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PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, June 5, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, may we learn to use our words as vehicles of understanding and not as weapons that injure or cause hurt. May good intentions give rise to words of praise, support, and concern and may the cause of justice give rise to words of correction and judgment so to better serve the common good. Help us, O God, to see how our good words may express our gratitude to You for this new day and our words to each other may bring trust and appreciation. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

AMERICANS SUPPORT AID TO THE CONTRAS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the New York Times this morning published the results of a Times/CBS News poll on attitudes about Nicaragua.

Let me read to you what the poll says about sending food and medicine—humanitarian relief—to the Contras: I quote:

> Moreover, 62 percent of all those polled—and even 49 percent of those who said the United States should not help to overthrow the Nicaraguan Government—said they supported sending food and medicine to the rebels . . .

That's right, Mr. Speaker, 62 percent of the American people agree with the amendment we will offer to the supplemental appropriations bill, giving humanitarian aid to the democratic resistance in Nicaragua.

There is still much to be done about public knowledge in this area.

The Democrats have their own polls. But the Times/CBS poll has been shown to be an excellent barometer of American opinion.

So, much work remains to be done. But one thing is clear:

An overwhelming majority of Americans favor humanitarian aid to the democratic resistance in Nicaragua.

PERMISSION FOR SUBCOMMITTEE ON SURFACE TRANSPORTATION OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation be permitted to sit today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON AVIATION OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule on tomorrow, Thursday, June 6, 1985.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY JUNE 13, 1985

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, June 13, 1985, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting the Prime Minister of India.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SUPREME COURT ERRORS IN SCHOOL PRAYER DECISION

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, yesterday's Supreme Court ruling striking down an Alabama law on school prayer reinforces the need for a constitutional amendment to permit prayer in public schools. It is clear that the Court will not correct decisions which have had a chilling effect on the right of those who believe in one Nation under God.

The Alabama law required a moment of silence or prayer each day. The Court majority took the view that "The first amendment embraces the right to select any religious faith or none at all." The problem is that the majority persists in bending over backward for those who select "none at all" without due consideration for those who espouse religious faith.

The Chief Justice correctly pointed out in his dissent that it was "ironic, perhaps even bizarre" that the session of the Court which announced the decision began with a prayer, as do our daily sessions in Congress.

As a member of the Judiciary Subcommittee on Civil and Constitutional Rights, I call upon our chairman to schedule prompt hearings on pending school prayer proposals.

SUPREME COURT DECISION IS WISE, JUST, AND COURAGEOUS

(Mr. EDWARDS of California asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, yesterday the Supreme Court ruled, in Wallace versus Jaffree, that a State law which allowed "meditation or voluntary prayer" violates the first amendment of the Constitution. I believe that the Court made a learned decision to avoid subtle erosion of the fundamental constitutional prohibition of the establishment of religion.

The Court found that the Alabama law was one of three statutes passed by the State legislature to get prayer back into the classroom. Lower courts had already decided that a spoken prayer law was unconstitutional, but that a meditation law was acceptable.

But, Mr. Speaker, I also believe that we must also take note of what the Court did not say. The Court did not rule that all moment of silence plans are unconstitutional. The Court noted that silent voluntary prayer was not prohibited by the law. Only those laws or policies which encourage prayer or which have no secular purpose were affected by yesterday's ruling. The Court found that the Alabama statute was designed only for bringing voluntary prayer back into the classroom and that it had no secular purpose. This, I agree, is not constitutional.

I think, Mr. Speaker, that we must reflect for a moment on the demands that emerged yesterday for a constitutional amendment to allow prayer back in the public schools. The Court did not break new ground yesterday, but merely set forth the fundamental proposition: that government sponsorship or encouragement of prayer cannot pass constitutional muster. The Court's decision in Jaffree merely upheld the law as we have known it for over 20 years. It was a wise, just, and courageous decision by the Supreme Court.

□ 1210

FUNDING FOR HOSPITALS AND SCHOOLS, NOT GUNS AND BULLETS

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I thought it was appropriate to respond to the minority leader's statements this morning with respect to what it is that the American people actually believe and desire pertinent to our overall policies as a nation toward Central America.

The minority leader pointed out that the Americans want to support, with humanitarian aid, the rebels in Nicaragua. I submit, Mr. Speaker, that the American people, being a compassionate people, want very much to support all democratic governments in Central and South America, and that indeed our policies as a nation need to be better spelled out.

Whatever happened to the Kissinger Commission Report? I would hope that after we visit once again the issue of aid or not to the Contras in Nicaragua, and regardless of its outcome, this House will see to it that we propose funding for hospitals and schools rather than just guns and bullets for the entire region, which will indeed make our Nation more secure.

CONGRESS SHOULD PUT ITSELF UNDER THE SAME LAWS THAT WE IMPOSE UPON OTHERS

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, recently I introduced a bill which would protect every congressional employee from employment discrimination. As my colleagues know, when Congress outlawed that sort of discrimination, we exempted ourselves from the law.

Today, my colleague from Colorado, the gentlewoman, will introduce legislation aiming also to remove discrimination. I am proud to be a cosponsor of such legislation. It seems unusual to talk about Nicaragua and then to find out that we ourselves here are still discriminating. So perhaps we should remember what James Madison said:

> The House of Representatives can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government degenerates into tyranny. If it be asked what is to restrain the House of Representatives from making legal discriminations in favor of themselves and a particular class of society? I answer, the genius of the whole system, * * * (and) a spirit which nourishes freedom, and in return is nourished by it.
>
> If this spirit shall ever be so far debased as to tolerate a law not obligatory on the Legislature as well as on the people, the people will be prepared to tolerate anything but liberty.

I ask the Congress to please move to put ourselves under the same laws we impose upon others.

CENTRAL AMERICA: A DOSE OF REALITY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, Mr. President, there you go again.

Once again you are calling for aid to the so-called Contras of Nicaragua—only this time, the President is calling it humanitarian aid. One has to wonder: do terrorists qualify for humanitarian aid? After all, numerous and credible reports suggest that the Contras recruit many soldiers by kidnaping young men and even boys; that they routinely abuse and torture civilians, and that rape is a favorite activity of these so-called fighters.

President Reagan would define humanitarian aid as anything short of guns and bullets. But the effect would be to build the military strength of the Contras, who would thus be freed to buy more guns and bullets. There are those of my colleagues who insist that they can tie enough strings to the aid to be sure that it does not end up in promoting violence, but how can this be effective? After all, the Contras were formed and are maintained as a force dedicated to violence. The logic is like proclaiming that it is possible to provide humanitarian aid to the Hells Angels. The nature and purpose of the organization is in no way affected or altered by the character of the aid it gets.

Who trusts the Contras? Certainly not Honduras, which has acted as their uneasy host. Indeed, Honduras in recent weeks has moved the Contras away from the border area, because that Government doesn't want the Contras to provoke an outright confrontation and possible war with Nicaragua. In short, the Contras are considered even by Honduras to be a dangerous nuisance, if not worse.

And what about Nicaraguans? How many Nicaraguan villages have welcomed the Contras with open arms and glad shouts of joy? Do Nicaraguans want these so-called freedom fighters? There is not a shred of evidence that they do. These are not the representatives of a people yearning for liberation; they are more like the representatives of a regime that 50,000 Nicaraguans died to be rid of.

Certainly we don't like the Sandinistas. But our support of the Contras has done more than anything else to strengthen the Sandinistas and drive out any moderate opposition. And it is illogical and self-defeating to think that Ronald Reagan sees so-called humanitarian aid as anything more than a backdoor way to continue financing the Contras. Those who are tempted to support humanitarian aid should remember that the President's purpose is to get out of conference something altogether different, including outright military aid, if he can. To support so-called humanitarian aid would be to continue a policy that has been a misguided failure from the start: politically catastrophic, morally indefensible, and totally counterproductive.

THE AMERICAN PEOPLE ARE IN SUPPORT OF STOPPING COMMUNISM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I would like to congratulate the minority leader for bringing to the attention of the House that 62 percent of the American people do in fact support humanitarian aid to the freedom fighters in Nicaragua. I am not at all surprised to hear the Democrats get up on several occasions now already trying to refute that particular side of the equation.

What we are dealing with here is a question of whether or not you are going to do something about Communists in Nicaragua. We keep hearing them described as Sandinistas. That is because too many Democrats do not want to face the facts: We are dealing with Nicaraguan Communists. There is a Communist government in Nicaragua.

Every time that you suggest that we do not do something to stop the spread of communism in Cenral America, you are in fact supporting the Communist government in Nicaragua. The minority leader has pointed out that the American people are beginning to understand the nature of the adversary there, and that they are beginning to understand that we ought to be providing them with at least humanitarian help.

The Democrats, to a man, so far today in this well, have suggested otherwise; that we ought not be supplying the help that the freedom fighters need to stop communism in Nicaragua. I think the American people are on the side of stopping communism and they will support exactly what the minority leader was talking about.

IN THE PUBLIC INTEREST: TAX REFORM

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, finally, our Government is seriously addressing a tax reform program that will, hopefully, produce a tax system that is just and equitable. Such reform is long overdue. Our present tax system is riddled with exceptions, exemptions, exclusions and every other device familiar to specialists in the fields of accounting and law. Sadly, most are devices that produce advantages for some few at the expense of the many, and to the detriment of us all.

It is a disgrace that our Government and its institutions—the bastions of justice and equality, and of openness and inclusion—have allowed our tax system to become too exclusively a domain of self-interest at the expense of the public interest. Our tax reform program must insist that the common burden be shouldered commonly. Through these reforms, we must demonstrate that private wealth and power do not deserve public privilege and advantage. Our reforms must clearly signal special interests and their hired lobbyists that the tax system is no longer available for their private use and abuse, exempt from scrutiny and public accountability.

The American public has become discouraged and frustrated, to state it mildly; more accurately, it has become resentful, bitter, and sometimes outraged. Resentful when wage earners see the money withheld from their paychecks in order to fuel the machinery of Government; bitter when they learn that loopholes have allowed the very wealthy, major corporations, and unscrupulous defense contractors to legally escape tax liability; and outraged when, even worse, they bilk the Public Treasury for personal and corporate gain.

No one likes being taken advantage of. The American public knows it is being ripped off, and it is fed up. Reform is demanded, but it must be true reform—not just another tinkering that holds only false hopes for the public while privately assuring the powerful lobbies that business will be as usual.

True tax reform, indeed, should include tax simplification. Not only in the format of the tax forms, but a reform built on the simple reality that Big Oil and Big Business, and all those who wield money, power, and influence in the governmental process, do their fair share. Enough of the maneuvers, the ploys, and deceptions. Tax reform—yes! Tax simplification—yes! But let it be done equitably and honestly with the American public as the sole special interest, and with restoring the people's confidence in our tax system as the ultimate goal.

□ 1220

THE SOUTH AFRICAN SANCTIONS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUNDERSON. Mr. Speaker, when we complete these 1-minutes today we are going to go on to the South Africa sanction bill, and as we do we are going to consider three different substitutes.

As we begin that process, I would call to the attention of my colleagues an editorial in this morning's Washington Post on "The South African Sanctions." I would like to read some of the elements from that. First of all, it says:

As a result of this seeming burden of consistency, the House may approve for the first time, on Thursday, a package of economic restrictions against the practitioners of apartheid. If that happens, it will be a mistake.

They go on:

But there is a serious, respectable, nonracist case against immediate sanctions. It is that the country's economy is its most effective engine of social transformation, compelling whites to grant blacks precisely the training and education, the livelihood and personal rewards, the choices of where to live and work, the associations and organizations, the sense of their own power and community. . .

Finally:

The legislation is widely seen, by Democrats, as a rebuke to the Reagan Administration's policy of constructive engagement. That it would be. But it would be a poorly aimed rebuke. The type of engagement that widens blacks' economic advantages and openings is the good kind.

With that, I encourage Members to consider my substitute when we consider the substitutes and the issue of sanctions on South Africa later this afternoon.

USE WHAT WE HAVE TO HELP PEOPLE IN CENTRAL AMERICA WHO NEED HELP THE MOST

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I rise to object once again to the notion that some express here on the floor of the House that if you do not support this President and his policies in Central America, somehow you are supporting the Communists.

That is outrageous, absolutely outrageous. First of all, they grossly distort the threat. Second, they apply an inappropriate remedy and say if you do not support the inappropriate remedy, you support the Communists.

I think that is just outrageous. The fact is, I have been to Central America. There are people down there hungry. I have seen kids starving in Central America. Hungry people need something to eat. Sick people need medicine. Illiterate people need education.

This country can provide what that region needs. We have people who are preoccupied with things that explode, and if we are not sending a gun they are not satisfied. What we ought to do is worry about the spread of communism all around this world, including Central America, but you worry about it, in my opinion, by fashioning the right kind of foreign policy that gives help to the right people.

Opposing this President's policies in Central America, in my judgment, represents the right direction to solve this country's best interest and also the best interest of the people who live in

that region. Let us use what we have to use best—food, education, medicine—to help people who need help the most.

EVERGREEN MEMORY GARDENS CEREMONY

(Mr. COBEY asked and was given permission to address the House for 1 minute.)

Mr. COBEY. Mr. Speaker, recently, I had the privilege and honor to represent the U.S. Congress at a dedication service in Reidsville, NC.

At Evergreen Memory Gardens, a bronze memorial to the Manila American Cemetery and Memorial from World War II, plus a bronze memorial to the eight World War I American military cemeteries on foreign soil, were officially dedicated.

This was the 14th and last dedication ceremony held at Evergreen Memory Gardens. Now, all of our military dead on foreign soil have been honored there.

These dedications of bronze memorials were the result of the dedicated work of a true patriot, Mr. Les Daly.

We are extremely fortunate to live in a country that can produce men of Mr. Daly's stature.

The bronze plaques at Evergreen Memory Gardens will be a constant reminder of those Americans who made the supreme sacrifice for freedom.

ELECTION OF MEMBER TO COMMITTEE ON THE JUDICIARY

Mr. GEPHARDT. Mr. Speaker, as chairman of the Democratic Caucus and by direction of the caucus, I offer a privileged resolution (H. Res. 185) designating membership on a standing committee of the House, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 185

Resolved, That John Bryant, Texas, be, and he is hereby, elected to the Committee on the Judiciary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SANDINISTAS ARE COMMUNISTS

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, it is interesting in this debate on Nicaragua that on one hand we have Yasser Arafat and his group, Ayatollah Khomeini, we have Muammar Qadhafi of Libya, the Russians, the Cubans, Bulgarians, North Koreans, all supplying millions of dollars to the Government of Nicaragua, and the answer is, "they are not Communists." The Sandinista government is, in fact, Communist. They are supported by radicals. They are, in fact, Marxist-Leninists, clearly and simply.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because I think the gentleman makes a very valid point.

The point that this gentleman made earlier in the well is the fact that there is no doubt that we are dealing with Nicaraguan Communists. The question is whether or not, in providing the humanitarian aid that we all want, we provide it to freedom fighters who are on our side, or whether we provide it to the Communists.

I do not think that we want to be in a position on the House floor of suggesting that the way in which you should approach the problem in Nicaragua is to provide U.S. taxpayers' money to the Communists in Nicaragua; rather, I think we ought to go the direction that the minority leader suggests: that what we ought to be doing is supplying some money to the freedom fighters, the people who are on our side in Nicaragua.

Far better that we do that. Far better that we do that than move in the direction that seems to be suggested here, that the Communist government of Nicaragua is where we ought to place our help.

No, I do not think the American taxpayers want to see their tax dollars going to Nicaraguan Communists. They want to see them going to the democratic opposition within that country.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Michigan [Mr. SILJANDER] has expired.

□ 1230

ANTI-APARTHEID ACT OF 1985

The SPEAKER. Pursuant to House Resolution 174 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1460.

□ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, with Mr. DE LA GARZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 4, 1985, pending was an amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. SILJANDER]. The gentleman from Michigan [Mr. SILJANDER] had 30 minutes of debate remaining and the gentleman from Michigan [Mr. WOLPE] had 30 minutes of debate remaining.

The Chair recognizes the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, I yield myself such amount of time as I may consume.

I thank the Chair for the opportunity to share with the Members my views about the Siljander substitute dealing with the apartheid issue in South Africa.

No. 1, the conditions in South Africa are appalling. Three hundred-plus blacks have been killed in riots, blacks have been killing blacks—Azapo versus UDF—violence. Over 88 blacks have been killed by one another in political violence. White police have been mowing down protesters inadvertently. Over 250 blacks have been killed by white police. They pass laws, the homeland policy, influx control, detention laws, prohibition of full black participation in the political system—they still exist. They have not changed at all.

But I think it would be interesting to look at specifically why the protests are now taking place in South Africa. From my recent visit in South Africa, I have found that the riots are not for disinvestment or banning new business; the riots are not for banning bank loans, Krugerrands, or computer sales to the Government. The protests do not take the form of general strikes by blacks to shut down their own economy to put pressure on the Government. Black people in South Africa have not been willing to sacrifice their jobs for pressure. The riots and the protests are to create an equality in justice and in social, economic, and political life. That is what the riots are all about.

Many black South Africans are rioting because of unemployment. Rioting is not a problem in Soweto, the scene of the 1976 unrest, that shocked the world. Instead, the rioting and killings are occurring in the Port Elizabeth area where unemployment is a serious fact of life. The riots are taking shape because of demands and concerns about jobs, housing, and food on the table.

Recognizing some of these realities, the key question is, how should U.S. policy respond to the current situation in the South African Government and the black community in South Africa? How can we best help in influencing and securing the hopes and dreams of the black majority that is so utterly oppressed in that society? I would like to read a quote by Dr. Martin Luther King. He said:

The ultimate measure of a man is not where he stands in moments of comfort or convenience but where he stands in times of challenge and controversy. The true neighbor will risk his position, his prestige, and even his life for the welfare of others. In dangerous valleys and hazardous pathways, he will lift some bruised and beaten brother to a higher and more noble life.

I think the quote of the late Dr. Martin Luther King is quite clear. While conditions have not changed in South Africa there is an important organic, dynamic change happening in another area, especially when one places this change in the context of South Africa itself. There is, in fact a change of attitude amongst the white ruling minority. The rhetoric of the last 6 months, by the President and other leaders is a 180-degree shift from just 6 months ago. To hear President Botha suggest that blacks should be involved fully in the political process is in itself a remarkable admission that conditions in that country need to be changed.

The radical rightwing white Afrikanner fringe element that ruled for 29 years, is no longer in power. There is a reality that has hit the white ruling minority. There is an obvious economic reality that seems to be surfacing. That reality is—apartheid must die.

Three-quarters of the work force is black. One-half of the skilled work force is black. Trade and labor union influence is growing substantially. Apartheid is an expensive system to maintain by the Government from a very practical, pragmatic dollars-and-cents point of view. In 1985, for example, to keep up the homelands and control of Namibia, the Government budget increased 27 percent. They realize that they cannot continue this policy, at least economically. Industrialization, coupled with growing international and internal domestic pressure, has forced this change of attitude.

Whites cannot exist in South Africa alone. That is just reality. Colin Eglin, who is a P.F.P. member of the South African Parliament and who is on record as a strong opponent of the apartheid system, says this:

It is these forces that are helping create economic muscle for black South Africans, so that blacks are in a stronger position to bargain for their rights and fight for their liberation. It is these forces that promote peaceful forces from within South Africa that must be strengthened and must be encouraged.

Is it not interesting that the Government of South Africa is in the process of repealing the Mixed Marriages and Morality Acts? In themselves they are small steps, and they are meaningless in terms of changing the conditions of blacks in South Africa. And I agree to that.

□ 1240

I agree to that, but they are significant in the attitude of the white leaders, who by virtue of their support of the elimination of Mixed Marriages Act and Immorality Act, are saying that yes, apartheid is immoral. They are saying that the process of apartheid is wrong and needs to be changed. On the table, for the first time in the history of the country, the President has put the Group Area Act, influx control and detention laws.

Now, they are on the table, but they have not changed yet. So our policy needs to be directed at how can we help accelerate the attitude and translate that into practical changes.

Job reservation laws have been repealed. The temporary work force status of blacks to permanents have been changed. These things cannot be ignored in terms of the attitude of the Government of South Africa.

I want to repeat, because the last time I presented this argument, it did not seem to sink in. I do not suggest that these in themselves are significant changes in the condition of blacks. I do not think so and never suggested they would be; however, they are significant in the admittance of the white South African leadership that what they are doing is absolutely, unequivocally wrong.

Colin Eglin also said:

A greater sharing in social benefits, economic opportunities, even political power, are consistently taking place. I share with my fellow South Africans the frustration, however, at the slowness and the unevenness of the pace at which these changes are taking place.

I agree with him. It is too slow, too little, and too late.

So the question really ought to be in our policy, how do we accelerate and help effectively change the attitude into practical changes in the conditions?

Adlai Stevenson once said:

When some people see darkness, they curse. Others will light a candle.

The whites dominate blacks and some answer that to, more cursing will change this horrid darkness. Our choice is either to raise up blacks or reduce both blacks and whites to rubble heaps.

My vision is to build a cathedral for the blacks to match the cathedral of the whites in that country. That is my hope and my vision, not to reduce the total society to equal rubble heaps, as in the neighboring country of Mozambique, but rather to build up, to encourage and bring blacks and whites up to equal levels, not down to respective lower levels.

Dr. Martin Luther King said:

We will never have peace in the world until men everywhere recognize the ends are not cut off from the means, because the means represent the ideal in the making of the end process. Ultimately, you can't reach goods ends through evil means, because the means represent the seed and the end represents the tree.

I would submit to the Members that by opposing the Siljander substitute, what we are really saying is that we do not want American business in South Africa to continue to pursue equal racial policies.

At least the substitute of the gentleman from California [Mr. DELLUMS] is intellectually honest. He is not saying that we should encourage business that is in South Africa to pursue equal racial policies. What he is saying is that we should not have any business in South Africa. We should sever ourselves completely from a racist system.

While I disagree with the gentleman, my good friend from California, I must say to the rest of the membership that versus another substitute, his is intellectually honest and up front with what he wants to do.

The Gray bill does nothing in terms of existing business in South Africa. What does it do to existing business to help contribute to change?

My substitute puts a sanction on existing business, where Gray does nothing.

The Siljander substitute says that a business cannot exist in South Africa unless it signs the Sullivan principles in full, the newest version of the principles; and lobby, promote, spend, and encourage change for the blacks in that society.

Existing business is not let off scot-free either. They must subscribe to the Sullivan principles also.

Leon Sullivan said in a recent op ed in the Washington Post that by these principles, the Sullivan principles, along with other forces, must be pushed more than ever before to help speed up the far too gradual movement toward fundamental reform, and this is why I am proposing immediately that present business in South Africa, U.S. business, should conform to the Sullivan principles.

Some will respond, well, we are for the Sullivan principles, but later on at another date we will will introduce a bill making Sullivan mandatory for new and existing business.

Gray now and Sullivan later are not compatible, because if we ban new business initially, that prohibits present business from retooling, from modernizing, and expanding; essentially putting them under a state of siege. It will mean that they will not be able to effectively compete in the international markets.

Do you think that those signatories to the Sullivan principles who have contributed over $100 million since 1977 and tens of thousands of corporate hours for employees to learn, to educate, to train for upward mobility and management, do you really think that with the economic pressures that banning new business, they could continue to comply the Sullivan principles?

There would be an avalanche of those that were signatories that would become former signatories as they drop their compliance.

Congressman WOLPE was concerned that present businesses in South Africa, U.S. businesses who had signed Sullivan are not fully conforming. That is a legitimate concern.

I advocate, however, with H.R. 1460 now and mandatory Sullivan later, no one will become a signatory. They will all simply choose to leave.

I think it is quite obvious that the proponents of the Gray approach, some of them, should admit what they are really up to and be honest like the Dellums bill is honest.

What we are suggesting with Gray now and mandatory Sullivan later is total disinvestment from beginning to end. It is a disinvestment scenario, not only of new business, but of existing business as well. It puts them in an untenable position.

Besides the 125,000 employees of U.S. firms that are Sullivan signatories, 77,000 of which Mr. GRAY mentioned were blacks, Sullivan himself estimates that nearly 1 million, mostly blacks, work in South Africa for South African firms; that because of U.S. business leadership have signed the Sullivan principles themselves; if we wash our hands, cut and run, what will become of those 1 million mostly black workers that are now under desegregation of the workplace and upward mobility?

We should use the economic might of the United States to literally declare war on apartheid, not to cut and run. We should stay and fight for the fortunes of all blacks in South Africa.

Now, how do we deal with new business? Well, the Gray bill simply bans all new business. It is a sanction.

We also ban new business, unless new business is willing to conform to the Sullivan principles; and unless new business is willing to contribute to positive change for blacks in that country.

What are the ideas embodying H.R. 1460 that help build a visionary cathedral for blacks? What positive influence is in H.R. 1460, by any remote stretch of the imagination?

I believe that the Siljander substitute goes much further than H.R. 1460. It deals with existing business. It also deals with new business. It applies sanctions unless there is positive change, rather than purely being punitive.

Leon Sullivan says that Congress should make the newly toughened principles mandatory, and that is exactly what I am trying to do.

If you look up the word sanctions in Webster's Dictionary, it means using force to influence change. I think Sullivan compliance is a direct attack on the South African Government. It is a direct sanction against the institution of apartheid.

I think we should use our influence to advance the black cause and not to destroy it.

I think an important question should be how do we keep up the pressure? How do we accelerate the pressure toward change in South Africa? I have been advocating a Marshall plan for South Africa. The Siljander substitute creates a human rights fund to help black human rights causes.

□ 1250

The National Endowment for Democracy, is given $1.5 million to assist democratic development, and $15 million for black scholarships. We also allow black joint ventures with American firms to recover assistance through OPIC. In fact, I have been criticized by some of my colleagues on my side of the aisle because this is too liberal an approach. Some believe that we are spending too much money on a foreign country.

We helped Europe in the same way, and we should consider this Marshall plan to be minor, in terms of a trillion-dollar budget, to help blacks in South Africa.

No. 2, it gives a reasonable timeframe, 3 years for the foundational elements of apartheid, the pass-through, influx control, detention laws, group area acts and other acts to be dismantled and to allow full political participation by blacks in that system. A U.S. commission is created that must report each and every 6 months to Congress on the progress of change of these major elements of apartheid.

This commission is independent from the White House, independent from Congress. It is a commission without influence one way or the other.

If no progess is made after 3 years, which is a reasonable timeframe, even Sullivan suggests we should give at least 2 years for these major significant building blocks to change, then my amendment clearly suggests that embargoes, sanctions, the Dellums approach should be considered. It does not automatically trigger it in, but it should be considered.

So the major actions we are suggesting are to make Sullivan mandatory for new and existing businesses. A Marshall plan to help catapult South Africa into the 20th century. This is a sanction against the Government because every penny we put in helps blacks in challenging the apartheid system.

We consult, review, and call for change. If there is moral indignation at all against South Africa, in the Gray bill, the Dellums bill, or the substitute offered by the gentleman from Wisconsin [Mr. GUNDERSON], we clearly outline as much moral indignation as any.

Action taken after a reasonable timeframe is what we call for, assuming that elements of apartheid have not changed.

So I would say that both of our bills deal with economic sanctions. One is punitive and one is positive.

Economic growth will be the backbone of the fight against apartheid. Growth makes racial discrimination more expensive. Our civil rights history proves that growth can destroy racism.

It is important to be concerned, and we debated this yesterday for nearly a half an hour, just how do the blacks feel about what we are trying to do on their behalf in South Africa. Past results of polls of blacks have been rejected and a new poll has been rejected. We asked for a referendum which was defeated in Congress. Somehow, somewhere, we need an alternative to consider the concerns of the blacks themselves in South Africa. After all, the leader of the largest black group in South Africa, Chief Buthelezi, says:

For me, the first question that must always be asked in the disinvestment debate is what the people of South Africa themselves say about it. I have yet to meet a black South African worker who favors disinvestment. Disinvestment would strip us bare. So I must conclude that those who have advocated disinvestment do so in complete disregard of what black people themselves think.

Whether we agree with Chief Buthelezi specifically or not, we ought to be concerned with how blacks would respond to our activities.

The CHAIRMAN. If the gentleman would kindly suspend, the Chair would like to advise the gentleman from Michigan that he has consumed 21 minutes of this 30 minutes.

The gentleman may proceed.

Mr. SILJANDER. I thank the Chairman for his point.

You may not want to vote for the Siljander substitute, and that is fair enough. But we should be concerned about the impact it would have. You may not be interested to know exactly how to tap in on the concerns of the black community in South Africa. I am not advocating that there is a way, and I do not now if there is a way to accurately discern the true public opinion among South African black people.

But please, respectfully consider the following figures:

The gentleman from Pennsylvania [Mr. GRAY] stated that of the 125,000 employed by U.S. firms, only 77,000 are nonwhites. That is true. I have no disagreement. However, it is clear, based on the South African Chamber of Mines and other groups, that each one black employee feeds 6.6 to 10 other black mouths. So the 77,000 begins affecting significantly more

than the 77,000, but 500,000 to 770,000 people.

The Krugerrand ban could affect 550,000 black workers in the mines of South Africa. That is another 3½ to 5½ million people. The 1 million blacks employed under South African firms that have signed the Sullivan principles equal 6.6 to 10 million more mouths.

The figures are incredibly awesome and the human suffering of these individuals needs to be considered.

In closing, Mr. Chairman, just why do we oppose apartheid? It is degrading to the human spirit. It causes human suffering, and that is the bottom line. Apartheid causes human suffering emotionally, socially, politically, economically, in every way. It is immoral and it is wrong because the bottom line is people suffer.

If we are the compassionate people we claim to be, we should do all we can to destroy a system that causes such deep human suffering.

But I would advocate that when the gentleman from Pennsylvania [Mr. GRAY] and others are presenting disinvestment, that only aggravates human suffering, that this is an illogical response to the very definition of why we find it morally repugnant.

In the Jewish Torah it says that those in government authority and its leaders have a job to bring justice to the nations. The issue is indeed a moral one.

Is it moral, then, to ask others to further suffer because we in our self-righteousness feel it is in their best interests to change? Is it honest or moral in our secure environment with full bellies and $75,000 a year salaries and upper middle class homes to ask others to give up their salaries, their homes, and go hungry because somehow this action we think will help them topple their Government or cause an end to apartheid?

The answer in my opinion is to help create an environment of hope, an environment of vision, and a dream for blacks. We can do that by offering opportunity, not the lack of opportunity. The elimination of poverty must be predominant in our mind, and the way to eliminate apartheid is to eliminate poverty, not to expand it.

If our goal is really to make a strong moral statement against apartheid we have done that. But let us make it unequivocally clear. The gentleman from Texas, Congressman MICKEY LELAND, told me just yesterday what we need to do is "make this statement effectively, constructively, and positively."

The Siljander substitute fills each and every criteria that the gentleman from Texas [Mr. LELAND] sets out. The Gray bill is negative, is not effective; it is punitive and is not a constructive approach to help the suffering and the poor in South Africa.

I would like to end by quoting an editorial from the Washington Post, which I do not often quote from, but in this particular instance I think it is appropriate. It says the following concerning the Gray bill:

In short, the best thing about the bill is that its effect will be largely symbolic. But that does not make it wise public policy.

The legislation is widely seen by Democrats as a rebuke to the Reagan administration policy of "constructive engagement." That it would be. But it would be a poorly aimed rebuke. The type of engagement that widens blacks' economic advantages and openings is the good kind. What deserves to be criticized in the administration's policy but is not attacked by this bill is the kind that lets too many South Africans ask whether the United States is dserious about apartheid. The kind that has American diplomats seen more often to be apologizing for apartheid than demanding its abolition.

□ 1300

I want to thank the gentleman from California for his honest approach. At least he makes clear his position and makes unequivocal his attitude toward the Government. I stand here supporting him from my approach which I feel is a positive one rather than a punitive one.

Mr. MICHEL. Mr. Chairman, will the gentleman yield to me?

Mr. SILJANDER. I yield to the gentleman from Illinois, our minority leader.

Mr. MICHEL. I thank the gentleman for yielding to me.

Mr. Chairman, I had a unanimous consent request earlier in the day to include with my remarks several letters, one received from the Secretary of State, Mr. George Shultz, which reads:

THE SECRETARY OF STATE,
Washington, DC, June 1, 1985.

Hon. ROBERT H. MICHEL,
House of Representatives.

DEAR BOB: I am writing you to discuss House consideration of H.R. 1460, the Anti-Apartheid Act of 1985, which I understand is scheduled for Tuesday, June 4, As you know, the Administration strongly opposes this bill, and I hope you will feel free to share my views with as many of your colleagues as you deem appropriate.

The issue of apartheid is one on which there is no doubt that all Americans speak with one voice. It is morally wrong, repugnant to our social values, and is a system which must be ended as quickly as possible. The President, our Ambassador to South Africa, State Department officials and I have often stated this position publicly and have vigorously maintained it in our private exchanges with the South African Government. The real question before the House is how best to use U.S. influence to bring about the end of apartheid. The Administration believes the Gray bill would send precisely the wrong signal at the wrong time. We cannot simply walk away from South Africa or throw our hands up in an act of moral indignation. Rather we must enhance policies that increase the ability of the United States to help accelerate the pace and channel the direction of the inevitable change in South Africa.

A ban on new investment and other measures included in H.R. 1460 would remove one of the levers available to our country which has been most effective. These measures will not be an effective tool in bringing about change. They hurt U.S. companies, which have clearly been in the forefront of change in the workplace in South Africa. Legislation designed to reduce the American economic presence in South Africa, if implemented, will affect the employment of about 55,000 blacks now working for U.S. firms, whose jobs are at risk if their companies are forced by the onerous provisions of this legislation, to reconsider their South African operations.

As the House debates H.R. 1460, I sincerely hope you and your colleagues will bear these points in mind, and will also consider the negative effect that such legislation will have on our regional policies in southern Africa. I urge you to vote against H.R. 1460.

Thank you very much for your attention to this matter.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. Chairman, I also have received a letter from the Secretary of the Treasury, Jim Baker, which says:

THE SECRETARY OF THE TREASURY,
Washington, DC, June 3, 1985.

Hon. ROBERT H. MICHEL,
House of Representatives,
Washington, DC.

DEAR BOB: The Administration strongly opposes the repugnant apartheid policies of South Africa. At the same time, U.S. Government policies to encourage the elimination of apartheid should be carefully formulated to be effective and consistent with other policy objectives.

We do not believe that economic sanctions, such as those in H.R. 1460, would be effective in eliminating the South African Government's apartheid policies. Indeed, economic sanctions may be counterproductive since they may harm rather than benefit the black population in South Africa.

Other than national security exceptions, we have consistently maintained that leading decisions should be based on market rather than political considerations. The proposed restrictions would undermine the Administration's policy that international capital markets should remain free of government interference. The proposed ban on bank loans to the South African public sector could set a dangerous precedent for imposing politically motivated restrictions on lending to other countries. Moreover, a ban on U.S. bank lending would not be effective if other countries' banks replace our banks as lending sources. Also, since much U.S. bank lending finances U.S. exports, such lending restrictions may harm U.S. production and employment.

The proposed ban on new investment would remove a major catalyst for reform in South Africa. Many U.S.-owned companies there provide equal pay, unsegregated facilities and training and job advancement opportunities for all workers. Finally, the proposed ban on Krugerrand imports may raise serious concerns about our GATT obligations.

For these reasons, I urge you to work to defeat H.R. 1460. We believe the Administration's policy is a more effective way to work against apartheid.

Sincerely,

JAMES A. BAKER III.

Mr. Chairman, I also received a letter from the Secretary of Commerce, Mr. "Mac" Baldrige which reads as follows:

THE SECRETARY OF COMMERCE,
Washington, DC.

Hon. ROBERT H. MICHEL,
House of Representatives
Washington, DC.

DEAR BOB: I am writing to ask you to vote against H.R. 1460, the Anti-Apartheid Act of 1985, which imposes punitive sanctions on U.S. firms engaging in trade and investment in South Africa.

While opposed to this legislation, I assure you of my opposition to South Africa's apartheid system and my support for the need for positive change. Indeed, I believe that U.S. firms operating in South Africa have been at the forefront of promoting change in South Africa, especially those firms which have signed or follow the fair employment code advocated by Rev. Leon Sullivan. These companies have spent millions of dollars on training programs and community development projects to assist their non-white workers.

H.R. 1460, however, proposes to ban new U.S. investment in South Africa. It also imposes trade embargoes and places constraints on capital flows between the United States and South Africa. This legislation would, I believe, lead to a decline in the U.S. presence there. This decline would only serve to transfer ownership from American companies, and the new owners could not reasonably be expected to continue the enlightened practices of the U.S. firms. If this occurs, the positive changes made by U.S. companies would be lost. Black workers and their families would suffer and the goal of promoting positive changes in South Africa would be set back.

If there are specifics in the bill which you want to discuss, please call me, or have your staff contact Gerald J. McKiernan, Deputy Assistant Secretary for Congressional Affairs, (377-1583) whom I have designated as the Department of Commerce representative on this issue.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.

Mr. Chairman, I would like to compliment the gentleman [Mr. SILJANDER] for his presentation here this afternoon. This gentleman from Illinois can certainly support his amendment as I can that of the gentleman from Wisconsin [Mr. GUNDERSON].

But I would like to take just a couple of minutes, if I may, if the gentleman would continue to yield.

Mr. SILJANDER. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN. The gentleman [Mr. SILJANDER] has 2 minutes remaining.

Mr. SILJANDER. Mr. Minority Leader, I would like an extra 30 seconds to yield to the gentleman from California.

Mr. MICHEL. If the gentleman wants to yield to somebody else, that is perfectly all right with me.

Mr. SILJANDER. I yield 30 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding. I simply wanted to say to my colleague that I listened very carefully to virtually all of his presentation. He and I disagree politically on this very vital and critical issue, but I believe that the gentleman is very positively motivated and I simply want to thank him for his kind and generous remarks with respect to the effort that this gentleman is attempting to make on what I perceive to be the most important debate at this moment of our time.

I thank the gentleman.

Mr. SILJANDER. I thank the gentleman for his kind comments.

Mr. Chairman, I yield back to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Chairman, I want to take a few minutes to make our colleagues aware of the fine work for human dignity and racial justice being done by American companies in South Africa.

We have heard quite a bit yesterday and today about the very real problems of South Africa. And I share with all of our colleagues the conviction that apartheid is a policy which cannot be condoned and must be eventually eliminated.

But the question arises: What is the best way to bring about its elimination or, to begin its modification?

The answer to that question is: No one knows. If we knew a formula for ridding South Africa of its problems without causing damage to the majority black population, we would be for it.

But any program that cuts off the black population of South Africa from the undeniable benefits of working for American companies is worthless.

I mention this knowing these questions have been and will continue to be debated in detail by many of our colleagues. I just want to pass on to you the record of one American Company in South Africa.

The Caterpillar Tractor Co., whose international headquarters is in my hometown of Peoria, IL, has a wholly owned subsidiary in South Africa.

This subsidiary owns and operates a parts warehouse of about 82,000 square feet near Johannesburg.

That facility employs 82 people—one of whom is Asian and 47 of whom are black Africans.

Caterpillar, as a matter of stated company policy, does not agree with the concept of apartheid.

In its "code of worldwide business conduct and operating principles" the company has a policy of fair treatment of employees without racial or other discrimination.

In its South African facility, this code of business is operational. The laws of apartheid have not prevented the operation of this nondiscriminatory code.

Caterpillar in Africa has an ongoing affirmative action program involving equal pay for equal work, self-development for employees, including company sponsored education programs and upgrading of all employees capable of undertaking more responsibility.

The program also supports all organizations promoting freedom and better living standards and desegregation and demands nondiscrimination of all employees in all respects.

As early as 15 years ago, Caterpillar in South Africa was improving salary levels, fringe benefits, training and job opportunities for black employees.

Caterpillar in Africa has a single salary scale that far exceeds the minimum wage in that country. There is also a "minimum living level" for families with three or four children. All employees receive a Christmas bonus equivalent to 1 month's salary.

There is a program for merit pay raises and training programs for blacks who want to prepare themselves for supervisory responsibilities.

There are black foremen in this plant. Whites have been hired into positions formerly held by blacks and they report directly to black foremen.

None of this sounds particularly innovative or revolutionary to us when we think in American terms. But in South Africa it is revolutionary.

It is revolution of progress through jobs.

Caterpillar helps employees to better themselves by reimbursing these employees for 70 percent of the cost of school courses they take. That is only one of the many programs Caterpillar operates for the educational progress of all its employees.

Finally, the Caterpillar Tractor Co. supports the Sullivan principles and is working to make them a day-to-day reality.

This is one company. In the great scheme of things its payroll is relatively small. But each one of its black employees is being helped, not hurt, benefited, not exploited. If one American company can do this, others also can—and they are.

There is going to be revolution in South Africa. There is no doubt in my mind about that.

The question is: Is it going to be revolution of violence and bloodshed brought about by the unendurable frustration of people who have been cut off from the outside world? Or is it going to be revolution of jobs, dignity and progress.

That's the question we are faced with.

If we cut off black South Africans from the benefits of American companies, we guarantee the worst kind of revolution.

I thank the gentleman very much for yielding to me.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SILJANDER] has expired.

The gentleman from Michigan [Mr. WOLPE] is recognized for 30 minutes.

Mr. WOLPE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I want to pay tribute to my very good friend, the distinguished ranking minority member of the Subcommittee on Africa, Mr. SILJANDER, for the substitute which he has put before the House today. There is no question but that this proposal represents a very significant step forward in the thinking of the gentleman from Michigan about how we ought to respond to the problem of apartheid in South Africa in comparison with his approach to this problem only a year ago.

Last year when we debated this issue my friend from Michigan was opposed to the mandatory implementation of the Sullivan principles. This year he offers a substitute which would require American firms doing business in South Africa to comply with a set of fair employment principles.

Last year the gentleman from Michigan flatly and categorically opposed sanctions in any way, shape, manner, or form against the Government of South Africa. This year my friend from Michigan offers us a substitute which provides for the possibility of sanctions against South Africa if, after 3 years, the commission which his substitute would provide for, after reviewing the situation in South Africa, concludes that sanctions would be a useful way of facilitating progress toward the elimination of apartheid.

So in the sense that the gentleman from Michigan now believes there are circumstances under which sanctions may indeed be useful, I want to pay tribute to him for his willingness to change his position with respect to the potential applicability of sanctions against South Africa.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I would be happy to yield to the gentleman if the gentleman will first permit me to finish my remarks which will not take much longer.

The problem with the gentleman's substitute is that it is in effect a legislative metaphor for what is wrong with the policy of the Government of South Africa itself with respect to apartheid. Because like the policy of the Government of South Africa with respect to apartheid, the substitute offered to us today by the gentleman from Michigan is too little and too late.

□ 1310

After 37 years of apartheid, after almost four decades of systematic discrimination, dehumanization and degradation inflicted upon the black majority in South Africa by the white minority in South Africa, we do not need another 3 years in which to consider whether or not to impose sanctions against South Africa.

The time for sanctions is not 3 years from now. It is now. We do not need another 3 years in order to determine whether apartheid is good or bad; we do not need another 3 years in which to determine whether constructive engagement is working or not working.

The verdict on constructive engagement is in. It is a flop and a failure, and the verdict on apartheid is in as well: It is politically and morally untenable.

Five months ago, 35 of our Republican colleagues in the House, including the distinguished gentleman from Michigan [Mr. SILJANDER] seemed to agree that the time to eliminate apartheid was not 3 years from now but was today. They sent a letter to the South African Ambassador to the United Stated which was a bold and brilliant statement about the need for action and action now to eliminate apartheid. It was a clarion call for racial justice.

They made it clear that in the absence of real progress toward the elimination of apartheid, they would favor the imposition of sanctions against South Africa.

Let me read to you what they said on that occasion. They said, and I quote:

> We are looking for an immediate end to the violence in South Africa accompained by a demonstrated sense of urgency about ending apartheid. If such actions are not forthcoming, we are prepared to recommend that the U.S. Government take the following two steps: (1)——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOLPE. I yield an additional 3 minutes to the gentleman.

Mr. SOLARZ. First they said:

> Curtail new American investment in South Africa unless certain economic and civil rights guarantees for all persons are in place; and
>
> (2) organize international diplomatic and economic sanctions against South Africa.

In the last 6 months, since that letter was sent and signed by the gentleman from Michigan, the author of this substitute himself, 240 blacks have been killed by the security forces in South Africa, 16 of the leading members of the United Democratic Front have been arrested for high treason. One additional homeland has already, with the approval of the South African Government, set in motion plans for its independence.

Does this sound like the Government of South Africa has demonstrated progress toward the elimination of apartheid?

I call upon the gentleman from Michigan and the other 34 Republican Members of the House who signed that letter to have the courage of their conviction. If you were in favor of sanctions 6 months ago, in the absence of immediate progress toward the elimination of apartheid, how can you be opposed to the imposition of sanctions today after 240 blacks have been killed and after 16 of the leading advocates of peaceful change in South Africa have been thrown into jail on charges of high treason?

Yet the Siljander substitute walks away from the moral commitment contained in that communication. Instead of calling for sanctions now it calls for the establishment of a commission which will take 3 years to study the situation in South Africa, and perhaps at the end of 3 years, recommend sanctions.

What if they do recommend sanctions? There is no guarantee the House will enact them. There is no guarantee the President will sign them. We do not need to wait another 3 years.

You did not say in your letter, Mr. SILJANDER, that you were looking for an immediate end to the violence in 3 years. You said you were looking for an immediate end to the violence now.

If you had had any idea on the day you sent this letter, that between then and now 240 more blacks would be shot in the back by the security forces of South Africa, would you have said then than you would still be opposed to the imposition of sanctions?

I plead with you, have the courage of your convictions. What you said in December is a bold and brilliant statement; it was a clarion call for justice.

And we join you in the sentiments you expressed on that occasion. I only hope you live up to them now.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, the gentleman from Michigan, the author of the substitute, invoked the sainted memory of Dr. Martin Luther King, Jr. in an effort to justify dropping sanctions from the action we take in this House today.

In stating that Dr. King urged all of us to place our feet in the shoes of those who suffered most, let me confirm that the gentleman from Michigan is absolutely right. In fact, on December 10, 1982, at Hunter College in New York on Human Rights Day Dr. King did, in fact, place his feet in the shoes of those who suffered in South Africa; he joined Chief Albert Luthuli in calling upon all people of conscience, all over this world, to support economic sanctions against South Africa.

Indeed, in that historic speech, now 23 years ago, Dr. King said:

> The shame of our Nation is that it is objectively an ally of this monstrous Government in its grim war with its own black people.

What was true 23 years ago, Mr Chairman, is unfortunately true today, and Dr. King would say today to Mr. SILJANDER and to all America that if we place our feet in the shoes of the suffering in South Africa, we will support sanctions.

Now the gentleman suggests that instead of supporting sanctions, we should study the matter more, that indeed we should have a commission to look into this matter. He references in his own resolution the fact that a commission did study it in 1981; the Rockefeller commission. It concluded that sanctions such as we are proposing today need to be imposed.

If the gentleman questions that, let me call your attention to the first recommendation of the Rockefeller study, in 1981. It reads in part, that we should "make clear the fundamental and continuing opposition of the U.S. Government and people to the system of apartheid."

Specifically it states that: "Those U.S. corporations in South Africa should not expand their operations, and those not already there should stay out." The Siljander substitute would rob the country of the opportunity to implement a recommendation drafted by a commission that studied for 2 years the system of apartheid in South Africa and concluded 4 years ago that now is the time for us to say to our U.S. corporations: Do not expand your operations there.

If you want to call that a sanction, call it that, and when you call it that, do not invoke the name of Dr. Martin Luther King, Jr., as justification for denying us that opportunity, spoken for it.

Dr. King's address follows:

APPEAL FOR ACTION AGAINST APARTHEID

(April 4, 1984 National Armband Day against apartheid and U.S. racism in commemoration of The Reverend Dr. Martin Luther King, Jr.)

Dr. Martin Luther King, Jr. appeals for sanctions against South Africa jointly with Chief Albert J. Luthuli on Human Rights Day, 10 December 1962:

"We, therefore, ask all men of good will to take action against apartheid in the following manner:

"Hold meetings and demonstrations on December 10, Human Rights Day: "Urge your church, union, lodge, or club to observe this day as one of protest;

"Urge your Government to support economic sanctions;

"Write to your mission to the United Nations urging adoption of a resolution calling for international isolation of South Africa;

"Don't buy South Africa's products;

"Don't trade or invest in South Africa;

"Translate public opinion into public action by explaining facts to all peoples, to groups to which you belong, and to countries of which you are citizens until an effective international quarantine of apartheid is established."

CALL FOR AN INTERNATIONAL BOYCOTT OF APARTHEID SOUTH AFRICA

(Statement by the late Reverend Dr. Martin Luther King, Jr. at a meeting at Hunter College, New York City, on Human Rights Day 10 December 1965.)

Africa has been depicted for more than a century as the home of black cannibals and ignorant primitives. Despite volumes of facts contraverting this picture, the stereotype persists in books, motion pictures, and other media of communication.

Africa does have spectacular savages and brutes today, but they are not black. They are the sophisticated white rulers of South Africa who profess to be cultured, religious and civilized, but whose conduct and philosophy stamp them unmistakably as modern-day bargarians.

We are in an era in which the issue of human rights is the central question confronting all nations. In this complex struggle an obvious but little appreciated fact has gained attention—the large majority of the human race is non-white—yet it is that large majority which lives in hideous poverty. While millions enjoy an unexampled opulence in developed nations, ten thousand people die of hunger each and every day of the year in the undeveloped world. To assert white supremacy, to invoke white economic and military power, to maintain the *status quo* is to foster the danger of international race war . . . What does the South African Government contribute to this tense situation? These are the incendiary words of the South African philosophy spoken by its Prime Minister, Dr. Verwoerd:

"We want to keep South Africa white. Keeping it white can only mean one thing, namely, white domination, not 'leadership', not 'guidance', but control supremacy."

The South African Government to make the white supreme has had to reach into the past and revive the nightmarish ideology and practices of nazism. We are witnessing a recrudesence of the barbarism which murdered more humans than any war in history. In South Africa today, all opposition to white supremacy is condemned as communism, and in its name, due process is destroyed; a medieval segregation is organized with twentieth century efficiency and drive; a sophisticated form of slavery is imposed by a minority upon a majority which is kept in grinding poverty; the dignity of human personality is defiled; and world opinion is arrogantly defied.

Once more, we read of tortures in jails with electric devices, suicides among prisioners, forced confessions, while in the outside community ruthless persecution of editors, religious leaders, and political opponents suppress free speech and a free press.

South Africa says to the world: "We have become a powerful industrial economy; we are too strong to be defeated by paper resolutions of world tribunals; we are immune to protest and to economic reprisals. We are invulnerable to opposition from within or without; if our evil offends you, you will have to learn to live with it."

Increasingly, in recent months this conclusion has been echoed by sober commentators of other countries who disapprove, but, nevertheless, assert that there can be no remedy against this formidable adversary of human rights.

Do we, too, acknowledge defeat? Have we tried everything and failed? In examining this question as Americans, we are immediately struck by the fact that the United States moved with strikingly different energy when it reached a dubious conclusion that our interests were threatened in the Dominican Republic. We inundated that small nation with overwhelming force, shocking the world with our zealousness and naked power. With respect to South Africa, however, our protest is so muted and peripheral it merely mildly disturbs the sensibilities of the segregationists, while our trade and investments substantially stimulate their economy to greater heights. We pat them on the wrist in permitting racially mixed receptions in our Embassy and by exhibiting films depicting Negro artists. But we give them massive support through American investments in motor and rubber industries, by extending some forty million dollars in loans through our most distinguished banking and financial institutions, by purchasing gold and other minerals mined by black slave labour, by giving them a sugar quota, by maintaining three tracking stations there, and by providing them with the prestige of a nuclear reactor built with our technical co-operation and fueled with refined uranium supplied by us.

When it is realized that Great Britain, France and other democratic Powers also prop up the economy of South Africa—and when to all of this is added the fact that the USSR has indicated its willingness to participate in a boycott—it is proper to wonder how South Africa can so confidently defy the civilized world. The conclusion is inescapable that it is less sure of its own power, but more sure than that great nations will not sacrifice trade and profit to oppose them effectively. The shame of our nation is that it is objectively an ally of this monstrous Government in its grim war with its own black people.

Our default is all the more grievous because one of the blackest pages of our history was our participation in the infamous African slave trade of the 18th century. The rape of Africa was conducted substantially for our benefit to facilitate the growth of our nation and to enhance its commerce. There are few parallels in human history of the period in which Africans were seized and branded like animals, packed into ships' holds like cargo and transported into chattel slavery. Millions suffered agonizing death in the middle passage in a holocust reminiscent of the Nazi slaughter of Jews and Poles, and others. We have an obligation of atonement that is not cancelled by the passage of time. Indeed, the slave trade in one sense was more understandable than our comtemporary policy. There was less sense of humanity in the world three hundred years ago. The slave trade was widely approved by the major Powers of the world. The economies of England, Spain, and the U.S. rested heavily on the profits derived from it. Today, in our opulent society, our reliance on trade with South Africa is infinitesimal significance. No real national interest impels us to be cautious, gentle, or a good customer of a nation that offends the world's conscience.

Have we the power to be more than peevish with South Africa, but yet refrain from acts of war? To list the extensive economic relations of the great Powers with South Africa is to suggest a potent non-violent path. The international potential of non-violence has never been employed. Non-violence has been practised within national borders in India, the U.S. and in regions of Africa with spectacular success. The time has come to utilize non-violence fully through a massive international boycott which would involve the USSR, Great Britain, France, the United States, Germany and Japan. Millions of people can personally give expression to their abhorrence of the world's worst racism through such a far-flung boycott. No nation professing a con-

cern for man's dignity could avoid assuming its obligations if people of all States and races were to adopt a firm stand. Nor need we confine an international boycott to South Africa. The time has come for an international alliance of peoples of all nations against racism.

For the American Negro there is a special relationship with Africa. It is the land of the origin. It was despoiled by invaders; its culture was arrested and concealed to justify white supremacy. The American Negro's ancestors were not only driven into slavery, but their links with their past were severed so that their servitude might be psychological as well as physical. In this period when the American Negro is giving moral leadership and inspiration to his own nation, he must find the resources to aid his suffering brothers in his ancestral homeland. Nor is this aid a one-way street. The civil rights movements in the United States has derived immense inspiration from the successful struggles of those Africans who have attained freedom in their own nations. The fact that black men govern States, are building democratic institutions, sit in world tribunals, and participate in global decision-making gives every Negro a needed sense of dignity.

In this effort, the American Negro will not be alone. As this meeting testifies, there are many white people who know that liberty is indivisible. Even more inspiring is the fact that in South Africa itself incredibly brave white people are risking their careers, their homes and their lives in the cause of human injustice. Nor is this a plea to Negroes to fight on two fronts. The struggle for freedom forms one long front crossing oceans and mountains. The brotherhood of man is not confined within a narrow, limited circle of select people. It is felt everywhere in the world; it is an international sentiment of surpassing strength. Because this is true, when men of good will finally unite, they will be invincible.

Through recent anthropological discoveries, science has substantially established that the cradle of humanity is Africa. The earliest creatures who passed the divide between animal and man seem to have first emerged in East and South Africa. Professor Raymond Dart described this historical epoch as the moment when man "trembled on the brink of humanity". A million years later in the same place some men of South Africa are again "trembling on the brink of humanity"; but instead of advancing from pre-human to human, they are revising the process and are travelling backward in time from human to pre-human.

Civilization has come a long way; it still has far to go, and it cannot afford to be set back by resolute, wicked men. Negroes were dispersed over thousands of miles and over many continents, yet today they have found each other again. Negro and white have been separated for centuries by evil men and evil myths. But they have found each other. The powerful unity of Negro with Negro and white with Negro is stronger than the most potent and entrenched racism. The whole human race will benefit when it ends the abomination that has diminished the stature of man for too long. This is the task to which we are called by the suffering in South Africa, and our response should be swift and unstinting. Out of this struggle will come the glorious reality of the family of man.

Mr. WOLPE. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in opposition to the Siljander Study Commission amendment, and in support of H.R. 1460 as reported. Mr. Chairman, I voted, together with a majority of my colleagues on the House Foreign Affairs Committee, to report H.R. 1460, introduced by the gentleman from Pennsylvania [Mr. GRAY], which the pending amendment seeks to change.

The bill as reported calls for strong action against the apartheid policy of the Government of South Africa, and provides incentives—in the form of the reduction of sanctions—to that country to terminate its oppressive policies. At the same time, the bill's provisions are designed to avoid damaging the interests of innocent blacks and other minorities living under apartheid. On the other hand, the amendment, while well-intended, simply does not provide for sufficiently strong action in the near term, and may well send the wrong signal to the South African Government.

Mr. Chairman, I believe it is important that the United States do everything in its power to move the South African Government away from its current policies. It seems inevitable that if those policies do not change, the result will be increased bloodshed in that troubled land. By adopting this bill, to the degree we are able to advance the day that apartheid is ended, we will contribute to peace and to the saving of human life.

Accordingly, Mr. Chairman, I urge the defeat of the pending Siljander substitute amendment and the passage of H.R. 1460 as originally reported.

□ 1320

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, hopefully, today the House will complete consideration of H.R. 1460, the Antiapartheid Act of 1985. I think it is essential that Members have a clear idea of how certain substitutes to the legislation might affect the message that the bill's authors had hoped to send.

Mr. Chairman, the substitute that is being offered by the gentleman from Michigan and the one that will be offered by the gentleman from Wisconsin, although well intended, fall far short of where the House shall align itself on this particular issue. Both substitutes establish commissions to look at the apartheid dilemma. These panels would meet for 2 and 3 years respectively to study the effects of apartheid and then would make recommendations on sanctions. The sanctions which would then be available to the panel are strikingly similar to the sanctions in H.R. 1460 which would bring about immediate change both in this country and in South Africa.

As the House considers these substitutes, we ought to ask ourselves how strongly we feel about this issue. Are we too comfortable on this side of the Atlantic to remember the segregationist policies of the deep South from our not too far distant past? Have we become so contented in our own position that we can sit back and watch a repeat of our own ugly history? These substitutes, Mr. Chairman, although well meaning, are simply a continuation of the present policy of constructive engagement.

Mr. Chairman, the adoption of this substitute or the substitute offered by the gentleman from Wisconsin put us an additional 2 or 3 years behind in trying to eliminate such racist practices. It is time that this body make a statement in the strongest possible terms against apartheid. Although in my heart I believe that total divestiture would be the best way to bring about change—that is why I will support the amendment that will be offered by the gentleman from California [Mr. DELLUMS]—I am realistic to the hardship this would place on black South Africans. Bishop Tutu himself supports economic pressure on the South African Government, to be followed by total divestment if apartheid is not eliminated in 2 years.

I am afraid that further study on this matter will become an excuse for further inaction. We have spent a great deal of time in this Chamber talking about and debating this particular issue. Today the House has the opportunity to place significant hardship on South Africa without advocating total divestment. The measure would let the South African Government know that we are serious about this matter, and I urge my colleagues to join with me today in passing H.R. 1460 and also rejecting this substitute and the substitute that will be offered right afterward.

Mr. WOLPE. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, first, I would like to commend the chairman of our subcommittee, his predecessor as chairman, the gentleman from New York, the gentleman who is the chief sponsor of this legislation, Mr. GRAY, as well as my other colleagues who, long before the issues of constructive engagement and apartheid in South Africa, were on the front pages of our Nation's newspapers, were fighting on these issues persistently and relentlessly and effectively. Perhaps now we are approaching a time when the policy of constructive engagement might end and the United States may place itself firmly on the side of forceful opponents of apartheid. Perhaps at last the United States is going to do

more than just simply rhetorically denounce this pernicious system.

I would also like to speak against the substitute amendment and the substitute to follow and focus primarily on one aspect, that of the legislation's prohibition on the export of computers, computer technology, software and servicing and maintenance of computers to the South African Government and to its regional and local entities.

At one point in the debate on this legislation it appeared that there might be an amendment to delete that language, and much of what I wish to say now I would have raised on the debate on that amendment. But since it appears the Senate Foreign Relations Committee legislation is going to contain somewhat different language and that this will be an issue for a conference committee to consider, I think it is important to lay a foundation for that prohibition, and I might point out that the gentleman from Michigan, in his comments in favor of his substitute, never spoke to the specific sanction of the prohibition on computer sales.

Why delay the imposition of that type of sanction or the imposition of the sanction on bank loans? I have heard no justification or logic for delaying implementation of these specific sanctions.

In South Africa, the computers make apartheid work. By the prohibition contained in this legislation, we are demonstrating that we do not want the United States and U.S. companies to profit from apartheid.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman's yielding.

Mr. Chairman, I just want to ask the gentleman a question. If he supports the banning of the computers, and you look at the fact that Japan has recently increased their sale of computers by some 400 percent since 1977 to South Africa, does the gentleman think that by our banning the sale of computers we are going to prevent the Government of South Africa from getting computers?

Mr. BERMAN. I would reclaim my time in order to answer the gentleman's very relevant question. I would put it into this context: At the present time, the United States supplies 70 percent of the computers that go to South Africa. Those computers are used directly in the implementation and in the enforcement of apartheid policies. Those computers are utilized in the classification of people by race and the classification of people who lead protests against apartheid in South Africa. They are an instrument of enforcement of apartheid in South Africa. And U.S. computers are directly involved in that whole process.

Look back to what happened with the arms embargo on South Africa. Initially, the United States took the step alone. We then prevailed and gradually saw to it that the rest of the Western World ended up going along with our arms embargo on South Africa. We made it a much broader multilateral approach. My hope and my goal is that when this legislation passes, and these sanctions go into effect, the United States would go to the Security Council of the United Nations, to our NATO allies, to Japan and take this prohibition that the United States will have enacted unilaterally and say, "Is this not at least a minimal standard of conduct to expect of our other Western allies?" And I believe we can prevail and we can seriously affect the ability of South Africa to enforce its apartheid system through the utilization of sophisticated computer technology.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield for a question?

Mr. BERMAN. I yield to the gentleman from Michigan.

Mr. SILJANDER. I would just like to know what would prohibit Japan or another country, as they have been since 1976, increasing their share of the market from simply filling the void, thereby putting absolutely no pressure on the South African Government at all.

Mr. BERMAN. What prohibits the Western European arms industry from selling arms to South Africa? The fact is that it was a series of patient and relentless efforts by the United States, after it enacted its arms embargo, to get other countries to undertake that same position.

Mr. SILJANDER. But will the gentleman answer the question regarding Japan?

The CHAIRMAN. The time of the gentleman from California [Mr. BERMAN] has expired.

Mr. WOLPE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I want to pay tribute to my distinguished ranking minority member, the gentleman from Michigan [Mr. SILJANDER]. Whatever differences we have on the amendment that the gentleman from Michigan has offered—and the differences are obviously rather dramatic—I believe that the letter that was sent earlier by a number of my Republican colleagues, to which he was a signatory, made a very important contribution to the debate on South Africa and to an alteration in the political climate within this body with respect to that subject.

Moreover, while we differ on how to approach the issue of South Africa, my ranking minority member has been very cooperative in moving this legislation through to this point on the House floor, and I want to express my appreciation to him for that assistance.

□ 1330

Mr. Chairman, as we have listened to this debate on South Africa over the past few days, it has become clear that those who advocate a continuation of the policy of constructive engagement or who, in more general terms, resist the imposition of economic sanctions against South Africa, make certain assumptions that are more implicit than explicit, but, I think, need to be laid bare.

The first of those assumptions is that South Africa is very much like the United States, and that we can project onto the South Africa situation America's own experience with race and racism and our own experience, indeed, with the civil rights movement.

Mr. Chairman, that was an assumption that I used to make. In my previous life, I happened to have been a professor of African politics; I thought I knew something about the subject. It was only when I traveled to South Africa myself that I discovered how incorrect that set of assumptions really was. Because South Africa is in fact very different. There are two key differences that need to be understood in order to appreciate how destructive the policy of constructive engagement has been.

The first of those key differences is that South Africa is a totalitarian police state. Now, when Americans think about South Africa, we tend to project onto the South African experience what we know about our own history with discrimination, with segregation, with racial inequality. And when you travel to South Africa, you see that discrimination very clearly manifested in every respect, in every way. But the thing you are unprepared for is the totalitarian nature of the police state.

I still recall traveling to Soweto, the black township outside of Johannesburg, and being informed by blacks who were resident in Soweto that it was their estimate that 1 out of 10 blacks living in this township were police spies. Why? Because it turns out that many of the women and children who live in the black township of Soweto, who have come there to join their husbands that are working in the mines, are themselves there illegally, and if they do not cooperate with the police, they are immediately subject to deportation to the so-called homelands. They have got to cooperate.

You cannot imagine what it is like to have a police system that penetrates into the very fabric of the society; into the neighborhoods, into the homes. It is difficult to comprehend the sense of

distrust, the sense of disorganization, the sense of paranoia that is part and parcel of the life of the black South African every day. South Africa is a totalitarian police state. Unless we comprehend that, the effort to project onto that experience our own evolutionary democratization will yield enormously tragic consequences.

There is a second difference no less significant. In the United States, whites are the majority; blacks were the minority. In South Africa, the majority-minority relationships are reversed. Whites are a minority, desperate to hold onto their privilege, their power. Denying to the majority of the population even a semblance of human dignity, even a semblance of basic political rights. Unless we understand that the reversal of the majority-minority relationships inevitably creates a different political dynamic, we are going to develop a foreign policy and continue a foreign policy that will again produce very counterproductive consequences.

There is a second assumption underlying those who would resist sanctions and would support the amendment of my distinguished colleague from Michigan. That is that somehow economic and social change lead inexorably to political liberalization and to democratization. We are told repeatedly that we need to encourage the process of industrialization and that American economic activity in South Africa will further that process and promote political reform at the end of the line.

Do we not only have to look to the experience of Nazi Germany, to the experience of Stalinist Russia, indeed, to the experience of South Africa to see that that kind of assumption is blatantly false? In all of those instances there has been progressive industrialization, economic and social change, and greater repression; not democratization; not political liberalization.

I am not saying that the American companies involved in South Africa are not making a constructive contribution to desegregated workplaces and to the process of economic change, but that what is happening in those workplaces is essentially irrelevant to the process of political change, and that the gut issue that we are facing in the struggle against apartheid is not a struggle for economic improvement; it is not a struggle even for desegregated workplaces. The struggle against apartheid is a struggle for political rights.

Blacks, the vast majority of the population in South Africa, are asking for nothing less and nothing more than the right to participate in the political decisions that affect their lives on a daily basis.

Third, there are those who are arguing against sanctions and for the approach taken by the Siljander amendment, who insist that sanctions are going to hurt those who we are seeking to help: The black population.

Indeed, they go even further. The Washington Post editorial today suggested that those who are advocating sanctions are really not very sensitive to the prospective suffering that might be created on the part of the black population. Nothing could be further from the truth. The tragic reality is that the policy of constructive engagement, however it may have been intended, is in fact producing more suffering, more violence, and more repression. That is very simply because the message that has been heard by the Afrikaner regime is simply that they now have a much freer hand to do what they will; not only internally, I might say, inside the country of South Africa, but in the region. They know in advance, because that has been administration policy, that no matter how much repression there is, no matter how much aggression the South African Government unleashes against the neighboring states in the region, there will be no cost in terms of the American-South African relationship. They know in advance that they are free to engage in that kind of repression. What we have really signaled to them through constructive engagement is that the system of apartheid can be maintained indefinitely into the future without any real cost, without any real isolation in terms of the international community, or without any real economic costs in terms of their relationship to the United States.

So that it is current policy that is adding to the violence; it is the ambiguity of our policy. We verbally condemn apartheid on the one hand, but then we engage in business as usual. What we do at that point is to reinforce the more intransigent elements of the South African Government in the belief that they can hold on indefinitely, without any consequences, any response, from the United States.

Those of us who are advocating now the application of sanctions do so because of our profound belief that that is the only way of mitigating the violence. Only at the point at which the South African Government understands that it cannot continue the present system without real economic and political costs, do we have a possibility that the Government will countenance a political negotiation leading to a new political order and to genuine power sharing on the part of all the elements of the South African population.

It is current policy that is adding to the violence. It is the imposition of sanctions that will help us possibly avert some of that bloodshed that we can anticipate down the road if the South African Government does not move immediately to begin the process of dismantling apartheid.

Let me say finally that I hope that the administration will listen carefully to what has happened in this body the past couple of days and what is happening in the other body. There is an emerging bipartisan consensus that understands that constructive engagement has enormously destructive consequences.

I hope the administration, rather than responding defensively and dig in its heels, will be responsive to the bipartisan consensus. Look at the margin of the votes that occurred yesterday. Look at the vote that will take place on final passage today, the bipartisan majority that will be for the placement of immediate sanctions. I hope the administration will respond to that opportunity and join with the Congress in forging a new foreign policy toward South Africa that will at one and the same time advance the process of change in South Africa and be consistent with American national interests in the region. We cannot afford to be perceived as on the side of or entering into an accommodation with apartheid. We would, at the same time, be advancing a policy that is genuinely consistent with American national values.

□ 1340

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. SILJANDER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SILJANDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 310, not voting 15, as follows:

[Roll No. 137]

AYES—108

Archer	Fawell	Lowery (CA)
Armey	Fiedler	Lujan
Badham	Fields	Lungren
Barnard	Franklin	Marlenee
Bartlett	Gekas	McCollum
Barton	Gingrich	McEwen
Bateman	Goodling	McMillan
Bentley	Grotberg	Michel
Bilirakis	Gunderson	Miller (OH)
Broomfield	Hall, Ralph	Monson
Broyhill	Hammerschmidt	Montgomery
Burton (IN)	Hansen	Moore
Campbell	Hartnett	Moorhead
Chandler	Hendon	Morrison (WA)
Cheney	Henry	Myers
Cobey	Hillis	Nichols
Coble	Holt	Nielson
Combest	Hunter	Oxley
Craig	Hyde	Packard
Daniel	Kemp	Parris
Dannemeyer	Kindness	Pashayan
Daub	Kolbe	Petri
Davis	Kramer	Quillen
DeWine	Lagomarsino	Rogers
Dickinson	Leath (TX)	Roth
Dornan (CA)	Livingston	Rowland (CT)
Dreier	Loeffler	Schuette
Eckert (NY)	Lott	Schulze

Shaw	Smith, Robert	Taylor
Shumway	Solomon	Thomas (CA)
Shuster	Spence	Vander Jagt
Siljander	Stangeland	Vucanovich
Skeen	Strang	Walker
Slaughter	Stump	Whitehurst
Smith (NE)	Sundquist	Wolf
Smith, Denny	Swindall	Young (FL)

NOES—310

Ackerman	Evans (IA)	MacKay
Addabbo	Evans (IL)	Madigan
Akaka	Fascell	Manton
Alexander	Fazio	Martin (IL)
Anderson	Feighan	Martin (NY)
Andrews	Fish	Martinez
Annunzio	Flippo	Matsui
Anthony	Florio	Mavroules
Applegate	Foglietta	Mazzoli
Aspin	Foley	McCain
Atkins	Ford (MI)	McCandless
AuCoin	Ford (TN)	McCloskey
Barnes	Fowler	McCurdy
Bates	Frank	McDade
Bedell	Frost	McGrath
Beilenson	Fuqua	McHugh
Bennett	Gallo	McKernan
Bereuter	Garcia	McKinney
Berman	Gaydos	Meyers
Bevill	Gejdenson	Mica
Biaggi	Gephardt	Mikulski
Bliley	Gibbons	Miller (CA)
Boehlert	Gilman	Miller (WA)
Boggs	Glickman	Mineta
Boland	Gonzalez	Mitchell
Boner (TN)	Gordon	Moakley
Bonior (MI)	Gradison	Molinari
Bonker	Gray (IL)	Mollohan
Borski	Gray (PA)	Moody
Bosco	Green	Morrison (CT)
Boucher	Gregg	Mrazek
Boulter	Guarini	Murphy
Boxer	Hall (OH)	Murtha
Breaux	Hamilton	Natcher
Brooks	Hatcher	Neal
Brown (CA)	Hayes	Nelson
Brown (CO)	Hefner	Nowak
Bruce	Heftel	O'Brien
Bryant	Hertel	Oakar
Burton (CA)	Hiler	Oberstar
Bustamante	Hopkins	Obey
Callahan	Horton	Olin
Carney	Howard	Ortiz
Carper	Hoyer	Owens
Carr	Hubbard	Panetta
Chappie	Huckaby	Pease
Clay	Hughes	Penny
Clinger	Hutto	Pepper
Coats	Ireland	Perkins
Coelho	Jacobs	Pickle
Coleman (MO)	Jeffords	Porter
Coleman (TX)	Jenkins	Price
Collins	Johnson	Pursell
Conte	Jones (NC)	Rangel
Conyers	Jones (OK)	Ray
Cooper	Jones (TN)	Regula
Coughlin	Kanjorski	Reid
Courter	Kaptur	Richardson
Coyne	Kasich	Ridge
Crane	Kastenmeier	Rinaldo
Crockett	Kennelly	Ritter
Darden	Kildee	Robinson
Daschle	Kleczka	Rodino
de la Garza	Kolter	Roe
DeLay	Kostmayer	Roemer
Dellums	LaFalce	Rose
Derrick	Lantos	Roukema
Dicks	Latta	Rowland (GA)
DioGuardi	Leach (IA)	Roybal
Dixon	Lehman (CA)	Rudd
Donnelly	Lehman (FL)	Russo
Dorgan (ND)	Leland	Sabo
Dowdy	Lent	Savage
Downey	Levin (MI)	Saxton
Duncan	Levine (CA)	Schaefer
Durbin	Lewis (CA)	Scheuer
Dwyer	Lewis (FL)	Schneider
Dymally	Lightfoot	Schroeder
Dyson	Lipinski	Schumer
Early	Lloyd	Seiberling
Eckart (OH)	Long	Sensenbrenner
Edgar	Lowry (WA)	Sharp
Edwards (CA)	Luken	Shelby
English	Lundine	Sikorski
Erdreich	Mack	Sisisky
Skelton	Tauke	Wheat
Smith (FL)	Tauzin	Whitley
Smith (IA)	Thomas (GA)	Whittaker
Smith (NH)	Torres	Whitten
Smith (NJ)	Torricelli	Williams
Snowe	Towns	Wirth
Snyder	Traficant	Wise
Solarz	Traxler	Wolpe
Spratt	Udall	Wortley
St Germain	Valentine	Wright
Staggers	Vento	Wyden
Stark	Visclosky	Wylie
Stenholm	Volkmer	Yates
Stokes	Walgren	Yatron
Stratton	Watkins	Young (AK)
Studds	Waxman	Young (MO)
Swift	Weaver	Zschau
Synar	Weber	
Tallon	Weiss	

NOT VOTING—15

Byron	Frenzel	Rostenkowski
Chappell	Hawkins	Slattery
Dingell	Markey	Stallings
Edwards (OK)	Rahall	Sweeney
Emerson	Roberts	Wilson

□ 1350

Messrs. JONES of Oklahoma, SMITH of New Hampshire, and WRIGHT changed their votes from "aye" to "no."

Mr. PASHAYAN and Mr. DICKINSON changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 1400

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GUNDERSON: Strike all after the exacting clause and insert in lieu thereof the following:

TITLE I—GENERAL PROVISIONS

FINDINGS AND DECLARATIONS

SECTION 1. The Congress finds and declares that—

(a) the policy and practice of apartheid—

(1) deliberately separates millions of South African "migrant" workers from their families;

(2) denies meaningful, democratic participation in the political process to the majority of the South African population;

(3) consigns the mass of South African citizenry to lives of economic and educational deprivation;

(4) denies black citizens of South Africa the right to travel freely within their own country;

(5) leads to the arbitrary government confiscation of the private property legally owned by black South African nationals;

(6) tries to deprive many South African citizens of South African citizenship;

(b) the policy and practice of apartheid is repugnant to the moral and political values of democratic and free societies, and runs counter to United States policies to promote democratic governments throughout the world and respect for human rights; and

(c) it is the policy of the United States to promote peaceful change in South Africa through diplomatic means, but also, where necessary and appropriate, through the adoption of other measures, in conjunction with our allies, in order to reinforce United States opposition to apartheid.

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; or

(B) a corporation, partnership, or other enterprise if—

(i) natural persons who are nationals of the United States own or control, directly or indirectly, more than 50 per centum of the outstanding voting securities;

(ii) natural persons who are nationals of the United States own or control, directly or indirectly 25 per centum or more of the voting securities, and natural persons of another nationality do not own or control as equal or larger percentage;

(iii) any natural person who is a national of the United States operates the corporation, partnership, or enterprise pursuant to the provisions of an exclusive management contract;

(iv) a majority of the members of the board of directors are also members of the comparable governing body of corporation or legal entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(v) natural persons who are nationals of the United States have authority to appoint the chief operating officer; and

(2) the term "South Africa" refers to the territory that constituted the Republic of South Africa on May 31, 1961.

SCHOLARSHIP FOR BLACK SOUTH AFRICANS

SEC. 3. SECTION 105(b) OF THE FOREIGN ASSISTANCE ACT OF 1961 IS AMENDED—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Beginning with the fiscal year 1986, and for each fiscal year thereafter, $15,000,000 of assistance provided under this section by the Administrator of the agency primarily responsible for administering this part of this Act shall be used to finance scholarships for black South Africans who are attending universities, colleges, and secondary schools in South Africa and who are selected in accordance with subparagraph (B). Of the funds available under the preceding sentence to carry out this subparagraph, not less than $5,000,000 shall be available only for assistance to full-time teachers or other educational professionals pursuing studies toward the improvement of their professional credentials.

"(B) Individuals for whom scholarships are financed under subparagraph (A) shall be selected by a national panel or by regional panels composed solely of members of the teaching profession appointed by the United States chief of diplomatic mission to South Africa. No such individual may be selected through any contract entered into with the agency primarily responsible for administering this part of this Act.".

HUMAN RIGHTS FUND

SEC. 4. Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1984 and" and inserting in lieu thereof "1984,";

(2) by inserting after "1985" a comma and the following: "and $1,500,000 for the fiscal year 1986, and for each fiscal year thereafter"; and

(3) by adding at the end thereof the following: "Grants under this paragraph shall be made by the Assistant Secretary for Human Rights and Humanitarian Affairs.".

EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

SEC. 5. (a) The Congress declares—

(1) that the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses is an affront to the values of a free society.

(b) The Congress hereby—

(1) applauds the commitment of nationals of the United States adhering to the principles set forth in section 10 to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

(c) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 per centum beneficial ownership by South African blacks or other nonwhite South Africans.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 6. Section 237(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "(a) Insurance" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2), insurance"; and

(2) by adding at the end thereof the following:

"(2) Insurance, reinsurance, and guaranties of loans may be issued to cover an investment made in connection with a project in South Africa, notwithstanding the absence of an agreement with the Government of South Africa, if such investment is otherwise eligible under this title, except that—

"(A) the issuance of any such insurance, reinsurance, or guaranty shall only be made to promote joint ventures between business enterprises controlled or owned by South African blacks or other nonwhite South Africans and business enterprises controlled or owned by United States nationals; and

"(B) the national of the United States holds a minority interest or agrees to relinquish its majority interest during the course of the joint venture.".

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 7. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

(1) by striking out "(9) In" and inserting in lieu thereof "(9)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end thereof the following:

"(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (C) of subparagraphs (A) shall not apply to exports to or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans.".

LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

SEC. 8. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans,

(2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their employment services on behalf of the United States Government, and

(3) for the employment services of South Africans arranged by contract,

should represent the best of American labor practices and should serve as a model for the labor practices of nationals of the United States in South Africa.

(b) Notwithstanding any other law, the Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall promptly take the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the principles set forth in section 10.

EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA

SEC. 9.

(a) STATEMENT OF POLICY.—It is the sense of the Congress that any national of the United States who—

(1) has a branch or office in South Africa, or

(2) controls a business enterprise in South Africa, should implement, in the operation of such branch, office, or business enterprise, those principles relating to employment practices set forth in section 10.

(b) SANCTIONS.—

(1) APPLICABILITY.—The sanctions set forth in paragraph (2) shall apply to any national of the United States who—

(A) has a branch or office in South Africa, or

(B) controls a business enterprise in South Africa,

in which more than 20 people are employed, and who does not implement the principles set forth in section 202 in the operation of that business enterprise.

(2) SANCTIONS.—With respect to any national of the United States described in paragraph (1)—

(A) no department or agency of the United States may—

(i) enter into any contract with,

(ii) make any loan, issue any guaranty of a loan, or issue any insurance to,

(iii) provide any counseling on economic or political risks to, or

(iv) intercede with any foreign government or any national regarding the foreign investment or export marketing activities in any country of,

that national; and

(B) that national may not receive any credit or deduction under the Internal Revenue Code of 1954 for any income, war profits, or excess profits paid or accrued to South Africa.

(c) No department or agency of the United States may intercede with any foreign government or any national regarding the export marketing activities in any country of any national of the United States employing more than twenty persons in South Africa that is not implementing the principles relating to employment practices in South Africa set forth in section 10. No such national may make any new investment in the Republic of South Africa. The Secretary of State shall promulgate such regulations as are necessary to implement this section.

STATEMENT OF PRINCIPLES

SEC. 10. (a) The principles referred to in sections 8 and 9 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees, on an equitable basis; and

(B) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Establishing equally pay for all employees doing equal work, including—

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equal to all employees, regardless of race, who are engaged in equal work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and ingrade benefits so that all employees, regardless of race, who perform similar jobs are eligible for the same seniority and ingrade benefits.

(4) Establishing a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents, and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(C) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(b) The Secretary of State may issue guidelines and criteria to assist persons who are or may be subject to this section in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

(c) The Secretary of State may promulgate such regulations as the Secretary may deem necessary to implement the provisions of this Act. The Secretary may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation. The Secretary may require all persons referred to in subsection (a) to register with the Department of State.

(d) Any person who willfully violates any rule or regulation issued under this section or who willfully, in a registration statement or report required by the Secretary, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $1,000,000 or imprisoned not more than two years, or both.

(e) In carrying out functions under this section, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act, subject to the same terms and conditions as are applicable to such powers under such Act. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress.

(f) Notwithstanding any other provision of law, the Secretary may enter into contacts with one or more private organizations or individuals to assist the Secretary on implementing this section.

POLICY ON ECONOMIC SANCTIONS

SEC. 11. (a) It shall be the policy of the United States to impose economic sanctions against the Government of South Africa if, within two years of the date of enactment of this section, significant progress has not been made toward ending the policy of apartheid.

(b) The President may waive sanctions contained in subsection (a) of this section for a period of not more than 12 months if—

(1) the President determines that one or more of the conditions as set forth in subsection (d) of this section are met,

(2) the President submits that determination to the Congress, and

(3) a joint resolution is enacted approving the President's determination.

(c) The President may waive the sanctions contained in subsection (a) of this section for an additional 6-month period if, before each such waiver—

(1) the President determines that an additional condition set forth in subsection (d) has been met since the preceding waiver under this subsection became effective,

(2) the President submits that determination to the Congress, and

(3) a joint resolution is enacted approving the President's determination.

(d) STATEMENT OF CONDITIONS.—The conditions referred to in subsections (b) and (c) are the following:

(1) FAMILY HOUSING NEAR PLACE OF EMPLOYMENT.—The Government of South Africa has eliminated the system which makes it impossible for black employees and their families to be housed in family accommodations near the place of employment.

(2) RIGHT TO SEEK EMPLOYMENT.—The Government of South Africa has eliminated all policies that restrict the rights of black people to seek employment in South Africa and to live wherever they find employment in South Africa.

(3) ELIMINATING DENATIONALIZATION.—The Government of South Africa has eliminated all policies that make distinctions between the South African nationality of blacks and whites.

(4) ELIMINATING REMOVALS.—The Government of South Africa has eliminated removals of black populations from certain geographic areas on account of race or ethnic origin.

(5) ELIMINATING RESIDENCE RESTRICTIONS.—The Government of South Africa has eliminated all residence restrictions based on race or ethnic origin.

(6) NEGOTIATIONS FOR NEW POLITICAL SYSTEM.—The Government of South Africa has entered into meaningful negotiations with truly representative leaders of the black population for a new political system providing for the full national participation of all the people of South Africa in the social, political, and economic life in that country and an end to discrimination based on race or ethnic origin.

(7) SETTLEMENT OF NAMIBIA.—An internationally recognized settlement for Namibia has been achieved.

(8) FREEING POLITICAL PRISONERS.—The Government of South Africa has freed all political prisoners.

"REPORT OF THE PRESIDENT

"SEC. 12. (a) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate March 1, 1987 and every six months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—

(1) a detailed assessment of the extent to which the Government of South Africa has made progress in—

(A) housing black workers with their families;

(B) abolishing the pass laws which prevent blacks from moving freely into the cities;

(C) terminating the migrant labor system;

(D) allowing unrestricted labor union rights for all; and

(E) increasing local investment in black education and training;

(2) a statement of any conclusions drawn by the Inter-Allied Working Group on South Africa;

(3) a determination by the President as to whether significant progress has been made in achieving the purposes described in clauses (A) through (E) of paragraph (1); and

(4) if the President determines under paragraph (3) that significant progress has not been made, a recommendation as to which of the following sanctions should be imposed;

(A) A ban on new commercial investment in South Africa.

(B) A ban on new bank loans to the Government of South Africa.

(C) A ban on the importation of South African Krugerrands.

(D) A ban on the sale of computers to the central Government of South Africa.

TITLE II—UNITED STATES COMMISSION ON SOUTH AFRICA

SEC. 201. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "United States Commission on South Africa" (hereinafter in this title referred to as the "Commission").

SEC. 202. DUTIES OF COMMISSION.

(a) STUDY AND REPORT ON PROGRESS AGAINST APARTHEID.—The Commission shall conduct an ongoing study of, and shall report to the Congress on, the progress that the Government of South Africa has made—

(1) in eliminating the system of apartheid; and

(2) toward the full participation of blacks and other nonwhites in the social, political, and economic life in South Africa.

The Commission shall also study the economic and political relations between the United States and South Africa.

(b) FOCUS OF STUDY.—In carrying out subsection (a), the Commission shall—

(1) with respect to the progress toward eliminating apartheid, pay particular attention to the termination of—

(A) the Group Areas Act;

(B) the Pass Laws;

(C) the Influx Control Act;

(D) the Mixed Marriages Act;

(E) the Immorality Act;

(F) the homelands policy; and

(G) the detention of persons without due process of law; and

(2) with respect to the goals referred to in subsection (a)(2), pay particular attention to the involvement of recognized representatives of the black and nonwhite population in South Africa in achieving these goals, including the convening, as soon as possible, by the Government of South Africa of a national congress, composed of all pro-democratic groups in South Africa, to establish a timetable for granting full citizenship to blacks and other nonwhites in South Africa.

(c) SCHEDULE OF STUDY AND REPORTS.—

(1) STUDY.—The Commission shall conduct the study under subsection (a) during the 2-year period beginning on the date of the enactment of this Act.

(2) REPORTS.—The Commission shall submit interim reports to the Congress at the end of each 6-month period beginning on the date of the enactment of this Act. Not later than the end of the 2-year period beginning on the date of the enactment of this Act, the Commission shall submit a final report to the Congress. The final report shall contain—

(A) a determination by the Commission of whether the Government of South Africa has made substantial progress toward the goals set forth in paragraphs (1) and (2) of subsection (a), and

(B) if the Commission determines under subparagraph (A) that substantial progress has not been made, a recommendation as to which of the following should be imposed:

(i) A ban on new commercial investment in South Africa.

(ii) A ban on new bank loans to the Government of South Africa.

(iii) A ban of the sale of computers to the Government of South Africa.

(iv) Changes in diplomatic relations with South Africa.

SEC. 203. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, as follows:

(A) The chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(B) The chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(C) The chairman and ranking minority member of the Subcommittee on Africa of the Committee on Foreign Affairs of the House of Representatives.

(D) The chairman and ranking minority member of the Subcommittee on Africa of the Committee on Foreign Relations of the Senate.

(E) Seven members appointed by the President from among persons knowledgeable in South African affairs, as follows:

(i) One member shall be an officer of the Department of State.

(ii) One member shall be an officer of the Department of Commerce.

(iii) One member shall be an officer of the Department of the Treasury.

(iv) Four members shall be appointed from among persons who are not officers or employees of any government who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(2) DESIGNATION OF SUBSTITUTES.—If any member referred to in paragraph (1)(A) or (1)(B) is the same individual as a member referred to in paragraph (1)(C) or (1)(D), then the individual shall designate another member of the Committee on Foreign Affairs or Foreign Relations, as the case may be, to serve as a member of the Commission.

(3) FILLING OF VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) CONTINUATION OF MEMBERSHIP.—If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he or she may continue as a member of the Commission for not longer than the 60-day period beginning on the date he or she leaves that office or becomes such an officer or employee, as the case may be.

(c) TERMS.—Members shall be appointed for the life of the Commission.

(d) BASIC PAY.—

(1) FOR NON-GOVERNMENT EMPLOYEES.—Except as provided in paragraph (2), members of the Commission shall serve without pay, but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, to the same extent as employees serving intermittently in the Government Service are allowed such expenses under section 5703 of title 5, United States Code.

(2) FOR GOVERNMENT EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e) QUORUM.—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN.—The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

SEC. 204. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Commission may appoint and fix the pay of such additional personnel as it considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapters III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3209(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 205. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chairman or Vice Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(g) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) REFUSAL TO OBEY A SUBPOENA.—If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) SERVING OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) VENUE OF PROCESS.—All process of any court to which application may be made under this section may be served in the judi-

cial district in which the person required to be served resides or may be found.

(h) IMMUNITY.—No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which such individual is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committee in so testifying.

SEC. 206. TERMINATION.

The Commission shall cease to exist 90 days after submitting its final report pursuant to section 412(c).

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 174, the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

Is the gentleman from Michigan [Mr. WOLPE] opposed to the amendment in the nature of a substitute?

Mr. WOLPE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan will be recognized for 30 minutes.

At this time the Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON] for 30 minutes.

Mr. GUNDERSON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, let me begin by commending the chairman of the subcommittee for his commitment to change in South Africa. I think there ought to be no doubt in this House, or anywhere in the country, that all of us have the same intent. We must try to change the policy of the Government of South Africa. The problem in the debate that we are incurring this afternoon is a debate on strategy, how best might we achieve that goal.

We must ask ourselves, do we want to simply make moral statements that make us feel good or do we actually want to enact policies that can contribute to constructive change? Do we want to help the blacks in South Africa or do we simply want to punish the whites in that country?

Our goal must and ought to be to contribute to constructive change, not to conduct a litmus test on civil rights legislation here in the United States. I shudder to think that this may be simply a debate where people are voting on the title of the bill, not the substance.

I have introduced a substitute which is very, very similar to that which has been enacted by the Foreign Relations Committee in the other body with only two small differences. If you are to give my substitute a title, it would be this is not immediate sanctions, this is conditional investment. We do what Bishop Tutu, we do what the Washington Post, we do what others have called for, we encourage investment by the United States in South Africa during the short term. Business is more progressive than the Government of South Africa and American business is more progressive than South African business. Thus we see that as a tool toward constructive change.

The first difference between the Gray proposal and my substitute is that his proposal is a negative one. It simply imposes sanctions. Mine is a positive proposal. My substitute asks, how can we help bring about change? My proposal offers $15 million in scholarships for black South Africans and $1.5 million in grants under the AID Human Rights Fund for the black South African cause. We provide insurance, reinsurance and guarantees of loans through OPIC for blacks and other nonwhite South African business. We provide the extension of credits through the Export-Import Bank and other such institutions for blacks and other nonwhite South Africans. We try to make positive contributions to the black and nonwhite population of South Africa.

The second thing we do, which the Gray bill does not, is to require American companies involved in business in South Africa to adhere to the Sullivan principles, not just give the option. We require them to do it and we impose a penalty. We impose a major penalty of $1 million for anyone who willfully violates the Sullivan principles. I think that is the way we want to go.

The third element of my proposal is what we call economic sanctions or conditional investment. We say that it will be the policy of the United States to impose economic sanctions on the Government of South Africa if at the end of 2 years positive substantial progress has not been made toward ending the policy of apartheid in South Africa.

How is that going to be done? At the end of 2 years if the President certifies, or in reality if the State Department certifies, that progress has not been made, then the policy of sanctions becomes the policy of the Government of the United States. The President can implement through Executive order or Congress can enact at that point in time exactly what those sanctions would be.

The next element of my particular proposal is similar to that of the gentleman from Michigan [Mr. SILJANDER] which creates a U.S. Commission on South Africa. Why do we do that? We do that because many of my colleagues on the other side of the aisle are going to be hesitant to simply allow the administration, the present State Department, the present administration to determine whether or not progress is being made in eliminating apartheid in South Africa.

What we really do is set up a commission to keep each other honest, a commission appointed bipartisan from the leadership of the House and the Senate to keep the President and the State Department honest and vice versa. That is the purpose of the commission under our particular proposal.

Now let us compare again the differences then, in reality between the Gray proposal and my particular substitute. The Gray proposal offers immediate sanctions banning new bank loans. What is that going to do? If we ban new bank loans, presently we have $400 million of bank loans to the purchasers of U.S. products, all it does is increase our present trade deficit, something I would suggest most of the American unions would be opposed to.

Second, it simply penalizes South African firms which have no legal role in enforcing apartheid. If you will look at every chamber of commerce in South Africa, every one of those chambers of commerce, black, white, Afrikaaner, et cetera, all have statements opposed to the policy of apartheid.

The Gray substitute also calls for a ban on the sale of computers to the government. Will that have any effect on the South African Government? Of course not. Since 1977, Japanese sale of computers to South Africa has increased some 400 percent. They are not going to stop using computers; they are only going to buy them from Japan rather than the United States. So we effectively eliminate our role and our opportunity in trying to bring about constructive change, and we do nothing in terms of bringing about that change.

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I would like to go on and recite the remarks of Bishop Tutu.

Mr. BERMAN. Will the gentleman yield?

Mr. GUNDERSON. I would like to finish my remarks first.

I would like to go on at this point in time and refer to the remarks of Bishop Tutu, a person who I think is clearly perceived as the moral leader of the blacks in South Africa. Bishop Tutu said on February 3, when he enthroned as the head of the Anglican Church, and I would like to quote:

May I point out that I have not as yet advocated disinvestment. Up to now I have called for international pressure, diplomatic, political, but above all economic, to persuade the South African Government to go to the conference table with the authentic

representatives of all sectors of our community.

Now, he goes on then and explains the kinds of economic pressure:

There is economic pressure used through things such as the different codes to seek to improve the lot of black workers—

The Sullivan principles—

Our concern is not for an amelioration of improvement of the apartheid dispensation. It is to see apartheid dismantled. Consequently I have said that we must all work together to see that goal achieved.

Now listen to this:

I have actually called for an increased foreign investment on stringent conditions—that black workers are housed as family units near the place of work of the breadwinner—no migratory labor, the unionization of the black worker, the only real reform we have had, and for which the government must be commended—thus the worker would be free to sell his labor wherever he pleases, so no influx control that applies only to blacks, massive investment in black education and training, an end to the denationalization of blacks and to forced population removals. These conditions should be implemented within 18 to 24 months. The onus is on the government. I give notice that if in 18 to 24 months from today apartheid has not been dismantled or is not being actively dismantled, then for the first time I will myself call for punitive economic sanctions.

If we were to adopt and to pass in this House a proposal under the guidelines set forth by Bishop Tutu in his speech on February 3, my substitute would be that proposal. It tells the Government of South Africa, it tells the business community of South Africa, if you want American investments in the future, my proposal meets the criteria.

I would only go on to suggest, as the gentleman from Michigan before me, take a look at today's Washington Post. It says not immediate sanctions. It says conditional investment. It says take some action which can contribute to change.

My substitute will do just that.

Mr. LARGOMARSINO. Will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, as we debate the important questions of whether to approve this legislation and whether disinvestment will in fact bring about the desired end to apartheid, there are several facts which all of us must face. Let me excerpt just a few of these facts from a recent editorial in the Christian Science Monitor, written by Dimitri Simes, a senior associate of the Carnegie Endowment for International Peace.

First, "the United States has neither the power nor will to assure a peaceful evolution in South Africa which would lead to multiracial harmony." Second, "is there any punishment the U.S. can inflict upon South Africa or any incentive it can offer which would persuade whites to accept black majority rule? Probably not." Simes goes on to say that "moreover, the record of black African states does not inspire any confidence that, once the whites surrender power, their minimal rights would be respected." Surely the authors and supporters of this resolution would not suggest that we end apartheid only to have it replaced by another vicious regime that refuses to respect the rights of its people.

Mr. Simes also states that:

An economic warfare against South Africa would probably have just the opposite impact (rather than encouraging responsible trends, it would encourage dangerous trends). Conservative critics of the Botha government would wrap their opposition to any concession to blacks in a banner of patriotism. And blacks, simultaneously encouraged by American support and deprived of opportunities of American companies, would become further radicalized. That is a prescription for confrontation, not accommodation.

I couldn't agree with him more. Mr. Chairman, the United States has been and should continue to be a force for positive, constructive change in South Africa—not a promoter of disinvestment, which would have the exact opposite effect of that which we seek.

It is unfortunate, but a fact nonetheless, that this legislation would have the contrary effect of reducing the U.S. corporate presence as a positive and important—not to mention visible and appreciated—force for the elimination of apartheid in that country. Today, over 150 U.S. companies, accounting for over 80 percent of the employees of all affiliates of U.S. companies in South Africa, voluntarily support the Sullivan Principles. This effort does much more than improve the well-being of the small fraction of the total South African labor force working for U.S.-owned enterprises. The presence of these companies is in my mind an unquestionable force for progress and a strong indication of U.S. support for measures to eliminate these aspects of apartheid which we find most discriminatory and unjust. To forceably evict these companies would be folly, and insure that the United States plays less of a role in future South African society.

I also share Mr. Simes' view that the U.S. policy of constructive engagement is not a perfect answer. I think all of us would agree with this—that there has not been as much progress in South Africa as desired. Mr. Simes continues, however, that:

There are no perfect answers in dealing with this tragic dilemma. Any leverage—short of sanctions—to persuade President Botha and his associates to expedite long overdue reforms is a political and ethical imperative. Yet nobody appointed the United States to become the moral policeman of the world. We should not be shy in communicating America's extreme disapproval of Pretoria's repugnant repression. But with all its sins, South Africa is not Nazi Germany reincarnated. If we launch an economic war against it, what are the implications for dealing with such oppressors as Zimbabwe, Iraq, or the U.S.S.R.?

Mr. Chairman, the facts before us today do not signal that either U.S. interests or the South African blacks' interests, would be justly served by approving this legislation. While the legislation may prove appealing to some on moral or ethical grounds, let us not delude ourselves into thinking that this legislation will in any measurable fashion alter apartheid. It will not. The United States should strongly make known its repugnance to apartheid, to the Pretorian regime. But to approve this legislation, and insure our inability to control the outcome, may very well be a prescription for trouble.

Let me now offer my views in support of rational and forward-looking alternatives. These are the substitute amendments offered by my good friend and colleague from Michigan, [Mr. SILJANDER] and my colleague from Wisconsin [Mr. GUNDERSON].

The amendments, Mr. Chairman, state plainly, that apartheid runs against the principles of civilized nations, debases human dignity, and is repugnant to U.S. values. They reaffirm our policy in opposition to apartheid, and states that the United States seeks to promote change in South Africa through peaceful means.

Furthermore, they recognize that U.S. objectives can best be served by directing U.S. influence toward building institutions that will enable South Africans to challenge apartheid, and declares that to that end, the United States supports an impartial judicial system, free trade unions, and full participation of all the people of South Africa in the social, political, and economic life of that country.

The Siljander amendment would also establish a United States Commission on South Africa, which would conduct a thorough study on the progress the Pretorian regime is making in: First, eliminating the system of apartheid, and second, encouraging full participation of blacks and other nonwhites in the social, political and economic life in South Africa. The Commission would report directly to the Secretary of State and the Congress on their findings, and would issue a final report after 3 years.

In addition, the amendment would require all U.S. companies and foreign business enterprises operating in South Africa employing more than 20 persons to adopt the principles embodied in the Sullivan codes. Compliance with these principles would be mandatory. It would also support trade unions, establish a human rights fund, and increase in number and type

scholarships available to black South Africans.

Mr. Chairman, I believe we have an historic opportunity today to not only express our strong opposition to apartheid in South Africa, but to serve as a force for positive change in that important nation. I am certain that none of us would deny the importance of that nation to the West, nor would we deny that the Soviets would like nothing better than to continue their inroads in Southern Africa. We can insure that the United States remains a positive influence on the South African regime, and assists the legitimate aspirations of those fighting for peaceful change in that country. I strongly urge my colleagues to support the Siljander and Gunderson amendments to H.R. 1460.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I now yield to my friend from California.

Mr. BERMAN. I thank the gentleman for yielding.

The gentleman indicated in his comments once again, as he did when he was speaking earlier on the Siljander substitute, essentially that the ban on computer sales and export of computer sales will have no effect. I would like the gentleman to consider for a moment a few of the facts surrounding South Africa's use of U.S. computers, because it is not quite as fungible as the gentleman would make it appear to be.

A number of very sophisticated computers are now utilized by the South African Government, the Department of Statistics, local and regional Bantu Administration Boards to enforce the pass laws, to enforce the whole process of limiting where blacks in South Africa can live. They are covered by contracts that involve the providing of software, of continued maintenance, and continued service of those computers, long-term contracts.

The bill we are considering and which you seem to substitute your language for, affects those contracts. I would suggest to the gentleman——

The CHAIRMAN. The gentleman from Wisconsin has consumed 10 minutes.

Mr. GUNDERSON. Mr. Chairman, I yield myself 1 additional minute for the purposes of a response.

I appreciate the gentleman's remarks. I would like to simply respond with one thing. We are not going to eliminate the use of computers if we pass the Gray bill and impose a sanction prohibiting the sale of computers to South Africa.

First of all, many computers that are there will stay there. Anyone who is a specialist in computer software and technology understands the whole system.

Second, what is going to happen is that Japan and other computer specialists are simply going to come in and take over the market, so that in and of itself is not going to change it.

Likewise, the Gray bill provides for a 1-year delay in any of those sanctions which are proposed by the President. So what is going to happen? In both cases sanctions can occur. My proposal simply calls for some positive investments during the 1- or 2-year delay.

I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. Not at this point.

Mr. WOLPE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in very strong opposition to the substitute amendment that has been offered by my distinguished colleague from the State of Wisconsin [Mr. GUNDERSON]. The Gunderson substitute is virtually the Siljander amendment in slightly modified form, but it is essentially the same amendment. It raises the same issue as was raised by the amendment by my colleague from Michigan; namely, do we wish at this point to impose sanctions against South Africa, or are we going to continue current policy, which is to delay the application of sanctions. Because the essential thrust of the Gunderson amendment is to essentially delay any imposition of economic sanctions directed against South Africa.

I am not going to repeat the arguments that in my view require the rejection of this amendment because I think they were spelled out very clearly in the course of the debate on the Siljander amendment. This is essentially the same thing.

I do, however, want to take this opportunity, if I may, to just respond to some of the observations, some of the characterization that has been made of the position of Bishop Tutu with respect to the legislation that is before the House today, and particularly with respect to the substitute amendment that has been proposed by the gentleman from Wisconsin.

I have met with Bishop Tutu personally on several occasions over the past several years, both in South Africa and this country. Bishop Tutu has in fact recently testified before the Subcommittee on Africa.

At no point in any of those conversations has Bishop Tutu ever suggested for a moment his opposition to the application of economic pressures against South Africa. Moreover, he has affirmed his very strong support for the effort that is in process, to the very strong movement that is in process, the free South Africa movement designed to produce the kinds of economic pressures that are embodied in the legislation offered by the gentleman from Pennsylvania [Mr. GRAY].

Bishop Tutu, as the gentleman from Wisconsin noted in his own observations in the well just a moment ago, specifically has opposed the Sullivan code. Let me quote for a moment from testimony of Bishop Tutu before our committee last December.

"I have gone on to say that I do not, in fact, support the Sullivan code. While it has brought about some changes, improvements for some black workers, the basic weakness is that it is ameliorative, merely making things slightly more comfortable. Somebody has said we don't want our chains made comfortable, we want our chains removed."

To the extent that the substitute amendment by the gentleman from Wisconsin [Mr. GUNDERSON] embodies an affirmation of the importance of the Sullivan code, it is simply inappropriate to use Bishop Tutu as supportive of the approach taken by the gentleman from Wisconsin. Bishop Tutu is explicitly opposed to that approach. Bishop Tutu has gone on to say, again using the very quotation of the gentleman from Wisconsin, that he supports conditional investment. He has never said that he opposes economic pressure.

The Gray legislation before this body calls precisely for the kind of conditional investment approach that Bishop Tutu has himself described. What the Gray legislation does is to stipulate that there will be certain economic sanctions—no new investment and no importation of Krugerrands—imposed immediately which can however, be waived if each of the elements of the apartheid system are stripped away, and there is time permitted to allow reasonable progress to be made in a way that would be both steady and make sense. It would be achievable in a practical time frame.

So it is the Gray legislation the embodies the approach of Bishop Tutu, regarding condition of investment.

Finally let me say that when the gentleman from Wisconsin and other Members have cited Bishop Tutu in opposing legislation that would deal with economic pressure, what Bishop Tutu was referring to was disinvestment. He has said that he has not yet advocated publicly disinvestment. The legislation before us does not call for disinvestment.

□ 1420

It calls for no new investment. I might add that Bishop Tutu himself pointed out before our committee that South African law makes it illegal to call for disinvestment. I say that because I think it is important to understand the full context of Bishop Tutu's remarks which certainly unintentionally might lead some to a very diferent construction of their significance than is in fact accurate.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I would be pleased to yield 1 additional minute if I may because I want to limit myself here.

Mr. GUNDERSON. I thank the gentleman for yielding.

I do not think anybody on this side suggested that the Gray bill is a disinvestment bill. I never suggested that. I think however that while both sides might claim that Bishop Tutu was on their side, and I guess we understand both sides trying to do that, I would suggest that we look at the rhetoric, the exact words which Bishop Tutu has called for. He has called for increased foreign investment under stringent conditions. That is totally different than imposing immediate sanctions.

I think you cannot disagree with that.

Mr. WOLPE. If I may reclaim my time, increased economic development becomes possible under the Gray legislation if the kinds of conditions to which Bishop Tutu refers are in fact met. We do not preclude the possibility of additional investment. All that has to happen is that the South African Government must begin to take the steps to dismantle the system of apartheid.

Mr. Chairman, I yield 6 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the chairman for yielding.

Mr. Chairman, I commend my colleagues, Congressman BILL GRAY, chairman of the Budget Committee, and Congressman HOWARD WOLPE, chairman of the Foreign Affairs Subcommittee on Africa, for the outstanding work that they have done on this legislation. I rise in opposition to the Gunderson substitute and in strong support of H.R. 1460.

The efforts of Congressmen GRAY and WOLPE to reach a consensus as to how human rights principles can be practically converted into elements of U.S. influence in the affairs of other nations, particularly in this case of course, South Africa, are reflected in the bill now before the House.

Mr. Chairman, for the past 5 years the administration has not been sensitive to the plight of those subjected to government oppression and the human rights aspect of the situation in South Africa has not been taken sufficiently into account in shaping the bilateral relationship with that nation.

Neutrality or delay, in my opinion, on such an issue is not an alternative. I suggest to the Members of the House that the substitute before us is in fact a proposal for further delay. That, I do not believe is acceptable.

The United States must consider the long-term implications of its present relationship with South Africa. Most agree that one way or another the walls of apartheid will be torn down. The longer those walls remain standing, the more violent will be the means to bring them down. And we should not be supplying the mortar which sustains those walls.

There exists a basic and fundamental disagreement with South Africa over apartheid. On that point we seem to be in agreement in a bipartisan manner. The sponsor of this substitute has spoken eloquently and in agreement with the chairman on that particular issue. No longer, therefore, should we merely regret South Africa's legal framework. We must step beyond rhetoric. We need to give substance to our disagreement; we must not hesitate at this time.

Ultimately the United States cannot, as has been observed on this floor, eradicate apartheid. However, the bill before us, H.R. 1460, is a policy option which acknowledges that internal actions by the South African Government will provide the main impetus to change. It offers a means by which the United States can disassociate itself strongly, directly, and unequivocally from apartheid and furthermore pressures South Africa to move in a positive direction toward full political rights for all in South Africa.

The chairman spoke earlier in opposition to the Siljander substitute about the fact that this bill seeks political rights for all human beings in South Africa. This is an issue of fundamental concern to America.

South Africa stands within sight of a cataclysmic racial civil war. There is, I suggest to you, particularly when we are considering a substitute that wants a further delay, limited time for change. Black patience with achieving reform is understandably running out. We must not make the mistake of underestimating the depth of feeling and anger of the black community at continued humiliation, degradation, and denial.

The killings of the last 16 months, including the slayings of at least 19 people during a funeral march on the 25th anniversary of the Sharpeville demonstrations, reflect a deeper and dangerous mood. It is one of intransigence versus frustrated demands and rights. As the grievances mount and as a younger generation becomes encased in the shattered dreams of their parents and harsh confrontation, the violence surely will increase.

Mr. Chairman, not too long ago, a great man of vision appealed to the conscience of America. Rev. Martin Luther King, Jr., perhaps in a moment of frustration, perhaps as a warning, stated, and I quote:

> For years now we have heard the word "wait!" It rings in the ear of every Negro with piercing familiarity.
>
> Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick, and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society • • • When you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait.

Mr. Chairman, H.R. 1460 urges the Government of South Africa to seek accommodation with 22 million of its own citizens denied the inherent dignity that all men and women throughout the world should have. It is a reasonable bill and a timely measure. I strongly urge my colleagues to support the Anti-Apartheid Act of 1985 and to reject the pending substitute, however well meaning, that in fact says "Wait."

Mr. GUNDERSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I think that this body, I think that this Government must speak out in the loudest, most constructive way possible in its abhorrence of apartheid. There are many speeches that have been made over the last few days and in the sessions that preceded this particular one on this particular bill. I find myself in just about total agreement with all the speakers. I find the encouraging part about this debate is that we are all unified in what we want to do. We want to bring democracy to South Africa. We would like to use the influence of the United States in the most constructive way possible to see that this happens.

□ 1430

And this is why I believe that the substitute that is before us right now brings the best of all amendments and all substitutes together in one bill, because what it brings about is the added influence of the United States, its ideals and its objectives in a constructive manner, the constructive manner in order to bring change to South Africa.

The most destructive thing that we could do to the black man in South Africa would be to disinvest.

Now I know that the bill before us at this moment does not call for disinvestment, even though I believe a substitute that will be offered afterwards would, but I think to bring about economic hardship in any way, whether it be a freeze upon investment or whether it be disinvestment, is going to bring about the hardest hardship, the worst hardship, among those we are trying to help.

That is the poorest of the poor of South Africa; that is the black South African.

Only in an expanded economy are there going to be new jobs, are there

going to be responsible jobs, jobs in management which the United States has led the way in South Africa. Only in that way will they be offered to the black South Africans.

For us to in any way try to isolate South Africa among the family of nations throughout the world would bring about a galvanization of a corrupt apartheid that none of us want to bring about.

If we were to isolate South Africa in the world, then the only way to change would be violent revolution, and this is something that none of us would want to advocate, nor would we want the blood of such a revolution on our hands.

I believe what has been offered is the most constructive, progressive approach that we could possibly use at this time, but it is most important that we as the leading democracy in the world today do all we can to bring about the democratization of all of South Africa as well as any nation in the world today.

I believe that we have a responsibility. I believe that we have an opportunity with this substitute to bring about this change, and for us to be a vital part of that change.

I recently returned from South Africa, and I was very encouraged to see the contribution that American business had made to the life of the black South African, and these are the ones that need the help. These are the ones that need the American example; and it is through American involvement in South Africa that we can set the example which they will see would be to their best advantage to follow, and will bring about economic prosperity and hopefully political prosperity to black South Africa.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, the gentleman from Wisconsin, in arguing in favor of his substitute, attempted to characterize the legislation before us, with its waiver provisions, as in a sense simply a shorter period of time than his own delay before the imposition of sanctions.

I think the gentleman from Wisconsin inadvertently characterized this legislation in mistaken fashion. Only two of the sanctions are affected by the waiver provisions. The sanctions related to no new investments in South Africa, and sanctions related to the importation of the Krugerrand.

I think there is a categorical differentiation between those sanctions which are part of an effort to bring economic pressure on the South African regime to change its system of apartheid and the other two sanctions; that is, the ban on the export of computers and the prohibition on bank loans to the South African Government, which are efforts to weaken South Africa's ability to enforce apartheid.

Those provisions are not subject to waiver; the waiver provisions which apply to the other two sanctions are not simply delay sanctions until such time as some commission reports, but they are sanctions which only can be delayed upon a Presidential certification that one of the conditions set forth in the bill has been achieved, and second, that Congress by joint resolution has approved of that determination.

In addition, the gentleman from Wisconsin argues over and over again, as have others who have taken that position, why ban computers? The Japanese will just fill the void.

The fact is that this country, time and time again has made its decisions on sanctions in large part based simply on the fact of whether the sanctions were justified, and when this administration imposed sanctions and prohibited exports of potassium fluoride to Iraq, because Iraq was using that chemical to manufacture nerve gas, there was no belief that Iraq could not find this chemical from some other country; what this country was saying through this administration's unilateral action was, we are not going to play a role in that particular heinous act by supplying the chemicals.

The companies that manufactured those chemicals approved of those sanctions, because it provided them and insulated them from liability for the contracts they had to provide Iraq for those particular chemicals.

I suggest that the computer industry in this country, when it sits back and looks at the effect of these sanctions which we seek to impose will say, thank you for helping us avoid having to do business and fulfill contracts that help make apartheid work.

I ask for a "no" vote on the substitute amendment.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I would like to clarify for this body the fact that under current regulations and current industry practice, U.S. computer manufacturers are not selling computers to the major agencies of the South African Government that administer and enforce apartheid.

If the substitute of the gentleman from Wisconsin were implemented and current practices continue, that restraint in selling such computers to support apartheid would continue as well.

Mr. BERMAN. Will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman.

Mr. BERMAN. My understanding of the present situation is that in fact, certain levels of computers are sold to South African agencies which enforce apartheid including local and regional boards, which implement policies of segregation, and that the administration has specifically decontrolled personal computers to the South African Government, including agencies that support apartheid.

Mr. GUNDERSON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, there was some discussion earlier today about a letter that was written by conservatives with regard to apartheid and what its implications were to this particular debate, and I think that that discussion to some extent misrepresented the situation.

Because I believe that the approach taken by Mr. SILJANDER and now by Mr. GUNDERSON is precisely in line with what we detailed in a letter that I was one of the primary authors of, back in December, where we said as conservatives that we think that it is important in order to speak out against apartheid and to act against apartheid, that we begin the process of curtailing new investment and that we move toward diplomatic and economic sanctions that made some sense.

That was essentially the key paragraphs of that particular bill, or that particular letter.

The Gunderson approach moves us in that direction. What I somewhat resent in the debate is the idea that to have spoken out then locks you in to taking some approach which is a singular approach.

I think the Washington Post makes very good sense this morning when it says that there may be other approaches that make more sense than the approach being taken by the majority on this issue.

□ 1440

Well, in this case, the approach that makes some sense is the Gunderson approach because what you have there is an attempt to utilize American business in a way which causes positive movement within the country. We have heard a lot of discussion about people who have been to South Africa and have seen the situation there and have come to their own conclusions. Well, Mr. GUNDERSON has been to South Africa. I think his bill and his approach grew out of his visit to South Africa. I know that the South Africans that I have talked to in my office, to a man, who are anti-apartheid, have said flatly that they agree with this approach, an approach of mandatory Sullivan rather than disinvestment.

Now, I realize that there are folks who are saying, "Well, there is noth-

ing about disinvestment in the approach that the majority has brought to the Hill."

Well, let me just ask a question: The people who are parading out in front of the South African Embassy or the people who are demonstrating on the campuses with the signs that read "Disinvest now," would they be more supportive of the approach brought to us by the majority or the approach brought to us by Mr. GUNDERSON? My guess is that the majority is attempting in their bill to appeal to precisely that political sentiment.

Now, the one that comes the closest and is the most honest approach to that particular sentiment is the amendment to be offered by our colleague from California [Mr. DELLUMS], and that is certainly the approach that they would most agree with. But my point is that I think that the disinvestment forces, who sincerely believe that, also have some problem with the Gunderson approach because it is the true conditional investment aspect. And I think that if you believe, as I do, that South Africa will be well served and the majority of South Africans will be well served by a policy that positively moves us toward creating better economic conditions that rapidly, then empowers black citizens economically and then politically, that the approach that will do that is the Gunderson-type approach.

So I applaud him for bringing that particular amendment to the floor. I intend to support that substitute and I intend to support that substitute confident that it meets precisely the standards of the letter that conservatives put together in December. We think that that was a statement worthwhile. This would be a step worthwhile in fulfilling that statement.

Mr. GUNDERSON. Mr. Chairman, I yield 5½ minutes to the gentleman from Michigan [Mr. SILJANDER], the distinguished ranking minority member of the subcommittee.

Mr. SILJANDER. I thank the gentleman for yielding, and I rise in strong support of his substitute.

I think it is important in the course of the debate, as we to some degree pooh-poohed the Sullivan principles and what they have really done for blacks in South Africa, to look over the record. As a matter of fact, 2 weeks ago I was challenged by Mr. CONYERS of Michigan on the figure I gave that since 1977 $100 million has flowed into black education, health, housing and other programs from U.S. firms who are signatory to Sullivan. I was asked, "Where do those figures come from, and can you give me a breakdown?" And I am more than thrilled to do so today.

In education and training for Sullivan employees, for example, in 1982, 4,295 participated; in 1983, 13,369, a total of $6 million.

Blacks in training programs, 5,544 in 1982; in 1983, 6,942.

Blacks as a percent of total in supervisory and management categories—it is important that we talk about upward mobility and training blacks for management leadership skills—in 1979, the percent was 16.7 percent; in 1983, it was 21.2 percent, even with the severe recession in South Africa.

Scholarship and tuition refund programs, in 1979, 5,077 participated; in 1983, over 35,000 participated. Before the recession, nearly 68,000 participated.

Advancement training, in 1979 there were 9,298; now there are over 50,000.

Non-Sullivan employees involved in training programs, blacks, 22,000 in 1983, spending an amount of nearly $3 million.

Adopt-a-school program, under Sullivan signatories, there were 96 such adopt-a-school programs in 1980; there were 200 in 1983, and the goal is 1,000.

These are things that help the upward mobility for blacks. This is a forum, a positive, progressive forum, to help blacks begin dismantling that vicious apartheid system.

Financial contributions for education and training in 1978 was $1.2 million. And in 1983 it was $13.3 million, an elevenfold increase.

Health care, $2.4 million.

Small business development, $4.2 million.

And, to quote Mr. Sullivan, in an area I think is of vast importance, "the Sullivan signatories have been involved in helping change the political climate and the conditions in that country."

He says, "Many top signatory executives serve on executive committees of influential South African commerce and industry organizations. Three such organizations"—and he lists them—"have issued public statements in opposition to such proposed legislation as the orderly movement and settlement of black persons bill, intended to further limit the right of blacks to choose their place of residence. As a result," says Mr. Sullivan, "of strong and unified opposition from these organizations, as well as from some political parties, this bill was withdrawn."

Mr. Sullivan, in a recent article in the Washington Times, said not only are there 125,000 employees under U.S. firms under Sullivan but 1 million blacks, approximately 1 million people, most of them are blacks, he said are under signatory to the Sullivan code that are South African-owned companies that have nothing or little to do with U.S. firms except they follow the U.S. leadership.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding.

The gentleman quoted Dr. Leon Sullivan, who is a constituent of this Member of the House.

Mr. SILJANDER. I am well aware of that.

Mr. GRAY of Pennsylvania. Dr. Sullivan has been writing an op-ed pieces on this very subject.

I wonder if the gentleman did not also read in any of these op-ed pieces where Dr. Sullivan says:

> Meanwhile, there must be a moratorium on all American economic expansion in South Africa until apartheid is officially ended. There should be no new investments, no bank loans to the South African Government or its agenncies and an end to the sale of Krugerrands—

Mr. SILJANDER. I would like to regain my time to say that I have read the article, I am familiar with the article. It is certainly politically astute and sensitive on his part. He is a copastor, and he is a constituent, he certainly put the disclaimer at the end of his article. I think it was certainly sensitive and appropriate for him to do so.

But I would like to quote Mr. Sullivan, to summarize my remarks, your constituent, who says:

> We have made more progress in this regard—
>
> Regarding black progress—
>
> in those 7 years—educating our black brothers, providing job training and higher paying jobs and supervisory jobs, and management jobs, improving the medical care and health programs, providing decent housing, doing all of the things the Sullivan signatory companies have committed to do. I'm proud of the job the U.S. companies have done and are doing in South Africa. But it's not enough, and I keep saying to the companies we must do more, more, more * * *. We must move faster, faster, faster * * *.

And that is precisely why this substitute is important, to make those principles mandatory for new and existing businesses.

● Mr. MONTGOMERY. Mr. Chairman, I have supported the Siljander and Gunderson amendment because it does not hinder economic growth as the committee bill does.

It seems if you slow down economic growth it takes away jobs for blacks and other low-income persons.

The best way to erode apartheid is to impove the economy of this country and not to stop investments in South Africa.

By accepting this bill we will be, in effect, taking away our leverage of getting decent human rights in South Africa.

So it doesn't make good sense to just pull out of South Africa. To fight apartheid, I think, there are other ways to do it.

Mr. GUNDERSON. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 4½ minutes.

Mr. GUNDERSON. Mr. Chairman, let me begin by commending my colleague from Pennsylvania for offering this particular piece of legislation. I think he shares the feeling of every Member of this Congress and every person in this country who wants to change what is going on in South Africa. I offer you this afternoon what I believe is a thoughful, intellectual, constructive alternative. I believe it is a better strategy to achieve the common goals which are held by every American.

I have almost no blacks in my district. I am not on the Foreign Affairs Committee. And many can ask why am I involved in this issue.

I got interested in this issue because I have come to believe, as a youngster, that there is no such thing as the American dream. The American dream is a universal dream which exists in the hearts and in the minds of people all over the world, who simply yearn for the chance to be free and the opportunity to chart their own destiny.

When I see what occurs in other regions of the world, and particularly in South Africa, this afternoon, I want to know how we can be a constructive, positive contributor to change and to giving that American freedom to every citizen of the world.

My bill provides conditional investment. It encourages American investment in the next 2 years because we believe that is positive, and only if no progress is made at the end of 2 years do we say, yes, then we must take sanctions as our only alternative.

My bill provides economic incentive, scholarships for the blacks, funds for the Human Rights Commission and activities of the blacks politically in South Africa, extension of credit to various black businesses.

My bill requires the immediate implementation of the Sullivan principles not for 70 percent of the American companies operating in South Africa but for 100 percent of those companies.

□ 1450

My bill provides economic incentives; scholarships for the blacks; funds for the Human Rights Commissicn and activities of blacks politically in South Africa. Extension of credit to various black businesses. My bill requires the immediate implementation of the Sullivan principles not for 70 percent of American companies operating in South Africa, but for 100 percent of those companies.

My bill sets up a Congressional Commission on South Africa, so we along with the administration would be partners in the process of trying to bring about reform and change in that particular region of the country.

Finally, I would like to appeal to my colleagues on the Democratic side of the aisle who I know have made commitments to support the Gray proposal and know it will pass. As this particular proposal goes to a conference committee with the other body, if you believe as I do that we ought not only look at the issue of sanctions in terms of bank loans, computer sales, et cetera, but if you believe we also ought to be positive, that we ought to provide incentives in the fair labor area, incentives in education, incentives to black business and black enterprise, then send a signal, send a signal to the author of the bill; send a signal to your Members who will be on the conference committee that you want more than just negative reaction; you want positive, constructive proposals as well.

Vote for my substitute so that they will understand that when they bring a conference proposal back to this House, it will be more than just a statement, it will be a positive cause of expanding the American ideals to another corner of the world for all of the population of that country.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] has 15 minutes remaining.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GRAY], the principal sponsor of this legislation.

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding to me.

Mr. Chairman, we are coming to the end of a rather lengthy debate on a very significant issue that affects all of us in this great Nation of liberty and democracy. That issue is whether or not we will implement the great words that we all believe in as Americans—freedom and dignity. Will we put into action in our foreign policy towards South Africa those values that we have been quick to put into place with nations like Poland, Iran, Afghanistan, Iraq, Jordan, and other places where we have seen the denial of freedom, liberty, and dignity.

I want to, first of all, thank the chairman of the Subcommittee on Africa, the gentleman from Michigan [Mr. WOLPE], for the outstanding leadership that he has provided during this debate. I want to thank all of my colleagues for the high level of debate in which they have participated here on the floor of the House.

However, I must rise in opposition to the amendment by the gentleman from Wisconsin [Mr. GUNDERSON]. For ultimately there are four things that are wrong with this amendment.

First, there is a call for the institution of the Sullivan principles, a sense of Congress that the Sullivan principles ought to be implemented. Even the Senate decided not to have a sense of Congress resolution. They decided to make the Sullivan principles mandatory. But more importantly, the issue is not whether to implement Sullivan or not to implement Sullivan. For, indeed, Dr. Sullivan has made his position very clear. He states in articles that have already been partially quoted here today that he is for those principles which American companies should implement so that they will not be guilty of practicing apartheid inside of American owned plants in South Africa. There is no violation of South African law for any American company to do that.

American companies ought to be doing that and we should not even need a sense of Congress or a mandatory rule to say that American companies in South Africa ought to provide freedom, justice, and equal opportunity. But, some are suggesting here today that these principles will change or affect the political structure of apartheid. Even Dr. Sullivan, in op-ed pieces in the Philadelphia Inquirer, the Washington Post, and the New York Times, makes it clear that his principles address a very narrow problem, and that is that American corporations not practice the insidious system of apartheid within their walls.

He goes on to say, and I quote again: "Meanwhile, there must be a moratorium on all American economic expansion in South Africa until apartheid is officially ended. There should be no new investments, no new bank loans to the South African Government or its agency. An end to the sale of Krugerrands; a halt to the sale of any equipment, material, or services to the military or police backed up with embargoes, sanctions, and other penalties."

So Dr. Leon Sullivan would reject the Gunderson amendment on face value because this amendment does not reflect his position. The Sullivan principles do not attack the basic problem of apartheid—the political system of enslavement based upon race and the color of one's skin. Dr. Sullivan is simply saying that American companies should not participate in apartheid and I agree with him.

Second, the Gunderson amendment says let us provide financial aid for human rights activities and for scholarships. A noble cause; who is against scholarships and human rights aid? But is it not sort of anomalous, to say the least, that in a nation where there is the gross denial of human rights we are going to provide $1.5 million for human rights activities? In a country where people cannot live where they want to live, cannot go where they want to go, cannot vote for what they want to vote for, we are going to say, "We are standing for freedom and de-

mocracy. We are going to give $1.5 million for scholarship funds. Scholarship money to be used where? In the Bantustans? In the schools of the Bantustans? I am sure South Africa would love to have $1.5 million in scholarships to "educate" the black majority in those schools. It would relieve them of that problem and they could save $1.5 million to add to the disproportionate education of the minority white students there. Then the United States would be in the strange position; on the one hand, funding human rights activities to the tune of $1.5 million, while at the same time we are allowing a $600 million sale of Krugerrands in this country and permitting bank loans to the tune of $400 million to the South African Government. And we will be saying, "We are standing for freedom, justice, and democracy."

Do you believe the people of South Africa or the people of the world would actually believe us? No.

Then there is the third part of the amendment. Let us have a commission so that we can study apartheid. Let the Congress form another committee, another committee in the Congress to study apartheid. We will form it; the same ratios as the House; we will even send committee members to South Africa to study for a while. We do not need another legislative committee or a congressional commission to study apartheid.

Martin Luther King, Jr., used to have a saying about those back in the fifties and the sixties who were reluctant to change here in America and he said, "They always wanted commissions and study groups, and they always got caught up in the paralysis of analysis." So we are being offered the opportunity to get caught up in the paralysis of analysis, spend taxpayers' money so that we can study the problem some more.

Then finally, the fourth thing that is offered in the Gunderson amendment is that the suggestion, which has been a part of the debate for the last 4 days, is that somehow my bill is negative because it will hurt the majority. It will they say, "cause disinvestment," and we do not want to lose any of those precious slave jobs in the mines. Some seem to think that the issue is a loss of jobs, not a loss of justice.

□ 1500

These claims are not true. My bill does not call for the loss of any jobs at all, and each of those who have spoken and implied otherwise know that. It does not call for the loss of a single job.

I believe it is time for us as a nation to put our values into action, move beyond the rhetoric of "abhorrence of apartheid," and begin to say, as even those in the other body said yesterday when they adopted at least three parts of this bill, that the time has come to do something. Yes, we can argue about whether Chief Buthelezi is right or his cousin, Bishop Manos Buthelezi is. We can talk about Bishop Tutu. We can talk about Dr. Motlano. But let me remind you of three quotes, first John Vorster, the former Prime Minister of South Africa. Here is what he said:

> Each trade agreement, each bank loan, each new investment, is another brick in the wall of our continued existence.

This was the leading architect of apartheid saying "Continue to send money, America. You are strengthening me."

And if you do not want to listen to Bishop Tutu, let me take you back to a man who started a movement in nonviolence many years ago, and he was the first black to ever receive the Nobel Peace Prize. His name was Albert Luthuli, the former president of the African National Congress, the first black recipient of a Nobel Peace Prize, the first African and South African to be awarded a Nobel Peace Prize, and this is what he said years ago:

> The economic boycott of South Africa will undoubtedly entail hardship for Africans. We do not doubt that. But if it is a method which shortens the day of bloodshed, the suffering will be the price we are willing to pay.

Because the West would not heed those words, that movement, the ANC, has been forced to renounce nonviolence. Today they are willing to use violence.

Do you not see our good friends, the Soviets, rejoicing in that moment so they can send arms? If you want to stop the spread of communism, America, fight apartheid. If you want to help communism, embrace apartheid.

Then I would say finally to my colleagues before you vote, the real question for all of us is not over the fun and games of strategy but it is really the question of where we stand. Do we stand with the victims or do we stand with the oppressors? No matter how we try to rationalize it, that is the question.

I remember as a child growing up in the Deep South of this great country, a country that is so great that it had the ability to change and allow a black boy born in Louisiana, who grew up in the ghettoes of north Philadelphia, to become chairman of the House Budget Committee. I remember back in the 1940's reading in the newspapers in the South all of those who said, "The black folk are happy. We took a poll. No black leaders are upset with segregation and we are evolving."

No; we do not need to do that again. We know the answer. The answer is that we ought to take these modest steps to say where we stand as a nation.

Finally, I conclude by saying to all of my colleagues, we ought to do it because I believe every American from sea to shining sea, from Maine to Texas, from Pennsylvania to California, does not want this Nation financing apartheid. That is the issue. This bill seeks to end financing apartheid.

But if you do not want to listen to me, I want to remind you finally of someone who has been banned for a number of years. That is the practice in South Africa when you speak out against the apartheid system but they have no grounds whatsoever to justify locking you up. They put you in your house and say, "You cannot leave the house. You can only have one visitor at a time." And this has to be approved by the government.

There is someone similar to Sakharov and Shcharansky in the Soviet Union suffering this kind of oppression, like Lech Walesa in Poland. We lit a candle for Solidarity in Poland, but we will not strike a match for the blacks of South Africa. The person I'm quoting said this to the West, and I think she speaks to us in the hallowed halls of this great Congress. Her name is Winnie Mandela. Her husband is in jail and he will not leave because he will not bow to the apartheid oppression. She said these words when asked about what the West should do and whether or not sanctions would hurt South Africa's black majority. She said these words, and I am quoting her, Winnie Mandela:

> The West refuses to understand what we mean by saying leave us alone. We are tired of being well-fed slaves. We want to fight for our freedom on empty bellies. Stop sustaining and maintaining apartheid. Stop financing apartheid. Again, the white man prescribes for us. He tells us we will suffer, as if we have not been suffering.

That is Winnie Mandela.

I choose today to stand with the victims, not with the Vorsters, not with the Bothas, but to stand with the Nelson and Winnie Mandelas, the Bishop Tutus, and those who want to bring about peaceful change. If we as a nation fail to stand with those who are the victims of this most insidious form of oppression, then America is the loser. We will lose on the world stage as a nation that preaches freedom, justice, but it is only applied to certain people, and there is a double standard.

Yes, I want to hear those words, those words that are sung by Ray Charles, sung by the majority of South Africans. The day of freedom will come sooner or later, my act is not going to force apartheid to come down tomorrow. It is simply going to get us out of the business of financing apartheid, like Mr. Vorster wanted. But one day it will come to the point where those South Africans will look back and say, "Years ago the American Congress stood up and forced the West to join them," and they will sing with new meaning the lines so often sung by Ray Charles:

O beautiful for heroes proved in liberating strife,
Who love their country and mercy more than life.
America, America, may God thy goal refine,
'Till every success is nobleness and every gain divine.

I urge a "no" vote on the Gunderson amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GUNDERSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 8, as follows:

[Roll No. 138]

AYES—112

Archer	Hammerschmidt	Petri
Badham	Hansen	Porter
Barnard	Hartnett	Pursell
Barton	Hendon	Quillen
Bateman	Henry	Regula
Bentley	Hiler	Ridge
Bereuter	Hunter	Roberts
Bilirakis	Hutto	Roth
Broomfield	Jenkins	Roukema
Broyhill	Kolbe	Rowland (CT)
Burton (IN)	Kramer	Saxton
Campbell	Lagomarsino	Schuette
Chandler	Latta	Sensenbrenner
Chappie	Leath (TX)	Shaw
Cheney	Lewis (CA)	Shuster
Clinger	Lewis (FL)	Siljander
Cobey	Lightfoot	Skeen
Coble	Livingston	Smith (NE)
Craig	Loeffler	Smith, Denny
Daniel	Lott	Smith, Robert
Dannemeyer	Lowery (CA)	Spence
Daub	Lujan	Stangeland
Davis	Lungren	Stenholm
DeWine	Marlenee	Strang
Dickinson	McCain	Stump
Dornan (CA)	Meyers	Sundquist
Dreier	Michel	Swindall
Duncan	Monson	Tauke
Evans (IA)	Montgomery	Taylor
Fiedler	Moore	Thomas (CA)
Fields	Moorhead	Vander Jagt
Franklin	Morrison (WA)	Vucanovich
Frenzel	Myers	Walker
Gekas	Nielson	Whitehurst
Gingrich	O'Brien	Wolf
Goodling	Oxley	Young (FL)
Gunderson	Parris	
Hall, Ralph	Pashayan	

NOES—313

Ackerman	Boehlert	Chappell
Addabbo	Boggs	Clay
Akaka	Boland	Coats
Alexander	Boner (TN)	Coelho
Anderson	Bonior (MI)	Coleman (MO)
Andrews	Bonker	Coleman (TX)
Annunzio	Borski	Collins
Anthony	Bosco	Combest
Applegate	Boucher	Conte
Armey	Boulter	Conyers
Aspin	Boxer	Cooper
Atkins	Breaux	Coughlin
AuCoin	Brooks	Courter
Barnes	Brown (CA)	Coyne
Bartlett	Brown (CO)	Crane
Bates	Bruce	Crockett
Bedell	Bryant	Darden
Beilenson	Burton (CA)	Daschle
Bennett	Bustamante	de la Garza
Berman	Callahan	DeLay
Bevill	Carney	Dellums
Biaggi	Carper	Derrick
Bliley	Carr	Dicks
DioGuardi	Kleczka	Rodino
Dixon	Kolter	Roe
Donnelly	Kostmayer	Roemer
Dorgan (ND)	LaFalce	Rogers
Dowdy	Lantos	Rose
Downey	Leach (IA)	Rostenkowski
Durbin	Lehman (CA)	Rowland (GA)
Dwyer	Lehman (FL)	Roybal
Dymally	Leland	Rudd
Dyson	Lent	Russo
Early	Levin (MI)	Sabo
Eckart (OH)	Levine (CA)	Savage
Eckert (NY)	Lipinski	Schaefer
Edgar	Lloyd	Scheuer
Edwards (CA)	Long	Schneider
English	Lowry (WA)	Schroeder
Erdreich	Luken	Schulze
Evans (IL)	Lundine	Schumer
Fascell	Mack	Seiberling
Fawell	MacKay	Sharp
Fazio	Madigan	Shelby
Feighan	Manton	Shumway
Fish	Markey	Sikorski
Flippo	Martin (IL)	Sisisky
Florio	Martin (NY)	Skelton
Foglietta	Martinez	Slattery
Foley	Matsui	Slaughter
Ford (MI)	Mavroules	Smith (FL)
Ford (TN)	Mazzoli	Smith (IA)
Fowler	McCandless	Smith (NH)
Frank	McCloskey	Smith (NJ)
Frost	McCollum	Snowe
Fuqua	McCurdy	Snyder
Gallo	McDade	Solarz
Garcia	McEwen	Solomon
Gaydos	McGrath	St Germain
Gejdenson	McHugh	Staggers
Gephardt	McKernan	Stark
Gibbons	McKinney	Stokes
Gilman	McMillan	Stratton
Glickman	Mica	Studds
Gonzalez	Mikulski	Sweeney
Gordon	Miller (CA)	Swift
Gray (IL)	Miller (OH)	Synar
Gray (PA)	Miller (WA)	Tallon
Green	Mineta	Tauzin
Gregg	Mitchell	Thomas (GA)
Grotberg	Moakley	Torres
Guarini	Molinari	Torricelli
Hall (OH)	Mollohan	Towns
Hamilton	Moody	Traficant
Hatcher	Morrison (CT)	Traxler
Hawkins	Mrazek	Udall
Hayes	Murphy	Valentine
Hefner	Murtha	Vento
Heftel	Natcher	Visclosky
Hertel	Neal	Volkmer
Hillis	Nelson	Walgren
Holt	Nichols	Watkins
Hopkins	Nowak	Waxman
Horton	Oakar	Weaver
Howard	Oberstar	Weber
Hoyer	Obey	Weiss
Hubbard	Olin	Wheat
Huckaby	Ortiz	Whitley
Hughes	Owens	Whittaker
Hyde	Packard	Whitten
Ireland	Panetta	Williams
Jacobs	Pease	Wirth
Jeffords	Penny	Wise
Johnson	Pepper	Wolpe
Jones (NC)	Perkins	Wortley
Jones (OK)	Pickle	Wright
Jones (TN)	Price	Wyden
Kanjorski	Rahall	Wylie
Kaptur	Rangel	Yates
Kasich	Ray	Yatron
Kastenmeier	Reid	Young (AK)
Kemp	Richardson	Young (MO)
Kennelly	Rinaldo	Zschau
Kildee	Ritter	
Kindness	Robinson	

NOT VOTING—8

Byron	Emerson	Stallings
Dingell	Gradison	Wilson
Edwards (OK)	Spratt	

□ 1520

Mr. LIPINSKI and Mr. BREAUX changed their votes from "aye" to "no."

Mr. VANDER JAGT and Mr. DUNCAN changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DELLUMS: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PROHIBITION OF INVESTMENTS IN SOUTH AFRICA.

No United States person may, directly or through another person, make or hold any investment in South Africa.

SEC. 2. PROHIBITION ON EXPORTS TO SOUTH AFRICA.

(1) GENERAL RULE.—No goods, technology, or other information subject to the jurisdiction of the United States may be exported to South Africa, and no goods, technology, or other information may be exported to South Africa by any person subject to the jurisdiction of the United States. The prohibition contained in this paragraph shall apply to goods, technology, or other information of any kind, which is subject to controls under the Export Administration Act of 1979, the Arms Export Control Act, the Atomic Energy Act of 1954, or any other provision of law.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply to exports described in section 6(f) of the Export Administration Act of 1979.

SEC. 3. PROHIBITION ON LANDING RIGHTS OF SOUTH AFRICAN AIRCRAFT.

(a) PROHIBITION.—The Secretary of Transportation shall prohibit the takeoff and landing of any aircraft by an air carrier owned by the Government of South Africa or any citizen or national of South Africa.

(b) EXCEPTIONS FOR EMERGENCIES.—The Secretary of Transportation may provide for such exceptions from the prohibition set forth in subsection (a) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers are threatened.

(c) DEFINITIONS.—For purposes of this section, the terms "aircraft" and "air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958.

SEC. 4. PROHIBITION ON IMPORTATION OF KRUGERRANDS.

No person may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

SEC. 5. ENFORCEMENT; PENALTIES.

(a) AUTHORITIES OF THE PRESIDENT.—The President shall take the necessary steps to insure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with such provisions, regulations, licenses and orders. In insuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and

production of all books, papers, and documents relating to any matter under investigation.

(b) VIOLATIONS.—Any person that violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall—

(1) if other than an individual, be fined not more than $1,000,000; and

(2) if an individual, be fined not more than $50,000, or imprisoned not more than 5 years, or both.

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person violates the provisions of this Act or any regulation, license, or order issued under this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice, shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) RESTRICTION OF PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d) SEIZURE AND FORFEITURE OF AIRCRAFT.—Any aircraft in connection with a violation of section 3 of this Act or any regulation, license, or order issued to carry out that section shall be subject to seizure by and forfeiture to the United States. All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for purposes of this subsection, be exercised or performed by the Secretary of Transportation or by such persons as the Secretary may designate.

SEC. 6. REGULATIONS.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) UNITED STATES.—The term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(2) UNITED STATES PERSON.—The term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern).

(3) SOUTH AFRICA.—The term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Venda, and Ciske.

(4) INVESTMENT IN SOUTH AFRICA.—A person makes or holds an investment in South Africa if that person—

(A) establishes or contributes funds or other resources (including making a loan or other extension of credit) for the establishment of a business enterprise in South Africa;

(B) otherwise invests funds in a business enterprise in South Africa, including—

(i) beneficially owning or controlling a share or interest in such a business enterprise;

(ii) beneficially owning or controlling a bond or other debt instrument issued by such a business enterprise;

(iii) making capital contributions in money or kind to such a business enterprise, and

(iv) making a loan or other extension of credit to such a business enterprise, or giving security for the debts of such a business enterprise; or

(C) controls a business enterprise in South Africa, in cases to which subparagraphs (A) and (B) do not apply.

(5) FUNDS.—The term "funds" means money or other resources.

(6) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and such term includes the ownership of real estate.

(7) BRANCH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through an incorporated entity.

(8) CONTROL.—A United States person shall be presumed to control a business enterprise in South Africa if—

(A) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(B) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(C) the United States person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(D) the United States person has authority to appoint the chief operating officer of the business enterprise.

SEC. 8. APPLICABILITY TO EVASIONS OF ACT.

This Act shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this Act or any regulation, license, or order issued to carry out this Act.

SEC. 9. EFFECTIVE DATE.

The provisions of this Act shall take effect 180 days after the date of the enactment of this Act.

□ 1530

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes and a Member opposed to the amendment will be recognized for 30 minutes.

Is the gentleman from Michigan [Mr. SILJANDER] opposed to the amendment?

Mr. SILJANDER. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is indeed the last amendment that will be debated on the Anti-Apartheid Act of 1985. A number of my colleagues have, in an unsolicited fashion, indicated that this is the only intellectually honest amendment to be presented on the floor. I leave that to those of you in this body to make that judgment.

In order to make my statement, Mr. Chairman, I would like to go back about 55 years to the early 1930's in Nazi Germany when a number of our fellow human beings were required to carry cards and wear a yellow star to hyphen who they were.

It started in a very gradual way.

I was born in the middle of that decade, 1935. Beyond the middle of that decade, in the infancy of my life, Nazi Germany began.

So, Mr. Chairman, we began in the early 1930's in virtually the same way that South Africa conducts its business with respect to black people in that country. But by the late 1930's, Mr. Chairman, millions of our Jewish brothers and sisters were being killed.

I would like to believe that if this gentleman were a Member of the U.S. Congress that I would have raised my voice in my diametric opposition to that madness. I believe that I would have screamed out against the injustice and the brutal maiming and killing of millions of our fellow human beings. But I was merely an infant.

I am now an adult and at this moment, at this time, with respect to what is happening in South Africa, I cry out, I raise my voice to scream at the incredible injustice that is presently taking place in South Africa.

It is against that backdrop that I make my statement. I am motivated by the notion that each of us who are citizens of this planet, whether we are in or outside the formal body politic, have a profound obligation, indeed a major responsibility to stand up and speak out against injustice wherever it occurs anywhere in the world. And there are two ways that one can challenge injustice in the world: Peacefully or in a warlike fashion.

This gentleman is not asking the United States to declare war on South Africa. We have the technological ca-

pability to destroy that nation. But I am not a man of war. I try to raise my voice in peace.

It is in that second context that I offer the amendment today in the nature of a substitute. We have a responsibility to speak.

Mr. Chairman, the premise upon which I speak is as follows: Apartheid is unspeakably horrendous, evil, immoral and politically wrong. Mr. Chairman, the United States and its citizens are accessories to this evil by virtue of our acquiesence and our support of the injustices and the immorally reprehensible Government in South Africa. Unrest, violence, deaths continue, continue to escalate in that country.

Mr. Chairman, our, the United States, political ideals, moral teachings and our history require that we change our policy.

At this point I would like to begin to elaborate upon that statement by first saying this, something that has not been introduced into this debate, and that is that the struggle against apartheid in South Africa is as important to the emotional and mental and intellectual and political well-being of this Nation as it is for the savings of our brothers and sisters in South Africa. We are a multiracial Nation. What do we say to the blacks, to the browns, to the reds, to the yellows, and to the whites in this country who understand the commonality of our brother and sisterhood when we continue to cling tenaciously to policies that would allow a nation based upon an absurd and antiquated notion of racial supremacy to continue to go forward? So no one has said on this floor that what we are about here is as much about the liberation of America as it is the liberation of our black brothers and sisters in South Africa.

Healing must take place in this country. Martin Luther King talked about the dreams that are still deferred.

I am a black man. I represent the district that I was born in, raised in, educated in, cried in, fought in, dated in, played baseball in. I come to this floor and all of you know that I take every single opportunity at my disposal to advance my full citizenship because I walk in that door every single day assuming that I am a full participant in the body politic. To do less would be to diminish me. To do less would diminish 500,000 people who are my constituents. To do less would be to diminish the process itself.

So we all sit here, men and women, black and white, brown, yellow, but when we vote we are all equal. That is the statement that we must take forward into the world if we are indeed committed to it.

So we must get beyond the last vestiges of racism and discrimination and prejudice and hatred and misunderstanding that have been an integral part of the 200 years of our past. And so this debate is not singularly and simply a debate about South Africa. Understand it is as much a debate about America as it is about South Africa.

So I do not come into the well with a sense of noblesse oblige. This is not my noble obligation. I am not here as a missionary. My self interest is involved in the liberation of all people on this planet.

□ 1540

America has to be an integral part of painting a different face to the world and it cannot be done it seems to me while we continue to engage in a relationship with South Africa. The policy of constructive engagement has not worked. We all know that. It is, indeed, an un-American policy, Mr. Chairman, in that it fails to support the principles upon which we ostensibly believe.

Let me state it a different way: I believe that to oppose apartheid in South Africa should be as American as apple pie. Mr. Chairman, from the most rightwing Member of this body to the most leftwing Member of this body and everyone in between should be unified on this issue. This is not the latest liberal issue of the day. This issue transcends the narrow confines of our ideological perspective. The reason why I say opposing apartheid should be as American as apple pie is as follows: If any of you in the Republican Party, in the Democratic Party, in all wings of the political spectrum believe truly in your heart of hearts and in your mind in the equality of human beings and the magnificence of the human spirit, black people in South Africa, people of color in South Africa are not dealt with as equal human beings. If you believe in individual rights that are enshrined in the Constitution of the United States, due process: When I went to jail before the South African Embassy I knew that the next day I would be arraigned before a judge. I knew that if I needed it I could solicit an attorney. Not true for black people in South Africa.

The freedom to speak: This black man stands in the well and has the audacity to challenge policy to which I disagree. My brothers and sisters in South Africa do not have that opportunity. I stand in this well to challenge on behalf of my constituency as a black man, interestingly enough with a predominantly white constituency; 18.2 percent black, 27 percent total nonwhite, 71 percent white, for 10½ of the 14 years that I have served in the Congress.

So it shows that people have the capacity to get beyond the earth-bound, mundane, pedestrian notions of the color of one's skin, to the level of their ideas and their competence and their capabilities. If it can happen in one little place in California then it can happen all over the world. So it is indeed un-American that we continue to embrace the notions of apartheid.

Freedom of assembly: I go where I choose, meet with whomever I choose. That is an inherent right. It is part of my birthright. My wife and I gave birth to three children. They have rights as citizens. They did not have to fight for them. We did the fighting.

My children did not have to die for it. The Kings and the Malcolms and others did the dying for it. But it is now their right. But that is not true in South Africa.

So how can we wave the flag as Americans based upon our democratic ideals and embrace apartheid? We believe that every single individual in this country at a certain age shall have the right to vote as an inherent part of our flag-waving. Black people in South Africa do not have that. We can travel anywhere that we choose to go. Some of my colleagues even think the mass transit is a Communist conspiracy because it means getting people out of their individual automobiles so that they cannot travel freely. So we cling tenaciously to the notions of the right to move freely.

Not true for our people in South Africa.

Freedom from arbitrary arrest and police terrorism: Not true in South Africa. So this is not a liberal issue, my colleagues; this is not a democratic issue; this is a human question that is as much American as it is the problems of South Africa. We cannot support a regime that does not show its concern for the welfare of its own people, with an incredibly high infant mortality rate in South Africa. Over half of the children in the Bantu stands die before they are age 5. We fight tenaciously in this country, many of my colleagues, on the issue of abortion.

Then stand with me in opposition to being in bed with the nation that allows its children to die simply because they are a different color. It is a contradiction to do less.

Poor health conditions for blacks and nonwhites; government policies that are destructive of the family. How many times have we heard President Reagan go on television and talk about returning to traditional family values? In South Africa we are destroying the family. How can you make that statement in one side of one's mouth and then turn and face to the other side of the reality of what is going on in South Africa, and our acquiescence in it, and our support of it?

South African black people, unfortunately, cannot seek their freedom peacefully. But the international community that we are an integral part of have the capacity and the leverage to

cause the South African Government to come face to face with black South Africans and forge true democracy through dialog and conciliation. And we must be in the forefront of forging and developing that international pressure and that international public opinion. It is our responsibility.

Constructive engagement has failed and I will not go through all the reasons why. You have already heard them.

The question for America is this: How can we minimize the bloodshed and promote political freedom and economic justice? I believe that America must take steps to promote justice and to promote freedom. We must legislate a series of actions that will withdraw our support and end our acquiescence to a legally sanctioned and oppressive and brutally enforced system of apartheid.

That is why I have introduced this alternative amendment in the nature of a substitute.

Mandatory disinvestment, a ban on exports to South Africa, prohibition on the sale of Krugerrands, denial of landing rights in the United States to South African aircraft.

In other words, Mr. Chairman and my distinguished colleagues, adoption of a policy that demonstrates our total, not mediocre, not moderate, not compromised, but total abhorrence of South Africa's policy on apartheid.

The key, Mr. Chairman, is disinvestment. I would say to my colleagues who support no new investments: How can you then fashion an argument that says "I support no new investments because investments support the killing and the dying of people," I would then say that there is already a corporate structure in South Africa spending billions of dollars killing our brothers and sisters in South Africa. It is a contradiction to say that you support no new sanctions and then turn your back on the question of disinvestment at this moment because our people are dying, not of new speculative investment; our people are dying not of new speculative loans; they are dying as a result of the propping up of a system of apartheid that we are presently participating in, American corporations, now.

I understand the political realities. I have been here 14½ years but that does not say that my approach is not honest. That does not say that disinvestment is not real. Maybe some of my colleagues lack the political courage to take the step, maybe they have counted the votes and said, "Well, maybe we can get a moderate bipartisan proposal through." But understand that is all it is, it is a moderate, bipartisan, Washington political statement. We are still in bed with South Africa. It does not make me go to bed feeling any better because we said "no new loans, no new investments" because they are not the ones killing our people.

□ 1550

It is the corporations presently there, cropping up and supporting an atmosphere that is conducive to racism and oppression that is extraordinary on the face of this earth.

Mr. Chairman, why should American corporations be required to pull out? Foreign investment is the glue that holds the apartheid system together.

My distinguished colleague, the gentleman from Philadelphia [Mr. GRAY] quoted the former South African Prime Minister Vorster, and I requote:

Each trade agreement, each bank loan, each new investment is another brick in the wall of our continued existence.

Again, if you can argue that no new investments are appropriate, then it seems to me if you are outraged about what is taking place and our role in it, then it seems to me that it is intellectually and politically and morally consistent to stand with me and call for immediate and total disinvestment.

Anything short of that, then you have to see it for what it is. The study, "U.S. Investments in South Africa: The Hidden Pieces," show U.S. investment in South Africa to be at least $8.1 billion. Some people say it is as high as $14 billion.

American support for South Africa is greater than even the numbers suggest. For example 70 percent of the computers—American firms; 44 percent of the energy—American. American technicians man South African nuclear reactors.

With respect to transport; Ford and General Motors are used by South African military and police. The two firms comprise 24 percent of all of the South African automobile industry.

As the manager-director of Burroughs, S.A. Carlton said in early 1970's, and I quote:

We are entirely dependent on the United States. The economy would grind to a halt without access to computer technology of the West.

Foreign corporations provide direct strategic support of South Africa. We are told that corporations are progressive forces for change and disinvestment that would hurt black South African economy would lead to reform.

Let me address these issues, because I believe those assertions by the corporations and the South African Government—so obvious political and financial self-interest.

First, the corporate self-interest is clear, Mr. Chairman. Besides everything else, apartheid is a system of labor control. Exploitation of cheap black labor means high profits. South Africa attracts foreign captial because it has two economies, Mr. Chairman, not one: The developed "white" economy which provides a good market for consumption, and the underdeveloped "black" economy that supplies the cheap labor.

There is no basis to the argument that a growing economy lessens apartheid. I would suggest any mediocre student of the recent history of South Africa would rapidly come to the conclusion that things have gotten worse; they have not become better.

The CHAIRMAN. Will the gentleman kindly suspend?

The Chair would advise the gentleman that he has consumed 20 of his 30 minutes.

The gentleman may proceed.

Mr. DELLUMS. Thank you very much, Mr. Chairman. Let me move past a few of these points and come to this:

There has been a great deal of talk about the Sullivan principles; it only affects 1 percent of the total labor force, and as one official of one federation of South African trade unions called them, "window dressing in a broken window."

The effect of a U.S. pullout would affect less than 1 percent of the labor force, but let us say that it would affect more than that. This would be a small amount of suffering in comparison to the daily suffering and dehumanization caused all black people in South Africa.

The critical issue for black South Africans is not standard of living; it is freedom. Even those blacks employed by U.S. firms cannot vote; they cannot freely choose where they live; they cannot freely choose whom they will marry. Divestment may help create a situation where this type of freedom could be blamed for all blacks.

You know, one could make the argument that during slavery there was full employment. Do you think that we would have loved to continue to be slaves in order to maintain our jobs, or was there something much more noble to struggle for? Our freedom. Freedom that I express on this floor of Congress and that I exercise—it is not about a job or a standard of living; it is about the dignity of the human spirit and the right of human beings to function.

Mr. Chairman, I have proposed a number of things, but even if it is just the 1 percent. Steve Biko made the following statement:

The argument is often made that the loss of foreign investment would hurt blacks in the short run, because many of them would stand to lose their jobs. But it should be understood in Europe and North America that foreign investment supports the present economic system of political injustice . . .

If Washington is really interested in contributing to a development of a just society in South Africa, it would discourage investment in South Africa. We blacks are perfectly willing to suffer the consequences. We are quite accustomed to suffering.

Steve Biko was killed, killed, murdered in 1977 as he sat in jail, in incommunicado status.

Mr. CONYERS. Mr. Chairman, would my colleague yield at this point?

Mr. DELLUMS. If my colleague would just let me finish, and then I will yield.

I yield to the gentleman.

Mr. CONYERS. I would like to remind the distinguished leader of this portion of the substitute that there are many of your colleagues who are desperately anxious to join you in this particular and most important part of the debate.

I only would wish that the gentleman would remember that we have probably a limited amount of time, and I want to join him. That is the only point I want to make at this time.

Mr. DELLUMS. I thank my colleague, and I appreciate it.

The tragedy is that we are standing here on what I consider the most important debate other than dropping nuclear bombs to destroy life on this planet, as one of the two most important issues we will discuss in our modern lifetimes, and we are sitting here with 30 minutes, and I understand that; I will wrap it up, and I will give my colleagues an opportunity. Hopefully, my distinguished colleague and friend over here may give us a few minutes to allow a few people to speak, I do not know.

Mr. CONYERS. I thank the gentleman.

Mr. DELLUMS. Let me summarize, Mr. Chairman.

I am deeply appreciative of this opportunity. I wish we had more time to debate this matter. There are many, many more statements this gentleman wishes to make.

I would just finally say to those of my colleagues on the Republican side of the aisle who say that the present bill before the body is too moderate, you now have an alternative. For those of you on this side of the aisle who say no new investments, that we have to move away from our economic support of South Africa, reach into your gut, reach into your spirit, and reach into your conscience; not your political machination, but into your conscience, because I am not here just to be a spear-catcher. I am here to win, and I would like to beat you, and I would like you to join us, because I want America out of bed with South Africa. We have a responsibility to make a political statement to ourselves for healing; to make a statement to the world that we stand for something.

My colleagues oppose communism. I have always said if you want to oppose an idea, come with a better idea. The better idea is democratic principles; get out of bed with South Africa, divest. I hope my colleagues of conscience will join me in support of this amendment, and I thank my colleagues.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has consumed 25 minutes. He has 5 minutes remaining.

Mr. SILJANDER. Mr. Chairman, I yield 30 seconds to the gentleman from South Carolina [Mr. HARTNETT].

Mr. HARTNETT. Mr. Chairman, I want to commend my colleague from California, who is an articulate spokesman and say to him that in his remarks, when he said that in his opinion it was not just quality of life for the people of South Africa, that it was freedom. There are many of us who feel that strongly about national defense in this country; that it is not just the quality of life for our people here in these United States, but their freedom.

So I say to my colleague who sometimes does not want to be as strong on national defense as I am, that as he feels, it is not just quality of life for the people of South Africa, but freedom. There are those of us in this Congress who feel that it should not just be quality of life for the people in our country, but freedom.

Mr. SILJANDER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, "few things are as stimulating as other people's calamities observed from a safe distance." This maxim by George F. Will describes a rather fundamental characteristic of human nature, a behavior pattern that I would suggest is largely responsible for this very ill-conceived piece of legislation, H.R. 1460. As Members of Congress, we have been debating what to do about South Africa for nearly 2 years now, ever since the export administration act came to the floor in the autumn of 1983. I believe now, as I believed them, that this debate is much in need of a healthy dose of realism.

In an African Continent reeling under the burdens wrought by political repression, failed economies, tribal warfare, poverty, starvation, and squalor, South Africa has been singled out by some Members of Congress as a country deserving of economic sanctions. In its own way, this special focus on South Africa reflects the larger realities about the contemporary situation in Africa as a whole, realities that no amount of congressional action can change.

The point is often made in our Foreign Affairs Committee that double standards are continually being enshrined in foreign assistance bills and other legislation reported from that committee. I would define that double standard this way: Our approach to countries that have not experienced a leftwing revolution emphasizes a historical necessity for change, an inexorable process must be set in motion leading to a fundamental change in the present situation. Once a country has experienced a so-called popular revolution however—a leftwing takeover—our new approach to that country emphasizes an implicit acceptance of the new tyranny and the new abuses committed in the name of the revolution. Whether it be, for example, the Sandinistas in Nicaragua or the Mengistu regime in Ethiopia, the new tyranny, the new repression must be accepted as a permanent fact of life.

It is in this double standard that I find the focal point of the legislation before us today. There can be no mistake: The South African policy of apartheid is a calamitous and heinous system that justly deserves the condemnation of the civilized world. We all believe that. If South Africa is truly a member of the Western World, as the Pretoria Government often claims, that government must make good its claim by implementing at the very least those essential civil and economic liberties that are the heritage and hallmark of Western civilization—liberties that must be granted to all South Africans. And those countries that have formal relations with South Africa must encourage at every step the peaceful evolution of free institutions within that country.

How our country can contribute to peaceful change in South Africa should be what we are debating today. Instead, however, we have a debate in which the critics of the Reagan administration's policy of "constructive engagement" in dealing with South Africa have presented not one shred of evidence that a policy of de facto disengagement holds out the promise of anything better. And H.R. 1460 is exactly that: A disengagement of American interests and investment with South Africa, a ritualistic washing of our hands, an implicit acknowledgment that there is nothing we can do to help—so bring on the turmoil, upheaval, and revolution in South Africa.

A recent article in the Christian Science Monitor explains the false hope behind this kind of approach to South Africa very well. Written by Dimitri Simes, a senior associate of the Carnegie Endowment for International Peace, the article correctly notes that disinvestment and other punitive sanctions against South Africa will indeed cause problems for the government there. But the writer goes on to make this warning—and everyone should listen to this very carefully: "Those who are ready to play with the destabilization of South Africa should be prepared to accept responsibility for triggering an unmitigated disaster." Is there anyone in this House who wants to accept that responsibility? If Members do not, then vote against H.R. 1460.

What is at stake in South Africa concerns more than the people living there, the South Africans of all races who will serve as cannon fodder for the radicals of both the left and the right. What is at stake in South Africa also affects the rest of Africa. A peaceful resolution of the internal problems in South Africa and an improvement in the relations between all nations in southern Africa are indispensable to the future of development and security of the African Continent as a whole.

South Africa commands the only effective physical infrastructure in southern Africa. And the half has never been told concerning South Africa's trading relationship with its southern Africa neighbors and other countries in the continent. Countries as far away as Zaire and Kenya have relied on South Africa as a source of vital foodstuffs.

And, whether we like it or not, our own country must maintain a vital trading relationship with South Africa to guarantee our own survival. South Africa is the free world's preeminent supplier of manganese, vanadium, platinum, and more than a dozen more of the strategic nonfuel minerals and metals on which our heavy industry and national defense efforts are based. The Soviet Union and South Africa together control over 75 percent of the world's supplies of these minerals and metals. No congressional fiat can change that fact. Nor can congressional posturing do away with the gold and diamond reserves in South Africa on which the free world is also primarily dependent. I have always been struck by the ironic fact that our trade embargo against Rhodesian chrome meant that we had to make our chrome purchases from the Soviet Union instead.

Mr. Chairman, no one policy option can encompass or address all of the complexities and paradoxes of the South African situation. Whether it be the carrot or the stick, no one policy or approach holds out the promise of being infallible. But it is within our power, as Members of Congress, to resist the temptation of dealing with South Africa purely from an attitude of malice.

I believe that our country can best serve the cause of freedom and justice in South Africa by staying there: To encourage American businesses to invest there, to employ and train and house nonwhite South African workers, to implement fully the Sullivan fair-employment practices code, and to participate in the process of change that is even now underway.

Now is the time to expand our educational and human rights programs in South Africa—to encourage, rather than belittle, the efforts of those conscientious South Africans of all colors who are striving for peaceful change. The emerging demographic and economic realities of the situation in South Africa have created a complicated network of political and moral imperatives. As South Africa undertakes the difficult task of sorting out its priorities, we should stand ready to help the process and not to vilify it.

The choice before this House today is whether we will indulge ourselves in a moment of satisfaction and selfcongratulation—getting a kick out of washing our hands of this whole matter and leaving South Africa to bleed—or whether we will do the right thing and commit ourselves to seeing this matter through over the long haul. The question is whether or not we really believe South Africa is important enough to be involved in—whether or not the issues at stake in that country are important to the future Africa and to our own future as well.

I am well aware of the passions this issue generates. But there comes a time when each of us must set aside a little of our own infallibility and try to do what is right for the people of South Africa and the people of the United States. The very fact that we are even conducting such a debate—is testimony to the fact that our country does have leverage in South Africa and that change in that country is possible. If such were not the case, we would not be wasting our time with this debate. I hope that some day we will conduct such a debate on the Soviet Union, the People's Republic of China, and other countries.

□ 1600

Mr. SILJANDER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Chairman, I want to begin, first of all, by saying that, while I shall not be supporting the amendment offered by my distinguished colleague, the gentleman from California, I believe he has performed a very significant service in pressing this amendment before this House. I am pleased we have the opportunity to debate the Dellums substitute. While many advocates of sanctions against South Africa are heartened to see the United States Congress finally on the verge of adopting certain antiapartheid sanctions, adopting a very different approach to South Africa than that embraced in the policy of constructive engagement, it is important, as the gentleman from California [Mr. DELLUMS] reminds us, to remember that there is a vast body of Americans who have been calling for total disinvestment from South Africa for several decades now. As chairman of the Africa Subcommittee for the past 2 sessions of Congress, I have heard testimony from a variety of influential Americans who believe that disinvestment is both the correct moral position to take as well as the most sound policy for America to adopt in pursuit of a nonracial democratic state in South Africa, which ultimately would be best serving America's national interests.

It was in December 1962 that Dr. Martin Luther King, Jr. issued a joint appeal with Chief Albert Luthuli calling for sanctions against South Africa, including disinvestment.

The gentleman from California [Mr. DELLUMS] himself testified before my subcommittee this year. He and the gentleman from Michigan [Mr. CONYERS] had introduced disinvestment legislation as early as 1971.

This is not a new issue, and this is not a new or, for that matter, a radical proposal.

In January of this year, Dr. Clifton Wharton, who is a director of the Ford Motor Co. and chairman of the board of the Rockefeller Foundation, testifying before my subcommittee, stated:

> One hopes that from what surely is a national consensus will emerge a national policy that will reflect U.S. determination to sever normal ties with South Africa.

Dr. Wharton added:

> United States corporations should cease doing business in South Africa and withdraw as rapidly as possible * * *. I believe the time for debate and discussion has run out!

It is not often that we find a representative of the corporate world advocating disinvestment, but that was precisely Dr. Wharton's unequivocal message.

In fact, there are already American corporations beginning to disinvest out of a recognition that it does not well serve their economic self interest to be identified with the system of apartheid or to be involved in a situation of growing political and civil unrest in which virtually war zone conditions are developing in some portions of the country.

In fact I have occasionally been asked my own advice by some corporate leaders as to what I would recommend. I think corporations staying in South Africa at this point may be doing a disservice to their own shareholders, because I think that is simply not the wisest policy to be pursuing.

Having said that, I want to say that I, along with the gentleman from Pennsylvania [Mr. GRAY] and other cosponsors of H.R. 1460, have gone out of our way in the development of the legislation that is before this body to emphasize that H.R. 1460 does not—I repeat: does not—call for disinvestment. We have emphasized the moderate nature of the sanctions of the Antiapartheid Act of 1985 because they are indeed moderate. We believe that the political reality today suggests that these moderate restrictions can in fact pass this Congress, and become

American law. What we have been attempting to develop is a package that will both be effective in the sanctions that are imposed and will enjoy the broadest base of bipartisan political support possible. We think that kind of message directed at South Africa would be very dramatic in and of itself and would begin to signal to South Africa that we've had it with constructive engagement and that absent significant change, more will follow.

I say that because I think it is important that while, as I said before, I will not be in a position to support the gentleman's substitute today, I think it is important that Members of this body begin to think through the full implications of what the gentleman from California [Mr. DELLUMS] has offered today. Because we may well be here again a year from now or 2 years from now, once we have an opportunity to see what happens in South Africa. And if indeed there has been no progress and only further repression and further deterioration, I think we are going to find larger numbers of Americans insisting that more pressure is needed and that disinvestment may in fact be the only way to go.

So I thank the gentleman from California for really raising this issue in the way in which he has, and I would plead with the corporate community to look very seriously at their own continuing involvement.

□ 1610

Mr. SILJANDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to thank the gentleman from California [Mr. DELLUMS] for his honesty. I said that earlier today several times and I sincerely mean that. I think when we compare the Gray bill with the Dellums approach, there is a clear difference. There is no doubt about it.

The Gray bill, from my point of view, is a half-way measure. We battered this around significantly on the floor today dealing with banning computer sales. I have argued, as others have, that Japan could easily fill in that void. They have increased their market share 206 percent since 1976 to 1983.

What would Dellums do versus Gray? Dellums would simply say no computers at all. He makes it unequivocably clear. Now the second point, the Gray bill bans bank loans just to the Government. Why ban bank loans just to the Government? If we are serious about disassociating ourselves completely, from a racist system then why not ban bank loans to the private sector as well?

If we are serious about it, and I am not advocating this position, but if we are really serious from that point of view, intellectually honest, why not do so? Statistically, half of all the bank loans to the Government have already been eliminated without a need for a Gray bill. Further, in an April issue of the New York Times, it said:

> Virtually all major banks have stopped lending to the government and its agencies. Citicorp, J.P. Morgan & Co. and the NCNB Corp. adopted policies prohibiting loans to the public sector as well.
>
> Fresh lending to the Government by American banks appears to have been virtually stopped.

So my argument is that banning bank loans in itself will put no additional pressure that is already being placed without the Gray bill. Again, the Dellums substitute is more honest than Gray.

The third issue, and I think it is quite crucial, deals with Krugerrands. Banning Krugerrands to the South African Government will have no real economic effect. I tell you what is does have effect on: For every $350 Krugerrand, a black family receives, working in the mines, $49. Is that worth cutting the Government of South Africa out of 40 cents? That translates into $750,000 lost to the Government per year and $85 million lost, however, to black families in South Africa per year based on banning new sales of Krugerrands and imports of Krugerrands.

Keep one thing in mind: One worker feeds 6.6 to 10 other mouths. Five hundred and fifty thousand black workers makes literally millions of blacks that this banning of Krugerrands could possibly affect. Lesotho; 65 percent of their GNP is based in South Africa, and 51 percent of that GNP is based in gold.

Botswana, Swaziland, Zimbabwe, Angola, Zambia, and Nambia would all be hurt by this Krugerrand ban. I say if this is really your interest, then let us go with what DELLUMS does; he bans everything: chromium, manganese, platinum, gold bullion, coal, diamonds; everything.

Mr. LELAND. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. For 10 seconds.

Mr. LELAND. Come on, give me more than 10 seconds. The issue is——

Mr. SILJANDER. I yield for 10 seconds.

The CHAIRMAN. Does the gentleman decline to yield?

Mr. SILJANDER. I yield the gentleman 10 seconds to make a point or a comment.

Mr. LELAND. The point is is that how is it that you can put a caveat in justice? How is it that you can say that it is all right to accept all of the other atrocities but you take 49 cents out of the amount of money that they get from the sale of Krugerrands in this country?

That is a caveat; that is an amendment to justice.

Mr. SILJANDER. I thank the gentleman for his comments, and that is precisely my argument regarding the Gray bill. It is a half-way measure. At least, from your standpoint, obviously, and intellectually, the Dellums bill goes all the way and is clearly honest.

The last point I would like to make with the Gray bill, it bans new investment as we all know. The Dellums bill bans all investment. Existing investment; new investment; he goes all the way. I said the bank loans have been cut in half anyway. Six States, 40 universities, 20 cities have already divested. Six to eight State legislatures have introduced disinvestment legislation. Forty are on the dockets of 40 States this year alone. Of those 40 universities I mentioned, $300 million has been already eliminated in stocks alone. Eleven major corporations are ready to leave South Africa. The stock and bond value of all these transactions is $1.5 billion divested and growing stronger. There are nearly 20 sanctions around the world on South Africa now in effect.

There still, even under Gray, there would be 350 firms still operating and 1,800 subsidiaries still operating. Under Dellums, there would be none. Absolutely none. I am arguing that disinvestment or the essence of what the pressure of Gray would attempt to do in banning new business is already underway without a Gray bill.

So my point is that the Gray bill essentially does nothing significantly to change the present course. But certainly the Dellums bill does. I would argue the only way for Gray to work effectively, to pursue the goals that have been articulated on the floor would be to bring Britain in. Britain, after all, is half of all the foreign trade. France's trade has risen 43 percent in the first half of 1984. West Germany is the third greatest trade partner. Japan is tied for No. 1 with the United States. In Africa, 49 countries trade with South Africa in the continent alone. In Israel, we cannot tell for certain, because of many secret agreements, but Israel is likely, according to many analysts, tied with Japan and the United States as No. 1 trading partner.

So if this is to be effective, we need to incorporate an international spectrum of disinvestment. Lastly, if it is really to be effective, we would have to later on engage the Sullivan principles as mandatory in separate legislation. As I said earlier in my initial presentation of my own substitute, by doing that later, by incorporating Sullivan after the Gray bill, it forces a seige on the businesses now there. Because Gray does nothing to existing businesses, but puts them under seige. They cannot retool; they cannot modernize; they cannot expand. How can they compete in the international market effectively? Obviously, they cannot. So as businesses look for ways to cut, the first thing, obviously, some

of them will do is cut their participation in the Sullivan principles.

Then, when we make it mandatory under the Solarz approach later on with Gray, the businesses will have to disinvest, they will have to close down. So the Gray bill with the Sullivan principles later on assuming that they pass the Congress, makes a similar scenario to the Dellums approach. But I would argue even with the Dellums approach we need international cooperation to really achieve the specific goals and change specifically what the proponents of the Dellums approach suggest need to be changed.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. I thank the gentleman for yielding me this time.

Mr. Chairman, may I just point out a course that we are not here responsible for the foreign policy of other nations, but we are responsible for the foreign policy of America. I just want to emphasize a point made by the sponsor of this motion and that is recognizing that perhaps we do not recognize the nature of facism against which this bill fights.

Fascism savage may include racism, but it is even more evil. It is qualitatively worse because: One, it destroys peaceful relations with other nations in its sphere of interest, and two, it violates the kinship of the human family required for justice and prosperity in the world.

Indeed, fascism is a politico-economic system more pernicious than the slavery which poisoned our past, when the United States was an underdeveloped, agrarian nation—for fascism is associated with advanced technology, pervasive mass communication, which permits a much greater and more sophisticated capacity for oppression.

An adequate definition of fascism must recognize that, unlike slavery, it occurs in a highly developed nation. It is characterized by extreme concentration of private ownership of the major means of production, through government-backed privilege, control of supply and marketing, and dominance of government by private cartels—and all for the purpose of maximizing their profits, to the extent that maintenance of the system requires censorship of mass media, extreme suppression of opposition, barbaric oppression of a substantial part of its own population, and aggressive chauvinism in foreign policy, under conditions that permit an atrocious intensification of these evils.

Thus, in South Africa, the issue is not merely better employment, wages, education and material conditions for the black majority there. Afterall, blacks in American slavery had compulsory full employment, for instance material well-being is not a full measure of freedom and justice.

So, let us understand clearly that whatever strengthens the South African economy, increases the power and stability of that fascist regime.

If disinvestment would also harm the oppressed of South Africa, who, on this floor would have opposed the American revolution or America's role in World War II because Americans would suffer injuries and loss of life? As one of America's greatest strategists of freedom and justice, Frederick advised more than a century ago: "We may not get all we pay for in this world, but we certainly pay for all we get."

Let us not compromise with fascism and thereby insult the ultimate sacrifices made in the fight against fascism in World War II.

It is not just the welfare of black South Africans that is at stake here. It is a test of America's commitment to democracy and liberty.

Therefore, it is not enough to simply cease investing in fascism. We must stop and divest.

□ 1620

Mr. SILJANDER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentleman for yielding this time to me.

Mr. Chairman, this is perhaps the most important part of this debate on the Anti-Apartheid Act. We have a Member from Pennsylvania and a Member from California bringing to us two very important ways to resolve it.

I would say in tribute to the gentleman from Michigan [Mr. WOLPE], who has in his establishment role as the leader of this measure, and who has gotten it through to this point where we could get to this plateau, I want to thank him, because he realizes, as more Members do now, that this debate is now really about how fast the process of disassociation should occur. That is what we are talking about.

Should it move forward in a way that we can now guarantee disassociation with apartheid through no new investment, or should we face up to the inherent contradiction in not supporting total disinvestment in that the old investment is not just as bad as the new investment, it is worse. It is what is killing people.

Behind this approach for disinvestment is a long history of sanctions which is disinvestment from the United Nations, from the world body, the family of nations. We have been talking about this for a long time. This did not come up this spring or last year. South Africa has been the subject and object of sanctions for the last 20 years, so this is a very timely proposal whose moment has come.

Now I want to tell you how it is going to improve the Gray measure by voting for the Dellums substitute, because if we walk out of this Chamber, if we have the courage to replace this measure with the Dellums substitute, we will then be able to go to conference with an even stronger position. We have everything here. The other body voted sanctions on nuclear collaboration with South Africa before we did. When I brought my amendment up in the House yesterday, the committee in the other body had already acted.

So, Mr. Chairman, I am urging you to vote for the Dellums amendment. Seriously. Not one for the Black Caucus, not one to show that you were out there and then you are coming back to Wolpe-Gray, but to show that you understand that genocide and the war in South Africa has already begun and that this is a time process. Every month, every year that we say we will wait there are thousands of deaths involved.

Mr. Chairman, I think that if we examine the situation in South Africa closely we will realize that this measure is the most consistent with both our values and our long-term national interests.

There is a fundamental contradiction between embracing no new investment/bank loans as provided in under 1460 and not embracing disinvestment. No new investment/bank loans acknowledges that investment and loans do indeed support the apartheid system. If this is so, as I believe it is, then one cannot really defend the continued existence of current investments and bank loans.

For some time during the 1970's, I reluctantly adhered to the notion that U.S. firms in South Africa could blunt the cruelty of apartheid. But no longer. The past 20 years has clearly demonstrated that the net effect of foreign investment has been the strengthening of the apartheid structure.

U.S. economic investment in South Africa is highly capital intensive. While U.S. firms employ less than 1 percent of the entire black South African work force, they control the major segments of the highly sophisticated South African police state—70 percent of the computer market, 45 percent of the oil market, 33 percent of the automotive market all of which constitute the jugular vein of the highly sophisticated garrison state. Without these, South Africa could not maintain its racist political, social, and economic structures.

In addition, the United States today is the largest trader, second largest foreign investor, and the source of one-third of all international credit in South Africa. Those who argue that disinvestment would more hurt than

help the oppressed black South Africans clearly misperceive the fundamental nature of our investment in that country.

While the investment may benefit the relative few lucky enough to be employed by U.S. firms, millions upon millions of South Africans have become measurably worse off during a period in which foreign investment has increased.

Studies conducted on the relationship between foreign investment and the easing of apartheid, including one by the Carneige Foundation, consistently tell of the fortification of the apartheid structure, increases in black impoverishment, and the general intensification of violent repression that has accompanied foreign investment in South Africa.

One study by Charles Simkins of Capetown University, found that the number of people below a minimum living standard on the Government created homelands increased from 4.9 to 8.9 million between 1960 and 1980, a period in which our investment increased approximately 900 percent.

We often hear the argument that if U.S. firms disinvest, some eager corporation that doesn't give a damn about human rights will buy up evacuated U.S. plants at fire sale prices. This is oversimplistic nonsense.

Were a major superpower like the United States with control over the major sectors of the South African economy to disinvest, it would so drastically change the investment climate so that the risk assessment would be dramatically increased. This coupled with the fact that the walls of apartheid will soon be tumbling down under the internal turmoil of a civil war would make it utter lunacy for a firm to invest in that country. Utter lunacy!

But don't just take my word for it. Listen to Harry Oppenheiemer the chairman of Anglo-American Co., perhaps the richest and most powerful corporation not only in South Africa but maybe the world. On Nightline several weeks ago he stated candidly but emphatically that no firm would scurry into South Africa in the midst of a major disinvestment campaign by the United States.

Just look at the actions of the South African Government. While it continually insists that disinvestment will have no impact on the internal affairs there, it has spent literally hundreds of millions of dollars to hire lobbyists to battle disinvestment legislation in the United States. Under its Terrorism Act, it has made the advocacy of disinvestment in South Africa an act of treason, a crime which can be punishable from 5 years in prison to death.

Indeed, it was only after the threat of disinvestment had been developed in the U.S. Congress, that Pretoria, for the first time, took any concessionary steps announcing, for instance, the suspension of the homeland policy. While inconsequential, through these and other actions, Pretoria has unwittingly made it abundantly clear the extent to which disinvestment threatens to undermine the apartheid system.

In South Africa today there is widespread support for economic sanctions from the black South Africans themselves. Black labor, religious, and political leaders have taken the lead in this drive despite the threat of severe retribution by the state.

The two largest black trade union federations, the Federation of South African Trade Unions [FUSATU] and the Council of Unions of South Africa [CUSA], both recently issued strong statements calling for foreign disinvestment as have such other notable leaders over the years including Luthuli, Mandela, Boesak, Sisulu, Sobukwe, Biko, Tambo, Nuade, and Tutu. Labor leaders in particular have spoken against the low-wage haven that South Africa provides for foreign firms because blacks are payed one-sixteenth of their white counterparts.

Businesses in South Africa are already starting to recognize the foolishness of staying in South Africa. The Investment Responsibility Research Center has identified over 42 U.S. firms which have withdrawn their interests in operations in South Africa over the past 4 years including Amax Mining, Bethlehem Steel, Texas Gulf, Inc., Zapata Mining, and many others.

Look at the track record. Greater economic investment in South Africa has not lead to any changes. From 1970 to 1981 U.S. economic involvement tripled. Since that time the pace of our investment has further accelerated. Amid this increasing investment, South Africa has violently reinforced its structures of racial domination, killing hundreds of unarmed civilians, accelerating the world's only homeland policy, whereby families are forcibly removed from their homes at gunpoint and relocated to barren reserves where death from starvation and disease are commonplace. Numerous studies have documented the increasing repression and violence that has historically accompanied increasing foreign investment in South Africa.

Mr. Chairman, several weeks ago, I met with Oliver Tambo, the President General of the African National Congress who confirmed to me that there are essentially two courses that can be followed in South Africa. Pretoria can recognize that it must negotiate the transition to a one-man-one-vote political system or there will soon be a violent civil war.

President General Tambo also reminded me, and history certainly confirms this, that Pretoria will never negotiate unless it is forced to, and that the most effective means of influencing Pretoria is through the threats of economic sanctions from the West as it depends on this investment for the maintenance of its system.

Thus, economic sanctions and disinvestment is the most effective way that we can influence events toward the peaceful resolution and transition to a one-man-one-vote society. Anything short of this can only encourage Pretoria's intransigence and thereby reinforce the pressures toward a violent civil war in which the inevitable postapartheid government is less likely to be friendly to the United States. Both our national interests and values require that we withdraw from South Africa.

We must also stop and ask ourselves how will U.S. firms be treated as the tendencies toward violent civil bloodshed increase on a daily basis—firms which in the South African's eyes are in tacit collusion with the apartheid machine? The managing director of Goodyear Tire & Rubber Co.'s South African subsidiary predicts that, "foreign companies are going to be the target. That is where the dissident blacks will focus. We are right in the tinderbox."

The choice is clear. To remain in South Africa is to reinforce the tendencies toward a violent and bloody civil war, to risk alienating the hearts and minds of the South African people, and to make it more likely that the inevitable postapartheid government will for generations be a foe of the United States, in which case U.S. firms would then be forced out on a one-way ticket. To disinvest, on the other hand, is to assert ourselves clearly on the side of the South African people, a policy which will be consistent both with our principles and long-term interests.

Time is running out in South Africa for the fanatic white minority and its malevolent mechanisms by which it creates phantom homelands and administers the legalized enslavement of 22 million blacks.

Mr. SILJANDER. Mr. Chairman, I reserve the balance of my time but would urge the gentleman from California, if he has any time he would like to yield, to please proceed.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. LELAND].

Mr. LELAND. I thank the gentleman for yielding this time to me.

Mr. Chairman, very quickly, I appreciate the gentleman from California giving me this opportunity to do what is right. This body ought to do what is right. It ought to do the moderate thing like vote for total divestment in South Africa. It is moderate, Mr. Chairman, because we are not asking for millions of dollars to finance a war, a Contra, if you will, to the Government of South Africa. It is moderate

because we are talking about doing something that is nonviolent. We are talking about doing something that is in favor of saving human lives and not destroying them.

Mr. Chairman, I would hope that this body would understand the words of the gentleman from California, who stands here with an empathetic voice. He happens to be black and he talks about his upbringing. Let me tell you about mine.

Four decades ago I was born in this country. I had to fight racism and discrimination and oppression because I was black, and as I began to mature and grow up in this society, I became a civil rights activist and I worked in the 1960's and the 1970's to do what was right on behalf of black people, and now, in this Chamber, I am available, with the facility to do what is necessary to fight racism and discrimination not only in this country but in the world.

It is only right for us to have that opportunity. In South Africa, black people cannot stand in the well of the Parliament there to ask for their freedoms, or to even raise opposition to the atrocities that are committed on them.

It is a horrendous perpetration of racism and brutality and murder on the people. Over 300 people in the last 6 months or so have been killed there, just because they have stood up and said, "I want to be free."

We have to be Americans today and do what is right and nonviolent and moderate, and support the Dellums substitute. It is moderate to talk about nonviolence and to go to the extreme of that nonviolence and say that we do not want any more investments. It is a privilege that is bestowed on the American corporate structure in this Nation, the free enterprise system that has been given to them to be allowed to do business in South Africa. Let us rip that privilege away from those people who are so abrasive to the humanity of the people in South Africa in the majority there who have absolutely no right to determine their destiny.

Mr. Chairman, when 22 million people are denied the right to vote, are arrested for their attempts to be treated with some human dignity, or when some are shot in the back and killed on their way to funerals, our great Nation can no longer afford to remain silent.

Yet, the present administration has chosen to remain silent regarding the horrendous treatment of the majority of South Africans by the South African Government.

Time and time again, the public is assured by the administration that the U.S. policy of "quiet diplomacy" is working, that reforms are being achieved. Cosmetic changes have occurred, but nothing has occurred that eases in anyway the pain and suffering 22 million people live with on a daily basis.

The Reagan administration has chosen to be deaf and blind toward the plight of the majority of South Africans. We, the Members of Congress, as true representatives of the American public, cannot afford to share the handicaps of the administration. We cannot * * * we must not be deaf and blind to the suffering of humanity.

There are no words which can adequately express the moral outrage I feel over the fact that in the late 20th century, millions are still subject to discrimination based on the color of their skin, and worse yet that millions condone this discrimination with their silence.

But rhetoric alone will not save South Africa. Action must accompany our words of condemnation against the most brutally racist regime in the world.

That is why I stand before you today, pleading for the United States to demonstrate its unity in dismantling apartheid, the ultimate quelling of democracy.

Constructive engagement has not worked, does not work, nor will it ever work. Computer sales to the South African Government, as well as sales of aircraft and nonlethal goods to South Africa's military and police have increased during this period of quiet diplomacy. What do these actions tell the world about the morality of the United States? How can we claim apartheid is repugnant and still do business with those who perpetrate this repugnant system?

I strongly feel that as a moral people, the United States should not permit new loans or credits to the Government of South Africa. Nor should we allow new investments, sales of computers, software, and technology, or the importation of South African Krugerrands.

If enacted, the sanctions proposed in H.R. 1460 will do much to bring about the destruction of apartheid in South Africa. But I strongly feel our Nation has the moral obligation to do all in our power to dismantle this evil system.

I, therefore, strongly support the amendment offered by the gentleman from California [Mr. DELLUMS]. This amendment calls for complete disinvestment, as well as a ban on all existing loans and holdings in South Africa. The amendment further prohibits the export of any goods or technology as well as a prohibition on the takeoff and landing of South African aircraft in the United States.

I particularly believe there is a great need for a provision banning South African landing rights. Even with the support of many of my colleagues and the good people of Houston, it took nearly 3 years to put a halt to South African Airways from flying in and out of my home district in Houston. With this proposed ban, others would not face the same uphill battle we faced in Houston.

The sanctions proposed in the legislation being debated here today are not sanctions that were decided in a haphazard manner. They are sanctions which concretely reflect our moral objection to apartheid and its perpetrators.

Unless we act now and enact these sanctions against the Government of South Africa, quiet diplomacy will continue and so will the moral and physical extermination of a people.

Mr. SILJANDER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I must say the debate in many respects makes me feel like a young man again, because as the previous speaker indicated, it brings back memories of my college years and the civil rights movement and the whole apartheid issue, I think, haunts some of us because we see some of the perils. Perhaps it is hard for us to deal with it objectively because so much of our own history is intertwined in this issue.

I saw apartheid for the first time about 25 years ago when I was a junior in high school and came as a student to this Capitol, with separate drinking fountains, separate wash rooms. That is the first time I saw rigid division of the races that was institutionally and governmentally sanctioned.

But I saw it again later, some 8 years later, after I spent 2 years as a Peace Corps volunteer, and then before coming home I went back to spend a month in South Africa. I went to see Byers Naude, the head of the Council of Churches, who has been historically one of the great, outspoken critics of that regime. I went to him because as an Evangelical Protestant, with all those fundamentalist overtones and all the tying of the political right with the religious right, I wanted to see this man who looked at things in a different way.

I will tell my colleagues, he is a true man of God, and he changed my life. That man, within 2 weeks after I had seen him—I hope there was no connection—was banned, put under house arrest, and he suffered that kind of attack by the Government for 20 years.

Then ironically, last year, Allen Bosak lived three blocks from me when he spent a year in my home district in Grand Rapids, which is composed of 35 percent people who are Dutch Reformed, to use the vernacular or the colloquial term, Christian Reformed, Reformed Church people of Dutch descent who have very close

familial ties with the alliance of the Dutch Reformed Churches in South Africa.

□ 1630

Now, I have followed these people. I prayed with these people and for these people. I hope that those who sponsored and support this amendment do not by any means interpret the opposition that some of us have as to the means to employ would in any way lend support for the apartheid system. I think that is critically important. This debate has been one of the most constructive, literate, and, I think, positive and well-intentioned debates I have heard since becoming a Member of this body.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I just have 30 seconds left, and I cannot yield, I am sorry to say to my colleague.

Mr. Chairman, let me say just one other thing. Having lived in Africa, let me point out that my mother was rescued, physically saved, as the daughter of a missionary in Africa by what would then have been called a native black nurse, a native of the country.

I have followed this. I have agonized over it. I have dealt with it. I cosponsored one of the public divestiture bills in the State house in Michigan which passed relative to divesting public institutions.

I think, however, there are any number of discrete steps that have to be taken, one at a time, to keep turning the screws. What concerns me, both about the substitute and the main bill as it stands, is that we shoot our wad all at once and that leaves us no leverage for the next step down the road.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HENRY] has expired.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise in support of the Dellums amendment.

This amendment which mandates immediate and total divestment for all American individuals and corporations is in no way extreme. This amendment represents a forthright and meaningful step but it is a nonviolent and moderate action. What we are saying through this amendment is that the South African apartheid is an abomination on the face of the Earth and therefore everything other than going to war should be done to pressure the Union of South Africa into joining the civilized world. We are calling for the utilization of the economic power of America to end an evil which causes undue pain and hardships for more than 25 million human beings. As the richest country that has ever existed in the history of the world, the United States could now set a precedent for all others to follow. By making this substitute a law, we will initiate a new kind of nonviolent warfare. Without guns or bombs we will strike a devisive blow for freedom.

In the name of freedom we invaded Grenada. In my opinion this was a mistaken use of force and a violation of international law. In the name of freedom we have imposed an economic embargo on Nicaragua. We also propose to continue aid to rebels seeking to overthrow the Government of Nicaragua. In the name of freedom the Reagan administration has even threatened armed intervention in Nicaragua. I am firmly opposed to these threats of violent intervention under any circumstances. Violence should be ruled obsolete as a productive means of achieving justice. But this amendment proposes an intensified program of nonviolence. This amendment proposes to use the economic power of America against the racist government of South Africa. This amendment proposes a show of massive nonviolence power to achieve freedom for the overwhelming majority of the people of South Africa. This amendment does not represent a violation of international law or any interference in the domestic affairs of another country. This amendment is directed toward other Americans and calls upon them to cease-and-desist actions which give aid to a government which is hostile toward the ideals of the American way of life.

Not a single shot will be fired as a result of this piece of legislation. But total divestiture by all American investors would signal the beginning of the end for apartheid. There is no need to wait. The use of our total American moral force is long overdue. I urge all of my colleagues to vote for the Dellums substitute. This Congress must provide leadership for the rest of the free world.

Mr. DELLUMS. Mr. Chairman, I now yield such time as he may consume to the distinguished gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Dellums substitute.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, I rise in support of the Dellums amendment, which I think is a magnificent gesture.

● Mr. CROCKETT. Mr. Chairman, I strongly support the Dellums amendment on total and immediate divestment of funds from corporations that invest in South Africa. I support this amendment and the Antiapartheid Act of 1985, not because I believe it will force South Africa to end its repressive policy of racial segregation, but because this action will signal a divorce of the United States from its silent support of apartheid through its policy of constructive engagement. In short, it brings the United States back on the right side of the issue.

The Dellums amendment, as with the current Free South Africa demonstrations and protest, is but a last-ditch effort on our part to tell the Pretoria government that time and the fuse grow short, that it is imperative for the Pretoria government to begin meaningful negotiations with black South African leaders for a fully representative political system and an end to racial and ethnic discrimination.

And the crucial question for us in all this is the role America will play. Will our country be credited with having helped the black South African to achieve freedom in his own country or will we be seen, as so often has been the case, as having strengthened the status quo by doing nothing positive to foster change.

The Dellums amendment gives a positive response, and I fully support it.●

The CHAIRMAN. The Chair will state that the gentleman from California [Mr. DELLUMS] has 30 seconds remaining.

Mr. DELLUMS. Mr. Chairman, may I inquire as to how much time my distinguished colleague on the other side of the aisle has remaining?

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] has 5 minutes remaining.

Mr. DELLUMS. Mr. Chairman, is it customary that the offeror of the amendment close the debate?

The CHAIRMAN. The Chair would advise the gentleman that the gentleman from Michigan [Mr. SILJANDER] is in fact representing the committee which opposes the gentleman's amendment, so, therefore, he would have a procedural right to close debate on the amendment.

Mr. DELLUMS. I understand, Mr. Chairman.

The CHAIRMAN. The gentleman should avail himself of his last 30 seconds at this point.

Mr. DELLUMS. I thank the Chair.

Mr. Chairman, may I inquire, would my distinguished colleague yield 1 additional minute to me?

Mr. SILJANDER. Mr. Chairman, I will yield an extra minute of my time to the gentleman from California [Mr. DELLUMS], as he has been fair and attentive to this entire debate. So now the gentleman has a minute and 30 seconds.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DELLUMS] for 1 minute and 30 seconds.

Mr. DELLUMS. Mr. Chairman, as we close this debate, let me say to the members of the committee that, in the words of Bishop Tutu, it is often extraordinarily difficult to put into words one's feelings, and when I look at black people dying and suffering in South Africa, I ask, why? We have dropped bombs on no one, we have harmed no one in the world, and yet for some incredible reason, black people have suffered at an extraordinary level all over the world, and at this point it is heightening in its intensity in South Africa.

I have offered a proposal today in no paternalistic fashion whatsoever because I am not doing it out of a missionary spirit and because I believe taking a stand against apartheid, with as much power and courage and conviction as one can, is as important to the healing and the well-being of this country as it is to the healing and well-being of the people in South Africa.

So it is for both of those reasons that I think it is important for all of us here to unite in a magnificent statement. I applaud the efforts of my distinguished colleagues, but I understand that I am outside that consensus and have been for the 14½ years that I have been here. My role has been as a progressive person to stand out and to try to be on the cutting edge, but it becomes very frustrating and incredibly painful if the only role one plays is to be out on the cutting edge while other people tend to congregate in the middle of our political spectrum. I wish that all Members on this issue would come to this position and take a stand, take a stand for America, and take a stand against what is happening in South Africa and for the evolution of human rights across this entire planet.

Again, Mr. Chairman, I thank my colleague for yielding extra time to me.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

The gentleman from Michigan [Mr. SILJANDER] has 4 minutes remaining.

Mr. SILJANDER. I thank the Chair.

Earlier in the debate there have been various accusations thrown this way, and there was no time for me to respond, so I would like to use this time to do that.

How can I be opposed to sanctions? That was the question presented to me. Just 6 months ago I signed a letter saying I could support future sanctions. That was by the gentleman from New York [Mr. SOLARZ]. I want to respond to that question, as I had no time to do so before.

I am offering very stiff sanctions, the toughest sanctions of all, with the Siljander approach. That sanction is offering opportunity to blacks. That is the worst of all sanctions against the Government, from my point of view.

He also called for an immediate end to the violence, the appalling violence, and he said in 6 months, 240 blacks had been killed and many, many dissidents had been jailed, and how could I, in the face of these killings and the rest, sign such a letter and then oppose such an approach as the genleman from Pennsylvania [Mr. GRAY] is proposing?

If the gentleman from New York is suggesting that somehow, in the remotest stretch of the imagination, I condone this violence, I am appalled by this suggestion. I hope that he understands that I am certainly not condoning that violence.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I will not yield.

How does GRAY and the bill that the gentleman from New York purports to support really stop the violence in South Africa? How can the bill he supports effectively change the killings and the putting of blacks in prisons? How does his approach effectively change that?

What he suggests is putting more blacks out of work, creating more hunger, and creating more poverty, and, after all, is that not what all the riots are about? The riots are not about disinvestment, they are about jobs, they are about security, they are about the future, they are about human rights, they are about suffering. To advocate more suffering is an answer, but the wrong answer.

Who are we trying to fool by suggesting that that approach, which as the Washington Post clearly puts it today, is only symbolic at best? How can we honestly tell the listeners to this debate that this symbolic approach will do anything to change the course of history in that country? It is as equally misguided, in my opinion, as the suggestion by the gentleman from New York just the other day that his visit of a week or so about a year ago, talking with those on the right and those on the left, is somehow more empirically based in terms of public opinion than more scientifically based polls.

I think the right response is to build, to build the very things that brought blacks from slavery to freedom, and that is the vision of opportunity.

I would like to quote from someone whom many of us in this Chamber considered a very important man, one who fought for freedom for blacks in this country, Martin Luther King. He said: "New laws are not enough. The emergency we now face is economic. It is a desperate and worsening situation. In our society," he continues, "it is murder psychologically to deprive a man of a job or of his income. You are in substance saying to that man that he has no right to exist."

Mr. Chairman, I, as Martin Luther King, believe that any man, black or white, red or yellow, or brown, has a right to exist, has a right to freedom, and has a right to opportunity. I just do not feel that the comments of the gentleman from New York and the bill he supports will offer opportunity to the black citizens of South Africa.

The CHAIRMAN. Does the gentleman from Michigan [Mr. SILJANDER] yield back the balance of his time?

Mr. SILJANDER. I do, Mr. Chairman.

□ 1640

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLARZ. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. SOLARZ. Mr. Chairman, I withdraw my point of order of no quorum.

Mr. WOLPE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. WOLPE. Mr. Chairman, I withdraw my point of order of no quorum.

The CHAIRMAN. A sufficient number has arisen for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 345, answered "present" 1, not voting 10, as follows:

[Roll No. 139]

AYES—77

Ackerman	Garcia	Ortiz
Addabbo	Gejdenson	Owens
Akaka	Gonzalez	Panetta
Bates	Gray (IL)	Perkins
Berman	Hawkins	Price
Boxer	Hayes	Rahall
Brown (CA)	Hoyer	Rangel
Bryant	Jacobs	Richardson
Burton (CA)	Kastenmeier	Rodino
Bustamante	Kildee	Roybal
Clay	Kostmayer	Russo
Collins	Lantos	Savage
Conyers	Lehman (CA)	Schroeder
Coyne	Lehman (FL)	Sikorski
Crockett	Leland	Stark
Dellums	Levine (CA)	Stokes
Dixon	Lowry (WA)	Studds
Downey	Markey	Torres
Dymally	Matsui	Towns
Edgar	Mikulski	Traficant
Edwards (CA)	Miller (CA)	Waxman
Evans (IL)	Mineta	Weiss
Fazio	Mitchell	Wheat
Foglietta	Moody	Wise
Ford (TN)	Morrison (CT)	Yates
Frank	Oakar	

NOES—345

Anderson	Archer	Badham
Andrews	Armey	Barnard
Annunzio	Aspin	Barnes
Anthony	Atkins	Bartlett
Applegate	AuCoin	Barton

Bateman	Gibbons	Mica
Bedell	Gilman	Michel
Beilenson	Gingrich	Miller (OH)
Bennett	Glickman	Miller (WA)
Bentley	Goodling	Moakley
Bereuter	Gordon	Molinari
Bevill	Green	Mollohan
Biaggi	Gregg	Monson
Bilirakis	Grotberg	Montgomery
Bliley	Guarini	Moore
Boehlert	Gunderson	Moorhead
Boggs	Hall (OH)	Morrison (WA)
Boland	Hall, Ralph	Mrazek
Boner (TN)	Hamilton	Murphy
Bonior (MI)	Hammerschmidt	Murtha
Bonker	Hansen	Myers
Borski	Hartnett	Natcher
Bosco	Hatcher	Neal
Boucher	Hefner	Nelson
Boulter	Heftel	Nichols
Breaux	Hendon	Nielson
Brooks	Henry	Nowak
Broomfield	Hertel	O'Brien
Brown (CO)	Hiler	Oberstar
Broyhill	Hillis	Obey
Bruce	Holt	Olin
Burton (IN)	Hopkins	Oxley
Byron	Horton	Packard
Callahan	Howard	Parris
Carney	Hubbard	Pashayan
Carper	Huckaby	Pease
Carr	Hughes	Penny
Chandler	Hunter	Pepper
Chappell	Hutto	Petri
Chappie	Hyde	Pickle
Cheney	Ireland	Porter
Clinger	Jeffords	Pursell
Coats	Jenkins	Quillen
Cobey	Johnson	Ray
Coble	Jones (NC)	Regula
Coelho	Jones (OK)	Reid
Coleman (MO)	Jones (TN)	Ridge
Coleman (TX)	Kanjorski	Rinaldo
Combest	Kaptur	Ritter
Conte	Kasich	Roberts
Cooper	Kemp	Robinson
Coughlin	Kennelly	Roe
Courter	Kindness	Roemer
Craig	Kleczka	Rogers
Crane	Kolbe	Rose
Daniel	Kolter	Rostenkowski
Dannemeyer	Kramer	Roth
Darden	LaFalce	Roukema
Daschle	Lagomarsino	Rowland (CT)
Daub	Latta	Rowland (GA)
Davis	Leach (IA)	Rudd
de la Garza	Leath (TX)	Sabo
DeLay	Lent	Saxton
Derrick	Levin (MI)	Schaefer
DeWine	Lewis (CA)	Scheuer
Dickinson	Lewis (FL)	Schneider
Dicks	Lightfoot	Schuette
DioGuardi	Lipinski	Schulze
Donnelly	Livingston	Schumer
Dorgan (ND)	Lloyd	Seiberling
Dornan (CA)	Loeffler	Sensenbrenner
Dowdy	Long	Sharp
Dreier	Lott	Shaw
Duncan	Lowery (CA)	Shelby
Durbin	Lujan	Shumway
Dwyer	Luken	Shuster
Dyson	Lundine	Siljander
Early	Lungren	Sisisky
Eckart (OH)	Mack	Skeen
Eckert (NY)	MacKay	Skelton
English	Madigan	Slattery
Erdreich	Manton	Slaughter
Evans (IA)	Marlenee	Smith (FL)
Fascell	Martin (IL)	Smith (IA)
Fawell	Martin (NY)	Smith (NE)
Feighan	Martinez	Smith (NH)
Fiedler	Mavroules	Smith (NJ)
Fields	Mazzoli	Smith, Denny
Fish	McCain	Smith, Robert
Flippo	McCandless	Snowe
Florio	McCloskey	Snyder
Foley	McCollum	Solarz
Fowler	McCurdy	Solomon
Franklin	McDade	Spence
Frenzel	McEwen	St Germain
Frost	McGrath	Staggers
Fuqua	McHugh	Stangeland
Gallo	McKernan	Stenholm
Gaydos	McKinney	Strang
Gekas	McMillan	Stratton
Gephardt	Meyers	Stump
Sundquist	Valentine	Whitten
Sweeney	Vander Jagt	Williams
Swift	Vento	Wirth
Swindall	Visclosky	Wolf
Synar	Volkmer	Wolpe
Tallon	Vucanovich	Wortley
Tauke	Walgren	Wright
Tauzin	Walker	Wyden
Taylor	Watkins	Wylie
Thomas (CA)	Weaver	Yatron
Thomas (GA)	Weber	Young (AK)
Torricelli	Whitehurst	Young (FL)
Traxler	Whitley	Young (MO)
Udall	Whittaker	Zschau

ANSWERED "PRESENT"—1

Gray (PA)

NOT VOTING—10

Alexander	Emerson	Stallings
Campbell	Ford (MI)	Wilson
Dingell	Gradison	
Edwards (OK)	Spratt	

□ 1650

Mr. McCAIN and Mr. HOWARD changed their votes from "aye" to "no."

Ms. MIKULSKI and Messrs. PANETTA, GONZALEZ, EDGAR, and KOSTMAYER changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

● Mr. DANIEL. Mr. Chairman, the racial policies of South Africa are repugnant and unacceptable to me. But to deny private investment in South Africa will in no way improve the status of the oppressed and could very well be counterproductive. Therefore, I do not intend to support this bill.

A sense-of-the-Congress resolution condemning the racial policies would be a more effective approach.●

● Mr. WIRTH. Mr. Chairman, I rise in strong support of H.R. 1460, the Anti-Apartheid Act of 1985.

It is time for the minority Government of South Africa to relinquish power to a democratic regime with full political rights for the blacks who make up the vast majority of the country's population. And it is certainly time for the Congress to legislatively encourage such a development.

The death tolls, the economic disruptions, and the social chaos in South Africa's urban and rural areas are mounting rapidly and show no signs of abating. The artificially contrived apartheid regime is unravelling, a fact that is clear even to the system's supporters.

The question now is: Will the white minority support an orderly transition to government based on democratic choice and the right of self-determination or will it maintain its siege mentality and resist change until the conflict degenerates into a bloody racial war? And just as importantly, from our perspective, what will our Government's role be in shaping the transition?

The answer to the first question is crystal clear. The Afrikaner government should no longer control the black majority through oppression and must effect a prompt transition to democratic rule open to all people within South Africa's borders—and that includes the so-called independent homelands, such as Transkei and Bophuthatswana.

Of course, the Afrikaner government would counter that such a transfer will undoubtedly lead to a countrywide breakdown of order. That breakdown, however, is already occurring. The growing aspirations of South African blacks, coloreds, and Indians are meeting the increased oppression of the Afrikaner government with volatile results—and this volatility is spreading throughout the country like wildfire. Not only is there political unrest in townships like Soweto, but also in the rural areas, where open opposition to apartheid was previously sporadic and unorganized.

The white minority government can only respond by magnifying its oppressive policies authorized under the rule of apartheid. Those policies include murder, as the continued killing of black protesters throughout the country tragically demonstrates. These policies rely on the detention and torture of the system's opponents, as well as the strict control of internal movements by blacks under the pass laws and laws requiring the forced removal of black indigents from their ancestral homelands. Reports from independent human rights groups indicate that the intensity of the white regime's violent assault on the opponents of apartheid, and even those innocents caught in the conflict, is on the increase.

But that assault is not deterring the opponents of apartheid from continuing their just crusade. One example among many was the funeral march, less than 2 months ago, for 19 blacks murdered in Uitenhage on the 25th anniversary of the Sharpesville demonstrations and massacre—the march numbered 60,000 people. And it was led by men—Bishop Desmond Tutu and Rev. Allen Boesak—who can effect the peaceful transition which the minority government ostensibly desires. These men—these peaceful advocates of a prompt and nonviolent change in the way South Africa is governed—may well offer the last best hope for peace. I am convinced that if the Afrikaner government continues to resist change, violence will soon be seen by blacks as the only route to independence, and Bishop Tutu and Reverend Boesak will be cast aside in favor of less experienced and perhaps less stable rebels.

Given these conditions, it becomes clear what the U.S. role in shaping the transition should be. Through carefully managed economic sanctions, the United States must push the Afrikaner government to open the democrat-

ic process to all peoples of South Africa, as expeditiously as possible. For years, I have fought with many of my colleagues for tough economic sanctions against South Africa and now, for the first time, see the possibility that such sanctions may be approved by the Congress. One hundred and fifty-six of us in the House have cosponsored legislation that would ban new United States. investment in South Africa, bank loans to the Afrikaner government, the import of Krugerrands, and the export of computer equipment and software to South Africa. This legislation, which is also drawing considerable support in the other body, would not completely undercut the South African economy, but it would send a powerful signal to the South African Government and white community that the United States, its one perceived ally, will no longer tolerate footdragging on the abolition of apartheid.

The administration has asked us to be patient with its policy of constructive engagement that relies on quiet diplomacy to achieve social and political change in South Africa. Yet we cannot afford to remain quiet while South African riot police shoot down blacks who rightly protest a system that denies them basic civil rights and degrades them because of their racial inheritance. We cannot remain silent so long as blacks, coloreds, and Indians are deprived of their right to self-determination through open democratic rule.

Instead, we must act forcefully to dissociate ourselves from the Afrikaner government and its system of apartheid. The opportunity exists—now and perhaps only now—to help the black majority in South Africa throw off the shackles of apartheid and engage in a peaceful transition to open democratic rule.

I urge my colleagues to vote for H.R. 1460, and against any amendments or substitutes that would dilute our efforts to hasten the demise of apartheid.●

● Mr. BIAGGI. Mr. Chairman, as a cosponsor of this legislation I compel my colleagues to take the responsible and morally right position and vote for the Anti-Apartheid Act of 1985.

Let us review some of the basics involved in this issue. What is not at issue is the fact that the South African Government's system of apartheid is an outrage, a moral affront to civilized society and a system which deserves the moral condemnation it has received from many quarters. What is at issue is how best the United States can assist in its amelioration. I contend that the approach embodied in this legislation offers the soundest and most meaningful approach.

It is important to note that this does not represent our first involvement in legislation to end apartheid. The previous administration, led by Jimmy Carter, had a sincere commitment to human rights. This commitment was backed by action and not just words. The Carter administration tightened restrictions on U.S. exports to the South African Government, as well as imposing an embargo on the sale of goods and technical data to its military and police, and banning the sale of computers to all South African Government agencies.

What is central to our deliberations today is precisely what policy approach should we be taking. Should it be in the activist vein or should we rely on a more quiet and diplomatic approach. I believe the answers rest on one primary consideration—whichever one works the best to achieve the goal of dismantling apartheid. The administration's policy, which goes under the curious name of "constructive engagement," in and of itself has done little to improve conditions for the black majority in South Africa. Its reliance on working with the South African Government, but by decreasing pressure on it to make reforms, has in fact contributed to not only the prolongation but the intensification of some of the more heinous aspects of apartheid in South Africa.

Where is the incentive for the South African Government to change its policies? Where is the stick that goes with the obvious carrot that is being extended? I believe our action today is a referendum on whether we should continue our present policies with respect to South Africa or move to another approach.

I believe the provisions contained in this legislation are responsible and have teeth. They are in fact true economic sanctions as compared to hollow threats. The four sanctions in the aggregate could have a significant impact on South Africa. H.R. 1460 would impose a ban on loans to the South African Government, as well as any new investment in South Africa. It would further impose a ban on the importation of South African Krugerrands and would ban the sale of computers to the South African Government.

As any responsible sanction bill should, H.R. 1460 would permit the President to waive for a limited period the prohibitions related to new investment and gold coins if the South African Government meets any one of eight conditions. They are:

Elimination of policies that prohibit black employees and their families from living in family accommodations near their place of employment.

Elimination of "influx control" policies that restrict blacks from seeking employment where they choose, and that in turn prevent them from living near where they find employment.

Elimination of policies that make distinctions between the South African nationality or blacks and whites.

Ending the removal of black populations from certain locations for reasons involving race or ethnic origin.

Elimination of all residence restrictions based on race or ethnic origin.

Enter into negotiations with representative leaders of the black population for a new nondiscriminatory political system.

Reach an internationally recognized agreement on Namibia.

Free all political prisoners.

The waiver, I should note, is not an automatic process. Both the House and Senate must adopt a joint resolution accepting the President's determination that the South African Government has met one or more of these conditions before sanctions are waived.

Appropriately, the bill establishes a series of stiff fines for individuals and organizations who violate sanctions once imposed. Unless one is prepared to back sanctions with appropriate penalties, they lose a great deal of their effectiveness and meaning.

I support this bill, as reported by the committee, as a balanced approach between two conflicting schools of thought as to what we must do. One school would acknowledge the inherent failure of our existing policy and would establish diversionary devices such as commissions to conduct studies on how the South African Government is doing in eliminating apartheid. A related approach would shorten the period of time to study this problem by 1 year and would hold out the prospect of imposing sanctions at that time. The other school of thought is far more activist in nature. It would bar any U.S. individual, business, or organization from making or holding any investment in South Africa. It does and would embody a complete divestment approach of all U.S. assets from South Africa. While I do have sympathy with this approach, I would prefer to consider it at a later date after we have been allowed to assess the impact of the approach provided for in the bill before us today.

What is evident is that we must become more active in speeding the demise of the moral travesty known as apartheid. We cannot expect to be effective simply by issuing a series of harsh statements. Any government which can sanction the morally bankrupt policy such as apartheid will most certainly not be persuaded by mere moral condemnations by nations including the United States.

If an individual believes that the South African Government is committed to change and improvements, then they should not support this legislation. If someone believes that the "reforms" enacted by the South African Government are really a move away

from apartheid, then they should not support this bill. If a person believes that parliamentary elections agreed to by the South African Government, but which produces an entity which bars admission by blacks, is proper, then they should not support this bill. If a person is not affected by the fact that more than 3,000 blacks have been killed opposing apartheid, then they should not support this bill.

I, however, plan to vote for this bill and work for similar action by the other body so the President is forced to make a decision on signing it into law. For those who contend that sanctions would hurt those we are trying to help; namely, the black majority, let it be noted that many black South Africans believe that even if the sanctions result in some limited hardships in the short run, that sacrifice is worth the longer term benefits which will ultimately result.

Finally, it should be noted that we would not be alone in taking such actions. The nations of Japan and Sweden have already invoked economic sanctions against South Africa. Our Nation, as the recognized world leader on behalf of freedom, dignity, and human rights for all, cannot allow itself to remain in the hypocritical position of opposing apartheid, but doing nothing decisive about it. Let us keep in mind the views of the Nobel Peace Prize winner, Bishop Tutu, in a recent interview. He said:

I am calling for pressure from overseas; not yet for disinvestment. I will do so within the time span I have given if no significant change has happened to show that apartheid is being dismantled.

I urge the passage of this bill and close with this observation. For those of my colleagues who support this legislation and oppose the type of institutional discrimination that is apartheid, I urge you to coinsider a very similar situation which is happening today in the six counties of Northern Ireland. Perhaps the difference is the group victimized in Northern Ireland—the Catholics—are the minority as compared to South Africa where the aggrieved are the majority. However, the inherent discriminatory natures of the policy of apartheid and direct rule by Britain over Northern Ireland are producing the same tragic economic and social results. As in the case of South Africa, our Nation does business with the governments who maintain the policies; in Northern Ireland to a much greater extent than in South Africa. However, in both cases it behooves us to take whatever steps are necessary to ensure that we are not in any way subsidizing with our dollars the continued discrimination of any group in any nation. I do not advocate the imposition of sanctions in Northern Ireland at this time. However, I do believe at the very least that the position as articulated by the Irish National Caucus bears some support. They are calling upon all American firms doing business in Northern Ireland to subscribe to the MacBride principles of nondiscrimination which I want to insert at this time:

1. Increasing the representation of individuals from under-represented religious groups in the workforce including managerial, supervisory, administrative, clerical and technical jobs.

2. Adequate security for the protection of minority employees both at the workplace and while travelling to and from work.

3. The banning of provocative sectarian or political emblems from the workplace.

4. All job openings should be publicly advertised; and special recruitment efforts should be made to attract applicants from underrepresented religious groups.

5. Layoff, recall, and termination procedures should not in practice favor particular religious groupings.

6. The abolition of job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

7. The development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of all categories of minority employees.

8. The establishment of procedures to assess, identify, and actively recruit minority employees with potential for further advancement.

9. The appointment of a senior management staff member to oversee the Company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

As the chairman of the Ad Hoc Congressional Committee for Irish Affairs, I implore my colleagues to evaluate this situation with the same keen and compassionate eye as we do with respect to South Africa.●

● Mr. MATSUI. Mr. Chairman, South Africa's policy of apartheid represents vicious, institutionalized racism, and it is a practice that will not end with the administration's policy of "constructive engagement." The fact is constructive engagement is a failed policy, and the time has come to stop providing support to a nation whose practices so completely bely our own democratic traditions of fairness and equality under the laws.

Mr. Chairman, economic sanctions can be a legitimate tool of foreign policy, and I am convinced that this would be an appropriate and effective means to bring about change in South Africa. It would, in any case, leave no question where the United States stands on the abhorrent policy of apartheid.

The Anti-Apartheid Act of 1985 would impose four major economic sanctions against South Africa. These sanctions are just and represent a critical first step in disassociating the United States from the cruel and racist policies of South Africa. I urge adoption of this legislation.●

● Mr. MILLER of California. Mr. Chairman, I rise today in strong support of H.R. 1460, the Anti-Apartheid Act. It is obligatory that this Congress repudiate the tolerant attitude of the administration toward racial discrimination in South Africa, and instead declare ourselves full partners in the effort to end apartheid.

This past April, as the chairman of the Human Rights Task Force during the Speaker's visit to the Soviet Union, I told the leaders of the Soviet Government how vigorously we object to their discriminatory policies against racial and religious minorities. In a speech to members of the Supreme Soviet, I said something which is very appropriate here this afternoon.

Human rights, I said, are "inseparably linked to all other issues. On this we will not bend. As Abraham Lincoln declared, 'Important principles may and must be inflexible.'"

We sent that message to the Soviet Union. Today, by passing H.R. 1460, we can send that same message to the Government of South Africa.

The bill before us, H.R. 1460, follows in our national traditions of peaceful change and human rights. Political, economic, and social sanctions established by this act will emphasize our vigorous objection to apartheid, and will promote our position as defenders of personal freedom and human rights throughout the world.

This bill includes incentives to the South African Government to end its official policy of racial discrimination, providing a realistic means for achieving the elimination of these facist doctrines. But more than incentives are needed. H.R. 1460 also prohibits new U.S. investment in South Africa; halts U.S. bank loans to South Africa; bans the importing of South African gold coins into the United States; and halts the export of computer equipment to the South African Government.

Our present practice of "constructive engagement" is a weak, ineffective and inadequate means of bringing about the repeal of apartheid. We cannot separate military policy from apartheid; we cannot separate trade policy; we cannot separate cultural or sports policies. We cannot separate any of them from the issue of apartheid.

Similarly, efforts to dilute this legislation send an erroneous message to the proponents of apartheid and the opponents of racial justice in South Africa. Weakening this legislation, as would these amendments, suggests that the Congress of the United States is not serious in our revulsion for a system which denies basic human rights and justice to the black majority of South Africa.

I call upon all of our colleagues to reject apartheid and reject "constructive engagement." Let us instead em-

brace for black South Africans the same standards of justice that we claim for ourselves: Democracy, majority rule, and freedom for all the citizens of South Africa.●

● Mr. GARCIA. Mr. Chairman, once again, I rise in support of H.R. 1460, the Anti-Apartheid Act of 1985. I am convinced that this bill offers a balanced effort to fight apartheid.

As my colleagues know, the bill imposes four sanctions against the Government of South Africa:

First, it prohibits all loans and credit to the South African Government;

Second, it prohibits all new investments in businesses in South Africa;

Third, it prohibits the importation of Krugerrands; and

Fourth, it prohibits the export of U.S. computer parts, programs, or other technology.

The bill would allow the President to waive the prohibition of Krugerrands and new investment for 12 months if the South African Government meets one of eight conditions outlined in the bill. These conditions are:

First, eliminate the prohibition of black employees and their families from living near their place of employment;

Second, eliminate the policy of prohibiting blacks from working where they choose and from living where they work;

Third, eliminate distinctions between South African nationality for blacks and whites;

Fourth, stop removal of black communities from certain areas simply because the residents are black;

Fifth, eliminate residence restrictions based on race or ethnicity;

Sixth, begin negotiating with members of the black community for the establishment of a nondiscriminatory political system;

Seventh, reach an internationally acceptable agreement on Namibia; and

Eighth, free political prisoners.

Further, for each additional condition met by the South African Government, the waiver can be extended for another 6 months.

I point out all these conditions to emphasize just how reasonable they are. No one is asking the South African Government to turn over power to their nation's majority community. No one, at this point, is asking for divestment or disinvestment. This bill, instead, is a well-crafted statement to the Government of South Africa, telling them that we will not accept the status quo.

Certainly, the administration's policy of "constructive engagement" was dealt two severe blows recently when South African commandos were apprehended in Angola, and when the Government of South Africa sent out a clear signal that it does not intend to allow Namibia to become independent.

The administration should be able to read South Africa's signals clearly enough. The Government of that nation is not to be trusted. Its word is, apparently, no more credible than its method for ruling.

We cannot change South Africa overnight. We cannot force them to eliminate apartheid, but we can make them pay a price for the continuation of that system. We are being reasonable with this bill, but at the same time, we are putting the Government of South Africa on notice that we will do all that is within our power—openly, directly—to make them understand just how reprehensible apartheid is to the people of this Nation.

I urge my colleagues to support H.R. 1460.●

● Mr. KEMP. Mr. Chairman, for the record I want to just state my reasons for voting "no" on final passage today. No nation based on the self-evident idea that all beings are created equal in the right to rule themselves can be publicly indifferent to race discrimination in South Africa. To the extent that the policy of "constructive engagement" in South Africa implies keeping quiet about the evil of apartheid, it is wrong. Elie Wiesel, in a different context, spoke a universal truth when he stated, "Indifference to evil is evil." And make no mistake about it, apartheid is evil.

The United States, through the administration and through Congress, should be as clear about apartheid as Pope John Paul II was when he said recently that "No system of apartheid or separate development will ever be acceptable as a model for relations between people or races."

What is at issue in the legislation before us is not are we for or against apartheid. The real question is how to find the approach that can help undermine racial discrimination and move South Africa toward real social and political democracy and justice. I do not believe that the way to undermine apartheid is to bash the South African economy through unilateral sanctions. I don't believe that the way to help the victim of apartheid is to further victimize him or her by ruining the South African economy.

The key to achieving racial harmony, social justice, and political rights isn't by throwing black people out of work in South Africa—which this legislation, while nobly inspired would misguidedly encourage. My colleague and friend BILL GRAY often reminds me that lives are at stake, not just jobs, and he is right, we must save lives and jobs, they are not contradictions

I would ask my colleagues whether they think unemployment is a bad thing for blacks in Detroit or Buffalo or Philadelphia, and yet a good thing for blacks in Johannesburg and Uitenhage. For make no mistake about it: This legislation would throw blacks out of work in South Africa. And any proposal that would suddenly or slowly turn the screws on the South African economy may mean well, but is seriously mistaken.

My colleagues should recall something that thinkers as disparate as Adam Smith and Karl Marx have always emphasized: Industrial growth and commercial activity is the real engine of social change and political revolution. Recently Reverend Leon Sullivan said that we should give the Sullivan principles more time to continue what they have been doing successfully for some years already in integrating the workplace in South Africa. For those who think the Sullivan principles are ineffective, let me mention that not only are some U.S. companies adhering to the principles, but as Leon Sullivan points out, domestic South African companies that employ 1 million black workers have also adopted these rules.

And make no mistake: The Sullivan principles are a dagger at the heart of social apartheid, forcing total desegragation of factories and offices, equal pay for equal work, administrative and supervisory jobs for blacks who are now supervising whites, increased technical training, recognition of black labor unions, and support for schools, housing, and medical facilities development. The principles are capable of working a revolution in race relations in South Africa, and when you see South African companies imitating our businesses in that country, it should be obvious that the Sullivan ideas can be a tremendous force for racial integration and recognition of rights in South Africa, which is why I voted earlier to codify them in the law.

But it is certain that economic stagnation brought on by sanctions makes the easing of apartheid more difficult to achieve peacefully. Suppose this legislation led to less investment in South Africa, and the economy goes into a severe recession. Not only will black South Africans lose jobs, but white unemployment will rise as well. Black labor unions, which have only recently won legal recognition, would probably lose it, and the discriminatory laws would be intensified. Those at the bottom of the scale always have the most to lose when growth stops.

As I said, I would make the Sullivan principles mandatory for all U.S. companies in South Africa. More: I would suggest a diplomatic initiative to get other countries with large operations is South Africa to follow the Sullivan rules. South Africa should learn that the whole civilized world holds apartheid to be morally abominable.

One last point is fundamental: You can't instruct other nations about their rights by denying rights at home. We undermine the lesson of

freedom we intend to teach South Africa when we don't allow Americans to buy South African products. While there are limited actions the United States can take to expand human rights around the world, the single most powerful instrument remains what it has always been: Making the United States itself a model of human rights, of freedom, justice, and democracy, and keeping America what Lincoln called the "hope to the world for all future time [which] gave promise that in due time the weights should be lifted from the shoulders of all men, and that all should have an equal chance."

The United States must not run away from the struggle to fight for human rights in South Africa. But we must not punish black South Africans by shutting down their economies.

I respect the efforts of my colleagues who support this legislation, and I cannot in good conscience support actions that would have the effect of punishing black South Africans by taking away their jobs.●

● Mr. RANGEL. Mr. Chairman, I rise to voice my full support for the Anti-Apartheid Act of 1985, and to commend my colleagues for working so hard to bring it to the floor of the House.

The Anti-Apartheid Act will turn the attention of this Nation and the world to the commerical links now existing between Western nations and the Republic of South Africa. Its focus is, of course, upon trade between the United States and South Africa, but its impact will extend beyond that singular context. Its impact will lie in the fact that the United States has had the courage to take the lead in bringing an end to the inherent contradiction of democracies doing business with apartheid.

We may ask, Mr. Chairman, why the United States should be at the forefront of the antiapartheid movement. Why should we end what is essentially a lucrative business arrangement?

Well, I would answer this by saying that the American people consider themselves to be a principled people. When the time has come, we have stood up to defend those principles, often at great cost in lives and resources.

Apartheid is nothing less than postwar neonazism. It is a racial ideology which relegates one racial group to a subordinate status for the benefit of another racial group. Both nazism and apartheid use this doctrine of racial supremacy to remove and concentrate large numbers of people in limited geographical areas. In Germany, the result was the Holocaust; South Africa has yet to reveal its final solution.

The pass laws, arrests, detentions, homelands, and violent suppression of free speech cannot last much longer without a bloody confrontation. We must do what we can to prevent this confrontation, something beyond the administration's laissez faire constructive engagement failure.

The Anti-Apartheid Act will bring Pretoria to its senses. By hitting apartheid at its economic base, the United States will begin a process whereby South Africa will have to loosen the chains of apartheid if it wishes to take a place in the world community.●

● Mr. MILLER of California. Mr. Chairman, the House of Representatives can take an important step by passing H.R. 1460, "The Anti-Apartheid Act." It is obligatory that this Congress repudiate the tolerant attitude of the administration toward racial discrimination in South Africa, and instead declare ourselves full partners in the effort to end apartheid.

This past April, as the chairman of the Human Rights Task Force during the Speaker's visit to the Soviet Union, I told the leaders of the Soviet Government how vigorously we object to their discriminatory policies against racial and religious minorities. In a speech to members of the Supreme Soviet, I said something which is very appropriate here this afternoon.

Human rights, I said, are "Inseparably linked to all other issues. On this we will not bend. As Abraham Lincoln declared, 'Important principles may and must be inflexible.' "

We sent that message to the Soviet Union. By passing H.R. 1460, we can send that same message to the Government of South Africa.

The bill H.R. 1460 follows in our national traditions of peaceful change and human rights. Political, economic, and social sanctions established by this act will emphasize our vigorous objection to apartheid, and will promote our position as defenders of personal freedom and human rights throughout the world.

This bill includes incentives to the South Africa Government to end its official policy of racial discrimination, providing a realistic means for achieving the elimination of these racist doctrines. But more than incentive are needed. H.R. 1460 also prohibits new U.S. investment in South Africa; halts U.S. bank loans to South Africa; bans the importing of South African gold coins into the United States; and halts the export of computer equipment to the South African Governments.

Our present practice of "constructive engagement" is a weak, ineffective and inadequate means of bringing about the repeal of apartheid. We cannot separate military policy from apartheid; we cannot separate trade policy; we cannot separate cultural or sports policies. We cannot separate any of them from the issue of apartheid.

Efforts to dilute this legislation sent an erroneous message to the proponents of apartheid and the opponents of racial justice in South Africa. Weakening this legislation, through adoption of these amendments, suggested that the Congress of the United States is not serious in our revulsion for a system which denies basic human rights and justice to the black majority of South Africa. And that would be very wrong and unfortunate.

I call upon all of our colleagues to reject apartheid and reject "constructive engagement." Let us instead embrace for black South Africans the same standards of justice that we claim for ourselves: Democracy, majority rule, and freedom for all the citizens of South Africa.●

● Mr. ACKERMAN. Mr. Chairman, I rise in support of House Resolution 1460, the Anti-Apartheid Act of 1985. The measures mandated by this legislation would constitute a significant first step toward reversing the misguided course that the Reagan administration has charted for American policy in South Africa.

The hideous crimes that the Pretoria government continues to commit against its own people have been repeatedly glossed over by the President; his "quiet diplomacy" and "constructive engagement" are an insult to our intelligence and to our standards of morality. The dismal policy that this administration has compiled in southern Africa ignores the brutal realities of racist oppression, preferring to focus on the illusions dictated by economic and political expediency. In House Resolution 1460, the Congress has an opportunity to put the United States firmly on record as an active and committed opponent to the horrors of apartheid.

One important effect of the economic sanctions in the Anti-Apartheid Act will be the powerful symbolism of American leadership in the economic isolation of South Africa within the international community. Such financial pressure and ultimately the destruction of the apartheid system must occur in order to secure freedom for the black majority of that country.

Make no mistake, American economic sanctions can and will be effective if we act now. We all know that the South African Government relies heavily on it exports of gold for economic stability and foreign currency. In 1984, this precious metal accounted for fully one-fifth of all U.S. imports from South Africa, making it an excellent lever that we can use to force liberalization of the apartheid laws. House Resolution 1460 does exactly this, by prohibiting future importation into the United States of Krugerrands or any other South African gold coin.

Further, this legislation's features are designed to exploit the vulnerability of South Africa's dependence on U.S. economic support, by prohibiting the sale of American-built computer

components and software to that country. Clearly, American technology should not be used to prop up South Africa's apartheid system. This bill takes a step to remove their resource which does not belong in the hands of Pretoria's racist rulers. More than two-thirds of South Africa's computer business is based on the involvement of U.S. firms. House Resolution 1460 would end shipments of computer technology under present or future contracts, adding to the liberalizing pressure that this measure seeks.

Mr. Chairman, the white minority Government of South Africa must be made to realize that a "business as usual" attitude on apartheid is absolutely unacceptable to the community of civilized nations, and particularly to the American people. To this end. House Resolution prohibits all future loans and extensions of credit to the South African Government and its corporations. Here, too, we have a powerful lever: Over 25 percent of the 100 largest American banks have loans outstanding to the South African Government, totaling $343 million. Still more significant is the sanction that House Resolution 1460 would place on future private investment in South Africa. The value of U.S. assets there is second only to that of Great Britain. The nearly $7 billion that American firms have invested in or loaned to the South African private sector is yet another sorry example of how the United States has failed to take an active and unequivocal position against apartheid. Passage of House Resolution 1460 would help to correct that stance.

Several of my distinguished colleagues, surely with the best of intentions in mind, have mistakenly proposed amendments to the Anti-Apartheid Act that would seriously impair the movement toward liberalization that this legislation has the potential to achieve. House Resolution 1460 offers to Pretoria a carrot as an alternative to the stick: This measure is not simply a punitive one, but one that allows for—indeed encourages—the Government of South Africa to soften its apartheid laws. Movement in this direction must be our primary goal, and the legislation that we enact must not merely pay lip service to reform. Proposals to weaken this legislation by undertaking further "studies" of the apartheid system are misguided. We do not need any further commissions to examine this issue. The impact of apartheid is well known; it needs no further study. Rather, it needs to be swiftly dismantled with the active encouragement of the U.S. Government.

Mr. Chairman, the United States has substantial economic leverage over South Africa, leverage that House Resolution 1460 will judiciously and effectively begin to convert into freedom for South African blacks. Equally substantial is the responsibility that this country bears, as the greatest democracy in the world, to promote liberty and freedom throughout the globe. Freedom for South Africa's blacks will not be forthcoming if we do not act decisively and unequivocally to make use of our leverage. The time for the President's ambivalence and half-measures is long past; the time for action in support of South Africa's oppressed black majority, with House Resolution 1460 as the cornerstone, is at hand. I enthusiastically support its passage.●

● Mr. WYDEN. Mr. Chairman, I wish to state my strong support for the Anti-Apartheid Act.

The Anti-Apartheid Act will put pressure on the South African Government to end the cruel system of apartheid that exists in that country.

The administration's policy of friendly persuasion through constructive engagement has done nothing to improve the situation for the 22 million blacks in South Africa. In reality, violence and repression have significantly increased. The South African Government's package of reforms established as a result of constructive engagement is merely apartheid in another form. Constructive engagement has served only to align the United States with the South African Government in the eyes of the world.

It is time for real change in South Africa. The United States can no longer silently endorse the practices of the South African Government through the administration's policy of constructive engagement.

Many people in the world view the United States as the defender of freedom and human rights and as a sanctuary from violence and repression, In accord with our Nation's position in the world, we must vigorously and loudly demonstrate our dissatisfaction with the status quo in South Africa and work to dismantle the cruel injustice of apartheid. The Anti-Apartheid Act is the necessary step we must take to achieve the goal.

The sanctions the bill mandates will offer credence to U.S. Government statements of opposition to apartheid. These sanctions will not weaken U.S. leverage in South Africa but can help induce real reform.

The economic sanctions prohibit loans and extensions of credit to the South African Government and prohibit new investment in business enterprises. In addition, it includes a ban on importation of Krugerrands or any other gold coins minted or sold by the South African Government. Approximately half of all South African Krugerrand exports are sold in the United States. U.S. opposition to apartheid will be clearly understood if there is a ban on the importation of Krugerrands into our country.

I commend my colleague Mr. GRAY, for the excellent provision in the bill regarding waiver conditions. The conditions establish goals for the South African Government with regard to human rights. Among them—to eliminate policies that make distinctions between South African nationality of blacks and whites, stop the removal of black populations from certain locations for reasons involving race or ethnic origin, enter into negotiations with representative leaders of the black population for a new, nondiscriminatory political system and, free all political prisoners.

This is a strong and necessary bill that sends a clear message to the Government of South Africa—the United States abhors and will not condone the present status quo of apartheid.

I commend my colleagues for their hard work on this legislation and I give my complete support for the Anti-Apartheid Act.●

□ 1700

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DE LA GARZA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, pursuant to House Resolution 174, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRANE. I am, Mr. Speaker.

The SPEAKER. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CRANE moves to recommit the bill H.R. 1460 to the Committee on Foreign Affairs with instructions to report the same to the House forthwith with the following amendment:

Add the following at the end of the bill:

SEC. 15. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Subject to subsection (b), the provisions of this Act and the amendment made by section 7 of this Act shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

(b) LIMITATION.—The provisions of this Act and the amendment made by section 7 of this Act shall not take effect if, not earlier than 30 days before the end of 1-year period referred to in subsection (a), the President certifies to the Congress that—

(1) the African National Congress has not renounced the use of violence by that organization in the achievement of its goals.

The SPEAKER. The gentleman from Illinois [Mr. CRANE] is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, frankly I do not think this is a particularly controversial recommendation to improve the quality of the bill. The African National Congress, for those Members who have not followed the affairs in South Africa, is an organization that some years ago joined forces with the South African Communist Party to provide for the violent overthrow of the Government of South Africa. I think it is the commitment to violence on the part of both the ANC and the SACP that should be a concern to each and every one of us. They have engaged in acts of terrorism, assassination of public officials and, in fact, some of their atrocities, worst atrocities, have been perpetrated against members of the black community in South Africa. I think, Mr. Speaker, that if the Members of this body seek to attempt to impose some meaningful change on public policy that there are a variety of kinds of violence that are engaged in, some of it nonphysical, that need to be addressed in this anti-apartheid resolution. But the ingredient of physical violence comes from elements not covered. And it is this violence that must concern us as much as any other because of our desire to improve conditions on the African Continent. It is this feature that, Mr. Speaker, I think should be of concern to each and every Member of this body.

Lucy Mvubelo, the general secretary of the National Union of Clothing Workers in South Africa disagrees with the action that we are preparing to take here with regard to this resolution. She stated:

I hope that careful reflection will dissuade well-meaning, compassionate, and thoughtful Americans from pressing for shortsighted laws calling for divestment and disinvestment.

And I might remind you, if you are not aware of it already, that Lucy Mvubelo is a black woman and that the clothing union is the largest black union in South Africa. She went on to state:

Such laws will set back the cause of human rights and peaceful change. They will hurt the South African economy and the very persons their advocates seek for help.

In conjunction with our effort to effect a peaceful resolution of this problem, it is as incumbent upon us if we are going to go through with this resolution to be as attendant to the potential for violence represented by the African National Congress, as any other group. And it is incumbent upon them, if they want these kinds of changes, too, to lay down their arms and join in a peaceful effort to secure a civilized transition in that troubled land.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Michigan [Mr. WOLPE] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. WOLPE. I thank the Speaker.

Mr. Speaker, the Members of this House have expressed on a number of votes over the past several days, on a bipartisan basis, their understanding that the legislation that is before this body offers the best hope for averting the escalating violence in South Africa. I urge a "no" vote on the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 139, nays 282, answered not voting 12, as follows:

[Roll No. 140]

YEAS—139

Archer	Davis	Kemp
Armey	DeLay	Kindness
Badham	Dickinson	Kolbe
Barnard	Dornan (CA)	Lagomarsino
Bartlett	Dreier	Latta
Barton	Duncan	Leath (TX)
Bateman	Eckert (NY)	Lent
Bentley	Evans (IA)	Lewis (CA)
Bereuter	Fawell	Lewis (FL)
Bilirakis	Fiedler	Lightfoot
Boulter	Fields	Livingston
Broomfield	Franklin	Loeffler
Broyhill	Gekas	Lott
Burton (IN)	Gingrich	Lowery (CA)
Callahan	Goodling	Lungren
Chandler	Grotberg	Mack
Chappell	Gunderson	Madigan
Chappie	Hall, Ralph	Marlenee
Cheney	Hammerschmidt	Martin (IL)
Clinger	Hansen	McCain
Cobey	Hartnett	McCandless
Coble	Hendon	McCollum
Coleman (MO)	Henry	McEwen
Combest	Hiler	McMillan
Craig	Hillis	Meyers
Crane	Holt	Michel
Daniel	Hunter	Miller (OH)
Dannemeyer	Hyde	Monson
Daub	Ireland	Montgomery
Moore	Schaefer	Strang
Moorhead	Schuette	Stump
Morrison (WA)	Sensenbrenner	Sundquist
Myers	Shaw	Sweeney
Nielson	Shumway	Swindall
O'Brien	Shuster	Tauke
Oxley	Siljander	Taylor
Packard	Skeen	Vander Jagt
Parris	Slaughter	Vucanovich
Pashayan	Smith (NE)	Walker
Petri	Smith (NH)	Weber
Quillen	Smith, Denny	Whitehurst
Ridge	Smith, Robert	Whittaker
Roberts	Snyder	Wolf
Rogers	Solomon	Young (AK)
Roth	Spence	Young (FL)
Rudd	Stangeland	
Saxton	Stenholm	

NAYS—282

Ackerman	Edwards (CA)	Lloyd
Addabbo	English	Long
Akaka	Erdreich	Lowry (WA)
Alexander	Evans (IL)	Lujan
Anderson	Fascell	Luken
Andrews	Fazio	Lundine
Annunzio	Feighan	MacKay
Anthony	Fish	Manton
Applegate	Flippo	Markey
Aspin	Florio	Martin (NY)
Atkins	Foglietta	Martinez
AuCoin	Foley	Matsui
Barnes	Ford (TN)	Mavroules
Bates	Fowler	Mazzoli
Bedell	Frank	McCloskey
Beilenson	Frenzel	McCurdy
Bennett	Frost	McDade
Berman	Fuqua	McGrath
Bevill	Gallo	McHugh
Biaggi	Garcia	McKernan
Billey	Gaydos	McKinney
Boehlert	Gejdenson	Mica
Boggs	Gephardt	Mikulski
Boland	Gibbons	Miller (CA)
Boner (TN)	Gilman	Miller (WA)
Bonior (MI)	Glickman	Mineta
Bonker	Gonzalez	Mitchell
Borski	Gordon	Moakley
Bosco	Gray (IL)	Molinari
Boucher	Gray (PA)	Mollohan
Boxer	Green	Moody
Breaux	Gregg	Morrison (CT)
Brooks	Guarini	Mrazek
Brown (CA)	Hall (OH)	Murphy
Brown (CO)	Hamilton	Murtha
Bruce	Hatcher	Natcher
Bryant	Hawkins	Neal
Burton (CA)	Hayes	Nelson
Bustamante	Hefner	Nichols
Byron	Heftel	Oakar
Carney	Hertel	Oberstar
Carper	Hopkins	Obey
Carr	Horton	Olin
Clay	Howard	Ortiz
Coats	Hoyer	Owens
Coelho	Hubbard	Panetta
Coleman (TX)	Huckaby	Pease
Collins	Hughes	Penny
Conte	Hutto	Pepper
Conyers	Jacobs	Perkins
Cooper	Jeffords	Pickle
Coughlin	Jenkins	Price
Courter	Johnson	Rahall
Coyne	Jones (NC)	Rangel
Crockett	Jones (OK)	Ray
Darden	Jones (TN)	Regula
Daschle	Kanjorski	Reid
de la Garza	Kaptur	Richardson
Dellums	Kasich	Rinaldo
Derrick	Kastenmeier	Ritter
DeWine	Kennelly	Robinson
Dicks	Kildee	Rodino
DioGuardi	Kleczka	Roe
Dixon	Kolter	Roemer
Donnelly	Kostmayer	Rose
Dorgan (ND)	Kramer	Rostenkowski
Dowdy	LaFalce	Roukema
Downey	Lantos	Rowland (CT)
Durbin	Leach (IA)	Rowland (GA)
Dwyer	Lehman (CA)	Roybal
Dymally	Lehman (FL)	Russo
Dyson	Leland	Sabo
Early	Levin (MI)	Savage
Eckart (OH)	Levine (CA)	Scheuer
Edgar	Lipinski	Schneider

Schroeder
Schulze
Schumer
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (MO)
Zschau

NOT VOTING—12

Campbell
Dingell
Edwards (OK)
Emerson
Ford (MI)
Gradison
Nowak
Porter
Pursell
Spratt
Stallings
Wilson

□ 1720

Messrs. CONYERS, RITTER, and SLATTERY changed their votes from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WOLPE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 295, nays 127, not voting 11, as follows:

[Roll No. 141]

YEAS—295

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Carr
Chappell
Clay
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hiler
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowry (WA)
Luken
Lundine
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
Mica
Mikulski
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Rahall
Rangel
Ray
Reid
Richardson
Rinaldo
Robinson
Rodino
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Saxton
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitley
Whitten
Williams
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)

NAYS—127

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bentley
Bereuter
Billirakis
Boulter
Broomfield
Broyhill
Burton (IN)
Callahan
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Cobey
Coble
Combest
Craig
Crane
Daniel
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Eckert (NY)
Fawell
Fiedler
Fields
Franklin
Frenzel
Gingrich
Grotberg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen
Hartnett
Hendon
Henry
Hillis
Holt
Hunter
Hutto
Hyde
Ireland
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leath (TX)
Lewis (FL)
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
McCain
McCandless
McCollum
McEwen
McMillan
Meyers
Michel
Miller (OH)
Monson
Montgomery
Moorhead
Myers
Nichols
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Petri
Quillen
Regula
Ridge
Ritter
Roberts
Rogers
Roth
Rudd
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NE)
Smith (NH)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Strang
Stump
Sundquist
Sweeney
Swindall
Taylor
Vander Jagt
Vucanovich
Walker
Whitehurst
Whittaker
Wolf
Young (FL)
Zschau

NOT VOTING—11

Dingell
Edwards (OK)
Emerson
Ford (MI)
Gradison
Miller (CA)
Pursell
Spratt
Stallings
Thomas (CA)
Wilson

□ 1740

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1460, the bill just passed.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR COMMITTEE ON SMALL BUSINESS TO SIT DURING 5-MINUTE RULE ON TOMORROW, THURSDAY, JUNE 6, 1985

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that the Committee on Small Business be permitted to sit during the 5-minute rule tomorrow for the purpose of marking up an authorization bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2577, SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1985

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-160) on the resolution (H. Res. 186) waiving certain points of order against consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUSE FAIR EMPLOYMENT PRACTICES RESOLUTION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, Congress—often dubbed "The Last Plantation"—has exempted itself from the provisions of all antidiscrimination bills. In doing so, Congress has created a new type of perk—exemptions from regulations that we pass for others.

Six years ago today, on June 5, 1979 the Supreme Court held in Davis versus Passman that the fifth amendment gives congressional employees the right to sue in Federal court for damages resulting from discrimination.

An instrumental factor in the Court's decision was that Congress does not have a mechanism through which to implement the antidiscrimination language that is already in the House rules. Thus, when Shirley Davis believed that her constitutional rights had been violated, she had no form of redress other than the Federal courts.

I am introducing legislation today that offers congressional employees redress, the House fair employment practices resolution. First introduced in May 1979, this bill sets up an in-House grievance procedure so that the House can enforce the language of our rules.

My bill not only provides employees with essential protections against discrimination, but also takes into consideration the unique characteristics of the House of Representatives as an institution. My bill does not involve any other branch of Government, so there is no separation of powers conflict.

I hope my colleagues will join me in my effort to have Congress follow the same antidiscrimination laws we pass for others.

Mr. Speaker, I am submitting an editorial appearing in this morning's Washington Post for printing in the RECORD. The editorial discusses the need for Congress to set its own Houses in order and enact legislation to ensure that its employees are protected from discrimination.

[From the Washington Post, June 5, 1985]

CONGRESS PROTECTS ITS OWN

Two House committees, Judiciary and Education and Labor, have now reported legislation to overturn the Grove City decision, which weakened the power of the federal government to enforce civil rights laws. The bill is targeted to a specific problem involving the application of the law to an entire institution when only a part of the institution discriminates. Sponsors want to keep the proposal focused on this issue and vote in a block to defeat amendments not directly related to this question. That is wise legislative strategy, even though it forced postponement of committee consideration of an important reform designed to make civil rights employment laws applicable to Congress.

Madison wrote confidently, in the Federalist Papers, that members of Congress would be restrained from enacting oppressive measures because "they can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government degenerates into tyranny." Madison did not foresee Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment and from which Congress carefully exempted itself.

Remedial legislation has been offered. Rep. Lynn Martin's bill has 69 bipartisan cosponsors. Rep. Patricia Schroeder's proposal, also widely supported, has been around since 1978. Both measures allow some leeway so that legislators would be free to hire staff from the home district and the same political party, and both recognize the separation-of-powers problem by creating outside panels to hear complaints, rather than sending them to the courts. But most of the 30,000 employees on the Hill and 17,000 in the federal courts—they are now exempt too—are not in sensitive, policy-making positions, and they need and deserve the same protections given to employees in private industry. A cafeteria worker, clerical aide or service worker should not suffer discrimination because of race, religion, national origin, sex, age or handicap just because he is employed by Congress and not a corporation. Now that the House committees have reported the Grove City bill, they should turn their attention to this problem of justice for those who are so close to home.

LET US NOT CONFUSE HUMANITARIAN AID WITH SUPPORT FOR THE OVERTHROW OF THE SANDINISTA GOVERNMENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include therein extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, I too, join the gentleman from Texas in responding to the remarks made by the gentleman from Illinois, the minority leader, concerning the publication of a recent poll whereupon Americans are judged to be in support of humanitarian aid for the Contras in Nicaragua.

I suggest, Mr. Speaker, that Americans generally support humanitarian aid for all people around the world, and especially those in this hemisphere. I think that poll indicates that Americans understand that the problem in Central America and in Nicaragua is not a military problem, and that there is no real military solution as General Gorman himself has suggested. Americans understand maybe even more than our President that the problems in Nicaragua are poverty; they are political oppression; they are hunger and disease, which foment the turnmoil in that nation today.

While Americans support humanitarian aid for all around the world, that is not to be confused with support for the armed overthrow of a foreign government by our Nation or a counterrevolutionary force that is dedicated to that end.

Today, William Hamilton, the respected national pollester, released a survey of Americans living in the deep South. I think my colleagues will see that the people of this region are just as committed as Americans everywhere to a peaceful and constructive solution to the problem of Central America.

The survey follows:

REGARDING NICARAGUA

1. Do you favor or oppose the U.S. government providing direct military assistance to the rebels or contras who are fighting to overthrow the communist Sandanista government there?

	Percent
Favor	35
Oppose	45
Don't know	20

2. Do you favor or oppose the U.S. government providing humanitarian aid, not military aid, to the rebels or contras who are fighting to overthrow the communist Sandinista government there?

	Percent
Favor	62
Oppose	22
Don't know	16

3. If the United States provided humanitarian aid, through the Red Cross or other international agency, would you be more likely or less likely to support such aid to the rebels in Nicaragua?

	Percent
More likely	63
Less likely	22
Same	3
Don't know	11

4. Now, if there were three choices regarding our policy toward the situation in Nicaragua, which one would be your own choice?

	Percent
The U.S. should give the rebels direct military aid	19
The U.S. should give the rebels humanitarian, but not military aid	30
The U.S. should stay out and give no aid to the rebels	37
Mixed	5
Don't know	8

Of the 19% who favored direct military aid on this question, three-fourths answer they would be more likely to support humanitarian aid through the Red Cross or other international agency.

Of the 37% who favored no aid on this question, 49% answer they would be more likely to support humanitarian aid through the Red Cross or other international agency.

5. If the CIA had a major role in coordinating the assistance to the rebels in Nicaragua, would you be more or less likely to favor providing such aid to the rebels?

	Percent
More	29
Less	45
Same	4
Don't know	23

6. If the Reagan Administration decided it was necessary to overthrow the Sandanista government to prevent communism from spreading in Central America, would you favor or oppose sending American troops to fight in Nicaragua?

	Percent
Favor	37
Oppose	51
Depends	4
Don't know	8

7. Which of these statements is closest to your own view?

	Percent
Congress should play its proper role and question President Reagan where they disagree with him on Nicaragua	77
Congress should not fight President Reagan over the Nicaragua situation and allow him to run U.S. foreign policy	16
Don't know/undecided	8

THE TRADE DEFICIT AND FOREIGN LOBBYISTS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, last month, our foreign trade deficit surged another $12 billion, the worst April in trade annals. In April, both the import and export sides of the trade deficit equation took a turn for the worse—imports up, exports down. And the bulk of this deficit is with Japan.

Recently, I sent out a questionnaire to my constituents and asked them to identify the most important issues facing our Nation. Overwhelmingly, the issue of jobs, foreign imports, and trade fairness topped the list. I know many of my colleagues here have gotten similar responses from their constituents.

I have been trying to figure out why people across America see this as a major economic problem, yet the Reagan administration does not. I think I have found a large part of the answer. It seems that some close friends and former advisers of the President are American lobbyists for Japan. The two most notable are, Richard Allen, former National Security Adviser, and John Sears, former campaign manager for the President. Allen represents an organization financed principally by the Japanese steel industry. Sears represents Japanese automobile manufacturers. Is it any wonder that the President lifted the Japanese auto import restraints and imposed ineffective, toothless steel restraints?

Mr. Speaker, I include articles on the trade deficit, as follows:

[From the New York Times, June 1, 1985]

TRADE DEFICIT UP $11.9 BILLION

WASHINGTON, May 31.—The foreign trade deficit, symbol of a sputtering economy, surged by a near-record $11.9 billion in April as domestic manufacturers found it increasingly difficult to market their high-priced goods abroad, the Government said today.

The Commerce Department report said imports rose five-tenths of 1 percent in April, to $29.6 billion, compared with a seven-tenths of 1 percent rise in March. But exports fell 3.6 percent after rising 3.3 percent in March. Exports were $17.8 billion for April, the lowest since last June.

7.2 PERCENT INCREASE

The result was a 7.2 percent increase over the March deficit of $11 billion. That brought the imbalance for the first four months of the year to $44.6 billion—5.8 percent ahead of the pace for the first four months of 1984.

The April figure was exceeded only by last July's $13.7 billion and last May's $11.93 billion.

Michael Evans of Evans Economics Inc. in Washington said the only surprise in the April report was that "exports were so weak." He added, "It's a big drop that would indicate we're just not able to sell our goods anymore overseas."

John Green of Wharton Econometrics in Philadelphia said there was little prospect for a near-term decline in imports, "so we have to look to exports to make a large contribution to any turnaround" in the deficit.

He noted that the American share of manufactured exports in the world markets has slipped almost 30 percent since 1980.

The trade imbalance is attributed to the strength of the dollar, worth about 80 percent more than it was five years ago. A strong dollar makes American goods more expensive abroad, while making foreign goods cheaper in the United States.

Commerce Secretary Malcolm Baldrige, in a statement accompanying the trade report, said a slippage of about 7 percent in the dollar from a February peak "so far is not enough to improve U.S. competitiveness and should have only a limited effect on our balance of trade."

The high dollar is attributed blamed mostly to relatively high interest rates in the United States, compared with other nations, prompting Mr. Evans to suggest that the Federal Reserve Board "might well say it's time for another dose" of lowered interest rates if it sees many more trade reports like the April release.

OIL AND JAPANESE CARS

On the import side, most of the April increase was attributed—as expected—to volume and price increases in oil imports and to an increase of about 25 percent in Japanese cars flowing into American showrooms.

Mr. Baldrige noted that April marked the end of the Japanese Government's voluntary restraint program on car imports, allowing them to surge to $1.4 billion in April, from $1 billion in March. Car imports from Japan averaged $1.1 billion a month in 1984.

Petroleum imports were up $1.6 billion over March, in part because a number of March shipments were included in the April data as a result of the late receipt of import documents from some ports.

WASHINGTON.—Stanton D. Anderson's Sunday school teacher was a state senator who taught the boy more than Bible studies: Mark O. Hatfield, now Republican Senator from Oregon, instilled in the youngster a taste—and a skill—for politics that never disappeared. And today the 44-year-old Mr. Anderson wields political power of a sort that would have seemed inconceivable to a Baptist minister's son growing up in Salem, Ore., during World War II.

By all accounts, Mr. Anderson is Japan's most influential lobbyist in Washington, a leading figure in what is the capital's biggest growth industry: Japanese Government and industry representation.

"You can measure a good lobbyist by the ripples he doesn't make, and Stan doesn't make ripples," said one of his adversaries, Travis Marshall, chief lobbyist for Motorola, an American telecommunications company that has been compaigning for an import surcharge to help redress the growing trade deficit.

Mr. Anderson whose lean, 6-foot 4-inch frame has been a fixture in Washington for about 20 years, prefers to operate with low visibility, wielding his considerable power behind the scenes. He shuns the word lobbying, preferring to call what he does "trade-policy legal work." In Japan, "lobbyist" carries a pejorative connotation: The word means "action behind the curtains."

In the crisis this spring over access to the Japanese telecommunications market by American companies, he served more as an adviser to his Japanese clients than as a lobbyist. By urging them to get the Japanese Government to reduce trade barriers, he helped ease a crisis that could have set off a protectionist outburst here, which could have hurt his clients.

But there are still tough times ahead. The $37 billion trade deficit with Japan, associated in many American minds with the continued loss of manufacturing jobs, has led to deep resentment here. Congress now faces the largest backlog of protectionist bills in 50 years. And, many analysts believe, prospects of ever-wider deficits could soon bring a major confrontation between free traders and protectionists. "The most difficult period will be in the next six months," Mr. Anderson said.

He has never been busier. Yet he says he never advocates a position that he does not believe in. "We turn down business," he said. "I'm very concerned about my reputation. We're careful how we pick a client."

Through the law office he founded four years ago, Anderson, Hibey, Nauheim & Blair, and another private lobbying enterprise, Global USA Inc., he handles a broad range of clients. They include foreign and domestic interests, such as Brazil's steel industry, Continental Air Lines and the Marriott Corporation.

But Japanese work is his bread and butter. The law firm represents two Japanese telecommunications trade associations and three Japanese machine tool trade associations. Global counts among its clients some leading Japanese corporations, including All Nippon Airways, the Japanese Aero Engine Corporation, the Japanese Aircraft Development Corporation, Fanuc, Komatsu and Kyocera.

Using an extensive network of cronies throughout Washington, Mr. Anderson plays a role that his Japanese clients consider invaluable: He is their eye on Washington. He teaches them the ways of the capital, warning them of potential problems while trying to take some of the heat out of trade conflicts. "We probably spend more time advising and educating our foreign clients than we do in actual lobbying the U.S. Government and Congress," he said.

And that, even adversaries concede, has proved very successful. "Stan accurately articulates the U.S. political position," said William K. Krist, director of international trade affairs for the American Electronics Association. "He's very effective."

Part of his job is to warn the Japanese of shifts in the American mood, and to keep trade tensions from growing. In March, for example, a crisis was building over America's $2 billion annual telecommunications

trade deficit with Japan and Mr. Anderson stepped in.

His strategy covered several fronts. He urged Haruo Ozawa, president of the Communications Industries Association of Japan, to get Sony, Sanyo and other Japanese producers to withdraw from a Tokyo agency that certified imported products for sale in Japan. The fact that Japanese producers were deciding what competitors' products would be allowed into Japan infuriated the Americans. When Japanese producers followed the Anderson advice, tensions were reduced and the Americans eased their demands for protectionists measures.

Then Mr. Anderson urged Mr. Ozawa to address an American telecommunications producers' convention to persuade them that Japanese producers were truly working for greater access for American companies. That, too, helped ease tensions.

"The information we have received from him has been accurate and useful,"said Mr. Ozawa, interviewed in Tokyo. "We have a very high appraisal of the work he has done."

In doing his job, Mr. Anderson taps the people he has come to know during his long years in Washington. This of course, is the coin of any good lobbyist and Mr. Anderson, like other top players—including Charles E. Walker, Robert S. Strauss and J.D. Williams—built a lobbying business out of a career that included private-sector work and government service. In Washington, it is summed up in the term, "the revolving door," referring to the constant shuffling between government and the private sector. And relationships forged that way, of course, go beyond individual issues.

For example, even though Senator John C. Danforth is on the other side in the telecommunications conflict, he recently asked Mr. Anderson to be vice chairman of a fundraiser for Vice President Bush's expected 1988 Presidential bid. Explained Mr. Anderson with a grin: "We're both Republicans."

Mr. Anderson started his long Washington career after graduation from California's Westmont College, when, at 22, he became chief lobbyist for an aviation trade association. A year later, he became executive director of the National Young Republicans, where he worked for the Presidential candidacy of Barry Goldwater. After that unsuccessful bid, he studied law at Willamette University, then returned to Washington to join the law firm of Surrey & Morse. Former colleagues from his Young Republican days, William Timmons and Donald E. Rumsfeld, who later became Defense Secretary, brought him into the Nixon White House in 1971.

He spent two years working in the White House personnel office, but in 1973, with the White House in spreading disarray over Watergate, he moved to the State Department. He became Deputy Assistant Secretary for Congressional Relations, which led, he said, to his interest in trade.

A few months later, he was nominated to become Ambassador to Costa Rica. But the nomination was withdrawn at his request "for personal reasons" after he was questioned critically before the Senate Foreign Relations Committee about his political work in the Nixon White House and in the Committee for the Re-election of the President. He had been questioned and cleared by the Senate Watergate Committee.

Experienced in the political vineyards, Mr. Anderson uses his political credits sparingly. "You can only traffic on a relationship so much," he said. "I don't overtraffic on those relationships. There's plenty of advantage to being able to talk to somebody, but you've got to have the right story to talk to him."

For example, in representing the Japanese machine tool interests, he is advising officials at Commerce and the National Security Council that the United States would hurt itself more than Japan by curbing imports of Japanese machine tools. The domestic industry has petitioned for protection on grounds that the imports are a threat to national defense.

"We're very careful about the way we go about advocating a position," he said. "If it's the right position, we'll advocate the hell out of it."

But he is sensitive to being identified as a lobbyist for the Japanese. "We represent many American firms as well as Japanese firms," he said.

The Japanese work, however, is clearly lucrative. There are no accurate numbers on how much the Japanese spend to try to understand Washington and influence political decisions in their favor, but nearly everyone agrees it is a big sum and rising. "It may be as much as $50 million a year," said William C. Triplett 2d, a lawyer on the staff of the Senate Foreign Relations Committee. "You're looking at a $37 billion trade deficit. The more the deficit goes up, the more they need to lobby."

Public files, available under the Foreign Agents Registration Act, at the Justice Department show that Mr. Anderson's law firm collects $20,000 a month in fees from the Communication Industries Association of Japan and an additional $40,000 a year from the Electronic Industries Association of Japan. Three Japanese machine tool trade associations pay a combined $200,000 a year to the law firm for representation.

In addition, Global USA, of which he is board chairman, received more than $1 million last year in lobbying fees from a half-dozen other Japanese companies. Global, founded by Mr. Anderson and Mr. Timmons, is a private, closely held corporation specializing in Japanese clients.

Mr. Anderson's business interests notwithstanding, he indicated that he would not mind returning to government some day. The "greatest job in the world," he believes, is the United States trade representative's, and he was considered as a replacement for Bill Brock, whom he has known for 20 years, in that post. But his identification with the Japanese would probably not ease confirmation hearings.

In the meantime, Mr. Anderson—who is divorced and planning to be remarried this summer and lives with his children, Tad, 18, and Mimi, an eighth-grader, in Potomac, Md.—does not conceal his interest in making money. A chauffeur-driven Cadillac stands in readiness in front of his office-townhouse. Among his other ventures, he and partners recently acquired two banks—the Enterprise Federal Savings and Loan Association of Clearwater, Fla., and the Berkeley Federal Savings Bank in Norfolk, Va. Asked if he was on his way to making his first billion dollars, he just laughed.

WASHINGTON'S TOKYO TRADE

If Stanton D. Anderson is the most influential Japanese lobbyist in Washington, he is by no means the only one. Dozens of former Government officials compete for the business.

One of the more notable is former National Security Adviser Richard V. Allen. He is earning $150,000 a year in fees for promoting a second, and much bigger, Panama Canal that would be able to take huge iron ore vessels to move ore from Brazil to Japan. He works for the Panama Canal Study Group, which is financed principally by the Japanese steel industry.

John P. Sears, a former campaign adviser to Richard M. Nixon and Ronald Reagan, earns $122,000 a year representing Japanese automobile manufacturers and $60,000 more from Japan Air Lines. J.D. Williams, a lawyer-lobbyist associated with Democrats, helped Nippon Cargo Airlines get permission to provide service between the United States and Japan. Richard J. Whalen, a former Nixon speech writer, gathers information and represents Toyota. Former United States trade representative William E. Eberle does similar work for Nissan.

THE GREAT STEEL GIVEAWAY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. BENTLEY. Mr. Speaker, the New York Times yesterday reported that this past weekend Secretary Malcolm Baldrige reached a provisional agreement with the French to allow the subsidized French steel industry and others in the European Community to sell over 50 million dollars' worth of steel in this country to the All American Pipeline—above their steel quotas.

There are three U.S. steel companies with idle capacity, capable and eager to produce this pipe, immediately.

We have been given all sorts of reasons for the balance of payments deficit, but never the reason that our own Government gives away our markets. I must ask the question today whether our industries and their workers are being represented by our own Department of Commerce.

I am asking to be inserted into the RECORD a statement sent to me by the LTV Corp. on the closing of the Aliquippa Steel Plant in Aliquippa, PA. 10,000 workers have lost their jobs there since 1981—4 years!

Millions of dollars have been spent in modernizing the plant. It was the hope of the future against foreign competition. But, it could not survive a trade policy which allows unfair competition and closes its eyes to legally negotiated, in-place quotas.

The Constitution gives Congress the power to levy quotas on foreign commerce. I think it is time now, Mr. Speaker, to take that power back.

Mr. Speaker, the statement of the LTV Corp. is as follows:

THE ALIQUIPPA TRAGEDY—WHAT UNFAIR TRADE HAS DONE TO AN AMERICAN COMMUNITY

ALIQUIPPA, PA. The latest victim of unfairly traded steel imports.

Foreign steel, unfairly subsidized and unfairly dumped, is the principal culprit behind what's happened at the once-mighty Aliquippa Steel Works of LTV Steel. But

there are other imports, threatening other industries just as vital to America.

Textiles. Chemicals. Energy. Silicon Valley. The list goes on and on. How many more Aliquippas before this country moves to enforce fair trade?

One of the most disheartening tasks for a company is to announce the idling of a plant. It's not a question of bricks and mortar—we are talking about people's lives.

On May 17, LTV Steel Co. gave notice to 1,300 employees that most operations at the Aliquippa Works will be idled indefinitely.

This was a plant where in 1981 almost 10,000 people worked, forming the economic backbone of an entire community. This was a plant where photographers came to capture America's industrial might, and where the most productive steelmakers in the world made high-quality products to meet the world's demand.

Most important of all, this was a plant where $600 million was spent, most of it in the last 10 years, to modernize facilities and remain competitive.

LTV Steel has done everything possible to keep this plant going. But our losses in the first quarter of this year alone are estimated at $25 million. Over the last several years, product after product has been dropped; unit after unit shut down; employee after employee laid off. The community of Aliquippa has been crippled in the process.

Why did this grim change come about? Will there be more plant idlings in the steel industry like this one? The answer is yes—unless America acts.

We cannot say that every management move at LTV was correct. We cannot ignore the increase to steel substitute products. And we cannot deny that costs—including employment costs—reached high levels.

Still, the truest answer to Aliquippa's trauma lies not in Pennsylvania but overseas.

Unfair foreign competition, in the form of subsidies and "dumped" steel, intruded on product lines of steel bars, oilfield pipe and casing, continuous weld pipe, rod and wire, light structural steel, fence wire, and even nails—until we could no longer compete. What was finally left—pipe—now has an import penetration level of more that 60 percent.

LTV Steel, as well as the entire steel industry, has been pleading for fair treatment under our existing trade laws. No protectionism, but fair trade. We can compete with anyone in the world in quality and price—if we all play by the same rules.

Last September, the Administration announced a plan to curb steel imports to the 18.5 percent of the U.S. market right off the top, we supported it in the best interests of all Americans and our trading partners.

But despite the considerable efforts of U.S. trade negotiators, little has happened. In fact, steel imports soared to the 30 percent level in January.

Unless these imports are curbed now, there will be more Aliquippa soon.

LTV Steel will continue to press for fair trade. All we want, and all our employees want, is a fair fight.

ENHANCED MILITARY CAPABILITIES IS GOAL OF DEFENSE SPENDING

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DARDEN. Mr. Speaker, more and more everyday, we are learning that progress cannot be measured by dollar signs alone. Increased domestic spending won't necessarily rid our Nation of poverty or unemployment, and increased defense spending doesn't necessarily mean that we are more secure.

In an article in yesterday's Washington Post, Georgia's senior Senator SAM NUNN correctly points our that, "History will judge us not by the number of dollars going into the Pentagon, but by the military capabilities coming out." NUNN further states that, "Those who advocate a strong national defense, in both political parties, must start asking, 'Where are we going, and what are we getting?' rather than simply 'How much should we spend?'" As a member of the House Armed Services Committee and a member who has consistently supported a strong national defense, I hope that my colleagues will use this criteria as they cast their votes on the defense authorization bill in the coming weeks. By doing so, we will insure that we have a stronger America and that we are good stewards of the tax payer's money.

I commend Senator NUNN for his observations in this article and include a copy of his article for insertion in the RECORD, as follows:

IT'S NOT WHAT WE SPEND ON DEFENSE—IT'S WHETHER WE HAVE THE MILITARY CAPABILITIES WE NEED

(By Sam Nunn)

For the past four years our national security debate has focused on two underlying themes: first, how much the defense budget should grow each year, and second, how much our military forces have improved relative to the 1980 defense posture under President Carter.

A shift in this myopic national security debate is long overdue. The reference point for measuring improvement should be not our 1980 defense posture but rather our national military needs and objectives.

Faced with zero to 3 percent annual real defense growth for the foreseeable future, we can no longer afford the luxury of an intellectually deficient defense debate that never rises above the level of President Reagan's famous slogan: "Are we better off now than we were four years ago?" Meaningful benchmarks are difficult and challenging, but essential. The Reagan administration and Congress must begin to focus on the real challenges and questions that should guide our national security decisions.

(1) Following the U.S. expenditure of approximately $700 billion on NATO-related forces since 1980, can NATO meet the requirements of defending its territory? The recent description of the supreme allied commander, Gen. Bernard Rogers, of our NATO military posture as one that requires the release of nuclear weapons "in terms of days, not weeks or months" is a good starting point for examining our NATO defense posture.

(2) Can we meet the rigorous requirement of defending our interests in the Persian Gulf that have been defined as "vital" by both President Reagan and President Carter? Do we have the strategic mobility, on-the-scene allies and a clear military strategy required to defend an area 7,000 miles from home against Soviet subversion and aggression?

(3) Are our mobilization goals appropriate and can we meet them? Should we continue to base our mobilization objectives on developing the capability to fight for many months in Europe when our allies would start to run out of ammunication in less than two weeks and NATO's war plan calls for 30 days of sustainability?

(4) Will any level of defense spending provide us the capability to meet the requirements of the administration's 3½-war stategy? (Defense Secretary Caspar Weinberger has testified that this administration's "long-term goal is to be able to meet the demands of worldwide war including concurrent reinforcement of Europe, deployment to Southwest Asia and the Pacific, and support for other areas.") Has the "strategy-capability gap" narrowed over the last four years with the expenditure of $1 trillion in the U.S. defense budget? Will this gap close with the planned expenditure of $1.3 trillion over the next four years?

Defense experts wil undoubtedly differ in their answers to these questions—but certain conclusions are inescapable:

(1) Our current military strategy as set forth in Weinberger's defense posture statements has little relationship to our present capability or to foreseeable resources.

(2) Our own defense planning is out of sync with that of our allies, and our mobilization goals are out of sync with NATO capabilities and war plans.

Even using the "Are we better off now than we were four years ago?" benchmark, the answer is "yes," but not in proportion to the dollars spent. Our force structure (Army and Marine divisions and Air Force wings) is essentially the same, though we do have more Navy ships. The readiness of our forces has improved primarily because of the increased quality of our manpower. Our ability to sustain a war has improved, but is far short of our announced goals. Modernization of our weapons systems is under way, but is in serious jeopardy in a no-growth environment.

To justify increased defense spending, Weinberger frequently displays charts that show how the Warsaw Pact is outproducing NATO in various categories of weaponry. The secretary has a point. In 1984 NATO produced 1,760 tanks, 755 artillery tubes, 80 rocket launchers and 525 fighter aircraft. The Warsaw Pact produced 3,650 tanks, 3,200 artillery tubes, 700 rocket launchers, and 1,070 fighter aircraft.

Yet, we must consider the fact that NATO has consistently outspent the Warsaw Pact for the past decade and a half, especially over the last four years. This raises some tough questions. If we are already outspending the Warsaw Pact but are getting so badly outproduced, how do we cure this problem? Moreover, we should ask whether it is the administration's goal to match the Warsaw Pact tank for tank, plane for plane. If so, how, and at what cost?

Unless the administration and Congress refine our military objectives and concentrate on the overall U.S. and allied defense output, defense in the 1980s and 1990s will increasingly fall into the same disrepute that many domestic programs are now in. The recent budget debate and congressional

votes on defense indicate that trend is well under way.

Those who advocate a strong national defense, in both political parties, must start asking, "Where are we going, and what are we getting?" rather than simply "How much should we spend?"

We must recognize that defense spending has leveled off after five years of growth. It is likely to stay that way until the American public and Congress are convinced that the deficit is being reined in and that increased defense spending can really narrow the gap between our capabilities and our strategy.

In approaching national security challenges with a new realism, there are a number of essential steps that our nation must take to maximize the effectiveness of our defense expenditures:

We must revise our military strategy to one based on U.S. and Western strengths and Soviet weaknesses.

We must coordinate our weapons programs with those of our allies to eliminate wasteful duplications. We must ensure that the United States and our allies are marching to the same war plans, and we must insist that our European, Japanese and Pacific friends follow through in meeting agreed-upon strategy and defense goals.

We must expose the Pentagon procuement system to a strong dose of free-enterprise competiton and accountability. We must devise a method by which the Department of Defense increases the number of efficient production lines by eliminating lower-priority weapons and by restricting the number of new starts.

We must insist that the administration define the Stragetic Defense Initiative realistically to avoid public disillusionment in the years ahead; and

We must carry out long overdue and badly needed reforms in the structure of the military services, the Joint Chiefs of Staff and the entire Defense Department.

History will judge us not by the number of dollars going into the Pentagon, but by the military capabilities coming out.

THE HANDWRITING ON THE WALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 5 minutes.

Mr. McEWEN. Mr. Speaker, it should come as no surprise that the day after the House voted against aid to the rebels in Nicaragua that Daniel Ortega left for his visit to Moscow to cement relations with his Communist mentors. The handwriting has been on the wall for some time. The Nicaraguan regime of Daniel Ortega is a Marxist regime and garners its strengths and support from the Soviet Union and its surrogate, Cuba. With this as an introduction, it should come to no surprise that in May 1984 Bayardo Arce, a member of the FSLN's nine-member directorate and coordinator of its policy committee, addressed leaders of the Moscow-line Nicaraguan Socialist Party [PSN] on the basic goals of the Sandinista leadership. The speech was not originally intended for publication, but an unauthorized tape recording was used for a verbatim account in the Spanish newspaper La Vanguardia.

Arce affirmed that "Sandinism is—Marxism." He referred to the leaders of the two parties as "we Communists" and the parties themselves as "a single force," and predicted that eventually they would "drop the fiction of a Marxist-Lenninst Socialist Party on the one side and those of the Sandinista Front on the other" and "gradually form a single party." He explained that for the present, however, "we have not declared ourselves Marxist-Lenninists publicly and officially," because "our strategic allies tell us not to declare ourselves Marxist-Leninist, not to declare socialism." To do so would jeopardize the prospects of further Western economic aid to Nicaragua—a paradox arce described as "the first experience of building socialism with capitalist dollars."

Arce conceded that the FSLN had promised the Organization of American States in June 1979 to guarantee "nonalignment abroad, a mixed economy, and political pluralism" for reasons of expediency. The promise was designed to keep "the international community" from supporting a United States proposal that might have kept the sandinistas from victory in July 1979. Moveover, clearly referring to the impact of the insurgency, Arce notes that "if we did not have the U.S.-imposed states of war, the electorial problem would be totally outdated in terms of its usefulness." For these reasons the Sandinistas had to endure the "nuisance" of elections and other "bourgeois formalities" impeding the "dictatorship of the proletariat."

Once the elections were past, however, "we" could proceed with drafting a "new constitution of socialism in Nicaragaua." That socialism would be radical in domestic and foreign policies: "Agrarian reform—confiscations, nationalization of the banks, and foreign trade—the Soviet-Cuban military advisers, the internationalism of the revolution—are the facts of the revolution and everything we have done has that dynamic behind it."

Underscoring the FSLN's determination to support likeminded revolutionaries elsewhere and remain allied with the Soviets and Cubans, Arce said that "imperialism asks * * * us to abandon interventionism, to abandon our strategic ties to the Soviet Union and the Socialist community." But the Sandinistas "cannot" do either "unless we cease being revolutionaries."

None of the other comandantes have been as candid in describing the Sandinistas' basic goals. Occasionally, however, they have made statements either publicly or privately that are consistent with points raised in the Arce speech. For example:

Daniel Ortega, much like Arce, stressed that "we" were holding elections in order to "go beyond the notions of traditional bourgeois democracy" and "to consolidate the revolutionary government."

Ortega's brother, Humberto, like Arce, equated Sandinism with Marxism.

"Marxism-Leninism is the scientific doctrine that guides our revolution." He maintained "without Marxism-Leninism, Sandinism cannot be revolutionary. Thus they are indissolubly linked."

Tomas Borge, the last surviving member of the trio who founded the FSLN in 1961, stressed, like Arce, the FSLN's commitment to establishing a non-Western political and economic order in Nicaragua. "There cannot be mixed economy here identical to the one in Venezuela or a political pluralism identical to Mexico's—we are Marxists."

Several comandantes have echoed Arce's identification of the FSLN's purposes and prospects with those of the Soviets and their allies. Even Jaime Wheelock, generally considered the least ideological of the nine, stressed that "when Lenin led the Bolsheviks to the seizure of power—socialism triumphed—the Soviet Union has helped the revolutions on all continents, particularly in small countries, to have their path better cleared."

Finally, the depth of the Sandinista leaders' commitments to these objectives, implicit throughout Arce's presentation to his fellow Marxists, was reflected in a private comment several months ago by another comandante, Henry Ruiz, to a Nicaraguan of long acquaintance: "we will go back to the mountains and eat (excrement) for 6 more years, if necessary, to preserve the purity of the revolution."

There is a growing concern among some Members of Congress, and justifiably so, over the unprecedented military buildup in Nicaragua sponsored by Cuba and the Soviet Union.

Nicaragua's ties to Cuba and the Soviet Union have resulted in a military buildup which has brought the Nicaraguan troop strength to higher levels than that of any other Central American country. Large quantities of Soviet weapons have been introduced into Nicaragua and there is ample evidence that Nicaragua has provided some support to Salvadoran guerrillas and subversive groups in other Central American countries. The question that then needs to be asked is: Why would a country with a population little more than the State of Ohio require a military force which outnumbers all of the other military forces in Central America combined? In less than 6 years, the Sandinistas have developed a military establishment with firepower and mobility unmatched in the region. This expansion has been made possible only with massive assistance from Cuba and the Soviet Union.

Indeed, only the militarization of Cuba itself in the 1960's is comparable to what has occurred in Nicaragua since 1979.

The Sandinista regime now has a military force of over 62,000 men as well as a complement of reserve, militia, and security forces bringing the total of available forces to over 119,000. Military armament now includes a tank and armored personnel carrier inventory of more than 340, a sophisticated radar air defense system, and a complement of the world's most sophisticated attack helicopter—the Soviet-made M1-24/Hind D. The questions of intent and motivation behind this aggressive buildup go begging. If this country's Government were merely putting on a defensive posture, then why have an arsenal which is clearly out of proportion to the capabilities of Nicaragua's neighbors?

In the area of human rights, the Sandinistas' victory over the Somoza regime was hailed as a triumph over what was seen as one of the worst violators of human rights in the Americas. Ironically—and tragically for those close to the 3 million Nicaraguans—the Sandinistas have proved that they surpass their predecessors in abusing the basic rights of their own people. Today's human rights violations affect all aspects of Nicaraguan life. There are restrictions on free movement; torture; denial of due process; lack of freedom of thought, conscience, and religion; denial of the right of association and free labor unions. In light of the Sandinistas' increasingly repressive and numerous human rights violations, coupled with their close association with the Soviet Union and Cuba, the people of the United States must act.

Let me leave you with this 1859 quote from John Stuart Mill:

> The doctrine of non-intervention [in order] to be a legitimate principle of morality must be accepted by all governments. The despots must consent to be bound by it as the free states. Unless they do, the profession of it by free countries comes but to this miserable issue, that the wrong side may help the wrong side, but the right side may not help the right side. Intervention to enforce nonintervention is always right, always moral, if not always prudent.

□ 1750

SUPPLEMENTAL APPROPRIATIONS—BACK-DOOR DEFICIT SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

(Mr. RAY asked and was given permission to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, for the last few months, many of us have gone in good faith to the people we represent and warned them of impending budget cuts. We have tried to communicate to the American public in a responsible fashion the dangers we see facing this country if something isn't done soon about our deficit spending habits.

We have told them that this would be the year when Congress and the administration would begin to reform America's spending policies, and we have asked them to realize that the cuts and freezes are vital for our country's future economic security.

It is my opinion that finally, the Congress is getting the message that the American people are fed up with the philosophy that it is all right for this country to spend more than its income!

By and large, our people have responded in the patriotic and selfless fashion that we proudly call, "the American tradition." They said they would be willing to work with smaller budgets and tighten their belts, if it was in the national interest, and if the Congress and the Administration was really serious in reducing deficit spending.

For weeks, we sweated blood over a new budget. We eventually wound up voting to cut the 1986 deficit by $50 billion plus.

I opposed that budget because I wanted our cuts to be deeper and more balanced and more soundly committed; but our budget does represent a first step. The American people watched us pass this reduced budget and, hopefully, saw some signs that we were serious about battling overspending.

Mr. Speaker, this scandalous supplemental appropriations bill is just doing business as usual.

Our credibility is on the line and it's in danger because of the bill that is to be brought before this body in the next few days. Once again, the Congress is going to consider supplemental appropriations for a few programs that have overspent their budgets, plus a batch of new programs which have not been through the authorizing process.

Some of these programs need money for emergency situations and they are valid requests. But they are included in a bill with $171 million for 66 water projects, almost half of which this Congress has not authorized, additional foreign aid when we are cutting back on programs that affect our own citizens, more money for the Congress to run its business, and additional funds for the White House to take care of its people and buildings.

There are educational programs in this bill that are valid. There's an abortion clause that I would normally support. There's money that could end up helping city policemen, and we all know that they need our support in their frontline battle against crime. Food stamps for the needy are also in this bill, Mr. Speaker, and there's nutritional help for children in it.

But the good programs aren't in the majority. Most of the $13.49 billion is slated to go for special interest programs—pork-barrel projects that Members want for their own districts in order to help them get reelected.

This is a common ploy that is used in the House of Representatives to ram funding for projects and programs that aren't worthy through the legislative process.

I have watched Congress use this back-door method of funding since I have been here and I have also watched our deficits continue to rise. How can we ask the American people to sacrifice and to support our 1986 budget if we are going to put money back in for pet projects when they aren't looking.

Tying pork-barrel projects to sound, responsible legislation is a shameful way for this body to conduct business. I for one, am tired of watching water projects, foreign aid, and congressional expenses get carried through the Congress on the backs of worthwhile legislation and I intend to oppose this use of legislative packaging vocally and vigorously, whenever I see this body stoop to this practice.

If this measure passes as it is now drafted, then our actions and our speeches for the last few months will be seen as nothing more than rhetoric. We owe more than that to the people we serve and as patriotic Americans, we own more than that to the future of this country.

We face a deficit crisis and we are finally taking a few stumbling steps to resolve that crisis. I ask my colleagues to renew their commitment to reducing the deficit and to vote down this back-door spending. If a measure can pass this Congress on its own merit, then it should be law. If it has to be hidden in a huge bundle of legislative bills to pass, then it is our duty and responsibility to see that it dies in this Chamber.

As I see it, Mr. Speaker, that is the only fair and honest way to conduct the business of lawmaking.

THE NEED FOR FULL FUNDING OF THE FREEDOM FIGHTERS IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. ARMEY. Mr. Speaker, what kind of nation are we?

That question is at the heart of the debate over the continued U.S. funding of the freedom fighters in Nicaragua and was the final nail in the coffin for freedom fighter funding in the 99th Congress.

A core concern of many with respect to this funding decision is its consistency with traditional American values of adherence to law and order and support for self-determination. Several Members have even stated that U.S. aid to the freedom fighters is equivalent to "state sponsored terrorism" and in the same vein as the Sandinista support of leftist guerrillas in El Salvador.

However, these arguments contain one fatal flaw: We are not dealing with a legitimate government in Nicaragua.

Now, of course legitimacy is in many ways a subjective judgment. But there are certain criteria upon which I think we could all agree which must be present in order for the United States to recognize the legitimacy of a government. Clearly, even the most basic criteria are not present in the present Sandinista government.

There are four basic freedoms being repressed in Nicaragua today. First, the Sandinistas have declared war upon organized religion. Like all Communist states, Nicaragua—or better, the Communist government of Nicaragua—has felt a great threat from religion. Religion represents a higher commitment than "the Revolution," and thus distracts the people from the political goals of the totalitarian government. By focusing the complete attention of the people on the revolution and Communist ideology it is the goal of the Communist leadership to brainwash the nation into a false commitment to false ideals. Religion represents a way in which to set political ideology in perspective, and without it, political ideology becomes itself the higher law, and loses all sense of relation with reality. In this way, the Communists are able to conceal the repressive nature of their system and package it as liberation. As the April 1984 Easter pastoral letter on reconciliation states, and I quote,

> Materialistic concepts of mankind distort the person and teachings of Christ, reduce man to merely physical terms without taking account of his spiritual nature, so he remains subject to physical forces called the 'dialectics of history'. And man, alienated from God and himself, becomes disoriented, without moral and religious reference points, without a higher nature, insecure and violent,

As Cardinal Miguel Obando y Bravo stated last summer, and I quote,

> We want to state clearly that this government is totalitarian. . . . We are dealing with a government that is an enemy of the church.

Second, even though independent labor unions were in the vanguard in opposition to Somoza they have been brutally repressed by the Communist government. As the former Sandinista Vice Minister of Labor, Edward Macias, stated before he was forced to flee Nicaragua for criticizing the regime,

> The Nicaraguan workers have been reduced to being objects . . . the workers cannot choose, free of fears, either labor union, or their central labor organization, their ideological option, or their political party.

The Communist government allows only the state-controlled labor unions which are designed, not to advance the interests of the workers, but to serve the political interests of the rulers. In Nicaragua, the primary purpose of the labor unions is to assist in the forced transformation of society along the lines determined by the Communist leadership. These state-run unions have forbidden strikes, blocked wage increases, and has made a farce of all collective bargaining negotiations. To complete the transition to a totalitarian labor system, in 1981 the state-run labor unions in Nicaragua joined the Moscow-led World Federation of Trade Unions, and since has signed friendship and cooperation agreements with the Soviet Central Council of Trade Unions.

Third, the Communist government of Nicaragua has intensified its campaign against freedom of speech and press. Since March 1982, the Communists have imposed strict prior censorship over all of Nicaragua's independent media. Ironically, the principal target of this repression has been the newspaper, La Prensa, one of the most virulent critics of the Somoza regime. In fact, the assassination of its editor, Pedro Joaquin [Hoa-keen] Chammorro, in 1978 sparked the revolution that put the Sandinistas in power. Because of La Prensa's relentless support of democracy, the Communists have attempted to silence the newspaper. However, they are careful to not close the newspaper because it is an important symbol of the revolution—the shackles placed upon the press in Nicaragua are an important symbol of a revolution betrayed.

The fourth indication of the illegitimacy of the Communist government of Nicaragua is its attempts to brainwash the Nicaraguan children. Carlos Tunnermann, the present Ambassador of Nicaragua to the United States, has erected an educational system designed to indoctrinate the Nicaraguan youth into a Communist mindset. As a former professor, this is to me by far the most dangerous abuse of all by the Communist government because it will affect these poor children long into the future. For example, in order to introduce the Nicaraguan children to violence, aggression, and war, Communist math books and readers use grenades, machine guns, and tanks as examples and illustrations. In grade schools children are led in songs and prayers which contain phrases such as "We shall fight against the Yankee, enemy of humanity." Perhaps the most disturbing piece of Communist indoctrination is the Sandinista Creed, which attempts to lend some moral legitimacy to the Sandinista cause. I will quote a few selections:

> I believe in Sandino, the Father of our people's anti-imperialist revolution . . .
>
> I believe in Carlos Fonseca, his beloved Son, who inherited his ideals and guerrilla tactics, who was the Founder of the FSLN . . .
>
> I believe in the doctrines and struggles of Marx, Engels, Lenin, and Che . . .
>
> I believe in the construction of a socialist, Marxist and Leninist society . . . Amen.

In this way the children of Nicaragua are indoctrinated by the Communist government of Nicaragua.

The repression evidenced in these four areas clearly denies the legitimacy of the Communist government of Nicaragua. Add to this the blatant violation by the Communist government of Nicaragua of their 1979 agreement with the Organization of American States, and clearly the Communist government of Nicaragua cannot be considered legitimate. If we support the consolidation of an illegitimate government, we support the enemies of self-determination. By supporting an illegitimate government we would be acting contrary to traditional American values of freedom and self-determination.

I think we can all agree that it is right to support the opposition forces in Afghanistan because they are fighting an illegitimate government. I think we can all agree that it is right to support the opposition forces in Cambodia because they are fighting an illegitimate government. Why is it not right to support the Nicaraguan freedom fighters who are battling an illegitimate government?

Assistance to the freedom fighters is consistent with the traditional American concern for self-determination. Actions taken to defend against forceful imposition of totalitarian systems are actions consistent with our national heritage. In fact, not acting in the face of totalitarian control is a betrayal of our own revolution.

So clearly the continued funding of the freedom fighters is not only consistent with traditional American values, but a necessary response to totalitarian oppression. The United States should be proud of its efforts to defend democracy and self-determination in El Salvador. We should also be proud of our lonely stand for freedom and self-determination in Nicaragua. Sandinista Communists have betrayed their own revolution. Let us not betray ours.

What kind of nation are we? We are a nation that does not support peace at any cost. We are a nation that does not prop up illegitimate governments. We are not a government that facilitates the spread of Communist, totalitarian regimes. We are a nation which stands for the principles of freedom and self-determination. That's what kind of a nation we are, and that's

why we must continue to support freedom and democracy in Nicaragua.

□ 1800

OLYMPIC COIN PROGRAM A SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 3 years ago this House chose to have an Olympic coin program run by the Federal Government, rather than one run by private marketers. The debate over the legislation was long and vigorous. Proponents of the private marketing approach claimed that the Treasury Department did not have the experience and expertise to run a successful coin marketing program. The private marketer dangled a $30 million guarantee as a carrot to being awarded the Olympic coin marketing contract. A smooth public relations campaign tried to orchestrate support for the private marketers. Despite all these efforts this House overwhelmingly rejected the private marketing approach and chose my proposal for a Government-controlled and run program.

The results of the Olympic coin program are now in and it is clear that American Olympic athletes, taxpayers, and coin purchasers were winners as a result of the House action. The Government-controlled coin program raised $72.3 million to help stage and promote the 1984 Los Angeles Olympics and to train U.S. Olympic athletes.

This was more than double the $30 million that the private marketers were willing to guarantee and it provided the money much more quickly. The guarantee was in effect the maximum amount that would have been paid. And with the Soviet boycott of the games, the private marketers would have used an escape clause in their contract to reduce the guarantee. Furthermore, under the private marketers' proposal the guarantee was to be paid in widely spaced installments.

The $72.3 million for the Olympics was raised on sales of $309 million. This means that 23 percent of the net sales went to the Olympics. Under the private marketing approach, the athletes would have been lucky to see a 6-percent return on net sales.

The U.S. taxpayer was a big winner under this program as well. The Treasury made $125.5 million on the gold and silver contained in the coins sold. This is because these precious metals were purchased many years ago when the price of gold and silver was low, and selling now enabled the Treasury to realize a very significant gain on the gold and silver Olympic coins.

In addition to the profit on the gold and silver the Treasury made an additional profit of $5 million from the sales operations as well. This is the amount Treasury took in over and above all of its expenses for this program. This shows that the Treasury Department can run such a program and turn a profit on it without a risk of losing money.

The total of $130.5 million in profit that the Treasury made from the gold and silver and the operation of the Olympic coin program is equal to an astonishing 55 percent of the net receipts received by Treasury after payment of the surcharge to the Los Angeles and U.S. Olympic Committees. At this time of large deficits, the Olympic coin program helped raise vitally needed money to help reduce the deficit.

Finally, the purchasers of Olympic coins benefited from this program as well. Not only were they able to share in contributing to the world-class American victories at the games, but they stand to be financial winners as well. An editorial in the May 28, 1985, issue of Numismatic News points out that the demand for these coins in the secondary market is quite brisk. The Olympic gold coin, which was offered for $352, is now selling for as much as $445, only 4½ months after sales by the Mint ended.

The appreciation in Olympic coin values is in sharp contrast to the experience of persons who purchased Russian Olympic coins in 1980, and Canadian Olympic coins in 1976. After those programs ended, the coins were selling for no more than the value of the gold and silver in them. For a time Canadian Olympic coins could only be sold for less than their face value.

In summary, it is clear that the Olympic coin program was a success for our Olympic athletes, taxpayers, and Federal Government; $72 million went to the Olympic cause, more than $40 million more than the private marketers would have provided. The taxpayer benefited from a $130 million profit on the program. Coin purchasers profited from having purchased coins that not only helped American Olympic athletes but have held their value.

Throughout the Olympic coin debates 3 years ago, I never waivered in my belief that the coin program must be run by the U.S. Government. I had faith in the abilities of the U.S. Mint. My faith and that of the thousands of ordinary Americans who formed my "living room lobby," and that of the Members of the House who supported a Government-run Olympic coin program has been rewarded. Let the Olympic coin program be an example for us to study when we consider whether other commemorative coin programs should be turned over to private marketers.●

LEGISLATION TO ENABLE MILWAUKEE COUNTY TO PURSUE AN IMPORTANT DEVELOPMENT PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

● Mr. KLECZKA. Mr. Speaker, today, I am introducing legislation which will enable Milwaukee County to pursue an important development project on lands conveyed to the county by the Administrator of Veterans' Affairs.

Two public spirited Milwaukee citizens, Jane and Lloyd Pettit, have generously offered to donate $40 million to construct a sports and entertainment facility on the Milwaukee County Stadium grounds. The land under consideration for development was leased to Milwaukee County for recreational and civic purposes by the Veterans Administration through conveyance legislation passed in 1949 and 1955. Both of these laws, Public Law 281 and Public Law 669, contain language stating that if Milwaukee County alienates the land from its prescribed purposes, the land would revert back to the United States. Herein lies the reason for this bill. Milwaukee County plans to sublease this land to a private corporation for construction purposes and concern has been raised that this may be construed as "alienation," causing the land to revert back to the Veterans' Administration.

These development plans are of great importance to the people of Milwaukee County. The community has long been in need of such a facility, and this project will definitely be of great economic value to the Milwaukee County area.

This civic minded gesture on the part of the Pettit's comes at a crucial time for the Milwaukee area. It has been recognized for some time that a new arena was needed in Milwaukee. The old arena is over 30 years old and has limited seating capacity. The present facility no longer meets the needs of the area. Studies were begun last year to determine a possible location for a new arena and method of financing. The gift from the Pettits allows Milwaukee County to reach this much needed goal.●

REBUTTAL TO "DEAR COLLEAGUE" OF REPRESENTATIVE MICHAEL BARNES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 60 minutes.

Mr. ROTH. Mr. Speaker, 6 weeks ago the House defeated a resolution sponsored by the gentleman from New York [Mr. WEISS] which called for economic and military sanctions

against Chile. A few weeks later, the Members of Congress received a "Dear Colleague" letter from the chairman of the Western Hemisphere Subcommittee, Mr. BARNES of Maryland, which sought to explain the reasons for the resolution's defeat.

This unusual approach—sending a "Dear Colleague" after House consideration of legislation strikes me as particularly peculiar because it questions the motives of a bipartisan plurality of our colleagues. This letter, I maintain, misstates the reasons for the resolution's defeat and the meaning of that defeat. I have asked for this special order to clear the air. I have by letter contracted Messers BARNES and WEISS Monday of this special order. Also today, Wednesday, they were contacted again by phone.

The title of this letter explains its contents. Mr. BARNES states that "partisan politics" caused the defeat of House Concurrent Resolution 52, the Chile resolution, and that those who he alleges engaged in partisan behavior gave what Mr. BARNES calls a pat on the back for Chiles Pinochet. My colleagues, this comment is unfair to the majority who voted as they did and impunes our motives.

MR. BARNES' ALLEGATIONS

Let me begin, Mr. Speaker, with a careful refutation of the principal arguments in Mr. BARNES' "Dear Colleague" which he asks us and the American people to accept as fact:

First, Mr. BARNES states that it was—quote—"Quite obvious to everyone in this House why that resolution failed." He contends that the failure was—again quoting—"a result of partisan politics."

My colleagues, this does not square with the facts. On April 22, 206 Members of this House rejected House Concurrent Resolution 52. Are there 206 Republican Members? Of course not. Looking at the vote result, 58 Democrats joined 148 Republicans in voting down this ill-advised concurrent resolution. It is worth adding that five of these keen sighted Democrats chair standing committees of the House and one of them, the esteemed gentleman from Mississippi, is the dean of the House. The facts are clear as a bell: The vote was a true bipartisan vote.

Second, in his letter our colleague claims a conspiracy by Republicans, explains the outcome of House Concurrent Resolution 52. His letter states, again quoting, "immediately preceding the vote, Republican Members had made a decision to vote 'no' on all suspensions in retaliation for the decision to seat our colleague from Indiana. The resolution on Chile was their first opportunity to make their point." I deny that categorically, and so does every other Republican.

Let's look at the evidence, which again shows how his accusation does not dovetail with the facts.

The first substantive vote of the day occurred on House Resolution 125, condemning the murder of Maj. Arthur D. Nicholson by a storm-trooper of the Soviet empire. This resolution had been introduced by our freshman colleague from Texas [Mr. ARMEY] and the ranking member on the Human Rights Subcommittee, the gentleman from New York [Mr. SOLOMON]. The vote on this vital resolution had been postponed by the Speaker so as not to muddy the waters of détente which were flowing after the Speaker's visit to the U.S.S.R.

When the resolution came to a vote, 394 House Members voted to condemn Major Nicholson's martyrdom while two did not. Both Democrats, incidentally. Had Mr. BARNES' allegation about Republican conspiracy been true, it might have been revealed in the vote on House Resolution 125.

We then moved to the resolution of the gentleman from New York [Mr. WEISS]. It was defeated in a thoroughly bipartisan manner on its merits.

I might add that another important legislative matter, relating to visitation rights of grandparents was passed by voice vote on that same day also under suspension of the rules.

So, Mr. BARNES' second contention falls for lack of evidence. There was no Republican conspiracy to vote "No" on suspensions. All the facts indicate that, that assertion is false. Mr. BARNES can't cite a single Republican to verify his contention.

Mr. Speaker, Mr. BARNES' "Dear Colleague" letter—having dismissed the defeat of the Weiss resolution as merely partisan and essentially a victim of tragic events in the Eighth District of Indiana—attempts to analyze the meaning of the vote. Again, Mr. BARNES; to be kind; does not have the facts on his side.

Finally, regarding Mr. BARNES' "Dear Colleague" letter, he makes the illogical leap that defeat of Mr. WEISS' sanctions against Chile is, quote, a "pat on the back" for what the gentleman from Maryland is pleased to call, quote, "Chile's 12-year dictator" and then Mr. BARNES goes on to state that this vote, again quoting, "has evidently proved to him that the United States really isn't paying attention."

Mr. BARNES goes further in his "Dear Colleague" by trivializing the role of the newest Soviet colony in Latin America, Nicaragua. In his "Dear Colleague" letter, the gentleman from Maryland says that the United States likes to, quote, "focus on Nicaragua's human rights accord" while characterizing Augusto Pinochet as being, again quoting, "free to do as he likes." One can only reply; rubbish.

We now turn to an examination of pertinent materials selectively excluded by those attempting to make partisan or ideological points during and especially following consideration of House Concurrent Resolution 52. It is worth noting that these items are not in dispute—but were carefully not mentioned by the moderate gentleman from Maryland in his "Dear Colleague" letter.

Let us look at what House Concurrent Resolution 52 would have done:

First, it called for the immediate cessation of all joint United States-Chile military exercises—in particular the annual Unitas naval exercises that our Navy conducts with Chile. My colleague's, Chile's coastline covers one-half of the total length of the western coast of South America. Under former President Carter in 1980, the U.S. Navy was prohibited from engaging in Unitas exercises with Chile. As a result, the Unitas naval task force—after beginning in the Caribbean, going through the Panama Canal, and operating off the coast of Peru—was required to completely reverse its route in order to continue exercises in the South Atlantic. The naval forces could not travel around the lower cone of the continent because Chilean ports were not available.

The constraints on the Unitas exercise illustrate the strategic importance of Chile—not only as a source of safe ports that can provide logistic and resupply to the U.S. Navy—but also as a country that could influence events in the passages between the Atlantic and Pacific Oceans—through the Straits of Magellan.

If the Panama Canal were ever to become unavailable as the result of terrorism or other insurgent acts, the southern passages would become the chokepoint for international shipping in the Western Hemisphere.

A second item in the Weiss resolution called for no military assistance to Chile until it is a full-fledged democracy.

It is worth noting that the same moderate and balanced gentleman from New York sponsored on January 3, 1985—the opening day of the 99th Congress—H.R. 477. Mr. WEISS accompanied introduction with a statement in the Extensions of Remarks, found on page E18 of the CONGRESSIONAL RECORD. Pleading for recognition of Dictator Castro's regime, Mr. WEISS stated—quote—"our nonrecognition policy has done more harm than good. Our economic denial of Cuba has really amounted to self-denial, cutting off a major market for American manufactured goods."

Mr. WEISS describes the differences between the United States and the first Soviet colony in the Western Hemisphere as consisting of only—and again I quote—"differing economic systems and world views," and the gentleman from New York sums up his thoughts this way—again quoting—"but if one thing is clear above all else, it is that we will not be able to address

these questions in the absence of real progress toward normalized relations."

Mr. Speaker and my colleagues, let's be precise. The chief sponsor of House Concurrent Resolution 52 is perfectly willing to place sanctions against the people of Chile while calling for a form of democracy he fails to define. But the gentleman from New York embraces with sensitivity and warmth the bearded bandit of Havana via Moscow and Managua as someone who is now entitled not only to respect and understanding from the United States, but also to generous preferential trading arrangements including tariff-free access to the U.S. market.

Parable of the double standard. May it be to the everlasting credit of this Congress that we do have men and women with astute judgment.

Let me quote from the thoughtful report a delegation presented on their return from a factfinding trip to Chile. The Armed Services Committee stated:

> Based on our findings in Chile, it is imperative to initiate more cooperative military relations with Chile if we are to ensure the protection of the strategically important sea lanes in the Southern Hemisphere. More cooperative military initiatives with Chile will help to maintain the tenuous balance of power in the region and contribute to the security of the hemisphere—lessening Chile's isolation and encouraging its return to democracy. Therefore, renewed consideration should be given to lifting the arms embargo against Chile.

What has that arms embargo accomplished? Arms, equipment, and munitions are now supplied by France, West Germany, and Great Britain—among others. All we did was to destroy whatever leverage we may have had with Chile.

Because we were prevented from selling safety equipment to Chile's Air Force at least two men have died needlessly—perishing with their planes because we wouldn't supply them with ejector seats. Those deaths and perhaps others are the direct result of the unilateral arms embargo against Chile.

Third, the resolution—which was defeated by a coalition of moderates from both parties—also called for the prohibition of any economic assistance to Chile until is becomes a "democracy" as defined by the resolution's author.

Let me remind my colleagues that Chile is no military threat to its neighbors, unlike Nicaragua and Cuba, but that standard seems not to impress those who would forbid economic aid to Chile.

And finally, the resolution requires the United States to vote "no" on all loan and grant requests that Chile makes before any international financial institutions such as the World Bank or the IMF. That's progress. Once again, the selective application of unilateral political standards in a multilateral institution.

Chile has been one of the few countries in Latin America to stay within the IMF targets for repayment of its loans. And, furthermore, let's look at the way the Chilean Government spends its money. More than 67 percent of the Government budget goes for social spending—on education, public housing, food programs, and the like. Yet the resolution asked for a no vote. "No" to assisting those programs either bilaterally or through multilateral institutions. So according to the resolution—the conclusion is: The welfare of the Chilean people be damned.

My colleagues, partisan politics had nothing to do with the defeat of this resolution. We defeated it fair and square on the merits of our arguments. If passed, the resolution would have sent a very clear message to the people of Chile: That the United States is not interested in being a constructive partner in the transformation of that country to a pluralistic, growth-oriented, anti-Communist, free-enterprise system.

The American public simply is not receiving the relevant facts of what is happening in Congress. Had Mr. WEISS' resolution passed, it would have been front page news. But none of the papers or networks chose to report its overwhelming defeat. The defeat was simply placed on the "spike."

We never hear about:

Terrorism: There have been 735 terrorist bombings in Chile in the past year. Most of them occurred in Santiago—a city the size of Washington, DC. Two bombs every day. Last year we had one bombing in Washington * * * notice the increased security here on Capitol Hill since then. We never hear that most of the terrorist activity is coming from the far, far left—although they, that is, the far left takes credit for the terrorist bombings.

All most Chileans want is an opening for a more participatory system without the Communists and totalitarian parties.

Freedoms guaranteed: We never hear about the 1980 Chilean constitution, 67 percent of the people voting in that plebiscite with its guarantees of the freedoms of speech, religion, press, movement, and emigration to go into effect in 1989.

The 1980 constitution: Let's look at the constitution more closely. The resolution would have us believe that the present Chilean Government is a permanent fixture unless the United States encourages its violent overthrow. It is not. Over 67 percent of Chile's registered voters approved the constitution which plainly outlines the steps to be taken by the transition military government so that by 1989 a civilian government can be elected under peaceful and democratic auspices. For example, like we saw last year in Brazil. General Pinochet and his cabinet have outlined a very concrete program for putting in place the necessary laws governing political participation, organization and elections.

The United States is currently engaging in delicate and productive bilateral negotiations with Chile on a wide range of topics. These include an early lifting of the state of seige, a lessening of press censorship, and improved economic conditions. Obviously, these bilateral negotiations would have been undermined by the defeated resolution.

That is why the radical solution of this resolution was rejected by a bipartisan and moderate plurality.

SUMMARY

But my real concern is: When will this body learn to be a constructive partner in the conduct of U.S. foreign policy? Like any self respecting people other countries will take open criticism and threats of unilateral sanctions only so long.

The United States is currently conducting productive bilateral negotiations whose aim is to produce significant improvement in the human rights condition of the Chilean people. Specifically, the United States desires a cessation of press censorship as well as an early lifting of the current state of siege.

Our aim is not to "shoot ourselves in the foot" by imposing sanctions on Chile that will mostly harm American interests, while simultaneously not assisting in improving the lives of the Chileans. Former President Carter announced to the world that our country would no longer serve as the world's policeman, not that we ever were. He did not, however, propose an end to the American role as moral judge of various countries disliked by individuals or selected groups of Congressmen.

We have repeatedly been faced with a discouraging choice in this House, Mr. Speaker. We shoot from the hip and undermine delicate, bilateral, and multilateral negotiations. In foreign affairs this body is oftimes totally irresponsible.

After such meddlesome, counterproductive resolutions are offered it is simply not helpful to distort the reasons for their defeat. This body for once acted responsibly by defeating House Concurrent Resolution 52 on April 22. The House, Mr. Speaker, has wised up to these tactics and can be expected in the future to examine much more closely the substance and likely results of these seemingly routine proposals.

Speaking as only one Member, I pledge myself to carefully scrutinize these selective sanction proposals. When they run counter to substantive and successful efforts of the adminis-

tration or harm American interests or have the effect of harming the very people in other countries we say we want to help, I will oppose them and their sponsors.

We in Congress must be conscious of our foreign policy goals that American policy sails in meaningless or unproductive circles. I know it is hard to believe that not everyone agrees with the liberal brand of foreign policy, but then Congress is to speak for all America and not for a particular ideology. I feel strongly that once Congress has debated and voted Members do not have a right to distort that record.

□ 1810

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Illinois.

Mr. HYDE. I do appreciate the gentleman permitting me to break into his remarks. I just want to salute the gentleman for his persistence and his dedication in taking the time to nip in the bud the allegation that the defeat of this ill-advised resolution was anything less than on the merits.

There are many schools of thought on foreign policy. There is the scorched earth theory that says if a country does not measure up to our standards of human rights and civil rights and political democracy that we should ostracize that country. With other countries with far worse records, I might add, somehow a double standard applies, such as the Soviet Union, the People's Republic of China, Romania, and other countries that enjoy trade relations and a spirit of understanding and getting to know you, and that sort of thing.

However, people are entitled to their own views. But it is interesting that the comparison is made between Chile and Nicaragua.

Chile is an authoritarian state. It is not a free state. General Pinochet has been there for too many years, in my judgment. He was welcomed when he removed or was the beneficiary of the removal of a Marxist leader down there, Mr. Allende, who unfortunately was killed. But, nevertheless, he was leading his country off the cliff in terms of the economy and in terms of political freedom.

But it is time to reinstate democracy in Chile. And in criticizing the resolution by the gentleman from New York [Mr. WEISS] there is no sign that we are advocating a continuance of a dictatorship, and that is really what it is in Chile. But there are other ways to do that. And the way of cooperation, the way of maintaining some leverage with that country, is important.

Chile does not have its guns trained on anybody. Nicaragua does. Nicaragua is shooting people in Costa Rica and in Honduras and is exporting subversion and is a threat to the entire Central American area.

Chile, unfortunately, or fortunately, confines its distress and its threats to its own people, and that is bad enough.

But there are ways to change that and the way to change it is not to ostracize them and isolate them.

So I want to say that I congratulate the gentleman for taking the time to come to the floor, to point out that the resolution was without merit, and that is why it lost.

Mr. ROTH. I thank the gentleman for his contribution and for his thoughts. They are always very valid and right on target.

I was hoping that when people sent out a "Dear Colleague" which I think totally, in my opinion, misleads this body, that they would come to the floor, and I am assuming they probably will come in a few minutes, to talk about the letter.

Mr. HYDE. The gentleman is not going to hold his breath, is he?

Mr. ROTH. That is why I took an hour. I wanted to give them time. That is why I called. That is why I wrote them a letter on Monday and told them what we wanted to do, and I called them, and I again made every invitation that is possible so that they could come to the floor.

Mr. HYDE. If the gentleman will yield, the problem is that the gentleman takes this seriously, and I wonder, I just wonder, and I hate to speculate about people's motives, whether they take it seriously, because if they did they would be here to defend their action. But they are not.

Mr. ROTH. The gentleman said something many moons ago that is something that I have thought often. It is what we call a double standard. The gentleman serves on the Foreign Affairs Committee and I serve on the Foreign Affairs Committee.

Last Christmas we had a couple of colleagues go to Cuba and they sat for hours as El Supremo was harranguing about what was going on in our country, and they came back and said, "If only we opened our arms to Castro things would be different. Why don't we do that."

Can you imagine two people going to Chile, sitting down there with Pinochet and coming back and saying, "Hey, we were down in Chile and I think we can make some progress; let's open up our arms."

Can the gentleman imagine what the people on this side of the aisle would say?

Mr. HYDE. I have always said, if the gentleman will yield further, that some people's idea of foreign policy is like a hound dog with an emotional problem, who barks at our friends and wags his tail at our enemies.

Mr. ROTH. I thank the gentleman. That probably is a very concise summation of where we should be going with these arguments.

But let me say that the reason the resolution failed is because it failed on its merits. This is what we want to remind the Members of this body.

The Members of this body are astute. If they read the "Dear Colleague" they will find that it is shot through and through with misinformation.

□ 1820

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today has been rather a busy day for many Members of this body, particularly my colleagues on the Committee on Banking, Finance and Urban Affairs who at this moment, those belonging to the Subcommittee on Domestic Financial Institutions, are trying to work out the intricacies of a complex matter having to do with nonbanking banks, institutions; the delineation of what is obviously a new development in our financial institutional structure. But as important as those matters are, I believe that the overriding consideration ought to be the course of war that the President is conducting this country and has been for some time now with no indication on the part of the Congress to hold him accountable for what I consider to be a total disregard of the very laws that the Congress has passed, such as the War Powers Limitations Act. But not only that, I think that history will show that some of these things that it will record as the erosion of American freedom, erosion of our institutional bulwarks of freedom, liberty, respect among our citizens, which is the actual lubricant that allows this intricate society known as the United States of America to function, one which has allowed us since 1945 to have experienced three basic revolutions with a minimum of social violence or disturbance.

□ 1830

We did not totally escape; we had some, but given the vast changes that were registered in our country in these last three decades, I think that the resiliency of our institutions have been clearly, up until now, revealing the inherent strength that resides in this constitutional framework of reference.

But at this time, those in power, those who surround the Chief Executive who, brazen in their exercise of authority, defiance of any accountability to the Congress, are disturbing that equilibrium, that delicate balance of a tripartite form of government in which the Executive, the second part

of our Government, section 2 of the Constitution to be precise, is no more no less than a coequal among equals, independent and certainly not superior.

The President's remarks just a few days ago in which he expressed his impatience and his contempt for Congress and the authorities inherent under the Constitution and the Congress, clearly revealed what should have been clearly revealed to us in 1983, in October, with the murder of the 241 marines directly attributable to the President's obdurate neglect of his sense of responsibility as Commander in Chief, in willfully, over a course of 14 months, ignoring the consensus and united advice of the Joint Chiefs of Staff, our principal, professional trained military, who advised the President against that venture, of deploying warriors, marines, under the false guise of acting as diplomats or politicians involving these men, militarily undefended and exposed to the terrible conflict that for 2000 years has never been resolved in that part of the world, and callously disregarding.

So for that reason I am prompted to rise tonight to advise my colleagues that the President continues on an irreversible course of war, an irreversible course for catastrophe. Not only now for these generations of us, but for those that will follow, a course that is calculated to prescribe our children and grandchildren and great-grandchildren into an eternal hostility with those who now exceed us in number by almost 100 million, and who will share destiny with us in this part of the world we call the New World.

It is a shameful fact that the President's evoking of an outmoded, bankrupt policy which, in 1929 when Calvin Coolidge reigned and decided to resort to gunboat diplomacy, we might have gotten away with it; it will simply not work in the 1980's without great loss of blood to our youth, and our treasury.

At this time, it is very evident to me that the President, with a contradictory course; one that I cannot explain for the life of me how in a country that boasts a free press, has not been held accountable by that free press. Not only for contradictions, but for out-and-out lies.

He is called the great communicator. I say he is the great prevaricator. For example, less than 2, 3, 4 weeks ago, he was saying for public consumption and to some uneasy minds among us, that he would not deploy American military, for example, in Central America. The fact is that he has been conducting the most massive concentration of military in the history of that region, since we have written history.

We now have more than 30,000 of our military as we have had for 2½ years, in the air, on the sea, and on the land surrounding Nicaragua. We are occupying the sovereign nation of Honduras, which if, together with its neighbors are actually aid junkies of America.

Poor Honduras, as the people are able to express themselves, are actually rebelling against our sustained occupation. They do not want to get into a war with Nicaragua. There is a long history of friction between those two nations, and the superior wisdom for example of General Eisenhower's administration in 1957, when a similar border dispute that had been simmering and intermittently flaring up, was finally resolved when the United States joined essentially the same countries that today are labeled the Contadora Group in settling that dispute.

The United States had no compunction in joining these countries as an equal and going before the World Court and finding a peaceful settlement. But ever since the advent of this administration, in which it has been obvious to me that the President is an interventionist; unilateral and militarily, and that this is something that I never dreamed would have ever happened in my lifetime, even though I was living in 1929; I was a schoolchild. And later, as I grew up and realized what the history of intervention for example in our next door neighbor's case, Mexico, where like in the case of Nicaragua where we chased Sandino, whose name is not evoked in the revolutionary movement which won power in Nicaragua, and for good reason: Because it symbolizes Nicaragua's resistance to American invasion.

In Mexico we chased all over but we never could get, Pancho Villa, "Black Jack" Pershing might have got some training for World War I, but he never succeeded in catching Pancho Villa; and I think we ought to remember that.

I think we ought to remember that in 1984 it is another world. It is a new world. Even if President John Kennedy, who still conveys an image of love and affection in all of Latin America were to be President today, and were he to try to inaugurate what was known as the so-called Alliance for Progress, it would not take off today. It is another world from 1961. It is another world entirely.

Our misperceptions, particularly on the part of a President whose mindset is 1929 with respect to Latin America, who does not want to understand, who does not want to comprehend, who will not listen to a round of advice from all sources, but is heeding only those whose most vested interests are impacted in Central America and in Latin America generally; such as the most intimate, powerful corporate advisers that, in effect, are controlling the policies of this Government.

Not only the financial, the fiscal, and the monetary policies as I have brought out on other occasions, but the policies having to do with war and peace and our relation with our neighbors to the south of us.

A policy that has not attained one single ally of any consequence.

□ 1840

The only meager alliances, perhaps, or some mutterings of support have come from the junkie aid countries that we have drugged with aid and who are so poor that we in America should be very much ashamed of ourselves. It will be a blot on our escutcheon forever. History will inexorably mark it that way.

But I rise today because despite the President's public protestations in what was supposed to be a confidential message to some Members of the Congress just lately, a few days ago, he expressed the fact that if necessary, if other means failed, the United States under his leadership would intervene militarily in Nicaragua.

Now, my colleagues, tomorrow we may get into the discussion having to do with the so-called humanitarian aid to the so-called Contras.

Who are the Contras? How are they looked upon? Not by our press, not by our Government spokesmen but by the outside world, in Latin America, for example.

What does the press say in Latin America? Even in Honduras 1½ years ago one of the editorials in the conservative newspaper, in Spanish, expressed the fact, and they said, literally quoting, "we have lost all, including honor, with the way their country had been taken over by us and occupied by us."

Now the headlines will be, in case the Congress does not go along this time—it will not take long; we will see headlines—"Nicaragua, a threat to the neighboring country; we are obligated to defending that country; that country cannot defend itself against Nicaraguan aggression. Therefore, we will intervene."

But I want to point out to my colleagues what the facts are in that world today, in 1985. The facts are simply these: No professional military will advise the President on a direct invasion by American forces intervention unless the United States is willing to deploy 100,000 men and willing to undertake the type of fighting that even in El Salvador, the smallest country in this part of the world, and after the expenditure of almost $3 billion, all the kind of help we could give, and the tactics with the Huey attack helicopters that at this very moment that I am speaking are using the identical tactics that we have inveighed hour after hour against Russia using in Afghanistan. There is no difference, my

friends and my colleagues, no difference. It just depends on whose foot that shoe is on, that is all. And I want to say that we will not, even at that, we will not confine the conflict to Nicaragua. It will spread a conflagration all over that region.

And remember that if even in Vietnam, where our lines of communication were 8,000 miles away and we had logistical problems but never had a challenge over air control, there was not much we could do in the case of a conflict that represented a civil war, religious war, and an international war. And the reason for that misstep was our equal misperceptions of the world.

I say that we as a democracy need not commit the follies of kings and potentates against whom the struggle for American liberty was waged and, once having won by insurrection, by revolution, we did as the Founding Fathers did, and, to me, I cannot imagine a more horrible misuse of words that the President comparing the rapists, the plunderers, the pillagers that constitute the so-called Contras as being equals or coequals, or the like, of our Founding Fathers. It is just so abhorrent that I shudder to think that our President's mind, whether he uttered full knowingly or merely as an actor repeating a script, it is horrible to think that this kind of a comparison would be made at this time in which there is no question in my mind there will be no immediate end to this conflict once we intervene directly and militarily.

Now, let us look at the history of why we are to expect imminent direct action on the part of our country. In 1981, with the assumption of power by President Reagan and the appointment of former General Haig as Secretary of State, Haig announced that he was drawing the line in El Salvador. He insisted on making it an East-West conflict. He insisted on making it an ideological war. He then did what he thought would work in that part of the country, because it had worked in prior times. We have followed the doctrine of divide and conquer. We have had rivalries between these republics to the south of us, a state of friction, tension, between Argentina, Chile, Honduras and El Salvador, Honduras and Nicaragua. But through the years the world has shrunk, and what might have been possible to have been done successfully and to have ensured our hegemony in this part of the world, I say to my colleagues is not that easily going to happen in the 1980's and in this remaining portion of the 20th century.

I say to you that this is a time in which this resiliency in our system of government calls for the Congress to continue to evaluate on the basis of the experiences the Congresses had since 1945, particularly in 1950, Korea, the subsequent sequela known as the Vietnam war, and some in between things that have happened that surely should awaken us to the responsibility of rising to the coequality, that separateness of power, that independence of this branch of government, and calling forth some responsibility from the President to account for his actions.

The President has shown a consistent disregard not only of constitutional but statutory limitations and disregard and disrespect for the Congress. As a matter of fact, on more than one occasion he has made remarks that show great contempt for the Congress of the United States.

What is it we seek in Nicaragua? Ideological purity? If that is the case, why not now discuss the situation of Guatemala?

I was trying to get some attention on Nicaragua in 1980, April 1, to be correct, because that marks the first time in 20 years or more of service in the House that I ever addressed the House on the subject matter of what we call Latin America. Today I am saying that Guatemala is in the same state, it is in an imminent state of disarray and explosion. The situation there is no different basically. But what is our policy? Why not now see what we can do before we say that there are no options but intervention, because the issue will be to prevent a so-called Communist or Marxist-Leninist takeover.

I say to my colleagues you cannot isolate these countries anymore. Guatemala is on the brink. I hear nobody discussing Guatemala. I have brought it up on a couple of occasions, pointing out that not too long ago I visited with the bishop of Chiapas, which is a state that borders with the nation of Guatemala, who told me, in horrifying terms, of the 30,000, 40,000 poorest of the poor taking refuge across the border in Mexico, even there, hunted down by the soldiers from Guatemala, not with Communist-made guns, not Castro-Cuban guns. One hundred percent of the guns used in Guatemala right now are American made. And they have ripped open the little bellies of 6-month, 7-month-old peasant children.

□ 1850

Are we so blind to this that we would not even take cognizance of these things that are happening daily even today in El Salvador? We have accepted as a fact what remains to be established as a fact and that is that General Duarte is conducting an acceptable regime. The truth of the matter is that if the American public were to see firsthand some of the televised bombings with our Huey attack helicopters, the slaughter of peasant women and children; Marxist-Leninists, 6 months old, and 7-year-old and 8-year-old girls, very much like the coverage we received during the Vietnam struggle, when we would see these live pictures of flamethrowers and the consequences and all.

I would say to you, my colleagues, that you would have this as the No. 1 priority matter before this House. You would join me as one on a resolution asking the President to come before us and account for the conduct of war.

Last September, the Defense Department admitted, and if anybody wants to find out, just call over there, that they had turned over an unnamed number of warplanes and other excess military material. Now, we have been debating here what everybody says is a barebones Defense budget. Where do we get these excess materials? And who were they turned over to free, gratis? To the CIA for use in Nicaragua and in Central America. But nobody has asked in this body other than I, Since when is the CIA a paramilitary organization? The charter law, the 1947 National Security Act that gave birth to the CIA, provides no such grant of power. Yet, it has taken over the forging of policy. It has conducted constant attempts to assassinate the Nicaraguan leaders. It has mined the harbors and bays of Nicaragua. Those are acts of war. Yet, we hypocritically maintain an Ambassador in Managua.

The President says it is an evil regime, yet he has his Ambassador there signifying to the outside world that we recognize that regime as legitimate. Now, my colleagues, let me say, we, domestically may accept all of that, but the world is not. I think in the terms of the Declaration of Independence that we must at all times have a regard for the decent opinion of mankind. It is no pleasure of mine to report this, but I have, any time I have gotten up I have documented what I have said.

Mr. Speaker, I would like to include at this point in the RECORD, from the New York Times of today, Wednesday, June 5, 1985, for the reading by my colleagues of two front page stories running side by side. One is headed, "Nicaragua and the United States Options: An Invasion Is Openly Discussed."

The other is, "White House Tells Nicaragua To Stop 'Aggressive' Moves." Then at the end of that article, there is a statement in which it is brought forth that the President had sent this confidential directive indicating that if everything else fails, that we will intervene militarily.

NICARAGUA AND THE U.S. OPTIONS: AN INVASION IS OPENLY DISCUSSED

(The following article is based on reporting by Joel Brinkley and Bill Keller and was written by Mr. Brinkley.)

WASHINGTON, June 4.—Reagan Administration officials have begun openly discussing a subject they had previously refused

even to speculate about: the possibility that American combat forces might one day be sent into Nicaragua.

No one in Government is saying that an invasion is imminent or desirable. But in the last few weeks, President Reagan, Secretary of State George P. Shultz and other senior officials have for the first time begun warning that if other policies fail, the United States may be left with little choice in the years ahead.

Interviews with almost 50 military, diplomatic and foreign governments experts in Washington, Panama, Costa Rica, Nicaragua and Honduras indicate that discussion of the issue has become commonplace in official circles.

The interviews and other inquiries also brought to light these points:

Although no one in Congress has publicly called for United States military involvement in Nicaragua, the mood on Capitol Hill in the last few weeks appears to have shifted sharply against the Sandinista Government. Many members say there is growing doubt that any of the policy options still available, including renewed aid to the insurgents, is likely to bring fundamental changes in the Sandinistas' behavior.

The Administration has agreed that a number of possible situations would leave the United States little choice but to use military force. They include Nicaraguan acquisition of high-performance fighter planes and the granting to the Soviet Union of the right to establish a military base in the country.

Both critics and sympathizers of the Sandinistas say they would not be surprised if Nicaragua committed an act that provoked American intervention.

In Central America, American officials and others assert that Nicaragua's neighbors are growing more concerned by the day about the Sandinistas' policies. In Nicaragua, an American official said, business groups and others are asking, "When are you coming?"

In public and in private, the Joint Chiefs of Staff, Defense Secretary Caspar W. Weinberger, the White House national security adviser, Robert C. McFarlane, Mr. Shultz and, most importantly, President Reagan, all have said they hope the United States is never called upon to send American forces to Nicaragua. Still, every official interviewed said that events beyond United States control could change that almost overnight.

CONGRESS IS OPPOSED TO MILITARY ROLE

Without support from Congress, Administration officials agree, military involvement in Nicaragua is most unlikely. Today, Congress remains implacably opposed.

Many members reacted with alarm last month when President Reagan, in a classified report in Congress, said the use of American military force in Nicaragua "must realistically be recognized as an eventual option in their region, of other policy alternatives fail."

In a speech to the American Bar Association on May 23, Mr. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of American combat troops."

And in an interview on May 22, Fred C. Ikle, Under Secretary of Defense for Policy, warned that if Congress persisted in what he called "a policy of pinpricks," it raised the risk of "some variant of the Cuban missile crisis."

"What are you going to do two or three years from now, when Nicaragua is fully armed?" he asked. "Are you going to provoke another Cuban missile crisis? Are you going to send in the Marines?"

At the same time, the Nicaraguan Government's reputation on Capitol Hill has soured in the last few weeks.

"The Sandinistas don't have any friends up here any more," an aide to the House Democratic leadership said. "The change has been almost palpable."

SANDINISTA'S TRIP COSTS HIM SUPPORT

A key event behind the change was the trip to Moscow by Nicaragua's President, Daniel Ortega Saavedra. The announcement came on the day the House was voting on renewed aid to the rebels, and many members of Congress said they were stunned by the timing.

Senator Sam Nunn of Georgia, the senior Democrat on the Armed Services Committee, said: "What he did was rather stupid, from the Sandinistas' own point of view. It certainly cost them support up here."

The clearest demonstration of the changed view is that both houses are now considering renewed aid to the Nicaraguan rebels, even though the House refused to approve aid in any form just a few weeks ago.

So far, however, Congress has shown little interest in granting the type of aid the Administration says is most needed—military aid. And Gen. Paul F. Gorman told Congress in February that, even with renewed military aid, the rebels could not be expected to change the Sandinista Government "in the foreseeable future."

The next most likely step, several officials said, is the ending of diplomatic relations with Managua.

"I think that is going to happen," said Senator Richard G. Lugar, the Indiana Republican who is chairman of the Senate Foreign Relations Committee. "But I don't know how soon."

If relations were ended, "then we might recognize a government in exile," Mr. Lugar said, referring to an idea that has been discussed among Administration officials.

A senior American official in the region said "we could permanently station U.S. forces" in Honduras. If that fails, the official added, "I guess the strategy would be a policy of containment," meaning heavily arming Nicaragua's neighbors. But Mr. Iklé said, "We know from experience that that doesn't work."

THE CHANGES DEMANDED BY THE ADMINISTRATION

In general, the Reagan Administration has demanded that Nicaragua demilitarize, cut its ties with the Soviet Union and Cuba and change its form of government to a pluralistic democracy.

But many officials in both the Nicaraguan and United States Governments believe the prospects are remote that the Sandinistas will adopt policy changes that would be satisfactory to the United States.

"They are hellbent on pursuing their policy," Mr. Iklé said. "The idea that you can strike a deal with them seems unrealistic."

In a speech in April, Nicaragua's President, Daniel Ortega Saavedra, said: "The United States still doesn't understand that this is an irreversible revolutionary process. Here, there can be no backward steps."

Senator Lugar said some members of Congress already believed that "the time for redemption is past" and that "a Marxist government can't reform."

In the months and years ahead, a Senate aide said, if further diplomatic sanctions are tried and fail, the military option may seem more tempting. "If you try everything and none of it works," he said, "then eventually you have everyone nibbling at the same bait."

WHERE THE U.S. DRAWS THE LINE

Asked under what circumstances the United States might attack Nicaragua, American and Nicaraguan officials say the line is most clearly drawn against the acquisition by Nicaragua of high-performance warplanes.

Last November, American officials said that they suspected Soviet-made MIG-21 jet fighters were aboard a cargo ship bound for Nicaragua and that they would probably order what they called a "surgical" air strike to destroy the planes.

If the planes were aboard the ship, they were never unloaded. But when asked this month if the Nicaraguan Government had given up the idea of acquiring MIG's Cmdr. Julio Ramos Argüello, chief of intelligence for the Nicaraguan Army, said simply, "No."

At the same time, American officials say they have not dropped the threat to destroy any such planes and in fact they have broadened it to include Czech-built L-39 jet training planes and similar aircraft.

The idea is that American warplanes would destroy the new planes and try not to hit anything else. Then in theory the attack would end. But a senior Administration official said: "I've never been able to see how that kind of phased operation stops because it sets off an action-reaction. If we hit the airport and maybe kill 80 or 90 people, they could come at the embassy."

In Managua, Commander Ramos said, "If the airplanes arrive, and if they bomb us, obviously we will be doing something about it."

Another circumstance would be the establishment of a Soviet-bloc military base in Nicaragua.

A senior Administration official said: "Access for Soviet Backfire or Bear bombers, port rights—any kind of Soviet military access, even without the presence of weapons systems. That would be a threshold." Nicaraguan and Soviet officials say they have no such plans.

ADMINISTRATION FEARS A SECOND CUBA

Still another circumstance, Administration officials say, would be the consolidation of Nicaragua's Government into what Administration officials often call "a second Cuba," meaning a heavily controlled, Soviet-bloc dictatorship that actively promotes Marxist revolution elsewhere.

A senior Administration official said of President Reagan: "Nobody who listens to him is completely sure, if it comes to the end of his term and Nicaragua is incontestably moving toward becoming a second Cuba: Will Ronald Reagan leave office letting it be just that?"

A senior American diplomat in the region said, "Above all, Ronald Reagan is a consummately pragmatic man" who would not use force if the circumstances did not warrant it.

But Mr. Ike said, "Even members of Congress say they are not going to permit a second Cuba."

With a second Cuba," Senator Lugar said, "we might be invited" by Nicaragua's neighbors to invade "as we were invited in the East Caribbean." Before the invasion of Grenada in October 1983, the leaders of sev-

eral Caribbean island-nations formally requested American military intervention.

HOW ITS NEIGHBORS VIEW NICARAGUA

"In public and in private," Senator Nunn said, the other countries of Central America "would be strongly opposed" to an American invasion of Nicaragua.

But many American military and diplomatic officials and others in the region have reported a different view to their superiors in Washington.

A senior diplomat in San José asserted that "an awful lot of Costa Ricans" would in fact welcome an invasion.

A Costa Rican official who opposes the idea acknowledged that his Government probably would not condemn it. If the United States invaded, he said, his Government would issue a statement "saying something like 'it is unfortunate that the Cuban and Soviet advisers were invited in, and that the Sandinistas provoked it.' "

Costa Rica's Public Security Minister, Benjamin Piza Caranza, said, "There's no way we can live with a Marxist-Leninist state on our border that is open to exporting revolution." But he declined to speculate about how his country would react to an American invasion.

In Honduras, President Roberto Suazo Córdova has been quoted as saying that Nicaragua is "like a cancer: the only cure is to cut if out."

There is also a large and growing body of opinion within the Administration that the majority of Nicaraguans would welcome an American invasion, several American officials said.

An American intelligence officer who has interviewed dozens of people in Nicaragua said: "What the people tell me is 'we'd get out of your way and let you take care of the Sandinistas' " if American troops landed. The biggest Problem United States forces would face, he added, would be preventing "severe retribution" against Sandinista officers.

POLLING THE PEOPLE ON MANAGUA STREETS

This officer has been called upon to brief numerous senior Administration officials on his views, including Mr. Weinberger, Mr. McFarlane and Gen. John W. Vessey, Jr., the Chairman of the Joint Chiefs of Staff.

Representative Glenn English, an Oklahoma Democrat who opposes some elements of the Reagan Administration's policy in Nicaragua, said the officer had briefed him too, but Mr. English was skeptical. So while in Managua this month, he and Senator David L. Boren, another Oklahoma Democrat, interviewed about 15 Nicaraguan citizens they chose at random on the streets.

"They were pretty strong on condemnation of the Government," Mr. English said. "Virtually all of them said they wanted a change in Government, and one lady said flat out, without being asked, that she wanted the U.S. to invade."

A spokesman for the Sandinista Government, María Christina Argüello, said: "They may criticize the Government now because of the economy and the shortages" of food and other items. "But when there is an emergency, you can be sure they will take up arms."

WILL THE NICARAGUANS PROVOKE AN ATTACK?

It is difficult to find anyone, friend or foe of the Nicaraguan Government, who is confident the Sandinistas will not make a miscalculation that could lead to a military confrontation with the United States.

Sandinista officials have said they are being careful not to give the United States a pretext to attack.

But Edward L. King, a retired Army lieutenant colonel who opposes Reagan Administration policy in Nicaragua and has spent months there talking to numerous Sandinista officers, says he believes "the chances are pretty good" that Nicaragua will err in a manner that could lead to an American military response.

The view of Mr. King, who has wide military and civilian experience in Latin America, is noteworthy because he knows the Sandinistas well and because they say they trust him. After observing them, Mr. King said, he has concluded that "some of them hate us so much they almost have a death wish."

Some members of the Sandinista leadership, he added, "almost want a confrontation with us." "The hotheads say, 'Yeah, bring the gringos in here' just so they can kill a few of them."

"I make no case for the Sandinistas," Mr. King said. "They are real blunderers."

An American official with wide experience in Nicaragua said it was "martydom," not blundering, that might cause the Sandinistas to prompt the United States to invade.

"I think it is their sense that the revolution is bogged down anyway, and maybe it wouldn't be such a bad thing if they could survive" an invasion "and be a legend."

In Managua, Sandinista officials say all such speculation is nonsense. Commander Ramos and others said the Nicaraguan Government was interested in negotiation with the United States, not military confrontation.

WHITE HOUSE TELLS NICARAGUA TO STOP "AGGRESSIVE" MOVES—CITES PERIL TO NEIGHBORS—REPUBLICAN LEADERS EXPRESS OPTIMISM ABOUT RENEWED EFFORTS FOR REBEL AID

(By Bernard Weinraub)

WASHINGTON, June 4.—The White House condemned Nicaragua today for what it called "increased aggressive behavior" against neighboring Honduras and Costa Rica.

"The U.S. strongly condemns these actions and calls upon the Government of Nicaragua to halt immediately any further military operations against its neighbors," said Larry Speakes, the White House spokesman.

At another point, Mr. Speakes said, "We're seriously concerned at signs of increased aggressive behavior by the Government of Nicaragua against its neighbors."

A NEW AID PACKAGE

The bluntly worded statement came as Congress prepared to consider a new package of nonmilitary aid to the rebels fighting the Nicaraguan Government. White House officials and Republican leaders expressed optimism that the House and Senate would endorse aid packages for the rebels.

"We will win in the Senate," said the Senate Republican leader, Bob Dole of Kansas, after a White House meeting with President Reagan. The House Republican leader, Robert H. Michel of Illinois, said, "I think we have the votes now to get a winning combination."

The House rejected a proposal for $14 million in nonmilitary aid to the rebels in April. But Mr. Michel said today that a visit to Moscow by the Nicaraguan President, Daniel Ortega Saavedra, just after the vote, "changed a great number of votes on the House side."

THEY WANT TO COME ABOARD

"I think they're in rather an embarrassing kind of position now and want to come aboard," Mr. Michel said of his House colleagues. "And we're going to do the very best we can."

Then the last is another separate little article. This one is headed, "Demilitarized Zone Sought," and it has a dateline Managua, Reuters dispatch, June 4:

DEMILITARIZED ZONE SOUGHT

MANAGUA, NICARAGUA, June 4—Nicaragua today proposed the creation of a demilitarized zone along its border with Costa Rica after two border clashes in a week.

The zone would be established with the aid of the Contadora group, which is seeking a regional peace agreement.

But which we have deliberately attempted to suborn all along, to disrupt, what they call now the Contadora process.

I say that this is not fair to the United States. Despite all of this, there is a residual and an inherent liking and respect for America and Americans among the general populace even despite all of this. But if we fail to grasp the opportunity to deserve that kind of moral faith by using not our might, but our moral swasive power, which still remains intact, I believe, for this tragic record of the last 4 years.

From the beginning, if it is a policy at all, it has been a bankrupt one. General Haig said we draw the line, then, as developments succeeded, one upon the other, Nicaragua became a problem to the administration. General Haig then procured certain military from Agrentina. He persuaded the then generals in charge of Argentina, some of the grossest violators of human rights in the history of human annals.

There was no question that under those circumstances the Argentinan leaders had every reason to believe that the United States would side with them when they went in and tried by force to take over the Malvinas or the Falkland Islands. But of course we were honorbound to side with our ally, Great Britain. With that, they pulled their troops out of Honduras.

Mr. Haig thought, well, we can use somebody else's troops in order to destabilize the Sandinistas and they were the first troops we introduced into Honduras. We did not care whether the Honduran people wanted Argentinans there or not any more than we cared whether they wanted us to have a base to train Salvadorans with whom they have been in conflict for years. We finally stopped that training when the Hondurans insisted that they could no longer tolerate that.

Just like just a week ago the Hondurans ordered the so-called Contras to leave the front zones that are aligned with the Nicaraguan border, because they knew that contrary to what our President is saying, we are the ones that are provoking the war and the fighting. We are the ones that

are seeking the pretext to invade Nicaragua. I say it is coming; the headlines will enable it.

Why, just last November I predicted a few days before the election, back home; not here; back home. What I say here is no different from what I say in my district. I said in my district, "You wait; there will be headlines: 'Migs in Nicaragua,' and you will hear the hue and cry that this will be the justification for our going in directly."

Sure enough, it happened just 24 hours after the election. It hit headlines about some 48 hours after the election.

□ 1900

What happened after that? The President had to come out and clarify that there were no Migs at all that were suspected as cargo in a ship due to arrive in Nicaragua. They were something else.

But it does not take much more than that, and in this case, tragically, the Nicaraguans will tire of having our Honduran or any other country equipped patrol boats sink their patrol boats in their waters, not in international waters. They will get tired of it and they will rise to defend, and at that point we will say that our ally, Hounduras or Costa Rica has been attacked and that we must intervene.

The headlines will be there, and I am sure that all the President has to do is ask Congress to back him up in that hour of crisis, very much like the Gulf of Tonkin. I was here at the time and I know what happened then and I know how difficult it was, once that crisis hit that proportion, to have any kind of dispassionate, calm, reasoned consideration of anything. I guess it would be too much to expect under those circumstances, just like it will be too much to expect. We have already had a couple of Senators say, "Well, if any Migs ever happen to be found in Nicaragua, that will be grounds for me to say that I will vote for us to go in."

What I am saying is this: I am saying that it will be the most tragic thing. It will be an egregious error, a terrible mistake, not only in judgment but in a betrayal of the basic principles that have given America the real power, the real power of leadership.

In the first place, I do not think that would ever be necessary. In the second place, as I have been advocating since April 1, 1980, if I have ever taken this floor to criticize, I have also taken the time to offer suggestions, what I hope would be constructive suggestions, and just as I offered President Carter on April 1, 1980, and as I have done continually since then with his successor, President Reagan, and that is to use that last glimmer of persuasive moral power or leverage of leadership in a collective fashion in this new world.

I think the responsible leaders of these nations, if no all certainly the majority would, join the United States, accept U.S. leadership, provided that leadership is one of creative, constructive partnership, and one that offers that greatest source of power of all, which is moral right power.

SUPPLEMENTAL APPROPRIATIONS IS BUDGET-BUSTING SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I am just going to take a couple of minutes here to review briefly an issue that I have raised the last couple of days and to tell the House precisely where we stand on this matter of the supplemental appropriation which is to come before us in the near future.

As I have stated, the supplemental appropriation is a problem because it is add-on spending. It is $13½ billion of add-on spending. This is spending over and above what we had appropriated in the regular appropriations process last year.

It is almost by definition a budget-busting kind of spending. In fact, we now know it can be defined as budget-busting legislation because the rule has now come down from the Committee on Rules that we will consider tomorrow, and the first provision of the rule that we will consider tomorrow waives the Budget Act for this entire bill. Here it is. It is $13½ billion worth of spending, and what we are saying in the case of all of the spending that is in this bill is that the Budget Act does not matter; can the Budget Act; it does not apply when it comes to this bill, $13½ billion of spending. Forget what we passed in the budget when we passed it last year.

That is the reason, my colleagues, we have overspent our own budgets in this body over the last 5 years by $157 billion. We have exceeded our own budget requests by $157 billion. That is where deficits come from. All of these folks who come to the floor and talk big talk about deficits and want to be very, very clear about the fact that they are against deficits, they are spending your money to the tune of $157 billion in 5 years over what they, themselves, put in a budget, and those budgets were badly out of balance when we passed them.

How does it happen? It happens in supplemental appropriations bills like the one we will have before us beginning tomorrow to increase spending by $13½ billion and waive the Budget Act while we are doing it.

We not only waive the Budget Act. The rule we will have before us tomorrow literally waives the Rules of the House, basic Rules of the House in regard to our spending practices around here. They waive the Rules of the House on 84 of the 101 pages of this bill. Get that. There are 101 pages in this bill, and 84 of them violate the rules in such a way that the rule we will have on the floor waives the Rules of the House so that we can consider this bill.

Now, when 8 out of 10 pages of a bill violate the Rules of the House, I think we have a problem. But when you go down through and read this rule, the whole front page of this consists of budget waivers or one kind or another, or appropriations riders or authorization riders or something that fits into the context of the Rules of the House that try to prevent us from spending money. What we do is just go through here on page after page and line after line waiving the Rules of the House so that we can go ahead and spend the money.

Let me demonstrate to you how bad it is. I went through, and just on the first 20 pages of the bill I went through and underlined page after page where I have it underlined here and page after page are the sections of this bill that are waived. Whole pages are waived in this bill. On page after page after page after page after page we simply say, "Forget the rules, forget what we adopted at the beginning of this year. Go ahead and spend the money."

That is how we come up with $157 billion over our own budgets. That is how deficits are created. We get many arguments in this Congress about the fact that somehow it is everybody else's fault but ours when it comes to these big deficits in the spending. Somehow it is the President's tax program, it is defense spending, it is all of these things that are out of our control; we cannot help it because the deficits are just something we cannot seem to handle. But do not blame us. Do not blame your friendly Congressman, because after all, he cannot be a part of the problem. Well, I am telling you he is a part of the problem if he votes for this bill tomorrow, and if he votes for the rule that makes this bill in order, it seems to me he is a part of the problem, too, because the rule that makes this bill in order is what is going to allow that $13½ billion to come out here in violation of nearly every major rule that we have that tries to prevent us from spending irresponsibly.

What this rule will say tomorrow is: Spend irresponsibly; spend in violation of the rules; spend in violation of the law, because the Budget Act is the law of the land. That is what we are going to have before us, and we will add on 13½ billion dollars' worth of spending if that bill passes and if that rule passes. The American people can begin to key in on just exactly what is wrong with this place when it comes to

spending. You will have a couple of votes in the next 2 days to look at.

□ 1910

NOTES ON A TRIP TO EL SALVADOR AND NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. SWINDALL] is recognized for 60 minutes.

Mr. SWINDALL. Mr. Speaker, I rise today to share with my colleagues in the House some of the facts that I gathered on a recent weekend trip to Central America.

Specifically, my colleague, the gentleman from North Carolina, Mr. BILL COBEY, and I left shortly after the House recessed last Thursday for Central America, spending 2 days in El Salvador and 1 day in Nicaragua. The purpose of our trip was obviously not to undertake to look at both countries in an exhaustive fashion inasmuch as 3 days would ill afford such an opportunity, but, rather, to talk with individuals firsthand in both of those countries in an attempt to somehow read more into the situation than one can read by simply reading briefs and documents and reading transcripts of the various hearings that have been held and arguments that have been made on the floor of the House.

I can state that, after spending that weekend, I feel that both my colleague and I came back with a much better feel for the people and, quite frankly, a thirst for finding out more about the situation in both of those countries.

I would like to take just a moment to share with the Members a summary of what we did do while we were there.

When we first arrived on Friday, we talked first with the Air Force officials there at the San Salvadoran airport. We viewed firsthand their military equipment. I was frankly impressed by the industry of the individuals that were a part of that air force, inasmuch as they hardly had sophisticated equipment, as I had been led to believe, but, rather, they had what I would call almost antiquated equipment, but they had simply worked on it to the point that it was usable. For example, there were two AC-47's that were no more than C-47's that had had mounted within their interiors two .50-caliber machineguns. Those were, from what I understand, responsible in large part for turning the tide with respect to the guerrilla activity in El Salvador.

We left from there and met briefly with the auxiliary bishop, Rosa Chavez, and my impression from meeting with the auxiliary archbishop was that while he was still dissatisfied with the state of affairs in El Salvador, he certainly felt that he had seen a tremendous improvement in a number of areas, including the economic stability, including a diminution of the human rights violations, and, probably more importantly than any other, from his perspective, he was beginning to see hope for the Salvadorian people.

When it came to the issue of the guerrillas there, he said that the guerrillas, by having now moved into that mode of terrorism that probably is most characteristic of what we have seen in Lebanon, in Beirut, had lost what little popular support they had previously enjoyed. He said they had also done a number of things in the last several weeks, including the kidnaping of a number of the local mayors of the various townships that had not set well with the people, and in his opinion all of these were acts of frustration by the Salvadorian guerrillas, frustration that they simply were not able to capture the hearts and minds of the individuals who were apparently satisfied with the new President, Duarte, who was elected earlier.

The next person with whom we met was the Director of the Human Rights Commission, Benjamin Cestoni. I was impressed with this particular individual because he was very professional in not only the demeanor with which he addressed us but also in his response to various questions. It seems that he had been newly appointed to head a Human Rights Commission, and during the course of my dialog with him I asked him a number of questions, including documentation with a respect to complaints on human rights violations, the status of prosecutions, and the status of any convictions, if any. As I mentioned, I was impressed with this individual because of the professionalism that he showed, but I was equally impressed by his candor, because throughout the dialog it was very obvious that he was portraying to me a commission that was struggling in the sense that all was not rosy and certainly all the problems had not been solved, but he was certainly well on his way to establishing a separate Human Rights Commission that would look into some of the human rights violations of the past and certainly any which might occur in the future.

We left from there and met with a number of local business leaders and professionals, as well as labor union leaders, and again we carried on a very uninhibited dialog.

We also had the privilege of visiting with two totally different groups. One was a group that was a displaced persons camp, a camp that was in the heart of San Salvador, with about 1,500 people living in what was probably less than a 30-acre tract of small huts that had been hurriedly built by those individuals. As I talked randomly with the individuals that were living in those small huts, the question that my colleague and I continuously asked was: "What would you have us do in the U.S. Congress, if anything, to help you, the Salvadorian people?"

And the answer that I heard was one that impressed me, because the answer was: "Help us get jobs."

I say that because the people that were gathered there wanted desperately to pull themselves up by their boot strings, and all they wanted was some type of helping hand to let them help their own families.

As I explored further, I found hope in the people that I spoke with. Quite frankly, I would not have been surprised if they had told me that they were in a state of great despair, without hope, but, contradictorily, they were actually people that saw a great deal of hope in their situation, because for the first time they were beginning to see their own government moving positively in the direction of improving what had admittedly been an unstable economy.

After leaving that area, we drove across the countryside about 40 miles outside of San Salvador and met with an individual named Padre Flavian, who was an individual that I found most interesting, because he seemed somehow, in the thick of things, isolated from what was going on, and his focus was narrowly on the plight of the people with whom he ministered daily. This individual, in the heart of El Salvador, had already established an orphanage and had already completed the final touches on a new hospital that would basically take care of a number of elderly in the region, and he had done all this with private funding, much of the funding from his colleagues here in the United States where he returned from time to time to Boston.

Mr. COBEY. Mr. Speaker, will the gentleman yield?

Mr. SWINDALL. I yield to the gentleman from North Carolina.

Mr. COBEY. First of all, Mr. Speaker, I want to commend the gentleman for taking this special order time, and I want to express my appreciation for being able to accompany him to El Salvador and Nicaragua.

I would like to go over, too, some of my impressions of our trip to El Salvador. Like the gentleman said, this was a factfinding trip. It was a quick trip. Our time was limited. But it is something that I believe that everybody in this body should do, because the impressions we can have through other people, whether they be in this body or in this Government, or through constituents that go down there, are not totally accurate. We have to see it with our own eyes.

□ 1920

This is one of the most important issues that our country is facing, so I believe it is imperative that Members of this body, our colleagues, find time

to go down to Central America, carve out the time in their schedule; but not only was it factfinding, it also was a liaison mission to help facilitate the reception and distribution of some 6 tons of medicine and medical supplies and equipment to El Salvador through Father Flavian Mucci that the gentleman mentioned earlier.

These supplies are being provided by the World Medical Relief in Detroit and the National Defense Council that funded the trip is going to make sure that those supplies and medicines are delivered down there.

Now, that is the kind of private effort that we need to get behind and support in this country, because as the gentleman has expressed, the economic situation is desperate in that country. They need our help, both public and private support; but as the gentleman has expressed, I saw a great deal of hope there, tremendous energy, even among the people in this dire circumstance of the displaced persons camp.

As the gentleman has mentioned also, the country is being stabilized militarily, as noted by the shift to lower intensity warfare where they have these terrorists acts going on, committed by the guerrilla forces.

Mr. SWINDALL. If the gentleman will yield back, one point I wanted to comment on with respect to the military activity in El Salvador was the fact that by law we are restricted to no more than 55 military advisers. I think that that was, quite frankly, a stroke of genius, inasmuch as the net result has been that our advisers are having to work closely with the Salvador Army, Air Force, and Navy officials, to teach them the necessary skills to become a more professional army, air force, and navy, and certainly professionalism and discipline is in large part responsible for the dramatic decline in human rights violations that we have seen in El Salvador and that were confirmed by the various individuals with whom I spoke.

One other point that impressed me was the concept that they are now working on, that they will basically go into the various hamlets and villages and train the citizens of those villages and hamlets in civil defense; the idea being that if each of the individual villages is capable of defending themselves from attack from guerrillas or what have you, that you will not have this centralized army that might well at some point under the wrong leadership turn on the people, that quite frankly right now have no way of defending themselves against such a force. This would, in essence, as I understand it, decentralize the military, would achieve the objective at least in large part of stabilizing the military situation, the guerrilla attacks that are trying to destabilize the economy through terrorist strategies and in so doing it will take away, hopefully, some of the concerns that we have about capitalists who have moved out of the region, many of them into Miami and safer ports, for fear of the military and economic instability.

Incidentally, I have gathered from talking to a number of people that we are now beginning to see a return of some of the investment, which clearly will bring some of the types of jobs we have talked about being necessary to help the basic person that the gentleman and I talked to in the displaced persons camp, for example.

Would the gentleman concur with that?

Mr. COBEY. Yes, absolutely, Getting back to the military situation, I, too, was impressed with how unsophisticated the equipment was that the air force was using. The C-47 or AC-47 being the key element of their military air force is what we know as the old DC-3 built back in the forties, and yet it enables them to fly a platform of support for their troops on the ground. This has caused these guerrillas to go into a lower intensity warfare, such as terrorism.

Mr. SWINDALL. One thing the gentleman might explain is how that differs from the state of guerrilla containment before those new AC-47's were brought into the country.

Mr. COBEY. Well, before they were brought in, all you could fly over the guerrillas were strafing flights, coming in with jets and helicopters. You could not hold the guerrillas' action on the ground while the ground forces came in to try to engage them.

Mr. SWINDALL. So the net effect would be that they could literally strafe, fly off about the time they circled and came back over, the guerrillas would have moved.

Mr. COBEY. That is right.

Mr. SWINDALL. That these new AC-47's, or as the gentleman stated, they are really no more than DC-9's that had been converted——

Mr. COBEY. DC-3's.

Mr. SWINDALL. DC-3's that have been converted, that they simply circle the same fixed object, so that if there are 10 or 15 guerrillas in one unit, they can pinpoint them and basically hold them while ground support comes and either effects the capture or what have you.

Mr. COBEY. That is correct. I think one thing we should cover, I know the gentleman is going to talk about Nicaragua, but we should point out at this point in time the importance of the stabilization of the military situation in El Salvador as it relates to what is going on Nicaragua. It is actually the Contras or the democratic resistance military pressure on the Sandinista government in Nicaragua that has enabled the stabilization of the military situation in El Salvador, because the Sandinista government is not able to give the kind of aid they have been giving to the guerrillas.

As the gentleman knows, we brought back documents captured from Commandante Diaz on April 18 that show the complicity——

Mr. SWINDALL. If the gentleman would yield back at this point, I would like to insert into the CONGRESSIONAL RECORD a New York Times article, dated Tuesday, May 21, 1985, written by James LeMoyne, who is a special correspondent for the New York Times there in San Salvador, ostensibly in that article about what the contents of those documents were and the circumstances under which they were captured.

Mr. Speaker, I ask unanimous consent to include this article.

The SPEAKER pro tempore. Without objection, the article referred to by the gentleman from Georgia will be made a part of the RECORD.

There was no objection.

The article is as follows:

[From the New York Times, May 21, 1985]

CAPTURED SALVADORAN REBEL PAPERS LIST TRAINING CLASSES OVERSEAS

(By James LeMoyne)

SAN SALVADOR, May 20.—Documents captured from a Salvadoran rebel leader recently indicate that the leftist guerrilla officials are attending courses in the Soviet Union, Vietnam and Bulgaria.

The papers also indicate that the Salvadoran rebels consider Nicaragua their closest ally, one to be defended if it is invaded by the United States.

The documents give an unusually close look at the inner workings of the Salvadoran rebel high command and of relations with Nicaragua's Sandinista Government. They also indicate that, contrary to assertions by the Reagan Administration, the Sandinistas appeared ready to cut off aid to the Salvadoran rebels at the end of 1983 and may have done so, at least temporarily.

Senior Salvadoran military officers and officials at the American Embassy here have said they believe the documents, which were shown to news organizations by a Salvadoran military official, are authentic. The papers were captured last month from a senior rebel commander, Nidia Díaz, they said.

PAPERS APPEAR AUTHENTIC

Several small details appear to support the authenticity of the documents. Miss Díaz, told reporters in a brief news conference last month that she had been captured with "secret guerrilla material." The documents are grimy, folded and worn as would be expected of papers carried in the field. Names, dates and events seemed to fit actual events and people.

"Several officials of the United States Embassy have seen these documents," an embassy spokesman said. "We have every reason to believe in their authenticity."

But a senior rebel political official raised questions about the documents.

"They can put anything they want into supposedly captured documents," Jorge Villacorta, a member of the rebel Democratic Revolutionary Front, said in a telephone interview. He refused to comment on specific documents. No officials of Miss Díaz, rebel group could be reached.

REBEL WAS BADLY WOUNDED

Miss Díaz was badly wounded before being captured by Salvadoran troops at the end of April. She is now recovering in police custody.

Miss Díaz is the most senior rebel commander to be captured by the Salvadoran Army. She is a top official in the Central American Revolutionary Workers Party, a Marxist group that is one of the five factions in the rebel military Farabundo Martí Revolutionary Front. The papers appear to represent virtually the entire archive of the Revolutionary Workers Party.

The documents contain analyses of international support for the rebels. They speak of seeking to influence the Democratic Party in the United States and the need to encourage Americans to back the rebels.

Guerrilla plans are outlined for peace talks with the Salvadoran Government. One diary entry calls President José Napoleon Duarte the rebels' "principal and most dangerous enemy." Another entry says the rebels risk being seen as "intransigents."

"Duarte wants to put us in an imperialist bourgeois project," the diary says.

A letter appears to show Guillermo Manuel Ungo, the rebels' chief political spokesman, complaining to rebel military commanders that they are failing to consult fully with him.

In a telephone interview, Mr. Ungo refused to comment on the letter. He said he could not accurately judge a document that he had not read.

A diary confiscated with the papers contains detailed notes of discussions at the La Palma peace talks between the Salvadoran Government and the insurgents, which Miss Díaz attended. One political pamphlet appears to be perforated by a fresh bullet hole. Another diary contains self-criticism for "political infantilism" and "paternalism"; a love poem, and a letter from a relative.

KEY ENTRIES IN A DIARY

What seems to be Miss Diaz's personal diary for 1985 lists rebel officials to be trained abroad. The diary lists names under two headlines: "Courses 1984" and "Courses 1985." Thirteen rebel officials are listed as due to attend courses in 1985 in "VN" "BULG" and "USSR." The letters stand for Vietnam, Bulgaria and the U.S.S.R., according to Salvadoran and American officials. Miss Diaz is on the list to attend a course in Vietnam.

The listing for 1984 has 20 names of people to be trained in the same countries and in East Germany. Some of the listings are backed up by notes later in the diary. One entry says: "To Bulgaria: Ernesto Maldonado. To the U.S.S.R.: Irma, Marlena." Other entries refer to "technical" courses, and the study of explosives.

Another set of documents chronicle tense relations between the rebel high command and Nicaragua's Sandinista leaders after the United States invaded Grenada in October 1983. They show a much higher level of indpendence on Nicaragua than the rebels have publicly admitted. But the documents also indicate that the Sandinistas may well have cut off aid to the rebels in 1983.

Rebel officials did briefly leave Nicaragua in November 1983. The documents indicate that their departure came after a heated debate with the Sandinistas.

A short, handwriting note on Nov. 9, 1983, is addressed to "R. Roca" from "Simon." Roberto Roca is the head of the Central American Revolutionary Workers Party. A Salvadoran military intelligence officer said "Simon" is the code-name for Shafik Handal, the head of the Salvadoran Communist Party.

The note says the Sandinistas are about to expel the rebels from Managua and will "definitely cut off supplies."

"I believe we must sent a message to Fidel and seek a definition to know who to rely on," it adds. Salvadoran officials said they believe the note referred to Fidel Castro, the Cuban leader.

What seems to be a handwritten note by a rebel official on Nov. 7, 1983, refers to a meeting between "López" of the Sandinista Front's Directorate of International Relations and rebel representatives. Julio López is the head of the Sandinista Directorate of International Relations. The document says the Sandinistas are about to cut off aid because they fear an attack from the United States.

In what seems to be a last-ditch appeal to the Sandinistas, the document states that the rebels "consider that the Salvadoran peoples war has in its actual level of development a strategic importance for the Nicaraguan revolution and for the region. Nicaragua in the vanguard constitutes the advanced and true revolution."

The document says the Nicaraguans have asked for a list of rebels to be based near the border for military training. If the United States invades, the Salvadoran rebels are to fight in the Sandinista Army, the document says.

"All logistical support will be divided here to confront the aggression," the document adds. The Nicaraguans can no longer "be protecting supplies" to the rebels, it says, adding that most rebel officials living in Managua will have to leave and those that stay will be under the control of a Sandinista official.

A Sandinista military intelligence officer will be detached to "facilitate communications," apparently between rebels inside and outside Nicaragua, the papers say.

The guerrillas should stress the rebels' desire for unity with the Sandinistas, the document adds, calling for "the most intimate coordination in a concrete manner on all political, military, propaganda and diplomatic fronts."

REQUEST FOR AID

A document from the five top rebel commanders to the Sandinista National Directorate on Nov. 10, 1983, calls on them to provide the rebels "new and audacious forms of aid," to allow the rebels to help repel an invasion.

"We thank you for all the aid you offered and we hope it continues because it is indispensable to defeat whatever form of invasion on Central American soil," the document says. Another document dated Nov. 2, 1983, calls for meetings with the Sandinistas and the Cubans.

A separate set of documents analyze international support for the rebels in Europe, Latin America and the United States. One document dated October 1984 calls for increased rebel attacks before the American Presidential elections. "If the Democrats win, it would fortify the tendency to negotiate," but would not necessarily change American strategy in Central America, the document says.

Mr. SWINDALL. I thank the Speaker.

One other point that I would like to mention with respect to what the gentleman was just talking about was the fact that as I talked to both military and nonmilitary leaders alike, there was a general agreement that in direct proportion to the degree that there was an acceleration of the attacks of the Contras and the intensity of the attacks in Nicaragua, that there seemed to be a diminution of attacks and intensity of the attacks in El Salvador. When I asked about that, it was explained to me that their conclusion was that as the Contras were applying more and more pressure to the Sandinistas, that the net result was that the Sandinistas could not look outwardly to help those individuals who were now in El Salvador seeking to basically overthrow the Duarte administration in El Salvador.

One point that I thought was most significant about that is the documents to which we previously referred that were captured in late April. They point out very clearly that a number of the leadership in the Salvadoran guerrilla ranks have been trained in Vietnam, have been trained in Bulgaria, have been trained in the Soviet Union and in East Germany.

There was also a list of individuals who were scheduled to be trained in this year, 1985, in those same countries.

I think that is significant, because I have heard a number of our colleagues here on the floor of the House arguing that there is no linkage between the guerrillas in El Salvador and the Sandinista government.

Well, certainly that fact, coupled with the correspondence between the leadership of the Sandinistas and the leadership of the Salvadoran guerrillas, contradicts that. When you impose on top of that the documents that we found in Granada and the secret speech made by Commandante Arce, we begin to get some flavor of the complicity between those; but I think probably the most striking evidence of all is the evidence that they can actually see this lessening of guerrilla activity in El Salvador in almost direct proportion to the degree that the Contras are increasing their activity in Nicaragua.

□ 1930

There is one other point I would like to talk about which is the contrast that I saw between the government in El Salvador and the government in Nicaragua.

Mr. COBEY. Would the gentleman yield? I want to make several comments and then the gentleman was going to talk about Nicaragua.

As you mentioned, politically El Salvador is well on its way to maturity. We can be very encouraged about that. Also we can be encouraged in the area of social justice. They do need judicial reforms to bring about the kind of social justice that is needed in that

country, but they are working on it right now.

Mr. SWINDALL. Was the gentleman impressed, as I was impressed, by the commissioner in charge of the Human Rights Commission in El Salvador when he stated very candidly that they were having some problems within their judicial system because the judicial system had simply not been reformed to the degree that it needed to be reformed to see the type of expedition of the various cases that had been brought before them?

One point that impresses me about that is I find that not unlike our own judicial system, which is over 200 years old, where in many areas, including my area in Georgia, our criminal dockets remain jammed because we are so overloaded, and we, after 200 years, are still unable to perfect the system to the point that we can handle a number of criminal and civil matters in the expeditious fashion that we would all like to see, obviously.

Mr. COBEY. Yes; and moving on from the social justice area to talk about the economic conditions, and as you have mentioned, the situation is extremely deprived in area. You see the energy, the hope, and you come away believing that they are going to make it economically. But we got various estimates of unemployment in El Salvador from as low as 30 percent—can you imagine 30 percent unemployment in our country—up as high as 50 percent?

As you mentioned, the people that we talked to in the displaced persons camps, all they want is a job, an opportunity.

That explains the refugee situation we have in our country and we talked about that, as you remember.

Mr. SWINDALL. If you would, I would appreciate your just expounding a little bit on that refugee situation, because I think it links very directly to the sanctuary issue that is before a number of our colleagues, including ourselves here in Congress.

Mr. COBEY. They estimate that there are as many as 500 El Salvadorans or Salvadorans in our country and these people are basically fleeing from economic hardship to come to America, to earn dollars, a better life, money that they can send home.

Surely there are some people among these people that have either real or imagined fears. I know that I am sure that is true. But I saw no evidence of reason for them to have those types of fears. I could see that they had reason, although illegally, they had a tremendous motivation to leave El Salvador to just earn a living, and I would like to yield back to the gentleman to speak on the sanctuary issue.

Mr. SWINDALL. Was it your impression from talking with various individuals, officials, and nonofficials alike, that their impression was only a very small percentage of those refugees now in the United States, many of whom are seeking sanctuary, are in the United States for purely political reasons but, rather, are here principally because of the economic issues that one might suspect automatically occur when you have between 30 percent, as you stated earlier, and 50 percent unemployment?

I think part of the reason for the variance is whether you include in your unemployment figures underemployment, which clearly is existing in that country today. Was that the impression that the gentleman had?

Mr. COBEY. That is definitely the impression that I came away with.

Mr. SWINDALL. Let me move for just a moment to another topic by way of contrast and comparison that I think is very, very important, and that is the issue of the human rights violations.

We talked briefly about what we saw and were able to learn in El Salvador. But I would like to talk for just a moment about the individual with whom we met and spoke to in Nicaragua, a lady that was a former nun, as I understand it, Marie Hartman.

If you will recall, we had asked that we meet with a counterpart in Nicaragua that was with the Sandinista government, that was in charge of the Human Rights Commission. It is my understanding that there is a separate, independent Human Rights Commission, but I specifically wanted to meet with the Sandinista-sponsored Human Rights Commission. And we did, in fact, meet with that lady.

One of the things that I would like to talk about is, first of all, when we walked into the room we were told that she was not really an employee of the Sandinista government and, further, we were told that she was in charge of the Human Rights Commission.

Taking that at face value I began a series of questions which, incidentally, were virtually identical to the questions both in terms of substance and sequence, that I had asked of her counterpart in El Salvador, and my first question, if I recall correctly, was "How many employees do you have." And she said there were five others. And I said, "By whom are they paid" and she said by the Sandinista government. And I said "Fine; who pays your salary" and she said the Sandinista government. And I said fine. That was slightly different than what we had just been told not more than 5 minutes earlier.

But then I said, "Well, let me ask you this: How many complaints have you received in 1984 with respect to human rights violations" and her response was, "I don't know."

I said, "Well, could you give me a ballpark" and she said "I really probably couldn't."

Then I said, "Well, was it more than 10" and she said, "Probably."

And I said, "Well, let me ask you this: Do you keep documents on all of these?" and she said "Really, you are asking me a question that I am not equipped to answer because I am not in charge of all of the human rights violations, investigations, and prosecutions," at which point I said, "Well, what, ma'am, are you in charge of" and she said, "Well, only penitentiaries."

I said, "Fine. Well, let me ask you the same question as it relates to penitentiaries" at which point she said she didn't know how many complaints, what the status of the complaints were. She had no files available and in short she really knew very little.

At that point I began to become just a tad skeptical of this lady's expertise. And let me make this last point and then I will yield.

So I asked her, I said, "Well, let me ask you about a very specific point, the displacement of the Miskito Indians. Do you consider that to be a violation of human rights" and her answer to me was alarming, as I am sure it was to you. She said no, under the circumstances of war, these individuals were caught in a crossfire and somehow it was not the responsibility of the Sandinista Government, which I found incredible, because even those in my District who are totally opposed to U.S. policy, and certainly sympathetic to the Sandinistas, have conceded that point at least.

I now yield to the gentleman.

Mr. COBEY. As I remember, under questioning, of course, she said she could not produce any documents of human rights violations and I may not recall it exactly, but I think under questioning she finally said to you that there were no human rights violations in 1985 by the Sandinista regime.

Mr. SWINDALL. That is correct.

Mr. COBEY. Did I hear that correctly?

Mr. SWINDALL. She finally reached that conclusion. And I think it was at that point that you and I looked at each other and basically decided mutually that there was very little to be gained by continuing that conversation any further.

The next point that I would like to make with respect to that was the difference in the attitudes, both in terms of professionalism of the gentlemen with whom we met in El Salvador, but also in terms of the candor and the documentation, and the problems, the candor about the problems, and quite frankly, not trying to paint the perfectly rosey picture that obviously Sister Marie Hartman was trying to paint.

□ 1940

One other conversation point that I remember very vividly because another gentleman that was with us, Mr. Messing, asked her a question about the status of education because she was talking about how in her judgment education had improved significantly under the Sandinistas. At that point he asked her a question. He said, "Let me ask you, does their education process include the types of materials that we have seen that show the young children there being trained by saying five submachine guns plus four submachine guns equal nine submachine guns"? The militaristic notion of all of their studies. And then I asked another question, I said, "I have been told that the popular church here, that basically portrays the person of Christ of a militaristic revolutionary, has certain material that literally portrays Christ in that fashion." I asked her if she was familiar with that. She said yes, that did exist, and that was in fact material that was readily available in Managua in Nicaragua.

Do you recall those conversations?

Mr. COBEY. Yes; I recall that conversation. When she was asked well, why are those types of materials being used, she alluded to some committee of parents that get together and select the kind of materials that are going to be used in the school. Of course, you know, that is not a very credible statement.

Mr. SWINDALL. Let me talk now about a separate meeting that we had in Managua, and that was at La Prensa, La Prensa being the opposition newspaper. The reason I would like to talk about that is first of all I was impressed as I am sure the gentleman was by one lady, Violetta Chamorro, who has a very interesting past herself, because as you will recall, she was married to the former La Prensa director, Pedro Joaquin Chamorro, who was in fact allegedly assassinated by Somoza, and I say allegedly because his widow, Mrs. Chamorro, said there is now speculation that perhaps Somoza did not assassinate her husband because the individual charged with that crime has never been brought to trial by the Sandinistas. But moving for a moment from that topic, the point I would like to focus on is, this lady who was probably in her mid-fifties, had served as part of the original junta, following the July 1979 revolution. She came in, because clearly she wanted to see the Sandinista revolution work. She served side by side with the original junta, until finally, as she shared with us, she left because she recognized that those with whom she was serving were Communists who had absolutely no intention of satisfying the promises that they had made in July 1979. I suspect that those were the same revelations that led President Carter in 1980 to basically cut off the aid that we had afforded for 2 years, $118 million directly to the Sandinistas, after aiding the Sandinistas in the removal of Somoza. And as we talked further we began to ask her about censorship. And she shared with us the fact that while there had been censorship under Somoza, the censorship had never been as severe, both in terms of volume, but also in terms of how erratic it was; and at that point she shared with us an entire file of censored material that had been, first, offered obviously to be printed in La Prensa, and it is my understanding from talking with her that they must submit the entirety of their copy to the Sandinistas, who then go through the copy and return to them what they can and cannot print. I am holding here, tonight, of course, just 1 day, May 23 of this year, where literally the vast majority of what had been submitted had been censored.

One topic that had been censored that I found extremely significant was a photograph that showed a large load of U.S.-labeled drugs that had been dumped by the Sandinista Government. It was a photograph that had been run in La Prensa but censored so that it could not be put on the streets. And I say that I found that interesting because, as you and I know, after leaving La Prensa we went back into Managua and we were walking through one of the hotels there and as we were walking, you, myself, and a camera crew out of Atlanta that was covering it for ABC News, we were stopped by a group of individuals who were sitting in the lobby who were obviously American, English-speaking, and they at that point said to both of us that they had heard there were two Senators in town who were only going to be there 1 day and had already made up their mind and if I recall, they asked us if we were those two Senators. At that point I said well, neither of us are Senators, but we are in fact Congressmen who are here for the day. They said at that point, "Well, have you made up your mind?"

My response was, "About what?" Their question was, "Well, about this nonsense of there being some type of Soviet presence here in Nicaragua?" And I remember being impressed by that because not more than 10 minutes earlier you and I had met with a group of professional people, including doctors, dentists, and lawyers, all of whom told us of the fact that it is common knowledge that the intensity of the situation in Managua is such that most everyone now knows that Nicaragua is no more than a Soviet base, that Fidel Castro was in and out literally two and three times a week; folks talked with Soviet advisers, Cuban advisers. And I mention that because when they asked that question I was just struck by the contrast between these Americans that were sitting in the luxury of a lobby in downtown Managua who began to interrogate. So my statement to them if I recall correctly was, "Well, yes, I do think that I have heard statements that led me to believe there is some validity to that argument." At which point this lady from California said, "Well, I think there are more Communists in Berkeley than I think there are in Nicaragua."

My response was then, "I cannot argue with you about that." She then was interrupted by another of her friends who said, "How can you justify the President's embargo"—I think he meant the economic sanctions—"that basically are hurting most Nicaraguan people because it deprives them of drugs and medical supplies that are so desperately needed?"

I shot back at the individual and said, "You obviously have not read the President's Executive order because expressly excluded are drugs and medical supplies."

□ 1950

And then one of his friends there chided him for that. I said, "But let me ask you a question. Have you been to La Prensa, the opposition newspaper, and talked with those people?" His response was, "No; but I read the paper." And I said, "The problem with that is, had you gone there you would have found and been able to see this photograph," which I pulled from my pocket and he looked at it and said "I never saw that photograph." Of course it was a photograph of the dumped American-supplied drugs, and I said "That's the whole point, the photograph had been censored, and you never saw it because you are seeing the world of Managua and Nicaragua from inside this hotel.

There was no doubt in my mind he and his friends, that probably have never even really spoken to anyone other than in the confines of that hotel, will be back in Washington, lobbying their individual Congressmen, telling them of their own individual excursion into Nicaragua and their facts that they found, and as I heard all of that, I began to have some question about some of the experts.

Interestingly enough, they were critical, if I recall, of the fact that we were there for such little time. My statement to them was,

Well, don't you think that it is better to have some exposure to the situation now, given the complexity of the issues than to simply wait until there is an occasion that we can go for 2 or 3 or 4 weeks?

I am sure that you have had similar statements about the validity of going for 3 or 4 days. Do you have any comments about what you feel you may have learned or not learned?

Mr. COBEY. As the gentleman knows, a picture is worth 1,000 words, and it certainly was for me, to see, for example, in Managua when we flew in, five of those Soviet-made helicopter gunships.

Mr. SWINDALL. Are you talking about the Hin-D helicopter?

Mr. COBEY. The Hin-D.

Mr. SWINDALL. Would you describe those just a little bit?

Mr. COBEY. Well, I am not a military expert, but these are normally referred to as "flying tanks." They are turbojet—we have no comparable weapon. They are capable of just slaughtering the Contras; they can carry a squad of people in these jets and as I understand, they are manned by Cuban pilots.

Now, when are we going to recognize the depth to which Cuba, the Soviet Union, Libya, Bulgaria, and other Eastern bloc countries are involved in this conflict?

Looking at another thing that is quite disturbing down there, is the fact that they have, their program has been in process of indoctrinating the people to communism for 5 years now. This means that the children have been indoctrinated for 5 years. Of their population of 3.2 million people, 40 percent of those people are 15 years and under.

So in a real sense, we are running out of time as they have time to indoctrinate the young people, to alter their minds.

Mr. SWINDALL. One of the points that is also salient in my own mind is the meeting that you and I had with the group in Managua that was comprised of two attorneys, a dentist, and a physician, and they began to ask us some questions, if you will recall.

One of those questions was, Why do the American people not understand what an opportunity they have here to avoid another Cuba? We began to dialog, and basically what they were saying was, we have here a group of individuals many of whom had fought side by side with the Sandinistas prior to July 1979. Individuals who had hoped as they started this revolution, that perhaps some of their dreams would be realized, but that as the election never materialized—and then if you will recall in 1980 when Daniel Ortega announced that the elections would occur 5 years later, shocking even the most ardent supporters.

Slowly, individuals began to break away from the Sandinista government. They started with a number that these gentlemen told us was less than 500, and that now they have grown to the point that they are over 17,000 and literally have some 5,000 waiting that would gladly join if they had the arms and the supplies to fit them.

Their statement to us was,

Don't you realize that we can basically pressure the Sandinistas into change if we act now? But if we act too long down the road, what will inevitably happen is, they will become fortified that they will become like Cuba.

They talked a little bit about how impenetrable Cuba is and how Daniel Ortega and the various leaders of the junta that now are sitting in Managua had stated originally that they were Communists, but that then suddenly their public rhetoric took a change where they began to talk like they really were not; and they said that is exactly what Fidel Castro did.

They are buying time to simply build this arsenal and then they pointed out the fact that the Sandinista ground troops have increased from less than 10,000 to the present status of over 62,000 and quite frankly it would be larger but for the fact that they are having so many AWOL's that are literally going over to the Contra side, and as they got to the bottom line, it became obvious to me that they were frustrated.

They said,

Why can't your people give $14 million just to symbolically help us? Because those people have the determination to do it, but it would mean so much if they would simply know that you are supporting us.

Then he went further to talk about what was at stake from our perspective. He says,

Don't you realize that they will in fact begin to export this revolution, as they already are, to the point that you are not going to be fighting in Nicaragua, but you are going to end up fighting in Mexico and maybe even in Texas.

I remember being struck by that argument because I was on the verge of asking them the same question that I asked everyplace we went; and that was, What do you think our policy should be with respect to funding the Contras?

I think you will agree with me that the almost unanimous consent was, and the only exception that I recall was Sister Maria, that even though some disagree with the guerrillas because they simply do not want war, they understand that under the circumstances there is little choice.

The point is that if they do not do something, the totalitarianism will become complete.

The lady at La Prensa, basically Mr. Morris said, "If you don't apply that pressure, it will get much, much worse."

The point that I keep going back to is that as we look at that 10,000-foot runway, which obviously we were not allowed to even fly near, that is nearly complete, they will soon have the capacity in Nicaragua to do precisely what they were doing in Cuba; and that is to act as a base for the Soviets so that they can fly a bare reconnaissance flight up and down our western seaboard, where all of our vital defense mechanisms are, similar to what they are now doing up and down our eastern seaboard.

The significance to me is the financial issue of this: If they do that, and the threat becomes complete, all of our defense systems which are presently north-facing, will become obsolete and we will have to redesign our defense system, costing literally billions of dollars in order to now contemplate the certain threat in our hemisphere that has never existed prior to Cuba.

I yield to the gentleman.

Mr. COBEY. The gentleman also could mention the fact that this would give an area for a sub base in the future, so that the Soviets could take their submarines up our west coast and be off our west coast as they are off our east coast; another military problem for the United States.

Mr. SWINDALL. Let me mention one other, and that is the fact that the Panama Canal sits in Central America, and is the only route to shift military forces from the Pacific theater; the naval forces specifically, into the Caribbean and Atlantic theater without losing literally days, and of course that is of tremendous significance to that isthmus there.

I yield to the gentleman.

□ 2000

Mr. COBEY. I want to underscore the fact that the people of Nicaragua, anybody, would like to see this solved diplomatically, through whatever process—the Contadora process, diplomatic pressure that we could bring to bear on the Sandinista government. That is the moral high ground. All of us can agree to the fact that we wish that the Sandinistas would return to the values that were espoused in the revolution in 1979, but they betrayed so many people, and this is what has created the democratic resistance. These people, the Contras, the democratic resistance, the freedom fighters, whatever you want to call them, are the forces of liberation in Nicaragua. And although these people are hoping for diplomacy and negotiation to solve this problem, that can be a stalling tactic, as this indoctrination goes on and they can consolidate the powers there, bring about what is known as the three black flowers of Marxist-Leninism or communism.

We have alluded to La Prensa as the only opposition newspaper that is allowed to operate in that country, and it is heavily, heavily censored.

One has a new appreciation for a free press, freedom of the press. It is essential in any free society. You cannot have a free society without a free press. And I have taken my share of criticism from the press. I believe all of us who operate in the political arena take our criticism. But I am thankful that I can live in a country

where that kind of criticism can be leveled.

That is the first black flower of communism. We also saw a second one, a fear on the part of the people to speak out against the regime because of reprisals that will come their way if they are discovered speaking out.

Also, we see a movement to control the economy. The economy is a disaster at this point in time because, as we know, any Communist or Socialist economic system, well, frankly, it does not work.

Mr. SWINDALL. Incidentally, in that connection, was the gentleman impressed by stark differences between what we saw in El Salvador and what we saw in Nicaragua with respect to the availability of products, the street activity, in the sense that in El Salvador every place you went there were street vendors selling fresh produce, selling their wares, and whatever, whereas in Nicaragua you saw none of that? You saw buildings that had previously housed various industry, as well as retail outlets that had been nationalized and were now housing government offices and officials, and I found it to be very depressing. And as we talked to individuals, they said everything was in severe supply shortage. In fact, we asked, "Well, do you think the economic sanctions will have a negative impact?" And most said no, because it could not get any worse, but that they saw it primarily as a symbolic gesture that showed our solidarity behind the Contras.

Mr. COBEY. Right. Well, that third black flower is control of the economy. So they are marching straight in the direction of the lines that we know exist in the Soviet Union-Eastern bloc nations. Shortages are a way of life.

Mr. SWINDALL. Is it not true that as you control the economy you then can control the democratic process, inasmuch as you make the statement to individuals that if you do not vote in such and such a fashion or participate in such and such a fashion, you will not receive your rationing coupons or you will be cut off from this or cut off from that?

Mr. COBEY. That is precisely my point of the three black flowers. First, you control the information that the people get through the press or whatever means, and you feed them precisely what you want them to hear. And, second, you use fear and intimidation to keep them from speaking out. And then, third, you control the economy so that they are dependent on the state for their food, their housing, their medical care; and, therefore, you have total control of a situation.

I think we ought to look at this on a broader scale, too: How does it affect the United States?

Well, people who oppose aid to the Contras say they do not want another Vietnam. Well, certainly, the gentleman and I do not want another Vietnam.

Mr. SWINDALL. Let me ask the gentleman a question about that: When we were engaged in Vietnam, was not the precise point that if the Communists were not stopped in North Vietnam that they would almost certainly spread to South Vietnam, Cambodia, Laos, and Thailand? And is it not true that today, 10 years after American withdrawal, we see precisely that, with the exception of Thailand, which is today being shelled and almost certain to fall?

Mr. COBEY. Right. I was going to get around to that, not in those terms, but draw some connections.

Right now, freedom fighters, the Contras, all they want is some help, some aid. They will fight their own battle. We are not talking about sending military men from America to Central America, and none of us wants to do that. It is a brutal conflict down there.

Mr. SWINDALL. Did the gentleman speak to a single individual who even suggested that we send American troops in?

Mr. COBEY. No. We did not talk to anybody who wants that.

Mr. SWINDALL. The people I spoke to said they did not want American troops, that they were prepared to do what was necessary but they needed something to offset the tremendous influx of Soviet and Cuban advisers, supplies, military and humanitarian, that were coming in. And, obviously, Daniel Ortega's recent trip exemplifies that.

Mr. COBEY. When I voted for the aid to the Contras, the $14 million, I voted for it because I do not want another Vietnam. I do not want to send our men down to Central America.

Mr. SWINDALL. Is it the gentleman's conclusion that this is an opportunity to avoid, ultimately, having another Vietnam, because we can utilize their own initiative, their own reasons for wanting to bring pressure to bear on the Sandinistas?

Mr. COBEY. Right, and if we do not aid them, we may have to use American fighting men at some point in the future when they export revolution. It may be in Mexico, it may be on our border. But let us recognize there are 100 million people between our Texas border and the Panama Canal.

When we left Vietnam, we had what we called the boat people. Ten percent of that population got on rickety boats in the South China Sea to escape communism, who are the greatest human rights violators of all time. What is going to happen if we allow Communists to take over and to have a foothold there in Nicaragua and export their revolution in Central America? We are going to have the feet people. And we will have at least 10 percent or well over 10 million that will be coming to this country. Most of them are the type of people we want in our country. But we have to recognize that this group could be salted with KGB-trained terrorists. What would we do in our society, in this country, this open country, if we had terrorists in this country poisoning our water supplies, bombing our bridges, bombing our airports? This is a serious matter. We must look in the direction, we must aid these freedom fighters. It is the best option that we have, given the fact that the Sandinistas will not meaningfully engage in dialog, in negotiation.

Mr. SWINDALL. The gentleman has raised a point that I would like to explore, because it was one of those areas that I had a great deal of uncertainty and lack of clarity in my own mind prior to going on this trip, and that was the composition of both the leadership and the rank and file of the Contras in Nicaragua. And almost inevitably as I spoke with various individuals, many of whom, again, were individuals who were formerly supportive of the Sandinistas, I would ask: Tell me about the leadership of the Contras, tell me about the rank and file Contras. And their statement was that most of them were people from out in the countryside or they were people who were formerly part of the revolution. They used one example, and I would like to focus on this one example.

The SPEAKER pro tempore. All time of the gentleman from Georgia [Mr. SWINDALL] has expired.

Mr. SWINDALL. I thank the Chair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SPRATT (at the request of Mr. WRIGHT), after 2:45 p.m. today and for June 6, on account of a necessary absence.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLAZ) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 5 minutes, today.

Mr. ARMEY, for 5 minutes, today.

Mr. MCEWEN, for 15 minutes, June 6.

Mrs. BENTLEY, for 10 minutes, June 6.

(The following Members (at the request of Mr. RAY) to revise and extend their remarks and include extraneous material:)

Mr. BUSTAMANTE, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. KLECZKA, for 5 minutes, today.
Mr. ALEXANDER, for 10 minutes, June 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL, and to include extraneous matter, during consideration of H.R. 1460, Anti-Apartheid Act of 1985, in the Committee of the Whole, today.

(The following Members (at the request of Mr. BLAZ) and to include extraneous matter:)

Mr. MCCAIN.
Mr. BEREUTER.
Mr. PORTER.
Mr. COURTER in two instances.
Mr. GEKAS.
Mr. GUNDERSON.
Mr. CLINGER.
Mr. BROOMFIELD.
Mr. LEWIS of California.
Mr. BLILEY.
Mr. VANDER JAGT.
Mr. DREIER of California.
Mr. HARTNETT.
Mr. HENRY.
Mr. CRANE.
Mr. WEBER.
Mr. KEMP in three instances.
Mr. MCGRATH.
Mr. LAGOMARSINO in four instances.

(The following Members (at the request of Mr. RAY) and to include extraneous matter:)

Mr. MAZZOLI.
Mr. MILLER of California in three instances.
Mr. HAMILTON.
Mr. YATRON in two instances.
Mr. ACKERMAN.
Mr. MURTHA.
Mr. ATKINS.
Mr. SHELBY.
Mr. MONTGOMERY.
Mr. RANGEL.
Mr. CARR.
Mr. FORD of Michigan.
Mr. WISE in two instances.
Mr. DOWNEY of New York.
Mr. DYSON in two instances.
Mr. CONYERS.
Mr. DORGAN of North Dakota.
Mrs. SCHROEDER.
Mr. FLORIO in two instances.
Mr. LUKEN.
Mrs. BOXER.
Mr. DELLUMS in two instances.
Mr. TORRES.
Mrs. BURTON of California in two instances.
Mr. TOWNS.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 873. An act to amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2268. An act to approve and implement the Free Trade Area Agreement between the United States and Israel.

ADJOURNMENT

Mr. SWINDALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, June 6, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

1418. Under clause 2 of rule XXIV, a letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1984, pursuant to Public Law 93-438, section 208; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 186. Resolution waiving certain points of order against, H.R. 2577, a bill making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes. (Rept. No. 99-160). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2370. A bill to amend the Public Health Service Act to extend the programs of assistance for nurse education; with amendments (Rept. No. 99-161). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOWARD (for himself, and Mr. YOUNG of Missouri):

H.R. 2667. A bill to amend the Federal Aviation Act of 1958 to provide for the revocation of certain certificates for air transportation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ADDABBO:

H.R. 2668. A bill to permit collective negotiation by professional retail pharamcists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota:

H.R. 2669. A bill making supplemental appropriations for the fiscal year ending September 30, 1985, for the Temporary Emergency Food Assistance Program within the Department of Agriculture; to the Committee on Appropriations.

By Mr. HANSEN (for himself, Mr. NIELSON of Utah, and Mr. MONSON):

H.R. 2670. A bill to designate certain lands within units of the National Park System in the State of Utah as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DYMALLY:

H.R. 2671. A bill to provide for the improvement of faculty development and administration for universities, colleges, and secondary schools in certain countries and U.S. territories and possessions in the Pacific region; jointly, to the Committee on Foreign Affairs, Interior and Insular Affairs, and Education and Labor.

By Mr. GUARINI:

H.R. 2672. A bill to redesignate the New York International and Bulk Mail Center in Jersey City, NJ, as the "New Jersey International and Bulk Mail Center", and to honor the memory of a former postal employee by dedicating a portion of a street at the New York International and Bulk Mail Center in Jersey City, NJ, as "Michael McDermott Place"; to the Committee on Post Office and Civil Service.

By Mr. KANJORSKI:

H.R. 2673. A bill to amend title 5, United States Code, to allow the detailing of administrative law judges from one agency to another without reimbursement; to the Committee on Post Office and Civil Service.

By Mr. KLECZKA:

H.R. 2674. A bill to authorize certain uses to be made with respect to certain lands conveyed to Milwaukee County, WI, by the Administrator of Veterans' Affairs; to the Committee on Veterans Affairs.

By Mr. PETRI:

H.R. 2675. A bill to establish a commission to study ways of improving defense procurement; to the Committee on Armed Services.

By Mr. PETRI (for himself, Mr. CHAPPIE, Mr. ARMEY, Mr. CLINGER, Mr. LAGOMARSINO, Mr. KOLTER, Mr. SHUMWAY, and Mr. YOUNG of Florida):

H.R. 2676. A bill to amend the Fair Labor Standards Act of 1938 to require that wages based on individual productivity be paid to handicapped workers employed under certificates issued by the Secretary of Labor; to the Committee on Education on Labor.

By Mr. SHELBY:

H.R. 2677. A bill to repeal the provision requiring a State to require proof of payment of the Federal use tax on heavy vehicles before a vehicle subject to such tax may be registered; to the Committee on Public Works and Transportation.

By Mr. STANGELAND:

H.R. 2678. A bill to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to cer-

tain lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, and Mr. CHENEY):

H.R. 2679. A bill to amend the Clean Air Act to control certain sources of sulfur dioxide to reduce acid deposition; jointly, to the Committees on Energy and Commerce, and Science and Technology.

By Mr. VANDER JAGT:

H.R. 2680. A bill to amend title XVIII of the Social Security Act to treat certain rural osteopathic hospitals as rural referral centers for purposes of payment under the prospective payment system; to the Committee on Ways and Means.

By Mr. HENRY (for himself, Mr. HALL of Ohio, Mr. PETRI, Mr. COURTER, and Mr. MOODY):

H.J. Res. 305. Joint resolution to recognize both Peace Corps volunteers and Peace Corps on the agency's 25th anniversary, 1985–86; to the Committee on Post Office and Civil Service.

By Mr. WALKER:

H.J. Res. 306. Joint resolution to request that the Secretary of State raise the case of the imprisonment of Aleksandr Shatravka with the Soviet Union; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida:

H.J. Res. 307. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DYMALLY (for himself and Mr. RANGEL):

H. Con. Res. 159. Concurrent resolution expressing the sense of the Congress that the President should grant a posthumous full, free, and absolute pardon to Marcus Garvey for any offenses against the United States for which he was convicted; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire (for himself, Mr. COBLE, Mr. BARTON of Texas, Mr. WALKER, and Mr. ARMEY):

H. Con. Res. 160. Concurrent resolution to limit appropriations for the legislative branch until the budget of the United States is balanced; to the Committee on Government Operations.

By Mr. GEPHARDT:

H. Res. 185. Resolution designating membership on a standing committee of the House; considered and agreed to.

By Mrs. SCHROEDER (for herself, Mr. HAMILTON, Mr. OBERSTAR, Ms. OAKAR, Mr. LELAND, Mr. FAZIO, Mr. FRANK, Mr. COLEMAN of Texas, Mr. BERMAN, Mr. LEHMAN of Florida, Mr. FAUNTROY, Mr. STOKES, Mr. HEFTEL of Hawaii, Mr. MATSUI, Mr. BARNES, Mr. SAVAGE, Mr. FROST, Ms. SNOWE, Mr. FASCELL, Mr. RANGEL, Mr. JEFFORDS, Mr. KOLTER, Mr. MITCHELL, and Mrs. MARTIN of Illinois):

H. Res. 187. Resolution to amend and to implement clause 9 of rule XLIII and clause 6(a)(3)(A) of rule XI of the Rules of the House of Representatives, relating to employment practices; jointly, to the Committees on Rules, and House Administration.

By Mr. WATKINS:

H. Res. 188. Resolution commending the Soil Conservation Service; jointly, to the Committees on Agriculture, and Post Office and Civil Service.

By Mr. YOUNG of Florida:

H. Res. 189. Resolution to reaffirm the use of our national motto on coins and currency; to the Committee on Banking, Finance and Urban Affairs.

H. Res. 190. Resolution to reaffirm the use of the phrase, "Under God", in the Pledge of Allegiance to the Flag of the United States; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

150. The SPEAKER presented a memorial of the legislature of the State of Nevada, relative to fees for grazing on Federal land; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALLAHAN:

H.R. 2681. A bill for the relief of Michael J. Adams; to the Committee on the Judiciary.

By Mr. FAWELL:

H.R. 2682. A bill for the relief of Jean DeYoung; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of June 4, 1985]

H. Con. Res. 74: Mr. SCHEUER and Mr. BARNARD.

[Submitted June 5, 1985]

H.R. 8: Mr. EDGAR.

H.R. 13: Ms. FIEDLER, Mr. ORTIZ, Mr. PACKARD, and Mr. PASHAYAN.

H.R. 44: Mr. EMERSON and Mr. WAXMAN.

H.R. 281: Mr. WRIGHT and Mr. MORRISON of Connecticut.

H.R. 357: Mr. WAXMAN.

H.R. 695: Mr. PORTER and Mr. DURBIN.

H.R. 796: Mr. WOLPE.

H.R. 797: Mr. HYDE, Mr. DELAY, Mr. BOEHLERT, Mr. OWENS, Mr. BARTLETT, Mr. FEIGHAN, Mr. MILLER of Washington, Mr. SWINDALL, Mr. SEIBERLING, Mr. SMITH of New Jersey, Mr. COLEMAN of Texas, and Mr. DAVIS.

H.R. 888: Mr. EDGAR and Mr. SIKORSKI.

H.R. 1031: Mr. MORRISON of Connecticut.

H.R. 1032: Mr. MORRISON of Connecticut.

H.R. 1205: Mr. LEVINE of California, Mr. NIELSON of Utah, Mr. DIXON, Mr. ROSE, Mr. LELAND, Mr. STOKES, Mr. LOWERY of California, and Mr. SHAW.

H.R. 1268: Mr. KOLBE, Mr. CLINGER, and Mr. DYMALLY.

H.R. 1284: Mr. GUARINI, Mr. FRANK, Mr. STARK, Mrs. SCHROEDER, Mr. KOSTMAYER, Mr. DOWNEY of New York, Mr. HALL of Ohio, Mr. JEFFORDS, Mr. NOWAK, and Mr. LEHMAN of Flordia.

H.R. 1302: Mr. YOUNG of Alaska.

H.R. 1479: Mr. SMITH of New Jersey, Mr. MITCHELL, Mr. FAUNTROY, Mr. FISH, Mr. MARTINEZ, Mr. MRAZEK, Ms. KAPTUR, Mr. MURPHY, Mrs. JOHNSON, Mr. STARK, Mr. FAZIO, Mr. KOLTER, Mr. RINALDO, Mr. RANGEL, and Mr. BROWN of California.

H.R. 1615: Mr. BRUCE, Mr. NEAL, Mr. JEFFORDS, and Mr. BARNARD.

H.R. 1629: Mr. THOMAS of Georgia, Mr. HORTON, and Mr. DASCHLE.

H.R. 1660: Mr. HEFTEL of Hawaii and Mr. KILDEE.

H.R. 1663: Mr. LIVINGSTON.

H.R. 1665: Mr. TOWNS.

H.R. 1776: Mr. RICHARDSON.

H.R. 1802: Mr. SKELTON, Mr. LELAND, Mr. TOWNS, Mr. SABO, Mr. STAGGERS, Mr. RICHARDSON, Mr. BUSTAMANTE, Mrs. BENTLEY, Mr. HUTTO, Mr. BILIRAKIS, Mr. MITCHELL, Mr. MATSUI, Mr. MOLLOHAN, Mr. MCGRATH, Ms. KAPTUR, Mr. BARNES, Mr. TORRES, Mr. MARTINEZ, Mr. EVANS of Illinois, Mr. ROE, Mr. FAUNTROY, Mr. FAZIO, Mr. BARNARD, and Mr. BATEMAN.

H.R. 1900: Mr. FISH, Mr. KINDNESS, and Mr. DEWINE.

H.R. 1906: Mr. GREEN, Mr. EVANS of Iowa, Mr. WORTLEY, Mr. BOLAND, Mr. CROCKETT, Mr. GUARINI, Mr. BERMAN, Mr. WIRTH, Mr. CARPER, Mr. CLINGER, Mr. NIELSON of Utah, Mr. LEHMAN of California, Mr. SOLARZ, Ms. SNOWE, Mr. SAXTON, and Mr. SMITH of Florida.

H.R. 1940: Mr. COELHO, Ms. KAPTUR, Mr. WEISS, Mr. BONIOR of Michigan, Mr. DOWNEY of New York, Mr. SMITH of Florida, Mr. CROCKETT, Mr. MCCURDY, Mr. EDGAR, and Mr. BENNETT.

H.R. 1967: Mr. FAZIO, Mr. ACKERMAN, Ms. MIKULSKI, Mr. SMITH of Florida, Mr. FORD of Tennessee, Mr. WEAVER, Mr. MATSUI, and Mr. SAXTON.

H.R. 2076: Mr. HEFTEL of Hawaii, Mr. STRANG, and Mr. RANGEL.

H.R. 2164: Mr. KINDNESS.

H.R. 2232: Mr. STUDDS, Mr. VENTO, Mr. BONIOR of Michigan, Mr. BEVILL, Mr. GRADISON, Mr. GUARINI, Mr. OBERSTAR, Mr. NEAL, Mr. FRANK, Mrs. MARTIN of Illinois, and Mr. CHANDLER.

H.R. 2235: Mr. BERMAN, Mr. CROCKETT, Mr. HAYES, Mr. BATES, and Mrs. BOXER.

H.R. 2255: Mr. JEFFORDS, Mr. STOKES, Mr. REID, Mrs. BOXER, and Mr. MORRISON of Connecticut.

H.R. 2339. Mr. HEFTEL of Hawaii, Mr. LEVIN of Michigan, and Mr. BOSCO.

H.R. 2353: Mr. DYMALLY.

H.R. 2371: Ms. SNOWE.

H.R. 2383: Mr. WATKINS.

H.R. 2388: Mr. DONNELLY, Mr. OBERSTAR, Ms. KAPTUR, Mr. FAZIO, Mr. MRAZEK, Mr. STOKES, Mr. WOLPE, Mr. VENTO, Mr. YATES, Mr. CROCKETT, Ms. OAKAR, and Mr. SAVAGE.

H.R. 2397: Mr. CLINGER and Mr. CARR.

H.R. 2422: Mr. MOODY, Mr. FUSTER, Mr. EDWARDS of California, Mr. ROSE, Mr. DIXON, Mr. GARCIA, Mr. HALL of Ohio, Mr. BERMAN, Mr. FRANK, Mr. CONYERS, Mr. WEAVER, Ms. MIKULSKI, Mr. DYMALLY, Mr. TOWNS, Mr. DELLUMS, Mr. MITCHELL, Mr. OWENS, Mrs. COLLINS, Mr. GRAY of Illinois, Mr. BARNES, Mr. ATKINS, Mr. NEAL, Mr. HORTON, and Mr. CLINGER.

H.R. 2441: Mr. KOLTER, Mr. SENSENBRENNER, and Mr. BARTON of Texas.

H.R. 2481: Mr. PENNY.

H.R. 2539: Mr. HUTTO, Mr. DAUB, Mr. BUSTAMANTE, Mr. LAGOMARSINO, Mr. BONER of Tennessee, Mr. HEFTEL of Hawaii, Mr. BOLAND, Mr. OXLEY, Mr. DORNAN of California, Mr. KOLBE, Mr. TOWNS, Mr. REID, Ms. MIKULSKI, Mr. BEDELL, Mr. SMITH of New Jersey, Mr. ARMEY, Mr. VALENTINE, Mr. EMERSON, Mr. MCEWEN, Mr. MCGRATH, Mr. BEVILL, Mr. SKELTON, Mr. BLILEY, Mr. DARDEN, Mr. SHUMWAY, Mr. SENSENBRENNER, Mr. CONTE, and Mr. WYDEN.

H.R. 2575: Mr. COURTER.

H.R. 2621: Mr. MOAKLEY.

H.J. Res. 79: Mr. TRAXLER, Mr. VALENTINE, Mr. WORTLEY, Mr. YATES, Mr. YOUNG of Alaska, Mr. WYDEN, Mr. SKELTON, Mr. TAUKE, Mr. PERKINS, Mr. RINALDO, Mr. RICHARDSON, Mr. DASCHLE, Mr. DYSON, Mr. FOGLIETTA, Mr. PANETTA, and Mr. MOODY.

H.J. Res. 122: Mr. SMITH of Iowa, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. FISH, Mr. LAFALCE, Mr. KOLTER, Mr. CONTE, Mr. BONER of Tennessee, Mr. BIAGGI, Mr. COUGHLIN, Mrs. HOLT, Mr. MORRISON of Connecticut, Mr. HOYER, Mr. DE LA GARZA, Mr. FROST, Mr. FEIGHAN, Mr. QUILLEN, Mr. MADIGAN, Mr. ORTIZ, Mr. ADDABBO, Mr. AKAKA, Mr. ANNUNZIO, Mr. BARNES, Mr. BEDELL, Mr. BENNETT, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BOLAND, Mrs. BURTON of California, Mrs. BYRON, Mr. CHAPPIE, Mr. CLAY, Mr. COATS, Mrs. COLLINS, Mr. COYNE, Mr. CROCKETT, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DELLUMS, Mr. DEWINE, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EARLY, Mr. EMERSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FLIPPO, Mr. FLORIO, Mr. FUQUA, Mr. FUSTER, Mr. GARCIA, Mr. GRADISON, Mr. GUARINI, Mr. HAWKINS, Mr. HAYES, Mr. HEFNER, Mr. HORTON, Mr. HUGHES, Mr. JENKINS, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. LAGOMARSINO, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. MARTINEZ, Mr. MCGRATH, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MURPHY, Mr. NIELSON of Utah, Mr. O'BRIEN, Mr. OWENS, Mr. PERKINS, Mr. REGULA, Mr. REID, Mr. ROE, Mr. ROEMER, Mr. ROGERS, Mr. ROSE, Mr. SABO, Mr. SAVAGE, Mr. SHUMWAY, Mr. SMITH of Florida, Mr. SYNAR, Mr. TAUKE, Mr. TOWNS, Mr. UDALL, Mr. VANDER JAGT, Mr. VENTO, Mr. WAXMAN, Mr. WOLF, Mr. WORTLEY, and Mr. YATES.

H.J. Res. 175: Mr. JEFFORDS, Mr. RALPH M. HALL, Mr. CHANDLER, Mr. BUSTAMANTE, Mr. ROBERT F. SMITH, Mr. HAMMERSCHMIDT, Mr. DAVIS, Mrs. MARTIN of Illinois, Mr. LOTT, and Mr. FRANKLIN.

H.J. Res. 193: Mr. EDWARDS of Oklahoma.

H.J. Res. 213: Mr. OWENS, Mr. BONIOR of Michigan, Mr. LEVIN of Michigan, Mr. CONYERS, Mr. DYMALLY, Mr. LAFALCE, Mr. COOPER, Mr. COLEMAN of Texas, Mr. LELAND, Mr. MRAZEK, Mr. AUCOIN, Mr. DWYER of New Jersey, Mr. ROE, Mr. DELLUMS, Mr. RANGEL, Mr. CARR, Mr. DURBIN, Mr. ANDERSON, Mr. WEISS, Mr. GUNDERSON, Mr. CLAY, Mr. LOTT, Mr. MURTHA, and Mr. VENTO.

H.J. Res. 221: Mr. VANDER JAGT and Mr. HENRY.

H.J. Res. 228: Mr. ACKERMAN, Mr. SCHUMER, Mr. UDALL, Mr. OBERSTAR, and Mr. PEPPER.

H.J. Res. 243: Mr. BEVILL, Ms. MIKULSKI, Mr. MATSUI, Mr. FROST, Mrs. HOLT, Mr. LEVIN of Michigan, and Mr. SHUMWAY.

H.J. Res. 260: Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. RAHALL, Mr. KOSTMAYER, and Mr. RANGEL.

H.J. Res. 267: Mr. MACK, Mr. CAMPBELL, and Mr. DELAY.

H. Con. Res. 26: Mr. KASICH, Mr. HENRY, Mrs. HOLT, and Mr. MRAZEK.

H. Con. Res. 46: Mr. GRAY of Pennsylvania.

H. Con. Res. 69: Mr. LELAND, and Mr. STANGELAND.

H. Con. Res. 81: Mr. PACKARD and Mr. PARRIS.

H. Con. Res. 146: Mr. BERMAN, Mr. CHAPPIE, Mr. SMITH of Florida, Mr. FAWELL, Mr. FEIGHAN, Mr. MORRISON of Washington, Mr. MITCHELL, Mr. SLATTERY, Mr. WEISS, Mr. LEHMAN of Florida, Mr. GEPHARDT, Mr. GLICKMAN, Mr. WEAVER, Mr. GRAY of Illinois, Mr. RICHARDSON, Mr. BRYANT, Mr. LAFALCE, Mr. CLINGER, Ms. MIKULSKI, and Mr. HOYER.

H. Res. 130: Mr. YOUNG of Florida, Mr. SAVAGE, Mr. FORD of Tennessee, Ms. MIKULSKI, Mrs. VUCANOVICH, and Mr. COURTER.

H. Res. 132: Mr. ACKERMAN and Mr. RITTER.

H. Res. 154: Mrs. JOHNSON, Mr. FRENZEL, Mr. SHUMWAY, Mr. RUDD, Mr. DORNAN of California, Mr. ROEMER, Mr. BLILEY, Mr. REGULA, Mr. SKEEN, Mr. CLINGER, Mr. BARTON of Texas, Mr. NIELSON of Utah, Mr. FISH, Mr. SMITH of New Hampshire, Mr. BILIRAKIS, Mr. FEIGHAN, Mr. COBLE, and Mr. ARCHER.

H. Res. 178: Mr. COATS, Mr. LAGOMARSINO, Mr. CONTE, Mrs. JOHNSON, and Mr. BARTON of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of June 4, 1985]

H.J. Res. 192: Mr. BUSTAMANTE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1872

By Mr. DELLUMS:

—At the end of title II (RDT&E) add the following new section:

SEC. —. STRATEGIC DEFENSE INITIATIVE FUNDING LIMITATIONS.

(a) SDI ACTIVITIES TO BE CONSISTENT WITH 1972 ABM TREATY.—None of the funds appropriated or otherwise made available for research, development, test, and evaluation for fiscal year 1986 shall be available for activities of the Strategic Defense Initiative Organization of the Department of Defense (hereinafter in this section referred to as the "SDIO") for any activity that is not fully consistent with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems between the Soviet Union and the United States (the "ABM Treaty").

(b) LIMITATION ON DEMONSTRATION PROJECTS.—None of the funds appropriated or otherwise made available for fiscal year 1986 for the SDIO may be used for—

(1) any technology demonstration project;

(2) any "major experiment"; or

(3) any activity that involves engineering development aimed at the construction of experimental hardware for operational testing.

(c) LIMITATION OF FY86 FUNDS FOR THE SDIO.—Of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1986 for research, development, test, and evaluation, not more than $954,900,000 shall be available for the SDIO. Such funds shall be available only as follows:

(1) $348,000,000 for surveillance, acquisition, track, and kill assessment.

(2) $249,000,000 for directed energy weapons.

(3) $149,900,000 for kinetic energy weapons.

(4) $99,000,000 for systems concepts and battle management.

(5) $109,000,000 for survivability, lethality, and key support technology.

(6) $8,000,000 for SDIO management headquarters.

By Mr. McCURDY:

—Page 23, line 11, strike out "$13,151,210,000" and insert in lieu thereof "$13,301,210,000".

Page 26, line 12, strike out "and".

Page 26, line 14, strike out the period and insert in lieu thereof "; and ".

Page 27, after line 14, insert the following:

(5) $774,500,000 is available only for research, development, test, and evaluation carried out with respect to the small mobile intercontinental ballistic missile system.

Page 29, after line 14, insert the following new section:

SEC. 207. MAINTENANCE OF PRIORITY FOR SMALL MOBILE INTERCONTINENTAL BALLISTIC MISSILE PROGRAM.

The Secretary of Defense shall continue to carry out the program to develop a small mobile intercontinental ballistic missile, and to provide for the allocation of defense industrial resources for that program, in accordance with the priority for that program (known as "Brick-Bat") in effect on June 1, 1985, under the system provided by existing laws and regulations for determining relative program precedence for assignment of production resources.

By Mr. WEISS:

—Page 6, line 25, strike out "$4,365,300,000" and insert in lieu thereof "$3,783,300,000".

Page 13, after line 9, insert the following:

(h) PROHIBITION ON EXPENDITURES FOR THE TRIDENT II MISSILE.—None of the funds appropriated pursuant to the authorizations of appropriations in this section may be obligated or expended for the Trident II missile program.

H.R. 2577

By Mr. BOLAND:

(Amendment to the amendment submitted by Mr. MICHEL.)

—Strike out Section 102 and insert in lieu thereof the following:

"SEC. 102. (a) No funds available during any fiscal year to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purposes or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual."

"(b) The prohibition contained in subsection (a) shall continue in effect until the Congress enacts a joint resolution repealing that prohibition."

By Mr. GEPHARDT:

(Amendment to the amendment submitted by Mr. MICHEL of Illinois.)

—In the paragraph under the heading "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE"—

(1) strike out "March 31, 1986" and insert in lieu thereof "September 30, 1986, subject to the requirements of section 105 of this chapter"; and

(2) strike out the second sentence of that paragraph (Beginning with "Notwithstanding" and ending with "second such report.").

In section 105 and section 106—

(1) strike out "SEC. 105" and "SEC. 106" and insert in lieu thereof "SEC. 106" and "SEC. 107", respectively; and

(2) in subsection (a) strike out "enactment of this Act" and insert in lieu thereof "enactment of a joint resolution under section 105 of this chapter".

Add the following new section 105 after section 104:

SEC. 105. (a) In order to provide an opportunity for negotiations through the Contadora process or other diplomatic channels, funds appropriated by the paragraph of this

chapter headed "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" may not be obligated or expended during the 6-month period beginning on the date of enactment of this Act. After that 6-month period, funds appropriated by that paragraph may be obligated or expended for assistance in accordance with that paragraph if after the end of that 6-month period—

(1) the President submits a request to the Congress for authority to provide such assistance, such request to include (A) the President's assurance that he has consulted with the Contradora nations concerning the provision of such assistance, and (B) a description of the response of the Contradora nations to the proposal to provide that assistance; and

(2) the Congress enacts a joint resolution authorizing the use of funds for such assistance.

If the Congress enacts such a joint resolution, one-third of the amount appropriated by that paragraph shall be available for obligation as of the date of enactment of that joint resolution, an additional one-third shall be available for obligation 90 days after such date of enactment, and the remaining one-third shall be available for obligation 180 days after such date of enactment, notwithstanding the Impoundment Control Act of 1974.

(b)(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the obligation and expenditure of funds for assistance for the Nicaraguan democratic resistance in accordance with section 105 of the Supplemental Appropriation Act, 1985.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

By Mr. HAMILTON:

—Page 44, after line 23, insert the following:

UNITED STATES POLICY WITH RESPECT TO NICARAGUA

SEC. 101. (a) The primary objectives of United States policy in Central America should be—

(1) to preserve the security of the United States;

(2) to achieve peace and reconciliation;

(3) to promote stability and economic development;

(4) to prevent the Soviet Union and its allies from seeking to destabilize the region or to develop or deploy a military capability which threatens the United States;

(5) to promote the observance of human rights and the strengthening of democratic processes; and

(6) to live at peace with Nicaragua so long as Nicaragua lives at peace with its neighbors.

(b) United States strategy for achieving the objectives stated in subsection (a) should include—

(1) an emphasis on seeking a negotiated, regional settlement;

(2) respect for the independence and territorial integrity of all nations;

(3) a clear commitment, through appropriate types and levels of military and economic assistance, to assist the nations of Central America in building and sustaining viable, democratic societies capable of withstanding aggression and subversion and of providing their people with an opportunity for better lives; and

(4) consistent diplomatic support on behalf of the observance of human rights by groups and governments, and support for free political institutions throughout the region, in recognition of the fact that subversion feeds on repression.

(c) In furtherance of the objectives stated in subsection (a), United States policy with respect to Nicaragua should include the following:

(1) Pursuit of a regional settlement through all diplomatic avenues, including—

(A) placing renewed emphasis on the Contadora process which is addressing the questions of peace and security (including mechanisms for verification and enforcement) and internal reconciliation and political pluralism;

(B) giving priority to obtaining a ceasefire in Nicaragua;

(C) renewing bilateral talks with Nicaragua;

(D) encouraging direct talks among the parties to the conflict in Nicaragua; and

(E) taking any evidence of Nicaraguan violations of the territorial integrity and sovereignty of neighboring states to the forum of the Organization of American States and seeking redress under the Charter of that Organization and the Inter-American Treaty of Reciprocal Assistance, which provide for collective action;

(2) A commitment to preserve the security of the United States by preventing the Soviet Union and its allies from developing or deploying an offensive military capability in Central America that directly threatens the United States, a capability that does not currently exist.

(3) A commitment to protect the security and territorial integrity of any nation of Central America that is invaded by Nicaragua, acting in conformance with the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance.

(4) The provision of incentives to Nicaragua if the Government of Nicaragua agrees to a ceasefire and to negotiate with its opponents, removes foreign military advisers, agrees not to provide material support for insurgencies and agrees to appropriate monitoring procedures under Contadora auspices to verify such agreement, respects human rights and the independence of the media, and makes progress toward national reconciliation and a pluralistic democratic system. Incentives should be structured to enable the United States to respond to positive steps by Nicaragua. These incentives could include—

(A) the suspension of United States military exercises in the region;

(B) the resumption of normal trade, including the resumption of nondiscriminatory trade treatment (MFN status), the restoration of benefits under the Generalized System of Preferences, and the restoration of Nicaragua's sugar quota;

(C) supporting multilateral assistance for Nicaragua and providing technical assistance, help in agriculture and health, and volunteer services; and

(D) the creation of a regional development organization in which Nicaragua could participate.

SEC. 102. (a) No funds available during any fiscal year to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

(b) The prohibition contained in subsection (a) shall continue in effect until the Congress enacts a joint resolution repealing that prohibition.

SEC. 103. (a)(1) Funds in an amount up to $14,000,000 may be used by the President during fiscal year 1985 to provide food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the Nicaraguan opposition forces.

(2) Assistance under this subsection may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon that organization's determination that such assistance is necessary to meet humanitarian needs of those refugees. The President shall determine whether assistance under this subsection is provided through the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, or both organizations. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection for the purpose of provisioning combat forces.

(3) Funds used pursuant to this subsection shall be derived from the funds appropriated to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) or section 2(c) (relating to the Emergency Refugee and Migration Assistance Fund) of the Migration and Refugee Assistance Act of 1962.

(b) Funds available in any fiscal year to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may be used by the President for payments to the Contadora nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(c) Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (a).

SEC. 103. No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used pursuant to section 102 of this chapter; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

SEC. 104. (a) On or after October 1, 1985, the President may submit to the Congress a request for authority to take specified actions with respect to Nicaragua. The request must be accompanied by—

(1) the President's assurance that he has consulted with the Contadora nations concerning the proposed actions; and

(2) a description of the response of the Contadora nations to the proposed actions.

(b)(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to the Supplemental Appropriations Act, 1985.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

By Mr. HOWARD:

—Page 101, after line 8 insert the following new title:

TITLE IV—WATER RESOURCES

This title may be cited as the "Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985". Any reference in this title to "this Act" shall be deemed to be a reference to this title, any reference to a title (when used with respect to the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985) shall be deemed to be a reference to a part of this title.

SEC. 2. In order to insure against cost overruns, each estimated cost set forth in this Act for a project shall be the maximum amount authorized for that project, except that such maximum amount shall be automatically increased for—

(1) changes in construction costs (including real property acquisitions, preconstruction studies, planning, engineering, and design) from October 1982 as indicated by engineering and other appropriate cost indexes;

(2) modifications which do not materially alter the scope or functions of the project as authorized; and

(3) additional studies, modifications, and actions (including mitigation and other environmental actions) authorized by this Act or required by changes in Federal law.

SEC. 3. For purposes of this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 4. Sections 201 and 202 and the fourth sentence of section 203 of the Flood Control Act of 1968 shall apply to all projects authorized by this Act.

PART I—PORT DEVELOPMENT

SEC. 101. The following projects for ports are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

NORFOLK HARBOR AND CHANNELS, VIRGINIA

The project for navigation, Norfolk Harbor and Channels, Virginia: Report of the Chief of Engineers, dated November 20, 1981, at an estimated cost of $248,700,000 including such modifications as may be recommended by the Secretary in the report or reports transmitted under this paragraph.

The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of each segment of the proposed project will have on fish and wildlife resources and the need for mitigation of any damage to such resources resulting from such construction, operation, and maintenance. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study with respect to the project or separate reports on the results of such study with respect to each segment of the project, along with recommendations for modifications in any such segment which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of such construction, operation, and maintenance on such resources. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any such segment if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

MOBILE HARBOR, ALABAMA

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at an estimated cost of $386,700,000, including such modifications as may be recommended in a plan transmitted under this paragraph; except that if non-Federal interests construct a bulk material transshipment facility in lower Mobile Bay, the Secretary, upon request of such non-Federal interests, may limit construction of such project from the Gulf of Mexico to such facility and except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For reasons of environmental quality, not later than one year after the date of enactment of this Act, the Secretary, the United States Fish and Wildlife Service, the Administrator of the Environmental Protection Agency, and appropriate non-Federal interests shall develop, and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a plan to dispose of dredged material from such project in the Brookley disposal area, referred to in such report of the Chief of Engineers, and a plan to mitigate damages to fish and wildlife from disposal of such material in the Brookley disposal area. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such plans have been approved by resolution adopted by each such committee or unless the non-Federal sponsor of such project transmits, in the one-year period beginning on the date of enactment of this Act, a letter to each such committee indicating that the Secretary, the United States Fish and Wildlife Service, the Administrator of the Environmental Protection Agency, and the non-Federal interests are not able to develop such plans. Notwithstanding any other provision of law, no dredged or fill material shall be disposed of in the Brookley disposal area, referred to in such report of the Chief of Engineers unless such plans have been approved by resolution adopted by each such committee.

MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA

The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana: Report of the Chief of Engineers, dated April 9, 1983, at an estimated cost of $333,400,000. Nothing in this paragraph and such report shall be construed to affect the requirements of Public Law 89-669, as amended.

TEXAS CITY CHANNEL, TEXAS

The project for navigation, Texas City Channel, Texas: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $117,990,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any portion of the project (other than reaches six, seven, eight, and nine of the Common Entrance Channel) if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for deepening of the Ambrose Channel feature of the navigation project, New York Harbor and Adjacent Channels, to a depth of 55 feet and widening such channel to 770 feet, and for deepening of the Anchorage channel feature of such navigation project to a depth of 55 feet and widening such channel to 660 feet, at an estimated cost of $175,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. Disposal of beach quality sand from construction, operation, and maintenance of such features of such project shall take place at the ocean front on Staten Island, New York, and Sea Bright and Monmouth Beach, New Jersey, at full Federal expense. No disposal of dredged material from construction, operation, and maintenance of such features of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or little Neck Bay, Queens, New York. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA

The project for deepening of the entry channel to the harbor of Los Angeles, California, to a depth of 65 feet and for deepening of the entry channel to the harbor of Long Beach, California, to a depth of 76 feet, including the creation of 800 acres of land with the dredged material from the project, as Phase I of the San Pedro Bay development, at an estimated cost of $230,000,000.

SEC. 102. The following projects for ports are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NEW HAMPSHIRE

The project for navigation, Portsmouth Harbor and Piscataqua River, New Hampshire: Report of the Division Engineer, New England Division, dated April 1983, at an estimated cost of $21,200,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph or with respect to such project under section 103. The Secretary, in consultation with Federal, State, and local agencies, shall study the adequacy of potential disposal sites necessary for construction, operation, and maintenance of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to assure that adequate disposal sites are available for construction, operation, and maintenance of such project. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

NEW HAVEN HARBOR, CONNECTICUT

The project for navigation, New Haven Harbor, Connecticut: Report of the Chief of Engineers, dated July 26, 1982, with such modifications as may be recommended by the Secretary in the report submitted under this paragraph, at an estimated cost of $23,000,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on oyster beds and the production of oysters in New Haven Harbor. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate adverse effects of such construction, operation, and maintenance on such beds and production. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such acquisition

and actual construction have been approved by resolution adopted by each such committee.

GOWANUS CREEK CHANNEL, NEW YORK

The project for navigation, Gowanus Creek Channel, New York: Report of the Chief of Engineers, dated September 14, 1982, at an estimated cost of $2,000,000.

KILL VAN KULL, NEW YORK AND NEW JERSEY

The project for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $182,665,000. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

ARTHUR KILL, NEW YORK AND NEW JERSEY

The project for navigation, Arthur Kill, New York and New Jersey: Draft report of the District Engineer for New York, dated May 1983, at an estimated cost of $55,000,000, including any modifications that may be recommended by the Secretary with respect to that project under section 103 of this Act.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for (1) an access channel 45 feet deep below mean low water and generally 450 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel, New York Harbor, westward approximately 12,000 feet along the southern boundary of the Port Jersey peninsula to the head of navigation in Jersey City, New Jersey, at an estimated cost of $25,000,000; and (2) for a channel 42 feet deep below mean low water and generally 300 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel westward approximately 11,000 feet to the head of navigation in Claremont Terminal Channel, at an estimated cost of $14,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. No disposal of dredged material from construction, operation, and maintenance of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina: Report of the Chief of Engineers, dated September 16, 1980, at an estimated cost of $8,078,000.

CHARLESTON HARBOR, SOUTH CAROLINA

The project for navigation, Charleston Harbor, South Carolina: Report of the Chief of Engineers, dated August 27, 1981, including construction of a two-mile extension of the harbor navigation channel in the Wando River to the State port authority's Wando River terminal, at an estimated cost of $79,055,000.

SAVANNAH HARBOR, GEORGIA

The project for navigation, Savannah Harbor, Georgia: Report of the Chief of Engineers, dated December 19, 1978, at an estimated cost of $12,701,000, except that non-Federal interests shall be reimbursed by the Secretary for moving or modifying docks, bulkheads, warehouses, towers, and railroad facilities necessary for project construction, at an estimated cost of $2,960,000. Such reimbursement at total Federal expense shall be based on the replacement costs, exclusive of betterment, minus the fair market value of the existing structures.

MANATEE HARBOR, FLORIDA

The project for navigation, Manatee Harbor, Florida: Report of the Chief of Engineers, dated May 12, 1980, at an estimated cost of $12,158,500, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on the benthic environment of the area to be dredged. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of such construction, operation, and maintenance on such benthic environment. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on the benthic environment of the dredged area.

TAMPA HARBOR, EAST BAY CHANNEL, FLORIDA

The project for navigation, Tampa Harbor, East Bay Channel, Florida: Report of the Chief of Engineers, dated January 25, 1979, at an estimated initial cost of $2,717,000. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on water quality and the environment.

SAN JUAN HARBOR, PUERTO RICO

The project for navigation, San Juan Harbor, Puerto Rico: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $72,791,000, including the acquisition of 22 acres of land for mitigation of the loss of algal beds associated with the project, as recommended in the report of the District Engineer, Jacksonville, Florida, entitled "Phase I: General Design Memorandum on San Juan Harbor, Puerto Rico".

CROWN BAY CHANNEL—ST. THOMAS HARBOR, VIRGIN ISLANDS

The project for navigation, Crown Bay Channel—St. Thomas Harbor, Virgin Islands: Report of the Chief of Engineers, dated April 9, 1982, at an estimated cost of $3,499,000. The Secretary shall monitor the turbidity associated with construction, operation, and maintenance of the project and establish a program to maintain, to the extent feasible, such turbidity at a level which will not damage adjacent ecosystems. In selecting a configuration for the disposal area for dredged material from the project, the Secretary shall consider configurations which will minimize, to the extent feasible, the loss of shallow water habitat.

GULFPORT HARBOR, MISSISSIPPI

The project for navigation, Gulfport Harbor, Mississippi: Report of the Chief of Engineers, House Document Numbered 96-18, at an estimated cost of $73,678,000; except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For the purpose of economic evaluation of this project the benefits from such open water disposal shall be deemed to be at least equal to the costs of such disposal. If the Secretary determines, after competitive bidding and pursuant to the provisions of Public Law 95-269, that transportation and disposal of dredged material cannot be carried out by contract at reasonable prices and in a timely manner, the Secretary is authorized to acquire any dredged material transport equipment necessary for prosecution of the project.

CLEVELAND HARBOR, OHIO

The project for harbor modification, Cleveland Harbor, Ohio (deepening and widening the east and west harbor entrances) as described in Stage 2 Report for Reformulation (Phase 1 General Design Memorandum) of the District Engineer for Buffalo, New York, July 1982, at an estimated cost of $36,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. The existing dredged material containment site known as site 14 may be used for the containment of excavated material from construction of the project.

LORAIN HARBOR, OHIO

The project for navigation, Lorain Harbor, Ohio: Draft report of the District Engineer for Buffalo, New York, dated May 1983, at an estimated cost of $32,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

GRAND HAVEN HARBOR, MICHIGAN

The project for navigation, modifications to Grand Haven Harbor, Michigan: Report of the Chief of Engineers, dated October 9, 1979, at an estimated cost of $12,879,000.

MONROE HARBOR, MICHIGAN

The project for navigation, Monroe Harbor, Michigan: Report of the Chief of Engineers, dated November 25, 1981, at an estimated cost of $145,280,000, including, for reasons of environmental quality, the formation of a 700 acre marsh in Plum Creek Bay, as described in the report of the District Engineer, Detroit District, dated February 1980, as revised December 15, 1980. The formation of such marsh shall be a Federal responsibility.

BRAZOS ISLAND HARBOR, TEXAS—BROWNSVILLE CHANNEL

The project for navigation, Brazos Island Harbor, Texas—Brownsville Channel: Report of the Chief of Engineers, dated December 20, 1979, at an estimated cost of

$27,075,000. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for additional measures to mitigate losses of estuarine habitat and productivity associated with the project. The Secretary is authorized to undertake any measures which he determines to be necessary and appropriate to mitigate such losses.

DULUTH-SUPERIOR, MINNESOTA AND WISCONSIN

The project for navigation, Duluth-Superior, Minnesota and Wisconsin: Report of the Board of Engineers for Rivers and Harbors, dated April 4, 1983, at an estimated cost of $7,215,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph or with respect to such project under section 103. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for measures to mitigate losses of fish and wildlife habitat and productivity. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate such losses. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

SAN FRANCISCO HARBOR, CALIFORNIA—FISHERMAN'S WHARF AREA

The project for navigation, San Francisco Harbor, California—Fisherman's Wharf Area: Report of the Chief of Engineers, dated February 3, 1978, as amended by the supplemental report of the Chief of Engineers dated June 7, 1979, at an estimated cost of $14,370,000. Any relocation of historic ships required for construction of the project shall be a Federal responsibility.

OAKLAND OUTER HARBOR AND OAKLAND INNER HARBOR, CALIFORNIA

The project for navigation, Oakland Outer Harbor, California: Report of the Chief of Engineers, dated January 7, 1980, at an estimated cost of $36,040,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study alternative dredged material disposal plans, including but not limited to plans which include marsh formation. The Secretary is authorized to undertake and monitor the effects of such dredged material disposal measures, including but not limited to such measures as will result in fish and wildlife habitat enhancement, as the Secretary determines are necessary and appropriate.

The project for navigation, Oakland Inner Harbor, California, as described in the Report of the District Engineer, San Francisco District, dated April 1984, at an estimated cost of $28,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

RICHMOND HARBOR, CALIFORNIA

The project for navigation, Richmond Harbor, California: Report of the Chief of Engineers, dated August 8, 1982, at an estimated cost of $48,443,000.

SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

The project for navigation, Sacramento Deep Water Ship Channel, California: Report of the Chief of Engineers, dated November 20, 1981, at an estimated cost of $77,000,000.

HILO HARBOR, HAWAII

The project for navigation, Hilo Harbor, Hawaii: Report of the Division Engineer, dated February 26, 1982, at an estimated cost of $4,086,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON

The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-26, at an estimated cost of $31,756,000; except that a permanent bypass road for the Blair Waterway may be constructed in lieu of construction of the East 11th Street bridge replacement recommended in such report if (1) the Secretary determines that construction of the bypass road is economically and environmentally feasible, (2) construction of the bypass road is approved by the Governor of the State of Washington, and (3) the bypass road is approved through adoption of resolutions by both the Tacoma City Council and the Tacoma Port Commission. If the bypass road is constructed in lieu of the bridge replacement project, the Federal share of the cost of construction of the bypass road shall not exceed an amount equal to the amount which would have been the Federal share of the cost of the bridge replacement project if the bridge replacement project had been carried out in accordance with such report.

GRAYS HARBOR, WASHINGTON

The project for navigation, Grays Harbor, Washington: Report of the Board of Engineers for Rivers and Harbors, dated January 17, 1983, at an estimated cost of $86,281,000 including such modifications as may be recommended by the Secretary with respect to such project under section 103.

EAST, WEST, AND DUWAMISH WATERWAYS, WASHINGTON

The project for navigation, East, West, and Duwamish Waterways, Navigation Improvement Study, Seattle Harbor, Washington: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of $48,745,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

SEC. 103. (a) In the case of any project authorized by this title for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by such committees.

(b) If any provision in any report designated by this title recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 104. (a)(1) A non-Federal interest may plan and design any navigation project for a port not authorized by Federal law and submit such plan and design to the Secretary for review under paragraph (2).

(2) The Secretary shall review each plan and design submitted under paragraph (1) for the purpose of determining whether or not such plan and design and the process under which such plan and design were developed comply with Federal laws and regulations applicable to the planning and designing by the Secretary of navigation projects for ports. Not later than one hundred and eighty days after receiving any plan and design submitted under paragraph (1), the Secretary shall transmit to the Congress, in writing, the results of such review and any recommendations the Secretary may have concerning the project described in such plan and design.

(3) Subject to appropriation of funds, the Secretary shall reimburse any non-Federal interest for the cost of developing any plan and design submitted under paragraph (1) for any navigation project for a port authorized by any provision of Federal law enacted after the date of such submission; except that in the case of a navigation project for a deep-draft port which is to be constructed by the Secretary, in lieu of such reimbursement, the amount of such cost shall be credited towards the non-Federal share of the cost of construction of such project.

(b)(1) A non-Federal interest may (A) construct, in whole or in part, any navigation project for a port authorized by this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title, and for which appropriations may be made for acquisition of interests in real property and actual construction, and (B) acquire lands for disposal of dredged material, and make relocations of utilities, structures, and other improvements, necessary for such construction, if the Secretary first approves the plans for construction of such project by the non-Federal interest and if the non-Federal interest enters into an agreement to pay the non-Federal share (if any) of the cost of operation and maintenance of such project.

(2) The Secretary shall regularly monitor and audit any project for a port being constructed under this subsection by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary.

(3) Subject to appropriation of funds, the Secretary shall reimburse any non-Federal interest for the Federal share of the cost of any port project carried out substantially in accordance with the plans approved by the Secretary under this section.

(c)(1) The Secretary, on request from an appropriate non-Federal interest in the form of a written notice of intent to construct a navigation project for a port, shall initiate procedures to establish a schedule for consolidating Federal, State, and local agency environmental assessments, project

reviews, and issuance of all permits for the construction of the project, including associated access channels and berthing areas, and onshore improvements, before the initiation of construction.

(2) Within fifteen days of the receipt of notice under paragraph (1) of this subsection, the Secretary shall publish that notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under paragraph (1) of this subsection to all State and local agencies that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in paragraph (3) of this subsection. Within thirty days after publication of the notice in the Federal Register, State and local agencies that intend to enter into the memorandum of agreement shall notify the Secretary of their intent in writing.

(3) Within ninety days of receipt of notice under paragraph (1) of this subsection, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and any State or local agencies that have notified the Secretary under paragraph (2) of this subsection shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with it and with related activities. The schedule of compliance may not exceed two and one-half years from the date of the agreement.

(4) The agreement entered into under paragraph (3) of this subsection, to the maximum extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency.

(5) The agreement shall include a date by which the Secretary, taking into consideration the views of all affected Federal agencies, shall provide to the non-Federal interest in writing a preliminary determination whether the project and Federal permits associated with it are reasonably likely to receive approval. The Secretary may revise the agreement once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency which is a party to the agreement.

(6) Six months before the final date of the schedule, the Secretary shall provide to Congress a written progress report for each navigation project for a port subject to this section. The Secretary shall transmit the report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall summarize all work completed under the agreement and shall include a detailed work program that will assure completion of all remaining work under the agreement.

(7) Not later than the final day of the schedule, the Secretary shall notify the non-Federal interest of the final decision on the approval of the project and related permits.

(8) Not later than one year after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, and local permits for the construction of navigation projects for ports and associated activities. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

(d) This section does not apply to any port project for that portion of the Saint Lawrence Seaway administered by the Saint Lawrence Seaway Development Corporation.

SEC. 105. (a) The Federal share of the cost of planning, designing, engineering, and surveying which is necessary to carry out a navigation project for a port shall be—

(1) in the case of a general cargo port, 100 per centum;

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 100 per centum of the cost which the Secretary determines would be incurred for planning, designing, engineering, and surveying if such project had a depth of 45 feet, and (B) an amount equal to 50 per centum of the cost of planning, designing, engineering, and surveying for such project over the cost which the Secretary determines would be incurred for planning, designing, engineering, and surveying if such project had a depth of 45 feet.

(b)(1) The Federal share of the cost of construction of general navigation features, including but not limited to navigation channels and turning basins, for a navigation project for a port shall be—

(A) in the case of a general cargo port, 100 per centum; and

(B) in the case of a deep-draft port, 100 per centum of the cost of construction of the portion of the project to a depth of 45 feet and 50 per centum of the cost of construction of the portion of the project which is deeper than 45 feet.

(2) An amount equal to the excess of—

(A) the value and costs of lands, easements, rights-of-way, reasonable mitigation measures, and disposal sites for dredged or fill material, and costs for removal, alteration, and reconstruction of the armor (protective covering) of existing bridge tunnels attendant to dredging a channel deeper than 45 feet, which are provided by non-Federal interests for a navigation project for a deep-draft port, over

(B) the value and costs of lands, easements, rights-of-way, reasonable mitigation measures, and disposal sites for dredged or fill material, and costs for removal, alteration, and reconstruction of the armor (protective covering) of existing bridge tunnels, which the Secretary determines would be required for such project if such project had a depth of 45 feet,

shall be credited toward the non-Federal share of the cost of construction of such project.

(c) The Federal share of the cost of operation and maintenance of each navigation project for a port shall be—

(1) in the case of a general cargo port, 100 per centum; and

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 100 per centum of the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet, and (B) an amount equal to 50 per centum of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet.

(d) The Federal share of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line the relocation of which is necessary for construction, operation, and maintenance of each navigation project for a port and which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be—

(1) in the case of a general cargo port, 50 per centum; and

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 50 per centum of the cost the Secretary determines would be incurred for such relocations if such project had a depth of 45 feet, and (B) an amount equal to 25 per centum of the excess of the cost of such relocations over the cost which the Secretary determines would be incurred for such relocations if such project had a depth of 45 feet.

In the case of any relocation to which the Federal share established by this subsection applies, the non-Federal share shall be paid by the owner of the facility being relocated; except that in the case of a deep-draft port, two-thirds of the non-Federal share shall be paid by such owner and one-third of the non-Federal share shall be paid by the non-Federal interest.

(e) The Federal share of any cost of a navigation project for a port, for which cost a Federal share is not provided in subsection (a), (b), (c), or (d) of this section, shall be the share of such cost otherwise provided by law.

(f) This section shall apply to any navigation project for a port authorized by this title (except as provided in subsection (g)) or any other provision of Federal law enacted before, on, or after the date of enactment of this title, except that subsections (a), (b), and (d) shall not apply to any project for which Federal funds have been obligated for actual construction before January 1, 1985.

(g) Subsections (a), (b), (c), and (d) of this section shall not apply to the project for Gowanus Creek Channel, Brooklyn, New York, authorized by section 102 of this title.

SEC. 106. The amount of any non-Federal share of the cost of any navigation project for a port authorized by this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title shall be paid to the Secretary and shall, in the case of the non-Federal share of the cost of construction, be paid on an annual basis during the period of construction, beginning not later than one year after construction is initiated.

SEC. 107. (a) On application by the appropriate non-Federal interest, the Secretary may guarantee, and enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation issued by a non-Federal interest to finance a navigation project authorized for a port by this title or another law of the United States enacted after the date of enactment of this Act, that is subject to a requirement for non-Federal contribution to the cost of project construction, operation, and maintenance under section

105 of this Act and with respect to which the non-Federal interest elects to construct the project with the approval of the Secretary under section 104 of this Act.

(b) The Secretary may guarantee the payment of any obligation in the amount of ninety per centum of the principal of that obligation.

(c) The full faith and credit of the United States Government is pledged to the payment of a guarantee made under this section, including interest as provided for in the guarantee accruing between the date of default on a guaranteed obligation and the payment in full of the amount guaranteed.

(d) The Secretary, to the extent provided for in appropriations laws, may reimburse a non-Federal interest for not to exceed one-half of the interest cost incurred by the non-Federal interest on any obligation which is guaranteed under subsection (a) of this section and the interest on which is subject to Federal income taxes, during the period of project construction and until the level of project-derived revenues equals those amounts necessary to make payments of principal and interest on such obligations for the project.

(e) A guarantee, or commitment to guarantee, made by the Secretary under this section is conclusive evidence of the eligibility of the obligation for that guarantee, and the validity of any guarantee, or commitment to guarantee, so made is incontestable.

(f) The unpaid principal amount of the obligations which are guaranteed, or for which commitments to guarantee have been entered into, under this section and which are outstanding at any time may not exceed $1,000,000,000.

(g) The Secretary shall assess a guarantee fee of not less than one-quarter of one per centum per annum of the average principal amount of a guaranteed obligation outstanding under this section. All amounts received by the Secretary shall be deposited in the Federal Port Navigation Project Financing Fund established by subsection (h) of this section.

(h) There is established in the Treasury of the United States a fund to be known as the "Federal Port Navigation Project Financing Fund" (hereinafter in this section referred to as the "Fund"), consisting of such amounts as may be deposited in the Fund under subsection (g). Amounts in the Fund shall be available to the Secretary, as provided by appropriation Acts, for making payments under subsection (i) of this section. Amounts in the Fund which are not needed for current withdrawals shall be invested in bonds or other obligations of, or guaranteed as to principal and interest by, the Federal Government.

(i)(1) For a default that has continued for thirty days in a payment by the obligor of principal or interest due under an obligation guaranteed under this title—

(A) the Secretary may assume the obligor's rights and duties under the guarantee or agreement related to the guarantee before a demand is made under clause (B) of this paragraph; or

(B) the obligee or the obligee's agent, not later than the period specified in the guarantee or related agreement (but not later than ninety days from the date of the default), may demand payment by the Secretary of the unpaid principal amount of that obligation and the unpaid interest on the obligation to the date of payment, except when the Secretary—

(i) has assumed the obligor's rights under clause (A) of this paragraph and the Secretary has made the payments in default;

(ii) finds there was not a default by the obligor in the payment of principal or interest; or

(iii) finds that the default has been remedied before the demand.

(2) Any amount required to be paid by the Secretary under this section shall be paid in cash from the Fund established in subsection (h) of this section. If the amounts in the Fund are not sufficient to pay any amount the Secretary is required to pay under this subsection, the Secretary may issue to the Secretary of the Treasury notes or other obligations in any form and denomination, bearing any maturities and subject to any terms and conditions that are prescribed by the Secretary, with the approval of the Secretary of the Treasury. Those notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the Federal Government of comparable maturities during the month preceding the issuance of those notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations to be issued under this paragraph. For that purpose the Secretary may use as a public debt transaction the proceeds from any securities issued under chapter 31 of title 31, United States Code. The purposes for which securities may be issued under that chapter include purchase of those notes and obligations. The Secretary of the Treasury may sell the notes or other obligations acquired by the Secretary under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of those notes or other obligations shall be treated as public debt transactions of the Federal Government. Amounts borrowed under this section shall be deposited in the Fund, and redemptions of those notes and obligations shall be made by the Secretary from the Fund.

(3) For a default under a guaranteed obligation or a related agreement, the Secretary shall take any action against the obligor or any other liable parties that the Secretary believes is required to protect the interests of the Federal Government. A suit may be brought in the name of the Federal Government or in the name of the obligee, and the obligee shall make available to the Federal Government all records and evidence necessary to prosecute that suit. The Secretary may accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary, and may purchase the property for an amount not to exceed the unpaid principal amount of the obligation and interest thereon. If the Secretary receives, through the sale of property, money in excess of any payment made to an obligee under this section and the expenses of collection of those amounts, the Secretary shall pay that excess to the obligor.

SEC. 108. Any navigation project for a port authorized by this title or any other provision of law enacted before, on, or after the date of enactment of this title may be constructed in usable increments.

SEC. 109. (a) The Congress consents, under clauses 2 and 3 of section 10 of article 1 of the Constitution, to the levy by a non-Federal interest of duties of tonnage on vessels entering a deep-draft port, subject to the following conditions:

(1) Duties of tonnage may only be levied for the following purposes in amounts not to exceed those necessary to—

(A) reimburse the United States Government for the non-Federal share of construction and operations and maintenance costs of a deep-draft port navigation project under the requirements of section 105 of this Act; or

(B) finance the cost of construction and operations and maintenance of a deep-draft port navigation project under subsection (b)(1) of section 104 of this Act, less any reimbursement by the Secretary from the Port Infrastructure Development and Improvement Trust Fund under section 111 of this Act; and

(C) provide emergency response services in the port, including the provision of necessary personnel training and the procurement of equipment and facilities, less any reimbursement by the Secretary from the Port Infrastructure Development and Improvement Trust Fund under section 113 of this Act.

(2) Duties of tonnage may not be levied for the purpose described in paragraph (1)(C) of this subsection after the duties cease to be levied for the purposes described in paragraphs (1)(A) or (1)(B) of this subsection.

(3) Duties of tonnage may only be levied on vessels entering the port and their cargo, subject to the following limitations—

(A) duties of tonnage may only be levied and collected on vessels which require a channel with a depth of more than 45 feet;

(B) any vessel engaged in intraport movement shall be exempted from the levy of those duties; and

(C) any vessel not engaged in commercial service which is owned and operated by the United States, or any other nation or political subdivision thereof, or by a State or political subdivision thereof shall be exempted from the levy of those duties.

(4) The non-Federal interest shall provide to the Comptroller General of the United States, upon his request, such books, documents, papers, or other information as the Comptroller General considers to be necessary and appropriate to enable him to carry out the audit required under subsection (b) of this section.

(5) The non-Federal interest shall designate an officer or authorized representative, including the Secretary of the Treasury acting by contract through the appropriate customs officer, to receive tonnage certificates and cargo manifests from vessels which may be subject to the levy of duties of tonnage, export declarations from shippers, consignors, and terminal operators, and such other documents as may be necessary for the imposition, computation, and collection of duties of tonnage.

(b) The Comptroller General of the United States shall carry out periodic audits of the operations of non-Federal interests that elect to levy duties of tonnage under this section in order to ascertain if the conditions of subsection (a) of this section are being complied with. The Comptroller General shall submit to each House of the Congress a written report containing the findings resulting from each audit and shall make such recommendations as he deems appropriate regarding the compliance of those non-Federal interests with the requirements of this section.

(c) The United States District Court for the district in which is located a non-Federal interest that levies duties of tonnage under this section shall have original and exclusive jurisdiction over any matter arising out of, or concerning, the imposition, computation, or collection of duties of tonnage by a non-Federal interest under this section and, upon petition of the Attorney

General or any other party, may grant appropriate injunctive relief to restrain any act by that non-Federal interest that violates the conditions of consent in subsection (a) of this section, or grant other relief or remedy as appropriate.

(d)(1)(A) Upon the arrival of a vessel in a deep-draft port in which the vessel may be subject to the levy of duties of tonnage under this section, the master of that vessel shall, within forty-eight hours after arrival and before any cargo is unloaded from that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(5) of this section a tonnage certificate for the vessel and a manifest of the cargo aboard that vessel or, if the vessel is in ballast, a declaration to that effect.

(B) The shipper, consignor, or terminal operator having custody of any cargo to be loaded on board a vessel while the vessel is in a deep-draft port in which the vessel may be subject to the levy of duties of tonnage under this section shall, within forty-eight hours before departure of that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(5) of this section an export declaration specifying the cargo to be loaded on board that vessel.

(2) The Secretary of the Treasury, acting through the appropriate customs officer, shall withhold, at the request of an appropriate authorized representative referred to in subsection (a)(5) of this section or acting in his own capacity as agent of the non-Federal interest under contract, the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any vessel—

(A) if the master of that vessel is subject to paragraph (1)(A) of this subsection and fails to comply with that subparagraph; or

(B) if the shipper, consignor, or terminal operator having custody of any cargo to be loaded on board that vessel is subject to paragraph (1)(B) of this subsection and fails to comply with that subparagraph.

(3) In lieu of the procedures specified in paragraph (1) of this subsection, clearance may be granted upon the filing of a bond or other security satisfactory to the Secretary of the Treasury.

(4) Duties of tonnage levied under this section against a vessel constitute a maritime lien against that vessel that may be recovered in an action in rem in the United States District Court for the district within which the vessel may be found.

SEC. 110. Any non-Federal interest shall provide the United States the information necessary for military readiness planning and port and national security, including information necessary to obtain national security clearances for individuals employed in critical port positions.

SEC. 111. There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1983, such sums as may be necessary to make reimbursements under section 104 and to pay the Federal share of the cost of projects authorized by sections 101 and 102 and of navigation projects for ports authorized by any other provision of Federal law enacted before the date of enactment of this title.

SEC. 112. (a) Not later than four years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate one or more sites in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972 for the disposal of dredged material which, without such designation, would be disposed of at the Mud Dump (as defined in subsection (g)). The designated site or sites shall be located not less than 20 miles nor more than 40 miles from the shoreline. The Administrator, in determining sites for possible designation under this subsection, shall consult with the Secretary and appropriate Federal, State, interstate, and local agencies.

(b) Beginning on the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), any ocean disposal of dredged material (other than acceptable dredged material) by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation shall take place at the newly designated ocean disposal site or sites under subsection (a) in lieu of the Mud Dump.

(c) Until the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), there shall be available a lawful site for the ocean disposal of dredged material by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation.

(d) Not later than one year after the date of enactment of this Act and annually thereafter until the designation of one or more sites under subsection (a), the Administrator of the Environmental Protection Agency shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate describing the status of such designation.

(e) Notwithstanding any other provision of law, including any regulation, the Secretary shall ensure that, not later than the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), all existing and future Department of the Army permits and authorizations for disposal of dredged material at the Mud Dump shall be modified, revoked, and issued (as appropriate) to ensure that only acceptable dredged material will be disposed of at such site and that all other dredged material determined to be suitable for ocean disposal will be disposed of at the site or sites designated pursuant to subsection (a) of this section.

(f) For purposes of this section, the term "acceptable dredged material" means rock, beach qualify sand, material excluded from testing under the ocean dumping regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972, and any other dredged material (including that from new work) determined by the Secretary, in consultation with the Administrator, to be substantially free of pollutants.

(g) For purposes of this section, the term "Mud Dump" means the area located approximately 5¾ miles east of Sandy Hook, New Jersey, with boundary coordinates of 40 degrees 23 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; and 40 degrees 23 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W.

SEC. 113. (a) The Secretary is authorized to make grants to any non-Federal interest operating a project for a port for provision of emergency response services in such port (including the provision of necessary personnel training and the procurement of equipment and facilities either by the non-Federal interest, by a local agency or municipality, or by a combination of local agencies or municipalities on a cost-reimbursable basis, either by a cooperative agreement, mutual aid plan, or mutual assistance plan entered into between one or more non-Federal interests, public agencies, or local municipalities).

(b) There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1984, such sums as may be necessary to carry out subsection (a) of this section.

SEC. 114. (a) For reasons of navigation safety, the Secretary is authorized to make a grant to the non-Federal interest operating Morro Bay Harbor, California, for construction of a new port office at such harbor.

(b) There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1984, such sums as may be necessary to carry out subsection (a) of this section.

SEC. 115. For purposes of this title—

(1) the term "deep-draft port" means a port which is authorized to be constructed to a depth of more than 45 feet (other than a port for which a project is authorized by section 102 of this title);

(2) the term "general cargo port" means a port for which a project is authorized by section 102 of this title and any other port which is authorized to be constructed to a depth of 45 feet or less;

(3) the term "non-Federal interest" has the meaning such term has under section 221 of the Flood Control Act of 1970;

(4) the term "port" means (A) any port or channel in the United States with a depth authorized by law of more than fourteen feet, including any channel administered by the Saint Lawrence Seaway Development Corporation and any channel connecting the Great Lakes, and (B) any lock or other improvement on any such channel; except that such term does not include an entrance channel providing access solely to a harbor with an authorized depth of fourteen feet or less and does not include the Bonneville Lock and Dam project on the Columbia River; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

SEC. 116. This title may be cited as the "Port Development and Navigation Improvement Act of 1984".

PART II—INLAND WATERWAY TRANSPORTATION SYSTEM

SEC. 201. (a) The following works of improvement for the benefit of navigation are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are

advisable in any case in which there is no report designated. The Secretary shall complete each such work of improvement not later than seven years after the date on which funds are first appropriated for such project.

OLIVER LOCK AND DAM, BLACK WARRIOR–TOMBIGBEE RIVER, ALABAMA

Construction of a lock and dam to replace the William Bacon Oliver Lock and Dam, Black Warrior-Tombigbee River, Alabama, including facilities for generating hydroelectric power, at an estimated cost of $120,000,000. The Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

GALLIPOLIS LOCKS AND DAM REPLACEMENT, OHIO RIVER, OHIO AND WEST VIRGINIA

The project for navigation, Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers, dated April 8, 1982, at an estimated cost of $260,000,000.

WINFIELD LOCKS AND DAM, KANAWHA RIVER, WEST VIRGINIA

Construction of improvements to, and an additional lock in the vicinity of, the Winfield Locks and Dam, Kanawha River, West Virginia, and acquisition of lands for fish and wildlife mitigation in such vicinity, at an estimated cost of $134,000,000. The Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

LOCK AND DAM 7 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated May 5, 1972, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at an estimated cost of $95,000,000.

LOCK AND DAM 8 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

The project for navigation, Lock and Dam 8 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated May 5, 1972, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at an estimated cost of $63,300,000.

LOCK AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI

Construction of a second lock having a length of 600 feet at lock and dam 26, Mississippi River, Alton, Illinois, and Missouri at an estimated cost of $245,000,000.

BONNEVILLE LOCK AND DAM, OREGON AND WASHINGTON—COLUMBIA RIVER AND TRIBUTARIES, WASHINGTON

The project for navigation, Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries, Interim Report: Report of the Chief of Engineers, dated March 14, 1980, at an estimated cost of $177,000,000. Dredged material from the project shall be disposed of at such sites considered by the Secretary to be appropriate to the extent necessary to prevent damage to the Blue Heron rookery on Pierce and Ives Islands. No construction shall take place on Pierce and Ives Islands during the heron nesting period. The Secretary shall establish a bioengineering committee to review plans for the project, recommend measures to minimize adverse affects of the project, and develop a mitigation plan for the project. Such committee shall include representatives of the Corps of Engineers, the contractor for construction of the project, and appropriate State and Federal agencies.

(b) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 202. (a) Two-thirds of the cost of construction of the general navigation features, including but not limited to, channels, locks, dams, and turning basins, of each project authorized by this title shall be paid only from amounts appropriated from the general fund of the Treasury. One-third of such cost shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term "construction" shall include planning, designing, engineering, and surveying, the acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, and relocations (other than relocations described in subsection (b)) necessary for the project.

(b) One-third of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line (1) the relocation of which is necessary for construction, operation, and maintenance of a project authorized by this title, and (2) which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be paid only from amounts appropriated from the general fund of the Treasury. One-sixth of such cost shall be paid only from the Inland Waterways Trust Fund. The remainder of such cost shall be paid by the owner of the facility being relocated.

(c) Any Federal responsibility with respect to a project authorized by this title which responsibility is not provided for in subsection (a) or (b) of this section shall be paid only from amounts appropriated from the general fund of the Treasury.

SEC. 203. There is authorized to be appropriated for fiscal years beginning after September 30, 1983, such sums as may be necessary from the general fund of the Treasury and from the Inland Waterways Trust Fund to pay the costs specified in section 202.

PART III—FLOOD CONTROL

SEC. 301. (a) The following works of improvement for the control of destructive floodwaters are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated.

QUINCY COASTAL STREAMS, MASSACHUSETTS

The project for flood control, Quincy Coastal Streams, Massachusetts (Town Brook Interim): Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $25,100,000.

ROUGHANS POINT, MASSACHUSETTS

The project for flood control, Roughans Point, Revere, Massachusetts: Report of the Division Engineer, dated January 3, 1983, at an estimated cost of $10,040,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

CAZENOVIA CREEK, NEW YORK

The project for flood control, Cazenovia Creek Watershed, New York: Report of the Chief of Engineers, dated September 8, 1977, House Document Numbered 96–126, at an estimated cost of $1,800,000. Such project shall include features necessary to enable the project to serve as a part of a streamside trail system if the Secretary determines such features are compatible with the project purposes.

MAMARONECK, SHELDRAKE, AND BYRAM RIVERS, NEW YORK AND CONNECTICUT

The project for flood control, Mamaroneck and Sheldrake River Basins, New York and Connecticut, and Byram River Basin, New York and Connecticut: Report of the Chief of Engineers dated April 4, 1979, at an estimated cost of $45,600,000. Such project shall include flood protection for the town of Mamaroneck as recommended in the report of the Division Engineer, North Atlantic Division, dated March 28, 1978.

RAHWAY RIVER AND VAN WINKLES BROOK, NEW JERSEY

The project for flood control, Rahway River and Van Winkles Brook at Springfield, New Jersey: Report of the Chief of Engineers, dated October 24, 1975, House Document Numbered 96–20, at an estimated cost of $12,300,000.

ROBINSON'S BRANCH—RAHWAY RIVER, NEW JERSEY

The project for flood control, Robinson's Branch of the Rahway River at Clark, Scotch Plains, and Rahway, New Jersey: Report of the Chief of Engineers, dated October 10, 1975, House Document Numbered 96–21, at an estimated cost of $13,500,000.

GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY

The project for flood control, Green Brook Sub-basin, Raritan River Basin, New

Jersey: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $155,900,000. Such project shall include flood protection for the upper Green Brook Sub-basin and the Stony Brook tributary, as described in plan A in the report of the District Engineer, New York District, dated August 1980.

JAMES RIVER BASIN, VIRGINIA

The project for flood control, James River Basin, Richmond, Virginia: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $92,960,000. Such project shall include flood protection for the Richmond municipal wastewater treatment facility, as recommended in the report of the District Engineer, Norfolk District, dated September 1980.

OATES CREEK, GEORGIA

The project for flood control, Oates Creek, Georgia: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $8,800,000. Such project shall include (1) measures determined by the Secretary to be necessary and appropriate to minimize pollution of shallow ground and surface waters which may result from construction of the project, and (2) planting of vegetation along the channel for purposes of enhancing wildlife habitat.

VILLAGE CREEK, ALABAMA

The project for flood control, Village Creek, Jefferson County, Alabama: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $20,700,000.

THREEMILE CREEK, ALABAMA

The project for flood control, Threemile Creek, Mobile, Alabama: Report of the Division Engineer, dated February 7, 1983, at an estimated cost of $12,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1982, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BUSHLEY BAYOU, LOUISIANA

The project for flood control, Bushley Bayou, Louisiana: Report of the Chief of Engineers, dated April 30, 1980, at an estimated cost of $42,800,000.

LOUISIANA STATE PENITENTIARY LEVEE

The project for flood control, Louisiana State Penitentiary Levee, Mississippi River, Louisiana: Report of the Chief of Engineers, dated December 10, 1982, at an estimated cost of $20,512,000. No acquisition of land for or actual construction of the project may be commenced until appropriate non-Federal interests shall agree to undertake measures to minimize the loss of fish and wildlife habitat lands in the project area.

SOWASHEE CREEK, MERIDIAN, MISSISSIPPI

The project for flood control, Sowashee Creek, Meridian, Mississippi: Report of the District Engineer for Mobile, Alabama, dated July 1983, at an estimated cost of $10,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

NONCONNAH CREEK AND ST. JOHNS CREEK, TENNESSEE AND MISSISSIPPI

The project for flood control, Nonconnah Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $19,200,000. The improvements for St. Johns Creek and tributaries shall be included as a separate part of the project and shall be constructed by the United States Department of Agriculture Soil Conservation Service, at an estimated cost of $19,500,000, in accordance with the recommendations of the State Conservationist as contained in the report, Nonconnah Creek and Tributaries, Tennessee and Mississippi, dated September 1981. Subsection (f) of this section shall not apply to such improvements. The project shall include an evaluation of fish and wildlife losses which may result from construction of the project and such additional measures as the Secretary deems necessary and appropriate to mitigate such losses. The Secretary shall adopt and implement guidelines in connection with clearing and snagging as the Secretary determines necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI

The project for flood control, Horn Lake Creek and Tributaries, including Cow Pen Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated January 4, 1983, at an estimated cost of $2,500,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall (1) reexamine the adequacy and feasibility of the recommended measures for fish and wildlife habitat, and (2) reexamine upland dredged disposal alternatives. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The Secretary shall also adopt and implement such guidelines in connection with channel clearing and drift removal for the project as the Secretary, in consultation with the Fish and Wildlife Service, determines are necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

MUSKINGUM RIVER, KILLBUCK, OHIO

The project for flood control, Muskingum River, Killbuck, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at an estimated cost of $6,420,000.

MUSKINGUM RIVER, MANSFIELD, OHIO

The project for flood control, Muskingum River, Mansfield, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at an estimated cost of $3,500,000.

HOCKING RIVER, LOGAN, OHIO

The project for flood control, Hocking River at Logan, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at an estimated cost of $6,244,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

HOCKING RIVER, NELSONVILLE, OHIO

The project for flood control, Hocking River at Nelsonville, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at an estimated cost of $6,760,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

SCIOTO RIVER, OHIO

The project for flood control, Scioto River at North Chillicothe, Ohio: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $9,100,000.

LITTLE MIAMI RIVER, OHIO

The project for flood control, Miami River, Little Miami River, Interim Report Number 2, West Carrollton-Holes Creek, Ohio: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $6,000,000.

MIAMI RIVER, FAIRFIELD, OHIO

The project for flood control, Miami River, Fairfield, Ohio: Report of the Chief of Engineers, dated June 22, 1983, at an estimated cost of $9,200,000. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include additional measures for mitigation of losses of fish and wildlife habitat, including seeding and planting in disturbed areas, limiting removal of riparian vegetation to the minimum amount necessary for project objectives, performing work along the north streambank where construction is planned on only one side of the channel, limiting construction activities to the right streambank in the reach of Pleasant Run extending from mile 2.75 to mile 3.10, the use of gabions and riprap for bank protection in lieu of concrete, and the inclusion of pool-riffle complexes at bridges.

HARRISBURG, PENNSYLVANIA

The project for flood control, Harrisburg, Pennsylvania: Report of the Chief of Engineers, dated May 16, 1979, at an estimated cost of $101,900,000, including such modifications and additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include (1) a low-flow channel or fishway in both the improved earth channel and the concrete channel portion of the project, (2) utilization of sloping side sections in the concrete channel, and (3) modifications to bridges crossing Paxton Creek to prevent damming of the creek. The project shall include the cost of any relocation required for geodetic control survey monuments. The Secretary shall study the feasibility of providing a floodway along Paxton Creek between Wild-

wood Lake and Maclay Street as an alternative to the recommended plan and shall reexamine fish and wildlife habitat mitigation measures recommended in the report of the Chief of Engineers. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study and reexamination, along with recommendations for any modifications in the project which the Secretary determines to be feasible and appropriate to construct such floodway and for any additional measures which the Secretary determines to be necessary and appropriate to reduce fish and wildlife habitat losses in the project area. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

LOCK HAVEN, PENNSYLVANIA

The project for flood control, Lock Haven, Pennsylvania: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $65,500,000. The project shall be constructed to provide protection against the standard project flood as recommended by the District Engineer, Baltimore District, in his report dated July 1980, in order to prevent potential catastrophic losses in human life and property.

SCHUYLKILL RIVER BASIN, POTTSTOWN, PENNSYLVANIA

The project for flood control and other purposes for Pottstown and vicinity, Schuylkill River Basin, Pennsylvania: Report of the Chief of Engineers, House Document Numbered 93-321, at an estimated cost of $5,138,000. The Congress hereby finds that the application of the provisions of section 209 of the Flood Control Act of 1970 result in the benefits from flood control measures authorized by this paragraph exceeding their economic costs.

SAW MILL RUN, PENNSYLVANIA

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania: Report of the Chief of Engineers, dated January 30, 1978, House Document Numbered 96-25, at an estimated cost of $32,020,000, including construction of the portion of the Saw Mill Run relief sewer in the city of Pittsburgh, Pennsylvania, beginning at the northern boundary of Woodruff Street and ending at the point where Saw Mill Run Creek crosses the southern boundary of such city.

WYOMING VALLEY, PENNSYLVANIA

The project for flood control, Wyoming Valley, Pennsylvania: Report of the Board of Engineers for Rivers and Harbors, dated November 1, 1982, at an estimated cost of $212,900,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

EIGHT MILE CREEK, PARAGOULD, ARKANSAS

The project for flood control, Eight Mile Creek, Paragould, Arkansas: Report of the Chief of Engineers, dated August 10, 1979, including improvement of Fifteen Mile Bayou and tributaries as recommended by the District Engineer and the Mississippi River Commission in reports dated February 1978 and May 24, 1977, respectively, at an estimated cost of $21,600,000.

FOURCHE BAYOU BASIN, ARKANSAS

The project for flood control, Fourche Bayou Basin, Little Rock, Arkansas: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $20,200,000.

HELENA AND VICINITY, ARKANSAS

The project for flood control, Helena and Vicinity, Arkansas: Report of the Chief of Engineers, dated June 22, 1983, at an estimated cost of $11,600,000.

WEST MEMPHIS AND VICINITY, ARKANSAS

The project for flood control, West Memphis and Vicinity, Arkansas: Report of the Mississippi River Commission, dated April 25, 1983, at an estimated cost of $19,881,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

MINGO CREEK, OKLAHOMA

The project for flood control, Mingo Creek, Tulsa, Oklahoma: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $82,100,000. The project shall include measures determined appropriate by the Secretary, after consultation with the city of Tulsa, to minimize adverse effects associated with the use of flood water detention sites for the project.

FRY CREEKS, OKLAHOMA

The project for flood control, Fry Creeks, Oklahoma: Report of the Board of Engineers for Rivers and Harbors, dated January 18, 1983, at an estimated cost of $8,500,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section, except that the Secretary shall acquire a total of 20 acres of land for mitigation of fish and wildlife losses and such lands, to the extent feasible, shall be contiguous and shall be in a corridor not less than 50 feet wide.

MALINE CREEK, MISSOURI

The project for flood control, Maline Creek, Missouri: Report of the Chief of Engineers, dated November 2, 1982, at an estimated cost of $39,330,000.

ST. JOHN'S BAYOU AND NEW MADRID FLOODWAY, MISSOURI

The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri: Report of the Chief of Engineers, dated January 4, 1983, at an estimated cost of $75,600,000, except that the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 1104 of this Act and except that lands acquired by the State of Missouri after January 1, 1982, for mitigation of damage to fish and wildlife within the Ten Mile Pond mitigation area shall be counted as part of the total quantity of mitigation lands required for the project and shall be maintained by such State for such purpose.

STE. GENEVIEVE, MISSOURI

The project for flood control, Ste. Genevieve, Missouri, as described in the feasibility report of the District Engineer, St. Louis district, dated March 1984, at an estimated cost of $31,350,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

The project for flood control, Brush Creek and Tributaries, Missouri and Kansas: Report of the Chief of Engineers, dated January 3, 1983, at an estimated cost of $12,100,000. The project shall include, at an estimated additional cost of $700,000, replacement of the Kansas City Public Service Railway Bridge recommended for removal as part of the project if the Secretary determines, before the acquisition of any land for or the actual construction of the project, that appropriate non-Federal interests will use the bridge as part of a regional public transportation system in the ten-year period following initiation of the project.

CAPE GIRARDEAU, MISSOURI

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri: Report of the Division Engineer, dated January 3, 1983, at an estimated cost of $24,700,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

HALSTEAD, KANSAS

The project for flood control, Halstead, Kansas: Report of the Chief of Engineers, dated May 8, 1979, at an estimated cost of $6,130,000, including the acquisition of such additional lands and access points as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the need for additional lands for mitigation of fish and wildlife losses caused by the project and the need for additional access points to the Little Arkansas River. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

UPPER LITTLE ARKANSAS RIVER, KANSAS

The project for flood control, Upper Little Arkansas River Watershed, Kansas: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $8,190,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

ROCK RIVER, ILLINOIS

The project for flood control, Rock River, Rockford and Vicinity, Illinois (Loves Park Interim): Report of the Chief of Engineers, dated September 15, 1980, at an estimated cost of $25,000,000. The project shall include flood protection measures along Small Unnamed Creek, as described in the Interim Report of the District Engineer, Rock

Island, dated February 1979. Before the acquisition of land for or the actual construction of the project the Secretary shall study the probable affects of the project on existing recreational resources in the project area and, as part of the project, shall undertake such measures as he determines necessary and appropriate to mitigate any adverse effects on such recreation resources.

GREEN BAY LEVEE AND DRAINAGE DISTRICT NUMBER 2, IOWA

The project for flood control, Mississippi River, Coon Rapids Dam to Ohio River, Green Bay Levee and Drainage District Number 2, Iowa: Report of the Chief of Engineers, dated October 21, 1981, except that borrow material for the project shall be obtained from the island source as recommended by the District Engineer, Rock Island District, in his report dated November 1978, and revised November 1979, at an estimated cost of $5,500,000.

SOUTH QUINCY DRAINAGE AND LEVEE DISTRICT, ILLINOIS

The project for flood control, South Quincy Drainage and Levee District, Illinois: Report of the Board of Engineers for Rivers and Harbors, dated March 25, 1983, at an estimated cost of $10,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary shall, to the extent feasible, obtain borrow material from sites in the main channel of the Mississippi River and place fill material on the landward side of the existing levee in order to protect wildlife habitat.

NORTH BRANCH OF CHICAGO RIVER, ILLINOIS

The project for flood protection for the North Branch of the Chicago River, Illinois: Draft Report of the District Engineer, Chicago District (Phase I General Design Memorandum), dated June 1983, at an estimated cost of $11,209,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. In recognition of the flood damage prevention benefits provided in the North Branch of the Chicago River, Illinois Basin, by the Techny Reservoirs constructed by non-Federal interests on the West Fork of the North Branch of the Chicago River and by the Mid Fork Reservoir and the Mid Fork Pumping Station constructed by non-Federal interests on the Middle Fork of the North Branch of the Chicago River, the Secretary shall, subject to such amounts as are provided in appropriation Acts, reimburse non-Federal interests for an amount equal to 75 per centum of the costs of planning and construction of such reservoirs and pumping station.

LITTLE CALUMET RIVER, INDIANA

The project for flood control, Little Calumet River, Indiana (designated as Plan 3A): Report of the Division Engineer, dated October 12, 1982, at an estimated cost of $56,800,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

PERRY CREEK, IOWA

The project for flood control, Perry Creek, Iowa: Report of the Chief of Engineers, dated February 4, 1982, at an estimated cost of $28,630,000.

MUSCATINE ISLAND, IOWA

The project for flood control, Muscatine Island Levee District and Muscatine-Louisa County Drainage District No. 13, Iowa: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of $12,500,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall reexamine the drainage system recommended in the report of the Chief of Engineers and the feasibility of obtaining material for the levee from upland rather than aquatic sources in order to minimize adverse effects on fish and wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to minimize adverse effects of the project on Spring Lake and on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

DES MOINES RIVER BASIN, IOWA AND MINNESOTA

The project for flood control, Des Moines River Basin, Iowa and Minnesota: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of $11,200,000. Before the acquisition of any interest in real property for or the actual construction of the project, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, study the feasibility of minimizing increased flood stages along Jordon Creek in the vicinity of the Chicago, Rock Island and Pacific Railroad Bridge and the implementation of nonstructural and structural flood plain management techniques along the reach of Walnut Creek, including the improvement of channel capacity in the vicinity of Grand Avenue. In addition, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, review the location of river access points and boat ramps. The Secretary is authorized to undertake such additional measures as he determines necessary and appropriate to carry out the results of such study and review.

REDWOOD RIVER, MINNESOTA

The project for flood control, Redwood River at Marshall, Minnesota: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $3,130,000.

ROOT RIVER BASIN, MINNESOTA

The project for flood control, Root River Basin, Minnesota: Report of the Chief of Engineers, dated May 13, 1977, House Document Numbered 96-17, at an estimated cost of $8,150,000.

SOUTH FORK ZUMBRO RIVER, MINNESOTA

The project for flood control, South Fork Zumbro River Watershed at Rochester, Minnesota: Report of the Chief of Engineers, dated February 23, 1979, House Document Numbered 96-115, at an estimated cost of $82,200,000. Notwithstanding such report and any other provision of law (including section 302 of this title), the Federal share of the cost of the project shall be determined in accordance with such section, except that non-Federal interests shall not be required before and during construction of the project to provide lands, easements, and rights-of-way necessary for changes to highway bridges and foot bridges and approaches to such bridges, and to make relocations of utilities, structures, and other improvements necessary for such changes.

MISSISSIPPI RIVER AT ST. PAUL, MINNESOTA

The project for flood control, Mississippi River at St. Paul, Minnesota: Report of the Chief of Engineers, dated June 16, 1983, at an estimated cost of $7,230,000.

PARK RIVER, GRAFTON, NORTH DAKOTA

The project for flood control, Park River, Grafton, North Dakota: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost $15,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

FOUNTAIN CREEK, COLORADO

The project for flood control, Fountain Creek, Pueblo, Colorado: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $6,600,000.

METROPOLITAN DENVER, COLORADO

The project for flood control, Metropolitan Denver and South Platte River and Tributaries, Colorado, Wyoming, and Nebraska: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $12,000,000. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests after January 1, 1978, and before the date of enactment of this Act for upstream drainage improvements and downstream channelization which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BOGGY CREEK, TEXAS

The project for flood control, Boggy Creek, Austin, Texas: Report of the Chief of Engineers, dated January 19, 1981, at an estimated cost of $13,830,000. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests on bridges after September 30, 1979, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BUFFALO BAYOU AND TRIBUTARIES, TEXAS

The project for flood control, Buffalo Bayou and Tributaries (Upper White Oak Bayou), Texas: Report of the Chief of Engineers, dated June 13, 1978, House Document Numbered 96-182, at an estimated cost of $75,000,000.

LAKE WICHITA, HOLLIDAY CREEK, TEXAS

The project for flood control, Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers, dated July 9, 1979, at an estimated cost of $19,500,000. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1983, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits

resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

LOWER RIO GRANDE, TEXAS

The project for flood control, Lower Rio Grande Basin, Texas: Report of the Board of Engineers for Rivers and Harbors, dated April 29, 1983, at an estimated cost of $120,430,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study adverse effects of discharges of sediments and pollutants from the project on fish and wildlife. The Secretary is authorized to undertake such measures as he determines necessary and appropriate to minimize such adverse effects and to mitigate the adverse effects of the project on fish and wildlife habitat. Before the acquisition by the Secretary of any interest in real property for the project or the actual construction of the project, the Secretary, after consultation with the Secretary of Agriculture, shall determine that Phases II and III of the project (as set forth in such report) will be undertaken by the Secretary of Agriculture. The Secretary and the Secretary of Agriculture, in consultation with appropriate Federal, State, and local agencies, shall develop an overall mitigation plan for Phases I, II, and III of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of such plan, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SIMS BAYOU, TEXAS

The project for flood control, Sims Bayou, Texas: Report of the Division Engineer, dated March 18, 1983, at an estimated cost of $114,900,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

MIDDLE RIO GRANDE, NEW MEXICO

The project for flood control, Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico: Report of the Chief of Engineers, dated June 23, 1981, at an estimated cost of $39,850,000. The project shall include the establishment of 75 acres of wetlands for fish and wildlife habitat and the acquisition of 200 acres of land for mitigation of fish and wildlife losses, as recommended by the District Engineer, Albuquerque, District, in his report dated June 13, 1979.

PUERCO RIVER AND TRIBUTARIES, NEW MEXICO

The project for flood control, Puerco River and Tributaries, Gallup, New Mexico: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $3,220,000.

LITTLE COLORADO RIVER, ARIZONA

The project for flood control, Little Colorado River at Holbrook, Arizona: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $7,730,000.

CACHE CREEK BASIN, CALIFORNIA

The project for flood control, Cache Creek Basin, California: Report of the Chief of Engineers, dated April 27, 1981, at an estimated cost of $21,060,000. The Secretary shall reexamine, in consultation with interested Federal and State agencies and affected Indian tribes, the design of the bypass channel with a view to minimizing adverse effects on archeological resources and shall make such changes in the design as he deems necessary and appropriate to minimize such adverse effects.

REDBANK AND FANCHER CREEKS, CALIFORNIA

The project for flood control, Redbank and Fancher Creeks, California: Report of the Chief of Engineers, dated May 7, 1981, at an estimated cost of $57,200,000. The project shall include measures determined appropriate by the Secretary to minimize adverse effects on ground water and to maximize benefits to ground water, including ground water recharge.

SANTA ANA RIVER MAINSTEM, CALIFORNIA

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, at an estimated cost of $1,178,000,000 except that acquisition of any interest in real property for, and the actual construction of, such project shall be restricted to the following elements of the project: improvements at Prado Dam which limit the reservoir taking line to no greater than elevation 566 feet; Santa Ana River channel improvements in Orange County; improvements along Santiago Creek; improvements of the Oak Street drain; improvement of the Mill Creek levees; features for mitigation of project effects on and preservation of endangered species; and recreation features as identified in the report of the Chief of Engineers for these project elements. The Secretary shall study (1) the feasibility and environmental impact of including conservation storage at the end of the winter storm season at Prado Dam as a project purpose, (2) the effects of such storage on recreation and leasehold interests at Prado Reservoir and on riparian rights downstream of such dam, and (3) any water supply benefits associated with such storage. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for acquisition of any interest in real property for or the actual construction of other elements of the project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. No acquisition of any interest in real property for or actual construction of other elements of the project shall be undertaken unless such acquisition and actual construction have been agreed to by resolutions of the non-Federal sponsoring agencies. Any relocation of the Talbert Valley Channel undertaken in connection with the project shall be constructed with a channel capacity sufficient to accommodate a 100-year flood.

ALENAIO STREAM, HAWAII

The project for flood control, Alenaio Stream, Hawaii: Report of the Board of Engineers for Rivers and Harbors, dated January 18, 1983, at an estimated cost of $5,600,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

AGANA RIVER, GUAM

The project for flood control, Agana River, Guam: Report of the Chief of Engineers, dated March 14, 1977, House Document Numbered 96-16, at an estimated cost of $6,300,000.

LITTLE WOOD RIVER, IDAHO

The project for flood control, Little Wood River, vicinity of Gooding and Shoshone, Idaho: Report of the Chief of Engineers, dated November 2, 1977, House Document Numbered 96-9, at an estimated cost of $3,750,000. After completion of the project, the Secretary shall evaluate and monitor the extent of any fish losses that are attributable to the project and undertake such additional mitigation measures as he determines appropriate.

YAKIMA-UNION GAP, WASHINGTON

The project for flood control, Yakima-Union Gap, Washington: Report of the Chief of Engineers, dated May 7, 1980, at an estimated cost of $8,640,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall review the probable effects of the project on fish and wildlife resources and the feasibility of including recreation as a project purpose. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such review, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat.

CHEHALIS RIVER, WASHINGTON

The project for flood control, Chehalis River at South Aberdeen and Cosmopolis, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-27, at an estimated cost of $19,300,000. Before beginning the actual construction of the project, the Secretary shall perform additional studies relating to foundation materials in the project area and with regard to dredged spoil disposal sites and make such modifications as he determines appropriate.

CENTRALIA, WASHINGTON

The project for flood control, Centralia-Chehalis Flood Damage Reduction Study, Chehalis River and Tributaries, Washington: Report of the District Engineer, Seattle District, dated December 1982, at an estimated cost of $18,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

(b) The Secretary is authorized and directed to design and construct, at full Federal expense, such flood control measures at or in the vicinity of Salyersville, Kentucky, on

Licking River as the Secretary determines necessary and appropriate to afford the city of Salyersville, Kentucky, and its immediate environs a level of protection against flooding at least sufficient to prevent any future losses to such city from the likelihood of flooding such as occurred in December 1978, at an estimated cost of $7,000,000. With respect to such project, Congress finds that the benefits determined in accordance with section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

(c) The Secretary is authorized to construct a project for flood damage prevention in the community of Gold Gulch, near Felton, Santa Cruz County, California, at an estimated cost of $6,000,000. The provisions of section 302 of this title shall apply to such project.

(d)(1)(A) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to communities in the Pearl River Basin, St. Tammany Parish, Louisiana, at an estimated cost of $25,000,000.

(B) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Pearl River Basin, Mississippi and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this paragraph.

(2) The Secretary is authorized and directed to design, construct, and undertake such measures as the Secretary determines are necessary to provide a level of protection sufficient to prevent recurring flood damages along the following rivers:

(A) Amite River, Louisiana;

(B) Comite River, Louisiana;

(C) Tangipahoa River, Louisiana;

(D) Tchefuncte River, Louisiana;

(E) Tickfaw River, Louisiana;

(F) Bogue Chitto River, Louisiana; and

(G) Natalbany River, Louisiana;

at an estimated cost of $25,000,000.

(e) The Secretary is authorized and directed to purchase such land along Highway 75 in Minnesota as may be required for the construction of the International Levee segment of the Emerson, Manitoba, flood control project and to upgrade existing flood control levees in the vicinity of Noyes, Minnesota, at an estimated cost of $200,000.

(f) In the case of any project authorized by subsection (a) of this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(g) The Secretary is authorized to undertake flood control works along the lower portion of Calleguas Creek, Conejo Creek to the Pacific Ocean, California, at an estimated cost of $40,000,000. The provisions of section 302 of this title shall apply to such project.

(h) The Secretary is authorized to undertake appropriate local flood control protection measures along the lower portions of Coyote Creek adjacent to and in the vicinity of Alviso, California, and along the Guadalupe River in the vicinity of San Jose, California. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1983, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with such measures. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of such measures. The provisions of section 302 of this title shall apply to such project.

(i)(1) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to the cities of Monroe and West Monroe, Louisiana, and Ouachita Parish, Louisiana, at an estimated cost of $40,000,000.

(2) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Monroe-West Monroe Interim Study of the Ouachita Basin Study, Ouachita River Basin, Arkansas and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this subsection.

(j) The Secretary is authorized to undertake the following elements of the overall project for flood damage protection and allied purposes in the Passaic River Basin, New Jersey and New York, as described in the report of the Chief of Engineers, dated February 18, 1976, with such modifications as the Chief of Engineers deems advisable, which modifications shall include, but are not limited to, plans being developed by the District Engineer for—

(1) Molly Ann's Brook Subbasin, New Jersey, at an estimated cost of $6,600,000;

(2) Lower Saddle River Basin, New Jersey, at an estimated cost of $55,000,000;

(3) plan 6B of the Ramapo River at Oakland, Pompton Lakes and Wayne, New Jersey at a cost of $8,500,000;

(4) Upper Rockaway River Basin, New Jersey, at an estimated cost of $25,000,000;

(5) Nakoma Brook Sloatsburg, New York, at an estimated cost of $4,500,000;

(6) Ramapo and Mahwah Rivers at Mahwah, New Jersey, and Suffern, New York, at an estimated cost of $5,900,000; and

(7) the project for flood protection in the Third River, Passaic Basin, New Jersey, at an estimated cost of $12,000,000.

The provisions of section 302 of this title shall apply to such projects.

(k)(1) The Secretary is authorized to design and construct flood control works for the protection of Meredosia, Illinois, at an estimated cost of $80,000. Such project shall include, but not be limited to, a levee which is approximately one-fifth of a mile long. The provisions of section 302 of this title shall apply to such project.

(2) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Illinois River, authorized by resolution of the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to paragraph (1) in the interest of preventing flood damages along the Illinois River in the vicinity of Meredosia, Illinois.

(l) The Secretary is authorized to undertake a project for flood control works along Mission Zanja Creek within the city of Redlands, California, in accordance with the plan developed by the District Enginner based on studies pursuant to section 205 of the Flood Control Act of 1948, at an estimated cost of $13,209,000. The provisions of section 302 of this title shall apply to such project.

(m)(1) The Secretary is authorized and directed to study the nature and scope of flood problems resulting from Rio Puerto Nuevo, Puerto Rico. Such study shall take into account the objectives described in section 1101 of this Act and the benefits and costs attributable to any project considered to minimize such flood problems. Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study including recommendations on measures necessary to minimize such flood problems.

(2) The Secretary is authorized and directed to undertake, on an emergency basis, such structural and nonstructural measures as the Secretary deems necessary to prevent flood damage in the city of San Juan, Puerto Rico, from Rio Puerto Nuevo, Puerto Rico, at an estimated cost of $25,000,000.

(n) The Secretary is authorized to undertake such measures, including silt removal and channel modification, in the vicinity of the confluence of the Salt and Eel Rivers, California, as the Secretary determines necessary to prevent recurring floods along the Eel River and its tributaries, at an estimated cost of $800,000. The provisions of section 302 of this title shall apply to such project.

(o) The Secretary is authorized and directed to undertake such structural and nonstructural measures as the Secretary determines necessary to prevent flood damage resulting from rising lake levels at Malhauer and Harney Lakes, Oregon, at an estimated cost of $15,000,000. The provisions of section 302 of this title shall apply to such project.

(p) The Secretary is authorized to construct the project for flood control, O'Hare System of the Chicagoland Underflow Plan, Illinois, substantially in accordance with the Draft Report of the District Engineer, Chicago District, dated April 1984, at an estimated cost of $17,200,000, except that the capacity of the flood control reservoir shall be at least 1,050 acre-feet in order to provide optimum storage capacity for flood control purposes.

(q)(1) The Secretary shall undertake such measures as he deems necessary to correct flooding problems in the south end of Louisville, Kentucky, within an area bounded by New Cut Road west to the city limits and Palatka Road south to the city limits at an estimated cost of $1,200,000. The provisions of section 302 of this title shall apply to such project.

(2) The Secretary is authorized to provide technical assistance to the city of Louisville, Kentucky, to assist such city in the correction of flooding caused by drainage problems in such city.

(r) The Secretary is authorized to construct a project for flood control for Poplar Brook, New Jersey, including reconstruction

of the brook through the Borough of Deal, New Jersey, to accomodate the runoff from a storm having an average frequency of occurence of once every 15 years, replacement of the culvert through the Conrail railroad embankment with a new culvert designed to pass a maximum flow equivalent to the peak flow from a storm having an average frequency of occurence of once every 15 years, use of the area upstream of the embankment as an on-stream detention basin, and gabion or other lining as determined appropriate by the Secretary, at an estimated cost of $2,300,000. The provisions of section 302 of this title shall apply to such project.

(s)(1) The Secretary is authorized and directed, at an estimated cost of $81,225,000, to design and construct for the purpose of providing flood control for the Pearl River Basin in Mississippi, including, but not limited to, Carthage, Jackson, Monticello, and Columbia, Mississippi—

(A) a flood retarding dam on the Pearl River, upstream of the Ross Barnett Dam, in the vicinity of Shoccoe, Mississippi;

(B) a combination roadway crossing of the Pearl River and floodwater detention and storage facility in east central Leake County, Mississippi;

(C) a levee system in the south part of Carthage, Mississippi, which will upgrade, extend, and improve the protective levee system on the south side of Highway 16 in Leake County and the city of Carthage;

(D) appropriate drainage structure and bridge modifications to expand and improve the stormwater conduits under Mississippi Highway 35, south of Carthage, Mississippi, for the purposes of reducing backwater influence for areas upstream of such highway;

(E) upstream reservoirs on the Pearl River;

(F) such other structures as may be necessary to alleviate unforeseen flooding in the Leake County area as a result of the construction of the Shoccoe Dry Dam; and

(G) channel improvements on the upstream Pearl River.

(2) Prior to initiation of construction of the projects authorized by paragraph (1), non-Federal interests shall agree (A) to hold and save the United States free from damages due to the construction and operation of such projects, and (B) to operate and maintain such projects in accordance with regulations prescribed by the Secretary. The provisions of section 302 of this title shall apply to such projects.

(t) If any provision in any report designated by subsection (a) of this section recommends that a State contribute in cash 5 per centum of the construction costs allocated to nonvendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 302. (a)(1) Except as provided in paragraph (2) of this subsection, the non-Federal share of the cost of any project for flood control (A) which is authorized by section 301(a) of this title, or (B) which is authorized by any other law enacted before the date of enactment of this Act and for which a contract for construction has not been entered into before such date of enactment, shall be 25 per centum.

(2) If the sum (as determined by the Secretary upon completion of the project) of (A) the value of all lands, easements, and rights-of-way required for a project for flood control to which paragraph (1) applies (other than a nonstructural project), plus (B) the cost of all necessary relocations of utilities, structures, and other improvements for such project is a percentage of the cost of such project which is greater than 25 per centum, the non-Federal share of the cost of such project shall be such percentage, except that in no event shall the non-Federal share determined under this paragraph exceed 30 per centum of the cost of the project.

(b) If the Secretary estimates before the beginning of construction of any project for flood control to which subsection (a) applies that the sum of (1) the value of all lands, easements, and rights-of-way required for such project, plus (2) the cost of all necessary relocations of utilities, structures, and other improvements for such project will be a percentage of the cost of such project which is greater than 30 per centum (or which is greater than 25 per centum in the case of a nonstructural project), the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way and make such relocations, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary and the cost of necessary relocations made by the Secretary shall be limited to the amount by which such estimated sum exceeds an amount equal to 30 per centum of the estimated cost of the project (or an amount equal to 25 per centum of the estimated cost of a nonstructural project).

(c) If the Secretary determines after completion of a project for flood control to which subsection (a) applies that the sum of (1) the value of lands, easements, and rights-of-way provided by the non-Federal interests, plus (2) the cost of relocations of utilities, structures, and other improvements made by the non-Federal interests is less than the non-Federal share of the cost of the project, the non-Federal interests shall pay to the Secretary the amount necessary to meet the non-Federal share, plus interest from the date of such determination (as computed under subsection (e)), over a period of fifteen years from the date of such determination or such shorter period as the non-Federal interests may request. If such sum exceeds the non-Federal share of the cost of the project (as so determined), the Secretary shall pay to the non-Federal interests an amount equal to such excess, plus interest from the date of such determination, subject to the general availability of appropriations for that purpose. Payments under the preceding sentence shall not be subject to the limitation contained in the last sentence of section 215(a) of the Flood Control Act of 1968.

(d) After completion of any project to which subsection (a) applies, the Secretary shall transfer, without consideration, to the non-Federal interests any lands, easements, and rights-of-way acquired by the Secretary under subsection (b).

(e) The interest rate used for purposes of computing interest under subsection (c) shall be determined by the Secretary of the Treasury as of the date on which the project is substantially completed and provides the flood protection benefits for which such project is designed, as determined by the Secretary. Such interest rate shall be determined on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

(f)(1) For purposes of this section, the cost of a project includes, but is not limited to, the value of lands, easements, and rights-of-way, and the cost of relocations of utilities, structures, and other improvements, necessary to carry out the project.

(2) For purposes of this section, the value of lands, easements, and rights-of-way (other than lands, easements, and rights-of-way acquired by purchase for the project by the Secretary for any non-Federal interest) shall be determined by the Secretary as of the date on which actual construction of such project is begun.

(g)(1) For purposes of analyzing the costs and benefits of a proposed project for flood control in any study of such project, the Secretary shall take into account the costs incurred in and the benefits produced by any local flood protection work carried out by non-Federal interests after the later of (A) the first day of the five-year period ending on the date of enactment of this Act, or (B) the first day of the five-year period ending on the date on which funds are first obligated for such study, if the Secretary determines that such work can reasonably be expected to be compatible with the project being considered by the Secretary. This paragraph shall not apply to any study for a project which project is authorized by this Act or any Act enacted before the date of enactment of this Act.

(2) The Secretary shall include as part of the non-Federal contribution of any authorized project for flood control the cost of any local flood protection work which is part of such project and which is carried out by the non-Federal interests after the date of such authorization or after the date of enactment of this Act, whichever is later. With respect to any local flood protection work carried out by non-Federal interests after the first obligation of funds for a study of a project for flood control (but not before the first day of the five-year period ending on the date of enactment of this Act), the Secretary shall recommend in any report submitted to Congress relating to such project that the cost of such work be included as part of the non-Federal contribution of such project if the Secretary determines that such work is reasonably compatible with the proposed project. Any local flood protection work included as part of the non-Federal contribution of a project for flood control under this paragraph shall not be subject to the limitation contained in the last sentence of section 215(a) of the Flood Control Act of 1968.

SEC. 303. Before construction of any project for local flood protection, the non-Federal interests shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

SEC. 304. Section 2 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 33 U.S.C. 701a-1), is amended by inserting after "drainage improvements" the following: "and flood prevention improvements for protection from groundwater-induced damages".

PART IV—SHORELINE PROTECTION

SEC. 401. (a) The following works of improvement for the benefit of shoreline protection are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided,

or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated.

ROCKAWAY INLET TO NORTON POINT, NEW YORK

The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point: Report of the Chief of Engineers, dated August 18, 1976, House Document Numbered 96-23, including beach fill up to 250 feet beyond the historical shoreline as described in the report of the District Engineer, New York District, dated August 1973, at an estimated cost of $9,700,000. The non-Federal share of the cost of construction and nourishment of the additional beach fill shall be 50 per centum.

CAPE MAY INLET TO LOWER TOWNSHIP, NEW JERSEY

The project for shoreline protection, Cape May Inlet to Lower Township, New Jersey: Report of the Chief of Engineers, dated December 23, 1981, including construction of beach erosion mitigation measures from Cape May Inlet to Lehigh Avenue in Cape May Point Borough substantially in accordance with Plan A of the Phase I General Design Memorandum, titled "Cape May Inlet to Lower Township, New Jersey", dated August 1980, at an estimated cost of $40,000,000.

ATLANTIC COAST OF MARYLAND (OCEAN CITY)

The project for shoreline protection, Atlantic Coast of Maryland (Ocean City) and Assateague Island, Virginia: Report of the Chief of Engineers, dated September 29, 1981, at an estimated cost of $20,000,000.

WILLOUGHBY SPIT, VIRGINIA

The project for shoreline protection, Willoughby Spit and Vicinity, Norfolk, Virginia: Report of the District Engineer, Norfolk District, dated January 1983, at an estimated cost of $1,558,600, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

WRIGHTSVILLE BEACH, NORTH CAROLINA

The project for shore and hurricane wave protection, Wrightsville Beach, North Carolina: Report of the Board of Engineers for Rivers and Harbors, dated March 23, 1983, at an estimated annual cost of $260,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

FOLLY BEACH, SOUTH CAROLINA

The project for shoreline protection, Folly Beach, South Carolina: Report of the Chief of Engineers, dated March 17, 1981, at an estimated cost of $1,107,000.

PANAMA CITY BEACHES, FLORIDA

The project for shoreline protection, Panama City Beaches, Florida: Report of the Chief of Engineers, dated July 8, 1977, House Document Numbered 96-65, at an estimated cost of $26,220,000.

ST. JOHNS COUNTY, FLORIDA

The project for shoreline protection, St. Johns County, Florida: Report of the Chief of Engineers, dated February 26, 1980, at an estimated cost of $7,660,000. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

CHARLOTTE COUNTY, FLORIDA

The project for shoreline protection, Charlotte County, Florida: Report of the Chief of Engineers, dated April 2, 1982, at an estimated cost of $1,440,000. To the maximum extent feasible, the Secretary shall construct such project so as to minimize the harm to marine borrow areas and reefs.

INDIAN RIVER COUNTY, FLORIDA

The project for shoreline protection, Indian River County, Florida: Report of the Chief of Engineers, dated December 21, 1981, at an estimated cost of $2,300,000, except that the non-Federal share of the cost of the Sebastian Inlet State Park segment shall be 30 per centum. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

DADE COUNTY, FLORIDA

The project for shoreline protection, Dade County, north of Haulover Beach Park, Florida: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $3,990,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. To the maximum extent feasible, the Secretary shall construct the project so as to minimize adverse effects on coral reefs.

MONROE COUNTY, FLORIDA

The project for shoreline protection, Monroe County, Florida: Report of the Division Engineer, dated February 25, 1982, at an estimated cost of $1,650,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph and including such modification as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project (other than the portion of the project consisting of Smathers Beach) may have on the seagrass community in the project area. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to minimize the adverse effects of such construction, operation, and maintenance on such seagrass community. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project (other than the portion of the project consisting of Smathers Beach) unless such acquisition and actual construction have been approved by resolution adopted by each such committee. The portion of the project consisting of Smathers Beach shall include any measures which the Secretary determines, in consultation with the United States Fish and Wildlife Service, the Environmental Protection Agency, and the National Marine Fisheries Service, are appropriate to minimize adverse effects from carrying out such portion on the seagrass community.

PRESQUE ISLE PENINSULA, ERIE, PENNSYLVANIA

The project for shoreline protection, Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers, dated October 2, 1981, at an estimated cost of $18,550,000.

CASINO BEACH, CHICAGO, ILLINOIS

The project for shoreline protection, Interim II, Casino Beach, Chicago, Illinois: Report of the Board of Engineers for Rivers and Harbors, dated December 1, 1983, at an estimated cost of $4,155,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

ILLINOIS BEACH STATE PARK, ILLINOIS

The project for shoreline protection, Illinois Beach State Park, Illinois described as alternative 3A in Interim Report 1, Illinois-Wisconsin Stateline to Waukegan of the District Engineer, Chicago District, dated June 1982, at an estimated cost of $11,890,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

INDIANA SHORELINE, INDIANA

The project for shoreline protection, Indiana Shoreline Erosion, Indiana: Report of the Board of Engineers for Rivers and Harbors, dated January 28, 1983, at an estimated cost of $7,390,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

MAUMEE BAY, LAKE ERIE, OHIO

The project for shoreline protection for the southeast shore of Maumee Bay State Park, Ohio: Report of the District Engineer, Buffalo District, dated June 1983, at an estimated cost of $10,396,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91-611) shall not apply to any agreements between the Federal Government and the State of Ohio for local cooperation as a condition for the construction of such project. The Secretary is authorized to contract with the State of Ohio on the items of local cooperation for such project, which are to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State.

(b) In the case of any project authorized by subsection (a) of this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(c) The Secretary is authorized and directed to design and construct an erosion control structure approximately 8,200 feet in length on the western shore of Tangier

Island, Virginia, adequate to protect such island from further erosion, at an estimated cost of $3,500,000. Such project shall be carried out on an emergency basis, in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in public facilities.

(d) The Secretary is authorized to carry out the project for shore protection at Coconut Point, Tutuila Island, American Samoa, including a 3,600-foot long rock revetment to protect communal lands and public facilities, at an estimated cost of $1,500,000.

(e) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 402. (a) The Secretary shall undertake demonstration projects for shoreline erosion control at the following communities in New Jersey: Fort Elsinboro, Sea Breeze, Gandys Beach, Reeds Beach, Pierces Point, and Fortescue.

(b) Such demonstration projects shall be carried out in cooperation with Federal, State, and local agencies, and private organizations.

(c) Such demonstration projects may be carried out on private or public lands except that privately owned lands shall not be acquired under authority of this section. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with non-Federal interests who shall pay 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) The Secretary shall prepare and submit to Congress a report on each site during the fiscal year following completion of construction at that site. Such report shall include an analysis of the technique or techniques used and an evaluation of their functioning to that point.

(e) There is authorized to be appropriated not to exceed $12,500,000 to carry out this section for fiscal years beginning after September 30, 1984.

PART V—WATER RESOURCES CONSERVATION AND DEVELOPMENT

SEC. 501. (a) The following works of improvement for water resources development and conservation and for other purposes are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

NEPONSET RIVER, MILTON TOWN LANDING TO PORT NORFOLK, MASSACHUSETTS

The project for dredging, Neponset River, Milton Town Landing to Port Norfolk, Massachusetts, including the disposal of the dredged material at sea, at an estimated cost of $3,000,000.

BIG RIVER RESERVOIR, RHODE ISLAND

The project for flood control, Big River Reservoir, Rhode Island: Report of the Chief of Engineers, dated March 9, 1983, at an estimated cost of $40,900,000, including the acquisition of such additional lands as the Secretary recommends in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall reevaluate the acquisition of mitigation lands recommended in the report of the Chief of Engineers for purposes of determining the need for additional lands for mitigation of fish and wildlife losses. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such reevaluation, including a description of any additional lands determined by the Secretary to be necessary and appropriate for mitigation of fish and wildlife losses. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

OLCOTT HARBOR, NEW YORK

The project for navigation, Olcott Harbor, New York: Report of the Chief of Engineers, dated June 11, 1980, at an estimated cost of $5,780,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall conduct additional studies of the effects of the project on fish and wildlife resources. Such studies shall include the development and testing of a physical model of the proposed plan. The Secretary is authorized to undertake any additional measures which he determines necessary and appropriate to minimize any adverse effects of the project on fish and wildlife production and habitat.

HAMPTON ROADS DEBRIS REMOVAL, VIRGINIA

The project for the removal of debris from Hampton Roads and Vicinity, Virginia: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $2,133,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

RUDEE INLET, VIRGINIA

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia: Report of the Division Engineer, dated February 4, 1983, at an estimated cost of $1,124,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

ATLANTIC INTRACOASTAL WATERWAY BRIDGES, NORTH CAROLINA

The project for replacement of Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers, dated October 1, 1975, House Document Numbered 94-597, at an estimated cost of $34,300,000.

RICHARD B. RUSSELL DAM AND LAKE, GEORGIA AND SOUTH CAROLINA

The project for mitigation of fish and wildlife losses at Richard B. Russell Dam and Lake Project, Savannah River, Georgia and South Carolina: Report of the Chief of Engineers, dated May 11, 1982, House Document Numbered 97-244, at an estimated cost of $18,700,000, including utilization for purposes of fish and wildlife habitat mitigation of such Federal lands as may be described by the Secretary in the report transmitted under this paragraph. The Secretary and the State of South Carolina, in consultation with the United States Fish and Wildlife Service, shall identify those Federal lands at Clarks Hill Lake to be utilized for purposes of fish and wildlife habitat mitigation. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the lands so identified. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

METROPOLITAN ATLANTA AREA, GEORGIA

The project for water supply, Metropolitan Atlanta Area, Georgia: Report of the Chief of Engineers, dated June 1, 1982, at an estimated cost of $24,500,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall further evaluate the possible effects of the proposed project on fish and wildlife habitat and related resources. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat and related resources. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

JACKSONVILLE HARBOR (MILL COVE), FLORIDA

The project for navigation, Jacksonville Harbor (Mill Cove), Florida: Report of the Chief of Engineers, dated February 12, 1982, at an estimated cost of $5,700,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with the State of Florida, shall study the adequacy of available dredged material disposal areas for construction, operation, and maintenance of the project and the potential of such disposal areas for recreational development. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to assure that adequate dredged material disposal areas are available for construction, operation, and maintenance of the project and recommendations for a recreational master plan. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section

1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee. After completion of the project, the Secretary shall monitor and evaluate the effectiveness of the project in reducing shoaling.

YAZOO BACKWATER AREA, MISSISSIPPI

The project for mitigation of fish and wildlife losses at the Yazoo Backwater Project, Mississippi: Report of the Mississippi River Commission, dated December 16, 1982, at an estimated cost of $17,610,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional measures. The project shall include acquisition of 40,000 acres for mitigation of project-induced fish and wildlife losses as recommended in the report of the District Engineer, Vicksburg District, dated July 1982. A portion of such 40,000 acres which the Secretary, in consultation with the United States Fish and Wildlife Service and the Governors of the States of Mississippi and Arkansas, may determine may be acquired from willing sellers in the State of Arkansas.

GREENVILLE HARBOR, MISSISSIPPI

The project for navigation, Greenville Harbor, Mississippi: Report of the Chief of Engineers, dated November 15, 1977, as amended by the supplemental report of the Chief of Engineers dated February 22, 1982, at an estimated cost of $28,800,000, except that initial construction of the project shall be to the full project dimensions, including a channel width of 500 feet and a depth of 12 feet.

VICKSBURG HARBOR, MISSISSIPPI

The project for navigation, Vicksburg Harbor, Mississippi: Report of the Chief of Engineers, dated August 13, 1979, at an estimated cost of $54,700,000, except that initial construction of the project shall be to the full project dimensions.

MEMPHIS HARBOR, MEMPHIS, TENNESSEE

The project for navigation, Memphis Harbor, Memphis, Tennessee: Report of the Chief of Engineers, dated February 25, 1981, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $42,010,000, except that initial construction of the project shall be to the full project dimensions and the project shall include acquisition of such additional lands, but not to exceed 500 acres, for mitigation of losses of bottomland hardwood habitat as may be recommended by the Secretary in such report. The Secretary shall reevaluate, in consultation with the Fish and Wildlife Service, the need for mitigation of project-induced losses of bottomland hardwood habitat. The Secretary, in consultation with the Environmental Protection Agency, shall conduct further studies of the quality of the water in the project area and the need for measures to prevent adverse effects on the quality of the water. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reevaluation and study, along with recommendations for additional lands which the Secretary determines to be necessary and appropriate to mitigate project-induced losses of bottomland hardwood habitat and for additional measures which the Secretary determines necessary and appropriate to prevent adverse effects on water quality. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

LAKE PONTCHARTRAIN NORTH SHORE, LOUISIANA

The project for navigation, Lake Pontchartrain North Shore, Louisiana: Report of the Chief of Engineers, dated February 14, 1979, at an estimated cost of $850,000.

ATCHAFALAYA BASIN, LOUISIANA

The project for flood control, Atchafalaya Basin Floodway System, Louisiana: Report of the Chief of Engineers, dated February 28, 1983, at an estimated cost of $195,000,000.

RED RIVER WATERWAY, LOUISIANA

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana: Report of the Board of Engineers for Rivers and Harbors, dated March 21, 1984, at an estimated cost of $10,495,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

CABIN CREEK, WEST VIRGINIA

The project for flood damage prevention features, Cabin Creek, West Virginia: Report of the Chief of Engineers, dated March 1, 1979, at an estimated cost of $4,000,000, including channel improvement for 10.5 miles on Cabin Creek, establishment of flood plain management guidelines, and supplemental flood proofing. The construction of such features shall be coordinated with any construction by other Federal agencies of other features described in such report under applicable Federal laws.

OBION CREEK, KENTUCKY

The project for mitigation of fish and wildlife losses, West Kentucky Tributaries Project, Obion Creek, Kentucky: Report of the Chief of Engineers, dated September 16, 1980, at an estimated cost of $4,650,000, except that (1) the Secretary, in consultation with the United States Fish and Wildlife Service, shall acquire and preserve not less than 6,000 nor more than 9,000 acres of woodland for mitigation of project-induced woodland and wetland habitat losses, and (2) the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 1104 of this Act.

MUDDY BOGGY CREEK, PARKER LAKE, OKLAHOMA

The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma: Report of the Chief of Engineers, dated May 30, 1980, at an estimated cost of $40,200,000.

FORT GIBSON LAKE, OKLAHOMA

The project for Fort Gibson Lake, Oklahoma: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of $23,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

HARRY S TRUMAN DAM AND RESERVOIR, MISSOURI

The project for modification of the Harry S Truman Dam and Reservoir Project, Missouri: Report of the Chief of Engineers, dated December 21, 1981, at an estimated cost of $2,000,000. The Secretary, in consultation with the State of Missouri and the United States Fish and Wildlife Service, shall acquire lands, or designate project joint-use lands, for mitigation of fish and wildlife losses in addition to those lands recommended for such purposes by such report; except that the total acreage of all mitigation lands shall not exceed 1,000 acres.

TRIMBLE WILDLIFE AREA, SMITHVILLE LAKE, LITTLE PLATTE RIVER, MISSOURI

The project for replacement of the Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri: Report of the Chief of Engineers, dated September 22, 1977, House Document Numbered 95-389, at an estimated cost of $7,769,000.

ST. LOUIS HARBOR, MISSOURI AND ILLINOIS

The project for navigation, St. Louis Harbor, Missouri and Illinois: Report of the Board of Engineers for Rivers and Harbors, dated April 6, 1983, at an estimated cost of $10,440,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section, and except that initial construction of the project shall be to the full project dimensions.

MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA

The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska: Report of the Chief of Engineers, dated April 24, 1984, at an estimated cost of $48,400,000. The Secretary shall study the need for additional measures for mitigation of losses of aquatic and terrestrial habitat caused by such project and shall report to Congress, within three years after the date of enactment of this Act, on the results of such study and any recommendations for additional measures needed for mitigation of such losses.

DAVENPORT, IOWA (NAHANT MARSH)

The Davenport, Iowa Local Protection Project—Fish and Wildlife Mitigation Plan: Report of the Chief of Engineers, dated July 9, 1979, at an estimated cost of $387,000.

HELENA HARBOR, PHILLIPS COUNTY, ARKANSAS

The project for navigation, Helena Harbor, Phillips County, Arkansas: Report of the Chief of Engineers, dated October 17, 1980, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $37,100,000, except that initial construction of the project shall be to the full project dimensions and the project shall include acquisition of such additional lands as may be recommended by the Secretary in such report. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the adequacy of the recommended measures for mitigation of losses of wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation, along with recommendations for additional

lands which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS

The project for navigation, White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers, dated December 23, 1981, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $22,900,000, except that the project shall include 1,865 acres of habitat mitigation lands. The Federal share of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line (1) the relocation of which is necessary for construction, operation, and maintenance of the project, and (2) which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be 50 per centum. The non-Federal share of such cost shall be paid by the owner of the facility being relocated. The acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, shall be at full Federal expense. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the effect of the project on the Fat Pocketbook Pearly Mussel. The Secretary shall also evaluate, in consultation with the Fish and Wildlife Service, the feasibility of including weirs in tributary areas to benefit aquatic habitat and is authorized to include them as he determines appropriate. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluations, along with recommendations (A) for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on the Fat Pocketbook Pearly Mussel, and (B) for weirs in tributary areas which the Secretary determines to be necessary and appropriate to benefit aquatic habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee. Nothing in this paragraph shall be construed to effect the requirements of Public Law 89-669, as amended.

TRINITY RIVER, TEXAS

The project for the mitigation of fish and wildlife losses, Trinity River, Texas: Report of the Board of Engineers for Rivers and Harbors, dated October 4, 1982, at an estimated cost of $9,310,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional mitigation measures.

COOPER LAKE AND CHANNELS, TEXAS

The project for the mitigation of fish and wildlife resource losses, Cooper Lake and Channels, Texas: Report of the Chief of Engineers, dated May 21, 1982, at an estimated cost of $7,570,000, except that the non-Federal share of any portion of the costs of mitigation of fish and wildlife losses attributable to water supply features of the project shall be repaid in accordance with the Water Supply Act of 1958 and the non-Federal share of any portion of the costs of mitigation of fish and wildlife losses attributable to recreation features of the project shall be repaid in accordance with the Federal Water Project Recreation Act.

SACRAMENTO RIVER BANK PROTECTION, CALIFORNIA

The project for mitigation of fish and wildlife losses, Sacramento River Bank Protection Project, California: Report of the Chief of Engineers, dated September 1, 1981, at an estimated cost of $1,867,000.

SWEETWATER RIVER, CALIFORNIA

The project for mitigation of fish and wildlife losses, Sweetwater River channel improvement project, California: Report of the Division Engineer, dated July 15, 1982, at an estimated cost of $3,477,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional mitigation measures.

LAVA FLOW CONTROL, HAWAII

The project for lava flow control, Island of Hawaii: Report of the Chief of Engineers, dated July 21, 1981, at an estimated cost of $3,949,000.

WAILUA FALLS, WAILUA RIVER, KAUAI, HAWAII

The project for hydroelectric power generation at Wailua Falls, Wailua River, Kauai, Hawaii: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of $11,243,000.

CITY WATERWAY, TACOMA, WASHINGTON

The project for the relocation of the boundaries of the City Waterway, Tacoma Harbor, Washington: Report of the Division Engineer, dated January 28, 1982, at an estimated cost of $5,000. Subsection (b) of this section shall not apply to the project.

MCNARY LOCK AND DAM, WASHINGTON AND OREGON

The project for McNary Lock and Dam, Second Powerhouse, Columbia River, Washington and Oregon, Phase I, General Design Memorandum: Report of the Chief of Engineers, dated June 24, 1981, at an estimated cost of $600,000,000.

BETHEL BANK STABILIZATION, ALASKA

The project for bank stabilization, Bethel, Alaska: Report of the Chief of the Engineers, dated July 30, 1983, at an estimated cost of $13,800,000, including such modifications as may be necessary to accommodate related work undertaken and carried out by non-Federal interests.

KODIAK HARBOR, ALASKA

The project for navigation, Kodiak Harbor, Alaska: Report of the Chief of Engineers, dated September 7, 1976, Senate Document Numbered 96-6, at an estimated cost of $13,440,000.

ST. PAUL ISLAND, ALASKA

The project for navigation, St. Paul Island Harbor, Alaska: Report of the Board of Engineers for Rivers and Harbors, dated January 24, 1983, at an estimated cost of $11,986,800, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The cost sharing for the project shall be determined in accordance with section 105 of this Act.

(b) In the case of any project authorized by this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(c) If any provision in any report designated by this title recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 502. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Albert Lea Lake, Freeborn County, Minnesota, at full Federal expense and at an estimated cost of $4,270,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 503. (a) The Secretary shall, after consultation with the advisory committee established under subsection (b), carry out a demonstration project for the development, operation, and maintenance of a recreation and greenbelt area on, and along the Des Moines River, Iowa, between the point at which the Des Moines River is intersected by United States Highway 20 to the point downstream at which relocated United States Highway 92 intersects the Des Moines River. Subject to subsections (b) and (c) of this section, such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities and streambank stabilization structures;

(2) the operation and maintenance of all structures constructed before the date of enactment of this Act (other than any such structure operated and maintained by any person under a permit or agreement with the Secretary) within the area described in the Des Moines Recreational River and Greenbelt Map and on file with the Committee on Public Works and Transportation of the House of Representatives; and

(3) such tree plantings, trails, vegetation, and wildlife protection and development

and other activities as will enhance the natural environment for recreational purposes.

(b)(1) The advisory committee referred to in subsection (a) shall be constituted as follows:

(A) five persons shall be appointed by the Governor of Iowa;

(B) two persons shall be appointed by their respective board of supervisors to represent each of Mahaska, Marion, Warren, Jasper, Polk, Dallas, Boone, and Webster Counties;

(C) one person shall be appointed by the mayor of the city of Des Moines and one additional person shall be appointed by the mayor of each other incorporated municipality within whose boundaries a portion of such recreation area lies; and

(D) three employees or officials of the Corps of Engineers shall be appointed by the Secretary.

(2) Each member of the advisory committee shall serve at the pleasures of the authority which appointed such member.

(3) No member of the advisory committee who is not an officer or employee of the United States shall receive compensation on account of his service on the committee or travel expenses or per diem in lieu of subsistence with respect to the performance of services for the committee. Members of such advisory committee who are officers or employees of the United States shall not receive additional compensation on account of their service on the committee.

(4) The advisory committee may elect such officers and spokesmen as it deems appropriate and may appoint such ad hoc committees of interested citizens as it deems appropriate to assist the committee in advising the Secretary.

(c) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the United States of the land or interests therein necessary for such purposes.

(d) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise land and interests therein, as the Secretary determines are necessary to carry out such project. If the Secretary purchases any land or interest therein from any State or local agency, he shall not pay more than the original cost paid by such State or local agency for such land or interest therein. No land or interest therein may be acquired by the United States to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any land or any interest therein which is not owned by the United States.

(e) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 per centum of the cost of the project.

(f) There is authorized to be appropriated to carry out this section $6,000,000, for fiscal years beginning after September 30, 1984.

SEC. 504. The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Hereford Inlet to the Delaware Bay entrance to the Cape May Canal, New Jersey, substantially in accordance with the report of the Chief of Engineers, dated September 30, 1975, at an estimated cost of $40,000,000. The Secretary may construct the beach erosion control, navigation, or storm protection features of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 505. The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Barnegat Inlet to Longport, New Jersey, substantially in accordance with the report of the Chief of Engineers dated October 24, 1975, except that such project shall also include construction of a fisherman walkway on top of a jetty as described in the report of the Chief of Engineers dated January 20, 1983, at an estimated total cost of $57,200,000. The Secretary may construct the beach erosion control, navigation, or storm protection feature of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 506. The Secretary shall carry out a demonstration project for the removal of silt, aquatic growth, and other material in Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, and to construct silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River, at full Federal expense and at an estimated cost of $4,360,000.

SEC. 507. (a) The Secretary is authorized and directed to establish and conduct for a period of five years at multiple sites on the Ohio River and its tributaries a streambank erosion prevention and control demonstration program. The program shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slopes and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized mattings for vegetation seeding, and patterned schemes using manufactured blocks in loose, matted, or interconnected configurations;

(5) develop and evaluate engineering techniques to control overbank drainage;

(6) identify and quantify economic losses occurring along the Ohio River and its tributaries due to streambank erosion; and

(7) construct demonstration projects, including bank protection works.

(b) For each demonstration project and streambank measure undertaken under subsection (a) of this section, the Secretary shall evaluate the environmental impacts of such project or measure with respect to both riverine and adjacent land-use values, with the view of minimizing environmental losses.

(c) Demonstration projects authorized by this section shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, demonstration projects shall be conducted at sites on—

(1) that reach of the Ohio River between the Captain Anthony Meldahl Locks and Dam and the McAlpine Locks and Dam;

(2) the Licking River; and

(3) the Kanawha River in the vicinity of St. Albans, West Virginia.

(d) There is authorized to be appropriated not to exceed $25,000,000 to carry out this section.

(e) The Secretary shall report to Congress each year on work undertaken pursuant to this section.

SEC. 508. The Secretary is authorized to construct, at full Federal expense, an elevated walkway on the Bird Island pier, located at the confluence of the Niagara River and Lake Erie, Buffalo, New York, in order to provide safe pedestrian access and prevent the loss of life, at an estimated cost of $4,500,000.

SEC. 509. The Secretary is authorized and directed to implement at full Federal cost snagging and clearing and channel rectification measures along the Passaic, Pompton, Pequannock, and Ramapo Rivers, New Jersey, from Beatties Dam in Little Falls on the Passaic River upstream to the confluence of the Pompton River at Two Bridges, upstream along the Pompton River to and including the Pompton Feeder on the Pequannock and Ramapo Rivers, and upstream along the Ramapo River to the Pompton Lakes Dam, and along tributaries of such rivers (including Singac Brook and Weasel Brook), including the modification of such structures, flood proofing, and flood warning measures as determined necessary by the Chief of Engineers, at an estimated cost of $25,000,000. None of the work authorized by this section shall affect the analysis of costs and benefits for projects presently being studied by the Secretary.

SEC. 510. The Secretary is authorized to replace the dike at the Small Boat Harbor, Buffalo Harbor, New York, at an estimated cost of $6,140,000.

SEC. 511. The Secretary is authorized and directed to take such measures as may be necessary to correct erosion problems along the banks of the Red Lake River, Minnesota, approximately one and one-half miles west of Gentilly, Minnesota, adequate to protect the nearby highway and bridge, at an estimated cost $300,000.

SEC. 512. The Secretary is authorized to perform intermittent dredging and such other work as may be required on the Yazoo River in Mississippi, from Greenwood south, to remove natural shoals as they occur, at an annual average cost of $200,000, so as to allow commerce to continue. Responsible local interests shall agree to (1) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (2) accomplish without cost to the United States such alterations, relocations, and rearrangement of facilities as required for dredging and disposal of dredged materials; and (3) hold and save the United States free from damages due to the dredging and disposal of dredged materials.

SEC. 513. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and stumps from Greenwood Lake and Belcher Creek, New Jersey, at full Federal expense and at an estimated cost of $10,000,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program

for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 514. (a) The Secretary shall take such action as may be necessary to remedy slope failures and erosion problems (1) along the banks of the Coosa River, Alabama, in order to protect the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in Elmore County, Alabama, at an estimated cost of $29,000,000, and (2) along the banks of the Black Warrior River, Alabama, in order to protect the Mound State Monument National Historic Landmark near Moundville, Alabama, at an estimated cost of $4,620,000. Such actions shall be coordinated with the Secretary of the Interior and the State of Alabama.

(b) Prior to initiation of construction of the project authorized by subsection (a), appropriate non-Federal interests shall agree—

(1) to provide without cost to the United States all lands, easements, and rights-of-way necessary for construction and operation of the project;

(2) to hold and save the United States free from damage due to construction, operation, and maintenance of the project, not including damages due to the fault or negligence of the United States or its contractors;

(3) to accomplish without cost to the United States all modifications or relocations of existing sewerage and drainage facilities, buildings, utilities, and highways made necessary by construction of the project; and

(4) to maintain and operate all features of the project after completion, in accordance with regulations prescribed by the Secretary.

SEC. 515. The Secretary is authorized to undertake such measures as may be necessary to maintain the Larkspur Ferry Channel, Larkspur, California, at a depth sufficient for ferry boat service between Marin County and San Francisco, California, at an estimated cost of $500,000.

SEC. 516. The Secretary is authorized to perform dredging in Weeks Bay, Vermilion Bay, and Southwest Pass, Louisiana, to a depth of 13 feet, as necessary to provide a water access route to the Gulf of Mexico from the Port of Iberia Commercial Canal through Weeks Bay, Vermilion Bay, and Southwest Pass, at an estimated cost of $3,000,000.

SEC. 517. The Secretary is authorized to undertake in La Conner, Washington, such bank erosion control measures along the Swinomish Channel as the Secretary determines necessary to prevent damage to structures in the La Conner Historical District, at an estimated cost of $1,177,000.

SEC. 518. The Secretary is authorized to acquire from willing sellers in a timely manner at fair market value 67,000 acres of land for mitigation of wildlife losses resulting from construction and operation of the project for the Tennessee-Tombigbee Waterway, Alabama and Mississippi. Such lands shall be in addition to, and not in lieu of, lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Of the lands acquired under this section, not less than 20,000 acres shall be acquired in the area of the Mobile-Tensaw River delta, Alabama, and not less than 25,000 acres shall be acquired in the areas of the Pascagoula River, the Pearl River, and the Mississippi River delta, Mississippi. Other lands acquired under this section may be acquired anywhere in the States of Alabama and Mississippi. The Secretary shall select lands to be acquired under this section in consultation with appropriate State and Federal officials. Emphasis shall be placed on acquisition of lands which are predominantly flood plain forest. The States of Alabama and Mississippi shall provide for the management for wildlife purposes of lands acquired under this section and lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Subject to such amounts as are provided in appropriation Acts, the Secretary shall reimburse such States for such management and initial development costs as specified in a plan for management of mitigation lands to be developed by the Secretary, the United States Fish and Wildlife Service, and the States of Alabama and Mississippi.

SEC. 519. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, at full Federal expense and at an estimated cost of $2,000,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 520. The Secretary shall repair and rehabilitate the Muck Levee, Salt Creek, Logan County, Illinois, at an estimated cost of $12,000,000.

SEC. 521. (a) The Secretary shall, after consultation with the Passaic River Restoration Steering Committee, carry out a demonstration project for bank stabilization and development, operation, and maintenance of a recreation and greenbelt area on public properties on, and along the east bank of the Passaic River, New Jersey, from Dundee Dam to Kearney Point. Such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities (including, but not limited to, a multipurpose pathway described in the Passaic River Restoration Master Plan) and streambank stabilization structures;

(2) terraforming; and

(3) such tree plantings, vegetation and wildlife protection and development, and other activities as will enhance the natural environment for recreational purposes.

(b) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the public of the land or interest therein necessary for such purposes. The operation and maintenance of such structures and activities shall be undertaken by the counties or cities owning the lands on which such structures are to be located or on which such activities are to be carried out.

(c) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise, lands and interests therein as the Secretary and the Passaic River Restoration Steering Committee determine are necessary to carry out such project. No lands or interests therein may be acquired by the United States or any State or local government to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any lands or interests therein which is not owned by the United States or a State or local government.

(d) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 percent of the cost of the project. There is authorized to be appropriated to carry out this section $10,000,000 for fiscal years beginning after September 30, 1984.

SEC. 522. The Secretary is authorized and directed to undertake a project for bank erosion control on the Rillito River in the vicinity to Tucson, Arizona, for the purpose of providing protection against the level of flooding that occurred in October 1983, at an estimated cost of $41,900,000.

SEC. 523. The Secretary is authorized to undertake such measures as the Secretary determines necessary to reduce or prevent erosion of bluffs along Pebble Beach Drive, Crescent City, California, at an estimated cost of $2,000,000.

SEC. 524. The Secretary is authorized and directed to provide protection against stream bank erosion on the Little River in the vicinity of the Highway 41 bridge, Horatio, Arkansas, at an estimated cost of $500,000.

SEC. 525. The Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Swan Creek, Newport, Michigan. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

SEC. 526. (a) The Secretary is authorized to construct such bank stabilization measures as the Secretary determines necessary for flood damage prevention and erosion control along approximately 3,000 feet of Caney Creek in the vicinity of Jackson, Mississippi, between McDowell Road and Raymond Road, at an estimated cost of $1,250,000.

(b) The Secretary shall complete his study of flood and soil erosion problems along Caney Creek and its tributaries in the vicinity of Jackson, Mississippi. For purposes of analyzing cost and benefits of any project recommended by the Secretary as a result of such study, the Secretary shall take into account the cost and benefits of measures undertaken pursuant to subsection (a).

SEC. 527. The Secretary shall undertake a demonstration project for the removal of silt and stumps from, and the control of pollution from nonpoint sources in, Deal Lake, Monmouth County, New Jersey, at an estimated cost of $8,000,000. Upon completion of the demonstration project, the Secretary shall submit a report of such project, along with recommendations for further measures to improve the water quality of Deal Lake, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 528. Notwithstanding any other provision of law, the Secretary shall transfer to New Hanover County, North Carolina, its successors or assigns, without consideration, all right, title, and interest of the United States to a surplus dredging vessel (known as the "Hyde hopper dredge") in Wilmington, North Carolina, if such county agrees in writing to utilize such vessel only for the purpose of establishing an artificial fish habitat at no cost to the United States.

SEC. 529. The Secretary is authorized to lease approximately 109 acres in tracts I-908 and I-909 in Wilson County, Tennessee, ac-

quired by the United States for the Old Hickory Lock and Reservoir project, Tennessee, to the Wilson County Youth Ranch, a nonprofit organization in Wilson County, Tennessee, for use in providing residential and other facilities for children.

SEC. 530. (a) The Secretary is authorized and directed to establish and conduct for a period of five years at multiple sites on the Platte River and its tributaries in Nebraska a demonstration program consisting of projects for flood control and streambank erosion prevention. The program shall have as its objectives the protection of property, environmental enhancement, and social well-being.

(b) Flood control projects carried out under this section shall include projects for the construction, operation, and maintenance of flood damage reduction measures, including but not limited to bank protection and stabilization works, embankments, clearing, snagging, dredging, and all other appropriate flood control measures, and shall also include recreational facilities deemed appropriate by the Secretary. Such projects shall be carried out substantially in accordance with the plan of action of the Chief of Engineers dated February 6, 1984, and with the Platte River and Tributaries, Nebraska, study of 1978 and the Platte River Basin, Nebraska, Level B Study of 1976.

(c) In carrying out any streambank erosion prevention project under this section, the Secretary shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slope and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized mattings for vegetation seeding, patterned schemes using manufactured blocks in loose, matted, or interconnected configurations, and any other appropriate techniques recommended under section 32 of the Water Resources Development Act of 1974;

(5) develop and evaluate engineering techniques to control overbank drainage; and

(6) identify and quantify economic losses occurring along the Platte River and its tributaries due to streambank erosion.

(d) For each demonstration project under this section, the Secretary shall evaluate the environmental impacts of such project with respect to both riverine and adjacent land-use values, with the view of enhancing wildlife and wildlife habitat as a major purpose coequal with all other purposes and objectives, and with the view of minimizing environmental losses.

(e) Demonstration projects authorized by this section shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, demonstration projects shall be conducted at sites on—

(1) that reach of the Platte River between Hershey, Nebraska, and the boundary between Lincoln and Dawson Counties, Nebraska; and

(2) that reach of the Platte River from the boundary between Colfax and Dodge Counties, Nebraska, to its confluence with the Missouri River and that portion of the Elkhorn River from the boundary between Antelope and Madison Counties, Nebraska, to its confluence with the Platte River.

(f) The Secretary shall condition the construction, operation, and maintenance of any project under this section upon the availability to the United States of such land and interests in land as he deems necessary to carry out such project and to protect and enhance the river in accordance with the purposes of this section. Lands and interests in land for any project under this section shall not be acquired without the consent of the owner, except that not to exceed five percent of the lands acquired for such a project may be acquired in less than fee title without the consent of the owner if determined necessary by the Secretary because of flooding or streambank erosion problems causing or threatening to cause serious damage in the Platte River Basin.

(g) The Secretary shall establish a Platte River Advisory Group consisting of representatives of the State of Nebraska and political subdivisions thereof, affected Federal agencies, and such private organizations as the Secretary deems desirable. Projects under this section shall be carried out in coordination and consultation with such Advisory Group.

(h)(1) Except as provided in paragraph (2), projects carried out under this section shall be at full Federal expense.

(2) Prior to construction of any project under this section, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction, operation, and maintenance of such project; hold and save the United States free from damages due to construction, operation, and maintenance of such project; and share equally in the costs required to operate and maintain such project.

(i) There is authorized to be appropriated for fiscal years beginning after September 30, 1984, not to exceed $25,000,000 to carry out this section.

(j) The Secretary shall report to Congress each year of the demonstration program under this section on work undertaken pursuant to such program.

(k) The Congress finds that the benefits for national economic development, regional development, social well-being, and environmental quality exceed the costs of the projects authorized by this section.

SEC. 531. (a) The Secretary, in consultation with the Soil Conservation Service of the Department of Agriculture, the United States Geological Survey and the Office of Surface Mining of the Department of the Interior, the State of Ohio, and other appropriate Federal and non-Federal agencies, shall study the flooding problems in the Wheeling Creek Watershed, Ohio, and measures to prevent or reduce such flooding, including control of erosion of coal mine areas to reduce deposition of sediments in Wheeling Creek, removal of sediment deposits in Wheeling Creek, and other measures deemed appropriate by the Secretary. Not later than two years after the date of enactment of this Act, the Secretary shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study together with recommendations taking into consideration the objectives set forth in section 1101 of this Act.

(b) The Secretary is authorized to undertake interim emergency flood control measures, including the removal of sediment deposits from Wheeling Creek and other measures deemed appropriate by the Secretary, to reduce flood damage in the vicinity of Goosetown, Wolfhurst, Barton, Crescent, Maynard, Blainsville, Fairpointe, Crabapple, and Lafferty, Ohio. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study authorized by subsection (a) of this section, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this subsection.

(c) There is authorized to be appropriated to carry out the provisions of subsection (b) of this section not to exceed $7,000,000.

SEC. 532. The Secretary shall maintain the navigation project for Wilson Harbor, Wilson, New York, to its authorized dimensions.

SEC. 533. The Secretary shall maintain the navigation project for Oak Orchard Harbor, Carlton, New York, to its authorized dimensions.

SEC. 534. The Secretary is authorized to construct a project for flood protection along Five Mile Creek, Dallas, Texas, including dredging of a channel at the lower end of such creek and developing a retention structure at the upper end of such creek, at an estimated cost of $7,100,000.

PART VI—WATER RESOURCES STUDIES

SEC. 601. The Secretary is authorized and directed to prepare and submit to Congress feasibility reports on the following water resources projects at the following locations:

Illinois River in the vicinity of Hardin, Illinois, to recommend remedial measures for bank stabilization.

Kinnickinnic River, Milwaukee County, Wisconsin, for flood control and allied purposes.

SEC. 602. The Secretary is authorized and directed to undertake the detailed engineering and design for a flood control project at Milton, Pennsylvania, including, but not limited to, final construction plans at a cost not to exceed $2,500,000.

SEC. 603. The Secretary is hereby authorized and directed to make studies in cooperation with the Secretary of the Interior and the governments of Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the purposes of providing plans for the development, utilization, and conservation of water and related land resources of such jurisdiction, at an estimated cost of $2,000,000 for each of the four studies. Such studies shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development. Such studies shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

SEC. 604. (a) The Secretary shall make a study of the possibility of rehabilitating the hydroelectric potential at former industrial sites, millraces, and similar types of facilities already constructed and of the possibili-

ty of converting such sites for use as new, small hydroelectric projects. The Secretary shall also provide technical assistance to local public agencies and cooperatives in any such rehabilitation at sites studied or qualified for study under this section.

(b) There is authorized to be appropriated to carry out this section, $5,000,000 per fiscal year for the fiscal years ending September 30, 1985, September 30, 1986, and September 30, 1987.

SEC. 605. (a) The Secretary shall investigate and study the feasibility of utilizing the capabilities of the United States Army Corps of Engineers to conserve fish and wildlife (including their habitats) where such fish and wildlife are indigenous to the United States, its possessions, or its territories. The scope of such study shall include the use of engineering or construction capabilities to create alternative habitats, or to improve, enlarge, develop, or otherwise beneficially modify existing habitats of such fish and wildlife. The study shall be conducted in consultation with the Director of the Fish and Wildlife Service of the Department of the Interior, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, and shall be transmitted, within the 30-month period beginning on the date of enactment of this Act, by the Secretary to Congress, together with the findings, conclusions, and recommendations of the Chief of Engineers. The Secretary, in consultation with the Federal officers referred to in the preceding sentence, shall undertake a continuing review of the matters covered in the study and shall transmit to Congress, on a biennial basis, any revisions to the study that may be required as a result of the review, together with the findings, conclusions, and recommendations of the Chief of Engineers.

(b) The Secretary is further authorized to conduct demonstration projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed $10,000,000 to carry out such demonstration projects. Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. One of such demonstration projects shall be the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York, one of such projects shall be the construction of a reef for fish habitat in the Atlantic Ocean in the vicinity of Fort Lauderdale, Florida, and one of such projects shall be the construction of a reef for fish habitat in Lake Ontario in the vicinity of the town of Newfane, New York.

SEC. 606. The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to make a nationwide study and appraisal of the nature and scope of the Nation's flood problems and the effectiveness of existing programs, both structural and nonstructural, in reducing losses from floods, at an estimated cost of $5,000,000, and to report thereon to Congress within three years with recommendations on proposed modifications to existing laws and policies to improve the overall effectiveness of the nationwide efforts to reduce such losses. In the conduct of this study particular attention should be given to flood problems existing in highly developed urban watersheds and their relationships to local storm drainage and pollution control measures.

SEC. 607. Section 142 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by inserting immediately after "Napa," the following: "San Francisco, Marin,".

SEC. 608. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall determine the extent of shoreline erosion damage in the United States causally related to the regulation of the waters of Lake Superior by the International Joint Commission—United States and Canada, in response to an emergency application by the United States made on January 26, 1973. The Secretary shall report to Congress, not later than the end of the fiscal year following the fiscal year for which the initial appropriation is made to carry out this section, the results of such survey, together with recommendations of a methodology for, and a determination of, the costs of indemnifying individual shoreline property owners, and a recommended schedule for such indemnification. There is authorized to be appropriated to carry out this section not to exceed $2,130,000.

SEC. 609. The Secretary shall study the feasibility of requiring, in the interest of safety, each boat loading facility which is or has been built only after authorization by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), to display sufficient lighting from sunset to sunrise to make such facility's presence known within a reasonable distance. The Secretary shall transmit a report of such study, including recommendations to the Congress not later than September 30, 1985.

SEC. 610. (a) Not later than two years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an estimate of the long-range capital investment needs for water resources programs under the jurisdiction of the Secretary, including, but not limited to, deep-draft ports, inland waterway transportation, flood control, municipal and industrial water supply, and hydroelectric power and recreation and fish and wildlife conservation and enhancement associated with such programs.

(b) The estimate prepared under this section shall include, but not be limited to—

(1) an estimate of the current service levels of public capital investments and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(2) capital investment needs in each major program area over a period of ten years;

(3) an identification and analysis of the principal policy issues that affect estimated capital investment needs;

(4) an identification and analysis of factors that affect estimated capital investment needs including but not limited to the following factors:

(A) economic assumptions;

(B) engineering standards;

(C) estimates of spending for operation and maintenance;

(D) estimates of expenditures for similar investments by State and local governments;

(E) estimates of demand and need for public services derived from such capital investments and estimates of the service capacity of such investments; and

(F) the effects of delays in planning and implementation of water resources projects on the capital investment costs of water resources programs, including increased costs associated with interest rates and inflation; and

(5) a description of the economic, social, and environmental benefits realized from past investments and expected to be realized from future investments, including the protection of life and property.

SEC. 611. The Secretary is directed to expedite completion of the study of New York Harbor and Adjacent Channels, New York and New Jersey, authorized by a resolution of the Committee on Environment and Public Works of the Senate, dated December 15, 1980, and to submit a report to Congress on the results of such study not later than October 1, 1985.

SEC. 612. The Secretary is authorized to study the feasibility of identifying the amounts, types, and locations of flood control benefits produced by reservoir projects and of requiring non-Federal participation in such projects in proportion to the benefits received from such projects. The Secretary shall transmit a report on the results of such study together with recommendations to Congress not later than two years after the date of enactment of this Act.

SEC. 613. (a) The Secretary shall study and monitor the extent and adverse environmental effects of dioxin contamination in the Passaic River-Newark Bay navigation system.

(b) Not later than one year after the date of enactment of this Act, the Secretary shall transmit a report on the results of such study and monitoring along with any recommendations of the Secretary concerning methods of reducing the effects of such contamination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 614. Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a list of water resources studies which have been authorized before the date of enactment of this Act and for which no report has been transmitted to the Congress. For each such study the Secretary shall include the following information:

(1) the date of authorization and the manner in which the study was authorized;

(2) a description of the purposes of the study;

(3) a description of funding that has been made available for the study;

(4) a description of any work that has been performed in carrying out the study; and

(5) a description of any work that remains to be done in carrying out the study and the time necessary for and estimated cost of completing such work.

For each such study the Secretary shall make a recommendation as to whether the study should continue to be authorized.

SEC. 615. (a) The Secretary shall prepare and submit the annual report required by section 8 of the Act of August 11, 1888, in two volumes. Volume I shall consist of a summary and highlights of Corps of Engineers' activities, authorities and accomplishments. Volume II shall consist of detailed information and field reports on Corps of Engineers' activities.

(b) The Secretary shall prepare biennially for public information a report for each State containing a description of each water resources project under the jurisdiction of the Secretary in such State and the status of each such project. The report for each

State shall be prepared in a separate volume.

SEC. 616. The Secretary is authorized and directed to undertake a study of the feasibility of navigation improvements at Saginaw Bay and Saginaw River, Michigan, including channel widening and deepening. The Secretary shall submit the feasibility report on such study to the Congress not later than September 30, 1985.

SEC. 617. The Secretary is authorized to study the feasibility of constructing shoreline erosion mitigation measures along the Rancho Palos Verdes coastline, California, for the purpose of providing additional stabilization for the Portuguese Bend landslide area. The Secretary shall submit the feasibility report on such study to the Congress not later than two years after the date of enactment of this Act.

SEC. 618. The Secretary is directed to expedite completion of the study of the navigation project for Sunset Harbor, California, at an estimated cost of $820,000, and to submit a report to the Congress on the results of such study not later than October 1, 1985. The study shall include a determination of the feasibility of recovery of Federal project costs through Federal participation in the local economic benefits created by the construction and operation of the project.

SEC. 619. In order to determine the advisability of specific measures to diminish shoreline erosion, marsh deterioration, salt water intrusion, hurricane vulnerability, and barrier island destruction and to carry out reasonable planning efforts that require suitable sediment for nourishment, the Secretary is authorized to conduct a nearshore sediment inventory to determine availability of suitable sediment in the offshore waters of Louisiana between Southwest Pass and Sabine Pass and in Lake Pontchartrain and in Lake Borgne, at a cost not to exceed $2,000,000.

SEC. 620. The Secretary is authorized to undertake a study of the feasibility of opening a channel between Jamaica Bay and Reynolds Channel, Long Island, New York, for the purpose of water quality improvement. The Secretary shall report the results of such study to Congress not later than one year after the date of enactment of this Act.

SEC. 621. The Secretary shall study land acquisition policies applicable to water resources projects carried out by the Secretary, including, among other things, an analysis of the acquisition policies of mineral rights in connection with such projects. Such study shall also include a complete detailed report on (1) the acquisition policies and procedures utilized by the Secretary in the acquisition of mineral rights at the water resources project for Lake Sommerville, Texas, authorized by the Flood Control Act of June 28, 1938, and (2) the acquisition policies and procedures followed in permitting reservoir lands to be used for mineral exploration and development subsequent to construction of such project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study along with such recommendations as the Secretary may have for modifications of such land acquisition policies.

SEC. 622. No Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Columbia River Basin, or the Arkansas River Basin, to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

SEC. 623. The Secretary shall immediately investigate erosion problems on the southern bank of the Black Warrior-Tombigbee River from river mile 253 to river mile 255. Not later than six months after the date of enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations for measures to alleviate such erosion problems.

SEC. 624. The Secretary is authorized to conduct a study of the feasibility of developing measures to control storm water runoff on a watershed basis. Such study shall include, among other things, a review of existing drainage codes, State statutes, and Federal programs relating to prevention of drainage soil erosion and flooding. Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations concerning development of such measures.

SEC. 625. The Secretary is authorized and directed to conduct a study (1) to analyze the differences among Corps districts and Corps divisions regarding boundary delineation and fencing practices, (2) to analyze the cost of fencing activities and the relationship of such cost to the benefits derived from such activities, and (3) to analyze the need for providing, to the greatest extent practicable and consistent with authorized project purposes, access of the project area to the general public for recreational purposes. The Secretary shall submit a report on the results of such study to Congress not later than one year after the date of the enactment of this Act.

SEC. 626. The Secretary is authorized and directed to complete a study of the Army Corps of Engineers project evaluation and selection criteria identifying all factors which create a disproportionate burden adverse to the selection of flood control or other projects under the Secretary's authority in rural areas and in areas with greater percentages of low-income individuals. Within one year of the date of the enactment of this Act the Secretary shall transmit a report to Congress on the results of such study together with specific recommendations for changes in the selection criteria that would effectively eliminate any bias against projects in such areas.

SEC. 627. The Secretary is authorized and directed to study the eradication and control of hydrilla in the Potomac River and to develop an effective plan of action for such eradication and control. Not later than September 30, 1985, the Secretary shall submit to Congress a report on the results of such study together with the plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

PART VII—PROJECT MODIFICATIONS

SEC. 701. The navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173, 1174) is hereby modified to provide that the United States shall pay for the remedial work to Long Creek Canal which the city of Virginia Beach, Virginia, was required to carry out as a result of such navigation project, at a cost not to exceed $1,660,000.

SEC. 702. The project for navigation on the Southern Branch of Elizabeth River, Virginia, authorized by resolutions of the Senate and House Public Works Committees, dated October 1, 1976, and September 23, 1976, respectively, under the provisions of section 201 of Public Law 89-298, is hereby modified to delete the requirement that local interests contribute in cash for land enhancement benefits 2.4 per centum of the construction cost, including engineering and design and supervision and administration thereof, of all work to be provided by the Corps of Engineers.

SEC. 703. The general comprehensive plan for flood control and other purposes in the Ohio River Basin authorized by the Flood Control Act approved June 28, 1938, is hereby modified to authorize the Secretary to reconstruct and repair the Cherry Street bridge and the Walnut Street bridge, Massillon, Ohio, at an estimated cost of $2,100,000. Non-Federal interests shall own, operate, and, upon completion of the work authorized by this section, maintain such bridges in accordance with the requirements of the Flood Control Act approved June 28, 1938.

SEC. 704. The navigation project at Mamaroneck Harbor, New York, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1038), the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), and section 101 of the Rivers and Harbors Act of 1960 (74 Stat. 480) is hereby modified to provide that the Federal share of the additional cost of disposing in ocean waters dredged material resulting from dredging necessary to maintain the project, above the cost of disposing of such dredged material on land, shall be 80 per centum.

SEC. 705. The hurricane-flood protection project for Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298) is hereby modified to provide that the Secretary is authorized to construct features, such as a flood wall with sluice gates or other means, at an estimated cost of $3,500,000, to insure that, by the most economical means, the level of protection within Jefferson Parish provided by the hurricane-flood protection project will be unimpaired as the result of any pumping station constructed by local interests. Requirements for non-Federal cooperation for the additional work authorized by this section shall be on the same basis as levee improvements for hurricane-flood protection on this project.

SEC. 706. The project for Reelfoot Lake, Lake numbered 9, Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that operation of the pumping plant

feature of such project shall be the responsibility of the United States.

SEC. 707. The Yaquina Bay and Harbor project, Oregon, authorized by the River and Harbor Act approved March 2, 1919, is modified to authorize the Secretary to raise the south jetty to protect vehicular access which was provided at non-Federal cost and to protect public use areas on accreted land adjacent to the south jetty, from damaging effects of overtopping of the jetty, on condition that local interests provide the necessary lands, easements, and rights-of-way for such modification. The estimated Federal construction cost of this modification is $2,200,000.

SEC. 708. The project for flood control and other purposes on the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175) is hereby modified to authorize the Secretary, upon request of and in coordination with the Colorado Department of Natural Resources and upon the Chief of Engineers' finding of feasibility and economic justification, to reassign a portion of the storage space in the Chatfield Lake project to joint flood control-conservation purposes, including storage for municipal and industrial water supply, agriculture, and recreation and fishery habitat protection and enhancement. Appropriate non-Federal interests shall agree to repay the cost allocated to such storage in accordance with the provisions of the Water Supply Act of 1958, the Federal Water Project Recreation Act, and such other Federal laws as the Chief of Engineers determines appropriate.

SEC. 709. The project for flood protection on the Sacramento River, California, authorized by the Flood Control Act approved March 1, 1917, as amended, is hereby further modified to authorize the Secretary to construct bank protection works along the reach of the Sacramento River and its tributaries from Red Bluff to Shasta Dam, and from Chico Landing downstream along each bank to the head of the Sacramento River flood control project levees, subject to the same requirements of non-Federal cooperation applicable to other similar elements of the project, and to include mitigation of fish and wildlife losses induced by the project. The evaluation and justification of the project shall be based on the overall benefits and costs of all project elements. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 to carry out the purposes of this section.

SEC. 710. The project for King Harbor, Redondo Beach, California, authorized in the River and Harbor Act of 1950, is hereby modified to provide that all costs of the dredging and maintenance of such project shall be borne by the United States and that the Secretary shall restore the breakwaters to a height of 22 feet and maintain the breakwaters at such height. The Secretary is authorized to study the need for and feasibility of raising the breakwater to a height greater than 22 feet. Not later than two years after the date of enactment of this Act, the Secretary shall make a report of such study with recommendations to the Congress.

SEC. 711. The plan for the harbor improvement at Honolulu Harbor, Oahu, Hawaii, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) is hereby modified to delete the requirement that local interests contribute in cash, prior to initiation of construction, a lump sum amounting to 2.6 per centum of the estimated first cost of the general navigation facilities for the project, ascribed to land enhancement through disposition of dredged material.

SEC. 712. (a) The navigation project for Santa Cruz Harbor, Santa Cruz, California, authorized in section 101 of the River and Harbor Act of 1958 (Public Law 85-500) is hereby modified to provide that the United States shall reimburse the non-Federal interests for 80 per centum of the cost of acquiring and installing the sand bypassing facility authorized as part of such project, at an estimated cost of $36,000,000, and that none of the costs of operating and maintaining such facility or of any maintenance dredging in such harbor shall be paid by the United States. Such project is also modified to authorize the Secretary to seal the east jetty of such harbor to prevent sand from passing through.

(b) The Secretary shall study the long-term solutions to the shoaling problems in Santa Cruz Harbor and shall report the results of such study, along with recommendations, to the Congress upon completion of such study. There is authorized to be appropriated $600,000 for fiscal years beginning after September 30, 1984, to carry out this subsection.

SEC. 713. The project for the mouth of the Colorado River, Texas, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the diversion channel authorized as a part of such project to divert Colorado River flows into Matagorda Bay shall be constructed and maintained entirely at Federal expense and for the purpose of fish and wildlife enhancement, at an estimated additional construction cost of $425,000. The benefits attributable to the diversion channel shall be deemed to at least equal its costs.

SEC. 714. The project for the town of Niobrara, Nebraska, authorized by section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby modified to authorize and direct the Secretary to relocate existing Nebraska Highway Numbered 12 through the relocated town of Niobrara, Nebraska, with necessary connections to Nebraska Highway Numbered 14, at an estimated cost of $1,600,000.

SEC. 715. The comprehensive plan for the development of the water resources of the Alabama-Coosa River and tributaries, authorized by section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 10), as modified by Public Law 83-436, approved June 29, 1954 (68 Stat. 302), is further modified as follows: the plan for the Coosa River segment of the waterway between Montgomery and Gadsden, Alabama, is hereby modified generally in accordance with the plans contained in the report of the District Engineer, Mobile District, entitled "Montgomery to Gadsden, Coosa River Channel, Alabama, Design Memorandum No. 1, General Design", dated May 1982, subject to such modification thereof from time to time as the Secretary may deem advisable. The interest rate to be used in determining benefits and costs of the modified project shall continue to be that rate which is applicable to the project as originally authorized.

SEC. 716. (a) The LaFarge Dam project for flood control and allied purposes for the Kickapoo River, Wisconsin, authorized by the Flood Control Act of 1962, is hereby modified to authorize and direct the Secretary to construct as soon as possible and with available funds, the flood control levee, channel improvement, and interior drainage facilities for Gays Mills, Wisconsin, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 450, Eighty-seventh Congress, at an estimated cost of $4,000,000. The project features authorized by this section may be funded under section 205 of the Flood Control Act of 1948, as amended. Benefits and costs resulting from construction of such project features shall continue to be included for purposes of determining the economic feasibility of completing the partially constructed LaFarge Dam.

(b) The Secretary is authorized and directed to complete as soon as possible a reconnaissance study under section 205 of the Flood Control Act of 1948 with respect to such structural and nonstructural measures as the Secretary determines are necessary and appropriate to prevent flood damage in the vicinity of Viola, Wisconsin.

SEC. 717. The project for flood control in East Saint Louis and vicinity, Illinois, authorized by section 204 of the Flood Control Act of 1965, is hereby modified to authorize the Secretary to provide drainage channels in conjunction with the pumping plant to improve project effectiveness and the local environment, substantially in accordance with the report of the District Engineer, Saint Louis district, entitled "Reevaluation Report, Bluewaters Ditch area", dated September 1976, at an estimated additional cost of $1,130,000.

SEC. 718. The project for flood protection at Winona, Minnesota, authorized under the provisions of section 201 of the Flood Control Act of 1965, is hereby modified to provide that changes to two bridges within the limits of the city of Winona, Minnesota, made necessary by the project and its present plan of protection, shall be accomplished entirely at Federal expense, at an estimated cost of $630,000.

SEC. 719. The project for flood control, Wenatchee, Washington, Canyons 1 and 2, authorized by resolution of the Committees on Public Works of the House of Representatives and Senate on December 15 and 17, 1970, respectively, is hereby modified, notwithstanding any other provision of law (including section 302 of this Act), to authorize the Secretary to acquire lands, easements, and rights-of-way and to make relocations for such project on condition that local interests enter into a legally binding agreement before construction to reimburse the United States for the non-Federal share of the cost of such project, including interest on the unpaid balance, in not more than fifty equal annual installments. The non-Federal share of the cost of such project shall be determined under such section 302. The rate of interest on the unpaid balance shall be that specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85-500).

SEC. 720. The project for replacement of locks and dam 26, Mississippi River, Alton, Illinois and Missouri, authorized by section 102 of the Act of October 21, 1978 (Public Law 95-502), is modified to provide for the repair of the Red School House County Road, St. Charles County, Missouri, to such standard as the Secretary determines reasonable, but in no event to a standard less than the minimum standard required by such county.

SEC. 721. (a) Subsection (a) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and thereafter to maintain

such channel free of such trees, roots, silt, debris, and objects.".

(b) Subsection (b) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at end thereof the following new sentence: "Non-Federal interests shall pay 25 per centum of the cost of maintaining the channel free of such trees, roots, silt, debris, and objects.".

SEC. 722. Subsection (a) of section 92 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) in the third sentence thereof, by striking out "Each installment" and inserting in lieu thereof "Except as provided in paragraph (2) of this subsection, each installment"; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Secretary of the Army, acting through the Chief of Engineers, shall, upon the request of Saint Bernard Parish, Louisiana, modify the agreement entered into between the Secretary and Saint Bernard Parish pursuant to this section so that each installment to be paid by Saint Bernard Parish as its part of the non-Federal share of the cost of the hurricane-flood protection project on Lake Pontchartrain, Louisiana, shall be one-fiftieth of the remaining unpaid balance as set forth in such agreement plus interest on such balance, and the total of such installments shall be sufficient to achieve full payment of such balance, plus interest, within fifty years of the initiation of project construction.".

SEC. 723. The second sentence of subsection (b) of section 116 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended to read as follows: "The Secretary of the Army, acting through the Chief of Engineers, shall, before beginning any operation to maintain the channel authorized by this section, enter into a separate agreement with the appropriate non-Federal interests which is applicable only to that operation and which requires such non-Federal interests to pay 25 per centum of the cost of such maintenance operation.".

SEC. 724. The second paragraph under the center heading "BRAZOS RIVER BASIN" in section 10 of the Flood Control Act of 1946 (60 Stat. 649), is amended by inserting "or water supply" after "irrigation".

SEC. 725. The project for navigation at Houston Ship Channel (Greens Bayou), Texas, authorized under section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is hereby modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a forty-foot project depth in that section of Greens Bayou from mile 0 to mile 0.34 as described in House Document Numbered 257, Eighty-ninth Congress.

SEC. 726. The Secretary is authorized to modify any water resources development project for mitigation of damages to fish and wildlife if the estimated cost of such modification does not exceed 10 per centum of the estimated total cost of such project or $7,500,000, whichever is the lesser. No appropriation shall be made for any such modification of a project if such modification has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a report of such modification, including all relevant data and all costs.

SEC. 727. (a) Bank protection activities conducted under the Rio Grande bank protection project pursuant to the First Deficiency Appropriation Act, 1945, approved April 25, 1945 (59 Stat. 89), may be undertaken in Starr County, Texas, notwithstanding any provision of such Act establishing the counties in which such bank protection activities may be undertaken, at an estimated cost of $700,000.

(b) Any bank protection activity undertaken in Starr County, Texas, pursuant to subsection (a) of this section shall be—

(1) in accordance with such specifications as may be prepared for such purpose by the International Boundary and Water Commission, United States and Mexico; and

(2) except as provided in subsection (a), subject to the terms and conditions generally applicable to activities conducted under the Rio Grande bank protection project.

SEC. 728. The project for the Anacostia River and tributaries, District of Columbia and Maryland, approved under authority of section 205 of the Flood Control Act of 1948, is hereby modified to authorize the Secretary to prevent damage to the project caused by the one hundred-year flood, including, but not limited to, replacing riprap, removing sediment deposits, shaping and sodding slopes, and seeding, at an estimated cost of $4,400,000.

SEC. 729. The navigation project for Yazoo River, Mississippi, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the cost of the alteration of the Shepardstown Bridge (mile 147.8) shall be entirely borne by the United States, at an estimated cost of $3,600,000.

SEC. 730. The project for flood control on Corte Madera Creek, Marin County, California, authorized by section 201 of the Flood Control Act of 1962 is hereby modified to authorize and direct the Secretary to construct the project for unit 4, from the vicinity of Lagunitas Road Bridge to Sir Francis Drake Boulevard, substantially in accordance with the plan, dated February 1977, on file in the office of the San Francisco district engineer. The plan is hereby further modified to authorize and direct the Secretary to construct such flood proofing measures as may be necessary to individual properties and other necessary structural measures in the vicinity of Lagunitas Road Bridge to insure the proper functioning of the completed portions of the authorized project. The non-Federal share of the costs of such measures shall be in accordance with the cost-sharing provisions contained in section 73(b) of the Water Resources Development Act of 1974. The project is hereby further modified to eliminate any channel modifications upstream of Sir Francis Drake Boulevard.

SEC. 731. The project for improvement of the Mississippi River below Cape Girardeau with respect to the Teche-Vermilion Basins, Louisiana, authorized in the Flood Control Act of 1966, is hereby modified to require the Secretary to relocate at Federal expense the Highway 71 bridge required to be relocated by this project or, at his discretion, to reimburse local interests for such relocation carried out by them at an estimated cost of $1,200,000.

SEC. 732. The Granger Dam project, San Gabriel River, Texas, is modified to require the Secretary to elevate, relocate, or make such other changes as may be necessary to insure that county roads numbered 361 and 428, including bridges, Williamson County, Texas, be upgraded to conform to the same standards as relocated FM Road numbered 971 at a cost not to exceed $3,800,000. The work authorized by this section shall not be commenced until appropriate non-Federal interests agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance.

SEC. 733. The project for Lewisville Lake, Texas, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to authorize and direct the Secretary to take such actions as may be necessary to insure that approximately four thousand feet, including bridges and approaches, of the road crossing Cottonwood Branch of Lewisville Lake, Texas, formerly designated State Highway 24T, will be above elevation five hundred and thirty-two feet above mean sea level, at an estimated cost of $3,200,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to accept all such work thereafter for operation and maintenance.

SEC. 734. The project for Dardanelle lock and dam, Arkansas, authorized by the River and Harbor Act approved July 24, 1946, is hereby modified to authorize and direct the Secretary to take such action as may be necessary to replace the existing bridge across Cane Creek, Logan County, Arkansas, with a new bridge at an estimated cost of $1,800,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance and no other requirements shall be imposed on non-Federal interests in connection with this work.

SEC. 735. The project for flood protection on the Susquehanna River at Sunbury, Pennsylvania, authorized by the Flood Control Act of 1936, as modified by the Flood Control Act of 1941, is hereby modified to authorize and direct the Secretary to permanently seal the closure structure at the abandoned Reading Railroad site, at an estimated cost of $75,000.

SEC. 736. The project for the Hudson River, New York; New York City to Waterford authorized by the Act of June 25, 1910 (Public Law 318, Sixty-first Congress), as amended, is modified to authorize the Secretary to remove shoals between the mouth of Roeliff Jansen Kill, Columbia County, New York, and the present navigation channel and to place such removed material at an appropriate site designated by the State of New York, at an estimated cost of $150,000.

SEC. 737. The flood control project for the San Lorenzo River, Santa Cruz County, California, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary to dredge the San Lorenzo River to provide flood protection to Santa Cruz, California, and surrounding areas, entirely at Federal expense, at an estimated cost of $3,500,000. No dredging of such river (other than that authorized by the preceding sentence) shall be accom-

plished by the Secretary, except as provided in a law enacted after the date of enactment of this Act.

SEC. 738. The project for flood protection along the Sacramento River and its tributaries, California, authorized by the Flood Control Act of 1917, as amended, is hereby modified to authorize and direct the Secretary to accomplish remedial construction necessary to restore the project flood control levees along the Colusa Trough Drainage Canal and the Knights Landing Ridge Cut, at an estimated cost of $10,400,000.

SEC. 739. The project for New Melones Dam and Reservoir, California, authorized by the Flood Control Act of 1962 is hereby modified to authorize the following roads to be upgraded to Federal-aid secondary system standards: (1) 5.1 miles of the Parrotts Ferry Road, from north of the Parrotts Ferry Bridge to State Route 4 at Vallecito, Calaveras County, California, and (2) 5.4 miles of Parrotts Ferry Road from south of the Parrotts Ferry Bridge to State Route 49 near Sonora, Tuolumne County, California, at an estimated Federal cost of $15,000,000. The cost of the work authorized by this section shall be paid entirely by the United States.

SEC. 740. After the date of the enactment of this section, the Secretary of the Army shall have all of the authority which the Secretary of the Air Force has immediately prior to such date over the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona. The Secretary is authorized to take necessary remedial measures to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona, constructed under authority of section 304 of Public Law 209 of the Eighty-third Congress, at an estimated cost of $7,500,000. The Secretary is authorized to reimburse any non-Federal interest for any remedial measure (1) carried out by such interest, after January 1, 1983, and before the date of enactment of this Act, to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) at a level of flood protection equal to the level of flood protection provided by such dam before January 1, 1977, and (2) approved by the dam safety agency of the State of Arizona.

SEC. 741. The Secretary is authorized to acquire real property by condemnation, purchase, donation, exchange, or otherwise, as a part of any water resources development project for use for public park and recreation purposes, including but not limited to, real property not contiguous to the principal part of the project.

SEC. 742. The following water resources development projects are modified to authorize the Secretary to construct the beach erosion control, storm protection, or navigation feature of the project separately or in combination with the other such features:

(1) Great Egg Harbor Inlet and Peck Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965 (79 Stat. 1073, 1074).

(2) Corson Inlet and Ludlam Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

(3) Townsend Inlet and Seven Mile Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 743. The project for the Apalachicola-Chattahoochee-Flint Rivers, Georgia and Florida, authorized in section 2 of the River and Harbor Act of 1945 (Public Law 79-14; 59 Stat. 10) is hereby modified to authorize the Secretary—

(1) in the course of routine maintenance dredging, to restore and maintain access (in the interest of navigation and ecological restoration) to bendways and interconnecting waterways, including the upper and lower inlets to Poloway cutoff, isolated during construction and maintenance activities by the Federal Government; and

(2) to acquire lands for and to construct, operate, and maintain water-related public use and access facilities along and adjacent to the Apalachicola River downstream of Jim Woodruff lock and dam to Apalachicola, Florida, except that the Secretary shall proceed with the acquisition of lands for the construction of water-related public use and access facilities and the operation and maintenance of such facilities at not more than one area within each county bordering the Apalachicola River.

The Federal and non-Federal share of activities authorized by paragraph (2) of this subsection shall be determined in accordance with the provisions of the Federal Water Project Recreation Act of 1965 (Public Law 89-72; 79 Stat. 213).

SEC. 744. In order to assure adequate flood protection for developed areas in the vicinity of the Cowlitz and Toutle Rivers, Washington, and to improve navigation in the Columbia River, the navigation project on the Cowlitz River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 665), is hereby modified to authorize the Secretary to implement and maintain interim flood control measures on the Cowlitz and Toutle Rivers by dredging or other means determined by the Secretary to be necessary to assure flood protection for developed areas in the vicinity of such rivers against a one-hundred-year flood on the lower Cowlitz River and to reduce sedimentation flow and the chance of blockage on the Columbia River.

Sec. 745. The project on Milk River for local flood protection at Havre, Montana, authorized by section 10 of the Flood Control Act approved December 22, 1944 (58 Stat. 897), is hereby modified to authorize the Secretary to reconstruct or replace, whichever the Chief of Engineers determines necessary and appropriate, the water supply intake weir of the city of Havre, Montana, at an estimated cost of $1,400,000.

SEC. 746. The Lower Granite lock and dam feature of the project for navigation, Snake River, Oregon, Washington, and Idaho, authorized by the first section of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is hereby modified to authorize the Secretary to construct an all-weather surface road in Whitman County, Washington, from Whitman County Road 9000 in Wawawai Canyon to Lower Granite Dam and the Port of Almota, at an estimated cost of $7,870,000.

SEC. 747. The project for Curwensville Lake, Pennsylvania, authorized by the Flood Control Act of 1954 is hereby modified to authorize the Secretary to construct, at full Federal expense, a water line with pumps from the Pike Township Water Authority to the Bloomington holding tank in order to provide water for municipal use to the town of Bloomington, Pennsylvania, at an estimated cost of $300,000.

SEC. 748. The project for flood protection, Waterloo, Iowa, authorized by section 204 of the Flood Control Act of 1965 is hereby modified to provide that the reconstruction of the bridge on United States Highway 20 and the Lafayette Street bridge which are required as a result of the Blowers Creek phase of the project shall be carried out at full Federal expense, at an estimated cost of $1,700,000.

SEC. 749. The Mud Lake feature of the project for the western Tennessee tributaries, Tennessee and Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that the requirements of local cooperation shall be (1) to hold and save the United States free from damages due to the construction works, and (2) to maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary.

SEC. 750. The project for flood control on the Kawkawlin River, Michigan, authorized under the authority of section 205 of the Flood Control Act of 1948, as amended, is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary, at an estimated annual cost of $70,000.

SEC. 751. The project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938 (52 Stat. 1219), as amended, is hereby modified to provide that the Secretary is authorized to reallocate from hydropower storage to water supply storage, in increments as needed, up to an additional 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Texas and up to 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Oklahoma. For that portion of the water storage reserved for users in the State of Oklahoma, the Secretary may contract, in increments as needed, with qualified individuals, entities, or water utility systems for use within the Red River Basin; except that for any portion of that water to be utilized outside the Red River Basin, the Secretary shall contract with the RedArk Development Authority. For the portion of the water storage reserved for users in the State of Texas, the Secretary shall contract, in increments as needed, for 50,000 acre-feet with the Greater Texoma Utility Authority and 100,000 acre-feet with the North Texas Municipal Water District. All contracts entered into by the Secretary under this section shall be under terms in accordance with section 301(b) of the Water Supply Act of 1958 (Public Law 85-500). No payment shall be required from and no interest shall be charged to users in the States of Oklahoma or Texas for the reallocation authorized by this section until such time as the water supply storage reserved under such reallocation is actually first used. Any contract entered into for the use of the water received under this section shall require the contracting entity to begin principal and interest payments on that portion of the water allocated under the contract at the time the entity begins the use of such water. Until such time, storage for which reallocation is authorized in this section may be used for

hydropower production. Nothing in this section shall be construed as amending or altering in any way the Red River Compact. In consideration of benefits in connection with such reallocation and usage of municipal, industrial, and agricultural water, all benefits that can be assigned to the Red River chloride control project, Texas and Oklahoma, or the Red River and tributaries multipurpose study, Oklahoma, Texas, Arkansas, and Louisiana, and any individual projects arising from such study, shall be reserved for such projects. Nothing in this section shall affect water rights under the laws of the States of Texas and Oklahoma.

SEC. 752. The navigation project for Buffalo Ship Canal, Buffalo, New York, authorized by the River and Harbor Act of March 2, 1945, is hereby modified to authorize and direct the Secretary to take such actions as may be necessary to construct a high-lift span bridge in the vicinity of the Coast Guard station, approximately 3,600 feet north of South Michigan Avenue, over the ship channel, at full Federal expense, at an estimated cost of $18,000,000.

SEC. 753. The project for Jackson Hole, Snake River, local protection and levee, Wyoming, authorized by the River and Harbor Act of 1950, is hereby modified to provide that the operation and maintenance of the project and additions and modifications thereto constructed by non-Federal interests shall be the responsibility of the Secretary, except that the non-Federal interests shall pay the first $35,000, in cash or materials, of the cost of any such operation and maintenance in any one year.

SEC. 754. The project for navigation for Newport Bay Harbor, Orange County, California, authorized by the River and Harbor Act approved August 26, 1937 (50 Stat. 849), and section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is modified to authorize the Secretary to dredge and maintain the upper Newport Bay to the boundary of the Upper Newport Bay State Ecological Preserve to a depth consistent with the depth in the existing project for lower Newport Bay, at an estimated cost of $2,500,000.

SEC. 755. The project for flood control and other purposes in the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is modified to provide that the Chatfield Dam and any other authorized Federal improvements in the South Platte River Basin shall be operated in a manner that achieves the authorized level of flood protection, as determined by the Secretary, for the area beginning at the Chatfield Dam and ending at a point 82 miles downstream.

SEC. 756. The multipurpose project at Beaver Lake, Arkansas, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and in consultation with appropriate State and local agencies, to conduct a one-year comprehensive study of the Beaver Lake reservoir to identify measures which will optimize achievement of the project's purposes while preserving and enhancing the quality of the reservoir's water. Upon completion of the study the Secretary shall undertake a demonstration project at Beaver Lake to determine the effectiveness of measures identified in such study for preserving and enhancing the quality of the reservoir's water for current and future users, at full Federal expense and at an estimated cost of $5,000,000.

SEC. 757. (a) The Mississippi River-Gulf outlet feature of the project for Mississippi River, Baton Rouge to Gulf of Mexico, authorized by the Act of March 29, 1956 (Public Law 455 of the Eighty-fourth Congress, 70 Stat. 65), is modified to provide that the replacement and expansion of the existing industrial canal lock and connecting channels or the construction of an additional lock and connecting channels shall be in the area of the existing lock. The Federal share of the cost of such modification shall be paid from the Port Infrastructure Development and Improvement Trust Fund. The conditions of local cooperation specified in House Document Numbered 245, Eighty-second Congress, shall apply to the construction of the replacement or additional lock and connecting channels, except that the additional costs, as determined by the Chief of Engineers, of lands, easements, and rights-of-way acquisition and relocations of residences, industries, and utilities beyond those costs at the Meraux site (Violet), including such costs attributable to the relocation, replacement, modification, or construction of bridges, shall be borne by the United States. All other costs of relocation, replacement, modification, or construction of bridges (at a cost not to exceed $94,500,000), required as a result of the construction of the replacement or additional lock and connecting channels shall be borne by the United States; and before construction of bridges may be initiated the non-Federal public bodies involved shall agree (1) to hold and save the United States free from damages resulting from construction of the bridges and their approaches, (2) upon completion of construction, to accept title to such bridges and approaches and thereafter to operate and maintain the bridges and their approaches as free facilities.

(b) The Secretary is directed to make a maximum effort to assure the full participation of members of minority groups, living in the affected areas, in the construction of the replacement or additonal lock and connecting channels authorized by subsection (a) of this section, including actions to encourage the use, wherever possible, of minority-owned firms. The Chief of Engineers is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendations for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

SEC. 758. The project for flood protection on the Saginaw River, Michigan, authorized by the Flood Control Act of 1958 (Public Law 85-500), is modified (1) to provide that the Secretary shall first construct the Flint and Shiawassee Rivers portion of the Shiawassee Flats unit of such project and that such construction shall begin, with available funds, during fiscal year 1984, and (2) to authorize the Secretary to reconstruct or relocate, whichever the Secretary determines is necessary, the Curtis Road Bridge, at full Federal expense and at an estimated cost of $350,000. Such project is also modified to include necessary measures to alleviate project-induced flood damages to areas outside the project area and to include such channelization measures in the Shiawassee Flats unit as the Secretary determines necessary for flood control purposes. For the purpose of determining the non-Federal share of the cost of the project, as modified, the cost of reconstruction or relocation of the Curtis Road Bridge, as the case may be, shall not be included in the cost of the project.

SEC. 759. The navigation project for Brunswick Harbor, Georgia, authorized by the River and Harbor Act of 1950, is hereby modified to incorporate the Georgia Ports Authority's 30-foot-deep by 300-foot-wide by 8,000-foot-long channel in the South Brunswick River serving Colonel's Island terminal facilities.

SEC. 760. The project for navigation at Houston Ship Channel (Barbour Terminal Channel), Texas, authorized by section 107 of the River and Harbor Act of 1960 (74 Stat. 486), is modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a 40-foot project depth in the Barbour Terminal Channel.

SEC. 761. (a) The Hansen Dam project authorized as part of the flood control project for the Los Angeles and San Gabriel Rivers, California, by section 5 of the Flood Control Act approved June 22, 1936 (49 Stat. 1589), is hereby modified to authorize the Secretary to contract for the removal and sale of dredged material from the flood control basin for Hansen Dam, Los Angeles County, California, for the purposes of facilitating flood control, recreation, and water conservation. All funds received by the Secretary from the sale of such dredged material shall be deposited in the general fund of the Treasury.

(b) There is authorized to be appropriated for fiscal years beginning after September 30, 1984, an amount not to exceed the amount of funds received by the Secretary from the sale of dredged material under subsection (a). Amounts appropriated under this subsection shall be available to the Secretary—

(1) to construct, operate, and maintain recreational facilities at the Hansen Dam project; and

(2) to the extent consistent with other authorized project purposes, to facilitate water conservation and ground water recharge measures at the Hansen Dam project in coordination with the city of Los Angeles, California, and the Los Angeles County Flood Control District;

at full Federal expense.

SEC. 762. The project for navigation, Newport News Creek, Virginia, authorized by the River and Harbor Act of 1946, is hereby modified to authorize the relocation and reconstruction by the State of Virginia of the project upon approval of plans for such relocation and reconstruction by the Secretary.

SEC. 763. The project for flood protection, Turtle Creek, Pennsylvania, authorized by the Flood Control Act of 1958, is hereby modified to authorize and direct the Secretary to repair and restore such project so that such project serves its project purposes. Such repairs and restoration shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary to furnish its required cooperation for such repairs and restoration in accordance with the project agreement and to comply with section 221 of the Flood Control Act of 1970 and the non-Federal share requirements of section 302 of this Act.

SEC. 764. The project for navigation, Dunkirk Harbor, New York, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and

resolution of the Committee on Public Works of the Senate, dated June 22, 1971, is modified to authorize the Secretary to include dredging and maintenance of the eastern inner harbor of such project in accordance with such plans as the Secretary, in consultation with appropriate non-Federal interests, may develop, at an estimated cost of $2,300,000.

SEC. 765. The project for navigation at Houston Ship Channel (Bayport Ship Channel), Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 298), is modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a 40-foot project depth in the Bayport Ship Channel.

SEC. 766. (a) The project for navigation for Honolulu Harbor, Hawaii, authorized by section 101 of the River and Harbor Act of 1954, is modified to authorize and direct the Secretary to maintain a 23-foot project depth in the Kalihi Channel portion of such project.

(b) The consent of Congress is hereby given to the State of Hawaii to construct, operate, and maintain a fixed-span bridge in and over the water of the Kalihi Channel, Honolulu Harbor, Hawaii.

SEC. 767. The project for navigation, Bayou Lafourche and Lafourche-Jump Waterway, Louisiana, authorized by the River and Harbor Act of August 30, 1935, is hereby modified to provide for the maintenance by the Secretary of a channel 30 feet deep from mile minus 2 to mile 0 in Belle Pass and of a channel 24 feet deep from mile 0 to mile 4 in Bayou Lafourche. The Secretary is authorized and directed to study the feasibility of deepening the channel from mile 0 to mile 4 in Bayou Lafourche to 30 feet. The Secretary shall report the results of such study with recommendations to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 768. (a) The project for harbor improvement at Noyo, Mendocino County, California, authorized by the River and Harbor Act of 1962 (76 Stat. 1173), is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the cost of areas required for initial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, and movement of materials therefor.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary upon a finding by the Administrator of the Environmental Protection Agency (1) that for the area to which such construction applies, the State of California, municipalities, and other appropriate political subdivisions of the State and industrial concerns are participating in, and in compliance with, an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities, and (2) that applicable water quality standards are not being violated.

(c) If, in lieu of diked disposal, the Secretary determines ocean disposal is necessary to carry out the project, the Federal share of the cost of such ocean disposal shall be 100 per centum.

SEC. 769. The project for flood control, Endicott, Johnson City, and Vestal, New York, authorized by the Flood Control Act of 1954, is hereby modified to authorize the Secretary to undertake such measures as may be necessary to correct erosion problems affecting the levee at Vestal, New York, and to perform necessary work to protect the levee and restore it to its design condition, at an estimated cost of $700,000. The non-Federal share of the cost of such measures and work shall be determined under section 302 of this Act.

SEC. 770. The flood control project for Sardis Lake, authorized by section 203 of the Flood Control Act of 1962, as modified by section 108 of the Energy and Water Development Appropriation Act of 1982, is modified to authorize and direct the Secretary to plan, design, and construct access road improvements to the existing road from the west end of Sardis Lake to Daisy, Oklahoma, at full Federal expense and at an estimated cost of $10,000,000. Non-Federal interests shall operate and maintain facilities at their own expense.

SEC. 771. The project for navigation, Cambridge Creek, Maryland, is modified to authorize and direct the Secretary to narrow the channel in the existing project, as determined necessary by the Secretary for the purpose of enhancing economic development in the area of such creek. No appropriation shall be made for carrying out such modification, if such modification has not been approved by resolution adopted by the Committee on Public Works and Transportation of the Houses of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 772. (a) The project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, authorized by the River and Harbor Act of 1958, is modified to provide that the first Federal construction increment of the Ocean Township to Sandy Hook reach of such project shall consist of a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Beach, at an estimated cost of $40,000,000.

(b) The non-Federal share of the cost of construction and maintenance of the Ocean Township to Sandy Hook reach of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, shall consist of amounts expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth Beach, New Jersey.

(c) Before initiation of construction of any increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, non-Federal interests shall agree to provide public access to the beach for which such increment of the project is authorized in accordance with all requirements of State law and regulations.

PART VIII—WATER SUPPLY

SUBPART A—LOAN PROGRAM

SEC. 801. This subtitle may be cited as the "Water Supply Rehabilitation and Conservation Act of 1983".

SEC. 802. The Congress hereby finds that—

(1) many water supply systems are in deterioration and that authority has not been granted to any Federal water development agency to assist many existing municipal and industrial water supply systems;

(2) certain regions of the Nation are facing serious water supply problems and large quantities of water are being wasted as a result of aging and deteriorating water supply and distribution facilities;

(3) modernizing existing water supply systems is an important part of any effort to rejuvenate the Nation's older cities and remove impediments to economic growth;

(4) many water supply systems have experienced difficulty in obtaining capital necessary to accomplish repairs, rehabilitations, expansions, and improvements required for efficient and reliable operation;

(5) in light of historic and continuing Federal involvement in meeting many other water supply needs, there is a national need to rehabilitate and upgrade existing water supply systems;

(6) in all regions of the country and in all circumstances in which the Federal Government is involved in providing water supply, it is essential to promote water conservation; and

(7) encouraging the use of low-flow devices in new construction, improving metering and rate schedules and leak detection programs, and adopting other water conservation methods saves water and energy.

SEC. 803. For purposes of this subtitle—

(1) The term "expansion", as used with respect to a water supply system, means the installation of water supply facilities necessary to increase the service capability or efficiency of the water supply system.

(2) The term "improvement", as used with respect to a water supply system, means any activity other than rehabilitation designed to improve service reliability or efficiency of the water supply system.

(3) The term "rehabilitation", as used with respect to a water supply system, means the repair or replacement of components or facilities required to restore service reliability or efficiency of the water supply system.

(4) The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(5) The term "water supply system" means the facilities used in the production and pumping of water for consumption (including, but not limited to, water storage, desalination, and other collection and purification techniques), water treatment facilities (other than sewage treatment facilities), and the water distribution and conveyance facilities used to provide water for municipal and industrial purposes.

SEC. 804. (a) Subject to the provisions of this subtitle, the Secretary may make loans to—

(1) any department, agency, or instrumentality of one or more State or local governments which operates a water supply system, and

(2) any person who operates a water supply system the rates and services of which are subject to regulation by a department, agency, or instrumentality of a State government,

for the purpose of repair, rehabilitation, expansion, or improvement of such system.

(b)(1) Subject to the provisions of section 810, the amount of any loan under this subtitle shall not exceed 80 per centum of the cost of the project for which the loan is made. Such costs shall include, but not be limited to, the costs of (A) engineering, (B) design, and (C) acquisition of water rights, lands, easements, and rights-of-way, necessary to carry out the project.

(2) The Secretary may not lend under this subtitle in any fiscal year (A) more than $40,000,000 to any operator of a water supply system, and (B) more than $80,000,000 for water supply projects in any State.

(c) No loan may be made under this subtitle for any purpose not related to water supply or water conservation.

(d) No loan may be made under this subtitle for the purpose of acquisition by a supplier of water of any other supplier of water serving a population of more than 1,000 persons.

(e) No loan may be made under this subtitle for any project which is intended solely to increase the number of persons served by a water supply system.

(f)(1) For the purpose of securing consideration and approval of loans under this subtitle, not later than 180 days after the date of enactment of this Act, and not later than January 15 of each year thereafter, the Secretary shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate (hereinafter in this subsection referred to as "the committees") a list of any applications for loans fulfilling all requirements for loans under this subtitle, a detailed summary of all such applications, and a recommendation of approval or disapproval for a loan for each such application. Not later than 270 days after the date of enactment of this Act, and not later than May 15 of each year thereafter, the committees shall adopt a resolution listing those loans, if any, approved under this subtitle. Except for loans authorized by section 813 of this Act, no appropriation shall be made for any loan under this subtitle if the application for such loan has not been approved by such resolution adopted by the committees.

(2) Any loan approved and authorized for appropriations pursuant to the provisions of paragraph (1) of this subsection shall not be authorized after the 5-year period beginning on the date of approval of such loan by the committees unless during such period funds have been obligated for such loan under this subtitle.

SEC. 805. (a) Any operator of a water supply system seeking a loan under this subtitle shall submit an application to the Secretary for such loan in such form and manner as the Secretary may require by regulation. Each such application shall be accompanied by a payment of one percent of the amount of the loan requested in such application (but in no event more than $10,000).

(b) Any application for a loan under this subtitle shall include, among other things (1) a detailed plan and estimated cost of the project for which the loan is applied, (2) a showing (A) that the applicant holds or can acquire all lands and interests in land (except public and other lands and interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by the Secretary) and rights to the use of water pursuant to applicable State law necessary for the successful completion, operation, and maintenance of the project, and (B) that the applicant is ready, willing, and able to finance the portion of the cost of the project which will not be covered by the loan, and (3) a showing of the improvements the proposed project will make in supplying water for domestic, commercial, and industrial purposes, as well as public purposes including fire protection and recreation.

(c) The Secretary may only make loans under this subtitle with respect to projects which the Secretary determines are technologically feasible and which constitute a reasonable financial risk.

(d) In making loans under this subtitle, the Secretary shall give priority to those water supply systems which are polluted, contaminated, or threatened with pollution or contamination, to such an extent that they present a potential danger to human health.

SEC. 806. Upon approval or disapproval of a loan application under this subtitle by the Secretary, the Secretary shall pay the applicant the amount by which the payment made by such applicant under section 805(a) with respect to such application exceeds the cost incurred by the Secretary in processing such application.

SEC. 807. (a) The Secretary may only make loans under this subtitle to an operator of a water supply system if the Secretary determines that, before completion of the proposed project, the operator will, to the best of the operator's ability, implement a model water conservation program or a water conservation program, suitable to local conditions, which is equivalent to a model water conservation program.

(b) For purposes of this section, the term "model water conservation program" includes the following:

(1) Encouraging each community served by the water supply system to establish plumbing codes which promote water conservation in new construction.

(2) To the extent feasible and appropriate, utilizing water meters which promote water conservation.

(3) Establishing water rate schedules which encourage water conservation.

(4) Providing a comprehensive leak detection and repair program for water supply systems.

(5) Making public information available on home and business water conservation techniques and benefits.

(6) Developing a drought contingency plan.

SEC. 808. The Secretary shall enter into an agreement with each person to whom a loan is to be made under this subtitle. Subject to the provisions of section 810, such agreement shall include the following terms, among others:

(1) The maximum amount of the loan to be made and the time and method of making funds available under the loan.

(2) An interest rate for the loan determined in accordance with section 301(b) of the Water Supply Act of 1958 (72 Stat. 319; Public Law 85-500).

(3) Computation of interest in accordance with such section 301(b).

(4) A repayment period and a plan of repayment of the sums lent and interest determined in accordance with such section 301(b).

(5) Such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan and interest, including a provision that the operator of the water supply system shall maintain adequate rates in order to be reasonably expected to meet its obligations under the agreement and to maintain, repair, and rehabilitate the project for which the loan is made.

SEC. 809. Amounts paid with submission of loan applications under section 805(a) and amounts of loans (including interest accruing on such loans) repaid under this subtitle shall be deposited in the general fund of the Treasury.

SEC. 810. The Secretary may increase the maximum percentage of the cost of a project for which a loan may be made under this subtitle if the project for which the loan is made will serve a remote rural area or if the Secretary determines that such increase is appropriate for economic reasons.

SEC. 811. The Secretary shall issue such regulations and carry out such actions as may be necessary to carry out the objectives of this subtitle, except that the Secretary may not provide planning, design, or construction-related services to applicants for loans under this subtitle.

SEC. 812. There is authorized to be appropriated to carry out this subtitle $800,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988, and such sums as may be necessary for each fiscal year thereafter.

SEC. 813. The following water supply projects are authorized to receive loans under this subtitle:

(1) Treatment, conveyance, distribution, and pumping facilities for Buffalo, New York, at an estimated cost of $20,000,000.

(2) Treatment, conveyance, distribution, and pumping facilities for Berlin, New Hampshire, at an estimated cost of $10,000,000.

(3) Treatment, conveyance, distribution, and pumping facilities for Rochester, New Hampshire, at an estimated cost of $10,000,000.

(4) Treatment, conveyance, distribution, pumping, and storage facilities for the Islands of Saint Thomas, Saint Croix, and Saint John, Virgin Islands, at an estimated cost of $35,000,000.

(5) Conveyance, distribution, pumping, and storage facilities for Dupage County, Illinois (Dupage County Commission), at an estimated cost of $280,000,000.

(6) Conveyance facilities (Third Water Tunnel, First Stage) for New York City, at an estimated cost of $220,000,000.

(7) Treatment, conveyance, distribution, pumping, and storage facilities for Fort Smith and Van Buren, Arkansas, at an estimated cost of $25,000,000.

(8) Treatment, conveyance, distribution, production, pumping, and storage facilities for American Samoa, at an estimated cost of $20,000,000.

(9) Treatment, pumping, and conveyance facilities for William H. Harsha Lake, Ohio River Basin, Ohio, at an estimated cost of $18,400,000.

(10) Treatment, conveyance, distribution, and pumping facilities for Totowa, New Jersey (Passaic Valley Water Commission), at an estimated cost of $25,000,000.

(11) Conveyance, pumping, and distribution facilities for Jersey City, New Jersey, at an estimated cost of $15,000,000.

(12) Treatment, conveyance, pumping, distribution, production, and storage facilities for Rockaway Township, New Jersey, at an estimated cost of $10,000,000.

(13) Treatment, conveyance, pumping, distribution, production, and storage facilities for Falmouth, Kentucky, at an estimated cost of $2,500,000.

(14) Treatment, distribution, pumping, and storage facilities for the Borough of Ford City, Pennsylvania, at an estimated cost of $1,600,000.

(15) Treatment, conveyance, distribution, pumping, and storage facilities for Tucson, Arizona, at an estimated cost of $50,000,000.

(16) Conveyance, pumping, and distribution facilities for Boston, Massachusetts, at an estimated cost of $86,000,000.

(17) Conveyance, pumping, distribution, and storage facilities for Cook County, Illinois (Northwest Suburban Municipal Joint Action Water Agency), at an estimated cost of $154,400,000.

(18) Treatment, conveyance, pumping, distribution, production, and storage facilities

for Brockton, Massachusetts, at an estimated cost of $9,500,000.

(19) Treatment, conveyance, pumping, distribution, production, and storage facilities for Hesperia, California, at an estimated cost of $32,000,000.

(20) Treatment, conveyance, distribution, and pumping facilities for Philadelphia, Pennsylvania, at an estimated cost of $66,000,000.

(21) Intake, pumping, and distribution facilities for Huntington, West Virginia, at an estimated cost of $2,400,000.

(22) Treatment, conveyance, distribution, and pumping facilities for Grand Haven, Michigan, at an estimated cost of $6,900,000.

(23) Treatment, conveyance, pumping, distribution, production, and storage facilities for Battle Creek, Michigan, including identification and development of alternative sources of water and necessary relocation of wells, at an estimated cost of $3,000,000.

(24) Storage facilities consisting of a water tank in Tafuna, Tualauta County, Western Tutuila Island, American Samoa, at an estimated cost of $450,000.

(25) Storage facilities consisting of a water tank in the Village of Leona, Lealataua County, Western Tutuila Island, American Samoa, at an estimated cost of $425,000.

(26) Treatment, conveyance, pumping, distribution, and storage facilities for the Beccaria-Houtzdale area, Pennsylvania, at an estimated cost of $2,000,000.

(27) Conveyance, pumping, distribution, and storage facilities for the community of Blue Creek, Ohio (Northwest Water System, Inc.), at an estimated cost of $2,200,000.

(28) Treatment, conveyance, pumping, distribution, production, and storage facilities for Morris County, New Jersey (Morris County Municipal Utilities Authority), at an estimated cost of $26,300,000.

SUBPART B—WATER SUPPLY PROJECTS

SEC. 851. (a) The Congress declares that there is a national interest in the conservation of existing water supplies and in the development of new water supplies, on an economical basis, for domestic, municipal, industrial, and other public purposes through Federal participation in the repair, rehabilitation, and improvement of water supply systems and through Federal construction of single and multiple purpose water supply projects.

(b) In carrying out a policy to encourage a more efficient use and adequate supply of water as a way to benefit municipal and industrial development, wetland preservation, fish and wildlife protection, and other national purposes, the Secretary is authorized and directed to survey, plan, and recommend to the Congress (1) projects for the repair, rehabilitation, expansion, and improvement of water supply systems (including, but not limited to, demand-reducing techniques), and (2) projects for the construction of single and multiple purpose water supply systems (including, but not limited to, storage, treatment, conveyance, and distribution facilities) needed to meet existing and anticipated future demand, consistent with the policies set forth in this section. No appropriation shall be made for any such survey if such appropriation has not been approved by resolution adopted by the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(c)(1) Except as provided in paragraph (2), the appropriate non-Federal interests shall provide the necessary lands, easements, and rights-of-way for any project carried out pursuant to a survey undertaken under subsection (b). If the value of the lands, easements, and rights-of-way so provided is less than 20 per centum of the cost of the project allocable to municipal and industrial water supply (including the value of such lands, easements, and rights-of-way), the non-Federal interests shall pay to the Secretary before construction of the project an amount equal to the excess of (A) the amount equal to 20 per centum of such cost, over (B) the value of such lands, easements, and rights-of-way.

(2) If the Secretary estimates before the beginning of construction of any project to which paragraph (1) applies that the value of all lands, easements, and rights-of-way required for such project will be a percentage of the cost of the project allocable to municipal and industrial water supply which is greater than 20 per centum, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated sum exceeds an amount equal to 20 per centum of the estimated cost of the project allocable to municipal and industrial water supply.

(3) An amount equal to the cost of the project allocable to municipal and industrial water supply less the value of lands, easements, and rights-of-way provided and any amount paid to the Secretary under paragraph (1) by the non-Federal interests shall be repaid to the United States over a period not to exceed fifty years, with interest determined in accordance with section 301(b) of the Water Supply Act of 1958.

(4) The Secretary may reduce the amount required to be paid under paragraph (1), and the value of lands, easements, and rights-of-way required to be provided under paragraph (2), by non-Federal interests for any project to which paragraph (1) applies if the project will serve a remote rural area or if the Secretary determines that such reduction is appropriate for economic reasons.

SEC. 852. (a) Except as provided in subsection (b), the Secretary is authorized to provide technical assistance to operators of public water supply systems for the purpose of identifying water supply problems and developing measures for repair, rehabilitation, expansion, and improvement of public water supply systems.

(b) The authority of the Secretary to provide technical assistance under subsection (a) is limited to providing technical assistance for reconnaissance reports and prefeasibility studies except in any case in which the Secretary determines that the public water supply operator cannot utilize the services of the private sector for economic or other reasons.

SEC. 853. The Secretary shall study existing water resources projects under the jurisdiction of the Secretary to determine the feasibility of utilizing such projects for water supply on an interim or permanent basis. The Secretary shall transmit a report of the results of such study, along with recommendations for the utilization of such projects for water supply, not later than two years after the date of enactment of this Act.

SEC. 854. The Secretary is authorized to design and construct a treatment plant and a regional conveyance system of water from Lake Arcadia to Edmund, Oklahoma, at an estimated cost of $12,000,000. The Secretary shall acquire and provide to the non-Federal interests the necessary lands, easements, and rights-of-way for the project. The non-Federal interests shall pay to the Secretary, before construction of the project, an amount equal to 20 per centum of the cost of such project (including the value of such lands, easements, and rights-of-way). The non-Federal interests shall repay the remainder of the costs of the project to the Secretary in accordance with the Water Supply Act of 1958, except that the interest rate shall be the applicable rate under the existing water supply contract, signed by the Secretary on November 13, 1979, and numbered DACW 56-79-C-0072.

SEC. 855. The Secretary is authorized and directed to construct treatment facilities and conveyance facilities to treat and convey water from Parker Lake to municipalities and rural water systems within the jurisdiction of the RedArk Development Authority in the State of Oklahoma, at a cost not to exceed $88,636,000. Subsection (c) of section 851 shall apply to such project.

SEC. 856. (a) The project for the Caesar Creek, Ohio River Basin, Ohio, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1217), is hereby modified to authorize and direct the Secretary to construct a public water supply system in accordance with the document entitled "Southwest Ohio Water Plan", prepared by the Ohio Department of Natural Resources (April 1976), with such modifications as the Chief of Engineers deems advisable, at an estimated cost of $66,000,000.

(b) Prior to the construction of the water supply system pursuant to subsection (a) of this section, the Secretary shall enter into an agreement with appropriate non-Federal interests which provides that (1) such non-Federal interests will provide the Secretary with the lands, easements, and rights-of-way necessary for the Secretary to construct such water supply system, (2) after such construction is completed, all right, title, and interest of the United States, in such water supply system shall be conveyed to such non-Federal interests who shall thereafter operate and maintain such water supply system, and (3) the costs of construction shall be repaid to the Federal Government over a period of fifty years after completion of construction of the water supply system. The first annual payment shall be a minimum of 0.1 per centum of the total amount to be repaid. The annual payments shall be increased by 0.1 per centum each year until the tenth year at which time the payment shall be 1 per centum of the total principal amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment (including interest over such fifty-year period at the rate specified in section 301(b) of the Water Supply Act of 1958).

SEC. 857. The Secretary, in cooperation with the States and political subdivisions thereof, shall make a detailed estimate of needed repair, rehabilitation, and construction of water supply and distribution facilities for municipal and industrial uses and the costs thereof in all of the States and of needed repair, rehabilitation, and construction of water supply and distribution facilities for municipal and industrial uses and the costs thereof in each of the States. The Secretary shall not include in this estimate any needed repair, rehabilitation, and construction of water supply and distribution

facilities constructed in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory and supplementary thereto). In preparing such detailed estimate, the Secretary shall utilize information provided by the States. The Secretary shall transmit such detailed estimate to Congress not later than two years after the date of enactment of this Act.

PART IX—NAMINGS

SEC. 901. The reservoir created by dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Winthrop Rockefeller Reservoir". Any law, regulation, document, or record of the United States in which such reservoir is referred to shall be held to refer to such reservoir as the "Winthrop Rockefeller Reservoir".

SEC. 902. Lock and dam numbered 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Emmett Sanders Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Emmett Sanders Lock and Dam".

SEC. 903. Lock and dam numbered 3 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Joe Hardin Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Joe Hardin Lock and Dam".

SEC. 904. Lock and dam numbered 13 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "James W. Trimble Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "James W. Trimble Lock and Dam".

SEC. 905. Lock and dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Arthur Ormond Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Arthur Ormond Lock and Dam".

SEC. 906. The harbor located in Elmwood Township, Leelanau County, Michigan, and authorized as the Grand Traverse Bay by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173) shall hereafter be known and designated as the "Greilickville Harbor". Any reference in a law, map, regulation, document, record, or other paper of the United States to that harbor shall be deemed to be a reference to the "Greilickville Harbor".

SEC. 907. The harbor of the Port of Hickman on the Mississippi River at Hickman, Kentucky, shall hereafter be known and designated as the "Elvis Stahr Harbor, Port of Hickman". Any law, regulation, document, or record of the United States in which such harbor is referred to shall be held to refer to such harbor as the "Elvis Stahr Harbor, Port of Hickman".

SEC. 908. Dam numbered 2 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Wilbur D. Mills Dam". Any law, regulation, document, or record of the United States in which such dam is referred to shall be held to refer to such dam as the "Wilbur D. Mills Dam".

SEC. 909. The China Bluff access area which is being constructed by the Army Corps of Engineers as part of the Gainesville lock and dam portion of the Tennessee-Tombigbee Waterway project and which is located near Warsaw in Sumter County, Alabama, shall hereafter be known as the "S. W. Taylor Memorial Park". Any reference in any law, map, regulation, document, or other record of the United States to the China Bluff access area shall be held to be a reference to the "S. W. Taylor Memorial Park".

SEC. 910. The main channel of the project for San Leandro Marina, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on June 22, 1971, and by the Committee on Public Works of the Senate on December 15, 1970, shall hereafter be known and designated as the "Jack D. Maltester Channel". Any law, regulation, document, or record of the United States in which such channel is referred to shall be held to refer to such channel as the "Jack D. Maltester Channel".

SEC. 911. The visitor center at the powerhouse at the Richard B. Russell Dam and Lake project, South Carolina and Georgia, shall hereafter be known and designated as the "Peyton S. Hawes Visitor Center". Any reference in any law, map, regulation, document, record, or other paper of the United States to such visitor center shall be deemed to be a reference to the "Payton S. Hawes Visitor Center".

SEC. 912. Calion Lock and Dam located on the Ouachita River near Calion, Arkansas, shall hereafter be known and designated as the "H. K. Thatcher Lock and Dam". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be held to be a reference to the "H. K. Thatcher Lock and Dam".

PART X—PROJECT DEAUTHORIZATIONS

SEC. 1001. The following projects, with a total estimated authorized cost of $11.1 billion, are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

ALABAMA

The project for flood control, Alabama River, Montgomery, Alabama, authorized by the Flood Control Act of 1958.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Wills Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Crooked Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Hatchet Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Little River Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Mill Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Terrapin Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Waxahatchee Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Weogufka Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Yellowleaf Creek, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Canoe Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

ALASKA

The project for navigation, Myers Chuck Harbor, Alaska, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The jetty extension feature of the project for navigation, Nome Harbor, Alaska, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

The project for navigation, Skagway River, Alaska, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, and section 10 of the Flood Control Act of 1946, except the 6,700 foot training dike and the 1,800-foot breakwater.

ARKANSAS

The project for flood control, Crooked Creek Lake Levee, Arkansas, authorized by the Flood Control Act of 1968.

The Gillette New Levee feature of the project for flood control, Lower Arkansas River, North Bank, Arkansas, authorized by the Flood Control Act of May 15, 1928, Public Law 391, Seventieth Congress; the Flood Control Act of June 22, 1936, Public Law 738, Seventh-fourth Congress; and the Flood Control Act of 1946.

The project for flood control, Murfreesboro Reservoir, Pike County, Arkansas, authorized by the Flood Control Act of 1950.

CALIFORNIA

The project for flood control, Alhambra Creek, California, authorized by the Flood Control Act of 1968.

The Aliso Creek Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Bear River, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works and Transportation of the House of Representatives, dated September 23, 1976,

and resolution of the Committee on Environment and Public Works of the Senate, dated October 1, 1976.

The project for flood control, Butler Valley Dam, Mad River, California, authorized by the Flood Control Act of 1968.

The project for flood control, Eel River, California, authorized by the Flood Control Act of 1965, except for the completed levees on the right bank of the Eel River in the Sandy Prairie area.

The Sierra Madre Wash feature of the project for flood control, Los Angeles County Drain Area, California, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The barrier groin and sandtrap feature of the project for navigation, Monterey Harbor, California, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Napa River Basin, California, authorized by the Flood Control Act of 1965.

The features of the project for navigation, Napa River, California, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress, which features consist of construction of dikes and revetments.

That portion of the project for navigation, Old River, San Joaquin County, California, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, consisting of a side channel at Orwood and completion of the project channels from the mouth of Old River to Lammers Ferry road and from Crocker Cut to the Holly Sugar Factory.

The San Juan Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The Trabuco Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, University Wash and Spring Brook, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971.

The shallow-draft channel, Calusa to Red Bluff, feature of the project for navigation, Sacramento River, California, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

Those features of the project for navigation, San Joaquin River, Stockton Deepwater Ship Channel, California, authorized by the River and Harbor Act of 1950, which features consist of construction of a new turning basin near Rough and Ready Island; enlargement of Upper Stockton Channel; construction of a 30-foot depth Burns Cut-off Channel around Rough and Ready Island, including construction of a combination rail and highway bridge; and construction of a new settling basin on San Joaquin River upstream from its confluence with Stockton Channel.

COLORADO

The project for flood control, Boulder, Colorado, authorized by the Flood Control Act of 1950.

The project for flood control, Castlewood Lake, Douglas County, Colorado, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

CONNECTICUT

The features of the project for navigation, Bridgeport Harbor-Black Rock Harbor, Connecticut, authorized by the River and Harbor Act of 1958, which features provide for construction of two rubble-mound breakwaters at the entrance to Black Rock Harbor and dredging a 28-acre anchorage 6 feet deep in Burr and Cedar Creeks at the head of Black Rock Harbor.

The project for navigation, Connecticut River below Hartford, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Mystic River, New London County Channel, Connecticut, authorized by the River and Harbor Act of March 4, 1913, Public Law 429, Sixty-second Congress, which provides for the widening of the channel extending 4,700 feet from the United States Route 1 drawbridge to the Mystic Seaport site from its constructed width of 80 to 90 feet to a width of 100 feet.

The Walnut Beach and impermeable groins features of the project for beach erosion control, Silver Beach to Cedar Beach, Connecticut, authorized by the River and Harbor Act of 1954.

The six-foot anchorage at northeast end of Stonington Harbor feature of the project for navigation, Stonington Harbor, New London County, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Thames River, New London County, Connecticut, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which provides for an increased channel width in the bend at Long Reach Upper Light (river mile 6.8).

The uncompleted portions of the project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of 1946, which portions consist of deepening the lower end of the Quinnipiac Riber Channel to 22 feet up to a point 1,000 feet above Ferry Street.

The project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The uncompleted portions of the project for navigation, Milford Harbor, Connecticut, authorized by the River and Harbor Act of June 13, 1902, and the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portions consist of a 5-acre anchorage, 10 feet deep, behind the east jetty at the east side of such jetty.

DISTRICT OF COLUMBIA

The project for flood control, Washington, D.C., and vicinity, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

FLORIDA

The Cross Bank to Key West portion of the project for navigation, Atlantic Intracoastal Waterway, Miami to Key West, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Biscayne Bay, Dade County, Florida, (Hurricane Barrier) authorized by the Act of June 15, 1955, Public Law 71, Eighty-fourth Congress.

That portion of the project for navigation, Cedar Keys Harbor, Levy County, Florida, authorized by the River and Harbor Act of July 5, 1884, consisting of the excavation of 1,500 cubic yards from an area known as the "middle ground" within the alignment of the main ship channel.

The navigation features of the Broward County and Hillsboro Inlet, Florida, beach erosion control and navigation project, authorized by section 301 of the River and Harbor Act of 1965.

The Sebastian Channel feature of the project for navigation, Intracoastal Waterway, Jacksonville to Miami, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

Those portions of the project for navigation, Jacksonville Harbor Mooring Basin, Naval, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consisting of a channel 28 feet deep by 590 feet wide extending from Laura Street to Saint Elmo W., Acosta Bridge; a channel and floodway along the south side of Commodore Point; and an approach and mooring basin at the Naval Reserve Armory near the Main Street bridge.

That portion of the project for navigation, Key West Harbor, Monroe County, Florida, authorized by the River and Harbor Act of September 19, 1890, consisting of two uncompleted jetties at the entrance to the northwest channel.

The uncompleted portions of the project for navigation, Miami Harbor, Miami River, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consist of widening the mouth of the Miami River; providing a channel 8 feet by 20 feet from the mouth of the river to the Intracoastal Waterway, thence 100 feet wide to Government Cut; and providing a channel 12 feet by 100 feet from Miami to a harbor of refuge in Palmer Lake.

The Stuart turning basin feature of the project for navigation, Okeechobee Waterway, Martin County, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Oklawaha River, Florida, authorized by the River and Harbor Act of March 2, 1907, consisting of a channel 6 feet deep from the mouth of the river to the head of Silver Springs Run.

That portion of the project for navigation, Palm Beach Harbor, Florida, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, consisting of a channel 16 feet deep and 150 feet wide from the Palm Beach Harbor Channel to an anchorage basin 16 feet deep, 750 feet wide, and 2,000 feet long in Lake Worth opposite Tangier Avenue.

The project for beach erosion control, Lake Worth Inlet to South Lake Worth Inlet, Palm Beach County, Florida, authorized by the River and Harbor Act of 1958, except the transfer plant.

The Carrabelle to St. Marks portion of the Gulf Intracoastal Waterway, Apalachicola Bay to Saint Marks River, Florida, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress; the Act of July 23, 1942 (Public Law 675, Seventy-seventh Congress); and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The modification of the project for navigation, Pensacola Harbor, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Saint Augustine Harbor, Florida, authorized by the River and Harbor Act of 1950, which portion consists of the uncompleted future

landward extension of the groin and jetty on the northside of the inlet.

That portion of the project for navigation, Tampa Harbor, Florida, authorized by the Flood Control Act of 1970, which portion consists of the last incremental one-foot depth for underkeel clearance.

GEORGIA

The project for hydroelectric power, Alabama-Coosa River Basin, Canton Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Cartecay Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Gilmer Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Kingston Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Lazer Creek Lake, Georgia, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Lower Auchumpkee Creek Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

The project for hydroelectric power, Spewrell Bluff Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

HAWAII

The project for navigation, Ala Wai Harbor, Oahu, Hawaii, authorized by the River and Harbor Act of 1968.

The project for beach erosion control, Hanapepe Bay Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

The project for navigation, Kaunakakai Deep Draft Harbor, Molokai, Hawaii, (modification) authorized by the River and Harbor Act of 1962.

The project for beach erosion control, Waimea Beach Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

IDAHO

The project for flood control, Mud Lake Area, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, South Fork, Clearwater River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Teton River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Blackfoot Reservoir, Idaho, authorized by Flood Control Act of 1962.

The project for flood control, Boise Valley, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Cottonwood Creek Dam, Idaho, authorized by Flood Control Act of 1966.

The project for flood control, Heise-Roberts Levee Extension, Idaho, authorized by Flood Control Act of 1950, except for constructed levees along the left bank of the Snake River downstream from the mouth of Henry's Fork.

The project for flood control, Weiser River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Whitebird Creek, Idaho, authorized by Flood Control Act of 1950.

ILLINOIS

The project for navigation, Chicago River, Cook County, Illinois, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The improvements to the beartraps feature of the project for navigation, Dam 43, Ohio River, Illinois, authorized by the River and Harbor Act of March 3, 1909, Public Law 317, Sixtieth Congress.

The project for flood control, Farmers Drainage and Levee District, Illinois, authorized by Flood Control Act of 1962.

The project for flood control, Freeport, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The feature of the Illinois Waterway Navigation project, Illinois, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of straightening a curve in the channel in the vicinity of Pekin, Illinois.

That portion of the project for shore protection, Kenilworth, Illinois, Shore of Lake Michigan, Illinois, authorized by the River and Harbor Act of 1954, which portion consists of protection of the Mahoney Park 200-foot long beach frontage located at the extreme south end of the village limits by constructing a steel sheet piling impermeable groin, about 200 feet long near the south lines of Mahoney Park.

The project for flood control, Levee Unit 1, Wabash River, Gallatin County, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Levees District Numbered 21, Vandalia, Illinois, authorized by the Flood Control Act of 1958.

The project for flood control, Little Calumet River, Illinois, authorized by the Flood Control Act of 1954.

The project for flood control, Metropolis, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

That portion of the project for navigation, Mississippi River between Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress, which portion consists of construction of about 600 feet of guidewall extensions each at locks numbered 4, 5, 5A, 7, 8, 9, and 10.

The project for navigation, Ohio River Open Channel, Louis District, Illinois, authorized by the River and Harbor Act of March 2, 1827.

The project for navigation, Ohio River Open Channel, Ice Pier, Illinois, authorized by the River and Harbor Act of January 21, 1927.

The project for navigation, Ohio River Open Channel, Illinois, authorized by the River and Harbor Act of July 3, 1930.

The project for flood control, Peoria, Peoria County Levees, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Shawneetown, Gallatin County Levee Enlargement, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Scott County Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, South Beloit, Illinois, authorized by the Flood Control Act of 1948.

The project for navigation, Waukegan Harbor, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 17, 1970, and resolution of the Committee on Public Works of the Senate, dated December 8, 1970.

The project for flood control, William L. Springer Lake, Illinois, authorized by the Flood Control Act of 1962.

The project for navigation, Alton Commercial Harbor, Illinois, authorized by the River and Harbor Act of 1958.

The project for flood control, Keach Drainage and Levee District, Green County, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Big Swan Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Fort Chartres and Ivy Landing Drainage District Numbered 5, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated December 17, 1970.

INDIANA

The project for flood control, Anderson, Madison County, Indiana, Earth Levee, authorized by the Flood Control Act of June 22, 1936, Public Law 738, 74th Congress.

The project for navigation, Illinois Waterway, Cal-Sag Channel, Part 2, Indiana, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, and the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Levees between Shelby Bridge & Baums Bridge, Indiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Marion, Indiana, authorized by the Flood Control Act of 1968.

That portion of the project for flood control, Vincennes, Indiana, authorized by the Flood Control Act of 1946, which portion consists of the uncompleted downstream levee to connect with high ground southeast of the city.

IOWA

The project for flood control, Davids Creek Lake, Iowa, authorized by the Flood Control Act of 1968.

The project for navigation, Fort Madison Harbor, Iowa, authorized by the River and Harbor Act of 1968.

The project for navigation, Keokuk Small Boat Harbor, Iowa, authorized by the River and Harbor Act of 1962.

The project for flood control, Missouri Levee System (units L-753, L-747, L-739, L-733, L-729, L-728, L-715, L-700, L-691, L-670, L-651, L-650, L-643, L-637, L-528), Iowa, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KANSAS

The project for flood control, El Dorado, West Branch, Walnut River, Butler County, Kansas, authorized by the Flood Control Act of 1965.

The project for flood control, Garnett Lake, Pottawatomie Creek, Kansas, authorized by the Flood Control Act of 1954.

The project for flood control, Grove Lake, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Indian Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for navigation, Kansas River Navigation, Kansas, authorized by the River and Harbor Act of 1965.

The project for flood control, Missouri River Levee System, Kansas, (units R402 and R395-393) authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Neodesha Lake, Wilson County, Verdigris River, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Tomahawk Lake, Blue River, Johnson County, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Towanda Lake, Kansas, authorized by the Flood Control Act of 1965.

The modification to the project for flood control, Tuttle Creek Lake, Kansas, authorized by section 18 of the Water Resources Development Act of 1974, which modification consists of relocation of a portion of FAS 1208.

The project for flood control, Wolf-Coffee Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Cedar Point Lake, Kansas, authorized by the Flood Control Act of 1950.

The project for flood control, Cow Creek-Hutchison, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Missouri River Levee System Levee R414, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KENTUCKY

The project for flood control, Caseyville, Union County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Cloverport, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Concordia, Meade County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The section A-A portion of the floodwall of the project for flood control, Louisville, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Middlesboro, Yellow Creek, Bell County, Kentucky, authorized by the Flood Control Act of December 22, 1944, Public Law 534, Seventy-eighth Congress.

The project for flood control, Tolu, Crittenden County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

LOUISIANA

The project for flood control, Black Bayou, Reservoir, Caddo Parish, Louisiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Overton-Red River Waterway above Mile 31, Louisiana, authorized by the River and Harbor Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

A portion of the project for navigation, Bayou La Fourche, Louisiana, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which portion consists of a 6-foot deep by 60-foot wide channel, 22 miles in length from Thibodaux to Lockport, Louisiana.

MAINE

That portion of the project for navigation, Bar Harbor, Maine, authorized by the River and Harbor Act of August 11, 1888, and the River and Harbor Act of September 19, 1890, which portion consists of completing the breakwater to its fully authorized cross-section.

The Dickey-Lincoln School project, Saint John River, Maine, authorized by section 204 of the Flood Control Act of 1965.

That portion of the project for navigation, Kennebec River, Maine, authorized by the River and Harbor Act of June 13, 1902, which portion consists of the 27-foot channel above the bridge at Bath, Maine.

That portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 29, 1956, Public Law 630, Eighty-fourth Congress, which portion consists of an 18-foot access channel, 100 feet wide and 900 feet long to the shipyard along southern waterfront, and uncompleted portions of the outer limits of three branch channels along the central waterfront.

MARYLAND

The feature of the project for navigation, Baltimore Harbor and channels, Maryland, authorized by the River and Harbor Acts of August 8, 1917, January 21, 1927, July 3, 1930, October 17, 1940, March 2, 1945, July 3, 1958, and December 31, 1970, which feature consists of a navigation channel 150 feet wide to Ferry Bar and thence 27 feet deep and 150 feet wide to the Hanover Street Bridge.

MASSACHUSETTS

The project for navigation, Edgartown Harbor, Massachusetts, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on December 15, 1970, and by the Committee on Public Works of the Senate on December 19, 1970.

The feature of the project for navigation, Fall River Harbor Channel, Massachusetts, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of rock removal to a depth of 30 feet at the lower end of Hog Island Shoal at the north side of the entrance to Mount Hope Bay.

The project for navigation, Ipswich River, Massachusetts, authorized by the Flood Control Act of 1968.

The feature of the project for navigation, Nantucket Harbor of Refuge Anchorage, Massachusetts, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of 15-foot deep anchorage, 2,800 feet long by 300 to 1,100 feet wide near the west side of the inner harbor, and a 15-foot deep fairway 200 feet wide between the anchorage and the main waterfront.

The project for navigation, New Bedford and Fairhaven Harbor, Bristol County, Massachusetts, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress.

The feature of the project for navigation, Newburyport Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening the entrance channel from 12 to 15 feet and deepening the turning basin along the Newburyport waterfront from 9 to 12 feet.

The Nookagee Lake feature of the project for flood control, North Nashua River, Massachusetts, authorized by the Flood Control Act of 1968, which feature consists of a multiple-purpose earthfill dam and reservoir on the North Nashua River in Westminister, Massachusetts.

The project for navigation, Pleasant Bay, Massachusetts, authorized by the Flood Control Act of 1970.

The feature of the project for navigation, Salem Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening to 10 feet a channel from deep water in the central part of Salem Harbor to Pickering Wharf near the South River.

The uncompleted groin feature of the project for beach erosion control, Winthrop Beach, Massachusetts, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of 1954, which feature consists of enlarging the turning basin to include the easterly 300 feet of the municipal channel.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of deepening from 22 to 25 feet a 2.7-mile channel from Bass Point to and including a turning basin at the head of Lynn Harbor.

The project for flood control, Monoosnoc Brook, Massachusetts, authorized by the River and Harbor Act of 1966.

The project for flood control, Monoosnoc Lake, Worcester County, Massachusetts, authorized by the River and Harbor Act of November 7, 1966.

The feature of the project for beach erosion control, Cape Cod Canal to Provincetown, Massachusetts (Town Neck Beach), authorized by the River and Harbor Act of 1960 which feature consists of widening approximately 6,500 feet of beach east of the eastern entrance to Cape Cod Canal to 125 feet and raising the inshore end of the existing east jetty at the east entrance to such Canal.

MICHIGAN

The project for navigation, Forestville Harbor, Michigan, authorized by the River and Harbor Act of 1968.

The project for navigation, Middle Channel, Saint Clair River, Michigan, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Red Run Drain, Lower Clinton River, Michigan, authorized by the Flood Control Act of 1970.

The uncompleted portion of the project for navigation, Grand Marais Harbor, Michigan, authorized by the River and Harbor Act of June 14, 1880, which portion consists of widening the inner portion of the channel from 250 to 300 feet.

The uncompleted portion of the project for navigation, Keweenaw Waterway, Houghton County, Michigan, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress, which portion consists of extending

the lower entrance breakwater by 2,000 feet, including the necessary alteration or replacement of structures due to channel deepening.

The turning basin feature of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by the River and Harbor Act of 1962.

The Sanilac Flats feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for major drainage improvements on Middle Branch and South Branch, Cross River, and a short reach of East Branch.

The Corunna feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for flood protection by channel improvement, levee construction, and related work including construction of a 1,500 foot levee on the right bank; widening of two constrictive reaches of the Saginaw River at, and downstream of, the mill dam; enlargement of the spillway capacity of the mill dam; and removal of the remains of an abandoned railway bridge at the tile plant.

The Owosso feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides flood protection by enlarging the river channel from the Ann Arbor Railroad Bridge to the city sewage treatment plant, removal of a portion of a building which encroaches on the river channel, removal of four dams and underpinning of the Main Street Bridge, and the provision of scour protection of four bridges.

The project for beach erosion control, Berrien County, Michigan (Saint Joseph Shore), authorized by the Flood Control Act of 1958.

The feature of the project for navigation, Alpena Harbor, Michigan, authorized by the River and Harbor Act of 1965, which feature consists of the proposed turning basin and breakwater reconfiguration.

MINNESOTA

The project for flood control, Warroad River and Bull Dog Creek, Minnesota, authorized by the Flood Control Act of 1962.

The feature of the navigation project for the Mississippi River between the Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, which feature consists of extension of the upper guidewall about 600 feet in length at lock numbered 3.

MISSISSIPPI

The project for navigation, Biloxi Harbor, Old Fort Bayou, Mississippi, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Buffalo River, Mississippi, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Pascagoula Harbor, Main Channel, Mississippi, authorized by the the River and Harbor Act of March 2, 1827.

MISSOURI

The project for recreation, Angler Use Sites, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Braymer Lake Shoal Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Brookfield Lake, Yellow Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, East Muddy Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mercer Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mississippi River Agricultural Area 12, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Pattonsburg Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Pomme de Terre Lake (Power Project), Missouri, authorized by the Flood Control Act of 1954.

The project for navigation, Sandy Slough Remedial Measures, Missouri, authorized by the River and Harbor Act of 1962.

The project for flood control, Trenton Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Upper Grand River, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mill Creek Lake, Missouri, authorized by the Flood Control Act of 1970.

NEBRASKA

The project for flood control, Little Nemaha River, Nemaha County, Nebraska, authorized by the Flood Control Act of 1965.

NEVADA

The project for flood control, Gleason Creek Dam, Nevada, authorized by the Flood Control Act of 1960.

The project for flood control, Humboldt River and Tributaries, Nevada, authorized by the Flood Control Act of 1950.

NEW JERSEY

The feature of the project for navigation, Newark Bay, Hackensack and Passaic Rivers, New Jersey, authorized by the River and Harbor Act of 1954 and by the River and Harbor Act of 1966 which feature consists of deepening of portions of the Hackensack River to 32 and 15 feet.

NEW MEXICO

The project for flood control, Rio Grande Floodway, New Mexico, San Acacia to Bosque, del Apache Unit, authorized by the Flood Control Act of June 30, 1948, Public Law 858, Eightieth Congress, and the Flood Control Act of 1950.

The project for flood control, Rio Grande Floodway, New Mexico, Espanola Valley Unit, authorized by the Flood Control Act of June 30, 1948, Public Law 858, Eightieth Congress, and the Flood Control Act of 1950.

NEW YORK

The project for flood control, Allegany, New York, Unit 2, Five Mile Creek, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for flood control, Allegany, New York, Unit 1, Allegheny River, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for navigation, Hudson River, New York City to Albany (12-foot harbors), New York, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The project for navigation, Hudson River, New York City to Albany (27-foot channel), New York, authorized by the Act of March 3, 1925, Public Law 585, Sixty-eighth Congress.

The project for navigation, Ogdensburg Harbor, New York, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress.

The project for flood control, Red Creek, New York, authorized by the Flood Control Act of 1966.

The uncompleted portion of the project for navigation, Ticonderoga River, Essex County, New York, authorized by the River and Harbor Act of March 3, 1881.

The project for navigation, Cape Vincent Harbor, New York, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, East Chester Creek, New York, authorized by the River and Harbor Act of 1950.

The project for hurricane protection, East Rockaway Inlet to Rockaway Inlet, Part 2, New York, authorized by the Flood Control Act of 1965.

The project for flood protection, Hammondsport, Glen Brook (Glen Brook Flume), New York, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

NORTH CAROLINA

The feature of the project for navigation, Atlantic Intracoastal Waterway—Peltier Creek, Carteret County, North Carolina, authorized by the River and Harbor Act of 1954, which feature includes a 12-foot channel. Maintenance of the existing 6-foot deep by 50-foot wide channel shall remain authorized.

The project for navigation, Atlantic Intracoastal Waterway Tidal Lock in Snows Cut, North Carolina, authorized by the River and Harbor Act of January 21, 1927, Public Law 560, Seventieth Congress.

The unconstructed portion of the project for flood control, Carolina Beach and Vicinity, South Area, North Carolina, authorized by the Flood Control Act of 1962, which portion extends south of the town limits of Carolina Beach.

The feature of the project for beach erosion control, Fort Macon State Park, North Carolina, authorized by the River and Harbor Act of 1962 and the Flood Control Act of 1962, which feature includes placing of capstone and remaining portions of beach fill and replenishment thereof.

The feature of the project for navigation, Morehead City Harbor, North Carolina, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

The project for beach stabilization and hurricane protection, Ocracoke Island, North Carolina, authorized by the Flood Control Act of 1965.

The project for beach stabilization and hurricane protection, Ocracoke Island-Village Shore, North Carolina, authorized by the Flood Control Act of 1965.

The feature of the project for navigation, Ocracoke Inlet Jetty, Hyde County, North Carolina, authorized by the River and Harbor Act of 1960, which feature consists of a single jetty extending from Ocracoke Island to the 20-foot depth in the Atlantic Ocean.

The portion of the project for navigation, Roanoke River, Halifax County, North Carolina, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, which portion consists of constructing a 50-mile-long channel above Palmyra Landing to Weldon, North Carolina, 5 feet deep and 50 feet wide by dredging, snagging, and regulating.

OHIO

The additional beartraps, guardwalls, and extension of guidewalls features of the project for navigation, Ohio River, Ohio, authorized by the Flood Control Act of 1937.

The project for flood control, Burlington, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Chesapeake, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Empire-Stratton, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Martins Ferry, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Powhatan Point, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Proctorville, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, South Point, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

OREGON

The project for flood control, Columbia Drainage District No. 1, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Deer Island Drainage District, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Shelton Ditch, Marion County, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Umpqua River-Scholfield River, Oregon, authorized by the Flood Control Act of September 22, 1922, Public Law 362, Sixty-seventh Congress, and the Flood Control Act of 1954.

The project for flood control, Cascadia Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Gate Creek Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Grande Ronde Lake, Oregon, authorized by the Flood Control Act of 1965.

The project for flood control, Grande Ronde Valley, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Holley Lake, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Pendleton Levees, Riverside Area, Oregon, authorized by the Flood Control Act of 1950.

The uncompleted portions of the project for navigation, Willamette River above Portland and Yamill River, Oregon, authorized by the River and Harbor Act of June 3, 1896, as modified by the River and Harbor Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Willamette River at Willamette Falls, Oregon, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

PENNSYLVANIA

The project for flood control, Brackenridge, Tarentum, and Natrona, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Chester River, Delaware County (8-ft. channel), Pennsylvania, authorized by the River and Harbor Act of March 2, 1919, Public Law 323, Sixty-fifth Congress.

The project for flood control, Leetsdale, Allegheny County, Levee and Drainage Facility, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Muddy Creek Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Neville Island, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, New Kensington and Parnassus, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rochester, Beaver County, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifty Congress.

The project for flood control, Trexler Dam and Lake, Lehigh County, Pennsylvania, authorized as part of the Delaware River Basin project pursuant to section 203 of the Flood Control Act of 1962.

The project for navigation, Youghiogheny River Canalization, Pennsylvania, authorized by the River and Harbor Act of 1930, Public Law 395, Seventy-first Congress.

The project for flood control, Aquashicola Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Maiden Creek Lake Earth Dam, Pennsylvania, authorized by the Flood Control Act of 1962.

PUERTO RICO

The project for navigation, Fajardo Harbor (28 foot Channel and Tidal Basin), Puerto Rico, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Guayanes Harbor (23 foot channel and anchorage), Puerto Rico, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

RHODE ISLAND

The features of the project for navigation, Great Salt Pond, Newport County, Rhode Island, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which features include a 1,200-foot long north jetty at the entrance to Great Salt Pond and a 12-foot access channel and basin in the inner harbor (Trim Pond).

The features of the project for navigation, Harbor of Refuge, Block Island, Rhode Island, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress, which features include two 15-foot anchorages in the outer harbor.

The portions of the project for navigation, Pawcatuck River, Washington County, Rhode Island, authorized by the River and Harbor Act of June 3, 1896, which portions include widening the middle section of the Little Narraganset Bay channel by an additional 100 feet to 200 feet, widening a 5,000 foot section of the river channel at Avondale by an additional 100 feet to 200 feet, and by deepening a 2,000 foot section of the upper river channel by an additional 3 feet to 10 feet.

The portion of the project for navigation, Providence River and Harbor, Rhode Island, authorized by the River and Harbor Act of 1965, which portion consists of the branch channel along the India Point waterfront, 30 feet deep, 150 feet wide, and about 1,000 feet long.

The project for flood control, Westerly Hurricane Protection, Rhode Island, authorized by the Flood Control Act of 1965.

SOUTH CAROLINA

The project for navigation, Charleston Harbor, Ft. Moultrie Anchorage Area, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Myrtle Beach, Anchorage Basin, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Reedy River, Greenville, South Carolina, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 1970, and resolution of the Committee on Public Works of the Senate, dated December 1970.

TENNESSEE

The project for navigation, Cumberland River above Nashville, Tennessee, authorized by the River and Harbor Act of August 5, 1886.

The project for navigation, Hiwassee River, Polk and Bradley Counties, Tennessee, authorized by the River and Harbor Act of August 14, 1876.

The project for flood control, Rossview Lake, Tennessee and Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Jacks River Lake, Tennessee, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

TEXAS

The project for flood control, Alpine, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated April 11, 1974, and resolution of the Committee on Public Works of the Senate, dated May 31, 1974.

The portion of the project for navigation, Brazos Island Habor, Texas, authorized by the River and Harbor Act of 1960, which portion consists of the north jetty extension.

The project for navigation, Brazos River, Velasco to Old Washington, Texas, authorized by the River and Harbor Act of June 13, 1902.

The project for navigation, Cedar Bayou (mile 3.0 to mile 11.0), Harris, Texas, authorized by the River and Harbor Act of September 19, 1890, as amended by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the navigation project for the Channel to Port Bolivar, Texas, authorized by the River and Harbor Act of March 2, 1907, Public Law 168, Fifty-ninth Congress, as amended by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1919, which feature consists of a turning basin of 750 wide by 1,600 feet long and 30 feet deep.

The project for flood control, Duck Creek Channel Improvement, Texas, authorized by the Flood Control Act of 1965.

The portion of the project for navigation, Gulf Intracoastal Waterway Channel to Harlingen, Texas, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portion consists of a channel from mile 25.8 to mile 31.0 on the Arroyo Colorado, upstream of the turning basin between Rio Hondo and Harlingen, Texas.

The feature of the project for navigation, Gulf Intracoastal Waterway-Chocolate Bayou, Texas, authorized by the River and Harbor Act of 1965, which feature consists of channel enlargement to 9 by 100 feet from channel mile 8.2 to channel mile 13.2 and construction of a turning basin 600 feet wide and 9 feet deep at channel mile 13.2 on Chocolate Bayou.

The portion of the project for navigation, Houston Ship Channel, Greens Bayou, Texas, authorized by the River and Harbor Act of 1965, which portion consists of the upper 1.1 mile increment of the project channel on Greens Bayou.

The portion of the project for navigation, Gulf Intracoastal Waterway, Texas, Channel Relocation in Matagorda Bay, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, as amended by the River and Harbor Act of 1925, Public Law 585, Sixty-eighth Congress, the River and Harbor Act of January 21, 1927, Public Law 560, Sixty-ninth Congress, the River and Harbor Act of July 23, 1942, Public Law 675, Seventy-seventh Congress, and the River and Harbor Act of 1962, which portion consists of the relocation of a segment of the Gulf Intrascoastal Waterway in Matagorda Bay between miles 454.3 and 471.3.

The project for flood control, Lake Brownwood, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Lake Fork Lake-Lake Fork Creek, Texas, authorized by the Flood Control Act of 1970.

The project for flood control, Navasota Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Pecan Bayou Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Peyton Creek, Matagorda County, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolutions of the Committee on Public Works of the House of Representatives and the Committee on Public Works of the Senate, dated October 12, 1972.

The project for flood control, Plainview, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and the Committee on Public Works of the Senate, dated December 17, 1970.

The project for flood control, Roanoke Lake, Texas, authorized by the River and Harbor Act of 1965.

The portion of the project for navigation, Sabine Neches Waterway Channel to Echo, Texas, authorized by the River and Harbor Act of 1962, which portion consists of the unconstructed channel in the Sabine River between Orange and Echo, Texas.

The project for navigation, Sabine River, Echo to Morgan Bluff, Texas, authorized by the Flood Control Act of 1970.

The Dallas Floodway Extension feature of the Trinity River project for flood control, Trinity River and tributaries, Texas, authorized by the Flood Control Act of 1965.

The Liberty Local Protection feature of the project for flood control, Trinity River and tributaries, Texas, authorized by the Flood Control Act of 1965.

UTAH

The project for flood control, Weber River and Tributaries, Morgan County, Utah, authorized by section 206 of the River and Harbor Act of 1968.

VERMONT

The project for flood control, Bennington, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Otter Creek, Addison County, Vermont, authorized by the River and Harbor Act of June 10, 1872.

The project for flood control, Rutland Otter Creek, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress, as amended by the Flood Control Act of July 31, 1947, Public Law 296, Eightieth Congress.

VIRGINIA

The project for navigation, Thimble Shoal Channel, Virginia, authorized by the River and Harbor Act of 1954 consisting of side channels 32 feet deep and 450 feet wide on both sides of the 1,000-foot channel.

The project for flood control, water quality control, recreation, fish and wildlife enhancement, and hydroelectric power generation, Moore's Ferry Lake, Virginia and North Carolina, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The feature of the project for navigation, Pamunkey River, Hanover and King Counties, Virginia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of a channel 5 feet deep and 50 feet wide between Bassett Ferry and Manquin Bridge.

VIRGIN ISLANDS

The uncompleted portion of the project for navigation, Christiansted Harbor-St. Croix, Virgin Islands, authorized by the River and Harbor Act of 1950, which portion consists of an approach channel 25 feet and 300 feet wide from the Caribbean Sea to and including a turning basin 25 feet deep, approximately 600 feet wide, and 900 feet long.

The portion of the project for navigation, St. Thomas Harbor, Virgin Islands, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portion consists of construction of an entrance channel 36 feet deep and 600 feet wide, an anchorage area 33 feet deep, a breakwater 700 feet long between Rupert Rock and the mainland, and removal of Scorpion Rock to a depth of 36 feet.

WAKE ISLAND

The project for navigation, Wake Island Harbor, Wake Island, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

WASHINGTON

The project for flood control, Entiat River, Chelan County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Lower Walla Walla River, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Methow River, Okanogan County, Washington, authorized by the Flood Control Act of 1950.

The uncompleted portion of the project for flood control, Okanogan River, Okanogan, Washington, authorized by the Flood Control Act of 1950.

The unconstructed groin feature of the project for navigation, Quillayute River, Clallam County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the project for navigation, Seattle Harbor, King County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of a settling basin located at the upper end of the existing Duwamish waterway navigation project about 1.4 miles above the 14th Avenue South Bridge.

The project for flood control, Spokane River, Spokane, Washington, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Yakima River at Ellensburg, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Palouse River, Whitman County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Pullman Palouse River, Washington, authorized by the Flood Control Act of 1944.

The project for navigation, Stillaquamish River, Washington, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

WEST VIRGINIA

The project for flood control, Moundsville, Marshall County, Levees, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Panther Creek Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Proctor, Wetzel County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Ravenswood, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rowlesburg Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Warwood, Ohio County, Wall and Drainage, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, North Wheeling, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling, Ohio County, Levees, Walls and Pumping Plant, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling Island, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Birch Lake, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Woodlands, Marshall County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

WISCONSIN

The project for navigation, Hudson Small Boat Harbor, Wisconsin, authorized by the Flood Control Act of 1950.

The project for navigation, Cassville Small Boat Harbor, Grant County, Wisconsin, authorized by the River and Harbor Act of 1962.

WYOMING

The project for flood control, Buffalo, Johnson County, Diversion Channel, Wyoming, authorized by the Flood Control Act of 1950.

SEC. 1002. (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is not authorized after the date of enactment of this Act.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements constructed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land underlying such project title to which is held by the State of Maine.

SEC. 1003. (a) The project for flood control, Lakeport Lake, California, authorized by the Flood Control Act of 1965, is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, the Secretary shall, during the five-year period beginning on the date of enactment of this Act, make all lands acquired by the United States for the Lakeport Lake project available for purchase by the Lake County Flood and Water Conservation District at the price at which such lands were acquired by the United States. Such District may waive the right to purchase any lands under the preceding sentence at any time during such period.

(c) Any conveyance of land under subsection (b) shall be made on the condition that the Lake County Flood and Water Conservation District administer such land for flood control and related purposes. If, at any time after such conveyance, such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

SEC. 1004. (a) The Onaga Lake project, Vermillion Creek, Kansas, authorized by the Flood Control Act of 1962 (Public Law 87-874), is not authorized after the date of enactment of this Act.

(b) The Secretary shall expedite the current study under section 216 of the Flood Control Act of 1970 with respect to the addition of water supply storage at Tuttle Creek Lake, Kansas.

SEC. 1005. (a) The portion of the flood control project for the Illinois River and tributaries, Illinois, Wisconsin, and Indiana, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189) which is to be located on the Sangamon River, Illinois, about 1 mile upstream from Decatur, Illinois, and which is known as the William L. Springer Lake project is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, before any lands acquired by the United States for the William L. Springer Lake project referred to in subsection (a) of this section are sold or otherwise disposed of or used for any purpose other than to carry out such project, such lands shall first be made available for purchase by the city of Decatur, Illinois, at the price at which such lands were acquired by the United States.

PART XI—GENERAL PROVISIONS

SEC. 1101. (a) The objectives of enhancing regional economic development, the quality of the total environment (including its protection and improvement), the well-being of the people of the United States, the prevention of loss of life, preservation of cultural and historical values, and national economic development shall be the objectives to be included in water resources projects carried out by the Secretary, and the benefits and costs attributable to such objectives, both quantifiable and unquantifiable, shall be included in the evaluation of the benefits and costs of such projects.

(b) Notwithstanding any other provision of law, for purposes of analyzing in accordance with the first section of the Flood Control Act of June 22, 1936 (49 Stat. 1570; 33 U.S.C. 701a), the costs and benefits of a water resources project which includes any element which provides flood protection to any distressed low-income area, as determined by the Secretary, the benefits to be derived from carrying out such element shall be deemed to exceed the costs of carrying out such element.

SEC. 1102. (a) In the case of any water resources study authorized to be undertaken by the Secretary, the Secretary shall prepare a feasibility report. Such feasibility report shall describe, with reasonable certainty, the environmental benefits and detriments, the costs and benefits attributable to each of the objectives set forth in section 1101 of this title, the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. The feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. This subsection shall not apply to (1) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act, (2) any study for a project which project is authorized by this Act, and (3) any study for a project which is authorized under any of the following sections: section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(b) Before preparing any feasibility report under subsection (a), the Secretary shall first perform, at full Federal expense, a reconnaissance survey of the potential water resources project for the purpose of defining water resources problems and needs to be addressed by such project and identifying potential solutions to such problems in sufficient detail to enable the Secretary to determine whether or not planning of such project should proceed to the preparation of such feasibility report. Such survey shall include a preliminary analysis of the Federal interest, costs, benefits, and environmental impacts of such project and an estimate of the costs of preparing the feasibility report.

(c)(1) Non-Federal interests shall contribute 25 per centum of the cost of any feasibility report for any water resources study prepared by the Secretary. Not less than one-half of such non-Federal contribution shall be made by payments, and not more than one-half of such contribution may be made by the provision of services, materials, or supplies necessary to prepare the feasibility report. Any amount contributed by non-Federal interests under this paragraph shall be credited toward the non-Federal share, if any, of the cost of construction of the project for which such report is prepared.

(2) This subsection shall only apply to any water resources study for which no Federal funds have been obligated before the date of enactment of this Act. This subsection shall not apply to any water resources study for any navigation improvement to the inland waterway system.

SEC. 1103. In the evaluation by the Secretary of benefits and costs of a water resources project, the benefits attributable to measures included in a project for the purpose of environmental quality, including protection and improvement of the environment, mitigation of project-caused fish and wildlife losses (including habitat), and fish and wildlife enhancement shall be deemed to be at least equal to the costs of such measures.

SEC. 1104. There is established an Environmental Protection and Mitigation Fund. There is authorized to be appropriated to such fund $35,000,000 for fiscal years beginning after September 30, 1983. Amounts in the fund shall be available for undertaking, in advance of construction of any water resources project authorized to be constructed by the Secretary, such measures authorized as part of such project, including the acquisition of lands and interests therein, as may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated. The Secretary shall reimburse the Fund for any amounts expended under this section for a water resources project from the first appropriations made for construction, including planning and designing, of such project.

SEC. 1105. (a) The Secretary, in coordination with the Secretary of the Interior and in consultation with appropriate Federal, State, and local agencies, is authorized to study the water resources needs of river basins and regions of the United States. The Secretaries shall report the results of such study to Congress not later than October 1, 1987.

(b) In carrying out the studies authorized under subsection (a) of this section, the Secretaries shall consult with State, interstate, and local governmental entities.

SEC. 1106. (a) The Secretary may establish and develop separate campgrounds for individuals sixty-two years of age or older at any lake or reservoir under the jurisdiction of the Secretary where camping is permitted.

(b) The Secretary may prescribe regulations to control the use of and the access to any separate campground established and developed under subsection (a) of this section.

(c) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1983, to carry out subsection (a) of this section.

(d) The Secretary shall establish and develop the parcel of land (located in the State of Texas at the Sam Rayburn Dam and Reservoir) described in subsection (g) of this section as a separate campground for individuals sixty-two years of age or older.

(e) The Secretary shall prescribe regulations to control the use of and the access to the separate campground established and developed pursuant to subsection (d) of this section.

(f) There are authorized to be appropriated for fiscal years beginning after September 30, 1983, $600,000 to carry out subsection (d) of this section.

(g) The parcel of land to be established and developed as a separate campground pursuant to subsection (d) of this section is a tract of land of approximately 50 acres which is located in the county of Angelina in the State of Texas and which is part of the Thomas Hanks survey. The boundary of the parcel begins at a point at the corner furthest west of tract numbered 3420 of the Sam Rayburn Dam and Reservoir:

thence north 81 degrees 30 minutes east, approximately 2,800 feet to a point at the edge of the water;

thence south along the edge of the water approximately 2,600 feet;

thence north 80 degrees 30 minutes west, approximately 1,960 feet to a point at the reentrant corner of tract numbered 3419 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3419 north 46 degrees 15 minutes west, 220 feet to a point at the center line of a road at the corner common to tract numbered 3419 and tract numbered 3420;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 230 feet to a point at the corner furthest east of tract numbered 3424 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3424 south 32 degrees 4 minutes west, 420 feet to a point;

thence along the boundary line of tract numbered 3424 north 28 degrees 34 minutes west, 170 feet to a point;

thence along the boundary line of tract numbered 3424 north 38 degrees 15 minutes east, 248 feet to a point;

thence along the boundary line of tract numbered 3424 north 32 degrees 44 minutes east, 120 feet to a point at the corner furthest north of tract numbered 3424;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 460 feet to the beginning point.

SEC. 1107. Section 2(h) of the Act entitled "An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers" (Public Law 97-128) is amended to read as follows:

"(h) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake, at full Federal expense, such structural and nonstructural measures as he determines to be economically and engineeringly feasible to prevent flood damage to communities along the route of the Meramec River and its tributaries in Saint Louis, Jefferson, and Franklin Counties, Missouri, at an estimated cost of $100,000,000. Such structural measures shall not include the construction of any dam or reservoir on the Meramec River.".

SEC. 1108. Section 111 of the River and Harbor Act of 1968 is amended by inserting after "construct projects" the following: "(both structural and nonstructural)".

SEC. 1109. (a) Section 4 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (Public Law 92-367; 33 U.S.C. 467c), is amended by inserting "(a)" immediately after "SEC. 4.", and by adding at the end thereof the following new subsection:

"(b) In any case where the Secretary determines that a dam inspected under this Act or under the authority of any other Federal law which is owned by a State, a political subdivision thereof, or any other such public agency or instrumentality is in such a hazardous condition that it is a danger to human life or property, the Secretary is authorized to restore such dam to a safe condition if the State, political subdivision, or other public agency or instrumentality owning such dam agrees prior to any such restoration (1) to repay to the United States, over a period not to exceed fifty years from the date of completion of the restoration, all costs of such restoration, together with interest, at a rate computed in accordance with section 301(b) of the Water Supply Act of 1958, and (2) to maintain such dam upon completion of such restoration in a safe condition. The Secretary is not authorized to carry out any of the work described in this subsection unless the State in which the work is to be accomplished has in existence and is maintaining a dam safety program for non-Federal dams which insures that non-Federal dams are built in accordance with sound engineering practice, protect the safety of the public, and are maintained in safe condition.".

(b) Section 3 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams" (Public Law 92-367; 33 U.S.C. 467b) is amended by adding after the first sentence thereof the following new sentence: "In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense.".

(c) The Secretary, in accordance with section 4 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972, as amended by subsection (a) of this section, shall repair the spillway and undertake such other measures as the Secretary determines are necessary to restore the safety of the dam used to supply water to Schuyler County Public Water Supply District Number 1, Missouri.

(d) The Secretary, in accordance with such section 4, shall make necessary repairs to the Milton Dam in Mahoning County, Ohio, in accordance with the remedial measures described in the report of the District Engineer, Pittsburgh District, entitled "Milton Dam, Mahoning County, Ohio, Investigation to Determine the Adequacy of Structural and Hydraulic Components", dated February 1980.

(e) Section 5 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (86 Stat. 507), is amended by inserting "(a)" after "SEC. 5." and by adding at the end thereof the following new subsection:

"(b) The Secretary shall annually update the inventory of dams required to be prepared under subsection (a) and submit a report to the Congress on the results of such update. In conducting such update, the Secretary shall take into account any other review of dams which the Secretary has conducted under the authority of any other law.".

SEC. 1110. (a) Section 202(f) of the Water Resources Development Act of 1976 is amended to read as follows:

"(f) There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years beginning after September 30, 1983.".

(b) The Secretary shall develop, implement, and maintain a project under section 202 of the Water Resources Development Act of 1976 for removal of drift and debris from Buffalo Harbor, New York, and removal of dilapidated structures from the adjacent shoreline.

SEC. 1111. Lake Pend Oreille, Idaho, is hereby declared to be not a navigable water of the United States for purposes of section 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 403).

SEC. 1112. Section 104(b) of the River and Harbor Act of 1958, as amended, is amended by striking out "$10,000,000" and inserting in lieu thereof "$12,000,000".

SEC. 1113. Upon request of the Governor of a State, or the appropriate official of local government, the Secretary is authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable, at Federal expense, to such State or local government for its use in carrying out projects for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof.

SEC. 1114. (a) The Secretary shall undertake a program to increase his capability to control river ice and harbor ice, and to assist communities in breaking up such ice that would otherwise be likely to cause or aggravate flood or other damage or severe streambank erosion.

(b) The Secretary is further authorized to provide technical assistance to units of local government to implement local plans to control or break up river ice and harbor ice. As part of such authority, the Secretary is authorized to purchase, utilize, and, if requested by units of local government, loan any necessary ice-control or ice-break equipment to such units of local government.

(c) The sum of $5,000,000 is authorized to be appropriated to the Secretary for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, to implement this section.

SEC. 1115. The laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resource development enacted after November 8, 1966, and before January 1, 1984, shall be compiled under the direction of the Secretary of the Army and the Chief of Engineers and printed for the use of the Department of the Army.

SEC. 1116. The Secretary is authorized to preserve, restore, interpret, and maintain those historic properties located on water resource development projects under the jurisdiction of the Department of the Army if such properties have been entered into the National Register of Historic Places.

SEC. 1117. Subsection (b) of section 120 of the Water Resources Development Act of 1976 is amended to read as follows:

"(b) There is authorized to be appropriated $10,000,000 per fiscal year for each fiscal year beginning after September 30, 1983, to carry out this section.".

SEC. 1118. (a) The Secretary shall, notwithstanding any other provision of law, convey to the Metropolitan Park District of Columbus and Franklin County, Ohio, all right, title, and interest of the United States in and to all or any part of the eight hundred thirty-four and nine one-hundredths acres of land which were acquired for the Big Darby Lake flood control project and which have been determined to be surplus property. The Secretary shall convey any such right, title, and interest for consideration in an amount equal to the consideration paid by the Secretary for acquisition of such right, title, and interest for such project.

(b) The conveyance of land under subsection (a) of this section shall be made on the condition that such Park District administer such land for park purposes. If, at any time after such conveyance, such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

SEC. 1119. Section 16(b) of the Water Resources Development Act of 1974 is amended by striking out "$1,342,000" and all that follows through the period at the end of such section and inserting in lieu thereof "$1,700,000.".

SEC. 1120. The Secretary shall maintain the navigation project for the Delaware River, Philadelphia to the sea, and the navigation project for the Delaware River, Trenton to Philadelphia, to their authorized dimensions.

SEC. 1121. (a) Downstream recreation on the Gauley River is declared to be an additional project purpose of the Summersville Project, West Virginia. During the fall flood control drawdown period for the project, the Secretary shall provide releases from the Summersville Dam for whitewater recreation in the 26 mile tailwater segment of the Gauley River commencing at the base of such dam. Releases at times and levels (minimum 2,400 cubic feet per second) suitable for such recreation shall commence on the first weekend after Labor Day of each year and continue during each weekend thereafter (and during such weekday periods as the Secretary finds appropriate) for approximately five weeks or until commencement of the traditional West Virginia Department of Natural Resources fish stocking program in the tailwaters area (during hunting season), whichever comes first.

(b)(1) To the extent feasible, whitewater recreation releases in addition to those referred to in subsection (a) may be scheduled by the Secretary during Spring and Summer. Such releases shall not be injurious to fish in the tailwaters of the Summersville Dam or to recreation, including fishing, in the Summersville Lake, as determined by the Secretary, in consultation with the West Virginia Department of Natural Resources and shall be compatible with other project purposes of the Summersville Project.

(2) For purposes of scheduling releases under this subsection, the Secretary may provide for daily increments of water storage during weekdays (until lake levels reach not more than 12 inches above summer pool level) to be released on weekends at time and levels (minimum 2400 cubic feet per second) suitable for whitewater recreation. Such releases shall be scheduled only during periods after the lake is filled to summer level and when inflow into the lake during the previous week is adequate. A scheduled release may be cancelled at any time if the release would reduce lake levels below the summer pool level.

(c) The Secretary may temporarily suspend (for such period as may be necessary) or modify any release required under subsection (a) or scheduled under subsection (b) when necessary for purposes of flood control or any other project purpose, or for reasons of public health and safety.

(d) The Secretary shall schedule the whitewater recreation releases under subsection (b) as early as adequate hydrological data is available and shall, to the maximum extent feasible, provide early advance public notice of all such releases, of all whitewater recreation releases to be provided under subsection (a), and of all suspensions, modification, or cancellations of such releases.

SEC. 1122. (a) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) For purposes of this section—

(1) the terms "Upper Mississippi River system" and "system" mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois;

(2) the term "master plan" means the comprehensive master plan for the management of the Upper Mississippi River system dated January 1, 1982, prepared by the Upper Mississippi River Basin Commission and submitted to Congress pursuant to Public Law 95-502; and

(3) the term "GREAT I, GREAT II, and GRRM studies" means the studies entitled "GREAT River Environmental Action Team—GREAT I—A Study of the Upper Mississippi River", dated September 1980, "GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River", dated December 1980, and "GREAT River Resource Management Study", dated September 1982.

(c)(1) Congress hereby approves the master plan as a guide for future water policy on the Upper Mississippi River system.

(2) Subsection (i) of section 101 of Public Law 95-502 is repealed. Section 101(b) of such Public Law is amended by striking out the parenthetical clause in the last sentence.

(d)(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an existing multi-State entity, as they may deem desirable for making effective such agreements.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation in the river system management, development, and protection.

(3) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such agency or association may make such comments with respect to such recommendations as such agency or association deems appropriate and shall transmit such comments to the Secretary. The Secretary shall transmit such recommendations along with the comments of such agency or association to the Congress for approval.

(e)(1) The Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake, as identified in the master plan—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement;

(B) implementation of a long-term resource monitoring program; and

(C) implementation of a computerized inventory and analysis system.

(2) Each program referred to in paragraph (1) shall be carried out over a ten-year period beginning on the date of enactment of this Act. Before the last day of such ten-year period, the Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall conduct an evaluation of such programs and submit a report on the results of such evaluation to Congress. Such evaluation shall determine each such program's effectiveness, strengths, and weaknesses and contain recommendations for the modification and continuance or termination of such program.

(3) For purposes of carrying out paragraph (1)(A) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $8,200,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $12,400,000 for the second fiscal year beginning after the date of enactment of this Act, and not to exceed $13,000,000 per fiscal year for each of the succeeding eight fiscal years.

(4) For purposes of carrying out paragraph (1)(B) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $7,680,000 for the first fiscal year beginning after the date of enactment of this Act and not to exceed $5,080,000 per fiscal year for each of the succeeding nine fiscal years.

(5) For purposes of carrying out paragraph (1)(C) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $40,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $280,000 for the second fiscal year beginning after the date of enactment of this Act, not to exceed $1,220,000 for the third fiscal year beginning after the date of enactment of this Act, and not to exceed $975,000 per fiscal year for each of the succeeding seven fiscal years.

(6) The Secretary shall determine if the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin are adequately participating in the planning, construction, evaluation, and implementation of those programs authorized by paragraph (1) of this subsection during the third fiscal year after the first appropriation of funds to carry out such paragraph. If participation of the States is not adequate to allow the Secretary to carry out such paragraph, the Secretary shall submit a report to Congress asking for termination of the program's funding.

(7) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary shall conduct an assessment of the economic benefits generated by recreational activities in the system.

(2) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $500,000 per fiscal year for each of the first ten fiscal years beginning after the effective date of this Act and, for purposes of carrying out the assessment of the economic benefits of recreational activities as authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $300,000 per fiscal year for the first and second of such fiscal years and $150,000 for the third of such fiscal years.

(g) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall submit to Congress annual recommendations to be undertaken to increase the capacity of specific locks throughout the system by employing nonstructural measures and making minor structural improvements.

(h)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

(2) The Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation and environmental enhancement based on the condition of the environment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) and paragraph (1) of this subsection.

(3) There is authorized to be appropriated to the Secretary for each of the ten fiscal years beginning after the date of the enactment of this Act such sums as may be necessary to carry out this subsection.

(i)(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their boundaries, any part of the system to identify potential users of dredged material.

(j)(1) Notwithstanding another provision of this section, the Secretary shall enter into an interagency agreement with the Secretary of the Interior, with respect to projects and programs in the master plan for which the Department of the Interior (or any agency or bureau of the Department) is designated in the plan as the lead agency, under which the Secretary of the Interior will carry out all functions that the Secretary, but for this subsection, would carry out regarding those projects and programs.

(2) For purposes of carrying out the functions set forth in the agreement under paragraph (1) of this subsection, there is authorized to be appropriated such sums as may be necessary to the Secretary of the Interior for each of the first ten fiscal years beginning after the date of enactment of this Act. Amounts appropriated for any fiscal year under this paragraph shall be in lieu of, and shall not be in addition to, amounts authorized to be appropriated to the Secretary of the Army, acting through the Chief of Engineers, under this section for such fiscal year.

SEC. 1123. (a) To ensure the coordinated economic revitalization and environmental enhancement of the Great Lakes and their connecting channels and the Saint Lawrence Seaway (hereinafter in this section referred to as the "Great Lakes"), known as the "Fourth Seacoast" of the United States, it is hereby declared to be the intent of Congress to recognize the importance of the economic vitality of the Great Lakes region, the importance of exports from the region in the United States balance of trade, and the need to assure an environmentally and socially responsible navigation system for the Great Lakes. Congress finds that the Great Lakes provide a diversity of agricultural, commercial, environmental, recreational, and related opportunities based on their extensive water resources and water transportation systems.

(b)(1) There is hereby established a Board to be known as the Great Lakes Commodities Marketing Board (hereinafter in this subsection referred to as the "Board").

(2)(A) The Board shall develop a strategy to improve the capacity of the Great Lakes region to produce, market, and transport commodities in a timely manner and to maximize the efficiency and benefits of marketing products produced in the Great Lakes region and products shipped through the Great Lakes.

(B) The strategy shall address, among other things, environmental issues relating to transportation on the Great Lakes and marketing difficulties experienced due to late harvest seasons in the Great Lakes region. The strategy shall include, as appropriate alternative storage, sales, marketing, multimodal transportation systems, and other systems, to assure optimal economic benefits to the region from agricultural and other commercial activities. The strategy shall develop—

(i) methods to improve and promote both bulk and general cargo trade through Great Lakes ports;

(ii) methods to accelerate the movement of grains and other agricultural commodities through the Great Lakes;

(iii) methods to provide needed flexibility to farmers in the Great Lakes region to market grains and other agricultural commodities; and

(iv) methods and materials to promote trade from the Great Lakes region and through Great Lakes ports, particularly with European, Mediterranean, African, Caribbean, Central American, and South American nations.

(C) In developing the strategy, the Board shall conduct and consider the results of—

(i) an analysis of the feasibility and costs of using iron ore vessels which are not being utilized to move grain and other agricultural commodities on the Great Lakes;

(ii) an economic analysis of transshipping such commodities through Montreal, Canada, and other ports;

(iii) an analysis of the economic feasibility of storing such commodities during the nonnavigation season of the Great Lakes and the feasibility of and need for construction of new storage facilities for such commodities;

(iv) an analysis of the constraints on the flexibility of farmers in the Great Lakes region to market grains and other agricultural commodities, including harvest dates for such commodities and the availability of transport and storage facilities for such commodities; and

(v) an analysis of the amount of grain and other agricultural commodities produced in the United States which are being diverted to Canada by rail but which could be shipped on the Great Lakes if vessels were available for shipping such products during the navigation season.

(D) In developing the strategy, the Board shall consider weather problems and related costs and marketing problems resulting from the late harvest of agricultural commodities (including wheat and sunflower seeds) in the Great Lakes region.

(E) In developing the strategy, the Board shall consult United States ports on the Great Lakes and their users, including farm organizations (such as wheat growers and soybean growers), port authorities, water carrier organizations, and other interested persons.

(3) The Board shall be composed of seven members as follows:

(A) the chairman of the Great Lakes Commission or his or her delegate,

(B) the Secretary or his or her delegate,

(C) the Secretary of Transportation or his or her delegate,

(D) the Secretary of Commerce or his or her delegate,

(E) the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate,

(F) the Secretary of Agriculture or his or her delegate, and

(G) the Administrator of the Environmental Protection Agency or his or her delegate.

(4)(A) Members of the Board shall serve for the life of the Board.

(B) Members of the Board shall serve without pay and those members who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the Board, except that members of the Board shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business and engaged in the actual performance of duties vested in the Board.

(C) Four members of the Board shall constitute a quorum but a lesser number may hold hearings.

(D) The cochairmen of the Board shall be the Secretary or his or her delegate and the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate.

(E) The Board shall meet at the call of the co-chairmen or a majority of its members.

(5)(A) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director, who shall be appointed by the Board and shall be paid at a rate which the Board considers appropriate.

(B) Subject to such rules as may be prescribed by the Board, without regard to 5311(b) of title 5, United States Code, the Board may appoint and fix the pay of such additional personnel as the Board considers appropriate.

(C) Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimburseable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this subsection.

(6)(A) The Board may, for purposes of carrying out this subsection, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate.

(B) Any member or agent of the Board may, if so authorized by the Board, take any action which the Board is authorized to take by this paragraph.

(C) The Board may secure directly from any department or agency of the United States any information necessary to enable it to carry out this subsection. Upon request of the co-chairmen of the Board, the head of such department or agency shall furnish such information to the Board.

(D) The Board may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(E) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(7) Not later than September 30, 1987, the Board shall transmit to the President and to each House of the Congress a report stating the strategy developed under this subsection and the results of each analysis conducted under this subsection. Such report shall contain a detailed statement of the findings and conclusions of the Board together with its recommendations for such legislative and administrative actions as it considers appropriate to carry out such strategy and to assure maximum economic benefits to the users of the Great Lakes and to the Great Lakes region.

(8) The Board shall cease to exist 180 days after submitting its report pursuant to this subsection.

(9) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection for fiscal years beginning after September 30, 1984, and ending before October 1, 1988.

(c)(1) The President shall invite the Government of Canada to join in the formation of an international advisory group whose duty it shall be (A) to develop a bilateral program for improving navigation, through a coordinated strategy, on the Great Lakes, and (B) to conduct investigations on a continuing basis and make recommendations for a system-wide navigation improvement program to facilitate optimum use of the Great Lakes. The advisory group shall be composed of five members representing the United States, five members representing Canada, and two members from the International Joint Commission established by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448). The five members representing the United States shall include the Secretary of State, one member of the Great Lakes Commodities Marketing Board (as designated by the Board), and three individuals appointed by the President representing commercial, shipping, and environmental interests, respectively.

(2) The United States representatives to the international advisory group shall serve without pay and the United States representatives to the advisory group who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the advisory group, except that the United States representatives shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular place of business and engaged in the actual performance of duties vested in the advisory group.

(3) The international advisory group established by this subsection shall report to Congress and to the Canadian Parliament on its progress in carrying out the duties set forth in this subsection not later than one year after the formation of such group and biennially thereafter.

(d) The Secretary and the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, and other appropriate Federal and non-Federal entities, shall carry out a review of the environmental, economic, and social impacts of navigation in the United States portion of the Great Lakes. In carrying out such review, the Secretary and the Administrator shall use existing research, studies, and investigations relating to such impacts to the maximum extent possible. Special emphasis shall be made in such review of the impacts of navigation on the shoreline and on fish and wildlife habitat, including, but not limited to, impacts associated with resuspension of bottom sediment. The Secretary and the Administrator shall submit to Congress an interim report of such review not later than September 30, 1986, and a final report of such review along with recommendations not later than September 30, 1988.

SEC. 1124. In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for the mitigation of fish and wildlife losses attributable to the project or for fish and wildlife enhancement, such lands or interests (1) shall be acquired before any construction of the project (other than such acquisition) commences, or (2) shall be acquired along with the acquisition of lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses or enhancement of fish and wildlife), whichever the Secretary determines is appropriate.

SEC. 1125. In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for recreation purposes, such lands or interests shall be acquired along with the acquisition of lands and interests in lands for other project purposes.

SEC. 1126. The Secretary shall not require, under section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889), and the Federal Water Project Recreation Act, non-Federal interests to assume operation and maintenance of any recreational facility operated by the Secretary at any water resources project as a condition to the construction of new recreational facilities at such project or any other water resources project.

SEC. 1127. The Secretary shall establish in the Directorate of Civil Works of the Office of the Chief of Engineers an Office of Environmental Policy. Such Office shall be responsible for the formulation, coordination, and implementation of all matters concerning environmental quality and policy as they relate to the water resources program of the United States Army Corps of Engineers. Such Office shall, among other things, develop, and monitor compliance with, guidelines for the consideration of environmental quality in formulation and planning of water resources projects carried out by the Secretary, the preparation and coordination of environmental impact statements for such projects, and the coordination with Federal, State, and local agencies of environmental aspects of such projects and regulatory responsibilities of the Secretary.

SEC. 1128. (a) Section 4 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 4, 1915 (38 Stat. 1053; 33 U.S.C. 560), is amended by adding at the end thereof the following: "No funds may be accepted or expended under this section unless such acceptance and expenditure has been specifically authorized for that project by law.".

(b) The proviso in section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved June 22, 1936 (33 U.S.C. 701h), is amended by inserting after "as advantageous in the public interest," the following: "except that no such funds may be accepted or expended unless such acceptance and expenditure has been specifically authorized for that project by law,".

SEC. 1129. In addition to amounts authorized to be appropriated to carry out agreements entered into with the State of Illinois pursuant to section 110 of the River and Harbor Act of 1958 relating to the repair and modification of the Illinois and Mississippi Canal, there is authorized to be appropriated to the Secretary not to exceed $15,000,000 to carry out such agreements.

SEC. 1130. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Pearl River Basin, Mississippi and Louisiana, authorized by resolution of the Committee on Environment and Public Works of the Senate, or the Committee on Public Works and Transportation of the House of Representatives, adopted before the date of enactment of this Act, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to any provision of law (other than any provision of this Act) enacted after July 1, 1983, and before December 31, 1985, in the interest of preventing flood damages along the Pearl River in the vicinity of Jackson, Mississippi.

SEC. 1131. The prohibitions and provisions for review and approval of activities in waters of the United States as set forth in sections 9, 10, and 13 of the Act of March 3, 1899 (30 Stat. 1151), the first section of the Act of June 13, 1902 (32 Stat. 371), and section 404 of the Federal Water Pollution Control Act shall not apply to any works or improvements constructed or maintained now or in the future in the Great Miami River Basin, the Great Miami River, and the tributaries of the Great Miami River above river mile 7.5, by any political subdivision established pursuant to chapter 6101, Ohio Revised Code, as in effect on July 1, 1983.

SEC. 1132. Any project authorized for construction by this Act shall not be authorized after the last day of the five-year period beginning on the date of enactment of this Act unless during such period funds have been obligated for construction, including planning and designing, of such project.

SEC. 1133. (a) On and after December 31, 1989, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on December 31, 1989, shall be at fair market rentals and on such other reasonable terms and conditions not inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease.

(b)(1) On and after December 31, 1989, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) of this subsection.

(2) On and after December 31, 1989, the Secretary may terminate a lease to which this section applies only if—

(A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or

(B) the leaseholder substantially violates a provision of such lease.

(c) Subsections (a) and (b) of this section apply to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on December 31, 1989, and (2) any assignment of such a lease.

(d) On and after December 31, 1989, no houseboat, floating cabin, marina (including any with sleeping facilities), or lawfully installed dock or cabin and appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this Act, if such property is maintained in usable condition, and, in the judgment of the Secretary, does not occasion a threat to life or property, except where necessary for immediate use for public purposes or other higher public use or for a navigation of flood control project.

SEC. 1134. In the construction of any water resources project, the Secretary is authorized to make only such modifications—

(1) as reflect changes in construction costs (including costs of real property acquisitions, preconstruction studies, planning, and engineering and design), as are indicated by engineering and other appropriate cost indexes;

(2) as do not materially alter the scope or functions of the project; or

(3) as are the result of additional studies, modifications, or other actions (including mitigation and other environmental actions) authorized by this Act or any other law enacted before, on, or after the date of enactment of this Act.

SEC. 1135. (a) The Secretary is authorized to review the operation of water resources projects constructed by the Secretary before the date of enactment of this Act to determine the need for modifications in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest.

(b) The Secretary is authorized to carry out a demonstration program in the two-year period beginning on the date of enactment of this Act for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary before the date of enactment of this Act which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and (2) will improve the quality of the environment in the public interest.

(c) The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

(d) Not later than two years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the review conducted under subsection (a) and on the demonstration program conducted under subsection (b). Such report shall contain any recommendations of the Secretary concerning modification and extension of such program.

(e) There is authorized to be appropriated not to exceed $25,000,000 to carry out this section.

SEC. 1136. (a)(1) The Secretary is authorized to reimburse the State of New York for 50 per centum of the costs of maintaining and operating the New York State Barge Canal, if the work involved is in accordance with an agreement between the Secretary and the State of New York. The State of New York shall continue to own and operate such canal.

(2) The Secretary is authorized to reimburse the State of New York for 50 per centum of the cost of reconstructing and rehabilitating the New York State Barge Canal for navigation, flood control, water supply, irrigation, power, recreational, historic, and environmental purposes in accordance with the recommendations of the Secretary in the report transmitted under subsection (b) and in accordance with an agreement between the Secretary and the State of New York.

(b) The Secretary shall, in cooperation with the State of New York, study the need for reconstruction and rehabilitation of the New York State Barge Canal for navigation, flood control, water supply, irrigation, power, recreational, historic, and environmental purposes. Not later than two years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study, along with recommendations of the Secretary for reconstruction and rehabilitation of such canal. No appropriation shall be made for any rehabilitation and reconstruction authorized by subsection (a), if such reconstruction and rehabilitation have not been approved by resolution adopted by each such committee.

(c) For purposes of this section, the term "New York State Barge Canal" means—

(1) the Erie Canal, which connects the Hudson River at Waterford with the Niagara River at Tonawanda;

(2) the Oswego Canal, which connects the Erie Canal at Three Rivers with Lake Ontario at Oswego;

(3) the Champlain Canal, which connects the easterly end of the Erie Canal at Waterford with Lake Camplain at Whitehall; and

(4) the Cayuga and Seneca Canals, which connect the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Ithaca and through Seneca Lake with Montour Falls.

SEC. 1137. (a) The Secretary is hereby authorized to develop and implement a flood warning system for the Whitewater River, San Bernadino and Riverside Counties, California, at an estimated cost of $300,000.

(b) Prior to installation, local interest shall agree to operate and maintain the system authorized by subsection (a), and develop, maintain, and implement emergency evacuation plans satisfactory to the Secretary.

SEC. 1138. (a) In constructing any water resources project in a labor market area which has a high unemployment rate, the Secretary shall, to the extent he determines feasible, provide for the employment of residents of such labor market area.

(b) Not later than ninety days after the President or any other official of the executive branch requests the appropriation of initial funds for any water resources project, the Secretary shall transmit to Congress current information on the potential benefits of the project which are attributable to the employment of unemployed residents of the labor market area in which the project is located.

(c) For purposes of this section—

(1) The term "labor market area" shall have the meaning given such term by the Secretary of Labor.

(2) A labor market area has a high rate of unemployment if the average rate of unemployment for such area, as determined by the Secretary of Labor, over the most recent twelve-month period for which satistics are available is higher than the national average rate of unemployment, as determined by the Secretary of Labor, over such twelve-month period.

SEC. 1139. Notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for uniformed civilian employees of the United States Army Corps of Engineers may be up to $400 annually.

SEC. 1140. Section 145 of the Water Resources Development Act of 1976 is amended by inserting "by such State of 50 per centum" after "upon payment".

SEC. 1141. The Secretary shall amend the contract between the State of Illinois and the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois to relieve the State of Illinois of the requirement to make annual payments for that portion of the maintenance and operation costs applicable to future water supply storage as is consist-

ent with the Water Supply Act of 1958 (Public Law 85-500), until such time and in such proportion as the storage is used for water supply purposes.

SEC. 1142. After an agreement for the sale by the Southern California Water Company to the city of Hawaiian Gardens, California, of the water supply system which serves such city is entered into, the Secretary shall make a loan to such city to pay the cost of acquisition and rehabilitation of such system at an estimated cost of $3,500,000. Such city shall repay the cost of such acquisition and rehabilitation to the Secretary in accordance with the Water Supply Act of 1958.

SEC. 1143. The Secretary shall procure by contract not less than 30 per centum of architectural and engineering services required for the design and construction of water resources projects undertaken by the Secretary.

SEC. 1144. Any surveying or mapping services to be performed in connection with a water resources project which is or has been authorized to be undertaken by the Secretary shall be procured in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 1145. (a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary.

(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasonable. Except as specifically provided herein all transactions will be in accordance with existing laws and procedures.

SEC. 1146. Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by striking out "drinking" each place it appears in the second sentence and by inserting immediately after the first sentence the following new sentence: "In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief Act of 1974, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services.".

SEC. 1147. Section 156 of the Water Resources Development Act of 1976 (90 Stat. 2933) is amended by striking out "fifteenth" and inserting in lieu thereof "fiftieth".

SEC. 1148. (a) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking out "$30,000,000" in the first sentence and inserting in lieu thereof "$50,000,000" and by striking out "$4,000,000" in the third sentence and inserting in lieu thereof "$7,500,000". Such section is further amended by adding at the end thereof the following new sentence: "Section 302 of the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983, relating to non-Federal share, acquisition of lands, easements, and rights-of-way, and relocations of utilities, structures, and other improvements, shall apply to projects under this section.".

(b) Section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g) is amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000" and by striking out "$250,000" and inserting in lieu thereof "$750,000".

(c) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking out "$10,000,000" and inserting in lieu thereof "$15,000,000" and by striking out "$250,000" and inserting in lieu thereof "$750,000".

(d) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000". Subsection (b) of such section is amended by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000".

(e) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended (1) by striking out "$25,000,000" and inserting in lieu thereof "$30,000,000", and (2) by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

(f) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

(g) Section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works or rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is amended by striking out "$300,000" and inserting in lieu thereof "$4,000,000".

(h) The Secretary is authorized to use the authority contained in section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) in the Trust Territory of the Pacific Islands.

(i) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

SEC. 1149. The Secretary shall expedite completion of the study of a new lock parallel to the existing Poe Lock being undertaken as part of the study of additional locks on the Saint Lawrence Seaway and shall submit to the Congress a report on such additional lock not later than September 30, 1985.

SEC. 1150. (a) After the Chief of Engineers transmits his recommendations for a water resources development project to the Secretary of the Army for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, and before authorization for construction of such project, the Chief of Engineers is authorized to undertake continued planning and engineering (other than preparation of plans and specifications) for such project if the Chief of Engineers finds that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations and the Chief of Engineers transmits to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a statement of such findings. In the two-year period after authorization for construction of such project, the Chief of Engineers is authorized to undertake planning, engineering, and design for such project.

(b) Not later than January 15, 1985, and each January 15 thereafter, the Secretary shall prepare and transmit a report on the activities undertaken under this section in the preceding fiscal year to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) There is authorized to carry out this section not to exceed $20,000,000 per fiscal year for each of the fiscal years 1985 and 1986.

(d) The authorizations made by this section shall be in addition to any other authorizations for planning, engineering, and design of water resources development projects and shall not be construed as a limitation on any such other authorization.

SEC. 1151. The Secretary shall reevaluate the feasibility of the Elk Creek Lake feature of the project for the Rogue River, Oregon and California, authorized by the Flood Control Act of 1962 (76 Stat. 1192), including an evaluation of the feasibility of adding hydroelectric power as a project purpose. The evaluation and justification of the Elk Creek Lake feature shall be based on the benefits and costs of all features of the project for the Rogue River. Hydroelectric power shall be added as a project purpose if the Secretary determines that such addition will increase the amount by which total economic benefits of the project exceed total economic costs. In reviewing the economic feasibility of such project, the Secretary shall use the rate of interest that applied at the time such project was authorized.

SEC. 1152. In recommending funding for construction of water resources projects, the

Secretary shall not give priority to any project for which the non-Federal interests agree to provide a greater non-Federal share than is required by the law authorizing such project.

SEC. 1153. The Secretary shall study and evaluate the measures necessary to increase the capabilities of the United States Army Corps of Engineers to undertake the planning and construction of water resources projects on an expedited basis and to adequately comply with all requirements of law applicable to the water resources program of the Corps of Engineers. The Secretary shall implement such measures as may be necessary to improve such capabilities, including the establishment of increased levels of personnel, changes in project planning and construction procedures designed to lessen the time required for such planning and construction, and procedures for expediting the coordination of water resources projects with Federal, State, and local agencies.

SEC. 1154. Not later than January 15, 1986, and each January 15 thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report which—

(1) specifies the amount of electricity generated by each water resource project constructed by the Secretary which generated electricity in the preceding fiscal year;

(2) specifies the revenues received by the United States from the sale of electricity generated by such project; and

(3) specifies the costs of construction, operation, and maintenance of such project allocated to the generation of electricity.

The first report submitted under this section shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project before October 1, 1984, on a fiscal year basis. Each report thereafter shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project for the preceding fiscal year.

SEC. 1155. Section 22 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at the end thereof the following:

"(c) For the purposes of this section, the term 'State' means the several States of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

SEC. 1156. (a) The President may appoint a regular officer of any of the Armed Forces who is serving on active duty as the Federal Commissioner of the Red River Compact Commission.

(b) Notwithstanding any other provision of law, acceptance by a regular officer of any of the Armed Forces of an appointment as the Federal Commissioner of the Red River Compact Commission, or the exercise of the functions of the Federal Commissioner and chairman of such Commission, by such officer shall not terminate or otherwise affect such officer's appointment as a military officer.

SEC. 1157. The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

SEC. 1158. The first proviso of section 4 of the River and Harbor Act approved July 5, 1884 (23 Stat. 147), as amended by section 6 of the River and Harbor Act, approved March 3, 1909 (33 U.S.C. 5), is amended to read as follows: "*Provided*, That whenever, as determined by the Secretary, the condition of any of the aforesaid works is such that its reconstruction is essential to its efficient and economical maintenance and operation, the reconstruction thereof may include such modifications in plan and location as may be necessary to provide adequate facilities for navigation. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any such reconstruction if such acquisition and actual construction have not been approved by resolution of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives:".

SEC. 1159. (a) In the preparation of feasibility reports for projects for flood damage prevention in urban and rural areas, the Secretary shall consider and evaluate measures to reduce or eliminate damages from flooding without regard to frequency of flooding, drainage area, and amount of runoff.

(b) The provisions of section 302 of this Act shall apply to all measures authorized after the date of enactment of this Act to reduce or eliminate damages from flooding in urban and rural areas.

SEC. 1160. The Secretary is authorized to construct and improve facilities at the Niagara Frontier Transportation Authority, Port of Buffalo, including the construction of bulkheading in a total length of 1,000 feet, sufficient to facilitate a 1,000-foot class X vessel or a 730-foot class VII vessel, at an estimated cost of $6,450,000.

SEC. 1161. The Secretary is authorized to construct and maintain a navigation channel 9 feet deep and 100 feet wide from the mouth of the Beaver River at Bridgewater, Pennsylvania, a distance of approximately three miles upriver, to the dam at New Brighton, at an estimated cost of $700,000. Prior to initiation of construction of the project, non-Federal interests shall agree to pay one-half of the costs of construction of the project attributable to recreational boating.

SEC. 1162. Section 1114 of title 18, United States Code, is amended by inserting "or any uniformed civilian official or uniformed civilian employee of the Corps of Engineers of the Department of the Army assigned to perform investigations, inspections, or law or regulatory enforcement functions in connection with civil activities of the Department of the Army," immediately after "Foreign Service,".

SEC. 1163. The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to plan, design, and construct a demonstration project for the recharge of groundwater in the drainage basin of the Tucson, Arizona, metropolitan area, at an estimated cost of $2,500,000.

SEC. 1164. (a) The Secretary is authorized, with the concurrence of the Director of the National Park Service and the South Florida Water Management District, to modify the schedule for delivery of water from the central and southern Florida project to the Everglades National Park required by section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970 (Public Law 91-282) and to conduct an experimental program for the delivery of water to the Everglades National Park from such project for the purpose of determining an improved schedule for such delivery.

(b) The Secretary shall, as soon as practicable, make such modifications in the comprehensive plan for flood control and other purposes, central and southern Florida, authorized by the Flood Control Act of 1948 and subsequent Acts of Congress, as may be necessary to restore the natural flow of water to the Everglades National Park. The Secretary is further authorized to acquire such interests in lands as are necessary to permit the natural flow of water to the Everglades National Park, at an estimated cost of $75,000,000. The Secretary shall acquire any interest in land under this subsection at the fair market value of such interest based on conditions existing after the construction of the project described in subsection (a) of this section and before any modification is made to the schedule for delivery of water to the Everglades National Park under such subsection and before the restoration of such natural flow. The Secretary is also authorized to construct necessary flood protection measures for protection of homes in the area affected by any modification of such delivery schedule or by the restoration of such natural flow.

SEC. 1165. The Secretary is authorized and directed to undertake such emergency bank stabilization measures as are necessary to protect bridges on Elm Creek in the vicinity of Decatur, Nebraska, at an estimated cost of $500,000.

SEC. 1166. Section 221(a) of the Flood Control Act of 1970 is amended by adding at the end thereof the following: "In any such agreement entered into by a State, such State may make the furnishing of all or any portion of its required cooperation contingent upon the appropriation by the State of necessary funds for that purpose.".

SEC. 1167. The Secretary is authorized and directed to improve public access to, and lessen a health and safety hazard at, Pearson-Skubitz Big Hill Lake, Kansas, by upgrading existing roads to the extent feasible and acquiring additional rights-of-way and constructing new roads as required, at an estimated cost of $1,200,000.

SEC. 1168. The Secretary is authorized to contract with existing, nonprofit economic development organizations to assist in the preparation of projects as provided in sections 804(a) and 851(b) and to undertake such actions as may be necessary to identify and stimulate the long-term economic development envisioned as the result of projects which serve remote rural areas or in areas where such are justified because of economic reasons.

SEC. 1169. (a) The first sentence of the paragraph under the center heading "ARKANSAS AND RED RIVERS" in section 203 of the Flood Control Act of 1966, as amended, is amended by striking out "$46,400,000" and inserting in lieu thereof "$177,600,000".

(b) Section 201 of the Flood Control Act of 1970, as amended by section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the center heading "ARKANSAS-RED RIVER BASIN" and adding the following: "No funds shall be appropriated or expended under authority granted in the Flood Control Act of 1966, as amended, for construction of chloride control projects within the Arkansas River Basin. The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to

be separate projects, with separate authority.".

(c) The Secretary is authorized to conduct a restudy of the Arkansas River chloride control project to determine its economic feasibility and report the findings of such study to Congress.

SEC. 1170. In order to assure the most economical and cost-saving construction of water resources projects authorized before, on, or after the date of enactment of this Act, the Secretary shall require a value engineering review during design for each water resources project authorized before, on, or after such date of enactment which has an estimated cost in excess of $10,000,000. For purposes of this section, the term "value engineering review" means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high costs in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

SEC. 1171. (a) Except as provided in subsection (b), the appropriate non-Federal interests shall provide the necessary lands, easements, and rights-of-way for any water resources demonstration project authorized by this Act or by any Act enacted after the date of enactment of this Act. If the value of the lands, easements, and rights-of-way so provided is less than 10 percent of the cost of the project (including the value of such lands, easements, and rights-of-way), the non-Federal interests shall pay to the Secretary over a 15-year period an amount equal to the excess of (1) the amount equal to 10 percent of such cost, over (2) the value of such lands, easements, and rights-of-way.

(b) If the Secretary estimates before the beginning of construction of any project to which subsection (a) applies that the value of all lands, easements, and rights-of-way required for such project will be a percentage of the cost of the project which is greater than 10 percent, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated value exceeds 10 percent of the estimated cost of the project.

SEC. 1172. (a) Beginning October 1, 1985, the Secretary, in cooperation with the State of Illinois, shall carry out measurements and make necessary computations required by the decree of the United States Supreme Court (388 U.S. 426) relating to the diversion of water from Lake Michigan and shall coordinate the results with downstate interests. The measurements and computations shall consist of all flow measurements, gauge records, hydraulic and hydrologic computations, including periodic field investigations and measuring device calibrations, necessary to compute the amount of water diverted from Lake Michigan by the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities, not including water diverted or used by Federal installations.

(b) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1985, to carry out this section, including those funds necessary to maintain the measurements and computations, as well as necessary capital construction costs associated with the installation of new flow measurement devices or structures declared necessary and appropriate by the Secretary.

SEC. 1173. Notwithstanding any other provision of this Act and any other provision of law, the total amount which may be appropriated from the general fund of the Treasury for construction of water resources projects by the Secretary shall not exceed $1,500,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986, and $1,600,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989.

SEC. 1174. Section 22(b) of the Water Resources Development Act of 1974 is amended—

(1) by striking out "$4,000,000" and inserting in lieu thereof "$10,000,000"; and

(2) by striking out "$200,000" and inserting in lieu thereof "$500,000".

SEC. 1175. The Secretary is authorized and directed to remove the Berkeley Pier, which extends into San Francisco Bay, California, approximately 12,000 feet, at an estimated cost of $1,050,000.

SEC. 1176. (a) The Secretary is authorized to implement a program of research in order to demonstrate the cropland irrigation and conservation techniques described in the report issued by the New England Division Engineer, dated May 1980, for the Saint John River Basin, Maine.

(b) For the purposes of this section, there is authorized to be appropriated to the Secretary the sums of $1,825,000 for the fiscal year ending September 30, 1985, $820,000 for the fiscal year ending September 30, 1986, and $785,000 for the fiscal year ending September 30, 1987, such sums to remain available until expended.

SEC. 1177. The Secretary is authorized to construct a seawall from the canneries in the village of Atu'u, Ma'oputasi County, to Breakers Point near the village of Tafananai, Sua County, Western Tutuila Island, American Samoa, at an estimated cost of $1,200,000.

SEC. 1178. The Secretary is authorized to rehabilitate the fuel dock adjacent to the Rainmaker Hotel between the villages of Utulei and Fagatogo in Ma'oputasi County, Eastern Tutuila Island, American Samoa, at an estimated cost of $350,000.

SEC. 1179. Section 215(a) of the Flood Control Act of 1968 is amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000".

SEC. 1180. Notwithstanding any other provision of law, in any case in which the use of fill material for beach erosion and beach nourishment is authorized as a purpose of an authorized water resources project, the Secretary is authorized to acquire by purchase, exchange, or otherwise from nondomestic sources and utilize such material for such purposes if such materials are not available from domestic sources for environmental or economic reasons.

SEC. 1181. The Secretary, the Director of the Federal Emergency Management Agency, and the Administrator of the Soil Conservation Service shall take necessary actions, including the posting and distribution of information and the preparation and distribution of educational materials and programs, to ensure that information relating to flood hazard areas is generally available to the public.

SEC. 1182. The Secretary is authorized to accept funds from any entity, public or private, in accordance with the Pacific Northwest Electric Power Planning and Conservation Act to be used to protect, mitigate, and enhance fish and wildlife in connection with projects constructed or operated by the Secretary. The Secretary may accept and use funds for such purposes without regard to any limitation established under any other provision of law or rule of law.

SEC. 1183. (a) The Secretary may require compliance with any requirements pertaining to cooperation by non-Federal interests in carrying out any water resources project authorized before, on, or after the date of enactment of this Act.

(b) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing any cooperation required under subsection (a), the Secretary shall issue an order requiring such non-Federal interest to provide such cooperation. After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed $10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed $50,000.

(c) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary injunction, for any violation of an order issued under this section, to collect a civil penalty imposed under this section, or to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing business, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of any civil penalty imposed under this section, and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

SEC. 1184. (a) In recognition of the serious impacts that are expected to occur to the Great Lakes environment as a result of a projected fivefold increase in consumption of Great Lakes water, including loss of wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, and in recognition of the national goal to provide environmental protection and preservation of our natural resources while allowing for continued economic growth, the Administrator of the Environmental Protection Agency, in cooperation with other interested departments, agencies, and instrumentalities of the United States and the eight Great Lakes States and their political subdivisions, is authorized to conduct a study of control measures which can be implemented to reduce the quantity of Great Lakes water consumed without adversely affecting projected economic growth of the Great Lakes region.

(b) The study authorized by this section shall include an analysis of both existing and new technology which is likely to be feasible in the foreseeable future and shall at a minimum include the following:

(1) a review of the methodologies used to forecast Great Lakes consumptive uses, including an analysis of the sensitivity of key variables affecting such uses;

(2) an analysis of the effect that enforcement of provisions of the Federal Water Pollution Control Act relating to thermal discharges has had on consumption of Great Lakes water;

(3) an analysis of the effect of laws, regulations, and national policy objectives on

consumptive uses of Great Lakes water used in manufacturing;

(4) an analysis of the economic effects on a consuming industry and other Great Lakes interests associated with a particular consumptive use control strategy;

(5) an analysis of associated environmental impacts, both singularly and in combination with other consumptive use control strategies; and

(6) a summary discussion containing recommendations for methods of controlling consumptive uses which methods maximize benefits to the Great Lakes ecosystem and also provide for continued full economic growth for consuming industries as well as other industries which depend on the use of Great Lakes water.

(c) There is authorized to be appropriated for fiscal years beginning after September 30, 1984, $4,500,000 to carry out this section. Sums appropriated under this section shall remain available until expended.

(d) For purposes of this section, the term "Great Lakes States" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

SEC. 1185. (a) The Congress finds and declares that—

(1) the Great Lakes are a most important natural resource to the eight Great Lakes States and two Canadian provinces, providing water supply for domestic and industrial use, clean energy through hydropower production, an efficient transportation mode for moving products into and out of the Great Lakes region, and recreational uses for millions of United States and Canadian citizens;

(2) the Great Lakes need to be carefully managed and protected to meet current and future needs within the Great Lakes States and Canadian provinces;

(3) any new diversions of Great Lakes water for use outside of a Great Lakes State will have significant economic and environmental impacts, adversely affecting the use of this resource by the Great Lakes States and Canadian provinces; and

(4) the Great Lakes are international waters and are defined as boundary waters in the Boundary Waters Treaty of 1909 between the United States and Canada, and as such any new diversion of Great Lakes water in the United States would affect the relations of the Government of the United States with the Government of Canada.

(b) It is therefore declared to be the purpose and policy of the Congress in this section—

(1) to take immediate action to protect the limited quantity of water available from the Great Lakes system for use by the Great Lakes States and in accordance with the Boundary Waters Treaty of 1909;

(2) to prohibit any diversion of Great Lakes water by any State, Federal agency, or private entity for use outside of a Great Lakes State unless such diversion is approved by all the Great Lakes States and the International Joint Commission; and

(3) to prohibit any Federal agency from undertaking any studies that would involve the transfer of Great Lakes water for any purpose for use outside of a Great Lakes State.

(c) As used in this section, the term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(d) No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside of a Great Lakes State unless such diversion is approved by all eight Great Lakes States and the International Joint Commission established by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448) (referred to in this section as the "Boundary Waters Treaty of 1909").

(e) No Federal agency may undertake any study, or expend any Federal funds to contract for any study, of the feasibility of diverting water from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside of a Great Lakes State. The prohibition of the preceding sentence shall not apply to any study or data collection effort performed by the Corps of Engineers or other Federal agency under the direction of the International Joint Commission in accordance with the Boundary Waters Treaty of 1909.

SEC. 1186. (a) Subject to the provisions of this section, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, is authorized to take such action as may be necessary to remove and dispose of toxic pollutants from areas of the Buffalo River, New York, which contain high levels of such pollutants.

(b) No appropriation shall be made for the removal and disposal of toxic pollutants from the Buffalo River, New York, under this section if such removal and disposal have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c)(1) The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study of the Buffalo River to determine which areas of such river contain high levels of toxic pollutants, to determine whether or not removal and disposal of such pollutants from such areas is economically and environmentally feasible, and to determine the most efficient and effective methods of removing such pollutants from such areas and of disposing of such pollutants after their removal.

(2) Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this subsection (including a list of areas identified as containing high levels of toxic pollutants), along with recommendations concerning whether or not removal and disposal of toxic pollutants from identified areas is economically and environmentally feasible and concerning methods of removing and disposing of such pollutants.

(3) There is authorized to be appropriated such sums as may be necessary to conduct the study under this subsection of this section for fiscal years beginning after September 30, 1984.

SEC. 1187. (a) Bayou Lafourche, in the State of Louisiana, between Canal Boulevard, city of Thibodaux, Parish of Lafourche, and the Southern Pacific Railroad bridge crossing the bayou, city of Thibodaux, Parish of Lafourche, is hereby declared to be a nonnavigable waterway of the United States within the meaning of the laws of the United States relating to the construction of bridges across navigable waters.

(b) The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 1188. Section 14 of the Act of March 3, 1899 (33 U.S.C. 408), is amended by inserting "(1)" after "grant permission for" and by striking out the period at the end thereof and inserting in lieu thereof ", and (2) the alteration or permanent occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest and will not impair the usefulness of such works.".

SEC. 1189. The Secretary is authorized to acquire from willing sellers lands on which residential structures are located, which lands are subject to frequent and recurring flood damage, within the area being studied pursuant to the Passaic River Basin flood control study authorized by section 101 of the Water Resources Development Act of 1976. Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin. There is authorized to be appropriated $50,000,000 to carry out this section.

SEC. 1190. (a) In order to assure a fair and reasonable distribution of civil works contracts set aside for small and disadvantaged business, the Secretary shall, on a quarterly basis, transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report describing the number and dollar amount of contracts awarded in each industry category or subcategory broken down by Engineer District of the Army Corps of Engineers. Such report shall include the number and dollar amount of contracts (1) set aside for small business concerns; (2) awarded to small business or small disadvantaged business concerns; (3) available for competition by qualified firms of all sizes; and (4) awarded to other than small business or small disadvantaged business concerns.

(b) For purposes of this section, the term—

(1) "contract" means any contract, or any subcontract in connection with a subcontracting plan entered into pursuant to section 8(d) of the Small Business Act, as amended (15 U.S.C. 637(d)), which is funded through appropriations made available to the Corps of Engineers-Civil; and

(2) "industry category or subcategory" means the four digit SIC category or subcategory defined by the Small Business Administration.

SEC. 1191. Notwithstanding any other provision of law, the Secretary may dispose of any vessel, and any related equipment, which is under the control of the Corps of Engineers and is used for dredging, through sale or lease to a non-domestic government as part of a Corps of Engineers technical assistance program or to a Federal or State maritime academy for training purposes, or through sale solely for scrap to non-domestic or domestic interests. Any such vessel shall not be disposed of under this section or any other provision of law for use within the United States for the purpose of dredging. Amounts collected from the sale or lease of any such vessel or equipment shall be deposited into the revolving fund authorized pursuant to the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576), to be available, as provided in appropriations

Acts, for the operation and maintenance of vessels under the control of the Corps of Engineers.

SEC. 1192. The Secretary is authorized and directed to construct a second lock 1,294 feet in length, 115 feet in width, and 32 feet in depth, adjacent to the existing lock at Sault Sainte Marie, Michigan, at full Federal expense and at an estimated cost of $240,000,000.

SEC. 1193. (a) Notwithstanding any other provision of law, the State of California or any political subdivision thereof, or any non-Federal public body organized under the laws of the State of California, which is operating the William G. Stone Lock in Yolo County, California, under lease agreement with the Secretary may levy and collect tolls or other user fees from vessels using such lock. Such tolls or fees shall be in amounts not exceeding amounts necessary to recover the costs of operating and maintaining the William G. Stone Lock by such State, political subdivision, or public body under such lease agreement.

(b) Any lease for the operation of the William G. Stone Lock entered into by the Secretary after the date of enactment of this Act shall require the lessee to develop a plan of operation for such lock acceptable to Yolo County, California.

PART XII—WATER RESOURCES POLICY ACT

SUBPART A—SHORT TITLE

SEC. 1201. This title may be cited as the "Water Resources Policy Act of 1985".

SEC. 1202. Nothing in this title shall be construed to expand or diminish either Federal or State jurisdiction, responsibility, or rights in the field of water or related land resources planning, development, or control; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects.

SUBPART B—NATIONAL BOARD

SEC. 1221. There is hereby established a National Board on Water Resources Policy (hereinafter in this title referred to as the "Board") which shall be composed of seven members as follows: (1) the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Administrator of the Environmental Protection Agency, or their respective designees, (2) two members who shall be appointed by the President with the advice and consent of the Senate, one from among nominations made by the Speaker of the House of Representatives, and one from among nominations made by the President pro tempore of the Senate; and (3) a Chairman who shall be appointed by the President by and with the advice and consent of the Senate. Any person designated a member by a Secretary or Administrator must be designated from among persons who are officers of the United States appointed by the President with the advice and consent of the Senate. The Chairman shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The two additional members appointed by the President shall be compensated on a daily basis for each day of service at the daily rate applicable to level IV of the Executive Schedule under section 5313 of title 5, United States Code, and shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Board. During the period of his service on the Board, the Chairman and the members appointed by the President shall not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the Federal Government. No retired officer or employee shall receive from the Federal Government for retirement benefits and service to the Board total compensation which exceeds the applicable rate for level III or IV of the Executive Schedule, as the case may be. The Chairman of the Board shall request the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of Energy and the heads of such other Federal agencies as may be appropriate to participate without a vote with the Board when matters affecting their responsibilities are considered by the Board. The Board shall meet at least once during each quarter of the year. Any action of the Board shall require a quorum to be present and a majority vote of those members present and voting.

SEC. 1222. The Board shall—

(1) perform studies and prepare assessments at such intervals as the Board may determine, of the adequacy of supplies of water (both quality and quantity) necessary to meet the water requirements in each water resource region in the United States and the national interest therein, taking into consideration the special needs of rural areas due to increasing demands for water to provide sustained economic development and agricultural productivity; and

(2) perform studies and prepare assessments of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; appraise the adequacy of existing and proposed policies and programs to meet such requirements; and make recommendations to the President and to Congress with respect to Federal policies and programs.

For purposes of this section, policies and programs shall include, but not be limited to, water and related land resources planning, development, management, and conservation; integration of water quantity and water quality planning and management; and enhancement of State and local capabilities with respect to water and related land resources planning, development, management, and conservation.

SEC. 1223. (a) The Board shall assist in interagency coordination of Federal water resources research. Such coordination shall include, but not be limited to, (1) continuing review of the adequacy of Federal programs in water resources research and identification of technical needs in various water resources research categories, (2) identification of duplication and overlapping between two or more Federal water resources research programs and elimination of such duplication and overlapping to the extent that this may be accomplished under existing law, (3) recommendations to the Federal agencies involved in Federal water resources research with respect to allocation of technical efforts among such agencies, (4) recommendations to such Federal agencies concerning management policies to improve the quality of Federal research efforts, and (5) actions to facilitate interagency communication at management levels.

(b) The Board shall report annually to Congress concerning actions taken to implement this section and include in such report any recommendations for changes in legislation that it deems appropriate to meet the objectives of this section.

(c) For the purposes of this section, the Board shall make use of the Water Resources Scientific Information Center, established under section 302 of the Water Research and Development Act of 1978 (Public Law 95-467), or any successor agency.

SEC. 1224. (a) The Board shall establish by rule, after such consultation with other interested entities, both Federal and non-Federal, as the Board may find appropriate, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. The objectives of enhancing regional economic development, the quality of the total environment (including its protection and improvement), the well-being of the people of the United States, the prevention of loss of life, and national economic development shall be the objectives to be included in each such project, and the benefits and costs attributable to such objectives, both quantifiable and unquantifiable, shall be included in the evaluation of the benefits and costs of each such project. Such principles, standards, and procedures shall require that every report relating to any such water or related land resources project include specific information on the benefits and costs attributable to each of such objectives. Such principles, standards, and procedures shall also define the objective of water conservation as including projects, programs, or features thereof, designed to (1) improve efficiency in use and reduce losses and waste of water (including by storage), (2) reduce the demand for water, or (3) improve land management practices to conserve water.

(b) The Board shall establish separate principles, standards and procedures as described in subsection (a) for small Federal water or related land resources projects administered by the United States Department of Agriculture.

(c) The principles, standards, and procedures promulgated under the Water Resources Planning Act by the Water Resources Council, as contained in sections 711.1 through 716.309 of title 18 of the Code of Federal Regulations as those sections were in effect on March 9, 1983, shall be in effect until such time as principles, standards, and procedures established under this section take effect.

SEC. 1225. (a) For the purpose of carrying out the provisions of this subtitle, the Board may (1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) employ and fix the compensation of such personnel as it deems advisable; (5) procure services as authorized by section 3109(b) of title 5, United States Code, at rates not in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual

experts or consultants; (6) purchase, hire, operate, and maintain passenger motor vehicles; and (7) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this subtitle.

(b) Any member of the Board is authorized to administer oaths when it is determined by a majority of the Board that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of the Board may be made available for public inspection during ordinary office hours.

(d) Upon request of the Board, the head of any Federal department or agency is authorized (1) to furnish to the Board such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such Board on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The Board shall be responsible for (1) the appointment and supervision of personnel, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds.

SEC. 1226. (a) There is hereby established a regional-State water resources advisory committee (hereinafter referred to as the "committee").

(b) The Board shall appoint one member from each of the major water resources regions described in the document entitled "Second National Water Assessment", dated December 1978, and transmitted to the President on January 25, 1979. The Board shall give consideration to recommendations of the Governors of the States which lie wholly or partially within such a region when appointing a member from such region. Each member of the committee shall be selected on the basis of knowledge of water resources management and water resources needs of the region that he or she represents. The chairman of the committee shall be selected by the members from among the members of the committee.

(c) The committee is authorized to submit to the Board the recommendations of the committee on any matter which is before the Board, and the recommendations of the committee shall be included in any recommendations of the Board reported to the President and Congress under section 1022(2) of this subtitle, with respect to such matter.

SEC. 1227. (a) Simultaneously with promulgation or repromulgation of any rule by the Board, under authority of any law of the United States relating to principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation, evaluation, and review of Federal water and related land resources projects, the Board shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Such rule shall not take effect before 90 calendar days of continuous session of Congress following the date of such transmission.

(b) For purposes of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of 90 calendar days of continuous session of Congress.

(c) For purposes of this section, the term "rule" includes, but is not limited to, any rule, regulation, principle, standard, or procedure, or any part thereof.

SEC. 1228. No later than fifteen days following the transmission of the President's budget submittal to the Congress the Board shall transmit to the Speaker of the House of Representatives and the President pro tem of the Senate reports on, as appropriate, Bureau of Reclamation, Army Corps of Engineers, and Department of Agriculture water resource studies or projects (1) which are not included in the President's budget submittal; (2) for which feasibility studies or construction have previously been authorized; and (3) the construction of which have not been completed. Such reports shall include a detailed description of each project, the President's explanation for not including the projects in his budget submittal, and information on the compliance of each project with any relevant principles, standards, and procedures.

SEC. 1229. There is authorized to be appropriated to carry out the provisions of this subtitle, the sum of $3,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 of which no more than $50,000 is authorized each such fiscal year to carry out section 1226.

SUBPART C—ASSISTANCE FOR STATE WATER PLANNING AND MANAGEMENT

SEC. 1241. (a) In recognition of the controlling role of the States in State and regional water and related land resources planning and management and a national need for—

(1) water conservation;

(2) State integration of water quantity and water quality planning and management;

(3) State integration of ground and surface water planning and management;

(4) protection and management by the States of ground water supplies;

(5) protection and management by the States of instream values; and

(6) enhanced cooperation and coordination between Federal, State, and local units of government to achieve these goals;

the Congress hereby authorizes the Board to make grants to the States to assist them in the development, implementation, and modification of comprehensive programs and plans for the use, development, conservation, and management of State and regional water and related land resources.

(b) The Board shall, after consultation with the States, prescribe guidelines by rule, no later than one hundred and eighty days after enactment of this title, to carry out its functions and responsibilities under this subtitle.

SEC. 1242. (a) From the sums appropriated for any fiscal year pursuant to section 1244 and upon application of a State, the Board shall make grants to States in accordance with the guidelines prescribed pursuant to section 1241(b) on the basis of population, land area, financial need and the need for water and related land resources planning and management assistance, except that each State shall receive not less than the sum of $100,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989.

(b) The sums allocated under this section shall be matched on the basis of not less than one non-Federal dollar for every Federal dollar. Contributions by the States to fulfill the matching requirements of this subsection may be in cash or in kind.

(c) No funds under this section may be withheld in an effort to force States to alter their water policies to comply with Federal policies or policies of the Board.

SEC. 1243. The assistance provided for State water planning and the programs established pursuant to this subtitle shall be consistent with the provisions contained in section 1202 of this title.

SEC. 1244. There are authorized to be appropriated to carry out the provisions of this subtitle $20,000,000 per fiscal year for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 all of which is to remain available until expended.

SEC. 1245. For the purposes of this subtitle, "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

SUBPART D—GENERAL PROVISIONS

SEC. 1261. The Water Resources Planning Act (42 U.S.C. 1962 et seq.) is repealed.

SEC. 1262. Notwithstanding any other provision of this title, no payment under this title shall be effective except to such extent or in such amounts as are provided in appropriation Acts.

PART XIII—PORT INFRASTRUCTURE DEVELOPMENT AND IMPROVEMENT TRUST FUND

SEC. 1301. (a) There is established in the Treasury of the United States a trust fund to be known as the "Port Infrastructure Development and Improvement Trust Fund" (hereinafter in this title referred to as the "Trust Fund"), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in subsection (b) or section 1303(b).

(b) There is hereby appropriated to the Trust Fund for each fiscal year beginning after September 30, 1984, an amount equal to the custom duties collected during the preceding fiscal year, but not to exceed $2,000,000,000 for each such year.

(c)(1) Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures (A) for feasibility studies for, and construction, operation, and maintenance of, projects for ports by the Secretary, (B) for feasibility studies for, and construction, rehabilitation, and maintenance of, projects for ports for the Saint Lawrence Seaway by the Saint Lawrence Seaway Development Corporation, (C) for relocations of utilities, structures, and other improvements, necessary for construction, operation, and maintenance of such projects, (D) for making payments to any non-Federal interest which has planned and designed or planned, designed, and constructed a port in accordance with section 104 of this Act, and (E) for grants under sections 113 and 114 of this Act. No amount may be appropriated out of the Trust Fund unless the law authorizing the expenditure for which the amount is appropriated explicitly provides that the appropriation is to be made out of the Trust Fund.

(2) Nothing in this section shall be deemed to authorize any program, project, or other activity not otherwise authorized by law.

SEC. 1302. The amounts appropriated by section 1301(b) to the Trust Fund shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secre-

tary of the Treasury of the amounts referred to in section 1301(b). Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 1303. (a) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund and to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(b)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

(2) Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(3) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

SEC. 1304. For purposes of this title—

(1) the term "construction" includes any planning, designing, engineering, and surveying which is necessary to carry out a project for a port and which is performed after authorization of the project; and

(2) the terms "port" and "United States" have the meanings given such terms in section 115 of this Act.

PART XIV—BRIDGES OVER NAVIGABLE WATERS

SEC. 1401. (a) The Secretary shall reimburse, from sums appropriated under this section—

(1) the owner of the Port of Houston Authority bridge over Greens Bayou, Texas, appropriately two and eight-tenths miles upstream of the confluence of Greens Bayou and the Houston Ship Channel, and

(2) the owner of the pipeline bridge over Greens Bayou, Texas, immediately adjacent to the Port of Houston Authority bridge over Greens Bayou,

for work done before the date of enactment of this Act for alterations to each such bridge which were reasonably necessary for the purposes of navigation.

(b) There is authorized to be appropriated not to exceed $450,000 to carry out paragraph (1) of subsection (a) and not to exceed $250,000 to carry out paragraph (2) of subsection (a).

SEC. 1402. The Secretary of Transportation, in consultation with the Secretary, is authorized and directed to transmit to Congress a list of those bridges over navigable waters of the United States which have Federal permits and which were constructed, reconstructed, or removed during the period Janaury 1, 1948, to January 1, 1985.

SEC. 1403. Section 5 of the Act of August 18, 1894 (33 U.S.C. 499), shall not apply to the drawbridge known as the James A. Burke Bridge crossing the Fore River on Route 3A between Quincy and Weymouth, Massachusetts. The State of Massachusetts shall have the exclusive authority to regulate the opening of such bridge.

PART XV—REPORTS

SEC. 1501. If any report required to be transmitted under this Act to the Committee on Environment and Public Works of the Senate pertains in whole or in part to fish and wildlife mitigation, benthic environmental repercussions, or ecosystem mitigation, the Federal officer required to prepare or transmit that report also shall transmit a copy of the report to the Committee on Merchant Marine and Fisheries of the House of Representatives.

SEC. 1502. There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1985, an additional $5,000,000, to remain available until expended, for the "Tennessee Valley Authority Fund" for the conduct of a demonstration project for the construction of a main water transmission line.

By Mr. MICHEL:

—Page 44, after line 23, insert the following:

HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

For an additional amount for humanitarian assistance provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense, to the Nicaraguan democratic resistance, $27,000,000 to remain available for obligation until March 31, 1986. Notwithstanding the Impoundment Control Act of 1974, one-third of the amount appropriated by this paragraph shall be available for obligation upon the enactment of this Act, an additional one-third shall be available for obligation upon submission of the first report required by section 104 of this chapter, and the remaining one-third shall be available for obligation upon submission of the second such report. As used in this paragraph, the term "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles or material which can be used to inflict serious bodily harm or death.

ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT

For payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems, $2,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. Funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT" may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956 or any other comparable provisions of law.

SEC. 102. (a) The prohibitions contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in Section 101 of Public Law 98-473) and section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall, without limitation as to fiscal year, apply with respect to funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT".

(b) Nothing in this Act, section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in Section 101 of Public Law 98-473), or section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall be construed to prohibit the United States Government from exchanging information with the Nicaraguan democratic resistance, or the obligation and expenditure, but only for the purposes for which they are expressly made available, of the funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT."

SEC. 103. The President is urged—

(1) to vigorously pursue the use of diplomatic and economic steps to resolve the conflict in Nicaragua, including negotiations to—

(A) implement the Contadora Document of Objectives of September 9, 1983; and

(B) at the same time, develop trade and economic measures in close consultation and cooperation with other nations which will encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend military maneuvers in Honduras and off Nicaragua's coast, and to lift the embargo on trade with Nicaragua, if the Government of Nicaragua agrees to a ceasefire, to open a dialog with the Nicaraguan democratic resistance and to suspend the state of emergency; and

(3) to resume bilateral discussions with the Government of Nicaragua with a view of encouraging—

(A) a church-mediated dialog between the Government of Nicaragua and the Nicaraguan democratic resistance in support of internal reconciliation, as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

SEC. 104. (a) the President shall submit a report to the Congress every 90 days on the activities carried out in accordance with section 103 and on the assistance provided under the paragraphs of this chapter headed "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT". Such reports shall describe the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate and the progress of efforts to achieve the objectives set out in paragraph (3) of section 103 and shall provide a detailed accounting of the disbursement of any such assistance.

(b) As part of each of the reports submitted pursuant to subsection (a), the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives, and to the Select Committee on Intelligence of the Senate, a report on alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua. With respect to the alleged violations the report shall include information on who is responsible for such human rights violations.

SEC. 105. ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS.

(a) SUBMISSION OF REQUEST.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have produced an agreement, or show promise of producing an agreement, or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region. The President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherance of the Central America peace process.

(b) STATEMENT TO BE INCLUDED.—The President's request shall include a detailed statement as to progress made to resolve the conflict in the region.

(c) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) CONGRESSIONAL ACTION.—The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America peace process that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

SEC. 106. ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.

(a) SUBMISSION OF REQUEST.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, or

(2) other trade and economic measures have failed to resolve the conflict,

the President may submit to Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(b) STATEMENT TO BE INCLUDED.—The President's request shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(c) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) CONGRESSIONAL ACTION.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.";

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

SENATE—*Wednesday, June 5, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, we are profoundly grateful for the wisdom that guided our forebears to a political system based on the Biblical principles of sovereignty of people and the sanctity of human rights. They knew that failure of the people to exercise their citizenship responsibility was as serious as for government to fail its trust. We pray that both people and public servants will be sensitive to their legacy and duty at this critical time. Forgive the cynicism, and worse, the indifference toward government but most of all forgive the loss of respect and confidence toward those who govern. Forgive Lord, when the behavior of the Senate, individually and corporately, justifies cynicism, indifference, disrespect and mistrust. Grant to those who bear the awesome responsibility of public trust to conduct themselves, privately as well as publically, individually and collectively, in ways that will discourage negative attitudes and strengthen the relationships between the people and their public servants. For Thy honor and glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the two leaders have 10 minutes each, followed by special orders in favor of the following Senators for not to exceed 15 minutes: Senators GORTON, PROXMIRE, METZENBAUM, and LEAHY.

Routine morning business will follow that, not to extend beyond the hour of 10 a.m. with statements limited therein to 5 minutes each.

Following the conclusion of routine morning business, the Senate will resume consideration of S. 1160, the DOD authorization bill, and pending is a motion to reconsider the vote by which the Bumpers amendment was defeated, "yeas" and "nays" are ordered, therefore votes could occur prior to the hour of 12 noon. Also, other amendments remain and might be offered dealing with SDI.

Again, I indicate it is my hope that once the so-called SALT amendments have been offered to the DOD authorization bill that the Senate could then agree to lay the DOD bill aside and take up S. 1003, the State Department authorization bill, for the purpose of considering the 10 Contra amendments, as described in the unanimous-consent agreement of May 23. If that occurs—and I hope it will—I will be visiting with the distinguished minority leader later. We can expect rollcall votes throughout the day, and early evening.

Mr. President, I ask unanimous consent that the special orders identified be recognized in the order in which they reach the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEACHER THANK YOU WEEK

Mr. DOLE. Mr. President, June 2-8 is "Teacher Thank You Week." It is a time to reflect on how much we owe the teachers of this country, whose dedication often outweighs their paychecks. In all of our lives, there are teachers who stand out because their influence has stayed with us—because they taught us to read well—because their commitment to teaching young people was an inspiration that lasted beyond the classroom—because they cared what kind of adults we would become.

When so much is riding on the quality of education today, we need these dedicated individuals more than ever. Without them, we would not be able to function as literate individuals in a rapidly changing world. It is from them we learned the basic skills that provided a foundation for everything we accomplished thereafter.

PUBLIC FOCUS ON IMPROVING EDUCATION SYSTEM

The widely quoted report on the status of our Nation's education system, "A Nation At Risk," told us what we already knew—that the quality of public education in this country has deteriorated to a point where it could eventually undermine our competitive position as a world power. It is good that we have been officially alerted to the problems so that we can make an all-out effort to correct them, but we should also recognize what is right with the system.

In response to "A Nation At Risk," States, teachers, parents, local school boards, and students themselves turned around to face the problems they were confronted with—a lack of qualified teachers, and a system of public education that was not meeting the needs of our Nation's children or the long-term needs of our country as an economically competitive world power. Thanks to the leadership provided by President Reagan on this issue, State and local governments were able to make impressive strides toward the overall goal of improving the quality of the educational opportunity provided to students in American classrooms.

RESPECT FOR TEACHERS AS PROFESSIONALS

Once again, attempts are being made to attract qualified, talented teachers to a career in our Nation's schools. Public awareness has been stirred to meet the challenge of averting what could have been a real crisis in American education. By looking ahead and making the necessary investment in this important aspect of our society, all of our citizens have made a decision and begun to recognize education as a priority. Teachers are gaining a newfound respect in local communities. They are finally getting the recognition they deserve, because they are essential in efforts to prepare our children for the challenges of a modern, progressive society in an increasingly smaller, technological world.

TEACHERS DESERVE NATIONAL RECOGNITION

Although there may be teachers who should not be given the kind of responsibility over young minds that this type of profession demands, there are many teachers whose memory and influence follow us through life, because they were exceptionally talented—being in their classrooms was an experience we have never forgotten. It is time that the daily dedication and commitment with which teachers approach their profession receive national recognition. Teachers play a valuable role in developing skills and values in the young people who are our country's future. As time goes on, teachers spend more time with children than some of their parents do, and the kind of influence they have is all the more critical.

It is well known that, until recently, teachers were vastly underpaid for the kind of responsibility they are given and what we expect of them. Although the economic situation is improving somewhat, we should still do

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

everything we can to enhance the professional respect that they receive from their local communities. Teaching as a career can be one of the most rewarding, because one can never tell where its influence will end.

CONCLUDING REMARKS

I was privileged to meet Dr. Patricia Williams Boyd, from Lawrence, KS, who was named "Teacher of the Year" by President Reagan in 1983. She is an outstanding individual, who gives a lot of herself to her students and her community. I know that there are many educators like her throughout the country. This week, we should all take the time to think of those who have had a profound influence on our lives in so many direct and subtle ways—let's take the time to thank them or at least remember what they have done for us, and what they continue to do for our children.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. EVANS). Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the minority leader be reserved for his later use today.

The PRESIDING OFFICER. Without objection, it is so ordered.

HANS BETHE ON ARMS CONTROL AND VERIFICATION

Mr. PROXMIRE. Mr. President, one of the world's truly outstanding experts on nuclear weapons is the highly respected, Hans Bethe. Dr. Bethe is known internationally as the "father of the H bomb." This past summer I wrote him along with other experts to determine his expert assessment of this country's verification capabilities. I made this inquiry because the quintessential requirement of any arms control treaty between the United States and the Soviet Union is verification of compliance with the agreement. Again and again we are reminded that when we are dealing with our prime adversary in this world of military power, we can achieve an agreement. But we can only achieve a worthwhile and lasting agreement if it meets two tests. The agreement must be in the clear national interest of both countries. That is the first requirement of such an agreement. The second requirement is that we must have confidence that both sides will abide by the treaty. To achieve this second objective we must be confident that we can detect any cheating by the Soviets. If we deem the cheating to be of sufficient military significance to give the Soviets a serious advantage, we should have a prompt remedy available. We should be able to stop such cheating through such means as a consultative committee. Or if that fails we should renounce the treaty, and engage in whatever countermeasures the Soviet violation required. This ability to detect treaty violations and the will to exercise measures to protect our national security when we detect militarily significant violations are essential elements of an effective arms control agreement between the Soviet Union and the United States.

The hinge that makes an arms control agreement between the two great world military powers realistic and reliable is verification. Let us be blunt. We do not trust the Soviet Union. The Soviet Union does not trust us. Fortunately we do not have to rely on trust provided we have a verification technology that can tell us if the Soviet Union is in violation of the agreement. This is where Hans Bethe comes in. If there is a more widely respected expert on nuclear weapons than Hans Bethe, I have not heard of him. Dr. Bethe speaks with caution and circumspection. But he indicates that in general the verification capabilities of the United States are strong. He views verification or effective monitoring as not simply a means of providing a legal basis for enforcing arms control treaties. He considers it as part of our national security. Obviously, verification is essential to effective arms control. But it is also vital for the military defense of our Nation whether there is arms control or not. Dr. Bethe poses three questions with respect to verification as a function of our national defense. Here they are:

One. Are the uncertainties with respect to an adversary's threatening military activities more dangerous through covert activities in the presence of arms control agreements than legal activities in the absence of such agreements?

Two. Can we provide protection against threats that may escape our verification technology?

Three. Do the treaty constraints make it easier for our intelligence system to provide the United States with the information this country needs for improved protection?

Applying these criteria, how does Bethe rate our verification capability with respect to our present arms control treaties? In the case of SALT I and II, Bethe calls our national technical means as excellent.

Bethe calls the administration's START treaty tougher to monitor because it requires a count of warheads instead of missiles. But in Bethe's view spot checks and intelligence satellites can probably do the job without on the spot inspection provided the details are worked out.

Verification of the ABM treaty is also seen by Bethe as excellent.

Dr. Bethe also calls an INF treaty as easy to monitor as the SALT treaty.

Dr. Bethe's analysis is especially useful because he reminds us of the central national security value of verification independent of arms control. He also prudently suggests that arms control agreements including a comprehensive freeze requires us to evaluate the net effect on national security of an arms control agreement that relies on a partial and necessarily imperfect verification system compared with foregoing the treaty and relying on the protection provided by the unrestrained deterrence that develops from an arms race. Obviously Bethe considers arms control agreements that can be monitored by adequate verification as advantageous. He feels that most of our arms control agreements meet that criteria. But he counsels caution in proceeding with treaties where verification may be so limited that the agreements could constitute a net increase in the threat to our national security.

Mr. President, I ask unanimous consent that the letter from Hans Bethe to which I have referred be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEWMAN LABORATORY,
CORNELL UNIVERSITY,
Ithaca, NY, August 10, 1984.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, DC.

DEAR SENATOR PROXMIRE: Thank you very much for your inquiry of July 6 concerning the verification capabilities of the United States.

In the case of SALT I and II, I believe our national technical means are excellent. Possibly occasionally one or two missile silos might escape detection although I do not believe so; in addition, this would hardly make any difference. Moreover, the former Undersecretary of Defense for Research and Engineering, Dr. William J. Perry, has testified that the United States has always been able to detect the existence of an ICBM type before it ever went to tests.

The Administration's START treaty would be more difficult to monitor because it calls for a count of the number of warheads rather than of missiles. In principle it is a better idea to limit warheads than missiles, but to count them one would have to look inside the missiles. This could probably be done using spot checks and our intelligence satellites without on-site inspection. However, the details would have to be worked out.

The freeze is a laudable endeavor because it is easy to understand. But I think it would be more appropriate for a mutual moratorium rather than a formal treaty. The moratorium would give us time to negotiate SALT III.

Our monitoring of the ABM treaty is also excellent. Unfortunately, after detecting an apparent violation in the form of the new Soviet radar at Abalakova, it has not been possible to resolve the problem in the Standing Consultative Commission. In my opinion this is due to the present strained

relations, and both sides are at fault in this matter.

A much more thorough assessment of Verification has been published in a current report by the American Association for the Advancement of Science in Washington. I enclose the title page and the distinguished membership of the committee that is preparing the document. You should contact Richard Scribner to find out whether and when the document is available. I should also mention that the Carnegie Endowment published a report on the same topic about a year ago. Neither of these reports is very technical or detailed because of the sensitive nature of the whole area.

The present Threshold Test Ban is again extremely easy to monitor. There may be some argument on numbers, i.e., whether the Soviets have exceeded the threshold by a moderate amount. The expert on this matter is Professor Lynn R. Sykes (Lamont-Doherty Geological Observatory and Department of Geological Sciences, Columbia University, Palisades, NY 10964) who has written extensively on this topic and is also a consultant to the Livermore Laboratory. I would urge you to contact him both on the threshold and a possible comprehensive test ban treaty. From his writings and a personal discussion, I get the impression that we could safely conclude a comprehensive test ban treaty, or a treaty with a very low threshold like 2 kT. In either case, it may be possible to hold covert tests at exceedingly low yield, but these would have no military signficance insofar as the U.S. and the U.S.S.R. is concerned whereas, on the other hand, the test ban would pose a serious hurdle to additional nations that wish to acquire nuclear weapons.

Concerning a treaty forbidding anti-satellite weapons, I enclose a recent article in Science which is highly informative and shows that many senior intelligence officers believe that a test ban treaty on space weapons would be verifiable; in particular, I draw your attention to Leslie Dirks (until 1982 the CIA's Deputy Director for Research and Technology, now at Raytheon) who is quoted repeatedly, and who should be an appropriate person to consult.

An INF treaty is likely to be equally easy to monitor as the SALT treaty. It is most regrettable that the "walk in the woods" proposal by Paul Nitze was rejected by both the U.S. and the U.S.S.R. Testing of sea-launched cruise missiles is likely to be verifiable, but deployment might be difficult to monitor.

There are several general points that I wish to make. Verification should not be viewed primarily as a legal procedure, but as part of our national security apparatus. In that connection several criteria should be borne in mind. First, are the uncertainties that always remain concerning covert activities more threatening than the activities that would be legal if there were no negotiated constraints? Second, can one provide adequate protection against the threat that may escape our surveillance capabilities? Third, do the treaty constraints ease the stress on our intelligence capabilities?

For instance, in the case of a comprehensive test ban, one must balance the danger from proliferation as compared to the danger that the Soviets may surreptitiously attain a very marginal improvement in some of their weapons. In the case of an anti-satellite weapons treaty, one must balance the threat to our satellites that might be posed by a slightly upgraded version of the current poor performance of Soviet ASAT, which may perhaps be possible despite our space surveillance system, as compared to the sophisticated Soviet ASAT that is bound to appear on the scene if there is no treaty, and also factor in the possibility of enhancing satellite survivability by making our spacecraft more maneuverable. You will note that in the enclosed Science article Leslie Dirks, William Colby, and others, express the view that a treaty on space weapons would meet these criteria.

An interesting sidelight is that the Fletcher Panel which considered the technical aspects of President Reagan's "Strategic Defense Initiative" (SDI) stressed that constraint on the offense (by treaty) was important for the success of SDI.

With best wishes.

Yours sincerely,

HANS A. BETHE.

THE LIBERATION OF BELSEN

Mr. PROXMIRE. Mr. President, when the British Army opened the gates of the Belsen camp on April 15, 1945, they exposed the brutality and hatred of Hitler's final solution. As the first concentration camp to be liberated by the allies, Belsen revealed the scope of Hitler's ruthless campaign to exterminate Jews and other minorities.

What the liberators saw, and what the world would soon hear of, was unbearably horrible. The numbers themselves spoke of misery too extensive to be believed. Almost 60,000 men, women, and children were imprisoned in an area 1 mile by one-half mile; 4,000 were stricken with typhus. All were emaciated; 13,000 dead lay unburied.

Amidst this desolation the liberators struggled to salvage the lives of those who were physically and psychologically near death. They were able to save many, but an appalling number of people died after Belsen was liberated; 28,000 were unable to be saved, succumbing to the horrible conditions they had known for so long.

Burying the dead as quickly as possible was necessary to limit the spread of infectious diseases. A Jewish army involved in this gruesome task spoke of the pain he felt and the unspeakable fear of seeing so many of his people slaughtered:

> As I was burying the bodies all day long, I felt as if I were the last Jewish survivor on Earth and, after the final Kaddish, I would join the others in the last mass grave to be closed.

Surrounded by this seemingly unending procession of death, the liberators found themselves spiritually exhausted, unable to comprehend the darkness of Belsen. They had known death on the battlefield, but now confronted something more horrible than death. Belsen stood as tragic testimony to man's potential for evil, forever affecting those who saw what had happened.

It has been over 40 years since Belsen was liberated, its surviving inmates pulled away from the flames of Hitler's final solution. Since that time the world has learned more and more of the Holocaust. We have struggled imperfectly to prevent the slaughter of many ethnic and religious groups. It is a global problem, requiring an international response.

This Nation, the United States of America, is responsible for the Genocide Treaty. Our delegates to the United Nations drafted that treaty, led the fight for it, and secured its unanimous adoption by the United Nations. Ninety-five nations have ratified that treaty. Every developed country in the world has ratified the treaty. Every single President since Dwight Eisenhower has called on the Senate to ratify the treaty. That treaty has been reported to the floor six times. Last year in the closing days of the session, the Senate passed a resolution by an overwhelming margin supporting the principles of the treaty and pledging that the Senate would take up the treaty early in the 99th Congress

Well, it is getting so it is no longer early in the 99th Congress. Although the Foreign Relations Committee has reported the treaty again to the floor, as I understand it—it is on the calendar ready to be taken up—it is not on the list the majority leader had of the items we will take up in June or before the July 4 recess.

Mr. President, time is slipping away from us. Here is a treaty, as I say, supported by President Ronald Reagan. It is a treaty that has been supported by every President. It has been supported by the leadership. Senator DOLE supports it, as I understand it. Senator SIMPSON supports it, Senator BYRD, Senator CRANSTON. It is beyond me to understand why we cannot take that treaty up and act on it.

It is opposed in the general community in this country only by a small number of rightwing groups—Phyllis Schlafley; the Spotlight magazine, which is a rightwing magazine; the Ku Klux Klan, the John Birch Society. It is opposed by those groups but it is supported by every religion, supported by the American Bar Association; supported, as I say, by every President since President Eisenhower. It seems to me, Mr. President, it is time that we act upon it.

WISCONSIN CITED AS NATIONAL LEADER IN AFDC PROGRAM ADMINISTRATION

Mr. PROXMIRE. Mr. President, while a lot of lip service is paid to the abstract concept of an income maintenance safety net, it is unusual to hear a good word in the news or even in these Chambers about the administration of the programs themselves. But on this occasion, Mr. President, I am delighted to break the mold.

Yesterday, the State of Wisconsin received a well-deserved special award from the Federal Department of Health and Human Services for being a national leader in the development of its computer management system for the AFDC [Aid to Families with Dependent Children] Program.

Always a pioneer, Wisconsin had been developing its own automation system a decade ago, long before Federal mandates existed for management information system. Thus, it came as no surprise when Wisconsin was the first State to meet the Federal requirement to establish a family assistance management information system [FAMIS].

And what does Wisconsin's FAMIS-certified system do? Plenty. It collects information on clients, determines AFDC eligibility after cross-checking other programs to weed out fraudulent applications, calculates the grant amounts, makes payments, and handles all local, State, and Federal reporting requirements. And that adds up to a real saving for the taxpayers.

Largely as a result of this computer management system, Wisconsin has one of the lowest administrative costs per AFDC case in the entire Nation: In 1983, Wisconsin spent $14.43 in administrative costs per AFDC case per month while the highest-cost State spent a whopping $118.04 per case per month—eightfold higher.

Error rates have plummeted: In 1978–79, Wisconsin's error rates were in the 10-percent range but, by 1983–84, they had dropped to 6.6 percent. And that means more accurate payments—reducing both the number of inadvertent underpayments as well as overpayments.

And in the field of fraud and abuse, improved computer matching with the Federal Unemployment Compensation Program, Social Security wage and disability payment data, and other States' AFDC files have substantially lowered the possibility that an AFDC applicant can successfully game the system.

In addition, the lead from the date of application to eligibility and grant payment has dropped from 20–30 days to 5–6 days, a significant improvement in efficiency. And that is a tax saving to property tax supported general relief in Wisconsin's counties, which had to meet the burden of assisting qualified applicants while they waited for the paperwork to be processed.

No wonder other States have been sending their welfare program personnel to Wisconsin to study our system. But this effort could not have been as successful as it has been without the foresight and years of conscientious effort by some of Wisconsin's finest public servants: Donald Percy, who was the Secretary of Wisconsin's Department of Health and Social Services when the groundwork was laid for much of this sytem, as well as his successor, the current secretary, Linda Reivitz. In addition, Bernie Stumbrus, who headed the division of economic assistance for many years and helped to bring this system on line as well as Gerald Berge, who is the administrator of the divison of community services, deserve credit as well.

And my hat is off to the unsung heroes at the county level. Because Wisconsin's AFDC Program is State supervised but county administered, the system would never have become as successful without effective county leadership and teamwork.

Mr. President, the Badger State, with its tradition of honest and efficient State and local government, has done it again, upholding their progressive tradition. And I am delighted to join Secretary Margaret Heckler in saluting them.

Mr. President, I ask unanimous consent that the press release from the Department of Health and Human Services announcing the award be reprinted in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

On behalf of HHS Secretary Margaret M. Heckler, Under Secretary Charles D. Baker will present Wisconsin a special award for its outstanding contribution to national implementation of the Family Assistance Management Information System under the Aid to Families with Dependent Children program.

The award is one of seven which will be presented June 4 during a conference for top level managers of the AFDC and Food Stamps programs.

"Wisconsin was a pioneer in the development of automated public assistance information systems. Its Computer Reporting Network has served as a model for other states interested in this kind of system," Secretary Heckler said in announcing the award.

AFDC is administered by states and counties under federal guidelines established by the Social Security Administration's Office of Family Assistance. The Social Security Administration State Agency Award which Wisconsin will receive is the highest the agency can present to a state.

The citation notes that many other states have visited Wisconsin to study its system and have used various aspects and techniques of it in their own development efforts.

The conference is jointly sponsored by the Office of Family Assistance and the U.S. Department of Agriculture's Food and Nutrition Service, which administers the Food Stamps program. It is the first conference sponsored jointly by the two agencies.

RECOGNITION OF SENATOR GORTON

The PRESIDING OFFICER. Under the previous order, the Senator from Washington [Mr. GORTON] is recognized for not to exceed 15 minutes.

Mr. GORTON. I thank the Chair.

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE 10TH ANNIVERSARY

Mr. GORTON. Mr. President, this year, the Environmental and Energy Study Conference [ESSC], Congress' largest nonpartisan legislative service organization, celebrates the 10th anniversary of its founding. For the past 10 years the EESC, of which I recently became Senate chairman, has provided an invaluable service to Members of Congress and the general public by providing unbiased, educated information on energy and environmental issues.

The EESC was established 10 years ago by Representative Richard Ottinger and 10 other Republican and Democratic Members of the House to serve as an objective source of analysis and information on environmental and energy issues.

The study conference certainly has accomplished the goals of its farsighted founders. Today the activities and services of the EESC are an integral part of the legislative process. Members of Congress and their staffs have come to depend on the EESC's services. The EESC publishes the Weekly Bulletin every Monday Congress is in session, providing a comprehensive analysis of the coming week's events, both in committee and on the floor. The bulletins are supplemented with special reports detailing the latest developments in energy and environmental issues—both policies and politics. In addition, the study conference organizes briefings and meetings for Members and staff to discuss and debate the issues.

As important a role as the Environmental and Energy Study Conference plays today, however, I believe it will be even more important to Congress in the future. The environmental and energy policy questions we face in the coming years will be far more complex than those we have dealt with in the past. The tremendous strides we have made in the past 10 years have made it clear how much more we need to know, and how much more needs to be done.

These challenges make the work of the EESC more crucial than ever. The EESC will continue to be the authoritative source of analysis and information by expanding the range of its activities to become even more responsive to the needs of its members. The EESC will provide in-depth analysis through study seminars and task forces. The EESC will continue to enhance its informational services by providing Members of Congress and their staff with opportunities to meet with administration officials, with industry representatives, with public interest groups, and with key Members of Congress, to exchange views and consider policy options. The EESC will

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also assist Members of Congress in sharing these viewpoints and their positions with our constituents, the American public.

The environmental and energy policy decisions Congress will make in the coming years will affect the quality of life in this country the way few other issues can. It is vital that we all participate in the debate of these issues, and the EESC will continue to serve as a primary source of information and analysis to assist Members of Congress in their participation.

As the new Senate chairman of the Environmental and Energy Study Conference I look forward to working with the new Senate vice-chairman, the distinguished Senator from Tennessee [Mr. GORE], as well as Representative GREEN of New York as House chairman and Representative WISE of West Virginia as House vice-chairman, in leading the EESC. The outgoing chairmen, my colleague, the Senator from Vermont [Mr. LEAHY], and Representative WOLPE of Michigan have ably chaired the EESC and have set a fine example of leadership.

Also assisting us in guiding the Environmental and Energy Study Conference will be the newly-elected executive committee. The Senators on our governing body include: Senators BOSCHWITZ, CHAFEE, DODD, HART, HEINZ, LEAHY, PELL, and RUDMAN.

I congratulate and thank the executive committee and all members of the EESC for their help and support. And finally, special thanks are in order for the EESC staff, whose fine work the Congress has come to depend on.

COMMEMORATION OF 10TH ANNIVERSARY OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

Mr. COHEN. Mr. President, I am pleased to have the opportunity to participate in today's 10th anniversary commemoration of the founding of the Environmental and Energy Study Conference [EESC].

Since the early days of my career in Congress, the EESC and its familiar green pamphlet have proven enormously helpful in spelling out the many important issues of the day and letting me know who the players are. As we all know, that is a key piece of information, and the EESC has shown, over the past 10 years, how adept it is at unraveling the twisted strands of committee and floor activities in both the Senate and the House.

By providing each member office with weekly legislative updates, floor briefs, and indepth issue analyses, the Conference serves as an invaluable research tool. The material provided in EESC bulletins and other publications is consistently thorough and straightforward. When an issue is particularly contentious or complicated, the EESC stands ready and willing to organize briefings and meetings for members and staff so that the issues can become more understandable. We all share the common ailment of being pressed for time, and the Conference plays a significant role in easing that pressure.

With over 250 Members of the House and 70 Senators of both parties enrolled in the Conference, it is the largest legislative service organization in Congress. It is also one of the most efficient and useful caucuses operating in the Congress today, and I salute its founding officers and those who have carried on this tradition of excellence over the past 10 years. Those of us who depend on the abilities of the EESC look forward to many more Mondays of green weekly bulletins: the symbol of EESC's service to Congress.

THE 10TH ANNIVERSARY OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

Mr. HEINZ. Mr. President, it is a pleasure to rise in recognition of the 10th anniversary of the founding of the Environmental and Energy Study Conference. As one of the founders of the Conference, I have something of a paternal interest in this occasion.

Ten years ago, when I served in the other body, several of my colleagues and I recognized the need for a bipartisan, objective organization which could conduct research into and disseminate reliable information on issues which were then and are now of critical importance to us all. By 1975, the Federal Government had become a dominant player in environmental policy making, and it was evident to many of us that the time was not far off when energy policy would become equally important. In fact, it was abundantly clear, at that time, that environmental and energy issues were too closely interconnected to be resolved independently.

In the 10 years since its founding, the Study Conference has proven invaluable to many of us as a resource for shaping long-term policies to husband our limited resources in a responsible manner. Much has been accomplished in that time, and this country can look back with pride at the gains we have made in cleaning up our air and water and in learning to use our energy resources responsibly.

However, much remains to be done. Toxic wastes remain a critical problem. We are only now beginning to focus upon one of our most vital resources—ground water—and we have only a vague notion of the degree to which that resource is contaminated. We seem to be forgetting the energy lessons we should have learned in the 1970's. These problems and others demonstrate that the premises which led to the founding of the Study Conference are as valid today as they were in 1975—perhaps even more so.

Mr. President, I commend those Members of Congress whose continuing commitment allows the Study Conference's work to go forward. I also commend the EESC staff whose consistently fine work has established the Conference's reputation as one of the most reliable sources of information on current environmental and energy issues.

The challenges of the past decade are still with us; I have every confidence that the Study Conference will continue to meet those challenges in the next decade.

TENTH ANNIVERSARY OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

Mr. THURMOND. Mr. President, I rise to commemorate the 10th anniversary of the Environmental and Energy Study Conference [EESC]. The EESC has become the largest legislative service organization in Congress. Both Republicans and Democrats call on this service for accurate, unbiased information on pending energy and environmental legislation.

Every Monday that Congress is in session the Conference publishes the Weekly Bulletin, a comprehensive analysis of the coming week's events. This, and other publications which detail and analyze developments in environmental and energy issues, help Members and their staffs track legislation through committee and floor action.

In addition, the Conference organizes briefings and meetings for discussion and debate, and provides research materials to assist Members and their staffs prepare legislation, speeches, and floor statements.

Mr. President, this Conference has done an outstanding job for the past 10 years by assisting Members of Congress to keep abreast of developments on energy and environmental issues. I commend the officers and staff of the Conference for the valuable service they have performed.

Mr. ABDNOR. Mr. President, I am pleased to join in the special order commemorating the 10th anniversary of the Environmental and Energy Study Conference. Having been a member during my service in both the House of Representatives and the Senate, I can attest to the excellent work accomplished by the EESC over the past decade.

Congressional membership has spanned both parties and the entire political spectrum. For a decade the EESC has produced the most comprehensive review of congressional action on complex energy and environmental issues available. It has provided Senators, Representatives, and staff with vital information in a bipartisan and evenhanded manner on a weekly basis. In addition, the "members only" meetings have provided Senators and Congressmen with the opportunity to meet with administration officials and other public officials who fashion and shape our national energy and envi-

ronmental policies. Staff seminars have been enormously successful and my own staff has attended many over the past decade.

While it is important to note the success of the EESC, I believe we should also commend the efforts of the individual Members of Congress who have served the Conference so well over the past 10 years. I should also like to salute those who have provided financial support through their membership and through their active participation. Lastly, we all owe a great debt of gratitude to the individual staff members of the EESC who have served us so well through the years. Without their effort and dedication to excellence we would not have the opportunity to note this important milestone today.

Mr. President, the Environmental and Energy Study Conference has served us well over the past 10 years and I look forward to its continued contributions in years ahead.

Mr. STAFFORD. Mr. President, I am delighted to be able to join in praise of the Environmental and Energy Study Conference on the occasion of the commemoration of its 10th anniversary.

All of us in the Congress know how important it is to get the facts about difficult issues and how difficult it is to find a source of information that can be depended upon when the issues are controversial.

The weekly bulletin of the EESC does as good a job of providing such information as any publication that comes across my desk. The weekly bulletin also serves as a valuable resource that not only reminds us of important issues, but presents those issues in a context of reality.

In my many years as a participant in the environmental battles, I have found the EESC and its weekly bulletin to be thorough, accurate and trustworthy sources of information and ideas. That's high praise around here, but it is deserved.

So, to the Environmental and Energy Study Conference and to its dedicated staff and to the members who have supported it over the years, I say "Happy Birthday," and may you keep getting better as you grow older.

EESC—10 YEARS OF SERVICE

Mr. BOSCHWITZ. Mr. President, I am pleased to join my colleagues in commemorating the 10th anniversary of the Environmental and Energy Study Conference.

As a newly reelected member of the Conference Executive Committee, I feel a special pleasure in celebrating our organization's 10 years of service.

Mr. President, the EESC is the largest legislative service organization in Congress. We have over 70 Senators and 250 House Members, and we're proud of the bipartisan nature of our membership.

The EESC is primarily an information provider, and the weekly bulletins, special analysis reports, and occasional briefings have all proven to be extremely helpful to me. I am well aware that many other Members have also found the EESC a valuable resource.

I look forward to continuing to work with, and for the conference, and hopefully our next 10 years will be as successful as our first 10.

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

Mr. GORE. Mr. President, this week marks the 10th anniversary of the Congressional Environmental and Energy Study Conference. As the newly elected vice chairman of the conference here in the Senate, I want to join with our distinguished new chairman, Senator GORTON, in recognizing the tremendous service that the EESC has performed over the years and in praising those responsible for it.

As my colleagues are aware, the last decade has been a time of significant concern over the great environmental problems facing our Nation. It has also been a time during which we have wrestled with energy shortages and have sought new and innovative sources of energy. As the Congress has searched for solutions to these problems, the EESC has proved time and time again to be a valuable source of information, expertise, and assistance.

The EESC is the largest legislative service organization in Congress. Its membership is impressive; over 250 Members of the House of Representatives and 70 Senators belong to the Conference and participate in its activities. Perhaps even more important, the membership is obviously bipartisan, in recognition that our many environmental and energy related problems are not Democrat or Republican problems, but are instead national problems requiring bipartisan solutions.

The services provided by the conference are also impressive. In addition to publishing its Weekly Bulletin, which keeps us all informed to events in this area, it also produces special reports with detailed analyses of crucial energy and environmental issues. The EESC also organizes briefings, meetings, and discussions and assists us all in other ways too numerous to relay here.

The EESC was founded in 1975 by Representative Dick Ottinger and 10 other Members of the House of Representatives. I served in the House for 8 years with Representative Ottinger before my election to the Senate, and I know how proud he is of his role in the founding of the EESC. Dick recently retired from the House. He will be sorely missed there. I want to extend to him my most sincere praise for his work with the EESC and congratulate him on a job well done in the House.

The Conference began serving the Senate in 1976, and under the leadership of its several former chairmen, has become an integral player in the legislative process in this body, as well as in the House. With that thought in mind, I also want to congratulate the former chairmen for their great efforts in making the EESC a success: Senator GARY HART, Representative JIM JEFFORDS, Senator JOHN CHAFEE, Representative JOE FISHER, Senator PATRICK LEAHY, Representative PAUL MCCLOSKEY, and Representative HOWARD WOLPE.

I particularly want to congratulate Senator LEAHY for the fine job he did as the most recent Senate chairman of the Conference. His efforts are appreciated by all of us.

I look forward to my service as the vice chairman of this distinguished and effective organization.

Mr. RUDMAN. Mr. President, I would like to join my colleagues in congratulating and thanking the Environmental and Energy Study Conference for their outstanding service to Congress over the last decade.

Since its founding by Congressman Richard L. Ottinger, in 1975, the study conference has continually provided an invaluable service for Congress. The Environmental and Energy Study Conference offers an objective analysis of a variety of environmental issues no matter what point of view one may have on the particular subject. The study conference provides that analysis in its weekly bulletin, publications, meetings, briefings for Senators and their staffs, and in its specialized constituent services.

I am honored to have been elected by my colleagues to serve on the conference's executive committee. It is that body that determines the agenda and special services provided by the conference during the 99th Congress.

As a new member of the executive committee, I look forward to working with my colleagues on the governing board, including Chairman SLADE GORTON, Vice Chairman ALBERT GORE, JR., our chairman during the 98th Congress, Senator PATRICK LEAHY, Senators RUDY BOSCHWITZ, CLAIBORNE PELL, CHRIS DODD, JOHN HEINZ, JOHN CHAFEE, GARY HART, as well as House Chairman BILL GREEN and Vice Chairman BOB WISE.

We, as a nation, are acutely aware of the many hazardous substances our modern, technological society produces and our failure to completely control the exposure of these pollutants throughout our society. However, we have learned from past mistakes, and continue to take action to prevent the recurrence of similar problems in the future.

Many of my colleagues have already contended with reauthorizations of the Nation's basic environmental statutes, trying to amend current laws to meet the changing environmental needs of the next decade. Virtually every major environmental statute is up for renewal. In addition, as we observe the changes in the Nation's energy industry, we must ensure the energy needs and national security are provided for. The Environmental and Energy Study Conference serves and a key resource to ensure every Senator and Member of the House has objective information to shape those statutes.

I want to thank the staff of the study conference for their excellent work, invaluable service to Congress, and I look forward to serving on the executive committee.

WORLD ENVIRONMENT DAY CELEBRATION ALSO MARKS DECADE OF WORK BY EESC

Mr. PELL. Mr. President, I would like to join with my colleagues in congratulating the Environmental and Energy Study Conference [EESC] as it celebrates its first decade of service to the U.S. Congress.

The study conference—the largest legislative service organization in Congress—is a nonadvocacy group, composed of both Democrats and Republicans, and has a membership of about 70 Senators and 250 Congressmen.

EESC plays a vital role by helping to keep us informed on such issues as natural resource management, environmental protection, and energy research and development.

The primary vehicle for this flow of information is the highly respected EESC Weekly Bulletin, which tracks action on legislation through committee deliberations and floor debate in both the Senate and the House of Representatives.

This year the study conference is under the able leadership of my distinguished colleague, the senior Senator from Washington [Mr. GORTON] as chairman and my distinguished colleague, the junior Senator from Tennessee [Mr. GORE] as vice chairman.

As a member of the executive committee, I am honored to work with them in helping direct the programs and priorities of the study conference. During the coming decade, we already can see a full platter of problems to be resolved.

As my colleagues have pointed out, today is World Environment Day and an appropriate time to focus on the global environmental issues that confront us.

In my opinion, we already have taken an important step toward resolving these issues with the passage, by the 98th Congress, of the International Environmental Protection Act. This legislation, which I wrote, has two key sections.

One of these sections established a program for exchanges between American and foreign scientists, scholars, leaders, and other experts in the fields of environmental science and environmental management.

Under this program, the United States and other nations may benefit immensely from an exchange of experts on the environment, just as we have all benefited from such exchanges in the health sciences, and other fields.

A couple of examples I think will make clear the great potential advantages of such exchanges.

For one example, American scientists concerned with acid rain could benefit greatly by exchanges with scientists in Scandanavia who have been observing and studying the problem for more than 50 years.

Similarly, we could benefit greatly from exchanges with European experts on disposal of toxic and hazardous wastes. Our Rhode Island jewelry industry is confronted with a serious problem of handling wastes from such processes as electroplating, and European countries have long and successful experience in solving these problems.

The second section encourages and assists other nations in efforts to preserve endangered plant and animal species. It is clear that the extinction of plant and animal species is a worldwide problem and that efforts to preserve endangered species in the United States will do little good without similar efforts in other nations.

Experts have testified that 15 to 20 percent of the Earth's species may be driven to extinction by the end of this century—in only 15 years. That would mean the permanent loss of from 500,000 to 2,000,000 different types of living things that would never again be seen on this Earth.

To begin to deal with this problem, the legislation I proposed authorized programs under the Foreign Assistance Act to help other nations protect animal and plant species and requires that our Government develop a comprehensive strategy to conserve biological diversity.

I believe it has become increasingly clear that effective answers to many of the most pressing environmental problems require cooperative actions among nations. Acid rain, ocean pollution, and atmospheric and stratospheric pollution are clear examples of problems that have no respect for national boundaries.

It is because of this environmental interdependence among nations that I have pressed for expanded international agreements on environmental affairs. This is an expansion that we must pursue and, on World Environment Day, I can think of no more appropriate time to rededicate ourselves to that effort.

WORLD ENVIRONMENT DAY: A DAY FOR ACTION

Mr. LAUTENBERG. Mr. President, today is World Environment Day. It is a day for the United States and other countries to renew their commitments to preserving and improving the environment upon which we are all so dependent.

Today also appropriately marks the 10th anniversary of the Environmental and Energy Study Conference, which serves Members with up-to-date information on legislation as it moves through Congress. The conference's "Weekly Bulletin" has included many excellent background papers on the global issues that are the focus of World Environment Day. I'd like to take this opportunity to thank EESC for their very helpful service to Congress, and say that I look forward to many more years of effective analyses by the conference.

Mr. President, World Environment Day is both a day for reflecting on the progress that has been made to tackle many difficult environmental problems and a day for taking stock in the critical issues that continue to demand our attention. Only through international cooperation and exchange of scientific, technological and political information can we effectively solve the most threatening of global environmental problems—acid rain, hazardous waste disposal, chemical accidents, the greenhouse effect, and deforestation of the world's tropical rain forests.

In 1972, over 100 governments attended the United Nations Conference on the Human Environment in Stockholm, Sweden. At this conference, the groundwork was laid for international cooperation on a broad range of issues. It was at this conference that world attention first focused on the problem of acid rain. Ten years later, over 30 nations and organizations met again in Stockholm at the conference on the acidification of the environment to discuss measures to control the pollutants ravaging many of the Eastern and Western European countries represented. The United States and Canada also participated in the conference.

Mr. President, it is with true dismay that we must, as a nation, observe World Environment Day without having participated in the global effort to combat the problem of acid rain. Despite the fact that little progress has been made in the United States to enact an acid rain control program, many European countries and Canada have recently taken important steps to control the precursor pollutants to acid rain.

The momentum to reduce emissions of sulfur dioxide continues to grow. Concern about controlling nitrogen oxides, ozone, and metals transported long distances has also increased significantly. An important factor fueling

this concern is the rapid deterioration of the European forests. In 1982, West Germany estimated that approximately 7 percent of its forests were either damaged or dying. In 1983, this estimate increased to 34 percent. The most recent estimate climbed to 50 percent, including severe damage to the world famous Black Forest. West Germany and other countries experiencing similar losses to their forests fear that they will not be able to act in time to curtail the accelerating damage.

Concern is not limited to damage to forests, although this is indeed considered to be perhaps the greatest tragedy of the air pollution problem in Europe and surrounding countries. At the Munich conference held in the summer of 1984, a comprehensive resolution was adopted which recognized not only the great environmental risks, but also the economic and irreplaceable cultural damage caused by acid rain and air pollution. Attitudes have changed dramatically toward major international pollution reduction efforts, and it is likely that all of the countries considered to be major contributors to acid rain will commit to significant reductions. Sadly, the exceptions appear to be the United States, England, and Poland.

Nonetheless, the progress is significant. Twenty nations have now agreed to reduce their emissions of sulfur dioxide by at least 30 percent by 1993-95. Recent additions to the "30-percent club" include a number of previously recalcitrant nations—East Germany, Czechoslovakia, Italy, Ukraine, White Russia, and U.S.S.R.

Mr. President, membership in the "30-percent club" has doubled since the 1982 Conference on the Acidification of the Environment. In addition, several countries—a number of which represent the industrial hub of Europe—have proposed to go farther than the 30-percent reduction goal. France, West Germany, Canada, The Netherlands, Norway, and Sweden have pledged to reduce their emissions by 40 to 50 percent by the mid-1990's.

Further, negotiations are underway among the members of the Common Market and signatories to the ECE Geneva convention on transboundary air pollution to clean up automobile exhaust emissions. Successful negotiations would bring about stricter controls of nitrogen oxides and metals from automobiles. Canada has recently taken the important step of requiring a strict standard of control of nitrogen oxide emissions.

These commitments represent a vitally important step forward. The 20 countries which have pledged to reduce their emissions by at least 30 percent will meet in July under the auspices of the European Commission for Europe [ECE] for formally ratify the agreement.

Mr. President, I urge that on World Environment Day the administration reverse its position on this issue and join as a member of the "30-percent club" on July 8.

The United States is far from immune to the ravages of acid rain. It is time to take action. The Environment and Public Works Committee has twice approved strong acid rain control programs as part of the reauthorization of the Clean Air Act. Twenty-seven days of hearings and 33 markups on the Clean Air Act, including 10 days of hearings specifically on acid rain, were held, and over 5,000 pages of a hearing record was compiled.

Every day that we delay, another 100,000 tons of sulfur dioxide pollution is spewed out over our cities, our forest, and crops and rivers and streams. While the evidence amasses that this pollution causes slow but pervasive degradation of our natural resources, and damages buildings, bridges, and priceless monuments in the United States, the country has remained immobilized.

We must reduce the pollution that causes acid rain before we lose irreplaceable national treasures; lakes and streams, crops and forestland, and historical monuments.

In the late 1970's, poisoned lakes in the Adirondacks drew the attention of citizens across the country. Last year, the Office of Technology Assessment reported that 9,000 lakes and 117,000 miles of streams are at risk in States east of or bordering on the Mississippi River. Scientists are now discovering that the problem extends further west to Colorado and all the way to California and Washington State.

Today, red spruce from Maine to North Carolina are in decline. The corrosion of buildings, monuments and water supply systems is also exacting an economic toll that the National Academy of Sciences estimated in 1978 exceeded $2 billion per year. In fact, destruction from acid rain is so widespread that today some car warranties will not fully cover paint damage from so-called chemical fallout. Oldsmobile warranties warn of airborne pollutants attacking vehicle paints, particularly along the northeastern seaboard.

In my home State of New Jersey, there is tremendous concern about acid rain. New Jersey's own pine barrens are at risk. It is one of seven regions identified by the Environmental Protection Agency as most vulnerable to acid rain. Correlation of acidified streams and reduced productivity of pines in the Lebanon State Forest was the first indication on the eastern seaboard that acid rain may be damaging our forest.

Also, in the Kittatinny Mountains to the north, three lakes are immediately threatened. The acidity is at levels endangering trout and bass breeding. State scientists fear that metal deposits found in Kittatinny Lake samples could contaminate the water supplies of the central highland reservoirs.

Even more disturbing is the evidence building on health effects. Some recent studies indicate that more people may die prematurely from airborne sulfates each year than die on our Nation's highways.

Mr. President, what we know today is compelling.

In 1981, the National Academy of Sciences confirmed that sulfur dioxide and nitrogen oxides are the cause of acid rain. NAS recommended a 50-percent reduction in acid deposition.

Two years later, the NAS issued a second landmark report. It concluded that reductions in sulfur dioxide emissions would lead to direct and proportional reductions in acid rain.

On the heels of the NAS report, a Presidentially appointed panel of scientists—appointed by President Reagan—reiterated that concrete action to reduce sulfur dioxide emissions was in order.

The panel clearly stated that the risks of waiting to get more information far outweighed the risks of acting, and that waiting could result in irreversible damage to the environment.

In America and in New Jersey, we have the finest engineers and scientists in the world. We have the evidence and the know how to put an acid rain program in place. What is needed is the political will to do so.

It is my hope that 1985 is the year that the United States acts on this pressing problem. There are a number of steps needed. Congress must pass an acid rain control program. The administration must implement the Clean Air Act and promulgate strong regulations on the control of sulfur dioxide from tall stacks. The EPA is under court order to make this decision by June 27. And the United States should finally join the "30-percent club" in July.

Mr. President, I ask that an editorial from the Philadelphia Inquirer and the executive summary of a report by the Natural Resources Defense Council on the upcoming EPA tall stack decision be printed in the RECORD.

The material follows:

[From the Philadelphia Inquirer, Jan. 26, 1985]

EPA'S 15-YEAR-OLD OBLIGATION

In enacting the Clean Air Act in 1970, the Congress set forth the means by which industries were expected to reduce levels of pollutants in the air. The industries were required to remove the pollutants before they entered the environment through the use of cleaner fuels, "scrubbers" on smokestacks or other technologies.

Only as a last resort—and only after other pollution removal technologies had been applied—were the industries permitted to release any remaining pollutants up their smokestacks. The era in which industries

merely pumped their pollution into the air so the prevailing winds could blow it away had ended. Or so Congress thought.

The Environmental Protection Agency apparently had different ideas. Under pressure from industries—particularly utility companies that burned high-sulfur coal—the EPA ignored the intent of the law. Instead, regulators allowed industries to build taller and taller smokestacks—minus scrubbing equipment—in the mistaken belief that such a policy would achieve the clean air goals set by Congress.

Environmental groups challenged the EPA's interpretation of the act and the courts ruled that the agency was not complying with the law. The EPA still did not change its so-called tallstacks policy. When the Clean Air Act was amended in 1977, Congress directed the EPA to write new regulations that would conform to its original intent. Finally, in 1982, the agency issued the rules ordered by the court. They were extremely weak. The environmentalists sued again and the courts again determined the EPA was not doing what it had been directed to do.

The EPA currently is reconsidering its smokestack regulations and is expected to issue final rules in several months. The agency has been intensively lobbied by utility and coal companies to keep those rules weak.

Ironically, if the EPA had imposed the stack emission controls when it was directed to do so in 1970, the acid rain problem currently affecting large portions of the U.S. would be far less severe. Environmentalists say that 71 percent of the sulfur dioxide (a major contributor to acidic rain) emitted into the atmosphere east of the Mississippi River comes from power plants, particularly those to the west of Pennsylvania. To comply with federal air-quality regulations, those utilities have erected extremely tall smokestacks—some higher than 1,200 feet—which send the pollutants far into the atmosphere. The pollution descends downwind and its effects are being recorded in the lakes and forests of New England and the mid-Atlantic states.

Pennsylvania, in 1982, also joined in the litigation against the EPA seeking to end the tall stacks policy. Although Pennsylvania utilities in rural portions of the state use tall stacks to remove pollutants, the commonwealth has more stringent emissions standards than upwind states and Pennsylvania argues that all states should meet stricter standards.

Those opposed to changes in the tall-stack rules argue that it would cost industry between $900 million and $4.6 billion in capital investments and between $300 million and $1.4 billion in annual operating costs to comply with tighter emission requirements. Approximately 600 plants would be affected, according to the EPA.

EPA officials proposed rules in November that would reduce sulfur dioxide levels by up to 2.9 million tons per year. Environmentalists say that if the EPA had complied with the intent of the Clean Air Act in 1970, six million tons of sulfur dioxide would have been removed from the air each year. Many experts believe that if eight to 10 million tons of sulfur dioxide can be removed from the air annually, the worst effects of acid rain would be ameliorated.

The fight to force the EPA to carry out the intent of Congress has gone on for 15 years. The delay in complying has only increased costs—both in terms of purchasing the necessary equipment and in the amount of damage caused by noncompliance. The EPA finally must issue rules that will do what should have been done in 1970.

TALL STACKS: A DECADE OF ILLEGAL USE; A DECADE OF DAMAGE DOWNWIND

SUMMARY

The "tall stacks" problem—the use of tall smokestacks and other methods to disperse pollution in the atmosphere—has plagued the American environment for a generation. Solving the problem by enforcing the Clean Air Act would reduce deadly sulfur dioxide pollution by as much as 7.58 million tons every year.

For more than 10 years, the Environmental Protection Agency has doggedly pursued a policy of resistance to the law on tall stacks. Its policy of letting them be substituted for pollution controls has four times been rejected by federal courts. Now, EPA must write new tall stacks regulations. EPA can and should adopt a simple, straightforward policy of requiring a reasonable level of actual pollution reduction. Such a policy will promptly yield substantial benefits in terms of fewer downwind deaths, better visibility and less acid deposition—benefits measured in the billions of dollars every year.

To gauge the impact of this tall stacks policy on public health and the environment, the Natural Resources Defense Council has analyzed 539 utility units at more than 200 power plants with smokestacks taller than 200 feet. Of these: 214 units which came on line after 1970 should have been required to make actual pollution reductions; their use of tall stacks is an evasion of the Clean Air Act;

The result has been predictable—an increase in long range transport of sulfur dioxide, which transforms into sulfates and acid rain as it travels in the atmosphere, eventually returning to earth to victimize people and natural resources downwind;

If these units had been well-controlled in 1982, a recession year, the environment would have been spared 4.01 million tons of sulfur dioxide pollution; the potential savings would be 7.58 million tons in any year when the units generated power at the industry standard (i.e., operating 65% of the time);

Requiring these 214 to make reasonable pollution reductions would yield significant improvments in public health and welfare;

There are 23 superstacks taller than 1,000 feet in use at eastern power plants, with the highest 1,203 feet tall;

The practice of venting two or more units through the same stack—which increases the heat of the exhaust and the height of the exhaust plume—make the effective height of some stacks as much as 5,000 feet or more.

The 1950's and 1960's saw the development of a new generation of coal fired power plants which shared two common characteristics: they were much larger than older plants, and their pollution threatened local public health, even though the huge new plants were built far from urban population centers.

During the 1950's and 1960's, there was no technological alternative to building tall smokestacks to keep pollution from posing a local menace. New cleanup technologies were developed in the late 1960's in response to health concerns. Yet America's utilities have clung fervently to the idea of pollution dilution that their actions have amounted to a conspiracy against the American environment.

Even after Congress ordered the use of cleanup technology in 1970, even after many of the states set cleanup deadlines for the utilities, even after studies began to expose the consequences in terms of acid rain and health damage downwind, utilities built, used, and defended tall stacks. The tallest stack in use on an eastern power plant, already nearly 700 feet in the 1950's, is more than 1200 feet today. The practice of combining the exhaust gas from smaller power plant units in a single large stack makes the effective height of these stacks three times or more their physical height. Today, sulfur-laden exhaust gas shoots as high as a mile straight up into the atmosphere before beginning to disperse. The utility has solved its local pollution problem by making the pollution its neighbors' problem.

With tall stacks in use at more than 200 facilities today, tall stacks have become the nation's problem.

About 60 percent of the stacks in use today are "grandfathered" by law and regulation. It will take an Act of Congress to require cleanup of these. We believe Congress must do so. But the subject of this report is the second category of tall stacks, those at 95 power plants mostly in the eastern half of the United States which are clearly in violation of the Clean Air Act, those where new tall stacks or new units have been built since 1970. Sometimes, the utilities have had the approval or acquiescence of state clean air officials in building these new stacks. Sometimes the utilities have built the stacks in the face of orders to clean up, then cajoled or coerced state regulators to approve dispersion after the fact. Almost always, the federal Environmental Protection Agency has blessed the result.

The evidence is clear: a report by the Ford Administration concluded that if state clean air plans in place in 1972 had only been followed, sulfur emissions by 1975 would have been reduced by 50%—11.8 million tons.

In case after case, in state after state, the American environment was denied or swindled out of thousands of tons of pollution cleanup—tens of millions of tons nationwide—at enormous expense to public health and welfare.

By definition, dilution through tall stacks does not reduce pollution. It just adds to the pollution burden downwind, and with it the damage that it causes to sensitive populations and environments sometimes hundreds of miles away. In any eastern state, long distance transport caused by tall stacks is the primary source of sulfur dioxide and sulfates. On average, 70-90% of sulfate concentrations in any state in the eastern half of the United States originate outside the state. Ohio's sulfur emissions are 30 times greater than the sulfur in Ohio rainfall. For Maine, on the other hand, there is more sulfur in rainfall than is emitted from sources within the state.

Tall stacks are cheaper than pollution control—cheaper, that is, for the power plant operator. But like the pollution, the cost of dilution falls downwind. While tall stacks and other dispersion techniques are designed to protect people nearest the plant from direct adverse health impact from sulfur dioxides, they increase the production of sulfates, a fine particle derived from sulfur dioxide. These fine particles are inhaled deep into the lungs and are directly responsible for damage to public health. Sulfate pollution may contribute to 50,000 early deaths each year in this country, according to the Congressional Office of Tech-

nology Assessment. The same study indicated that 250,000 people suffer from sulfate-related diseases.

Sulfate particles are also responsible for the majority of haze over much of the eastern United States. The increase in haze and the related decrease in visibility in recent years corresponds closely with increasing use of tall stacks in emissions in the Midwest and the Southeast.

The excessive and unnecessary sulfur dioxide emissions from tall stacks have worsened the acid rain problem throughout the United States and Canada. The National Academy of Sciences estimates that $5 billion or more in damage is done every year by acid rain in the eastern United States alone.

The loss of fish from thousands of lakes and streams is the most obvious effect. Acid rain threatens 9,000 lakes and 60,000 miles of streams in the United States. Lakes and streams in 34 states are either vulnerable to or have already been damaged by acid rain.

Crops and forests are also suffering from acid rain. Forests in the eastern United States are suffering from stunted growth and "dieback." Acid rain is the primary suspect in the death of red spruce trees on high altitude slopes in the East. Some scientists have labeled it the prime suspect in the decline in tree growth in the eastern U.S. since the late 1950's. Acid rain can also reduce the yield and marketability of certain crops.

Acid rain also leaches metals from the ground and from corroded pipes into water supplies. It can also increase mercury levels in fish.

The National Academy of Sciences estimates that acid rain causes $2 billion in damage to buildings and monuments each year and $5 billion in damage overall. Acid rain also corrodes metals and automobile finishes.

The Clean Air Act made pollution dilution illegal in 1970; Congress emphatically rejected it a second time in 1974, and yet a third time in 1977. Four federal courts have rejected EPA's attempts to circumvent its clear legal mandate. When the current tall stacks regulations were overturned in 1983, EPA and the Reagan Administration fought the case all the way to the Supreme Court of the United States, where the court declined to hear the government's arguments.

Now, EPA is under a June 1 Court deadline to rewrite its tall stacks policy. Its draft rewrite was a blend of halfhearted control and stubborn resistence to full-faith compliance with the law. EPA must do better. EPA can and must take a major contribution to a clean environment simply by requiring pollution reductions and forbidding the use of tall stacks as anything but a last resort in those few cases where reductions are insufficient to protect public health due to local weather conditions or terrain. EPA has the authority—indeed the legal mandate—to adopt such a policy. The needs of the victims of the environmental swindle of tall stacks, public health and the environment, should themselves compel EPA to act.

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

Mr. DODD. Mr. President, I rise to commend the Environmental and Energy Study Conference for 10 years of providing the Congress with invaluable analysis of energy and environmental issues.

Created in 1975 by Congressman Richard L. Ottinger and 10 other Members of the House, the study conference boasts the largest membership of any legislative service organization in Congress, and is the most trusted and comprehensive source of environmental and energy information available to Congress and other key policymakers.

As a member of the conference's executive committee since 1983, it has been my pleasure to take part in this growth and success. I am proud of the many vital services we offer our Members. The "Weekly Bulletin" and other publications provide well-written and timely information on House and Senate actions. Meetings and briefings provide a forum for outside experts and administration officials to exchange views and consider policy alternatives with Members and staff. Dependence on these services continues to escalate as pressures on our natural resources steadily increase, and the beneficial partnership we have developed over the past decade will assume greater importance in the future.

In closing, I wish to commend Senator PATRICK LEAHY and Representative HOWARD WOLPE for their able leadership over the past 4 years, and welcome Senator SLADE GORTON and Representative BILL GREEN as new cochairmen of the conference. I also want to give special thanks and recognition to the outstanding professionals who have staffed this superb group through the years.

RECOGNITION OF SENATOR METZENBAUM

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 15 minutes.

THE GENOCIDE TREATY

Mr. METZENBAUM. Mr. President, I rise today to speak out on ratification of Executive Order No. 81-1, the Genocide Convention. My good friend and colleague, Senator PROXMIRE, has found the time to speak out on this issue every day as a U.S. Senator since 1966. All of us in this body and all Americans owe him a deep debt of gratitude for his tenacity.

Senator PROXMIRE'S efforts have been instrumental in bringing to the Senate a contrary understanding of this treaty. We, the Members of the Senate, and we the people of the United States have a responsibility, have an obligation; that is to deal with the ratification of the Genocide Convention and the sooner we get on with the business of doing that, the more proud we can be.

Today, I would like to address what the Genocide Convention is and how and why it came to be. I make these remarks as the first of several days of addressing myself to this issue. I believe that every one of us in this body ought to be on the floor speaking to the subject. I consider it to be that relevant, that important, that critical.

Mr. President, the sad fact is that Senate ratification of this treaty is long overdue. The treaty, indeed the world, has been awaiting the Senate's advice and consent for 36 years. For almost four decades, the Senate has chosen to drag its feet on this most critical, most important issue. I am both dismayed and angered by Senate inaction. It is incomprehensible that anyone would oppose this treaty when it is considered on its merits and seen in the light of its historical context.

The 40th anniversary of the Holocaust makes us aware that the birth of the Genocide Treaty sprang from the horrific atrocities carried out by the Nazis upon Jews, Poles, Gypsies and many others during the Second World War. In response to the Nazi atrocities, Raphael Lemkin in 1944 coined the word "Genocide" to signify the unique horror he had witnessed during the Nazi Holocaust.

What does genocide actually mean? The Greek root "Genos" means race or kind while its suffix, "cide" derives from the Latin "caedere", meaning "to kill." Genocide is the murder of a people; it is homicide directed at the family of man. Until Lemkin designated the word "genocide" to bring attention to his quest to negotiate an international treaty outlawing such atrocities, the premeditated mass murder of an entire people had escaped the attention it truly warranted.

Such a gross display of man's inhumanity toward man always seems an impossibility until civilization is shocked by historical events. Adolpf Hitler and the Nazi regime was such a reminder. So was the massacre of over 1½ million Armenians between 1915 and 1923 at the hands of Ottomon ruthlessness. Such reminders tell us that mass persecution has existed since time immemorial and continues today as we debate this treaty in the Senate.

It was not until after Word War II that the world stood up and cried "never again" to genocide. The Genocide Convention represents the first international effort to define, deter and stop genocidal acts carried out by nations throughout the world.

That is why our ratification of the Genocide Convention is so very important.

Determined to prevent a repetition of the Nazi's deliberate and systematic effort to eliminate a people, the Jews, the United Nations General Assembly on December 11, 1946 unanimously passed resolution 96(I) declaring genocide a crime under international law. Under the guidance of John Matkos, the U.S. delegate to the United Nations, the United States helped to draft and then form a consensus for passage of the Convention on the pre-

vention and punishment of the crime of genocide. On December 9, 1948, General Assembly Resolution 260A(III) passed unanimously. The treaty has been in force since January 12, 1951, and 96 countries have become parties to it.

Sadly, although this Nation played an important role in the drafting and passage of the Genocide Treaty, we have not yet ratified it.

President Truman transmitted the convention to the Senate for its advice and consent on June 16, 1949. In 1950 a special subcommittee reported favorably on the convention to the full Senate Foreign Relations Committee and recommended that four understandings and one declaration be attached to the document. The Senate Foreign Relations Committee has reported favorably on the treaty four times since 1950.

In the interim, 96 other nations have deposited either their instruments of accession or ratification to the treaty. Even such nations as the Iraq, Lebanon, Iran, and the Lao's People's Democratic Republic have ratified the convention. If this Senate still refuses to ratify, we will have to account for the fact that such nations as the U.S.S.R., Bulgaria, Poland, and China have seen their way clear to ratify, although it be with reservation on world court jurisdiction. Despite the long and varied litany of ratifying countries, the United States still refuses to ratify the treaty even with the unnecessary safeguard of a world court reservation.

Most recently, on October 11, 1984, the Senate-passed Resolution 478 by a vote of 87 to 2, and expressed its support for the principles embodied in the Genocide Convention. We also promised expeditious action on the treaty this session. However, Senator LUGAR and some members of the Foreign Relations Committee, attached a series of eighth reservations to the treaty. I believe that many of these reservations are redundant or unnecesary or both. The result of the new language will be further delay in bringing the treaty to a vote.

This Senate promised, without conditions—and I am glad to have the attention at the moment of the majority leader—to bring the treaty to a vote on the floor. When the chairman insisted on attaching reservations in committee and then stated if the committee did not attach reservations he would not bring the treaty to the floor I believe that repudiated a commitment made by the Senate. I am disappointed my colleague, a Senator for whom I have the highest regard, would not permit the Senate to fulfill its own promise. I do not question his right to insist upon debate of the reservations as amendments on the floor of the Senate. That would have been consistent with an earlier action on the part of this body. But to make the reservations a condition to bring the treaty out of committee or to bring it to the floor is not. I do hope that this body will expedit its procedures and get on about the business of meeting our commitment made as a body in October of 1984 to deal with issue at the earliest possible time.

I believe unwarranted confusion exists over what this treaty means and how it will translate into practice. We must first answer the question "What does the Genocide Treaty actually say?" More importantly, we must put to rest misinformation surrounding it. Despite all the myths which have been circulated about this document, the message of the treaty is quite simple. Yet, debate has raged on and on and on for 36 years. I believe Senator Javits summed up the true status of the debate in 1977 when he said:

> The number of rumors, innuendos, misconceptions, and scares that have been spread about this treaty are literally endless, and this has been done by people who are very, very competent and able in many other ways, but who have an absolute blind spot on this one.

I could not agree more.

The sole purpose of the Genocide Convention is to make mass murder a crime under international law. As article I states:

> The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish.

This means that the Genocide Treaty is as much a human rights treaty as it is a criminal treaty. This is by no means unique; the United States is already a party to agreements providing for the punishment of hijackers, saboteurs, narcotic dealers and slave traders. There should be no problem in outlawing such an obvious crime as that of genocide.

The treaty defines the crime of genocide as the intent to destroy, in whole or in part, a national, ethnical or religious group as such. Genocidal acts are defined as killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group. With this careful language the drafters of the treaty sought to include all types of genocide, regardless of the subtlety of the crime.

Article III of the treaty makes the following acts punishable:

> Genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide.

The scope of this treaty deserves special attention for its farsightedness. Only through such comprehensiveness can we adequately address the crime of genocide.

Article VI provides that—

> Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which still have accepted its jurisdiction.

Article VII also states that—

> The contracting parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

The intent of these articles is to allow for the successful prosecution of mass murderers who seek to escape justice.

Finally, article IX allows any dispute relating to the fulfillment of the convention to be argued before the International Court of Justice. This will provide the primary means of bringing other nations to justice when they engage in mass murder.

This is the real substance of the treaty. But because of what has been portrayed about the treaty, it is equally important to show what the convention does not represent, and what it does not do.

Most importantly, this treaty does not invite the forcible extradition of U.S. citizens from the United States to hostile foreign courts. Far from it. The Genocide Treaty is not an extradition treaty. The United States has negotiated over 90 separate extradition treaties with other nations which guarantee due process and the right to a fair trial. The negotiation of new extradition treaties which include the crime of genocide will provide for fair trials guaranteeing constitutional rights, and through ratification the United States will be able to exert influence in cases of Americans held abroad for the crime of genocide.

Second, this treaty does not surrender U.S. sovereignty to the World Court. This is especially true considering the Lugar reservation on World Court jurisdiction. However, the United States has already signed many agreements allowing for ICJ jurisdiction when fulfillment of a treaty obligation is at question. Among the most notable of these is the Japanese Peace Treaty, the statute of the International Atomic Energy Agency and the Antarctic Treaty. Through the utilization of the ICJ the United States will be able to join with the world's other nations to stop or deter mass murder.

Finally, it is uniquely timely that we ratify the Genocide Convention on the 40th anniversary of the Holocaust. That is what this treaty is all about—the right of all peoples to live.

To ratify will speak to our dedication to move forward in the pursuit of higher goals. The Genocide Convention ranks among the most important

documents in recent history—the Constitution, the Bill of Rights and the U.N. Charter. Such documents envisioned a more just future and through their implementation helped make that future a reality. Ratification will speak to this Nations' commitment to join the rest of the international community in making certain that genocides of the past shall never be forgotten, in order that genocide may never occur again in the future.

Should we refuse to ratify, it will mean that we do not truly understand the horror of the Nazi Holocaust and what that unforgettable event signifies for us today. For during that dark episode in our history, the silence of many world leaders amounted to their approval of the Nazi genocide. I can not agree more with Elie Wiesel when, upon accepting the Congressional Gold Medal, he said:

> What have I learned in the last forty years? Small things. I learned the perils of language and those of silence. I learned that in extreme situations when human lives and dignity are at stake, neutrality is a sin: It helps the killers, not the vicims . . . I have learned the guilt of indifference: The opposite of love is not hate but indifference. Jews were killed by the enemy but betrayed by their so-called allies who found political reasons to justify their indifference.

I urge ratification of this treaty, and I urge my fellow Senators to address themselves to this body's obligation to ratify the treaty.

One man alone has been on the floor consistently urging ratification over a period of many years. I come here today to add my voice to his, to hope that in some way we will be able to prevail upon others to recognize that we all have an obligation to bring this treaty to the floor for ratification.

I repeat: We promised that we would do it. This Senate promised that it would do it. The President of the United States publicly spoke to the issue and urged ratification during the last political campaign. Can we do less now than to address ourselves to the issue and bring the treaty to the floor for ratification?

I wish to point out that we are moving toward a July recess, and there has been circulated a list of measures that have priority before that July recess. I urge upon the Senate leadership and I urge upon the chairman of the Senate Foreign Relations Committee their obligation. They are the ones who provide the calendar. They are the ones who tell us what bills or what resolutions or what issues will come before this body. We made a commitment. We promised that we would do it early in the next session of Congress. We have not even come close to bringing it to the floor and it is not on that list of priority legislation.

How can the American people believe what politicians say if, in this instance, we have committed ourselves to certain acts and fail to move forward and conform with our own stated responsibility? Nobody forced us to pass that resolution making that commitment. It was passed by an overwhelming vote of 87 to 2. The Senate has spoken. It is now time for the Senate to act.

RECOGNITION OF SENATOR LEAHY

The PRESIDING OFFICER (Mr. WALLOP). Under the previous order, the Senator from Vermont is recognized for not to exceed 15 minutes.

Mr. LEAHY. I thank the Chair.

CONGRESSIONAL CALL TO CONSCIENCE

Mr. LEAHY. Mr. President, I would first like to thank the Union of Councils for Soviet Jews and my friend and colleague Senator RUDY BOSCHWITZ for the work they have done in organizing the 1985 Congressional Call to Conscience. They have succeeded in their efforts to focus the attention of the U.S. Congress and all of America on the tragic and unacceptable plight of Jews living in the Soviet Union.

Last year fewer than 1,000 Soviet Jews were allowed to emigrate from the Soviet Union—at a time when over 350,000 Jews sought to leave. We have all read and heard about the increasing harassment, persecution and imprisonment of many of these Soviet citizens whose only wish is to practice their religious beliefs in a country where it would not be considered a crime to do so. In the face of state-sponsored repression, however, many of these brave men and women continue to express openly the importance of their Jewish culture and identity.

Mr. President, behind these cold statistics are individual men and women. One such person is Mikhail Sulevitch Beizer, a 33-year-old engineer in Leningrad. Mikhail Beizer has been trying desperately to join his wife and small son who were allowed to emigrate to Israel. According to Soviet authorities, reuniting Mikhail with his family is "not in the interests of the Soviet state." The arbitrarily cruel nature of the Soviet emigration process is clear when it is realized that Mikhail has not had access to any classified information or state secrets.

Mr. President, it appears that Mikhail's real crime is that he has been active in organizing fellow Jews in studying and lecturing about their Jewish heritage. He has been a teacher at a Jewish seminar in Leningrad. He organized in April 1982 a commemoration of Jewish heroes and victims of the war against fascism. Despite the wrath of Soviet authorities, Mikhail continues to educate those fellow citizens who want to receive information on Jewish history and culture.

This is one case of one brave man being punished for standing up to a repressive regime bent on crushing a culture and the rich history it embodies.

All of us must continue to let Soviet officials know that the world is watching, that one of the most powerful states on Earth cannot continue to deny the fundamental human rights to its citizens. I will continue to raise these issues in every meeting I have with Soviet authorities, as I have done for over the decade I have been in this body. All of us must let the world know that Mikhail Beizer, and thousands like him, will never be forgotten.

ANNIVERSARY OF ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

Mr. LEAHY. Mr. President, I would like to congratulate the Environmental and Energy Study Conference on its 10th anniversary. The anniversary is a milestone, not just for the study conference and its members, but also for the entire Congress, because of the important role the conference has played in the many debates on environmental and energy issues.

I am particularly proud of this anniversary because I have just finished my term as Senate chairman of the study conference. During that term we were able to provide the services and offer the forums for members that have made the study conference the largest legislative service organization in Congress. In fact, in the 98th Congress, more than 280 Members of the House and 86 Senators were members of the study conference.

The study conference has elected a new executive committee and new officers for the 99th Congress. It is a strong, well-balanced group that is committed to the goals of the study conference. I am delighted that the new Senate chairman is SLADE GORTON of Washington, and the new Senate vice chairman is ALBERT GORE, JR., of Tennessee. Representative BILL GREEN of New York has assumed the House chairmanship, while BOB WISE of West Virginia has been elected House vice chairman.

The new Senate executive committee includes: Senators RUDY BOSCHWITZ, JOHN H. CHAFEE, CHRISTOPHER DODD, GARY HART, JOHN HEINZ, CLAIBORNE PELL, and WARREN RUDMAN. As a former officer, I will continue to serve on the executive committee.

The new House executive committee includes: Representatives CHESTER G. ATKINS, ANTHONY C. BEILENSON, GEORGE E. BROWN, JR., WILLIAM F. CLINGER, JR., BOB EDGAR, HAMILTON FISH, JR., JOHN PAUL HAMMERSCHMIDT, CECIL HEFTEL, PAUL B. HENRY, JAMES M. JEFFORDS, DALE E. KILDEE, BOB LIVINGSTON, EDWARD R. MADIGAN, JAN MEYERS, JOHN R. MILLER, JOHN F. SEI-

BERLING, MIKE SYNAR, HOWARD WOLPE, and RON WYDEN.

My tenure as a chairman was a rewarding one, since it gave me an opportunity to play a role in the many forums and activities organized by the conference. I am grateful for the opportunity to work with my cochairman in the 98th Congress, Representative WOLPE.

I am also grateful to the staff, who are responsible for the fine publications and services of the study conference: Staff Director John Dineen, Editor, Robert Livernash, Executive Assistant Linda Cartwright, Special Projects Coordinator Jane Beal, Office Manager Paula Ptacek, and Staff Writers Joseph Raeder, Mark Holt, Carol Covey, Jim Ketcham-Colwill and Mary Houghton.

While the study conference has played an important role in the congressional debate on environmental and energy issues during the past 10 years, the next 10 years may be even more important. The energy industry has changed greatly during the past 10 years; more changes are in store. Environmental protection, we are learning, is far more complicated and expensive than we thought 10 years ago. We will depend on the study conference as we discuss and debate the policies of the 1980's and 1990's.

The study conference was founded in 1975 by Representative Richard L. Ottinger, who retired after the 98th Congress, and 10 other Members of the House. It expanded to the Senate in 1976. Dick Ottinger believed that, regardless of your particular point of view, our debate and deliberations would be immeasurably improved by a source of objective analysis of the issues and a resource that provided Members of the House and Senate informal forums to exchange views and consider policy alternatives. The past 10 years have proved him correct; I believe the next 10 years will prove it more so. It has been really the most bipartisan of all the forums that I have seen on the Hill.

Dick is now a professor at Pace University Law School in New York. In a recent lecture, he discussed the environmental challenges facing the Congress. I ask unanimous consent that his remarks be placed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PROSPECTS FOR THE FUTURE IN ENVIRONMENTAL LAWS

(Richard L. Ottinger)

Today I endeavor to glimpse into the future, looking at the anticipated environmental crises of the remainder of the centry and the prospects that Congress will address them constructively.

My prognosis is a combination of pessimism and optimism. Pessimism stems from current trends which, if allowed to continue, countenance unacceptable risks of nuclear annihilation; massive world starvation as population outstrips food production; agricultural lands are devoured by urbanization and ruined by erosion, mismanagement, pollution, desertification, and climate changes induced by the overheating of the earth's surface; fish populations are decimated by overfishing and pollution; water resources for irrigation and drinking are exhausted by wasteful practices and contaminated by chemicals, pesticides and radioactive and municipal wastes; forests are squandered to development and destroyed by pollution; wood, oil, gas and coal are exhausted and hundreds of billions of dollars wasted on risky nuclear power expansion in pursuit of unsound energy policies that emphasize production at the expense of cheaper, cleaner conservation and renewable energy; millions are killed by hazardous materials spewed into the air and water, ingested in food and drugs, exploded in industrial accidents, and released through transportation casualties; species vital to agricultural production and medicine are rendered extinct; and the hunger and poverty which result from these practices lead to massive political instability and wars—the net result of which is to jeopardize the economic and physical survival of the human race.

Negatives so vast and pronounced and, in some cases irreversable, like nuclear destruction, extinction of species and acid rain damage, seem to leave little room for optimism. Actually the optimism derives from the very calamitous nature of the negatives—the destructive trends are so dreadful and being realized at such a rapid rate that they virtually compel action to alleviate them. Another reason for optimism is that the business community, which has such enormous political clout, is rapidly realizing that a sustainable environment is essential to its continued prosperity. Industry simply can't afford more Bhopals, Love Canals or Three Mile Islands; the resource failures that threaten humanity equally threaten their ability to produce and sell their products. In the years ahead we will see increased cooperation between the corporate and enviromental communities to assure that resources are managed in such a way to permit sustained economic growth.

It is evident from the above recitation of environmental threats that the nature of environmental efforts will change markedly in the decades ahead, from the domestic pollution orientation of the present and the public lands and wilderness emphasis of the past. The focus will be much more international than is true today as the global nature of environmental problems becomes more apparent, as with acid rain and Bhopal-type chemical tragedies. Environmental efforts will also concentrate more on the third world where the threats to survival are most compelling, the jeopardy to industrial resources and markets most immediate, and the prospects of military conflict most real.

Evidence of these trends is already appearing. Most environmental organizations have already established international arms and there is increased communication between U.S. organizations and those of other countries. Powerful new organizations have been established in the last few years, too, which deal specifically with global environmental challenges, such as The World Resources Institute headed by the superbly able James Gustave Speth, former chair of the U.S. Council on Environmental Quality, whose excellent article, Environment, Economy, Security The Emerging Agenda, to be published by the Center for National Policy in May, was a major inspiration for this work, and the World Watch Institute which publishes annually the incomparable State of the World report comprehensively assessing available data on world environmental problems, from which most of the statistics in this presentation emanate. The Environmental and Energy Study Institute which I chair has devoted a quarter of its efforts to a cooperative project with The World Resources Institute to study and make recommendations to Congress on how the U.S. can improve its efforts to address third world environmental problems. The Global Tomorrow Coalition pulled together more than 100 environmental, energy, resource and population groups to propose an exhaustive checklist of legislative priorities to address the new global environmental agenda. These organizations add to the fine peace, population, wildlife and UN organizations already devoted significantly or entirely to worldwide environmental concerns.

The cooperative trend with industry is also emerging. One example is the industry-environmental joint efforts in the Coal and Synthetic Fuels Projects sponsored by the Department of Energy and the House Science and Technology Committee in the last few years. A new Clean Sites Corporation was established just last year between the Conservation Foundation representing environmental groups and the American Chemical Society representing industry to find safe new sites for deposit of hazardous wastes; and the two groups are working jointly on the Environmental and Energy Study Institute's Developing Countries Task Force referred to above.

It may surprise some to see included in a list of environmental priorities the threats of nuclear war, but certainly one can contemplate no greater environmental catastrophe. In the opinion of an important body of scientists, the "nuclear winter" that would emanate from a major nuclear weapons exchange would extinguish all plant and animal life throughout much, if not all, of the world and render large areas uninhabitable for long periods.

Furthermore, the arms race is absorbing most of U.S. and Russian resources and scientific talent that should be devoted instead to resolving humanity's critical survival problems. This competition for finite resources was perhaps best put by former President Dwight D. Eisenhower, in declaring:

"Every gun that is made, every warship launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed."

The current U.S.-Russian arms race is daily posing greater and more immediate threats of nuclear annihilation as each side develops first strike weapons and places delivery systems within minutes of each other. The Pershing missiles we recently installed in Europe, for example, are just 5 to 6 minutes from Moscow—and when you consider that five times in the last five years our radar mistakenly indicated the approach of Russian missiles, that on three of these occasions all our stategic forces were put on retaliatory ready, that fortunately we had time, if barely, to ascertain that the threat was not real, and that in Korea the Russians shot first at Korean Airlines Flight 007 and asked questions later—the immediacy of just the accidental advent of nuclear catastrophe becomes apparent.

Reaching effective arms control agreements may prove the most difficult task on

the environmental agenda. With the U.S. and Russia developing "Star Wars" weapons that can destroy the satellites on which most arms control agreements depend for verification, and the apparent intractibility of both the U.S. and Russian military-industrial complexes to reach effective agreements, the nuclear threat must be rated preeminent. This concern was no where better expressed than by former Chairman of the Joint Chiefs of Staff, General Omar Bradley, when he stated:

"We have grasped the mystery of the atom and rejected the Sermon on the Mount. Ours is a world of nuclear giants and ethical infants. We know more about war than we know about peace, more about killing than we know about living."

When one talks of the survival of mankind, the threat is almost always defined solely in terms of "the finger on the nuclear trigger." However, equally threatening to survival is humankind's "finger on the environmental trigger," and in some ways it is even more dangerous because to pull the nuclear trigger takes a conscious act by someone, while the environmental trigger can be activated by mere complacency, just doing exactly what the world has been doing in exactly the same careless way.

Take, for example, the population crisis. The 19th century Malthusian predictions threaten to be realized imminently. World population is now 4.6 billion. If we continue down the road of current trends without taking effective action, between 1980 and the year 2000 it is predicted that world population will jump 40%, while the world's agricultural production will grow only 4%, condemning millions to starvation. In the face of these trends, the Reagan Administration's cut-off of funds to the organizations most effectively addressing population control on theological anti-abortion grounds is outrageous and dangerous to humanity.

In Africa, population is presently growing at the frightening rate of 3% a year while food production is actually declining. The continent, self-sufficient in food from 1970–84, now sees 140 million of its 531 million population, one out of every four persons, starving, suffering severe malnutrition or fed by foreign grains at overwhelming cost to foreign reserves. Forgetting humanitarian concerns, this situation places in jeopardy Africa's ability to repay foreign debt, mostly to the U.S., drains billions of dollars for emergency assistance and risks political upheavals of the kind experienced not long ago in Ethiopia or just recently in Sudan.

In the words of World Bank President, A. W. Clauson: "Population growth does not provide the drama of financial crisis or political upheaval, but its signficance for shaping the world of our children and grandchildren is at least as great."

If we pull the environmental trigger by passively sitting by and doing nothing, or worse cutting back on population control assistance as this Administration is doing, we must take responsibility for the deaths of millions and the enormous costs of our neglect.

Without a doubt, one of the enormous costs of neglect will be the need to address militarily the political unrest that will flow in the wake of severe economic deprivation. This is already reflected in our military involvements in Nicaragua and El Salvador. A 1982 draft report commissioned by the U.S. Foreign Aid Agency (A.I.D.), reciting El Salvador's drastic environmental degradation, concluded that the "fundamental causes for the present conflict are as much environmental as political, stemming from problems of resource distribution in an overcrowded land."

Take the chief components of food production—topsoil, water and fish, all of which are fast disappearing; again, the consequences of neglect will be a threat to survival.

The United Nations reports that 20 million hectares of agricultural land is being taken out of production annually. Worldwide, 25 billion tons per year of topsoil is lost each year over new soil formation. In Ethiopia alone, more than a billion tons of topsoil is being lost net each year, a major cause of the loss of that country's agricultural self-sufficiency and current starvation.

Nor are we in the U.S. immune to this phenomenon. More that 300 million tons of topsoil each year are carried out to the Gulf of Mexico in the Mississippi River. And according to a USDA survey, between 1967 and 1975 the U.S. lost 6.2 million acres of prime cropland to urbanization. An OTA study shows we lose $3 billion a year from another source of crop loss, ozone pollution—5% a year of wheat, corn, soybean and peanut crops.

More than 3 million acres of cropland is lost each year just to urbanization worldwide. Combined with the disappearance and destruction of forests in the third world, this is contributing to massive desertification in critical third world areas. A recent United Nations Environmental Program survey shows that this phenomenon is most prevalent in the most fragile and marginal Sudan-Sahelian region of Africa currently suffering such dramatic starvation. This area supports 230 million people, 43% of Africa's total population, and it is feared that it is permanently "drying out" with repeated drought conditions caused by deforestation, farming of fragile areas and climatic changes.

In many countries, fish substitutes for agricultural products as the chief source of nourishment and protein. Worldwide, fish production was 74 million tons in 1983, exceeding world beef production. People in 32 countries receive ⅓ or more of their protein from fish according to a UNEP study. Yet today 25 of the world's largest fisheries are seriously depleted, 11 to the point of collapse. Growth of the global catch has started to decrease contrasted to a growth of nearly 4% per year in the '50s and '60s. Overfishing and pollution are the major causes.

Water, another essential to life and to agricultural production, is also in critical shortage through much of the world. From Russia, where the Aral Sea has dropped 29.5 feet since 1960 from excessive irrigation demands on its feeders, to China where ground water pumping in the Beijing area exceeds sustainable growth by ¼ and the water table is falling 3-13 feet per year, water shortage is a severe problem. Contamination of drinking supplies is one of the chief causes of disease in the third world, and serious problems exist with contamination of supplies in developed countries, including the U.S. According to World Health Organization statistics, more than half the hospital beds in the world are filled with people suffering from water-borne diseases.

In the United States, the Ogallala Aquifer, providing essential irrigation water to America's breadbasket, stretching from Texas and New Mexico to South Dakota and Kansas, has been more than half depleted. Estimates indicate that more than ⅛ of U.S. agriculture is irrigated from diminishing sources. In the cities, periodic shortages of drinking water occur and there is widespread contaimination in both rural and urban areas. The Water Resources Council predicts a national U.S. water shortage crisis by the year 2010, just 25 years from now, with regional crises occurring much earlier. Indeed, the Northeast is facing a drought now, and the Colorado River basin and Southern California face almost continuous shortages. Water shortages and contamination are certain to be major domestic issues of the next decade.

In addition to excessive demands, use of wasteful irrigation methods and underpricing, a major cause of domestic water shortages is highway construction and urbanization. Highways alone account for 335 billion gallons per year which run off into sewer systems and out to the oceans. This is expected to increase to 1.5 trillion gallons by the year 2000 if present trends are allowed to continue. Highways also contaminate much water and land, particularly in northern climes where salt in some areas is still used to melt ice and snow.

Indeed, so much of America is being paved over with highways that one pundit has declared that our national flower should be changed to the clover leaf. The U.S. builds highways over highways, and here in New York, we are even contemplating paving over part of the Hudson River. But perhaps the ultimate in highway folly was described in the following article:

"TRENTON.—December 13. New Jersey's Department of Transportation is constructing an interstate highway link that could wind up under water if the state's Department of Conservation and Economic Development goes ahead with its present plans to build a dam on the the Passaic River.

"A spokesman for the Transportation Department said its engineers had completed the design for the highway two years ago. Conservation officials countered that plans for the development of the Passaic Valley Dam had been under consideration for 35 years.

"The Commissioner of Transportation said that he was not completely familiar with the plans for the reservoir, but 'it seems there will be a substantial impact on present and planned highway construction, especially on Routes 78, 80 and 280 (large parts of which would be entirely under water).'

"The Conservation Commissioner . . . could not be reached for comment."

Isn't that grand? The dam-builders versus the highwaymen. The mind boggles at the possible consequences—maybe fish ladders for the commuters? Spillways for the evening rush hours? What will they think of next?

Water shortage is no joke, however, in areas of the world where it already limits agricultural production to below subsistence levels and contributes to decertification which renders lands uninhabitable. Misuse of water in the United States, however, is of greatest concern to the world as the U.S. has become by far the predominant world food supplier. In 1984 the U.S. and Canada, the next largest supplier, exported more than 126 million tons of grain—a dangerous dependence for the rest of the world since the U.S. and Canada are subject to the same climatic vicissitudes.

Indeed, climate is another of the world's emerging environmental hazards with the rapidly expanding burning of fossil fuels causing increased emissions of carbon dioxide, which traps the sun's heat on the

earth's surface. This creates a "greenhouse effect," which scientists predict will eventually melt the polar ice cap, flooding much of the world's present land area, and before that causing drastic climatic changes which will seriously affect world agriculture. If carbon dioxide production doubles by the early decades of the next century, as is now predicted by the Department of Energy, the greatest loss will be to the world's bread basket in the midwest of the United States.

According to Speth: "The 'greenhouse' theory and models were once thought to be speculative, even after the steady increase in atmostpheric CO_2 had been well documented. But recent scientific reviews have found no reason to doubt the theory, and some evidence exists that a warming is already under way."

The consequences on the climate of increased burning of fossil fuel leads to the whole question of world-wide energy use and the squandering of billions of dollars of precious international resources on construction of central station power plants for electricity, unnecessarily jeopardizing human safety and health with nuclear dangers, radioactive wastes and the pollution consequences of increased burning of coal, wood and oil.

If present trends are allowed to continue, world energy use is projected to increase the equivalent 135 million barrels of oil per day to 300 million barrels, an increase that would require two new Saudi Arabias of oil production, plus a tripling of coal production, 4½ times the number of existing dams and 365 large new nuclear power plants. The result would be a doubling of CO2 releases, a trebling of acid rain destruction, vast water and air degradation and nuclear contamination, and waste of more than a trillion dollars of unnecessary energy investments.

In the third world, the major energy problem is the squandering of forests since most fuel is obtained from wood used for cooking. More efficient stoves currently available and makeable from indigenous material could cut fuel wood used by 25–50 percent.

But like land, soil, fish, and water, the world's forests are being rapidly depleted, threatening not only energy supplies in the poorest countries, but flooding, soil erosion, desertification and destruction of many species important to life.

Worldwide, 76,000 acres of forest is being cleared per DAY, an area the size of Pennsylvania—and an additional 12 million acres, an area the size of New Jersey, is being damaged by acid rain. Half the forests in Germany have been damaged, 6.2 million acres at an estimated cost of $1.2 billion; 2.4 acres of forest has been damaged in Poland and Czechoslovakia, as have substantial areas of the Adirondack Mountains and northeast Canada. According to the U.N. Food and Agriculture Organization, more than 100 million people can't get enough fuelwood in third world countries to meet their basic needs; and more than 1.2 billion people are meeting their needs only by overcutting forests at a rate that is unsustainable. By the year 2000, the FAO projects that half the world's population will lack sufficient fuelwood or get it only by seriously depleting resources.

The rapid depletion of rain forests to urbanization and development, particularly in the Amazon area of Brazil and S.E. Asia, threatens not only fuelwood supplies, but also species vital to life. An acre of rain forest per second is lost or incapacitated by pollution. By the year 2000 another 100 million hectares of tropical forests is projected to be lost to deforestation. Rain forests harbor more than 40% of all living plants and animals. According to biologist Thomas Lovejoy of the World Wildlife Fund in the Global 2000 report, 15–20% of living species could be pushed to extinction by the year 2000 just as a result of deforestation. The IUCN (International Union for Conservation of Nature and Natural Resources) lists 437 birds, 69 amphibians and reptiles, over 400 invertebrates and 20–25,000 plants currently threatened with extinction, a total of about 1,000 plants and animal species per year.

Many of these threatened species are important to agricultural production, construction, energy, pest controls and manufacture of life-saving medicines and drugs.

"According to Norman Myers, an ecologist who has studied the monetary significance of wild species, the routine infusion of wild germplasm into agricultural crops increases productivity value by as much as $1 billion a year in the United States and similar gains are common in Canada and the Soviet Union. Sea urchins produce holothurin, which may save thousands of lives by correcting coronary disorders. Octopi secrete an extract that relieves hypertension. Caribbean sponges produce an anti-viral compound. Shellfish skeletons are the source of an enzyme that protects medicine from fungal infections.

"Myers estimates that the U.S. market value of drugs and pharmaceuticals derived from plants is $20 billion a year. Conversely, loss of species with potential for medical products might be costing humanity more than $200 billion in unrealized healing. He considers this calculation conservative, since it rests on the assumption that species loss will continue at current levels, whereas it may be accelerating."

The life-threatening nature of today's international environmental threats is perhaps best dramatized by the recent release of methyl-icocyanate from a Union Carbide plant in Bhopal, India, that killed more than 2000 people and injured 50–10,000. Bhopal, however, is just the latest and most severe international catastrophe to result from use of hazardous substances. Within the last year, a massive explosion in Mexico City of a liquified petroleum gas storage tank killed 452 people, injured 4,248, destroyed 1400 homes and dislocated 1600 families. Releases of mercury from an industrial plant in Minamata Bay, Japan, contaminated fish which killed and paralysed thousands of Japanese. An estimated 1.5 million to 2 million persons in developed countries suffer acute pesticide poisoning annually, and an estimated 10,000 people per year die of it.

Increased international use of hazardous chemicals—poisons in pesticides, food additives, medicines, drugs, radioactive materials and other hazardous substances, without adequate warning or training of local people in safety procedures—will cause vast and increasing problems if appropriate restraints are not imposed. Particularly heinous is the shipment by U.S. companies to third world nations of substances banned as unacceptibilty hazardous in the United States, sometimes without even disclosure of the hazard or U.S. restrictions on their use.

Even within the United States, as I detailed in my RCRA lecture, the United States is hardly beginning to regulate the 60,000 chemicals being produced each year domestically or the 71 billion gallons per year of hazardous wastes we are generating. Until we staff the EPA with dedicated people and give them an adequate mandate and funds to perform their regulatory tasks, we are doomed to experience increasing tragedies of the nature of Love Canal, Times Beach, Missouri and Stringfellow, California. And if we haven't even classified the chemicals we produce domestically, we will clearly be unable to protect the recipients of these substances abroad.

From the above recitals, it is apparent that the environmental threats faced by humanity in the decades ahead are many, multi-facteted and affect the survival of the human race. The degree to which they are interrelated is fascinating and important not only on the down-side—that population increases tend to increase pollution, soil erosion, forest cutting, etc.—but on the up-side as well, as planting trees, for example, helps stem soil erosion, eliminate CO2, provide fuelwood, etc.

Returning now to the original theme, the extent to which Congress is likely to address the environmental problems of the future, it is important to note that none of the tragedies described above that will result from allowing current trends to continue are inevitable. In each case, there are remedies at hand and examples of countries that have successfully dealt with each.

Thus, with respect to the frightening population versus food trends I cited, it is important to note that in the last two decades two of the largest countries in the world have become self-sufficient, China and India. In China, the rate of population growth has been halved since the early 1970s to just over 1% per year. The amount of grain available per capita in the mid 1980's is up 25% in the past decade. In India, a fairly successful population stabilization program combined with a very aggressive "green revolution" effort to improve agricultural production has resulted in virtual self-sufficiency in a country that used to experience repeated famines.

Such measures as fish-farming, increasing at the rate of 7% per year, is restoring fish as a vital source of protein in countries like China with an aquaculture output of over 4 million tons per year. Japan has been stocking salmon at the rate of more than 1 billion per year and in 1982 harvested 28 million salmon, more than one for every four Japanese.

Israel is pioneering in "drip irrigation" techniques that use 30–50% less water than traditional gravity systems, putting the water at the roots of plants where it is needed and minimizing evaporation losses. Soluble fertilizer is being added to irrigation water, cutting back chemical use and protecting against groundwater contamination. In the Negev desert, Israel is getting an 80% per acre yield increase over formerly used sprinkler irrigation methods. Israel is also pioneering in computer control of irrigation, setting the flow of water, detecting leaks, adjusting for wind and changes in soil moisture and optimizing fertilizer use by computer.

As a result of these innovations, Israel's water use per acre dropped 20% between 1967 and 1981, allowing irrigation expansion by 39% while water withdrawal increased only 13%.

To demonstrate how important such measures could be if adopted worldwide, raising global irrigation efficiency just 10% would save enough water to supply all world residential uses.

Again, with regard to deforestation, several countries have demonstrated the effec-

tiveness of massive tree planting efforts. In the State of Gugarat, India, free seedlings provided by the government are providing farmers with sustainable income and fuelwood and reforesting the area. In the Kordofan region of Sudan, acacia trees are being planted with crops, which helps prevent soil erosion and provides fuelwood. China's vast tree planting program aims to increase forest coverage from 12% to 20% by the year 2000 and ultimately to reforest ⅛ of that country's vast territory. In South Korea, trees have been planted on an area ½ the size of the land used for its principal crop of rice.

Still, the task before the third world in reforestation is awesome and not being met. In the third world as a whole, just 1 acre of trees in being planted for every 10 acres being cleared of trees. In Africa, the deficit is most frightening, with just one acre being planted for every 29 acres being cleared. UNEP estimates that to meet forest needs by the year 2000 will require a thirteen-fold increase in tree planting.

The greatest potential and accomplishments have been made in the fields of energy conservation and renewable energy, despite the Reagan Administrations's abandonment of these techniques and massive subsidization of nuclear energy.

In Japan, for example, steel production uses 30% less energy per ton than the world average, half the energy used in China and India, 65% less than Russia uses. If Russia produced steel as efficiently as Japan (or U.S. autos went from the current 16 miles per gallon to a 40 miles per gallon average), the savings would equal the entire annual energy use of Brazil.

If the United States got its auto fleet by the year 2000 just to the 31 mile per gallon efficiency of Japanese autos today, it would decrease world oil use by 5%! The U.S. uses an incredible 10% of the entire world's oil production for gasoline to run our autos and light trucks.

In terms of potential, more efficient electric motors, which consume more than 80% of all electric energy in the U.S. and 40% in Brazil, could reduce demand by 17%. Building efficiencies can be doubled on the average. Gas furnaces can be made 24% more efficient with existing technology. The Japanese are producing refrigerators twice as efficient as those in the U.S. with the same frost-free features. Lighting efficiency could save 420 billion kilowatt hours per year in the U.S. alone, 40% more than our entire present hydroelectric and nuclear power plant output, according to Lawrence Berkely Laboratories' experiments.

If energy conservation's potential were realized worldwide, global energy growth would be cut in half by the year 2025, equaling the production of Saudi and Venezuelan oil plus 40% of world coal production, at a saving of more than $1 trillion.

Renewable energy is increasing worldwide at 10% per year and has now reached 18% of the global supply. Renewables offer a tremendous potential for supplying humanity's energy needs on a pollution-free basis.

To realize these feasible solutions to the otherwise impending world ecological crises will take an enormous effort, however, on behalf of all the developed and developing countries, and a virtually complete reversal of spending priorities by the United States, with billions of dollars a year having to be devoted to world environmental and energy solutions rather than to weapons of destruction.

The contrast of pessimistic projections of current trends and optimistic potentials for change is reflected in recent international studies of global environmental prospects. The original Club of Rome report, Limits to Growth emphasised the negative, predicting catastrophic consequences from environmental trends so dire that it cast a pale of hopelessness over the entire environmental movement. Environmentalists in the '70s were portrayed frequently as no-growth advocates pitted against progress.

Impending ecological calamity was again emphasised in Lester Brown's The Twenty-Ninth Day which forecast an exhaustion of the earth's resources ability to sustain economic growth and social stability if natural "tipping-points" of strain on the world's ecological infrastructure are surpassed. The title recalled a French riddle implying that multiplying population, pollution and loss of agriculture and forest production would bring us to a precipice of catastrophe.

"A lily pond, so the riddle goes, contains a single leaf. Each day the number of leaves doubles—two leaves the second day, four the third, eight the fourth, and so on. 'If the pond is full on the thirtieth day,' the question goes, 'at what point is it half full? Answer: 'On the twenty-ninth day.' "

The Global 200 Report to President Carter in 1980 followed the same pattern, concluding:

"If present trends continue, the world in 2000 will be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now".

While critics lit on the pessimistic aspects of these reports, their environmental authors were in reality advocating change to avoid disaster rather than predicting the inevitability of catastrophe. They were relating what could happen rather than predict what would happen.

To counteract this misinterpretation, the World Resources Institute convened the "Global Possible Conference" last year to put the international environmental posture in perspective. The opening of its report puts it well saying:

"At a time when bleak predictions are all too familiar, the Global Possible Conference was convened to re-examine the relationship between earth's resources and the human future. The conference accepted that these predictions could be accurate. But its central and emphatic message is that they need not be—that it is possible to build a world that is more secure, more prosperous and more sustainable both economically and environmentally."

It concluded: "We must mobilize now to achieve the global possible. If we do, the future can be bright. We have sufficient knowledge, skill, and resources—if we use them. If we remain inactive, whether through pessimism or complacency, we shall only make certain the darkness that many fear."

I have no doubt that Congress will act on these problems. I have grave concern, however, whether it will act in time. Congress tends to act in the wake of catastrophe much more predictably than in anticipation of future catastrophe. Witness the success of the hazardous waste RCRA amendments in the wake of the environmental disasters that had recently occurred at Love Canal, Times Beach and the Stringfellow Pits, versus its failure to act on acid rain as yet, where human life is still not demonstrably jeopardized. Many of the problems the world faces environmentally involve tipping points beyond which redress is impossible. How many plant and animal species will be extinct, how many lakes rendered sterile, how many lives lost to hazardous substances and pollution, how many people must starve, how close do we have to come to nuclear holocaust before Congress acts? This is the real question to which there is no certain answer.

In the last analysis, the answer to that critical question depends on the citizenry—namely, you and me. As the late Senator Robert Kennedy put it in his famous speech to South African students:

"Few will have the greatness to bend history itself, but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation.

"Like it or not, we live in times of danger and uncertainty. But they are also more open to the creative energy of men than any other time in history. All of us will ultimately be judged and, as the years pass, we will surely judge ourselves, on the effort we have contributed to build a new world society and the extent to which our ideals and goals have shaped that event."

The good citizens of this country must organize, educate our fellows and urge them to pursue Members of Congress to act in time to prevent the catastrophes that are virtually certain if they fail to act.

We must pay attention to the observation of one of our leading biologists that, of all forms of life that have existed on this planet, 99% are now extinct—and to state the obvious, they were all trying to survive.

Man alone, of all the species on earth, has the capacity to exercise control over his environment. Yet, as Dr. Ernst Meyer, Director of the Harvard Museum of Comparative Zoology noted, "almost everything we do is harmful to the species and works against our survival."

Whether we pull the environmental trigger, then; whether we follow the well-travelled road to extinction or blaze a new trail to a better world through enhancement and preservation of our great environmental heritage is, in the last analysis, entirely up to us.

Mr. LEAHY. Mr. President, I salute the Environmental Energy Study Conference, and I wish its new leaders all the best.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business with statements therein limited to 5 minutes each.

TRIBUTE TO EMERSON P. SMITH, NAVAL ACADEMY BOXING COACH

Mr. RUDMAN. Mr. President, I rise today to pay tribute to Emerson P. Smith who, as boxing coach for the past 27 years at the Naval Academy, has had an immeasurable influence on the education and development of many generations of midshipmen from every State in the Nation who have or will become leaders in the Navy and Marine Corps. He has also had a great impact internationally on the sport of amatuer boxing.

When he joined the Naval Academy faculty in 1957, Coach Smith made it his goal to develop the poise, stamina, and physical confidence of young men through a safe but rigorous boxing program, which involved all midshipmen within the brigade.

From the outset Coach Smith attuned the Naval Academy boxing program to the general philosophy of the academy, making skill the criteria, not brute force, emphasizing points, not knockdowns, clean hits, not knockouts. Training under this regimen, all midshipmen, whether they labored under Coach Smith's guiding hand through physical education classes or brigade or intercollegiate competition, have for almost three decades learned the art and discipline of survival within the ring.

In his quest of safely training young men in the rigors of boxing, Coach Smith has been an innovator who has widely influenced the sport in and outside of the United States. His collaboration in producing a thumbless glove and improved headgear has affected virtually all amatuer boxing, including the U.S. Olympic Committee. His equipment has been adopted as the mandatory standard for amateur boxing in the United States.

Coach Smith's contributions to the sport have extended far beyond the Naval Academy. He gave clinics to the 1980 and 1984 Olympic boxing coaches and in 1982 to the World Amateur Boxing Committee international coaches. He has been safety chairman of the National Collegiate Boxing Association since 1980, and for all these contributions he was recently named to the New York Athletic Club Boxing Hall of Fame. In addition, Coach Smith's boxing program at the Naval Academy has become a model for other programs throughout the Nation.

Coach Smith has said that his intent from the start of his coaching career at the Naval Academy was to make "boxing more like a sport" and that his first concern always has been the safety of his kids. Exhibiting these concerns, combined with his abilities as a coach, Emerson Smith has been a peerless role model for thousands of young men. The greatest tribute he has won, beyond his national and international recognition, is the respect, fondness, and image as mentor which he has earned among a legion of young men who grew under his tutelage.

It is a great honor to share his achievements with my colleagues in the Senate.

CONGRESS AND THE FATE OF SALT II

Mr. CRANSTON. Mr. President, certain members of the Reagan administration recently called into question whether the United States will continue to observe the provisions of the SALT II Treaty. I direct the attention of my distinguished colleagues to an excellent editorial which appeared in the Los Angeles Times authored by retired Rear Adm. Eugene J. Carroll, Jr., that discusses the serious ramifications of such an action.

Admiral Carroll challenges Congress to answer the question: "Will the United States deliberately break out of SALT limits on offensive nuclear weapons?" Congress must answer: No!

As one who has strongly supported the SALT II process, I believe that the United States should continue to abide by this important treaty. Although unratified, this agreement between the two nuclear superpowers is in both nations' national interests. Moreover, trashing SALT II sends the wrong signal to the Soviets about our sincere desire for arms control and could prove detrimental to the Geneva arms talks.

Admiral Carroll argues wisely and he makes good sense. I commend his article to my colleagues as we debate the Department of Defense authorization bill. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SALT BREAKOUT: CONGRESS SHOULD PRESCRIBE SANITY

(By Eugene J. Carroll, Jr.)

At last the question is squarely before Congress: Will the United States deliberately break out of SALT limits on offensive nuclear weapons?

Until last week Congress had been concentrating its deliberations on how much money to spend on defense in 1986. It had paid less attention to *how* the money should be spent. Yet arguments about a difference of 1% or 2% in the military growth rate pale beside the question of whether we will break one of the last remaining bars to an unconstrained nuclear arms race.

The Reagan Administration has now brought this far more important issue to the fore in dramatic fashion. In testimony before the Senate Armed Services Committee on May 7, Assistant Secretary of Defense Richard N. Perle stated a strong "personal view" that the United States should break those limits.

Just three days later, in Lisbon, President Reagan said, "it is possible, in regard to one system of weapons, that we might come to such a point."

These strong intimations of an impending SALT break-out are even more significant because the 1986 budget requests funds to operate nuclear offensive forces that would be in excess of the limits set in SALT II.

SALT II establishes several numerical limits on offensive systems. One of these is a ceiling of 1,200 multiple-warhead (MIRV) strategic missiles. Another establishes a ceiling of 1,320 MIRV systems—missiles plus long-range bombers configured to carry air-launched cruise missiles. We now have 1,190 multiple-warhead missiles and 98 cruise-equipped bombers, putting us very close to both ceilings. The figures for the Soviet Union are 1,102 and 25, respectively, according to the Pentagon report "Soviet Military Power, 1985."

Although the United States has never ratified SALT II, both nations have pledged not to undercut these limits. While the White House has complaints about Soviet arms-control violations, it does not allege violations with respect to the numerical SALT limits on strategic nuclear weapons systems.

Given Soviet compliance on numerical limits, then, it is astonishing to find that the United States apparently is preparing to go through the ceiling.

There is general agreement that SALT II limits are too high, but at least they are limits. Most unbiased observers also conclude that the SALT II limits do provide some advantage to the United States. Today, with neither side undercutting the limits, the United States had approximately 11,500 deliverable strategic nuclear weapons, the Soviet Union 8,500. Total weapons can, and will, go somewhat higher on both sides within SALT II rules, but the relative U.S. numerical advantage will remain nearly constant for the foreseeable future.

It is difficult to find any wisdom in breaking rules that are working to the benefit of the United States. Nevertheless, the President's 1986 budget requests money to do exactly that. The first breakout will occur if the USS Alaska, the seventh Trident submarine, goes on sea trials in late September as scheduled, putting the United States 14 over the agreed MIRV missile limits. An eighth Trident submarine, the USS Nevada, would raise the total by 24 more missiles in 1986. Another breakout will occur late this year if 26 B-52-H bombers are modified to carry I2 air-launched cruise missiles, an action that would exceed the 1,320 MIRV system limit.

Overall, 1986 budget plans would put the United States over the agreed ceiling by 38 missiles and 42 MIRV systems.

Compensatory reductions of existing weapons could be made, but the budget does not reflect any plans for the early retirement of Minuteman 3 missiles or Poseidon submarines.

The Administration's official position remains that "no decision has yet been made on whether to continue the policy of not undercutting SALT II limits." But Perle's statement to Congress, reinforced by the President's comments in Lisbon, suggests that in fact the decision to break out has already been made. The Administration appears to be opening an active campaign to persuade Americans that the United States has no choice but to violate agreed limits on nuclear weapons. Yet a unilateral U.S. break-out surely would trigger a rapid expansion of Soviet strategic systems.

That such a disaster should be precipitated by deliberate U.S. decisions and actions is truly incredible. A breakout from SALT II limits is wholly incompatible with the stated objectives of the President's Strategic Defense Initiative, which requires reductions in offensive systems if it is to have any hope of success. It is also a total contradiction of the U.S. position at Geneva, where our negotiations are calling for major reductions in offensive systems. We seek effective defenses against reduced numbers of nuclear weapons, yet we are preparing to provoke an unconstrained arms buildup against which there can be no defense.

If sanity is to prevail, it must be prescribed by Congress. It does no good for Congress to control how much we spend on military programs if we spend it on weapons

and forces that promote an arms race and increase the risk of nuclear war.

Last year an amendment to the Defense Authorization Act contained wise words: ". . . it is the sense of the Congress that the United States should continue . . . to observe . . . existing strategic arms agreements so long as the Soviet Union continues to observe those provisions. . . ."

This year, in the interest of national security, Congress must refuse to authorize funds to operate forces in excess of SALT ceilings. This action would make a lot more sense and be far more effective than providing good advice along with the money needed to ignore it.

TRIBUTE TO DON RIGGIN

Mr. PRYOR. Mr. President, 20 years ago this week a young Arkansan named Don Riggin was appointed executive director of the Arkansas chapter of the Arthritis Foundation.

Little note was made of the appointment at the time, but two decades later it has become clear that the move was the right one. Today the Arkansas chapter is a model for other fund-raising organizations, and its success can be linked directly to the energy and commitment of Don Riggin.

When Don was named director in 1965, the Arkansas chapter was literally fighting for survival. In fact, it was one of the lowest ranking organizations in the family of 70 chapters of coast-to-coast arthritis foundations. But because of the dedicated and professional leadership of Don Riggin, the Arkansas chapter today is a leader in numerous aspects of fund raising, patient care, and public, and professional education.

This outstanding record has been recognized time and again at the national level. For 6 consecutive years beginning in 1978, the Arkansas chapter has received a national award from the foundation for the highest giving potential index among all chapters nationwide. In 1984, Arkansas achieved a phenomenal 246 percent of this index, a standard based on disposable income in a given area.

In addition, the Arkansas chapter won the national award presented by the foundation for the most outstanding community service program in 1979. And on two occasions—in 1979 and 1982—the chapter has won the national award for the most outstanding professional education program.

Don Riggin's ability to organize, educate, and motivate people has made him one of the most highly-respected, nonprofit organizations executives in the country. And, Mr. President, he also has a high degree of common sense. He knows that unless funds can be raised then research, treatment, and education efforts will be hampered. That's why he has constantly sought ways to tell the foundation story and to raise funds in creative ways.

Last year, Don's effort at education, coupled with research and treatment services, resulted in directly aiding over 5,300 arthritis victims and actively involving more than 23,000 volunteers. And in 1983 Don was presented the Professional Achievement Award by the National Arthritis Foundation's Professional Staff Association—the highest honor the association can bestow. In fact, this was only the second time in the history of the organization that such an honor was given to an executive director of a local chapter.

As Don Riggin begins his third decade of service, those of us who have friends and relatives with arthritis can be thankful that people of Don's character and ability are working in this crucial field. I am honored to have the chance to share with my colleagues the achievement of this man, and I am even more proud to point out that he is from Arkansas.

S. 1236—TECHNICAL AMENDMENTS TO THE COMPREHENSIVE CRIME CONTROL ACT OF 1984

Mr. KENNEDY. Mr. President, together with the other principal sponsors of the Comprehensive Crime Control Act of 1984, Senator STROM THURMOND, Senator JOE BIDEN, and Senator PAUL LAXALT, I am sponsoring—at the request of the Justice Department—a package of minor and technical amendments to that landmark legislation.

The passage of the act in the 98th Congress with overwhelming bipartisan support marked the culmination of over a decade of effort to deal with the manifest flaws in our criminal justice system. It is truly a historic anticrime and law enforcement reform measure. Even though many provisions have already been in effect for 7 months it will be several years more before the sweeing changes brought about by the 50 separate legislative initiatives included in the 23 chapters of the act are completely implemented and assimilated into the criminal justice system. Indeed, it has taken until now to absorb throughout the Federal system the practical implications of the Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970—the most recent crime legislation of scope similar to that of the new act.

The massive crime package that survived the legislative gauntlet and was signed into law by the President last year is not perfect legislation. Understandably, the act contains, for example, some inaccurate cross references, and a number of other drafting flaws that are inevitable when such a complicated measure is enacted. In fact, one page of the new drug enforcement provisions passed by Congress was inadvertently omitted from the bill that the President signed last October and needs to be reinstated. There are other minor discrepancies between parts of the crime package and other separate legislation passed in the final days of the 98th Congress that also amends title 18 of the United States Code, such as the overlap between the fine provisions in the Sentencing Reform Act of 1984 and the Criminal Fine Enforcement Act of 1984.

We now turn to the task of ironing out those kinds of legislative irregularities. The bill we introduced today has been drafted by the Justice Department to eliminate the technical problems that have arisen and to clarify many of the new provisions without changing the substance or undermining the purposes of the original legislation. This legislation is intended only to accomplish noncontroversial and nonpartisan improvements to the Comprehensive Crime Control Act of 1984. We expect that there will be refinements to this bill, and we especially want to consider certain provisions further. These include:

Section 8, which eliminates 18 U.S.C. 3569 relating to the discharge of indigent prisoners unable to pay a fine.

Section 11, which deals in part, with the adjustment of the range of minimum and maximum sentences.

Section 20, which lengthens the authorized term of supervised release.

Section 27, which makes important changes relating to appellate review of a sentence.

And section 52, giving the Court of Claims exclusive jurisdiction over appeals of public safety officers benefits claims.

I join the distinguished chairman of the Judiciary Committee, in his desire to examine all the Department's suggestions carefully. And I too hope that we can process a noncontroversial bill expeditiously that will advance the implementation of effective anticrime legislation without jeopardizing the rights and liberties of any citizen. With the continued bipartisan teamwork we have had in recent years, we can achieve these twin objectives now and in the years to come.

MERRILL T. KELLY RETIRES FROM FEDERAL SERVICE

Mr. HECHT. Mr. President, I wish to take this opportunity to recognize a Department of Defense employee whose outstanding professional performance and selfless devotion to duty reflect great credit upon himself, the Department of Defense, and the U.S. Government. I am pleased to join family, friends, and associates of Merrill T. Kelly in saluting him on the occasion of his retirement from Federal service.

Mr. Kelly's distinguished career includes service as a special agent in the U.S. Army; Senior Intelligence Adviser to the Assistant Chief of Staff for Intelligence, Department of the Army; and Director, Special Advisory Staff, Office of the Deputy Under Secretary of Defense for Policy. He has participated in many of the most sensitive activities engaged in by our Nation—activities which have had a direct and profound impact on our national interests, power and prestige. He has had to anticipate the need for national requirements and to initiate corrective actions. Among the many outstanding qualities which he displayed during his distinguished service were superb judgment, exceptional diligence, and complete integrity.

Few individuals can take with them the satisfaction which comes from duty faithfully performed. Based upon his outstanding record of leadership and exceptional service to the Department of Defense in the fields of intelligence and security, Merrill T. Kelly can. He is a hard working, conscientious individual whose 38 years of selfless service deserve the respect and support of not only this body, but also recognition from the public he so diligently served.

On a personal basis, I would like to acknowledge my association with Merrill Kelly. He was my operations officer while I served as a special agent in Berlin in the early 1950's. During the past many years, we have been able to renew our association at different reunions.

I know that Merrill and his family now look forward to his well-earned respite from Federal employment. Merrill Kelly, we salute you.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The Committee on the Budget was discharged from the further consideration of the following resolution; which was placed on the calendar:

S. Res. 162. A resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1029.

MESSAGES FROM THE HOUSE

At 1:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 873. An act to amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1234. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Bahrain for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1235. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions supported by Eximbank to Communist countries during April 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-1236. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title XI of the Merchant Marine Act, 1936, as amended, to repeal those portions that relate to vessels or shoreside facilities used in the fisheries trade or industry; to the Committee on Commerce, Science, and Transportation.

EC-1237. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a report on the status of the monitored retrievable storage program; pursuant to Public Law 97-425, referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-1238. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the annual report of the Office for fiscal year 1984; pursuant to Public Law 97-425, referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-1239. A communication from the State Co-chairman and the Federal Co-chairman of the Alaska Land Use Council transmitting, pursuant to law, the annual report on the activitives of the Council for fiscal year 1984; to the Committee on Energy and Natural Resources.

EC-1240. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities; to the Committee on Environment and Public Works.

EC-1241. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on a computer matching program; to the Committee on Governmental Affairs.

EC-1242. A communication from Secretary of Housing and Urban Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Housing and Urban Development, for the period October 1, 1984 through March 31, 1985; to the Committee on Governmental Affairs.

EC-1243. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Veterans' Administration, for the period October 1, 1984 through March 31, 1985; to the Committee on Governmental Affairs.

EC-1244. A communication from the Secretary of Defense, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Defense, for the period October 1, 1984 through March 31, 1985; to the Committee on Governmental Affairs.

EC-1245. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, NASA, for the period October 1, 1984 through March 31, 1985; to the Committee on Governmental Affairs.

EC-1246. A communication from the Secretary of Education, transmitting, pursuant to law, final training priorities under the Training Program for Special Programs Staff and Leadership Personnel; to the Committee on Labor and Human Resources.

EC-1247. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "The Condition of Education"; to the Committee on Labor and Human Resources.

EC-1248. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Federal Election Commission for 1984; to the Committee on Rules and Administration.

EC-1249. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of graduate and student nurses; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENTSEN:

S. 1238. A bill to encourage the use of native wildflowers in highway landscaping; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 1239. A bill for the relief of Emilie Santos; to the Committee on the Judiciary.

By Mr. QUAYLE:

S. 1240. A bill to amend the Age Discrimination in Employment Act of 1967 to eliminate the upper age limitation of 70 years of age, to exempt certain firefighters and law enforcement officers under certain circumstances, to make procedural reforms, and to reinstate the tenured faculty exemption, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 1241. A bill for the relief of Kinisimere Fonua Suschnigg; to the Committee on the Judiciary.

S. 1242. A bill for the relief of Fisi'itetefa P. Ma'ake; to the Committee on the Judiciary.

By Mr. BOREN:

S. 1243. A bill to transfer the administration of certain conservation programs from the Farmers Home Administration to the Soil Conservation Service, to establish the Rural Development Administration within the Department of Agriculture, to transfer the administration of rural housing programs from the Farmers Home Administration to the Rural Development Administration, to provide that the Farmers Home Administation shall be known as the Farm Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE:

S. 1244. A bill to provide that services provided by a clinical psychologist in a rural health clinic need not be provided under the direct supervision of a physician in order to qualify for payment under the Medicare and Medicaid programs; to the Committee on Finance.

By Mr. STEVENS:

S. 1245. A bill entitled the "Fishery Conservation and Management Act Amendments of 1985"; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1246. A bill to repeal the Community Services Block Grant Act and the Community Economic Development Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KASTEN:

S. 1247. A bill to authorize certain uses to be made with respect to certain lands conveyed to Milwaukee County, WI, by the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 1238. A bill to encourage the use of native wildflowers in highway landscaping; to the Committee on Environment and Public Works.

NATIONAL WILDFLOWER LANDSCAPING ACT

● Mr. BENTSEN. Mr. President, last year I introduced S. 2585, a bill to encourage the use of native wildflowers in highway landscaping. I introduced the bill because planting wildflowers along highway rights-of-way reduces maintenance costs while providing great beauty. In Texas, where this program has been in effect, mowing costs have been reduced 24 percent, an $8 million annual saving; watering requirements were reduced by greater than 25 percent annually, and the amount of littering is down. The combined effect of these reduced costs is that millions of dollars are saved and are available for additional highway construction. Unfortunately, the highway bill died in conference.

Subsequently, in February of this year the Committee on Environment and Public Works, of which I am ranking member, agreed to include my wildflower provision in S. 391, the highway bill passed by the Senate but dropped when the 1985 Interstate cost estimate was passed.

Because conditions have not changed, because we still need to reduce costs wherever we can and obtain more from each dollar we spend, because we still need and enjoy great beauty, I am again introducing a bill to encourage the use of native wildflowers in highway landscaping.

I offer this bill with optimism that it will pass in view of the fact that it was accepted by my colleagues in the Senate on the previous two occasions and by the House conferees. In closing, let me say that no new appropriations are required since funding is provided by existing highway landscape budgets.●

By Mr. QUAYLE:

S. 1240. A bill to amend the Age Discrimination in Employment Act of 1967 to eliminate the upper age limitation of 70 years of age, to exempt certain firefighters and law enforcement officers under certain circumstances, to make procedural reforms and to reinstate the tenured faculty exemption, and for other purposes; to the Committee on Labor and Human Resources.

AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS

● Mr. QUAYLE. Mr. President, today, I am introducing the Age Discrimination in Employment Amendments of 1985. These amendments are identical to the amendments I introduced during the last two Congresses to amend the Age Discrimination in Employment Act [ADEA] and I have added a new provision relating to police officers and firefighters. My bill eliminates the upper age limitation of 70, reinstates the tenured faculty exemption, permits mandatory retirement of State and local public safety officers at age 55, and makes procedural reforms.

My goal is to put together many of the issues that are currently being discussed so that when the committee and Congress act, it will be after a comprehensive examination that reflects a careful weighing of the issues. This would be preferable to a piecemeal approach which may protect the interests of one group at the expense of another. Our goal should be to keep the spirit of the ADEA intact.

ELIMINATING THE AGE CAP

Under current law, protection against age discrimination in employment covers individuals age 40 through 69. I believe the upper age cap should be completely eliminated. No American should be forced to retire without regard to physical or mental condition.

Work conditions which once justified encouraging early retirement of older workers are changing. An increasing number of jobs do not require a great physical stress and take place in office settings. Moreover, demographic projections indicate that we will have an increasingly older work force.

Therefore, better employment opportunities for older workers are not only a matter of equity but also make common sense in terms of labor market changes. Protecting the rights of older workers also has the potential of providing relief for the hard-pressed Social Security system.

With an increasingly older population, greater attention must be given to Federal policies which intentionally or unintentionally restrict participation in the work force by older Americans. Removal of the upper age limitation in the ADEA is a first step.

However, I want to emphasize that the ADEA has focused on arbitrary age discrimination. In 1965, Willard Wirtz, then Secretary of Labor, presented the findings of a study on the evidence of age discrimination in our society. This report became the basis for enactment of the ADEA.

Secretary Wirtz carefully distinguished arbitrary discrimination, where there is no factual basis for assumptions about the effect of age on an individual's ability to do a job, and those cases where there is a demonstrable relationship between age and ability to perform a job. A second type of distinction that must be made relies on a more subjective judgment: there are some occupations or jobs where protecting the rights of the individual may interfere with the rights of the majority.

This is the rationale for exemptions in the ADEA. It is in this context that I offer two other amendments to the ADEA: restoring the tenured faculty exemption and exempting State and local public safety officers from the prohibitions on hiring and firing at the age of 55.

REINSTATING THE TENURED FACULTY EXEMPTION

When the ADEA was amended in 1978 to raise the upper age cap from 65 to 70, a temporary exemption for tenured faculty was included. The rationale was that, for the foreseeable future, the number of available positions would be closely related to the number of retirements, thereby making it difficult to employ younger professors. This exemption expired in July 1982. However, the situation within the tenured faculty system is

the same today as it was in 1978 and forecasts indicate that it will continue to be a problem.

The tenure system presents a unique case among professions because it is a contract ensuring faculty members guaranteed employment and, in exchange, they acquire academic freedom—the freedom to think, study, teach, and write without fear of reprisal. The basis for this exchange is a set retirement date. If we do not restore this exemption, colleges and universities will be faced with a choice between discontinuing the tenure system and modifying it.

EXEMPTION FOR STATE AND LOCAL PUBLIC SAFETY OFFICERS

It also gives me great pleasure to include a provision that has received strong support from my home State of Indiana. This provision would make the treatment of State and local police and firefighters consistent with the treatment of Federal public safety officers by permitting mandatory retirement at the age of 55.

The history of the treatment of State and local public safety officers has been linked with decisions handed down by the Supreme Court. In the 1976 Supreme Court decision in National League of Cities versus Usery, the question was raised as to whether Federal civil rights statutes, such as the ADEA, applied to States and localities. As a result of the uncertainty, States and localities set mandatory retirement ages for their public safety officers, typically at age 55.

Subsequently, many of the lower courts upheld application of the ADEA to States and localities. In 1983, in Equal Employment Commission versus Wyoming, the Supreme Court clarified that the ADEA was applicable to State and local governments under the commerce clause of the Constitution and required that mandatory retirement for public safety officers be demonstrated as a bona fide occupational qualification [BFOQ] under the act.

Currently, a case is pending before the Supreme Court on the question of whether age is a BFOQ for firemen. In EEOC versus Mayor and City Council of Baltimore, the EEOC is seeking a reversal of an appeals court ruling which upheld mandatory retirement for most Baltimore City firemen, on the grounds that age 55 is a BFOQ for firemen. The case will probably be decided in the next few months.

Many States and countless local government units are involved in litigation with the Equal Employment Opportunity Commission [EEOC] over claims filed by the EEOC to strike down mandatory retirement policies. In my State, there are over 50 EEOC cases pending. I do not fault the EEOC for carrying out its mission to vigorously enforce the provisions of the ADEA. They are to be commended for their efforts. Still, the taxpayer is bearing the burden of these costs.

Support for this provision comes from a broad spectrum of organizations and individuals. In Indiana, I have received support for this provision from Gov. Robert Orr, Attorney General Linley Pearson, the Indiana State Department of Natural Resources, the Indiana State Police, the Indiana State Police Alliance, the Police League of Indiana, the Indiana Association of Cities and Towns, and many individual cities and towns. Nationally, support for an amendment to permit mandatory retirement of State and local public safety officers has been expressed by the National Association of Attorneys General, the National Sheriffs' Association, the International Association of Chiefs of Police, the International Association of Fire Fighters, the Fraternal Order of Police, the National Governor's Association, and the National Association of Counties.

REVISING THE ENFORCEMENT PROCEDURES

Finally, my bill makes the enforcement provisions of the ADEA consistent with the enforcement procedures of Title VII of the Civil Rights Act.

I propose to eliminate the provisions for jury trials and liquidated damages which are based on the enforcement procedures for the Fair Labor Standards Act and replace them with equitable relief provisions as found in other antidiscrimination statutes, such as title VII.

Enforcement of the Fair Labor Standards Act, which is the minimum wage law, involves recovering wages that have been underpaid. In such actions for money damages, the right to a jury trial is appropriate and even constitutionally required.

The purpose of antidiscrimination statutes, such as ADEA, is not to collect money damages; it is to change the nature of employment practices. Therefore, remedies in antidiscrimination laws are geared to equitable relief and to orders for future compliance for which back pay may be an appropriate auxiliary remedy.

Like title VII, the emphasis in the ADEA is on voluntary compliance through informal methods of conciliation, conference, and persuasion. Liquidated damages encourage complainants to litigate and discourage informal resolution of lawsuits.

We should bear in mind this quote from the 1965 Labor Department report on age discrimination:

The "discrimination" older workers have most to fear, however, is not from any employer malice, or unthinking majority, but from the ruthless play of wholly impersonal forces—most of them part of what is properly, if sometimes too casually, called "progress."

I believe employers can and want to join with us in preventing age discrimination but they are placed in a difficult position when the enforcement procedures seem to cast them in an adversarial role.

At this point, I ask unanimous consent to have excerpts from the introduction to the 1965 report by then Secretary of Labor, Willard Wirtz, be made a part of the RECORD. This report laid the groundwork for enactment of the original Age Discrimination in Employment Act. In this report, Secretary Wirtz sets out eloquently and in memorable terms the issues surrounding age discrimination. I also ask unanimous consent to have a copy of my bill printed in the RECORD following those excerpts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE OLDER AMERICAN WORKER: AGE DISCRIMINATION IN EMPLOYMENT

The poet Browning could write of growing old, and say of it: "The best is yet to be/The last of life, for which the first was made."

A century later, reality has still not caught up with that poetry. Although scientists and doctors have extended life with almost incredible ingenuity, and have eased some of the physical pains of old age, there has been no comparable invention regarding the uses of these long years of vigorous active life that now commence at the point where, until almost this generation, life began rapidly to ebb. Yet, this is in truth a miracle, a new age of man; and it is hardly to be wondered that it has brought with it new problems as yet unsolved, indeed as yet hardly examined.

The Social Security Act of 1935 established an historic precedent; but security is not more than a foundation for satisfaction, and not itself enough. Subsequent legislation—various housing acts, parts of the antipoverty program, provisions to cover some of the costs of illness that comes with age—has recognized the right to grow old in decency. Yet decency, too, is meager reward.

Meeting the problems associated with advancing years remains, accordingly, a pressing piece of unfinished business for those who consider it not heresy, but the fullest reverence, to include the perfectibility of life within the human competence.

There is, in this connection, no harsher verdict in most men's lives than someone else's judgment that they are no longer worth their keep. It is then, when the answer at the hiring gate is "You're too old," that a man turns away, in another poet's phrase, finding "nothing to look backward to with pride, nothing to look forward to with hope." If that verdict is fair on the facts, it can only be viewed as part of life's bruising mystery. But if that verdict is unfair, or unnecessary, it is part of man's inhumanity to man that can be and must be stopped.

All of this is the context of the Congress' provision, in Section 715 of the Civil Rights Act of 1964, that—

"The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1965, containing the results of such study and shall in-

clude in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable."

This report is presented in response to this requirement.

* * * * *

The development of responsible and effective public policy regarding discrimination based on age requires as steadfast and unfearing confrontation of reality as did the development of a national policy opposed to discrimination based on race, color, religion, sex, or national origin. But there is an essential difference.

The Nation has faced the fact—rejecting inherited prejudice or contrary conviction—that people's ability and usefulness is unrelated to the facts of their race, or color, or religion, or sex, or the geography of their birth. Having accepted this truth, the easy thing to do would be simply to extend the conclusions derived from it to the problem of discrimination in employment based on aging, and be done with the matter. This would be easy—and wrong.

The gist of the matter is that "discrimination" means something very different, so far as employment practices involving age are concerned, from what it means in connection with discrimination involving—for example—race. It means in connection with the age question, furthermore, several different things.

Employment discrimination because of race is identified, in the general understanding of it, with non-employment resulting from feelings about people entirely unrelated to their ability to do the job. There is no significant discrimination of this kind so far as older workers are concerned.

The most closely related kind of discrimination in the non-employment of older workers involves their rejection because of assumptions about the effect of age on their ability to do a job when there is in fact no basis for these assumptions. It is this which Congress refers to, in Section 715 of the Civil Rights Act, as "arbitrary discrimination."

A third type of discrimination—which should perhaps be called something else entirely—involves decisions not to employ a person for a particular job because of his age when there is in fact a relationship between his age and his ability to perform the job. The only reason for marking out this third area is that it clearly does exist so far as the age question is concerned, but does not exist so far as, for example, racial or religious discrimination are concerned.

There is finally, so far as age is concerned, that kind of "discrimination" which results when an employer turns an older man or woman away, not because of concern about the individual's ability to perform the work, but because of programs and practices actually designed to protect the employment of older workers while they remain in the work force, and to provide support when they leave it or are ill. Seniority and promotion-from-within systems, and pension and insurance programs, are a mark of civilization. They vastly enhance the dignity, the security, the quality of the later years of life in the United States. At the same time, ironically, they sometimes have tended to push still further down the age at which employers begin asking whether or not a prospective employee is too old to be taken on.

With these distinctions between various kinds of "discrimination" in mind, it is important, next, to recognize that there are two sets of value judgments to be made regarding any particular kind of discrimination based on age.

The most obvious of these judgments must be made in terms of the justification for particular employment practices in relationship to the efficient operation of a particular enterprise and of the economic system as a whole. This includes the value to the system of making maximum use of the Nation's full manpower potential, of each individual's full capacity.

What is less obvious, indeed still unclear, is the extent to which account is properly taken of the value to the individual of opportunity which the most "efficient" operation of the system as a whole might not provide. The prevailing assumption is that people are created for jobs, not jobs for people. The difference between a great and a lesser society—particularly one which prides itself on being individual-oriented rather than system-oriented—includes its readiness to review this traditional assumption. The point is clearest in the case of an older person whose economic value becomes marginal in traditional market place terms, but for whom employment is the difference between life's having meaning and no meaning. This is not just a matter of "human" concern for the individual. There may well be involved a choice for the rest of us between paying, as customers, a few cents an hour of that individual's wages (and getting the value of his productive potential) or, in the alternative, paying, as taxpayers, the full amount of his "welfare" upkeep (and getting nothing in return).

It is proper reminder, as part of a preface to policymaking regarding a question involving age, that while each of us is growing older as an individual we are growing younger (at least for the present) as a whole population.

It is true, on the one hand, that the absolute number of older persons—and therefore the number of persons who may be the victims of age discrimination in employment—is growing rapidly.

* * * * *

Because young persons go to work later than they used to, and more and more older women are going back to work, the number of workers age 45 and over continues to grow; and older workers will still make up more than a third of the work force in the years ahead.

So the problem area is increasing significantly.

At the same time, however, the median age of the population in the United States is going down.

S. 1240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Age Discrimination in Employment Amendments of 1985".

EMPLOYMENT AS FIREFIGHTER OR LAW ENFORCEMENT OFFICER

SEC. 2. Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) (hereafter in this Act referred to as the "Act") is amended—

(1) by redesignating subsection (g), as added by section 802 of the Older Americans Act Amendments of 1984, as subsection (h), and

(2) by adding at the end thereof the following new subsection:

"(i)(1) Except as provided in paragraph (2), it shall not be unlawful for an employer which is a State, a political subdivision of a State, an agency or instrumentality of a State or a political subdivision of a State, or an interstate agency, to fail or refuse to hire or to discharge any individual because of such individual's age if—

"(A) the individual has attained 55 years of age, and

"(B) the failure or refusal to hire or to discharge is taken with respect to the employment of an individual as a firefighter or as a law enforcement officer.".

"(2) Paragraph (1) of this subsection shall not be construed to make lawful any practice made unlawful by subsection (a) or (d) of this section, except the specific practices exempted by paragraph (1) of this subsection.".

ENFORCEMENT PROVISIONS

SEC. 3. (a) Section 7(b) of the Act is amended to read as follows:

"(b)(1) The provisions of this Act shall be enforced in accordance with the provisions of this subsection and subsection (c) of this section.

"(2) The Commission shall, upon receiving a complaint or as a result of investigations, attempt to eliminate the discriminatory practice or practices alleged, and to affect voluntary compliance with the requirements of this Act through informal methods of conciliation, conference, and persuasion.

"(3) Any person claiming to be aggrieved by an act prohibited under section 4 of this Act, or the Commission, may bring a civil action for such equitable relief as will carry out the purposes of this Act. If the court finds that the respondent has engaged in or is engaging in acts prohibited under section 4 of this Act charged in the complaint, the court may enjoin the respondent from engaging in acts prohibited under section 4 of this Act, and order such equitable relief as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the acts prohibited under section 4 of this Act).

"(4) The right of any person to bring or maintain such action shall terminate upon the commencement of an action by the Commission to enforce the right of such employee under this Act.".

(b) Section 7(c) of the Act is amended to read as follows:

"(c) Each United States district court subject to the jurisdiction of the United States shall have jurisdiction of actions brought in such court under this Act. Such an action may be brought in any judicial district in the State in which the prohibited acts are alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged prohibited acts, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.".

DEFINITIONS

SEC. 4. Section 11 of the Act is amended by adding at the end thereof the following:

"(j) The term 'Commission' means the Equal Employment Opportunity Commission.

"(k) The term 'firefighter' means an employee the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

"(1) The term 'law enforcement officer' means an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of a State, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this subsection, 'detention' includes the duties of—

"(1) employees of any penal institution; and

"(2) employees of any public health agency assigned to the field service of any penal institution;

whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of a State require frequent (as determined by the appropriate administrative authority) direct contact with these individuals in their detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation.".

AGE LIMITATION PROVISIONS

SEC. 5. (a) Section 12(a) of the Act is amended—

(1) by striking out "The" and inserting in lieu thereof "Except as provided in section 4(i), the"; and

(2) by striking out "but less than 70 years of age".

(b)(1) Section 12(c)(1) of the Act is amended by striking out "but not 70 years of age".

(2) Section 12 of the Act is amended by adding after subsection (c) the following new subsection:

"(d) Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965).".

EFFECTIVE DATE; APPLICABILITY OF AMENDMENTS

SEC. 6. (a) The amendments made by sections 3 and 4 (adding subsection (j)) of this Act shall take effect with respect to civil actions brought after the date of enactment of this Act.

(b)(1) The amendment made by section 5(a) of this Act shall take effect on January 1, 1986, or six months after the date of enactment of this Act, whichever is later.

(2) The amendment made by section 5(b) of this Act shall take effect on July 1, 1985.

(c) The amendments made by sections 2 and 4 (adding subsections (k) and (l)) shall not apply with respect to any cause of action arising under the Age Discrimination in Employment Act of 1967 as in effect before the date of the enactment of this Act, except that the provision of this subsection shall not require the continuation of any general policy by any State, political subdivision of a State, an agency or instrumentality of a State or a political subdivision of a State, or an interstate agency, established as a result of any such cause of action.●

By Mr. BOREN:

S. 1243. A bill to transfer the administration of certain conservation programs from the Farmers Home Administration to the Soil Conservation Service, to establish the Rural Development Administration within the Department of Agriculture, to transfer the administration of rural housing programs from the Farmers Home Administration to the Rural Development Administration, to provide that the Farmers Home Administration shall be known as the Farm Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1985

● Mr. BOREN. Mr. President, the difficulties faced by the American farmers and others in rural communities in recent years have been extensive and far too numerous. Unfortunately, attempts by the Federal Government to address these problems have fallen short of their goals, due in part to the complexity and inefficiencies of existing farm and rural development programs.

The Agency required to deal most often with the current crisis in agriculture is the Farmers Home Administration [FmHA]. At a time when farmers have needed more assistance than ever before, the FmHA has simply been unable to keep up with the needs of farmers. Due to the devastatingly low farm income for the majority of farmers over the past few years more and more have had to turn to FmHA for assistance. Yet, the manpower has not been there to deal with this infux of applicants.

Not only has the increased need for farm ownership and operating loans resulted in a tremendous backlog of applications, but the FmHA county supervisors have also had to keep up with all the other loan programs they administer, such as the housing and water and sewer programs. It is unreasonable to expect one person to be both an expert in administering housing loans and farm loans. They are too different. They require different skills and knowledge. If we are going to have an adequate delivery of any of these programs, we must have a more proper division of labor. We can accomplish this by separating the farmer programs from the other programs. In this way, we can place personnel who are knowledgeable about agriculture and agricultural finance in charge of agricultural loans, while placing those who are knowledgeable about housing in charge of housing loans.

Mr. President, the legislation I am introducing today, the Department of Agriculture Reorganization Act, proposes changes that would result in more efficient, reliable, and understandable procedures for providing loans and other forms of assistance to rural Americans. This legislation would redefine the Farmers Home Administration and provide adequate personnel to process the more than 270,000 requests for farm loans. Under this proposal, programs designed for rural development would be removed from the FmHA and condensed to form the Rural Development Administration. Further, the bill would place two important loan programs for soil conservation under the administration of the Soil Conservation Service. Each of these changes would either streamline existing programs or transfer them to a more efficient and appropriate Government agency.

The Farm Administration will, as proposed, continue all existing farm loan programs and, with an expanded staff, be able to more quickly and effectively process loan requests. Areas of concern not directly associated with production agriculture will be transferred to the newly created RDA or the SCS. For example, current FmHA district offices will fall under the RDA.

The proposed Rural Development Administration will oversee all housing programs currently administered by the FmHA and such programs as the Business and Industry Loan Program, the Community Facility Loan Program, the Water and Waste Disposal Program, and Rural Development and Planning Program. This proposal will establish for the first time an agency whose sole purpose is the administration of rural development programs intended to meet the needs of the over 80 million residents of rural America.

Two categories of loans currently under the FmHA would be transferred to the Soil Conservation Service: resource conservation and development loans, and watershed protection and flood prevention loans. SCS technicians, who serve as RC&D coordinators, would begin working in RDA district offices.

In addition, the bill proposes the establishment of rural technology centers designed to stimulate rural industrialization. The primary objective of the centers will be to improve the economic conditions of rural areas by promoting the development and commercialization of new products and production processes within rural areas of the Nation.

Programs to be sponsored by these innovative centers may be designed to provide technical assistance and advisory services to individuals, small businesses, and industries of rural areas. Such centers will seek the advice, participation, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

The bill proposes that the Secretary of Agriculture may make grants to

defray up to 75 percent of the administrative costs incurred by organizations and public bodies which receive loans and grants for the implementation of projects for rural development. Subject to specified dollar limitations, a multicounty public body would be eligible to receive a grant or loan 10 percent greater than a non-multi-county body which is implementing similar projects or programs.

If adopted, this legislation will provide significant improvements in already established farm and rural development programs. In this time of great hardship among our agricultural community, it is essential that the Federal Government take every possible step to ensure the maximum benefit of current policies and projects to those citizens who are experiencing great need. I urge my colleagues to join in support of this legislation.●

By Mr. INOUYE:

S. 1244. A bill to provide that services provided by a clinical psychologist in a rural health clinic need not be provided under the direct supervision of a physician in order to qualify for payment under the Medicare and Medicaid Programs; to the Committee on Finance.

CLINICAL PSYCHOLOGIST SERVICES UNDER THE MEDICARE PROGRAM

● Mr. INOUYE. Mr. President, today I am introducing legislation which would amend our Nation's Social Security Act to ensure that those individuals who receive services at rural health clinics and are eligible for Medicare or Medicaid, are able to receive mental health services from qualified professional psychologists.

The bill which I am introducing today follows up on a measure which was adopted last session by the U.S. Senate which provided for the recognition of the autonomous functioning of psychologists within health maintenance organizations [HMO's]. My present proposal would amend the rural health clinic provision to include authority for clinical psychologists to again function in a similar manner to that of nurse practitioners and physician assistants and would only require a "circuit rider" approach to physician involvement.

My proposal does not increase the basic benefit package as the attached letter from Dr. Carolyne Davis, Administrator of the Health Care Financing Administration [HCFA], specifies.

Mr. President, I ask unanimous consent that Dr. Davis' letter and a copy of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH CARE FINANCING ADMINISTRATION,
Washington, DC, February 26, 1985.

Hon. DANIEL INOUYE,
U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: This is in response to your inquiry regarding the coverage of mental health services in rural health clinics (RHCs) under Medicare and Medicaid.

As you may recall, the statute specifically excludes facilities which are "primarily for the care and treatment of mental diseases," from the definition of RHC (section 1861(aa)(2)(iv) of the Social Security Act). However, this does not forbid an otherwise qualified RHC from offering mental health services as part of its overall services; it merely establishes a condition for the type of facility which may be certified as a RHC. where a RHC does offer psychological services, such services may be provided by a psychologist under the same conditions that would apply if the services were provided elsewhere. The statute and regulations do not specifically refer to the provision of services in a RHC by psychologists, but nurse practitioners are specifically mentioned (see section 1861(aa) of the Social Security Act and 42 CFR 481.2 and 481.8, copies enclosed).

RHCs which are certified for participation under Medicare are deemed to meet the requirements for certification under Medicaid.

I hope this information will be helpful to you.

Sincerely yours,
CAROLYNE K. DAVIS, PH.D.

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 1861(aa)(1)(B) of the Social Security Act is amended by striking out "physician assistant or by a nurse practitioner" and inserting in lieu thereof "physician assistant, nurse practitioner, or clinical psychologist,".

(b) Section 1861(aa) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) For purposes of this subsection, the term 'clinical psychologist' means an individual who—

"(A) is licensed or certified at the independent practice level of psychology by the State in which he so practices;

"(B) possesses a doctorate degree in psychology from a regionally accredited educational institution, or in the case of an individual who was licensed or certified prior to January 1, 1978, possesses a master's degree in psychology and is listed in a national register of mental health service providers in psychology which the Secretary deems appropriate; and

"(C) possesses 2 years of supervised experience in health service, at least 1 year of which is post-degree.".

(c) The amendments made by subsections (a) and (b) shall be effective with respect to services furnished on or after the date of the enactment of this Act.●

By Mr. STEVENS:

S. 1245. A bill entitled the "Fishery Conservation and Management Act Amendments of 1985"; to the Committee on Commerce, Science, and Transportation.

FISHERY CONSERVATION AND MANAGEMENT ACT AMENDMENTS OF 1985

Mr. STEVENS. Mr. President, I am introducing today a bill which would reauthorize the Magnuson Fishery Conservation and Management Act for another 2 years. The MFCMA is vital to the continuation of a healthy fishery resource in U.S. waters. Since the date of its original enactment, many valuable species of fish in Alaska and around the Nation have been rejuvenated.

A primary reason for the establishment of a 200-mile limit off the shores of the United States was the need to place controls on unlimited foreign fishing. Also implicit in the MFCMA was the desire on the part of Congress to fully develop the fishing industry. Throughout the last 4 years, portions of the U.S. industry have developed rapidly. However, the processing industry have been unable to establish sustained growth necessary for full development.

The main markets for underutilized species of fish are the Pacific Rim nations, in particular Japan. The Japanese are highly dependent on North Pacific fisheries resources as a source of protein for their national diet. Under the MFCMA, the U.S. conducts a "fish and chips" policy whereby foreign nations are required to assist in the development of the U.S. fishing industry in exchange for allocations of fish. As the U.S. increases its harvesting and processing capacity, the surplus available to foreign nations is thereby decreased.

The Japanese have attempted to undermine this process by maintaining restrictive trade barriers on U.S. harvested and processed products. The Government of Japan imposes quotas on the level of U.S. fisheries products which may enter its markets. However, there are virtually no restrictions on the amount of products that can be imported into the United States by Japanese companies. In addition, the Japanese are allowed to harvest over 1 million metric tons of pollock in the Bering Sea alone. It is obvious that the United States-Japan fisheries relations with respect to underutilized species is unreasonably skewed in favor of the Japanese.

For the past 3 years, the United States and Japanese fishing industries have met to discuss the form of development assistance. The Japanese track record with respect to the purchases of U.S. processed products has been poor. In December of last Japanese industry committeed itself to the purchase of 35,000 metric tons of U.S. processed surimi. In exchange, the U.S. industry successfully defended Japan's fish allocations. The deal called for signed contracts by April; however, the Japanese have yet to agree to any purchases. They now have until June 15 to produce formal contracts. If no contracts are reached by the time hearings are held on this bill, this will become a major item of

discussion and will have a profound influence on the final shape of the legislation.

This bill is in part directed at foreign fishing and the unfair trade practices of those nations which enjoy access to our fisheries resources. One section of the bill would give the President the authority to reduce or eliminate foreign direct allocations of fish if the U.S. Trade Representative determines that a barrier to trade is unjustifiable, unreasonable, or discriminatory. The bill would also amend the MFCMA by requiring a cumulative, annual increase in foreign fishing fees by 50 percent. There is growing concern that foreign fleets are not compensating the United States for the true value of the resource while doing little to develop the U.S. industry. Increased fees will partially compensate for the lack of progress in the fish and chips policy.

Foreign fleets are also contributing little to the economies of U.S. coastal communities. In order for the United States to fully develop its capability to harvest and process the resource, coastal communities must have sound economies. The utilization of U.S.-based support services which supply such things as petroleum products and foodstuffs by foreign fleets would be a tremendous economic boost to many communities. By working through U.S. service industries, foreign fleets would in effect be assisting in the development of the U.S. fishing industry. My bill would link the utilization of support services to direct allocations of fish.

The bill also links direct allocations to further negotiations on reciprocal access to the fisheries resources of those nations which enjoy access to our resources.

My bill does not contain any provision calling for a phaseout of foreign fishing at the present time. I continue to be a strong advocate of the eventual termination of foreign fishing, and have in the past urged Congress to legislatively phase the foreign fleets out by a specified date. I am currently working with Senator GORTON in an attempt to arrive at a mechanism by which foreign fishing will eventually be terminated. In any event, I will offer an amendment to my bill in the near future which will address the need to reduce the level of foreign fishing.

The legislation being offered today also deals with a conservation and management problem which will become increasingly apparent in the years ahead if not addressed immediately. Presently, the United States manages fisheries resources inside the 200-mile limit on an optimum yield basis. However, we have no control over foreign fishing on nonmigratory species which are located just outside of the boundaries. Foreign fleets can sit 5 miles from our border and devastate the same stocks of fish which the MFCMA is designed to protect. It is impossible to manage on an optimum yield basis when the fish straddle the borders. Our fisherman sacrifice harvesting capacity in the name of conservation, yet the foreign fleets offset any conservation gains by uncontrolled fishing.

My bill would extend the U.S. management authority to those species of fish which are both located in the U.S. fishery conservation zone and in the area beyond and adjacent to the zone. Management authority would extend solely to the stocks of fish, not to the waters which contain them. This extension of management jurisdiction will not have any impact on such traditional high seas freedoms as navigation and overflight. Jurisdiction would also not extend into the waters of other nations.

Congressman JOHN BREAUX has conducted extensive hearings into the domestic aspect of the MFCMA, therefore I have determined that it would be redundant to consider every issue that arose in the House. However, there are two issues dealing with the domestic function of the MFCMA which need to be addressed.

First, my bill would provide a separate line item for funding of the regional fishery management councils. From the enactment of the original MFCMA in 1976, there has been tension between the National Marine Fisheries Service and the councils over management responsibility. Much of this tension derives from the perception that funding for the councils is a drain on the NMFS budget. No matter what the level of resentment is, the councils are here to stay. The creation of a separate line item will reduce budgetary tensions and send a clear signal that the councils are an independent entity.

Second, my bill proposes the extension of the internal waters regulations with respect to fishing operations out to the territorial sea of Alaska. The restriction on foreign processing in Alaska's territorial sea has imposed tremendous burdens on areas where the internal waters are too shallow to harbor a foreign processor. This expansion of the internal waters authority is consistent with the Americanization goal. If domestic processors have the capacity and intent to process the fish, then it would be inappropriate for a Governor to issue a foreign processing permit. Incorporating the territorial sea into the internal waters regulations will permit Alaska's rural fishermen access to markets when domestic processors are unable or unwilling to purchase their fish.

Also included in the bill are provisions which deal exclusively with the North Pacific and Alaska. The most important provision affecting my State would require the Secretary of State to enter into negotiations with the Japanese for a termination of its high seas squid operations in areas which contain salmon of U.S. origin. Most of the salmon involved spawn in the waters of southcentral and western Alaska. However, it is also possible that some of the Pacific Northwest and southcentral Alaskan stocks are impacted by the interceptions.

Chairman DANFORTH has been very cooperative in delaying any action on the MFCMA until the Senate has had time to consider my legislation. I hope to schedule initial hearings this month, while leaving the option open to have further hearings later on this summer. This is the most important legislation on the books for U.S. fishermen, and the reauthorization provides an excellent forum for establishing the course of fisheries development over the next several years.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

MANAGEMENT AUTHORITY OVER STRADDLING STOCK

SEC. 2. The Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) (hereinafter referred to as the "Act") is amended—

(1) in section 3 (16 U.S.C. 1802) by—

(A) redesignating paragraphs (23) through (27) as paragraphs (24) through (28), respectively; and

(B) inserting after paragraph (22) the following new paragraph:

"(23) The term 'straddling stock' means any stock of associated species that are located within the fishery conservation zone and in the area beyond and adjacent to the zone"; and

(2) in section 102 (16 U.S.C. 1812) by adding at the end thereof the following new paragraph:

"(4) All straddling stock beyond the fishery conservation zone; except that such management authority shall not extend to such species during the time they are found within any foreign nationals territorial sea or fishery conservation zone (or the equivalent), to the extent that such sea or zone is recognized by the United States."

NEGOTIATIONS BY THE SECRETARY OF STATE

SEC. 3. (a) Section 202 of the Act (16 U.S.C. 1822) is amended by inserting at the end thereof the following new subsection:

"(f)(1) NEGOTIATIONS FOR RECOGNITION OF FOREIGN ZONES.—Within ninety days after the date of enactment of the Fishery Conservation and Management Amendments of 1985, the Secretary of State shall begin negotiations with each nation fishing within the fishery conservation zone to include in each governing international fishery agreement—

"(1) a provision acknowledging the zone of exclusive fishery management authority of each such foreign nation; and

"(2) a provision for implementing a policy of reciprocity in fishing as set forth in section 201(g) (16 U.S.C. 1921(g))."

(b) Section 201(e)(1)(E)(viii) is amended to read: "whether, and to what extent, such nation is cooperating with the United States in the negotiations as set forth in Section 202(f)(1); and"

(c) Section 201(c)(1)(E) is further amended by deleting "and" at the end of clause vii and by inserting after clause viii the following new clause:

"(ix) whether, and to what extent, such nation utilizes services offered by U.S. industry in support of fishing activities in the U.S. Fishery Conservation Zone, including the supplying of petroleum products, foodstuffs, and the transportation of personnel."

(d) Within sixty days after the date of enactment of this Act, the Secretary of State shall begin negotiations—

(1) with the Governments of Canada and Japan to eliminate high seas interception of salmon of United States origin within the framework of the International North Pacific Fisheries Commission established pursuant to the International Convention for the High Seas Fisheries of the North Pacific Ocean with a protocol relating thereto signed at Tokyo, Japan, on May 9, 1952, and the North Pacific Fisheries Act of 1954 (16 U.S.C. 1021 et seq.);

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION SCIENTIFIC RESEARCH

SEC. 4. (a)(1) In the administration of the North Pacific Fisheries Act of 1954 (16 U.S.C. 1021 et seq.), the United States Section may—

(A) in consultation with the National Marine Fisheries Service, initiate multinational symposia and provide other forums, including all nations, as determined by the United States section in consultation with the National Marine Fisheries Service, that have a significant interest in North Pacific fishery matters, for the purpose of exchanging of scientific information concerning all fishery stocks of the North Pacific; and

(B) initiate, in consultation with the National Marine Fisheries Service, a review of multinational cooperative development plans for North Pacific fishery stocks.

(2) The United States Section may employ and determine the salary of a professional administrator having scientific expertise and training in fisheries to ensure that the activities described in paragraph (1) are initiated on a timely basis.

(b) There are hereby authorized to be appropriated such sums as are necessary to fund the expanded activities of the United States Section provided for in this section.

ALASKAN STATE JURISDICTION

SEC. 5. (a) Section 306(a) of the Act (16 U.S.C. 1856(a)) is amended—

(1) in subparagraph (B) of paragraph (2) by striking out "and" at the end thereof;

(2) in subparagraph (C) of paragraph (2) by—

(A) striking out "(for the purpose of regulating fishing other than any species of crab)";

(B) striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon and "and"; and

(C) adding at the end thereof the following new subparagraph:

"(D) to the waters of southcentral Alaska that are north of the line from Elizabeth Island to Cape Douglas."

(b) Section 306(c) of the Act (16 U.S.C. 1856(c)) is amended by inserting the following new paragraph at the end thereof—

"(5) Exception—A foreign vessel may engage in fish processing within the boundaries of the State of Alaska seaward of the baseline from which the territorial sea is measured provided it satisfies all of the requirements of this subsection applicable to the internal waters of a State and the Governor of the State of Alaska determines, after consultation with the Secretary and the North Pacific Fishery Management Council, that the transfer of United States harvested fish to the foreign vessel within the internal waters of a State would be impossible or unsafe because of physical conditions.

LAW OF THE SEA TREATY REFERENCES

SEC. 6.(a)(1) Section 401 of the Act (16 U.S.C. 1881) is repealed.

(2) The table of contents of the Act is amended by striking out the item relating to Section 401.

(b) Section 2(c) of the Act (16 U.S.C. 1801(c)) is amended—

(1) in paragraph (4) by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof a period; and

(2) by striking out paragraph (5).

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. Section 406 of the Act (16 U.S.C. 1882) is amended by adding at the end thereof the following new paragraphs:

"(12) $68,555,000 for the fiscal year ending September 30, 1986.

"(13) $71,639,975 for the fiscal year ending September 30, 1987.

FOREIGN FISHING FEES

Sec. 8. Section 204(b)(10) of the Act (16 U.S.C. 1822) is amended by inserting at the end thereof the following new subparagraphs:

"(B) Fees shall be annually increased by 50 per centum over the cost of carrying out the provisions of the Act.

"(C) Each annual increase in fees will be in addition to the total fee level established under subparagraph (B) for the preceding fiscal year.".

FUNDING OF REGIONAL FISHERY MANAGEMENT COUNCILS

SEC. 9. The President shall include with the budget submitted under section 1105 of Title 31, United States Code, for each fiscal year a separate statement which specifies the total amount obligated or expended in the most recently completed fiscal year to carry out the provisions of Section 302(h) of the Act (16 U.S.C. 1852(h)) relating to the functions of the regional fishery management councils.

REVIEW OF PETITION BY THE UNITED STATES TRADE REPRESENTATIVE

SEC. 10. 19 U.S.C. 2411(b) is amended by adding at the end thereof the following paragraph:

"(3) reduce or eliminate fishery allocations provided under Section 201 of the Magnuson Fishery Conservation and Management Act (16 U.S.C.. 1821) when the action involves an unjustifiable, unreasonable, or discriminating act, policy, or practice which burdens United States commerce in fish or fishery products.".

By Mr. HELMS (by request):

S. 1246. A bill to repeal the Community Services Block Grant Act and the Community Economic Development Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

REPEAL OF THE COMMUNITY BLOCK GRANT ACT

● Mr. HELMS. Mr. President, today I am introducing, at the request of the administration, regulation to repeal the Community Services Block Grant (CSBG).

Mr. President, in this time of budgetary stress, I am convinced that any nonentitlement program must pass two tests:

First, the services it provides must be unique and second, they must be essential. The CSBG program fails both these tests.

First, Mr. President, the CSBG funds are not unique. CSBG has the statutory objective of "ameliorating poverty." Presently, there are numerous categorical programs and block grants carrying out this objective. Consequently, in many instances the Community Action Agencies, the nonprofit agencies which administer the block grant, use an indeterminate amount of the CSBG funds—not to serve the poor but to cover the costs of administering other Federal programs which already have builtin administrative cost allowances.

Mr. President, in August 1984, the General Accounting Office issued a report reaching this conclusion. It found the amount of CSBG funds used to pay administrative costs of other programs varied from "2 percent at one provider to 100 percent at three others." The report continued:

The direct link between CSBG and providers' services and clients is obscured in many locations because block grant funds are used to pay the costs of administering other programs. . . . For example, Self Help, Inc. in Brockton, Massachusetts, said about 80 percent of its CSBG funds were used to administer other programs and, as a result, funding changes (in the CSBG) could not be translated into service changes.

Finally, GAO concluded:

Discerning the exact impact of the block grant was often difficult because many providers used Federal community services to administer other programs and the link between CSBG funding decreases and program changes were obscure.

Second, Mr. President, the CSBG is not an essential part of the social "safety net." In fiscal year 1986, the administration plans to spend approximately $65 billion for programs to assist the poor. The community services block grant represents less than 1 percent of this figure and its elimination will not adversely affect these welfare programs.

Neither is the community service block grant essential for the continued existence of Community Action Agencies. According to the National Governors' Association study, the CSBG accounts for only 12 percent of CAA funding. The bulk of the CAA's budgets—86 percent or $2.4 billion—derives from other Federal funding authorities, while the remaining 2 percent is supplied by State and local govern-

ments and the private sector. If the CSBG is repealed, most CAA's would survive and would continue to deliver services to those in need.

Mr. President, the services provided by the community services block grant are neither unique nor essential to carry out the Government's commitment to our Nation's impoverished. If we are serious about fiscal responsibility, we will act swiftly to repeal this program.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) The Community Services Block Grant Act (42 U.S.C. 9901 *et. seq.*), and the Community Economic Development Act of 1981 (42 U.S.C. 9801 *et seq.*) are repealed.

(b) Any reference in any provision of law or regulations to the poverty line as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) Act is deemed to be a reference to the poverty line as established pursuant to section 652 of the Head Start Act (42 U.S.C. 9847).

(c)(1) Monies in the Rural Development Loan Fund and the Community Development Loan Fund, established in section 623 of the Community Economic Development Act of 1981, and monies in the Community Development Credit Union Revolving Loan Fund, established under title VII of the Economic Opportunity Act of 1964, shall be covered into the general fund of the Treasury as miscellaneous receipts.

(2) Any funds received by the Secretary of Health and Human Services as a repayment made in connection with any loan made or guaranteed under title VII, subtitle A, chapter 8, subchapter A, part 3 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812-9813), and any funds received by the Secretary of Health and Human Services as a repayment made in connection with any loan made or guaranteed with funds from the Community Development Credit Union Revolving Loan Fund established under title VII of the Economic Opportunity Act of 1964, shall be covered into the general fund of the Treasury as miscellaneous receipts.

(d) The amendments made by this Act shall become effective October 1, 1985.●

ADDITIONAL COSPONSORS

S. 283

At the request of Mr. MITCHELL, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 283, a bill to amend the Clean Air Act to better protect against interstate transport of pollutants, to control existing and new sources of acid deposition, and for other purposes.

S. 329

At the request of Mr. HECHT, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 329, a bill entitled the Highway Speed Modification Act of 1985.

S. 491

At the request of Mr. QUAYLE, the names of the Senator from North Dakota [Mr. ANDREWS] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 491, a bill to improve debt-collection activities and default recoveries and to reduce collection costs and program abuse under student loan programs administered by the Department of Education, and for other purposes.

S. 657

At the request of Mr. THURMOND, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 657, a bill to establish the Veterans' Administration as an executive department.

S. 713

At the request of Mr. WILSON, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 713, a bill to prohibit the interstate sale and transportation of drug paraphernalia.

S. 987

At the request of Mr. EXON, the names of the Senator from Nevada [Mr. LAXALT], the Senator from Virginia [Mr. TRIBLE], the Senator from Montana [Mr. MELCHER], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 987, a bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65.

S. 1005

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1005, a bill to amend the Davis-Bacon Act to modify the provisions of such act prescribing the minimum wages to be paid laborers, mechanics, and helpers employed on public construction projects, and for other purposes.

S. 1084

At the request of Mr. GOLDWATER, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1181

At the request of Mr. HATCH, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Indiana [Mr. QUAYLE], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1181, a bill to establish a program for the provision of home and community based services to elderly individuals.

SENATE JOINT RESOLUTION 47

At the request of Mr. CRANSTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 47, joint resolution designating the week beginning November 10, 1985, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 68

At the request of Mr. DODD, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 68, joint resolution to designate November 21, 1985, as "William Beaumont Day."

SENATE JOINT RESOLUTION 86

At the request of Mr. WILSON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Georgia [Mr. NUNN], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of Senate Joint Resolution 86, joint resolution to designate the week of July 25, 1985, through July 31, 1985, as "National Disability in Entertainment Week."

SENATE JOINT RESOLUTION 88

At the request of Mr. LEVIN, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 88, joint resolution to designate the week beginning September 8, 1985, as "National Osteopathic Medicine Week."

SENATE JOINT RESOLUTION 130

At the request of Mr. QUAYLE, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], the Senator from Georgia [Mr. NUNN], and the Senator from Mississippi [Mr. STENNIS] were added as consponsors of Senate Joint Resolution 130, joint resolution designating the Week beginning on November 10, 1985, as "National Blood Pressure Awareness Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 134, joint resolution to designate "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 138

At the request of Mr. DURENBERGER, the names of the Senator from Texas [Mr. BENTSEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Mr. COHEN], the Senator from California [Mr. CRANSTON], the Senator from Alabama [Mr. DENTON], the Senator from Missouri [Mr. EAGLETON], the Senator from North Carolina [Mr. EAST], the Senator from Nebraska [Mr. EXON], the Senator from Arizona

[Mr. GOLDWATER], the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. HECHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. LUGAR], the Senator from Ohio [Mr. METZENBAUM], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Idaho [Mr. SYMMS], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 138, joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 139

At the request of Mr. HATCH, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Indiana [Mr. LUGAR], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Louisiana [Mr. LONG] were added as cosponsors of Senate Joint Resolution 139, joint resolution to designate the week of December 1, 1985 through December 7, 1985, as "National Home Care Week."

SENATE CONCURRENT RESOLUTION 46

At the request of Mr. ANDREWS, the names of the Senator from Nebraska [Mr. ZORINSKY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Nebraska [Mr. EXON], the Senator from Texas [Mr. GRAMM], the Senator from Kentucky [Mr. FORD], the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. DENTON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Idaho [Mr. MCCLURE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. WEICKER], the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. ABDNOR], the Senator from Virginia [Mr. TRIBLE], the Senator from South Carolina [Mr. THURMOND], the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Florida [Mr. CHILES], the Senator from Maryland [Mr. MATHIAS], the Senator from Idaho [Mr. SYMMS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from North Carolina [Mr. EAST], the Senator from California [Mr. WILSON], the Senator from Illinois [Mr. SIMON], the Senator from Ohio [Mr. GLENN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from Maryland [Mr. SARBANES], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Concurrent Resolution 46, concurrent resolution to express the sense of the Congress regarding Americans missing in Southeast Asia.

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. HEINZ, the names of the Senator from Missouri [Mr. EAGLETON], the Senator from Rhode Island [Mr. PELL], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Concurrent Resolution 47, concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

SENATE RESOLUTION 82

At the request of Mr. D'AMATO, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Resolution 82, resolution to preserve the deduction for State and local taxes.

SENATE RESOLUTION 174

At the request of Mr. GORE, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 174, resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1986

LEVIN AMENDMENT NO. 265

Mr. LEVIN proposed an amendment to the bill (S. 1160) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; as follows:

On page 99, line 2, insert "develop, test, or" after "United States".

GOLDWATER AMENDMENT NO. 266

Mr. GOLDWATER proposed an amendment to the bill S. 1160, supra; as follows:

On page 6, between lines 16 and 17, insert the following new subsection:

(g) There are hereby authorized to be transferred to amounts appropriated for procurement for the Army for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $40,000,000 for the procurement of aircraft, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Army remaining available for obligation;

(2) $25,000,000 for the procurement of missiles, to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Army remaining available for obligation.

(3) $75,000,000 for the procurement of weapons and tracked combat vehicles, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation;

(4) $140,000,000 for the procurement of ammunition for the Army, of which $110,000,000 is to be derived from amounts appropriated for fiscal year 1985 for procurement of ammunition for the Army remaining available for obligation, and $30,000,000 to be derived from amounts appropriated for fiscal year 1984 for the procurement of ammunition for the Army remaining available for obligation; and

(5) $238,000,000 for other procurement for the Army, of which $159,000,000 is to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Army remaining available for obligation, and $79,000,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Army remaining available for obligation.

On page 9, between lines 22 and 23, insert the following new subsection:

(j) There are hereby authorized to be transferred to amounts appropriated for procurement for the Navy for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriations Acts—

(1) $109,000,000 for aircraft procurement, to be derived from amounts appropriated for fiscal year 1985 for aircraft procurement for the Navy remaining available for obligation;

(2) $15,000,000 for procurement of weapons, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons for the Navy remaining available for obligations;

(3) $422,000,000 for shipbuilding and conversion for the Navy, of which $129,000,000 is to be derived from amounts appropriated for fiscal year 1983 for shipbuilding and conversion for the Navy remaining available for obligation, $100,000,000 to be derived from amounts appropriated for fiscal year 1984 for shipbuilding and conversion for the Navy remaining available for obligation, and $193,000,000 to be derived from amounts appropriated for fiscal year 1985 for shipbuilding and conversion for the Navy remaining available for obligation;

(4) $221,000,000 for other procurement for the Navy, of which $70,000,000 is to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Navy remaining available for obligation, and $151,000,000 to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Navy remaining available for obligation; and

(5) $28,000,000 for procurement for the Marine Corps to be derived from amounts appropriated for fiscal year 1985 for procurement for the Marine Corps remaining available for obligation.

On page 9, line 24, insert "(a)" after "SEC. 103.".

On page 10, between lines 3 and 4, insert the following new subsection:

(b) There are hereby authorized to be transferred to amounts appropriated for procurement for the Air Force for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $406,000,000 for aircraft procurement for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for aircraft procurement for the Air Force remaining available for obligation;

(2) $36,000,000 for missile procurement for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for missile procurement for the Air Force remaining available for obligation; and

(3) $282,000,000 for other procurement for the Air Force, of which $86,000,000 is to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Air Force remaining available for obligation, and $196,000,000 to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Air Force remaining available for obligation.

On page 10, line 14, strike out "$20,000" and insert in lieu thereof "$20,000,000".

On page 10, line 20, insert "(a)" after "SEC. 105.".

On page 10, after line 22, insert the following new subsection:

(b) There are hereby authorized to be transferred to amounts appropriated for procurement for the Defense Agencies for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriations Acts, the sum of $36,000,000 for procurement for the Defense Agencies, of which $15,000,000 is to be derived from amounts appropriated for fiscal year 1984 for procurement for the Defense Agencies remaining available for obligation, and $21,000,000 to be derived from amounts appropriated for fiscal year 1985 for procurement for the Defense Agencies remaining available for obligation.

On page 11, after line 25, insert the following new subsection:

(c) There are hereby authorized to be transferred to amounts appropriated for research, development, test, and evaluation for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $89,000,000 for the Army, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Army retaining available for obligation;

(2) $183,000,000 for the Navy, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Navy remaining available for obligation;

(3) $265,000,000 for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Air Force remaining available for obligation; and

(4) $151,000,000 for the Defense Agencies, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Defense Agencies remaining available for obligation.

On page 145, line 2, insert "(a)" after "Sec. 2165.".

On page 145, between lines 8 and 9, insert the following new subsection:

(b) There are hereby authorized to be transferred to amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $60,000,000, to be derived from amounts appropriated for NATO Infrastructure for fiscal year 1985 remaining available for obligation.

On page 99, strike all that appears after line 22 through page 100, line 2.

BUMPERS (AND OTHERS) AMENDMENT NO. 267

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. HEINZ, Mr. MCCLURE, and Mr. MOYNIHAN) proposed an amendment which was subsequently modified, to the bill S. 1160, supra; as follows:

At the end of title IX of division A of the bill, insert the following:

POLICY ON COMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS

SEC. . (a) The Congress finds that—

(1) it is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies;

(2) the President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint";

(3) the President last year called this policy "helpful" and pointed out that "we have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground";

(4) the President has also declared "that the United States is continuing to carry out its own obligations under relevant agreements";

(5) the President has reported to Congress that the Soviet Union has violated certain of their political commitments with respect to the SALT II treaty including the provisions of telemetry encryption and "new types" of ICBMs;

(6) the President has declared that "the United States will continue to press these compliance issues with the Soviet Union through diplomatic channels";

(7) the President has also declared that "the United States is continuing to carry out its own obligations under relevant agreements, subject to the Soviet Union reciprocally complying with SALT II";

(8) last month, the President stated in reference to the United States commitment to refrain from undercutting existing strategic arms agreements so long as the Soviet Union shows equal restraint that "there's considerable evidence now that that has been rather one-sided, and if it has been, then there's no need for us to continue";

(9) the President's Commission on Strategic Forces in its April 1983 report declared that a "more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles" and, consistent with this goal, recommended that the United States proceed with engineering development of a small, mobile single-warhead ICBM (SICM);

(10) Lieutenant General Brent Scowcroft, Chairman of the President's Commission on Strategic Forces, has testified with respect to the SICM that "it would stand arms control on its head to say that it (the SALT II treaty) would prevent us moving in the direction clearly in the interest of arms control and stability".

(b) It is the sense of the Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, where appropriate, the Standing Consultative Commission and the renewed nuclear arms negotiations;

(2) the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement;

(3) the United States should, through December 31, 1986, continue to refrain from undercutting the provisions of existing strategic offensive arms agreements to the extent that the Soviet Union refrains from undercutting those provisions, and provided the Soviet Union actively pursues arms reduction agreements in the Nuclear and Space Arms negotiations or until a new strategic offensive arms agreement is concluded; and provided, however, nothing in this section shall be construed as prohibiting the U.S. from carrying out other proportionate responses to Soviet undercutting of strategic arms provisions; and

(4) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long term security interests of the United States and its allies and should consult with Congress before making any changes in current policy.

(c) the President shall provide to the Congress on or before September 1, 1986, a report that provides:

(1) a projection and comparison, on a year-by-year basis, of United States and Soviet strategic weapons dismantlements that would be required over the next five years if the United States and the Soviet Union were to adhere to a policy of not undercutting existing strategic arms control agreements.

(2) a projection and comparison, on a year-by-year basis, of likely United States and Soviet strategic offensive force inventories over the next five years if the no-undercut policy were to lapse at the end of 1985;

(3) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy; and

(4) makes recommendations regarding the future of United States interim restraint policy.

(d)(1) To the extent that the President finds and reports to the Congress that the Soviet Union has violated the provisions of strategic arms agreements, and that the President finds and reports to the Congress that such violations impair or threaten the security of the United States, the President may propose such measures as shall be necessary to protect the security of the United States. Nothing herein should be construed as an attempt to restrain or inhibit the Constitutional powers of the President of the United States.

(2) Nothing in this section should be construed to endorse unilateral U.S. compliance with existing strategic arms agreements".

(3) Nothing in this section shall be construed as prohibiting or delaying the development, flight testing or deployment of the SICM as authorized by Congress or as establishing a precedent to continuing the no-undercut policy beyond December 31, 1986, which should be a matter for consultation between the President and Congress and

subsequent review and debate by the Congress.

FOREIGN RELATIONS AUTHORIZATION ACT

PRESSLER AMENDMENT NO. 268

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987; as follows:

RESPONSIBILITIES OF UNITED STATES REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

(a) FINDINGS.—The Congress finds that—

(1) international organizations of which the United States is a member are increasingly involved in the consideration of proposals that may have a significant impact on the interstate or foreign commerce of the United States; and

(2) these proposals are not always adequately publicized or considered pursuant to open and fair procedures available to interested persons.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States representatives to United Nations-related agencies and to other international organizations should oppose the adoption of international marketing and distribution regulations or restrictions which unnecessarily impede the export of United States goods and services; and

(2) the Secretary of State, to the extent practicable, shall publish procedures to provide interested persons with timely notice and an opportunity to comment on such regulations and restrictions under consideration in international organizations as the Secretary determines may significantly affect—

(A) the interstate or foreign commerce of the United States;

(B) the policies or programs of the United States Government; or

(C) any State significantly affected by interstate or foreign commerce.

Mr. PRESSLER. Mr. President, I intend to offer an amendment to S. 1003 when the Senate begins action on this bill.

My amendment would state that it is the sense of the Senate that U.S. representatives to United Nations related agencies and other international organizations should oppose regulations on international marketing and distribution which unnecessarily impedes the export of U.S. goods and services. The Secretary of State would be called on to publish procedures to provide interested persons with notice and an opportunity to comment on any such regulations or restrictions.

It is my hope that this amendment will receive full support when it is introduced. The purpose of this amendment is not to fight all international regulations or restrictions on marketing or distributing a product. Indeed, many are necessary and beneficial to the United States. However, our trade deficit has reached a record high. It is important that, in reaching international agreements, we do not unnecessarily harm our trade position. Often this is not intended. My amendment would allow the private sector to have the opportunity to work with the Secretary of State and the Department of Commerce to make sure that such oversights do not occur. This is a practical amendment to promote communication between the public and private sectors, which in turn will help prevent the United States from entering into agreements which would have adverse affects on our trading position.

PRESSLER AMENDMENT NO. 269

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill S. 1003, supra; as follows:

RESTRICTIONS RELATING TO THE PALESTINE LIBERATION ORGANIZATION AND THE SOUTH WEST AFRICA PEOPLE'S ORGANIZATION

SEC. 114. (a) Funds appropriated for any fiscal year for the Department of State for "International Organizations and Conferences" may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity);

(2) 25 percent of the amount budgeted for that year for projects whose purpose is to provide benefits to the Palestine Liberation Organization or to the South West Africa People's Organization or entities associated with either of them.

(b) Funds appropriated for any fiscal year for the Department of State for "International Organizations and Conferences" may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose purpose is to provide benefits to the Palestine Liberation Organization or to the South West Africa People's Organization or entities associated with either of them.

(c) The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the purpose of providing benefits to the Palestine Liberation Organization or to the South West Africa People's Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

(d) Subsections (a)(3) and (b) shall not be construed as limiting United States contributions to the United Nations or its specialized agencies for projects whose purpose, as determined by the President, is to provide humanitarian, educational, developmental, and other nonpolitical benefits.

Mr. PRESSLER. Mr. President, I intend to offer an amendment to S. 1003, the Foreign Relations Authorization Act, when the Senate begins action on this bill.

My amendment would place restrictions on U.S. funding for international organizations which support or benefit the Palestine Liberation Organization or the South West Africa People's Organization. Specifically, the amendment would cut the level of funding paid to the United Nations when assessed funds are used to benefit these organizations in any way. U.S. payment would be determined by subtracting 25 percent of the amount budgeted for any committees or special units of the United Nations that provide benefits to the Palestine Liberation Organization or the South West Africa People's Organization. This amendment would not limit the ability of the United States to contribute to certain United Nations agencies and other specialized projects which provide humanitarian, educational, developmental, or other nonpolitical benefits. The President would be called upon to determine when funding cuts are in order.

I hope that this amendment receives the full support of my colleagues. It would prevent the use of U.S. tax dollars by agencies or projects which fund groups involved in terrorist activity. It is definitely contrary to our national interest to fund entities that in turn will use our money to benefit those engaged in terrorism against us. In the past the Senate has acted on this issue. I urge that the Senate continue expressing its opposition to U.S. support of organizations that benefit terrorist groups.

NOTICES OF HEARINGS

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES, AND THE SUBCOMMITTEE ON THE HANDICAPPED

Mr. STAFFORD. Mr. President, on behalf of myself and Mr. WEICKER we wish to announce for the information of the public that the Subcommittee on Education, Arts and Humanities and the Subcommittee on the Handicapped will be holding hearings on S. 272, the Civil Rights Act amendments, and S. 431, the Civil Rights Restoration Act of 1985, designed to overturn a Supreme Court decision limiting the Government's power to enforce antidiscrimination rules in institutions receiving Federal funds. The first hearing will be held on June 12, 1985, at 10 a.m. in SD-406 Dirksen Senate Office Building.

Those wishing additional information should contact Elizabeth Hackett of the Subcommittee on Education, Arts and Humanities staff at 224-2962, or Jane West of the Subcommittee on the Handicapped staff at 224-6265.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources has scheduled a hearing on S. 1225: the Price-Anderson Act Amendments Act of 1985.

The hearing is scheduled for Tuesday, June 25, 1985, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements for this hearing should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, Washington, DC 20510.

For additional information regarding this hearing, you may contact Paul Gilman or Marilyn Meigs on the subcommittee staff at 202-224-4431.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources is cancelling its oversite hearing scheduled for Monday, June 10, 1985 at 2 p.m., on the Department of Energy's Fossil Energy Program authorization for fiscal year 1986. This hearing will be rescheduled at a later date.

For further information regarding this hearing, please contact Mr. Paul Gilman of the subcommittee staff at 202-224-4431.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 5, 1985, to conduct a business meeting to consider pending nominees to the U.S. Synthetic Fuels Corporation Board of Directors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday June, 5, 1985, in order to receive testimony on the nomination of William Bradford Reynolds to be Associate Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 5, 1985, in order to conduct a hearing on the nomination of Donald Devine to be Director of the Office of Personnel Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet until 12:30 today to mark up S. 616, the farm bill, and related measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SENATE AND ARMS CONTROL

● Mr. STEVENS. Mr. President, as we all know, the Senate has an important responsibility in the area of foreign affairs, particularly in the area of treaties. Executive branches and legislators for two centuries have argued over the proper balance, but the successful administrations have been those which have been able to work well with the Congress. Recently, Amos Jordan, Jr., president and CEO of the Georgetown Center for Strategic and International Studies, wrote about the Senate's role in the arms control process. He argued that Senators should be consulted in the "position-building process." He said that this "does no violence to the Constitution" because "the two branches do not merge; they merely conduct their healthy adversarial relationship in a different way." He concluded that "in these important arms control negotiations, it is essential that the legislators help shape the product as it moves down the assembly line rather than be asked to take it or leave it when it appears on the showroom floor."

The Georgetown Center for Strategic and International Studies has been immensely helpful to the Senate Arms Control Observer Group in briefing us on issues and providing information. I commend the article by Dr. Jordan to my collagues, and ask that it be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, May 8, 1985]

WILL THE SENATE RATIFY AN ARMS TREATY?

(By Amos A. Jordan, Jr.)

With the eyes of the world focused on the Geneva arms talks, the senators serving as the observation team look like bit players in the negotiation drama.

But before the lead actors shunt these "extras" aside, they had best remember that this is one drama which must play again in Washington—before the very body these senators represent. The most carefully crafted agreement achieved in Geneva will close out of town if the Senate is unwilling to ratify what the negotiators have wrought.

Failure to ratify is no idle fear. The history of the 20th century is strewn with the wreckage of presidential foreign-policy initiatives that were shot down by senators with a different vision of the national interest. The classic case of the legislative and executive branches marching to different drummers was the refusal of the Senate in 1919 to ratify the Treaty of Versailles, which reshaped the map of Europe after World War I and created the League of Nations. President Woodrow Wilson had invested his heart in that blueprint for enduring peace, but the Senate, reflecting profound American suspicions of the Old World, was bent on disentangling the United States from global affairs. Because Versailles was a multilateral treaty, it went into force without U.S. ratification; political sages continue to speculate on what might have been had the U.S. been on the center stage instead of the sidelines during the rise of fascism and Soviet communism.

Harry Truman, learning from Wilson's rebuff, persuaded Sen. Arthur H. Vandenberg, a powerful and conservative Republican, to play a key role in planning and launching the crucial foreign-policy initiatives of the postwar period, the Truman Doctrine and Marshall Plan. Since that time, legislators have been generally included as observers on U.S. teams negotiating major international agreements. But "observation" misses the essence of the Truman approach. Vandenberg was no observer; he was an active participant who helped shape the strategy and shared accountability for the outcome.

That the presence of legislative observers in the treatymaking process is no guarantee of Senate approval was abundantly demonstrated in 1978, when SALT II was up for ratification. Despite their presence while it was being negotiated, SALT II was under siege in the Senate from the day of its presentation. It had no real chance of passage even before the Soviet invasion of Afghanistan forced its withdrawal.

No one suggests that foreign policy be made by a joint executive-legislative committee. The principle of separation of powers is fundamental to the American system of governance. The people send their legislators to Washington in part to hold the executive branch accountable, not to connive with it.

Sometimes it may prove to be a healthy thing when a relatively dovish President, such as Jimmy Carter in 1978, has to contend with a relatively hawkish Congress, or vice versa. Our system makes it excruciatingly difficult to get things done, but what is done will often better stand the test of time.

If the U.S. negotiators in Geneva succeed in achieving a sound agreement (and accord-

ing to a recent poll only 30 percent of the American people think they will), the prospects for ratification without crippling amendments would be immeasurably bolstered by bringing the Congress—especially the Senate—deeply into the process from the outset, beyond observer status on a scale not yet contemplated, even by Harry Truman.

The senators designated by the Senate leadership as official observers of the Geneva talks are extremely able. But observer status, strictly interpreted, is not good enough. A senator representing 5 million Americans cannot be counted on to support uncritically positions that he or she has no role in developing. He or she should be consulted in the position-building process before the negotiation and in the remolding and refinement of positions that inevitably occur during the negotiation. Let the professional negotiator, like the British barrister, deal with the adversary, but let the legislative team member, like the British solicitor, share in giving him counsel.

Such a role for the legislator in a critically important international negotiation does no violence to the Constitution. The two branches do not merge; they merely conduct their healthy adversarial relationship in a different way. The Congress has always controlled the purse strings of the administration—and, therefore, ultimately the national-security policy of the government—and the Senate has always had the power to advise and consent on treaties and appointments.

In these important arms control negotiations it is essential that the legislators help shape the product as it moves down the assembly line rather than be asked to take or leave it when it appears on the showroom floor.●

REA ACHIEVES THE 50 YEAR MILESTONE

● Mr. ARMSTRONG. Mr. President, 1985 marks the 50th year of the advent of rural electrification in America. This is a milestone worthy of recognition throughout the Nation because of the vast achievement that the REA Program represents.

Today it is nearly impossible to imagine life in the United States without electricity. Electric power has become such an integral part of our lives and work, it is taken for granted. It is therefore quite unlikely that anyone who did not experience the revolution of electrifying rural America could really appreciate the magnitude and importance of it.

In 1935 only a tiny fraction of rural people had electricity and the task of creating a network of distribution facilities for the huge, thinly populated areas of this country appeared impossible. This was particularly true of the seemingly endless plains and rugged mountains of Colorado. In 1935 only 11.2 percent of Colorado farms had central station electrical service. The creation of the Rural Electrification Administration provided the mechanism whereby farmers throughout Colorado were able to build local organizations capable of delivering the blessings of electrical power to every corner of the State.

On Colorado farms 98.4 percent now have electrical power, but the citation of that statistic is not adequate to describe dedication of the thousands of Colorado men and women who worked tirelessly through the years to create this modern miracle.

It is my pleasure today to commend the leaders of rural America who made REA a reality. I would particularly like to recognize David A. Hamil of Atwood, CO, as one of those outstanding leaders. Dave Hamil and two of his neighbors, Phil Guenzi and William Seckler, were the organizers of Highline Electric Association—one of Colorado's first REA co-ops. He then went on to cap an illustrious public service career by serving over 14 years as the national REA Administrator under three Presidents—Eisenhower, Nixon, and Carter. Under Dave Hamil's leadership, REA evolved into a mature system serving to augment and improve the most productive agricultural system in the world.

I am confident the same spirit that built REA will continue to guide this unique invention of the American system as it meets and adapts to the challenges and changing circumstances of the future.●

THE FORMOSAN ASSOCIATION FOR PUBLIC AFFAIRS

● Mr. PELL. Mr. President, I wish to draw to the attention of my colleagues the fine work being done by the Formosan Association for Public Affairs [FAPA] in support of democracy and human rights on Taiwan.

FAPA was established in California in 1982 by native Taiwanese from the United States, Canada, Latin America, Western Europe, and Japan. FAPA members come from diverse backgrounds and have differing views on many subjects, but they are united in support of the following three objectives:

To seek international support for the right of the Taiwanese people to determine the future status of Taiwan;

To protect and enhance the rights, interests and welfare of Taiwanese communities throughout the world, and

To promote human rights, freedom, and democracy for the people on Taiwan.

FAPA is deeply committed to working through legal channels and to achieving its objectives through peaceful means. It rejects terrorism and violence. In fact, antiterrorism and antiviolence are fundamental tenets of FAPA as it works to oppose martial law and to advance the cause of democracy on Taiwan.

FAPA conducts its work through local chapters around the world, coordinating activities through its headquarters in Washington, DC. Among the members of FAPA are people who have achieved distinction in the fields of education, business, law, religion, medicine, the arts, and government service. Last June, I met with several hundred members of the Taiwanese community of Chicago, many of whom are FAPA members; and I was highly impressed by the many contributions they are making to their adopted community and by the responsible approach they are taking to help their brothers and sisters on Taiwan.

The work of FAPA is primarily educational. This summer, for the third consecutive year, FAPA is sponsoring a series of youth conferences to discuss the situation on Taiwan. Speakers at these conferences have included overseas Taiwanese leaders, Members of Congress and their staff members, former U.S. Government officials, and church, business, and human rights representatives from all over America. FAPA has also sponsored visits to the United States by Taiwanese elected officials, journalists, church officials, and leaders of the new Taiwan Association for Human Rights. George Kerr, one of America's most distinguished Taiwan scholars and an old friend of mine, has called FAPA the "leading voice" among the many overseas Taiwanese organizations working on behalf of the right of the people on Taiwan to determine their own political future.

FAPA is anti-Communist and opposes the integration of Taiwan into the People's Republic of China by force, the threat of force or by any form of coercion. FAPA would also oppose any agreement between the government on Taiwan and the People's Republic of China that is not based on the will of the people on Taiwan, including the native Taiwanese majority.

FAPA applauds the progress that has been made by the native Taiwanese community on Taiwan, including the growth of native Taiwanese membership within the ruling Kuomintang [KMT] Party. Nevertheless, both the KMT and the Government are controlled by people of mainland Chinese origin; and formally constituted opposition parties are not permitted. As a result, FAPA works in support of efforts to create a pluralistic, Western-style democracy on Taiwan.

That is a long-term objective, however; and, as a result, most of FAPA's day-to-day work is directed at improving the human rights situation on Taiwan. In this connection, FAPA has pressed for a full investigation of the death 4 years ago of Professor Chen Wen-chen of Carnegie-Mellon University, who was found dead after interrogation by the police on Taiwan, and of the murders in 1980 of three members of the family of Lin Yi-hsiung, a

prominent Taiwanese opposition leader. More recently, FAPA has worked in support of efforts to extradite, for trial in the United States, the Taiwanese officials charged with the murder last year of Henry Liu, a prominent member of the Chinese-American community in California.

I urge my colleagues and members of their staffs to get to know members of FAPA as I have. They are very willing, indeed eager, to tell their story and to share their democratic aspirations.●

THE ASSOCIATION OF JUNIOR LEAGUES

Mrs. HAWKINS. Mr. President, many of the 262 member leagues of the Association of Junior Leagues have taken an active part in promoting child safety in their communities. The association is an international volunteer organization with 252 leagues in the United States representing more than 160,000 individual members. Junior Leagues also are located in Canada, Mexico and Great Britain.

In the 2-year period from 1982 to 1984, 46 Junior Leagues reported involvement in 52 child safety programs. These projects involved approximately 425 Junior League volunteers and more than $160,000 in Junior League contributions. Twenty-eight of the 52 projects reported to the association address the issue of car seat restraints and school bus safety. Eleven focus on fire prevention; fingerprinting children and crime prevention. Following are a few examples of these Junior League safety efforts.

CAR SEAT RESTRAINTS/SCHOOL BUS SAFETY

The Junior League of Fairmont, WV, recycles and distributes car seats to parents of newborns for a nominal fee. League members purchased infant car seats through a local car dealership, prepared and distributed informational brochures and arranged for a car seat distribution site. Future plans include the purchase of car seats for toddlers.

The Junior League of Fairmont also reported having a public affairs project in conjunction with this community program. League members worked to educate the community on State legislation regarding car safety standards for children.

The Junior League of St. Joseph, MO, has a program designed to save lives and reduce injuries to children riding in automobiles. Efforts to accomplish this goal include:

The promotion of long-term automobile safety habits beginning with infants and continuing through adulthood.

The establishment of an infant car seat rental program in collaboration with the Methodist Medical Center.

A public awareness campaign to promote infant and child passenger safety as well as car seat and safety belt use.

Junior League volunteers provide group and individual education, handle rental procedures, and deliver the seats to new parents.

Members of the Junior League of St. Joseph also lobbied for the passage of legislation requiring the use of car seat restraints for children.

The Junior League of High Point, NC, developed a public affairs project which was designed to educate the league membership about school bus safety. League volunteers have gathered information and statistics concerning this issue.

FIRE PREVENTION PROGRAMS

The Junior League of Long Beach, CA, has produced and distributed a fire prevention manual designed for preschool children.

The issue of self-extinguishing or fire-safe cigarettes was by the Junior League of San Francisco. That league was joined by the State Public Affairs Committee of the Junior Leagues of California and other interested organizations. The coalition has succeeded in having legislation introduced and passed by Congress. After 5 years of lobbying, the Cigarette Safety Act was passed by Congress in 1985 and signed by President Reagan. In addition to lobbying on the Federal level, the Junior Leagues of California are also working toward passage of a similar bill in their home State.

The Junior Leagues of Fresno, Long Beach, Los Angeles, Monterey County, Oakland-East Bay, Pasadena, Riverside, Sacramento, San Francisco, and San Jose have all participated in State legislative activities regarding the self-extinguishing cigarettes including educating league and community members about the status of the State bill monitoring and supporting legislation, contacting the State fire marshall to request that a study be conducted on the manufacture of self-extinguishing cigarettes, organizing letter writing campaigns, advocating and lobbying for the bill's passage and coordinating State and Federal efforts with other groups.

GENERAL SAFETY PROGRAMS/HOME SURVIVAL SKILLS

The Junior League of Central Westchester, NY, sponsored Child Safety Awareness Day for 250 children and their parents.

The Junior League of Great Falls, MT, runs a course which acquaints children between the ages of 8 and 10 with skills needed to manage time at home alone. The course is team taught in eight, 1-hour segments and includes first aid, back-up systems, nutrition, use of appliances, personal feelings and home rules.

FINGERPRINTING/IDENTIFICATION PROGRAMS

The Junior League of Mobile, AL, assists the Mobile Police Department in setting up a fingerprinting program in the Mobile schools.

The Junior League of Reno, NV, provides free and voluntary fingerprinting and identification to all school age children and aids parents in compiling identification information about their children which would be beneficial in an emergency situation. League volunteers contacted 42 elementary schools and fingerprinted the qualified children.

CRIME PREVENTION

The Junior League of Los Angeles has a program which aids the police department in reducing crimes against children by informing and educating children in crime prevention using printed materials. The League is also involved in designing and implementing a peer program.

The Junior League of Newport Harbor, CA, provides quality child safety programs to sixth grade children in the Newport Mesa School District. League members review existing educational materials and programs on the topic and advocate to obtain the support and consent of parents, school boards, parent/teacher organizations and principals for programs to prevent child molestation.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point, the notifications which have been received. The classified annexes referred to in two of the covering letters are available to Senators in the office of the Foreign Relations Committee, SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, May 30, 1985.

In reply refer to: I—03272/85ct.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-35 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Canada for defense articles and

services estimated to cost $30 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

GLENN A. RUDD,
Deputy Director.

[Transmittal No. 85-35]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Canada.
(ii) Total estimated value:

	Million
Major defense equipment [1]	$29
Other	1
Total	30

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: One hundred twenty-nine MK 46 MOD 5 torpedoes, spare parts, and technical and engineering support.
(iv) Military department: Navy (AJO).
(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.
(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separated cover.
(vii) Section 28 report: Included in report for quarter ending 31 December 1984.
(viii) Date report delivered to Congress: May 30, 1985.

POLICY JUSTIFICATION

CANADA—MK 46 MOD 5 TORPEDOES

The Government of Canada has requested the purchase of 129 MK 46 MOD 5 torpedoes, spare parts, and technical and engineering support. The estimated cost is $30 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Canada; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

This is a follow-on case to Canada's purchase of 220 MK 46 MOD 5 torpedoes in November 1984. Canada intends to use these torpedoes to up-grade its antisubmarine defense in support of its NATO commitments.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Honeywell, Incorporated of Hopkins, Minnesota.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Canada.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 4, 1985.

In reply refer to: I-22363/85.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-37 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Bahrain for defense articles and services estimated to cost $92 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST, *Director.*

[Transmittal N., 85-37]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Bahrain.
(ii) Total estimated value:

	Millions
Major defense equipment [1]	$78
Other	14
Total	92

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Six F-5E/F aircraft with associated support equipment, spare parts, training and technical services, and 15 J-85 engines.
(iv) Military department: Air Force (SFA).
(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.
(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.
(vii) Section 28 report: Case not included in section 28 report.
(viii) Date report delivered to Congress: June 4, 1985.

POLICY JUSTIFICATION

BAHRAIN—F-5E AND F-5F AIRCRAFT AND J-85 ENGINES

The Government of Bahrain has requested the purchase of six F-5E/F aircraft with associated support equipment, spare parts, training and technical services, and 15 J-85 engines. The estimated cost is $92 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own defense and security by the transfer of reasonable amounts and types of military equipment. Bahrain is a member of the recently created Gulf Cooperation Council and seeks a modest defense establishment within this context. A moderate voice in the region, Bahrain is a long-time friend of the United States and allows the U.S. Navy access to facilities in the country.

This military equipment will be used by the Bahrain Defense Force (BDF) to enhance its air arm. It will provide the country with a modest airborne air defense capability to supplement its ground air defense systems. The sale complements an earlier 1985 sale of an identical number of F-5 aircraft and 60 AIM-9P3 missiles and completes the planned equipage of the BDF's fighter force.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Northrop Corporation of Hawthorne, California.

Implementation of this sale will require the assignment of three additional U.S. Government personnel for 24 months and five contractor representatives for 24 months to Bahrain.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, May 30, 1985.

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost $14 million or more.

Sincerely,

PHILIP C. GAST,
Director.

POLICY JUSTIFICATION

(U) The prime contractor will be the Hughes Aircraft Corporation at Fullerton, CA.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

ORDER OF BUSINESS

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1986

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The pending question is on the motion to reconsider the vote by which the Bumpers amendment was defeated.

The majority leader is recognized.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet until 12:30 today to mark up S. 616, the farm bill, and related measures.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand the minority leader has cleared additional committee requests.

I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 5, 1985, in order to conduct a hearing on the nomination of Donald Devine to be Director of the Office of Personnel Management.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 5, 1985, to conduct a business meeting to consider pending nominees to the U.S. Synthetic Fuels Corporation Board of Directors.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 5, 1985, in order to receive testimony on the nomination of William Bradford Reynolds to be Associate Attorney General.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ADHERENCE TO SENATE RULES

Mr. BYRD. Mr. President, I wish to call to the attention of all committees the rule that requires authorization either by the Senate or by the two leaders acting jointly for committees to meet after the first 2 hours of Senate session, and particularly after 2 o'clock on any given day. On yesterday, a committee met without such authorization after the time under the rule had expired. I am confident that the committee chairman or acting chairman did so without knowledge that the committee was acting in violation of the rules. The Senator who conducted the hearing came to me later and indicated that he was not aware that the committee was acting in violation.

I know how easily one can forget the strictness of the rule. So I am fully confident, as I have said, that in that case, the committee was not aware that it was meeting in violation of the rules.

Let me say for the record if a matter were to pertain to a nomination, which I think yesterday's meeting did, and the committee were to report the nominee to the Senate without having secured authorization by the Senate or by the two leaders acting jointly, then a point of order could lie against such nomination to the effect that it had never really been reported from the committee because the committee was meeting in violation of the rules.

Second, I think questions could be raised concerning the expenses which would accure as a result of the committee's unauthorized meeting; for example, paying for the transcript of the hearing. So I urge that all committee members be aware of this rule.

Since I am talking on this particular rule, I also urge committee members to review the rules again with respect to the reporting of legislation, nominees, and other matters from a committee. There must be a quorum of a committee present at the time a matter, a nominee, or legislation is actually reported from a committee, for that action to be valid and within the rules. To report a matter from a committee at a time when a quorum is not actually present—I am not talking about proxies, I am talking about bodies being actually present—a point of order could be made against the committe's action as being in violation of the rules. Of course, if nobody raises a point of order, that is a different matter. But I think we all would do well at times to review the rules in these matters.

I yield the floor, Mr. President.

Mr. DOLE. Mr. President, I thank the distinguished minority leader for his comments concerning a matter which should be called to the attention of all chairmen.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. I yield, Mr. President.

Mr. BYRD. I should say also for the record, inasmuch as I have injected this matter into the morning's discussion, that when I approached the majority leader about the matter on yesterday, he immediately took action to inform the committee which was meeting and the committee ceased its meeting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1986

The Senate resumed consideration of the bill (S. 1160).

Pending: Motion to reconsider the vote by which the Bumpers-Levin Amendment No. 261, to express the sense of the Senate that there should be established a Strategic Defense Advisory Panel, was rejected.

Mr. DOLE. Mr. President, as I understand it, the pending matter is reconsideration of a vote. What I hope we might do before we get into debate on that or any additional action, motion to table, or whatever, is that some of the principals involved might have a chance to discuss that. They are all on the floor with the exception of the distinguished Senator from Georgia, who is on his way to the floor. I am wondering if all the principals would be willing to suggest the absence of a quorum to see if there might be some way to resolve the issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question before the body is the motion to reconsider the vote whereby the Bumpers amendment was defeated.

Mr. GOLDWATER. And the Bumpers amendment concerns the appointment of a panel of advisers.

The PRESIDING OFFICER. The Senator is correct.

Mr. GOLDWATER. Mr. President, we have been discussing, as has been quite obvious on the floor here, the subject of the panel. This Senator is convinced that a panel is a wise idea, but I can understand—and I think I speak for the ranking member—the lack of interest or lack of desire for a panel among certain Members. I think I am safe in saying that the distinguished ranking member and I will be very happy to appoint a group of people, either one, two, if we need them, three, four, or five; whatever we, in consultation with the Armed Services Committee, feel would be the proper number of people and with the proper backgrounds to be able to give the kind of advice to the Senate that the Senator from Arkansas, I think very wisely, has asked for.

I have to admit, as chairman of the Armed Services Committee and as one who has lived with this SDI since its inception, there is an awful lot of it I do not know anything about. I think I am pretty safe in saying that about most Members of the Senate.

So I would suggest that we allow, the Senate as a body, Senator NUNN and myself to appoint this type of panel without naming it as a panel or a group, and that would in itself satisfy what I feel is a sense of the Senate, and I think it would do away with the necessity of any prolonged debate and any argument on any legislation that might be introduced to accomplish the same thing.

Mr. NUNN. Mr. President, I agree with the chairman. I think there is concern about many of the technical aspects of this program. I believe I have been in on most of the meetings we have had this year on the strategic defense initiative, and I believe the Senator from Virginia has covered it as thoroughly as any subcommittee chairman could. But I still believe there are an awful lot of unanswered questions that are going to increasingly cause the program problems unless we have more confidence as to the general direction it is proceeding in.

I believe that the concerns of the Senator from Arkansas are well-taken. However, I understand the reluctance of the Senator from California and the Senator from Texas and others to have another formal group of people to undertake a long and comprehensive and almost continuous study of a situation in the form of a commission.

I think what the Senator from Arizona has suggested—as I understand it—is that we use the funds of the committee to the extent necessary. We have certain consultant funds. And I believe if we need other consultant funds, if we do not have enough, the Rules Committee has always been understanding, certainly on matters of this importance. I envision that we would engage certain consultants that would be available to the committee and to the Members of this body who want to come into the committee hearings, and we would certainly let them know when those hearings are going to occur. These people would be given access through the credentials of the committee to the information they need to make the kind of assessment that would give us another view—an independent view from the executive branch.

This is not going to be an exclusive committee, as I understand it, panel, or consulting group, but rather a group of people that we have enough confidence in to appoint. I would, from my part, certainly consult very closely with the chairman of the committee as to anyone I would recommend. I am sure we would have no difficulty coming up with the kind of people that would be credible, and that would be willing to undertake this kind of consulting role for the committee.

I would visualize they would look at the technical aspects of the program, they would look at the technical questions like the question of what is a test versus what is a development project. That is a highly technical, scientific kind of decision, but it is awfully important in overall format of the discussion of ABM Treaty and other things of that nature.

The Foreign Relations Committee has concerns in this area, and this would in no way interfere with anything they would want to do. The Foreign Relations Committee could certainly—and would expect them to—have their own group of people, whether they are outside or inside, or witnesses, and we would certainly be willing to cooperate fully with the Foreign Relations Committee in their role.

So I see this as a step forward in terms of trying to have a more comprehensive view of this subject next year. I would say that the same kind of witnesses that appeared this year before the subcommittee of the Senator from Virginia would also be called next year. This would not be an exclusive group. It would not be a group of people that would in any way foreclose other independent judgments from outside. But we would be trying to give these people the access to the information so that they can give us not just an opinion or philosophical point of view, but also an assessment—analytical assessment based on the facts.

I support the chairman completely.

Mr. GOLDWATER. I thank my friend from Georgia. To give the Members of the Senate who are here, who may not have been here constantly during the discourse some idea of what the Senator from Arkansas is rightly concerned about, we get into the subjects such as radar discrimination technology, energy and laser technology, booster survey and track, terminal imaging radar, space-based laser systems, novel concepts, battle managment, and there is a whole page of very, very highly technical subjects that we discuss in the subcommittee, and in the full committee. They are not subjects that we are overly conversant with, nor are Members of this body overly conversant with these subjects. I know that the Senator from Virginia, the chairman of the subcommittee that has control of this, has done an outstanding job in gathering outside information on these subjects. Again, I get back to what the Senator from Arkansas has rightfully brought to the attention of this Senate, that we have to be more convincing in our arguments with the Senate on this whole subject, because it is probably the most complicated subject that has ever come before this body.

I hope my friend from Virginia had his say on this.

Mr. WARNER. Mr. President, I thank the distinguished chairman and ranking minority member. We had 15 hours of hearings in the subcommittee, well attended by Members on both sides of the aisle, and indeed in fulfillment of the suggestions by the distinguished Senator from Michigan. With the concurrence of the leadership of the committee, we will probably have some more hearings, because we simply cannot do it once a year. Technology is moving so rapidly in this area and there is also the proliferation of contracts throughout the university structure—as addressed yesterday—and other items upon which we should bring our judgment to bear on a regular basis.

If it is the desire of the chairman and ranking minority member, I would be highly supportive of enabling the subcommittee, and indeed the full committee on a throughout-the-year basis to have access to individuals who presumably want to be available for the technical advice that we need. I do hope that the valuable contributions from our distinguished colleagues from California and Texas can be heard on this matter. I believe we are approaching a resolution of this issue.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I want to thank Members on both sides for what I hope will be a resolution of this very soon. We were on it until 1 o'clock this morning. We have been in since 10. We are still on it. I would like to move on to something else. The chairman and the ranking members have now indicated and have made a part of the RECORD what they hope to do. If that satisfies the principals involved, I

would hope that I can vitiate the yeas and nays and ask for unanimous consent that the amendment be withdrawn, then we could move on to other SDI amendments, if any, and complete that portion of the action on the DOD authorization bill.

So again, I urge my colleagues—if you have a deal—to let us move on to something else and not debate this at any length.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I am sympathetic to my leader's frustration and his desire to move on to other business, but I think we were correct late last night and are correct this morning in having this matter engage our attention. It has provoked considerable discussion and argument in the proper sense of that word as in fact it should. There is no question among any of us, however we may disagree upon the mechanism to achieve it, that there is a crying need for the best possible expertise to be made available, not just to the Armed Services Committee but to the Senate and to the Congress in making decisions on the strategic defense initiative. It does present us with perhaps an unparalleled complexity of technological decisions. In fact, we are advised that the architecture, as the term is used, of the strategic defense initiative includes as many as 140 separate very complex technologies.

There is no question that we need the best possible technical advice. I was pleased to hear the distinguished ranking member make the comment that he did a moment ago—that it is his intention in working with the chairman to see to it that the advisers whom they seek to bring expertise to the Armed Services Committee will not be a fixed number, that there will not be an exclusivity of membership on that panel. It was precisely for that reason that the Senator from Texas and I rose last night to oppose the Bumpers amendment, not that we disagree in any way for the vital need for the best possible expertise. There can be no disagreement on that. Indeed, it is because of our concern that we obtain all the information and bring to bear all the relevant evidence, the scientific evidence of the experts, that we have been concerned that 9 men or 11 men and women could not hope, whatever their background, whatever their credentials, to embrace 140 separate technologies; that we have been concerned that there not be a panel fixed by statute, credentialed by statute, made the exclusive panel of all wisdom on this subject, because to do so would be to perform a disservice to this body in the extreme.

So I am pleased and grateful that, in exercising what is in fact their prerogative, the Chair and the ranking member, do not seek to make this an exclusive panel but one that will reflect the needs of the committee for varying kinds of information as in fact technology does evolve.

The fact is that in their capacity as chairman and ranking member they have envisioned the appointment of this advisory group consultation with all members of the committee.

I think they can expect, on the basis of what we have seen and heard already, to enjoy the solicited or unsolicited great, not just curiosity, but great interest on the part of all members of the committee. We will clearly be concerned that the advisory panel, as they seek to bring information before us, reflects the great breadth not just of scientific background but of scientific opinion which we have found so varied.

The members of the Armed Services Committee have already been placed in the position of jurors at a personal injury trial listening to medical expertise. We have listened to people who present almost contradictory scientific opinions as to the feasibility of different aspects of this program. That is why it is essential that we achieve a breadth, with not just an exclusive source, a small band that cannot be expanded, that does in fact present to the Senate, not just the committee but the entire Senate, the whole range of information that is available.

I will say that I think what we are hearing this morning from the chairman and from the ranking member offers us an opportunity to gain vital information and not to restrict, however unintended that result might be, not restrict ourselves to a limited source of information from those who have a genuine interest, perhaps a genuine conviction.

Clearly, we have seen in the testimony we have heard already this year that even scientists often testify with a conviction that exceeds the scientific expertise that they bring to the witness table.

Mr. President, this subject is simply too important for us to make errors in time, such as I think we were on the verge of making last night. I look forward to working with the chairman and the ranking member in bringing to the witness table the best scientific minds so that the committee can perform its responsibility, which is to make policy based upon the expertise that touches on feasibility in a scientific way.

Policy is our job. It cannot be delegated to scientists, whatever their expertise. We value that expertise and cannot make intelligent decisions without it. But we will find that we do not have a simple, easy choice after the appointment of any advisory body because it will not be monolithic or unanimous. That is the concern that I think we have to bear in mind.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, our distinguished chairman, who came to the Senate before either of the junior Senators speaking here were teenagers, has taken time to address this important issue concerning our concern.

I would also like to say to the ranking minority member that we appreciate this courtesy. I believe the resolution we have come to is a good one. I think it is one that guarantees we will get expertise and not advocacy.

I agree with my colleague from California, it is our job to make decisions. Our objective here is not to deflect the political pressures of the moment to some committee or commission, but, instead, to set up a panel of people who are called on a nonexclusive, noncredentialized basis to give us expert information and advice. We, then, will make the decisions based on that.

I am delighted we have been able to solve this problem, and I apologize to Members of the Senate if we have taken so long in the process.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I certainly want to express my keen appreciation to the chairman and ranking member for working out what I believe is a sensible and probably efficient and effective resolution of genuine concerns. I say that there are genuine concerns that the Senator from Michigan and I have about the program, for almost every Member of this body, I think, wants to continue research on this program. But what we want to be able to do before the next round of authorization, and the rounds after that, is to make certain that our decision is based on good information.

My concern has been not in denigration of the Armed Services Committee, which does a very fine job in holding their hearings and making recommendations to the Senate, but my concern has been that all Members of the Senate ought to be well informed. They ought to understand a lot more than they do about some of the technical aspects of the program. They ought to understand either from some of these people or based on their own judgment, what they are told, what some of the arms implications of this program might be.

So I have agreed, certainly, as the Senator from Michigan has, that we have placed our confidence in the chairman and the ranking member of the committee to present our concerns without violating the concerns of the Senator from Texas and the Senator from California. As the Senator from Texas has said, this is a deliberative way to go at it. I believe it will be resolved to my satisfaction and the satis-

faction of everyone else. I believe as a result the U.S. Senate will be much better informed in the future as to how we are going to spend $26 billion and the effects of it than we have been in the past. None of us wants to come back here 3 years from now as we have on the MX, after having spent $20 billion, to say enough is enough. We want to make sure before we spend the money that it is well spent. That was the only purpose of this proposal. I thank all parties for their cooperation in resolving this matter.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank the chairman of the committee, the ranking member of the committee, and my friend from Virginia. They made possible this resolution. The resolution makes a lot of sense. There will be a panel of outside experts. We do not need a sense-of-the-Senate resolution to create it. It will be created by the chairman and ranking member. That panel will give us their best advice. We will help them get all the information they need, because they will have the backing of the Armed Services Committee in getting that information. Their judgment will not be binding on us or exclusive. We will be seeking other judgments as well. I am delighted that the Senator from Virginia indicates there will be additional hearings in the area of SDI. They will be helpful to all of us.

Again, let me thank my friend from Arkansas who spearheaded this effort. We are going to have an outside panel. This is a good resolution.

Mr. WARNER. Mr. President, I join in expressing appreciation to all who assisted in resolving this matter this morning. In the expectation that I will continue as chairman of the subcommittee concerned with this matter, I assure all that we will utilize this outside panel and indeed will provide a full array of hearings on all issues. And the number of issues seems to be growing steadily.

Mr. President, at this time I would like to inform my colleagues of another issue which I think can be resolved.

Mr. DOLE. Mr. President, can we dispose of this matter?

I move to table the motion to reconsider.

The PRESIDING OFFICER. Is there objection? Without objection, the motion to lay on the table is agreed to.

The Senator from Virginia.

Mr. WARNER. The distinguished Senator from Wisconsin [Mr. PROXMIRE], myself, and others have been discussing the issue of the reporting requirements undertaken last year pursuant to section 1102 of the 1985 Department of Defense Authorization Act, House Report 98-1086. That is in the nature of a multiyear reporting requirement.

I wish to assure the distinguished Senator from Wisconsin and others that this SDI reporting requirement is in effect through fiscal year 1990.

Further, as chairman of the subcommittee, I intend to require that this report be in the possession of the Senate prior to the convening of the hearings on the fiscal year 1987 budget with respect to SDI.

Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

STAR WARS: POLITICAL IRRESPONSIBILITY, STRATEGIC COMPLEXITY

Mr. BIDEN. Mr. President, President Reagan's star wars speech of March 1983 commenced a debate that offers a classic example of our flawed public dialog about strategic issues. Primary blame lies with the President. Undoubtedly motivated by a desire to outflank the nuclear freeze movement, he presented his so-called strategic defense initiative as the rightwing's vehicle for an escape from nuclear dangers: If we just spend enough on weapons, they will become obsolete. He appeared blithely indifferent to the overwhelming costs or technical obstacles involved in this visionary scheme to "eliminate the threat posed by strategic nuclear weapons" and to the effects of his proposal on our allies or existing arms control regimes. In presenting his grand scheme, he also failed to examine the implications of the likely practical outcome, which is a defensive system that is only partially reliable. Will such a system enhance—or damage—American security?

But the response from the left has also been imperfect—one based primarily on an impassioned defense of the ABM Treaty as if that agreement were an end in itself. To be sure, the ABM Treaty represents a significant arms control achievement; it blocked a whole category of weaponry and has seemed to contribute to stability. But the fact is that technological advance over the past 13 years has eroded certain premises of the treaty. We need to ask again, with an open mind: What effect, under what circumstances, will defensive systems have on strategic stability?

In emphasizing their seriousness of purpose, administration officials stress that the President's proposal is the strategic defense initiative, not star wars. But their nomenclature misleads as well—by making it appear to the world that the United States has, out of the blue, undertaken an ill-considered initiative to change American nuclear doctrine and thus the whole strategic relationship. In reality, both superpowers have been engaged in defense-oriented research for years—the Soviets more than we—and developments on the offensive side have also been carrying us toward the need to reconsider past doctrines and agreements. It is technological advance and Soviet behavior that demand our attention—not President Reagan's naively presented dream.

TECHNOLOGICAL ADVANCE

The first significant aspect of technological advance concerns offensive systems. When the ABM Treaty was signed, ICBM's on both sides were too inaccurate to threaten each other. But improved accuracy and MIRV'ing have rendered such systems not only more potent but also, as a corollary, more vulnerable and more inviting to preemption. Because vulnerability and the temptation to preempt are destablizing, efforts to restore survivability are imperative. But because survivability—whether achieved by mobility or by defense—is also extremely difficult and costly, careful deliberation is required.

The other significant area of change is the development of technologies—optical sensors, directed-energy capabilities, improved radars, high-speed data processing—that make defensive systems feasible. The Fletcher Commission—established by the administration to study technical aspects of the SDI—reported that a comprehensive defensive system, even if possible, would take decades to develop. The key would be the mind-boggling task of boost-phase intercept, and even then the system would have to be multilayered, since no layer would ever be foolproof. But effective point-defense may be possible much sooner—in the 1990's. Whereas 10 years ago the United States dismantled its one authorized ABM site on grounds of ineffectiveness, it now appears feasible to defend an ICBM field against a limited missile attack.

SOVIET BEHAVIOR

Although technological advance would be sufficient reason to reexamine the issue of strategic defense, Soviet behavior underscores the need. The Soviet Union's defense orientation is not a figment of rightwing imagination. Even after the ABM Treaty of 1972, which supposedly codified the concept of mutual vulnerability, the Soviets: continued to conduct research and development on ballistic missile defense; maintained their civil defense program; steadily improved their air defense capabilities—NATO's reduced confidence in penetrating Soviet territory with aircraft was a major justification for NATO's INF modernization; modernized the ABM system around Moscow, which they are permitted under the treaty; invested heavily in directed-energy—laser and particle beam—programs, which inherently have significant defense implications; and constructed the

Krasnoyarsk phased-array radar, which could have ABM significance if coupled with interceptor missiles. Such missiles could be developed secretly and deployed quickly, thereby producing an ABM "breakout."

With the exception of Krasnoyarsk, the United States has not directly accused the Soviets of ABM Treaty violations, but other areas of Soviet activity—possible development of a mobile land-based ABM system and possible concurrent testing of SAM and ABM components—are also cited in the administration's recent Report on Soviet Noncompliance with Arms Control Agreements as suspicious and indicative that the U.S.S.R. "may be preparing an ABM defense of its national territory."

IS DEFENSE STABILIZING OR DESTABILIZING

For years the ABM Treaty has been considered the monumental achievement of arms control. Its premise is that without defenses neither side will have the incentive to strike first because of the certainty of retaliation. A corollary of that premise is that neither side will have an incentive to increase its offensive forces. Yet the fact is that the Soviets, whether by malign intent or sheer bureaucratic momentum, have increased their offensive forces, developing the ability to hit U.S. ICBM's.

In 1972, Ambassador Gerard Smith himself noted that a failure to limit offensive systems would jeopardize U.S. interests and constitute a basis for withdrawal from the ABM Treaty he had just negotiated. Unfortunately—and the Reagan administration certainly shares some blame—there has been a failure to limit offensive systems. Nonetheless, the combination of current circumstances—the large number and improved capabilities of such systems, developments in defensive technology, and Soviet behavior—demands that we reexamine the question of strategic defense.

As to the conduct of research, there can be little doubt that we must press ahead. Even should we desire to constrain research, mutually verifiable agreement in this area appears impossible. Accordingly, we must ensure that we match Soviet gains in defensive technology—if for no other reason than to deter the Soviet from developing and deploying a strategic defense unilaterally. Such an ABM "breakout" would be highly destabilizing—by raising the specter of the Soviets launching an overwhelming first-strike and then shielding themselves from our limited retaliation with an ABM defense.

But beyond research, the question of defensive systems grows cloudy. Condemning "the doctrine of mutual assured destruction" as immoral, the President has expressed the goal of replacing it with "a doctrine of assured survival." Like much of the President's sorcery, this image has proven popular with the public. Unfortunately, such popularity can reenforce illusion. The fact is that "mutual assured destruction" is not a doctrine but a fact of life. The reality is that for any foreseeable future, the President's dream is only that—a dream—and one that carries with it, if blindly pursued, the profound danger of a headlong arms race. Such a race—the building of ever more offensive systems to penetrate and ever more defensive systems to defend—would not only consume enormous resources but would probably leave us less secure than today. Unfortunately, this is the crucial point that the Democratic Party's rhetoric in the 1984 Presidential campaign—which spoke too vaguely about not wanting to take the arms race to the heavens—failed to drive home in the public mind: that an unregulated competition in defensive systems inevitably means a proliferation of Soviet offensive systems targetted against the United States and the American people, whose security would not be enhanced but severely jeopardized. Naive dream becomes nightmare.

To recognize the danger that a defensive competition could beget an offensive competition is not, however, to dismiss the concept of defense altogether. For it is perfectly conceivable that defensive systems could be an integral and constructive aspect of an arms control regime. If, for example, both sides agreed to introduce defensive systems to protect their retaliatory forces, while at the same time limiting or reducing offensive forces, the goal of stability would be well served. Such a regime would indeed uphold the basic premise of the ABM Treaty, which was that the two sides would not threaten each other's retaliatory forces while each side left its society essentially unprotected.

It bears emphasis, however, that this concept—of limited defense as a contributing element of an arms control regime—requires acceptance of a truth the President and his ideological supporters are strongly inclined to resist. It is that our greatest security lies in an arms control regime effectively devised to uphold the doctrine of deterrence—a doctrine which accepts the reality of mutual assured destruction. Far from being immoral, that doctrine—effectively pursued— represents the essence of morality. In a world where nuclear weapons cannot foreseeably be abolished, deterrence represents the best that we can do to diminish the danger of nuclear war and holocaust. Deterrence means assured retaliation, which is mutual assured destruction.

As we now enter a period of debating the merits of defensive systems, we must reckon with an ambiguous reality: that such systems carry with them both pro's and con's. On the positive side are several attributes:

Point-defense systems can, as already cited, increase the survivability of retaliatory forces, including command and control centers, and thereby enhance stability by reducing the utility of preemptive attack.

Defensive systems in general serve to increase attack-planning uncertainties and thus contribute further to deterrence.

Defensive capabilities offer the superpowers some protection against a limited or accidental attack by any nuclear power.

Defensive systems can, if introduced in a favorable East-West climate, reduce the incentive to proliferate MIRV's and instead promote agreement on limiting offensive systems.

If deep reductions in offensive forces were achieved, defensive systems would help insure against, and thereby discourage, clandestine offensive deployments by either side. Indeed, for this reason, defensive systems may conceivably be a necessary part of any regime of deep reductions.

On the negative side, defensive systems have several drawbacks:

Deployments can only be achieved by abrogating or revising the ABM Treaty, a change which entails removing or shifting an important legal and psychological barrier against a whole realm of weaponry.

Defensive deployments in America but not Europe would project a decoupling "Fortress America" image—this would be a perceptual as opposed to doctrinal problem, because defensive deployments would presumably be designed to enhance the credibility of U.S. retaliation, which is at the core of NATO doctrine.

Soviet defensive deployments would tend to erode a crucial element in NATO's "flexible response" doctrine, which relies upon limited nuclear retaliation as the penultimate step on a threatened ladder of escalation.

Soviet defensive deployments would also tend to negate the perceived effectiveness of French and British forces, which play a significant supporting role in NATO doctrine.

CONCLUSION

In presenting the so-called strategic defense initiative, which primarily entails the repackaging and enhancement of existing research efforts, the President has been misleadingly optimistic to the American people and unnecessarily alarming to U.S. allies. Indeed, with regard to the allies, the President's timing and presentation were astonishingly ill-considered. At the very moment the allies were braving the political storm of deploying additional nuclear weapons to uphold NATO doctrine, President Reagan managed to convey the idea that the United States was unilaterally chang-

ing doctrine and seeking to retreat behind a technological umbrella. The effect was to reenforce the decoupling effect of European doubts about American leadership.

The one fortunate aspect of the President's position is his stipulation that the United States will for now continue to proceed in conformity with existing treaty obligations—which allow research and even testing, unless technologies are tested in a specific ABM mode. The various issues which surround the SDI are thus still subject to being shaped—by further research, debate, consultation with U.S. allies, and superpower negotiations. At stake is the future of nuclear doctrine and nuclear deployments. What is required in the American debate, though we have shown little penchant for it in the past decade, is a willingness to deal with these issues as nonideologically as possible, gauging each issue according to a single overriding criterion, which is the maintenance of strategic nuclear stability.

AMENDMENT NO. 265

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration. The amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 265.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 99, line 2' insert "develop, test, or" after "United States".

Mr. LEVIN. Mr. President, this amendment simply modifies the language in section 913 of the bill to track the ABM language to develop, test, or deploy, language which I was the sponsor of in section 913 of the bill.

I inadvertently left out "develop, test, or deploy." It was my intention, as the author of this language in the committee, to track the ABM language of "develop, test, or deploy."

I think it has been cleared by the majority and minority managers.

Mr. GOLDWATER. Mr. President, the majority side has looked at this amendment and we find nothing wrong with it. We are willing to accept it. I believe the minority manager is, also.

Mr. NUNN. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 265) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I believe that concludes all of the SDI amendments. We just ran out of work, and I shall turn it over to the boss.

Mr. DOLE. Mr. President, I know the distinguished minority leader is checking and I am checking on this side because, technically, there is still the Bumpers-Proxmire amendment, and we shall need some indication from the principal sponsors that they are not going to offer that amendment. Then there are another Proxmire and another Levin amendment, Heflin, Mathias, and two Chafee amendments. We are in the process of checking with those Senators.

Mr. LEVIN. Mr. President, if the distinguished majority leader will yield, my amendment was just disposed of.

Mr. DOLE. Mr. President, that takes care of the amendment of the distinguished Senator from Michigan.

The distinguished minority leader is checking with the Members on that side, and we are checking with ours. Then if there is no objection, we shall simply move to close the discussion on the SDI.

Mr. NUNN. Mr. President, I sincerely hope we can do that. The distinguished minority leader has left the floor and I would ask for a moment to contact the Senator from West Virginia to see if there is anything else on our side. As far as I know, there is no further SDI amendment.

Mr. DOLE. I shall go ahead, Mr. President, in the absence of the distinguished minority leader, since it affects Members on our side.

ORDER TO VITIATE AGREEMENT ON AMENDMENTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Mathias amendment and the two Chafee amendments dealing with SDI, as specified in the unanimous consent agreement of May 24, 1985, be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I did that in the absence of the distinguished minority leader, since it affects only our side.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. DOLE. Madam President, I ask unanimous consent that all remaining amendments listed in the agreement of May 24 dealing with SDI be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. DOLE. Madam President, I ask unanimous consent that the Senate now stand in recess until 1 p.m.

There being no objection, the Senate, at 11:58 a.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HUMPHREY].

RECESS UNTIL 1:30 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:30 p.m.

There being no objection, the Senate, at 1:01 p.m., recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. RUDMAN).

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. At the present time, S. 1160 is open for amendment.

Mr. BUMPERS. I thank the Chair.

Mr. DOLE. Mr. President, let me indicate to my colleagues, who probably are wondering what may be happening next, now that we have disposed of all the SDI amendments on the DOD authorization bill. The next business, if we follow the consent agreement of a week-and-a-half ago, we would now turn to the consideration of about seven SALT amendments.

It is my hope that some of the principals involved who will be meeting soon might be able to resolve some of those differences and that we would not do anything in the next 15, 20, 30 minutes—there would not be any amendment laid down—and then if we could work out some agreement we might get a time agreement on the SALT amendments and do those. If that is not possible, it would be my hope that we could get an agreement, either by unanimous consent or move to take up the State Department authorization bill and start on a number of the so-called Contra amendments.

This is what we hoped to do. I am not certain we can accomplish it. But there are at least 10 Contra amendments in the unanimous-consent agreement. If that unanimous-consent agreement could be transferred, since we have not disposed of the DOD authorization bill, to the State Department authorization bill, at least I am advised that is the case.

So I hope my colleagues will be patient for about 30 minutes. It might be just as well that we stand in recess for another half-hour, unless the minority leader has something else he wanted to do. And that would give a chance for Senators BUMPERS, LEAHY, MCCLURE, and there are about seven or eight or nine who wanted to get to-

gether to see if there is some common ground.

Do you have any objection to that?

Mr. BYRD. I have no objection. Even if I did, the distinguished majority leader could move and it would not be a debatable motion. I do think there should come a point in time when we begin discussing this subject because that is what we agreed to in the order that was entered. Previously that agreement provided for action on the SDI amendments, then we would go to the SALT II compliance amendments, and upon the disposition of the DOD authorization bill the Senate would proceed to take up the Department of State authorization bill in which case there were to be certain Contra amendments offered by certain Senators bound by certain time limits.

I think it is well and good that we proceed as the distinguished majority leader has proceeded thus far, have a recess and see if we can work some of these things out.

But I hope there would come a point today when Senator BUMPERS could lay down his amendment, Senator NUNN could offer a second-degree amendment, and we could get on with debating this important issue of SALT II compliance.

We have the Secretary of State in Europe, I suppose for regularly scheduled meetings of NATO Ministers. I assume he is there, from what I have read, seeking their advice and counsel as to whether we ought to continue to abide by the terms of the SALT II Treaty even though it will expire late this year.

It seems to me that if the administration wants the advice and counsel of our partners in Europe—and I believe in that; I think too often our Government has acted without seeking the advice and consent of our allies, and we ought to do more of that. But at the same time, I think the Senate ought also to have its opportunity to offer advice and consent.

It seems to me rather strange that the administration wants to get the advice and counsel of our NATO partners, which is absolutely right on point—I have no criticism of that at all; in fact, I would urge the administration to do it if they were not doing it. At the same time, however, I think that the Senate, which has a very important role under the Constitution with respect to treaties and other roles with respect to international agreements—oversight, appropriations, et cetera, et cetera—the Senate ought to be allowed to give its advice and consent to the administration.

I do not see the importance, so much, of the Senate giving its advice and consent after the President has announced a decision, whatever it would be, because that is a fait accompli. But it seems to me this would be a very important time for the administration to seek the advice and consent of the Senate on this all-important matter before the President makes and announces his decision.

I compliment the majority leader on his conscientious effort to work out some of these matters, which is always good. Many of these matters can be resolved off the floor, and time on the floor will be saved.

But I hope at some point we will get down to the business of debating the Bumpers amendment and let us see what kind of advice and consent this body, which is made up of duly elected Representatives of the people, has to offer with respect to the SALT II compliance which was so important as to entertain the attention of the distinguished Secretary of State in Europe.

Again, I am not saying this in criticism of what the administration is doing in consulting with our allies. All too often this administration and the previous administration, and perhaps other administrations, have failed to consult with our NATO allies as we should have done. But also let us not forget that the Senate has an even more important constitutional role of advising and consenting to treaties and other roles with respect to other types of agreements. I urge the administration to seek the advice of the Senate.

I yield the floor.

(Mr. HUMPHREY assumed the chair.)

Mr. BUMPERS. Mr. President, let me say that the majority leader has been very cooperative with me. He is the one that has to keep this train running on time. Certainly he has my sympathy. I know sometimes if this does not happen, there is no way he can make it happen. It is not my desire to delay this bill or delay the State Department authorization bill. I am hoping that we can resolve this in a way that will be fairly satisfactory to at least a significant majority of the Senators and we can vote on it.

I concur in what the minority leader just said. It occurs to me that the President's interests would be well served to hear from the Senate on this. The debate would be instructive for the American people. It might even be helpful to the President. I would hate to think that if the Senate would vote overwhelmingly, for example, in favor of an amendment which would essentially require a continued no undercut policy that he would not be moved even a half-inch by it. And so I am hoping that we can resolve it and actually get a vote on it.

As the minority leader said, there is really not much point in the Senate voting to express itself after Monday if the President intends to state his position on Monday. As we have said before, he is not under any obligation to do that on Monday. He is only obligated to report. Actually, that is the sense of the Congress resolution. He can even ignore that, if he wants to. But under the resolution we passed last year, which is almost identical to the one we are trying to pass this year, the President was only required to report to the Congress on June 1. He has now unilaterally and within his prerogative moved that back to June 10. The suggestion is that the President is going to make a decision on Monday as to what the United States policy will be regarding the SALT II treaty on Monday. But the President is not obligated to do that. I think there is just an assumption here that he is going to do it.

As I have pointed out, and as the minority leader has said, there is no point in our voting on Tuesday if the President has stated what our official policy is going to be on Monday. But I think that the Senate will have been deprived of an opportunity to express itself to the President, except through the media and during the debate on the issue. That is not very satisfying to me as a Senator, nor do I think it is to many other Senators.

If I may, I suggest to the majority leader that perhaps he adjourn until 2:30. I do not think that Senator MCCLURE and some of us can resolve it that quickly, but we have narrowed our differences down. I hope we can do the rest of it. Then perhaps we can come back and get some kind of an agreement. I do not believe we can do it between now and 2:30.

Mr. LEAHY. Mr. President, I wonder if I may add to that. I realize the more we talk, the more we are using time. I do not intend to do that.

I have been in the negotiations with the leadership on both sides of this matter on the Bumpers-Leahy-Chafee, et al., amendments. I believe that the various parties have worked extremely hard to get some kind of agreement to be able to bring this matter to a vote. I do not envy the position of the distinguished majority leader nor that of the minority leader in trying to help the train move on time. But I would point out just two things.

One, everyone who has been involved in drafting this legislation, and drafting the amendments to it, is willing to go forward and have a relatively short debate with time enough for each of us to express our feelings, with no attempt to delay, before voting on the basic amendment and the amendments to it.

That is something that can be completed, I think, this day or by early tomorrow at the latest if we can go forward with it.

Second, I think it is extremely important that we have an opportunity to do so. Virtually everyone in this country is in favor of arms control. They have their differences about how they would define it. But everyone,

from the President on down, is in favor of arms control.

But if we ever have an arms control treaty, it would be wise to remember that there are only 100 people in this country who ever get a chance to vote on it. Our role is to advise and consent. The President cannot ratify a treaty unless we advise and consent to it. This is one opportunity for the U.S. Senate—those 100 people—to express its views on the direction we as a nation should follow. I think that will be extremely helpful to the President and his negotiating team.

I will join the other negotiations that go on during the time we adjourn, and I hope we can bring this matter up to a vote this week.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I think it might be well to try between now and 2:30 to see if there is any chance to reach an agreement. Again, I do not know if we can have a vote this week, depending on what the resolution says. If it is an effort to condemn the President, obviously we are not going to vote this week. But if it is a constructive effort as I believe it will be, then I do not have any strong feelings. It seems to me if we are constructive, then it might be helpful to the President to have it prior to any decision.

I must say that there is a little problem because the President also would like to have some action on the Contra amendments this week. Had the President reported on June 3, as we thought he would on SALT, we would not have the problem we have today. But that was not possible, apparently.

The question is whether some of us vote on any SALT amendments before the 10th or 11th of June. Some are prepared to do that. Some are not.

Second, if that is the case, we may move on to the Contra amendments in the meantime.

ORDER FOR RECESS UNTIL 2:30 P.M.

Mr. DOLE. Mr. President, I move that we stand in recess until 2:30. I hope we can come back and at least reach some resolution at this time. But I will make the decision as to whether or not to call up the SALT amendment, or try to move on to other business.

Mr. BYRD. Mr. President, will the distinguished Senator withhold his motion just for a few seconds?

Mr. DOLE. I withhold the motion.

Mr. BYRD. I thank the distinguished majority leader.

Mr. President, I join the distinguished majority leader in saying that I do not perceive the amendment as being one which criticizes or condemns the President. At this point I would be very much opposed to such an amendment. It might be that next week I might feel differently. But as of now, I think this is the best time for the Senate to debate this subject without recrimination, without accusation, and without partisan objectives, or considerations—and I am talking from the standpoint of the Republican versus Democrat. Next week it might be different. But to the distinguished majority leader, if it will help in the negotiations, may I say I will work hard on this side to arrange for going to the State Department authorization or doing the Contra amendments—if we can first have a vote on the amendments by Mr. BUMPERS, as amended, by Mr. NUNN.

RECESS UNTIL 2:30

Mr. DOLE. Mr. President, I renew my motion.

The motion was agreed to; and, at 1:46 p.m., the Senate recessed until 2:31 p.m.; whereupon, the Senate reassembled when called to order by the presiding officer (Mr. DOLE).

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Kansas, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. BOSCHWITZ). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the executive calendar: Calendar Nos. 202, 204, 205, 206, 207, 208, 209, and 210.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. BYRD. Mr. President, the nominations that have been enumerated by the distinguished majority leader are cleared on this side of the aisle with the exception of Calendar Order 202. Therefore, we are prepared to do Calendar Orders No. 204, 205, 206, 207, 208, 209, and 210.

Mr. DOLE. Mr. President, I will exclude 202 from my request and ask that we consider 204, 205, 206, 207, 208, 209, and 210.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. DOLE. Mr. President, I ask unanimous consent that the nominations just identified be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Paul A. Adams, of Maryland, to be Inspector General, Department of Housing and Urban Development.

DEPARTMENT OF STATE

Donald S. Lowitz, of Illinois, for the rank of Ambassador while serving as the U.S. Representative to the Conference on Disarmament.

George Southall Vest, of Maryland, a career member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Robert Dean Blackwill, of Maryland, a career member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as the Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations.

Abraham D. Sofaer, of New York, to be legal adviser of the Department of State.

William Andreas Brown, of New Hampshire, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

U.S. INFORMATION AGENCY

Ernest Eugene Pell, of Maryland, to be an Associate Director of the U.S. Information Agency, vice Kenneth Y. Tomlinson.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALENDAR

Mr. DOLE. Mr. President, it is my understanding the distinguished minority leader is now in a position to indefinitely postpone and pass the following calendar items: Calendar No. 51, S. 245, indefinitely postponed; Calendar No. 143, S. 679, passed.

Therefore, I ask unanimous consent that S. 679 be considered, that all committee amendments and amendments to the title be agreed to en bloc, and that the bill be passed; and that S. 245 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. BYRD. Mr. President, if the distinguished majority leader will let each of these carry its own weight,

there is no objection, rather than doing them en bloc.

ORDER INDEFINITELY POSTPONING S. 245—REPEAL OF CONTEMPORANEOUS RECORDKEEPING REQUIREMENTS

Mr. DOLE. Mr. President, I ask unanimous consent to indefinitely postpone S. 245, a bill to amend the Internal Revenue Code of 1954 to repeal the requirement that contemporaneous records be kept to substantiate certain deductions and credits.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARITIME PROGRAMS AUTHORIZATION

The Senate proceeded to consider the bill (S. 679) to authorize the appropriations of funds for certain maritime programs for fiscal year 1986, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1986".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Transportation for fiscal year 1986 as follows:

(1) for payment of obligations incurred for operating-differential subsidy, not to exceed $335,084,000;

(2) for expenses necessary for research and Development activities, not to exceed $9,900,000; and

(3) for expenses necessary for operations and training activities, not to exceed $71,967,000, including not to exceed—

(A) $34,847,000 for maritime education and training expenses, including not to exceed $19,633,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $10,915,000 for financial assistance to State maritime academies, $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,299,000 for expenses necessary for additional training;

(B) $9,277,000 for national security support capabilities, including not to exceed $7,932,000 for reserve fleet expenses, and $1,345,000 for emergency planning operations; and

(C) $27,843,000 for other operations and training expenses.

SEC. 3. Funds are authorized to be appropriated for the use of the Federal Maritime Commission, in the amount of $11,940,000 for fiscal year 1986.

SEC. 4. Section 2342(3) of title 28, United States Code, is amended to read as follows:

"(3) all final orders of the Federal Maritime Commission entered under title 46, United States Code;".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the appropriation of funds for certain maritime programs for fiscal year 1986, and for other purposes."

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATUS REPORT

Mr. DOLE. Mr. President, let me indicate for the information of Members that we have had some very productive meetings with about a dozen Senators, and it is my hope—I cannot say it is a certainty—but it is my hope that we may complete action on the DOD authorization bill by bringing up one of the so-called SALT amendments. There have been about 11 or 12 Senators involved in discussions. They are now in the process of looking at a draft of what may be an agreement involving all the principal parties or their representatives.

So I just indicate to my colleagues that if that should develop, then that amendment would be offered very shortly.

It would be my hope that we could conclude action on that amendment, conclude action on the DOD authorization bill, and complete all of that by 7 p.m.

Then we would recess until tomorrow and pick up the State Department authorization bill and move to the so-called Contra amendments.

I indicate that is the rosy scenario. There is always something that could develop that has not yet been perceived, but I commend my colleagues on each side of the aisle who spent the last 2 hours, and commend the distinguished minority leader for his cooperation.

We may be able to work it out.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR COMMITTEE ON AGRICULTURE TO MEET

Mr. DOLE. Mr. President, I failed to make one unanimous-consent request. The distinguished minority leader is aware of this request. It is:

Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 6, to mark up S. 616, the farm bill and related issues.

Mr. BYRD. Mr. President, I am sorry. I have to object. This request has not been cleared with this side. So I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I say again, the chairman of the Agriculture Committee, the distinguished Senator from North Carolina, is trying to get the farm bill completed. So I hope that Members on each side will understand what a big job that is.

I understand he is about ready to get into the next volume.

Mr. HELMS. That is right.

Mr. DOLE. That volume is 215 pages and a spread sheet.

The Senator has been making progress at the rate of what, about four pages a day?

Mr. HELMS. Mr. President, if the majority leader will yield, I will say we are not moving slowly, but I did see 14 snails gallop by yesterday.

We do need to meet in the afternoon, wherever possible, and at night. I do hope it can be arranged, that there will be no objection.

I appreciate the minority leader working with me, as I assume he will.

Mr. DOLE. Mr. President, we also appreciate the minority leader allowing us to meet today until 12:30.

Mr. HELMS. That is correct.

I thank the Senator.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

STATUS REPORT

Mr. DOLE. Mr. President, I know a number of Members are curious about what may develop here and it is my earnest hope and belief that there has been an agreement reached on the so-called SALT amendments.

It is now in the word processor. It should be available in the next few moments. I think there will be a number of cosponsors on each side of the aisle if they are permitted to cosponsor the so-called Bumpers-Leahy-Chafee-Heinz amendment.

We have had nearly every principal who could be there involved in the process. It would be my hope that this one amendment would take care of all the SALT amendments, we could dispose of that without extensive debate, vote on it and then have final passage of the DOD authorization bill, S. 1160, and go out this evening hopefully by 7 o'clock.

That would depend on what may develop. But that is, as I have indicated, the rosy scenario.

I thank the distinguished Senator from Idaho, the Senator from Vermont, the Senator from South Carolina, and a number of other Senators whom I will identify later who have been actively participating in this process all afternoon.

In my view, we had a much more constructive meeting there than we might have had on the floor because we might have lost any chance for an agreement. I thank my colleagues.

Mr. LEAHY. Will the Senator from Kansas yield for just a moment?

Mr. DOLE. Yes.

Mr. LEAHY. I appreciate what the Senator from Kansas has done in making his offices available for a chance for us to have a full and frank discussion, as the diplomats would say. He went a little bit far when he had the strolling violins come through when we were reaching an agreement, but I think that is what did it.

In all seriousness, this has been an extraordinarily important matter. As we discussed earlier on the floor today, we are the 100 people who vote on arms control matters. And, to the extent we can come together and some kind of consensus, this is a far more important thing if it comes out of this body with overwhelming support than if it wins or loses by 1 or 2 votes. That is not the consensus the President deserves. It is not the consensus the country deserves. So I am glad we have had that chance to work together.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Vermont.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1986

The Senate continued with the consideration of the bill (S. 1160).

AMENDMENT NO. 266

(Purpose: To specify the purposes for which funds may be transferred from prior year appropriations and to correct an error in the amount authorized for the Marine Corps Reserves)

Mr. GOLDWATER. Mr. President, I have an amendment making minor technical changes to S. 1160 which has been cleared on both sides. The amendment corrects a typographical error in the amount authorized for procurement of equipment for the Marine Corps Reserves.

The correct figure is $20 million—not $20,000 as reflected in the bill.

The amendment also adds several new sections which replace section 916 of the bill concerning prior year authorization transfers, and section 916 is deleted from the bill.

These changes are required in order to properly account for amounts authorized and available to be transferred from prior-year funds.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. GOLDWATER] proposes an amendment numbered 266.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, between lines 16 and 17, insert the following new subsection:

(g) There are hereby authorized to be transferred to amounts appropriated for procurement for the Army for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $40,000,000 for the procurement of aircraft, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Army remaining available for obligation;

(2) $25,000,000 for the procurement of missiles, to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Army remaining available for obligation;

(3) $75,000,000 for the procurement of weapons and tracked combat vehicles, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation;

(4) $140,000,000 for the procurement of ammunition for the Army, of which $110,000,000 is to be derived from amounts appropriated for fiscal year 1985 for procurement of ammunition for the Army remaining available for obligation, and $30,000,000 to be derived from amounts appropriated for fiscal year 1984 for the procurement of ammunition for the Army remaining available for obligation; and

(5) $238,000,000 for other procurement for the Army, of which $159,000,000 is to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Army remaining available for obligation, and $79,000,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Army remaining available for obligation.

On page 9, between lines 22 and 23, insert the following new subsection:

(1) There are hereby authorized to be transferred to amounts appropriated for procurement for the Navy for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $100,000,000 for aircraft procurement, to be derived from amounts appropriated for fiscal year 1985 for aircraft procurement for the Navy remaining available for obligation;

(2) $15,000,000 for procurement of weapons, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons for the Navy remaining available for obligation;

(3) $422,000,000 for shipbuilding and conversion for the Navy, of which $129,000,000 is to be derived from amounts appropriated for fiscal year 1983 for shipbuilding and conversion for the Navy remaining available for obligation, $100,000,000 to be derived from amounts appropriated for fiscal year 1984 for shipbuilding and conversion for the Navy remaining available for obligation, and $193,000,000 to be derived from amounts appropriated for fiscal year 1985 for shipbuilding and conversion for the Navy remaining available for obligation;

(4) $221,000,000 for other procurement for the Navy of which $70,000,000 is to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Navy remaining available for obligation, and $151,000,000 to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Navy remaining available for obligation; and

(5) $28,000,000 for procurement for the Marine Corps to be derived from amounts appropriated for fiscal year 1985 for procurement for the Marine Corps remaining available for obligation.

On page 9, line 24, insert "(a)" after "Sec. 103.".

On page 10, between lines 3 and 4, insert the following new subsection:

(b) There are hereby authorized to be transferred to amounts appropriated for procurement for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $406,000,000 for aircraft procurement for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for aircraft procurement for the Air Force remaining available for obligation;

(2) $35,000,000 for missile procurement for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for missile procurement for the Air Force remaining available for obligation; and

(3) $282,000,000 for other procurement for the Air Force, of which $86,000,000 is to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Air Force remaining available for obligation, and $196,000,000 to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Air Force remaining available for obligation.

On page 10, line 14, strike out "$20,000" and insert in lieu thereof "$20,000,000".

On page 10, line 20, insert "(a)" after "Sec. 105.".

On page 10, after line 22, insert the following new subsection:

(b) There are hereby authorized to be transferred to amounts appropriated for procurement for the Defense Agencies for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, the sum of $36,000,000 for procurement for the Defense Agencies, of which $15,000,000 is to be derived from amounts appropriated for fiscal year 1984 for procurement for the Defense Agencies remaining available for obligation, and $21,000,000 to be derived

from amounts appropriated for fiscal year 1985 for procurement for the Defense Agencies remaining available for obligation.

On page 11, after line 25, insert the following new subsection:

(c) There are hereby authorized to be transferred to amounts appropriated for research, development, test, and evaluation for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $89,000,000 for the Army, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Army remaining available for obligation;

(2) $183,000,000 for the Navy, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Navy remaining available for obligation;

(3) $256,000,000 for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Air Force remaining available for obligation; and

(4) $151,000,000 for the Defense Agencies, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Defense Agencies remaining available for obligation.

On page 145, line 2, insert "(a)" after "Sec. 2165.".

On page 145, between lines 8 and 9, insert the following new subsection:

(b) There are hereby authorized to be transferred to amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $60,000,000, to be derived from amounts appropriated for NATO Infrastructure for fiscal year 1985 remaining available for obligation.

On page 99, strike all that appears after line 22 through page 100, line 2.

Mr. GOLDWATER. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona [Mr. GOLDWATER].

The amendment (No. 266) was agreed to.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand the distinguished Senator from Arkansas is ready to lay down his amendment. We wanted the distinguished minority leader to be notified and, if he desired, to be here, but all we intend to do at the appropriate time is lay down the amendment.

I want again, as I shall later, to commend briefly the 14 or 15 Senators on both sides who have been involved in this matter. I hope that when the amendment is laid down, it will be fully debated and people will make their points but not overly debate it.

It is now 5:30 p.m. Some may ask why we stayed in until 2 a.m. and here it is 5:30 p.m. and we have not had a vote all day. Let me just say in defense that the reason that is happening is that we have been in meetings all afternoon and we probably saved about 3 days' arguing about different restraint amendments. I thank my colleagues for taking the time, those who were able to be there.

AMENDMENT NO. 267

(Purpose: To express support for the President's no-undercut policy concerning existing strategic offensive arms agreements)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of myself and Senators LEAHY, CHAFEE, HEINZ, and MCCLURE, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself and Mr. LEAHY, Mr. CHAFEE, Mr. HEINZ, and Mr. MCCLURE, proposes an amendment numbered 267.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title IX of division A of the bill, insert the following:

POLICY ON COMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS

SEC. . (a) The Congress finds that—

(1) it is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies;

(2) the President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint";

(3) the President last year called this policy "helpful" and pointed out that "we have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground";

(4) the President has also declared "that the United States is continuing to carry out its own obligations under relevant agreements";

(5) the President has reported to Congress that the Soviet Union has violated certain of their political commitments with respect to the SALT II Treaty including the provisions of telemetry encryption and "new types" of ICBMs;

(6) the President has declared that "the United States will continue to press these compliance issues with the Soviet Union through diplomatic channels";

(7) the President has also declared that "the United States is continuing to carry out its own obligations under relevant agreements, subject to the Soviet Union reciprocally complying with SALT II";

(8) last month, the President stated in reference to the United States commitment to refrain from undercutting existing strategic arms agreements so long as the Soviet Union shows equal restraint that "there's considerable evidence now that that has been rather one-sided, and if it has been, then there's no need for us to continue";

(9) the President's Commission on Strategic Forces in its April 1983 report declared that a "more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles" and, consistent with this goal, recommended that the United States proceed with engineering development of a small, mobile single-warhead ICBM (SICM);

(10) Lieutenant General Brent Scowcroft, Chairman of the President's Commission on Strategic Forces, has testified with respect to the SICM that "it would stand arms control on its head to say that it (the SALT II treaty) would prevent us moving in the direction clearly in the interest of arms control and stability".

(b) It is the sense of the Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, where appropriate, the Standing Consultative Commission and the renewed nuclear arms negotiations;

(2) the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement;

(3) the United States should, through December 31, 1986, continue to refrain from undercutting the provisions of existing strategic offensive arms agreements to the extent that the Soviet Union refrains from undercutting those provisions, or until a new strategic offensive arms agreement is concluded; and provided, however, nothing in this section shall be construed as prohibiting the U.S. from carrying out other proportionate responses to Soviet undercutting or strategic arms provisions; and

(4) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long term security interests of the United States and its allies and should consult with Congress before making any changes in current policy.

(c) the President shall provide to the Congress on or before September 1, 1986, a report that provides:

(1) a projection and comparison, on a year-by-year basis, of United States and Soviet strategic weapons dismantlements that would be required over the next five years if the United States and the Soviet Union were to adhere to a policy of not undercutting existing strategic arms control agreements.

(2) a projection and comparison, on a year-by-year basis, of likely United States and Soviet strategic offensive force inventories over the next five years if the non-undercut policy were to lapse at the end of 1985;

(3) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy; and

(4) makes recommendations regarding the future of United States interim restraint policy.

(d)(1) To the extent that the President finds and reports to the Congress that the Soviet Union has violated the provisions of strategic arms agreements, and that the President finds and reports to the Congress that such violations impair or threaten the security of the United States, the President may propose such measures as shall be necessary to protect the security of the United States. Nothing herein should be construed as an attempt to restrain or inhibit the Constitutional powers of the President of the United States.

(2) Nothing in this section should be construed to endorse unilateral U.S. compliance with existing strategic arms agreements.

(3) Nothing in this section shall be construed as prohibiting or delaying the developing, flight testing or deployment of the SICM as authorized by Congress or as establishing a precedent to continuing the no-undercut policy beyond December 31, 1986, which should be a matter for consultation between the President and Congress and subsequent review and debate by the Congress.

Mr. BUMPERS. Mr. President, let me say first that last year, we adopted a sense-of-the-Senate regulation dealing with a no-undercut policy, which was essentially that, as long as the Soviets complied with the terms and provisions of the SALT I and SALT II treaties, it was the sense of Congress that the President should to the same. That resolution, incidentally, is still in effect and will be until the end of this year. The amendment that Senators LEAHY, CHAFEE, HEINZ, and I originally introduced here was basically a simple extension of last year's resolution, a no-undercut resolution.

There has been considerable concern on both sides of the aisle about Soviet compliance, but it has also generally been a consensus opinion that the security interest of the United States, the interests of our allies and, indeed, the interests of civilization, require us to do everything we can pending a new agreement with the Soviet Union to restrain ourselves and the Soviet Union. I would like to say at this point that this amendment restrains the Soviet Union a lot more than it does us.

It is a little premature at this stage of my statement to say this, Mr. President, but I would like to read excerpts from and than have printed in the RECORD a story from this morning's New York Times, headed "Military Chiefs Favor Abiding By Soviet Pact—Split With Weinberger On 1979 Arms Treaty."

It was written by Bill Keller, and its says:

Senior American military leaders, in a split with Defense Secretary Caspar W. Weinberger, have concluded that the United States would probably lose more than it would gain by abandoning the 1979 arms limitation treaty with the Soviet Union, Pentagon officials said today.

The article goes on to say:

Mr. Perle has said that scrapping the treaty would not pose any immediate threat to the United States, and would signal to the Soviet Union that it must abide by future treaties.

"The Soviets have enough warheads to cover the U.S. target base now," a Pentagon civilian said. "Any increment they gain by doing away with SALT is not going to significantly alter the balance in the 1990's."

This article goes on to point out that the Soviets are in a much better position if SALT II is scrapped to break out of the treaty than is the United States. It also points out that this is a matter of grave concern to our allies and indeed, it is. And it should be to every person in the United States.

Mr. President, I ask unanimous consent that the New York Times article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. Mr. President, a recent national poll was staggering to me. It showed that a whopping 3 percent the American people felt that the threat of a nuclear holocaust was the most important issue facing us. That is a strange paradox to me, that an issue of this moment would only concern essentially 3 percent of the people in this country. I made a speech at my old alma mater the other day and I was making the point about how social scientists and medical teams have tried for years to figure out when a child, a baby, loses that caring innocence, that loving tenderness, and becomes a bigot, self-centered, prejudiced, egocentric. Nobody knows quite for sure when or why that happens. I wonder sometimes how we, in the same sort of metamorphosis, subordinate what has to be easily the most important issue facing civilization to the point that it concerns just 3 percent of us. As the threat has grown, and it does grow daily, our concern has diminished. There is something perverse about that.

Today, Mr. President, in adopting this amendment, we have a chance again to show momentarily that at least the U.S. Senate understands this threat. If we guess wrong on the budget, on Social Security, on funding for WIC and maternal and child health care, we can come back and fix it. There is just very little that we do in the United States that, if we err on, we cannot correct at some later time. But here is one issue where, if you guess wrong on it and it ultimately occurs, there is no undoing it. I think most people in the Senate were very apprehensive when we passed the tax cut in 1981. A lot of people thought that was going to create massive deficits, and it did. Now we are trying to undo it.

A lot of people were apprehensive about the MX missile, about deploying it in static silos, but we went ahead and voted for it and 2 weeks ago, 78 Senators said we made a mistake with the MX.

Here is something we cannot afford to make mistakes on. There is no political downside, as I see it. We have an expression back home about politicians straddling every fence they cannot burrow under. We do not have to worry about the politics of this. There is no downside of it. I promise you not one single constituent is going to say, "Why on earth did you try to bring the arms race under control? And there is a big upside for all of mankind."

Now, we all know that one of the reasons we are here debating this is because this fall, September probably, we are going to send the seventh Trident submarine to sea, the U.S.S. *Alaska*. It is going to be equipped with 24 multiple-warhead missiles, and when we put 24 new missiles, SLBM's to sea, unless we do something, we are going to be in violation of the 1,200 SALT II limit on MIRV'd missiles.

I think we ought to do something. I think that we ought not to exceed the 1,200 MIRV missile limit.

I am not naive, nor do I believe that the Soviet Union has not violated SALT II. We might as well get that out on the table. They have built two new types of missiles, whereas the treaty only permitted one. They have encrypted telemetry, though they can make a technical argument that it does not impede, which is what the treaty says, our ability to monitor their missile tests.

It is my firm opinion that whether it does or not, they intended for it to impede our ability. I think the radar system at Krasnoyarsk is probably a violation of the ABM Treaty. But there is one thing I want to remind the Senate of, and we have tried to address it in this amendment, which is this: While there is not any reason why there should not be a proportionate response to violations, the United States and the President would be d-u-m-b, dumb, to respond to any of those violations by breaking out of the 1,200 limit.

Once you do that, as the Joint Chiefs have correctly pointed out, the Soviet Union has the ability to do a lot more than we do. Since 1978, the Soviet Union has dismantled 13 Yankee-class submarines with a total of 208 missiles. They have dismantled 209 SS-7's and 8's in the 1970's. They have dismantled some old Hotel-class submarines, and they have done it in open daylight. We have watched them do it.

I point out two things. No. 1, the Soviets, as best I can glean, have scrupulously, meticulously complied with the

numerical limits and the fractionalization limits. Now, there may be some room for debate in the intelligence community on that, but it is my opinion that they have. And so to violate or to vote "no" on this amendment is a shot in the foot as far as I am concerned.

I remind all of my colleagues that this does not keep us from doing a single thing we are planning to do. We have a provision in this amendment that addresses the concern of the Senator from Georgia [Mr. NUNN] about the Midgetman ICBM.

Now, I want to make the record very precise, crystal clear on this point. We have a provision in this amendment that says, "Nothing herein shall be construed as inhibiting the development of the SICM," or, as we commonly say, the Midgetman.

I do not know that it even needs to be in there, but I did not mind putting it in there because it does not add or detract from the resolution, as I see it, because we are not going to flight test the Midgetman until 1988. If we were going to flight test it tomorrow, we would be in violation just as the Soviets are in violation by testing both the SS-24 and 25 ICBM's. We have already used up the one new type of missile we are permitted with the MX. And when we deploy or test the Midgetman, we would also be in violation, but this resolution only covers through December 31, 1986. As I say, the Midgetman is not going to be ready until several years after that.

I might also point out that if both the United States and the Soviet Union do not start moving toward the recommendation of the Scowcroft Commission, away from the big heavy missiles in silos, toward the mobile, single-warhead missiles, we may very well find ourselves scrapping the Midgetman at some point.

That was the one thing in the Scowcroft Commission report, incidentally, with which I agreed.

But, Mr. President, I want to tell you what we have done and what we are going to continue to do. In the past 2½ years, we have deployed 1,200 air launched cruise missiles on our B-52 bombers. We have about 61 FB-111's that are under the SAC command, and they are not included in the SALT II Treaty. They do not count, just as we did not count their Backfires. We are in the process of building the D-5 missile, the Trident II missile, which is going to be a magnificent missile and it is going to go on all the Trident submarines. It is going to have an advanced warhead with hard-target kill capability. We are building the B-1, and I think the first one is coming off the assembly line this year. We are going to follow that with the Stealth bomber. We have already deployed Pershings and ground-launched cruise missiles, and we are putting cruise missiles on a lot of ships at sea. We have just voted for $2.97 billion for the strategic defense initiative, and we have an ASAT Program.

I want to make two points. No. 1 in our strategic modernization, we have not been standing still; and, No. 2, that is essentially what our strategic modernization is all about, plus a few other unmentionables. And the SALT II treaty does not constrain or restrain us in a single one of those things.

So my point—I cannot make it clear enough—is that the SALT treaty and this amendment, the no-undercut amendment does not keep us from doing one thing we intend to do. On the contrary, it is the Soviet Union that is restrained.

Brent Scowcroft has been quoted as saying:

I think there's no question the Soviets test the limits of any agreement, probe around for loopholes, and perhaps even operate in some ignorance of what the agreements are in various parts of their bureaucracy. The most serious part is to know what to do about it. . . . But they're not really significant enough in themselves to renounce a treaty. . . .

Yes, I think we should (comply with SALT II). There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all.

And Harold Brown said:

My own view is that this treaty and the process which produced it are extremely valuable considerations in our strategic deterrent posture and that our defenses are clearly better served with SALT than without it.

Gen. David Jones, former Chairman of the Joint Chiefs of Staff says:

There is not even a marginal military reason for exceeding the SALT limits . . . If SALT II disappeared, there's nothing we would do differently.

As Senators know, in addition to three of the five Joint Chiefs of Staff members, Gen. Bennie Davis, Commander in Chief of our Strategic Air Command, said this to the Armed Services Committee—and they had to sort of get him to say it. Military people do not like to say anything they think their Commander in Chief might disapprove of, and that is understandable. Gen. Bennie Davis said, I believe in response to the probing of Senator Levin:

Yes, I think we ought to continue to abide by the SALT II treaty.

Well, what does the Soviet Union give up? Very simple. They give up the opportunity to build from 9,000 warheads, now, to what has been estimated to be by 1995, low side, 20,000 warheads; high side, 30,000 warheads.

We all know that their 308 SS-18 missiles alone, which is their big, heavy missile, will accommodate an additional 6,100 warheads. To say that we ought to build more so that we can cut more does not make much sense. The Soviets say that they have indeed built the SS-24 and the SS-25; but they have also said that they are in the process of deploying 18 SS-25's, but in exchange for that, they are dismantling 20 SS-11's.

So far as our Poseidon is concerned, I think it is well to say that it cost $160 million to overhaul the Poseidon and $20 million to retire it; so we would be $140 million better off if we just retired the Poseidon.

I hope we do not get this issue all fuzzed up. I hope the President will not even look at the fine print in this amendment, even though we have worked all day on fine print. I hope he will simply take it upon himself to do the responsible thing: Continue, as the amendment calls for, to vigorously pursue arms control, vigorously insist that the Soviets comply with it, vigorously take before the Standing Consultative Commission in Geneva every violation that we perceive.

When it comes to proportionate response, bear in mind that this is a term that has a meaning in international law. International law says, that if one side violates a treaty, the other side has a right to a proportionate response. So we have used that term here. That does not mean that there is some kind of carte blanche authority here. It just means that the President, if he finds them in violation, will consult with Congress and may propose measures to deal with it.

I am very pleased to know that Secretary Shultz apparently is in Europe right now, because I do not want to minimize the importance of this on our allies.

The peace movement in this country is not nearly as active as it was, and the peace movement in Europe, which was always much more intense than it is here, is almost asleep. But I can tell you that this whole issue can be activated overnight by an irresponsible act on either side. The Soviets, of course, are not going to broach any demonstrations over there. I do not mean to say that. However, I do know this: I know that if the American people and the people of Western Europe perceive us as being irresponsible in our actions and conduct on this treaty, you are going to hear from them.

So, if you believe that another 30,000 warheads will bring more security to the world, vote no on this amendment. If you believe our ability to destroy each other 40 times is sufficient, then vote aye.

However, bear in mind one thing: This is the only treaty. Even though it is unratified, it is the only agreement extant on offensive nuclear weapons that keeps the arms race even remotely under control.

The amendment is not as tough as I would like, but I believe the intent is clear—we worked long and hard on it—and I believe the intent will be clear to the President.

I want to read a couple of paragraphs of this amendment that I think are extremely important. One portion reads:

The United States should, through December 31, 1986, continue to refrain from undercutting the provisions of existing strategic offensive arms agreements to the extent that the Soviet Union refrains from undercutting those provisions, or until a new strategic offensive arms agreement is concluded; and provided, however, nothing in this section shall be construed as prohibiting the U.S. from carrying out other proportionate responses to Soviet undercutting of strategic arms provisions; and

The President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long term security interests of the United States and its allies and should consult with Congress before making any changes in current policy.

Finally:

To the extent that the President finds and reports to the Congress that the Soviet Union has violated the provisions of strategic arms agreements, and that the President finds and reports to the Congress that such violations impair or threaten the security of the United States, the President may propose such measures as shall be necessary to protect the security of the United States. Nothing herein should be construed as an attempt to restrain or inhibit the Constitutional powers of the President of the United States.

We are simply saying, "We in Congress want to be a partner with you. We want to be responsible. We want you to be responsible, and we want to be consulted if you decide that their violations are of such a magnitude that you are going to propose a response and you think we should be notified of that and consulted."

I think it is a good amendment. I thank all those involved in the negotiations. I will not name all who were involved. There were sometimes 10 or 15 people in these negotiations.

These things are always a give-and-take proposition. It is not everything I would have wanted, but I promise you that it is not everything that Senator McCLURE or some on his side of the aisle wanted, either. But I think the intent is clear, and that is the most important part.

EXHIBIT 1

MILITARY CHIEFS FAVOR ABIDING BY SOVIET PACT

(By Bill Keller)

WASHINGTON.—Senior American military leaders, in a split with Defense Secretary Caspar W. Weinberger, have concluded that the United States would probably lose more than it would gain by abandoning the 1979 arms limitation treaty with the Soviet Union, Pentagon officials said today.

The military leaders, including at least three of the five members of the Joint Chiefs of Staff, have determined that the Soviet Union would be able to outbuild the United States in an unrestrained nuclear arms race, while the American military would be held back by budgetary and political restraints, the officials said.

One official said the military sentiment was also colored by a worry that an all-out competition in nuclear weaponry would drain money away from tanks for the Army and ships for the Navy and other nonnuclear weapons.

REAGAN'S DECISION DUE MONDAY

The White House has said that President Reagan will announce his decision Monday on whether to continue abiding by the 1979 treaty, which expires at the end of this year. Although the pact was not ratified, each side has said in the past that it will informally observe its provisions if the other side does.

Mr. Weinberger and his senior civilian arms control adviser, Richard N. Perle, Assistant Secretary of Defense for International Security Policy, have urged the President to abandon the treaty because of what they contend have been Soviet violations, the Pentagon sources said.

Mr. Perle has said that scrapping the treaty would not pose any immediate threat to the United States, and would signal to the Soviet Union that it must abide by future treaties.

"The Soviets have enough warheads to cover the U.S. target base now," a Pentagon civilian said. "Any increment they gain by doing away with SALT is not going to significantly alter the balance in the 1990's."

The 1979 treaty was the second major arms control agreement reached by the United States and the Soviet Union in the 1970's. The first, a 1972 accord limiting antiballistic missile systems, was ratified by the two sides and continues in force.

Among the weapon ceilings set by the 1979 treaty, the one of immediate interest is a limit of 1,200 on the number of missiles with multiple warheads that can be deployed by each side. The United States will exceed the limit this fall when a Trident submarine, the Alaska, puts to sea with 24 multiple-warhead missiles. This will put the Americans 14 missiles above the limit.

Administration officials have said that Secretary of State George P. Shultz proposed Monday in a meeting of the National Security Council that the President either postpone a decision or announce that the United States will put a 16-missile Poseidon submarine into dry dock, out of service.

ALLIES' VIEWS ARE A FACTOR

That would fall short of the technical requirements of the treaty, which says that old missiles must be physically destroyed, but Mr. Shultz said it would signal to the Western allies that the United States takes the limits seriously. Officials said Mr. Shultz had told the President that outright abrogation of the treaty would give the Soviet Union a propaganda tool.

According to Pentagon sources, Mr. Weinberger wants to show the Russians that they cannot get away with what the United States views as treaty violations. They are said to include the encoding of missile tests data, which are supposed to be decipherable by the other side for verification, and the development of at least two new types of land-based missiles when the treaty permits only one.

According to Pentagon sources, Gen. John W. Vessey Jr., Chairman of the Joint Chiefs of Staff, did not directly contradict Mr. Weinberger or offer a clear recommendation in the Monday meeting. But the sources said his refusal to endorse Mr. Weinberger's view reflected the prevailing military opinion that lifting arms control would complicate military planning.

The sources said that the Army Chief of Staff, Gen. John A. Wickham Jr., and the Air Force Chief of Staff, Gen. Charles A. Gabriel, also favored staying within the treaty limits.

The views of the Chief of Naval Operations, Adm. James D. Watkins, and the Marine Corps Commandant, Gen. Paul X. Kelly, could not be immediately determined.

Mr. Weinberger's spokesman, Michael I. Burch, and Lieut. Col. Edward Robertson, a spokesman for General Vessey, declined comment on what advice had been given to the President.

Pentagon sources said one Air Force concern was that the lifting of limits on nuclear warheads could jeopardize the Midgetman missile, a small, single-warhead missile planned for the 1990's. Although it is designed to elude attack, the Air Force fears that a massive attack by warheads exploding above ground would be a serious threat.

Mr. LEAHY. Mr. President, will the Senator from Arkansas yield?

Mr. BUMPERS. I am happy to yield.

Mr. LEAHY. Mr. President, I compliment the Senator from Arkansas for his statement. I totally agree with it. I also compliment him on the leadership he has shown, the industry, integrity, and knowledge he has brought to this matter.

I think Senator BUMPERS, Senator CHAFEE, and Senator HEINZ deserve enormous credit, and I am glad to be part of the Bumpers-Leahy-Chafee-Heinz amendment.

I also compliment my friend from Idaho, Senator MCCLURE, and my friend from Kansas, Senator DOLE, as well as Senator NUNN and many others who worked so hard over the last couple of days in trying to negotiate our final package.

I will be brief here because I think I have made all my speeches I was going to make in the last 2 days in either Senator BYRD's office or Senator DOLE's office.

I know that Senator GOLDWATER has been most patient with us as we have tried to work this package through.

Mr. President, when I first came to this body 10 years ago I was all of 34 years old and I was fond of saying at that time that I had three young children who will live most of their lives in the next century—if we have a next century. What we do on arms control determines whether we have a next century.

No one can doubt that the United States and the Soviet Union today have the ability to destroy each other with impunity and most of the rest of the world in the process. It makes no difference whether they start a nuclear war or we do. We have no defense against them. They have no defense against us. And the rest of the world has no defense against these two goliaths that might be battling.

We take one step away from that potential battle with the Bumper-Leahy-Chafee-Heinz amendment tonight.

Mr. President, the Bumpers-Leahy-Chafee-Heinz amendment will be the most important vote Congress will

take this year in support of arms control. The Geneva talks will not produce a new arms treaty for the Senate to consider this year, or probably next year, for that matter. That is why our no-undercut amendment is so critical. It provides a floor under the Geneva negotiations. It will prevent a wide-open arms race and avoid a further exacerbation of tensions between the United States and the Soviet Union.

Senators BUMPERS, CHAFEE, HEINZ, and I offered a similar amendment to the defense authorization bill last year. It was adopted by the Senate in an 82 to 17 vote, and was accepted by the House in conference. It preserved the no-undercut policy at least through December 31, 1985.

The present amendment differs only slightly. It urges the President to continue observing important provisions of the SALT agreements on offensive arms which the Soviets are respecting. In other words: the SALT I provisions on dismantling of missile-firing submarines, and the SALT II numerical ceilings on multiple-warhead land-based missiles, on all multiple-warhead missiles, and on strategic nuclear delivery vehicles carrying multiple warheads.

The Soviet Union is remaining within these ceilings. They have dismantled some 300 launchers to comply with the SALT limits. To keep within the SALT numerical limits, the Soviets will continue dismantling offensive forces to compensate for the deployment of any new systems. Between now and 1990, the Soviets will be busy. They will field substantial numbers of 10-warhead SS-24 and single warhead SS-25 ICBM's. They will launch 20-tube missile firing Typhoon submarines and the 16-tube Delta IV class missile-firing submarines. Keeping the SALT limits will require them to deactivate somewhere between 400 and 800 additional launchers. Without the no-undercut policy, the Soviets are likely to keep everything pointed at us. Senator BUMPERS has put into the RECORD Bill Kedlers' New York Times article of today. Everyone should read it.

Now the President has charged that the Soviets are not in compliance with some portions of SALT, primarily the unratified SALT II Treaty. Some say the United States should not continue to observe those provisions which we know the Soviets are respecting.

These arguments make no sense. The numerical ceilings significantly favor the United States. We know we can verify that the Soviets are respecting those limits. Between now and 1990, the cost to the United States of continuing the no-undercut policy would be to dismantle or forego the deployment of about 160 launchers. This is accounted for by foregoing some 75 heavy bombers armed with air-launched cruise missiles to avoid exceeding the 1,320 ceiling, and some 85 older multiple warhead missiles to be dismantled when new Trident's go to sea.

Mr. President, keeping the SALT limits will also maintain a constructive atmosphere in the Geneva talks. Obviously, this cannot continue indefinitely. It is not a substitute for new agreements aimed at sharply reducing offensive nuclear forces and limiting the introduction of new technologies for mass destruction. Prolonging these limits makes sense only as a stopgap measure to prevent the complete collapse of all restraints when we are so far from reaching agreement on any new set of limits.

Equally important, the no-undercut policy constrains Soviet strategic warhead levels and thereby serves our national security.

Today, the Soviet Union is more capable of rapidly expanding its strategic forces than the United States. I have already alluded to the price the Soviet Union will have to pay over the next 4 years to remain within the SALT constraints. And I am not just talking about strategic launchers. Without the SALT warhead limits on missile types, the Soviets could greatly expand the number of warheads on their heavy SS-18 missile, increasing its warhead load from the current 10 to perhaps as many as 20 or more.

Mr. President, President Reagan's charges that the Soviets are not complying with important provisions of the SALT II Treaty are serious. They include the limitation on encryption of telemetry and the ban on two new types of land-based missiles. That is why our amendment so strongly supports his efforts to seek satisfactory solutions to U.S. compliance concerns, even if it means raising them in the Geneva negotiations. The Soviets must understand the seriousness of our concerns and the necessity for responding meaningfully to them. Our negotiators must not forget past Soviet compliance behavior as we formulate positions and proposals for new agreements. We must learn to draft the type of tight language which history unfortunately shows to be necessary when dealing with the Soviet Union. They do not respect the spirit of any agreements, only the exact letter, and they will stretch that as far as it will go. In the Intelligence Committee, I intend to pursue vigorously this point with those who develop U.S. negotiating positions.

Mr. President, this amendment seeks to preserve the mutual observance of the no-undercut policy by the Soviet Union and the United States until December 31, 1986, or until a new agreement is concluded. Thus, we seek to give the negotiators another year of grace to seek progress toward a new treaty.

To maintain the no-undercut policy, the first act required of the United States will be to dismantle at least 14 launchers of multiple warhead missiles this fall when the seventh Trident submarine goes to sea. This can be done either by retiring the tubes on an old Poseidon, or reducing 14 Minuteman III's. I understand the administration is considering putting a Poseidon in drydock instead of dismantling it according to SALT procedures. I strongly oppose such an option. It would be a standing invitation to the Soviets to cut corners on the very portions of SALT we know they are observing and which provide a security advantage to the United States.

If we are going to maintain the no-undercut policy, let us do it in a manner consistent with the respect this country accords to international law and practice. We should not shave corners like the Soviets. We should abide fully by our commitments.

I hope with this amendment we will have bought enough time for the President to fulfill his commitment to make real arms control a top priority of his second administration.

It is my wish that this amendment pass by an overwhelming margin, partly because of the various Senators whose expertise has been lent to it, partly because we have gone across the political spectrum on both sides of the aisle, partly because our negotiations united us with one common bond: We want to do what is best for our country and what is best for the security of the United States and the rest of the world. We also wanted to do it in a way that reflected best on the traditions of the U.S. Senate.

This is the body that can and should be the conscience of the Nation and this is one time when the Nation's conscience can be heard on the issue of arms control.

What would seem like a simple issue becomes complex because we live in a complex world. We deal with an adversary in this area that does not always play by the rules. But it is a question that must be addressed and must be answered and, to paraphrase the President, if not us who; if not now when?

Certainly this should be the loudest and clearest and most convincing voice to be heard in the land today on the need for arms control, the need to try to maintain the fragile limits we now have in place and to seek stronger limits in the future.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Idaho.

Mr. McCLURE. Mr. President, I express my appreciation to the original sponsors of the amendment which is the vehicle for the compromise language, that is, Senators BUMPERS, LEAHY, CHAFEE, and HEINZ, and recognize that contributions were made in that debate with Senators NUNN and

STEVENS, who had an amendment to it dealing primarily with the issue of the mobile Midgetman missile that we are developing and with reports to Congress with respect to the dismantlements that would be required on both sides if a no-undercut policy were adhered to by both sides over the next several years and to recognize, as Senator BUMPERS has indicated, that indeed this amendment is not everything that we would have wished nor is it everything that I would have wished. But it is a reasonable meeting of the minds and compromise of what can be stated by agreement of people with differing viewpoints but of good faith who are trying to express what this Senate should express with respect to interim compliance, and interim compliance is a shorthand for saying how shall we comply with the existing agreements while we are in the process of trying to forge new ones?

There are pitfalls in that process and I am not going to spend any extended length of time tonight dealing with the question of the pitfalls in negotiations themselves or in having achieved agreements in compliance or verification or violation or responses because we have spoken to that issue a number of times in the past.

But I do want to take just a moment to add another element to the perspectives that should be addressed as we are asking the administration to look at a sense-of-the-Senate as to how they should respond over the next several months, the next 18 months under the terms of this agreement to that question of interim compliance, for indeed you can look at the question and say it does not matter how many missiles anyone has, both sides already have too many. It does not matter how many missiles the Soviet Union may have because we have far more than is enough already.

The overwhelming need is to constrain the arms race without respect to the balances between the two because the imbalances are irrelevant.

I understand, when someone makes that statement, where they are coming from.

The other side of that, however, is deterrence is our policy. A deterrent policy is to have a sufficient degree of strength to keep the other side from misjudging.

Strength is made up of hardware. It is made up of weapons systems. It is made up of will and determination.

So in order for deterrence to be real, to be credible, to be successful, it has to have the muscle to do it and that is in comparison between opposite sides and it is in the view of the enemy, not in our own view that it must be credible, and you have to ask yourself if missiles do not matter, if warheads do not count, if superiority is irrelevant, why is the Soviet Union doing so much to add to their stockpiles now?

Certainly it cannot be argued it is irrelevant in their mind. They have a GNP roughly half the size of ours, a population roughly the same as ours, needs that are overwhelming throughout the entire sector. They need more housing, more consumer goods, more medical care, more everything except armaments, and yet out of that society that needs everything they have a shortage of manpower, they have a shortage of almost everything except military and in that society in spite of that overwhelming need they spend as much as we do or more every year, and I think also everyone recognizes that out of their defense expenditure a much higher proportion goes toward hardware and a much smaller proportion toward manpower simply because our manpower costs are much higher, our men and women are paid much better, their fringe benefits are better, retirement benefits are better and, therefore, our costs per man or woman are much higher than in the Soviet Union.

So when you look at expenditures for hardware, their expenditures on an annual basis in real terms are far greater than ours. I do not want to indicate that they get more than the same proportion because there is some inequalities in the inefficiencies of production and the quality technological superiority in some cases on our side of the ledger.

But lest we get too mesmerized with numbers, let us look at what those numbers mean. That is important, too. Remember that when the SALT I Treaty was negotiated and ratified in 1972, it was time constrained. The offensive weapons limits were in effect for a 5-year period. That expired in 1977. But it is important to note that only from the standpoint that we did not know whether we could verify their compliance with treaties. We did not know how to count warheads in the MIRV missile system. We did not know how to count the bombs that might be aboard an intercontinental bomber.

So rather than get involved in that question of verification, which was extremely difficult, we accepted counting weapons systems—an ICBM, a bomber—and we accepted that within a 5-year timeframe because we then believed that it would be impossible for them to MIRV their missiles or develop new intercontinental strategic bombers within that 5-year period.

So we were willing for a 5-year period to count only weapons systems, not warheads or bombs. We have found out since that time they were able to MIRV their missiles much more rapidly than we had believed and, therefore, even that timeframe proved to be too long. But I will remind you that timeframe expired 7 years ago. And we are still counting the same systems even though we knew in 1972 that that count would become irrelevant and it has.

So I differ with my friends from Arkansas and Vermont to at least this degree: that simply talking about numerical limits is a deception unless we look at what is behind those numerical limits. How many warheads have they developed? How many nuclear weapons can they now deliver, even while living within the constraints of SALT I and SALT II?

The unclassified material has been published in a number of places and they reveal that the United States has in ICBM reentry vehicles, that is individual warheads, the United States has slightly over 2,000 and the Soviet Union has over 6,000—6,300, actually—in unclassified material. The classified materials show a larger disparity.

Now that is part of the equation. If you look at charts and graphs, you will see that that has largely occurred since 1975, the length of time that it took them since the signing of the 1972 SALT I Treaty, and that they are gaining year by year in that advantage. They built their rockets very large in the first instance and we built ours very small in the first instance, and gave them tremendous throw-weight advantage over us because of the way in which they approached that problem initially. And that throw-weight advantage has been translated into warhead superiority in numbers.

Then let us look at quality as well as quantity. Because they may outnumber us better than three to one in quantity but they also have another advantage that is important, and that is hard target-kill capability. Their immense throw-weight meant they could put larger nuclear warheads, even when they MIRV'd them they could be larger, and, therefore, had more megatonnage; therefore, had more capacity to kill hard targets. And that is shorthand for the capacity to take out our ability to retaliate. And if indeed they can take out or have the ability to retaliate, then where is deterrence?

What happens when we look at numbers, when we eschew a first-strike capability or plan and say, "We will never fire until they have fired at us."? And let us assume that they only take out 90 percent on the first strike. They have reduced our numbers by 90 percent, and all we have left is 10 percent of our total, or slightly over 200, as compared to their over 6,000. And if they use one-third on a first strike, they still have over 4,000, then, against our 200, a 20-to-1 advantage.

Then let us look at the other advantage, the larger target capability, and you will see that rather than having a 3-to-1 advantage, their advantage becomes something like 8 to 1 on a statis-

tical basis, and something on the order of 25 or 30 to 1 after we have absorbed a first strike and are then retaliating.

Now, those are realities. So, if deterrence is to be successful, we must look at that capabiity to respond. And there is where perhaps some reasonable people will differ as to what our strategy or response should be. Because some believe the threat of nuclear war is so awesome that we must reduce, even if necessarily so on a unilateral basis—although this amendment does not call for us to do it on a unilateral basis, and indeed I would not be a cosponsor if it did—some will advocate that because they so greatly fear the horror of nuclear holocaust, and, indeed, they should.

Some others of us believe that the greatest guarantee against that nuclear nightmare for this world is to be strong enough that the Soviet Union never dares strike first in the first place. And, hence, our difference of approach with respect to interim compliance. Because some of us have been struggling for the last year to get some information to the American public, as well as to their representatives in the Congress, about the Soviet record of compliance or noncompliance violation of agreements. And then to translate that not just into have they been good boys or bad boys, but into the question of what does that do to our ability to defend or guarantee the security of the United States.

We have tried to accommodate those differences of viewpoints in the language in this amendment by, first, with the Nunn-Stevens amendment, which was merged into it, which allows us to respond to one form of Soviet violation in the development of a new mobile missile by saying that we too will have the authority to develop a new mobile missile. Their violation can be countered by the development of what is necessary to protect our security, in that particular instance in almost a near mirror image.

We have also written into this amendment the capacity to do what we call a "proportional response" so that it does not have to be a mirror image. We do not have to simply do what they did in violation in order to protect our security. We can do other things if we think that is the appropriate way to protect our security to respond to their violation.

There is not any doubt that the encryption of telemetry is a violation of the SALT agreements. There is no question of that. Everybody knows that is true and the Soviet Union is violating that provision. We are not. But that does not mean that the only response we could have is to encrypt our own telemetry. We might decide to do something different that is proportional to that particular kind of violation.

I believe there is widespread agreement now, although the Soviets deny it, that the Krasnoyarsk radar is a violation of the ABM Treaty. That does not mean we have to run out and build a phased-array radar at Indianapolis or at some other point within the interior of continental United States. But it does mean that if that together with the development of the SA-12 in an ABM mode becomes a battle management system that threatens our ability to retaliate, we can take prompt action to guarantee the security of the United States, and the President is not constrained in his response according to the language of this amendment.

I think, too, before we depart too far from the debate concerning the values of compliance, we ought to look for a moment at what has actually happened. My friend from Arkansas mentioned that the Soviet Union had dismantled 13 *Yankee*-class submarines and 209 SS-7 and SS-8 missiles which indeed is correct. At the same time, however, they replaced those missiles with other missiles of a great deal more capacity, both doubling the numbers of warheads which they can shower on the United States, but also increasing the megatonnage of each of those warheads so that they are extremely more dangerous to us than the SS-7's and SS-8's that they replaced.

Before we assume they had been nice to us by that action, let us recognize that action was taken in order to increase the threat to the United States.

They have deployed 200 mobile SS-16's as well as 209 modern SLBM's which is more than a double replacement for those that were dismantled. Moreover, the 13 "dismantled" *Yankee* submarines have been converted into SLCM carriers, making them more lethal than ballistic missile submarines. My friend from Arkansas mentioned the fact—indeed, it is true—that we have 60 FB-111's which do not count in SALT II because they do not have intercontinental range. But on the other side are over 250 Soviet Backfire bombers which, if fitted with refueling probes, have intercontinental range, and if based in the Arctic Siberian area of the Soviet Union have intercontinental range, and while it was not written into the SALT Treaties a part of the agreement that went along with the SALT agreements was a commitment on the part of the Soviet Union that they would not base the Backfire bomber in Arctic Siberia where they could reach intercontinental targets in the United States without refueling. We know from published reports that they have indeed based Backfire bombers at Siberian Arctic bases. And have given them refueling capabilities. So they have violated that provision, and, therefore, to hold up FB-111's as kind of a counter or a balance for Backfires ignores both points—the numbers and the range.

Yes, it is true, as has been said, that the United States has developed a cruise missile superiority but it is marginal. In numbers they are about equivalent—the Soviet Union and the United States. Our cruise missiles are slightly better weapons on balance, and we should confess that they are. But let us look at something else with respect to what has happened under SALT I and SALT II. Remember, the dismantlements are not required by SALT II. The dismantlements that have taken place were under SALT I, an agreement which expired 7 years ago and was good, if at all, only during the period of time for which it was written which expired in 1977.

The SALT II, it is said, keeps the Soviets from going from 9,000 warheads to 20,000 or 30,000 warheads. But the fact of the matter is SALT II has not yet constrained the Soviet buildups.

The Soviets have more than tripled the number of warheads they had in 1978, and they have more warheads now than the Joint Chiefs of Staff estimated in 1978 that they would have now, even if no SALT II Treaty had been signed.

So I think it is necessary for us to mention those things as we are talking about interim compliance lest we begin to believe that somehow extending the period of compliance extends the comfort or the security of the United States when as a matter of fact our security has been increasingly threatened during the existence of our observance of SALT I and SALT II. Before people believe that the only dismantlement, and the only constraints under those agreements has been what the Soviet Union has done, let me just for the record point out what the United States has done. We deactivated 292 intercontinental ballistic missiles, submarine launched ballistic missiles, and B-52 bomber aircraft all of which are counted under SALT II. We cancelled deployment, both authorized and appropriated by Congress, of up to 100 stockpiled Minuteman III intercontinental ballistic missiles with MIRV'd vehicles which in conjunction with Trident submarine deployment would have conflicted with the SALT II Treaty ceiling of 1,200 ballistic missile launchers with MIRV's.

We had designed the first 5 B-1B bombers to carry 10 fewer air-launched cruise missiles than they were capable of carrying in order to comply with the SALT II Treaty. We modified the B-52 bomber aircraft equipped to carry air-launched cruise missiles in accordance with the SALT II Treaty to make it easy for the Soviet Union to identify and target the B-52 air-launched cruise missile carriers. We are preparing to spend

$21 million to dismantle the first of several Poseidon submarines in order to avoid exceeding by the Trident submarine construction the SALT II Treaty ceiling of 1,200 ballistic missile launchers with multiple, independently targetable reentry vehicles. I hope that the President will not decide to dismantle or drydock our Poseidons. We are doing that even though we have evidence that they are exceeding the limits of the treaty in the development of a new heavy SLBM, the SS-NX-23. Finally, we have significantly reduced the potential payload and throw-weight of the MX ICBM, reduced its range and delayed its testing, all in order to comply with the unratified SALT II Treaty.

We have over the last year received reports from the President of the United States, pursuant to the actions taken by this Congress in actions that I have initiated and supported, and that have been supported by this body by overwhelming margins requiring reports of violations by the Soviet Union. Over 34 Soviet arms control violations have been confirmed by the President. These are just a few of those violations, as reported in the press and in the other open sources. The Soviet buildup above the 2,504 level of SNDV since June 1979, a confirmed violation; the Soviets have deployed 200 banned SS-16 mobile ICBM's; Soviet failure to deactivate down to 2,250 SALT SNDV level even though I would say very quickly that they would not do that unless we ratified the treaty, but we follow a policy of not undercutting it. They say, "But we are not going to undercut it. We just will not do what would have happened if you would have ratified it," as if somehow that makes any difference. It does. It makes a difference of 254 ballistic missiles that they are entitled to which they would not otherwise have been entitled to. This is a confirmed violation.

The Soviet SS-25 mobile ICBM is a prohibited second new type of ICBM. This is a confirmed and conclusively supported violation. We respond to that by specific provisions in this amendment before us.

The reentry vehicle to throw weight ratio of the S-25 is a violation of the treaty as well. This means covert MIRV'ing of the SS-25. I mentioned almost total encryption of the Soviet telemetry. I mentioned too the new heavy SLBM which they are developing, the SS-NX-23. They are exceeding the limit on the production of Backfire bombers that was agreed to—a marginal increase, a marginal violation, but nevertheless significant and one that becomes larger over a period of time, because the Soviets now have an extra, illegal squadron of Backfire bombers. There is an illegal refueling probe on Backfires as well.

I have mentioned Arctic basing of Backfire bombers. In addition there is Soviet deliberate interference with U.S. national technical means of verification, through their camouflage, concealment, deception, and jamming of our collection systems.

Mr. President, I say that only so we might understand the flexibility for proportional response on the part of the President may well lead the President to decide he wants to do something different with the Poseidon submarine rather than immediately scrap it at a time when they are equipped for sea tryouts, and he is permitted under the language of this amendment to take that action if indeed it is proportionate to Soviet violations of the treaties. What is proportionate? That is a matter of judgment.

I suspect we will revisit those questions later on as we look to see what the President's responses may be as permitted under this amendment.

Mr. President, again I want to express my thanks for the willingness of those others who are involved in this discussion, and who have entered into the discussion in good faith to negotiate language which permits each of us to protect our own particular bias or objective that we have in mind without asking the Senate to totally agree with us.

I suggest that there is real value, as someone else suggested, I think Senator LEAHY did. It is better for us by consensus to develop something that can be overwhelmingly supported by the Senate as a message to the President of the United States, but even more importantly, perhaps, as a message to our allies and the Soviet Union, than it is to have a marginal decision on a tough vote, one way or the other, whichever way that might be.

I commend all of our friends who have worked together in bringing this amendment to the floor which I think all of us can support and which I think is an important statement and exercise on the part of the Senate.

Mr. NUNN. If the Senator will yield, I completely agree with his analysis. I think it is a very important point. I think it is much better to work this out. I think we have been fortunate in working out this complex area. We do have a product here which, though not to anyone's complete satisfaction, is a fair analysis of the sentiment of the Senate and also it gives some flexibility to the President of the United States, which is needed.

We do have, necessarily by this, subjective judgments. I agree with the Senator's explanation of the response. He and I agreed on that last year, as I recall.

Mr. McCLURE. I believe the Senator is correct.

Mr. NUNN. I believe the point is that everyone recognizes there is no absolute, clear definition of proportionate response. That is a matter of judgment. As they say in legal circles, that is a jury question. We use the term "proportionate response" in a lot of legal terms. It is always a matter of judgment. So there are going to be judgments made, no matter what the President does and no matter what our response to the Soviet violations may be. Judgments are going to reflect different opinions, but at least we have done what we can do legislatively. We have set forth the general sentiments.

Mr. McCLURE. I thank the Senator.

Mr. President, I will not take any longer. I want to give some time to my colleagues to express themselves. I want to conclude on this note: A year ago the Senate said, "Do not undercut," a flat statement, based upon the knowledge that was then available to the public to judge our actions and upon which we could take action.

Today, a year later, we have more information about Soviet responses and violations, threat to our security, and we have changed that language to allow a response to that changed circumstance. I believe it is important for us to note that. We have not hamstrung the President in the language we have given him here. We have expressed our desire not to reignite an arms race but to recognize we are involved in a seriously threatening situation.

Mr. President, I would also now like to address the question of the SALT II numerical ceilings or limits on strategic nuclear delivery vehicles. There are five ceilings within the SALT II Treaty on strategic nuclear delivery vehicles, and one further ceiling which is a de facto ceiling, for a total of six SALT II ceilings. It is a fact, according to open, unclassified sources and press reports, that the Soviets are over every one of these six ceilings of SALT II, except one, and the Soviets will probably go over this ceiling in 1986.

Here are the six SALT II ceilings:

First, 2,504 Soviet SNDV's, the number the Soviets had on June 18, 1979, when SALT II was signed. This is a de facto SALT II ceiling, which the Soviets have made a political commitment not to exceed.

Second, 2,400 SNDV's at the time SALT II was to be ratified on both sides and go into effect.

Third, 2,250 SNDV's by the end of 1981.

Fourth, 1,320 MIRV'd ICBM's, MIRV'd SLBM's, and intercontinental bombers with long-range cruise missiles.

Fifth, 1,200 MIRV'd ICBM's and MIRV'd SLBM's.

Sixth, 820 MIRV'd ICBM's.

Mr. President, according to press reports and other open sources, the Soviets now have: 1,504 SNDV's, plus 18

SS-25 mobile ICBM's—possibly offset, reportedly, by partially dismantled SS-11 silos—plus 25 TU-95 Bear H bombers—more in production. This gives the Soviets a total of 1,547 Soviet SNDV's. The SS-11 silos partially dismantled are reportedly not dismantled according to SALT procedures, and they may well be replaced by SS-24's in the silos. Thus the Soviets are 25 to 43 SNDV's above the 2,504 SNDV's they had on June 18, 1979, the time of SALT II signing. If the 200 mobile SS-16's are counted, they are way over.

Mr. President, I repeat that according to open sources, the Soviets have deployed at least 18 mobile SS-25 mobile ICBM's. Not only do these 18 mobile SS-25 launchers exceed the 2,504 SNDV defacto ceiling of SALT II, but they also exceed the SALT II ceiling of 820 MIRV'd ICBM's. This is because the President has reported three times to the Congress that the Soviet SS-25 violates the reentry vehicle to throwweight ratio of SALT II. The SALT II Treaty prohibits a single warhead ICBM from having a very light single warhead weighing less than one half the ICBM's total throwweight. The purpose of this prohibition was to prevent covert MIRV'ing of single warhead ICBM's. So according to the President three reports, the Soviet SS-25 is violating the SALT II provision aimed at preventing covert MIRV'ing.

Thus we should consider the SS-25 to be covertly MIRV'd, carrying probably three MIRV warheads on each SS-25 ICBM.

The SALT II limit on MIRV'd ICBM's is 820, so the Soviets are probably 16 MIRV'd ICBM's above the 820 limit, according to open sources.

Mr. President, the SALT II Treaty establishes a ceiling of 1,320 on total MIRV'd ICBM's, MIRV'd SLBM's, and intercontinental bombers with long-range cruise missiles. The Soviets now have over 250 Backfire bombers, which is an intercontinental range-capable bomber, under agreed U.S. intelligence judgments in unclassified sources. The Backfire can carry three long-range cruise missiles. Counting intercontinental Backfire bombers in SALT II, which President Reagan and other SALT II critics correctly wanted to count, the Soviets would be at least 100 or more SNDV's over the 1,320 SALT II ceiling on MIRV'd ICBM's, MIRV'd SLBM's, and intercontinental bombers with long-range cruise missiles.

Mr. President, in sum, the Soviets are over the SALT II ceilings of 2,504, 2,400, 2,250, 1,320, and 820, and probably by next year, the Soviets will even be over the 1,200 ceiling as well, and thus the Soviets will be over all six of the SALT II ceilings.

In conclusion, I would like to quote from our distinguished Secretary of Defense, Cap Weinberger. As Secretary of Defense Weinberger stated on December 20, 1984:

> Improvements and additions to the Soviet missile force continue at a frightening pace, even though we have added SALT II restraints on top of SALT I agreements. The Soviet Union has built more of the big nuclear warheads capable of destroying U.S. missiles in their concrete silos than we initially predicted they would build, even without any SALT agreement. We now confront precisely the situation that the SALT process was intended to prevent.

That statement sums up the negative effect of SALT I and SALT II and the arms control process so far on American national security. Now we can make proportionate responses to Soviet SALT violations.

Mr. HEINZ. If the Senator will yield on that point, I think he has made a crucial point. The point involved is this, Mr. President, is that we have reaffirmed that we do not want to reignite an arms race. Everything that the Senator from Idaho has said is accurate. We believe that it is important that there be an understanding between the Senate and the President as to what we mean by that.

Mr. President, the amendment introduced by my distinguished colleagues, Senator BUMPERS, Senator LEAHY, Senator CHAFEE, and myself is all about commonsense. Its message is simple: We must be willing to avert a new arms race through the negotiation of a new arms control agreement by continuing to refrain from undercutting the provision of existing offensive strategic arms agreements so long as the Soviet Union refrains from undercutting those same provisions.

This amendment represents a reaffirmation of what we know to be the policy of the United States with regard to existing offensive strategic arms agreements and what we believe should remain our policy through this year and next.

Mr. President, this amendment is a further reaffirmation of action taken by the Senate last June, when by a vote of 82 to 17 we passed an amendment to the fiscal year 1985 defense authorization bill endorsing the very same principle of interim restraint.

It remains my belief that an early commitment by both sides to this policy set the stage for subsequent comprehensive agreements which we all desire.

At the same time, Mr. President, let me make it clear that because both superpowers derive significant benefits from the policy of interim restraint, the Soviets must be expected to be far more forthcoming than they thus far have been in explaining and correcting their noncompliance with specific provisions of existing treaties.

Our resolution explicitly states that it is the sense of the Congress that the Soviets—should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement.

The Soviet Union cannot expect that the Congress will ignore actions it has taken in violation of the spirit of existing agreements. The Soviets must understand that our commitment to the policy of interim restraint will not be open-ended if they continue to erode the evironment of trust, so essential to the conclusion of a new agreement.

The construction of the Krasnoyarsk radar, the encryption of telemetry so essential to the verification of existing strategic arms agreements, and the testing of a second new type of ICBM as defined by the SALT II Treaty all represent serious breaches of faith with an arms control regime which it would be better to preserve than cast away.

By failing to honestly come to terms with these violations at the Standing Consultative Commission, the Soviets are poisoning the arms control environment and playing into the hands of those in this country who believe that no arms control is worth pursuing at any price.

At the same time our resolution does not preclude us from encrypting telemetry of our own missiles.

It does not preclude the deployment of the Midgetman.

It does not preclude reconfiguring operational submarines without ballistic missile capabilities.

Mr. President, we believe, and so state in this amendment, that our negotiators should use the renewed arms negotiations as a forum to seek corrective actions with regard to our concerns over Soviet compliance with existing strategic arms agreements. At the same time we believe that an early affirmative commitment by both superpowers to the policy of interim restraint could provide a positive atmosphere conducive to success in resolving some of these difficult compliance questions.

Let me take a moment to express my views on how we should assess the importance of compliance issues. There can be no doubt that many of the compliance issues raised by the President's report are very important. At the same time we must assess the value of taking unilateral corrective action with regard to these violations, such as abandoning the policy of interim restraint against a number of considerations.

First, the military significance of the violations must be assessed; that is whether they have an operational character which in the near term could undermine the security of the United States. We must assess the ability of ongoing U.S. strategic mod-

ernization program and research and development programs to counter these Soviet violations. Third, we must assess whether the consequences of any unilateral corrective action are worth the price.

On the whole, in assessing the answers to these questions, I must conclude that in the near term continuing to adhere to the policy of interim restraint remains in our national security interest.

This Nation is currently well poised to counter the current range of Soviet violations. In large part this is true because of President Reagan's leadership in rebuilding the strategic and conventional capabilities of our Nation. At the same time, prudent policy in the near term must focus on continuing the policy of interim restraint while our negotiators seek to resolve our outstanding differences with the Soviets.

In practical terms, this amendment is important because both the Soviet Union and the United States have continued to adhere to the strategic launcher ceilings established by SALT II, specifically 820 ICBM's, 1,200 ICBM's and SLBM's, and 1,320 ICBM-SLBM- and ALCM-carrying bombers. Despite engaging in significant strategic modernization programs, both superpowers have continued to dismantle older weapons systems as newer ones have been deployed in order to stay within the SALT II ceilings. As strained as relations have been between the superpowers, this basic discipline has not been abandoned.

However, when the seventh Trident submarine, the U.S.S. *Alaska* goes to sea trials in the late summer or fall of 1985, the United States will exceed the SALT II ceiling of 1,200 for ICBM's and SLBM's unless the United States takes compensating action by either dismantling an older Poseidon submarine or 14 Minuteman III ICBM's.

Should the United States fail to take compensating action, we must ask ourselves the following questions: What will the consequences be to our national security from allowing the SALT II ceiling to unravel? How will such action facilitate the negotiation of a new arms control agreement with the Soviet Union or the resolution of existing compliance issues? How will the Soviet Union respond? More important, how will the stability of the strategic nuclear environment be enhanced?

Mr. President, some of the answers to these difficult questions are evident today. While the SALT II ceilings have done very little to stop the proliferation of strategic warheads, they have at the very least restrained the ability of the Soviet Union to enhance its already sizable force of large land-based ICBM's. The fractionation limits in place have further denied the Soviet Union the ability to take advantage of the superior throw-weight embodied in their large SS-18's and SS-19's by limiting the number of warheads which can be deployed on these large ICBM's.

More important, adherence to the SALT II ceilings has reinforced the important principle of sacrifice required of strategic modernization programs—the retirement of older weapons systems as newer ones come on line—which is the very principle at the heart of President Reagan's START/build-down proposal.

Mr. President, despite the many flaws of the unratified SALT II agreement, we must ask ourselves whether we would be better or worse off without the discipline it imposes on both superpowers.

First, in very general terms, a recent study by the Congressional Research Service, concluded that the unraveling of the SALT II ceilings, with all of the potential fallout and superpower paranoia such action would entail could lead to a tremendous proliferation of strategic warheads. In a worst-case scenerio, according to the CRS study, both superpowers would increase the number of strategic warheads in their respective arsenals from 10,000 today, to approximately 27,000 by 1994.

Second, and perhaps most important, failure to compensate for the deployment of the U.S.S. *Alaska* would in the near term work to the advantage of the Soviet Union.

Mr. President, a quick look at the strategic balance reveals that the Soviets with 818 ICBM launchers are right up against the 820 SALT II ceilings, the Soviets can quickly take advantage of their superior throw-weight by proliferating additional warheads on their large ICBM's and accelerating their efforts to deploy a greater number of large ICBM's in a totally unconstrained environment.

In effect, we would force the Soviets to continue to emphasize the development and deployment of the first-strike weapons they have the most confidence in, large ICBM's, the very weapons system which President Reagan has targeted for significant reduction in our arms control negotiations. Rather than deemphasizing MIRV technology as called for by the Scowcroft Commission and proponents of the mutual guaranteed build down, abandoning the policy of interim restraint prematurely will lead to a spiralling arms race in MIRV'ed warheads—an arms race this Nation simply cannot win.

Finally, Mr. President, let me say a word about how containing the policy of interim restraint relates to the President's vision of a world in which the technologies being developed by the strategic defense initiative will render offensive strategic warheads obsolete. Rather than debate the wisdom of the so-called Star Wars approach, let's assume for a moment that strategic defense is both possible and desirable. The simple fact is that in order for a strategic defense to ever have a chance to succeed, the number of strategic warheads currently possessed by both superpowers will have to be sharply reduced. Otherwise not only will defensive systems be vulnerable to attack but they will also be easily overwhelmed by large numbers of strategic warheads.

As Ambassador Paul Nitze, the President's senior arms control adviser recently stated, one of the criteria which star wars weapons will have to meet is that they must be cost-effective at the margin meaning that it would have to be easier and cheaper to add defensive capability at the margin. Otherwise the existence of defensive weapons would create an incentive for all offensive arms race to swamp them.

If, by abandoning the policy of interim restraint, the superpowers enter into a new strategic arms race, the President's vision of what a strategic defense might achieve will never be realized. In an unconstrained offensive strategic environment, countering defensive systems with additional offensive systems will be extremely cost-effective. The defense will never be able to catch up without a massive expenditure of funds, thereby failing to meet one of the very important criteria for strategic defense established by Ambassador Nitze.

Finally, Mr. President, let me close by saying that this Nation is a strong and confident superpower. The patience and prudence called for by this resolution is a reflection of that strength. It remains in our national security interest to continue to adhere to the policy of interim restraint so long as that policy is mutually observed by the Soviet Union.

Mr. DOLE. I would like to get some idea, if we could, on whether or not we would be able to vote fairly soon. I know there are a number of Members who would like to speak. Again, having been in since early this morning, I hope that we might be able to complete action on this in 30 or 45 minutes.

I will not make a unanimous-consent request now because the distinguished minority leader is not on the floor, but I hope, unless somebody has a contrary view, that we might be able to vote about 7 or 7:15 and then vitiate the other so-called SALT amendments and go to final passage immediately. That would be the last vote of the evening.

When we come in tomorrow, we would be on the State Department authorization at 11 o'clock tomorrow morning. I do not know if that is any incentive. I hope we will be able to do it quickly.

Mr. BUMPERS. Not to get too far afield, but is it the majority leader's hope that we could finish the State Department authorization tomorrow?

Mr. DOLE. Well, it is a wish. I am not too optimistic. I am advised by those who have been in touch with the chairman of the Foreign Relations Committee on the staff level that there are not too many amendments, but there is a number of Contra amendments, I think for 7 hours. If everybody takes all their time, it would take well into the evening. But I doubt that every amendment will be offered and I do not think they will take all their time on this side on any of the amendments. It is a possibility.

Mr. BUMPERS. But it would be the intention, if we did not finish, to be in on Friday?

Mr. DOLE. I am afraid that would be the case.

Mr. BUMPERS. I am afraid that would be the case, too.

Mr. DOLE. I do not notice any outcries about not voting at 7:15. We can perhaps check with the distinguished minority leader and if that is satisfactory with him, maybe we can get that agreement and divide the time equally.

Mr. CHAFEE. Mr. President, in view of the majority leader's request of voting at 7:15, and I think a lot of us want that, I wonder if everyone can keep their remarks rather brief. I know people want to speak, but in fairness to others if everyone could keep it down to maybe 3 to 5 minutes it would surely help to get on with this.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. SYMMS). The Senator from New York.

Mr. MOYNIHAN. In the briefest of terms I rise to congratulate the Senator from Idaho and others on their efforts in bringing this matter to an important conclusion.

I would like particularly to call attention to the statement by the Senator from Idaho, with which I very much agree, that it was a force of circumstances that let us begin the SALT agreement cycle by measuring launch vehicles as against warheads. Warheads are a means of war. Indeed, the continued growth in the number of warheads, even in the context of restraints in launch vehicles, is an accepted fact of the arms competition.

If the theoretical man from Mars were to appear and be shown a chart, the increase in Soviet warheads since 1968 and American since 1968, and it was said in the course of these years a number of agreements on arms limitations were reached, and, "Looking at the statistics, can you tell us what year those agreements were reached?" he would have to say, "I do not see any agreements here."

That is essentially the fact.

With regard to the issue of compliance, I think it is fair to say that the Soviets have been fairly meticulous about compliance. I think it is also fair to say that they have characteristically only agreed to do by treaty language what they already planned to do and implying what they had planned to do does not impose greater limitations.

Mr. President, I simply wish to make the point that there has been the discussion of the decision point that will be reached when the United States is ready to deploy the Midgetman, and in the context of the SALT II agreement that would be a second missile which we would not be entitled to.

The Soviets, however, are going in the same direction, toward a mobile warhead missile which is very much the hope of their arms control experts and advocates for many years.

I simply wish to leave in the RECORD at this point the thought that, when the day comes, as it will and very soon, that we have the Midgetman missile, we might consider not deploying or indeed dismantling the small and increasingly inconsequential force of MX missiles which we have agreed in this body in recent weeks are too large and too vulnerable and too much deployed in a first-strike mode to serve the purpose of deterrence.

Mr. MOYNIHAN. Mr. President, I asked unanimous consent that I may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, a number of Members on the floor this afternoon have expressed themselves as totally satisfied with this measure. Indeed, so many have that you begin to think it must be authority for every proposition like the Scriptures. I have far more enthusiasm for the Scriptures than I do for this measure. I shall take just a couple of citations from it, though, because I think we should focus on the difference between this provision and last year's, in which we similarly suggested that it was appropriate to continue with a no-undercut policy.

The difference is that in this year's version, we have added that there should be a no-undercut policy "to the extent that the Soviet Union refrains from undercutting those provisions" and further that "nothing in this section shall be construed as prohibiting the United States from carrying out other proportionate responses to Soviet undercutting of strategic arms provisions."

Mr. President, without that provision, I could not in conscience support this measure. With it, we are putting the Soviets on notice that there will be a cost to noncompliance with these agreements, and, more importantly, that the security interests of the United States will require that the President, observing the noncompliance of the Soviet Union, "propose such measures as shall be necessary to protect the security of the United States."

Mr. President, what we are saying in simplest term is that we do not intend that there shall be a unilateral compliance with SALT I, SALT II, the ABM Treaty. We are saying that our performance depends upon that of the Soviet Union, that we will not allow our wish for arms control to result in arms control being subverted into a weapon whereby we abide and the Soviets are free to violate or undercut with impunity.

That makes no sense. It would be a dereliction of our duty.

There is much in this measure that I find, frankly, mealy-mouthed. There is a great deal expressed that I cannot enthusiastically support. I shall vote for it without enthusiasm, because at least, it is a substantial improvement upon last year's expressed good intention.

What this means is not, as Senator MCCLURE has indicated, that we will wait and allow the Soviets to provide the lead, that we will engage in tit-for-tat violation with them. No more than we look to total symmetry in arms control negotiations to make this a safer world will we look to the Soviet initiative in violation of arms control agreements to determine what our security interests will require. It may be that they require a new weapons system to be developed, it may be that we will at some point abandon the restraints that we are voluntarily assuming. But it will be the security interests of the United States as recognized by the President and the Congress that dictate American policy in the future with respect to an equally consistent support of earnest, good-faith, serious arms control negotiations.

Finally, Mr. President, I invite attention to the final passage on page 7. My colleagues have the amendment before them in print. It says:

(3) Nothing in this section shall be construed as prohibiting or delaying the development, flight testing or deployment of the SICM as authorized by Congress or as establishing a precedent to continuing the no-undercut policy beyond December 31, 1986, which should be a matter for consultation between the President and Congress and subsequent review and debate by the Congress.

Mr. President, what this language seeks to do in reference to the small mobile missile is, simply stated, to create a unilateral exception by legislation to a treaty which the United States has never ratified. I do not say that sarcastically or in a deprecating way, I say it as a simple statement of fact.

In fact, I approve of that exception, because the Soviets, among their violations, have been guilty of deploying a second missile beyond that which is permitted under existing arms control agreements and we have been urged by the Scowcroft Commission in conjunction with arms control to, ourselves, develop and deploy a small mobile missile, a decision and a recommendation in which I concur.

I also concur in the warning of the Scowcroft Commission which stresses that ICBM modernization and arms control are "integrally related and the decisions about a small missile will be influenced by" the evolution of Soviet strategic programs, the path of arms control negotiations and agreements, and that "although the small missile program should be pursued vigorously, the way these uncertainties are resolved will inevitably determine the nature and the size of the program."

Mr. President, indeed, the way these uncertainties are resolved should and must determine the size and the nature of the program. Because of our concern about the program as presently designed and the missile as presently designed, the Senate Armed Services Committee wisely included report language that recognizes the virtue of mobility in terms of increased survivability, in terms of a reduction of vulnerability, but also which specifically calls upon the Air Force and the Defense Science Board to revisit the issue of design constraints to determine whether or not the present weight constraints prevent the use of penetration aids, whether or not the mobility tradeoffs should be considered in terms of siting options.

In short, Mr. President, because the Senator from Georgia, with whom I had intended this colloquy, is not present, I shall simply make reference and, were he present, I feel free to state that he would concur in a colloquy incorporating by reference the report language that is found at the bottom of page 102 and on page 103 of the Armed Services Committee's report.

Mr. President, this amendment is something that will not excite great enthusiasm on the part of those who feel that arms control has been a one-sided proposition. My own feeling is that, although we dare not trust the Soviet Union, we are in no way exempted by that fact from the necessity to deal with them and to compel them insofar as we can verify their performance to enter into agreements and then hold them to performance. This simply will state in terms that we have not stated, certainly in last year's companion measure, that we will not unilaterally conform to interim restraints. It says instead that the President of the United States will go forward with the recommendations of the Scowcroft Commission, with a watchful Congress making sure that we develop a small mobile missile that will work, and that we will be guided by the performance of the Soviet Union and that their failure to conform, to comply with existing arms control agreements, whether ratified and signed or not, will very strongly influence the United States decision, but that what will influence it even more is the decision of the President of the United States and the Congress as to what our security interests require.

That, Mr. President, is a bare minimum for the American people to expect from us.

On that basis, without the enthusiasm that I had hoped for, I can support this measure and will vote for it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I support the "SALT II Compromise Amendment" because it is a major victory in the U.S. Senate for the forces of arms control.

In the next few months, the United States will be facing a momentous decision on the SALT II Treaty—whether to abandon our policy not to undercut this arms limitation agreement that was signed in 1979, but never ratified.

It is no secret that in recent months there has been an increasingly bitter battle for the mind of the President. Rebuffed by the President's decision to return to negotiations in Geneva, the rightwing opponents of arms control have fastened on the SALT II treaty as the place to make their next stand. But today the Senate has the opportunity to reject their counsel to scrap the treaty, and to present the President with a bipartisan vote of confidence in the treaty and a strong Senate mandate for a renewed effort to save it.

Last year the Senate voted overwhelmingly—82-17—to support the no undercut policy. We asked the President to report by June 1, 1985 on his intentions. That report has not yet been submitted. It is imperative that the Senate act—and act now, before the President's decision is final—to send him a firm and unequivocal message that the United States should continue to observe SALT II—for the sake of our own national security.

On this issue, the Senate and the Joint Chiefs should stand as one—and the Chiefs have concluded that continued observance of SALT II serves our national interest.

The SALT II Treaty is our principal line of defense against an unprecedented new escalation of the arms race—in which the United States could well be at a serious disadvantage for years to come. Independent experts who have studied this issue for the Pentagon have concluded that even if the United States proceeded to build 200 MX missiles, the Soviets would still be able to deploy new warheads at a faster rate. The same study suggested that by 1988, without the SALT II constraints each side's arsenal would grow from 18,000 to 30,000 warheads, jeopardizing perhaps for all time the hope for deep reductions in the nuclear forces of both sides.

The United States has legitimate concerns about some areas of Soviet compliance with SALT II—for example in what is called "encrypting telemetry." At the same time, the SALT II limits have forced the Soviets to dismantle more than 1,000 of their nuclear launchers as they developed new systems—while the United States until now has not been required to sacrifice a single launcher from our arsenal.

In those circumstances, it would be folly for the United States to discard a working and workable treaty, in a fit of ideological pique—and expose ourselves to an unconstrained Soviet buildup. Those who advocate such a course are more concerned about undermining arms control than they are about preserving our national security.

Virtually every senior military officer has recognized the value of SALT II—and the fact that compliance is in the U.S. interest. As General Scowcroft observed:

> I think there's no question the Soviets test the limits of any agreement, probe around for loopholes, and perhaps even operate in some ignorance of what the agreements are in various parts of their bureaucracy. The most serious part is to know what to do about it . . . but they're not really significant enough in themselves to renounce a treaty . . .
>
> Yes, I think we should [comply with SALT II] . . . There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all.

If we disregard that sound advice, we will find the world without SALT II a much more dangerous place. The Soviet Union could immediately begin to outproduce the United States in ballistic missiles, and increase dramatically the number of warheads on its heavy missiles—a number which is now restricted by the SALT II counting rules.

In addition, the Soviets are prepared to deploy two new mobile missiles—the SS-X-24 and SS-X-25—while the U.S. Midgetman is still years from development.

The U.S.S.R. could also move forward rapidly in its two open production lines for missile-carrying submarines—including their new Typhoon.

The Congressional Research Service of the Library of Congress has concluded that the Soviet Union would overtake the United States in numbers of warheads by 1986 in the absence of SALT II—a circumstance which would not arise until the 1990's if the SALT

II regime is continued. The Department of Defense itself has recognized that, without SALT II the number of Soviet Ballistic Warheads could increase to at least twice their current levels with only a modest increase in the number of ballistic missile boosters.

In the face of this overwhelming evidence, it is incredible that there is even serious debate about abandoning a treaty that contributes so much to our own security.

None of us condones Soviet treaty violations, or their dubious exploitation of the treaty's gray areas. We should make clear to the Soviets that progress on arms control is dependent on resolving outstanding compliance issues.

But it is dangerous—even reckless—to inflict serious harm on America's security in order to prove how tough we can be in the Soviet Union. If it's an arms race we want, the Soviets will be sure to give it to us. The lesson of the 40 years of history of the nuclear age is that the Russians will match us missile for missile, launcher for launcher, warhead for warhead—every step of the way to nuclear Armageddon.

The joint chiefs understand this. The American people understand it. The Senate should make clear to the President that we understand it too—and that adherence to SALT II is vital to our national security.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Chair, and I will not be long. I look at this document as it has come from the compromise factory and can genuinely call it what most compromises are. It is a work of art signifying efforts of a lot of people on opposite sides, concluding nothing and binding us irrevocably to concepts beyond which this Senate cannot proceed.

I just look at it as an exercise in self-deception. Look at this and what it says. It says, "It is the sense of the Congress that the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, where appropriate, the standing Consultative Commission and the renewed nuclear arms negotiations."

Does anybody in this Chamber suspect that the standing Consultative Commission, where the votes are two, will ever achieve a majority unless it is our capitulation to the Soviet Union? There are two members on that Commission—one side is cheating and one is pleading. But we are going to go down there and say, "You are naughty, boys."

And we are going to do it through confidential diplomatic channels because, if we did it out loud, we might inform the public that our world is a little more dangerous than we in the Senate would like to admit.

Then it says, because we are really brave, that, "It is the sense of the Congress that the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements," et cetera, et cetera, et cetera.

Now, really, Mr. President, this language suggests the attitude of a lesser wolf in the presence of the pack head coming in belly up with his tongue out to prove compliance. What is the sense of the Senate or the Congress going to do to the Soviet Union that terrifies them?

And then we go on and say that, "The United States should, through December 31 of 1986"—well beyond the time when the treaty already has expired—"continue to refrain from undercutting the provisions of existing strategic offensive arms agreements," et cetera. But we cannot do that until paragraph 4 comes into play, in which we say to the President, "Oh, Mr. President, you should carefully consider the impact of any change to this current policy regarding the existing strategic offensive arms agreement on the long-term security interests of the United States and its allies. And in case you cannot do that so carefully, by all means, consult with the children in Congress before making any changes in current policy."

Now, really, Mr. President, what else would the President of the United States do but carefully consider his actions? I mean, on its face this document is absurd. It goes on. And everybody will say in here it does not carry the force of law, and, of course, it does not. It carries the force that is good deal more strenuous than law and that is the force of politics. Because it is going to come out of here with a vote of 85 to 5 or 95 to 2, or some such thing, and nobody is going to remember anything about the arguments that are going to be inherent in the resolution, except that the Senate said one time, by 95 to 2, that the President should no longer undercut the SALT Agreements.

Let me suggest that it has been stated on the floor this afternoon that virtually every senior military officer endorses compliance with SALT II. Why? Because they see Congress at play. They see us in here somehow or other taking from them their ability to do their mission. So they think that if, somehow or other, there is a little restraint in the world that might rub off on the Soviets, it lessens their problem. Yet, they know in their hearts and will tell you in private that it cannot do that, it has not done that, and it will not do that.

If you look at the reasons why the Joint Chiefs originally told us to engage in SALT II limitations, it was because they felt that, in their absence, we would see the Soviets achieve certain levels of intercontinental ballistic missiles, certain levels of weaponry.

Mr. President, every one of those levels they forecast then about what would happen without SALT II restraints has been exceeded. Not only have the SALT II restraints been exceeded, but also, every one of their forecasts, fears, has come true in spades.

So, while this little garden of Senators wanders through the palace of SALT delights, where wishes always come true, and threats are only dreams, and weapons against us are only part of our anxieties, and enemies are in picture books, and "Peace on Earth and goodwill toward men" plays as background music for a game of musical chairs on plastic chairs, we tell the public, by an agreement such at this, "You are safe, because SALT is out there protecting you." And the numbers get worse, our situation more desperate, and we hide in our garden rather than come out and confront the conclusions that are inevitable by just looking at the facts.

So if we get out of kindergarten and stop playing a child's game and be real men in a real world, with real problems, and confront this bravely, in front of the people of the United States, we will vote no on this, and we will restore some of the drastic actions that we have already taken on this bill.

Mr. DOLE. Mr. President, I have discussed with the distinguished minority leader the fact that we might vote on this amendment, and I am now prepared to ask unanimous consent that a vote occur up or down on Bumpers, et al., amendment No. 267 at 8 p.m. tonight, without any intervening action.

The PRESIDING OFFICER (Mr. DURENBERGER). Is there objection?

Mr. HOLLINGS. Mr. President, reserving the right to object——

Mr. CHAFEE. I wonder if it is possible to say "or earlier."

Mr. DOLE. There are a number of speakers. If everybody speaks who has asked for time, it will be about 7 or 10 minutes before 8.

Mr. HOLLINGS. Mr. President, I object, until I have a chance to talk to the majority leader.

The PRESIDING OFFICER. Objection is heard.

(Later the following occurred:)

Mr. DOLE. Mr. President, I renew my request that there be an up and down vote on the Bumpers, et al.,

amendment at 8 p.m. tonight, without any intervening action, and that the Senator from South Carolina (Mr. HOLLINGS) have 15 minutes under his control.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object——and I will not object—should we not then guarantee Mr. NUNN whatever time had indicated he would need?

Mr. DOLE. We can do that with the 15 minutes for Senator HOLLINGS by giving some time on our side and taking care of known speakers on both sides.

Mr. BYRD. I have an indication here that Mr. NUNN wants 5 minutes, Mr. PELL 2 minutes. Mr. GORE can speak for himself at this point. If we could include at least assurance for those two in addition to Mr. HOLLINGS, I would have no objection.

Mr. DOLE. I assure the minority leader that we can do that.

The PRESIDING OFFICER. Without objection, it is ordered.

(Conclusion of later proceedings.)

Mr. GORE. Mr. President, there are times when one can take comfort and pride in the ability of the Senate to find the true interests of the Nation and to express those interests in language that can bring us together in recognition that we are in the presence of an expression of truth—not Republican truth, not Democratic truth, but a more elemental truth.

In recent days, it had seemed impossible to me that we could find such an expression where strategic nuclear weapons are concerned, so great have our party and ideological differences become, so great have our uncertainties and our fears become.

Mr. President, this amendment which has now come before us is not only most welcome to me as guidance on the issue of SALT compliance during this critical period, but also as a vindication of our process. The drafters of this amendment have captured the essential facts: Preserving the SALT sublimits is profoundly in the interests of our country. If we let those limits fall away, we invite a totally useless competition with the Soviet Union which could destroy the administration's efforts to negotiate in Geneva and put us on a fast track to nuclear war.

In the absence of SALT limits, such an arms race would be so expensive that it would severely test our ability to remain in that race. We often hear that we can bring the Soviet Union to its knees by competing aggressively in the building of weapons. It is ironic that statements such as that are made at the same time that the defense budget is cut to zero real growth.

Even if we found it possible to meet the expenses of an all-out arms race, it would be a futile race, and I quote here from an observation made by the Congressional Research Service of the Library of Congress:

> It is also worth noting that years of parallel force expansion would not under the assumptions of the Library study significantly alter the relative numerical balance in warheads or bring either side a clear numerical advantage in this measure of strategic power.

In this Library of Congress study it is pointed out that if the United States made the tremendous financial investment to compete in an unconstrained arms race we would move from having almost 11,000 warheads this year to having more than 26,000 warheads in the year 1994, while the Soviet Union would move from having almost 10,000 warheads to having 27,800 warheads in the same year of 1994.

So it is clearly in our interest and in the interest of civilization to continue abiding by the SALT limits.

So long as the Soviet Union does nothing to damage the core of the SALT limits, the numerical subceilings, the fractionation limits, we should observe them ourselves and to the letter insisting upon the same standards from the Soviet Union.

Though we may have serious problems with other aspects of Soviet compliance, it does not pay us to respond by actually abetting them in the abandonment of all restraint.

I remain concerned, Mr. President, not by anything in the language of this amendment, but by the possibility that the administration might be tempted to take the Poseidon submarine due to be dismantled this fall and put it up into drydock instead of dismantling it.

Let me say to my colleagues in this body that I have undertaken a painstaking effort to piece together what would be the exact implications for the treaty if we decided to try to fuzz over whether or not we were complying and put that submarine in drydock.

The consensus opinion on the part of those who have served on the Standing Consultative Commission, those who have negotiated these treaties in the past, and those who are most eminently familiar with the strategic arms control negotiations that have taken place, is that there is nothing more central to the meaning of the SALT treaties than the painfully negotiated procedures for complying with the numerical subceilings.

If we tamper with that aspect of the treaty, we should not kid ourselves as to the result. It would lead to the unraveling of the treaty.

This amendment clearly urges the administration not to take such a course of action. I deeply hope that this measure will be passed by a resounding vote. Sometimes such votes merely signify that a measure has been stripped of any real importance. That is not the case here. The opposition to this amendment on the part of those who are most vigorously opposed to the SALT treaties is itself testament to the real significance and meaning of this amendment. This amendment steps up to a set of difficult issues and speaks candidly and meaningfully to those issues. It is our advice to the President on the eve of a historic decision by the President. It contains no partisan rancor. Indeed it is built upon the consensus first established after the Scowcroft Commission which recommended the Midgetman and created the growing consensus for a small, mobile, single-warhead missile, and the points made earlier about the testing of that Midgetman not coming until 1988 are important to consider when reading the parts of the amendment which refer to the new single warhead missile.

This amendment presents the chance for the President to make a major contribution to the establishment of a greater degree of harmony among us in this body and, more importantly, in the country.

I congratulate those who have worked so hard to draft this amendment. I frankly did not think it would be possible to come up with this kind of agreement. But we have come up with the agreement. I urge my colleagues to vote for it in resounding numbers and I urge the President of the United States to carefully heed the advice contained in this amendment.

I yield the floor.

Mr. CHAFEE. Mr. President, I allot myself 3 minutes.

Mr. President, when it comes to the SALT II Treaty, there is really only one essential question: Is it, or is it not, in the national security interests of the United States to abide by the limits that treaty—although unratified—imposes upon the two superpowers?

I submit that the answer to that question is a clear and unequivocal "yes."

What would we gain by "breaking out" of SALT II? The answer to that question is we would gain very little.

What would we lose if we broke out of the treaty? The answer to that question is that we would lose a great deal.

What would we lose? First, the national security interests of the United States would certainly suffer from the resumption of an unrestrained arms race with the Soviet Union. If we abandon observance of SALT II limits, the Soviets are free to do likewise.

They are much better prepared than the United States to build and deploy new strategic weapons—weapons which would raise the threshold of danger faced by the American people.

The Soviets are closer to breaking out of the overall limits of SALT II than are we in several categories. Should we abandon the treaty, they would be that much further ahead.

Second, an American decision to abrogate our compliance with SALT II will not give us any advantage in terms of modernization of our strategic forces. In other words, if we break out of the treaty, we do not gain something, we do not get a lead on modernizing our forces. With relatively minor exceptions, the modernization of U.S. strategic forces is possible within the limits of SALT II. The Soviets, however, have been forced to retire older arms systems as part of their modernization programs. Third, and I think this is a very important point, if the United States abandons SALT, we will have handed the Soviet Union an immense propaganda victory. When the Soviets walked out of the Geneva talks in 1983, the United States gained credibility throughout the world. And I think we all recall that. That was one of the things that helped our NATO allies go forward with the deployment of the Pershing II missile. If we should abandon SALT II, that credibility would evaporate, and we would surely witness a new round of European skepticism concerning the American commitment to arms control. We would be the loser.

Finally, the chances for negotiation of a new strategic arms agreement with the Soviet Union in Geneva would inevitably suffer. SALT II is not a perfect agreement. Everyone is agreed to that here. But it does set basic limits which serve as a starting point for new agreements. A U.S. breakout of SALT II would set us back to the beginning, to the detriment of our own national security.

Now as to this resolution tonight, I like many others do not really feel it is the best, and I would have a different version. But, nonetheless, it is a version and it makes clear that the Senate favors continuation of the SALT II agreement, and it is for that reason that I urge its passage.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I rise briefly to speak about the amendment and what it means to this Senator.

First of all, I think, Mr. President, that we ought to point out that this amendment reflects the views of a number of different factions in this Senate that have an intense interest in where we are headed in the area of arms control.

It is a composite first, of the approach of the Senator from Arkansas, Senator BUMPERS, et al., second, of Senator NUNN and Senator STEVENS, and finally of Senator MCCLURE, et al. After intense negotiations this afternoon, an agreement was reached among these factions.

Obviously this compromise is not satisfactory to everyone, but it certainly is a showing that the Senate is exceedingly interested in the arms control issues the Senate resolution covers and what the resolutions themselves mean.

Mr. President, I wish to point out one important difference between this resolution and the resolution that was adopted last year. In my opinion, the heart of the resolution passed last year was subparagraph (2) in section (B) shown on page 429 where it said that—

> The United States should through December 31, 1985 continue to pursue its stated policy to refrain from undercutting provisions of the existing strategic offensive arms agreement so long as the Soviet Union refrains from undercutting those provisions of that agreement or until a new strategic arms agreement is concluded.

That was the guts of that amendment last year. This year, though, we have tied U.S. restraint concerning SALT limits to Soviet behavior by adding in subsection (3), on page 5 of the amendment the following:

> And, provided, however, that nothing in this section shall be construed as prohibiting the U.S. from carrying out other proportionate responses to the Soviet undercutting of strategic arms provisions.

Furthermore, Mr. President, this year there is a direct implication that the Soviet Union has, in fact, violated the SALT agreement. I think that that is a very important factor, and a very important distinguishing point that the U.S. Senate is going on record on this evening. The Senate will be supporting this resolution, which is vastly different than the resolution it supported a year ago. The reason it is vastly different is because of the lack of Soviet compliance.

There is no doubt about it that the Soviets have violated the SALT Treaty concerning encryption, concerning new types of missiles, concerning heavy missile limits and the production of more than 30 Backfire bombers and obviously the large phased-array radar that is located in Siberia, the Krasnoyarsk radar that everyone knows violates the ABM Treaty.

Therefore, Mr. President, I think it is important to point out and reiterate that this sense-of-the-Senate resolution does give the President a great deal of flexibility. In my opinion, it is vastly different than what was passed by the Senate last year. Therefore, I think the Senate is going on record tonight showing its concern about the lack of Soviet compliance which certainly alters the decisionmaking process that the President will have to go through, the environment and the circumstances that he finds himself in today, as compared with a year ago.

So I think that we take a proper recognition of this and I think it is important that we illustrate and underscore this for the record.

Mr. RUDMAN. Mr. President, I will be very brief. I do not think this record would be complete without a comment that is somewhat different and off the substance of what we are discussing here this evening. As one who participated in the negotiations all afternoon that the Senator from Indiana has referred to, I think that, in light of many circumstances, what we have here is probably the best product that a committee could design. And I will leave it at that.

But let me make one observation. As one who has always found our Constitution a very interesting document, I think it is rather ironic—and I say this in no criticism of the body but just as an observation—I think it is ironic that tonight the Senate, by a simple majority vote—and I assume there will be at least 51 votes—by a simple majority vote will advise the President on something we think he ought to do in terms of a treaty which, of course, is unratified, and yet this same Senate steadfastly refused to consider that treaty—and I think with good reason—neither to ratify it or to reject it. So we are entering kind of an Alice-in-Wonderland area of our Constitution.

We now have a situation where the U.S. Senate will not do what it is supposed to do; that is either ratify or reject by a two-thirds vote in the event of ratification, but by a simple majority vote presumes to advise the President of the United States as to how he ought to abide by a yet unratified treaty. I think that is very curious. I also think it is very dangerous and I think we ought to think about it.

I yield the floor.

Mr. PELL. Mr. President, I wish to direct a question to the principal sponsor of this amendment, in regard to paragraph (3) of section (b) which includes the clause "nothing in this section shall be construed as prohibiting the United States from carrying out other proportionate responses to Soviet undercutting of strategic arms provisions." What is meant by "other proportionate responses"?

Mr. BUMPERS. Let me say to the distinguished Senator from Rhode Island that that is a statement—and this is the basic difference between this amendment and what we passed last year. This simply gives the President, in consultation with the Congress, when he recommends to us measures that he would propose to take in response to a Soviet violation, it gives him some latitude in the response. Now, the response should be proportionate but not identical. If the Soviets build a new missile that is outside the scope of the treaty, that does not mean, in order to respond to that without outright abrogation, that we

are compelled to exceed the treaty by building a new system, too.

In other words, if they violate section A of the treaty, we do not have to violate section A of the treaty to be a proportionate response. We might take a proportionate response by doing something under B or C.

Mr. PELL. In other words, the governing word is "proportionate"?

Mr. BUMPERS. Yes. Let me say to the Senator from Rhode Island that there is another point that needs to be made here and that is a little known fact that last year the Senator from Idaho, Mr. SYMMS, got a provision put on the DOD bill—and I assume it was on a voice vote—that said the President would not be required to comply with the SALT II Treaty if they did not. Our alert ranking member from Georgia, Senator NUNN, got an addendum put on that to say "provided that the response was in accordance with international law." I may stand corrected on that, I say to the Senator.

But, in any event, in international law there is a law that if somebody violates a treaty and the other side chooses not to abrogate the treaty because of its violation, a proportionate response is in order and legal.

Mr. PELL. I believe the technical phrase is the "law of proportionality."

Mr. BUMPERS. That is exactly right.

Mr. PELL. I thank the Senator from Arkansas. I congratulate him on the work that went into this amendment, which I think is a balanced and excellent one.

Mr. BUMPERS. I thank the Senator.

Mr. COHEN. Mr. President, I ask unanimous consent that all of the other strategic arms compliance amendments listed in the unanimous-consent agreement of May 24 be vitiated.

Mr. LEVIN. Mr. President, reserving the right to object, I understand there was supposed to be a contingency in that unanimous consent request.

Mr. BYRD. What was the request?

Mr. COHEN. To vitiate all other strategic arms compliance amendments listed in the unanimous-consent agreement of May 24, with the exception of the pending amendment.

Mr. BYRD. Mr. President, reserving the right to object, and I would have no objection in the event this amendment is adopted. Then we could vitiate them or vitiate them on the condition that it was adopted.

Mr. LEVIN. That was the condition I understood would be in there.

Mr. COHEN. Mr. President, I ask unanimous consent that the request be amended to read that all strategic arms compliance amendments listed in the unanimous-consent agreement of May 24, provided the pending amendment is adopted, be then vitiated.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COHEN. Mr. President, I will just take a few moments to offer a few observations about this debate. I was not a supporter of SALT II. I thought at that time, and still believe, that there were several provisions which caused me a great deal of difficulty. First, there was a protocol which would have imposed some unilateral restrictions upon our ability to deploy some intermediate-range systems. Second, there was a statement dealing with the Backfire bomber. The Backfire bomber was excluded, even though, as I recall, the testimony indicated the Backfire had a radius of operation that would have qualified it as a strategic weapon system except that the Soviets declared that it was not their intention to use it as a strategic weapon system. And that would have marked the first time, in my judgment, that we ever allowed the definition of a strategic weapon to be defined by declared Soviet intention.

The third major action was the question of verifiability because there was contained in that treaty proposal a provision which said that each side could encrypt its telemerty provided denial of telemetric information did not impede verification of compliance with the treaty's provisions. I believe this was a mistake. I still believe it is a mistake, and I think history has proven us correct—those of us who raised that issue—that in fact the Soviets are encrypting on a massive basis today, undermining our ability to determine much of what they are doing.

I recall my friend from South Carolina saying there is no education in the second kick of a mule, the first kick being SALT I. So there are three reasons why SALT II in my judgment should not have been ratified. It might have been better, certainly in the abstract, for the President when he took office, perhaps to declare its rejection and to send our negotiators back to Geneva to see if they could do a better job. But he did not. He decided that he was going to recommend that we adhere to the provisions provided the Soviets did the same.

I still believe the reasons exist why we should not enshrine in a ratified treaty the Soviets' definition of strategic weapons or the practice encryption. I think those are major reasons why this should not be elevated to a ratifed treaty status. But having said that, I still would concede that there are some positive features in the SALT II Treaty, namely, the limitation on launchers and, second, the limitation on deployed warheads. Those are the key features that we are debating here today and the two key features that I think we are all concerned about, which I think are worth preserving. They are worth preserving for several reasons. No. 1, militarily I agree with the conclusion and assessment that we are in no position today to compete in the expansion, on a dramatic basis, of our warhead production capability. We just voted last week to put a limitation on the number of MX's deployed in minuteman silos to 50.

Second, I believe that we would lose on the political level, both domestically and, importantly, internationally. The Soviet Union is back in Geneva for two reasons. After having a series of failures—a series of successive Presidents, the KAL 007 tragedy, the implications of the assassination attempt on the Pope, a host of other problems—they suddenly are walking back to Geneva trying to clear the slate, saying we are for peace and we are for arms control. They are there to see if they cannot terminate this country's research and development program in the field of SDI. That is their primary goal. The secondary goal, failing to terminate the research phase of our SDI program, is to drive a wedge between the United States and its allies—allies who have withstood pressures that I doubt the United States would have been able to match under similar circumstances.

I initially thought it might have been better for the President to act in making his decision without the unsolicited advice of the Members of this body. But I have come to the conclusion that we would have a far worse situation if the President were to be unaware of the consensus that has emerged in this Senate, if he were to go ahead and make a decision next week that we might disagree with, and then have the Senate start a week or 2 weeks or 2 months of debate about how tragic and how wrong the President's decision was to undercut the SALT II provisions.

So I believe that it is not only in his best interests but in the best interests of the country to have a consensus within this Chamber to support this compromise language, and I urge its adoption.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, tonight we are maintaining an important decision, and making an important point. We are about hopefully to rise to the occasion of defending a treaty. It is true that the treaty was neither ratified nor rejected by the Senate. That is because it was withdrawn from consideration by the Senate. But a no-undercut pledge has been taken toward that treaty by two administrations, and it has I think generally been supported by the Senate. Tonight we are going to formally say we want that no-undercut pledge to continue. We want that policy to continue expressly

under the words of this resolution until December 31, 1986.

Mr. President, the world is on a fragile string. Until we get nuclear arms reduction, until we reduce the arms race, our choice is either a limited arms race or an unlimited arms race. We asked our top military people what their choice is. We asked General Davis, the head of the Strategic Air Command, whether we should continue to abide by the SALT II limits, and his words at our hearing were that "we should continue" to abide by the SALT II limitations.

General Scowcroft, who has gotten the respect of most, if not all, of the Members of this body, was asked the same question in an interview in the Defense Week magazine. Question of General Scowcroft: "What about compliance on the U.S. side? The United States has been voluntarily complying with the restrictions of an unratified SALT II treaty. Should we continue to do that?"

General Scowcroft's answer was: "Yes. I think we should. There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all."

Mr. President, this resolution is a balanced, modest resolution. It reflects the deep feelings of this Senate that we should continue a no-undercut policy, and it also reflects the uneasiness about Soviet violations that says our response to those violations should be proportionate to the violations themselves.

I want to congratulate my friend from Arkansas, and all of his cosponsors for working out this very balanced but very, very effective, important statement by the Senate that the limits, the limits, in the SALT II treaty should continue to be abided by, and we should not do anything to undercut those critically important limits.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, my preference at this hour would be that the Senate hush and not give any advice to the President of the United States on SALT. As has been pointed out earlier, we did not have the character and the decency to consult ourselves, have a hearing, and make a deliberative decision as to the security interests of the United States with respect to SALT II. What we had was the fact that, when it was proposed back in 1979 we had a headcount and realized that it would suffer defeat.

Along that line, let me emphasize that the distinguished chairman of the Armed Services Committee, Chairman GOLDWATER, did have interest and expertise on SALT II at the time it was proposed to the Senate. That committee had hearings on that particular measure, and they recommended against the ratification of SALT II. That has been the official record of the U.S. Senate other than this nibbling by the defeated SALT group who cannot get it ratified but want to act like it is something that is binding and that we do not want to break out of it.

Let me flail that buzzard about breaking out of SALT II or any kind of SALT agreement—this Alice in Wonderland approach. As Lewis Carroll's famous character said, "Let's decide where we are before we can determine where we are headed."

On that basis, SALT II proponents have it totally backward with respect to breaking out. We appointed a commission, a General Advisory Commission [GAC] on Arms Control and Disarmament to study the facts on Soviet violations—on breaking out if you will. They looked at the problem for over a year-and-a-half. They had Larry Silberman from labor, and an otherwise outstanding group that had no preconceived views on the matter.

We met from 11:30 to midnight last night trying to get a bipartisan, impartial commission on the SDI. Well, we had one on Soviet violations. They listed in a report to the Congress the various violations, and yet you hear this nebulous talk about the core not being violated, the fractionization, the number of missiles, and how the Soviets meticulously adhered to it—absolute tommyrot. Just read the RECORD.

I ask unanimous consent to include in the RECORD the GAC's report on a "Quarter Century of Soviet Compliance Practices Under Arms Control Commitment" summary 1959–83, dated October 1984.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

A QUARTER CENTURY OF SOVIET COMPLIANCE PRACTICES UNDER ARMS CONTROL COMMITMENTS 1958–83

SUMMARY, OCTOBER 1984

The General Advisory Committee on Arms Control and Disarmament (GAC) is a Presidential advisory committee established by the Arms Control and Disarmament Act of 1961. The members are private citizens appointed by the President with the advice and consent of the Senate. Its duties are to advise the President, the Secretary of State, and the Director of the Arms Control and Disarmament Agency on matters affecting arms control and disarmament and world peace. The current General Advisory Committee is bipartisan, and its members have been drawn from the scientific, academic, business, and national security communities. A number of its members have held high government positions in previous administrations. The General Advisory Committee provides advice and analysis that is independent from the bureaucratic process, with a point of view not tied to any particular institution.

Introduction

In response to President Reagan's request and in accord with its statutory mandate,[1] the President's General Advisory Committee on Arms Control and Disarmament has conducted an independent, comprehensive, one-year study of the long-term pattern of Soviet performance pertaining to arms control obligations arising from agreements and Soviet unilateral commitments. The classified report of that study, entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958–1983," was submitted to the President on December 2, 1983, with the Committee's unanimous endorsement, and has since been presented to senior administration officials and briefed to congressional committees and members upon their request. In accordance with Congressional Amendments to the Fiscal Year 1985 Defense Authorization Bill and in response to instruction from the White House, the General Advisory Committee has prepared this unclassified summary for transmittal to the Congress.

The report used a conceptual framework based upon the norms of international law.[2] According to these norms, treaty violations, circumstances which defeat the object and purpose of the treaty, and breaches of authoritative unilateral commitments all constitute material breaches and justify appropriate corrective measures. All types of material breaches are considered in the report, and the distinctions among them are noted.

The Committee has found that in most cases of alleged Soviet violations, the Soviet readily could have shown that the allegations were false—if they had been false. This Soviet have repeatedly failed to do, even though diplomatic and other channels have been used by the U.S. in seeking to clarify possible misconceptions.

Using all available data concerning Soviet actions pertinent to such obligations, the Committee has determined that the Soviet Union's practices related to about half of its documentary arms control commitments have raised no questions regarding compliance. Soviet practices related to the other half, however, show material breaches—violations, probable violations, or circumventions—of contractural obligations.

Many of the compliance issues considered in the report have been reviewed by the U.S. Government, raised by the U.S. in the U.S.-Soviet Standing Consultative Commission, or brought to Soviet attention through diplomatic channels. The prevailing practice has been to consider each instance as an isolated event. The General Advisory Committee report is the first comprehensive U.S. study of all Soviet practies under arms control obligations since World War II and explores the cumulative pattern of pertinent Soviet conduct. Such a study, based on wide access to official information, has never before been done within the U.S. Government.

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[1] As specified in Section 26 of the Arms Control and Disarmament Act of 1961 as amended. A list of members is attached.

[2] The Committee used the 1969 Vienna Convention on the Law of Treaties and decisions of the International Court of Justice as the principal legal bases for analyzing Soviet compliance behavior. (The United States is a signatory of the Vienna Convention; the Soviet Union is not. Neither nation has ratified it, but the Vienna Convention is regarded by both the U.S. and the Soviet Union as a codification of customary international law on treaty obligations, applicable to parties and non-parties alike.)

Twenty-six documentary agreements were examined, along with numberous unilateral Soviet commitments. The sources of information included previous U.S Government studies and documents. Soviet statements, and briefings by a wide range of U.S. Government officials and non-government experts. While the Committee is grateful for assistance from many quarters, the Committee acknowledges full responsibility for the content of its report and this summary.

Past analyses (other than the President's report to the Congress of January 23, 1984) have tended to invoke standards of proof applicable only when powers to collect and to inspect evidence, to subpoena wintesses, to take testimony under oath, to prosecute for perjury, etc., are available as legal tools.

The General Advisory Committee's report distinguishes between instances for which the evidence supports high confidence that material Soviet breaches have occurred, and those cases for which the the evidence gives substantial reason for suspicion but is short of being conclusive.

Categories used in the report are:

Areas of Apparent Soviet Compliance as determined within the limitations of U.S. verfication capabilities.

Material Breaches ranging from highly probable to certain, including: violations of an international obligation involving conduct contrary to a treaty or other binding international agreement; breaches of authoritative unilateral commitments, whether written or oral, as well as unilateral commitments reciprocally negotiated; and circumventions, or practices incompatible with the essential objects or purposes of agreements though not in explicit violation of their terms.

Suspicious Events indicative of possible material breaches.

Breaches of the Duty of Good Faith incumbent upon all nation states.

The following summarizes areas of apparent Soviet compliance:

Areas of apparent Soviet compliance

Accident Avoidance

Direct Communications Link-Hot Line Agreement of 1963, amended 1971.

USSR-US Accidents Agreement of 1971 (one violation, judged to be inadvertent).

USSR-United Kingdom Accidents Agreement of 1973.

USSR-France Accidents Agreements of 1976.

Nonproliferation

Nonproliferation Treaty of 1968.

Guidelines for Nuclear Transfers, IAEA INFCIRC/209 of 1974.

Guidelines for Nuclear Transfers, IAEA INFCIRC/254 of 1978.

Protocol II of the Treaty of Tlatelolco (Latin American Nuclear Free Zone), USSR Ratification of 1979.

Convention on the Physical Protection of Nuclear Material, USSR Ratification 1983.

Other

Antarctic Treaty of 1959.

Outer Space Treaty of 1967.

Seabed Treaty of 1971.

Convention on Environmental Modification of 1977.

The following summarizes specific instances of probable to certain Soviet noncompliance, as determined by the Committee's study:

SOVIET VIOLATIONS, BREACHES OF UNILATERAL COMMITMENTS, AND CIRCUMVENTIONS DEFEATING THE OBJECT OR PURPOSE OF ARMS CONTROL AGREEMENTS; HIGH CONFIDENCE IN RELIABILITY OF DATA INTERPRETATION

A. Non-SALT Matters:

1. Nuclear Test Moratorium: breach of unilateral commitment to suspend all nuclear testing—by resuming and continuing atmospheric nuclear testing, 1961-1962.

In September 1961, the Soviet Union breached its unilateral commitment to the nuclear test moratorium upon giving three days of notice and while conducting related treaty negotiations with the U.S. This breach resulted in the Soviet Union testing a total explosive yield of more than 300 megatons in the ensuing 13 months.

2. Offensive Weapons in Cuba: breach of unilateral commitment not to send offensive weapons to Cuba—by the covert shipment and deployment of offensive weapons, 1962.

The Cuban missile crisis was caused by the breach of the Soviets' unilateral commitment not to send offensive weapons to Cuba, 1962.

3. Limited Test Ban Treaty of 1963: numerous violations of the prohibition on conducting nuclear tests that cause extraterritorial venting of radioactive debris—by testing nuclear devices that vent radioactive debris beyond the borders of the Soviet Union, 1965 to present.

The Limited Test Ban Treaty not only prohibits testing of nuclear weapons under water, in the atmosphere, and in space, but also bans the venting of underground explosions that cause radioactive debris to cross national boundaries. Since 1965, the Soviet Union has repeatedly allowed such radioactivity to vent in connection with many of its nuclear weapon tests. U.S. experience has shown that care can prevent such venting, and that Soviet violations of this treaty could reasonably have been prevented.

4. Offsensive Weapons in Cuba: breach of unilateral commitments of 1962 and 1970 not to place offensive weapons in Cuba—by deploying and tending Soviet nuclear missile-carrying submarines in Cuban territorial waters, 1970-74.

After the termination of the Cuban missile crisis, the record shows the Soviets did commit themselves not to base offensive weapons in Cuba if the U.S. refrained from invading Cuba. Soviet tending and operation of nuclear weapons submarines in Cuban territorial waters from 1970 to 1974 breached this unilateral commitment.

5. Biological Weapons Convention of 1972: violations of provisions requiring the destruction or diversion to peaceful purposes of all biological agents, toxins, weapons, equipment, and means of delivery—by the retention of facilities, continued biological munitions production, storage, transfer, and use, 1972 to present.

The Soviets' biological weapons program continued during the negotiating, signing, ratification, and entry into force of this treaty.

6. Geneva Protocol of 1925: circumventions defeating the object and purpose of treaty provisions (a) by the transfer of chemical weapons and toxin weapons to their Vietnamese clients with subsequent use in Southeast Asia, 1975-1982; and (b) by Soviet use of lethal agents in Afghanistan, 1980-1982.

The Soviet reservations relative to the ratification of the Geneva Protocol of 1925, claiming exemption for first use against protocol Non-parties, might be put forward to explain the Soviet use of chemical and toxin weapons in Afghanistan, Laos, and Kampuchea. Such circumventions nevertheless defeat the object and purpose of banning first use of lethal chemical or toxin weapons. The Soviets have not asserted this or other legal defense of their actions, but rather they have denied the facts of the matter, falsely claiming no such use.

7. Montreux Convention of 1936: violations of the prohibition on the transit of aircraft carriers through the Turkish Straits—by the recurring transit of Soviet KIEV class aircraft carriers, 1976 to present.

The Soviets additionally have under construction at their Black Sea shipyards an even larger aircraft carrier that will also violate the Montreaux Convention upon passage to the open seas.

8. Helsinki Final Act of 1975: violations of the commitment to notify Final Act Parties and provide specified data 21 days before conducting exercises of more than 25,000 troops—by undertaking major military troop maneuvers without providing specified information concerning the maneuvers, March and September 1981, and June 1983.

9. Conventional Weapons Convention of 1981: violations of customary international law—by failing to observe the Treaty between signing and ratification—by the use of booby-trap mines and incendiary weapons against civilians in Afghanistan, 1981-1982.

10. The March 16, 1982, Brezhnev-declared Moratorium (further clarified in May 1982) on the completion of SS-20 ballistic missile launchers in the European part of the U.S.S.R.: breach of unilateral commitment—by the continued construction of SS-20 bases and facilities in the European part of the Soviet Union, March 1982 to November 1983.

On March 16, 1982, President Brezhnev committed the Soviet Union to a moratorium on the completion of SS-20 launch facilities in the European part of the Soviet Union. In May 1982, President Brezhnev specified "an end to the construction of launching positions" as a part of the moratorium. The continued construction and completion of SS-20 sites in 1982 and 1983 violated that unilateral commitment.

B. SALT Matters:

1. The SALT I Interim Agreement on Offensive Arms, 1972: circumvention defeating the stated U.S. object and purpose of limiting the throwweight of Soviet ICBMs and breach of the 1972 Principles Agreement—by the deployment of the large throwweight SS-19 and SS-17 ICBMs, 1972 to present.

The SALT I Interim Agreement prohibits the conversion of launchers for light ICBMs into launchers for heavy ICBMs. The intent of this provision was to limit the growth of ICBM throwweight and its resultant potential counterforce capability. The Soviet conversion of launchers for the light SS-11 into launchers for the SS-17 and SS-19 ICBMs circumvents this provision, thereby defeating an essential stated U.S. object and purpose in entering into agreement. This action widened the disparity between Soviet and U.S. strategic missile throwweight and increased significantly the threat to U.S. ICBMs.

2. The SALT I Interim Agreement on Offensive Arms. 1972. Article V(3); ABM Treaty of 1973, Article XII(3); SALT II Treaty of 1979, Article XV(3); violation of the provisions not to use deliberate concealment measures which impede verification of compliance by national technical means—by numerous deliberate concealment activities that impede verification of SALT Agreements. 1972 to present.

The SALT I agreements and the exchange of commitments made concerning SALT II bind the U.S. and the Soviet Union not to use deliberate concealment measures which impede verification, by national technical means, of compliance with provisions of these agreements. However, during the decade of the 1970s, there has been a substantial increase in Soviet arms control-related concealment activities. An example of Soviet concealment activities that clearly impede U.S. verification efforts is the encryption of the SS-X-25 missile telemetry, which impedes the U.S. ability to determine the characteristics of this missile, including characteritics controlled by SALT II. (This issue is further discussed below.) A second example of prohibited deliberate Soviet concealment activity is connected with the probable continued deployment of the SS-16 ICBM at Plesetsk. The present Soviet concealment activities constitute a continuing violation of binding commitments.

3. The ABM Treaty of 1972: violation of the prohibition on the development and deployment of the non-permanently fixed ABM radar [Article V(1) Common Understanding C]—by the development and deployment of such a radar on the Kamchatka Penninsula in 1975, and by continuing developmental activities between 1975 and the present.

The ABM Treaty prohibits the development testing and deployment of mobile ABM components. During the negotiations the U.S. and the Soviet delegations agreed (on January 29, 1972 and April 13, 1972 respectively) that this provision would rule out deployment of ABM launchers and radars which "were not permanent fixed types." This agreement constitutes a binding interpretation of the treaty.

4. SALT I Interim Agreement of 1972, Protocol: violations of the numerical launcher limits—by the deployment of DELTA submarines exceeding the limit of 740 launch tubes on modern ballistic missile submarines without dismantling sufficient older ICBM or SLBM launchers, March 1976 to October 1977.

The SALT I Interim Agreement required the Soviets to dismantle ICBM launchers to compensate for modern SLBM launchers in excess of 740, Following the sea trials of new DELTA-class submarines in 1976 and 1977, the Soviets did not dismantle a sufficient number of launchers to compensate for deployments of their new submarine ballistic missile lanuchers. Upon U.S. inquiry, the Soviets admitted this excess, but failed to accelerate their dismantling activities.

The Committee has reviewed the data relative to this matter, and has concluded that the violation was probably not inadvertent, but rather was part of a deliberate Soviet effort to challenge U.S. arms control verification capabilities.

5. SALT II Treaty of 1979: probable violations of the provision banning the production, testing, and deployment of the SS-16 mobile ICBM—by the probable continued deployment of SS-16 ICBMs at Plesetsk, and by falsifying the SALT II data base identifying specific systems and their numbers covered by the Treaty, 1979 to present.

The SALT II Treaty prohibits the deployment of the SS-16 ICBM (Soviet designation—RS-14). Deliberate Soviet concealment which impedes verification of compliance by U.S. national technical means has been associated with the probable SS-16 deployment. Nevertheless, the SS-16 apparently has been maintained at Plesetsk since the signing of the Treaty, in violation of Soviet commitments relative to that treaty. The probable existence of the SS-16 at Plesetsk also shows that the Soviets deliberately falsified the SALT II data base concerning the number of ICBM launchers. This data base was to be corrected semi-annually; however, the Soviets have not corrected it.

6. SALT II Treaty of 1979: probable violation of Article IV (9) which limits each side to one new type ICBM—by the testing of a second new type ICBM, February 1983 to present; violation of the anti—MIRV provision of Article IV(10)—by testing a lighter warhead than the Treaty allows; and violation by the deliberate concealment (encryption) of data, contrary to Article XV(3), May 1983 to present.

SALT II allows each party to develop only one new type of ICBM. Since the Soviets have designated the SS-X-24 as that one new type, the SS-X-25, which appears to be another new type of ICBM, violates the Treaty. The Soviets, however, claim that this missile is a modification of the SS-13, an ICBM developed in the mid-60s. While common sense judgment would hold a 1980's high technology missile to be new, the extensive encryption of the flight telemetry impedes U.S. understanding of the missile. U.S. analyses, however, indicate that it is very likely that the missile fits the Treaty definition of a new type of ICBM.

7. The SALT I ABM Treaty of 1972: violation of Article VI(b) limiting the location and orientation of radar deployment—by the construction of a large, phased array radar not located on the periphery of the Soviet Union and not oriented outward, 1981 to present.

The ABM Treaty restricts the deployment of early warning radars to sites on the periphery of the national territory; such radars must also be oriented outward. The construction and orientation of such a radar near the city of Krasnoyarsk, an interior site, violate this provision. The design of the facility is substantially identical to another radar declared by the Soviets to be an early warning radar. The Soviets, however, have stated that the Krasnoyarsk radar is a "space tracking" radar. All early warning radars can also perform limited "space tracking" functions, and while this radar is no exception, its location and geometry are inappropriate for a dedicated space tracking radar.

Suspicious Soviet activities related to arms control commitments

The Committee also reviewed fifteen areas of Soviet activity that raise suspicion of further material breaches of arms control agreements. In these cases the data neither confirm that a material breach has occurred nor eliminate suspicion concerning non-compliance. Most of these suspicious activities have been connected with Soviet offensive forces and may indicate the existence of either an offensive force structure in excess of that allowed by various agreements, or offensive weapons with greater capability than allowed by agreements. In addition, several events are indicative of further violations or circumventions of the ABM Treaty, and a review of Soviet testing of nuclear explosives strongly suggests that the Soviets may have repeatedly violated the Threshold Test Ban Treaty. Moreover, other Soviet activities may relate to obligations under the provisons of one or more accords addressing non-interference with national technical means of verification or compliance. Each of these activities may indicate Soviet plans and efforts to develop further military capabilities of considerable significance.

Breaches of the duty of good faith

Customary international law, as codified by the Vienna Convention of the Law of Treaties and by decisions of the International Court of Justice, obligates nations to act in good faith in their dealings with other nations. The Committee reviewed a number of Soviet actions which, while not material breaches of binding agreements, were breaches of that duty of good faith. Some Soviet actions in this category have been misrepresentations made during arms control negotiations or after binding agreements came into effect. An example of such misrepresentation concerns the erroneous data provided by Soviet negotiators at the Mutual Balanced Force Reduction negotiations in Vienna concerning Warsaw Pact troop numbers. This material misrepresentation has been a major barrier in these negotiations.

The Soviets have also disregarded all six unilateral declarations made by the U.S. In SALT I to clarify constraints upon Soviet forces under that agreement. While unilateral declarations do not bind the other party, Soviet unwillingness either to concur promptly or to take exception to such U.S. statements constitutes a breach of the duty of good faith in negotiations.

Further, the Soviets have demonstrated a lack of good faith by their largely non-responsive posture concerning compliance concerns brought to their attention by the U.S. Government over a span of nearly two decades.

Patterns in Soviet compliance practices

The Soviet Union's actions since 1958 concerning arms control agreements demonstrate a pattern of pursuing military advantage through selective disregard for its international arms control duties and commitments.

The Committee found recurring instances of Soviet conduct involving deliberate deception, misdirection, and falsification of data during negotiations. In addition to the military value accruing to the Soviets from individual violations, the overall pattern of Soviet practices could have several possible motivations:

(1) The Soviets may be indifferent to U.S. objections and response to their non-compliance with arms control treaties.

(2) The Soviets may be attempting to weigh the effectiveness of U.S. verification capabilities.

(3) The Soviets may be testing U.S. willingness to reach definitive conclusions concerning Soviet arms control compliance.

(4) The Soviets may be testing U.S. and international resolve and responses to their arms control behavior.

(5) These activities, as well as the other concealment activities, may be intended to raise the level of U.S. confusion in order to hide more serious activities, such as development and deployment of a ballistic missile defense system.

Soviet denial activities significantly increased over the last quarter century and today are challenging U.S. verification capabilities despite improvements in U.S. verification technology. Deliberate Soviet efforts to counter U.S. national technical means of verification strongly indicate a Soviet intention to persevere in circumventing and violating agreements.

U.S. verfication capabilities have not deterred the Soviets from violating arms control commitments. Furthermore, the near

total reliance on secret diplomacy in seeking to restore Soviet compliance has been largely ineffective. The U.S. record of raising its concerns about Soviet non-compliance exclusively in the Standing Consultative Commission and through various high level diplomatic demarches demonstrates the ineffectiveness of this process. In contrast, the international participation in verifying the use of chemical and toxin weapons and the disclosure to the public of such use may have contributed to limiting the extent of these prohibited Soviet activities.

The United States has never had a long-range, comprehensive strategy to deter and if necessary initiate measures to offset Soviet arms control non-compliance. Development of a U.S. arms control policy that anticipates Soviet behavior in light of the historical compliance record was beyond the scope of the Committee's review. Nevertheless the development of means to safeguard the U.S. against Soviet non-compliance is essential if the arms control process is to avoid being further undermined, if it is to have favorable long-term prospects, if it is to build trust among nations, and if it is to contribute to U.S. national security and the cause of peace.

U.S. efforts to obtain Soviet compliance have been most effective when reliable information about compliance has been presented to the American people and to the world. The strength of America's democracy lies in an informed citizenry. Fundamental to this nation's effort to negotiate equitable and verifiable arms control agreements is an American public informed on the critical issue of arms control compliance.

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

MEMBERS

Chairman, William R. Graham of California. A founder and Senior Associate, R&D Associates, Marina del Rey, California. Served as a consultant to the Office of the Secretary of Defense and the National Research Council in 1968-1981.

Colin Spencer Gray. President of the National Institute for Public Policy in Virginia. Formerly the Director of National Security Studies at the Hudson Institute in New York.

Roland F. Herbst, has been with R&D Associates, Marina del Rey, California since 1971. Formerly Deputy Director. Defense Research and Engineering (Space and Strategic Systems), Office of the Secretary of Defense, 1969-1971.

Francis P. Hoeber. President of Hoeber Corp., Arlington, Virginia since 1974. Formerly with the Rand Corporation (1968-1974) and the Stanford Research Institute (1960-1968).

Robert B. Hotz. Senior Editorial Consultant, McGraw-Hill Publications. He is also an author and lecturer. Formerly editor-in-chief and publisher of Aviation Week and Space Technology magazine.

Eli S. Jacobs, a private businessman in Los Angeles, California.

Charles Burton Marshall. Resident consultant, System Planning Corporation, Arlington, Virginia. Formerly staff consultant to House Committee on Foreign Affairs, member of State Department Policy Planning staff. Professor of International Politics at Johns Hopkins School of Advanced International Studies, Washington, D.C.

Jaime Oaxaca. President, Wilcox Electric Incorporated, Kansas City, Missouri.

John P. Roche. Academic Dean and Professor of Civilization and Foreign Affairs, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts. Formerly consultant to the Vice president and the Department of State (1964-1969), and Special Consultant to the president (1966-1968).

Donald Rumsfeld. President and Chief Executive Officer, G.D. Searle and Company, Skokie, Illinois. Formerly Secretary of Defense (1975-1976), U.S. Permanent Representative to NATO (1973-1974), member of U.S. Congress (1963-1969).

Harriet Fast Scott. Author and lecturer. She serves as a consultant on Soviet military and political-military affairs to various research institutions and government organizations. Formerly with Stanford Research Institute.

Laurence Hirsch Silberman. Partner, Morrison and Foerster, Washington, D.C. Also a visiting fellow of the American Enterprise Institute and member of the Council on Foreign Relations. Fomerly Ambassador to Yugoslavia 1974-1977. Deputy Attorney General of the United States 1974-1975, Under Secretary of Labor, 1970-1973.

Mr. HOLLINGS. Mr. President, you could go right on down the list of the various violations. A serious violation is the Soviet failure to cut the arsenal of long-range nuclear weapons down to the SALT II limit of 2,250. That is a clear-cut violation. But the SALT group says, "Well, we did not have it ratified," so they would not agree it's a violation.

I agree with that. They did not adhere to it because they were not in it.

The SALT enthusiasts say "No, they did not break it because it was not a treaty." and "We better not use the term violation because you cannot violate the treaty unless it is ratified."

Then they go round and round like a dog chasing his tail trying to avoid the realistic fact that Soviet actions are so inconsistent with SALT II that they have almost made the treaty become outdated. The Soviets have not lost anything or slowed down anything at all. They violated SALT right and left, such as the provision for limiting one new missile to each side. They have tested and developed both the SS-X-24 and SS-X-25 missiles. They have encrypted everything in sight such as the length of the missile's burntime and other significant vital data. Every time and every way they can conceal and impede—they do it.

They have violated the throw weight provision by converting light SS-11 launchers into launchers for the heavy SS-17 and SS-19 missiles.

They have developed mobile ABM launchers and radars and now built a hugh ABM radar at Krasnoyarsk which violates the provision of early warning sites on the periphery of national territory.

They have exceeded the limit of 740 launch tubes on modern ballistic missile submarines without dismantling sufficient older ICBM or SLBM launchers.

They have falsified the SALT II data base. They put one in a silo, under article 15, deploying the long-range surface cruise missiles with the Backfire, a clear violation.

We can talk forever on those particular violations, and yet the SALT group treats the Soviets, as if they were abiding by SALT and that we should not break out of the unratified treaty.

So let us get down to the real facts of life. We have a violator on our hands and we do not know what to do about it.

We go to the Standing Consultative Commission and we complain through diplomatic channels. That is next to not complaining. That ends that. Once you complain through diplomatic channels, that ends any chance of fixing the problem.

A former occupant of this chair and later Secretary of State, Jimmy Byrnes, said the Soviets only understand the language of force.

That is not to say we start a war or anything else of that kind, but there must be a resolve and a commitment and a realistic awareness, if you please, to exactly what the facts are.

You do not show that resolve by glossing over these particular violations. You mislead the American people.

As the Advisory Commission stated:

> Efforts to obtain Soviet compliance have been most effective when reliable information about compliance has been presented to the American people and to the world. The strength of American democracy lies in an informed citizenry. Fundamental to this Nation's efforts to negotiate equitable and verifiable arms control agreements is an American public informed of the critical issue of arms control compliance.

The original resolution of the distinguished Senator from Arkansas misinformed the American people. That was why I objected to it. It used all of this nebulous language, which I will not go into right now because I plan to support this particular change, which we all worked on together.

The original resolution misinformed the American people to the point that the Soviets were complying, and we were about to break out and vitiate the SALT II Treaty.

That was a total distortion of exactly what was occurring. I thought somewhere, sometime, somebody ought to stand on the floor of the U.S. Senate and realistically point out the fact that the Soviets are violators—big violators when it comes to the ABM Treaty, the SALT II Treaty, and everything else of that kind, so that we know exactly where we are and do not lull the American people into a false sense of security.

Since I am under limited time I will be brief. Arms control as it has been practiced is not arms control. This point is easily substantiated when you look at the current position of U.S. strategic forces and see what would be

allowed if we built to the full limits allowed under SALT II. Currently we have a MIRV'd ICBM force of 550 Minutemen III launchers with 1,165 war heads. We are allowed 820 MIRV'd ICBM's. If such a force were developed by the United States, we could have 820 MX missiles with 8,200 warheads.

Mr. President, I ask unanimous consent that this information and other data on our strategic forces—both current forces and possible forces under SALT II—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. STRATEGIC FORCES

	Forces	Approximate warheads/ weapons
Current forces:		
Minuteman III	550	1,650
Poseidon/Trident launchers	640	5,120
Cruise Missile Bombers	100	1,000
Minuteman II	450	450
Titan II	26	26
Other bombers	139	2,200
Total strategic nuclear delivery vehicles	1,880	9,400
Possible forces under SALT II:		
MX	820	8,200
Trident launchers	380	3,800
Cruise missile bombers	120	2,400
Mobile missile	600	600
Other bombers	330	6,600
Total strategic nuclear delivery vehicles	2,250	21,600

Mr. HOLLINGS. The fact is that we could go from 9,400 warheads and weapons to 21,600 warheads and weapons under SALT II.

So SALT really does control arms. It builds them up. SALT I did not work as SALT II would not work.

I use no better authority on that particular score than the architect himself, who I quote, Henry Kissinger, before the Senate Foreign Relations Committee:

As one of the architects of SALT II I am conscious-bound to point out that against all previous hopes the SALT process does not seem to have slowed down Soviet strategic competition and in some sense may have accelerated it. The fact that I have participated in the process and I must share some of the responsibility entitles me to warn against continuing it by rote.

Back in 1969 we were faced with 1,000 warheads aimed at us and now today under all this wonderful arms control there is concern that we might break out. The Senator from Tennessee calls it madness to break out. I do not know where he is, but I can tell him we are not breaking out, we are not busting out. The Soviets have and are. And instead of 1,000 warheads facing us we have 9,000 warheads facing us. And, we have gone from a position of superiority to a position of inferiority.

In SALT II, let me quote another architect, Paul Nitze, who on March 11 of this year, said:

We had negotiated the interim agreement back in 1972 which was supposed to be a short-term freeze on new starts. It was no good to begin with and it hasn't worked since, and it has been—it has been really a bad thing. The SALT II agreement really wasn't worth a darn. It would have expired by 1985, December 31st of this year, and it did not really restrain them. It did not restrain us. I did not restrain anybody.

That is what Paul Nitze said about it. It did not control missiles. It did not control warheads.

Article 4, section 10, the second statement concerned decoys. They have been using them. We have reliable authority that they have been installed on the SS-18. They can use 14 warheads rather than the 10 allowed. It's just another violation.

In fact, it did not control launchers.

Secretary of Defense Harold Brown and Secretary Ustinov from the Soviet Union got into a big argument on this. One was talking about silos on the Soviet side and we were talking about canisters and showed how at Vandenberg we put up a canister and put the missile up without a silo. So they refused to define launch.

It did not control the warheads, missiles, silos, and, therefore, it controlled nothing. And the American public was led to believe it did and would. How wrong it was.

We have the idea that somehow we have some bounds, we have something to break out of.

It has been a failure, and what we have here is the problem of trying to realize that you do not show your resolve in passing the resolution as originally proposed. We had the same argument about another provocative and destabilizing thing in 1960 on the floor of the U.S. Senate—I refer to the ABM system. I remember we debated this last year in the Presidential campaign also; Vice President Mondale voted one way and I voted the other way in 1969 on ABM deployment. We were told that if we were for the ABM, that would end it all. There would be an arms race. It was just like the Senator from Tennessee and others are pleading here this evening.

The truth of the matter is that in 1969—by a two-vote margin 51 to 49—we voted to deploy the ABM and within 3 days—that is the kind of resolve I am talking about—in 3 days the Soviets said, "All right, let us talk."

We got an ABM Treaty. I voted for that treaty.

But, I voted against the SALT I Treaty for the simple reason it was not equal. Like the gentleman said, it was not going to work, and the Soviets did not adhere to it.

So what we really have in this limited time is a real problem at hand. It concerns the President.

I hate to say this but, of course, the President is not trusted on arms control. He is not trusted by this Congress, and he is not trusted by our allies in Europe. He is vulnerable on this particular score.

It came about in an honest fashion. Secretary of State Haig was going to invade El Salvador, blockade Cuba, go for limited nuclear war, and then we saw 700,000 spilling out on Fifth Avenue. And now the bottom line: The President is trying to recoup credibility on the score of arms control by hiring Hubert Humphery's lawyer, Max Kampelman.

When he put up Mr. Kampelman, he made the statement that nothing was going to get done on it, and nothing has gotten done on it. And the Soviets use the President's vulnerability as a key element in their strategy as they have over the past 2 years to separate us from our allies. But we should duly credit President Reagan for stricking to his guns and going forward with the cruise missile, for going forward with the Pershing II's and for not kowtowing and running away from the Soviets.

That is the kind of resolve they understand, so after he had done that, they came back to the table.

Now they are trying to separate us from the strategic defense initiative. We have heard 3 days of that argument around here. The arms control crowd is afraid to even go forward with research. Instead they want to try the President, report this, do not do that, do this but you cannot do anything else, and they are trying to run a research program from the floor of the United States.

So if we do not have some kind of bipartisan resolution of this matter, the President takes his findings and makes a decision, a decision which I am convinced will hold tight to the option of retaining that Poseidon submarine in the summer and if he does that in the next 10-day period, there will be a fire storm on the floor of the National Congress.

This helps us defuse that fire storm. That is one of the reasons I am for it. It helps us with our allies in Europe. That is another reason I am for it, because they are on top of the propaganda and I do not want to hear the nonsense of breaking out, as the Soviets want us to do, since they are prepared with the ABM and everything of that kind. Then they can claim they did it because we broke out of it, and they will claim the same mentality.

Mr. President, I ask unanimous consent to have printed in the RECORD certain material relevant to this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIRV'ed warheads required to be dismantled under SALT I and II—1985-91—to stay within 1,200 sublimit on MIRV'ed ICBM's and SLBM's

U.S.S.R.	500
United States	2,500

Source: Department of Defense.

Soviet strategic warhead levels under SALT treaties

[Number of warheads]

1972 (SALT I)	2,000
1979 (SALT II)	5,500
1985	8,500

Source: Department of Defense.

CAUGHT WITH OUR DEFENSES DOWN

SALT II is deceptive and debilitating—a dangerous tranquilizer while our defenses are down. The SALT II hearings for disarmament, ironically, deliver one common message—rearm! Witness after witness—from the Secretary of State to professors of Soviet history to think-tank experts from Rand and Brookings—all agree—whether or not the treaty is approved, by all means the United States must rearm! For years now, the arms race has raged—but with only one participant—the Soviet Union! Spending 15% of its gross national product and exceeding the United States' effort in the last 10 years by $100 billion, Russia has built a larger navy, stronger air force, an overwhelming army—and today is surpassing our strategic forces. In conventional arms—men, tanks and artillery—they have an advantage of 4 to 1 over the United States. While we have more aircraft carriers, they have an advantage of 2½ to 1 in ships in the active fleet and over 3½ to 1 in attack submarines. They have over a 2 to 1 advantage in ballistic missile submarines and eleven times the number of medium bombers. Since SALT I, the Soviets have increased its defense expenditures some 25%. In contrast, the United States reduced hers 20%. Secretary of Defense Harold Brown stated that to equal the Soviet defense budget just this year, we would immediately have to increase ours $40 billion. Moreover, in a free country with a Vounteer Army, our personnel costs amount to 60% of our budget while the Soviet personnel cost amounts to only 16% for twice the number of troops. Accordingly, we are limited in the United States to 10% of the defense budget for research and development while the Soviet spends three times more and has done so for ten years! In many areas like the killer satellite, the Soviet Union is taking over the lead in research and development! And in basic needs such as ammunition, the United States Army is 65% short of the amount necessary to fulfill the national strategy requirement—in some areas we could only last one week. Today, for an Army that is supposed to be mobile, we are short 60,000 vehicles. For an Air Force, many of our planes are older than the pilots and many of our finest Air Force fighters are kept on the ground because there isn't money for spare parts. For a Navy that needs 600 vessels to properly cover two oceans, we have diminished from 950 vessels 10 years ago to 398 ships today. For the Marines' three amphibious assault divisions, we have the equipment for only one. If a war were to start in Europe, we are so short in man-power that within 30 days, we would have to emasculate every Reserve and National Guard unit in the country for replacements. By this act, one-half of our Army would be destroyed. If the enemy had a weapon that would destroy one-half of our Army, we would be worried. Our own unpreparedness is just such a weapon—and it doesn't bother us at all.

I went personally to President Carter and asked that he lead this country back to a strong defense. But the President vacillated. After our meeting, he issued a formal letter endorsing a 3% increase in the defense budget—then two days later, his Director of the Office of Management and Budget, who was at the meeting, issued a letter opposing it. And the President's aides were working on the floor of Congress against his 3% commitment. As Paul said in his Second Letter to the Corinthians, "If the sound of the trumpet be uncertain, then who shall prepare himself for the battle." In this context, SALT II is a menace. Rather than alerting us to the danger so that we can rebuild, SALT II tells the people of the United States that "a cap has been placed on the arms race"; "that detente has been reached and any increase in arms would be destabilizing." We need to defeat SALT II and awaken the people from their slumber.

WHILE AMERICA SLEEPS

In 1940, John F. Kennedy, as a senior at Harvard wrote his thesis, "Why England Slept." Having spent a year in London with his father, who was the Ambassador to the Court of St. James, young Kennedy researched and studied the reason for World War II. Specifically, how could England find itself in such a predicament? The parallels of 1939 and 1979 are strikingly similar. The Free World was told in the thirties that Germany's massive build-up in arms was only the result of an inferiority complex over the Versailles Treaty: that the loss of World War I caused injury to the German psyche; and the only way this could be repaired was for the Germans to spend large amounts on arms. Germany had no idea or place to use the weapons was the thought of the day. She was only building militarily to atone for her embarrassment. Today, the State Department briefers scatter over the land selling SALT and singing the same tune—only different words. Their contention is that Russia cannot compete industrially or economically or politically with the free nations. But she can militarily; and to show her macho around the world, Russia builds an overkill in manpower and weapons with no idea or place to use them. Back in the thirties, the pleas fell on responsive ears. There was a fundamental feeling that arms cause war, rather than prevent it. Today, because of Vietnam, a whole new generation has developed with this belief. Back then, there was a sense of futility that a nation could not defend itself from a bomber attack. Today, the same from a nuclear attack. In 1938, Herbert Morrison, the British Minister of Supply, warned that providing for arms would take away from social programs. Last week, 40 years later, on the floor of the U.S. Senate we find Morrison reincarnated in plea after plea by Senator after Senator. In "Why England Slept," Kennedy wrote that Chamberlain did not go to Munich as an appeaser; he only reflected the hopes and wishes of his people. Today many of our people believe that over the years America has had too much power, that America has abused its power, and if only we disarm, so will the Soviets. Submitting SALT II, "While America Sleeps," President Carter feels that he is only responding to the hopes and wishes of his people.

SALT II IS DECEPTIVE . . .

SALT II is deceptive because it does not control arms. Under the treaty, you can build as many missiles as you want, even as many warheads. The provisions apply to testing and deployment. They apply to launchers not weapons. Accordingly, it is estimated that by 1985 when the treaty terminates, the United States will go from 8526 warheads to 11,000 and Russia will go from 6132 warheads to 12,000. But those are only the ones counted. Both could manufacture and conceal all they want. There is no limitation on production. SALT sellers make a big point of the fact that the Soviet SS-18 missile is limited to 10 nuclear warheads rather than to 20 or 30 they are capable of carrying—supposedly cutting by 6000 the number of warheads the Soviets could deploy. However, Article IV, Section 10, Second Agreed Statement of the Treaty allows decoys—so the Soviet can develop and test 10 to 20 more decoys on each of its SS-18s causing us the same problems as if they were real. And with no limit on warhead production and storage, the decoys can be replaced with live warheads in an instant. So in reality there is no limitation. Very deceptive!

Even the principle of parity that the SALT sellers brag of is deceptive. The SALT sellers contend that SALT II should be given the Good Government Award because the principle of parity is established by limiting each side to 2250 launching systems. But this is like comparing the Harvard football eleven with the Nebraska Cornhuskers. Both have eleven men but no one would seriously contend they are equal. Within the 2250 limit are 308 Soviet "heavies" that the U.S. is prohibited from having. These 308 SS-18s pack more megatonnage of destruction than all the U.S. ICBMs and Poseidon missiles put together. This was the unequal Soviet advantage in SALT I that was to be corrected in SALT II. Secretary of State Kissinger in January of 1973 tried to persuade the Russians to limit the number of SS-18s to 50 but they adamantly refused. Another attempt was made to limit them to 150 in March of 1977—and again refused. Had this deficiency been corrected in SALT II we would not have to build an expensive race track mobile system for our MX missiles. The taxpayers would be saved $50 billion—plus an environmental hiatus.

THE DISADVANTAGES THAT ENDANGER

SALT II favors the Russians and endangers our security because:

1. The 308 heavy missiles give Russian first-strike capability and cost us billions and billions to defend against. SALT sellers claim that the United States never wanted "heavies" like the SS-18s and wouldn't build them if we could. The military testified at the hearings that they wanted "heavies" but the Administration wouldn't let them ask for them. Be that as it may, the Russian SS-18 is like having 308 rattlesnakes—you don't negotiate for permission for your side to have 308 rattlesnakes. It's rattlesnakes you are trying to get rid of. They are the destabilizing factor, they cause the imbalance. If under the principle of parity, both sides should be given equal throw-weight, our negotiators should have demanded first that the Soviets destroy the 308 SS-18s or, barring that, the United States should be given 150 additional MXs.

2. The United States has to count all of its B-52s including those discarded in the desert and several set in concrete at air bases around the country. But the modern sleek Backfire Bombers that can leave Russian and strike any target in the United States and then go on to land in Cuba, are not counted.

3. Russia does not have to count its 1000 SS-20s. The SS-20 is presently classified as "intermediate" rather than "intercontinental." But the missile is only the first two stages of the SS-16—which is intercontinental. The third stage can be attached overnight and all the SS-20s immediately

become SS-16s or intercontinental—but they are not counted.

4. While the Soviets have developed and tested a mobile missile system, the treaty prohibits the U.S. from developing and deploying a mobile system. Secretary Harold Brown discussed this specifically with Soviet Defense Minister Dmitriy F. Ustinov, and Ustinov indicated that the race track system and the multiple aim point system would both be violations of the treaty.

5. The Soviet is given five new systems under SALT II—but the United States is limited to one. Both sides were originally to be limited to one but we finally gave in to Russia's four new systems already underway in order to get a treaty. We accepted a formula allowing them to call the new missiles "modifications" of older missiles.

6. The United States' medium-range land and sea cruise missiles are banned with no comparable restriction on Soviet medium ballistic missiles. Never have we intended to match Russia troop for troop or tank for tank in NATO. Conventionally inferior in Europe, we nevertheless had strategic superiority. Now that too has been lost. We hoped to make it up with the cruise missile, but SALT II prohibits us from correcting this imbalance. Winston Churchill, III, Vice Chairman of the British Parliament's Defense Committee, was in Washington complaining about this last week.

7. The non-circumvention provision of SALT II will seriously interfere with the United States' exchange of information and weaponry technology with our allies in NATO. Of course, Russia has no allies—only satellites. She just stations her own technology or her own troops in these satellites, like the Russian brigade in Cuba or the Soviet troops in Hungary.

8. SALT II cannot be verified. If it takes us three years to discover a Soviet brigade in Cuba, how long would it take us to identify a nose cone or a warhead in Siberia? The most worrisome aspect is the testing and deployment of new systems. When the Soviets test a missile, they verify the success of the missile by telemetry—over 300 radio signals are sent back measuring the burn, the thrust, the accuracy, etc. Under the treaty, it is the Soviets duty not to encrypt or put in secret code those radio signals that are necessary to verify SALT II. But the Soviets determine what is necessary. All they have to do is say we have put 30 of the signals in the clear because these are the only ones necessary—the other 270 are encoded. Our intelligence system has worked for years on a "need to know" basis. But this is the first time we let the enemy determine the need to know.

A BLOW TO OUR FRONT LINE OF DEFENSE

SALT II strikes a devastating blow to the U.S. dependence on technology for survival. The national defense of the United States has never been dependent upon raw manpower. Technological innovation has kept us free. And technology is cheaper than manpower. One must appreciate how the government spawns, nurtures, and flourishes this technological superiority. For example, when the government launched the space program, it corralled the finest scientists, engineers, and inventors in the world. Some worked directly for Uncle Sam; some as consultants; many in private industry on contract with government; and with federal grants, university campuses exploded with research. Billions were poured into the endeavor. Flowing back came miniaturization, the heart pacemaker, and America's lead in electronic and computer technology. Never hoping to compete on a man-to-man basis with the Russians, or the Chinese, or the Vietnamese, our goal has always been to stay ahead in technology. We can't afford to negotiate away this lead—for if it is ever relinquished in a treaty, we are gone—and freedom is gone from this earth. The Soviets know this. They are not interested in disarmament, but they are interested in overcoming our technology. A breakout in hostilities is far more likely to commence with conventional arms than with nuclear. And disarmament should begin at the flash point of conventional. The Soviet objective from the beginning of "arms control" negotiations is to limit America's advantage of technology. And in the name of disarmament, the United States obligingly follows Russia down the wrong road in SALT I and again in SALT II. In 1972, when we had a lead in missile capability, Russia happily agreed in SALT I to freeze our progress in electronics and solid fuel rockets. In conventional arms, we've tried to set limiits in the Mutual Balanced Force Reduction talks since 1973, but Russia won't budge an inch.

Today, our superior capabilities in electronics, computers, and instrumentation technology have combined to give us the cruise missile. The cruise missile can substitute for tanks and artillery on the land; with increased fire power, it can substitute for ships at sea and squadrons in the air. Accordingly, Russia demanded in SALT II—with no compensating set-off—that we sideline the cruise missile. And we gratuitously agreed. With this ban, the consultants, the colleges and the corporations reassign their talents. And the major source of our genius for technological innovation withers and dies. There are many areas of new technology to pursue: laser and particle-beam defensive weapons; remotely-piloted vehicles; advanced air defense and antitactical ballistic missile systems. But SALT II is so discouraging to technological development that Doctor Richard Pipes of Harvard states that SALT stands for Stop America's Lead in Technology.

SALT II—A BUDGET BUSTER

SALT II is a budget buster. The most expensive treaty we have ever signed—costly to our defense, costly to our technology, and, surprisingly, costly to our taxpayers. SALT sellers have had a heyday on the point that if SALT II is rejected, then we are off to an arms race—hemorrhaging the economy. The exact opposite is true. Not a single dime would be saved by ratifying SALT II. But rejection of SALT II would save the taxpayer billions. This facet of SALT II could not be understood and appreciated until we debated defense needs last week in the U.S. Senate. A bi-partisan group of Senators submitted an amendment (the Hollings Amendment) providing for a 5% increase in real growth next year and the year after in the Defense budget. The President, the Chairman of the Armed Services Committee and the Chairman of the Budget Committee opposed the amendment. But the 5% increase was approved. Why? The debate revealed the shocking and enfeebled condition of U.S. defenses. The Secretary of Defense has just completed a comprehensive review of our defense needs. He has also projected the costs of defense for the next five years. A 5% increase would provide for only one-half of what is required. The Secretary's projections, mind you, were in the light of an expected approval of SALT II. During the debate, opponents of the amendment charged that there was no way for the Pentagon to spend all the money. And they badgered us to set out exactly how the money would be spent. We used the Administration's own projections. Elaborate outlines and charts were produced and a complete bill of particulars was submitted. Five per cent would only account for one-half of what the Administration had found basically necessary. The ratification of Salt II would not cancel a single program!

Money didn't stand in the way of getting an agreement. A close look at the treaty exposes our profligate negotiators. For example:

A. Under SALT II, we can't use commercial aircraft like wide-bodied 747s to deliver cruise missiles. The Soviets claimed that they were too hard to distinguish from regular commercial aircraft, so we have agreed to develop a different wide-bodied cruise missile carrier. The initial cost—$2 billion.

B. Under SALT II, we must redesign our B-52s for verification. This is while we agree at the same time that the Russians can encrypt information necessary for our verification. These SALT changes to the B-52 are called Functionally Related Observable Differences. The cost of FROD—$300 million that could be saved with SALT II.

C. Restrictions on our cruise missiles deny us a chance to obtain a balance in NATO. At present, we have deployed in NATO 600 fighter bombers for a tactical nuclear mission. Without the restrictions of SALT II, the strike force could be replaced with cruise missiles, freeing up approximately 50 squadrons of aircraft for ground attack and air superiority missions. Each plane costs $10 million. Without the cost of pilots and maintenance, the 600 planes total $6 billion. An equal number of cruise missiles to get through to the target would cost approximately one-half billion. Net cost to the taxpayer—five and one-half billion bucks.

D. SALT II restricts our sea launched cruise missiles to 325 miles. But we grandfathered the Soviets' SSN-3s, a cruise missile that has already flown 700 miles. The Russians have 400 deployed at sea. SALT II promises that we are outgunned and outranged at sea by the Soviets. The only way to overcome this deficiency is to build more ships costing billions.

E. At the present time, our Minuteman ICBM has only three warheads. At the time of the negotiations, we had tested and developed seven. In order to keep parity in our counter-force arsenal, we could readily and much more economically place four more warheads on each of our Minuteman ICBMs until the MX is developed. Perhaps in the end not as many MXs would be required. However, in Article IV, Section 10, Common Understanding, our negotiators unilaterally gave up this right to seven—adding billions to the cost of our arsenal.

F. The unequal Soviet advantage of 308 SS-18 "heavies" was not eliminated as required in the Jackson amendment to SALT I. Had these been eliminated in SALT II, we would not be required to spend anywhere from $30 to $90 billion to disperse our MXs in a race-track type mobile mode. The U.S. can give six-months' notice under the ABM treaty that we intend to deploy an ABM system solely to protect our ICBMs. Cost of the ABM—$10 billion. But this would be a violation of the spirit of SALT. Without SALT II, the $10 billion for an ABM would save us anywhere from $20 to $80 billion bucks.

The bottom line of SALT—a broken spirit and a busted budget, to the tune of $100 billion!

KEEP EYE ON THE DOUGHNUT

A word on procedure. Ever since it was apparent that a SALT II treaty was imminent, various cries and warnings have been heard about the slide in our defenses:

"Our strategic forces are in jeopardy."

"While the democracies debate, the Soviet marches."

As country after country has fallen, to either revolution or Russian manipulation, Senators began demanding an increase in the Defense budget. One Senator demands 3%, another 5%, another 20%. Henry Kissinger demands that the 5% be set out in the President's budget before SALT is considered. Former President Ford says the 5% should be appropriated and signed into law before SALT II is considered. Then comes the discovery of the Russian brigade in Cuba—and linkage! "We cannot approve SALT until the brigade is removed." The din increases and confusion reigns. The message delivered—a dangerous one—is that if enough money is appropriated or the brigade is removed, then SALT II becomes a good agreement and should be ratified. Years ago, my children used to listen to a radio program, "Big John and Sparky." Sparky was always admonishing Big John, "All the way through life, make this your goal; keep you eye on the doughnut and not on the hole."

Many of good intent are confused. Their eye is on the hole. No question about it, defense should take priority over SALT II. But more than 5% next year, the necessary rebuilding will take a constant effort over the next five years. Of course, the Russian brigade should be removed from Cuba. But even here, the MIG-23s and 27s that can deliver nuclear destruction, or the diesel electric subs that overnight can quietly mine King's Bay and Charleston Harbor, bottling up our Poseidon and Trident subs, are a greater threat than the brigade. Removing the brigade or throwing $5 billion at the Pentagon does not change a single word in the treaty. We live in the real world. In policy, linkage can't be avoided. But removing the brigade or increasing defense funds cannot make a bad treaty good. The treaty is dangerous to the security of the United States and should be rejected. When rejected, we will have told the Russians that the con game is over. Talking detente will exporting turmoil will no longer be tolerated.

THE UNITED STATES WILL COMPETE

And the United States will compete. If the Soviets refuse to dispose of the core of their first strike capability (the 308 SS-18s), then we will give six months' notice under the ABM treaty and go straight forward with an anti-missile defense system for our ICBMs—not the $50 billion race track nonsense but a $10 billion ABM system for which we have the technology. We will move to correct the imbalance in NATO by deploying cruise missiles: Our weakened Navy will be strengthened with sea-launched cruise missiles of unlimited range. The defense program approved by the Congress three years ago—the B-1 bomber, the neutron bomb, the nuclear aircraft carrier, the Trident program, the MX missile—will be accelerated and we will move to beef up our manpower with national registration, which the Joint Chiefs of Staff have been begging for. The Navy will be moved to the Persian Gulf to protect the flow of Mid-East oil and a strike force to protect the free world supply will be dispersed. The United States will act to keep her commitments.

SALT sellers cry that a rejection of SALT will hurt us with our allies. But if we reject SALT and take these actions, our allies will know that the sleeping giant has awakened and is ready once again to protect freedom. The claims by the President and the SALT sellers about the fear of "nuclear holocaust" or the United States being considered a "warmonger" are totally unfounded. We have lived with the threat of holocaust for the past 25 years, and if both sides agreed to reduce their arsenals to five missiles, the threat of a nuclear holocaust would still persist. With the United States having withdrawn the world around, no one considers us "warmongers" as the President has warned. The whole question boils down to whether or not the U.S. shall compete with the Soviet to influence freedom the world around. Making talks about human rights is a pleasant game. But the Soviets play hard ball. All of us would like the safety of being spectators but unless we get in the game, unless we complete, there won't be any audience left.

NO EDUCATION IN SECOND KICK

Just at a time when we need to awaken and arm, SALT II tells the people, frustrated by inflation and the high costs of government, that at least we don't have to put any more money in the Pentagon. "We are still Number One." "The treaty is the product of seven years of negotiations by three Presidents." "It may not be equal but at least we have the Russians agreeing to the principle of disarmament." "The momentum in Soviet arms build-up has been slowed." "Now we have 'predictability.'" (Whatever that is!) And, "We will equalize in SALT III."

We have been this route before. In SALT I, the plea was the same. Then-Secretary of Defense Melvin Laird testified that SALT I would arrest the momentum of arms buildup. But now comes former Secretary of State Henry Kissinger, the architect of SALT I, the architect of Vladivostok, and the initial architect of SALT II. He states SALT I did not work. Instead of slowing the momentum, the Russians actually accelerated the arms race. Kissinger was the one who promised that the inequities and imbalances of SALT I would be corrected in SALT II. So there would be no misunderstanding, the Congress fixed this in law with the Jackson Amendment. Now we have SALT II and instead of correcting, the treaty includes more inequities, more provisions damaging to the security of the United States. To the plea that we will correct it all in SALT III, my answer is there is no education in the second kick of a mule.

The PRESIDING OFFICER. The Senator's 15 minutes has expired.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask that I be permitted to modify my amendment as follows:

On page 5, paragraph (b)(3) line 4, after the word "provisions," insert the following: "and provided the Soviet Union actively pursues arms reduction agreements in the Nuclear and Space Arms negotiations."

Mr. President, that is the proviso we inadvertently left out this afternoon that Senator NUNN and Senator STEVENS had worked out that I had agreed to earlier.

The PRESIDING OFFICER. The Senator will send his modification to the desk.

Mr. NUNN. Mr. President, the Senator is correct. I talked to the Senator from Maine, the Senator from New Hampshire, Senator MCCLURE, and others about this. This was a provision in the Nunn-Stevens amendment that Senator STEVENS authored and felt strongly about. I share that feeling. It was inadvertently left out. It should have been in the amendment and I had thought it was in. I even informed Senator STEVENS that our amendment was intact in this new amendment.

With the further proviso that we will abide by the SALT II Treaty under the conditions already set forth in the Bumpers amendment, it adds another condition and that is so long as the Soviets are negotiating at Geneva. I do not believe there is any objection from anyone on the modification.

Mr. MCCLURE. If the Senator will yield on that, I have looked at my notes to determine the evolution of that language. The Senator from Georgia is correct, this was inadvertently omitted in the final draft. It should be in the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so modified.

The modification follows:

On page 5, paragraph (b)(3), line 4 after the word "provisions" insert the following: "and provided the Soviet Union actively pursues arms reduction agreements in the Nuclear and Space Arms negotiations."

Mr. NUNN. Mr. President, I shall not hold this vote up any longer. It is the last thing I want to do this evening after 2 weeks on the bill.

Let me say I think the Bumpers amendment is a good resolution of a lot of conflicting viewpoints. It is a resolution which indicates the way the Senate feels about this subject and also makes it clear that the President has certain flexibility, as expressed in the provision that provides for a proportional response.

I might add that proportional response is not only well established in common law in many criminal areas, but it is also a well-established part of international law. It means that if someone commits a material breach, the response to that violation should be proportional. Proportional can include a response in kind, and it can include some other responses.

A proportional response to very serious violations that go to the heart of national security, in my opinion, could include an abrogation of the treaty itself. That then is a subjective term, and I think it is important for it to be in the amendment.

I could add this: If a response is proportional, that does not necessarily mean it is wise. You can have a proportional response that would be consistent with this amendment and international law but might be a re-

sponse that was not in the best national security interest of our country. Everyone is going to have to judge that one, but I do believe that is an important provision.

Let me say that the portion of this amendment that Senator STEVENS and I suggested has two principal thrusts. One thrust is to make clear that in the amendment that in recommending that the no-undercut policy be extended for 1 year, the Senate is not establishing a precedent for further extension. Any further extension should be a matter for consultation with the President and debate within the Senate at a later date.

Second, the amendment protects the United States small ICBM Program known as Midgetman. I am not saying the original Bumpers amendment threatened that directly, but this amendment makes it plain that we feel we have every right to go forward with that program.

The Soviets, in my opinion, have violated the SALT Treaty by going ahead with two new types, the SS-24 and the SS-25. One of those happens to be the type the Scowcroft Commission recommended; that is, a small, single-warhead missile.

At some point in the future we may find ourselves in technical violation of that provision. This is, I think, a good example of a proportional response because we are saying in the amendment that we are going to go forward with that Midgetman Program. As General Scowcroft has testified, if SALT II were to block the stabilizing development of a small ICBM, then SALT II would be standing arms control on its head. I do not believe anybody intends that. I believe that if there's an update of SALT II at the Geneva talks as part of the START agreement or otherwise it would reflect that. So this makes it plain that the second new type ICBM the Soviets are deploying, the SS-25, can and will be met in kind with our Midgetman Program and nothing in this amendment interfers with that.

It may be at some point in the future that the United States will have to go beyond seeking corrective Soviet actions and exercise its right to a proportionate response. If we are going to make a proportionate response to Soviet violations, we at least should have the imagination to do it in an area to our advantage if both sides take similar action.

Mr. President, I congratulate the Senator from Arkansas for his leadership and also the Senator from Idaho for what I think has been a very constructive and positive contribution in making sure this amendment makes it plain that the necessary balance is being provided.

PRESERVATION OF POLICY NOT TO UNDERCUT SALT

Mr. PELL. Mr. President, I support the compromise amendment calling for continued SALT restraint. I was reasurred in an earlier colloquy with the Senator from Arkansas [Mr. BUMPERS] that the amendment will promote responsible restraint policies.

I am convinced that it is very important that the United States do everything possible to preserve the existing interim restraint regime pending a successful outcome of the negotiations in Geneva.

I take the President at his word in his resolve to seek strong and comprehensive agreements in Geneva. I believe the Senate would do him grave disservice—a disservice some of the President's own lieutenants advocate—if we were to stand for anything less than the current restraints. We would be very foolish to add further uncertainties to the strategic balance just at the time we profess to be seeking a cap on the arms race and significant reductions.

There are those who believe that we should stop our own restraint simply because we have questions about Soviet compliance. I believe that many who adhere to such a view are simply trying to mask a basic disinterest in the potential benefits of arms control, as well as preference for an arms race in lieu of arms restraint. Many foes of restraint are too quick to ignore the simple fact that the Soviet Union has not yet taken any steps which any serious student of the strategic balance would argue has damaged our national security.

I and my fellow Senators recognize the seriousness of any failure of the Soviet Union to comply with its obligations under existing arms control agreements. That is why the amendment calls upon the United States to vigorously pursue resolution of our concerns through confidential diplomatic channels, including the Standing Consultative Commission, which was established by the United States and the Soviet Union precisely to deal with questions of compliance. The amendment makes crystal clear the judgment that the Soviets should take positive steps to resolve compliance concerns.

Mr. President, we should remember that, under SALT I and SALT II, there has been significant restraint required of the Soviets. To stay within the ceilings, they have had to retire old land-based ICBM's and older ballistic missile submarines and launchers. They have been bound to refrain from expanding their land-based missile force and they have been prohibited from increasing their warhead totals above specified limits. The ceiling on their heavy missiles has been in place for 13 years. In addition, they have been required to refrain from interfering with our national technical means of verification. There are of course many other controls, which, taken together, constitute major restraint upon Soviet activities.

It would be capricious and extremely short-sighted of us to fail now to preserve what has been achieved pending negotiation of further controls.

Mr. President, I believe it is vitally important that the Senate go on record now in unequivocal support of continued restraint. We cannot afford to do less.

SALT II "NO UNDERCUT" PROPOSAL

Mr. GLENN. Mr. President, my position on arms control has always been clear—I have vigorously pursued ways to freeze, and then reduce the numbers of nuclear weapons throughout the world. Specifically, I have drafted and won passage of legislation on nuclear nonproliferation; endorsed the nuclear freeze; supported the ratification of the SALT II Treaty—after I was confident that it could be verified—and cosponsored numerous arms control resolutions, including past "no undercut" provisions.

Over the past several years, however, I have become increasingly concerned that the U.S. commitment to arms control has not been reasonably matched by that of the Soviet Union. Since 1981, when we notified the Soviets that we would not ratify the SALT II Treaty, the United States has carefully abided by an agreement not to undercut the provisions of that treaty, and the Soviets nominally have done the same.

Yet, while the Soviets have apparently lived up to the SALT II limitations on the number of launchers, it has become increasingly clear that they have not been living up to other provisions of the treaty. Our intelligence has indicated that they have violated the provisions of SALT II in several areas—most notably in the encryption of telemetry; in the testing of two new ICBM's, rather than the one permitted; and in the possible deployment of SS-16 mobile ICBM's.

The unratified SALT II agreement is scheduled to expire on December 31 of this year. The pending amendment would continue the current U.S. policy of not undercutting the provisions of that agreement through 1986. Let me note right here that none of us wants even 1 more year of continued Soviet SALT II violations. However, a recent report prepared by the Senate Armed Services Committee minority staff clearly demonstrates that adherence to SALT will continue to provide substantial constraints on the total numbers of Soviet launchers, causing them to dismantle a significant number of older systems as new systems on line.

The report presents an assessment of the strategic systems that both the United States and the U.S.S.R. would

most likely choose to dismantle to remain within SALT limits. Keep in mind, however, that the SALT Treaty limits launchers only, and not warheads, which is a significant weakness.

Aside from launcher limitations, the report notes that the United States would realize a clear advantage in limiting breakout of new systems. As shown in the report, the United States has two bombers in R&D and production, the Soviets have three; the United States has one class of ballistic submarine in production, the Soviets two; the United States has two ICBM's in R&D and production, the Soviets four. Obviously, increased production of strategic systems would be much simpler and more rapid for the Soviets than for the United States should constraints be removed.

Another major consideration, not addressed in the report, is that the Geneva talks are just getting underway. Without question we should like a new agreement which would address the problems inherent in the SALT II counting system. The only safe and sensible route to gain that result, as I see it, is to work to achieve a new arms control agreement containing mutual, balanced and above all, verifiable limitations.

As we progress toward that agreement that we all desire, we can either continue to abide by SALT II or let it lapse. I am fully cognizant of the shortcomings of that treaty; however, on balance I believe it is better to continue to adhere to its provisions and preserve the admittedly imperfect, but sole current constraint on Soviet deployed missile launchers and breakout capabilities rather than to allow the Soviets to proceed unconstrained in a strategic buildup.

Overall, I am convinced that continued adherence to SALT II limits is in the best security interests of the United States. Accordingly, I intend to vote for this amendment, and urge my colleagues to do likewise.

Mr. STEVENS. Mr. President, as many in this Chamber may know, I have advocated a 2-year extension to the United States present policy of not undercutting the SALT II accord. Today, along these same lines, I am pleased to cosponsor the compromise amendment which supports at least a 1-year continuance of the current administration policy of not undercutting the provisions of SALT II.

The compromise amendment draws attention to the nature of the current arms control infrastructure. We are in a transitional period from the arms agreements that have served us for the past 15 years, SALT I and SALT II, to the current Geneva talks. The current negotiations provide an opportunity for significant reductions in the superpowers' nuclear arsenals and should mark a turn in the focus of arms control accords—from agreements envisioning limitations on the expansion of nuclear arsenals to agreements aimed at reducing nuclear weapons. This transition, in my mind, is a logical follow-on to SALT I and II, but creates a negotiating scenario that is far more complex than the preceding ones—we can no longer allow increases in nuclear weapons and delivery systems. Tough trade-offs must be made if reductions are to be achieved.

Consequently, when the Senate considers resolutions dealing with arms control issues, we must be cognizant of the need to maintain as much flexibility for our negotiators as possible. The resolution before us today will maintain the requisite flexibility and will provide an additional year of restraint, assuming that the Soviets actively pursue an agreement in Geneva.

In addition, the fact that we seek an amendment which only contemplates a 1-year continuance to the present administration policy underscores how precarious the current arms control regimen has become. SALT I and SALT II are rapidly approaching obsolescence. Both agreements were negotiated as temporary accords—anticipating further agreements such as that which we are pursuing in Geneva.

We also ought not to link arms control negotiations and recommendations for ratification to other international political considerations. All of the last three arms agreements entered into between the Soviet Union and the United States have not been recommended for ratification due to other extemporaneous political considerations. This trend weakens the positions advocated by our arms negotiators and does not serve United States interests in arms control. It cannot be allowed to continue if the United States is to be successful at the current, or any future arms negotiations.

This amendment should in no way be construed as a retreat from a commitment to the continuation of the modernization of our strategic forces. The Soviet Union has gone through a comprehensive modernization program in which significant improvements in all its nuclear forces have been undertaken, particularly in its land-based strategic forces. In the past 15 years, the Soviets have deployed four new ICBM's and are developing two more. During this same period, the United States has only deployed one new ICBM, the Minuteman III, and only developed one new ICBM, the MX.

The tactics behind the administration's negotiating position in Geneva are intimately related to the defense modernization program. Agreements struck in Geneva will have a dramatic impact on spending patterns for defense in this country for the foreseeable future. This amendment does not undermine our strategic modernization program. However, if SALT II is not observed after December 31, 1985, both sides may be pushed into force structure decisions in which older systems are not retired as new systems come on line—leading to higher strategic force levels for both the United States and the Soviet Union. In the immediate term, we would need to be concerned about production breakouts in those systems in or near production: The Soviet SS-X-24 and SS-X-25, and the United States MX and B-1B. Another potential danger would be the mirving of heavy throwweight ICBM's.

Consequently, we could find ourselves in the undesirable position of having to compete with the Soviet Union in accelerating projected production levels, and maintaining existing strategic forces in addition to the defense modernization effort we have already undertaken. Such a development would be disastrous for both countries. The simple fact, in my judgment, is that the Soviet Union is already spending beyond its capacity to sustain, the United States cannot afford a new arms race, and the world could not survive it.

Mr. MITCHELL. Mr. President, I rise to support the pending amendment. There is no issue of public policy more important than arms control. This amendment encourages the administration to continue an arms control policy which has proven to be a beneficial restraint on the nuclear arms race.

On May 31, 1982, President Reagan committed the United States to a policy of not undercutting existing strategic arms agreements, so long as the Soviet Union did likewise. This policy of restraint, for which the Soviets have expressed support, commits each side to abide by numerical restraints contained in the now expired SALT I Treaty and the unratified SALT II Treaty.

Those two agreements limit the number of offensive launchers deployed by the United States and the Soviet Union. They oblige both sides to observe numerical limits of 820 multiple warhead Intercontinental ballistic missile [ICBM] launchers, an aggregate of 1,200 multiple warhead ICBM and submarine launched ballistic missile [SLBM] launchers, and an aggregate of 1,320 multiple warhead ICBM and SLBM launchers and heavy bombers carrying cruise missiles.

What has been the effect of this policy?

Until now the arrangement has benefited the United States. The Soviets have dismantled over 1,000 strategic launchers to comply with the restraints imposed by the SALT agreements. The United States has not needed to retire or dismantle any existing launchers.

Now, however, we face such a decision.

Later this year, the seventh Trident missile submarine will begin its sea trials. At that point the United States will exceed the limit of 1,200 MIRVed ICBM and SLBM launchers called for by the SALT accords. At present, we have 1,190 launchers. The addition of the 24-missile Trident will put the United States 14 missiles over the limit. Thus, we will have to decide whether or not to retire either an aging Poseidon submarine with 16 missiles or 14 land based Minuteman missiles.

This amendment urges the administration not to abandon its commitment to the existing restraints, to engage the Soviets in serious discussions to resolve compliance disputes, and to continue to keep Congress informed regarding the status of Soviet compliance with the interim accords.

There are clear advantages in continuing to abide by the numerical limits which are contained in the SALT accords. But there are even greater dangers if we decide to abandon the restraints which those agreements provide.

First, a breakout from the restraints on offensive weapons which are contained in these agreements will seriously hinder reaching any new agreement in Geneva. Neither side will be able to negotiate seriously in the context of an all-out offensive arms race.

Second, by all accounts the Soviets will be able to deploy more new launchers and warheads than the United States in the next decade. A study by the Congressional Research Service indicates that an all-out unrestrained arms race between the two superpowers could result in vast increases in such weapons.

The United States and the Soviets currently have about 20,000 strategic nuclear warheads deployed. By 1994, according to the CRS study, the two superpowers could have almost 54,000 such warheads deployed.

Third, a decision to abandon these limits will dramatically increase the budget pressures created by defense spending. During the Reagan administration, while abiding by SALT, the United States has engaged in an unprecedented peace-time military buildup. We have spent a trillion dollars on defense. In the absence of interim restraints or a quick and successful negotiation in Geneva—which no one expects—the level of defense expenditures is certain to rise even more rapidly.

Fourth, continued adherence helps to ensure that valuable, stabilizing programs currently under development will not become obsolete before they are even deployed. For example, were we to abandon completely the restraints of the SALT accords the Soviets would be able to begin a buildup that would overwhelm a future force of small, mobile "Midgetman" missiles.

This amendment provides a framework for continued restraint on the production of strategic nuclear weapons.

It does not obligate us to disarm on a unilateral basis.

It does not mandate that we ignore Soviet violations.

It does not lock the United States into an open ended commitment to the SALT accords.

It does continue a policy that has been demonstrably advantageous to the United States. A clear-cut time limit is provided. And Soviet compliance is a condition for any continued adherence.

The Soviet Union has indicated its willingness to continue to adhere to these provisions. They are not doing this out of the kindness of their hearts. They are doing so because they feel it is to their advantage.

The Soviets may have violated some provisions of the SALT accords, as has been alleged. But clearly they have not simply ignored them. Had they wished to do so, they would never have dismantled 1,000 strategic launchers.

Violations of the existing limits are cause for serious concern. They deserve to be fully discussed. And remedies should be sought. But our responses to Soviet actions must be proportionate. Dropping the interim restraints could harm the Soviets. More importantly, however, it harms the United States even more.

President Reagan has said that he is deeply committed to the reduction and elimination of strategic nuclear weapons. In eloquent terms he has offered the American people the vision of a nonnuclear future. And he has professed to be interested in serious arms control negotiations with the Soviets.

Abandonment of the current policy of adherence to the SALT accords not only undercuts existing agreements, it also undercuts any hope for stemming the development, deployment, and potential use of such weapons.

I urge my colleagues to support this amendment.

Mr. LAUTENBERG. Mr. President, I rise in support of the Bumpers-Chafee amendment which calls on the United States to continue to abide by the SALT II treaty limits until the end of 1986 to the extent that the Soviet Union does the same, or until a new strategic arms agreement is concluded. The amendment also calls upon our negotiators in Geneva to use the negotiations, where appropriate, as a forum to resolve U.S. concerns about Soviet compliance with existing arms control agreements.

Mr. President, the issue before us is whether to abandon SALT II limits on strategic weapons now informally observed by the United States and the Soviet Union, or to continue to adhere to those limits. That question becomes critical in late September, when the seventh American Trident submarine begins sea trials, causing the United States to surpass SALT II limits on MIRV'ed missile launchers unless launchers of either a Poseidon submarine or 14 Minuteman II missiles are dismantled. I support continued observance of the SALT II Treaty limits because it is in our national security interest to do so.

Mr. President, simply stated, we have more to lose than gain by throwing away SALT II. Abandoning the SALT II limits on strategic arms would contribute little to our own strategic force capability, but would release the Soviet Union from observing existing SALT II treaty ceilings, and permit it to rapidly deploy more intercontinental ballistic missiles.

The seventh Trident submarine puts us only 14 missiles over the 1,200 limit on launchers of MIRV'ed intercontinental ballistic missiles and sea-launched ballistic missiles. Since additional Tridents are being built at rates of less than one per year, our release from that SALT II restraint would put us less than 100 missiles over the laimit for the remainder of this decade.

In contrast, the Soviets must continue to dismantle weapons to stay within overall limits of strategic nuclear delivery vehicles they possessed at the time the treaty was signed. Because the Soviet arsenal already contains 818 MIRV'ed ICBM's in their arsenal, the Soviets are almost at the subceiling of 820 launchers of MIRV'ed ICBM's. If we abandon the SALT II restraints by ignoring the 1,200 limit on MIRV'ed missiles, the Soviets could easily exceed the 820 MIRV'ed ICBM limit in ways which would add many thousands of new warheads to their forces.

Breaching the agreement now will create tremendous uncertainty on each side. Both the United States and the Soviet Union will probably deal with that uncertainty by building more weapons. Relinquishing the SALT II limits will surely set off an arms race that will produce so many thousands of warheads that not only our land-based missiles, but also our submarine-based missiles will be threatened by the sheer numbers of Soviet warheads targeted upon them. Such a weapons buildup will surely make prospects for arms control less rather than more likely.

Some have charged that the Soviets are violating the SALT II agreement and that therefore we should not continue to observe the SALT II limits ourselves. Let be be perfectly clear that Soviet violations of SALT II or other arms control treaties should not be condoned if they are occurring. I believe that we should continue to pursue such alleged violations through the SALT Standing Consultative Com-

mission and other appropriate channels.

My support for continued adherence to SALT II restraint is clearly rooted in concern for our national security and in keeping the lid on the arms race. It is noteworthy that even the Joint Chiefs of Staff declined to recommend the abandonment of the SALT II Treaty, noting the benefits of continued adherence to the treaty's limitations on both superpower's nuclear arsenals.

Mr. President, to destroy the only standing agreement that limits strategic arms when its continued existence is of clear and acknowledged benefit to our national security would truly be cutting off our nose to spite our face. The continued observance of the SALT II treaty limits is in our national security interest, in the interest of our NATO allies, and in the interest of arms control. For these reasons, I urge the adoption of this amendment.

SALT II TREATY COMPLIANCE AND AMERICAN SECURITY

Mr. DURENBERGER. Mr. President, I have chosen to become an original cosponsor of the Bumpers-Heinz-Leahy-Chafee amendment, because it puts the Senate on record in support of a policy which contributes to stability and continuity while our arms control negotiators continue to seek far-reaching reductions in the nuclear stockpiles of the United States and the Soviet Union. If this country were to abandon the existing arms control restraints built into the SALT II Treaty on Soviet and United States strategic deployments, we could unleash a totally unrestricted arms race between the two superpowers. Such an arms race would have the likely effect of undermining any prospect for success at the strategic arms reduction talks in Geneva.

The Senate has expressed its support for this so-called no undercut policy on several occasions in the recent past. In November 1983, 50 Senators supported U.S. compliance with the SALT II agreement while 29 Senators spoke in opposition. During consideration of the 1985 Department of Defense Authorization Act, 82 Senators expressed support for compliance while 17 Senators opposed these restraints. Today, we face this issue once again, but with a bit more uncertainty on the part of the Reagan administration, of ourselves, and our allies.

Since he took office, President Reagan has repeatedly expressed his support for continuing the no-undercut policy. For example, he stated on May 31, 1982: "As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint." He reaffirmed this position as recently as January 5 of this year: "We have been holding to that—no-undercut policy—and thought that it would be helpful in now what we're planning and going forward with * * * We have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground * * * we feel that we can live with it." It is clear to this Senator that President Reagan did not make this decision to comply with SALT II lightly nor does it appear that he would choose to end this Nation's compliance with the treaty casually.

Undeniably, the Soviet Union has stretched the SALT II Treaty to its absolute limit in a number of critical areas. First, the Soviets have taken substantial liberties in the encryption of ballistic missile telemetry. The treaty bans the encryption of test data which are radioed to Earth from in-flight test ICBM's. The idea behind this ban was to let each side ensure that tested missile did not violate such limitations as throw-weight, warhead, or range constraints. The Soviets have regularly encrypted this data, which is a legal violation of obligations prior to 1981 and a political violation after 1981. Encryption plays havoc with our ability to monitor Soviet tests, and thus, it is a clearly deliberate act which undermines confidence in Soviet behavior.

The most publicized violation is the construction of the antiballistic missile radar at Krasnoyarsk. The ABM Treaty of 1971, which remains in effect, places severe limits on the types and locations of radars which might be used as part of an ABM network. When a nation is intent on building a viable ABM system, it erodes confidence in deterrence and is extremely destabilizing. The radar located at Krasnoyarsk is prohibited by the ABM Treaty, chiefly because of its siting, which makes it capable of serving more than the authorized ABM field around Moscow; its orientation, which does the same thing; and its capability, as a phased array radar, it can undertake a wide variety of battle management tasks. To this date, the Soviets have provided only inadequate explanations for the existence of the Krasnoyarsk facility. Its continued existence calls into dispute the Soviet Union's commitment to the success of the ABM Treaty.

I must also register my real concern about the development of the SS-X-25 "light" ICBM. While this deployment of this missile should concern us, I do not believe that it poses the kind of military threat that the Soviet Union's improvements in its ABM system does. The SS-X-25 raises three arms control issues, however, in terms of pre-1981 legal and post-1981 political obligations under SALT II. First, SALT II limited each side to one new missile. The Soviets previously deployed the SS-X-24. They further claim that the SS-X-25 is simply a refinement of an allowed system. Second, tests involving the SS-X-25 have been encrypted, which is a clear violation of SALT II. Third, the SS-X-25 appears to violate SALT II limitations on warhead "fractionation," as it has a reentry vehicle which weighs less than 50 percent of the missile's throw-weight. All of these aspects undermine confidence in the treaty.

The Soviet Union's construction of the SS-16 ICBM should also concern us. The SS-16 is basically an SS-20 with a third rocket stage, which boosts the range of the missile to ICBM limits. Addition of the third stage was prohibited by SALT II. Again, the data are ambiguous, but it is probable that the SS-16 was built. If so, manufacture of the SS-16 constitutes a legal violation of the treaty prior to 1981 and is a political violation of the treaty after 1981.

The matter which brings the compliance issue to a head is the planned deployment in September of the seventh Trident submarine, U.S.S. *Alaska*. Currently, the United States has deployed 1,190 MIRV'd missiles. This figure is just under the 1,200 launcher ceiling on MIRV'd missiles set forth in the SALT II Treaty. When the U.S.S. *Alaska* is fully activated, its complement of 24 missiles will place this country in violation of SALT II limits. If the United States chooses to ignore the 1,200-limit and to scrap the SALT II Treaty, this country would gain very little in terms of enhanced security. New Trident subs are being built at a rate of less than one per year, so that from Trident production alone, the United States would be less than 100 over the limit for the remainder of the 1980's.

The Soviet Union, on the other hand, could reap an immediate benefit from abrogation of the SALT II Treaty. In all likelihood, the Soviets would not feel constrained by the other numerical limits in SALT II if the MIRV limit were ignored by the United States. Given the fact that the Soviets are right next to the 820 limit on MIRV'd ICBM's—with 818—they could far exceed this limit in an unrestricted arms race in a number of ways. For example, the Soviets could double or even triple the number of warheads being carried by the SS-18. The Soviets could rapidly construct new hardened silos and deploy additional MIRV'd ICBM's. Perhaps most worrisome, the Soviets could rapidly add over 5,000 more accurate warheads through accelerated deployment of the SS-24 missile. Each one of these scenarios is extremely troubling and must be avoided if possible. There would be no doubt that the cost of such deployments would be high to both of our nations and that neither country's security would be enhanced.

I am therefore pleased to join the large majority of my Senate colleagues

in cosponsoring this important statement of arms control. Senators BUMPERS, HEINZ, LEAHY, CHAFEE and the various others involved in the negotiations to hammer out this compromise deserve the thanks and the praise of the Senate for their actions on this amendment. It expresses the strong interest of this body in looking for suitable ways to restrain the growth and the cost of the arms race. Finally, it sends a vitally important signal not only to the Reagan administration, but more critically, to Chairman Gorbachev and the rest of the Soviet leadership. In connection with last night's votes on the strategic defense initiative, let there be no doubt of this country's resolve to defend itself effectively and to pursue equitable and comprehensive arms control agreements.

Mr. McCLURE. Mr. President, I neglected earlier to make only one comment that I should have made for the record. That is that the title of the amendment is "Policy on Compliance with Existing Strategic Offense Arms Agreements." I think the record should unmistakably include the fact that the ABM Treaty, which is still in effect and the only treaty that is, was a part of SALT I, a restriction on offensive weapons systems, and this amendment covers the ABM Treaty.

SALT II RESTRAINT POLICY

Mr. BYRD. Mr. President, I support the Bumpers-Leahy-Chafee-Heinz-McClure amendment stating the sense of the Senate that the United States should not undercut existing SALT II restraints as long as the Soviet Union does the same.

I commend the original sponsors of this amendment for offering it, as well as Senators NUNN and STEVENS, the distinguished cochairmen of the Senate Arms Control Observer Group, for their contributions to it. It is in our national security interests for the Soviet Union to continue to be constrained in its deployment of offensive strategic nuclear systems. So long as the no undercut policy results in these constraints, it does not make sense to abandon it. It would be counterproductive to our military security to hand the Soviets a pretext or excuse to break through the restraints that now exist.

Any decision regarding our strategic nuclear deterrent forces, and their relationship to the unratified SALT II Treaty, is an extremely difficult one.

It has implications for U.S. military security; for the strength and cohesion of our alliances, especially NATO; for our general relations with the Soviet Union; and for the specific United States-Soviet talks on nuclear and space arms control now underway.

In reaching my decision, I have weighed the advice of several of our military and civilian leaders in these areas. In addition, I requested a report from the Library of Congress on how U.S. departure from the no undercut policy would affect the NATO alliance.

On balance, I agree with the conclusion of the chairman of the President's Commission on Strategic Forces, Lt. Gen. Brent Scowcroft, who has said:

> There are restraints in the [SALT II] Treaty on the Soviets which, however, modest, are better than having no restraints at all. It seems to me that we receive slightly more than we give in continuing to observe those restraints.

The commander in chief of our Strategic Air Command, Gen. Bennie Davis, had this to say when asked in front of the Armed Services Committee whether the United States would be less safe militarily if the Soviets breached SALT II's numerical limits on multiple warhead missiles and bombers:

> The Soviet Union, due to its production base, has an enormous capability to field systems. If they were to break out of the treaty limits of SALT II, the disparity between the number of warheads held by the Soviet Union and the United States would be significant . . . Any action by the Soviet Union which would change the nuclear balance so dramatically could adversely affect strategic stability.

Mr. President, a close examination of the respective capabilities of the United States and the Soviet Union to deploy strategic systems, if both were to abandon the numerical constraints in SALT I and SALT II, provides compelling evidence to support General Davis' conclusions.

It was reported today that the Joint Chiefs prefer the no undercut policy on strictly military grounds. They concluded, according to the report in today's New York Times that "the United States would probably lose more than it could gain by abondoning" the treaty limits.

Evidence available to the Armed Services Committee demonstrates that the United States has two bombers in research and production, while the Soviet Union has three. We have one missile submarine class in production, and the Soviets have two. We have two intercontinental ballistic missile programs, while the Soviets have four.

Continuing the no undercut policy in 1986 restrains these Soviet production lines, Mr. President, and it also results in Soviet dismantlement of more now deployed nuclear systems than we would be required to decommission.

Additional evidence available to the Armed Services Committee shows that, through the end of 1986, the no undercut policy could require the Soviets to dismantle 110 ICBM's and six missile submarines. The United States could be required to dismantle 40–50 ICBM's or three missile submarines.

These statistics reinforce the case for maintaining the SALT I and SALT II limits as contemplated under the amendment now before us.

Mr. President, these aspects of the debate on the strategic treaty limits also have been outlined cogently by the distinguished Senator from Tennessee [Mr. GORE] in an article on Sunday May 19, 1985, in the Washington Post.

Senator GORE, a member of the Senate Arms Control Observer Group, thoughtfully discusses the implications of both sides abandoning the current strategic offensive restraints for the ongoing arms talks. I commend his article to my colleagues and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Turning to our NATO allies, Mr. President, the Library of Congress' report which I requested has concluded that a decision by the United States to discontinue observance of the SALT limits, without substituting another restraint agreement, "would tend to accentuate divisive tendencies in the alliance."

The report concluded further that such a decision might inject new life into the European antinuclear movement and even could undermine the prospects that the Dutch Government will finally approve stationing of Intermediate Range Nuclear Forces in The Netherlands.

That decision is scheduled for November 1, 1985, shortly after the United States will have to implement any decision to continue the no undercut policy.

Mr. President, deployment of these ground-launched cruise missiles in Holland, in accordance with a unified NATO decision in 1979, is important for the continued cohesion of the NATO alliance.

I wish to insert this Library of Congress report into the RECORD for the benefit of my colleagues, and I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BYRD. Finally, Mr. President, I wish to emphasize certain specific aspects of the amendment, as modified, which prompted my support.

First, it would make clear that in recommending that the no undercut policy be extended for 1 year, the Senate is not establishing a precedent for further extensions. Any further extensions should be a matter for consultation with the President and debate within the Senate at a later date.

Second, the amendment urges the administration to vigorously pursue with the Soviet Union the concerns all

of us have about compliance with existing arms control agreements and to seek corrective actions.

These provisions make a strong statement to the Soviets about the appropriate limits of this no undercut policy and about the obligations they are under as part of this mutual arrangement.

Mr. President, it would be detrimental to our overall security interests, to prospects for success in the current arms talks and to international stability for the United States and Soviets to abandon now existing nuclear limits before replacement by a new strategic arms agreement. I urge adoption of this amendment.

EXHIBIT 1

[From the Washington Post, May 19, 1985]

IT WOULD BE MADNESS TO GIVE UP SALT RESTRAINTS

(By Albert Gore, Jr.)

In public policy, propositions that are wholly right or wholly wrong are rare. The proposal to abandon SALT constraints, however, is a perfect specimen of the latter. It asks the administration to give up such areas of certainty as have survived the failures of the past; it proposes to bless whatever the Soviet Union might choose to do with its options wide open; and it proposes that this step be seen as a contribution to the negotiating effort the administration is making in Geneva.

Arguments based on personalities are usually to be avoided, but in this case, it is important to consider from whence this advice comes. It comes from those in the administration who have always believed that the SALT agreements are contrary to U.S. interests, and whose views would not have changed even had the record of Soviet compliance been without blemish. The arguments they offer now, though of substance, have not led them to some agonizing reappraisal, but to the threshold of their ultimate objective: dismantling the arms control process, which they regard as a "snare and a delusion" for the United States.

SALT II died as a legal instrument in 1981, when the administration formally notified the Soviet Union that the United States would not ratify it. All obligations under the SALT I Interim Agreement on Offensive Weapons had ceased to be binding in 1977, when that agreement lapsed. Nevertheless, both governments have undertaken to preserve segments of SALT I and II by avoiding actions that would undercut them. Not wanting to associate itself with SALT, the administration dubbed this reprieve the "No-Undercut Policy."

No-Undercut may appear to be at variance with the Reagan administration's view of SALT II as a fatally flawed document. Obviously, however, the administration found it unappealing to operate under conditions of complete uncertainty as to Soviet intentions. Hence, the willingness to enter an arrangement of convenience.

Until now, this has been an arrangement that profited the United States at no cost. SALT counting rules have required the Soviets to dismantle more than 1,000 launchers for strategic weapons, as they deployed more modern systems. To my knowledge, the United States has no declared quarrel with the Soviet Union over the number of these reductions or the manner in which they have been executed. We, meanwhile, have so far been required to take no such reductions; nor will we until September, when the sea trials of our seventh Trident submarine begin. At that time, however, we must decide whether to dismantle an aging Poseidon submarine, or 14 Minuteman silos, in order to remain in compliance.

Comes now a strong push from within the administration to reject this obligation permanently by throwing off the no-undercut regime or, as a fallback, by placing submarines in drydock rather than dismantling them. Arguments in favor of this course of action are: 1) SALT II would expire this December, even if it had been in force; 2) we should not accept a double standard by complying strictly with SALT dismantling requirements, when the Soviets are giving us trouble in other areas of the treaty; and 3) the Soviets are, in any event, a satisfied nuclear power and will not markedly increase the number of their weapons, even if the last vestige of SALT were done away with.

If the restraints that exist under the no-undercut policy are valuable to the United States, they should be continued regardless of the notional expiration date of SALT II. If Soviet compliance with the numerical sub-ceilings in SALT II has been satisfactory, we should make it a point to comply as well, rather than to toy with tit-for-tat violations that invite the unraveling of what is still working and still important. If the Soviets are satiated with nuclear weapons and can be counted upon not to begin a crash construction program, that should surprise those in the administration who have been obsessed with Soviet capabilities to break out of the current constraints and suddenly proliferate the number of warheads they have. And, of course, it is the same people who cynically make both contradictory arguments.

Surely, it is madness to think that the United States should willingly give up all restraints on Soviet offensive weapons, in the teeth of their warning that the logical response to "Star Wars" is a Soviet buildup. Surely, it is clear that the SALT no-undercut policy is needed to preserve the foundation upon which both sides can ultimately erect a new agreement, if any agreement at all is in the cards. Surely, it should be understood that without such an agreement on offensive nuclear weapons, there is no future for the president's vision of a world in which defenses will have replaced offenses as the mainstay of deterrence. And that, surely, is the most important reason why the president should act with wisdom and reject the urgings of his zealots. Their victory means the defeat of his hopes . . . and the nation's.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, May 14, 1985.

This memorandum is in response to your request for the Congressional Research Service to assess the likely reaction of the European allies to a possible decision by the United States to discontinue informal observance of SALT II constraints beyond December 31 this year when the treaty would have expired had it been ratified. The analysis is based on an assessment of past attitudes of the allies toward the SALT II treaty, their approach to the current nuclear arms negotiations in Geneva, and their articulated goals for the future of arms control. As of this writing, we have no public evidence of official European statements concerning the prospect of such a decision, but this analysis does reflect the results of informal discussions with officials in the embassies of principal NATO allies in Washington concerning likely European reactions.

SALT II AND THE NATO ALLIES

During U.S. Senate consideration of the SALT II treaty in 1979, treaty proponents and opponents both claimed that the European allies supported their arguments. Treaty supporters were able to produce explicit European governmental support for the treaty, as most allied governments issued statements or joined in NATO communiques supporting ratification of the treaty. For example, even after ratification had become unlikely in October 1979, parliamentarians from the NATO countries meeting at the North Atlantic Assembly's annual meeting in Ottawa strongly endorsed ratification.[1] On November 14, 1979, the NATO Nuclear Planning Group meeting at the level of defense ministers "reiterated their support for early ratification of SALT II" at the end of their session.[2] And, when the allies agreed in December 1979 to deploy new intermediate range nuclear missiles in Europe, the NATO foreign ministers "expressed the hope that the treaty would soon come into force." They also "expressed the belief that ratification of the treaty would contribute to other possibilities of progress in the field of arms control," noting the importance they attached to the arms control process.[3] The Government of the Netherlands even linked the country's ultimate willingness to deploy new ground launched nuclear cruise missiles to the ratification of SALT II. The Dutch Foreign Minister stated that the government could not make "any unconditional promises on the NATO proposal without ratification of SALT II."[4]

Treaty opponents argued that in "private conversations," as opposed to official public statements, European analysts and officials were willing to reveal their concerns about the treaty. Some Europeans agreed with the treaty opponents that the accord would lock the United States into a position of strategic inferiority and concluded that this would severely weaken the U.S. nuclear guarantee for Western Europe (extended deterrence). Some Europeans also worried that Western interest in detente and arms control, as symbolized by SALT II, might have "lulled the Alliance into complacency."[5] French President Giscard d'Estaing, while supporting SALT, nonetheless warned that "this agreement should be placed in the proper light not to reduce the feeling of European security or to reduce the commitment to European security."[6]

On balance, however, even most European skeptics favored treaty ratification. As a CRS report noted at the time,

"While some European conservatives still harbor some doubts about certain aspects of the accord, even more conservatives believe that Senate approval would be in their

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[1] Stuart, Audrey. NATO Parliamentarians Call For SALT II Ratification. NATO Review. No. 6, December 1979. p. 26.

[2] NATO Review. Documentation. NATO Nuclear Planning Group Final Communique. No. 6, December 1979. p. 27.

[3] U.S. Congress. House. Subcommittee on Europe and the Middle East, Committee on Foreign Affairs. The Modernization of NATO's Long-Range Theater Nuclear Forces. [by Simon Lunn] Foreign Affairs and National Defense Division, Congressional Research Service. December 31, 1980. p. 68.

[4] Ibid., p. 62.

[5] Bell, Robert G. Foreign Perceptions of SALT. CRS Report No. 79-113 F. May 1, 1979. p. 42.

[6] Ibid., p. 43.

country's interest. Socialists and Social Democrats feel even more strongly that approval of the accord would be reassuring about the American willingness to continue to blend policies of detente with those of defense in dealing with the Soviet Union and its Warsaw Pact allies."[7]

THE GENEVA NEGOTIATIONS

Similar perceptions still characterize European attitudes toward arms control, in spite of a generally "conservative" trend in European elections since 1979. All three major NATO allies—West Germany, France, and the United Kingdom—strongly support the arms control process as currently represented by the U.S.-Soviet negotiations which resumed in Geneva earlier this year. European support for the Geneva negotiations is based on a number of calculations. The allies believe that a more stable U.S.-Soviet strategic relationship would be in their interest. U.S.-Soviet confrontation produces a number of undesirable side effects for the Europeans. It increases tension which raises the risks of war, which, they fear, could be fought out in Western Europe. Increased tension leads to pressure for defense spending increases across the board for the allies as well as for the United States, and it tends to disrupt East-West trade. And, U.S.-Soviet confrontation tends to polarize European societies creating political divisions, undermining the consensus for defense efforts, and threatening to destabilize governing coalitions or cut into government majorities.

Furthermore, a top priority for European governments is to reduce through arms control the threat posed by Soviet SS-20 missiles aimed at West European targets. There seems to be little prospect of negotiated limits on SS-20 systems so long as there is no progress toward strategic arms limitations. The French and the British, each with independent nuclear forces of their own, judge that U.S.-Soviet arms competition undermines the credibility of their deterrents. The Europeans therefore favor initiatives that encourage progress toward strategic arms limitations for these reasons as well as for the more general rationale favoring a more stable U.S.-Soviet strategic relationship.

SALT II OBSERVANCE

Richard Perle, Assistant Secretary of Defense for International Security Policy, has told the Senate Armed Services Committee that in his "personal view" the United States should suspend compliance with SALT II limits. Perle argued in part that he did not expect Soviet forces to grow any faster without SALT II than with SALT II over the next few years, while the United States would be forced to retire a "significantly larger number" of nuclear missiles than the Soviet Union, beginning with retirement of a Poseidon submarine when the new Trident missile submarine Alaska begins sea trials toward the end of September 1985.[8]

[7] U.S. Congress. Senate. Subcommittee on European Affairs. Committee on Foreign Relations. SALT II: Some Foreign Policy Considerations. [by Stanley R. Sloan] Foreign Affairs and National Defense Division, Congressional Research Service. June 1979. p. 18.

[8] Wilson, George C. Perle Favors SALT II Expiration. The Washington Post. May 8, 1985. p. 1.

At a press conference in Lisbon, Portugal, President Reagan, asked to comment on Perle's views, emphasized that no decision had yet been taken but said that there was "considerable evidence" that observance had been "one-sided" and concluded that, "If it has been, then there's no need for us to continue."[9]

While not disputing the accuracy of Perle's point, many Europeans are likely to question whether the short-term military consequences of continuing or discontinuing observance of SALT II constraints would be of major significance for the strategic balance or for the viability of extended deterrence. Most Europeans are not principally concerned with the marginal differences in the numbers of re-entry vehicles that would in the next few years be deployed by the United States and the Soviet Union under an unconstrained strategic environment versus one still governed by SALT II constraints.

Most Europeans would, however, likely be very much more concerned by the political implications of a decision to discontinue observance of SALT II constraints. The Europeans generally believe that the United States and the Soviet Union should observe some form of restraint in their nuclear programs while negotiations aimed at achieving a new limitations accord are underway. Informal observance of SALT II constraints is such a regime; if the United States and the Soviet Union decided to replace this regime with another one of reasonable balance, the Europeans would likely have no complaint.

If the Administration were able more convincingly to demonstrate to the European allies that the Soviet Union already was engaged in significant violations of SALT II guidelines, some of the onus for the damage inflicted on the arms control process by discontinuing observance would be removed from the United States. Even if the allies were convinced that Soviet violations were significant, they would nonetheless prefer that the United States first attempt to negotiate a new restraint regime with Moscow before unilaterally dispensing with the current SALT II framework.

The allies, however, are not yet convinced that the "considerable evidence" cited by President Reagan constitutes a convincing case for suspending observance of SALT II constraints. A U.S. decision unilaterally to suspend observance of SALT II without replacing that restraint regime with another would be viewed at least initially as a serious blow to their interests, especially since the Soviets have announced that they will remove old SS-11s when they deploy SS-25s to avoid undercutting what Moscow considers its limits under SALT II.

First and foremost, the NATO allies would fear that the decision meant that the United States had given up on arms control and was preparing for an uncontrolled arms race. Already nervous about the Reagan Administration's reluctance to negotiate constraints on strategic defense systems, the allies would draw a number of conclusions from a U.S. decision to abandon the SALT II regime. Even if negotiations were to continue in Geneva, the allies would be fearful that the U.S. signal would encourage Moscow also to abandon the agreement. And, while the American political system tolerates sudden shifts of policy direction, the Soviet Union, once having made its decision, might find it difficult to turn back. According to such a scenario, the world would embark on a new and dangerous phase of arms competition. The European allies would be dragged along with this competition, facing a resurgence of domestic political unrest and uncertainty. Furthermore, even though the Soviet Union might be able to "break out" of SALT II limits more rapidly than the United States, Moscow would undoubtedly mount an intensive propaganda compaign blaming the United States for the renewed arms race.

[9] Reagan's Lisbon News Conference and Washington Remarks. The New York Times. May 11, 1985. p. 6.

IMPLICATIONS

In spite of European concerns, NATO governments are unlikely to intrude openly on the U.S. decision-making process. They view the decision as falling within the sovereigh competence of the United States Government, and therefore prior to a decision will likely make their views known primarily through official channels. Should the United States decide to suspend observance, NATO governments would attempt to minimize the political impact on the alliance, moderating their critique in public statements. Irrespective of their public stance, however, allied governments undoubtedly would be troubled by some potential longer term consequences of the decision.

Many Europeans who are already skeptical of the Reagan Administration's approach to arms control would conclude that the SALT II decision had sealed the fate of arms control negotiations for a least the remainder of the term of the Reagan Administration. As a consequence, the European anti-nuclear movement might gain new life, once again posing a direct challenge to the West German and other allied governments.

The decision could strengthen the position of some parties currently in opposition, in some countries enhancing their prospects for winning the next scheduled national election. This could be the case in the United Kingdom, where the opposition Labour Party has recently experienced substantial growth in public opinion polls, and in West Germany, where the electoral prospects of the opposition Social Democrats appear to be on the rise.

For the time being, continued INF deployment in the U.K., West Germany, Italy, and Belgium might not be affected by such a decision. But if Labour were eventually to come to power in the U.K., or the Social Democrats in West Germany, the U.S. might be asked to remove the missiles as the current programs of these two parties advocate.

In the Netherlands, the decision could undermine the prospects that the Dutch government will finally approve stationing of INF systems in Holland. A "final" decision is scheduled for November 1, 1985. The current center-right government is inclined to accept deployment, but a change in the political climate, such as might be provoked by a U.S. decision against continued SALT II compliance, could produce splits in the governing coalition on the issue. Furthermore, public opinion polls suggests that elections early in 1986 will produce a substantial increase in parliamentary seats for the Social Democrats who strongly oppose development. Even if the current government manages to win parliamentary approval for development in November, a new government formed by the Social Democrats and the Christian Democrats following the election might choose to reverse that decision.

It is quite possible that a U.S. decision to discontinue observance of SALT II guide-

lines could undermine the already-tenuous European support for the SDI program. Current European support is based in large part on the hope that the SDI could be used as a stimulus for an accord limiting offensive nuclear arms. The foundation for European support of SDI would be further eroded if it came to be perceived as part of a broader program to break out of current SALT II constraints and eventually to dispense with the Antiballistic Missile (ABM) Treaty.

In summary, a United States decision to discontinue observance of the SALT II limits without replacing that restraint regime with another would in the near term increase strains in the North Atlantic Alliance. European governments would become more critical of U.S. policies while European opposition parties and movements would realize renewed political momentum. The allies would attempt to minimize the damage to the alliance because they would continue to see NATO as their principal source of security, but the decision would tend to accentuate divisive tendencies in the alliance.

A REASONABLE COMPROMISE ON THE SALT AMENDMENT

Mr. DOLE. Mr. President, I want to thank all those Senators who participated in the so-called SALT compromise. It is a reasonable compromise proposed by reasonable individuals concerned about this Nation's national security.

With the cooperation of Senators BUMPERS, LEAHY, CHAFEE, HEINZ, NUNN, WILSON, MCCLURE, HOLLINGS, RUDMAN, KENNEDY, MATTINGLY, QUAYLE, and COHEN we have demonstrated great determination in showing that we will refrain from undercutting any strategic arms agreement so long as the Soviet Union shows equal restraint. That, Mr. President, is sound policy.

Concern about the danger of nuclear holocaust has made nuclear arms control the focus of national debate. However, moral concern about nuclear weapons must be matched by an understanding of the underlying political and military complexities.

This agreement attempts to deal with both the political realities of arms control and, more importantly, the military complexities posed by SALT II.

The Soviet Union—our adversary, but hopefully our partner in arms control—must display the same interest we do in abiding by meaningful and verifiable arms control agreements. Unfortunately, all too often the Congress treats arms control agreements as if they were solely a technical exercise. The history of Soviet negotiations with Western powers from 1917 to the present should have established, beyond dispute, that Soviet leaders conduct political business when they choose to engage in formal negotiations—especially arms control negotiations. However, there must be some measure of good faith. As long as the Soviets are willing to comply with existing Strategic Arms Control Agreements, agreements negotiated in good faith, this proposal, I believe, protects our national security.

One of the most important provisions of this amendment is that it provides the President with a great deal of flexibility. While Congress has a legitimate role to play in the arms control process, it is the President who must be given the maximum flexibility to protect the security of this country.

It is crucial that the Senate act prudently, that it demonstrate to the Soviet leadership a solidarity of the Senate. We must not do anything that rewards the Soviets for not complying with any provision of SALT II while we unilaterally reduce our own systems on their behalf in the spirit of arms control.

Because arms control treaties are complicated and therefore difficult to negotiate, this agreement took great patience, hard bargaining and time. It is an equitable and effective compromise that provides the President with a great deal of flexibility while holding the Soviets' feet to fire on upholding the SALT II agreement.

Again, I thank my colleagues for all their hard work and dedication in providing us with an agreement that, while it may not please us all, upholds this Nation's national security.

Mr. President, I think the cooperation we have had in the last couple of days has made this possible. I do not share the view expressed by one of my colleagues about this compromise. I think it is a good compromise. We have telexed it to the President's people—I think they are flying around somewhere. They have had a chance to review it, review it very carefully. We have had some indication just in the last 30 minutes that they see no problem with the amendment.

They have, in effect, cleared the amendment, so I think that is another indication of a bipartisan spirit in an effort to strengthen the President's hand, if nothing else. So I am very pleased to join others in cosponsoring and supporting the amendment.

Mr. President, let me indicate to my colleagues—I think we are out of time. If speakers feel compelled, we can probably arrange for some time.

There will be a vote on this amendment up or down, followed by an immediate vote on the DOD authorization bill.

That will be the last vote of the evening. We will be in tomorrow. We hope to go on the State Department authorization bill at 11 o'clock. I doubt that there will be any votes prior to 12 or 12:30.

I thank my colleagues for their patience last evening and permitting us to work this out today. I think by doing that we have saved about 2 or 3 days of talking back and forth.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Alabama [Mr. DENTON], the Senator from Georgia [Mr. MATTINGLY], and the Senator from Delaware [Mr. ROTH] are necessarily absent.

I also announce that the Senator from North Carolina [Mr. EAST] is absent due to illness.

I further announce that, if present and voting, the Senator from Alabama [Mr DENTON], would vote nay.

The PRESIDING OFFICER (Mr. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—90

Abdnor	Glenn	Melcher
Andrews	Goldwater	Metzenbaum
Armstrong	Gore	Mitchell
Baucus	Gorton	Moynihan
Bentsen	Gramm	Murkowski
Biden	Grassley	Nickles
Bingaman	Harkin	Nunn
Boren	Hart	Packwood
Boschwitz	Hatch	Pell
Bradley	Hatfield	Pressler
Bumpers	Hawkins	Proxmire
Burdick	Heflin	Pryor
Byrd	Heinz	Quayle
Chafee	Hollings	Riegle
Chiles	Inouye	Rockefeller
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sarbanes
Cranston	Kasten	Sasser
D'Amato	Kennedy	Simon
DeConcini	Kerry	Simpson
Dixon	Lautenberg	Specter
Dodd	Laxalt	Stafford
Dole	Leahy	Stennis
Domenici	Levin	Stevens
Durenberger	Long	Thurmond
Eagleton	Lugar	Trible
Evans	Mathias	Warner
Exon	Matsunaga	Weicker
Ford	McClure	Wilson
Garn	McConnell	Zorinsky

NAYS—5

Hecht	Humphrey	Wallop
Helms	Symms	

NOT VOTING—5

Danforth	East	Roth
Denton	Mattingly	

So the amendment (No. 267), as modified, was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I think we are ready for final passage.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I ask for the floor at this time in order to inquire of the distinguished majority leader, while most Senators are here, as to what the program is for tomorrow and Friday, and whether or not there will be rollcall votes on Friday, and what he sees for Monday.

Mr. DOLE. Mr. President, if I may have attention, it will only take about 1 minute.

Tomorrow we will come in at 10 a.m. and we will be on the State Department authorization bill by 11 a.m. There are special orders. We will be on the bill by 11 a.m. There are a number of Contra amendments. We will start on the Contra amendments. I guess the first vote will not come before noon or 12:30 p.m.

When we finish the Contra amendments we will see what time it is and determine, and I think Members should reflect on this, and try to finish the bill tomorrow night or come in on Friday and finish the bill.

If we could finish the bill tomorrow I hope on Friday we will take up matters that will not require rollcall votes. That depends on what happens tomorrow.

If Senators have anything in mind on Friday, this talk will last until tomorrow, and that will be very helpful.

On Monday we hope to take up the clean water bill. I guess we will come in about noon on Monday. We might be able to work out something.

So there will not be any votes occur early Monday afternoon.

I will advise the minority leader of that tomorrow.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. THURMOND. Mr. President, what the Senate has stated today is that in view of Soviet treaty violations, we can no longer continue with business as usual regarding U.S. compliance.

I intend to support this amendment, not because I agree with everything in it, but rather because I believe it provides the President with the flexibility he needs to respond to Soviet treaty violations.

The amendment does not prescribe specific responses that the President should pursue, but rather provides him with broad flexibility to protect our security interests.

The Senate has made it clear that we can no longer comply with these agreements unilaterally.

Mr. DODD. Mr. President, I intend to vote for this bill, S. 1160, the defense authorization bill for fiscal year 1986.

This year's defense debate from the opening of the new Congress was dominated by three major themes.

One was the need to reduce our enormous deficits that threaten the economic health of the Nation and imperils the well-being of future generations.

Another was the necessity to reform the way we procure our military hardware; that is, to end or minimize the exorbitant waste, fraud and abuse that the Nation has learned about through the recent sordid revelations.

A third theme was provided by the fact that in March of this year American-Soviet arms control talks resumed in Geneva, Switzerland. Our deliberations on this bill, the acts we took, the votes we cast were profoundly influenced by the awareness that our Nation is engaged in a very important and extremely difficult series of arms control negotiations with the Soviet Union.

Mr. President, less than a year ago, I voted for the passage of the previous defense authorization bill with some reservations. I specified as my first reservation my concern that the 7.5-percent real growth incorporated in the bill was too high. It was too high in terms of the deficit, too high in terms of our pressing domestic needs, and, most importantly for the defense of our country, too high to achieve a balanced, moderate sustainable growth level in our defense spending.

I have had a strong conviction that the feast of 7.5 percent would unavoidably be followed by something like the famine of the present no real growth. I was not happy with the 7.5 percent and I am not happy with the zero percent either. I could have supported a small growth of 1, 2, or 3 percent, if included in an acceptable budget package. I think we can hardly afford these wild swings in real growth from year to year. Our defense would be much better off if the administration had tried to achieve a moderate but sustainable growth instead of excessive growth followed by no growth.

The past year was characterized by more and more revelations about the wasteful ways our military procurement system works and about the many opportunities for unscrupulous defense contractors. These revelations have contributed to the erosion of the public support that is so important to maintain our military strength.

For a more substantial analysis, these problems have to be divided into at least three groups: Individual criminality or misbehavior short of criminality; inadequate supervision and enforcement by the Pentagon; shortcomings of the laws and regulations of the procurement system.

There always were and always will be individuals under any system who will try to cheat, steal, and take bribes. This is the most obvious of our problems and has to be fought with strict and consistent law enforcement.

This leads us immediately to our second problem, laxity on the part of the Pentagon to enforce the laws and regulations concerning military procurement. If auditing, controlling, enforcement, is negligent or nonexistent there exists an almost "customary law" according to which anything goes when the funding comes from the Public Treasury.

Finally, Congress itself also has to take a share of the responsibility for not having set up a better system for procuring military goods. The most interesting thing about $12 washers, $600 toilet seats, $400 hammers and other sundry items was not that they were wonderful props for granstanding before the TV cameras, but that they were often the result of real "honest" cost-calculation. Honest, not in terms of how the whole procurement system should handle the Nation's business, but honest in terms of a producer who got an order for an individual part that was simply too small to bring his cost down, or a producer who had to retool for 100 spare part washers that he stopped manufacturing many years before.

I know that they are dishonest individuals working in the defense business. Too often, however, these discoveries were followed by efforts to seek cheap publicity instead of a more profound effort to seek the systemic breakdowns that led to these ridiculous prices.

I am relieved that in this bill we took further steps to reform our procurement process. I intend to support strongly further efforts in this direction. It is also advisable, however, to proceed cautiously. If we are too zealous to reform, we may manage to make cure worse than the illness itself. We have to enhance competition, for instance. Forced competition, where it is not economically justified, though, can be just as costly as the lack of competition where it would be beneficial.

One more thought about enforcement. I would prefer if the Secretary of Defense would seek more individual prosecutions and punishments. Companies do not cheat or steal, individuals do. If a company was enriched illegally, restitution is in order, of course. But punishments are best applied to the guilty individuals. Canceling of contracts, as a punishment, for products our military otherwise needs, makes no sense.

The start of the Geneva negotiations presented a dual peril. No Senator would want to undercut our negotiators or even to weaken their bargaining position in any way. On the other hand, not even the negotiations ought to provide an excuse for the funding of projects that are not justified on their own merits. These considerations were particularly relevant with respect to the MX and the strategic defense initiative [SDI] programs.

On balance, I believe the Senate succeeded in finding the responsible middle ground on these issues. Not that the result is exactly what I would

have desired. Still, the MX compromise finally put a cap on this ill-advised program, without entirely excluding the possibility for further production should that be required to counterbalance future Soviet moves or should we find a suitable basing mode that would give justification to full deployment of the MX. I voted for the compromise as an alternative to having no cap on MX deployment at all.

On the SDI program the funding level is higher than what I would have recommended.

In light of the contradictory claims and overstatements about SDI I urge my colleagues to continue to exercise close scrutiny both on the extent of spending on this program as well as on the strategic and arms control implications of it.

Mr. President, I listed my regrets and reservations about this bill, but on balance I strongly favor its passage. It continues to modernize our strategic forces and to build up our tactical strength. It provides a highly deserved and overdue cost of living increase for all military personnel. It continues to reform our procurement system and includes other provisions to make the management of our military more rational and effective.

Overall, it is a powerful statement on our will to continue to provide whatever is needed to defend our physical and political integrity.

I strongly urge my colleagues to vote for this bill.

Mr. PELL. Mr. President, I will vote in favor of the Defense authorization bill for the first time in 4 years because I believe that, overall, the bill does represent a significant, if modest, shift away from what, to my mind, was becoming a dangerous trend toward unbridled military expansion. I wish the redirection and reduction could have been of even greater magnitude, in several respects, but I believe it is of sufficient magnitude to warrant support.

First of all, the committee did a highly responsible job of conforming the bill to the Senate's budget mandate of zero real growth for fiscal 1986, necessitating a reduction of $19.7 billion from the President's original request. Quite properly, approximately 72 percent of the reduction came from the so-called investment accounts—procurement, R&D, and military construction—and of that one-third came from the MX, with additional, prudent reductions in the strategic development initiative. The committee also wisely provided for economies through a redirection of the retirement programs.

At the same time, the committee did provide needed continuity in major conventional weapons systems. All major combatant and auxiliary ships in the Navy were approved as requested, and I am particularly pleased that the bill provides for procurement of one Trident submarine and for other submarine development as well. Our undersea weapons are the least vulnerable and the most stable and reliable in our arsenal, and I therefore support and encourage their development for reasons that transcend the substantial local interest engendered by the fact that they are built in southern New England.

The bill has been improved in several other ways during the course of the floor debate. The procurement reforms are sensible and long overdue, particularly as they relate to the so-called revolving door problems. Some very helpful provisions were added to support and assist military dependents. And I am very pleased that the bill includes a sense of the Senate amendment urging a summit meeting between the President and Secretary Gorbachev with a specific arms control agenda.

I do not want to overstate the positive side of the bill, because there are many aspects of it with which I am not satisfied. Closer examination reveals, in fact, that much of the $19.7 billion in cuts were paper savings, achieved with mirrors as it were, under the heading of "financing adjustments" or "management savings and efficiencies." Some 20 percent of the savings comes from suddenly "found" moneys in the Department of Defense, most of it accruing as a result of past overestimates of inflation. These are funds that should have been returned to the Treasury and not used to fend off real cuts in the Pentagon budget.

Because the bulk of the reductions were achieved through such financing adjustments or nonprogrammatic cuts, there will be few significant changes in defense programs. Only one major combat system—the Navy's SH-2F helicopter—is terminated, but this was the last year of the program. Even at zero growth, several programs are actually being increased, including the C-130 transport and the SH-60 ASW helicopter. Of 897 combat aircraft requested, there is a net reduction of only three.

I especially regret that the bill makes provision for programs with which I am in philosophical disagreement, such as the B-1 bomber, the chemical warfare program and the ill-conceived plan for arming the executive branch with power to close military installations for capricious or arbitrary reasons.

I am pleased, of course, that we were able to cap the number of MX missiles deployed in fixed land-based silos at 50, and I cast my vote in favor of the Nunn-Warner amendment because I felt it was important to endorse the concept of the cap. But it was a reluctant vote, because I believe that even one MX is one too many and I share the nagging misgivings of many that 50 was far too high a price to pay for the President's agreement to a cap.

I am pleased, too, that the Senate has decided to keep some controls on antisatellite weapons and to call upon the President to seek negotiations to control these weapons. This is the third straight year in which the Senate has addressed ASAT's and come down on the side of negotiated controls. Unfortunately, as is often the case when Senate advice is given to the President, the executive branch remains adamantly opposed to any effort to control ASAT weapons.

Frankly, I believe that the opportunity to control ASAT's may be lost. The Soviets have been observing a moratorium since 1983, when they announced their willingness to ban new ASAT's and dismantle existing ones, and expressed their interest in a ban on space weapons. Due to the efforts of Congress, a moratorium on our own testing of the new F-15-based system is in effect, pending a Presidential certification.

No one doubts that ASAT controls would be difficult to negotiate. However, it would be far smarter to sit down with the Soviets and put their professed seriousness to the test than it is to fail before even starting. The present intransigence of the administration is most disheartening. I hope the President will take the Senate's advice, given once again in this bill, and make a good-faith effort to place controls on ASAT weapons.

With respect to the strategic defense initiative, I will be frank to say that I am disappointed that the Senate did not see fit to impose significant controls. While I support spending for basic research, I do believe the approved program keeps us on a course we may regret.

I was encouraged by the extent and detail of the debate on SDI. I am more confident now that the Senate is prepared to keep abreast of the SDI Program and to watch it closely. As ranking Democratic member of the Committee on Foreign Relations, I want to assure my fellow Senators that we will do our part.

An uncontrolled approach to SDI can only mean that those who believe that we can safely forget arms control and outspend and outpace the Soviets to gain strategic advantage will have the upper hand. Those with an understanding of how arms control can truly enhance our national security will be hard-pressed to devise workable and negotiable arms control proposals in the midst of a space arms race.

There is no doubt that SDI places the centerpiece of modern arms control, the Anti-Ballistic Missile Treaty of 1972, in grave jeopardy. It also could undermine the Outer Space

Treaty of 1967 and the Limited Test Ban Treaty of 1963. In effect, an imprudent SDI Program could ruin prospects for future arms control and destroy existing arms control. Given those prospects, Congress should proceed with the greatest care and caution.

Finally, I am pleased that the Senate faced up to the question of maintaining the valuable fabric of restraint in strategic arms control represented by the SALT I and SALT II Treaties. I was pleased to cosponsor the Bumpers amendment and I believe it was critically important for the Senate to assert its unequivocal support for honoring these treaties, with latitude for proportional response.

On balance and in consideration of all these factors, I support final passage of the bill. It does represent, notwithstanding its several shortcomings, a significant achievement in our efforts to contain military expenditures. And it holds promise for even further progress in reducing the threat of deadly conflict. The managers deserve our commendation for taking into consideration the concern expressed by the general public and by so many Members of this body. Through their efforts, the bill is I believe, a responsible piece of legislation.

STRATEGIC DEFENSE INITIATIVE

Mr. DOMENICI. Mr. President, I have listened to some of the debate today and yesterday on the strategic defense initiative and, frankly, I am shocked at what I hear. Is there anyone here in this chamber who really believes that the U.S. effort to do research on defensive weapons somehow constitutes a violation of the sanctity of space; and that this makes the United States the instigator in a new unbridled arms race in space?

Do they not remember that it was the Soviets who first tested an intercontinental ballistic missile by flying it through space in 1957 and that the Soviets have continued with other systems including the world's only operational antisatellite weapon system, and the world's only ballistic missile defense system. Mr. President, the Soviets are the ones who first used space for their weapons and are building to fight in space.

Mr. President, I remember in the late 1950's when the United States was shocked to learn that the Russians had successfully orbited Sputnik I. It was difficult to accept, but undeniable that the Soviets were ahead of us in the ability to use space. The same thing could happen to us again with defensive weapons. Despite a massive disinformation effort by the Soviets to discredit and retard our SDI, and obscure their activities in this area, the truth is that they are actively working on a similar program. They have been at it longer than we have and they are spending more money on it than we are—as the distinguished chairman of the committee indicated in his statement this afternoon, the Soviets never reduced their effort when the ABM Treaty was signed in 1972 and have been working ever since on strategic defensive technologies. Estimates vary, but the Soviets may be spending as much as five times as much as we are on strategic defense research.

Obviously, the area where the Soviets are most active is in ballistic missile defense. We all know they have an operational system around Moscow which is currently being upgraded from the original 64 reloadable aboveground launchers to 100 silo launchers which may also be reloadable. Furthermore, the addition of mobile launchers and the extensive radar facilities both existing and under construction give the Soviets the potential to "break out" of the ABM Treaty with very little notice and deploy an expanded system. The construction of the Krasnoyarsk radar, a blatant violation of the ABM Treaty, gives us an ominous demonstration of their record on treaty compliance.

While the Soviets are busy with current systems, they are also conducting extensive research in high energy concepts. Perhaps the best known facility for high energy laser research is being constructed at Sary Shagan in central Asia. This is one of six or more facilities where over 10,000 scientists and engineers are employed on the program. Our intelligence people indicate that the Soviets could quickly field a ground-based laser system that could "blind" or "dazzle" our satellites in low orbit. A space-based system could be ready by the end of the decade.

Perhaps the aspect of Russian activity that alarms me the most is something I heard back in my home State. Scientists at Los Alamos are working on a number of projects that are central to the SDI effort. One of them is the neutral particle beam. One of the major breakthroughs that is making the neutral particle beam attractive today was taken from the Russian scientific literature. The particular article was published in 1969—16 years ago! Now, we do not know whether the Soviets actually built a prototype based on their own theoretical information, but we surely know that they could. This is not an isolated event either. We know they are experts in microwave technology as well.

Finally, Mr. President, another alarming aspect of this: In order to put a defensive system in space, an enormous amount of space boost capacity is required. Right now our shuttle system provides the most substantial lift capacity, but it would be severely burdened just to put a modest system into space. But we see the Soviets developing a lift capacity far in excess of anything we have. Their new heavy lift booster will be able to lift over 300,000 pounds in a single mission. In a word, they are preparing the capability to put very large payloads into space.

Finally, Mr. President, I want to say a word about our effort in this area. We must remember that SDI is a research project. We do not know what a deployed system will look like and we do not know what technologies will be involved. We have lots of questions and we have to answer these questions—questions of technology, questions of engineering, questions of strategy, questions of affordability, and many more.

We cannot answer these questions unless we do the basic research that is required. That means we will go down some "blind alleys" and we will make some choices that may not work out. We have to expect that. It is the nature of experimental research. But we have to persevere in this effort and solve these problems, just as the Soviets are doing. Both of us have a long way to go, but the Soviets know, just as we should know, that the maintenance of a stable deterrence may well depend more on defensive weapons than on offensive weapons in the not-too-distant future. We simply cannot be left behind.

WE MUST DEFEND AMERICA

Mr. DIXON. Mr. President, some weeks ago I expressed in no uncertain terms my displeasure with several aspects of the Department of Defense authorization bill. My colleagues and I on the Senate Armed Services Committee worked long and hard to try to fashion a bill which we felt would provide a strong defense for our country within the financial constraints confronting us.

By and large, Mr. President, we achieved our objective. The final result, however, contains some serious deficiencies, some of which emerged from committee and some of which were added by amendment here on the Senate floor.

As a consequence, I have reservations about this bill.

First and foremost, I oppose with all the vigor at my command the provision which grants to the Secretary of Defense broad authority to close down military bases on short notice, without approval by the Congress. I find this step totally unsatisfactory and very unwise. Many of my colleagues agreed with me when we attempted to remove the discretionary power given the Secretary of Defense. The vote to remove the authority was lost on a 48-to-48 tie. We fought the good fight and almost won.

Vesting the decision to close military installations in one person, without any congressional oversight, is simply not good policy, and I hope we can rectify that mistake before this measure becomes law.

In addition, after all of our hard work in committee designed to bring forth a meaningful Defense bill, I was appalled, Mr. President, when the Pentagon suddenly and fortuitously found $4 billion in savings. These savings would allow the Pentagon to have just about everything the military forces had on their wish list, despite the fact that the committee had worked hard to make judicious cuts wherever we thought possible. I said at the time—and I say again today—this whole exercise of suddenly finding $4 billion in the Pentagon coffers was a sham and a flim-flam.

Because such a performance is a disservice to the Congress and the citizens of this country, I condemned it on the floor of the Senate. I urged that we make sure it doesn't happen again. Along with the distinguished chairman of the Armed Services Committee, I offered, and the Senate adopted, an amendment to this bill requiring the Pentagon to report regularly to Congress about the amount of unspent money it has in its various funds.

Not wanting to be completely negative, Mr. President, I would like to point out several items in this bill which are of a positive nature from my point of view. For one thing, we have fenced the funds for the purchase of additional DIVAD guns, better known as the "Sergeant York." This is the computerized radar-guided gun which will cost us billions of dollars, but which, unfortunately, doesn't shoot straight. I know, because I went to Fort Bliss to personally test the gun.

Another item the bill keeps community colleges eligible to offer postsecondary educational courses to military personnel and their dependents. The opportunity for the community colleges to compete in this field was jeopardized by steps being taken to exclude them from providing certain educational services.

A very significant section of the bill was included calling for further restrictions on the defense procurement process relating to sole source contracts. Sole source contracts have been a matter of great concern to me, and I feel that everything we can do to restore true competition to our defense procurement program represents an improvement in what is presently a very defective purchasing system.

Yet another positive step is a section of the bill which limits the revolving door syndrome, which allows former members of the Defense Department to go to work for contractors on projects which these same Defense employees were responsible for while on active duty. This situation is a classic case of conflict of interest, and I am delighted to see the Senate taking steps to curb what has become a bad practice over the years.

Although I do so with reluctance, Mr. President, I do intend to vote for this bill. Our principal concern, after all, must be to assure that we have a strong national security and a strong national defense. I have always advocated a strong defense posture for our country. We simply must have a strong defense, and, despite its shortcomings, this bill will help us meet that objective.

One thing we should also keep in mind is that this bill will be the subject of a conference committee. It will be my privilege to serve on the committee, and it is my intention to take advantage of the opportunity to raise once again my objections to allowing the Secretary of Defense to close military bases without congressional approval. It is my intention to do everything I can to see that this language dealing with military bases is not in the final version of this bill.

My goal, Mr. President, is to assist my colleagues in fashioning a bill that retains its best provisions, while eliminating those items which are faulty. I am confident that the final result will be legislation which will provide us with a strong national defense at a cost that we can afford.

NEW GI BILL AMENDMENTS

Mr. CRANSTON. Mr. President, prior to the Senate taking final action on the pending measure, S. 1160, the proposed National Defense Authorization Act for fiscal year 1986, I want to take this opportunity, as ranking minority member of the Veterans' Affairs Committee, to express my very deep concerns regarding the provisions of the bill, in section 522, amending chapter 30 of title 38, United States Code, the so-called peacetime GI bill.

Mr. President, section 522 of the committee bill would make a number of changes in the new program of educational assistance enacted last year in title VII of Public Law 98-525. Title VII, which was derived from provisions which I supported and some of which I coauthored, established a 3-year test of educational incentives for the All-Volunteer Force. That test is, at present, scheduled to begin with respect to individuals who enter the Armed Forces after June 30, 1985, and before July 1, 1988. I was privileged to serve as a Senate conferee on this measure last year.

Mr. President, it is readily apparent that section 522 would make changes in provisions—chapter 30 of title 38 of the United States Code—which are undoubtedly within the jurisdiction of the Senate Veterans' Affairs Committee. Educational assistance under chapter 30 will be provided to veterans of active duty service; the basic educational assistance program will be administered by, and be paid for out of appropriations made to, the Veterans' Administration; and, if the Supplemental Educational Assistance Program authorized by chapter 30 is implemented, the VA will administer it.

Hence, Mr. President, I had intended, together with the chairman of the Veterans' Affairs Committee, the distinguished Senator from Alaska [Mr. MURKOWSKI], to raise a point of order as to this section of the committee bill. However, I am advised by the Parliamentarian that the fact that this provision is included in a measure that has been reported from the committee as an original bill, rather than as a bill previously introduced and reported, precludes us from so doing successfully.

I believe that there is no doubt that the provisions of section 522 invade the jurisdiction of the Veterans' Affairs Committee and that a point of order to that effect would have been sustained by the Chair were this not an original bill. That these provisions have a subject matter predominantly within the jurisdiction of the Veterans' Affairs Committee is made clear under Senate precedent by the fact that the Parliamentarian referred to our committee H.R. 752, a bill passed by the House, containing a variety of amendments to chapter 30 as well as amendments to title 10, United States Code, the basic law clearly within the Armed Services Committee's jurisdiction.

BACKGROUND

In March, Mr. President, the House passed and sent to the Senate H.R. 752. That bill would, in essence, accomplish two purposes: First, it would establish as the beginning date of the new test program the date of the enactment of H.R. 752; and, second, it would permit individuals who had previously served on active duty and who had been out of the service for more than 90 days to establish eligibility for the new program. On March 28, the House-passed measure was referred to the Veterans' Affairs Committee and, on April 18, the committee ordered the measure favorably reported to the Senate. Before our committee had concluded its consideration of that measure, the Committee on Armed Services had served notice that it intended to seek a sequential referral of the measure. When that measure is reported to the Senate, our committee has agreed to honor the request of that committee and agree to a limited sequential referral. That action would rightfully recognize the basic jurisdiction of the Veterans' Affairs Committee as well as the legitimate interests of the Armed Service Committee in the matter.

That same spirit of accommodation is not being exercised regarding the pending measure, however. Members should be aware that the pending measure would alter the nature of the program that this body approved and

that was enacted into law last year. It would make three changes in that law.

First, under current law, the program is an "opt-out" program—that is, all new service members who do not make an affirmative election, upon entering onto active duty, not to participate in this new program are participants in it. Under the proposed amendments in the pending measure, the program would become an "opt-in" program—that is, a new service member would have to make an affirmative decision in order to participate in the program. Moreover, the new service member would have up to 4 months in which to make that decision. This provision really guts the basic thesis of the program we enacted last year. We would end up testing nothing more than a variation on the current chapter 32, contributory matching program of educational assistance—popularly known as VEAP—with a limitation on the period of enrollment.

The second change proposed by the pending measure deals with permitting a refund of pay deductions which establish eligibility for benefits under the new program. Under current law, a participant in the program has his or her basic pay reduced by $100 a month for the first 12 months of service. In exchange for this $1,200 forfeiture of pay, the individual who completes 3 years of active duty is eligible for a minimum of $10,800 in educational benefits—$300 a month for 36 months. In the cases of individuals who are serving in critical skill areas or for longer enlistments, the benefits can be made even greater at the discretion of the service secretary concerned.

Under the pending measure, Mr. President, an individual who had incurred the $100 per month pay reduction would be eligible to request a complete refund within 2 years of the date on which the person entered on active duty.

Mr. President, I want to point out that the nonrefundable nature of the pay reduction was not unintentional. In part, it was derived from a desire to use this new benefit as an incentive to encourage honorable service in the military and the completion of obligated periods of service. The only way that the individual can obtain value from participation is by utilizing the educational assistance, which is generally available only to those who complete their full periods of obligated service and either receive honorable discharges or are able to have their service characterized as honorable. By providing that the pay reduction is refundable, the pending measure would greatly weaken the incentives established last year for honorable service and for the completion of enlistments.

Finally, Mr. President, the measure would provide new eligibility for certain individuals who are not current law eligible for the new program. Under current law, individuals who entered the service prior to January 1, 1977, and therefore have eligibility for the current Vietnam-era GI bill provided for by chapter 34 of title 38, and who have remained on active duty without a break in service since December 31, 1976, and continue on active duty for 3 years after this new program becomes effective will be eligible for a benefit equal to the benefits available under the new program of educational assistance—without the otherwise required pay reduction—plus one-half of the value of the benefits to which they would have been entitled under the chapter 34 program. The purpose of this provision, which I helped develop as a Senate conferee, was to provide these individuals who remain continuously on active duty for this period of at least 11½ years with relief from the 1989 termination date for the use of all benefits under the Vietnam-era GI bill. In the absence of this relief, they would both lose the opportunity to use their Vietnam-era GI bill benefits and gain no eligibility under the new program.

The purpose of the 1989 relief mechanism was both to help ensure that those individuals who had had no effective opportunity to use their chapter 34 benefits because they had remained on active duty would not be encouraged to leave the service in order to use their benefits and to give them an incentive to remain on active duty longer in order to become entitled to new benefits.

The pending measure, Mr. President, would extend this 1989 relief mechanism to chapter 34 eligible individuals who had left the service and who subsequently returned to active duty. And, it would do so without distinction between those whose continuous active duty service spanned the Vietnam era and the new program—having served at least 8½ consecutive years already—and those who had been out of the service for significant periods of time—say 5 or 6 years. Both categories would be given a full 10-year delimiting period to use their benefits. This is a most inequitable result as far as I am concerned.

Mr. President, I would note that I have considerable sympathy for individuals who served during the Vietnam era, left the service, and later returned to active duty—often the armed services was actively recruiting such reenlistees. Indeed, as I noted during the Veterans' Affairs Committee's markup on H.R. 752, I had proposed a modified coverage for them and was disappointed that we were not able to agree on some means of providing more equitable treatment for those individuals who had reentered the service prior to the time that the new program was enacted.

However, I have serious concerns about the appropriations and fairness of providing benefits of this nature to these individuals on the same basis as they are provided to individuals who had no break in service. I had hoped to work with those interested in this matter to find an equitable solution.

In conclusion, Mr. President, I believe the provisions of section 522 are seriously disruptive of the program upon which the Congress agreed less than 1 year ago and which has not yet even taken effect. For this reason in my capacity as the ranking minority member of the Veterans' Affairs Committee, I have asked, together with Chairman MURKOWSKI, to be a conferee on this measure for the purposes of section 522.

Mr. BYRD. Mr. President, as the Senate votes on final passage of the fiscal 1986 Defense Authorization Act, I would like to highlight the major accomplishments of this legislation and to underscore Democratic contributions to those efforts.

In two particular areas of increasing importance to the American people—eliminating the defense waste, fraud, and abuse about which we have read with disturbing regularity and advancing arms control while promoting a more survivable, effective strategic deterrent—Democrats have taken the lead.

The bill reported out by the Armed Services Committee was the product of many long hours of deliberation and hearings. The committee made literally scores of recommendations about the many individual programs in the total defense budget.

All the members of that panel deserve the Senate's thanks for their hard work to improve this bill, compared to the administration's original budget request.

Indeed, the distinguished chairman, Senator GOLDWATER, and the distinguished ranking minority member, Senator NUNN, deserve special praise for their stewardship of this comprehensive measure.

The full Senate further improved this measure during the floor action just concluded, Mr. President. The result is a far better balance of programs to protect both our military and economic security.

The Reagan administration's $313 billion budget request for fiscal year 1986 for the Defense Department reflected a 5.9-percent real growth rate in military spending over fiscal year 1985.

This request came after 6 consecutive years of real growth in defense spending—an occurrence unprecedented in recent peacetime U.S. history—and after 5 years—fiscal year 1981–fiscal year 1985—in which defense real growth averaged 8.3 percent annually in budget authority.

Recognizing this already approved military growth, and concerned by mounting evidence that the Pentagon is failing to properly manage these resources, the full Senate proposed only enough growth in the budget to maintain the Defense Department's present purchasing power.

From my own perspective, Mr. President, I would have preferred that this measure contain sufficient funds to permit real growth in that purchasing power of 1 percent in fiscal year 1986, but the difference is modest enough to merit my support.

More importantly, by not granting the Pentagon the excessive increase it requested, the Senate is declaring that the outrageous procurement horror stories which threaten to erode the national consensus for defense spending must come to an end.

We also are stating that the Pentagon must do better in setting priorities among competing programs. By providing a leaner defense budget, the Senate is forcing the Defense Department to make hard choices to eliminate waste and militarily unjustified programs.

We have heard senior Pentagon officials protest repeatedly that they have ended these abuses of the taxpayer's dollar—that they have solved the problems inherent in the vast and complex procurement system.

Yet, each day another scandal erupts. First it was the $110 diode which should have cost 4 cents; then it was the $435 claw hammer, followed by the $7,600 coffeemaker. The $659 ashtrays were disclosed just last week.

Just 4 days after the Pentagon tried to demonstrate its toughness in procurement—by punishing those allegedly responsible for these ashtrays—it admitted that questionable purchasing continued. DOD's own inspector general reported the potential waste of almost $1.6 billion.

Mr. President, the taxpayers would be better served by less propaganda and more work from the Pentagon to eliminate this shocking waste.

We should remember that it was the Pentagon which initially objected to most major congressional efforts to end these abuses, such as establishment of the DOD inspector general's office and of the independent weapons testing office.

The bill before us continues congressional and Democratic leadership in procurement reform.

An important Democratic contribution to the committee's procurement proposals was Senator LEVIN's amendment to restrict the revolving door opportunities for military and civilian procurement officials to take jobs with contractors whose programs they manage.

Senator LEVIN, who is the ranking minority member of the committee's Defense Acquisition Policy Subcommittee, and one of the Senate's leading experts on defense procurement reform created new safeguards against potential conflicts of interest in the Pentagon.

I also am pleased that the Senate approved three amendments I proposed to increase legal penalties on unscrupulous or incompetent defense contractors and to increase DOD's access to contractor records to scrutinize questionable costs.

Specifically, my amendments did the following:

First, increased the criminal penalty under the False Claims Act for a contractor who knowingly files a "false, fictitious, or fraudulent claim" from the current $10,000 maximum fine to a $1,000,000 maximum fine.

Second, authorized the Director of the Defense Contract Audit Agency [DCAA], the Pentagon's chief cost monitor, to issue subpoenas for contractor records needed to verify cost claims. Presently, the Director of the DCAA does not have this authority and must request that subpoenas be issued by the Pentagon's inspector general. This process has been challenged in court, and access to records was a problem even before the court case. DOD's Deputy Defense Secretary, the Pentagon's top manager, testified in support of giving subpoena authority to the DCAA Director. My amendment is intended to solve those problems caused by contractors refusing legitimate requests for information. My amendment also establishes a quarterly reporting requirement on the use of the subpoena authority by DCAA to increase congressional oversight and to prevent that agency from undertaking fishing expeditions in contractor files.

Third, increased penalties for contractors filing unallowable cost claims in three major categories:

First, in cases in which a contractor submits an unallowable claim for Federal payment, and before the Government pays, a penalty is imposed for any improper claim in all cost categories, not just in the category of overhead cost claims as in the committee bill. Also an interest surcharge is imposed on this penalty computed from the date the improper claim is submitted. Together the penalty and the interest should deter frivolous or unsubstantiated cost claims which now clog the system, and should encourage contractors to reach speedy agreements with the Government. Now they delay as long as possible.

Second, in cases in which the Government has already paid a cost claim, and when a payment was based on inaccurate information submitted by the contractor, an interest surcharge is added to any penalty imposed from the date the overpayment was made. Currently, any interest owed the Government for a mistaken overpayment is charged from a date well into the contractor-Government settlement process. This process often is highlighted by negotiations protracted by a contractor, who enjoys a subsidized Federal loan until the interest charge clock begins ticking. By starting that clock much earlier in the process, we encourage quicker settlements.

Third, in cases in which the Government already has paid a cost claim, and that cost was not in compliance with established cost accounting standards, the current 7-percent limit on interest imposed on the penalty is raised to a prevailing rate set by the Treasury Secretary, from the date of the overpayment. DOD last year testified in favor of this particular change in current law so as to again prevent subsidized loans to contractors and to speed settlements.

Senator PRYOR made a noteworthy contribution to the debate on procurement reform by proposing an amendment I supported to increase competition in defense purchases, improve weapons cost estimates, and further close the revolving door between DOD and the defense industry.

Finally, in this area, Senator DECONCINI offered an important amendment to create a special, blue-ribbon commission to investigate Pentagon waste and management problems and to propose solutions to these abuses.

At the end of my remarks, I ask unanimous consent to insert into the RECORD a story from today's Wall Street Journal saying the White House is considering creation of just such a commission "to rebuild the confidence of the Congress and the American people in the (Defense) Department's stewardship of defense resources." I ask unanimous consent for that insertion in the RECORD.

This article again demonstrates that Congress is leading the way in trying to protect the taxpayers from further defense waste and fraud.

Turning to other significant components of this legislation, Mr. President, the Senate has made important decisions about improving our strategic forces and promoting arms control. It adopted a bipartisan amendment to reshape the MX missile program and emphasize survivable, effective basing for that weapon, and it approved my own amendment to fully fund the Stealth Bomber Program and buy no more than 100, limited-capability B-1B bombers.

The Senate decided that no more than 50 MX missiles should be deployed in vulnerable fixed silos, and that the President should develop a more survivable basing mode, if possible, before the Congress considers whether or not any more MX missiles should be procured for deployment.

The President endorsed the deployment cap of 50, thus acknowledging

that his plan to deploy 100 MX in vulnerable fixed silos was militarily flawed. The Nunn-Byrd compromise is a more militarily prudent course to follows, as well as a more realistic fiscal approach, since it would save hundreds of millions of dollars in future years of the MX program.

My own amendments protect two of our most sensitive and critical national security programs: The advanced technology bomber, the so-called Stealth bomber; and the advanced cruise missile, the Stealth cruise missile. These programs represent a technological edge over Soviet defense and countermeasures; they not only keep the air-breathing leg of our strategic triad viable, but they also force the Soviets to expend considerable resources to attempt to counter them. These are amendments designed to protect the money which is appropriated, pursuant to this authorization bill, from being reprogrammed by the Department of Defense or the Air Force into any other program or for any other purpose.

The provision capping the B-1 at 100 aircraft is simply a message, in terms as clear as I can make, to Pentagon and Air Force planners, that we will not make funds available for any future bomber procurement except the Stealth bomber.

I have had my questions about the B-1. There have been indications that it will be unable to penetrate Soviet defense much beyond the early 1990's. The Stealth can perform that mission and we need to insure the assured penetration of Soviet defense as a factor if our strategic capability is to be maintained. My amendments do that.

Lastly, Mr. President, this bill contains two further amendments I proposed.

I am singularly proud that the Senate adopted my amendment aimed at stemming the rising tide of espionage which threatens our Nation.

My amendment would require that a sentence of life imprisonment be imposed on certain criminals who once could have been, but who under current circumstances, because of recent Supreme Court decisions, cannot be sentenced to the death penalty.

This amendment, which would also specifically rule out any possibility of parole, would apply whenever an individual was found guilty of one of the most heinous crimes against our system of government—the crime of espionage for the Soviet Union or any other Communist country.

Mr. President, those contemptible individuals who commit such an horrendous act as spying for the Soviet Union are attacking the most fundamental underpinnings of our democratic system. Those who would even contemplate such an act, must know that, if they are convicted of having committed treason, their punishment will be certain and irrevocable.

My last amendment is important to strengthening the defense industrial base of our Nation in criticial ferroalloys.

America's industrial base and national security require a secure supply of ferroalloys of chrome, manganese, and silicon. These products are the underpinnings of our modern, technological economy. They are essential to produce steel, specialty steel, superalloys, and aluminum, as well as silicon chips. Ferroalloys are vital there would be no oilwells, probably, or refineries, hospitals, airplanes, missiles, food processing facilities, or powerplants. Without a strong domestic ferroalloy industry, the Nation will be dangerously vulnerable to disruptions in our supply of the indispensable materials it produces.

It is important that we have the benefit of the Department of Defense's analysis of the importance of ferroalloys to our defense production base.

My amendment recognizes the vital role that ferroalloy products have in industries crucial to the national defense, and requires the Department of Defense to undertake a study to determine what effect the loss of all domestic ferroalloys production capacity would have on the defense industrial base and on industrial preparedness.

Mr. President, this fiscal 1986 defense authorization bill deserves full Senate endorsement and I urge its final passage.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 5, 1985]

PANEL ON ARMS PROCUREMENT IS CONSIDERED

DECISION BY WHITE HOUSE EXPECTED SOON ON GROUP TO CRITIQUE PROCEDURES

(By Tim Carrington)

WASHINGTON.—Stung by recent weapons-buying scandals and the proposed halt in the Pentagon's budget growth, President Reagan is considering the creation of a top-level commission to critique the defense procurement system.

A decision is expected later this week, following a meeting with Defense Secretary Caspar Weinberger and other administration officials, aides said. One purpose of such a commission would be to "rebuild the confidence of the Congress and the American people in the department's stewardship of defense resources," a staffer said, conceding that support for President Reagan's defense buildup has all but evaporated.

For several weeks, White House officials have voiced distress over the loss of support among traditional backers of the military program. Many conservatives who had supported the military expansion throughout the first term of the Reagan administration refused to vote for an inflation-adjusted budget increase of as much as 3% in the fiscal year starting Oct. 1, the level called for by Democrat Walter Mondale in his presidential campaign.

"One of the amazing things in this town is how quickly a consensus builds up and how quickly if falls apart," said one administration official involved in defense matters. Congress is expected to approve an increase no greater than the projected rate of inflation. The administration initially sought a nominal 10% rise.

The decision to create such a commission is fraught with political complications for the administration. Formation of the group could be seen as a no-confidence vote in the Pentagon's current management—beginning with Secretary Weinberger, whose ties with the President remain close.

Critics of the Pentagon may view the creation of a study commission to be little more than a public relations effort designed to preserve the current procurement system.

Meanwhile, the White House plan may be seen as an effort to preempt congressional moves to set up a group that would overhaul the weapons-buying program. The Senate adopted an amendment to the defense authorization bill that would set up a 21-member commission with appointees named by Congress and the White House.

And six weeks ago, Alabama Rep. William Dickinson, the ranking Republican on the House Armed Services Committee, urged President Reagan to set up a commission on his own.

By setting up its own commission before any final congressional action, the White House appears to be taking a more active posture in dealing with procurement problems. Administration officials worry, however, that such steps can backfire. Many Pentagon official contend that the Defense Department has become more vigilant in policing procurement problems, with the result of drawing more attention to waste and mismanagement.

Derek Vander Schaaf, the Defense Department's deputy inspector general, held a briefing on that office's latest report to Congress on cost overruns. He said that the report underscored department efforts to track down abuses, but also highlighted the extent of waste in the military procurement system.

Mr. Vander Schaaf said that the inspector general's office has identified $1.6 billion in potential savings that can be realized through various changes over coming months. In addition, the office has obtained savings of $1.3 billion during the six months ended March 31.

According to the report, all three services could produce savings through program changes. The Army could save $77 million by canceling plans to buy certain lithium batteries and use batteries already in stock. Spending for the Air Force's advanced medium-range air-to-air missile could be chopped by $58 million if the Pentagon separated purchases of the missile parts and bought them through competitive bids. The report said that a Navy Public Works Center has spent an excess of $1.8 million and could realize a comparable amount of savings in the future.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed immediately to the vote on final passage.

The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Alabama [Mr. DENTON], the Senator from Georgia [Mr. MATTINGLY], and the Senator from Delaware [Mr. ROTH] are necessarily absent.

I also announce that the Senator from North Carolina [Mr. EAST] is absent due to illness.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] and the Senator from Georgia [Mr. MATTINGLY] would each vote yea.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—91

Abdnor	Goldwater	Mitchell
Andrews	Gore	Moynihan
Armstrong	Gorton	Murkowski
Baucus	Gramm	Nickles
Bentsen	Grassley	Nunn
Biden	Harkin	Packwood
Bingaman	Hart	Pell
Boren	Hatch	Pressler
Boschwitz	Hawkins	Pryor
Bradley	Hecht	Quayle
Bumpers	Heflin	Riegle
Burdick	Heinz	Rockefeller
Byrd	Helms	Rudman
Chafee	Hollings	Sarbanes
Chiles	Humphrey	Sasser
Cochran	Inouye	Simon
Cohen	Johnston	Simpson
Cranston	Kassebaum	Specter
D'Amato	Kasten	Stafford
DeConcini	Kennedy	Stennis
Dixon	Kerry	Stevens
Dodd	Lautenberg	Symms
Dole	Laxalt	Thurmond
Domenici	Leahy	Trible
Durenberger	Levin	Wallop
Eagleton	Long	Warner
Evans	Lugar	Weicker
Exon	Mathias	Wilson
Ford	Matsunaga	Zorinsky
Garn	McClure	
Glenn	McConnell	

NAYS—4

Hatfield	Metzenbaum
Melcher	Proxmire

NOT VOTING—5

Danforth	East	Roth
Denton	Mattingly	

So the bill (S. 1160), as amended, was passed.

The text of the bill (S. 1160), as amended, was passed by a vote of 91 to 4, as follows:

S. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1986".

ORGANIZATION

SEC. 2. This Act is divided into four divisions as follows:

(1) DIVISION A—Department of Defense Authorization.

(2) DIVISION B—Military Construction Authorization.

(3) DIVISION C—Department of Energy National Security and Military Applications of Nuclear Energy Authorization.

(4) DIVISION D—Civil Defense.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATION

SHORT TITLE

SEC. 100. This division may be cited as the "Department of Defense Authorization Act, 1986".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, missiles, weapons, and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $3,737,500,000.

For missiles, $3,347,700,000.

For weapons and tracked combat vehicles, $5,213,300,000.

For ammunition, $2,408,300,000.

For other procurement, $5,049,500,000.

(b) None of the funds appropriated pursuant to this or any other Act may be used for the purpose of procuring the Division Air Defense system under option III of the contract for the procurement of the system in effect on the date of enactment of this Act or for the purpose of entering into a new contract for the production and assembly of the Division Air Defense system until—

(1) the follow-on testing and evaluation of the Division Air Defense system ordered by the Secretary of Defense on September 28, 1984, has been completed;

(2) the Secretary of Defense has reported the results of the testing and evaluation to the Committees on Armed Services of the Senate and the House of Representatives and has certified to such committees that, on the basis of those results, further acquisition of operational fire units of the system is justified; and

(3) 30 days have elapsed after the date on which the committees received the report required by clause (2).

(c) The Secretary of the Army may not enter into a multiyear contract for the procurement of the Armored Combat Earthmover (ACE).

(d)(1)(A) Except as provided in subsection (b) none of the funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used for the purpose of entering into a new contract for the procurement of 5-ton trucks for the Army until the Secretary of the Army certifies to the Committees on Armed Services of the Senate and the House of Representatives that all truck engines described in subparagraph (B) have been tested as provided in subparagraph (C).

(B) The truck engines referred to in subparagraph (A) are engines that (i) meet the specifications of the Army for engines for 5-ton trucks, and (ii) are available from sources competing for the award of a contract for the supply of engines to the Army for the 5-ton trucks that are to be procured under a multiyear contract that is to succeed the multiyear contract referred to in paragraph (2).

(C) The engine testing referred to in subparagraph (A) shall be carried out in 5-ton trucks configured in the M939 technical data package of the Army and shall include tests to determine whether—

(i) the engine is durable in a mission profile for at least 20,000 miles; and

(ii) the performance reliability of the engine for high ambient temperature cooling, cold starting, deep water fording, grade climbing, and noise is acceptable.

(2)(A) The Secretary of the Army is authorized to extend for a period not to exceed 18 months the multiyear contract for the procurement of 5-ton trucks that is in effect on the date of enactment of this Act.

(B) Funds made available to the Army for the procurement of 5-ton trucks in fiscal year 1985 may be used after the date of the enactment of this Act, and funds appropriated for the procurement of 5-ton trucks for the Army for fiscal year 1986 may be used after September 30, 1985, for the procurement of 5-ton trucks under an extension of the contract referred to in subparagraph (A).

(3) The Secretary of the Army shall take such action as is appropriate, consistent with the limitation set out in paragraph (1), to award a multiyear contract for the procurement of 5-ton trucks not later than May 1, 1986. Not later than February 1, 1986, the Secretary shall determine whether it is impracticable to award the contract on or before May 1, 1986. If the Secretary determines such action to be impracticable, he shall notify the Committees on Armed Services of the Senate and the House of Representatives of the determination on or before February 1, 1986.

(e) Notwithstanding the provisions of section 1502(a) of title 31, United States Code, or any other provision of law, funds appropriated for the Multiple Launch Rocket System (MLRS) program for fiscal year 1985 may be used to make economic order quantity purchases of materials and components for use with Multiple Launch Rocket System (MLRS) program end items proposed for procurement in fiscal year 1989.

(f) There is hereby authorized to be transferred to, and merged with, an amount appropriated to the Army for procurement of aircraft for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided for in appropriations Acts, the sum of $104,000,000 to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Army remaining available for obligation.

(g) There are hereby authorized to be transferred to amounts appropriated for procurement for the Army for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $40,000,000 for the procurement of aircraft, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Army remaining available for obligation;

(2) $25,000,000 for the procurement of missiles, to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Army remaining available for obligation;

(3) $75,000,000 for the procurement of weapons and tracked combat vehicles, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation;

(4) $140,000,000 for the procurement of ammunition for the Army, of which $110,000,000 is to be derived from amounts appropriated for fiscal year 1985 for procurement of ammunition for the Army re-

maining available for obligation, and $30,000,000 to be derived from amounts appropriated for fiscal year 1984 for the procurement of ammunition for the Army remaining available for obligation; and

(5) $238,000,000 for other procurement for the Army, of which $159,000,000 is to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Army remaining available for obligation, and $79,000,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Army remaining available for obligation.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and other procurement for the Navy as follows:

For aircraft, $11,344,600,000.

For weapons, (including missiles and torpedoes), $5,470,200,000.

For shipbuilding and conversion, $9,926,200,000.

For other procurement, $5,279,400,000.

(b) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,614,800,000.

(c) The Secretary of the Navy may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of LHD-1 class amphibious assault ships. Such contracts may contain cancellation ceilings not to exceed the amount appropriated for the LHD-1 class amphibious assault ship program.

(d) Of the amount authorized in subsection (a) for shipbuilding and conversion, $133,400,000 is available only for the aircraft carrier service life extension program. Not more than $86,400,000 of such $133,400,000 may be obligated or expended until—

(1) the Secretary of the Navy has certified to the Committees on Armed Services of the Senate and the House of Representatives that, taking into consideration all relevant factors, a full service life extension program for the U.S.S. Kitty Hawk can be carried out in fiscal year 1987 at the Philadelphia Naval Shipyard more cost effectively than through alternative means of achieving the same service life extension of such ship at other naval shipyards; and

(2) a period of 90 days has elapsed after the day on which the certification is received by the committees.

(e) None of the funds appropriated pursuant to the authorization of appropriations in subsection (a) may be obligated or expended for the procurement of C-12 or C-12 type aircraft unless such aircraft are procured through competitive procedures (as defined in section 2302(2) of title 10, United States Code).

(f) None of the funds appropriated pursuant to the authorization of appropriations in subsection (a) for shipbuilding and conversion may be obligated or expended until after the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives a final report on the procedures which would permit allied or friendly nations to construct diesel-electric submarines in United States shipyards.

(g) The Secretary of the Navy may not enter into a multiyear contract for the procurement of P-3C Orion aircraft.

(h) Any request for funds submitted to the Congress for fiscal year 1987 or any subsequent fiscal year for ship contract design necessary to support the procurement of ships contained in the Navy's five-year shipbuilding and conversion plan (at the time the request is submitted) shall be reflected in the Shipbuilding and Conversion account of the Navy.

(i)(1) Funds appropriated for fiscal years before fiscal year 1986 and remaining available for obligation are hereby authorized to be transferred to, and merged with, amounts appropriated pursuant to the authorization of appropriations for shipbuilding and conversion, Navy, in subsection (a), to the extent provided in appropriation Acts, in the total amount of $437,600,000. Such amount shall be derived in accordance with paragraph (2).

(2) Amounts transferred pursuant to paragraph (1) to amounts appropriated for shipbuilding and conversion pursuant to the authorization of appropriations in subsection (a) shall be derived from amounts appropriated for shipbuilding and conversion for the Navy for fiscal years before fiscal year 1986 as follows:

(A) $357,500,000 shall be derived from amounts appropriated for fiscal years before fiscal year 1983.

(B) $24,000,000 shall be derived from amounts appropriated for fiscal year 1983.

(C) $56,100,000 shall be derived from amounts appropriated for fiscal year 1984.

(j) There are hereby authorized to be transferred to amounts appropriated for procurement for the Navy for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $109,000,000 for aircraft procurement, to be derived from amounts appropriated for fiscal year 1985 for aircraft procurement for the Navy remaining available for obligation;

(2) $15,000,000 for procurement of weapons, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons for the Navy remaining available for obligation;

(3) $422,000,000 for shipbuilding and conversion for the Navy, of which $129,000,000 is to be derived from amounts appropriated for fiscal year 1983 for shipbuilding and conversion for the Navy remaining available for obligation, $100,000,000 to be derived from amounts appropriated for fiscal year 1984 for shipbuilding and conversion for the Navy remaining available for obligation, and $193,000,000 to be derived from amounts appropriated for fiscal year 1985 for shipbuilding and conversion for the Navy remaining available for obligation;

(4) $221,000,000 for other procurement for the Navy, of which $70,000,000 is to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Navy remaining available for obligation, and $151,000,000 to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Navy remaining available for obligation; and

(5) $28,000,000 for procurement for the Marine Corps to be derived from amounts appropriated for fiscal year 1985 for procurement for the Marine Corps remaining available for obligation.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $24,265,100,000.

For missiles, $9,274,900,000.

For other procurement, $8,706,400,000.

(b) There are hereby authorized to be transferred to amounts appropriated for procurement for the Air Force for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $406,000,000 for aircraft procurement for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for aircraft procurement for the Air Force remaining available for obligation;

(2) $35,000,000 for missile procurement for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for missile procurement for the Air Force remaining available for obligation; and

(3) $282,000,000 for other procurement for the Air Force, of which $86,000,000 is to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Air Force remaining available for obligation, and $196,000,000 to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Air Force remaining available for obligation.

AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE COMPONENTS

SEC. 104. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces as follows:

For the Army National Guard, $100,000,000.

For the Air National Guard, $192,000,000.

For the Naval Reserve, $20,000,000.

For the Marine Corps Reserve, $20,000,000.

(b) The authorizations of appropriations contained in subsection (a) are in addition to any other amounts authorized to be appropriated by this or any other Act.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 105. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the Defense Agencies in the amount of $1,318,100,000.

(b) There are hereby authorized to be transferred to amounts appropriated for procurement for the Defense Agencies appropriations in subsection (a), to the extent provided in appropriation Acts, the sum of $36,000,000 for procurement for the Defense Agencies, of which $15,000,000 is to be derived from amounts appropriated for fiscal year 1984 for procurement for the Defense Agencies remaining available for obligation, and $21,000,000 to be derived from amounts appropriated for fiscal year 1985 for procurement for the Defense Agencies remaining available for obligation.

EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 106. Effective October 1, 1985, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1985" each place it appears and inserting in lieu thereof "fiscal year 1986".

LIMITATIONS ON MX MISSILE PROCUREMENT AND DEPLOYMENT

SEC. 107. (a) It is the sense of the Congress that—

(1) not more than 50 MX missiles should be deployed in existing Minuteman silos;

(2) after procurement of 50 missiles for deployment, further procurement of MX missiles should be limited only to those necessary for the MX missile reliability testing program and as spares within the logistics system supporting the deployed MX missile force, unless a different basing mode is proposed by the President and agreed to by the Congress; and

(3) in fiscal year 1987, depending upon the most efficient production rate, from 12 to 21 MX missiles should be procured; but as provided in paragraph (2), these missiles should be limited only to spare and test missiles unless a different basing mode is proposed by the President and agreed to by the Congress.

(b) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization of funds in this or any prior Act may be used—

(1) to deploy more than 50 MX missiles in existing Minuteman silos;

(2) to modify, or prepare for modification, more than 50 existing Minuteman silos for the deployment of MX missiles;

(3) to acquire basing sets for more than 50 MX deployed missiles; or

(4) to procure long-lead items for the deployment of more than 50 MX missiles.

(c) Not more than 12 MX missiles shall be procured with funds appropriated pursuant to an authorization of funds in this Act.

(d) All MX missiles acquired by funds appropriated pursuant to an authorization of funds in this division may only be used in accordance with the terms set forth in this section.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, $4,782,775,000.

For the Navy (including the Marine Corps), $10,468,556,000.

For the Air Force, $14,294,734,000.

For the Defense Agencies, $6,126,266,000, of which $93,500,000 is authorized for the activities of the Director of Defense Test and Evaluation.

(b) Of the amount authorized in subsection (a) for the Navy, $5,900,000 is available only for the Navy Oceanography program.

(c) Of the amount authorized in subsection (a) for the Army, $52,000,000 is available only for the Software Initiatives (STARS) program.

(d) Of the amount authorized in subsection (a) for the Air Force—

(1) $193,776,000 shall be available only for the Very High Speed Integrated Circuit program; and

(2) $11,742,000 shall be available only for the Software Engineering Institute.

(e) Of the amount authorized in subsection (a) for the Defense Agencies, $142,000,000 shall be available only for the Strategic Computing Initiative

(f) There are hereby authorized to be transferred to amounts appropriated for research, development, test, and evaluation for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts—

(1) $89,000,000 for the Army, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Army remaining available for obligation;

(2) $183,000,000 for the Navy, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Navy remaining available for obligation;

(3) $256,000,000 for the Air Force, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Air Force remaining available for obligation; and

(4) $151,000,000 for the Defense Agencies, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Defense Agencies remaining available for obligation.

LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 202. Of the amount authorized in section 201 for the Defense Agencies—

(1) not less than $9,000,000 of the total amount authorized for the Strategic Defense Initiative program is available only for the hardened ballistic missile materials program, managed by the Army Materials and Mechanics Research Center (AMMRC), to continue research on thermal protection materials, stiffened structural materials, and optic sensor materials, and not less than $12,500,000 of the total amount authorized for such program is available only for the medical application of free-electron lasers and associated material and physical sciences research; and

(2) not less than $1,000,000 of the total amount authorized for University Research is available only for computer and related research at Syracuse University, Syracuse, New York.

PROCEDURES REQUIRED PRIOR TO DECISIONS ON FULL-SCALE DEVELOPMENT AND BASING SITE SELECTION FOR SMALL INTERCONTINENTAL BALLISTIC MISSILES

SEC. 203. (a) Before any decision may be made by the President or the Secretary of Defense with regard to the full-scale development of a small intercontinental ballistic missile or the selection of basing areas for the deployment of such missile, the Secretary of the Air Force shall prepare and submit to the appropriate committees of the Congress a legislative environmental impact statement with respect to the full-scale development and selection of areas for the basing of such missile. In making any such decision, the President and the Secretary of Defense shall take into consideration the findings and conclusions contained in any such report.

(b) The legislative environmental impact statement required by subsection (a) shall be prepared in accordance with the requirements applicable to such statements prepared under section 1506.8 of title 40 of the Code of Federal Regulations (as in effect on May 16, 1985).

(c) A legislative environmental impact statement prepared and submitted to the appropriate committees pursuant to subsection (a) shall be deemed to have met all the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to all aspects of the full-scale development of a small intercontinental ballistic missile and the selection of basing areas for the deployment of such missile.

(d) Preparation of a legislative environmental impact statement pursuant to subsection (a) shall not relieve the Secretary of Defense from any obligation for the subsequent preparation of administrative environmental impact statements relative to the environmental impact on specifically selected sites within the chosen areas for the deployment and peacetime operation of small intercontinental ballistic missiles.

IMPROVED COOPERATION IN RESEARCH, DEVELOPMENT, AND PRODUCTION OF MILITARY EQUIPMENT AMONG NATO NATIONS

SEC. 204. (a) The Congress hereby finds—

(1) that for more than a decade the member nations of the North Atlantic Treaty Organization (NATO) have provided in the aggregate significantly larger resources for defense purposes than have the member nations of the Warsaw Treaty Organization;

(2) that, despite this fact, the Warsaw Treaty Organization member nations have produced and deployed many more major combat items such as tanks, armored personnel carriers, artillery pieces and rocket launchers, armed helicopters, and tactical combat aircraft than have the member nations of NATO; and

(3) that a major reason for this discouraging performance by NATO is inadequate cooperation among NATO nations in research, development, and production of military end-items of equipment and munitions.

(b) The Congress, therefore, urges and requests the President, the Secretary of Defense, and the United States Representative to the North Atlantic Treaty Organization to pursue diligently opportunities for member nations of NATO to cooperate in research and development on defense equipment and munitions and in the production of defense equipment, including coproduction of conventional defense equipment by the United States and other member nations of NATO and production by United States contractors of conventional defense equipment designed and developed by other member nations of NATO.

(c)(1) of the funds appropriated pursuant to the authorization in section 201(a) for research, development, test, and evaluation, the sum of $200,000,000 shall be available, in equal amounts, to the Army, Navy, Air Force, and Defense Agencies only for NATO cooperative research and development projects as provided in this section.

As used in this section, the term "cooperative research and development project" means a project involving joint participation by the United States and one or more other member nations of NATO under a memorandum of understanding or other formal agreement to carry out a joint research and development program on conventional defense equipment and munitions, or to modify existing military equipment to meet United States military requirements.

(d) A memorandum of understanding or other formal agreement to conduct a cooperative research and development project may not be entered into unless the Secretary of Defense determines that the proposed project enhances the ongoing multinational effort to improve NATO's conventional defense capabilities through the application of emerging technology. The Secretary of Defense may not delegate the authority to make such determination except to the Deputy Secretary of Defense or the Director of Defense Research and Engineering.

(e) In order to assure substantial participation on the part of other member nations of NATO in approved cooperative research and development projects, funds made available under subsection (c) for such projects may not be used to procure equipment or services from any foreign government, foreign research organization, or any other foreign entity.

(f) The Secretary of Defense shall encourage other member nations of NATO to es-

tablish programs similar to the one provided for in this section.

(g)(1) In order to ensure that opportunities to conduct cooperative research and development projects are considered during the early decision points in the Department of Defense's formal development review process in connection with any planned project of the Department of Defense, the Director of Defense Research and Engineering shall prepare a formal arms cooperation opportunities document for review by the Defense Systems Acquisition Review Council at its formal meetings. The Director shall also prepare an arms cooperation opportunities document for reviews of new projects for which a Justification of Major Systems New Start document is prepared.

(2) The formal arms cooperation opportunities document referred to in paragraph (1) shall include the following:

(A) statement indicating whether or not a project similar to the one under consideration by the Department of Defense is in development or production by one or more of the other NATO member nations.

(B) If a project similar to the one under consideration by the Department of Defense is in development by one or more other member nations of NATO, an assessment by the Director of Defense Research and engineering as to whether that project could satisfy, or could be modified in scope so as to satisfy, the military requirements of the United States project under consideration by the Department of Defense.

(C) An assessment of the advantages and disadvantages with regard to program timing, developmental and life cycle costs, technology sharing, and Rationalization, Standardization, and Interoperability (RSI) of seeking to structure a cooperative development program with one or more other NATO member nations.

(D) The recommendation of the Director of Defense Research and Engineering as to whether the Department of Defense should explore the feasibility and desirability of a cooperative development program with one or more other member nations of NATO.

(h)(1) It is the sense of the Congress that the Department of Defense should perform more side-by-side testing of conventional defense equipment manufactured by the United States and other member nations of NATO and that such testing should be conducted at the late stage in the development process when there is usually only a single United States prime contractor.

(2) In addition to any funds appropriated for activities of the Director of Defense Test and Evaluation pursuant to section 201(a), $50,000,000 shall be available to the Director, from any other funds appropriated pursuant to an authorization in this division, to acquire items of the type specified in paragraph (2) manufactured by other member nations of NATO for side-by-side comparison testing with comparable items of United States manufacture.

(3) Items that may be acquired under paragraph (1) by the Director of Defense Test and Evaluation include, but are not limited to the following:

(A) Submunitions and dispensers.

(B) Anti-tank and anti-armor guided missiles.

(C) Mines, for both land and naval warfare.

(D) Runway-cratering devices.

(E) Torpedoes.

(F) Mortar systems.

(G) Light armored vehicles and major subsystems thereof.

(H) Utility vehicles.

(I) High-velocity anti-tank guns.

(J) Short-Range Air Defense Systems (SHORADS).

(K) Mobile air defense systems and components.

(4) The Director of Defense Test and Evaluation shall notify the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives of his intent to obligate funds under this subsection not less than 30 days before such funds are obligated.

(5) Not later than February 1, 1985, and annually thereafter, the Director of Defense Test and Evaluation shall provide to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on the systems, subsystems, and munitions produced by other member nations of NATO that were evalauted during the previous fiscal year by the Director and on the obligation of any funds under this subsection during the preceding fiscal year.

USE OF PRIOR YEAR FUNDS FOR THE SIMPLIFIED MUNITIONS LIFT TRAILER PROGRAM

SEC. 205. Not to exceed $3,800,000 of any funds appropriated to the Air Force for research, development, test, and evaluation for fiscal year 1985, or any prior fiscal year, and which remain available for obligation shall be available to the Secretary of the Air Force to enter into a contract for the development of the Simplified Munitions Lift Trailer with the winner of the competition, which was mandated by section 112 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2507), to determine the contractor best qualified to carry the Simplified Munitions Lift Trailer program.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, $19,230,286,000.

For the Navy, $24,732,872,000.

For the Marine Corps, $1,628,022,000.

For the Air Force, $20,100,674,000.

For the Defense Agencies, $7,503,264,000.

For the Army Reserve, $769,300,000.

For the Naval Reserve, $903,790,000.

For the Marine Corps Reserve, $56,870,000.

For the Air Force Reserve, $890,844,000.

For the Army National Guard, $1,591,620,000.

For the Air National Guard, $1,806,162,000.

For the National Board for the Promotion of Rifle Practice, $920,000.

For Defense Claims, $143,300,000.

For the Court of Military Appeals, $3,200,000.

(b) Funds are hereby authorized to be transferred, to the extent provided in appropriation Acts, from the Foreign Currency Fluctuations, Defense fund to the operation and maintenance accounts of the military departments in amounts as follows:

For the Army, $156,000,000.

For the Navy, $156,000,000.

For the Air Force, $156,000,000.

GENERAL AUTHORIZATION OF APPROPRIATIONS FOR FUEL COSTS AND INFLATION ADJUSTMENTS

SEC. 302. There are authorized to be appropriated for fiscal year 1986, in addition to the amounts authorized to be appropriated in section 301, such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 301;

(2) for unbudgeted increases in fuel costs; and

(3) for unbudgeted increases as the result of inflation in the cost of activities authorized by subsection (a).

AUTHORIZATION OF APPROPRIATIONS FOR WORKING-CAPITAL FUNDS

SEC. 303. Funds are hereby authorized to be appropriated for fiscal year 1985 to provide capital for working- capital funds of the Department of Defense in amounts as follows:

For the Army Stock Fund, $393,000,000.

For the Navy Stock Fund, $638,500,000.

For the Marine Corps Stock Fund, $37,700,000.

For the Air Force Stock Fund, $415,900,000.

For the Defense Stock Fund, $174,500,000.

PILOT PROGRAM FOR EXCHANGE OF CERTAIN HIGH RANKING MILITARY AND CIVILIAN PERSONNEL WITH THE SOVIET UNION TO REDUCE NUCLEAR RISKS

SEC. 304. (a) The Secretary of Defense shall submit to the appropriate committees of the Congress not later than December 1, 1985, a plan for the establishment and operation during fiscal year 1986 of a pilot program for the exchange of visits between high ranking officers of the Armed Forces of the United States and high ranking civilian officials of the Department of Defense and corresponding high ranking officials of the Soviet Union.

(b) Such plan shall include—

(1) specific identification of the United States personnel selected for participation in the program;

(2) the length of the exchange visits with the Soviet Union;

(3) the specific goals of each exchange visit;

(4) the cost of United States participation in each visit;

(5) any special actions that will be taken to protect classified information of the United States during visits to the United States by personnel of the Soviet Union; and

(6) such other program details as the Secretary may consider appropriate.

(c) Of the funds appropriated pursuant to section 301(a), the sum of $100,000 shall be available only for the purpose of travel, subsistence, and other support costs for participation by the United States in the pilot program described in subsection (a).

AUTHORIZATION OF SUPPORT FOR THE TENTH INTERNATIONAL PAN AMERICAN GAMES

SEC. 305. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services to the Tenth International Pan American Games to be held in Indianapolis, Indiana, in August 1987;

(2) to lend and provide equipment in support of such games; and

(3) to provide such other services and equipment in support of such games as the Secretary may consider advisable.

(b)(1) Not to exceed $25,000,000 of the funds appropriated to the Department of Defense pursuant to the authorization of funds contained in this title or title I may be used for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel related allowances for civilian employees of the Department of Defense and for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the Tenth International Pan American Games), no funds may be obligated for such purpose unless specifically appropriated for such purpose.

(2) The costs for pay and nontravel related allowances for civilian employees of the Department of Defense and for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the Tenth International Pan American Games) may not be charged to appropriations made pursuant to the authorization of funds contained in this title or title I.

OPERATION AND MAINTENANCE OF DRUG LAW ENFORCEMENT ASSISTANCE ORGANIZATIONS OF THE DEPARTMENT OF DEFENSE

SEC. 306. (a) There are authorized to be appropriated to the Department of Defense for fiscal year 1985 such sums as may be necessary for the establishment and the operation and maintenance of one or more Reserve Forces Airborne Surveillance and Detection units in the Department.

(b) There are authorized to be appropriated to the Department of Defense for fiscal year 1985 such sums as may be necessary for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Law Enforcement.

(c) Not later than September 30, 1985, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report on the manner in which the Department of Defense plans to obligate and expend funds appropriated or expected to be appropriated pursuant to an authorization contained in this section. The report shall include a description of—

(1) actions or proposed actions to establish, operate, and maintain Reserve Forces Airborne Surveillance and Detection units;

(2) actions and proposed actions to utilize appropriate aircraft of the Department of Defense to furnish, commensurate with military readiness, optimal support to civilian law enforcement agencies for the purpose of carrying out drug interdiction missions and for other operational activities of such agencies relating to the enforcement of drug laws; and

(3) actions and proposed actions to promote dual utilization of Department of Defense aircraft and other Department of Defense resources available to civilian law enforcement agencies by providing for the utilization of such aircraft and resources by Reserve Forces Airborne Surveillance and Detection units and by such agencies.

TITLE IV—PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1986, as follows:

(1) The Army, 780,800.

(2) The Navy, 581,300.

(3) The Marine Corps, 198,800.

(4) The Air Force, 606,470.

EXTENSION OF QUALITY CONTROL ON ENLISTMENTS IN THE ARMY

SEC. 402. Effective on October 1, 1985, section 302(a) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 520 note), is amended by striking out "October 1, 1984" and "September 30, 1985" and inserting in lieu thereof "October 1, 1985" and "September 30, 1986", respectively.

PART B—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 411. (a) For fiscal year 1986 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 438,434.

(2) The Army Reserve, 288,830.

(3) The Naval Reserve, 131,270.

(4) The Marine Corps Reserve, 41,760.

(5) The Air National Guard of the United States, 107,950.

(6) The Air Force Reserve, 75,390.

(7) The Coast Guard Reserve, 12,500.

(b) The average strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 412. (a) Within the average strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 1986, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 20,583.

(2) The Army Reserve, 10,700.

(3) The Naval Reserve, 15,210.

(4) The Marine Corps Reserve, 1,129.

(5) The Air National Guard of the United States, 6,469.

(6) The Air Force Reserve, 603.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

PART C—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 421. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1986, of 1,065,970.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid programs and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

PART D—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 431. (a) For fiscal year 1986, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 79,686.

(2) The Navy, 71,018.
(3) The Marine Corps, 20,766.
(4) The Air Force, 43,389.
(5) The Army National Guard of the United States, 18,886.
(6) The Army Reserve, 16,985.
(7) The Naval Reserve, 3,355.
(8) The Marine Corps Reserve, 3,790.
(9) The Air National Guard of the United States, 2,751.
(10) The Air Force Reserve, 2,118.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1986 shall be adjusted consistent with the manpower strengths authorized in parts A and B of this title. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE V—COMPENSATION AND OTHER BENEFITS; EDUCATIONAL ASSISTANCE AND MISCELLANEOUS PERSONNEL MATTERS

PART A—PAY AND ALLOWANCES

MILITARY PAY RAISE FOR 1986

SEC. 501. (a) Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1986 shall not be made.

(b) The rates of basic pay, basic allowance for quarters, and basic allowance for subsistence for members of the uniformed services are increased by 3 percent effective October 1, 1985.

VARIABLE HOUSING ALLOWANCES IN ALASKA AND HAWAII

SEC. 502. (a) Notwithstanding section 8108 of the Department of Defense Appropriations Act, 1985, as contained in section 101(h) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes" (Public Law 98-473; 98 Stat. 1943), and except as provided in subsection (b), effective on the date of enactment of this Act, a member of the uniformed services who is on duty in Alaska or Hawaii may not be paid a station housing allowance under section 405 of title 37, United States Code, or any other provision of law.

(b) A member who is assigned to a permanent duty station in Alaska or Hawaii on the day before the date of the enactment of this Act and who is being paid a station housing allowance under section 405 of title 37, United States Code, pursuant to such section 8108 shall, until his permanent duty assignment in Alaska or Hawaii is terminated as a result of a change of permanent station, be entitled to receive that allowance as if subsection (a) had not been enacted. Such member may not be paid a variable housing allowance under section 403a of title 37, United States Code, for any period such member is paid a station housing allowance.

ELIMINATION OF EXCESS HOUSING COST PAYMENTS

SEC. 503. (a) Section 403a(c) of title 37, United States Code, as amended by section 504 of this title, is amended—

(1) in paragraph (2), by inserting "paragraph (6) of this subsection and" after "necessary to comply with"; and

(2) by adding at the end thereof the following new paragraph:

"(6) A member is not entitled to a variable housing allowance in an amount which, when added to the basic allowance for quarters to which such member is entitled, exceeds the actual housing costs of the member. Any adjustments in the rates of the variable housing allowance payable to a member that are required under the preceding sentence shall be made in such manner and at such times as provided in regulations prescribed pursuant to subsection (f) of this section.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1985, and shall apply with respect to the payment of variable housing allowances payable for pay periods beginning on or after that date.

ADVANCE PAYMENT OF BASIC ALLOWANCE FOR QUARTERS AND VARIABLE HOUSING ALLOWANCE

SEC. 504. (a) Section 403 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) The basic allowance for quarters prescribed under this section may be paid in advance.".

(b) Section 403a of title 37, United States Code, is amended—

(1) by striking out "subsection (e)" in subsections (a)(2), (b)(1), (c)(5), (d)(2), and (d)(3) and inserting in lieu thereof "subsection (f)";

(2) by redesignating subsection (e) as subsection (f);

(3) by inserting after subsection (d) the following new subsection (e):

"(e) The variable housing allowance prescribed under this section may be paid in advance."; and

(4) by striking out the period at the end of redesignated subsection (f) and inserting in lieu thereof "except that nothing in these regulations shall allow use of administrative techniques which: (a) cause variable housing allowance rates of military members to increase to prevent pay inversion, and (b) fail to lower variable housing allowance rates accordingly when decreasing costs are reported on the variable housing allowance survey.".

INCREASE OF FAMILY SEPARATION ALLOWANCE

SEC. 505. (a) Section 427(b) of title 37, United States Code, is amended by striking out "$30" and inserting in lieu thereof "$60".

(b) The amendment made by subsection (a) shall take effect on October 1, 1985, and shall apply only to family separation allowances payable for months beginning on or after that date.

TEMPORARY LODGING EXPENSES

SEC. 506. Section 404a(a) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "may" and inserting in lieu thereof "shall";

(2) in the second sentence, by striking out "may" the first time it appears and inserting in lieu thereof "are to"; and

(3) in the third sentence, by striking out "may" the first time it appears and inserting in lieu thereof "are to".

REVISION OF TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 507. (a) Subsection (d) of section 404 of title 37, United States Code, is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "(1) The travel and transportation allowances authorized for each kind of travel may not be more than one of the following:

"(A) Transportation in kind, reimbursement therefor, or, under regulations prescribed by the Secretaries concerned, when travel by privately-owned conveyance is authorized or approved as more advantageous to the Government, a monetary allowance in place of the cost of transportation, at the rates provided in section 5704 of title 5, based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of the Army.

"(B) Transportation in kind, reimbursement therefor, or a monetary allowance as provided in subparagraph (A) of this paragraph, plus a per diem in place of subsistence in an amount not more than $50 determined by the Secretaries concerned to be sufficient to meet normal and necessary expenses in the area to which travel is to be performed.

"(C) A mileage allowance at a rate per mile prescribed by the Secretaries concerned and based on distances established under clause (1) of this subsection."; and

(2) by designating the second sentence as paragraph (2) and by striking out "clause (2)" in such sentence and inserting in lieu thereof "paragraph (1)(B)".

(b) Section 406(a)(1) of such title is amended by striking out "for his dependents" and all that follows through "to be prescribed" and inserting in lieu thereof ", reimbursement therefor, or a monetary allowance in place of the cost of transportation, plus a per diem, for the member's dependents at rates prescribed by the Secretaries concerned".

(c) The amendments made by this section shall apply to travel performed after September 30, 1985.

INCREASE IN WEIGHT ALLOWANCES FOR TRANSPORTATION OF HOUSEHOLD GOODS

SEC. 508. (a) Section 406(b) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Unless the Secretary concerned determines that military exigencies require that lesser weight allowances should apply with respect to a change of permanent station by a member or class of members, the weight allowances for baggage and household effects shall not, in the case of a member making a change of permanent station, be less than the minimum weight allowance specified opposite the pay grade of that member in the following table:

"Pay Grade	Weight (in pounds)
O-10	18,000
O-9	18,000
O-8	16,000
O-7	15,000
O-6	14,500
O-5	14,000
O-4	13,000
O-3	12,000
O-2	11,000
O-1	10,000
W-4	13,000
W-3	12,000
W-2	11,000
W-1	10,000
E-9	13,000
E-8	12,000
E-7	11,000
E-6	9,000
E-5	8,000
E-4 with over 2 years of service	7,000
E-4 with 2 years of service or less	5,000
E-3	5,000
E-2	5,000
E-1	5,000
Academy cadets and midshipmen	1,500
Aviation cadets	1,500".

The President may suspend the provisions of this paragraph during time of war.".

(b) The amendments made by subsection (a) shall become effective on October 1, 1985, and shall apply only with respect to the transportation of baggage and household effects which commences on or after that date.

DENTAL CONTINUATION PAY

SEC. 509. Section 8091 of the Department of Defense Appropriation Act, 1985, as contained in section 101(h) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes" (Public Law 98-473; 98 Stat. 1940), is amended by striking out "June 30, 1985" and inserting in lieu thereof "September 30, 1985".

ELIGIBILITY FOR BASIC ALLOWANCE FOR QUARTERS

SEC. 510. (a) Section 403(c) of title 37, United States Code, is amended—

(1) by striking out "is not entitled to a basic allowance for quarters while he is on field duty" in paragraph (1) and inserting in lieu thereof "who makes a permanent change of station for assignment to a unit conducting field operations is not entitled to a basic allowance for quarters while on that initial field duty";

(2) by striking out "and who is on sea duty" in the second sentence of paragraph (2) and all that follows and inserting in lieu thereof "who is assigned to sea duty under a permanent change of station is not entitled to a basic allowance for quarters if the unit to which the member is ordered is deployed and the permanent station of the unit is different than the permanent station from which the member is reporting."; and

(3) by striking out paragraph (3).

(b) The amendments made by this section shall take effect on October 1, 1985.

TRAVEL DURING SHIP OVERHAUL

SEC. 510a. (a) Section 406b of title 37, United States Code, is amended—

(1) by striking out "Under" and inserting in lieu thereof "(a) Under";

(2) by inserting "(including the member's spouse)" after "dependents" in the first sentence;

(3) by striking out ", ninety-first, and one hundred and fifty-first calendar day" and inserting in lieu thereof "calendar day, and every sixtieth calendar day after the thirty-first calendar day"; and

(4) by adding at the end thereof the following new subsections:

"(b) Transportation in kind, reimbursement for personally procured transportation, or a monetary allowance in place of the cost of transportation as provided in section 404(d)(1) of this title may be provided, in lieu of the member's entitlement to transportation, for the member's dependents (including the member's spouse) from the location that was the home port of the ship before commencement of overhaul or inactivation to the port of overhaul or inactivation. The total reimbursement for transportation for the member's dependents may not exceed the cost of Government-procured commercial round-trip travel.

"(c) A member of the uniformed services on permanent duty aboard a ship which undergoes a change of home port to the overhaul or inactivation port and the member's dependents may be provided the transportation allowances prescribed in subsections (a) and (b) of this section in lieu of the transportation entitlements of section 406 of this title and section 2634 of title 10.".

(b) The travel allowances authorized by the amendments made by this section are payable only for travel that commences after September 30, 1985, but may be paid for members assigned to ships being overhauled or inactivated away from home port on the date of enactment of this Act.

(c)(1) The section heading for such section is amended by striking out the last four words.

(2) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended by striking out the last four words.

INCREASE IN DISLOCATION ALLOWANCE

SEC. 510b. (a) Section 407 of title 37, United States Code, is amended by striking out "one month" and inserting in lieu thereof "two months".

(b) The amendment made by this section shall apply to moves begun after September 30, 1985.

TRAVEL ALLOWANCE FOR TRAVEL PERFORMED IN CONNECTION WITH CERTAIN LEAVE

SEC. 510c. (a) Section 411b(a)(1) of title 37, United States Code, is amended—

(1) by striking out "if he is a member without dependents,";

(2) by striking out ", if either" and all that follows and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following new sentence: "Such allowances may be paid for the member and for the dependents of the member who are authorized to, and do, accompany him at his duty stations.".

(b) The amendments made by subsection (a) shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.

TRANSPORTATION ALLOWANCES FOR SURVIVORS OF DECEASED MEMBER TO ATTEND BURIAL CEREMONIES OF DECEASED MEMBER

SEC. 510d. (a)(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411e the following new section:

"§ 411f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies

"(a) Under uniform regulations prescribed by the Secretaries concerned, round trip travel and transportation allowances may be provided the dependents of a member who dies while on active duty for a period of 30 days or more in order to attend the burial ceremonies of the deceased member.

"(b)(1) Except as provided in paragraph (2), allowances under this section are limited to travel and transportation in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for 2 days.

"(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the authorized allowances under this section may be provided to and from such place and may be extended to accommodate the time necessary for such travel.

"(c) For purposes of this section 'dependents' include the dependents specified in paragraphs (1) and (2) of section 401 of this title. However, if no person qualifies under such paragraphs, the parents of a member (including stepparent or parent by adoption, or any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before the member became 21 years of age) may be paid the travel and transportation allowances authorized under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411e the following new item:

"411f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.".

(b) The travel and transportation allowance authorized by the amendments made by this section is payable only for travel that commences after September 30, 1985.

INCREASE IN DEATH GRATUITY

SEC. 510e. (a) The first sentence of section 1478 of title 10, United States Code, is amended to read as follows: "The death gratuity payable under sections 1475, 1476, and 1477 of this title shall be equal to the total of three months' basic pay, three months' basic allowance for quarters at the with dependents rate, and three months' basic allowance for subsistence at the officer rate or the enlisted rate when rations in kind are not available, whichever is applicable, except that the total gratuity shall not be less than $3,000 or more than $9,000.".

(b) The amendment made by subsection (a) shall be effective with respect to the payment of death gratuities to the survivors of members of the Armed Forces who die after September 30, 1985.

SPECIAL AND INCENTIVE PAYS

SEC. 510f. (a)(1) Subsection (a) of section 301 of title 37, United States Code, is amended—

(A) in clause (1), by inserting "officer or" before "enlisted"; and

(B) by striking out clause (10) and inserting in lieu thereof the following:

"(10) involving (A) the servicing of aircraft or missiles with highly toxic fuels or propellants, (B) the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used, or (C) the handling of chemical munitions (or components of such munitions); or".

(2) Subsection (b) of such section is amended to read as follows:

"(b) For the performance of the hazardous duty described in clause (1) of subsection (a) of this section, a member is entitled to monthly incentive pay as follows:

"Pay Grade	Monthly Rate
O-10	$110
O-9	110
O-8	110
O-7	110
O-6	250
O-5	250
O-4	225
O-3	175
O-2	150
O-1	125
W-4	250
W-3	175
W-2	150
W-1	125
E-9	200
E-8	200
E-7	200
E-6	175
E-5	150
E-4	125
E-3	110
E-2	110
E-1	110".

(3) Paragraph (1) of subsection (c) of such section is amended to read as follows:

"(1) For the performance of the hazardous duty described in clause (2), (3), (4), (5),

(6), (7), (8), (9), or (10) of subsection (a) of this section, a member is entitled to $110 a month, except that a member performing the hazardous duty described in clause (3) of subsection (a) of this section who also performs as an essential part of such duty parachute jumping at a high altitude with a low opening is entitled to $165 a month.".

(b)(1) The table pertaining to commissioned officers in section 301c(b) of such title is amended to appear as follows:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
0–10	$265	$265	$265	$265	$265	$265	$265
0–9	265	265	265	265	265	265	265
0–8	265	265	265	265	265	265	265
0–7	265	265	265	265	265	265	265
0–6	440	440	440	440	440	440	440
0–5	440	440	440	440	440	440	440
0–4	270	270	270	300	440	440	440
0–3	265	265	265	290	440	440	440
0–2	175	175	175	175	175	175	265
0–1	130	130	130	130	130	130	265

"Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0–10	$265	$265	$265	$265	$265	$265	$265
0–9	265	265	265	265	265	265	265
0–8	265	265	265	265	265	265	265
0–7	265	265	400	395	395	305	265
0–6	440	440	440	440	440	440	440
0–5	440	440	440	440	440	440	440
0–4	440	440	440	440	440	440	440
0–3	440	440	440	440	440	440	440
0–2	265	265	265	265	265	265	265
0–1	265	265	265	265	265	265	265".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1985.

(c) The second sentence of section 304(c) of such title is amended by striking out "one payment" and inserting in lieu thereof "two payments".

(d)(1) Subsection (a) of section 305 of such title is amended—

(A) by striking out "an enlisted" and inserting in lieu thereof "a";

(B) by striking out "outside the 48 contiguous States and the District of Columbia"; and

(C) by striking out the table and inserting in lieu thereof the following new table:

"Pay Grade	Monthly Rate
O–6	$180
O–5	180
O–4	165
O–3	150
O–2	100
O–2E [1]	150
O–1	100
O–1E [1]	150
W–4	150
W–3	150
W–2	150
W–1	150
E–9	150
E–8	150
E–7	135
E–6	125
E–5	60
E–4	50
E–3	25
E–2	25
E–1	25

"[1] Commissioned officers with over four years of active service as enlisted members or as noncommissioned warrant officers.".

(2) Subsection (b) of such section is repealed and subsection (c) of such section is redesignated as subsection (b).

(3) Any enlisted member of a uniformed service who, on the day before the enactment of this Act, (A) was performing duty which entitled him to special pay under section 305(a) of title 37, United States Code, relating to duty at certain places, and (B) would lose his entitlement to such special pay by virtue of paragraph (1), shall continue to receive such special pay at the rate in effect on the day before the date of the enactment of this Act, notwithstanding the amendments made by paragraph (1), for such time as he continues to perform that duty.

(e) The table contained in section 305a of such title is amended to appear as follows:

"WARRANT OFFICERS

"Pay grade	Years of sea duty								
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8
W–1	$130	$135	$140	$150	$170	$175	$200	$250	$270
W–2	150	150	150	150	170	260	265	265	270
W–3	150	150	150	150	170	270	280	285	290
W–4	150	150	150	150	170	290	310	310	310

"Pay grade	Years of sea duty							
	Over 9	Over 10	Over 11	Over 12	Over 14	Over 16	Over 18	Over 20
W–1	$275	$280	$290	$300	$300	$300	$300	$300
W–2	275	280	290	310	330	350	370	390
W–3	300	310	310	330	350	370	390	410
W–4	310	320	330	350	370	390	410	410

"COMMISSIONED OFFICERS

"Pay grade	Years of sea duty						
	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9
0–1	$150	$160	$185	$190	$195	$205	$215
0–2	150	160	185	190	195	205	215
0–3	150	160	185	190	195	205	215
0–4	185	190	200	205	215	215	220
0–5	225	225	225	225	230	245	250
0–6	225	230	230	240	255	265	280

"Pay grade	Years of sea duty						
	Over 10	Over 11	Over 12	Over 14	Over 16	Over 18	Over 20
0–1	$225	$225	$240	$250	$260	$270	$280
0–2	225	225	240	250	260	270	280
0–3	225	225	240	260	270	280	290
0–4	225	225	240	270	280	290	300
0–5	260	265	265	285	300	315	340
0–6	290	300	310	325	340	355	380".

(f)(1) Subsection (a) of section 306 of such title is amended to read as follows:

"(a) The Secretary concerned may designate positions of unusual responsibility which are of a critical nature to an armed force under his jurisdiction and may pay special pay, in addition to other pay prescribed by law, to an officer of an armed force who is entitled to the basic pay of pay grade W–1, W–2, W–3, W–4, O–1, O–2, O–3, O–4, O–5, or O–6 and who is performing the duties of such a position, at the following monthly rates:

"Pay Grade	Monthly Rate
O–6	$200
O–5	150
O–4	75
O–3	75
O–2	50
O–1	50
W–4	50
W–3	50
W–2	50
W–1	50".

(2) Subsection (c) of such section is amended by striking out "pay grade O–3" and inserting in lieu thereof "pay grade W–1, W–2, W–3, W–4, O–1, O–2, or O–3".

(g)(1) Subsection (a) of section 310 of such title is amended to read as follows:

"(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of the lowest hazardous duty incentive pay specified in section 301(c)(1) of this title for any month in which the member—

"(1) was entitled to basic pay; and

"(2)(A) was assigned to and present within a danger area (designated as a danger area by the Secretary of Defense) for a period of not less than six days, or (B) was exposed, or was a member of a group, unit, ship, or aircraft which was exposed, to hostile fire, explosion of hostile mines, or hostile, insurrectionary, or terrorist action.".

(2)(A) The heading of section 310 of such title is amended to read as follows:

"§ 310. Special pay: duty subject to danger".

(B) The table of sections at the beginning of chapter 5 of such title is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"310. Special pay: duty subject to danger.".

(h)(1)(A) Subsection (a) of section 312 of such title is amended—

(i) by inserting "and" at the end of clause (2);

(ii) by striking out clause (3);

(iii) by redesignating clause (4) as clause (3) and striking out "for one period of four years" in such clause and inserting in lieu thereof "for a period of three, four, or five years, so long as the new period of obligated active service does not extend beyond the end of 26 years of commissioned service,"; and

(iv) in the matter following such clause—

(I) by striking out "$7,000" and inserting in lieu thereof "$12,000";

(II) by striking out "semiannually" and "six-month period" in the second sentence and inserting in lieu thereof "annually" and "12-month period", respectively; and

(III) by striking out "shall become fixed" and all that follows through the end of subsection (a) and inserting in lieu thereof "shall be paid in equal annual installments over the length of the contract, commencing at the expiration of any existing period of obligated active service. The Secretary (or his designee) may accept an active service agreement under this section not more than one year in advance of the end of an officer's existing period of obligated active service under such an agreement. In such a case, the amount of the special pay may be paid commencing with the date of acceptance of the agreement, with the number of installments being equal to the number of years covered by the contract plus one.".

(B) Subsection (b) of such section is repealed.

(C) Subsection (c) of such section is redesignated as subsection (b) and is amended by striking out "of four years".

(D) Subsection (d) of such section is redesignated as subsection (c) and is amended—

(i) by striking out "four years'" in the second sentence; and

(ii) by striking out "at the end of the four year period" in that sentence.

(E) Such section is further amended by inserting after subsection (c) (as so redesignated) the following new subsection (d):

"(d)(1) An officer who is performing obligated service under an agreement under subsection (a) of this section may, if the amount that may be paid under such subsection is higher than at the time the officer executed such agreement, execute a new agreement under that subsection. The period of such an agreement shall be a period equal to or exceeding the original period of the officer's existing agreement, so long as the period of obligated active service under the new agreement does not extend beyond the end of 26 years of commissioned service. If a new agreement is executed under this subsection, the existing active-service agreement shall be cancelled, effective on the day before an anniversary date of that agreement after the date on which the amount that may be paid under this section is increased.

"(2) This subsection shall be carried out under regulations prescribed by the Secretary of the Navy.".

(F) Subsection (e) of such section is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1990".

(2)(A) Subsection (a)(1) of section 312b of such title is amended—

(i) by striking out "of $3,000" and inserting in lieu thereof "not to exceed $8,000"; and

(ii) by adding at the end thereof the following new sentence: "Upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b) of this section, shall become fixed.".

(B) Subsection (b) of such section is amended to read as follows:

"(b) The Secretary of the Navy shall determine annually the total amount of the bonus to be paid under this section and of that amount the portions that are to be paid—

"(1) upon selection for officer naval nuclear power training; and

"(2) upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.".

(C) Subsection (d) of such section is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1990".

(3)(A) Subsection (a) of section 312c of such title is amended as follows:

(i) The first sentence is designated as paragraph (1) and amended—

(I) by redesignating clauses (1) through (5) as clauses (A) through (E), respectively;

(II) by striking out ", but has completed less than twenty-six years of commissioned service" in clause (C) (as so designated); and

(III) by striking out "$6,000" and "October 1, 1987" and inserting in lieu thereof "$10,000" and "October 1, 1990", respectively.

(ii) The second sentence is designated as paragraph (2) and is amended by inserting "technically" before "qualified".

(iii) The third sentence is designated as paragraph (3) and is amended by striking out "nuclear service year" the second place it appears and all that follows in that sentence and inserting in lieu thereof "nuclear service year on which he—

"(A) was not on active duty;

"(B) was not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

"(C) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

"(D) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet that required the officer—

"(i) be technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

"(ii) be qualified for the performance of operational flying duties.".

(iv) The fourth sentence is repealed.

(B) Subsection (b) of such section is amended as follows:

(i) The first sentence is designated as paragraph (1) and amended—

(I) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively; and

(II) by striking out "$3,500" and "October 1, 1987" and inserting in lieu thereof "$4,500" and "October 1, 1990", respectively.

(ii) The second sentence is designated as paragraph (2) and is amended by inserting "technically" before "qualified".

(iii) The third sentence is designated as paragraph (3) and is amended by striking out "nuclear service year" and all that follows in that sentence and inserting in lieu thereof "nuclear service year on which he—

"(A) was not in an assignment involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants;

"(B) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

"(C) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet—

"(i) involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants; and

"(ii) that required the officer be qualified for the performance of operational flying duties.".

(C) Subsection (e) of such section is amended by striking out "October 1, 1987" and inserting in lieu thereof "October 1, 1990".

(4) The amendments made by this subsection shall take effect on October 1, 1985.

(i)(1) Section 314(a) of such title is amended by striking out "$50" and inserting in lieu thereof "$80".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1985.

(j)(1) Subsection (a) of section 315 of such title is amended to read as follows:

"(a) In this section, the term 'engineering or scientific duty' means service performed by an officer that requires an engineering or science degree and that requires a skill designated under regulations prescribed by the Secretary of Defense for the armed forces, by the Secretary of Commerce for the National Oceanic and Atmospheric Administration, or by the Secretary of Health and Human Services for the Public Health Service as critical and as a skill in which there is a critical shortage of officers in the uniformed service concerned.".

(2) The matter preceding clause (1) of section 315(b) of such title is amended to read as follows:

"(b) Under regulations prescribed by the Secretary concerned, an officer of a uniformed service who—".

ALLOWANCES FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS

SEC. 510g. (a) Section 406(k) of title 37, United States Code, is amended—

(1) by inserting "(l)" after "(k)";

(2) in the first sentence, by inserting "or in which a member provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member (including packing, crating, and loading)" after "rental vehicle"; and

(3) by adding at the end thereof a new paragraph as follows:

"(2) The Secretary concerned may prescribe in any regulations authorizing the payment of a monetary allowance to a member who participates in a program in which the member provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member—

"(A) the extent to which payment to the member will be made for such labor, and

"(B) the manner in which liability will be allocated among the member, the United States, and the common carriers involved in the event of loss of or damage to any baggage or household effects packed, crated, or loaded by the member.".

(b) No allowance may be paid to any member of a uniformed service by virtue of the amendment made by subsection (a) in connection with the transportation of the baggage and household effects provided the member before the date of the enactment of this Act.

(c) The Secretary of Defense shall submit a report to the Congress not later than three years after the date of the enactment of this Act regarding the operation of any program carried out by the military departments under which payment of a monetary allowance is made to a member who provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member and shall include in such report such recommendations for legislative action the Secretary considers appropriate.

PART B—EXTENSION OF EXPIRING BONUS AUTHORITY, BENEFITS, AND PERSONNEL MANAGEMENT AUTHORITIES

REIMBURSEMENT FOR ACCOMMODATIONS IN PLACE OF QUARTERS

SEC. 511. (a) Section 7572(b)(3) of title 10, United States Code, is amended—

(1) by striking out "and" after "fiscal year 1984,"; and

(2) by inserting ", and $1,421,000 for fiscal year 1986" after "fiscal year 1985".

(b) Section 3 of Public Law 96-357 (10 U.S.C. 7572 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1986".

EXTENSION OF SPECIAL PAY FOR CERTAIN AVIATION CAREER OFFICERS

SEC. 512. Effective on October 1, 1985, section 301b of title 37, United States Code, is amended by striking out "September 30, 1985" in subsections (e)(2), (e)(3), and (f) and inserting in lieu thereof "September 30, 1986".

EXTENSION OF CERTAIN RESERVE FORCES BONUS AUTHORITIES

SEC. 513. Sections 308b(g), 308c(f), 308e(e), 308g(h), and 308h(g) of title 37, United States Code, are each amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES

SEC. 514. (a) Sections 3359(b), 3380(d), 8359(b), and 8380(d) of title 10, United States Code, are amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

(b) Section 1016(d) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 668), is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

TEMPORARY INCREASE IN THE NUMBER OF GENERAL AND FLAG OFFICERS AUTHORIZED TO BE ON ACTIVE DUTY IN CERTAIN GRADES

SEC. 515. (a) During fiscal year 1986, the number of officers of the Air Force authorized under section 525(b)(1) of title 10, United States Code, to be serving on active duty in the grade of general is increased by one.

(b) During fiscal year 1986, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be serving on active duty in a grade above rear admiral is increased by three. None of the additional officers in grades above rear admiral by reason of this subsection may be in the grade of admiral.

(c) During fiscal year 1986, the number of officers of the Marine Corps authorized under section 525(b)(1) of title 10, United States Code, to be serving on active duty in grades above major general is increased by one, plus an additional one during any period of that fiscal year that an officer of the Marine Corps is serving as the Commander-in-Chief of the United States Central Command. An additional officer in a grade above major general by reason of this subsection may not be in the grade of general, unless a Marine Corps officer is assigned to duty as the Commander-in-Chief of the United States Central Command, in which case one of the additional officers authorized by this section may serve in the grade of general.

PART C—EDUCATIONAL ASSISTANCE PROGRAMS

DEPARTMENT OF DEFENSE EDUCATIONAL LOAN REPAYMENT PROGRAM

SEC. 521. (a) Title 10, United States Code, is amended by adding after chapter 108 the following new chapter:

"CHAPTER 109—EDUCATIONAL LOAN REPAYMENT PROGRAM

"Sec.
"2171. Educational Loan Repayment Program.

"§ 2171. Educational loan repayment program

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay any loan made, insured, or guaranteed under part B of the Higher Education Act of 1965, or any loan made under part E of such Act, after October 1, 1975. Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for—

"(A) service performed (i) as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force after September 30, 1980, and (ii) in a reserve component and military specialty specified by the Secretary of Defense; or

"(B) service performed on active duty as an enlisted member of the armed forces after September 30, 1980, in a military specialty specified by the Secretary.

In the case of service described in clause (A) of the first sentence of this paragraph, the Secretary may repay a loan described in paragraph (1) only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is—

"(1) 15 percent or $500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(A); or

"(2) 33⅓ percent or $1,500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(B).

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).

"(g) The authority provided under this section shall apply only in the case of persons who enlist or reenlist in the Selected Reserve of the Ready Reserve of an armed force or enlist or reenlist for service on active duty after September 30, 1980.".

(b) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 108 the following new item:

"109. Educational Loan Repayment Program ..... 2171".

CHANGES TO THE VETERANS' EDUCATIONAL ASSISTANCE ACT OF 1984

SEC. 522. (a) Section 1411 of title 38, United States Code, is amended—

(1) in subsection (a)(1)(B), by striking out "and without a break in service on active duty since December 31, 1976,";

(2) by striking out the first sentence of subsection (b) and inserting in lieu thereof the following: "The basic pay of any individual described in subsection (a)(1)(A) of this section who elects under subsection (c)(1) of this section to become entitled to educational assistance under this chapter shall be reduced by $100 for each of the first twelve months following the month in which that election is made and during which such individual is entitled to such pay.";

(3) by striking out subsection (c)(1) and inserting in lieu thereof the following:

"(c)(1) In order to receive educational assistance under this chapter, an individual described in subsection (a)(1)(A) of this section must make an election to do so. The election must be made not later than 120 days after such individual initially enters on active duty as a member of the Armed Forces. An individual described in subsection (a)(1)(A) of this section who fails to make such an election is not entitled to receive educational assistance under this chapter."; and

(4) by adding at the end thereof the following new subsection:

"(d)(1)(A) An individual who makes an election under subsection (c)(1) of this section to receive educational assistance under this chapter may, at any time while on active duty and within two years after the date such individual initially enters on that active duty as a member of the Armed Forces, revoke such election. Any such revocation shall be final and an individual who makes such a revocation shall not be entitled to receive any educational assistance under this chapter.

"(B) An individual who makes a revocation under subparagraph (A) shall be entitled to be paid an amount equal to the amount by which such individual's basic pay was reduced pursuant to subsection (b) of this section. Such payment shall be made at the earlier of (i) the individual's first discharge or release from active duty or (ii) the expiration of the individual's initial obligated period of active duty.

"(2)(A) In the case of an individual who—

"(i) has had money withheld from basic pay pursuant to subsection (b) of this section;

"(ii) has not received payment of an amount equal to the amount withheld from basic pay pursuant to paragraph (1) of this subsection;

"(iii) has not received any educational assistance under this chapter; and

"(iv) dies while on active duty without a break in active duty service from the time such person made an election under subsection (c) of this section;

shall have an amount equal to the amount by which such individual's basic pay was reduced pursuant to subsection (b) of this section credited to the final pay account of such individual.

"(B) Funds for payments authorized by subparagraph (A) of this paragraph shall be transferred by the Administrator from the Department of Defense Education Benefits Fund to the Secretary of Defense or the Secretary of Transportation, as the case may be.".

(b) Section 1412(a)(1)(B) of such title is amended by striking out "and without a break in service on active duty since December 31, 1976,".

RIGHT OF MEMBER TO TRANSFER EDUCATIONAL ENTITLEMENT TO SPOUSE OR DEPENDENT CHILDREN

SEC. 523. Section 2147(a)(1) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: "The Secretary of the Navy may permit a person to transfer all or part of such person's entitlement after the completion of four years of active service of a second reenlistment if that second reenlistment (A) was the period of the enlistment which established the entitlement, and (B) was for a period of at least six years.".

PART D—MISCELLANEOUS PERSONNEL MATTERS AND BENEFITS

LIMITATION ON SIZE OF HEADQUARTERS STAFFS

SEC. 531. (a) As of September 30, 1986, the total number of military and civilian personnel assigned to duty in the agencies of the Department of Defense and the military departments to perform management headquarters activities or management headquarters support activities may not exceed the total number of personnel assigned to perform such activities as of September 30, 1985.

(b) The number of military and civilian personnel assigned to the Office of the Secretary of Defense as of September 30, 1986, may not exceed 1,765.

(c) In computing the number of military and civilian personnel assigned to duty in any agency of the Department of Defense or any military department to perform management headquarters activities or management headquarters support activities, the number of personnel assigned to such duty in the National Security Agency/Central Security Service, the Defense Intelligence Agency, the Organization of the Joint Chiefs of Staff, or the Naval Intelligence Command shall not be included.

(d) For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings prescribed for such terms in Department of Defense Directive 5100.73 entitled "Department of Defense Management Headquarters and Headquarters Support Activities", dated January 7, 1985.

AUTHORITY TO EXEMPT CERTAIN PHYSICIANS AT SOLDIERS' AND AIRMEN'S HOME FROM REDUCTIONS IN RETIRED PAY

SEC. 532. (a) The Governor of the United States Solders' and Airmen's Home may except, at any time, not more than two physicians employed by the Home from the restrictions in subsections (a), (b), and (c) of section 5532 of title 5, United States Code, if the Governor determines that such exceptions are necessary to recruit or retain well-qualified physicians for the Home. An exception granted under this section shall terminate upon any break in employment with the Home by a physician of 3 days or more.

(b) An exception granted to a person under subsection (a) shall apply to the retired pay of that person beginning with the first month after the month in which the exception is granted after the date of the enactment of this Act.

PRECEDENCE OF THE AWARD OF THE PURPLE HEART

SEC. 533. Section 1127 of title 10, United States Code, is amended by striking out "the lowest position accorded any award or decoration for valor" and inserting in lieu thereof "the Bronze Star".

AUTHORIZATION FOR MEMBERS OF THE SELECTED RESERVE TO HAVE LIMITED USE OF COMMISSARY STORES

SEC. 534. (a)(1) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1051. Limited use of commissary stores by members of the Selected Reserve

"Under regulations prescribed by the Secretary concerned, members of the Selected Reserve of the Ready Reserve of a reserve component of an armed force shall be permitted to use commissary stores of the Department of Defense a number of days each year equal to the number of days the member performs active duty for training as a member of the Selected Reserve. Under such regulations a member of the Selected Reserve shall be permitted a period of one year, from the date on which the member performs active duty for training, to use a day of eligibility for using commissary stores.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Limited use of commissary stores by members of the Selected Reserve.".

(b) The amendments made by subsection (a) shall become effective on October 1, 1985.

(c) Section 1013 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 665), is repealed effective October 1, 1985.

GRADE OF RETIRED REGULAR MEMBERS RECALLED TO ACTIVE DUTY

SEC. 535. Section 688 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) A retired member ordered to active duty under this section may be ordered to active duty in a grade not higher than the highest permanent grade held by such member while on active duty. However, a retired member ordered to active duty under this section may serve in the grade of general or admiral or lieutenant general or vice admiral if the President assigns such a member during that tour of active duty to a position of importance and responsibility and appoints that member to such a grade by and with the advice and consent of the Senate pursuant to section 601 of this title. A member so assigned and appointed shall hold such a grade while on active duty in accordance with the provisions of section 601(b) of this title, but in no case beyond such officer's release from the tour of active duty to which ordered under this section.".

MODIFICATION AND STUDY OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL CLASSIFICATION AND PAY SYSTEMS

SEC. 536. (a) Section 5102(c) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of clause (26);

(2) by striking out the period at the end of clause (27) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new clause;

"(28) civilian members of the faculty of the Air Force Institute of Technology whose pay is fixed under section 9314 of title 10.".

(b)(1) Section 9314 of title 10, United States Code, is amended—

(A) by inserting "(a)" before "When"; and

(B) by adding at the end thereof the following new subsection:

"(b)(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and Department of Defense personnel limits.

"(2) The Secretary shall prescribe regulations determining—

"(A) titles and duties of civilian members of the faculty, notwithstanding the provisions of chapter 51 of title 5; and

"(B) rates of basic pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5308 of title 5.".

(2)(A) The section heading of such section is amended by striking out ": degrees".

(B) The item relating to section 9314 in the table of sections at the beginning of chapter 901 of such title is amended by striking out ": degrees".

(c) Section 5102(c)(28) of title 5, United States Code (as added by subsection (a)) and section 9314(b)(2) of title 10, United States Code (as added by subsection (b)(1)(B)) shall not apply to any person who, on the date of enactment of this Act, is a civilian member of the faculty of the United States Air Force Institute of Technology, is paid a rate of basic pay under the General Schedule, and elects, under procedures prescribed by the Secretary of the Air Force, to continue to be paid under the General Schedule.

(d) The Secretary of Defense shall provide to the Congress not later than December 31, 1985, an evaluation of the effects of the pay and classification systems applicable to civilian employees of the Department of Defense on recruitment and retention of scientists, engineers, technicians, and other highly skilled personnel in scientific and engineering organizations in the Department.

SEC. 537. (a) Section 5086(a) of title 10, United States Code, is amended by striking out "six" and inserting in lieu thereof "seven".

(b) Nothing contained in this section shall be construed to authorize an increase in the total number of commissioned officers who may be on active duty in the Army, Navy, Air Force, and Marine Corps in a grade above colonel or captain as prescribed in section 811(a)(1) of the Department of Defense Authorization Act, 1978 (10 U.S.C. 131 note) or an increase in the number of officers of the Navy who may be serving on active duty in grades above rear admiral as provided by section 525(b)(2) of title 10, United States Code.

PART E—MILITARY RETIREMENT

LIMITATION ON AMOUNTS AVAILABLE FOR OBLIGATION FOR BASIC PAY AND FOR RETIRED PAY ACCRUAL CHARGE

SEC. 541. From amounts appropriated or otherwise available to the Department of Defense for military personnel accounts for fiscal year 1986, the total amount obligated from each such account for military basic pay and payments into the Department of Defense Military Retirement Fund pursuant to section 1466(a) of title 10, United States Code, may not exceed the following:

(1) For the Department of the Army—

(A) for payments from the appropriation account "Military Personnel, Army", $16,232,000,000;

(B) for payments from the appropriation account "Reserve Personnel, Army", $1,733,000,000; and

(C) for payments from the appropriation account "National Guard Personnel, Army", $2,582,000,000.

(2) For the Department of the Navy—

(A) for payments from the appropriation account "Military Personnel, Navy", $11,945,000,000;

(B) for payments from the appropriation account "Military Personnel, Marine Corps", $3,728,000,000;

(C) for payments from the appropriation account "Reserve Personnel, Navy", $967,000,000; and

(D) for payments from the appropriation account "Reserve Personnel, Marine Corps", $205,000,000.

(3) For the Department of the Air Force—

(A) for payments from the appropriation account "Military Personnel, Air Force", $13,836,000,000;

(B) for payments from the appropriation account "Reserve Personnel, Air Force", $447,000,000; and

(C) for payments from the appropriation account "National Guard Personnel, Air Force", $767,000,000.

LEGISLATIVE PROPOSAL TO AMEND MILITARY RETIREMENT SYSTEM COSTS

SEC. 542. (a)(1) The Secretary of Defense shall submit to Congress not later than September 1, 1985, a report (including draft legislation) proposing changes in the military

nondisability retirement system, in other elements of the military compensation system, or in other military personnel programs, including changes in promotion and retention policies.

(2) The changes to be proposed in the report shall include changes which, if enacted, would result in reductions in the amount required to be paid by the Secretary of Defense into the Department of Defense Military Retirement Fund pursuant to section 1466(a) of title 10, United States Code, during fiscal year 1986 in a total amount that would enable the Department of Defense to remain within the limits on obligations for basic pay and payments into such Fund prescribed by section 541 solely through such reductions.

(3) Structural changes in the military retirement system to be proposed by the Secretary of Defense in the report under this section—

(A) should apply only to individuals who initially become members of the Armed Forces after the effective date of such changes; and

(B) should, to the maximum extent possible and consistent with military requirements, encourage members who are eligible for retirement to remain on active duty beyond 20 years of service.

(4) At the same time the Secretary of Defense submits the report required by paragraph (1), the Secretary shall submit a separate report on the anticipated effects that the proposed changes submitted under paragraph (1) will have on recruiting people into and retaining people in the Armed Forces. The Secretary also shall submit a report concerning what changes in military retirement, compensation, or personnel programs would be necessary if the reductions resulting from the funding limitations set forth in section 541 of this Act were two and three times as large as required by that section, as well as an evaluation of the effects such changes would have on recruiting and retention in the Armed Forces. Such reports shall be based upon changes which would be required under the conditions set forth in paragraphs (1)–(4) of this subsection and in subsections (b), (c), and (d), of this section.

(b) In determining the cost, or the amount to be saved, as the result of the enactment of any legislative proposal that would make changes in the military retirement system effective during fiscal year 1985 or 1986, the actuarial methods and assumptions used shall be the same as those approved by the Board of Actuaries (in accordance with section 1465(d) of title 10, United States Code) for use in calculating the military retirement accrual percentage for the President's budget for fiscal year 1986.

(c)(1) If a significant change in the military retirement system is enacted into law that takes effect during fiscal year 1985 or 1986, the accrual percentage shall be recalculated taking into account that change in law. Any such recalculation shall be made using the actuarial methods and assumptions described in subsection (b).

(2) In making determinations under section 1466(a) of title 10, United States Code, for months during fiscal years 1985 and 1986 beginning on or after the effective date of any such change in law, the accrual percentage as recalculated under paragraph (1) shall be used in lieu of the accrual percentage that would otherwise be applicable.

(d) For purposes of this section, the term "accrual percentage" means the single level percentage of basic pay determined under section 1465(c)(1) of title 10, United States Code, for the purposes of computations under sections 1465(b) and 1466(a) of that title.

TITLE VI—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

SHORT TITLE

SEC. 601. This title may be cited as the "Defense Procurement Improvement Act of 1985".

CONGRESSIONAL FINDINGS AND POLICY

SEC. 602. The Congress finds that the process by which the Department of Defense acquires weapon systems and other defense equipment can be improved—

(1) by promoting continuous competition throughout the period of time in which a weapon system or other defense equipment is acquired, when such competition is cost effective, would not result in unacceptable delay, and is otherwise in the national security interest of the United States;

(2) by requiring the Secretary of Defense to make thorough estimates of what it should cost to manufacture a particular weapon system or other defense equipment;

(3) by ensuring that the military and civilian personnel of the Department of Defense who have substantial responsibility for the acquisition of weapon systems and other defense equipment are highly qualified for the duties they perform;

(4) by ensuring that the career path for military officers who have specialized in the acquisition of weapon systems or other defense equipment offers sufficient opportunity for advancement and promotion;

(5) by providing mandatory training for personnel responsible for enforcing quality assurance in contractor facilities;

(6) by promoting increased disclosure of the activities of employees of defense contractors who are former employees of the Department of Defense and who were involved with the procurement of defense services and equipment while employed by the Department of Defense;

(7) by preventing conflicts of interest by employees of the Department of Defense involved in the negotiation and administration of Government contracts;

(8) by continuing procurement technical assistance through outreach programs; and

(9) by shifting the burden of proof in certain matters in the resolution of Government contract disputes.

COMPETITION IN MAJOR WEAPON SYSTEM AND EQUIPMENT ACQUISITION PROGRAMS

SEC. 603. (a)(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Planning for competition in major weapon system and equipment acquisition programs

"(a) In this section:

"(1) 'Full scale development', when used with respect to a weapon system or other defense equipment, means all detail design of the weapon system or other defense equipment necessary for the production of that system or equipment to begin.

"(2) 'Major defense acquisition program' has the same meaning as provided in section 139a(a)(1) of this title.

"(3) 'Acquisition plan' means the type of plan referred to in section 7.104 of the Federal Acquisition Regulation as in effect on April 1, 1985.

"(4) 'Acquisition', when used with respect to a weapon system or other defense equipment, means the complete process associated with the development and procurement of the weapon system and other defense equipment, including identification of military requirements, research, and testing.

"(5) 'System integration' means the development and administration, normally by a prime contractor, of the process of manufacturing a completed weapon system or other defense equipment for delivery to the United States, including the installation of all subsystems and components.

"(b)(1) Before completion of the full scale development of a weapon system or other defense equipment under a major defense acquisition program, the Secretary of Defense shall prepare an acquisition plan for such program.

"(2) The acquisition plan shall provide for the use of competitive procedures when required by section 2304 of this title.

"(C) The acquisition plan prepared pursuant to subsection (b)(1) shall require the establishment and maintenance of two or more production sources for system integration and for major subsystms to be purchased by the United States under the major defense acquisition program when the establishment and maintenance of two or more production sources—

"(1) Would increase competition and would likely result in reduced overall costs for such program;

"(2) would not result in unacceptable delays in fulfilling the needs of the Department of Defense; and

"(3) is otherwise in the national security interest of the United States.

"(d) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives the acquisition plan prepared pursuant to subsection (b)(1) for a major defense acquisition program as soon as the plan is complete, but in no event later than the time that an inital budget request for production of the program is made to the Congress.

"(e) If an acquisition plan prepared pursuant to subsection (b)(1) does not require the establishment and maintenance of two or more production sources, the Secretary shall include in the plan a statement of the reasons, including any cost estimates or other background material, which from the basis for the Secretary's conclusion that the establishment and maintenance of two or more production sources is not required.

"(f) Nothing in this section is intended to modify or abrogate the provisions of section 2304 of this title.".

"(2) The table of sections at the beginning of such chapter is amended by inserting at the end thereof the following new item:

"2324. Planning for competition in major weapon system and equipment acquisition program.".

"(b) The amendments made by subsection (a) shall apply only to major defense acquisition programs for which funds for initial production are requested by the Secretary of Defense for fiscal year 1987 or any subsequent fiscal year.

COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 604. (a)(1) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2406. Cost estimates for major defense acquisition programs

"(a) In this section:

"(1) 'Competitive procedures' has the same meaning as provided in section 2302(2) of this title:

"(2) 'Major defense acquisition program' has the same meaning as provided in section 139a(a)(1) of this title.

"(3) 'Should-cost analysis' means the type of analysis referred to in section 15.810 of the Federal Acquisition Regulation as in effect on April 1, 1985.

"(4) 'System integration' has the same meaning as provided in section 2324(a)(5) of this title.

"(b)(1) During the first four years of production under a major defense acquisition program, the Secretary of Defense shall perform a should-cost analysis of the system integration and of each major subsystem to be purchased directly by the United States for each such program.

"(2) The should-cost analysis of a major defense acquisition program required by paragraph (1) shall be conducted with respect a contractor only when the contractor has received a contract award under the program under other than competitive procedures during the first four years of production of the program.

"(c) The Secretary of Defense shall authorize the Secretaries of the military departments, on a nondelegable basis, to waive the requirement of subsection (b) and shall establish criteria for the exercise of the authoirty. The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives the criteria established under the first sentence. A grant of authority and the criteria established in connection with that authority may not take effect for a period of 60 calendar days after the day on which the criteria is received by the commmittees.

"(d) The Secretary of a military department shall promptly report to the Committees on Armed Services of the Senate and House of Representatives any waiver made by the Secretary under subsection (d).

"(e) If practicable, the preparation of the should-cost analysis in connection with any major defense acquisition program should be performed by employees of the Department of Defense.

"(f) The Secretary of Defense shall report annually to the Committees on Armed Services of the Senate and House of Representatives the cost of performing should-cost analyses for major defense acquisition programs and the savings believed to have been achieved in such programs from the analyses.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2406. Cost estimates for major defense acquisition programs.".

(b) The amendments made by subsection (a) shall apply only to major defense acquisition programs for which funds for initial production are appropriated for fiscal year 1986 or for any subsequent fiscal year.

MANAGEMENT OF DEPARTMENT OF DEFENSE PROCUREMENT PERSONNEL

SEC. 605. (a) Part II of subtitle A of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 85—PROCUREMENT MANAGEMENT PERSONNEL

"Sec.
"1621. Definitions.
"1622. Education training, and experience requirements for program managers.
"1623. Education training, and experience requirements for certain assignments.
"1624. Training program for quality assurance personnel.

"§ 1621. Definitions

"In this chapter.

"(1) 'Major defense acquisition program' shall have the same meaning as provided in section 139a(a)(1) of this title.

"(2) 'Program manager' means an individual assigned by a military department to have overall responsibility for acquisitions under a major defense acquisition program.

"§ 1622. Education, training, and experience requirements for program managers

"(a) The Secretary of each military department shall prescribe regulations, subject to the approval of the Secretary of Defense, establishing minimum requirements of education, training, and prior experience for program managers of major defense acquisition programs.

(b) Regulations prescribed under subsection (a) shall require, at a minimum, that to be assigned to duty as a program manager a person must—

"(1) have attended the program management course at the Defense Systems Management College or a comparable program management course at another institution; and

"(2) have had eight years of total experience in the acquisition, support, and maintenance of weapon systems, at least four years of which was spent on assignments in the Army Materiel Command, Naval Material Command, Air Force Systems Command, or Air Force Logistics Command, or any successor organization of any such command.

"(c) Periods of time spent in postgraduate education in a technical or management field and attending the course referred to in subsection (b)(1) may be counted toward satisfying the eight-year requirement prescribed in subsection (b)(2).

"(d) In assigning any person to duty as a program manager, the Secretary concerned may waive the requirements prescribed in subsection (b) in individual cases. The authority to waive the requirements may not be delegated.

"§ 1623. Education, training, and experience requirements for certain assignments

"(a) The Secretary of each military department concerned shall prescribe regulations, subject to the approval of the Secretary of Defense, establishing minimum requirements of education, training, and prior experience for officers of that department assigned to duty in the Army Materiel Command, Naval Materiel Command, Air Force Systems Command, or Air Force Logistics Command, or any successor organization of any such command, who hold the grade of brigadier general or commodore, or any higher grade.

"(b) Regulations prescribed under subsection (a) shall require, at a minimum, that is order for an officer of a military department to serve in the grade of brigadier general or commodore, or a higher grade, while assigned to duty in the Army Materiel Command, Naval Materiel Command, Air Force Systems Command, or Air Force Logistics Command, or any successor organization of any such command, the officer must meet the requirements of section 1622(b) of this title.

"(c) The Secretary concerned may waive the requirements for assignment to duty described in subsection (a). The authority to waive such requirements may not be delegated.

"§ 1624. Training program for quality assurance personnel

"The Secretary of Defense shall develop a formal introductory training program of not less than four weeks in duration for all personnel of the Department of Defense who are responsible for assuring quality in contractor facilities. A person assigned to perform quality assurance duties in the Department of Defense shall attend such program during the first six months of the assignment.".

(b) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part II of such subtitle are each amended by inserting after the item relating to chapter 83 the following new item:

"85. Procurement Management Personnel ..... 1621".

IMPROVED REPORTING AND DISCLOSURE FOR FORMER EMPLOYEES OF THE DEPARTMENT OF DEFENSE; PREVENTION OF CONFLICTS OF INTEREST

SEC. 606. (a) Section 2397(a)(1) of title 10, United States Code, is amended—

(1) by striking out "by negotiation"; and

(2) by striking out "$10,000" and inserting in lieu thereof "$25,000".

(b) Section 2397(b)(2) of such title is amended to read as follows:

"(2)(A) If a person to whom this subsection applies (i) was employed by, or served as a consultant or otherwise to, a defense contractor at any time during a year at an annual pay rate of at least $25,000 and the defense contractor was awarded contracts by the Department of Defense during the preceding year that totaled at least $10,000,000, and (ii) within the 2-year period ending on the day before the person began the employment or consulting relationship, the person served on active duty or performed civilian service for the Department, the person shall file a report with the Secretary of Defense in such manner and form as the Secretary may prescribe. The person shall file the report not later than 90 days after the date on which the person began the employment or consulting relationship.

"(B) The person shall file an additional report each time, during the 2-year period beginning on the date the active duty or civilian service with the Department terminated, that the person's job with the defense contractor significantly changes or the person commences an employment or consulting relationship with another defense contractor under the conditions described in the first sentence. A person required to file an additional report under this subparagraph shall file the report within 30 days after the date of the change or the date the employment or consulting relationship commences, as the case may be.".

(c) Section 2397 (b)(3) of title 10, United States Code, is amended—

(1) by striking out clause (D) and inserting in lieu thereof the following:

"(D) A description of the duties and work performed by the person for the defense contractor, and a description of any similar duties or work performed for which the person had at least partial responsibility as a civilian official or employee of the Department of Defense or a member of the armed forces during the 2-year period referred to in paragraph (2)(A)(ii).";

(2) in clause (F)—

(A) by striking out "brief"; and

(B) by striking out "3-year period before that duty or service ended" and inserting in

lieu thereof "2-year period referred to in paragraph (2)(A)(ii) and a description of the type of work performed and the extent to which such work was performed by the person for the defense contractor that has employed the person or has retained the person as a consultant"; and

(3) by adding at the end thereof the following new clause:

"(I) A statement describing any disqualification action taken by the person during the 2-year period referred to in paragraph (2)(A)(ii) with respect to any involvement in a matter concerning the defense contractor.".

(d)(1) Section 2397(c)(1) of such title is amended—

(A) by striking out "fiscal" each place it appears; and

(B) in clause (B)—

(i) by striking out "3-year" and inserting in lieu thereof "2-year"; and

(ii) by striking out "$15,000" and inserting in lieu thereof "$25,000".

(2) Section 2397(c)(2) of such title is amended—

(A) by striking out clause (C) and inserting in lieu thereof the following:

"(C) A description of the duties and work performed by the person with the Department and a description of any similar duties or work for which the person had at least partial responsibility as an employee or consultant of the defense contractor during the 2-year period referred to in paragraph (1)(B).''; and

(B) by striking out clause (F) and inserting in lieu thereof the following:

"(F) A description of the duties and work performed by the person for the defense contractor and a description of the type of work and the extent to which such work was performed by the person in connection with contracts of the defense contractor with the Department during the 2-year period referred to in paragraph (1)(B).".

(e) Subsection (f) of section 2397 of such title is amended to read as follows:

"(f)(1) A person who fails to comply with the filing requirements of this section shall be liable to the United States for an administrative penalty in the amount of $10,000, or in such lesser amount as may be determined by the Secretary of Defense, considering all the relevant circumstances.

"(2) The Secretary shall determine whether a person has failed to file a report required by this section and shall determine the amount of the penalty under paragraph (1). The Secretary shall make the determinations on the record after opportunity for an agency hearing as provided in subchapter II of chapter 5 of title 5, United States Code. The determinations of the Secretary shall be subject to judicial review under chapter 7 of such title.".

REQUIREMENTS RELATING TO PRIVATE EMPLOYMENT CONTRACTS BETWEEN CERTAIN DEPARTMENT OF DEFENSE PROCUREMENT OFFICIALS AND DEFENSE CONTRACTORS

SEC. 607. (a)(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2397 the following new section:

"§ 2397a. Requirements relating to private employment contracts between certain Department of Defense procurement officials and defense contractors

"(a) In this section:

"(1) 'Contract' has the same meaning as provided in section 2397(a)(1) of this title.

"(2) 'Covered defense official', means any individual who is serving—

"(A) as a civilian officer or employee of the Department of Defense in a position for which the rate of pay is equal to or greater than the minimum rate of pay payable for grade GS-11 under the General Schedule; or

"(B) on active duty in the armed forces in a pay grade of O-4 or higher.

"(3) 'Defense contractor' has the same meaning as provided in section 2397(a)(2) of this title.

"(4) 'Designated agency ethics official' has the same meaning as the term 'designated agency official' in section 209(10) of the Ethics in Government Act of 1978 (92 Stat. 1850; 5 U.S.C. App.).

"(5) 'Employment' means a relationship under which an individual furnishes services in return for any payment or other compensation paid directly or indirectly to the individual for the services.

"(6) 'Procurement function' includes, with respect to a contract, any function relating to—

"(A) the negotiation, award, administration, or approval of the contract;

"(B) the selection of a contractor;

"(C) the approval of changes in the contract;

"(D) quality assurance, operation and developmental testing, the approval of payment, or auditing under the contract; or

"(E) the management of the procurement program.

"(b)(1) If a covered defense official who has participated in the performance of a procurement function in connection with a contract awarded by the Department of Defense contacts or is contacted by, the defense contractor to whom the contract was awarded, or an agent of such contractor, regarding future employment opportunities for the official with the defense contractor, the official shall, except as provided in paragraph (2)—

"(A) Promptly report the contact to the official's supervisor and to the designated agency ethics official (or his designee) of the agency in which the covered defense official is employed; and

"(B) for any period for which future employment opportunities for the covered defense official have not been rejected by either the covered defense official or the defense contractor, disqualify himself from all participation in the performance of procurement functions relating to contracts of the defense contractor.

"(2) A covered defense official is not required to report the first contact with a defense contractor under paragraph (1)(A) or to disqualify himself under paragraph (1)(B) if the defense official terminates the contact immediately. However, if an additional contact of the same or a similar nature is made by or with the defense contractor, the covered defense official shall, as provided in paragraph (1), report the contact and all contacts of the same or a similar nature made by or with the defense contractor during the 90-day period ending on the date the additional contact is made.

"(c) A report required by subsecton (b)(1) shall include—

"(1) the date of each contact covered by the report; and

"(2) a brief description of the substance of the contact.

"(d)(1)(A) If the Secretary of Defense determines under paragraph (2) that a person has failed promptly to make a report required by subsection (b)(1)(A) or (b)(2) or has failed to disqualify himself in any case in which he is required to do so under subsection (b)(1)(B)—

"(i) the person may not accept or continue employment with the defense contractor during the 10-year period beginning with the date of separation from Government service; and

"(ii) the Secretary may impose on the person an administrative penalty in the amount of $10,000, or in such lesser amount as may be prescribed by the Secretary, taking into consideration all the circumstances.

"(B) An individual who accepts or continues employment prohibited by subparagraph (A)(i) shall be liable to the United States for an administrative penalty as provided in subparagraph (A)(ii). Such penalty may be in addition to any penalty previously imposed on the individual under subparagraph (A)(ii) for failure promptly to make a report relating to the defense contractor by whom the individual is employed as required by subsection (b)(1)(A) or (b)(2).

"(C) The Secretary of Defense may take action against an individual under this paragraph before, on, or after the date on which the individual's employment with the Government is terminated.

"(2)(A) The Secretary of Defense shall—

"(i) determine whether an individual has failed promptly to make a report required by subsection (b)(1)(A) or (b)(2) or has failed to disqualify himself in any case in which he is required to do so under subsection (b)(1)(B) and shall determine whether to impose a penalty under paragraph (a)(A)(ii) and the amount thereof; and

"(ii) determine whether an individual is liable to the United States for an administrative penalty under paragraph (1)(B) and the amount thereof.

There shall be a rebuttable presumption in favor of a covered defense official that failure to report a contact with a defense contractor or failure to disqualify himself from participation in the performance of certain procurement functions is not a violation of subsection (b)(1)(A) or (b)(2) or subsection (b)(1)(B), as the case may be, if the defense official has received an opinion in writing from the designated agency ethics official under subsection (e) stating that a report or disqualification by the official was not necessary.

"(B) Determinations of the Secretary under subparagraph (A) shall be made on the record after opportunity for an agency hearing as provided in subchapter II of chapter 5 of title 5. The determinations of the Secretary shall be subject to judicial review under chapter 7 of such title.

"(e) If a designated agency ethics official or his designee receives a report required by subsection (b) or a request for advice from a covered defense official relating to a contact described in such subsection, the designated agency ethics official or his designee may issue a written opinion regarding the necessity of a covered defense official to file a report or disqualify himself from participation in certain procurement functions, as the case may be.

"(f) A covered defense official should request the advice of his supervisor and the appropriate designated agency ethics official or his designee on matters to which this section applies.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2397 the following new item:

"2397a. Requirements relating to private employment contacts between certain Department of Defense procurement officials and defense contractors.".

(b) The amendments made by subsection (a) shall take effect with respect to contacts (referred to in section 2397a of title 10, United States Code, as added by subsection (a) of this section) made on or after the date of enactment of this Act.

AUTHORIZATION OF FUNDS TO CARRY OUT PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

SEC. 608. (a) There are authorized to be appropriated $3,000,000 for each of the fiscal years 1986 and 1987 to be available for the purpose of furnishing assistance to carry out procurement technical assistance programs pursuant to cooperative agreements under chapter 142 of title 10, United States Code.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such additional sums as are necessary to defray the expenses of administering the provisions of such chapter during such fiscal years, including the expenses related to the employment of any additional personnel necessary to administer such positions.

BURDEN OF PROOF IN GOVERNMENT CONTRACT DISPUTE RESOLUTION

SEC. 609. In any proceeding before the Armed Services Board of Contract Appeals, the United States Claims Court, or any other Federal court in which the reasonableness of general or administrative costs for which a defense contractor seeks reimbursement from the Department of Defense are in issue, the burden of proof shall be upon such contractor to establish that such costs are reasonable.

TECHNICAL AMENDMENTS

SEC. 610. (a) Sections 2321 through 2331 of chapter 138 of title 10, United States Code, are redesignated as sections 2331 through 2341, respectively.

(b) Sections 2331 and 2332 of such chapter, as redesignated by subsection (a), are each amended by striking out "2323" and inserting in lieu thereof "2333".

(c) Section 2333 of such chapter, as redesignated by subsection (a), is amended by striking out "2321" and "2322" each place they appear and inserting in lieu thereof "2331" and "2332", respectively.

(d) The items relating to sections 2321 through 2331 in the table of sections at the beginning of such chapter are redesignated to reflect the redesignations made by subsection (a).

EFFECTIVE DATES

SEC. 611. (a) Section 1623 of title 10, United States Code (as added by section 605(a) this title), shall take effect on July 1, 1990.

(b) Section 1624 of title 10, United States Code (as added by section 605(a) of this title), shall take effect on January 1, 1987.

(c) The regulations prescribed under subsection (a) of section 1622 of title 10, United States Code (as added by section 605(a) of this title) shall provide that—

(1) the requirement described in subsection (b)(1) of such section 1622 shall take effect July 1, 1987; and

(2) the requirement described in subsection (b)(2) of such section shall take effect July 1, 1989.

COMMISSION ON DEFENSE PROCUREMENT

SEC. 612. (a)(1) There is hereby established a commission to be known as the Commission on Defense Procurment (hereinafter in this section referred to as the "Commission") to make a comprehensive study and review of those reports, studies, and analyses on defense procurement which it considers appropriate and to recommend to the President and to the Congress ways to eliminate waste, fraud, and abusive practices in, and to improve the organization and management of, the defense procurement process.

(2) The Commission shall be composed of 21 members as follows:

(A) Seven private citizens appointed by the President from among persons who are well qualified to serve as members of the Commission by reason of their education, training, and experience and who are not employed by or otherwise connected with firms doing business with the Department of Defense.

(B) Three members appointed by the President from the defense industry.

(C) Three members appointed by the President from the Department of Defense.

(D) Four members appointed by the President, two upon the recommendation of the majority leader of the Senate and two upon the recommendation of the minority leader of the Senate.

(E) Four members appointed by the President, two upon the recommendation of the Speaker of the House of representatives and two upon the recommendation of the minority leader of the House of Representatives.

(3) The President shall designate one member of the Commission appointed under paragraph (2)(A) to serve as Chairman of the Commission.

(4) Eleven members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence. The Commission shall meet at the call of the Chairman.

(5) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(b)(1) All members of the Commision shall be appointed not later than 60 days after the date on which funds are made available for the operation of the Commission.

(2) The Commission shall hold its first meeting not later than 30 days after the date on which the last member is appointed to the Commission.

(c) Not later than 180 days after the first meeting of the Commission, the Commission shall report its findings and recommendations to the President and the Congress and the Commission shall transmit a copy of the report to the Secretary of Defense and the Comptroller General of the United States.

(d) The Secretary of Defense shall consider the Commission's findings and recommendations. Not later than 90 days after the date the Commission transmits the report to the President under subsection (c), the Secretary shall transmit to the Congress a report on his views and planned actions in response to the report of the Commission.

(e) The Comptroller General of the United States shall review the Commission's findings and recommendations. Not later than 90 days after the date the Commission transmits the report to the Congress under subsection (c), the Comptroller General shall transmit to the Congress a report on his views and recommendations on the report of the Commission.

(f)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate, subject to the availability of appropriations. No such personnel shall be paid at a rate in excess of the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(g)(1) Members of the Commission appointed from private life may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including traveltime) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay by reason of their service on the Commission.

(2) All members of the Commission shall be reimbursed for travel, as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred in the performance of the duties of the Commission.

(h)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof or any member authorized by the Commission may, for the purpose of carrying out its functions hold such hearings as may be required for the performance of its functions.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates and statistics directly to the Commission, upon request made by the chairman.

(4) Upon request of the Commission, the head or any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this section unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commisson and so notifies the chairman in writing.

(5) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or

other matter to the Congress and the President.

(i) Fifteen days after the date the reports required by subsections (d) and (e) are transmitted to the Congress, the Commission shall cease to exist.

(j) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

DEFENSE CONTRACT AUDIT AGENCY SUBPOENA AUTHORITY

SEC. 613. (a)(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§2324. Subpoena of books and records of contractors or subcontractors

"(a)(1) The Director of the Defense Contract Audit Agency is authorized to require by subpoena the production of any book, paper, statement, record, information, account, writing, or other document of a contractor or subcontractor furnishing or offering to furnish any property or any service to the Department of Defense under a contract awarded or to be awarded by the Department if the Director is entitled to have access to such document under applicable provisions of statute, regulation, or a contract or subcontract for which the Defense Contract Audit Agency has audit responsibility.

"(2) In the case of contumacy or refusal to obey, a subpoena issued under subsection (a) shall be enforceable by order of any appropriate United States district court.

"(b) The Director of the Defense Contract Audit Agency shall, on a quarterly basis, transmit to the Secretary of Defense and the appropriate committees of the Congress a report on the exercise of the subpoena authority provided in subsection (a). The report shall include the number of instances in which the Director has exercised the authority during the quarter covered by the report, a statement of all reasons for the exercise of the authority in each case, a detailed explanation of why alternative investigatory methods were inadequate in each case, and the level of compliance with each subpoena issued or outstanding during such quarter.".

"(2) The table of sections at the beginning of such chapter is amended by inserting at the end thereof the following new item:

"2324. Subpoena of books and records of contractors or subcontractors.".

(b) The amendments made by subsection (a) shall apply with respect to contracts awarded by the Department of Defense which are in effect on the date of enactment of this Act and to contracts awarded by the Department on or after such date.

CONTRACTED ADVISORY AND ASSISTANCE SERVICES

SEC. 614. (a)(1) The Secretary of Defense shall require that there be established within each military department an accounting procedure to aid in the identification and control of expenditures for services identified as contracted advisory and assistance services.

(2) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the accounting procedure established in accordance with paragraph (1) and the implementation of the procedures in each military department.

(b)(1) The Secretary shall prescribe regulations which specifically describe—

(A) what services the Secretary of Defense considers to be contracted advisory and assistance services; and

(B) of those services, which services are carried out in direct support of a weapon system and are essential to the development, production, or maintenance of the system.

(2)(A) The regulations prescribed under paragraph (1) shall consider contract advisory and assistance services in the following areas—

(i) management and professional services;

(ii) special studies and analyses;

(iii) management and support services for research and development activities;

(iv) training;

(iv) management review of program-funded organizations;

(vi) public relations;

(vii) other consulting services;

(viii) engineering development and operational systems development related to research and development activities;

(ix) technical assistance;

(x) technical representation;

(xi) quality control, testing and inspection services;

(xii) specialized medical services; and

(xiii) architectural and engineering services, other than in connection with construction.

(B) The services identified under paragraph (1)(B) shall consider the areas described in clauses (viii) through (xiii) of subparagraph (A).

(3) Regulations required by paragraph (1) shall be prescribed not later than 6 months after the date of enactment of this Act.

(c) Budget documents presented to Congress in support of the annual budget for the Department of Defense shall identify the amount of contracted advisory and assistance services as defined under regulations prescribed pursuant to subsection (b) and shall separately set forth amounts for such services described in subsection (b(1)(B) and for each category of such services described in subsection (b)(2)(A).

COST AND PRICE MANAGEMENT IN DEFENSE PROCUREMENT

SEC. 615. (a) Chapter 141 of such title is amended by adding at the end thereof the following new section:

"§ 2406. Cost and price management

"(a) In this section:

"(1) 'Covered contract' means any contract awarded by a defense agency using procedures as defined in chapter 137 of this title and which is subject to the provisions section 2306 of this title, including contracts for full-scale engineering, development, or production.

"(2) 'Defense agency' means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency.

"(b)(1) A defense agency which is responsible for the acquisition of property (including major manufactured end items) or services under a covered contract shall cause to be recorded the contractor's proposed and negotiated cost and pricing data acquired by the agency into appropriate categories, including labor costs, material costs, subcontract costs, overhead costs, general and administrative costs, fee or profit, recurring costs, and nonrecurring costs.

"(2)(A) A defense agency which is responsible for the acquisition of major manufactured end items under a covered contract shall cause to be recorded the proposed and negotiated bills of labor for labor used by the prime contractor and each associate contractor in manufacturing the item and for labor used by each such contractor in performing routine testing relating to the item. The bill of labor relating to the labor used by any such contractor shall reflect such contractor's computation of the work required in manufacturing parts and subassemblies for the end item and in performing routine testing of such parts and subassemblies.

"(B) Each contractor preparing a bill of labor referred to in subparagraph (A) shall specify in the bill of labor the current industrial engineering standard hours of work content (also known as 'should-take times') for the work included in a component of the bill of labor and for the total work included in the bill of labor. The contractor shall base the standard hours of work content specified in the bill of labor on the 'fair day's work' concept, as such term is understood in competitive commercial manufacturing industries in the United States. The contractor's standard hours of work content included in the bill of labor shall not vary from time standards derived from commercially available predetermined time standard systems widely used in the United States, as determined by the defense agency, subject to verification by audit.

"(C) The head of a defense agency acquiring a bill of labor referred to in subparagraph (A) shall provide for the maintenance of the information relating to standard hours of work content included under subparagraph (B) and shall review such information to determine changes in measured work content as work progresses under the contract to which the bill of labor relates.

"(3) A defense agency which is responsible for the acquisition of major manufactured end items under a covered contract shall cause to be recorded the proposed and negotiated bills of material used by the prime contractor and each associate contractor under the contract in manufacturing the item and of material used by each such contractor in performing routine testing relating to the item. The bill of material used by any such contractor shall reflect such contractor's computation of the material required for manufacturing parts and subassemblies for the end item and for routine testing of such parts and subassemblies. The costs set out in the bill of material shall be expressed in current dollars and shall be maintained and received in a manner similar to the manner provided for bills of labor in paragraph (2)(C).

"(4) A defense agency which is responsible for the acquisition of property (including major manufactured end items) or services under a covered contract shall cause to be recorded incurred costs under the contract in the same manner as the defense agency categorizes and records proposed and negotiated costs, including grouping the costs as provided under paragraph (1).

"(c)(1) Nothing in this section shall prohibit a contractor from submitting a request for payment or reimbursement for any bill of labor or any bill of material developed pursuant to an approved system of cost principles and procedures.

"(2) Nothing in this section shall require the submission of the information to be submitted under this section if the contractor does not maintain such information on the date of enactment of this section.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2406. Cost and price management.".

ADJUSTED PROCUREMENT BUDGET PLAN

SEC. 616. The Secretary of Defense shall submit to the Congress not later than September 15, 1985 an adjusted Five Year Defense Plan beginning in Fiscal Year 1986 in which the total budget authority for each fiscal year does not increase more than 3 per centum over the previous year's total budget authority adjusted for the official inflation projections for that year, and a second Five Year Defense Plan in which the total budget authority for each year does not exceed the previous year's budget authority adjusted for the official inflation projections for that year. Such plans shall include the broad categories as follows:

(1) a single amount representing the total budget authority for each appropriation account, except that amount shall be specified at the budget activity level in the procurement appropriation accounts;

(2) the annual procurement plans for each of the five years for each major defense acquisition program as defined in section 139a(a) of title 10, United States Code.

TITLE VII—DEPARTMENT OF DEFENSE EFFICIENCY AND ECONOMY MATTERS

SHORT TITLE

SEC. 701. This title may be cited as the "Department of Defense Efficiency and Economy Act of 1985".

PART A—ALLOWABLE CONTRACT COSTS

REGULATIONS RELATING TO ALLOWABLE GENERAL AND ADMINISTRATIVE COSTS

SEC. 702. (a) The Secretary of Defense shall, within 90 days after the date of the enactment of this Act, issue proposed regulations to amend those provisions of the Department of Defense Supplement to the Federal Acquisition Regulation dealing with the allowability of contractor costs. The amendments shall define in detail and in specific terms those general and administrative costs which are unallowable, in whole or in part, under contracts entered into by the Department of Defense. In developing specific standards on the allowability of contractor costs, the Secretary shall consider whether the costs incurred would benefit the United States or would be reasonably necessary for the operation of the business. The amendments shall specify, at a minimum, that the following costs are generally unallowable:

(1) Advertising, other than for recruiting employees, acquiring scarce items, or disposing of scrap or surplus material.

(2) Dues paid to any social, country, or luncheon club, or any similar type of club or organization.

(3) That portion of the cost of the use of company furnished automobiles which is of personal benefit to the user.

(4) That portion of the cost of the use of company furnished aircraft which is of personal benefit to the user.

(5) Contributions or donations, regardless of the recipient, including political contributions.

(6) Entertainment costs.

(7) Fines and penalties.

(8) Lobbying costs.

(9) First-class air travel unless lower priced air travel is not reasonably available.

(10) Defense of fraud proceedings brought by the United States, except to the extent found to be not liable for the alleged fraud.

(11) Gifts.

(12) Hotel expenses in excess of limits prescribed in regulations.

(13) Meal expenses in excess of limits prescribed in regulations.

(14) Transportation to and from work except as specifically provided for in regulations or in the contract.

(b)(1) After final promulgation of the amendments required by subsection (a), if a contractor submits for any period a proposal for general and administrative cost settlement after the costs covered by such proposal have been paid or accrued and the proposal includes any general or administrative cost which is unallowable because the cost violates a cost principle in the Federal Acquisition Regulation or the Department of Defense Supplement to the Federal Acquisition Regulation, the cost shall be disallowed. If the Secretary of Defense determines by clear and convincing evidence that a general or administrative cost submitted by a contractor is unallowable under the preceding sentence, he shall assess a penalty against the contractor in an amount equal to the amount of the disallowed cost plus interest to be computed from the date on which the request for reimbursement of such cost was submitted until final settlement of the contract or until the claim for such cost is withdrawn, and at the applicable rate prescribed by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97).

(2) An action of the Secretary under paragraph (1) shall be considered a final decision for the purposes of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) and shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

(c)(1) After final promulgation of the amendments required by subsection (a), if the Secretary determines that proposals for general and administrative cost settlement submitted by a contractor consistently contain costs which by clear and convincing evidence have previously been determined to be unallowable because the costs violate cost principles in the Federal Acquisition Regulation or the Department of Defense Supplement to the Federal Acquisition Regulation or that such proposals submitted by a contractor repeatedly include the same or similar costs previously determined to be unallowable in the case of such contractor, the Secretary shall assess a penalty against the contractor, in addition to the penalty assessed under subsection (b), equal to not more than 2 times the amount of the general and administrative costs contained in the proposal for which there is clear and convincing evidence of unallowability because the costs violate cost principles in the Federal Acquisition Regulation or the Department of Defense Supplement to the Federal Acquisition Regulation or because the costs have been previously determined to be unallowable in the case of such contractor.

(2) An action of the Secretary under paragraph (1) shall be considered a final decision for the purposes of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) and is appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

(d) The submission for any period of a proposal for general and administrative cost settlement after the costs covered by such proposal have been paid or accrued and such proposal includes any costs not actually paid by the contractor or not actually accrued in accordance with generally accepted accounting principles or cost accounting standards shall be—

(1) subject to the provisions of section 287 of title 18, United States Code, and shall be punishable as provided by law (including section 704(a) of this Act) for offenses under that section; and

(2) subject to the provisions of section 3729 of title 31, United States Code, and shall be subject to the penalties provided for such a claim under section 704(b) of this Act.

(e) Regulations prescribed by the Secretary of Defense under this section shall not apply to contracts which are firm-fixed-price contracts (as described in section 16.202-1 of the Federal Acquisition Regulation, as in effect on April 1, 1985).

REGULATION TO CONTROL PRICES THAT MAY BE PAID FOR SPARE PARTS

SEC. 703. (a) The Congress finds that the Department of Defense has in some instances paid unreasonably high prices for spare parts because—

(1) some parts have been built to overly detailed specifications;

(2) some parts have been designed and fabricated in such a manner that excessive engineering and manufacturing steps have been involved resulting in a price in excess of the intrinsic value of the part;

(3) some parts have been purchased in very small, and thus highly uneconomic, quantities;

(4) some parts have had inappropriate amounts of corporate overhead assigned to them, resulting in a price in excess of the intrinsic value of the part;

(5) some parts have not been purchased directly from the manufacturer, and thus the Government has unnecessarily paid an additional profit to the seller;

(6) some parts have not been purchased through a competitive process; and

(7) some parts have been sold with unreasonably high profits included in the price.

(b) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall report to the Committees on Armed Services of the Senate and House of Representatives on the specific actions taken by the Department of Defense to address the management problems identified in subsection (a). Such report shall evaluate the actions taken to determine whether the actions have been successful in remedying the identified management problems.

(c) In the event that the Secretary of Defense concludes that the management problems identified in subsection (a) have not been successfully remedied by actions of the Department of Defense, he shall—

(1) issue proposed regulations to limit the price that may be charged by defense contractors for spare parts; and

(2) submit proposed legislation to remedy the management problems identified in subsection (a), as necessary.

(d) Nothing herein is intended to modify, amend, or repeal section 1245 of the fiscal year 1985 Department of Defense Authorization Act, Public Law 98-473, the provisions of which the Secretary of Defense has failed to comply with as of May 24, 1985.

INCREASED PENALTIES FOR FALSE CLAIMS IN DEPARTMENT OF DEFENSE PROCUREMENT

SEC. 704. (a) Notwithstanding section 287 of title 18, United States Code, the maximum fine that may be imposed under such section on a contractor of the Department of Defense for making or presenting any claim upon or against the United States, knowing such claim to be false, fictitious, or fraudulent, shall be $1,000,000.

(b) Notwithstanding section 3729 of title 31, United States Code, the amount of the liability under that section in the case of a person who makes a false claim described in section 702(d)(2) of this Act shall be a civil penalty of $2,000, an amount equal to 3

times the amount of the damages the Government sustains because of the act of the contractor, and costs of the civil action.

(c) Subsections (a) and (b) shall be applicable to claims made by contractors of the Department of Defense on and after the date of the enactment of this Act.

PART B—COMPETITIVE LABOR PURCHASE REQUIREMENTS

AMENDMENTS TO THE DAVIS-BACON ACT

SEC. 711. (a) Subsection (a) of the first section of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes" approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "or, in the case of contracts awarded by the Department of Defense, every contract in excess of $1,000,000" after "$2,000" in the first sentence; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) The minimum wages provided for in paragraph (1) in the case of a construction, alteration, or repair contract awarded by the Department of Defense shall be the prevailing wages determined by the Secretary of Labor under subparagraph (B).

"(B) For purposes of subparagraph (A), the Secretary of Labor shall base his determination of the wages prevailing for the corresponding classes of laborers, mechanics, and helpers on—

"(i) the wage paid to 50 per centum or more of the corresponding classes of laborers, mechanics, and helpers employed on private industry projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there; or

"(ii) if the same wage is not paid to 50 per centum or more of the laborers, mechanics, and helpers in the corresponding classes, the weighted average of the wages paid to the corresponding classes of laborers, mechanics, and helpers employed on private industry projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.".

(b)(1) The first section of such Act is further amended—

(A) by striking out "mechanics and/or laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, helpers, or any combination thereof";

(B) by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers";

(C) by striking out "mechanics and laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, and helpers"; and

(D) by striking out "laborer or mechanic" in subsection (b) and inserting in lieu thereof "laborer, mechanic, or helper".

(2) Section 2 of such Act (40 U.S.C. 276a-1) is amended by striking out "laborer or mechanic" and inserting in lieu thereof "laborer, mechanic, or helper".

(3) Section 3 of such Act (40 U.S.C. 276a-2) is amended by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers".

PROHIBITION ON ESTABLISHMENT OF PAY RATES FOR PREVAILING RATE EMPLOYEES OF THE DEPARTMENT OF DEFENSE USING SURVEYS OF WAGES PAID OUTSIDE THE LOCAL WAGE AREA

SEC. 712. (a) Section 5343(d)(2) of title 5, United States Code, is amended to read as follows:

"(2) When the lead agency determines that there is a number of comparable positions in private industry insufficient to establish the wage schedules and rates, such agency shall—

"(A) establish the wage schedules and rates to be applicable to prevailing rate employees other than prevailing rate employees of the Department of Defense on the basis of—

"(i) local private industry rates; and

"(ii) rates paid for comparable positions in private industry in the nearest wage area that such agency determines is most similar in the nature of its population, employment, manpower, and industry to the local wage area for which the wage survey is being made; and

"(B) establish the wage schedules and rates to be applicable to prevailing rate employees of the Department of Defense only on the basis of local private industry rates.".

(b) The rate of pay payable to a prevailing rate employee employed by the Department of Defense on the day before the date of enactment of this Act may not be reduced by reason of the amendment made by subsection (a).

AMENDMENTS TO THE WALSH-HEALEY ACT AND THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

SEC. 713. (a) Subsection (c) of the first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (41 U.S.C. 35(c)), commonly known as the Walsh-Healey Act, is amended—

(1) by inserting "(1)" after the subsection designation "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) The provisions of paragraph (1) which limit work in excess of eight hours in any one day shall not apply in the case of a contract entered into by the Department of Defense.".

(b)(1) Section 102 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 328) is amended—

(1) in subsection (a), by inserting "and except as provided in subsection (c)" after "Notwithstanding any other provision of law";

(2) in subsection (b), by striking out "The" at the beginning of such subsection and inserting in lieu thereof "Except as provided in subsection (c), the"; and

(3) by adding at the end thereof the following new subsection:

"(c)(1) The wages of every laborer and mechanic employed by a contractor or subcontractor to perform work under a contract awarded by the Department of Defense shall be computed on the basis of a standard workweek of forty hours, and work in excess of such standard workweek shall be compensated at a rate of not less than one and one-half times the basic rate of pay.

"(2) In the event of a violation of paragraph (1), the contractor and any subcontractor responsible for the violation shall be liable to the affected employee for the unpaid wages of the employee and shall, in addition, be liable to the United States for liquidated damages in the amount of $50 for each week during which a laborer or mechanic was required or permitted to work in excess of forty hours without payment of the overtime wages required by paragraph (1).".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1985, and shall apply to any contract entered into on or after such date.

PART C—MISCELLANEOUS COST SAVINGS PROVISIONS

REMOVAL OF RESTRICTIONS ON CONTRACTING OUT AUTHORITY

SEC. 721. Notwithstanding any other provision of law, the Secretary of Defense may contract for the performance of any service or activity by non-Government personnel if the Secretary determines that the performance of such service or activity by non-Government personnel would be cost effective and in the best interest of the national defense.

EMERGENCY BASE CLOSURE AND REALIGNMENT

SEC. 722. (a) Section 2687(a) of title 10, United States Code, is amended by inserting "and subject to section 2688 of this title" after "Notwithstanding any other provision of law".

(b)(1) Chapter 159 of title 10, United States Code, is amended by adding after section 2687 the following new section:

"§ 2688. Emergency Base Closures and Realignments

"(a)(1) If the budget submitted to the Congress by the President for any fiscal year (pursuant to section 1105 of title 31) reflects a budget deficit for such fiscal year and the Secretary of Defense satisfies the notification requirement set out in paragraph (2), the Secretary, during any 24-month period following the submission of such budget, may close or realign any military installation without regard to any other provision of law that would prevent or delay such closing or realignment, including any restrictions on the disposal of specific real property and any restriction contained in any appropriation Act on the use of funds to close or realign any military installation.

"(2) In determining whether any military installation should be closed or realigned under the authority of this section, the Secretary of Defense shall specifically consider the following:

"(A) The mission requirements and the potential impact on the operational readiness of the military service concerned.

"(B) The adequacy and condition of facilities at the military installation to which personnel or equipment is to be transferred as a result of the planned base closure or realignment.

"(C) The potential of the proposed new location to accommodate contingency and future force requirements.

"(D) The capital investment in the military installation proposed to be closed or realigned.

"(E) The budgetary consequences of the proposed closing or realignment.

"(F) The estimated cost savings of the proposed closing or realignment and the time period over which such savings would be realized.

"(G) The economic impact on the area surrounding the military installation to be closed or realigned and on the area surrounding the proposed new location.

"(H) The environmental impact on the proposed new location and on the area surrounding such location.

"(I) The impact, if any, on the other military departments.

"(J) The time that will be required to achieve the closing or realignment, including any move of personnel or equipment to a new location.

"(3) Not later than 60 days before the date the Secretary of Defense takes any irrevocable action to effect or implement a closure or realignment of a military installation under paragraph (1), the Secretary shall notify the Congress of the plan to take such action. The Secretary shall include in the notification to the Congress an evaluation of the factors set forth in paragraph (2) with respect to the closing or realignment of the military installation.

"(b) The Secretary of Defense is authorized to design and construct such facilities as he determines are necessary to effect the closure or realignment of any military installation under the authority of this section and may use for the design and construction of such facilities any funds available to the Department of Defense for military construction at the military installation from which personnel or equipment is being moved as the result of the closure or realignment of that military installation.

"(c) In this section the terms 'military installation' and 'realignment' have the same meaning as provided in section 2687(d) of this title.".

(2) The table of sections at the beginning of such subchapter is amended by adding after section 2687 the following new item:

"2688. Emergency base closures and realignments.".

(b) There is authorized to be appropriated to the Department of Defense for fiscal years beginning after September 30, 1985, the sum of $1,000,000,000 to carry out the provision of section 2688 of title 10, United States Code.

REIMBURSEMENTS TO CONTRACTOR

SEC. 723. Notwithstanding any other provision of law or of this Act—

(a)(1) If a contractor submits for reimbursement any cost, other than those costs covered by section 702(b)(1) of this Act, for which there is clear and convincing evidence that the cost has been defined as expressly unallowable by statute or regulation, the cost shall be disallowed and the contractor shall be liable to the United States for an amount equal to the amount of the disallowed cost, plus interest to be computed from the date on which the request for reimbursement of such cost was submitted until final settlement of the contract or until the claim for such cost is withdrawn, and at the applicable rate prescribed by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97).

(2) In the case of a payment by the government of any price which was increased by reason of the submission of inaccurate, incomplete, or noncurrent cost and pricing data, the contractor shall be liable to the United States for an amount equal to the amount that such price was increased, plus interest to be computed from the date the payment was made to the contractor to the date the government is repaid by the contractor at the applicable rate prescribed by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97).

(3) Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) is amended by striking out the third sentence in subsection (h)(1) and inserting in lieu thereof the following "Such interest shall be set at a rate established by the Secretary of the Treasury pursuant to Public Law 92-41. Such interest shall accrue from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected.".

(b) This provision shall take effect for contracts entered into on and after the effective date of this Act.

TITLE VIII—NATIONAL DEFENSE STOCKPILE

AUTHORIZATION FOR DISPOSAL

SEC. 801. Effective on October 1, 1985, the President is authorized to dispose of the following quantities of materials currently held in the National Defense Stockpile in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), such quantities having been determined to be excess to the current requirements of the stockpile:

(1) 13,415 short dry tons of celestite.
(2) 1,352 carats of diamond industrial crushing bort.
(3) 1,601,112 pounds of iodine.
(4) 1,187 short dry tons of kyanite.
(5) 1,807 short dry tons of manganese, chemical grade.
(6) 15,902 pounds of mercuric oxide.
(7) 159,623 flasks of mercury.
(8) 181,374 pounds of mica, MB, stained and lower.
(9) 53,189 pounds of mica, MF, first and second quality.
(10) 2,022,051 pounds of mica, muscovite splittings.
(11) 587,001 pounds of mica, phlogopite splittings.
(12) 1,268,541 pounds of quartz crystals.
(13) 504 short tons of rare earth.
(14) 51,550 short tons of silicon carbide.
(15) 991 short tons of talc block and lump.
(16) 1,089 short tons of talc ground.
(17) 6,479,350 pounds of thorium nitrate.
(18) 124,374 long tons of tin.
(19) 27,067,613 pounds of tungsten ores and concentrates.
(20) 4,477 long tons of vegetable tannin, chestnut.
(21) 82,464 long tons of vegetable tannin, quebracho.

DEPOSIT OF FUNDS ACCRUING FROM NAVAL PETROLEUM RESERVES

SEC. 802. There shall be deposited into the National Defense Stockpile Transaction Fund, established under section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), 30 percent of all money accruing to the United States during fiscal year 1986 from lands in the naval petroleum and oil shale reserves (less amounts spent for exploration, development, and operation of those reserves and related expenses during that period). Moneys deposited in the Fund under this section shall be deemed to have been covered into the Fund under section 9(b) of such Act.

TITLE IX—GENERAL PROVISIONS

SPECIAL DEFENSE ACQUISITION FUND

SEC. 901. Section 138(g) of title 10, United States Code, is amended to read as follows:

"(g) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) may not exceed $1,000,000,000.".

LIMITED AUTHORITY TO EXCEED PERMANENT CEILING ON UNITED STATES FORCES ASSIGNED TO NATO

SEC. 902. Section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2575), is amended by adding at the end thereof the following new sentence: "The Secretary of Defense may exceed such permanent ceiling in any year by a number equal to not more than ½ of 1 percent for the purpose of achieving sound management in the rotation of members of the Armed Forces of the United States to and from assignment to permanent duty ashore in European member nations of NATO, but only if the Secretary determines that the increase in such year is necessary for such purpose.

PROHIBITION ON INCLUDING GENERAL AND ADMINISTRATIVE OVERHEAD EXPENSES IN THE COMPUTATION OF CONTRACTOR PROFITS

SEC. 903. (a) The Secretary of Defense shall advise the Committees on Armed Services of the Senate and the House of Representatives in writing, within 60 days after the date of the enactment of this Act, of his views regarding the desirability and advisability of legislation or regulations that would prohibit, in the case of any contract awarded by the Department of Defense under other than competitive procedures (as defined in section 2304(c) of title 10, United States Code), the inclusion of any actual or imputed general and administrative expenses of the contractor in the total cost to which a percentage is applied in order to calculate anticipated profit to be earned by the contractor.

(b) In the event he favors such a prohibition, the Secretary shall indicate, in his views submitted to the committees under subsection (a), the desirability and advisability of including in legislation or regulations imposing such a prohibition authority to waive the prohibition in particular cases if necessary to avoid inequitable economic hardship or if necessary for other expressly stated reasons.

LIMITATION ON USE OF FUNDS FOR CONDUCTING POLYGRAPH EXAMINATIONS; REPORT

SEC. 904. (a) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be used for the purpose of implementing paragraphs D.8 and 9, D.12.b and g, D.13.c, and E.1.g of Department of Defense Directive 5210.48, dated December 24, 1984, relating to polygraph examinations and examiners, except for the continuation of the test program authorized by section 1307 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2613). The total number of persons examined under the test program in fiscal years 1985 and 1986 may not exceed 3,500.

(b) Not later than December 31, 1986, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of polygraph examinations administered by or for the Department of Defense during the fiscal year 1986. The report shall include (A) the number of polygraph examinations conducted, (B) a description of the purposes and results of such examinations, (C) a description of the criteria used for selecting programs and individuals for examination, (D) the number of persons who refused to submit to the examination, (E) a description of the actions taken, including denial of clearance or other adverse action, when an individual either failed or refused to take the examination, (F) an explanation of the uses made of the results of the examinations, and (G) a detailed accounting of those cases in which more than two examinations were needed to attempt to resolve discrepancies.

(c)(1) The Secretary of Defense shall establish a continuing polygraph research program to support polygraph activities within the Department of Defense. The research program shall include evaluation of the validity of polygraph techniques used by the Department, polygraph countermeasures and anti-countermeasures, and developmental research on polygraph techniques, instrumentation, and analytic methods.

(2) The Secretary of Defense shall report annually the results of the polygraph research program referred to in paragraph (1) to the Committees on Armed Services of the Senate and the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1986 in the amount of $590,000 to carry out the continuing research program referred to in paragraph (1).

(d) This section does not apply—

(1) in the case of any individual assigned to, or detailed to, the Central Intelligence Agency or to any expert or consultant under a contract with the Central Intelligence Agency;

(2) in the case of any individual employed by, assigned to, or detailed to, the National Security Agency, any expert or consultant under a contract with the National Security Agency, any employee of a contractor of the National Security Agency, or any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored; or

(3) in the case of any individual applying for a position in the National Security Agency.

(e) The provision of subsection (a) shall expire on September 30, 1986.

RESTRICTIONS ON CONTRACTING FOR EDUCATIONAL SERVICES

SEC. 905. (a) No solicitation, contract, or agreement for the provision of off-duty postsecondary education services for members of the Armed Forces of the United States, civilian employees of the Department of Defense, or the dependents of such members or employees may discriminate against or preclude any accredited academic institution authorized to award one or more associate degrees from offering courses within its lawful scope of authority solely on the basis of such institution's lack of authority to award a baccalaureate degree.

(b) No solicitation, contract, or agreement for the provision of off-duty postsecondary education services for members of the Armed Forces of the United States, civilian employees of the Department of Defense, or the dependents of such members or employees may limit the offering of such services or any group, category, or level of courses to a single academic institution, except that nothing in this section shall restrict the ability of duly constituted personnel at the military installation level to take such actions as may be necessary to avoid unnecessary duplication of offerings, consistent with the purpose of this provision of ensuring the availability of alternative offerors of such services to the maximum extent feasible.

(c) The provisions of this section shall apply to services referred to in subsections (a) and (b) that are provided after September 1, 1985, except that such provisions shall not apply to contracts for services entered into before April 1, 1985.

(d) Nothing in this section shall be construed to require more than one academic institution to be authorized to offer courses aboard a particular naval vessel.

(e)(1) The Comptroller General of the United States shall carry out a study to determine (A) the educational needs of members of the Armed Forces of the United states and civilian employees of the Department of Defense stationed outside the United States and the educational needs of the dependents of such members and employees, (B) the most effective and feasible means of meeting such needs, and (C) the cost of providing such means.

(2) Not later than September 1, 1986, the Comptroller General shall transmit to the Congress a report on the study required by subsection (1). The report shall include the Comptroller General's findings and such recommendations for legislation as the Comptroller General considers appropriate.

ANNUAL REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS

SEC. 906. Not later than December 1, 1985, and not later than December 1 of each year thereafter, the President shall submit to the Congress a report containing an update (since the most recent report to the Congress on the subject) of the President's findings regarding the Soviet Union's compliance with its arms control commitments, together with such additional information regarding the Soviet Union's compliance with its arms control commitments as may be necessary to keep the Congress currently informed on such matter. The President shall submit classified and unclassified versions of such report to the Congress each year.

REPORT ON USE OF INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 907. Not later than April 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the continued use of independent cost estimates in the planning, programing, budgeting, and selection process for major defense acquisition programs in the Department of Defense. Such report shall be a follow-on to the report required by section 1203(c) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 10 U.S.C. 1039 note), and shall include an overall assessment of the extent to which such estimates were adopted by the Department of Defense in making decisions on the fiscal year 1987 budget and a general explanation of why such estimates might have been modified or rejected. The Secretary shall also include in the report a statement as to whether adequate personnel and financial resources have been allocated at all levels of the Department of Defense to those organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

EXTENSION OF REPORTING DATES FOR THE COMMISSION ON MERCHANT MARINE AND DEFENSE

SEC. 908. Section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2633), is amended—

(1) in subsections (b) and (g), by striking out "1985" and "1986" each place they appear and inserting in lieu thereof "1986" and "1987", respectively; and

(2) in subsection (i), by striking out "1985", "1986", and "1987" each place they appear and inserting in lieu thereof "1986", "1987", and "1988", respectively.

TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE

SEC. 909. (a) The Congress finds that the programs and activities of the Department of Defense could be more effectively and efficiently planned and managed if funds for the Department were provided on a two-year cycle rather than annually.

(b) The President shall include in the budget submitted to the Congress pursuant to section 1105 of title 31, United States Code, for fiscal year 1988 a single proposed budget for the Department of Defense and related agencies for fiscal years 1988 and 1989. Thereafter, the President shall submit a proposed two-year budget for the Department of Defense and related agencies every other year.

(c) Not later than July 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report containing the Secretary's views on the following:

(1) The advantages and disadvantages of operating the Department of Defense and related agencies on a two-year budget cycle.

(2) The Secretary's plans for converting to a two-year budget cycle.

(3) A description of any impediments, statutory or otherwise, to converting the operations of the Department of Defense and related agencies to a two-year budget cycle beginning with fiscal year 1988.

CONTINUED OPERATION BY THE SECRETARY OF DEFENSE OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

SEC. 910. (a)(1) Subsection (e) of section 202, sections 208 and 302, and subsection (f) of section 401 of the Department of Education Organization Act (20 U.S.C. 3412(e), 3418, 3442, and 3461(f)) are repealed.

(2) Section 419(a) of such Act (20 U.S.C. 3479(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)"; and

(B) by striking out paragraph (2).

(3) Section 503(a) of such Act (20 U.S.C. 3503(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)"; and

(B) by striking out paragraph (2).

(4) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 208 and 302.

(5) Section 414(b) of such Act (20 U.S.C. 3474(b)) is amended by striking out "302,".

(b)(1) Section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Defense shall consult with the Secretary of Education on the educational programs and practices of the defense dependents' education system.".

(2)(A) Paragraph (1) of section 1410(a) of such Act (20 U.S.C. 928(a)(1)) is amended by adding at the end thereof the following new sentences: "The membership of each such advisory committee shall also include one person to represent the interests of the organization recognized as the exclusive bargaining representative of the employees of the school. Such person shall be designated by the appropriate organization and shall be a nonvoting member of the committee.".

(B) Subsection (c) of section 1410 of such Act is amended by striking out "Members" and inserting in lieu thereof "Except in the case of a nonvoting member provided for under subsection (a)(1), members".

(3) The second sentence of section 1410(b) of the Defense Dependents' Education Act

of 1978 (20 U.S.C. 928(c)) is amended by striking out "The Secretary of Education, in consultation with the Secretary of Defense," and inserting in lieu thereof "The Secretary of Defense".

(4)(A) Subsection (a) of section 1411 of such Act (20 U.S.C. 929) is amended to read as follows:

"(a)(1) There is established in the Department of Defense Advisory Council on Dependents' Education (hereinafter in this section referred to as the 'Council'). The Council shall be composed of—

"(A) the Secretary of Defense and the Secretary of Education, or their respective designees;

"(B) twelve individuals appointed jointly by the Secretary of Defense and the Secretary of Education who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and parents of students enrolled in the defense dependents' education system and one student enrolled in such system; and

"(C) a representative of the Secretary of Defense and of the Secretary of Education.

"(2) Individuals appointed to the Council from professional employee organizations shall be individuals designated by such organizations.

"(3) The Secretary of Defense, or his designee, and the Secretary of Education, or his designee, shall serve as cochairmen of the Council.

"(4) The Director shall be the Executive Secretary of the Council.".

(5) Subsection (b)(1) of such section is amended by inserting "the Secretary of Defense and" before "the Secretary of Education".

(6) Subsection (c) of such section is amended—

(A) by striking out "at least four times each year" and inserting in lieu thereof "at least two times each year";

(B) by striking out clause (2);

(C) by redesignating clauses (3), (4), and (5) as clauses (2), (3), and (4), respectively; and

(D) by striking out "Secretary of Education" in clause (4) (as redesignated in clause (3) of this subsection) and inserting in lieu thereof "Secretary of Defense".

(c) Section 5316 of title 5, United States Code, is amended by striking out "Administrator of Education for Overseas Dependents, Department of Education.".

EXTENSION AND EXPANSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO CERTAIN COUNTRIES

SEC. 911. (a) Section 1540(a) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2637), is amended—

(1) by striking out "fiscal year 1985" and inserting in lieu thereof "fiscal years 1985 and 1986"; and

(2) by striking out "Central America" and inserting in lieu thereof "any area of the world".

(b) The heading of section 1540 of such Act is amended to read as follows:

"AUTHORIZATION FOR SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO FOREIGN COUNTRIES".

INDUSTRIAL FUND CAPITALIZATION PROGRAM

SEC. 912. Section 2208(j) of title 10, United States Code, is amended by striking out ", not less than 4 percent during fiscal year 1986, and not less than 5 percent during fiscal year 1987".

IMPLICATIONS ON THE STRATEGIC DEFENSE INITIATIVE

SEC. 913. (a) The Congress finds—

(1) that the President's Commission on Strategic Forces declared in its report to the President, dated March 21, 1984, that "One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972"; and

(2) that the Secretary of State has stated that the "ABM Treaty requires consultations, and the President has explicitly recognized that any ABM-related deployments arising from research into ballistic missile defenses would be a matter for consultations and negotiation between the Parties".

(b) The Congress, therefore, declares—

(1) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed on May 26, 1972; and

(2) that action by the Congress in approving funds for research on the Strategic Defense Initiative does not express or imply an intention on the part of the Congress that the United States should abrogate, violate, or otherwise erode such treaty, and does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty.

SPECIAL FOREIGN CURRENCY PROGRAM

SEC. 914. Funds are hereby authorized to be appropriated for fiscal year 1986 in the amount of $2,100,000 for the purchase of foreign currencies from the Treasury Department to pay expenses incurred in carrying out programs of the Department of Defense.

RESTRICTION ON THE USE OF FUNDS FOR THE B-1B BOMBER AIRCRAFT PROGRAM

SEC. 915. None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended for the conduct of research, design, demonstration, development, or procurement of more than 100 B-1B bomber aircraft (including any derivative or modified version of such aircraft).

REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR DEPLOYMENT OF STRATEGIC DEFENSE INITIATIVE SYSTEM

SEC. 916. A strategic defense system developed as a consequence of research, development, test, and evaluation conducted on the Strategic Defense Initiative program may not be deployed in whole or in part unless—

(1) the President determines and certifies to the Congress in writing that the system is—

(A) survivable, that is it must be able to maintain a sufficient degree of effectiveness to fulfill its mission, even in the face of determined attacks against it; and

(B) cost effective at the margin to the extent that it must be able to maintain its effectiveness against the offense at less cost than it would take to develop offensive countermeasures and proliferate the ballistic missiles necessary to overcome it; and

(2) funding for the deployment of such system has been specifically authorized by legislation enacted after the date on which the President makes the certification to the Congress.

ARMED SERVICES NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS

SEC. 917. (a) The Congress hereby finds—

(1) that scientific and technological developments in communications and electronics are of particular importance to the United States in meeting its national security, industrial, and other needs;

(2) that enhanced training in the technical communications, electronics, and computer disciplines is necessary for a more efficient and effective military force;

(3) that the Secretary of the Army, through the Training and Doctrine Command, is responsible for providing training to members of the Army;

(4) that the Ninety-seventh Congress, in Senate Concurrent Resolution 130 of that Congress, encouraged the establishment within the United States of a national center dedicated to communications and electronics;

(5) that the Secretary of the Army entered into a Memorandum of Understanding with the National Science Center for Communications and Electronics Foundation Incorporated, a nonprofit corporation of the State of Georgia, in which the Army and such foundation agreed to develop a science center for (A) the promotion of engineering principles and practices, (3) the advancement of scientific education for careers in communications and electronics, and (C) the portrayal of the communications, electronics, and computer arts.

(b) It is the purpose of this section to recognize the relationship between the Army and the National Science Center for Communications and Electronics Foundation Incorporated (hereinafter in this section referred to as the "Foundation") for the development, construction, and operation of a national science center and to authorize the Secretary of the Army (hereinafter in this section referred to as the "Secretary") to make available a suitable site for the construction of such a center, to accept title to the center facilities when constructed, and to provide for the management, operation, and maintenance of such a center after the transfer of title of the center to the Secretary.

(c)(1) Subject to paragraph (2), the Secretary may provide a suitable parcel of land at or near Fort Gordon, Georgia, for the construction of an armed services national science center by the Foundation to meet the objectives expressed in subsection (a). Upon completion of the construction of the center the Secretary may accept title to the center and may provide for the management, operation, and maintenance of such center out of funds appropriated to the Army for such purpose.

(2) As a condition to making a parcel of land available to the Foundation for the construction of a national science center, the Secretary shall have the right to approve the design of the center, including all plans, specifications, contracts, sites, and materials to be used in the construction of such center and all rights-of-way, easements, and rights of ingress and egress for the center. The Secretary's approval of the design and plans shall be based on good business practices and accepted engineering principles taking into consideration safety and other appropriate factors.

(d) The Secretary may accept conditional or unconditional gifts made for the benefit of, or in connection with the center.

(e) The Secretary may appoint an advisory board to advise the Secretary regarding

the operation of the center in pursuit of the goals of the center described in subsection (a). The Secretary may appoint to the advisory board such members of the board of directors of the Foundation as he considers appropriate. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board appointed under this subsection.

(f) Consistent with the mission of the armed services and the efficient operation of the center, the Secretary may make facilities at the center available to the Foundation for its corporate activities and for such endeavors in the area of communications and electronics as the Secretary may consider appropriate.

(g)(1) The Secretary may make the center available to the public and to other departments and agencies of the Government for research and study and for public exhibitions. The Secretary may charge for such uses as he considers necessary and appropriate.

(2) Any money collected for the use of the facilities of the center shall be deposited to a special fund maintained by the Secretary for the maintenance and operation of the center. The Secretary shall require the Auditor General of the Army to audit the records of such fund at least once every two years and to report the results of the audits to the Secretary.

STUDY OF IMPACT OF FOREIGN EXPORT SUBSIDIES ON THE DEFENSE INDUSTRIAL BASE OF THE UNITED STATES

SEC. 918. The Secretary of Defense shall conduct a study regarding the effects that foreign export subsidies have had on the defense industrial base of the United States. The Secretary shall submit a report containing the results of the study to the Congress not later than April 1, 1986, and shall include in such report—

(1) a compilation of the number and type of contracts awarded by the Department of Defense in fiscal year 1984, fiscal year 1985, and the first six months of fiscal year 1986 on which United States firms bid but which were awarded by the Department of Defense to foreign firms;

(2) whether, in the case of each such contract, a subsidy (as defined in section 1677(5) of the Tariff Act of 1930) was provided in connection with the commodity purchased under the contract and, if so, a description of the subsidy, including the type and amount of the subsidy;

(3) identification of those segments of United States industry adversely affected by the loss of the contracts referred to in clause (1) and the consequences that the loss of such contracts has had on the defense industrial base of the United States; and

(4) such recommendations for legislative and administrative action as the Secretary considers necessary or appropriate to correct any detrimental impact that subsidized exports have on the defense industrial base of the United States, to include an evaluation of the impact of such recommendations on other United States foreign policy objectives such as the goal of improving cooperative weapons development and standardization in the North Atlantic Treaty Organization.

AUTHORITY OF THE SECRETARY OF DEFENSE TO ENROLL CERTAIN PERSONS IN OVERSEAS SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

SEC. 919. (a) The Secretary of Defense may, under such regulations as he shall prescribe, permit to be enrolled in schools of the defense dependents' education system, in addition to children authorized to be enrolled in such system under the Defense Dependents' Education Act (20 U.S.C. 921 et seq.), children of employees of the Federal Government stationed outside the United States, children of employees of contractors employed in carrying out work for the Federal Government outside the United States, children of employees of nonappropriated fund activities of the Department of Defense, and, if the Secretary determines such action to be in the national interest, children of other citizens or nationals of the United States or of foreign nationals.

(b) Any child permitted to enroll in a school of the defense dependents' education system under this section shall be required to pay tuition at a rate determined by the Secretary of Defense, which shall not be less than the rate necessary to defray the average cost of the enrollment of children in the system under the Defense Dependents' Education Act of 1976 (20 U.S.C. 921 et seq.).

ANNUAL SELECTED ACQUISITION REPORTS

SEC. 920. (a) Subsection (c) of section 139a of title 10, United States Code, is amended to read as follows:

"(c)(1) Each Selected Acquisition Report for the first quarter for a fiscal year shall include—

"(A) the same information, in detailed and summarized form, as is provided in reports submitted under section 139 of this title;

"(3) the current program acquisition unit cost for each major defense acquisition program included in the report and the history of that cost from the date the program was first included in a Selected Acquisition Report to the end of the quarter for which the current report is submitted; and

(C) such other information as the Secretary of Defense considers appropriate.

"(2) Each Selected Acquisition Report for the first quarter of a fiscal year shall be prepared and submitted in the same format and with the same content as was used for the Selected Acquisition Report for the first quarter of fiscal year 1984.

"(3) In addition to the material required by paragraphs (1) and (2), each Selected Acquisition Report for the first quarter of a fiscal year shall include—

"(A) a full life-cycle cost analysis for each major defense acquisition program included in the report which is in or has completed full-scale engineering development and which was first included in a Selected Acquisition Report for a quarter after the first quarter of fiscal year 1985;

"(B) if the system that is included in a major defense acquisition program described in clause (A) has an antecedent system, a full life-cycle cost analysis for that antecedent system; and

"(C) production information, including but not limited to—

"(i) a baseline annual production rate planned for the system through the projected termination of the procurement;

"(ii) cost and schedule variances caused by departure from the annual baseline production if the annual budget submission varies from the baseline;

"(iii) the annual production capacity provided with the facilities and tooling programmed for procurement in the program or otherwise provided by Government funds;

"(iv) the annual production rates assumed in the cost-effectiveness analysis presented at the time the Secretary of Defense authorized the military service component to proceed with full-scale development of the program; and

"(v) the cost savings projected to be available if the program submitted in the annual budget submission was procured at the annual production rate identified at the time the Secretary of Defense authorized the military service component to proceed with full-scale development of the program.

"(4) Selected Acquisition Reports for the first quarter of a fiscal year shall be known as comprehensive annual Selected Acquisition Reports.".

(b)(1) The Secretary of Defense shall resubmit to Congress the Selected Acquisition Reports required by section 139a of title 10, United States Code, for the first quarter of fiscal year 1985. The reports as resubmitted shall be in the format and with the content required by paragraph (2) of section 139a(c) of such title, as added by subsection (a).

(2) Such reports shall be submitted not later than 30 days after the date of the enactment of this Act.

PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE

SEC. 921. (a) It is the sense of Congress that—

(1) the capabilities inherent in the technologies associated with the Advanced Technology Bomber program and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture;

(2) such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrent posture of the United States;

(3) such technologies and programs should be funded at the levels authorized in this Act; and

(4) all the funds appropriated for such programs should be fully used for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program or the Advanced Cruise Missile program may be used for any other purpose.

(c) It is the sense of the Congress that, consistent with the stated policy of the Department of Defense, the B-1B bomber aircraft procurement program should be terminated after acquisition under such program of 100 aircraft.

REPORT ON FEASIBILITY OF DRUG TESTING PROSPECTIVE RECRUITS

SEC. 922. (a) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than October 1, 1985, a report on the feasibility of implementing a program designed to detect drug use by persons who have been accepted for entry into the Armed Forces but who have not become members of the Armed Forces.

(b) The Secretary shall include in the report required by subsection (a)—

(1) an explanation of how such a program would operate;

(2) the Secretary's assessment of the value of such a program;

(3) a discussion of any problems that might complicate the administration of such a program;

(4) the advantages and disadvantages of instituting such a program;

(5) an estimate of any savings that the United States might realize by detecting illegal drug use by a person before such person becomes a member of the Armed Forces; and

(6) such recommendations for legislation as the Secretary considers necessary or appropriate to establish such a program.

AUTHORITY TO LEASE AIR FORCE HELICOPTERS TO THE STATE OF CALIFORNIA

SEC. 923. Notwithstanding any other provision of this or any other Act, the Secretary of the Air Force may lease not more that 12 UH-F1 helicopters to the Department of Forestry of the State of California for the purposes of fighting forest fires, search and rescue missions, and vegetation control activities. The lease of helicopters under this section shall be made subject to such terms and conditions as the Secretary considers fair and reasonable and necessary to protect the interests of the United States.

STUDY TO EVALUATE THE IMPACT OF LOSS OF PRODUCTION CAPACITY OF CRITICAL FERROALLOY PRODUCTS

SEC. 924. (a) Recognizing the vital role that ferroalloy products have in industries crucial to the national defense, the Department of Defense shall undertake a study to determine what effect the loss of all domestic ferroalloys production capacity would have on the defense industrial base and on industrial preparedness.

(b) Such study shall include an evaluation of the impact of loss of production capacity for ferrochrome, ferro-manganese, ferrosilicon (all grades), silicon manganese, chromium metal, and other militarily critical ferroalloy products. The study shall be conducted by the Undersecretary for Defense Policy in cooperation with the Federal Emergency Management Agency and the Department of the Interior. A report of the findings shall be made to the Congress within 180 days after enactment of this statute and shall, to the extent possible, be unclassified.

SENSE OF SENATE RELATING TO UNITED STATES-SOVIET NEGOTIATIONS ON REDUCTIONS IN NUCLEAR ARMS

SEC. 925. Since relations between the United States and the Union of Soviet Socialist Republics are currently characterized by considerable tension

Since the strategic (START) and intermediate-range nuclear force (INF) reduction negotiations did not achieve satisfactory results, and in the new negotiations on nuclear and space arms the positions of the two parties remain far apart;

Since a carefully prepared summit could facilitate the accomplishment of the objectives of these negotiations and lead to a reduction in the risk of nuclear war;

Since a carefully prepared summit could also lead to progress in resolving other major issues troubling relations between the two superpowers;

Since both President Reagan and Soviet General Secretary Gorbachev have indicated their willingness in principle to participate in such a carefully prepared summit;

It is the sense of the Senate that the President of the United States and the President of the Union of Soviet Socialist Republics should meet at the earliest practical time following thorough preparation to discuss major issues in United States-Soviet relations and to work for the realization of mutual equitable and verifiable reductions in nuclear arms.

MILITARY FAMILY ACT OF 1985

SEC. 926. (a) SHORT TITLE.—This section may be cited as the "Military Family Act of 1985".

(b) OFFICE OF FAMILY POLICY.—(1) There is hereby established in the Office of the Secretary of Defense an Office of Family Policy. The office shall be under the Assistant Secretary of Defense for Manpower, Installations, and Logistics.

(2) The office shall coordinate programs and activities of the military departments to the extent that they relate to military families and shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

(3) The office shall have not less than 5 professional staff members. The staff of the office shall be in addition to any statutory or administrative limit on the number of employees that may be assigned or detailed to the Office of the Secretary of Defense.

(c) TRANSFER OF MILITARY FAMILY RESOURCES CENTER.—The Military Family Resource Center of the Department of Defense is hereby transferred from the Office of the Assistant Secretary of Defense for Health Affairs to the Office of the Assistant Secretary for Manpower, Installations, and Logistics.

(d) PREFERENCE IN DEPARTMENT OF DEFENSE CIVIL SERVICE POSITIONS.—(1) The Secretary of Defense shall provide that spouses of members of the Armed Forces be given preference in hiring for any position in the Department of Defense above grade GS-7 (or the equivalent) if the spouse is among those determined to be best qualified for the position.

(2) A spouse of a member of the Armed Forces may not, by reason of paragraph (1), be given preference in hiring over an individual who is a preference eligible.

(3) CONDITIONS FOR PREFERENCE.—(A) Preferential hiring under this subsection for the spouse or other dependent of a member of the Armed Forces—

(i) shall be accorded only for positions in the same geographic area as the area within which the permanent duty station of the member is located; and

(ii) shall terminate as of the date on which such spouse or other dependent is appointed to a position referred to in paragraph (1).

(B) Preferential hiring under this subsection for an individual who has previously received a preferential appointment under paragraph (1) shall be restored if such individual subsequently relocates to another geographic area pursuant to a change in the permanent duty station of the member involved.

(4) The Director of the Office of Personnel Management shall prescribe regulations necessary to carry out this subsection after appropriate consultation with the Secretary of Defense.

(e) OPERATION OF CHILD-CARE FACILITIES.—The Secretary of Defense shall provide that child-care facilities that are operated by the Department of Defense on military installations be operated on a 24-hour-a-day basis when necessary to meet mission requirements.

(f) REPORT ON EMPLOYMENT OF SPOUSES IN CHILD-CARE FACILITIES.—Not later than one year after the date of the enactment of the Act, the Secretary shall submit a report to Congress making recommendations for ways to improve opportunities for spouses of members of the Armed Forces to obtain employment at child-care facilities. Such recommendations shall address both hiring practices at child-care facilities operated by the Department of Defense and training programs for spouses.

(g) YOUTH SPONSORSHIP PROGRAM.—(1) The Secretary of Defense shall direct that there be established at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the Armed Forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

(2) Such a program shall provide, to the extent feasible, for involvement of dependent children of members presently stationed at the military installation.

(h) STUDY ON NEED FOR ASSISTANCE TO DEPENDENTS ENTERING NEW SECONDARY SCHOOLS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report which makes recommendations for any administrative and legislative changes necessary to assist families of members of the Armed Forces making permanent change of station so that a dependent child who transfers between secondary schools with different graduation requirements does not undergo unnecessary disruptions in education or have inequitable or unduly burdensome or duplicative education requirements imposed.

PROHIBITION ON CIVIL SERVICE EMPLOYMENT OR PERSONS WHO FAILED TO REGISTER UNDER THE MILITARY SELECTIVE SERVICE ACT

SEC. 927. (a) Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 3328. Selective Service registration

"(a) Any individual who was born after December 31, 1959, and is or was required to register under section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and who is not so registered or did not so register before the requirement terminated or became inapplicable to the individual shall be ineligible for appointment to a position in an executive agency of the Federal Government.

"(b) The Office of Personnel Management, in consultation with the Director of the Selective Service System, shall prescribe regulations to carry out this section.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3327 the following new item:

"3328. Selective Service registration.".

PRISONER OF WAR MEDAL

SEC. 928. (a)(1)(A) chapter 357 of title 10, United States Code, is amended by inserting after section 3743 a new section as follows:

"§ 3743a. Prisoner of war medal: award

"The President may award a prisoner of war medal of appropriate design, with ribbons and appurtenances, to any person who, while serving in any capacity with the Army, has been taken prisoner and held by a hostile opposing armed force—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.".

(B)(i) Section 3744(a) of such title is amended by striking out "or distinguished-service medal" and inserting in lieu thereof "distinguished-service medal, or prisoner of war medal".

(ii) Subsections (b), (c), and (d) of section 3744 of such title are each amended by inserting "prisoner of war medal," after "distinguished-service medal,".

(iii) The catchline of such section is amended by striking out the colon after "distinguished-service medal" and inserting in lieu thereof a semicolon and the following: "prisoner of war medal:".

(C)(i) Section 3745 of such title is amended by striking out "and distinguished-service medal," and inserting in lieu thereof "distinguished-service medal, and prisoner of war medal".

(ii) The catchline of such section is amended by striking out the colon after "distinguished-service medal" and inserting in lieu thereof a semicolon and the following: "prisoner of war medal:".

(D)(i) Section 3747 of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal,".

(ii) The catchline of such section is amended by inserting "prisoner of war medal;" after "distinguished-service medal;".

(E)(i) Section 3748 of such title is amended by inserting "3743a," after "3743,".

(ii) The catchline of such section is amended by inserting "prisoner of war medal;" after "distinguished-service medal;".

(F) Section 3752(a) of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal,".

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the items relating to sections 3744 and 3745 and inserting in lieu thereof the following:

"37434a. Prisoner of war medal: award.

"3744. Medal of honor; distinguished-service cross; distinguished-service medal; prisoner of war medal: limitation on award.

"3745. Medal of honor; distinguished-service cross; distinguished-service medal; prisoner of war medal: delegation of power to award."; and

(B) by striking out the items relating to section 3747 and 3748 and inserting in lieu thereof the following:

"3747. Medal of honor; distinguished-service cross; distinguished-service medal; prisoner of war medal; silver star: replacement.

"3748. Medal of honor; distinguished-service cross; distinguished-service medal; prisoner of war medal; silver star: availability of appropriations.".

(b)(1)(A) Chapter 567 of title 10, United States Code, is amended by inserting after section 6243 a new section as follows:

"§ 6243a. Prisoner of war medal

"The President may award a prisoner of war medal of appropriate design, with ribbons and appurtenances, to any person who, while serving in any capacity with the Navy or Marine Corps, has been taken prisoner and held captive by a hostile opposing armed force—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.".

(B) Section 6247 of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal,".

(C) Subsections (a) and (b) of section 6248 of such title are each amended by inserting "prisoner of war medal," after "distinguished-service medal.".

(D) Section 6251 of such title is amended by inserting "the prisoner of war medal," after "the distinguished-service medal.".

(E) Section 6253 of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal.".

(F) Section 6254 of such title is amended by inserting "prisoner of war medals," after "distinguished-service medals,".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6243 the following:

"6243a. Prisoner of war medal.".

(C)(1)(A) Chapter 857 of title 10, United States Code, is amended by inserting after section 8743 the following new section:

"§ 8743a. Prisoner of war medal: award

"The President may award a prisoner of war medal of appropriate design, with accompanying ribbons and appurtenances, to any person who, while serving in any capacity with the Air Force, has been taken prisoner and held captive by a hostile opposing armed force—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.".

(3)(i) Section 8744(a) of such title is amended by striking out "or distinguished-service medal" and inserting in lieu thereof, "distinguished-service medal, or prisoner of war medal".

(ii) Subsections (b), (c), and (d) of section 8744 of such title are each amended by inserting "prisoner of war medal," after "distinguished-service medal,".

(iii) The catchline of such section is amended by striking out the colon after "distinguished-service medal" and inserting in lieu thereof a semicolon and the following: "prisoner of war medal:".

(C)(i) Section 8745 of such title is amended by striking out "and distinguished-service medal," and inserting in lieu thereof "distinguished-service medal, and prisoner of war medal".

(ii) The catchline of such section is amended by striking out the colon after "distinguished-service medal" and inserting in lieu thereof a semicolon and the following: "prisoner of war medal:".

(D)(i) Section 8747 of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal,".

(ii) The catchline of such section is amended by inserting "prisoner of war medal;" after "distinguished-service medal;".

(E)(i) Section 8748 of such title is amended by inserting "8743a," after "8743,".

(ii) The catchline of such section is amended by inserting "prisoner of war medal;" after "distinguished-service medal;".

(F) Section 8752(a) of such title is amended by inserting "prisoner of war medal," after "distinguished-service medal,".

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the items relating to sections 8744 and 8745 and inserting in lieu thereof the following:

"8743a. Prisoner of war medal: award.

"8744. Medal of honor; Air Force cross; distinguished-service medal; prisoner of war medal: limitation on award.

"8745. Medal of honor; Air Force cross; distinguished-service medal; prisoner of war medal: delegation of power to award."; and

(B) by striking out the items relating to sections 8747 and 8748 and inserting in lieu thereof the following:

"8747. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; prisoner of war medal; silver star; replacement.

"8748. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; prisoner of war medal; silver star: availability of appropriations.".

(d) The time limitations applicable to the prisoner of war medal prescribed by sections 3744(b), 6248(a), and 8744(b) of title 10, United States Code (as amended by subsection (a)(1)(3)(ii), subsection (b)(1)(C), or subsection (c)(1)(B)(ii)), shall not begin to run until the date of enactment of this Act in the case of any member or former member of the Armed Forces of the United States captured and held captive by an enemy force on or after April 6, 1917, and released from prisoner of war status prior to the date of enactment of this Act.

POSTAGE STAMP COMMEMORATING THE 350TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES NATIONAL GUARD

SEC. 929. It is the sense of the Senate that in 1986, the United States Postal Service should issue a postage stamp commemorating the 350th anniversary of the establishment of the United States National Guard.

REPORT ON EXCESS FUNDS

SEC. 930. Not later than 30 days after the date of the enactment of this Act and within 30 days after the end of each quarter thereafter, beginning with the first quarter which begins after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an estimate of the amount of funds in each Department of Defense appropriations account that, at the time of the report, is available for obligation and is in excess of the amount needed to carry out the program for which the funds were appropriated. The estimate shall include amounts attributable to inflation savings, foreign currency savings, excess working capital fund cash, and all other savings. This report shall also identify unanticipated cost increases resulting from adverse economic trends.

MILITARY COOPERATION INFORMATION PROGRAMS FOR CIVILIAN LAW ENFORCEMENT OFFICIALS

SEC. 931. (a) Section 373 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The"; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) At least once each year, the Attorney General of the United States, in consultation with the Secretary of Defense, shall conduct a briefing of law enforcement personnel of each State, including law enforcement personnel of the political subdivisions of each State, regarding information, training, technical assistance, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.

"(2) Each briefing conducted under paragraph (1) shall include—

"(A) an explanation of the procedures for civilian law enforcement officials—

"(i) to obtain information under section 371 of this title, use of equipment and facilities under section 372 of this title, and training and advice under subsection (a); and

"(ii) to obtain surplus military equipment;

"(B) the types of information, equipment and facilities, and training and advice available to civilian law enforcement officials from the Department of Defense; and

"(C) a current, comprehensive list of military equipment which is suitable for law enforcement purposes and is available to civilian law enforcement officials from the Department of Defense or is available as surplus property from the Administrator of General Services.

"(c) The Attorney General of the United States and the Administrator of General Services shall—

"(1) establish or designate an appropriate office or offices to maintain the list described in subsection (b)(2)(C) and to furnish information to civilian law enforcement officials on the availability of surplus military equipment; and

"(2) make available to civilian law enforcement personnel nationwide, tollfree telephone communication with such office or offices.".

(b) The amendments made by subsection (a) shall take effect January 1, 1986.

LIMITATIONS ON THE PROCUREMENT OF CHEMICAL MUNITIONS

SEC. 932. (a) The funds appropriated pursuant to an authorization contained in this Act for the procurement of chemical munitions may be expended with the understanding that the President initiate discussions with North Atlantic Treaty Organization allies on the overall alliance capability to deter the use of chemical weapons in Europe. Such discussion should urge the European North Atlantic Treaty Organization allies to—

(1) embark upon a program to provide key civilian workers at any European military support facilities with personal and collective protection equipment and the training required for its use; and

(2) embark upon a program to upgrade the chemical reconnaissance, decontamination and protective capabilities of each North Atlantic Treaty Organization member's military forces to a level adequate to meet the chemical threat identified in North Atlantic Treaty Organization intelligence estimates; and

(3) initiate a North Atlantic Treaty Organization-wide study of measures required to protect ports, airfields, logistics centers, and command and control facilities against chemical attack; and

(4) initiate a North Atlantic Treaty Organization-wide study of equitable and efficient task sharing with regard to deterring use of chemical weapons in Europe.

(b) The President shall report to the Congress not later than October 1, 1986 on the status of those discussions, the progress made by North Atlantic Treaty Organization in enhancing the chemical deterrent, and on any future alliance plans in this regard.

RECRUITS BASIC SKILLS DEFICIENCIES STUDIES

SEC. 933. (a)(1) There is authorized a study of problem areas which may be contributing to the expansion and additional costs of the Army's program to counter deficiencies in basic skills of its recruits.

(2) This study shall be conducted by a commission composed of sixteen members, as follows:

(A) Eight members shall be appointed by the President of the United States.

(B) Four members shall be appointed by the President pro tempore of the Senate, two upon recommendation of the Majority Leader of the Senate and two upon recommendation of the Minority Leader of the Senate.

(C) Four members shall be appointed by the Speaker of the House of Representatives, two upon recommendation of the Majority Leader of the House of Representatives and two upon recommendation of the Minority Leader of the House of Representatives.

(3)(A) The President, the President pro tempore of the Senate, and the Speaker of the House of Representatives shall, after consultation, assure that the members of the Commission are broadly representative of parents, the education community, business and industry, the military, and government, together with consideration for representation of minorities.

(B) The members of the Commission shall be individuals who have demonstrated prior understanding of and concern about the problem of illiteracy.

(4) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The Commission shall elect a chairman and a vice chairman from among its members.

(6) Nine members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(b)(1) The Commission shall conduct a full and complete study of the causes of illiteracy. Such study shall include but not be limited to the consideration of—

(A) methods of teaching reading that have been proven to be most effective, as well as methods of teaching reading which may be counterproductive; and

(B) methods of teacher training relating to reading instruction in the classroom.

(2) In carrying out its functions under this section, the Commission shall—

(A) assess the factors which contribute to illiteracy;

(B) analyze and use the recommendations of the National Commission on Reading contained in the report, "A Nation of Readers";

(C) recommend programs and procedures to prevent illiteracy;

(D) Encourage greater cooperation and resource sharing at the delivery level in federally assisted programs which have an impact upon preventing illiteracy, including title 1 of the Elementary and Secondary Education Act of 1965, chapter 2 of the Education Consolidation and Improvement Act of 1981, the Carl D. Perkins Vocational Education Act, the Adult Education Act, the Higher Education Act of 1965, the Library Services and Construction Act, and the Job Training Partnership Act;

(E) recommend the appropriate local, State, and Federal role in the prevention of illiteracy; and

(F) assemble, analyze, and publicize its findings.

(3) The Commission shall submit to the President and to the Congress such interim reports as it deems advisable. The Commission shall submit to the President and to the Congress, not later than twelve months after the first meeting of the Commission, a final report of the study and investigation, together with such recommendations as the Commission deems advisable.

10(1) Subject to such rules and regulations as may be adopted by the Commission, the chairman is authorized to—

(A) appoint, terminate, and fix the compensation without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, or of any other provision of law, relating to the number, classification, and General Schedule rates—

(i) of such personnel as it deems advisable to assist in the performance of its duties, at rates not to exceed a rate equal to the maximum rate for GS–15 of the General Schedule under section 5332 of such title; and

(ii) of an executive director for the Commission contingent upon confirmation by the Commission members at an annual rate of compensation not to exceed a rate equal to the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–15 of the General Schedule.

(2) Service as a member of the Commission or as an employee of the Commission shall not be considered service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(3) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(d)(1) The members of the Commission shall serve on the Commission without compensation.

(2) All members of the Commission shall be reimbursed for travel, as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred in the performance of the duties of the Commission.

(e)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof or any member authorized by the Commission may, for the purpose of carrying out this joint resolution, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission

or such member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member.

(2) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this joint resolution, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman or vice chairman.

(3) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this joint resolution, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the chairman in writing.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress.

(f) Ninety days after the submission to the Congress of its final report, the Commission shall cease to exist.

(g) There are authorized to be appropriated such sums, but not to exceed $500,000, as may be necessary to carry out the provisions of this section.

DONATIONS BY COMMISSARY STORES OF CERTAIN UNMARKETABLE FOOD

SEC. 934. (a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2485. Commissary stores: donation of unmarketable food

"(a) The Secretary of a military department may donate commissary store food described in subsection (b) to authorized charitable nonprofit food banks.

"(b) Food that may be donated under this section is food of a commissary store—

"(1) that is—

"(A) unmarketable;

"(B) unsaleable; and

"(C) certified as edible by appropriate food inspection technicians; and

"(2) that would otherwise be destroyed as unusable.

"(c) A donation under this section shall take place at the site of the commissary that is donating the food.

"(d) A donation under this section may only be made to an entity that is authorized by the Secretary of Defense or the Secretary of Health and Human Services to receive donations under this section.

"(e) This section does not authorize any service (including transportation) to be provided in connection with a donation under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end therof the following new item:

"2485. Commissary stores: donation of unmarketable food.".

DEFINITION OF RESIDENCE OF A STUDENT DEPENDENT

SEC. 935. (a) IN GENERAL.—Section 406 of title 37 United States Code, is amended by adding at the end thereof the following new subsection:

(1) For the purposes of this section, the residence of a dependent of a member who is a student not living with the member while at school shall be considered to be the permanent duty station of the member or the designated residence of dependents of the member if the member's dependents are not authorized to reside with the member.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.

AUTHORITY TO TRANSFER CERTAIN AIRCRAFT

SEC. 936. (a) IN GENERAL.—The Secretary of the Navy may transfer title to an aircraft described in subsection (b) to the institution leasing the aircraft if the Secretary certifies—

(1) that at the time of the transfer the aircraft is being used by the organization holding the aircraft for a purpose consistent with the use intended when the aircraft was first leased to the institution; and

(2) that the Department of the Navy no longer needs the aircraft.

(b) COVERED AIRCRAFT.—The authority of the Secretary of the Navy under subscription (a) applies with respect to an aircraft—

(1) that on the date of the enactment of this Act is being leased by the Secretary to a State-supported educational institution; and

(2) For which a lease for such aircraft began with such institution on or before January 1, 1976.

(c) COMPENSATION.—A transfer under this section shall be made without compensation or reimbursement to the United States.

LIEUTENANT COLONEL HARRY L. SHRYOCK

SEC. 937. (a) Notwithstanding section 212(c) of the Omnibus Reconciliation Act of 1981, in the administration of the survivor benefit plan under subchapter II of chapter 73 of title 10, United States Code, Deola Shryock of Polson, Montana, the widow of Lieutenant Colonel Harry L. Shryock (retired), shall be paid increased survivor benefits under the plan, based upon the new election made by the said Lieutenant Colonel Shryock under the plan before his death, the said Lieutenant Colonel Shryock having made increased monthly payments under the new election for a period of twenty-one months before his death.

(b)(1) The amount of annuity payments to be made to the said Deola Shryock shall be the amount she would have received had the said Lieutenant Colonel Harry L. Shryock (retired) made increased payments into the plan for a period of two years before his death.

(2) The payment of the increased monthly annuity under section 1450 of title 10, United States Code, shall be effective as of January 12, 1984, the day after the said Lieutenant Colonel Shryock was killed after volunteering his services as a pilot in exchange for the release of a child being held as a hostage.

(c) The payment of the increased survivor benefits to the said Deola Shryock shall be subject to the condition that the said Deola Shryock pay three months of increased payments into the plan in accordance with the plan as elected by the said Lieutenant Colonel Shryock before his death.

(d) No part of the benefits received pursuant to this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in obtaining such benefits, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

LOCAL PROCUREMENT CONNECTED WITH AMERICAN MILITARY BASES IN THE PHILIPPINES

SEC. 938. Since the June 1, 1983 Memorandum of Agreement between the Government of the Philippines and the Government of the United States provides that the "United States Forces shall procure goods and services in the Philippines to the maximum extent feasible"; and

Since any additional United States procurement of Philippine goods and services will enhance the Philippine economy and contribute to better relations between the United States military and the people of the host country; and

Since a strong Philippine economy and improved relations between the United States military and the Philippine people will add to the security of United States military facilities in the Pacific;

Therefore, it is the sense of the Senate that the United States should increase its purchase of goods and services for American military bases in the Philippines from the local Philippine economy to the maximum extent feasible.

SENSE OF THE SENATE REGARDING THE FIRING OF TACTICAL MISSILES FOR TRAINING PURPOSES

SEC. 939. (a) It is the sense of the Congress that, in carrying out the comprehensive analysis of the threat-based munitions and related expendables directed to be made by the Secretary of Defense pursuant to Senate Report 99-41, dated April 29, 1985, the Secretary should also develop standard criteria—

(1) for identifying, in the case of each tactical missile of the Department of Defense, the training objectives that are uniquely served by the live-firing of such missiles and to provide guidance for the development of live-firing and training requirements based on such critria;

(2) for utilizing, to the maximum extent practicable, the use of tactical missile evaluation programs for live-firing training purposes;

(3) for improving the reporting and evaluation requirements with regard to the live-firing of missiles; and

(4) for increasing, to the maximum extent practicable and without degrading readiness, the use of training devices and simulators as alternatives to exercises involving the live-firing of missiles for training purposes.

(b) The Secretary shall submit a report to the Congress not later than February 1, 1986, informing the Congress of the actions taken by the Secretary to develop standard criteria with respect to the matters referred to in subsection (a).

UNITED STATES AIR FORCE BAND RECORDINGS SALE

SEC. 940. (a) Notwithstanding any other provision of law, recordings of the April 18 and 19, 1985, concert of the United States

Air Force Band, recorded at Salt Lake City, Utah, may be produced for commercial sale.

(b) The Secretary of the Air Force, or his designee, may enter into an appropriate contract, under such terms as the Secretary or his designee may determine to be in the best interest of the Government, for the production and sale of the recordings authorized by subsection (a) of this section.

EMPLOYMENT OF LOCAL RESIDENTS IN HIGH UNEMPLOYMENT AREAS

SEC. 941. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

§ 2406. Employment of local residents in high unemployment areas.

"(a) Each contract awarded under chapter 137 of this title that is for construction or services to be performed in whole or in part in a State which—

"(1) is not contiguous with another State and

"(2) has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are residents of the State and, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills.

"(b) The Secretary of Defense may waive the requirements of subsection (a) and the application of any provision included in a contract pursuant to subsection (a) in the interest of national security.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"2406. Employment of local residents in high unemployment areas."

"(c) This section shall take effect with respect to contracts awarded on or after the date of enactment of this Act.

COST SAVINGS CASH AWARDS AND LEGAL PROTECTION FOR DISCLOSURE

SEC. 942. (a) The Congress finds and affirms that—

(1) the Code of Ethics for Government Service charges that any person in Government service should expose corruption wherever discovered:

(2) reprisals against employees who report incidents of fraud, waste, and mismanagement is prohibited by law;

(3) the Constitution protects the rights of all citizens; and

(4) every person has a right to seek remedies to protect their individual rights.

(b) Section 552(a)(4)(F) of title 5, United States Code, is amended by adding at the end thereof the following: "The Special Counsel may obtain judicial review of a final order or decision rendered by the Board in actions brought pursuit to sections 1206 and 1207 of this title. Employees affected by an agency action subject to the Special Counsel Complaint and who are aggrieved by the final decision may file a petition to intervene as a matter of right and will be considered a party to the proceeding. In corrective actions, the agency responsible for the matter giving rise to the Special Counsel complaint before the Board shall be the named respondent. In disciplinary actions, the respondent employees named in the Special Counsel complaint before the Board shall be named respondent in the judicial proceeding. Petitions brought pursuant to this subpart shall be filed with the district court and the right of a trial de novo and appellant review shall be preserved. The Special Counsel may file a petition for enforcement of subpoena and protective orders with the district court pursuant to investigative and prosecutorial authority granted to the Special Counsel.

(c)(1)(A) Section 4514 of title 5, United States Code, is amended to read as follows:

"§ 4514. Expiration of authority; reporting requirement

"(a) No award may be made under this subchapter after September 30, 1988.

"(b)(1) The Comptroller General shall submit to each House of Congress, before March 16, 1988, a report on the effectiveness of the awards program under this subchapter.

"(2) The report shall include the views of the Comptroller General as to whether the authority to make awards under this subchapter should be continued after September 30, 1988, and, if so, whether any modification in such authority would be appropriate.".

(B) The table of sections for chapter 45 of title 5, United States Code, is amended by striking out the item relating to section 4514 and inserting in lieu thereof the following:

"4514. Expiration of authority; reporting requirement.".

(2) Section 4512 of title 5, United States Code, is amended by striking out subsection (c) thereof.

(d)(1) Section 1124 of title 10, United States Code, is amended by inserting "disclosure," in subsections (a), (b), (c), and (f) before "suggestion".

(2)(A) The heading of such section is amended to read as follows:

"§ 1124. Cash awards for disclosures, suggestions, inventions or scientific achievements

(B) The item relating to such section in the table of sections at the beginning of chapter 57 of such title is amended to read as follows:

"1124. Cash awards for disclosures, suggestions, inventions, or scientific achievements.".

(3) The amendment made by subsection (d)(1) applies only with respect to disclosures made after September 30, 1984.

ADEQUATE AIRLIFT FOR SPECIAL OPERATIONS FORCES

SEC. 943. None of the funds authorized to be appropriated by this Act may be obligated or expended for the procurement of MC-130 aircraft or the modification of HH-53 or CH-47 helicopters until the Secretary of Defense—

(1) submits, in consultation with the Chairman of the Joint Chiefs, to the Committees on Armed Services in the Senate and House of Representatives a plan for meeting the immediate airlift requirements of the Joint Special Operations Command and a second plan for meeting, by 1991, the airlift requirements of the Joint Special Operations Command and the special operations forces of unified commanders-in-chief; and

(2) certifies that the plans required by subsection (1) are funded in the Fiscal Year 1987 Five Year Defense Plan.

MORATORIUM ON EXCHANGE SERVICE FRANCHISE AGREEMENTS

SEC. 944. (a) During the period beginning on the date of enactment of this Act and ending 90 days after the date the Congress receives the report required by subsection (b), the Department of Defense, the Army and Air Force Exchange Service, and the Navy Exchange Service—

(1) may not enter into an agreement to operate or to authorize the operation of a commercial franchise business on a military installation; and

(2) may not commence construction of any facility for the operation of such a business on a military installation pursuant to any such agreement entered into before the date of enactment of this Act.

(b)(1) Not later than January 1, 1986, the Secretary of Defense shall transmit to the Congress a report on current and proposed commercial franchise business operations on military installations.

(2) The report required by paragraph (1) shall include—

(A) the current and proposed plans of the Department of Defense and the exchange services referred to in subsection (a) to operate or to authorize the operation of commercial franchise businesses on military installations, including the types of services, the specific franchises, and the installations involved in such plans;

(B) the reasons for commencing and expanding commercial franchise business activities on military installations;

(C) an analysis of the past, current, and prospective uses of the profits of nonappropriated fund instrumentalities of the Department of Defense to finance morale and welfare activities for the benefit of members of the Armed Forces and their dependents and civilian employees of the Department;

(D) the type and value of appropriated fund support (including Federal land and facilities) provided to activities of the exchange services referred to in subsection (a);

(E) an explanation of the review and approval procedures in effect for determining whether the Department and the exchange services will enter into new activities or will increase the levels of exchange service activities;

(F) the reasons for deciding whether services by the exchange services should be provided under contract or franchise or by using the resources of the exchange services;

(G) the process by which a military installation is selected for new or increased levels of activities of the exchange services;

(H) the consideration given to the impact that the addition of a new activity or an increase in an existing activity of an exchange service at a military installation will have on private, commercial business operations available in the vicinity of the installations; and

(I) the economic impact which the addition of a new activity or increases in an existing activity of the exchange services on military installations will have on private, commercial businesses operating in the vicinity of the installations.

(c) The Department of Defense, the Army and Air Force Exchange Service, and the Navy Exchange Service may not operate or authorize the operation of more than one commercial, franchise food vending business on a military installation. The foregoing sentence shall not be construed as an exception to the limitations provided in subsection (a).

MANAGEMENT OF MILITARY RECORDS MAINTAINED BY THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SEC. 945. (a) The Congress finds that the National Archives and Records Administration has received a substantial number of military records and that, by reason of the

manner in which the records are maintained, many of such records are not readily accessible to the public.

(b) It is the sense of the Congress that the Archivist of the United States should appoint an advisory committee—

(1) to study the manner in which military records received by the National Archives and Records Administration are maintained; and

(2) to make recommendations to the Archivist on appropriate ways to manage and maintain such records to enhance public access to the records.

(c) Not later than March 31, 1986, the Archivist shall transmit to the Congress a report outlining a 5-year plan, a 10-year plan, and a 20-year plan for improving the management, maintenance, storage and preservation of military records and for improving public access to such records. In preparing the report, the Archivist shall consider any recommendations received from any advisory committee appointed as recommended in subsection (b).

MONITORING AND VERIFICATION OF SOVIET MOBILE ICBMS

SEC. 946. (a) the Senate finds that:

(1) Verification, and our ability to monitor Soviet forces, are major national security considerations;

(2) Both the U.S. and the Soviet Union are entering an era of greater intercontinental ballistic missile (ICBM) mobility;

(3) Any mobile ICBMs deployed by the United States and the Soviet Union should be verifiable.

(4) The Soviet Union is on the threshold of deploying two kinds of mobile ICBMs that could pose monitoring and verification difficulties for the United States;

(5) The President has reported to the Congress that increased burdens on monitoring capabilities resulting from strategic developments such as deployments of mobile ICBMs can be reduced if cooperative verification measures are adopted.

(b) In view of these findings—

(1) The Senate directs the Administration to address the monitoring and verification issues associated with the United States small ICBM and Soviet mobile ICBMs, with particular attention to the Soviet deployment of a single warhead ICBM in either a hardened, soft, or deceptive mobile basing mode, in a classified report, with an unclassified summary; to Congress by January 15, 1986.

(2) The Senate further urges the Administration to give the highest priority to the general problem or verification of mobile ICBMs with the Soviet Union in the new negotiations on Nuclear and Space Arms or through appropriate diplomatic channels.

ANNUAL REPORT ON ARMS CONTROL VERIFICATION TECHNOLOGY

SEC. 947. (a) Not later than March 1, 1986, and March 1 of each year thereafter, the Secretary of Defense, in consultation with the Secretary of Energy, shall transmit to the Congress a report on recent developments in the capabilities of the United States to monitor major weapons (including nuclear, chemical, and biological weapons) deployed by the Soviet Union, including the capabilities of such weapons, and to monitor the development of new weapons by the Soviet Union for the purpose of—

(1) determining the level of compliance by the Soviet Union with arms control agreements, including agreements which have been executed by representatives of the governments of the United States and the Soviet Union but which have not been ratified by both governments; and

(2) the extent to which, if at all, the Soviet Union has exceeded the limits set out in arms control proposals made by either such government during formal talks with each other.

(b) The report required by subsection (a) shall include—

(1) an evaluation of the capabilities of the United States referred to in such subsection as of the time of the report; and

(2) the research and development objectives of the Department of Defense and the Department of Energy with respect to such capabilities for the ensuing 10 years.

NATO COOPERATIVE PROJECTS

SEC. 948. (a) Section 27 of the Arms Export Control Act (22 U.S.C. 2767) is amended to read as follows:

"SEC. 27. NORTH ATLANTIC TREATY ORGANIZATION COOPERATIVE PROJECTS.—(a) The President may enter into an agreement with the North Atlantic Treaty Organization (NATO) or with one or more member countries (other than the United States) of NATO for a cooperative project. Participants other than the United States in a cooperative project are hereinafter in this section referred to as 'other participants'.

"(b) For the purposes of this section, a 'cooperative project' is a jointly managed arrangement, described in a written agreement amount the parties, which is undertaken in order to further the objectives of standardization, rationalization, and interoperability of the armed forces of North Atlantic Treaty Organization member countries, and which provides—

"(1) for one or more of the other participants to share with the United States the costs of research, development, testing, evaluation, or joint production (including follow-on support) of certain defense articles;

"(2) for concurrent production in the United States and in another member country of a defense article jointly developed in accordance with clause (1); or

"(3) for procurement by the United States of a defense article or defense service for another member country.

"(c) Each such agreement shall provide that the United States and each of the other participants will contribute to the cooperative project its equitable share of the full cost of such cooperative project and will receive an equitable share of the results of such cooperative project. The full costs of such cooperative project shall include, but not be limited to, overhead and administrative costs. The United States and the other participants may contribute their equitable shares of the full cost of such cooperative project in funds or in defense articles or defense services needed for such cooperative project. Military assistance and financing received from the United States Government may not be used by any of the other participants to provide its share of the cost of such cooperative project.

"(d) The President may contract or incur other obligations for a cooperative project on behalf of the other participants, without charge to any appropriation or contract authorization if each of the other participants in the cooperative project agrees (1) to pay its equitable share of the contract or such other obligations, and (2) to make such fund available in such amounts and at such times as may be required by the contract or such other obligations and to pay any damages and costs that may accrue from the performance of or cancellation of such contract or other obligation in advance of the time such payments, damages, or costs are due.

"(e) With the approval of the Secretary of State and the Secretary of Defense, a cooperative agreement made by the United States before the date of the enactment of this section that otherwise meets the requirements of this section may be treated on and after such date as having been made under this section.

"(f)(1) For those cooperative projects entered into on and after the date of the enactment of this section, the President may reduce or waive the charge or charges which would otherwise be considered appropriate under section 21(e) of this Act in connection with sales under sections 21 and 22 of this Act when such sales are made as part of such cooperative project. However, the President may reduce or waive such charge or charges only if the other participants agree to reduce or waive corresponding charges under the same and other cooperative projects in which both they and the United States are participants.

"(2) Notwithstanding the provisions of section 21(e)(1)(A) and section 43(b) of this Act, administrative surcharges shall not be increased on other sales made under this Act in order to compensate for reductions or waivers of such surcharges under this section. Funds received pursuant to such other sales shall not be available to reimburse the costs incurred by the United States Government for which reduction or waiver is approved by the President under this section.

"(g)(1) Not less than fifteen days before a cooperative project agreement is signed on behalf of the United States, the President shall transmit to the Speaker of the House of Representatives, the chairman of the Committee on Foreign Relations of the Senate, and the chairman of the Committee on Armed Services of the Senate a numbered certification with respect to such proposed agreement, setting forth—

"(A) a detailed description of the cooperative project with respect to which the certification is made;

"(B) an estimate of the quantity of the defense articles expected to be produced in furtherance of such cooperative project;

"(C) an estimate of the full cost of the cooperative project, with an estimate of that part of the full cost to be incurred by the United States Government for its participation in such cooperative project and an estimate of that part of the full costs to be incurred by the other participants;

"(D) an estimate of the dollar value of the funds to be contributed by the United States and each of the other participants on behalf of such cooperative project;

"(E) a description of the defense articles and defense services expected to be contributed by the United States and each of the other participants on behalf of such cooperative project;

"(F) a statement of the foreign policy and national security benefits anticipated to be derived from such cooperative project;

"(G) whether the President proposes to delegate, or has delegated, to the Secretary of Defense authority to carry out the cooperative project; and

"(H) in the event the President proposes to delegate, or has delegated, to the Secretary of Defense authority to carry out the cooperative project, whether it is likely (i) that subcontracts will be awarded to particular subcontractors under the authority of section 2407(b) of title 10, United States Code, and, to the extent known, the nature of the subcontracts and the identity of the

subcontractors to whom the subcontracts are to be awarded, and (ii) that waivers of certain provisions of law will be made under section 2407(c) of such title, and, to the extent known, the identification of the specific provisions proposed to be waived and the reasons for the proposed waivers.

"(2) The provisions of subsection (b) of section 36 of this Act shall not apply to sales made under section 21 or 22 of this Act and to production and exports made pursuant to cooperative projects under this section, and the provisions of subsection (c) of section 36 of this Act shall not apply to the issuance of licenses or other approvals under section 38 of this Act, if such sales are made, or such licenses or approvals are issued, or such production and exports ensue as part of a cooperative project.

"(h) The authority under this section is in addition to the authority under sections 21 and 22 of this Act and under any other provision of law.".

(b) Section 2(b) of the Arms Export Control Act (22 U.S.C. 2752(b)) is amended to read as follows:

"(b) Under the direction of the President, the Secretary of State, taking into account other United States activities abroad, such as military assistance, economic assistance, and food for freedom, shall be responsible for the continuous supervision and general direction of sales, leases, financing, cooperative projects, and exports under this Act, including, but not limited to, determining whether there will be a sale to or financing for a country and the amount thereof, whether there will be a lease to a country, whether there will be a cooperative project and the scope thereof, and whether there will be delivery or other performance under such sale, lease, cooperative project, or export, to the end that sales, financing, leases, cooperative projects, and exports will be integrated with other United States activities and to the end that the foreign policy of the United States would be best served thereby.".

(c) Section 3(a) of the Arms Export Control Act (22 U.S.C. 2753(a)) is amended—

(1) by inserting ", and no agreement shall be entered into for a cooperative project (as defined in section 27(b) of this Act)," after "international organization," the first place it appears;

(2) by inserting in paragraph (2) ", or produced in a cooperative project," after "so furnished to it";

(3) by inserting in paragraph (2) "(or the North Atlantic Treaty Organization or the specified member countries (other than the United States) in case of a cooperative project)" after "international organization" the second place it appears in the paragraph; and

(4) by inserting in paragraph (3) "or service" after "such article" each place it appears.

(d) Section 42(e) of the Arms Export Control Act (22 U.S.C. 2791(e)) is amended—

(1) by inserting in paragraph (1) "and each contract entered into under section 27(d) of this Act" after "of this Act"; and

(2) by inserting in paragraph (3) "and under contracts entered into under section 27(d) of this Act" after "of this Act".

(e)(1) Chapter 141 of title 10, United States Code (as amended by section 604(a)(1)), is amended by adding at the end thereof the following new section:

"§ 2407. Acquisition of defense equipment under North Atlantic Treaty Organization cooperative projects

"(a)(1) If the President delegates to the Secretary of Defense the authority to carry out section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)), relating to North Atlantic Treaty Organization (NATO) cooperative projects (as defined in section 27(d) of the Arms Export Control Act), the Secretary may utilize his authority under this title in carrying out contracts or obligations incurred under such section.

"(2) Except as provided in subsection (c), chapter 137 of this title shall apply to such contracts (referred to in paragraph (1)) entered into by the Secretary of Defense. Except to the extent waived under subsection (c) or some other provision of law, all other provisions of law relating to procurement, if otherwise applicable, shall apply to such contracts entered into by the Secretary of Defense.

"(b) When contracting or incurring obligations under section 27(d) of the Arms Export Control Act for cooperative projects, the Secretary of Defense may require subcontracts to be awarded to particular subcontractors in furtherance of the cooperative projects. The authority of the Secretary under this subsection shall expire on September 30, 1989.

"(c)(1) Subject to paragraph (2), when entering into contracts or incurring obligations under section 27(d) of the Arms Export Control Act outside the United States, the Secretary of Defense may waive with respect to any such contract or subcontract the application of any provision of law, other than a provision of the Arms Export Control Act or section 2304 of this title, that specifically—

"(A) prescribe procedures to be followed in the formation of contracts;

"(B) prescribe terms and conditions to be included in contracts; or

"(C) prescribe requirements for or preferences to be given to goods grown, produced, or manufactured in the United States or in United States Government-owned facilities or for services to be performed in the United States.

"(2) A waiver may not be made under paragraph (1) unless the Secretary determines that the waiver is necessary to insure that the cooperative project will significantly further NATO standardization, rationalization, and interoperability.

"(3) The authority of the Secretary to make waivers under this subsection may be delegated only to the Deputy Secretary of Defense or the Acquisition Executive designated for the Office of the Secretary of Defense.

"(4) The authority of the Secretary to make waivers under this subsection shall expire on September 30, 1989.

"(d) The Secretary of Defense shall report to the Congress each time he requires under subsection (b) a subcontract to be awarded to a particular subcontractor and each time he exercises a waiver under subsection (c). The Secretary shall include in every such notice the reason for exercising his authority under subsection (b) or (c), as the case may be, and, in the case of a waiver under subsection (c), the particular provision or provisions of law that were waived. A report under this subsection shall be required only to the extent that the information required by this subsection has not been provided in a report made by the President under section 27(e) of the Arms Export Control Act (22 U.S.C. 2767(e)).

"(e)(1) In carrying out a cooperative project under section 27 of the Arms Export Control Act, the Secretary of Defense may agree that a participant (other than the United States) may make a contract for requirements of the United States under the project if the Secretary determines that such a contract will significantly further NATO standardization, rationalization, and interoperability. Except to the extent waived, the Secretary shall ensure that such contract will be made on a competitive basis and that United States sources will not be precluded from competing under the contract.

"(2) If a participant (other than the United States) in a NATO cooperative project makes a contract on behalf of such project to meet the requirements of the United States, the contract may permit the contracting party to follow its own procedures relating to contracting.

"(f) In carrying out a cooperative project, the Secretary of Defense may also agree to the disposal of property that is jointly acquired by the members of the project without regard to any laws of the United States applicable to the disposal of property owned by the United States. Disposal of such property may include a transfer of the interest of the United States in such property to one of the other governments participating in the cooperative agreement or the sale of such property. Payment for the transfer or sale of any interest of the United States in any such property shall be made in accordance with the terms of the cooperative agreement.

"(g) In carrying out a cooperative project, the Secretary of Defense may also agree to the reciprocal waiver of customs duties or other type of duties that might otherwise be applicable to equipment or goods imported in pursuance of such agreement.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end of the following new item:

"2407. North Atlantic Treaty Organization cooperative projects.".

ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

SEC. 949. (a) Section 419A of the Higher Education Act of 1965 (hereafter in this section referred to as the "Act") is amended by striking out "Federal Merit Scholarship Program" and inserting in lieu thereof "Robert C. Byrd Honors Scholarship Program".

(b) Section 419C of the Act is amended by adding at the end thereof the following new subsection:

"(d) Scholarships awarded under this subpart shall be known as 'Byrd Scholars'.".

(c) Section 419E(3) of the Act is amended by striking out "Federal" and by inserting "under this subpart" after "scholarships".

(d) The heading of subpart 6 of part A of title IV of the Act is amended to read as follows:

"SUBPART 6—ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM".

REPORT ON BUDGETING FOR INFLATION

SEC. 950. (a) The Secretary of Defense shall submit to the Congress, not later than September 1, 1985, a report containing an explanation of what the Department of Defense does with funds in any fiscal year that are saved as a result of a decrease in the anticipated rate of inflation during such year and an estimate of the amount of unobligated funds from previous fiscal years that is proposed to be obligated during the current fiscal year that represents savings realized as the result of a difference in the inflation rate assumed at the time funds were appropriated and the actual rate of inflation.

(b) The Secretary shall also include in the report required under subsection (a) a pro-

posal or alternative proposals for a budget system under which (1) funds for any fiscal year would be appropriated to the Department of Defense without the addition of any amount for anticipated inflation during such fiscal year, and (2) requests would be made to the Congress at the end of the fiscal year for any additional funds made necessary by reason of inflation during the fiscal year.

(c) The Secretary shall also include in such report—

(1) his recommendations for procedures which would effectively implement a proposal submitted under subsection (b); and

(2) a discussion of the advantages and disadvantages of instituting such a proposal, together with any other comments and recommendations the Secretary considers appropriate.

MANDATORY LIFE TERM OF IMPRISONMENT FOR SOVIET ESPIONAGE

SEC. 951. (a) Subsection (a) of section 794 of title 18, United States Code, is amended by—

(1) striking out the period and inserting a semicolon in lieu thereof; and

(2) inserting at the end thereof the following new paragraph—

"*Provided however,* if the foreign government is the government of the Soviet Union or of any other communist country, whoever is convicted under this subsection shall be punished by death or for the rest of his life as provided in the following sentence. Notwithstanding any other provision of law, the court, in imposing a life sentence under this provision of this subsection, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole.".

(b) Subsection (b) of section 794 of title 18, United States Code, is amended by—

(1) striking out "for any term of years or for life" and inserting in lieu thereof" for the rest of his life as provided in the following sentence"; and

(2) inserting at the end thereof the following: "Notwithstanding any other provisions of law, the court, in imposing a life sentence under this subsection, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole.".

TESTING IN SPACE OF THE F-15 LAUNCHED MINIATURE HOMING VEHICLE ANTISATELLITE WARHEAD

SEC. 952. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated or made available in this or any other Act may be obligated or expended to test against an object in space the miniature homing vehicle (MHV) antisatellite warhead launched from an F-15 aircraft unless the President determines and certifies to Congress—

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on antisatellite weapons consistent with the national security interests of the United States;

(2) that, pending agreement on such strict limitations, testing against objects, in space of the F-15 launched miniature homing vehicle antisatellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security;

(3) that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on antisatellite weapons; and

(4) that such testing is fully consistent with the rights and obligations of the United States under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

(b) The limitation on the expenditure of funds provided by subsection (a) of this section shall cease to apply 15 calendar days after the date of the receipt by Congress of the certification referred to in subsection (a).

(c) Notwithstanding any other provision of law, none of the funds authorized to be appropriated or made available in this or any other Act may be obligated or expended to conduct more than 3 tests against an object in space the miniature homing vehicle (MHV) antisatellite warhead launched from an F-15 aircraft unless the President makes the determination and certification contained in subparagraphs (1) to (4) in subsection (a) above after the third test against an object in space and 15 calendar days have elapsed after the date of the receipt of the certification to Congress.

EMPLOYMENT OF THE STANDARD MISSILE (SM-2(N))

SEC. 953. None of the funds authorized to be appropriated in this legislation shall be expended for research, development, test or procurement associated with a nuclear variant of the Standard Missile (SM-2(N)) or any associated nuclear warhead until 30 calendar days after the Secretary of Navy submits to the Senate and House Armed Services Committee a report which includes the following information:

(1) a description of the circumstances under which the SM-2(N) would be utilized, and an assessment of likely enemy response (including countermeasures).

(2) a description of the release procedures and circumstances under which release would be authorized for employment of the SM-2(N).

(3) an analysis of conventional alternatives to the SM-2(N), including any necessary modification to the SM-2 or alternative to the Standard missile or warhead, and the associated costs of those alternatives.

(4) a summary of all studies previously conducted analyzing the impact of the use of nuclear naval surface-to-air missiles on our own vessels and electronics.

(5) a list of all United States ships which may receive the SM-2(N).

(6) the number of additional conventional armed missiles which could be carried by United States ships if the SM-2(N) were not deployed and the impact on fleet air defense from that reduced conventional load.

(7) Any plans or programs for the development of a nuclear naval surface-to-air or air-to-air missile for fleet defense other than the SM-2(N).

STUDY BY THE THE DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE

SEC. 954. (a) The Director of the Congressional Budget Office shall conduct a comprehensive study of the impact that projected expenditures for Strategic Defense Initiative programs for fiscal years 1986 through 1991 will likely have on the research and development budget of the Department of Defense for each of such years and on the research and development budget for the entire Federal Government for each of such years.

(b) The Director shall report the results of such study to the Congress not later than 180 days after the date of the enactment of this Act.

STUDY BY THE JOINT ECONOMIC COMMITTEE

SEC. 955. (a) The Joint Economic Committee shall conduct a comprehensive study of the impact that projected expenditures for Strategic Defense Initiative programs for fiscal years 1986 through 1991 will likely have on the research and development efforts by the civilian sector of the economy for such years.

(b) The Committee shall report the results of such study to the Congress not later than 180 days after the date of the enactment of this Act.

UNITED STATES AND SOVIET VERIFICATION CAPABILITIES

SEC. 956. (a) The President of the United States shall conduct an interagency study (to include the Department of Defense, the Department of Energy, the Joint Chiefs of Staff, the Department of State, the Arms Control and Disarmament Agency, and the appropriate intelligence agencies), with the purpose of:

(1) Reporting on the present status of United States and Soviet verification capabilities; and

(2) Determining possible avenues for cooperation with the Soviet Union in the development of verification capabilities not subject to national security restrictions; including but not limited to limited exchanges of data and scientific personnel and conducting a joint technological effort in the area of seismic monitoring.

(b) The President shall submit a classified and unclassified version of this report to Congress no later than October 1, 1985.

NAVAL AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA LAND SALE

SEC. 957. (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to sell or exchange approximately 475 acres of land lying south of proposed highway SR-52 which comprises a portion of the Naval Air Station, Miramar, San Diego, California, said lands not to include lands authorized to be conveyed under Public Law 98-407, section 837. The sale or exchange shall be conducted in accordance with competitive bidding procedures, as defined in chapter 137 of title 10, and the Secretary shall in any event ensure that the consideration received from the sale or exchange is at least equal to the fair market value of the property.

(b) In consideration for the sale or exchange authorized in subsection (a), the Secretary may receive cash or land in the San Diego area, or both. Any land received shall be suitable for siting of military family housing. The Secretary is authorized to retain and expend the proceeds of the sale or exchange only for the acquisition of military family housing sites in the San Diego area. Any funds received by the Secretary under this provision shall be obligated for military family housing sites within 30 months of their receipt or, failing such obligation, shall be deposited in the Treasury as miscellaneous revenue.

(c) The exact acreage and legal description of the property to be sold or exchanged under this section shall be in accordance with surveys that are satisfactory to the Secretary.

(d) The Secretary may require such additional terms and conditions in connection with the sale or exchange as are considered appropriate to protect the interests of the United States.

INVOLVING OUR NORTH ATLANTIC TREATY ORGANIZATION ALLIES IN THE STRATEGIC DEFENSE INITIATIVE PROCESS

SEC. 958. Recent attempts by the President of the United States to initiate cooperation on the Strategic Defense Initiative between our government and the governments of the North Atlantic Treaty Organization should be commended; and our mutual defense is strengthened by the ability of the North Atlantic Treaty Organization alliance to achieve the highest level of cooperation and consultation possible; Now, therefore

It is the sense of the Senate that the President should continue consultations with the governments of the North Atlantic Treaty Organization concerning the Strategic Defense Initiative, and within applicable United States national security guidelines inform these countries of our progress, plans, and potential proposals in this area to the maximum extent feasible.

POLICY ON COMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS

SEC. 959. (a) The Congress finds that—

(1) it is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies;

(2) the President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint";

(3) the President last year called this policy "helpful" and pointed out that "we have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground";

(4) the President has also declared "that the United States is continuing to carry out its own obligations under relevant agreements";

(5) the President has reported to Congress that the Soviet Union has violated certain of their political commitments with respect to the SALT II Treaty including the provisions of telemetry encryption and "new types" of ICBMs;

(6) the President has declared that "the United States will continue to press these compliance issues with the Soviet Union through diplomatic channels";

(7) the President has also declared that "the United States is continuing to carry out its own obligations under relevant agreements, subject to the Soviet Union reciprocally complying with SALT II";

(8) last month, the President stated in reference to the United States commitment to refrain from undercutting existing strategic arms agreements so long as the Soviet Union shows equal restraint that "there's considerable evidence now that that has been rather one-sided, and if it has been, then there's no need for us to continue";

(9) the President's Commission on Strategic Forces in its April 1983 report declared that a "more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles" and, consistent with this goal, recommended that the United States proceed with enginering development of a small, mobile single-warhead ICBM (SICM);

(10) Lieutenant General Brent Scowcroft, Chairman of the President's Commission on Strategic Forces, has testified with respect to the SICM that "it would stand arms control on its head to say that it (the SALT II treaty) would prevent us moving in the direction clearly in the interest of arms control and stability".

(b) It is the sense of the Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, where appropriate, the Standing Consultative Commission and the renewed nuclear arms negotiations;

(2) the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement;

(3) the United States should, through December 31, 1986, continue to refrain from undercutting the provisions of existing strategic offensive arms agreements to the extent that the Soviet Union refrains from undercutting those provisions and provided the Soviet Union actively pursues arms reduction agreements in the Nuclear and Space Arms negotiations, or until a new strategic offensive arms agreement is concluded; and provided, however, nothing in this section shall be construed as prohibiting the United States from carrying out other proportionate responses to Soviet undercutting of strategic arms provisions; and

(4) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long term security interests of the United States and its allies and should consult with Congress before making any changes in current policy.

(c) The President shall provide to the Congress on or before September 1, 1986, a report that provides:

(1) a projection and comparison, on a year-by-year basis, of United States and Soviet strategic weapons dismantlements that would be required over the next five years if the United States and the Soviet Union were to adhere to a policy of not undercutting existing strategic arms control agreements.

(2) a projection and comparison, on a year-by-year basis, of likely United States and Soviet strategic offensive force inventories over the next five years if the no-undercut policy were to lapse at the end of 1985;

(3) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy; and

(4) makes recommendations regarding the future of United States interim restraint policy.

(d)(1) To the extent that the President finds and reports to the Congress that the Soviet Union has violated the provisions of strategic arms agreements, and that the President finds and reports to the Congress that such violations impair or threaten the security of the United States, the President may propose such measures as shall be necessary to protect the security of the United States. Nothing herein should be construed as an attempt to restrain or inhibit the constitutional powers of the President of the United States.

(2) Nothing in this section should be construed to endorse unilateral United States compliance with existing strategic arms agreements.

(3) Nothing in this section shall be construed as prohibiting or delaying the development, flight testing or deployment of the SICM as authorized by Congress or as establishing a precedent to continuing the no-undercut policy beyond December 31, 1986, which should be a matter for consultation between the President and Congress and subsequent review and debate by the Congress.

DIVISION B—MILITARY CONSTRUCTION

SHORT TITLE

SEC. 2001. This division may be cited as the "Military Construction Authorization Act, 1986".

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 2101. The Secretary of the Army may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $58,730,000.
Fort Campbell, Kentucky, $26,200,000.
Fort Carson, Colorado, $48,750,000.
Fort Hood, Texas, $58,950,000.
Fort Hunter-Liggett, California, $11,100,000.
Fort Indiantown Gap, Pennsylvania, $5,300,000.
Fort Irwin, California, $26,700,000.
Fort Lewis, Washington, $124,280,000.
Fort McCoy, Wisconsin, $940,000.
Fort Meade, Maryland, $18,930,000.
Fort Ord, California, $25,820,000.
Fort Polk, Louisiana, $20,230,000.
Fort Richardson, Alaska, $3,600,000.
Fort Riley, Kansas, $49,290,000.
Fort Sam Houston, Texas, $1,440,000.
Fort Sheridan, Illinois, $3,500,000.
Fort Stewart, Georgia, $29,600,000.
Fort Wainwright, Alaska, $14,000,000.
Presidio of Monterey, California, $2,650,000.
Yakima Firing Center, Washington, $16,430,000.

UNITED STATES ARMY WESTERN COMMAND

Fort Shafter, Hawaii, $6,300,000.
Pohakuloa Training Area, Hawaii, $2,150,000.
Schofield Barracks, Hawaii, $32,460,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort A.P. Hill, Virginia, $6,450,000.
Fort Belvoir, Virginia, $34,300,000.
Fort Benjamin Harrison, Indiana, $5,300,000.
Fort Benning, Georgia, $37,650,000.
Fort Bliss, Texas, $26,500,000.
Fort Dix, New Jersey, $6,100,000.
Fort Gordon, Georgia, $46,040,000.
Fort Jackson, South Carolina, $6,600,000.
Fort Knox, Kentucky, $16,270,000.
Fort Leavenworth, Kansas, $6,900,000.
Fort Lee, Virginia, $12,050,000.
Fort Leonard Wood, Missouri, $3,950,000.
Fort McClellan, Alabama, $39,350,000.
Fort Pickett, Virginia, $420,000.
Fort Rucker, Alabama, $9,450,000.
Fort Sill, Oklahoma, $52,000,000.
Fort Story, Virginia, $1,950,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $8,300,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $4,670,000.

Anniston Army Depot, Alabama, $8,960,000.
Corpus Christi Army Depot, Texas, $4,400,000.
Detroit Arsenal, Michigan, $320,000.
Dugway Proving Ground, Utah, $8,650,000.
Navajo Depot Activity, Arizona, $240,000.
Picatinny Arsenal, New Jersey, $1,000,000.
Pine Bluff Arsenal, Arkansas, $19,000,000.
Pueblo Depot Activity, Colorado, $200,000.
Red River Army Depot, Texas, $820,000.
Redstone Arsenal, Alabama, $24,250,000.
Rock Island Arsenal, Illinois, $29,000,000.
Sacramento Army Depot, California, $4,550,000.
Savanna Army Depot, Illinois, $510,000.
Seneca Army Depot, New York, $1,410,000.
Sierra Army Depot, California, $2,600,000.
Tooele Army Depot, Utah, $11,490,000.
Umatilla Depot Activity, Oregon, $260,000.
Yuma Proving Ground, Arizona, $240,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, $1,670,000.
Indiana Army Ammunition Plant, Indiana, $210,000.
Iowa Army Ammunition Plant, Iowa, $810,000.
Kansas Army Ammunition Plant, Kansas, $570,000.
Lake City Army Ammunition Plant, Missouri, $930,000.
Louisiana Army Ammunition Plant, Louisiana, $640,000.
Newport Army Ammunition Plant, Indiana, $8,000,000.
Radford Army Ammunition Plant, Virginia, $2,910,000.
Sunflower Army Ammunition Plant, Kansas, $210,000.

UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, $2,050,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $31,000,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $7,600,000.
Tripler Army Medical Center, Hawaii, $970,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $1,150,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, $3,200,000.
Oakland Army Base, California, $330,000.
Sunny Point Military Ocean Terminal, North Carolina, $1,200,000.

UNITED STATES ARMY CORPS OF ENGINEERS

Humphreys Engineer Center, Supt. Activity, Virginia, $11,000,000.

ASSISTANT CHIEF OF ENGINEERS

Various, United States, $3,000,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Japan, $1,050,000.

EIGHTH UNITED STATES ARMY

Camp Carroll, Korea, $40,380,000.
Camp Casey, Korea, $12,920,000.
Camp Castle, Korea, $1,100,000.
Camp Colbern, Korea, $550,000.
Camp Edwards, Korea, $1,090,000.
Camp Gary Owen, Korea, $580,000.
Camp Giant, Korea, $1,050,000.
Camp Greaves, Korea, $420,000.
Camp Hovey, Korea, $8,300,000.
Camp Howze, Korea, $1,980,000.
Camp Humphreys, Korea, $11,600,000.
Camp Kittyhawk, Korea, $1,600,000.
Camp Kyle, Korea, $3,580,000.
Camp Liberty Bell, Korea, $800,000.
Camp Market, Korea, $710,000.
Camp Page, Korea, $32,650,000.
Camp Pelham, Korea, $2,400,000.
Camp Red Cloud, Korea, $1,730,000.
Camp Stanley, Korea, $5,500,000.
K-16 Army Airfield, Korea, $4,050,000.
Location 177, Korea, $740,000.
Yongin, Korea, $2,550,000.
Yongson, Korea, $9,800,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, $14,600,000.

UNITED STATES ARMY FORCES COMMAND OVERSEAS

Panama, $7,680,000.

UNITED STATES ARMY, EUROPE AND SEVENTH ARMY

Amberg, Germany, $850,000.
Ansbach, Germany, $14,390,000.
Bad Kreuznach, Germany, $1,100,000.
Bad Toelz, Germany, $1,850,000.
Bamberg, Germany, $6,490,000.
Baumholder, Germany, $900,000.
Darmstadt, Germany, $29,200,000.
Frankfurt, Germany, $18,680,000.
Friedberg, Germany, $9,150,000.
Fulda, Germany, $7,200,000.
Giessen, Germany, $1,700,000.
Goeppingen, Germany, $10,250,000.
Grafenwoehr, Germany, $2,450,000.
Haingruen, Germany, $680,000.
Hanau, Germany, $48,140,000.
Heidelberg, Germany, $8,800,000.
Heilbronn, Germany, $2,950,000.
Hohenfels, Germany, $6,300,000.
Kaiserslautern, Germany, $3,450,000.
Karlsruhe, Germany, $4,020,000.
Mainz, Germany, $820,000.
Neu Ulm, Germany, $1,000,000.
Nuernberg, Germany, $9,360,000.
Pirmasens, Germany, $14,000,000.
Schoeningen, Germany, $700,000.
Schweinfurt, Germany, $17,840,000.
Stuttgart, Germany, $4,500,000.
Vilseck, Germany, $10,290,000.
Wiesbaden, Germany, $2,900,000.
Wildflecken, Germany, $20,000,000.
Wuerzburg, Germany, $48,070,000.
Various Locations, Greece, $1,440,000.
Various Locations, Italy, $1,850,000.
Various Locations, Turkey, $7,440,000.

FAMILY HOUSING

SEC. 2102. The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units and mobile home spaces shown, and in the amount shown, for each installation:

Fort Ord, California, six hundred units and seventy mobile home spaces, $50,640,000.
Fort Carson, Colorado, fifty mobile home spaces, $712,000.
Fort Stewart, Georgia, twenty mobile home spaces, $253,000.
Bamberg, Germany, one hundred six units, $7,209,000.
Grafenwoehr, Germany, ninety-eight units, $6,120,000.
Vilseck, Germany, three hundred seventy units, $26,830,000.
Fort Riley, Kansas, fifty mobile home spaces, $700,000.
Fort Campbell, Kentucky, fifty mobile home spaces, $689,000.
Fort Bragg, North Carolina, two units by reconfiguration and fifty mobile home spaces, $637,000.
Dugway Proving Ground, Utah, one hundred four units and twenty-four mobile home spaces, $8,674,000.
Fort Myer, Virginia, six units, $596,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 2103. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $166,000,000, of which $10,950,000 is available only for energy conservation projects.

(b) The Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Walter Reed Army Medical Center, Washington, District of Columbia, one unit, $99,000.
Fort Bragg, North Carolina, one hundred sixty-four units, $4,712,000.
Aberdeen Proving Ground, Maryland, eighty-one units, $2,762,000.

CONVEYANCE OF LAND AT FORT DERUSSY, HAWAII

SEC. 2104. (a) Notwithstanding any other provision of law, including but not limited to section 809 of the Military Construction Authorization Act, 1968, section 807(d) of the Military Construction Act, 1984, or any provision of an annual appropriation Act restricting the use of funds for the sale, lease, rental, or excessing of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii, the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to sell and convey, at the appraised fair market value as determined by the Secretary, all right title and interest of the United States in up to 45 acres of land and improvements northeast of Kalia Road comprising a portion of Fort DeRussy, Hawaii, to the city and county of Honolulu or the State of Hawaii, or their designated agencies, upon such terms and conditions as are acceptable to the Secretary. The exact acreages and legal descriptions of the property to be sold under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such surveys shall be borne by the buyer.

(b) The Secretary is authorized to acquire land and design and construct such facilities as are necessary to replace those on the land to be sold pursuant to subsection (a). The Secretary is also authorized to relocate activities currently located at Fort DeRussy to such replacement facilities.

(c) The proceeds of the sale authorized to be conducted pursuant to subsection (a) shall be available without fiscal year limitation to acquire land and replace facilities authorized to be acquired or constructed pursuant to subsection (b) and to pay associated relocation costs. The remainder of the proceeds shall be converted into the Treasury as miscellaneous receipts.

(d) Any action under this section shall ensure adequate parking for the Hale Koa Hotel.

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 2121. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Logistics Base, Barstow, California, $530,000.
Marine Corps Air Station, Beaufort, South Carolina, $6,905,000.
Marine Corps Mountain Warfare Training Center, Bridgeport, California, $1,470,000.
Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, $3,995,000.
Marine Corps Base, Camp Lejeune, North Carolina, $24,140,000.
Marine Corps Base, Camp Pendleton, California, $25,175,000.
Marine Corps Air Facility, Camp Pendleton, California, $14,310,000.
Marine Corps Air Station, Cherry Point, North Carolina, $36,450,000.
Marine Corps Air Station, El Toro, California, $30,375,000.
Marine Corps Air Station, Kaneohe Bay, Hawaii, $17,420,000.
Marine Corps Air Station, New River, North Carolina, $10,780,000.
Marine Corps Recruit Depot, Parris Island, South Carolina, $3,610,000.
Marine Corps Air Station, Tustin, California, $17,970,000.
Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $17,290,000.
Marine Corps Development and Education Command, Quantico, Virginia, $7,060,000.
Marine Corps Air Station, Yuma, Arizona, $16,750,000.

CHIEF OF NAVAL RESEARCH

Naval Research Laboratory, Washington, District of Columbia, $28,900,000.

OFFICE OF THE COMPTROLLER OF THE NAVY

Navy Finance Center, Cleveland, Ohio, $2,940,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $23,480,000.
Naval Space Command, Dahlgren, Virginia, $4,700,000.
Navy Regional Data Automation Center, Jacksonville, Florida, $10,300,000.
Naval Space Surveillance Field Station, Lewisville, Arkansas, $675,000.
Navy Tactical Interoperability Support Activity, Mayport, Florida, $470,000.
Navy Tactical Interoperability Support Activity, North Island, California, $585,000.
Navy Regional Data Automation Center, Norfolk, Virginia, $10,880,000.
Naval Space Surveillance Field Station, San Diego, California, $600,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $3,040,000.
Naval Air Station, Cecil Field, Florida, $29,835,000.
Naval Station, Charleston, South Carolina, $9,960,000.
Naval Air Station, Jacksonville, Florida, $12,270,000.
Naval Amphibious Base, Little Creek, Virginia, $12,300,000.
Naval Station, Mayport, Florida, $10,820,000.
Naval Submarine Base, New London, Connecticut, $365,000.
Naval Station, New York, New York, $18,560,000.
Naval Air Station, Norfolk, Virginia, $10,675,000.
Naval Station, Norfolk, Virginia, $800,000.
Naval Air Station, Oceana, Virginia, $16,940,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Facility, Adak, Alaska, $2,650,000.
Naval Air Station, Alameda, California, $8,650,000.
Naval Submarine Base, Bangor, Washington, $5,200,000.
Amphibious Task Force, Camp Pendleton, California, $9,020,000.
Naval Amphibious Base, Coronado, California, $16,150,000.
Naval Station, Everett, Washington, $17,640,000.
Naval Air Station, Fallon, Nevada, $36,500,000.
Naval Air Station, Lemoore, California, $2,300,000.
Naval Station, Long Beach, California, $16,000,000.
Naval Air Station, Miramar, California, $385,000.
Naval Air Station, North Island, California, $18,593,000.
Naval Submarine Base, Pearl Harbor, Hawaii, $2,900,000.
Naval Station, San Diego, California, $16,197,000.
Naval Submarine Base, San Diego, California, $14,120,000.
Naval Station, Seattle, Washington, $3,480,000.
Naval Station, Mare Island, Vallejo, California, $735,000.
Naval Air Station, Whidbey Island, Washington, $2,650,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Fleet and Mine Warfare Training Center, Charleston, South Carolina, $1,180,000.
Naval Amphibious School, Coronado, California, $5,900,000.
Surface Warfare Officers School Command Detachment, Coronado, California, $5,200,000.
Naval Air Station, Corpus Christi, Texas, $4,360,000.
Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $7,150,000.
Naval Explosive Ordnance Disposal School, Eglin, Florida, $13,700,000.
Naval Construction Training Center, Gulfport, Mississippi, $2,460,000.
Naval Amphibious School, Little Creek, Virginia, $420,000.
Naval Air Station, Memphis, Tennessee, $14,875,000.
Naval Air Station, Meridian, Mississippi, $450,000.
Naval Submarine School, New London, Connecticut, $13,300,000.
Naval Education and Training Center, Newport, Rhode Island, $28,280,000.
Naval Training Center, Orlando, Florida, $9,400,000.
Naval Air Station, Pensacola, Florida, $225,000.
Naval Technical Training Center, Pensacola, Florida, $5,670,000.
Naval Construction Training Center, Port Hueneme, California, $4,800,000.
Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $7,850,000.
Fleet Combat Training Center, Pacific, San Diego, California, $305,000.
Fleet Training Center, San Diego, California, $4,750,000.
Naval Training Center, San Diego, California, $2,900,000.
Naval Technical Training Center, San Francisco, California, $1,570,000.
Naval Air Station, Whiting Field, Florida, $810,000.

NAVAL MILITARY PERSONNEL COMMAND

Navy Band, Washington, District of Columbia, $1,900,000.

NAVAL MEDICAL COMMAND

Naval Medical Clinic, Annapolis, Maryland, $12,540,000.
Naval Hospital, Groton, Connecticut, $8,720,000.
Naval Hospital, Jacksonville, Florida, $18,600,000.
Naval Hospital, Long Beach, California, $6,300,000.
Naval Hospital, Oak Harbor, Washington, $13,900,000.
Naval Hospital, Pensacola, Florida, $7,250,000.
Naval Hospital, San Diego, California, $450,000.

CHIEF OF NAVAL MATERIAL

Puget Sound Naval Shipyard, Bremerton, Washington, $30,945,000.
Naval Supply Center, Bremerton, Washington, $1,520,000.
Naval Weapons Station, Charleston, South Carolina, $3,230,000.
Polaris Missile Facility, Atlantic, Charleston, South Carolina, $1,620,000.
Naval Air Rework Facility, Cherry Point, North Carolina, $1,720,000.
Naval Weapons Center, China Lake, California, $9,315,000.
Naval Weapons Station, Earle, New Jersey, $3,720,000.
Naval Construction Battalion Center, Gulfport, Mississippi, $2,550,000.
Naval Ordnance Station, Indian Head, Maryland, $1,570,000.
Naval Supply Center, Jacksonville, Florida, $1,555,000.
Naval Undersea Warfare Engineering Station, Keyport, Washington, $2,440,000.
Naval Submarine Base, Kings Bay, Georgia, $404,060,000.
Naval Air Engineering Center, Lakehurst, New Jersey, $600,000.
Long Beach Naval Shipyard, Long Beach, California, $7,160,000.
Naval Ordnance Station, Louisville, Kentucky, $16,950,000.
Naval Air Rework Facility, Norfolk, Virginia, $13,080,000.
Naval Supply Center, Norfolk, Virginia, $2,350,000.
Naval Air Rework Facility, North Island, California, $9,465,000.
Naval Supply Center, Oakland, California, $7,890,000.
Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $1,860,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $13,700,000.
Navy Public Works Center, Pensacola, Florida, $8,430,000.
Pacific Missile Test Center, Point Mugu, California, $10,200,000.
Naval Construction Battalion Center, Port Hueneme, California, $21,570,000.
Naval Ship Weapon Systems Engineering Station, Port Hueneme, California, $10,780,000.
Naval Electronic Systems Engineering Center, Portsmouth, Virginia, $3,255,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $6,690,000.
Naval Supply Center, San Diego, California, $7,100,000.
Naval Electronic Systems Engineering Activity, Saint Inigoes, Maryland, $15,550,000.
Mare Island Naval Shipyard, Vallejo, California, $815,000.
Naval Mine Warfare Engineering Activity, Yorktown, Virginia, $4,120,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Facility, Jacksonville, Florida, $390,000.
Naval Western Oceanography Center, Pearl Harbor, Hawaii, $4,500,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Radio Station, Sugar Grove, West Virginia, $785,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $980,000.

Naval Security Group Activity, Northwest, Chesapeake, Virginia, $1,385,000.

Naval Security Group Activity, Skaggs Island, California, $395,000.

Naval Security Group Activity, Winter Harbor, Maine, $3,280,000.

OUTSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, $1,775,000.

Marine Corps Air Station, Futenma, Okinawa, Japan, $2,990,000.

Marine Corps Base Camp Smedley D. Butler, Okinawa, Japan, $2,250,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Facility Argentina, Newfoundland, Canada, $700,000.

Naval Facility Antigua, West Indies, $2,410,000.

Naval Station, Guantanamo Bay, Cuba, $22,410,000.

Naval Station, Keflavik, Iceland, $21,780,000.

Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $7,100,000.

Naval Station, Roosevelt Roads, Puerto Rico, $14,700,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Cubi Point, Republic of the Philippines, $19,200,000.

Navy Support Facility, Diego Garcia, Indian Ocean, $16,530,000.

Naval Air Facility, Diego Garcia, Indian Ocean, $22,450,000.

Naval Magazine, Guam, $11,270,000.

Naval Supply Depot, Guam, $6,550,000.

Naval Station, Guam, $10,200,000.

Naval Ship Repair Facility, Guam, $990,000.

Naval Magazine, Subic Bay, Republic of the Philippines, $250,000.

Naval Ship Repair Facility, Subic Bay, Republic of the Philippines, $13,270,000.

COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE

Naval Activities, London, United Kingdom, $7,635,000.

Naval Support Activity, Naples, Italy, $7,750,000.

Naval Station, Rota, Spain, $1,030,000.

Naval Air Station, Sigonella, Italy, $5,930,000.

Personnel Support Activity, London, United Kingdom, $450,000.

CHIEF OF NAVAL MATERIAL

Navy Public Works Center, Guam, $1,080,000.

Navy Public Works Center, Yokosuka, Japan, $4,400,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station Western Pacific, Guam, $8,330,000.

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $2,690,000.

Naval Communication Station, Rota, Spain, $395,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Diego Garcia, Indian Ocean, $3,700,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, $980,000.

FAMILY HOUSING

SEC. 2122. The Secretary of the Navy may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Air Station, Adak, Alaska, one hundred units, $15,500,000.

Marine Corps Air Station, El Toro, California, two hundred and eighty-two units, $29,800,000.

Navy Public Works Center, San Diego, California, two hundred units, $15,200,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, one hundred units, $8,400,000.

Fleet Training Group Pacific, Warner Springs, California, forty-four units, $4,400,000.

Naval Weapons Station, Earle, New Jersey, two hundred units, $15,400,000.

Aviation Supply Office, Philadelphia, Pennsylvania, one unit, $170,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, three hundred units, $24,180,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 2123. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $34,020,000.

(b) The Secretary of the Navy may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out a project to improve three hundred and seventy-two existing military family housing units at the Navy Public Works Center, San Diego, California, in the amount of $17,610,000.

TRANSIENT HOUSING UNITS, CHINHAE, KOREA

SEC. 2124. The Secretary of the Navy may convert the four existing transient housing units contained in Building 706 in Chinhae, Korea, to family housing units.

RESTRICTION ON FUNDING FOR NAVY STRATEGIC HOMEPORTING

SEC. 2125. Funds appropriated pursuant to an authorization in this title for Naval Strategic Homeporting may not be obligated or expended for such purpose until the Secretary of the Navy has submitted a report to the Congress stating the justification for the expenditure and a period of 90 days has elapsed after the day on which the report is received by the Congress.

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 2131. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $28,280,000.

Kelly Air Force Base, Texas, $39,749,000.

McClellan Air Force Base, California, $43,529,000.

Robins Air Force Base, Georgia, $7,350,000.

Tinker Air Force Base, Oklahoma, $31,500,000.

Wright-Patterson Air Force Base, Ohio, $21,890,000.

AIR FORCE SYSTEMS COMMAND

Brooks Air Force Base, Texas, $2,500,000.

Edwards Air Force Base, California, $7,250,000.

Eglin Air Force Base, Florida, $12,260,000.

Hanscom Air Force Base, Massachusetts, $24,700,000.

Sunnyvale Air Force Station, California, $2,700,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, $12,370,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $1,730,000.

Goodfellow Air Force Base, Texas, $27,500,000.

Keesler Air Force Base, Mississippi, $10,500,000.

Lackland Air Force Base, Texas, $22,750,000.

Laughlin Air Force Base, Texas, $1,900,000.

Lowry Air Force Base, Colorado, $6,850,000.

Mather Air Force Base, California, $2,700,000.

Randolph Air Force Base, Texas, $3,200,000.

Reese Air Force Base, Texas, $3,250,000.

Sheppard Air Force Base, Texas, $16,150,000.

Vance Air Force Base, Oklahoma, $660,000.

Williams Air Force Base, Arizona, $660,000.

AIR UNIVERSITY

Gunter Air Force Base, Alabama, $6,000,000.

Maxwell Air Force Base, Alabama, $5,200,000.

ALASKAN AIR COMMAND

Attu Research Site, Alaska, $910,000.

Eielson Air Force Base, Alaska, $19,450,000.

Elmendorf Air Force Base, Alaska, $5,000,000.

King Salmon Airport, Alaska, $8,600,000.

Shemya Air Force Base, Alaska, $45,900,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $9,550,000.

Andrews Air Force Base, Maryland, $10,120,000.

Base 24, Classified Location, $6,170,000.

Bolling Air Force Base, District of Columbia, $250,000.

Charleston Air Force Base, South Carolina, $1,620,000.

Dover Air Force Base, Delaware, $19,190,000.

Eglin Auxiliary Field 9, Florida, $1,700,000.

Kirtland Air Force Base, New Mexico, $60,330,000.

McChord Air Force Base, Washington, $2,240,000.

McGuire Air Force Base, New Jersey, $14,550,000.

Norton Air Force Base, California, $4,570,000.

Pope Air Force Base, North Carolina, $440,000.

Scott Air Force Base, Illinois, $9,350,000.

Travis Air Force Base, California, $10,300,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $480,000.

Wheeler Air Force Base, Hawaii, $2,850,000.

SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, $600,000.

Cavalier Air Force Station, North Dakota, $950,000.
Clear Air Force Station, Alaska, $4,500,000.
Peterson Air Force Base, Colorado, $5,200,000.

SPECIAL PROJECT

Various Locations, $55,000,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $1,400,000.
Base 34, Classified Location, $8,920,000.
Beale Air Force Base, California, $5,850,000.
Belle Fourche Air Force Station, South Dakota, $4,080,000.
Carswell Air Force Base, Texas $1,000,000.
Castle Air Force Base, California $3,300,000.
Dyess Air Force Base, Texas, $16,950,000.
Ellsworth Air Force Base, South Dakota, $72,064,000.
F.E. Warren Air Force Base, Wyoming, $15,310,000.
Grand Forks Air Force Base, North Dakota, $62,730,000.
Griffiss Air Force Base, New York, $2,740,000.
Grissom Air Force Base, Indiana, $1,700,000.
K.I. Sawyer Air Force Base, Michigan, $22,580,000.
Malmstrom Air Force Base, Montana, $1,300,000.
March Air Force Base, California, $9,000,000.
Minot Air Force Base, North Dakota, $5,000,000.
Offutt Air Force Base, Nebraska, $10,440,000.
Pease Air Force Base, New Hampshire, $1,200,000.
Plattsburgh Air Force Base, New York, $1,050,000.
Unspecified Location, $71,490,000.
Vandenberg Air Force Base, California, $1,960,000.
Whiteman Air Force Base, Missouri, $2,250,000.
Wurtsmith Air Force Base, Michigan, $5,300,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $770,000.
Cannon Air Force Base, New Mexico, $12,500,000.
Davis-Monthan Air Force Base, Arizona, $5,730,000.
England Air Force Base, Louisiana, $2,600,000.
George Air Force Base, California, $5,240,000.
Holloman Air Force Base, New Mexico, $16,850,000.
Homestead Air Force Base, Florida, $7,015,000.
Langley Air Force Base, Virginia, $8,680,000.
Luke Air Force Base, Arizona, $14,780,000.
MacDill Air Force Base, Florida, $7,350,000.
Moody Air Force Base, Georgia, $24,030,000.
Mountain Home Air Force Base, Idaho, $14,600,000.
Myrtle Beach Air Force Base, South Carolina, $430,000.
Nellis Air Force Base, Nevada, $17,860,000.
Seymour-Johnson Air Force Base, North Carolina, $2,320,000.
Shaw Air Force Base, South Carolina, $13,300,000.
Tyndall Air Force Base, Florida, $8,780,000.

UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, $10,310,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $25,285,000.
Rhein-Main Air Base, Germany, $3,500,000.

PACIFIC AIR FORCES

Camp Zama, Japan, $1,500,000.
Kadena Air Base, Japan, $27,650,000.
Misawa Air Base, Japan, $9,500,000.
Yokota Air Base, Japan, $10,400,000.
Kimhae Air Base, Korea, $10,400,000.
Kunsan Air Base, Korea, $9,000,000.
Kwang-Ju Air Base, Korea, $16,310,000.
Osan Air Base, Korea, $24,510,000.
Sachon Air Base, Korea, $310,000.
Diego Garcia Air Base, Indian Ocean, $5,300,000.
Clark Air Base, Republic of the Philippines, $15,050,000.

SPACE COMMAND

Thule Air Base, Greenland, $12,350,000.
Sondrestrom Air Base, Greenland, $5,750,000.
GEODSS Site 5, Portugal, $14,650,000.
Pirinclik Air Station, Turkey, $2,600,000.
BMEWS Site III, Fylingdales, United Kingdom, $3,100,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Panama, $23,172,000.

UNITED STATES AIR FORCES IN EUROPE

Florennes Air Base, Belgium, $5,860,000.
Ahlhorn Air Base, Germany, $350,000.
Bitburg Air Base, Germany, $9,050,000.
Einsiedlerhof, Germany, $2,900,000.
Hahn Air Base, Germany, $8,160,000.
Hessisch Oldendorf Air Station, Germany, $1,230,000.
Kapaun Air Station, Germany, $900,000.
Leipheim Air Base, Germany, $350,000.
Marienfelde Communications Station, Germany, $2,550,000.
Norvenich Air Base, Germany, $350,000.
Pruem Air Station, Germany, $1,250,000.
Ramstein Air Base, Germany, $14,670,000.
Sembach Air Base, Germany, $6,460,000.
Spangdahlem Air Base, Germany, $14,860,000.
Various Locations, Germany, $940,000.
Vogelweh Air Station, Germany, $1,250,000.
Wenigerath Storage Site, Germany, $1,700,000.
Zweibrucken Air Base, Germany, $5,700,000.
Aviano Air Base, Italy, $5,070,000.
Comiso Air Station, Italy, $6,280,000.
Decimomannu Air Base, Italy, $2,800,000.
San Vito Air Station, Italy, $1,590,000.
Morocco, $3,100,000.
Camp New Amsterdam, The Netherlands, $2,710,000.
Keizerveer Air Base, The Netherlands, $270,000.
Vught, The Netherlands, $310,000.
Woensdrecht Air Base, The Netherlands, $15,980,000.
Torrejon Air Base, Spain, $9,550,000.
Zaragoza Air Base, Spain, $2,750,000.
Ankara Air Station, Turkey, $950,000.
Incirlik Air Base, Turkey, $11,570,000.
Karatas, Turkey, $2,330,000.
RAF Alconbury, United Kingdom, $20,910,000.
RAF Bentwaters, United Kingdom, $12,050,000.
RAF Chicksands, United Kingdom, $1,630,000.
RAF Fairford, United Kingdom, $7,400,000.
RAF Greenham Common, United Kingdom, $2,200,000.
RAF Lakenheath, United Kingdom, $10,320,000.
RAF Mildenhall, United Kingdom, $4,080,000.
RAF Molesworth, United Kingdom, $21,063,000.
RAF Sculthorpe, United Kingdom, $2,350,000.
RAF Upper Heyford, United Kingdom, $4,640,000.
Various Locations, United Kingdom, $3,600,000.
Base 25, Classified Location, $4,500,000.
Base 29, Classified Location, $3,500,000.
Base 30, Classified Location, $4,830,000.
Base 33, Classified Location, $9,450,000.
Various Locations, Europe, $4,450,000.

FAMILY HOUSING

SEC. 2132. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition and other related facilities) at the following installations in the number of units shown, and in the amount shown, for each installation:

Florennes, Belgium, four hundred units, $29,200,000.
Hahn Air Base, Germany, four hundred forty units, $33,000,000.
Ramstein Air Base, Germany, four hundred units, $30,000,000.
Osan Air Base, Korea, family housing support facilities, $1,200,000.
Camp New Amsterdam, The Netherlands, one hundred forty units, $11,000,000.
Clark Air Base, Republic of the Philippines, four hundred fifty units, $37,900,000.
Belle Fourche Air Force Station, South Dakota, fifty units, $4,000,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 2133. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $61,300,000, of which $19,939,000 is available only for energy conservation projects.

(b) The Secretary of the Air Force may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Bolling Air Force Base, District of Columbia, twenty-four units, $1,200,000.
Scott Air Force Base, Illinois, eighty units, $4,006,000.
Offutt Air Force Base, Nebraska, thirty-two units, $2,873,000.
Kirtland Air Force Base, New Mexico, one hundred and ten units, $3,724,000.
Ramstein Air Base, Germany, two hundred and eighty units, $10,279,000.
Andersen Air Force Base, Guam, one hundred units, $6,605,000.
Kadena Air Base, Japan, two hundred and thirty-five units, $12,163,000.
Clark Air Base, Republic of the Philippines, twenty-nine units, $1,042,000.

RESTRICTION ON USE OF FUNDS FOR CONSTRUCTION OF FACILITIES IN THE NETHERLANDS

SEC. 2134. Funds appropriated to the Air Force pursuant to an authorization in section 2131 for the construction of facilities in The Netherlands to support ground launched cruise missiles (GLCM) may not be obligated or expended until the Govern-

ment of The Netherlands has officially approved the deployment of such missiles in The Netherlands.

RESTRICTIONS ON USE OF FUNDS FOR CONSTRUCTION OF BEDDOWN FACILITIES FOR B-1 BOMBER AIRCRAFT

SEC. 2135. Funds appropriated pursuant to the authorization of funds in section 2131 for construction at an unspecified location within the Strategic Air Command may not be obligated or expended for the construction or installation of facilities for the beddown of B-1 bomber aircraft until (1) the Secretary of the Air Force has notified the Committees on Armed Services of the Senate and the House of Representatives of the name of the military installation at which the funds are to be used for such purpose and of the justification for the selection of that installation, and (2) a period of 21 days has elapsed after the day on which the notice and justification have been received by the Committees.

SPECIAL IMPACT ASSISTANCE TO CERTAIN SCHOOL DISTRICTS

SEC. 2136. The Secretary of the Air Force may use not more than $50,000 of the funds appropriated to the Air Force for fiscal year 1986 for land acquisition for expansion of the Melrose Air Force Range, New Mexico, to provide assistance, by grant or otherwise, to school districts in communities near the Melrose Air Force Range for purposes of mitigating any adverse impact on the schools in such districts determined by the Secretary to result from expansion of the range.

SPECIAL IMPACT AID FOR THE DOUGLAS SCHOOL DISTRICT IN BOX ELDER, SOUTH DAKOTA

SEC. 2137. The Secretary of the Air Force may use not to exceed $600,000 of the funds appropriated to the Air Force for fiscal year 1986 for Ellsworth Air Force Base, South Dakota, under section 2131 to provide assistance, by grant or otherwise, to the Douglas School District located in Box Elder, South Dakota, for the purpose of mitigating any adverse impact on the schools of such school district.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 2141. The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Anchorage, Alaska, $1,390,000.
Defense Property Disposal Office, Alameda, California, $1,320,000.
Defense Property Disposal Office, Barstow, California, $825,000.
Defense Fuel Support Point, San Diego, California, $600,000.
Defense Fuel Support Point, San Pedro, California, $700,000.
Defense Property Disposal Office, Groton, Connecticut, $625,000.
Defense Fuel Support Point, Port Tampa, Florida, $595,000.
Defense Property Disposal Office, Fort Riley, Kansas, $965,000.
Defense Fuel Support Point, Newington, New Hampshire, $1,040,000.
Defense Fuel Support Point, Verona, New York, $1,395,000.
Defense Depot, Mechanicsburg, Pennsylvania, $470,000.
Defense Depot, Memphis, Tennessee, $8,085,000.
Defense Property Disposal Office, Texarkana, Texas, $2,635,000.
Defense Depot, Ogden, Utah, $3,825,000.
Defense Property Disposal Office, Hill Air Force Base, Ogden, Utah, $750,000.
Defense General Supply Center, Richmond, Virginia, $5,355,000.
Defense Property Disposal Office, Richmond, Virginia, $650,000.
Defense Fuel Support Point, Manchester, Washington, $565,000.
Defense Property Disposal Office, F.E. Warren Air Force Base, Cheyenne, Wyoming, $1,020,000.

DEFENSE MAPPING AGENCY

Repromat Secure Storage Facility, Mineral Wells, Texas, $900,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $82,142,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $12,000,000.
Classified Location, $3,142,000.
Fort McNair, Washington, District of Columbia, $25,000,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort Benning, Georgia, $1,693,000.
Fort Bragg, North Carolina, $5,660,000.
Camp Lejeune, North Carolina, $8,400,000.
Myrtle Beach Air Force Base, South Carolina, $1,400,000.
Quantico, Virginia, $3,500,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Kaiserslautern, Germany, $360,000.
Defense Fuel Support Point, Chimu Wan, Okinawa, Japan, $8,160,000.
Defense Fuel Support Point, Tsurumi, Japan, $2,800,000.
Defense Fuel Support Point, Pyongtaek, Korea, $5,820,000.
Defense Fuel Support Point, Uijongbu, Korea, $6,200,000.

NATIONAL SECURITY AGENCY

Classified Locations, $7,150,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort Buchanan, Puerto Rico, $9,753,000.
Roosevelt Roads Naval Station, Puerto Rico, $1,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Florennes, Belgium, $7,420,000.
Naval Air Station, Bermuda, $2,290,000.
Babenhausen, Germany, $760,000.
Bamberg, Germany, $5,800,000.
Butzbach, Germany, $3,420,000.
Hanau, Germany, $7,480,000.
Heidelberg, Germany, $1,910,000.
Heilbronn, Germany, $2,520,000.
Pirmasens, Germany, $1,630,000.
Schweinfurt, Germany, $3,930,000.
Sembach Air Base, Germany, $2,170,000.
Vilseck, Germany, $6,680,000.
Sigonella, Italy, $5,360,000.
Misawa Air Base, Japan, $4,780,000.
Okinawa, Japan, $745,000.
Osan Air Base, Korea, $2,780,000.
Pusan, Korea, $1,540,000.
Taegu, Korea, $730,000.
Soesterberg Air Base, The Netherlands, $4,460,000.
Clark Air Base, Republic of the Philippines, $7,190,000.
Rota, Spain, $2,870,000.
Bicester, United Kingdom, $4,570,000.
Upwood, United Kingdom, $3,240,000.
Woodbridge RAF Station, United Kingdom, $1,060,000.

FAMILY HOUSING

SEC. 2142. The Secretary of Defense may construct or acquire twenty family housing units (including land acquisition) at classified locations in the total amount of $1,800,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 2143. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed $110,000.

RESEARCH AND ENGINEERING FACILITY AT THE NATIONAL SECURITY HEADQUARTERS COMPOUND

SEC. 2144. (a) The Secretary of Defense may contract, in advance of appropriation therefor, for the design and construction of the research and engineering facility authorized for the National Security Agency by section 2141 which is to be located at the headquarters compound of such agency, Fort Meade, Maryland.

(b) Notwithstanding section 2166(a)(1), the authorization to design and construct the research facility referred to in subsection (a) shall remain available until the completion of the facility.

CONTINUATION OF UNSPECIFIED MINOR CONSTRUCTION

SEC. 2145. It is the sense of Congress that as a general rule unspecified minor construction continue to be authorized and appropriated on a lump sum basis as has been the case prior to the Continuing Appropriations Resolution for fiscal year 1985.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 2151. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 2165.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 2161. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,141,513,000 as follows:

(1) For military construction projects authorized by section 2101 that are to be carried out inside the United States, $1,106,950,000.

(2) For military construction projects authorized by section 2101 that are to be carried out outside the United States, $488,170,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $31,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $144,300,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $288,080,000; and

(B) for support of military family housing, $1,271,094,000, of which not more than

$1,520,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $132,047,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2101 in the amount of $136,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 2162. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,345,003,000 as follows:

(1) For projects authorized by section 2121 that are to be carried out inside the United States, $1,217,589,000.

(2) For projects authorized by section 2121 that are to be carried out outside the United States, $221,195,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $21,560,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $141,860,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $2,960,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $154,000,000; and

(B) for support of military family housing $585,839,000.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Navy that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2121 in the amount of $100,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2121 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 2163. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,624,041,000 as follows:

(1) For military construction projects authorized by section 2131 that are to be carried out inside the United States, $1,036,707,000.

(2) For projects authorized by section 2131 that are to be carried out outside the United States, $449,100,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $144,096,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $30,240,000.

(6) For support of military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $212,600,000; and

(B) for support of military family housing, $729,298,000, of which not more than $48,113,000 may be obligated or expended for leasing of military family housing units.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2131 in the amount of $100,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2131 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 2164. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Defense (other than the military departments), in the total amount of $269,000,000 as follows:

(1) For military construction projects authorized by section 2141 that are to be carried out inside the United States, $103,102,000.

(2) For projects authorized by section 2141 that are to be carried out outside the United States, $106,598,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $30,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $1,910,000; and

(B) for support of military family housing, $18,390,000.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Defense Agencies that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2141 in the amount of $37,025,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2141 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NATO

SEC. 2165. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization infrastructure program, as authorized by section 2151, in the amount of $38,000,000.

(b) There are hereby authorized to be transferred to amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $60,000,000, to be derived from amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1985 remaining available for obligation.

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 2166. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO infrastructure program (and authorizations of appropriations therefore contained in sections 2161 through 2165), shall expire on October 1, 1987, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO infrastructure program (and authorizations of appropriations therefore), for which appropriated funds have been obligated before October 1, 1987, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO infrastructure program.

(b) Notwithstanding the provisions of section 2167(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 780), authorizations for the following projects authorized in sections 101, 201, and 301 of that Act shall remain in effect until October 1, 1986, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1987, whichever is later:

(1) Consolidated heating system in the amount of $1,850,000 at Stuttgart, Germany.

(2) Consolidated heating system in the amount of $1,750,000 at Stuttgart, Germany.

(3) Range modernization in the amount of $2,450,000 at Wildflecken, Germany.

(4) Unaccompanied personnel housing in the amount of $1,400,000 at Argyroupolis, Greece.

(5) Operations building in the amount of $370,000 at Argyroupolis, Greece.

(6) Multipurpose recreation facility in the amount of $480,000 at Argyroupolis, Greece.

(7) Unaccompanied officer housing in the amount of $600,000 at Perivolaki, Greece.

(8) Operations building in the amount of $410,000 at Perivolaki, Greece.

(9) Multipurpose recreation facility in the amount of $620,000 at Perivolaki, Greece.

(10) Physical fitness training center in the amount of $1,000,000 at Elefsis, Greece.

(11) Operations control center in the amount of $7,800,000 at the Naval Air Station, Brunswick, Maine.

(12) Engine test cell modifications in the amount of $1,180,000 at the Naval Air Station, Cecil Field, Florida.

(13) Land acquisition in the amount of $830,000 at the Naval Weapons Station, Concord, California.

(14) Standby generator plant in the amount of $4,500,000 at the Naval Communications Area Master Station Eastern Pacific, Honolulu, Hawaii.

(15) Air freight terminal in the amount of $10,200,000 at Elmendorf Air Force Base, Alaska.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 2167. For projects or contracts initiated during the period beginning on the date of the enactment of this Act or October 1, 1985, whichever is later, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1987 or October 1, 1986, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $10,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 32,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 2168. Titles I, II, III, IV, and V of this division shall take effect on October 1, 1985.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 2171. There are authorized to be appropriated for fiscal years beginning after September 30, 1985, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $100,200,000; and

(B) for the Army Reserve, $69,400,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $50,800,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $127,555,000; and

(B) for the Air Force Reserve, $65,500,000.

TITLE VIII—GENERAL PROVISIONS

LAND ACQUISITION

SEC. 2181. (a) Section 2672 of title 10, United States Code, is amended—

(1) by striking out "The" at the beginning of such section and inserting in lieu thereof "(a) Subject to subsection (b), the";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by striking out "$100,000" each place it appears and inserting in lieu thereof "$400,000"; and

(4) by adding at the end thereof the following new subsection:

"(b) The Secretary of a military department may not enter into a contract under this section for the acquisition of any interest in land the cost of which exceeds $100,000 unless (1) the Secretary has notified the appropriate committees of Congress of his intent to acquire such interest, the cost of the interest, and the reasons for acquiring it, and (2) a period of 21 days has elapsed from the date the notification is received by the committees.".

(b)(1) The heading of such section is amended by striking out "$100,000" and inserting in lieu thereof "$400,000".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out "$100,000" in the item relating to section 2672 and inserting in lieu thereof "$400,000".

OCCUPANT LIABILITY

SEC. 2182. (a) Section 2775 of title 10, United States Code, is amended—

(1) by striking out the heading and inserting in lieu thereof the following:

"§ 2775. Liability of members assigned to military housing";

(2) in subsection (a), by inserting "(1)" after "(a)";

(3) by adding at the end of subsection (a) the following new paragraph:

"(2) Upon moving out of a family housing unit that has been assigned to or provided a member of the armed forces, the member shall be responsible for leaving such unit in a satisfactorily clean condition (as provided in regulations prescribed by the Secretary of Defense). A member who moves out of a housing unit and fails to leave the unit in a satisfactorily clean condition shall be liable to the United States for the cost of having the unit properly cleaned.";

(4) in subsection (b), by inserting "in determinations of liability under subsection (a)(1)" after "involved";

(5) in subsection (c)(1), by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)(1) or for the cost of any cleaning made necessary by a failure to clean a family housing unit, as provided in subsection (a)(2),";

(6) in subsection (d), by inserting "or failure to satisfactorily clean" after "damage to"; and

(7) in subsection (e), by striking out "and (2)" and inserting in lieu thereof "(2) regulations for determining the cost of cleaning made necessary as a result of the failure to clean a family housing unit as provided in subsection (a)(2), and (3).".

(b) The table of sections at the beginning of chapter 165 of such title is amended by striking out the item relating to section 2775 and inserting in lieu thereof the following:

"2775. Liability of members assigned to military housing.".

UNSPECIFIED MINOR CONSTRUCTION

SEC. 2183. Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Within the amount authorized by law for such purpose, the" and inserting in lieu thereof "The"; and

(2) in subsection (c), by striking out "Only funds authorized for minor construction projects may be used to accomplish unspecified minor construction projects, except that the" and inserting in lieu thereof "The".

ACTIVITIES INCLUDED WITHIN AUTHORIZATIONS FOR MILITARY FAMILY HOUSING

SEC. 2184. (a) Section 2821(c) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Amounts authorized by law for the construction and acquisition of military family housing and facilities include amounts for (A) minor construction, and (B) relocation of military family housing units under section 2827 of this title.

"(3) Amounts authorized by law for support of military family housing include amounts for (A) operating expenses, (B) leasing expenses, (C) maintenance of real property expenses, (D) payments of principal and interest on mortgage debts incurred, and (E) payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m).".

PREOCCUPANCY TERMINATION COSTS

SEC. 2185. Section 2828(d) of title 10, United States Code, is amended by inserting "plus a construction period not longer than 36 months" after "ten years".

LEASING AND RENTAL GUARANTEE PROGRAM FOR MILITARY FAMILY HOUSING

SEC. 2186. (a) Section 2828(g) of title 10, United States Code, is amended—

(1) by striking out paragraphs (7) and (8);

(2) by redesignating paragraph (9) as paragraph (7); and

(3) by striking out "October 1, 1985" in paragraph (7), as redesignated by clause (2) of this subsection, and inserting in lieu thereof "October 1, 1986".

(b) Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(1) by striking out subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (f); and

(3) by striking out "September 30, 1985" in subsection (f), as redesignated by clause (2) of this subsection, and inserting in lieu thereof "September 30, 1986".

PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS

SEC. 2187. (a) Chapter 169 of title 10, United States Code, is amended by adding

at the end of subchapter II the following new section:

"§ 2833. Participation in Department of State housing pools

"(a) The Secretary concerned may enter into an agreement with the Secretary of State under which the Secretary of State agrees to provide housing and related services for personnel under the jurisdiction of the Secretary concerned who are assigned to duty in a foreign country if the Secretary concerned determines (1) that there is a shortage of adequate housing in the area of the foreign country in which such personnel are assigned to duty, and (2) that participation in the Department of State housing pool is the most cost-effective means of providing housing for such personnel. The Secretary concerned shall reimburse the Secretary of State, as provided in the agreement, for housing and related services furnished personnel under the jurisdiction of the Secretary concerned.

"(b) Agreements entered into with the Secretary of State under this section may not be executed until (1) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed agreement, and (2) a period of 21 days has elapsed after the day on which the notification is received by the committees.

"(c) In computing the number of leases for which the maximum lease amount may be waived by the Secretary concerned under the second sentence of section 2828(e)(1) of this title, housing made available to the Department of Defense under this section shall not be included.".

(b) The table of sections at the beginning of such subchapter is amended by adding at the end thereof the following new item:

"2833. Participation in Department of State housing pools.".

SALE AND REPLACEMENT OF NONEXCESS REAL PROPERTY

SEC. 2188. (a) Section 807(c) of the Military Construction Authorization Act, 1984 (Public Law 98-115), is amended by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1986".

(b) The Secretary of Defense is authorized to carry out sale and replacement transactions under the authority of section 2667a of title 10, United States Code, with respect to (1) warehousing facilities at Schofield Barracks, Hawaii, and (2) a noncommissioned officers' professional education center, a band center, and a combat operations center at March Air Force Base, California.

PROPERTY MANAGEMENT

SEC. 2189. (a) The Administrator of General Services shall transfer approximately 10.5 acres of surplus land adjacent to Fort McNair, Washington, D.C., to the Secretary of the Army, without reimbursement, for use by the Secretary in connection with the National Defense University.

(b) The Administrator of General Services shall reacquire, pursuant to section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)), approximately 50 acres of a larger tract of land near Fort MacArthur, California, which was conveyed by the United States to the city of Los Angeles, California, for use as a public park. Upon the reacquisition of 50 acres of such tract of land, the Administrator shall transfer such acreage to the Secretary of the Air Force, without reimbursement, for use by the Secretary for military family housing.

SALE OF REAL PROPERTY AT FORT JACKSON, SOUTH CAROLINA

SEC. 2190. (a) Subject to subsections (b) through (i), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") may sell that tract of land which comprises a portion of Fort Jackson, South Carolina, known as the Gregg Circle Area, consisting of 300 acres more or less.

(b) Before the Secretary may enter into a contract for the sale of the property referred to in subsection (a), the prospective buyer of such land must—

(1) submit to the Secretary a master plan for the development of the land that is acceptable to both the Secretary and the appropriate officials of the city of Columbia, South Carolina;

(2) enter into an agreement with the Secretary under which the prospective buyer agrees—

(A) to construct up to 400 units of family housing on such land and to lease such housing to the Army subject to the conditions provided in subsection (c);

(B) to construct such housing in accordance with specifications and standards prescribed by the Secretary at the time the land is offered for sale; and

(C) to have such housing ready for occupancy not later than 2 years after the date of the conveyance of such land to the prospective buyer.

(c) A lease entered into under this section between the Secretary and a buyer of the land shall provide that at the expiration of the lease the Secretary shall have the option to—

(1) renew the lease for an additional period of up to 20 years (subject to any mutually agreed upon revisions of the lease);

(2) not renew the lease; or

(3) acquire the leased housing (including the land on which the housing is located) for an amount agreed upon by the Secretary and the buyer at the time of the sale of the land.

(d) In lieu of the requirement under subsection (b)(1) that the buyer agree to lease to the Army up to 400 units of family housing, the Secretary may, as a condition of the sale of the land, require the prospective buyer to agree to construct on the land to be conveyed under this section and to set aside, for rental by military personnel, up to 400 units of housing. In exchange, the Secretary shall agree to guarantee the rental of up to 95 percent of the set-aside units at a rental price agreed upon in advance of the sale of the land. The conditions specified in clauses (1), (2)(B), and (2)(C) of subsection (b) shall apply to an agreement entered into under this subsection.

(e) The sale of the land referred to in subsection (a) shall be carried out under publicly advertised, competitively bid, or competitively negotiated contracting procedures. However, the Secretary shall have full authority to accept from among the offers tendered by prospective buyers the offer which the Secretary determines to be in the best interest of the United States. In no event may the land be sold for less than its fair market value.

(f) Before any contract for the sale of the land referred to in subsection (a) is entered into under this section, the Secretary shall submit a report to the appropriate committees of the Congress containing complete details of the procedures used in selecting a buyer for the land and a period of 21 days has expired following the day on which the report is received by such committees.

(g)(1) The Secretary may use the proceeds from the sale of the land referred to in subsection (a)—

(A) to provide access routes to facilities at Fort Jackson for military personnel housed or to be housed in the housing units to be constructed on such land; and

(B) to construct necessary facilities for up to 100 mobile trailer home sites at Fort Jackson.

(2) Any proceeds of the sale not used for such purposes shall be covered into the general fund of the Treasury.

(h) The exact acreage and legal description of the land to be conveyed under this section shall be determined by a survey approved by the Secretary.

(i) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

SEC. 2191. None of the funds appropriated pursuant to an authorization contained in this Act shall be available for any project for which all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have not been completed as of March 29, 1985, unless—

(1) the Secretary of Defense or the Secretary of the appropriate military department certifies to the appropriate committees of Congress in writing after such date that all the requirements of such Act have been complied with for such project; and

(2) a period of 21 days has elapsed following the date on which such certification is received by the committees.

CONVEYANCE OF CERTAIN LAND AT MARCH AIR FORCE BASE, CALIFORNIA

SEC. 2192. (a) Subsection (a) of section 835 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1527) is amended—

(1) by striking out "Village West Foundation" and inserting in lieu thereof "Air Force Village West"; and

(2) by striking out "'Foundation') of San Bernardino" and inserting in lieu thereof "'Corporation'), of Riverside".

(b) Subsections (b), (d), (e), and (g) of section 835 of such Act are amended by striking out "Foundation" each place it appears and inserting in lieu thereof "Corporation".

(c) Section 835 of such Act is further amended by adding at the end thereof the following new subsection:

"(h) The land conveyed pursuant to this section may be used as security for financing the construction of facilities on such land for the Corporation as if such land had been conveyed to the Corporation in fee simple. In the event of a default by the Corporation on a loan secured by such land, nothing in this section shall affect the right of a mortgagee or other holder of a security interest to acquire, dispose of, or direct the disposal through public sale of, such land and improvements thereon free of any restriction otherwise imposed by this section.".

AVIGATION RIGHTS ON SANTA ROSA ISLAND, FLORIDA

SEC. 2193. The Act entitled "An Act to authorize the Secretary of the Army to sell and convey to Okaloosa County, State of Florida, all right, title, and interest in the United States in and to a portion of Santa Rosa Island, Florida, and for other purposes", approved July 2, 1948 (62 Stat. 1229)

is amended by adding at the end thereof the following new section:

"SEC. 5. The prohibition contained in subdivision d. of the first section against the erection of any structure or obstacle on the land conveyed under this Act in excess of seventy-five feet above mean low-water level shall be deemed to be a prohibition against the erection of a structure or obstacle in excess of two hundred feet above mean low-water level in the case of that portion of such land on Santa Rosa Island which is east of the Destin East Pass and is now known as Holiday Isle.".

USE OF WATERFRONT FACILITIES AT PORT HUENEME, CALIFORNIA

SEC. 2194. Nothwithstanding any other provision of law, funds received by the Navy from its license agreement with the Oxnard Harbor District covering use of waterfront facilities on an as-available basis at the Naval Construction Battalion Center, Port Hueneme, California, may be used for operation and maintenance of waterfront facilities at the installation.

TRANSFER OF LAND OF ARLINGTON HALL STATION TO THE DEPARTMENT OF STATE

SEC. 2195. Upon the relocation of the Army Intelligence and Security Command and other Defense activities from Arlington Hall Station to new quarters, the Secretary of the Army shall transfer approximately 72 acres of the tract of land known as Arlington Hall Station, together with improvements thereon, to the Secretary of State, without reimbursement, to be used as a center for training foreign affairs, as authorized by chapter 7 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4021-4026), and for other purposes as deemed appropriate by the Secretary of State.

LAND CONVEYANCE, NAVAL WEAPONS CENTER, CHARLESTON, SOUTH CAROLINA

SEC. 2196. (a) Subject to subsections (b) through (g), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Westvaco Corporation (hereinafter in this section referred to as "Westvaco") all right, title, and interest of the United States in and to approximately 47.83 acres of improved land comprising that portion of the Naval Weapons Station, Charleston, South Carolina, located at Remount Road and Virginia Avenue, in the City of North Charleston, South Carolina.

(b) In consideration for the conveyance authorized by subsection (a), Westvaco shall pay—

(1) all costs for the construction of facilities necessary to replace those on the land to be conveyed to Westvaco under subsection (a) and the cost of relocating personnel and equipment to the replacement facilities; and

(2) an amount equal to the excess, if any, of the fair market value of the land and improvements conveyed under subsection (a) over the sum of the construction costs of the replacement facilities and the cost of relocating personnel and equipment to the replacement facilities.

(c) The replacement facilities referred to in subsection (b)(1) shall be constructed by the Navy on the Naval Weapons Station referred to in subsection (a) on a site to be selected by the Secretary.

(d) The Secretary is authorized to receive, obligate, and disburse funds received from Westvaco to cover design, construction, relocation, and related costs specified in a memorandum of understanding agreed to by the Secretary and Westvaco, dated April 17, 1985.

(e) Upon completion of the replacement facilities referred to in subsection (b)(1) and the payment by Westvaco of all agreed upon costs the Navy shall promptly vacate and convey to Westvaco the property referred to in subsection (a).

(f) The exact acreage and legal description of any land to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by Westvaco.

(g) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

TEST OF LONG-TERM FACILITIES CONTRACTS

SEC. 2197. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

"§2809. Test of long-term facilities contracts.

"(a)(1) The Secretary concerned may enter into contracts for the construction, management, and operation of facilities on or near a military installation in the United States for the provision of child care services, industrial waste water treatment or depot supply activities in cases where the Secretary concerned determines that the facilities can be more efficiently and more economically provided under a long-term contract than by other appropriate means.

"(2) Each contract entered into under subsection (a) shall be awarded through the use of competitive procedures as provided in chapter 137 of this title.

"(3) A contract under this section may be for any period not in excess of twenty years, excluding the period for construction. A contract under this section shall include a provision that the obligation of the United States to make payments under the contract in any fiscal year is subject to the availability of appropriations for that purpose.

"(4) A contract may not be entered into under this section until—

"(A) the Secretary concerned submits to the appropriate committees of the Congress, in writing, a justification of the need for the facility for which the contract is to be awarded and an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same facility; and

"(B) a period of twenty-one calendar days has expired following the date on which the justification and the economic analysis are received by the committees.

"(b) Each Secretary concerned may enter into not more than five contracts under the authority of subsection (a) of this section, other than contracts for child care centers.

"(c) The authority to enter into contracts under this section shall expire on September 30, 1987, but shall not affect the validity of any contract enter into under the authority of this section prior to that date.".

(b) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end thereof the following new item:

"2809. Test of long-term facilities contracts.".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION

SHORT TITLE

SEC. 3001. This division may be cited as the "National Security Programs Authorization Act for Fiscal Year 1986".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 3101. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,445,400,000, to be allocated as follows:

(A) For research and development, $850,300,000.

(B) For weapons testing, $524,000,000.

(C) For the defense inertial confinement fusion program, $145,000,000.

(D) For production and surveillance, $1,862,400,000.

(E) For program direction, $63,700,000.

(2) For defense nuclear materials production, $1,551,300,000, to be allocated as follows:

(A) For uranium enrichment, $208,900,000.

(B) For production reactor operations, $576,380,000.

(C) For processing of defense nuclear materials, $488,145,000.

(D) For supporting services, $256,575,000.

(E) For program direction, $21,300,000.

(3) For defense nuclear waste and byproduct management, $395,122,000, to be allocated as follows:

(A) For interim waste management, $271,085,000.

(B) For long-term waste management technology, $96,567,000.

(C) For terminal waste storage, $25,070,000.

(D) For program direction, $2,400,000.

(4) For verification and control technology, $93,475,000, of which $3,800,000 shall be used for program direction, and of which $2,000,000 shall be used to conduct research and development programs to improve arms control verification technology and to establish an office in the Argonne National Laboratory, Argonne, Illinois, to conduct such programs.

(5) For nuclear materials safeguards and security technology development, $54,325,000, of which $6,925,000 shall be used for program direction.

(6) For security investigations, $33,400,000.

(7) For naval reactors development, $489,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 3102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 86-D-101, general plant projects, various locations, $26,900,000.

Project 86-D-121, general plant projects, various locations, $28,700,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $3,700,000.

Project 86-D-104, strategic defense facility, Sandia National Laboratories, Albuquerque, New Mexico, $8,000,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, $3,000,000.

Project 86-D-123, environmental hazards elimination, various locations, $8,700,000.

Project 86-D-124, safeguards and site security upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $3,000,000.

Project 86-D-125, safeguards and site security upgrade, Phase II, Pantex Plant, Amarillo, Texas, $1,500,000.

Project 86-D-130, Tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $5,000,000.

Project 86-D-131, Environmental Remedial Action, Lawrence Livermore National Laboratory, Livermore, California, $8,800,000.

Project 86-D-132, Instrumentation Systems Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,200,000.

Project 86-D-133, Data Communications Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,000,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations, $71,600,000, for a total project authorization of $107,000,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $16,400,000, for a total project authorization of $21,100,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $19,200,000, for a total project authorization of $26,800,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, $1,900,000, for a total project authorization of $2,700,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $15,300,000, for a total project authorization of $19,800,000.

Project 85-D-113, powerplant and steam distribution system, Pantex Plant, Amarillo, Texas, $18,500,000, for a total project authorization of $23,000,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $17,700,000, for a total project authorization of $20,600,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $14,000,000, for a total project authorization of $19,000,000.

Project 85-D-123, safeguards and site security upgrade, Phase I, Pantex Plant, Amarillo, Texas, $4,000,000, for a total project authorization of $5,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats Plant, Golden, Colorado, $2,400,000, for a total project authorization of $3,400,000.

Project 85-D-125, tactical bomb production facilities, various locations, $6,000,000, for a total project authorization of $16,000,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $15,500,000, for a total project authorization of $37,500,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $12,100,000, for a total project authorization of $19,300,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $20,540,000, for a total project authorization of $55,940,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, $60,700,000, for a total project authorization of $140,700,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, $3,300,000, for a total project authorization of $14,800,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, $400,000, for a total project authorization of $13,600,000.

Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, $33,000,000, for a total project authorization of $40,000,000.

Project 84-D-120, explosive component test facility, Mound Plant, Miamisburg, Ohio, $2,300,000, for a total project authorization of $22,300,000.

Project 84-D-211, safeguards and site security upgrade, Y-12 Plant, Oak Ridge, Tennessee, $7,500,000, for a total project authorization of $23,000,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, $3,800,000, for a total project authorization of $7,500,000.

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratories, Livermore, California, $7,000,000, for a total project authorization of $24,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $170,000,000, for a total project authorization of $714,900,000.

Project 82-D-111, interactive graphics systems, various locations, $4,000,000, for a total project authorization of $24,000,000.

Project 82-D-144, Simulation Technology Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,300,000, for a total project authorization of $34,000,000.

Project 79-7-0, Universal Pilot Plant, Pantex Plant, Amarillo, Texas, $4,500,000, for a total project authorization of $20,400,000.

(2) For materials production:

Project 86-D-146, general plant projects, various locations, $29,800,000.

Project 86-D-149, productivity retention program, Phase I, various locations, $24,200,000.

Project 86-D-150, in-core neutron monitoring system, N reactor, Richland, Washington, $4,460,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, $2,500,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $2,000,000.

Project 86-D-153, additional line III furnace, Savannah River, South Carolina, $1,500,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, $2,500,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $3,000,000.

Project 86-D-157, hydrofluorination system, FB-line, Savannah River, South Carolina, $2,200,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, $1,900,000, for a total project authorization of $4,400,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $12,000,000, for a total project authorization of $22,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, $12,000,000, for a total project authorization of $18,000,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, $16,000,000, for a total project authorization of $25,800,000.

Project 84-D-135, process facility modifications, Richland, Washington, $12,000,000, for a total project authorization of $29,500,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $7,200,000, for a total project authorization of $19,600,000.

Project 83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina, $3,100,000, for a total project authorization of $22,100,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV, and V, various locations, $43,900,000, for a total project authorization of $344,534,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, $4,400,000, for a total project authorization of $83,800,000.

(3) For defense waste and byproducts management:

Project 86-D-171, general plant projects, interim waste operations and long-term waste management technology, various locations, $24,451,000.

Project 86-D-172, B plant F filter, Richland, Washington, $1,000,000.

Project 86-D-173, central waste disposal facility, Oak Ridge, Tennessee, $1,000,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, $2,500,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,000,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $14,500,000, for a total project authorization of $21,500,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $5,000,000, for a total project authorization of $5,700,000.

Project 85-D-159, new waste transfer facilities, H-Area, Savannah River, South Carolina, $9,000,000, for a total project authorization of $20,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,250,000, for a total project authorization of $4,250,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $165,000,000, for a total project authorization of $597,500,000.

(4) For verification and control technology:

Project 85-D-171, Space Science Laboratory, Los Alamos, New Mexico, $4,500,000, for a total project authorization of $5,500,000.

(5) Nuclear safeguards and security:

Project 86-D-186, Nuclear Safeguards Technology Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

(6) For naval reactors development:

Project 86-N-101, general plant projects, various locations, $7,500,000.

Project 86-N-104, reactor modifications, advance test reactor, Idaho National Engineering Laboratory, $4,500,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, $11,000,000, for a total project authorization of $176,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $27,000,000, for a total project authorization of $137,000,000.

(7) For capital equipment not related to construction—

(A) for weapons activities, $267,750,000;

(B) for materials production, $113,440,000;

(C) for defense waste and byproducts management, $38,997,000;

(D) for verification and control technology, $5,600,000;

(E) for nuclear safeguards and security, $4,600,000; and

(F) for naval reactors development, $30,000,000.

TITLE II—RECURRING GENERAL PROVISIONS

REPROGRAMING

SEC. 3121. (a) Except as otherwise provided in this division—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this division may be used for any program which has not been presented to, or requested of, the Congress,

unless the Secretary of Energy (hereinafter in this title referred to as the "Secretary") transmits to the appropriate committees of Congress a full and complete statement of the action proposed to be taken with respect to the program and the facts and circumstances relied upon in support of the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this division exceed the total amount authorized to be appropriated by this division.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 3122. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this division if the total estimated cost of the construction project does not exceed $1,200,000.

(b) If at any time during the construction of any general plant project authorized by this division, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 3123. (a) Whenever the current estimated cost of a construction project which is authorized by section 3102 of this division, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent, the higher of—

(1) the amount authorized for the project, or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress,

construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 3124. To the extent specified in appropriation Acts, funds appropriated pursuant to this division may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 3125. The Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 3126. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this division for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

AVAILABILITY OF FUNDS

SEC. 3127. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

DIVISION D—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 4101. There is hereby authorized to be appropriated for fiscal year 1986 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 251 et seq.) the sum of $119,125,000.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the bill be printed, as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1986

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 92, S. 1042.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1042) to authorize certain construction at military installations for the fiscal year 1986, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the bill.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to strike all after the enacting clause of S. 1042 and to insert in lieu thereof the text of division B of S. 1160, as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Construction Authorization Act, 1986".

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 101. The Secretary of the Army may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $58,730,000.
Fort Campbell, Kentucky, $26,200,000.
Fort Carson, Colorado, $48,750,000.
Fort Hood, Texas, $58,950,000.
Fort Hunter-Liggett, California, $11,100,000.
Fort Indiantown Gap, Pennsylvania, $5,300,000.
Fort Irwin, California, $26,700,000.
Fort Lewis, Washington, $124,280,000.
Fort McCoy, Wisconsin, $940,000.
Fort Meade, Maryland, $18,930,000.
Fort Ord, California, $25,820,000.
Fort Polk, Louisiana, $20,230,000.
Fort Richardson, Alaska, $3,600,000.
Fort Riley, Kansas, $49,290,000.
Fort Sam Houston, Texas, $1,440,000.
Fort Sheridan, Illinois, $3,500,000.
Fort Stewart, Georgia, $29,600,000.
Fort Wainwright, Alaska, $14,000,000.
Presidio of Monterey, California, $2,650,000.
Yakima Firing Center, Washington, $16,430,000.

UNITED STATES ARMY WESTERN COMMAND

Fort Shafter, Hawaii, $6,300,000.
Pohakuloa Training Area, Hawaii, $2,150,000.
Schofield Barracks, Hawaii, $32,460,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort A.P. Hill, Virginia, $6,450,000.
Fort Belvoir, Virginia, $34,300,000.

Fort Benjamin Harrison, Indiana, $5,300,000.
Fort Benning, Georgia, $37,650,000.
Fort Bliss, Texas, $26,500,000.
Fort Dix, New Jersey, $6,100,000.
Fort Gordon, Georgia, $46,040,000.
Fort Jackson, South Carolina, $6,600,000.
Fort Knox, Kentucky, $16,270,000.
Fort Leavenworth, Kansas, $6,900,000.
Fort Lee, Virginia, $12,050,000.
Fort Leonard Wood, Missouri, $3,950,000.
Fort McClellan, Alabama, $39,350,000.
Fort Pickett, Virginia, $420,000.
Fort Rucker, Alabama, $9,450,000.
Fort Sill, Oklahoma, $52,000,000.
Fort Story, Virginia, $1,950,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $8,300,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $4,670,000.
Anniston Army Depot, Alabama, $8,960,000.
Corpus Christi Army Depot, Texas, $4,400,000.
Detroit Arsenal, Michigan, $320,000.
Dugway Proving Ground, Utah, $8,650,000.
Navajo Depot Activity, Arizona, $240,000.
Picatinny Arsenal, New Jersey, $1,000,000.
Pine Bluff Arsenal, Arkansas, $19,000,000.
Pueblo Depot Activity, Colorado, $200,000.
Red River Army Depot, Texas, $820,000.
Redstone Arsenal, Alabama, $24,250,000.
Rock Island Arsenal, Illinois, $29,000,000.
Sacramento Army Depot, California, $4,550,000.
Savanna Army Depot, Illinois, $510,000.
Seneca Army Depot, New York, $1,410,000.
Sierra Army Depot, California, $2,600,000.
Tooele Army Depot, Utah, $11,490,000.
Umatilla Depot Activity, Oregon, $260,000.
Yuma Proving Ground, Arizona, $240,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, $1,670,000.
Indiana Army Ammunition Plant, Indiana, $210,000.
Iowa Army Ammunition Plant, Iowa, $810,000.
Kansas Army Ammunition Plant, Kansas, $570,000.
Lake City Army Ammunition Plant, Missouri, $930,000.
Louisiana Army Ammunition Plant, Louisiana, $640,000.
Newport Army Ammunition Plant, Indiana, $8,000,000.
Radford Army Ammunition Plant, Virginia, $2,910,000.
Sunflower Army Ammunition Plant, Kansas, $210,000.

UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, $2,050,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $31,000,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $7,600,000.
Tripler Army Medical Center, Hawaii, $970,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $1,150,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, $3,200,000.
Oakland Army Base, California, $330,000.
Sunny Point Military Ocean Terminal, North Carolina, $1,200,000.

UNITED STATES ARMY CORPS OF ENGINEERS

Humphreys Engineer Center, Supt. Activity, Virginia, $11,000,000.

ASSISTANT CHIEF OF ENGINEERS

Various, United States, $3,000,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Japan, $1,050,000.

EIGHTH UNITED STATES ARMY

Camp Carroll, Korea, $40,380,000.
Camp Casey, Korea, $12,920,000.
Camp Castle, Korea, $1,100,000.
Camp Colbern, Korea, $550,000.
Camp Edwards, Korea, $1,090,000.
Camp Gary Owen, Korea, $580,000.
Camp Giant, Korea, $1,050,000.
Camp Greaves, Korea, $420,000.
Camp Hovey, Korea, $8,300,000.
Camp Howze, Korea, $1,980,000.
Camp Humphreys, Korea, $11,600,000.
Camp Kittyhawk, Korea, $1,600,000.
Camp Kyle, Korea, $3,580,000.
Camp Liberty Bell, Korea, $800,000.
Camp Market, Korea, $710,000.
Camp Page, Korea, $32,650,000.
Camp Pelham, Korea, $2,400,000.
Camp Red Cloud, Korea, $1,730,000.
Camp Stanley, Korea, $5,500,000.
K-16 Army Airfield, Korea, $4,050,000.
Location 177, Korea, $740,000.
Yongin, Korea, $2,550,000.
Yongson, Korea, $9,800,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, $14,600,000.

UNITED STATES ARMY FORCES COMMAND OVERSEAS

Panama, $7,680,000.

UNITED STATES ARMY, EUROPE AND SEVENTH ARMY

Amberg, Germany, $850,000.
Ansbach, Germany, $14,390,000.
Bad Kreuznach, Germany, $1,100,000.
Bad Toelz, Germany, $1,850,000.
Bamberg, Germany, $6,490,000.
Baumholder, Germany, $900,000.
Darmstadt, Germany, $29,200,000.
Frankfurt, Germany, $18,680,000.
Friedberg, Germany, $9,150,000.
Fulda, Germany, $7,200,000.
Giessen, Germany, $1,700,000.
Goeppingen, Germany, $10,250,000.
Grafenwoehr, Germany, $2,450,000.
Haingruen, Germany, $680,000.
Hanau, Germany, $48,140,000.
Heidelberg, Germany, $8,800,000.
Heilbronn, Germany, $2,950,000.
Hohenfels, Germany, $6,300,000.
Kaiserslautern, Germany, $3,450,000.
Karlsruhe, Germany, $4,020,000.
Mainz, Germany, $820,000.
Neu Ulm, Germany, $1,000,000.
Nuernberg, Germany, $9,360,000.
Pirmasens, Germany, $14,000,000.
Schoeningen, Germany, $700,000.
Schweinfurt, Germany, $17,840,000.
Stuttgart, Germany, $4,500,000.
Vilseck, Germany, $10,290,000.
Wiesbaden, Germany, $2,900,000.
Wildflecken, Germany, $20,000,000.
Wuerzburg, Germany, $48,070,000.
Various Locations, Greece, $1,440,000.
Various Locations, Italy, $1,850,000.
Various Locations, Turkey, $7,440,000.

FAMILY HOUSING

SEC. 102. The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units and mobile home spaces shown, and in the amount shown, for each installation:

Ford Ord, California, six hundred units and seventy mobile home spaces, $50,640,000.
Fort Carson, Colorado, fifty mobile home spaces, $712,000.
Fort Stewart, Georgia, twenty mobile home spaces, $253,000.
Bamberg, Germany, one hundred six units, $7,209,000.
Grafenwoehr, Germany, ninety-eight units, $6,120,000.
Vilseck, Germany, three hundred seventy units, $26,830,000.
Fort Riley, Kansas, fifty mobile home spaces, $700,000.
Fort Campbell, Kentucky, fifty mobile home spaces, $689,000.
Fort Bragg, North Carolina, two units by reconfiguration and fifty mobile home spaces, $637,000.
Dugway Proving Ground, Utah, one hundred four units and twenty-four mobile home spaces, $8,674,000.
Fort Myer, Virginia, six units, $596,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 103. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $166,000,000, of which $10,950,000 is available only for energy conservation projects.

(b) The Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Walter Reed Army Medical Center, Washington, District of Columbia, one unit, $99,000.
Fort Bragg, North Carolina, one hundred sixty-four units, $4,712,000.
Aberdeen Proving Ground, Maryland, eighty-one units, $2,762,000.

CONVEYANCE OF LAND AT FORT DERUSSY, HAWAII

SEC. 104. (a) Notwithstanding any other provision of law, including but not limited to section 809 of the Military Construction Authorization Act, 1968, section 807(d) of the Military Construction Act, 1984, or any provision of an annual appropriation Act restricting the use of funds for the sale, lease, rental, or excessing of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii, the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to sell and convey, at the appraised fair market value as determined by the Secretary, all right title and interest of the United States in up to 45 acres of land and improvements northeast of Kalia Road comprising a portion of Fort DeRussy, Hawaii, to the city and county of Honolulu or the State of Hawaii, or their designated agencies, upon such terms and conditions as are acceptable to the Secretary. The exact acreages and legal descriptions of the property to be sold under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such surveys shall be borne by the buyer.

(b) The Secretary is authorized to acquire land and design and construct such facilities as are necessary to replace those on the land to be sold pursuant to subsection (a). The Secretary is also authorized to relocate

activities currently located at Fort DeRussy to such replacement facilities.

(c) The proceeds of the sale authorized to be conducted pursuant to subsection (a) shall be available without fiscal year limitation to acquire land and replace facilities authorized to be acquired or constructed pursuant to subsection (b) and to pay associated relocation costs. The remainder of the proceeds shall be converted into the Treasury as miscellaneous receipts.

(d) Any action under this section shall ensure adequate parking for the Hale Koa Hotel.

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Logistics Base, Barstow, California, $530,000.

Marine Corps Air Station, Beaufort, South Carolina, $6,905,000.

Marine Corps Mountain Warfare Training Center, Bridgeport, California, $1,470,000.

Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, $3,995,000.

Marine Corps Base, Camp Lejeune, North Carolina, $24,140,000.

Marine Corps Base, Camp Pendleton, California, $25,175,000.

Marine Corps Air Facility, Camp Pendleton, California, $14,310,000.

Marine Corps Air Station, Cherry Point, North Carolina, $36,450,000.

Marine Corps Air Station, El Toro, California, $30,375,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $17,420,000.

Marine Corps Air Station, New River, North Carolina, $10,780,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $3,610,000.

Marine Corps Air Station, Tustin, California, $17,970,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $17,290,000.

Marine Corps Development and Education Command, Quantico, Virginia, $7,060,000.

Marine Corps Air Station, Yuma, Arizona, $16,750,000.

CHIEF OF NAVAL RESEARCH

Naval Research Laboratory, Washington, District of Columbia, $28,900,000.

OFFICE OF THE COMPTROLLER OF THE NAVY

Navy Finance Center, Cleveland, Ohio, $2,940,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $23,480,000.

Naval Space Command, Dahlgren, Virginia, $4,700,000.

Navy Regional Data Automation Center, Jacksonville, Florida, $10,300,000.

Naval Space Surveillance Field Station, Lewisville, Arkansas, $675,000.

Navy Tactical Interoperability Support Activity, Mayport, Florida, $470,000.

Navy Tactical Interoperability Support Activity, North Island, California, $585,000.

Navy Regional Data Automation Center, Norfolk, Virginia, $10,880,000.

Naval Space Surveillance Field Station, San Diego, California, $600,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $3,040,000.

Naval Air Station, Cecil Field, Florida, $29,835,000.

Naval Station, Charleston, South Carolina, $9,960,000.

Naval Air Station, Jacksonville, Florida, $12,270,000.

Naval Amphibious Base, Little Creek, Virginia, $12,300,000.

Naval Station, Mayport, Florida, $10,820,000.

Naval Submarine Base, New London, Connecticut, $365,000.

Naval Station, New York, New York, $18,560,000.

Naval Air Station, Norfolk, Virginia, $10,675,000.

Naval Station, Norfolk, Virginia, $800,000.

Naval Air Station, Oceana, Virginia, $16,940,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Facility, Adak, Alaska, $2,650,000.

Naval Air Station, Alameda, California, $8,650,000.

Naval Submarine Base, Bangor, Washington, $5,200,000.

Amphibious Task Force, Camp Pendleton, California, $9,020,000.

Naval Amphibious Base, Coronado, California, $16,150,000.

Naval Station, Everett, Washington, $17,640,000.

Naval Air Station, Fallon, Nevada, $36,500,000.

Naval Air Station, Lemoore, California, $2,300,000.

Naval Station, Long Beach, California, $16,000,000.

Naval Air Station, Miramar, California, $385,000.

Naval Air Station, North Island, California, $18,593,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,900,000.

Naval Station, San Diego, California, $16,197,000.

Naval Submarine Base, San Diego, California, $14,120,000.

Naval Station, Seattle, Washington, $3,480,000.

Naval Station, Mare Island, Vallejo, California, $735,000.

Naval Air Station, Whidbey Island, Washington, $2,650,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Fleet and Mine Warfare Training Center, Charleston, South Carolina, $1,180,000.

Naval Amphibious School, Coronado, California, $5,900,000.

Surface Warfare Officers School Command Detachment, Coronado, California, $5,200,000.

Naval Air Station, Corpus Christi, Texas, $4,360,000.

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $7,150,000.

Naval Explosive Ordnance Disposal School, Eglin, Florida, $13,700,000.

Naval Construction Training Center, Gulfport, Mississippi, $2,460,000.

Naval Amphibious School, Little Creek, Virginia, $420,000.

Naval Air Station, Memphis, Tennessee, $14,875,000.

Naval Air Station, Meridian, Mississippi, $450,000.

Naval Submarine School, New London, Connecticut, $13,300,000.

Naval Education and Training Center, Newport, Rhode Island, $28,280,000.

Naval Training Center, Orlando, Florida, $9,400,000.

Naval Air Station, Pensacola, Florida, $225,000.

Naval Technical Training Center, Pensacola, Florida, $5,670,000.

Naval Construction Training Center, Port Hueneme, California, $4,800,000.

Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $7,850,000.

Fleet Combat Training Center, Pacific, San Diego, California, $305,000.

Fleet Training Center, San Diego, California, $4,750,000.

Naval Training Center, San Diego, California, $2,900,000.

Naval Technical Training Center, San Francisco, California, $1,570,000.

Naval Air Station, Whiting Field, Florida, $810,000.

NAVAL MILITARY PERSONNEL COMMAND

Navy Band, Washington, District of Columbia, $1,900,000.

NAVAL MEDICAL COMMAND

Naval Medical Clinic, Annapolis, Maryland, $12,540,000.

Naval Hospital, Groton, Connecticut, $8,720,000.

Naval Hospital, Jacksonville, Florida, $18,600,000.

Naval Hospital, Long Beach, California, $6,300,000.

Naval Hospital, Oak Harbor, Washington, $13,900,000.

Naval Hospital, Pensacola, Florida, $7,250,000.

Naval Hospital, San Diego, California, $450,000.

CHIEF OF NAVAL MATERIAL

Puget Sound Naval Shipyard, Bremerton, Washington, $30,945,000.

Naval Supply Center, Bremerton, Washington, $1,520,000.

Naval Weapons Station, Charleston, South Carolina, $3,230,000.

Polaris Missile Facility, Atlantic, Charleston, South Carolina, $1,620,000.

Naval Air Rework Facility, Cherry Point, North Caro- lina, $1,720,000.

Naval Weapons Center, China Lake, California, $9,315,000.

Naval Weapons Station, Earle, New Jersey, $3,720,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $2,550,000.

Naval Ordnance Station, Indian Head, Maryland, $1,570,000.

Naval Supply Center, Jacksonville, Florida, $1,555,000.

Naval Undersea Warfare Engineering Station, Keyport, Washington, $2,440,000.

Naval Submarine Base, Kings Bay, Georgia, $404,060,000.

Naval Air Engineering Center, Lakehurst, New Jersey, $600,000.

Long Beach Naval Shipyard, Long Beach, California, $7,160,000.

Naval Ordnance Station, Louisville, Kentucky, $16,950,000.

Naval Air Rework Facility, Norfolk, Virginia, $13,080,000.

Naval Supply Center, Norfolk, Virginia, $2,350,000.

Naval Air Rework Facility, North Island, California, $9,465,000.

Naval Supply Center, Oakland, California, $7,890,000.

Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $1,860,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $13,700,000.

Navy Public Works Center, Pensacola, Florida, $8,430,000.

Pacific Missile Test Center, Point Mugu, California, $10,200,000.

Naval Construction Battalion Center, Port Hueneme, California, $21,570,000.
Naval Ship Weapon Systems Engineering Station, Port Hueneme, California, $10,780,000.
Naval Electronic Systems Engineering Center, Portsmouth, Virginia, $3,255,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $6,690,000.
Naval Supply Center, San Diego, California, $7,100,000.
Naval Electronic Systems Engineering Activity, Saint Inigoes, Maryland, $15,550,000.
Mare Island Naval Shipyard, Vallejo, California, $815,000.
Naval Mine Warfare Engineering Activity, Yorktown, Virginia, $4,120,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Facility, Jacksonville, Florida, $390,000.
Naval Western Oceanography Center, Pearl Harbor, Hawaii, $4,500,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Radio Station, Sugar Grove, West Virginia, $785,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $980,000.
Naval Security Group Activity, Northwest, Chesapeake, Virginia, $1,385,000.
Naval Security Group Activity, Skaggs Island, California, $395,000.
Naval Security Group Activity, Winter Harbor, Maine, $3,280,000.

OUTSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, $1,775,000.
Marine Corps Air Station, Futenma, Okinawa, Japan, $2,990,000.
Marine Corps Base Camp Smedley D. Butler, Okinawa, Japan, $2,250,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Facility Argentina, Newfoundland, Canada, $700,000.
Naval Facility Antigua, West Indies, $2,410,000.
Naval Station, Guantanamo Bay, Cuba, $22,410,000.
Naval Station, Keflavik, Iceland, $21,780,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $7,100,000.
Naval Station, Roosevelt Roads, Puerto Rico, $14,700,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Cubi Point, Republic of the Philippines, $19,200,000.
Navy Support Facility, Diego Garcia, Indian Ocean, $16,530,000.
Naval Air Facility, Diego Garcia, Indian Ocean, $22,450,000.
Naval Magazine, Guam, $11,270,000.
Naval Supply Depot, Guam, $6,550,000.
Naval Station, Guam, $10,200,000.
Naval Ship Repair Facility, Guam, $990,000.
Naval Magazine, Subic Bay, Republic of the Philippines, $250,000.
Naval Ship Repair Facility, Subic Bay, Republic of the Philippines, $13,270,000.

COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE

Naval Activities, London, United Kingdom, $7,635,000.
Naval Support Activity, Naples, Italy, $7,750,000.
Naval Station, Rota, Spain, $1,030,000.
Naval Air Station, Sigonella, Italy, $5,930,000.
Personnel Support Activity, London, United Kingdom, $450,000.

CHIEF OF NAVAL MATERIAL

Navy Public Works Center, Guam, $1,080,000.
Navy Public Works Center, Yokosuka, Japan, $4,400,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station Western Pacific, Guam, $8,330,000.
Naval Communication Station, Harold E. Holt, Exmouth, Australia, $2,690,000.
Naval Communication Station, Rota, Spain, $395,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Diego Garcia, Indian Ocean, $3,700,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, $980,000.

FAMILY HOUSING

SEC. 202. The Secretary of the Navy may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:
Naval Air Station, Adak, Alaska, one hundred units, $15,500,000.
Marine Corps Air Station, El Toro, California, two hundred and eighty-two units, $29,800,000.
Navy Public Works Center, San Diego, California, two hundred units, $15,200,000.
Marine Corps Air-Ground Combat Center, Twentynine Palms, California, one hundred units, $8,400,000.
Fleet Training Group Pacific, Warner Springs, California, forty-four units, $4,400,000.
Naval Weapons Station, Earle, New Jersey, two hundred units, $15,400,000.
Aviation Supply Office, Philadelphia, Pennsylvania, one unit, $170,000.
Navy Public Works Center, Subic Bay, Republic of the Philippines, three hundred units, $24,180,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 203. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $34,020,000.
(b) The Secretary of the Navy may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out a project to improve three hundred and seventy-two existing military family housing units at the Navy Public Works Center, San Diego, California, in the amount of $17,610,000.

TRANSIENT HOUSING UNITS, CHINHAE, KOREA

SEC. 204. The Secretary of the Navy may convert the four existing transient housing units contained in Building 706 in Chinhae, Korea, to family housing units.

RESTRICTION ON FUNDING FOR NAVY STRATEGIC HOMEPORTING

SEC. 205. Funds appropriated pursuant to an authorization in this title for Naval Strategic Homeporting may not be obligated or expended for such purpose until the Secretary of the Navy has submitted a report to the Congress stating the justification for the expenditure and a period of 90 days has elapsed after the day on which the report is received by the Congress.

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 301. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $28,280,000.
Kelly Air Force Base, Texas, $39,749,000.
McClellan Air Force Base, California, $43,529,000.
Robins Air Force Base, Georgia, $7,350,000.
Tinker Air Force Base, Oklahoma, $31,500,000.
Wright-Patterson Air Force Base, Ohio, $21,890,000.

AIR FORCE SYSTEMS COMMAND

Brooks Air Force Base, Texas, $2,500,000.
Edwards Air Force Base, California, $7,250,000.
Eglin Air Force Base, Florida, $12,260,000.
Hanscom Air Force Base, Massachusetts, $24,700,000.
Sunnyvale Air Force Station, California, $2,700,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, $12,370,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $1,730,000.
Goodfellow Air Force Base, Texas, $27,500,000.
Keesler Air Force Base, Mississippi, $10,500,000.
Lackland Air Force Base, Texas, $22,750,000.
Laughlin Air Force Base, Texas, $1,900,000.
Lowry Air Force Base, Colorado, $6,850,000.
Mather Air Force Base, California, $2,700,000.
Randolph Air Force Base, Texas, $3,200,000.
Reese Air Force Base, Texas, $3,250,000.
Sheppard Air Force Base, Texas, $16,150,000.
Vance Air Force Base, Oklahoma, $660,000.
Williams Air Force Base, Arizona, $660,000.

AIR UNIVERSITY

Gunter Air Force Base, Alabama, $6,000,000.
Maxwell Air Force Base, Alabama, $5,200,000.

ALASKAN AIR COMMAND

Attu Research Site, Alaska, $910,000.
Eielson Air Force Base, Alaska, $19,450,000.
Elmendorf Air Force Base, Alaska, $5,000,000.
King Salmon Airport, Alaska, $8,600,000.
Shemya Air Force Base, Alaska, $45,900,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $9,550,000.
Andrews Air Force Base, Maryland, $10,120,000.
Base 24, Classified Location, $6,170,000.
Bolling Air Force Base, District of Columbia, $250,000.
Charleston Air Force Base, South Carolina, $1,620,000.
Dover Air Force Base, Delaware, $19,190,000.
Eglin Auxiliary Field 9, Florida, $1,700,000.

Kirtland Air Force Base, New Mexico, $60,330,000.
McChord Air Force Base, Washington, $2,240,000.
McGuire Air Force Base, New Jersey, $14,550,000.
Norton Air Force Base, California, $4,570,000.
Pope Air Force Base, North Carolina, $440,000.
Scott Air Force Base, Illinois, $9,350,000.
Travis Air Force Base, California, $10,300,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $480,000.
Wheeler Air Force Base, Hawaii, $2,850,000.

SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, $600,000.
Cavalier Air Force Station, North Dakota, $950,000.
Clear Air Force Station, Alaska, $4,500,000.
Peterson Air Force Base, Colorado, $5,200,000.

SPECIAL PROJECT

Various Locations, $55,000,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $1,400,000.
Base 34, Classified Location, $8,920,000.
Beale Air Force Base, California, $5,850,000.
Belle Fourche Air Force Station, South Dakota, $4,080,000.
Carswell Air Force Base, Texas $1,000,000.
Castle Air Force Base, California $3,300,000.
Dyess Air Force Base, Texas, $16,950,000.
Ellsworth Air Force Base, South Dakota, $72,064,000.
F.E. Warren Air Force Base, Wyoming, $15,310,000.
Grand Forks Air Force Base, North Dakota, $62,730,000.
Griffiss Air Force Base, New York, $2,740,000.
Grissom Air Force Base, Indiana, $1,700,000.
K.I. Sawyer Air Force Base, Michigan, $22,580,000.
Malmstrom Air Force Base, Montana, $1,300,000.
March Air Force Base, California, $9,000,000.
Minot Air Force Base, North Dakota, $5,000,000.
Offutt Air Force Base, Nebraska, $10,440,000.
Pease Air Force Base, New Hampshire, $1,200,000.
Plattsburgh Air Force Base, New York, $1,050,000.
Unspecified Location, $71,490,000.
Vandenberg Air Force Base, California, $1,960,000.
Whiteman Air Force Base, Missouri, $2,250,000.
Wurtsmith Air Force Base, Michigan, $5,300,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $770,000.
Cannon Air Force Base, New Mexico, $12,500,000.
Davis-Monthan Air Force Base, Arizona, $5,730,000.
England Air Force Base, Louisiana, $2,600,000.
George Air Force Base, California, $5,240,000.
Holloman Air Force Base, New Mexico, $16,850,000.
Homestead Air Force Base, Florida, $7,015,000.
Langley Air Force Base, Virginia, $8,680,000.
Luke Air Force Base, Arizona, $14,780,000.
MacDill Air Force Base, Florida, $7,350,000.
Moody Air Force Base, Georgia, $24,030,000.
Mountain Home Air Force Base, Idaho, $14,600,000.
Myrtle Beach Air Force Base, South Carolina, $430,000.
Nellis Air Force Base, Nevada, $17,860,000.
Seymour-Johnson Air Force Base, North Carolina, $2,320,000.
Shaw Air Force Base, South Carolina, $13,300,000.
Tyndall Air Force Base, Florida, $8,780,000.

UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, $10,310,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $25,285,000.
Rhein-Main Air Base, Germany, $3,500,000.

PACIFIC AIR FORCES

Camp Zama, Japan, $1,500,000.
Kadena Air Base, Japan, $27,650,000.
Misawa Air Base, Japan, $9,500,000.
Yokota Air Base, Japan, $10,400,000.
Kimhae Air Base, Korea, $10,400,000.
Kunsan Air Base, Korea, $9,000,000.
Kwang-Ju Air Base, Korea, $16,310,000.
Osan Air Base, Korea, $24,510,000.
Sachon Air Base, Korea, $310,000.
Diego Garcia Air Base, Indian Ocean, $5,300,000.
Clark Air Base, Republic of the Philippines, $15,050,000.

SPACE COMMAND

Thule Air Base, Greenland, $12,350,000.
Sondrestrom Air Base, Greenland, $5,750,000.
GEODSS Site 5, Portugal, $14,650,000.
Pirinclik Air Station, Turkey, $2,600,000.
BMEWS Site III, Fylingdales, United Kingdom, $3,100,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Panama, $23,172,000.

UNITED STATES AIR FORCES IN EUROPE

Florennes Air Base, Belgium, $5,860,000.
Ahlhorn Air Base, Germany, $350,000.
Bitburg Air Base, Germany, $9,050,000.
Einsiedlerhof, Germany, $2,900,000.
Hahn Air Base, Germany, $8,160,000.
Hessisch Oldendorf Air Station, Germany, $1,230,000.
Kapaun Air Station, Germany, $900,000.
Leipheim Air Base, Germany, $350,000.
Marienfelde Communications Station, Germany, $2,550,000.
Norvenich Air Base, Germany, $350,000.
Pruem Air Station, Germany, $1,250,000.
Ramstein Air Base, Germany, $14,670,000.
Sembach Air Base, Germany, $6,460,000.
Spangdahlem Air Base, Germany, $14,860,000.
Various Locations, Germany, $940,000.
Vogelweh Air Station, Germany, $1,250,000.
Wenigerath Storage Site, Germany, $1,700,000.
Zweibrucken Air Base, Germany, $5,700,000.
Aviano Air Base, Italy, $5,070,000.
Comiso Air Station, Italy, $6,280,000.
Decimomannu Air Base, Italy, $2,800,000.
San Vito Air Station, Italy, $1,590,000.
Morocco, $3,100,000.
Camp New Amsterdam, The Netherlands, $2,710,000.
Keizerveer Air Base, The Netherlands, $270,000.
Vught, The Netherlands, $310,000.
Woensdrecht Air Base, The Netherlands, $15,980,000.
Torrejon Air Base, Spain, $9,550,000.
Zaragoza Air Base, Spain, $2,750,000.
Ankara Air Station, Turkey, $950,000.
Incirlik Air Base, Turkey, $11,570,000.
Karatas, Turkey, $2,330,000.
RAF Alconbury, United Kingdom, $20,910,000.
RAF Bentwaters, United Kingdom, $12,050,000.
RAF Chicksands, United Kingdom, $1,630,000.
RAF Fairford, United Kingdom, $7,400,000.
RAF Greenham Common, United Kingdom, $2,200,000.
RAF Lakenheath, United Kingdom, $10,320,000.
RAF Mildenhall, United Kingdom, $4,080,000.
RAF Molesworth, United Kingdom, $21,063,000.
RAF Sculthorpe, United Kingdom, $2,350,000.
RAF Upper Heyford, United Kingdom, $4,640,000.
Various Locations, United Kingdom, $3,600,000.
Base 25, Classified Location, $4,500,000.
Base 29, Classified Location, $3,500,000.
Base 30, Classified Location, $4,830,000.
Base 33, Classified Location, $9,450,000.
Various Locations, Europe, $4,450,000.

FAMILY HOUSING

SEC. 302. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition and other related facilities) at the following installations in the number of units shown, and in the amount shown, for each installation:

Florennes, Belgium, four hundred units, $29,200,000.
Hahn Air Base, Germany, four hundred forty units, $33,000,000.
Ramstein Air Base, Germany, four hundred units, $30,000,000.
Osan Air Base, Korea, family housing support facilities, $1,200,000.
Camp New Amsterdam, The Netherlands, one hundred forty units, $11,000,000.
Clark Air Base, Republic of the Philippines, four hundred fifty units, $37,900,000.
Belle Fourche Air Force Station, South Dakota, fifty units, $4,000,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 303. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $61,300,000, of which $19,939,000 is available only for energy conservation projects.

(b) The Secretary of the Air Force may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Bolling Air Force Base, District of Columbia, twenty-four units, $1,200,000.

Scott Air Force Base, Illinois, eighty units, $4,006,000.

Offutt Air Force Base, Nebraska, thirty-two units, $2,873,000.

Kirtland Air Force Base, New Mexico, one hundred and ten units, $3,724,000.

Ramstein Air Base, Germany, two hundred and eighty units, $10,279,000.

Andersen Air Force Base, Guam, one hundred units, $6,605,000.

Kadena Air Base, Japan, two hundred and thirty-five units, $12,163,000.

Clark Air Base, Republic of the Philippines, twenty-nine units, $1,042,000.

RESTRICTION ON USE OF FUNDS FOR CONSTRUCTION OF FACILITIES IN THE NETHERLANDS

SEC. 304. Funds appropriated to the Air Force pursuant to an authorization in section 301 for the construction of facilities in The Netherlands to support ground launched cruise missiles (GLCM) may not be obligated or expended until the Government of The Netherlands has officially approved the deployment of such missiles in The Netherlands.

RESTRICTIONS ON USE OF FUNDS FOR CONSTRUCTION OF BEDDOWN FACILITIES FOR B-1 BOMBER AIRCRAFT

SEC. 305. Funds appropriated pursuant to the authorization of funds in section 301 for construction at an unspecified location within the Strategic Air Command may not be obligated or expended for the construction or installation of facilities for the beddown of B-1 bomber aircraft until (1) the Secretary of the Air Force has notified the Committees on Armed Services of the Senate and the House of Representatives of the name of the military installation at which the funds are to be used for such purpose and of the justification for the selection of that installation, and (2) a period of 21 days has elapsed after the day on which the notice and justification have been received by the Committees.

SPECIAL IMPACT ASSISTANCE TO CERTAIN SCHOOL DISTRICTS

SEC. 306. The Secretary of the Air Force may use not more than $50,000 of the funds appropriated to the Air Force for fiscal year 1986 for land acquisition for expansion of the Melrose Air Force Range, New Mexico, to provide assistance, by grant or otherwise, to school districts in communities near the Melrose Air Force Range for purposes of mitigating any adverse impact on the schools in such districts determined by the Secretary to result from expansion of the range.

SPECIAL IMPACT AID FOR THE DOUGLAS SCHOOL DISTRICT IN BOX ELDER, SOUTH DAKOTA

SEC. 307. The Secretary of the Air Force may use not to exceed $600,000 of the funds appropriated to the Air Force for fiscal year 1986 for Ellsworth Air Force Base, South Dakota, under section 301 to provide assistance, by grant or otherwise, to the Douglas School District located in Box Elder, South Dakota, for the purpose of mitigating any adverse impact on the schools of such school district.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Anchorage, Alaska, $1,390,000.
Defense Property Disposal Office, Alameda, California, $1,320,000.
Defense Property Disposal Office, Barstow, California, $825,000.
Defense Fuel Support Point, San Diego, California, $600,000.
Defense Fuel Support Point, San Pedro, California, $700,000.
Defense Property Disposal Office, Groton, Connecticut, $625,000.
Defense Fuel Support Point, Port Tampa, Florida, $595,000.
Defense Property Disposal Office, Fort Riley, Kansas, $965,000.
Defense Fuel Support Point, Newington, New Hampshire, $1,040,000.
Defense Fuel Support Point, Verona, New York, $1,395,000.
Defense Depot, Mechanicsburg, Pennsylvania, $470,000.
Defense Depot, Memphis, Tennessee, $8,085,000.
Defense Property Disposal Office, Texarkana, Texas, $2,635,000.
Defense Depot, Ogden, Utah, $3,825,000.
Defense Property Disposal Office, Hill Air Force Base, Ogden, Utah, $750,000.
Defense General Supply Center, Richmond, Virginia, $5,355,000.
Defense Property Disposal Office, Richmond, Virginia, $650,000.
Defense Fuel Support Point, Manchester, Washington, $565,000.
Defense Property Disposal Office, F.E. Warren Air Force Base, Cheyenne, Wyoming, $1,020,000.

DEFENSE MAPPING AGENCY

Repromat Secure Storage Facility, Mineral Wells, Texas, $900,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $82,142,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $12,000,000.
Classified Location, $3,142,000.
Fort McNair, Washington, District of Columbia, $25,000,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort Benning, Georgia, $1,693,000.
Fort Bragg, North Carolina, $5,660,000.
Camp Lejeune, North Carolina, $8,400,000.
Myrtle Beach Air Force Base, South Carolina, $1,400,000.
Quantico, Virginia, $3,500,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Kaiserslautern, Germany, $360,000.
Defense Fuel Support Point, Chimu Wan, Okinawa, Japan, $8,160,000.
Defense Fuel Support Point, Tsurumi, Japan, $2,800,000.
Defense Fuel Support Point, Pyongtaek, Korea, $5,820,000.
Defense Fuel Support Point, Uijongbu, Korea, $6,200,000.

NATIONAL SECURITY AGENCY

Classified Locations, $7,150,000.

DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Fort Buchanan, Puerto Rico, $9,753,000.
Roosevelt Roads Naval Station, Puerto Rico, $1,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Florennes, Belgium, $7,420,000.
Naval Air Station, Bermuda, $2,290,000.
Babenhausen, Germany, $760,000.
Bamberg, Germany, $5,800,000.
Butzbach, Germany, $3,420,000.
Hanau, Germany, $7,480,000.
Heidelberg, Germany, $1,910,000.
Heilbronn, Germany, $2,520,000.
Pirmasens, Germany, $1,630,000.
Schweinfurt, Germany, $3,930,000.
Sembach Air Base, Germany, $2,170,000.
Vilseck, Germany, $6,680,000.
Sigonella, Italy, $5,360,000.
Misawa Air Base, Japan, $4,780,000.
Okinawa, Japan, $745,000.
Osan Air Base, Korea, $2,780,000.
Pusan, Korea, $1,540,000.
Taegu, Korea, $730,000.
Soesterberg Air Base, The Netherlands, $4,460,000.
Clark Air Base, Republic of the Philippines, $7,190,000.
Rota, Spain, $2,870,000.
Bicester, United Kingdom, $4,570,000.
Upwood, United Kingdom, $3,240,000.
Woodbridge RAF Station, United Kingdom, $1,060,000.

FAMILY HOUSING

SEC. 402. The Secretary of Defense may construct or acquire twenty family housing units (including land acquisition) at classified locations in the total amount of $1,800,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 403. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed $110,000.

RESEARCH AND ENGINEERING FACILITY AT THE NATIONAL SECURITY HEADQUARTERS COMPOUND

SEC. 404. (a) The Secretary of Defense may contract, in advance of appropriation therefor, for the design and construction of the research and engineering facility authorized for the National Security Agency by section 401 which is to be located at the headquarters compound of such agency, Fort Meade, Maryland.

(b) Notwithstanding section 606(a)(1), the authorization to design and construct the research facility referred to in subsection (a) shall remain available until the completion of the facility.

CONTINUATION OF UNSPECIFIED MINOR CONSTRUCTION

SEC. 405. It is the sense of Congress that as a general rule unspecified minor construction continue to be authorized and appropriated on a lump sum basis as has been the case prior to the Continuing Appropriations Resolution for fiscal year 1985.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 501. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 605.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 601. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department

of the Army in the total amount of $3,141,513,000 as follows:

(1) For military construction projects authorized by section 101 that are to be carried out inside the United States, $1,106,950,000.

(2) For military construction projects authorized by section 101 that are to be carried out outside the United States, $488,170,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $31,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $144,300,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $288,080,000; and

(B) for support of military family housing, $1,271,094,000, of which not more than $1,520,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $132,047,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 101 in the amount of $136,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 101 may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 602. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,345,003,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, $1,217,589,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, $221,195,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $21,560,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $141,860,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $2,960,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $154,000,000; and

(B) for support of military family housing $585,839,000.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Navy that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 201 in the amount of $100,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 201 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 603. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,624,041,000 as follows:

(1) For military construction projects authorized by section 301 that are to be carried out inside the United States, $1,036,707,000.

(2) For projects authorized by section 301 that are to be carried out outside the United States, $449,100,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $144,096,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $30,240,000.

(6) For support of military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $212,600,000; and

(B) for support of military family housing, $729,298,000, of which not more than $48,113,000 may be obligated or expended for leasing of military family housing units.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 301 in the amount of $100,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 301 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 604. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for military construction, land acquisition, and military family housing functions of the Department of the Defense (other than the military departments), in the total amount of $269,000,000 as follows:

(1) For military construction projects authorized by section 401 that are to be carried out inside the United States, $103,102,000.

(2) For projects authorized by section 401 that are to be carried out outside the United States, $106,598,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $30,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $1,910,000; and

(B) for support of military family housing, $18,390,000.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1986 for military construction functions of the Defense Agencies that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 401 in the amount of $37,025,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NATO

SEC. 605. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization infrastructure program, as authorized by section 501, in the amount of $38,000,000.

(b) There are hereby authorized to be transferred to amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $60,000,000, to be derived from amounts appropriated for North Atlantic Treaty Organization Infrastructure for fiscal year 1985 remaining available for obligation.

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 606. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO infrastructure program (and authorizations of appropriations therefore contained in sections 601 through 605), shall expire on October 1, 1987, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO infrastructure program (and authorizations of appropriations therefore), for which appropriated funds have been obligated before October 1, 1987,

or the date of the enactment of the Military Construction Authorization Act for fiscal year 1988, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO infrastructure program.

(b) Notwithstanding the provisions of section 2167(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 780), authorizations for the following projects authorized in sections 101, 201, and 301 of that Act shall remain in effect until October 1, 1986, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1987, whichever is later:

(1) Consolidated heating system in the amount of $1,850,000 at Stuttgart, Germany.

(2) Consolidated heating system in the amount of $1,750,000 at Stuttgart, Germany.

(3) Range modernization in the amount of $2,450,000 at Wildflecken, Germany.

(4) Unaccompanied personnel housing in the amount of $1,400,000 at Argyroupolis, Greece.

(5) Operations building in the amount of $370,000 at Argyroupolis, Greece.

(6) Multipurpose recreation facility in the amount of $480,000 at Argyroupolis, Greece.

(7) Unaccompanied officer housing in the amount of $600,000 at Perivolaki, Greece.

(8) Operations building in the amount of $410,000 at Perivolaki, Greece.

(9) Multipurpose recreation facility in the amount of $620,000 at Perivolaki, Greece.

(10) Physical fitness training center in the amount of $1,000,000 at Elefsis, Greece.

(11) Operations control center in the amount of $7,800,000 at the Naval Air Station, Brunswick, Maine.

(12) Engine test cell modifications in the amount of $1,180,000 at the Naval Air Station, Cecil Field, Florida.

(13) Land acquisition in the amount of $830,000 at the Naval Weapons Station, Concord, California.

(14) Standby generator plant in the amount of $4,500,000 at the Naval Communications Area Master Station Eastern Pacific, Honolulu, Hawaii.

(15) Air freight terminal in the amount of $10,200,000 at Elmendorf Air Force Base, Alaska.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 607. For projects or contracts initiated during the period beginning on the date of the enactment of this Act or October 1, 1985, whichever is later, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1987 or October 1, 1986, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $10,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 32,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 608. Titles I, II, III, IV, and V of this Act shall take effect on October 1, 1985.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. There are authorized to be appropriated for fiscal years beginning after September 30, 1985, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $100,200,000; and

(B) for the Army Reserve, $69,400,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $50,800,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $127,555,000; and

(B) for the Air Force Reserve, $65,500,000.

TITLE VIII—GENERAL PROVISIONS

LAND ACQUISITION

SEC. 801. (a) Section 2672 of title 10, United States Code, is amended—

(1) by striking out "The" at the beginning of such section and inserting in lieu thereof "(a) Subject to subsection (b), the";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by striking out "$100,000" each place it appears and inserting in lieu thereof "$400,000"; and

(4) by adding at the end thereof the following new subsection:

"(b) The Secretary of a military department may not enter into a contract under this section for the acquisition of any interest in land the cost of which exceeds $100,000 unless (1) the Secretary has notified the appropriate committees of Congress of his intent to acquire such interest, the cost of the interest, and the reasons for acquiring it, and (2) a period of 21 days has elapsed from the date the notification is received by the committees.".

(b)(1) The heading of such section is amended by striking out "$100,000" and inserting in lieu thereof "$400,000".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out "$100,000" in the item relating to section 2672 and inserting in lieu thereof "$400,000".

OCCUPANT LIABILITY

SEC. 802. (a) Section 2775 of title 10, United States Code, is amended—

(1) by striking out the heading and inserting in lieu thereof the following:

"§ 2775. Liability of members assigned to military housing";

(2) in subsection (a), by inserting "(1)" after "(a)";

(3) by adding at the end of subsection (a) the following new paragraph:

"(2) Upon moving out of a family housing unit that has been assigned to or provided a member of the armed forces, the member shall be responsible for leaving such unit in a satisfactorily clean condition (as provided in regulations prescribed by the Secretary of Defense). A member who moves out of a housing unit and fails to leave the unit in a satisfactorily clean condition shall be liable to the United States for the cost of having the unit properly cleaned.";

(4) in subsection (b), by inserting "in determinations of liability under subsection (a)(1)" after "involved";

(5) in subsection (c)(1), by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)(1) or for the cost of any cleaning made necessary by a failure to clean a family housing unit, as provided in subsection (a)(2),";

(6) in subsection (d), by inserting "or failure to satisfactorily clean" after "damage to"; and

(7) in subsection (e), by striking out "and (2)" and inserting in lieu thereof "(2) regulations for determining the cost of cleaning made necessary as a result of the failure to clean a family housing unit as provided in subsection (a)(2), and (3).".

(b) The table of sections at the beginning of chapter 165 of such title is amended by striking out the item relating to section 2775 and inserting in lieu thereof the following:

"2775. Liability of members assigned to military housing.".

UNSPECIFIED MINOR CONSTRUCTION

SEC. 803. Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Within the amount authorized by law for such purpose, the" and inserting in lieu thereof "The"; and

(2) in subsection (c), by striking out "Only funds authorized for minor construction projects may be used to accomplish unspecified minor construction projects, except that the" and inserting in lieu thereof "The".

ACTIVITIES INCLUDED WITHIN AUTHORIZATIONS FOR MILITARY FAMILY HOUSING

SEC. 804. (a) Section 2821(c) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Amounts authorized by law for the construction and acquisition of military family housing and facilities include amounts for (A) minor construction, and (B) relocation of military family housing units under section 2827 of this title.

"(3) Amounts authorized by law for support of military family housing include amounts for (A) operating expenses, (B) leasing expenses, (C) maintenance of real property expenses, (D) payments of principal and interest on mortgage debts incurred, and (E) payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m).".

PREOCCUPANCY TERMINATION COSTS

SEC. 805. Section 2828(d) of title 10, United States Code, is amended by inserting "plus a construction period not longer than 36 months" after "ten years".

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LEASING AND RENTAL GUARANTEE PROGRAM FOR MILITARY FAMILY HOUSING

SEC. 806. (a) Section 2828(g) of title 10, United States Code, is amended—

(1) by striking out paragraphs (7) and (8);

(2) by redesignating paragraph (9) as paragraph (7); and

(3) by striking out "October 1, 1985" in paragraph (7), as redesignated by clause (2) of this subsection, and inserting in lieu thereof "October 1, 1986".

(b) Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(1) by striking out subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (f); and

(3) by striking out "September 30, 1985" in subsection (f), as redesignated by clause (2) of this subsection, and inserting in lieu thereof "September 30, 1986".

PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS

SEC. 807. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 2833. Participation in Department of State housing pools

"(a) The Secretary concerned may enter into an agreement with the Secretary of State under which the Secretary of State agrees to provide housing and related services for personnel under the jurisdiction of the Secretary concerned who are assigned to duty in a foreign country if the Secretary concerned determines (1) that there is a shortage of adequate housing in the area of the foreign country in which such personnel are assigned to duty, and (2) that participation in the Department of State housing pool is the most cost-effective means of providing housing for such personnel. The Secretary concerned shall reimburse the Secretary of State, as provided in the agreement, for housing and related services furnished personnel under the jurisdiction of the Secretary concerned.

"(b) Agreements entered into with the Secretary of State under this section may not be executed until (1) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed agreement, and (2) a period of 21 days has elapsed after the day on which the notification is received by the committees.

"(c) In computing the number of leases for which the maximum lease amount may be waived by the Secretary concerned under the second sentence of section 2828(e)(1) of this title, housing made available to the Department of Defense under this section shall not be included.".

(b) The table of sections at the beginning of such subchapter is amended by adding at the end thereof the following new item:

"2833. Participation in Department of State housing pools.".

SALE AND REPLACEMENT OF NONEXCESS REAL PROPERTY

SEC. 808. (a) Section 807(c) of the Military Construction Authorization Act, 1984 (Public Law 98-115), is amended by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1986".

(b) The Secretary of Defense is authorized to carry out sale and replacement transactions under the authority of section 2667a of title 10, United States Code, with respect to (1) warehousing facilities at Schofield Barracks, Hawaii, and (2) a noncommissioned officers' professional education center, a band center, and a combat operations center at March Air Force Base, California.

PROPERTY MANAGEMENT

SEC. 809. (a) The Administrator of General Services shall transfer approximately 10.5 acres of surplus land adjacent to Fort McNair, Washington, D.C., to the Secretary of the Army, without reimbursement, for use by the Secretary in connection with the National Defense University.

(b) The Administrator of General Services shall reacquire, pursuant to section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)), approximately 50 acres of a larger tract of land near Fort MacArthur, California, which was conveyed by the United States to the city of Los Angeles, California, for use as a public park. Upon the reacquisition of 50 acres of such tract of land, the Administrator shall transfer such acreage to the Secretary of the Air Force, without reimbursement, for use by the Secretary for military family housing.

SALE OF REAL PROPERTY AT FORT JACKSON, SOUTH CAROLINA

SEC. 810. (a) Subject to subsections (b) through (i), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") may sell that tract of land which comprises a portion of Fort Jackson, South Carolina, known as the Gregg Circle Area, consisting of 300 acres more or less.

(b) Before the Secretary may enter into a contract for the sale of the property referred to in subsection (a), the prospective buyer of such land must—

(1) submit to the Secretary a master plan for the development of the land that is acceptable to both the Secretary and the appropriate officials of the city of Columbia, South Carolina;

(2) enter into an agreement with the Secretary under which the prospective buyer agrees—

(A) to construct up to 400 units of family housing on such land and to lease such housing to the Army subject to the conditions provided in subsection (c);

(B) to construct such housing in accordance with specifications and standards prescribed by the Secretary at the time the land is offered for sale; and

(C) to have such housing ready for occupancy not later than 2 years after the date of the conveyance of such land to the prospective buyer.

(c) A lease entered into under this section between the Secretary and a buyer of the land shall provide that at the expiration of the lease the Secretary shall have the option to—

(1) renew the lease for an additional period of up to 20 years (subject to any mutually agreed upon revisions of the lease);

(2) not renew the lease; or

(3) acquire the leased housing (including the land on which the housing is located) for an amount agreed upon by the Secretary and the buyer at the time of the sale of the land.

(d) In lieu of the requirement under subsection (b)(1) that the buyer agree to lease to the Army up to 400 units of family housing, the Secretary may, as a condition of the sale of the land, require the prospective buyer to agree to construct on the land to be conveyed under this section and to set aside, for rental by military personnel, up to 400 units of housing. In exchange, the Secretary shall agree to guarantee the rental of up to 95 percent of the set-aside units at a rental price agreed upon in advance of the sale of the land. The conditions specified in clauses (1), (2)(B), and (2)(C) of subsection (b) shall apply to an agreement entered into under this subsection.

(e) The sale of the land referred to in subsection (a) shall be carried out under publicly advertised, competitively bid, or competitively negotiated contracting procedures. However, the Secretary shall have full authority to accept from among the offers tendered by prospective buyers the offer which the Secretary determines to be in the best interest of the United States. In no event may the land be sold for less than its fair market value.

(f) Before any contract for the sale of the land referred to in subsection (a) is entered into under this section, the Secretary shall submit a report to the appropriate committees of the Congress containing complete details of the procedures used in selecting a buyer for the land and a period of 21 days has expired following the day on which the report is received by such committees.

(g)(1) The Secretary may use the proceeds from the sale of the land referred to in subsection (a)—

(A) to provide access routes to facilities at Fort Jackson for military personnel housed or to be housed in the housing units to be constructed on such land; and

(B) to construct necessary facilities for up to 100 mobile trailer home sites at Fort Jackson.

(2) Any proceeds of the sale not used for such purposes shall be covered into the general fund of the Treasury.

(h) The exact acreage and legal description of the land to be conveyed under this section shall be determined by a survey approved by the Secretary.

(i) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

SEC. 811. None of the funds appropriated pursuant to an authorization contained in this Act shall be available for any project for which all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have not been completed as of March 29, 1985, unless—

(1) the Secretary of Defense or the Secretary of the appropriate military department certifies to the appropriate committees of Congress in writing after such date that all the requirements of such Act have been complied with for such project; and

(2) a period of 21 days has elapsed following the date on which such certification is received by the committees.

CONVEYANCE OF CERTAIN LAND AT MARCH AIR FORCE BASE, CALIFORNIA

SEC. 812. (a) Subsection (a) of section 835 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1527) is amended—

(1) by striking out "Village West Foundation" and inserting in lieu thereof "Air Force Village West"; and

(2) by striking out "'Foundation') of San Bernardino" and inserting in lieu thereof "'Corporation'), of Riverside".

(b) Subsections (b), (d), (e), and (g) of section 835 of such Act are amended by striking out "Foundation" each place it appears and inserting in lieu thereof "Corporation".

(c) Section 835 of such Act is further amended by adding at the end thereof the following new subsection:

"(h) The land conveyed pursuant to this section may be used as security for financing the construction of facilities on such land for the Corporation as if such land had been conveyed to the Corporation in fee simple. In the event of a default by the Corporation on a loan secured by such land, nothing in this section shall affect the right of a mortgagee or other holder of a security interest to acquire, dispose of, or direct the disposal through public sale of, such land and improvements thereon free of any restriction otherwise imposed by this section.".

AVIGATION RIGHTS ON SANTA ROSA ISLAND, FLORIDA

SEC. 813. The Act entitled "An Act to authorize the Secretary of the Army to sell and convey to Okaloosa County, State of Florida, all right, title, and interest in the United States in and to a portion of Santa Rosa Island, Florida, and for other purposes", approved July 2, 1948 (62 Stat. 1229) is amended by adding at the end thereof the following new section:

"SEC. 5. The prohibition contained in subdivision d. of the first section against the erection of any structure or obstacle on the land conveyed under this Act in excess of seventy-five feet above mean low-water level shall be deemed to be a prohibition against the erection of a structure or obstacle in excess of two hundred feet above mean low-water level in the case of that portion of such land on Santa Rosa Island which is east of the Destin East Pass and is now known as Holiday Isle.".

USE OF WATERFRONT FACILITIES AT PORT HUENEME, CALIFORNIA

SEC. 814. Notwithstanding any other provision of law, funds received by the Navy from its license agreement with the Oxnard Harbor District covering use of waterfront facilities on an as-available basis at the Naval Construction Battalion Center, Port Hueneme, California, my be used for operation and maintenance of waterfront facilities at the installation.

TRANSFER OF LAND OF ARLINGTON HALL STATION TO THE DEPARTMENT OF STATE

SEC. 815. Upon the relocation of the Army Intelligence and Security Command and other Defense activities from Arlington Hall Station to new quarters, the Secretary of the Army shall transfer approximately 72 acres of the tract of land known as Arlington Hall Station, together with improvements thereon, to the Secretary of State, without reimbursement, to be used as a center for training foreign affairs, as authorized by chapter 7 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4021-4026), and for other purposes as deemed appropriate by the Secretary of State.

LAND CONVEYANCE, NAVAL WEAPONS CENTER, CHARLESTON, SOUTH CAROLINA

SEC. 816. (a) Subject to subsections (b) through (g), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Westvaco Corporation (hereinafter in this section referred to as "Westvaco") all right, title, and interest of the United States in and to approximately 47.83 acres of improved land comprising that portion of the Naval Weapons Station, Charleston, South Carolina, located at Remount Road and Virginia Avenue, in the City of North Charleston, South Carolina.

(b) In consideration for the conveyance authorized by subsection (a), Westvaco shall pay—

(1) all costs for the construction of facilities necessary to replace those on the land to be conveyed to Westvaco under subsection (a) and the cost of relocating personnel and equipment to the replacement facilities; and

(2) an amount equal to the excess, if any, of the fair market value of the land and improvement conveyed under subsection (a) over the sum of the construction costs of the replacement facilities and the cost of relocating personnel and equipment to the replacement facilities.

(c) The replacement facilities referred to in subsection (b)(1) shall be constructed by the Navy on the Naval Weapons Station referred to in subsection (a) on a site to be selected by the Secretary.

(d) The Secretary is authorized to receive, obligate, and disburse funds received from Westvaco to cover design, construction, relocation, and related costs specified in a memorandum of understanding agreed to by the Secretary and Westvaco, dated April 17, 1985.

(e) Upon completion of the replacement facilities referred to in subsection (b)(1) and the payment by Westvaco of all agreed upon costs the Navy shall promptly vacate and convey to Westvaco the property referred to in subsection (a).

(f) The exact acreage and legal description of any land to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by Westvaco.

(g) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

TEST OF LONG-TERM FACILITIES CONTRACTS

SEC. 817. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

"§ 2809. Test of long-term facilities contracts.

"(a)(1) The Secretary concerned may enter into contracts for the construction, management, and operation of facilities on or near a military installation in the United States for the provision of child care services, industrial waste water treatment or depot supply activities in cases where the Secretary concerned determines that the facilities can be more efficiently and more economically provided under a long-term contract than by other appropriate means.

"(2) Each contract entered into under subsection (a) shall be awarded through the use of competitive procedures as provided in chapter 137 of this title.

"(3) A contract under this section may be for any period not in excess of twenty years, excluding the period for construction. A contract under this section shall include a provision that the obligation of the United States to make payments under the contract in any fiscal year is subject to the availability of appropriations for that purpose.

"(4) A contract may not be entered into under this section until—

"(A) the Secretary concerned submits to the appropriate committees of the Congress, in writing, a justification of the need for the facility for which the contract is to be awarded and an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same facility; and

"(B) a period of twenty-one calendar days has expired following the date on which the justification and the economic analysis are received by the committees.

"(b) Each Secretary concerned may enter into not more than five contracts under the authority of subsection (a) of this section, other than contracts for child care centers.

"(c) The authority to enter into contracts under this section shall expire on September 30, 1987, but shall not affect the validity of any contract enter into under the authority of this section prior to that date.".

(b) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end thereof the following new item:

"2809. Test of long-term facilities contracts.".

Mr. GOLDWATER. Mr. President, I ask unanimous consent that S. 1042 be printed, as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS AUTHORIZATION ACT, FISCAL YEAR 1986

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 93, S. 1043.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1043) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1986, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the bill.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to strike all after the enacting clause of S. 1043 and to insert in lieu thereof the text of Division C of S. 1160, as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Security Programs Authorization Act for Fiscal Year 1986".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,445,400,000, to be allocated as follows:

(A) For research and development, $850,300,000.

(B) For weapons testing, $524,000,000.

(C) For the defense inertial confinement fusion program, $145,000,000.

(D) For production and surveillance, $1,862,400,000.

(E) For program direction, $63,700,000.

(2) For defense nuclear materials production, $1,551,300,000, to be allocated as follows:

(A) For uranium enrichment, $208,900,000.

(B) For production reactor operations, $576,380,000.

(C) For processing of defense nuclear materials, $488,145,000.

(D) For supporting services, $256,575,000.

(E) For program direction, $21,300,000.

(3) For defense nuclear waste and byproduct management, $395,122,000, to be allocated as follows:

(A) For interim waste management, $271,085,000.

(B) For long-term waste management technology, $96,567,000.

(C) For terminal waste storage, $25,070,000.

(D) For program direction, $2,400,000.

(4) For verification and control technology, $93,475,000, of which $3,800,000 shall be used for program direction, and of which $2,000,000 shall be used to conduct research and development programs to improve arms control verification technology and to establish an office in the Argonne National Laboratory, Argonne, Illinois, to conduct such programs.

(5) For nuclear materials safeguards and security technology development, $54,325,000, of which $6,925,000 shall be used for program direction.

(6) For security investigations, $33,400,000.

(7) For naval reactors development, $489,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 86-D-101, general plant projects, various locations, $26,900,000.

Project 86-D-121, general plant projects, various locations, $28,700,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $3,700,000.

Project 86-D-104, strategic defense facility, Sandia National Laboratories, Albuquerque, New Mexico, $8,000,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, $3,000,000.

Project 86-D-123, environmental hazards elimination, various locations, $8,700,000.

Project 86-D-124, safeguards and site security upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $3,000,000.

Project 86-D-125, safeguards and site security upgrade, Phase II, Pantex Plant, Amarillo, Texas, $1,500,000.

Project 86-D-130, Tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $5,000,000.

Project 86-D-131, Environmental Remedial Action, Lawrence Livermore National Laboratory, Livermore, California, $8,800,000.

Project 86-D-132, Instrumentation Systems Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,200,000.

Project 86-D-133, Data Communications Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,000,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations, $71,600,000, for a total project authorization of $107,000,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $16,400,000, for a total project authorization of $21,100,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $19,200,000, for a total project authorization of $26,800,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, $1,900,000, for a total project authorization of $2,700,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $15,300,000, for a total project authorization of $19,800,000.

Project 85-D-113, powerplant and steam distribution system, Pantex Plant, Amarillo, Texas, $18,500,000, for a total project authorization of $23,000,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $17,700,000, for a total project authorization of $20,600,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $14,000,000, for a total project authorization of $19,000,000.

Project 85-D-123, safeguards and site security upgrade, Phase I, Pantex Plant, Amarillo, Texas, $4,000,000, for a total project authorization of $5,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats Plant, Golden, Colorado, $2,400,000, for a total project authorization of $3,400,000.

Project 85-D-125, tactical bomb production facilities, various locations, $6,000,000, for a total project authorization of $16,000,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $15,500,000, for a total project authorization of $37,500,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $12,100,000, for a total project authorization of $19,300,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $20,540,000, for a total project authorization of $55,940,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, $60,700,000, for a total project authorization of $140,700,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, $3,300,000, for a total project authorization of $14,800,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, $400,000, for a total project authorization of $13,600,000.

Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, $33,000,000, for a total project authorization of $40,000,000.

Project 84-D-120, explosive component test facility, Mound Plant, Miamisburg, Ohio, $2,300,000, for a total project authorization of $22,300,000.

Project 84-D-211, safeguards and site security upgrade, Y-12 Plant, Oak Ridge, Tennessee, $7,500,000, for a total project authorization of $23,000,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, $3,800,000, for a total project authorization of $7,500,000.

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratories, Livermore, California, $7,000,000, for a total project authorization of $24,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $170,000,000, for a total project authorization of $714,900,000.

Project 82-D-111, interactive graphics systems, various locations, $4,000,000, for a total project authorization of $24,000,000.

Project 82-D-144, Simulation Technology Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,300,000, for a total project authorization of $34,000,000.

Project 79-7-0, Universal Pilot Plant, Pantex Plant, Amarillo, Texas, $4,500,000, for a total project authorization of $20,400,000.

(2) For materials production:

Project 86-D-146, general plant projects, various locations, $29,800,000.

Project 86-D-149, productivity retention program, Phase I, various locations, $24,200,000.

Project 86-D-150, in-core neutron monitoring system, N reactor, Richland, Washington, $4,460,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, $2,500,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $2,000,000.

Project 86-D-153, additional line III furnace, Savannah River, South Carolina, $1,500,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, $2,500,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $3,000,000.

Project 86-D-157, hydrofluorination system, FB-Line, Savannah River, South Carolina, $2,200,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, $1,900,000, for a total project authorization of $4,400,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $12,000,000, for a total project authorization of $22,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, $12,000,000, for a total project authorization of $18,000,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, $16,000,000, for a total project authorization of $25,800,000.

Project 84-D-135, process facility modifications, Richland, Washington, $12,000,000, for a total project authorization of $29,500,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $7,200,000, for a total project authorization of $19,600,000.

Project 83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina, $3,100,000, for a total project authorization of $22,100,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV, and V, various locations, $43,900,000, for a total project authorization of $344,534,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, $4,400,000, for a total project authorization of $83,800,000.

(3) For defense waste and byproducts management:

Project 86-D-171, general plant projects, interim waste operations and long-term waste management technology, various locations, $24,451,000.

Project 86-D-172, B plant F filter, Richland, Washington, $1,000,000.

Project 86-D-173, central waste disposal facility, Oak Ridge, Tennessee, $1,000,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, $2,500,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,000,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $14,500,000, for a total project authorization of $21,500,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $5,000,000, for a total project authorization of $5,700,000.

Project 85-D-159, new waste transfer facilities, H-Area, Savannah River, South Carolina, $9,000,000, for a total project authorization of $20,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,250,000, for a total project authorization of $4,250,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $165,000,000, for a total project authorization of $597,500,000.

(4) For verification and control technology:

Project 85-D-171, Space Science Laboratory, Los Alamos, New Mexico, $4,500,000, for a total project authorization of $5,500,000.

(5) Nuclear safeguards and security:

Project 86-D-186, Nuclear Safeguards Technology Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

(6) For naval reactors development:

Project 86-N-101, general plant projects, various locations, $7,500,000.

Project 86-N-104, reactor modifications, advance test reactor, Idaho National Engineering Laboratory, $4,500,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, $11,000,000, for a total project authorization of $176,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $27,000,000, for a total project authorization of $137,000,000.

(7) For capital equipment not related to construction—

(A) for weapons activities, $267,750,000;

(B) for materials production, $113,440,000;

(C) for defense waste and byproducts management, $38,997,000;

(D) for verification and control technology, $5,600,000;

(E) for nuclear safeguards and security, $4,600,000; and

(F) for naval reactors development, $30,000,000.

TITLE II—RECURRING GENERAL PROVISIONS

REPROGRAMING

SEC. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless the Secretary of Energy (hereinafter in this title referred to as the "Secretary") transmits to the appropriate committees of Congress a full and complete statement of the action proposed to be taken with respect to the program and the facts and circumstances relied upon in support of the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,200,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent, the higher of—

(1) the amount authorized for the project, or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress,

construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 205. The Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 206. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

AVAILABILITY OF FUNDS

SEC. 207. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that S. 1043 be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I move to reconisder the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, before we leave tonight, I wish to extend my thanks again to all the members of my committee, the Armed Services Committee. I wish to thank the majority leader and minority leader for their constant help.

I wish to thank once again—and I can never thank them enough—the majority staff and the minority staff of the Armed Services Committee for the great work that they did.

I might mention in passing that we got through 108 amendments. I thought we were going to set a new record, but that tied last year's. However, we sort of set a record. We did not lose a vote.

I yield the floor.

Mr. DOLE. Mr. President, we have spent a number of days on this important legislation. I will put all those statistics in the RECORD.

This is an important bill. I wish to take this opportunity to express my personal gratitude to Senator GOLDWATER for the outstanding job he has done as floor manager of the bill.

This was a very complicated and controversial bill, but through it all, through the days of markup in committee, and the grueling hours on the floor, Senator GOLDWATER has been a stalwart. His knowledge and experience on national defense issues have been invaluable to me as majority leader and have been crucial in the successful completion of the legislation.

This was Senator GOLDWATER's first major legislative challenge as chairman of the Armed Services Committee, and I think everyone would agree that he came through this experience with flying colors.

I want to extend my congratulations to Senator GOLDWATER, to the distinguished Senator from Georgia, Senator NUNN who is a renowned expert in defense, as well, and who has made a great contribution, and also to the distinguished Senator from Mississippi who is still on the floor who has always been a steady influence in these areas. We appreciate his continuing support, and all Members on both sides—members of the committee, and others—who helped us work out some of the very controversial issues to permit us to move this bill I think in fairly good time.

I was reminded by the minority leader that we have been around here when the DOD authorization bill took up to 6 weeks. We spent 9 legislative days on this bill. That seems like a long time. But compared to 6 weeks, it is a very short time. That again is a tribute to the managers of the bill.

I say for the record that we started this bill on May 17. We spent 9 legislative days and completed action today as of 8:40 p.m. We have consumed about 76 hours and 40 minutes. We have considered 108 amendments. We agreed to 81. We rejected 14. One was tabled. And 11 were withdrawn. There were 24 rollcall votes. So all in all it was a very—I will not say exciting—but a very difficult job. And it has taken a long time.

I apologize again to my colleagues for the late evenings. But it seemed to us, and it seemed to Senator GOLDWATER and Senator NUNN that sometimes we have to do that. We had to push on when we were making progress.

Again, I want to thank the distinguished minority leader for this continued cooperation, and again for helping me work out some of the time agreements and some of the very controversial areas that we have been able to resolve. I want to thank, obviously, the staff on both sides for their diligence, and also thank everyone else who has participated in this rather historic event.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished majority leader, and I congratulate him on a skillful performance as our leader.

I associate myself with his remarks about the excellent work that has been performed by Mr. GOLDWATER as manager of the bill, chairman of the committee, and also by Mr. NUNN, who is the ranking member of the Armed Services Committee.

Mr. GOLDWATER demonstrated the stamina and the dedication for which he is already well known, and Mr. NUNN certainly continues to impress Members on both sides of the aisle and outside the Senate by his command of the facts, and by his sterling leadership in this field.

I also want to associate myself with the remarks of the distinguished majority leader in regards to Mr. STENNIS who continues to excite the admiration of all of us as he demonstrates a high sense of duty and purpose. He sets an excellent example for all of us. And I think the people of Mississippi are to be highly congratulated on their continued support of this good Senator. He is a good man, and truly a great American.

Also in reference to the comments by the distinguished majority leader, and others, concerning the majority and minority staffs—of course, we all know that without the support of our staff people who are experts in their respective fields—and I include the Democratic policy staff of the Senate, so ably directed by Susan Weiss Manes, with special thanks to Richard d'Amato, Peter Lennon, and Kevin Nealer, our defense and foreign policy specialists—we Senators would have an extremely difficult time carrying out our duties, if indeed we could carry them out as well as we do. I am sure we would fall short at best. But we do try.

I want to thank our floor staff, too—David Pratt, secretary for the minority; Abby Saffold; Charles Kinney; Marty Paone; Elizabeth Baldwin; John Tuck; and Howard Greene, secretary for the majority. They have all stuck with us through thick and thin in the early morning, late evenings, and have worked with such dedication and allegiance to the institution. They certainly should be recognized, and commended for their work.

I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 10:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. on Thursday, June 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Following the Proxmire special order, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, following routine morning business, the Senate will turn to S. 1003, the State Department authorization bill, for the purpose of considering the 10 Contra amendments, as described in the unanimous-consent agreement of May 23, 1985. I think it is fair to say that we can expect rollcall votes. I have had a number of my colleagues who have amendments who indicated they wanted to dispose of those rather quickly. I have had, for example, Senator DODD indicating perhaps 20 minutes. So I alert my colleagues, and members of his staff, that the votes could come fairly quickly on some of the Contra amendments. I have also had one request to accommodate one Senator on this side who is now eighth in the pecking order who would like to be moved up a few points. I can discuss that with the minority leader in the morning. As I have indicated earlier, if there is some way we can complete action on the bill tomorrow in addition to all of the amendments, I am advised by the chairman of the committee that there are about 40 amendments. But he thinks 32 can be dealt with rather quickly, and eight would probably require some debate. But he is hopeful that we might complete action on the bill at a reasonable hour tomorrow evening. This would permit us to

accommodate many schedules that the Members have on Friday.

If that can be achieved, on Friday we would take up noncontroversial matters that are important but would not require rollcall votes.

On Monday, we would turn to the consideration of the Clean Water Act. That I hope will encourage Members to make their points in less time tomorrow.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move in accordance with the order just entered, that the Senate stand in recess until 10:30 a.m., Thursday, June 6, 1985.

Thereupon, at 8:48 p.m., the Senate recessed until tomorrow, Thursday, June 6, 1985, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 1985:

THE JUDICIARY

Alex Kozinski, of California, to be U.S. circuit judge for the ninth circuit vice a new position created by Public Law 98-353, approved July 10, 1984.

James D. Todd, of Tennessee, to be U.S. district judge for the western district of Tennessee vice a new position created by Public Law 98-353, approved July 10, 1984.

DEPARTMENT OF JUSTICE

Richard V. Wiebusch, of New Hampshire, to be U.S. attorney for the district of New Hampshire for the term of 4 years, vice W. Stephen Thayer III, resigned.

Larry James Stubbs, of Georgia, to be U.S. Marshal for the southern district of Georgia for the term of 4 years, vice Clifton Nettles III, deceased.

DEPARTMENT OF COMMERCE

S. Bruce Smart, Jr., of Connecticut, to be Under Secretary of Commerce for International Trade, vice Lionel H. Olmer, resigned.

DEPARTMENT OF AGRICULTURE

John William Bode, of Oklahoma, to be an Assistant Secretary of Agriculture, vice Mary Claiborne Jarratt, resigning.

The following-named persons to be members of the Board of Directors of the Commodity Credit Corporation:

John R. Norton III, of Arizona, vice Richard E. Lyng, resigned.

Robert L. Thompson, of Indiana, vice William Gene Lesher.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Allie C. Felder, Jr., of the District of Columbia, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1987, reappointment.

Dwight A. Ink, of Maryland, to be an Assistant Administrator of the Agency for International Development, vice Victor M. Rivera.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. James E. Dalton, [redacted] R, U.S. Air Force.

IN THE AIR FORCE

The following-named officers for permenent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be lieutenant colonel

John H. Cain, [redacted]
Ronald G. Gunderman, [redacted]
Paul D. Kessler, [redacted]
James F. Lojacono, [redacted]
Brian S. Mills, [redacted]
Roger A. Sindle, [redacted]
Robert L. Smith, [redacted]
George Stojanowski, [redacted]
Ralph J. Tosti, [redacted]

To be major

Donald R. Fontes, [redacted]
John N. Higgins, [redacted]
Richard F. Johnston, [redacted]
Alexey Kampf, [redacted]
Dennis P. McEneany, [redacted]
Damon P. Rothenberg, [redacted]
Bruce L. Tipton, [redacted]
Jerome W. Voigt, [redacted]
Ted D. Wright, Jr. [redacted]

NURSE CORPS

To be lieutenant colonel

Cynthia U. Bonner, [redacted]

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the following officers be appointed in a grade higher than that indicated:

LINE OF THE AIR FORCE

To be major

Robert Calderon, [redacted]

To be captain

Robert D. Barker, Jr., [redacted]
Steven R. Charles, [redacted]

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the following officers be appointed in a grade higher than that indicated:

MEDICAL CORPS

To be colonel

Sanford M. Markham, [redacted]

To be lieutenant colonel

David S. Parson, [redacted]

To be major

Jay S. Adams, [redacted]
Richard W. Harbison, [redacted]
John B. Legere, [redacted]

DENTAL CORPS

To be lieutenant colonel

Leslie C. Millar, [redacted]

To be major

Stephen M. Bachand, [redacted]
Richard Bussone, [redacted]
Richard S. Finlayson, [redacted]
George J. Gerdts, [redacted]
William R. Langenderfer, [redacted]
David J. Lasho, [redacted]
Michael W. McDuffie, [redacted]
Shannon E. Mill, [redacted]
Eric S. Schuermer, [redacted]
John D. Shurtz, [redacted]
Byron M. Wade, [redacted]

To be captain

John L. Alonge, [redacted]
Jeffrey W. Armstrong, [redacted]
Marc D. Lerman, [redacted]
Thomas S. Marshall, [redacted]

JUDGE ADVOCATE

To be captain

Roger L. Jones, [redacted]

The following individuals for appointment as Reserve of the Air Force in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

Roger H. Bower, [redacted]
John A. Crowe, [redacted]
Richard O. Dolinar, [redacted]
Albert J. Ficke, [redacted]
Henry Gronski, [redacted]
Michael D. Henderson, [redacted]
Philip R. Martin, Jr., [redacted]
Noory H. Masliyah, [redacted]
Ismail S. Sensel, [redacted]
Francis G. Thurman, [redacted]

The following individuals for appointment as Reserve of the Air Force [ANGUS] in the grade indicated, under the provisions of sections 593, and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

William N. Bennett, [redacted]
John R. Kisiel, Jr., [redacted]
William A. Myers, [redacted]
Wesley J. Palmer, [redacted]

The following Air Force officers for permanent promotion in the U.S. Air Force, in accordance with section 624, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be lieutenant colonel

Robert A. Gregory, [redacted]

To be major

Eugene G. Horvath, [redacted]

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officers be appointed in a grade higher than indicated:

LINE OF THE AIR FORCE

To be major

Dennis P. McEneany, [redacted]
Bruce L. Tipton, [redacted]

To be captain

Douglas B. Soifer, [redacted]

IN THE NAVY

The following-named Air Force cadets to be permanent ensign in the line of the U.S. Navy, pursuant to title 10, United States Code, section 531:

William C. Brown

Michael P. Taylor

CONFIRMATIONS

Executive nominations confirmed by the Senate June 5, 1985:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Paul A. Adams, of Maryland, to be Inspector General, Department of Housing and Urban Development.

DEPARTMENT OF STATE

Donald S. Lowitz, of Illinois, for the rank of Ambassador while serving as the U.S. Representative to the Conference on Disarmament.

George Southall Vest, of Maryland, a career member of the Senior Foreign Service, class of Career Minister, to be Director General of the Foreign Service.

Robert Dean Blackwill, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as the Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations.

Abraham D. Sofaer, of New York, to be legal adviser of the Department of State.

William Andreas Brown, of New Hampshire, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

U.S. INFORMATION AGENCY

Ernest Eugene Pell, of Maryland, to be an associate director of the U.S. Information Agency.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

DAYTON WELCOMES HOME McGUIRE SISTERS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mr. HALL of Ohio. Mr. Speaker, with great pride, Dayton, OH, welcomes back three daughters who have achieved international distinction for their singing. This Friday, June 7, the McGuire Sisters are coming home, and will be greeted with a ceremony at Court House Square.

Phyllis, Dorothy, and Christine McGuire, who are originally from Miamisburg, OH, got their start in the Dayton area singing for church socials, Sunday school picnics, and other gatherings. They later performed at Ohio clubs, and they toured army camps and veterans hospitals for the USO.

It was through regular appearances on local television that they polished the skills to the perfection demanded of entertainment stars that they have since become.

On Saturday, June 8, the McGuires will be singing for Johnny Bench's Bogie Busters Gala at the Dayton Convention Center. They will be performing with Bob Hope, Andy Williams, Johnny Yune, the Dayton Philharmonic Orchestra under the direction of Charles Wendelken-Wilson, and many others.

This appearance marks the beginning of a major concert and club tour for the McGuires, who only recently announced their return to the stage after being away for 16 years.

On Sunday evening, June 9, the McGuires will receive their coveted Bogie Buster red jacket from Bob Hope during the annual red jacket dinner, which will be televised live from the Dayton Convention Center by Dayton's WKEF-TV Channel 22.

I join the family and friends of the McGuires in a hearty welcome for their return to Dayton, and best wishes for a successful tour in their return to the stage.●

BENJAMIN S. ROSENTHAL POST OFFICE BUILDING

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mr. MANTON. Mr. Speaker, on June 3, 1985 the House of Representatives passed H.R. 633, which would designate the U.S. Post Office Building in Flushing, NY, as the "Benjamin S. Rosenthal Building." I am pleased to be an original cosponsor of this bill which honors a man who was a good friend and an excellent role model for all of us.

Ben Rosenthal served in this body for over 20 years. He was loved by his constituents, respected by his colleagues and was an inspired public leader who truly cared about the people he served. As chairman of the Subcommittee on Commerce, Consumer and Monetary Affairs of the Government Operations Committee, Ben was an ardent advocate for the rights of consumers. He led the fight in the Congress for the establishment of an agency for consumer advocacy within the Federal Government. Although this was one of his few unsuccessful fights, Ben's contributions to the area of consumer protection will benefit people across the Nation for many years to come.

Ben was one man who fought for fairness and he carried that commitment into all sectors of the public policy arena. He will be remembered as an advocate of civil rights and a protector of civil liberties.

Ben carried his commitment to fairness to his work on the Foreign Affairs Committee. As an ardent supporter of the State of Israel, Ben was opposed to the United States selling arms to nations sworn to destroy our ally. Ben also supported cutting off arms sales to Turkey after that nation invaded Cyprus.

Mr. Speaker, I knew Ben Rosenthal for many years. He was a good friend. I am pleased my colleagues are honoring him and would like to thank my distinguished colleague from Queens, GARY ACKERMAN, for introducing this legislation. One who did so much for so many people deserves to be remembered in many ways. By changing the name of the post office in Flushing, we will be remembering Ben, in a small, but very important manner.●

ECONOMIC EQUITY ACT—RETIREMENT SECURITY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mrs. SCHROEDER. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on retirement security, the first title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985.

I. RETIREMENT SECURITY

A. Private Pension Reform, (Kennelly).

B. Social Security.

1. Earnings Sharing, (H.R. 158, Oakar).
2. Disabled Widow(ers), (H.R. 159, Oakar).
3. Transition Benefit, (H.R. 160, Oakar).
4. Disability Definition, (H.R. 556, Oberstar).

C. Military Spouse Pension Reform, (H.R. 2365, Schroeder).

Full security for retirement is often likened to a three-legged stool: private pensions, Social Security, and private savings function together to create a stable support for the elderly. The three-legged stool for women, however, tends to be unsteady.

Men and women are changing jobs more rapidly now than ever. The greater mobility of women, however, has meant low benefits for the few women who receive private pensions. The breadwinner/homemaker model upon which Social Security is premised leads to low benefits for women who have been both homemaker and worker outside the home. Current limitations on Individual Retirement Accounts for married couples with a nonworking spouse discourages homemakers from developing adequate private savings. (See Spousal IRA provision described in the Tax Reform briefing paper.)

The result of these inequities has been the increasing poverty of older women:

As of 1983, older women had a median income of $5,599, as compared to the median income of $9,766 for older men. Forty-four percent of these women had incomes of less than $5,000 in 1983. Less than one in five men had an income of less than $5,000.

More than 2.6 million older women had incomes below the poverty level in 1983.

A. PRIVATE PENSION REFORM

In 1983, 11.3% of women over age 65 were receiving a private pension averaging $2,634 a year. By comparison, 29.6% of men were receiving a private pension or annuity averaging $4,491 a year.

The Retirement Equity Act of 1984 (P.L. 98-397) reformed the Employee Retirement Income Security Act (ERISA) to provide better protection of survivor benefits and to improve coverage for working women. Additional ERISA reforms are necessary to enhance private pension benefits for all workers.

Traditionally, pension plans have rewarded long and continuous service—a policy which deprives many working women of private pensions. Due to the high mobility of today's work force, many women and men are unable to accrue the required number of years of service to receive full retirement

benefits, or they accrue small benefits with more than one employer. Statistics show that in 1983 the median number of years in one job was 3.7 years for women and 5.1 years for men.

In order to respond to new work patterns, a new concept of pension policy is emerging: workers should receive pension credit for all of their working years.

Focusing on the Vesting, Integration, and Portability requirements of private pension plans, H.R. , the V.I.P. bill (Rep. Barbara Kennelly), reforms current pension plan requirements.

Vesting: Currently, most pension plans require a person to work for ten years to be fully vested in his or her benefits. This bill would reduce from ten to five the number of years a person must work to be vested.

Integration: The bill would modify the practice of integration, by which a pension plan participant's earned benefit is offset by a percentage of Social Security benefits the employee will receive. This practice often effectively eliminates private pension benefits to low-income workers. Women, largely segregated into low-paying jobs, would benefit from the proposed integration reform that would require plans to provide a minimum pension benefit above the Social Security benefit.

Portability: Under the portability modification, small vested pension benefits accumulated over short five year periods could be rolled over into Portable Pension Accounts. These accounts could not be drawn upon before retirement without penalty nor added to from new earnings. This ensures that retirement money is kept for retirement, but allows the employee some control over their investment.

In addition to these changes which reform the requirements for plan participation, Rep. Kennelly's bill would also expand pension coverage. The following changes would allow more workers to be covered by pension plans:

Require plans to give part-time workers pro rata credit toward vesting and benefit accrual;

Require coverage of workers who begin plan participation within five years of retirement;

Require plans to give workers credit for service performed after the plan's normal retirement age (65).

B. SOCIAL SECURITY

Only 14% of all women retirees—both homemakers and workers—receive any pension benefits other than Social Security.

Many women discover, upon reaching retirement age or becoming disabled, that their Social Security benefits—the common denominator of most retirement plans—are not sufficient to support them. While the rules for coverage under Social Security are the same for both men and women, the differences in male and female working patterns create retirement inequities.

Workers are eligible for Social Security benefits only if they have worked for 40 quarters—the equivalent of ten years. Moreover, for every year over five spent outside of the labor force a zero is averaged into a person's wage record, lowering her benefit for life. Many homemakers have not worked outside of the home for the required number of years to be eligible for Social Security benefits and at the same time are penalized by the zero averaging if they have left the work force to care for their children.

In order to qualify for disability benefits, a person must have worked five of the ten years prior to the disability. Once again, the homemaker is often ineligible for these benefits.

1. Earnings sharing

Currently, earnings records are maintained for individual workers. In a married couple, a nonworking partner is entitled to a spousal benefit equal to 50% of the worker's benefit. A retired worker receives the higher of her benefit options—either her spousal benefit or her own work record benefit.

Women combine work with family responsibilities in a variety of ways. They often work part-time, or interrupt their working lives to raise children. Because of these different work patterns, a woman's own work record may be even lower than the spousal benefit, and she receives no credit for her out-of-home work.

The implementation of an earnings sharing plan would go far in correcting these inequities in the Social Security system. The theory behind the earnings sharing concept is that marriage is an economic partnership. Earnings sharing recognizes a woman's economic contribution to marriage, whether she be a homemaker or a worker outside of the home.

H.R. 158 (Rep. Mary Rose Oakar) would provide for the implementation of an earnings sharing plan. Under this earnings sharing plan, rather than keeping the records of spouses separate, their earnings records would be added together and divided equally. Each spouse would then have an earnings record in his or her own name. In this way, credits earned before or after a marriage would be added to the shared earnings credits in determining Social Security benefits.

Rep. Oakar's proposal would be implemented gradually to eliminate the possibility of a person receiving a lower benefit under earnings sharing than under current law. This hold-harmless clause protects spouses who are under the present Social Security system from losing benefits while the new benefit formula is being implemented.

Other Reforms: The following short-range reforms address specific problems that women encounter under the Social Security system.

2. Full benefits for disabled widow(er)

H.R. 159 (Rep. Mary Oakar) provides full benefits for disabled widows and widowers without regard to age and without regard to any previous reduction in their benefits. Currently, disabled widows are eligible to receive reduced benefits at age 50. This reduction in benefits in never regained and younger disabled widows receive no benefits.

3. Transition benefit for displaced homemakers

H.R. 160 (Rep. Mary Rose Oakar) provides for the payment of a transition benefit to the spouse of a worker upon the worker's death if the spouse has attained age 50 and is not otherwise immediately eligible for benefits. This will provide some income security for displaced homemakers during the transition to economic independence.

4. Definition of disability for widow(er)

H.R. 556 (Rep. Jim Oberstar) repeals the separate definition of disability presently applicable to widows and widowers. Currently widows and widowers are required to demonstrate "inability to perform any job" to qualify for disability benefits, while workers are only required to show inability to perform their own job.

C. MILITARY SPOUSE PENSION REFORM

Many military spouses find themselves without retirement benefits after a divorce. Although current law allows courts to consider military retirement pay in divorce settlements, many courts fail to recognize the contribution and sacrifices of the spouse to a military career. Due to frequent moves, a military spouse is unable to establish a pension based on years worked with a single employer.

In 1980 and 1982 Congress passed laws for CIA and Foreign Service spouses allowing them to claim a portion of retirement benefits based on years contributed to the career, subject to court review. This policy should be extended to military spouses.

H.R. 2365, the Uniformed Services Former Spouse Retirement Equity Act (Rep. Patricia Schroeder) would establish a pro rata presumption to the retirement pay for former spouses. The division would be subject to court review and would simplify annuity division. The bill would also expand options available to those members and spouses who want to participate in the military Survivor Benefit Plan to provide financial protection for a survivor upon the member's death.●

MEMORIAL TRIBUTE TO JAMES G. PATTON

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. DE LA GARZA. Mr. Speaker, whenever this Congress tackles a tough and controversial job, as we are doing in trying to write a farm bill this year, I believe all of us look for the counsel of people who are both wise and dedicated.

We need all the help we can get. And we particularly need the help of those whose primary goal is to make life better for all people.

I say these things to explain why I want to put on record in this House a few words about one of those wise and dedicated men whose counsel and leadership we have lost—James G. Patton.

Mr. Patton, a leader in the National Farmers Union and in international agriculture and food affairs for more than 52 years, died last February in Palo Alto, CA, at the age of 82.

For many of those years, Mr. Patton was a familiar figure to many Members of Congress, to national leaders including our Presidents, and to other leaders in many parts of the country. From 1940 to 1966, he served as president of the Farmers Union and was an important factor in the development of national farm and food policies.

Jim Patton's drive to serve others also made him a major force in international affairs. He was an influential consultant for our Government in the proceedings that led to the formation of the U.N. Food and Agriculture Organization in 1945. He was one of the leaders in the formation in 1946 of the International Federation of Agricul-

tural Producers, and he was president of that group of farmers from 1958 through 1961, and he was one of the leaders whose proposals for overseas food aid helped pave the way for what has come to be known as the American Food For Peace Program. On the domestic scene, Jim Patton often called for steps to cope with pockets of poverty in rural America and in the mid-1960's he consulted with Presidents Kennedy and Johnson on efforts to attack poverty in those years. Later, Jim developed a proposal for public service work by low-income rural people, which led eventually to what has emerged as the Green Thumb Program.

I will not list Jim Patton's many honors and offices here. Most of them came because others recognized that Jim Patton's goals were the goals most of us seek. A healthy American agriculture, and a world in which hunger can no longer play a major role. He was born in Bazar, KS, in November 1902, 2 months after the Farmers Union was launched in Texas. Most of his later life was identified with the Farmers Union which he headed after first serving as president of the Colorado Farmers Union.

On May 14, some of the people who knew and worked with Jim Patton, gathered here in Washington at the National Press Club to remember him in a memorial. They came to remember his victories and his defeats, and to remember the man.

As Jim had requested several years ago, informal remarks were led by a prepared tribute from the Honorable Charles F. Brannan, who served as Secretary of Agriculture in the Truman administration. Secretary Brannan recalled the early days of the Farm Security Administration, and efforts to help small farmers. Other speakers recalled the qualities that made Jim Patton such an outstanding figure down through the years beginning with the Roosevelt administrations. Those attending the memorial included Jim Patton's lovely widow, Nathalie, who has herself devoted many years to serving her fellow citizens.

Mr. Speaker, James G. Patton once said that his honors were not very important that, in his words:

> The achievements have been so small in comparison to the need that I must be very humble about things done or attempted to be done.

I believe, Mr. Speaker, that the achievements were great, and our memory of them and of James G. Patton will be lasting. In paying tribute to his life, and to the mark he made on his country and the world, we pay tribute to the principle of service to our fellow men.●

THE 15TH DISTRICT QUESTIONNAIRE RESULTS

HON. WILLIAM D. FORD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. FORD of Michigan. Mr. Speaker, I have just completed tabulation of my 21st annual questionnaire which I sent to constituents in my 15th Congressional District.

The responses reflect clearly the dilemma we face in Congress in dealing with the complex budget issue.

Like Members of this body itself, my constituents understand the urgent need to come to grips with the enormous budget deficits. They make this very clear. But, and again like the Members here, they are troubled about how to achieve the savings necessary to reduce the intolerable deficits.

My constituents all want to reduce Federal spending, but in areas that will not affect them personally.

I gave my constituents a number of difficult choices—ways of lowering the deficit. I presented questions in a way that forced respondents to calculate specific savings proposals. I called this portion of the questionnaire "Deficit Reduction: An Exercise in Hard Choices."

On military spending, an overwhelming majority—66 percent—favored freezing expenditures at last year's levels.

I am proud to tell my constituents that I supported the fiscal year 1986 budget resolution reported out of the House Budget Committee that took this very action. It passed the House on May 23 with my full support. I believe that asking the Pentagon to accept a 1-year freeze is entirely justifiable. The massive infusion of funds over the past 4 years was designed to improve our national defense, and I have seen no evidence that a freeze next year will jeopardize achieving that goal. Our national security depends on a strong economy as well as a strong military and the fiscal year 1986 budget resolution preserves and protects both of these objectives.

On domestic spending, 55 percent of the respondents were opposed to eliminating COLA's for Social Security recipients. At the same time, 35 percent opposed cutting COLA's for Federal civilian and military retirees. Those answering the questionnaire were just about equally divided on whether there should be a 5-percent pay reduction for Federal employees.

When questioned about specific discretionary program cutbacks, 51 percent were opposed to cutting Federal aid to higher education; 70 percent opposed cuts in employment and training programs; 75 percent were against cutting farm subsidies; 81 percent opposed cutting veterans benefits; 88 percent were against reducing aid to the elderly and handicapped, while 53 percent voiced opposition to cuts in public assistance for child support and food stamps.

In other areas, 45 percent favored eliminating general revenue sharing for cities and local communities; 57 percent wanted to eliminate mass transit grants; only 39 percent were for eliminating Small Business Administration loans; 47 percent supported the elimination of Amtrak subsidies and a scant 20 percent wanted to eliminate legal services to the poor and elderly.

On the issue of proposed increases in spending in certain areas, only 5 percent would increase foreign aid and only 19 percent were for adopting tuition tax credits.

The responses indicated dramatically that while those questioned are opposed to cutting funds in several areas, most—85 percent—still want a balanced budget. This apparent contradiction indicates very clearly to me the largest single problem we face in dealing with budget deficits. Everyone wants to eliminate deficits, but few are willing to make the hard choices. It is clear that our deficit dilemma has no painless solutions.

Ironically, while a number of my constituents said they wanted to cut aid to higher education, 51 percent said they could not afford higher education opportunities without Federal assistance.

On the strategic defense initiative question, 52 percent were in favor of spending $3.7 billion on the initial stages of the program.

I was interested in knowing, Mr. Speaker, how the individuals in my district would reduce the deficit and bring the budget into balance. There were many categories listed. Reducing military spending received the greatest number of votes. Other categories mentioned were: freezing COLA's, eliminating the space program, cutting foreign aid, cutting Government waste, and eliminating the trade deficit.

Eighty-four percent said they do not favor allowing countries that restrict the importation of our goods to continue exporting to America at the expense of our workers. The people in my district understand that Congress must prevent or remedy the serious injury now occurring from foreign automobile imports into the U.S. economy, the domestic automobile industry, its workers, and supplier industries.

Let me close by saying that some of the questions I use have been repeated over the course of several years to establish trends and patterns. Again this year I asked what the critical problems were facing Congress and the

President and again, the enormous deficit and the state of the economy were at the top of the list.

I was gratified to receive such a good response to this year's questionnaire. I received an exceptional number of well-written personal letters that accompanied the questionnaire form. This entire exercise is of great value to me and I will continue it because I feel it is an excellent learning experience for me and for the citizens of the 15th District of Michigan.●

DRUG AND ALCOHOL ABUSE AMONG INDIAN YOUTH

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. McCAIN. Mr. Speaker, in recent months drug and alcohol abuse has, rightfully so, been highlighted nationally. This is the first step in treating the disease—the recognition of the extent of its existence. Nancy Reagan's recent campaign is a good illustration of what educating the public about this terrible problem can do toward its fight. She has now brought together the wives of the leaders of 17 nations to discuss coordinated efforts in their respective countries to fight the cause and treat the illness.

Recently, I introduced H.R. 2624 which I hope will assist a segment of our society deeply affected by drug and alcohol abuse—our Indian youth.

The problems among our American natives are pervasive with high unemployment, poor housing, inadequate health care and the perception of little or no future on the reservation. Unfortunately, too many of our Indian youth resort to drug and alcohol abuse. I am not just talking about the beer blast or the smoking of marijuana—but of even more terrible abuse. On some poor reservations where the "Hollywood" glamour drugs like cocaine do not exist, some Indian youth resort to using inhalants like gasoline, sterno and even household items such as Lysol spray.

From the Dakotas to Oklahoma to my home State of Arizona the problems of drug and alcohol abuse should be labeled epidemic. The various pieces of legislation before the committee (H.R. 2624 and H.R. 1156) are directed at beginning to address this problem through cooperation, education and counseling with a goal toward prevention.

It is a complex problem without easy answers—we cannot just appropriate money and wish the problem away. However, with the coordinated dedication of local leadership, we can begin down the right path.

I propose that to the greatest extent possible drug and alcohol abuse programs be placed in local control. Tribal governments or entities within the tribes know much better the extent of the problem and have an understanding of the interrelationship between the abuse and other reservation and tribal problems.

However, since this is a national problem with overlapping causes, I also propose that existing and new Federal programs be better coordinated and focused. Programs currently exist in the Departments of the Interior, of Education, and of Health and Human Services. Without a coordinated effort, duplication and conflicting solutions can negate some of our best efforts. Therefore, my legislation would direct the various secretaries to work out an agreement to this end. Special emphasis would be placed on utilizing local control of the problems.

I have always believed that education is the key to many solutions. It may not be the answer to those already racked by the disease but it can go a long way toward preventing many of our youth from experimenting with or abusing dangerous drugs, inhalants, or alcohol. Cooperation among the various agencies is extremely important in this area because of the many roles the Federal Government has in the field of Indian education.

In addition to searching for long-term solutions to the abuse—through education and counseling—I recognize that on many reservations a crisis has developed. In my legislation the Secretary of HHS would be directed to identify these crisis areas, coordinate the many programs within HHS, and concentrate the available resources in the crisis areas to combat the disease. I am not talking about only the resources of the IHS, but from throughout the HHS. The IHS has many duties in the field of health care—some which deal with drug and alcohol abuse. However, the expertise in the HHS about this disease is in the Alcohol, Drug Abuse, and Mental Health Administration. Therefore, my legislation would elevate the responsibility for Indian youth drug and alcohol abuse programs to a new coordinating office within that Administration.

It is my hope that the expertise already existing can be quickly focused on the Indian youth drug and alcohol abuse problem. The key to long-term success is with the young people of this country—whether they are Indian, black, white, poor, or even advantaged—we must do what we can to develop the opportunities of all our people through our most precious resource—our young people.

I realize that many good ideas exist about how to address the problem from the aspect of a Federal responsibility. I am not opposed to other legislative ideas, but I do wish for a full examination of my ideas along with others, so that we, as legislators, enact something to actually help our Indian youth and not just expand bureaucracies. The Committee on Interior and Insular Affairs is holding a series of field hearings this summer on Indian juvenile drug and alcohol abuse. I commend Chairman UDALL for scheduling these important hearings. It is my hope that a consensus will form on the best solution to help our Indian youth. Mr. Speaker, I ask unanimous consent to have the text of H.R. 2624 printed in the RECORD.

H.R. 2624

A bill to authorize programs for the treatment and prevention of drug and alcohol abuse among Indian juveniles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Health and Human Services, hereinafter "Secretary", is authorized and directed to formulate a program for the treatment of Indian juvenile drug and alcohol abuse and coordinate such program within existing general programs for the treatment and control of alcoholism and drug abuse. Wherever possible, the Secretary is authorized to enter into an appropriate agreement with the Secretary of the Interior to share resources, including field facilities. Such Indian juvenile treatment program should include post-treatment counseling. The Secretary is also authorized to allocate existing funds or personnel of an existing or new program to designated "crisis areas" on an emergency basis, as determined in section 5 of this Act.

SEC. 2. The Secretary shall establish an Office of Indian Juvenile Alcohol and Drug Abuse within the Alcohol, Drug Abuse and Mental Health Administration which shall be responsible for integrating the provisions of the first section of this Act with the programs and authorities of the Department in the field of alcohol and drug abuse. The Office shall have assigned to it a number of full-time equivalent positions, which shall not number less than eight, and such other positions as the Secretary deems necessary. Through this office the Secretary is directed to consult with tribes concerning implementation of the programs authorized by this Act.

SEC. 3. (a) The Secretary shall within one hundred and eighty days of the date of enactment of this Act, enter into an agreement with the Secretaries of the Interior and of Education to coordinate their Departments efforts and programs related to alcohol and drug abuse among Indian juveniles. The agreement shall provide for the identification and coordination of available resources and programs to address and treat Indian juvenile alcohol and drug abuse through prevention, education, counseling and referral. The Secretary shall publish such agreement in the Federal Register within thirty days after an agreement has been entered into pursuant to this subsection.

(b) The Secretary, in consultation and in cooperation with the Secretaries of the Interior and of Education, shall develop a program to provide training in—

(1) the identification of juvenile alcohol and drug abusers; and

(2) prevent education (including drug and alcohol abuse), health promotion and disease prevention;

(3) counseling techniques on juvenile alcohol and drug abuse.

Such training shall be made available to elementary and secondary teachers and counselors—

(A) in schools operated by the Secretary of the Interior;

(B) in schools operated under contract with the Secretary of the Interior; and

(C) in public schools on or near Indian reservations (including public schools in Oklahoma, Alaska and other States with significant numbers of Indian students).

The Secretary may provide such training either directly or through contract with qualified private or public entities.

(c) The Secretary of the Interior, in consultation and in cooperation with the Secretaries of Education and of Health and Human Services, shall review existing materials on juvenile alcohol and drug abuse, including studies and school curricula and any other material relevant to an understanding of the problem of juvenile alcohol and drug abuse, and shall make available the results of such review to the schools described in subsection (b).

(d) The Secretary of the Interior shall require Bureau of Indian Affairs schools and schools operated under contract pursuant to the Indian Self-Determination and Education Assistance Act (Public Law 93-638) to provide a program of instruction regarding alcohol and drug abuse to students in kindergarten and grades one through twelve. Schools providing programs of instruction under this subsection are encouraged to emphasize family participation in the programs.

(e) For the purpose of implementing subsection (b) there is authorized to be appropriated $1,500,000 for each of the fiscal years 1986, 1987, 1988, and 1989.

SEC. 4. (a) Any training program for community health representatives funded under the Act of November 2, 1921, (25 U.S.C. 13) shall include training on the problems of alcohol and drug abuse and shall include instruction in crisis intervention, family relations, and the causes and effects of fetal alcohol syndrome.

(b)(1) The Secretary, in consultation with the Secretary of the Interior, shall either directly or through contract, make available training on the problems of alcohol and drug abuse, including instruction in crisis intervention, family relations, and the causes and effects of fetal alcohol syndrome to—

(A) the Bureau of Indian Affairs Superintendent of Education (or his designee);

(B) the Bureau of Indian Affairs Agency Superintendents (or his designees);

(C) Indian Health Service service unit directors;

(D) Bureau of Indian Affairs social workers;

(E) Indian Health Service doctors, nurses, nurse's aides, and paramedical personnel;

(F) Bureau of Indian Affairs school personnel;

(G) Personnel of schools operated under contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638).

(2) The Secretary shall also make available, upon request, the training described in paragraph (1) to—

(A) Federally recognized tribal organizations and personnel, including but not limited to tribal council members, tribal court judges, and tribal law enforcement officials.

(B) Administrators of the Women, Infants and Children Program (WIC), operated by the Department of Agriculture; and

(C) Personnel of public schools on or near Indian reservations and public schools in Oklahoma, Alaska, and other States with significant numbers of Indian students;

(c) The Secretary shall, upon request, provide certification to any person who completes training under this section, for the purpose of obtaining academic credit or certification at any post-secondary educational institution.

SEC. 5. The Secretary shall, within one year of the date of enactment of this Act, conduct a study to determine—

(1) the size of the juvenile Indian population in need of residential alcohol and drug abuse treatment;

(2) the definition of a "crisis area" in which the need for treatment is critical and immediate;

(3) where other programs for emergency and long-term treatment should be located; and

(4) the cost of providing such treatment.

SEC. 6. The Secretary is authorized to enter into an agreement for the operation of any program authorized under this Act, with a "participating" tribe or tribal organization. A participating tribe or tribal organization is one that has notified the Secretary of its willingness to operate a program and to provide 25% of the costs of such a program, either through funding, facilities, or in-kind services.

SEC. 7. There is authorized to be appropriated such sums as the Secretary and Congress determine to be necessary to carry out the provisions of this Act.●

WE CAN REDUCE INFANT MORTALITY—IF WE CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. MILLER of California. Mr. Speaker, a few months ago, Assistant Secretary of Health, Edward Brandt announced that provisional infant mortality data for 1984 was worrisome—that it had declined less than 2 percent during the first half of 1984.

In fact, slowing down to this degree had not been observed since the plateau in infant mortality more than two decades ago.

One month later, Secretary Heckler confirmed this information and announced that it was doubtful that the rate of death among black infants could be reduced enough to meet the national goal for 1990. Secretary Heckler confessed to being puzzled by the high rate of low birthweight infants born to black women.

As a result of a request by our colleague, Congressman JOHN DINGELL, chairman of the Committee on Energy and Commerce, Acting Assistant Secretary of Health James Mason also has confirmed previous reports about the worrisome infant mortality data. But Mr. Mason also disclaims any Federal responsibility for improving access to prenatal care. He said:

Primary responsibility for achievement of the 1990 goals in Pregnancy and Infant Health remains with the States and communities, State and local health agencies, the health professions and with pregnant women themselves in their application of positive health practices and effective use of available health services.

Mason reported that data on infant mortality between 1968 and 1982 revealed 10 States in which adverse trends could not be accounted for simply by random fluctuation.

Repeatedly, we are confronted with administration officials who profess puzzlement why low birthweight and infant mortality trends are going in the wrong direction.

Perhaps they are reluctant to find out the truth, as indicated by the denial of the Office of Management and Budget a proposal by the Public Health Service to study the relationship between Federal cutbacks in Medicaid, nutrition, and maternal and child health programs and the changes in the infant mortality rate.

OMB managed, however, to find $750,000 in the Department of Justice to study the portrayal of children in "Hustler" and other sexually explicit magazines. The study stops short of finding out whether or not this material causes child molestation. In fact, no one has explained what useful information might come from this study.

A study of the effects of budget cuts would show that prenatal care can significantly reduce infant mortality, and that women have lost access to prenatal care in the last few years. In fact, by the administration's own admission, between 1981 and 1982, fewer pregnant women received early comprehensive prenatal care, or any prenatal care at all, than in previous years. It's clear that States and localities are having a difficult time making up for Federal budget cuts in health programs.

Reducing infant mortality and low birthweight, its leading cause, is possible. The Select Committee on Children, Youth, and Families, which I chair, has heard testimony from dozens of experts that comprehensive prenatal care and nutritional supplements—like the Women's, Infants', and Children's Supplemental Feeding Program—will reduce the incidence of low birthweight, the leading cause of infant deaths.

Medical experts at the highly respected National Institute of Medicine recently issued a report, "Preventing Low Birthweight," in which they concluded that preventive services will save more than $3 for every dollar we invest. The average cost of adequate prenatal care for an entire pregnancy is $500 to $800. That is less than the cost of a single day in a neonatal intensive care unit for a child born with low birthweight or other complications which could have been avoided. And the average high risk child spends 3 weeks in costly intensive care.

We know that when adequate prenatal care and nutritional services are provided pregnant women, more babies will survive.

The administration admits losing ground in the effort to eradicate infant mortality, but claims there is nothing they can do about it.

I urge my colleagues to read the following article which appeared in the New York Times on Sunday, May 5, 1985, and recognize that there are responsible, cost-effective, life-enhancing steps we can take now if we are committed to saving infants' lives and are willing to replace indifference with commitment.

The article follows:

[From the New York Times, May 5, 1985]

"CAUSE FOR CONCERN" ON INFANT MORTALITY SEEN BY U.S. AGENCY

(By Robert Pear)

WASHINGTON, May 4.—The United States Public Health Service, in a new study of infant mortality, says that nine states have particularly serious problems and that the data for the nation as a whole are "cause for concern."

Statistics have shown that the rate of decline in the infant mortality rate nationwide has slowed. But the new study showed an increase in the mortality rate of babies after the newborn stage.

Furthermore, the report said that if current trends continued, the nation would not reach its 1990 goals for reducing the mortality rate of black babies, increasing prenatal care and reducing the proportion of babies with low weight at birth. The Administration recently rejected a proposal to study whether Federal spending cutbacks have had any effect on infant mortality.

The new report, compiled in response to a request from the House Committee on Energy and Commerce, was the first state-by-state study of infant mortality rates issued by the Administration. It identified those states with "adverse trends" that could not be explained by "random fluctuations."

The states are Florida, Georgia, Illinois, Kentucky, Michigan, Missouri, Ohio, South Carolina and Wisconsin.

The report said the District of Columbia also had a severe problem because there had been "essentially no change" in its black infant mortality rate from 1968 to 1982. Provisional data for the next two years showed modest improvements. But the overall infant mortality rate was still almost twice the rate for the nation as a whole.

"The infant mortality rate is still declining, but the rate of the decline has slowed down," the report said. The 1984 rate, based on provisional data reported by the states was 10.6 deaths for each 1,000 live births, down from 10.9 in 1983. That decline was less than the drop in previous years.

"The slower rate of decline of infant mortality evident from the provisional data is cause for concern," the report said. It was submitted to Congress by Dr. James O. Mason, Acting Assistant Secretary of Health and Human Services, who supervises the Public Health Service.

Infant deaths involve babies under a year of age. For babies younger than 28 days, the mortality rate declined to 6.8 for each 1,000 live births in 1984, from 7.2 in 1983. But for infants from 28 days to a year old, the rate increased last year by 5.6 percent, to 3.8, from 3.6 in 1983.

PROPOSAL FOR STUDY REJECTED

Government documents show that the Public Health Service last month proposed a study of the "relationship between Federal programs and changes in the infant mortality rate." But the Office of Management and Budget disapproved the proposal as unnecessary, according to Federal health and budget officials.

Some Democrats have charged that reductions in Federal spending have contributed to an increase in infant mortality or low birth weight. Doctors say an infant's weight at birth is the most important factor in whether the baby survives.

Edwin L. Dale, Jr., spokesman for the budget office, declined to discuss the proposed study.

Under a policy announced by President Reagan in January, Federal agencies are required to get approval from the Office of Management and Budget for any work that might lead to the issuance of regulations.

Health officials said the study of infant mortality could have led to Federal rules requiring states to spend at least a certain percentage of their Federal grant money on prenatal care for pregnant women.

ADMINISTRATION DENIES A LINK

Administration officials, including David A. Stockman, director of the Office of Management and Budget, and Margaret M. Heckler, Secretary of Health and Human Services, have said there was no evidence to link cutbacks in Medicaid, nutrition and maternal and child health programs with changes in the infant mortality statistics.

Representative John D. Dingell, Democrat of Michigan and chairman of the Energy and Commerce Committee said the statistics "demonstrate the Reagan Administration's lack of progress in reducing infant mortality in black and poor populations." State and local health officials advised the Administration not to cut public health programs, he said, adding, "The advice was ignored."

Dr. Mason's report said that if current trends continued the nation would not meet its goals for increasing the use of prenatal care or reducing the proportion of babies with low birth weight. Birth weight is said to be low if it is less than 5 pounds 8 ounces.

The national goals were adopted in 1980 by the Carter Administration, and have been reaffirmed by the Reagan Administration.

ESTIMATES ON BIRTH WEIGHT

Dr. Mason's report estimates that 6.1 percent of all babies and 11.7 percent of black babies born in 1990 will have low birth weight. The goals are 5 percent and 9 percent, respectively. In 1982, the last year for which figures are available, 6.8 percent of all infants and 12.4 percent of black babies had low birth weight.

The report estimates that if current trends continue, 21 percent of the women pregnant in 1990 will not receive any prenatal care in the first three months of pregnancy. The goal is to reduce the proportion, now about 24 percent, to 10 percent by 1990. The stated goal for blacks was also 10 percent, but the Public Health Service estimates that 35 percent of pregnant black women will not receive timely prenatal care in 1990. That is slightly less than the current figure for blacks, 38 percent.

OVERALL GOAL MAY BE ACHIEVED

The study said that "the overall national objective of 9 infant deaths per 1,000 live births will be reached" by 1990. But it estimates that the rate for blacks will be 14, rather than the goal of 12. The rate for blacks was 19.6 in 1982, the last year for which data by race are available.

Final figures for 1982 show that the infant mortality rate for the nation as a whole was 11.5. The rate was 12.1 for New York State, 11.7 for New Jersey and 11.1 for Connecticut.

The rate for the District of Columbia was 21.2 and New York City had a rate of about 15.

The Public Health Service said the statistics for blacks in Michigan were "of particular concern." From 1968 to 1977, the decline in their infant mortality rate was "significantly slower" than for the nation as a whole, and in the next five years it showed "essentially no change," the report said.

The report said the mortality rate for nonwhite babies was "higher than expected" in Florida and Georgia and was declining rather slowly in Illinois, Missouri, Ohio and Wisconsin. In Kentucky, it said, the rate for whites has declined slowly. In South Carolina, it said, the data suggested problems for both whites and nonwhites.●

TRIBUTE TO THE HONORABLE SAM B. HALL, JR.

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1985

● Mr. STUMP. Mr. Speaker, I join my colleagues in honoring SAM HALL as he moves from his duties in the House to accept an appointment to the U.S. District Court for the Eastern District of Texas. It has been a privilege to serve in the House with a gentleman of such integrity. I will always consider myself fortunate for being able to call SAM a friend. His willingness to take to heart the concerns of his colleagues will be sorely missed. In this legislative body where time is so critically short, SAM HALL took the time to make an outstanding contribution to the House over the past decade. His constituents may be rightfully proud of their selecting SAM to represent them in Congress. The care he has taken with their trust sets a high example for the rest of us to emulate.

SAM HALL is as fine a person as I could have expected to associate with in the House. I will miss his friendship, counsel, and honesty. While I wish him all the best, and confidently know that Judge SAM HALL will stack up well against Congressman SAM HALL, it is with a heart felt touch of sadness that I see him go.●

SCHOLARSHIPS HONOR DARRYL F. ZANUCK

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. BEREUTER. Mr. Speaker, a birth that took place on the third floor of the old Le Grande Hotel in

Wahoo, NE, has become the reason for a most generous act by Mrs. Darrylin Zanuck de Pineda. She, the caring daughter of Wahoo-born, film-magnate-to-be, Darryl F. Zanuck, has given $690,000 to the University of Nebraska Foundation. The funds come from the Virginia Zanuck Foundation in Santa Monica, CA, named for her mother.

This will introduce a 15-year long program of scholarships going to two Wahoo schools, Bishop Neumann and Wahoo High, and seven such students have been recipients this past May. Mrs. de Pineda, and her family, came to Nebraska to initiate the gesture.

How it all came to be was told in the May 1, 1985, edition of that "show biz bible," Variety, which is published in New York. As it shows how lucky my State of Nebraska is by having sons and daughters who may leave our State to lead exciting and somewhat unusual lives but never forget their origins, I request permission for an edited version of the account to appear in the CONGRESSIONAL RECORD.

WAHOO, NE, MEMORIAL FUNDED BY DAUGHTER OF DARRYL ZANUCK

(By Col. Barney Oldfield)

SANTA MONICA.—Darrylin Zanuck de Pineda is outraged and she's about to do $690,000 worth of something about it!

The only surviving daughter of the late movie-maker and shaker, Darryl Francis Zanuck, who died in 1979, she thinks if his memory is left to the biographers who have so far showed in print, he'll be considerably shortchanged in history.

She had to start somewhere. The place she chose is Wahoo, NE. WAHOO?

For years, on the highway entering that small town there was a big sign, which said:

WAHOO
Birthplace of
DARRYL ZANUCK
HOWARD HANSON
SAM CRAWFORD

Daughter Darrylin reasoned that if the people in that small town were in a mood to brag about a scrawny, pint-sized kid born there in a third floor corner room of the old Le Grande Hotel, why not check it out? And she was pleased with what she found. Howard Hanson went off, wrote symphonies and other musical works, and conducted great orchestras. Sam Crawford went in Baseball's Hall of Fame in 1957 with a lifetime batting average of .309, which Damon Runyon would have called "more than somewhat" of a record. His time was 1899 to 1917.

Darryl Zanuck was the only one of the three who never had to be explained, so sizable were his accomplishments over filmdom's greatest years.

She had been asked for years to deposit her father's memorabilia in various Hollywood tries for a museum, but resisted. Why, she thought, toss him into status of being "one of" when to her he was "the only one of a kind?"

There was a haunting old record in his effects of a long ago Edward R. Murrow program, "This, I Believe," which was a declaration made by her father in Philadelphia. In his own voice, he said it was while growing up in Wahoo that he learned two of the most valuable lessons of his life—about charity, or the thrill of giving, and loyalty. . . .

The records would be hard put to show anyone who had been more adept at reducing obstacles be they budget, personalities, banks, backers—you name it—than he was. . . .

Darrylin had the idea of buying the old Le Grande Hotel, restoring it, and making it into a Zanuck Museum. Her father had regaled her with stories about that old place run by his parents, Frank and Louise Zanuck, which had cost them $15,000. It had the slickest, longest bannister anywhere in the state, and he said it was the best ride west of Coney Island's roller coaster.

When she saw it, she was dismayed at its rundown, dilapidated condition. She fell back on the U. of Nebraska Foundation, which led to her making a pledge of $690,000 from the Virginia Zanuck Foundation in Santa Monica over the next 15 years.

On May 18, the first $20,000 will go to students of Wahoo's two high schools. In 1987, $30,000 will be available, and $40,000 in 1988. Thereafter, $50,000 annually through the year 2000.

When she was asked if she wanted the awards to be in the usual Hollywood stereotype—performing arts—she backed away. "My father," she said, "would not want to force a career choice to win a scholarship; he would want to help each winner be all he or she could be!"

So the scholarships are wide open. But they have been set up in such a way that the selection committee will assess actual student needs, and award whatever is required to bridge the gap—up to $5,000 each. Criteria are academic ability, leadership, potentials for success in chosen fields.

PARADOX IN MOTION

As paradoxes go, this has to be eligible for the Guinness Book of World Records. Darryl Zanuck so hated school, he played hookey, ran away, played sick, and eventually lied about his age when in the eighth grade he forged his mother's signature on enlistment papers to wind up in the Army with General (Black Jack) Pershing chasing Pancho Villa and then to France for World War I.

The scholarships will sustain people in the very environment he went to great lengths to avoid. It amused him greatly when, on June 11, 1956, at a U. of Nebraska Commencement, he was awarded a Doctorate of Humanities. He had skipped more years of formal schooling usually required to get a doctorate than he had attended.

Darrylin is quick to point out that slow learner he was not. When in France, as a replacement, he was sent to the staff of the soldier newspaper, Stars & Stripes. This threw him in with such other uniformed types as Harold Ross (who would one day put the New Yorker in motion), Franklin P. Adams (later the Conning Tower columnist of note), Alexander Woollcott (literary critic) Stephen Early (to be FOR's press secretary) and Grantland Rice (dean of sportswriters). Mark Watson was there, too, the one today's Pentagon Press Room is named for.

Zanuck has his own GI Bill going for him before there was one, and while three-R fare palled on him, this did not. . . .

LEGAL TUSSLING

When Darrylin goes to Wahoo this month, the town that looks forward to 15 years of her largesse, she says that's not all she has in mind. There is legal hassling with his old stamping grounds—20th Century Fox, his deferred salary payments and other monies still held which means about six year's interest has been accumulated.

If she has her way, that interest will also go to the U. of Nebraska Foundation endowing a series of Zanuck scholarships in perpetuity.

When Zanuck died, in his effects which came to her was his old wallet. In going through its contents, Darrylin found a scrawled childish drawing she had given him when she first started to school, and with it a pressed red rose, another gift she'd handed him. He had carried them all his life. The rose intrigued her as it was the same bright red as when fresh.

She believes what she's doing in Wahoo—a combination of giving and loyalty—is a start in a proper memorial to a man who treated all the hills of his life as if they didn't exist.●

VETERANS HEALTH CARE BUDGET CANNOT BE REDUCED FURTHER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. MONTGOMERY. Mr. Speaker, the House and Senate are expected to go to conference next week on the budget for fiscal year 1986. Many Federal programs will be affected. The decisions we must make will not be easy. We all have different priorities.

A very high priority of mine is veterans health care. I want my colleagues to fully understand the impact of any budget reductions in funds to operate the VA's health care system. Who is better able to relate the problems in the field than the people in the field?

According to the chiefs of staff at VA hospitals nationwide who responded to a recent survey, inadequate budgets are already taking their toll. More cuts in the budget will mean longer waiting lists, the turning away of certain non-service-connected veterans, and delays in many surgical procedures.

There follows a report from the chief of staff at the VA Medical Center in Omaha, NE:

MEDICAL CENTER,
Omaha, NE, February 4, 1985.

HOWARD H. GREEN, M.D.,
Chief of Staff (11),
VAM & ROC,
White River Junction, VT.

DEAR HOWIE: I believe your assessment of the contents of Mark Wolcott's letter in your communication of January 2, 1985, is absolutely correct. The problem is a universal one, unfortunately I do not believe it is likely to be fixable. It might be therapeutic (short term only) for the Chiefs of Staff to have a catharsis on this subject. Not wanting to miss out on any benefit of such therapy, no matter how transient, I offer the following observations followed by a specific response to each question posed.

I believe a significant number of our problems are self-inflicted and perhaps we are

now getting our just desserts. The principal one of these, in my opinion, is the intellectual dishonesty which has pervaded the highest positions in the Agency—that's right, the Administrators and CMDs. Far more time has been spent telling the political bosses what is perceived they want to hear than telling it like it is. In the very best of times, VA Medical Centers have never had near the resources needed to achieve parity with the private sector for comparable workloads. While there is now private sector belt tightening, none of the private hospitals likely to survive will ever experience austerity as severe as the best funding VAMC's can anticipate. Some of the other "iatrogenic" problems are:

1. Selective bailouts of VAMC's which recurrently spend far in excess of their target allowances. This is the result of uneven (and unfair) application of requirements that all VAMC's scrimp and manage so as to live within their means.

2. Foolish entitlements and requirements, e.g., provision of over-the-counter drugs, provision of many over-the-counter prosthetic devices, beneficiary travel, etc.

3. Sociopolitical diseases, e.g., being expected to act as custodians for veterans whose problems are social not medical; granting service connection for genetic disorders, etc.

4. Underproductivity of Administrative Services and failure to inculcate in them a comprehension of the business a hospital is in.

5. Developing and publishing staffing guidelines that reflect marginal numbers at best.

6. Expenditure of inordinate amounts of money on patients with terminal disease, e.g., those with end stage heart, lung or malignant disease whose survival is likely to be less than six to twelve months.

7. Development of plans for and even implementation of outreach programs that set up clinics, mobile vans, etc., far remote from the hospital and which produce ever increasing workloads.

8. Development of higher level, sophisticated services (i.e., secondary and tertiary) in hospitals whose mission is primary care.

9. Expenditure of funds on programs of questionable validity during hard economic times, such as RMECs, SERP, administrative conferences, etc.

10. Employing less than the highest discrimination in selecting top management personnel. While there are indeed some high caliber medical center directors, there are far too many who are mediocre at best. Regrettably, this same flaw applies to selection of Chiefs of Staff.

Specific response to questions:

(a) Size of hospital—397 beds.

(b) Affiliated?—yes.

(c) Projected dollar deficit as of January 1, 1985:

1. Personnel Service—$596,000 ($60,000 if payraise fully funded).

2. All other—$639,000.

(d) Impact of dollar deficit:

1. Personnel—Several positions are not filled when they become vacant and others have deliberate recruiting lags.

2. Supplies—Major impact is on Pharmacy, home oxygen, surgical implants and linen.

3. Equipment—Equipment funds are insufficient to cover projected deficits but purchases are delayed in case transfer of funds is required.

4. Backlog of patient surgery—At the present time none exists.

(e) Solutions you have devised:

1. We will not accept transfer of patients from non-VA hospitals or enter new patients into Ambulatory Care Programs.

2. All patients in Ambulatory Care are discharged from VA programs after one year if not service connected.

3. Tighter formulary control with stocking only one agent for various disorders.

4. Restriction on home oxygen program to patients who are house bound.

I hope this commentary is of some value.

Sincerely,

J. J. MATOOLE, M.D.,
Chief of Staff.●

THE INAUGURATION OF RADIO MARTI

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. COURTER. Mr. Speaker, Sir Winston Churchill once mocked dictators who live in fear of democratic ideas. "A little mouse of thought appears in the room, and even the mightiest potentates are thrown into panic," he said. I am reminded of that remark by the negative reaction of Cuban officials—and even a few Americans—to the inauguration of Radio Marti, the Voice of America's new Cuban service.

At least two good rejoinders to the arguments against the free flow of information to Cuba have appeared in the Washington, DC, newspapers, and I would like to introduce them into the RECORD. The first is an editorial by the Washington Post from May 22, and the second is Ben Wattenberg's May 30th commentary in the Washington Times. Both indicate that Cuba's Government is opposed to Radio Marti's news broadcasts for the very reason so many Cubans and Americans favor them: They offer the Cuban people a small window onto realities their government media will not permit them to see.

[From the Washington Post, May 22, 1985]

"BUENOS DIAS, CUBA"

Radio Marti went on the air broadcasting to Cuba this week. It's a perfectly legal form of international communication. It addresses what is always the favorite American audience in a communist country, the people who make their own decisions on whether to tune in. It offers them a range of programming, including news about Cuba, that the controlled media do not provide. Congressmen who had earlier feared that this station would be too independent, provocative and strident had largely been reassured by changes made to bring Radio Marti under the umbrella of the long-established Voice of America.

Fidel Castro, himself a leading international broadcaster, lost his cool when Radio Marti opened. Without waiting to listen, he suspended last December's agreement under which immigration to the United States was to resume, and Cuba was to take back the misfits it shipped to the United States in 1980; he also halted Cuban-American travel to Cuba. Plainly, Mr. Castro could not abide that the station might break part of the monopoly he has tried to impose on the news fare available to his citizens. He knew how to react in a way that would cut at the limited personal choice that remains in Cuba and that would, therefore, pain Americans and build pressure in the American democratic system to kill Radio Marti.

With the Cuban sanctions—they may not be the end, either—there will be an argument between Washington and Havana and between the administration and its critics on this issue over whether President Reagan should have started up Radio Marti. We don't see how the United States can leave it to Fidel Castro to determine whether this country conducts a broadcasting activity that Cuba conducts and that is legal, open and politically valid. As a result of Mr. Castro's rage, some individuals will be hurt. That puts upon Washington a responsibility to do what it can politically to bring them relief. The fact is that the arbitrariness of the Castro response and its cruel impact on helpless individuals illustrate precisely the condition Radio Marti is meant to treat.

How? Notwithstanding some foolish early statements by this administration about going "to the source," the United States put aside the notion of unseating Fidel Castro decades ago. The Reagan administration's agreement on immigration last year illustrated its acceptance of the consensus—to live with Mr. Castro—that has prevailed since the Cuban missile crisis. Over the long haul, however, it is clearly in the American interest to see Cubans become governed in a more democratic way. This is more likely to happen if the public debate in Cuba is kept fresh by a project such as Radio Marti. No one has to listen who doesn't want to.

[From the Washington Times, May 30, 1985]

TUNE IN, FIDEL, HERE'S THE REAL NEWS

(By Ben Wattenberg)

Finally, Radio Marti is on the air, broadcasting into Fidel Castro's Cuba. Radio Marti has been criticized, not just by Castro, but by Americans. The complaints fall into two categories—geopolitics and programming.

The geopolitical gripe is based on the idea that Radio Marti will harm relations between Cuba and America and that it might lead Castro to jam American radio stations. This view deserves only short shrift. We shouldn't worry about harming relations with Cuba. It is Castro who needs good relations with us. It would help him in many ways: trade, tourism, technology, legitimacy.

What we want from Castro is a change of behavior. We don't want Soviet troops next door, or Cubans trying to export communism to Central America, or Cuban soldiers serving as Soviet mercenaries in Africa. If Castro changes his behavior, he'll get good relations with us. If not, it won't hurt us. We can live without Cuban cigars.

Will Castro jam U.S. stations? Is a mouse likely to challenge a lion? Jamming is misunderstood. When a nation jams its own airwaves, it's unfortunate and ugly, but probably legal. Thus Russian can, and does, broadcast static in Russia to try to prevent Russians from hearing the news from abroad. It is a partially successful technique.

Castro is also afraid to let his people hear the news. So, he can try to jam Radio Marti—in Cuba, using "ground-wave" jamming that stays in Cuba. But he is not enti-

tled to do it through "sky-wave" Jamming that could obstruct an American station in Rochester, N.Y. That would be akin to an act of commercial warfare not unlike having Cubans tell us what supermarkets we may shop in.

Castro would be foolish to try it. It might give Ronald Reagan, conqueror in Grenada, the sort of ideas that Castro should not want President Reagan to consider.

What about programming? It is said that Radio Marti will be a propaganda station. Or, it is said that it will replicate the Voice of America. This is silliness. There is a third option, —a "surrogate home service."

The distinctions are important. A propaganda station—says, Radio Moscow—is an organ of government trying to peddle a party line. The VOA is different; it's a nonpropagandistic national radio service for an international audience. The programming is mostly about America and about global news. It is broadcast by professional journalists in English and in other languages.

What is a "surrogate home service?" As it happens, I am a member of the board of directors of Radio Free Europe and Radio Liberty. These broadcast in 21 languages to the Soviet Union and Eastern Europe. We are, we believe, professional and non-propagandistic.

But, unlike VOA, the Radio Free Europe-Radio Liberty stations do not deal primarily with America. Our charge from Congress (to use one example) is to try to put on the air the kind of journalism Poles might have if Poland were a free country. So we hire the best Polish emigre journalists and let them broadcast about Polish news, culture, economics, and politics. (And Poles in Poland listen. It has been said that the Solidarity union could not have happened were it not for Radio Free Europe.)

That's the sort of mandate Radio Marti has: to broadcast Cuban news, Cuban culture, Cuban politics, Cuban economics, to Cubans in Cuba. That sort of news can't be gathered and broadcast by either VOA or private Spanish stations in Miami. After all, shouldn't Cubans know how many Cuban boys have been killed in Angola?

I wish the Radio Marti team well: *Adelante!* Theirs is a tough job. With lash marks from Radio Liberty political wars on my back to prove it, I can guarantee that the Radio Marti team will be subject to harsh criticism, mostly unfair. But there is a bonus. Theirs is a noble task: to shine a fair light in a dark place.

Broadcasting the truth often causes problems for governments, even in free countries. In those sick parts of the world where tyrants try to strangle the flow of information, the truth can be particularly scary. It makes dictators very nervous. That's why Castro is trying to keep Radio Marti out of Cuba. That's why we're putting it in.●

MY PLEDGE TO AMERICA

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. ATKINS. Mr. Speaker, I have just been informed by Cooper T. Holt, the executive director of the Veterans of Foreign Wars, that one of my constituents, Miss Kelly M. O'Shea of Lawrence, MA, has been chosen as the Massachusetts' winner of the Veterans of Foreign Wars' Voice of Democracy scriptwriting contest.

Kelly has written an inspiring essay on this year's theme of "My Pledge to America." I draw my colleagues' attention to this essay by an insightful young woman who hopes to play an active role in the future of our country.

MY PLEDGE TO AMERICA

(By Kelly M. O'Shea)

Many times while reading the newspaper or watching TV, I am confronted by the various problems of today's society . . . murder, rape, child abuse . . . the list seems endless.

Just sitting there, I often feel so overwhelmed, so insignificant, that I wonder, "Is this really what America is all about? What can I do to help my country? Can one person possibly make a difference amidst all this confusion?"

But then I think of such names as Eleanor Roosevelt, John F. Kennedy, Martin Luther King, Jr. What was so extraordinary about them? These people had true faith in America, both in what it was already, and what it could become. Not one of them spent his time complaining about the wrongs of society—rather, each stood up for what he believed to be right. In doing so, these courageous people brought light to our country—the light of equality, of justice, of freedom. And it was this "light" that reached out, and motivated all people to become involved . . . instead of shrinking back into the darkness of silence.

Yes, maybe I cannot be an Eleanor Roosevelt, but I too, love and believe in this nation. The beauty of its land, its waters, but most of all, its people. That vast mixture of different ethnic groups and backgrounds, all united under one flag—one name—America.

Yes, we do have some problems, but if each and every person does his part, we can overcome them—just as we always have in the past.

I, for one, want to do my part, and so, America, I make this pledge to you . . . I, a seemingly insignificant schoolgirl, pledge to let my life make a difference—to be a light—no matter how small. No, I don't have to run for the presidency, but I can vote, so I have a say in who does get elected. And I probably will never have to die for my country as so many brave patriots before me have, but I can live for it.

How can I do this? By caring enough about America to become involved in a positive way, my youth group, service projects for the sick or the elderly, the possibilities are endless!

But most important is to "build America up" by my words, my actions, not tear it down by constantly criticizing and slandering it. Our only enemy is disunity, and I intend on beating that enemy simply by being a positive influence, by becoming involved in my community, right here, right now.

I think the best way for me to sum up my pledge to you, America, is by quoting the words of a very famous song . . .

"It is better to light one, little candle than to stumble in the dark. Better far that you light just one, little candle—all you need's a tiny spark. If we'd all say a prayer that the world would be free, the wonderful dawn of a new day we'd see. And if everyone lit just one, little candle—what a bright world this could be!"●

OSTEOPATHIC HOSPITAL RURAL REFERRAL CENTERS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. VANDER JAGT. Mr. Speaker, today I'm introducing a bill designed to enable an important and vital segment of our health care system to be treated fairly and equitably under one aspect of the Medicare Prospective Payment Program. My bill will enable certain osteopathic rural hospitals to qualify for status as rural referral centers under the Medicare Program if they meet certain criteria. Specifically, such criteria could not require a rural osteopathic hospital to have more than 3,000 discharges in a year in order to be classified as a rural referral center.

I am proud to represent five osteopathic hospitals—more than are located in any other congressional district. Osteopathic hospitals provide the proper environment for the delivery and practice of osteopathic medicine—the only recognized comprehensive alternative to traditional medical care. Osteopathic hospitals emphasize wellness and preventive care resulting in a patient oriented approach to medical treatment.

Many osteopathic hospitals including several in my district are located in rural or semirural areas and nearly half nationwide have less than 100 beds and 80 percent have less than 200 beds. This reflects the very special community orientation of osteopathic hospitals.

What makes the osteopathic hospital system unique is that it represents an alternative health care delivery system that is recognized by the Federal Government as a separate but parallel medical system. This distinctiveness has been recognized in all aspects of Medicare, health planning, and other Federal programs.

Osteopathic hospitals are subject to all provisions of the Medicare prospective payment system. The program makes a special allowance for certain rural hospitals that due to their unique nature have been designated as rural referral centers. What this means is that a rural hospital meeting criteria measuring the complexity of cases it treats, the number of patients it attracts from surrounding areas, the specialization of the medical staff, and the number of patients it discharges each year, merits the payment of the higher urban Medicare DRG rates. Less complex rural hospitals receive lower rural DRG payments.

The change in law made last year by Congress was a step forward in truly recognizing the type of rural hospital that should qualify for this designa-

tion. I believe that Congress intended that the complexity of cases treated in a rural hospital, the wide range of patients from surrounding areas being treated, and its medical staff component, were the most significant criteria to be considered. Congress never intended the size of the institution to be a primary factor nor to virtually disqualify a medical system because it is inherently small. However, regulations implementing this legislation require that a hospital discharge at least 6,000 patients annually in order to qualify as a rural referral center. Since osteopathic hospitals and especially those in rural areas are by nature small but more complex than comparable hospitals, we discovered that qualifying for such status would be almost prohibitive. Their complexity is due to the teaching function and comprehensive array of services offered despite their size.

Therefore, my bill would not require osteopathic rural hospitals to have more than 3,000 patients discharged in a given year in order to qualify as a rural referral center. Osteopathic rural hospitals would still need to meet all the additional criteria designated in current law and regulation. But it would allow a very small number of highly complex osteopathic rural hospitals to qualify as long as they can meet the stringent criteria set by regulation. This will allow the separate but equal recognition of the osteopathic hospital system to be retained while correcting an inequity in this part of the Medicare Prospective Payment Program.●

THE 50TH ANNIVERSARY OF ROCKFORD, MI

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. HENRY. Mr. Speaker, I would like to recognize the city of Rockford, MI, and join in celebrating its 50th anniversary as a city. Rockford is located in north Kent County, only minutes from Grand Rapids. It is a great honor for me to represent the good people of this fine area.

This community nestled in the valley of the Rogue River entails a rich and interesting history. Founded in 1843 by Smith Lapham, the area was originally known as Laphamville. Construction of a dam and a sawmill began the actual settlement years. Through much hard work, the realized dream of having established a new area, and great expansion from the beginning days, in 1865 the settlement had become a small town and was named Rockford.

The Michigan Legislature incorporated Rockford as a village city in 1935 and the city has operated under the council manager plan ever since. The new city continued to experience growth and on five separate occasions annexed areas—in 1961, 1962, 1963, 1964, and 1967. Today, the city encompasses 3 square miles and has a population of 3,324.

In 1968, the people of Rockford gathered in celebration of the quasquicentennial anniversary of the city's founding. It was at this time one of Rockford's own natives compiled the area's involved and lengthy history, and published the story in booklet form. This text now serves as a permanent memorial souvenir for the entire community.

This delightful community should be proud of its many civic-minded service organizations which aid in making the quality of life so enjoyable. In addition, Rockford boasts public facilities unequaled for a city of its size—a historical museum, an attractive public library, excellent school facilities, an indoor community pool, a modern courthouse, and municipal complex just to name a few.

The many tree-lined streets, the Rogue River, numerous parks, and a strong sense of community have combined to make Rockford the beautiful city that it is—be it to call your permanent home or simply to visit. Like all of west Michigan, Rockford affords recreation for virtually every interest in every season. Dating back from early logging days, Rockford has grown into an exciting city—indeed from sawmill to city—while preserving a small town atmosphere. Today, the area is well known for its Hush Puppy Outlet Mall, shopping trips to the many quaint shops that line Squires Street Square, and the friendly and welcoming spirit of the community.

I am happy to join with the residents of Rockford to be a part of this special anniversary celebration and I'm equally pleased to have this opportunity to tell my colleagues in the House of Representatives about this great city. The people of Rockford diligently work to maintain the high standard of community life they have established and they surely deserve high recognition for their continually successful endeavors. I feel certain Rockford's future will be as bright and successful as the past 50 years have been. It is truly an honor for me to wish this outstanding city a very happy birthday.

Thank you Mr. Speaker.●

THE DISABILITY BILL

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, I want to bring to my colleagues' attention legislation that I am introducing today that would impose a 90-day limit on the Appeals Council review process under the Old Age, Survivors and Disability Insurance Programs.

The need for this time restriction was made apparent to me as a result of a case involving a constituent of mine from North Dakota. This young woman had filed for disability benefits due to a crippling mental illness. After an initial denial and an extensive appeals process, her case was approved by an administrative law judge [ALJ]. The Social Security Appeals Council, however, elected under normal administrative procedures to pull this file for further review.

Despite pleas from my Bismarck office to move quickly on this matter, the Appeals Council took 5 months to consider a limited amount of material and finally decided to remand the case back to the ALJ for additional supporting evidence. During this time, my constituent, a helpless young woman, was placed in financial and emotional limbo. With no ability to support herself and with the Appeals Council dragging its feet month after month, this woman put a gun to her head and pulled the trigger.

Mr. Speaker, this young woman was not alone. Others who are disabled have waited too long for this process to work. Often, it has resulted in tragedy. We here in Congress have the responsibility to respond to these lessons and to redress a real and potentially fatal flaw in our current review system. We must require the Appeals Council take action and make decisions on an expedited basis. I hope that my colleagues will join me in this legislation to require the Appeals Council to act in a prescribed time.

A bill to amend titles II and XVI of the Social Security Act to require the Secretary of Health and Human Services to issue the Secretary's final decision, after certain hearings required thereunder, within 90 days after commencing proceedings before the Appeals Council in the Department of Health and Human Services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Health and Human Services Appeals Council Limitations Act of 1985".

SEC. 2. FINAL DECISIONS OF THE SECRETARY TO BE ISSUED NOT LATER THAN 90 DAYS AFTER COMMENCEMENT OF PROCEEDINGS BEFORE THE APPEALS COUNCIL.

(a) PROCEEDINGS UNDER THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM.—

(1) IN GENERAL.—Section 205(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) In any case in which proceedings are commenced before the Appeals Council in the Department of Health and Human

Services (or any other forum established in such Department for similar purposes) for review of any decision by or under the Secretary on the basis of any hearing referred to in paragraph (1), the Secretary shall issue his final decision not later than 90 days after the date on which such proceedings are commenced.

"(B) If the Secretary fails to meet the requirements of subparagraph (A) in any review referred to in subparagraph (A) with respect to any person, all relevant issues presented for review shall, as of the end of the 90-day period referred to in subparagraph (A), be deemed resolved, as the final decision of the Secretary, in the person's favor.".

(2) DISABILITY DETERMINATIONS.—Section 221(d) of such Act is amended by striking out "section 205(b) with respect to decisions of the Secretary, and" and inserting in lieu thereof "section 205(b)(1) with respect to decisions of the Secretary, to additional rights related to such hearing to the same extent as is provided under section 205(b)(3), and".

(b) PROCEEDINGS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM.—Section 1631(c) of such Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) In any case in which proceedings are commenced before the Appeals Council in the Department of Health and Human Services (or any other forum established in such Department for similar purposes) for review of any decision by or under the Secretary on the basis of any hearing referred to in paragraph (1), the Secretary shall issue his final decision not later than 90 days after the date on which such proceedings are commenced.

"(B) If the Secretary fails to meet the requirements of subparagraph (A) in any review referred to in subparagraph (A) with respect to any person, all issues presented for review shall, as of the end of the 90-day period referred to in subparagraph (A), be deemed resolved, as the final decision of the Secretary, in the person's favor.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply with respect to hearings pending on, or commenced on or after, the date of the enactment of this Act.●

THE STRATEGIC DEFENSE INITIATIVE HEARING

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. BLILEY. Mr. Speaker, this hearing, conducted by the Republican study committee, has emphasized the potential and the need for the United States to conduct a coordinated program of research into the possibilities of strategic defense. Since President Reagan announced the concept of the strategic defense initiative in April 1983, much progress has been made in examining the possibility of an effective defense against nuclear attack.

I have always believed that the doctrine of mutual assured destruction [MAD] is truly a doctrine of desperation and heightens the threat of destroying civilization as we know it. Now it appears that there may be a way to use conventional weapons to construct an actual defense against a nuclear attack on this country. Real defense of the American people and the citizens of our allies throughout the world would greatly lessen the fear and the threat of an end to our world because it would reduce the possibility of anyone believing that a deliberate nuclear attack could possibly succeed against us and an accidental action could not escalate into an all-out nuclear exchange.

Of even more importance to me is the fact that the growing nuclear proliferation may allow a madman like the Ayatollah Khomeini or Colonel Qadhafi to obtain a few nuclear rockets and then start a nuclear war on their own. If we find that strategic defense is possible then we can forever preclude the possibility of an accidential or terrorist nuclear war because the few weapons that would be involved in such an attack could be destroyed in space and would not detonate on Earth. We could stop this kind of action even if it were aimed at the Soviet Union and therefore we could lower the threat and raise the threshold of a nuclear exchange.

Secretary Weinberger and General Abrahamson have testified as to the need for supporting the President's request at its level of funding. Drs. Teller, Keyworth, and Jastrow have told us of the progress and the potential success of the research program. I believe that this issue is of such timely and overriding importance to the security of the American people that we can not afford to be stingy with our support. I am in favor of funding the strategic defense initiative programs at the full request of $3.7 billion in 1986.

Only by conducting a research program can we learn if it is possible to defend ourselves against nuclear weapons. The present plans for the SDI are within the limits of the 1972 ABM agreement and any activities that would violate that understanding in letter or in spirit would have to be specifically authorized by the Congress before they could take place.●

MISSION AVIATION CELEBRATES 40 YEARS OF SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to an organization that will shortly celebrate its 40th anniversary; 40 years of compassion, dedication, and love for mankind will be recognized this year.

Mission Aviation Fellowship, based in Redlands, CA, is a network of highly skilled professionals from more than 15 nations who provide aerial and communication assistance to missions around the world, with special emphasis on reaching the people in remote, developing areas. An MAF airplane takes off somewhere in the world every 3½ minutes carrying with it vital lifesaving medical supplies and technology, educational and agricultural assistance, disaster relief and other services to people in need.

Over the years, MAF's goal has been to identify specific needs around the world and as appropriate, use aircraft and radios to meet those needs. Today, the fellowship is receiving more requests for its services than ever before, and most recently, was faced with one of its biggest challenges: the African famine. As the world awakened in 1984 to the severity of a drought that has been building in Africa for the past 5 years, Mission Aviation Fellowship and its flyers were already on the scene, providing relief to the famine-stricken Africans. The world responded overwhelmingly, and food and supplies were made available in increasing numbers. Without the experience of the MAF flyers, and their selfless acts of courage that sent them into the most remote areas, many Africans would have simply died.

The mission's motivation comes from God. As explained by Larry Nicholson, program director for MAF:

> We believe that by doing what we are doing, we are showing the love of God through the skills God has given us.

According to Chuck Bennett, president of MAF:

> Mission Aviation is a "high tech" organization. But at heart we are "high touch." Our reason for being is to use technology to touch people with the love of Christ.

In addition to the remarkable work that MAF has accomplished in Ethiopia, their involvement in Honduras, Brazil, Lesotho, and Zimbabwe has meant the difference between life and death for so many people. The MAF flyers bring vital supplies to the sick and injured, and provide transportation for medical workers, Bible teachers and community assistance specialists. Their very presence is an indication to those in need that someone cares, and that knowledge can spark a hope in the heart of a human being that has all but given up on life.

Mr. Speaker, it is with a great sense of gratitude that I rise today to thank Chuck Bennet and Mission Aviation Fellowship for the compassion they have demonstrated over the years, and to congratulate them on this, their 40th anniversary, but most of all, to urge them to continue on this most worthy path.●

ADAM MEYERSON ON THE DEMOCRATIC RENEWAL OF LATIN AMERICA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. COURTER. Mr. Speaker, I am pleased to recommend to my colleagues a most interesting essay on the renewal of democracy in Latin America. Authored by Adam Meyerson, the editor of one of the country's best political journals, Policy Review, the article examines what I think may be the most important political change on the world stage in the last 7 years. Because this trend has nearly coincided with the renewal, under two Reagan Presidencies, of American optimism about the virtues of democracy, it may be hoped that the two patterns will be mutually reinforcing.

The article follows:

BRAVE NEW HEMISPHERE—LATIN AMERICA'S DEMOCRATIC RENAISSANCE

(By Adam Meyerson)

Seven years ago, Latin America was dominated by authoritarian regimes, most of them military juntas and many of them incredibly brutal. The only countries in the region with free elections then were Venezuela, Colombia, Costa Rica, Suriname, the English-speaking Caribbean except Grenada, and Mexico with its Chicago-style version of one-party machine politics.

But since 1978 the hemisphere has been swept by a revolution. Ten countries have transformed themselves into democracies, with two more apparently on the way. Ninety percent of the population in Latin America now live in countries that are either democratic or scheduled to become democratic soon.

The surge of democracy began in 1978, when the Dominican Republic had its first open elections since 1966 and its first peaceful transfer of power between parties in its history. Freely elected presidents replaced military governments in Ecuador (1979), Peru (1980), Honduras (1982), Bolivia (1982), Argentina (1983), El Salvador (1984), Panama (1984), and Uruguay (1985), with Guatemala scheduled for a similar transition later this year. Brazil this March inaugurated its first civilian president in 21 years, and has scheduled direct elections in 1988. Last year Grenadians voted in their first free elections since 1974.

It is one of the most remarkable political transformations in modern times. And, perhaps most extraordinary, it has been almost entirely peaceful. The history of Latin America is a history of bloodshed and instability. Many of the region's new democracies, particularly El Salvador and Peru, are engaged in ruthless combat with guerrillas. But with the exception of Grenada and probably Guatemala, most of the recent transitions to democracy have been achieved without force of arms. The democratic revolution has taken place because military regimes have relinquished power voluntarily.

The reasons for their doing so vary from country to country. In Argentina, the armed forces were humiliated by their misadventures in the Falklands. Uruguay's voters overwhelmingly rejected a draft constitution that would have given the military a permanent place in government. Brazil's soldiers have never seen themselves as a permanent ruling class. They have long been planning to leave the government, and have been slowly and deliberately opening up the political system since 1974.

In Panama, the death of dictator Omar Torrijos permitted the return of democratic politics as usual. In El Salvador and Honduras, the military faced a double realization: democracy would be a valuable weapon in mobilizing popular opinion against Communism, and it was also probably necessary for securing American aid. Soldiers in Guatemala, once their non-Marxist Central American neighbors turned to democracy, probably didn't want to be the odd men out.

But several common influences have also encouraged democracy throughout the hemisphere. The examples of Spain and Portugal, which successfully moved to democratic government in the mid-1970s after long periods of authoritarianism, have had a major impact on their former empires. Not only did the victory of socialists and social democrats make democracy look more attractive to the center-left in Latin America. But the military and center-right were reassured by the stability of Spain and Portugal after the departures of Franco and Salazar—even with the coming of socialist governments. Besides, there was the matter of cultural identification. If democracy was the wave of the future in Iberia, perhaps it should be so as well in Ibero-America.

The Catholic Church has become an important force for democracy, especially under Pope John Paul II. In his many trips to Latin America, the pope has tried to distance the church both from traditional social structures and from the equally undemocratic liberation theology. The Catholic faith was once considered conducive to authoritarianism. But almost every major Catholic country in the world today is either democratic or becoming democratic. The two most prominent exceptions are Poland and Hungary, and they, not coincidentally, are the Communist countries with the strongest democratic movements.

The democratic revolution in Latin America has received the unequivocal support of the United States—under the administrations of both Jimmy Carter and Ronald Reagan. A telephone call from President Carter to President Joaquin Balaguer of the Dominican Republic in 1978 helped to dissuade that country's army from interfering with election results that appeared to favor Mr. Balaguer's opponent. The army had interrupted the counting of ballots, but allowed it to resume when Mr. Carter otherwise threatened to cut off all aid to the country. In 1979, the Carter Administration helped reinforce the wavering commitment of Ecuador's military to turn over power to a newly elected civilian. And in 1980, the promise of considerable military and economic aid helped persuade the Honduran military to hold elections for a constituent assembly, and thus begin the process of democratization. The Carter Administration's emphasis on human rights led to humanitarian improvements in Argentina, and provided an important boost of morale for democratic forces there.

The Reagan Administration has, if anything, been even more supportive of democracy. President Reagan, Vice President George Bush, and Secretary of State George Shultz have repeatedly affirmed the United States' commitment to democracy in every country in the world. The Reagan Administration supported El Salvador's beleaguered democracy when Congress was giving up hope on it. It is supporting Nicaragua's democratic *contras* who are seeking to establish the free elections promised by the Sandinistas when they seized power in 1979. It provided the opportunity for democracy in Grenada with its intervention in 1983, together with neighboring Caribbean islands. The mission was attacked in the United Nations as unwarranted interference in Grenada's internal affairs. But the Grenadians did not think so; in the last year's elections, 90 percent of the voters chose candidates who applauded the intervention.

The Reagan Administration stopped a coup in Bolivia in 1984, and it helped keep Uruguay's military to its timetable for democracy by repeatedly praising it in public forums. It sent a special diplomatic mission to Honduras in 1981, when the country's military had second thoughts about democracy. It has insisted on the dismantling of death squads in El Salvador, where political killings are now running about 50 per month, down from more than 400 in 1981. The Reagan Administration has publicly and repeatedly called for democratization in Paraguay and Chile.

But much more important than any external influence has been the pressure for democracy from within Latin America itself. Most gringo "Latin-americanists" contend that the people of the region have no interest in democracy; *Foreign Policy* magazine in its latest issue published an article calling Latin pluralism a "pipe dream." But these academics have been paying more attention to Latin American intellectuals than to Latin American people. No one witnessing the joyful inaugurations of Raul Alfonsin in Argentina and Julio Sanguinetti in Uruguay could conclude that the people of these countries do not treasure the opportunity to choose their government. No one witnessing the excitement of Salvadoran voters, who lined up for hours in front of polling stations, could conclude that democracy in their country is a charade.

The truth is that Latin America, for all its turbulence and tyranny, has a long democratic tradition. Almost every country in the region has had some experience with democracy, and many are blessed by political leaders deeply committed to democratic values. Jose Napoleon Duarte of El Salvador was tortured by the military that stole an election from him in 1972. Rather than become an embittered Marxist revolutionary, he has worked ever since for the introduction of genuine democracy to his nation. Fernando Belaunde was deposed as president of Peru by a military coup in 1968. Today he presides over a multi-party democracy, and has allowed opposition parties to take power in municipal governments.

The soldiers of Latin America have also been sensitive to those democratic aspirations. Military regimes in the region has been unspeakably cruel, and the human rights documentation, particularly from the 1970s, reads like a catalog of horrors: 8,961 "disappearances" in Argentina; 5,000 to 10,000 dead in Chile; 80,000 questioned or detained in Uruguay. But the military in most Latin countries has always been concerned about its public legitimacy. It has usually taken power only at times of national crisis, and only with widespread public support. Three hundred thousand Brazilians danced in the streets of Rio the day after the army took over in 1964. In 1973, Uruguay's civilian government voluntarily

handed power to the military, in the hopes of eradicating the Tupamaro terrorism that was destroying the once peaceful country. In 1976, 1,500 Argentines were assassinated by Montonero and Trotskyite guerrillas, and the country's military takeover was greeted by many with relief.

The military quickly wore out its welcome in most countries after the terrorist threat was crushed, and as the military proved to be totally inept in economic management. But there are many countries whose regimes do not step down because of debt crisis or public disapproval. Haile Mengistu has not retired from power in Ethiopia, though his policies have led to famine, Fidel Castro still rules Cuba, though he has destroyed the economy of what once was one of the most prosperous nations in the hemisphere. By contrast, most of Latin America's non-Marxist regimes gradually stepped aside when they sensed that they were overwhelmingly not wanted.

A SWING OF THE PENDULUM?

This is not the first democratic wave in Latin America.

Earlier ones occurred at the end of World War II, and again in the late 1950s. In the early 1960s, during John F. Kennedy's "Alliance for Progress," every country in South America was a democracy except Paraguay. But the "twilight of the tyrants," as it was then called, was short-lived: beginning with Bolivia and Brazil in 1964, the continent was swept by a wave of coups.

There are many who fear that the present democratization is just another swing of the pendulum, that the hemisphere's new democracies will be unable to maintain political support in the face of all the problems they face. Certainly there are grounds for uneasiness. Political killings in many countries—last year, there were 525 in Guatemala—may put a chill on genuine democratic debate. The drug traffic, and its empire of organized crime, threatens to poison the democracies of Colombia, Bolivia, and Jamaica. In El Salvador and Peru, Communist guerrillas could triumph. In Bolivia, inflation exceeds 100,000 percent.

Perhaps the greatest fear is that Latin America is in for a prolonged period of economic austerity, now that the go-go years of international lending are over. But democracy has shown enormous resilience during times of economic trouble. American democracy survived the Depression, Israeli democracy is surviving its present financial crisis, British democracy has endured throughout a century of relative decline. Venezuela's democracy is surviving the current austerity, and last year Ecuador peacefully transferred power between parties. One of the virtues of democracy is that you can toss out the rascals who are responsible for your economic mess. The armed forces of Latin America are so decredited in their economic management that they are not likely to be turned to for economic reasons. And Marxist economic models such as Cuba and Nicaragua can hardly look attractive.

There are two circumstances where the military might take over once again. One is if there is a return to political chaos or terrorism of 1960s and 1970s proportions. A second is if the military perceives a threat to itself as an institution. One of the most promising signs for the survival of democracy is that many of Latin America's new civilian rulers are taking pains not to carry out vendettas against the military. Argentina's Raul Alfonsin, for example, has been careful not to implicate the entire military in his effort to prosecute human rights violators of the 1970s.

Alexis de Tocqueville was a pessimist about the chances for democracy in Latin America. "The people dwelling in his beautiful half continent seem obdurately determined to tear out each other's guts; nothing can divert them from that objective. Exhaustion may induce momentary repose, repose the prelude to fresh frenzies. Contemplating their state of wretchedness alternating with bouts of crime, I am tempted to believe that for them despotism would be a blessing."

This has long been the region's reputation, but a new generation in Latin America is consciously trying to build stable democratic institutions. If its democratic renaissance endures, then Latin America can take its rightful place, together with Western Europe, North America, and Japan, as the guardian of the most cherished political values of Western civilization.●

THE ORCHARD LAKE SCHOOLS CELEBRATE THEIR CENTENNIAL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. BROOMFIELD. Mr. Speaker, I commend the Orchard Lake Schools for their outstanding work as they celebrate their 100th year of successful work, cultural accomplishments and distinguished service to the Michigan area.

The Orchard Lake Schools consist of SS. Cyrill and Methodius Seminary, St. Mary's College and St. Mary's Preparatory in Orchard Lake, MI. The schools are planning large festivities on July 25, 1985. Dignitaries from around the United States will be attending along with priests from various cities around the United States; clerics from Poland will also attend.

The Orchard Lake Schools are a unique institution. They are the only Polish-American academic and cultural complex of its kind in the United States and house the Center for Polish Studies and Culture, the Polish-American Liturgical Center, the Center for Pastoral Studies, and the Pope John Paul II Center.

The Polish-American community has long been an integral part of our country. The first Poles came to Jamestown in 1608 and that small group made important contributions to America. During the Revolutionary War, Count Casimir Pulaski was a leading cavalry officer, and Thaddeus Kosciuszko was a military engineer under George Washington. Haym Solomon was a major financier of the war. Over 6,000 Poles served during the Civil War on both sides. Between 1870 and 1920, 2.5 million Poles arrived in America. Their admirable character and dedication to hard work have resulted in strong Polish-American communities with rich cultural traditions.

Poles have given much to American life in politics, the arts, education, religion and in other critical areas. The 8 million Poles in the United States can be proud of their contributions to the greatness of America.

I commend the Orchard Schools for their fine accomplishments during the past 100 years. I pay special tribute to the Polish community which has done so much to enrich this great land of ours. Congratulations for a job well done.●

FRANCIS LEWIS HIGH SCHOOL IN FLUSHING, NY, CELEBRATES ITS SILVER ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of Francis Lewis High School in Flushing, NY, on the momentous occasion of its silver anniversary.

Francis Lewis High School, celebrating its 25th anniversary on June 8, 1985, has consistently implemented new and innovative programs to meet the changing needs of its student body. Its Computer Education, Law and Business, and Math and Science Institutes have been model programs that high schools throughout the New York City metropolitan area have emulated. Francis Lewis High School was the first public school in the country to participate in the International Baccalaurete Program, and has pioneered this unique college curriculum in international education. The school's administrators and teachers have traveled throughout the country and Canada to consult with other schools regarding this special program.

Mr. Speaker, many students at Francis Lewis have journeyed abroad as exchange students to England, France, Israel, and Japan. The time these youngsters spend learning a new language and experiencing a different culture has been of great benefit in rounding out their education, and in enriching their lives.

The leadership and creativity of the school's teachers and administrators deserve credit and commendation for the school's outstanding courses. Robert Burns, principal; Norman Sherman and Richard Ross, the administrative assistant principals; and Joel Beller, William Dobkin, Alexander Hamilton, Janet Hennessy, Arthur Jonas, Nivea Roman, and Lisa Weber, the assistant principals who supervise instruction, all play key roles in encouraging academic excellence at Francis Lewis High School.

Mr. Speaker, in recognition of its many years of achievement, I would like to ask all of my colleagues in the U.S. House of Representatives to join me in paying tribute to Francis Lewis High School, as it celebrates it 25th anniversary.●

REMARKS OF EL SALVADOR'S PRESIDENT, JOSÉ NAPOLÉON DUARTE, AT THE UNIVERSITY OF NOTRE DAME

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. MAZZOLI. Mr. Speaker, President José Napoléon Duarte was the main speaker at the University of Notre Dame's commencement held on May 19. Mr. Duarte is himself a Notre Dame alumnus in civil engineering, class of 1948.

President Duarte's speech detailed his long, challenging and painful journey from a nervous Notre Dame freshman in 1944, to this day when he is the elected Chief Executive of his nation charged with the difficult and burdensome task of leading it out of civil war and into an era of peace, freedom and opportunity.

The remarks President Duarte delivered at the commencement cited his personal, professional, and religious formation as a young man at Notre Dame—a formation influenced greatly by his early friendship with a young Holy Cross priest named Father Ted Hesburgh.

Of course, the young Father Hesburgh became—and remains—the internationally renowned president of Notre Dame University, and, the young "Nappy" Duarte became the Chief of State of El Salvador and an actor on a world stage. Their friendship has endured and deepened since their first meeting over 40 years ago.

As an alumnus of Notre Dame and as the father of two recent graduates, I am proud of the accomplishments of my fellow alumnus. He has moved his war-wracked nation forward and has renewed, restored, and revived it.

President Duarte faces daunting challenges before his job is completed. But, he has surmounted many stiff challenges over the years, and he carries the hopes of his people—freely expressed at the polls—for success in his worthy labors.

Mr. Speaker, I am pleased to provide, at this point in the RECORD, the remarks delivered by President José Napoléon Duarte of El Salvador on May 19 at Notre Dame University:

REFLECTIONS ON THE IDEALS LEARNED AT NOTRE DAME

I. INTRODUCTION AND GREETINGS

It is indeed a genuine privilege to come to this University where such a diversity of human wisdom is taught, discussed and learned.

Let us reflect on the problems related to bringing peace, freedom and social justice to my country. I am sure these are issues which have caught the attention of all free men in America. We will talk about realities in El Salvador and about our democratic revolution. As President of El Salvador, I want to talk to you about our struggle to achieve the goals of democracy.

If international forums debate the danger facing mankind and the disastrous consequences of nuclear war, if in the four corners of the world men talk about hecatombs and holocaust, then, allow me to formulate our plans about the need to proclaim life instead of exalting death; of promoting the well-being and liberty of our people; of promoting peace instead of stimulating war.

Throughout the last four years, the people of the United States have generously supported our efforts in El Salvador to divorce ourselves from the repression and cruelty of the past, and bring new life to democracy in this hemisphere. Today, I bring you good news: democracy has been born in El Salvador! It is healthy and growing stronger. In the last three years, Salvadorans had the opportunity of deciding between the policies of the past and those of the future; between governments controlled by a few, and a government controlled by the voters. On all occasions, the voters spoke with one voice and with one purpose, confirming their dedication to peace, to freedom, to social justice and democracy.

Ladies and Gentlemen, I come in 1985 to express my thanks for the recognition the university is granting me. The conferral of the degree Honoris Causa means you have considered that I have tried to practice the lessons learned at Notre Dame. I am here as a representative of my country, of the millions of people in El Salvador who have suffered the tyranny of dictatorship for the past fifty years, who have suffered injustices and lack of freedom. I come as the Constitutional President of my country, freely elected, to carry out humane and Christian principles, and to mold social discipline based on justice, liberty and democracy. You have acknowledged my efforts in striving to reach the objective of social peace as dictated by the Church, and instilled in you and me by this University.

II. REMINISCING

It is for me a great honor to be at Notre Dame, under the cloak of Notre Dame du Lac and the Golden Dome, symbols of our tradition at Notre Dame.

From the moment I entered the University as a student in 1944, I began to feel what would later serve as the basis for my conduct and guide the destiny of my life.

I left San Salvador at a time when my country was in crisis. The totalitarian government then in power had forced many young men such as me to consider going to Guatemala to join Dr. Arturo Romero, leader of the democratic movement of our country.

When my father sent me to study in the United States, I passed through Guatemala, and I too considered staying and fighting with the opposition. I might well have died, as many of them did, in the Battle of Ahuachapan if Dr. Romero had not insisted I come and study in the United States.

I did not know that Notre Dame was a University famous for its football team, but I soon came to understand what the sports prestige of Notre Dame meant; that the meaning of the "Fighting Irish" transcended the mere sports dimension underlying Notre Dame's educational scientific tradition and its social values.

The day I arrived at the University and saw the great and beautiful fields and wonderful foliage, my first impulse was to run across the lovely grass. The then-Prefect of Discipline, Father Josephn Keehoe, saw me in the middle of the field and called to me. He stared intensely at me and scolded me, but all I heard was a torrent of words that did not mean a thing. I spoke not one word of English, but Father Keehoe's face, eyes and attitude all said one thing: "What kind of a person are you? Don't you understand that the University's beauty must be protected; that you may not step on the grass; that you must discipline yourself and respect the University's rules and principles? . . ." This was my first lesson at Notre Dame.

Another anecdote concerns my first religion class. The professor, a very young priest, spoke to us about Apologetics, Religion, Philosophy and Theology. Thanks to the language barrier, I didn't understand a word he was saying. In need of help, I asked a friend to translate. The young priest saw me speaking to my neighbor while he expounded on such important matters. He pointed to me and asked: "What's your name?" I answered: "Napoleon Duarte", and he said: "Nappy, if you continue talking in class, I'm going to throw you out the window." I have been "Nappy" to Father Hesburgh ever since that day.

When class was over, Father Ted motioned to me and asked: "why were you talking in class?" In my best 8-day-old English, I answered: "To understand what you say, I need help." His expression changed, and he said: "Pay a lot of attention and learn English fast because you're going to need it."

Thus passed my years at Notre Dame, much like yours: learning, studying, worrying. The work-load seemed never-ending, and we managed to pull some all-nighters, quite a feat in those days when lights out was strictly enforced at 10 p.m. Otherwise, it would be a matter of getting up an hour before Mass to do some last minute cramming.

Then, there was the other kind of work: the kind to make ends meet. I worked variously as a waiter in the dining room, washing dishes in the kitchen, ironing clothes in the laundry, washing windows in summer . . .

Just as I am sure you have done, I spent a lot of time thinking about how demanding my professors were, but in retrospect, after nearly 40 years, I can tell you it was worth the hard work. The day I received my diploma, as you will today, I left the University full of enthusiasm, ready to show the world what I had learned in the technical field of engineering. At that point, I had not yet realized the importance of the "other" education received; the one that deals with values, and discipline, and the principles of tradition that had been given me at Notre Dame.

III. RESPONDING TO FATHER HESBURGH'S CALL

But the lessons did not end with my graduation. When Father Hesburgh arrived in Central America for the first time on August 12, 1960, he called together the alumni and spoke to us on the role which we as "Domers" were called on to play in society. He insisted on the responsibility we had in serving our community and asked me specifically: "Nappy, do you remember the values we spoke about in our religion class? Our discussions of social justice, the dignity of man, the social doctrine of the Church?

Remember that I said: You cannot stand with your arms folded and believe you are acting patriotically if all you do is construct bridges, buildings, roads . . . You have an ethical commitment with yourself, a moral commitment to Notre Dame, and an historical commitment to your country."

Today I stand here accountable before you. For 25 years I have sought to spread the message that when God created Man in His image and likeness, He did so because He wanted man to live in harmony with society, not isolate from it. For this reason He gave Man the gifts of love, understanding and charity with which to strengthen the good in the world and compensate for the devil.

I have spoken to my people about man's eternal struggles between love and hate, injustice and charity, good and bad, respect and abuse. I have tried to make them aware that it is precisely in the dimensions of morality and ethics that the idiosyncrasies of social values are forged.

And just as strongly I have denounced before my people and the world that it is too bad that the negative aspects of humanity have dominated humankind.

Selfishness, ambition, envy, the seven capital sins, have given rise to and occasioned the historical foundation not only of my people, but of humanity as well. That is why today we contemplate in horror the result, not as a pre-determined phenomenon, but rather as the result of Man's free will which has caused the events, conditions and characteristics that serve for the oppression of Man by Man, Man abusing Man, and Man destroying Man.

This social structure has left its imprint on my country, on Latin America and on the rest of the world. The new generation that today assumes leadership inherits a world in which "might makes right" and where violence rules rather than reason, thereby indicating that we have learned nothing from history.

Contemporary social dichotomy has divided humanity along ideological and economic lines; it has confronted nation against nation in the power struggle for world hegemony.

The great world powers concentrate on building their might at a means of threatening their rivals and humanity at large. The arms is in vogue. Nuclear warheads are deployed throughout the East and West under the pretext that through escalation of the conflict, world balance and peace will be achieved.

Today's world has produced widespread terrorism. The disrespect towards life and social discipline allows for the decomposition of the social process. Anarchy has reached every nation, injecting fear and hopelessness into the life of humanity.

From an economic point of view, the financial crisis we are undergoing affects nations, rich and poor. Economic dependency, however, has cast industrialized countries against those of the Third World which are forced to bear the consequences of their own dependency.

This is what we are up against in the Central American region, and this, my fellow graduates of the University of Notre Dame, is an integal of the world you inherit today.

IV. THE WORLD SITUATION TODAY

As an individual, I place myself against the process of confrontation and violence. In all aspects of life, we must excercise our free will. We must rely on the values we have learned and we must choose compassion as a guide for our own destinies.

But one must understand that the manner of confronting and eventually resolving—this conflict, does not lie in a unilateral approach based on individualistic criteria. The very nature of the world's problems determines the social dimension by which we are joined together, not only as individuals, but as a brotherhood of nations. Just as on a multinational scale what affects one nation has repercussions on another, so too, it happens on a personal level, that the sadness of one man lost in a corner of our universe is felt by the rest of mankind. In the words of John Fitzgerald Kennedy: "The rights of all men are diminished when the rights of one man are threatened."

I consider that the principles of Christianity are more than valid when it comes to asking the nations of the world to comport themselves in manners conductive to achieving world peace. Selfish behavior and a mentality of oppression lead us in the opposite direction. In our quest for world peace we should all dedicate ourselves to well for each individual the vital space necessary so that the basic needs of security, liberty and justice can be satisfied in the pursuit of self-fulfillment.

If one were to apply Christian theory in promoting international social justice, one would have to admit, that from an economics point of view, the life and vitality of industrialized production stems from the great demands that only Man can generate. However, this can ony occur if Man is allowed the opportunity of participating in world market mechanisms.

Modern-day society, divided into developed and underdeveloped nations, took for granted that the economic growth of market economies was progressive in character, permanent and irreversible. It was assumed that a permanent and indestructible world economy could be sustained if the dominant economies established controls and mechanisms that permitted growth. Like a chain reaction, this would then, supported by generous economic aid, maintain relative levels of growth among Third World nations. However, reality soon demonstrated the flaws of this economic theory. The world soon began to feel the effects of the crisis: cases of bankruptcy and increases in financial costs resulted, while cartels and counter-cartels appeared for the first time. The petroleum empire amassed great fortunes and economic power, but concentrated it in the hands of very few. Credit became scarce as interest rates rose and a huge fiscal deficit weakened the monetary supply. Increases in the cost of living, wage hikes, and finally, a spiralling inflation completed the bleak economic picture.

In the end, an economic policy which excluded the weak, hurt both the weak and the strong.

As the economic crisis worsens, each nation tries, in its best selfish interest, to recover from the shock. The pressure is put on the internal markets to increase consumption and increment exports which can only serve to worsen the economic situations of the poorer countries.

Humanity is at a crossroads of misery, caught between North versus South, East versus West, one against another. All suffer from economic and social crises. We are also suffering from a crisis of moral values.

Another problem we cannot ignore regards the population explosion. In Latin America we already suffer from a socioeconomic crisis as a result of injustice, misery, lack of social services, malnutrition, disease and unemployment. This reality has sharpened the conflict within each Latin American nation, but of even greater concern is the increase in population, which, when seen in all its dimensions, presents a truly terrifying picture.

Today there is hunger, misery and unemployment in Africa, America, El Salvador, Mexico, Colombia, Brazil. But demographic growth gives us an even more somber panorama of Latin America when statistics tell us that in terms of millions of new lives, there will be a new Brazil every 2 years, a new Colombia every 6 months, a new El Salvador every 2 weeks . . . Can you imagine this??? Stop and think about it!!! Latin America can simply not meet the demands posed by this sea of humanity.

These are the problems Father Hesburgh perceived.

This is the reason he took up battle in all possible forums:

From civil rights to nuclear disarmament.

Father Hesburgh's objective has been to invite reflection by world leaders regarding the depressing reality of the world.

His motivation in favor of humanity has given prestige to the University, and commits all of us, students and alumni, to take up that call as soldiers of the "Fighting Irish" batallion. As members of the Notre Dame family scattered throughout the world, we cannot remain impassive in the face of the challenge modern-day society presents to us. Our duty lies in becoming knights of human dignity, who, with our shields of "gold and blue" defend the humble of the world.

Armed with the Christian conviction that the destinies of Man and society are wrought under the principles of human dignity and common good, we must work towards righting the public wrongs.

V. CHRISTIAN DEMOCRACY IN EL SALVADOR

Now I would like to tell you of my efforts on behalf of the people of El Salvador, a life-long task that began with my work in founding and organizing the Christian Democratic Party of El Salvador. For three consecutive terms I was elected Mayor of San Salvador, beginning in 1964.

In 1972, those of us who believed in the democratic system joined forces to combat the ruling dictatorship. The people responded to our message by electing me President of our country. Those in power did not accept the popular will and instead imposed their own president. Along with others, I was arrested and tortured. I am alive today only because Father Hesburgh inteceded on my behalf before Pope Paul VI and the President of the United States, Richard Nixon. A court martial determined my fate, and for the next eight long years I lived in exile in Venezuela. During this time, and in my role as President of the Organizacion Democrata Cristiana de America (ODCA), and Vicepresident of the world's Christian Democrats, I served my colleagues around the world. In 1979, a coup dietat led by the progressive military sector of El Salvador allowed my return to the country.

When I returned, I found the country in social turmoil, full of rancor and hate. The economy was in shambles, while rampant violence touched almost every family. Revenge, kidnaping and assassination were the order of the day.

The people were suffering at the hands of a repressive dictatorship that defended the oligarchy's hegemony of power. The Marxist fronts increased the use of violence as a means of effecting a revolution that only worsened the situation. Never were the

verses of the Irish poet, William Butler Yeats, more true than when applied to my country:

"Things fall apart: the center cannot hold,
Mere anarchy is loosed upon the world.
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity."

Destiny moved me to show that the center could hold together the world that was falling apart.

In 1980, I was asked to accept the challenge of forming part of the Revolutionary Junta Government, and after reflecting a good deal, I took the great risk of integrating a de facto regime, full of internal contradictions. Great violence had caused total loss of credibility for El Salvador on the international front. However, I felt reassured that my democratic mission in that almost hopeless moment constituted the ideal of El Salvador's people. It was my most intimate conviction that my obligation lay in freeing my country from the two totalitarian extremes: the Marxists and the fascists.

I must confess that those thirty months were dramatic for my spirit. Each crisis brought waves of doubt, and many times, my lone support came from prayer and the unbreakable belief that my failure would also mean the failures of my people. My mind and spirit carried the unbearable burden of so much hate and violence.

Over and over again, the killings and violence wounded my soul. Doubts about my abilities, about my own personal safety and my family's, worried me: six leftist leaders kidnapped and killed; four American women of the Church murdered in cold blood; campesinos massacred; agrarian reform leaders killed . . .

Throughout the course of these politically active years, I have been able to count on Father Ted's moral support, but especially so in the past five years. In 1982, he formed part of the official U.S. delegation that acted as observers for Constituent Assembly elections. At that time, Father Ted visited even the most remote of villages as a witness to the huge effort the people of El Salvador were making towards achieving peace via democratic elections.

The Christian Democratic Party did not win a majority of seats in that election, and, faithful to my democratic convictions, I handed over power in accordance with the decision taken by the Constituent Assembly. At that point, in 1982, I declared to our Congress and the people of El Salvador:

"I did not arrive on the political scene by accident. For me, politics is an ethics and I was drawn to it through my vocation to serve. As a professional, I could have earned my living easily; as a politician, I could have easily earned my death . . . If an historian tried to determine the climax of my political life, it would not have been when I was elected President in 1972, nor when seven Latin American Presidents, gathered in Santa Marta, Colombia, accepted my commitment to fight for democracy. No, the most important moment of my political life up to this point, comes now, when I step down from power and say, 'mission accomplished'. It means the culmination of a democratic profession of faith. It means we kept our promise to hold free elections. Now we hand over power to my legitimate successor without deceit or fraud. This moment is important because we have had the guts to confront destiny. We have established the basis for democracy and initiated structural reforms. We have fulfilled our historical obligation with and for our country, our people, our conscience . . ."

VI. CONSOLIDATING THE DEMOCRATIC REVOLUTION IN EL SALVADOR

But my task did not end with this step on the long road towards a truly democratic society, and I prepared myself for the 1984 presidential elections.

The moment of truth drew closer. The Marxist left denied all possibility of a popular referendum and continued with the inconsequence of a violent revolution. The rightist reactionaries incremented the actions of their infamous death squads. At the same time, they used and abused the democratic electoral system to impose once again their repressive and dictatorial methods. I had faith in the people, and, under the green banner of hope, I led the people towards their liberation, casting aside all schemes of violence.

Christianity teaches us that the lives of all human beings and societies must be founded on moral and ethical values. In the history of my people's conflict, one of the gravest consequences of the polarization of terrorists, Marxists or fascists, has been the loss of social, moral and ethical values engendered by a climate of frustration and insecurity. For these reasons, my presidential message has been to restore my people's faith in themselves. Together we can confront destiny's hardest trails. We can re-establish discipline and social order so that democratic values can be restored. This is not a mere political ideal, but rather a system of life compatible with Christianity in which human dignity and the common good are raised on high.

In 1984, the people responded massively to my plea for Faith and Hope. Despite terrorist actions from the two extremes and against all odds, the people scored a victory and democratically elected me Constitutional President of the country.

This, Fellow Graduates, has been my homework for the last forty years. I had the good fortune to be given an opportunity and a choice. I learned that we are entrusted with responsibilities, that we cannot sit idly with our arms folded. I learned that there is a difficult right choice and an easy wrong choice.

Along with the Executive power, I now count on the support of our Congress to aid me in developing the five vital political area the country needs: one, to humanize the conflict; two, to pacify the nation; three, to democratize our society; four, to guarantee the participation of our people in all decisions; and five, to reactivate the economy. These five objectives will serve as the foundations for human development and social peace in El Salvador.

VII. CONCLUDING REMARKS

I will devote all my efforts so that these policies serve as the artisan's intruments of peace, and I will propitiate the dialogue among all sectors because I firmly believe that God gave us the gift of speech in order that we might understand each other and lessen our differences. In the words of Pope John Paul II, ". . . a reconciliation capable of joining as brothers and sisters all those from whom we are separated by political, social, economic and ideological walls."

And so, my dear friends, fellow alumni and graduates, the time has come for you and me to say farewell.

I thank Notre Dame for the many lessons it taught me and for the values it helped me understand. To the young men and women who leave today to meet their own opportunities and choices, I have this advice:

"First, you can make a difference. If you accept your responsibilities and make wise choices, you will be contributing to the solution rather than the problem.

"Second, never lose sight of the values you have been taught; they alone will remind you of your responsibilities and guide you in your choices.

"Third, in the face of adversity, maintain faith in yourselves and the human spirit; enter the world with optimism."

The Department of Engineering at Notre Dame gave me the technical know-how necessary in my profession, and now, with this distinction Honoris Causa, the University converts me into a social engineer, giving me greater strength to serve my country.

I want to invoke the power of God. We in El Salvador need the help and protection of God. I also want to invoke the blessing of Notre Dame du Lac, our Lady of the Lakes, that she may help me to continue serving with optimism. I want to serve my people; I want to fight for my people in favor of freedom and democracy and peace. This is my commitment!

"Onward to Victory . . . Cheer, Cheer, for Old Notre Dame . . ."

Thank-you all very much.●

RELIGIOUS FREEDOM IS A BASIC AMERICAN RIGHT

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. YOUNG of Florida. Mr. Speaker, the Supreme Court, in a decision yesterday, has once again ruled that our public schools cannot encourage prayer, giving the impression that our Government is opposed to God, religion, and prayer.

The Court's decision struck down an Alabama law that allowed public schools to have daily minute of silent meditation or prayer, saying that our Government "must pursue a course of complete neutrality toward religion." This is completely contrary to the basic tenets under which our Nation was founded.

The men and women who first came to America left their homelands in Europe and crossed the Atlantic Ocean in search of a place where they would be free to worship the God of their choice. As a result, the freedoms of religion and prayer have become an integral part of our heritage and even the slightest denial of this right is contrary to the ideals of those who drafted the Constitution.

Our forefathers sought to ensure that religion in our Nation remains voluntary and that a national church or religion is never imposed upon the American people. The Constitution, however, was not written to in any way discourage religious practice in our homes or schools. The Supreme Court views our Constitution differ-

ently, though, and since 1962 has ruled numerous times that our public schools cannot encourage voluntary prayer.

Justice William Rehnquist, in his dissenting opinion to yesterday's decision, agreed with a majority of Americans who, despite the Supreme Court's rulings, believe voluntary prayer is an essential part of our way of life. Justice Rehnquist writes:

> The Court strikes down the Alabama statute because the State wishes to "endorse prayer as a favored practice." It would come as much of a shock to those who drafted the Bill of Rights to learn that the Constitution, as construed by the majority (of the Court), prohibits the Alabama Legislature from "endorsing prayer."

Chief Justice Warren Burger said in his dissenting opinion that yesterday's ruling by the Court indicates a feeling of hostility by our Government toward religion. He wrote:

> To suggest that a moment-of-silence statute that includes the word "prayer" unconstitutionally endorses religion, while one that simply provides for a moment of silence does not, manifests not neutrality but hostility toward religion.

The Chief Justice raises an important issue about religion, especially with regard to our children. What effect does it have on our children when they read and hear that our Government is opposed to voluntary prayer in our schools?

Because of this concern, the first legislation I introduced as a newly elected Member of the 92d Congress was a constitutional amendment reaffirming our students' basic rights to voluntary prayer in the public schools. I am reintroducing this legislation today as I have done in each of the preceding seven terms I have served.

My legislation does not attempt to inject government into religion, but simply states the principal upon which our Nation was founded—that the Government shall not prohibit religious practices. No one should be forced into any religious observance or practice, but on the other hand our Nation's students should not be denied or discouraged from praying in school.

Florida is 1 of 25 States with a law that permits a moment of silence at the beginning of each school day. Having the opportunity to visit often with students, I find it extremely inspirational to see so many starting their day with a prayer. It appears hypocritical to me that the U.S. Senate and House of Representatives open each session with a prayer while our children are discouraged by the Government from praying in school.

Legal challenges have also been raised against our national motto of "In God We Trust," which is imprinted on all of our coins and currency, and against the portion of our Pledge of Allegience which includes the words "Under God." Legislation I'm introducing today, as I first did during the 95th Congress, would reaffirm our support for our national motto and the section of the Pledge of Allegience in question because these phrases recognize our commitment to free religious worship.

The same moral principles which guided the brave men and women who founded our Nation and drafted our Constitution are the guidelines upon which we will continue to be the symbol of freedom for all the people of the world. Freedom of religion begins with the youngest of Americans who I believe should not be discouraged from beginning their school day with a prayer. It is my hope that the Congress will promptly address this issue to restate our Government's support for freedom of religion, the right upon which our Nation was founded and has flourished for more than 300 years.●

POEM BY NEW YORK CITY SCHOOLGIRL ABOUT STARVATION IN ETHIOPIA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues in the U.S. House of Representatives a poem written by a young student in Queens County, NY.

Cara Flynn, an elementary school student at Abigail Adams Public School 131 in Queens Village, has written a moving poem about the tragic famine in Ethiopia. The children of New York City are very involved in raising money for Ethiopia through the children for children fund drive—an effort that has become a model for similar drives across the country. They have learned about Ethiopia's suffering through their teachers and principals, and they have responded by raising more than $250,000.

A fourth grade teacher at P.S. 131, Arlene Katz, was struck by the poignancy of this poem, written by a young child learning about the famine. Cara's simply worded poem expresses the pain and bewilderment of a child upon becoming aware of death and suffering in the world, and I ask all of my colleagues in the U.S. House of Representatives to read the following:

Small
Puny
Stomachs swelled
Crying
Hungry
Scared
Naked
About to die
Tired
Weak
Wondering why.
We
So lucky
Food on a plate
Toys
Games
Clothing too!
Why are we
So fortunate
Why not them too?●

IN HONOR OF CECIL MACKEY, DEPARTING PRESIDENT OF MICHIGAN STATE UNIVERSITY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. CARR. Mr. Speaker, it is a pleasure for me to offer a few words in honor of Cecil Mackey, who will depart this month after 5 years of distinguished service as president of Michigan State University.

Cecil Mackey came to the helm of Michigan State in 1979 with a tough job to do. He arrived in Michigan in the eye of a storm of economic recession in both the State and the Nation, a time of budgetary retrenchment within the university, and of challenges for many of the university's programs and organizations. He was forced to make difficult and complex decisions, the types of decisions that are not made without controversy and often severe questioning. Yet it is clear, looking back, that Cecil Mackey helped carry the university successfully through this time of adversity, handling his job with wisdom, good humor, dedication, and dignity.

President Mackey brought to Michigan State a long and distinguished record of academic and Government service. As a professor of law and economics, he had a great understanding and respect for academic freedom, the liberal arts, and the role a major State university can play both in its community and as part of a nation committed to the advance of knowledge. The academic achievements of Michigan State during his tenure are impressive, including the establishment of 12 fully or partially funded endowed chairs, establishment of research ties with the People's Republic of China, Zimbabwe, and Nepal, completion and opening of a National Superconducting Cyclotron, and the construction of a new plant and soil sciences building. It is of special note that during Cecil Mackey's 5 years at MSU, an unusually high number of students were named Rhodes Scholars.

In a face of budgetary crisis, President Mackey turned challenge into opportunity, placing special emphasis on university development, private and alumni fundraising, and improved relations with the private sector. During his years at MSU, annual private support increased 237 percent, from $5.5

million to $18.5 million. The university also acquired its largest foundation grant in history, a $10 million Kellogg Foundation grant. These fundraising efforts not only helped place the university on a sound financial footing overall, but aided new development in the arts and athletics. Completion of the impressive Wharton Center for the Performing Arts is but one of the many developmental successes during the Mackey years.

President Mackey practiced leadership by example, particularly in the area of affirmative action. He significantly increased the number of women and minorities in key policymaking positions in the university, naming the first black and the first woman vice presidents. Their records, too, have been most impressive. He increased enrollment of minority students to a record high of 8.5 percent, including a current freshman class with more than 10 percent minority enrollment. He also pursued aggressive programs to remove physical and programmatic barriers to handicappers.

On a personal note, it bears mentioning that President Mackey's tenure at MSU coincided with a time when the Federal Government's role in higher education was heavily questioned and challenged. It was my privilege to work with him and welcome him to Washington as we sought to preserve and strengthen the link between our major State universities and the Federal Government. His personal advice and that of his administration was always welcome, and enabled me to better serve the entire academic community. I am proud of the growing partnership that has been established, as I work with MSU in Congress to maintain Federal support for higher education, and specifically for many programs of Michigan State University.

President Mackey, it is with a great deal of respect that I offer you my best wishes as you depart this month for your new post as president of the University of Hawaii. You weathered many battles as Michigan State University endured hard times, but you can leave knowing that your accomplishments will be long remembered. It is clear you had the university's best interests in mind, and there is little doubt your leadership made Michigan State University a better and stronger institution.●

COMMEMORATING 10TH ANNIVERSARY OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mr. ROSE. Mr. Speaker, I am pleased today to join my colleagues in celebrating 10 years of fine service given to Congress by the Environmental and Energy Study Conference—known as EESC for short.

The Environmental and Energy Study Conference has done what I consider to be a tremendous job in keeping Members informed on environmental and energy issues. If you will remember back 12 years ago, in 1973, you'll recall that energy issues were becoming of great concern to Americans. America had just experienced its first shock of what it means to be dependent on foreign energy sources, and it would soon experience that same shock again in the late seventies. So conserving, and finding alternative energy sources, were very important and I think EESC helped us focus on the crises we faced.

Mr. Speaker, this administration's lack of interest in environmental and energy issues has been disappointing to me, and I know to other Members of this House. This noticeable lack of interest on the administration's part might lead the untrained observer to conclude that people in America are no longer concerned about energy or the environment. Well, I believe that Americans are still concerned, and the large membership of EESC clearly illustrates that.

Mr. Speaker, I believe there is still a great need for EESC to continue its leadership role. Tomorrow, June 5, is World Environment Day, and it is fitting that EESC's 10th anniversary celebration comes the day before. America, as well as other nations, can no longer think of environmental and energy issues as purely national. We are finding out more and more that environmental issues are global—they go far beyond national borders. The Ethiopian situation, and the problems faced by all of sub-Saharan Africa, shows the disastrous results of drought and poor conservation practices. If the Third World is to continue to develop, and feed its people, it will depend on sound environmental and energy policies that promote healthy and stable growth. The United States should be helping these struggling countries to achieve that goal, and I know that the EESC will be a leader in this effort in much the same way it has been a leader on so many environmental and energy issues in the past.

Mr. Speaker, I would like to congratulate the Environmental and Energy Study Conference on 10 great years, and I look forward to working with this distinguished group for another 10 years.

Thank you very much.●

SOCIAL SECURITY AND THE YOUNG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. PORTER. Mr. Speaker, I have spoken out often recently about what I call fiscal child abuse—the indebtedness we are passing on to our children and grandchildren.

Much of this indebtedness is in the nearly $2 trillion national debt—to which we will add another $200 billion this year, if we don't take proper action. Another form of IOU is the unfunded liability of Social Security, Federal pensions, and other entitlement programs. If demographic projections hold and no change is made in present law, future generations will have to come up with $7 trillion to support the beneficiaries of these programs.

We are gambling our children's future on an optimistic vision of continued high economic growth, year after year. If that vision fails to materialize—if our annual growth in worker productivity and earnings does not significantly exceed what we have seen over the past 30 years—then programs like Social Security will someday be in big trouble. Our children would reap that harvest.

Pete Peterson, former Secretary of Commerce and presently the chairman of Lehman Bros. Kuhn Loeb, recently made a statement about this subject. I recommend it to every parent and grandparent in America. We need to start thinking more about the stewardship we are providing for our children's future.

SOCIAL SECURITY AND THE YOUNG

(By Peter G. Peterson)

In 1977 Jimmy Carter assured us that the Social Security system would be fiscally solvent through the year 2030. Now we hear again that because of recent reforms, the system will be solvent again for the next 75 years.

But these so-called fundamental reforms don't even include Medicare. A year or two ago when we needed to borrow money, the Medicare system was part of Social Security. But when it came time to reform Social Security because the deficits were obviously getting serious, we decided to define Medicare out of the system. But it's still the most explosive part of the total system. About three-fourths of Social Security's deficits are in health insurance.

Medicare is going to crash in the latter half of the '80s. That crisis will raise questions of the most wrenching kind, because we'll be talking about how to allocate resources on a life or death basis.

Why didn't we get at some of the underlying entitlement programs and the 100% cost-of-living indexing of those programs in the first 90 days of this administration? That's when it might have been politically possible to discuss with the American people why, when we were indexing the tax system and flattening revenues, it was ethical and appropriate to also cap the indexing of programs. But doing so, of course, meant distributing pain, while the tax cuts would be distributing pleasure.

Up to now, we have avoided the issue of trade-offs in the Social Security debate. And as long as we avoid the issue of the costs of continuing the program, then obviously we won't be motivated to do much about the program.

Certainly one of the ethical issues is fairness to the young and fairness to their future—not just in taxing them heavily, but in mortgaging their future.

Perhaps young people ought to think of Social Security as the most massive transfer of wealth from the youth to the unneedy aged in the history of the world, because a lot of the money they pay in is not going to the needy aged. The truth of the matter is that most aged are not needy. The idea that there should be massive windfall benefits to those who are relatively well off does not meet my standard of appropriate use of scarce resources.

Here we sit with unfunded liabilities—one of the great euphemisms of human history—approaching $5.8 trillion; $7 trillion if you include military pensions. We are mortgaging our future $30,000 per person, leading to utterly extraordinary assumptions about payroll taxes that will be needed to fund this system. When I asked one entitlement organization, "Why don't we tell the young people of this country that we're talking about 30-45% of pay to fund this system?," the answer came back, "You wouldn't want to do that, because if you told the young people how much taxes they'd have to pay, they wouldn't support the system." Young people will be paying the bill and yet they have no idea how big the bill will be. And we call this a democratic process.●

CONGRATULATIONS TO TZIVOS HASHEM'S HONOREES AT JUNE TESTIMONIAL DINNER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to extend my warmest good wishes to the dedicated administrators of Tzivos Hashem upon the joyous occasion of their June 23 testimonial dinner.

Among the honorees at the testimonial dinner is a man I have been privileged to know and love for many years, Mr. Joe Wolf, president of International Newspaper Printing Co., Inc. Joe, who came to the United States more than 60 years ago as a young immigrant from Poland, has spent much of his life serving his community. He is very active in his synagogue, and has lent his time and support to countless community endeavors that have enriched all of our lives. Joe's successful business career has contributed to the economic stability of the city of New York. It is extremely fitting that Joe is among those being honored by Tzivos Hashem, because he shares their goals of a better future for our children and for our world.

Congratulations to Richard Rose, president of Lapin & Rose; Eli Blachman of the Algemeiner Journal; Al Jaffee, famous Mad Magazine artist; Eileen Fisher of B.F. Graphics; Mark and Linda Isaacson, owners of Prestige Advertising; and Gershon Hoffman of G. Hoffman Associates, who also are being honored at the testimonial dinner.

I also would like to congratulate Rabbi Yerachmiel Benjaminson, executive director; Sholem Ber Baumgarten program director; Yosef Katzman, director of public relations; Moshe Zaetz, administrator; Dr. David Sholem Pape, who oversees publications; Mrs. Shternie Greisman, who heads the Dial A Jewish Story Program; Rabbi Joseph Goldstein, who oversees the Uncle Yossie Radio Program; Asher Hecht, art director; and Avroham Kass, who produces the Children's Newsletter, for their dedicated service to Tzivos Hashem's inspired efforts.

I am delighted to have this opportunity to commend Tzivos Hashem and the distinguished men and women it is paying tribute to at this year's gala dinner. Tzivos Hashem's contribution to the Jewish community and to the world is immeasurable. Its noble purpose of strengthening our children's values and their understanding of our history and sacred traditions is an investment in the future—an investment that promises us a rich, full experience in the Jewish community, and a more peaceful, loving society.●

ENVIRONMENTAL SUCCESS STORY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. MURTHA. Mr. Speaker, Louis Rukeyser, the respected business columnist and host of Wall Street Week, recently pointed out that while the Nation seems to be asleep at the energy wheel, some progress is being made in meeting our future energy needs, particularly in gasifying our Nation's 300-year supply of coal.

He points to the Synthetic Fuels Corporation's support of the Cool Water Coal Gasification Plant as an outstanding example of a technological, financial, and environmental success story that could serve our Nation well in meeting our future needs.

I insert Mr. Rukeyser's report on this project from the May 27, 1985, Washington Business Journal in the RECORD at this point.

NEW YORK.—Future students of the history of American hysteria should have a marvelous time recounting our reactions over the last dozen years to the problems of energy. We have managed to move from total obsession to total disdain, with no intervening stop at realism.

Those trying to make a living in this field are understandably frustrated. Happily for the country, though, at least some of the efforts toward meeting national needs dramatically perceived an eyelash ago are still quietly progressing. The day will surely come when we will desperately want the results, even if we haven't given much encouragement en route.

A key example is the search for alternative sources of energy—where there is, for a change, something positive to report today: an advance in coal gasification that may pay important dividends on some future day when the world is no longer seemingly awash in oil. (Experts differ only on when that day will come, not whether.)

There is even something pleasant to be said on behalf of the U.S. Synthetic Fuels Corp., and that is unusual indeed. Critics of the federally funded SFC have argued that the agency keeps ladling out the taxpayers' money without producing an erg of energy. In this case, though, the sequence appears to have been reversed: Energy was produced before any taxpayer money was expended, and the money that's flowing out now may soon be paid back.

Here's the story:

The Cool Water Coal Gasification Plant is located in the Mojave Desert between Los Angeles and Las Vegas. It utilizes a proprietary Texaco process designed to convert coal to clean synthetic gas, which in turn is used to power the turbines of a General Electric combined-cycle power plant. (The plant harnesses both the final synthetic gas and waste heat drawn off during the gasification process.)

From an engineering viewpoint, it all seems notably efficient and clean. Power magazine has just given the plant its 1985 Environmental Protection Award. Sulfur dioxide emissions are only about 1/35 of those allowed by the government, while nitrogen oxide emissions are virtually eliminated. All that is particularly reassuring to those concerned about acid rain.

These results have been achieved with a gross energy output of 120 megawatts, the equivalent of what could be generated by 4,800 barrels of oil or 30 million cubic feet of natural gas a day. That's enough power to serve the needs of about 100,000 homes.

From a financial viewpoint, the Cool Water project plainly has gone better than expected. The first project approved by the SFC, it was assured $120 million in price guarantees for the first five years—the so-called commercial demonstration phase. The guarantees cover the difference between the cost to generate the electricity (excluding capital expenditures) and the price for which it is sold to consumers.

The plant was already generating energy for more than a month before it billed the government. And the $20 million billed to date may very well be returned to the SFC. If the host utility, Southern California Edison, sticks to its plans to purchase and operate the plant after the first phase, the SFC would recoup its price-support payments by sharing in the net revenues.

Already there is cause for satisfaction that the $263-million plant was built without a cent of federal money. Texaco and SCE were backed by private participants who sensed the project's potential, even with the prospect of no immediate return on capital. Among them were the Electric Power Research Institute, Bechtel, General Electric and a consortium of Japanese compaines.

Following the Cool Water lead, the other utilities are getting into the act. Foremost is the Washington-area's Potomac Electric Power, which plans to bring a gasification plant on line in 1995. Japan, West Germany and other countries seeking to reduce both acid rain and dependence on foreign oil have been eyeing the Texaco process as a substitute for environmentally suspect conventional coal plants.

At the moment, with gas stations cheerfully washing windshields again, Americans are unlikely to get hyperenthusiastic about a report on progress toward alternative sources of fuel. But a nation with an estimated 300-year supply of coal should take heart that clean, economic uses of this invaluable natural resource may be evolving, even as we snooze.●

EXPANDED CAPITAL OWNERSHIP AND THE IDEOLOGICAL HIGH GROUND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. CRANE. Mr. Speaker, this is the second part of a series of discussions on the concept of expanded capital ownership. Today's material deals with the real nature of Marxism and why it is antithetical to freedom and true economic justice. I believe that in order to effectively check the expansion of revolution in this hemisphere we must be familiar with the ideology which fuels those revolutions. Only then will we be able to devise and implement a viable alternative to socialism. I hope my colleagues will take a few moments to read the following essay from the Intercollegiate Review by Prof. Paul Eidelburg.

ECONOMIC JUSTICE: A QUESTION OF TRANSCENDENT TRUTH

(By Paul Eidelberg [1])

PART I.—KARL MARX AND THE DECLARATION OF INDEPENDENCE

What is the meaning of Marxism? Scholars are in profound disagreement. Some commentators, focusing on Marx's "later" writings, emphasize his dialectical materialism, a theory which attempts to explain the history of human thought in terms of economic transformations of society culminating in political revolution. Others, focusing on Marx's "early" writings, identify them with the tradition of Western rationalism a humanism. These "revisionists"—they may be neo-Marxists—minimize the deterministic and violent aspects of Marx's thought or attribute them to the "perversions" of disciples.

The issue is not merely academic; it affects the actual policies of governments in the Free World toward Marxist or Communist regimes. Professor Zbigniew Brzezinski, National Security Adviser under the Carter administration, and a reputed "hawk," has long urged the United States to regard "the political development of both the communist and the developing countries with a great deal of patience" (285). Moreover, sovietologists of his persuasion have cautioned against a stronger U.S. defense posture lest it reinforce "hawks" in the Kremlin and retard the hoped-for liberal evolution of the Soviet Union. Brzezinski avers:

It is no exaggeration to say—though some anti-communists may be loath to admit this—that the peace of mankind depends in large measure on the Soviet Union's return to the occidental Marxist tradition from which the more oriental Leninism-Stalinism had diverted it. . . ."

This essay will refute the revisionist understanding of Marx by analysis of Marx's so-called early writings, comparing them with his most revolutionary document, the Communist Manifesto. Before doing so, however, a framework of analysis and judgment will be constructed drawn from the philosophical principles underlying the American Declaration of Independence I choose the Declaration because it too is a revolutionary document, insight into which will reveal whether Marxism can rightly be included in the Western tradition of rationalism and humanism.

In comparing the Declaration and the Manifesto, I shall focus on their different conceptions of human nature, primarily with a view to clarifying their respective teachings regarding the role of reason and force in human affairs.

Let us begin with the preamble of the Declaration; note the tone of its language:

"When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

What most distinguishes the Declaration of Independence from the Communist Manifesto is that the former affirms, while the latter denies (as we shall presently see), the power of reason to apprehend transhistorical truths or the "laws of nature and of nature's God." The statesmen of the Declaration appeal to these laws over and against the laws enacted by the British government. The appeal is from positive or statute law to the natural/divine law. Stated more simply, the Declaration distinguishes between what is right by nature and what is right by convention, or between the just and legal. This distinction is of revolutionary significance, for it places on trial the acts of every form of government, whether of the One, the Few, or the Many, and enables the governed to judge those acts according to universal and immutable standards of justice. And should any government fail to conform to those standards, that is, should the legal fail to conform to the just, then the governed may withdraw their allegiance from their governors.

The statesmen of the Declaration knew of course that notions of justice differ according to time and place. Men like Thomas Jefferson were fully aware of historical or cultural relativism. Yet they were convinced that the human intellect could transcend the flux of history and ascertain permanent truths concerning how men should live or how society should be governed.

This rationalism might lay them open to the charge of dogmatism. Notice, however, their "decent respect to the opinions of mankind" moved them to justify their act of revolution by reason or reasoning. We see here an excellent example of the virtue of civility. On the one hand, civility involves the power to appreciate diverse points of view without falling into relativism. On the other hand, civility involves moderation or self-restraint, and not only with regard to the passions, but with regard to pride of intellect which, with the help of the passions, can result in fanaticism.

The traditions of rationalism and humanism are here well exemplified. They enable the statesmen of the Declaration to proclaim:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it."

Only if man is a rational being capable of self-restraint or civility is it reasonable to ascribe to him the rights to life, liberty, and the pursuit of happiness. And it is precisely because (or insofar as) man is such a being that it makes sense to say he cannot be governed without his consent.

Informed by the principles of reason and civility, the rights to life, liberty, and the pursuit of happiness are standards by which men may criticize the acts of government or the conduct of their own class or society. We thus see in America's Declaration of Independence a doctrine of intellectual independence, signifying that our thoughts concerning justice, for example, are not wholly determined by class interests or by social or historical forces. In other words, the statesmen of the Declaration affirm the possibility of moral insight, which presupposes the freedom of the intellect from external compulsion.

This freedom of the intellect is itself part of the laws of nature and of nature's God, or say of creation; which means that these laws are constitutive of man's very being; they distinguish human from sub-human creation. Man is the rational animal; homo rationalis. Thus, when the statesmen of the Declaration appeal to the natural/divine law, they are appealing to the reason of man.

This appeal to reason is complicated, however, by the fact that reason was ostensibly employed in the laws of the British government denounced by the Declaration. We must therefore postulate that that reason violated the natural/divine law as apprehended by a higher and more comprehensive mode of intellection. Accordingly, we may distinguish between two kinds or functions of reason. One may be called Metaphysical, the other Pragmatic. Though distinct, they are inseparable.

[1] Paul Eidelberg is currently Professor of Political Science in the Department of Interdisciplinary Studies at Bar Ilan University, Ramat-Gan, Israel. He is the author of various works on American statesmanship and his latest work is "Jerusalem vs. Athens: In Quest of a General Theory of Existence."

The metaphysical reason is the architectonic principle of the Declaration. It apprehends the laws of nature and of nature's God which may be enjoyed in their contemplation, or which may become ends motivating political action and institutions. Also, the metaphysical reason makes possible the distinction between the natural or moral law and the laws of governments, a distinction which may engender reform or revolution. Furthermore, the metaphysical reason invisibly kindles the development of a comprehensive and coherent view of life, liberating men from a welter of immediate wants, of narrow and transient interests. This it could not do, of course, without the accomplishments of the pragmatic reason whose tendency, however, is to become preoccupied with those wants and interests. Finally, it is preeminently the metaphysical reason that makes man the metaphysical animal, the only animal that can transcend the physical. It is by virtue of this transcendence that man is endowed with the rights to life, liberty, and the pursuit of happiness.

With respect to these rights, all men are created equal (even though they are obviously unequal in their intellectual, moral, and physical endowments). Hence each individual belongs to himself (ultimately, to his Creator). He is a center of purposes and cannot be used as a mere means for the purposes of others. In other words, he cannot be used as if he were an inferior species. His rights, being unalienable, cannot be taken away or even given or voted away. Which means that the life of one individual cannot be sacrificed for the sake of society: the value of the individual is infinite. He is the creature of God, not of society or of men.

Although men are not created equal in their intellectual and other endowments, each individual, being unique and irreplaceable, is endowed with a capacity to contribute to the collective wisdom and welfare of mankind. It goes without saying, however, that individuals, and even nations, sometimes err and violate the natural/divine law. This becomes self-evident when they treat other human beings as if they were an inferior species. But in all cases where men find themselves in conflict with each other, civility requires that they pay "a decent respect to the opinions of mankind" by defending their own opinions by reasoning, that is, by rational inquiry into truth or into the common good. It is truth, it is the common good, that renders men equal, or commensurate with each other. Without truth, without a common good (or without the moral law), all men would be lost in their manifest inequalities and could then proceed to treat each other as beasts. Here we see the Declaration's doctrine of equality stands or falls on the definition of man as homo rationalis et civilis. Ultimately, it depends on the hierarchy of beast, man, and God.

Having set forth the principles and purposes of just government, the statesmen of the Declaration proceed to show how these were violated by their British rulers. A long list of abuses are enumerated, prefaced by the words "let facts be submitted to a candid world." The very enumeration of these facts—these abuses to justify a revolution—and their juxtaposition with the political standards in terms of which the world could form its own judgment about the entire matter, is testimony of the primacy of reason over force. If it be agreed, however, that the acts of the British government did in truth "evince a design to reduce [the American people] under absolute Despotism," then to have submitted to those acts without struggle would have been to accept, in effect, the status of an inferior species, something repugnant to the metaphysical reason (allied so closely with man's self-respect or sense of honor).

What we see here is the rebellion of the metaphysical reason against its own violation, the violation of man's special dignity. The primacy of reason is thus evidenced in the very act of rebellion, as may be seen in the following passage of the Declaration:

"In every stage of these Oppressions We have petitioned for Redress in the humblest terms: Our repeated Petitions have been answered only by repeated injury. . . . Nor have We been wanting in attention to our British brethren. . . . We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations. . . . They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which announces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends."

Despite the resort to force, the primacy of reason could hardly be stated more eloquently.

By the primacy of reason I do not mean that men's opinions, say about justice, are unaffected by their economic interests. Still, even ordinary men will sometimes adhere to their opinions knowing that by so doing they will suffer economic loss. Perhaps this is why "a decent respect to the opinions of mankind" requires that we regard men's opinions as articulations of thought rather than of material interests. Indeed, only if opinions are regarded as articulations of thought does it make any sense to criticize them. (Otherwise, our criticism may be deemed a mere "rationalization" of our own economic interests.) If criticism is not to be an argumentum ad hominem, it must appeal to men's reason, and its ultimate object must be the establishment of truth. This is precisely what is implied in those words of the Declaration, "let Facts be submitted to a candid world." Candid men are open to the truth, whatever be their interests or the interests of their particular class or society. This openness to the truth is but the freedom and civility of the soul, of the metaphysical reason prompting man to transcend the interests of time and place, such that his good may encompass the good of others. It was the vision of a comprehensive or common good—which is but the aim of justice or morality—that made it possible for the statement of 1776 to proclaim, in the peroration of the Declaration: "for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred honor.●

THE 10TH ANNIVERSARY OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mr. DINGELL. Mr. Speaker, on Wednesday, June 5, there is a very important celebration—of the 10th anniversary of the founding of the Environmental and Energy Study Conference.

Ten years ago no one, and certainly not I, could have expected the organization to build up a majority of Members on both sides of the aisle and on both sides of the Capitol, and yet that has been the case for nearly the entire 10 years.

At least as important as the EESC's size and its bipartisanship is the consistent high quality of the work it does. Not only do I find the Bulletin one of the more useful publications to cross my desk each week, but I know that it is very highly regarded outside of the Congress—including having earned great respect from probably the most critical of audiences, the working press. In large measure the Bulletin is responsible for the continued success of the Conference as a bipartisan, bicameral organization. The Bulletin has consistently been nonpartisan in its tone, no matter how vituperative the congressional debate might become on any issue. Its virtue is that it is factual and that it does not advocate positions. That kind of unbiased, solid information is the stuff of the best possible congressional deliberation.

The credit for the idea of EESC goes virtually entirely to our former colleague and my very good friend, Dick Ottinger. When he was reelected in 1974, Dick was off and running to set up the EESC. Even before he was sworn in, he approached me to cosign his first "Dear Colleague" letter. Dick Ottinger is a dauntless and tireless worker in behalf of many good causes, and his unstinting efforts—throughout his entire 10 years—are revealed best by the fact that the EESC remains the credit to him that it is. I must say, by the way, that he is sorely missed as a Member of this House and of the Committee on Energy and Commerce.

By this time, dozens of other Members, of both parties and of both the House and the Senate, have served EESC in countless ways, ranging from financial support to active service on the executive committee or as cochairman. These individuals, too numerous to mention here, made an enormous contribution.

I can only say I hope the Study Conference has as successful a second decade as its first. And, of course, to recommend membership to any colleagues who may not be currently benefiting from the Bulletin and the other services the EESC provides. ●

SENIOR INTERN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. MAZZOLI. Mr. Speaker, I had the pleasure of participating in the

1985 Senior Intern Program, as I've done yearly since the program's inception. I commend this year's program coordinators, the Honorable THAD COCHRAN and the Honorable TONY COELHO, for their outstanding effort and for their successful program.

My senior intern this year was Mrs. Pauline Dobson of Louisville, KY, whom I was proud to welcome to Washington.

Mrs. Dobson, a mother of three sons, worked for many years primarily as a medical social worker. She has been actively involved for many years in the Jewish community serving on various committees, and is working hard to advance the interests of older Americans as a board member of the Kentucky Association of Older Persons, as a board member of Jefferson County Council on Aging and as chairman of the Kentucky Association of Older Persons Telecare.

Despite all these activities, Mrs. Dobson has still found time to volunteer her services to many community—national—causes like the American Cancer Society.

We are proud to have had Mrs. Dobson with us and to participate in this program which brings concerned senior citizens and Government closer together.●

EXCISE TAX PROOF OF PAYMENT

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. SHELBY. Mr. Speaker, today, I am introducing legislation to repeal a provision of the Highway Revenue Act of 1982 which requires each State to implement a program to require local vehicle registration officials to be presented with proof of payment of the Federal use tax imposed under section 4481 of the Internal Revenue Code of 1954 on heavy vehicles before such vehicle may be registered. Failure to implement such a program will result in the State's loss of 25 percent of its Federal highway funds.

Mr. Speaker, this is just another example of the Federal Government imposing an unnecessary burden on the local government officials. This law actually deputizes these local registration officials as enforcement agents of the IRS. The local citizens did not elect these officials to perform this function, and they should not be given this added task.

I urge my colleagues in the House of Representatives to join with me in eliminating this unwarranted intrusion of the Federal Government into the domain of local government.

Thank you.●

THE USE OF POSITIVE ECONOMIC INCENTIVES IN SOUTH AFRICA

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. GUNDERSON. Mr. Speaker, few will debate the fact that apartheid is one of the most difficult and repulsive foreign policy questions we face presently. Clearly, the United States can—and must—reject it on every ethical and moral principle to which we, as a country ascribe.

This week, the House considered H.R. 1460, a bill that addressed the issue of apartheid in South Africa. Unfortunately, the bill failed to take into account the fact that the South African economy can serve as the most effective engine for social transformation—that is, dismantling the system of apartheid.

In response to the shortcomings of H.R. 1460, I proposed a substitute amendment. This amendment would not only have created sanctions to pressure the Government of South Africa into abolishing apartheid, but would also have provided positive economic incentives to open the doors of economic opportunity that have for so long been shut to black South Africans.

An editorial appeared in Wednesday's Washington Post that succinctly summarizes the failure of H.R. 1460 to address the need for positive economic incentives. I urge my colleagues to take a moment to reflect on its message and reconsider the alternative provided by the Gunderson substitute.

[From the Washington Post, June 5, 1985]

THE SOUTH AFRICAN SANCTIONS

Proposals in Congress to vote sanctions against South Africa were lagging until President Reagan imposed sanctions against Nicaragua. As a result of this seeming burden of consistency, the House may approve for the first time, on Thursday, a package of economic restrictions against the practitioners of apartheid. If that happens, it will be a mistake.

The case for sanctions is that white minority rule is at once so odious and so powerful that it must be moved and can only be moved by extraordinary economic pressures applied from the outside. Not to attack apartheid in this fashion, it is asserted, is moral and political appeasement. That the intended beneficiaries may also suffer is set down as a price they are prepared to pay.

But there is a serious, respectable, nonracist case against sanctions. It is that the country's economy is its most effective engine of social transformation, compelling whites to grant blacks precisely the training and education, the livelihood and personal rewards, the choices of where to live and work, the associations and organizations, the sense of their own power and community, that apartheid would deny them. And South Africa's place in the world economy, and especially the high-tech, democratic, politically responsive parts of the world economy, is a prime spur to this process.

All of this is understood perfectly well by the sponsors of the sanction legislation. That is why they have quietly designed the particulars of their bill to make the minimal impact on black jobs and opportunities consistent with sending South Africa a political message. In short, the best thing about the bill is that its effect will be largely symbolic. But that does not make it wise public policy.

The legislation is widely seen, by Democrats, as a rebuke to the Reagan administration's policy of "constructive engagement." That it would be. But it would be a poorly aimed rebuke. The type of engagement that widens blacks' economic advantages and openings is the good kind. What deserves to be criticized in the administration's policy but is not attacked by this bill is the bad kind: the kind that lets too many South Africans ask whether the United States is serious about apartheid, the kind that has American diplomats seem more often to be apologizing for apartheid than demanding its abolition.●

THE IMPORTANCE OF RETAINING THE STATE AND LOCAL TAX DEDUCTION

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. McGRATH. Mr. Speaker, I am adamantly opposed to any tax reform plan which contains the elimination of the deduction for State and local taxes on individual income tax returns. I believe such a proposal violates the principles of new federalism and will have adverse economic impacts on my constituents, resulting in tax increases and reductions in property values.

The Republican Conference of the New York State Assembly has recognized the adverse impact of the proposed elimination of the deduction and passed a resolution urging the Congress to take no action which would limit or eliminate the deduction. I am pleased to insert in the RECORD a copy of the resolution as well as a letter signed by 55 members of the New York State Assembly to President Reagan urging him to reconsider his position on this issue.

The information follows:

STATE OF NEW YORK,
May 29, 1985.

Hon. RONALD W. REAGAN,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: As you prepare to present the Congress with your plan for federal income tax reform, please be assured that the members of the Republican Conference of the New York State Assembly support your effort to bring sense and sanity to the federal tax code.

Yet, we must strenuously oppose any provisions of a tax reform proposal that eliminate the deductibility of state and local taxes without providing substantive overall tax benefit for our taxpayers.

We oppose the loss of deductibility of state and local taxes as a matter of principle and as a practical, economic concern.

The loss of deductibility would result in double taxation of income, a practice long-abhorred in our federal system. Citizens of our nation have never and should not now be compelled to pay federal taxes on income already taxed by state or local government.

In New York State, the loss of deductibility in a federal tax reform plan that does not drastically reduce rates would result in dramatic tax increases for all our citizens. According to the Advisory Commission on Intergovernmental Relations, the deduction of state and local taxes save the average New Yorker $1,333 in federal income taxes. Clearly, the citizens of New York State would be forced to pay a heavy price for federal tax reform, if state-local deductibility is eliminated.

The cost to New Yorkers would not be limited to higher federal taxes, it would include future economic stagnation. New York's high tax status—a distinction we in the Assembly Republican Conference are working to eliminate—would be seriously exacerbated by the loss of deductibility. As a consequence, business decision-makers would have further cause to shun the Empire State as a home for enterprise.

Therefore, we respectfully request that state and local tax deductibility be retained as part of the federal income tax policy and urge you to pay particularly close attention to the impact of tax reform on the economic future of states such as New York.

Sincerely,

Clarence D. Rappleyea, Jr., Minority Leader; Henry W. Barnett, Thomas F. Barraga, Gregory R. Becker, John L. Behan, Gordon W. Burrows, William E. Bush, Anthony J. Casale, Ray T. Chesbro, John C. Cochrane, Members of Assembly.

Audre P. Cooke, Richard I. Coombe, Armand P. D'Amato, Robert A. D'Andrea, Arnaldo Ferraro, John J. Flanagan, Daniel Frisa, Robert Gaffney, J. Kemp Hannon, Glenn H. Harris, Members of Assembly.

R. Stephen Hawley, Philip B. Healey, Neil W. Kelleher, J. Randolph Kuhl, Jr., Clarence D. Lane, William J. Larkin, Jr., Vincent L. Leibell III, Hugh S. MacNeil, George H. Madison, John W. McCann, Members of Assembly.

Hyman M. Miller, Richard Miller, James F. Nagle, H. Robert Nortz, Michael F. Nozzolio, John G.A. O'Neil, Frederick Parola, Jr., George Pataki, L. William Paxon, Douglas Prescott, Members of Assembly.

Arnold Proskin, Toni Rettaliata, Andrew W. Ryan, Jr., Stephen M. Saland, Joseph Sawicki, Jr., William R. Sears, John B. Sheffer II, Nicholas A. Spano, Robert A. Straniere, Peter M. Sullivan, Members of Assembly.

Frank G. Talomie, Sr., James N. Tedisco, Glenn E. Warren, Robert C. Wertz, Richard C. Wesley, George H. Winner, Members of Assembly.

REPUBLICAN PARTY CONFERENCE

Resolution proposed by the Honorable John C. Cochrane, Member of the Assembly, seconded and unanimously adopted by the Republican Party Conference of the New York State Assembly on May 28th, 1985.

Whereas, the State of New York has suffered three very severe economic downturns in the last decade; and

Whereas, the State of New York has the third highest state and local tax burden among the fifty states; and

Whereas, the State of New York has recently adopted a substantial multi-year tax reduction plan to eleviate portions of the tax burden; and

Whereas, the centerpiece of the tax reduction is a reduction in the top state personal income tax rate to bring New York State's personal income tax burden in line with the tax burden of other states so that New York can attract and retain job opportunities for its citizens; and

Whereas, the most recent studies published by the Bureau of the Census project that New York will continue to lose population relative to the rest of the country through the rest of this century; and

Whereas, the economic growth of New York State has been and is predicted to continue to lag behind the economic growth of the other states in the nation; and

Whereas, New York State continues to work close by with the local government entities under its jurisdiction to develop new ways to provide high levels of local services at minimum cost to the taxpayers of the state; and

Whereas, the State of New York must continue to push for a lower overall level of state and local taxes until such time as our tax burden is consistent with maximum levels of economic growth and the provision of essential governmental services; and

Whereas, the expanded responsibility of state governments under "New Federalism" demands that states be afforded the fiscal resources needed to finance these responsibilities; and

Whereas, we recognize the need to provide a tax system that is fair, simple and designed to enhance economic growth without working to the disadvantage of any state; and

Whereas, the loss of deductibility of state and local taxes on federal taxes at this time could severely hamper our efforts to secure an economic future of hope and prosperity for our children; and

Whereas, we believe tax reform could be provided at the federal level without the loss of deductibility of state and local taxes;

Be it resolved, that the Congress take no action to limit or eliminate the existing provision of the Internal Revenue Code with respect to the deductibility of state and local taxes and further be it;

Resolved, that a copy of the Resolution suitably engrossed be transmitted to the Honorable Ronald W. Reagan, President of the United States, and to the President of the Senate of the United States, to the Speaker of the House of Respresentatives of the United States, and to each member of the Congress of the United States from the State of New York.

May 28, 1985.

Certified as a True Copy.

NEIL W. KELLEHER,
Chairman of the Conference.
WILLIAM J. LARKIN, Jr.,
Secretary of the Conference.●

CONGRESSIONAL BLACK CAUCUS SALUTES MILES DAVIS MARKING HIS 40TH YEAR AS A JAZZ RECORDING ARTIST

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. CONYERS. Mr. Speaker, I rise on behalf of the Congressional Black Caucus to bring to the attention of my colleagues the distinguished cultural achievements of Miles Dewey Davis, Jr., who is celebrating his 40th year as a recording artist in the forefront of America's own classical music form, known as jazz.

As Mr. Davis prepares for his 40th anniversary concert and art exhibit at the Capital City Jazz Festival, Friday, June 7, at the Washington Convention Center, I would like to take this opportunity to reflect on his contributions in the hope that his example will serve as an inspiration to all who appreciate jazz.

Long before Mr. Davis' work and the expression of his definitive personal style made him a legend in his own time, he was already well entrenched in the jazz scene. Born in Alton, IL, on May 16, 1926, he was introduced to music as a youth and received his first trumpet from his father as a gift on his 13th birthday.

By age 15, he was already a card-carrying member of the local musicians union and playing in his high school band, the Blue Devils. His music teacher was Edgar Buchanan, who introduced him to "jam sessions" around town, and who taught him to play the trumpet the way he still does, "fast and light—and no vibrato."

Mr. Davis graduated from high school in 1944 and left Illinois for New York City to study music at Juilliard. "I spent my first week in New York and my first month's allowance looking for Charlie Parker," he recalled later. He had met Parker, a legendary saxophone great, and trumpeter "Dizzy" Gillespie when the two were performing several years earlier in St. Louis. It was Parker that initiated him into the exciting New York club scene that centered on 52d Street. He made his first recordings as part of Parker's famous quintet in November 1945.

By 1948, Mr. Davis had developed his own nine-piece band which, because of its composition—trumpet, trombone, French horn, tuba, alto and baritone saxophones, and rhythm section, was considered unorthodox in jazz circles. Their sessions sometimes attracted the talents of such musicians as Gil Evans and Gerry Mulligan. With this group, he continued to develop his musical talents, moving from the idiom called "bebop" into a new one called "cool jazz."

During the 1950's, Mr. Davis released nearly a dozen albums on the Prestige Record label. He also recorded on Savoy Records with Parker, Capitol Records with Evans and Mulligan, and made several appearances on Blue Note Records. He enjoyed critical acclaim for his recordings "Walking," "Odyssey," and "Milestones * * *," and won his first Downbeat magazine critics poll in 1955.

About this same time, Mr. Davis gave a historic performance at the Newport Jazz Festival with a new quintet consisting of pianist Red Garland, bassist Paul Chambers, drummer "Philly" Joe Jones, and John Coltrane on tenor saxophone.

After moving on to Columbia Records, Mr. Davis' stream of great recordings continued with "Porgy and Bess," "Sketches of Spain," and "Miles Ahead." Then in 1957, he added Cannonball Adderley to his ensemble, and the world of jazz attained a new standard of excellence with the release of the album "Kind of Blue."

Mr. Davis introduced a new lineup of musicians in the 1960's which included drummer Tony Williams and pianist Herbie Hancock. Wayne Shorter and Ron Carter also joined the group, helping it to become one of the premier small bands of this period. This collaboration advanced his music to the threshold of the jazz fusion era.

The names associated with Miles Davis in the 1970's have today become leaders of a new and exciting generation of musicians—Chick Corea, Dave Holland, Joe Zawainul, John McLaughlin, Billy Cobham, Jack Dejohnette, Keith Jarrett, and others. Each of these individuals has proclaimed the importance of the apprenticeship they served with "The Chief," as his band members have come to call him. The ancient practice of bearing witness remains a most honorable way of acknowledging human achievement. Great artists have always done this, and Mr. Davis is surely one that both pleases and provokes the witness around him.

After a brief hiatus from recording and performing, Mr. Davis returned in the 1980's to exhibit his tremendous capacity for musicial leadership and innovation. His Grammy Award winning album entitled "We Want Miles" is just one example of his continuing popularity. His willingness to apply his masterful artistry to today's popular music is displayed in his recent interpretations of songs by Michael Jackson and Cyndi Lauper. As has been the case throughout his career, Mr. Davis has found inspiration and avenues for deep personal expression in the most unexpected of places.

The strength of Miles Davis' musical legacy lies in its diversity. He has experienced several creative periods. Each one reveals a scope of effort and vision that simply cannot be harnessed adequately by any label. Ensemble constructs, from orchestral designs to the galloping muscularity of the quintet, are clearly represented in the composition of his various performing groups. A dart landing anywhere on Mr. Davis' extensive discography would point to a notable movement in the progressive development of modern American jazz music.

I ask that my colleagues join with me and with the Congressional Black Caucus in congratulating Miles Davis as his many friends and fans prepare to gather with him Friday evening, June 7, at the Capital City Jazz Festival, to celebrate his 40th year as a recording artist. His musical contributions have won him recognition throughout this Nation and around the world, and I think it most appropriate that the U.S. House of Representatives convey its appreciation to him as well.●

HONORING THE OUTSTANDING WOMEN FROM CALVERT COUNTY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. DYSON. Mr. Speaker, it gives me great pleasure to pay tribute to a group of women from the Calvert County area who exemplify the kind of dedication needed to provide effective community service.

In recognition of their efforts, the Calvert County Committee on Women is honoring them as another sign of the valuable contribution women make to the southern Maryland community.

I am proud to represent these individuals and to acknowledge them today in the CONGRESSIONAL RECORD. These outstanding women are: Carol Khalili, Ruth N. Reid, Ada M. Barrett, Barbara Spresher, Suzanne Noll, Nancy Bowen, Eleanor Prince, Joyce Lyons Terhes, Verda Elizabeth Cox Turner, Milda Drennan, Betty Tavenner, Esther Ann Ritchie, Pamela Baldwin, Vivian Jones, and Joan Grover.

I salute the accomplishments of these ladies and am privileged to join with the Calvert County Commission on Women to recognize them. We can all learn from the important additions these women have made and urge my colleagues in the House to join me in applauding their efforts.●

SUPERFUND TAX DEBATE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. FLORIO. Mr. Speaker, this year the Congress must extend and expand the Superfund Toxic Waste Cleanup Program. Four and a half years into a 5-year program, less than 10 percent of the Nation's priority sites have received Federal cleanup funds. Estimates of the Federal Government's share of the total cleanup costs that still lie ahead of us range from $23 to $39 billion.

Last year, the House passed by a vote of 323 to 33 Superfund reauthorization legislation which established a $10.1 billion funding level for a second 5-year installment of the program. The need to increase the size of the program has led some to advocate a broader source of revenue for the cleanup effort.

Currently, the Superfund is supported by a tax on 43 basic feedstock chemicals, including crude oil. The chemical industry has argued that it should not be forced to continue to bear the primary burden of supporting Superfund both because the higher taxes needed to support an expanded fund will have a detrimental economic impact on the industry and because other industries also generate the wastes found at Superfund sites and therefore should share the tax burden.

The chemical industry has advocated adoption of a broad-based corporate tax as the primary source of future Superfund revenues. While the chemical industry's argument that other waste-generating industries should help to support cleanup has considerable merit, others have noted that, depending on how a broad-based tax is structured, such an approach could shift the tax burden to the general taxpayer rather than to other industries.

The following editorial from the Washington Post reflects such concerns and I would urge my colleagues to keep such issues in mind as we renew our consideration of potential Superfund revenue sources.

[From the Washington Post, May 18, 1985]

A BAD TAX FOR SUPERFUND

In pursuing a good end—stronger federal efforts to clean up hazardous waste dumps—the Senate Finance Committee has adopted a bad means—a value-added tax (VAT) on manufactured goods. That's a mistake that the House Ways and Means Committee should quickly correct.

There is widespread agreement in Congress, fueled by strong public pressure, that the Environmental Protection Agency needs to move more aggressively on toxic cleanups. No one expects a fast windup to the problem—estimates of the number of dan-

gerous sites keep mounting even as the difficulties of dealing with them become more apparent. But a larger commmitment of staff and money should bring faster progress both in the development of techniques and the containment of existing hazards.

With both the Senate Environment and Finance committees now agreed on spending $7.5 billion on Superfund over the next five years, and the House voting last year to spend more than $10 billion, a much expanded program is a near certainty. The biggest remaining issue is how to raise the money. Superfund now relies on a tax levied on raw chemicals and petroleum, a method that has the important virtue of putting the cost of cleaning dumps on those primarily responsible for their creation.

Chemical and oil producers are more or less resigned to the so-called feedstock tax at its present levels. But they argue that raising the tax to support a bigger fund would not only put them at a competitive disadvantage in the world, but would also be unfair. After all, much toxic waste comes not from the initial production of petrochemicals, but from their subsequent use by manufacturers and consumers. That's fair point to which the administration responded this year by proposing to tax the actual disposal of waste in a way that would encourage generators of that waste to dispose of it in a safe manner.

The Treasury's original scheme taxed too heavily producers of large volumes of highly diluted waste. But that flaw was corrected during committee hearings. Still, some petrochemical manufacturers continued to push for an even broader basis of taxation, with the result that the Finance Committee decided to support the enlarged fund by a new tax on the sale or import of all raw materials, except unprocessed food products, and on the value added to those materials at each stage of the production process.

The arguments against this special-purpose VAT are the same ones that apply to a general VAT. A VAT hits lower- and middle-income people much harder than the wealthy. And it would require construction of a whole new complex tax filing and collection system—just what neither IRS nor businesses need. About the only interest it would serve would be derailing the administration's income tax reform proposals. Sneaking into the code a new, easily expandable revenue-raising device might be considered by some a good way to protect their favorite loopholes. That's not a purpose that Superfund ought to serve.●

PROTESTER SUFFERS CRUEL TREATMENT FROM U.S AGENTS

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. LUKEN. Mr. Speaker, I ask that an editorial from the Cincinnati Enquirer of Wednesday, June 5, 1985, be inserted in the RECORD.

I am asking for a report from the Justice Department and the District of Columbia on this alleged assault on the constitutional rights of Reverend McCrackin.

[From the Cincinnati Enquirer, June 5, 1985]

LAW/ORDER—A CINCINNATI PROTESTER SUFFERED CRUEL TREATMENT FROM U.S. AGENTS

The Federal marshals in Washington, D.C., must think themselves a pretty tough lot. In dealing with the Rev. Maurice McCrackin, 79, for example, a deputy marshal used a stun gun on this gentleman whose life is dedicated to non-violence.

Is that tough? No, let's call it outrageous instead.

The minister is, admittedly, a perennial protester. Some find that an annoyance; most Cincinnatians have accepted his protests as part of the scene. They know, moreover, that he is a man who lives according to his convictions.

Mr. McCrackin was in Washington protesting with an evangelical group that wants disarmament an end to the death penalty and social changes to benefit the poor. When he was arrested, he used the passive resistance of the 1960's, as Martin Luther King Jr. once did: he refused to co-operate.

The Washington park police were rough enough as they hauled Mr. McCrackin off, but the federal marshals topped them, dragging the minister and twisting his hand to force him to move. Finally, when Mr. McCrackin wouldn't walk from his jail cell to court, a deputy used a stun gun on him.

In explanation, the U.S. marshal for the district said that stun guns were used "when controlling belligerent and violent subjects"—and, apparently, on 79-year-old men who are difficult to handle.

The offending deputy has been transferred from the federal cell block, and the incident will be investigated, but then what?

Toughness is one quality; sadism, another. The marshals seem to have the two confused.●

TRIBUTE TO JOE CAMPO

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. DOWNEY of New York. Mr. Speaker, I rise today to pay tribute to a fine American who has made an outstanding contribution to the community of Brentwood, NY, which I have the privilege to represent here in the U.S. House of Representatives.

In the 19 years that coach Joe Campo has been a wrestling and football coach and teacher at the Brentwood High School, he has compiled a phenomenal record of success. His football and wrestling teams have dominated county and State competitions for many years. Under Coach Campo's direction, Brentwood football teams won back-to-back Rutgers Cups—awarded annually to the best high school football team on Long Island. As a wrestling coach at Brentwood, Coach Campo guided his teams to an unprecedented decade-long dominance of the Suffolk County wrestling championship tournaments. His wrestling teams have won either a county or sectional title 14 times in his career.

Being a winner is more than accumulating trophies and putting "w's" in the win column, and Coach Campo's victories extend well beyond the mat and the football field. Coach Campo has been an inspiration to hundreds of young men who passed through the halls of Brentwood High. Coach Campo has done a fine job in helping his athletes to become fine and upstanding members of their community.

Coach Joe Campo knows that the future of this Nation lies with our youth. Thanks to Coach Campo, that future will be a little bit brighter.●

THE CONFERENCE'S 10TH ANNIVERSARY

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. WISE. Mr. Speaker, since coming to Congress over 2 year ago, I have been impressed by many things. The staggering workload, the tremendous effort put forth by my colleagues on both sides of the aisle to come to grips with the issues of the day, and the incredible abundance of information that is available to me as a Member of Congress, being among them.

I think that this latter point, the fact that there is literally too much information for any one Member or staff to digest on any given issue, is a critical one.

It is for this reason, then, that I have become a strong supporter, and now a member of the board and a vice chair, of one of the organizations on the Hill that seeks to deal with this problem—the Environmental and Energy Study Conference.

Since my good friend and former Member of Congress Dick Ottinger started the conference in 1975, it has grown both in membership, resources, expertise, and effectiveness. The 10 original Members have now become 320—including both House and Senate—and it is the largest legislative service organization in Congress. It is bipartisan, and provides unbiased information on energy and environmental legislation that we must debate and make decisions about. To me, the information and analysis it generates has not only become useful, but indispensable. But the EESC does more; it takes the enormous amount of information and data that is available on environmental and energy issues, and makes them mean something to us common folk.

The "Green Sheets" mean one thing in my office—facts. The EESC publications analyze, report, forecast and generate a great deal that is important to me and the constituency that I represent, West Virginia's Third Congres-

sional District. Staff Director John Dineen and his whole crew do yeoman work in getting me and the other Members of the conference the background we need to do our jobs, and do them well.

I have always been proud to be a Member of the EESC. I am even more excited now that I have decided to become more active in its leadership, and I want to take this opportunity to thank Dick Ottinger, and all of the subsequent chairpersons for what they have created. I would like to particularly acknowledge the leadership that my friend and colleague, HOWARD WOLPE, and Senator PAT LEAHY have provided the EESC over the past 2 years. They have provided a service to this Congress and country. I look forward to working during the 99th Congress with Chairmen BILL GREEN and SLADE GORTON, and my Co-Vice Chair AL GORE.●

THE 254TH BIRTHDAY OF MARTHA WASHINGTON

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. CLINGER. Mr. Speaker, June 13, 1985, is Martha Washington's 254th birthday. A movement has been initiated to commemorate her birthday each year in thanksgiving for her contribution to the building and founding of our Nation, both personally and as she personifies the coordinate contribution of women to our Nation.

The chief executive of the city of Alexandria and Fairfax County have proclaimed such observance in their respective jurisdictions. Such observance is long overdue, and so I urge that the opening ceremonies of the House that day take appropriate note of both Mrs. Washington and the debt we owe the women in America from 1607 to this moment in building mankind's greatest achievement in self-government and economic well-being.

Martha Washington's contributions and leadership throughout the Revolutionary War and formative years of the United States rank her among America's preeminent national leaders. She was also a leader and patron of religious and community service, as well as cultural and voluntary activities in the Potomac Valley.

As the original First Lady of the United States, Martha Washington established customs and traditions now institutionalized in the concept of a constitutional presidency, practiced throughout the free democracies of the world.●

CONGRESSMAN MILLER HONORS MATTIE "MOTHER" McGLOTHEN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. MILLER of California. Mr. Speaker, the Women's International Convention of the Church of God in Christ has just concluded its 35th annual meeting in Washington, DC. I would like to note the extraordinary contributions made to the church of my constituent, Mattie "Mother" McGlothen.

Mrs. McGlothen has served as a licensed minister of the Church of God in Christ for over half a century and currently serves as the president of the International Convention for Women, the highest position held by a woman in the church. She also serves as the State supervisor for women in the California-Northwest jurisdiction.

For many years, Mrs. McGlothen worked side by side with her late husband, Bishop G.W. McGlothen, who founded the McGlothen Temple Church of God in North Richmond, CA. When she was appointed State supervisor of the State in northern California in 1934, there were about six churches in our State; today, after a half century of her outstanding work, there are more than 500.

Mr. Speaker, the community of Richmond is exceedingly proud of "Mother" McGlothen, and we are all grateful for her lifetime of devoted service to her church and her country. She and her late husband have been loyal friends to me for many years. I know that all Members of the House of Representatives will join me in applauding her great work, and wish her many years of continued service.●

A SALUTE TO MISS MABLE F. JONES

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. DYSON. Mr. Speaker, I rise today to pay tribute to an outstanding educator and community activist from my district, Miss Mable F. Jones, of Crisfield, MD. Miss Jones is retiring this week following 40 years of dedicated service to the citizens of Somerset County, MD.

Following her graduation from Morgan State College, Miss Jones began her career in education as a mathematics teacher at Crisfield Colored High School. The Nation's educational system was very different in those days, and Miss Jones was always fighting an uphill battle to do the best job which she possibly could. She continually strove to further her education, attending graduate courses at Temple University, Morgan State University, the University of Pennsylvania, and the University of Maryland, Eastern Shore. Miss Jones was also active in many professional organizations, including the National Council of Teachers of Mathematics, the National Education Association, the Maryland State Teachers Association, the Teachers Association of Somerset County, Alpha Kappa Alpha Sorority, and the NAACP.

Miss Jones' dedication to her students and the teaching profession was widely recognized by those around her. In addition to serving as mathematics teacher, Miss Jones was a guidance counselor, assistant principal, and acting principal for one semester. In 1969, Miss Jones moved to Crisfield High, where she served as chairman of the mathematics department, adviser to the student council, adviser to the National Honor Society, and chairman of the graduation committee. Miss Jones was so highly regarded by her contemporaries that she was voted a finalist as Math Teacher of the Year, 1983-84, by the graduate education department of Morgan State University.

I ask all of the Members to join me in saluting this woman who has dedicated her life to the advancement of others. I would like to conclude by mentioning three mottos that Miss Jones has always related to her students:

Reason is the mistress and queen of all things;

The best angle of approach to life is the try-angle;

The three foundations of learning: Seeing much, suffering much, and studying much.●

A BAD WAY TO SAVE MONEY: CUTTING GOOD PROGRAMS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. FLORIO. Mr. Speaker, I am submitting for the RECORD an editorial which appeared in the Philadelphia Inquirer of June 5, 1985. It seems as if the Philadelphia Naval Shipyard is once again being targeted by those seeking to reduce good programs to preserve marginal ones. The Philadelphia Naval Shipyard is the pioneer of the Service Life Extension Program [SLEP] which has saved millions of dollars and added dozens of service years to the operating lives of several aircraft carriers. Nobody does it better than Philadelphia. The productive ratios and cost per dollar achieved in Philadelphia make it the envy of all the naval shipyards.

Mr. Speaker, I am distressed that some would have us reduce excellent

programs in order to maintain other, more marginal ones. This is the stuff that deficits are made of—it is also an unwise and unsound policy which could weaken the U.S. Navy. I am hopeful that our colleagues in the House are able to successfully defeat these ideas when the conference on Defense Department authorizations begins in the near future. I am confident that once the facts are known our colleagues in the other body will realize the importance of this issue. Mr. Speaker, the article follows:

PROVISIONS IN DEFENSE BILL INVITE POLITICAL MISCHIEF

Relatively obscure provisions in the defense authorizaton bill now on the Senate floor would jeopardize the Philadelphia Naval Shipyard and subject other military installations to curtailment of operations or closure for reasons having nothing to do with national security and everything to do with politics.

One provision concerns the overhaul of the aircraft carrier Kitty Hawk, scheduled to come to the Philadelphia Naval Shipyard in 1987 under the Service Life Extension Program (SLEP). It would prohibit full funding unless the secretary of the Navy certified that the work could not be done more cost effectively through alternate means at another yard. This is a thinly disguised attempt, initiated by Sen. Pete Wilson (R. Calif.). to shift future SLEP work, along with thousands of jobs and millions of dollars in contracts, from Philadelphia to the West Coast

The other provision would give the secretary of defense broad power to close military installations without approval of Congress and provide $1 billion to use at his discretion for expenses related to base closures—in effect circumventing normal appropriations processes. That power could be misused to threaten base closures in certain states and congressional districts if their senators and representatives balked at supporting legislation, including weapons programs, favored by the Pentagon and the White House.

Both provisions were written into the bill by the Armed Services Committee in the Republican-controlled Senate but, fortunately, are not in the defense authorization bill cleared by the Armed Services Committee in the democratic-controlled House. Floor action in the House is expected next week. Prospects are that differences will be resolved in a House-Senate conference committee.

The regional coalition of Delaware Valley senators and representatives, along with other public officials and civic leaders in Pennsylvania, New Jersey and Delaware, must actively oppose the two provisions and make sure they do not appear in the bill as finally enacted. Members of Congress from other states must be persuaded to join in the opposition as a matter of sound national defense policy.

At issue are not narrow provincial interests but efficient expenditure of defense dollars. The Philadelphia Naval Shipyard, having completed two SLEP carrier overhauls and started on a third, clearly should continue the work—which is expected to include eight carriers in all. The Naval Sea Systems Command, which has responsibility for SLEP, has recommended on the basis of cost effectiveness as well as other factors that the Kitty Hawk overhaul should be assigned to Philadelphia.

Transferring work out of Philadelphia to shipyards elsewhere for political reasons could be a step toward rationalizing a decision to close, or threaten to close, the Philadelphia yard for political reasons. That must not be allowed to happen. The defense authorization bill, as finally enacted, must not contain provisions that would sabotage sound defense policy for partisan purposes.●

TRIBUTE TO WILLIAM COLLINS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to extend recognition to my constituent William Collins on the occasion of his achieving the rank of Eagle Scout.

In addition to earning 21 merit badges, William Collins has successfully completed his Eagle Scout service project which has earned him his new rank. William's project involved conservation work for the U.S. Forest Service in the Los Padres National Forest. William will receive his Court of Honor later this summer.

I extend to William my congratulations on his accomplishment, and I commend him on his service to his community.●

MAN'S INHUMANITY TO MAN MUST NOT BE FORGOTTEN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. MATSUI. Mr. Speaker, I would like to express my disappointment that House Joint Resolution 192, which would have established April 24, 1986 as a Day of Rememberance of Man's Inhumanity to Man, did not receive the necessary two-thirds vote of the House to be passed into law.

The symbolic date of April 24 marks the anniversary of the brutal massacre by the Ottoman Empire Turks of its Armenian population. The systematic persecution of 1.5 million innocent Armenians was the first genocide of the 20th century.

It is important for those of us who cherish freedom and who abhor the crime that was committed, to stand together in tribute and recognition of the men, women, and children whose lives were lost. While plotting the second genocide of the 20th century, Hitler asked rhetorically, "who remembers the extermination of the Armenians?" It is up to us, the free people of the world, to remember and to remind others.●

UNSUNG HEROES GIVE LAW DAY, U.S. CONSTITUTION, NEW MEANING

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. House of Representatives a column in the May 4 edition of the New York Times written by Mr. Eugene Fidell.

The article discusses a little-known national holiday, Law Day, and reminds us that we in the United States are privileged to have the right to protest or picket; to speak our minds to the elected officials who represent us; and to hold and express views that are different from those of our neighbors.

Mr. Speaker, Mr. Fidell makes some interesting and very relevant points about the freedoms that we enjoy in this country. This column is extremely timely and effectively brings home the importance of the principles our democracy is founded upon—tolerance, protection by law of our civil liberties, and the right to think and live as we choose. The article follows, and I would like to ask all of my colleagues in the U.S. House of Representatives to take note of this excellent piece by Mr. Fidell.●

ADJUSTABLE RATE MORTGAGES

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. DREIER of California. Mr. Speaker, it was a little less than a year ago that the Housing Subcommittee held hearings on the use of adjustable rate mortgages [ARM's]. The hearings were called in response to widespread reports of ARM underwriting abuses. After hearing from industry witnesses, regulators, and consumer advocates, the subcommittee concluded that statutory limits on ARM's were inappropriate, and that market pressures and industry self-regulation would correct ARM abuses.

A recent study by the Federal Reserve Bank of Cleveland verifies the subcommittee's conclusion. Specifically, Fed staff member Thomas Buynak found that legislation mandating ARM standardization would "limit the options currently available to borrowers and inhibit lenders from responding to local market conditions."

Efforts to impose statutory ARM limits, such as a cap on interest rate increases or a prohibition on negative amortization, may still be pursued in this Congress despite the success of

the ARM. I ask that the conclusion of the Federal Reserve Bank of Cleveland's ARM study be printed in the RECORD, and urge my colleagues to review it.

[From "Will Adjustable Rate Mortgages Survive?" by Thomas M. Buynak, Federal Reserve Bank of Cleveland Economic Commentary, Jan. 15, 1985]

CONCLUSION

Although the first generation of ARMs presented mortgage borrowers as well as lenders with some problems, most ARM programs now available are designed to minimize payment shock. Despite gradual elimination of these abuses and the standardization of most ARM loan programs, however, ARM opponents insist that legislation that mandates standardized ARMs is necessary to prevent future abuses. Ironically, if such standardization were legislated, it would limit the options currently available to borrowers and inhibit lenders from responding to local market conditions. Borrowers would do well to improve their decision-making ability by informing themselves about ARMs, and would benefit if lenders provided more detailed and uniform information about their ARM loan programs.

As mortgage rates fall, fixed rate mortgages are regaining popularity. This trend may prove unfortunate for S&Ls that are portfolio lenders, because they are risking a mismatch of asset and liability maturities if interest rates rise rapidly. It also may prove costly for home buyers, because they are paying a high premium to eliminate interest-rate risk. Perhaps mortgage borrowers in retrospect can justify high premiums on the peace of mind that comes with a fixed-rate mortgage.●

THE PRESIDENT'S TAX PROPOSAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 5, 1985, into the CONGRESSIONAL RECORD:

THE PRESIDENT'S TAX PROPOSAL

In my conversations with Hoosiers, I find that what they want most from a tax reform plan is the elimination of tax breaks and loopholes that benefit the very rich and special interests. They find appealing the flat-rate tax, but also like a tax rate that is progressive. They certainly want the system to be simplified, but are reluctant to give up the most widely claimed deductions, such as for home mortgage interest. I think that the overall thrust of the President's tax reform proposal approximates what they would like.

I have come to the view that if we fail to make our tax code simpler and fairer soon, we may very well jeopardize the American tradition of voluntary compliance with our tax laws. Fundamental tax reform is no longer a luxury, but a necessity. Americans annually fail to pay some $100 billion in taxes they owe the government, and contempt for the system is only getting worse.

The central idea behind the President's tax reform plan is to reduce the special tax exemptions and preferences given to some, in order to reduce overall tax rates for all. The maximum tax rate for individuals would be reduced from 50% to 35%, and for corporations from 46% to 33%. More than 65 categories of tax preferences would be eliminated or curtailed, including the state and local tax deduction and the investment tax credit. Widely used deductions, such as those for home mortgage interest and medical expenses, would be retained. The minimum tax on individuals and corporations would be tightened.

The new plan provides the greatest tax reductions for the poorest and wealthiest taxpayers, though each income group as a whole benefits. Within each income group, individuals who do not itemize or claim few deductions would benefit the most, while those making use of many preferences may see their tax bill rise. The plan shifts more of the tax burden to corporations, with the corporate share of taxes increasing an estimated 22% by 1990 and the share from individuals dropping 5%. The President estimates that 79% of Americans would pay either a smaller tax bill or about the same as they pay now.

I think the President deserves credit for an historic undertaking. The record of success for tax reform is not good. President Reagan's is the sixth major proposal in a generation to swap lucrative tax breaks for lower overall rates. President Kennedy tried it in 1961 and 1963. President Carter tried it in 1978. The Treasury Department tried it once, and Congress tried it twice. So the task will not be easy.

President Reagan wants to see his tax simplification campaign produce the crowning achievement of his second term. It clearly poses an enormous challenge to his reputation as a premier political salesman. His advisors hope that this initiative will be the turning point in his second term, putting behind a recent spate of political losses and quieting the increasingly audible whispers circulating in Washington about the onset of lame duck status. They also hope that the plan will be the lever to nudge the Republicans back into the position of the country's majority party. Democrats, on the other hand, are preparing to collaborate with the President on seeking to overhaul the tax system, but my guess is that they plan to emphasize differences where they sense opportunities for greater equity for middle- and lower-income taxpayers. My own suspicion is that neither party will be able to use the tax reform issue to cause a lasting political realignment. When we have had a realignment in the past, there has been a very stark issue on which the two parties took opposing stands. That is not the case on the tax reform issue. Whatever happens on tax reform, it will probably not come out totally as a victory for either party. Besides, my sense is that for tax reform to succeed, the effort must be bi-partisan.

Congress should receive the tax reform plan as a solid and serious proposal and examine it carefully. We should not jump to conclusions. Improvements are certainly possible. I think there are several tests that we need to apply to it. First, does the plan represent a genuine reform? The sensible comparison is with the current law, not with some other plan. Second, is the plan fair? That certainly is the most important test to apply. Under current law the tax burden is unfairly distributed. One feature of the President's proposal is that it would free virtually all families at or below the poverty level from taxation. However, I am concerned that it is not as progressive as the current law, and gives a large break to taxpayers at the top. Third, does the plan really simplify taxes? I do not think we should expect a new dawn of simple taxation. Some meaningful simplifications have been proposed, but some of the new provisions, such as for a tougher minimum tax, are more complicated than present law. Fairness and simplification are two worthy objectives in the tax code, but they often work against one another. Fourth, is the plan revenue neutral? The President seems to emphasize lower rates and bigger exemptions more than the elimination of shelters and preferences. If the tax proposal swells the deficit by billions of dollars, as some analysts predict, the benefits to individuals and businesses would be more than offset by damage to the economy as a whole. My chief worry about the President's proposal is that it could mean significant losses of revenue over the long term. Finally, will the tax plan promote efficiency? My general view is that lower tax rates and fewer loopholes will improve economic efficiency and foster economic growth. Yet no one can really offer any convincing evidence that all the thousand elements of a tax plan will assure a healthier economy or a more equitable society.

Although the President's proposal may not represent a "Second American Revolution", I view it as a major improvement over the present tax code. I am open to changes that might make the plan better, but I certainly favor its lowering tax rates and broadening the tax base by curbing deductions, credits, and exclusions. The bottom line is whether we will have a simpler and fairer system. I think the answer is that with something like the President's plan we probably would have.●

AMTRAK IS WORTH SAVING

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. FLORIO. Mr. Speaker, the administration has proposed to eliminate all funding for Amtrak, our Nation's rail passenger system. Eliminating funding for Amtrak will mean the cessation of all service on October 1.

The administration claims that the elimination of funding for Amtrak will result in a net savings for the Government. However, a recent article in the Philadelphia Inquirer explains that it will actually cost the Government more to eliminate Amtrak than to allow it to continue to improve its service. According to the Inquirer, the Government has invested $2 billion in the Northeast corridor high-speed track and over $1 billion in equipment. This investment would be wasted if Amtrak were eliminated. Furthermore, the Inquirer article notes, over $2 billion in labor settlements would have to be paid if Amtrak ceased operations. The resulting loss of 25,000 jobs would hardly benefit our national economy.

Amtrak is worth saving, not just from a financial perspective but also from a service perspective. I commend this informative article to my colleagues.

The article follows:

[From the Philadelphis Inquirer]

AMTRAK IS WORTH SAVING

(By Neal Peirce)

WASHINGTON.—If ever there was an issue on which the needs of small- and big-city people were on the same track, it's this spring's Capitol Hill battle to save Amtrak from the zero funding, and almost sure death, advocated by President Reagan and David A. Stockman.

All taxpayers should question the fishy math behind the administration argument that $684 million a year could be saved by killing off the nation's rail-passenger network. Lengthy layoff wages for railway workers, mandated by Congress years ago, would cost at least $600 million in six years—without a single passenger transported anywhere.

The shutdown costs might be worth it if Amtrak were throwing good money after bad. But the system has won substantial labor concessions. It has shucked off many lightly used routes. It has invested $2 billion in the Northeast corridor high-speed track and over $1 billion in equipment.

Fares paid only 43 percent of costs six years ago, but should reach 60 percent next year. The fact that Amtrak requires subsidies is hardly shameful; so do national rail systems across the globe.

Ultimately, the issue is people and communities. Smaller cities and towns constitute the vast majority of Amtrak's 513 station stops. As many as 160, most in the South and West, would be left devoid of passenger service—rail, bus or air—by Amtrak's demise.

Stockman says Amtrak subsidizes "well-heeled" Americans. Some are. But Amtrak riders outside of big commuter markets have average family incomes of less than $20,000. Many are youths or retirees.

Observes travel writer George Bradford: "Nobody who ever walked, at night through the passenger coaches of the Crescent to New Orleans, the Silver Star to Florida, or Broadway Limited to Chicago could convince me that those were the rich and middle class sprawled across seats, trying to keep the kids quiet, and shifting around while attempting to sleep until their luxurious arrivals at 2:20 a.m. in Charlotte, N.C., or 2:51 a.m in Canton, Ohio."

For subsidy elimination, Stockman is on much sounder ground in urging speedup of the scheduled 1988 ending of the government's "Essential Air Service" program. Some $44 million will be spent this year to underwrite service to 146 towns—such as Great Bend, Kan., Oil City-Franklin, Pa., and Stillwater, Okla. But most air travelers are more affluent (many are on business trips) and could easily drive to bigger air transit hubs in their states.

Where Amtrak does have proportionately more affluent passengers is in its heavily used Boston-to-Washington corridor. It carries 10 million passengers, mostly commuters, into New York, Philadelphia, Boston, and Washington, each year. Other heavy commuter markets are Chicago-Milwaukee and Los Angeles-San Diego.

Eliminating Amtrak would have dire effects on highways and airports in the densely used corridors. The 83,000 daily rail commuters from New Jersey into New York would be forced into private cars or buses. With more people training than flying between Washington and New York, already clogged airports would face horrendous traffic increases; 50 flights a day more might be required into Philadelphia alone.

One suggestion has been to preserve Northeast corridor service, and perhaps one or two other heavily used markets, and let the rest of Amtrak die. The solution doesn't wash, says Amtrak President W. Graham Claytor. It would immediately trigger labor-protection liabilities of $1 billion or more.

Could states and cities shoulder the bill? Only, one guesses, by an interstate compact that it would likely take a decade to negotiate. State legislatures would be caught in endless wrangles between areas benefited and those not. Cities already facing revenue sharing and mass-transit subsidy loss, wouldn't have the means.

Could Amtrak ever be profitable, or be sold to private owners? Given world experience, probably not. But Congress could help by fashioning labor law to encourage more efficient operations.

The gravy train doesn't stop at the rail station. For the really big subsidy bucks, go to the airport and ask Delta, Eastern or United how much they'd like to pay the full bill for the facilities they use.

Another point for Amtrak: The national economy would hardly benefit by death of a corporation with 25,000 workers and a $2 billion budget. But the ultimate argument isn't economic. It's that a system its enemies call a nostalgic anachronism is part of the soul of America. Once killed, it would be exceedingly difficult—perhaps impossible—to revive.

The rails carry us over routes by which many of our ancestors first discovered and traveled this land. They are a national treasure, like national parks. Like parks, they require subsidy. To run them inefficiently is intolerable. To extinguish them would be unthinkable.●

TRIBUTE TO MICHAEL HILDEBRAND

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to extend recognition to my constituent Michael Hildebrand on the occasion of his achieving the rank of Eagle Scout.

In addition to earning 21 merit badges, Michael Hildebrand has successfully completed his Eagle Scout service project which has earned him his new rank. Michael constructed four bookcases at the National and Local Historic Landmark Dudley House in Ventura, CA. Michael will receive his Court of Honor in July of this year.

I extend to Michael my congratulations on his accomplishment, and I commend him on his service to his community.●

DISCRIMINATION IN FOSTER CARE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. FRANK. Mr. Speaker, sadly, within the past few weeks, officials of the State of Massachusetts have acted in a discriminatory fashion to effectively prohibit any lesbians or gay men from providing foster care. This seems to me a serious error on two counts: First, it deprives children in need of foster care of people who are willing and able to provide the kind of supportive and caring foster home they they need. Second, it is an act of discrimination which, like all such acts, unfairly stigmitizes an entire group of people without any consideration of their individual merits or faults.

Choosing foster care parents for children whose own family situations require them to be placed in foster care is a very difficult process. Obviously, no child should be placed in a foster care setting unless the officials in charge are convinced that the individuals seeking to provide foster care will protect, educate, and support the children in question in exemplary ways. To rule out an entire class of individuals as somehow unfit to provide this foster care is wrong and will injure the State's ability to provide the foster care that many children need. Obviously, such factors as the availability of an adult to provide full-time foster care, previous successful parenting experience, and stability in the adult relationship are all relevant factors, and it would be ideal if all children could be placed in situations where such factors exist. But it is not always possible to find foster care placements that are ideal in all respects, unfortunately, and it worsens the situation to say, as the State of Massachusetts has said, that no lesbians or gay men will be deemed qualified. In fact, the experience in Massachusetts—and in many other States—is that gay men and lesbians have provided excellent foster care to young people in need over the years.

In last Saturday's Boston Globe, two of Massachusetts' outstanding journalists, Caryl Rivers and Alan Lupo wrote an excellent analysis of the shortcomings in the State policy. I ask that it be printed here.

DISCRIMINATION IN FOSTER CARE

(By Alan Lupo and Caryl Rivers)

The Know Nothings are back in Massachusetts. This time around, they're beating up on gays.

It's been well over a century since the Know Nothings were so powerful that they took control of the General Court. At that time, they were part of a national political movement directed against Catholics. You can imagine the grand old time they had

discriminating against the Irish in Massachusetts.

They faded from the scene, only to return sporadically in various disguises. At the turn of the century, some of the most prestigious people in the public and private sectors were into nativist protective association and immigration restriction outfits. This time, their targets included Italians, Jews and Slavs.

In one form or another, they're always with us. They've been standard bearers in the long-running crusades against blacks and women. Both of those campaigns were fueled by so-called learned men who tried to find scientific rationale for their bigotry.

Each time, people suffered—not because they were criminals or because they had done anything wrong, but because they were members of a despised group. They suffered both discrimination and insult because those with power—in politics, in businesses and unions, in the press—were operating out of fear and ignorance.

Now, the state House of Representatives has voted, 112-28, to prohibit the Department of Social Services from placing foster children with gay parents. The Dukakis administration has announced regulations that pretty much accomplish the same things.

It is dangerous to everything American to pass laws or promulgate regulations based on fear and ignorance, particularly when those laws or regulations discriminate against a group of people who have done nothing to warrant the discriminatory treatment.

It is frightening to see democratic institutions panic in the face of fear. Where were the "profiles in courage" on this issue? The legislature and the administration stampeded; few voices in the press were raised.

We are not claiming that foster parenting is a "right." We acknowledge there could be cases in which placing certain children with gay couples would not be advisable. The state, of course, must screen prospective foster parents, but as individuals or couples, not as members of a group.

The homophobia that swept the state resulted in a bill that decrees all gays are unfit to raise kids. This is not an epithet muttered in a bar or written on a bathroom wall. This carries all the majesty of the law.

Those passing the bill and those announcing regulations insist they do so for some greater public good, in this case, the protection of children. Those who passed Jim Crow laws in this nation insisted they simply were trying to protect both whites and blacks.

That foster children were awarded to a homosexual couple is not a story. That they were then removed has made it a story. What people in power have said and done—or have failed to say and do—since then also has made it a story.

It's a story out of our dark side. There is a meanness in the land. It always has been there, as in any society. The human race has both kind and malicious instincts. As to which predominate, well, this depends often on our leadership.

This nation's leadership, from the White House right down to the streets, has set a standard that resentment is all right, that compassion is out the window.

In any society, there are frightened or mean-spirited citizens who, given such a standard, will rush to do harm to others, giving vent to all those pent-up resentments—against integration, against women, against Catholics or Jews, against blacks, or Latinos or Southeast Asians, against affirmative action.

Of course, against gays. The gays are a threat, right? Less so to women, it seems, and more to men who live precariously on the edge of their own insecurity. Hey, if I grab my best friend by the shoulders and hug him, will I look like a "fag?"

Oh, there's a story out there all right, but it's not the story we've been reading. It's deeper than what appears in print. It's a story of society's fear of a group it is all too willing to despise.

The media have made an issue of gays caring for children, and the state government has said such people will care for as few children as possible. So it begins. And so must the resistance begin from all us straight people, who must recall what some good German Protestants warned in the days of the Third Reich. If they can do it to the Jews, then it will be the turn of the Catholics, and then it will be us.●

AL LORENZ: A MAN OF A THOUSAND STORIES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. KEMP. Mr. Speaker, I rise today to honor Albert F. Lorenz of the town of Leicester in Livingston County, NY, who died on May 13. I remember him as an energetic, involved individual who dedicated himself in his retirement to the beautification of his county's park. His work was recognized and appreciated, and in his honor the park was renamed Al Lorenz Park 3 years ago. Al was also active in local government and the Republican Party, serving the last 8 years on the Leicester Town Board and also serving as a county committeeman. Al will be missed by all, especially his wife, Sarah, and his beautiful family. I am sharing with my colleagues today the following retrospectives on Al's life:

[From the Rochester Democrat and Chronicle, May 14, 1985]

MAN OF A THOUSAND STORIES DIES IN LEICESTER

(By Bob Bickel)

LEICESTER.—Albert F. Lorenz returned from another day in Al Lorenz Park about 4:30 p.m. yesterday, lay down in his home at 123 Main St., Leicester, and died quickly and quietly.

Lorenz—storyteller, salesman, politician and superintendent of the park bearing his name—was 76. The cause of his death has not been determined.

Friends like Sheriff Richard A. Kane, Leicester Supervisor John Douglass and County Planner Fred McCutchen remembered Lorenz always moving forward, gray hair bristling, telling stories as he poked at his listener with an ever-present cigar.

"What can you say? You don't want to believe it," said Douglass, a colleague of Lorenz's on the town board.

"I realized he was 76, but I guess I thought he'd live forever," Douglass said. "He was active, alert and useful on the town board and he hardly ever missed a meeting."

Kane said he had known Lorenz for 30 years and never tired of hearing his stories. "Drive with him to Buffalo and before you got there you had heard a thousand, and all of them true," said Kane.

The stories came from everywhere in Lorenz's life—his years as an aircraft mechanic in World War II, as a meat salesman, as a tire salesman, as the founder and first president of the York-Leicester Kiwanis Club, as one of the original promoters of a county Fire Police Squad and his work at the park.

Lorenz retired as a salesman from Christiano Hardware in Leicester eight years ago and started a new career as superintendent of Livingston County Park.

He thought of it as his estate and his identification with it was so complete that three years ago it was named after him, only the second facility in county history to be named for a living person.

McCutchen, who helped get the park organized, said, "Al put his heart and soul in that park. He was one of those rare ones, a legend."

Lorenz scrounged materials and labor from everyone to improve the park, visited it every day in the winter, called its ducks by name, gave a pep talk on hard work each year to youngsters in the Bible school and welcomed the wedding parties.

Andrew Macauley, the former Groveland supervisor who headed the committee which appointed Lorenz to the park position, said, "He was the biggest and most wonderful scrounger in 17 states. I'm just happy they named the park after him while he was still alive."

Harold Farley, an 80-year-old Leicester resident who had worked in the park with Lorenz for seven years, said, "Him and I had a picnic. He was a fine, fine guy."

Lorenz also was active in the Republican Party and local government, serving the last eight years on the Leicester Town Board. He also served as a county GOP committeeman and was a choice of Rep. Jack Kemp, R-Hamburg, to serve as a delegate to the last Republican National Convention last year in Dallas.

"Nobody can fill his shoes," said Board of Supervisors Chairman James Steele.

He is survived by his wife, Sarah Reichold Lorenz; four daughters, Marie Mazzarella and Delores Lorenz, both of Perry, Leicester Mayor Barbara Gage, and Judith Koson of Brockton, Mass; 11 grandchildren and six great-grandchildren; two sisters, Agnes Kuhn and Jo Patten, both of Buffalo; and a stepbrother, Joseph Meyer of Buffalo.

[From the Rochester Times-Union, May 16, 1985]

A.F. LORENZ DIES; NURTURED MOUNT MORRIS PARK

(By Robin Wilson-Glover)

Albert F. Lorenz would drive through his park with his daughter, Leicester Mayor Barbara Gage, and say, "Look at my estate, the most beautiful place in the world."

And it *was* Mr. Lorenz's park. The 80-acre park in Mount Morris was named after him, The Al Lorenz Park.

It was named after him because he had decorated it with playgrounds and picnic tables, nurtured its wildlife and had taken care of its plants since spring 1978, when he was appointed superintendent of the park.

Mr. Lorenz, 76 died Monday (May 13, 1985) while sitting quietly in his home, on Main Street in Leicester, in his living room chair. He had visited his park earlier in the day.

A city resident before moving to Livingston County, Mr. Lorenz had never even had a garden, his daughter said, yet he improved the badly neglected grounds and increased the attendance sixfold.

The year he became supervisor, attendance at the park was 4,475. In the 1984 annual report, Mr. Lorenz wrote that there were 15 weddings and that 16,259 people used the park.

County Planner Fred McCutcheon said, "He had a great knack for getting what he wanted."

Without a payroll, Mr. Lorenz had to complete the work himself or find volunteer help. He found help from the inmates at Groveland Correctional Facility, the Boy Scouts, Board of Cooperative Educational Services, and Comprehensive Employment and Training Act workers.

And with a small budget ($14,890 for 1984) he found ways to get tools and supplies either free or at low cost, his daughter and other said.

Gage said it was his personality that made people give their time or supplies. "People knew he wasn't conning them. He was such a gentleman," she said. "Because he gave, they gave."

Because of his success with the park on June 9, 1982, the Livingston County Board of Supervisors renamed the park after him. Her father was delighted. "I can't believe it. They named it after me, before I died," he told her at the time.

Mr. Lorenz who lived in Buffalo for many years, moved to Perry, Wyoming County, in 1947. He opened his own business, TBA Distributors (TBA stood for tires, batteries and accessories) and then worked as a tire sales manager for A.R. Christiano Hardware of Leicester for 30 years before retiring in December of 1977. "He was so amazed to see that he could make things grow," Gage said.

Mr. Lorenz served on the Livingston Board of supervisors, was vice chairman of the Livingston County Republican Committee, and a member of the York-Leicester Kiwanis Club, of which he was the club's first president. He also started the Livingston County Fire Police Squad.

He is also survived by his wife, Sarah, of Leicester, three other daughters, Marie Mazzarella and Delores Lorenz, both of Perry, and Judith Koson of Brockton, Mass; and a stepbrother, Joseph Maier of Buffalo.

Calling hours are 2 p.m. to 4 p.m. and 7 p.m. to 9 p.m. today at the John W. Martin Funeral Home, 37 Chapel St. Mount Morris. Prayers will be said tomorrow at 9 a.m. followed by a Mass of Christian Burial at St. Thomas Aquinas Church, Leicester at 9:30 a.m.

Burial is to be at Leicester Cemetery.●

TRIBUTE TO SCOTT DESPOSATO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to extend recognition to my constituent, Scott Desposato, on the occasion of his achieving the rank of Eagle Scout.

In addition to earning 21 merit badges, Scott Desposato has successfully completed his Eagle Scout service project which has earned him his new rank. Scott's project was to plant trees at McGrath State Beach in Ventura, CA. Scott will receive his Court of Honor this month.

I extend to Scott my congratulations on his accomplishment, and I commend him on his service to his community.●

FATHER'S DAY PROGRAM SPONSORED BY THE INSTITUTE FOR THE ADVANCED STUDY OF BLACK FAMILY LIFE AND CULTURE AND THE ETHNIC GUILD OF THE OAKLAND MUSEUM

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. DELLUMS. Mr. Speaker, I am pleased to call to your attention the Father's Day Program sponsored by the Institute for the Advanced Study of Black Family Life and Culture and the Ethnic Guild of the Oakland Museum. These organizations will be recognizing the positive influence and contributions of black fathers to the family, community and cultural life of our Nation.

The Institute for the Advanced Study of Black Family Life and Culture, Inc., is the only independent think-tank in the United States dedicated to the reunification of the black family and the revitalization of positive values and traditions in the black community. The Ethnic and Cultural Guild of the Oakland Museum is dedicated to the preservation of ethnic and cultural traditions. I am honored that these two outstanding organizations are located in the Eighth Congressional District.

These organizations have chosen June 16, Father's Day, as an appropriate time to commend black fathers and to draw public attention to their importance in the lives of their children and families.

Unemployment, poverty, and the lack of social and economic resources have created myraid difficulties which plague the black family on a daily basis. Alcoholism, drug abuse, criminal victimization and a shortened life span are only a few of the odds which plague black fathers. Many social scientists have attempted to portray black men in a negative, dehumanizing manner rather than attack the social, political and economic factors giving rise to these conditions. In spite of these odds, black fathers continue to struggle, love and provide for their families in ways which are misunderstood by those who developed such theories. Today, these organizations are calling to the attention of the country examples of those fathers who in spite of being victims of racism and economic exploitation, have contributed in numerous and even heroic ways to their family and their communities.●

THE BLACKS AMONG US

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. TOWNS. Mr. Speaker, I would like to bring to the attention of my colleagues an article about black Americans in today's society. Carl T. Rowan, the author of "The Blacks Among Us," emphasizes the political and educational gains that have been made in the last decade. He also points out the problems that are still prevalent. Rowan believes that the stereotypical attitudes of all Americans must change drastically, or we will never be able to break the bonds of prejudice. I am submitting this article to my colleagues for their review. I trust they will find it an interesting and an enlightening view of Black America in the 1980's.

THE BLACKS AMONG US

Their epic journey up from slavery has been stained by tragedy and injustice—and illuminated by triumph and hope

(By Carl T. Rowan)

Much is written about "black America," but that is a misnomer. Sure, a common bond of genes, of suffering, of grievances and yearnings does tie together all blacks in this country. But among the 29 million who constitute our largest minority, there are really several different black Americas.

There is the black America of Clifton R. Wharton, Jr., chancellor of the State University of New York and chairman of the Rockefeller Foundation. This 58-year-old educator is a superachiever by any standard. But his black America, made up of people who earn more than $75,000 a year, is very small; only 32,000 black households (0.3 percent) are in this category (as against 3.1 percent of white households).

Then there is the black America of Tom Wright, 49. Wright's grandmother brought him up on welfare, and he left school in 1951 with only an eighth-grade education. He worked by day as a dollar-an-hour construction worker and by night as a hotel dishwasher. He went through 23 years of economic struggle, until 1978 when he embraced the American dream of entrepreneurship. Renting an abandoned military barracks in Boca Raton, Fla., for $35 a week, he and his wife, Helen, turned a 55-gallon oil drum into a barbecue and began to cook ribs.

Today, "Tom's Place" is a half-million-dollar business, swamped with customers. The Wrights and their five children have moved light-years away from welfare into the middle-class America of households with incomes of $25,000 to $75,000 a year (22.5 percent of blacks compared with 40.4 percent for whites).

Then there is the world of a composite black I shall call Homer Smith. He may fill potholes on a city street or work as a hospital orderly. The Homer Smiths of America are barely making it, scrounging at the

edges of poverty. This is the largest group of the black Americas—households earning from $5000 to $15,000 a year (36.1 percent, as opposed to a percentage of 25.6 for whites).

Finally, there is the world of another composite black I'll call Helen Jones. She may have three children, abandoned by their father. She is often at the mercy of welfare workers. But Helen Jones may also work hard, scrub other people's floors, wash their dishes, do their laundry, nurse their children, taking in $4000 or so a year.

This is the third most populous of the black Americas. One in five black households has an income ranging from nothing to $5000 a year. It is this black America that stirs up so much politics and creates so many pangs of conscience. Why do 21.1 percent of black households earn less than $5000 a year when only 7.7 percent of white households do? And what factors determine who winds up in each of the black Americas?

An American Tragedy. Clearly, education has been the key to entering the elite black America of the Clifton Whartons. Wharton's father graduated from Boston University Law School, then worked his way up through the U.S. Foreign Service to become the first black career ambassador (to Norway). The younger Wharton went to Harvard, Johns Hopkins, and the University of Chicago for his Ph.D. in economics. He—like thousands of other blacks—soared to the heights on the wings of trained intelligence.

But Tom Wright, like 99 percent of blacks who grew up in the 1940s and '50s, had none of Wharton's educational advantages. Wright gained his self-respect and security through incredible hard work. His black middle-class world is populated by thousands who not only survived educational deprivation and economic need, but learned how to cope with the American system and its bigotry.

The America of Homer Smith—the hotel orderlies and pothole fillers—is populated by blacks who never learned to "beat the system." Many surrendered early to the idea that blacks were decreed by God, nature of fate to be the "hewers of wood and drawers of water." Today, some very intelligent black people are still working at jobs far below their potential. They represent a great loss for all of us.

But the world of Helen Jones represents a genuine American tragedy. Most blacks in her world were severely handicapped from the moment they were conceived in the womb of some poor, malnourished, uneducated and probably husbandless woman. I drive the streets of this black America and see little boys and girls in ragged clothing, waiting out time they should be spending in school. I know that only a handful will be be strong or lucky enough to make the upward journey to the world of Homer Smith, let alone that of Tom Wright.

I see these children and hear echoes of white people asking me: "Why have so few of the blacks really made it? Why have ethnic groups like the Irish and Italians done so much better?"

Soul-Searing Issues. There can be no proper answers to such questions without understanding that blacks are the only major group in America who came here unwillingly, dragged in chains during the slave trade—what Thomas Jefferson called "this execrable commerce." Slaves sent to the Caribbean and the American colonies numbered more than 2.7 million in the 17th century, 7 million in the 18th century and 4 million in the 19th. Their presence tore America apart, leading eventually to a ghastly civil war.

But it is not just the lingering wounds of slavery that hold blacks back. For more than 350 years now, America has been caught up in debates over such fundamental issues of identity as:

Are black people citizens of this country? In the Dred Scott decision of 1857 the Supreme Court said "No!" In 1868 Congress said "Yes!" and ratified the 14th Amendment. But a lot of southern states thumbed their noses at it for a century more.

Should blacks be allowed to vote? The 15th Amendment was enacted to assure this right. Still, many states found ways of effectively disenfranchising black people until the Voting Rights Act of 1965.

Should blacks be educated? South Carolina passed a law in 1834 making it a crime to teach either free or slave Negro children. Until the 20th century most southern states prohibited or discouraged efforts to educate blacks, and the issue of where and how to deliver education to black children is still highly emotional.

This, then, is why the black America of Clifton Wharton is so small. Because when a thousand are bound in chains, only a few Houdinis will emerge. Those who have done so simply turned out to be stronger than their shackles were.

Powerful Mindset. The distinguishing thing about the current generation of black Americans is their struggle to get enough education to compete. Today some 80 percent of blacks ages 20 to 24 have finished high school, and over 12 percent ages 25 to 34 have completed college. But statistics can be deceiving. Disparities in the quality of schooling, plus entrenched discrimination, have made it very difficult for blacks to translate diplomas and degrees into economic equality. It is ironic that despite their great advances in education, blacks have lost ground in terms of family incomes. Last year more blacks *graduated* from college than were enrolled in 1950. But the median income of black families, 61 percent of that for whites in 1969, had dropped to 56 percent by 1983.

Anyone wanting to understand the black people of America must begin with a realization that the black family is trying to do with $56 what the white family is doing with $100. This reflects both an inability of many black workers to get *any* jobs, and a historical difficulty in getting *good* jobs. For most of the 36 years that the federal government has kept track of it, the black unemployment rate has been more than double that for whites. Currently it is 15.2 percent for blacks compared with 6.2 percent for whites. For black teen-agers, unemployment stays well above the 40 percent level. Moreover, employed blacks are still generally relegated to the least-desirable, lowest-paying jobs. This reinforces a powerful American mindset. Whites enter a restaurant expecting the waiter to be white the busboy black.

A strong sense of humor has helped blacks deal with this mindset. When John Glenn and other astronauts were orbiting the earth, and complaints arose over the absence of blacks in these space probes, blacks covered resentment with humor. "Hell," said one, "all these astronauts are black. They just turned white when told that they'd be shot up on one of those rockets!" Blacks joke, but they find inequality of job opportunity and family income hard to accept.

What is it that cripples millions of young black Americans? Chancellor Wharton believes it is the breakdown of the American family. "For centuries," he points out, "the family was the single strongest fortress against deprivation and disenfranchisement. The family was our source of strength, ambition, self-worth. Now, however, more than half of all black children are raised by single mothers. Until we find a way to strengthen black families, institutional reforms will be less than fully effective."

"Let Us Join." Another question often heard today is whether, from New Deal to Great Society, blacks became too dependent on the federal government. A few blacks are saying that government doles softened millions to the point that they cannot compete. But others consider social programs to be vital, while conceding that peril surrounds any group whose well-being depends too much on who controls Congress and the White House.

So blacks in America seek a new strategy. More and more are deciding that political power must be the backbone of every new advance. Nothing much changes in America unless it is run through the political system. It is in this area that black Americans recently have made some of the most impressive gains.

In 1984, 5700 blacks held elective office, almost four times as many as just 15 years ago. And that political power has been won—in Los Angeles and Charlotte, Philadelphia and Atlanta—in alliance with white voters who sense that blacks want the same things as they for their children, families, communities.

Also growing is a deeper appreciation of what black people have contributed to America. We all know what Marian Anderson, Leontyne Price, Louis Armstrong, Duke Ellington, Ella Fitzgerald and Sarah Vaughn have meant to music. We know what Jackie Robinson, Joe Louis and O.J. Simpson have meant to sports. But the impact of blackness or "soul" goes far deeper. The Clifton Whartons and the Tom Wrights represent inspiration for youngsters of all races. They are the embodiment of the "can do" spirit of America.

There is another contribution that may not seem so tangible. The black presence has compelled other Americans continually to re-examine the depth of their commitment to the ideals expressed in the Declaraton of Independence and the Bill of Rights. Black people have forced other Americans to ask themselves again and again, "Do I really believe that all men are created equal and deserve equal justice?" Black people like Martin Luther King, Jr., and Roy Wilkins have made this a more moral society.

The going is still rough for the Homer Smiths as well as the Helen Joneses. But, remarkably, black people remain the most doggedly American of all Americans. They shunned Marcus Garvey's call for abandonment of this land and a return to Africa. They have rejected the blandishments of those offering communism as their salvation.

Black Americans continue to say: We have worked, sweated, even died to build this nation. We are of America for all time. So let us join with all other Americans to make it a joyful place for those who come after us.●

MARX'S HEIRS BELIE THE PACIFIST PROMISE

HON. VIN WEBER
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. WEBER. Mr. Speaker, the vote in the House denying aid to the Democratic resistance forces in Nicaragua severely questioned the House's ability to publicly recognize, and act, on the development and consolidation of a Marxist-Leninist government.

Members who opposed aiding the Democratic forces charged that the United States would only militarize the situation by continuing this support. If the United States would refrain from military aid, then the Marxist-Leninist Sandinista government, the description of which few anti-U.S. aid members argued against would also refrain from militarizing the region.

In light of this argument, I would like to call the attention of my colleagues to the following article which appeared in the Wall Street Journal on April 5, 1985. The author, James Payne, examines how the military reality of a Communist country is far different than the words of its leaders.

No matter how many times a Marxist-Leninist official publicly announces his support to disarm, or reduce military weaponry, his actions show us something totally different.

The article follows:

[From the Wall Street Journal, Apr. 5, 1985]

MARX'S HEIRS BELIE THE PACIFIST PROMISE

(By James L. Payne)

When Lenin declared that under socialism "disarmament will be achieved," he was merely repeating what had been an article of faith on the left for generations. The West, the argument ran, wanted armies to carry out imperialism abroad and to suppress the working class at home. Once workers gained control of the government, they wouldn't want to suppress themselves, nor would they carry out aggression against other countries. Armies would therefore become unnecessary.

That was the theory. The reality turns out to be a tragic inversion of the Marxist promise. Far from being champions of disarmament, Marxist regimes are consistently more militaristic than other countries.

Until recently, it was difficult to document this pattern because Marxism was mainly confined to the Soviet Union and its Eastern European satellites, a restricted sample. Today, the number of countries adhering to Marxist-Leninism has grown to 34, spanning many different cultures and levels of development. Consequently, the effect of Marxism on military forces can now be assessed with confidence.

A nation's commitment to military power can best be measured by its "force ratio," the number of full-time regular military personnel per 1,000 population. These data are compiled yearly by the U.S. Arms Control and Disarmament Agency (as well as by the British Institute for Strategic Studies, whose figures are quite similar).

THE PATTERN HOLDS

Overall, the numbers show that Marxist regimes have armed forces over twice as large as those of non-Marxist countries. The 32 Marxist countries for which data are available have an average force ratio of 13.3; for the 109 non-Marxist regimes, the average is 6.1.

This general pattern is repeated in more specific comparisons. Marxist North Korea has a force ratio of 38, while non-Marxist South Korea's is 14.7; Marxist South Yemen's is 12.5, non-Marxist North Yemen's is 3.9; Marxist East Germany is at 14, non-Marxist West Germany has only a 7.8. The eight Marxist European countries have an average force ratio of 13.8; the 17 non-Marxist European countries have an average of 7.6. The pattern holds for the superpowers: The Soviet Union has a force ratio of 16.3; the U.S., 9.1.

The Marxist regimes continue to stand out as more militaristic if other conditions affecting force ratios are held constant. For example, poor countries tend to have lower force ratios than richer ones (which can afford relatively larger armies). For this reason, African countries have lower force ratios than, say, European countries. But within this group, the effect of Marxism is still noticeable. The nine Marxist African countries have an average force ratio of 5.9; the 31 non-Marxist African countries have an average of 2.1.

Another way to measure the effect of Marxism is to see what happens to the size of the armed forces after Marxists come to power. For the 10 countries where this type of comparison is possible, the average increase in the force ratio under Marxism has been 282%. Ethiopia is a poignant case of a recent transition to Marxist rule. In 1973, the last year of non-Marxist rule, the force ratio was 1.8; under Marxism it has increased 355%, to 8.2.

Explaining why Marxists are so keen on military forces turns out to be more difficult than one would at first suppose. The usual theories seem inadequate to explain the breadth of the pattern. For example, Marxist sympathizers say that Marxist regimes need large military forces to defend themselves against "capitalist counterrevolution" by the U.S. and its allies. This would be said to explain the high force ratios of Cuba (23.5) and Nicaragua (27.8).

But even if one assumes that these countries are "threatened," their military forces are still abnormally large. Many countries threatened by the Soviet Union and its satellites have moderate force ratios, including Norway (9), West Germany (7.8) and Pakistan (5.2).

Another weakness of this theory is that Marxist countries not plausibly threatened by Western attack still have high force ratios. They include Mongolia (21.2), Albania (19.3), Romania (10.5), Yugoslavia (10.9), Bulgaria (19.7), and Laos (15.8)

A different argument contends that Marxist regimes have large armed forces because they plan to attack, or are attacking, their neighbors. This theory would apply quite broadly, as most Marxist countries have been aggressive. But not all. Marxist Mongolia, sandwiched between the Soviet Union and China, and thousands of miles from the nearest non-Marxist country, is necessarily nonaggressive on the world scene. Yet its force ratio is an extremely high 21.2. Three other Marxist countries that on account of their location and alignment have not been aggressive but that have elevated force ratios are Poland (11.9), Romania and Yugoslavia.

Another weakness in the aggressiveness theory is that it assures that aggressive countries always have high force ratios, and this is by no means the case. The non-Marxist military dictatorship of Argentina was clearly the aggressor in the 1982 Falklands War (and almost went to war with Chile in a dispute over the Beagle Islands). Yet its force ratio was a mere 6, about one-quarter Cuba's. Guatemala, which has mobilized twice since 1972 to back up its territorial demands for neighboring Belize, has a force ratio of 2.3. An aggressive orientation, then, will not entirely account for the endemic militarism of Marxist countries. Aggressive non-Marxist countries don't have such consistently high ratios.

Another hypothesis to explain the large armies of Marxist countries is that they need these forces to quell domestic dissent. This theory is easily rejected. Domestic repression is severe in Marxist countries, but the regular armed forces are seldom needed to carry it out. The police, secret police and party bureaucracy nip opposition in the bud, so violent dissent requiring military suppression is rare. It is in the non-Marxist regimes, where more freedom is allowed, that collective violence—unruly street demonstrations, terrorist gangs, guerrilla movements—is more common.

Even where such violence occurs, it appears to have little effect on the size of the regular armed forces in any case. Countries facing severe terrorist or guerrilla problems do not have unusually large armed forces. These include Colombia (2.6), the Philippines (3), Sri Lanka (1.2), and, of course, El Salvador (5.4).

South Africa is another interesting case. Many would suppose that that country would need a huge army to restrain the violent opposition of members of the black majority. As it happens, South Africa has a force ratio of 2.3, less than one-tenth that of Cuba. South Africa is larger than Yugoslavia or North Korea, yet its 70,000-man armed forces are less than one-third Yugoslavia's force of 247,000 and less than one-tenth North Korea's force of 710,000.

If the usual explanations don't fit, why, then, do Marxist regimes pursue military might? Apparently, it is an expression of their basic character, not a response to a particular foreign or domestic policy aim. One almost has to suppose that if a Marxist regime came to power on Mars, with nothing to conquer and nothing to defend against, it would still have an army twice as large as that of a comparable non-Marxist country here on Earth. The ruling parties in Marxist regimes reach for military power to validate their ideological view of a world locked in perpetual struggle. They have, as Henry Kissinger put it, "a vested interest in tension."

EXAMPLES CLOSE TO HOME

This point is strangely ignored by those groups in the West that are such outspoken critics of military forces. Logically, pacifists should be consistent opponents of Marxism, since Marxism is the harbinger of militarism in the world today. But, oddly enough, the same groups that deplore arms races tend to favor, or are neutral about, efforts to implant Marxist dictatorships around the world.

Take the case of El Salvador. Most peace activists, both in the U.S. and in Europe, view a possible Marxist victory there with approval. But if the Maxists take control, the one thing we can be sure of is that the military forces of El Salvador will more

than double. Examples close to home indicate the increase could be staggering. In Cuba, the transition to Marxism has seen a 12-fold increase in the size of the armed forces, from 19,000 under Batista to 230,000. The same 12-fold increase has taken place in Nicaragua, from 6,000 under Somoza to 75,000. These are numbers that the foes of militarism ought to ponder in evaluating U.S. policy toward Central America.●

THE 75TH ANNIVERSARY FOR TEMPLE FIRE COMPANY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. YATRON. Mr. Speaker, on June 8, 1985, the Temple Fire Company will celebrate their 75th anniversary. On this occasion, it is indeed fitting that we take time to acknowledge the enormous contribution the Temple firefighters have made and will continue to make to public safety.

The firefighter's job requires an exceedingly high degree of dedication, courage, and professional skill. They dedicate themselves 24 hours a day to protecting our lives, our homes, our places of worship, and our businesses. I know that I speak for all my colleagues in expressing a deeply felt thank you to all those connected with the Temple Fire Company. Their contributions exemplify the emphasis that our Nation has always placed on community action and service.

Mr. Speaker, the firefighters of the Temple Fire Company have served with distinction and are to be commended for their commitment to their community. I wish them continued success and all the best in the years ahead.●

HONORING BISHOP KEELER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. GEKAS. Mr. Speaker, on June 9, 1985, the Anti-Defamation League of B'nai B'rith of Eastern Pennsylvania and Delaware will present its 1985 Americanism Award to the Most Reverend William Keeler, Bishop of Harrisburg. Bishop Keeler has been an outstanding member of our community for many years and this honor confirms his dedication to and support for helping others.

Bishop Keeler has been actively involved in numerous interfaith activities since the 1960's. In 1967 he was a host for the historic meeting with 15 rabbis from central Pennsylvania in discussing Christian-Jewish relations; he is currently a member of the Joint Committee of Lutheran and Roman Catholic Bishops and chairman of the National Conference on Catholic Bishops' Committee for Ecumenical and Interreligious Affairs. Through his position on the executive board, Keystone Area Council of Boy Scouts of America, the board of managers of Holy Spirit Hospital and board of directors of Villa Teresa Nursing Home he is able to assist in the betterment and care of citizens of every faith.

The Americanism Award is an honor bestowed on very few, but one that is well deserved by the bishop for his continuing efforts to further the bond between faiths. I would like to take this time to commend Bishop Keeler for his outstanding past contributions and inspiration he provides to all of us.●

TRIBUTE TO MR. FINN M.W. CASPERSEN

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. HARTNETT. Mr. Speaker, it is with a great deal of pride that today I ask this House to recognize and honor Mr. Finn M.W. Caspersen for his recent accomplishment in international competition. A team of horses owned by Mr. Caspersen, chairman of the board and chief executive officer of Beneficial Corp., and his wife, Barbara, won the combined driving title at the Royal Windsor Horse Show in England on May 12, 1985. The victory marked the first American triumph in such an international competition.

William Long, the Caspersens' driver, met and defeated many of the finest prospects for the next world championship in 1986, including Prince Philip of Great Britain. Mr. Caspersen assisted Mr. Long throughout the 3-day event as groom. The Caspersens and Mr. Long received a trophy of cut glass presented by Her Majesty the Queen, patron of the event.

Combined driving is a 3-day event which consists of four phases, including: Presentation, or the appearance of the team; dressage, which is the movement of the horses and the technical skill of the driver; marathon, which calls for endurance and agility by both the horses and driver; and obstacles, which test both the horses' and driver's ability to respond instantly to changes of direction.

With a fourth-place standing at the end of the dressage, Caspersen's team trailed the leader, Prince Philip, by 10 penalties. Caspersen's team, however, was easily the fastest on the marathon course, the most important segment of the competition.

The Caspersens and Mr. Long are residents of Andover, NJ.●

TRIBUTE TO JEFFREY LOTSPEICH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to extend recognition to my constituent, Jeffrey Lotspeich, on the occasion of his achieving the rank of Eagle Scout.

In addition to earning 37 merit badges, Jeffrey Lotspeich has successfully completed his Eagle Scout service project which has earned him his new rank. Jeffrey installed windows and cinder blocks in the foundation of the relocated National and Local Dudley House in Ventura, CA. Jeffrey also removed all of the bricks from the fireplaces which has been dismantled when the house was moved. Jeffrey will be presented with an award at the National Scout Jamboree at Fort A.P. Hill, VA, which will run from July 17 to July 31, 1985. Jeffrey will also receive a Court of Honor from his troop on August 31 of this year.

I extend to Jeffrey my congratulations on his accomplishment, and I commend him on his service to his community.●

HONORING RETIRING PRINCIPAL LEO GRIJALVA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. TORRES. Mr. Speaker, I ask my colleagues to join me in honoring an outstanding teacher and principal Mr. Leo Grijalva. Mr. Grijalva will be honored by his fellow educators at a retirement dinner in his honor on Friday, June 14, 1985.

Leo is a graduate of Cathedral High School and grew up in the Los Angeles community. He served with the U.S. Army from 1943 to 1945 and participated in the landings at Normandy and the Battle of the Bulge, receiving the Purple Heart for wounds he suffered. Upon his discharge and convalescence he attended Whittier College and the University of California receiving a bachelor of arts and then a master's degree in education and administration.

Leo has been involved with education for over 35 years, the last 5 spent as principal of Aeolian Elementary. He is admired by his students and faculty for the hard work and dedication he has shown throughout his tenure at the school. When not working he enjoys spending his free time with his family, wife Maria and hobbies of stamp collecting and fishing. As he

begins his well-deserved retirement, he will be sorely missed by his friends in the Los Nietos School District in Santa Fe Springs.

Mr. Speaker, I rise today to honor and express our gratitude to Leo Grijalva whose contributions to the education of our children is appreciated by the community.●

AGNESMARY KAROL: A CAREER OF SERVICE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. KEMP. Mr. Speaker, one of my constituents, Agnesmary Karol of Geneva, NY, is retiring this year after a lifetime career as a teacher. She has spent the past 16 years as a teacher at Geneva High School, as well as many years as a substitute teacher in the Geneva public school system. During her career, Agnesmary has taught social studies, American government, economics, and local history. She has remained active in the community and has found innovative ways of linking her community interests with her teaching career. She has coordinated student exchange programs with the United Kingdom and Italy; she has organized field trips for her students to Washington, DC, where it was my privilege to meet with Agnesmary and her group of young people. Mrs. Karol created, along with the Geneva Historical Society, a local history studies program. Her achievements have been recognized by the Middle States Association of Colleges and High Schools, which appointed her to their evaluation committee and by Delta Kappa Gamma, the national honors sorority for teachers, of which she is a member. Agnesmary Karol has raised five children during her career, and is the grandmother of four. Upon her retirement, she will work with her husband, Benjamin, in his Century 21 real estate operation. I know I join her many friends in wishing her the very best in the years to come.●

WHY PUNISH NICARAGUA FOR WHAT OUR FRIENDS DO FREELY

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mrs. BURTON of California. Mr. Speaker, I cannot help but believe that were it not for Nicaraguan President Ortega's trip to Moscow, we would not be reconsidering our decision to deny any form of aid to the Contras. Although I don't condone President Ortega's trip to Moscow, I must point out that many other nations, many of them our friends, have made that same trip to Moscow, on more than one occasion, for economic aid.

The fact is that as long as the United States prohibits trade with Nicaragua and continues to support efforts to disrupt the Nicaraguan economy, President Ortege will continue to seek aid from wherever he can.

I would like to bring to the attention of my colleagues an insightful article on this subject, written by Jim Morrell, director of research for the Center for International Policy. I urge my colleagues to read this article before they vote.

WHY PUNISH NICARAGUA FOR WHAT OUR FRIENDS DO FREELY?

(By Jim Morrell)

Nicaraguan President Daniel Ortega's trip to Moscow for economic aid is being cast as a "betrayal" in Washington. Yet several U.S. allies have similarly "betrayed" U.S. friendship without raising an eyebrow, being among the 75 Third World countries that have taken economic aid from the Soviet Bloc since 1954.

Among the takers, according to figures from the U.S. State Department, are Turkey ($4.2 billion), Iran under the shah ($1.8 billion), Egypt ($2.7 billion), India ($3.5 billion), Pakistan ($1.1 billion), Morocco ($2.3 billion) and the Philippines ($65 million).

In Latin America 15 non-communist countries have preceded Nicaragua to Moscow. Brazil leads with receipts of $925 million, followed by Argentina ($525 million), Peru ($490 million), Chile ($385 million, mostly during the presidency of the late Salvador Allende), Jamaica ($315 million) and Colombia ($295 million). Other recipients are Bolivia, Costa Rica, Ecuador, Grenada, Guyana, Mexico, Panama, Uruguay and Venezuela.

Washington and Moscow even have been known to collaborate on the same project in Latin America. The World Bank and the Inter-American Development Bank lent $420 million in 1978–79 to the Yacyreta hydroelectric project in Argentina and Paraguay, of which the United States provided about $150 million. In 1981 the Soviets got permission to supply 15% of the equipment for the multibillion-dollar project.

Altogether, 38 African, 11 Asian, 11 Middle Eastern and 16 non-communist countries in this hemisphere have beaten a path to Moscow for economic aid. All but an errant few (chiefly Afghanistan, Cambodia, Ethiopia, Laos and Nicaragua) still maintain cordial relations with Washington.

In making Nicaragua its 76th Third World recipient, Moscow followed a well-established institutional pattern. In 1980 the two countries signed an accord on economic aid typical of the open-ended agreements that Moscow has signed with other recipients, such as Turkey and Morocco. The agreements tend to spread aid allocations over long periods, allowing for periodic expansions. The agreement with Nicaragua also followed the established pattern of aid to industrial projects in the public sector.

The 1980 Soviet accord with Nicaragua called for assistance to agriculture, fisheries, mining and energy. Separate agreements were signed for military aid.

In 1981 Nicaragua signed agreements with the Soviet Bloc for nearly $200 million in economic aid. The Soviet aid included 10-year credits for the purchase of agricultural, road-building and communications equipment; the dispatch of six Soviet research vessels to undertake an extensive survey of Nicaraguan fisheries resources, and negotiations to participate in a 180-megawatt hydropower project.

Of the East European countries, East Germany has been the most active in Nicaragua under a program that began in 1979, providing food and aid to public health. Bulgaria provided quick aid to agriculture, industry, mining and power development. Military aid came under separate agreements.

Soviet aid to Nicaragua often has picked up where American aid left off. This was the case in 1981 when the United States canceled $15 million in grain deliveries. The Soviet Union stepped in with 20,000 metric tons of wheat, while Bulgaria and East Germany sent more than 60,000 tons of free grain, more than making up for the U.S. cancellations.

Now the Soviets are responding to Nicaragua's dire need for oil, which was brought about when Mexico and Venezuela halted shipments under U.S. pressure. On his return from Europe this week, Ortega announced that the Soviet Union would supply 80% to 90% of Nicaragua's oil needs this year.

Also, in the farm sector, other countries will provide Nicaragua with seed, fertilizer and pesticides to compensate for loans that the United States has blocked in the World Bank and the Inter-American Development Bank.

What Washington is trying to portray as betrayal looks far more like a Third World country's need to get aid where it can. In taking this step Nicaragua is treading only where 75 others have already been.

Rather than pushing Nicaragua toward the Soviets, the United States would be better advised to end support of the contras, lift the trade embargo and move instead toward humanitarian aid. That path offers more hope for meeting Nicaragua's economic needs and moving that country in the direction of democratic reforms.●

TRIBUTE TO DR. FRANK BUROCK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1985

● Mr. YATRON. Mr. Speaker, I rise to pay tribute to Dr. Frank Burock who will be retiring as the superintendent of schools for the St. Clair Area School District at the close of the fiscal year ending June 30, 1985. Last week a testimonial dinner was held in his honor and I know that my colleagues will join me in saluting this outstanding educator.

Dr. Burock graduated from Kutztown State College in 1936 and began his service as an educator by accepting the post of elementary school principal in the Gilberton School District. Dr. Burock served in the U.S. Armed Forces during World War II and left the service as a lieutenant in 1946. After returning home Dr. Burock

began postgraduate work at Bucknell University where he earned a master's degree in 1948. In 1952 he was named supervising principal of the Gilberton School District. During this period he continued to work on his degree, earning his doctorate from the Pennsylvania State University in 1956.

Dr. Burock worked in the Mahanoy Area School District in 1959, before becoming the superintendent of schools for St. Clair the following year. He has held that position, longer than any other person, to this day. To his colleagues and his students he is known as the "Dean" of Schuylkill County educators.

Frank Burock has enriched the quality of work and the quality of life during his many years as an educator in the St. Clair Area School District. He has been in the field of education for 49 years and will be sorely missed by all those who were privileged to know him, work with him and learn from him.

I am pleased to bring Dr. Burock's accomplishments to your attention. He is truly an inspiration to those who will follow and I know that you will join me in wishing him the very best in all his future endeavors.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 6, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 7

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for May.
2359 Rayburn Building

10:00 a.m.
Appropriations
Defense Subcommittee,
Closed briefing on the strategic modernization program of the Department of Defense.
S-407, Capitol

Judiciary
To hold hearings on S. 51, the Superfund Improvement Act, focusing on certain judicial provisions.
SD-226

JUNE 10

10:30 a.m.
*Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of section 404 of the Clean Water Act, relating to the wetlands dredge and fill permit program.
SD-406

JUNE 11

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

Finance
To hold hearings on the President's tax reform proposal.
SD-215

Judiciary
To hold hearings on contractors indemnification.
SD-106

Labor and Human Resources
To hold joint hearings with the Committee on Environment and Public Works' Subcommittee on Nuclear Regulation on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

Labor and Human Resources
Handicapped Subcommittee
To hold oversight hearings on administrative activities of Gallaudet College and the National Technical Institute for the Deaf.
SR-428A

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 403, to establish policy and procedures to guide the Federal Energy Regulatory Commission in the issuance of new licenses to operate existing hydroelectric facilities, S. 426, to provide for more protection to electric consumers, and S. 1219, to ensure fair competition in the licensing of existing hydroelectric projects.
SD-366

Governmental Affairs
To hold hearings on the nominations of John M. Steadman, to be an Associate Judge of the District of Columbia Court of Appeals, and Richard A. Levie, to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342

Judiciary
Security and Terrorism Subcommittee
To hold hearings on the use of computers to transmit material inciting crime.
SD-226

2:00 p.m.
Appropriations
Business meeting, to mark up H.R. 2577, making supplemental appropriations for the fiscal year ending September 30, 1985.
SD-192

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on small issue industrial development bonds as a source of capital for small business expansion.
SR-428A

JUNE 12

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 1218, to provide for the revocation of certain certificates for air transportation.
SR-253

Environment and Public Works
Nuclear Regulation Subcommittee
To continue joint hearings with the Committee on Labor and Human Resources on the implementation of the Orphan Drug Act (Public Law 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

Finance
To continue hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
To continue joint hearings with the Committee on Environment and Public Works' Subcommittee on Nuclear Regulation on the implementation of the Orphan Drug Act (Public Law 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

Rules and Administration
To hold hearings on the nomination of Ralph E. Kennickell, Jr., of Virginia, to be Public Printer.
SR-301

Veterans' Affairs
Business meeting, to mark up proposals to clarify and improve certain health-care programs and services provided and administered by the Veterans' Administration, including S. 6, S. 875, S. 876, S. 1007, and S. 1052; S. 367, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; and proposed legislation authorizing funds for construction of Veterans' Administration facilities.
SR-418

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to mark up S. 366, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and har-

bors of the United States, and related proposals.
SD-116

10:30 a.m.
Judiciary
To resume hearings on S. 172, to provide a cause of action to cities to prevent professional football teams from abandoning them for more profitable locations, and to provide limited antitrust immunity to joint action of those teams engaged in professional football, S. 298, to clarify congressional intent regarding the applications of antitrust laws to certain types of major sports leagues practices and decisions, and to review the antitrust provisions of S. 259, to protect local community interests regarding the relocation of certain professional sports teams.
SD-226

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on a proposal to purchase the Consolidated Rail Corporation (Conrail) by Morgan Stanley International, Inc.
SR-253

Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 13

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the condition, structure, and competition within the domestic financial services industry, focusing on implications of further deregulation of depository institutions.
SD-538

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings on S. 635, Anti-Apartheid Act.
SD-538

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Finance
To continue hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1105, to reform the Walsh-Healey Act to allow Federal contractors in the private sector to work flextime hours.
SD-628

JUNE 14

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on health promotion and disease prevention strategies for Medicare beneficiaries.
SD-215

Special on Aging
To hold hearings on certain pension issues.
SD-106

JUNE 17

9:30 a.m.
Finance
To resume hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
To hold hearings on home health care reform.
SD-430

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on issues relating to ground water protection.
SD-406

JUNE 18

9:30 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on the current status of and factors affecting the natural gas market.
SD-366

Finance
To continue hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed amendments to S. 100, the Product Liability Act.
SR-253

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
To continue hearings on home health care reform.
SD-430

JUNE 19

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on voting rights issues.
SD-226

Select on Indian Affairs
To hold hearings on S. 954, to provide additional protection of steelhead trout as game fish.
SR-253

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Endowment of the Arts and the National Endowment for the Humanities.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on the diagnosis and treatment of osteoporosis.
SD-430

Veterans' Affairs
To hold oversight hearings on the administration's proposed health care policy changes.
SR-418

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 816, to establish the Pine Ridge Wilderness and Soldier Creek Wilderness in the Nebraska National Forest.
SD-342

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume oversight hearings on issues relating to ground water protection.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Endowment of the Arts and the National Endowment for the Humanities.
SR-485

2:00 p.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold oversight hearings on the implementation of the Adoption Assistance and Child Welfare Act (P.L. 96-272), and on proposals to modify foster care and adoption assistance program.
SD-215

JUNE 25

9:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by the Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on proposed amendments to S. 100, the Product Liability Act.
SD-253

Labor and Human Resources
To hold oversight hearings to examine certain barriers to adoption.
SD-430

Veterans' Affairs
Business meeting, to meet, to consider, proposed reconciliation legislation on the budget.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Department of Defense.
SD-192

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

JUNE 26

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 902, to establish Federal standards for gaming activities on Indian lands.
SD-628

JUNE 27

10:00 a.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings to examine the problem of drugs in the military.
SD-430

JULY 9

9:30 a.m.
Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the impact on the coal industry of the Office of Surface Mining's proposed rulemaking to collect permit application fees.
SD-366

JULY 10

9:30 a.m.
Labor and Human Resources
To resume oversight hearings to examine certain barriers to adoption.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 11

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 15

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 680, the Textile and Apparel Trade Enforcement Act.
SD-215

2:00 p.m.
Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 16

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to examine U.S. relations with the International Labor Organization (I.L.O.).
SD-430

10:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To continue hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 17

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.
SD-406

JULY 18

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 22

2:00 p.m.
Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 25

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the impact of the Supreme Court's ruling in Garcia vs. San Antonio Metropolitan Transit Authority on the coverage of state and local government employees under the Fair Labor Standards Act.
SD-430

JULY 31

9:30 a.m.
Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

CANCELLATIONS

JUNE 6

9:30 a.m.
Veterans' Affairs
To resume oversight hearings on the Veterans' Administration home loan guaranty program.
SR-418

JUNE 10

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on fossil energy programs.
SD-366

HOUSE OF REPRESENTATIVES—*Thursday, June 6, 1985*

The House met at 10 a.m.

The Reverend Timothy J. O'Brien, professor, political science, Marquette University, Milwaukee, WI, offered the following prayer:

Let us pray.

Heavenly Father, we acknowledge You as the Author of Life and the one who sustains us all. We thank You for the countless blessings You have so graciously granted the peoples of this planet. We call on You today, in this great Chamber, to humbly ask for Your continued guidance—for insight, humility, integrity, and courage—so that the problems mankind has within its family might be lessened; so that justice among peoples be more closely experienced; that those societal sins of materialism, racism, sexism, militarism, and narcissism—sins which fracture the fragile unity of Your family—be eradicated.

We pray that the power of Your spirit touch the hearts and minds of this Nation's leaders, and that the public policies enacted in this Hall, reflect Your divine plan.

Help us, Lord, to live peaceably—in harmony with You, in harmony with Your Earth, in harmony with Your people, and in harmony with ourselves.

For this we pray.

And, Lord, in a special way we pray today for the repose of the souls of two Members of this body, both from Wisconsin, Members with whom I had the privilege of working closely, Clement J. Zablocki and William A. Steiger. May they rest in peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DREIER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 266, nays 127, answered "present" 2, not voting 38.

[Roll No. 142]

YEAS—266

Ackerman	Feighan	McCollum
Addabbo	Fish	McCurdy
Akaka	Flippo	McHugh
Alexander	Florio	McKinney
Anderson	Foglietta	Mica
Andrews	Foley	Michel
Annunzio	Fowler	Mikulski
Anthony	Frank	Miller (CA)
Archer	Frost	Mineta
Aspin	Fuqua	Moakley
Atkins	Garcia	Molinari
AuCoin	Gaydos	Mollohan
Barnard	Gejdenson	Montgomery
Barnes	Gephardt	Moody
Bateman	Gibbons	Moore
Bates	Glickman	Morrison (CT)
Bedell	Gonzalez	Mrazek
Beilenson	Gordon	Murphy
Bennett	Gradison	Murtha
Berman	Gray (IL)	Myers
Bevill	Gray (PA)	Natcher
Biaggi	Green	Neal
Boggs	Guarini	Nelson
Boland	Hall (OH)	Nichols
Boner (TN)	Hall, Ralph	Nowak
Bonior (MI)	Hamilton	O'Brien
Bonker	Hammerschmidt	Oakar
Borski	Hansen	Oberstar
Bosco	Hatcher	Olin
Boucher	Hawkins	Ortiz
Boxer	Hayes	Owens
Breaux	Hefner	Panetta
Brooks	Hertel	Pashayan
Broomfield	Holt	Pease
Broyhill	Hopkins	Pepper
Bruce	Horton	Perkins
Bryant	Howard	Petri
Burton (CA)	Hubbard	Pickle
Bustamante	Hughes	Price
Byron	Hutto	Rahall
Campbell	Hyde	Ray
Carper	Jeffords	Regula
Carr	Jenkins	Reid
Chappell	Johnson	Richardson
Clinger	Jones (NC)	Rinaldo
Coats	Jones (OK)	Ritter
Coelho	Jones (TN)	Robinson
Coleman (TX)	Kanjorski	Rodino
Collins	Kaptur	Roe
Conyers	Kastenmeier	Rogers
Cooper	Kennelly	Rose
Coyne	Kildee	Rostenkowski
Daniel	Kleczka	Roukema
Darden	Kolter	Rowland (CT)
Daschle	Kostmayer	Rowland (GA)
Davis	Kramer	Roybal
de la Garza	LaFalce	Rudd
DeLay	Lantos	Russo
Dellums	Leath (TX)	Sabo
Dicks	Lehman (CA)	Scheuer
Dixon	Lehman (FL)	Schneider
Donnelly	Leland	Schulze
Dorgan (ND)	Levin (MI)	Schumer
Dowdy	Levine (CA)	Seiberling
Downey	Lipinski	Sharp
Duncan	Lloyd	Sisisky
Dwyer	Long	Skelton
Dyson	Lowry (WA)	Slattery
Early	Luken	Smith (FL)
Eckart (OH)	MacKay	Smith (IA)
Edgar	Markey	Snowe
Edwards (CA)	Martin (NY)	Snyder
English	Martinez	St Germain
Erdreich	Matsui	Staggers
Evans (IL)	Mavroules	Stokes
Fascell	Mazzoli	Strang
Fazio	McCloskey	Stratton
Studds	Vander Jagt	Whitten
Swift	Vento	Williams
Synar	Visclosky	Wise
Tallon	Volkmer	Wolpe
Tauzin	Walgren	Wortley
Thomas (GA)	Watkins	Wright
Torres	Waxman	Wyden
Torricelli	Weaver	Wylie
Towns	Weiss	Yates
Traficant	Wheat	Yatron
Traxler	Whitehurst	Young (MO)
Valentine	Whitley	

NAYS—127

Badham	Grotberg	Penny
Bartlett	Gunderson	Porter
Barton	Hartnett	Quillen
Bentley	Hendon	Ridge
Bereuter	Henry	Roberts
Bilirakis	Hiler	Roemer
Boehlert	Hillis	Roth
Boulter	Ireland	Saxton
Brown (CO)	Jacobs	Schaefer
Burton (IN)	Kasich	Schroeder
Callahan	Kindness	Schuette
Carney	Kolbe	Sensenbrenner
Chandler	Lagomarsino	Shaw
Chappie	Latta	Shelby
Cheney	Lent	Shumway
Clay	Lewis (CA)	Shuster
Cobey	Lightfoot	Sikorski
Coleman (MO)	Livingston	Skeen
Combest	Loeffler	Slaughter
Conte	Lott	Smith (NH)
Coughlin	Lowery (CA)	Smith (NJ)
Courter	Lujan	Smith, Denny
Craig	Lungren	Smith, Robert
Dannemeyer	Mack	Solomon
Daub	Marlenee	Spence
Derrick	Martin (IL)	Stangeland
DeWine	McCain	Stenholm
Dickinson	McCandless	Stump
DioGuardi	McDade	Sundquist
Dreier	McEwen	Swindall
Durbin	McGrath	Tauke
Eckert (NY)	McKernan	Taylor
Edwards (OK)	McMillan	Thomas (CA)
Evans (IA)	Meyers	Vucanovich
Fawell	Miller (OH)	Walker
Fiedler	Miller (WA)	Weber
Fields	Mitchell	Whittaker
Franklin	Moorhead	Wolf
Frenzel	Morrison (WA)	Young (AK)
Gallo	Nielson	Young (FL)
Gekas	Oxley	Zschau
Goodling	Packard	
Gregg	Parris	

ANSWERED "PRESENT"—2

Crockett	Dymally

NOT VOTING—38

Applegate	Heftel	Rangel
Armey	Hoyer	Savage
Bliley	Huckaby	Siljander
Brown (CA)	Hunter	Smith (NE)
Coble	Kemp	Solarz
Crane	Leach (IA)	Spratt
Dingell	Lewis (FL)	Stallings
Dornan (CA)	Lundine	Stark
Emerson	Madigan	Sweeney
Ford (MI)	Manton	Udall
Ford (TN)	Monson	Wilson
Gilman	Obey	Wirth
Gingrich	Pursell	

□ 1020

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

FATHER TIMOTHY O'BRIEN

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I ask my colleagues to join me this morning in welcoming Father Timothy O'Brien as our guest chaplain.

Father O'Brien has a rich background in the State of Wisconsin and in our Nation's Capital. He graduated from St. Mary Springs Academy in Fond du Lac and received a bachelor of arts degree from St. Francis de Sales College in Milwaukee and a degree in theology from St. Francis School of Pastoral Ministry. He received his master's degree in political science from Marquette University, and his Ph.D. political science from Catholic University of America.

He was ordained as a priest for the Milwaukee Archdiocese and has served as the assistant pastor of St. Matthias Parish in Milwaukee. He also has served as a liaison for social concerns to the U.S. Catholic Conference in Washington, and the Wisconsin Catholic Conference in Madison, WI for the Milwaukee Archdiocese. Additionally, he acted as the national director of communication for the Catholic League of Civil Rights.

Currently, Father O'Brien is an assistant professor of political science at Marquette University. He is a widely respected author and lecturer on religion in politics and interest group politics and has completed a national study on inner city private schools and coauthored a book, "Inner City Private Schools." He also has produced a TV movie based on this study entitled "Miracle in the Inner City."

Father O'Brien is a special friend, and I have had the privilege of benefitting from his wisdom, guidance, and encouragement for many years.

He is held in high regard in the academic and religious communities. He is also held in extremely high regard in my office. In an effort to broaden his educational base, Father O'Brien has logged many hours in congressional offices. He worked in the office of the late Congressman William H. Steiger, and during the past two summers, my office has had the privilege of working with him. He brings to the office intelligence, compassion, and a marvelous sense of humor.

It is truly a pleasure working with Father O'Brien, and it is an honor to have him here today as our guest chaplain.

DENIAL OF MEDICAL TREATMENT FOR SOUTH AFRICANS

(Mr. LELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LELAND. Mr. Speaker, in light of the historic first step this House undertook yesterday to destroy apartheid, I'd like to bring to my colleagues' attention a disturbing article that appeared in the Washington Post yesterday. I request that the article appear in today's CONGRESSIONAL RECORD under the section entitled Extensions of Remarks.

The Post has learned that South African Police keep watch at all area hospitals to arrest any blacks with gunshot wounds. The wound is used as evidence of involvement in so-called riotous clashes with the police. Fearing arrest, many blacks are foregoing medical treatment—or operating on themselves—and dying as a result.

I find it tragically ironic that while some fear offending South Africa with strong opposition to apartheid, horrendous human rights violations in South Africa continue to surface.

According to the National Medical and Dental Association in South Africa, police intimidate and arrest patients in hospitals, place them under arrest in their beds—sometimes even handcuffed to the bed itself—and often confiscate their medication when transferred to jail cells. These patients are even denied access to the last rites.

In the face of these atrocities we can not—we must not—continue President Reagan's "quiet diplomacy." In passing the Anti-Apartheid Act of 1985 the House took the first step toward a nonviolent end to apartheid. We now must complete the walk toward freedom for all South Africans. Thank you.

SUPPORT THE COMMUNIST RESISTERS IN NICARAGUA

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, a few weeks ago, on the very day the House was putting itself through another futile debate on Nicaraguan aid, a Soviet ship unloaded more than $14 million in military hardware at a Nicaraguan port.

When the House came up empty, the Soviets raised the stakes. The very next day, the little dictator from Managua, Daniel Ortega, took off for Moscow with a new and expanded shopping list.

Next week, the House will have another chance to provide a bare minimum of support for those resisting Communist domination in Nicaragua.

If we waffle again, it will be another signal for the Soviets to up the ante and for Ortega to put on his green fatigues and take another shopping trip.

This time he could come home with the missiles and Mig's some Members of this body are waiting to see before they become convinced something sinister is going on south of the border.

But by then, it might be too late.

Let's keep our marines and the little dictator at home by supporting those willing to give their lives in a fight we all want to avoid.

TORNADO-RAVAGED AREAS AIDED, THANKS TO FEDERAL DISASTER ASSISTANCE

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, late Friday night, last week, a number of tornadoes touched down in my district in Pennsylvania. They caused untold damage and personal tragedy.

Late Monday morning the White House awarded Federal disaster relief status to those areas hit by the tornadoes.

On Tuesday, Vice President GEORGE BUSH flew to Pennsylvania to tour the damaged areas and to convey the message that Federal assistance would be forthcoming.

What the Vice President and the President did not say, is that if they had their way there would be no Federal disaster assistance.

I rise today to thank responsible Members of both parties in both Houses of Congress for resisting administration proposals to eliminate these critical programs. Even now the administration has cut the level, of Federal assistance, raised disaster loan interest rates, introduced strict eligibility requirements, and reduced disaster aid funding.

I am glad that the Congress, and not the President, has had the last word on protecting disaster relief programs. The people of my district are more than glad, they're relieved.

CANADA'S TAX ON TOURISM LITERATURE STRAINS INTERNATIONAL RELATIONS

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, during the summit meeting in March between President Reagan and Canadian Prime Minister Brian Mulroney our two governments resolved a problem of great importance to the U.S. tourism industry. Prime Minister Mulroney gave his word that he would take steps to exempt travel literature from a 10-percent excise tax Canada has imposed for 3 years. That tax brazenly goes against all other international practice related to trade in tourism.

The resolution reached between the two heads of State specifically agrees

that Government-sponsored tourist literature and literature printed by chambers of commerce, automobile associations and "similar organizations" would be exempt from the tax. The Canadians amended their law in May to exempt government-sponsored literature, but this only fulfills half of the agreement. They are now claiming that the second stage of implementation, which we can expect in a year or so, will cover the nongovernment entities.

This doesn't even begin to solve half of our problem. It merely confuses the issue. This tax is imposed arbitrarily at the border. It causes great confusion and continuous problems with Canadian customs officials.

This is a slap in the face to President Reagan and to many Members of Congress who have patiently sought a resolution to this taxation problem. We have brought this subject up at interparliamentary meetings between Canada and the United States. We have worked through the State Department and other international bodies to convince the Canadians that the strain on international relations is not worth the meager amounts of money being collected at the border. Today I am adding my name as a cosponsor to H.R. 1002 which would impose a retaliatory tax on Canadian literature entering the United States and I urge my colleagues to join me.

CENTRAL AMERICA: A DOSE OF REALITY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, on this day 41 years ago, the combined forces of the Allies mounted the greatest seaborne invasion in history, on the coast of France. Some 10,000 men of that force became casualties by the end of the day; it was the beginning of the great campaign to start a second front in Europe, and to end World War II.

The D-day invasion was one that Americans supported; it involved a terrible cost, but it was one that our people understood and accepted.

But that is not the case in Central America. The people of this country are not anxious or willing to start a war in Central America. Nor do the people of Central America see us as liberators. Yet, President Reagan continues to build up an elaborate command center in Panama; he continues to build up vast military installations in Honduras. He is doing all he can to get Costa Rica to abandon its historical neutrality; and he refuses to undertake any negotiation that could possibly avoid warfare in one of the world's most improverished regions.

This is not a policy that our allies support; it is not a policy that our people support.

Yet here we are, talking openly about an invasion of Nicaragua, and talking about more aid to the so-called Contras, whose lack of success and lack of popular support among Nicaraguans is nothing short of breathtaking.

Some want to support this new aid because they are embarrassed and offended that the Nicaraguan President went to Moscow looking for help. Some want to support this new aid because they fear being accused of "losing Nicaragua." But where else would Nicaragua go for help but Moscow, if our Government turns away all possibilities of negotiation, let alone moderation and conciliation? And who thinks that Nicaragua was ever ours to lose in the first place?

The truth is, if the Nicaraguan Government is anti-American, it is more because our policies fostered that, than anything else. Who created Somoza? We did. Who killed the popular revolution of Sandino? We did. And who among our allies supports the Reagan policy? Nobody. More of the same old policy of bullets and bombs will not save Nicaragua; this is the policy that has driven it away, isolated democrats in that country, and made it easy for the Sandinistas to use anti-American sentiment as the tool to consolidate their power. Why compound our error?

SWEDISH FLAG DAY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, today is recognized in Sweden as Swedish Flag Day. Although this holiday was first observed in 1916 and honors the Swedish flag, it also commemorates the election of Gustavus Vasa, a young nobleman, as King in 1523.

Gustavus Vasa encouraged the adoption of the Lutheran religion in Sweden, increased the power of the throne and laid the foundation for the modern state. He centralized the administration, dealt harshly with revolts, built an efficient army, and encouraged trade and industry.

It was also on this day that the oldest written constitution in Europe was adopted in Sweden in 1809.

The day, a national holiday in Sweden, is celebrated as the King presents a national flag to Swedish organizations and societies at a special ceremony. It is observed by Swedish-Americans throughout the United States with appropriate outdoor festivities.

TAX REFORM—THE PRESIDENT IS UNDULY POLITICIZING IT

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I favor tax reform. Our present code does indeed contain far too many shelters and other loopholes and is unnecessarily complex.

I believe the President has been correct in joining in highlighting these points, but I want to express to him my deepening concern about his statements of recent days.

First, he is more and more projecting the feeling that his approach to tax reform is motivated more by the desire for partisan political gain through impact on party alignment than the good of the Nation.

Second, I resent the President's recent comments in some States that because of the deduction for State and local taxes, certain States have been subsidizing other States which, the President claims, have not yet learned how to say no to special-interest groups. That issue is far more complex than this latest one-liner of the President. Certain States suffered more woefully than others during the recession of the early 1980's, and over the years some bore the weight of migration to their States.

Mr. Speaker, the President apparently softens or hardens his comments, depending on where he is speaking, but many of us hear all of them and say to the President, "Beware."

□ 1040

NICARAGUA—ANOTHER VIETNAM

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, our great Nation, born in revolution, has often played a noble role on the world stage, but there have been incidents in our history upon which the American people must look back in shame. More often than not, those events occurred when willful men, abusing the trust of the people, dragged the United States into nefarious international adventures.

We are nearing such a moment of shame now. Ronald Reagan obviously will stop at nothing, up to and including creating phony incidents to drag the United States into war against the less than 3 million poverty-stricken people of Nicaragua. Next week this House has another opportunity to stand with the American people against Ronald Reagan's adventurism.

I urge the American people to tell their Representatives in Congress now, Nicaragua must not become another Vietnam.

INVITATION TO THE PRESIDENT

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I read in the paper yesterday that the President of the United States was in Oklahoma. He was invited by our junior Senator, who wanted him to visit an AT&T plant so that the President could see that there is something other than oil and agriculture in the State of Oklahoma.

I wish I had known early enough, because I want to invite the President to go to Pushmataha County in the southeast part of the State, one of my 20 counties, where we have approximately 20 percent of the people unemployed.

Nearly three-fourths of the counties that I have in my district have double-digit unemployment, low per capita income of less than $5,000 and outmigration of 50 percent of the people in the last 50 years.

I was shocked when I saw that the President and his aides have not done an economic analysis of what would happen to jobs and industry in this country if the tax reform package was accepted in total.

I can tell you from my analysis what would happen if the tax reform package would be accepted in total. It will cause the greatest erosion of American industries overseas than any time in history, at a time when we have seen under the policies of this administration the U.S. trade debt skyrocket from $28 billion to $130 billion a year. The U.S. trade debt is five times greater during the 4 years under President Reagan. We have exported over 4 million jobs during the last 4 years, at the same time in my district in Oklahoma we have double-digit unemployment.

Our people are crying out for jobs. They are crying out for industry to be built in our Nation, not overseas in foreign countries. We need to get our priorities straight.

GASEOUS DIFFUSION PLANT TO REMAIN OPEN

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, yesterday the U.S. Department of Energy officially announced that the Paducah, KY, gaseous diffusion plant operated by Martin Marietta Corp. would not be closed. In fact, there will be an increase in production of enriched uranium at the Paducah plant.

There are 1,300 employees at the Paducah gaseous diffusion plant, the biggest employer in my congressional district.

This was and is news because a decline in the worldwide demand for uranium enrichment has caused the Department of Energy to halt production at one of the three Government-owned gaseous diffusion plants, the other two being in Ohio and Tennessee.

White House and Energy Department officials yesterday predicted the Paducah plant would be vital to Government needs through and beyond the year 2000.

The people of western Kentucky are indeed grateful to the U.S. Department of Energy, Secretary John S. Herrington, and former Energy Secretary Donald P. Hodel, now Secretary of the U.S. Department of the Interior.

THE TAXPAYERS' BILL OF RIGHTS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, when it comes to the subject of tax reform we seem to repeat ourselves. That is, from session to session we seem to talk about the need for reform, and continue to close our sessions without having reformed it.

I am pleased that the administration has taken a first step toward needed tax simplification.

However, in addition to resolving the fiscal part of our tax system, there is a critical need to consider some of the system's other shortcomings as well. In this case, I am referring to the need, to inject equity into the Internal Revenue Service policies, and treatment of our Nation's taxpayers. That's why I have introduced the Taxpayers' Bill of Rights.

This legislation addresses such problem areas as questionable tax enforcement practices, disclosure of rights and obligations of taxpayers, the awarding of costs to prevailing taxpayers, procedures involving taxpayer interviews, provisions for an ombudsman, GAO oversight of the IRS, and an appeals process for adverse IRS decisions.

This legislation is designed to protect the taxpayers against tax collection abuses. By doing this we are taking an important step toward restoring taxpayer confidence in our Nation's tax system.

HOUSE DEMONSTRATES ITS SUPPORT FOR THE WIC PROGRAM

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, as many of my colleagues are by now aware, the administration has agreed to request the remaining $76 million appropriated in Public Law 98-472 for the Special Supplemental Food Program for women, infants, and children. The WIC Program was started in 1972 to improve the diet of low-income pregnant and nursing women and young children certified by physicians to be at nutritional risk.

The administration was made aware of the will of Congress on this issue because of a number of actions by both bodies of Congress. I want to thank my colleagues who cosponsored House Concurrent Resolution 146, a measure that I introduced on May 9. This resolution made clear to the executive branch the will of this body regarding the WIC Program. Eighty of my colleagues cosponsored the measure. The range or political philosophies represented on that list was a clear demonstration that the WIC Program has broad support. The interest of my colleagues in the measure was, no doubt, prompted by their concern for the 237,000 women and children who would have been cut from the WIC rolls had the $77 million not been released. As a freshman, it was also encouraging to see the product that can result when Republicans and Democrats join forces and work together to improve the lives of the people we represent.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2577, SUPPLEMENTAL APPROPRIATIONS, 1985

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 186

Resolved, That all points of order for failure to comply with the provisions of clause 3 of rule XIII and sections 311(a) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived against the consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes. During the consideration of said bill, all points of order against the following provisions of the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived: On page 2, lines 7 through 18; on page 3 lines 1 through 10; on page 3, lines 14 through 19; on page 4, line 12 through page 5, line 24; on page 6, line 11 through page 7, line 24; on page 8, line 8 through page 10, line 6; on page 11, line 19 through page 12, line 5; on page 12, line 10 through page 13, line 16; on page 13, line 21 through page 15, line 4; on page 15, line 13 through page 16, line 3; on page 16, line 9 through page 18,

line 3; on page 18, line 15 through page 19, line 11; on page 20, line 14 through page 21, line 5; on page 21, lines 7 through 15; on page 21, line 21 through page 22, line 4; on page 23, lines 1 and 2; on page 24, lines 1 through 12; on page 24, line 20 through page 25, line 2; on page 28, line 10 through page 30, line 4; on page 30, line 9 through page 39, line 18; on page 43, lines 2 through 20; on page 44, line 1 through page 46, line 22; on page 47, lines 1 through 5; on page 47, line 10 through page 49, line 12; on page 49, line 20 through page 50, line 16; on page 50, page 19 through page 51, line 23; on page 52, line 6 through page 54, line 10; on page 54, line 16 through page 55, line 25; on page 56, lines 9 through 11; on page 56, lines 15 through 24; on page 57, lines 5 through 7; on page 57, line 12 through page 60, line 19; on page 62, lines 1 through 21; on page 63, lines 4 through 8; on page 64, line 7 through page 65, line 20; on page 66, lines 1 through 21; on page 67, lines 2 through 6; on page 67, lines 15 through 17; on page 68, lines 1 through 25; on page 69, lines 6 through 16; on page 69, line 19 through page 70, line 6; on page 70, lines 12 through 20; on page 71, lines 1 through 12; on page 72, line 1 through page 73, line 5; on page 73, lines 11 through 13; on page 73, lines 22 through 24; on page 74, line 14 through page 79, line 17; on page 79, line 22 through page 80, line 16; on page 84, lines 1 through 6; on page 84, lines 16 through 18; on page 86, lines 10 through 15; on page 86, line 18 through page 87, line 11; on page 87, line 17 through page 88, line 18; on page 89, lines 14 through 20; on page 91, line 7 through page 92, line 12; on page 92, line 18 through page 94, line 12; on page 94, lines 22 and 23; on page 96, line 14 through page 97, line 9; on page 97, lines 13 through 20; on page 98, lines 24 and 25; on page 99, lines 20 through 25; and on page 100, lines 5 and 6.

It shall be in order to consider the following amendments to the bill printed in the Congressional Record on June 4, 1985: (1) as amendment by, and if offered by, Representative Dorgan of North Dakota, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and section 311(a) of the Congressional Budget Act are hereby waived; (2) an amendment by, and if offered by, Representative Breaux of Louisiana, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and section 311(a) of the Congressional Budget Act of 1974 are hereby waived; (3) an amendment by, and if offered by Representative English of Oklahoma, and all points of order against said amendment for failure to comply with the provisions of clauses 2 and 6 of rule XXI and section 311(a) of the Congressional Budget Act are hereby waived; and (4) an amendment by, and if offered by, Representative Studds of Massachusetts, and all points of order against said amendment for failure to comply with the provisions of section 311(a) of the Congressional Budget Act of 1974 are hereby waived. If any portion of the text of the bill beginning on page 25, line 3 through page 28, line 9 is stricken on a point of order pursuant to clause 2 or 6 of rule XXI, it shall be in order to consider an amendment offered by the chairman of the Committee on Appropriations, inserting after page 28, line 9 any portion of such paragraph which has been stricken which does not contain appropriations not authorized by law, and all points of order against said amendment for failure to comply with the provisions of clause 2(c) or 6 of rule XXI and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived.

SEC. 2. (a) After the bill has been read for amendment in its entirety and after the disposition of all other amendments, including any considered pursuant to the procedure specified in clause 2(d) of rule XXI, it shall be in order to consider the amendments provided for in subsection (b) of this section. A motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall not take precedence over the amendments provided for in subsection (b). If such a motion is offered as preferential over amendments specified in the second sentence of clause 2(d) of rule XXI, and is adopted, the Committee of the Whole shall not rise but shall proceed to the consideration of the amendments provided for in subsection (b).

(b) Pursuant to subsection (a), it shall be in order to consider the following amendments, which shall be considered in the following order only, which shall be considered as having been read, which shall not be subject to amendment except as specified, which shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and which shall be in order although amending a portion of the bill already passed in the reading of the bill for amendment:

(1) the amendment printed in the Congressional Record of June 5, 1985, by Representative Michel of Illinois, if offered by Representative Michel or Representative McDade of Pennsylvania, said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI, clause 2 of rule XXI, and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and after debate thereon the amendment shall be subject to the following two amendments:

(2) the amendment printed in the Congressional Record of June 5, 1985, by, and if offered by, Representative Boland of Massachusetts, said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Boland and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived;

(3) the amendment printed in the Congressional Record of June 5, 1985, by, and if offered by Representative Gephardt of Missouri, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Gephardt and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of the rule XXI are hereby waived; and

(4) the amendment to the bill printed in the Congressional Record of June 5, 1985, by, and if offered by Representative Hamilton of Indiana, said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI, clauses 2 and 6 of rule XXI, and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. If amendments numbered 1 (as or as not amended) and 4 are both adopted, only amendment numbered 4 shall be considered as having been finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1050

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, before we begin debate on this resolution I would like to make a unanimous-consent request to make a technical correction in the rule.

Mr. Speaker, at the time the Committee on Rules voted to report a rule on the supplemental appropriation it was agreed that the Hamilton amendment would be debatable for 2 hours. However, due to a typographical error when the rule was filed, only 1 hour of debate was provided for that amendment.

This unanimous-consent request simply is intended to make the correction so that the rule is consistent with the vote in the Rules Committee and the gentleman from Indiana [Mr. HAMILTON] is allowed 2 hours of debate on his amendment. This request has been cleared with the minority.

Mr. Speaker, I ask unanimous consent to make a technical correction to House Resolution 186 to provide 2 hours of debate on the Hamilton amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, House Resolution 186 is a rule waiving certain points of order and providing procedures for the consideration of H.R. 2577, the supplemental appropriations bill for fiscal year 1985. The rule waives clause 3 of rule XIII, which requires a Ramseyer in committee reports, and sections 311(a) and 402(a) of the Congressional Budget Act against consideration of the bill.

Section 311(a) prohibits the consideration of legislation which would cause the new budget authority or outlay ceilings in the most recent

budget resolution to be exceeded. Appropriations recommended in H.R. 2577 would cause the Committee on Appropriations to exceed its discretionary budget authority allocation for fiscal year 1985 by $2.7 billion. However, House Concurrent Resolution 152, the House-passed first budget resolution for fiscal year 1986, assumes enactment of the budget authority provided in the supplemental for fiscal year 1985. Since the first budget resolution has not yet been enacted, the increases in the committee's allocations have not yet taken effect; however, the Committee on Rules has granteds this waiver in light of the action taken by the House on the first budget resolution and in anticipation of a conference agreement.

Section 402(a) of the Budget Act prohibits the consideration of any legislation which authorizes the enactment of new budget authority for a fiscal year unless it has been reported by May 15 prior to the beginning of that fiscal year. H.R. 2577 contains one provision in which new budget authority for fiscal year 1986 is authorized, thus necessitating the waiver of section 402(a) against consideration of the bill.

During the consideration of the bill, the rule waives all points of order against certain paragraphs of the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in a general appropriation bill and clause 6 prohibits reappropriations or transfers in general appropriation bills.

The rule also specifically makes in order four amendments printed in the CONGRESSIONAL RECORD of June 4 and waives certain points of order against those amendments. The first, to be offered by Representative DORGAN of North Dakota, provides $4.3 million for the necessary expenses for State and local agencies to distribute surplus commodities under the Temporary Emergency Food Assistance Act of 1983. The rule provides waivers of clause 2, rule XXI and section 311(a) of the Budget Act against the Dorgan amendment.

The second amendment, to be offered by Representative BREAUX of Louisiana provides $4 million for the establishment of the Gillis W. Long Poverty Law Center at the Loyola University School of Law in New Orleans. The rule also waives clause 2, rule XXI and section 311(a) of the Budget Act against the amendment.

The third amendment, to be offered by Representative ENGLISH of Oklahoma, is legislative language requiring a waiver of clause 2, rule XXI which is waived in the rule, as are clause 6 of rule XXI and section 311(a) of the Budget Act. The English amendment seeks to strike language recommended by the Committee on Appropriations and to insert in lieu thereof language which would require approval of the Secretary of the Army for construction projects on the Arkansas River or on its tributaries and would separate authorization of the Arkansas and Red River projects to ensure that funds authorized and appropriated for the Red River projects cannot be used for Arkansas River projects.

The final amendment is to be offered by Representative STUDDS of Massachusetts and the rule waives section 311(a) of the Budget Act against that amendment. The Studds amendment seeks to make available an additional $15 million in fiscal year 1985 for the operating expenses of the U.S. Coast Guard. These moneys are to be derived as authorized from the boat safety account of the aquatic resources trust fund.

Mr. Speaker, while these four amendments are specifically made in order in the rule, I should point out to my colleagues that House Resolution 186 does not preclude the offering of other amendments to the bill. Any germane amendment which does not otherwise violate any rule of the House may be offered to H.R. 2577.

During the hearing on the rule for H.R. 2577, the Committee on Rules received a number of requests from authorizing committee chairmen not to provide waivers against unauthorized and legislative provisions recommended by the Committee on Appropriations. In response to their requests, the Committee on Rules did not protect a number of paragraphs in the bill. Chief among those provisions which are not protected against points of order for failure to comply with the provisions of clause 2 of rule XXI are a number of water projects. The Appropriations Committee, in the first paragraph of chapter IV, has recommended 62 Corps of Engineers new starts, of which 32 were previously authorized. The remaining 30 are not authorized but are provided for in H.R. 6, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1985, which is currently pending in the Committee on Public Works and Transportation.

House Resolution 186 does not provide a waiver of clause 2, rule XXI against this paragraph of the bill and therefore, a point of order could lie against this particular paragraph of chapter IV. The rule does, however, provide that if this paragraph is stricken on a point of order, that it shall be in order for the chairman of the Committee on Appropriations to offer an amendment to reinsert in that portion of the bill any of those projects striken on the point of order which are already authorized by law. The rule also provides that should the chairman of the Appropriations Committee offer such an amendment, that all points of order against that amendment for failure to comply with the provisions of clauses 2(c) and 6 of rule XXI and section 311(a) of the Budget Act are waived.

Mr. Speaker, the bill recommended by the Committee on Appropriations does not contain any funds which would be applicable to the situation in Nicaragua. The rule does, however, make two major amendments and two perfecting amendments in order which deal specifically with the issue of aid to the Contras in Nicaragua.

The rule provides that after the bill has been read for amendment in its entirety and after the disposition of all other amendments, including the consideration of limitations as provided in clause 2(d) of rule XXI, it shall then be in order to consider the Nicaragua amendments specifically made in order in the rule. The rule provides that a motion for the Committee of the Whole to rise and report the bill to the House with such amendments as may have been adopted shall not take precedence over the Nicaragua amendments provided for in the rule and, that if a motion for the committee to rise is offered as preferential over the Nicaragua amendments and is adopted, the Committee of the Whole shall not rise, but shall then proceed to the consideration of the Nicaragua amendments.

The Committee on Rules has recommended this procedure in order that the Nicaragua issue can be considered as separate and distinct from the provisions of the supplemental. This provision of the rule will ensure that the issues in the supplemental and all amendments, including any limitation amendments, will be disposed of prior to the consideration of the Nicaragua amendments made in order in the rule.

When the Committee of the Whole considers these amendments, the rule provides that they shall be considered in the specified order only, that they shall be considered as having been read, they shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and that they shall be in order although they are amending a portion of the bill already passed in the reading of the bill for amendment.

The rule first provides for the consideration of an amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by Representive MICHEL of Illinois, and if offered by Representative MICHEL or Representative MCDADE of Pennsylvania. The Michel/McDade amendment shall be debatable for 2 hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and the rule waives all points of order against the amendment for failure to comply with the provisions

of clause 7 of rule XVI, the germaneness rule, clause 2 of rule XXI and section 311(a) of the Budget Act.

The Michel/McDade amendment provides a $27 million appropriation for direct humanitarian assistance to the Nicaraguan Contras and $2 million for implementation of a Contadora agreement. The amendment also provides that the President is to direct the administration of the funds and that he is prohibited from funneling the funds to the Contras through either the CIA or the Department of Defense. The funds are to be made available to the Contras in three installments coinciding with the submission of reports by the President to the Congress on what steps he has taken to resolve the conflict in Nicaragua.

Following debate on the Michel/McDade amendment, that amendment will be subject to the following two perfecting amendments. It will first be in order to consider the amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative BOLAND of Massachusetts. The Boland amendment shall be debatable for 1 hour to be equally divided and controlled by Representative BOLAND and a Member opposed thereto, and all points of order against the amendment for failure to comply with clause 7 of rule XVI and clause 2 of rule XXI are waived. The Boland amendment contains indentical language to current law and provides that no funds are to be made available to the CIA, the Department of Defense or any other intelligence agency of the United States for any activities which would have the effect of either directly or indirectly supporting military or paramilitary operations in Nicaragua.

Following disposition of the Boland amendment, the rule provides that it shall then be in order to consider a second perfecting amendment printed in the CONGRESSIONAL RECORD on June 5, 1985, by, and if offered by, Representative GEPHARDT of Missouri, and the Gephardt amendment shall be debatable for 1 hour to be equally divided and controlled by Representative GEPHARDT and a Member opposed thereto. All points of order against the Gephardt amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are waived in the rule. The Gephardt amendment seeks to delay the availability of the funds made available to the Contras in the Michel-McDade amendment for 6 months.

After the vote on the Gephardt perfecting amendment, the rule provides that the vote will then occur on the Michel-McDade amendment as amended, or not amended, as the case may be. The rule then provides that it shall be in order to consider an amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative HAMILTON of Indiana. The Hamilton amendment shall be debatable for 2 hours to be equally divided and controlled by Representative HAMILTON and a Member opposed thereto and all points of order against the Hamilton amendment for failure to comply with the provisions of clause 7 of rule XVI, clauses 2 and 6 of rule XXI and section 311(a) of the Budget Act are waived.

The Hamilton amendment provides $14 million in fiscal year 1985 for humanitarian assistance to Nicaraguan refugees who are outside Nicaragua. These funds are to be used to provide such assistance through the International Committee of the Red Cross or the U.N. High Commissioner for Refugees and the amendment provides specifically that the assistance provided is not to be used for the provisioning of combat forces.

Because the rule makes in order two major Nicaragua amendments which differ substantially in philosophy, the rule makes in order what has come to be known as the king-of-the-mountain procedure. Under this procedure in House Resolution 186, even if the Michel-McDade amendment is initially adopted, if the Hamilton amendment is subsequently agreed to in the Committee of the Whole, the Hamilton amendment shall prevail and only the Hamilton amendment shall be reported back to the House. In other words, the last of the two major amendments adopted will be the amendment reported back to the House.

Finally, the rule provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, H.R. 2577 provides supplemental appropriations of $13.5 billion in net new budget authority for fiscal year 1985. Nearly half of this amount is mandatory under current law including a $3.5 billion payment to the Social Security trust fund to cover military service wage credits as required by the Social Security Amendments of 1983. Of the discretionary appropriations, $3.9 billion is to reimburse the Commodity Credit Corporation for net realized losses sustained, $2 billion for aid to Israel and Egypt and an additional $287 million for student financial assistance under the Pell Grant Program.

Mr. Speaker, this supplemental is an important legislative proposal and under the rule it will be fully debated and open to amendment. I urge adoption of the rule in order that the House may proceed to the consideration of H.R. 2577.

□ 1110

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for yielding. Mr. Speaker, the gentleman from Texas [Mr. FROST] has ably explained the rule and it would be redundant for me to go into the same subject matter in detail.

We all know it is an unusual and complex rule fashioned to deal with a complicated situation. It should be adopted.

The Rules Committee met for 2 days on this matter, and we consulted with many Members representing different points of view in regard to the issues and items contained in this supplemental appropriations bill. I think it is accurate to say that no one is completely satisfied with this rule, but that it is acceptable to those most closely involved with this bill and with the process bringing it to the floor at this time.

The members of the Appropriations Committee have worked hard on this very important bill, and they have done an outstanding job under difficult circumstances. They deserve our thanks and they certainly have mine.

I want to state emphatically that the Appropriations Committee is not at fault, because this bill requires a great number of waivers of the ordinary rules of the House. The Appropriations Committee was compelled by its responsibilities to this country and to the House to move forward with this supplemental appropriations bill. The members of the Committee on Appropriations have acted in a completely responsible manner.

This supplemental is a major bill dealing with a number of important matters. In addition to the items contained in this bill, the rule provides for debate and votes on the question of assistance to the democratic resistance forces in Nicaragua.

The rule makes in order a reasonable, bipartisan proposal to be offered by the gentleman from Pennsylvania [Mr. MCDADE], together with Mr. MICHEL and Mr. MCCURDY as well as a proposal advanced by Mr. HAMILTON of Indiana. The McDade-Michel-McCurdy amendment provides the House the opportunity to step forward to support the brave men and women of Nicaragua who are resisting a pro-Communist regime ruling over their homeland. The McDade-Michel-McCurdy amendment deserves our support and I urge its passage.

Mr. Speaker, I ask for a "yes" vote on the rule so that the House can get down to the business of debate.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] has consumed 3 minutes.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BOULTER].

Mr. BOULTER. I thank the gentleman for yielding. Mr. Speaker, with a great deal of sadness and confusion in my heart, I rise in opposition to this rule. I find many problems with it, and a lot of misunderstanding about it.

I want to bring to the attention of my colleagues an article from yesterday's paper in Wichita Falls, TX, the Wichita Falls Times, which describes how emergency crews and relief organizations were on standby early yesterday afternoon, as residents of low-lying neighborhoods in Wichita Falls watched 5 inches of rain cause creeks to rise to nearly flood levels.

This is a common problem for that city, Mr. Speaker, a problem that has existed for over 30 years. The last time Wichita Falls had flooding, in 1982, about 31 million dollars' worth of damage was caused.

□ 1120

Annually, damages of about $4 million in property damage result from flooding in Wichita Falls, TX.

We have in past Congresses, before I got here, Mr. Speaker, attempted to pass badly needed authorization water projects. Last year an omnibus water bill containing somewhere around 300 of these projects, many of which I think were not justified, and not urgent, and not a proper investment, was passed by this body but did not make it through the other body. And the same thing is going to happen this year. Mr. Speaker, H.R. 6 is a multibillion dollar project involving 300 projects, many of which are simply pork and that is all there is to it. But this supplemental bill, Mr. Speaker, contains about 60 projects, as I understand it, all urgently needed, all representing a true investment in our country, about half of which are unauthorized. But I was told by the chairman of the authorizing committee that because there was language in the supplemental bill which made the appropriation subject to authorization that it would be supported. And now I find that these unauthorized projects are being stripped out.

Mr. Speaker, I find this very disappointing. We have created a separate package of some of these projects. H.R. 1558, which is in the authorizing committee, the committee will not report that out because it does not contain everybody's project. Again, it probably will report out H.R. 6, but it does contain everybody's project, it is too expensive, it is too full of pork, and it is not going to be signed into law.

Meanwhile, Mr. Speaker, the creeks are rising today in Wichita Falls, the place is flooding, there are numerous other projects which require immediate attention, and I do not understand this process. I deplore it. I just wanted to speak against it. I just cannot believe this is happening.

Mr. QUILLEN. Mr. Speaker, I would like to advise the gentleman from Texas [Mr. FROST] that I have four more requests for time, and at this time I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman from Tennessee very much for yielding me the time.

Mr. Speaker, I intend to oppose this rule. I would hope that most Members of this body would see fit to oppose this rule. This rule is a budget buster. This rule, pure and simple, says that we are going to bust the budget. If you do not believe that, all you have to do is look at the report written by the Appropriations Committee on the supplemental appropriations bill and you will find that they admit that the rule makes in order a bill which is going to bust the budget to the tune of $2.7 billion.

Now, that is the low figure. I sometimes wonder around here just how we come up with some of the figures that show up in these Appropriations Committee reports. But it is at least that much. It is at least a $2.7 billion budget buster.

Now, the way we are going to get to that is through this rule, because what this rule does is it makes possible all of that spending without having legitimate points of order raised against it. Page after page after page after page of this bill should be subject to a point of order, but it will not be because all of those points of order are waived under the rule that we are considering here. So the rule is a real test vote here.

What do we want to do about trying to preserve the integrity of the authorization process, the appropriation process and ultimately the budget process?

If you want to just consider the Budget Act that we always regard so sacrosanct around here when we are debating it, and we go down through every number as though life and death depended upon getting that number precisely right during the debates on this floor, and we still come out with massive deficits at the end of that budget process, if you think that that budget process is at all important, consider this about the rule that you are about to vote on: It simply waives the Budget Act with regard to this bill. It says that the Budget Act does not apply as it regards this bill.

This is $13.5 billion in spending in the supplemental appropriation bill, and we are simply going to say, "Throw the Budget Act out, it does not apply, it is time to spend the money."

That is how this House contributes to deficits. All of you are hearing from your constituents, every one of you, that the American people are disgusted with deficits. And we all go out and we make these great speeches, out across the country, about how we are worried about deficits, that deficits are a terrible thing and we have got to do something to stop this President from coming up with deficits or stop other Members of Congress from spending the money or doing something about deficits. Raise taxes, some of our colleagues suggest.

Well, the way we come up with deficits is when we spend the money. Here we are going to spend the money, we are going to spend it in violation of the Budget Act when we waive the Budget Act, we are going to spend it in violation of the rules of the House, so we waive the rules of the House. This rule is an atrocity. This rule starts us down the road toward passing a bill later on this day or next week that will bust the budget and bust the budget big. And so next time when your constituents ask you, "Where did the deficit come from?" well, the deficit came from voting for this rule which makes in order a bill which is going to exceed the budget to at least the tune of $3 billion.

Where you want to stop that process is right here with this rule. Reject this rule and perhaps we will have a chance to get at this supplemental appropriation bill and stop the spending in it which is in violation of the Budget Act, stop the spending which is in violation of the authorization process and get us back to the protections that we have built in, supposedly, for ourselves against overspending.

Approve this rule and what is going to happen is that we are going to go about the business of spending and we are going to end up doing what we have done so often in the past. In the last 5 years this Congress has overspent its own budgets by $157 billion. Those great sacrosanct budgets that we put in place, we have overspent them ourselves by $157 billion. This is how it is done: It is done with supplemental appropriation bills and it is done with rules that make those supplemental appropriation bills in order.

I say to my colleagues that I think we ought to reject this rule, we ought to reject it out of hand. It is a budget buster. We ought to turn it down.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, as a Democrat, I feel it is unfortunate that I had to seek time from the Republican side of the aisle in order to voice a dissent.

Mr. Speaker, I am not going to object to this rule. I am not going to vote against the rule. But I do feel compelled to voice my concern as to the tactics used in developing this portion of the rule dealing with the amendments on Nicaragua.

The Rules Committee has specifically excluded a Democratic Member, specifically myself, from appearing or being designated on the rule by Mr. MICHEL. I appeared before the Rules Committee with Mr. MCDADE, asking for a freestanding amendment, the McCurdy-McDade amendment, which was not granted. However, Mr. MICHEL was granted the opportunity to present the amendment. He is presenting the amendment drafted by Mr. MCDADE and myself.

Mr. Speaker, I believe the Rules Committee made a mistake in not allowing Mr. MICHEL to designate this amendment the McCurdy-McDade or McDade-McCurdy amendment.

Mr. Chairman, Americans want neither a Republican nor a Democratic policy. Americans want a bipartisan policy for Nicaragua as well as El Salvador that puts the United States on the side of democracy and liberty.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman from Tennessee for yielding.

Mr. Speaker, I voted against the rule in the Rules Committee for a number of reasons. Frankly, the whole process stinks. Every year it is unbelievable what we go through on supplemental appropriations and continuing appropriations in the Rules Committee. And we have done it again this time.

But the chief reason why I voted against it in the Rules Committee was the shabby treatment afforded our Republican leader and a bipartisan coalition on their amendment to provide assistance to the democratic resistance in Nicaragua.

The gentleman from Oklahoma who preceded me was specifically excluded. Why? There is a long tradition around here of having bipartisan support for amendments, Republicans and Democrats. But in this instance, nothing doing. It was clear there would not be a Democrat's name on this amendment.

I even had difficulty getting the normal language in there in the Rules Committee, saying that the Republican leader or his designee could offer the amendment. We never got that agreement, as a matter of fact, instead it said Mr. MICHEL or Mr. MCDADE, the gentleman from Pennsylvania. It could not even say "or his designee."

I had been led to believe, and I think I can say we had been led to believe, that the majority leadership and our leader or his designee had agreed that we would have a clean shot at offering an amendment on the situation in Nicaragua. But that is not the case under this rule. Instead, the bipartisan Michel-McDade-McCurdy amendment will be subject to two further amendments by the gentleman from Massachusetts [Mr. BOLAND] and the gentleman from Missouri [Mr. GEPHARDT] amendments which effectively could emasculate the Michel-McDade-McCurdy amendment if they are adopted.

□ 1130

If either of those amendments is adopted, the House will not have an up or down vote on the original, bipartisan proposal; it will be one that is amended and substantially changed. This procedure constitutes, in my opinion, a breach of faith and is inexcusable.

The Barnes-Hamilton Nicaragua alternative, on the other hand, is not subject to amendment under the rule. And on a bipartisan vote, as a matter of fact, we had a Democrat that voted with us to give the gentleman from Illinois [Mr. MICHEL] a clean shot to amend Barnes-Hamilton—give us two bites of the apple, since the other side on this issue gets at least three bites at the same apple. But, no, even in the interest of fairness, that attempt to make this rule fair on the subject of Nicaragua was turned down.

So, instead of having a direct choice between Michel-McDade-McCurdy on the one hand, and Hamilton-Barnes on the other, the House could end-up having to choose between Boland-Gephardt on the one hand, and Hamilton-Barnes on the other. This isn't even a tweedle-dee, tweedle-dum choice; it's just plain dumb.

Mr. Speaker, the other major issue facing the Rules Committee was whether to honor the requests made by Chairman WHITTEN and his committee to protect certain unauthorized items and transfers in the bill against points of order. I regret to say that the Rules Committee muffed this one as well. Under the guise of presumably deferring to the wishes of an authorizing committee chairman, the Rules Committee protected certain unauthorized projects but not others.

There's no rhyme or reason to why certain projects were protected and others weren't unless you want to count nonsense rhymes. If the Rules Committee can be credited for anything in all this it is with devising an ingenious new rule of inconsistency.

But that's not the end of it. After turning down some of Chairman WHITTEN's requests for waivers, the Rules Committee turned around and granted four Members—all Democrats incidentally—those same waivers so they could offer amendments to add new unauthorized items to the bill. At least it can be said that this generous grant of waivers to noncommittee chairmen is consistent with the Rules Committee's new rule of inconsistency.

Mr. Speaker, I can't say enough bad things about this rule, but I'll stop here; I think the rule speaks volumes for itself. It all comes down to two simple words: "Fairness" and "consistency." The rule lacks both of these qualities.

It is just a classic case of unfairness and inconsistency. I am sick about it; the whole process. I want to vote for it, because I am trying to keep my eyes on the bottom line; and the bottom line here, to me, is a vote on the situation in Nicaragua. That is why I would even be inclined to think about voting for this dastardly rule or the bill itself, even if it had eliminated a project in it in my district.

I hope our colleagues will be aware of this process, and that we will stop doing it. We voted on a rule in the Rules Committee when we never even had a copy of it before us in printed form. I kept asking questions because I was worried about voting on a rule that I had not even seen.

What happened? They messed themselves up. They did not give the Barnes-Hamilton amendment the same amount of time as the Michel-McDade-McCurdy amendment, and had to ask for unanimous consent to change it.

The process stinks; we have got to stop doing this.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. I thank the gentleman, Mr. QUILLEN, for yielding me this time.

Mr. Speaker, I rise reluctantly to support the rule. I am very disappointed in this rule after reading it last night late when it came. I tried to make some analysis of why the rule was written the way it was, and I find so many inconsistencies, so many irregularities in this rule that it is really shocking. It is becoming increasingly so as we see more and more of these types of rules coming down the path.

I guess I can use a phrase that we hear once in a while: "Here we go again." In chapter 4 that I am particularly interested in, points of order were waived on some projects; not others. Our Subcommittee on Energy and Water spends months studying these projects, and I fully understand the concern that the authorizing committee has made, but we tried to very carefully protect those differences with the authorizing committee and thought, 3 weeks ago, that we had an understanding that we had built a fence around those projects that are very high in priority, and very necessary, yet construction would not start on those projects until they were authorized, but much-needed engineering and studies could continue. They can only continue if they were appropriated money in this supplemental appropriation.

Let us take a look at some of the projects that are not going to be in this bill. Mobile Harbor has a benefit-cost ratio of 4.7 to 1. A very necessary

project for export badly needed to meet our balance of trade.

Mississippi River ship channel, in the gulf to Baton Rouge, it has a B/C ratio of 8.2 to 1. One of the vital links in our transportation system in this country. Gulfport Harbor, a safety improvement. Very badly needed for an unsafe harbor today. Yet, it will not be included in this bill that we can correct it.

Norfolk Harbor. The coal industry at one time was very large in our country. The export market is still there, except we do not have a port today that the large colliers can get in and get out and make it profitable. So the coal importing countries do not import from the United States any more. Norfolk Harbor would help correct this and put us back and be competitive with the rest of the world.

Lock and dam 26 above St. Louis, at Alton, IL. A second lock is very badly needed to get the grain out of Minnesota, and Iowa and the Dakotas so that it can be exported.

The Gallipolis on the Ohio River; West Virginia-Ohio. A bottleneck where the tows have to be broken today. Maybe as high as 3 days tows have to wait and pay demurrage while they wait to get through this antiquated lock system. Yet, we are not going to correct it.

The list goes on of the projects that your subcommittee put in and your full committee put in because they are high priority. When you go back home, you tell the people back home and the American Taxpayers Union, whatever that group is; certainly not businesspeople representing that organization, that would fight badly needed projects like this, it would create jobs, and make us competitive.

When you go back home and your coal miners ask you: "Why can't we export coal any more? Why are we no longer working?" Your factories will say we are no longer able to export because the ports are not deep enough; they are not clear enough; they are not safe enough.

When you tell your people back home, well, we buckled under because there was a little, internal argument inside the House of Representatives about whose turf was being stepped upon. The American people are disgusted, rightfully so, that we bicker among ourselves here because we do not want to step on someone's turf.

So when we are no longer competitive and the national debt continues to climb because we can not be competive for need of better ports and transportation in this county. Tell them it is an "internal problem"; explain that we have a problem inside; that we have to wait for another committee to do its job before we can correct the problems.

Well, I think it is high time that this Congress goes on and does what needs to be done. Your Appropriations Committee does not like the posture we are put in. But if America is to be competitive, and we must be, we cannot let little differences here interfere.

I am sorry we have the rule that we have today; it is not the proper rule, but it is the best in town we have today. We have got some things in this supplemental that must be appropriated. I will vote for the rule; I know you are going to have to hold whatever you have to do do it. But it is badly needed.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank the gentleman for yielding me this time and the opportunity to share some thoughts with my colleagues on this particular rule.

Mr. Speaker, this rule sets a very important precedent: What we are deciding with this rule is whether or not we will waive requirements to comply with the Budget Act. While we may have different priorities, while we may have different interests, everyone in this Chamber shares concern about the overwhelming deficit this country has accumulated.

Two hundred and fourteen billion dollars is the latest estimate of this year's deficit. It appears it will be higher than that with the slowdown in the economy in recent months. Ladies and gentlemen, this bill throws that Budget Act out. It says in this rule that we will ignore the budget; that we will not stay within the limits; that we will waive even those liberal guidelines. This is a very clear and precise vote. It is a test of whether or not we have the willingness to stay within that budget guideline.

The guidelines call for an enormous deficit; one of the largest of any country in the history of the world. What we are seeing with this rule is that we are going to throw even those guidelines out; that in effect we want a deficit even bigger than $214 billion. Ladies and gentlemen, the issue is not just the billions of increased spending. The issue is a test of whether this House will live with any limit; whether we will give credence to any budget plan; whether we are willing to stand within any guidelines.

If we are to have any credibility at all in putting this country back on the road of controlling deficits and interest, we have to turn this rule down.

□ 1140

I hope before the Members vote on this rule they will give consideration to the precedent we are establishing. If we pass this rule and pass this supplemental, we are saying that we are going to ignore the calls of the American people to bring fiscal sanity to this Nation's budget.

Mr. QUILLEN. Mr. Speaker, I know, as I said in the beginning, this is a complicated rule, but we need to have this bill on the floor, and I urge the adoption of the rule.

Mr. Speaker, I yield the balance of our time to the leader on this side, the gentleman from Illinois [Mr. MICHEL].

The SPEAKER pro tempore (Mr. DURBIN). The Chair recognizes the gentleman from Illinois [Mr. MICHEL] for 6 minutes.

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Speaker, notwithstanding some of the comments, good comments, that have been made by the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Colorado [Mr. BROWN], and our whip on our side, the gentleman from Mississippi [Mr. LOTT], the gentleman from Illinois is constrained to support the rule, and for any number of reasons.

First of all, if we might clear the air a little bit here, yes, it is a $14 billion total supplemental appropriation bill, and there are some items in here, frankly, I wish were not in the measure, but we also know there is $3½ billion in here for the Social Security Trust Fund to cover the military obligation that we have in that particular area.

There is nearly $4 billion in here for the Commodity Credit Corporation for our agricultural communities.

Yes, there is $1½ billion for Israel, and $500 million for Egypt in both economic and military assistance.

I think there is nearly $2 billion for pay supplemental and veterans' benefits of $200 million.

There is also $245 million to give better protection to our State Department facilities abroad, prompted by the recent terrorist bombings that have taken place.

There is even a budgeted item in here for student loans of $665 million.

So there are some very meritorious things in this package of supplementals, and it ought not to be simply discredited out of hand. As for the excesses, every Member certainly is entitled to express himself on those and yes on the process and mechanism by which we are considering this bill.

The whip, the gentleman from Mississippi [Mr. LOTT] pointed out very forcefully, I thought, the machinations of the Committee on Rules in denying Members on the other side of the aisle cosponsorship of that very critical amendment that has to do with aid to the Contras. That is the prinicpal reason why this Member has to support this rule wholeheartedly, because the need for that assistance is urgent and paramount and cannot be delayed any longer. It would be good if we could have it isolated as one specific piece of legislation, but that is not in the cards.

This supplemental has got to move, and move expeditiously. The Speaker was good enough to offer me several weeks ago the opportunity to get another shot at providing humanitarian assistance to the Contras. You will recall a few weeks ago we lost the vote on my second amendment by the narrow margin of two votes. We have recrafted an amendment in combination with Mr. McDADE and Mr. STUMP on our side and Mr. MURTHA, Mr. McCURDY, Mr. ROEMER, and others on the Democratic side. I understand now the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], is prepared to support what we are proposing as a group of bipartisan Members of this House.

I would agree with the gentleman from Oklahoma [Mr. McCURDY], that we ought to have a bipartisan approach on an issue as important as this one in Central America. It has to be.

So stripping away all these machinations that have taken place here, whether one denies this or that Member visibility, or whatever the point is, I have no pride of authorship here. It is a combination of minds working together to get something that will pass this House, and that is of absolute, paramount importance.

So without going into the details of what our McDade-McCurdy amendment calls for Members will have an opportunity to speak on the subject probably next Tuesday when that portion of this measure will be before this body.

But I want to thank the distinguished ranking member for yielding me this time to at least get these thoughts off my mind and to maybe clear the air somewhat. Hopefully the bill will move along expeditiously and then, of course, when those very critical amendments are considered, bear in mind that there will be 2 hours of debate on our bipartisan-supported amendment which I hope will pass with a very wide margin.

As the gentleman from Mississippi [Mr. LOTT] has pointed out, there are also made in order a couple opportunities to weaken our amendment with two additional amendments, each of which will be debated an hour, and then finally the Barnes-Hamilton rerun of that measure will be the last one. As the distinguished member of the Committee on Rules pointed out, the last amendment standing, of course, will prevail. Hopefully Mr. Boland's and Mr. Gephardt's amendments will be defeated and Barnes-Hamilton will finally be rejected after adoption of our bipartisan amendment. In other words the first vote will come on the bipartisan amendment. We want it to pass with a wide margin and all three amendments to it defeated soundly so that on final passage it is still the bipartisan McDade-McCurdy amendment that remains standing under the procedure outlined in this rule.

Mr. QUILLEN. Mr. Speaker, I again urge adoption of the rule so that we can get down to the business of considering this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no additional requests for time. I urge adoption of the rule and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 267, nays 149, not voting 17, as follows:

[Roll No. 143]

YEAS—267

Ackerman	Coleman (TX)	Green
Addabbo	Collins	Guarini
Akaka	Conte	Gunderson
Alexander	Cooper	Hall (OH)
Anderson	Coyne	Hamilton
Andrews	Daniel	Hatcher
Annunzio	Darden	Hawkins
Anthony	Daschle	Hayes
Applegate	Davis	Hefner
Aspin	de la Garza	Heftel
Atkins	DeLay	Hertel
Barnard	Derrick	Hillis
Barnes	Dicks	Horton
Bedell	DioGuardi	Hoyer
Beilenson	Dixon	Hubbard
Bennett	Donnelly	Hutto
Bentley	Dorgan (ND)	Jeffords
Bereuter	Dowdy	Jenkins
Bevill	Downey	Johnson
Biaggi	Duncan	Jones (NC)
Billey	Durbin	Jones (TN)
Boehlert	Dwyer	Kaptur
Boggs	Dyson	Kasich
Boland	Early	Kemp
Boner (TN)	Eckart (OH)	Kennelly
Bonior (MI)	Edgar	Kildee
Bonker	Edwards (CA)	Kindness
Borski	English	Kleczka
Bosco	Erdreich	Kolter
Boucher	Evans (IL)	LaFalce
Breaux	Fascell	Lantos
Brooks	Fazio	Lehman (CA)
Brown (CA)	Feighan	Lehman (FL)
Broyhill	Flippo	Lent
Bruce	Florio	Levin (MI)
Bryant	Foglietta	Levine (CA)
Burton (CA)	Foley	Lipinski
Bustamante	Ford (MI)	Lloyd
Byron	Ford (TN)	Long
Campbell	Fowler	Lowry (WA)
Carney	Frost	Lujan
Carper	Fuqua	Luken
Carr	Garcia	Lundine
Chandler	Gaydos	MacKay
Chappell	Gephardt	Madigan
Cheney	Glickman	Manton
Clay	Gonzalez	Markey
Clinger	Gordon	Marlenee
Coble	Gray (IL)	Martinez
Coelho	Gray (PA)	Matsui
Mavroules	Pease	Snyder
Mazzoli	Pepper	St Germain
McCloskey	Perkins	Staggers
McCurdy	Pickle	Stark
McDade	Price	Stenholm
McGrath	Quillen	Stokes
McHugh	Rahall	Stratton
McKernan	Rangel	Studds
McMillan	Ray	Swift
Meyers	Regula	Synar
Mica	Reid	Tallon
Michel	Richardson	Tauzin
Mikulski	Rinaldo	Taylor
Miller (CA)	Robinson	Thomas (GA)
Miller (OH)	Rodino	Torres
Mineta	Rogers	Torricelli
Mitchell	Rose	Towns
Moakley	Rostenkowski	Traficant
Mollohan	Roukema	Udall
Montgomery	Rowland (GA)	Valentine
Moody	Roybal	Vander Jagt
Morrison (CT)	Rudd	Vento
Morrison (WA)	Russo	Visclosky
Mrazek	Sabo	Volkmer
Murphy	Savage	Walgren
Myers	Scheuer	Watkins
Natcher	Schneider	Waxman
Neal	Schumer	Whitehurst
Nelson	Seiberling	Whitley
Nichols	Sharp	Whitten
Nowak	Shelby	Williams
O'Brien	Sisisky	Wise
Oakar	Skeen	Wolf
Oberstar	Skelton	Wright
Obey	Smith (FL)	Wyden
Olin	Smith (IA)	Yates
Ortiz	Smith (NE)	Yatron
Owens	Smith (NJ)	Young (AK)
Panetta	Snowe	Young (MO)

NAYS—149

Archer	Gradison	Pashayan
Armey	Gregg	Penny
AuCoin	Grotberg	Petri
Badham	Hall, Ralph	Porter
Bartlett	Hammerschmidt	Ridge
Barton	Hartnett	Ritter
Bateman	Henry	Roberts
Bates	Hiler	Roe
Berman	Holt	Roemer
Bilirakis	Hopkins	Roth
Boulter	Howard	Rowland (CT)
Boxer	Huckaby	Saxton
Broomfield	Hughes	Schaefer
Brown (CO)	Hyde	Schroeder
Burton (IN)	Ireland	Schuette
Callahan	Jacobs	Schulze
Chappie	Jones (OK)	Sensenbrenner
Coats	Kastenmeier	Shaw
Cobey	Kolbe	Shumway
Coleman (MO)	Kostmayer	Shuster
Combest	Kramer	Sikorski
Conyers	Lagomarsino	Siljander
Coughlin	Latta	Slattery
Courter	Leach (IA)	Slaughter
Craig	Leland	Smith (NH)
Crane	Lewis (CA)	Smith, Denny
Crockett	Lewis (FL)	Smith, Robert
Dannemeyer	Lightfoot	Solomon
Daub	Livingston	Spence
Dellums	Loeffler	Stangeland
DeWine	Lott	Strang
Dickinson	Lowery (CA)	Stump
Dornan (CA)	Lungren	Sundquist
Dreier	Mack	Sweeney
Dymally	Martin (IL)	Swindall
Eckert (NY)	Martin (NY)	Tauke
Edwards (OK)	McCain	Thomas (CA)
Evans (IA)	McCandless	Vucanovich
Fawell	McCollum	Walker
Fiedler	McEwen	Weaver
Fields	McKinney	Weber
Fish	Miller (WA)	Weiss
Frank	Molinari	Wheat
Franklin	Monson	Whittaker
Frenzel	Moorhead	Wolpe
Gallo	Murtha	Wortley
Gejdenson	Nielson	Wylie
Gekas	Oxley	Young (FL)
Gibbons	Packard	Zschau
Goodling	Parris	

NOT VOTING—17

Dingell	Gilman	Hansen
Emerson	Gingrich	Hendon

Hunter	Pursell	Traxler
Kanjorski	Solarz	Wilson
Leath (TX)	Spratt	Wirth
Moore	Stallings	

□ 1200

Messrs. HYDE, PARRIS, CALLAHAN, ROE, HUGHES, LELAND, RALPH M. HALL, MOLLOHAN, and AuCOIN changed their votes from "yea" to "nay."

Mr. MOLLOHAN changed his vote from "nay" to "yea."

So the resolution, as modified, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1210

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1787, EXPORT-IMPORT BANK ACT OF 1945 AMENDMENTS

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-164) on the resolution (H. Res. 192) providing for the consideration of the bill (H.R. 1787) to amend the Export-Import Bank Act of 1945, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1452, REFUGE ASSISTANCE EXTENSION ACT OF 1985

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-163) on the resolution (H. Res. 191) providing for the consideration of the bill (H.R. 1452) to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, apparently this gentleman from California's belief that the voting machine was in error is in fact in error and I would ask the Speaker that immediately following rollcall vote 141 that I be shown as having voted "no," had I voted.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2577, and that I may include tabular and extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS BILL, 1985

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Massachusetts [Mr. CONTE] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman's motion is strictly on general debate and it has nothing to do with the amendment process; is that correct?

Mr. WHITTEN. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I did not understand the gentleman's question.

Mr. WALKER. I was having difficulty hearing the gentleman's unanimous-consent request. If I understood it correctly, it was for the general debate only for 1 hour and does not affect the amendment process; is that correct?

Mr. WHITTEN. That is correct, and I believe the rule fixes the time on many of the amendments.

Mr. WALKER. I thank the Chair, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1214

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2577, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I say that history repeats itself. In 1959 President Eisenhower vetoed the public works bill, and we failed to override that veto. It went back to the Appropriations Committee, and we cut all of the projects by 2½ percent; passed the bill again, sent it to the President; he vetoed it again, but this time we overrode the President's veto.

Then, as now, the argument was whether we should look after our own country or spend all of our money on foreign aid and other things, much of it, abroad.

Here we bring you a bill in which we attempt to look after public works projects which are badly needed in the United States. For 10 years we have not had an authorization for public works signed into law.

We do not have the gold and silver today to back our money. But we do have our country, and for 10 years we have been unable to get an authorization bill through the Congress that is needed for its development and protection.

This is despite the fact that we have very able men on our Public Works Committee and other legislative committees. It is not their fault. They have tried and tried. But the fact that we have been unable to enact authorization bills of a general nature into law means that we are in a difficult situation here today. I regret that the Rules Committee had to bring out the rule that they did.

We bring a bill here today that is $69 million below the President's recommendation. I call your attention to the fact that only a few weeks ago the President asked for a $2.5 billion increase in foreign aid for 2 months. I have had letter after letter condemning the money in here that is for public works in our own country. I have not had a single letter complaining about what is being added as an increase for foreign countries, $2,375 million.

Is it not ridiculous for us to get in that situation?

We had better start looking after our own country, because defense and all the rest are dependent on how we take care of it.

Mr. Chairman, this legislation is essential. It provides needed funds for dozens and dozens of essential Government programs.

After months of hearings and deliberation, this bill is $69,111,900 below

the overall amount recommended by the President and provides a total amount of funding of $13,490,749,000 all of which was requested by your President and my President. Of the amounts recommended by the committee, over 46 percent is considered relatively uncontrollable under existing law. The committee took actions to rescind $807,201,000 in previously appropriated funds that were deemed to be no longer necessary and recommended transfers of budget authority totaling some $892,067,000. The bill as reported is also well within the assumptions for the revised 1985 levels of the House passed budget resolution.

The committee bill is below the budget requests of the administration. In developing the bill the committee found it necessary to reflect its own judgment and to rearrange budget priorities in a few critical areas. This was done with prudence.

Let me quote from the committee report:

> In preparing this measure, attention was given to the fact that we must work to reduce the deficit and work toward a balanced budget, at a level high enough to protect essential activity. A sound economy and strong public support is necessary in order to maintain national defense. It is absolutely necessary that we must protect and develop our physical resources such as our rivers and harbors, our land and our forests, if we are to remain strong and if we are to continue our position in world affairs. The Committee agrees that our nation must keep the wheels of industry turning, for our present debt is such that increased domestic production is essential.

Mr. Chairman, this is a balanced bill which touches nearly every agency and department of the Government and every part of the Nation.

The measure before us provides funding for the elderly, for the young, for the farmers, for the military, for students, for national energy needs, and for our Nation's natural resources.

And Mr. Chairman, before we complete consideration of the bill, we will also address the Contra issue.

Also, Mr. Chairman, this bill provides a total of more than $1,700 million for supplemental pay costs to cover the expense of the January 1, 1985, pay increase recommended by the President for Federal employees.

Mr. Chairman, some of the highlights of the bill include the following:

Selected major highlights

[In millions of dollars]

Program supplementals:	*Amount*
Rental housing assistance—rescission of contract authority	−$529
Other rescissions	−278
Payment to the Social Security trust fund	3,500
Aid to Israel and Eygpt (subject to enactment of authorization legislation and submission of a budget request)	2,000
Guaranteed student loans	720
Food stamps	319
Commodity Credit Corporation	3,936
State Department—security supplemental and buildings abroad	245
International financial institutions	237
Veterans benefits	219
Payment to the Postal Service fund	169
Family social service	79
Student financial assistance (Pell grants)	287
Rail service assistance	69
National Forest System	61
Federal Crop Insurance Program	163
All other miscellaneous items	565

Mr. Chairman, let me say that this bill is the result of considerable effort by many, many people. First I want to thank the ranking minority member of the committee, Mr. CONTE of Massachusetts, and all of the subcommittee chairmen and ranking minority members for their contributions. The bill before you basically reflects the recommendations of the subcommittees. Of course, all 57 members of the committee have been involved in its preparation. I believe this bill deserves your support.

Recently I made some study of the earlier days of our Congress when we had the Articles of Confederation, and when we had the various States, and they wished to put everything back on the States. It did not work at all.

Did you ever think about why we have the word "United" in our Nation's name? It is because they brought all of the States together under the Constitution to work together, and we do not have two sets of people; citizens of the States are citizens of the United States. We are one and the same.

So I say to you as we come to consider this bill, let us decide whether we want to take care of our domestic needs first and then we can look around and see what we want to do for others. It is high time we did it.

History repeats itself. In 1959 Mr. Eisenhower was President and he vetoed the public works bill because it had 67 new starts. We failed to override his veto. It came back to committee and I made the motion for it with the support of the late Mike Kirwan, and the gentleman from Kentucky [Mr. NATCHER] who is here now. We reduced all projects by 2½ percent and sent it back to the President with the new starts retained in the bill. As Mr. Kirwan said, it is the only time that it has been successfully done in history. And I used this argument: Do you mean that you are going to let a budget officer determine what projects which you are going to have and which you are going to surrender—the obligation and the authority we have as a Congress to pick out the projects that we believe in? Are you going to have to wait for 10-year-old authorizations, because for so many years we have been unable to get an authorizing bill enacted into law.

I say the time has come, and I have said it to the Rules Committee, for the Congress to speak up and meet its obligation to the people of this Nation. I voted for the New York bailout, I voted for the Chrysler loan, because they were sound. This is a big country. I hope you will help us to treat all sections fairly and equally.

□ 1220

I repeat, the funds in this bill are badly needed.

AGRICULTURE

Mr. Chairman, as the gentlemen know, I continue as chairman of the Subcommittee of the Appropriations Committee for Agriculture. Now in the area of agriculture our Government has held farm production off of world markets and given our export markets to our competitors. All the money that they charge up to farmers as a cost of the Farm Program was in part paid to him because they would not let him sell his product. On four occasions the administration has issued embargoes on our exports where the farmers could not sell. But the middleman who bought from the farmer was paid for his loss when you would not let him ship to Russia or Japan or these other places. But if you produced the food or the commodities they did not do anything to help pay you for the loss of your market.

Today we have $212 billion of debt in agriculture. When at the end of this year the farmers owe interest on that debt, plus the interest on this year's loan, plus the debt for this year, practically all will be bankrupt.

Mr. Chairman, today's Wall Street Journal contains an excellent description of the critical problem now faced by farmers and others involved with the farm economy.

Let me read some of the points mentioned in the article:

> The battered farm economy has deteriorated in recent weeks, shoving farm lenders and their customers deeper into the morass.
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> * * * * *
>
> The Federal Deposit Insurance Corp.'s problem bank list now includes 371 farm banks; last June, the figure was 231. Twenty-four of the 43 banks that have failed so far this year were agricultural banks.
>
> * * * * *
>
> Farm banks—so called because at least a quarter of their loans are to farmers—and other commercial banks with agriculture portfolios together have about $51 billion in farm exposure. As much as 50% of that debt, or $25.5 billion, is now "dangerously delinquent or soon to be."
>
> * * * * *
>
> Some bankers predict that as many as 20 Iowa banks will fail this year. In 1984, three failed.
>
> * * * * *
>
> The farm banks' land problem also is getting worse. Through farm failures and foreclosures, banks in recent months have been accumulating farmland in many areas faster

than at almost anytime since the Depression.

Mr. Chairman, it is critical that Members understand the severity of this problem. Agriculture is our largest single industry; it is larger than the auto, steel, and housing industries combined. It is the foundation of our whole economy. A fall in farm income always led off every depression. The warning signs are out.

We have $500,000 in this bill for a survey to determine how much of the present debt was incurred because the Government would not let the farmers sell their products, or would not help him to keep part of the world market. As a nation it appears now that we will be forced to suspend payment of that part of the debt caused by embargo.

I think that that is highly essential.

We have other provisions for agriculture, but the controversy here seems to be on the water projects which are so essential to our major cities and to all parts of the Nation.

I repeat again at this stage and I will speak later on this matter: Should we not retain to ourselves the obligation or the right to exercise our obligation to look after the welfare of our country, because of the debts we owe? The President's budget shows us that our debt is going to be $2 trillion by the end of 1986, $2 trillion. Can we afford to let our country go to pot if we are to meet such unbelievable debt? We could leave our children and our children's children all the money in the world, but without a strong land itself they would not make it. But if we protect our soil, prevent our rivers from flooding, if we take care of our country, with our harbors developed, with our streams controlled, with water supply available for our cities then their future can be good for they could set up their own financial system. If you do not go along with this bill and hope that in conference we can take care of the projects that may be left out under this rule, if you do not go along we are going to have a serious situation in our own country.

So I ask the gentlemen's help in going along with the position of our committee. I hope we can handle this matter in such a way that we will have some leeway in conference so that we can look at the projects that the committee provided for in this bill and let the Congress again regain its control from the Office of Budget and Management. We will be living up to our responsibility. We will retain in the Congress the right to designate public works projects.

I hope the gentlemen will go along with us. I am glad to see my colleagues have voted for the rule.

For those unauthorized projects which go out, I hope we can provide for them in conference, subject of course to later approval by the Congress. Since for 10 years the authorizing committee has been unable to authorize new projects, it is up to us to fill the void. These projects are supported by the local people, by their Representatives in Congress and are very much needed. I am going to do my best in conference to see that they are taken care of as we do under the rule for authorized projects.

Mr. Chairman, I ask for the support of all my colleagues for this essential legislation.

Give us a chance to help our colleagues, many of whom have waited 10 years for equal treatment.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] has consumed 10 minutes.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the past 4 years this House has considered nine general supplementals. These bills fit a pattern, and the bill before us today is cut from the same cloth.

First, consistent with the pattern, most of the money is in a few accounts where we appropriate the amount requested by the President for routine supplementals.

In this bill, $10.6 billion, or 80 percent of the total, is in 11 programs where we have provided the exact amount of the budget estimate, and which includes food stamps, CCC, the international banks, Israel and Egypt, veterans' benefits, retired Federal employees, and a payment to the Social Security Trust Fund for military service credits.

This part of the bill is like a shiny new car. It is expensive, but you don't have to look under the hood to know that it will get you home.

I wish that we could pass this part of the bill separately, so that our veterans, and people on food stamps, could have their benefits while we stage our annual performance of "roll out the barrel."

Unfortunately, they will wait while we play.

That brings me to the rest of the money in the bill, which is only $2.9 billion, and which is shown in the committee report as $69 million under budget.

However, that $69 million under budget is like a used car with only 69 miles on the odometer. You should look under the hood, and check the odometer very carefully, before you try to drive that car off the lot.

And if you know where to look, you will find that the odometer on this bill has been set back.

For example, if you look on page 7 of the report, you will see that the bill contains $278 million in rescissions, which is accurate. But you will also see that there was no request for these rescissions, which is not accurate. Of the $278 million in budget authority rescinded in this bill, $239 million was in fact requested by the President on February 6 of this year. If those rescissions are scored as requested, which they were, then the bill is over budget by $170 million.

In fact, on February 6 the President proposed a total of $1.8 billion in rescissions, and by rescinding only $278 million, we are actually over budget by a total of $1.5 billion.

Now that you have adjusted the speedometer, you should look under the hood.

And you will find that the committee, like the master political mechanics that we are, have made some adjustments.

We cut $885 million from the supplemental request for defense pay costs, and we approved $39 million in rescissions which were in fact not requested by the President.

We used those savings to finance $163 million in unbudgeted pay supplementals, and $932 million in unbudgeted program supplementals.

Next, take the cap off the distributor, and look very carefully at the wiring.

The pay supplementals that we received from the administration required that DOD absorb only 26 percent of its additional pay costs, while all other agencies had to absorb 72 percent. I think those priorities were wrong, and so did the committee.

By cutting $885 million from DOD pay, and adding $162 million for other agencies, we provide that both DOD and the civilian agencies absorb 56 percent of their additional pay costs. I think those priorities are right, and deserve your support.

When we added $932 million in unbudgeted program supplementals, we included $171 million for 65 new water projects, which have a total cost now estimated at $4 billion. While several of the worst projects were stricken by the full committee, it remains to be seen whether we can reach a compromise with the Senate which will be acceptable to the administration.

We added $168.6 million to cover the additional revenue forgone by the Postal Service due to volume increases and the rate increases implemented in February of this year.

We added $55.5 million for guaranteed student loans, which is the additional amount required under current law.

We added $287 million for Pell grants, which is the additional amount required to continue assistance with a maximum award of $2,100 and a cost of attendance limit of 60 percent as provided by current law.

We added $35.6 million for foster care and adoption assistance, which is the additional amount required under current law.

We added $45 million for the Bureau of Land Management to cover funds

already borrowed and spent for emergency firefighting costs.

That's how it looks under the hood.

Most of the program supplementals are required under existing law. Our proposed pay supplementals are, frankly, more fair and equitable than those recommended by the administration.

While I cannot support the water projects on their own, they are only one chapter in this bill.

Each Member must make his or her own judgment, but for my part, I intend to give this car a test drive.

Mr. Chairman, when I testified before the Rules Committee I suggested that if the money for Nicaragua ends up being put in here it might be called pork insurance, to secure the administration's support for some of these water projects. In fact, I wonder whether the Nicaragua money should really be put in the agriculture section of the bill.

In full committee, we made some improvements in the water section of the bill—and the gentleman from Alabama is to be commended for that effort. We removed two projects, and added cost sharing language to the Animas La Plata project in Colorado. But the section is still objectionable

I talked a minute ago about how you should look under the hood and kick the tires of this car. Well, unless we adopt some of the amendments today to cut back on these water projects, you'd also better look behind the car and see if you're dragging about 5 billion dollars' worth of cement and concrete. Even if it doesn't stop you completely, it's sure going to kill your miles per gallon.

□ 1230

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] has consumed 8 minutes.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Kentucky [Mr. NATCHER], a member of the committee.

Mr. NATCHER. Mr. Chairman, chapter VIII of the fiscal year 1985 supplemental appropriations bill, H.R. 2577, includes $4,592,841,000 for the Departments and Agencies under the jurisdiction of the Labor, Health and Human Services and Education Subcommittee. This is an increase of $384,091,000 over the amount requested by the President. Of the total recommended in the bill, $4,299,841,000—94 percent—is for entitlement activities where payments are mandated under existing law. This includes an indefinite appropriation of not to exceed $3,500,000,000 for payments to the Social Security Trust Funds required by the Social Security Amendments of 1983. This payment adjusts the credit to the trust funds made in 1983 for pre-1957 military service wage credits. This appropriation is described in detail on pages 110 and 111 of the committee report. Other mandatory payments include $79,495,000 for foster care and adoption assistance programs authorized by title IV-E of the Social Security Act and $720,346,000 for the Guaranteed Student Loan Program.

Chapter VIII includes a supplemental amount of $287 million for the Pell Grant Program. Adding this amount to the $3,325 million included in the 1985 Appropriations Act will provide a total of $3,612 million for Pell grant awards for the coming academic year 1985–86.

In the 1985 appropriation for the Department of Education we recommended, and Congress approved, a maximum Pell grant award of $2,100 up to a limit of 60 percent of the cost of attendance at a college or university. These provisions were included in the appropriation bill signed by the President on November 8, 1984.

In the 1985 supplemental budget submitted by the President on February 4, 1985, as request was included to reduce the maximum Pell grant from $2,100 to $2,000 up to 50 percent of the cost of attendance. We examined this request from the President and found that almost 1 million low income students would receive little or no increase in their Pell grant award.

The subcommittee recommended going along part way with the budget request by providing a maximum grant of $2,100 up to 50 percent of the cost of attendance. But this action would also have resulted in many low income students attending public community colleges not receiving any increase in their Pell grant award.

In full committee, I offered an amendment which was adopted to retain the maximum grant of $2,100 up to 60 percent of the cost of attendance. I felt we were right last year when the 1985 appropriation was enacted and I still feel that we should stay with it and make no changes. Millions of low income students have been counting on some increase in their Pell grant award, and I think we should help them as much as we can.

There is a shortfall in the Pell grant program from 1983 and 1984 appropriations of $468 million. The administration has proposed to borrow this amount from the 1985 appropriation and we have agreed to allow them to cover the prior years' shortfalls in this manner. However it would be more appropriate for the administration to submit a budget request to cover prior years' shortfalls so that continued borrowing would not be necessary.

In any case, we want to make it clear that the supplemental bill includes sufficient funds to provide a $2,100 maximum Pell grant up to 60 percent of the cost of attendance. In the 1986 appropriation bill, the whole matter of Pell grant funding will be considered including the problem of prior years' shortfalls.

Mr. CONTE. Mr Chairman. I yield myself such time as I may consume.

Mr. Chairman, the minority agrees with the gentleman from Kentucky, chairman of the subcommittee on Labor-Health and Human Services—Education.

Mr. Chairman, the labor, health and human services, and education section of this supplemental contains a relatively small number of money items, compared to a number of other sections, although a large Social Security item makes the amount of funding proposed quite significant.

This section provides $4.593 billion in program supplementals for labor, health and human services, and education programs, $384 million over the budget request.

Of that total, $4.3 billion is for mandatory items that need to be provided: $3.5 billion for Social Security, $720 million for guaranteed student loans, and $79.5 million for adoption assistance and foster care.

The balance is for discretionary programs, for which there was no administration request for funds: $287 million for Pell grants and $6 million in first-time funding for the Family Violence Prevention and Services Act. There is also $30 million in trust fund money provided for State unemployment insurance operations.

The largest item is the $3.5 billion for Social Security, and deserves a word of explanation. It represents the second installment of cashing out the pre-1957 military service credits, as required by the Social Security bailout legislation passed in 1983. The administration requested the full $3.5 billion, but since the actual requirement won't be finally determined until September 30, the bill provides an indefinite appropriation of up to $3.5 billion.

Another $1.07 billion is for Student Financial Assistance Programs. $720 million is for guaranteed student loans, $665 million of which, requested by the administration, is to cover shortfalls in fiscal year 1984 and fiscal year 1985. The remaining $55 million, added by the committee, is to cover the cost of State administrative allowances and loan advances, which the Department had proposed to eliminate in fiscal year 1985, but which a number of States indicated could lead to serious problems in their administration of the program; $287 million is for Pell grants, to cover estimated shortfalls in the current program during fiscal year 1985. The administration had requested reducing the maximum grant and cost of attendance allowance from the $2,100/60 percent provided for in the fiscal year 1985 labor, HHS, and education appropriations bill. The committee chose not to reduce the scope of the pro-

gram, but rather to provide the funds necessary to meet the Congressional Budget Office estimates of the full cost of the program at a $2,100 maximum grant, 60 percent cost of attendance allowance level.

It should be pointed out, however, that the Pell Grant Program remains seriously underfunded. This supplemental does not address shortfalls in the program accumulated during fiscal years 1983 and 1984, estimated by the Department of Education to amount to $468 million. Somehow this will still need to be addressed in the near future, and represents a serious problem.

I would like to call attention to the $6 million in first-time funding for the Family Violence Prevention and Services Act, passed as title III of the child abuse amendments at the end of the last Congress. This was an amendment I offered in full committee. It will provide funds to the States to set up shelters for battered spouses and their children. A small portion of the funds, 15 percent, will go toward the establishment of a National Clearinghouse on Family Violence Prevention and to make training and technical assistance grants to local and State law enforcement agencies to provide means for effectively responding to incidents of family violence.

Domestic violence is a major problem that we have swept under the rug for too long. When the authorization bill was being considered in the House, some figures were used that there may be something like 6 million cases of spouse abuse a year, with some 2,000 to 4,000 spouses battered to death.

This program will serve as seed money, providing funds that have to be matched on the State and local levels to set up shelters. No shelter can receive funding for more than 3 years, and the matching requirement goes up each of the 3 years. So we will not be setting up another Federal bureaucracy here, but using Federal funds in their most effective way, as seed money and as an incentive to encourage involvement on all levels in this issue so deserving of attention.

I am pleased to say that this amendment received a wide degree of bipartisan support in Congress from the Congressional Caucus on Women's Issues, of which I am a member, members of the Select Committee on Children, Youth, and Families, and many individual Members in the House and the Senate. It also enjoyed the support of many organizations, such as the Association of Junior Leagues, and organizations in my congressional district, such as the Women's Services Center in Pittsfield.

The other major funding item in this section is $79.5 million for foster care and adoption assistance, two recently created entitlements that are now growing by leaps and bounds. The administration requested the $79.5 million, but request that $35.6 million of it be transferred from other programs. The committee agreed with the overall amount, but not with the transfer, and so provided the full $79.5 million by supplemental funds.

Finally, in this section of H.R. 2577, there are a number of bill and report provisions, of greater or lesser significance, dealing with the timing or conditions relating to appropriations items provided in previous appropriations action.

There is one of these I would draw special attention to. The report language concerning the Area Health Education Center Program is of concern to me. It involves a very technical matter of interpretation of the authorization legislation relating to the availability of special initiatives grants. The situation is that there are a few States that have rather unique AHEC setups, involving regional AHEC's that were set up over a staggered period of time. Some of those regional AHEC's have completed their 6 years of core Federal support, while other regional AHEC's in the State are still in their 6-year core support period.

In 1981, in the Omnibus Reconciliation Act, a Special Initiatives Program was set up to allow small grants to those AHEC's that had completed their 6 years of core support for innovation and development. That act did not take any special recognition of the unique way that the AHEC's Program is set up in two or three States across the country, and the question is how those unique programs should be treated under the Special Initiatives Program. Since the statute is not clear, one must turn to the report language, where it is clear that the purpose of the new program was to provide a grant program to AHEC's that had exhausted their core support. And since that is the clear intent of the program, the statute should be interpreted accordingly, to make the Special Initiatives Program available to AHEC's that have exhausted their core support, including those regional AHEC's that have done so. It is my belief that the Office of the Secretary in the Department of Health and Human Services should reconsider the position of the Health Resources and Services Administration on this issue, in light of the need to make the interpretation of the statute reflect the intent of Congress in creating the program. There is absolutely no clear program or policy reason to sidetrack this intent through a narrow reading of the statute that goes off on a technical interpretation not clearly grounded in the meaning of the statute or in the intent of the Congress, and I would urge the Department, on this small issue of great importance to me, to reconsider the issue accordingly.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, chapter VI, the HUD-independent agencies chapter, is truly noncontroversial. I'll take just a few minutes to highlight the key provisions of this chapter.

We have included supplemental appropriations of $239,700,000. Offsetting that amount, a total of $628,846,000 is proposed for rescission. And of that amount—$24,906,000 is in response to section 2901 of the Deficit Reduction Act of 1984.

Under the Department of Housing and Urban Development, the committee is recommending that an additional $528,940,000 of section 236 budget authority be rescinded. This action will complete the conversion of units receiving rental assistance payments to the Section 8 Subsidy Program. This conversion process has been underway for a number of years. It provides a long-term solution to the problem of inadequate funding to amend RAP contracts.

Second, under HUD, the administration proposed that $253,137,569 of excess 1985 public housing operating subsidy funds, be rescinded. The committee has recommended reducing that rescission to $75 million and the bill also includes language which will permit unutilized funds to be carried over from 1985 to 1986. In reducing the rescission, the committee recognizes that additional funds will be required in 1986 over and above the budget request of $1,010 million. To meet actual performance funding system requirements for operating subsidies next year.

The committee has included $500,000 under the Consumer Product Safety Commission to continue the interagency study of cigarette fire safety. The purpose of this effort is to study cigarettes which are more rapidly extinquished to reduce the risk of household fires.

In connection with the Environmental Protection Agency the committee is recommending a supplemental appropriation of $20 million to help implement EPA's expanded responsibilities under amendments to the Resource Conservation and Recovery Act passed last November. In order to provide EPA with the resources to undertake these new activities the committee approved a $21 million reprogramming in January. This $20 million supplemental appropriation will add 50 work-years and provide the necessary funds for meeting the new permitting and enforcement activities outlined in the legislation.

With respect to the Veterans' Administration, the committee has included the requested $175 million for compensation and pensions and $44.2 million for readjustment benefits.

These amounts will provide funding for added entitlement benefits authorized by the Congress last year.

For increased VA pay costs, the committee is recommending supplemental appropriations of $186,050,000 in new budget authority and $2,712,000 in transfers. This involves the largest single increase in our chapter—$80 million for the VA's medical care appropriation. The administration had requested a $72,524,000 supplemental appropriation in medical care and proposed that the VA absorb an additional $106,695,000.

Requiring the VA to absorb more than $100 million would cause medical care staffing to drop 2,100 positions below the 193,941 established when Congress passed and the President signed the 1985 HUD-Independent Agencies Appropriation Act.

I want to make clear that the committee does not agree that hospital staffing should be reduced. Such action not only limits the number of patients that can be treated—but—more importantly—it reduces the quality of care to levels that could threaten the safety of the VA patients.

For those reasons, the committee has recommended that $152,524,000 be provided for increased pay costs in the medical care account. This increase of $80 million will allow the VA to maintain an average employment of 193,941 and avoid unnecessary and potentially damaging reductions in required medical activities.

Finally, Mr. Chairman, I want to touch on an item that is not included in the bill. The Federal Emergency Management Agency proposed a transfer of $3.1 million to the salaries and expenses appropriation from the emergency management planning and assistance account to cover a projected salary shortfall of approximately $3 million. In addition, FEMA requested that $2,472,000 be transferred from the same account to provide for increased pay costs.

The committee is not recommending any transfer of funds the report on page 99 details the rationale behind this action—but I would like to touch on one or two points.

The simple fact is that FEMA has been employing more people than it can support on an annual basis. But what is more troubling is that the Agency and its management has been aware of the problem and has not taken action to correct it.

This management problem dates back to fiscal year 1984 when the Agency obligated $3.7 million more for salary costs than were budgeted. The additional funds were taken from other objects such as travel and equipment. And today—1 year later—FEMA still has more employees on board than it can support. This violates existing law which states that funds should be apportioned to prevent obligations or expenditures at a rate that would require a supplemental appropriation. The fact is that FEMA is technically in violation of the Anti-Deficiency Act.

Also, contributing to the problem is the fact that unused funds targeted for salaries under the Government preparedness activity were used to augment the management function. FEMA took this action without informing the committee and in clear violation of established reprogramming procedures. At the end of fiscal year 1984, approximately 100 people were augmenting the management function—but the simple fact is that the Agency did not have the funds available to support those positions.

The committee's recommendation is intended to force the agency to reduce employment now rather than later. The fact is that even if all the funds requested for transfer were provided in 1985—FEMA would still have to reduce employment by several hundred positions in order to get down to a level that it can support in 1986.

Mr. Chairman, this situation is intolerable. The Agency is purposely attempting to force the Congress to provide a supplemental appropriation. For all practical purposes, FEMA management is ignoring the problem—because that management expects the Congress to come to its rescue. In other words, FEMA is telling us that unless we provide the money—it will furlough hundreds of employees.

I recognize that this action is tough—it is difficult—but I believe it is necessary. Why is it necessary—because it goes to the very heart of the constitutional relationship of the Congress and the executive branch as it relates to the power of the purse. I urge the Members of this House to support the committee's recommendation.

Mr. GREEN. Mr. Chairman, chapter VI of this bill, the HUD and independent agencies chapter is very noncontroversial, but does meet some important national needs. I should like to detail just a few.

This bill includes $5 million for the EPA to continue its work in implementing the Resource Conservation and Recovery Act, enacted last year. This money is to be used for salaries and expenses, largely for hazardous waste permitting and enforcement activities. This act forms an important part of our national environmental policy and money appropriated for this purpose is a sound investment.

We have provided the Veterans' Administration with $44.2 million in funds for readjustment benefits. These additional funds will assist Vietnam-era veterans by increasing their educational subsistence benefits. This addition is necessary to make the increased payments authorized by the Veterans' Benefits Improvement Act of 1984. This is consistent with this House's support of Vietnam-era veterans and is an important part of our Nation's veterans' programs.

Finally, Mr. Chairman, chapter VI contains a rescission of $75 million in operating subsidy money for low-income housing projects. This is substantially less than the amount of the rescission requested by HUD, but reflects what we on the subcommittee believe to be a level that will allow local public housing authorities to meet their obligations.

Let me conclude by saying that the minority is in full agreement with the chairman of the subcommittee on this chapter of the bill, and I urge Members on this side of the aisle to adopt this chapter and the bill.

Mr. CONTE. Mr. Chairman, chapter VI contains our committee's recommendations for −$389.2 million, including rescissions of budget authority in the amount of $99.9 million, rescissions of contract authority in the amount of $528.9 million and $239.7 million in new appropriations.

We have included the administration's requests for $175 million to the Veterans' Administration for compensation and pensions payments and $44.2 million to the VA for readjustment benefits, We have approved a deferral request of the National Science Foundation for $31.5 million in science education funds, and we have approved a request from the National Aeronautics and Space Administration for clarification of congressional intent in providing a total of $155.5 million for space station activities in the fiscal year 1985 appropriation act. In addition, we have approved $24.9 million in deficit reduction act rescissions, most of which had been proposed by the President in February.

For the Department of Housing and Urban Development, the committee has recommended a supplemental rescission of $23.4 million in contract authority and $528.9 million in budget authority in response to revised estimates on the number of conversions from the Rental Assistance Program to the Section 8 Program in 1985. We have also recommended the recission of $75 million in payments for the operation of low-income housing projects to address revised estimates on 1985 operating subsidy requirements and projections for fiscal year 1986 requirements.

With regard to unrequested program supplementals, the committee has recommended $500,000 for the Consumer Product Safety Commission to cover costs related to the recently authorized cigarette fire safety study and costs related to meetings of the technical study group.

We have included a total of $20 million and 50 work years for the Environmental Protection Agency to accel-

erate regulatory development and technical assistance in support of Resource Conservation and Recovery Act-related activities under abatement, control, and compliance.

In title II of the bill, the committee has recommended $186 million in supplemental appropriations for pay costs, and $1,712 million in transfers. The majority of the $75 million increase over the administration's requests is for medical care at the Veterans' Administration, and allows the VA to avoid anticipated reductions in medical care activities.

Mr. WHITTEN. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I will respond primarily on chapter II, which is under the subcommittee I am privileged to chair.

You might think, to read the newspaper or hear the news, that this whole bill is about Nicaragua. As a matter of fact that is $14 million; the bill covers between $13 and $14 million in supplementals, and there are some very important matters involved totally unrelated to Nicaragua. Chapter II totals about $408 million in supplemental funds, but we are $1.5 million under what the amount appropriated in the 1985 enacted law plus the supplementals requested by the administration.

Under this bill, we implement the Comprehensive Crime Control Act we passed here last fall. The prison system is involved; additional Border Patrol agents are involved; drug enforcement is involved; the FTC, SBA, and the Maritime Commission, the SEC, there is funding to enhance security for the embassies overseas where we have had some problems and Americans have died.

There are a number of very important things in this bill that have not received much attention, and I think it should be called to everyone's attention that there are many items affecting virtually everyone in the United States in this bill and that the dispute regarding aid to Nicaraguan Contras is only a small part of the bill.

I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding, and I ask him to yield for the purpose of engaging in a colloquy.

Chairman SMITH, I want to express my gratitude for supporting my request to disapprove the administration's proposal, D85-94 on page 9 of H.R. 2577, to defer the $8.5 million appropriated for replacement of the training vessel of the State University of New York Maritime College in the supplemental appropriations bill, 1984. The administration has done little, if anything, to pursue the issue of replacing the *Empire State*. That vessel is 33 years old and is becoming more expensive and difficult to maintain with each passing year.

Now, it appears that the only solution is to again mandate the immediate acquisition of a replacement training vessel for New York, as a continuation of the program that commenced with the replacement of the Massachusetts training vessel, the *Bay State*. I believe the acquisition of a replacement vessel will be cost-effective and in the national interest. I again thank you for your continuing interest and support.

Mr. SMITH of Iowa. The gentleman from New York is correct in his review of this very important issue. Last year, we appropriated these funds for a replacement training vessel and included in the Supplemental Appropriation Act language that authorized all Federal agencies to expedite the acquisition of any vessel declared surplus. Since then, we've received correspondence from the Maritime Administration, stating that continuous surveillance over potentially available ships has identified only three ships—all of which they say are less suitable than current training vessels.

While the Administrator of the Maritime Administration indicated in testimony before our committee that the current ship would be good for a minimum of 5 to 8 years more, we also heard testimony from the admirals of the State academies—including the New York Maritime Academy—concerning the state of disrepair and poor condition of the current school ships.

I agree that the $8.5 million should be made available. Hopefully, this will also motivate the administration to establish a program for the replacement of training vessels used by other State academies.

I want to thank the gentleman for his kind remarks. I am pleased to have been of assistance.

Mr. BIAGGI. I want to again thank the gentleman from Iowa. I expect that, since this is the second time we have expressed our intentions, the administration will proceed with the acquisition of a replacement training vessel for the State University of New York Maritime College.

Mr. CONTE. Mr. Chairman, chapter II of the supplemental provides $407.5 million for programs and activities of the Departments of Commerce, Justice, and State, the Judiciary and certain related agencies, $1.5 million below the budget requests. Of the total amount appropriated, $336.5 million is for program items, and $71 million is for pay costs.

The committee has denied all major rescission proposals, the amounts of which are not reflected in the comparisons just cited. Programs which would be required to be funded by this action include $203 million for the Economic Development Administration, $100 million for several grant programs within the National Oceanic and Atmospheric Administration, and $18.5 million for trade adjustment assistance for firms impacted by imports. The total amount for these three programs, $321.5 million, represents 86 percent of the total rescissions requested by the President for items in this chapter.

More than half of the total program supplementals included in this chapter, or $234 million, is for phase II of the State Department security supplemental request. Phase I was funded in Public Law 98-473, the fiscal year 1985 continuing resolution, in the amount of $110 million. This program was designed as a response to the bombings of our Embassy facilities in Lebanon and Kuwait last year. A number of Embassies are to be relocated and others will receive security upgrades, mostly in the Middle East and Persian Gulf areas. The specific locations are identified in the committee report. Also provided are addition regional security officers, armored vehicles, marine security guards, and improved communications. Security at the main State Department facilities in Washington will also be enhanced.

This chapter also includes $20.1 million for contractor delay claims and additional operating costs for the Moscow Embassy project. These funds are needed because of unforeseen delays by the Soviet contractor, and the United States will pursue the recovery of some or all of the claims.

Smaller items in the chapter include $3.9 million for the Arms Control and Disarmament Agency for additional costs related to the Geneva arms reduction talks, $20 million for the Board for International Broadcasting for the capital modernization plan for Radio Free Europe/Radio Liberty, $6.6 million to the U.S. Information Agency to continue the facilities modernization program for the Voice of America, and the funding necessary for a number of Department of Justice and Judiciary accounts to meet the increased requirements of the Comprehensive Crime Control Act of 1984 and the Bankruptcy Amendments and Federal Judgeships Act of 1984, including the initial funding for the U.S. Sentencing Commission.

Report language accompanies the bill, including additional views by the three minority members of the subcommittee, dealing with the procedures to be followed by the administration in connection with applications pending before the Federal Communications Commission to provide additional international satellite communications service. Hopefully, agreement can be reached before the House-Senate conference on the bill so that language can be included in the statement of the managers which is satis-

factory to all parties concerned, including Intelsat.

Two controversial transfer proposals have not been approved, namely to transfer $12.2 million from the Juvenile Justice and Delinquency Prevention Program, and $3.9 million from the State and Local Drug Grants Program, which funds the Regional Information Sharing Systems [RISS]. The committee continues to support these programs and, therefore, we have denied these transfers.

Finally, this chapter contains all language addressed to the Maritime Administration which prohibits funds to be used to enforce any rule allowing the repayment of construction differential subsidies by ship owners as a means of entering into now proscribed domestic trade, unless legislation is enacted by Congress regarding this matter. Similar language was carried in fiscal year 1984 and fiscal year 1985 appropriation acts.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Chairman, the Defense portion of this supplemental bill deals mostly with providing additional appropriations for pay raise costs.

The first language provision makes available $1,500,000 from available funds to pay for the expenses of the Commission on Merchant Marine and Defense. This Commission is to address the problems relating to the transportation of defense materials and personnel in time of war or national emergency and report its findings to Congress. It was felt this was an important area that needed a study and the Commission was authorized in last year's DOD Authorization Act.

The other language provision deals with the Civil Air Patrol and corrects an imperfection in the DOD Authorization Act of last year. The provision would allow the Air Force to reimburse the Civil Air Patrol for purchases of major items of equipment. Presently, the Air Force must be the purchasing agent resulting in long delays and most costly purchases.

The committee included a paragraph which provides transfer authority of $240 million to begin a rewinging program for the A-6E attack aircraft. It has been discovered that the wing life of the aircraft is substantially less than anticipated resulting in the grounding or restricted flight of a number of the aircraft. The committee feels this program should go forward as soon as possible in order to get these aircraft back to full flight status quickly. The committee realizes appropriate authorizing legislation will have to be enacted before this program can go forward and an amendment will be offered at the proper time insuring this fact.

The committee considered supplemental requests to cover the pay raise costs of $2.2 billion. The committee recommends the appropriation of $1.3 billion and transfer authority of $600 million to cover these increased costs. The reduction of $300 million results from the identification of certain program surpluses, lower personnel strengths, lower contract support service levels, and other areas. The full explanation of these recommendations appears on pages 45 through 51 of House Report 99-142 presently before you.

Mr. Chairman, that briefly describes the defense chapter of the supplemental appropriations bill, 1985.

□ 1240

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE].

Mr. McDADE. Mr. Chairman, the defense portion of this year's supplemental is very straightforward, and in my view, noncontroversial. The administration requested funds only for the annual pay increase for both military personnel (4 percent) and civilian employees (3.5 percent) of the Department of Defense, increases authorized by the Congress last year.

To cover the pay raise, the administration requested about $2.16 billion. The Appropriations Committee has approved the following approach to meet the request.

The request was reduced by $337 million, due to surpluses identified by the Department, and also because the supplemental requested funds which were inappropriate for this supplemental; the committee approved an increase in new obligational authority of $1.28 billion; and finally, it has been recommended that another $590 million, from other DOD accounts, be transferred to help defray the pay raise costs. These transfers consist primarily of contract savings and anticipated lapsing balances.

The minority members of the committee have endorsed this approach, and I urge its approval by the house.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, chapter VII of the fiscal year 1985 supplemental bill deals with the Department of the Interior and related agencies and contains a net of $89,155,000 in new budget authority for program supplementals. That total includes $146,037,000 of appropriations offset by $56,882,000 in rescissions. In addition, it contains $48,725,000 for increased pay costs.

The bulk of the funds recommended for appropriation are for repayment of emergency firefighting costs which have been borrowed from other accounts. These amounts include $45,000,000 for the Bureau of Land Management; $3,900,000 for the National Park Service; $12,850,000 for the Bureau of Indian Affairs; and $61,247,000 for the Forest Service; a total of $122,997,000 out of the $146,037,000 in supplemental appropriations recommended. Other amounts recommended are $6,760,000 for unemployment compensation costs; $1,994,000 for the Northern Marianas cost-of-living adjustment; $4,800,000 for Office of Surface Mining regulatory activity; $100,000 for costs for the Martin Luther King Center; $800,000 for late interest payments to States from receipts under the Minerals Leasing Act, $7,018,000 for Indian trust responsibilities, and $1,568,000 for construction of an earthquake emergency communications system in Mono Valley, CA.

The bill includes $48,725,000 for pay costs out of a total liability of $88,288,000, which means agencies will absorb 45 percent of the cost.

Rescissions include $26,882,000 pursuant to section 2901, Deficit Reduction Act and $30,000,000 of contract authority from the land and water conservation fund. The offset fiscal year 1986 requirements, $8,808,000 in new deferrals have been recommended.

In addition to the appropriations recommended, the bill recommends denying $1,179,388,000 in deferrals proposed by the administration. Of this amount, $1,097,776,000 is for constructing and filling the strategic petroleum reserve. The administration proposal is for a moratorium on the reserve for several years. Our hearings bring us to the conclusion that this is not a good policy. There is no more storage capacity left in the reserve; oil cannot be distributed at sufficient rates; there is a lead time of several years for constructing capacity and our ability to cover import reductions will be decreasing in that time; a moratorium does not save money; and overall stocks have not increased for 4 years so that we are not better off than we were before. For all these reasons the bill recommends rejecting the construction deferral and also filling the reserve at a minimum of 50,000 barrels a day in fiscal year 1986.

The bill recommends disapproval of $38,925,000 out of a proposed $48,397,000 deferral for fossil energy research and development in the Department of Energy. We believe these funds are necessary to continue a balanced research program in fiscal year 1985 in areas such as magnetohydrodynamics, gasification, liquefaction, cleanup systems, and fuel cells.

The bill also recommends disapproving the deferral of funds for the construction of a tunnel through the Cumberland Gap, based on safety con-

siderations and preserving the historical features of the National Park. Through the efforts of the committee and the physical configuration, Kentucky and Tennessee have agreed to assume maintenance and operating costs of the tunnel and access roads once the tunnel is built.

The committee is providing $800,000 for payments to States from receipts under mineral leasing to enable the Minerals Management Service to pay late interest payments due to States and Indian allottees from the collection of royalties from mineral leasing operations. The committee is disappointed in the performance of MMS in correcting this deficiency in light of the commitments made in their fiscal year 1984 reprogramming request to initiate procedures to more quickly process royalty information and decrease reporting and data base errors. The committee expects MMS to seek to remedy this problem and implement the procedures outlined by MMS to the committee so that there will be no need for such funding in fiscal year 1986.

Finally, it is recommended that the proposed deferral of funds to the Navajo Indian irrigation project be disapproved.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, chapter VII, Interior and Related Agencies, provides for $146 million in appropriations, $56.9 million in rescissions, and $8.8 million in new deferrals. The committee also recommended disapproval of $1.2 billion in deferrals recommended by the President.

For the Bureau of Land Management, "Management of Lands and Resources," the committee recommended a straight appropriation of $45 million to cover emergency firefighting costs. Under authority provided in the general provisions of the 1985 Appropriations Act, the Secretary of the Interior is authorized to transfer appropriated funds from several accounts within the Department to pay for fire costs in excess of appropriations provided. However, this provision also requires that the borrowed funds be replenished with a supplemental at the earliest opportunity. The administration requested no additional funds, but instead proposed to use resources available as a result of a proposed deferral of construction funds for the Cumberland Gap Tunnel project.

In addition to providing the full amount required to cover unanticipated fire costs, the committee recommended disapproval of the $34.7 million deferral for construction of the Cumberland Gap Tunnel. Although it was agreed to fund the construction of this project, the committee was especially concerned that the operation and maintenance costs be borne by the States involved. It's expected that the fiscal year 1986 Interior and Related Agencies appropriations bill will contain language to condition Federal appropriations upon an agreement between the States to provide for the operation and maintenance of the tunnel.

Under general provisions for ths chapter, bill language is included to prohibit the implementation of a comprehensive Federal land interchange between the Forest Service and the Bureau of Land Management. Part of the interchange may be done without legislation; so this section would prohibit the planning for this program in the absence of authorizing legislation and a comprehensive field implementation plan. The administration objects to this provision and stated that "such a prohibition unnecessarily eliminates potential savings."

Of the $48.4 million proposed for deferral in Fossil Energy Research and Development, this supplemental disapproves $38.9 million of the requested amount for deferral. The specific projects are listed in the committee report.

The largest single dollar amount considered in chapter VII addresses a proposed deferral for the strategic petroleum reserve. The administration requested an immediate moratorium on further construction of storage facilities and oil acquisition for the strategic petroleum reserve.

The committee recommendation contained in this bill provides for the completion of the proposed construction at the Big Hill facility in Texas and the acquisition of oil, at a lower rate, to fill SPRO storage capacity. Under this plan, the fill rate for the reserve would be 50,000 barrels a day. The construction deferral was $271 million, and the acquisition deferral was $827 million. Both deferrals were rejected.

Finally, of the $88.3 million needed to cover the total amount of the pay costs, this supplemental provides $48.7 million for the agencies in this chapter. The administration requested $19.5 million. The committee also approved $26.8 million in rescissions, and $8.8 million in deferrals.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. I thank the chairman and compliment him on his efforts in bringing this bill to the floor.

At this time, I yield to my colleague on the subcommittee, the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. I thank the chairman of the subcommittee for allowing me an opportunity to state and highlight for the record the committee's intention in drafting certain language now under consideration by the House.

In essence, the bill would direct the Secretary of the Department of Transportation to reexamine and, where appropriate, to revoke, suspend, or modify an air carrier's certificate or permit where it is found that the air carrier has violated U.S. law pertaining to the illegal importation of controlled substances or has failed to adopt certain measures to prevent the importation of illegal drugs into the United States aboard its aircraft.

Mr. Chairman, you and I were present during the committee's debate about this language. In an effort to preclude anyone in the public or private sector from concluding that this bill language merely restates existing law and provides no new grant of substantive authority to the Secretary, I would like to pose to you the following questions, if I might:

Do I understand correctly that this language poses upon the Secretary of the Department of Transportation a nondiscretionary duty to revoke, suspend, or modify the certificate or permit of an air carrier upon a finding that the air carrier has violated U.S. law pertaining to the illegal importation of drugs into the United States or has failed to adopt available measures to prevent such illegal importation?

Mr. LEHMAN of Florida. The gentleman is correct.

Mr. MRAZEK. Do I also understand correctly that this duty is distinct from, and independent of, her existing discretionary powers to revoke, suspend, or modify an air carrier's certificate or permit?

Mr. LEHMAN of Florida. This is correct.

Mr. MRAZEK. The committee observes in its report, 99-142 at page 121, that the Department of Transportation has not acted expeditiously or forcefully in stopping the flow of drugs into the United States by air carrier. I would ask the chairman if he will support efforts during the next fiscal year's hearings to have the Secretary account for her efforts to execute and administer the bill's mandate.

Mr. LEHMAN of Florida. I certainly will support the gentleman's efforts on such occasions.

Mr. MRAZEK. I thank the chairman and also the chairman of the subcommittee. Through your leadership, this body continues to demonstrate its unwavering commitment to act forcefully to stop the flow of illegal drugs into the country. I feel, with your continued active support, Mr. Chairman, we will get the job done.

Mr. LEHMAN of Florida. I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Transportation chapter of the supplemental provides necessary funds for a number of important programs. Perhaps the most time-sensitive is the provisions of

funds for the salaries of employees of the Interstate Commerce Commission, who have been subject to a furlough program since mid-April. I hope that it will be possible to end the furloughs as soon as this bill is through the House and some indication of Senate intentions with regard to the ICC can be obtained.

We have also included funds for a rail-highway crossing demonstration project in Springfield, IL, and have provided for an increase in the limitation of section 511 railroad loan guarantees, which will permit the Federal Railroad Administration to consider additional guarantee applications.

For the Coast Guard, we have included $8.4 million for the removal of a railroad bridge that obstructs navigation in Newark Bay, NJ. In addition, we have included funds to liquidate some defaulted railroad loan guarantees, to settle some of the remaining Conrail litigation, and to provide for certain capital improvements on the Panama Canal.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. I thank the chairman for yielding time to me.

Mr. Chairman, I rise in support of this supplemental appropriations bill for fiscal year 1985 and urge my colleagues to support it. I would especially like to commend our chairman, the gentleman from Mississippi [Mr. WHITTEN] for his leadership and cooperation in helping to resolve a crisis affecting the Special Supplemental Food Program for Women, Infants and Children [WIC].

The administration requested a total appropriation of $1.254 billion for the WIC Program for this fiscal year. Congress determined that this was inadequate to maintain current services through fiscal year 1985, and therefore, appropriated $1.5 billion for the full year, mandating that $1.254 billion be used during the first 10 months of the fiscal year and that allocations to the States be made at an annual rate of $1.5 billion during this period. Disbursement of the balance of $246 million for August and September was made subject to submission of an administration budget request. It was very clear that Congress expected the administration to submit a formal budget request for the balance.

Unfortunately, the administration did not act in conformity with Congress' expectation and intent. The Office of Management and Budget [OMB] initially requested only $169 million of the $246 million appropriated for August and September. It refused to allocate funds to the States at the annual rate of $1.5 billion and, consistent with this lower level of funding, some USDA officials advised States to start cutting caseloads.

As a result of OMB's action, by mid-May approximately 15 States were either cutting WIC caseloads or reducing the amount of food provided to WIC participants. If no action were taken to ensure the release of the appropriated funds being withheld, most States would have had to cut their programs no later than August. An estimated quarter million women, infants and children who are at nutrition risk would have been removed from the program.

The legislation before us would preclude these needless cutbacks. The Appropriations Committee has provided that the full $1.5 billion appropriation be released. On June 5, after the bill was reported to the House, OMB finally announced that it was releasing the balance of the funds. We welcome that announcement, belated as it is, but also note that this bill directs OMB to release the remainder of the $1.5 billion appropriation to the States by July 1, 1985.

Furthermore, we expect USDA to allocate these funds equitably. Currently, there is a problem with USDA's allocation of funds because USDA has computed the so-called WIC stability grants on the basis of an outdated and incorrect inflation forecast.

More particularly, there are two problems with the forecast. First, the forecast does not reflect substantial increases in infant formula prices that recently took effect. In predicting infant formula prices, the forecast assumed that formula prices would rise at the rate of inflation in the economy generally. However, this has proven to be incorrect. While the inflation rate for the economy generally is running at about 4 percent, infant formula prices will be approximately 8 percent higher in fiscal year 1985 than they were in fiscal year 1984.

The second error relates to increases in orange juice prices resulting from the severe freeze in Florida this winter. Fruit juice is a major component of the WIC package, and the predominant fruit juice used in the WIC Program is orange juice. However, in forecasting changes in the price of fruit juices, USDA has been tracking changes in the processed fruits and vegetables component of the Consumer Price Index. Since fruit juice in general, and orange juice in particular, constitute only a small part of this CPI series, USDA's approach has failed to fully take into account the increases in the cost of the fruit juices provided in the WIC Program. This problem can easily be rectified. There is another CPI component that is much more appropriate for tracking changes in WIC fruit juice costs—the CPI for frozen fruit and fruit juice. This CPI series conforms much more closely to what is actually happening to WIC fruit and juice costs. I would also note that the CPI has a separate component for frozen orange juice, a component which could and should be used.

In short, because USDA mistakenly assumed that infant formula prices would rise at the same rate as inflation generally and that WIC fruit juices would rise at the same rate as all processed fruits and vegetables, its forecast for WIC food prices in fiscal year 1985 has been significantly short of the mark.

Accordingly, the committee report accompanying this bill directs that in distributing appropriated funds to the States:

> The Department should take into consideration price increases which have occurred in infant formula and orange juice.

We expect the Department to revise its inflation forecast to reflect these and other actual price increases.

In conclusion, I would hope that OMB has finally learned that Congress is serious in its bipartisan support for this highly effective and cost-beneficial program. We have every right to expect the agency to follow the intent and directions of Congress and in all other ways to obey the law.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time at this time.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today out of tremendous concern—concern for what is apparently a misplaced sense of priorities by this House as it moves to approve a supplemental appropriations bill boosting Federal spending up another $13.5 billion.

I'm perplexed, Mr. Chairman, for we just returned after a week back home with the good people we represent, hopefully listening and learning just what it is they expect form us here in Washington.

And they are adamant about the need to reduce Federal spending. The people back home who pay these bills have one overriding priority: They want meaningful reduction in the Federal deficit and they want it now.

That is their priority. Why isn't it ours?

Here we are, pressing on with yet another herd-like stampede to spend the American taxpayer into oblivion.

As I traveled southwest Florida, the folks there say its time we in Washington got the message and put a stop to this wanton spending and reduce the national deficit.

Is this not the scene of a similar gathering just 2 weeks earlier as we labored and struggled to reach a consensus for $56 billion in savings—either real or imagined—to bring down the deficit?

Despite appearance of concern for this problem, we will choose once again to ignore the priorities of the American taxpayer and instead cling to an endless spending spree mentality that has characterized Congress over these many years.

I ask each of my distinguished colleagues, how can we in honesty and good conscience, dish out money for 66 new water projects that will drain the Federal Treasury of billions of dollars?

Is this bill justified by spending $10 million to deal with an outbreak of grasshoppers?

Or by $300,000 to speed up research and development of shrimp aquaculture, $500,000 to study cigarettes that will not burn furniture, or almost $9 million in added spending for the House of Representatives?

Of course not.

These are not the priorities outside of bureaucratic Washington. Yet there they are, items of apparent priority to this body.

It's distressing that in order to obtain passage of this package, two items of serious concern have been or will be loaded into this red-ink agenda.

The long-delayed aid to freedom fighters for democracy in Nicaragua, and the valuable all-important economic support for our friends in the Middle East, Israel, and Egypt, have been wrapped into this otherwise offensive bill.

No less than 2 months ago, a majority in this House turned its back on assistance for the freedom fighters while a smiling, delighted Daniel Ortega was winging his way into the arms of Communist Moscow.

Everyone talks about promoting democracy in Central America. Well, let us now make that commitment and support the Michel amendment.

Israel, of tremendous strategic importance and, certainly one of our closest allies throughout the world, deserves this economic assistance of $1.5 billion.

As that nation struggles to emerge from great economic distress, it continues to make the needed sacrifices. An austere budget that slashed all important defense spending by $600 million and raised already high taxes by $750 million is set. We must continue to help our ally to get its economy under control.

But I am troubled by the encasing of these items in the increased spending package now on the floor. The lessons of last November and the message from those whom we are privileged to represent are clear:

We, in the Congress, must stop this spending and reduce the national deficit.

If not for ourselves, then for the sake of our children and our grandchildren.

As someone who clearly understands this priority of the American people, I will oppose passage of this bill.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment which will designate an additional $15,000,000 for the operating expenses of the U.S. Coast Guard for 1985 and 1986.

In addition to funding two other programs, this amendment directs funding for the full operation of the 13 Coast Guard stations on the shores of the Great Lakes. These stations are currently scheduled for closure or consolidation under the Great Lakes consolidation plan. As a Representative of the Great Lakes State of Wisconsin, I am deeply concerned about the safety hazards created by this plan. I am particulary worried about the additional time it will take the Coast Guard to arrive on the scene of an emergency should the plan be implemented.

The Coast Guard station in Sheboygan, WI, clearly illustrates the safety problems created by proposed consolidation. According to the statistical analysis compiled by the U.S. Coast Guard here in Washington, DC, it is estimated the Sheboygan Coast Guard's average response time is 28 minutes. With the closing of this station, the average response time would increase to 84 minutes. Computer generated statistics aside, the Sheboygan Coast Guard personnel estimated their actual average response time to be between 10 and 15 minutes, not 28 minutes, once they are underway. While the Coast Guard finds an 84 minute response time acceptable, I do not. Hypothermia could be a major problem. Very few human beings can survive 1 to 2 hours' submersion in the frigid waters of Lake Michigan whose average temperature during the boating season is 50 degrees.

I support this amendment because it addresses the "serious imbalance that exists between the Coast Guard's responsibilities and the resources available to the service" as cited in House Report 97-355. The Coast Guard operations funded by this amendment will not receive moneys from the General Treasury, but instead from the boat safety account of the aquiatics resources fund. This fund, established by the Deficit Reduction Act of 1984, consists of money derived from that portion of Federal tax on gasoline which is attributable to the purchase of motorboat fuel.

This amendment is consistent with the intent of the Deficit Reduction Act which requires a portion of the taxes paid for the purchase of motorboat fuel to support operations of the Coast Guard. It will ensure the boat safety account funds, intended by Congress for Coast Guard operations, will not be diverted to other purposes.

Finally, this amendment apparently does not conflict with the administration's policies for the Coast Guard in future fiscal years. The administration has requested the inclusion of user fee language identical to this amendment as part of the Department of Transportation appropriations bill for fiscal year 1986. Because the Deficit Reduction Act of 1984 did not become law until last August, no similar language was included in the fiscal year 1985 budget.

The Coast Guard performs a variety of services vital to the safety, security, economy, and environmental health of our Nation. The passage of this amendment will allow the Coast Guard to continue these important services through 1986 while not increasing the overall budget.

Mr. WHITTEN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to call to the attention of our colleague who just addressed the House that I agree with him thoroughly, but may I say that we also have other problems. The budget requests of the administration this year did not ask for a dime to be put against reducing the deficit or the debt. The budget asks us to cut domestic programs by $28.9 billion, at the same time it asks for a $36.2 billion increase in the carryover balances for the military.

□ 1250

As my colleagues know, we are all for a strong defense, but you cannot measure a strong defense by how much money you provide for military spending or how much you waste.

I mention this because we all better realize that behind a strong defense must be a strong economy, and there must be public support as well as capability and readiness. I think I can prove that I have worked as hard as anyone has trying to balance the budget and bring in appropriations below the President's recommendations. But we must also protect our country to which we have to look to for support. I say to the Members again that if we leave to our children and our children's children a worn-out country with the land eroded, the forests gone and all of that, they will never make it.

On the other hand, if we leave them a rich country, they can set up their own financial system. I have used this illustration many, many times, and it always registers. We had better balance the budget but by taking care of essential domestic programs. It was said some years ago about a certain country that it had the only balanced budget in the world; it did not owe a dollar nor, did it have one either.

So we are trying to take care of the essentials, that on which all else depends. The land from which we all have to get our living for the support of our society. May I say that our com-

mittee has tried to keep these things in balance, but unfortunately there are some people who get money mixed up with wealth. We must take care of our finances if we can, but it is a must that we take care of our real wealth on which our money is based.

So we make no apologies for having reduced the President's recommendation. I would like to have reduced it more. It is a case of priorities. I say take care of the base, then look around to see what else we can do.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the supplemental appropriations bill. Many of the Members may have seen Congressional Quarterly this past week which pointed out an unusual phenomenon that is going on in the House now: We are in our 6th year, since 1980, we have reduced the deficit every year, and then when we have finished reducing the deficit, we have gone home to find out that the deficit has gone up.

I call attention, particularly, to last year. Many of you will recall, certainly it is vivid in my mind, the $28 billion downpayment that we were going to make on the deficit last year. That $28 billion was going to reduce the projected deficit to $181 billion.

P.S.: When the smoke cleared and it was all over with, the deficit was $227 billion. That is after our $28 billion reduction.

Now, what is going to happen this year? We are in our 6th year of this same cycle. That is a very interesting question and one that we should pay particular attention to. Two weeks ago, when we debated the budget bill, which is designed to cut the deficit $56 billion, that was the same week that the numbers came out showing what the economy is actually doing. The whole deficit reduction effort is based on the assumption that the GNP is growing at 4 percent annually. It turns out it is not; it turns out it is growing at less than 1 percent annually.

What impact would that have? It turns out it may be that our beginning baseline deficit will be $20 billion higher. So now instead of $56 billion, maybe we have a $36 billion reduction in the deficit. Here we are, 2 weeks later, before the Budget Committee conferees have had their first meeting, with a supplemental appropriations bill that in and of itself is going to increase the deficit $6 billion.

There are a lot of red flags; there is a lot of handwriting on the wall. Mr. Volcker is looking at the same facts and circumstances that we are looking at. We are treating them as irrelevant; Mr. Volcker is treating them as very, very relevant indeed. In fact, interest rates have now been reduced to the lowest point in 5 years. Mr. Volcker apparently thinks we have a major problem, as he has adopted the most expansionist monetary policy of the decade.

What would that problem be? The problem is that despite an extraordinarily stimulative fiscal policy, our economy is sagging. Congress is literally pumping on the accelerator, but the economy is running out of gas. Mr. Volcker's tight monetary policy, the traditional brake, has been released. But things are still sagging.

There is increasing apprehension that the unprecedented trade deficit may also be functioning as a brake on the economy—a much more effective brake than anyone had anticipated. In fact, the risk is that the trade deficit itself is going to put us into a recession, even in the face of openly stimulative fiscal and monetary policy.

I want to make it clear that I don't disagree with what Mr. Volcker is doing. There is a major risk, however. The risk is that monetary policy, by itself, will not prove adequate to counteract the drag of the trade deficit. The dramatic reduction of interest rates will provide immediate stimulation to the housing industry and those parts of the economy not impacted by international competition.

But it is not all clear that stimulative economic policy, by itself, will reduce the value of the dollar. Even if it does, it appears there may be a delay of as much as a year before the correction takes place. In the meantime, steel, textiles, heavy equipment, agriculture, and now finally computers and other high-tech industries are suffering serious damage.

If the desired reduction in the value of the dollar doesn't come about, or if there is an undue delay, we may find ourselves in serious trouble—much quicker than any of us have anticipated.

I suggest to the Members that it is time for us to quit doing business as usual in this House; it is time for us to get very serious about this, very serious indeed, before we find ourselves faced with a recession.

If you want to know what that scenario would look like, go back to CBO's report released last February and look at their low-growth scenario. Their low-growth scenario says maybe we could have a recession in 1987. Look at what would happen. The dynamics all would work the same in 1986. You would end up not with a deficit of $200 billion; but with a deficit approaching $400 billion. Worst of all, this would occur when we would have already used up all of the stimulative fiscal and monetary remedies at our disposal.

Nobody likes to cry wolf, and I am optimistic by nature. It is simply irresponsible, however, to continue playing games with supplemental appropriations bills intended to be used only for emergency situations which could not have been anticipated during the normal budget process.

At the very least, let us eliminate funding for the water projects. Clearly, these are in no way an emergency. Let us honor the budget process, and go forward in this bill with the real emergencies to the extent they are there. Otherwise, the budget deficit, and the trade deficit resulting from it, may turn out to be a more serious emergency than those we are now debating.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. MACKAY. I yield to the gentleman.

Mr. KASICH. I appreciate the gentleman's comments on monetary policy, but I would hope rather than express concern about the Fed moving in a direction to provide available credit, that the gentleman would applaud and encourage the Fed to move us toward maximum, noninflationary growth. In fact, the Fed probably has been too restrictive.

Mr. MACKAY. I hope I did not say that I think the Fed is doing wrong; I said I think there is a great deal of risk in it. The Fed is using a tool which is stimulative when you are dealing with a traditional recession. What we do not know is the impact of reducing interest rates on the value of the dollar. If the dollar declines in value, and if the decline occurs quickly, the trade deficit can be expected to decline. If this does not happen, or if there is undue delay, we are in a very risky situation.

The risk could be avoided if Congress would move seriously to reduce spending. That is what I intended to say.

Mr. WHITTEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, may I say that I agree with the gentleman who just preceded me about the financial situation which we are in. I think we have to increase production. We now are buying shoes, textiles, steel, and cars abroad on credit. Our balance-of-trade deficit runs more than $100 billion—money for things we are buying overseas when we could be producing them ourselves.

If you bought steel from Japan you as an individual might make money because it is cheaper, but the Nation looses. If it is bought at home, you would have the steel and the money too.

I wish to point out here that while we agree about the dangers to our financial situation which needs to be corrected, we better take care of the land and develop it because that is what you have got to look to. We have domestic programs which are absolutely essential to keep public support. As

I have said many, many times, and I repeat it again to my friends, if we leave to our children and our children's children a fertile land, with our harbors improved, with our rivers harnessed against flood and drought, with all of our resources intact, they will make it fine. They could set up a new financial system if necessary.

On the other hand, if we paid every nickel we owe and if we did it by letting our country go to pot, in future years, this Nation would be like China and India with little on which to build. We are not wasting money because money spent on our own country is not waste; it is merely common sense.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. BROWN].

□ 1300

Mr. BROWN of Colorado. I thank the gentleman for yielding this time to me.

Mr. Chairman, I will be offering several amendments to the bill that I think, meet the concerns of the Members. All of us are interested in reducing the deficit, in looking for areas where we can trim unneeded spending.

I believe there are several areas in this bill that merit your consideration. First of all, with regard to our own budget. One area is the increase in committee salaries, and Members; allowances. These budgets have been increased dramatically. They are well above last year. We are suggesting that the increase be halved. That change saves us $3.2 million. It is an effort that we can make and still have more money in these categories than we had last year.

The second area where we can save money in this supplemental is the $500 million that is put in as kind of a bonus to Egypt. Egypt has already received this year $2.2 billion. The proposal is to add another $500 million to that over and above what they already received. One of the factors, I think, that bears on this is the fact that they have not even been able to spend what we have given them already.

There is over $2 billion left unspent from prior aid.

I hope when we consider these areas, we will ask ourselves, in a year in which we have talked about not even giving Federal employees a pay increase, why it is we should be throwing $500 million more to Egypt.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to take a few minutes because I think we have touched on an issue absolutely critical to the strength and the growth of this economy. There have been a number of us on this side being joined by increasing numbers on the Democrat side of the aisle who have been concerned not just about fiscal policy, although everybody here is vitally concerned about fiscal policy, and we have all called for actions to reduce the deficit. Fortunately, we were able to get a budget resolution that moved in the direction of $56 billion in cuts. I do not know whether we have some phony numbers in there or not, but at least we have both sides of the aisle talking about cutting deficits by more than $50 billion.

But I hope at the same time we show our concern about fiscal policy, we also continue to examine and express our concern about monetary policy. Many of us on this side have said that the Federal Reserve over the last year has been overly restrictive and has not followed a policy of maximum noninflationary growth. We have called for reductions in discount rates, reductions in Federal funds rates and a monetary policy that will, in fact, accommodate maximum noninflationary growth that will provide jobs and bring the deficit down.

What we have seen over the last 9 months is a GNP growth of an average rate of less than 2 percent, which we think is very alarming. We have argued that if we could bring rates down, we could see the kind of economic growth we want to see. We would see some moderation of the problems in agriculture and we would see some moderation in the international trade deficit problem because of overly high rates that attract foreign investment. We would see some moderation of the strength of our dollar and the ability to export our products.

Of course, we have seen the Fed move in that direction, and when the Fed recently lowered its discount rate, we saw the stock market jump above 1300 to its highest level in history. I hope we are going to see improvements in the GNP growth rates, but it is important for this Congress not to just talk about fiscal policy but also to examine the importance of monetary policy.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

Mr. CONTE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding me this additional time.

Mr. Chairman, the bottomline here is, and I think the gentleman from North Dakota agrees with me on this point, if we ignore monetary policy and have the Fed keeping rates at such a high rate, or money conditions so tight that we do not have the kind of growth that we want, we will start eating away at budget cuts by not having GNP growth of at least the 2-percent level.

There are some people down at the Fed who view economic growth as a negative factor. I view economic growth as a positive factor. We ought to bring rates down, give people work, and it will help us across the board.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, let me just associate myself with the gentleman's remarks. I think he is dead right.

Monetary policy is a very important part of this country's economic game plan. We are talking about fiscal policies on the floor of this House, but monetary policy is critical and we need a monetary policy that is complementary to fiscal year.

We need a monetary policy that provides for economic growth in this country, and I just want to support the kind of things the gentleman has been talking about with respect to monetary policy.

Mr. KASICH. I appreciate the gentleman's comments and would just like to say I welcome the discussion about the role of monetary policy in this country.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman agree that before we can have an expansionary monetary policy, it is very important to get fiscal policy under control?

Mr. KASICH. I think that we need to have a monetary policy that encourages the maximum noninflationary growth, and that monetary policy has tremendous impact on our deficits.

It is certainly true that at the same time this Congress ought to be working to control fiscal policy and cutting that deficit, which is what my opening remarks were all about.

Mr. REGULA. Mr. Chairman, if the gentleman would yield further, he makes a point of noninflationary monetary policy, but it seems to me that has to be rooted in a very strong fiscal policy, and that is part of what we are talking about today, and that is holding down the deficit by having a responsible appropriations measure, and then, of course, we can think about expanding monetary policy.

Mr. KASICH. There is no question that we need to cut deficits. That is why I complimented both sides of the aisle for coming up with a package here that addresses the deficit by a reduction of over $50 billion.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has again expired.

Mr. CONTE. Mr. Chairman, I yield 30 additional seconds to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, I know this: that in a noninflationary economy, when you have declining commodity prices, declining land values, declining gold and silver prices, and sluggish growth in too many sectors of the economy, and you have the vice chairman of the Fed who is now starting to dissent on a consistent basis, there is no reason for the Fed to tighten monetary policy, but should, rather, accommodate the growth.

No one in this Chamber wants to see a policy that leads to inflation, but what we certainly want to see is a complementary fiscal and monetary policy.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding this time to me.

Mr. Chairman, without belaboring the point, if we have an inappropriate monetary policy, it can seriously exacerbate the fiscal policy problems that Congress faces.

I agree that we do not want a monetary policy to be used by those of us in Congress who have strong feelings about the Fed to excuse us from any responsibility in fiscal policy. But I think the gentleman from Ohio was trying to say, and I agree with him, that we must use monetary policy in an appropriate way to complement our fiscal policy and to engender economic growth in this country.

Part of our fiscal policy problems has been that we are trying to ride uphill on a bicycle and somebody else has the brakes on. I think we can do much better in coordinating our monetary and our fiscal policies.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, I think what concerns many of us on this side is that we want the Fed to provide maximum noninflationary growth, and when we have an economy where you see farmers not being able to sell their commodities, their land values plummet, gold and silver prices down, and all the measures of inflation, yet the Fed moves to tighten, that does not make any sense. We want the Fed to provide for maximum noninflationary growth, which helps us on deficit reduction.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I support H.R. 2577, the supplemental appropriations bill for fiscal year 1985, and I want to call specific attention to the funds which would be provided to the Army Corps of Engineers and for a variety of water projects.

It is unfortunate that vital water projects, such as the dredging of Baltimore's main shipping channel, have been delayed because the administration and the Congress can not reach agreement on a cost-sharing formula.

Opponents of this bill have criticized the fact that some of the projects which would benefit are unauthorized. Mr. Chairman, I want to emphasize that Baltimore's channel dredging project has been authorized for 15 years. Although a very small portion of the funds that would be made available to the corps would go to Maryland, it is absolutely vital that this money be provided—because it is essential to the continued ability of the Port of Baltimore to compete and to the future economic health of the State of Maryland.

The State of Maryland demonstrated its fiscal responsibility and its willingness to compromise last week, when Maryland officials revealed a redesigned channel plan which will reduce the cost of Maryland's total dredging project by $115 million or 33 percent of the original amount. This concession has now put Maryland in a position where it can negotiate with the Federal Government; it has reached a threshold—a point where it is now financially feasible to agree on a formula, and finally get our desperately needed channel project moving.

As a fiscal conservative, I do not believe Federal funds should be expended on projects which have not been authorized by Congress, but a vote on this supplemental bill does not and can not settle that issue.

I have worked long and hard, both with officials of OMB and with Maryland State officials, in an attempt to find some common ground—to reach agreement, and to get on with Baltimore's channel project. I do not intend to quit now. I intend to vote for this legislation.

It is also important to sound a note of warning here today: It is absolutely imperative that a national policy on America's deep-draft commercial ports be formulated and clearly enunciated.

Our Nation's great seaports play an absolutely essential role in our Nation's international trade, and port development—including the dredging of deeper channels—is necessary if we are to improve America's balance of trade.

In addition to economic considerations, deep channels and commercially viable ports are also essential to our national security.

I intend to continue my attempts to make the administration recognize the strategic and economic importance of our seaports, and I hope my colleagues here today will also recognize the importance of many of the projects in this legislation. I urge them to support it, as I do.

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Mr. CONTE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this opportunity to commend the gentlewoman from Maryland [Mrs. BENTLEY]. She has doggedly fought for the Baltimore Harbor project since she came to the Congress. I know she has been most persistent in pursing this project with me and with the other members of the committee. I just want to take this opportunity to commend her for her fine statement and for her work on behalf of the project for the dredging of Baltimore Harbor.

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, as one of the new members of the Appropriations Committee, I want to begin my discussion on this bill by stating that I am very much impressed with the diligence and the concern that this committee has demonstrated throughout the whole gamut of hearings on every facet of work on the particular questions that we are dealing with in this bill. They are numerous, they are extensive, and they are complicated. I want to thank the committee chairman, the gentleman from Mississippi [Mr. WHITTEN], who has done an outstanding job, in my view, in being open and fair with every member of the full committee, as well as his subcommittee.

I also want to thank the ranking member, the gentleman from Massachusetts [Mr. CONTE], for his diligence. He tries to attend just about every markup that we have. I also express my thanks to the gentleman from California [Mr. ROYBAL], on whose subcommittee I serve as ranking member.

I want to assure the members on this side of the aisle that if they think that the process that the Appropriations Committee goes through is capricious, frivolous, or without concern over deficits in the spending picture, they are very much mistaken. I, rather than to take the attitude that anytime we come out with an appropriation bill it has a lot of pork barrel or this, that, or the other I assure you there is a very great concern that the priorities are adhered to. There is a critical concern for the deficit, and there is not what I would consider to be a great deal of pork barrel. One man's "pork barrel" is somebody else's "priority."

I know we are debating philosophy and a lot of other facets of this question, but I do want to tell the Members this: that I think they have a

good Appropriations Committee. The committee does a good job, and the members work very hard at it.

Mr. Chairman, I rise in strong support of the bill making supplemental appropriations for fiscal year 1985.

As a new member of the committee, it has been an honor and a privilege for me to work with the distinguished gentleman from Mississippi on the Agriculture Subcommittee.

It has also been a pleasure to serve as the ranking Republican member of the Treasury-Postal Service Subcommittee chaired by my good friend and colleague, ED ROYBAL. In all, I believe both the Agriculture and Treasury chapters to be reasonable and well balanced, considering the commitments we have made to fund the programs under the jurisdiction of the respective subcommittees.

In title I of the bill, making supplemental appropriations for the Department of Agriculture, I was especially pleased to work with Chairman WHITTEN to ensure that emergency funding was provided to the animal and plant health inspection service for grasshopper control in 17 Western States. In New Mexico, the grasshopper problems have been particularly severe with an economically significant infestation of over 8 million acres.

The committee also recommended an appropriation of $1.2 million for a grant to the Department of Agriculture for the purpose of assisting in relocating the Fort Stanton Experimental Station to another site making available land needed for a replacement airport to service the village of Ruidoso, NM.

For the past 20 years, Federal, State, and local officials have been seeking a site suitable for the development and operation of a replacement for the current airport. The indisputable need being that over 25 airplane crashes have claimed the lives of 17 people since the National Transportation Safety Board began keeping records in 1964. The Department of Transportation has listed the current airport at Ruidoso as one of the more dangerous airports in our Nation.

Turning now to chapter 11, making supplemental appropriations for the Department of the Treasury and related agencies,

The subcommittee has recommended that all of the administration's section 2901 recissions be accepted—for a total of about $48 million.

Likewise, all—except for two supplemental pay requests were accepted as proposed. The administration proposed only half the funding required for the Customs Service and IRS pay costs; $6 million was added to fully fund the Customs Service pay costs; and to prevent further disruption in tax processing; the IRS was fully funded with a $33 million add-on.

The big ticket item in this chapter, not requested by the administration, is a $168 million supplemental for the revenue foregone subsidy. This amount is needed to make up for the recent rate increase and unanticipated volume increase.

This chapter also provides funds to ATF, Customs, and the IRS for the establishment of a drug enforcement task force in Miami, as requested by the President.

Finally, I am grateful for the unanimous support received for an amendment I offered during consideration of the bill at full committee to provide the necessary support for the National Critical Materials Council. The establishment of this Council was mandated on July 31, 1984, when President Reagan signed into law Public Law 98-373, the National Critical Materials Act of 1984. As noted in the law, strategic and critical industrial minerals and materials are essential for our national security, economic well-being and industrial production. The principal aim of the Council will be to provide high-level and permanent input to the President on our Nation's strategic and critical mineral and material policies.

Overall, Mr. Charman, I believe chapter 11 is very reasonable given the circumstances. I urge the adoption of the chapter and the bill.

Mr. WHITTEN. Mr. Chairman, I have no further requests at this time.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I thank the gentleman from Massachusetts.

Mr. Chairman, I rise in opposition to the bill and to align myself with the remarks of the gentleman from Florida, [Mr. BUDDY MACKAY] who recently spoke against the bill.

Mr. Chairman, let me say that I was raised up on the edge of the Depression, and when we had a good year on the farm, my father and mother bought me and the children new overalls and new shoes, and when we had a bad year on the farm, she patched up the knees and we wore those old shoes. I want to tell the Members that we have had a bad year in this country this year, and we need to patch up our clothes knees and wear our old shoes.

We have tried to communicate to the public in a responsible fashion the dangers we see facing this country, and if something is not done soon about our deficit spending habits, we are going to be in much more serious trouble than we are today. We told the people that we are going to tighten up our belts, we have asked them across the board to tighten their belts and accept freezes, cuts, and adjustments and generally they have agreed to do that.

Mr. Chairman, this supplemental bill we are considering today is going to shake their confidence in this Congress if it passes and I would request that we vote it down in its entirety.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] has 3 minutes remaining, and the gentleman from Massachusetts [Mr. CONTE] has 1 minute remaining.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania [Mr. MURPHY].

● Mr. MURPHY. Mr. Chairman, I rise in opposition to any attempt to delete funding for long-overdue water projects contained in H.R. 2577. The fiscal year 1985 supplemental appropriations bill provides necessary moneys to be used for water resource development. Some of my distinguished colleagues may object to this provision of the bill as too costly. Similarly, the Reagan administration believes that H.R. 2577 is unacceptable in its present form, largely because of water projects.

Certainly all of us are concerned about the rising cost of the Federal deficit. However, I urge my distinguished colleagues on both sides of the aisle to keep certain facts in perspective.

First of all, I find it difficult to grasp why the present administration wishes to completely cut important national priorities such as the water projects contained in H.R. 2577, while at the same time, recommends greater and greater increases in foreign aid. Mr. Chairman, I cannot justify a policy of billions for foreigners but not 1 cent for American interests. Furthermore, it seems that the cry of deficit is conveniently used whenever this administration does not want a particular domestic program funded.

As far as these water resource projects are concerned, the benefits derived from them will more than exceed their costs, especially in the long run. These projects will provide us with a better national infrastructure. This improvement can only serve to make transportation easier, and therefore, cheaper. Hence, American goods will be priced more cheaply and be able to complete more effectively—especially in the international marketplace.

Furthermore, these projects will result in better flood control mechanisms and improvements in community water supplies. Similarly, channel and harbor facilities will be enhanced and recreational opportunities will be provided. These are concrete benefits that Americans will be able to enjoy.

Mr. Chairman, I would also remind my colleagues that it has been 6 years since the Congress has funded projects for the Army Corps of Engineers. This has been a lengthy freeze to say the least. We, as a Nation, cannot afford to freeze this vital funding; H.R. 2577,

though far from perfect, is a reasonable means to provide it.

If I may, I would for a brief moment like to speak as a citizen of southwestern Pennsylvania. As my friends in this Chamber know, many times I have emphasized the fact that there is no Reagan recovery in this depressed region. Double digit unemployment persists, factories are closing, and closely knit communities are dying. By improving our waterborne transportation network, we will be providing a direct impetus to employment in the area. The short- and long-term economic benefits are clear.

In closing, I would ask that my colleagues not be misled by the deficit smokescreen being fueled by chapter IV's opponents. If anything, these water projects are long overdue. If America is to regain her competitive advantage, the better transportational infrastructure which will result from these water projects will help to achieve this worthwhile goal.●

● Mr. DORGAN of North Dakota. Mr. Chairman, I am introducing today an amendment to provide an additional $4.27 million to the Temporary Emergency Food Assistance Program [TEFAP] a small but important program used by food banks, soup kitchens, and other coummunity groups to feed the hungry. Twenty-nine States have either run out of money, or will soon run out of money, for this program. The short-falls are estimated to total $4.27 million for the fourth quarter of this fiscal year, the amount of this appropriation.

The TEFAP Program sends surplus Government commodities, commodities currently stored in warehouses and caves around the country, to States who in turn send them to local community groups for distribution to the hungry—those 20 million Americans who are without food for at least 2 days per month, according to the Physician's Task Force on Hunger in America. The group is headed by Dr. Larry Brown of the Harvard School of Public Health.

Since the program's inception in 1983, TEFAP has distributed 163 million pounds of flour; 169 million pounds of nonfat dry milk and 1.2 billion pounds of processed cheese, as well as other commodities, to the States. These commodities are an important supplement for local feeding progams, which are often run on shoestring budgets with volunteer staff.

It is clear to me that it is well worth continuing this program, both from a humanitarian standpoint and from a fiscal standpoint. Many of TEFAP's recipients are families. Studies of another supplemental feeding program, the WIC Program, clearly show that $1 spent on Child Nutrition Programs saves at least $3 in longer-term health costs. In addition, there is a savings of Commodity Credit Corporation storage costs that would otherwise be incurred.

The Food Research and Action Center, in calls last week to State commodity directors, compiled the statistics which show the $4.27 million short-fall in this program for the fourth quarter. It is my intention that this appropriation be targeted to those States who have already run out of money for TEFAP, or who will soon run out of money for this program. About half the States have not been able to rquest any commodities for July, even at a reduced level, according to a May USDA report.

It is unfortunate that this problem didn't come to light sooner. One of the difficulties is that TEFAP is a reimbursement program, with vouchers flowing back to USDA through two levels, from the local community group to the State, and then from the State to USDA. This process means a delay in determining exactly how much of a funding shortfall exists.

That is why we are acting today. The timeframe for ordering these commodities and distributing them for the fourth quarter of this year is going to be tight. In their calls to State commodity directors, the Food Research and Action Center did ask whether States would be able to handle distribution on shortened notice of availability, and the consensus was that if the commodities and additional funds were available, they would be able to do so. USDA administrators of this program, however, will have to offer as much cooperation and flexibility as possible in meeting this goal.

A number of groups support this amendment, including: Food Research and Action Center, Bread for the World, the National Farmers Union, Interfaith Action for Economic Justice, Children's Defense Fund, League of United Latin American Citizens, National Council of Senior Citizens, Rural Coalition, National Milk Producers Federation, United States Conference of Mayors, Food Research and Action Center, Lutheran Council/USA, Friends Committee on National Legislation, Church Woman United, National Council of Churches of Christ in the USA, Church of the Brethern-Washington Office, and United Church of Christ/Office for Church in Society.

These groups understand that while the amount we are debating is small, as the Federal budget goes, the good that is done by this program is large. I urge your support for this amendment.●

● Mr. GUNDERSON. Mr. Chairman, I would like to take this opportunity to make a few comments about that portion of H.R. 2577 which provides funding for the second lock at lock and dam 26 in Alton, IL, and for environmental and recreational projects on the Upper Mississippi River.

Now, I recognize that all of this funding may be stricken on a point of order since none of these activities have been authorized to date. Even so, I would simply like to take a few moments to commend the committee for their balanced approach to the use of the Upper Mississippi River System.

Mr. Chairman, I favor the second lock at lock and dam 26 but only if it is combined with the environmental and recreational programs that were included when the recommendation was brought before Congress in 1982 as part of the master plan for the Upper Mississippi River.

This master plan was authorized in 1978 by Public Law 95-502 to provide Congress with answers to questions on navigation capacity and environmental impacts of navigation operation and maintenance. The Upper Mississippi River Basin Commission was instructed to prepare the plan.

The master plan contains a set of 12 recommendations for maintaining and enhancing the Upper Mississippi River System as a multipurpose system having two congressional mandates: one as a nationally significant ecosystem and the other as a nationally significant commercial navigation system. The recommendations cover a broad range of problems and issues from navigational improvement to habitat rehabilitation.

Separately, the second lock at Alton could be called a pet, pork barrel project. Sure, there are those that argue the lock is needed to reduce the already existing bottleneck of barges that are in the area. But we are already building a brand new, 1,200 foot lock system there that will be ready to function shortly.

The point is that the second lock at Alton was recommended as part of a master plan, developed by an independent commission with the consultation of various Federal and State agencies. I was pleased to learn that the committee looks favorably on the master plan by including language to provide, dollar for dollar, money to cover the other environmental and recreational recommendations over and above the second lock.

If the second lock at Alton, IL, is going to become a part of this supplemental appropriation bill, then the environmental and recreational projects, must be included to keep the intent of the master plan as developed by the Upper Mississippi River Basin Commission.

Again, I want to thank the members of the committee for recognizing the multipurpose use of this resource by providing for all of its uses: Navigation, recreation, and the environment. I look forward to working with you toward this end.●

● Mr. LAFALCE. Mr. Chairman, I rise in support of H.R. 2577 and the

amendment offered by Congressman WHITTEN. I will address my comments, however, to one provision which I believe is of particular importance to my constituents—the Ellicott Creek Flood Control Project.

Fifteen years ago the Ellicott Creek Flood Control Project was made part of an omnibus water bill and was signed into law by President Nixon. This action was taken in response to a devastating flood in the area. Unfortunately, since that time similar tragedies have struck twice. Seven years ago, in the aftermath of the now infamous "Blizzard of '77," severe flooding from the Ellicott Creek caused extensive property loss and damage. This past winter, melting snows from a major blizzard and incessant rains resulted in yet another flood, causing an estimated $12 million in damage.

This most recent debacle has been declared a major disaster by the President. The Army Corps of Engineers estimates that damage from the Ellicott Creek flooding during a 5-day period in February is between $4 and $5 million. Officials said that the proposed flood control project would have helped significantly to reduce the damage.

In my opinion, this latest flooding was largely preventable. Efforts to secure funding for the flood control project have been underway for the past 15 years. This project has bounced between the Congress and administrations like a political basketball. I won't detail the long history of this proposal, except to say that the time to act is now. Statistically, we can expect that a flood of this magnitude will occur in the next 10 to 15 years. The Corps of Engineers Chief in Buffalo said that the Corps could have construction work on Ellicott Creek underway within 90 days of the date they receive funding. The $22.9 million flood control project calls for work over 4 construction seasons. If funding is approved, work would begin in the spring of 1986 and be completed in 1989, perhaps just in time for the next flood.

The President's 1986 budget request dated February 4, 1985, states "that the Ellicott Creek project is urgently needed to reduce flood damages in the lower Ellicott Creek Basin. The downstream portion of Ellicott Creek has been subjected to flooding for a number of years." As if to drive home the point, within 3 weeks of this report, nature unleashed a flood from Ellicott Creek which was unparalleled in the past 25 years. The need is no longer urgent. It is imperative that this project be constructed—Now!

Residents of the towns hit hardest during these floods, Tonawanda and Amherst, NY, know that it is only a matter of time before disaster strikes again. Without this flood control project, there is no hope of preventing the inevitable destruction of home and business properties caused by raging flood waters.

True, we can't control the will of nature. But we can control some of its destructive effects. What are sometimes more difficult and frustrating to control are the budgetary constraints which limit Federal spending for such worthy projects. I, perhaps more than many, understand the need to cut spending to reduce the Federal budget deficit. But in this situation, the adage, "an ounce of prevention is worth a pound of cure," has true meaning.

Investing dollars now in a project which will mitigate the inevitable flood damage, costing the Federal, State, and local governments millions of dollars to repair is not only smart, but is also economically prudent.

For these reasons, I strongly support the Whitten amendment, and urge each and every one of my colleagues to do likewise.●

● Mr. BEVILL. Mr. Chairman, the bill before the committee today would appropriate $186,300,000 in new budget authority to the Corps of Engineers, $20,850,000 to the Bureau of Reclamation and $5 million to the Tennessee Valley Authority.

The bill includes funds for 62 new construction starts for the Corps of Engineers and 4 new starts for the Bureau of Reclamation. Included in the 62 corps projects are 32 projects which have been previously authorized and 30 projects which are included in H.R. 6 which has been ordered reported by the Public Works and Transportation Committee.

Our subcommittee has been working closely with the Interior and Insular Affairs Committee with regard to the Bureau of Reclamation projects and to my knowledge we are in complete agreement with respect to those projects.

As Members will recall, this House passed H.R. 3958, the water resources development appropriation bill, 1984, on October 6, 1983, which contained a total of 43 new projects for the corps and the Bureau of Reclamation. Unfortunately, that bill was never passed by the Senate.

Last year, under the leadership of Chairman ROE of the Water Resources Subcommittee of the Public Works and Transportation Committee, the House overwhelmingly passed H.R. 3678. However, the Senate never acted on the bill. This year, the Public Works and Transportation Committee has introduced H.R. 6, the new water project authorization bill, and I understand that bill is scheduled to be reported in mid-June. However, it is uncertain at this time when the bill will be considered on the floor. In addition, the bill may well be referred to other authorizing committees for their consideration.

Most of the projects funded in the bill before us today have already been approved by the House on two prior occasions.

As you know, our subcommittee has tried to wait for the legislative committee to complete authorizing action for several years, and as evidenced by House passage of the authorizing bill last year, Mr. ROE is making every effort to move the legislation. It appears, however, that if there are to be new construction projects funded, the House is going to have to move ahead with the bill before us today.

As Members will recall, the last bill authorizing new water projects for the Corps of Engineers was enacted in 1976. With a few minor exceptions, no new construction starts have been funded since 1980 due to differences between the executive and legislative branches regarding user fees, cost sharing and financing of water projects. In the report accompanying the regular fiscal year 1984 appropriation bill for energy and water development, the committee stated:

> The committee is aware of the urgent need for some new construction projects and for the repair and rehabilitation of some existing projects. Testimony has been presented indicating the urgent needs in this area * * * The committee fully intends to recommend funding for new construction for both the Corps of Engineers and the Bureau of Reclamation for fiscal year 1984.

The projects contained in chapter IV are in response to the commitment made by the committee.

I do not believe there are many authorizing and appropriations subcommittees which work closer together than do Chairman's ROE's subcommittee and my Subcommittee on Energy and Water Development.

The introduction of H.R. 6 through the Public Works and Transportation Committee and the probability that the bill will be presented to the full House of Representatives is most encouraging.

The projects funded in the bill include a number of projects proposed by the administration in fiscal years 1983, 1984, 1985, 1986, and other authorized projects which are worthy of construction, and urgently needed projects which are awaiting authorization. The committee is confident that every effort will be made by the 99th Congress to enact legislation authorizing new projects and, where appropriate, make adjustments in cost sharing. Use of funds provided by this bill for construction of projects not yet authorized is, therefore, linked to such authorization. Moreover, adjustments in cost sharing enacted during this Congress would apply to the projects funded herein to include those presently authorized.

With regard to cost sharing, the committee recognizes the responsibility of the authorization committees to

establish cost-sharing policies, but is concerned that the application of rigid cost-sharing requirements would create a situation of have versus have-nots. Many States and localities do not have the capability to share costs to the same extent, if at all, that others may have. This is particularly undesirable in the case of flood control projects where human lives and the economic viability of communities are involved. Because of this, the committee encourages a flexibile approach to cost sharing. I believe it is important to note that since the exact formula for cost sharing is still under consideration, it is not possible to predict the Federal share of the costs of the projects in the bill at this time.

The committee received many requests from Members to fund projects already authorized as well as those in the pending authorization bill. Unfortunately, the number of major water resource development projects that can be funded in any particular fiscal year is necessarily limited. Even with incremental funding of only that portion of work that can be accomplished within a fiscal year, the large number of necessary projects and the high cost of many of them limit the total number that can be considered for funding at any one time.

The projects recommended for funded in this bill represent the highest priority projects in each major category of water resource development. The committee will consider funding additional projects in subsequent appropriation bills.

The recommended funding for the Tennessee Valley Authority provides $5 million for an essential water demonstration project affecting the health of Bristol, TN, residents.

The bill contains language that exempts the construction of an authorized Oregon-California powerline from the Clayton Act and the Federal Power Act.

The report accompanying the bill provides a good explanation of the recommendations in the bill as well as a brief description of the projects funded in the bill.

This is a good bill and report and I recommend its adoption by the committee.●

● Mrs. LONG. Mr. Chairman, I rise in strong support of H.R. 2577 containing a $6 million appropriation for a family violence program enacted last year under the Child Abuse Amendments of 1984.

It is estimated that between 2 and 6 million women are battered by their husbands annually. Only half of these women seek professional help. Unfortunately, less than half of the women and children that do seek refuge actually receive aid. Lack of funding for the overcrowded shelters shatters their hopes for the professional care they desperately require and deserve. These women are victimized not only by their husbands' brutality toward them, but also by their inaccessability to professional services that focus on restoring homelife.

In my own district, the Family Counseling Agency has been established in Alexandria, LA to provide immediate care to battered wives. This agency provides the following vital services to wives and their families:

Long-term and overnight shelter to abused women and their children; crisis counseling on a group or individual basis; referrals for legal aid, job service, welfare, and so forth.

Twenty-four-hour crisis hotline supplying emotional support or urgent placement arrangements for abused women and their children.

Since its establishment in 1984, this agency has served close to 400 men, women, and children. The number of victims served this year alone has already surpassed the total number of individuals seeking help last year.

Services such as the Family Counseling Agency in my district have the potential to provide immediate care. This potential cannot be realized without money for expanding shelters, increasing professional staffs, supporting client needs, and informing the public about its extensive programs.

Those outstanding services are crucial to the treatment of women who have been hurt and humiliated by those closest to them. The money can be utilized to provide family violence programs with more professional staff members, larger shelters, and a greater information network to spread the word to women that professional, emotional, and financial support are available. With the assurance that family violence programs are fully funded, more women will feel secure in seeking help.

A recent article in Time magazine entitled "Wife Beating: The Silent Crime" (Sept. 5, 1983) brought the problem to national attention. This article mentioned the following startling facts:

Nearly 6 million wives will be abused by their husbands in any one year.

Some 2,000 to 4,000 women are beaten to death annually.

The Nation's police spend one-third of their time responding to domestic violence calls.

Battery is the single major cause of injury to women, more significant than auto accidents, rapes or muggings.

I recommend this enlightening article to my colleagues' attention. The grim case histories it describes are guaranteed to move you in support of family violence program funding.

WIFE BEATING: THE SILENT CRIME

There is nothing new about wife beating. It has always happened, everywhere. Often it is accepted as a natural if regrettable part of woman's status as her husband's property. Throughout history unlucky women have been subjected to the whims and brutality of their husbands. The colloquial phrase "rule of thumb" is supposedly derived from the ancient right of a husband to discipline his wife with a rod "no thicker than his thumb." In the U.S. the statistics reflect no unprecedented epidemic of domestic violence, but only a quite recent effort to collect figures—often inexact, but startling even when allowances are made for error—on what has always existed:

Nearly 6 million wives will be abused * by their husbands in any one year.

Some 2,000 to 4,000 women are beaten to death annually.

The nation's police spend one-third of their time responding to domestic-violence calls.

Battery is the single major cause of injury to women, more significant than auto accidents, rapes or muggings.

What is new is that in the U.S. wife beating is no longer widely accepted as an inevitable and private matter. The change in attitude, while far from complete, has come about in the past ten to 15 years as part of the profound transformation of ideas about the roles and rights of women in society. In cities and states scattered across the country, legal structures and social service networks, prompted by grass-roots women's organizations, have begun to redefine spouse abuse as a violation of the victim's civil rights and a criminal act of assault subject to the same punishments as other acts of violence.

Marital abuse has been called "the silent crime." Bringing it out into the open by talking about it is the first step toward a solution. But for most people, including even the victim and the abuser, the almost reflex-like response to the subject is to deny that such abuse exists. In fact, however, a 1979 FBI report stated that 40% of women killed were murdered by their partners, and 10% of men by theirs. (Many of the women acted in selfdefense.)

When it comes to squabbling around the house, women give as good as they get. But a domestic spat is not battering, which involves a pattern of escalating abuse in a situation from which the victim feels she cannot escape. Because they are usually physically stronger than their wives, men are less likely to be battered; for reasons of pride, they are also far less likely to report it. Sociologist Murray Straus, an expert on family violence, nonetheless estimates that each year 282,000 men are beaten by their wives.

Personal testimony indicates that any female, regardless of class or race, can become a battered wife. In Stamford, Conn., a woman married to a Fortune 500 executive locked herself into their Lincoln Continental every Saturday night to escape her husband's kicks and punches. She did not leave him because she mistakenly feared he could sue for divorce on ground of desertion and she, otherwise penniless, would get no alimony.

Barbara, 30, a middle-class housewife from South Hadley, Mass., was first beaten by her husband when she was pregnant. Last summer Barbara's husband hurled a dinner plate across the kitchen at her. His aim was off. The plate shattered against the wall and a piece of it struck their four-year-old daughter in the face, blinding the child in one eye.

In Miami, Diane, 27, a receptionist, said she married "a real nice guy," a Dr. Jekyll who turned into Mr. Hyde a week after the

wedding. "Being married to this man was like being a prisoner of war. I was not allowed to visit my family. I couldn't go out on my own. He wouldn't even let me cry. If I did, it started an 'episode.' "

In a Duluth shelter for battered women, Lola, who married 19 years ago at age 18, said her husband was losing control more frequently: "He gets angry because he's coming home with a bag full of groceries and I didn't open the door fast enough. Because he didn't like the way I washed the clothes. Because the supper's not ready. Because supper's ready too soon."

In Atlanta, Rita, 30, told TIME's Roger Witherspoon that her husband William, 40, a hospital worker, asked her to come into the bedroom during a birthday party she was giving for neighborhood children. "He slapped me blind. He pulled the shotgun from the wall and dared me to move. I cried and asked him why he was bothering me. He just tore my clothes off. He said I was a bitch and used other ugly words. I asked him not to do that because the children and their parents were here. But he just left the room and told everyone to leave. Then he told me to get back in bed and that we were going to make love. I said no. But he had the .38 and a knife and hit me. I got in and we did it. My nose was still bleeding."

An extraordinary number of abuse cases involve guns or knives. In Los Angeles, Harry Whalen, 48, a curtain installer, is serving a 15-year-to-life sentence for killing his fourth wife, Betty, 35. She was hiding in a Long Beach, Calif., women's shelter, seeking a divorce. Whalen caught her in her lawyer's office parking lot and begged to hold the couple's small child. He then ordered Betty into his van and drove off. Three months later her body was found in a shallow grave in the desert; she had been shot in the face. One of Whalen's former wives reported later that he had threatened to kill her too.

Many men, and even many women, believe that abused wives have a masochistic streak that keeps them in the home long after the beatings have begun. But Michigan Psychologist Camella Serum dismisses such assumptions as folklore "Masochism has no relevance in this situation. It is just another way to blame the victim. The reason she stays has nothing to do with loving the pain or seeking the violence."

Battering follows a cycle: first a buildup of tension, then a violent explosion, and finally a period of remorse and apologies that rekindle hope that the batterer will change and remain loving. Karla Digirolomo, 26, executive director of the New York State Governor's Commission on Domestic Violence, describes her experience in her first marriage as typical. When she was pregnant her husband broke her nose. She told everyone she had fallen down. The obstetrician never questioned the bruises on her body. "I felt worthless, totally to blame, responsible for my husband's actions. I kept thinking, 'If I had done something different, things would improve.' You gradually change. You think, 'If I can stop doing x, y or z, then nothing will happen.' You assume all responsibility."

If the woman does not leave or seek help after the first episode it can be taken as a sign of acquiescence, which usually leads to more violence. But it is extremely difficult to pack up and go, even if a woman can afford to. Explains Jane Tolliver, a counselor in the Atlanta Y.W.C.A.'s battered-women's program: "They've been told by their ministers and their families that a good woman can change a man." These women represent society's traditional values. Says Tolliver: "They are nurturing. They want successful marriages. And it is precisely those things that trap them."

Often a battered woman has grown up with violence and accepts it as a pitiful form of caring, or at least as something inevitable in a relationship. She may feel desperately that the world is a dangerous place and that she needs a protector, even a man who beats her. Ashamed, terrified that any resistance will provoke greater violence, isolated from her family and friends, often without any means of support other than the husband, many a battered woman sinks into despairing submission, from which the only escape is eventual widowhood, her own murder (or, perhaps in a flash of retaliatory rage, her husband's), or suicide. According to a four-year study of a major metropolitan hospital completed this year, 25% of all women's suicide attempts are preceded by a prior history of battering.

Domestic violence is lethal, and not only to women. A 1978 article in *Police Magazine* reports that 40% of all police injuries, and 20% of all police deaths on duty, are the result of becoming caught in a family dispute. Risks aside, answering domestic-disturbance calls is the bane of policemen everywhere. "We end it for an hour or two and do a lot of paper work," says Officer Lawrence Santos of Harlem's 25th Precinct. To a frightened woman, though, even a reluctant policeman offers more hope than an insensitive one. Sergeant Louis Mancuso of Manhattan's Ninth Precinct, for example, does not think arrests are always the best solution. He believes there are often extenuating circumstances, observing after hearing about one brutal assault. "Maybe she wasn't giving him what he needed sexually." Detroit Executive Deputy Police Chief James Bannon explains such lingering attitudes. "Police officers are as violent in domestic relations as others. Probably more so."

Doctors, social workers and psychiatrists have frequently been even less helpful than the police. Evan Stark, research associate at Yale's Institution for Social and Policy Studies, and his wife, Dr. Anne Flitcraft, in a study of family violence, concluded that the medical profession and social agencies "are an essential part of the battered syndrome." Says Stark: "They treat the women like they are crazy." Doctors fail to note signs of abuse, label battered women psychotic or hypochondriacal, prescibe tranquilizers and tell them to go home, and "make a woman doubt her own sanity" by sending her to a family therapist.

The first shelter for battered women opened in a private home in Pasadena, Calif., in 1964. There are now approximately 800 in the country. All of them have waiting lists, and the demand is staggering. The Y.W.C.A. alone has 210 shelter or service programs such as hot lines, safe-home networks and counseling programs in 30 states. From 1978 through 1980, the Y.W.C.A. sheltered 46,100 women and children and gave counseling to 50,000 women. But they estimate they cannot accommodate 80% of those who need assistance. In a new and ironic effort to provide more services, at least 14 states earmark funds for domestic-violence programs by imposing a surcharge on marriage licenses.

Mother is a good person. Mother is a happy person. Mother is a nice person. Mother is very, very pretty. Those kind words were painted on a poster by a child whose mother had found refuge at Crescent House, the first battered-women's shelter in New Orleans. Crescent House serves more than 500 clients a year, housing 25 women and children at a time. Like all such shelters, it is initially a place for battered women to hide. It also offers help in deciphering the demoralizing puzzle of welfare offices and court procedures, and in aiding victims to imagine an alternative future. Almost as important, a shelter is a place where a woman will be believed and listened to. In 13% of wife-abuse cases, children have also been assaulted, and shelters provide a refuge for them, too. In keeping with their efforts to break the cycle of violence, almost all shelters have firm rules against spanking.

What kind of man would hit a woman? Not only hit her, but blacken her eyes, break the bones in her face, beat her breasts, kick her abdomen and menace her with a gun? There is a very good chance that he was beaten as a child. Perhaps because of his early trauma, he is often emotionally stunted. Michael Groetsch, director of probation for the New Orleans Municipal Court, sees scores of accused wife abusers every week. "There is very interesting analogy between a male batterer and a two- or three-year-old child," Groetsch says. "His tantrums are very similar to those of a two-year-old. Like a narcissistic child, the batterer bites when he's throwing a tantrum. I have seen many women come in with teeth marks all over their arms and legs."

The wife beater probably drinks, although, as Groetsch points out, "he drinks to beat, he doesn't beat because he drinks." Unemployment does not cause battering, but hard times make it worse. In Youngstown, Ohio, for example, where the unemployment rate in 1982 reached 21%, domestic violence increased a staggering 404% over 1979.

Craig Norberg, a founder of the men's self-help group RAVEN (Rape and Violence End Now) in St. Louis, says the typical spouse beater is unable to cope with the traditional notion of masculinity. "Not maleness, but the traditional male role, which requires men to be stoic. It requires men to not need intimacy, to be in control, to be the 'big wheel,' and when there is a problem to 'give'em hell.' The difficulty is that nine out of ten men fail at that list, at least in their own judgment."

Indeed, the batterer is often afflicted with mind-bending insecurity. The man's wife, says Psychologist Walker, is "the emotional glue that holds him together." As a consequence, he is desperately afraid of losing her. "All the time I knew she was going to leave me," says William, the Atlanta birthday-party batterer. "She liked to play the song Slip Away, and I knew she was going to do it." Explains Dick Bathrick, a clinical pscyhologist who with a colleague runs the only program for wife abusers in Georgia: "The husband is trying to make her be closer to him by controlling her physically—and he doesn't realize that he's driving her away."

The last time William saw his wife he beat her until he tired. "When it was over," he says, "I picked her up off the floor and kissed her and told her I was sorry. I wanted to feel the pain that she felt. So I kissed her. Her nose was running and she was crying, and I loved her very much."

Such displays of tenderness are not unusual. "He may send her roses if she has left," says Michigan Psychologist Serum, "but it's not out of love. It's out of a desire to regain control." Indeed, batterers can be very calculating, both in how they deal with

their wives and with the authorities once they are caught. They are frequently charming to a fault. Says Therapist Jeffery Perez, who runs a program for batterers in New Orleans: "These guys are real slick and real glib. They can play therapy off against the court system and not have to be responsible."

The first self-help group for abusive men was formed in Boston in 1977. There are now about 50. Very few men go to such centers on their own. Either their partner has left or is threatening to, or they are attending under court order. By and large, they do not believe they have done anything wrong, sometimes insisting that they are not batterers at all. Those who own up to being violent frequently believe their wives are at fault. Nick, 33, an unemployed New Yorker who chose a six-week counseling program over 90 days in jail, is franker than most. "Most of the time I thought I was right. It [the violence] was called for." If they stay in a treatment program, and very few do without a court order, some men reach a kind of self-awareness that results in a more pacific nature. In a spouse-abuse workshop in Rockland County, N.Y., a man named George, 50, reported at the end of six weeks, "If a husband takes control of himself, a wife cannot make him hit her." As awareness goes, this particular insight might make Freud gape, but George's wife Susan reports no violence for the past 18 months.

Historically, batterers have fallen between the cracks, being neither nuts nor criminals, at least by the standards of the day. "A man beats up his wife because he can." says University of Rhode Island Sociologist Richard Gelles, one of the pioneers in the study of family violence. Indeed, a man usually does not beat up his boss or male acquaintances. The consequences—loss of job, a charge of criminal assault, an old-fashioned black eye—are simply too great. Now the consequences are rising for violence against one's wife. Shelters for abused women have created a safety net for wives who previously would have been afraid to take their husbands to court. Newspapers, judges, hospitals, neighbors, even a growing number of once exasperated police officers, are beginning to understand the dimensions of the problem. More important, states and municipalities are putting laws on the books that give women a realistic chance of getting protection and redress through the courts. As Franci Livingston, an attorney with the Center for Women Policy Studies in Washington, points out, "Ten years ago there were no real, specific laws providing remedies for women. If a woman wanted protection using the courts, she would have to get it as part of a domestic-relations proceeding—meaning separation or divorce."

At that time, police could not make an arrest without actually witnessing violence or seeing compelling physical evidence of abuse. Nowadays such requirements are being eased. In Michigan, for example, a law allowing police to arrest batterers for misdemeanor assaults on grounds of "probable cause" was passed in 1978 and became a model for other states. In Massachusetts, women can walk into any court and receive an immediate emergency restraining order against an abusive husband.

The Los Angeles city attorney's family-violence program, which began four years ago, was one of the first to recognize that domestic violence is a crime, not a private matter, and should be prosecuted as such. The decision to prosecute is taken out of the victim's hands. Explains Deputy City Attorney Susan Kaplan: "Out of 5,000 domestic-violence cases that cross our desk each year, half of the victims want to drop the charges. Now the woman is told misdemeanor charges will be pressed anyway. Will she testify? It never even comes to that. Once the husband realizes, 'Hey, this is a crime, this is prosecutable,' he pleads guilty right there."

According to the National Center on Women and Family Law, one-third of the women who come to shelters have also been sexually assaulted by their mates. Only four years ago, such violations were so accepted that California State Senator Bob Wilson protested a California law allowing prosecution for marital rape by saying. "If you can't rape your wife, who can you rape?" Today, 17 states have abolished laws that excluded husbands from rape prosecution.

The tightening of laws against wife beating has resulted in higher conviction rates. In Duluth, for example, 82% of those arrested for spouse abuse are convicted, up from 20% in 1979. Still, only a fraction of abusive husbands are reported to the authorities, much less arrested and convicted.

For the glib, angry men who pummel their wives, a brush with the law sometimes has a sobering effect. A recent Police Foundation working paper concluded: "It is clear that the recidivism measure is lowest when police make arrests." New York's Karla Digirolomo agrees: "In general, arrests work because they give the message to the man that such behavior is inappropriate. They also give the message to the woman that somebody will help her."

The crackdown represents an important shift in how the nation views wife abuse. No longer does a woman have to go it alone in a legal system that is stacked against her; no longer does she have to deny the suggestion, either stated or implied, that she got what she deserved. Now the courts and the community are swinging to her side—and the bullying husband is beginning to pay the price.●

● Mr. LUNDINE. Mr. Chairman, I want to bring to the attention of my colleagues an important provision of the supplemental appropriations bill before the House today. H.R. 2577 contains almost $237 million in U.S. arrearage payments to the multilateral development banks. These arrearages, the result of chronic funding shortfalls in previous continuing resolutions, are necesary to bring the United States up to date with regard to its obligations to these institutions.

U.S. payments to these banks are predicated on already negotiated agreements among the member contributing countries. The list of contributing members reads like a who's who list of our allies and trading partners. The Treasury Department negotiates the U.S. contribution after consultations with the Congress and the relevant U.S. Government agencies concerned with our participation in the MDB's. When agreement on a replenishment of resources is reached the administration submits the proposed U.S. share to Congress for approval. Congress then has an opportunity to approve or disapprove the agreement submitted by the President. Once such legislation is authorized by the Congress and signed by the President the United States has committed to payment of its share of the replenishment.

Previous failure to approve authorized contributions to these institutions has consistently raised serious credibility problems for the United States—credibility problems which affect our relationship with our allies and the developing countries. Much as U.S. exporters must be perceived as reliable suppliers of the goods and services they sell in order to successfully compete on world markets, so too must the United States maintain its reputation as a responsible member of the World Bank and other regional development banks if we are to remain influential in these institutions. And I can assure my colleagues that U.S. influence and participation is critical if these institutions are to continue serving our interests.

My subcommittee will be holding an extensive series of oversight hearings in the coming months to help determine what the future role of these institutions should be in most effectively fostering economic development in Africa, Asia, and Latin America. We will not be afraid to criticize these institutions and the development policies they have pursued when such criticism is warranted. However, our exercise will be a futile one if the United States does not live up to its previous commitments to these banks and their clients, the developing countries. We simply will not have the platform from which to promote the changes which we might find desirable to support. Overall the World Bank, Inter-American Development Bank, Asian Development Bank, and African Development Bank have served U.S. economic, humanitarian, and strategic interests well in the past. Improvements can be made to ensure that they continue to do so in the future.

I want to take this opportunity to commend the work of the chairman of the Foreign Operations Subcommittee, Mr. OBEY, for successfully forging bipartisan support for this funding request in the Congress. I am confident that our efforts, along with a strong level of commitment from the President and his administration, will enable the United States to maintain a constructive role in helping the MDB's fulfill their responsibility as engines for economic progress in the developing world. I, therefore, urge the House to approve these needed funds.●

● Ms. MIKULSKI. Mr. Chairman, I rise in support of H.R. 2577, the supplemental appropriations bill for fiscal 1985.

This measure would fund a host of key programs for the remainder of the fiscal year. In several instances, the bill limits the activities of Federal agencies until Congress has a chance

to set the terms under which these activities should be carried.

As a member of the Merchant Marine and Fisheries Committee, and one who represents the great Port of Baltimore, I am particularly interested in two provisions of this bill which relate to the Nation's maritime industry.

CDS PAYBACK

The first of these is in chapter 2 which prohibits the Department of Transportation from enforcing a controversial rule dealing with CDS payback.

This rule would permit vessel owners to repay their construction differential subsidies in return for the right to enter the domestic trade until Congress specifies the standards to govern any repayment program.

This rule would fundamentally alter a principle of the Merchant Marine Act of 1970 which permitted bulk carriers to receive a Federal subsidy in order to build vessels in American shipyards.

In exchange for accepting construction subsidies, these vessel owners were prohibited from operating in the domestic trade.

While these operators were building ships with subsidy for use in the foreign trade, our Nation's domestic operators were investing heavily in building new ships and retrofitting older ones for our domestic trade, particularly the Alaskan oil market.

The new rule fundamentally changes the rules in the middle of the game, despite the fact that domestic operators built their ships without subsidy and had considerably larger amounts of investment capital at risk than did those who built vessels with subsidy.

At a House hearing last month, shipbuilders, maritime unions, and domestic ship owners spoke about the dire economic and national security consequences which would occur if this rule takes effect.

The provision in H.R. 2577, which was approved by the Appropriations Committee by a more than 2-to-1 margin, simply bars the enforcement of the rule until Congress specifies the standards which should govern the repayment program.

Like similar restrictions on earlier appropriations bills, the amendment in the supplemental simply preserves the status quo so that Congress can address the economic and security issues raised by CDS repayment.

However, nothing in this legislation precludes ongoing judicial review of the legality of the rule or the rulemaking process that was followed.

The legislation stops the rule from going into effect pending further action by the Congress.

We are trying to provide the respective congressional authorizing committees with time to reach a settlement on this issue after almost 2½ years of discussion and debate.

I look forward to working with the leadership of my own committee, particularly our chairman and vice chairman, Representatives JONES and BIAGGI, on a permanent formula for CDS repayment.

BALTIMORE HARBOR DREDGING

The second provision in this bill I want to voice by support for is chapter 4, the section which provides startup funds for numerous port development projects, including the Baltimore Harbor dredging project.

Dredging Baltimore to a depth of 50 feet has been authorized since 1970, and it is crucial that we proceed with this project as expeditiously as possible.

The Port of Baltimore is the single biggest economic resource in the State of Maryland.

Maritime activity connected with the port employs nearly 80,000 people directly and is worth over $1.2 billion annually in revenues for organizations and individuals.

The Baltimore Harbor project is the oldest authorized port development project in the Nation which has never received a Federal appropriation.

The fact that we have not begun to deepen the harbor channel has had a significant, harmful effect on the port. Increasingly large container vessels need deeper channels to export dry bulk commodities, particularly coal.

Despite Baltimore's premier status on the east coast as a port loading center, the absence of a 50-foot channel has reduced its competitive position. In the process, our potential for new jobs and new port-related industries has been slowed.

It is critical that we get on with the business of developing our Nation's port and waterway infrastructure. That is why I support chapter 4 of this supplemental.

I commend the members of the Appropriations Committee for these projects, including full committee Chairman WHITTEN, subcommittee chairmen, NEAL SMITH and TOM BEVILL, and my own colleague from Maryland on the committee, STENY HOYER.

I thank them for their work and urge my colleagues to support prompt passage of this supplemental appropriations bill. Thank you.●

● Mr. SHUMWAY. Mr. Chairman, I rise in opposition to this year's supplemental appropriations bill, H.R. 2577. During the time I have served in this body I have witnessed what has come to be an annual sham and a flagrant disregard for budgetary procedures. The legitimate and useful purpose of supplemental appropriations, to add urgent and necessary funds to regular annual appropriations, has been seriously distorted and abused over the years. I, like many of my fellow Members, find myself forced into an unfortunate catch-22 situation. As a concerned legislator, I would like to support legislation to fund unforeseen yet necessary expenditures, in order to avoid the crisis of funding cutoffs and to help maintain the proper functions of Government. Yet, at the same time, I am most opposed to many of the appropriations in this bill which would fund discretionary pet projects and which have not been authorized, nor requested by the President. Time and time again, Congress has given only lip service to the Congressional Budget Act of 1974, by failing to meet deadlines, and by waiving its own rules governing the authorization and appropriations process which requires that an authorization precede an appropriation.

This legislation is a textbook example of a situation that cries out for the use of a Presidential line item veto. The bill contains millions of dollars worth of unauthorized appropriations. And once again there are a number of pork barrel appropriations riding piggyback on the legitimate budgetary requests. Our Government is one of checks and balances. The line item veto would provide a further check by the executive branch to curtail the unrestrained spending of Congress. A line-item veto would give to the President the authority originally envisioned by the authors of the Constitution, a power that has been eroded by Congress to the point where it has little persuasive influence on Congress' appetite to spend. Let us not continue to send to the President bills such as the one we are debating today, which contain much of what is good and some of what is wasteful, and then tie the President's hands, forcing him to accept all or nothing. Let us provide a means of escape from the catch-22 trap by means of which we are held hostage by the tyranny of special interests, pet projects, and uncaring big spenders. It is long past time that we follow the lead of 43 State legislatures and establish a line-item veto.

This bill before us today contains 64 new water resource development projects, only half of which have been authorized. Many of these are designed to serve primarily local interests and, therefore, must be categorized as pork barrel water projects. The Office of Management and Budget has projected that the total cost of the additional water projects from start to finish will be about $4.8 billion. During last Congress, similar pork barrel water projects were removed from the continuing resolution in conference because of a veto threat by the President. Yet, the procedure was not changed and the same process is being repeated. Pork barrel propo-

nents have returned to the trough to lap up some more Government largess.

I am not against the Federal support of water projects; to the contrary, I have voted for many such projects and indeed am seeking reauthorization of one in my own district—the Auburn Folsom South project. But I am not seeking an appropriation without proper authorization or local cost-sharing provisions which help to relieve the Federal Government from bearing the entire burden.

Overall, I support many provisions of this bill as they represent legitimate needs necessitating Federal funding. But at a time when deficits are projected to exceed $200 billion and Congress is struggling toward deficit reduction, I believe all Federal spending must come under close scrutiny. The old routine of adding big spending projects into appropriations bills must be put to an end. We must not allow the lure of funneling money into our home districts or appeasing special interests to deter us from our goal of reducing Federal spending and balancing the budget.●

● Mr. BATES. Mr. Chairman, included in chapter VI of this bill is a provision dealing with the Tijuana sewage problem that has affected the San Diego community.

Last year, Congress appropriated $5 million for design and construction of a treatment facility to address the problem of sewage from Tijuana polluting the Tijuana River basin and San Diego beaches. For various reasons that money was never obligated. Since that time, the Government of Mexico has expressed its willingness and commitment to construct and maintain a treatment facility in Mexico to ensure the proper treatment and control of wastewater from Tijuana.

Congressman DUNCAN HUNTER and I have developed a proposal—which has been approved by the city and county of San Diego and the State of California—to construct a collector system and pipeline that would divert renegade sewage to the proposed Mexican treatment plant. This supplemental conveyance system will ensure the protection of the San Diego area.

Because the current statutory language is too restrictive, chapter VI of this bill contains a technical amendment that will allow the Environmental Protection Agency to release the previously appropriated funds for the planning and design of this proposal.

I am grateful of the assistance and attention of the Appropriations Subcommittee on HUD and Independent Agencies, and particularly the efforts of Chairman ED BOLAND.

Soon this international problem, which has plagued the San Diego area for decades, will be resolved.●

● Mr. GREEN. Mr. Chairman, I should like to commend the committee and subcommittee chairmen, Mr. WHITTEN and Mr. NATCHER and the ranking minority member, Mr. CONTE, for including in the fiscal year 1985 supplemental appropriations bill an extremely important provision: funding for the program to aid family violence victims.

The tragedy of family violence cannot be overstated. This problem claims 2,000 to 4,000 women's lives each year. Approximately 1.8 million women annually are the victims of spouse abuse. Assistance for these women is far from adequate, a fact illustrated clearly by statistics from many shelters which report that they must turn away seven women for every one woman that they can serve. Last year we enacted the Child Abuse Amendments of 1984, and included a provision for a family violence program which permits funds to be given to nonprofit organizations that operate shelters for battered women and their children. However, funds have not been appropriated thus far. The $6 million included in this bill for the program is critically needed and represents a sincere beginning in our efforts to alleviate this problem.●

The CHAIRMAN. If there are no additional requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

For an additional amount for necessary expenses of "Cooperative State Research Service", $300,000.

For an additional amount for a grant under the Act of August 4, 1965, as amended (7 U.S.C. 450i) to the New Mexico State University to help relocate the Fort Stanton Experimental Station to another site, thereby making available land needed for a new Ruidoso airport; $1,200,000 to remain available until expended, to be available only upon the legislative transfer of the land from the Bureau of Land Management to the Sierra Blanca Airport Commission or the Village of Ruidoso and upon the enactment of an amendment to the law establishing the airport improvement fund which will permit Airport Trust Funds to help reimburse New Mexico for its investment.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for the Federal share of the cooperative boll weevil eradication program, not to exceed $650,000; and for an additional amount to restore funds borrowed from other programs in order to conduct a grasshopper control program, $10,000,000.

ECONOMIC RESEARCH SERVICE

For an additional amount for the Economic Research Service to determine the losses suffered by United States farm producers of agricultural products during the last decade as a result of embargoes on the sale of United States agricultural products and the failure to offer for sale in world markets commodities surplus to domestic needs at competitive prices for use in determining what part of existing indebtedness of farmers should be suspended as a result of such foreign policy, $500,000.

STATISTICAL REPORTING SERVICE

For an additional amount for "Statistical Reporting Service", $1,560,000, for the Quarterly Farm Labor Survey.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Effective May 1, 1985, none of the funds in this or any other Act shall be available to close or relocate any State or county office of the Agricultural Stabilization and Conservation Service.

FEDERAL CROP INSURANCE CORPORATION

SUBSCRIPTION TO CAPITAL STOCK

To enable the Secretary of the Treasury to subscribe and pay for capital stock of the Federal Crop Insurance Corporation, as provided in section 504(a) of the Federal Crop Insurance Act of 1980 (7 U.S.C. 1504), $50,000,000.

FEDERAL CROP INSURANCE CORPORATION FUND

For emergency borrowing authority as authorized by section 516(d) of the Federal Crop Insurance Act, as amended (Public Law 96-365), $113,000,000 shall be available to the Federal Crop Insurance Corporation.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

For an additional amount to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $3,935,790,000.

OFFICE OF RURAL DEVELOPMENT POLICLY

Of the funds made available by Public Law 98-473 for the Office of Rural Development Policy, $209,000 shall remain available until September 30, 1986.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $17,000,000, to provide for the review of farm loans held by the Farmers Home Administration to determine, on a case-by-case basis, which borrowers are unable to continue making payments of principal and interest due to circumstances beyond their control and, thereby, qualify for temporary deferral of principal and interest and the foregoing of foreclosure as authorized by law. Upon presentation of substantial evidence to the Secretary that a borrower qualifies, payment of principal and interest shall be suspended and the Secretary shall forego foreclosure of loans owed to the Federal Government, as authorized by law. Other creditors shall be requested to postpone payments due.

LOAN PROGRAMS

Effective November 12, 1983, and thereafter, the interest rate charged by the Farmers Home Administration to housing, farm, water and waste disposal, and community facility borrowers shall be the lower of the rates in effect at either the time of loan approval or loan closing and any Farmers Home Administration grant funds associated with such loans shall be set in amount

based on the interest rate in effect at the time of loan approval.

FOOD AND NUTRITION SERVICE

FEEDING PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

The appropriation for the feeding program for women, infants and children (WIC) contained in the conference agreement on H.R. 5743 (House Report 98-1071), as enacted into law by reference in Public Law 98-473, is hereby amended by striking out ", which shall be available only to the extent an official budget request is transmitted to the Congress".

FOOD STAMP PROGRAM

For an additional amount for "Food stamp program", $318,856,000.

□ 1320

Mr. CONTE. Mr. Chairman, I move to strike the last word.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, chapter I contains our committee's recommendations for $4.49 billion in general program supplementals for the Department of Agriculture. The majority of this amount, $3.936 billion is to reimburse the Commodity Credit Corporation for net realized losses. Although the President has not submitted a request for such appropriations, the fiscal year 1986 budget request denotes the requirements for this additional budget authority within its proposal for the conversion of the restoration of CCC losses to a permanent, definite appropriation. In light of the committee's rejection of this proposal, the administration has not objected to this provision.

The committee has recommended five fiscal year 1985 program supplementals as requested by the administration. These include $1.56 million for the Statistical Reporting Service to convert the annual Farm Labor Survey to a quarterly basis; $50 million to subscribe and pay for Federal Crop Insurance Corporation capital stock; an additional $113 million in emergency borrowing authority for the FCIC; $318.9 million for the Food Stamp Program; and $17 million for salaries and expenses at the Farmers Home Administration.

In addition to those items requested by the administration, the committee has also recommended $300,000 to the Cooperative State Research Service for shrimp aquaculture research; an amount not to exceed $650,000 for the cooperative Boll Weevil Eradication Program at the Animal and Plant Health Inspection Service; $10 million to APHIS to restore the funds borrowed from other programs to conduct a grasshopper control program; $500,000 to the Economic Research Service to conduct several studies; and a $209,000 reappropriation to the Office of Rural Development Policy.

Among the remaining provisions in chapter I include a prohibition on the use of funds in this or any other act for the closure or relocation of any State or county office of the Agricultural Stabilization and Conservation Service as of May 1, 1985. We have also included $1.2 million for New Mexico State University to assist in the relocation of the Fort Stanton Experimental Station to another site, making land available for a new Riudoso airport. The availability of these funds is made contingent on the enactment of legislation providing for the land transfer and the establishment of an airport improvement fund.

We have also included several provisions for the Farmers Home Administration to which the administration has expressed opposition. These include the provision on the suspension of payment on principal and interest of loans upon presentation of substantial evidence to the Secretary that a borrower qualifies, and the requirement that FmHA charge the lower of the interest rates in effect at the time of loan closing or loan approval on water and waste loans.

Finally, the committee has included language repealing a requirement contained within the fiscal year 1985 continuing resolution and making available $76 million in appropriated funds for the Special Supplemental Food Program for Women, Infants and Children [WIC]. It is my understanding that the President will today submit a budget request to the Congress effectively providing for the release of these funds. I am hopeful that this request will soon be forthcoming, and that the Food and Nutrition Service will make these funds available to participating States by July 1, in accordance with the directive contained within our report to accompany this bill.

With regard to increases for pay costs, the committee has recommended a total of $46.5 million, including $673,000 by transfer and $903,000 by increases in limitations. These recommendations are included in title II of this bill.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 6, after line 3, insert the following:

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses for States and local agencies to carry out the distribution of surplus commodities under the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note), $4,270,000.

Mr. LELAND. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am glad to yield to the gentleman from Texas.

Mr. LELAND. Mr. Chairman, I would like to commend the gentleman for putting forward this proposition.

I rise in support of the amendment offered by my colleague, Mr. DORGAN, to provide supplemental funding for the Temporary Emergency Food Assistance Program of $4.3 million.

Twenty-nine States will be unable to continue providing commodities now in Federal storage to the poor without these funds for transportation and storage. The State aid enables private and local government agencies to bring the food to the 15 percent of our country's population now living below the threshold of poverty.

There is no question that the food is needed. An April report by the U.S. Conference of Mayors stated that in 21 cities surveyed during the first 3 months of this year, 24 percent—nearly one-fourth—of the emergency demand for food went unmet. How can we possibly keep food in storage—at a cost to the taxpayers—when there is documentation that needs are unmet?

In my own city, Houston, TX, emergency food assistance requests continue to increase. The Houston food bank distributed more than half a million pounds of food in 1982; by the end of 1984 that distribution had risen by over 600 percent. Houston metropolitan ministries tell me that their weekday meal service provides the only meal for 76 percent of the homebound elderly they serve.

In Texas the TEFAP Program brings monthly allotments of food to 436,100 households in 250 counties. To date in fiscal year 1985 almost 5 million pounds of commodites—rice, cheese, butter, and dry milk—have been distributed.

According to a study prepared by the Food Research and Action Council, Texas is one of the States experiencing a shortfall in TEFAP funds. The Texas Antihunger Coalition, the capital area food bank of Texas and the State Department of Human Resources report that the amount needed is $650,000. This is less than some States require and more than others but certainly not too much to move food from unproductive storage to people who are hungry.

Some States are attempting to make up the shortfall. In Texas, Al Price, a State representative from Beaumont, has introduced legislation to use carryover funds to supplement TEFAP. However, there is no certainty that such funding transfers will be sufficient.

Earlier this year I introduced the comprehensive Nutrition Assistance Act which called for more adequate funding for TEFAP for fiscal year 1986. Mr. DORGAN, who is also a member of the House Select Committee on Hunger, was a cosponsor of that legislation. The amendment now

before us is crucial to sustaining the flow of commodities needed by hungry people during the final quarter of this year.

The system set up by States and local governments in cooperation with churches and other private groups to deliver commodities has worked well with limited financial support from the Federal Government. Each dollar appropriated is matched by countless volunteer hours. To bring this process to a halt is certainly not in the public interest.

During the past few weeks we have seen new reports reminding us that more than half the children in this country grow up poor. This situation is shameful. To deny growing children proper nutrition today is to deny them their future. The proposed amendment will help thousands of families with small children, as well as the elderly and other needy individuals, meet nutritional needs during the next 3 months. This is the least we can do.

Mr. DORGAN of North Dakota. Mr. Chairman, there are some things we do in our Government that we must do. One is, in a country as wealthy as this, we must feed those who are hungry.

In 1983 President Reagan offered an initiative that I thought was an awfully good one. He initiated a program that would allow the surplus commodities that are stored in caves in Missouri and other places around the country—milk, nonfat dry milk, cheese, cornmeal, honey, and so on—to be moved out of storage, for which we are paying a substantial amount of money, into soup kitchens, food banks, and other areas of the country serving the hungry and the needy in America.

I supported President Reagan when he did that. I commended him for it. I think it is an awfully good program. It is better that we discontinue paying storage on those surplus commodities and use the money instead to move those commodities to the people who are trying to feed the hungry in America.

We have run into a problem, however, on the cost of distribution. Fifty million dollars was made available as part of the cost of moving these commodities to the volunteer organizations in the country who are going to distribute the food to the hungry people.

In the fourth quarter of this fiscal year, there is a need for $4.27 million to continue the ability of about 29 States who either have now run out of money or will run out of money to distribute these commodities.

Mr. Chairman, some things can wait, but some things cannot. This is a case where people simply will not eat these commodities that instead will be stored in surplus if we do not provide this money. We are not talking about a great deal of money, but it does make a big difference.

The question of whether we provide that money now really will determine whether or not those commodities move from storage to the soup kitchens of America to help feed hungry people.

I have not offered amendments to supplementals in the past and I am reluctant to do so today, but this is one of those things that cannot wait. The news reports in this country show that the number of hungry in this country is increasing. One-fourth of the children in America under the age of 6 are living in poverty. That is a staggering figure.

We do have surplus food. We do have the capacity, with the leadership of President Reagan under a program created by him, and adopted by Congress, to move this food to people who will distribute it to the hungry of America. That makes good sense. It makes good sense for everybody: For the farmers; for the taxpayers who have to pay for the storage; but especially, it makes good sense in terms of our responsibility to the hungry people of America.

I would urge, Mr. Chairman, that we accept this amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I would be happy to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman for his amendment.

Earlier this year I had a hearing in my own district on the problem of the homeless. We had chance to go out and visit the food banks and many of the feeding kitchens in those areas. There is a desperate need for this amendment and I compliment the gentleman from North Dakota for offering it.

I think it is something that is vitally important. At a time when this country, in a very generous way, is dealing with problems throughout the world, I do not think we should forget the people right here at home who are needy and need this assistance.

I urge the House to accept this amendment.

Mr. DORGAN of North Dakota. I thank the gentleman from Washington.

It would be my intention that the USDA would use this money to target the areas that need this money, to move these commodities to the hungry people in this country.

Mr. WHITTEN. Mr. Chairman, we have no objection to the amendment on this side.

Mr. CONTE. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I have no specific objection to the amendment offered by the gentleman from North Dakota at this time. This is in part due to the fact that very little, if any, information on the amendment has been available to this committee, at least on this side of the aisle. Our committee in the last Congress made $50 million available to the Temporary Emergency Food Assistance Program for this fiscal year. We support this program and the commodities which are made available to the needy men and women and children of this country; however, I am not convinced of the need for $4.27 million in supplemental assistance at this time.

I will accept the good intentions of the gentleman, as expressed in the amendment; however, in the period of time that precedes our conference with the other body on this supplemental bill, I plan to take a very close look at the justification for this additional amount and request a full report from the Department of Agriculture on the administration of this program to date.

I would like to have the attention of the gentleman from North Dakota for a few questions.

First of all, how many State and local agencies require supplemental funding for TEFAP in 1985?

Mr. DORGAN of North Dakota. There are now 29 States that either have now or will be facing a shortage of money prior to the end of the fiscal year. A number of those States have gone back and tried to get additional moneys from their State or local jurisdictions. In many cases that is impossible to do. State legislatures in some cases are not in session. Other bodies have adjourned that would have been able to provide additional money.

Unfortunately, I say to the gentleman from Massachusetts [Mr. CONTE], a number of us do not have very much information about this because the information on this problem has been developed rather recently; but the difficulty we have is that if we do not provide some additional help the distribution of the commodities will be cut off. That is why I consider this a rather urgent request.

Mr. CONTE. Well, further, what accounts for this need? As I understand it, the full amount authorized and appropriated was made available in December. Why is it that the States and local agencies now have overspent funds, when they received money only 6 months ago?

Mr. DORGAN of North Dakota. It is not necessarily a case of local governments overspending. In most instances it is a case of the States that have a larger geography to serve discovering that transportation costs are much greater than that which was made available to them.

Let me say that I fully support the gentleman's notion that in the coming

weeks, working up to a conference committee, we need to get as much information as we can from the USDA to make certain that we are only spending money that is necessary. I think the gentleman and I share the same goal. We want these commodities to move from storage to hungry people. We want to get that job done, but we do not want to spend any more money than is necessary.

Mr. CONTE. The other thing I want to say is that I heard the gentleman from Washington [Mr. DICKS] say that he has examined the program. So have I. But I have also examined some program participants in my hometown of Pittsfield. I know people who are retired, husbands and wives from the General Electric Co., who are going down to Las Vegas resorts and are out there collecting cheese. Now that is wrong. We have got to tighten up on this program.

I want to help the hungry. I want to help the needy; but you know what happens. Some say, "Well, Joe Blow next door gets it, so why shouldn't I get it?" That is a scandal and an outrage.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield further to me?

Mr. CONTE. Yes, go ahead.

Mr. DORGAN of North Dakota. I agree with that. But, we do not want the exception, in my judgment, to injure the rule. If there is an exception, if there is abuse, I want to work with the gentleman to get rid of that abuse; but the rule is that the number of hungry in this country are increasing. We have got enormous amounts of surplus commodities. I support the President's attempt to move them out to the people that need to eat them.

Mr. DICKS. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. CONTE. Surely, gladly.

Mr. DICKS. Mr. Chairman, I want to say that I agree with the gentleman, too. I think it is absolutely essential that these resources go to the people in the communities who are truly needy and I certainly support the gentleman.

I might add, I do not think people should be gambling with their cheese money, either.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask a couple of questions about a section of the bill that we just passed with regard to the Food Stamp Program.

The supplemental appropriation allocates $318,856,000 for the Food Stamp Program. I would ask the distinguished Chairman, the gentleman from Mississippi, is this money for the Food Stamp Program within the budget allocation from last year?

Mr. WHITTEN. Mr. Chairman, may I say to the gentleman, it is and the money, as the gentleman knows, is required under the basic law. This is the exact request that we were given by the President as to what the requirements would be for the remainder of the year.

Mr. WALKER. That was my second question. In other words, this is going to be sufficient money now to carry us through the end of the year; is that correct?

Mr. WHITTEN. That is my understanding.

Mr. WALKER. Well, I go back, the reason I am asking the questions is that it seems to me that when we passed the appropriations bill last year, we only partially funded the Food Stamp Program. The original budget request from the Reagan administration was for $11.596 billion and the appropriation level was $11.5 billion.

□ 1330

I do not have the exact figure that was in the budget, but the gentleman is assuring me that the $318 million that we are appropriating here is within the budget from last year and will not exceed last year's budget request for food stamps, and will get us through the rest of the year; is that correct?

Mr. WHITTEN. Of course I am a little skeptical about giving the gentleman a guarantee. This is handled by the executive branch of the Government and it is a big program, as the gentleman knows. Our committee has tried regularly to try to control the handling of the Food Stamp Program. It is a program where it is hard to control because many prosecutors do not care to deal with the slight violations of the law that occur. Also, the certification is by the State welfare agents and the handling of it at the local level is by the State welfare agencies.

I can tell the gentleman this: It is our best judgment as to what they need, it is the full amount of the President's budget request, and the money is required by law.

Mr. WALKER. I thank the gentleman for that explanation.

What about the fact, then, that last year we funded the program for only part of the year at the full appropriation level? I mean where are the extra funds coming from if this is within the budget?

Mr. WHITTEN. As the gentleman will see in our report on page 21, we point out:

Public Law 98-473, enacted October 12, 1984, provided that, effective November 1, 1984, food stamp allotments would be increased to reflect 100 percent of the cost of the Thrifty Food Plan. Until passage of this law, food stamp allotments for fiscal year 1985 were scheduled to be based on 99 percent of the value of the Thrifty Food Plan.

So we are only following the law.

Mr. WALKER. I thank the gentleman, but that still does not get to the point I am raising. I realize that we have laws that may cause the amount for the Food Stamp Program to increase the cost, and that is what we are responding to here. I am trying to find out whether or not we are staying within the budget. I am concerned about the fact that last year when we appropriated money, when the appropriations bill was on the floor we only partially funded the Food Stamp Program. We only funded the Food Stamp Program for a period of some months, and it was not for the full year. It seems to me that it was for a 9-month period, but it may have been for 10½- or an 11-month period. I have forgotten exactly.

I am trying to find out right now whether or not we are now going over the budget in order to make up for the fact that we only partially funded the Food Stamp Program.

Mr. WHITTEN. The gentleman is familiar with what the budget is that is sent to Congress by the President, actually worked up by Mr. Stockman in the Office of Management and Budget. They have a regular system of submitting a budget request for far less than the law requires. In those instances we have appropriated the money as provided by law for such time as it would last. They want to write us a letter and ask us to appropriate the full amount and not send down an official budget estimate so we are the ones who appear to exceed the budget. So there have been a number of times we have appropriated the requested amount for less than 1 year because they refused to send a budget request that is sufficient to carry out the law for the full year. So that is a constant problem that we have with the Office of Management and Budget.

Mr. WALKER. My point is, though, that you give the administration kind of a Hobson's choice and you do it I think very consciously then when in fact what you do is only fund the program for part of the year. You use up all of the money in the budget and then say to the administration: "But if you send us a letter, send us a letter asking for money for the rest of the year, then it is you that are at fault for exceeding the budget and not us."

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent Mr. WALKER was allowed to proceed for 1 additional minute.

Mr. WHITTEN. From our viewpoint, they are asking us to either exeed the budget or to violate the law. So we appropriate the money for the period

that it will last as required by law, which I think is the only way to get the Office of Management and Budget to send a proper budget estimate down.

For this estimate I do not think that applies, because for fiscal year 1985 we appropriated the full amount required under the law. The law was changed after we passed our bill and the President submitted a supplemental request to carry out the new law.

Mr. WALKER. So what I hear is that we should not, under the best judgment of the committee, have another supplemental appropriation back sometime this summer for additional moneys for the Food Stamp Program?

Mr. WHITTEN. I do not know how to satisfy the gentleman, not only about this but about any other thing. I will just tell him what the committee has done. We have refused to change the law by appropriating less money than required by law for the full year. We have appropriated the full amount required to carry out the law. We have followed the figures requested by the President, but, again, it is an estimate.

Mr. WALKER. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER II

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", $992,000, to remain available until expended.

Of available funds under this head, $449,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $241,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $433,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $120,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INTERNATIONAL TRADE ADMINISTRATION

PARTICIPATION IN UNITED STATES EXPOSITIONS

(RESCISSION)

Of available funds under this head, $6,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of available funds under this head, $305,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $468,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FISHERMEN'S CONTINGENCY FUND

For an additional amount for "Fishermen's Contingency Fund", $500,000, for carrying out the provisions of Title IV of Public Law 95-372, as amended, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES LOAN FUND

(RESCISSION)

Of available funds under this head, $1,550,000 are rescinded.

FEDERAL SHIP FINANCING FUND, FISHING VESSELS

For necessary expenses of the "Federal Ship Financing Fund, Fishing vessels", $20,700,000, to remain available until expended together with such sums as may be necessary for the payment of interest, for payment to the Secretary of the Treasury for debt reduction.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $1,472,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $183,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

(RESCISSION)

Of the funds made available under this head, $32,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D85-54 relating to the Department of Transportation, Maritime Administration, "Operations and Training" as set forth in the message of February 6, 1985, which was transmitted to the Congress by the President.

AMENDMENT OFFERED BY MR. DAUB

Mr. DAUB. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAUB: On page 9 strike out lines 24 through 26 and on page 10 strike out lines 1 through 6.

Mr. DAUB. Mr. Chairman, the amendment I am offering this afternoon would delete language in this bill, which amazingly prevents the repayment of at least $200 million in taxpayers' money back to us and to the Federal Treasury.

The taxpayers subsidized U.S. shippers competing in foreign commerce to the tune of hundreds of millions of dollars over the last decade or so. These shippers now want to repay these subsidies to us with interest. This would result in $200 million to $400 million of repayments to the Tresaury.

In return for these repayments these shipowners want to be allowed to compete in transporting Alaskan oil to the lower 48 States, which current law prevents them from doing. Competing in this market could save $800 million to $3 billion over the next 3 years in reduced oil costs.

The House first concurrent budget or Gray resolution assumes that at least $200 million of these subsidies will be paid back in the next year. So did the 92 Group budget substititue and the Latta budget substitute. The Senate budget resolution also assumes this repayment.

It seems that all major budget instruments in the House or the other body assume that the American taxpayer is going to get at least $200 million of prior subsidies repaid to them.

□ 1340

All budget instruments, that is, except for the one before us today. This supplemental appropriations bill has a rider in it which I propose to strike to prevent these substantial repayments as well as the lower Alaskan oil costs which would result from permitting domestic oil shipping competition.

My amendment would knock out this costly rider, a rider which is designed to prevent the regulations published which would be effective tomorrow from going into effect that would have allowed by regulation this repayment to occur.

But I have received assurances from my colleagues, Mr. WALTER JONES, the distinguished chairman of the House Committee on Merchant Marine and Fisheries, and Mr. NORMAN LENT, the distinguished ranking member of that committee, that they will work for legislation in the committee permitting substantial repayment and increased shipper competition in Alaskan oil.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 1985.

TAKE MY SUBSIDY—PLEASE

This headline from a New York Times editorial describes the saga of shipowners caught in the unfortunate position of attempting to give back taxpayer money! I call the position unfortunate because giving back American money even at a time of

staggering deficits appears to be a formidable task. They haven't been allowed to do it.

Here's their problem. In the 1970's the taxpayer paid hundreds of millions of dollars to construct oil tankers to be used in foreign trade. The taxpayer provided and will continue to provide operating subsidies for these ships. Many of these shipowners now want to repay the subsidies to the Treasury with interest and forego future operating subsidies! This could result in payments to the Treasury of $200 to $400 million!

In exchange for the privilege of returning money to the taxpayer, these shippers want to participate in transporting domestic oil from Alaska to the lower 48 states. Their participation in this trade will result in reduction in shipping cost of Alaskan oil from $800 million to $3 billion according to the Department of Transportation. This means big saving for consumers over the next few years.

The Department of Transportation has tried to allow repayment of the subsidies and permit competition in Alaskan oil trade. Congress has blocked such anti-deficit heresy. In fact, the supplemental appropriation bill on the floor this week again blocks this repayment.

This is despite the fact that the First Concurrent Resolution, the House 92 Group Substitute, the Latta Substitute and the Senate Concurrent Budget Resolution all assume that at least $200 million of the subsidies will be repaid by shippers.

For the sake of taxpayers and consumers as well as the novel notion that repaying the taxpayer ought to rise to the status of an unalienable right, I intend to offer an amendment to the Supplemental Appropriations deleting that portion of the Act which prevents this subsidy payback.

I hope you will join me in supporting this amendment.

Sincerely,

HAL DAUB,
Member of Congress.

[From the New York Times, April 15, 1985]

TAKE MY SUBSIDY—PLEASE

The owners of big American-built oil tankers want to give back some $400 million in Government subsidies. But they're having a hard time persuading Washington to accept the cash. The chronicle of their difficulties is a dreary study of government at its worst.

It costs far less to build a ship in a foreign shipyard than in America. Yet some Americans are afraid that foreign competition will destroy the commercial shipbuilding industry. They have gone far with the dubious theory that the industry is essential to national defense.

That is how Congress came to spend hundreds of millions in the 1970's to subsidize fully half the cost of building 29 oil tankers for the international trade. But even with these subsidies, the tankers have been unable to turn a profit.

The only American tankers making money today are the ones carrying oil from Alaska to American refineries. They are highly inefficient but manage a profit because they have a captive market. Oil companies are barred by law from selling Alaskan crude abroad and must use American-built ships to carry it to American refineries.

Not surprisingly, therefore, the owners of the subsidized international fleet would like to get into this lucrative Alaska market. But when Congress decided to subsidize their ships, it insisted that they would have to stay out of domestic competition. So the internationals are begging to give back the subsidies.

The Transportation Department tentatively agreed two years ago to take the deal, with interest, and let the big tankers into the Alaska trade. But the owners of the rust buckets now serving Alaska protested bitterly. If they were driven out of business, they argued, the Navy would no longer have their ships to use in wartime.

The Transportation Department properly dismissed that claim. If barely seaworthy tankers are needed to fight the next war, it concluded, let the Pentagon buy them for scrap value and keep them in mothballs. The real question was whether the Alaska shippers deserved precedence over the taxpayers who subsidized the internationals. And the answer to that, it concluded, was easy.

But the story did not end there. The Alaska fleet steamed up to the Capitol Hill and got Congress to prohibit the deal. And it wants the prohibition renewed when it expires on May 15. Given the budget deficit, Congress, too, is likely to yield to common sense. But that still leaves the White House, where highly placed friends of the Alaska tankers are trying to persuade the National Security Council to reweave the threadbare argument about national defense. Is the Administration serious about reducing waste and making the economy more competitive? Watch what it does.

I have also spoken with both Mr. BIAGGI, the chairman of the Subcommittee on Merchant Marine, and Mr. GENE SNYDER, the able ranking member of that subcommittee, who pledged their best efforts on this matter of such importance to the taxpayers and consumers.

I understand a member of one of those committees is present and desires to have a colloquy.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I would be happy to yield to the distinguished chairman of the subcommittee.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, pursuant to our discussion prior to this moment, I want to assure the gentleman [Mr. DAUB] that the Merchant Marine Subcommittee, which I chair, has had hearings on the issue and is prepared to have markup the week after next, and I cannot be more vigorous in my commitment to the gentleman [Mr. DAUB] so that he can be assured that this committee is determined to go ahead and have legislation. What we are trying to do is work out a compromise, a compromise which is conceivable. Both ends of the spectrum are moving in light of the reality of the day, irrespective of the philosophical differences. We are trying to work it through the legislation so that we can accommodate all segments of the industry without destroying the industry and also accommodate the gentleman's prime concern with relation to some moneys coming back into the revenue.

Mr. DAUB. Mr. Chairman, I say to the gentleman I appreciate his commitment in that regard. I am not a member of the subcommittee or the full committee of which the gentleman is a member. I profess not to be an expert on the matter, but I am interested in the budget savings that have been generally agreed upon by the Congress up to this point and I am interested as well in the procompetition aspect of that.

I think there is a great consumer benefit but I do not want to interfere with what seems to be a fairly rapid track. This supplemental was probably not anticipated, and the committee has already committed itself to a markup to forge those savings and that improvement in the competitive price of oil from Alaska.

Mr. Chairman, I commend the gentleman for his interest in that regard and thank him for his contribution to my thinking in the matter.

Mr. BIAGGI. I thank the gentleman for his comments.

Mr. DAUB. If I might proceed, I do want the RECORD to reflect a "Dear Colleague" which was entitled "Take My Subsidy, Please" which is the caption as well of an article I would like to include in the RECORD, with the Chairman's permission, by the New York Times, so entitled, which discusses this differential subsidy and what now appears to be a substantial agreement on both sides of the aisle and in both bodies.

With that, Mr. Chairman, if there are no objections, I would ask permission that my amendment be withdrawn and would so move.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. CONTE. Mr. Chairman, reserving the right to object, all I can say is I am very disappointed in the gentleman from Nebraska withdrawing his amendment.

Mr. DAUB. I thank the gentleman.

Mr. CONTE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

● Ms. MIKULSKI. Mr. Chairman, I rise in very strong opposition to the amendment to strike the provision which deals with CDS payback from the supplemental.

As my colleague from Nebraska has indicated in offering this amendment, the Department of Transportation has issued a final rule to provide a formula for CDS repayment.

I oppose that rule for three simple and straightforward reasons:

First, because it will cause a substantial loss of jobs in the domestic seafaring and shipbuilding industries.

A recently released study by Deloitte, Haskins and Selles puts the total at somewhere around 8,000, and some have said that is just the tip of the iceberg.

Second, it will hurt our national security.

This rule will put most of our Nation's smaller tankers out of business permanently. Yet it is these very tankers we will need in the event of our own "Falklands crisis".

Third, this rule essentially changes the rules in the middle of the game.

The Merchant Marine Act of 1970 specifically gave bulk carriers the right to receive construction subsidies so they could build ships in American shipyards.

In return for these subsidies, these operators were restricted to ploughing the foreign trade exclusively.

They freely accepted subsidy, yet now they want to repay those subsidies and enter a trade which has been reserved since the 1920's for those who built vessels in American shipyards without Federal help.

On the other hand, operators in the domestic trade invested large sums of capital, at considerable risk, in return for the right to operate in the Jones Act.

These entrepreneurs have supported a strong U.S. merchant marine and U.S. shipbuilding base, because both help provide American jobs and a strong defense.

It is poor policymaking for a department of the Federal Agency to move on such a critical issue without Congress having its rightful opportunity to set the terms for any repayment.

Fourth, and finally, I oppose this rule because it is based on a false assumption:

That it will bring the Government a windfall in revenue with no strings attached, while at the same time lowering the cost of home heating oil for consumers.

The Deloitte study I referred to earlier suggests that under the best of circumstances. the rule would cause a negative impact on the Federal Treasury.

The rule could cost us as much as $475 million from lost Federal tax revenues, defaults on title XI loan guarantees, and additional unemployment payments by the Government.

In addition, at a hearing last month before the Merchant Marine Subcommittee, the proponents of this rule indicated that it would not save consumers 1 cent in lower home heating oil or gasoline prices.

It is the level of foreign-imported oil, and little else, which regulates heating oil and gas prices.

CONCLUSIONS

We need a compromise on this issue which will settle it equitably and fairly once and for all.

But Congress needs additional time to set the terms for any repayment.

Nothing in this legislation precludes ongoing judicial review of the legality of the rule or the rulemaking process that was followed.

I am hopeful that we reach an equitable settlement on this issue and urge my colleagues to support the Appropriations Committee and vote down this amendment to strike the CDS payback language in the supplemental.●

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISION

None of the funds provided in this or any other Act shall be used for the enforcement of any rule with respect to the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended: *Provided*, That such funds may be used to the extent such expenditure relates to a rule which conforms to statutory standards hereafter enacted by Congress.

Mr. DINGELL. Mr. Chairman, I have an amendment at page 10.

The CHAIRMAN. It is required that the Clerk read the preceding paragraph, which we will assume is now done, and the gentleman from Michigan is recognized.

Mr. WALKER. Mr. Chairman, I have a point of order against this section.

The CHAIRMAN. The gentleman has a point of order against the section beginning on page 9?

Mr. WALKER. No; I am sorry; page 10.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 10, after line 6 insert the following:

FEDERAL COMMUNICATIONS COMMISSION

Notwithstanding the provisions of the next paragraphs under the heading "Salaries and Expenses" in this Act regarding relocation of the Fort Lauderdale, Florida, Monitoring Station, before the Federal Communications Commission and the General Services Administration take any action under such paragraphs committing funds for any purpose or disposing of Federal lands and facilities for such station, the Chairman of the Commission and the Administrator of the Administration shall (1) jointly prepare and submit to the Committee on Energy and Commerce and the Committee on Government Operations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Governmental Affairs of the Senate a letter or other document setting forth in detail provisions and procedures for such acquisition, construction, and disposition which reasonably carry out the provisions of these paragraphs expeditiously, but will not disrupt or defer any programs or regulatory activities of the Commission or adversely affect any employee of the Commission (other than those at the Monitoring Station who may be required to transfer to another location) through the use of appropriations for the Commission in fiscal years 1986 and 1987, and (2) wait a minimum of 30 calendar days for review by such Committees. Any reimbursed funds received by the Commission from the Administration pursuant to these paragraphs shall remain available until expended.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Reserving the right to object, I do so simply to make an inquiry. It sounds to me as though the amendment goes to the section of the bill to which I was about to raise a point of order and was assured that the point of order did not rest at that time.

Mr. Chairman, I would renew my request that I be permitted to raise my point of order to the section of the bill that begins on line 7 of page 10.

The CHAIRMAN. The gentleman from Michigan has offered an amendment after line 6 and prior to line 7.

Mr. DINGELL. Mr. Chairman, I will be delighted to yield to the gentleman for the purpose of making the point of order as long as the amendment is considered in the proper course.

The CHAIRMAN. That paragraph has not been read. It is not in order to raise a point of order against it at this time.

Mr. WALKER. Mr. Chairman, I reserve then a point of order with regard to the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] reserves a point of order.

The gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes in support of his amendment.

Mr. DINGELL. Mr. Chairman, I offer the amendment reluctantly because of the great respect for the distinguished and able gentleman from Florida [Mr. SMITH], who not only is most able, but has been most persuasive. He and the staff of the Subcommittee on Telecommunications have had discussions on this matter, as have members of the staff of the full Committee on Energy and Commerce, and at the appropriate time I will ask unanimous consent to include the correspondence with the FCC relative to this matter in the RECORD:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, June 5, 1985.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building Washington, DC.

DEAR CHAIRMAN DINGELL: This is in response to your letter of May 30, 1985, expressing concern regarding a provision of H.R. 2577, the Supplemental Appropriation

Bill for Fiscal Year 1985, that relates to a proposed relocation of the Commission's Ft. Lauderdale Monitoring Station within the State of Florida.

Please be assured that it was never the intention of the Federal Communications Commission to circumvent, in any way, the Committee on Energy and Commerce regarding the proposed relocation of the monitoring station. In fact, the legislative proposal for such a relocation was initiated by Congressman Larry Smith of Florida. Background information concerning this matter is reflected in the enclosures; a letter dated June 18, 1984, to me from six south Florida Congressmen; a letter dated June 26, 1984, to me from Congressman Wirth; a letter dated July 18, 1984, to Congressman Wirth from me; and a letter dated February 11, 1985, to Congressman Smith from me.

As reflected in the enclosures, the FCC had no objections to Congressman Smith's proposal if a suitable site could be found, if funding could be made available for the relocation, and if the relocation could be accomplished without disruption to the Commission operations. We understood that Congressman Larry Smith would coordinate this proposal with appropriate House and Senate Committee staffs.

With this as background, the following answers are provided to your specific questions:

1. Has the FCC concluded that relocation is necessary or appropriate? What justification, if any, exists for such a relocation? When did the FCC advise Congress of the need to relocate? What are the FCC relocation plans? What is the estimated cost thereof?

Answer: The FCC does not believe that relocation is necessary. However, there would be benefits to the public and to the Commission if such a relocation were authorized by Congress. Present power restrictions on radio and TV stations due to their proximity to the Fort Lauderdale Monitoring Station could be lifted if the monitoring station is moved, thereby providing better service to residents of the Fort Lauderdale area. Relocation to the proposed Vero Beach site would also enhance the overall effectiveness of the Commission's nationwide direction finding network as there would be less frequency congestion in that area. Finally, there could be a net gain to the U.S. Treasury in the range of two to three million dollars.

The FCC has had on-going discussions with Congressional staff since June 1984 regarding the possibility of relocating the Ft. Lauderdale Monitoring Station due to the construction of the highway adjacent to the Fort Lauderdale site. This proposal was discussed directly with Congressman Larry Smith in February 1985, when he indicated his willingness to pursue this issue with his fellow Congressmen and Senators.

If the relocation is approved by the Congress, the Commission would begin immediate procurement action to locate and execute an option on a new site such as Vero Beach. Once an option is negotiated, the current site would be declared excess to the General Services Administration (GSA) and would be put up for sale. Once a sale of the current site is negotiated by GSA with a lease-back provision, and funds from the sale become available, the Commission would exercise its option to buy the land and award contracts for the construction of the new facility. Relocation to another site will cost approximately four million dollars. This excludes the cost of leasing-back the present facility pending construction of a new monitoring station.

I should emphasize that if Congress does not enact the requisite authorization for the relocation, or GSA cannot carry out its responsibilities in a timely manner, the Commission will proceed with its original plans to construct a new monitoring station with its antenna systems at the present Fort Lauderdale location. If we do not continue with our present schedule and the road construction is completed before the new station is finished, we run the serious risk of adversely affecting our vital monitoring mission due to the increased level of vehicular ignition noise.

2. Does the FCC support the provisions of H.R. 2577?

The Commission supports the provisions of the Bill for the reasons and with the reservations stated above.

3. The bill appears to authorize the FCC to use FCC operating funds in FY 1986 and 1987 for the relocation and to provide for a reimbursement. When must the FCC commit funds for the relocation? What will happen to FCC operations if the reimbursement does not occur in FY 1986 or in FY 1987? Why is reimbursement appropriate and necessary?

We are advised by the State of Florida that road construction adjacent to our Fort Lauderdale Monitoring Station will commence in November 1985 and the new highway is scheduled to open for public use in December 1987. During construction, monitoring capabilities will be adversely affected to a degress as the result of increased radio noise. Interference will increase substantially when the new highway is opened. Therefore, it is imperative that we complete reconstruction or relocation of the monitoring station on or before the end of 1987.

If authorization to move the Fort Lauderdale Station elsewhere in Florida is granted, funds would be needed in FY 1986 to initiate the relocation process.

As mentioned previously, if the proposed relocation is not authorized by Congress and funded in a timely fashion by sale of the present site, the Commission will proceed with its original plans to reconstruct the monitoring station at its present Fort Lauderdale location to ensure continuity of our nationwide monitoring network.

Either a direct appropriation or expedited sale and reimbursement as proposed in H.R. 2577 is required to relocate the Fort Lauderdale Monitoring Station. Approximately 75% of the Commission's appropriated funds are for salaries and benefits and most of the remainder is for essential support services such as office rent, telecommunications, and travel. Due to the cost, the Commission is not able to fund the relocation out of existing appropriations without seriously impairing its rulemaking, licensing, and enforcement programs.

4. Please explain why it is necessary to provide special provisions for the General Services Administration (GSA) to dispose of the property? Why is existing law not adequate? Does the GSA support this provision? What is the fair market value of this FCC property? Will all of the property be sold?

The special provisions required relate to the reimbursement of the funds directly to FCC. GSA has the authority to sell the land once declared excess, but not to reimburse a part of the sale price to the Commission. Further, GSA regulations concerning property disposal normally involve a lengthy process of offering available land first to government agencies and then to the public for sale. The proposed special provisions would provide for both expeditious and direct reimbursement to the FCC. If the relocation is approved by Congress, the special provisions are required to ensure continuity of monitoring operations in the critical Florida area.

Because the authority contained in this legislation is discretionary, and no final decision to proceed in this manner has been made by the Commission, we have not yet been in direct contact with GSA. However, because of concerns you have raised, we will immediately contact GSA to explore the feasibility of this proposal and report to you on the results of our discussions.

We have not had a recent land appraisal on the Ft. Lauderdale property. However, as indicated in one of the enclosures, an offer of $6.8 million dollars for the property has been received. Accordingly, it appears that the fair market value of the property would likely be in the range of $6–7 million dollars.

It is anticipated that all the property would be sold.

I trust the above is fully responsive to your inquiry. Please call me if you need any addtional information. I wish to assure you that the Commission will take no action on this matter which will in any manner jeopardize our mission or programs.

Sincerely,

MARK S. FOWLER,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 1984.

Hon. MARK FOWLER,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of our constituents in South Florida, we are writing you concerning the F.C.C. Monitoring Station in Ft. Lauderdale.

The Ft. Lauderdale station was built in 1947 when our entire region was largely undeveloped. This area is now the eleventh most populated of the United States. To keep up with the rapid growth, the communications industry of the region increased to provide local service. The Monitoring Station is now located in the center of the region.

The radio stations and the newly designated UHF Channel 33 would like to expand their coverage in the region, but they cannot because of the location of the Monitoring Station. Presently, the stations are forced to limit their coverage area to stay within the boundaries of the Monitoring Station. If the station could be moved, the problem would be resolved.

At the present time, a large portion of Dade and Broward Counties cannot receive certain coverage of AM stations in the evening. The radio stations and Channel 33 have been forced by the F.C.C to reduce their power to avoid interfering with the Monitoring Station. It is unfair to these radio stations and listeners in this area to be subject to this problem because the Monitoring Station is not, by virtue of population growth, where it should be.

The F.C.C. is planning to move the station in the next few months due to the construction of a new interstate highway. Unfortunately, the station currently plans to move the entire operation only a few hundred feet.

The Monitoring Station provides important functions such as helping ships at sea and aircraft in distress. However, it does not have to be located in Broward County to

fulfill its service. In fact, the idea to move the station originally came from F.C.C. personnel that operate the facility.

The radio stations in the area have proposed twelve separate pieces of federal land for the site of the station, but the F.C.C. Field Operations Bureau has rejected each site. F.C.C. officials also claim they lack a Congressional appropriation to make such a move. Yet, the land on which the current site is located is estimated to be worth $6 million. The logical solution is to sell the existing site and use the funds to move the station to a new unobtrusive location which would enable AM stations in Dade and Broward to expand coverage.

We currently are working on the authorization and appropriations of funds to move this station. We hope the funding may be provided for a move.

We would like the F.C.C. to agree to the following:

(1) Delay plans to move within the present site for 3 months;

(2) Meet with Members of Congress and Radio Station representatives from South Florida in the next several weeks;

(3) Work closely with South Florida stations to find an alternative site; and

(4) Examine all proposed sites and provide reports on the feasibility of these locations as a site for the Monitoring Station.

We hope you find these suggestions reasonable, and we look forward to your prompt reply on this important matter.

Thank you for your cooperation.

Very truly yours,

E. CLAY SHAW,
DANTE B. FASCELL,
DAN MICA,
LAWRENCE J. SMITH,
WILLIAM LEHMAN,
CLAUDE PEPPER,
Members of Congress.

SUBCOMMITTEE ON TELECOMMUNICATIONS, CONSUMER PROTECTION, AND FINANCE OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 26, 1984.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN FOWLER: I am writing in regard to the FCC monitoring station located in Ft. Lauderdale, Florida. I have been contacted by a Member of the Florida delegation who is concerned about the inability of several Florida radio stations to expand their coverage area while the FCC maintains a monitoring station in the area. A letter from six Members of the Florida delegation, outlining their concerns about the station, was forwarded to your office on June 18.

It is my understanding that the monitoring station is to be moved a short distance in the near future to allow for the construction of an interstate highway. Florida broadcasters believe that this is an opportune time to relocate the FCC monitoring station so that they can expand their coverage area to better serve residents in this area. The current location of the monitoring station has grown from a sparsely populated area, when the station was originally built, to a heavily urbanized area. According to FCC personnel employed at the monitoring station and engineer analyses performed by the Florida broadcasters, moving the station to a less cluttered "RF" invironment would allow it to function better than at its current location.

I am concerned about the difficulty the Florida Broadcasters have experienced in resolving this matter with the Commission. For example, twelve alternate sites for the station have been proposed by the broadcasters and other interested parties, yet it appears that the Commission has not carefully studied moving the monitoring station to any of these proposed sites.

Given the information concerning the station's potential increased efficiency at another location, and the current adverse impact on local broadcasters, I believe the relocation of the monitoring facility should be given the most serious consideration and study by the Commission. Toward this end, six Members of the Florida delegation have requested that the Commission delay plans to move the site for three months, and meet with members of Congress and radio station representatives from South Florida in the next several weeks. I am pleased to have learned that the Commission has agreed to meet with these interested parties. I strongly urge your most serious consideration of their requests in order to resolve this matter.

It is imperative that the Commission examine this situation quickly. Otherwise, the monitoring station may be moved only a few hundred feet when it would appear that both the Commission and local broadcasters could benefit from its relocation to a less populated area.

In advance, thank you for your attention to this matter.

With best wishes.

Sincerely yours,

TIMOTHY E. WIRTH,
Chairman.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, July 18, 1984.

Hon. TIMOTHY E. WIRTH,
Chairman, Subcommittee on Telecommunications, Consumer Protection and Finance, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN WIRTH: This is in response to your letter of June 26, 1984, regarding the FCC monitoring station located in Ft. Lauderdale, Florida.

In response to a letter dated June 18, 1984, signed by Congressmen E. Clay Shaw, Dante B. Fascell, Dan Mica, Lawrence J. Smith, William Lehman and Claude Pepper a meeting was held on June 27, 1984, at the Capitol. Attending that meeting from the Commission were Richard M. Smith, Chief, Field Operations Bureau; Robert W. Crisman, Chief FOB Engineering Division; Jackson F. Lee, Director of Legislative Affairs; and Sue Ann Preskill, Office of General Counsel. Congressmen Fascell, Smith and Lehman and staff members attended as did a delegation of South Florida Broadcasters.

A discussion was held outlining the problems of both this agency and the affected broadcasters. Mr. Smith stated that the FCC would be willing to move the monitoring station if (1) a satisfactory site in South Florida is found, and (2) the Commission receives the necessary funding from the Congress to make the move. At the end of the meeting it was agreed that the broadcasters would assist the Field Operations Bureau in finding a location that would fulfill the Commission's needs. In fact, as of today, a preliminary meeting has been scheduled between a representative of one of the broadcast stations and Mr. Crisman.

I hope this is responsive to your request. Let me assure you that we are anxious to work with the South Florida Congressional delegation and the broadcasters to attempt a solution to this problem.

Sincerely,

MARK S. FOWLER,
Chairman.

FEBRUARY 11, 1985.

Hon. LAWRENCE J. SMITH,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN SMITH: This is in response to the January 31, 1985, meeting with you and your staff members Jonathan Slade and Paul Smith regarding possible relocation of the Commission's South Florida monitoring station from Fort Lauderdale to Vero Beach. Attending the meeting for the Commission were Richard M. Smith, Chief, Field Operations Bureau [FOB], FOB staff members Robert W. Crisman and Lawrence Clance, Thomas Campbell, Office of Managing Director, and Marilyn McDermett, Mass Media Bureau.

As you are aware, the Fort Lauderdale Monitoring Station is one of 13 such facilities in the country whose mission is to monitor the entire radio spectrum, analyze signals to determine technical compliance with U.S. radio laws and international treaties, and use radio direction finding techniques to determine the source of unauthorized and interfering signals. These facilities are relied upon by the U.S. Coast Guard to provide radio direction finding fixes for search and rescue. The locations of these stations were very carefully selected to optimize radio reception and direction finding baselines.[1]

Over the past several years, as part of the plan to convert State Road 84, which fronts the Fort Lauderdale Monitoring Station property, to an interstate highway, the Commission reached an agreement with the State of Florida to accept a small parcel of land along the back edge of the property in exchange for the portion of the Commission's property which the state needs in order to improve the highway. Because this exchange would have left the main monitoring building intolerably close to radio frequency ignition noise from automobiles using the highway, the State of Florida provided funding, initially in the amount of $700,000, to reconstruct the main building and several of the antennas at a location on the property further removed from the highway. Specifications for the new building have been completed, and we are now soliciting bids for construction.

The land which the Fort Lauderdale Monitoring Station occupies and the surrounding area was relatively undeveloped agricultural land when the station was built in 1947. Rapid development in the past few decades has transformed the surrounding area into an affluent suburbia and prime broadcast audience market.

The Commission, for many years, has placed restrictions on licensees in all radio services regarding the maximum amount of radio signal field strength they can transmit over each of our monitoring stations. This is necessary to protect the sensitive receiving equipment from overload due to strong sig-

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[1] A direction finding baseline is the geographical distance between any two direction finding stations which can hear a given target signal. For a long range system designed to pinpoint signals anywhere in the world, the baselines must be as long as possible because greatest accuracy is obtained when the baseline distances approach the distance to the target signal.

nals which would prevent reception of the weaker signals we are attempting to monitor and direction find, including emergency or distress calls from ships and aircraft. Unfortunately, it also sometimes prevents broadcasters from being able to reach the greatest possible audience.

The broadcasting community in South Florida has approached the Commission several times in the past few years regarding the possibility of moving the monitoring station out of the more developed Fort Lauderdale area of South Florida. However, the Commission does not presently have funding in its appropriation for such a move. Estimated costs of such a relocation would be on the order of four million dollars, depending upon the site. Aside from the funding problem, no fully suitable alternative sites had been identified until recently.

As a result of a June 1984 meeting with six South Florida Congressmen (including yourself), FCC staff, and several South Florida broadcasters, a task force was formed to identify possible alternate sites. A site that meets Commission requirements has been found near Vero Beach. The enclosed map shows the location of this property. In the meantime, a firm offer has been made to purchase the present Fort Lauderdale Monitoring Station property for 6.8 million dollars.

Therefore, it now appears that the government can acquire property and construct a new monitoring station near Vero Beach for approximately 4 million dollars and sell the present property for 6.8 million dollars, producing a net gain for the Federal Government of nearly 3 million dollars.

The Commission fully supports relocating the South Florida monitoring station to the Vero Beach site. Such a move, due to the less developed conditions in that area, would enhance the overall effectiveness of the Commission's nationwide radio direction finding network. However, without an absolute assurance that the required authorization and appropriations will be provided for this move, it is necessary for us to continue our plans to construct a new building at our current location. Once funding is provided, it will take up to two years to complete a move to the new location. If we do not continue with our present schedule and the road construction is completed before the new building is finished, we run the serious risk of adversely affecting our vital monitoring capability due to the increased level of vehicular ignition noise.

We appreciate your interest and assistance in this matter. If I can be of any further help, please do not hesitate to contact either me or Commission staff members involved.

Sincerely,

MARK S. FOWLER,
Chairman.

Mr. DINGELL. Mr. Chairman, the function of the legislation here would be to authorize movement of a Federal facility. The Committee on Energy and Commerce has not considered this matter and we are much troubled about the consequences of this, particularly from several standpoints. First we are troubled that we cannot ascertain for sure how the movement of the facility can be accomplished with FCC funds without terminating, deferring, or changing FCC programs. We are also troubled that regulatory activities or other matters before that agency might be adversely affected. We are concerned about the impact of the language of the bill on FCC employees. The function of the amendment is to take into consideration the desirable concerns of the very able gentleman from Florida and at the same time to deal with the questions that we feel are important and should be considered as matters in an appropriate legislative format and proceeding.

□ 1350

The amendment will prevent a number of possibilities that are troublesome, particularly adverse impact on FCC programs; on employees, and on a number of projects which might be terminated or otherwise affected at FCC.

It is our hope that the committee will accept the amendment, and that the very able gentleman from Florida, for whom I have the greatest respect, will find it possible to find our suggestions acceptable in terms of addressing the concerns that he might have and at the same time keeping in mind the concerns that the Committee on Energy and Commerce would have.

I am delighted to yield from my friend from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding, and I want to commend the gentleman for his cooperative spirit and his ability to find a way out of what was obviously an existing problem for the authorizing committee.

I want to thank him also for the spirit in which he has allowed this to operate when I spoke and dealt with the chairman of the subcommittee that has original jurisdiction on this matter, together with the staff.

I just want to say that I hope as well that this committee will accept the amendment, because I feel it deals with the problems, and I would like to say and I probably will have to seek my own time to let the committee understand why we are doing it on this basis, that this will take care of the concerns raised but also it will allow us to move forward with the project, which would otherwise cost a great deal more money, and that the chairman of the full committee, Mr. DINGELL from Michigan, who has been so cooperative I think understands the value of the project, notwithstanding the fact that technically there might be other ways that he would like to do this, but also that proceeding in this fashion does not authorize any new money; nor does it authorize a new project or a new FCC station, and in addition will have the ultimate effect of saving the Government between $3 and $4 million recoupment to the Treasury on the difference between the land which is going to be sold from the old FCC station and the new land which is going to be the site of the new FCC station.

I would hope that this committee, and I would seek my own time and I want to yield back the balance of the gentleman's time, would allow me to explain, so that possibly Mr. WALKER may reconsider and withdraw his reservation.

I thank, again, the gentleman who has been so cooperative and does such a fine job for the FCC.

Mr. DINGELL. I thank the gentleman.

I yield to the distinguished gentleman from Iowa.

Mr. SMITH of Iowa. I want to say to the gentleman, as chairman of the subcommittee that handled this matter, I had agreed not to fight this amendment, but at that time I did not know the gentleman would come in here on crutches.

Mr. DINGELL. Well, the odds are always, I would observe, against the gentleman from Michigan when I contend with the gentleman from Iowa.

Mr. SMITH of Iowa. Nevertheless, I do think the gentleman's amendment clarifies, the provision in the bill. I want to assure him that we had no intention at any time of crippling the FCC in any of their other operations. What we were trying to do with the provision we put in the bill was just a commonsense approach to earn $2.5 million for the Government and at the same time let the FCC move to a location that they agree would be a better location. Relocating the Fort Lauderdale Monitoring Station would just be better for everybody concerned, and we are just trying to be accommodating.

Mr. DINGELL. And if the gentleman would permit, without additional cost to the Government.

Mr. SMITH of Iowa. Actually, the relocation was estimated to earn at least $2.5 million for the Government.

Instead of staying on the present site and building another facility, they can sell the site and the facility for more than they cost to buy a site that is better than the present one, build a new facility, and have $2.5 million left.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to pursue his point or order?

Mr. WALKER. Yes, Mr. Chairman, I do.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to further reserve his point of order?

Mr. WALKER. Mr. Chairman, I further reserve my point of order.

The CHAIRMAN. The gentleman from Massachusetts is seeking recognition?

Mr. CONTE. I rise in support of the amendment, and I yield to my good friend from Illinois.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. O'BRIEN. I thank the gentleman for yielding, and in addition to the sympathy generated by the crutches, I am inclined to think that there is a certain degree of practicality to this amendment that recommends that we pass it irrespective of the susceptibility of the matter to a point of order.

I support it, and yield back the balance of my time.

Mr. CONTE. I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Pennsylvania now wish to renew his point of order?

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the amendment; that it is a violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Michigan [Mr. DINGELL] desire to be heard on the point of order?

Mr. DINGELL. The gentleman concedes the point of order.

The CHAIRMAN. The gentleman concedes the point of order and the amendment of the gentleman from Michigan is out of order.

The Clerk will read.

The Clerk read as follows:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The Federal Communications Commission is authorized to expend such funds as may be required in fiscal years 1986 and 1987 out of appropriations for fiscal years 1986 and 1987 for the Federal Communications Commission, not to exceed $5,000,000, to relocate its Fort Lauderdale, Florida, Monitoring Station within the State of Florida, to include all necessary expenses such as options to purchase land, acquisition of land, leaseback of the present monitoring station pending acquisition and construction of a new monitoring station, architectural and engineering services, construction of a new monitoring station and related facilities, moving expenses, and all other costs associated with the relocation of the monitoring station and personnel.

The CHAIRMAN. Does the gentleman from Michigan wish to raise a point of order at this point?

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I have a point of order at this point.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make the point of order that the provisions of the paragraph starting at line 7 down through line 21 at page 10 is violative of rule XXI, clause 2, in that it constitutes legislation in an appropriation bill.

The CHAIRMAN. Does anyone else desire to be heard on the point of order?

The Chair is prepared to rule.

The gentleman's point of order is well taken, and the Chair sustains the point of order, and that paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

The Federal Communications Commission shall promptly declare the present monitoring station (including land and structures which will not be relocated) excess to the General Services Administration for disposition. The General Services Administration shall sell such property and structures on an expedited basis, including provisions for lease-back as required, and shall compensate the Commission from the proceeds of the sale all costs associated with the relocation of the Fort Lauderdale Monitoring Station to another location, not to exceed $5,000,000.

POINTS OF ORDER

Mr. DINGELL. Mr. Chairman, I have a point of order on the paragraph at line 22, page 10 through line 6, page 11.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make the point of order that this is violative of the provisions of rule XXI, clause 2, in that it constitutes legislation in an appropriation bill.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair is prepared to rule. The gentleman's point of order is sustained.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the rest of the section be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. DINGELL. Mr. Chairman, reserving a point of order against the next two paragraphs, as long as my right so to do is protected, I will not object.

The CHAIRMAN. The point of order is sustained against this paragraph.

The Clerk will read the next paragraph.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I make points of order against the paragraph at lines 7 through 13, lines 14 through 18 at page 11, on grounds that those paragraphs also constitute legislation in an appropriations bill.

The CHAIRMAN. In accordance with the request of the gentleman from Massachusetts [Mr. CONTE] the paragraphs are considered as read.

The Chair will entertain the point of order raised by the gentleman from Michigan.

The Clerk will read.

The Clerk read as follows:

Any excess funds received by the General Services Administration from the sale of the present property, less any funds reimbursed to the Federal Communications Commission, and less normal and reasonable charges by the General Services Administration for costs associated with the sale of the present property, shall be deposited to the general fund of the Treasury.

The authority under this Act with respect to the relocation of the Fort Lauderdale Monitoring Station shall (1) extend through fiscal year 1987, and (2) be in addition to any limits on expenditures for land and structures specified in the Commission's appropriation for fiscal years 1986 and 1987.

Does anyone else desire to be heard on the point of order?

Mr. DINGELL. Merely, Mr. Chairman, that these two paragraphs do constitute legislation in an appropriations bill, violating clause 2 of rule XXI.

The CHAIRMAN. The gentleman is correct, in the opinion of the Chair. The point of order is sustained, the paragraphs are stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $3,811,000, to remain available until September 30, 1986.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $27,601,000 are rescinded.

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business Loan and Investment Fund", $27,601,000, to remain available without fiscal year limitation.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $166,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

WORKING CAPITAL FUND

(RESCISSION)

All funds made available under this head in Public Law 98-411 are rescinded.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $100,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses, general legal activities", $874,000.

Of available funds under this head, $470,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SALARIES AND EXPENSES, ANTITRUST DIVISION

(RESCISSION)

Of available funds under this head, $65,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses, United States attorneys and marshals", $11,003,000, of which $2,065,000 shall remain available until September 30, 1986.

POINT OF ORDER

Mr. KASTENMEIER. Mr. Chairman, I make a point of order against

that part of the paragraph on page 13, lines 17 to 20. The cited language is in violation of House Rule XXI, clause 2(a), which provides that no appropriation be reported in any general appropriation bill for any expenditure not previously authorized by law.

The CHAIRMAN. Does anyone else care to be heard on the point of order?

If not, the Chair is prepared to rule.

The point of order is well taken; the Chair sustains the point of order, and the paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

Of available funds under this head, $889,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SUPPORT OF UNITED STATES PRISONERS

In Public Law 98-411 delete the appropriation language under the heading "Support of United States Prisoners" and substitute the following:

For support of United States prisoners in non-Federal institutions, $53,240,000; and in addition, $10,000,000 shall be available under the Cooperative Agreement Program for the purposes of renovating, constructing, and equipping State and local correctional facilities: *Provided,* That amounts made available for constructing any local correctional facility shall not exceed the cost of constructing space for the average Federal prisoner population to be housed in the facility, or in other facilities in the same correctional system, as projected by the Attorney General: *Provided further,* That following agreement on or completion of any federally assisted correctional facility construction, the availability of the space acquired for Federal prisoners with these Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative agreement.

FEES AND EXPENSES OF WITNESSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Fees and expenses of witnesses", $1,300,000, and in addition, $1,500,000 to be derived by transfer from the Support of United States Prisoners: *Provided,* That of the amount appropriated under the above head for fiscal year 1985, not to exceed $850,000 shall be available for planning, construction, renovation, and repair of buildings for protected witness facilities.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund: *Provided,* That in the aggregate, not to exceed $5,000,000 shall be available for expenses authorized by subsections (c)(1)(B), (c)(1)(E), and (c)(1)(F) of that section.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(RESCISSION)

Of available funds under this head, $43,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For an additional amount for "Organized Crime Drug Enforcement", $635,000.

□ 1400

POINT OF ORDER

Mr. EDWARDS of California. Mr. Chairman, I make a point of order against that part of the paragraph on page 16, lines 4 and 5. The cited language is in violation of House Rule XXI, clause 2.

The CHAIRMAN. Will the gentleman permit the Clerk to read that paragraph?

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", $2,900,000, to remain available until September 30, 1986: *Provided,* That $10,000,000 provided in Public Law 98-166 for the relocation of the Washington field office within the District of Columbia shall remain available until expended.

Of available funds under this head, $3,505,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

The CHAIRMAN. The gentleman from California [Mr. EDWARDS], raises a point of order against this paragraph.

Mr. EDWARDS of California. That is correct, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. EDWARDS of California. Mr. Chairman, the cited language is in violation of House Rule XXI, clause 2(a), which provides that no appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized by law.

The CHAIRMAN. Does any other Member care to be heard on the point of order?

If not, the Chair is prepared to rule.

The point of order is well taken, and the Chair sustains the point of order. The paragraph will be stricken.

The Clerk will read.

PARLIAMENTARY INQUIRY

Mr. SMITH of Iowa. Mr. Chairman, I have a parliamentary inquiry.

What was just stricken? We are not clear about which lines were stricken. Was it just lines 4 and 5?

The CHAIRMAN. The Chair will inform the gentleman that lines 4 through 8 were striken, the entire paragraph.

Mr. SMITH of Iowa. Mr. Chairman, I think the point of order was against lines 4 and 5.

I ask unanimous consent that we return to that paragraph.

The CHAIRMAN. The Chair was in error on that. It is only lines 4 and 5 that were stricken.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, do I now understand that we struck the $2.9 million for the antiterrorism program but that we did not strike the $10 million for the relocation of the Washington field office?

The CHAIRMAN. The point of order did not cover the provisions of lines 6 through 8. The Chair is going to ask the Clerk to reread that portion of the paragraph.

The Clerk read as follows:

Provided, That $10,000,000 provided in Public Law 98-166 for the relocation of the Washington field office within the District of Columbia shall remain available until expended.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section of the bill on page 16, lines 6 through 8, that this constitutes an appropriation without appropriate authorization.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, this is a reappropriation. I do not believe that point of order would lie.

The CHAIRMAN. The Chair is not aware of any provision of Public Law 98-166 that requires these funds to be available until expended.

Can the gentleman give a citation to that effect?

Mr. SMITH of Iowa. Mr. Chairman, I would say that it is correct that that law does not require that they remain available until expended. The rest of it, however, it a reappropriation.

The CHAIRMAN. Nevertheless, the Chair supports the point of order and rules that it is legislation on an appropriation bill, and that portion of the paragraph will be stricken.

The Clerk will read.

The Clerk read as follows:

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", $3,300,000.

Of available funds under this head, $876,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

The appropriation under the heading "Salaries and expenses" in Public Law 98-411 is amended by inserting the following before "*: Provided":* "and of which not to exceed $6,586,000 for construction shall remain available until expended".

Of available funds under this head, $947,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For an additional amount for "Salaries and expenses", Federal Prison System, $900,000, and in addition, $2,183,000 to be derived by transfer from "Support of United States Prisoners".

Of available funds under this head, $451,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

BUILDINGS AND FACILITIES

(RESCISSION)

Of available funds under this head, $13,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

Of the unobligated funds available under the "Justice assistance" account for the Juvenile Justice and Delinquency Prevention Act, $800,000 shall be made available for Emergency Federal Law Enforcement Assistance authorized by Public Law 98-473, notwithstanding the provisions of sections 222(b), 223(b), and 228(e) of title I of the Juvenile Justice and Delinquency Prevention Act, as amended.

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: On Page 18, line 4, after the period, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" for a grant for the establishment of the Gillis W. Long Poverty Law Center at the Loyola University School of Law in New Orleans $4,000,000 to remain available until expended.

Mr. BREAUX. Mr. Chairman, and my colleagues, it is a rare opportunity indeed when we have occasion to honor one of our departed colleagues after having served this body and this institution and this country for a number of years, outstandingly I might add, by approving a project which also serves not only the memory of our colleague, Gillis Long in this case, but also serves a real need, that being the poor of the United States of America.

The money that is being appropriated in this bill will go toward establishing the Gillis W. Long Poverty Law Center at Loyola University in Louisiana. Loyola University has already purchased a physical plant as a facility for the sum of nearly $11.9 million. In addition, it is going to take about an additional $8 million to complete the facility, to complete construction and to complete the library and educational equipment, as well as the renovation to the facility.

Loyola has also embarked upon a fund-raising drive and there is allocated from the university an additional $2 million over and above the purchase cost of $11.9 million. The university has established a fund-raising effort to provide additional funds. This is a one-time $4 million grant which will provide for the funding of the renovation of the law school facilities.

It is important to note that the Government and the people of the United States, in addition to honoring the memory of our departed colleague, will get something very substantial and very tangible, and that is at least 160,000 legal service hours of work being contributed by the students and by the lawyers at the university toward working on programs that would benefit the poor not only of Louisiana but, of course, throughout the entire Nation.

Under this formula, the one-time Federal grant of $4 million would produce a favorable in-kind reimbursement period of less than 5 academic years, as I have just outlined for the benefit of our Members.

So, Mr. Chairman and Members, I would ask support for this amendment. I think it is only appropriate, in the sense that it can be justifiable from an expenditure standpoint, but, as I have indicated, it is not very often that we get the opportunity, to honor a departed colleague for the work that he has done while he was here and at the same time really make a very positive contribution to the practice of law and to the defense of people who for so long have not been adequately defended.

Mr. O'BRIEN. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Chairman, in addition to the benefits and substance of the amendment, it is entirely proper, it seems to me that we do this in memory of a highly honored and distinguished Member of this body who did nothing but bring credit to the rest of us.

Mr. BREAUX. I thank the gentleman for his comments. It is certainly my privilege and pleasure to offer the amendment and also to have our former colleague's wife with us, Mrs. CATHY LONG, who now sits with us as a Member of this distinguished body, also supporting this legislation.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman on his statement and I am pleased to have the opportunity to join my fellow Lousianians in supporting this amendment to help fund the Gillis W. Long Poverty Law Center at Loyola University in New Orleans.

Throughout his life, our departed colleague, Gillis Long, always displayed great concern and compassion for the underprivileged of our Nation. Although we were of different political and philosophical presuasions, both he and I, as former practicing attorneys, were aware of the need for the availability of adequate legal services for the less affluent as well as for those more fortunate. Therefore, I am pleased that Loyola University has provided an opportunity to honor Gillis' memory by directly assisting the poor and elderly of Louisiana with their legal needs.

This amendment, which provides $4 million in seed money to Loyola University to establish the Gillis Long Poverty Center, will go a long way in assisting the needy and elderly by allowing law students and practitioners to provide quality legal services at no cost to the recipient.

Loyola University is already working with the American Bar Association, the Louisiana Bar Association, and the New Orleans Bar Association to promote the active involvement of private lawyers in providing pro bono services to the poor. In addition, Loyola has established a well deserved reputation for assisting the New Orleans community by providing legal services to many in the area through their well organized and effectively operating law clinic.

Through this program, third year law students are given the opportunity to serve clients and hone their legal skills by providing supervised legal services to needy clients on a regular basis. The additional funds provided in this amendment will enable Loyola to significantly expand these current operations.

As a representative of the greater New Orleans area I hope the House will support this funding to honor Gillis by allowing Loyola to expand its facilities and its legal services beyond the New Orleans area to the rest of the State and to the Eighth District of Louisiana which Gillis' widow, and our colleague, CATHY LONG now represents. Meeting the legal assistance needs of the rural residents and rural poor of Louisiana will be a most fitting tribute to Gillis who devoted decades of service to the poor.

□ 1410

Mrs. BOGGS. Mr. Chairman, I rise in support of the amendment.

Mrs. BOGGS. Mr. Chairman, as one who has worked with this project since its inception and as a cosponsor of the gentleman's amendment, there are several points regarding the intent of this amendment establishing the Gillis W. Long Poverty Law Center that should be clarified.

It is the intent of the sponsors of the amendment that the Long Poverty Law Center will act as a demonstration and dissemination project in the development and dissemination of student educational materials, continuing legal education materials, and other printed and video materials developed to train both students and practitioners alike in the provision of legal services to Legal Services Corporation eligible clients.

To accomplish this, it is my understanding that the Loyola University School of Law will produce a variety

of skills development video tapes and booklets as well as specific training and legal manuals for clinic students and pro bono private attorneys to assist in the provision of quality services to clients on a national basis. In addition, the university, under the auspices of the Gillis W. Long Poverty Law Center, will regularly conduct continuing legal education seminars which will be taped for national distribution to universities and State and local bar associations.

Another intent of the sponsors is that this grant be restricted to LSC eligible clients and LSC legal issues, that is civil law. It is my understanding that Loyola University has agreed to guarantee that intake and counseling will be given to all potential clients and a determination will be made as to the eligibility of the client in terms of financial and case eligibility prior to providing any legal services. Any clients served in areas of non civil law; that is criminal law, who do not meet the LSC financial guidelines will be served only at the University's expense.

This grant from the Legal Services Corporation to fund the Gillis W. Long Poverty Law Center should be maintained in a separate and unique account by the recipient. Only activities which meet the program and funding criteria established by the Corporation would be funded through this account. All other activities, such as criminal legal representation, should be funded through the School of Law's University-provided funds.

LSC regulations establish certain fund balance restrictions for the expenditure of grants. It is not the intent of the sponsors of this amendment that the grant herein authorized be subject to such limitation. Rather, it is our intent that these funds be expended over a multiyear period.

Finally, it is not the intent of the sponsors of this amendment that the grant herein authorized in any way effect the funding of Legal Services Corporation providers in Louisiana, that is, these funds would not be considered in the allocation of census-based funds to the State.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sympathetic with the purpose of this amendment. I do want to point out, however, that we have had a law school, at least one in Iowa, that has been doing this for 4 or 5 years, and I do not think we should in colloquies here decide the parameters and limitations that they are going to operate under. That is something that we will have to decide in a more legislative way. We will do that in conference or before we get this bill out of conference.

I think that the purpose is obviously a good purpose; I am very sympathetic to it, but I think that we should realize that the rules under which the grant would be made will be determined either in the legislation adopted in conference or the report of the managers.

Mrs. LONG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the members of the Rules Committee, especially Chairman PEPPER, for making it possible for this amendment to be offered today. I also want to thank my dear friends LINDY BOGGS and JOHN BREAUX, and the entire Louisiana delegation, for all their hard work in bringing this important matter before the House.

The Poverty Law Center, at Loyola University in New Orleans, which was dedicated in the memory of my husband, Gillis, will be an extremely valuable educational institution. The center will train young lawyers how best to help those least able to help themselves in our society. It is so fitting that such an institution should bear the name of Gillis W. Long, whose primary commitment throughout his career was to serve the less fortunate among us.

The Gillis W. Long Poverty Law Center, with the help of the funding being requested today, will provide both clinical education and community service. Law students will be trained in the legal disciplines which are of special importance to the poor—civil rights, elderly law, family law, housing and equal employment rights, and entitlements. As seniors, students will provide legal services to the poor. In addition, through the center's continuing legal education and pro bono advocacy and coordination activities, thousands of free or reduced fee client hours will be provided to Louisiana's poor.

Mr. Chairman, I commend Loyola University for its outstanding record of community service, and am confident that the Long Poverty Law Center will help to expand the range of desperately needed services available to those in need. I ask that my colleagues join me in supporting this worthy effort.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment that has been offered by the ranking Member of the Louisiana delegation and the gentlewoman from Louisiana.

As one who came into this body under the tutelage of Gillis Long, I believe that this measure is particularly important, and particularly appropriate. Gillis Long was an American and a Member of this House who was committed to people; committed to the poor; committed to the young; committed to students; committed to education, and most of all, committed to justice for all Americans and all people.

In that sense, we could, perhaps, take no more appropriate action, and Loyola could take no more appropriate action than naming in the honor of Gillis Long their Poverty Law Center.

Mr. Chairman, I would hope that we would adopt this unanimously. Not only as has been so ably stated by the gentlewoman from Louisiana and the dean of the Louisiana delegation, in honor of Gillis Long, but as importantly, in honor of the values and principles for which Gillis Long fought his entire life.

I am pleased, Mr. Chairman, to rise in strong support of this amendment.

□ 1420

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. BEVILL. Mr. Chairman, I rise in support of this amendment. I think it is very appropriate to honor our distinguished colleague, Gillis Long, who was such a great American and an outstanding Member of this body.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support this amendment.

I knew Gillis Long from the time he first came to the Congress, and appeared before him at the Committee on Rules many, many times with my chairman, JAMIE WHITTEN. He was always a true gentleman, and he always did his homework. He knew the issues that came before the Rules Committee, and he knew them well. But above all, he loved and served his district and he loved and served the people of the State of Louisiana.

He was a great friend and he will be sorely missed. This is a great tribute to him and I am pleased to support this amendment.

● Mr. BIAGGI. Mr. Chairman, I rise to lend my full support for the Breaux amendment which would establish the Gillis Long Poverty Center at Loyola University School of Law in New Orleans, LA.

I can think of no more fitting, appropriate, or meaningful tribute we could pay to our late and distinguished colleague than to designate this center in the city and State he loved so dearly and to which he gave so many years of his life in public service.

For those of us who served with Gillis, we know that the House of Representatives is a lesser institution since the passing of Gillis Long. We lost one of our most dedicated and effective Members with his untimely passing. We lost a colleague who was renowned for his commitment to helping the poor, disadvantaged, and the elderly. These are the same people who would

be served by those who would attend the Gillis Long Center.

As we proceed with this amendment, let us remember who it is we honor with it. We honor a great man and public servant. We honor a good friend to so many of us. We pay tribute in a tangible fashion to those causes that Gillis championed so well in his career in this House. To his widow and successor in the House, CATHY, I am honored to support this amendment which brings justice to this House by acknowledging one of our most able colleagues.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BREAUX].

The amendment was agreed to.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I waited until we have finished with that last amendment because I did not want my words to suggest that Members ought not to vote for it. But I am reminded that just before we authorized $4 million for that worthy cause we knocked out on points of order, $2.9 million of additional salaries and expenses for the Federal Bureau of Investigation, which is a request by the administration to have the domestic antiterrorism project go forward and just prior to that we sustained a point of order which knocked out the increase for U.S. attorneys.

Now, some people say why should we be increasing funds in a supplemental in those areas?

Last year on this floor, in a frenzy to make sure that we all got in front of the crime issue before the elections, we passed, after traveling a rather circuitous route, the largest crime package in the history of the United States. We authorized in a bankruptcy bill an addition of 85 judgeships around this country.

The fact of the matter is, if we are going to have 85 new judges, if we are going to have a significantly expanded Federal law enforcement operation, and if we are going to have an expanded domestic antiterrorism project in this country, and we are going to man it, it is going to cost money. But we just blithely had points of order, which were certainly appropriate under the rules, and knocked those figures out. Then we rush to another amendment to appropriate $4 million for a study project in memory of one of our departed Members.

I would just suggest that at some point in time we ought to establish priorities. Fighting crime is more than talking about it on the floor. Fighting crime is more than pointing your finger at the administration and saying they are not doing enough. Fighting crime is more than saying we need additional personnel. Fighting crime is more than complaining that the administration is not putting enough white-collar criminals behind bars. Fighting crime is more than complaining that what we are doing is giving light sentences out to Federal offenders because we do not have enough U.S. attorneys available to prosecute those cases.

Fighting crime is more than establishing a new parole law which requires new personnel in order to enforce it, and then not furnishing that new personnel or the wherewithal to proceed.

So maybe we followed the rules. Those additions have not been authorized by the Committee on the Judiciary, of which I am a member, and so we have made sure that that waiver was not appropriate. Yet it just seems, strange to me, in a week when our newspapers and our nightly newscasts are filled with questions about domestic sabotage and espionage and terrorism, we have made sure that we have kept a tidy package here by not allowing funds to go forward because they have not been authorized by that committee.

It bothers me very deeply, because crime is an important question. The need for U.S. attorneys is absolutely there, it is proven. The need for additional personnel to assist and beef up the FBI is there. And as much as I will rail about increases in other areas in a supplemental, if we are going to put these other increases forward, then we ought to be very, very serious about what our priorities are.

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Massachusetts.

Mr. EARLY. I thank the gentleman for yielding.

Mr. Chairman, I could not agree with the gentleman more. We just struck $2.9 million from domestic terrorism, to me one of the gravest threats we have upon this country. We are going to have to wait until the instance occurs, and then we are going to correct it rather than prevent it.

The gentleman was wrong when he suggested that it was an increase. The FBI has spent this much money in 1982, 1983, and 1984, despite the fact that this Congress has not given them the money. They have transferred it from other areas, from drugs and narcotics, from white-collar crime, but the Judiciary authorizing committee that does not come forward with a bill and makes this happen year in and year out certainly, to me, is very discouraging.

We just recently had an arrest in domestic terrorism in which we have 30 groups parading in this country on the left and on the right, very radical groups, doing this and doing that. We just had a group that was arrested this past week in which, in her apartment, the FBI seized files of a self-proclaimed revolution containing detailed plans to bomb areas of the Old Executive Office Building in the White House complex, and also to bomb several other Federal buildings, the particular group that blew up the U.S. Senate, and we are going to strike that money on an ego trip. I certainly agree with the gentleman.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. LUNGREN was allowed to proceed for 2 additional minutes.)

Mr. LUNGREN. I thank the gentleman for his remarks. It is not my intention to point the finger at one committee or the other in this. My concern is that following the procedures that we have here, a point of order was sustained. It was offered, in the first place, and then sustained, and thereby had the effect of which the gentleman speaks.

It bothers me very deeply at a time when we have a unique, acute problem with respect to domestic terrorism, when we have problems with respect to domestic espionage, when we have problems with respect to white-collar crime, when we pass legislation that is supposed to deal with these things we do not then come along and do our duty and pass the funds that are necessary and create the positions that are necessary to enforce it.

We are creating paper tigers here in the area of law enforcement. We have had a lot of bombs thrown here by Members on both sides of the aisle at this and other administrations for not doing enough. But here as we go blithely through our job in making sure we take care of water projects and other things, we forget about this. I just cannot understand it. To me, it is absolutely unconscionable.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I do want to point out that it was a very targeted point of order as well, because under this section, what was done was the antiterrorism program was stricken, despite the fact that there was a provision right next to that that was also eligible to be stricken from the bill which provided for a new building.

So the sense of priorities was that we were going to get rid of the terrorism program and keep the new building. I rose and made the point of order against the new building, too, but I must tell the gentleman that when the point of order was made against the terrorism program, it was a very tar-

geted one. It was not because we were worried about all of the expenses of the FBI building. We were perfectly willing to give them a new building, but strike out the antiterrorism program, and I agree with the gentleman. That sense of priorities is a little disturbing.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr Chairman, I want to commend the gentleman from California and the gentleman from Massachusetts, my good friend, Mr. EARLY, for these observations.

This is not the first time this has happened. Let me go back to last year. It was during the recommital motion on the continuing resolution that I teamed up with the gentleman from California and got the crime bill added to that resolution.

But the Committee on Appropriations is getting penalized time and time again. I am sorry to say my good friend from Pennsylvania [Mr. WALKER] is part and parcel of it because he raises a lot of these points of order. We do not like to put authorizations and legislation in appropriations bills, but the legislative committees are not doing their work. They are not reporting their bills. If they had reported out an authorization bill for the Department of Justice, then a point of order would not lie against this funding to combat domestic terrorism. Mind you, we are going to have a lot of this coming up. We have 13 appropriation bills waiting in the wings to come on the floor of the House, and I do not know of many authorization bills that have passed the House this year. We have been dragging our feet, as you know. We got the budget resolution through, and a few other little things, but very few authorization bills.

Yet we are going to have to try to do our work, to bring our approporiation bills out here, and the authorizing committees are going to be raising points of order on essential items, like this domestic terrorism. It really is a crime to take that out of here.

□ 1430

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, as a member of one of the authorizing committees, I understand the reluctance to allow the Appropriations Committee to go beyond what we have done. But in this case it just seems to me that when there would be a consensus on this, without any doubt we ought to enforce what we passed last year with manpower and money. Yet when we understand that there is a severe need to try to combat domestic terrorism, we still do not make any exception. We made all sorts of exceptions in the rule that we passed earlier today, we waived all sorts of points of order, but for some reason these points of order were allowed to remain. I do not understand it.

It just seems to me that it would be awfully difficult to go back home and explain why we have some of these things in here and why certain amendments are being brought forward, but yet we cannot spend the time to find $2.9 million for an antiterrorism campaign. One would think that would be the first thing we would want to do here. But we cannot spend the time to have enough prosecutors to enforce the law we have passed. We are having light sentences that are carried out right now because we do not have enough prosecutors. If we do not prosecute the cases within the time required, those people go free. That is just unconscionable, and it is the responsiblity of this House.

Mr. Chairman, I want to thank the gentleman for his work. It is not a partisan matter. This is bipartisan. It is something we should have taken care of, and we ought to take care of it as soon as we can.

Mr. CONTE. Mr. Chairman, I will tell the gentleman a little secret. We are going to work like heck with the Senate to put this back in. We will be in that conference.

Mr. LUNGREN. If you do not tell anybody, I will not tell anybody.

Mr. CONTE. Let us not tell anybody. We will protect it. We will get it in there. They just won the battle, but they will not win the war.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Lest someone might misunderstand the record here, let me point out that the Appropriations Committee and the subcommittee I am privileged to chair are in no way whatever responsible for what the gentleman is complaining about. To start with, there would not even have been a comprehensive crime bill if there had not been a section added to our appropriations bill last year. That 600-page crime bill was passed as a part of the continuing resolution on appropriations last fall.

Now, we do not like to be in this position. The subcommittee I chair brought to the floor more than is authorized even though it was less than the administration requested. We held the hearings. But we do work with the Judiciary Committee, and actually we included in this bill, as the gentlemen can see, more than was protected under the rule because they permitted striking out some of the funding we included.

With regard to the statement of the gentleman from Pennsylvania, if I might have his attention, with regard to the striking of the particular part of that paragraph but not the rest, I might point out that there are a number of places in this bill where our subcommittee has made money available into the next fiscal year. It does not change the amount of money available in the case of the field office being moved. That money is still going to be available, but if we do not have those other words extending the availability for a year, they have to spend it by the 1st of October, and that is not a very efficient way for them to proceed. They would be better off if they had the extra time down there at the Washington field office to make their relocation.

That is the reason why in this bill we have in several instances included the authority to give them some extra time in those instances where it would be better for them to have extra time instead of trying to rush out and spend the money by the 1st of October. It does not change the amount of money available. It just means they will have an opportunity to use the money more efficiently.

So I just want to make clear in the record that we are trying to work with the Judiciary Committee, and the appropriations subcommittee is doing all we can to provide for these needs the gentleman from California mentioned.

Mr. BROYHILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with the intent of asking the gentleman from Michigan [Mr. CARR] if he could share with me some of the committee's intent with respect to language found on page 27 in the committee report that is spelling out the intent of the committee with respect to the Federal Communications Commission's authority to approve additional International Satellite Communication services.

I share with the gentleman from Michigan his view that our Government should comply with the requirements that have been imposed on it by Presidential Determination No. 85-2, as well as those requirements that we have under the Intelsat agreement. However, I am concerned about whether it is necessary or wise to impose significant additional requirements on our Government.

My concern about this report language accompanying the bill is that it may be ambiguous, and it could be read to impose burdensome new requirements on our Government that are not necessary to protect any public policy.

I wonder if the gentleman would share with us his views and be willing to clarify this language so we can be sure that it does not impose substantial and time-consuming new requirements on our Government or on agencies of our Government.

Mr. CARR. Mr. Chairman, if the gentleman will yield, I would be most

happy to listen to the gentleman's concerns and to clarify the meaning of the report language.

Mr. BROYHILL. I thank the gentleman.

Mr. Chairman, on the one hand, this report language purports to codify the timing for the issuance of permits that are specified in Presidential Determination No. 85-2, even though we recognize that that determination that was made by the President says nothing about the timing for the issuance of those permits. On the other hand, the report language could be read to prohibit the FCC from issuing any kind of permit unless the Secretary of State has found that the Intelsat coordination process has been completed.

Mr. Chairman, I am asking if the gentleman could clarify this report language as it relates to the timing of the issuance of permits.

Mr. CARR. Mr. Chairman, I would be most happy to do so.

Our committee does not intend to oppose the FCC issuing a limited kind of permit prior to the initiating of coordination. In fact, we recognize that the failure to permit the issuance of a permit in advance of coordination might permanently frustrate the development of competition if H.R. 2068 becomes law as it has passed the House last month.

Under section 128(b)(2) of that bill, the U.S. Government may not begin coordination with Intelsat until at least one foreign authority has entered into an operating agreement with an applicant. Our committee understands that foreign authorities might refuse to enter into such agreements with an applicant until the FCC has issued that applicant some kind of permit enumerating their qualifications.

While the committee has no objection to the FCC issuing a permit prior to the initiation of coordination, our committee does believe that permits should explicitly preclude permittees from expending substantial financial resources on the construction or purchase of satellites and satellite equipment, ground link equipment, prior to the time that the Secretary of State advises the FCC that Intelsat coordination has been completed.

A bar is necessary, in our view, on the expenditure of substantial resources on construction or purchase of equipment prior to the conclusion of coordination to avoid giving permittees unfair leverage during the coordination process. In the absence of this bar, our committee believes the permittee might spend tens of millions of dollars on the construction or purchase of equipment for its system prior to the completion of coordination and then turn around and argue during coordination or a further permit process by national or international agencies that they must push ahead on the precise terms and conditions proposed by that permittee in order to avoid severe economic stress and loss to that permittee.

Mr. Chairman, I believe the gentleman and I are in substantial agreement on the concepts, and I regret any inconvenience the perhaps inartful drafting of any language might have caused in leading to a misunderstanding on these points.

□ 1440

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. BROYHILL] has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

Mr. BROYHILL. Mr. Chairman, I want to thank the gentleman from Michigan for his cooperation.

I would like the record to reflect clearly my view, at least, that by passing the State Department authorization a couple weeks ago this House has shown that it does support the proposition that companies ought to be given an opportunity to compete with Intelsat. They must go through the process, of course, that is spelled out in the committee report; but while we do believe that the United States should fully comply with all the obligations that are imposed on it by law in the licensing of these new satellite systems; my concern is that those legal requirements could be used merely to delay competition or to assure that there would never be any competition.

My view is that we do expect the FCC and the administration to move expeditiously to fulfill the legal requirements that must be met as a prerequisite to the licensing of new satellite systems so that consumers can begin to benefit from these new services as soon as possible.

Mr. O'BRIEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to elaborate briefly on the remarks of the gentleman from Michigan [Mr. CARR] and the gentleman from North Carolina [Mr. BROYHILL], let me point out that the committee had some disagreement on this issue; the point is that we were concerned that American competition was not being given an opportunity to show its strength and to flex its muscles in the private sector of this portion of the communications world. We were concerned that we were placing too many constraints as roadblocks, that would tend to destroy the opportunity for American companies to get into this particular business, much in the manner that other nations have helped their own companies.

I only suggest that I am glad we are working on it. I do not find it comfortable to be at odds with my colleague from Michigan, but I can assure the Chair that the two of us will try to grind something out that will be satisfactory to the gentleman and, indeed, to the people who hold the view I do.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I would be happy to yield.

Mr. CARR. I would just like to say in further response to the gentleman from Illinois, a good friend of mine, and the gentleman from North Carolina [Mr. BROYHILL] that it has never been at any time our intent to be vexatious or cause a delay of applicants wishing to compete. Merely we felt that there needed to be some ground rules well established prior to the commencement of the application process.

I renew the pledge to the gentleman from Illinois that I have made repeatedly, that if we can work together with the Chairman of the Federal Communications Commission and the Assistant Secretary of Commerce to develop language which better describes what I think we all intend, I would be happy to work with the gentleman to see that that is included in the conference committee report.

Mr. O'BRIEN. Mr. Chairman, I appreciate the gentleman's comments and I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution, authorized by Public Law 98-101 (97 Stat. 719-723), $331,000 to remain available until expended: *Provided*, That the Department of Justice shall be reimbursed for all salaries and other expenses incurred by the Department directly related to the establishment of the Commission.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

In the appropriation language under the above head in Public Law 98-411, the amounts earmarked are revised as follows: hearings, legal analysis and legal services are increased to $2,063,000; publications preparation and dissemination is decreased to $747,000; Federal evaluation is decreased to $1,011,000; and, the clearinghouse library is decreased to $397,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For an additional amount for "Salaries and Expenses", $73,342,000, and in addition, $13,779,000 to be derived by transfer from "Contributions to International Organizations", to remain available until September 30, 1986.

Of available funds under this head, $2,432,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For an additional amount for "Acquisition, Operation, and Maintenance of Buildings Abroad", $167,579,000, to remain available until expended.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

(SPECIAL FOREIGN CURRENCY PROGRAM)

For an additional amount for "Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program)", $2,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", $2,000,000, to remain available until expended, for rewards for information concerning terrorist acts in accordance with section 86, State Department Basic Authorities Act of 1956, as amended (Public Law 98-533).

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service retirement and disability fund", $5,399,000.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For an additional amount for "Arms Control and Disarmament Activities", $3,946,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for the Board for International Broadcasting, "Grants and Expenses", $13,753,000: *Provided*, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, as amended, the amounts placed in reserve, or which would be placed in reserve, in fiscal year 1985 pursuant to that section, shall be available to the Board for carrying out that Act until September 30, 1986, of which (1) $4,900,000 shall be for the purpose of upgrading the pension benefits of pre-1976 Radio Free Europe/Radio Liberty retirees and widows; and (2) the balance shall be applied toward the Radio Free Europe/Radio Liberty capital modernization plan.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $3,879,000 are rescinded.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Of the funds made available under this head in Public Law 98-411, $3,800,000 for the pilot Central American Undergraduate Scholarship program shall remain available until September 30, 1986.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for "Acquisition and Construction of Radio Facilities", $6,648,000, to remain available until expended.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

Funds appropriated under this head in the Second Supplemental Appropriations Act, 1984 (Public Law 98-396), for the installation of security systems, shall be made available also for the acquisition and installation of additional communications equipment by the Office of the Marshal, Supreme Court of the United States: *Provided further*, That said equipment shall be under the jurisdiction of and maintained by the Office of the Marshall after its installation.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For an additional amount for "Salaries of judges", $3,098,000, to remain available until September 30, 1986.

SALARIES OF SUPPORTING PERSONNEL

For an additional amount for "Salaries of supporting personnel", $5,548,000, to remain available until September 30, 1986.

DEFENDER SERVICES

For an additional amount for "Defender services", $21,992,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $1,700,000, to remain available until expended.

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

(INCLUDING RESCISSION)

For an additional amount for "Expenses of operation and maintenance of the courts", $13,526,000, of which $11,300,000 is to remain available until expended.

Of available funds under this head, $4,417,000 are rescinded.

SPACE AND FACILITIES

For an additional amount for "Space and facilities", $2,384,000, to remain available until September 30, 1986.

COURT SECURITY

For an additional amount for "Court security", $1,492,000, to remain available until September 30, 1986.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $86,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $51,000.

RELATED AGENCY

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $2,350,000, to remain until available expended.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the balance of chapter II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of chapter II?

If not, are there any amendments to the remainder of chapter II?

The Clerk will read chapter III.

The Clerk read as follows:

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

From funds previously appropriated and made available under this heading in other Appropriation Acts, the Secretary of the Navy may make payments of not to exceed $1,500,000 for expenses of the Commission on Merchant Marine and Defense as authorized in section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525).

PROCUREMENT

AIRCRAFT PROCUREMENT, NAVY

(TRANSFER OF FUNDS)

Of the amount available to the Department of Defense within the "Shipbuilding and Conversion, Navy, 1982/1986" appropriation, $240,000,000 shall be transferred to the "Aircraft Procurement, Navy, 1985/1987" appropriation for the modification of A-6E aircraft.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS: On page 24, line 19 add the following new language:

"Such funds shall be made available for this purpose only after the enactment of appropriate authorizing legislation."

Mr. DICKS. Mr. Chairman, this was inadvertently not included.

I yield to the distinguished chairman of the Defense Subcommittee.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding.

We have no objection. It makes the funding subject to authorization, which makes it more legal.

Mr. DICKS. Mr. Chairman, I also yield to the distinguished ranking Republican member of the committee, the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Chairman, I thank my colleague for yielding. The gentleman has shown us the amendment. We think it is very constructive and we have no objection on this side of the aisle.

Mr. DICKS. Mr. Chairman, I just want to make it very clear that this was done at the behest of the Armed Services Committee and is done with their full understanding and cooperation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISION

Funds made available for the Civil Air Patrol pursuant to section 8089 of the Department of Defense Appropriation Act of 1985 (Public Law 98-473) may be used to reimburse the Civil Air Patrol for costs incurred in procuring such major items of equipment as the Secretary of the Air Force

considers needed by the Civil Air Patrol to carry out its missions.

AMENDMENT OFFERED BY MRS. HOLT

Mrs. HOLT. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mrs. HOLT: On page 24 of the bill, line 20, strike out "provision" and insert "provisions". On page 25 of the bill, after line 2, insert the following new provision:

Section 8091 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473; 98 Stat. 1940) is amended by striking out "On or after June 30, 1985" and inserting in lieu thereof "After September 30, 1985".

Mrs. HOLT. Mr. Chairman, the amendment I am introducing is designed to ensure a smooth transition to the new Dental Officer Special Pay Program contained in the fiscal year 1986 Defense authorization bill as reported from the House Armed Services Committee.

Dental officer continuation pay is a payment to military dentists in critical specialities who execute an agreement to remain on active duty for at least 1 additional year. Section 8091 of last year's Department of Defense Appropriations Act provided that, for agreements to remain on active duty executed after July 1, 1985, dental officer continuation pay would be cut in half for dental specialties manned at 95 percent or more. The intent of this provision was to force the Department of Defense to submit a legislative proposal to replace dental officer continuation pay with a Dental Officer Special Pay Program modeled on the Doctor Special Pay Program enacted by Congress in 1980. The July 1 date was picked in order to give the authorizing committees—the House and Senate Armed Services Committees—time to enact the new program.

During its deliberations on the Defense authorization bill this year, the House Armed Services Committee reworked and improved the Department's legislative proposal. The Defense authorization bill was originally scheduled for House action before the Memorial Day recess but was pulled from the calendar due to other legislative priorities. Because of the delay in getting to the floor this year, the July 1 date will be upon us before final congressional action is completed on the authorizaton bill.

I am, therefore, introducing this amendment to ensure a smooth transition between the old continuation pay program and the new dental special pay plan. My amendment simply extends the current program through September 30, 1985. The amendment will make certain that no military dentists are penalized financially as a result of legislative delays in getting the replacement special pay program enacted.

Mr. ADDABBO. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I am happy to yield to the distinguished gentleman.

Mr. ADDABBO. Mr. Chairman, we have no objection. We believe it is a good amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mrs. HOLT. Yes, I am happy to yield.

Mr. McDADE. Mr. Chairman, I want to congratulate my colleague on the amendment. We think it is excellent and we have no objection on this side of the aisle.

Mrs. HOLT. Mr. Chairman, I thank both gentlemen, and I ask for adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. HOLT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER IV DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (by such studies shall not constitute a commitment of the Government to construction), to remain available until expended, $148,500,000 of Construction, General funds and $1,500,000 of Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee funds; of which $23,000,000 shall be derived from the Inland Waterways Trust Fund; except that the Chief of Engineers is directed to proceed with planning, design, engineering, and construction as described in the accompanying report of: Fort Toulouse, Alabama; Mobile Harbor, Alabama; Moundville, Alabama; William Bacon Oliver Lock and Dam, Alabama; Eight Mile Creek, Arkansas; Fairfield Vicinity Streams, California; Merced County Streams, California; Oakland Inner and Outer Harbor, California; Pajaro River, California; Richmond Harbor, California; Sacramento River Deep Water Ship Channel, California; San Luis Rey River, California; Fountain Creek at Pueblo, Colorado; Dade County, North of Haulover Beach Park, Florida; Tampa Harbor, Branch Channels, Florida; Tampa Harbor East Bay Channel Maintenance, Florida; Savannah Harbor Widening, Georgia; Kahoma Stream, Hawaii; Locks and Dam No. 26, Alton, Illinois and Missouri Second Lock, including Environmental Management; Moline, Illinois; Falls of the Ohio National Wildlife Conservation Area, Indiana and Kentucky; Des Moines Recreational River and Greenbelt, Iowa; Atchafalaya Basin, Louisiana; Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana; Pearl River, Slidell, St. Tammany Parish, Louisiana; Revere Beach, Massachusetts; Town Brook, Quincy and Eraintree, Massachusetts; Baltimore Harbor and Channels, Maryland and Virginia; Jonesport Harbor, Maine; Bassett Creek, Minnesota; Chaska, Minnesota; Gulfport Harbor, Mississippi; Missouri National Recreational River, Nebraska and South Dakota; Barnegat Inlet, New Jersey; Liberty State Park Levee and Seawall, New Jersey; Ardsley, New York; Ellicott Creek, New York; Kill Van Kull, Newark Bay Channel, New York and New Jersey; Moriches Inlet, New York; Port Ontario, New York; Randleman Lake, North Carolina; Cleveland Harbor, Ohio; Geneva-on-the-Lake, Ohio; Red River Chloride Control, Oklahoma and Texas: *Provided*, That Section 201 of the Flood Control Act of 1970, as amended by Section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the heading "Arkansas-Red River Basin"; Parker Lake, Oklahoma; Bonneville Navigation Lock, Oregon and Washington; Bonneville Power Units, Oregon and Washington; Monongahela River, Point Marion (Lock No. 8), Pennsylvania and West Virginia; Cowanesque Lake Modification, Pennsylvania; Monongahela River, Grays Landing (Lock No. 7), Pennsylvania; Tamaqua, Pennsylvania; Ponce Harbor, Puerto Rico; Clear Creek, Texas; Colorado River and Tributaries, Boggy Creek at Austin, Texas; Freeport Harbor, Texas; Lake Wichita, Holliday Creek at Wichita Falls, Texas; Town Bluff Hydropower, Texas; Little Dell Lake, Utah; Norfolk Harbor, Virginia; Richmond, Virginia, Local Protection Project; Virginia Beach Streams, Canal No. 2, Virginia; Gallipolis Locks and Dam, West Virginia and Ohio (Ohio River). Initiation of construction of these projects is subject, where appropriate, to enactment of needed authorizing legislation. In the event the Ninety-ninth Congress enacts legislation specifying the requirements of local cooperation for water resources development projects under the jurisdiction of the Department of the Army, such requirements shall be applicable to projects for which funds are herein provided, notwithstanding any agreement for local cost sharing in excess of amounts specified in the relevant project authorizations. The initiation of inland waterways projects identified for planning, design, engineering, and construction in this Act may be funded from sums available in the Inland Waterways Trust Fund, established by the Inland Waterways Revenue Act of 1978 (Title II of Public Law 95-502), notwithstanding the second sentence of Section 204 of such Act.

POINT OF ORDER

Mr. HOWARD. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOWARD. Mr. Chairman, I rise to make a point of order against the language beginning on page 25, line 3, through page 28, line 9, that this language is legislation in an appropriation bill. It appropriates funds for unauthorized projects, in violation of clause 2, rule XXI.

The CHAIRMAN. Does anyone else desire to be heard on the point of order? If not the Chair is prepared to rule.

The Chair notes that there are several projects listed in this paragraph which are not authorized by law and the Chair, therefore, sustains the

point of order and the paragraph is stricken.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: After line 9 on page 28 insert the following:

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (but such studies shall not constitute a commitment of the Government to construction), to remain available until expended, $148,500,000 of Construction, General funds and $1,500,000 of Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee funds.

Mr. EDGAR. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WHITTEN. Mr. Chairman, through no fault of its own, our authorizing committee has not been able to enact an authorization bill for 10 years. Although the House has passed authorization bills, they have not been enacted into law.

I have the highest regard for my colleagues for being as patient as they have been in trying to have authorization bills enacted into law. I have supported them through the years and I support them now. We have worked together.

The rule does provide that it is up to me as an individual to offer an amendment to restore these authorized projects but unfortunately the rule also requires me to leave out equally needed projects because they have not been authorized.

The rule leaves us on the spot in our committee for these projects which we must leave out have not been authorized, not because of lack of need, but because Congress has simply not been able to complete an authorization law for 10 years. Many of our colleagues have equally good projects. I shall offer an amendment when the section is stricken on a point of order which I hope will give us some latitude in conference to still take care of these essential projects.

□ 1450

We have included additional funds which could not be used for these projects unless they are approved by the House and Senate.

So I quote again, "for the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law." I am limiting everything to those authorized by law. But I have recommended and do recommend in this amendment that we provide funds which might be used in conference to treat all sections of the country the same. These funds would help in conference with the other body. We would have some elbow room to try to treat other colleagues the same way we treat those who have authorized projects. I repeat again to my colleague from New Jersey, we limit ourselves to authorized projects. We do provide additional funds in broad titles. Again I did not seek the responsibility that came to me under this rule to restore only the authorized projects. As chairman of the Appropriations Committee, I strongly believe we must look after our country, all of it. I am a strong believer in treating my colleagues and their districts on an equal basis and not just taking care of those where they have an old authorization, and leave the others where they have hopes that our colleagues from New Jersey and others may give them an authorization in time to correct an unequal situation.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. EDGAR] wish to pursue his point of order?

Mr. EDGAR. Mr. Chairman, I withdraw my point of order.

Mr. HOWARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to remind the House that this body several months ago, in the last Congress, did pass by a vote of 259 to 33 a comprehensive water resource bill involving 3 years of work and some 300 necessary projects around the country.

Again, in the last Congress, by voice vote, this House adopted that legislation in the continuing resolution.

Due to inaction in the other body we are forced once again to bring this comprehensive legislation to the floor of the House. It will be brought to the floor of the House within the next 3 weeks.

On this amendment now offered by the gentleman from Mississippi [Mr. WHITTEN] I just would like to point out or ask one or two questions. The authorized projects in this legislation which the gentleman is putting back comes to approximately $1.5 billion, I believe. The projects that were not authorized, which on the point of order were stricken and are not being put back by the gentleman's amendment amount to about $2.1 billion, because I believe it is $3,657.9 for the total amount that the gentleman has in his amendment is $149,500,000 in general funds.

So even if there was some way in conference to try and authorize, reauthorize, to fund all of these unauthorized projects, there is nowhere near an amount of money to cover these because that would be about $2.1 billion. Am I correct on that, Mr. Chairman?

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I do not have the figures before me but I have worked with this, as has the gentleman. May I say if I inadvertently said that the House had not passed this, I did not mean to say that and I stand corrected. The Congress has not been able to enact this needed legislation into law. The gentleman and those on his committee have done a marvelous job only to be stymied by the other body.

But I point out, getting a project started is very important. We are not required to provide full funding here necessarily. The full amount, in my opinion, would help us to work out the problem for more of our colleagues. And goodness knows, we need to. Ten years is a mighty long time for our colleagues to get a much needed project started.

Mr. HOWARD. I thank the gentleman and I assure the gentleman that we will do everything we can to relieve the Appropriations Committee from the additional burden of authorizing in an appropriation bill.

Mr. WHITTEN. That has been the situation for 10 years. It is not the gentleman's fault.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Let me give the gentleman the exact figures. If he will look at page 25 of our bill, he will see that those are the same exact figures in our bill that are in his amendment. The bill originally had $148.5 million, and so does the gentleman's amendment.

Mr. HOWARD. That is what I said, but what I am saying is that you have not included the $2.1 billion that was in here for the unauthorized projects. I am supporting this.

Mr. CONTE. Yes, but I am saying that the $2.1 billion was not in the original bill anyway, just the first year costs for both authorized and unauthorized projects.

Mr. HOWARD. Those are just the figures we have.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I think just to clarify the situation for everyone in the House, the projects that were eliminated by the point of order were 66 projects. There were 4 corps projects, there were 31 unauthorized projects, and there were 31 authorized projects.

The gentleman from Mississippi [Mr. WHITTEN] rather than going back and restoring only the authorized

projects in the bill, has simply gone back and restored all of the money in the bill, so in essence we have before us an amendment which provides for money for the authorized projects, but twice the amount of money needed for those authorized projects, and the unexpended obligations can, in fact, be used for other authorized projects or can double or triple the amount of money used on those authorized projects here in the bill. It is an important situation to understand.

If the chairman of the Appropriations Committee were only putting back the money for the authorized projects this amount of money perhaps would be cut as much as in half, or at least substantially reduced.

The gentleman from Mississippi has in fact put all of the money back for both authorized and unauthorized projects.

Mr. HOWARD. We had a figure of $3.6 billion total for completion of these.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HOWARD] has expired.

(By unanimous consent Mr. HOWARD was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. I would state from my conversation with the gentleman from Massachusetts that you do have all of the money in here for the projects authorized and unauthorized.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Massachusetts.

Mr. CONTE. That was my point. The gentleman is exactly right.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. HOWARD. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. The billions of dollars that the gentleman discussed are accurate. If the 31 projects that are authorized and the 31 projects that are unauthorized and the 4 projects of the Corps of Engineers were in there it would cost the Federal Government more than $5 billion.

Mr. HOWARD. I can see by the smile on the face of the gentleman from Massachusetts that he thinks that clause 2 of rule XXI does not mean anything and you can still authorize all you want when you meet the other body in the conference. So most of the authorizing committees might just as well fold up their tents as long as the members on the Appropriations Committee get their projects funded, authorized or unauthorized.

Mr. CONTE. Mr. Chairman will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Massachusetts.

Mr. CONTE. On the contrary, I am with you. I may be smiling, but I am with you.

Mr. HOWARD. Will the gentleman please try and tell me why you are with me? Are you supporting this amendment?

Mr. CONTE. No, I am not supporting this amendment; absolutely not.

Mr. HOWARD. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WHITTEN. Mr. Chairman, I think I made it clear we have the unfortunate situation, whatever the reason, where certain projects have been authorized in years past. Under the rules I can only restore those. We all hope the regular legislative committee may be able to authorize projects in the future. In the meantime I believe we should do what we can to protect those colleagues who have equally as needed projects which have not been authorized because the legislative committee could not get its bills enacted into law though they did pass the House.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman's amendment. I think if you think about it, in fact, it violates the spirit of the amendment that was allowed by the Rules Committee at this point, at this stage of the procedure, because the chairman of the committee was to be allowed to offer an amendment to help restore the funding for the authorized projects and in fact, instead of that he has offered an amendment to restore funding at exactly the same level that his committee determined was necessary for the authorized and unauthorized projects.

The bill, on page 25, line 15, provides for $148,500,000 for the authorized and unauthorized projects which are later enumerated, and the gentleman's amendment does provide for exactly that figure. So it goes right around the barn but we end up with this House, if it passes this amendment, adopting and having restored all of the funding that was in effect stricken by the point of order.

It seems to me that this is a totally inappropriate use of the supplemental vehicle. Supplementals are for emergency spending but there is nothing remotely urgent about new starts on water projects. A delay of 2 or 3 months will not cause anyone to lose any sleep over any of these projects.

□ 1500

Why are they in this bill? They are proposed merely for one reason only, to make an end run around the Public Works Committee and the budget process. We are being asked to cram new projects into fiscal 1985 and an appropriation for new projects in this amendment, when everyone's attention is on the budget for fiscal 1986. If you look at the larger picture in which we are operating it is clear that the American people do not know what to believe about our efforts as a Congress to control Federal spending. They have a tug of war going on in their minds. On the one hand they want to believe that Congress is truly committed to cutting Federal spending, as we tried to prove in the budget debate last month. On the other hand, they can hardly be blamed for questioning whether it's politics as usual when our next step after passing a budget is passing a supplemental appropriation bill that dumps numerous new water projects into the current fiscal year. We ask the American people to be pleased by our actions on the budget resolution for fiscal year 1986 and then ask them to avert their heads while we abuse the budget process. Who are we trying to kid? We are on the verge of taking a giant step off the path toward fiscal responsibility. We cannot ask the American people to have any faith in our ability to control spending if we continue to bypass the budget process and the authorization process. Voodoo and tricks with mirrors are not going to fool anyone, and they are certainly not going to solve our deficit problems.

An editorial in a national newspaper, the Wall Street Journal, said it best: "A congressional budget resolution is roughly comparable to your 4-year-old saying, cross my heart and hope to die." Federal spending, on the other hand, is real money. Today in this supplemental, we are talking about real money.

I do not propose to say all water projects are bad by opposing these at this time. Many of them are good. Many of these are good. It is good to see that elsewhere in this chapter cost sharing on Bureau of Reclamation projects is required. I hope this language is retained in the conference. But I continue to believe that the supplemental appropriations bill is an inappropriate vehicle for this kind of spending. Supplementals are supposed to provide emergency funding and new starts in this section of the bill just do not qualify.

It is reasonable to ask why these projects have been put into the supplemental, or the appropriations for them when markup is scheduled for both water resources authorization and appropriation in fact in the next couple of weeks. So let us allow the regular legislative process to proceed and preserve our credibility as responsible legislators with a genuine interest in abiding by the budget levels agreed to in this House just 2 weeks ago.

Mr. Chairman, I point out to all of my colleagues who have a project in

House Resolution 6, or some other place and that is not in this bill that it is going to be jeopardized because when this train goes through because then you are not going to have an engine to bring your projects through and they will be lost for another Congress.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. EDGAR TO THE AMENDMENT OFFERED BY MR. WHITTEN

Mr. EDGAR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar to the amendment offered by Mr. WHITTEN: Strike "$148 million" and insert "$50 million".

Strike "$1.5 million" and insert "$1 million".

Mr. EDGAR. Mr. Chairman, the point of order that was sustained which was offered by Mr. HOWARD, chairman of the Committee on Public Works, was an attempt by the Committee on Public Works to keep the fire burning under the authorization process. Last year I broke from my tradition and supported for the first time in many years a water authorization bill. It had policy reforms in it which included cost sharing, which included environmental mitigation, which included a process for deauthorization of many outdated projects that are on the books but not ever going to be constructed.

The gentleman from New Jersey [Mr. ROE] had fashioned a bill, which, while not perfect, at least began to move in the right direction of setting up a strong authorization process where water policy could be made in the United States.

The amendment which I just offered gets us back to the situation where we give the Committee on Appropriations approximately $50 million in funds for authorized water projects from now until October 1, according to the authorized projects that are in this bill.

What my amendment does is delete the additional money that the chairman of the Committee on Appropriations had placed in his amendment which would have covered the cost of the unauthorized projects.

Let me see if I can explain it even more simply, if I may have the attention of my colleagues.

The original bill before us today had 66 projects; 31 of them were authorized Army Corps of Engineer projects. Four of them were authorized Bureau of Reclamation projects. But there were also 31 corps projects that were unauthorized.

My amendment would say fund the 31 authorized corps projects and the 4 Bureau of Reclamation projects but do not fund, do not pay a dime on any of the unauthorized projects until the authorizing committee has had a chance to work its will.

This Appropriations Committee will be back on this floor within a few weeks with the 1986 appropriation legislation. There will be plenty of time for us to look at the quality of the projects they select, and there will be opportunity for us to weigh the merits of those projects at that time.

If you accept my amendment to Mr. WHITTEN's amendment, we simply give Mr. WHITTEN what he wants, and that is authority to fund authorized projects from now until October 1, that he does not have the money to fund under the existing 1985 appropriation.

But in a time of emergency, at a time when Federal dollars are scarce, it makes no sense to put a mythical amount of money in place attached to no projects or attached to projects yet to be authorized. We will have that chance in the orderly process of the House.

So I would urge my colleagues to support my effort. Again, it is very simple: We reduce from $148 million to $50 million the amount available for water projects, enough to fund only the authorized projects, and we reduce slightly the amount of money for flood control in the very necessary areas that was at one point $1.5 million and we include $1 million for that. We save about $100 million that, in Mr. WHITTEN's amendment, would be spent on unauthorized water projects.

In addition, by doing this we strike a blow for merit selection of water projects. By keeping the pressure on for an authorization bill, we keep worthy projects that are not in this bill but are in the Public Works Committee's authorization bill from being bumped to the back of the funding line. A number of key flood control projects for my State, for the Wyoming Valley, for Pottstown, Harrisburg, and Lock Haven, are in the authorization bill. But they are not in this fast-track appropriation bill, so funding of them will be delayed if unauthorized projects are included in this bill.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. Yes, I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I agree with the amendment of the gentleman, Mr. EDGAR, but I'm afraid that it really does nothing. What the gentleman is saying is absolutely right, but even if we pass this with a lower number, they will put all those projects back in and they will put all the money back in during conference.

The key is that you have to defeat the Whitten amendment. Then there would be no kite to tie the tail to. Putting the authorized projects back in there is what gives you the kite.

Mr. EDGAR. I thank the gentleman for his comments. It was a close call in terms of strategy. But I have to say to the gentleman that because the point of order only lodged against paragraph 1 of this particular chapter, the kite was still there. The opportunity for conference to add or subtract money is still there, whether or not the Witten amendment is accepted.

I plan to vote against the Whitten amendment because I think in a time of fiscal constraint when we have all of the emergency funding pressures on us with high deficits and high debt, we ought to use the regular orderly appropriation authorization process and not try to sneak unauthorized projects through on bills such as this.

□ 1510

(By unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. So I understand the gentleman's point of view. I simply want to say, if you have already got that ability in conference to rise and fall on the issue, lets us make the House figure small enough so the Senators realize that we are serious in the House; that only authorized projects will receive this emergency supplemental funding, and if they want new projects, they ought to go through the regular authorization process and help Congressman ROE get his authorization bill not only passed in the House, which we can do, but considered carefully and seriously in the Senate of the United States.

Mr. DELAY. Would the gentleman yield?

Mr. EDGAR. I yield to the gentleman.

Mr. DELAY. I thank the gentleman for yielding.

I wanted to make this very clear about your amendment. The authorized projects, for example in my district Freeport Harbor and Freeport jetties, that have been authorized since 1970, would, under your amendment, be allowed or be started with the amount of money that is appropriated in your amendment?

Mr. EDGAR. Absolutely.

Mr. DELAY. All authorized projects would have the ability to get started?

Mr. EDGAR. Any of the authorized projects that were listed in the shopping list of appropriation bills would be eligible for funding by the Army Corps of Engineers by my amendment.

The only projects impacted which would have to wait only a few months; until October 1, are those projects that are unauthorized, and that keeps the fire burning particularly under the Senate, so that we pass a legitimate authorization bill, but also the policy changes that we have worked so hard to accomplish.

Mr. DELAY. I appreciate the gentleman's amendment.

Mr. EDGAR. I thank the gentleman. I urge my colleagues to support my amendment. I hope that we can support the amendment and then some of us, by virtue of our judgment on the financial considerations, will move to vote down the Whitten amendment.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to come to the aid in this moment, of the Appropriations Committee, which I think is going to shock the chairman and also my subcommittee chairman on this issue.

I happen to agree with what BOB EDGAR said, the gentleman from Pennsylvania, completely. It does not matter whether you add money or cut this back; it just does not mean anything; this is an exercise in total futility if you cut it back to $5, because that is not going to be debated nor decided in this House; it is going to be decided in conference.

The one thing we want to be careful of is that we do not denigrate the whole system. Now there is an issue that you may not be aware of, fellow workers and fellow Members, that we come back and we talk about the magic of authorized projects.

Well, look through the respective States, and there is a very important point here. A project can be authorized but it was only the projects that were allowed to go through by the administration. You had to make your deal with the OMB; you had to make your arrangement to participate in a higher cost-sharing aspect of it. It did not matter where you came from; it did not matter whether you had a flood problem; it did not matter whether you were poor; it did not matter whether you had a 2-year legislature and could not raise the money for the matching funds; The GAO, under this situation, has decided specifically what will be eligible, what will be authorized.

So there is no magic about some sacrosanct issue has been decided because it has been authorized. That is total hokum and total bull. It is not so.

Part of the battle we fought on this floor before was equity and fair play. That is what the Members are looking for.

I hear questions being asked on fact, not fiction, or not philosophy, but whether or not they are eligible. What we are trying to do is break the cycle after 15 years and create a piece of legislation that will work, that will be equitable, and fair throughout the country to meet the needs of the people, and compliments to the House, compliments of the chairman of the Appropriations Committee.

I remind this committee here that the chairman himself, almost singlehandedly fought like a dog the last time in the continuing resolution to protect the interests of the House, as the House had voted, and that is a matter of fact.

The chairman and the subcommittee chairman went to the Rules Committee with us yesterday, and joined us with the Rules Committee, attempting to get the Rules Committee to make in order a particular amendment we wanted to add.

So I do not think it is fair, although I do not agree with everything that Appropriations does, to come down on their head.

The mistake we can make in this room today, or this Hall, is to just go ahead and go to that conference regrettably with the Senate and wind up, as far as the House is concerned, with practically nothing.

So I am going to support Mr. EDGAR's amendment to reduce the funds, because I think it is symbolic. I have the highest regard and respect for the gentleman, and I am going to support Mr. WHITTEN's amendment because I think the amendment ought to pass when it is amended by Mr. EDGAR.

I would like to extract a compromise and a promise from the Appropriations Committee, and I have another amendment I will bring up after this is done. What I would like to get from the committee is the point of view that you have written into your bill that regardless of the negotiations we hope, that if a project has not been authorized by the authorizing committee and therefore the House of Representatives, that it will not come back from the conference, even if the Senate attempts to add it on. Is that an unreasonable request to ask?

How firm will the Committee on Appropriations stand on its position in this bill?

Mr. WHITTEN. I do not think I have a 6-year term like the Senators do, but I have been able to stay there and lay limp.

Mr. ROE. You do very well with your 6-year terms.

Mr. WHITTEN. So I do not think I give in very easily.

Will the gentleman yield to me at this point?

Mr. ROE. Of course.

Mr. WHITTEN. I would just like to point out, and I appreciate the gentleman's statement—I quote from my own speech to this House some years ago:

> In the first place, if you do not pass this bill you leave it up to the Bureau of the Budget under any administration to determine all new projects, leaving it open to a handfull of men to be purely political.

That is not necessarily true when you say authorizations. But if the administration is not going to approve an authorization bill, you leave it up to downtown, and you know it won't happen here.

I go on further and say:

> I am saying that we have an obligation to look after our country, and I am saying that, after study by the Corps of Engineers, a part of the Executive Department, it is up to the Congress after hours, days, and months of study and the testimony of 1,150 witnesses, to recommend the initiation of development in sections of this Nation. That is what the bill before us would do.

Now, those who have spoken and have not been to conferences with our Appropriations Committee on the Senate side, the more money you have got in here as long as it does not exceed what we had in the bill, the better chance you have got something to work out over there.

Now, if you put a limited amount in here, you force us to choose between our colleagues who perhaps have equally desirable projects.

Mr. ROE. But if the gentleman would let me regain my time——

Mr. WHITTEN. We may have to split the projects in half, and I do not want that job.

Mr. ROE. I subscribe to what the distinguished chairman says, but let me offer another point. We have already decided that. We have cut up what is available.

(By unanimous consent, Mr. ROE was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. I have worked with my colleagues——

Mr. ROE. I know you do, and I am not quarreling that, JAMIE, but there is one thing that is certain; we have already picked and selected.

In the amendment that I choose to offer after we finish this debate goes to the other part of the bill that was under the waiver. There are 30-some-odd projects in there, including the 7 locks and dams as far as the acquisition of land and the engineering and designing, and I am not going to quarrel.

But I am saying that we have already selected.

What is happening in this process is that Members do not have an equal chance or an opportunity in any State, unless you have some input into that appropriations bill and sit on that committee, in fair play, nothing else is going to happen.

Now we cannot quarrel with you folks for working your will, but we do think it should be fair and equitable. The Northern part of this country has just as much right as the South and the East and the West to be considered in their needs, in their natural resources needs, and that is not happening. That is not happening in this particular bill, and you know it.

Mr. WHITTEN. And when the gentleman makes that fight, I will be standing beside him.

Mr. ROE. Well, I am going to wait for that day.

Mr. CONTE. Will the gentleman yield?

Mr. ROE. Yes, of course.

Mr. CONTE. I wonder if the gentleman could tell me whether he got an answer yet to his question?

Mr. ROE. Well, I think in the exchange and dialog, I have not quite gotten the answer, but I am not finished with the question yet, either.

I think it would be good, but I will let that go.

I yield back the balance of my time on this particular issue.

□ 1520

Mr. PICKLE. Mr. Chairman, I rise in support of the amendment that has been offered by the chairman of our Appropriations Committee.

Many of us are not comfortable in the amounts of money that may be appropriated, and many of us do not want to be overly selective within our own districts. But each of us has projects that we are concerned about. If I thought we could just stop the process and get an authorization bill out next month or the next month, or even the next year, then I would consider some possibility of seeing if there was a way to compromise.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I have not made my point yet.

Mr. HOWARD. The gentleman has made his point.

Mr. PICKLE. I will yield to the gentleman in just a minute.

But I have a project in my district that I must make reference to, because I want to make a point. I have a little project in East Austin called Boggy Creek. It has been studied, it has been approved by the corps, it has been smelled and massaged and examined at almost every level. It only costs about $15 million or $18 million. But for 10 years we have not been able to get this project advanced, nearly 10 years. Now, somewhere the machinery has broken down. Here and there a few get selected over and above this little project that flows through the eastern part of my city.

Now, the Appropriations Committee is for the project. The authorizing committee if for the project. I do not know anyone who is really against it. But I have got nothing to show for 10 years of effort. And I have promised over and over to my constituents that everyone is for the project. I hesitate to go home now because they say, "What year did you say this was going to happen?"

Now, I do not care to lump all of these projects in one, and we should be responsible about appropriations, but I do think that those of us who cannot get these little projects advanced have to stand up at some point and say, "Let us put some funds in here to see if we cannot eventually get a part of this action."

Now, that is what I am asking. It would seem to me that Mr. WHITTEN's amendment would do that. If I go back and take his amendment over the amendment of the gentleman from Pennsylvania, then it is only for a authorized project. So I am asking for help on a little project that has been delayed for years and years, and I am tired of it.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from New Jersey.

Mr. HOWARD. The gentleman said two things. First of all, he said he would be satisfied if the bill passes within the next month from the authorizing committee. That will be. But, second, we are talking——

Mr. PICKLE. We thought that last year, I say to the gentleman.

Mr. HOWARD. Yes, we did pass it last year.

Mr. PICKLE. But we do not have a bill.

Mr. HOWARD. The gentleman asked if we passed it, and I said we did twice, and we will.

Mr. PICKLE. We do not have a project.

Mr. HOWARD. Now, the gentleman says, though, this project is needed, and if we cannot get the bill through, then we should certainly take your project, whichever way we can. You are tired of waiting. So you take 60, 63. There are over 300. What do you think about the other 240 Members of the House who also have it, or are you saying, "Just take me, and these others, my pals, and forget the other 240?"

Mr. PICKLE. Let me reclaim my time by arguing in reverse. If you go back to authorizing, you are going to authorize them all—all 300! You are not going to authorize one. We have been through that process before.

Mr. HOWARD. Of course.

Mr. PICKLE. So then somebody has got to choose. It has either got to be the Congress or it may have to be the people downtown. It would seem to me that if you put the money in there, at least we have got a chance to make some selection as we go to conference. It is a matter of good word and good faith. This is true of many of us. In my city, they said, "Well, we will cooperate." And now for years and years, I said, one by one, each year, we have added to their responsibility. Now they have put up a third or 40 percent. They put up their money. They have advanced money on many of their works to get credit, but they have got no project. Now, somehow or another we ought to have a finality to these little projects.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I am feeling very sympathetic to the gentleman's concern. Let me make two points. The first point is, with the amendment of the gentleman from Mississippi that states clearly that his big pot of money can only be funded toward authorized projects, the gentleman is still not protected with the gentleman from Mississippi. The second point, which is more critical: In Harrisburg, PA, in Lock Haven, PA, in Wilkes-Barre, PA, is a whole series of small communities identical to yours, there are flood control projects that have been very needed and very necessary. Those projects have been held up. And they have been held up because some of us in the House believe that we ought to have a process whereby we can select these projects by merit, much like your project, and give all Members of the House and all Members of the Senate, who represent the taxpayers who pay the bill, an opportunity on a merit selection process to get their projects funded in a timely fashion. Unfortunately, the system has broken down, and only those Members who serve on key and appropriate committees——

The CHAIRMAN. The time of the gentleman from Texas [Mr. PICKLE] has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. PICKLE was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. If the gentleman will yield further, the gentleman is at the very point that the gentleman from Pennsylvania is, the gentleman from Kansas, the gentleman from Oregon or the gentleman from Utah. Many of them have very worthy projects. In the Roe bill we have cost sharing, environmental mitigation and policy initiatives that can help put in place a policy so that we do not get ourselves in this position in the future.

There is one final point I must make, and that is that if we allow this process to go through, where we take the fire out from under an omnibus authorization bill, then we take the fire out from the policy initiatives that can help across the country.

Mr. PICKLE. Mr. EDGAR, I am in sympathy with the authorizing committee. I know very well that they want to advance a lot of these water projects. I do know that because of the past two administrations, this one now included, we have no water projects.

Now, I have voted for many of our big national defense projects. I thought they were necessary. But I am also saying that there comes a time when we ought to help some of these little communities or some of these poor parts of cities. We have not done it. And whatever caused it, whatever administration, it is not just the fault of the committee, but we have not produced any kind of a bill. Now, I want something put in there to try to give us some relief. I just think there ought

to be a halt to this kind of continued delay.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman from Texas for yielding.

Mr. Chairman, I think the gentleman from Texas should make the point that in this bill there is $2.7 billion for foreign aid, and the chairman is only asking for $148 million for water for this country, that the President says has got to provide the economic growth and retire deficits and prepare the wealth of this country so that we can support other countries.

I think that is a point that the gentleman from Texas should be making. No one is saying what projects should be there. I am like you, we do not have water. But I do not know if that will be considered or not. But I think we should put an equivalent amount of what we are doing in foreign aid, and there is $2.7 billion there. The chairman is only asking for $148 million. I support the chairman and I stand strongly opposed to the Edgar amendment.

Mr. PICKLE. Mr. Chairman, I do not like the earmarking or comparison of one kind of fund against another fund or appropriation, because we have to look at the total budget. But there comes a time when you have to make a determination that somehow we ought to advance some water projects. We have not done it. Now, that is not right. As we do all of these other good things for our country, both nationally and internationally, we ought to also do something for the water projects, and it is time to take action on it.

Mr. MYERS. of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really had not planned to talk on this issue, but there have been so many misstatements made and inaccuracies put before the House this afternoon that I think they ought to be corrected.

First, I do not remember when we have been quite so controversial on this particular section. I remember when I first came to Congress 19 years ago—Chairman BEVILL and I came the same year—I offered an amendment to the public works then, the subcommittee bill, and you would have thought that I had committed treason to dare challenge that particular bill. And the foreign aid bill was always controversial back then. But this one today is being blown clear out of proportion.

First, we had 62 new starts in the original provision of chapter 4, and this is being knocked out by a motion here by Mr. HOWARD. And I understand why. I thought it had all been taken care of.

Mr. HOWARD. Mr. Chairman, will the gentleman yield, since he mentioned my name?

Mr. MYERS of Indiana. Well, certainly. It was not derogatory, but I yield to the gentleman.

Mr. HOWARD. I just want to point out that the only way I could would be the section that would knock out both the authorized and unauthorized. I had no intention of eliminating the authorized and would support that part of the chairman's amendment to put them back in.

Mr. MYERS of Indiana. Well, I said earlier I thought 3 weeks ago we had an agreement. Now, I personally did not talk to you, but I understood, from other people secondhand, that as long as we provided that they must be authorized by law before we went to final construction——

Mr. ROE. If the gentleman will yield, that is part of the point. When we make an agreement we do not break agreements. I think the Members of the House ought to know one very important point which I do not think they are aware of. The reason that Mr. HOWARD was successful on his point of order was because it was authorization on an appropriation bill. But the Rules Committee protected 32 other issues, and they granted them a waiver. We cannot even get at that unless we move to attack the entire bill. We never agreed to anything like that.

And, if I may—if the gentleman will give me just 1 more second—why should it be that we select and pick between our brothers and sisters? Why should it not be fair and equitable to every State? That is the issue. So it was not a question of whether or not something was authorized or not. Part of this bill is protected by the Rules Committee, as I know the gentleman is aware.

Mr. MYERS of Indiana. Well, the gentleman may have to worry about that problem on authorization, putting everybody's projects in, but we on appropriations have to select the highest priority. That is our very job or we would not have an appropriations process. We hold extensive hearings also, and we have, but I must say to both gentleman from New Jersey that, to be honest, we have been waiting 5 years for that authorization bill to get down here. Now, we passed it last year, yes. But it did not become law. It was through no fault of yours. But it is through no fault of those individuals who are suffering, such as the gentleman from Wichita Falls who is right today under water, or Boggy Creek, in Texas, another project that is strictly under water. There are other projects that are suffering every year.

□ 1530

Mr. ROE. If the gentleman will yield, of the 435 Members of this House, and I rise up with a little indignation at the moment, I probably have talked and worked with at least 90 percent, personally, of the Members of this House, and every hamlet and village in every State across this Nation. We did not bring forth some kind of a dragon; we put together that which was necessary.

The question before the House really is: Do we need an authorizing committee at all? What are we doing it for? Can I not then so to the chairman of the Appropriations Committee and say, "Mr. WHITTEN, of the nine projects that we desperately need in the State of New Jersey, you gave us none, sir." There are two projects that are previously authorized. I beg your pardon.

Mr. MYERS of Indiana. On page 27 of the bill which just recently got knocked down on a point of order, line 19, I quote from that passage that no longer is in the bill:

"Initiation of construction of these projects is subject, where appropriate, to enactment of needed authorizing legislation."

We put it in there that you would legislate. We would not start construction. We were advised by the Assistant Secretary for Civil Works that they needed to do some advance engineering; they need to have the money in here for that. So this is the reason we put it in. It was not to try to run around you. We worked with you very closely.

I yield to the gentleman from New Jersey.

Mr. ROE. I think that is a marvelous achievement, but then I have to ask the simple question, I am country boy; I do not follow all of this kind of thing.

Why is it then on the 32 other projects that the same codicil was not added? Why was that not added to the other elements in the bill then, if that was our agreement?

Mr. MYERS of Indiana. It is still not in the other elements of the bill, and you are not even objecting to other elements of the bill. We did that because you asked for it.

Mr. ROE. Oh, yes I am.

Mr. MYERS of Indiana. Going on. If you are a country boy from New Jersey, I hate to think what I am from Indiana; really a rural area of Indiana, incidentally, suffering from floods also.

Going on, it troubles me very much when I hear the words this afternoon, "pork barrel" used frequently. "Pork barrel." Then someone else objected to the fact that OMB or the President was selecting the projects. Yes, he sent the recommendation down here. We accepted 22 of his, I believe, 28 recommendations.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(By unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 5 additional minutes.)

Mr. MYERS of Indiana. We on the subcommittee, of those 28 requests, put in 22 of the requests. We put in 10 that he did not request. Ten of the projects in there are projects that the President or OMB did not request. It did cause some consternation, I think, in OMB, and maybe from the White House; we have not heard from the White House. But that is our job on appropriations. We cannot put everyone's project in.

Now, Mr. EDGAR, he will probably ask me to yield to him now, but he wants to cut it back to $50 million. That may happen shortly. Then he suggests that we should fund everybody's project; we cannot do it with 150; how are you going to do it with 50? I do not think 50 is enough, but it may come that we will have to start these projects with $50 million.

The important thing that I see here is that your committee here has picked out 62, and now it has dropped down to 32, projects that we feel that are very, very important; that are authorized. Now there is going to be disagreement. In most cases, we are right. But, in no time do I know any other project that ever comes before this Congress, except here, that we have to concern ourselves about the cost-benefit ratio.

We have to make sure the benefits are greater than the cost. What other projects do anybody, in any other appropriation bill, have to meet that first criteria? When you talk about an expense here of $145 or $50 million, whatever the case may be, it is not a handout. It is not a giveaway; it is an investment in the future. It is an investment in the transportation system that is badly needed for exports, for our farmers who are not able to export their grain today because they just cannot meet competitively world market prices. But with cheaper transportation, available transportation, quick transportation would help.

Steel; Pittsburgh. Moving down the Monongahela or Ohio River; moving the steel and the ore up the river from the Great Lakes. All of these things are in this bill. These are investments in our future that will return. Yet, today when you talk about this high expenditure and the opportunity to save money, you would think that this is a giveaway. In fact, a lot of other dreams that we have here, ideas that we suggest. It is a good idea to spend money here and there and elsewhere. But here we are going to get it all back.

I fully understand the disagreement with the authorizing committee. It is one of those things that you have to admit, we have waited 5 years and patiently, and we have tried to work out this year with the fact that, yes, you are going to get that bill, and we are going to try to help you get it. But we were going to make sure that the advance work that ought to be done, and we were going to have the appropriations done then already in place when you did get them authorized.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify, since you used my name, what my amendment actually does. If you were to take all 66 projects that were in the original bill, the authorized and the unauthorized projects, and fully fund them out to completion, it is estimated by your committee, and I think we would agree, that the total cost would be over $5 billion.

Mr. MYERS of Indiana. Four point four, I believe, to be exact.

Mr. EDGAR. The unauthorized projects would be in the neighborhood of $3.6 billion. It was our estimate that the corps authorized projects in your bill would be about $1.5 billion. Those $1.5 billions of expenditure will in fact be funded and go to the head of the line if the Edgar amendment is accepted, because we have put sufficient funds in to fund from July 1 to October 1, the startup moneys for those authorized projects.

What we were afraid of was that if the whole of the Jamie Whitten amendment is accepted, then if in conference the word "authorized" is taken out of the language, and the unauthorized projects that you have stated would in fact be able to be funded, they would go to the front of the line. We are not suggesting that many of those projects are not important, but there are small projects in Oklahoma and Texas and Pennsylvania and California that in fact are very worthy, very necessary, and very ready. Very hungry to be recognized as valuable projects.

We think they ought to have an opportunity, and we think in the Roe bill they are given that opportunity. This provides the opportunity for the corps to work its will on the authorized projects and for our committee to work its will on the unauthorized projects.

Mr. MYERS of Indiana. What the gentleman has done is taken his judgment, and he serves on the authorizing committee, and played it against the judgment of those of us on the Appropriations Committee, and tried to impose his views on us, whoever has the higher priority.

I do not know; I hope ours has the highest priority. We have tried to pick those very critical projects in the country that are critical to jobs, to national security, to safety and security. We have tried to pick those projects that we, in our judgment, believe are national priority not to accommodate certain Members, as was suggested here. We were impugned somewhat as to why we selected certain projects. We did not do that at all.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(By unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 1 additional minute.)

Mr. MYERS of Indiana. The last authorization bill to pass this Congress was in 1976. Fourteen projects for a total of $478 million. Three of those have been started at this point, for an expenditure of $177 million. Not the $4.4 or $5 billion that the gentleman suggested.

Two more are in this supplemental appropriation. The one before that was 2 years earlier in 1974; I think we had eight projects there. Only two of those have been started to this date. It takes a long time; there is a lot of work that must go into these projects. So to say that we are going to spend $4 billion in the next 2 or 3 years is inaccurate.

But if we did, if we were to assume that over the next 10 years, that there would be another 10 years before we got an authorizing bill passed, if these totaled out to $5 billion, that would be an annual appropriation of $500 million.

We lose more than that in one flood in this country. The loss to the country for one flood in many cases is more than $500 million. The major ports generate more income than that in 1 year. Yet, they are not today because the ports are not deep enough.

We have selected items that we thought were high priority.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(On request of Mr. HOWARD and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Chairman, in closing, I would just like to ask the gentleman whether he had considered in his concern about the fact that you wait several years, 4 or 5 years for legislation, it passes this body, does not get through the other body, does not become law.

Have you ever thought that perhaps your committee might in some way be contributing to that by letting the powers that be in the other body know that as long as the heavyweights over

there on the Appropriations Committee can get their projects through the Appropriations Committee, without bothering with any authorization, that we would then lose any kind of pressure we may have in the other body to get them to accept the bill?

I hope that we will not lose what little clout we have.

Mr. MYERS of Indiana. Did the gentleman last year not say, "After we get it past the House, go ahead and put the money in the appropriation bill." Did the gentleman not say that?

□ 1540

Mr. HOWARD. Yes. Absolutely. I know.

Mr. MYERS of Indiana. That is what we are saying here, too.

Mr. HOWARD. But if we keep giving the other body many of these projects through the appropriations process, it loses any kind of pressure we may have in that entire body to get a bill, and then there are no projects left for the common, ordinary, everyday Member of the House to be authorizing.

Mr. MYERS of Indiana. That is the reason we put the language in here when it was enacted into law, so we would put the teeth into it.

Mr. HOWARD. Before he goes, would the gentleman say that he believes that he is going to come back here and those things that say "unless authorized or enacted into law" will not be funded?

Mr. MYERS of Indiana. Well, the chairman of the committee has been around many more years than I, and he said it is impossible for us to make a promise and keep it. You know that, too. We could do our best, yes.

Mr. HOWARD. Not a promise; a guess.

Mr. MYERS of Indiana. It is impossible for us to make that commitment. You know that when you go. You cannot promise any program is going to be in there, but we can do our best.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the Chairman, of course.

Mr. WHITTEN. May I say, whatever we do is subject to approval by the House of Representatives. If we authorize it in the final passage, it will be authorized.

Mr. MYERS of Indiana. I know the rules of the House. It would have to come back in disagreement.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has again expired.

(On request of Mr. HORTON and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 3 additional minutes.)

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Chairman, I do not happen to be on either one of the committees, the authorizing committee or the appropriations committee, but I work very closely with both the appropriating and the authorizing committees, and you have been very helpful to me on these projects.

Mr. MYERS of Indiana. You have a project badly needed.

Mr. HORTON. It just so happens that one of the projects that is included in the list that is authorized, and this one has been authorized since 1945, is a port of refuge on Lake Ontario, and it is very important to the people in Oswego County.

What happened was that the Federal Government made a commitment to do something about this Salmon River, and the State of New York went ahead and spent millions of dollars to stimulate the fishing industry, and now thousands of people are out on Lake Ontario fishing because the State has provided good fishing in that particular area.

What happens is that a sudden storm comes up and those people have no place to go. Fortunately, they have not lost any lives in the last couple of years as a result of not being able to get in, but you can go out of Port Ontario and a half hour later you cannot get back in.

This is one of those projects that is in here that is very important to safety. I certainly do not want to get caught in the middle of a dispute between the Appropriations Committee and the authorizing committee, the Public Works Committee, and I just urge that we authorize these projects, and particularly the one I am talking about.

Mr. MYERS of Indiana. We never have wanted to get enough posture. We have been forced into it to get your project, Moriches Inlet, Ellicott Creek, and Ardsley, NY. You have a number of dangerous areas.

Mr. HORTON. As a matter of fact, we could not do anything earlier because there was a bill pending that passed the House but the Senate did not do anything about it.

Mr. MYERS of Indiana. That is right. It was not the authorizing committee. We find ourselves, both of us, in the same position. We are trying to help each other out.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I would like to underscore the importance of what the gentleman from New York [Mr. HORTON], has said.

All of us, of course, have our own individual cases and projects of merit. The gentleman from Indiana mentioned Ellicott Creek. I want to tell the House how desperate the conditions are there in Amhurst, NY without this vital flood control project getting started immediately.

Mr. MYERS of Indiana. The gentleman has made it to us many times.

Mr. KEMP. And I appreciate his support and that of Chairman BEVILL, but the point is well made by the gentleman from New York. Many of us on the floor are just caught in this dilemma, betwixt and between, even though I am on the Appropriations Committee. I feel like the gentleman from New York [Mr. HORTON] does. I have a project that has been authorized for a number of years is highly meritorious. It is a small amount of money, and deserves immediate consideration. I listened to both sides, and I can understand the merits, but the gentleman from Indiana is correct. It has been too long. We have to move, and we have to move quickly.

I think that this country has reached a crisis point over Congress' failure to enact a water policy. It has been 9 years since the last water project authorization bill was passed and 15 years since the last major omnibus water bill. Most of the projects included in the gentleman's amendment have been waiting that long or longer to go to construction. In the meantime, people have lost lives, my constituents have lost homes and possessions due to floods and we're eroding confidence in the whole system.

This Whitten amendment would restore only those projects that already have been authorized by Congress. Many of these projects have been requested by the administration. All of them are ones that are desperately needed by our citizens and which have been held up far too long already. I'd like to report on one such project.

It's called the Ellicott Creek flood control project in western New York, and it's a perfect example of what can happen when Congress waits too long to fund water projects. The Ellicott Creek project is authorized, more than meets any cost-sharing requirement, and has been requested in the budget for the last 3 years. The Corps of Engineers has been working on this flood control project for several decades, and the initial authorization was passed 15 years ago.

The congressional logjam over water projects caught up with Ellicott Creek area residents this winter. In February, Ellicott Creek flooded, forcing hundreds of families to evacuate their homes by boat and flee to emergency shelters. By that evening, many parts of the area looked more like a lake than a peaceful residential community. Streets turned into swiftly moving streams and house rooftops resembled small isolated islands.

Before the creek receded, the flooding caused millions of dollars of damage. Residents returned to find their homes devastated. Walls had collapsed; basements needed to be pumped out; and furnaces, water heaters, pipes, and electrical wiring needed to be ripped out of basements, leaving the homes without heat, water, and electricity.

In addition to the structural damage to their residences, the residents spent weeks throwing out possessions made priceless by their sentimental value or ones for which they had worked long and hard to own. No flood insurance program is able to compensate for throwing out a wedding album or a baby book or an heirloom handed down through generations of a family. No one who has not lived through a disaster of this magnitude can understand the pain, anguish, and anger that the victims feel as they sift through what remains of their personal possessions.

The residents currently live in fear, knowing that Ellicott Creek could flood after any bad storm or heavy snowfall. What makes this situation so frustrating is that the Corps of Engineers has stated that if this project had been built, it would have been more than adequate to contain the floodwaters that wreaked such devastation. These residents must not be forced to live through another devastating flood before Congress acts. I've met with concerned citizens in Amherst and throughout western New York who represent the vital interests of all those people and families who cry out for action and relief, right now.

I urge my colleagues to act immediately on those projects that would be restored to the bill and which have been approved by Congress. Our constituents already have waited too long for these projects to be built.

Mr. MYERS. We are not trying to make an end run around the authorizing committee. We are trying to get a head start so when they do authorize, we will be out and running. That is all we are trying to do.

Mr. KEMP. I share the gentleman's concern.

Mr. HOWARD. If the gentleman would yield, there is no problem with authorized projects at all. We are all for them in this bill.

Mr. MILLER of Ohio. Mr. Chairman, I wish to draw the House's attention to the Ohio Valley's most crucial navigational project: Gallipolis locks and dam. There is language in this measure of critical importance to this aging, obsolete compound and its future.

The Army Corps of Engineers wants to replace the existing Gallipolis 600-foot chamber—which was opened to river traffic in 1937—with a modern, safe 1,200-foot chamber to be built within shouting distance of the existing compound. I have introduced legislation authorizing the construction of a new locking chamber.

The history of the proposed project has been marked not by swift legislative action on the Ohio River's worst navigational bottleneck, but by procedural delays, and legislative stalemates which have victimized the project and its promise of brighter economic development in the Ohio Valley.

Gallipolis is the most hazardous locking chamber on the river. It is the only chamber from the Pennsylvania border to the Gulf of Mexico still using a 600-foot main channel for locking. Breaking massive barge tows moving from Pittsburgh to Cincinnatic into parcels for locking is the rule, not the exception. Some barge operators refuse to lock through at night. Others refuse to approach Gallipolis' treacherous pools and chamber walls during high water periods. Gallipolis is the only chamber on the Ohio using mooring cells to literally edge barges filled with coal, petroleum, and other commodities into the beaten and battered main chamber. It has the highest accident rate on the Ohio River, averaging 10 mishaps a year for the past 12 years. Damage to Government property, according to the corps, has totaled over $1 million. Shipping delays due to the small chamber, leave barge traffic backed up for days along Ohio River shores, with the cost of shipping slowdowns being ultimately passed along to the consumer.

There is no jusitification for not moving ahead with legislation important to Gallipolis. The project has an estimated benefit-to-cost ratio of more than 11 to 1. It has the full support of every state government bordering the Ohio. Actual construction of the new complex will create jobs, hundreds of jobs in a region where the unemployment rate consistently exceeds the national jobless rate. The Corps is working on engineering studies now, but will need full authorization before actual on-site work can begin.

I urge my colleagues to recognize the value of Gallipolis and to give the project the priority it deserves.

Let me highlight one aspect of the project—or delays on it—which warrants noting. The present aged conditions of the compound present ideal circumstances for an environmental calamity of monumental proportions. Barges carrying highly toxic and hazardous chemicals and chemical products are regularly struggling through Gallipolis. The accident rate at Gallipolis strongly suggests that it is simply a matter of time—law of averages, if you will—before a chemically-filled raft of barges is slammed into the guardwalls at Gallipolis or ends up spilled into the adjacent dam. The environmental disaster in the wake of such an accident would be nearly overwhelming. Its consequences would threaten lives and water systems and industrial operations along the entire Ohio Valley alley.

Congress has the chance to prevent this disaster-in-the-making. We can assume our responsibility by acting on measures that will give Gallipolis the priority it deserves.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this relatively new Member is not going to be able to add a great deal of light to our discussions on this very important matter. Perhaps, though, the fact that I cannot, and the dilemma in which I find myself, may be of some benefit to other Members of the House perhaps like myself who are not veterans of the process.

I certainly have enjoyed a very warm and good relationship with my friends on the Appropriations Committee. That is likewise true with regard to my friends on the Public Works Committee. Both committees are led by people who I regard as being in the very front ranks of the people of ability and dedication in this House.

I like to support my friends. It makes it very difficult when my friends do not agree on that which is as important as this and where it affects something which is so important to me and my constituents.

I am one of those caught by the rule-making subject to a point of order projects not authorized, and that does not seem to be unreasonable. I find myself then caught that under the amendment of the gentleman from Mississippi my project is not back in, but there will be money that somebody might give the House an opportunity at a later point when perhaps Public Works has been able to give us an authorization bill where a project might go forward, the project unauthorized, but the authorization for it has been sought for years.

In cost-benefit ratio, as a deepwater navigational project, is better than that of most if not all of the deepwater draft navigation projects which are authorized.

Not having been here for 12 years or more, it is not my fault that my project is not authorized. It is the fault of the process in some manner. I have even deliberated as to is it a practical suggestion to ask that the Committee rise in the hopes that the Committee on Rules might redeliberate on this matter and give us perhaps a rule that produces an accommodation between the problems between the Appropriations and the authorization committees. Wiser heads than mine tell me that that is not a practical alternative.

But, Members of the House, we need a practical alternative. It is not consistent with logic and common sense that the most badly needed projects, for lack of "something magic called authorization" cannot be done, while those which have the magic phrase "authorization" are no less necessary or no more necessary do get done.

Can we not find some way to rationalize this process and please help me out of that incredible dilemma in which I find myself?

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by Chairman WHITTEN. Enactment of this amendment to add 35 water projects to paragraph one of chapter IV, the energy and water chapter of the bill, would be a defeat for intergity in the Federal budget process.

I would also especially like to commend Representative BOB EDGAR, and Representative TOM PETRI for their leadership on this issue today. Because the rule did not offer underserved protection to the unauthorized projects in the bill, Mr. HOWARD has been able to raise a point of order against the unauthorized projects in the bill instead of offering an amendment to delete them. Since these unauthorized projects have been removed from the bill, why should we object to adding 35 previously authorized projects?

The answer is simple. This is neither the time nor the place to do so. Mr. Chairman, I believe that the issue boils down to this: Either these 35 projects are legitimate and can enter the Federal budget through the front door on their own merits, or they are not legitimate and must go around the budget process to sneak in the back door.

I am not against all water projects; some of these authorized projects are no doubt badly needed and cost effective. But there is no reason why, if they are truly needed, they cannot wait for the regular appropriations cycle and compete for scarce Federal dollars against all other projects and programs. We will be considering the regular fiscal 1986 energy and water appropriations bill within a few months. Who are we trying to fool? What is the hurry?

In talking to my people in Iowa, I find that they have little faith in the credibility of our congressional budget process, and they question whether we in Congress really have the political will to deal with the deficit problem. Supplemental appropriations bills are supposed to be for emergencies. During the last several months, we have all talked about reducing the deficit. Recently the House and Senate passed budget resolutions that would reduce the deficit proposed by the President by $56 billion in fiscal 1986. For us to spend weeks debating a budget resolution for fiscal 1986 and then to turn around and stick 35 water projects worth $1.97 billion onto the tail end of fiscal 1985 would only confirm our constituents [1] suspicion that the whole budget process is a fake.

Mr. Chairman, with regard to the Edgar amendment to the Whitten amendment, I came down to listen to this because it appears to me that what we have to some extent is a battle between committees. If I understand it correctly, the situation is that, if the wording as it is in the amendment of the gentleman from Mississippi [Mr. WHITTEN] stays in, in conference, then this amendment is not going to do anything for those people whose projects are not yet authorized.

If, indeed, the amendment is deleted in conference, then we will be moving away from the normal process where we move in a normal manner where the legislative committee makes a decision as to what should be authorized and instead turn that over to another committee.

I have real trouble with that. We have serious budgetary problems. We voted in our Committee on Small Business this morning to cut out small business loans in order to save some $18 million. That is the cost of one little water project. So it would appear to the gentleman from Iowa that if the wording stays in as it is, it is not going to help the gentleman from Texas [Mr. PICKLE] or those people who do not have projects authorized, and if it comes out, then what we are doing is saying we are going to not follow normal legislative process, which gives us some protection.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield to me?

Mr. BEDELL. That is why I took the floor. Is the gentleman from Iowa wrong about that?

□ 1550

Mr. WHITTEN. May I say this: After you wait 10 years for the legislative committee to do what it tries to do and it cannot succeed because of the executive branch or the other body, how long should we wait before we try to help them?

Mr. BEDELL. Well, if we are going to concern ourselves with that——

Mr. WHITTEN. And one other thing. Let me tell you, I asked the staff of the committee and the chairman of the subcommittee to work with our friend from New Jersey, and they did. We wanted to do exactly what they wanted to do, and the fact is they could not get a bill signed into law. We wanted to do what they wanted, and we thought we did.

Mr. BEDELL. I guess the concern of the gentleman from Iowa in this budgetary problem is that we have these problems with the deficits where we are cutting out all sorts of things that are badly needed. The gentleman from Mississippi knows of problems in agriculture and what we need there. For us to say in this case that we are going to bypass the regular legislative process——

Mr. WHITTEN. We are not bypassing it. We have just been working together for 10 years. We asked the committee and the chairman and others, my friends who are doing a whale of a good job, to meet with us, and they met with us and we thought we had worked it out.

Mr. BEDELL. Mr. Chairman, if the gentleman can reclaim his time, it would appear to me that all times to say that we are going to bypass the normal process and go ahead and maybe fund items without ever having them authorized seems to me to be absolutely ridiculous at a time when we are having to cut everything else back.

It is my understanding that the committee is going to meet very, very shortly and can consider it and can authorize the projects that they feel should be authorized. I would hope above all else that we would say that it is important to have some sense about what we do to follow normal legislative process, and particularly not to throw it aside where we may spend money in a different manner, in view of the problems we face.

Mr. COBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage in a colloquy with my colleague, the gentleman from Indiana [Mr. MYERS].

Directing my question to the gentleman from Indiana [Mr. MYERS], as ranking Republican of the Subcommitte on Energy and Water Development, I would like to first outline the situation and then ask a question. The language of the committee report under Randleman Lake states, and I quote:

> The committee directs no funds be used for the Randleman Lake project prior to completion of the ongoing studies and prior to the approval of the Committee on Appropriations of the House of Representatives and the Senate.

My question is this: Is it the gentleman's understanding and agreement that no funds will be released for this project until both the Representative of the Fourth District of North Carolina and the Representative of the Sixth District of North Carolina agree that it is appropriate to release those funds?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. COBEY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, as the gentleman knows, we have discussed this, and the reason the subcommittee put the language in to

fence those dollars for Randleman Lake is because you and the gentleman from North Carolina [Mr. COBLE] have some difference of opinion about what is needed there for flood control, water supply, and recreation.

Mr. COBEY. Right.

Mr. MYERS of Indiana. As the gentleman has stated and as we have stated in the report, there is a study under way, and it is our understanding the study will be forthcoming shortly. The committee feels it will be able to work out, after the study, the differences between you and the gentleman from North Carolina [Mr. COBLE] and your districts to meet the requirements so that we do provide flood control and water.

So that is essentially right, there will be an agreement, and the committee and the other body, along with the House, would have to agree, and, of course, we would have to depend upon the agreement between you and the other gentleman from North Carolina.

Mr. COBEY. There has been one study that has come forward. That is from the Piedmont Council, the Tri-Council of Governments. There is another study coming forth from the Randolph County commissioners. That is the reason it says, "studies."

Is it also the gentleman's understanding that the members of the Committee on Appropriations understand this situation?

Mr. MYERS of Indiana. Yes; I understand that is correct. But we hope this can be expedited, that there will not be study after study. Frequently throughout the country we see these things delayed in this committee because of studies. We hope that we will be able, after we get the final study completed along with the committees and you two gentlemen, to work it out. We hope we can work out what little differences there are there. I think they can be worked out satisfactorily. Certainly I think they can be, because the committee would not have put that project in if we did not think it could be worked out.

Mr. COBEY. Mr. Chairman, I thank the gentleman for his reassurance.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will make this brief. We have had a lot of confusing statements made here, and I know the Members are sincere, and I know everyone is telling it just as he sees it.

As far as my good friend, the gentleman from New Jersey, Mr. BOB ROE, and his subcommittee and the committee chairman, the gentleman from New Jersey [Mr. HOWARD], are concerned, there are no Members in this Congress who ever worked harder to put a bill together to authorize water projects. Practically everybody that was here last October has voted for every project we are talking about today. Not only did we vote to authorize them, we voted to fund them. So I do not really know why we are having such a hard time here now.

We are in an unfortunate situation. We have a very difficult time on appropriations in my subcommittee. We deal with energy and water. We have not had an authorization bill for the U.S. Department of Energy energy programs since it was created. Now, suppose we just followed the advice we got here today to not fund unauthorized projects or activities, then we would not have an energy program. We would have to close the door. There is no authorization. What are we going to do but do the responsible thing, and the rules of the House are flexible enough to permit this to happen.

That is why we have a Rules Committee. The Rules Committee did not do what we asked them to do in this case. Mr. HOWARD and Mr. ROE and I were in there with a group of them yesterday, and we urged them to act. I was willing to do anything to get that authorization bill, because I am for it. I think it is the best authorization bill ever put out by the Public Works Committee. I am for it, and we need it.

It provides a cost-sharing formula that we can follow. It has everything in it that anybody could want. It would authorize 300 projects. We cannot appropriate for all 300 projects in 1 year, of course, but we need to begin somewhere.

Most of everything we have in this bill here and in Mr. WHITTEN's amendment has been passed twice by this House—not once but twice by both committees.

In our appearance yesterday with some of the Rules Committee members, I said that if they would just allow the authorizing bill, we would take it and make it part of our bill. That is not unusual. The subcommittee chairman, the gentleman from Iowa [Mr. SMITH], just mentioned here awhile ago the 600-page anti-crime law that was included in fiscal year 1985 continuing resolution. So we are not establishing any precedents here. Sometimes we have to provide waivers for these matters.

Now, at this time last year our bill had already been passed. It was practically the same thing, and as a matter of fact in October H.R. 6—it is now known as H.R. 6, the good public works authorization bill that I am bragging about here—was part of the continuing resolution passed by the House. It was added to our bill, our appropriation bill, in my section of the bill.

So we do not have anything new here. I think we are getting away from what we are talking about here. But let me say this: These projects are needed. Many of these projects are for flood control, and they are needed. Our friend, the gentleman from Texas [Mr. PICKLE], stood up here and told us how down in Austin, TX, there had been flooding. That is just one of many examples. Just one flood and many of these projects will pay for themselves. Actually $7 on a national average, for every dollar we put into the flood control projects in this Nation. That has been true for the past 200 years. We get back $7 in benefits for every dollar invested. And we are not talking about lives. We save lives, but we cannot put value on that, certainly.

So we need these projects. We need to move this. We asked the Rules Committee for help. I voted for the rule now, and I respect the Rules Committee. I voted for the rule.

We have got to move. At this time last year these bills were over in the other body. Yes, the other body is going to add some projects to it. There is nothing we can do about that. They are going to add their projects, and I would like for us in the House to get our projects that are necessary, that are needed. These are very critical projects.

I do not have time to explain all these differences here, but I am just saying that I know this: These projects have been studied and the hearings have been held. We have heard months of testimony. We were unanimous, Republicans and Democrats, in support of this bill.

□ 1600

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BEVILL] has expired.

(By unanimous consent, Mr. BEVILL was allowed to proceed for 1 additional minute.)

Mr. BEVILL. We have some good friends here who have never supported a public works project since they have been here and I understand that and that is all right. That is their prerogative and they make some good points and they keep us on our toes; but I am telling you, we need these projects.

Mr. Chairman, I urge a vote against the Edgar amendment and a vote for the Whitten amendment.

Mr. MONSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened quite intently to what has gone on here today. I think the thing that is clear in my mind is that nothing is very clear.

I think it is unfortunate that when we enact legislation, we cannot even rely on the words that are contained in that legislation to do what we want done.

Where I read on page 27 of this act, initiation of construction of these projects is subject where appropriate to enactment of needed authorization

legislation, it does not seem to me that we have done anything that would circumvent those that are properly authorized to carry out the authorization.

What I am concerned about however, is the fact that many of the projects that were contained here have been authorized for some time and yet have still not begun construction. I happen to have one of those located within my own district, so that is very much of importance to me, but I have listened intently as others have described the project in their districts as well. I think that they are of equal importance.

I think it is unfortunate that when we realize that in Salt Lake City a project was authorized in 1968 and when twice since that time flooding has occurred, in 1953, I believe, or 1952 and in 1983, where significant damage was done that could have been prevented had this project already gone forward, I think that we have done a lot that we need to correct as soon as possible.

Now, I, for one, believe that the thing we need to do here today is make sure that the projects that have been authorized or allowed to go forward should be done.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MONSON. I would be happy to yield.

Mr. EDGAR. I would like to make two points to the gentleman. His reference to the sentence on page 27, that sentence no longer exists because it was knocked out by a point of order.

Mr. MONSON. I understand that.

Mr. EDGAR. But the second point is, the gentleman's project in Utah would be fully funded under the Edgar amendment. All the Edgar amendment does is relieve the pressure on the budget of the dollars that would have been included in the Whitten amendment for the unauthorized projects and that is the particular legislative situation that we are in now.

So the gentleman's project is protected under the Edgar amendment and I would urge the gentleman's support.

Mr. MONSON. Mr. Chairman, if I can reclaim my time, I appreciate the two points the gentleman has made. I realize fully that those points are well justified.

My point is this. I hope that in the confusion of getting caught up as to whether or not we should support authorized or unauthorized projects that we would allow those projects that are authorized definitely to go forward, that we would not do anything here today that would inhibit that, that we would work out between us as best we can the ability to accomplish those unauthorized that appear to be so vitally needed as well.

● Mr. GAYDOS. Mr. Chairman, I feel as though I am on a treadmill. I have lost track of the number of times in the past 10 or so years that I have stood before this body to fight the battle to preserve and improve our inland waterways, especially in western Pennsylvania.

Inland waterways have been the lifelines of commerce for many parts of the United States. Many of our great inland cities were built on the banks of navigable rivers so that goods could be transported cheaply and efficiently. These rivers were and are vital to the economic well-being of those regions and it is especially true for those of us from western Pennsylvania.

With that in mind, I must rise to vigorously oppose this amendment which will have the effect of damaging our repressed economies even more. I find it difficult to believe that a colleague of mine from Pennsylvania is a sponsor of this amendment, especially when one considers the importance of river and waterway traffic to the entire State, but especially so to western Pennsylvania.

I could perhaps understand this action more if the sponsor were from an area that did not depend on waterways for cost-effective transportation. But the entire State of Pennsylvania is oriented to water traffic.

How important are the waterways? Let me cite a few examples. In its heyday, the Monongahela River brought more than 24 million tons of coal a year to the mills and powerplants along its banks. Nearly 60,000 jobs were directly or indirectly keyed to traffic along that river alone.

Just a few years ago, the Clairton Works of United States Steel required 25 to 27 barges of coal a day to satisfy its needs. To ship that same tonnage by other means would require 385 railroad cars or more than 1,000 trucks. The cost differential would be phenomenal.

In fact, the inability of river traffic to move swiftly because of the deterioration of locks and dams has increased costs that have made it more difficult for American mills to compete successfully with imported products.

The result: A number of plants either shut or operating at reduced capacity and thousands in western Pennsylvania out of work.

As I mentioned, this is not a new problem. When the locks and dams were first built, they were given a projected life span of 50 years. Today, the average age of about two-thirds of the locks and dams on the Ohio, Allegheny, Monongahela, and Kanawha Rivers is closer to 60.

And those locks and dams are showing their age. They are woefully inadequate to handle the larger barges that increase the efficiency of transporting goods and materials. And, because those facilities cannot handle the numbers of barges, traffic is slowed, bottlenecks are created and the operating costs go up, making river traffic too costly, and making it continually more difficult for American-made products to compete successfully with imports, including and especially coal and steel.

In 1962, the Army Corps of Engineers told us that work had to be done to keep the system intact and workable and the corps has submitted plans annually for major repair and reconstruction work. To strike these and other worthy projects from the supplemental appropriation is to say that we don't care about our economy.

The importance of keeping these waterways in a good navigable condition cannot be oversighted. These rivers are a part of our economic life, especially in Kentucky, West Virginia, Ohio, and Pennsylvania.

Western Pennsylvania grew and prospered because of river traffic. Eastern Pennsylvania also depends on rivers and navigable waterways for its economic well-being. How any member of the Pennsylvania delegation could stand before this body and say that improvement of waterways is a waste of public dollars is more than I can understand. It only proves that there is a lack of understanding about the economic base of our State, and lack of sensitivity to the particular needs of western Pennsylvania.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. EDGAR] to the amendment offered by the gentleman from Mississippi [Mr. WHITTEN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. EDGAR. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 144]

ANSWERED "PRESENT"—402

Ackerman	Armey	Bateman
Addabbo	Aspin	Bates
Akaka	Atkins	Bedell
Alexander	AuCoin	Beilenson
Anderson	Badham	Bennett
Andrews	Barnard	Bentley
Annunzio	Barnes	Bereuter
Applegate	Bartlett	Bevill
Archer	Barton	Biaggi

Bliley
Boehlert
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Hiler
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Schneider
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Stangeland
Stenholm
Studds
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1620

The CHAIRMAN. Four hundred two Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. EDGAR] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that 5-minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 203, noes 202, not voting 28, as follows:

[Roll No. 145]

AYES—203

Ackerman
Anderson
Andrews
Annunzio
Archer
Armey
Atkins
Barnes
Bartlett
Barton
Bates
Bedell
Beilenson
Bentley
Berman
Bonior (MI)
Borski
Bosco
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Carper
Chandler
Clay
Clinger
Coats
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Dannemeyer
Daub
Davis
de la Garza
DeWine
Dingell
Donnelly
Dreier
Dymally
Early
Eckert (NY)
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fawell
Fields
Florio
Foglietta
Ford (TN)
Fowler
Frank
Frenzel
Fuqua
Gallo
Gejdenson
Gekas
Gingrich
Glickman
Goodling
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hammerschmidt
Hansen
Hartnett
Hayes
Heftel
Hendon
Henry
Hertel
Hiler
Hopkins
Howard
Hughes
Ireland
Jacobs
Jeffords
Johnson
Kastenmeier
Kennelly
Kildee
Kindness
Kostmayer
Lantos
Latta
Leach (IA)
Leland
Levin (MI)
Levine (CA)
Lightfoot
Lipinski
Lowry (WA)
Lujan
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Martin (IL)
Martinez
Mavroules
McCollum
McEwen
McKernan
McKinney
McMillan
Meyers
Michel
Miller (WA)
Mitchell
Moakley
Monson
Moody
Moorhead
Mrazek
Nielson
Oberstar
Olin
Oxley
Packard
Parris
Penny
Petri
Porter
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Roukema
Rowland (CT)
Savage
Saxton
Schaefer
Schneider
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Slattery
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Stangeland
Stenholm
Studds
Sundquist
Sweeney
Swindall
Tallon
Tauke
Thomas (CA)
Torricelli
Towns
Traficant
Vander Jagt
Vento
Walker
Waxman
Weber
Weiss
Wheat
Whittaker
Williams
Wolf
Wolpe
Wortley
Yates
Zschau

NOES—202

Addabbo
Akaka
Alexander
Anthony
Applegate
Aspin
AuCoin
Badham
Barnard
Bateman
Bennett
Bereuter
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boner (TN)
Bonker
Boucher
Boulter
Breaux
Brooks
Bruce
Burton (CA)
Bustamante
Byron
Callahan
Campbell
Carney
Carr
Chappell
Chappie
Cheney
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Craig
Crane
Crockett
Daniel
Darden
Daschle
DeLay
Dellums
Dickinson
Dicks
DioGuardi
Dixon
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Eckart (OH)
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fazio
Feighan
Fish
Flippo
Foley
Ford (MI)
Franklin
Frost
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Hall, Ralph
Hamilton
Hawkins
Hefner
Holt
Horton
Hoyer
Hubbard
Hunter
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kleczka
Kolbe
Kolter
Kramer
LaFalce
Lagomarsino
Lehman (FL)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Luken
Marlenee
Martin (NY)
Mazzoli
McCain
McCandless
McCloskey
McCurdy
McDade
McGrath
McHugh
Mica
Mikulski
Miller (OH)
Mineta
Molinari
Mollohan
Montgomery
Moore
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nowak
O'Brien
Oakar
Obey
Ortiz
Owens
Panetta
Pashayan
Pease
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Reid
Rogers
Rose
Rostenkowski
Roth
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Scheuer
Shelby
Sisisky
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Spence
Staggers
Strang
Stratton
Stump
Swift
Synar
Tauzin
Taylor
Thomas (GA)
Torres
Traxler
Udall
Valentine
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Whitehurst
Whitley
Whitten
Wright
Wyden
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—28

Bilirakis	Lehman (CA)	Stallings
Boland	Matsui	Stark
Boxer	Miller (CA)	Stokes
Derrick	Morrison (CT)	Weaver
Fiedler	Neal	Wilson
Hatcher	Pursell	Wirth
Hillis	Schroeder	Wise
Huckaby	Solarz	Wylie
Hutto	Spratt	
Leath (TX)	St Germain	

□ 1630

Messrs. COEHLO, REID, and DARDEN changed their votes from "aye" to "no."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I rise in support of the Whitten amendment.

Mr. Chairman, I rise in strong support of the Whitten amendment which restores funding for water projects in chapter IV, the energy and water development section of the supplemental appropriations bill. While I believe we must do everything we can to hold down the ballooning deficit, our Nation cannot afford to wait any longer on appropriating money for new water project construction starts. The funding level provided for in the amendment is rather modest when one considers no funds have been approved for new starts since 1979.

Mr. Chairman, we must not forget that failure to enact funding for these water projects exacts a human cost. While we fail to act, people are being subjected to the ravages of flooding which claims life and property. For example, in my 22d Congressional District of New York, the village of Ardsley located in Westchester County, has over the years been devastated by the overflow of the Saw Mill River. Congress first approved the examination of this project 30 years ago. In the 1976 water resources project bill, the last such bill to pass the Congress, the Ardsley flood control project was authorized.

Gentlemen, the time has come to stop procrastinating on issues so important to our Nation. On April 5, 1984, Ardsley with other communities in the New York and New Jersey area were devastated by torrential rains. When the storm cleared, one could float a boat on Main Street. While this was certainly not the first time Ardsley was severely flooded, the devastation was so pervasive that the President declared Ardsley along with the entire region a Federal disaster area. Both the community and the residents received some financial aid to alleviate their plight—But it is never enough. It is far better to allocate these moneys to prevent floods, than to spend the money year after year just to clean up the flood debris.

It is time for the Congress to forge a new water resources policy. Our inaction has resulted in increased cost-sharing requirements being imposed on water projects by the executive branch, a legislative prerogative which we have failed to exercise. We must determine whether the ability to pay should be the criteria which we wish to have applied to the decisionmaking process. It is the very communities which can least afford the added contribution, that are most desperate for the time of completion of these sorely needed projects. I am pleased to see that water resources section of the supplemental subjects any project included within this bill to a future cost-sharing arrangement. I would also hope a bill containing such a provision will come to the floor in the near future.

Accordingly, I urge support for the Whitten amendment. Most of us have some Main Streets in jeopardy. Too many Americans live in constant fear that the next storm could leave their possessions, their homes and businesses floating, or far worse—it could result in loss of life.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTEN] as amended.

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 74, not voting 34, as follows:

[Roll No. 146]

AYES—325

Ackerman	Bustamante	Dixon
Addabbo	Byron	Donnelly
Akaka	Callahan	Dorgan (ND)
Alexander	Campbell	Dornan (CA)
Anderson	Carney	Dowdy
Andrews	Carr	Downey
Annunzio	Chandler	Duncan
Anthony	Chappell	Durbin
Archer	Chappie	Dwyer
Aspin	Cheney	Dymally
Atkins	Clay	Dyson
AuCoin	Clinger	Early
Badham	Cobey	Eckart (OH)
Barnard	Coble	Edwards (CA)
Barnes	Coelho	Edwards (OK)
Barton	Coleman (MO)	Emerson
Bateman	Coleman (TX)	English
Beilenson	Collins	Erdreich
Bennett	Combest	Evans (IL)
Bentley	Conyers	Fascell
Bereuter	Cooper	Fazio
Berman	Coughlin	Feighan
Bevill	Courter	Fiedler
Biaggi	Coyne	Fields
Bliley	Craig	Fish
Boehlert	Crockett	Flippo
Boggs	Daniel	Florio
Boner (TN)	Darden	Foglietta
Bonior (MI)	Daschle	Foley
Bonker	Daub	Ford (MI)
Borski	Davis	Ford (TN)
Bosco	de la Garza	Fowler
Boucher	DeLay	Frank
Breaux	Dellums	Franklin
Brooks	DeWine	Frenzel
Brown (CA)	Dickinson	Frost
Bruce	Dicks	Fuqua
Bryant	Dingell	Gallo
Burton (CA)	DioGuardi	Garcia
Gaydos	Martin (NY)	Sabo
Gejdenson	Martinez	Savage
Gephardt	Mazzoli	Saxton
Gibbons	McCain	Schaefer
Gilman	McCandless	Scheuer
Gingrich	McCloskey	Schuette
Glickman	McCurdy	Schumer
Gonzalez	McDade	Seiberling
Goodling	McEwen	Shaw
Gordon	McGrath	Shelby
Gray (IL)	McHugh	Shumway
Gray (PA)	McKernan	Shuster
Guarini	McKinney	Skeen
Gunderson	Meyers	Skelton
Hall (OH)	Mica	Slattery
Hall, Ralph	Mikulski	Slaughter
Hamilton	Miller (OH)	Smith (FL)
Hammerschmidt	Mineta	Smith (IA)
Hawkins	Mitchell	Smith (NE)
Hayes	Moakley	Smith (NJ)
Hefner	Molinari	Snowe
Heftel	Mollohan	Snyder
Hendon	Monson	Spence
Holt	Montgomery	Staggers
Hopkins	Moore	Stangeland
Horton	Morrison (WA)	Stenholm
Howard	Mrazek	Strang
Hoyer	Murphy	Stratton
Hubbard	Murtha	Studds
Hughes	Myers	Stump
Hunter	Natcher	Sundquist
Ireland	Nelson	Swift
Jenkins	Nichols	Synar
Johnson	Nielson	Tallon
Jones (NC)	Nowak	Tauzin
Jones (OK)	O'Brien	Taylor
Jones (TN)	Oakar	Thomas (GA)
Kanjorski	Oberstar	Torres
Kaptur	Ortiz	Torricelli
Kasich	Owens	Towns
Kemp	Oxley	Traficant
Kennelly	Packard	Traxler
Kindness	Panetta	Udall
Kolbe	Parris	Valentine
Kolter	Pashayan	Vander Jagt
Kostmayer	Pease	Visclosky
Kramer	Penny	Volkmer
LaFalce	Pepper	Vucanovich
Lagomarsino	Perkins	Walgren
Lantos	Pickle	Watkins
Lehman (FL)	Price	Waxman
Leland	Quillen	Weiss
Lent	Regula	Wheat
Levin (MI)	Reid	Whitehurst
Lewis (CA)	Richardson	Whitley
Lewis (FL)	Ridge	Whittaker
Lipinski	Rinaldo	Whitten
Lloyd	Roberts	Williams
Loeffler	Robinson	Wolf
Long	Rodino	Wolpe
Lowery (CA)	Roe	Wortley
Lowry (WA)	Roemer	Wright
Lujan	Rogers	Wyden
Luken	Rose	Yates
Lundine	Rostenkowski	Yatron
Lungren	Rowland (CT)	Young (AK)
Madigan	Rowland (GA)	Young (FL)
Manton	Roybal	Young (MO)
Markey	Rudd	
Marlenee	Russo	

NOES—74

Applegate	Hartnett	Olin
Armey	Henry	Petri
Bartlett	Hertel	Porter
Bates	Hiler	Ray
Bedell	Hyde	Ritter
Boulter	Jacobs	Roth
Broomfield	Jeffords	Roukema
Brown (CO)	Kastenmeier	Schneider
Broyhill	Kildee	Schulze
Burton (IN)	Kleczka	Sensenbrenner
Carper	Latta	Sharp
Coats	Leach (IA)	Sikorski
Conte	Lightfoot	Siljander
Dannemeyer	Livingston	Smith (NH)
Dreier	Lott	Smith, Denny
Eckert (NY)	Mack	Smith, Robert
Edgar	MacKay	Solomon
Evans (IA)	Martin (IL)	Sweeney
Fawell	McCollum	Swindall
Gekas	McMillan	Tauke
Gradison	Michel	Vento
Green	Miller (WA)	Walker
Gregg	Moody	Weber
Grotberg	Moorhead	Zschau
Hansen	Obey	

NOT VOTING—34

Bilirakis	Matsui	St Germain
Boland	Mavroules	Stallings
Boxer	Miller (CA)	Stark
Crane	Morrison (CT)	Stokes
Derrick	Neal	Thomas (CA)
Hatcher	Pursell	Weaver
Hillis	Rahall	Wilson
Huckaby	Rangel	Wirth
Hutto	Schroeder	Wise
Leath (TX)	Sisisky	Wylie
Lehman (CA)	Solarz	
Levine (CA)	Spratt	

□ 1650

Mr. SWINDALL changed his vote from "aye" to "no."

Mr. BATEMAN changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. NATCHER] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unavoidably absent earlier today due to a prior commitment in New York. Had I been present I would have voted "no" on rollcall No. 142, on approval of the Journal of June 5, 1985. I also would have voted "aye" on rollcall No. 143, relating to adoption of the rule for consideration of H.R. 2577 making supplemental appropriations for fiscal year 1985.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I took this time for the purpose of inquiring of the majority leader the program for the balance of the week.

I yield to the gentleman from Texas, the majority leader [Mr. WRIGHT].

Mr. WRIGHT. I thank the gentleman for yielding to me.

Mr. Speaker, I will be glad to respond to the gentleman's question. This concludes the business for today, and for the remainder of this week. There will be no session tomorrow.

On Monday, there will be a pro forma session, with the House meeting at noon. On Tuesday, we will resume consideration of the supplemental appropriations bill, and probably will continue on Wednesday. We will come in at 10 o'clock on Wednesday and Thursday. We hope to conclude consideration of this supplemental appropriations bill on Wednesday at the latest.

On Thursday, the House will recess after convening in order that we may hear the Prime Minister of India address a joint meeting of Congress. Then we will take up H.R. 1555, the foreign assistance authorization bill, and H.R. 1452, the refugee assistance authorization.

Mr. MICHEL. I notice the chairman of the Appropriations Committee was on the floor, and he is conversant with this supplemental that we have just been considering. I am wondering whether or not it is expected that the balance of the supplemental, exclusive of the Nicaraguan debate, would consume all the time on Tuesday, or would we expect to complete action on everything but Nicaragua Tuesday and then still have sufficient time to go into that matter? Naturally, then I would suspect it would spill over until Wednesday; if we are going to leave or adjourn at some reasonable hour on Tuesday?

Mr. WRIGHT. If the gentleman would yield, I would expect that it just depends upon how much time is consumed concluding the other matters in the bill.

As the gentleman knows, we have a full day's schedule dealing with those four specific offerings that have been made in order under the rule with respect to Nicaragua. That will take 6 hours of general debate. That is a full day's work.

If we are not able to finish the remainder of this bill at an early time on Tuesday, we would just go over until Wednesday and devote all of Wednesday to the proposition of the four Nicaragua votes that are made in order under the rule.

Mr. MICHEL. I understand, I think that is all the questions I have. Thank you.

ADJOURNMENT TO MONDAY, JUNE 10, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that business under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. BLAZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from New York [Mr. GREEN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

□ 1030

ENDING THE BATTLE OVER WIC

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, David Stockman sometimes moves in mysterious ways.

Each year for several years now, the Director of OMB has chosen to pick a fight with Congress over what many of us would have thought to be a wholly innocuous program: the Supplemental Food Program for Women, Infants and Children [WIC]. For the past 6 months, various Members of both Houses have bargained, cajoled, and threatened to sue OMB to force the release of the full appropriation for WIC. Both Houses included statements in their budget resolutions appealing for the release of the WIC funds. All to no avail.

Then yesterday, as this body was on the verge of forcing OMB's hand through a legislative directive contained in the supplemental approriations bill, OMB relented. The disputed money was to be disbursed to the States after all. While I am pleased that many thousands of pregnant women and little children who would otherwise have lost assistance will now be able to eat a decent diet, I am disturbed by the implications of the way in which the conflict over WIC has played itself out.

Last year Congress appropriated $1.5 billion for WIC. Of that sum, $1.255 billion was intended for the first 10 months of the fiscal year, and $245 million was earmarked for the last 2. Displaying a generous, if imprudent, degree of faith in OMB's trustworthiness, Congress made the appropriation for August and September contingent on an Executive budget request. When that request arrived, it fell $76 million short of the level set out by Congress.

Now $76 million may not sound like a grand sum. Why just the other day, the Secretary of Defense miraculously found $4 billion floating in the Pentagon's accounts. But when it comes to buying orange juice, milk, and eggs, $76 million still goes a long way.

By withholding the $76 million, OMB would have forced a 7.7 percent reduction in the number of people receiving WIC assistance nationwide. That would have meant more than 235,000 pregnant women, infants, and young children denied access to adequate amounts of basic nutrients. In my own home state of Ohio, some 25,000 women and babies would have lost WIC coverage.

With regard to WIC, the fundamental human issue is simple: Will we help poor pregnant women, often teenagers, bring healthy children into the world or will we condemn them to bear offspring disadvantaged from birth? A recent study of the WIC Program in Massachusetts, carried out by the State department of public health, found that women on WIC have babies that weigh more, are more mature, and are less likely to die shortly after birth than babies born to comparable women not receiving nutritional assistance.

The way in which the fight over WIC has been resolved, though, raises a political issue as well. OMB's withholding of WIC funding is by no means the first instance in which OMB has deliberately flaunted Congress' spending authority. A similar conflict recently developed, for example, over the level of funding for research grants at the National Institutes of Health. When it comes to assigning blame for the deficit, no one is more eager to remind the Nation of Congress' power over spending than David Stockman. When the spending is not to Mr. Stockman's liking, it seems, he is less particular about his adherence to constitutional principles.

Rather than wasting time, effort, and taxpayers' money forcing OMB to carry out its responsibilities as each of these cases arises, perhaps Congress should consider a general legislative remedy that would remove OMB's obstructive capabilities. Such a move would almost certainly increase the efficiency of government—a cause that the Director of OMB has always championed.

TAX SIMPLIFICATION, A WELCOME CONCEPT

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, Thomas Jefferson once said,

> The accounts of the United States of America ought to be . . . made as simple as those of the common farmer, and capable of being understood by common farmers.

The present tax system, however, is a far cry from the simple method of collecting revenue Jefferson envisioned. Since the adoption of the 16th amendment to the Constitution in 1913, the simplicity of our Tax Code has been usurped by a complicated system of loopholes and deductions which only a few understand.

Our current tax system suffers from a number of structural deficiencies such as a narrow tax base that forces high marginal rates on taxable income; unfavorable interaction of the tax system with inflation which arbitrarily increases real tax burdens; and a wide array of corporate and individual tax preferences that distort economic choices and misallocate resources. Presently, a number of investments, methods of financing, and industries are favored in the tax system over others. As a result, how to finance, how to produce, and what to produce are too often motivated by tax considerations rather than by what consumers want and the real cost of resources in production.

Mr. Speaker, when investments and other economic choices are made for tax rather than fundamental business reasons, our Nation's resources are squandered. I believe it is time that we regain control of our tax system and stop allowing it to dictate our personal and business decisions. Accordingly, I am pleased that the President and leaders in Congress—both Democratic and Republican—are supporting proposals for tax simplifications. The taxpayers of this Nation have in recent years expressed their disdain for the present tax system and are calling for changes to simplify our Tax Code.

Since the 99th Congress convened, more than 10 bills have been introduced calling for simplification in the form of a flat tax or a modified flat tax. The bills that are currently receiving the most serious consideration include the Bradley-Gephardt and the Kemp-Kasten modified flat tax proposals. The support that these proposals have gained from both parties is indicative of the bipartisan support in Congress for tax reform.

I agree in principle with the President's efforts to make sweeping changes to our tax system as outlined in his tax proposals to the Congress for fairness, growth, and simplicity. Like the President, I believe we cannot allow tax reform to be a disguise for a tax increase. Lower tax rates will stimulate work, encourage savings and investment, and discourage unproductive tax shelters. The President's proposal would replace the present system of 14 brackets with 3 simple brackets of 15, 25, and 35 percent. These rate changes, however, will be feasible only if the taxable income base is broadened. I will not support changes which shift the tax burden to those already paying their fair share of taxes.

Many areas of the Tax Code need reform to increase fairness for families and mainstream America. Our tax system should work to the advantage of the American family, giving it strength rather than being a constant strain. The value of the personal exemption must be restored and indexed to keep pace with inflation. The provisions in our Tax Code which discriminate against spouses working in the home must be eliminated. The tax system must be restructured so that all income is taxed uniformly and consistently by being subject to the same rules.

Although I agree with much of the President's proposal, I am opposed to certain particulars. I am in favor of simplifying the complex system of itemized deductions, exclusions and special credits. I do not, however, believe the deduction for State and local taxes should be eliminated. I recognize the need to close loopholes that allow deductions for entertainment and business meals. Yet, I do not agree that compensation such as health benefits, life insurance, and retirement plans can be included as taxable income.

Beyond the fairness that rate reductions, base broadening, and elimination of special preferences the President's proposal will provide, Congress must work to insure that the overall proposal we pass is fair in order to restore the faith of the American people in their tax system. We must also insure that any tax reform measure continue fostering growth in business. Mr. Speaker, we must give the American people a tax system that encourages them to work, save, and invest; that rewards their decision to take risks; and which allows them to allocate resources efficiently based on economic rather than tax considerations. Our goal should be to create a Tax Code which balances the necessary revenues of our Government and the equity, efficiency, and simplicity the American people deserve in a fair tax system.

□ 1700

CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. DERRICK] is recognized for 5 minutes.

● Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting the official letter to the Speaker advising him of the current level of spending and

revenues for fiscal year 1985. Since my last report, the conference report to accompany H.R. 1869, "Repeal of Contemporaneous Recordkeeping"—loss of $150 million in revenues—has been ratified by both bodies and signed into law.

The current level is used to compare enacted spending after the start of a fiscal year with the aggregate ceiling on budget authority, outlays, and revenues established in a second budget resolution and enforced by point of order pursuant to section 311(a) of the act. The term current level refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As with last year, the procedural situation with regard to the spending ceiling is affected this year by section 4(b) of House Concurrent Resolution 280. Enforcement against possible breaches of the spending ceiling under section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1985.

The intent of the section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by section 4(b) of the resolution is to protect a committee that has stayed within its own spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 280 were printed in the CONGRESSIONAL RECORD, September 25, 1984, H 10190 (H. Rept. 98-1079, page 32).

As Chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 5, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 280, the First Concurrent Resolution on the Budget for Fiscal Year 1985. This report reflects the adopted budget resolution of October 1, 1984, and the current CBO estimates of budget authority, outlays, and revenues.

As with last year, the procedural situation with regard to the spending ceiling is affected this year by Section 4(b) of H. Con. Res. 280. Enforcement against possible breaches of the spending ceiling under Section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to Section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1985.

The intent of the Section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by Section 4(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 280 were printed in the CONGRESSIONAL RECORD, September 25, 1984, H 10190 (H. Rept. 98-1079), page 32).

The attached tables compare actual legislation to each committee's 302(a) allocation of discretionary budget authority and of new entitlement authority.

With best wishes,
Sincerely,

WILLIAM H. GRAY III,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1985 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 280

REFLECTING COMPLETED ACTION AS OF JUNE 4, 1985

[In Millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,021,350	932,050	750,900
Current level	1,015,965	933,359	750,589
Amount Under Ceilings	5,385		
Amount Over Ceilings		1,309	
Amount Under Floor			311

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $5,385 million for fiscal year 1985, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 280 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate in outlays for fiscal year 1985, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 280 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1985, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 280.

Fiscal year 1985 budget authority comparison of current level and budget resolution allocation by committee

[In millions of dollars]

	Current level Budget Authority
House Committee:	
Total current level	−5,385
Appropriations Committee:	
Discretionary	(−4,497)
Authorizing committee—Discretionary action:	
Agriculture	(−90)
Armed Services	(+276)
Banking, Finance, and Urban Affairs	(...)
District of Columbia	(1)
Education and Labor	(...)
Energy and Commerce	(−4)
Foreign Affairs	(...)
Government Operations	(...)
House Administration	(...)
Interior and Insular Affairs	(+2)
Judiciary	(+50)
Merchant Marine and Fisheries	(+15)
Post Office and Civil Service	(+1)
Public Works and Transportation	(−713)
Science and Technology	(...)
Veterans' Affairs	(...)
Ways and Means	(+50)

[1] Less than $1 million.

NOTE.—Committees are over (+) or under (−) their 302(a) allocation.

FISCAL YEAR 1985 NEW ENTITLEMENT AUTHORITY COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE

[In millions of dollars]

Committee	Allocation	Reported	Enacted
Agriculture		3,600	
Appropriations			
Armed Services	1,900	1,500	1,663
Banking, Finance and Urban Affairs			
District of Columbia		1	1
Education and Labor	202	−306	
Energy and Commerce		3	4
Foreign Affairs			
Government Operations			
Interior and Insular Affairs		1	1
Judiciary			
Merchant Marine and Fisheries			
Post Office and Civil Service			
Public Works and Transportation			
Science and Technology			
Small Business			
Veterans Affairs	402	503	432
Ways and Means	40	254	201

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 4, 1985.

Hon. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated

revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1985 budget (H. Con. Res. 280). This report for fiscal year 1985 is tabulated as at close of business May 20, 1985, and is based on assumptions and estimates consistent with H. Con. Res. 280. A summary of this tabulation is as follows:

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current level	1,015,965	933,359	750,589
1985 Budget Resolution, H. Con. Res. 280	1,021,350	932,050	750,900
Current level is:			
Over resolution by		1,309	
Under resolution by	5,385	311	

Since my last report the Congress has cleared the Automobile Recordkeeping Repeal Bill, H.R. 1869, which decreases revenues by $150 million.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING DETAIL FISCAL YEAR 1985, AS OF CLOSE OF BUSINESS JUNE 4, 1985

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	651,994	579,636
Enacted previous session	543,411	534,273
Offsetting receipts	−184,669	−184,669
Enacted this session:		
Appropriation Bills:		
Appropriations for the MX missile (P.L. 99–18)		79
Famine relief and recovery in Africa (P.L. 99–10)	784	289
Legislative Bills:		
Federal Supplemental Compensation Phaseout (P.L. 99–15)	160	160
Total enacted this session	944	528
Total enacted	1,011,679	929,768
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Assistance payments	23	23
Black lung trust fund	25	25
Child support enforcement	82	82
Civilian agency pay raise allowance	777	803
Coast Guard pay raise allowance	25	24
Defense pay raise allowance	2,242	2,201
Defense claims	20	3
Family social services	20	20
Medicaid	7	7
Public Health Service officers retirement pay	3	
Range improvements	2	2
Readjustment benefits	163	156
Salaries of judges	5	5
Student loans	498	
Supplemental security income	5	
Veterans compensation	389	241
Total	4,286	3,591
III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses		
Total, current level as of June 4, 1985	1,015,965	933,359
1985 budget resolution, H. Con. Res. 280	1,021,350	932,050
Amount remaining:		
Over ceiling		1,309
Under ceiling	5,385	

Note.—Detail may not add due to rounding.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I was obliged for personal reasons to return to my district yesterday afternoon and to miss four rollcall votes on H.R. 1460, the Anti-Apartheid Act of 1985. If I had been present to vote, I would have voted against the substitutes proposed by Representatives GUNDERSON and DELLUMS, against the motion to recommit with instructions, and for final passage.

COYNE SUPPORTS THE MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, I strongly support the action taken yesterday by the House when it approved the Medicare and Medicaid Patient and Program Protection Act.

Health care professionals who work with Medicare and Medicaid are now licensed by individual States and, as a matter of course, may be licensed by more than one jurisdiction. When a State revokes or suspends a license to operate because an individual does not meet professional standards, that practitioner's ability to practice ends in that State.

Sanctions in one State, however, do not prohibit a practitioner from operating in another State. Indeed, in some instances, State law prohibits actions against a practitioner based solely on another State's sanctions. States willing to act may be unaware of sanctions taken elsewhere and, when made aware, can be slow to act. In some States, the sanction process can take up to 3 years.

Current law also limits the Federal Government in any effort to prevent certain abuses by health care providers. The Department of Health and Human Services can exclude from Medicare and Medicaid participation those health care practitioners who commit acts against the program and program beneficiaries. HHS is not empowered to exlude from program participation individuals convicted of such crimes as fraud, financial abuse, neglect of patients or unlawful distribution of controlled substances. Moreover, HHS cannot impose a nationwide sanction on individuals or entities sanctioned by a State. Most sanctions are thus necessarily limited to State-by-State action.

This situation opens the door to serious abuses of the Medicare and Medicaid Programs as violators fall through the legislative cracks. A comparison of State and Federal sanctions is revealing. From 1977 to 1982, State licensing boards in Pennsylvania, Michigan, and Ohio sanctioned 328 practitioners, more than half of whom failed to meet professional standards. Meanwhile, the Federal Government, for the period from 1975 to 1982, excluded only 335 practitioners nationwide. Of the 328 sanctioned by the three States, only 15 were also excluded by HHS.

This legislation would change that. Any individual or entity whose license is suspended by a State board would be forbidden to operate in all State Medicare and Medicaid Programs. In addition, HHS could bar from participation persons convicted of criminal offenses related to theft, fraud, embezzlement or financial abuse in connection with health care delivery. Those convicted of certain drug offenses could be barred as well. Individuals or entities convicted of a program-related crime would be excluded from program participation for a minimum of 5 years.

Mr. Speaker, Medicare and Medicaid patients deserve comprehensive protection from abuses, which is why I voted in favor of passage of the Medicare and Medicaid Patient and Program Protection Act.

THE HISTORIC SITES ACT: FIFTY YEARS OF SERVICE TO PRESERVATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, American history lives throughout the United States today. Across the country stand living reminders of our Nation's past—Jamestown, Gettysburg, Valley Forge, Fort Davis and many others. By visiting these historic sites, we learn about the people, the events and the values that shaped our country. These national treasures have been preserved for us, for our children and for generations to come.

The Historic Sites Act of 1935 was vital to the preservation of historic places in our country. Fifty years after its enactment, the U.S. Government has custody of nearly 200 historic sites in the National Park System. Through the National Historic Landmarks Program and the National Register of Historic Places, the National Park Service encourages public and private partnership in the preservation effort, preserving places important in American history to its national policy.

Prior to enactment of the Historic Sites Act, Congress had acted to care for particular historic sites, such as important battlefields of the Revolution and the Civil War. The Antiquities Act of 1906 enabled Presidents to designate certain prehistoric and historic sites on the public domain as national monuments. These actions were initial steps in the effort to preserve our national heritage. At the same

time, with the pace of national development rapidly increasing, these actions failed to protect the vast majority of nationally significant places.

Concerned citizens and officials recognized the need for quick, decisive action. In the U.S. Congress, Senator Harry F. Byrd of Virginia, and Congressman Maury Maverick of Texas introduced a bill early in 1935 to address this national need. Congressman Maverick, a first-term Congressman from Texas, was determined to get San Jose Mission declared a nationally significant site. Surely he would be pleased if he knew that Mission San Jose and three other missions in the San Antonio area are now part of a national historical park.

On August 21, 1935, President Franklin D. Roosevelt signed the Historic Sites Act into law. The act states that it is "a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." The act gave broad authority to the Secretary of the Interior to initiate and oversee preservation activity. It directed the Secretary of the Interior, through the National Park Service, to record and document historic structures with drawings and photographs. The National Park Service had already begun this work in 1933, and the Historic Sites Act gave legal authority for continuation of the Historic American Buildings Survey and, later, the Historic American Engineering Record.

The Historic Sites Act also called for a nationwide survey to identify sites significant to U.S. history. The purpose of the survey was to identify those places having exceptional value as commemorating or illustrating the history of the United States. This national survey laid the foundation for the National Historic Landmarks Program and the National Register of Historic Places. In 1966, these programs were expanded once again to include sites significant to State and local history.

The Historic Sites Act of 1935 further authorized the Secretary of the Interior, with certain restrictions, to acquire, restore, and manage properties and to assist others in doing the same. It enabled the Secretary to build and maintain museums at historic sites in order to educate the public about their significance.

Finally, the act established what is now called the National Park System Advisory Board, a body of concerned citizens with expertise in cultural resources and other park-related disciplines.

The 1935 Historic Sites Act laid the groundwork for future preservation efforts. It fostered numerous statutes adding particular sites to the National Park System. The 1949 legislation creating the National Trust for Historic Preservation was created "to further the policy enunciated in the Historic Sites Act." The National Trust was designed to acquire historic properties and promote citizen involvement in preservation efforts.

Fifty years after its passage, the Historic Sites Act retains its importance. The Historic Sites Act directs the National Park Service how to manage historic properties. It guides the Park Service in carrying out the Historic American Buildings Survey, the Historic American Engineering Record, and the National Historic Landmarks Program. The National Park System Advisory Board continues its important role in bringing professional guidance and public involvement to these and other service functions. Above all, the act remains vital for its fundamental policy statement of Federal concern for the Nation's heritage.

I have introduced legislation, House Joint Resolution 299, to recognize the Historic Sites Act for its significant contributions over the past 50 years to the identification and protection of the Nation's cultural heritage. I urge my colleagues to join me in this commemorative tribute by cosponsoring this House joint resolution.

FIRST ANNIVERSARY OF THE GOLDEN TEMPLE INCIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 60 minutes.

Mr. FAZIO. Mr. Speaker, today marks the 1-year anniversary of the Golden Temple incident which led to a wave of violence in India in which thousands of Sikh men, women and children, and hundreds of Hindus perished.

I rise today, Mr. Speaker, not to condone the Sikh extremists led by Jarnail Singh Bhindranwale, whose provocative actions were at least partially responsible for the Indian Army's eventual attack on the Golden Temple. Acts of terrorism by anyone, by either Sikh or Hindu extremists, are deplorable and immoral.

Violence and terrorism have no legitimate role in the settlement of the issues of sectarian, religious, and political difference which divide these two great peoples of India.

I rise today, Mr. Speaker, because many Sikhs, particularly those outside of India, have a number of questions about the incident which even today remain unanswered. For example, Mr. Speaker, why has the Indian Government failed to allow any outside group, including representatives of internationally recognized human rights organizations, to conduct an independent inquiry into the events which led up to the attack on the Golden Temple?

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A group of my colleagues—a bipartisan group, I might add—and I requested permission to travel to the Punjab nearly 8 months ago, but our request was turned down.

Why, Mr. Speaker, did the Indian Government choose to attack the Temple on a holy day, when others besides extremists might be inside the Temple? What of allegations that the Indian troops in some fashion desecrated rare manuscripts and other items of religious, historical, or cultural value at the Temple?

Further, Mr. Speaker, very serious questions remain about the violence which occurred throughout India following the assassination of Mrs. Gandhi. Was the violence which claimed the lives of thousands of Sikhs, the result of a spontaneous expression of "madness" or "grief and anger" by the Hindu majority? Or were the riots, the arson, the murders the result of an organized plot against the entire Sikh community? Why has the Government failed to launch an official inquiry of the incident?

These are among the questions which remain unanswered in the minds of many Sikhs, including many of my constituents. They should be addressed.

Mr. Speaker, I also rise today to stress my firm belief that all parties, including the Sikhs and the Indian Government, should recommit themselves to restraint and condemn all acts of violence and terrorism whenever they occur. The only settlement which can have any lasting meaning is one that is achieved through peaceful, political negotiations conducted in good faith between the Sikh community and the Indian Government.

There is no room for violence and terrorism in such a process. These can only serve to undermine a true and lasting peace between all the peoples of India.

With this in mind, I urge Prime Minister Rajiv Gandhi and his Government to strengthen their efforts to reach a negotiated settlement to ensure that the rights of the Sikh minority are protected. The basic religious and political equality of the Sikh people must be preserved under the law through dialog and agreement.

Finally, Mr. Speaker, I would like to applaud the courage of Prime Minister Gandhi for proceeding with his plans to come to the United States next week despite the threat against his life. As you know, that plot by a small band of extremists was foiled by the Federal Bureau of Investigation. I know that Sikhs throughout the world were shocked and outraged at the revelation of this latest assassination plot. We are very fortunate that the FBI was able to uncover the plot before it succeeded and further imped-

ed the achievement of a just and lasting peace between all the peoples of India.

I think there is no one in the body who feels more strongly about the basic validity of the democratic institutions that are the firm foundation of the State of India, but I do believe that it is important for people throughout the world to express their concerns about human rights violations when they occur against obvious religious and ethnic minorities anywhere in the world.

I certainly mean by my comments today to provide no disservice to the ongoing effort to bring together the disparate peoples of India in one united country, but I do believe that I have a responsibility in representing my constituents and we as an institution have a responsibility in looking to human rights abuses whenever and wherever they occur, and simply by asking for further clarification and investigation, we today reaffirm our desire to see the Indian people and their government further their goals and achieve the purpose with which that country was founded almost 40 years ago.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend, the gentleman from California [Mr. LEWIS], whom I know to be an expert on Indian affairs, having traveled there and lived there at an earlier time in his life.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding.

I say to my friend, the gentleman from California [Mr. FAZIO], that I think it is most important that he raise this question and this concern before the House today. As the gentleman mentioned, Prime Minister Gandhi will be in the United States next week and will be addressing a joint meeting of the House.

The gentleman also mentioned that I spent a little time in India myself. Indeed, as a student at UCLA, I had the privilege of participating in a program called Project India that sent a number of our young people from our campus to Southeast Asia to travel through India. We spent a lot of time with our peers, college students, in 1955 and 1965.

It was my privilege on my first visit to have an opportunity to talk with now Prime Minister Gandhi when he was also a student. I can say from personal knowledge that he is an individual who is committed to democratic principles, an individual who would reflect similar concerns that the gentleman has expressed here.

It is very, very clear that one of the fundamentals of the democratic system is a recognition of the values of tolerance, of caring for the fundamental freedoms of peoples. Freedom of religion, of course, is basic to that.

For those many, many Sikh citizens who now are living in this country and who have contributed so much to that new thrust of American life, I am sure that they, too, would want to express their concerns and join with the gentleman in the concerns that he has mentioned here on the floor.

In the last several days I have had an opportunity to talk time and again with our colleague, the gentleman from California [Mr. CHAPPIE], who has a number of Sikh citizens living in his district who have been most concerned about developments in Southeast Asia. It seems to me that what we are really attempting to do here is to communicate to what is now the world's largest democracy our concern that all of us share, with a balance of support for all the fundamentals of the democratic process.

Mr. Gandhi's visit here, I personally believe, will add a great deal to that. The gentleman's comments on the floor will, I think, in a very special way express the interest and concern the House has concerning this very critical and fundamental matter.

Mr. Speaker, I appreciate my colleague's yielding.

Mr. FAZIO. Mr. Speaker, I appreciate my friend's comments, and I certainly want to associate myself with them, particularly with his latter remarks. I look forward very much to Mr. Gandhi's visit. I think it is important to the mutual relationships that exist between these two democracies.

Having studied Asian history as a student in college, I certainly have a very great belief that democratic institutions have taken root in the subcontinent and are going to flourish through the years. They do have some very difficult challenges in integrating the vast array of religious and ethnic groups that make up that very polyglot and disparate state. None of us in this country should in any way, despite our own heritage, underestimate the difficulty of that task.

But the Sikh community is a very vibrant community, both economically, socially, and intellectually. It exists all over the world. It is a pillar, I think, not only of Indian economic progress but is a true believer in democracy in India.

I simply would like to highlight the need that that community has to be given the opportunity to find some areas of independence and autonomy, perhaps at the local level, where they have large numbers in certain provinces, as in the Punjab area, and where I think their interests must be given full consideration by the Indian Government as it attempts to develop its system of federalism.

Mr. LEWIS of California. Mr. Speaker, will my colleague yield further to me?

Mr. FAZIO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, let me say further to the gentleman from California [Mr. FAZIO] that recently I had the opportunity in visiting the district of the gentleman from California [Mr. CHAPPIE] to talk with a number of people about the problems of the Sikh community as they are making a new kind of contribution to the world of democracy here in our country. It truly is incredible to see the contributions that have been made to our democratic society by those who are immigrating to us in this generation. They are among the most intelligent, the most industrious, and in some cases the most prosperous. The Sikh community that is an American community is making a phenomenal contribution.

Beyond the economic progress that they have seen and made and the contributions they have made to our individual communities, it is fascinating for me to see them now reaching out and attempting to express once again their support for democratic principles that go way beyond their own personalized interests today, that is, their individual interests, their family interests, and perhaps even their selfish interests. They, too, are saying that "democracy works here, it works in India, and let us just make it all the better."

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman's comments.

I think the reason we are here today holding up the interests of the Sikh community is because in this country, were they have flourished, where they came originally as farmworkers and railroad workers, they have attained the status of professional and people active in the academic world and in the sciences. And, additionally, of course, they are some of the most successful farmers in the American agricultural community.

They have reaffirmed their interest in the democratic institutions, and they have learned how to use them. I think the efforts we are putting forth in the House of Representatives today testify to their sophistication and understanding as to how the world works and what role this institution may play in moving Indian policy perhaps in the direction of accommodating their concerns, which I think are legitimate concerns, about the temple massacre. And that, I think, for all of us is a question that needs some very real answers and attention given to it by the Indian Government.

Mr. Speaker, at this point I include articles from Time, Newsweek, and the New York Times concerning the temple massacre and the plot to assassinate Prime Minister Gandhi, as follows:

INDIA: SLAUGHTER AT THE GOLDEN TEMPLE

The elegant marble-floored courtyard of the gilded Golden Temple in Amritsar was strewn with bodies and blood. The once

serene and peaceful 72-acre temple complex, the holiest shrine of the Sikh religion, stood scarred and bruised after 36 hours of fierce fighting between militant Sikhs and Indian government troops. In sweltering heat and the dust of the battle's aftermath, black crows and vultures perched on the temple's balustrades in search of grisly carrion. For the first time in the 400-year history of the Golden Temple, the 24-hour prayer vigil had ceased.

The most fanatical leader of Sikh extremists. Sant Jarnail Singh Bhindranwale, 37, who had provoked the violence, lay among the dead. Just weeks before, he had vowed to defend to the death his supporters' demands for increased religious and political autonomy. "Let them come," he had said. "We will give them battle. If die we must, then we will take many of them with us."

In ordering her troops to storm the temple, Prime Minister Indira Gandhi took her biggest political gamble since she declared a national emergency in 1975. Last week's decision could add to the turmoil of a nation already torn by violence. Some Indian commentators voiced fears for the future of the world's largest democracy. "What happened inside the Golden Temple is a turning point in India's modern history," said the eminent Sikh Historian Khushwant Singh. But Mrs. Gandhi apparently felt she had no choice but to attack. Bhindranwale and his followers had stockpiled guns, rifles, antitank missiles, rocket launchers, hand grenades and mortars inside the temple, in grim contrast to the shrine's jewel-like chambers and cupolas. The defenders' stiff resistance ended in slaughter: 259 Sikhs and 59 soldiers killed, an additional 90 Sikhs and 110 soldiers wounded. Unofficial figures placed the dead at more than a thousand.

At week's end the violence had not yet subsided, and the Indian army extended its 24-hour curfew in most of the northwestern state of Punjab. Several hundred Bhindranwale loyalists who had managed to escape the siege of the temple continued to wage hit-and-run attacks against troops in Amritsar. They also looted shops, set fires and killed civilians. An additional 100 Sikh extremists surfaced in Rajasthan, a state near the Pakistani border, where they called upon Sikh members of the army to rebel. Some of them did defect, while other Sikhs apparently donned army uniforms in an attempt to infiltrate and disrupt the frontline troops that shield India against potential attacks from its bitter enemy, Pakistan. The rebellion was swiftly quashed.

Agitation by both moderate and extremist Sikh factions over the past two years had brought violence in Punjab to alarming levels. In the past four months alone, more than 300 people had died in Sikh-inspired violence. At the same time, tensions from last month's rioting among Hindus and Muslims in Bombay had built to such a degree that politicians began questioning Mrs. Gandhi's control over the country. There was speculation that further instability could cause her governing Congress (I) Party to suffer a serious setback in the national elections scheduled to be held by next January.

Sikh outrage at the assault on the temple echoed throughout India and around the world. Ignoring curfew laws, hundreds of Sikhs rioted in Punjab; they also caused havoc in a number of Indian cities. In New Delhi angry Sikhs demanded Bhindranwale's body for cremation and vowed to keep his legend alive. "If one Bhindranwale dies," Sikhs at a New Delhi demonstration shouted, "a thousand are born." Two militants brandishing swords attacked the Indian consulate in Vancouver, Canada, leaving it a shambles. Security was increased around Indian missions in the U.S., Canada, Britain, West Germany, The Netherlands and Denmark, where there are significant Sikh populations.

The crisis came to a head when, in an effort to press home its demands for religious and regional autonomy, the Sikhs' Akali Dal Party announced that it would begin to block grain shipments to the rest of India from Punjab, which is the nation's breadbasket. The action would have cut off 65% of the country's crucial grain reserves, threatening widespread famine.

Three days before the attack, Mrs. Gandhi made an urgent appeal on national radio and television to all Sikhs to end their agitation. She outlined a framework for a settlement. "Let us sit around the table and find a solution," she pleaded. She had already agreed to most of the Sikh demands for religious autonomy and was willing to amend the constitution to distinguish Sikhs from Hindus. But Mrs. Gandhi felt that if she gave in to the Sikh demand for political autonomy, she would risk a Hindu backlash.

On Sunday the government ordered a 24-hour curfew, and told all journalists and photographers to leave Punjab. (Authorities later confiscated the film of those who had refused to comply.) Roads across the state borders and the airports were closed, trains and buses stopped running, and telephone and telegraph wires were cut. The usually thriving Punjab came to a halt, cut off from the rest of the world. About 4,000 government troops surrounded the Golden Temple and ordered out the 3,000 Sikhs who live there, as well as the crowds that enter daily for worship. Many heeded the warnings, but 1,000 extremists defiantly remained inside the temple.

Bhindranwale held out in what is described as "the throne of the timeless" in the temple's basement. His loyal followers took up positions they had been fortifying for months with sandbags, steel armor and bricks. When army troops finally stormed the defenses Tuesday evening, they met heavy resistance from rockets and machine-gun fire. Pinned down by a far superior, better-armed force than they anticipated, army troops called for reinforcements of tanks and artillery. After six hours, the machine guns fell silent and army sharpshooters closed in, backed up by troops with bayonets. When army troops finally stormed the basement, they found the bullet-riddled bodies of Bhindranwale and his two top lieutenants.

Bhindranwale's death was in the proud, warring tradition of Sikhism. The religion was founded in the 15th century as a monotheistic synthesis of Hinduism and Islam. Sikhs believe in having a direct, personal relationship with God, rejecting Hindu idolatry and the caste system. True Sikhs do not smoke, and the men do not cut their beards or hair, believing that spiritual power flows through long hair. India's 15 million Sikhs are known for being ambitious, hardworking and hospitable. Their gurdwaras, or holy places, throughout India offer free lodging and food for any traveler who happens by.

Industrious and ambitious, the Sikhs have turned Punjab, one of the few areas in which they form a majority, into a model of agricultural efficiency, thereby helping make India self-sufficient in wheat. Sikh politicians are demanding economic improvements from the central government, such as higher wheat prices and more investment in Punjab. Some Sikhs want a form of regional autonomy that would give to Punjab authority in all areas of state government except currency, railways, communications and defense. Others want the city of Chandigarh, which is also the capital of the neighboring Hindu state of Haryana, to be designated exclusively as Punjab's political capital.

The defiant and charismatic Bhindranwale, known to his followers as "the guiding light," emerged in 1978 as the most radical of the Sikh leaders. He possessed a mythic sense of his own destiny and claimed from an early age that he was fated to lead the Sikhs in their struggle for autonomy. Gradually distancing himself from the more moderate Akali Dal, Bhindranwale began in 1981 to use holy places as sanctuaries and military training grounds for Sikh fundamentalists rallying around him. The tall, lean leader always wore a sword as well as a .38 Smith & Wesson revolver on a gun belt with silver bullets. He preached that Sikhs were a religious group apart from Hindus and Muslims, with a divine destiny to rule themselves and escape the corrupt influences of Hindu and Western values.

By ordering the assault on the temple, Mrs. Gandhi has placated critics who accused her of dangerous inaction on Sikh terrorism. But she has seriously harmed her standing with moderate Sikhs who did not support Bhindranwale's fanaticism although they revered the Golden Temple as a shrine of peace. "I don't understand why Mrs. Gandhi gave the order," said Historian Singh. "We had been given assurances that there would never be an armed intervention, but they have gone back on their word. No serious Sikh can entertain thoughts of talking to Mrs. Gandhi now." Only through cautious maneuvering and concessions to moderate Sikhs, it seems, can Mrs. Gandhi hope to heal the wounds left by last week's attack and preserve, indeed strengthen, her country's unity.—By Laura López. Reported by Dean Brelis/New Delhi

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THE GOLDEN TEMPLE SHOOT-OUT

The darkness of night had faded. Like a shroud, the heat of June began to settle over the Golden Temple of Amritsar. Inside the holiest shrine of India's 14 million Sikhs,[1] 500 extremists said their prayers and checked their weapons. Their leader was Jarnail Singh Bhindranwale, a fiery preacher and terrorist in a turban; their demand was to carve an independent Sikh nation out of the Punjab, and they meant to have it or die. Outside, hundreds of Indian commandos drew closer. Just before sunup they made their attack. Running, crawling, seeking whatever cover they could find, they tried to dislodge the defenders without destroying the temple's inner sanctuary. But they felt compelled to attack the Akal Takht, the Sikh Vatican. Seven tanks bombarded the three-story structure—and in the smoking ruins, the government forces found Bhindranwale's bloody corpse.

The spasm of violence took 420 lives, 350 among the Sikhs and 70 soldiers. With that quick costly blow, the government of Prime Minister Indira Gandhi hoped to break the drive of the radical Sikhs to form a separate state—Khalistan, the Nation of the Pure.

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[1] A 15th-century offshoot of Hinduism and Islam, Sikhism frowns on the caste system and stresses monotheism, individual morality and martial valor.

Most Indians supported the attack, and even many Sikhs, who constitute fewer than 2 percent of India's 750 million population, reluctantly accepted the necessity for military action. But the Army imposed only a sullen peace on the Punjab, the cultural center in Sikhism. And in New Delhi, Jammu and Srinagar, Sikh militants took to the streets in riots that left 11 dead, further inflaming the religious and ethnic hatreds that have weakened India ever since independence.

The showdown at the Golden Temple was a convulsion worthy of Kipling. It had been building for years. The Akali Dal, the Sikh regional party, has long pressed the Indian government to grant it greater autonomy in the Punjab. And frustration had driven hotter heads among the Sikhs to terror. Three years ago a group of assassins gunned down newspaper editor Jagat Narain, a leader of the Hindus in the Punjab. Bhindranwale, the obscure leader of a group of armed Sikh fundamentalists, was arrested after the shooting. The police quickly freed him after his followers went on a killing spree in protest, and Bhindranwale's reputation was made. Members of Gandhi's predominantly Hindu Congress (I) Party had previously used him for their own purposes. Hoping that he would split the moderate Akali Dal with his unacceptable secessionist demands, they covertly provided him with support.

But with the killing of the editor, it was clear that the plan had succeeded too well. Brandishing a silver arrow as a symbol of religious authority. Bhindranwale quickly augmented his armed band with unemployed youths eager for a cause. The self-proclaimed holy man whipped his followers into a such a lather of zealotry that bands of terrorists began roaming throughout the lush Punjabi countryside, randomly attacking Hindus, including women and children. As the Hindus retaliated in kind, the body count rose to more than 400, and business and agriculture slowed.

Daggers.—To avoid a second arrest he and his private army took refuge in the Golden Temple. He shared the place with Sant Harchand Singh Longowal, the moderate leader of the Akali Dal. It might have been wiser for the government to have ejected the extremists earlier, before, their defenses were complete. But Gandhi settled on a strategy of letting the crisis fester until she could be sure that the rest of the country would support an attack on a religious shrine. For a time, she even seemed conciliatory. She ordered the release of Sikh political prisoners, granted the traditionally martial Sikhs the right to carry daggers on domestic Indian Airlines flights and pledged to refer other, more substantive, demands to special tribunals. Clearly, however, Bhindranwale had no intention of being appeased; his goal was to provoke so much violence that the majority of Sikhs would be forced to close ranks and support his struggle for an independent state. The crisis might have boiled over two weeks ago when terrorists inside the temple engaged local paramilitary forces a series of gun battles. But even then, Gandhi refused to order a siege.

What finally triggered the attack was the call by both Bhindranwale and more moderate Sikhs for an economic blockade of the Punjab. Among other things, they asked the Sikhs to block roads and disrupt train service, gestures that would have cut vital grain shipment from the region. Faced with the threat of food shortages throughout the rest of India, Gandhi went on national television and radio. "Don't shed blood," she pleaded with the separatists. "Shed hatred." Finally she began to use a sterner tone. "No government can allow violence and terrorism any premise in the settlement of issues." She said "Make no mistake about this." Even as she was broadcasting her hourlong appeal, the Indian Army was sealing off the Punjab: not a bicycle, not a bullock cart, no trains, buses or cars moved. The government imposed an around-the-clock curfew. No citizens were allowed to cross the border and all foreigners, including reporters, were expelled under the Foreigners Act.

Taut Nerves.—The government's greatest fear was that a careless assault would enrage moderate and extremist Sikhs alike, increasing separatist pressures rather than curbing them. The attack was planned with great caution. To underscore the secular loyalty and strength of the Army, Gandhi put an Indian Muslim in charge of the special commando unit assigned to confront Bhindranwale; but she also took care to include four Sikhs among the top six military commanders leading the operation. Sikhs make up a good segment of the Indian officer corps. From New Delhi, a crack commando unit of 500 soldiers trained in anti-terrorist operations flew to Amritsar. As nerves drew taut, 5,000 troops ringed the temple complex, blocking all supply and escape routes. Another 5,000 enforced the curfew in the city. Sharpshooters were posted at vantage points overlooking the Golden Temple. The Army cut off food, water and electricity to the temple and settled in for a prolonged siege.

The defenders had stashed away enough supplies to last several weeks, including a generator to provide electricity. Shuhbeg Singh, a renegade former Indian Army general skilled in guerrilla warfare, had assembled an extensive arsenal to be used in any confrontation with the government. Among the weapons he purchased—chiefly from Pakistan—were five medium machine guns, 20 to 25 light machine guns, thousands of rifles, 50 sten submachine guns, antitank missiles, rocket launchers and Israeli-made bulletproof vests. The terrorists built sandbag bunkers along the marble walls of the temple and set up mortars and machine guns on top of the clock and water towers. Then they hunkered down for a siege.

From New Delhi, a central command task force composed of Gandhi and her top advisers, including the home and defense ministers and the security chief, ordered the Army not to harm the Harmandir Sahib, the sanctuary that houses the most sacred writings of the Sikhs. Over loudspeakers, Army officers begged the terrorists to give up quietly and without bloodshed. Several hundred Sikhs eventually came out carrying white flags. Longowal and a number of other moderates from the Akali Dal also left with their followers. But Bhindranwale and his band of 500 stayed put for a fight to the death.

"We went in not in anger but in sadness," said Lt. Gen. K. Sunderji, "We went in with prayers on our lips and reverence." The Golden Temple was set in the middle of an artificial lake. It could be approached only by a narrow causeway that deprived the troops of cover. As they scrambled over the marble bridge, they were sitting ducks. Fifteen soldiers fell dead as snipers picked them off one by one. "We've never come under such heavy fire," said one Army commander.

One government soldier who did manage to crawl his way across the causeway was picked up by Bhindranwale's men. The terrorists tied him up with sticks of dynamite, then forced him out into the full view of his comrades in arms. The terrorists lit the fuse and the soldier was blown to bits. That gruesome sight drove the soldiers into a frenzy. Braving the exposed causeway, the government commandos attacked in waves.

The fight proved to be a mismatch. Seven tanks clanked into the compound and pounded the Akal Takht, Bhindranwale's last redoubt. The raiders found his body in the basement of the ruined building. There were two bullet holes in his head. Beside him lay his right-hand man, Amrik Singh, who had a leg wound and a bullet hole in his skull. Powder burns singed the head wounds of both men. The burns suggested that they had carried out a suicide pact: Amrik Singh apparently shot Bhindranwale, then took his own life.

Meanwhile, simultaneous attacks were taking place at more than 40 other Sikh temples through the Punjab. The assaults were successful. But to the extent that Bhindranwale's goal had been to force the Sikhs into a new awareness of their separate cultural and religious identity, he had amply succeeded. "You can't begin to understand our reactions," insisted one Sikh, "unless you think in terms of the Vatican being besieged and overrun by Storm Troopers."

Such feeling is bound to create a thirst for vengeance. Sikh farmers may now withhold shipments of grain, and unless some new moderate leader comes forward, other Sikhs seem certain to renew the terrorist campaign. Even Gandhi blamed the Akali Dal for failing to counter the terrorist threat. But the scapegoating did nothing to help moderate Punjab Sikhs develop an effective spokesman for their political, religious and economic claims. As a result their grievances may deepen.

Riots.—The affair did offer some short-term gains for Gandhi, who must hold general elections by January. In failing to attack while the terrorists were arming themselves, she undoubtedly increased the ultimate bloodshed. But by waiting until the situation was plainly intolerable, she ensured that almost all of India would back her. She needs that popular support not only to win elections but to restore order in many other troubled regions of India.

Fierce rioting between Hindus and Muslims led to more than 200 deaths in the squalid slums of Bombay last month. And in the northeastern Indian state of Assam, where some 5,000 people died in Hindu-Muslim riots last year, it is still tense. Clearly these atavistic lurches are a threat to the central Indian government, and only the central government can bring them under control. Over the longer run, however, populations are seldom won over by military presence alone. If the Punjab—the bread basket of the world's most populous democracy—becomes a center of sectarian violence and government repression, other areas of India may follow. And if they do, ethnic hatred could once again threaten the country's future.

(Harry Anderson with Patricia J. Sethi and Sudip Mazumdar in New Delhi and bureau reports.)

[From the New York Times, May 14, 1985]

FBI SAID TO FOIL SIKH PLOT TO KILL GANDHI IN THE UNITED STATES

(By Susan F. Rasky)

WASHINGTON, May 13.—The Federal Bureau of Investigation said today that it had foiled a plot by Sikh terrorists to assassinate Prime Minister Rajiv Gandhi of India during this visit to the United States next month.

William H. Webster, director of the F.B.I., said in a statement here that the bureau had penetrated a plan to "train a group of Sikhs in the use of fire arms and explosives" and that the group had been planning "guerrilla type operations against the Government of India."

In addition to the purported plot against Mr. Gandhi, Mr. Webster said, the Sikh terrorists had also planned to assassinate Bhajan Lal, Chief Minister of the Indian state of Haryana, who was in New Orleans for medical treatment at the Louisiana State University Eye Center.

FIVE DETAINED IN NEW ORLEANS

Five of the seven men identified by the F.B.I. as part of the purported conspiracy are in custody in New Orleans. The two others are still being sought in the New York area.

Mr. Gandhi is scheduled to begin a state visit here on June 11. The State Department said today that it did not expect any changes in his schedule as a result of the disclosure by the F.B.I.

Mr. Gandhi is the son of Prime Minister Indira Gandhi, who was assassinated last Oct. 31 at her residence compound in New Delhi by two of her Sikh bodyguards. Her assassination touched off a wave of rioting in which 3,000 people were killed.

MORE AUTONOMY SOUGHT

The Sikhs, who number 13 million out of India's 750 million people, are demanding more autonomy in the Punjab, their home region.

At least 80 people were killed and 150 were wounded in bomb blasts on Friday and Saturday in Punjab and other northern states. In New Delhi today, sporadic violence was reported in a strike called by the opposition to protest what it said was the Government's failure to prevent the attacks. [Page A11.]

State Department and F.B.I. officials declined to speculate on whether the alleged conspirators named today were directly linked to the recent actions in India. A State Department spokesman said Sikhs in this country had not been singled out for special attention before Mr. Gandhi's visit.

FORMER "SEAL" IS INFORMANT

The purported plot was outlined in an affidavit filed in the United States District Court in the Eastern District of New York by the F.B.I. and the Secret Service. The affidavit identified the source for the information as "a former U.S. Navy 'Seal' who has been known to the F.B.I. for five and one-half years."

In a separate indictment issued last Thursday, a Federal grand jury in New Orleans accused five Sikhs of plotting to kill the Chief Minister of the Indian state of Haryana. Four of the purported conspirators were arrested by the New Orleans Police Department on May 4 on the sidewalk outside of the hotel where Mr. Lal was staying. The fifth was arrested by F.B.I. agents on Sunday.

An affidavit detailing the circumstances of the purported assassination plot named Thomas Norris, a special F.B.I. agent, as an undercover agent who had been in contact with one of the Sikhs involved in the New York case. Officials at the United States Attorney's office in Brooklyn refused to confirm or deny that Mr. Norris was the operative.

The undercover operative, who is referred to throughout the document as "A," is described as a recipient of the Congressional Medal of Honor for his service in Vietnam and as "an expert in urban guerrilla warfare, including the use of explosives and automatic weapons."

The affidavit alleges that Gurpartap S. Birk, Lal Singh and Ammand Singh conspired to kill Mr. Gandhi, to take part in a military expedition against India, and to receive machine guns and plastic explosives. Mr. Birk and Lal Singh are also accused of attempting to solicit another individual to kill Mr. Gandhi.

According to the United States Attorney's office in Brooklyn, Mr. Birk, 33 years old, is a resident of Brooklyn and an engineer employed by Automated Tolls Inc. in Mount Vernon, New York. The two men still being sought by the F.B.I. are Lal Singh, 25, who was identified as a resident of Queens, and Ammand Singh, for whom authorities said they had no further identification.

According to the affidavit, the undercover operative was introduced to Mr. Birk and Lal Singh at a hotel room in New York City and posed as "someone from the state of Alabama with expertise in explosives and weapons."

BOMBING PLANS DISCLOSED

The affidavit charges that at that meeting the two men told the undercover operative that they represented a group whose purpose was to "cause the revolutionary overthrow of the present Government of India" and that they intended to do so in part by creating "a loss of confidence in the present Indian Government through the bombing of strategic locations in India." These locations allegedly included a nuclear power plant, bridges, hotels and government or public buildings.

At the same meeting, according to the affidavit, the two men also asked the undercover operative to provide their group with military type training in the United States, specifically in the use of explosives and automatic weapons, chemical warfare and urban guerrilla tactics. The affidavit said the two also asked if the undercover operative could obtain C-4 plastic explosives and machine guns to be smuggled into India for the group's use and false United States passports to facilitate entrance and exits from India.

The January meeting and two subsequent encounters with the undercover operative were monitored with electronic surveillance equipment, the affidavit said.

At a news conference in Brooklyn today, Raymond J. Dearie, the United States Attorney for the eastern district of New York, said no explosives or weapons were passed to the alleged terrorists by the undercover operative and no money changed hands.

The affidavit detailed two other meetings between the undercover operative, Mr. Birk, Lal Singh and on these occasions Ammand Singh. At a meeting on Feb. 20 in a hotel in Westbury, L.I., the affidavit said, the undercover operative asked how much explosives the group needed. According to the affidavit, Mr. Birk replied, "Enough to blow up a bridge the size of the Triboro, Brooklyn or Queensboro Bridge and also enough for a large 36-story building."

Mr. Birk allegedly told the undercover operative that his group also wanted to be supplied with the Ingram 9-millimeter Mach-10, a type of machine gun, and eventually would need grenade launchers. The affidavit said the undercover operative replied that he could supply such items.

At the same meeting, Mr. Birk also purportedly presented the undercover operative with seven photos of male Indians and asked if false United States passports could be obtained for them. Among the photographs were those of Mr. Birk, Lal Singh and Ammand Singh, the affidavit said.

The affidavit described a third meeting, on April 27, in which the undercover operative and Mr. Birk and Lal Singh drove to "a location in Columbia, New Jersey" that had allegedly been selected by the two Sikhs as a training site for the group's activities. According to the affidavit. Mr. Birk and Lal Singh told the undercover operative that their group was looking for someone to assassinate Prime Minister Gandhi during his trip to the United States.

The undercover operative then suggested three possible plans for such an assassination and discussed the details, costs and risks of each with the two men. The affidavit said the two Sikhs then selected one of the plans and told the undercover operative to begin putting it into action, with details to be worked out later.

The affidavit said the two men told the undercover operative that training would begin at the New Jersey site on May 6 and that he should have the explosives they had requested available then.

Mr. Birk, who was arrested in New Orleans on May 4, was indicted along with four other Sikhs in connection with the alleged plot against the Chief Minister of Haryana. The other four men were identified as Virinder Singh, 25, of New York City, Jasbir Sindhu, 25, of Manhattan, Sukhwinder Singh, 25, of the Bronx and Jatinder Singh Ahluwalia, 29, a cab driver in New Orleans.

● Mr. KOSTMAYER. Mr. Speaker, as a member of the Foreign Affairs Committee, I want to bring to my colleagues' attention the matter of human rights in India. Today marks the 1-year anniversary of the invasion of the Sikh Golden Temple in Amritsar and so it is particularly timely to briefly review the events of that calamity.

Many of the allegations of human rights violations committed against the Sikhs occurred during and following the Indian Army's invasion of the Golden Temple. After the invasion, the Indian Army remained in Punjab as the highest legal authority, sharing power with the President who had been ruling Punjab without an elected ministry. The Army and the President denied Punjabi citizens basic legal rights despite the fact that the Indian constitution guarantees those rights and prohibits discrimination based on religion, caste, or place of birth.

The U.S. State Department reported that the bodies of many of the Sikhs killed in Punjab bore signs of torture. The whereabouts of some Sikhs arrested in Punjab since June 1984 remain unknown. Many villagers report that the army conducted search

and cordon operations in which males between the ages of 15 and 35 were taken away without any information of their whereabouts given to their families.

The Sikhs also allege that during the army's June 5 invasion of the Golden Temple several young students were arrested and held as "risks to the country's security" for 4 months. They were detained in an Indian Army prison and then in a Punjabi jail before the supreme court intervened to set them free.

I believe human rights for all people, despite their political or religious affiliation, must be held as the highest priority in India and in every country. I call on my colleagues to join me in urging the Indian Government to restore those rights to the citizens of Punjab without delay.●

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the subject of my foregoing special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1720

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent to take my 5-minute special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE FUTURE OF THE SMALL BUSINESS ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, today the Small Business Committee began marking up Chairman MITCHELL's bill, H.R. 2540, to authorize funding for the Small Business Administration and its programs through 1988. The chairman's bill symbolizes the progress we have made in trying to improve Federal small business programs. This is significant because, to me, it is an acknowledgment that cuts can be made without compromising the Government's commitment to small business.

What is even more significant, however, is that so many of my colleagues on the committee now feel that the chairman's bill falls short in addressing many of the structural and conceptual flaws inherent in SBA programs. They have begun to recognize that you can make cuts without harming the effectiveness of useful small business programs.

I am pleased by this approach because I now believe that my efforts to alert Congress to the agency's flaws have not been in vain. Earier this year when the administration proposed to dismantle the Small Business Administration and transfer its noncredit programs to the Commerce Department, I embraced the plan and introduced it as a legislative package in H.R. 1461. Subsequently, there were many who complained that the cuts contained in that plan were shortsighted, and would lead to the demise of small business. Accordingly, I was accused of being anti-small business.

But thanks, in part, to the spirited debate that followed, we now know that these accusations are over exagerated and, in many instances, completely untrue. For example, the committee now feels that we can do away with most of the SBA's direct lending program. It is outdated and lacks cost-effectiveness.

There is also significant support for ending the agency's farm disaster loans and consolidate farm relief programs in the Department of Agriculture, where they belong. This is a simple case of economic wisdom, as is the need to end nonphysical disaster lending by the SBA. It merely duplicates services offered by other Government agencies and forces taxpayers to subsidize business losses resulting from normal business risks and poor management.

We are now finding out that financial institutions which provide SBA guaranteed loans to small business can accept the imposition of higher fees and a lower guaranteed rate structure without jeopardizing their small business portfolios. This will, in turn, help to reduce the sizable number of yearly defaults which must be paid for by the American taxpayer.

Additionally, I am pleased that the committee has agreed to hold hearings later this year on legislation to create a corporation for small business investment. This program will take small business investment companies out of the SBA, allowing them to tap into the vast resources of the secondary markets while, at the same time, saving the taxpayers an additional $1 billion over 3 years.

In all, these reforms will trim nearly $3 billion from the SBA budget and still provide more efficient and cost-effective services, increased access to capital markets, and reduced Government spending. All of these changes will greatly benefit our Nation's small business sector.

But I would also like to add that, should the committee accept all of these recommendations, there will still be a significant number of programs in the agency which will require further review so that we are certain that SBA programs are serving a public need.

Mr. Speaker, there is no doubt that the recent debate over the future course of the Small Business Administration has exposed the agency like no other period in its history. And I must, at this point praise Jim Sanders for his superb leadership as the Administrator. Not a day went by when something wasn't said or printed in defense of, or in opposition to, the agency and its programs. But in the end, it will all result in a leaner, meaner, and more effective SBA that will be more responsive to the needs of the small business community. In the end, small business will be better off because of it. I commend my colleagues for recognizing this fact.

THE SOVIET WAR AGAINST FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, the purpose of this talk, which is on the Soviet war against freedom is to suggest that there is a pattern of education which we need in this country, in that there are three steps that would be a start in the right direction.

I talk in a week, for example, in which the cover of Newsweek magazine is entitled "The Family of Spies. How Much Did They Tell Moscow? The Epidemic of Soviet Espionage."

We talk in a week in which there is grave concern that Soviet spies have stolen enough information that they have compromised the security of American nuclear submarines, which we have always thought were the base of America's long-term security and our protection against nuclear war.

In addition, this is a week in which there has been a Nicaraguan Communist invasion into Costa Rica, where they have occupied several hills in the process and killed several Costa Rican soldiers and the Costa Rican Government has complained.

This is the week in which the Soviet Army has expanded the amount of violence and bloodshed against the freedom fighters in Afghanistan.

I think it is a time to look candidly at what is happening. The Soviet system has managed to win a war of words. If the Russians invade a country, somehow the word "invasion" is never used. If they are brutalizing a people, somehow the word "brutality" does not show up.

The words always end up being softer and calmer and pleasanter if the action is by the Soviets.

Somehow we do not explain very well what is happening on the American side, on the profreedom side.

I think there are three steps that could be taken that would begin to improve American understanding of the Soviet war against freedom, and it is a war. It is not the Soviet aggression. It is not the Soviet offensive. It is not the Soviet actions. It is not the Soviet intervention. It is the Soviet war against freedom.

The first step would be for the Intelligence Committee to hold a series of public hearings that begin with the structure and nature of our adversary, why is the Soviet system committed to waging war against the West.

It would go second to the question of the KGB, the Soviet secret police, and how much it has penetrated the United States. How many KGB agents are there at the Soviet consulate in San Francisco? How many KGB agents are there in the United Nations Secretariat? How many KGB agents are there in the Soviet Embassy in Washington?

Why does the Soviet Embassy sit on the highest hill in the city, looking out over the Pentagon, the White House, and the Central Intelligence Agency, so that for electronic spying purposes it is the best situated single building in Washington? What could be done to make it harder for the Soviets to spy?

I suggest for those who are interested, in addition to the cover story of this week's Newsweek, that there are two recent books which create a framework of thought about Soviet spying. The more popular, easier to read, is called "The KGB Today, The Hidden Hand," by John Barron. It is a paperback book available right now. It is worth reading.

The shocking thing is that this is the second book John Barron has written about the KGB. The first was called "KGB, The Secret Work of Soviet Secret Agents."

The newer book was published in 1983 and lists item by item how the KGB and the Soviet Union attempt to systematically undermine the West and undermine the United States.

Now, this book which is, oh, 400 pages long, is worth reading. It is fascinating reading. Parts of it read like a novel as they tell the story in particular of one Soviet agent who decided that he would try to escape, a Soviet agent who in fact did escape. His name is Levchenko. Levchenko was a very high KGB officer. The KGB is the Soviet secret police. He was in charge of much of the spying that was being done in Tokyo, Japan, when he decided to flee to the West.

Now, this book makes a point which is very important for all of us who are shocked by this week's television to think about. If the Soviets have been spying so systematically that two 400-page books already exist, if under Jimmy Carter and Ronald Reagan we arrested 29 different spies for the Soviet Union in the United States, why then is it a surprise, as you would expect, that there are more Soviet spies?

It is just business as usual as the Soviet Union wages war against freedom.

I was particularly motivated to take tonight to start this process, because in addition to the Intelligence Committee hearings, I hope that we will be able to convince the Central Intelligence Defense Agency, Department of Defense, State Department, and National Security Council, to have a coordinated weekly briefing every Thursday in the morning, one for the news media, one for Members of Congress, only of declassified information.

I would hope that we in the House would decide to begin having an every Thursday afternoon special order specifically to report to the American people on the Soviet war against freedom.

I am really moved to do this by the latest in a series of letters that are at best misleading and at worst misinformation.

□ 1730

I will not mention the Member's name who sent this letter because he is not on the floor. But it is entitled "Almost Three-Fourths of the Public Opposes Military Aid to Nicaraguan Contras." And at the bottom it says, "Our constituents understand the issues very well."

Now let me just say to that, we happen to have another poll, and that what you get out of a poll is in part based on what you ask in the poll, and the person who took the poll that goes along with this I think significantly misleading letter is a poll taken by Mr. Louis Harris who is a good, solid, left-wing pollster, a liberal who often words his questions in a way that guarantees that result.

He asks the question: "How concerned are you that the United States will end up sending American troops to fight Nicaragua? Fifty percent are highly concerned. I am highly concerned. That is why I want to support aid to the present freedom fighters so that we can stop communism with Nicaraguans stopping it, not with Americans.

They walk through a series of questions which are phrased as strongly as possible, and they never quite explain in the whole series of questions exactly what is involved because when you walk through these questions, and there are two solid pages of questions, you discover they never quite explain what is really happening in Central America.

Now, if I were to come to you and say, "How would you like me to cut on you tonight?" You would probably say, "No, I don't want you to cut on me tonight."

But if I were to come to you and say that I am a cancer specialist, and you may die by tomorrow morning if I don't operate this evening, you might have a whole different attitude toward my cutting on you this evening. The context is important.

Let me give you some data.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am delighted to yield to my friend from Illinois.

Mr. HYDE. I think I have seen the Lou Harris polling results that the gentleman has adverted to and as I read through the two or three pages of questions, at no time did I find the Sandinista government referred to as Communists. I think in one place it was called left wing.

Now, is it your experience that when you use the word "Communist" to describe an entity or a government, it makes a difference in the response?

Mr. GINGRICH. Absolutely. In fact, the point I would like to make is we had a poll which has just been released by the Congressional Campaign Committee for the Republicans which was taken by Market Opinion Research. I have received permission from the Congressional Campaign Committee to share some of the data, and I think the public needs to look at the difference between the Lou Harris question which has been sent out by my good friend who happens to be, in my judgment, uninformed on the nature of the Leninist system, and the questions when asked in a slightly different manner with more information.

In the first place, it starts by saying, and listen to how this is worded: "As you know, the Reagan administration has been backing the Contra rebels in Nicaragua who have been fighting to overthrow the Sandinista government."

Now, the first sentence is loaded on two levels. Nobody in America knows what a Contra is. The President has been calling them freedom fighters, which I think is a fairer term. Nobody is really sure what Sandinista means. If you say "Communist" it changes the whole meaning of that opening sentence. If you were to ask exactly the same question: "As you know, the Reagan administration has been backing the freedom fighters in Nicaragua who have been fighting to overthrow the Communist government," you radically change the answer because it is like putting the word "cancer" in a question of whether or not you want to go to the doctor.

If you were single and called a girl and said, and I am speaking now from a boy's standpoint, "Say, how would you like to go out on a date tonight, and let's go see our favorite doctor," she would think you are nuts. But if you called the same girl and said, "I think you may have a serious virus,

you had better go to the doctor," she would at least listen to your argument.

So if you start out and use words designed by the left to guarantee nobody understands the problem, then you get an answer proving that nobody understood the problem. To then turn around and claim that the American people have been well informed I think is the height of arrogance.

But let me carry this a stage further. It goes on to say, "Congress refused to send $14 million in arms to the rebels of Nicaragua because of fears the United States would end up having to send American soldiers to fight in Nicaragua."

Now, Lou Harris deserves the biased, prejudiced, and deliberately misleading pollster of the year award for that question because it is fundamentally setting up the listener on the other end of the telephone and educating the listener into the answers that Lou Harris wants.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. HYDE. Would the gentleman explain to me, I must have missed something there, does the gentleman mean that Mr. Harris asks the question of people are they afraid to aid the people who are actually doing the fighting because if they aid other people to fight then we might have to fight? Is that his line of reasoning?

Mr. GINGRICH. Yes. His line of reasoning in the first place, I understand it serving in the Congress, he misunderstood the whole vote of the $14 million. In the second place it sets up his rationale so he is in effect educating the citizens sitting at home. You are sitting at home, if I may say to the gentleman from Illinois, and you are watching TV in the evening and the phone rings, and you pick up the phone and the person says, "Hi, this is the Lou Harris survey. Can we ask you a question?"

What they then did is they gave you an entire paragraph of propaganda to set you up for the question, so they would then get the answers they wanted.

Now let me change to show you how this works. We asked a series of questions to make sense out of Nicaragua, because the fact is that if you just walk into an average American room and say what do you think about Nicaragua, half the people in the room are not exactly sure where it is. If you then say what do you think about the Contras and the Sandinistas, three-fourths of the people are not sure which group is which. They could be two Little League teams. Nobody is really sure what is going on.

In fact, you may remember a TV series that was called "That Was the Week That Was." Once upon a time they did a takeoff on then President Kennedy talking about Laos, and they had a guy who was supposed to be an expert, and who used all kinds of strange sounding names to English-speaking ears, and he turned out to be a Laotian. They then showed a film clip of President Kennedy using similar names that were Laotian and that sounded strange to English-speaking persons, and they ran together and you could not quite understand it, their point being that the world is complicated and distant and if you did not have any idea about terms, who knows what it means.

Let me give you some examples, though, of why our friends on the left are fundamentally mistaken about what is happening in Central America, and what it means to America. These are questions that came directly out of a poll and I think are very, very important in understanding what is going on.

Question: "Do you believe the Soviet Union is mainly interested in world domination or mainly interested in protecting its own national security?" That is straightforward. "What do you think the Soviet Union is up to. Is it up to trying to conquer the world or is it basically trying to make sure nobody invades Russia?"

The answer was 59 percent of the American people, without prompting, believe world dominance is the goal of the Soviet Union; 34 percent believe for national security. The amazing thing is that 34 percent has a working majority in the House.

The second question: "Do you think the Soviet Union's current influence in the world is a serious threat to the security of the United States, moderate threat, or very little threat to the security of the United States?"

Answer: Thirty-seven percent think the Soviet Union is a serious threat, 46 percent think it is a moderate threat, 15 percent think it is very little threat.

Now, what does that mean? It means 83 percent of the American people believe that the Soviet Union is either a serious threat or a moderate threat to our survival.

I would say, by the way, that 15 percent that think it is very little threat have an absolute majority in the Foreign Affairs Committee.

Now let me carry this a stage further. We asked the question of the American people, first of all, "Do you think a country is Communist or not?" It was fascinating. The countries that we asked a series of six questions on six countries, and the country they were most aware was Communist was Cuba. Eighty-four percent realized Cuba is a Communist country and not a democracy. The same figure for Nicaragua is only 47 percent, a sign, frankly, that we have not been doing a good enough job of clarifying. And for the Member who sent out this letter that said, "Our constituents understand the issues very well," I point out that 34 percent thought El Salvador was a Communist country and that, in fact, there is a great deal of confusion about which country is on our side and which country is against us, and you have to clarify the issue.

So 84 percent of the United States understand that Castro and Cuba are Communist and that they are a part of the Soviet system, which is a threat to the United States.

Then they ask the question on the same six countries: "Do you think it represents a serious threat to its neighbors, a moderate threat, or very little threat to its neighbors," and again we are talking about, notice this is a neutral question, "Do you think it is a serious threat, moderate threat, or very little threat." Cuba is seen by 70 percent of the American people to be either a serious or moderate threat to its neighbors.

□ 1740

Interestingly, Nicaragua, and here is where I think President Reagan's message has gotten through, is seen by 66 percent of the American people as a serious or moderate threat.

What does that say to us? That says it is beginning to sink in out there that Cuba is Communist and is a real threat, that the Soviet Union is Communist and is a real threat, and the Soviet Union wants to dominate the world, Cuba is the Soviet Union's ally. When you carry that a stage further, then, we find a fascinating change. And this is where I think Mr. Harris misleads all of his friends on the left and, frankly, I say this to all our ostrich friends who are on the left that if they would bring their head up out of the sand and look at the world for a minute and really ask themselves: "Does it help their cause to let Lou Harris ask highly biased questions and then trumpet that answer?"

I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I think what the gentleman is saying is that this poll, to use the jargon, was manipulative. In other words, the people who were asked questions were manipulated into the answers that they wanted; is that correct?

Mr. GINGRICH. Well the gentleman is exactly correct. The gentleman makes the point I think clearly. They sent out a propaganda poll to get a propaganda answer which they then put in the letter which they sent around which is propaganda.

Mr. HYDE. You know, the argument is made and you have just underscored it, that when you talk about Nicaragua as a Communist country being a moderate threat, people discount that because Nicaragua is a small country with less than 3 million people in it

and the people cannot understand how a small country some thousand miles away from our shores could be a threat to this collosus that is the United States.

Of course, what must be explained to them is that Nicaragua, itself, is not a threat; but as it serves as a Soviet base in this hemisphere, as Cuba is, as another surrogate inside the Soviet world system and is a source of infection for its neighbors such as Costa Rica and then the Panama Canal or going up north, Honduras, El Salvador, Guatemala, and Mexico, becomes a very serious threat. And when you have a cancer that is small it is very prudent to excise it rather than to let it spread and metastasize and infect the whole limb; is that not so?

Mr. GINGRICH. The gentleman is making exactly the point which intuitively most Americans, if given enough information, would immediately agree with. That is, once they understand that Nicaragua represents the cancer of communism, that given long enough, Nicaragua is going to be just like Cuba, that given long enough, it is going to have a Soviet airfield there with Soviet bombers sitting on it next to the Panama Canal and able to threaten our sea lanes; at that point the average American would, just like you would if you were a patient, if you went to the doctor and the doctor said to you, "You right now have cancer in your little finger. You can wait until the cancer comes to here," indicating "and we will take your arm off, or you can let us surgically remove the cancer in your little finger," you would have to be crazy, pretty crazy to say, "No, no, let me let the cancer have a fair shot at my arm. I don't want to bother it right now."

I yield to the gentleman.

Mr. HYDE. Mr. Speaker, does the gentleman think the average American understands that there is an air base in Cuba now called Lourdes, that serves as a base for long-range Soviet reconnaissance planes that fly up and down our east coast, surveilling our shipping and monitoring telephone conversations and radio communications? I suggest most Americans do not realize that. But once Punta Huete gets established, the monster airfield that is already built in Nicaragua, those same long-range Soviet aircraft will be enabled to fly up the west coast of our country and surveill Silicon Valley, our shipyards, and monitor radio and telephone communications there. Does the gentleman think if those facts were brought home to the American people they might be a little more concerned and they might perhaps answer even Mr. Lou Harris' loaded questions a little differently?

Mr. GINGRICH. Well, I think it is clear, when you recognize 59 percent of the American people believe that the Soviet Union is determined on world domination and you said to them Nicaragua is a Soviet ally, I think that is why Ortega's recent trip to Moscow was so frightening to our friends on the left who are ostriches.

I would be glad to yield to the gentleman.

Mr. HYDE. But is it not said that here is Mr. Ortega, the President of Nicaragua, the Comandante Sandinista Marxist-Leninist proclaimed, and he has been acting the same way and talking the same way for 5 years, but by having an inept travel agent he has finally awakened some of these people to the fact that maybe he is not such a nice guy and we ought to do something about it?

The ironies of history.

Mr. GINGRICH. I have to share with the gentleman: I have been trying for several months now to describe what I call the ostrich phenomenon, the ability of those on the left to bury their heads in the sand and avoid learning about communism.

I think you can measure the speed with which an ostrich can get its head back down from a debate because it was a fact that Ortega announced he was going to Moscow the next morning after this House voted not to help the freedom fighters that shocked so many of our ostrich friends. One of them told me in the hall, true story, one of them said to me, "You know, he could have waited a week."

Now it seems to me that that gentleman gave us sort of the length of time it takes an ostrich to duck again.

He wasy saying that if Ortega had waited 1 week to go to Moscow and then "I would not have noticed and it wouldn't have made me feel bad."

I yield to the gentleman.

Mr. HYDE. We are told that we are using gunboat diplomacy by assisting the Contras, the democratic resistance down there. Why do not the leaders on the other side just send another "Dear Comandante" letter as they did over a year ago suggesting negotiations and that they stood ready to substitute for the State Department to talk about these things? They never really got a satisfactory answer. They want the State Department to try diplomacy when their own diplomacy failed.

Is there any accounting for that logic?

Mr. GINGRICH. Well, I think the thing the American people have to confront and it goes way back, again, and in a minute I am going to introduce a list of spies who have been arrested since 1975, and it is the same phenomenon. We are not only dealing with ostriches who refuse to learn but they are ostriches with amnesia because when they do manage for a moment to learn something they forget it as quickly as possible.

And the same people who sent a letter 2 years ago saying "Please be nice" sent a letter last year saying that, "Oh, we had a pet crocodile next door," and as it ate each of your children you kept sending them notes saying "Please don't eat any more.

I yield to the gentleman.

Mr. HYDE. Am I correct that the gentleman is a Ph.D. in history?

Mr. GINGRICH. That is true.

Mr. HYDE. Is it the genleman's experience that there are two general types of ignorance, vincible ignorance and invincible ignorance? And would you suggest that people who continually read history and read the newspapers, yet it has not sunk in that Marxism-Leninism is revolutionary, that it is a derogation of every decent human feeling, it is the greatest assault on the spirit of man in recorded history, and still will not do anything about it, would the gemtleman say that is a result of ignorance, vincible ignorance, invincible ignorance, or perhaps the old French saying that "Ignorance is salvageable but stupid is forever"? Which of those you say it is?

Mr. GINGRICH. I have to say to the gentleman from Illinois that it took me 5 years of sitting in this House to begin to understand this because I kept dealing with people, Members of this body who are smart people, they have very high IQ's. Many of them have law degrees or Ph.D's of their own. They are articulate, the words flow.

There was something missing. I kept listening.

In August of 1983 we had a debate on Central America in which some of these ostriches said things that were so savagely and totally wrong, so vicious about the people who are for America and for freedom, that I sat up and, sitting right over here, I sat up and said after listening to 6 hours of this debate, trying to understand the psychology of our friends on the left who mean well but do bad; and as I listened to them I suddenly realized that we are dealing with a neurosis, that they are psychologically blocked from learning information because in the case of some of them, very early in their life, in the Vietnam war cycle or during that period they came to the conviction that America is the great danger in the world, not the Soviet Union, that it is the CIA, not the KGB, that it is Americans spying, not Russians spying, and they believed that so passionately that they cannot unlock themselves psychologically and learn enough about the nature of the Soviet state.

□ 1750

Mr. HYDE. Will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. HYDE. I think one of the problems is almost—it is political and cul-

tural. If Ronald Reagan were to say it was midnight, they would have a resolution here saying it is high noon. If Ronald Reagan were to say Newton's three laws of motion are still operative, there would be an outright rejection of that notion as out of date or unscientific.

So that fact is that if Ronald Reagan recognizes the threat in Central America, it must be wrong, and I think that we are fighting that cultural-political bias that does not respond to the facts, or to reason.

Mr. GINGRICH. I think the gentleman is correct. Let me just say that, to go back for one last time to this letter which is so systematically misleading based on a poll which itself was propaganda, Joe Napolitan was a great Democratic campaign professional, wrote a book called "The Election Game and How to Win It."

In that book he has a rule in which he said that the American people—you should never underestimate their intelligence nor overestimate how much information they have. And what he was saying to candidates and to politicians and the campaigners is, "Don't think the American people are stupid. The American people are pretty smart, given time, given the information." They are smart enough to buy a house, to find a job, to live in a neighborhood, to raise their children, to elect the government.

But do not assume that on any given issue that they know a great deal, because the average American is very busy; they have many ways to spend their life. They do not have an obligation to spend all day studying Central America.

Now let us look at what happens if we add one piece of information to a poll. In the poll that we released, the question was asked, quote: In several countries around the world, there are rebel forces fighting Communist governments. Some people consider these rebel forces to be freedom fighters and believe our country should help them. Others say we should not interfere in the affairs of other countries or get involved in these civil wars. What is your opinion? Should we help these rebel forces or not get involved? How strongly do you feel about that: Very strongly or not too strongly.

Notice, the way that was asked was very balanced; it did not say they are freedom fighters; it said some people say they are, some people say they aren't. It did not say we ought to get involved; it said some people say we should, some people say we should not.

Given that question without any other information, 30 percent are in favor of helping the rebels; 60 percent are against, which is—fits; not as strong as the Harris poll, but fits the general direction.

But then in this poll they added one piece of information, which happens to be true: If you learned that Nicaragua was Communist and was trying to establish other Communist governments in Central America, would you support our country helping the anti-Communist rebels in Nicaragua or oppose our getting involved in this civil war?

In other words, once we said to you, the Government of Nicaragua is Communist, which it is, and the Government of Nicaragua is fighting wars against its neighbors, which it is, what then would your opinion be?

It turned out that with that additional information what was a 30-percent for help/60-percent against shifted to 49 percent in favor of helping, 44 percent against. In other words, those against getting involved dropped by 16 percentage points; those in favor of getting involved rose by 19 percentage points on one sentence.

Now this does not say, as it could, if you knew there was a 12,000-foot Soviet runway being built to handle Soviet bombers; if you knew that there were three guerrilla movements; one in Guatemala, one in Honduras, and one in El Salvador, all involved directly in fighting, based in Nicaragua. It does not say, if you knew there were Soviet advisers and Cuban advisers building a Communist police state. It does not say, if you knew that Nicaragua is close enough to the Panama Canal that one airplane with one laser-guided bomb could close the canal, all of those possibilities are there. None of those are built in.

Yet, I am absolutely convinced that as the American people get more information about Central America, there is a greater and greater likelihood that in fact they will not only support efforts to make sure the freedom fighters win and the Communists lose, they will insist on efforts to make sure that we cut out the cancer of communism in Central America.

So let me carry it a stage further, because I think there is a framework here people need to look at. We have been deceived by the Soviets into allowing them to use language that gets us to relax while they wage war. The Soviet Union is waging war against us. There is a fascinating new book called "Breaking with Moscow" by Arkady N. Shevchenko. It is on the best seller list; it has only been out for a very short time.

In this book he lists again and again and again the nature of the Soviet system, the problem we face; a 1985 book. This is what he says, quote:

> What I want is to share with the reader my experiences under the Soviet system, to tell the truth about it as I lived it, to inform the public of Soviet design and to warn of the dangers they present to the world.

He goes on to say, and I quote:

> This is, by the way, for those who do not know, Shevchenko is the highest ranking Soviet official ever to defect. Shevchenko had very, very high offices; he was close to Dobrynin, who was Ambassador to the United States; he was a protege of Gromyko, who is the Foreign Minister; he rose to become the number two man at the United Nations; he was the Under Secretary General of the United Nations, and the highest Soviet official ever to defect to the West.

Now, what does that high-ranking Soviet official say? Quote: From his foreword he says:

> It is vitally important for the West to know as accurately and as completely as possible the thinking and attitudes of those who make policy in the Kremlin.

He says again and again in his book about the Kremlin, that: it is a country that is systematically plotting against the United States; it is a country which is engaged in trying to destroy the West; it is a country which thinks of assassination as routine; it is a country which is committed to fighting a secret war against the Americans.

This is a book by the most top-ranking Soviet official ever to defect. Still, you might say, let us look at the spy case; the most recent example, and my question will be, why are we surprised by it?

One brief list from the Federal Bureau of Investigation, of people that have been convicted of espionage in the United States starting under Jimmy Carter. This is a partial list, and it is one we got worked up just for today.

For example, a gentleman in 1975 arrested, convicted in July 1976, 3 years in prison, espionage. Edwin Gibbons Moore II, CIA retired; arrested December 1976 for espionage; sentence began June 1977; sentenced to life imprisonment.

Andrew Dalton Lee; arrested January 1977 for espionage and conspiracy; sentenced to life term. Christopher Boyce, the basis for the movie, "Snowman and the Eagle," Arrested January 1977 for espionage and conspiracy; sentenced to 40 years in September 1977.

Rogalsky, arrested January 1977 for espionage and conspiracy; found incompetent to stand trial as a sick and tormented individual.

Alexandrovitch Enger, arrested May 1978 for espionage and conspiracy; sentenced to 50 years. He was then exchanged to the Soviet Union; he was a Soviet.

Rudolph Chernyayev; arrested with Enger for espionage and conspiracy and released in return for 5 Soviet dissidents.

William Peter Kampiles, arrested August 1978, sentenced and convicted to 120 years in prison.

David Henry Barnett, arrested October 1980, sentenced in January 1981 to 18 years in prison for delivering de-

fense information for a foreign government.

Mark Andrey DeGeyter, arrested in June 1980, sentenced in 1980 for 4 months in prison and a $500 fine; essentially for bribery.

You go down the list. Item after item; espionage and conspiracy, life sentence, and so forth. There are 29 just on this list alone, of spies.

This is only the United States. There was a fascinating article in the June 14 National Review by Brian Crozier called "The Spying Business," pointing out—and he starts by saying, quote:

When in April the British authorities expelled four Soviet officials with diplomatic status, and an Aeroflot manager, the Soviet diplomatic representation in London was reduced accordingly.

In other words, the permitted number of Soviet diplomats in London, which had stood at 43, was cut to 39. The Aeroflot man being a member of an ancillary organization that permitted stealing for ancillary organizations, was cut fom 105 to 104.

This very healthy habit of numerical reduction of Soviet representation when spies are uncovered was started in 1971 when Edward Heath was Prime Minister, one of the few good things he did, perhaps. And Sir Alec Douglas Hume, his foreign secretary. That was when the splendid world record of 105 Soviet spies expelled or denied reentry was set.

Close quote.

Note that. On one day in 1971, the British Government, getting disgusted with Soviet spying, kicked out 105 spies in 1 day.

Now, recently President Mitterrand of France kicked out no fewer than 47 Soviet spies. The point I am driving at is that again and again and again we find that there is a consistent pattern of Soviet spying.

□ 1800

Crozier quotes from Shevchenko's book and says, quoting Shevchenko:

It was easy to distinguish KGB professionals from diplomats and others. The first giveaway was money. The KGB had it and spent it much more generously than real diplomats. Of the 28 men in Shevchenko's section in 1968, that is 28 people working in the United Nations, supposedly, 21 were either secret police or military intelligence Soviet agents.

Now, think about this. When you go to New York City and you see the United Nations and you see literally hundreds of Soviet people working at the United Nations, in this one case 21 are Soviet secret agents, 7 are legitimate workers for the United Nations.

Let me suggest that we should not be surprised by spying. We should not be surprised by the Soviet secret war. Again, to go back for just a second to John Barron's book, at the very back of his book he has a section in which he lists page by page, country by country, Soviet officials expelled or withdrawn because of involvement in spying, 1974 to 1983, from Canada, Switzerland, the United States, Sudan, Sweden, Portugal, North Yemen, West Germany, Pakistan, Norway, Italy, Singapore, the list goes on and on for five pages of single-spaced names of Soviet spies who were expelled.

There is a very old book on "The Art of War" by Sun Tzu, who was a Chinese who wrote in 500 B.C. There is a new edition, with a foreward by James Clavell, who many people know of because he wrote "Shogun" and "Noble House" and "Tai-Pan." And in "The Art of War," the last chapter, fascinatingly enough, is a chapter on the use of spies, and the chapter argues that the most powerful way of waging war is to have spies, that spies are cheaper than armies, that spies tell you the things you need to know, and that having spies gives you more advantages in a war than any other asset.

It is a fascinating book, and I in particular think that for anyone who has read "Shogun" or "Tai-Pan" or "Noble House" or "King Rat," which are the four books James Clavell wrote, the introduction is well worth the reading, the foreword to the book. He says, quoting now the novelist Clavell:

I truly believe that if our military and political leaders in recent times had studied this work of genius, Vietnam could not have happened as it happened; we would not have lost the war in Korea—we lost because we did not achieve victory—the Bay of Pigs could not have occurred; the hostage fiasco in Iran would not have come to pass . . . .

He goes on to quote Sun Tze, who said, quoting from Sun Tzu: "Supreme excellence consists in breaking the enemy's resistance without fighting."

In other words, if you can be defeated without a war, if the enemy can defeat you without bloodshed, that is the best of all victories. So you look at all the Soviet spies, you look at the Soviet manipulation of Nicaragua, you look at the Soviet alliance with Cuba, and you ask yourselves if they in the Soviet Union studied Sun Tzu.

He goes on to say:

I think this little book shows clearly what is still being done wrong, and why our present opponents are so successful in some areas—Sun Tzu is obligatory reading in the Soviet political-military hierarchy and has been available in Russian for centuries; it is also, almost word for word, the source of all Mao Tse-tung's little red book of strategic and tactical doctrine.

Now, Clavell says, having explained the book, the following:

I sincerely hope you enjoy reading this book. Sun Tzu deserves to be read. I would like to make the "Art of War" obligatory study for all our serving officers and men, as well as for all politicians and all people in government and all high schools and universities in the free world. If I were a commander in chief or president or prime minister, I would go further: I would have written into law that all officers, particularly all generals, take a yearly oral and written examination on these 13 chapters, the passing mark being 95 percent—any general failing to achieve a pass to be automatically and summarily dismissed without appeal, and all other officers to have automatic demotion.

I believe, very much, that Sun Tzu's knowledge is vital to our survival. It can give us the protection we need to watch our children grow in peace and thrive.

Always remember, since ancient times, it has been known that . . . the true object of war is peace.

Let me read the very opening line from Sun Tzu:

The art of war is of vital importance to the state. It is a matter of life and death, a road either to safety or to ruin. Hence under no circumstances can it be neglected.

The purpose of this evening's special order is to simply lay out and to suggest to the American people, the American Government, and the American Congress that we do not study Leninism very well, that probably there are not 20 Members of the House who have any real notion of the doctrines of Lenin, yet Lenin is the driving writer behind all Soviet behavior, that we do not study the Soviets very well, that we do not look at the Grenada Documents, which are available for free, which every Congressman can get a copy of from the State Department, which every citizen can read, which every newscaster can look at, which every church group can study. So we do not know from Grenada the lessons of seeing a Communist government from the inside, the things we have learned from looking at how Communists function, that we do not have a historical memory, that we do not pay attention to how does it all fit, how does Nicaragua tie into Cuba, how does Cuba tie into Angola, how does Angola tie into Ethiopia, how does Ethiopia relate to South Yemen, how does South Yemen relate to Afghanistan, how does Afghanistan relate to Cambodia and Vietnam, how do they relate to shooting down a Korean airliner by a Soviet plane, how does that relate to killing Major Nicholson in Germany by a Soviet soldier, why do all of those relate to the spies who infiltrate America and seek to destroy us by a secret war rather than a nuclear war.

Because we do not study this, because we do not take Sun Tzu seriously, because we do not link together the lessons of history and the lessons of geography, we are surprised again and again and again. It is my hope that in the next few weeks the Intelligence Committee will decide to hold a series of public hearings systematically looking at the nature of the Soviet threat, the Doctrine of Leninism, the lessons of Grenada and the way in which we Americans can begin to arm ourselves with knowledge. It is my hope that in the next few weeks the executive branch, with leadership from the White House, will decide that the time has come to systematically once a week brief the American news media and brief the American Congress, to bring together on a declassified basis all information relating to the Soviet

war against freedom from all over the planet so that every week it will be relatively easy for the news media and elected officials to learn in context, in historical context, in doctrinal context, in strategic context, in geographic context, to learn what is happening.

I hope that in the near future we will have organized a "Grenada week" for October 26 of this year in which every American citizen will feel that there is something to be studied, something to be looked at. I hope that high school and college classes will begin to read John Barron's "KGB Today," a paperback which reads like a novel and which could be available for reading classes all across America this fall. The chances are there, and they are real.

Finally, I hope both Democrats and Republicans of both the right and left will feel free to participate on Thursday afternoon special orders to bring together information so we Americans can educate ourselves.

In closing, let me say that I honestly and deeply believe in James Madison's injunction, engraved in stone in the great Library of Congress Building named for him just up the street, "Knowledge shall forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which only knowledge gives."

Thanks to the Grenada papers, thanks to Soviet defectors like Shevchenko, thanks to the work of our own intelligence agents, our own scholars, we have the knowledge available if we have the will to learn it. As a free people, it is up to us. Are we going to be surprised again and again for the rest of our lives, until some day our grandchildren are not free? Or are we going to learn systematically and calmly and methodically so that together we can learn what is the nature of the Soviet threat, what is the nature of communism in Cuba and Nicaragua, and what are the wise policies which a free people can undertake in order that in the long run freedom shall remain not only for our grandchildren but shall be acquired by all of the people and all of the children of the world.

□ 1810

GENERAL LEAVE

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentlewoman from Colorado [Mrs. SCHROEDER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE REPRODUCTIVE HEALTH EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the house, the gentleman from New York [Mr. GREEN] is recognized for 10 minutes.

● Mr. GREEN. Mr. Speaker, I rise today to introduce legislation for myself and my colleague from California, Mr. FAZIO. We are joined in this effort by 70 of our colleagues from throughout the Nation. The Reproductive Health Equity Act [RHEA] addresses the fact that equal access to abortion for all women is no longer a question of constitutional rights. It is a matter of legislated economic discrimination. It is a maternal and child health care issue. Women who depend on the Federal Government for their health care, either as an earned benefit or an entitlement, do not have the same access to abortion as do other women. RHEA is designed to eliminate this discriminatory health policy.

Twelve years ago, the Supreme Court ruled that a constitutional right to privacy was "broad enough to encompass the decision of a woman whether or not to terminate her pregnancy." That decision, Roe against Wade, was reaffirmed and reinforced by the Court in June 1983—Akron Center for Reproductive Health against City of Akron. In that same month, an attempt to overturn the Supreme Court decision by passing a constitutional amendment decisively failed in the Senate.

It is now clear that the Court will not go back on its decision to allow women the right to choose an abortion. And yet this constitutional right is being denied hundreds of thousands of American women because Congress over the past decade has succumbed to guerrilla attacks on "must-pass" spending bills. As a result, Peace Corps volunteers, military personnel and their dependents, Medicaid recipients, Federal employees, D.C. residents and native American women face obstacles imposed by Congress that are not encountered by women who are not subject to Federal Government control over their health care. In one way or another, either through denying funds for medical assistance or restricting earned benefits, the Federal Government has attempted to exercise control over women's medical choices.

Hapless minorities have been picked off one by one, in a context where the overriding pressure has been to pass broadly based bills for the funding of the Government. These groups are rarely represented; singularly they lack clout. The most lenient of the abortion restrictions on appropriations bills prohibits the use of Federal funds for abortion except to save the life of the mother. However, these restrictions do not consider the health risks that may be involved by denying other women access to abortion.

We are introducing the Reproductive Health Equity Act to remove the current restrictions on the use of Federal funds for abortions in order to bring these women under the same umbrella of rights the Supreme Court affirms for the general citizenry.

The Reproductive Health Equity Act should not be viewed as a means of making abortion a method of family planning. Clearly, abortion should be considered a last resort to unwanted pregnancy, not a means of birth control. Improving family planning education and access to contraceptive services remain first priority.

However, we must realize that a woman's right to choose whether or not to terminate a pregnancy is the right to make a private, personal health care decision. For many women who are forced to carry an unwanted pregnancy to term, both mother and child frequently face great health risks and other difficulties. It must also be realized that denying women access to their constitutional right to choose does not reduce the numbers of abortions. It only results in many women who are discriminated against having few options other than to resort to self-induced abortions. We can recall enough horror stories from the pre-Roe against Wade days to know that this is not a solution to unwanted pregnancy.

This discriminatory health care policy represents an intrusion that is unjust. It is clear that the general public does not support abridging a woman's right to choose abortion. For example, a New York Times/CBS poll taken in October of 1984 showed that 63 percent of the public opposed a constitutional amendment outlawing abortion. Therefore, I believe there would be little public support were the Congress to try to abridge the right to choose for all of these affected groups directly instead of behind the cloak of riders and amendments. Passage of the Reproductive Health Equity Act will end this blatant economic discrimination, and ensure that all members of our society may exercise their constitutional right to terminate a pregnancy.

The text of this bill follows:

LIST OF COSPONSORS

Original cosponsors of the Reproductive Health Equity Act, 99th Congress, in addition to those listed on the bill:

Mr. Torricelli, Mr. Frank, Mr. Williams, Mr. Wirth, Mr. Weiss, Mr. Kastenmeier, Mr. Conyers, Mr. Garcia, Mr. Ford of Tennessee, Mr. Kostmayer, Mr. Edgar, Mr. Evans of Illinois, Mr. Fauntroy, Mr. Wolpe, Mr. Bosco, Mr. Clay, Mr. Gilman, Mr. McKinney, Mr. Gejdensen, Mr. Wyden, Mr. Levin, Mr. Mitchell, Mr. Roybal, Mr. Torres, Mrs. Roukema, and Mr. Hawkins.

H.R. 2691

A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Reproductive Health Equity Act".

(b) Congress finds that—

(1) abortion is a legal medical service related to pregnancy and the choice to elect an abortion is a personal, private right protected by the Constitution;

(2) the Federal Government provides assistance and employee benefits for pregnancy-related care for substantial numbers of women under a variety of Federal programs, including the medicaid program, the Indian health care program, the Federal employees' health benefits program (FEHBP), the program of health care for military dependents and retirees (CHAMPUS), the Peace Corps program, and general payments to the District of Columbia;

(3) pregnant women who otherwise are provided pregnancy-related care under these programs have been denied equal access to health care services due to Congess' severe and unjustified restrictions on their freedom to choose services that relate to abortion; and

(4) denial of access to health care services because those services relate to abortion is unjust and unfair to pregnant women who are or whose spouses are employed by the Federal Government or who otherwise are dependent on the Federal Government for health care and threatens the health and well-being of themselves and their families.

SEC. 2. (a) Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), relating to medical assistance under the medicaid program, is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by inserting "and" at the end of subparagraph (D), and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) for making medical assistance available with respect to services related to abortion in the same manner as such assistance is provided with respect to other pregnancy-related services;".

(b) Section 8904 of title 5, United States Code, relating to the type of benefits under the Federal employees' health benefits program, is amended by adding at the end the following new sentence: "All plans contracted for under this section shall include benefits for services related to abortion in the same manner as for other pregnancy-related services.".

(c) Section 201(a) of the Indian Health Care Improvement Act (25 U.S.C. 1621(a)), relating to the direct or indirect patient care program for Indians, is amended by inserting after the first sentence the following new sentence: "Funds appropriated pursuant to this section for each fiscal year are available to provide services related to abortion in the same manner as such funds are available for ohter pregnancy-related services.".

(d)(1) Section 1074 of title 10, United States Code, relating to medical and dental care for members and certain former members of the uniformed services, is amended by adding at the end the following new subsection:

"(c) Medical care provided under this section shall include services related to abortion in the same manner as they include other pregnancy-related services.".

(2) Section 1077(a)(8) of such title, relating to medical care for dependents of members of the uniformed services, is amended by inserting before the period at the end the following: ", including services related to abortion in the same manner as other pregnancy-related services".

(e) Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)), relating to health care for Peace Corps volunteers, is amended by inserting after the first sentence the following new sentence: "Health care provided under this subsection shall include services related to abortion in the same manner as they include other pregnancy-related services.".

(f) Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act, relating to the authorization of appropriations of the Federal payment to the District of Columbia, is amended by inserting "(a)" after "502." and by adding at the end the following new subsection:

"(b) Amount appropriated pursuant to the authorization provided under this section shall be made available for services related to abortion in the same manner as such amounts may otherwise be made available for other pregnancy-related services.".●

THE ECONOMIC EQUITY ACT OF 1985—RETIREMENT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

● Mrs. SCHROEDER. Mr. Speaker, today members of the Congressional Caucus for Women's Issues and myself bring the Economic Equity Act of 1985 to the attention of the House. This omnibus legislation, introduced as H.R. 2472 on May 13, currently has 93 bipartisan cosponsors. The Equity Act is a 22-point economic agenda that addresses women's retirement security, dependent care, insurance, employment, and tax reform.

We at the caucus have developed substantive briefing material on the need for our Economic Equity Act, which we want to share with our colleagues today. After reviewing this material, Members interested in joining us in support of the Equity Act should sign on as cosponsors of both the omnibus legislation and the individual bills that comprise the Act. The economic equity train is leaving the station and I know that Members will want to get on board.

Today I draw the attention of my colleagues to the first title of the Economic Equity Act—retirement security. The following background material describes the need for greater retirement security for women and details the individual bills addressing the need in our Equity Act legislation.

I. RETIREMENT SECURITY

A. Private Pension Reform (Kennelly).
B. Social Security:
1. Earnings Sharing (H.R. 158, Oakar).
2. Disabled Widow(ers) (H.R. 159, Oakar).
3. Transition Benefit (H.R. 160, Oakar).
4. Disability Definition (H.R. 556, Oberstar).
C. Military Spouse Pension Reform (H.R. 2365, Schroeder).

Full security for retirement is often likened to a three-legged stool: private pensions, Social Security, and private savings function together to create a stable support for the elderly. The three-legged stool for women, however, tends to be unsteady.

Men and women are changing jobs more rapidly now than ever. The greater mobility of women, however, has meant low benefits for the few women who receive private pensions. The breadwinner/homemaker model upon which Social Security is premised leads to low benefits for women who have been both homemaker and worker outside the home. Current limitations on Individual Retirement Accounts for married couples with a nonworking spouse discourages homemakers from developing adequate private savings. (See Spousal IRA provision described in the TAX REFORM briefing paper.)

The result of these inequities has been the increasing poverty of older women:

As of 1983, older women had a median income of $5,599, as compared to the median income of $9,766 for older men. Forty-four percent of these women had incomes of less than $5,000 in 1983. Less than one in five men had an income of less than $5,000.

More than 2.6 million older women had incomes below the poverty level in 1983.

A. Private pension reform

In 1983, 11.3% of women over age 65 were receiving a private pension averaging $2,634 a year. By comparison, 29.6% of men were receiving a private pension or annuity averaging $4,491 a year.

The Retirement Equity Act of 1984 (P.L. 98-397) reformed the Employee Retirement Income Security Act (ERISA) to provide better protection of survivor benefits and to improve coverage for working women. Additional ERISA reforms are necessary to enhance private pension benefits for all workers.

Traditionally, pension plans have rewarded long and continuous service—a policy which deprives many working women of private pensions. Due to the high mobility of today's work force, many women and men are unable to accrue the required number of years of service to receive full retirement benefits, or they accrue small benefits with more than one employer. Statistics show that in 1983 the median number of years in one job was 3.7 years for women and 5.1 years for men.

In order to respond to new work patterns, a new concept of pension policy is emerging: workers should receive pension credit for all of their working years.

Focusing on the Vesting, Integration, and Portability requirements of private pension plans, H.R. —, the V.I.P. bill (Rep. Barbara Kennelly), reforms current pension plan requirements.

Vesting: Currently, most pension plans require a person to work for ten years to be fully vested in his or her benefits. This bill would reduce from ten to five the numbers of years a person must work to be vested.

Integration: The bill would modify the practice of integration, by which a pension plan participant's earned benefit is offset by a percentage of Social Security benefits the employee will receive. This practice often effectively eliminates private pension benefits to low-income workers. Women, largely

segregated into low-paying jobs, would benefit from the proposed integration reform that would require plans to provide a minimum pension benefit above the Social Security benefit.

Portability: Under the portability modification, small vested pension benefits accumulated over short five year periods could be rolled over into Portable Pension Accounts. These accounts could not be drawn upon before retirement without penalty nor added to from new earnings. This ensures that retirement money is kept for retirement, but allows the employee some control over its investment.

In addition to these changes which reform the requirements for plan participation, Rep. Kennelly's bill would also expand pension coverage. The following changes would allow workers to be covered by pension plans: Require plans to give part-time workers pro rata credit toward vesting and benefit accrual; require coverage of workers who begin plan participation within five years of retirement; require plans to give workers credit for service performed after the plan's normal retirement age (65).

B. Social Security

Only 14% of all women retirees—both homemakers and workers—receive any pension benefits other than Social Security.

Many women discover, upon reaching retirement age or becoming disabled, that their Social Security benefits—the common denominator of most retirement plans—are not sufficient for both men and women, the differences in male and female working patterns create retirement inequities.

Workers are eligible for Social Security benefits only if they have worked for 40 quarters—the equivalent of ten years. Moreover, for every year over five spent outside of the labor force a zero is averaged into a person's wage record, lowering her benefit for life. Many homemakers have not worked outside of the home for the required number of years to be eligible for Social Security benefits and at the same time are penalized by the zero averaging if they have left the work force to care for their children.

In order to qualify for disability benefits, a person must have worked five of the ten years prior to the disability. Once again, the homemaker is often ineligible for these benefits.

1. Earnings Sharing

Currently, earnings records are maintained for individual workers. In a married couple, a nonworking partner is entitled to a spousal benefit equal to 50% of the worker's benefit. A retired worker receives the higher of her benefit options—either her spousal benefit or her own work record benefit.

Women combine work with family responsibilities in a variety of ways. They often work part-time, or interrupt their lives to raise children. Because of these different work patterns, a woman's own work record may be even lower than the spousal benefit, and she receives no credit for her out-of-home work.

The implementation of an earnings sharing plan would go far in correcting these inequities in the Social Security system. The theory behind the earnings sharing concept is that marriage is an economic partnership. Earnings sharing recongizes a woman's economic contribution to marriage, whether she be a homemaker or a worker outside of the home.

H.R. 158 (Rep. Mary Rose Oakar) would provide for the implementation of an earnings sharing plan. Under this earnings sharing plan, rather than keeping the records of spouses separate, their earnings records would be added together and divided equally. Each spouse would then have an earnings record in his or her own name. In this way, credits earned before or after a marriage would be added to the shared earnings credits in determining Social Security benefits.

Rep. Oakar's proposal would be implemented gradually to eliminate the possibility of a person receiving a lower benefit under earnings sharing than under current law. This hold-harmless clause protects spouses who are under the present Social Security system from losing benefits while the new benefit formula is being implemented.

Other Reforms

The following short-range reforms address specific problems that women encounter under the Social Security system.

2. Full Benefits for Disabled Widow(ers)

H.R. 159 (Rep. Mary Rose Oakar) provides full benefits for disabled widows and widowers without regard to age and without regard to any previous reduction in their benefits. Currently, disabled widows are eligible to receive reduced benefits at age 50. This reduction in benefits is never regained and younger disabled widows receive no benefits.

3. Transition Benefit for Displaced Homemakers

H.R. 160 (Rep. Mary Rose Oakar) provides for the payment of a transition benefit to the spouse of a worker upon the worker's death if the spouse has attained age 50 and is not otherwise immediately eligible for benefits. This will provide some income security for displaced homemakers during the transition to economic independence.

4. Definition of Disability for Widow(ers)

H.R. 556 (Rep. Jim Oberstar) repeals the separate definition of disability presently applicable to widows and widowers. Currently, widows and widowers are required to demonstrate "inability to perform any job" to qualify for disability benefits, while workers are only required to show inability to perform their own job.

C. Military spouse pension reform

Many military spouses find themselves without retirement benefits after a divorce. Although current law allows courts to consider military retirement pay in divorce settlements, many courts fail to recognize the contribution and sacrifices of the spouse to a military career. Due to frequent moves, a military spouse is unable to establish a pension based on years worked with a single employer.

In 1980 and 1982 Congress passed laws for CIA and Foreign Service spouses allowing them to claim a portion of retirement benefits based on years contributed to the career, subject to court review. This policy should be extended to military spouses.

H.R. 2365, the Uniformed Services Former Spouse Retirement Equity Act (Rep. Patricia Schroeder) would establish a pro rata presumption to the retirement pay for former spouses. The division would be subject to court review and would simplify annuity division. The bill would also expand options available to those members and spouses who want to participate in the military Survivior Benefit Plan to provide financial protection for a survivor upon the member's death.●

● Ms. SNOWE. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on dependent care, the second title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985:

II. DEPENDENT CARE

A. Title XX of Social Security Act (H.R. 789, Kennelly).

B. Higher Education Act Amendments (H.R. 2111, Burton).

C. Child Care in Public Housing (H.R. 2176, Kaptur).

Women contribute significantly to the economic security of their families.

In 1984, nearly two-thirds of all women in the civilian labor force were either single (26%), divorced (11%), widowed (5%), separated (4%), or had husbands whose 1983 incomes were less than $15,000 (19%).

Projections for the year 1995 indicate that there will be 61,417,000 women, 16 years and older, in the labor force for a participation rate of 60.3 percent.

Working women are often solely or largely responsible for the care of their children. Without affordable, accessible child care, these women cannot participate in the job market on an equal basis with men.

In 1984, 52 percent of mothers with children under six years of age were employed; 55 percent of mothers with school-age children were employed.

Despite the fact that more than 23 million children in the United States require day or after-school care, in 1982, there were federally supported day care slots for only 500,000 children—a number that would not meet the needs of parents in New York City alone.

Furthermore, women frequently take care of other family members—elderly parents, in-laws, or other relatives. One out of eight retired women left the work force in order to care for an elderly dependent. Eighty percent of all persons over age 65 receive some care from their children.

Services to make dependent care inside and outside the home more accessible and affordable are necessary for both the dependents and the women who are responsible for their care.

A. Title XX of the Social Security Act

Lack of affordable child care is a major factor keeping women and children in poverty. A recent Census Bureau survey found that 45% of nonworking single mothers would work if child care were available at reasonable cost.

Direct funding of dependent care programs is crucial at this juncture to allow millions of low-income women charged with the care of children or other dependents to provide essential economic support for their families.

Title XX of the Social Security Act, established in 1974 to provide social services funding to states, is the primary source of

dependent care funding. In 1981, Title XX funds were reduced from $2.9 billion to $2.4 billion for FY 82 and the program was converted to a block grant. As a block grant program, funds are disbursed to the states which then make allocations among the various authorized social service programs.

In spite of the increasing need for child care services, 25 states spent less for child care in 1984 than they did in 1981, and 27 states served fewer children in 1984 than in 1981.

H.R. 798 (Rep. Barbara Kennelly) would provide for greater access to affordable child care through direct grants and the establishment of a national resource center on child care. H.R. 798 would increase the Title XX social services block grant authorization level from $2.7 billion to $3.42 billion, the approximate level at which Title XX would have been funded this year had cutbacks not been instituted in 1981. Of these funds, $300 million is set aside for child care.

Also emphasized in the bill are provisions for services to prevent child abuse and to train child care workers. It provides $70 million for child care training and training for other human services staff and $50 million for incentive grants to states to encourage implementation and enforcement of day care regulations published by the Department of Health, Education, and Welfare in 1980.

B. Child care under the Higher Education Act

Higher education is often the ticket to economic self-sufficiency, for men as well as women. Yet women face particular obstacles to obtaining that education. Many women leave school to have children and must find child care services if they are to return to school.

For economically disadvantaged women, the cost of child care on top of other financial burdens may effectively preclude them from pursuing a college education. Providing child care services to these women enables them to stay in school and acquire skills and knowledge which would in turn qualify them for better paying jobs.

The more education a woman has, the greater the likelihood she will seek paid employment. In 1981, among women with four or more years of college, 69 percent were in the labor force, compared to 55 percent of those women with only four years of high school.

H.R. 2111 (Rep. Sala Burton) amends the Higher Education Act to address the need for special child care services for economically disadvantaged college students and to improve child care training opportunities. The bill would establish a grant program to make child care available to low-income, first generation college students. It also would provide for students to gain practical experience studying child care by funding part-time employment in child care programs. This training program must not displace current workers but expand the available child care services.

C. Child care in public housing

One in five children is growing up in a one-parent household. By 1990, the ratio will increase to one in four. Over one-third of these families, most often headed by women, live below the poverty level.

Of the 9.5 million women who maintained families in 1982, 60.4 percent were civilian labor force participants, 11.1 percent were unemployed.

At the end of 1984, 41.3 percent of households in public housing projects were headed by females.

Access to affordable child care within public housing projects would allow a large number of women who head households to seek full-time employment, thus increasing their self-sufficiency.

The fiscal year 1984 supplemental appropriations bill (Public Law 98-181), authorized demonstration projects for child care facilities in public housing. However, funds were never appropriated for these projects.

H.R. 2176 (Rep. Marcy Kaptur) would establish grants for child care programs in public housing projects. Under the bill, public housing agencies would contract with nonprofit organizations within their communities to provide child care services to low-income families in public housing. The bill would also encourage the direct involvement of public housing residents by employing these residents—especially elderly individuals—in the child care programs.●

● Mrs. BURTON of California. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on insurance, the third title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985.

III. INSURANCE

A. Nondiscrimination in Insurance (H.R. 1793, Dingell/Florio/Mikulski).

B. Health Insurance Continuation (H.R. 21, Stark/Clay).

A. Nondiscrimination in insurance

Insurance is one of the remaining areas where discriminatory practices are permitted and even defended. But this discrimination costs women millions of dollars each year. Insurance companies use sex-distinct actuarial tables and statistics to determine pricing and payment schemes in auto, life, health, disability, pension, and annuity coverage. Common insurance practices discriminate against women in availability and extent of coverage, benefit levels, and availability of options.

Redlining—the practice of denying insurance or varying the terms of insurance for inner-city residents and business owners—has been reported to be an ongoing practice of property and casualty insurers in certain areas of the country. This practice has a disproportionate impact on racial and ethnic minorities and can preclude its victims from purchasing property.

H.R. 1793 (Reps. John Dingell, James Florio, and Barbara Mikulski) would prohibit discrimination in insurance on the basis of race, color, religion, national origin, or sex.

Court Action

The Supreme Court, in *Arizona Governing Committee* v. *Norris* (1983), held that the use of sex-distinct tables in calculating pension benefits for employer plans constituted sex discrimination under Title VII of the Civil Rights Act of 1964. The decision reaffirms the principle upon which this legislation is founded by squarely rejecting the use of actuarial tables that classify risk on the basis of sex.

In response to the *Norris* decision, many insurance companies are converting employer-purchased policies to unisex standards. Individual policies, however, are not covered by Title VII or the *Norris* decision, making H.R. 1793 essential to fair insurance practices.

The Pennsylvania Supreme Court recently held that differential auto rates for men and women violate the state Equal Rights Amendment. other cases challenging the legality of this continuing discrimination under local nondiscrimination laws are pending. Federal legislation is necessary to end the practice of evaluating individual risks on the basis of broad and invidious classifications.

Federal Response

The nondiscrimination in insurance legislation has spurred controversy about costs to the industry of implementing the bill. In response to cost concerns, the bill:

Is completely prospective. There is no requirement to increase benefits for current beneficiaries. All future retirees or beneficiaries, however, would be ensured equal benefits when payment begins.

Allows insurers to equalize future benefits in whatever manner they choose. There is no requirement for them to top up all benefits.

Has an effective date of one year after enactment.

In these ways, the bill would eliminate discriminatory insurance practices without imposing high costs on insurance companies.

B. Health Insurance Continuation

Eighty-five percent of all health insurance is group insurance—generally provided through employment. Many American workers and their families receive health insurance benefits in this manner.

A change in marital status—divorce or widowhood—often leaves the surviving or former spouse of an employee without health coverage. Six million widows and divorced women are unable to obtain any health insurance. Although these women are sometimes allowed to convert the employer-provided group coverage to an individual policy, this is very expensive and often excludes any pre-existing conditions.

The surviving or former spouse consequently is put into the position of paying much more for health insurance while receiving less. A common occurrence is that these women must do without health coverage altogether.

H.R. 21 (Reps. Pete Stark and Bill Clay) would require insurers to continue health insurance coverage of these women and their families for five years. Specifically, the bill would deny business tax deductions for group health insurance to employers who fail to provide five years of continuation coverage to widows, widowers, and their dependent children; divorced and separated spouses and their dependent children; and spouses under age 65 of Medicare eligible employees. In order to continue in the group, the former or surviving spouse would be required to pay the entire premium.●

● Mrs. LONG. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985, H.R. 2472, was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's

retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on employment, the fourth title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Equity Act of 1985.

IV. EMPLOYMENT

A. Pay Equity:
1. Enforcement and Education (H.R. 375, Oakar).
2. Federal Study (H.R. 27, Oakar).
3. Legislative Study (H. Con. Res. 139, Snowe).
B. Training for AFDC Mothers (H.R. 880, Johnson).
C. Women in Business:
1. Commission (H.R. 887, Moody/Boggs).
2. Equal Credit (H.R. 1575, Mitchell/Boggs).

A. Pay equity

The principle of pay equity describes a means to correct the wage gap that exists between men and women. Presently, women earn 63¢ for every dollar a man earns. This ratio is even lower for black and Hispanic women who earn 58¢ and 53¢ respectively.

Many studies have been conducted to determine whether the wage gap is due to factors other than discrimination, such as attachment to the work force, level of experience, education, and job commitment. These factors have accounted for generally one-fourth, and never more than one-half, of the difference in earnings. Most studies concur that the wage gap is due in large part to discrimination.

In 1983, women workers with four or more years of college education had an average income slightly above that of men who had only one to three years of high school—$14,679 and $12,117, respectively. Women high school graduates (no college) working year round and full-time had an average income that was lower than that of fully employed men who had completed less than eight years of elementary school—$13,787 and $14,093, respectively.

Of the top ten predominantly female jobs, only one pays more than $14,000 a year. In contrast, only one of the top ten male-dominated jobs pay less than $14,000.

Pay equity will eliminate sex and race discrimination from the wage-setting process and pay women and men according to their jobs' worth. It requires that wages be based on the skill, effort, responsibility, working conditions, and other factors related to job content, rather than based on historical patterns of discrimination.

Legal Background

Laws and judicial decisions have paved the way for implementation of pay equity. The Equal Pay Act of 1963 mandates equal pay for equal work and Title VII of the Civil Rights Act of 1964 prohibits sex discrimination in wages and other benefits of employment. Twenty years after the passage of these laws, however, discrimination in wages and compensation persists.

In 1981, the Supreme Court ruled in *County of Washington v. Gunther* that a wage discrimination action may be maintained under Title VII even where the jobs performed are not identical.

1. Enforcement and Education

Existing law supports the principle of pay equity and its implementation. What is now needed is more rigorous enforcement of these laws and educational efforts on ending sex discrimination in employment.

H.R. 375 (Rep. Mary Rose Oakar) would require the Equal Employment Opportunity Commission (EEOC) to develop an educational program on eliminating sex-based wage discrimination from private sector pay systems. The bill would also mandate periodic reports by the Chair of the Equal Employment Opportunity Commission, the Secretary of Labor, and the Attorney General to the President and Congress describing the activity each agency has taken to enforce current laws which prohibit sex-based wage discrimination.

Job Evaluation Studies

One manner in which wage discrimination is identified is through a job evaluation study. Job evaluation studies provide a technique for assessing the relative worth of different jobs. Through numerical rating systems, the skill, responsibility, effort, and working conditions of different jobs can be objectively compared.

These job evaluation techniques have been used for many years as a method of determining wages. It is estimated that almost two-thirds of the adult working population are already paid on the basis of a job evaluation scheme. Thirty-five states are conducting or implementing the results of such studies. The federal government, as the nation's largest employer, should ensure that its wage practices are nondiscriminatory.

2. Federal Study

H.R. 27, the Federal Pay Equity and Management Improvement Act of 1985 (Rep. Mary Rose Oakar), calls for an independent consultant to conduct a study of the federal civil service pay classification system. The final report is to include recommendations for correcting any discriminatory wage practices identified.

3. Legislative Study

H. Con. Res. 139 (Rep. Olympia Snowe) establishes a commission that would in turn select a private contractor to conduct a study of the pay practices of the Library of Congress. The commission would then make recommendations to implement pay equity throughout the legislative branch.

Where studies have been conducted and pay equity plans implemented over time, the costs to the employer have been minimal. The tangible and intangible benefits to both the employer and employee, however, have been immeasurable.

B. Education and training for AFDC mothers

Almost 60 percent of women on AFDC have children under the age of six.

Over two-thirds of AFDC recipients have not completed high school.

While entering the work force is difficult for any woman, a woman who lacks a high school education, marketable skills, and child care assistance is highly unlikely to be aware of her abilities and career options or successful at seeking employment.

H.R. 880 (Rep. Nancy Johnson) would establish a demonstration program, with six pilot projects in urban areas and four in rural areas. The pilot programs would offer 20 hours a week of education or training to single AFDC parents, with emphasis on assisting participants to obtain a high school diploma, develop a career plan, and pursue appropriate special training.

Projects would provide child care services and transportation to enable parents to participate. Utilization of facilities that are already available in the community, such as classroom space and school buses, is encouraged to minimize the costs for instruction, on-site day care, and transportation.

Newly employed people often return to the welfare rolls because they cannot afford child or health care. These services are continued on an income-realted basis following completion of the program to assist in the transition to self-reliance.

C. Women in business

In 1984, three million women owned businesses and generated over $40 billion in revenue.

In 1983, women owned 26% of all sole proprietorships.

Between 1972 and 1983, the number of self-employed women grew by 77.8% as compared to a 28.5% increase for men.

1. Commission

H.R. 887 (Reps. Jim Moody and Lindy Boggs) would create a nine-member bipartisan commission to review and evaluate the status of women-owned small businesses. The panel would submit a report of its findings to the President and to Congress after a two year period. The commission would also:

Examine the role of the government in enhancing small businesses, particularly businesses owned by socially and economically disadvantaged women;

Recommend ways for women business owners to gain access to financing and procurement;

Recommend new private sector initiatives to provide technical assistance to women-owned businesses.

This Commission would complement the Administration's efforts to study women and small business by focusing on federal procurement and involving the legislative branch.

2. Equal credit

The Equal Credit Opportunity Act was originally intended to apply to business and commercial loans with a few exceptions. However, the interpretation of these exceptions has led to the effective exemption of business and commercial credit from the purview of the Act. Women are protected from credit discrimination as individuals, but encounter problems when applying for business credit.

H.R. 1575 (Reps. Parren Mitchell and Lindy Boggs) would amend the Equal Credit Opportunity Act to clarify its application to business and commercial loans.●

● Mrs. SCHNEIDER. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on tax reform, the fifth title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985.

V. TAX REFORM

A. Head-of-Household ZBA (Kennelly).
B. Earned Income Tax Credit (Rangel).

C. Dependent Care Tax Credit (Snowe).
D. Spousal IRAs (H.R. 797, Kaptur).
E. Nondiscrimination in Clubs (H.R. 876, Gejdenson).

Current tax policies are based on a traditional family model which presumes women to be economically dependent and fails to recognize the economic realities of our rapidly changing social structure. Moreover, the tax policies implemented since 1981 have contributed to a disproportionate tax burden on the working poor.

Simplification of the federal tax system is likely to be a major issue of the 99th Congress. Several reform proposals have been recommended. Sen. Bill Bradley and Rep. Richard Gephardt have introduced the FAIR tax plan (Bradley-Gephardt), Rep. Jack Kemp and Sen. Bob Kasten have introduced the FAST tax plan (Kemp-Kasten), and the U.S. Treasury has come up with its own tax proposal.

The following individual tax equity provisions should be included in any reform plan to alleviate current tax inequities and to establish priorities for women in the ongoing tax policy debate.

A. Single heads-of-household zero bracket amount

Under the tax code, a head-of-household is a single person who maintains a home for at least one dependent. These heads-of-household are primarily women with children, many of whom are poor.

Generally, head-of-household units have only one earner. Almost 60% of married couples have two incomes.

In 1983, 36% of all female-headed families, including 54% of black and 53% of Hispanic female-headed families, lived in poverty. In the same year, 7.6% of married couple families were in poverty.

Currently, single heads-of-household have the same "zero bracket amount" (ZBA) or standard deduction as single taxpayers with no dependents ($2,390). Married couples filing jointly receive a ZBA of $3,540. The principle of the ZBA in the tax structure is to provide a minimum amount of tax-free income for basic living expenses. This concept is especially important to low-income families who generally do not itemize deductions.

In 1983, the median income for female-headed households was $11,789, and for married couples it was $27,286.

In 1984, a single-parent family of four at the poverty level paid $135 more in federal taxes than a two-parent family of four at the poverty level.

H.R. — (Rep. Barbara Kennelly) would raise the ZBA for single heads-of-household to that of married couples filing jointly.

The Treasury plan partially recognizes the inequity of the tax burden on heads-of-household. It sets the ZBA for heads-of-household at $3,500 compared to $2,800 for single returns and $3,800 for joint returns.

The Bradley-Gephardt and Kemp-Kasten proposals maintain the two-tier system: Bradley-Gephardt increases the ZBA to $3,000 and $6,000 for single and joint returns; Kemp-Kasten sets the ZBA at $2,700 and $3,500, respectively.

B. Earned income tax credit

The Earned Income Tax Credit (EITC) is a refundable tax credit that was enacted in 1975 exclusively for low-income workers with children.

The purpose of the EITC is to provide an incentive for low-income families to work rather than to receive public assistance and to offset the Social Security taxes paid by low-income earners. The enactment of the EITC brought the income tax threshold above the poverty line ensuring that most poor working families would pay little or no federal income tax. But despite its original intent, the small increases in 1979 and 1984 have failed to keep working poor families above the poverty threshold.

A two-parent family of four with earned income at the poverty line pays approximately 10% of its income in federal taxes.

A single head-of-household family of four at the poverty line pays approximately 12% of its income in federal taxes.

The EITC is a credit against the tax liability of families earning $11,000 per year or less, and it is refundable for a family whose credit exceeds its liability. In this way, the EITC resembles a negative income tax.

The EITC is available on a sliding scale basis. The maximum credit available is $550 to those families with earnings between $5,000 and $6,500 and is phased out between $6,500 and $11,000 of earned income.

H.R. — (Rep. Charles Rangel) would index the EITC and increase it from 11% to 16% of the first $5,000 of earned income. It would phase out the maximum credit of $800 between $11,000 and $16,000 of earnings at a 16% rate.

The Bradley-Gephardt proposal maintains the current EITC; the Treasury proposal indexes it; the Kemp-Kasten plans indexes and reduces the tax credit. All three proposals raise the tax threshold through other mechanisms.

C. Dependent care tax credit

Women are in the work force because of economic necessity. Almost 54% of adult women were working or looking for work in 1984 and 40% of working women have children. Access to affordable dependent care is crucial in ensuring that women have the same ability as men to enter and continue in the job market. Dependent care is costly and a range of prices is not available.

In 1981, Congress enacted a sliding scale dependent care tax credit (DCTC) to replace the previous flat rate of 20%. The maximum DCTC is 30% of dependent care expenses up to $2,400 for one dependent and $4,800 for two or more and is available to taxpayers with adjusted gross income under $10,000, phased down to 20% for taxpayers earning $28,000 or more.

The dependent care tax credit currently represents the largest federal expenditure for dependent care. Over four million families used the tax credit, but only 7% of these claims are made by families with an income of less than $10,000. Presently, the tax credit is not refundable; it is only available to offset tax liability.

H.R. — (Rep. Olympia Snowe) would expand and index the dependent care tax credit. It would expand the current sliding scale to 50% for those earning $10,000 or less, decreasing to 20% for those earning $40,000 or more. It would index the income thresholds and make the credit refundable for low-income families who owe no income tax.

Rep. Snowe's bill would also provide a tax credit for respite care of disabled children and adult dependents who are physically or mentally unable to care for themselves. This credit would be available for the applicable percentage of up to $1,200 in respite care expenses.

The dependent care tax credit is converted to a deduction by the Treasury and Bradley-Gephardt proposals. The Kemp-Kasten plan eliminates the credit altogether.

D. Spousal individual retirement accounts

Under current law a taxpayer may set up an Individual Retirement Account (IRA) and contribute up to $2,000 a year or 100% of earned income, whichever is less, and deduct this amount from taxable income. If an employee sets up separate IRAs for himself and his homemaker wife, he is allowed to contribute up to $2,250, but no more than $2,000 may be contributed to one account.

This policy fails to recognize the economic contribution of homemakers to their households and does not provide an equal opportunity for retirement savings to couples with a nonworking spouse.

H.R. 797 (Rep. Marcy Kaptur) would gradually increase the allowable IRA contribution for a nonworking spouse based on the working spouse's income. The allowable contribution for a joint return with a nonworking spouse would be increased from the current $2,250 to $2,750 for FY 86 and 87, $3,250 for FY 88 and 89, $3,750 for FY 90 and 91, and $4,000 thereafter.

Under the Treasury proposal, the IRA deduction is raised to $2,500 and extended to nonworking spouses. The Bradley-Gephardt and Kemp-Kasten proposals retain the current policy regarding IRAs.

E. Nondiscrimination in business expense deduction

There are private clubs in this country that have discriminatory policies in terms of restricting membership and use of facilities on the basis of race, color, religion, national origin, or sex. Members of these clubs often take business expense tax deductions for dues or expenses incurred at these clubs. In short, this leads to a government subsidy of discrimination.

H.R. 876 (Rep. Sam Gejdenson) would disallow the business deduction for entertainment and travel-related lodging when such activity takes place in a private club that discriminates on the basis of race, color, religion, national origin, or sex.

H.R. 876 in no way prohibits anyone from joining the club of his or her choice. It simply puts an end to the practice of conducting tax-deductible business in a discriminatory establishment. To the extent that these are business clubs, they should not be allowed to discriminate; to the extent that they are social clubs, expenses incurred therein should not be tax deductible.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DINGELL (at the request of Mr. WRIGHT), for today, on account of medical reasons.

Mr. HUTTO (at the request of Mr. WRIGHT), after 12 noon today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLAZ) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, for 10 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. DERRICK, for 5 minutes, today.
Mr. SPRATT, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. BUSTAMANTE, for 5 minutes, today.

(The following Member (at the request of Mr. GINGRICH) to revise and extend her remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GREEN, immediately after the remarks of the gentleman from Massachusetts [Mr. BOLAND], on H.R. 2577, in the Committee of the Whole, today.

Mr. MILLER of Ohio, following the remarks of Mr. MYERS of Indiana on H.R. 2577, supplemental appropriations bill, 1985, in the Committee of the Whole today.

Mr. DAUB, and to include extraneous material during consideration of H.R. 2577 in the Committee of the Whole today.

(The following Members (at the request of Mr. BLAZ) and to include extraneous matter:)

Mr. COURTER.
Mr. WHITEHURST.
Mr. LEWIS of Florida.
Mr. CAMPBELL in two instances.
Mr. GEKAS.
Mr. RITTER.
Mr. JEFFORDS in two instances.
Mr. GUNDERSON in two instances.
Mr. BROOMFIELD.
Mr. HARTNETT.
Mr. CRANE.
Mr. GREEN.
Mr. SOLOMON.
Mr. THOMAS of California.
Mr. MCKERNAN.
Ms. SNOWE.
Mr. KEMP.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. BONIOR of Michigan.
Mr. MONTGOMERY.
Mr. UDALL.
Mr. SABO.
Mr. ST GERMAIN.
Mr. FLORIO.
Mr. ACKERMAN.
Mr. GUARINI.
Mr. BARNES in two instances.
Mr. LELAND.
Mr. MRAZEK.
Mr. DINGELL.
Mr. RANGEL in three instances.
Mr. FRANK.
Mrs. BURTON of California.
Mr. SCHUMER.
Mr. TALLON.
Mr. LEVINE of California.
Mr. CHAPPELL.
Mr. TORRES.
Mr. WYDEN.
Mr. RAHALL.
Mr. LUNDINE.
Mrs. LONG.
Mr. WEISS in two instances.
Mr. WOLPE.
Mr. STARK in two instances.
Mr. TORRICELLI.
Mr. FORD of Tennessee, in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1195. An act to require that a portion of the mail of Congress and the executive branch include a photograph and biography of a missing child; referred to Committee on House Administration and Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 93. Joint resolution to designate the month of May 1985 as "Better Hearing and Speech Month."

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 873. An act to amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p.m.) the House adjourned until Monday, June 10, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1419. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-28, "Georgetown University Revenue Bond Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1420. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-25, "Institutional Care Under Contract Amendment Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1421. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-26, "State Revenue Officers Amendment Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1422. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-27, "D.C. Newborn Screening Requirement Act of 1979 Amendments Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1423. A letter from the Secretary of Education, transmitting final training priorities under the Training Program for special programs staff and leadership personnel, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1424. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend authority for the Federal Council on the Aging; to the Committee on Education and Labor.

1425. A letter from the Chairman, National Research Council, transmitting a report entitled: "Transportation Professionals: Future Needs and Opportunities," pursuant to Public Law 97-424, section 135; to the Committee on Public Works and Transportation.

1426. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984; jointly, to the Committees on the Judiciary, Ways and Means, Energy and Commerce, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2385. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such act, and for other purposes; with amendments (Rept. No. 99-162). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 191. Resolution providing for the consideration of H.R. 1452, a bill to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes (Rept. No. 99-163). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 192. Resolution providing

for the consideration of H.R. 1787, a bill to amend the Export-Import Bank Act of 1945 (Rept. No. 99-164). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOLEY:

H.R. 2683. A bill to amend the Securities Exchange Act of 1934 to exempt certain eligible broker-dealers from self-underwriting regulations; to the Committee on Energy and Commerce.

By Mr. FISH:

H.R. 2684. A bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed with State insurance departments or agencies; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 2685. A bill to amend title V of the Social Security Act to require States to provide women during and after pregnancy with access to their medical records and current information on obstetrical procedures and to amend the Federal Food, Drug, and Cosmetic Act to require the dissemination of information on the effects and risks of drugs and devices on the health of pregnant and parturient women and of prospective and developing children; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. BOXER (for herself, Mr. FAUNTROY, Ms. MIKULSKI, Mr. KOLTER, Mr. RICHARDSON, Mr. TRAFICANT, and Mr. MITCHELL):

H.R. 2686. A bill entitled "The Drunk Driving Prevention Act of 1985"; to the Committee on the Judiciary.

By Mr. BRUCE (for himself, Mr. BIAGGI, Mr. DYMALLY, Mr. HAYES, Mr. OWENS, Mr. PERKINS, and Mr. GOODLING):

H.R. 2687. A bill to amend the Higher Education Act of 1965 to reduce the default rate on student loans, and for other purposes; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 2688. A bill to amend section 2(11) of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. COLEMAN of Texas:

H.R. 2689. A bill to clarify and augment certain provisions of the Motor Carrier Safety Act of 1984 regarding the certificate of registration procedures for foreign carriers; to the Committee on Public Works and Transportation.

By Mr. GINGRICH (for himself and Mr. MACKAY):

H.R. 2690. A bill entitled: "The Critical Trends Assessment Act"; jointly, to the Committees on Government Operations and Rules.

By Mr. GREEN (for himself, Mr. FAZIO, Mr. ACKERMAN, Mr. AUCOIN, Mr. BATES, Mr. BERMAN, Mr. BEILENSON, Mrs. BOXER, Mrs. BURTON of Calfornia, Mrs. COLLINS, Mr. CROCKETT, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. HAYES, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MCKERNAN, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. RANGEL, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TOWNS, Mr. UDALL, Mr. WAXMAN, Mr. WEAVER, Mr. WHEAT, Mr. YATES, Mr. TORRICELLI, Mr. FRANK, Mr. WILLIAMS, Mr. WIRTH, Mr. WEISS, Mr. KASTENMEIER, Mr. CONYERS, Mr. GARCIA, Mr. FORD of Tennessee, Mr. KOSTMAYER, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. WOLPE, Mr. BOSCO, Mr. CLAY, Mr. GILMAN, Mr. MCKINNEY, Mr. GEJDENSON, Mr. WYDEN, Mr. LEVIN of Michigan, Mr. MITCHELL, Mr. ROYBAL, Mr. TORRES, Mrs. ROUKEMA, and Mr. HAWKINS):

H.R. 2691. A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, Armed Services, Interior and Insular Affairs, Foreign Affairs, and the District of Columbia.

By Mr. JEFFORDS (for himself and Mr. CLAY):

H.R. 2692. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to permit certain loans from employee benefit plans to owner-employees and shareholder-employees; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ROE:

H.R. 2693. A bill to provide the temporary suspension of the duty on mixtures of 1,2-dimethyl 1-3,5-diphenylpryazolium methyl sulfate (difenzoquat methyl sulfate); to the Committee on Ways and Means.

By Mr. ROTH (for himself, Mr. PETRI, Mr. SENSENBRENNER, Mr. GUNDERSON, Mr. KASTENMEIER, Mr. KLECZKA, Mr. OBEY, and Mr. ASPIN):

H.R. 2694. A bill designating the U.S. Post Office Building located at 300 Packerland Drive, Green Bay, WI, as the "John W. Byrnes Post Office and Federal Building; to the Committee on Post Office and Civil Service.

By Mr. SABO:

H.R. 2695. A bill to provide Federal assistance to States to establish a program for coverage of catastrophic health care expenses; to the Committee on Energy and Commerce.

H.R. 2696. A bill to provide for certification and require the offering of qualified health plans, to provide Federal assistance to States to establish a program of assistance for low-income persons to purchase comprehensive health insurance and a program for coverage of catastrophic health care expenses; and for other purposes; to the Committee on Energy and Commerce.

By Mr. SKELTON:

H.R. 2697. A bill to amend section 794 of title 18, United States Code, to provide more severe penalties for certain forms of espionage; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 2698. A bill to designate the U.S. Courthouse in Tucson, AZ, as the "James A. Walsh United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. WAXMAN:

H.R. 2699. A bill to amend title XVIII of the Social Security Act with respect to payment for direct and indirect medical education costs under the Medicare Program and to amend title XIX of the Social Security Act with respect to payment for direct medical education costs under the Medicaid Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROYBAL:

H.R. 2700. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to require pension plans to allow participation by employees nearing normal retirement age and to allow benefit accrual by participants to continue past normal retirement age; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ROYBAL (for himself, Mr. SKELTON, Mrs. COLLINS, Mr. BIAGGI, Mr. MITCHELL, Mr. ST GERMAIN, Mrs. SCHROEDER, Mr. STOKES, Mr. VENTO, Mr. MACKAY, Ms. OAKAR, Mr. PEPPER, Mr. CROCKETT, Mr. FORD of Tennessee, Mr. DYMALLY, and Mr. TOWNS):

H.R. 2701. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide for additional and more effective controls on terminations of single-employer plans and reversions to employers resulting from such terminations; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. WIRTH (for himself, Mr. CHENEY, Mr. KRAMER, Mr. LUJAN, Mr. NIELSON of Utah, Mr. REID, Mr. RICHARDSON, Mr. SCHAEFER, Mrs. SCHROEDER, Mr. SKEEN, Mr. STRANG, and Mrs. VUCANOVICH):

H.R. 2702. A bill to grant the consent of the Congress to the Rocky Mountain Low-Level Radioactive Waste Compact; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. WYDEN (for himself, Mr. FLORIO, Mr. BRYANT, and Mr. FORD of Tennessee):

H.R. 2703. A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under Medicare and Medicaid; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BROOKS:

H.J. Res. 308. Joint resolution designating the week beginning on October 20, 1985, as "Benign Essential Blepharospasm Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI:

H.J. Res. 309. Joint resolution to designate September 1985 as "National Supermarket Child Safety Month"; to the Committee on Post Office and Civil Service.

By Mr. FAUNTROY:

H. Con. Res. 161. Concurrent resolution relating to drug trafficking in the Washington metropolitan area; jointly, to the Committees on the District of Columbia and the Judiciary.

By Ms. MIKULSKI:

H. Con. Res. 162. Concurrent resolution to establish a congressional commission to examine the extent to which existing Federal laws protect the interests of fans of professional football and to recommend legislation to provide additional protections, and to express the sense of the Congress that no professional football franchise should relocate during the existence of the commission; jointly, to the Committees on the Judiciary,

Energy and Commerce, and House Administration.

By Mr. TORRICELLI:

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress with respect to the volunteer activities of the Friends of Lubavitch organization; to the Committee on Post Office and Civil Service.

By Mr. THOMAS of California (for himself, Mr. CHAPPIE, Mr. MOORHEAD, and Mr. LEWIS of California):

H. Res. 193. Resolution relating to the continued participation of the United States in the General Agreements on Tariffs and Trade; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. MCCOLLUM, Mr. TOWNS, and Mr. BUSTAMANTE.

H.R. 64: Mr. DEWINE, Ms. KAPTUR, and Mr. SMITH of New Jersey.

H.R. 66: Mr. BORSKI, Mr. BARNES, Mr. BROWN of California, Mr. CHAPPIE, Mr. ADDABBO, Mr. BEVILL, and Mr. BUSTAMANTE.

H.R. 67: Mr. BORSKI, Mr. BARNES, Mr. BROWN of California, Mr. CHAPPIE, Mr. ADDABBO, Mr. BEVILL, and Mr. BUSTAMANTE.

H.R. 229: Mr. LEHMAN of Florida and Mr. LUNDINE.

H.R. 237: Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. GRAY of Illinois, Mr. GROTBERG, Mr. HARTNETT, Mr. HILLIS, Mr. LUJAN, Mr. SABO, Mr. SNYDER, Mr. SPENCE, Mr. STANGELAND, Mr. WEBER, Mr. WISE, and Mr. YATES.

H.R. 281: Mr. WEAVER.

H.R. 343: Mr. PARRIS.

H.R. 582: Mr. MOLLOHAN.

H.R. 602: Mr. DORNAN of California, Mr. EDWARDS of Oklahoma, Mr. NEAL, and Mr. COMBEST.

H.R. 650: Mr. SAVAGE and Mr. HAYES.

H.R. 700: Mr. DOWDY of Mississippi, Mrs. LONG, Mr. MCCLOSKEY, Mr. PENNY, and Mr. SMITH of Iowa.

H.R. 747: Mr. PERKINS.

H.R. 770: Mr. FAUNTROY.

H.R. 822: Mr. PURSELL, Mr. COYNE, Mr. LUKEN, and Mr. TORRICELLI.

H.R. 945: Mr. LEWIS of California, Mr. MORRISON of Washington, Mr. EDWARDS of Oklahoma, Mr. DELAY, Mr. BREAUX, Mr. JONES of North Carolina, Mr. KINDNESS, Mr. RITTER, Mr. KEMP, Mr. SCHAEFER, Mr. HARTNETT, Mr. SPENCE, Mr. DICKINSON, and Mr. RALPH M. HALL.

H.R. 1002: Mr. BONER of Tennessee.

H.R. 1021: Mr. REID, Mr. STANGELAND, Mr. NIELSON of Utah, Mr. FRANK, Mr. CHANDLER, Mr. CLINGER, Mr. ORTIZ, and Mr. LOWERY of California.

H.R. 1047: Mr. STRANG, Mr. BORSKI, Mr. MATSUI, Mr. MARTINEZ, Mr. CROCKETT, Mr. FRENZEL, Mr. BARNARD, Mr. WEAVER, Mr. DERRICK, Mr. FISH, Ms. KAPTUR, Mr. KOLTER, Mr. WEBER, Mr. SABO, Mr. OBERSTAR, Mr. WORTLEY, Mrs. JOHNSON, Mrs. BOGGS, Mr. BIAGGI, Mrs. KENNELLY, Mr. WEISS, Mr. WYLIE, and Mr. MARTIN of New York.

H.R. 1123: Mr. DORGAN of North Dakota and Mr. SHUMWAY.

H.R. 1146: Mr. MATSUI and Mr. SABO.

H.R. 1180: Mr. PACKARD.

H.R. 1201: Mr. MILLER of California, Mr. RIDGE, Mr. GEJDENSON, Mr. VENTO, Mrs. COLLINS, Mr. FORD of Tennessee, Mr. STOKES, Mr. TOWNS, Mr. KOLTER, Mr. WHEAT, Mr. RUSSO, Mr. SMITH of Florida, and Mr. MORRISON of Connecticut.

H.R. 1267: Mr. JONES of Tennessee, Mr. RAY, Mr. SWINDALL, Mr. NICHOLS, and Mr. JENKINS.

H.R. 1294: Mr. HOYER.

H.R. 1295: Mr. JEFFORDS, Mr. ST GERMAIN, Mr. TORRES, and Mr. MORRISON of Connecticut.

H.R. 1326: Ms. KAPTUR, Mr. BEILENSON, Mr. HEFTEL of Hawaii, Mr. SCHUMER, Mr. MITCHELL, Mr. ROSE, Mr. FROST, Mr. SHELBY, Mr. BARNES, Mr. BEVILL, Mr. KOLTER, Mrs. BOXER, and Mr. MORRISON of Connecticut.

H.R. 1327: Mr. SPRATT, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. JEFFORDS, Mr. MORRISON of Washington, and Mr. GUARINI.

H.R. 1395: Mr. COBEY.

H.R. 1441: Mr. ALEXANDER.

H.R. 1457: Mr. CLINGER and Mr. MCCOLLUM.

H.R. 1550: Mr. DARDEN, Mr. PERKINS, and Mr. STENHOLM.

H.R. 1594: Mr. SCHEUER and Mr. MARKEY.

H.R. 1677: Mr. COURTER.

H.R. 1690: Mr. TRAFICANT, Mr. LEVINE of California, Mr. MOODY, Mr. DURBIN, Mr. COURTER, and Mr. LUNGREN.

H.R. 1802: Mr. MURPHY, Mr. COELHO, and Mr. RAHALL.

H.R. 1835: Mr. CLINGER, Mr. WALGREN, Mr. VALENTINE, Mr. MURTHA, Mr. PERKINS, Mr. SKELTON, Mr. YATRON, Mr. GROTBERG, Mr. YOUNG of Florida, and Mr. HOWARD.

H.R. 1844: Mr. CROCKETT and Mr. FAUNTROY.

H.R. 1877: Mr. WHITEHURST, Mr. GEJDENSON, Mr. TORRICELLI, and Mr. MOAKLEY.

H.R. 1884: Mr. NICHOLS, Mrs. SMITH of Nebraska, Mr. THOMAS of Georgia, Mr. DURBIN, Mr. LEACH of Iowa, Mr. OLIN, Mr. BEREUTER, Mr. WHITLEY, Mr. ROBERTS, Mr. DONNELLY, Mr. FRANKLIN, Mr. BRUCE, Mr. HEFNER, and Mr. FLORIO.

H.R. 1951: Mr. FASCELL, Mr. IRELAND, Mr. LEWIS of Florida, Mr. MACKAY, and Mr. LEHMAN of Florida.

H.R. 1959: Mr. BOEHLERT, Mrs. COLLINS, Mr. WAXMAN and Mr. COELHO.

H.R. 1973: Mr. ROE, Mr. MCDADE, Mr. MITCHELL, Mr. FUSTER, Mr. ROBINSON, and Mr. MARKEY.

H.R. 1980: Mr. SCHUMER and Mr. VENTO.

H.R. 2080: Mr. AUCOIN, Mr. BARNARD, Mrs. BENTLEY, Mr. BOEHLERT, Mr. BRUCE, Mr. CARR, Mr. CROCKETT, Mr. DOWNEY of New York, Mr. FAZIO, Mr. FEIGHAN, Mr. GARCIA, Mr. LUKEN, Mr. MADIGAN, Mr. MATSUI, Mr. RAHALL, Mr. ROWLAND of Connecticut, Mr. STOKES, and Mr. WILLIAMS.

H.R. 2262: Mr. TALLON and Mr. SYNAR.

H.R. 2325: Mr. CRAIG and, Mr. MARLENEE.

H.R. 2382: Mr. BEDELL and Mr. DEWINE.

H.R. 2397. Mr. SLATTERY.

H.R. 2489: Mr. OWENS and Mr. MURPHY.

H.R. 2588: Mr. GRAY of Pennsylvania, Mr. HUGHES, Mr. YOUNG of Alaska, Mr. DAUB, Mr. MURPHY, Mr. EMERSON, Mr. RAHALL, Mr. LEVIN of Michigan, Mr. SHELBY, Mr. GARCIA, Mr. QUILLEN, Mr. KOLTER, Mr. DEWINE, Mr. HOYER, Ms. KAPTUR, Mr. SKEEN, Mr. KINDNESS, Mr. GREEN, Mrs. HOLT, Mr. DUNCAN, Mr. DENNY SMITH, Mr. MCEWEN, Mr. KASICH, Mr. ROBERT F. SMITH, Mr. HENDON, Mr. MCCAIN, Mr. BROWN of Colorado, and Mr. BATEMAN.

H.R. 2597: Mr. LENT, Mr. COYNE, Mr. BORSKI, Mr. TOWNS, Mr. DOWNEY of New York, Mr. DELLUMS, Mr. MRAZEK, Mr. KOLTER, Mr. SCHUMER, and Mr. MANTON.

H.R. 2620: Mr. TOWNS, and Mr. GROTBERG.

H.R. 2626: Mr. OXLEY, Mr. SPENCE, Mrs. HOLT, Mr. HENRY, Mr. SENSENBRENNER, Mr. KINDNESS, Mr. RINALDO, and Mr. MCDADE.

H.J. Res. 72: Mr. LANTOS.

H.J. Res. 141: Mr. SHAW, Mr. PANETTA, Mr. GONZALEZ, Mr. LIGHTFOOT, Mr. LOTT, Mr. BOEHLERT, and Mr. MONTGOMERY.

H.J. Res. 151: Mr. MORRISON of Washington.

H.J. Res. 156: Mr. RODINO.

H.J. Res. 164: Mr. ADDABBO, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CHAPPIE, Mr. CONYERS, Mr. DANNEMEYER, Mr. DOWDY of Mississippi, Mr. GILMAN, Mr. GONZALEZ, Mr. GUARINI, Mr. HAWKINS, Mr. HAYES, Mr. HUNTER, Mrs. KENNELLY, Mr. LENT, Mr. LEVINE of California, Mr. LEWIS of California, Mr. NEAL, Mr. PANETTA, Mr. RINALDO, Mr. SCHEUER, Mr. SILJANDER, Mr. SPRATT, Mr. STARK, and Mr. WHEAT.

H.J. Res. 207: Mr. MURPHY, Mrs. BYRON, Mr. FROST, Mr. SHUMWAY, Mr. FAZIO, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. WORTLEY, Mr. FAUNTROY, Mr. YOUNG of Florida, Mr. HORTON, Mr. FISH, Mr. KOLTER, Ms. MIKULSKI, Mr. REID, Mr. GUARINI, Mr. MORRISON of Washington, Mr. ORTIZ, Mr. FEIGHAN, Mrs. HOLT, and Mr. SAVAGE.

H.J. Res. 227: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. BARNES, Mr. BATEMAN, Mr. BEDELL, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BONER of Tennessee, Mr. BORSKI, Mrs. BOXER, Mr. BROOMFIELD, Mr. BRYANT, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARNEY, Mr. CARPER, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. COATS, Mr. COELHO, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONTE, Mr. COUGHLIN, Mr. CROCKETT, Mr. DANIEL, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DEWINE, Mr. DICKINSON, Mr. DIOGUARDI, Mr. DIXON, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. EMERSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK, Mr. FRANKLIN, Mr. FRENZEL, Mr. FROST, Mr. GALLO, Mr. GARCIA, Mr. GEKAS, Mr. GRAY of Illinois, Mr. GREEN, Mr. GUARINI, Mr. RALPH M. HALL, Mr. HAMMERSCHMIDT, Mr. HATCHER, Mr. HAYES, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HENRY, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JENKINS, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. KEMP, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. LOEFFLER, Mr. LUNDINE, Mr. MCDADE, Mr. MCGRATH, Mr. MCMILLAN, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NOWAK, Mr. OWENS, Mr. PERKINS, Mr. QUILLEN, Mr. RANGEL, Mr. REID, Mr. RINALDO, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mr. SHUMWAY, Mr. SHUSTER, Mr. SILJANDER, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SPRATT, Mr. STOKES, Mr. SUNDQUIST, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WIRTH, Mr. WOLF, Mr. WOLPE, Mr. WORTLEY, Mr. YATRON, and Mr. YOUNG of Florida.

H.J. Res. 234: Mr. MATUSI, Mr. FROST, and Mr. BROWN of California.

H.J. Res. 245: Mrs. BENTLEY, Mrs. HOLT, Mr. LANTOS, and Mr. SCHEUER.

H.J. Res. 274: Mr. REID, Mrs. HOLT, Mr. KOLBE, and Mr. BERMAN.

H.J. Res. 277: Mr. JACOBS, Mr. MOODY, Mr. LAGOMARSINO, Mr. STOKES, Mrs. HOLT, Mr. FRENZEL, Mrs. BYRON, Mr. HUGHES, and Mr. DYMALLY.

H.J. Res. 304: Mr. DANIEL and Mr. MCEWEN.

H. Con. Res. 26: Mr. LANTOS.

H. Con. Res. 60: Mr. OBERSTAR.

H. Con. Res. 69: Mr. MOAKLEY.

H. Con. Res. 99: Ms. MIKULSKI, Mr. LANTOS, Mr. JEFFORDS, Mr. ADDABBO, Mr. DE LA GARZA, and Mr. PASHAYAN.

H. Con. Res. 117: Mr. LEWIS of California.

H. Con. Res. 120: Mrs. BOXER and Mr. FRANK.

H. Con. Res. 127: Mr. ASPIN, Mr. CRAIG, Mr. HILLIS, and Mr. HUTTO.

H. Con. Res. 129: Mr. BURTON of Indiana, Mr. SUNDQUIST, Mr. DREIER of California, Mr. SMITH of New Hampshire, Mr. HUNTER, Mr. GALLO, Mr. GINGRICH, Mr. LIGHTFOOT, Mr. MURPHY, Mr. BROWN of Colorado, Mr. LIPINSKI, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. APPLEGATE, Mr. PORTER, Mr. MONSON, Mr. JEFFORDS, Mr. CRAIG, Mr. GREGG, Mr. MARLENEE, Mr. FROST, Mr. ROWLAND of Connecticut, Mr. HANSEN, Mr. SAVAGE, Mr. DAUB, Mr. RICHARDSON, and Mr. PARRIS.

H. Res. 36: Mr. EVANS of Illinois, Mr. SOLARZ, Mr. CONTE, Mr. FEIGHAN, and Mr. HAYES.

H. Res. 167: Mr. BROOMFIELD, Mr. LOEFFLER, Mr. WOLF, Mr. OXLEY, Mr. LAGOMARSINO, Mr. THOMAS of California, Mr. STANGELAND, Mr. PORTER, and Mr. RUDD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1452

By Mr. SENSENBRENNER:

—Page 13, strike out line 12 and all that follows through line 13 on page 14 and redesignate the succeeding sections accordingly.

Page 2, line 19, insert "and" after the semicolon.

Page 2, strike out lines 20 and 21.

Page 2, line 22, strike out "(3)" and insert in lieu thereof "(2)".

Page 2, line 23, strike out "graphs" and insert in lieu thereof "graph".

Page 2, strike out line 24 and all that follows through line 2 on page 3.

Page 3, line 3, strike out "(5)" and insert in lieu thereof "(4)".

Page 11, line 13, strike out "clauses (i), (ii), and (iii)" and inserting in lieu thereof "subparagraphs (A), (B), and (C)".

Page 11, line 14, strike out "(1)(A)" and insert in lieu thereof "(1)".

Page 11, line 16, strike out "sub-".

Page 11, line 18, strike out "(B)" and insert in lieu thereof "(2)".

Page 11, line 19, strike out "subparagraph (A)" and insert in lieu thereof "paragraph (1)".

Page 12, line 3, strike out "subparagraph" and insert in lieu thereof "paragraph".

Page 12, line 4, strike out "(C)" and insert in lieu thereof "(3)".

Page 12, beginning on line 5, strike out "paragraph" and insert in lieu theroef "subsection".

Page 12, line 21, strike out "(c)(1)(A)(i)" and insert in lieu thereof "(c)(1)(A)".

H.R. 1555

By Mr. RANGEL:

—Page 58, strike out line 17 and all that follows through line 5 on page 59 and insert in lieu thereof the following:

SEC. 504. PARTICIPATION IN FOREIGN POLICE ARREST ACTIONS AND INTERROGATIONS.

Section 481(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) The Congress finds and declares that—

"(A) United States drug enforcement cooperation in foreign countries is carried out pursuant to the provisions of the international conventions for the control of narcotics and psychotropic drugs;

"(B) such cooperation involves the exchange of information and intelligence pertaining to the illicit production and manufacture of and traffic in narcotic and psychotropic drugs affecting the United States;

"(C) such cooperation also involves assisting foreign counterparts in the development of investigations into drug trafficking of mutual interest, including participation in the seizure of narcotic and psychotropic drugs and laboratories for their illicit manufacture and the arrest and interrogation of drug violators as joint cooperative activity may require; and

"(D) the extent of this activity in any foreign country is limited to that which is approved by the host country government and the United States Chief of Mission.

"(2) The head of any department or agency of the United States, whose employees are authorized to assist drug enforcement authorities in any foreign country develop investigations related to the illicit production and manufacture of and traffic in narcotic and psychotropic drugs affecting the United States, shall prescribe regulations for the conduct of and the procedures used by such employees in those activities.".

—Page 61, strike out line 13 and all that follows through line 20 on page 62 and insert in lieu thereof the following:

SEC. 509. RESTRICTIONS ON ASSISTANCE TO BOLIVIA AND PERU.

(a) FINDINGS.—The Congress finds that—

(1) cocaine has had a severe negative impact on productivity, public health, education, and the quality of life in the United States and on the national security of the United States;

(2) Bolivia is the source of more than 50 percent of the world's cocaine, and Bolivian production of cocaine continues to rise;

(3) 50 percent of the population of Bolivia is under 19 years of age, and cocaine production has had a severe, negative impact on the youth of Bolivia;

(4) the production of, and trafficking in, cocaine by Bolivia has contributed significantly to Bolivia's 1,000 percent rate of inflation;

(5) the failure of the Government of Bolivia to take steps to curb the production of coca in Bolivia during 1984 was cited in the report of the Department of State entitled "International Narcotics Control Strategy Report" as a major disappointment in its review of drug producing countries;

(6) Bolivia received more than $37,000,000 in United States assistance during fiscal year 1984 and during that fiscal year did not eradicate a single coca bush;

(7) coca leaf produced in Peru is the source of about 45 percent of the cocaine entering the United States;

(8) it is estimated that at least 75 percent of the coca leaf produced in Peru is illegal, and this illicit cultivation continues to expand;

(9) coca leaf, coca paste, and cocaine are used by more than 3.2 million of the 19 million citizens of Peru, undermining the health and welfare of these people;

(10) the uncontrolled production and traffic of coca and cocaine in Peru overwhelms, demoralizes, and corrupts government administrators and institutions, creates political instability, and challenges the ability of the Government of Peru to maintain control over coca-producing areas of the country;

(11) the Government of Peru has failed to develop a comprehensive plan, and has failed to take adequate steps, to prohibit illicit coca production; and

(12) Peru received more than $76,000,000 in United States assistance in fiscal year 1984 and eradicated only an estimated 5 percent of coca cultivation in Peru.

(b) CONDITIONS ON ASSISTANCE FOR BOLIVIA.—

(1) BILATERAL ASSISTANCE.—Beginning with the fiscal year 1986 and for each fiscal year thereafter, no United States assistance may be provided to Bolivia unless the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the Government of Bolivia has developed and is implementing a plan, in accordance with the Single Convention on Narcotic Drugs, 1961, that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirements, and eliminate illicit and unlicensed coca production; and

(B) the amount of coca that was produced in Bolivia during the preceding fiscal year is at least 10 percent less than the amount produced in Bolivia during the fiscal year which preceded such preceding fiscal year.

Whenever the President certifies under subparagraph (B) that the amount of coca that is produced in Bolivia is reduced by more than 10 percent from one fiscal year to the next, the amount of any such additional reduction shall be carried over and counted as if it had occurred in the fiscal year following the year in which it actually occurred.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, of the International Development Association, of the International Finance Corporation, and of the Inter-American Development Bank to oppose actively the extension by that international financial institution of any loan or the furnishing of any financial assistance or technical assistance to Bolivia during the fiscal year 1986 or any fiscal year thereafter, unless the certification required under paragraph (1) is made for that fiscal year.

(c) CONDITIONS OF ASSISTANCE TO PERU.—

(1) BILATERAL ASSISTANCE.—Beginning with the fiscal year 1986 and for each fiscal year thereafter, no United States assistance may be provided to Peru unless the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the Government of Peru has developed and is implementing a plan, in accordance with the Single Convention on Narcotic Drugs, 1961, that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirements, and eliminate illicit and unlicensed coca production; and

(B) the amount of coca that was produced in Peru during the preceding fiscal year is at least 10 percent less than the amount produced in Peru during the fiscal year which preceded such preceding fiscal year.

Whenever the President certifies under subparagraph (B) that the amount of coca that is produced in Peru is reduced by more than 10 percent from one fiscal year to the next, the amount of any such additional reduction shall be carried over and counted as if it had occurred in the fiscal year following the year in which it actually occurred.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, of the International Development Association, of the International Finance Corporation, and of the Inter-American Development Bank to oppose actively the extension by that international financial institution of any loan or the furnishing of any financial assistance or technical assistance to Peru during the fiscal year 1986 or any fiscal year thereafter, unless the certification required under paragraph (1) is made for that fiscal year.

(d) PHARMACEUTICAL USES.—In carrying out this section, coca produced solely for pharmaceutical purposes shall not be counted in determining amounts of production.

(e) DEFINITIONS.—As used in this section—

(1) the term "coca" means the coca bush (which is the plant of any species of the genus Erythroxylon) and the coca leaf (which is the leaf of the coca bush); and

(2) the term "United States assistance" has the same meaning as is given that term by section 481(i)(4) of the Foreign Assistance Act of 1961.

On page 63, line 1, insert "the certification required by section 509(c) is made and" after "only if".

H.R. 1872

By Mr. BLAZ:

—At the end of title VI (page 142, after line 2) add the following new section:

SEC. 686. REPEAL OF LIMITATION ON TRANSPORTATION OF CERTAIN MOTOR VEHICLES THROUGH GUAM.

Section 652 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2550), is repealed.

By Mr. FOGLIETTA:

—At the end of title II (page 29, after line 14) add the following new section:

SEC. 207. LIMITATION ON STRATEGIC DEFENSE INITIATIVE PROGRAMS.

None of the funds appropriated pursuant to authorizations of appropriations in this title for Strategic Defense Initiative programs may be used for development, demonstration, test, or evaluation of the use of weapons powered by nuclear explosions in space.

By Mr. GREEN:

—At the end of title I (page 22, after line 23) add the following new section:

SEC. 111. TEN-PERCENT REDUCTION IN PROCUREMENT ACCOUNTS.

The total amount obligated or expended from funds appropriated pursuant to the authorizations of appropriations in this title may not exceed 90 percent of the amount equal to the sum of the amounts authorized to be appropriated in this title.

By Mr. NICHOLS:

—Page 143, after line 19, add the following new section:

SEC. 802. ALLOWABLE COSTS.

(a) REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(a)(1) The Secretary of Defense shall require that a covered contract provide that if the contractor submits to the Department of Defense a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of an indirect cost that has been expressly specified by statute or regulation as being unallowable—

"(A) that cost shall be disallowed; and

"(B) the contractor shall pay to the United States an amount equal to the greater of $10,000 or—

"(i) the amount of the disallowed cost, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable to that contractor, an amount equal to twice the amount of the disallowed cost, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph (1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered to be a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is questioned; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(b) The following costs are not allowable under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly) congressional action on any legislation or appropriation matters pending before Congress.

"(3) Costs incurred in defense of any fraud proceeding brought by the United States where the contractor is found liable for fraud or has pleaded nolo contendere to a charge of fraud.

"(4) Fines and penalties resulting from violations of, or failure to comply with, Federal, State, or local laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipients.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memoribilia, including models, gifts, and souvenirs.

"(10) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commerical fare for travel by common carrier between the points involved.

"(c)(1) Subsection (b)(10) does not apply if travel by common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(10) does not apply to travel by aircraft other than a common carrier if—

"(A) travel by such aircraft is specifically required for contract performance or is otherwise specifically authorized under the contract;

"(B) travel by common carrier is impractical; and

"(C) the travel performed is for business purposes and requires the use of such aircraft.

"(3) Costs for air travel in excess of that allowed by subsection (b)(10) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully documented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes.

"(d)(1) The Secretary of Defense shall prescribe regulations to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States. Such regulations—

"(A) shall define in detail and in specific terms those costs that are unallowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.
"(B) Advertising.
"(C) Recruitment.
"(D) Employee morale and welfare.
"(E) Contributions of donations.
"(F) Community relations.
"(G) Dining facilities.
"(H) Professional and consulting services.
"(I) Compensation.
"(J) Selling and marketing.
"(K) Travel.
"(L) Public relations.
"(M) Hotel and meal expenses.
"(N) Membership in civic, community, and professional organizations.

"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) may be applied.

"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal for final settlement of indirect costs is submitted to the United States. If such documentation is not sufficient to support the allowability of the cost, the cost becomes expressly unallowable and is not subject to negotiation.

"(e)(1) The Secretary of Defense shall require the resolution of each cost which is challenged by the United States as being unallowable in the contractor's submission

for final overhead settlement applied to covered contracts unless—

"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under existing cost principles;

"(B) the contracting officer documents the reasons why an agreement cannot be reached; and

"(C) the contractor agrees that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost to the future.

"(2) The Secretary of Defense shall provide that, whenever feasible and practicable, the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(f)(1) A contractor that submits a proposal for final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed by the Secretary of Defense.

"(2) The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the Secretary—

"(A) determines that it would not be in the interest of the United States to require such certification; and

"(B) states in writing the reasons for that determination.

"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a defense contractor for which final settlement will be made at a later time, such rates shall be based upon amounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of defense contracts.

"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than $25,000—

"(1) that is flexibly priced; or

"(2) for which cost or pricing data is required under section 2306(f) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2324. Allowable costs under defense contracts.".

(b) REGULATIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the regulations required by subsection (d) of section 2423 of title 10, United States Code, as added by subsection (a). Such regulations shall be published in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b).

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of proposed regulations to be prescribed in accordance with paragraph (1); and

(B) a report identifying—

(i) the nature of the proposed changes that would be made by such proposed regulations to the current cost principles on the allowability of contractor costs; and

(ii) the potential effect of such changes on the allowability of contractor costs.

(c) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (a), shall apply only to contracts entered into on or after the date on which regulations are prescribed in accordance with subsection (b).

SEC. 3. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The Authority of the Secretary of Defense under this subsection may only be delegated—

"(A) to an officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate; or

"(B) to the director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

SEC. 4. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—

(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and

(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor for a period of five years after the end of the previous such assignment.

(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—

(1) determines that it would not be in the interest of the United States to apply such limitation in that case; and

(2) states in writing the reasons for that determination.

(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—

(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and

(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

By Mr. REGULA:

—Page 172, after line 20, insert the following new section:

SEC. 1016. ESTABLISHMENT OF DEFENSE HEALTH AGENCY.

(a) IN GENERAL.—(1) Chapter 8 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 193. Defense Health Agency

"(a) There is in the Department of Defense a Defense Health Agency. The medical health-care systems of the Army, Navy, Marine Corps, and Air Force, and the facilities and resources thereof, shall be administered in policy and operation solely by the Defense Health Agency.

"(b) The Office of the Assistant Secretary of Defense of Health Affairs shall organize, in conjunction with the Army, Navy, Marine Corps, and Air Force, the Defense Health Agency.

"(c) The Defense Health Agency shall function under the direction and control of the Assistant Secretary of Defense for Health Affairs. The Agency shall have sole authority and discretion over policy and operation of the medical health-care systems of the armed forces of the United States.

"(d) For the purposes of this section the Defense Health Agency shall be comprised of two offices, designated as the Office of Policy and Operation and the Defense Readiness Office. These Offices are authorized, and subject to, the individual responsibilities, powers, and limitations as set forth in this subsection. The Defense Health Agency shall proscribe and oversee the proper conduct of all functions delegated to the respective offices:

"(1) The Office of Policy and Operation shall be administered by the Assistant Secretary of Health Affairs. Said office shall administer the operation and policy of the health care delivery system; oversee and prescribe management information systems and perform statistical studies; control and allocate resources including the functions of accounting, budgeting, and cost containment; and administer research and development.

"(2) The Office of Defense Readiness shall be jointly administered by the Surgeons Generals of the Army, Navy, and Air Force. Said Office shall develop, implement, and assess policy regarding the readiness of the combat medical support in the operating and field forces; administer the policy and operation of health care delivery in field facilities in peacetime or war; supervise the training and development of health services personnel; administer service unique operational medical support; and prepare for necessary wartime medical mobilization.".

(b) REQUIREMENT OF LICENSURE FOR PHYSICIANS PROVIDING CLINICAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1094. Licensure of physicians providing clinical care

"No individual may act, or be employed, by the United States government, as a physician to provide clinical care unless the individual has received State licensure to practice medicine and said individual has satisfied any education credentials which may be required by the Secretary of the Department of Health and Human Services.".

By Mr. SOLOMON:

—No person born after December 31, 1959 who is required to register with Selective Service System and who has not so registered shall be employed in civil service positions in the Federal Government.

—No person born after December 31, 1959 who is required to register with Selective Service System and who has not so registered shall perform service under any contract financed in whole or part by funds appropriated to the Department of Defense.

SENATE—*Thursday, June 6, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend C. Mark Corts, pastor, Calvary Baptist Church, Winston-Salem, NC. The Reverend Corts is sponsored by Senator JESSE HELMS.

PRAYER

The Reverend C. Mark Corts, pastor, Calvary Baptist Church, Winston-Salem, NC, offered the following prayer:

Will you join me in prayer?

Almighty God, as we begin this day, we give thanks for the privilege of approaching Thy throne of grace. We acknowledge that Thou art the giver of life and light, the provider of grace and forgiveness through Jesus Christ, the source of counsel that cannot fail, and truth that cannot lie.

We petition Thee to give direction to those among us who are troubled, strength to the weak, mercy to the humble, and to show Thyself faithful to the needy of our land.

Though wearied by our unfulfilled agenda, we are reminded that Thou are patient beyond the time we hoped for, but not beyond the time appointed by Thee.

O God, set Thy name above all names as the standard of righteousness in our land, and set Thy love in our hearts as a reference point in dealing with others.

Save us from the selfishness of special interests and teach us again to place the best for all above the good of some.

God, grant us grace to follow Christ who knew neither impatience of spirit, nor confusion of work, but in the middle of all His labors held constant communion with Thee.

Let Thy divine blessing be "equally conspicuous in the enlarged views, the temperate consultations, and the wise measures, on which the success of this government must depend."

In the name of Jesus Christ, the Savior of the world. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER pro tempore. The acting majority leader is recognized.

Mr. SIMPSON. Mr. President, I yield to the Senator from North Carolina.

THE REVEREND C. MARK CORTS

Mr. HELMS. Mr. President, I thank the able Senator from Wyoming for yielding.

Mr. President, on behalf of Senator EAST and myself, we welcome Dr. Mark Corts, who has just delivered an eloquent and meaningful prayer. I hope Senators who were unable to be here this morning will take the time to read and ponder it.

Mr. President, Mark is a member of what is known in North Carolina as the remarkable Corts family. They are leaders in education, in the ministry, in courage, and in citizenship. We are delighted to have Dr. Corts, and his dear wife, with us today as guest chaplain for the U.S. Senate, and I am grateful to the distinguished Senate chaplain, Dr. Halverson, for arranging this occasion.

Furthermore, Dr. Corts happens to be the pastor of Mrs. Helms and my son and daughter-in-law, who live in Winston-Salem.

Mr. President, I thank the Senator from Wyoming for yielding to me to welcome Dr. Corts and Mrs. Corts to Washington and to the U.S. Senate.

Mr. SIMPSON. I thank the Senator from North Carolina.

SCHEDULE

Mr. SIMPSON. Mr. President, under the standing order, the two leaders will be recognized for 10 minutes each. Following that recognition, there is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes, following which we shall have routine morning business not to extend beyond the hour of 11 a.m., with statements limited therein to 5 minutes each.

Following morning business, the Senate will turn to the consideration of S. 1003, the State Department authorization bill. We will begin consideration of the 10 Contra amendments as identified in the unanimous-consent agreement of May 23. I shall not recite those. They have time agreements attached.

Votes can be expected throughout this day and this evening in the hope that the Senate can complete its action on the State Department authorization bill this evening.

Mr. President, I note the presence of the junior Senator from Illinois on the other side of the aisle. It is a pleasure to see him involved in the operations of the Senate at such an early time here. I will say I met the Senator when we served together as State legislators in our respective States of Illinois and Wyoming. I have the greatest regard and respect for him.

Mr. SIMON. Mr. President, if the Senator will yield, I thank the Senator from Wyoming for his generous remarks. It is true, we knew each other when we were first State legislators. That was at least a year or two ago, Mr. President. It is good to work with him.

REQUEST FOR COMMITTEE TO MEET

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 6, and Friday, June 7, to mark up S. 616, the farm bill and related issues.

The PRESIDING OFFICER (Mr. HATFIELD). Is there objection?

Mr. SIMON. Mr. President, reserving the right to object.

Mr. President, I have been notified by the staff on this side that the request of the distinguished Senator has not been cleared on this side, so I do object.

Mr. HELMS. Will the Senator yield?

Mr. SIMPSON. I yield.

Mr. HELMS. Mr. President, I understand that on occasion there is justification for objecting to committees sitting during the session of the Senate. I will address my remarks not only to the distinguished Senator from Illinois [Mr. SIMON] but my friend from West Virginia [Mr. BYRD] as well.

This is a time of crisis for the American farmer. The Senate Agriculture Committee desperately needs to report out and make available to the Senate the 1985 farm bill so that it can be considered. On no date since we began to mark up, about 2½ weeks ago, has the committee been permitted to meet beyond the specified 2 hours after the Senate convenes. No such limitation has been placed with such regularity on any other committee. As a result, the Agriculture Committee has been stymied from making any real progress in marking up the farm bill.

Mr. President, I do not understand what is afoot. I do hope that the distinguished minority leader will do his best, as I know he will, to enable the Senate Committee on Agriculture, Nutrition, and Forestry to meet, just as other committees are meeting. It is imperative, Mr. President, that we get

about the business of producing a farm bill as we are required to do in this year.

I will not speculate as to motives in slowing down the legislative process with respect to the 1985 farm bill. But I do say it is absolutely essential that we proceed, and we cannot do it if we are repeatedly and constantly denied authority to meet and mark up a farm bill which, incidentally, consists of nearly 300 pages.

Mr. President, I thank the Senator for yielding. I know the distinguished minority leader will do his best to be helpful to the committee and to the farmers of America.

Mr. SIMPSON. Mr. President, I would then ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 6, to mark up S. 616, the farm bill, and related issues. The previous consent request was for the two dates. This is for the present date.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. There is objection, Mr. President. The distinguished chairman of the Agriculture Committee, I believe, asked to consult with the distinguished minority leader to get those things worked out. I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. SIMPSON. Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the acting Democratic leader is recognized.

Mr. SIMON. Mr. President, we reserve our time until later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is the distinguished acting majority leader reserving his time?

The PRESIDING OFFICER. That is correct. The time of the distinguished Democratic leader has been reserved also.

S. 1248—THE NATIONAL COAL IMPORTS REPORTING ACT

Mr. BYRD. Mr. President, today I am introducing the National Coal Imports Reporting Act. My bill directs the Department of Energy to issue quarterly reports devoted exclusively to U.S. coal imports. The bill would also require the Department of Energy to conduct a comprehensive analysis of the potential domestic market for imported coal between now and the year 2000. The findings of that analysis are to be submitted to the Congress within 6 months.

Mr. President, I have expressed my concerns about the problem of U.S. coal imports previously on the floor of the Senate. In my examination of the issue, I have found a lack of pertinent information about potential U.S. markets for foreign coal imports, and the economic and employment impacts of imports on coal-producing regions of the Nation. Senator WARNER, the distinguished chairman of the Energy Committee's Subcommittee on Natural Resources Development and Production, has held a hearing to examine the issue of coal imports. I have just come from that hearing and I am confident that the testimony received at the hearing, together with my legislation, will produce an initial information base which will be useful for a careful assessment of the economic implications and impacts of coal imports.

I realize that current levels of foreign coal imports, about 1.3 million tons in 1984, although a relatively small amount, are a cause for concern. Coal imports have been higher in past years. In 1978, U.S. coal imports reached 2.8 million tons. Coal imports then continuously declined to a level of 742,000 tons in 1982. However, in 1983 coal imports increased to 1.27 million tons and to 1.29 million tons in 1984. Of the 1.29 million tons of coal imported in 1984, 783,000 tons—60.9 percent—were consumed by utilities and 503,000 tons—39.1 percent—were consumed by industrial users. Utilities importing coal in 1984 included Gulf Power—616,000 tons from South Africa; Tampa Electric—109,000 tons from Poland; New England Electric—40,000 tons from Canada; and Florida Power—17,700 tons from Colombia. The National Coal Association estimates coal imports in 1985 to be about 2 million tons. When compared to total U.S. coal production of 890 million tons and consumption of 791 million tons in 1984, these levels are not alarming. However, my principal concern is not with the current coal import levels. My principal concern is for the future.

The United States represents a large and attractive market to foreign coal producers. Coal producers in Colombia, Canada, Poland, and South Africa are aggressively, and successfully, marketing their coal on the east and gulf coasts of the United States. These markets account for nearly 30 percent of U.S. coal consumption. The east coast market is particularly important to my State of West Virginia. In 1983, that market consumed 17 million tons of West Virginia coal, representing 27 percent of the West Virginia coal consumed in the United States. To the extent that foreign coal imports displace West Virginia coal in this market, West Virginia—where coal industry unemployment at the end of 1984 already was about 33 percent—will suffer.

There are only a few preliminary analyses of the potential impacts of coal imports. Thus, it is difficult to quantify the extent to which foreign coal imports will penetrate domestic coal markets. A recent study by the Department of Commerce concluded that by 1990, total steam coal imports into the United States could reach 17.7 million tons per year with 31 utility plants importing foreign coal. However, the Commerce Department estimate of import levels may be very conservative. There are reasons to believe that the U.S. market potential for foreign coal imports may be significantly greater than the Commerce Department report indicates. While that report assumes that 31 utility plants would import coal by 1990, the report identified 79 utility plants with coal specifications which could be met by foreign coal, and where the delivered price of foreign coal is at least 1 cent per million Btu's lower than the average cost of domestic coal. Moreover, while most utilities indicated to the Commerce Department that they would take up to one-third of their requirements from foreign sources, some indicated, off the record. a willingness to fill all their needs with imported coal.

Another recent study, reported in testimony before a House subcommittee, identified 91 utility plants along the east and gulf coasts that could receive coal directly by ocean-going vessels or barges. In addition, the study identified another 76 plants in the Midwest that are potential markets for imported coal. Because of lower water transportation costs, foreign coals can compete with domestic coals at many plants on the Mississippi, Ohio, and Missouri Rivers. Similarly, foreign coal can also be transported up the Saint Lawrence River into the Great Lakes at low cost. The study also reported that by 1990, about 37 million tons of utility coal demand not under supply contract will exist at east and gulf coast utilities that are capable of burning imported coal. Finally, the study emphasized the price disadvantage faced by domestic coal producers, reporting that along the Atlantic coast, competitive foreign coals average 87 percent of the U.S. price, and along the gulf coast, foreign coals average 77 percent of the price of domestic coals.

An important factor affecting the competitive position of the U.S. coal industry is the strength of the dollar against foreign currencies, which makes foreign coal less expensive on the U.S. market relative to domestically produced coal. In addition, the difference between domestic production costs and foreign production costs has

an effect on the competitive position of U.S. coal.

One reason for this may be that the regulatory environments governing foreign coal producers are less stringent than the regulatory environment in which domestic producers must operate. In a recent interview, Interior Secretary Donald Hodel pointed out that some foreign coal was "very low-cost coal produced under rules and restraints that are not comparable to ours from the environmental standpoint," and "imports of coal * * * produced under low safety and environmental standards raise unanswered ethical questions."

He stated:

It's incredible to me, but it appears to be true, that we will be increasingly importing coal into this country at a time when we are not utilizing fully the existing ability to produce coal.

Secretary Hodel said that U.S. coal imports were comparable to "Saudi Arabia announcing that it was going to import oil." I fully share the Secretary's sentiments.

Mr. President, it is very difficult at this time to determine the extent to which foreign coal imports will represent a serious problem in the future. We simply do not have enough information. It is essential that we gather the necessary information to be able to carefully assess the situation, determine the extent to which regional coal markets will be affected, and identify alternative policies for addressing any adverse economic impacts. For that reason, I am introducing the National Coal Imports Reporting Act. My bill directs the Department of Energy to issue a new quarterly report devoted exclusively to U.S. coal imports. This report will include data on the quantity, quality, and price of all imported coals. In addition, it will include statistics on country of origin, U.S. consumers of the foreign coal, domestic suppliers to these same consumers, and domestic coal displaced by the imported coal. Some of this information is already reported by the Energy Department in various documents, but is not organized in a single document. Consolidating this information will be useful for monitoring trends in U.S. coal imports.

Furthermore, Mr. President, my legislation directs the Energy Department to issue a report which focuses on the future. The Department of Energy is directed to conduct a detailed analysis of potential U.S. markets for coal imports between now and the year 2000. This analysis will identify potential domestic consumers and the magnitude of any potential economic disruptions, by State, including direct and indirect employment impacts in the domestic coal industry. The analysis will identify existing authorities available to the Federal Government relating to coal imports, and identify administration plans to address this problem. The Department of Energy is required to report its findings to the Congress within 6 months.

Mr. President, my legislation will establish an information base which will be useful for carefully assessing trends in coal imports and their economic implications and impacts on the coal-producing regions of the United States. This is an important issue for West Virginia and the domestic coal industry, and I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Coal Imports Reporting Act of 1985".

QUARTERLY UNITED STATES COAL IMPORTS REVIEW

SEC. 2. (a) The Secretary of Energy shall report to Congress on a quarterly basis on the status of United States coal imports.

(b) Each report required by this section shall—

(1) include quarterly, year-to-date, and previous year data on the quantity, quality (including heating value, sulfur content, an ash content), and delivered price of all coals imported into the United States;

(2) identify the foreign nations exporting the coal, the United States consumers receiving coal from each exporting nation, domestically produced coal supplied to United States consumers of imported coal, and domestic coal production, by State, displaced by the imported coal;

(3) identify transportation modes and costs for delivery of imported coal;

(4) delineate mining costs of foreign-produced coals and mining costs of comparable quality domestically produced coals; and

(5) specifically high-light and analyze any significant trends or unusual variations in coal imports.

(c) The first report required by this section shall be submitted to Congress in October 1985. Subsequent reports shall be submitted within 30 days after the end of each quarter year. The report submitted at the end of the fourth quarter of the calendar year shall contain a summary of information for the calendar year.

ANALYSIS OF THE UNITED STATES COAL IMPORT MARKET

SEC. 3. (a) The Secretary of Energy shall conduct a comprehensive analysis of the coal import market in the United States and report the findings of such analysis to the Congress within six months of the date of enactment of this Act.

(b) The report required by this section shall—

(1) contain a detailed analysis of potential United States markets for foreign coals, by producing nation, between 1985 and 2000;

(2) identify potential domestic consumers of imported coal and evaluate the magnitude of any potential economic disruptions for each impacted State, including analysis of direct and indirect employment impact in the domestic coal industry and resulting income loss to each State;

(3) identify domestically produced coal that potentially could be replaced by imported coal;

(4) identify contractual commitments of United States utilities expiring between 1985 and 2000, spot buying practices of United States utilities, fuel cost patterns, plant modification costs required to burn foreign coals, proximity of navigable waters to utilities, demand for compliance coal, availability of less-expensive purchased power from Canada, and State and local considerations;

(5) evaluate increased coal consumption at existing utility plants between 1985 and 2000 resulting from increased power sales;

(6) provide analysis of the potential coal import market represented by new coal-fired plants currently under construction, new coal-fired plants projected up to the year 2000, plants planning to convert to coal, and plants that potentially could convert to coal;

(7) identify existing authorities available to the Federal government relating to coal imports, assess the potential impact of exercising each of these authorities, and describe Administration plans and strategies to address coal imports;

(8) identify and characterize the coal export policies of all major coal producing nations, including the Untied States, Australia, Canada, Colombia, Poland, and South Africa with specific consideration of such policies as—

(A) direct or indirect government subsidies to coal exporters;

(B) health, safety, and environmental regulations imposed on each coal producer; and

(C) trade policies relating to coal exports;

(9) evaluate the excess capacity of foreign producers, potential development of new export-oriented coal mines in foreign nations, operating costs of foreign coal mines, capacity of ocean vessels to transport foreign coal, and constraints on importing coal into the United States because of port and harbor availability;

(10) identify specifically the participation of all United States corporations involved in mining and exporting coal from foreign nations; and

(11) identify the policies governing coal imports of all coal-importing industrialized nations, including the United States, Japan, and the European nations by considering such factors as import duties or tariffs, import quotas, and other governmental restrictions or trade policies impacting coal imports.

Mr. SIMON. Mr. President, will the distinguished leader yield?

Mr. BYRD. Absolutely, Mr. President. I am delighted to yield.

Mr. SIMON. I would ask him for the distinct pleasure of being added as a cosponsor of that legislation. Illinois is a coal-producing State. Imports really are a problem. Imports are a problem also, in that, for example, we import a great deal of coal from South Africa. That is an uncertain source in addition to the fact, frankly, there is no question that the South African Government is abusing those people who are mining that coal. I think we have to take a good hard look at where we are going in this question of import of coal. I shall be pleased to join the distinguished minority leader.

Mr. BYRD. Mr. President, I am delighted that my friend from Illinois is asking to be made a cosponsor. I welcome that request.

Mr. President, I ask unanimous consent that the distinguished Senator from Illinois [Mr. SIMON] be added as a cosponsor.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, will the Democratic leader yield 10 seconds?

Mr. BYRD. Yes, Mr. President, I yield as much time as the Senator wishes from that time and other time under my control.

Mr. HATFIELD. I thank the Senator.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. TRIBLE). Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

AMENDMENT TO STATE DEPARTMENT AUTHORIZATION BILL

Mr. PROXMIRE. Mr. President, I send to the desk an amendment in behalf of myself, Senator HATFIELD, and others. This is a sense-of-the-Senate resolution, an amendment to the bill that will be coming up later today, the State Department authorization bill.

The PRESIDING OFFICER. The amendment will be received.

Mr. PROXMIRE. I thank the Chair.

WHY STAR WARS BLOCKS AGREEMENT ON ARMS CONTROL AT GENEVA

Mr. PROXMIRE. Mr. President, Gen. Edward Rowny served as our chief negotiator in the strategic arms limitation—or START—talks at Geneva that the Soviets walked out of last year. General Rowny continues as a senior arms control adviser to President Reagan. Meanwhile, the arms control talks at Geneva have been resumed. Obviously, General Rowny speaks with experience, knowledge, and authority about our current arms control talks in Geneva. Unfortunately, that does not prevent him from being wrong.

In a letter to the New York Times on April 29, General Rowny set forth our objectives at Geneva, and the roadblocks posed by the Soviets. His letter tells why the prospect for a significant arms control agreement at Geneva is so slight. General Rowny contends that the objective of the United States is "to reach agreement on deep reductions of all nuclear arms in a way that strengthens deterrence and enhances stability".

Do the Russians object to that? General Rowny contends they do object because they oppose the U.S. strategic defense research. And, says Rowny, that research is a "crucial part of our effort to strengthen deterrence and enhance stability."

Why do the Russians not see it the Rowny way? Here is why: The Russians have poured enormous resources into developing an immense arsenal of intercontinental ballistic missiles. These stationary land-based ICBM's constitute more than 70 percent of the Russian deterrent. President Reagan and Secretary Weinberger have repeatedly told us in the Congress that we should fund the proposed ICBM defense or star wars because it can, over a period of 15 or 20 years, provide a perfect or near-perfect defense against Russia's prime nuclear striking force, its intercontinental ballistic missile arsenal. Many critics say our star wars defense will not work. Or they say if it does work against the present Russian ICBM force, the Russians can simply shift to submarines, bombers, and cruise missiles to overcome it.

Mr. President, put yourself into the shoes of the Russians. The President of the United States and his Defense Secretary insist that if the Congress will give them the funds, the United States can build a defensive system that will nullify the Soviets' prime deterrent. The United States has said it intends to build this defensive system and in the process hopes to eliminate 70 percent of the Soviet Union's nuclear deterrent capability. That is easy for us Americans to understand and applaud—if it works. But would you expect the Russians to say: "Great, go ahead, nullify our deterrent"?

General Rowny argues that "Moscow should be joining us in dealing with the here and now—reducing the large number of offensive nuclear arms that exist on both sides." They should, indeed. Both countries have everything to gain by a safer world: less prospect of a nuclear war that would destroy both countries as organized societies, and an unbearable burden of military spending.

So why will they not agree to reduce their offensive nuclear missiles if we reduce ours in tandem? The answer to that one is easy. What do we need to have the Russians do to make star wars succeed? Answer: Persuade the Soviets to make a wholesale reduction in their ICBM's. If the Russians reduced their ICBM's by a factor of two or three, it is just possible that a U.S. antimissile defense system might be able to protect our own American nuclear deterrents—our submarine pens, our bomber bases, as well as our Minuteman bases. It is unlikely in any event that star wars could protect our cities. But a point defense against missiles is conceivable if we can somehow reduce the Russian nuclear arsenal. For much of our own American deterrent, we enjoy a far lesser vulnerability than the Soviets. This is because our nuclear capability is largely submarine- and bomber-based, and because much of this force is at sea and in the air.

On the other hand, if the Russians refuse to reduce their nuclear arsenal in the kind of arms control agreement Rowny is calling for but instead multiply it, they can insure that their massive and increasing deterrent can overwhelm the star wars defense, and cheaply. Their missiles have massive throw-weight. The Russians can add warheads independently targeted to their big missiles, and they can do so very cheaply. So should we really expect the Russians to "make our day" by agreeing to reduce their offensive nuclear missiles when they hear the President of the United States pushing hard for a missile defense system that will nullify their nuclear deterrent? And when General Rowny says that the administration's objective in the arms control talks is to strengthen deterrence, it is not hard to see why the Russians don't see it that way.

Furthermore, while star wars research to date may not have violated the ABM treaty, it is obvious there is no way that research could be put to any significant use in constructing missile defenses without violating the ABM arms control treaty that the U.S. Senate ratified by an 88-to-2 vote. We ratified that treaty. Having done so, we know that the deployment of a star wars system would kill it. It would also impose an immense cost on both countries. Star wars would provide a highly unpredictable and therefore unstable balance between the two superpowers. For more than 35 years, the superpowers have lived with offensive nuclear arsenals capable of utterly destroying the adversary. This grim fact has been the prime reason for 35 years of superpower peace. The deterrent has worked. Our agenda now should be to stop the arms race while the nuclear balance exists. We should stop it cold. We should stop it now. We should stop it by negotiating a freeze. We should not extend the arms race into space and wonder why its extension made the adversary so reluctant to dismantle his deterrent.

Mr. President, I ask unanimous consent that the article to which I have referred by Edward L. Rowny be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA'S OBJECTIVE IN GENEVA

(By Edward L. Rowny)

WASHINGTON.—The Soviet Union seems determined to prevent American research on strategic defense—research that the Russians themselves have long been conducting. In fact, the United States' immediate goal at the arms control talks in Geneva is to reach agreement on deep reductions of all nuclear arms in a way that strengthens deterrence and enhances stability. But our strategic defense research is a crucial part of that effort.

Moscow should be joining us in dealing with the here-and-now—reducing the large numbers of offensive nuclear arms that exist on both sides and exploring the potential benefits that can accrue from effective defenses. We have already placed several attractive arms reduction proposals on the table.

As for strategic weapons, we offered in October 1983 to trade offensive systems, which concern the Russians, for Soviet offensive systems, which concern us. Specially, we offered to trade advantages in our heavy-bomber capabilities for some comparable reductions in the advantages they enjoy in long-range ballistic missiles.

As for intermediate-range weapons, our preference is for zero on both sides. As an interim proposal, we have offered to agree to any equal level between zero and 572 intermediate-range missile warheads. This limit would apply to American ground-launched cruise missiles and Pershing 2's if the Russians would agree to an equal worldwide limit on warheads of their SS-20 and other intermediate-range missiles.

In short, one desired outcome of the negotiations in Geneva is mutual and verifiable reductions. Were we to accept the latest Soviet proposal for an across-the-board moratorium on strategic intermediate and space weapons, we would, to take only one example, be locking in the large advantages created by the Soviet deployment of more than 400 triple-warhead SS-20 missiles. This proposal would give the Russians an 8 to 1 advantage in intermediate-range warheads. It would divert the talks from the priority task of achieving a real reduction in offensive nuclear systems. And it would prevent our research on defense systems.

One often hears the question, "Why should Moscow reduce its offensive weapons while we're pushing defense research?" First, we are not alone in efforts to explore the feasibility of ground- and space-based defense against ballistic missile attack. Long before President Reagan's speech in 1983 outlining the strategic defense initiative, the Soviet Union was engaged in a large-scale defense research program.

Further, the Russians have been violating the anti-ballistic missile treaty. Given the pattern of their many activities in strategic defense, we are concerned that they may be establishing the basis for a nationwide ballistic missile defense capability. Such a move, combined with an erosion in the offensive balance, would have severe consequences.

Finally, as both sides have acknowledged, research is not verifiable and hence not negotiable. But the Russians seem determined to continue their own research while trying to stop ours. The freeze they propose on offensive forces would simply codify existing Soviet advantages.

We seek a more stable relationship. One way to achieve this, if our research bears fruit, would be through a greater reliance on defenses as a key component of deterrence. What we are trying to discover is whether, over time, we can move away from offensive retaliation as the sole basis for deterrence—away from "mutual assured destruction" and toward mutually assured security.

We cannot know for some eight to 10 years whether our research will pan out. Even if our research proves fruitful, these defensive systems must meet three demanding tests. First, survivability: they will need to be robust enough to withstand direct attack. Second, cost-effectiveness; the deployment of defense systems must, at the margin, be cheaper than the offensive systems they would be defending against. An additional laser pulse, for example, must be cheaper than an additional missile or warhead. Third: the deployment of these defensive systems must at each stage contribute to an improvement in the stability of the overall strategic balance.

One argument we hear against our strategic defense initiative is that it will induce the Russians to undertake a further offensive buildup so as to overwhelm the defense. Through discussions in Geneva, we hope to make clear to them that because we seek defensive systems that are cost-effective and stabilizing, an effort to overwhelm them will be impractical and prohibitively expensive.

We should not allow Moscow's public attacks on our defense research to divert us from the main objective of the Geneva talks. Instead, we must keep our eye on the ball and press ahead for sizable reductions in the offensive nuclear arms of both countries and for discussion of the future role of defense. The Russians say they share this goal. We hope that they are serious and that they will join us in the search for equitable and verifiable agreements.

SWEDEN'S ATTEMPTS TO HELP EUROPEAN JEWS

Mr. PROXMIRE. Mr. President, one cannot discuss the Holocaust without questioning why so many nations of the world remained neutral or were slow to react to the systematic destruction of European Jews. To look back at that era it appears that the world failed to immediately recognize and act upon the moral imperative of helping the Jewish victims. To remain neutral in the fact of such horror implies an abdication of civilization's most basic responsibilities.

The complex political and social issues surrounding neutrality during the Holocaust is examined in a recent article in Scandinavian Studies. In "Sweden's Attempts to Aid Jews, 1939-1945," Steven Koblik describes the tightrope Sweden was walking in its effort to remain free from Nazi domination while at the same time addressing the slaughter of the Jews.

Sweden's actions were dictated by caution. At the beginning of World War II, Sweden was threatened by the growing aggressiveness of Nazi Germany and Stalin's Russia. As the war progressed, Sweden saw Norway and Denmark fall into Nazi hands. While caution remained an overriding factor in its foreign policy, Sweden gradually began assisting Jews in a humanitarian effort to save them from Nazi persecution.

Growing efforts to assist Jews paralleled Hitler's intensification of their persecution. The insidious efficiency which Hitler had reached in his ability to systematically exterminate Jews demanded more dramatic rescue efforts. The Swedish Government offered safety to Denmark's 8,000 Jews and took in Norwegian refugees who made it across the border; Swedish diplomat Raoul Wallenberg, working in Budapest, managed to save 10,000 Jews and is credited with aiding up to 40,000; the vice chairman of the Swedish Red Cross entered Germany near the end of the war and brought back thousands of Jews who were near death.

Like many countries during the chaos of World War II, Sweden found itself in a nightmare that threatened its sovereignty and challenged its ability to address the horros of the Holocaust. The unpredictability of the unfolding drama strapped the effectiveness of Sweden's response to the Holocaust. With our historical perspective, we should formulate an anticipatory international response to genocide that commits the world toward its prevention.

That is why, Mr. President, it is so essential that at a time when the Foreign Relations Committee has reported the Genocide Convention to the Senate for the sixth time in 35 years—and it was just reported. It is available now—the leadership of this body move to take up that Genocide Convention. I realize it would be a tough decision because it is a highly controversial treaty, although it has overwhelming support in this body, as indicated by recent votes. We have a commitment on the part of the Senate itself in a resolution passed at the end of the last session to take up the Genocide Treaty early in the 99th Congress. So I earnestly hope that our leadership will find a way to do that.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. PROXMIRE. Mr. President, I yield whatever time I have remaining to my good friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, let me inquire of the Chair how much time remains of the minority leader in morning business?

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes remaining. Morning business has not yet begun.

Mr. RIEGLE. Of the time that was reserved by the minority leader previously, how much remains?

The PRESIDING OFFICER. Three minutes remains of that time.

Mr. RIEGLE. So the total would be 7. Four from the Senator from Wisconsin and 3 from the minority leader?

The PRESIDING OFFICER. Four minutes and 3 minutes do, indeed, equal 7, but there is an order that at 11 o'clock the Senate will go directly to the State Department authorization bill.

Mr. RIEGLE. Mr. President, the Senator from Michigan will speak quickly then.

RESPONDING TO THE INTERNATIONAL CHALLENGE

Mr. RIEGLE. Mr. President, press reports yesterday quote Lionel Olmer, outgoing Under Secretary of Commerce for International Trade, as having evidence that at least one Japanese company, Hitachi, is dumping semiconductors in the United States. Mr. Olmer appears to be in possession of documents which suggest a conscious, illegal intent for predatory pricing by the Japanese in the U.S. market.

I ask unanimous consent that following my remarks there be printed in the RECORD three related news articles on this matter from the Wall Street Journal and one from the New York Times.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. RIEGLE. Mr. President, I have written to our Acting U.S. Trade Representative, Ambassador Michael Smith. I have requested that he immediately utilize every resource available to his office to mobilize and to coordinate U.S. actions to identify and to stop such dumping activities as may exist.

I ask unanimous consent that my letter to Mr. Smith also be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. RIEGLE. Mr. President, the prima facie evidence of such conduct requires that the United States take action now. The burden of proof must lie with the Japanese to demonstrate that they are not cheating in their competition for American dollars.

The U.S. trade deficit with Japan, which reached an unprecedented world record of $19 billion in 1983, rose to a deficit of $37 billion last year and now seems destined to rise to near $50 billion in 1985. We export primarily raw materials and import increasing amounts of sophisticated manufactured goods. We cannot continue to struggle to compete under a different set of rules from the Japanese or any other foreign competitor.

As Lee Iacocca, the head of Chrysler Corp., said the other day, the United States is "getting whipped" by foreign competition. The American people have every right to get mad at the weak-kneed public policies which are costing us millions of jobs, and product markets and profits while squandering our enormous wealth and accumulating huge foreign debts. U.S. foreign borrowing to pay for this flood of imports from Japan and elsewhere, has caused us to now become a debtor nation for the first time since we emerged as a world power in 1914. Just 3 years ago we were the world's largest creditor. Well before election day next year we will be the world's largest debtor. Japan is now the world's major creditor, itself struggling to keep up with a long line of fiercely competitive national economies from South Korea to, eventually, China.

The unanimous findings and recommendations of the President's Commission on Industrial Competitiveness has recently emphasized the threat to U.S. world leadership and standard of living posed by these new realities. For the sake of America's economic security and our ability to continue to serve as the locomotive for world economic growth, we here in the Senate must be committed to winning in the new global economy. And we must be vigilant and forceful with timely response to incidents of unfair, market distorting practices by foreign concerns such as that occurring here in semiconductors.

I will report further to the Senate on this issue when I have received a response from Ambassador Smith.

EXHIBIT 1

[From the Wall Street Journal, June 5, 1985]

HITACHI LTD.'S PRICING FOR SEMICONDUCTORS PROMPTS PROTEST BY AMERICAN OFFICIALS

(By E.S. Browning and Stephen Kreider Yoder)

TOKYO.—Hitachi Ltd.'s go-for-broke strategy against U.S. and Japanese competitors in the multibillion-dollar semiconductor market is prompting U.S. officials to step up pressures against what they call predatory pricing.

Hitachi, in a memo to its distributors, urged them to beat all competitors' prices by 10% to expand their market share. While Hitachi said Tuesday the memo doesn't reflect company policy, the company's competitors said it accurately reflects recent experience in competing against Hitachi.

"Quote 10% below their price. If they requote, go 10% again. Don't quit till you win," reads the Hitachi memo.

A copy of the memo was handed to Japanese trade officials Tuesday night by outgoing U.S. Undersecretary of Commerce Lionel Olmer at a farewell dinner in his honor here. Mr. Olmer complained that Japanese price-slashing was of a predatory nature that could damage U.S. makers of semiconductors, which are the building blocks for many high-technology fields.

Japanese officials were shocked to receive the fresh complaints on the occasion of a private dinner they had held to wish Mr. Olmer well as he returns to private law practice in Washington. "It has never happened before," said one Japanese official. "Dinner is dinner. If they had wanted to present documents, they should have scheduled a meeting."

The dispute is important now because as U.S. makers acknowledge, Japanese makers already dominate the market for simple memory devices. Now, by cutting prices and marketing aggressively, the Japanese are challenging U.S. leadership in more sophisticated devices.

The Hitachi memo centered on one such product category: EPROM chips. EPROM is an acronym for erasable, programmable read-only memory. The document presented to the Japanese by U.S. officials calls for Hitachi's distributors to undercut the prices of the two leading U.S. EPROM makers, Intel Corp. and Advanced Micro Devices. It urges distributors to use the same tactics in competing with Fujitsu Ltd., another Japanese producer, and promises the distributors a 25% profit no matter what price they charge.

Hitachi said it "understands" the memo was drafted by a person in its U.S. semiconductor marketing department in San Jose, Calif. "After learning of the distribution of this memo outside the company, Hitachi America has taken steps to advise all of its distributors that the memorandum doesn't reflect company policy, wasn't approved by the company's management and should be disregarded," said Hiroshi Miyamoto, vice president and corporate secretary of Hitachi America Ltd., Tarrytown, N.Y.

Andrew S. Grove, president of Intel Corp., said the content of the memo accurately reflect Intel's experience in competing with Hitachi. "In little bits and pieces we've been living that story" as Hitachi EPROM prices have plummeted in a "freefall,' he said. Intel regards EPROM products as a mainstay of its business.

U.S. negotiators here said they are particularly worried about the EPROM products because they are useful for storing instructions in a wide variety of machines, from video games to personal computers. World-wide sales of the product, currently about evenly divided between Japanese and U.S. makers, total about $1.17 billion a year, according to Dataquest Inc., a market research concern.

The conflict is heating up now because the semiconductor business has hit a severe glut. With demand weak, the market is awash with excess production. But rather than cut back, Japanese makers are actually increasing their production capacity. Mr. Olmer said Japanese makers are aiming to build market share and crush U.S. competition during a period of weakness. He said prices for EPROMs have fallen 75% in the past year—much more rapidly, he said, than simple market forces would dictate.

U.S. AIDE PEGS TRADE GAP WITH JAPAN AT $50 BILLION

TOKYO—A senior U.S. Commerce Department official forecast the U.S. trade deficit with Japan would hit a record of about $50 billion this year, up from previous records of $37 billion last year and $19 billion in 1983.

"The trade deficit in 1985 is likely to approach, if not exceed, $50 billion," said Commerce Department Undersecretary Lionel Olmer in a speech here.

The forecast marks a sharp escalation in U.S. predictions on the size of the deficit. Last December, Mr. Olmer was saying that the 1985 deficit with Japan would surpass $36 billion. More recently, U.S. officials had inflated that estimate, and were talking

about more than $40 billion. U.S. officials say the expanded forecast is due partly to sharp increases in Japanese exports of automobiles and electronic goods.

Mr. Olmer said that half of the deficit could be blamed on the strong U.S. dollar, which makes U.S. goods more expensive abroad and foreign goods cheaper in the U.S. But a larger part of the deficit with Japan, he said, is due to difficulties U.S. companies have in gaining access to Japan's market.

MICROCHIP FIRMS IN UNITED STATES YIELDING A MAJOR MARKET

(By Michael W. Miller)

U.S. semiconductor makers are retreating from the largest segment of the world's microchip market: the circuits that store computer memory.

Faced with plunging prices and a glut of products from Japanese rivals, many U.S. companies are finding it no longer profitable to make basic memory chips. They are cutting back plans for this market and concentrating efforts on more advanced technologies, like microchips that process rather than store information, and other specialized chips. The Japanese also have begun taking aggressive price stances in those markets.

For U.S. producers, the category affected most is called dynamic random-access memory—the essential, no-frills device that last year generated an estimated $3 billion in revenue, or about 13% of all semiconductor sales. In the category's next product generation, the so-called 256K D-RAMs, Japanese makers are about a year ahead of the few U.S. companies still in the market. Some analysts predict the generation after that could be all Japanese.

ABDICATING MARKET

"It looks to me as if most U.S. semiconductor companies are abdicating from the dynamic RAM market," says John Lazlo, an analyst at Hambrecht & Quist, a San Francisco investment firm.

Last week, for instance, National Semiconductor Corp. disclosed that it has shelved its longtime plans to produce a 256K D-RAM chip, which stores 256,000 characters. After a year of making sample products, National Semiconductor said it won't produce the chip "until we can see the ability to make a profit with it."

Many other big U.S. chip makers say they won't do much more than tiptoe into the 256K D-RAM market. Intel Corp. and Advanced Micro Devices, for instance, say they'll make only specialized versions of the product in small quantities. Only Texas Instruments Inc. will offer serious competition in the next D-RAM markets, analysts predict.

U.S. semiconductor industry officials contend that moving away from cheap products like D-RAMS—a commodity that doesn't vary much from one maker to another—won't hamper their overall efforts to stay competitive. They say the shift will let them move ahead faster with the more advanced technologies.

BITTERNESS IN CONCEDING FIELD

But U.S. industry officials concede that churning out D-RAMs in high volume has always been a crucial way for them to develop and refine new manufacturing technology. Some express bitterness about conceding that or any big market to their archrivals in Japan.

"It's a very important sector of the semiconductor market, and the fact that the U.S. is not a competitive producer (in that market) is something we should be concerned about," argues Jack Carsten, a senior vice president of Intel Corp., Santa Clara, Calif. "Although the thing is considered a commodity, it's a very high-technology, strategic commodity."

The Japanese march into the memory-chip field has been striking. When the market for D-RAMs began blossoming about five years ago, the Japanese targeted the product as a top priority. By 1981, Japanese makers were grabbing two-thirds of the market for 64K D-RAMs, though their share has since dropped to about half, as U.S. companies hustled to catch up.

Meanwhile, analysts say, Japanese concerns have captured a year's lead on the next generation of D-RAMs, which store 256,000 characters. Such big Japanese electronics companies as NEC Corp., Fujitsu Ltd. and Hitachi Ltd. have reportedly been shipping three or four million of the 256K circuits monthly since early this year, and now hold about 90% of the world market for that circuit. In the U.S., only Texas Instruments is making the product in comparable quantities, analysts say.

For the product generation after that, a "megabit" D-RAM chip with a million characters of memory, the U.S.'s role will dwindle even further, industry professionals predict.

"The Japanese are further ahead on the megabit D-RAM than they ever have been" with previous such products, says Mr. Lazlo of Hambrecht & Quist. "I doubt if Americans are going to compete there," agrees Jack Beedle, an analyst at In-Stat Inc., a Scottsdale, Ariz., market research firm. "They're going to have to take a hard look at what's important: profit or market share."

Behind the U.S.'s retrenchment lies one of the electronics industry's most precipitous price collapses ever. Last year, for example, early versions of the 256,000-character chips cost between $25 and $50, though predictions were that the price would drop once those chips were being mass produced. "A lot of business plans were formulated then, based on estimates of an average selling price in the $10 to $15 range this year," recalls Mr. Beedle.

But massive stockpiling by over-confident chip customers changed that. By last fall, as customer inventories began becoming bloated, the price already was down to about $16. At the start of 1985, the parts were fetching about $8. Prices are still cheaper today: one Sunnyvale, Calif., grocery store is selling 256,000-character D-RAMs for $3.99.

Among the hardest hit victims of the current semiconductor slump have been those that specialize in D-RAMs, such as Micron Technology Inc. and United Technologies' Mostek unit. In February, Micron slashed its employment in half, dismissing about 625 employees. Mostek has dismissed 3,000 workers so far this year, paring its employment to 6,300.

[From the New York Times, June 5, 1985]

JAPANESE CHIP DUMPING CITED

(By Susan Chira)

TOKYO, June 4.—At least one Japanese company is "dumping" semiconductors in the United States market, a high-ranking American trade official charged today.

Lionel Olmer, Under Secretary of Commerce for International Trade, said he had evidence that one manufacturer, later identified as Hitachi Ltd., was cutting the price of a specialized type of memory chip below a level where the manufacturer could make a profit.

"By any reasonable standard, the manufacturer is not making any money, and that is dumping," Mr. Olmer said.

Under United States trade laws, adapted from a general provision in the General Agreement on Tariffs and Trade, it is illegal for a foreign company to sell products in the United States for below the cost of production if that selling injures American producers.

Mr. Olmer's charges appeared to support the claims of United States-based semiconductor makers, which have charged recently that Japanese electronics companies were taking big losses in their semiconductor operations in an effort to dominate the American market.

Mr. Olmer did not name a specific company today. But later, an aide held up a document indicating that Hitachi was the company involved.

Another source familiar with the issue provided a copy of what seemed to be the same document, on condition that he not be identified. The document appeared to be addressed to Hitachi distributors and salesmen, although it was without a company letterhead and could not be verified as genuine.

It was not immediately apparent how the Commerce Department had obtained the document, but it bore an imprint bearing the name "Intel Denver." The Intel Corporation, one of Hitachi's chief American competitors, has a sales office in Denver.

The document reads in part: "Win with the 10 percent rule. Find AMD and Intel sockets. Quote 10 percent below their price . . . If they requote, go 10 percent again . . . Don't quit til you win!"

AMD stands for Advanced Micro Devices, another American competitor of Hitachi. The memo does not provide proof of dumping because it is unclear what the profit margin is.

In an apparent reference to Hitachi distributors, who sell the company's chips to equipment manufacturers, the document also says, "25 percent disti profit margin guaranteed."

[In New York, Hitachi America Ltd. acknowledged that the memorandum had been sent to its distributors from the company's San Jose, Calif., office. But in a statement Hitachi insisted that "the memorandum does not reflect company policy, was not approved by the company's management, and should be disregarded." Intel officials expressed disbelief at Hitachi's statement, charging that the document disclosed a concerted, illegal effort to corner a key sector of the semiconductor market.]

The chips in question are called Erasable-Programmable Read Only Memories, or Eprom's. They are used to store programs commonly run on computer systems. Unlike other Read Only Memories, or Rom's, the program stored in an Eprom can be changed, Intel and Hitachi market interchangeable chips to users of Eprom's.

In a breakfast address today to Japanese politicians and business executives, Mr. Olmer said he was worried about rising trade frictions in the semiconductor market and Japanese trade practices. He said: "We are going to lay before MITI some evidence that the price of Eprom's has fallen far more precipitously than the normal curves in the last 15 years. The price has reached a point where by any reasonable standard the manufacturer is not making any money, and

that is dumping." MITI is Japan's Ministry of International Trade and Industry.

The source who provided a copy of the document also displayed a chart plotting the price of Eprom chips in the last year. Industry analysis, he said, believe that Eprom chip prices have fallen much faster in the past year than is usual for new semiconductor products.

For example, he said, a year ago Eprom's sold for about $20 apiece. Now, he said, Hitachi is offering them for $4.50 each. Normally, he said, they would sell for about $9. This analysis, as well as the document, led the United States to conclude that Hitachi has dropped the price too quickly to be making a profit, he said.

EXHIBIT 2

U.S. SENATE,
Washington, DC, June 5, 1985.

Hon. MICHAEL B. SMITH,
Acting U.S. Trade Representative,
Washington, DC.

MR. AMBASSADOR: Press reports today quote Lionel Olmer, outgoing Under Secretary of Commerce for International Trade, as having evidence that at least one Japanese company is dumping semiconductors in the United States. Mr. Olmer appears to be in possession of documents which suggests a conscious, illegal intent for predatory pricing by the Japanese in the U.S. market.

I ask that you immediately utilize every resource available to your office to mobilize and to coordinate U.S. actions to identify and to stop such dumping activities as may exist. The "prima-facie" evidence of such conduct requires that the U.S. take action now. The burden of proof must lie with the Japanese to demonstrate that they are not cheating in their competition for American dollars.

The United States trade deficit with Japan seems destined to rise to near $50 billion in 1985, with the U.S. exporting primarily raw materials and importing increasing amounts of sophisticated manufactured goods. We certainly cannot continue to compete in our own markets under a different set of rules from the Japanese.

Please keep me informed of your progress in this matter and feel free to contact me at any time I may be of assistance.

Sincerely,

DONALD W. RIEGLE, JR.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

D-DAY

Mr. DOLE. Mr. President, 41 years ago to this day, forces of the World War II Allies—American, British, Canadian, and French—set sail across the cold, dark waters of the English Channel toward the beaches of Normandy. Fourteen years earlier, the Nazis had defeated France, driving the Allies from the European Continent. The result of years of planning, the D-day invasion broke the Nazi stranglehold in Europe and led to the eventual defeat of the Axis. For Hitler and his reign of terror, June 6, 1944, marked the beginning of the end.

Approximately 130,000 troops landed at Normandy—57,300 were American. Another 15,000 American paratroopers preceded them on the night of June 5, securing bridges and access roads to Utah Beach which greatly contributed to the battle's victorious outcome. The Allies suffered over 10,000 casualties, with 6,000 Americans being killed or wounded. The United States stood proud of the role her soldiers played in the battle, even as she mourned her dead, knowing that her losses were necessary to bring about the Third Reich's fall.

Along the Normandy coast, half-submerged boats can still be seen jutting out of the English Channel: rusty rifles and helmets can still be found buried in the sandy beaches. All stand as chilling reminders of the awesome battle that raged four decades before. We will never forget the young GI's who fought and died for the noble cause of freedom, and never lose our resolve to prevent world war from ravaging the Earth again.

DRUG TESTING IN BASEBALL

Mrs. HAWKINS. Mr. President, late last year my subcommittee, Children, Family, Drugs and Alcoholism, conducted a hearing into sports and drug abuse. We heard much testimony from individuals in all parts of the world of sports, and came away very impressed at the desire and the ability of the world of athletics to police itself. According to recent articles in Newsweek magazine and the Washington Post, however, athletics is still plagued with the problems of illicit narcotics.

Both these articles were in reaction to the recent announcement of Baseball Commissioner Peter Ueberroth involving stepped-up drug testing. Commissioner Ueberroth, who had previously indicated his support for drug testing for major league players in the baseball leagues (though it remains strictly a voluntary procedure), has recently ordered all employees of the game he oversees to undergo drug testing. As the commissioner is quoted as saying: "My intention is to see to it that baseball rids itself of drugs."

Despite this obvious determination and forcefulness in solving the drug abuse problem, Mr. Ueberroth has managed to keep the emphasis on help rather than punishment. He remains hopeful that the Players' Association will eventually come around to concurring that baseball's voluntary drug program has proved insufficient. While the commissioner continually expresses confidence in his players, saying, "* * * the huge majority of players are just as clean as they can be," he is only too aware of how pervasive is the shadow of drug abuse in sports. So much so that drug use has become one of the first theories for every slump.

Commissioner Ueberroth made this announcement during a difficult time for baseball, as additional information emerges regarding cocaine use by certain members of the Kansas City Chiefs. It is expected that numerous drug offense indictments will be handed down soon by a Federal grand jury.

Numerous administration officials in baseball have expressed support for Mr. Ueberroth's efforts, and I would like to take this opportunity to do the same. I commend Commissioner Ueberroth for his concern, and his untiring work not only in behalf of his players, but also in behalf of the youthful fans who idolize and emulate their baseball heroes.

Mr. President, I ask unanimous consent that the Newsweek article, dated May 20, 1985, and entitled "Putting Baseball to the Test," and the Washington Post article, dated May 12, 1985, and entitled "Ueberroth Plan Poses Problems," be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek magazine, May 20, 1985]

PUTTING BASEBALL TO THE TEST

Everybody under Peter Ueberroth's power has been ordered to the specimen jar to prove that no one in baseball gets a kick from cocaine—with the possible exception of the players. By all reports, enough of them are using coke to interest grand juries and alarm the commissioner. But since drug testing of major leaguers, as negotiated by their union, is a largely voluntary matter, Ueberroth is cracking down on the bat boys, secretaries, office clerks, scouts, managers (Pete Rose included?), owners—and commissioners—in a gesture that is undeniably noble, probably futile and more than faintly Olympian. Sentimental waves that start in sport and extend to the country must be considered his specialty.

"My intention is to see to it that baseball rids itself of drugs," he says simply. "If, by example, we assist any other part of society because of our visibility, that's a secondary benefit. I'm not on some crusade." Keeping the emphasis on help rather than punishment, he is hopeful the Players Association will come around to concurring that baseball's voluntary drug program has proved insufficient, though early returns from the rank and file indicate that ballplayers are as loath as anyone else to swallow truth serum at the workplace. St. Louis Second Baseman and Player Representative Tom Herr says, "Part of me resents the fact that I could be subjected to testing," though he also admits, "another part of me says that maybe it's the only way to stop the abuse going on."

While Ueberroth believes that "the huge majority of players are just as clean as they can be," he knows that the shadow of drug abuse is so pervasive in athletics that it has become one of the first theories for every slump. "If I was a major league baseball player, I'd want to take the test," he says, "to remove any doubt. One minute three or four times a year would not be the end of the world." The role that cocaine played in the Tulane University basketball team's recent gambling scandal made an impres-

sion on Ueberroth. "We're not going to have a Tulane in baseball," he vows.

All the same, baseball is braced for a disgrace of its own, more trauma on the order of the cocaine-related jail terms served by four former Kansas City teammates last year. Whether players or their suppliers are the direct targets of the new investigation, reports that a federal grand jury in Pittsburgh is about to hand down several embarrassing indictments helped time Ueberroth's announcement last week. "Accelerated it," using his phrase. For four months, athletes as eminent as the Mets' Keith Hernandez, the Yankees' Dale Berra, the Orioles' Lee Lacy and the Expos' Tim Raines have been trooping to the witness stand in Pittsburgh, setting the city to whispering about drug sales transacted right in the clubhouse. If a player is implicated in any crime, immunity from prosecution may not protect him from the commissioner. The crowd of fans now staking out the moral high ground may thin out a little if the issue comes down to a home star forced to sit out the pennant race.

This season the National League champion San Diego Padres have lost Second Baseman Alan Wiggins to a drug-care unit for the second time in three years. His relapse was particularly pathetic because the Padres embraced Wiggins in the manner of a loving family standing by a troublesome son. They avoided being judgmental, and Owner Joan Kroc visited him at the detoxification center. "I will never give up on any human being as long as they are breathing," she says, but the club has suspended Wiggins for the rest of the season.

After his treatment settled a 1982 cocaine possession charge, Wiggins gave inspiring talks to youth groups for the San Diego police department. His unpolished delivery was so earnestly affecting that he was chosen to represent the Padres in one of 26 national antidrug television spots. In a badly timed news release, the announcement of his good work nearly coincided with the disclosure that he had slipped again.

If the particulars of Ueberroth's program have been worked out, the details have not been released. But owners and general managers are racing each other to be No. 1 in line. "I endorse it heavily," says Chicago Cubs General Manager Dallas Green; St. Louis Executive Fred Kuhlmann offers, "I would be the first to volunteer."

Since they are not members of the union, all minor leaguers will be compelled to take the tests, though cocaine is not a drug generally associated with smaller salaries. At that, urine sampling is common if not routine in the bush leagues already. The Hagerstown Suns, Baltimore's Class A farmhands, thought it hilarious that the commissioner's edict fell on the day of their regular checkup. "We'll standardize the tests, though," says Ueberroth, whose Olympic experience assures him that the results are dependable. Maybe, like helmets in hockey, the tests will become such a matter of course in the minors that they will hardly be noticed by the next generation. But Don Fehr, acting executive director of the union, seems to doubt it. Although there is space for amendment, he notes that in the year since labor and management have entered into their joint drug plan, no player requested to undergo testing has refused. "As far as we can tell, our agreement is working—not perfectly, but it's working."

Fehr has a keen and proper concern for the rights of men. "We don't want major league players treated any differently than anybody else in this country," he says. "We don't want them treated any better, but we certainly don't want them treated any worse." On the other hand, Ueberroth has a keen and proper concern for the heroic images of idols admired and emulated by youthful fans. Their game is endangered.

[From the Washington Post, May 12, 1985]

UEBERROTH PLAN POSES PROBLEMS

(By Christine Brennan)

His words were sharp. His message was clear. When Commissioner Peter Ueberroth this week told all employees of the game he rules, with the exception of major-league players, that they would have to take a drug test, he was speaking to a much greater audience than the world of baseball.

The wide world of sports listened. And reacted. Once again, sports and drugs collided in public. And this time, people who know both say they might have reached the watershed.

Sam Rutigliano, the former coach of the National Football League Cleveland Browns and the only man to set up a drug counseling and treatment group within an individual professional sports team, liked what Ueberroth said.

"It's a bold decision," he said. "He's causing a lot of people to do Fred Astaires. Shuffle their feet. If you want to clean the problem up, you have to go for the jugular vein."

Dr. Irving Dardik, the former chairman of the U.S. Olympic Committee's Sports Medicine Council and a man who has spent much of the last year dealing with blood doping, drug testing and steroids, agrees with Ueberroth—with reservations.

"I think you have to do something to test athletes," he said. "But it's going to take a lot more than testing to solve the problems. There are drugs you can't test for, there are questions of what's legal and what's not, and there are new drugs all the time."

And while Gene Upshaw, executive director of the NFL Players Association, disagreed with Ueberroth's "grandstand play," he acknowledged that it wasn't all that bad.

"We feel we have our (drug situation) under control," he said. "We do it internally, quietly, discreetly. We don't put a gun to someone's head. I'm not saying the problem is solved in the NFL. It's an on-going process."

Three of the four major sports leagues admit they have drug problems that must be dealt with. Baseball, the NFL and the National Basketball Association have extensive drug detection and rehabilitation programs; the National Hockey League has no written policy and helps players individually.

Just this week, in Sports Illustrated, Buffalo Bills nose tackle Fred Smerlas said 40 percent of NFL players use steroids. Others said it is as high as 90 percent.

What's more, the networks—the companies that hold the purse strings—wonder if there might not be some small correlation between declining TV ratings and the increasing news of drugs in sports.

"Yes, it does go through your mind," said Neal Pilson, executive vice president of CBS/Broadcast Group, which carries NBA games. "I have received some personal statements from people who would qualify as average fans that this has had an impact. It's totally incapable of objective analysis, but does it help television when a sport is identified with drug users and people are indicted for drug use? There is no conceivable way you can say yes."

Pilson pointed to an improvement in ratings for the network's NBA telecasts as an example. The ratings are up slightly over last season. "Over the last two to three years the NBA has improved its image," Pilson said. "The owners and players have a proper sense of the image of the league. Has that helped TV ratings increase? Yes, I think it has."

Ueberroth's announcement has, at least, made people think and speak up.

Rutigliano, for example, never will be remembered for his record in Cleveland. During his 6½ years there, his teams won 47 and lost 50. He was fired after the Browns began 1984 with a 1-7 record. Then, with the help of several former players and doctors, he established the "Inner Circle," a support group for Browns players who were involved with drugs, especially cocaine. In four years, eight players were "directly" involved, he said. "They stayed with the program and absolutely straightened out their life."

The names have been kept secret, except for running back Charles White, who blew his cover when he attended a rehabilitation clinic in California, Rutigliano said. There has been no retribution from owner Art Modell of the Browns, or from the league. Former players such as Calvin Hill, who helped Rutigliano with counseling, swear by it. Doctors sing its praises.

But no one else in pro sports has tried anything like it.

"Why did no one else do it?" Rutigliano mused. "It involves so much, so much time, so much effort."

"Had the Cleveland Browns gone on and won the Super Bowl, then it would have been in vogue."

Drugs still are a "problem" in the NFL, he said. "Too many people have their head in the sand, thinking it's going to go away," he said. "It's not going to go away."

The Browns administer two drug tests per week to those players in the Inner Circle, Rutigliano said. The NFLPA knew about this, he said. "The owner and the team agreed. We were not monitoring them because of distrust, but because they knew they had to stay clean."

"Drug addiction is the one illness in which the person who has it doesn't think he's sick."

Rutigliano's success might be directly related to the size of his group. Ueberroth plans to test more than 3,000 people. Dardik scoffs at the notion of testing so many people.

"In the Olympics (Ueberroth was president of the Los Angeles Olympic Organizing Committee), we tested medalists and did some spot-checking.

"But Ueberroth is not just testing at the World Series. He's testing everyone through the year, I guess. I agree with drug testing, but it's very technical, extremely expensive and extremely complicated."

Dr. Robert Forney is a toxicologist at the Medical College of Ohio in Toledo. Rutigliano made him a part of the Inner Circle, and even asked him to travel with the Browns to counsel and advise players during free time in the hotel. Once Rutigliano asked Forney to talk to his team about drugs in place of the usual pregame psyche-up speech against the Los Angeles Rams.

Forney said drug testing sometimes is not monitored closely enough. It's not uncommon for a player to substitute another player's urine sample for his own, he said, or to alter the sample with a substance that masks the presence of drugs.

"Urine testing, I believe, is coming," he said. "I think we'll see it during pre-employment in many fields, and also during employment. Right now, people say, 'No one else does it. Why should we?' I think we'll see that argument evaporating."

In pro sports, drug tests are set up primarily to detect cocaine. In June 1982, former NFL defensive lineman Don Reese, now a member of the U.S. Football League's Birmingham Stallions, coauthored a cover story in Sports Illustrated about his use of cocaine. "All else being equal," he wrote with John Underwood, "you line up 11 guys who don't use drugs against 11 who do—and the guys who don't will win every time.

"If you're a team on drugs, you'll never play up to your potential, at least not for more than a quarter or so. Then it's downhill fast. I've known times on the field when the whole situation blacked out on me. Plays I should have made easily I couldn't make at all. I was too strung out from the cocaine. It was like playing in a dream. I didn't think anybody else was out there."

Forney said athletes who use cocaine find some short-term positive effects.

"Drugs make you feel good, no question," he said. "They may keep you from feeling drowsy. They can control your appetite. These are emotional things, and ballplayers are emotional beings."

Said Hill, who often speaks and writes about the dangers of drug use: "It charges players up when they take cocaine. It's the drug that makes people feel like they want to feel."

Forney, who counsels several other pro sports teams, said an NFL quarterback once spoke with him about a receiver on his team. The receiver, Forney recalled, was using cocaine during games. "The quarterback told me he knew it was happening and could tell when it was happening. The guy was not getting to his assignment on time, he was dropping the ball. The quarterback said he had to hit him on the numbers or he would drop the ball."

The quarterback was fed up. "I don't care what he does with his own life," Forney remembered the quarterback saying, "but when he starts affecting me, that bothers me."

When the quarterback talked to the receiver about it, Forney said, the receiver's answer was, "I do better with cocaine."

"The biggest problem we have is the problem of denial," Forney said.

The receiver, Forney said, never received treatment and, to the best of his knowledge, is out of the league.

Rutigliano said he could spot cocaine users from practice habits and game films, once he got to know the symptoms of drug use. He also quickly found out that "drug dealers were following us in the next plane that took off behind us, that they had reservations at our hotel."

The problem still gnaws at Rutigliano today. "I don't know what the answer is, but it is not sitting in an office in New York saying it will go away," he said. "There is no question it eventually will hurt the game."

Hill agrees. "I don't see anybody else working as hard as we are," he said of the Inner Circle. "And we're just keeping our heads above water."

LEAGUE DRUG POLICIES

NHL: The only league of the big four that has no written policy, the NHL does not require its players to be tested for drug usage. Urinalysis, a standard procedure in training camp physicals, is considered a "normal medical procedure," not a test for drugs, said John Halligan, NHL director of communications. If a player is caught with drugs, he is suspended.

NBA: For the last two seasons, the NBA has had a relatively strict policy. If a player asks, he will be provided counseling and medical assistance from the Life Extension Institute. The team pays the player's bills and the player stays on the payroll. A second voluntary request for treatment requires the player to be suspended without pay. Upon a third request, the player is permanently dismissed from the league. Until the point of dismissal, the player remains anonymous. Urinalysis for drug testing occurs only when an "independent expert," hired by the league, determines there is "probable cause." A player may be spot-tested four times within a six-week period; one positive test and he is kicked out of the league, according to the NBA's public relations office. There also is a league hotline for players and their families.

NFL: In the players' collective bargaining agreement, drug tests are allowed once during the preseason physical and once during the season, under the "probable cause" umbrella. There is no spot-checking, said Gene Upshaw, executive director of the players association. If players need rehabilitation or counseling, they may go to the Hazeldon treatment center in Center City, Minn., where confidentiality is assured.

Major league baseball: Major league players are the only employes of the game not under a plan to be tested, but that could change, pending contract negotiations. According to a plan adopted last summer, a team that suspects a player of drug involvement may ask him to undergo testing. If the player refuses, evidence must be submitted to a three-member review council, picked by a committee of owners and players. If the council recommends that the player be tested or treated and the player still refuses, he is subject to disciplinary action. Baseball owners adopted a plan for players who abuse drugs, not including marijuana, alcohol and amphetamines. A player who asks for time away for treatment receives his salary for the first 30 days and half pay for the next 30 days. After that, the club may release him.

AMERICAN GAS ASSOCIATION

Mrs. HAWKINS. Mr. President, on April 3 of this year, I joined the American Gas Association in announcing the National Child Watch Campaign. The AGA, in conjunction with the National Child Safety Council and the National Center on Missing and Exploited Children, has organized a nationwide campaign to help locate missing children. The National Child Watch Campaign offers gas and utility companies throughout the United States the opportunity to place flyers of stranger abducted children in their monthly mailings and participate in additional prevention, safety, and education efforts. George Lawrence, president of the American Gas Association, recently informed me that since the formation of the child watch campaign, 90 of their member companies and 102 utilities in 40 States have joined in the search for missing children.

Mr. President, I ask unanimous consent that a list of the participating utilities and an article on the child watch campaign that was printed in the May 1985 edition of AGA Monthly be printed in the RECORD as if read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CHILD WATCH CAMPAIGN

Ann Gotlib, 13, and Mitchell Owens, 8, were kidnapped by strangers for reasons other than ransom, and they are likely to be hundreds, even thousands, of miles from their homes and families. You can play a major role in finding them.

A.G.A., in partnership with the National Center for Missing and Exploited Children and the National Child Safety Council, is organizing a nationwide campaign to help solve the tragedy of "missing" children—a grim problem that besets all areas served by the natural gas industry. This effort, called the "National Child Watch Campaign," offers gas companies throughout the United States the opportunity to unite efforts to help find some of these abducted children and help prevent future abductions. Through Child Watch, A.G.A. and its member companies can develop a national public information and education campaign directed at the more than 50 million households and many communities served by the gas industry.

The timely program is being implemented this month, just after National Child Safety Week and National Consumers Week.

The program's name is a takeoff on the "Neighborhood Watch" concept. As the name implies, the campaign will alert the public to watch out for missing children—to help reduce abductions by educating the public about ways to protect children and by reminding potential abductors that "we are watching!"

The National Child Safety Council, which operates the highly publicized and successful national program using milk cartons to advertise missing children, approached A.G.A. with the idea for the Child Watch campaign. Because gas utilities have regular access to millions of people, the Council believes that the gas industry is uniquely qualified to conduct this type of program on a national level.

A nonprofit, charitable organization, the Child Safety Council works closely with the government-funded National Center for Missing and Exploited Children, located in Washington, D.C., and the U.S. Department of Justice. As the oldest national child safety organization, the Council was the first to address the issue of missing and abducted children, some 30 years ago. In addition to its milk-carton campaign carried out in grocery stores nationwide, the Council also developed the "Safetypup" campaign, in which ½-pint-size milk cartons distributed to schools tell children about the potential for abduction and how to prevent it.

The National Center for Missing and Exploited Children is a national clearinghouse for information on the estimated 1.5 million children reported missing each year. The Center was established last year in a nationwide effort to protect children and to provide direct assistance in handling cases of child molestation, child pornography and child prostitution.

While local-level campaigns for missing children certainly are helpful, John B. Rabun Jr., deputy director for the National

Center, points out that children who are abducted by strangers are *almost never* located in their own communities.

"One should remember that the sightings of these children will normally *not* occur in the child's home locale," Rabun says. "Therefore, it is imperative that careful attention be given to the ability to receive information nationally and to professionally channel all of that information to the law enforcement agency having jurisdiction."

During last year's NBC television special on missing children, "Adam," a roll call of 51 abducted children was shown to viewers. Since the program aired last April 30, 18 of those children—35 percent—have been found. *Not one child was found in the state in which he or she was abducted.*

The gas industry's National Child Watch Campaign has two goals: to help locate, on a national level, missing children abducted by strangers and to help reduce the number of abductions through increased public awareness, public education and the determent of potential abductors. Many A.G.A. members have already decided to become involved in the nationwide effort to locate missing children.

"The idea is . . . useful, necessary and a very creative addition to the other methodologies already being employed," Rabun says.

Initially, Child Watch will focus on locating criminally abducted children by advertising photos and information about missing children on bill inserts, counter cards and poster. Once the program is off the ground, the public education and community service functions will be implemented. A.G.A. will coordinated the Child Watch campaign at the national level, and work directly with the National Child Safety Council and the National Center for Missing and Exploited Children. The Association will act as a clearinghouse for the various programs enacted by A.G.A. member companies, and serve as a conduit in providing resource materials to member companies.

Photos of, information about, missing children will be selected and provided by the National Center, in cooperation with the Justice Department. On a monthy basis, the Center will provided A.G.A. with photographs and background information on two children who have been abducted by strangers. If specifically requested, the Center will offer a third photograph, along with background information, for distribution to companies that wish to campaign for a child missing from their service territory or state—if such photo is available.

Ann Gotlib and Michell Owens were selected by the Center as the first two children on which gas industry efforts will focus.

Thirteen-year-old Ann was reported missing on June 1, 1983. She disappeared that day from a shopping mall in Louisville, Ky., while traveling to her home. Her bicycle was found leaning against a brick pillar at the shopping mall. Fair-skinned and freckled, Ann speaks Russian and English fluently.

Mitchell Owens, 8 years old, is from Menlo Park, Calif. Reported missing on Feb. 3, 1983, Mitchell's identifying features are a scar on the upper part of his nose and a surgical scar on one of his left ribs.

The Center will work closely with A.G.A. and the Child Safety Council in the development of educational information and materials that could be used by companies in their educational efforts. In addition, the 90 safety counselors employed by the Child Safety Council, and at work in all states but Alaska and Hawaii, can assist companies with educational activities.

The Child Watch campaign was announced publicly at a national press conference held in Washington, D.C., in early April.

First Lady Nancy Reagan, who will serve as campaign honorary chairperson, praised the program in a letter released at the press conference. "I'm pleased to be part of the National Child Watch Campaign," she said. "The groups which are combining their efforts . . . are to be applauded. Each of us can join their nationwide campaign to find those children already missing and prevent others from being abducted."

Sen. Paula Hawkins (R-Fla.) said the campaign was a "breakthrough in efforts to solve the national nightmare of missing children."

A.G.A. President George H. Lawrence noted that local gas utilities in over 40 states serving about 30 million households already had signed up for the program, and that he expected additional utilities to join the effort.

The ultimate success of the Child Watch campaign will be measured by the level of participation by A.G.A. member companies. Participation can range from the use of mail inserts with gas bills to in-school educational campaigns. For information on how you can help, call A.G.A.'s Wendy James or Steve Kussmann at 703/841-8668.

NATIONAL CHILD WATCH CAMPAIGN PARTICIPANTS

Company and City

[*Not member of A.G.A.]

Adams Electric Co-op., Inc.,* Gettysburg, PA.
Alabama Gas Corp., Birmingham, AL.
American General Life and Accident Insurance Co.,* Nashville, TN.
American Water Works Svc. Co.,* Belleville, IL.
Arkansas Western Gas Co., Fayetteville, AR.
Arkla, Inc., Shreveport, LA.
Atlanta Gas Light Co., Atlanta, GA.
Baltimore Gas & Electric Co., Baltimore, MD.
Bank of Boston,* Boston, MA.
Battle Creek Gas Co., Battle Creek, MI.
Baystate Gas Co., Brockton, MA.
The Berkshire Gas Co., Pittsfield, MA.
Boston Gas Co., Boston, MA.
The Brooklyn Union Gas Co., Brooklyn, NY.
Cascade Natural Gas Corp., Seattle, WA.
Central Florida Gas Corp., Winter Haven, FL.
Central Hudson Gas & Electric Corp., Poughkeepsie, NY.
Chesapeake Utilities Corp., Salisbury, MD, Dover, DE.
Citizens Gas & Coke Utility, Indianapolis, IN.
Citizens Gas Fuel Co., Adrian, MI.
Clearwater Power Co.,* Lewiston, ID.
Columbia Gas Distribution Cos. (Columbia Gas of Kentucky, Columbia Gas of Maryland, Columbia Gas of New York, Columbia Gas of Ohio, Columbia Gas of Pennsylvania, Columbia Gas of Virginia, and Columbia Gas of West Virginia), Columbus, OH.
Commonwealth Gas Co., South Borough, MA.
Concord Natural Gas Corp., Concord, NH.
Connecticut Natural Gas Corp., Hartford, CT.
Consolidated Edison Co. of New York, Inc., New York, NY.
Consumers Power Co.,* Jackson, MI.
Bill Danhausen* Gas Industries Magazine, Rosemount, IL.
The East Ohio Gas Co., Cleveland, OH.
Eastern Shore Gas Co.,* Ocean City, MD.
El Paso Natural Gas Co., El Paso, TX.
Elizabethtown Gas Co., Elizabeth, NJ.
Enstar Natural Gas Co., Anchorage, AK.
Entex, Inc., Houston, TX.
Equitable Gas Co., Pittsburgh, PA.
Essex County Gas Co., Amesbury, MA.
Fitchburg Gas & Electric Light Co., Fitchburg, MA.
Gainesville Gas Co., Gainesville, FL.
Gas Co. of New Mexcio, Albuquerque, NM.
Great Falls Gas Co., Great Falls, MT.
Great River Gas Co., Keokuk, IA.
Greeley Gas Co., Denver, CO.
Hoosier Gas Corp., Vincennes, IN.
Hope Gas Inc., Clarksburg, WV.
Indiana Natural Gas Corp., Paoli, IN.
Inland Power and Light Co.,* Spokane, WA.
Jordan, Jones & Associates,* Sacramento, CA.
The Kansas Power & Light Co., Topeka, KS.
KN Energy, Inc., Hastings, NB.
Knoxville Utilities Board, Knoxville, TN.
KPL Gas Service, Kansas City, MO.
Lloyd Mansfied Co., Inc.,* Buffalo, NY.
Lone Star Gas Co., Dallas, TX.
Louisville Gas & Electric Co.,* Louisville, KY.
Louisiana Gas Service Co.,* Harvey, LA.
Michigan Gas Utilities Co., Monroe, MI.
Minnegasco, Minneapolis, MN.
Mississippi Valley Gas Co., Jackson, MS.
Montana-Dakota Utilities Co., Bismarck, ND.
Mountain Fuel Supply Co., Salt Lake City, UT.
Nashville Gas Co., Nashville, TN.
National Fuel Gas Corp., Buffalo, NY.
New England Electric Co.,* West Borough, MA.
Niagara Mohawk Power Corp., Syracuse, NY.
New Jersey Natural Gas Co., Wall, NJ.
North Carolina Natural Gas Corp., Fayetteville, NC.
North Central Public Service Co., St. Paul, MN.
North Penn Gas Company, Port Allegany, PA.
Notheast Utilities (West Mass. Electric Co. & Conn. Light & Power), Hartford, CT.
Northern Illinois Gas Co., Aurora, IL.
Northern Indiana Public Service Co., Hammond, IN.
Northern Utilities, Inc., Portland, ME.
Northwest Natural Gas Co., Portland, OR.
Northwest Orient Airlines,* Coral Gables, FL.
Ohio Gas Co., Bryan, OH.
Oklahoma Natural Gas Co., Tulsa, OK.
Omaha Public Power District,* Omaha, NB.
Oral Health Products, Inc.,* Tulsa, OK.
Oxford Natural Gas Co.,* Oxford, OH.
Pacific Gas and Electric Co., San Francisco, CA.
Pacific Resources, Inc., Honolulu, HI.
Pennsylvania Gas and Water Co., Wilkes-Barre, PA.
Peoples Electric Co-op.,* Ada, OK.
Peoples Energy Corp. (Peoples Gas Light & Coke Co. and North Shore Gas Co.), Chicago, IL.
Peoples Gas System, Inc., Tampa, FL.
Peoples Natural Gas Co., Council Bluffs, IA.

The Peoples Natural Gas Co., Pittsburgh, PA.
Peoples Natural Gas Company of South Carolina, Florence, SC.
Philadelphia Gas Works, Philadelphia, PA.
Piedmont Natural Gas Co., Inc., Charlotte, NC.
Potomac Electric Power Co.,* Washington, DC.
The Providence Gas Co., Providence, RI.
Public Service Electric & Gas Co., Newark, NJ.
Public Service Co. of Colorado, Denver, CO.
Public Service Co. of Indiana,* Plainfield, IN.
Public Service Co. of North Carolina, Inc., Gastonia, NC.
Public Service of New Hampshire,* Manchester, NH.
Roanoke Gas Co., Roanoke, VA.
San Diego Gas & Electric Co., San Diego, CA.
Southern California Gas Co., Los Angeles, CA.
Southern Gas Co.,* Sarasota, FL.
Southern Union Co., Dallas, TX.
Southwest Gas Corp., Las Vegas, NV.
Suffolk Cty. Water Authority, Oakdale, NY.
Suffolk Gas Corp., Suffolk, VA.
Union Warren Savings Bank,* Boston, MA.
United Cities Gas Co., Nashville, TN.
Valley Cities Gas Service, Sayre, PA.
Valley Resources, Inc., Cumberland, RI.
Virginia Natural Gas, Norfolk, VA.
Washington Natural Gas Co., Seattle, WA.
West Ohio Gas Co., Lima, OH.
Western Kentucky Gas Co., Owensboro, KY.
Westmoreland, Larson & Hill (City of Duluth Water and Gas Department, Superior Water, Light and Power Co., and Intercity Gas Corp.), Duluth, MN.
Westover Bank,* Westover, WV.
Wisconsin Fuel and Light Co., Wausau, WI.
Wisconsin Gas Co., Milwaukee, WI.
Wisconsin Power and Light Co., Madison, WI.

BRIGITTE GERNEY—A COURAGEOUS WOMAN

Mr. KENNEDY. Mr. President, all of America learned something about courage last week when a woman of immense faith endured 6 hours of entrapment beneath a 35-ton crane that brought her face to face with death. But life and courage prevailed in a drama that was witnessed by millions of Americans whose hearts and hopes went out to Brigitte Gerney.

Just as there likely can be no better mirror of genuine courage, there also can be no better example of how human beings, even in our Nation's largest and fastest-moving city, reach out to comfort and help one another in time of need.

New York City came to a standstill, clearing its highways, readying its medical facilities, and saying its prayers for a woman to whom tragedy in life was already no stranger.

Just as her individual courage and faith in God have carried her through illness and deaths of the past, those strengths prevailed again. This time, a nation watched and a nation prayed with her.

The policemen who comforted her, the rescue workers who freed her, the medical personnel who attended her—all men and women of courage and duty—were bound together as inextricably as men and women can be bound: By the courage of a woman who would not surrender, who would not lose faith.

From what we learned from Brigitte Gerney and from those who spent those hours with her, we are a better people. It must be the Nation's hope that the tragic lesson of her experience will remain burned in our collective conscience so we never forget the need to shepherd and care for our fellow human beings, be they on the streets of Manhattan, the Borough of Brooklyn, or the deserts of Africa. Brigitte Gerney taught us once again that, indeed, we are the world.

DON WILLEN, LEGISLATIVE FELLOW

Mr. HECHT. Mr. President, I want to take a few minutes to commend Don Willen, a "legislative fellow" from the Department of the Interior, for his fine work as a member of my staff for the last 5 months.

Don's professional background is in natural resources, and his expertise in this field has proven invaluable to me during the development of the Nevada Wilderness Act and in doing research on other natural resource and related budget issues. His advice and recommendations were always thorough and complete.

Certainly the most concrete accomplishment of Don's fellowship has been the Nevada Wilderness Act. As you know, Nevada was one of the last Western States to introduce wilderness legislation, and Don played a very significant role in drafting some of the technical provisions and the floor statement. He also assisted in doing some preliminary research work for amending the Geothermal Steam Act which I intend to introduce in the near future.

Don's expertise was also valuable in the handling of constituent requests and issues. We all know how important constituent service is, but it takes a special kind of person to really get the job done well, making the necessary phone calls and doing extra research. Don did an outstanding job to assure that responses were accurate and timely. In all these duties, Don will be a hard man to replace.

Lastly, I want to commend Don on recently completing 26 years of service as a Federal employee. All of us in Congress take a certain pride in knowing that we are performing a service for our country and Don is no exception. We are fortunate to have people like Don in the Federal Government. He is a true professional in every sense of the word, and I salute him for his 26 years of loyal, dedicated service. I also commend the Department of the Interior for making this program available to such outstanding employees like Don.

Although Don has shared his valuable and unique expertise in natural resources with my office, he will also take away a new knowledge of the complexities, and very often the frustrations, of enacting legislation. I am sorry to see him leave, but I wish him success in his continuing Federal service to our country.

THE HENRY LIU MURDER

Mr. DENTON. Mr. President, on October 15, 1984, Henry Liu, a U.S. citizen of Chinese descent, was murdered at his home in Daly City, CA, by two members of a Chinese criminal syndicate called the Chu-lien Gang, or Bamboo Union Gang.

Liu, a frequent critic of President Chiang Ching-Kuo, had written a biography critical of the president although, by arrangement with Taiwan, some of the most critical portions had been deleted prior to publication.

Evidence subsequently developed by law enforcement authorities here and in Taiwan showed Henry Liu to be a paid agent of the Republic of China Intelligence Bureau as well as an agent of the intelligence service of the People's Republic of China.

Moreover, while Henry Liu was on both of these payrolls, he was, apparently without the knowledge of either agency, working for the Federal Bureau of Investigation as a paid informant. The FBI was at the time unaware of his other intelligence associations.

After the murder, law enforcement authorities in the Republic of China moved swiftly to apprehend the perpetrators, including Admiral Wong Hsi-ling, director of the defense intelligence Bureau, Maj. Gen. Hu Yi-min, his deputy, and Col. Chen Hu-men, deputy chief of the bureau's third department. With the exception of Tung Kui-sen, one of the murderers who is at present a fugitive from justice, all of the conspirators have been brought to justice after public trials and, importantly, all the convictions have been sustained after review by the appellate courts.

Mr. President, I would like to believe that fair minded people would conclude, after examining the facts in this case, that justice has been done. It seems, however, that this may not be so. Our colleagues in the House and some of our colleagues in this body seem determined to pass a resolution calling for the extradition of the con-

victed felons now incarcerated in Taiwan.

Mr. President, there is no extradition treaty between the United States and Taiwan, and therefore no basis for extradition. In fact, the act which the resolution demands of that government is contrary to its law.

Further, the State of California would not permit the trial in that State of those convicted in Taiwan for the identical offense, as this would constitute double jeopardy under California law. Theoretically under U.S. Federal law, a bank robber can be tried for the Federal crime of bank robbery even if convicted of the crime of bank robbery under State law. However, as a matter of policy, and I might add in my view quite properly, the Department of Justice does not seek to do so and such second prosecutions are not authorized. I do not believe it would be appropriate to change that policy in this case.

Mr. President, the June 5 issue of the Washington Times contains an editorial which I believe sums up the situation quite succinctly. I ask unanimous consent that it be placed in the RECORD following my remarks, and I urge my colleagues to read it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HENRY LIU MURDER

Here we go again. Following the murder in California of Henry Liu, a Chinese-American writer hostile to the government in Taipei, the wheels of Chinese justice began to turn—began to turn, it must be conceded, somewhat more speedily than is generally the case in this country.

Mr. Liu was shot dead in his home last Oct. 15. By April of this year two Chinese thugs, members of the infamous Chulien gang, had been convicted in Taiwan and sentenced to life imprisonment. Two weeks later, Vice Admiral Wang Hsi-ling, 58-year-old head of Taiwan government's Military Intelligence Bureau was convicted of instigating the crime. He likewise was sentenced to life imprisonment. Two of his deputies, accessories to the crime, were sentenced to 2½ years in prison.

But that is not the end of the story. The U.S. House of Representatives is now asking that these criminals be extradited to this country, and a similarly dumb resolution is expected to pass the Senate. All this despite the fact that (a) due process already has been exhausted and (b) the United States has no extradition treaty with the Republic of China.

It makes no sense. The State Department from the beginning has discounted the possibility that higher-ups in the Taiwan government were involved in the Liu killing. It also acknowledges that Taiwan authorities cooperated fully in the murder investigation. Most significant of all, the criminals have been brought to trial publicly, promptly, and in accordance with the law, and have been sentenced—three of them to terms of life behind bars. So why all the fuss?

In the People's Republic of China thousands perhaps hundreds of thousands, are imprisoned without due process. One entire province, Qinghai, is a virtual slave labor camp. The total number of deaths arising out of the political orgies to which Communist governments are so susceptible approaches 100 million. And not a peep out of Congress. If you get the feeling that all the hoopla over the Liu killing is largely ideological, move to the head of the class.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 1003, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 1003) to authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes, for fiscal years 1986 and 1987.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut [Mr. DODD] is now recognized.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that I may deliver a short introductory statement prior to commencement of the debate on the Dodd amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LUGAR. Mr. President, we begin today our consideration of the Foreign Relations Authorization Act for fiscal years 1986 and 1987. The bill authorizes appropriations for the State Department, the U.S. Information Agency, Radio Free Europe, Radio Liberty, and the National Endowment for Democracy.

We bring this bill to the floor in the same spirit with which we brought the foreign assistance bill before the Senate. It is, first, a spirit of bipartisanship: both the majority and the minority made compromises in order to bring to the floor a bill we jointly support. We may sometimes have different judgments about what our national security requires. But national security must not become an object of partisan passion.

It is, second, a spirit of fiscal restraint. Government must continue to eliminate the unnecessary and the extravagant. Agencies and departments must learn to do more with what they already have. They must become leaner, trimmer, and less bureaucratically cumbersome—they will be better for it.

It is, finally, a spirit of defense of national security. The agencies authorized in this bill do not procure weapons or train forces. But they formulate policy and explain it, gather information, promote democratic institutions, and secure American interests. It is naive to think that diplomacy is sufficient and that force and the threat of force are unnecessary. But the quiet and thoughtful management of our everyday affairs helps us to keep a peaceful world. Essentially, the bill before us authorizes appropriations for the conduct of our basic diplomatic relations.

Mr. President, S. 1003 was reported by the committee in the spirit I have discussed. Section 1 authorizes appropriations for the State Department. It does so in four categories: $1,874 million in 1986 for the administration of Foreign Affairs; $534 million for international organizations; $26.2 million for international commissions; and $355 million for several other activities, the chief of which is migration and refugee assistance.

In arriving at these figures the committee began from a simple premise: to start from 1985's original appropriation with the intention of freezing at this level unless there was strong justification for exceeding it.

The result of our deliberations is a budget for State Department activities that is $108 million below the total 1985 appropriations, including supplementals. This total is also $120 million below the level authorized by House bill 2068—including permanent authorities, even though the House total is described as a freeze by its managers.

The total we are recommending is, however, above 1985's original appropriations. The reason is simply that much of the supplemental appropriation voted after the tragedy in Lebanon to help secure our Embassies and the lives within them in fact involves recurring costs. These costs are now part of the base. We have identified these security costs and earmarked them in the bill. We thus have a total that provides the means for adequate security, at the same time that it allows our foreign relations to be conducted and our work in international organizations and refugee assistance to continue. Again—it is a total well below what the administration requested and what the House voted. But it is an amount adequate to our needs.

This bill contains a 2-year authorization. For the State Department for

1987, we authorized the same amount as in 1986. This results in a $198 million cut from the administration's request and a figure $209 million below the House's recommendation. We will consider a supplemental if it is necessary—but we will require clear and convincing evidence. By authorizing no 1987 increase the committee hopes to make clear that fiscal restraint cannot end in 1986, but must become a habit of good Government. A freeze in 1987 will send a clear signal that this Senate means what it says about long-term fiscal restraint.

It is particularly useful to point out that for the international organizations account, our 1987 figure is $534 million, 11.5 percent below the administration's request and just $14 million above the figure the House attained after an amendment mandating a 15 percent cut.

S. 1003 also authorizes—in sections 2 and 3—appropriations for the U.S. Information Agency and for the Board for International Broadcasting—the parent body for Radio Free Europe and Radio Liberty. We approached these budgets also in the spirit of economy: let us start with the 1985 appropriation and see if there is any reason to add to it. The result once more is a substantial cut from both the administration's request and the House's freeze level. The amount we are authorizing enables these agencies to help deliver news, explain American policy, and introduce others to the American way of life. It permits them to serve the cause of freedom by presenting the truth. But it does so within our fiscal limits.

For USIA, we added to the freeze level a small amount for an enhanced book program and a portion of the money necessary for Voice of America modernization. These are essentially capital expenditures, necessary if our country's voice is to be heard at all. In addition, following Senator PELL's 1982 amendment, we increased the exchange program—but, with his generous support, by only half of what would have been required. The overall result for USIA is a figure of $835 million, 14-percent below the administration request of $973 million, and 9-percent below the House figure. For 1987 we again froze at 1986 levels, with only one exception—a $10 million increase to meet the Pell requirement. the $845 million in our bill is 27-percent below the administration's request.

For Radio Free Europe and Radio Liberty we authorized $137 million, $5 million below the administration request. Again, we froze salaries and expenses, adding to this the funding required this year and next for modernization of transmitters. Without modernization the radios cannot be heard clearly, and if they cannot be heard clearly other expenses on them are unjustified.

Mr. President, S. 1003 also contains several other sections that are worth mentioning. It authorizes continued funding for the Asia Foundation and for the National Endowment for Democracy. It makes improvements in international narcotics control, in our refugee program, and in the training of our diplomats. It creates a framework for an undergraduate scholarship program. It is, I believe, a bill which authorizes a sound structure for the conduct of foreign affairs, in a fiscally prudent manner. It has the bipartisan support of our committee, and we urge its adoption by the full Senate.

Mr. President, the foreign relations authorization bill is an occasion to consider not only the management but also the direction of our foreign affairs. Before we begin the detailed discussion of other amendments to the bill we will turn to the various amendments on Nicaragua outlined, along with time limits, in the unanimous-consent agreement.

Mr. President, as Members know a unanimous-consent agreement has been entered into in order that full debate might occur on Nicaragua, and many Senators will want to address our foreign policy considerations with regard to that country.

Following those amendments, I understand that it is the intent of the leadership to proceed to discuss all other relevant amendments to the measure before us and to complete action today. I believe that all of us welcome that challenge and that opportunity.

There are provisions for specific time allotted to the sponsors of amendments under the unanimous-consent agreement. I know that each sponsor of an amendment will want a full hearing, and each is entitled to a full hearing. This is important business, and the arguments should be made part of the RECORD.

For my part, I will attempt to limit debate on our side substantially, so that the time now allotted to the Nicaraguan debate might be curtailed. This will not be meant to demean anyone's amendment, but simply to push us toward completion of the entire authorization bill today.

Mr. President, I suggest that Members might wish to listen in their offices, if they are not on the floor, to the initial debate on the amendment that is to be offered by the distinguished Senator from Connecticut. He has been a careful student of the issues involved, as have Mr. KENNEDY, Mr. HART, and Mr. BIDEN.

In the event that any Senator should not wish to offer an amendment already provided for, I would like to have some notice—and I am certain that Senator PELL would join in this—of what we might expect, in order that we can schedule the affairs of the day and expedite business for all Members.

Mr. President, I ask my distinguished colleague, Senator PELL, if he has any opening thoughts, preliminary to the amendment to be offered by Senator DODD.

Mr. PELL. I thank the chairman.

Mr. President, today the Senate will begin its consideration of S. 1003, a bill authorizing appropriations for the Department of State, the U.S. Information Agency and the Board for International Broadcasting for fiscal years 1986 and 1987.

The total amounts authorized by this legislation are $3.76 billion for fiscal year 1986 and $3.77 billion for fiscal year 1987. These figures are over $251 million below the administration's fiscal year 1986 request and $311 million below the fiscal year 1987 request. Despite these substantial reductions, it is the belief of the committee that this bill will provide the U.S. foreign policy and information agencies with the resources necessary to carry out their diverse and important mandates.

The bulk of the funding authorized by this legislation—over $2.7 billion in fiscal year 1986 and fiscal year 1987—is contained in title I. This money will be used to fund the operations of the State Department, pay the U.S. share of the assessed contributions to the United Nations and 43 other international organizations, finance the U.S. participation in 16 international boundary and fishery commissions, and pay for the U.S. Migration and Refugee Assistance Program.

S. 1003 also contains in titles II, III, and IV the funding for the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy. The committee mark for USIA in fiscal year 1986 is $835.6 million, an increase of $39.7 million over the fiscal year 1985 appropriation level but a decrease of $138 million below the administration's fiscal year 1986 request. The committee approved most of the administration's request to modernize the badly outdated Voice of America facilities.

Earmarked in the bill for fiscal year 1986 is the USIA's Fulbright, Humphrey and International Visitor Programs. This earmark represents an increase of $15 million over the fiscal year 1985 levels but falls short of the congressional mandate embodied in the 1983 Pell amendment, that these programs be doubled over the fiscal year 1982 levels by fiscal year 1986. However, the fiscal year 1987 request will meet the requirement of my amendment.

The Board for International Broadcasting authorization of $137 million for fiscal year 1986 will fund the ongoing operations of Radio Free Europe

and Radio Liberty as well as provide needed resources for modernization of the radios' facilities. This bill also includes an amendment I authored, to include the Secretary of State as a nonvoting ex-officio member of the B.I.B. This will ensure that U.S. foreign policy interests are a factor in the oversight of the radios as is envisioned by the Board for International Broadcasting Act.

Mr. President, in conclusion, I wish to join the chairman in pointing out that the committee has made a good faith bipartisan effort to reduce the budgets of these various agencies while providing them with the funding necessary to carry out their essential functions. Any further cuts could endanger programs considered essential to carry out U.S. foreign policy goals and to promote U.S. interests abroad. I hope my colleagues will keep this in mind in considering this legislation and support the bill as reported by the committee.

Mr. President, it is my understanding that we will now turn to the various amendments on Nicaragua.

Mr. LUGAR. Mr. President, I ask unanimous consent that Chip Andreae of my staff, and Mark Blitz, Bill Perry, Dave Keaney, Rick Messick, Barry Sklar, Bill Triplett, Peter Galbraith of the committee have the privilege of the floor throughout the duration of consideration of S. 1003.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 271

Mr. DODD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for himself, Mr. PELL, Mr. HARKIN, and Mr. KERRY, proposes an amendment numbered 271.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

PROTECTION OF UNITED STATES SECURITY INTERESTS IN THE CENTRAL AMERICAN REGION

SEC. —. (a) The Congress finds and declares that a direct threat to the security interests of the United States in the Central American region would arise from several developments including, but not limited to, the following:

(1) The stationing, installation, or other deployment of nuclear weapons or the delivery systems for such weapons in the Central American region.

(2) The establishment of a foreign military base in the Central American region by the government of a Communist country.

(3) The introduction into the Central American region of any advanced offensive weapons system by the government of a Communist country if such system is more sophisticated than such systems currently in the region.

(b) If any development described in paragraphs (1) through (3) of subsection (a) arises, the Congress intends to act promptly, in accordance with the constitutional processes and treaty commitments of the United States, to protect and defend United States security interests in the Central American region and to approve the use of military force, if necessary, for that purpose.

(c) Notwithstanding any other provision of law, the prohibition contained in section 8066(a) of the Department of Defense Appropriation Act, 1985, as enacted by the Act of October 12, 1984 (Public Law 98-473), which applies to funds available during the fiscal year 1985 to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities shall apply to the same extent and in the same manner with respect to any such funds available during any fiscal year beginning on or after October 1, 1985. For purposes of the application of this subsection, the reference in such section 8066(a) to the fiscal year 1985 shall be deemed to be a reference to the fiscal year in which such funds are available.

(d) There are authorized to be appropriated to the President $14,000,000 for the fiscal year 1985 to be available only to achieve—

(1) the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces which were supported by the United States before October 12, 1984; and

(2) the relocation of such forces, including members of the immediate families of individuals serving in such forces.

(e)(1) There are authorized to be appropriated to the Secretary of State $10,000,000 which shall be used only as may be necessary to assist the negotiations sponsored by the Contadora group and to support through peacekeeping and verification activities the implementation of any agreement reached pursuant to such negotiations.

(2) For purposes of paragraph (1), the term "Contadora group" refers to the governments of Colombia, Mexico, Panama, and Venezuela.

(f) Nothing in this Act shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this Act.

(g) For purposes of this Act—

(1) the term "Central American region" refers to the geographic region containing Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and

(2) the term "Communist country" has the same meaning as is given to it by section 620(f) of the Foreign Assistance Act of 1961.

Mr. DODD. Mr. President, at the outset, let me explain briefly to my colleagues the substance of this amendment.

This is an amendment I sent to all my colleagues a week or more ago; but, for the purpose of debate this morning, let me reiterate the five central features of this amendment.

The first section of the amendment is a finding by the U.S. Congress as to what would constitute a direct threat to the security interests of the United States and the Central American region. It is not all inclusive, as the amendment clearly points out, but serves as an illustrative example of the kinds of things which the United States would find to be directly contrary to our national security interests within this hemisphere.

I identify three examples of such things that could occur which would jeopardize those interests: The stationing or installation of nuclear weapons or nuclear weapon delivery systems within the Central American region; the establishment of a foreign Communist military base within the Central American region; the introduction by any Communist nation of any advanced weapons system which exceeds the level of sophistication of those weapons already in the region.

The second part of the amendment does not say specifically what the United States would do. It does not require that we take a specific action if any of those three or other such actions were to be taken by any country, including, of course, Nicaragua. But it does make quite clear that the United States, should those security interests be jeopardized, is prepared to use military force to deal with those very legitimate national security interests.

I emphasize again I am not saying specifically exactly what all of the situations are that would provoke military response or even in fact that a military response would be the only response. I am merely trying to lay out as clearly as possible what those security interests are in the region and then also, of course to state unequivocally what the United States would be prepared to do, including the use of military force, to protect its very legitimate interests within the region.

The third part of the bill gets to the matter at hand and that is, of course, the issue of continued funding for the Contra operation.

The third part of this legislation prohibits any additional funding for military or paramilitary activities within the region.

My colleagues will recognize this section as being a continuation of the so-called Boland provisions and this part of the legislation continues the Boland language in force.

The fourth part of the legislation provides an appropriation of $14 million for fiscal year 1985 to be made available solely for the safe and orderly withdrawal of all U.S.-supported military and paramilitary forces from Nicaragua and the relocation of those forces, including members of their immediate families.

This is the funding that would provide for the assistance to the Contras and to their families to disengage. These are not funds to be provided to continue the activities of the Contra

operation, but to disengage entirely from that policy.

The fifth provision of the amendment authorizes to be appropriated a sum of $10 million to assist the Contadora negotiations and to support through peacekeeping and verification the implementation of any agreement that would be reached pursuant to those negotiations.

There is an additional section of which I should make note to my colleagues because I am sure they are apt to raise the question, and that is a war powers provision. There are some who are uneasy about the fact that I said I am willing to use military force in terms of national security interests emerging in the region, but to those who may be uneasy about that kind of language, I included a provision which would cover the language of war power provisions.

Mr. President, that is the sum and substance of the amendment. It is a departure from what will be the debate throughout the rest of this day. It will be a departure from what was debated in the other body where basically we are going to have an argument or a debate, if you will, over a funding level to be continued over this fiscal year and into the next to continue to support the Contra operation.

I believe, Mr. President, that policy is fundamentally flawed and that the issue is not whether or not we are willing to provide an additional $14 million or $35 million or $36 million or $27 million, to the Contras. The issue is not who is going to deliver this assistance, whether it is the CIA or AID or the United Nations or the Red Cross. The issue is not who is going to receive that aid, whether it is the Contras, or some independent third party in the region. The issue is not where those resources will be delivered, whether it is in Honduras or in Nicaragua, and that is basically what the debate will be.

The issue is not going to be, in my mind, whether it should be humanitarian or lethal or nonlethal.

Those are all questions which we will spend the greater part of today, possibly tomorrow, debating here.

Frankly, that is not the issue. And we make a mistake if we assume that is the debate.

The debate ought to be whether or not this particular decision, this decision to support the Contras, the Contra policy, is in the interest of the United States? Is a continuation of support of that counterrevolutionary effort in the interest of the foreign policy concerns of this country? That is the fundamental question and, unfortunately, we are not going to debate the fundamental question.

Instead, we are going to do what I think President Reagan has accurately described and that is, micromanagement of foreign policy. We are going to spend the next 8 or 10 hours arguing over the nuts and the bolts of a particular policy rather than the fundamental question of whether or not over the last 4 or 5 years our interests have been advanced or harmed by this policy, whether or not there is any likelihood of the next several years this policy is likely to bear the kind of fruit that those who support it suggest.

We will have discussions and debates today over whether or not nonlethal aid means jeeps or trucks, what constitutes clothing: are fatigues clothing or not clothing? We will argue over what shelter is. Is a shelter a field tent or is it a permanent tent? That is the kind of debate we are going to have, unfortunately.

We are missing the fundamental issue, and the fundamental issue is whether or not this policy is working, whether or not it is in our interests.

For the last several years, Mr. President, we have heard people on the so-called right call the Contras, the political equivalent of Jeffersonian Democrats, political equivalent of our Founding Fathers, all sorts of similar language to describe them. And on the so-called left, we have heard people describe the Sandinistas as the reincarnation of the Franciscan Order, who say that these are pure highly moral, ethical individuals who are only concerned about the welfare of their people. And the debate has been whether or not you support the Contras or the Sandinistas.

We have spent precious little time, it seems to me, talking about what is in the interests of our country.

I am concerned as I know my colleagues are about what happens in Nicaragua. I am concerned, as I know my colleagues are, about what happens in El Salvador, Guatemala, Honduras, Costa Rica, and every other country throughout Latin America.

But my interests in those particular countries are superseded by my interests in what is important to this country, what is in the interests of the United States.

And it seems to me at some point in this debate we ought to get back on track and start talking about what is in our interests, not in the Contras' interests, not in the Sandinistas' interests, not in the Salvadorans' interests, or anyone else's interests but what is in our interests. I do not believe we have done that.

So today, Mr. President, I offered this amendment. I should have said at the outset I have no illusions about it. I do not expect there will be a great many votes in support of this amendment. I am tremendously grateful to my colleague from Rhode Island, the ranking minority Member of the Foreign Relations Committee, Senator PELL, Senator HARKIN, and Senator KERRY for cospsonsoring this amendment. But I think all of us recognize that we are taking a position that is somewhat different from what our colleagues will be engaged in debating over the remainder of today.

Mr. President, I hope in the next few minutes to be able to demonstrate why I think this policy is ill-founded, why I think it is dangerous, why I think it is harmful, not only to ourselves and to our allies, but also that it is a cruel hoax on the Contras themselves.

I believe continued support of this policy will be a mistake. I think the sooner we say this to ourselves and to our allies, the better off we will be.

I know there are those who have already suggested that it is too late, that over the past 4 years, we have expended some $100 million to $150 million of U.S. taxpayer money, we have seen people lose their lives in this policy, and that we cannot now go back.

I realize that that is a compelling argument to some. But I would certainly hope that people would recognize that as difficult a choice as that may be, in June 1985, it does not get any easier. Tomorrow it will be tougher. In 6 months, it will be tougher. A year from now, it gets tougher. And I am sure as I stand here before you today, we will hear that argument.

We are committed. We spent the money. We are involved. We cannot change that policy. We cannot pull back.

No matter how well-founded that policy may be, we will march on the road of folly. We will proceed and continue to pursue a policy despite the fact that no one seems to see it contributing to our long-term interests in the region.

Mr. President, I kind of wish that the alternative to what I am offering here today would be offered. But as I look down the list of amendments, it appears as though it will not be offered.

It seems to me there are two choices. If the Contra policy is working, which, as I stated already, I do not believe it is, but for those who think it is, that this is having a profound effect on Nicaraguan behavior, it seems to me we ought to have the courage here to give it the kind of support it deserves if it is working.

Instead of talking about humanitarian, nonlethal aid to be delivered by some nonthreatening body to some neutral place, why do we not talk about giving the Contras real assistance? I regret there is not an amendment going to be offered today that says, "Look, if the Contras need $114 million a day, they ought to get it. And if they need military assistance, they ought to get it."

I disagree with that viewpoint, but, I would say to my colleagues this morning, I have a great deal of respect for those who argue that position. That is

a credible policy. That policy at least suggests that they might succeed at some point in bringing about the kind of change that is suggested by President Reagan and others.

But to talk about nonlethal humanitarian Band-Aids and Jeeps to be delivered in some place no one knows about by some third party over the next 2 or 3 years, that is nothing. All that does guarantee us that we can go back home in the next couple of days and say to that constituency in one part of our State that is opposed to the Contra aid, "We only gave them nonthreatening assistance." And to that part of the constituency that thinks supporting the Contras is a great idea, we can say, "We provided assistance to the Contras."

What we are going to be doing here today is satisfying a domestic political problem. We are not advancing foreign policy interests of the United States at all. It will be argued that we are buying time by supporting this approach. I would argue that we are losing time; that if we continue to pursue a policy that is not working, as I said a moment ago, we jeopardize not only our own interests and our allies' interests, but the interest of peace and stability in this part of the world.

So this is one of the options, the viable options, to decide that what we are doing has not worked, to admit it to ourselves, and to start traveling on a different road as soon as possible.

I have tried to offer in this amendment at least some constructive alternatives. It is regrettable that the Contadora process has become a cliche, that four good, strong allies of ours in this hemisphere, who tried desperately over the past 4 years to formulate an alternative to the kind of carnage that we have seen in El Salvador and throughout this region over the past several decades, are being relegated to snickering in some corners, of being naive, of being foolish, of being a waste of time.

I do not think I can adequately today—I am not talented enough—describe to my colleagues how the good friends of ours in Latin America feel about us, how disappointed they are over the fact that we have relegated their honest good-faith proposal to something of an annoyance. And that is what they think we think of them. That is what the Mexicans, Colombians, Venezuelans, and Panamanians think—people in strong democracies, not mirror images of our our democracy but people struggling to improve the quality of life for their own people, not perfect governments but, God knows, far better than what we have seen in the Cubas and the Chiles and the juntas of Argentina. And they think that we do not think they understand. They think that we think that they do not really care. And, unfortunately, that policy is being relegated to a trash heap by the failure of this Government, our country, both the Congress and the administration—I do not lay all the blame at the doorstep of the White House—but unfortunately it is being relegated to the trash heap because we fail to appreciate the historical significance of this effort.

For those who have bothered to read any history of Central America prior to 1979—and, unfortunately, there are very few who have, but for those who have—this is an historic opportunity, the Contadora process. Never before in this hemisphere have four countries been willing to step out and to offer to take the leadership role in trying to resolve Latin problems—Latins grappling with Latin problems. For the first time, they tried to do this. And, as I said a moment ago, we have relegated it to certain failure.

Third, Mr. President, I hope that we might spend some time trying to lend our support to those people inside Nicaragua who are not fighting but who oppose the Sandinista government. They have been virtually forgotten over the last several years, people like William Baez, in the private sector, people within the Catholic Church, people within the opposition political parties, people within the media, who are not in the mountains, who are not fighting in the hills with military hardware, but are trying to bring about some change within that country. It seems to me we ought to be doing more for them.

And, fourth, we ought to provide some real meaningful assistance in terms of economic development in the region. I am pleased to have supported an amendment that was offered a few weeks ago that provided for some long-term assistance, economic assistance, to the region. I think that kind of signal is extremely important.

So, Mr. President, what I am offering here, as I said at the outset, is what I would consider at least an honest alternative to pursuing the present policy, recognizing that what we have been engaged in over the past 4 years has failed economically, politically, as well as militarily.

I might also add that it is kind of a cruel hoax, as I said earlier, on the Contras themselves. Some people within that operation are former Somoza national guard figures. Not all of them are. A lot of them are very well-intentioned people who feel as though their rights have been significantly harmed by the Sandinistas. They are good people. And we are going to turn them into cannon fodder. We are going to march them into that valley because they believe that we are going to stand behind them and come in with U.S. forces to back them up when the Nicaraguans chew them up. And there is not a person in this Chamber who believes we are going to do that. Yet that is what we are telling the Contras that we are going to do. That is a cruel hoax to play on those people, yet we are engaged in it.

It has been hard to identify exactly what this administration's foreign policy is with regard to Nicaragua and Central America. There have been different messages over the last 4 years. But, in fairness to them—and I will wait and see if anyone would fundamentally contradict what I am about to say, because, I tried to synthesize it as I understand it over the last several days—it seems to me, with regard to Nicaragua, the Reagan administration's foreign policy objectives have been: To encourage the Nicaraguans to reduce the military buildup in their country, to discourage them from expanding their revolution beyond the borders of their own country, to discredit them internationally within the region and, last, to encourage them to institute some democratic reforms and live up to the ideals that they espoused prior to their success in 1979 in the overthrow of the Somozan government. That was, at least it seems to me, to be the broad framework of this administration's foreign policy objectives when we started the Contra operation some 4 years ago.

We have expended as I mentioned—which is public information now—some $100 million to $150 million on this operation, and yet as I look at Nicaragua today, more than 4 years after this operation has begun, we find the Nicaraguan military machine a lot stronger in May 1985 than it ever was in January 1981 and getting stronger. We find democratic reforms inside Nicaragua in worse shape today than they were in January 1981, and we see people like Daniel Ortega being received as a conquering hero in the capitals of Western Europe and throughout this hemisphere.

It seems to me that the goals, if I am at least close in approximating what the goals were of this administration, have not only not been achieved nor have we come close to achieving them, but in fact it is the goals, it would appear, of the Sandinistas that have been advanced. They are better off militarily. They are doing what they want inside their own country, and they are now perceived as heroes throughout this hemisphere. If that has been our goal, if that is what our foreign policy interests have been over the last 3 or 4 years, and if we are not succeeding—in fact losing that battle—why do we insist upon pursuing a policy that would seem to have the absolute opposite effect on what we are trying to achieve? If it is not working, why do we not have the courage and the honesty to try something else? Why do we insist upon pursuing a

policy that is hurting us and dividing us from our allies?

The President imposed an embargo a few weeks ago. We had to break a Honduran arm to find one country to support us, and in a nothing gesture with an embargo that meant nothing. We had to use all of the diplomatic influence of the President of the United States to bring the President of Honduras up to this country, and to get on a bended knee to beg him to support our embargo—one country.

We are losing the war with our allies. Do we really want to be isolated with our Western European allies, and with our Latin American allies? If we are isolated today, does it get better or worse if we pursue this policy? I suggest of course the latter.

So while I recognize this is not an amendment that is going to enjoy broad-based support I hope it will be perceived at least as a choice we will ultimately have to make. I tell you that as certainly as I stand here today. I promise you that within a matter of weeks or months we will be back here making this choice. We will have to make the choice of whether to really go in and do something, including the use of military force, or make the choice that will not only be a tough one but also a harmful one when it comes later—the choice of saying it is not working, and we are going to pull back. It is hard enough to do that now. There is a certain amount of credibility lost as a result of doing it. I will be the first one to admit that. But it gets tougher, and the loss of credibility grows larger with time, not less. So if we are honest with ourselves, honest with our constituents, and honest with our allies, it seems to me we would have the courage to make that choice today. Let us either go in and give these Contras the kind of support that they are going to need to have if they are going to prevail, or let us travel down a different road.

I suggest by the way that there is little or no likelihood that the Sandinistas are going to change fundamentally. There may be some cosmetic changes. In fact, I was surprised that some Democrats were surprised that Daniel Ortega went to Moscow. Where do my colleagues think he was going to go? Disney World?

This man is a Marxist. We should not argue about that. He is a Marxist. We know that. But it is disingenious, I believe, for those who argue that there is no way that this government is going to fundamentally change, and yet argue that, if we provide a little more money to the Contras, maybe we can get them to change or come to a negotiating table. The only way the Sandinistas are going to change to such a degree that this administration will be satisfied is if the Sandinistas are overthrown. That is the only change that is going to achieve the satisfaction of those who believe that the Sandinistas are a fundamental threat to the U.S. security interests and security interests of allies in the region. That is the only option. We are not going to get them to change otherwise. We are naive if you believe so.

So I say once again the options are either to go in and get rid of them and support actions that are likely to achieve that goal, or to seek a different path that at least may identify the real interests of the United States, to make it clear that we are prepared to defend those interests and to try to build some consensus in our allies among the regions in Western Europe so the actions we do take down the road with regard to Nicaragua may enjoy some broad-based support, and to try if we can through this Contradora process, as troublesome as it is, to come up with some answer for this part of the world that will bring long-term stability and hope for these people. We ought to get about the business of trying to do that.

What I said does not fit on a bumper sticker unfortunately. It seems to me that is the kind of foreign policy that works today. If it does not fit on a bumper sticker and you cannot say it in one sentence, do not bother bringing it up.

But I hope at least at some point before it is too late, and before we find ourselves drawn into this situation even deeper than we already are that we would listen to good friends. We should not see this as an issue of support for Marxism or nonsupport for Marxism, but as intelligent choices for the United States. I commend the President because he has made them in other places. I know it was not easy for him because of his deep-felt views about Marxism. I know he did not like raising a glass with Deng Xiaoping. I know how President Reagan has felt about him. But he did it. I know when he lifted the sanctions on Poland it was not because he thought General Jaruzelski was a great advocate of human rights or that Solidarity was no longer a problem. He made a pragmatic decision and choice. He is sitting down today with our negotiators in Geneva trying to work out a SALT or START agreement, a reduction in the proliferation of nuclear weapons.

That is not because he likes the Russians, or he likes the People's Republic of China, or that he likes the Polish Government. But he understands that you have to live in this world, you have to grapple with the problems, and you try to do it intelligently to advance our interests.

All I am suggesting today is we do here what we try to do elsewhere, that we try to look at this situation with the same kind of cold eye, the objective eye of reducing the kind of tensions and troubles that we face if we proceed in this policy.

One last point I meant to make, Mr. President, and then I will yield the floor on this. I tell my colleagues today that I am deeply concerned and worried about the immediate expansion of this conflict. By the way, the news this morning that the Nicaraguans have shot down two additional helicopters is tremendously disturbing. Those helicopters went down apparently in Honduras. I can see the situation occurring very shortly where the Nicaraguans will cross that Honduran border, or they will cross that Costa Rican border and they will use the very same argument that Israel used in June 1982 when it went into southern Lebanon—that no self-respecting nation would tolerate the existence of terrorist groups, terrorizing its people, and that they will go across that border to ferret out those pockets of terrorism. They will not stay there forever, they will tell us, but they will cross that border, and we will get that kind of provocative action. I guarantee you that the Hondurans will then call upon the United States to come in to defend their interests. Then we will have a kind of catch-22 situation. I hope that does not happen but I can see that coming. We seem to be getting closer and closer to it.

I suggest to you that despite all of the treaties that we have signed that would call upon the United States to go in to defend Hondurans or Costa Rica in that situation, that in the world court of public opinion Nicaragua would probably look like they were doing the right thing. I suspect in this country there would be a strong feeling that for us to go down to engage in a conflict with Nicaragua in that kind of a situation would not be the "right thing to do."

I see that happening. I suggest to you that if it happens it will be because we pursued a contra policy that is not getting us anywhere and that is drawing us into that kind of decision, which I suspect would do serious damage to the credibility of this country, not only in this hemisphere but throughout the globe.

Mr. President, I reserve the balance of my time at this point.

Mr. LUGAR. Mr. President, I would like to begin our side of the debate that we will have today on Nicaragua and the Contras, with an opening statement and then to address specific points which have been raised by the Senator from Connecticut.

We find ourselves, again today, debating the question of providing assistance to the armed opposition in Nicaragua. The Congress has been doing this at frequent intervals for some years now—with little to show for it in terms of contributing to the forging of effective policy. The reason for this interminable, inconclusive exercise is that we have lacked—up to the

present time—bipartisan consensus in support of a coherent administration policy. We have not been able to agree on the nature of the threat to Central America presented by the Managua regime nor on the means by which it should be confronted. Thus, we have been unable to decide what, if any, role our support of the opposition in Nicaragua ought to play in a comprehensive strategy to address the problem.

Only a strategic consensus of this nature will allow us to make the firm and binding commitments necessary for effective policy. The American body-politic is now, finally, coming to such a consensus. The amendment that will later be introduced by Senator NUNN and myself expresses this agreement and prescribes a responsible and effective way in which our support of those elements resisting the Marxist authorities in Managua can contribute to resolving both the Nicaraguan question and the challenge that it poses to our Central American policy as a whole. And I am afraid that the amendment offered by the distinguished Senator from Connecticut does not meet these criteria.

Over the past 4 years, our Central American policy has come a long way toward producing the positive results for which we all hoped. These objectives, simply stated, are stable development, peace and democracy in this troubled region. At present, the evolving situation in Nicaragua presents the single greatest remaining obstacle to achievement of these goals.

At this point it behooves us to review the record. There were clear efforts to treat normally, and even generously, with the authorities in Managua during 1979 and 1980. And the current administration, although increasingly suspicious of the ominous trends already clearly evident in Sandinista policy, attempted to come to a purely diplomatic modus vivendi with the Nicaraguan Government through most of 1981. The members of the revolutionary directorate proved obdurate, however, in their pursuit of policies aimed at institutionalizing Marxist dictatorship, subverting its neighbors, building up excessive military capabilities and forging close ties with Cuba, the Soviet bloc and the whole spectrum of terrorist organizations.

As a result, the United States began channeling assistance to armed opposition elements as a means to blunt Sandinista subversion of its neighbors, impede consolidation of a Marxist regime and provide an incentive to meaningful negotiations. This approach became increasingly controversial in a Congress that was slow to recognize the basic nature of the Nicaragua Government or to accept the need for dealing with it in these terms. Such assistance has thus been held in abeyance for more than a year now as the Congress and the administration wrestled over policy.

And what have been the results? The Managua authorities have continued along their clear course toward the institutionalization of a Marxist-totalitarian state. They have persisted in subverting and threatening their neighbors. They have escalated their arms buildup. And they have woven their ties ever tighter with the Communist powers and the international terrorist network. At the same time, the conduct of the commandantes has produced steadily growing disenchantment among the population. The opposition to the regime—both armed and unarmed—has assumed an increasingly broad-based character and now evidences the clear intention of compelling the Sandinista leadership to honor the public commitments of the revolution to democracy, peace with its neighbors, and an autonomous foreign policy.

I, for one, have seen enough of the Sandinistas to understand the nature of this regime today and the objectives which it entertains for the future. I have also come to the firm conclusion that only a change in its fundamental structure will secure the modification of its domestic and foreign policies necessary to preserve U.S. interests and those of our regional allies as well. This, in turn, will require the participation of the Nicaraguan opposition in the future political life of that nation.

The resistance has already put forth a reasonable plan for their incorporation into the political structure of Nicaragua. And the Sandinista government has thus far refused even to consider discussion of such a process—a process which I believe to be indispensable to the achievement of peace within Nicaragua and good relations between that nation and its neighbors.

But to entertain any hopes for a development of this kind we must forthrightly support the opposition. We should not be embarrassed to support forces struggling against Marxism and for the establishment of democracy in Central America. Indeed, brave individuals of this nature deserve our support. Assistance to these groups also serves U.S. interests—another consideration for which we have no reason to apologize. The armed opposition has impeded full consolidation of a Marxist government in the area and obstructed its efforts to subvert its neighbors. The existence of these groups provides the Managua authorities with their only realistic incentive to negotiate. And finally, aid to the Nicaraguan opposition sends a powerful signal of U.S. resolve to this country's allies in the region and to those in Nicaragua who are inclined to resist the consolidation of Marxist tyranny.

Prudent U.S. assistance to the democratic forces of Nicaragua and negotiations are not mutually exclusive—as some contend—but rather indispensably complementary. In the real world—and particularly with Marxists—negotiations take place only between elements with real resources behind them. The Nunn-Lugar amendment that will later be introduced supports the Contadora process and any bilateral negotiations between the United States and Nicaragua that could have productive results. But the basic negotiations that matter are between Nicaraguans themselves. There will not be peace in Nicaragua if we continue to deny even humanitarian assistance to the Contras. And there will not be stability in Central America until there is real representation of democratic elements in the political structure of Nicaragua.

This amendment of Senator NUNN and I can resolve the impasse that has afflicted our Nicaraguan policy and forge a realistic consensus that both Houses of Congress, the administration and the American people can support. It is not enough to desire or advocate democracy, negotiations, and peace in Central America. Given the importance of the region and the other forces at work there, we must be involved if our ideals are ultimately to prevail. We must demonstrate a way to construct a framework of incentives which, while encouraging negotiations, does not simply acquiesce to the aggressive and antidemocratic instincts of the Marxists.

We must have a reasonable policy—but one with substance behind it. And we must have the resolve to stand firmly behind this policy over time. The amendment before us does not meet these criteria. Our amendment, which will be offered at a later stage in the debate, does so and will suceed in forging effective policy from the consensus which I now believe finally exists with respect to Nicaragua. The amendment of Senator NUNN and I can mark a significant step toward realization of the hopes for the future of Central America that I believe all Americans share. And I earnestly urge my colleagues in this body to give it the commanding majority that will clearly demonstrate the bipartisan consensus that we have finally come to on this vitally important issue.

Let me say in respect to the amendment offered by my distinguished colleague from Connecticut, that he has presented, a departure from most analyses of the situation in Nicaragua and, for that matter, most solutions to the problems that we face with that nation. Indeed, Senator DODD has called for withdrawal of our support for the Contras and withdrawal, for that matter, of the Contras from Nicaragua—a separation, in essence.

I think in fairness to the distinguished Senator from Connecticut that his amendment needs to be recog-

nized as one which suggests that, as opposed to support of a military character, humanitarian character, or any other kind of character, he sees the issue of one as to whether we ought to be involved with the Contras—opposition forces, the freedom fighters—at all.

He has suggested that an honest opposing policy would be one that asks the Contras what they need and then the administration ought to provide those resources. In my judgment, the amendment had a second major aspect that is intriguing and certainly arguable, because it suggests that the only real problem is the possibility of Soviet presence there. Senator DODD has been forthright in his opposition to the landing of high-powered or high-tech Soviet aircraft or other munitions there and suggests that that is the real threat and one that ought to be met overtly. I suspect that a large number of Senators share his anxiety and suspicion that, in the event that such a thing occurred, we would be united in opposing it.

I think that the dilemma that many of us will find in the Senator's amendment is that it really offers us no way, in my judgment, to move toward negotiations. The incentives that are implied in Contra pressure upon the Sandinista government are removed. In a way—in a humanitarian way—the Contras are withdrawn. The money is used to try to take care of their needs as that situation is wound down. But for anybody looking for a reason why the Government of Nicaragua would negotiate, it would be hard to find at this point.

One of the intriguing things about the Dodd amendment is that he suggests that the only way the Sandinistas might change is if they are overthrown. I gather he is arguing that this Marxist regime, which he has characterized as Marxist—and suggested that those who had not seen that really should have. Mr. Ortega is a Marxist and has been, and is, espousing Marxism. But Senator DODD is suggesting also that Marxists do not change and that they do not negotiate. If we are even looking at the Contadora process for some possibility of ameliorating that rather harsh regime, bringing in political parties, freedom of the press, democratic institutions, we are likely to find that a forlorn hope, suggesting that those who really value democracy in Nicaragua—and I characterize myself as one of these—had better be prepared to overthrow that government.

Senator DODD suggests that it is a Marxist government, is going to remain a Marxist government, and that the only way you change it is to supplant it. Senator DODD is suggesting as a point of analysis that honestly, you really ought to give those who would supplant it the tools to do that, really have a civil war of sorts, and finally hope that your side prevails.

That, I think, is a breathtaking conclusion. Senator DODD's analysis of the regime may ultimately prove to be correct. There may be many people on the right and the left of the political spectrum who would agree that Marxists never change. They would hold that the regime of the Sandinistas is beyond negotiation, that despite all the protestations that they have had elections, that La Prensa still prints even with heavy censorship, it really is not a collectivized, thoroughgoing totalitarian Marxist system, but rather a Nicaraguan variety of that that is less thoroughgoing. And if, in fact, the Ortega regime will never negotiate with anyone, we have a very bleak prospect ahead of us in Nicaragua.

Even if that were the case, I would not favor the Dodd approach of simply pulling out all the support behind the freedom fighters. Nicaraguans who were part of the Sandinista revolution have every right and claim to political participation as the result of its success. I think when we talk about the Contras—and persons may come to many different characterizations of the various groups and strains that comprise them—there is in this opposition, in the freedom fighter group, a good bit of the original revolution that overthrew Somoza. In my judgment, the better elements remain—those who favor plurality political parties, freedom of speech, democratic institutions. As I indicated in my opening statement, we ought to have no apology for being in favor of those who want to bring about democratic institutions. We ought to be opposed, it seems to me, to a policy that would clearly say Nicaragua is Marxist and let us leave it alone, let us withdraw any irritants to their position. If the Marxists bring in the Soviet Union, let us strike hard and fast, but barring that, leave the Marxists to do their will.

The dilemma of this, I think, is clear. And this is the idea of "a revolution without borders" has meant just that—subversion of the neighbors—a very unhappy relationship, at least, with everybody in Central America who genuinely wants economic reform and lives in threat that bridges are going to be blown up and roads damaged and all the rest as subversive groups throughout the area are aided by the Sandinista government in Nicaragua and by the flow of goods and services through Cuba and from the Soviet Union, Eastern Europe, North Korea, and the almost United Nations group that has formed in Nicaragua to be a part of this experience.

I am hopeful that the Senate will reject the Dodd amendment because it appears to me to offer no momentum for the change that needs to happen. It clearly offers no bipartisan consensus for a policy that will stir Americans, might explain the situation to Americans or, indeed, offer us any real point of departure.

Ultimately, it is literally an appropriation or an authorization, at least at this stage, of money for withdrawal. It is literally money down the drain. I hope that this is clear to Members.

I add just one more thought because I suspect this strain will come through some of the rest of our debate. I noted yesterday as rhetoric moved into higher and higher levels in the House of Representatives that Speaker O'NEILL commented that down deep, the reason he opposes assistance of any kind to the Contras is that he believes literally that we are headed toward a war involving American troops. He sees that absolutely clearly down the trail: Therefore, he opposes assistance to the Contras because he believes in his heart that that is likely to bring that about. I respect the Speaker's analysis of this, but I respectfully suggest to him and likewise to the distinguished Senator from Connecticut that, in the event that we have nothing going for democracy in Nicaragua, we do not have people who are Nicaraguans working to obtain their freedom, working to try to keep the neighborhood from being subverted by the Sandinista government, working to keep pressure on so that the Soviets and other unwelcome influences know that they are not welcome.

If in fact we wash our hands of the Contras, offer no aid or, as in the case of the Dodd amendment, aid only for withdrawal, then we really do face a situation in which the Sandinista government will not go away and in which the problems that are a part of present circumstances remain and in which, in my judgment, the dangers to our country remain. That is not to imply that we will want to act upon that for any foreseeable time in the future. Perhaps we will simply tell our friends in Central America that we are sorry that their governments are being subverted and as revolutions occur and as emigration occurs and as many, many refugees, almost like a Vietnam boat people scenario, come to the United States, we will indicate that we are sorry all this is occurring.

But anyone who believes that simply by withdrawal, sort of an antispetic move at this point, and with the threat to the Soviets that if they land, we will do something, I think is an incorrect analysis, and that is what the debate on the Dodd amendment boils down to in my judgment.

Mr. President, I yield to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I am not going to debate the amendment, but I did want to indicate that I have had inquiries from a number of my colleagues about the schedule for the remainder of the day and week. As I indicated last evening, much depends on what happens to the bill before us today. If we can complete action on this bill today, we could turn to some matters tomorrow that are not controversial and probably would not require rollcall votes.

I would suggest that if Members have any desire to leave tomorrow, they can demonstrate that by speaking briefly today. We cannot have it both ways, but we will try to accommodate those—and there are a number of them—Members on each side who have official commitments tomorrow.

So we hope we can complete action on this bill and accommodate as many Members as we can by not having rollcall votes tomorrow, even though we will be in session and we will have legislation.

Mr. HART. Mr. President, I wonder if the Senator from Indiana will yield for a question.

Mr. LUGAR. Yes, I am happy to yield for a question.

Mr. HART. I thank the Senator. My question, Mr. President, is asked in ultimate good faith and not knowing the answer. It is not a rhetorical question.

What does the distinguished chairman of the Foreign Relations Committee think is the long-term purpose of continued nonmilitary or humanitarian assistance to the Contras? In other words, where does it lead? Where do the supporters of that position hope this situation would be in 5 years as a result of this continued nonmilitary support?

Mr. LUGAR. This Senator would hope that the assistance which may be authorized today by the Senate would lead toward negotiations—specifically negotiations among Nicaraguans, which are the most preferable kinds. Also, it would encourage the Contadora process, and even a recognition that direct negotiation between the U.S. Government and Nicaragua will be preferable to no negotiations and no progress.

It seems to me that through the humanitarian assistance route, but also the sharing of intelligence, sharing of political information—various supports that are provided in the Nunn-Lugar amendment—there is at least a holding in place of the strength of the Contra forces. Their presence is obvious, and with assistance we would hope from others in the region, from European countries, from others that might be brought into the process, a movement toward negotiations would lead to a change in the government—plurality of parties, freedom of the press, some movement of reassurance to the neighbors, some pledge of an autonomous foreign policy so that there would not be the threat of Soviet incursion in there. That, I think, is a fair statement of where we hope this would lead.

Now, the Nunn-Lugar amendment would also, however, leave open the opportunity for the President, after we have tried this process of negotation—bilateral, multilateral, or regional—if this simply is not bearing fruit, to come back to the Senate and to ask, quite frankly, for military resources for the Contras so that they might move ahead in a different way. But the contemplation at least in the near term would be to give negotiations a full opportunity while keeping the Contras in place. And, in the longer term, if this does not work, to move toward military assistance.

Mr. HART. If the Senator will yield further, it is difficult to quarrel with that hope, and certainly that policy, which I believe the vast majority of the Members of the Senate and the American public would support. I guess it is in fact the word "hope" that concerns the Senator from Colorado.

What concrete evidence does the Senator from Indiana have that in fact the administration has policies to bring those negotiations about, to the degree that it is within our power to do so? In other words, beyond "hope," how does this aid link to a leadership position of this administration, not waiting for things to happen but causing those negotiations to happen?

Mr. LUGAR. Mr. President, I think the answer to the distinguished Senator from Colorado is that the Secretary of State has at every opportunity tried to make things happen in terms of negotiation bilaterally, in the Manzanillo conferences that we have had with the Sandinista government, and also through any number of other occasions in which we have tried to shore up the Contadora process and tried to get other of our allies interested in the situation. I think we have pressed very hard. As the Secretary of State has pointed out, at some point when there does not appear to be any movement in negotiations—and our sense is that the Sandinistas have no incentive to be forthcoming—then a predicament occurs and the question is how to get things off dead center. How do you change the real politik of the situation in a way in which the Sandinistas might want to negotiate more seriously with anyone.

Mr. HART. What incentive do the Sandinistas have to negotiate under our guidance or direction when we are in fact providing the military assistance to try to overthrow them?

Mr. LUGAR. Mr. President, it seems to me that they would have every reason to want to negotiate because the fact is that a cease-fire and peace would be preferable in Nicaragua to a civil war. It clearly would be preferable for the trade embargo to be removed or other obstructions to be eliminated. In other words, there are a number of ways in which life in Nicaragua might improve, as well as the relationship of the Nicaraguan people to its Government. These pressures, it seems to me, are felt. One can argue to what extent. Some can say they are felt very much. A core Marxist group never changes. But I suppose the proponents of administration policy are more optimistic about the regime—hopeful even at this late stage that there might be some admission of an opposition and the beginnings of democratic institutions in Nicaragua.

Mr. HART. But is not the argument a little like a man in an alley who is being assaulted by another man with a club, and the man with the club assaulting him says, "I want to talk to you," as he is banging him on the head—"I want to negotiate with you, and I am going to keep hitting you until you agree to negotiate with me?"

The formulation of the Senator from Indiana and the administration seems to me to ignore a basic fact of human nature, which is something called national pride.

If a nation is under attack indirectly by the people who are saying "We want to negotiate," the first thing that nation does is defend itself and say, "Well, we are not going to negotiate under the barrel of a gun. You withdraw the gun and then you come and talk to us about negotiations." Is that not the way human nature works?

Mr. LUGAR. The Senator from Colorado is an experienced student of history. Various countries have negotiated for all sorts of reasons. I am not privy to what the Sandinistas may have determined about their future in this respect. Clearly a sense of national pride is there with that government. But I think other students of Nicaragua have noted that essentially a Marxist government is incompatible with the nature of the Nicaraguan people and that there is a friction, by definition, between the government and the populace of present. This is not as yet a totalitarian regime that has been so thoroughgoing as to have squeezed out, cell by cell and neighborhood by neighborhood, all opposition. I think it is a reasonable assumption that negotiations are still possible and, furthermore, a reasonable assumption that so long as there are Nicaraguans who have an equal claim upon the political process of Nicaragua, we ought to support them. The gist of what we are debating today is whether that is a reasonable thing to do. I believe that it is, without being able to predict the success of future negotiations.

Mr. President, let me say at this point that there are other Senators who are asking me for time. If the

Senator from Colorado will withhold for the moment, I would appreciate it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask Senator DODD if he will let me have 8 or 10 minutes.

Mr. DODD. Mr. President, if I may inquire first, how much time remains on the side of the proponents?

The PRESIDING OFFICER. Each side has 15 minutes.

Mr. DODD. I will be glad to yield to the distinguished ranking member 7 minutes of those 15.

Mr. PELL. Eight.

Mr. DODD. Eight minutes.

Mr. PELL. Mr. President, the Senate, today, has an opportunity to make a positive contribution to United States policy toward Nicaragua, an issue we have been dealing with for some time now. Needless to say, we have a formidable task and challenge.

We are being challenged to consider a policy which is much more than providing a relatively small amount of money to an insurgent force bent on overthrowing the Nicaraguan Government. We are being challenged to consider a policy dealing with the much larger and graver issue of war and peace, with stark implications for this country because of the prospect that U.S. military forces must become directly involved. Our response to this challenge ought to be to end the spiraling cycle of fighting, violence, and terror that has placed our Nation in a difficult international position. Instead of voting to continue the war, we should be constructing a policy that will contribute to peace and justice in Central America.

The key to peace in the area is held by the nations of the region themselves. The Contadora nations of Mexico, Panama, Venezuela, and Colombia have worked hard against tremendous odds to formulate a treaty that would bring lasting peace to the region by gaining commitments regarding the arms race, the presence of foreign troops, arms traffic, verification and control mechanisms, national reconciliation, and political reform. We all know by now, however, that in order for a Contadora treaty to be realized and effective, it must have the full and unfettered support of the United States. It will take more than lip service and generalized calls for peace in the region. The administration must use all possible means to convince our friends in the area that the United States is 100 percent behind the Contadora process as the best hope for peace in Central America.

A parallel vehicle for peace in the region is the mechanism of bilateral talks between the United States and Nicaragua, which were suspended by the United States. These talks, which the Nicaraguan Government believed were moving toward the improvement of relations, would have provided the direct contact necessary to resolve the very difficult issues that have developed between our two countries. These talks would be an important complement to the Contadora process.

In dealing with the amendments that are before the Senate today, I ask my colleagues to seriously consider what their votes mean in terms of war and peace in the region, the implications for direct U.S. military involvement, and the standing of the United States in the world community of nations.

Mr. President, I congratulate Senator DODD on his amendment and I am glad to be a cosponsor. It is an excellent amendment and provides strong American support for the Contadora process, authorizing $10 million to assist in bringing about a negotiated political settlement.

I think the fundamentally important point here, a basic question in considering whether or not we support the Contras, is what their role in life is.

I should like to revert for a moment to the definition of terrorism. I read the following definition:

International terrorism means activities that—

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

(2) appear to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping; and

(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished . . .

Under that definition, it seems to me that the Contras fulfill the definition of being terrorists. They are our terrorists, and we should not be shy about calling them terrorists.

The difference between a terrorist and a freedom fighter is very simple. Terrorists are indiscriminate in their targets. They kill men, women, and children and cause damage to civilian infrastructure. A freedom fighter, generally speaking, aims for military objectives.

If we look down through history, there is a difference between freedom fighters and terrorists. Obviously, very often, from the subjective viewpoint, one country's terrorists will be another country's freedom fighter, but there is a difference between the two that can generally be held.

I think that if we look at our own early history, we realize that our forebearers were not terrorists; they were freedom fighters. Throughout the years, as countries have achieved independence and have had their revolutions, there has been this difference—whether the people who have been attacked in an indiscriminate form have been civilians or whether they have been military objectives.

If something looks like a duck, waddles like a duck, and quacks like a duck, then it probably is a duck. In my view, the Contras, by this definition of terrorists, are terrorists.

We have inveighed against terrorism. Some believe it is to our advantage that our terrorists should be helped and supported. But if we truly disagree with terrorism as a means of affecting the policy of a nation's government—and that is really the purpose of terrorism—then, in my mind, we should oppose terrorism in any form, anywhere, on any continent, no matter under whose auspices, whether under our auspices or anyone else's.

For these reasons, I am glad to be a cosponsor of this amendment.

I believe we should not do anything to encourage the support for our terrorists, the Contras. In that regard, the civilian casualties of the Contras in Nicaragua as of June a year ago—the total civilian victims—were estimated to be 4,038. That is a good many. These do not include military people who have been killed.

So, for all these reasons, I think this is an excellent amendment. From the viewpoint of public opinion at home—and while we should not always be the patsy of public opinion, we should be guided by it as well as what is in our country's best interests—the American people are against U.S. support of the Contras.

According to a recent Harris survey, 58 percent of the public is opposed to sending $14 million in nonmilitary aid to the rebels.

On the trip that Daniel Ortega took, when he tried to get help from seven Communist countries—countries under Soviet domination—he also visited six countries not dominated by the Soviet Union: Sweden, Finland, Italy, France, Spain, and Yugoslavia.

In addition, Vice President Sergio Ramirez, on earlier trips to Europe visited Western European countries: Spain, Great Britain, Ireland, and France.

So we can see that Ortega was looking for help throughout Europe. I will agree that he got more help from the Soviet Union than anywhere else, and that is most deplorable and unfortunate—certainly from our viewpoint.

Mr. WILSON. Mr. President, will the Senator yield for a question?

Mr. PELL. I yield.

Mr. WILSON. It is a simple question and can be answered yes or no.

I am wondering whether or not the Senator from Rhode Island considers that the guerrillas who were undermining and subverting and, I would

say, conducting terrorism against the Government and the civilian populace of El Salvador would be characterized by the Senator as the same guerrillas who are being armed and directed from Managua as terrorists.

Mr. PELL. When they are attacking civilian targets, they are, to my mind, terrorists. If they are attacking military targets, some people might say they are freedom fighters. That is the difference between the two.

Mr. WILSON. I thank the Senator from Rhode Island.

Mr. LUGAR. Mr. President, I yield 5 minutes to the Senator from California [Mr. WILSON].

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I thank the distinguished manager of the bill.

Mr. President, in listening to my friend from Rhode Island, I was struck by what seems to me the inconsistency of a position that says that those who are freedom fighters in Nicaragua are terrorists, while those whom others would characterize as freedom fighters in El Salvador—who are indeed terrorists, armed and directed from Managua—are freedom fighters when they attack government positions.

I would not make the distinction between terrorists and freedom fighters in the same fashion. Indeed, I do not think it is very consistent to find the same person a terrorist and a freedom fighter, depending upon the target.

I will agree that innocent civilians should not be the target of military action or of terrorism. There is no justifying that, in any instance. But when the government that is being attacked, even when it is through its army that it is being attacked, is that of a freely elected democracy—that being the situation in El Salvador—you have a situation that is enormously different from that in Nicaragua, where the Government, whether Marxist or not, is a Government that seized by power or force and has governed by force.

I hope no one is persuaded that the charade that occurred there last fall was in fact the same kind of legitimate election which elected President Duarte in El Salvador. It was, instead, the kind of sham we see take place in the Soviet Union.

Mr. President, earlier today I heard my friend the Senator from Connecticut suggest that we should disassociate ourselves from freedom fighters in Nicaragua because one day the Sandinista regime in Nicaragua will use them as an excuse to cross the borders into Honduras or Costa Rica, calling them terrorists, in much the same fashion that Israel sought to protect its northern borders and its population from the terrorists attacks of the PLO, who achieved free rein of southern Lebanon.

Mr. President, what is wrong with that analysis is that it defies the truth of the difference in the situations.

The people of Israel were in fact entirely justified in going after terrorists who were marauding, who were sending rocket rounds in Israel from their base in southern Lebanon.

To equate that kind of terrorism with the sort of thing that has been going on either in Afghanistan or in Nicaragua, as freedom fighters have attempted to fight back, is to simply say that all who attack a government whether it is a freely elected government or one that is despotic and in place by force are in fact terrorists and we must equate them and, therefore, we must simply wash our hands. That simply makes no sense.

Mr. President, the people of Central America know that they cannot stand up to a Soviet-Cuban financed regime of terrorism and subversion, one that somehow does not quite transcend the bounds of the Rio Treaty because it is not open aggression, not overt aggression. But they know that ultimately their fate can be sealed unless they have some support. They are disposed to resist this revolucion santeros that the Sandinista regime seeks to export beyond its own borders, violence, subversion, and terrorism.

But I think perhaps the clearest example of the kind of help they need has been made clear in a letter of April 4, 1985, from President Duarte to President Reagan, and I know my friend from Connecticut, the sponsor of this amendment has a great admiration for President Duarte, one which I share, one that is deserved by history. He has hardly been an oligarch; rather he has been the victim of oligarchy.

Now he is a victim of an attack from beyond his borders, one that is financed and directed by Managua, one that——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WILSON. I ask for an additional 2 minutes.

Mr. LUGAR. Two minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WILSON. I thank the Chair.

In his letter, President Duarte wrote to President Reagan:

> We remain concerned as we have been for some time by the continuing flow of supplies and munitions from Nicaragua to guerrilla forces here in El Salvador which are fighting against my government and our programs of reformed democracy, reconciliation, and peace. This continuing intervention in our internal affairs is of great concern to us and we deeply appreciate any efforts which your government can take to build a broad barrier to such activities, efforts which a small country like El Salvador cannot take on its own behalf.

Mr. President, what the President of El Salvador is saying is that he needs help against the kind of subversion and guerrilla activity that is being conducted against his government. It is directed from Managua, it is supplied, it is financed with money from the Soviet Union and Cuban bloc.

To try to equate these guerrillas attacking the Duarte government with the activities of the Contras is to simply ignore the very differences in their situation. The Sandinista regime that seeks to subvert other governments through just guerrilla activity in El Salvador is the target of the Contras. If, in fact, we wash our hands, if we take the money that the Dodd measure would appropriate to get out of an association with freedom fighters, then why do we not do the same thing with the Afghans who are resisting the Red army in Afghanistan? Because, Mr. President, there is a fundamental difference. The truth is the Afghans are resisting an invader who has taken their land by force, and the same thing is true in Nicaragua, though the invader happens to be not the Red army but the Sandinistas.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana,

Mr. LUGAR. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair. Mr. President, I am going to try to stay within the 5 minutes and make four or five points.

First, at the heart of each of these amendments is the issue of who is at fault for what is going on. The Senator from Connecticut referred to the two helicopters that were shot down and that will lead us into an endless debate about who started it, who is perpetuating it, and who is at fault.

The reality is that you cannot blame the U.S. involvement except indirectly in the specific acts of violence that are taking place because we have not had a presence in Nicaragua since we stood on this floor a year ago debating whether or not to continue support for an alleged covert action.

I think the reality is, and I was in Costa Rica on Friday at 2:20 in the afternoon when two of the civil guards were killed on the border, is now that the Nicaraguan issue is Nicaraguan and Nicaragua. And the role that we play here is in danger of becoming superficial to that issue.

The Sandinistas have been killing El Savadorans indirectly for at least 5 years. They are now in the process of killing Hondurans and Costa Ricans in a very direct kind of a sense. Yes, mixed into the reality of why they are doing the killing, in the case of the Salvadorans it has something to do with popular revolution in El Salvador which I think is successful but they are still feeding the killing and I think it has something to do with El Salva-

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doran people in FDN need to be attacked from Honduran or Costa Rican territory so you can indirectly find some play somewhere else.

But the reality is it is Nicaraguan against Nicaraguan today and it is in a setting of Central American setting much more than it is an east-west or north-south kind of a setting.

I would reply in elaboration of the question of the Senator from Colorado about the long range. The long range in Nicaragua is democracy. That is the issue that we ought to be debating here today. The difficult question is who are the democrats? I do not mean in the sense of the folks across the aisle. But who are the democrats in Nicaragua?

I originally opposed any involvement down there because I know there would be a day when we would be wrestling with who the true democrats are.

The reality is today, and I met with some of these people while I was there, the leadership on the democratic side in Nicaragua will come from a large and enlarging group headed up by the triple-A. The triple-A include Arturo Cruz, Alfonso Robelo, and Adolfo Calero. All first names start with "A". That is how they get to be the triple-A. It is their task to take political charge of an effort which was at best missed in the military sense.

They told me last weekend, "Whatever you do in your resolution next week make sure that the democratic resistance, the democratic revolution in Nicaragua, if it is armed with support from the United States that support includes a condemnation of atrocity terrorism, indiscriminate killing of civilians, and so forth, on the part of people in the democratic resistance." They are taking charge of the democratic side.

They are doing it because the reality throughout Central America is that this is no longer a U.S. national security problem. It is a national security problem for Central America.

The reality is that six Central American countries cannot exist with a dictatorship in its heart. The heart of Central America has always been a democracy. It has been stifled for years and years with the help of the United States.

Today democracy is alive and well in those countries and in every country except Nicaragua.

There is a grafitti all over San Jose, Costa Rica which is in Spanish "Comandantes lo mismo que Somocistas" and that says the commandantes are all Somocistas.

It is common consensus in Central America that all we have accomplished, all the Costa Ricans accomplished, with all of that support that they gave to the anti-Somoza forces, all they did was trade a military dictatorship of one for a military dictatorship of nine. That is the heart of the issue. It is not the U.S. policy as much as it is the future of Central America.

My distinguished colleague from Rhode Island referred to the Gallup Poll in the United States about support for U.S. involvement in Central America.

The PRESIDING OFFICER. The Senator will suspend. His 5 minutes have expired.

Mr. DURENBERGER. I ask unanimous consent that I be allowed to continue for 2 minutes.

Mr. LUGAR. How much time remains on this side?

The PRESIDING OFFICER. Two minutes.

Mr. LUGAR. Two minutes.

Mr. DURENBERGER. I will take 1 minute.

Mr. LUGAR. All right.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. DURENBERGER. Mr. President, in this poll taken in Costa Rica by the Gallup organization just in the last couple of months "Do you consider Nicaragua a significant threat to peace in Costa Rica?" Ninety-eight percent of the Costa Ricans said yes.

"Do you consider it necessary to improve the capability of the Costa Rican civil guard to deter the threat from Nicaragua?" Eighty-eight percent of 1,500 sampled Costa Ricans said yes.

So we can debate U.S. national security policy around this amendment forever. We will not get to the heart of the problem. The problem is the future of Central America, the future of democracy, and the reality of "Comandantes lo mismo que Somocistas."

Mr. LUGAR. Mr. President, we have but 1 minute remaining. I will simply indicate that I believe sufficient reasons have been given for Senators to vote against the amendment. Keep in mind the Nunn-Lugar amendment coming along the trail later on today which, in my judgment, offers a better foreign policy for our country.

I yield back any remaining time that we have.

Mr. DODD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 9 minutes remaining.

Mr. DODD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I do not anticipate using the entire 8 or 9 minutes remaining to me at all. I do not have any additional requests for time on this side so I will try to respond, if I can, to some of the comments that have been made since I proposed the amendment in my opening remarks.

First of all, with regard to the likelihood of the Sandinistas changing any of their policies at all, my good friend and chairman from the State of Indiana, Senator LUGAR, indicated what I was suggesting was that there is no hope at all.

What I was trying to point out is that if your stated goals have been to reduce the size of the Nicaraguan military, to improve democratic institutions from within, and to at least lessen the credibility of the Sandinistas internationally, that over the past 4 years, with the expenditure of a large amount of money in support of the Contra operation, we have not reached those goals.

We are not talking about hopes and wishes and what our feelings are about, as I mentioned earlier, members of the Contras who are tremendously sympathetic because of what they are trying to do. I am asking my colleagues here to make a choice about what makes sense for us. This is not just a question of wishing or hoping is it going to work. My response is it is not. Is it in our interest to continue a policy that is doing more harm than good? If one can stand up here and tell me how, as a result of what we have done in the last 4 years, Nicaragua is reducing its military buildup, it is moving to institute some of the democratic reforms and promises it promised prior to the overthrow of Somoza, I would be willing to listen to why we ought to continue to support the Contras.

But, if you get the opposite effect, it seems to me we ought to have enough common sense to say, "Let's try something else." Either that or give the Contras the type of aid they need to do their job. I hear my colleagues say they deserve our support. If they deserve our support, why not give them support? We are going to argue about jeeps and band-aids and the United Nations and the Red Cross. If they qualify, give them help. If it is not working, we should try something else and we ought to have enough honesty and integrity to say that, as well.

On the question of comparing this, my good friend from California suggested that there were some differences between the Nicaraguans and the Israelis. Of course, there are. I was not drawing the comparison to the extent of two governments that are reflective of each other in their policy. The comparison I was drawing was the reaction of the Israelis to the problems as they perceived them and we perceived them in their northern borders and the southern part of Lebanon. What the Nicaraguans can point to is their problems on their northern border and the southern part of Honduras. And in that court of international public opinion, I would suspect today that the Nicaraguans would

enjoy far more support in crossing that border to deal with that problem than they would have 2 years ago, 3 years ago, or 4 years ago; that today they would appear to be operating under the color of right, protecting their sovereignty.

That is where the comparison begins and ends, not over the legitimacies of the two governments or whether or not you like the two governments or not, but whether or not they are going to appear as doing that which was in their self-interest to protect their sovereignty. That is the extent of the comparison.

The Gallup and other polls and so forth that people talk about, I wish the work word "polls" never enter the debates around here, and they do too often. If we are deciding that we are going to set our foreign policies based on polling data, God help us. It is bad enough as it is. We start talking about whether or not 51 percent of the people like this policy or 49 percent do not. It is hard enough to try and fashion something, but if we start doing it based on polls every day to determine where a popular opinion is then we are in far more trouble than I imagined.

So I hope we would keep polling data as far removed from the debates as possible. If it is the right thing to do, then we ought to do it. If it is the wrong thing to do, then, regardless of the amount of public support it would apear to have, we ought to try something else.

Again, Mr. President, let me just conclude by saying that I realize what I am offering here is a position that is quite different from what else we will debate today. But it seems to me it is the central question. Does this policy make sense for us? Is it working for us or is it not?

Unfortunately, we will spend the rest of the day, and I suspect what we will adopt here will be adopted in the House, on some very nice little package that will be very appealing to all of our constituencies back home: "We are giving aid to the Contras, but I promise you we are not going to give them anything to fight the fight with. We are going to give them band-aids and trucks and jeeps and we are going to do it through the Red Cross, the United Nations, AID, or the CIA, or delivered in some neutral way by someone who will never be seen. Don't worry about it."

That is what we are going to argue, not whether or not this policy makes sense. If it does, give it the kind of support it deserves. If it does not, then try something else.

Mr. President, I thank my colleague from Indiana for his gracious comments about this effort. I would just say, in conclusion, that we will be back at this choice. I hope that will not be the case, but I will tell you at some point we are going to come back here to this choice, whether it is in 5 months, 4 months, or a year. We will be back here on this point. I hope we would make it sooner rather than later.

Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER (Mr. GOLDWATER). All time has been yielded back. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I also announce that the Senator from North Carolina [Mr. EAST] is absent due to illness.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 17, nays 79, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—17

Burdick	Kennedy	Metzenbaum
Cranston	Kerry	Pell
Dodd	Leahy	Riegle
Harkin	Levin	Sarbanes
Hart	Matsunaga	Weicker
Hatfield	Melcher	

NAYS—79

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baucus	Gore	Nunn
Bentsen	Gorton	Packwood
Biden	Gramm	Pressler
Bingaman	Grassley	Proxmire
Boren	Hatch	Pryor
Boschwitz	Hawkins	Quayle
Bradley	Hecht	Rockefeller
Bumpers	Heflin	Roth
Byrd	Heinz	Rudman
Chafee	Helms	Sasser
Chiles	Hollings	Simon
Cochran	Humphrey	Simpson
Cohen	Johnston	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stennis
DeConcini	Lautenberg	Stevens
Dixon	Laxalt	Symms
Dole	Long	Thurmond
Domenici	Lugar	Trible
Durenberger	Mathias	Warner
Eagleton	Mattingly	Wilson
Evans	McClure	Zorinsky
Exon	McConnell	
Ford	Mitchell	

NOT VOTING—4

Denton	Inouye
East	Wallop

So the amendment (No. 271) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 272

(Purpose: To urge the United States to resume bilateral relations with the government of Nicaragua, and to prohibit the introduction of Armed Forecs of the United States into or over Nicaragua)

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment for himself and Mr. HATFIELD numbered 272.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following sections:

BILATERAL NEGOTIATIONS BETWEEN THE UNITED STATES AND THE GOVERNMENT OF NICARAGUA

SEC. . It is the sense of Congress that the United States should resume bilateral negotiations with the government of Nicaragua.

LIMITATIONS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. . (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for the purpose of introducing Armed Forces of the United States into or over the territory or waters of Nicaragua for combat.

(b) As used in this section, the term "combat" means the introduction of Armed Forces of the United States for the purpose of delivering weapons fire upon an enemy.

(c) This section does not apply with respect to an introduction of the Armed Forces of the United States into or over Nicaragua for combat if—

(1) the Congress has declared war; or

(2) the Congress has enacted specific authorization for such introduction, which authorization may be expedited in accordance with those expedited procedures set forth in Section 8066 of the Department of Defense Authorizations Act (1985), Public Law 98-473; or

(3) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, provide necessary protection for, the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I asked for a division of the amendment as indicated on the amendment. The first division is on the section on bilateral talks between the United States and Nicaragua. The second division is on the introduction of U.S. combat troops in Nicaragua.

The PRESIDING OFFICER. The Senator has a right to divide the amendment. The amendment is so divided.

Mr. KENNEDY. Parliamentary inquiry, Mr. President. Do we have the yeas and nays on both?

The PRESIDING OFFICER. The yeas and nays having been authorized for the division, it applies to both.

Mr. KENNEDY. Mr. President, there are two parts of this amendment, one dealing with the bilateral negotiations and the second with regard to combat troops.

The distinguished Senator from Oregon is a cosponsor of the provisions dealing with the combat troops, and I will be glad to yield to the Senator to address that particular issue if he would so like at this time. And then I will make the presentation with regard to both sections of the amendment.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Senator from Massachusetts.

Mr. President, I rise to support the entire amendment as offered by the Senator from Massachusetts and myself, but I would like to make a few remarks at this time relating to that section that addresses the question of the introduction of American troops.

Frequently, we hear the Members of this body and others say that there are no parallels between the American involvement in Central America and the American involvement in the war in Vietnam.

Obviously, there are definite dissimilarities between those two actions and policies, but there are also some irrefutable similarities. One of them, I fear, is one that can happen in such a subtle way that we are caught unaware. It was in this fashion that we found ourselves in the longest war in American history, a war that was never declared, a Presidential war that was supported by the Congress. Why that occurred was, of course, subject to many interpretations, but I think one of them was because the Congress ducked its responsibility. It was a congressional responsibility from the very beginning. We failed to draw a distinction between a Presidential military response that has always been considered valid, which is to introduce military force to defend an immediate threat to the United States or its citizens and the introduction of U.S. troops to conduct war without acknowledging that it actually is a war. Thomas Jefferson established the precedent for the former option very clearly under the African pirate case. But certainly the war we fought in Vietnam was not such a case, and the Congress never did stand up to its responsibility to officially make a declaration of war.

What this amendment proposes to do is simply require that there be a congressional authorization or a declaration of war before American troops are sent to Nicaragua.

Mr. President, 2 or 3 years ago I addressed this Chamber in terms of my concern about that possibility. I did not want to see the nightmare of Vietnam repeated in the case of Central America. No one thought that it was a very serious concern to be expressed at that time. I think it is very interesting that the New York Times carried a front-page story in which they conducted almost 50 interviews with officials from various sources indicating that discussion of the invasion of Nicaragua has been commonplace in this administration—discussions of the invasion of Nicaragua. I think there are some people who would like the discussion to become a bit more commonplace. I think we have to be aware that this possibility is not a way out. We are not engaging in some kind of theoretical accusation. Nor was there one being made 3 years ago.

When we create the image of a threat to America by this little Central America republic today, we are also creating a responsibility that will ultimately be ours to destroy it. And if the forces that are operating there today cannot demonstrate capability to destroy it, then we have no other option but to introduce our own forces to "destroy this great threat to the American Republic."

Now, in the debate in April we had a hate-in—everybody said, "I hate the Sandinistas more than you do. I just hate them differently." It was very interesting to watch the debate at that time on the floor. We had all kinds of suggestions: "We want to exhaust all the economic and diplomatic 'hate' options before we go with the military option."

Virtually everybody was willing to create a monster which we could destroy later, and the administration helped us along with trade sanctions. Then Ortega helped us along a great deal with his trip to Moscow—one of the dumbest things I ever saw pulled on any political stage. If stupidity were sufficient reason to set the stage for war, then Mr. Ortega deserves war, one might say, but the problem is that it will not be Mr. Ortega who will pay the price; it will be the peasants in the countryside, and the 14-year-old children the Sandinistas parade around in uniforms carrying guns, as reprehensible a regime that it may be. But before we try to destroy the monster we are urgently creating, let us make sure that the American people agree.

I do not want to get into one of those situations again where Members of Congress ran around the countryside after it was too late trying to say, "Well, this is President Johnson's war." Of course it was President Johnson's war, because you had a gutless Congress that did not stand up to its congressional responsibility. But that in no way justifies it nor did that sanctify the war. It merely made it more reprehensible because it was such an unwinnable one. Mr. President, when we debated this issue in late April I said that what we do or do not do today affects the unfolding caricature of the Nicaraguan regime. I said that our responsibility is immense, because the mark we make on that caricature through our actions will go far in determining whether it will be necessary to send American troops to war tomorrow. To the extent that the caricature of that society is still unfolding, I believe, Mr. President, we virtually guarantee that our most sinister suspicions will be validated every time we fail to embrace opportunities to change it. I also said that everyone here who talks of a totalitarian, Leninist-Marxist, Soviet beachhead in Nicaragua better know exactly what he or she is talking about because, if a majority of us are convinced of that now and act accordingly, we are going to have it. We are going to have it as sure as we are going to have to stop it one day in order to save face. We better be careful about that before we cross that xenophobic threshold.

I still feel that these perceptions are not only valid, but that they have taken on certain new authenticity as a result of these reports of discussion about invasion going on within the officialdom of our Government.

I think we also have to realize, Mr. President, that as we ask for this amendment to be adopted, we are not in any way blazing the trail for any new policy or any new proposal or any strange doctrine. I am merely asking along with my colleague from Massachusetts that we underscore and reemphasize the congressional constitutional responsibility. All we are suggesting in this amendment is that we reaffirm our basic commitment to the Constitution. That Constitution states very clearly that, it shall be the responsibility of the Congress of the United States to make a declaration of war before American troops are introduced into military action. We must realize that once those troops are introduced, with or without our authority, the President of the United States is still the Commander in Chief and he prosecutes the war.

I am not suggesting that we take on the Commander in Chief's responsibility. We are simply reaffirming our

constitutional responsibility to take a specific action, prior to the introduction of American troops into Nicaragua. We do not say El Salvador. We do not say Honduras. We do not say Costa Rica. We do not say Guatemala. We say Nicaragua. That is the essential purpose of this amendment. It is a simple reaffirmation of our constitutional responsibility.

Mr. KENNEDY. Mr. President, this amendment is in two parts; the first part expresses the sense of Congresss that the United States should resume bilateral negotiations with the Government of Nicaragua; the second part sets forth language similar to that which appears in the foreign aid package that was passed by the House Foreign Affairs Committee prohibiting the introduction of U.S. combat troops in or over Nicaragua without prior approval of Congress.

I will deal with the first part of this amendment first.

Last June, Secretary of State Shultz met with Daniel Ortega in Managua. At that time, the American people were told that the United States would begin to conduct discussions directly with the Government of Nicaragua. Many critics of the administration suggested that this initiative was politically motivated, that President Reagan had only agreed to bilateral discussions with the Sandinistas as part of his campaign for reelection, and that as soon as the American election was over, the talks would be halted.

But there were those of us who applauded the President's decison. We had argued that military force should be a policy of last resort. We had contended that the United States should explore and exhaust diplomatic and political avenues for resolving our differences with the Sandinistas, and that we should do this before resorting to direct military pressure. There were those of us who saw Secretary Schultz's trip to Managua and the talks that grew out of that trip as a promising step forward, a hopeful sign that, once the two parties began talking together directly, progress might be made—not only in resolving differences between Nicaragua and the United States but also in dealing with some of the obstacles that still stood in the path of a Contadora agreement.

And so we supported the talks that ensued at Manzanillo. Those discussions seemed promising. Both parties sent experienced and high-level diplomats to conduct the negotiations, and both parties were careful to keep the contents of their discussions out of the newspapers. The meetings went forward over the summer, into the fall, and on into the winter. After the June 2, 1984, meeting between Shultz and Ortega at the airport in Managua, the parties sent their respective delegations to Manzanillo, Mexico for the first set of discussions on June 25-26. Thereafter, the delegations met on July 16 in Atlanta and then again on six other occasions in Manzanillo between the end of July and November 20. The last set of meetings occurred on December 10-11, 1984. Thereafter the American delegation announced that it would not return to Manzanillo for the January meetings and that the talks would be suspended.

There were those who expressed a certain cynicism about the decision to withdraw from the Manzanillo talks, pointing to the fact that the talks were initiated 4 months before the Presidential election in the United States and were then halted just 1 month after President Reagan was reelected. The decision to halt these negotiations was all the more disappointing when we learned that the administration also wanted Congress to send $14 million in additional military assistance to the Contras. It appeared to many of us that we had returned to the mistaken policies of the past and that what should have been the course of last resort—the military option—was actually this administration's preferred policy. We then learned, directly from President Reagan himself, that it was the policy of the United States of America to make the Sandinistas "cry uncle" and to "replace" the Sandinistas with a "new structure." It is understandable that this administration might be reluctant to negotiate directly with a government that it is seeking to overthrow, and—in the context of the administration's decision openly to announce its intention of overthowing the Sandinistas—I can understand why the President would decide to call off the Manzanillo talks.

But there are those of us who still believe that the United States of America should not be in the business of overthrowing governments that we do not like. There are those of us who think it is wrong under international law and wrong morally for the United States to interfere in the internal affairs of another country the way we have been interfering in the internal affairs of Nicaragua. We still believe that the United States should turn to the military option only as a last resort, when our own national security interests are clearly at stake, when our citizens are in danger or when our treaty obligations require us to do so. In the absence of those circumstances, we believe that diplomatic and political and other avenues of influence should be used before resorting to armed force.

This amendment is very simple. It states clearly and unequivocally that it is the sense of Congress that President Reagan should direct Secretary of State Shultz to return to the negotiating table with Nicaragua, to explore ways in which our differences might be worked out peacefully, and to exhaust diplomatic and political avenues.

Recently there was a hopeful sign that the United States might be contemplating a return to the Manzanillo talks. On May 11, 2 weeks before Congress went into recess, the Security Council introduced a resolution condemning the U.S. trade embargo of Nicaragua and calling on the United States to resume talks with the Nicaraguan Government. Of the 16 paragraphs contained in that resolution, the United States vetoed those 3 that dealt with the trade embargo but abstained on the paragraph that called on the United States and Nicaragua to resume the suspended talks that had begun in Manzanillo. After the debate, U.S. Ambassador Jose S. Sorzano said that the United States was "not against a dialog" with Nicaragua. I believe that Congress should go on record in support of such a dialog.

At a time when Secretary of State Shultz meets and talks with Foreign Minister Gromyko, at a time when President Reagan has expressed his desire to meet and talk with Mr. Gorbachev, at a time when an American delegation is meeting and talking with a Soviet delegation in Geneva, at a time when the nations of the Contadora group are meeting and talking in a persistent and determined effort to resolve the conflicts in Central America by way of a comprehensive regional agreement, at a time when the United States has even negotiated with Mr. Castro about the return of some of those who had entered the United States from Mariel Bay, to get them returned to Cuba, surely it is not too much to ask the U.S. Government to open direct discussions with the Government of Nicaragua.

Mr. President, all we are asking, is for this administration to "give peace a chance" and to return to the negotiating table. I urge my fellow Senators to support this part of the amendment.

Mr. President, I say to the chairman of the Foreign Relations Committee that I would be glad to discuss the second part of the amendment if he would prefer, and then we could have a discussion on either part following that, or we could talk about the first part.

Mr. LUGAR. If the Senator will proceed with the discussion of the second part, that is my preference, and I will attempt to discuss both parts.

Mr. KENNEDY. Mr. President, as the Senator from Oregon has pointed out, the second section of my amendment, if enacted, will prohibit the introduction of U.S. combat troops into Nicaragua without advance approval of Congress, except in a situation where the President determines that U.S. combat troops must be sent to meet a clear and present danger of

attack upon the United States, its territories or possessions, to provide protection for U.S. Government personnel or citizens, or where Congress has declared war.

This is not the first time that the Senate has debated this question, but I hope it will be the last. At long last, we should respond to the concerns of the American people and send a clear message to this administration: We do not want to slip-slide into a war in Central America without full consultation with Congress, and we should not send American boys to fight and die in the jungles of Central America unless and until Congress and the American people have had a chance to be heard.

I am offering this amendment today because of the mounting evidence that this administration is preparing to send U.S. combat troops to Nicaragua to finish what the Contras have started. On May 23, in a speech before the American Bar Association in Washington, DC., Secretary of State Shultz warned Members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "They are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of U.S. combat troops."

On April 17, the New York Times cited a classified report from the White House to Congress in which the administration stated that it has, for the time being, ruled out "direct application of U.S. military force" in Nicaragua but warned that this course "must realistically be recognized as an eventual option given our stakes in the region, if other policy alternatives fail."

According to the Times:

The document contended that only direct pressure brought by expanded rebel forces fighting on Nicaragua's northern and southern borders could force the Sandinistas to accept United States demands.

The document went on to state that, in order to "create real pressure on the Government of Nicaragua," it would be necessary for Congress to appropriate funds for a 20,000- to 25,000-man force in the north and a 5,000- to 10,000-man force in the south.

Thus, we see that it is the best assessment of the White House that it will take no less than 25,000 to 30,000 men to create real pressure on Nicaragua" and, says the White House, if this policy option fails, sending U.S. troops "must realistically be recognized as an option given our stakes in the region."

I ask unanimous consent to print the April 17 New York Times article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 17, 1985]

A LARGER FORCE OF LATIN REBELS SOUGHT BY UNITED STATES

(By Hedrick Smith)

WASHINGTON, April 16.—The White House, pressing for $14 million in aid for Nicaraguan rebels, has told Congress that it wants to expand the size of the insurgent forces to put more pressure on the Nicaraguan Government.

A document sent to two Congressional committees said the Administration had for now ruled out "direct application of U.S. military force" but warned that this course "must realistically be recognized as an eventual option, given our stakes in the region, if other policy alternatives fail."

Publicly, President Reagan has given no indication of any plan to expand guerrilla forces. Talking to trade association lobbyists at a White House gathering today, he accused Congress of being "paralyzed over a mere $14 million in humanitarian aid."

REPERSENTATIVE MICHEL URGES COMPROMISE

Previously, Mr. Reagan had said that if the money were approved, humanitarian aid would be provided to the rebels during a 60-day cease-fire. He said it would then be shifted to military aid if the Sandinista Government did not reach a peace settlement with the rebels in that period.

Reflecting the tough battle expected over the President's request, the Republican leader in the House, Robert H. Michel of Illinois, urged Mr. Reagan today to be ready to compromise. His advice came as proponents of the aid argued on Capitol Hill that it was needed for national security.

DIRECT PRESSURE ON SANDINISTAS

The Administration objective was described in the 22-page document marked "top secret" that was delivered by the White House to Congressional appropriations committees and later made available to The New York Times.

The document indicated that the Administration was moving on two levels. Publicly, negotiations are being cast as the first priority. But the document contended that only the direct pressure brought by expanded rebel forces fighting on Nicaragua's northern and southern borders could force the Sandinistas to accept United States demands.

"Assistance provided to the Nicaraguan democratic opposition will be structured so as to increase the size and effectiveness of its insurgent forces to a point where their pressure convinces the Sandinista leadership that it has no alternative but to pursue a course of moderation," including major political concessions, the White House report to Congress said.

The President's "determination," or official request and justification to Congress for funds, set out the objective of resuming aid "at levels sufficient to create real pressure on the Government of Nicaragua (20,000- to 25,000-man insurgent force in the north and 5,000- to 10,000-man force in the south)."

Administration officials now estimate that the Nicaraguan Democratic Force has 15,000 guerrillas fighting from bases in Honduras on Nicaragua's northern border and that the Revolutionary Democratic Alliance has 5,000 guerrillas fighting along Nicaragua's southern border with Costa Rica.

Presenting the rationale for the Administration strategy of aiding Nicaraguan rebels, the White House document contended that the alternative would be an expensive and doubtful strategy of "containment" against Nicaragua. The containment strategy, it contended, could raise the cost of American economic and military aid programs in Central America from a current level of $1.2 billion a year to as much as $4 billion to $5 billion a year "for the immediate future."

"The containment approach is obviously deficient in that it is passive and does not contemplate changes in Sandinista behavior," the White House contended. "Only major direct pressure can induce change."

Government sources said the document was delivered to Congress by the White House Congressional liaison office late on April 3, the day before President Reagan publicly unveiled his cease-fire proposal but after Mr. Michel had been informed of that plan. Its delivery formally set off Congressional consideration of the aid request.

DECLASSIFIED VERSION OF DOCUMENT

The White House put out a 16-page declassified version of the document today. It contained some of the same general material but excised any references to expanding the guerrilla forces, the Central Intelligence Agency operations or the role of third countries.

Roughly $80 million in formerly covert aid to the rebels, channeled through the C.I.A., was cut off by the House last May. A later effort to revive it was delayed by Congress last fall, setting up votes this spring.

The first Congressional action will come Thursday at hearings of the defense appropriations subcommittees of both houses. The chairman of the House subcommittee is Representative Joseph P. Addabbo of Queens, a foe of aid to the rebels. The chairman of the Senate subcommittee will be James A. McClure of Idaho, a leading supporter of the Administration on this issue.

The Administration's official report to Congress, titled "U.S. Support for the Democratic Resistance Movement in Nicaragua," enumerated guidelines for the "management of the program," including "a small U.S. advisory team" that would "maintain direct contact" with Nicaraguan rebel leaders.

ROLE OF THE C.I.A.

Although Congressional sources have said that in the past some American C.I.A. agents had entered Nicaragua with rebel groups, the latest White House document pledged that C.I.A. staff members and contract personnel would not enter Nicaragua or "participate in military or paramilitary operations of any kind."

"U.S. presence will be limited to a small group of C.I.A. advisers outside Nicaragua whose function will be to provide intelligence, limited tactical advice based on that intelligence and logistical guidance," the document said.

Mr. KENNEDY. Most recently, in a lengthy report in the June 4 edition of the New York Times, Government officials are quoted as saying that a U.S. invasion of Nicaragua is now militarily feasible. In the words of one official, an invasion of Nicaragua by the United States would be "like falling off a log * * * (T)hey'd never know what hit them." According to this Times report, Col. William C. Comee, Jr., the director of operations at Southern Command, has estimated that it would take the United States 2 weeks to gain control of 60 percent of the Nicaraguan population. Another U.S. official predicted that, in the

event of intervention by the United States, "the Nicaraguan people would rise up in support of an American invasion and that neighboring armies would assist the United States eagerly."

I ask unanimous consent to print the June 4 Times article as well as a related article on June 5 at this point in the RECORD.

[From the New York Times, June 4, 1985]

U.S. MILITARY IS TERMED PREPARED FOR ANY MOVE AGAINST NICARAGUA

(The following article is based on reporting by Bill Keller and Joel Brinkley and was written by Mr. Keller.)

PANAMA.—In the last two years, the United States Southern Command, from its tropical hilltop headquarters here, has presided over the establishment of a sophisticated military apparatus in Central America.

While President Reagan and his top advisers say the use of American military force in the region is an unlikely and undersirable last resort, the military is prepared for contingencies, according to military officers and diplomats in Washington and Central America. Authorities say this has been accomplished with a vigorous tempo of war games, construction of staging areas and listening posts, the creation of an elaborate intelligence network and a major effort to fortify allied armies.

The United States military presence, once devoted almost exclusively to defending the Panama Canal, was expanded in the name of protecting stability throughout Latin America. More recently, the officials say, its focus has narrowed on Nicaragua, which the Reagan Administration believes is the main threat to peace in Central America.

The military officers and diplomats said in interviews that the buildup of the Southern Command, one of six global subdivisions of the American military, is now largely complete and that it is adequate to carry out any likely emergency in the region.

These officials also challenged what they called the apparently popular belief that if the United States was drawn into direct military involvement in Central America, it would inevitably lead to a Vietnam-style quagmire.

"LIKE FALLING OFF A LOG"

According to American military and intelligence assessments presented at the highest levels of the Government, the United States could quickly and easily rout the Sandinistas who govern Nicaragua.

An intelligence official whose opinions have been solicited by members of the National Security Council said that an invasion of Nicaragua was undesirable "from a propaganda point of view," but that if it became necessary it would be "like falling off a log."

As Congress begins another round of debate over how to deal with Nicaragua, both supporters and opponents of Administration policies are examining the military options embodied in the Southern Command with renewed interest.

One reason is that the Administration has begun talking more openly about the risk of American military involvement if Congress continues to foreclose less drastic measures, such as renewed military aid to the United States-backed Nicaraguan rebels seeking the overthrow of the Sandinista Government.

Moreover, United States and Central American officials say, the unpredictable behavior of the Nicaraguan Government could increase the likelihood of American involvement at any time.

PRUDENT, OFFICIALS SAY

American military officials say the activities at the Southern Command is prudent preparation for such dangers.

"I can say with some confidence that the exercises have provided us with a significantly improved capability to operate in the region," said Col. Charles Pearcy, who heads the command's task force in Honduras.

Some critics, on the other hand, have long seen the muscle-flexing at the Southern Command in a more ominous light.

Eugene J. Carroll Jr., a retired admiral who is director of the Center for Defense Information, a group often critical of the Pentagon, wrote last year that "accelerating U.S. military preparations" in Central America "suggest that the decision has already been made by President Reagan to send U.S. troops into Nicaragua."

House Speaker Thomas P. O'Neill Jr., brushing aside the President's consistent statements that he is determined to avoid sending combat troops to Central America, said in April, "I've said all along that I don't think the President of the United States will be happy until American troops are down there."

THE COMMAND'S MISSION

The decision to use military force would be made in Washington, but the preparation and execution are the responsibility of the Southern Command, known as Southcom.

The headquarters, a cluster of neat frame buildings under coconut trees, has changed little in size or appearance since a few years ago when the command, in the words of its spokesman, Col. William C. Hansen, was "one of those final assignments" on the way to retirement.

But in 1983 the Southern Commands' importance began growing in earnest. That year the Administration, fighting one anti-Government insurgency in El Salvador while underwriting another in Nicaragua, without fanfare rewrote the command's mission statement.

Once assigned primarily to defending the Panama Canal, the command was committed, among other responsibilities, to "counter Soviet and Cuban militarization and other destabilization undertakings."

"There would not even be a United States Southern Command today, I am convinced, had it not been for the propensity of these Marxist-Leninists to pursue their own goals, ignoring the aspirations and needs of their own peoples" in Central America, Gen. Paul F. Gorman, the head of Southern Command, told the Senate Armed Services Committee in February, a few days before he retired.

THE CHANGES ARE MADE

General Gorman is widely considered responsible for changing the command to suit its new mission.

"When I came to Panama two years ago, I found an Army component very well designed to defend the Panama Canal against brawlers and rioters, but ill suited for supporting allies in the region," he told the Senate committee. He promptly disbanded the Army's canal-oriented mechanized infantry unit and sent to Washington for experts in intelligence, communications aviation, medicine and construction.

Within a year of General Gorman's arrival, Southern Command had begun to build or enlarge eight airfields in Honduras, using engineering battalions brought in for military exercises. A member of the Senate Intelligence Committee who has toured the installations recently described them as "a pretty sophisticated staging area."

At Palmerola, in the central highlands west of Tegucigalpa, the largest airstrip was dedicated last February. The 8,000-foot, lighted, all-weather runway shimmers like a mirage in the midst of a sprawling military town of wood huts, camouflaged antiaircraft emplacements and repair shops. It can handle any plane the United States military owns, including jumbo C-5 and C-141 transports and high performance fighter planes.

VERSATILE PLANE SOUGHT

Palmerola is home for Joint Task Force Bravo, the American operating arm in Honduras, established in 1983 to train Hondurans, build and maintain shared facilities, organize war games and assist American military missions in the area.

In the last year the buildup has continued. The fiscal 1986 budget, for example, calls for moving to Southern Command a detachment of C-7 Caribou planes, a plane of 1960's vintage that can land on tiny, undeveloped airstrips. General Gorman told the Senate that, whereas 30 airfields in Central America can handle C-130 cargo planes, the little Caribou can deliver troops or materiel to some 900 locations.

Much of the more recent activity at Southern Command is not visible at all, involving intelligence-gathering.

In his testimony, General Gorman said that he had built "a very close working relationship with the entire intelligence community" and that he met constantly with Central Intelligence Agency station chiefs in his region.

A Congressional source said that within the last several months the National Security Agency had installed "the best technology we've got" at electronic eavesdropping posts on Tiger Island, in the Gulf of Fonseca near Nicaragua, and other locations.

SUPPLIES OF FUEL IN PLACE

The military has been thwarted by Congress in some of its more ambitious proposals, including a plan for storing bombs and rockets at Palmerola and San Lorenzo, about 40 miles from the Nicaraguan border.

The Southern Command has, however, stored fuel. According to a classified Pentagon report, the Southern Command on Jan. 1 was the only one of the six regional commands that divide responsibility for American military commitments around the globe that had stored 100 percent of its estimated oil requirements.

In manpower, the Southern Command is the smallest of the six commands, with about 9,600 people stationed at various installations in Panama and an average of 1,200 troops in Honduras.

But General Gorman noted that this was deceptive. Southern Command is designed to have a small permanent staff, but to draw troops, in event of conflict, from the United States Readiness Command, based at MacDill Air Force Base in Florida, and the United States Atlantic Command, based in Norfolk, Va., which patrols the Caribbean and the Atlantic.

BEHIND THE WAR GAMES

Getting those forces to Central America has been a central point of exercises conducted over the past two years.

Until 1983, Colonel Hansen, the Southern Command's spokesman, said, the command staged only one sizable exercise a year, an annual drill called Kindle Liberty that practiced defense of the Canal.

Since 1983, the Pentagon has added several major war games a year, testing on the playing field of Honduras virtually every wartime contingency that might arise in the region.

In an exercise called Big Pine III, completed May 3, the Americans staged Nicaraguan-style tank attacks near the Choleteca gap on the Honduras-Nicaragua border, while Honduran troops practiced defensive tactics. Universal Trek, which ended May 5, practiced landings by Marines and paratroopers—and for the first time tested how the Pentagon would handle reporters covering an unannounced military operation.

TROOPS WILL BUILD ROAD

This year's third major Honduras exercise, beginning June 7, will send 1,800 American troops to build a 15-mile road to the airfield at San Lorenzo and practice paratrooper attacks against guerrillas.

Colonel Pearcy, the Joint Task Force commander, said these war games served multiple purposes, including realistic training of American and allied troops, and served to remind the Nicaraguans of American resolve.

Most of the lessons could be applied to other regions. But the exercises, American officials said, have worked extensively on two abilities that would be essential in a Central American conflict: moving men and equipment to the region in a hurry and working in tandem with the Honduran Army, which American officals say would be a likely partner in any American military enterprise.

"What you do on the ground is often less important than the preparation for going, getting there an existing," Colonel Pearcy said.

MILITARY ADVICE PROVIDED

In addition to being host for exercises and training, Southern Command has helped run a gradually increasing program of military aid and advice for Nicaragua's neighbors, El Salvador, Honduras and Costa Rica.

In May, the United States sent 20 Green Berets from the Army Seventh Special Forces in Panama to train the Costa Rican civil guard in basic military skills at a new camp near the Nicaraguan border.

The Defense Department siad it was the largest American military training team ever dispatched to Costa Rica, a neutral country that does not maintain an army, and the move prompted protests from some Costa Ricans that the United States was pressing their country to militarize.

THE DEBATE ON INVASION

Whether these preparations are enough to assure American success in any military operation that might arise is still a matter of lively debate.

No one in Government is suggesting that an invasion of Nicaragua is imminent or desirable. Still, in recent weeks senior Reagan Administration officials have for the first time begun openly discussing this as a possibility.

For example, in a speech to the American Bar Association on May 23, Secretary of State George P. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of U.S. combat troops."

Interviews with numerous American and foreign government officials in Washington and in Central America indicate that the possibility of United States military involvement in Nicaragua has become a matter of open discussion.

THE FEARFUL ANALOGY

One factor that has caused many Americans to recoil from the idea of direct military involvement in Nicaragua is the Vietnam analogy.

In a conflict with the United States, the argument goes, the Sandinistas would quickly retreat to the hills like the Vietcong—jungle-wise guerrillas—and would draw American troops into a bloody quagmire.

"I think most people think it would be a very messy business, and don't want to do it for that reason," said Mark Falcoff, a Latin American scholar at the American Enterprise Institute who was a consultant to the commission on Central America headed by former Secretary of State Henry A. Kissinger.

In Nicaragua, where an American invasion is a topic of constant speculation, Cmdr. Julio Ramos Argüello, the army Chief of Staff, also said "this would be a kind of Vietnam war."

But a contrary view seems to have gained wide acceptance within the Administration. The view is that an invasion of Nicaragua, however undersirable for political reasons, would not be such a difficult task in military terms.

SANDINISTA DEFICIENCIES NOTED

In interviews, American military officers and other Government officials familiar with the region argued that the Sandinistas lacked the military skills, the popular base and the supply lines to prolong a guerrilla war in the face of an American invasion.

United States intelligence sources in the region have told their superiors in Washington that major Nicaraguan installations are lightly defended. In the Managua area, for example, an intelligence official said the Sandinistas had 13 potential targets that were protected by antiaircraft artillery, primarily 57-millimeter and 37-millimeter antiaircraft guns.

"If proper tactics and proper ordnance were applied to those sites, they'd never know what hit them," an intelligence officer said.

This officer and others said that with minimal risk, American pilots could destroy the small Nicaraguan Air Force, radar, artillery, tanks, supply depots and command centers.

According to a source who has discussed the subject with him, Col. William C. Comee Jr., the director of operations at Southern Command, has estimated that it would take the United States two weeks to gain control of 60 percent of the Nicaraguan population.

Colonel Comee, who has overseen war games and other operations in Central America since 1982, declined through a spokesman to be interviewed. In June he will replace Colonel Pearcy as commander of the Joint Task Force in Honduras.

Another United States political-military officer in the region said the most plausible scenario in the event of a full-scale conflict would be this: "The U.S. would come in heavily for a month or so, mostly with air strikes against major facilities. Then a new government would be put into place, and it would come with its own army."

It would be up to the new government, presumably organized from the existing democratic opposition, to pursue the Sandinistas, several military analysts said.

"The Sandinistas would be up in the hills, but that would be a problem for the new Nicaraguan government," an American officer said. "It wouldn't be our problem. We'd probably have a program like El Salvador, advisers and assistants, but no Americans involved in the fighting."

One United States military officer who has briefed members of the National Security Council asserted that the Nicaraguan people would rise up in support of an American invasion and the neighboring armies would assist the United States eagerly.

In addition, the officer has told senior officials in Washington that the Sandinistas would find the hills inhospitable because their presumed sanctuaries are now inhabited by the rebels and by largely conservative farmers who consider the Sandinistas a threat to their private property rights.

The officer said, "They've lost the support of people in the mountains," the officer said. "They'll get their heads chopped off up there."

Commander Ramos, whose responsibilities include the defense of Managua, said in an interview that this was a dangerous assumption. The initial American assault, he said, would kill thousands of Nicaraguans, uniting the citizenry in their outrage.

Another problem for the Sandinistas, according to several American military analysts, is that Nicaragua has no counterpart of Vietnam's Ho Chi Minh Trail which was used to deliver the Vietcong ammunition and other supplies from the North. In Nicaragua, land supply routes would be through mountainous jungle, while air and sea routes would be policed by American forces.

"We could seal that place tighter than a drum," an American military officer said. Other officials, noting that the United States had been unable to cut off arms traffic between Nicaragua and El Salvador, were not as confident that blocking arms to Nicaragua would be easy.

American intelligence reports show no evidence the Sandinistas have prepared large caches of ammunition or fuel in the hills, according to one knowledgeable official. Commander Ramos said: "We do have some things. Not many. Some fuel."

Colonel Pearcy, commander of the United States task force in Honduras, and other analysts noted that for the United States, the logistics would be much more favorable than they were in Vietnam. In addition to shared facilities in Honduras, the United States has bases in Panama and Puerto Rico, and Nicaragua is a five-hour transport plane flight from the American mainland.

Colonel Pearcy added a cautionary note. "I've been in the Army 24 years, and I've never seen anything neat."

Other American officials noted that even the 1983 invasion of Grenada, in which Army, Air Force, Navy and Marine units swarmed onto a tiny island, left 18 American servicemen dead and 116 wounded.

Invading Nicaragua, said Senator Sam Nunn of Georgia, who is the senior Democrat on the Armed Services Committee, "would be a much tougher military situation than that."

THE POLITICAL PITFALLS

Many experts say the worst difficulties of a United States invasion would be political rather than military.

One would be assembling a stable government in Managua from the contentious military and political rebel groups. Another would be a possible torrent of refugees into neighboring countries.

A senior Costa Rican official said that in the event of an invasion, his Government would probably issue a statement blaming

the Sandinistas for provoking it. But he added: "We will suffer the consequences. We will have the Sandinista leaders in Costa Rica. We will have hundreds upon thousands of refugees. We will have instability."

An a third consequence, some experts say, would be a deep and lasting resentment in Latin America.

"You have to understand the emotional scar tissue left there by our historical involvement in the region," said a former Administration official, who supports the present White House policy. "The political, emotional, psychological cost would be high."

[From the New York Times, June 5, 1985]

NICARAGUA AND THE U.S. OPTIONS: AN INVASION IS OPENLY DISCUSSED

(The following article is based on reporting by Joel Brinkley and Bill Keller and was written by Mr. Brinkley.)

WASHINGTON, June 4.—Reagan Administration officials have begun openly discussing a subject they had previously refused even to speculate about: the possibility that American combat forces might one day be sent into Nicaragua.

No one in Government is saying that an invasion is imminent or desirable. But in the last few weeks, President Reagan, Secretary of State George P. Shultz and other senior officials have for the first time begun warning that if other policies fail, the United States may be left with little choice in the years ahead.

Interviews with almost 50 military, diplomatic and foreign government experts in Washington, Panama, Costa Rica, Nicaragua and Honduras indicate that discussion of the issue has become commonplace in official circles.

The interviews and other inquiries also brought to light these points:

Although no one in Congress has publicly called for United States military involvement in Nicaragua, the mood in Capitol Hill in the last few weeks appears to have shifted sharply against the Sandinista Government. Many members say there is growing doubt that any of the policy options still available, including renewed aid to the insurgents, is likely to bring fundamental changes in the Sandinistas' behavior.

The Administration has agreed that a number of possible situations would leave the United States little choice but to use military force. They include Nicaragua acquisition of high-performance fighter planes and the granting to the Soviet Union of the right to establish a military base in the country.

Both critics and sympathizers of the Sandinistas say they would not be surprised if Nicaragua committed an act that provoked American intervention.

In Central America, American officials and others assert that Nicaragua's neighbors are growing more concerned by the day about the Sandinistas' policies. In Nicaragua, an American official said, business groups and others are asking, "When are you coming?"

In public and in private, the Joint Chiefs of Staff, Defense Secretary Caspar W. Weinberger, the White House national security adviser, Robert C. McFarlane, Mr. Shultz and, most importantly, President Reagan, all have said they hope the United States is never called upon to send American forces to Nicaragua. Still, every official interviewed said that events beyond United States control could change that almost overnight.

CONGRESS IS OPPOSED TO MILITARY ROLE

Without support from Congress, Administration officials agree, military involvement in Nicaragua is most unlikely. Today, Congress remains implacably opposed.

Many members reacted with alarm last month when President Reagan, in a classified report to Congress, said the use of American military force in Nicaragua "must realistically be recognized as an eventual option in the region, if other policy alternatives fail."

In a speech to the American Bar Association on May 23, Mr. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of American combat troops."

And in an interview on May 22, Fred C. Iklé, Under Secretary of Defense for Policy, warned that if Congress persisted in what he called "a policy of pinpricks," it raised the risk of "some variant of the Cuban missile crisis."

"What are you going to do two or three years from now, when Nicaragua is fully armed?" he asked. "Are you going to provoke another Cuban missile crisis? Are you going to send in the Marines?"

At the same time, the Nicaraguan Government's reputation on Capitol Hill has soured in the last few weeks.

"The Sandinistas don't have any friends up here any more," an aide to the House Democratic leadership said. "The change has been almost palpable."

SANDINISTA'S TRIP COSTS HIM SUPPORT

A key event behind the change was the trip to Moscow by Nicaragua's President, Daniel Ortega Saavedra. The announcement came on the day the House was voting on renewed aid to the rebels, and many members of Congress said they were stunned by the timing.

Senator Sam Nunn of Georgia, the senior Democrat on the Armed Services Committee, said: "What he did was rather stupid, from the Sandinistas' own point of view. It certainly cost them support up here."

The clearest demonstration of the changed view is that both houses are now considering renewed aid to the Nicaraguan rebels, even though the House refused to approve aid in any form just a few weeks ago.

So far, however, Congress has shown little interest in granting the type of aid the Administration says is most needed—military aid. And Gen. Paul F. Gorman told Congress in February that, even with renewed military aid, the rebels could not be expected to change the Sandinista Government "in the foreseeable future."

The next most likely step, several officials said, is the ending of diplomatic relations with Managua.

"I think that is going to happen," said Senator Richard G. Lugar, the Indiana Republican who is chairman of the Senate Foreign Relations Committee. "But I don't know how soon."

If relations were ended, "then we might recognize a government in exile," Mr. Lugar said, referring to an idea that has been discussed among Administration officials.

A senior official in the region said "we could permanently station U.S. forces" in Honduras. If that fails, the official added, "I guess the strategy would be a policy of containment," meaning heavily arming Nicaragua's neighbors. But Mr. Iklé said, "We know from experience that that doesn't work."

THE CHANGES DEMANDED BY THE ADMINISTRATION

In general, the Reagan Administration has demanded that Nicaragua demilitarize, cut its ties with the Soviet Union and Cuba and change its form of government to a pluralistic democracy.

But many officials in both the Nicaraguan and United States Governments believe the prospects are remote that the Sandinistas will adopt policy changes that would be satisfactory to the United States.

"They are hellbent on pursuing their policy," Mr. Iklé said. "The idea that you can strike a deal with them seems unrealistic."

In a speech in April, Nicaragua's President, Daniel Ortega Saavedra, said: "The United States still doesn't understand that this is an irreversible revolutionary process. Here, there can be no backward steps."

Senator Lugar said some members of Congress already believed that "the time for redemption is past" and that "a Marxist government can't reform."

In the months and years ahead, a Senate aide said, if further diplomatic sanctions are tried and fail, the military option may seem more tempting. "If you try everything and none of it works," he said, "then eventually you have everyone nibbling at the same bait."

WHERE THE U.S. DRAWS THE LINE

Asked under what circumstances the United States might attack Nicaragua, American and Nicaraguan officials say the line is most clearly drawn against the acquisition by Nicaragua of high-performance warplanes.

Last November, American officials said that they suspected Soviet-made MIG-21 jet fighters were aboard a cargo ship bound for Nicaragua and that they would probably order what they called a "surgical" air strike to destroy the planes.

If the planes were aboard the ship, they were never unloaded. But when asked this month if the Nicaraguan Government had given up the idea of acquiring MIG's, Cmdr. Julio Ramos Arguello, chief of intelligence for the Nicaraguan Army, said simply, "No."

At the same time, American officials say they have not dropped the threat to destroy any such planes and in fact they have broadened it to include Czech-built L-39 jet training planes and similar aircraft.

The idea is that American warplanes would destroy the new planes and try not to hit anything else. Then in theory the attack would end. But a senior Administration official said: "I've never been able to see how that kind of phased operation stops because it sets off an action-reaction. If we hit the airport and maybe kill 80 or 90 people, they could come at the embassy."

In Managua, Commander Ramos said, "If the airplanes arrive, and if they bomb us, obviously we will be doing something about it."

Another circumstance would be the establishment of a Soviet-bloc military base in Nicaragua.

A senior Administration official said: "Access for Soviet Backfire or Bear bombers, port rights—any kind of Soviet military access, even without the presence of weapons systems. That would be a threshold." Nicaraguan and Soviet officials say they have no such plans.

ADMINISTRATION FEARS "A SECOND CUBA"

Still another circumstance, Administration officials say, would be the consolidation of Nicaragua's Government into what Administration officials often call "a second Cuba," meaning a heavily controlled, Soviet-bloc dictatorship that actively promotes Marxist revolution elsewhere.

A senior American diplomat in the region said, "Above all, Ronald Reagan is a consummately pragmatic man" who would not use force if the circumstances did not warrant it.

But Mr. Iklé said, "Even members of Congress say they are not going to permit a second Cuba."

With "a second Cuba," Senator Lugar said, "we might be invited" by Nicaragua's neighbors to invade "as we were invited in the East Caribbean." Before the invasion of Grenada in October 1983, the leaders of several Caribbean island-nations formally requested American military intervention.

HOW ITS NEIGHBORS VIEW NICARAGUA

"In public and private," Senator Nunn said, the other countries of Central America "would be strongly opposed" to an American invasion of Nicaragua.

But many American military and diplomatic officials and others in the region have reported a different view to their superiors in Washington.

A senior diplomat in San José asserted that "an awful lot of Costa Ricans" would in fact welcome an invasion.

A Costa Rican official who opposes the idea acknowledged that his Government probably would not condemn it. If the United States invaded, he said, his Government would issue a statement "saying something like it is unfortunate that the Cuban and Soviet advisers were invited in, and that the Sandinistas provoked it."

Costa Rica's Public Security Minister, Benjamin Piza Caranza, said, "There's no way we can live with a Marxist-Leninist state on our border that is open to exporting revolution." But he declined to speculate about how his country would react to an American invasion.

In Honduras, President Roberto Suazo Córdova has been quoted as saying that Nicaragua is "like a cancer: the only cure is to cut it out."

There is also a large and growing body of opinion within the Administration that the majority of Nicaraguans would welcome an American invasion, several American officials said.

An American intelligence officer who has interviewed dozens of people in Nicaragua said: "What the people tell me is 'we'd get out of your way and let you take care of the Sandinistas'" if American troops landed. The biggest problem United States forces would face, he added, would be preventing "severe retribution" against Sandinista officers.

POLLING THE PEOPLE ON MANAGUA STREETS

This officer has been called upon to brief numerous senior Administration officials on his views, including Mr. Weinberger, Mr. McFarlane and Gen. John W. Vessey Jr., the Chairman of the Joint Chiefs of Staff.

Representative Glenn English, an Oklahoma Democrat who opposes some elements of the Reagan Administration's policy in Nicaragua, said the officer had briefed him too, but Mr. English was skeptical. So while in Managua this month, he and Senator David L. Boren, another Oklahoma Democrat, interviewed about 15 Nicaraguan citizens they chose at random on the streets.

"They were pretty strong on condemnation of the Government," Mr. English said. "Virtually all of them said they wanted a change in Government, and one lady said flat out, without being asked, that she wanted the U.S. to invade."

A spokeman for the Sandinista Government, María Christina Argüello, said: "They may criticize the Government now because of the economy and the shortages" of food and other items. "But when there is an emergency, you can be sure they will take up arms."

WILL THE NICARAGUANS PROVOKE AN ATTACK?

It is difficult to find anyone, friend or foe of the Nicaraguan Government, who is confident the Sandinistas will not make a miscalculation that could lead to a military confrontation with the United States.

Sandinista officials have said they are being careful not to give the United States a pretex to attack.

But Edward L. King, a retired Army lieutenant colonel who opposes Reagan Administration policy in Nicaragua and has spent months there talking to numerous Sandinista officers, says he believes "the chances are pretty good" that Nicaragua will err in a manner that could lead to an American military response.

The view of Mr. King, who has wide military and civilian experience in Latin America, is noteworthy because he knows the Sandinistas well and because they say they trust him. After observing them, Mr. King said, he has concluded that "some of them hate us so much they almost have a death wish."

Some members of the Sandinista leadership, he added, "almost want a confrontation with us." "The hotheads say, 'Yeah, bring the gringos in here' just so they can kill a few of them."

"I make no case for the Sandinistas," Mr. King said. "They are real blunderers."

An American official with wide experience in Nicaragua said it was "martyrdom," not blundering, that might cause the Sandinistas to prompt the United States to invade.

"I think it is their sense that the revolution is bogged down anyway, and maybe it wouldn't be such a bad thing if they could survive" an invasion "and be a legend."

In Managua, Sandinista officials say all such speculation is nonsense. Commander Ramos and others said the Nicaraguan Government was interested in negotiation with the United States, not military confrontation.

Mr. KENNEDY. Mr. President, these are the words and deeds of a government preparing to do what is necessary to achieve its objectives in Nicaragua—including sending U.S. combat troops to war.

Now the administration has repeatedly stated it has no intention of sending U.S. combat troops into Central America. The Secretary of Defense has told us that the Defense Department has no plan, no strategy, no thought of putting U.S. combat troops in Central America. We are all encouraged by such statements and would like to believe them.

But the facts give us cause for concern.

First, U.S. military assistance to the countries in the region has grown by leaps and bounds over the past 5 years.

Second, the United States has built an immense military infrastructure in Central America that is clearly intended to support the deployment of thousands of American troops in the region.

Third, the United States has conducted perpertual military maneuvers in Central America, involving as many as 5,000 military personnel in the Big Pine exercises.

Fourth, the United States has actively intervened in the internal affairs of Nicaragua not only through our support of the Contra operations but also with direct action by Americans. We learned, for example, that the Defense Department consciously sought to intimidate the Nicaraguans, to make the Nicaraguans think that the United States was on the verge of invasion. A senior State Department official confirmed that there was a Perception Management Program at work and said, "Every time there's an invasion scare, they make some concessions." We learned that American surveillance aircraft flew over Managua with the specific purpose of causing sonic booms to scare the Nicaraguans.

Another official stated that one of the central purposes of the military exercises was to create the fear of an invasion. He said that the troops "push very close to the border, deliberately, to set off all the alarms."

We also learned from a report that appeared in the Wall Street Journal last March that CIA personnel were directly involved in attacking and mining Nicaragua's harbors, that, in air and sea raids, Americans flew and fired directly on Nicaraguan positions, and that a CIA plane provided sophisticated reconnaissance guidance for attacks by Contra helicopters.

The conclusion is unmistakable: This administration is preparing for war in Nicaragua. We are systematically placing U.S. ships, planes and personnel in harm's way, by injecting them into situations where, directly or indirectly, they are increasingly involved in the hostilities. The trend is clear, and the Reagan administration's aims are similarly clear, I do not think that the United States should send its soldiers into Central America for the purpose of fighting a war unless Congress and the American people have been consulted and given their approval in advance.

I offer an amendment that will correct this situation by prohibiting the introduction of United States Armed Forces into or over Nicaragua for the purpose of combat without advance approval of Congress.

This amendment reflects the deep and growing concern of the American people that this administration is taking us to war in Central America.

As stated in the amendment, the word "combat" means "the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy." United States Armed Forces are not precluded from conducting military training in El Salvador. Nor does the amendment limit flights by American military aircraft in the region carrying out reconnaissance activities. Only the introduction of U.S. Armed Forces for the purpose of delivering weapons fire upon an enemy is prohibited.

The amendment does not apply in all circumstances. The exceptions are clearly stated:

This prohibition does not apply if Congress has declared war or enacted specific authorization for such introduction.

The prohibition does not apply when such introduction is necessary to meet a clear and present danger of hostile attack upon the United States, its territories or possessions.

The prohibition does not apply when such introduction is necessary to meet a clear and present danger to, and to provide necessary protection for and to evacuate, U.S. Government personnel or U.S. citizens.

The amendment leaves to the President the determination of when force is necessary under the circumstances I have just listed. The amendment thereby preserves the President's authority to respond to threats to the United States, its Embassies, personnel, and citizens.

A number of my colleagues have expressed concern about how this amendment affects the War Powers Resolution. We know at the current time that if the President of the United States decides to send American troops into combat in Nicaragua, he is free to do so and would only have to notify the Congress under the procedures of the War Powers Act. He would then be able to maintain those troops for a period of 60 days. What this particular amendment provides is that, prior to the involvement of American combat troops in combat, as defined in the amendment, the President must obtain positive approval, by the Congress before sending those troops. We are simply asking that the Congress be permitted to act prospectively, not after the fact.

I believe, Mr. President, that given the factual situation—the escalation of American involvement in the region with more and more United States military personnel in that area and with the kind of activities that I mentioned earlier in my statement, that it is important that we, the Congress, play some role in the decision before American combat troops are sent to Nicaragua for the purpose of delivering weapons fire upon an enemy.

President Reagan has stated that he has no intention of introducing U.S. Armed Forces in Central America for combat. And he has promised to consult with Congress before taking any such action if such action is needed. This amendment simply takes the President at his word and puts into law what has been stated as the administration's official position.

This amendment will not affect the activities of the current military advisers assigned to El Salvador, nor their role in assisting in the training of the Salvadoran military. It will not limit the current reconnaissance flights by U.S. military aircraft in the region. It will not limit the ability of the U.S. Naval or Air Forces on the high seas or in the air to monitor Soviet or other naval activities of concern to our Armed Forces.

It will not inhibit any duly authorized military operations currently under way in Central America or elsewhere in the Caribbean. It will in no way limit our treaty obligations in the region, or in the hemisphere and it will allow the President to use United States combat forces to eliminate any threat he deems is a clear and present danger to the United States, and under this legislation, it will not in any way limit the President's power to defend our vital security interests, to use United States. combat forces for example in a preemptive strike against any missiles that might be introduced in Central America by the Soviet Union.

It will not inhibit the President in his power to use United States combat forces to protect American lives. Under this legislation, for example, the President would have been justified in using the U.S. combat forces to intervene in Grenada.

Mr. President, a similar amendment carried overwhelmingly in the House last year. While it was defeated last year in the Senate, I think the situation in Central America has become dramatically worse. I think Congress should be involved in the takeoff, and not just in the landing, when American troops are to be sent into combat.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. LUGAR. Mr. President, I appreciate the arguments of the distinguished Senators from Oregon and Massachusetts. I take as a point of departure the final comment of the Senator from Massachusetts that, with affairs in Central America moving adversely, the amendment that he and Senator HATFIELD have suggested ought to be adopted. I would argue and have argued earlier that in fact the trend of affairs in Central America has gone well for this country. It is remarkable to consider the progress found in El Salvador, when so many persons on the floor of this Senate and elsewhere argued that our involvement simply would come to know good, that human rights would be violated, that democracy was impossible, that we were in danger of involvement of American troops and forces. In fact a constituent election has been held, a President has been elected, and democracy is infinitely stronger today.

It can be argued, I suspect, with less force that democracy in Honduras and even the beginning of democratic institutions in Guatemala, have proceeded and that the policies we have adopted as an administration and a Congress have helped. Others would argue that the people in El Salvador, Guatemala, and Honduras have helped themselves; that perhaps the great heroes are persons in those countries who value freedom and value democratic institutions.

I respectfully would suggest that it is that this amendment—in the context of all that has happened and all that is being called for—should not simply draw out of context the thought of a demand that we proceed to the negotiating table in bilateral negotiations with Nicaragua or that in a unilateral fashion we declare that this body must act before the President has the power to use American military forces in Nicaragua. Given all the exceptions, I would grant, that are part of the amendment, these are steps that are unwise in the unfolding of our foreign policy and the unfolding of any potential success of negotiations.

Let me point out that, in the earlier comments that I made with regard to the Dodd amendment, I pointed out that negotiations and support of the democratic forces in Nicaragua are not incompatible. As a matter of fact, they move together. I would suggest that negotiations without support of the Contras, of the forces that are attempting as Nicaraguans to bring about democracy in that country, those negotiations are not likely to be very productive.

The Senator from Colorado asked the Senator from Indiana about negotiations, their possibilities of success, and we went back and forth as to the probable results of those negotiations. None of us know. But I would say that, in the Nunn-Lugar amendment we will be considering later on this afternoon, we encourage the President to enter into negotiations.

I will state the exact language. We encourage simultaneous negotiations to implement the Contadora document objective, to develop close consultation and cooperation with other nations within the region and outside the region. We ask the President to pursue vigorously the use of diplomatic and economic measures to resolving the conflict, including simultaneous negotiations.

In short, I think we will find a larger majority of Members of this body are in favor of negotiations within con-

text. But let us try to find the source of negotiations that must happen. I suppose we are all concerned with the peace process in the Middle East presently, and thinking through how that might move to a settlement. And I pick that particular analogy because it is topical and it is useful. Negotiations are a complex business. To throw out a cliche, "Let peace have a chance, let negotiations have a chance," is meaningless without the context of why anybody wants to talk.

To suggest unilaterally that the President ought to get right to it, send the Secretary of State and others down there to negotiate, without any reasonable assurance that there is anyone in Nicaragua that wants to negotiate, that wants to move off the dime, is an exercise in futility. It is fatuous on the face of it. There is a good sound to it. None of us want war. Everybody wants peace. The suggestion is go negotiate. Now negotiations occur successfully, at least as opposed to simply parties meeting without having a whole lot to say, if there is some reason for movement.

The point the Senator from Indiana will make today is that, as the Senator from Massachusetts has described it so well, six meetings have occurred in Manzanillo without movement. The Secretary of State has testified publicly and privately that the Sandinistas do not have the slightest reason to move in any direction and indeed they do not. To send the Secretary of State to Manzanillo again and to have done nothing to have assisted the freedom fighters to have put pressure upon that situation is not only to invite futility in the negotiations but I think incredulity as to why we are involved in the action at all, aside from the cliched thoughts of giving peace a chance and talk is better than war and what have you.

The negotiations that must occur are within Nicaragua—Nicaraguans with Nicaraguans. For us to believe for an instant that the significant negotiations are bilateral ones between the United States and Nicaragua is to believe the Nicaraguan argument which is an invalid one. The Sandinistas do not want to talk to freedom fighters. Marxists do not want to talk to people who want liberty. That is what it boils down to.

Those are the negotiations we should be urging, if the Senator from Massachusetts and the Senator from Oregon were saying:

> Let's mandate that the Sandinistas meet with the freedom fighters. Let's mandate a truce and a cease-fire. Let's mandate that people stop shooting each other and that they provide for at least two parties for free elections, for freedom of the press, for some kind of a country that does not threaten everybody around.

The argument I have heard thus far from the Senator from Massachusetts would imply that the United States is the aggressor, that the Sandinistas are hapless persons upon whom we are preying, and the gist of the amendment is to ask us to cease and desist, to let these persons proceed with whatever they want to do in consolidating Marxism in a totalitarian sense in their country, in threatening El Salvador, Honduras, or Costa Rica, without an army or anybody around, to proceed if they wish to, for that matter, deal with any and all countries of the world in terms of the buildup of military assistance. The Senator from Massachusetts says that in the event you see Migs there, Soviet Migs, might be a time to act, that might be an exception. That would be a terrible time to have to act, having failed to put the pressure that ought to be placed upon that regime now so there is not doubt on the part of the Soviet Union.

If the whole gist of the Senate is to micromanage our foreign policy to indicate to the Secretary of State that regardless of his judgment as to how negotiations might prove successful or which ones might prove successful and in what context, that he is to go anyway, that is our mandate, that is not a very good way to handle foreign policy and, as a matter of fact, in this case is bound to be unsuccessful.

What the Senator from Indiana is suggesting is that negotiations might be successful if, in fact, the Sandinista government has some reason and realpolitik to want to talk. And I think they might have some reason.

The reasons are basically that their economy is shot. The standard of living is declining very rapidly. Our Ambassador to Nicaragua testified before the Foreign Relations Committee that what was already an $800 per capita income in Nicaragua—on an annual basis—has fallen to $500 in the last 2 years. That does not approach Bangladesh at this point but it is moving rapidly in that direction. The Sandinista economy has been a disastrous failure. The Sandinista government says, well, we are at war. We are devoting our resources to fighting off the Contras, and indeed they need not fight off persons who were involved in their own revolution. The Marxists have no more claim to that revolution than does Arturo Cruz or various other persons who are in favor of democracy and not of Marxism. There is every reason if we are to put pressure on this body for negotiations that we say loudly and clearly to the Sandinistas it is time for you to cease fire and talk to your own people to try to recover the pledges you made to all the neighbors around, the OAS, and to the rest of the world. Why we apologize for our activities which try to bring about democracy and freedom I cannot imagine. There is no reason to do so.

Let me suggest that to unilaterally call upon the United States to negotiate out of the context of the Contadora process, of internal talks in Nicaragua, is simply to ensure once again an impasse which leads I suspect to two courses of action, and neither is desirable. One was suggested by Senator DODD this morning, and that is we just withdraw. The Senate has spoken on that 79 to 17. The other, of course, if you have futility of negotiations, then the Senator is correct. People then get onto more vigorous measures, and more difficult measures. That is not the policy of the President of the United States. The Senator of Massachusetts characterized President Reagan correctly in his statement that we do not want American forces in Nicaragua, and we do not want them in Central America at all in a combat status. We do want to help people who want to help themselves. That is what we are about.

Let me suggest with the second half of the amendment, namely, that which suggests that the United States could not proceed to have armed forces in that area without specific action of the Congress that the War Powers Act which the Senator from Massachusetts has cited does cover a number of possibilities. The War Powers Act was adopted by the Congress because chief executives in a dangerous world sometimes must act rapidly for the security of all of us. Persons who are preoccupied with this question must still admit that the President must be our major foreign policy spokesman. This is an administration function, with the advise and consent of the Senate. The War Powers Act tightened that up a good bit. It said notwithstanding any emergencies, any of the ways in which our President must act, within 60 days there has to be an accounting for this. If you have not declared war within 60 days you will have to do so. There is some latitude given in a dangerous world to the President of the United States, and that is the way it ought to be.

This amendment changes the War Powers Act rather significantly. As a matter of fact, it obliterates the War Powers Act and says before the President in the case of Nicaragua can move there has to be affirmative activity except with the exceptions noted in the amendment.

I have noted the exceptions, and they are important ones. Among this list I would have thought would have been our obligations under the Rio Treaty of 1947—if for example, Nicaragua attacks Costa Rica, or if Nicaragua is involved with war with Honduras. These are not far-fetched situations. In recent days there is evidence that Nicaragua has in fact been found attacking persons in neighboring countries. The Sandinistas would claim it was in hot pursuit of Contras or for

various other reasons. Be that as it may, the dangerous situation presented by an aggressive force, a revolution without borders, a group of people who have never been able to settle down within their own territory but have constantly been meddling in trying to subvert their neighbors and felt that was simply their own form of democracy in action—it seems to me that the Senator from Massachusetts would need to contemplate other activities in which clearly we have an obligation and the Rio Treaty would be one of these.

But I suggest beyond that, to begin once again micromanaging American foreign policy before the U.S. Senate, there could be no movement in what is a vital security interest of the United States as perceived by the President, or by the Contadora group, or the OAS, or any number of people that might meet. It is not a good idea. The surface appeal—the thought that giving peace a chance, negotiate now, no troops in Nicaragua, the cliches of this amendment are all over it—is evident. But in terms of sound foreign policy, it is simply lifted out of the context of what is occurring, and stands history in Central America on its head.

The malfactors in this case are a group of Marxists who have seized a revolution from persons who believe in freedom. That is fundamental, and that is where the negotiation ought to be occurring. To try to turn this on its head, see the United States as the malfactor, to be encouraging from the floor of the Senate at a time that the Sandinistas are involved in what they are doing that we ought to rush to the table, and that we ought to tie the hands of the President is simply in my judgment unsound policy. And I hope the Senate will reject both parts of the amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the view of the chairman of the Foreign Relations Committee. I have a great deal of respect for his understanding of world history, for his knowledge of the Constitution of the United States, but also for our responsibilities to stand up to our constitutional responsibilities.

But, Mr. President, I read the Constitution of the United States somewhat differently from the chairman of the Foreign Relations Committee. I read the Constitution of the United States to say that the power to make war resides in the people's elected officials in the Congress, in the House and in the Senate of the United States. I only suggest to the chairman of the Foreign Relations Committee that the American people ought to have a voice, ought to be able to express their views before sending their sons to the jungles of Central America, and that this should not be a unilateral decision made by the President of the United States. I think the American people ought to be able to have a voice, ought to be able to express their views in the Congress of the United States. And, I cannot believe that the chairman of the Foreign Relations Committee is willing to give all of that authority to the President, to allow him without consulting Congress to send the sons from his own State of Indiana to fight in the jungles of Nicaragua. I want to make it very clear that this Senator from Massachusetts is not prepared to give up that authority and that responsibility to this President of the United States nor to any President of the United States.

I failed to speak on the same issue some years ago on the Gulf of Tonkin resolution, and I am not going to commit that mistake twice, Mr. President. We heard almost similar arguments on the floor of the Senate at the time of the Gulf of Tonkin resolution—such as "Let the President of the United States decide these matters." "How are we going to have the kind of information in the Senate of the United States that the President will have?" "Let the President make those decisions; he is going to have the knowledge, the information, and he is going to have the briefings from the NSC and the Joint Chiefs of Staff."

But Congress made a mistake when it accepted those arguments. Fifty-five thousand deaths and hundreds of thousands of wounded Americans paid a fearsome price for the failure of the Senate to, as you call it, "micromanage" that particular incident.

Mr. President, this amendment is not about all of Central America. This amendment is targeted on Nicaragua. We have had a whole series of events during the last 3 years—many of which this body has authorized—with regard to Nicaragua—not Costa Rica, not Honduras, not Guatemala, but with regard to Nicaragua.

We have heard statements, including statements from the Secretary of State, talking about the possibility of the introduction of American troops in Nicaragua—not in Costa Rica, not in Mexico, but in Nicaragua.

So this amendment is directed toward Nicaragua. That certainly ought to be understood on its face.

We see that people are dying in Nicaragua, and we see increasing involvement, increasing American participation in that conflict. I hold no brief for the Sandinista government. I recognize that the Sandinistas share responsibility for the conflict within the area and within the region.

But the question comes back once more, Mr. President: Before we resort to the use of force, before we send American military combat troops, should we not at least make one additional effort at diplomacy.

My understanding of the Manzanillo talks is somewhat different from the understanding of the chairman of the Foreign Relations Committee.

I had briefings on those negotiations. I do not intend, however, to divulge the content of those conversations because they were confidential. I am sure the chairman of the Foreign Relations Committee had briefings as well.

But I can give the assurance to the Members of this body that Manzanillo talks were not as empty and valueless as the Senator from Indiana has suggested.

The Senator from Indiana has included in his own resolution a section urging the President to go back for further negotiation with the Sandinistas and wisely so. I gather that the principal difference he makes between his urging and our urging involves the other different provisions of his amendment.

But whatever the circumstances, whatever the framework, I hope the Secretary of State will resume those negotiations. We have a President of the United States who says he is prepared to meet with Gorbachev. Perhaps Senator LUGAR can tell us what greater sense of hope he has about that conversation, based upon our President's statements about Gorbachev and Gorbachev's statements about the President of the United States, as opposed to his lack of hope about talking with the Sandinistas.

We have had negotiations with all the Eastern European countries on MBFR. We have also had negotiations with Fidel Castro about Cuban families in the United States and the reentry of certain Cubans back to Cuba following the Mariel boatlift. Why not talk to the Sandinistas?

We have people dying in Nicaragua every day, and there is a real danger of American involvement in the form of American combat troops in the future—not according to this Senator from Massachusetts but according to this administration's Secretary of State.

So there is a sense of urgency, Mr. President, that propels some of us in this body to offer what constructive suggestions we might have to try and see if additional steps can be taken to make sure that if direct U.S. involvement is to occur, Congress will be consulted.

Mr. President, I would hope that the Senators will be able to support this amendment. It simply urges a resumption of talks—that is not micromanagement—and it makes it possbile for Congress to speak and to vote before we send our sons to the jungles of Nicaragua, and I do not believe that is micromanagement.

I would hope this amendment will be agreed to.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, as I was occupying the chair, I listened to the Senator from Oregon talking about the power of war. This is something which has deeply concerned me ever since this body unwisely passed the War Powers Act. I would like to read from the Constitution the powers of Congress.

We have the power to declare war. What does that mean? Just what it says. The President has called the troops out, I think, 202 times in the history of our country and there have been five declarations of war, two of those in the same war. We could declare war here all day long. But only the President of the United States, under his power as Commander in Chief, can send troops into war. If we want to declare war, then, it is a nice thing to do and one that the President, I think, would always enjoy having done.

We can grant Letters of Marque and Reprisals and make rules concerning captures on land and water.

We raise and support armies but no appropriation of money to that use shall be for a longer term than 2 years.

To provide and maintain a navy.

Here is one we have sadly overlooked our responsibilities in: It has been since 1922 since we exercised this power, to make rules for the government and regulation of the land and naval forces.

I can promise my colleagues that the Committee on Armed Services is working on that right now.

Now let us look very quickly at the power of the President. I have to admit that this has never been really clearly defined in the Constitution. The Supreme Court has always refused to make a determination of this because, as they rightly say, in my opinion, if we have a situation where the executive branch and the legislative branch can make a decision, there is no need for the Court to get into it.

Section 2:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may require the opinion . . .

And so forth and so on.

But only the President, Mr. President, can send our troops to war. If it is the feeling of Members of this body, in the Senate or in the House, that only the Congress should have that power, then I suggest, Mr. President, that we prepare a constitutional amendment and put it up to a vote of the people. I do not think the American people want 535 people guided by 535 different sources of strength making the decisions concerning power in this country. The great strength of this country, up until recent times, has been the fact that the President has the right to formulate foreign policy, with the advice and consent of this body, and has the power of the troops to back that up.

I think we are treading on very dangerous ground when we keep bringing up amendments and talking about the power of this body or the other body to send troops into war. There is no constitutional authority for it at all.

I thank my friend from Indiana for yielding.

Mr. LUGAR. Mr. President, I wish to yield time to the Senator from Minnesota. How much time does the Senator want?

Mr. DURENBERGER. I shall take only 30 seconds.

Mr. LUGAR. I yield 1 minute.

Mr. DURENBERGER. I thank the Senator from Indiana.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment of the Senator from Massachusetts.

I do so because it is my belief that the amendment begs the issue of the real and present danger that the Sandinista regime poses to its Central American neighbors, not to the United States. No one would reasonably claim that the United States is in immediate danger of a Sandinista invasion from the south. Yet, this amendment demands an immediate response on our part to any hostile attack upon the United States, its Embassy in Managua, or its citizens in Nicaragua.

Simply stated, I do not feel that this amendment addresses the real question. The threat of the Sandinista regime to the United States is not the immediate security problem involved here. Rather, the issue is whether the emerging democracies in Central America are immediately threatened by the aggressive and hostile actions of the Sandinistas. I would respond strongly in the affirmative.

In the past week, we have seen at least three clear indications of the Sandinistas' plans for their neighbors. During this time, the Sandinistas have launched cross-border incursions using substantial forces against their neighbors, the Costa Ricans and the Hondurans. Yet, the Sandinistas immediately rushed before the international media to claim that they, amazingly enough, were the aggrieved party. Their obvious hope is that few people outside Nicaragua will care to look into the facts of these examples of Sandinista aggression.

By shifting the focus of the Sandinista threat away from the Central American nations and onto the United States, Senator KENNEDY has missed the real issue. This debate should instead be one which states this country's willingness to do whatever is necessary to restore democracy to Nicaragua and to recapture the democratic spirit and the broad popular support which characterized the 1979 Nicaraguan revolution. I believe that Senator LUGAR has made a critical point—the Sandinistas will negotiate only when they believe that it is to their advantage or when sufficient pressure has been exerted upon them. Last week, during my visit to Central America, this point was hammered home to me by nearly all of the Central Americans with whom I met. Conservatives, liberals, socialists, businessmen, religious, and campesinos all stressed that only the United States possessed the sufficient capability to bring the Sandinistas to the negotiating table with the Nicaraguan democratic opposition. Not the Sandinistas' neighbors. Not the Contadora group. Not the Organization of American States.

Clearly the only effective negotiations will be those which consider all of the factions currently embroiled in the Nicaraguan civil war. Still, the Sandinistas have steadfastly refused to negotiate in good faith with any element of the opposition. Just last week, for example, the Sandinistas inexplicably broke off negotiations with Brooklyn Rivera's Misurasata group. This week, the Sandinistas showed their complete disinterest in a democratic and peaceful resolution of the conflict with the Miskito peoples by turning their guns on Rivera's Miskito warriors.

How can we let the Nicaraguan democratic opposition stand alone when we know that the Sandinistas will negotiate only in bad faith? We have seen this demonstrated at the bilateral Manzanillo talks and at the multilateral Contadora negotiations. In my view, talks are useful when the negotiating parties are serious about negotiations. I have seen no firm evidence that the Sandinistas have acted with any seriousness in any of these processes. I therefore see no reason why we should enter into bilateral negotiations with a regime which has no intention of negotiating with the real aggrieved party in this dispute, the Nicaraguan people.

The Senator from Massachusetts talked about sending our sons to Nicaragua. Three Members of the body have sons graduating from high school in 15 minutes. I am more than a little upset, I suppose, as one who has spent more time, or at least as much time as anybody in the body, dealing with this issue at the fact that a lot of rhetoric kept us from dealing with this issue yesterday. Now, somehow, this process has chosen this particular moment in my life to make me make a decision

about being with my son or being with an issue I care a lot about. I intend to take the option of being with my son.

I hope that, somewhere in this institutional process, someone would have the consideration to postpone any further votes on this amendment until after approximately 4 o'clock.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I believe it would be appropriate to move to the vote for a number of reasons. I shall yield back all the time on my side unless others are prepared to debate. I think the issues have been well stated.

I say this in conclusion: Obviously, the Senator from Indiana does not want to send young men from Indiana or Massachusetts or Minnesota to war. As a matter of fact, the whole process today is one in which we try to divine how to make certain we will have peace in our hemisphere and safety for our people. I think that is clear. The question is the matter of the context and the tactics of how negotiations might work and what the proper powers of the President and the Congress are.

I think we have had a good debate. I hope that both parts of the amendment will be defeated.

I yield back all the time on our side.

Mr. KENNEDY. Mr. President, if the Senator would withhold on that, I want to yield 3 minutes to the Senator from Colorado [Mr. HART].

At this point I wish to indicate to the Senator from Minnesota that control over the timing of this measure today was not in the hands of those of us who are calling up this amendment. I am happy to give the Senator from Minnesota a live pair on this amendment if he wants to be with his son this afternoon.

Mr. LUGAR. Mr. President, does the Senator from Massachusetts have time remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes and 30 seconds remaining.

Mr. KENNEDY. The Senator from Massachusetts yields to the Senator from Colorado.

Mr. HART. I shall not even take that time if the Senator from Minnesota is trying to vote and go some place else. Is that the case?

Mr. DURENBERGER. Yes, Mr. President.

Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to division 1 of the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I also announce that the Senator from North Carolina [Mr. EAST], is absent due to illness.

I further announce that, if present and voting the Senator from Alabama [Mr. DENTON], and the Senator from Wyoming [Mr. WALLOP], would each vote nay.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 48—as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—48

Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mitchell
Bingaman	Harkin	Nunn
Boren	Hart	Packwood
Bradley	Hatfield	Pell
Bumpers	Heinz	Proxmire
Burdick	Inouye	Pryor
Byrd	Johnston	Riegle
Chiles	Kennedy	Rockefeller
Cranston	Kerry	Sarbanes
DeConcini	Lautenberg	Sasser
Dixon	Leahy	Simon
Dodd	Levin	Specter
Eagleton	Mathias	Weicker
Exon	Matsunaga	Zorinsky

NAYS—48

Abdnor	Grassley	Moynihan
Andrews	Hatch	Murkowski
Boschwitz	Hawkins	Nickles
Chafee	Hecht	Pressler
Cochran	Heflin	Quayle
Cohen	Helms	Roth
D'Amato	Hollings	Rudman
Danforth	Humphrey	Simpson
Dole	Kassebaum	Stafford
Domenici	Kasten	Stennis
Durenberger	Laxalt	Stevens
Evans	Long	Symms
Garn	Lugar	Thurmond
Goldwater	Mattingly	Trible
Gorton	McClure	Warner
Gramm	McConnell	Wilson

NOT VOTING—4

Armstrong	East
Denton	Wallop

So division 1 of the amendment (No. 272) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the division 1 amendment was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to division 2 of the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. Mr. President, on this vote I have a pair with the distinguished Senator from Minnesota [Mr. DURENBERGER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—31

Andrews	Hart	Mitchell
Baucus	Hatfield	Pell
Biden	Inouye	Proxmire
Bingaman	Kerry	Riegle
Burdick	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Mathias	Stafford
Exon	Matsunaga	Weicker
Gore	Melcher	
Harkin	Metzenbaum	

NAYS—64

Abdnor	Goldwater	Murkowski
Bentsen	Gorton	Nickles
Boren	Gramm	Nunn
Boschwitz	Grassley	Packwood
Bradley	Hatch	Pressler
Bumpers	Hawkins	Pryor
Byrd	Hecht	Quayle
Chafee	Heflin	Rockefeller
Chiles	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Hollings	Simpson
D'Amato	Humphrey	Specter
Danforth	Johnston	Stennis
DeConcini	Kassebaum	Stevens
Dixon	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
East	Lugar	Warner
Evans	Mattingly	Wilson
Ford	McClure	Zorinsky
Garn	McConnell	
Glenn	Moynihan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Kennedy, for

NOT VOTING—4

Armstrong	Durenberger
Denton	Wallop

So division 2 of the amendment (No. 272) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which division 2 of amendment 272 was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, the unanimous-consent order says that we will now proceed to the amendment of the distinguished Senator from Colorado, Senator HART.

I ask that the Chair recognize Senator HART.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Colorado is recognized.

Mr. HART. Mr. President, I thank the Chair.

AMENDMENT NO. 273

(Purpose: To restrict the circumstances under which combat units of the U.S. Armed Forces may be introduced into Central America)

Mr. HART. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. HART], proposes an amendment numbered 273. On page 31, after line 23, add the following:

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

RESTRICTION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA

SEC. 601. (a) The Congress finds that—

(1) the Government of Nicaragua has disregarded its commitments to internal pluralism and non-intervention in its neighbors' affairs, and thereby caused grave concern in the United States and among the nations of Central America;

(2) the Government of the United States has placed an economic embargo on Nicaragua and resorted to other economic and political pressures to affect the policies of Nicaragua;

(3) the increasingly frequent presence of American combat troops in Central America for training exercises, particularly in the current, extremely tense atmosphere, does not advance American foreign policy objectives and may lead to military conflicts; and

(4) the Government of the United States should place its first priority on diplomatic initiatives in the conduct of its foreign policy, and such initiatives should precede any use or threat of military force.

(b)(1) No combat units of the Armed Forces of the United States may be sent into the territory, airspace, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training exercises or any other purpose after the date of enactment of this Act unless—

(A) the Congress has authorized the presence of such units in advance by a joint resolution enacted into law; or

(B) the presence of such units is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States.

(2) In either case described in clause (B) of paragraph (1), the President should advise and, to the extent possible, consult in advance with the Congress.

Mr. HART. Mr. President, Senator KERRY and I are introducing an amendment which will increase congressional oversight over the introduction of U.S. combat forces in Central America.

The amendment would require congressional approval—in the form of a joint resolution—prior to the introduction of American combat troops in Central America for training exercises or other purposes. It would, however, allow the President to introduce troops immediately in the event that the United States was threatened with attack or American lives were in jeopardy. Our amendment is intended as a crisis-prevention measure to place limits on the increasing numbers of U.S. forces on maneuver and to reduce the likelihood that those troops will become entangled in a conflict in Central America.

Mr. President, since the United States increased the scope and intensity of military maneuvers in Honduras in 1983, we have witnessed the nearly constant presence of American combat troops on the border of Nicaragua. At the end of April, that presence numbered nearly 11,000.

During these latest maneuvers U.S. tanks and heavy equipment came within 3 miles of the Nicaraguan border.

There is little to suggest that such displays of might have advanced American foreign policy objectives in the region since they began on an expanded basis in 1983. But the continued presence of these large numbers of U.S. troops in close proximity to ongoing fighting between the Contras and the Sandinistas is a case where a display of American military power for symbolic purposes is tangibly increasing the prospects that the United States will become directly involved in hostilities.

All too often in the past we have seen nations start down the path to war on the basis of miscalculations, unintentional clashes, and unforeseen crisis. Promoting the continued presence of thousands of American troops so close to forces that are fighting in earnest—so close to a nation with which we have such severe disagreements—is like placing a match in a tinderbox.

This amendment would not have the effect of banning troop maneuvers, nor would it interfere with U.S. intelligence gathering capabilities nor prevent U.S. military advisers from aiding friendly nations in the region. We are not suggesting that the United States should not conduct any training exercises in Central America.

This amendment would simply ensure that Congress subjected plans for the introduction of troops into Central America to careful and deliberate review, to ensure that such actions are dictated by U.S. security requirements, are commensurate with the need to train allied forces in the region, and are not a form of dangerous gunboat diplomacy carried out on land.

Mr. President, our amendment is especially important now, in light of the Reagan administration's decision to impose an economic embargo on the Sandinistas and the increasing likelihood that this Congress will provide some sort of aid to the anti-Sandinista Contra forces through third parties or other indirect means.

I oppose these policies. But regardless of where one stands on the embargo or Contra aid—it is clear that together they reflect an escalation in tensions between the United States and the Sandinistas; tensions which are already running extremely high.

Now is the time to mandate a thorough congressional debate prior to additional massive introduction of U.S. troops in the region—not after events have gotten out of hand, and our only option is to become embroiled in conflict.

Our proposal will not in any way limit the President's prerogative to protect American lives or respond to the threat of attack. We are not attempting to interfere with the authority of the Executive. Rather with this amendment we have attempted to strike a reasonable balance between the President's need for flexibility in conducting foreign affairs and the Congress' responsibility for passing upon policies that could lead this Nation into war.

Mr. President, the purpose of this amendment is somewhat similar to the previous amendment proposed by the Senator from Massachusetts, but it is also somewhat different. Its differences are these: The purpose of my amendment is to proscribe the level of combat forces the United States may introduce into the region of Central America, as defined by specific terms, to those listed countries—unless the President of the United States has received prior congressional authority. The purpose of this amendment, Mr. President, and the reason for bringing it forward on this bill are quite obvious. There is deepening concern among the people of the United States, in this Chamber and throughout the Congress about whether the administration may be planning for or intent upon some sort of military action against Nicaragua. That concern has been deepened by published reports and quotations of anonymous administration officials and sources in the Defense Department, the State Department, and the White House that suggest that those plans have indeed been made, and that there is a body of thought within the administration which strongly advises that we be prepared on fairly short notice to undertake that kind of military operation.

Mr. President, I will not take the time of the Senate to parade the potential loss of American lives posed by American involvement in a Central American conflict; or to suggest to each Member of the Senate what this might mean to their own families or to the constituents they represent. I will not take the Senate's time to analyze

and compare this potential to that of our recent and tragic experience in Southeast Asia. There are differences. I realize those differences of geography, differences of American interests, and all the rest. I do not by this amendment, Mr. President, intend to draw a one-to-one analogy between the sad experience we had in Vietnam, and the potential for an even sadder experience in Central America.

Suffice it to say, Mr. President, it is the conclusion of the Senator from Colorado—and I think reflective of the view of a large majority of the American people—that to seek to solve the thorny and complex problems of Central America, and our relations with Nicaragua through an invasion force or through direct military intervention by the United States—absent some more immediate threat to our own security and our own vital interests—would be an act of folly of the deepest dimension.

I, as the Senator from Colorado, have no particular inside information about what the administration may plan or may intend, or what have those who favor some greater military presence may have over the thinking of the President of the United States or of this administration. But I do know, Mr. President, that all of the ingredients are there for that act of folly—a willingness on the part of some of the key policymakers in our Government and a willingness on the part of some military officials, to resolve an increasingly complex problem for U.S. diplomacy by a swift and hopefully decisive military action.

I think any of us who have studied the situation in Central America for even one moment, or who have read even 10 pages of military history, know that action would not be swift, and it is far from certain that it would be decisive. In this respect, I think there is a certain question whether people have learned any lessons in Vietnam or not. Nevertheless, Mr. President, I think any person with commonsense and reasonable judgment would have to quarrel with the unnamed official in the Pentagon quoted in the New York Times article saying that we could occupy Nicaragua and it would be as easy "as falling off a log."

Mr. President, we are all reluctant to personalize these judgments and these decisions. The Senator from Colorado just happens to be the father of a 19-year-old son, presumably a son who would be subject to any involvement this country might undertake in the short or long term in Central America or elsewhere. It is the belief of the Senator from Colorado that his son, being as patriotic as any other young American, would be more than willing to engage himself in the defense of this country and its vital interests whenever called upon by his Government in any kind of legitimate cause. I think the issue before this Chamber today is whether a military invasion of Nicaragua is a justifiable cause, calling upon the potential loss of many 19-year-olds similar to this Senator's son.

Mr. President, it has been discussed here today, and in the highest traditions of the debates of the U.S. Senate throughout history—to debate who does or should have the authority to commit this Nation to acts of war or military enterprises. It was suggested earlier in a previous debate, a previous amendment by the senior Senator from Arizona [Mr. GOLDWATER] that the Congress has gone too far in making foreign policy or involving itself in fundamental decisions about deployment of American military forces; that what we ought to do is just give the President whatever authority he needs and trust his judgment to do whatever he thinks is best for this Nation. If any of us are students of American history, and try to sort our way through the history of ideology in this country, we find arguments of that sort ironic.

For, after all, it was the more conservative elements of those who founded this country, our Founding Fathers, who insisted—who insisted—that the Congress of the United States, and particularly the Senate of the United States, have considerable authority in issues relating to foreign aid ventures by this Nation, international relations, or relationships with other countries.

It was the concern on the part of those conservatives, those conservative Founding Fathers, that an all-powerful Executive might in fact abuse that power and unnecessarily involve this Nation in unwise activities and adventures abroad, military, diplomatic, and otherwise.

Let me, for example, if I may, Mr. President, cite Thomas Jefferson on the question of congressional involvement with respect to declaring and waging war, or being involved in military ventures abroad.

In a letter in 1807 to then-Vice President Clinton, Mr. Jefferson had this to say:

> The power of declaring war being with the legislature, the executive should do nothing necessarily committing them to declare war.

In other words, President Jefferson in 1807 was saying that the Congress should not permit itself to get into the position where Presidents can so precommit this Nation, so expose its interests unnecessarily, that the Congress then has no other choice but to intervene to carry out that commitment.

Thomas Jefferson is saying the President should not have that power because the power of declaring war is with the legislature.

He said earlier to James Madison in 1793:

> As the executive cannot decide the question of war on the affirmative side—

Let me repeat that.

> As the executive cannot—

He does not say "should not"—

> cannot decide the question of war on the affirmative side, neither can he do so on the negative side by preventing the competent body from deliberating on the question.

Once again, anticipating his statement to Vice President Clinton some 14 years later, he is saying that it is accepted doctrine, constitutional doctrine, that the Executive cannot—he is not saying should not, but cannot—commit this Nation to war on the affirmative side by an affirmative declaration. Therefore, logically the executive should not have the power to prevent the Congress, which he calls "the competent body," from deliberating on that question.

The President cannot, by any negative means, preclude the Congress from exercising its constitutional mandate to determine when this Nation goes to war.

Then finally, in an even earlier letter to Madison, Jefferson said:

> We have already given one effective check to the dog of war by transferring the power to declare war from the executive to the legislative body, from those who are to spend to those who are to pay.

The "we" he is referring to is not only himself and Mr. Madison but the other framers of the Constitution who, in their wisdom, were concerned about a too powerful Executive, particularly in the area of committing this Nation to war. He says:

> We have taken that power away. We have already given one effective check to the dog of war by transferring the power to declare war from the executive to the legislative body.

Namely, those who can spend money, the President, to those who pay the bills, the Congress.

Finally, Mr. President, on this same subject, in the question of constitutional sharing of power in foreign policy, Alexander Hamilton himself, known throughout history as a proponent of the strong executive theory, wrote this in the Federalist Papers on this subject:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise for the nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created in circumstance as would be a President of the United States.

Mr. President, I do not think it is the inclination of the Senate, for better or worse at the present time, to debate the history of who, under our Constitution, does or does not have, or should or should not have, the power to commit this Nation to war. I wish it were, because I think, Mr. President, if I read what is happening in this coun-

try—in its highest circles of power—that is exactly the kind of debate we ought to be having on the floor of the Senate today, and there ought to be a goodly number of Senators here.

It is tragic, it is unfortunate, that crises occur, that decisions are made, and then the hue and cry arises and elected officials summon themselves to the respective Chambers of the Congress and start debating about how we got into this mess.

Better, it seems to me, if we were to spend a tenth of the time today debating about who should or should not have the power to commit this Nation to war. That is what this amendment is all about.

Mr. President, it is the purpose of this amendment to limit to the present levels in Central America existing numbers of combat forces, and those are considerable. There are at least 2,000 forces, as the Senator from Colorado understands it, in Honduras, and other military personnel, depending on how one counts the occasional naval and maritime presence of the United States in the region—possibly several thousand more.

One can ask, what is the concern? Why offer this amendment at all? What are the potentials?

The potentials, Mr. President, are for ever-increasing and escalating American military presence in the region, particularly in Honduras, and that presence getting itself closer and closer to what is a less and less defined combat zone and, therefore, exposing American military personnel to potential harm; certainly putting them in harm's way, and therefore necessarily risking their lives.

It seems to me we are only really the beneficiaries of fortune that more Americans have not already been killed. We have lost tragically, I think, some 30 or 40 American military personnel, largely in exercises and accidents. But, it seems to me, given the deployment of American forces, it is almost miraculous that more Americans have not been killed in or near what has been an expanding combat zone.

We have been through three so-called Big Pine exercises, each one of which has been larger than the last. Big Pine is not a classified code name but a military code name for combat exercises conducted by this Nation with Honduran and regional military forces. That is not in and of itself anything we should necessarily concern ourselves about, were it not for the indications that, as the Senator from Colorado has already mentioned, there are predispositions on the part of some policymakers in and out of uniform to peremptorily try to solve this problem by increased direct military action.

The chances of that policy prevailing are exacerbated and heightened by the increasing possibility of Americans losing their lives in or near that combat zone, and then some tit for tat reaction being taken in which we raid across the border to protect our forces and they kill more Americans and then, before you know it, we are in the soup.

The Big Pine 3 maneuvers have ended, as has a companion exercise called Universal Trek '85. Big Pine 3 involved over 4,500 American forces. Universal '85 Trek involved 6,600 U.S. troops, including amphibious landings. These two exercises, by the way, overlapped by a period of a week or two, and during that period, by the calculation of the Senator from Colorado, there were over 11,000 combat forces in Honduras or nearby.

Mr. President, the disposition of the administration in this regard or in the near- or long-term future is beyond the Senator from Colorado—even in his capacity as a member of the Armed Services Committee. We are not necessarily brought into those plans. The Senator from Colorado is informed that, later this month, a new U.S. maneuver involving potentially a couple thousand or more Americans who might be involved in rather benign activities such as roadbuilding, but also perhaps within 40 miles of the Nicaraguan border, practicing attacks and repelling attacks by and against guerrilla forces.

So, Mr. President, the beat goes on. It is clearly an instrument of this administration's foreign policy in the region to not only beef up Honduran capabilities but to show a big stick to the Nicaraguan Government. That may or may not be a productive policy.

All this amendment does is say: If the President of the United States intends to put more combat forces into the region—Honduras or the surrounding nations—then he should come to Congress and seek your approval. Congress, under this amendment, can authorize that presence of whatever units the President wants to commit in advance, by a joint resolution enacted into law. The amendment does not require the removal of present levels of combat forces, so that argument cannot and should not be used in opposition. It specifically is designed not to interfere with the President's ability either to take whatever actions are necessary to immediately evacuate U.S. citizens in Nicaragua or surrounding nations, or to respond to a clear and present danger of military attack on the United States.

The amendment does encourage the President, under those circumstances, to consult closely with Congress.

So, Mr. President, this amendment is not designed to interfere with our intelligence capabilities or the presence of our advisers in the region. It would not in any way impede our ability to protect and promote our own interests in the region. It merely would bring Congress into the process of deciding whether we should increase American military presence in the region and, hopefully, if it works properly and is enacted, prevent any kind of unilateral action by the President of the United States which might precommit this Nation to war in opposition to the intent of the Founding Fathers and the clear intent of the Constitution of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield to myself such time as I may require.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the amendment presented by our distinguished Senator from Colorado, as he has mentioned, has many characteristics which are similar to the amendment just offered by the distinguished Senators from Massachusetts [Mr. KENNEDY] and Oregon [Mr. HATFIELD], except for the fact that the Hart amendment goes beyond the Kennedy-Hatfield amendment, beyond in the sense that in addition to the introduction of forces into combat, the Hart amendment would preclude forces coming into additional exercises without the advance consent of Congress.

I submit, Mr. President, that Members who have already voted, by 31 to 64, against the first amendment, would be disinclined to vote for the current amendment because it clearly goes well beyond it with regard to the scope of congressional management of military policy and the use of force.

The Senator from Colorado has suggested that the very presence of a critical mass of forces in Honduras may lead Americans into some measure of jeopardy. Indeed, he has suggested that it is miraculous that more injuries or deaths have not occurred, given the number of persons in Honduras. But I think it is important to indicate that, in fact, these deaths have not occurred nor have combat situations occurred.

In truth, our forces are in Honduras because they are training for fitness in military capability. They are assisting our friends in Honduras who are heavily reliant upon the support they give.

I suggest, Mr. President, that the War Powers Act, which at least pertained to the previous amendment we discussed, conceivably pertains to this one, although I understand that the thrust of the Hart amendment is to give an additional dimension to that. It seems to me that this type of amendment would clearly be a signal of weakened U.S. commitment to Honduras and other Central American friends. It would encourage, in my judgment, if not intensified military pressure by Nicaragua, certainly a temptation to attempt those activities

which Nicaragua might feel disinclined to attempt given the exercises proceeding in Honduras.

It seems to me it is indeed another unwise and rather severe restriction upon the President's constitutional authority as Commander in Chief. It appears to me that it would at least preclude the possibility of the use of U.S. forces in providing emergency assistance to friendly countries to defend against sudden attack which currently we are in a position to give, given the sure presence of our forces in Honduras or, as might be the case, exercises in other areas.

For these reasons, Mr. President, I ask the Senate to reject the Hart amendment. It seems to me it would be an unwise deviation in our foreign policy. Clearly, it will not be helpful, in my judgment, in providing for the stability in Central America which we all seek.

We have not attempted today, and will not go far afield, in treating the positive things that the United States has attempted to do in promoting strong democratic institutions, a stronger economy, stronger humanitarian aid. Clearly, our presence in Central America in a military capacity and the close ties that the military exercises give help to our friends in Central America. It seems to me this is an area in which a degree of Presidential discretion and congressional oversight are important. I would think the congressional oversight is exercised in a number of ways presently and to go so far as the Senator from Colorado has suggested would be unwise.

Mr. HART. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair and I thank Senator HART for the time.

Mr. President, I rise in support of the Hart amendment. I do so because I have the uneasy feeling—more than just an uneasy feeling, a belief—that we are moving in the wrong direction. As I read the Hart amendment, it is a balanced amendment. It recognizes that the Government of Nicaragua has not lived up to some of its commitments, but it also places priority on diplomatic initiatives without taking away the power of the President in a genuine emergency. But it sends a clear signal, "Do not use U.S. troops unnecessarily."

My own feeling is that many of the people who are making decisions for Central America simply are not sensitive to what is going on. The chairman of the Senate Committee on Foreign Relations is on the floor, and I applaud the fact that he is reviewing the whole panoply of relations of the United States with the other nations of the world. My own impresssion, from some years of travel in Latin America, is that Uncle Sam is viewed in much of Latin America as a bully and exploiter. Sometimes we have earned that image, sometimes we have not. But what we ought to be doing is moving low key in whatever we do, and we are doing precisely the opposite. I think that is counterproductive.

I remember some years ago before I was a Member of the House of Representatives and certainly before I came over to the Senate, our family drove down the Pan American Highway to San Jose, Costa Rica, a trip I would not recommend today. In San Jose we visited with Jose Figueres, who was then the President of Costa Rica, whom I had the opportunity to know slightly. We visited in his living room. This is right after Richard Nixon had become President of the United States.

On the coffee table in his living room was an autographed picture of Hubert Humphrey. I said, "I am curious, Mr. President, why you have that autographed picture of Hubert Humphrey." And he responded, "We sensed that Hubert Humphrey really cares about us."

Mr. President, what we in the United States have to convey is that we care about the people of Central America and that we are not just using them as some kind of a tool in the East-West struggle, and we are not conveying that right now.

One of the areas where we ought to be doing more—and I am pleased to see this bill, and I commend my colleague from Indiana, as well as the ranking Democratic member, Mr. PELL, and Senator MATHIAS, who worked on this—is in scholarships. One of the largely ignored points made by the Kissinger Commission was that the United States in all of Central America provides 391 scholarships, while the Soviets provide about 7,500. And you do not need great imagination to understand that we can win a battle and lose a war.

I do not suggest that every student who comes back from the University of Moscow or Patrice Lumumba University comes back a dedicated Communist, but there is an ideological tilt, just as there is for a student who goes to the University of Illinois, or Southern Illinois University, or Indiana University, or the University of Colorado. That is the kind of thing we ought to be doing.

Our troop involvement in Honduras. What we are doing there, in my opinion, is destabilizing what is probably the best government that Honduras has ever had. I would suggest we seem to learn the lessons of history slowly.

Libya had a government that was not, unfortunately, a good government, but we had a U.S. base there and some military leaders and others were able to say, "This government is a puppet of the United States." And a young colonel by the name of Qadhafi and some others overthrew the government. It is probable that Colonel Qadhafi would not be in charge in Libya today had there not been a U.S. military base there. I think our presence in Honduras, rather than stabilizing Central America, is a destabilizing factor.

Finally, Mr. President, I am for this amendment because I hear not a dominant voice around here but an occasional voice—I have heard this from someone in the administration. I have heard it from a Member of Congress—saying, "You know, what we ought to do is invade Nicaragua."

I want to quiet that kind of talk quickly, firmly, and without any question whatsoever. If there is anyone in a responsible position in this administration who wants to seriously consider that, I am going to do everything I possibly can to help prevent it. It is not the direction that we ought to go.

The Hart amendment—and I urge my colleagues, those who hear my voice on their radios in the office as well as those who are on the floor, to read the Hart amendment, not the synopsis of it—is a balanced amendment that I think represents the view of the majority of the Members of the Senate. Now, whether the vote is going to reflect that, I do not know, but if the Members of the Senate read the Hart amendment I think they are going to vote for it. I commend my colleague from Colorado for his amendment. It says what we ought to be doing. It suggests that diplomatic initiatives ought to be the direction. And just in general, to reemphasize, we ought to be low-keying it in Central America.

Mr. President, if I may use just one other illustration. I remember after President Reagan had his first press conference on Central America, I was on a call-in radio program at WGN in Chicago. They also had the Managua correspondent for Newsweek on the radio. I said, "What does troop involvement, our aid to the Contras, our naval flotilla do as far as the Sandinistas are concerned? Does it strengthen them or weaken them?" And she said, "Oh, it strengthens them because Uncle Sam is viewed as a bully who is trying to dominate Nicaraguan policies." And I said, "That is exactly what I thought."

I am not in love with the Sandinistas. They are not Boy Scouts. But let us adopt policies that pull Central America in a positive direction. Let us not be the big bully. Let us not do things that just hand the Soviets and Marxists and others the kinds of issues that I think, day after day, we seem to be handing them.

I am pleased to support the Senator from Colorado. I yield back my time to him.

Mr. HART. Mr. President, I thank the Senator from Illinois for his very perceptive remarks. They got beyond the scope of the amendment to describe what our policy in the region ought to be, something that the Senator from Colorado had not attempted to do, but I fully agree with the thrust of the idea the Senator from Illinois has put forward as to what a progressive policy for the United States ought to be in that region.

If I may respond briefly to comments made by our friend and colleague, the distinguished floor manager and chairman of the committee, if I understand his remarks and criticism, they amount to this. First of all, this amendment would, in his words, signify a weakened U.S. commitment in the region.

Mr. President, I hope the day will come, not too far in the future, where strength has a broader definition than mere military power. I know the Senator from Indiana, being a thoughtful and perceptive person, does believe that strength should be defined in broader terms. But by arguing the way he did, he implies that the strength of America is derived simply from military power and military presence.

We all know from studying human nature and human events that quite often the strongest individual or the strongest nation is the one that is so confident in and of itself in its cause and principles and values that it does not need to demonstrate that strength through constant military presence or force.

I hope we do not let ourselves get into this kind of one-dimensional, ideological, polarizing syllogism which says, "If you are for strength, you are for military presence and intervention; if you are not for military presence and intervention, then you are for weakness."

Now, unfortunately, American politics in the 1970's and 1980's fell into that trap too often. It certainly does not elevate the level of dialog and debate or challenge the intelligence of the American voter. But the fact is we can be much stronger in Central America, a region of vital importance to this Nation. without increased American military presence. Let us give some thought to what strength is. Let us not let ourselves—and certainly not someone as intelligent and multidimensional as the chairman of the committee—get into this business of, "Well, if we want to be strong, let's put our troops in. And if we take our troops out, then we are necessarily weak."

That is, I think the chairman of the committee would admit, a much too oversimplified definition of strength. Strength is defined by whether we are able and willing to protect and promote our vital interests in every possible way, not one way but every possible way.

He said, further, that this amendment would weaken the ability of Honduras or a neighboring nation to repel an attack. This, of course, presumes that an attack is imminent or that it is even possible, evidence of which has yet to be presented to the Senate of the United States or the American people.

However, if the President of the United States—or his Cabinet, the Secretary of State, the Secretary of Defense, or the national security apparatus of this Nation—concludes that an attack is possible, is likely, is imminent, then, of course, it is his duty to inform the Members of Congress of that possibility and to seek our support and our cooperation in preparing a neighboring nation to repel that attack.

I suppose that, in theory, the Sandinistas could prepare an all-out attack on Honduras or somewhere else overnight—massive tanks, troop carriers, artillery, infantry, and everything else they have—and, lo and behold, the President might be awakened in the middle of the night by a call:

"Mr. President, this is Bill Casey calling. The Nicaraguans have just moved en masse across the Honduran border."

The first thing he should do when that happens is fire Bill Casey. We are not spending billions of dollars, I hope, on an intelligence organization that could not find out that those plans were underway.

Nevertheless, this amendment provides more than ample opportunity for the President and the national security apparatus to consult Congress and seek, very quickly, our concurrence in increasing our military presence in this region—it is not halfway around the world; it is within short flight time—to help the Hondurans to repel an attack.

Finally, as I understand the Senator's arguments, he has said that this amendment would not increase stability. Mr. President, I have been to Honduras—not in the last few months but in the last couple of years, as many Members of the Senate have—and an argument can be made, as the Senator from Illinois has made, that increased military presence by the United States in that country is not stabilizing.

Mr. President, the Senator from Colorado has met with the political opposition in Honduras—they are Democrats, they are nationalists and patriots who happen not to agree with the government in power—and they have said to the Senator from California that increased American military presence is making their nation less stable rather than more stable, for many of the reasons the Senator from Illinois has just stated.

So, whether the argument about a weakened commitment goes to the ability of the United States to help the Hondurans repel an attack, or it goes to the question of whether it does or does not help create stability in the region, I hope that our colleagues in the Senate will reject those arguments.

This amendment is designed, more than anything else, to bring Congress, in a timely way, into decisions that may affect the livelihood, the safety, and the survival of young Americans who might otherwise be called upon, without that involvement, to enter into an unnecessary and unwise military adventure.

Mr. LUGAR. Mr. President, I appreciate the comments of the distinguished Senator from Colorado as he has discussed his thoughtful amendment. I also appreciate the statement of the Senator from Illinois.

Let me respond briefly by saying that I suspect that no Senator who has been involved in the debate would equate strength entirely as military strength. In fact, military strength might be a very small part of the strength of our country, in the image we present and the way we conduct ourselves.

Our efforts in Central America have been to try to provide democratic institutions, stronger economies, a thrust toward a concept of civil rights and human rights that would grow. Our strength clearly lies in the image we have and in the activities we have fashioned to show the strength of our own constitutional principles, and where these can be adopted, to try to encourage them to be adopted.

I think the other side of the coin, however, is that strength does not preclude military strength. One can argue how the balance is perceived. Both the Senator from Illinois and the Senator from Colorado have argued that our presence in Central America, in the Western Hemisphere, has been interpreted as a bullying presence in a way that not only destabilized situations, but also brought enemies for our country.

However, the present amendment, as I perceive it, is one in which we are arguing about who should manage military exercises in Central America. The thought of the Senator from Colorado is that prior to military exercises, which are conducted extensively—the three Big Pine operations in Honduras have been mentioned specifically—Congress should push those along by an affirmative gesture.

It has been argued, further, I believe, that the Senators, in proposing this amendment and supporting it, believe that the sheer numbers of persons we have had in Honduras may have led to dangers to our forces or dangers to our friends in Honduras.

That, I think, is arguable. My own general assumption is that the Hondurans wanted our presence. There have been negotiations from time to time as to how extensive they wanted it and what quid pro quo was required in addition. Those complexities are important; and if we were discussing the advisability of any one exercise, it is arguable both ways.

I fail to see that our foreign policy is going to be enhanced by taking away from the President of the United States and his administration the ability to train troops in Central America, provided that we do so in conjunction with friendly countries, and provided, of course, that they want us there, and in my judgment they do. It has not been a situation of bullying or a situation in which we have prevailed through our own strength. As a matter of fact, we have lent our strength to our Honduran friends and perhaps to others.

Finally, I suggest that one of the difficulties, in a practical sense, about precluding our exercises—and this is the reason I made an argument for stability—is that the Nicaraguan Government currently, with a "revolution-without-borders" concept, with the destabilizing efforts made by that government toward neighboring nations, is, unhappily, the sort of government that does have an element of surprise, an element of covert activity, an element of subversion.

I am suggesting that the very presence of American troops in Honduras, for example, by invitation of the Honduran Government and in conjunction with a training mission with Honduran forces, has at least led to a second thought on the part of the Sandinista government with regard to any activities that might be conducted toward Honduras.

I think that is all to the good. I do not know what the course of activity of Nicaragua would have been otherwise. I am simply saying that the physical presence of our forces there has precluded adventures that would have been inadvisable, and I think that is all to the good.

Mr. HART. Mr. President, if the Senator will yield—I know that we have some distinguished visitors—I will respond very briefly.

It is not the intent of the sponsor of this amendment to manage troop exercises. It is not the intent of the sponsor of this amendment to preclude troop exercises. It certainly is not the intent of the sponsor of this amendment to prevent the President from taking actions that are necessary to defend and protect this country's interests or those of our allies.

All this amendment says is that if the President is convinced of the need for an increased American military presence in Central America and if there is no emergency, then he must come and convince Congress of that. It simply involves Congress in any decision to increase our military presence in the region, absent an emergency.

I believe that, given any clear reading of the history of the Constitution, that is what our responsibility and role are designed to be.

If the President cannot convince the majority Members of the Congress that we ought to have more troops in Central America then we probably should not have more troops there.

VISIT TO THE SENATE BY A GROUP OF BRITISH-AMERICAN PARLIAMENTARIANS

Mr. LUGAR. Mr. President, the Senator from Indiana asks the Chair to recognize the distinguished Senator from South Dakota for an introduction of a distinguished delegation.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I am proud to introduce to the Senate a distinguished visiting group of parliamentarians from Great Britain, the British-American parliamentarian group. They are headed by Mr. Joplin. There are three parties represented here. They are visiting the United States and they are here to get the wisdom of the U.S. Senate.

I am honored to present them to the Senate.

[Applause.]

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes for a greeting by Senators of the delegation.

There being no objection, the Senate, at 3:50 p.m., recessed until 3:53 p.m.; whereupon, the Senate reassembled when call to order by the Presiding Officer [Mr. CHAFEE].

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The Senate continued with the consideration of the bill (S. 1003).

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I discussed the situation with the distinguished Senator from Colorado and we both agreed that the debate may draw to a close in the next few minutes for our side. I would be pleased to yield back all the time and I believe the Senator from Colorado wishes to be recognized for a closing statement.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I thank the distinguished floor manager. I shall be brief, lest other Senators in support of the amendment wish to be heard. Then after 2 or 3 minutes of concluding remarks, it will be my intention to yield back the time of the proponents. The Senator from Indiana may want to reserve time in case the Senator from Colorado turns unnecessarily provocative in the 2 or 3 minutes.

Mr. President, the intent of this amendment is quite simple. It is to require the President of the United States to seek the support of Members of Congress before increasing the American military presence in Central America. It does not preclude that increase and it does not require a decrease. It merely says if it is a central part of this Nation's foreign policy in this critical region to have increasing permanent or semipermanent military presence, then the President of the United States should seek the endorsement and support of Congress before increasing that American military presence.

It is an amendment born of concern that the United States is increasingly seeking only a military solution to a complex web of problems in that area of the world. It is admittedly born of increasing concern by the Senator from Colorado that the administration or some elements of the administration might, in fact, seek the ultimate military solution to this problem and that is some sort of an invasion, provoked or otherwise, by American combat forces, without the consent or approval of the Congress.

Mr. President, I think that policy would be folly. It would be a policy the Senator from Colorado would be prepared to strongly oppose without more evidence of its necessity to our national security.

But, Mr. President, it is the concern of the offerer of this amendment that Congress and the Senator from Colorado would not even have the chance to reflect our views before that action were taken.

I hope, Mr. President, Members of Congress do not vote against this amendment and awaken some morning unhappily to be notified that this Nation is involved in combat against Nicaragua.

I think that would be a sad day for this country in terms of its constitutional process, in terms of the preogatives of Congress in declaring war and in terms of the unnecessary loss of young American lives.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART, Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired on the amendment, the question is on agreeing to the amendment of the Senator from Colorado.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] would vote "nay".

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote "nay."

The PRESIDING OFFICER (Mr. QUAYLE). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 15, nays 81, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—15

Burdick	Inouye	Pell
Cranston	Kennedy	Proxmire
Harkin	Leahy	Sarbanes
Hart	Matsunaga	Simon
Hatfield	Metzenbaum	Weicker

NAYS—81

Abdnor	Ford	McClure
Andrews	Garn	McConnell
Baucus	Glenn	Melcher
Bentsen	Goldwater	Mitchell
Biden	Gore	Moynihan
Bingaman	Gorton	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Bradley	Hatch	Packwood
Bumpers	Hawkins	Pressler
Byrd	Hecht	Pryor
Chafee	Heflin	Quayle
Chiles	Heinz	Riegle
Cochran	Helms	Roth
Cohen	Hollings	Rudman
D'Amato	Humphrey	Sasser
Danforth	Johnston	Simpson
DeConcini	Kassebaum	Specter
Dixon	Kasten	Stafford
Dodd	Kerry	Stennis
Dole	Lautenberg	Stevens
Domenici	Laxalt	Symms
Durenberger	Levin	Thurmond
Eagleton	Long	Trible
East	Lugar	Warner
Evans	Mathias	Wilson
Exon	Mattingly	Zorinsky

NOT VOTING—4

Armstrong	Rockefeller
Denton	Wallop

So the amendment (No. 273) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BYRD. Mr. President, I thought I might ask the distinguished majority leader how he sees the program for the rest of the day, how late we may go, what the prospects are for finishing this bill, keeping in mind tomorrow depending on how the day goes, and for Monday.

Mr. STENNIS. Mr. President, may we have order so we might hear?

The PRESIDING OFFICER. The Senator from Mississippi is correct. Will those Senators conducting conversations please retire to the cloakrooms?

The Senate will be in order.

The majority leader.

Mr. DOLE. I thank the Chair.

I would say first of all I have discussed with the chairman of the committee, Senator LUGAR, that we would like to complete action on this bill tonight. If we do not, we will complete action on the bill tomorrow. That is where we will start from. If we do finish this evening, we would be in session tomorrow but I can assure Members that there would not be any matters requiring rollcall votes.

I am also advised by the chairman that once we get beyond the so-called Contra amendments that it will move fairly quickly. A number of amendments will be accepted. There are some that will require some debate, and maybe a rollcall, but overall we will move rather quickly.

I am rather optimistic at 4:25, though I may not be that optimistic at 6:25.

I would suggest to Senators who have Contra amendments, and I know they all have great merit, if we could use less time we might be able to finish the entire bill by 8:30 or 9 o'clock this evening, which would accommodate a number of Senators on each side who have official commitments elsewhere tomorrow.

On Monday, if we did not finish this bill, we would still be on the bill. But it is my hope to take up the clean water legislation.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I have one further question, that being what would be the business on tomorrow which would cause the Senate to come in but not require rollcall votes?

Mr. DOLE. A number of bills have been reported by the Commerce Committee which we understand have been cleared on both sides. Obviously, if they have not been cleared, we will not try to address them. But there will be no rollcall votes. I can assure that. If something did develop, we would postpone action until Monday. I believe they are all from the Commerce Committee. I can double check and give the distinguished minority leader a list of those we have in mind.

Mr. BYRD. I thank the distinguished majority leader.

Mr. President, if the distinguished majority leader would accept one final suggestion, when the Senate moves on beyond the Biden and Nunn amendments, I wonder if it might be possible for Members to indicate their willingness to limit time on the remaining amendments.

Mr. DOLE. I would hope that would be the case. The managers of the bill might consult with Senators. I might say I have one amendment and I am prepared to yield all time back at the appropriate time. I want to try to set a pattern for others to follow. I have the last amendment and I do not really believe I will need to offer it. Maybe the managers between now and the next vote can encourage others not to take the full 60 minutes or 90 minutes, whatever it is.

Mr. BYRD. Mr. President, I thank the majority leader. I thank the Chair for getting order and maintaining order.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the next amendment in order is an amendment to be offered by the distinguished Senator from Delaware [Mr. BIDEN].

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 274

(Purpose: To establish terms for U.S. policy toward Nicaragua)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 274.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

SEC. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however,* that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 602. (a) During fiscal year 1985, not more than $14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however,* That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however,* That if the Government of Nicaragua has earlier, and seriously or substantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

SEC. 603. (a) The $14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

SEC. 604. The assistance described in section 602 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

SEC. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

SEC. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Colombia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983.

(b) In the event that less than $14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however,* That in the event $14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

SEC. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in sections 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

SEC. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained in that executive order shall be suspended, if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

SEC. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democractic resistance, and to suspend the state of emergency.

FUTURE LOGISTICAL AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount and of such a nature as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into a mutual cease fire, as described in section 602. A request submitted to the Congress under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that the opposition has in fact effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID REQUESTS

SEC. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however,* That—

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

SEC. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating a number of economic and development programs, including but not limited to—

(1) trade concessions;

(2) Peace Corps programs;

(3) technical assistance;

(4) health services; and

(5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

(1) the removal of foreign military advisers from Nicaragua;

(2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to rebel forces fighting the democratically-elected government in El Salvador;

(3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and

(4) progress toward internal reconciliation and a pluralistic democratic system.

NICARAGUA: THE PRESIDENT PRESENTS A HOBSON'S CHOICE

Mr. BIDEN. Mr. President, late in the 17th century, a Englishman named Thomas Hobson adopted a rigid, rather inhospitable practice in the operation of his riding stable near Cambridge. To students from the nearby university who came to rent a horse, Mr. Hobson offered a simple choice: take the one nearest the stable door, or none at all.

Today, as we renew discussion of American policy toward Nicaragua, we unfortunately are presented a choice no better than that offered by the metaphorically famous Mr. Hobson. But just as there was only one stable near Cambridge, we have only one American foreign policy. Consequently, we must deal with the choice we face.

The essential issue before us is whether, and on what conditions, to aid the Nicaraguan resistance—the Contras. I deplore the circumstances under which we are forced to deal with this issue because I think that the administration has failed in an important responsibility, which is to exhaust all avenues of diplomacy before shifting to a policy that emphasizes military force. By its denigration of

the Contadora process, by its apparent willingness to supply aid to any and all elements opposed to the Sandinista regime, and by its hastily imposed embargo, the administration has managed to generate for Mr. Ortega an international sympathy which his government could never have earned for itself.

We thus find a situation involving three flawed players: a Sandinista regime which shows little disposition to fullfill the promise of the Nicaraguan revolution, a resistance which includes some truly democratic leaders but also a number of unsavory figures responsible for unjustifiable behavior, and an ideological administration which appears to be spoiling for a fight as the only satisfactory solution.

To return to the metaphor of Mr. Hobson, some would argue that we should walk away—that because we are offered no attractive choice, we should have nothing to do with the situation. But as emotionally satisfying and politically popular as that might be, I cannot judge it to be the responsible course. Nor, however, do I think we should simply accept the horse offered by Mr. Hobson—in this case, Mr. Reagan. Instead, I think we must impress upon him the need for a better horse—a better, more balanced approach—and that is the purpose of the amendment I wish to offer today.

A BALANCED APPROACH

The amendment I offer is a modification of the proposal—concerning so-called humanitarian assistance to the Contras—made by my party during negotiations with the White House on this issue several weeks ago. Those terms were embodied in a resolution [S.J. Res. 120] introduced by the Democratic leader. The principal modifications I have made are to place strict conditions on any future U.S. aid to the Nicaraguan resistance and to add certain elements of inducement, including a possible suspension of the U.S. embargo, should the Sandinistas wish to adopt a more cooperative attitude toward negotiation with the Nicaraguan opposition. I shall summarize briefly the provisions of this amendment:

CURRENT AID TO THE NICARAGUAN OPPOSITION

First, the amendment contains provisions relating to current aid to the Nicaraguan opposition. It does so by maintaining in law the Boland amendment, prohibiting military or paramilitary assistance, while providing $14 million in so-called humanitarian assistance. I note, Mr. President, that some of my colleagues have expressed concern about closing loopholes which might allow some of this money to aid the Contras militarily. I must say that I find any such concern to be misfocused. The fact is that this aid will ipso facto help the Contras militarily because it will help them economically; it is as simple as that, so let us speak candidly. We are providing this aid in the form of so-called humanitarian assistance because we wish, at this time, to confer on the Nicaraguan resistance some measure of legitimacy and practical assistance without affirming the political and moral commitment entailed by overt military support. Accordingly, my amendment requires that the aid be distributed by the State Department from State Department funds, in order to minimize the dangers arising from the presence and involvement of U.S. military or CIA personnel in the field.

BILATERAL AND MULTILATERAL NEGOTIATIONS

Second, in addition, the amendment seeks to promote negotiations by conditioning the availability of this aid on the demonstrated willingness of the administration and of the Contras to enter into talks with the Nicaraguan Government; and urging full U.S. support for the Contadora process, to which the administration has accorded far too little support heretofore, while authorizing the expenditure of State Department funds to support the implementation of any agreement reached through that process.

INDUCEMENTS TO THE SANDINISTA GOVERNMENT

Third, and relatedly, the amendment offers to the Sandinista government certain inducements to negotiation by providing for a suspension of the U.S. economic embargo if the Government of Nicaragua enters into a ceasefire and negotiations with opposition forces; declaring, as does the Nunn resolution, that the President should suspend military maneuvers near Nicaragua if the Sandinista government agrees to a cease-fire, talks with the opposition, and an end to the country's declared state of emergency; and setting forth, as does the Hamilton resolution in the House, certain conditions under which Congress would consider establishing programs of assistance to the Nicaraguan nation.

HUMAN RIGHTS AND FUTURE AID TO THE NICARAGUAN OPPOSITION

Finally, and of central importance, the amendment declares that, beyond the funds authorized in this bill, Congress shall consider further aid to the Nicaraguan opposition only if the opposition has acted effectively to remove from its ranks those persons who have engaged in serious abuses of human rights. An associated and crucial provision is that the President shall be required to submit, in conjunction with any future request for further economic or military aid for the Nicaraguan opposition, a detailed certification that such house cleaning has in fact occurred. I should underscore that any such certification would be subject to Congressional secutiny in the course of hearings on the President's request for further aid.

IMPLICATIONS OF U.S. AID TO THE CONTRAS

Mr. President, Nicaragua has already been subject to prolonged debate in this body. But I do judge that certain observations are in order concerning the implications of U.S. aid to the Contras, which many draw as a moral issue in terms of black and white, but which I must confess to finding a complex foreign policy issue suffused only by shades of gray.

LEGITIMACY OF U.S. AID

As to whether it is legitimate for us to aid a Nicaraguan opposition, I simply do not find it persuasive to argue that such action is intrinsically improper. The Sandinistas themselves received ample international assistance in overthrowing Somoza, and few observers—no matter how high minded—found fault with that. Moreover, the Sandinistas themselves have declared that their own ideology impels them to provide assistance to other revolutions, as they have indeed done. So unless one is an advocate of the Brezhnev doctrine that all Communist revolutions must be regarded as irreversible, the providing of American aid to the Nicaraguan opposition is hardly a violation of sacrosanct international principal. I believe the essential criterion—and it is a practical one—is whether what we do will employ reasonable means to produce a desirable result.

IMPLIED COMMITMENT

As to whether my amendment commits the United States to further support for the Contras, the answer is that it does not; it leaves that question fully open for the time being. What it does do, however, is express that the United States ascribes political legitimacy to the concept of a Nicaraguan democratic opposition. Simultaneously, however, the amendment establishes a framework which will divorce us from the opposition if it does not complete its evolution from being a symbol of the worst of Nicaragua's past to being the repository of the best hope for Nicaragua's future. If the diplomatic efforts encouraged by this amendment fail, Congress will in the future face a tough choice on the issue of further economic and/or military aid. But that question is not prejudiced by our action now in providing an increment of economic aid while putting the military approach, as Senator NUNN has put it, on the back burner. The question of future aid would be prejudiced only if we failed to keep the option open.

U.S. MILITARY INVOLVEMENT

Finally, and of fundamental importance, we face the question as to whether we are paving the way for U.S military involvement, a specter repeatedly invoked and, in veiw of this administration's apparent propensities, worth considering with great care. Some argue that any support at all for

the Contras is, for the United States, a step on the road to war. But it can, I believe, be argued with comparable force that a hands off policy would be equally, if not more, likely to lead to war—by inviting Soviet and Nicaraguan adventurism and by allowing further polarization and instability in Central America. In considering any further aid to the Contras—particularly military aid—we will have to weigh carefully the measure of our implied or explicit commitment to them. But it is a dangerous and perverse oversimplification to argue that the only way to avoid war is to dissociate ourselves from supporting those who represent democratic values. The key test, as my amendment emphasizes, is whether the Nicaraguan opposition truly represents such values. If it does not, it cannot represent a sound option for American policy.

CONGRESSIONAL MEDDLING

The imperative that American foreign policy reflect a real concern for human rights brings me to a final matter: The recurrent charge that Congress, moved by a foolish or timid idealism, is meddling in the policymaking process and thereby tying the President's hands. These are familiar themes. But to refute this charge, one need look no further than our recent policy toward El Salvador.

At the outset of President Reagan's first term, the alarm bells sounded and we were told that the Communist insurgency in El Salvador must be combated at all costs. Those in Congress who criticized a policy that would have blindly supported the brutalities of the Salvadoran right were described as victims of the Vietnam syndrome. But congressional pressure continued nonetheless. The result was a tortuous policymaking process and a hybrid policy—a policy that nobody had intended and few liked. Yet that policy appears to have worked—by blending the administration's emphasis on military aid with congressional emphasis on the practical reality that popular support in a civil war cannot be won by death squads, which serve only to feed guerrilla strength.

The turning point came in 1983. El Salvador's Communist guerrillas had hoped that congressional pressure would result in a cutoff of U.S. aid to the Salvadoran Government. Instead, they found themselves confronting a balanced American policy that continued military and economic aid, while placing heavy pressure on the Salvadoran Government to clamp down on the rightwing death squads, to overhaul the armed forces, and to continue the process of domestic reform. In sum, the administration had finally accepted that public support—here and among the Salvadoran people—depended upon curbing the abuses of the Salvadoran right. The result was a constructive policy—shaped by congressional meddling—that has contributed to the encouraging, though obviously still tenuous, progress in El Salvador that we see today.

CONCLUSION

While any analogy between El Salvador and Nicaragua is imperfect, two principles clearly apply to both. The first is that an American policy which supports the use of force must attend carefully to the purposes and means which govern its use. The second is that, in civil conflict, the outcome must finally be determined by those directly involved; for the United States to seek, or drift into, a central role is to ensure failure.

Mr. President, Mr. Hobson has not been easy with us on the subject of Nicaragua. Here, as on several other issues, he appears to be working hand in hand with Mr. Reagan. But I believe that through this amendment we can obtain something better than the choice between no horse at all and administration's armored and blindered war horse. We can obtain balance—by placing due emphasis on negotiations and by infusing our policy with an essential concern for democratic values and human rights.

I urge adoption of the amendment.

Mr. President, before I yield the floor, I ask unanimous consent that Senators BRADLEY, SASSER, and GORE be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN and Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senators from Maine.

Mr. COHEN. Mr. President, I want to take this opportunity to commend my colleague.

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. LUGAR. I will be pleased to yield time.

Mr. COHEN. Will the Senator from Delaware yield?

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. BIDEN. How much time does the Senator have?

The PRESIDING OFFICER. Twelve minutes.

Mr. BIDEN. I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. COHEN. I thank the Senator for yielding. I want to commend the Senator from Delaware for trying to strike a balance between the polar extremes, between no aid at all, as some have advocated, or unlimited aid as some would like. I believe it has been apparent that we cannot build a foreign policy on partisan planks or posturing. I think the Senator from Delaware has offered at least one option to avoiding this partisan wrangling we have had for the past several years on what to do about Nicaragua.

I have another question I should like to pose to the Senator from Delaware, however. One of the attractive features I find in the Lugar-Nunn amendment is that it seeks to avoid bringing this subject to the floor time after time but, rather, have some sense of continuity and time to develop and evolve this policy. I notice that the Senator from Delaware, I believe, has offered funding for 1 year only and that the Lugar-Nunn proposal is for 2 years or through 1986. I was wondering whether or not the Senator from Delaware would consider an amendment which would extend that time frame to grant a little more time for continuity and not force it back upon the Congress again in a very short period of time?

Mr. BIDEN. I think the case that the Senator makes is a valid one. I am somewhat ambivalent about it. The Senator probably does not have the amendment in front of him, but the first section, section 602(a), says, "During fiscal year 1985 not more than 15 million," et cetera.

I would, depending on the attitude of my cosponsors, with whom I would like to take time to check, be willing to suggest that during the fiscal year 1985 and again during fiscal year 1986 not more than—in other words, adding 1986 because it does not seem to do violence to what my approach is because the conditions still must be met in each of those years. I would be willing to do that, but I ask the Senator if he would withhold making a formal request and give me an opportunity to consult with my cosponsors.

Mr. COHEN. I will certainly withhold that request and await any judgment the Senator might have.

Mr. BIDEN. I yield time to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Delaware.

Mr. President, 15 months ago, when I visited Honduras, I found the Reagan administration had been conducting what amounted to a secret military buildup in that region of the world.

Since coming to office, the administration has been engaged in a Central American policy that has left open few options except military solutions.

The administration has failed to aggressively seek diplomatic solutions to the Central American crisis. Indeed, in the past months we have witnessed the erosion of diplomatic alternatives.

Early last year when I visited the region, it appeared the Sandinista Government of Nicaragua was en-

gaged in what amounted to only a defensive military buildup to repel the Contra invaders. Furthermore, it appeared the Government of Nicaragua could be persuaded to permit free elections and engage in talks on the legitimate security issues of the region.

In the past months, however, the world has witnessed a continual military buildup of men and equipment in Nicaragua which some believe exceeds the requirements of solely a defensive posture. Likewise, those efforts which have been made to enter into negotiations, for whatever reason, have failed to produce results.

Except for brief moments of public relations theater when the Sandinistas embraced a draft Contadora treaty and the Reagan administration agreed to bilateral talks in Manzanillo, the reality of the situation is that all sides have dug in their heels, hardened their positions, and cut away much of the middle ground.

Today, we see a Sandinista government determined to hold and consolidate power at any cost—even if that cost is the bankruptcy of its nation, the repudiation of its officially proclaimed nonaligned foreign policy, and the potential invasion by foreign armies.

Today, we also see the Reagan administration determined to prevent the consolidation of that Sandinista power, even if such a policy weakens our standing in the world community, divides our country, and leads to a direct U.S. military intervention.

So, that is where we are today, Mr. President. There is little middle ground left. Someone—the Sandinistas, the Contras, or the United States—has to compromise, or there is going to be a war in Central America, and the blood of thousands of Americans and Nicaraguans will be spilled.

Now, we could argue on this floor forever about the history of the conflict in Nicaragua. It is clear the United States has a dismal history in Central America. And our recent history is completely in character with our past.

It is also clear that administration policy toward Nicaragua has failed. Indeed, it has not achieved any of the President's stated goals: The Sandinistas today are stronger, more pro-Soviet, and more determined to hold power than ever.

But, the failure of administration policy to date, unfortunately, cannot be changed. Who is at fault for the crisis in the region is no longer the central question.

The simple fact of life is: There is a crisis. The Sandinistas, for whatever reason—either in response to administration pressure or by their own design—have turned increasingly toward the Soviet bloc for military aid and assistance.

And as the Sandinistas grow deeper in debt to the Soviet Union, United States security interests in the region begin to take on a new context.

Mr. President, I have consistently opposed funding for the covert Contra war, directed by the Central Intelligence Agency. That approach has been demonstrated to be, not only ineffective, but also morally deficient for a great country such as the United States. Furthermore, it is abundantly clear that the Contras cannot, alone, bring about change inside Nicaragua.

The best hope for change and reconciliation remains the Contadora peace process. The United States cannot dictate a lasting settlement to the regional conflict. That can only be achieved by the nations most affected, the Latin American countries themselves.

Yet, the United States must be seen as promoting that process if Contadors still has a chance to succeed.

Some amendments being offered to this bill appear to achieve that goal. But the time has come when we must do more than merely endorse the Contadora peace process. We cannot provide a carrot without a stick. History has taught us that neither the stick nor the carrot, alone, is sufficient to achieve progress toward a negotiated settlement in the region.

Other amendments appear to provide substantially only a stick. And if we repeal the Boland amendment provision, it is likely to result in an even deeper involvement of the Central Intelligence Agency in the prosecution of the Contra war. So, I cannot support amendments which could return this Nation to a policy which was found deficient over a year ago. Such amendments risk an every growing military involvement of the United States.

But, Mr. President, it has become clear that this Nation must adopt a new policy toward Nicaragua. We must adopt a policy which includes both a carrot and a stick.

Mr. President, last year it appeared the Sandinistas were being persuaded to begin to enter negotiations in good faith. That no longer appears to be the case, at least for now. For after the Congress turned down further military assistance to the Contras, President Ortega immediately went to Moscow to negotiate instead with Soviet leaders.

Certainly, a case can be made that it is the policies of the Reagan administration which have pushed the Sandinistas toward the Soviets. That may be true. But, President Ortega had a choice. Instead of immediately going to Moscow, he could have seized the moment to probe opportunities for reinstituting a dialog with the United States and the opposition within his own country.

Mr. President, I will vote for the Biden amendment today. And my vote should be interpreted as more than just a protest vote against the Ortega trip.

I am voting for this amendment because it offers a new approach to American policy in Nicaragua. The Biden amendment provides an opportunity to promote a new nonmilitary solution to ending the crisis. First, it endorses the Contadora peace process. But it takes even more concrete steps which can reduce the tension in the region. Most importantly, it offers the opportunity for the United States to pull back from the military abyss in Central America. Yet, by providing nonmilitary aid to the Contras, it maintains the option to renew military pressure should efforts to achieve a cease-fire and new negotiations fail. Therefore, the Biden amendment, in my judgment, provides substantial incentives to all sides to attempt, at least one more time, to achieve a peaceful solution without resorting to military action.

Mr. President, I also support the Biden amendment because the Sandinistas need to know that there are limits to their activities in the region. They need to understand that the legitimate interest of the United States cannot tolerate enhanced Soviet influence in this vital region of the world.

Mr. President, the Biden amendment represents a new opportunity which must be embraced by those who seek peace in Central America. Without it, we will be able to exert no leverage over either the Sandinistas or the Contras. Without it, the Congress leaves the development of Central American policy solely to the tender mercies of the Reagan administration. Without this new approach, the Nicaraguan crisis will be merely left to deteriorate.

Mr. President, we cannot sit idly by and permit the Nicaraguan crisis to embroil our Nation in another costly and unnecessary foreign war. The Biden amendment gives all sides an opportunity to take stock of their position. It provides an incentive for a cease-fire, a cooling-off period to allow moderation and peaceful purpose to replace belligerence and armed conflict.

Mr. President, the remaining middle ground is growing soft. There is little time left to halt the drift toward a Central American war.

This Congress must enact a legislative framework which attempts to strengthen the middle ground and gives us another chance to achieve a peaceful settlement to the crisis.

The Biden amendment, I believe, offers us that opportunity.

Mr. BIDEN. I thank the Senator.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield myself such time as I may require.

Mr. President, I appreciate the thoughtful amendment by the Senator from Delaware and the cosponsors.

The Senator from Delaware and those with whom he is associated in this amendment have taken seriously the fact that the carrot and the stick must be involved, and have worked to try to apply a measure of both. My opposition to their amendment will come on certain particulars that I want to enumerate, but I suppose more generally from the standpoint that I believe that the Nunn-Lugar amendment is a better alternative. Essentially, to adopt both, in a parliamentary situation, would render the conference committee's task very difficult.

Both amendments track along certain points. Perhaps both arise from negotiations that occurred at the White House a few weeks ago and subsequently, in an attempt to find a bipartisan foreign policy that could help our Secretary of State work for better success in Central America. So I acknowledge the origins of a number of the activities described in both the Biden amendment and the Nunn-Lugar amendment.

It appears to me, however, that the Biden amendment attempts to have more restrictions on the Contras, the freedom fighters, than the Nunn-Lugar amendment provides for. It has some problems in bringing about changes in the situation that we would deem desirable.

Let me say quickly, as a matter of overall philosophy, that it seems to me that the purpose of our activity today is to provide a context in which negotiations ultimately between the forces in Nicaragua itself may come to pass. Those are negotiations that are meaningful, ones that open up a government that needs political freedom, political opportunities, freedom of the press, and other desirable safeguards with regard to surrounding nations and safeguards to our Nation from a surprise visit by the Soviets or others who might implant weapons and material in Nicaragua.

We have come to some differences of opinion as to how these negotiations within Nicaragua are best to be fostered. I think there is a growing consensus in Congress that we should do all we can to support the Contadora process and the activities of neighbors. It seems to me that in both instances we have come to the conclusion that there may be desirability for negotiations between the United States and Nicaragua under some situations. This may advance the process, although clearly it will not end the process. It is one facet of it, in the context of negotiations that finally must proceed to the Sandinistas, themselves, taking a look at democratic elements that should be part of the Government and working out a settlement at that stage.

It seems to me that the Biden amendment is less forceful in bringing about those circumstances, because the amendment, first of all, does not repeal the Boland amendment. This, I suppose, is a matter of some judgment; but, clearly, the Nunn-Lugar amendment does repeal Boland. It does try to take away all of the restrictions that the Boland language has brought to bear on the situation.

There are perhaps some Senators and some Members of the House who are deeply mistrustful of the administration and, to put it another way, much more trustful of the ability of Congress to micromanage foreign policy. The Boland amendment is that type of situation. I suppose it is a fielder's choice.

The distinguished Senator from Tennessee said that if we do not go the route of the Biden amendment, we might leave Nicaragua and Central American policy at the tender mercies of the Reagan administration, as if this were a hideous type of alternative. There are many people who like the President of the United States, who feel essentially that it would not be at all bad if the President of the United States had a lot more to say with regard to a Central American policy than Congress collectively. I am not certain, given that alternative, that I would have selected the Biden amendment.

On the other hand, I suggest that there is in the Biden amendment inherently an attempt, in a mechanistic fashion, as the Senator from Delaware has pointed out, to set up an analogy to what Congress attempted in El Salvador.

I suppose, once again, we might have a difference of opinion historically as to why the American policy in El Salvador has had some success. In part, of course, as we mentioned this morning, it has been because there were some very good El Salvadoran leaders. We were fortunate that that was so. To the extent that our micromanagement of El Salvador was helpful, more power to Congress.

My own judgment is that it is arguable to the extent to which that worked out that way.

This leads me to the same sort of a problem, I suppose, with the Biden amendment. Even given the good things that I admit are similar to the Nunn-Lugar effort and the best intentions of the authors. I do not see it as sufficiently strong.

I simply suggest that the Biden amendment is an effort that is constructive, but I would hope that it would not be adopted—simply because I believe that it does not have the thrust of Nunn-Lugar and that that thrust is essentially one in which substantially more funds will be available under less restrictive terms. Thus there is an extra degree of pressure imposed through the new resources transferred to the Contra forces, albeit in the area of humanitarian assistance. This will lead, I believe, to the proper degree of pressure that will make negotiations more probable in terms of their potential success.

Mr. BIDEN. Mr. President, will the Senator yield on one point?

Mr. LUGAR. I am happy to yield.

Mr. BIDEN. The Senator indicated concern about the Boland amendment. We all have different reasons why we did not want the Boland amendment in. If I could take a moment to explain to the Senator my rationale, I want to get something passed. Quite frankly if the Boland amendment is in what the Senate passes, it is not going to get anywhere in the House of Representatives. No. 2, whether or not it gives the President a free hand, leave that aside a moment whether he should or not have that, what the repeal of Boland does by implication by what went before it is to say the CIA is back in the game, it is a red flag that went up. I do not think it does any violence, in my opinion, to Nunn-Lugar to not have Boland.

The rationale for Senator NUNN originally, and I assume the Senator from Indiana for having the amendment the way it was, is that we would not be able to allow it to be shared intelligence data. That was the rationale offered to me.

I argue you can do that even under Boland. Without belaboring the point, that was the Senator's rationale for excluding Boland from the Biden amendment.

Mr. LUGAR. I appreciate that point. The Senator's judgment may be sound in terms of the conference procedures, the strong position taken by the House of Representatives. I think all of us are looking toward a policy that has a good chance of getting a two-House bipartisan proposition. I would still indicate it appears to me that the Boland language at least in this context is not a good idea in terms of procedure.

I know the President feels strongly about this because I have heard it from him and talked to him about it as recently as 2 days ago. So I take that into consideration, too, even with my great respect for our colleague, Mr. BOLAND and the Speaker, who have very strong feelings, also.

Let me conclude this particular part of the argument by saying once again that I appreciate the general thrust of what is occurring here, but it seems to me it is a micromanagement, and that word is being overused, but it is still descriptive in which a group of well-meaning persons such as ourselves and the 435 Members of the House of Representatives are attempting to set up a

number of conditions and the net effect, at least as I read the amendment, is one in which it is unlikely that the Sandinista government of Nicaragua will be willing to negotiate seriously, that the pressures of the Biden amendment are insufficient to make that likely.

Mr. BIDEN. Will the Senator yield for a question?

Mr. LUGAR. Yes.

Mr. BIDEN. What pressures? I am not being facetious. What pressures within the Nunn-Lugar amendment would in fact encourage that, that are not in the Biden amendment?

Mr. LUGAR. First of all, and perhaps the Senator is in the process of amending his amendment, but the Nunn-Lugar amendment provides for, in addition to the $14 million and the repeal of the Boland amendment in the first year, $24 million in a second year which is a sustained effort. The Sandinistas really have to know that there is some staying power involved in that situation.

I would say beyond that that it appears to me that the constrict of the Biden amendment, and I would refer to section 602 in which the $14 million comes only if the United States resumes bilateral negotiations with the Government of Nicaragua.

That fits in a little different way than the Nunn-Lugar language. We encourage the President as part of a number of things that might be helpful.

Mr. BIDEN. Mr. President, will the Senator yield for a question on this point?

Mr. LUGAR. Yes.

Mr. BIDEN. Has he had an opportunity to read section (b) of 602 which indicates that if in fact the Nicaraguans refuse, then there no longer has to be a condition of bilateral negotiation?

Mr. LUGAR. Yes, I have read that, and I appreciate that that does obviate No. 2 and No. 3 to the extent that the Sandinistas do not want to go that route.

I think a part of our debate in the earlier amendments today was the preoccupation of Senators in demanding that we get together with the Sandinistas, that this is the essential set of negotiations. But for this to be the central focus seems to me to be unfortunate.

Mr. BIDEN. Mr. President, will the Senator yield for another question?

Mr. LUGAR. Yes.

Mr. BIDEN. If the Senator believes, and I am inclined to think he is correct, that the Sandinistas have no indication and no desire to bargain in good faith, then I ask the Senator what have we lost by including this in an amendment to satisfy my friends who believe that in fact they would negotiate? Is it not better to make that a condition, be assured the President attempted it under amendment, demonstrate that they would not and then move forward? Does that not aid the Senator's objective of having to sustain policy in the region which recognizes the threat with respect to the Sandinista presence?

Mr. LUGAR. I suggest that, as the Senator has presented the idea, it is helpful in terms of gaining broader support in the Senate because it is obvious, given the offering of this type of negotiation at least twice before, but people feel very deeply about it.

Mr. BIDEN. I was moved by the Senator's speech at the National Press Club where he called about the need of a broad based, bipartisan long-range policy.

Mr. LUGAR. This is reaching for that, probably gathering a few more in the fold.

Mr. BIDEN. I am not being facetious.

Mr. LUGAR. Of course not. It seems to me and the Senator cannot have the thing in focus that the thrust of the negotiating procedure misses. In other words, we have the situation in which granted to include people who believe that really we are mainly the ones that are at fault and it is our lack of willingness to talk and engage in these activities, that is really the fault. There is nothing in this procedure that I can see that leads to the type of internal negotiation within Nicaragua or at least indicates that those are the sort of most important ones and that anything beyond that are in a supporting role.

The nuances of the amendment may have escaped me, but it just seems the thrust of it is once again one in which we are sort of pounding ourselves over the head for our inability to do a certain number of things with the thought that really down deep we are at fault.

Mr. BIDEN. If the Senator will yield for a question again——

Mr. DIXON. Mr. President, I wonder if my colleague will permit me to ask a question of the distinguished manager.

Mr. BIDEN. The Senator from Delaware really has no time and I was asking the Senator a question. It is fine by me if the Senator will allow the Senator from Illinois to ask him a question on his time. I will be willing to yield my time.

Mr. DIXON. Mr. President, will the distinguished manager permit me to ask a question of him?

Mr. LUGAR. I am happy to do that.

Mr. DIXON. May I say to the distinguished manager I think he knows my record on this issue. I am one on this side who has regularly supported Contra assistance, as recently as the last time a rollcall took place, and I want my distinguished friend, the chairman of the Foreign Relations Committee and the distinguished manager of this bill, to know that I am prepared once again to support the proposition that will be offered shortly by the distinguished manager and the distinguished Senator from Georgia, so that he understands the meaning in which the question is asked.

But I am prepared to support this proposition by my distinguished friend from Delaware as well, and I wonder whether the manager has thought in terms and whether others on his side have thought in terms of the acceptability of this whole question in the other Chamber.

(Mr. RUDMAN assumed the chair.)

After all, this proposition has to pass two Houses to have any meaningful result. I would point out to the Senator that my friend, the distinguished Senator from Delaware, maintains the prohibition against support of military or paramilitary operations while my distinguished friend, the manager of this bill, strikes that provision. My distinguished friend from Delaware would funnel the aid through the State Department, while the other proposition would provide for the CIA to distribute the funds and the National Security Council to exercise oversight.

I wonder whether my friend sees that there is some broader appeal, if we really want to do something in this area, as this Senator does, in the other Chamber for what my distinguished friend from Delaware is trying to do. That must be readily apparent to my friend.

Mr. LUGAR. I appreciate the question, as well as the observation by my friend from Illinois.

I think these aspects of Senator BIDEN's amendment would be more appealing in the House of Representatives to the extent that this is the audience that we are looking for and conceivably might find it. I am not certain that is so, but it might be.

I would say the National Security Council oversight of whatever agency is involved—and the Senator from Illinois assumes it would be the CIA in our bill, and we assume that it would be, too—would continue as it is and I would also assume that we would not rule out paramilitary, as the Senator from Illinois has suggested. He may not want to do that and many Members of the House may not want to do that.

I think it is foolish on our part to arbitrarily rule out those options, even if we are trying to appeal to the Members of the House of Representatives. But I think those are two distinctions between the bills.

I have not tried to nitpick and find each and every one of these situations. But the Senator from Illinois has performed a useful service by pointing out two small ways, albeit very small ones, in which the bills differ, which leads me back to my point that what-

ever merit the Biden legislation has, in my judgment it is less at prospect than the Nunn-Lugar amendment that will be heard next. Therefore, it ought to be rejected so that the way is still clear for a statement that will come on the fifth amendment to be considered today.

Mr. DIXON. Will my friends yield just one more time?

Mr. LUGAR. I am happy to do so.

Mr. DIXON. I am prepared to go through this with my friend from Indiana and, as I say, I am prepared to support the proposition that will be offered shortly by the distinguished manager of the bill. But I wonder how many times we have to march up the mountain and back down before we ultimately realize that the perception of this issue is different in the Senate than in the House.

I wonder whether there would be more appeal if we realistically tried to recognize that there are some sharp differences that probably cannot be reconciled and that there is more probability of reasonable acceptance by the House of slightly more moderate Senate proposition—I am prepared to vote for the Senator's proposition—but a more moderate proposition than my distinguished friend from Indiana wants to offer right now might help to bridge the gap.

Mr. LUGAR. Let me respond that in the pleasant event we get to a conference with our colleagues in the House and the Nunn-Lugar amendment, at least, is part of that conference on the State Department authorization, whatever else is in the context. I will keep firmly in mind the footnote that my distinguished friend was prepared to vote for both propositions and gave some good advice as to how we might find comity with our colleagues. But I think there is another factor that even as we are seeking comity with our colleagues in the House, at least this Senator—and perhaps most of us, I would hope—is also trying to retain some ties with the administration. The administration is a major factor in our foreign policy, some would argue the major factor with the proper oversight control of this body. So there are several layers in the drama. Some are congressional and some are outside, but also important to it.

I would plead with the Senator that many of us have been trying to work with the White House, with the Department of State, and, in addition, working with our colleagues on both sides of the Capitol. We may or may not be successful in the exercise, but it will not be for the lack of trying. These are some of the conditions that have brought me to, at least, the conclusions I have in the next amendment.

Mr. DIXON. May I say to my friend that I thank him for his response. I will not take any more time. I know the time is precious for my distinguished friend from Delaware.

I say to my friend from Indiana that I hope when I support his amendment later today that that is not the proposition that once again closes the door and that we are not passing up a chance to adopt a proposition that might open it. That is the only point this Senator wanted to make to his friend and colleague, from Indiana.

Mr. LUGAR. I thank the Senator.

Mr. BIDEN. Mr. President, I ask unanimous consent to amend my amendment as follows: In section 602(a), after "1985" add "and again during fiscal year 1986."

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

Mr. BIDEN. Very briefly, Mr. President, this will have an effect of leaving approximately 1 year during which the Contras will have to evolve to a point where they can meet the higher standards set by the amendment and for the other parties to, in fact, fulfill their portion of the responsibilities in the amendment.

In response to the comment made by the Senator from Indiana, our only difference in dollars is $28 million as opposed to $38 million.

The PRESIDING OFFICER. Will the Senator from Delaware please send the modification to the desk?

Mr. BIDEN. Yes.

The modification reads as follows:

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

SEC. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however,* that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 602. (a) During fiscal year 1985, and again during fiscal year 1986, not more than $14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however,* That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however,* That if the Government of Nicaragua has earlier, and seriously or substantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

SEC. 603. (a) The $14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

SEC. 604. The assistance described in section 602 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

SEC. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

SEC. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Columbia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983,

(b) In the event that less than $14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however,* That in the event $14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

SEC. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in section 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

SEC. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained in that executive order shall be suspended,

if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

SEC. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democratic resistance, and to suspend the state of emergency.

FUTURE LOGISTICAL AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into a mutual cease fire, as described in section 602. A request submitted to the Congess under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that the opposition has in fact acted effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID REQUESTS

SEC. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however,*

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

SEC. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating a number of economic and development programs, including but not limited to—

(1) trade concessions;

(2) Peace Corps programs;

(3) technical assistance;

(4) health services; and

(5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

(1) the removal of foreign military advisers from Nicaragua;

(2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to rebel forces fighting the democratically-elected government in El Salvador;

(3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and

(4) progress toward internal reconciliation and a pluralistic democratic system.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will be brief and I may not take the 5 minutes. I regret that I was not here to listen to all of what I am sure was a most able argument on behalf of the amendment by our colleague from Delaware.

My sense, however, is that the proposal by the Senator from Delaware appears on the surface to come much closer to the reality of a peaceful negotiation through dialog, dialog on the part of the United States with the national directorate in Nicaragua and a dialog among or between Nicaraguans.

The problem that I see with it—and I wish to say to my friend from Delaware that I do not pretend to have any greater expertise or any greater insight into the solution of this issue than he has, but I come perhaps just a little bit fresher from having discussed all of these amendments with a lot of our friends in Central America. The point that I made this morning in the debate, and I think the Senator from Delaware recognizes this in his amendment, is that we sometimes make the mistake of seeing this problem vis-a-vis the national directorate, the Sandinista dictatorship in Nicaragua, as a U.S. national security issue. We have been deluged with the fact that this is the Soviets marching up from Nicaragua. We have been deluged with the fact that it is the start of refugees and the launch of Soviet missiles into San Antonio and St. Paul and places like that. So we tend to look at it that way.

The reality, however, is much closer to the fact that this is a Central American problem. It is a Central American security problem. And the observations of our friends, if you will, the other democracies or fledgling democracies in Central America is that they, in effect, have facilitated the replacement of one dictatorship in Nicaragua with another. It just happened to be nine more people in this one than in the other. But this dictatorship, being a dictatorship, having been launched from the ship of democracy but having been captured by the pirates of the dictatorship, lives in fear of the democracies around it.

But they cannot do anything about it. They have a 100,000-person army. They have their refugees spilling all over Central America. As I said this morning, they have been killing Salvadorans for 5 years. Now they are starting to kill the Hondurans and Costa Ricans. There is not anything the Central Americans can do about it. They are participating in the Contadora process. They have some faith in that process but not a lot because at the last meeting of the Contadora the Sandinistas came to the meeting and they changed their minds about some of the rulings of the game. They came in with a couple of brand new amendments that had not been on the table before. They did that same thing in the nine meetings with Shlaudeman and Tinoco. Every time they got close to some kind of a negotiation, Tinoco would show up on behalf of the national directorate, and he had a new proposition to lay on the table. The bottom line, seen from the eyes of the Costa Ricans, the Salvadorans, Guatemalans, Hondurans, Panamanians, and others is that the United States must supply them with some additional pressure to be defined in some magic way I guess in this amendment that comes up next. There are a series of urgings in there that speak to that. But without that kind of pressure they know the Sandinistas will not negotiate in good faith. As I read your amendment, as I listened to the argument on behalf of the amendment of the Senator from Delaware——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DURENBERGER. I ask unanimous consent for another 1 minute.

The problem with it is there is no incentive for the Sandinistas to dialog. There is a presumption underlying the amendment that somehow they want to negotiate an end to this process. But I do not see in it any particular incentive for them to concede. They may go dialog. They are very good at that. They will talk, talk, talk but there is

no reason for them after a cease fire to forever concede anything in a dialog. It is that our friends find objectionable.

Mr. BIDEN. Will the Senator yield for a question?

Mr. DURENBERGER. Yes.

Mr. BIDEN. Is the Senator aware that in fact it does not require dialog, that it requires there to be negotiations, and if the Sandinistas do not negotiate, then section 2 and section 3 are not operative? Then the same pressure that exists in the amendment of the Senator from Indiana becomes operative. I know from working with the Senator in the Intelligence Committee that he is aware that we need public support for a plan which is perceived by the public now to be overwhelmed, and in fact not accurately protrayed by the President.

The PRESIDING OFFICER. The time allotted to the Senator from Minnesota has expired.

Mr. BIDEN. I guess I used up your time with a question. I appreciate your courtesy. [Laughter.]

Mr. DURENBERGER. I thank my colleague. I find him incorrect. But I thank him.

Mr. LUGAR. I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, the Senator from Minnesota was touching on the question I had. It was the fact that this aid, the $14 million, would not be forthcoming unless the President resumed bilateral negotiations with the Government of Nicaragua. I think it is a mistake to insist that the President resume these negotiations. I think this does not really portray an accurate picture of the situation. It reflects on a concern, I think, that the Senator from Delware has about focusing on bilateral negotiations, and second, my own concern about directing from here the President to enter into bilateral negotiations. Otherwise, I find much attractive in this, but I think this is a flaw that is troubling to me as it is presently drafted.

Mr. BIDEN. If I may answer——

The PRESIDING OFFICER. The time allotted to the Senator from Kansas has expired.

Mr. LUGAR. Mr. President, how much time remains?

The PRESIDING OFFICER. Each side has 2 minutes remaining.

Mr. LUGAR. Mr. President, I will speak for 1 minute and yield 1 minute to the distinguished Senator from Tennessee.

Mr. President, I ask that the Biden amendment be carefully considered but rejected by the Senate on the basis that the amendment that is to follow is a superior course for the reasons that I have suggested, and that others have suggested on our side. I say this with full appreciation for the intent of the amendment, with full appreciation that there are many parallel thoughts, and with full appreciation of the thoughts of my friend from Illinois who has suggested there are many factors in the amendment that may be appealing to the House, and that which we will have to deal with in a practical way. But I am hopeful that the track will still be clear by the time we get to the Nunn-Lugar offering. I ask Senators to take that into consideration, and to vote against the current amendment.

Mr. GORE. Mr. President, despite the small sum of money involved, we all know that we are voting on a matter of great consequence. What we are really dealing with here is the question of the future course of American policy in Central America.

The President's policy objectives in respect to Nicaragua have continuously shifted, but his preference as to means has inclined steadily toward the use of violence. In rejecting military aid to the Contras, Congress has wisely chosen to block at least one such approach: continued and escalating violence by proxy.

There remain, however, many other gradations beginning with other forms of aid to the Contras, and extending up to the possibility of a U.S. military expedition into Nicaragua: an option the administration has never been willing to rule out, and which it has now begun to speak about in more concrete terms.

The amendments that we are dealing with today offer us ways to more clearly define what parts of that remaining spectrum of possibilities are open to the President, and which parts are—for the time being—to be closed off.

Of these amendments, the only one that deals comprehensively with the elements of a U.S. policy for Nicaragua, and the one which, in my opinion, comes closest to striking a balance appropriate to the needs of the moment, is the amendment offered by Senator BIDEN.

The Biden amendment, in common with those offered by others, proposes to dispense humanitarian aid to the Contras. It does not, however, seek to use this aid as the means to induce the disarming and disbanding of the Contras, nor does it seek to use this aid in a manner which does as much as possible to keep the Contras in fighting trim.

Under the amendment, any aid would have to be independently monitored, to assure that the intentions of Congress—namely, that it be humanitarian in character and no more—be respected.

What the amendment fundamentally seeks to do with aid is to use it as a means for estabishing the kind of diplomatic process we should have had from the President, but have not.

The conditions for aid to flow include the resumption of bilateral talks between the administration and the Government of Nicaragua, and the establishment of a cease-fire to which the Contras must agree. Should the Sandinistas, on the other hand, refuse a cease-fire, aid would flow to the Contras.

The embargo against Nicaragua, which many of us feel the President too hastily imposed after suffering defeat on military aid to the Contras, will clearly not shake the dominance of the Sandinistas in Nicaragua. But under the approach in this amendment, our offer to suspend the embargo could bring about Nicaraguan agreement to accept the prerequisites for serious diplomacy: a cease-fire; talks with the Contras; and an end to the state of national emergency.

Mr. President, this is a delicate moment. The country, by and large, does not believe that the Sandinistas are prepared, if totally relieved of all pressures from the United States, to turn their energies inward and leave their neighbors alone. Neither is the country prepared to see a sharp escalation of military pressure against Nicaragua through the Contras, let alone by way of direct U.S. intervention.

What the country instinctively wants is what in fact we should be having, what the administration is refusing to provide, and what the Biden amendment is all about: a serious resort to statecraft and negotiations—with other options in existence but under firm restraint, until we have exhausted other remedies.

Mr. LAUTENBERG. Mr. President, I rise to support the Biden amendment. This amendment would provide $14 million in humanitarian aid to the Contras this year and give incentives to both sides of the Nicaraguan conflict to reach a negotiated settlement. To my mind, the Biden amendment represents the best approach at this point to the situation in Nicaragua, one which encourages negotiations and diplomacy over military conflict, while protecting our interests in the region.

The situation in Central America is difficult and potentially dangerous. The United States has a real stake in what happens in that country. Daniel Ortega's visit to the Soviet Union to seek $200 million in economic aid only underscored the ties the Nicaraguan Government has to the Soviet Union. The Soviets would like to exploit regional unrest to increase their influence in the area. But, Mr. President, the issue before us is not support for or opposition to communism in Nicaragua. The issue is how best to protect our security interests in the region. I

believe at this point in the conflict that that is best done by encouraging nonmilitary, negotiated solutions.

Certainly we want to prevent Soviet or Cuban bases on Nicaraguan soil. We want to see all Cuban and Soviet military advisers leave Nicaragua. We want to secure a regional agreement in Central America that pledges that all of the countries in the region—especially Nicaragua—refrain from interfering in the internal affairs of their neighbors and supporting an armed insurrection in the region. And we have an interest in pressuring the Nicaraguans to make good on the democratic promises of their revolution.

This amendment seeks to safeguard those interests by giving the parties to the conflict every incentive to seek peace.

The Biden amendment would provide $14 million in humanitarian assistance in fiscal year 1985 for the Contras to be funneled through the State Department. By installing the State Department as the agency administering the aid to the Contras, we remove the taint of CIA involvement in the region. At the same time, by continuing the Boland amendment prohibition on military or paramilitary aid to the Contras, we avoid, at least for now, resort to the military option.

The conditions imposed on that aid under the Biden amendment in my view provide the impetus for a peaceful solution to the conflict. To the Contras, we say, "Lay down your arms and negotiate." To the Nicaraguans, we say: "Make good on your promises. Stop exporting your revolution and establish human and civil rights within your country."

In order to receive humanitarian aid, the Contras must agree to a cease fire, and to negotiations with the Nicaraguan Government. And because U.S. assistance to the Contras can be justified and effective only if such opposition truly represents democratic and humanitarian values, we will provide further aid to the Contras only if they first purge from their ranks those responsible for the abuse of human rights.

This approach also provides incentives to the Nicaraguan Government to negotiate with the Contras. If that Government agrees to a cease fire and to negotiations with the Contras, we will lift the trade embargo. The amendment also expresses the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off the Nicaragua coast if Nicaragua agrees to the cease fire and negotiations above, and suspends the state of emergency.

Finally, the amendment requires that the humanitarian aid can only be provided if this country sits down with the Nicaraguan Government and negotiates.

The approach represented by this amendment is one that will keep economic and diplomatic pressure on the Sandinista government and on the Contras to reach a negotiated solution. And by continuing aid to the Contra resistance, it keeps the pressure on the Nicaraguan Government, and thereby decreases Nicaragua's ability to interfere in the affairs of others.

This amendment only applies until the end of this fiscal year, giving us needed flexibility in a fluid situation. It leaves the door open for a new look at the situation in 4 months. If, at that time, no progress has been made in reaching a settlement, or Nicaragua continues going down an undesirable path, then we can reconsider our approach. In the meantime, we can use our aid to pressure the parties to the conflict and make clear our dissatisfaction with the policies of the Sandinista government.

By continuing the Boland amendment prohibition on military or paramilitary aid to the Contras, we avoid at least for now, resort to the military option. And by installing the State Department as the agency administering the aid to the Contras, we remove the taint of CIA involvement in the region.

I believe that the Biden amendment represents a balanced and thoughtful framework for seeking peace in the region. We provide all of the carrots and sticks at our disposal to the chief adversaries in the conflict. We give the diplomatic process every chance to work in Central America before we are faced with a situation in which no other option but the military one is possible. I urge my colleagues to support this amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask unanimous consent that Senator Cohen be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, as the Senator from Indiana has very forthrightly stated, there are a lot of similarities between our two amendments. There are two big differences. No. 1, in his amendment he urges the administration to negotiate. I ask them to demonstrate they have attempted to negotiate, a distinction with a slight difference but more political than a factual difference.

Second, Mr. President, I argue that the only real difference here is that we attempt in this amendment to, if you will, purge the Contras of those who are the unsavory elements in it. It makes sense to support the Contras if they are truly the democratic force. If they turn out not to be, it makes no sense. There is the real difference between the two amendments along with the difference in the Boland amendment. To my friend from Kansas, I say that in fact I do not think they should worry so much about the section 2. We are not demanding the President in fact negotiate. We are demanding that he attempt to resume bilateral negotiations, and if they do not come forward, that would be the end of it.

Mr. President, I really think this is a critically—obviously, we all do—important issue. I think it is important to acknowledge the legitimacy of supporting legitimate opposition forces to dictatorships around the world, whether they be Communist or totalitarian of another stripe. I think this does it. I think it does it the best we can from this body which is imperfect. I urge the adoption of my amendment.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired. The Senator from Indiana has 1 minute remaining.

Mr. LUGAR. Mr. President, I would like to offer a correction. On page 3, item 3 of the Nunn-Lugar amendment, we call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who engage in human rights abuses. I would suggest there is a purging element in fact in our amendment. I want to make that clear so that the parallel significance is clear. I yield back the remainder of our time.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 75, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—22

Baucus	Hart	Pell
Biden	Hatfield	Pryor
Bingaman	Inouye	Riegle
Bradley	Lautenberg	Sarbanes
Byrd	Levin	Sasser
Cohen	Matsunaga	Simon
Dixon	Melcher	
Gore	Mitchell	

NAYS—75

Abdnor	Garn	Mattingly
Andrews	Glenn	McClure
Armstrong	Goldwater	McConnell
Bentsen	Gorton	Metzenbaum
Boren	Gramm	Moynihan
Boschwitz	Grassley	Murkowski
Bumpers	Harkin	Nickles
Burdick	Hatch	Nunn
Chafee	Hawkins	Packwood
Chiles	Hecht	Proxmire
Cochran	Heflin	Quayle
Cranston	Heinz	Roth
D'Amato	Helms	Rudman
Danforth	Hollings	Simpson
DeConcini	Humphrey	Specter
Denton	Johnston	Stafford
Dodd	Kassebaum	Stennis
Dole	Kasten	Stevens
Domenici	Kennedy	Symms
Durenberger	Kerry	Thurmond
Eagleton	Laxalt	Trible
East	Leahy	Warner
Evans	Long	Weicker
Exon	Lugar	Wilson
Ford	Mathias	Zorinsky

NOT VOTING—3

Pressler	Rockefeller	Wallop

So the amendment (No. 274), as modified, was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, a number of Senators have made inquiries about the program for the remainder of the evening. I do not really see how we are going to finish this bill this evening, so it would appear at this moment we are going to be on it tomorrow. But that will depend on what might develop in the next 2 to 3 hours. We are now about to take up what I consider the principal amendment, a bipartisan effort to do something in this area, that I hope will pass. Following that, there are four other amendments that I would just as soon not be brought up at all, including one of mine.

There is still 3½ or 4 hours on amendments on the Contras. We have had votes of 70-something to 15, 80-something to 15, or whatever. So I think there is a fairly clear expression on almost every conceivable pattern of amendments, and I would hope that, after disposition of this amendment, the others would just sort of go away, if that is possible. If not, we are going to sort of go away because I do not think we ought to keep people in until 1 or 2 o'clock in the morning if we cannot finish the bill. I know the chairman would very much like to finish the bill, but in addition to the Contra amendments there are 40 other amendments. A number of those would be accepted, but there would still be probably three or four rollcalls, plus debate on those amendments. So I think it is fairly clear that we are looking at midnight or after.

That is an optimistic assumption. So I would guess, after the vote on the principal amendment, we might be in a position to make an announcement so that Members who have obligations this evening would know what to do.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will argue in favor of an amendment that has been proposed and will be introduced——

Mr. STENNIS. Mr. President, may we have quiet? We cannot hear back here.

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate is not in order. The Senator will please suspend until the Senate is in order.

The Chair will remind the Senator from Indiana that under the previous order, the Senator from Georgia [Mr. NUNN] was supposed to be recognized. The Senator did not seek recognition.

Mr. NUNN. I will yield to my colleague from Indiana. We are coauthors of the amendment. We are working for the same purposes.

How is the time allocated, Mr. President?

The PRESIDING OFFICER. The time is equally divided between the Senator from Georgia and the Senator from Indiana.

Mr. NUNN. Mr. President, is the time divided between the Senator from Georgia and the Senator from Indiana 45 minutes each?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Mr. President, we are on the same side on the amendment, and in all fairness I know there are going to be opponents of this amendment. So I think we are going to have to find some way to equitably divide the time. Of course, this is in our favor. But I know there will be Senators who will want to speak on the other side of this amendment.

Mr. LUGAR. If the Senator from Georgia will yield for just a moment——

Mr. NUNN. I yield.

Mr. LUGAR. My purpose in seeking recognition is to say that in all fairness, it would be wise if the Chair would allocate 45 minutes in opposition to my distinguished colleague from Rhode Island [Mr. PELL] so that he might manage the 45 minutes in opposition, and there will remain 45 minutes for the proponents. At this time I yield the floor to my distinguished colleague from Georgia [Mr. NUNN].

The PRESIDING OFFICER. Does the Chair understand the Senator from Indiana that the 45 minutes is to be under the joint control of the Senator from Indiana and the Senator from Georgia and 45 minutes under the control of the Senator from Rhode Island?

Mr. LUGAR. That is my proposal.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. There will be no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator from Georgia please send the amendment to the desk.

AMENDMENT NO. 275

Mr. NUNN. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN] (for himself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, Mr. ROCKEFELLER, and Mr. NICKLES) proposes an amendment numbered 275.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) Notwithstanding section 405 of the International Security & Development Cooperation Act of 1985 as contained in S. 960 (99th Congress, 1st session) or any other provision of law, there is authorized to be appropriated $24,000,000 for Fiscal Year 1986 to be expended by the President for humanitarian assistance to the Nicaraguan democratic resistence.

(b) Subsections 8066(a) and (b) of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1935), and section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618; 98 Stat. 3304) are hereby repealed, provided however that the funds made available by this section may only be used by the President for humanitarian assistance to the Nicaraguan democratic resistence.

(c) The President shall direct the National Security Council to monitor the use of funds for the purpose authorized in subsections (a) and (b).

(d) Nothing in this section shall be construed to impair or limit in any way the oversight powers of the Congress.

(e) The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations to:

(A) implement the Contadora Document of Objectives of September 8, 1983, and

(B) develop, in close consultation and cooperation with other nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985 and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict.

(2) to suspend the economic sanctions imposed by the President on May 1, 1985 and the United States military maneuvers in

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Honduras and off the coast of Nicaragua if the Government of Nicaragua agrees (A) to a cease fire, (B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistence, and (C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistence to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistence, in support of internal reconcilation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(f) The President shall submit a report to the Congress 90 days after the enactment of this act, and every 90 days thereafter, on any actions taken to carry out subsections (a) and (b). Each such report shall include (1) a detailed statement of the progress made, if any, in reaching a negotiated settlement referred to in subsection (e)(1), (2) a detailed accounting of the disbursements made to provide humanitarian assistance with the funds referred to in subsections (a) and (b), and (3) a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (e)(3).

(g) As used in this section, the term "humanitarian assistance" means the provision of food, clothing, medicine, other humanitarian assistance, and transportation associated with the delivery of such assistance. Such term does not include weapons, weapons systems, ammunition, or any other equipment or materiel which is designed, or has as its purpose, to inflict serious bodily harm or death.

(h) Nothing in this section precludes sharing or collecting necessary intelligence information by the United States.

(i)(1) No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly, by any agency or instrumentality of the Government of the United States from any funds under its control or otherwise available to it unless an additional request is presented to Congress by the President and then only to the extent it is approved as provided in this section.

(2) If the President determines at any time after the date of the enactment of this act that negotiations based on the Contadora Document of Objectives of September 8, 1983 have failed to produce an agreement, or if other trade and economic measures have failed to resolve the conflict in Central America, the President may request the Congress to authorize additional assistance for the Nicaraguan democratic resistance in such amount and of such a nature as the President considers appropriate. The President shall include in any such request a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(j)(1) A joint resolution which is introduced within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (i) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (i) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of subsection (c) of section 8066 of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public law 98-473; 98 Stat. 1935), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate the House of Representatives shall be deemed to be references to the appropriate committee or committees of the Senate and the House of Representatives, respectively; and

(B) amendments to the joint resolution are in order.

(2) This Section is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as related to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. NUNN. Mr. President, I do not know how we are going to allocate the time. We are going to have a number of speakers. But I ask that the Chair to notify me in 5 minutes. I may have to take a few more minutes beyond that, but I would like to take 5 minutes, if that is satisfactory to my colleague from Indiana.

Mr. President, this amendment is cosponsored by myself as well as Senator BENTSEN, Senator BOREN, Senator JOHNSTON, Senator CHILES, Senator LUGAR, Senator DECONCINI, Senator DURENBERGER, Senator NICKLES, and Senator DOLE. The amendment would provide humanitarian assistance to the democratic resistance in Nicaragua.

Everyone in this Chamber is well aware of the recent debate as to whether humanitarian assistance should be provided to the democratic resistance in Nicaragua. The administration proposal, which was very similar to this—it was not similar in legislative form but similar to the President's later commitment was a strange legislative vote, but I think most people understood the intent—passed the Senate by a narrow vote, 53 to 46, but failed in the House.

Shortly after the Senate vote, Senators BENTSEN, JOHNSTON, BOREN, and I introduced a resolution; Senate Joint Resolution 129, which would have released the $14 million fenced last year but limited use of those funds only for humanitarian assistance.

Since then, we have revised this amendment in some substantive areas, but the thrust of it has not changed in appreciable ways.

The amendment we are introducing today would unfence the $14 million and authorize an additional $24 million of humanitarian assistance for fiscal year 1986. It provides that the money is to be expended by the President only for humanitarian assistance to the Nicaraguan democratic resistance and that the National Security Council is to supervise the expenditure of the money.

In listening to the debate on the floor, I was struck by the fact that most Senators seem to agree on what our policy objectives in Central America should be. Nobody believes that the Sandinistas are acting in accordance with the commitments they made to the OAS or commitments they made to their own revolution.

The purpose of this amendment is to help develop a sustainable policy that can enjoy the support of the Congress and the American people. A number of other Members of Congress have made similar suggestions. Regretfully no such compromise was reached during the last debate, and, as a result, our policy toward Central America remains in disarray.

All Senators seemed to agree that we should support democracy in Nicaragua and the rest of Central America, that Nicaragua cannot become a base for the Soviet Union or Cuba or their surrogates, that the Sandinistas must not threaten or subvert their neighbors, and that they should live up to the promises they made to the OAS in 1979 to adopt a pluralistic, representative government. Those are the goals that I believe most people in this body would agree with.

The problem is how we should accomplish these objectives. That is where the failure has been. The administration has yet to produce a policy which enjoys sufficient support of the American people and the Congress to make it sustainable.

We might adopt something stronger than this amendment in this Chamber today, but I believe it would be counterproductive, because it would set in motion a counterreaction in the House and it would solidify opposition. Even if it were to go through the House and the Senate, it would not send the indispensable signal that must be sent if our policy has any chance of succeeding in Central America, and that is a signal that we are going to have enough support on both sides of the aisle to continue a policy, for whatever time is necessary, to accomplish our goals and objectives.

That is the heart of what we are trying to do here. We can argue about the definition of humanitarian aid, but we are trying to get enough of a consensus on both sides of the aisle so that we send that indispensable mes-

sage, that we are not going to be down there for 6 months, 1 year, or 2 years. We do not have Lebanon-type provisions in this amendment. There are no time limits. We are going to continue this kind of policy as long as necessary to accomplish our goals. If that message goes out of this Chamber with the vote today, then, in my opinion, the amendment will have been a success. The policy itself may take a long time.

The PRESIDING OFFICER (Mr. ARMSTRONG). The Senator has used 5 minutes.

Mr. NUNN. Mr. President, I ask that I be notified in 5 minutes, and I will try to accelerate my comments.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. NUNN. Furthermore, in the public's eyes U.S. policy has become unjustly, and most inaccurately reduced to the issue of aid to the Contras. There is plenty of blame to go around for this—to the administration for inappropriate activities undertaken by the CIA, and the lack of a coherent Nicaraguan policy framework in which to place the Contra program, and to Congress for its inadequate oversight of the problem as well as its repeated, protracted, divisive debates which have served little to clarify the larger Central American issues involved.

This amendment is intended to be the first step in rectifying this situation. By providing aid we are affirming our support of those who stand for freedom and democracy in Central America. But by providing humanitarian aid we are also signalling our willingness to support nonmilitary means of achieving peace and democracy in the region. In El Salvador, we have supported President Duarte's efforts at dialogue with the rebels; we should do no less in Nicaragua, nor should we expect less of the Sandinistas than that they talk to the armed opposition.

By providing now funding for humanitarian assistance in 1985 and 1986 we resolve, for a crucial period of time, the issue of what, if any, aid to give the Contras. With this basic aspect of our policy decided, the administration will have time free from legislative battles in which to reshape and restructure our complete Nicaraguan policy as it fits into our policy framework for the region. This is vital work. It must be done.

It must be clear to one and all at home and abroad that aid to the Contras is only part of a region wide strategy to deal with the challenges we face.

No one should have any doubt about those challenges. We face a struggle between brave men and women fighting for democracy and a better life on one side and, on the other side, the enemies of freedom both of the left and right. And no one should have any doubt about where America stands in that conflict. We must stand with the forces of democracy.

We have stood with the democratic center in El Salvador, we have supported the delicate transition to democratic government in Guatemala, Honduras and Panama, and we must stand with the democratic resistance in Nicaragua. There has been much rhetoric about the Contras. The President has suggested that they are just like our Founding Fathers. Others regard them as right wing terrorists. I believe the President overstates the case, but the facts are that genuine democrats, men like Arturo Cruz, who were imprisoned by Somoza and were early supporters of the Sandinistas, now believe that the Contras offer the true path of democracy. Because men like Cruz are the leaders of the Contras, it is our obligation to help them.

Many believe that we should never have begun providing assistance to the Contras, that the Sandinistas are a legitimate revolution, and that the United States should not intervene in the internal affairs of another country. Regardless of how one feels about the initial decision to support the Contras, the fact is that we did. Regardless of how one feels about the legitimacy of the Sandinista revolution—and, like a lot of other Americans, I applauded the overthrow of Somoza—the facts are that the Sandinistas have betrayed their revolution. Regardless of how one feels about U.S. intervention, the facts are that the Sandinistas are actively supporting subversion of their neighbors. And, the facts are that the Contras began as a small group of Nicaraguans and grew as other Nicaraguans became increasingly disenchanted with the Sandinistas. I am convinced that they would have grown with or without our aid.

Moreover, it is clear that the Contras have been able to generate pressure on the Sandinistas and the Sandinistas would very much like to terminate any aid to them. In my judgment, we must design a policy that continues pressure on the Sandinistas but moves American promotion of military action to the back burner.

Our policy must also avoid the "Lebanon syndrome" in which the President and Congress establish arbitrary and unrealistic time limits to complex foreign policy goals.

The American people must believe that all avenues of diplomatic, economic, and political pressure have been exhausted if there is to be any lasting support for military related options. That is not the case today. Right or wrong, the American people perceive that the military option through the Contras has been on the front burner and is the President's course of first resort.

The challenge, I believe, is to move forward with political, diplomatic, and economic pressure, and continue the possibility of military pressure itself.

The proposal we are offering today would achieve these objectives.

Let me explain the principal elements of this amendment.

First, it authorizes $24 million for fiscal year 1986 and unfences the $14 million from last year, but provides that those funds may be only used by the President for humanitarian assistance which is defined as food, clothing, medicine, other humanitarian assistance, and transportation. It does not include any weapons, weapons systems, or ammunition. Because we believe that it is important that the democratic resistance be able to defend itself, the amendment specifically does not preclude the provision of intelligence information to the democratic resistance or the collection of necesary intelligence by the United States. In making these funds available, the amendment repeals the Boland amendment, but, as I will explain more fully below, does so in a way that no further assistance may be provided to the Contras unless Congress specifically authorizes.

The amendment provides that the President is to administer the assistance and that the NSC is to monitor the program. I recognize that many Senators believe that aid should be administered by the Agency for International Development or the State Department. They do not want the CIA involved. I understand their concerns, particularly as the CIA has not handled this project well in the past. However, I believe that the United States should use our assistance for the Contras as a lever to assist in fostering a regional solution to the conflict. Accordingly, I believe that the maximum flexibility should be given to the President to administer this assistance. The President must make a detailed report to the Congress every 90 days and, if he chooses to have the CIA involved, I can assure him that Congress will be watching very closely. I know I certainly will be.

Second, it urges the President to vigorously pursue diplomatic and economic measures, including negotiations, to implement the Contadora objectives, and to develop, in close cooperation with our allies, trade and economic measures to pressure the Government of Nicaragua. The President is also urged to suspend the economic sanctions he imposed on May 1 and to suspend military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a ceasefire, opens a dialog with the democratic resistance, and suspends the state of emergency.

Mr. President, our amendment urges the President to suspend the economic

sanctions if the Sandinistas take the steps I mentioned, because we think he made a serious error in imposing them unilaterally and without any attempt to use them as a lever in the negotiations. When a number of Members of Congress, including Senator BENTSEN and I, called for economic and trade sanctions, we urged that they be done in concert with our allies—not unilaterally. We also expected that the President would use the prospect of sanctions as a lever to persuade the Sandinistas to negotiate seriously in the Contadora process. But the President did not do that. On the eve of departing for Europe, the President hastily imposed the sanctions. There was, so far as I know, little or no consultation with our allies. It should be no surprise, then, that only El Salvador has come out in support of the sanctions. What is worse, some of our best friends in the region and in Europe have condemned the sanctions and said that they would offset the sanctions by increased trade with Nicaragua. The Sandinistas have been having a propaganda field day, exploiting the lack of support for the sanctions and blaming them as the cause of the serious shortages of food and other necessities that, in fact, have been caused by their own ineptness and adherence to the Marxist/Leninist economic theories. Some sanctions.

Third, the President is also urged to call upon the democratic resistance to remove from its ranks any individuals who have engaged in human rights abuses, and the President is urged to resume the bilateral discussions between the United States and the Government of Nicaragua.

Fourth, the President is required to report to Congress every 90 days and, fifth, the amendment prohibits any further aid from any U.S. Government source unless the President requests such assistance from Congress and Congress votes to approve. In order to request this additional aid, the President must determine that negotiations based on the Contadora principles or the other economic and diplomatic steps have failed to resolve the conflict. Expedited procedures are set out for the consideration of that request.

As I mentioned, our amendment repeals the Boland amendment; but I believe the approach we are suggesting is preferable to that taken by the Boland amendment, which prohibited any assistance, directly or indirectly, to groups engaged in military or paramilitary operations in Nicaragua. Those who wish to preserve the Boland amendment have suggested that we could enact a provision giving humanitarian aid to the Contras "notwithstanding any other law." The problem with that formulation is that it left it up to the administration to decide what assistance was humanitarian and thus could be provided, and what aid assisted directly or indirectly military or paramilitary operations in Nicaragua and thus could not be provided. That approach would have created a vast gray area in which no one could be certain what could be provided and what could not be. Our approach is much more direct. It permits humanitarian aid to be provided, strictly defines humanitarian assistance, and prohibits any further aid from any U.S. Government agency unless the President specifically requests it from Congress and we vote our approval. Thus, there could be no further military assistance, overt or covert, by the CIA or State or AID or anyone, unless Congress specifically approves. This addresses the concerns which led many Senators to support the Boland amendment, but permits humanitarian aid to be provided without ambiguity and makes it clear that no further assistance can be provided without specific approval by Congress.

Mr. President, this amendment sets forth the humanitarian assistance that may be provided to the Nicaraguan democratic resistance. By that term we mean those Nicaraguans who have taken up arms against the Sandinistas and are engaged in armed resistance.

This amendment incorporates elements from the major proposals that were considered recently, including the resolution favored by the administration, the one advanced by Senator BYRD on behalf of several Democrats, and the recommended economic sanctions suggested by Senator BENTSEN and myself. Finally, it does not include the language of Senate Joint Resolution 106—to which many Senators objected—that would have authorized supporting, directly or indirectly, military or paramilitary operations in Nicaragua. Indeed, it makes it very clear that only humanitarian assistance may be provided unless Congress gives further authorization.

I hope, therefore, that this amendment will enjoy broad bipartisan support.

This approach is a regional approach. All parties are required to do certain things. The Sandinistas are required to do only what they have already promised to do. The democratic resistance is obligated to insure that it is a truly democratic movement by purging from its ranks individuals who are responsible for human rights abuses. The United States must pursue bilateral negotiations with the Sandinistas and be prepared to suspend maneuvers if the Sandinistas take the steps that I have mentioned.

This approach calls the Sandinistas' hand. They say they are democratic. I say OK, let them prove it. This humanitarian aid will sustain the democratic resistance; it will keep the flame of liberty and hope alive.

Moreover, humanitarian aid instead of military aid should facilitate negotiations both within the Contadora framework and between the United States and the Sandinistas. Changing the nature of renewed U.S. Government assistance to the Contras will also serve to emphasize our new approach, characterized by our determined interest in a negotiated settlement. Finally, it permits the aid to be used as a lever to pursue our objectives.

This amendment puts military aid in the background but leaves the military option open. If the President concludes that the economic and diplomatic paths have failed, he may come back to Congress and request additional assistance. If he has made a good faith effort to exhaust these courses and if the Sandinistas do not modify their behavior, then the President's request for additional assistance will meet a very different reception in the Congress.

Mr. President, this amendment is designed to develop a long-term course, one that can enjoy broad bipartisan support and provide the President the basis to conduct a coherent, sustainable foreign policy. I urge my colleagues to support it.

Mr. President, for the purpose of clarity I shall read the cosponsors again. Myself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, and Mr. DIXON.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, shortly I will ask that the Chair allocate 7 minutes to the distinguished Senator from Texas.

● Mr. GORTON. Mr. President, I am disappointed, frankly, with all of the proposals offered so far which concern U.S. policy toward Nicaragua. Some suffer from a tendency to treat the Sandinistas and the interests of the United States naively while others would make ineffective or inappropriate policy.

Let there be no doubt, the United States has reason to be concerned about Nicaragua because American interests are involved, but this doesn't mean that we must actively seek the overthrow of the Sandinista regime or support the Contras just enough to keep up the killing without a hope of success. In my estimation, it is not clear at this time that we can't reach an acceptable accord with the Sandinistas that sets the groundwork for peace and stability in the region. The administration, which has tried funding the anti-Sandinista revolutionaries and unsuccessfully sought the overthrow of the Sandinista regime, has not taken the opportunity presented by this pressure to strike a bargain for peace.

I urge the administration and my colleagues to consider the options that are available to us in a sober and objective fashion. These options, which I will discuss briefly, include continued use of various means to gain intelligence and show American resolve, economic pressure, aid to the Contras, and diplomacy.

Our understanding of the challenges posed for us in Nicaragua derives from intelligence gathering—and we must have the very best. We need to know if and when the Sandinistas ship arms to rebels in neighboring states. We need to know what the Soviets and Cubans are up to. We need to know all we can about Nicaraguan military policies, arms acquisitions, base construction, and activities that might lead to offering the Soviets or Cubans base privileges. Our efforts in this regard, with the exception of some needlessly provocative actions on several occasions, have been appropriate, indeed, imperative.

In addition, the United States has been right to show its resolve—so long as there is a serious problem—through a military presence in the region. This presence serves notice to the Sandinistas, Soviets, and Cubans that undermining peace in Central America or the Caribbean will not be tolerated. We need not, as some have suggested here today, stipulate in legislation what might constitute sufficient reason to intervene with those forces. I believe existing law which checks Presidential war powers is sufficient. Carefully defining what would constitute reason to intervene would simply suggest to those who might exploit the situation what they could get away with.

At the urging of some of my colleagues in the Senate a month and a half ago, the President embargoed trade with Nicaragua. Instead of being a response to particular Nicaraguan behavior, it was timed to serve as a substitute for aid to the Contras following the defeat of aid in the House. It appeared to be a weak, second-choice means to show American resolve. Not only was the timing poor, but my guess is that it will be counterproductive. The embargo will largely, if not entirely, be offset by the trade from other countries and will assist the Sandinistas in blaming the problems in Nicaragua on us. It might very well strengthen Ortega's popular support. But now that we have taken this step, in spite of these shortcomings, we should see it as a flexible instrument to be reconsidered in light of Sandinista behavior.

The effects of the embargo are similar to those of funding the Contras. That aid backfired in two ways. First, it bolstered the Sandinista's fallacious assertion that the rebels were nothing more than ex-members of the Samozan national guard funded by the United States, and thus it lent support to the Sandinista's claim to embody Nicaraguan nationalism. Second, it gave them an excuse to continue their military buildup.

The difficult conditions in Nicaragua, sharpened by the pressure exerted by the administration, have not been fully exploited in the peace process. The depressed economy, anarchy in parts of the countryside, and a general sense of national insecurity in Nicaragua afford us an opportunity—it seems to me—to make a serious attempt to drive an acceptable bargain. Unfortunately, I just don't see evidence of that kind of effort by the administration. We need to take greater initiatives within the Contadora framework and, at the first instance of good faith exhibited by the Sandinistas, restart bilateral talks. That course of action, however, should not be mandated by the Congress because such a mandate will reduce to zero the chance of gaining any change in Sandinista policies in return.

Mr. President, let me summarize and conclude briefly. We should maintain our presence and surveillance in the region. We should use the embargo flexibly in response to Sandinista policy. And, above all, we should spare no effort in exhausting diplomatic avenues toward a regional peace agreement. Before we seek to overthrow a foreign government, we should fully explore the alternatives. The policy I have outlined above needs a chance to prove its viability. If it proves unsuccessful, then a reassessment will certainly be necessary.●

Mr. NUNN. Mr. President, will the Senator from Indiana yield for a unanimous consent request?

Mr. LUGAR. I yield.

Mr. NUNN. Mr. President, I ask unanimous consent that Senator EXON of Nebraska be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator GOLDWATER be a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, the distinguished Senator from Rhode Island has indicated that he will have an opening statement. Notwithstanding that, if I may ask the indulgence of the Senator, so Senator BENTSEN may speak at this point for our side, we will appreciate it.

I yield 7 minutes to the distinguished Senator from Texas.

Mr. BENTSEN. Mr. President, I thank the distinguished Senator from Indiana.

Mr. President, in a bipartisan 53 to 46 majority, we voted to release $14 million in funds for the Contras that were included in the continuing resolution for fiscal year 1985. Unfortunately, that proposal did not become law, and that is one reason we are discussing the issue once again.

I realize that many Members of this body oppose our current policy toward Nicaragua, and others who do not oppose it are skeptical of the way it has been conducted. I, too, wish we could go back to the beginning and start over. But we do not have that luxury; we have to proceed from where we are now, consider what our national foreign policy goals ought to be, and decide how we can go about achieving them.

Now there is a great deal about the actions of the Government of Nicaragua that I do not like. I do not like its Marxist-Leninist orientation; I do not like the way it censors the press or the Cardinal Obando y Bravo's homilies; I do not like the way it uproots people from their land and places them on cooperative farms. But having said all this, let me say something else: If this were all that the Sandinistas were doing, then it would be difficult to justify governmental support for the Contras. If everything the Sandinistas did had only an internal effect, then as much as I might oppose them, and as much as I would want them to change their ways, and as much as I might want to apply pressure on them because of their violations of human rights, then Government support for the Contras would not be my choice.

But the Sandinistas are not just a leftist group that is engaging in internal repression and experimenting with socialism as a possible way of solving the problems of a developing country in Latin America. Neither the political ideology of the Government of Nicaragua nor its particular philosophy of property ownership is the issue here. The issue is what they are doing that threatens the peace and stability of Central America and the long-term interests of the United States in that region, and how we can diminish this threat.

The Sandinistas are actively engaged in training guerrillas who are trying to overthrow by violence the governments of El Salvador, Honduras, and Costa Rica. We have discussed the control and communications facilities that the Sandinistas admit they are providing for the five guerrilla factions in El Salvador. We have discussed the arms and ammunition the Sandinistas have been providing to many of these same guerrillas. And we know that much of this has been going on almost since the time the Sandinistas took over in Nicaragua. This is a group that came to power promising democracy and respect for its neighbors.

We have discussed on more than one occasion recently the size and composition of the Sandinista armed forces, which have grown so large that they

are in a position to intimidate their neighbors. I do not see any need to talk about the specific numbers again; we should all understand by now the implications of the Sandinista military buildup and what it portends for the peace of the region.

Let's discuss last April's congressional vote on Contra aid and our policy toward Nicaragua. Many Members wanted to give the Sandinistas an opportunity to show their good faith, and to do so they voted against aid to the Contras. Well, we saw immediately just what good faith on the part of the Sandinistas means. Hardly had the last votes been cast than Daniel Ortega was off for Moscow to greet Mikhail Gorbachev and to ask him for additional aid. This action should not have been too surprising, and I believe it underscores one of the ultimate dangers posed by the direction the Sandinistas are presently heading.

The same people are saying the same things. That somehow the United States drove the Sandinistas into the arms of the Russians. That the United States has been hostile to the Sandinistas from the beginning. Well, that is just not true. While we were sending aid, they were establishing the second Soviet satellite in this hemisphere and the first on the North American Continent. Today, an armed Nicaraguan minority, advised and backed by 3,000 or so Russian, Cuban, East German, Bulgarian, and PLO military advisers is busy suppressing the Nicaraguan majority.

From the beginning, the United States tried to help Nicaragua's revolution fulfill its original promises. Immediately after the ouster of President Somoza in 1979, we airlifted food to feed the thousands of people displaced by the conflict. Over the next 2 years we gave the new government five times as much aid as we had given its predecessor during its last 2 years. This Senator voted for such aid. In fact, our $117 million was more than Nicaragua received from any other nation in the world during those first few years. In addition, we helped arrange rescheduling agreements with commercial banks and new loans in multilateral development banks, and we made special efforts to strengthen the private sector of Nicaragua's economy.

But while the United States was trying to lend a helping hand, the Marxist hardliners among the revolutionaries were consolidating their power, radicalizing their programs, driving out those who did not share their ideology, and beginning to provide military assistance to guerrilla movements in neighboring countries. The Sandinistas leave few illusions to comfort their supporters in this country. Tomas Borge brags of their revolution without boundaries, and they flaunt their increasing ties to the Soviets. They spurned our friendship and refused to accept even our Peace Corps volunteers. They abandoned their professed commitments to democracy, and they embarked on a course of action that has gotten them—and us—to the point we have reached today.

Mr. President, I think it is now time for us to acknowledge that the hopes which many of us had for the Sandinista regime have been disappointed; that their revolution has turned sour and become a threatening presence in Central America.

I believe there is a substantial sentiment in this body in support of actions to persuade the Sandinistas to change the direction in which they are so clearly headed. What is being offered here today is a comprehensive proposal for doing precisely this. This amendment endeavors to codify the consensus on U.S. policy which I believe already exists in the Senate and which may well be emerging in the other body as well. It provides a mixture of pressures and incentives for Nicaragua to change course at home and in its dealings with its neighbors.

I believe this measure is a strong signal of U.S. support for the democratic opposition. It provides encouragement and support for the diplomatic process. It is not draconian; it is not one sided. It calls upon our own Government to reenter bilaterial negotiations with the Sandinistas; and it says we should refrain from military maneuvers near Nicaragua and suspend the trade embargo if the Sandinistas will agree to a cease-fire, to a dialog with the democratic resistance forces in Nicaragua, and to a suspension of the state of emergency.

It calls upon the Contras to eliminate from their ranks any individuals who have engaged in human rights abuses.

Furthermore, this amendment recognizes the legitimate concerns of the Congress about the way the Nicaragua program has been conducted in the past by limiting assistance to the Contras to the funds released and authorized in this statute. It does not provide a backdoor for any other aid to the Contras, whether covert or overt.

No one can be sure what the Sandinista response to these proposals will be. I hope that they will see our determination and will turn aside from the course they have been pursuing.

But I am convinced they will do so only if there is sufficient pressure on them from within. A crucial component of this package, consequently, is release of the $14 million in humanitarian assistance for the democratic resistance forces in Nicaragua for this year, plus the authorization of $24 million in such assistance for fiscal year 1986.

Today, even without U.S. assistance, the Contra forces have grown to twice what they were last year, and they are continuing to grow at a rate of 500 a month. It is not at all unusual for a patrol to go out with 20 commandos, as they call themselves, and return to their base camp with twice that many. They are raising private funds, but it is vital that we give their efforts our stamp of approval, both for the morale boost it offers the Contras and for the message it sends both to the Sandinistas and to the other governments in the regions.

I want to emphasize, too, that the Contras are not mercenaries, despite the Sandinista propaganda claims. Almost all of them are simple peasants—Campesinos—who say they are fighting because they have had their land taken from them, because they have been placed on cooperative farms, because they want to be left alone to raise their crops and their families. They are not receiving any pay for their service, only beans and rice and bullets. They are willing to give their lives for their own interests in Nicaragua, but in doing so they are also fighting on behalf of the interests of the United States.

In closing, I want to emphasize that if the Sandinistas succeed in eliminating the Contras and consolidating their power with Nicaragua, they will pose an even greater threat to the peace and stability of the region. The primary obstacle to this is the pressure exerted on them by the Contras; and if we take the pressure off, if we abandon the one force that is currently engaging their attention, then I am confident the Sandinistas will increase their active support of insurgencies, and their violence, censorship and suppression will spread to the other countries of Latin America. The stream of refugees headed toward Mexico and the United States will turn into a torrent, and San Antonio, the 10th largest city in the United States, will be well on its way to becoming the first.

It is legitimate, necessary, and right that the United States be concerned about the safety of its neighbors and that it exert its influence against those who would subjugate a free people. We are a leader among the nations of the free world and we should measure up to that responsibility. We cannot abdicate that responsibility with a return to the short-term copout of isolationism. We should do what we can to discourage the Sandinistas' regional adventurism and to encourage the elimination of their military ties with the Soviet bloc, and I urge your support of this amendment as a reasonable and comprehensive way to achieve this objective.

Mr. PELL. Mr. President, I yield myself such time as is necessary.

Mr. President, I want to commend the sponsors of this amendment for their real efforts to find a middle-

ground position that might attract bipartisan support to achieve peace in Central America. In particular, their effort to define more clearly what constitutes humanitarian aid is an improvement over the earlier versions of the approach embodied in this amendment.

Regrettably, however, I believe it still falls short of constituting what I would consider an approach that leads to peace rather than a continued conflict, because, as I read this amendment, it would not clearly prohibit the provision of trucks, jeeps, communications equipment, and other items that, whole nonlethal in and of themselves, would support the continuation of a conflict in violation of our commitment under the OAS charter and in violation of our own national interests.

But even if the definition of humanitarian aid were further clarified to prohibit providing the equipment I have just described, giving humanitarian aid would still permit the Contras to divert funds now being used for such things as food, medicine, and clothing to be used to acquire military equipment.

More importantly, however, paragraph (i)(2) of the amendment is dangerously flawed and, if enacted, would come close to constituting the sort of Gulf of Tonkin kind of open invitation to the President to take whatever action he considers necessary to resolve the conflict. As one of the few Senators left who made the bad mistake of voting for the Gulf of Tonkin resolution some years back, I am always perhaps extra sensitive to any analogy in this regard.

The two bases for the Presidential determination contained in this paragraph appear, in fact, to be designed to encourage the President to escalate American support for or direct involvement in the Contra effort to overthrow the Government of Nicaragua.

Why do I believe this? First of all, the determination relating to the Contadora document of objectives does not require that Nicaragua be responsible for any failure to reach an agreement based upon that document. Only a few months ago, Nicaragua and other Central American countries were prepared to sign a Contradora-sponsored treaty, but pressure from our own administration caused the other Central American Governments not to sign. Furthermore, we should remember it was the United States that unilaterally broke off the bilateral talks with Nicaragua in Manzanillo that might have resolved United States-Nicaraguan differences regarding the Contadora treaty.

Nothing which has happened since then holds out any promises that the administration is really serious about resolving differences with Nicaragua so as to achieve a treaty.

The second determination relating to the failure of trade and economic measures to resolve the conflict in Central America is also destined to be a forgone outcome. Most, if not all, of our allies in the region and in Europe have absolutely refused to cooperate in the American sanctions effort, and Nicaragua has already taken steps to negate the effects of the sanctions. These sanctions, which will affect mainly the middle income and the private sector groups in Nicaragua, will not, in my view, prove effective. The vacuum will be quickly filled up by other willing suppliers. Frankly, I think the application of economic sanctions usually is the same as if one shoots oneself in the foot.

So the President will have no problem in making either of the determinations provided for in paragraphs (i)(2). I predict that if this provision becomes law, the administration will be back with requests that will boggle the mind. The language in this paragraph that states "The President may request the Congress to authorize additional assistance for the democratic resistance in such amount and of such a nature as the President considers appropriate" could, as I read it, be escalated to include the sending of U.S. military forces to fight in Nicaragua.

I think, in general, while this amendment is a true effort at achieving a bipartisan approach, it does not do the job that I would like to see it do.

Finally, from my own viewpoint, I think we should be honest with ourselves. To my mind, the Contras really are terrorists. The definition of terrorism is the changing of the policy of government through violence and murder and the like. This is exactly what the Contras are seeking to do now in Nicaragua.

In addition to that, the difference between a freedom fighter and a terrorist is, to my mind, pretty clear. A freedom fighter is somebody who goes after military objectives, military targets, and installations of the government that they are trying to overturn. A terrorist is far more indiscriminate in the damage that he or she does and a good many civilians get killed in the process.

About a year ago, the rough estimate was that some 4,000 civilian casualties had taken place as a result of the action of the Contras. Now, terrorism, I think, should be opposed, and we do inveigh against it. But when it is practiced, we should be honest with ourselves and recognize that we, too, are using terrorism as a weapon.

So, for all of these reasons, I find myself in opposition to this amendment but in praise of the motives that caused it to be written.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will vote against providing so-called "humanitarian assistance" to the Contras because of one undeniable, irrefutable, nondebatable fact: This assistance is nothing more than logistical support for the Contras war against the Government of Nicaragua, and I do not believe that the United States of America should be in the business of overthrowing governments.

U.S. support for this war has been a mistake from the beginning. It is a mistake to continue it today. The policy is wrong—legally, morally, and practically. It has been a failure to date, and it has no hope of success in the future. It has also been an embarrassment to the United States throughout the world.

Within 6 weeks after President Reagan took the oath of office in 1981, he endorsed the CIA's plan to organize and to fund paramilitary activities against the Sandinista government in Nicaragua. This decision brought the United States into an alliance with an army that was, at that time, dominated by the leaders of Somoza's notorious and hated national guard. We should not have signed on with the Somocistas then; we should not be supporting them today. In 1981, Mr. Reagan turned to the secret use of military force as his course of first resort. He signed us up to support a covert war run by the forces of reaction and repression, and our policy toward Nicaragua has been hostage to that decision ever since. It is high time that we changed course.

The issue today is really no different from what it was a year ago, or just last month, when the Congress rejected providing military assistance to the Contras. That issue is: Should the United States of America help the Contras in their efforts to overthrow the Government of Nicaragua?

Changing the label from military assistance to humanitarian assistance does not change the fundamental issue. Clothing given to people fighting a war is called uniforms; food given to armed forces in combat is called rations; footwear for soldiers is boots; and medical assistance to men in battle is used to treat the wounded.

In fact, the use of the term "humanitarian assistance" is totally misleading. We are not talking about providing "humanitarian assistance" here; we are talking about providing logistical support for the Contra combatants fighting to overthrow the Sandinistas. The definition of "humanitarian assistance" as set forth in the Geneva Conventions and Protocols requires that humanitarian assistance be ad-

ministered by an organization independent from the parties of the conflict, that it be distributed to noncombatants only and then only on the basis of need, and that it be available impartially to all affected civilians on both sides of the conflict. This proposed assistance flunks the test on all counts. Simply put, this is more money for more war.

If this assistance were really "humanitarian," the cosponsors would not be asking for so much. This amendment authorizes the appropriation of $24 million. This is an arbitrary, in fact, an irrational sum that bears no relationship whatsoever to the legitimate humanitarian needs of those Nicaraguans who have left Nicaragua and now live in Honduras. To see how irrational this figure is, one only needs to compare it with actual expenditures being made today by the United Nations High Commissioner for Refugees [UNHCR] which has a full-blown refugee assistance program for Nicaraguans living in Honduras.

According to most recent counts, the UNHCR provides assistance for 19,093 Nicaraguan refugees inside Honduras. In 1983, the UNHCR budget for the Nicaraguans was $4 million; the budget in 1984 was $4.08 million. That amounts to an expenditure of $213 per Nicaraguan per year.

Now it is proposed that Congress make available $24 million to the Contras in fiscal year 1986. Assuming that the Contras now number somewhere between 15,000 and 20,000 combatants, this amendment would produce an expenditure of between $1,200 and $1,600 per Contra per year. This figure should be put in the context of an average annual per capita income for Nicaraguans living inside their country of around $500.

Make no mistake about this vote: A vote for this $24 million in so-called humanitarian assistance will put $24 million dollars' worth of guns and bullets in the hands of the Contras just as surely as if we were to deliver these weapons directly. A vote for this amendment is a vote for more war in Nicaragua and more killing by the Contras.

Although the issue has not changed from our earlier debates on this subject, in many ways the debate has been clarified. No longer are we operating under the illusion that, by assisting the Contras, the United States is simply trying to halt the flow of arms from Nicaragua to the guerrilla forces inside El Salvador. No longer are we told that we must support the Contras to pressure the Sandinistas into restoring basic freedoms inside Nicaragua. No longer is the purpose of the President's policy in any doubt: President Reagan wants Congress to support the Contras because he supports the aim of the Contras—to overthrow the Government of Nicaragua by force. The issue before the Senate today is whether we will authorize the expenditure of $24 million to be used to overthrow a government that we do not approve of. That is a goal unworthy of the United States of America, and we should reject it.

And who are the people who will be receiving this assistance? Are they worthy of our support? Do they deserve our assistance? Do they represent the best ideals of America?

On this question, there has also been some clarification over the past few months. No longer is it possible to believe that the Contra commanders are the moral equivalent to our Founding Fathers. In fact, it is a travesty to compare Enrique Bermudez to Thomas Jefferson or John Adams or James Madison. On the contrary, there have been repeated and reliable reports of gross atrocities by the Contra combatants, of prisoners being executed, of innocent women and children being raped and mutilated, of civilians being murdered. How can the Congress, in all conscience, provide an additional $24 million to support people engaged in this kind of outrageous and criminal conduct?

But one more clarification is needed: We are not engaged today in a debate about the political shortcomings or character defects of the Sandinistas. No one here is proposing a resolution of support for the Sandinistas, and I doubt that there is much disagreement here about the nature of the Sandinista leaders or about their ideological proclivities. I am no fan of the Sandinistas, and I think we all understand that the Sandinistas are not champions of freedom and democracy. The real question is what the United States should do about it—consistent with our own best values and in conjunction with our own best friends and allies.

Daniel Ortega's trip to Moscow was shocking, but not for the reasons most people give. After all, Ortega has been to Moscow on other occasions, and his fellow commandantes have also visited such bastions of freedom as Libya and Bulgaria. The fact that the Sandinistas are friends of the enemies of freedom is not new.

Ortega's trip was shocking because of its deliberate timing. His decision to go to Moscow right after Congress voted to withhold further assistance from the Contras demonstrated both arrogance and insensitivity. But arrogance and insensitivity is nothing new from the Sandinistas. Ortega's trip to Moscow was troubling to me for another reason: It showed that the Sandinistas care more about the views and opinions of the leaders of the Soviet Union than they do about the respect and goodwill of the people of the United States of America; it showed that the Sandinistas are just as unwilling to live with the reality of American influence and power in Central America as some Americans are to live with the reality of the Sandinista revolution in Nicaragua. If the Sandinistas want continued confrontation with the United States, they should know that there are plenty of Americans who are happy to oblige them. But that kind of collision course, in my view, would be a disaster for Nicaraguans and Americans alike.

But Ortega's trip is also evidence of the increased influence of the Soviet Union inside Nicaragua. I believe that this, at least in part, is attributable to President Reagan's alliance with the Contras and his unequivocal statements that he seeks to make the Sandinistas cry uncle.

The President's policy toward Nicaragua has not only failed; it has been postively counterproductive. We share the President's concern about the policies of the Sandinista government. We share his concern about the influence of the Soviets and the Cubans in the region, and, more particularly about their presence and influence inside Nicaragua. We share his concern about Sandinista efforts to export their revolution and to subvert neighboring countries, although the evidence is far from clear on this point. We share his concern about the increased size and strength of the Nicaraguan military. And we share his concern about human rights abuses inside Nicaragua—particularly the Sandinistas' inhuman treatment of the Miskito Indians and other indigenous populations inside that country.

But when you examine what has happened with respect to each one of these concerns, the Reagan approach—continued support of the Contras war—has made matters worse, not better. Rather than reducing Soviet/Cuban influence inside Nicaragua, the Reagan policies have, over the past 5 years, resulted in an increase in that influence. Rather than reducing the size of the Nicaraguan military establishment, the Reagan policies over the past 5 years have prompted a growth in the size of the Nicaraguan Army that is unprecedented in that nation's history. Rather than undermining the influence of the Sandinistas in the region, the Reagan policies have transformed Daniel Ortega into a heroic David doing battle with a bullying American Goliath. Rather than producing greater freedom inside Nicaragua, the Reagan policies have only given the Sandinista hardliners a pretext to crack down on dissidents inside Nicaragua.

U.S. support of the Contras has failed, it cannot succeed, and we should terminate it altogether.

But what about the trade embargo? This amendment calls upon President Reagan to "develop, in close consultation and cooperation with other

nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985." The President's decision to declare a national emergency and to impose a unilateral, comprehensive trade embargo on Nicaragua was a gesture, not a policy, and it will only compound our problems in the region.

As a matter of principle, I have nothing against economic sanctions, when they make sense. In fact, I have introduced legislation with Senator WEICKER that would impose certain economic pressures on the Government of South Africa in an effort to encourage nonviolent change and the dismantling of apartheid in that country.

But I do not believe that a wholesale trade embargo against Nicaragua, imposed unilaterally by the United States, in the absence of any consultation or support from our friends and allies in the region makes any sense.

First, this trade embargo only heightens the perception that the United States is no different from the Soviet Union in its treatment of its smaller and weaker neighbors, that the United States is a bully, and that Nicaragua is a victim. Daniel Ortega will only become an even greater hero among the people of his country and among the people of the hemisphere, particularly among the youth. Outside observers perceive Nicaragua to be our Poland, our Czechoslovakia and perhaps ultimately, our Afghanistan. The embargo will only fuel anti-American, anti-Yankee feeling in Nicaragua and in the region generally.

Second, because of the embargo, all the failures of the Sandinista revolution can now be laid at the feet of the Americans. The Nicaraguan economy is failing now because of serious mistakes by the Sandinistas themselves; the embargo will only permit the Sandinistas to escape responsibility for their own errors and to blame the United States for all economic problems inside their country. Whenever a Nicaraguan cannot get a spare part, whenever he or she must stand in line for 3 hours to buy soap or toothpaste or toilet paper, whenever a car breaks down and cannot be fixed whenever the buses run late, whenever crops fail, whatever bad that happens will now be blamed on the U.S.-sponsored trade embargo. As a result, the standing of the Sandinistas inside Nicaragua will only be enhanced.

Third, a unilateral trade embargo will inevitably be counterproductive. The trade embargo will not reduce the influence of the Soviets inside Nicaragua; it will only increase it. The embargo will not reduce the strength or resolve of the Nicaraguan military; it will only increase the garrison state mentality inside that country.

Fourth, this trade embargo will do most serious damage to the opposition forces inside Nicaragua who depend upon trade with the United States for their independence and existence. The private sector is the backbone of La Coordinadora, the most important opposition force functioning inside Nicaragua today. The embargo strikes at the lifeblood of the private sector and damages its ability to operate separate and apart from the government. It is for this reason, I presume, that both Arturo Cruz and Cardinal Obando y Bravo—two of the most eloquent and outspoken critics of the Sandinistas inside Nicaragua—have been so critical of the embargo.

Finally, this trade embargo damages our standing with our friends and allies in the region and undermines the Contadora process. In this hemisphere, the lack of support for President Reagan's initiative has been dramatic. Only El Salvador has supported the President's action. This kind of unilateral initiative by the United States can only serve to undermine the multilateral efforts of the Contadora nations to achieve a comprehensive resolution of the conflict in Central America.

Opposition to this embargo has not been limited to this hemisphere. Right after President Reagan declared the national emergency and imposed the embargo, he traveled to Europe where he met with some of our most important allies. Not one of those allies has endorsed President Reagan's initiative. Many were openly critical, some are openly assisting the Sandinistas efforts to overcome the embargo.

In addition to providing additional funds for the Contras' war, this amendment repeals the Boland amendment and unleashes the Central Intelligence Agency to work with the Contra forces by sharing intelligence information.

These provisions, if enacted, will for the first time, permit Americans to participate in the conduct of the Contras' war against the Sandinistas. Congressman BOLAND'S language stated that no funds available to the CIA or the Defense Department could be expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual. Now that the President has owned up to his real intentions and made clear what his true objectives are, Congress should not reverse itself and give carte blanche to the CIA to assist the Contras in their efforts to overthrow the Government of Nicaragua. By the same token, Congress should not liberate the CIA to participate in the Contras' military operations, as is also proposed in this amendment. These two provisions—the repeal of Boland and the licensing of the CIA to share intelligence information with the Contras—can only result in the direct involvement of U.S. personnel in the conduct of the Contras' war against the Sandinistas.

Make no mistake about the implications of these provisions; by enacting this amendment, the Senate will be giving the CIA and the DOD explicit authority to participate in the Contras' war against the Sandinistas. In this respect, this amendment is tantamount to another Gulf of Tonkin resolution. In future years, historians will look back and say this was our first step onto a slippery slope that will lead to massive involvement of Americans in the war in Nicaragua. The CIA's participation today will only lead to our GI's involvement tomorrow.

Mr. President, I oppose this amendment because, in so many ways, it magnifies and perpetuates the most serious flaw in President Reagan's approach toward Nicaragua over the past 5 years, our pursuit of unilateral measures at the expense of ongoing multilateral efforts to achieve a comprehensive regional settlement. In our efforts to influence the direction of events inside Nicaragua, we should understand, first and foremost, that the history of that country has revolved around frequent and repeated unilateral interventions by the United States. We should understand that, by persisting in our efforts unilaterally to influence events inside Nicaragua, we are engaged in a self-defeating enterprise. For every action by the Americans, there is an equal if not greater anti-American reaction of the Nicaraguans. The revolution inside Nicaragua today is being fueled by high-octane anti-Americanism, and this amendment will rev up the anti-American engine to a fever pitch.

We should instead be working through multi-lateral channels, working with friends in the region, and we should support the Contadora process.

For all these reasons—and for all of the reasons I outlined earlier in support of other amendments—I urge my fellow Senators to oppose this amendment. In casting our votes against more war in Central America, however, let us also send a message to the Sandinistas: "You too must change course. You too must move toward national reconciliation. You too must give peace a chance. Time is running out."

Mr. LUGAR. Mr. President, I yield 10 minutes to the Senator from Oklahoma, Senator BOREN.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I thank the Senator from Indiana.

Mr. President, I have sponsored and cosponsored many amendments in the past 6½ years of serving in this body.

The vast majority of them I supported from a firm conviction that their passage was in the best interests of the people of my State and this Nation. Some others I have supported, not just as measures representing the best interest of the people, but as legislation that was vital to the interests of this Nation. I place this amendment in the latter category. I truly believe the passage of this amendment, at this time, in this forum, is vital to the interests of the United States.

A year and a half ago, I was privileged to serve as an observer of the Presidential elections in El Salvador. Recently, with Congressman GLENN ENGLISH, I returned to the region for talks with a wide cross-section of political, religious, and civic leaders in El Salvador, Honduras, and Nicaragua, including the Presidents of the first two nations and the Vice President of the third.

Certainly, on the basis of two visits to the region, I do not claim to be an expert on Central America. I have, however, endeavored to learn as much as I possibly could and the two opportunities for a firsthand view certainly enhanced my understanding and opened my eyes to developments that had previously escaped my attention.

I went to the region inclined to favor aiding the Contras, but skeptical about the chances for changing the internal course in Nicaragua away from Marxist control. I came back believing that there is a deep and widespread desire of the people there for true democracy and that given the right combination of circumstances there is a realistic chance to prevent the establishment of a Communist government in Nicaragua without any direct use of American military force.

To achieve success, however, the United States must continue to give the tools to the local people themselves to bring political, military, and diplomatic pressure to bear against the Sandinista government.

I am also convinced that if we fail to give support to the local forces in the region which are fighting for freedom, we will ultimately endanger the security of all of the nations of Central America and our own security as well. The best way to assure that young Americans will not ever have to fight and die in Latin America to protect our national interests is to give the tools to Central Americans to defend freedom themselves, in their own homelands.

As a preeminent power in this region, there is no way that we can avoid taking action. As President Napoleon Duarte of El Salvador said to me, "Even a failure to act by the United States constitutes an action." He meant that if we fail to exert any pressure on the Sandinistas, it will send a message of nonsupport to our friends and it will embolden our enemies.

The situation in El Salvador which I found in May was markedly improved from a year earlier. The Duarte government won a clear majority for the moderate center in the parliament. Political violence is a fraction of what it was 1 year ago. The strength of Communist guerrilla forces has declined and the number of polling places where they disrupted elections was down by 500 percent from 1 year ago. Important judicial and land reforms are progressing. There are many reasons for the progress and President Duarte himself deserves much credit for his moderate and courageous approach.

The pressure placed on the Sandinista government by the Contra activity and by brave opposition political leaders inside Nicaragua has also clearly reduced the level of help which has been coming from Nicaragua to Communist guerrillas in El Salvador.

The surest way to destabilize El Salvador and forfeit the gains made is to take the pressure off the Sandinista government.

My recent visit to Nicaragua also firmly convinced me that if we withdraw all support from opposition forces in Nicaragua the inevitable result will be the consolidation of a Communist regime there. We will have another Cuba in our own backyard. This time it will not be surrounded by water, but will be connected by a continuous land mass which joins our own borders. Its own boundaries with its immediate neighbors are hard to determine geographically and easy to penetrate.

If anyone is naive enough to believe that the present Sandinista government will moderate and allow for a pluralistic democracy voluntarily, they are closing their eyes to all clear evidence. They should ask themselves, why is the church being oppressed? They should ask, why must the sermons or homilies of former Archbishop and now Cardinal Obando y Bravo be submitted to government censors 24 hours before they are delivered? They should ask, why are the church schools forced to allow special teachers to begin Marxist indoctrination at age 10? They should demand to know why is the free press, including La Prensa, which so valiantly opposed the Samoza regime, so heavily censored? One day after Congress defeated aid to the Contras and on the day before President Ortega departed to Moscow, the paper was so heavily censored that it could not even go to press.

That was one of the photos censored from La Prensa, a photo showing the special store where only special Sandinista officials can buy.

Those who believe that this government will change should ask, why are political block captains being used to control food ration cards necessary to obtain food and sparsely stocked markets? They should ask, why are special well-stocked stores reserved only for shopping by privileged Sandinista officials if this is truly a government dedicated to equality? They should ask, why are small farmers in the northern areas being forcibly relocated to camps after the government burns their small houses, and takes their livestock?

The pattern is all too clear. As one Nicaraguan said to me, "I fought against Samoza. I was a true Sandinista and still consider that I am a true revolutionary for democracy, but the Communists have stolen our revolution from us. In the earlier broad-based junta and government which was broadly representative, those with democratic philosophies were placed in nonsensitive jobs and the Marxists took control of the army, and police and instruments of control." The pattern, Mr. President, is all too tragically reminiscent of many other places on the globe like Eastern Europe.

As I said earlier, I wish that every Senator could have shared in my experiences. I wish that they could have joined Congressman ENGLISH as he visited with the people on the streets of Managua, away from the ears of government officials and found them virtually unanimous in their opposition to the current government. I wish that the entire Senate could meet Violetta Chamarro who, with her brother-in-law, publishes "La Prensa." Her husband was murdered by Samoza and the paper was burned. She joined the revolution and served in the first Sandinista junta. She resigned after the Marxists took over. Now she struggles on against censorship and threats to continue her fight for freedom against the Marxist dictatorship as bravely as she and her husband fought against the dictatorship of the right under Samoza.

I wish that every member of Congress could talk to Cardinal Obando y Bravo who himself has narrowly escaped machinegun attacks twice. How can there possibly be any justification in any free country for the continuation of censorship of his words to his flock? Clearly the Pope, in elevating this Archbishop to the position of Cardinal, has sent a clear message to the world. Even so, the Marxist regime is now financing its own created so-called peoples church to try to undermine the continuation of the free church.

I wish that they could have met Virgillio Godoy, who had the courage to resign as Minister of Labor when he found that the government was creating its own state labor union to destroy the free labor movement.

I wish that all of my colleagues had been with me when the Chamarros and Virgellio Godoy asked me, "Are

you going to abandon us? Are you going to walk away and leave us here to fight alone?" I, for one, could not look them in the eye and answer yes to those questions.

These people know what it is like to live under the Sandinistas. They know what a block committee is and how those committees report on neighborhood activities. They know about indoctrination techniques and the special tours arranged for visiting Americans and others who are given an effectively slanted and carefully controlled view when they come as guests of the Sandinistas.

Mr. President, finally, I wish that the American people could have joined me in paying a visit to a group of Contras inside the battle zone. I talked first hand with a small group of about 50 Contras returning from a patrol.

With all due respect to the Senator from Rhode Island, if he could have been there with me and talked to the young people, I think he would have joined in calling them freedom fighters.

Some had been fighting for as long as 3 years. Others were recent recruits. One was a 16-year-old girl carrying a machinegun. After talking with them I had a better understanding of why the Contra forces are growing so rapidly, perhaps at a rate of increase of 500 or 600 per month. I had a better understanding of why the morale is so high and why, if given the tools, I believe they have some chance of ultimate success and can certainly prevent total consolidation of the Sandinista regime.

They are all Nicaraguans from the grassroots of the country. They are mainly very young—not old enough to have been in uniform under Samoza. They are not mercenaries. They get no salary, only about 45 cents per day worth of rations and second-hand clothes. They fight with captured East Block weapons.

One after another told me that he joined the Contras after the Sandinistas took his farm and burned their houses or took his parents to what they all called concentration camps where they also collected the few cows, pigs, and chickens which the farmers had previously owned. One was a young teacher who told me he was a Christian and refused to teach communism to children so he was fired. They are a grassroots force to be reckoned with and they are growing. While I was in Managua they succeeded in raiding a major town in the central area 45 miles east of the capital and severed road traffic.

For those who see parallels to Vietnam, they should consider that here it is the Communists who must fight against a grassroots group using effective raiding tactics in very rough terrain. Here it is the Communists who are burning out small farmers and hamlets and are turning the people in the countryside against the government just as they are alienating the religious community and city dwellers through food rationing, the military draft, and favoritism for high government officials.

All of these experiences leave me with the conviction that we must devise a method of assistance that can be supported openly by this Congress and the American people. I believe we have found it in this amendment.

One of the best things about this amendment is its bipartisan nature. I have spoken before on this floor about the need for bipartisanship in the Nation's foreign policy.

If I may return a moment to my recent meeting with President Duarte, he emphasized the need for a united bipartisan approach. He went on to say that in his opinion the battle for the Third World is a battle between ideologies, not a battle between nations. If the democracies of the world do not have a strategy, the other side does.

A united front, he said, is what the resistance to Communist aggression in Central America needs most. The Communists exploit the unique American propensity to speak in many voices. They want to negotiate because they expect to win through the inaction of Congress what they cannot win in battle or from the voluntary support of their own people.

This Congress and this country should be exporting democracy, not withdrawing from the field.

This amendment in that sense is an export amendment—it seeks to export democracy. It provides $24 million in carefully defined humanitarian aid to the Contras—overtly provides and it sets up a mechanism for monitoring and reporting to Congress every 90 days.

While it unfences the $14 million already approved by repealing the so-called Boland amendment, it contains language that reinstitutes the intent of Boland by prohibiting any further assistance without the specific request of the President and the approval of the full Congress. This is a reasonable approach and in my view virtually the least this Senate should do to aid the Contras, the region and our own national interests.

Mr. President, I close by returning one last time to my conversation with President Duarte. One of the strengths of the Communist countries, he said, was that they help each other. In Nicaragua today are Cubans, Soviets, East Germans, Bulgarians, and some reports say even the PLO. One of the problems we have with the Sandinistas now is that they aid other revolutions in neighboring states and even in South America, despite their own internal difficulties. They help each other.

One of the difficulties with democracies is that, by and large, they are inwardly focused and pay not enough attention to what is occurring outside their own borders, unless it has a direct and immediate effect on them. Democracies seem ill equipped to patiently pursue a consistent policy over a long period of time which helps their friends.

Mr. President, it is time to take a small step toward altering that equation. This amendment is the instrument of that step and I urge my colleagues to support it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank the distinguished Senator for yielding me time.

With regard to the amendment offered by the distinguished Senator from Georgia, I have some questions which I would like to propound to the Senator from Georgia during the time I have been allotted. I have a couple of questions which I discussed earlier with him which I would like to have clarified, if I could, prior to voting on the amendment.

As I understand the Senator's amendment, further material assistance to the Contras above that specifically contained in this amendment would be prohibited unless the Congress were to vote to approve such funds.

While I am pleased that the amendment protects this body's prerogative to authorize and appropriate funds for the Contras and assures another opportunity to assess the situation further down the road, I am extremely concerned that while well intentioned, the prohibition for further assistance in this measure may in fact not be loophole free.

My colleagues are familiar with the Boland amendment which has been in effect for 2 years. Before this body takes a new approach to the problem, it is my hope that the distinguished Senator from Georgia would be willing to answer some questions about the intent and effect of his amendment.

As I understand it, the Boland amendment prohibits all funds available to the CIA, the Defense Department, and all other U.S. agencies involved in intelligence activities from being obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any national group, organization, movement, or individual. That is the language in the Boland amendment.

It is clear to the point, that, as best this Senator can determine, it does the

job it must do. It prohibits all funding of all activities that would support military operations in Nicaragua. That law includes, but specifically is not limited to, and that is my point, funding of the army commonly known as the Contras or, as some people call them, the freedom fighters.

My first concern about the pending amendment is that while it prohibits funds above the amount that it authorizes from being provided to the democratic resistance in Nicaragua, it does not prohibit U.S. funds from being used in other ways to support or to conduct military operations in Nicaragua.

I see only one way to read this amendment. Unlike the Boland amendment, it would allow the CIA to conduct independent paramilitary operations in Nicaragua. In other words, it seems clear that what is not prohibited is, in effect, authorized. That is the lesson we have learned over the past 2 years as we struggled to legislate and limit some of these covert operations. Nothing in the Senator's amendment before us limits U.S. funds from being used to conduct covert military operations in Nicaragua.

What I would like to know is, is that the intent of the amendment of the Senator from Georgia? If not, how does this amendment deal with the funds available to the CIA in its contingency reserve to conduct such operations absent a distinct prohibition against such operations?

Mr. NUNN. The question my friend raises is one I have struggled with a great deal in preparing this amendment and redrafting it and discussing it with others who are my cosponsors of this amendment. I know the Senator from Indiana has looked very carefully at this. His staff and my staff have worked together. It is a complicated area.

Let me see if I can answer it in a way that is understood.

This amendment deals only with the question of providing assistance to the Contras.

The Senator has raised the matter of unilateral action by the CIA in Central America that is not related to the assistance to the Contras. In my opinion, that must be dealt with under existing law. Under existing law, Nicaragua would be like any other country. It would be regulated by the laws and procedures governing the intelligence community. There would be congressional oversight by the Intelligence Committee. It would require a finding by the President that would be sent to the Intelligence Committee.

Let me go a little further, and I will come back to that.

With respect to the assistance to the Contras, I would say this amendment is absolutely clear that whether they used the contingency reserve funds or not, the CIA could not provide humanitarian assistance beyond the scope of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. I yield an additional 5 minutes.

Mr. NUNN. It is also my feeling, my strong feeling, that if the CIA wished to provide any further assistance to the Contras, the President would have to come back to the Senate under the provisions of this amendment and request the assistance, and we would have to approve it in the pertinent committees and also on the floor.

Now, regarding the unilateral action by the CIA which is not in support of the Contras directly or indirectly—which is the Senator's question. I think it is a very legitimate question.

Let me read the Boland amendment to the Senator, because his question presumes that the Boland amendment precludes that kind of assistance. I think that is the understanding of a lot of people.

I think the question of whether the Boland amendment precludes that kind of activity by the CIA is a much more difficult question.

Reading the Boland amendment, it says, "No funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended"—I want the Senator to listen carefully to these words—"for the purpose or which would have the effect"—and now the key word in my opinion legally—"of supporting—directly or indirectly, any military or paramilitary" operations in Nicaragua and so on.

Mr. President, it is my view that if the word "supporting" is interpreted broadly, then we could perhaps strain the Boland amendment and say that CIA activity totally unrelated to the Contras but which was adverse to the Nicaraguan Government would be precluded. I do not read the Boland amendment that way, though. I read the Boland amendment as being more narrow than that. I do not believe the present Boland amendment precludes independent CIA activity that is not supporting the Contras.

So, if you read the Boland amendment narrowly, as I do, then there is no diminution of that amendment in our amendment. If, on the other hand, you read the Boland amendment broadly and believe that the present Boland amendment precludes independent CIA activity that has nothing whatsoever to do with supporting the Contras, then our amendment would change the Boland amendment. It would be my intent to change the Boland amendment if it is broad.

Let me give an example. For instance, let us suppose tomorrow morning, before we pass anything, our intelligence community comes in and informs the President of the United States that there is a terrorist training base in Nicaragua and those terrorists are funneling all over Central America. They are coming to the United States, they are carrying out bombings, they are carrying out assassinations, and it has nothing whatsoever to do with the Contra movement, and the CIA or the Defense Department recommends that we take some type of action against that base. If you read the Boland amendment broadly, then it would preclude that action unless the President came to Congress and we had a debate and unless the House and the Senate repealed the Boland amendment.

I do not believe that is what the Boland amendment intended. But if it is what it intended, I think it ought to be repealed. If it is not what it intended, then we do not change the intent of the Boland amendment.

Mr. HARKIN. Mr. President, I think what the Boland amendment is seeking to do is stop activities like the mining of harbors. Again, this is an independent activity, undertaken basically without the consent of Congress, by the Central Intelligence Agency. Under the Senator's amendment, would the CIA be able to do that kind of activity.

Mr. NUNN. The answer is no, because I would interpret the mining of harbors as in direct support of the Contras.

Mr. HARKIN. But is was not done in support of the Contras; that is the point. My position is that it lifts the restrictions of the Boland amendment. However, I might be opposed to the Senator's amendment here, I am greatly opposed to it if, in fact, we do not have two things—one, the Boland amendment which again, aside from the Contras itself, would restrict the kind of activities that the Boland amendment sought to restrict. I think most people here and on the other side of the Capitol have interpreted it very broadly—I ask for 2 or 3 more minutes. I am sorry to take so much time.

Mr. PELL. Mr. President, I yield 2 more minutes to the Senator.

Mr. HARKIN. I thank the Senator.

Mr. President, I have one more question.

Mr. NUNN. Would the Senator interpret the Boland amendment as precluding a CIA or a Pentagon move against the terrorist training camp in Nicaragua?

Mr. HARKIN. That was exporting the terrorism outside the borders of Nicaragua?

Mr. NUNN. Yes.

Mr. HARKIN. No, Mr. President.

Mr. NUNN. Then the Senator does not have to be concerned about this.

Mr. HARKIN. Mr. President, I am concerned because obviously, that is a

very narrow interpretation, but I keep saying again in terms of the CIA, what we have learned over the past few years is that what is not prohibited is authorized and if we do not prohibit them from doing certain things, they will go off on their own and do mining, for instance. If there is a terrorist camp there, they have recourse. They can come to the Intelligence Committees and ask for authorization.

Mr. NUNN. They cannot if the Boland amendment is interpreted broadly. The Intelligence Committee cannot do or approve anything contravening the law of the country.

Mr. HARKIN. The Boland amendment speaks only to the purpose of overthrowing the Government. If you were to go in and take out a terrorist camp that was exporting terrorism outside of Nicaragua, that would not have the purpose of overthrowing the Government of Nicaragua. Mining the harbors would.

Mr. NUNN. Nothing in the Boland amendment ever mentioned overthrowing the Government.

I know I have taken the Senator's time, Mr. President.

Mr. HARKIN. Mr. President, I have one other question. Leaving aside this question of what the term "humanitarian" assistance encompasses, the amendment would authorize funds and then prohibit further materiel assistance but not preclude the sharing of intelligence information. My question again concerns what is not included in a prohibition against further materiel assistance and what role would be created for the CIA in addition to the sharing of intelligence information. It is my understanding that if humanitarian assistance were to be approved and the Boland amendment were in effect, the Contras could receive the funds but the CIA would not be back in the business of running the Contra war. Without the Boland amendment, the Senator's amendment would allow the CIA to resume its role in advising and training the Contras for combat operations and would put us back in the business of managing this war.

Again, I ask, Is this the Senator's intention?

Mr. PELL. I yield time so the Senator from Georgia may reply.

Mr. NUNN. Mr. President, I say to the Senator that is not this Senator's intention. I think the amendment is clear. As I interpret the amendment, and I think it is clear on that, humanitarian assistance would not include training the Contras for military activity.

The Senator has used the word "advising." He say "advising and training."

Mr. HARKIN. Advising, training.

Mr. NUNN. I would think the amendment presumes somebody in our Government is going to advise the Contras of certain things. Hopefully, they will advise them to negotiate bilaterally with the Sandinistas. Hopefully, they will advise them to purge their ranks of human rights abusers, but not give military advice.

Mr. HARKIN. Mr. President, not giving military advice or training.

Mr. NUNN. That would not be in keeping with the humanitarian definition of the amendment.

Mr. HARKIN. I thank my friend from Georgia for clearing that up with me.

Mr. JOHNSTON. Mr. President, will the Senator from Indiana yield me 6 minutes?

Mr. LUGAR. Mr. President, I agreed to yield 5 minutes to the Senator from South Carolina first and I shall be happy to yield to the Senator from Louisiana when he has concluded.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I thank the Senator from Indiana.

Mr. President, I rise in support of the Nunn, Lugar, Boren amendment.

What we are debating here today is not a question of right versus left. It concerns freedom: freedom from tyranny and oppression, freedom of religion, freedom of the press, and the freedom of people to determine what form their government shall take rather than have that decision dictated by a handful of despots. The United States has fought numerous times to protect these freedoms, and today we are debating whether or not to support people who want to fight for the same freedoms.

We have boiled the argument down to whether or not to give these freedom fighters humanitarian aid, or no aid at all, when we should be providing them with the military assistance that they so badly need. I for one am glad that Lafayette did not come to America with only humanitarian aid to provide for our Continental Army, or we might still be British subjects.

It is unfortunate that some Members of Congress serve as apologists for a Communist dictatorship that offers to let the Soviets station missiles in their country and which also attempts to subvert neighboring states by force of arms.

Mr. President, the United States stood by as the Sandinistas came to power with their promises of free elections, freedom of religion, and freedom of the press. They have instead formed a dictatorship that makes a mockery of these freedoms. Because of their repressive practices, people have again taken up arms against the government, and now more men are fighting the Sandinista government than ever bore arms against the previous regime.

There are those who would have us believe that the Contras are the creation of the Central Intelligence Agency, and that everything would be fine in Nicaragua if we would halt our support for the Contras. This assertion is totally false; 15,000 people do not risk their lives and the lives of their families fighting a dictatorship just to help out the CIA. The last time I checked, the CIA was not that popular in developing areas of the world. Also, there are no retirement benefits for the Contras, and there is little or no pay; so other than the hope of a better way of life, there is not any reason for these men and women to take the risks that they do.

Mr. President, when we strip away all the arguments, we come to one simple decision. We can support forces who oppose Communist dictatorships, or we can vouchsafe the spread of communism by our inaction. Twenty-four years ago, in his inaugural address, President John F. Kennedy stated:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.

Mr. President, unfortunately for some, the price has grown too high, the burden too heavy, and the hardship too great for our Nation to support the survival of liberty. For some, the continued enslavement of people is somehow preferable to our becoming involved. Not only this, the failure to provide assistance to the freedom fighters would constitute a threat to our own freedom.

Mr. President, I urge all of my colleagues to support continued assistance to the Nicaraguan freedom fighters.

Mr. JOHNSTON. Mr. President, will the Senator yield to me 6 minutes?

Mr. LUGAR. Yes; I yield 6 minutes to the Senator from Louisiana.

The PRESIDING OFFICER (Mr. GRAMM). The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, when Fidel Castro was in the mountains of Cuba, he called himself an agrarian reformer pursuing democracy and a friend of the United States. It took us a few months after he took over to find out that was not to be.

Mr. President, there are those who, in spite of the evidence, indelible evidence since 1979 of the nature of the Sandinista revolution, would want to tell us that they also are agrarian reformers pursuing the rights of the people, trying to improve the lot of the people.

Mr. President, if there is not enough evidence now, I do not know when there will ever be as to the essential nature of the Sandinista revolution. They are bent upon revolution without borders. They are bent upon exporting that revolution to El Salvador, as they are doing at the very moment.

The command and control of the FMLN in El Salvador is at this moment in Nicaragua, and so is the direction of other revolutionary activity which has been stopped, if at all, only by the pressure of the Contras.

Now, Mr. President, lest we think that a poor country of about 4 million people in Central America can do no harm, I would like for the Senate to stop for a moment and consider the harm that Cuba does throughout the world with only a population of 10 million. Even though Cuba is a very poor nation, with a gross domestic product of $16 billion, at the very bottom of the list in terms of wealth of nations—and in 1950 before the revolution it had the 3d highest per capita income in Latin America, now it is 15th—Mr. President, what that small country is able to do in terms of harm throughout the world is amazing. They have an armed force of 153,000, 250 aircraft, 850 heavy tanks, with defense expenditures of $1.3 billion.

Even though Canada has two and one-half times the population, they have five times the armed force of Canada. With their militia, they have 12 percent of their population armed and trained and under arms. There are 74,000 Cuban troops in 24 foreign countries. Consider what they do in Angola alone—16 motorized infantry regiments, an artillery regiment, an antiaircraft defense brigade, 500 air force personnel, 500 support troops, and 1,000 advisers. In Angola alone, a total of 31,000 men. They have suffered 6,200 casualties in Angola.

Mr. President, the list of countries where they have troops includes:

Afghanistan, Algeria, Angola, Benin, Cape Verdes, Congo-Brazzaville, Ethiopia, Guinea, Guinea-Bissau, Iraq, Lesotho, Libya, Malagasi, Mozambique, Nicaragua, Nigeria, São Tomé/Principe, Sierra Leone, Suriname, Syria, Tanzania, Uganda, Yemen, and Zambia.

Mr. President, this is the reality of Cuba today. They continue to grow in terms of arms expenditure and in terms of exporting revolution around the world.

There was a time when we had an opportunity, Mr. President, to do something about the Cuban infection. Many will say that we should have done something about it in the time of Batista, and I agree. We made serious and terrible mistakes at that time. Those mistakes we cannot recall. There were other times when we had an opportunity to do something about Cuba, and we failed to do it—too little, too late, too ineffectively.

Mr. President, that time in Nicaragua is upon us today. We have an opportunity to do something about Nicaragua, something other than to put our head in the sand, something other than involving American troops. It is to put a sure and steady pressure on the Sandinistas in Nicaragua, using their own people who have formed their own opposition force.

Make no mistake about it, the CIA did not create and did not form the Contra organizations. They are endemic. They are native. They are run by their own people. Indeed, we are not at this time giving aid.

Mr. President, we have an opportunity to strike a middle ground in this amendment, a middle ground between giving arms and sending American troops, on the one hand, and inviting the Nicaraguan-Sandinista revolution to become another Cuba—another Cuba, perhaps smaller in terms of numbers of people but a Cuba connected by a land bridge to Mexico and the United States.

Mr. President, the middle ground as indicated in this amendment is the proper course for this Senate at this time. There may be a time when we will need to take a second step and send the arms themselves, but for now this compromise is the right action.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, several Senators this afternoon have referred to a national consensus in favor of this or that policy. They have referred to this or that poll. They have referred to the state of public opinion on American policy toward the critical problems of Nicaragua and Central America.

It is clear to me, however, that there is no national consensus on what might be the most effective policy. In fact, if anything, the polls underline a deep and enduring confusion about our policies and purposes. So clear is this that I feel confident in saying that we lack the depth of public support to sustain the kind of dramatic shift in our foreign policy that seems to be taking place.

It is also clear to me that a seachange in our policy toward Nicaragua is taking place. Though the administration's appeal for more funds is couched in terms of "humanitarian" aid, I see no guarantee that these money would not continue to be used directly to support, or replace other funds to support, military and paramilitary activities by the Contras. There is virtually no way that you could impose such a guarantee.

Originally, the Senate approved funds for the Contras on the grounds that they would be used to block the flow of arms to rebels trying to overthrow the Government of El Salvador—an objective that has in large measure been attained. Now we are coming close to open support for the overthrow of the Government of Nicaragua—a policy that I do not believe shares the support of the American people, nor one that is warranted by the limited diplomatic efforts undertaken to reach a peaceful solution to these problems, nor one that has won the backing of many of our most important allies in the region and the rest of the world. By region, I do not mean just the immediate region of Central America.

Several of the governments in the immediate area generally support the administration's overall efforts, but they also are disturbed by lack of diplomatic progress. But there are many other countries in the broader region of Latin America with whom we should consult more closely as we try to devise a prudent and positive policy.

I have consulted with a wide range of representatives of the leading countries of Latin America. And these inquiries reveal considerable doubt about the shift in American policy in recent weeks and months.

For example, our friends in the Contadora countries, Colombia, Venezuela, Mexico, and Panama, do not appear to favor this kind of aid to the Contras, which they regard as direct intervention in the affairs of Nicaragua. Argentina, Brazil and other vital neighbors of ours, countries destined to become ever more important to us, also remain deeply concerned about the thrust of these policies.

With their domestic political and economic problems, all these countries are likely to be more deeply affected by what may happen in Central America than we are. And yet I see no sign that we have consulted closely with them in devising an effective strategy. I see no sign, furthermore, that we have consulted closely with our European allies on the best course of action.

There are, Mr. President, several attractive provisions of this amendment: the call for a church-mediated dialog between the Government of Nicaragua and the resistance forces; continued support for the Contadora process. I am still confident that a genuine compromise can be worked out. But I do not believe we have reached the point where we should take an irrevocable step that would discourage such initiatives and lead to a widening of hostilities.

For these reasons, I shall vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield 2 minutes to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I compliment the original cosponsors of this amendment, on the amendment itself and the work they have put into it. I believe I am a cosponsor as well.

I compliment the cosponsors on the special effort they have made in informing themselves in particular with regard to the special problems of Central America and the way in which

those problems have changed over the 4 years or so in which we have been deeply involved in those problems and in discussing them on the floor.

I particularly compliment the Members of the minority party on the floor for their efforts.

I urge all Members to support this amendment. It is not great policy. It is mainly implementation of a policy which remains vague.

Mr. President, I have just returned from a 6-day trip to Central America. I went because I am convinced that this is a critical moment in relations with Central America. I wanted to understand the perspective of the leaders of the region on the major issues.

In the course of the trip, I met with a wide variety of people. I talked with our own Embassy staffs. I met with political leaders and shared their hopes for a democratic future. I talked to military leaders. I exchanged ideas with business leaders. I talked to publishers, churchmen, and people working for international organizations in these countries.

In all of these conversations, I found a common theme—an absolute commitment to the development of democracy throughout the region, and a common demonstration of courage to take risks necessary to achieve that goal.

In Guatemala, Chief of State General Mejia has put the reputation of the military on the line in avowing publicly, without reservation, that he will step down from office and remove the Army from the political process—whatever the results of the election in October.

In El Salvador, President Duarte has assumed not only personal risks, but risk to the democratic ideals of his party by taking firm steps in curbing human rights violations, returning the Army to a nonpolitical role in support of, rather than in opposition to, the democratic process and, most significantly, in opening a dialogue with the political and military elements of the insurgency.

In Costa Rica, President Monge has taken dramatic steps to build within the existing security structure of his country the capability to eliminate the threats of subversion of his democracy, and to defend his border against Nicaraguan incursions. Though his country is extremely vulnerable, he has supported the democratic opposition to the Sandinistas and welcomes the refugees from that regime.

In Honduras, President Suazo walks a narrow line in maintaining the momentum of his democratic revolution against those who are critical of his role in supporting the FDN and cooperating with the United States and those who do not feel he has gone far enough.

Throughout Central America, the church has had the courage to speak out and act in preservation of social justice and the dignity of man—whether the danger comes from right or left. The church is acting as mediator in El Salvador, and it sustains those in Nicaragua and Costa Rica who publicly condemn the abuses of Sandinistas. As a demonstration of this consistency of principle, church hierarchy from all of Central America will gather in Managua on June 10 to celebrate mass with the new prelate of the Central America church—Cardinal Obando y Bravo.

Mr. President, there is a common concern expressed by these political, religious, military and business leaders. It is a concern that there are root causes of instability in the region which are threats to achievement of democracy. One root cause is the economic difficulty each country faces from an ever widening gap between revenues and expenditures—a balance-of-payments crisis that stands in the way of social programs and reestablishment of a healthy business sector which can create jobs and relieve the burden of an over-extended government.

There is instability caused by the insecurity of the governments faced with active attempts at subversion—subversion supported directly from or through Nicaragua.

There is instability caused by the added burden of refugees created by the current political upheaval—refugees who exacerbate the economic problem and increase the threat of subversion. There are now over 100,000 Nicaraguans in Costa Rica—about 10 percent of the population as estimated by the U.N. Refugee Commission. In the last 3 months, 10,000 Nicaraguans have turned up in Guatemala. This is the first time Guatemala has had a refugee influx from Nicaragua.

These are regional problems—problems that cannot be resolved individually by each nation. The leadership of Central America is expectant—hopeful that the United States will join with them in working toward solutions. The United States has already done a great deal. The Jackson plan is a clear signal that the United States recognizes that the region is of vital interest and that we alone have the means which if applied in concert with the Central American countries can tip the balance in favor of democracy.

But the solutions are not regional alone. They depend as well on keeping alive the hope for democracy in Nicaragua. Mr. President, the money being discussed here today, $38 million for humanitarian aid to the democratic resistance, is not in and of itself sufficient to tip the balance. It is not directed at balancing the books economically—nor is it sufficient to stop subversion in the region or to restore to Nicaragua the democracy stolen by the military dictatorship which the Sandinistas have imposed in exact duplication of the old Somoza dictatorship.

But our vote is of great significance as a sign of Central America that the U.S. Government, both executive and legislative, recognizes the role our country should play, and are willing to assume that role. The democrats who recognize that the Sandinista government has as its fundamental objective imposition of a dictatorship which is a threat to the hopes for democracy are pursuing those principles throughout Central America at great personal risk. We share that risk in a positive vote on this assistance because we are not sure who the real democrats are and how this funding is really contributing to achieving a democracy with Nicaragua. Though this vote is necessary to show our resolve and commitment, it is not enough. We cannot close the subject with a symbol—a symbol the ultimate effect of which is unknown.

Mr. President, we must move on to the bigger issue of peace and stability in the region and work at the highest levels in conjunction with the democratic nations to forge a common formula—a policy of commitment of American means, American knowledge and resources in support of mutually shared objectives. Only then will we resolve the root cause of trouble within the region.

The narrow issue we face today is short-term humanitarian assistance to people from one country. The stakes are high, but they are high as much for reasons of symbolism as for material progress. We must move beyond debating whether to symbolically fulfill our commitments to democracy, and instead undertake a debate on actally fulfilling those commitments themselves. In other words, the debate today will not end our attention to Central America. It will only set the stage for a larger debate on a larger policy question—whether this country will play a positive role in the region.

We cannot go it alone. We must work with the nations of Central America, and must listen to them and learn from them. As a first step toward bringing about the reconciliation which must precede significant progress on economic and political questions, I think it is time for the President to convene a meeting of the heads of state of all the countries in the region, including Nicaragua. A major conference could bolster the Contadora process. President Duarte has shown us the way, and we should seek to do on a regional scale what he has undertaken in his own country.

But talk is not enough. The history of Central America is a history of talk and broken promises from the United States. We must demonstrate that our

long-term commitment to the region is backed by the public and its Congress. A tangible sign would be immediate consideration and passage of the Jackson plan in a multiyear package. It is time to go beyond debating economically marginal programs, whether they involve humanitarian assistance or other items, and do what we all know must be done.

Beyond these immediate programs, however, we must learn to live with diversity in the region. A commitment to democracy does not mean that every nation must look like ours. So long as a nation's core values involve a commitment to the democratic process, we should welcome it as a friend, not shun it because of some kind of ideological litmus test. Policy disagreements among democracies are ultimately far less important than their adherence to common values.

Finally, we must recognize that it is in Central America itself that the greatest wisdom resides about the future of that region. We can help, but we cannot lead, except by example. We must look to Central American unity and leadership to set the course. This means on one hand that we must ask leaders in the region to say publicly what they say privately. But it means on the other hand that we must give them the confidence to say it, in part by assuring them that we will assist them over the long haul.

Mr. President, as I have said so many times before, the real issue which we too often avoid is Central America and its future—a future which will be shaped by far more than the narrow item we debate today. I strongly believe that we must vote to provide the humanitarian assistance requested. But I also believe that we must break the habit of reducing a vital and complex issue to a simple yes or no vote on a few million dollars aimed at an immediate issue. We must begin to craft a larger policy, and then to debate it. If we fail in this, we will condemn ourselves to years of debates over issues of this kind.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Michigan.

Mr. LEVIN. I thank the Senator from Rhode Island.

Mr. President, I wonder if the Senator from Georgia might help me in my effort to understand this language.

I have been one who has been willing to support the Contras with nonlethal assistance under certain conditions. In the past, I have worked on various forms of resolutions which would provide nonlethal assistance to the Contras and set forth the conditions. I do commend all the people who have been involved in drafting this amendment for their efforts.

I am troubled, however, by section (i)(1), and I ask the Senator from Georgia about that section. The amendment repeals the Boland language. The Boland language prohibits assistance to the Contras, directly or indirectly, by the CIA, the DOD, or any other agency. So that this amendment wipes out the Boland language.

In its place is section (i)(1), which says that "No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly," other than what has already been set forth in this amendment, and that is the humanitarian assistance as defined.

The word "materiel" is a very troubling word to me, because it could mean that nonmateriel military assistance could be provided: for example, support activities; for example, training—which is not materiel but which is directly in support of a military operation.

I did hear the answers of the Senator from Georgia to the questions of Senator HARKIN, and I thought they were helpful; but I am afraid that the language in the amendment is different from the assurances which were given. I wish that the assurances which my friend gave were put forth so clearly in the amendment.

I suppose my question is this: It says "No other materiel assistance." Training of a military operation is nonmateriel assistance. Is it intended that training would be prohibited? If so, is there a way of making that clear in the amendment—that training in military support activities is intended to be prohibited?

Mr. NUNN. I say to the Senator from Michigan that the reason why the word "materiel" was added—and it was added; it was not part of the original amendment—was that if we do not have that word, there is a strong possibility that other legitimate actions by the United States would be precluded that might be considered indirect assistance to the democratic resistance, and thus barred. Let me give the Senator an example.

If we insist in the context of the Contadora negotiation that Sandinistas should talk to the Contras, as I think all of us believe they should, it could be argued if the word "materiel" was not in there, that we were assisting the Contras because one of their objects is to force talks directly with the Sandinistas.

So the word "materiel" was added to prevent that interpretation.

The Senator has raised the other question, the other side of the coin. Every word you add is a coin that has two sides. I think the Senator has a legitimate question. The Senator's question is, Does that word "materiel" mean only substance, something tangible, or would it include things like military assistance?

My view of it is that as the author of the amendment, and I think the Senator from Indiana ought to listen to this, too, I would like for him to respond. My view is that materiel assistance would include any kind of military training, even though that would not necessarily be tangible. I consider that military training is tangible in the sense that this amendment has been offered. I think that if this passes we need to find a better word in conference to make it clearer that we are allowing certain types of activities on behalf of the Contras, political speeches, that kind of thing, petitions to OAS, petitions to the Contadora process, to include them in the talks with Sandinistas, but we are not by that word in any way implying that we intend to have military training or other intangible things. I would like the Senator from Indiana to respond.

Mr. LUGAR. That is my understanding.

Mr. LEVIN. Could I ask about military support activities, for instance, driving the boat for which Contras leave to set mines?

Mr. NUNN. I believe that would be violative of the amendment. It is not humanitarian. It is support of military activities. I think it would be precluded under the amendment. Would the Senator from Indiana answer?

Mr. LUGAR. I concur.

Mr. LEVIN. I am glad to get these interpretations and I think they are important.

Mr. NUNN. But I would not want to have the words "military support" written in because then you have to ask what the definition is and the Senator asks with an example. If you include "military support" as food and clothing which is in the nature of military support under some interpretations then clearly we permit that.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. LEVIN. If there is an additional time I wish 1 minute.

Mr. PELL. I yield 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan may proceed.

Mr. LEVIN. I thank the Chair.

I think it would be extremely useful if this amendment passes, which I expect it would, that this interpretation which is critical if we are going to eliminate the Boland language be taken to conference. I frankly do not know how I am going to vote on this amendment in light of the interpretation of the sponsor.

The words "materiel assistance" to me means what it says, which is provision of materiels. Support services are not materiels. Training is not materiels.

Mr. NUNN. But you know the word "materiel" can be taken in two contexts. The Senator I think is using the narrow definition of materiel, meaning substance or meaning something tan-

gible. Materiel can also mean something of significance, important, and I would interpret the word "materiel" here in a broader context, not in the narrow context.

Mr. LEVIN. I thank my friend.

Mr. NUNN. I assure the Senator that word will be looked at carefully if this amendment passes. I am not going to be in conference but I know the Senator from Indiana will give his pledge on that.

Mr. LEVIN. I thank you both Senators very much.

Mr. LUGAR. Mr. President, I yield 1 minute to the Senator from California.

Mr. WILSON. Mr. President, I rise only to say that I will support this measure and would ask that I be added as a cosponsor.

Mr. President, I will be offering another amendment later on. I do not find what I will be offering in any way incompatible with the present amendment. In fact, whether it is in it or not they will achieve some of the same purposes.

Mr. President, I urge support and passage of the amendment.

The PRESIDING OFFICER. Without objection, the Senator is added as a cosponsor.

Who yields time?

Mr. LUGAR. Mr. President, I yield 1 minute to the Senator from Kansas.

Mrs. KASSEBAUM Mr. President, the key problem facing us in our policy toward Nicaragua is how we can help produce a political solution for the present confrontation between Nicaraguans and between the Government of Nicaragua and the United States.

I do not believe that this confrontation can be resolved by military means—whether by the actions of the Contras or by direct intervention of the United States.

Neither do I believe that we can simply turn our back and hope it all works out for the best. Clearly, the Government of Nicaragua has goals and policies that have produced both internal turmoil and external tensions with their neighbors. Left free to act as they wish, the Sandinistas very probably would sharply increase this turmoil and tension—with very serious consequences for Nicaragua and for us.

Given all of that, it is essential that we remain involved in seeking a settlement for this problem. The present amendment offers one course for us to follow, and I support it.

However, I would like our policy and our intentions to be clear to everyone—most of all to the Sandinistas and the Contras.

For our policy to have any hope of success, I believe it is essential for the Sandinistas to be confronted not merely with a military resistance but with an effective political alternative for the people of Nicaragua. My concern is how the present amendment would bring us closer to that possibility.

To be effective, any opposition force must have a claim to legitimacy in the eyes of Nicaraguans. It must not be seen as a throwback to the days of Somoza or as a puppet of American policy.

This point was made very effectively by the Senator from Delaware during debate on the previous amendment. The point is less clear in the present amendment.

This amendment calls for but does not require the Contras to remove from their ranks those who have engaged in human rights abuses. I hope that the intent of the sponsors is that such action must be carried out by the Contras and that a failure to move effectively would jeopardize any existing or future funding.

Second, Mr. President, I hope that the political leaders of the Nicaraguan opposition will have a role or voice in the distribution of the assistance we provide rather than leaving the distribution solely to military leaders.

AID TO THE RESISTANCE FORCES IN NICARAGUA

Mr. SIMPSON. Mr. President, I rise in full support of the amendment by my distinguished colleagues, Senators NUNN, LUGAR, BOREN, BENTSEN, CHILES, JOHNSTON, and KASSEBAUM. I am wholly supportive of the fine bipartisan manner in which this proposal has been drafted. This issue is much too important to be reduced to partisan infighting and pettiness.

This amendment will accomplish a number of important objectives. First, by resuming aid to the Nicaraguan democratic resistance, we continue our support for those individuals who are pressing the Sandinistas to live up to the revolutionary promises they made when they overthrew Somoza and his excesses. We cannot allow the Sandinistas to conveniently forget their basic pledges to promote political pluralism, civil liberties, human rights, and a nonaligned foreign policy.

Second, by designating the aid to be used only for food, medicine, clothing, and other assistance for the survival and well-being of the opposition forces, we encourage steps that are taken for a peaceful settlement of the conflict.

Third, this amendment encourages a change in the behavior of the Sandinistas. We offer to suspend the economic sanctions imposed upon Nicaragua and to suspend U.S. military maneuvers in Honduras and off the coast of Nicaragua if the Sandinistas agree to a cease fire, to open negotiations with the opposition forces, and to suspend the state of emergency in Nicaragua. By that offer we can attempt to press the Sandinistas into a resolution of the destructive conflict.

Fourth, by resuming bilateral negotiations with the Sandinistas we can encourage church-mediated dialog between the Sandinistas and the democratic resistance and we can work toward a comprehensive and verifiable agreement among the nations of Central America based upon the Contadora objectives.

The United States must continue to pursue those four main objectives—objectives which have not changed a whit during the massive disinformation campaigns of the past several years. They are:

First, to end Nicaraguan support for guerrilla groups in neighboring countries and retract their stated goal of a "revolution without borders";

Second, to sever Nicaraguan military and security ties to Cuba and the Soviet Union;

Third, to reduce Nicaragua's military forces to levels that would restore military equilibrium to the region; and

Fourth, to fulfill the original Sandinista promises to support democratic pluralism and respect for human and civil rights.

I believe that this amendment will assist in setting us on the path toward achieving these objectives. The United States is in a unique position in the free Western World—by virtue of our continuing efforts to bring peace throughout the international community, and our geographic proximity to the region—to play a key role in attempting to restore stability throughout Central America.

Our own tradition of democracy imposes upon us a duty to do all that we are able in order to break the endless cycle of poverty, political instability, and revolution, and to attempt to restore some measure of economic health and real political freedom.

We cannot simply ignore the situation and hope that it will improve without our help—even if we could assume that Cuba and the Soviet Union would take a similar "hands-off" posture. We must decide not whether—but how best—to exercise most responsibly and fairly the duty that our position and stature in the world has thrust upon us.

I would urge my colleagues to support this amendment. I believe it is a balanced compromise which allows us to pursue peaceful negotiations with the Sandinistan government while, at the same moment, it allows us to lend our tangible support to those who fight for freedom, democracy, civil liberties, and a lasting peace.

Mr. CHILES. Mr. President, I rise to support the amendment of the Senator from Georgia. At this point, there are few more critical tasks for American foreign policy than creating a more secure Central America and defuzing the explosive militarization of the region. I believe that this amend-

ment offers a bridge between the uncertain policies of the present and, what I hope will be a more cohesive set of policies in the future.

The Nicaraguan military buildup is seen by its neighbors as the single greatest threat to their stability. The Sandinistas claim they need this military force to combat the Contras. But we know better. The Nicaraguan military buildup started before the political opposition to increasing Sandinista dominance became a fighting force.

Unfortunately, this buildup, and the resulting responses by neighboring states, continues a dangerous pattern of escalation and counterescalation. This pattern must be broken. But, I do not believe it can be broken by the United States simply walking away from the Nicaraguan resistance movement.

The complete and continuing withdrawal of U.S. support for the Nicaraguan resistance would not only dramatically weaken our negotiating leverage with Nicaragua, but it would also break faith with our allies and create potentially disastrous problems for neighboring states. I also believe that a U.S. withdrawal can only lead other countries in Central America to question our reliability as an ally.

But even with passage of this amendment, I continue to be concerned that up here on Capitol Hill, and down in the executive branch, attention remains focused on the appropriation of money—whether for the Contras or for our economic and military assistance programs. I have this feeling that the administration believes that when the money is appropriated, the job is done.

Well, the job is not done when the money is appropriated—the job only begins.

There have been, and continue to be, critical problems in implementing our programs in Central America. Over the past year, reports of waste and mismanagement in the Central American aid effort have been called to our attention. But we have taken no action.

We authorize billions of dollars—2 weeks ago we authorized $5 billion in economic aid to Central America between 1986 and 1989. But we still do not seem to have a handle on the economic situation and needs of the countries in the region. For example, even though all countries in the region face severe debt crises, only one, Costa Rica, has a stabilization program with the international monetary fund. Are we maintaining a balance between the actions we are taking in order to secure military commitments and the tougher steps needed to ensure that the countries in the region undertake the economic reforms which are essential to their future economic stability and growth? I think not.

It is critical that this Nation shift the debate away from: "How much and under what conditions," to: "Are our efforts well coordinated and doing the things we want them to do in the region." If our efforts aren't doing the things we want them to do, then how do we improve them.

What Central America needs is an economic rebirth. Such a rebirth will require economic assistance from the United States, and much, much more. Such a rebirth requires more than money, more than Contras—it requires imagination, energy, and, most of all, a commitment to excellence. This kind of excellence was seen when this Nation committed itself to helping rebuild Europe from the ashes of World War II.

I do not believe that our efforts in the region are well coordinated. We cannot continue to let our Central American efforts be managed the way they have been over the past 4 years. I believe it is critical that we pull together our Central American programs. We need an organization that can integrate all of our economic and military assistance activities within the region—and bring more Central Americans into the process as well.

We need an organization that can focus all of its attention on Central America—like the Economic Cooperation Administration did for our European Aid Program under the Marshall plan.

I believe this was the true intention of the National Bipartisan Commission on Central America.

I had hoped that the administration would review the management of its Central American Program over the past year. Unfortunately, it chose not to do so.

Delay, however, may serve us well. Last year, my good friend, the chairman of the Budget Committee [Mr. DOMENICI], and I, with help from members and staff from the Kissinger Commission, drafted legislation in this area. But such an effort should not be undertaken unilaterally by the Congress. It should be worked out jointly with the executive, as was the case in the Marshall plan, when the White House, working closely with the Senate, accepted congressional suggestions for a single cohesive management structure to implement the European development effort.

Our proposal called for the development of a new mechanism to implement the Central American effort following the same management principles used for the Marshall plan. And I cannot think of another regional aid program as successful as the Marshall plan. Specifically, this proposal would include:

First, a multiyear authorization, as approved by the Senate in the 1986 Foreign Assistance Act. As I said earlier, the magnitude of the effort required and the importance for the United States to demonstrate its resolve and commitment to aiding the nations of Central America, clearly calls for a multiyear response.

Second, appropriation of $6 billion in financial and economic aid and guarantees for the period between 1986 and 1989. This would be in keeping with the National Bipartisan Commission's recommendations, but at somewhat reduced levels. I understand that some members of the Commission believe that properly managed, a $6 billion program—some $2 billion less than the President's request—would be adequate to support the region's needs. This is below authorized levels, but I believe this would greatly reduce the likelihood of providing resources in excess of what can be effectively managed or usefully absorbed by the local economies. It would also reflect the need for restraint in Federal spending.

Third, creation of a new organization, in the Executive Office or possibly as an independent office, which would be charged with overseeing and carrying out or Central American Aid Program. This Office would not duplicate existing aid mechanisms. Instead, it would integrate their efforts by providing a central focal point for all government activities in the region. The director of this Office would be a Presidential appointee, subject to confirmation by this body. This individual would be responsible for overseeing the development, justification, and execution of the Central American Aid Program. The Director of this New Central American Development Office would have the clout to effectively manage all our activities in the region and also serve as a much needed spokesperson before Congress on our activities in the region. The confirmation process would allow continued congressional oversight and accountability for the success or failure of the program.

This new organization would be supported by an advisory board made up and chaired by Central Americans and other donor countries. The role of this board would be similar to the role envisioned by the Kissinger Commission: it would advise the Director to our Aid Program and issue public reports. It would not, however, have direct control of U.S. aid dollars.

This Office would not become a permanent fixture. Our proposal calls for the Office to dissolve in 1990. This would help energize the organization and give a clear sense of timeliness to our aid efforts in the region. This again was the formula used so successfully under the Marshall plan.

Now, I've mentioned the Marshall plan several times—and I would like to say that this approach hopefully

would repeat the success of the Marshall plan.

Indeed, there are similarities in the two approaches.

The nature of the response, the intensity of commitment and the management mechanism we would propose, all parallel that of the Marshall plan.

Nonetheless, the challenges in Central America are quite different. The Marshall plan was a temporary effort to fill gaps caused by the wartime disruption of an already industrial economy. In Central America, our aid effort will require U.S. support for political and social change as well.

Let me conclude by saying that much work remains to be done. We have authorized and are likely to appropriate over $1 billion in aid to Central America for fiscal year 1986. But unless swift action is taken to improve the management of this program, I fear this money will do little to change the nature of the conflict in the region.

Mr. DOMENICI. Mr. President, I have listened with interest to the remarks of my friend, the distinguished ranking minority member of the Budget Committee. Last year, on October 4, he and I had a similar discussion about the problems of implementing an effective program of economic aid to Central America, and some of the problems discussed at that time remain with us.

Those of us interested in the welfare of our Central American neighbors have had several notable achievements since then. Congress provided increases in economic assistance close to what the National Bipartisan Commission on Central America and President Reagan had requested. The trade credit insurance program has been established, and links established with the Central American Bank for Regional Integration. I am particularly proud that a program to support indigenous energy development in Central America is now mobilized under the direction of Los Alamos National Laboratory.

A few weeks ago the Senate authorized funding for economic assistance to Central America on a multiyear basis. This was a very important recommendation of the bipartisan commission, and I agree with Senator CHILES that this action demonstrates the resolve of the United States as well as its commitment to help the people of Central America.

Despite the progress I have cited, implementation of the Central American program continues to suffer from lack of unified, firm, and clear direction. It is clear that the President and much of Congress support a bold and innovative longer term program of economic and humanitarian assistance to Central America. It is far less clear that most of the civil servants who are charged with carrying out the program share the innovation and boldness of vision that are essential. Too much of the program continues to be poured into the same old molds, and almost every project suffers from an imbalance between caution and the urgency that is needed.

With the help of American tax dollars, the economic decline in most of Central America has been stemmed. That is a genuine achievement. It is less clear that the Central American nations and our aid officials have set in place the economic policies that will result in self-sustaining growth and development. Here too, imagination and leadership is needed to get these economies back on track.

I would encourage senior officials in the executive branch to look behind the rhetoric to find out what is really going on with our economic aid programs. If they are not satisfied, and there are reasons to believe they won't be, then I would encourage them to consider establishing an office or an individual responsible to the President for overall implementation of our Central American economic assistance program. In consultation with Congress and subject to Senate confirmation, such a structure could help Americans account for our aid, and help Central Americans renew their economic development in an equitable manner.

Mr. HOLLINGS. Mr. President, the Senate has spent a great deal of time debating what to do and how much to spend on Central America. We have talked about all of these great new programs and all the benefits we are going to bring to the people of the region. But, my good friend from Florida is right. All we have done is authorize a great deal of money for more of the same.

It's time to get on with the job of rebuilding Central America. We've talked about the Kissinger Commission; we've made many statements about bringing peace and prosperity to the region; but, I do not believe the current organizations of the executive branch can effectively manage all of our efforts in the region. We need to do more.

It's time to move away from all of the empty sense of the Senate resolutions we are so proud of passing and get on with some real legislation. Senators CHILES and DOMENICI have offered some new ideas in this area and I hope we will have a chance to debate the merits of their proposal before the end of the year.

The current approach of our aid agencies toward developing the economies of our friends in Central America is too slow, too cumbersome, and, I believe, will end in failure. Instead, we need to implement a new kind of aid program, one which will provide capital to the entrepreneurs of the region. It is these entrepreneurs, developing new industries and new markets, that will help revitalize the region's economy. There is a vast market in the United States for goods that could be produced in that region that has remained untapped. If the United States was so willing to aid in developing and in providing the market for the various industries in Southeast Asia over the past three decades, so should we be willing to assist in developing similar capabilities in Central America. I have long felt that success toward righting the various wrongs existing in Central America will only come from an economic revitalization. The current approach won't work but emphasis on the economic order could.

Mr. GLENN. Mr. President, again today we find ourselves debating the proper direction of U.S. policy toward the Sandinista regime in Nicaragua. Again, we will have to decide—despite both moral objections and international obligations, and despite the fact that our commitment of substantial resources to date has not worked—whether we will continue to support a band of rebels whose intention is to overthrow a government with whom we maintain diplomatic relations.

Polls show that the American people are understandably confused and uncertain about the proper direction of U.S. policy in Central America. But there is one point on which they are not confused: they know that despite what the President may say, the Nicaraguan Contras are not the moral equivalent of our Founding Fathers. The American people know—and we know—that George Washington and Thomas Jefferson did not rape, torture, and terrorize—and I think President Reagan should be mortified by mentioning the Contras and our Founding Fathers in the same breath.

Mr. President, I am no apologist for the Sandinistas. Our differences with them are well known. We oppose their denial of basic rights and democratic freedoms at home and their support for revolution abroad. As we should with totalitarian regimes of both the right and the left, we must maintain pressure for change—for respect for human liberty and for the right of the people to freely choose their government. But the pressure we bring to bear in this instance should stop short of pushing for the military overthrow of a government by rebels whose commitment to human rights and democratic principles is questionable at best. That does not mean, however, that we need not be concerned about the potential threat Nicaragua poses of its neighbors or about the repression of democratic liberties that the Sandinista regime is pursuing at home.

To deal with the external threat, I believe we should be willing to provide Nicaragua's neighbors with appropriate economic and military assistance

to enable them to resist revolution and to address the economic deprivation which enhances Marxist revolutionary appeal. In particular we should give our full support to the efforts of the Contadora nations to negotiate a regionwide agreement to protect the peace and stability of the region. In fact, this should be the centerpiece of our policy, not just a sideshow. I submit that the Contadora process offers the best available forum for a negotiated resolution because it is at least partially insulated from the acrimony of the United States-Nicaraguan bilateral relationship.

As for the repression of democratic liberties inside Nicaragua itself, I agree that we should be willing to use both economic and diplomatic leverage to help bring about reforms. But the Reagan administration's total embargo went too far too fast and destroyed whatever leverage we might otherwise have had. Once you impose a total embargo, you have expended all of your ammunition and you have no other economic pressure left to bring to bear. I prefer the use of calibrated sanctions which can be tightened or eased depending on actions of the Nicaraguan Government.

Last, we should apply in conjunction with our regional friends, strong and constant diplomatic pressure on Nicaragua to end internal repression, to pursue democratic reforms, and to end support for revolution abroad.

By doing these things, I believe we would send a strong and clear message—both to the Sandinistas and to our allies in this hemisphere—that we will do all we must to protect both ourselves and our friends and to promote democratic liberties—and that we will firmly adhere to our own principles in the process. It is my fervent hope that the Sandinistas will respond to the actions I have outlined so that more stringent and far-reaching steps do not become necessary.

Mr. DOLE. Mr. President, I am pleased to cosponsor this amendment, which will provide $38 million in humanitarian aid during fiscal year 1985 and fiscal year 1986 to the democratic resistance in Nicaragua.

This amendment is a carefully crafted compromise. As others have already noted, it provides a reasonable level of assistance, consistent with the real need for nonlethal aid. It meets the essential needs of the President and is supported by the administration, but it also takes into account the legitimate concerns expressed on both sides of the aisle about aspects of our involvement in Central America.

The amendment puts our support for the democratic resistance in a clear and compelling policy context. It underscores that we want a negotiated, not a military, solution to the Nicaraguan situation, while recognizing that there is no prospect of serious negotiations unless the Sandinistas have some incentives to negotiate. It maintains the Contras as one important point of leverage on Managua, but it also urges the use of other political and economic measures as part of our overall strategy.

This amendment insures that our support for the democratic resistance forces will be closely and properly monitored, both by the executive branch and by the Congress. It reiterates basic congressional oversight authority and directs that the NSC monitor the use of funds. It mandates frequent Presidential reports to the Congress on the status of any negotiations, the use of provided funds and the efforts undertaken to remove any undesirable personalities from the ranks of the Contras. In sum, it will insure that our activities will continue to be consistent with our goals and policy, as affirmed by the Congress.

At the same time, the amendment restores to the President the policy flexibility he needs to conduct an effective policy. It rescinds some earlier and unwise restrictions on the President's freedom of movement and provides expedited procedures to consider future Presidential requests for action, should hope for negotiations break down or political and economic sanctions prove ineffective in pursuing our legitimate and limited goals vis-a-vis Nicaragua.

Mr. President, this issue has been with us for many months. The fits and starts of our consideration of this matter have served the interests of no one, except perhaps the Sandinistas and their Communist allies.

The case for continued support to the Contras, meanwhile, has become even more compelling. As we all know, following the earlier, misguided House effort to extend a kind of olive branch to Managua, Commandante Ortega ran off to Moscow, to solidify his alliance with the Soviets and to get new bankrolling for the dangerous activities of his regime. More recently, the Sandinista Army has undertaken new aggression against both Costa Rica and Honduras, despite the conscientious efforts of both those governments to diffuse their border situation with Nicaragua. It is hard to see how there could be much doubt in anyone's mind about the true nature of the Sandinista regime and its real aims in Central America.

It is time to act, clearly and decisively, on this issue. We can do that by voting for this amendment and sustaining strong support for it through the conference process ahead.

(By unanimous consent the names of Mr. STENNIS, Mr. DOMENICI, and Mr. MATTINGLY were added as cosponsors.)

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Vote.

Mr. EVANS. Mr. President, I rise to vote against the amendment before us, as I have voted against all the proposals concerning military operations in Central America offered here today. I do so with reluctance, as many of these amendments contained thoughtful, constructive proposals of considerable merit. Unfortunately, the unanimous-consent order we are under does not allow for further amendment of the proposals. In fact, the amendment before us now, the so-called Lugar-Nunn proposal, requires some very appealing actions on the part of the President. Actions such as: reiterating our support for the Contadora process by implementing the 1983 Contadora Document of Objectives; resuming bilateral discussions with Nicaragua to encourage both a dialogue between the Government of Nicaragua and all elements of the opposition and a comprehensive, verifiable agreement among the nations of Central America based on the Contadora Document of Objectives; pursuing multilateral trade and economic measures to complement the U.S. economic sanctions; and, suspending the sanctions and U.S. military maneuvers in Honduras and off the coast of Nicaragua if the Government of Nicaragua takes certain actions.

These proposals recognize the diplomatic means that exist to help bring stability to this troubled region. Were we to pursue such positive actions, we would likely find support both within and outside the region for our efforts. Our efforts thus far have brought us little outside support and yet a sustainable policy for this region around which a consensus can be built is precisely what we need.

As wholeheartedly as I support the positive proposals, in this amendment, I cannot support it. The amendment calls for humanitarian aid to be given to the Contras operating in Nicaragua. But what is this humanitarian aid? Its practical effect will be anything but humanitarian—by providing the Contras food, clothing, and other nonlethal items, they will be able to spend more of their other moneys on guns and bullets. To think otherwise is to be less than honest with ourselves.

Therefore, we are faced with the same nagging questions that have followed us for some time: what are our long-term objectives and policies for Central America? This question must be answered before we proceed with the dangerous investment now proposed.

Mr. LUGAR. Mr. President, I would like to note that Senator ORRIN HATCH is giving a commencement address for his daughter's graduating class and that obligation prevents him from being here to vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Thank you, Mr. President.

I thank the distinguished Senator from Rhode Island.

Mr. President, as I understand this amendment, subsection (a) of the amendment would appropriate $24 million for humanitarian assistance to the Nicaraguan democratic resistance.

My question I had is under the amendment, would any funds other than the $24 million be available for obligations in fiscal year 1986? Or is the $24 million in effect a cap on expenditure for the activities authorized by the amendment during fiscal year 1986?

Mr. LUGAR. It is a cap on the total amount for that year.

Mr. LEAHY. For 1986.

Mr. LUGAR. For 1986.

Mr. LEAHY. I thank the distinguished chairman.

Subsection (b) of the amendment repeals subsections (a) and (b) of section 8066 of the continuing resolution, the so-called Boland restriction. Subsection (d) of section 8066, which would remain in force, provides during fiscal year 1985 funds approved by the resolution for the purpose of supporting directly or indirectly military or paramilitary operation in Nicaragua should not exceed $14 million.

If any of the $14 million is not expended in fiscal year 1985, would that be available for expenditures in 1986 as well? I ask the distinguished chairman.

Mr. LUGAR. Mr. President, I ask my distinguished colleague from Georgia to affirm my interpretation. It appears to me that there are two distinctly separate funds. One is the $14 million that is being unfenced in 1985. The second is the $24 million authorization for 1986. But the funds from 1985 would not spill over into 1986. That is at least my interpretation.

Mr. NUNN. The Senator is correct. That is also my interpretation. It is not by reason of a provision in this amendment but by reason of the standard appropriation language which is incorporated every year relating to intelligence activities, which basically says the funds that are not expended do not carry over.

Mr. LEAHY. If any of the $14 million is not expended in 1985 it does not become available in 1986.

Mr. NUNN. That is my interpretation. I concur with the Senator from Michigan.

Mr. LEAHY. That is the distinguished chairman's interpretation.

I thank the Senator.

The term "humanitarian assistance" is defined in subsection (g) to include the provision of food, clothing, medicine, other humanitarian assistance, and transportation costs associated with the delivery of such assistance. It is defined to exclude weapons, weapons systems, ammunition, or any other equipment or materiel which is designed or has as its purpose to inflict serious bodily injury or death. Obviously there is a gray area here of items that are nonhumanitarian but also nonlethal. That would include military related supplies or equipment which could but are not themselves lethal.

I wonder would the following items be included within the scope of humanitarian assistance. Military-type uniforms?

Mr. NUNN. I say to the Senator from Vermont I prefer not to go down a list here. I think he can go on and on. I understand the Senator's point. I have done some of that with the Senator's concurrence in the Intelligence Committee. We had considerable discussion on this. I think what I like to say is it is our intent to have humanitarian taken literally by the CIA. I think we have defined it as food, medicine, clothing. For instance, military-type uniforms, without binding myself to continue this point by point, I would say if you gave a multiple choice question and said, would the CIA be permitted to provide military-type uniforms or would they be required to give them three-piece suits or tuxedos?

Mr. LEAHY. How about radars?

Mr. NUNN. Or bathing suits or Bermuda shorts, I would say military-type uniforms are permitted by this amendment.

Mr. LEAHY. It was a question the distinguished Senator from Georgia asked in another form that gave me the idea for this. I am wondering about things like radar, for example. Would radar be included?

Mr. NUNN. I would say if radar is included to be used in battle management it would not be in keeping with the definition of humanitarian.

On the other hand, if it was set up in a camp outside of Nicaragua for their protection against air raids, I would say that would be a different answer.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. LUGAR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 33 seconds.

Mr. LUGAR. Mr. President, today's edition of the Christian Science Monitor carried a very persuasive article, addressing the threat which international communism presents in Nicaragua. The article was written by Mr. John Lenczowski of the National Security Council staff who is an expert on Soviet affairs. I commend this article to the attention of my colleagues and I ask unanimous consent that the article entitled "International Communism and Nicaragua—An Administration View," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, June 6, 1985]

INTERNATIONAL COMMUNISM AND NICARAGUA—AN ADMINISTRATION VIEW

(BY JOHN LENCZOWSKI)

It is often unpleasant to resurrect what many think are the unpleasant ghosts of the past. Unfortunately, that is what we do when we talk frankly about the forces of "international communism" at work in our hemisphere. It has long been politically the safe thing to do to ridicule any mention of this alleged phenomenon. Professors and pundits have assured us for years that "international communism" as such no longer really exists—which is why it is ridiculed as a "phantom," the object of irrational phobias of extremists, know-nothings, or people living in the past. It has been explained to us that we can no longer clinically and accurately use this loaded expression because of the Sino-Soviet split, the Yugoslav-Soviet split, the Albanian-Soviet split, and other manifestations of polycentrism.

Perhaps communism is no longer a monolithic force subsuming all Marxist-Leninist states under the Soviet banner. Nevertheless, how can one label the presence today in Nicaragua of Cubans, Bulgarians, Libyans, Czechs, North Koreans, East Germans, Vietnamese, Soviets, and communist elements of the Palestine Liberation Organization? If this is not some facsimile of international communism, then we are at a loss at how to explain the common thread that binds these forces together. If we must pay our dues to the gods of polycentrism, then perhaps we might refine our terminology by calling this phenomenon "Soviet international communism," since neither Maoist, Titoist, or Albanian brands of communism are at work.

Since we so rarely discuss the facts about international communism, here are a few that should be remembered in the context of the debate on Nicaragua:

The people do not want communism. Never in history has a majority of a free electorate democratically chosen a communist form of government. (There is only one exception: the minuscule state of San Marino.)

Communists have always come to power through violent takeovers. These takeovers have always involved the seizure of power by a well-organized and externally assisted minority over an unorganized and unwitting majority. Such takeovers consistently entail the use of a "popular front" of communist and noncommunist elements; the establishment of a communist party that uses an ideological party line to enforce internal conformity and identify and eliminate deviationists; the use of camouflage to disguise the party's true intentions and full political program; the use of propaganda and disinformation to manipulate the international news media; the use of violent and ruthless methods to eliminate all organized opposition; and finally, the use of gradualism in the process of eliminating opposition and applying internal security—so that the people do not realize what is happening to them until it is too late.

No communist regime that has consolidated its power has ever been overthrown and replaced by a noncommunist order. (The only exception is Grenada.) Every other form of government offers people the chance to retain a system of trial and error. It is easy to overthrow a Shah or a Somoza after trial has been granted and error perceived. But once communism is firmly in place, the possibility of trial and error is no more. A vote against aid to the "freedom fighters" is a vote to consign Nicaragua to an indefinite period of no freedom of choice.

The human cost of communism exceeds most Americans' expectations. The number of people murdered by communist regimes is estimated at between 60 million and 150 million, with the higher figure probably more accurate in light of recent scholarship. The greatest tide of refugees in world history flows from communist states to noncommunist ones: Today it comes from Ethiopia, Afghanistan, Indochina, East Europe, and Nicaragua. (During the entire Vietnam war there was nary a refugee fleeing from Indochina. It was not until communism triumphed that life became so unbearable that people who could withstand decades of war fled to the seas.) Communism invented the concentration camp. Millions have been imprisoned and executed, have worked and starved to death, in these camps. Communist regimes will not permit enterprising Western reporters near these camps, so you don't hear about them on the news. Communist regimes recognize no restraint on their absolute power. From this they establish ideological falsehoods as the standards of right and wrong and the standards by which deviationism is measured; from this stems the systematic denial of all individual human rights. The quality of life always deteriorates under communism: the militarization of society; the destruction of the consumer economy; the rationing of food; the deterioration of housing and insufficient new construction to meet population growth; the destruction of medical care through lack of medicine and medical supplies; the destruction of religion; the destruction and political control of education and culture; the rewriting of history and destruction of monuments to the national heritage; and the assault on family life and parental jurisdiction over children.

Soviet-style communism invariably means the export of terrorism, violence, and revolution. Soviet proxy states participate in an efficient division of labor: Cubans as troops, Bulgarians and Vietnamese as arms suppliers, East Germans as secret-police trainers and military advisers. Since Soviet proxies are present on our continent today, it is no accident that the communist Sandinista regime is an active collaborator in this division of labor.

The Sandinistas are communists. Nicaraguan President Daniel Ortega has said: "Marxism-Leninism is the scientific doctrine that guides our revolution . . . . [W]ithout Sandinismo we cannot be Marxist-Leninist, and Sandinismo without Marxism-Leninism cannot be revolutionary." The identical pattern of communist takeover, internal policies, and external behavior is repeating itself in Nicaragua. There can be no doubt, given the vast evidence we have accumulated, that Nicaragua is becoming another Cuba.

Communist regimes, including the Nicaraguan regime, spend vast resources on disinformation—to deceive the international news media and foreign political decisionmakers. A principal goal is to disseminate false information about the nature of their own system: The principal disinformation theme of all communist regimes is to convince others that they are not really communist. This is done in many ways by the Sandinistas, but most prominently by the "guided tour." Countless American visitors are taken on this guided tour and see nice things and talk to "average citizens" who tell them what the regime wants them to. Nobody wants to believe that he has been fooled. But if Congress is to believe the testimony of constituents and reporters who base their information on the "guide tour," Congress may as well believe everything it is told on identical guided tours in Moscow, Havana, East Germany and North Korea.

Congress must decide whether it will resist international communism on our continent or let it prosper. Isolationists in Congress may base their opposition to the administration on the principle that other countries should be allowed self-determination. Unfortunately, in Nicaragua today there can be no self-determination, because of the reality of "foreign-force determination." The foreign force is the USSR and its proxies, otherwise known as the forces of international communism. Will the Nicaraguans be given enough assistance so that they will be able to determine their future on the basis of a balance of foreign forces, or will Congress permit an imbalance, an imbalance against democracy, against any system of trial and error? If Congress chooses to deny the Nicaraguan friends of democracy a chance for self-determination, it will be voting in favor of the first victory of the Soviet strategic offensive on our own continent.

Mr. LUGAR. Mr. President, I ask for the support of all Senators on this amendment. It is an amendment that has come from the work of Senators on both sides of the aisle in a genuine bipartisan attempt to give a very strong supporting gloss about our foreign policy in Central America.

When President Napoleon Duarte visited our country recently, he made the point again and again that our voice is seen as divided in Central America—divided by party, divided by House and Senate, divided by Congress and the administration.

I appreciate very much the work of the distinguished Senators from Georgia, Oklahoma, Florida, and so many other Senators on the Democratic side of the aisle. Likewise, I appreciate the work from my majority leader, Senator DOLE, from Senator WILSON, and from the chairman of the Intelligence Committee, Senator DURENBERGER, in particular, who has been so thoughtful in drafting this amendment.

We have forged, a statement for America that is very important. I hope we will have a very strong vote this evening in support of it.

Mr. NUNN. Mr. President, may I say I thank the Senators from Indiana and Minnesota and the majority leader, who cosponsored this amendment. I hope we have a general consensus here.

Mr. LUGAR. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. All those in favor, say, "aye."

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote yea.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote yea.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—55

Abdnor	Ford	McClure
Andrews	Garn	McConnell
Armstrong	Gramm	Murkowski
Bentsen	Grassley	Nickles
Boren	Hatch	Nunn
Boschwitz	Hawkins	Pressler
Byrd	Hecht	Quayle
Chiles	Heflin	Roth
Cochran	Heinz	Rudman
D'Amato	Helms	Simpson
Danforth	Hollings	Stennis
DeConcini	Humphrey	Stevens
Denton	Johnston	Symms
Dixon	Kassebaum	Thurmond
Dole	Kasten	Trible
Domenici	Laxalt	Warner
Durenberger	Long	Wilson
East	Lugar	
Exon	Mattingly	

NAYS—42

Baucus	Gorton	Mitchell
Biden	Harkin	Moynihan
Bingaman	Hart	Packwood
Bradley	Hatfield	Pell
Bumpers	Inouye	Proxmire
Burdick	Kennedy	Pryor
Chafee	Kerry	Riegle
Cohen	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Mathias	Specter
Evans	Matsunaga	Stafford
Glenn	Melcher	Weicker
Gore	Metzenbaum	Zorinsky

NOT VOTING—3

Goldwater	Rockefeller	Wallop

So the amendment (No. 275) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me indicate to my colleagues who are here, and to those who may be listening on their squawkboxes, that we will convene at 8:30 in the morning and be back on the bill at 9 o'clock. There are still five Contra amendments. I will still make the offer that I will withdraw my amendment if the other four will withdraw theirs. That may not sell.

I encourage my colleagues to help us by perhaps shortening the time. Each of the remaining amendments has 60 minutes each. If there is some real need to offer the amendment, maybe we could help on the time side.

The distinguished Senator from Massachusetts [Mr. KERRY] has indicated he is prepared to yield back a sizable portion of his time. I hope that a couple of the amendments would not be offered.

I know a number of my colleagues have official engagements elsewhere tomorrow afternoon and evening. We want to try to accommodate everyone we can. But it seemed to me that we were going to be at least until midnight on the Contra amendments tonight and there are still about 40 other amendments, is that right? About 40 is right. That looked like too much to do in one evening.

Many of those amendments can be accepted, with maybe three or four rollcall votes. We shall try to accommodate those Senators who must depart by 3 o'clock tomorrow. Some may have to leave a bit earlier. So if we come in and show a willingness to help work it out, because we would like to complete action on his bill so we can take up the clean water bill on Monday. And we have a full calendar again next week.

There are only 2 weeks after next week before we are back in recess.

I might add, Mr. President, since I understand there will be a division asked for on the first amendment, the amendment by the distinguished Senator from Iowa [Mr. HARKIN], that votes could occur as early as 9 or 10 a.m. tomorrow. I think Senators should be on notice that it may not be as late as noon.

Mr. DIXON. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, I yield to the Senator from Illinois.

Mr. DIXON. I wonder if the majority leader would indicate what time he anticipates rollcalls on Monday afternoon?

Mr. DOLE. Very candidly, Mr. President, I think that may depend on how we get along tomorrow afternoon.

Mr. DIXON. Will he indicate tomorrow afternoon?

Mr. DOLE. Mr. President, there will not be votes on Monday until Monday afternoon. If we are back on this on Monday, then votes could occur early Monday afternoon but not in the morning.

REDUCTION OF TIME FOR KERRY AMENDMENT

Mr. DOLE. Mr. President, I understand that the distinguished Senator from Massachusetts [Mr. KERRY] will be willing to reduce his time, the total time, from 1 hour to 40 minutes equally divided. I therefore ask unanimous consent that, when the Kerry amendment is offered, the total time be 40 minutes equally divided. That is 20 for certain for the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the majority leader very much.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 8:30 p.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROPOSALS DEALING WITH AMERICAN POLICY TOWARD NICARAGUA

Mr. MOYNIHAN. Mr. President, as the Senate embarks upon yet another debate regarding American policy toward the Sandinista Government of Nicaragua, each offered in the form of an amendment to the pending State Department authorization bill, I think it appropriate to state at the outset that I expect to be recorded in opposition to each of the proposals likely to be brought to a vote today.

While there are elements in each that I could support, and in fact would like to see pursued by the President, it seems to me that none of these amendments, or any combination of these amendments, provides a reasonable or responsible basis on which to formulate and puruse a foreign policy in Central America. For the problem here is not one amenable to solution by legislative action alone. What is needed is the leadership of the President.

That 10 detailed proposals for how the United States should conduct itself with respect to Nicaragua have been brought to the floor of the Senate—an exhibition of what has been called the congressional micromanagement of foreign policy—is a reflection of the fact that the Reagan administration does not have a policy in Central American that it is willing to avow, and about which it is willing to be explicit. This is something, or so it seems to me, that ought to be remedied prior to legislative action.

Certainly the President has regularly expressed his sentiments about the current leadership of Nicaragua in the harshest terms, with the great force and emotive clarity that is characteristic of his public statements. Only yesterday, according to today's Washington Post, Mr. Reagan referred to Nicaraguan President Daniel Ortega as "the little dictator who went to Moscow in his green fatigues to receive a bear hug . . ."

Certainly there is widespread concern in this country about the increasingly totalitarian society is being established in Nicaragua by the Sandinistas, with the increasingly evident assistance and guidance of Soviet bloc governments. There is little dispute about this. The independent accounts of journalists, trade union officials, religious leaders—both Nicaraguan and American—attest to this.

Yet we are asked by the President and his advisors to accept the proposition that $14 million in what is termed "humanitarian assistance" to the insurgents in Nicaragua, the Contras, will make that very regime "turn around and say 'Uncle'."

This is not credible. I think it fair to say that it is not a serious proposal.

It has, at any rate, prompted a number of Senators of quite different experience and political inclination to propose amendments that presume to establish an American policy toward Nicaragua. Each has several sections setting forth an interpretation of recent events, instructing or advising the President in great detail, allowing for a variety of contingencies and options, each defining in a different way what is at issue in Central America and how we would know whether our policy goals have been realized.

Even the summary description of these amendments, provided the Democratic Senators in the usual manner by the staff of our Democratic Policy Committee, runs to several thousand words. Perhaps my meaning, and my concern, will be made clear if I state for the RECORD at this point that summary.

1. Dodd amendment which states Congressional findings and declares that a direct threat to U.S. security interests in the Central American region would arise from several developments including the (1) deployment of nuclear weapons or their delivery systems in the Central American region, (2) establishment of a foreign military base in the region, and (3) introduction into the region by a Communist country of any advanced offensive weapons system that is more sophisticated than those currently in the region; states Congressional intent to act promptly and in accordance with U.S. constitutional processes and treaty commitments to protect and defend U.S. security interests in the Central American region and to approve the use of military force if necessary, should any of these developments occur;

Extends the Boland language which prohibits the use of funds for military or paramilitary aid to the Contras; provides that the $14 million authorized in FY 1985 would be available solely for the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces and the relocation of such forces including immediate family members; and

Authorizes an additional $10 million to assist the Contadora negotiations and to support, through peacekeeping and verification activities, the implementation of any agreement reached—*90 minute time limitation.*

2. Kennedy amendment expressing the sense of the Congress that the U.S. should resume bilateral negotiations with Nicaragua; and prohibiting the use of funds to introduce U.S. Armed Forces into or over the territory of Nicaragua for combat unless Congress has declared war or enacted specific authorization for the introduction pursuant to the War Powers Resolution or the introduction of U.S. forces is necessary to meet a clear and present danger of possible attack upon the U.S. or its territories and possessions, to protect the U.S. embassy, or provide necessary protection for an evacuation of U.S. personnel or citizens—*90 minute time limitation.*

3. Hart amendment prohibiting, after enactment, the introduction of U.S. armed forces into the territory, air space, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training execises or any other purposes unless Congress has authorized their presence in advance by enactment of a joint resolution, or their presence is necessary to provide for the immediate evacuation of U.S. citizens or to respond to a clear and present danger of a military attack on the U.S.—*90 minute time limitation.*

4. Biden amendment which extends the Boland language which prohibits the use of funds for military or paramilitary aid to the Contras;

Unfences the $14 million authorized in FY 1985 for humanitarian assistance to the Contras if the assistance provided is independently monitored, the U.S. resumes bilateral negotiations with the Government of Nicaragua, and the Government of Nicaragua and the Contras agree to a ceasefire;

Permits provision of the $14 million for humanitarian assistance if the Government of Nicaragua refuses to enter into a ceasefire or if it violates the ceasefire first; specifies that the $14 million may be provided only by the State Department in the form of goods and services using previously appropriated funds; expresses the sense of the Congress that the U.S. Should encourage and support the Contadora negotiations; requires the President to submit a report to Congress every 90 days detailing actions taken under this authority;

Terminates the trade embargo if the Government of Nicaragua enters into a ceasefire and negotiations with the Contras;

Expresses the sense of Contras that U.S. military maneuvers in Honduras and off the coast of Nicaragua should be suspended if a ceasefire is agreed to; requires the President to submit any future requests for assistance to the Contras with a certification that the Contras have effectively eliminated from their ranks all persons who have engaged in human rights violations; and sets forth a procedure for expedited Congressional consideration of future aid requests—*60 minute time limitation.*

5. Nunn-Lugar-Boren amendment which strikes the Boland language prohibiting military or paramilitary aid to the Contras; provides humanitarian aid to the Contras by unfencing the $14 million authorized in FY 1985 and authorizing $24 million for FY 1986; includes the sharing of intelligence information in the definition of humanitarian aid; provides that the aid will be administratered by the President and permits the CIA to continue to manage it; and prohibits further assistance to the Contras unless the President certifies that diplomatic and economic measures have failed to solve the conflict in Central America and Congress specifically authorizes the additional assistance—*90 minute time limitation.*

6. Harkin amendment extending through FY 1986 the Boland language prohibiting the use of funds to provide military or paramilitary aid to the Contras and defining that section to prohibit the provision of human assistance by the CIA or DOD—*60 minute time limitation.*

7. Kerry amendment to prohibit use of funds authorized under this or any other act to fund directly or indirectly activities against the Government of Nicaragua which would place the U.S. in violation of international law or U.S. obligations under the charters of the Organization of American States or the United Nations—*60 minute time limitation.*

8. Wilson amendment which states Congressional findings with respect to commitments made by the Sandinista regime since it obtained power in Nicaragua and the Sandinistas' violations of these commitments;

Reaffirms the principles of the Monroe Doctrine as it relates to communist expansion in the Central American region;

States U.S. policy toward Nicaragua as having the following four objectives: (1) an end to Nicaraguan support for guerrilla groups in neighboring countries, (2) severance of Nicaraguan military and security ties to Cuba and the Soviet bloc, (3) reduction of Nicaragua's military strength to levels that would restore military equilibrium to the region, and (4) fulfillment of the original Sandinista promises to support democratic pluralism and respect for human and civil rights.

Expresses the sense of the Congress that (1) dialogue, negotiation, and pressure from world opinion have proved to have virtually no effect in changing the Sandinista regime's behavior and can be no substitute for direct economic and indirect military pressure, (2) the President should consider severing diplomatic relations with the Sandinista government if it does not fulfill its commitments to the OAS and the Contadora countries, and desist from further terrorism and subversion of its neighbors, (3) the U.S. should provide funding for both overt and covert assistance to the Contras to meet their military and non-military needs, and (4) the current statutory restrictions on the use of funds for the Contras should be removed and additional funds authorized for FY 1986;

Terminates the Boland language prohibiting the use of funds for military or paramilitary aid to the Contras contained in Public Laws 98-473 and 618; and

Provides that the $14 million authorized under P.L. 98-473 may be obligated only for humanitarian assistance to the Contras and authorizes $28 million in FY 1986 to the CIA for the purpose of providing assistance to the Contras—*60 minute time limitation.*

9. Melcher amendment re food aid—*60 minute time limitation.*

10. Dole amendment—*60 minute time limitation.*

Senators are surely not to be faulted for offering policy prescriptions in the absence of clear leadership by the Executive. But, constitutionally and commonsensically, it is first and foremost the duty of the executive to formulate and propose foreign policy to the Nation.

The Senate is a body in which the relative merits of a proposed policy can be debated, and measure can be taken of whether it is coherent in its own terms and likely to be successful—and where it can be judged whether the policy in question is supported by a consensus of the American people.

This has not been done in respect of Nicaragua, certainly not since the current 99th Congress was convened, and this is much to be regretted.

It stands in stark contrast to the early days of the Sandinista regime in Nicaragua, when the United States first had to deal with this situation.

By 1980, it had become clear that the Government of El Salvador was besieged by a consortium of insurgent movements, whose headquarters and logistical support base were located in Managua. There was indisputably underway a military assault on the Government of El Salvador by forces in league with the Government of Nicaragua. The United States therefore had both a right and a duty under international law—both customary and as expressed in treaties—to support the Government of El Salvador in resisting that aggression.

Which we did. The President came to Congress, asked for funds to be authorized to be used in a program of to discourage military support going from Nicaragua to overthrow the Government of El Salvador, and Congress authorized it.

I was in this period the vice chairman of the Senate Select Committee on Intelligence, where these matters were then discussed. Along with bipartisan majorities in both Houses of Congress, I supported the provision of this aid to insurgents in Nicaragua, for the purpose of responding to Nicaraguan aggression against its neighbor.

I urged that we do this avowedly and unashamedly. On November 18, 1983, in the necessary absence of Chairman Goldwater, it fell to me as vice chairman of the Intelligence Committee to bring to the floor of the Senate the report of the Conference Committee on the Intelligence Authorization Act for fiscal year 1984. This was the last time that Congress would authorize a bipartisan aid measure for the Contras. In order that the record be complete on this point, I would like to repeat a portion of my remarks of that day.

. . .[T]he distance between the House and the Senate was not as large as many might have thought. Both committees understood the Government of Nicaragua to be in violation of international law. This was recog-

nized in an express finding in the Intelligence Authorization bill passed by the House. The finding states:

By providing military support (including arms, training and logistical command and control, and communications facilities) to groups seeking the overthrow of the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated Article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of another state.

The United States, in upholding these covenants, has a duty to respond to these violations of law. Our response, however, must be both proportional and prudent. . . . Along with my colleagues, I pressed the administration to redefine its covert program to assure that it was in accord with our obligations under international law. . . . Thus the goal with this program is as it should be—to bring the Government of Nicaragua into conformity with accepted norms of international behavior.

The conference report was adopted unanimously.

Neither American nor Salvadoran forces were able to capture weapons known to have been moving from Nicaragua to the insurgents in El Salvador. There were two possible explanations for this. Either the program was not being executed properly—due to the ineptitude of the individuals involved, or some similar infirmity. Or the program was working, and the flow of arms and other material had stopped.

It turns out, according to recent evidence—or what may be evidence—that the latter may in fact have been the case.

The New York Times, on May 21, 1985, published a report from San Salvador about recently captured documents of the Central American Revolutionary Workers Party, a Marxist group that is one of five factions in the rebel military Farabundo Marti Revolutionary Front. These papers, said the Times account,

. . . indicate that . . . the Sandinistas appeared ready to cut off aid to the Salvadoran rebels at the end of 1983 and may have done so, at least temporarily.

Another set of documents chronicle the tense relations between the rebel high command and Nicaragua's Sandinista leaders after the United States invaded Grenada in October 1983. They show a much higher level of dependence on Nicaragua than the rebels have publicly admitted. But the documents also indicate that the Sandinistas may well have cut off aid to the rebels in 1983.

Despite this success, however, or perhaps because it was insufficiently clear to those involved whether our policy was enjoying any demonstrable success, the administration's support for the Contras in Nicaragua was continued, and indeed expanded.

It became less clear what the real policy was. By early 1984 it had become clear at least that our object was no longer simply the interdiction of war material to the Salvadoran rebels.

Either the policy had changed, although this has never been explained in a straightforward manner by persons in authority in the administration, or the policy had always been something other than what it was stated to be.

This dilemma persists. It remains unclear what the goals of the President in this respect are.

Wholly apart from the matter of whether certain activities of the CIA or its affiliates in Central America were consonant with American principles and law it has been unclear for an extended period now what the President's policy proposal for Nicaragua is.

On February 21 of this year, at a White House press conference, President Reagan replied to a question about the goal of his policy toward Nicaragua that it is to:

. . . remove [the Nicaraguan government] in the sense of its present structure, in which it is a Communist totalitarian state. . . .

The President proposed, in effect, the overthrow of the Government of Nicaragua. He proposed the provision of $14 million in military assistance to the Contras for this purpose. But the case for this policy was not made clear. What were our grounds? Would $14 million suffice? Suffice to do what? What was the strategy for actually removing the Sandinistas from Managua? How many years was that likely to take? What would be some interim accomplishments that would indicate whether progress was being made? None of these questions were answered, nor have they been since.

When it became clear that Congress would reject that ambiguously constructed policy proposal, by refusing to authorize the funds, the request was modified to exclude military assistance to the Contras, and to provide instead 14 million dollars' worth of humanitarian assistance.

Can it really be the policy of the President of the United States to seek to induce change in the policies or personnel of the Government of Nicaragua by providing $14 million in humanitarian assistance to the Contras?

Is this a coherent policy?

Much as I would like to support elements in several of the amendments before the Senate today, as I noted at the outset of my remarks, I believe it the duty of the Executive to formulate the policy in a more coherent and integrated manner than is possible when the Senate—and then the House—consider, and adopt or reject, seriatim, bits and pieces of a policy.

I shall vote against all of these amendments, and look forward with hope to a more complete statement of policy and purpose from the President.

In particular, I hope the administration might let us know just what is its position on the central recommendation of the Kissinger Commission—that is to say, on the proposal to establish a Central American Development Organization, with the help of Latin American and, it was hoped, European allies, This organization would help all the countries of the region, Nicaragua included, but on condition that each government maintain acceptable standards of human rights and representative government. That surely was a large and thoughtful proposal, and wholly consistent with American traditions and experience. Either Nicaragua joined or it declared itself to the world unwilling to meet the conditions of membership.

Had we pursued this course, would we be quareling among ourselves and isolated from our friends in the world today? It is not too late.

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 93. Joint resolution to designate the month of May 1985, as "Better Hearing and Speech Month".

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1349. An act to reduce the costs of operating Presidential libraries, and for other purposes;

H.R. 1614. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes;

H.R. 1868. An act to amend the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that Act;

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week"; and

H.J. Res. 159. Joint resolution commemorating the 75th anniversary of the Boy Scouts of America.

ENROLLED JOINT RESOLUTION SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 93. Joint resolution to designate the month of May 1985 as "Better Hearing and Speech Month."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1349. An act to reduce the costs of operating Presidential libraries, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1614. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1868. An act of amend the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that Act; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1250. A communication from a trustee of the St. George Island Trust, transmitting, pursuant to law, a copy of the progress report and a copy of the audited financial statement of the St. George Island Trust as of December 31, 1984; to the Committee on Commerce, Science, and Transportation.

EC-1251. A communication from the Acting Associate Director for Royalty Management, Minerals Research Service, Department of the Interior, transmitting, pursuant to law, notice of the refund of certain excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1252. A communication from the Secretary of the American Battle Monuments Commission, transmitting pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-239. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

"RESOLUTION

"Whereas, fluid milk is an essential part of a well-balanced human diet, especially the diet of children, youth, and older persons; and

"Whereas, milk contains valuable quantities of calcium, phosphorus, iron, and other necessary nutrients that are easily digested and very economical; and

"Whereas, the flavor and nutritional content of milk could be substantially enhanced by the establishment of increased minimum levels of milk solids-not-fat in fluid milk sold for direct human consumption; and

"Whereas, increases in the consumption of fluid milk because of improved taste and nutritional value brought about by the addition of milk solids-not-fat will reduce surplus dairy commodities held in government storage, improve the financial condition of family dairy farms, and assure good health for residents who drink more milk; and

"Whereas, the legislature has designated milk as the official state drink and it is appropriate for the legislature to take all actions to assure that milk sold and served in the state is as wholesome, tasty, and healthful as possible; and

"Whereas, minimum required levels of milk solids-not-fat in milk will protect the public from confusion, fraud, and deception while promoting fair and orderly marketing of an essential food; Now, therefore,

"Be it resolved by the Legislature of the State of Minnesota that the United States Department of Agriculture should include in all milk marketing orders issued or amended after January 1, 1986, a pricing mechanism for whole milk that would properly account for the value of solids-not-fat content.

"Be it further resolved that national standards for solids-not-fat be established for all fluid milk marketed to the public. Initially, the standard should require no less than 8.8 percent solids-not-fat with the understanding that in future years the minimum standard would be raised.

"Be it further resolved that the Secretary of State of Minnesota be instructed to transmit copies of this resolution to the President of the United States, the United States Secretary of Agriculture, the President and the Secretary of the United States Senate, the Speaker and the Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-240. A resolution adopted by the Legislature of the State of Michigan; to the Committee on Appropriations.

"SENATE RESOLUTION No. 97

"Whereas, Federal budget cuts proposed by the Reagan Administration would cut U.S. Coast Guard funding, reducing the Coast Guard's strength on the Great Lakes. Such a move would reduce the number of Coast Guard search and rescue stations throughout the region; and

"Whereas, The St. Clair Shores Coast Guard Station and the Harsens Island Coast Guard Station are among those targeted for closure. In communities whose economic well-being is derived in large measure from water-related industries, this action could have a drastic effect. Indeed, the imminent closing of these installations has alarmed boat owners, marina operators, and others who are concerned with boating safety in the area of Lake St. Clair. This is a particularly important issue at the present time because the U.S. Army Corps of Engineers has warned that 1985 lake levels for Lake St. Clair will approach the high levels experienced in 1973. The danger to the health and safety of area boaters presented by this forecast is clear and warrants immediate attention; now, therefore, be it

"Resolved by the Senate, That the members of this legislative body hereby memorialize the Congress and the President of the United States to continue the funding of the U.S. Coast Guard stations in St. Clair Shores and on Harsens Island; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan congressional delegation."

POM-241. A resolution adopted by the Legislature of the State of Florida; to the Committee on Commerce, Science, and Transportation.

"HOUSE MEMORIAL No. 378

"Whereas, the Legislature of the State of Florida took every available step in 1979 to repeal the Cross Florida Barge Canal Project through the adoption of chapter 79-167, Laws of Florida, and

"Whereas, any further legislature or action providing for the deauthorization of the Cross Florida Barge Canal requires action by the Congress of the United States, and

"Whereas, the Legislature of the State of Florida has determined that the Cross Florida Barge Canal Project would have a deleterious effect upon the ecology of the state, would adversely effect the freshwater aquifers of the state, and that the positive benefits of the project would be outweighed by its negative effect on the states' environment, and

"Whereas, the Legislature of the State of Florida has demonstrated its ongoing dedication to the preservation of the environment by passing legislation to preserve its wetlands and legislation aimed at protecting the state's freshwater aquifers, and

"Whereas, it is fitting and appropriate that the Legislature of the State of Florida urge the Congress of the United States to take whatever action is appropriate to provide for the deauthorization of the Cross Florida Barge Canal Project, Now, therefore,

"Be it resolved by the Legislature of the State of Florida: That the Congress of the United States is requested to take whatever action is necessary to provide for the deauthorization of the Cross Florida Canal Project.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-242. A resolution adopted by the Senate of the General Assembly of the State of Illinois; to the Committee on Commerce, Science, and Transportation.

"SENATE RESOLUTION No. 201

"Whereas, The sale of Conrail was mandated by federal legislation in 1981; and

"Whereas, the U.S. Department of Transportation solicited and received bids from numerous entities; and

"Whereas, The Department of Transportation accepted the bid of Norfolk Southern in the amount of $1.2 billion, and has submitted the bid to Congress for approval; and

"Whereas, Conrail and Norfolk Southern are parallel carriers serving the same geographic area, and the resulting company would lessen competition in both the eastern region of the country and the midwest; and

"Whereas, A combined Conrail/Norfolk Southern could harm regional and local rail

carriers located in the State of Illinois by diverting traffic from their gateways; and

"Whereas, A combined Conrail/Norfolk Southern could have an adverse impact on Illinois regional and local railroad employees, as well as on the employees of the combined company; and

"Whereas, Conrail's management has recommended a public stock offering for Conrail so that it can remain a separate company; and

"Whereas, It is the sense of this Senate that such a public offering would be preferable to a combined Conrail/Norfolk Southern; therefore, be it

"Resolved, by the Senate of the Eighty-Fourth General Assembly of the State of Illinois, that we strongly urge the United States Congress to disapprove the sale of Conrail to Norfolk Southern; and be it further

"Resolved, That the Illinois Senate respectfully urges the Congress of the United States to study the economic impact on each affected state before approving any disposition of Conrail, and to select some disposition by which Conrail will remain as an independent competitive carrier; and be it further

"Resolved, That we strongly urge each member of the Illinois Congressional Delegation to take all actions available to oppose and prevent the sale of Conrail to Norfolk Southern; and be it further

"Resolved, That a suitable copy of this preamble and resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to each member of the Illinois Congressional Delegation."

POM-243. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION No. 13

"Whereas, The Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617, 92 Stat. 3117) among other things established a comprehensive scheme requiring state regulatory agencies to consider the adoption of certain federal standards to be applied to the public utilities which supply electricity or natural gas for their customers' use; and

"Whereas, The act commands the state regulatory agencies to conduct public hearings and determine whether to adopt the various federal standards; and

"Whereas, Although the hearings are mandatory, a state regulatory agency may determine after such a hearing that it is inappropriate to adopt the federal standards; and

"Whereas, The regulation of the local services of such public utilities is more appropriately reserved as a function of state governments; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That this legislature hereby urges the Congress of the United States to repeal such provisions of the Public Utility Regulatory Policies Act of 1978 and its amendments as seek to impose federal standards upon the local services of the public utilities and add burdensome administrative duties to the state agencies which regulate those utilities; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-244. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION No. 25

"Whereas, Section 12 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. § 1908) requires the Secretaries of the Department of the Interior and the Department of Agriculture, to report by December 31, 1985, to the Congress their evaluation of the grazing fee required by the act and other options for the adoption of a new schedule of fees beginning in 1986; and

"Whereas, The economy of many of Nevada's rural counties is heavily dependent upon ranching which serves as the stable base of the county's economy; and

"Whereas, Any change in the fees charged for grazing on public lands should be related to the price of the cattle grazed to protect the stability of the livestock business in Nevada; and

"Whereas, After a careful review of the fees charged for grazing on public lands, this state's legislative committee on public lands supports the formula presently used for establishing grazing fee; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the legislature urges the Congress to require and the Secretaries of the Department of the Interior and the Department of Agriculture to recommend the continuation of the current formula for fees; and be it further

"Resolved, That the legislative counsel forthwith transmit copies of this resolution to the Vice President of the United States as President of the Senate, the Speaker of the House of Representatives, each member of the Nevada congressional delegation, the Secretary of the Department of the Interior and the Secretary of the Department of Agriculture; and be it further

"Resolved, That this resolution become effective upon passage and approval."

POM-245. A resolution adopted by the Chester Township Trustees of Chesterland, Ohio relating to the Federal Executive Agency Public Hearings to the Committee on Finance.

POM-246. A resolution adopted by the Senate of the State of Michigan; to the Committee on Environment and Public Works.

"Whereas, The U.S. Army Corps of Engineers has warned in an extended forecast that Lake St. Clair and Lake Erie will experience extremely high levels in 1985 and 1986. This forecast indicates that 1985 lake levels will rise two to three inches above 1984 levels, peaking at approximately six inches below the disastrous 1973 levels in late 1985. Already, high water levels have been experienced, with particular damage being done during March and April of this year; and

"Whereas, Through its Detroit district office, U.S. Army Corps of Engineers specialists have advised officials of the City of St. Clair Shores, Harrison Township, and all communities bordering Lake St. Clair and Lake Erie of potentially dangerous lake conditions, posing a threat not only to area boaters but to the many businesses in these communities whose fortunes are directly tied to lake conditions. Additionally, the potential for disastrous shoreline erosion also exists; and

"Whereas In view of the dire threat posed by these high water levels, to the health and safety of area residents and visitors and to the economy of the many communities bordering Lake St. Clair and Lake Erie, the continued and expanded support of the U.S. Army Corps of Engineers is called for; now, therefore, be it

"Resolved by the Senate That the members of this legislative body hereby memorialize the Congress of the United States to expand the role of the U.S. Army Corps of Engineers in the City of St. Clair Shores, Harrison Township, throughout the Lake St. Clair region, the Lake Erie region, and all areas affected by the high water damage which occurred on March and April of 1985 until the end of 1986 or until Lake St. Clair and Lake Erie water levels return to normal; and be it further

"Resolved, that copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and to the U.S. Army Corps of Engineers."

POM-247. A resolution adopted by the City Council of Sherman, Texas, regarding the imposition of the Fair Labor Standards Act on local government as mandated by the recent Supreme Court decision of Garcia v. San Antonio Mass Transit Authority case; to the Committee on Labor and Human Resources.

POM-248. A resolution adopted by the City of Cleburne, Texas regarding the Supreme Court case of Garcia v. San Antonio Metropolitan Transit Authority; to the Committee on Labor and Human Resources.

POM-249. A resolution adopted by the Council of the City of Hilo, Hawaii relating to the Soil Conservation Service; to the Committee on Agriculture, Nutrition, and Forestry.

POM-250. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Finance.

"A RESOLUTION URGING THE UNITED STATES INTERNAL REVENUE SERVICE TO REPEAL ITS RULING CONCERNING KEEPING ADEQUATE CONTEMPORANEOUS RECORDS

"Whereas, the United States Intenal Revenue Service has adopted a rule under section 274 (d)(4) of the United States Internal Revenue Code called "adequate contemporaneous records" which calls for greatly increased record keeping and inconvenient and difficult paperwork which will adversely effect many New Hampshire businesses and employees; and

"Whereas, this rule will likely result in greater costs to business and individuals rather than in any increase in revenue to the federal government; and

"Whereas, this rule will reduce benefits to many New Hampshire employees while raising costs to many New Hampshire businesses; and

"Whereas, the adequate contemporaneous records rule seems founded on a presumption of mistrust toward the American taxpayer; and

"Whereas, this action vastly complicates rather than simplifies the present Internal Revenue Code; and

"Whereas, this provision once more adds grossly to the burden of paperwork already suffered by all American taxpayers; now, therefore, be it

"Resolved by the Senate, the House of Representatives concurring:

"That the United States Internal Revenue Service is hereby urged to immediately repeal this ruling; and

"That the United States Congress and the Internal Revenue Service are hereby urged to work in concert for tax simplification across the board so that businesses, employees, and all citizens may have a fuller understanding of the Internal Revenue Code, a greater sense that it treats all taxpayers with equity, and a reduced burden of paperwork that is itself an unwritten tax upon the citizens of this nation; and

"That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Senate Finance committee, the House Budget and Ways and Means committees, and the members of the New Hampshire congressional delegation."

POM-251. A concurrent resolution adopted by the General Assembly of the State of South Carolina; to the Committee on Finance.

"H. 2568

"Whereas, sportfishing provides important recreational and economic benefits to the citizens of South Carolina and to the nation; and

"Whereas, the South Carolina Wildlife and Marine Resources Department (department) is the state agency in South Carolina charged with the responsibility of managing, conserving, and developing the state's sportfishery resources and habitat; and

"Whereas, the department also has responsibility regarding boating access and aquatic education; and

"Whereas, the states currently do not have adequate funding for sportfisheries management, research, development, and enhancement activities; and

"Whereas, the recent passage of Public Law 98-369 created the Sportfishing and Boating Enhancement Fund (Fund) for the purpose of providing much-needed revenues to the states for the further development of saltwater and fresh water sportfisheries programs, boating access, and aquatic education programs; and

"Whereas, the Office of Management and Budget has proposed that sixty-six million dollars or ninety-seven percent of the new money to be generated under Public Law 98-369 be "impounded" and utilized for purposes other than those intended by Public Law 98-369; and

"Whereas, the source of funds for the Sportfishing and Boating Enhancement Fund is not from general treasury funds but, rather, from excise taxes on sportfishing equipment, a portion of unrebated motorboat fuel taxes, and custom duties on imported watercraft and fishing tackle; and

"Whereas, virtually all of these newly authorized funds are a result of the user-pay concept and represent a philosophy supported by the federal administration; and

"Whereas, to use these funds for purposes other than those embodied in Public Law 98-369 would be a serious break in faith with the fishing and boating public who are being taxed for the specific purpose of supporting sportfishing programs; and

"Whereas, the action proposed by the Office of Management and Budget is contrary to law and to the intent of Congress in passing Public Law 98-369. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the members of the General Assembly of the State of South Carolina, by this resolution, strongly urge the President and the Congress of the United States to take every action necessary to ensure that the Sportfishing and Boating Enhancement Fund (Fund) is used solely for the purposes and activities embodied in Public Law 98-369 and that monies from the Fund be made available beginning on October 1, 1985.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States; to the President of United States Senate; to the Speaker of the United States House of Representatives; to each member of the South Carolina Congressional Delegation; and to the Director of the Office of Management and Budget in Washington, D.C."

POM-252. A resolution adopted by the Legislature of the State of Florida; to the Committee on Commerce, Science, and Transportation.

"HOUSE MEMORIAL No. 378

"Whereas, the Legislature of the State of Florida took every available step in 1979 to repeal the Cross Florida Barge Canal Project through the adoption of chapter 79-167, Laws of Florida, and

"Whereas, any further legislation or action providing for the deauthorization of the Cross Florida Barge Canal requires action by the Congress of the United States, and

"Whereas, the Legislature of the State of Florida has determined that the Cross Florida Barge Canal Project would have a deleterious effect upon the ecology of the state, would adversely effect the freshwater aquifers of the state, and that the positive benefits of the project would be outweighed by its negative effect on the states' environment, and

"Whereas, the Legislature of the State of Florida has demonstrated its ongoing dedication to the preservation of the environment by passing legislation to preserve its wetlands and legislation aimed at protecting the state's freshwater aquifers, and

"Whereas, it is fitting and appropriate that the Legislature of the State of Florida urge the Congress of the United States to take whatever action is appropriate to provide for the deauthorization of the Cross Florida Barge Canal Project, now, therefore,

"Be it resolved by the the Legislature of the State of Florida:

"That the Congress of the United States is requested to take whatever action is necessary to provide for the deauthorization of the Cross Florida Barge Canal Project.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-253. A resolution adopted by the Council of the City of Tyler, Texas relating to the Fair Labor Standards Act; to the Committee on Labor and Human Resources.

POM-254. A resolution adopted by the Commission on Human Relations of the State of Maryland urging the Government of Maryland and all of its components immediately sever all commercial and cultural relations, both direct and indirect, with the government of South Africa until such time as that government establishes a policy and atmosphere which will allow all of its citizens an opportunity to participate fully in the economic, political, social and cultural structure and institutions in the country; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Con. Res. 47. A concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

By Mr. EVANS, from the Committee on Foreign Relations, without amendment:

S. 1166. A bill to facilitate the adjudication of certain claims of United States nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of United States nationals against Iran, and for other purposes (Rept. No. 99-78).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself, Mr. SIMON, Mr. FORD, Mr. WARNER, and Mr. ROCKEFELLER):

S. 1248. A bill to establish a national coal imports reporting program to provide an information base to permit the Congress to monitor trends in U.S. coal imports and develop national policy to protect the interests of the United States; to the Committee on Finance.

By Mr. HEINZ:

S. 1249. A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under medicare and medicaid; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. BOREN, Mr. SYMMS, Mr. HEFLIN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. MATSUNAGA):

S. 1250. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. JOHNSTON):

S. 1251. A bill entitled "The Natural Gas Utilization Act of 1985"; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself, Mr. SYMMS, and Mr. DOMENICI):

S. 1252. A bill to clarify and augment certain provisions of the Motor Carrier Safety Act of 1984 regarding the certificate of registration procedures for foreign carriers; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 1253. A bill to designate the "James A. Walsh United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1254. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for li-

ability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

By Mr. GORE:

S. 1255. A bill to establish the National Commission on Bioethics; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself, Mr. SIMPSON, Mr. PRYOR, Mr. GRASSLEY, and Mr. HELMS):

S. 1256. A bill to amend section 706 of title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 1257. A bill to provide that extended unemployment benefits or Federal supplemental benefits will not be denied to an individual where the individual was not actively engaged in seeking work because he was testifying before Congress or a Federal agency; to the Committee on Finance.

By Mr. GARN:

S. 1258. A bill to modify the restrictions on the use of a certain tract of land in the State of Utah, and to provide for the conveyance of the fence located on such tract to the Armory Board, State of Utah; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. EVANS (for himself, Mr. METZENBAUM, Mr. DANFORTH, Mr. EAGLETON, Mr. HEINZ, Mr. WEICKER, Mr. PROXMIRE, Mr. DURENBERGER, Mr. COHEN, Mr. INOUYE, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. GORTON, Mr. BOSCHWITZ, Mr. PELL, and Mr. BAUCUS):

S. Res. 178. Resolution to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. SIMON):

S. 1248. A bill to establish a national coal imports reporting program to provide an information base to permit the Congress to monitor trends in the U.S. coal imports and develop national policy to protect the interests of the United States; to the Committee on Finance.

(The remarks of Mr. BYRD and Mr. SIMON, and the test of the legislation appear earlier in today's RECORD.)

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. BOREN, Mr. SYMMS, Mr. HEFLIN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. MATSUNAGA):

S. 1250. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes; to the Committee on Finance.

EXTENSION OF TARGETED JOBS TAX CREDIT

● Mr. HEINZ. Mr. President, I am introducing today, with my distinguished colleague, the chairman of the Senate Budget Committee, the Senator from New Mexico [Mr. DOMENICI], and others, a 5-year extension of the current Targeted Jobs Tax Credit Program, including two amendments which will broaden the current narrow definition of "handicapped individual" and will increase the eligibility period for public welfare recipients. Without immediate congressional action, this program will die at the end of 1985.

The targeted jobs tax credit [TJTC] is an unique jobs program. No expensive Government agency runs it. No excessive redtape lessens its effectiveness. Rather, TJTC offers financial incentives in the form of tax credits to employers who hire people from the targeted group. This legislation is similar to legislation extending the credit which passed the Senate in 1981, 1982, and 1984. I feel strongly that we should not permit an effective and revenue-enhancing program to die.

Targeted jobs tax credit encourages private sector employers to hire TJTC-eligible people by providing tax credits. To be eligible for TJTC, a potential employee must be certified as a member of one of the following groups:

First, handicapped individuals eligible for vocational rehabilitation services.

Second, economically disadvantaged students—age 18 to 24.

Third, economically disadvantaged Vietnam-era veterans.

Fourth, supplemental security income [SSI] recipients.

Fifth, general assistance—welfare—recipients.

Sixth, economically disadvantaged cooperative education students—age 16 to 19.

Seventh, economically disadvantaged former convicts.

Eighth, aid to families with dependent children [AFDC] recipients and work incentive [WIN] registrants, and

Ninth, economically disadvantaged summer youth employees.

An employer who hires a person certified as a member of one of these groups receives a tax credit equal to one-half of the first $6,000 of the first year's wages and up to one quarter of the first $6,000 of the second year's wages. However, with respect to the economically disadvantaged summer youth employees, the credit is equal to 85 percent of the first $3,000 earned between May 1 and September 15.

No employer is compelled to hire a person from a targeted group. Rather, the tax credit gives employers the incentive to hire the disadvantaged and it gives the disadvantaged something which they might not otherwise have—a fair chance to find meaningful and productive employment.

As more people leave the Federal and State welfare rolls to become productive, tax-paying citizens, the net cost of this program has actually proven to be negative. This remarkable program actually helps people and society without increasing Government spending or increasing the deficit.

Over the last 5 years, we have held numerous hearings and meetings—both here in Washington and in our home States—on the effect of TJTC. I have heard from employees who, because of this program, have been able to find jobs. For some, TJTC has been the only viable way to extracate themselves from unemployment, poverty, and public assistance. I have heard employers, State officials, and local leaders praise TJTC as a program which works.

While the program has been in existence since 1978, it has never been fully utilized. Without this 5-year extension, the program will die an unfair and premature death. The program needs continuity and permanency until we eliminate the problems which TJTC was designed to correct. More businesses need to discover and use this program. A 5-year extension will provide the stability necessary to allow employers to incorporate TJTC into their long-range plans.

The 5-year extension of the Targeted Jobs Tax Credit Program is a significant opportunity for this country to use a proven and effective method to reduce personal dependency, governmental paternalism, and the budget deficit by giving employers sufficient incentive to hire people off the welfare rolls and allow them to become productive, tax-paying citizens. Without this program, many people will never have a fair chance to prove themselves and make it on their own.

Mr. President, I should like to thank the chairman of the Senate Budget Committee as well as my other original cosponsors for their unqualified support. I believe that when the other Senators have an opportunity to examine our legislation, the merits of the program and the beneficial effects which this program has had in their States, they will again join us as cosponsors and this legislation will be expeditiously enacted. I urge all my fellow Senators to join us in cosponsoring of this legislation, and I hope the 5-year extension of this proven program will be expeditiously enacted.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TARGETED JOBS TAX CREDIT FOR 5 YEARS.

Paragraph (3) of section 51(c) of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "1985" and inserting in lieu thereof "1990".

SEC. 2. MEMBERS OF TARGETED GROUPS.

(a) VOCATIONAL REHABILITATION REFERRAL.—Section 51(d)(2) of the Internal Revenue Code of 1954 (defining vocational rehabilitation referral) is amended by striking out so much of subparagraph (B) as precedes clause (i) and inserting in lieu thereof:

"(B) is eligible to receive rehabilitative services pursuant to—".

(b) PERIODS DURING WHICH SSI AND GENERAL ASSISTANCE RECIPIENTS MAY QUALIFY.—

(1) SSI RECIPIENTS.—Section 51(d)(5) of the Internal Revenue Code of 1954 (defining SSI recipients) is amended by striking out "preemployment period" and inserting in lieu thereof "120-day period ending on the hiring date".

(2) GENERAL ASSISTANCE RECIPIENTS.—Section 51(d)(6)(A) of such code (defining general assistance recipients) is amended by striking out "period of not less than 30 days ending within the preemployment period" and inserting in lieu thereof "period of not less than 60 days ending within the 180-day period ending on the hiring date".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals beginning work for an employer after December 31, 1985, in taxable years ending after such date.●

By Mr. DOMENICI (for himself and Mr. JOHNSTON):

S. 1251. A bill entitled the "Natural Gas Utilization Act of 1985; to the Committee on Energy and Natural Resources.

NATURAL GAS UTILIZATION ACT

● Mr. DOMENICI. Mr. President, today I am introducing a bill to repeal certain restrictions of the Fuel Use Act of 1978 [FUA] and to repeal the incremental pricing requirements of the Natural Gas Policy Act of 1978 [NGPA]. The proposed bill is identical to the amendments in S. 1715, which was reported by the Committee on Energy and Natural Resources on July 29, 1983. I am detaching the Fuel Use Act and incremental pricing from other contentious issues because I believe most of us would agree the long overdue action is needed for providing future energy alternatives and, more importantly, an option of achieving a cleaner environment.

The Fuel Use Act [FUA] was enacted in 1978 to shift electric utility plants and major industrial fuel-burning installations [MFBI] from oil and natural gas to coal. The FUA was largely in response to the Arab oil embargo of 1973 which highlighted the dependence on unstable imported oil sources and the gas supply shortages of the mid-1970's, which were induced by the regulatory scheme then in place. Nearly 25 years of Federal wellhead price regulation has kept the price of gas below the market clearing levels, thereby discouraging the exploration for, and production of, this energy source.

While FUA was passed to limit the demand for gas, the Natural Gas Policy Act [NGPA] was passed to stimulate the exploration for and development of new gas sources. The NGPA has provided the framework for a transition to a decontrolled gas market. The supply impetus provided by the NGPA has been both obvious and encouraging. The gas market went from shortages to surpluses. Natural gas reserve additions from 1980 through 1983 equaled 102 percent of gas production, compared to only 48 percent in the 1968-78 period—excluding the 1-year addition of the Prudhoe Bay, AK, discovery.

Many believe that the restrictions imposed on electric utilities and large industrial plants by FUA were ill conceived, and that the success of NGPA in stimulating new gas supplies precludes the need to retain FUA. This opinion was given support in 1981 when a portion of FUA was repealed. As mandated in the original legislation, existing powerplants and MFBI, pre-1977, will not be required to be off gas by 1990. However, new electric utility plants and MFBI's still may not use gas as an energy source. A major fuel burning installation is any industrial boiler, cogenerator, turbine, or internal combustion engines with a fuel imput capacity in excess of 100 MMBtu per hour.

With the preclusion of gas the options available for future electricity generation are limited to nuclear, coal, foreign imports, or to postponing construction. Each of these options has problems which may delay its timely development. For instance, nuclear power has been plagued with a history of regulatory, economic, and construction delay problems. The coal-fired electricity generation can be a viable energy alternative; however, due to the environmental requirements on coal combustion and emission control of sulfur dioxide, the cost of coal-fired facilities can equal or out pace nuclear facilities on capital investments. Furthermore, even when equipped with precipitators, scrubbers, and other pollution control systems, coal combustion still produces more pollution than gas combustion. Natural gas combustion produces virtually no sulfur dioxide (SO_2), particulate matters, solid waste, and significantly less nitrogen oxides and water pollution than coal combustion. In fact, natural gas has always been, and will continue to be, the cleanest fossil fuel. The importation of electrical power and industrial products has had negative impacts on domestic employment, gross national product [GNP], and the balance of trade deficit. Electricity imported from Canada is projected to increase from 17,800 gigawatt hours in 1981 to 35,000 gigawatt hours in 1995 and result in the cancellation of five coal-fired powerplants in Northwestern United States—3,519 megawatts. Postponing new construction is not a long term option because regardless of the economic growth rate, new capacity will be needed sooner or later.

Because we are committed to the protection of our environment, we need to recognize that the inherent cleanliness of gas is beneficial to the environment and energy consumers. Select gas use can be a low cost method of environmental compliance without sacrificing our economic growth in energy cost and manufacturing production. The simultaneous combustion of gas and less environmental attractive fuels—for example, high sulfur coal or oil—under the bubble policy can offer us the benefits I mentioned earlier. With the select gas use we can reduce our dependence on imported oil, increase use of our abundant domestic coal and gas resources, maintain our air quality standards, and enhance the employment outlook for Eastern and Midwestern coal miners. For the energy consumers, select use can cut over all fuel costs, reduce our susceptibility to fuel supply disruptions, and increase flexibility in siting new facilities.

The benefits of select use via the bubble policy have been proven already in many operating facilities in Vermont, New Jersey, and Pennsylvania. Even though the success of select use will depend on site-specific variables, such as emission limits, fuel cost differentials, and equipment type, the potential for it is great in many parts of the country. The report, "Evaluation of the Environmental and other Benefits of the Selected Use of Natural Gas" by the Environmental Research and Technology, Inc., dated November 1983 concludes that select gas use not only reduces sulfur dioxide emissions but also reduces nitrogen oxides emissions and waste ash. From an economics point of view, it is generally less expensive for select gas use than use of scrubbers to achieve pollution reductions.

Sulfur oxide can be controlled by either removing sulfur from the fuel or sulfur oxide from the products of combustion. However, current technologies, such as scrubbers or coal cleaning, generally are capital intensive with high operating and maintenance cost or do not provide the necessary degree of sulfur oxide control.

I understand that there is a new nitrogen oxides control strategy, which utilizes natural gas, called reburning. It involves the reduction of nitrogen oxides in the furnace by downstream injection and burning natural gas. It appears that this technology is capable of reducing nitrogen oxides by 50 to 60 percent beyond the current new source performance standard level. EPA is currently conducting research programs to evaluate the potential of

this technique for application to U.S. boilers. The use of natural gas can also generate more reactive and high capture efficiency of sorbent injection technology for enhanced sulfur oxide reduction. Gas has the unique advantage of allowing the simultaneous applications of reburn and sorbent injection technologies in the same boilers. The potential benefits of wider use of gas are both environmental and economic such that we can lower the energy costs and improve air quality.

A report issued by the General Accounting Office on March 23, 1982, entitled, "A Market Approach to Air Pollution Control Could Reduce Compliance Costs Without Jeopardizing Clean Air Goals," suggested that a market approach, rather than command and control regulation, can save industry 90 percent in pollution abatement cost. The cost of saving can be translated to over $35 billion of capital outlays. Thus, the FUA is impeding a cost-effective technology for reducing air pollutants.

The combined implementation of the Fuel Use Act and incremental pricing requirements maintains economic inefficiencies on the marketplace. As I mentioned earlier, natural gas has been recognized as a superior fuel for utilities and industrial boilers. Throughout the 1960's and early 1970's natural gas was encouraged for such use by pollution control measures. With pricing controls and increased usage of natural gas, the imbalance between supply and demand worsened during the 1970's. Some feared that future supplies might not be adequate for both small—residential/commercial—and large—utility/industrial—users; hence, the incremental pricing theory was intended to shelter the small users by allocating expensive gas to large users and to promote conservation and coal conversion by large users. Incremental pricing requires that gas rate for certain industrial boilers must be set at rough parity with residual oil, even if gas would otherwise be less expensive. However, the increased costs placed an undue burden on the utilities and on residential and commercial users, who are basically dependent on the utilities for their energy needs. Therefore, incremental pricing not only fails to protect the small consumers, but also distorts the supply and demand of natural gas. Incremental Pricing is also inhibiting the potential displacement of imported oil by domestic natural gas; even though over 95 percent of our natural gas is derived from domestic sources, while roughly 30 percent of our oil is imported.

Some may argue that the supply of gas in the long run would not be as attractive as it seems now, and speculate on how large the excess capability is and how long it will last. Because of this, they would claim the repeal of the Fuel Use Act and incremental pricing provisions is a risky step. The preliminary finding of a 1984 Natural Gas Reserve report issued by the American Gas Association coupled with the Annual Energy Information Administration [EIA] report indicates that total U.S. gas reserves have increased since the end of 1980—that is aggregate reserve additions for the United States have exceeded aggregate production for the 4 years—1981, 1982, 1983, and 1984. Natural gas reserves reported by the 30 largest reserve holders showed that in 1984 reserve additions were about 7,355 Bcf—up 1,202 Bcf from a year earlier. To an even greater extent, major gas transportation companies reported strong increases in their total reserves in 1984. This sample of gas transportation companies accounted for 2,071 Bcf of reserve additions in 1984, as compared to 1,467 Bcf of reserve additions in 1983, and 1,567 Bcf in 1982. Clearly, the market is no longer restricted to the supply available, but it is restricted on the demand side through FUA and this will eventually feed back to the production side of the market.

Natural gas production in the United States in 1984 rebounded from the previous year's level. The top 30 producers increased 3.9 percent to a level of 8,711 Bcf. The statistics also indicate that in 1984 new discoveries represented a higher percentage of the major company reserve additions than a year ago. In 1984, total new gas additions were 90.2 percent of the reserves added by the top 30 reserve holders. In 1983, this percentage was 75 percent. AGA estimates that 1985 domestic unused production capability will be about 2.9 Tcf, up from 2.8 Tcf in 1984. However natural gas production in 1985 will be limited again by the demand of natural gas. It is evident that the short term gas supply outlook is very good with persisting excess domestic deliverability. The long-term outlook is also positive. We have reason to hope that U.S. natural gas supplies from the lower 48 States can be consistent through the end of the century. But, as in the case of oil, uranium, and coal, gas supplies are not guaranteed. To a large degree, it depends on government policy. Competitive pricing in the free market will only improve supply.

In summary, I strongly believe that increased use of natural gas either alone or in conjunction with other fuels could meet our environmental mandates, benefit the energy consumers, and improve our economic outlook. I am not suggesting that all new powerplants and large industrial boilers should be gas-fired. However, I do believe it is a choice that needs to be made by the plant operators and it cannot be made effectively by legislators. Plant operators need the utmost of flexibility in making their plant energy decision, because such flexibility encourages efficiency and creativity. FUA blocks this flexibility. Therefore I am introducing this bill today to repeal such restrictions and I hope that my colleagues will join me in support of this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Natural Gas Utilization Act of 1985".

(b) TABLE OF CONTENTS.—

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 101. Repeal of certain sections of the Powerplant and Industrial Fuel Use Act of 1978.
Sec. 102. Conforming Amendments.
Sec. 103. Repeal of Incremental Pricing Requirements.
Sec. 104. Effective Date.

REPEAL OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

SEC. 101. (a) The following sections of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) are repealed:

(1) sections 103 (a)(16), (a)(18), (a)(19), and (a)(29)—(42 U.S.C. 8302 (a)(16), (a)(18), (a)(19), and (a)(29));

(2) sections 201 and 202 (42 U.S.C. 8311 and 8312);

(3) section 302 (42 U.S.C. 8342);

(4) section 401 (42 U.S.C. 8371);

(5) section 402 (42 U.S.C. 8372); and

(6) section 405 (42 U.S.C. 8375).

(b) The table of contents of the Powerplant and Industrial Fuel Use Act of 1978 is amended by striking the items relating to the sections repealed by subsection (a) of this section.

CONFORMING AMENDMENTS

SEC. 102. (a) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) is amended by striking "and major fuel-burning installations" and "and new" wherever these phrases appear.

(b) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8302) is amended—

(1) in subsection (a)(13)(B), by—

(A) striking clause (ii)(III);

(B) striking "; or" at the end of clause (ii)(II), and inserting a period in its place; and

(C) inserting "and" at the end of clause (ii)(I);

(2) in subsection (a)(15), by striking "or major fuel-burning installation" and "or new" wherever these phrases appear;

(3) in subsection (a)(20), by striking "or major fuel-burning installation";

(4) by redesignating subsections (a)(17), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), (a)(26), (a)(27), and (a)(28) as subsections (a)(16), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), and (a)(25);

(5) in subsection (b), by striking "or major fuel-burning installation" wherever this phrase appears;

(6) in subsection (b)(1)(D), by striking everything after "synthetic gas involved" and inserting in its place a period; and

(7) by striking subsection (b)(3), and redesignating subsection (b)(4) as subsection (b)(3).

(c) Section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8303) is amended to read as follows:

"The provisions of the Act shall apply in all the States, Puerto Rico, and the territories and possessions of the United States, except Hawaii and Alaska.".

(d) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8343) is amended—

(1) by striking "or installation" and "or installations" wherever the phrases appear;

(2) by striking "or 302" wherever the phrase appears;

(3) by striking subsection (a)(3);

(4) by amending subsection (b)(1) to read as follows: "(1) The Secretary may prohibit, by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants.";

(5) in subsection (b)(3), by striking "or major fuel-burning installation"; and

(6) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order.".

(e) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C 8373) is amended by striking—

(1) in subsection (a)(1), "major fuel-burning installation, or other unit" and the comma immediately preceding this phrase and "installation, or unit" and the comma immediately preceding this phrase;

(2) in subsection (a)(2), "installation, or other unit" and the comma immediately preceding that phrase, and "installation, or unit" and the comma immediately preceding that phrase;

(3) in subsection (a)(2), the last sentence; and

(4) subsection (a)(3).

(f) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8374) is amended by striking—

(1) in subsection (c), "new or" in the phrase "applicable to any new or existing electric powerplant"; and

(2) subsection (g).

(g) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8411) is amended by striking—

(1) in the last sentence of subsection (b), "or installation";

(2) subsection (c);

(3) in the title of subsection (d), "And Exemptions";

(4) in the first sentence of subsection (d)(1), "or any petition for any order granting an exemption (or permit)";

(5) in subsection (d)(1)(B), "or in the consideration of such petition,";

(6) in subsection (f), "or a petition for an exemption (or permit) under this Act (other than under section 402 or 404),"; and

(7) subsection (g).

(h) Section 702 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8412) is amended by striking—

(1) in the title of subsection (a), "Or Exemption";

(2) in subsection (a), "or granting an exemption (or permit)";

(3) subsection (b), and redesignating subsection (c) as subsection (b);

(4) in the first sentence of subsection (b)(1) (as redesignated), "or by the denial of a petition for an order granting an exemption (or permit) referred to in subsection (b),";

(5) in the first sentence of subsection (b)(1) (as redesignated), "such rule, order, or denial is published under subsection (a) or (b)" and inserting in its place "such rule, or order is published under subsection (a)";

(6) in the first sentence of subsection (b)(2) (as redesignated), "the rule, order, or denial" and inserting in its place "the rule or order";

(7) in the second sentence of subsection (b)(2) (as redesignated), "(or denial thereof)"; and

(8) in subsection (b)(3) (as redesignated), "any such rule, order, or denial" and inserting in its place "any such rule or order".

(i) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (47 U.S.C. 8421) is amended by striking in the first sentence of subsection (a), "or major fuel-burning installation".

(j) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8431) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(k) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8433) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c).

(l) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8441) is amended by striking—

(1) "or major fuel-burning installation" wherever the phrase appears; and

(2) "title II or" in subsections (a)(1) and (g)(3).

(m) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is amended by striking in the first sentence of subsection (a), "from new and existing electric powerplants and major fuelburing installations" and inserting in its place "from existing electric powerplants".

(n) Section 761 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8471) is amended by striking—

(1) in subsection (a), "any existing or new electric powerplant or major fuel-burning installation" and inserting in its place "any existing electric powerplant"; and

(2) in subsection (b)—

(A) "new or" in the phrase "In the case of any new or existing facility"; and

(B) "except to the extent provided under section 212(b) or section 312(b)" and the comma immediately preceding that phrase.

REPEAL OF INCREMENTAL PRICING REQUIREMENTS

SEC. 103. (a) Subject to subsections (b) and (c) of this section, title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348) is repealed, and the items relating to title II are stricken from the table of contents of that Act.

(b) A rule promulgated by the Commission under title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flow-through of costs incurred before the enactment of this section, including any surcharges based on such costs.

(c) The Commission may take appropriate action to implement this section.

EFFECTIVE DATE

SEC. 104 The provisions of this Act shall take effect on date of enactment.●

● Mr. JOHNSTON. Mr. President, I am today introducing with Senator DOMENICI a bill to repeal the gas use restrictions in the Fuel Use Act and the incremental pricing provisions under the Natural Gas Policy Act. These two provisions represent the thinking of a bygone era in which the Congress assumed that through regulation and end use restrictions, we could better allocate precious natural resources than could the marketplace. Experience has shown just how wrong we can be.

We all assumed during the gas shortage days of the late seventies that natural gas was a premium fuel which was so quickly disappearing that the remaining quantities should be limited to those uses we considered of the highest priority. Had we more clearly viewed our actual situation, we would have realized that the "shortage" of the seventies was an artificial one, created by Government price controls which stripped the industry of any incentives to explore and drill. For all its faults, the Natural Gas Policy Act of 1978 restored some of those incentives and touched off one of the greatest drilling booms in history. Indeed, for the fourth year in a row we have discovered more gas reserves than we have produced.

At the same time, however, Federal price controls and end use restrictions caused the same natural gas market which had previously been in short supply to become glutted. By repealing the Fuel Use Act and incremental pricing provisions, we will restore to a large and arbitrarily selected group of end users the right to again select natural gas as their fuel of choice. This selection process will be governed by market forces, not statutes and regulations.

Mr. President, there is ample precedent for what we seek to do in this bill. In 1981, we repealed that portion of the Fuel Use Act which prohibited the use of natural gas in utility boilers beyond 1990. That provision will result in an estimated savings of $1 billion for Louisiana consumers alone. By repealing the remaining gas use restrictions of the Fuel Use Act, we will send a signal to industry and utilities alike that they are no longer prohibited from choosing what may be the lowest cost fuel available to them. Electricity consumers, industry, and our economy will reap the benefits. And, in conjunction with regulatory changes at the FERC designed to facilitate transportation of gas between producers and end users, we will likely witness a positive supply response.

During the last Congress we considered at length legislation to accomplish not only these ends, but to totally deregulate natural gas prices. We debated this measure for 31 days in the Senate Energy Committee and for 9 days on the Senate floor. The result of those deliberations was the unfortunate but clear indication that no con-

sensus exists or is likely to exist on natural gas price deregulation. The one area where consensus was present, almost to the point of unanimity, was the desirability of repealing the Fuel Use Act and incremental pricing. Since we often must deal with the possible rather than the desirable, Senator DOMENICI and I are today joining together in an effort to achieve those ends. While I regret that this measure falls short of what I consider to be ideal, I do believe it will have a very positive effect on the marketplace. Further, it represents another example of the Government stepping out of the energy business.

Mr. President, it is unwise and unfair for Congress to arbitrarily restrict the consumption of natural gas by a class of end users. The assumptions upon which we did so have proven false, and the result of our doing so has proven counterproductive. Repealing the Fuel Use Act and incremental pricing would be two truly positive steps we could take for the energy and economic future of our Nation. I look forward to working with Senator DOMENICI and other Members of Congress to do so.●

By Mr. DECONCINI:

S. 1253. A bill to designate the "James A. Walsh United States Courthouse"; to the Committee on Environment and Public Works.

JAMES A. WALSH U.S. COURTHOUSE

Mr. DECONCINI. Mr. President, today I am introducing legislation to designate the U.S. courthouse located at 55 East Broadway in Tucson, AR as the James A. Walsh U.S. Courthouse.

Judge James A. Walsh was born in Westfield, MA, on September 17, 1906. He attended St. Anselm's College in Manchester, NH, and graduated from Georgetown University in 1928 with a degree in law. Judge Walsh was admitted to the Arizona State Bar in 1928, and since that time has continuously served the citizens of Arizona with distinction and honor. His long list of contributions to the State include service as city attorney for the city of Mesa, AZ, 1936–40; assistant U.S. attorney, district of Arizona, 1943; county attorney, Maricopa County, AZ, 1943–44; and judge of the superior court, Maricopa County from 1945–47.

Judge Walsh, named U.S. district judge for the District of Arizona on July 7, 1952, was among the last judicial appointments made by President Harry S. Truman. Judge Walsh served as chief judge from 1961 until 1973, and took senior judge status on July 9, 1976.

I have known Judge Walsh and his family for many years, and have had the privilege of practicing law before him. His dedication to and application of the law, coupled with his love for and service to the country, provided a model for all young attorneys to emulate. Judge Walsh is recognized as one of the finest judges ever to serve in the Western United States and a building named in his honor is a fitting tribute to his lifetime of achievements, both on the bench and in the community.

Mr. President, my esteemed colleague from Arizona, Congressman MORRIS K. UDALL, is introducing companion legislation in the House today and I hope that the Members of both bodies will support this bill.

By Mr. GRASSLEY:

S. 1254. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

CONTRACTOR LIABILITY AND INDEMNIFICATION ACT

Mr. GRASSLEY. Mr. President, the legislation that I ask this Chamber to focus on today concerns the current law relating to contribution between the United States and its contractors. I introduced this bill in the last Congress after a great deal of study. I have, in my position as chairman of the Judiciary Subcommittee on Administrative Practice and Procedure, had four hearings on this topic. The bill that I introduce is a response to the concerns that have been raised at those hearings. Last year the bill was favorably reported from my subcommittee to the full Judiciary Committee, but time constraints prevented full committee consideration of the legislation.

Under provisions of the bill which we are examining today, a Government contractor may seek idemnification from the Federal Government for any damages or losses sustained as a result of suits brought solely against the contractor. The legislation also provides that the Government will include an indemnification provision in contracts where the risks are defined as unusually hazardous or nuclear in nature or giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance.

As a means of providing some of the background as to the Government fault problem, I cite to you the 1977 Supreme Court case of Stencel Aero Engineering Corporation versus United States. Stencel, a Government contractor, sought to obtain indemnification from the Government for liability incurred as a result of a personal injury suit brought by a military officer who had been injured when the ejection system of his fighter aircraft malfunctioned. The Government had specified the design of the system, and Stencel contended that the defects in the specifications about which he had complained to the Government to no avail, had caused the injuries to occur. The Court nevertheless held that the subcontractor could not obtain indemnity from the Government for claims made against it by military personnel.

Another problem is the catastrophic losses that might be suffered by the contractor—even if the contractor has followed specifications issued by the Government. These risks are inherent in many essential Government projects such as military activity, medical research, use and disposal of hazardous substances, vaccination programs, satellite and missile launching and reentry, and air traffic control. Liability for supplying these types of services could easily exceed both the available insurance and the net worth of those contractors. This could spell financial disaster for the contractor and the victim unable to obtain compensation.

While there is existing authority under Public Law 85–804 to indemnify contractor, past testimony from the Office of the Under Secretary of Defense, through Mary Ann Gillece, indicated that the use of existing indemnification authority is very unusual. Indemnification is currently provided in less that one one-thousandth of 1 percent of military contract actions—that's 93 out of 12 million in 1982. As a result, I believe we will see more and more conscientious contractors increasingly deterred from participating in essential procurements involving catastrophic risk.

I hope that all of my Senate colleagues will join me in sponsoring this bill.

I ask that the bill as well as the accompanying section-by-section analysis be printed in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Contractor Liability and Indemnification Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to establish fair and equitable apportionment of liability incurred by contractors with the United States by (i) providing for an equitable reduction of liability in cases in which acts or omissions of employees of the United States are wholly or partially the cause of a contractor's liability to a Government employee, and (ii) providing a comprehensive system of complete indemnity for contractors against liability in excess of reasonably available financial protection.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "contractor" means any person who has contracted with the United States to supply a product or service and such person's subcontractors and suppliers at any tier for such purpose;

(2) the term "person" means any individual, corporation (excluding a wholly owned corporation of the United States), company, foundation, association, organization, firm, partnership, society, charitable institution, or State or local unit of government;

(3) the term "claimant" means any person who asserts a claim which gives rise or may give rise to liability;

(4) the term "State" includes the District of Columbia and all territories or possessions of the United States;

(5) the terms "United States" and "contracting agency" means the Federal executive agencies and departments, the Federal military departments (including any unit or part of the National Guard of any State), independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States;

(6) the term "liability" means the legally binding obligation to compensate for harm as provided for in final judgments of courts of law, settlements, or arbitration decisions;

(7) the term "harm" means (a) damage to or loss of use of property; (b) personal physical injury, illness, or death; (c) mental anguish or emotional distress resulting from an occurrence of personal physical injury, illness, or death; and/or (d) financial detriment, including loss of revenue or profits or other economic loss; and

(8) the term "fault" means acts or omissions that are in any measure negligent or wrongful with regard to the harm incurred by a claimant.

EQUITABLE REDUCTION OF LIABILITY

SEC. 4. (a) In any civil action brought by an employee of the United States or by the employee's legal representative, estate, spouse, dependent, survivor, or relative in any State court or in any district court of the United States alleging liability of any contractor for harm concerning which the employee or the employee's legal representative, estate, spouse, dependent, survivor, or relative is or has been entitled to receive worker compensation benefits from the United States, upon request of any party the court shall make findings of fact as to the proportion that the fault of the United States bears to the total fault of all persons and the United States in causing harm which gives rise to the claim of liability. The court shall reduce any judgment for liability rendered against the contractor by the proportion of fault of the United States found by the court. The amount the United States is entitled by law to obtain through right of subrogation or subrogation lien arising from worker compensation payments for harm concerning which contractors are or may be held liable shall be reduced by the proportion of fault of the United States in causing the harm.

(b) A contractor against whom a civil action alleging liability is brought shall give written notice to the Attorney General of the United States, within ninety days of the filing of the civil action, if the contractor intends to seek an equitable reduction of liability pursuant to subsection (a) of this section. Except as otherwise directed, the contractor shall promptly furnish to the Attorney General a copy of all pertinent papers received or filed with respect to such civil action. The United States shall have the right, for a period of ninety days following receipt of any such notice, to intervene as a party in any such civil action. Any such civil action commenced in a State court in which the United States has intervened may be removed, at the election of the United States, along with any related pending action by a claimant, without bond at any time before a trial on the merits, to the district court of the United States for the district and division embracing the place wherein the State court action is pending. Should a United States district court determine, pursuant to an evidentiary hearing on a motion to remand held before the trial on the merits, that there is no substantial evidence of any fault on the part of the United States in causing harm to the employee of the Government, such civil action shall be remanded to the State court.

(c) In determining the proportion of fault of the United States pursuant to subsection (a) of this section, the court shall consider such evidence of fault as may be introduced by the parties in accordance with the rules of evidence and shall consider, among other relevant factors, the following:

(1) the nature of contract provisions or specifications associated with acts or omissions contributing to the harm, the relative responsibility of the United States and the contractor for the existence of such provisions or specifications, and the relative degree of knowledge, skill, and expertise of the contractor and the United States as to potential harm which might be associated with contract performance or nonperformance under such provisions or specifications;

(2) the existence of officially promulgated standards of the United States which are associated with acts or omissions contributing to the harm;

(3) the degree to which products or services furnished by the United States to the contractor under the contract are associated with acts or omissions contributing to the harm, and the relative degree of knowledge, skill, and expertise of the contractor and the United States as to potential harm which might be associated with use of such products and services;

(4) acts or omissions in performance of the contract by employees of the contractor or the United States which contribute to the harm and the relative responsibility of the contractor and the United States for the occurrence of such acts or omissions; and

(5) the degree of control or care exercised by the United States in the use, application, and maintenance of products or services after delivery by the contractor.

(d) The provisions of this section supercede any State law regarding matters covered by this section.

INDEMNIFICATION OF CONTRACTORS

SEC. 5. (a) The United States shall include in any contract hereafter made, and may include by amendment or modification in any contract heretofore made, a provision that the United States will hold harmless and indemnify the contractor against any of the claims or losses set forth in subsection (b), whether resulting from the negligence or wrongful act or omission of the contractor or otherwise, except as provided in subsection (b)(2): *Provided,* That such provision shall apply only to claims for losses arising out of or resulting from risks that the contract defines as (1) unusually hazardous or nuclear in nature or (2) giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance: *And provided further,* That no such provision shall be included in any contract for procurement of goods or services which are sold by the contractor to nongovernmental purchasers for uses or applications identical in nature, magnitude, and scope to the uses or applications made or to be made of the goods and services by the United States. A determination of whether the conditions contained in the preceding sentence have been met shall be made in advance by the head of the contracting agency or his designee (who shall be an official at a level not below that of an assistant to the head of the contracting agency). A contractual provision for indemnification may require each contractor so indemnified to provide and maintain financial protection of such type and in such amounts as is determined by the head of the contracting agency or his designee to be appropriate under the circumstances. In determining whether conditions for the use of an indemnification provision have been met and in determining the amount of financial protection to be provided and maintained by the indemnified contractor, the appropriate official shall take into account such factors as the availability, cost, and terms of private insurance, self-insurnace, other proof of financial responsibility, and worker compensation insurance. The determination of the head of the contracting agency or his designee as to whether conditions for use of a contractual provision for indemnification have been met shall be final for purposes of the judicial review specified in subsection (c).

(b)(1) Subsection (a) of this section shall apply to claims, including reasonable expenses of litigation and settlement, or losses not compensated by insurance or otherwise, of the following types:

(A) claims by third persons, including of the contractor, for death, personal injury, or loss of, damage to, or loss or use of properties;

(B) loss of, damage to, or loss of use of property of the contractor;

(C) loss of, damage to, or loss of use of property of the Government; and

(D) claims arising (i) from indemnification agreements between the contractor and a subcontractor or subcontractors, of (ii) from such arrangements and further indemnification arrangements between subcontractors at any tier, provided that all such arrangements were entered into pursuant to procedures prescribed or approved by the contracting agency.

(2) Indemnification and hold harmless agreements entered into pursuant to this section, whether between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, shall not cover claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors or officers or principal officials. For purposes of this subsection, the term "principal officials" means any of the contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of (A) all or substantially all of the contractor's business, (B) all or substantially all of the contractor's operations at any one plant or separate location in which a contract is being performed, or (C) a separate and complete major industrial operation in connection with the performance of a contract.

(3) The United States may discharge its obligation under the contractual provision authorized by subsection (a) of this section by making payments directly to contractors or subcontractors or to third persons to

whom a contractor or subcontractor may be liable.

(c) A contractual provision under subsection (a) of this section which provides for indemnification must also provide for—

(1) notice to the United States of any claim or action against, or any loss by, the contractor or subcontractor covered by such contractual provision; and

(2) control or assistance by the United States, at its election, in the settlement or defense of any such claim or action.

(d) Upon application by a contractor or subcontractor, each contracting agency shall determine, or upon its own initiative, each contracting agency may determine, after opportunity for a hearing (in accordance with section 553 of title 5, United States Code), whether any past, present, or future contract or class or category of contracts involves risks of the type set forth in subsection (a) of this section.

(e) Any contractor or subcontractor aggrieved by any decision or determination of the contracting agency pursuant to subsection (a) or subsection (d) of this section may, within sixty days of such decision or determination, petition the United States Court of Appeals for the Federal Circuit to review such decision or determination. The decision or determination of the contracting agency with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(f) The provisions of sections 1431-1436, title 50, United States Code, shall not apply to indemnification of contractors as provided in this section. The provisions of section 2354, title 10, United States Code, are hereby repealed. Section 241(a)(7), title 42, United States Code, is hereby amended to delete the reference to section 2354, title 10, United States Code. The provisions of this section shall not apply to any risks against which indemnification may be obtained pursuant to section 2210, title 42, United States Code.

(g)(1) Notwithstanding the provisions of section 665, title 31, or section 11, title 41, United States Code, contracting agencies are hereby authorized to make indemnification payments pursuant to any indemnification provisions of their contracts from (A) funds obligated for the performance of the contract from which the contractor's liability arises; (B) funds currently available for contracts of the nature of the contract from which the contractor's liability arises, and not otherwise obligated; (C) funds specifically appropriated for such payments; and/or (D) funds appropriated pursuant to section 724(a), title 31, United States Code.

(2) The Supplemental Appropriations Act, section 724(a), title 31, United States Code, is hereby amended by adding the words "and section 5 of the Contractor Liability and Indemnification Act" after the words "or 2677 of title 28".

EFFECTIVE DATE

SEC. 6. This Act shall be effective as of the date it is signed into law by the President.

SECTION-BY-SECTION ANALYSIS OF S. 1839

PURPOSE

The purpose of this proposed Act is to provide a comprehensive system for indemnification by the United States against liability in excess of reasonably available financial protection and to provide for a reduction in liability in cases in which the negligence of United States employees contributes to that liability.

SECTION-BY-SECTION ANALYSIS

Section 1 states that the Act may be cited as the "Contractor Liability and Indemnification Act."

PURPOSE

Section 2. The stated purpose of the Act is to provide a reduction of liability for government contractors in cases where the acts or omissions of United States employees have contributed to that liability and to provide a comprehensive system of indemnity for contractors against liability in excess of reasonably available financial protection.

DEFINITIONS

Section 3. This section defines terms used in the Act. Several of the terms are defined in the customary manner. "Contractor" includes state and local units of government as well as the usual forms of organizations excluding wholly-owned by the United States corporations. "Claimant" means any person who asserts a claim now or in the future which may give rise to liability. "State" includes the District of Columbia as well as the territories or possessions of the United States. "Liability" means the legally binding obligation to compensate for harm as provided for in final judgments of courts of law, settlements, or arbitration decisions.

The definitions of other terms are more closely tied to their usage in the Act. For example, the terms "United States" and "contracting agencies" include those corporations acting as instrumentalities or agencies of the United States and state National Guard units, as well as federal executive agencies and departments and federal military departments. The term "harm" includes damages for injury to property or person, and emotional distress resulting from an occurrence of personal injury or default. Thus, damages for wrongful death would be available under the Act. The term "harm" as used in the Act also means financial detriment, including loss of revenue of profits or other economic loss. Ordinarily, damages in common law tort actions such as negligence or strict liability are not available for claims of purely economic loss. See e.g., James, "Limitations on Liability for Economic Loss Caused by Negligence: A Pragmatic Appraisal", 25 Vanderbilt Law Review 43 (1972).

The theories of negligence and strict liability were possibly not intended to protect citizens from economic losses unattended by physical injury to persons or property. *See also, Just's Inc.* v. *Arrington Construction Co.*, 99 Idaho 462 at 470, 583 P. 2d 997, at 1005 (1978): "the common underlying pragmatic consideration is that a contrary rule, which would allow compensation for losses of economic advantage caused by the defendant's negligence, would impose too heavy and unpredictable a burden on the defendant's conduct."

The last term defined by the Act is "fault", which means acts or omissions that are in any measure negligent or wrongful with regard to the harm incurred by a claimant.

EQUITABLE REDUCTION OF LIABILITY

Section 4. Subsection (a) of section 4 permits a court, upon the request of any party, to make a finding of fact regarding the proportion of fault of the United States in regard to a claim of liability against a government contractor where the claimant or the claimant's representative (including estate, dependents, survivors, spouse, or legal representative) has been entitled to receive worker compensation benefits from the United States. This subsection instructs the court to reduce any judgement for liability rendered against the contractor by the proportion of fault of the United States found by the district court. The right of subrogation to which the United States is ordinarily entitled when contractors are found liable shall be limited by the proportion of fault of the United States in causing the harm giving rise to the liability.

Subsection (b) of section 4 directs a defendant contractor to give written notice to the Attorney General of the United States within 90 days of the filing of the suit against the contractor if equitable reduction pursuant to subsection (a) is sought. The contractor shall furnish the Attorney General copies of all papers pertinent to the civil action filed against the contractor.

The remaining 8 portions of subsection (b) govern intervention and removal by the United States. The Government has the right to intervene in any action for which it receives notice under this subsection. The Government may remove the action in question as well as any related pending action by a claimant to a United States District Court. If the district court, pursuant to an evidentary hearing on a motion to remand, finds no substantial evidence of any fault on the part of the United States, the civil action shall be remanded to the state court. The hearing on the motion to remand would take place before the trial on the merits. Thus, the liability of the United States, the primary issue governed by this Act, may be determined prior to trial on the merits and decided by a judge. In some instances, the only issue decided by the district court could be that of the Government's liability; the initial claim against the contractor would still be decided by the state court.

Subsection (c) establishes the factors for the court to consider, in accordance with the rules of evidence, in determining the proportion of fault of the United States. These factors include the following:

(1) the nature of contract provisions of specifications associated with whatever incidents gave rise to the alleged harm, the relative responsibility of the United States and the contractor for the existence of such provisions or specifications, and the relative ability of the United States and the contractor to discern possible harm resulting from performance or non-performance under such contract provisions or specifications;

(2) the existence of officially promulgated standards of the United States which are associated with acts or omissions contributing to the harm;

(3) the degree to which products or services supplied by the United States to the contractor contributes to the incidents causing harm, and the relative ability of the United States and the contractor to discern which of such products or services might contribute to potential harm; and

(4) the acts or omissions in performance of the contract by employees of both the United States and the contractor which contribute to the harm and the relative responsibility of the contractor and the United States for the occurrence of such acts or omissions; and

(5) the degree of continuing control or supervision exercised by the United States in the use, application and maintenance of products and services delivered to the contractor. Subsection (d) states that the provisions of section 4 shall supersede any state law regarding matters covered by the section. The authority for this subsection is Article VI of the United States Constitution which states in clause ii that "(t)his Consti-

tution and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land. . . ." This clause, known as the Supremacy Clause, gives Congress the authority to legislate and thereby impose legal obligations beyond what exists on the state level when a particular national interest is served.

INDEMNIFICATION OF CONTRACTORS

Section 5 (a). Section 5, subsection (a) directs the United States to prospectively include in contracts indemnification clauses holding contractors harmless against claims or losses set forth in subsection (b), regardless of the possible fault of the contractor, provided that: "Such provision shall apply only to claims for losses arising out of or resulting from risks that the contract defines as (1) unusually hazardous or nuclear in nature of (2) giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance: provided further, that no such provision shall be included in any contract for procurement of goods or services which are sold by the contractor to nongovernmental purchasers for uses or applications identical in nature, magnitude, and scope to the uses or applications made or to be made of the goods and services by the United States."

A designated official at a contracting agency shall determine whether the requirements of the above are met. In addition, the designated official shall determine the type and amount of financial protection in the form of insurance which is appropriate for the circumstances. The official shall take into account such factors as the availability, cost, and terms of private insurance, self-insurance, other proof of financial responsibility, and worker compensation insurance. Determination by any official under this subsection shall be final for purposes of the judicial review specified in subsection (c).

Subsection (b)(1) states that the indemnification provisions of subsection (a) shall apply to claims, including reasonable litigation expenses and uncompensated losses of the following types:

(A) Third party claims for injury to person or property;

(B) Loss of use of or damage to the contractor's property; and

(C) Loss of use of or damage to Government property; and

(D) Claims arising from indemnification agreements among contractors and subcontractors.

Subsection (b)(2) excepts from coverage of indemnification agreements entered into pursuant to this section claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors, officers, or principal officials. "Principal officials" is defined as any of the contractor's managers, superintendents, or other representatives who have supervision over all or substantially all of (1) the contractor's business, (2) the operations of any plant or location where a contract is performed, or (3) a separate, major industrial operation in connection with the performance of a contract.

Subsection (b)(3) would permit the United States to discharge any indemnification obligations directly to the parties, including contractors, subcontractors, and third persons to whom the contractors or subcontractors may be liable.

Subsection (c) requires that in any indemnification provision the contract shall also provide for notice to the United States of any claim or loss covered by such provision and control or assistance by the United States in the settlement or defense of any such claim.

Subsection (d) provides that each contracting agency may determine, after opportunity for a hearing in accordance with 5 U.S.C. S. 553, whether any past, present, or future contracts involve the risks of the type set forth in subsection (a) of this section. Thus, the possibility of the contractor obtaining indemnification shall be retroactive under this subsection.

Subsection (e) provides for appellate judicial review of any decision or determination under subsection (a) or (d). However, the decision of the contracting agency, if supported by substantial evidence on the record, shall be conclusive. Thus, the burden of proof in any appeal of a contracting agency's decision will be on the opponent of that decision.

Subsections (f) and (g) are technical in nature, referring primarily to affected areas of the United States Code. Under subsection (f), 50 U.S.C. S. 1431-1436, governing the authority of the heads of named agencies to enter into contracts in connection with national defense functions, shall not apply to indemnification of contractors as provided by the bill. In addition, 10 U.S.C. S. 2354, which currently provides indemnification for contractors in connection with certain ultrahazardous activities, would be repealed. Proposed S. 1839 is broader in scope than 10 U.S.C. S. 2354, since the bill does not solely limit the availability of indemnification by the nature of the activity to be performed under the contract, but provides indemnification for any activity for which the contractor has no or insufficient financial protection. 42 U.S.C. S. 241(a)(7) would be amended to delete the reference to section 2354 of title 10. The provisions of this bill would not affect the indemnification and limitation of liability provided for in 10 U.S.C. S. 2210, which applies to the Nuclear Regulatory Commission.

Subsection (g)(1) would authorize the contracting agencies to make indemnification provisions from (A) funds obligated for the particular contract; (B) funds currently available for contracts of the same type as the one giving rise to the liability in question; (C) funds specifically appropriated for such payments; or (D) funds appropriated pursuant to section 31 U.S.C. S. 724 (a), which authorizes appropriations for payments of judgments and compromise settlements against the United States. The authorization pursuant to this subsection would permit payment notwithstanding the provisions of 31 U.S.C. S. 665, which prohibits expenditures of funds in excess of appropriations, and 42 U.S.C. S. 11, which prohibits the making of contracts unauthorized by law.

Finally, under subsection (g)(2), 31 U.S.C. S. 724(a), would be amended by adding the words "and section 5 of the Contractor liability and Indemnification Act" after the words "or 2677 of title 28."

In sum, S. 1839, being prospective in nature, would not be subject to possible constitutional challenges of retroactive application. The purpose of S. 1839 is to waive sovereign immunity for those negligent actions to which the United States contributed, but for which the United States is not now liable under *Stencil Aero Engineering* v. *United States*, 431 U.S. 666 (1977). The effect of S. 1839 would be to expand the protection currently available to contractors when they engage in the Government's business. Although the form this protection would take depends upon the particular contract between the U.S. and its supplier, there would be concomitant changes in the current law. Such changes are desirable, given the substantial risks taken by those contractors willing to do defense and nuclear-related work.●

By Mr. GORE:

S. 1255. A bill to establish the National Commission on Bioethics; to the Committee on Governmental Affairs.

NATIONAL COMMISSION ON BIOETHICS

● Mr. GORE. Mr. President, I am today introducing legislation to create the National Commission on Bioethics.

The bill that I am introducing today is an outgrowth of legislation that I introduced during the 98th Congress as a Member of the House and which was eventually approved by both the House and Senate but fell just short of becoming law.

The bill establishes a 15-member, congressionally appointed advisory commission. The purpose of the Commission is simple and straightforward: To provide a forum for the critical examination of the many difficult and complex issues presented by the application of new technologies to human beings.

We live in a time in which science and technology are developing so rapidly that they are surpassing the ability of our social, ethical, and legal institutions to cope with them. New technologies are swiftly presenting us with questions that we are unprepared to answer and choices we are unprepared to make.

For example, the amazing advances in biotechnology are rapidly giving us the power to alter the genetic basis of life. Yet, we do not have a good grasp on how we will best use the technology and what limits may have to be placed on it.

Moreover, as recent events with artificial heart transplants have demonstrated, we are acquiring the ability to sustain life in dramatic new, and sometimes unorthodox, ways. When is it appropriate to employ these devices and when is it not? How should we allocate scarce medical resources, and what role should cost play?

Additionally, we are approaching an era in which new reproductive technologies are radically affecting the ability of people to be parents and even changing the definition of parenthood itself. In vitro fertilization, embryo transfers, the freezing and storage of embryos, and other techniques have significant benefits. But they also raise serious ethical questions.

Unless we begin now to search for solutions to the serious ethical dilemmas that modern science is creating, events will simply overtake us. Indeed, the first authorized human gene therapy experiments may be conducted within a year, and as we have seen,

other technologies are already being applied to humans. We must make sure that we take the necessary steps to answer the questions raised by the new technologies before they are answered for us.

As a Member of the House of Representatives, I served on the House Science and Technology Committee for 8 years and chaired its Investigations and Oversight Subcommittee for 4 years. In that capacity, I chaired numerous hearings on technological advances and the challenges they pose for our society. Those hearings have left me unshakeably convinced that a commission to examine bioethical issues, such as the one I have proposed, is absolutely essential. In fact, the principal conclusion of 3 days of hearings that I chaired in November 1982 on human genetic engineering was that such a body must be established.

Because of the importance of these issues to our society, the Commission is designed to ensure that a broad and meaningful examination of them occurs.

First, the Commission is effectively independent. It is not housed within any Federal agency, and its members are appointed by a special 12-member Congressional Board on Bioethics, which the bill also establishes. Thus, the Commission will have maximum freedom to consider issues and render reasoned, objective advice.

Second, the Commission is composed of representatives from a variety of backgrounds, including the general public. A majority of the members are nonscientists, to ensure that the Commission's focus is on ethical issues and not technical scientific concerns.

Third, and finally, the Commission is nonregulatory. It is purely an advisory body with no regulatory power whatsoever. The Commission will consider issues and make written reports to the Congress. The impact of the Commission's conclusions and recommendations will therefore depend on how well reasoned they are.

Upon the conclusion of each of its studies, the Commission will submit a written report to Congress outlining its conclusions and any findings and recommendations it wishes to make. In this way, the Commission will provide Congress with much-needed analysis of the many difficult bioethical issues that confront our society.

The Commission is designed to be broad-based in both its composition and its approach to issues. Because our society is daily faced with complex choices in many areas, the Commission is charged to consider a wide range of bioethical questions. There is one area, however, that is so important that this legislation specifically directs the Commission to conduct a study of it as its first study. That is the question of human genetic engineering. The bill directs that a study of this issue must be completed and submitted to Congress by the Commission within 18 months of the Commission's establishment.

It is a primary responsibility of Government not only to promote science but to foresee its future and any problems it might present. As the new technologies develop, it will be essential that our Nation be informed about both the positive and negative implications of it. Particularly for those of us in Congress, it will be important that we base our reactions to and decisions about technology on objective, reasoned consideration of the issues and not on misunderstandings or exaggerations of its benefits or its potential for abuse.

Accomplishment of these objectives will require public education and reasoned debate over the complex issues that will confront us. The Commission that I have proposed is an important step in that process.●

By Mr. BUMPERS (for himself, Mr. SIMPSON, Mr. PRYOR, Mr. GRASSLEY, and Mr. HELMS):

S. 1256. A bill to amend section 706 of title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action; to the Committee on the Judiciary.

JUDICIAL REVIEW IMPROVEMENT ACT

● Mr. BUMPERS. Mr. President, on February 6, I introduced S. 396, the Small Business Fairness Act of 1985. That bill contained four major titles of importance to small business. Title I of that bill was my amendment to the judicial review provisions of the Administrative Procedure Act codified at 5 U.S.C. 706, legislation which has over the years come to be known as the "Bumpers Amendment Regulatory Reform Proposal." I am today introducing the Bumpers amendment as a separate bill for referral and action by the Judiciary Committee. I am pleased to be joined by Senators SIMPSON, PRYOR, GRASSLEY, and HELMS as cosponsors.

As I mentioned, this is an important amendment to the Administrative Procedure Act which I have sponsored for several years and which passed the Senate in both the 96th and 97th Congress. It would give courts more authority to overturn the unfair and burdensome regulations which affect small business and individuals. In the 98th Congress, it was part of S. 1080, the Regulatory Reform Act. Unfortunately, this bill was not enacted into law.

It would restore vitality and balance to the judicial review provisions of the APA by putting individuals and businesses on an equal footing with Federal regulators when they enter the courthouse door. For too long, the courts have accorded all too much deference to agencies' opinions on questions of law, including the scope of each agency's own jurisdiction. It is fundamentally unfair for an agency to be the judge of the scope of its own power.

Under our system of justice, questions of law are to be decided by an impartial court, and all litigants are supposed to be equal in the eyes of the law. But the courts have accorded an undue presumption of validity to the agency's proceedings. Under my amendment, the agency would have to show, based on the record, that it was legally and factually justified in taking the actions which it took. My amendment will ensure that judicial review is not a rubber stamp process, as it too often is under the current vague standards of judicial review.

My amendment will admonish the Federal judiciary to decide all administrative matters "independently." In informal rulemakings, it will require that there be "substantial support" in the rulemaking file for the factual predicate of a rule. If questions are raised about an agency's power to act as it did, the agency will be required to prove that its authorizing legislation specifically gave it the jurisdiction or authority to take the action it took. On all other questions of law, the court is to accord "no presumption" either in favor of or against the agency's action.

I am absolutely convinced that this is a legislative idea that is critically important to small business and everyone who ends up in litigation against a Federal agency, and it is a proposal for which the time has come.

This amendment to the Administrative Procedure Act is supported by the American Bar Association, by the Chamber of Commerce, and the Business Roundtable. Rarely has such a consensus existed about the need for such legislation which has gone unmet for so long.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD, along with a legal analysis of the measure. I urge the Judiciary Committee to act on this important measure as soon as possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Review Improvement Act of 1985."

SECTION 1. Section 706 of title 5, United States Code, is amended to read as follows:

"§ 706. Scope of review

"(a) To the extent necessary to decision and when presented, the reviewing court shall independently decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the

meaning or applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statue;

"(F) without substantial support in the rulemaking file, viewed, as a whole, for the asserted or necessary factual basis, as distinguished from the policy or legal basis, of a rule adopted in a proceeding subject to section 553 of this title; or

"(G) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"(b) In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

"(c) In making determinations concerning statutory jurisdiction or authority under clause (2)(C) of subsection (a) of this section, the court shall require that the action by the agency is within the scope of the agency jurisdiction or authority on the basis of the language of the statute or, in the event of ambiguity, other evidence of ascertainable legislative intent. In making determinations on other questions of law, the court shall not accord any presumption in favor of or against agency action.".

SEC. 2. This Act shall apply to agency action taken on or after May 1, 1985.

LEGAL ANALYSIS OF BUMPERS AMENDMENT

POLICY

These amendments to section 706 of the Administrative Procedure Act contained in the Judicial Review Improvement Act of 1985 are premised on the basic constitutional principal that in a representative democracy, legislative power shall be exercised by elected representatives and not by unelected officials who are not directly responsible to the electorate. The delegation doctrine requires that there be mechanisms for controlling the exercise of delegated regulatory power.

The mechanisms are the requirements that when the legislature delegates power it must establish an "intelligible principle" to govern the delegate, and that the judiciary will hold invalid actions which are not authorized by the statutory delegation. In the words of Mr. Justice Reed—

"An agency may not finally determine the limits of its statutory power. That is a judicial function. *Social Security Board* v. *Nierotko*, 327 U.S. 358, 369 (1946).

The insertion of the word "independently" in the introductory sentence of section 706 reemphasizes this primary role of the courts.

SCOPE OF AGENCY JURISDICTION

The first sentence of new subsection (c) of section 706 directs the courts to exercise their traditional review function to prevent an agency from acting beyond its regulatory authority.

This provision directs the courts to play a more active role in policing regulatory power by closely construing statutes which transfer regulatory authority to administrators. See Stewart, "The Reformation of American Administrative Law," 88 Harv. L. Rev. 1667 (1975). The Supreme Court has followed this approach in two recent decisions. See *FCC* v. *Midwest Video Corp.*, 99 S. Ct. 824 (1979); *NLRB* v. *Catholic Bishops of Chicago*. 99 S. Ct. 1313 (1979). See also *Kent* v. *Dulles*, 357 U.S. 116 (1958); *National Cable Television Assn. Inc.* v. *United States*, 415 U.S. 336 (1974); Schwartz, "Administrative Law Cases During 1979," 32 Ad. L. Rev. 441, 413–415 (1980).

Under subsection (c), a court must determine that the agency's authority to act has been granted expressly in the language of its organic statute or, in the event of ambiguity, by reference to the statute's legislative history or other materials relevant to ascertaining legislative intent. This provision is intended to underscore the duty of the courts to insure that agencies do not transgress the outer boundaries of their authority. Indeed, for a court to allow an agency to go beyond these boundaries would be "an unwarranted judicial intrusion upon the legislative sphere wholly at odds with the democratic processes of lawmaking contemplated by the Constitution." *Lubrizol Corp.* v. *EPA*, 562 F. 2d 607, 620 (D.C. Cir. 1977). See *City of Palestine* v. *United States*, 559 F. 2d 408, 414 (5th Cir. 1977); *National Nutritional Foods Association* v. *Matthews*, 557 F. 2d 325, 326 (2d Cir. 1976).

Subsection (c), then, does not seek to impose any new, strange, or radical duty on the judiciary. Instead, it simply directs the reviewing court to take a hard look at an agency's assertions of regulatory jurisdiction or authority. It will allow the reviewing courts to make use of all appropriate materials for ascertaining the legislative will, but it is not intended to allow abuses of post-hoc legislative history. *Consumer Product Safety Commission* v. *GTE Sylvania*, U. S. 64 L. Ed. 2d 766 (1980). Performance of this duty often will be difficult, but I am confident that the good sense and resourcefulness of the Federal Judiciary will be equal to the task.

In making such determinations, the court will be influenced not only by the statute's legislative history but also by the nature of the asserted power. If, for example, the agency is asserting a basic or significant extension of authority, especially one which bears on personal liberties or heralds significant involvement of the agency in a new area or imposes significant costs, the reviewing court should not uphold the extension unless it is convinced that the statute and relevant legal materials demonstrate that Congress specifically or generally addressed the issue, and that the statute does contain the authority asserted by the agency.

On the other hand, if the asserted authority at issue relates to an interstitial or minor matter, the reviewing court might well conclude that although Congress had not really addressed the issue, the matter is of such a character that sensible administration necessarily requires exercise of such an implementing authority.

From the perspective of the agencies, it is true that some statutes are imperfectly drafted, or are silent or even conflicting. In these circumstances, agencies must use their discretion soundly to formulate the most appropriate means of carrying out their basic statutory mandates, filling in what are interstices of the statutory framework by which they are bound but adhering scrupulously to express or implied limitations on their authority.

EFFECT ON DEREGULATION AND EFFORTS TO LESSEN THE BURDENS OF REGULATION

It should be emphasized that the primary thrust of this portion of the bill is to curb attempts by agencies to exercise positive jurisdiction in areas beyond the boundaries spelled out in their organic statutes. It is not intended to prevent an agency from exempting from regulation activities or persons under the traditional de minimus rationale where such exemptions are consistent with the basic purposes of the statute. Nor is this amendment intended to preclude rational interpretation and application of statutory criteria in ways that lessen the cost and other burdens of regulation.

The intent is to exclude those cases where the agency exercises its permissible discretion and declines to take affirmative action. Such a declaration is consonant with the policy to encourage agencies to refrain from taking unnecessary or inappropriate regulatory measures.

Nor is the amendment intended to nullify broad grants of administrative discretion where Congress knowingly intends that. When the statute and legislative history are clear that Congress intended a broad delegation, and the grant is not so unconfined as to violate the delegation doctrine, courts should give effect to such an intended broad grant. But the reviewer—the court, not the agency, is to determine independently whether the asserted power has in fact been conferred, either expressly or by implication.

THE "NO PRESUMPTION" CRITERIA

The second sentence of new subsection (c) of section 706, together with the insertion of the word "independently" in subsection (a), is intended to make clear that Congress intends the courts to perform, and to perform diligently, their traditional role as the ultimate and impartial interpreters of the law. It is designed to insure that as to decisions of law, the agency and the appellant stand on equal footing before the law without bias, preference, or deference to either and without any presumption in support of or against agency action, except as to questions of jurisdiction, where the first part of subsection (c) imposes the burden upon the agency.

In providing that the "no presumption" criterion will apply only to questions of law, the intent is to preserve the existing "arbitrary, capricious, an abuse of discretion" standards of section 706 with respect to policy determinations within the permissible limits of agency discretion. The intent is also to make it clear that the reviewing court will apply the new "substantial support" standard in clause 2(F) only to agency factual determinations.

Thus, ample room is left for proper reliance on agency expertise where it actually exists. It is recognized that some issues will involve mixed legal and policy, or mixed legal and fact, aspects. Regardless of the agency's characterization of the issues, the courts must independently define the issues and reexamine independently the questions of law involved; at the same time, the courts should recognize the primary role of the agency with respect to choice of policy, official notice of legislative facts, and factual findings.

It is not the intent of the no presumption criterion to preclude consideration of an agency legal interpretation. This interpretation will be one element of the process of independent judicial reexamination. The effect of any agency interpretative judgment, whether contained in a rule or order, on the court's own interpretation should not, however, depend on some general rule of deference. Rather the court, in examining the agency interpretation, should evaluate the thoroughness in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements and all those factors which give it power to persuade if lacking power to control. *Skidmore* v. *Swift & Co.* 323 U.S. 134, 140 (1944). The court should also weigh any countervailing factors bearing on the validity of the agency's legal position.

Thus, the court may not regard the agency's reading of the statute as controlling or entitled to a deference that would avoid the court's reaching its own independent judgment. Accordingly, under this amendment, a reviewing court may not proceed on the assumption that it should uphold an agency's statutory construction so long as the construction is not unreasonable or not irrational. Instead, the court shall regard the interpretation of the statute as a judicial question.

SUBSTANTIAL SUPPORT FOR FACTUAL DETERMINATIONS

The substantial support standard of new clause 2(F) of paragraph (a) relates to review of factual determinations in informal rulemakings. The standard recognizes that in such proceedings there is a distinction between an exercise of discretion (policy choice) by the agency, which remains subject to the "arbitrary, capricious an abuse of discretion" standard of clause 2(A), and the factual foundation for such a choice.

Relying on the analysis in Administrative Conference recommendation 74 to 4, 1 CFR, sections 305.74-4, the new clause 2(F) requires substantial support for factual determinations in informal rulemaking in two cases:

First. Where the finding of fact is necessary to the rule, that is to say, where the policy choice would fail to satisfy the arbitrary, capricious, an abuse of discretion criterion absent such a finding of fact.

Second. Where the finding of fact is an "asserted" basis for the rule, that is to say, where the agency relies on the finding as part of its rationale for the policy choice reflected in the rule.

Under the terms of clause 2(F) the "substantial support" must be found in "the rulemaking file, viewed as a whole." This provision meshes with other provisions of the act amending section 553 calling for the organized and systematic development of a file on which the rulemaking action is to be based. Pedersen, "Formal Records and Informal Rulemaking," 85 Yale L.J. 38 (1975). The amendment does not preclude an agency in an appropriate case from taking official notice of legislative facts that underpin policy choice.

Earlier versions of this amendment in the 95th and 96th Congresses used the words "substantial evidence" rather than "substantial support." The change in language is meant to negate any implication that the intent of the amendment is to require indirectly the use of trial-type procedures in informal rulemaking. Procedural requirements for such rulemaking will be found in other provisions of the Administrative Procedure Act, as amended, and in constitutional and common law considerations of fairness.

On the other hand, the words "substantial support" are intended to require that the data or materials on which the agency bases its factual determinations must be reliable and credible even though they do not necessarily satisfy the rules of evidence applied in judicial proceedings.

Enactment of these three changes in section 706 will not require all Federal courts to alter their decisional process. As Mr. Justice Frankfurter said with respect to a similar congressional endeavor some years ago:

"Some—perhaps a majority—have always applied the attitude reflected in this legislation. To explore whether a particular court should or should not alter its practice would only divert attention from the application of the standard now prescribed to a futile inquiry into the nature of the test formerly used by a particular court. *Universal Camera Corp.* v. *NLRB*, U.S. 474, 790 (1951)."

The ultimate objective of this amendment is to make sure that the pace and scope of regulation conform to the timetable and map established by elected representatives rather than by an unelected bureaucracy.

TECHNICAL

First. The changes in section 706 are not intended to affect any applicable rule of law which provides that in a civil or criminal action reliance on an agency rule or order is a defense. Thus, a defendant who has acted in compliance with an agency rule or order would continue to have any protection the law now provides even if the rule or order is subsequently found to be invalid.

Second. The Congress expects that whenever an agency rule or order is challenged in a civil action where a private party is suing under an express or implied right of action for violation of an agency rule (arguably not a "proceeding for judicial enforcement" within the meaning of section 706 scope of review applies), the court will apply the same standards of review as set forth in section 706. In stating this expectation there is no intention to imply any new standing or right of a defendant to challenge the validity of an agency rule or order. Thus, only if and to the extent that a rule can be reviewed by the court in the action would the reviewing court be expected to apply the same section 706 tests of lawfulness of agency action.

Third. While this amendment applies to the judicial review of questions arising under the existing and future organic acts of Congress where the general standards for judicial review as previously articulated in section 706 have been applicable, it is not intended either to change any settled judicial interpretation existing at the date of enactment as to the boundaries of a particular agency's jurisdiction or authority determined by a Federal appellate court, or to unsettle any res judicata or collateral estoppel effects of prior court decisions that have become final.●

By Mr. GARN:

S. 1258. A bill to modify the restrictions on the use of a certain tract of land in the State of Utah, and to provide for the conveyance of the fence located on such tract to the Armory Board, State of Utah; to the Committee on Veterans' Affairs.

MODIFICATION OF RESTRICTIONS ON CERTAIN TRACT OF LAND

● Mr. GARN. Mr. President, I am pleased to introduce a bill which would allow the Utah National Guard and Reserve to relocate in larger facilities. Companion legislation is being introduced in the House of Representatives today by Congressman MONSON.

The Utah Guard requested the move for three reasons: First, the lack of space at the current facilities located adjacent to the University of Utah. Second, to resolve the legal problem of having the Utah National Guard housed on a federally owned armory property, instead of a State facility. Third, the current location creates numerous transportation problems in the movement of heavy equipment and armor through downtown Salt Lake City to the training center at Camp Williams.

The National Guard has occupied the current facilities for over 30 years. With the expanding role of the National Guard in the security of our country, adequate facilities are essential. The property that the Utah National Guard is interested in purchasing has a larger, more modern building, which is located closer to Camp Williams.

The Veterans' Administration declared this property surplus land in 1954. Congress granted the Utah State Armory Board all right, title, and interest in the 35 acres adjacent to the Salt Lake City Veterans' Administration Medical Center. However, certain restrictions were applied to this property. Those restrictions include training, civic, and related purposes.

This proposed legislation would expand the potential uses of this land to include hospital, educational, civic, residential, or related purposes. This will allow the State Armory Board to sell a portion of this property and enable it to be developed in some reasonable manner. The original intent of the 1954 legislation will be respected. This current legislation will not interfere with the present or prospective operation of the Veterans' Administration hospital.

The Veterans' Administration, the National Guard Bureau and the Utah State Armory Board all approve this legislation. I, too, believe that this bill is the most prudent way to resolve the problem of overcrowding at the current facilities. It is also important to address the safety problems. Under current conditions, it is only a matter of time before a crisis, such as a transportation accident, occurs. Congress should act quickly on this legislation to alleviate these problems.

I ask my colleagues in the Senate and in the House to join me in supporting this bill.●

ADDITIONAL COSPONSORS

S. 274

At the request of Mr. DENTON, the names of the Senator from Idaho [Mr. MCCLURE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 408

At the request of Mr. WEICKER, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 680

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 680, a bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

S. 788

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 788, a bill entitled the "Senior Citizens Independent Community Care Act."

S. 816

At the request of Mr. EXON, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 816, a bill to establish the Pine Ridge Wilderness and Soldier Creek Wilderness in the Nebraska National Forest in the State of Nebraska, and for other purposes.

S. 865

At the request of Mr. MATHIAS, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. PRYOR], the Senator from Washington [Mr. EVANS], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 865, a bill to award special congressional gold medals to Jan Scruggs, Robert Doubek, and Jack Wheeler.

S. 983

At the request of Mr. MCCLURE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 983, a bill to provide for limited extension of alternative means of providing assistance under the School Lunch Program and to provide for national commodity processing programs.

S. 986

At the request of Mr. BOREN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1954 to disallow any deduction for advertising or other promotion expenses with respect to arms sales.

S. 987

At the request of Mr. EXON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 987, a bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65.

S. 1169

At the request of Mr. DURENBERGER, the name of the Senator form North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 1169, a bill to ensure economic equity for American women by providing retirement security for women as workers and as divorced or surviving spouses, making quality dependent care available to all working families, ending discrimination in insurance on the basis of race, color, religion, national origin, or sex, providing equal employment opportunity and pay equity for women, treating women and low-income families more equitably under the tax laws and tax reform proposals, and improving the health care coverage of displaced homemakers and Medicare recipients.

SENATE JOINT RESOLUTION 24

At the request of Mr. BRADLEY, the names of the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 24, a joint resolution to designate the month of October 1985 as "National Make-A-Wish Month."

SENATE JOINT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSEBAUM], was added as a cosponsor of Senate Joint Resolution 73, a joint resolution to designate the week of September 15, 1985, through September 21, 1985, as "National Independent Free Papers Week."

SENATE JOINT RESOLUTION 102

At the request of Mr. ZORINSKY, the name of the Senator from North Carolina [Mr. HELMS], was added as a cosponsor of Senate Joint Resolution 102, a joint resolution to establish a National Commission on Illiteracy.

SENATE JOINT RESOLUTION 138

At the request of Mr. DURENBERGER, the name of the Senator from Texas [Mr. GRAMM], was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 142

At the request of Mr. LEVIN, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nebraska [Mr. ZORINSKY], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. EXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. LUGAR], the Senator from Texas [Mr. GRAMM], the Senator from Rhode Island [Mr. PELL], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 142, a joint resolution to designate June 12, 1985, as "Anne Frank Day."

SENATE RESOLUTION 178—RELATING TO AUTOMOBILE FUEL ECONOMY STANDARDS

Mr. EVANS (for himself, Mr. METZENBAUM, Mr. DANFORTH, Mr. EAGLETON, Mr. HEINZ, Mr. WEICKER, Mr. PROXMIRE, Mr. DURENBERGER, Mr. COHEN, Mr. INOUYE, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. GORTON, Mr. PELL, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 178

Whereas,

(1) This nation should pursue an energy policy that encourages energy efficiency and reduces our vulnerability to interruptions of foreign supplies;

(2) In addition to price-induced conservation, Corporate Average Fuel Economy (CAFE) standards have been responsible for the near doubling since 1975 of the average fuel economy of new cars sold in the United States;

(3) Previous government estimates of United States domestic oil and gas reserves—especially offshore supplies—recently have been revised significantly downward;

(4) General Motors, Ford, and a number of Japanese and European automobile manufacturers have petitioned the administrator of the National Highway Traffic Safety Administration (NHTSA) to roll back the CAFE standard beginning with the 1986 model year;

(5) The administrator is expected to rule on these petitions shortly.

Now, therefore, be it

Resolved, That it is the sense of the Senate that: The administrator of the National Highway Traffic Safety Administration (NHTSA) should retain the CAFE (corporate average fuel economy) standard for passenger automobiles specified in current law.

● Mr. EVANS. Mr. President, today I am submitting—along with Senators DANFORTH, METZENBAUM, EAGLETON, and others—a resolution that would call for maintaining what I believe is an important energy conservation standard under current law.

The Secretary of Transportation will, in the next few weeks, make a decision on whether to roll back the current corporate average fuel economy [CAFE] standard from 27.5 miles per gallon to 26 miles per gallon. Every

manufacturer selling new cars in the United States is required to meet this fuel economy standard—on a fleet average basis—or be liable for a financial penalty.

Recently General Motors and Ford filed petitions at the 11th hour to have the standard rolled back for the 1986 model year. This effort is being supported by a number of Japanese and European auto manufacturers. Chrysler, which has met the standard, opposes the petitions. Based on all the information I have available to me, I am strongly opposed to the requested rollback.

One word summarizes the predominant view in this country of world and domestic energy markets—complacency. We hear a lot of smug statements these days, like: First, OPEC's back has been broken; second, the United States has reduced its dependence on foreign sources of oil, especially OPEC sources; third, the price of oil in real terms has dropped substantially over the past 3 years; fourth, $1 per gallon gasoline is back; and fifth, consumers have returned to larger and more performance oriented cars. While all of these statements may be true now, we must ask ourselves: Will they be true tomorrow?

Because the current picture appears rosy, people have decided that energy conservation and reducing our vulnerability to energy-supply interruptions are no longer as important as they were following the Arab oil embargo in 1973 or as important as they were following the price increases caused by the Iranian revolution. Will we fail to heed these painful lessons of recent history?

I do not deny that current trends are realities. But they are, in my view, short-term realities. We cannot afford, out of complacency or myopia to abandon the modest, yet successful, efforts that we initiated in energy conservation over 10 years ago with EPCA, the Energy Policy and Conservation Act.

In fact, even these modest policies, barely a decade old, seem to be dying a slow death on the vine of complacency and tight budgets today. A supposedly balanced program of R&D into alternative ways of producing energy has become unbalanced. Since 1981, funds for renewable energy R&D such as solar, wind, and geothermal have been severely cut, with little justification. Funds for the advanced breeder reactor have also been cut dramatically. We will need these energy technologies in the future. The Government does have a role to promote a balanced range of energy technologies by funding basic R&D up to the point of proof-of-concept, and perhaps beyond.

On the other hand, we still continue to spend upward of $8 billion in loan and price guarantees for the Synfuels Corporation. The technology that is being funded by the Synfuels Corporation is not particularly new or innovative. Much of it has been developed abroad. The Government has seen an important role for the support of commercial synfuels production facilities in this country. Yet it will be fortunate to be producing 75,000 barrels per day by 1990, when the drafters of the Energy Security Act of 1980 anticipated 500,000 barrels per day by 1987. The Government also has spent liberally over the years to fund the basic and applied R&D for nuclear fission and fusion technologies. As late as 1983, DOE was still spending over $800 million on nuclear activities and $450 million on fusion R&D.

We have not thought out what a U.S. energy strategy should be and have not applied our funds in a rational, coherent manner. There appears to be little coordination between the various agencies and departments involved in U.S. energy policy. Officials overlook that fact that aggressive CAFE standards could perhaps be our most cost-effective energy policy. For example, improving the average miles per gallon for the entire fleet from approximately 16 to 30 miles per gallon would save about 2.1 million barrels per day—more than our current imports from the Middle East. It is doubtful the Synfuels Corporation could achieve that goal at any price.

Today, we are headed back down the road of energy vulnerability. Two of the most successful energy policies in the last 10 years, in my view, are being seriously eroded now. The administration has proposed a temporary moratorium on filling the strategic petroleum reserve, which the Senate has accepted in our budget resolution. While there appears to be some justification for such a moratorium now because of the overriding need to reduce the budget deficit, I feel the pressures to keep the 1986 moratorium permanent will grow. And now we have the GM and Ford proposal to rollback CAFE standards for the 1986 model year. CAFE is the last remnant of an energy policy designed to reduce foreign dependence and increase energy efficiency.

Mr. President, it is important to note that the automobile manufacturers themselves have admitted that the 1975 CAFE law was an important factor in helping them withstand the shock of the oil supply disruption occasioned by the Iranian situation in 1979. No one can argue that the Middle East is any more politically stable now than it was then. We cannot afford to retreat from our commitment to increasing our energy independence.

Technology is not the problem. Just 5 years ago GM announced its intention to achieve a fleet fuel economy average of 31 miles per gallon by this year. They would not have made that statement without convincing evidence of the technological feasibility of their goal. Although feasible, they have not come close to meeting their own stated goal while some foreign manufacturers have exceeded it.

The automobile manufacturers were given an opportunity to meet this standard in whatever manner they felt was most appropriate. They could choose from a variety of options. For example, some of the newer, fuel-efficient automobiles on sale today easily-surpass 50 miles per gallon. Diesel engines can dramatically improve the fuel economy of the overall fleet. Newer engines coupled with even lighter cars and improved aerodynamics can improve fuel efficiency even further.

The most recent surveys on U.S. oil production and consumption are not encouraging. The latest Energy Information Administration [EIA] energy projections published in January—Annual Energy Outlook 1984 with Projections for 1995—indicate a dramatic reduction in U.S. domestic production, and an equivalent increase in net oil imports in the 1990's. The report is based on conservative assumptions of $25 per barrel of oil and a 3.1-percent GNP growth rate. It projects that from 1985 to 1995, domestic production drops from 11.1 million barrels per day to 7.6 million barrels per day, while net oil imports rise from 5.1 to 11.7 million barrels per day. Ten years is not a very long time in the energy business. Nor is it a very long time in the auto business, which requires long investment lead times.

A recent study by the Office of Technology Assessment—Oil and Gas Technologies for the Artic and Deepwater—regarding the offshore oil and gas resources in the United States revealed a dramatic reduction in anticipated oil and gas reserves. Much of this is due to the disappointing results in drilling on the Alaskan North Slope: estimates have dropped from 12.2 to 3.3 billion barrels from 1981 to 1984. For the entire United States, oil reserve estimates have dropped by 55 percent while gas reserve estimates have dropped by 44 percent. This is not encouraging news. With domestic production declining by this magnitude, one can easily anticipate out a scenario in which oil imports will surpass their previous peak of 9.3 million barrels per day in 1977.

In sum, the recent evidence from the EIA [Department of Interior] and the OTA all point in one direction—less oil available to the U.S. consumer in the 1990's. Hence, the need is greater than ever to maintain the current CAFE standards. In fact, we should consider raising them to a level that is reasonable in light of advancing technology. We must remember that liquid petroleum fuel is a finite fuel and it's rapidly disappearing from the Earth with

current rates of consumption. It is being depleted not only in the United States but in many developing countries where pressures for growth and population will put even greater pressure on this valuable resource.

Proponents of the rollback will cite the recent trends of softening in world oil markets and reduced dependence on OPEC oil. They also will cite the demands of the marketplace and characterize CAFE as an old-fashioned and outdated intrusion into the private market.

Let's not be fooled by their rhetoric. All evidence points to the conclusion that the current relative calm in the oil markets will not last. In fact, consumer demand is as much a function of actions taken by the auto companies themselves as anything else. On Monday of this week Ford ran a two-thirds page ad in the Wall Street Journal offering cut-rate financing for Lincoln Continentals—not high on the list of energy efficient automobiles. It would be curious for them to deny that these marketing efforts will not spur demand for those cars that contribute to the failure to meet the CAFE standards.

Moreover, it is fairly apparent that we are not dealing with anything approaching a free automobile market. It is interesting that some automobile companies are now attempting to clock themselves in the mantle of free market advocacy. Those same companies, in the not-to-distant past, were not similarly disposed when the issue was import restrictions on Japanese automobiles. They cannot have it both ways.

The companies will also assert that a failure to roll back the standards will put them in an unlawful situation and subject them to potential liability in a shareholder suit. This is a specious argument that is being used as a smokescreen to obscure the fact that it was the conscious decision of the automakers themselves not to meet the standard. Their objective, as it should be, is to maximize profits. No doubt their financial analysts concluded that the companies would be more profitable in not meeting the standard—and paying the fine—than in meeting the standard by withholding production of some larger—and more profitable—cars.

Rolling back the standard would result in a windfall to the companies that made the conscious decision to maximize profits by not meeting the standard. it would also place those companies that made the investments necessary to meet the standard at a competitive disadvantage in the marketplace.

Mr. President, my basic position is this: CAFE is an extremely effective conservation measures. The Government should continue to remain in the business of insuring energy efficiency, and therefore, the CAFE standard should be maintained. Those companies that failed to meet the standard should face the consequences. In fact, we should think about strengthening the standards for the sake of future generations. If we relax our energy efficiency efforts today, people in the year 2000 and beyond will view such actions as selfish, wrong, and shortsighted.●

● Mr. METZENBAUM. Mr. President, I am pleased to join my colleagues in submitting this resolution on corporate average fuel economy [CAFE] standards.

The request by Ford and General Motors to roll back the CAFE standards has tremendous implications for the long-term health of the auto industry and our national commitment to energy conservation. For these reasons, I believe that this is an issue which this body has a responsibility to address.

A few weeks ago, the Energy Regulation and Conservation Subcommittee of the Energy Committee held an extensive hearing on this issue.

We heard a lot of talk about the free market and consumer choice being the driving forces behind the need for a rollback in the CAFE standard.

But there are other issues involved which I believe have a greater relevance to this debate.

They are the need to save energy, and responsibility.

I refer to the responsibility of the auto industry, the responsibility of the administration, and the responsibility of Congress.

Mr. President, the CAFE standard for 1985 was established in 1975—10 years ago. It was not a number which popped up overnight.

When the Senate subsequently attempted to establish mandatory mileage minimums, the industry argued that the CAFE standards would be as effective in stimulating fuel efficiency. They wanted and got the standard now found in the law.

The main purpose Congress had in setting the standards was to reduce our energy vulnerability.

Even today, the transportation sector uses over 60 percent of all our liquid petroleum supplies. So reduction in demand in the transportation sector can go a long way in improving our energy security.

Even DOE admitted in testimony before our subcommittee that improvements in auto fuel efficiency have resulted in a savings of 1 million barrels of oil per day.

Neither the market nor consumer demand can change those facts.

The standards are also a challenge to the creativity and resourcefulness of the auto industry.

It was not the intent of the law to deny large cars to the consumers.

The law was intended to be a technology-forcing mechanism whereby the companies would make their mid and large size cars more fuel efficient.

Congress set the standard because it had learned from 1973 what tremendous problems result from an oil supply interruption.

And in 1979 and 1980, we saw again how disruptive such an interruption can be. Prices of gas skyrocketed, and the auto industry was on its knees, because it had resisted building the kind of fuel efficient cars that Americans wanted and needed.

So we bailed them out.

We provided loan guarantees for one, and established import quotas to limit the competition from overseas to protect the domestic industry. But underlying all of this was the implicit agreement that the auto companies would take advantage of the assistance we were providing to remake their fleets and start turning out the kind of fuel efficient cars that are necessary in today's market.

And the car companies told us they would meet the challenge.

As recently as last year, they were telling a subcommittee in the House that they would meet the standard.

But today, it's a different story.

The two largest auto makers in this country have petitioned Congress and the administration at the 12th hour to change the standards in the law so they can avoid hundreds of millions of dollars in fines.

The Havoc brought on by the crisis of 1979 and 1980 have been washed away by the record profits of 1983 and 1984.

The cry seems to be "The problems are over. Let us go back to the good old days, and continue to offer Americans big gas guzzling cars."

The administration with its ideological adherence to the free market has joined the campaign to roll back the standards.

Mr. President, this type of attitude is not only shortsighted, it is simply irresponsible.

The next energy crisis could develop overnight. And Congress, the administration and the auto industry have a responsibility to do all that can be done to ensure America's security when the next crisis inevitably strikes.

Yet this responsibility has been abandoned.

It's been abandoned by two of our domestic auto manufacturers.

They come and tell us "It's not our fault, the market demands larger cars."

What they don't tell us is that two other domestic manufacturers have made the investments necessary to meet the standards.

They don't tell us that consumer demand regarding the size mix of cars has been very stable since 1980.

They don't tell us that they have delayed investing the capital needed for

technology improvements in their large- and Mid-size cars simply because they continue to make money on the old, less fuel efficient lines.

Had they made the improvements as planned, they would be very close to meeting the standards today.

They don't tell us that as recently as December, they provided documents to the National Highway Traffic Safety Administration showing that over the next 3 years they expect to earn credits for exceeding the current standards.

They don't tell us about the special marketing programs they run to provide below market financing for their large cars.

In short, Mr. President, they have simply decided not to live up to their responsibility because they made more money by not doing so.

They have abused the flexibility Congress built into the law to push their noncompliance to the last minute. And now, facing hundreds of millions of dollars in fines, they want the Government to bail them out again.

I wonder how they would react if the Government backed off a commitment as they are proposing to do now?

The administration's performance has been as equally dismal.

All we hear from them is that the market should determine fuel efficiency standards.

How absurd.

The whole purpose of the standards is to provide a floor against fluctuations and incorrect signals of the market.

If a crisis occurs overnight, it would take the automakers years to adjust to a sudden shift in the market.

What happens to our Energy Conservation Program and the domestic auto industry in the meantime?

The standards are an attempt to avoid such dramatic swings in the market and the fortunes of the industry.

Yet the administration comes to this issue armed only with its ideological belief in the free market.

Where is the detailed, thorough analysis that should accompany its recommendation to end fuel efficiency standards?

In light of the irresponsibility of these two actors, the responsibility falls upon Congress.

The resolution we are introducing today urges the Administrator of the National Highway Traffic Safety Administration [NHTSA] not to roll back the CAFE standards.

This resolution is an attempt to send a signal to both the administration and the auto companies, that this body has not walked away from its responsibility, and doesn't think they should, either.

It's a gentle nudge, and it may not be enough.

We may find it necessary to take legislative action in the future if the administration and the auto companies don't turn around.

But for now, it is important that we send this signal.

The public, the administration and the auto companies must understand that this Congress is as committed as ever to the goal of energy security and does not look lightly on attempts to take a shortsighted view of this important issue.

Mr. President, recently, the Cleveland Plain Dealer and the New York Times published editorials on the corporate average fuel economy standards.

I ask unanimous consent that these editorials be inserted in the RECORD, and I recommend that my colleagues read them.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer]

FUEL EFFICIENCY FOLLIES

The expressed desire of two major U.S. automakers for a reduction in federally mandated fuel efficiency standards makes a good deal of sense—from their marketing viewpoint.

The standards, born of the oil embargo of a decade ago, called for fleets made in 1985 to average 27.5 miles per gallon. The small cars made by General Motors Corp. and Ford Motor Co.—the ones that haven't sold as well as their Japanese counterparts—have had no trouble meeting this goal. But the larger models—the ones that bring the larger profits—fall short. And, since the fear of diminishing oil supplies has worn off in recent years, GM and Ford have returned to selling Americans on the idea that, down deep in their driving hearts, they really want—need—the variety of automotive behemoth that uses more fuel.

Now, raising the shade of unemployment that they say surely looms if they are not allowed to undercut the mileage goal while simultaneously hoisting the strange-to-their-touch banner of free-market choice, GM and Ford have petitioned the National Highway Traffic Safety Administration to lower the standard to 26 mpg. Indications are that the deregulatory-minded agency will comply and, Sen. Howard Metzenbaum's protests notwithstanding, that the Senate will not intervene.

If these two exemplars of Detroit's historically myopic wisdom want the free market, then most certainly they should have it—in all its competitive splendor. But that freedom, they should note, includes the right to find themselves bankrupt, without recourse to governmental beneficence, if and when world oil prices again soar and the demand of the American marketplace, dependent upon imported oil for a third of its supply, swings back to the most efficient of automobiles. Yes, give them the free market. And when the Lincolns and Cadillacs that bring the high profits overflow the storage lots for lack of sale, and the makers come beseeching Congress for protection from the more competitive, foreign-made, fuel-efficient vehicles—then, give them the gate.

[The New York Times, May 21, 1985]

THE "FREEDOM" TO GUZZLE GAS

"Free-market factors," not Government, asserts the Reagan Administration, should determine how much gasoline America's cars consume. Therefore the Transportation Department wants to lower the current average standard of 27.5 miles per gallon, which Ford and General Motors are unable to meet. It also wants Congress to enact a looser standard for future years.

The Administration's argument is that the consumer knows best what products are worth buying. That's right, more often than not. But in the case of auto fuel consumption, the public is party to every purchase: it bears some of the costs. The more fuel cars consume, the higher the price of all oil and the greater the risk of a supply crisis.

Unless Government represents this public interest, the "free-market" choice is bound to be an inefficient one. A mileage standard for auto fuel is not the only way to correct this inefficiency, and it certainly isn't the best way. But for the moment, it is the only way we have.

Mileage standards were decreed by Congress in 1975. Since then, the amount of gasoline needed for the average new car has been nearly halved. With oil plentiful and getting cheaper, Ford and General Motors are struggling, unsuccessfully, to sell enough small cars to make the average for their entire fleets comply with the current standard.

Both are capable of turning out large, peppy cars that manage 30 or more miles to the gallon. But that would require expensive, radical retooling. Then why not let consumers buy the cars they want and pay the price at the pump? Because excessive gasoline consumption threatens national security.

Oil is now in glut. Yet American consumption is rising while American production is declining. Eventually, the world oil market will tighten again; the only question is when. Cars designed today for sale in the 1990's will still be on the road at the turn of the century. The gasoline they require will determine the degree of America's dependence on foreign oil suppliers.

Our foreign sources of oil are more diverse than in the 1970's, and our ability to cope with a shortage has probably improved. But even if we manage to avoid a 1979-style shock and the resulting worldwide recession, gas guzzling still would impose enormous costs on the entire nation.

The price of oil is highly sensitive to demand. If world consumption were to grow quickly by, say, 10 percent, prices would skyrocket and, at least for a time, OPEC would be back in the driver's seat. Conversely, if the major oil consuming nations could manage to grow without greatly increasing their oil consumption, their import bills would probably continue to fall for a while.

The ideal way to let these true market forces express themselves is to hold car buyers to account—by taxing gasoline, not the machines that consume it. Some consumers would then drive less. Others would choose smaller cars, or pay a premium for fuel-efficient cars. Still others would wince and pay up. The decision would be theirs; the real costs of their choices would be plain.

But Congress reacts to the idea of a gasoline tax the way 8-year-olds react to brussels sprouts. The awkward but appropriate alternative to such a tax is a mileage standard. A fine for the sale of too many high-consump-

tion cars raises their price and forces the consumer to weigh the true cost.

The Administration is right to want commerce to be shaped by the market. But removing the mileage standard without substituting a gas tax is to distort the market and guarantee the wrong result.●

AMENDMENTS SUBMITTED

DEPARTMENT OF STATE AUTHORIZATIONS, FISCAL YEARS 1986 and 1987

PROXMIRE (AND OTHERS) AMENDMENT NO. 270

(Ordered to lie on the table.)

Mr. PROXMIRE (for himself, Mr. HATFIELD) Mr. JOHNSTON, Mr. GORE, Mr. BINGAMAN, Mr. LEVIN, Mr. SIMON, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987; as follows:

On page 31, after line 23, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

POLICY OF CONGRESS REGARDING THE ESTABLISHMENT OF A JOINT COMMISSION OF THE UNITED STATES AND THE SOVIET UNION TO STUDY THE CONSEQUENCES OF NUCLEAR WINTER

SEC. 601. It is the sense of the Congress that the President should propose to the Government of the Soviet Union during any arms control talks held with such Government–

(1) that the United States and the Soviet Union establish a joint commission to study the atmospheric, climatic, environmental, and biological consequences of nuclear explosions, sometimes known as "nuclear winter", and the impact that nuclear winter would have on the national security of both nations;

(2) that the work of such joint commission include the sharing and exchange of information and findings on the nuclear winter phenomena and the conduct of joint research projects that would benefit both nations; and

(3) that at some time after the establishment of the joint commission the other nuclear weapon nations—the United Kingdom, France, and the People's Republic of China—be involved in the work of the joint commission.

DODD (AND OTHERS) AMENDMENT NO. 271

Mr. DODD (for himself, Mr. PELL, Mr. HARKIN, and Mr. KERRY) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill, insert the following new section:

PROTECTION OF UNITED STATES SECURITY INTERESTS IN THE CENTRAL AMERICAN REGION

SEC. 17. (a) The Congress finds and declares that a direct threat to the security interests of the United States in the Central American region would arise from several developments including, but not limited to, the following:

(1) The stationing, installation, or other deployment of nuclear weapons or the delivery systems for such weapons in the Central American region.

(2) The establishment of a foreign military base in the Central American region by the government of a Communist country.

(3) The introduction into the Central American region of any advanced offensive weapons system by the government of a Communist country if such system is more sophisticated than such systems currently in the region.

(b) If any development described in paragraphs (1) through (3) of subsection (a) arises, the Congress intends to act promptly, in accordance with the constitutional processes and treaty commitments of the United States, to protect and defend United States security interests in the Central American region and to approve the use of military force, if necessary, for that purpose.

(c) Notwithstanding any other provision of law, the prohibition contained in section 8066(a) of the Department of Defense Appropriation Act, 1985, as enacted by the Act of October 12, 1984 (Public Law 98-473), which applies to funds available during the fiscal year 1985 to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities shall apply to the same extent and in the same manner with respect to any such funds available during any fiscal year beginning on or after October 1, 1985. For purposes of the application of this subsection, the reference in such section 8066(a) to the fiscal year 1985 shall be deemed to be a reference to the fiscal year in which such funds are available.

(d) There are authorized to be appropriated to the President $14,000,000 for the fiscal year 1985 to be available only to achieve—

(1) the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces which were supported by the United States before October 12, 1934; and

(2) the relocation of such forces, including members of the immediate families of individuals serving in such forces.

(e)(1) There are authorized to be appropriated to the Secretary of State $10,000,000 which shall be used only as may be necessary to assist the negotiations sponsored by the Contadora group and to support through peacekeeping and verification activities the implementation of any agreement reached pursuant to such negotiations.

(2) For purposes of paragraph (1), the term "Contadora group" refers to the governments of Colombia, Mexico, Panama, and Venezuela.

(f) Nothing in this Act shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in absence of this Act.

(g) For purposes of this Act—

(1) the term "Central American region" refers to the geographic region containing Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and

(2) the term "Communist country" has the same meaning as is given to it by section 620(f) of the Foreign Assistantce Act of 1961.

KENNEDY (AND HATFIELD) AMENDMENT NO. 272

Mr. KENNEDY (for himself and Mr. HATFIELD) proposed an amendment to the bill S. 1003, supra; as follows:

Viz: At the appropriate place in the bill, insert the following sections:

BILATERAL NEGOTIATIONS BETWEEN THE UNITED STATES AND THE GOVERNMENT OF NICARAGUA

SEC. . It is the sense of Congress that the United States should resume bilateral negotiations with the government of Nicaragua.

LIMITATIONS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. . (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for the purpose of introducing Armed Forces of the United States into or over the territory or waters of Nicaragua for combat.

(b) As used in this section, the term "combat" means the introduction of Armed Forces of the United States for the purpose of delivering weapons fire upon an enemy.

(c) This section does not apply with respect to an introduction of the Armed Forces of the United States into or over Nicaragua for combat if—

(1) the Congress has declared war; or

(2) the Congress has enacted specific authorization for such introduction, which authorization may be expendited in accordance with those expedited procedures set forth in Section 8066 of the Department of Defense Authorizations Act (1985), Public Law 98-473; or

(3) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, provide necessary protection for, the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

HART AMENDMENT NO. 273

Mr. HART proposed an amendment to the bill S. 1003, supra; as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

RESTRICTION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA

SEC. 601. (a) The Congress finds that—

(1) the Government of Nicaragua has disregarded its commitments to internal pluralism and non-intervention in its neighbors' affairs, and thereby caused grave concern in the United States and among the nations of Central America;

(2) the Government of the United States has placed an economic embargo on Nicaragua and resorted to other economic and political pressures to affect the policies of Nicaragua;

(3) the increasingly frequent presence of American combat troops in Central America for training exercises, particularly in the current, extremely tense atmosphere, does

not advance American foreign policy objectives and may lead to military conflicts; and

(4) the Government of the United States should place its first priority on diplomatic initiatives in the conduct of its foreign policy, and such initiatives should precede any use or threat of military force.

(b)(1) No combat units of the Armed Forces of the United States may be sent into the territory, airspace, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training exercises or any other purpose after the date of enactment of this Act unless—

(A) the Congress has authorized the presence of such units in advance by a joint resolution enacted into law; or

(B) the presence of such units is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States.

(2) In either case described in clause (B) of paragraph (1), the President should advise and, to the extent possible, consult in advance with the Congress.

BIDEN (AND OTHERS) AMENDMENT NO. 274

Mr. BIDEN (for himself, Mr. BRADLEY, Mr. SASSER, Mr. GORE, and Mr. COHEN) proposed an amendment, which was subsequently modified, to the bill S. 1003, supra; as follows:

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

SEC. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however,* that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 602. (a) During fiscal year 1985, and again during fiscal year 1986, not more than $14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however,* That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however,* That if the Government of Nicaragua has earlier, and seriously or substantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

SEC. 603. (a) The $14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

SEC. 604. The assistance described in section 602 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

SEC. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

SEC. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Colombia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983.

(b) In the event that less than $14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however,* That in the event $14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

SEC. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in section 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

SEC. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained in that executive order shall be suspended, if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

SEC. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democratic resistance, and to suspend the state of emergency.

FUTURE LOGISTICAL AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into a mutual cease fire, as described in section 602. A request submitted to the Congress under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that opposition has in fact acted effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID REQUESTS

SEC. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however,* That—

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same

manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

SEC. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating a number of economic and development programs, including but not limited to—

(1) trade concessions;

(2) Peace Corps programs;

(3) technical assistance;

(4) health services; and

(5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

(1) the removal of foreign military advisers from Nicaragua;

(2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to rebel forces fighting the democratically-elected government in El Salvador;

(3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and

(4) progress toward internal reconciliation and a pluralistic democratic system.

NUNN (AND OTHERS) AMENDMENT NO. 275

Mr. NUNN (for himself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, Mr. NICKLES, Mr. GOLDWATER, Mr. EXON, Mr. STENNIS, Mr. DOMENICI and Mr. MATTINGLY) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. .(a) Nothwithstanding section 405 of the International Security & Development Cooperation Act of 1985 as contained in S. 960 (99th Congress, 1st session) or any other provision of law, there is authorized to be appropriated $24,000,000 for Fiscal Year 1986 to be expended by the President for humanitarian assistance to the Nicaraguan democratic resistance.

(b) Subsections 8066(a) and (b) of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1935), and section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618; 98 Stat. 3304) are hereby repealed, provided however that the funds made available by this section may only be used by the President for humanitarian assistance to the Nicaraguan democratic resistance.

(c) The President shall direct the National Security Council to monitor the use of funds for the purpose authorized in subsections (a) and (b).

(d) Nothing in this section shall be construed to impair or limit in any way the oversight powers of the Congress.

(e) The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations to:

(A) implement the Contadora Document of Objectives of September 8, 1983, and

(B) develop, in close consultation and cooperation with other nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985 and to encourage the Government of Nicaragua to take the necessary steps to resolve the confiict.

(2) to suspend the economic sanctions imposed by the President on May 1, 1985 and the United States military maneuvers in Honduras and off the coast of Nicaragua if the Government of Nicaragua agrees (A) to a cease fire, (B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistance, and (C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(f) The President shall submit a report to the Congress 90 days after the enactment of this act, and every 90 days thereafter, on any actions taken to carry out subsections (a) and (b). Each such report shall include (1) a detailed statement of the progress made, if any, in reaching a negotiated settlement referred to in subsection (e)(1), (2) a detailed accounting of the disbursements made to provide humanitarian assistance with the funds referred to in subsection (a) and (b), and (3) a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (e)(3).

(g) As used in this section, the term "humanitarian assistance" means the provision of food, clothing, medicine, other humanitarian assistance, and transportation associated with the delivery of such assistance. Such term does not include weapons, weapons systems, ammunition, or any other equipment or materiel which is designed, or has as its purpose, to inflict serious bodily harm or death.

(h) Nothing in this section precludes sharing or collecting necessary intelligence information by the United States.

(i)(1) No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly, by any agency or instrumentality of the Government of the United States from any funds under its control or otherwise available to it unless an additional request is presented to Congress by the President and then only to the extent it is approved as provided in this section.

(2) If the President determines at any time after the date of the enactment of this act that negotiations based on the Contadora Document of Objectives of September 8, 1983 have failed to produce an agreement, or if other trade and economic measures have failed to resolve the conflict in Central America, the President may request the Congress to authorize additional assistance for the Nicaraguan democratic resistance in such amount and of such a nature as the President considers appropriate. The President shall include in any such request a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(j)(1) A joint resolution which is introduced within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (i) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (i) shall be considered in accordance with procedures continued in paragraph (3) through (7) of subsection (c) of section 8066 of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public law 98-473; 98 Stat. 1935), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate the House of Representatives shall be deemed to be references to the appropriate committee or committees of the Senate and the House of Representatives, respectively; and

(B) amendments to the joint resolution are in order.

(2) This Section is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as related to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

IMPROVEMENTS TO RIVERS AND HARBORS

LAUTENBERG (AND OTHERS) AMENDMENT NO. 276

(Ordered referred to the Committee on Environment and Public Works.)

Mr. LAUTENBERG (for himself, Mr. MOYNIHAN, Mr. BRADLEY, and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill (S. 366) to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 88, between lines 19 and 20, insert the following: "(70) Ramapo and Mahwah Rivers, Mahwah, New Jersey and Suffern, New York: Report of the Chief of Engineers dated November 27, 1984 at a total cost of $5,700,000 (October 1984);"

● Mr. LAUTENBERG. Mr. President, I am today introducing, along with Senators MOYNIHAN, BRADLEY, and D'AMATO, legislation to authorize a flood control project for the Passaic River basin. The problem we seek to address is the overtopping of the chan-

nel banks along the Ramapo and Mahwah Rivers at Mahwah, NJ, and Suffern, NY.

A severe flood in November 1977 caused $4,050,000 in damage. The project we are authorizing will reduce the potential for such damage by modifying the channels of the Ramapo and Mahwah Rivers.

A study of this project was initiated in June 1979. The project has now been reviewed by all State and local agencies and interested parties. The States of New Jersey and New York have indicated that they will serve as the non-Federal sponsors of this project.

The channel modifications for the Ramapo and Mahwah Rivers will cost $5,700,000. The project has a favorable cost-benefit ratio of 1.7.

Mr. President, the authorization for the Ramapo and Mahwah Rivers project is one of many steps that must be taken to address flooding and the resulting damage and loss of life in the Passaic River basin. Other flood control projects are working their way through the Corps of Engineers process. Other Projects include work at Saddle River in Bergen County, NJ; along the Ramapo River in Pompton Lakes, NJ, and at Molly Ann's Brook in the towns of Patterson, Haledon, and Prospect Park, NJ. As these projects receive approval by the Chief of Engineers, I will be seeking their inclusion in water resources legislation.

The projects I have mentioned are called the interim projects in the Passaic River basin. Other more extensive work is needed as well. A long-term solution to flooding in the Passaic River basin including structural and nonstructural remedies is currently under study. With the memories of the devastating 1984 flooding in mind, I believe we must face the critical issue of flood control before it happens again.●

DEPARTMENT OF STATE AUTHORIZATIONS, FISCAL YEAR 1986 AND 1987

ROTH AMENDMENT NO. 277

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill S. 1003, supra; as follows:

At the appropriate place in the bill add the following new sections: To prevent the conduct of Espionage activities in the United States by employees of the United Nations.

"SEC. . (a) The Congress finds that—

"(1) Pursuant to the Headquarters Agreement between the United States and the United Nations (authorized by Public Law 80-357, 22 U.S.C. 287, Aug. 4, 1947):

"(A) The United States has accepted the treaty obligation to permit, and to facilitate, persons employed by or who are authorized by the United Nations to conduct official business in connection with the organization or any agency thereof, the right of entry into, and the exit from, the United States subject to regulation as to points of entry and departure, for purposes of conducting official activities within the Headquarters district; and

"(B) An obligation to permit, and to facilitate, acquisition of facilities in order to conduct such activities within or in proximity to the Headquarters District, subject to reasonable regulation, including the location and size of such facilities' and

"(2) Taking into account subsection (1), and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including non-official activities, by such persons outside of any area described in this section.

"(b) Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301, et seq.), is amended by adding the following new section:

"SEC. . (a) DEFINITIONS.—For purposes of this Act, 'Headquarters District' shall mean such area, if any, within the United States, agreed to by a public international organization and the United States to constitute such a District, together with such areas as the Secretary of State may approve from time to time in order to permit effective functioning of the Organization or Missions thereto;

"(b) The conduct of any activities, or the acquisition of any benefits as defined by P.L. 80-357, by any person described in subsection (a)(1)(A), or any person or agency acting on behalf thereto, outside an area described in that subsection may be permitted or denied or subject to reasonable regulation as determined to be in the best interests of the United States and pursuant to the provisions of P.L. 80-357.

"(c) The Secretary of State shall report to the Congress not later than thirty days after the date of enactment of this Section as to plans for implementation of its provisions, and shall report not later than six (6) months thereafter as to action taken pursuant thereto.

"(d) The Secretary of State is directed to apply to employees of the United Nations Secretariat who are nationals of a foreign country any and all terms, limitations, restrictions, or conditions applicable to individuals pursuant to this Title as may from time to time be applied to members of the consulate, embassy, or mission to the United Nations of this country in the United States, pursuant to this Title.

"(e) Nothing in this section shall apply to any United States national.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE HANDICAPPED

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on the Handicapped of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, June 6, to mark up S. 415 to clarify the intent of Congress to protect the educational rights of handicapped children, and S. 974, to provide for protection and advocacy for mentally ill persons.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATURAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Natural Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 6, to hold an oversight hearing on the impact of coal imports on the domestic coal industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 6, 1985, in closed executive session, to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE ARC

● Mr. SARBANES. Mr. President, this year marks the 20th anniversary of the passage of the Appalachian Development Act of 1965, which authorized a broad spectrum of economic development programs for 397 counties in 13 States. President John F. Kennedy became interested in establishing the Appalachian Regional Commission in the early 1960's after a conversation with Maryland's Gov. J. Millard Tawes regarding the great need for an areawide economic development strategy. Contrary to the views held in the current administration about the effectiveness of the ARC's programs and the need for their extension, there is strong evidence that the ARC's programs have made a difference in the area's economic development and are still essential.

I have seen what the ARC has achieved in the three western counties of Maryland—Washington, Allegany, and Garrett Counties, and I have strongly supported its extension. I do not think that any counties have used ARC highway and economic development programs more skillfully than these three jurisdictions. Communities which could not otherwise afford to install badly needed water and sewer systems essential to economic development and attracting industry and permanent jobs have been able to do so with the ARC's assistance. Rail and road connections to industrial parks were developed using ARC funds. Important health and child nutrition programs were funded through the ARC.

Mr. President, an article by Doris Deaken in the Baltimore Sun on June 4, 1985, outlines the importance of the

Appalachian Regional Commission and its impact. I ask that it be printed in the RECORD.

The article follows:

[From the Baltimore Sun, June 4, 1985]

APPALACHIA WITHOUT THE ARC

(By Doris Deakin)

WASHINGTON.—Campaigning in West Virginia in 1960, John F. Kennedy saw Appalachia, saw the poverty of it. "He had never expected to find anything like this in the United States," historian Arthur M. Schlesinger, Jr., has written, ". . . hungry, hollow-eyed children, dispirited families . . . gray, dismal towns, despair."

Twice—in 1902 and again in 1935—teams of federal experts had studied the region's problems. When it came to remedial action, both teams advised the White House the task was too great. But President Kennedy was determined to do something. The eventual result was the Appalachian Regional Commission, created by Congress in 1965 with support from both parties. There was, in those days, a national commitment to help the country's weakest region.

This year, President Reagan is proposing to abolish the commission.

Why should we be concerned? The times are not for sentimental talk. After all, the focus in the real world is on the bottom line.

What is the bottom line for the ARC? Part of it, at least, is that this commission actually did what teams of federal experts in the past had said could not be done: It penetrated the barrier between Appalachia and economic prosperity.

There is an irony here. The commission managed to stimulate precisely the kind of economic growth that Mr. Reagan says is essential to reducing the nation's massive federal deficit.

In the mid-1960s, there was no economic growth in Appalachia. Few tax revenues flowed to Washington from those isolated hills. The movement of money was the other way. The federal dole kept the region alive. In 1963, author Harry Caudill described central Appalachia as approaching "a day when perhaps 80 percent of its inhabitants will be welfare recipients."

The ARC turned the situation around. Figures show the effect it had. In Appalachia between 1960 and 1980:

Per capita income rose from $1,438 to $6,211.

Two million new private-sector jobs were created.

Poverty dropped from 31 percent of the region's residents to 14 percent. (Poverty in the nation fell to 12.4 percent.)

As the Sun said editorially: "Any society committed to protecting its citizens against sickness, poverty and ignorance should be happy with the commission's achievements."

What has the Appalachian Regional Commission actually done? Two things, mainly:

It helped finance projects that otherwise would not have been undertaken, projects essential to the economic growth of the whole region. The ARC did not foot the entire bill. Its outlays (except for roads) were small percentages of total project costs.

The ARC built infrastructure—roads, sewers, water systems. Appalachia lacked all three. One reason industry hadn't come to the hills was that it couldn't get there. The interstate highway system mainly bypassed Appalachia. The ARC spent a total of about $5 billion, $3 billion of it for roads. By 1981, the new roads had brought in an estimated 430,000 new jobs.

In the 1950s and 1960s, there was an immense emigration from Appalachia. In the 1970s, the trend was reversed. Partly, it was a return of natives. But it included a new breed of migrant, city people fed up with urban problems. After the ARC began building roads, a tourist industry grew in Appalachia. It's booming.

Lack of resources is not Appalachia's shortcoming. It has plenty. Coal, for instance—some 113.3 trillion short tons. Inaccessibility, not resources, is Appalachia's main problem. Tough geography makes it a special case. Its population is sparse and spread over rugged terrain. To bring people and jobs together is difficult and costly.

By 1980, it was clear the Appalachian Regional Commission had done something. The region's per capital income had gone up to 85 percent of the national average; it had been 78 percent in 1960. This is Reagan-style economic growth. But when the Appalachian Regional Commission goes out of business, who will build the infrastructure crucial to continued growth? If no one does, the region will slip backward.

Perhaps private industry will fill the gap. Do not hold your breath.●

THE TEENAGE PREGNANCY CRISIS

● Mr. CHAFEE. Mr. President, the recent attention focused by the media on the problem of teenage pregnancy serves as an inviting challenge to all of us to find effective ways to address one of our Nation's most distressing social issues.

Teenage pregnancy is rising at an alarming rate in the United States. Teenagers account for more than a half million births each year, and the consequences are tragic.

Teen mothers face a dismal future of lower educational attaintment, diminishing employment prospects, repeated pregnancies, and a high probability of welfare dependence. Babies born to teenaged mothers are at an increased risk of low birth weight and consequently at significantly higher risk of death or birth defects.

Children of teenage mothers are substantially more likely to live in poverty than other children. Over half the mothers on welfare had their first child as a teenager.

We all have a responsibility and an obligation to turn the teenage childbearing crisis around. This can be achieved through intensified prevention programs, and new reliable, safe, and convenient methods of birth control. When a teenager decides to carry her pregnancy to term and raise her child, comprehensive services must be made available to ensure that she has every opportunity available to become self-sufficient and independent.

I recently introduced legislation, bill S. 1091, which will provide additional support to the National Institutes of Health to develop new, safer, and more convenient methods of birth control. New methods of contraception will reduce the incidence of unplanned teenage pregnancies.

For those teenage mothers who carry their pregnancy to term and parent their children, I have also introduced legislation designed to provide comprehensive services to both the teen mother and her child. This bill, S. 938, will provide grants to public and nonprofit private entities to support services, such as—prenatal and postpartum care, well-child care, family planning, and counseling services and educational and vocational counseling. These are all necessary services to promote successful outcomes of teenage childbearing.

A recent article in the Washington Post clearly depicts the seriousness of teenage childbearing. The tragedy of teenage pregnancy glares at us through the headline, "Squandered Lives." I ask that this article be repeated in full in the RECORD.

[From the Washington Post Weekly Edition, June 3, 1985]

SQUANDERED LIVES: IT'S TIME TO GET SERIOUS ABOUT THE TEEN PREGNANCY CRISIS

(By Judy Mann)

A quarter of the 6.1 million pregnancies in the United States in 1981 ended in abortion, according to the latest report by the Alan Guttmacher Institute, a research organization affiliated with Planned Parenthood. That's 1.5 million abortions. Much remains to be done to reduce unwanted pregnancies.

White women, who comprise the largest racial group in the nation, accounted for 70 percent of the abortions, or 24 per 1,000 pregnancies. The rate for nonwhite women, however, was more than double that: 56 per 1,000 pregnancies. Females 15 to 19 obtained nearly half a million abortions, according to these data, the latest available.

The Children's Defense Fund, which began a project to prevent teen-age pregnancies in 1983, recently issued data showing the dimensions of the problem in that age group: Teen-agers are responsible for more than half a million births every year, including 10,000 to children under the age of 15.

"Almost 90 percent of the pregnancies among unwed teens are unintended," the CDF found. "For the over 800,000 teens who faced unintended pregnancies, there were no satisfactory choices or outcomes; 60 percent aborted their pregnancies; virtually all of the remaining 40 percent chose to raise their children themselves, half as single parents.

"The consequences of teen-age pregnancy go beyond personal tragedy. Society pays as well. Over half the mothers on welfare had their first child in adolescence. Thirty percent of all hospital deliveries to adolescents are paid for by Medicaid. Because teen mothers are the least likely to receive prenatal care, their babies are most likely to need expensive hospital care after they are born. Babies born to teens account for 20 percent of all low birthweight infants born each year."

These statistics cry out for a targeted approach to family planning that would reach teen-agers, particularly nonwhites, who already have higher poverty rates and are going to be the most vulnerable to the crippling effects of adolescent motherhood. There fate could not be more bleak or predictable: Young women who cannot complete their educations cannot get decent

jobs that pay enough for child care and cannot support themselves, much less a child. Their futures are behind them.

The CDF report found that while 14 percent of the adolescent population is black, black women account for 28 percent of births by adolescents, and nearly half of all births to unmarried teen-agers. "Eighty-five percent of black single mothers under age 25 live in poverty," the CDF report noted. It said the pregnancy rate among young black women "is a crisis that threatens to cripple economic progress and lock generations of children into poverty."

The CDF report said that the extended family, a support system that used to help young mothers, has changed since the early '50s. The black extended family "today is likely to be a 17-year-old mother and 35-year-old grandmother each with one minimum wage job, if any. The community has lost many of its leaders to the suburbs and now, depleted of role models, confirms rather than counters black youths' fears that life holds little for them. Most important, the adolescent single mother was the exception in the black community of the 1950s. Today, she is the rule."

The abortion and teen-age birth statistics underscore the need for more and better birth control information for young people. While the burden of pregnancy falls most heavily on young women, whether they give birth or have abortions, both young men and young women need to understand the devastating effects of premature child-bearing on young women and their children.

Society can continue with a half-baked approach to teaching sex education, and it can continue with its half-baked approach to poverty and minority unemployment. But the result will be a perpetually costly group of mothers who were trapped into poverty as teen-agers and a perpetually high rate of abortions. Or society and its institutions can tackle the causes of teen-age pregnancy by making more and better contraceptive information available and by providing its young people with education, skills and opportunities.

As things stand, society is spending hundreds of millions in various forms of minimal assistance and young women, particularly young black women, are paying with their futures.●

STATE SENATOR DAVE MANNING

● Mr. BAUCUS. Mr. President, when Montana's 49th legislative session adjourned April 25, 1985, it did so without one of its most revered members.

On January 8 of this year, 1 day after gaveling in the new session, State Senator Dave Manning of Hysham, was admitted to the hospital for a persistent back problem.

On January 25, still in the hospital, Dave decided his lawmaking days were over. Poor health, he said, prevented him from serving his constituents properly, and so he reluctantly turned in his resignation.

The 87-year-old Manning had called an end to a tenure that goes into the record books as the Nation's longest for a State legislator. Dave had served 52 continuous years in the Montana statehouse.

Throughout his legislative career, Senator Manning commanded respect and admiration for his uncompromising integrity and honesty.

After he announced his resignation from the State senate, the senate passed a resolution honoring the Senator and his wife, Ruth, for their never-ending commitment to the State of Montana. And in recognition of this, the new highway department headquarters building has been named the Dave Manning Highway Building.

In 1933, after convincing his wife that it would be a good experience, Dave ran for and was elected to a seat in the Montana House of Representatives.

Thus began his long career in Montana lawmaking. He never had a primary opponent; he never lost an election, and he did it as a Democrat in a Republican stronghold.

Dave also won tremendous support from his colleagues gaining many leadership posts including speaker of the house in 1939.

He left the house to enter the senate in 1941, where he served as minority leader in 1951, president pro tempore and the senate's acting president in 1959 and 1963, the Acting Governor under Governors Roy Ayers, J. Hugo Aronson, and Tim Babcock. Dave also served as the chairman of numerous committees.

Dave is a man who could stare strong, national adversity in the eye, and not blink. When the U.S. Supreme Court ruled in 1964 that both houses of the State legislatures had to be apportioned on a one-man, one-vote basis, Dave dug his heels in and stood his ground against the High Court.

He charged that with the little federal systems in the States canceled as a result of the Court ruling, rural representation was being undercut. Dave once told the Billings Gazette that he represents not only people, but land, coal, trees, cattle, and a lifestyle, and therefore each county, no matter what its population, should have an equal voice in the State senate, similar to the U.S. Senate's composition.

Dave was also instrumental in the development of an alternate form of energy using off-stream storage of floodwaters. The stored floodwaters would be released evenly throughout the year through turbines to generate electricity for Montana.

The project is financed by a portion of the coal severance tax, another piece of legislation for which he was an outspoken supporter.

Getting many of Montana's gravel roads paved was another of Dave's far-reaching projects. In the 1970's, he persuaded the legislature to set aside $15 million raised by the severance tax levied on coal to help reconstruct the roads affected by the coal industry.

Some Montanans feared the 30 percent severance tax would drive the coal industry out of the State, but Manning thought the contrary, and in fact he once said, according to the Montana Legislative Council, that even if the coal companies did leave, at least they would leave on good roads.

Dave would hit the roads himself once a year to visit Washington, DC, where he met every President since Franklin Roosevelt, usually through arrangements with former Montana Senator Mike Mansfield.

But Dave never sought a seat for himself in Washington as a Congressman, because as he said in the Great Falls Tribune, "I've seen too many that are forgotten after awhile."

I had the privilege, Mr. President, of serving in the Montana Legislature with Senator Manning, and although he has officially retired, I will continue to turn to him for his commonsense advice.

State Senator Dave Manning is one man that will not be forgotten. For all of his years of service, for all that he stood for and fought for, Montana is honored to claim him as her own. January 25, 1985, will be remembered as the day a living legend retired.●

PRESIDENT OF ECUADOR FEBRES CORDERO HONORED BY ALMA MATER—STEVENS INSTITUTE OF TECHNOLOGY

● Mr. BRADLEY. Mr. President, Senator LAUTENBERG and I are pleased to draw our colleagues' attention to the recent remarks made by Ecuador's President Febres Cordero in accepting an honorary degree from his alma mater, Stevens Institute of Technology. President Febres Cordero graduated from Stevens in 1953 at the top of his class.

President Febres Cordero's life exemplifies the value of the sound and challenging education he received at Stevens Institute of Technology. His achievements reflect in part the rigorous preparation and sound values provided by that institution.

Mr. President, we ask that the remarks of President Febres Cordero, along with an introduction by Kenneth C. Roger, president of Stevens Institute of Technology, be inserted in the RECORD.

The remarks follow:

INTRODUCTORY REMARKS BY KENNETH C. ROGERS, PRESIDENT OF STEVENS INSTITUTE OF TECHNOLOGY

Mr. Chairman Emeritus of the Board of Trustees, I have the honor to present to you Leon Febres Cordero, Class of 1953.

The yearbook for the Class of 1953 bears a unique dedication. It was neither an inspired teacher nor a beloved counselor who drew the students' admiration. It was rather "the future of mankind." In the students' own words, "We must realize that the future of the world is . . . the responsibility of each and every one of us. The individual holds the power in the palm of his hand and it is up to him to use it."

How prophetic these words were for one member of the class, Leon Febres Cordero,

President of the Republic of Ecuador. He is the sole son of Stevens to join that unique fellowship of individuals who hold in their hands the capability of shaping the destiny of our world.

When he was an undergraduate here, Mr. Febres Cordero was known for his intellectual prowess, his enthusiasm and boundless energy, his determination and relentless drive. Combining a rigorous academic schedule and a myriad of extracurricular activities, he graduated with high honor at the top of his class. The personal attributes that led to his success at Stevens have taken him along the path from student to engineer to industrialist to statesman.

Today, as president of Ecuador, facing the greatest challenges of his career, Mr. Febres Cordero can draw upon problem-solving approaches he first mastered at an engineering student at Stevens. With professional engineering credentials that few world leaders possess, he can offer special insight into the complex problems facing mankind. His voice, raised on behalf of the positive results of technological innovation, commands international respect.

Mr. Febres Cordero has stated, "Everything I learned, I learned at Stevens." We thank you, sir, for this most generous endorsement, and in turn, say to you that your extraordinary achievements inspire us all. From Castle Point to the pinnacle of responsibility and power in the Republic of Ecuador, your promise has been so richly fulfilled.

I ask you, Mr. Chairman Emeritus, to confer upon His Excellency Leon Febres Cordero the degree of doctor of engineering, honoris causa.

ACCEPTANCE REMARKS, DOCTOR OF ENGINEERING, HONORIS CAUSA, CONFERRED BY STEVENS INSTITUTE OF TECHNOLOGY ON LEON FEBRES CORDERO

Without any doubt, your gesture has a special connotation for me; not only because of the high honour you are today bestowing upon me, but also and fundamentally because it brings me back to a period of my life which can never be forgotten; a period spent in this institution to which I owe my intellectual formation, most of my knowledge and the basic principles on which I have based the development of my ways of life.

The degree of Doctor Honoris Causa, which you have just granted me, does commit my gratitude to you, who represent, not only an institution of the highest academic standards, but who also fulfill the spirit of this nation: heroic in the compliance of duty, profound and austere in its obligations, and totally dedicated to the enhancement of science and technology.

In this education environment, I spent a very important part of my life. Here I made everlasting and true friendships, and it was here that I acquired not only a sound education, but also the will to fight for noble causes, the character to overcome obstacles, and the strength not to succumb to negative emotions and passions.

These tools I have used with tenacity, to obtain the trust of a people which has put upon my shoulder the very grave responsibility of conducting its destiny.

In so doing, I have not surrendered my principles, nor have I deviated from my firm convictions. On the contrary, I have presented myself to the people in a frank and authentic fashion; I have spoken with sincerity on the principles of the market economy; I have opposed, without any fear, the demagogic posture of extreme leftist tendencies and statism.

I have spoken about the capabilities of the human being and his free will, of the need to foster the development of a society in which bread, shelter and jobs are available to everyone. I was fortunate to have the favorable response of my countrymen, to the service of whom I am now totally committed.

The degree with which I have been honoured on this day, I take back to my country with sincere pride and deep satisfaction; and with you I leave the warmest feelings of my people and the permanent gratitude of this alumnus.●

JIM MOLLOY

● Mr. MOYNIHAN. Mr. President, Jim Molloy became Doorkeeper of the House at about the time I was first elected to the Senate. We have worked together nearly a decade now, and during those years I have come to know him as a man of great ability and character.

All of us know Jim Molloy's fine work. His kindness and hospitality during joint sessions and meetings of Congress make our visits to the other Chamber a great pleasure; his dedication, enthusiasm, and easy manner have earned him as many friends here as there.

Mr. President, I ask that the New York Times article, "The Keeper of the Door and Other House Parts," be printed in the RECORD.

The article follows:

THE KEEPER OF THE DOOR AND OTHER HOUSE PARTS

(By Martin Tolchin)

WASHINGTON, June 4.—He is a large, rotund man who stands in the rear of the House chamber during joint sessions of Congress and bellows the titles of those entering the chamber, ultimately proclaiming, "Mr. Speaker, the President of the United States."

That is what the world sees and hears of James T. Molloy, who rose from ward politics in Buffalo, N.Y., to defeat William Miller of Mississippi in a vote by the Democratic caucus and become Doorkeeper of the House of Representatives.

He is a gregarious man, with the same zest for local politics as the House Speaker, Thomas P. O'Neill Jr., who recently walked to the House chamber with an arm draped over the Doorkeeper's shoulder and said to a reporter: "They don't make them any better. He's one of my great friends and a beautiful man."

The Doorkeeper, nominally in charge of keeping order on the floor, oversees more than 400 employees and a budget of $6.8 million. His jurisdiction includes such seemingly peripheral responsibilities as the House document room, the Office of Photography and a Publications Distribution Service.

"I'm a political creature," Mr. Molloy said in an interview in his tiny office, cluttered with memorabilia. "If something involves politics, it ends up here."

A genial man, Mr. Molloy is nevertheless known to have flashes of temper, which he has occasionally expressed in writing, to his regret.

He recalled the anxiety of his maiden appearance on the House floor when President Ford delivered his first State of the Union address on Jan. 15, 1975. "I don't know who was more nervous," Mr. Molloy said. "Ford wanted to show that he was in charge, and so did I."

Mr. Molloy introduced "the Justices of the Supreme Court" and was gently told by Chief Justice Warren E. Burger that the proper introduction was "the Chief Justice and Associate Justices of the Supreme Court."

HENRY AND THE BOYS

Mr. Molloy also recalled that moments before he introduced "the President's Cabinet," which was lined up outside the chamber, Secretary of State Henry A. Kissinger poked his head inside the door and playfully told him, "Tell the world that Henry and the boys are here."

Mr. Molloy, 48 years old, a third-generation Irish-American, grew up in South Buffalo, which he recalled was "a hotbed of politics."

The son of a firefighter, he worked as a marine firefighter, a teacher and in the District Attorney's office while earning his undergraduate and law degrees.

The turning point in his career, he said, was joining the South Side Democratic Club and being elected its chairman at age 27, "the youngest ward chairman in the city's history." At that time he worked as a loan officer for a local bank, but used an alias, "Mr. Alois," so that his constituents would not recognize their ward leader as the man who was pressing them to pay their bills.

Mr. Molloy became a protégé of Joe Crangle, then as now leader of Buffalo's Democratic organization, who worked with Representative John Rooney, a Brooklyn Democrat, to send Mr. Molloy to Washington. His first job here, in 1969, was as the House's chief disbursing officer. He then served for two years as the House's chief finance officer.

"There were people happy to get me out of Buffalo," Mr. Molloy said.

WE'RE JUST HIRED HELP

In 1974 he mounted his challenge to Mr. Miller, who had held the job for more than two decades. Mr. Molloy and some veteran House members agree that Mr. Miller had developed an independent power base, courting the committee chairmen but largely ignoring the rank and file.

"He forgot that we're just hired help," Mr. Molloy recalled. "it's a service-oriented job."

Carl Albert, who at that time was the Speaker, remained neutral in the vote by the caucus, as did Mr. O'Neill, then the majority leader. Mr. Molloy was also aided by some of the younger, antiwar members and some Southern delegations.

The current consensus is that Mr. Molloy is attentive to members' needs, from an extra ticket to a State of the Union address to appointment of a House page to distribution of a newsletter.

"He tries to make the members' job as pleasant as possible," said Representative Henry J. Nowak of Buffalo, an old friend and ally.

Mr. Molloy's greatest crisis occurred in 1982 with the reports of sexual misconduct and drug abuse involving House and Senate pages.

"I told the Speaker we had to move quickly," Mr. Molloy recalled.

He had previously urged stricter supervision of House pages, high school students

who were largely left to their own devices off the House floor. He then successfully argued for conversion of a House office building into a dormitory for pages and for an overhauling of the school where pages attend classes while working in the capital.

CROSSING SWORDS WITH THE PRESS

More recently, Mr. Molloy has crossed swords with the staff of the House press galleries. Although he serves as paymaster of the staff, its control is in the hands of committees of reporters.

After only 15 reporters turned out to hear Garret FitzGerald, the Irish Prime Minister, Mr. Molloy fired off an angry letter to the press galleries superintendent directing that all 96 seats be filled for a forthcoming visit by President Francois Mitterrand of France. Mr. Molloy now says he regrets sending the letter. But when Mr. Mitterrand appeared, there was standing-room only in the press galleries.

Mr. Molloy has witnessed the dispersion of power in the House, and an increase in the number of younger members.

"You'd think there'd be a lot more camaraderie, but there isn't," he said. "When we used to have late-night sessions, you'd see those small airline whisky bottles in the cloak-room and hear some singing. But now they're all business. They take themselves too seriously."●

COMBAT ON COMMUNIST TERRITORY

● Mr. ARMSTRONG. Mr. President, I would like to bring to the attention of my colleagues an outstanding book entitled "Combat on Communist Territory" by Charles Moser. Perhaps more clearly and more concisely than any other document, this book, published by the Free Congress Foundation, chronicles the actions of freedom fighters throughout the world who are seriously threatening Soviet domination.

I am particularly grateful to the Free Congress Foundation for their courageous work in this field. It is much easier to follow the more popular path which seems to ignore the threat of Soviet expansionism. Instead, the Free Congress Foundation has willingly sponsored outstanding, scholarly works such as "Combat on Communist Territory" which can serve as the basis for a more reasoned approach to encouraging American values and interests.

While I encourage my colleagues to read the entire book, I would particularly like to draw their attention to the chapter on Nicaragua. Literally millions of pages have been written on the Nicaraguan situation, but little of the information has been in an understandable, usable, factual format. I believe you will find Mr. Moser's material to be an invaluable tool in better understanding the real aims of the Sandinista government as well as the motivating factors behind the democratic forces in Nicaragua.

I submit the following material for the RECORD:

DEFENDING FREEDOM IN NICARAGUA

(By Jeffrey St. John)

BACKGROUND

The Republic of Nicaragua is the largest of the five Central American nations, with an area of 57,000 square miles; at the same time, it is the least populated, with 2.7 million people. The capital and largest city, Managua (population 450,000), devastated by an earthquake in 1972, is located on the Pacific coast, where most of the population is concentrated. The economy is largely based on the production of agricultural commodities for export (cotton, beef, sugar) as well as on the production of light industrial goods for internal consumption, such as processed foods, beverages, textiles, and clothing.

Although the country lacks major mineral resources, it exports moderate quantities of gold and silver, and it has considerable hydroelectric potential as well as large sections of uncultivated lands.

During the 1970's a sizable shrimp and lobster fishing industry began to develop.

Nicaragua's major trading partners are the United States, Japan, Western Europe, and Central America.

During the 1960's and early 1970's the gross national product and the general standard of living increased sufficiently to make Nicaragua's per-capita GNP the highest in Central America after Costa Rica, and so Nicaragua was classified as a "middle-income" country.

Nicaragua shares with its neighbors a history of civil strife and political instability. Throughout the 19th and the early 20th centuries, geographically-based political factions representing a single, small ruling class competed under a symbolic two-party system in which neither contender was willing to accept an unfavorable outcome. Frequently they achieved victory through the assistance of foreign governments and/or financial interests.

In 1933, when the last American military forces left the country after 20 years of intervention, Anastasio Somoza Garcia seized power to begin more than four decades of domination of Nicaraguan politics by the Somoza dynasty.

By 1977 mounting internal unrest, a new international political climate, and the progressive weakening of the Somoza regime created conditions which eventually led to a general insurrection and the seizure of power by the Frente Sandinista de Liberacion Nacional (FSLN) in July of 1979.

A series of events beginning in August 1978 with the seizure of the National Palace while Congress was in session, followed in September by Sandinista-led insurrections in major provincial capitals, captured the imagination of the people. However, the great majority still hoped for a peaceful solution and backed the moderate Broad Opposition Front (FAO), even after the so-called "Group of Twelve," composed mostly of radicals representing the Sandinistas, abandoned the democratic opposition in an effort to block the mediation undertaken by the U.S. ambassador to Nicaragua. The Sandinistas loudly opposed any form of peaceful settlement, and even denounced a rumored "coup d'etat" which would have robbed them of their legitimacy, since they could obtain absolute power only from Somoza. At the same time the FSLN in Costa Rica received a constant flow of goods from such countries as Cuba, Venezuela, Mexico, and Panama, while the U.S. turned back two shiploads of arms and ammunition from Israel destined for the beleaguered government forces.

In early June of 1979 the Sandinistas—with full national and international backing—launched a final offensive. At this point the U.S was willing to force Somoza's resignation. At its initiative the XVII meeting of Consultation of Foreign Ministers of the Organization of American States was convened, and on June 23 adopted an unprecedented proposal calling for:

1. Immediate and definite replacement of the Somoza regime.

2. Installation of a democratic government in Nicaragua to include representatives of the main groups opposing the Somoza regime and reflecting the free will of the people of Nicaragua.

3. Guarantees for the respect of the human rights of all Nicaraguans without exception.

4. Free elections at the earliest possible date to bring about the establishment of an authentically democratic government.

This hemispheric bombshell unquestionably hastened Somoza's departure, which at U.S. request did not occur until July 17.

For their part, however, the Sandinistas did not live up to the agreement, although they consented to do so. In a letter from San Jose, Costa Rica, of July 12 to the Secretary General of the OAS, they pledged themselves to democracy, human rights, and the first free elections in this century for Nicaragua. They also said: "Our premise is that while it is true that the solution to Nicaragua's serious problem is the exclusive competence of the Nicaraguan people, hemispheric solidarity, essential for this plan to take hold, will be accorded in fulfilment of the OAS resolution of June 23, 1979." That undertaking has never been met.

Honduras, Costa Rica, El Salvador and Guatemala, the countries most serously afflicted by the Sandinista onslaught, with the endorsement of the United States, have taken the first step in reminding the OAS of the duty it accepted in 1979 to the Nicaraguan people and to the entire American continent.

Private sector organizations in Nicaragua, political parties, labor organizations and the Church have made numerous appeals to the Sandinistas to carry out the objectives and respect the principles of the Nicaraguan revolution as originally formulated by the Sandinistas themselves.

THE PARTICULAR CHARACTERISTICS INFLUENCING THE NATURE OF THE ANTI-COMMUNIST STRUGGLE IN NICARAGUA

Bishop Pablo Antonio Vega, newly elected President of the Roman Catholic Episcopal Conference, recently defined the principal characteristic of the anti-communist struggle in Nicaragua when he said: "The tragedy of the Nicaraguan people is that we are living with a totalitarian ideology that no one wants in this country." This helps to explain the widespread support for the freedom fighters, as illustrated in the following quotation from the May 14, 1984 issue of *Time:*

"Over the past year, the civilian population has grown used to the contra presence and now provides a network of assistance. Our patrol carries rations of dried beef, rice, roasted cocoa beans and sugar, but peasants along the way offer us tortillas, bananas and water. More important, the local campesinos act as couriers and give our patrol intelligence about Sandinista troop movements. On the third and fourth nights of our trek, we are invited to sleep at peasant

homes. During the days, we frequently take long rests at farmhouses. The contras chat easily with our hosts, some of whom are their friends and relatives."

The totalitarian way of life the Soviets, Cubans and communist Nicaraguans are trying to impose on the country runs athwart the most important values of the Nicaraguans as revealed in a poll of August 1981 (the last taken before they were outlawed by the government): religion, liberty and private property.

Cubans, estimated to number from 12,000 to 15,000, and perhaps 2,000 citizens from other communist countries had arrived in Nicaragua by the end of 1979 to aid in the radicalization of the revolutionary process. This led to an immediate reaction against the Sandinista betrayal of the objectives of the resolution.

The first to form small units to harass government troops and agents were the peasants and small landowners of northern Nicaragua, protesting against being forced to form agricultural cooperatives and sell their products exclusively to the State. Their armed activities, though limited, brought on repression by the police, and prepared the ground for more organized resistance.

The first significant political and military opposition to the Sandinistas was formed under the leadership of Fernando Chamorro—who remained inside the country after the Sandinista triumph and began organizing an Internal Clandestine Front—and his brother, Edmundo, who remained abroad for a time to begin forming the Nicaraguan Democratic Union (UDN), with an armed branch called the Nicaraguan Revolutionary Armed Forces (FARN). By 1981 UDN was very much in the field against the regime within Nicaragua. In a lengthy press interview of that year Edmundo Chamorro indignantly rejected a question implying that UDN used the same sorts of terrorist, destructive methods the Sandinistas had employed in their drive to power, describing such a strategy as "low-down." At the same time he complained that the anti-Sandinista cause suffered from lack of funds, whereas the communists in their time had obtained "plentiful amounts of money" through such improper means as "stealing, kidnapping, hijacking, extortion and blackmail". Chamorro emphasized that the UDN was waging a "clean war," for a "just, noble and necessary" cause, in a struggle which would ultimately prevail.

With the intensification of Sandinista repression, other political groups came into existence. A leading one among them began to be formed in late 1981 as an amalgamation of several exile organizations which decided to cooperate in the endeavor to overthrow the Nicaraguan regime, which took the name of the Nicaraguan Democratic Force (Fuerza democratica nicaraguense, or FDN). The initial directorate of the FDN was composed of Edgar Chamorro, Enrique Bermudez, Mario Zeledon, Indalecio Rodiguez, Lucia Cardenal Salazar, Alfonso Callejas Deshon, and Adolfo Calero. In December 1982 the FDN published a proclamation calling the Nicaraguans to arms and requesting aid from other hemispheric nations for the institution of a democratic system in Nicaragua.

The political objective of the FDN, according to its statement of principles and objectives, is to "establish a type of government in accordance with the western concept of man and society," which incorporates the "essential and fundamental values of the Nicaraguan nationality and Christian culture."

More specifically the FDN calls for "respect for life, liberty and human dignity," as well as family rights; the right of private property and the raising of living standards for all Nicaraguans; freedom of speech and of the press; freedom of association; and the creation of a non-partisan army and national police.

The FDN also believes that it is still possible to achieve the original objectives of the Nicaraguan revolution by peaceful means, and so it is willing to cease all paramilitary operations it has undertaken within the country provided that the Sandinista government, under OAS guarantees, comply with certain conditions designed to restore to the citizens of Nicaragua certain rights they are now denied. These conditions include: a general amnesty; immediate revocation of the National Emergency Law, which in effect imposes a state of siege upon the nation; repatriation of all Nicaraguans, with full guarantees of their rights as citizens; revocation of all laws denying human, civil, and social rights, and the abolition of repressive institutions; an immediate end to religious persecution; expulsion of the "internationalists" who have entered the country, including all those granted Nicaraguan citizenship after July 19, 1979; the creation of a genuine army and impartial national police without affiliation with any political party to replace the present Sandinista army and police; a drastic reduction of the immense inventory of weapons stockpiled by the Sandinista government; the immediate separation of public administration from partisan political activity; the right of free speech and freedom of the press, with the abolition of all forms of censorship and state control and ownership of the media; an end to the persecution of the rural and Miskito population; and the holding of free and honest elections of a National Constitutional Assembly to be supervised by an international organization such as the OAS.

Still another Freedom Fighter organization is the Democratic Revolutionary Alliance (ARDE) under Eden Pastora and Alfonso Robelo, which claims to have more than 4,000 guerrillas under arms and considerable support among the Nicaraguan militia and peasantry. Pastora, known as Commander Zero, is the best-known single leader of the anti-Sandinista forces: he was the most popular guerrilla fighter in the field against Somoza, and was initially a member of the Sandinista government. However, he soon became disillusioned by the direction in which that government was moving and left Nicaragua in 1980. Very recently he was the target of an assassination attempt which U.S. sources are coming to believe was organized by the Nicaraguan government.

The severe Sandinista persecution of Indian groups within the country—such as the Miskito, Suma and Rama Indians in the northeastern portion—has led them to take up arms in self-defense, and to cooperate at least in a limited way with the Nicaraguan insurgents. The Indian resistance falls into two major groups. One is called MISURASATA and is under the leadership of Brooklyn Rivera; it cooperates closely with Pastora's ARDE and operates more in the southern portion of the Indian lands, with bases in Costa Rica. The other group, led by Steadman Fagoth, is called MISURA, and is more loosely connected with the FDN, working out of Honduras to the north. Since the Sandinista response to Indian resistance has been ferocious, the Indians are motivated to fight with all their energies. On the other hand, their alliance with the anti-communist Nicaraguans is uneasy, since the Indians would make claims for local autonomy against even a democratic Nicaraguan government. as one of their leaders has said: "We want autonomy and self-determination so we can protect our culture, our Indian life, Indian rights. Without Indian determination, our way of life will be dominated by capitalism or marxism. Those are not Indian ways. We have our own ways."

Religious persecution has also swollen the ranks of the rebels and caused second thoughts within many religious organizations once actively supportive of the Sandinistas.

Internal factors contributing to a passive rejection of the Sandinista government which may be transformed into active insurrection as the armed struggle intensifies include violations of human rights, armed repression of the people, increased rationing of food and other necessities, government control of the economy and the gradual elimination of private enterprise. Independent labor unions have also been marked for extinction. Also, the forced induction of teenagers into the army has caused unrest.

The unprecedented Sandinista arms buildup has also greatly disturbed the countries in the region. The ideological commitment of the Sandinistas to the spread of revolution and their funnelling of arms to the guerrillas in El Salvador have provoked the opposition of countries outside the region including the United States, with the exception of Mexico. Costa Rica, El Salvador and Honduras have brought heavy diplomatic pressures to bear as well.

POLITICAL AND MILITARY ORGANIZATION OF THE SANDINISTAS

The Sandinista government is modeled on those of Cuba and the Soviet Union; thousands of advisors from those countries specializing in governmental organization poured into the country immediately after the Sandinista victory. It is based on the interplay of three balancing forces: the Party, the Army, and State Security. Each possesses enormous power, but this is offset by the combined strength of the other two.

The nine Commanders of the Revolution have their own areas of authority in the triangular structure, and they check one another through an umbrella organization equivalent to the Soviet Politburo called the National Directorate, which plays a decisive role in all aspects of Nicaraguan life.

At present there is no office of President; in its place there is a governing junta of three—though real power is reserved to the Politburo. The equivalent of the Soviet Parliament—the Council of State—is an organization without real influence. Its President is Carlos Nunez, one of the nine Commanders, but the Council itself is powerless even to propose the enactment of laws. It exists merely for propaganda purposes, to give the impression that Nicaragua enjoys a republican government as understood in the West. In the judicial area there exist people's tribunals staffed by party members without legal training; there is also a Supreme Court whose decisions are totally subject to the will of the Politburo.

As for the executive branch, the Junta is a mere front, since the ministries of state handle the day-to-day business of government. Among the most powerful of these is the Ministry of the Interior, headed by

Tomas Borge, one of the nine. The State Security Forces come under this ministry, under the direction of vice-minister Luis Carrion, another of the nine, as do border control, customs, immigration, press censorship. This apparatus includes an estimated 10,000 to 15,000 men and also has a parallel separate army, the border patrol, said to number 5,000. The national police also comes under the control of this ministry.

The Ministry of Defense is headed by Commander Humberto Ortega, Commander-in-Chief of the Army and of the Popular Militia. These two institutions include the bulk of the armed forces: the former is estimated at 45,000 and the latter at 60,000. The Army has its own political and security forces, and runs an important counter-intelligence unit. Ortega's power is partly offset by Borge's. The two are said to have carried on a feud for many years, but it was mitigated by Fidel Castro's intervention in 1978 and has been kept in check by the continued supervision of Castro and the Politburo. This is an important exploitable weakness in the Sandinista apparatus.

The Ministry of Agriculture and Agrarian Reform under another Commander Jaime Wheelock, has no army of its own, but controls the largest working force in the nation. Under it come the agricultural cooperatives and the agricultural workers union, which peasants are compelled to join and which therefore numbers in the tens of thousands. This ministry has carried out the confiscation and outright appropriation of millions of acres of land.

The Ministry of Planning has another Commander at its head, Henry Ruiz, a man so radical that he was once expelled from Patrice Lumumba University in Moscow. This ministry sees to all five and ten year plans; the Central Bank and such ministries as Finance, Foreign and Domestic Commerce, Public Works, and lesser government agencies come under its control. They are all plagued by inefficient, overlapping bureaucracies which have made the entire network unproductive.

The basic population control apparatus, called the Sandinista Defense Committee (CSD), modeled directly on Cuba's Committees for the Defense of the Revolution, is supposed to be formed in every city block and is under the direct supervision of State Security. Through this organization the State Security Forces exercise a great deal of control in most cities, especially in lower middle class and poor neighborhoods, which make up most of the country's population. This network supplies the police with information, and also carries out many smaller policing tasks itself. The heads of the CDS are armed by the State and constituted paramilitary force designed to terrorize the people.

The top authority of the Sandinista government is the National directorate of the Sandinista Front of National Liberation (FSLN), a tightly closed group made up of the nine self-appointed Commanders of the Revolution. All are hard-core doctrinaire and dedicated communists. All are Nicaraguan born except for Victor Tirado, a Mexican, created a Nicaraguan born citizen by decree. All have been trained in the Soviet Union, Cuba, and the PLO camps of the Middle East.

The members of the Directorate are divided among hawks (who favor a fast pace toward socialism regardless of the consequences) and doves, who incline to take a less confrontational path and are more willing to make tactical compromises.

Ironically, the unity which was so instrumental in the Commanders' rise to power could be an important factor in their downfall. When the chips are down frictions are inevitable. For example, the elections which have been forced on them by national and international pressures have split them deeply. Toma Borge, founder of the FSLN and a more charismatic leader, is challenging the Politburo's nomination of Daniel Ortega as president in the "elections" scheduled for November 1984. Zavier Gorostiaga, a Basque Jesuit priest and leading Sandinista advisor, has recently said: "My impression is that the internal dynamics of this country don't require us to have elections. The elections are much more for external benefit. They are a symbolic gesture." And indeed, as of June 1984 the civil and political rights of the citizens are suspended by law; there is no freedom of expression or assembly; and even the taking of polls is prohibited by law.

The Sandinista government, ignoring the traditional division of the country into Departments, has divided Nicaragua into Regions and Zones, for both political and military purposes. The Regions cover the populated area of the country, the Pacific side, while the Zones cover the Atlantic side, which is thinly populated, remote, and less important. The Regions have their own municipal governments, while the Zones are governed by delegates of the ruling Junta.

The overall organization of the Sandinista army is as follows. Regions and Zones are independent of each other, but are under the direction of a Chief of Staff from whom all orders emanate, and who in turn is under the Commander-in-Chief of the Popular Sandinista Army. Regional and Zone commanders share authority with three other officers: Political, Special Brigades, and Supplies, who all send in separate reports. This structure is replicated all down the line, from headquarters to detachments. All plans are drawn up jointly with Cuban advisers, but Cubans evaluate them and see to their execution. The foreign press has reported that there are Cubans at detachment level in all operations.

The Militia, by far the most numerous force, comes under the Defense Ministry, but also has a Chief Commander. At each place of work there is a commander, who with the help of union officials forces workers to "volunteer" for the Militia on pain of losing their jobs. Placed in Special Brigades and Reserve Brigades, they are assigned to different Zones and Regions, and thus far have borne the brunt of the fighting. Special Army political troops are always present at their rear to make sure that they engage the enemy.

Both the Militia and the members of the Military Service have suffered serious casualties. They are sent into battle without proper training and with inferior weapons. They have been used as cannon-fodder, and a number have been actually assassinated by the infamous rear-guard troops, who are trained specially to kill.

Besides the Border Patrol, the Ministry of the Interior has special troops called Counter Insurgency Battalions, assigned to the rural areas with large populations. They are equipped with sophisticated weapons and supported with helicopters. Though they do engage the Freedom Fighters, their principal task seems to be the terrorization and annihilation of the civilian population supporting the Freedom Fighters.

MILITARY ORGANIZATION OF THE FREEDOM FORCES

For the purposes of discussion in this chapter, we shall concentrate primarily on the political organization and military experience of the Nicaraguan Democratic Force, or FDN.

The top authority of the Nicaraguan Democratic Force is the National Directorate, comprised of seven members, which operates like the board of a corporation. In October 1983 one of the directors was elected President, and at the same time Chief of the armed forces. Each of the directors is assigned a specific area of concentration, but overall policy is set by the entire body, which meets at least once a month. However, most of the time four of them are together in the same place in order to take prompt decisions.

The Civic Military Command serves as an executive committee in direct charge of the military campaign. It is comprised of four National Directors. They are in charge of the following areas.

Strategic Command. Directly supervising military operations this is under the command of a former military man who is also a member of the Civic Military Command and the National Directorate. He is assisted by a general staff made up of specialists in their fields, but the commander can only be replaced by another member of the Civic Military Command. Its sections are as follows:

Clandestine internal resistance operates inside Nicaragua as a secret organization made up of small cells which maintain no contact with one another but keep in constant communication with zone commanders. They have the task of coordinating sabotage operations.

Special forces are commando or ranger outfits made up of young men in top physical condition who train constantly for a variety of tasks. Two units of the Special Forces carried out the Pelota Island operation. Others have carried out attacks on Sandinista army bases with such precision as to accomplish their objectives without suffering any casualties.

Schools are conducted for officers who head detachments; seminars are conducted for group commanders, task force commanders, and regional commanders. Training is also provided in arms maintenance and communications. Troops are trained in larger camps; all new recruits are provided a six-week course before being sent into combat, though there are some exceptions to this rule.

Air force is divided into two sections: one for the transport of materials and airdrops, the other for tactical operations and a variety of missions such as aerial photography, rescue operations, reconnaissance, propaganda drops and attack operations.

Operations theater, or tactical command. A commander with a field staff and task force is in charge of coordinating and supervising the regional commands. This group has great mobility, maintains personal and radio contact with the regional commanders, and also participates in operations. This commander reports directly to the Strategic Commander.

The basic unit is the detachment, which numbers from 20 to 30 men. Three or more detachments make up a Group Force; three or more Group Forces constitute a Task Force. Three or more Task Forces form a Regional Command, named after prominent figures in Nicaraguan or Central American history.

Supply Center is devoted to planning, appraising, acquisition, warehousing and distribution of materials provided through the Civic-Military Command.

Center for Civilian Services. Driven by Sandinista persecution, thousands of Nicaraguans have fled to neighboring countries. International organizations lack the resources, and sometimes the will, to care for people in the refugee camps in Honduras and Costa Rica; thus the Center for Civilian Services sees to their needs (many volunteers have family members in the camps, in fact). For this and other activities the Center solicits aid from both national and international sources, with considerable success. The Human Rights Section interviews the refugees to record their experiences and make them known throughout the world. Journalists are given the opportunity to conduct personal interviews with refugees in the camps.

Medical Center. Nearly every detachment includes paramedics to take care of emergency aid. The wounded, depending on the severity of their injuries, are channelled to mobile units, to regional clinics, and to the general hospital, which at times houses up to 150 patients and has a competent staff of physicians. This hospital has received many donations, especially from members of the Cuban and Nicaraguan exile communities in the United States. Cuban doctors resident in the United States make regular trips to the hospital to perform specialized surgical operations.

In sum, what began as a rag-tag force in small rural communities in 1980 has grown into a well-organized force of 10,000 volunteer combatants. With proper equipment and support, that number could double within a few months.

EXAMPLES OF SUCCESSFUL MILITARY OPERATIONS

One of the very first successful operations by the Freedom Fighters was an attack on the Sandinista Army Command post at San Francisco del Norte. It was a well planned and well coordinated attack by two task forces, Zebra and Sagitarius, using precise and last-minute intelligence information. This operation resulted in the deaths of a considerable number of enemy soldiers and the capture of more than 80 weapons, most of them made in Czechoslavakia.

Ambushes are among the most useful guerrilla warfare tactics, in which the heaviest casualties are inflicted upon the Sandinistas with the fewest casualties for the Freedom Fighters. Ambushes have been carried out throughout the areas controlled by the Freedom Fighters, and have such impact on the Sandinistas as to cause them to carry civilians in their military trucks so as to blame their deaths on the Freedom Fighters in case of ambush.

A number of strategic objectives have also been destroyed. For example, on March 13, 1982, the bridges of Ocotal and Somotillo were destroyed by special units operating within a few minutes of each other. At the time the FDN left brochures at the site announcing the initiation of its military operations, which in turn caused the Sandinista regime to declare a state of national emergency which has been in effect since that time. Smaller bridges have been destroyed in the provinces of Nueva Segovia, Jinotega, Esteli, and Matagalpa.

In August of 1982 another very successful military operation took place at Puerto Viejo, in the Iyas Comarca, where the Ministry of Construction had concentrated a great deal of heavy machinery for the construction of a road connecting the province of Zelaya to the Pacific area. A special unit of 26 Freedom Fighters destroyed a total of 62 pieces of heavy equipment with demolition charges. In addition to these, fuel depots, office buildings, barracks and mechanical shops were also demolished.

Although the international press refers to this day to the "border war" of the "contras," a pejorative word coined by the communists, the village of Pantasma is located 25 kilometers northwest of Jinotaga, capital of the province of the same name, and 85 kilometers south of the border between Nicaragua and Honduras—quite in the interior of the country.

A rich agricultural valley 6 by 15 kilometers, Pantasma produces primarily livestock and grain. Most of its 5,000 inhabitants had been forced onto collective farms. Through regulation of seed, fertilizer, and credit lines, the Sandinista government had established firm control over the population and turned Pantasma into a sort of Potemkin village.

Mike Lima's Diriangen Task Force—named after an Indian chief who fought the Spaniards in the 16th century—was running short of ammunition and other supplies. Natives of Pantasma in his group suggested that the valley would be an excellent place to obtain supplies.

On the evening of October 17, 1983, Mike gathered his force of 500 men in the outlying hills, reviewed final plans, and assigned seven contingents to the same number of objectives, located over a stretch of 4 kilometers, all of them along a road crossing the village from El Charcon, a settlement on the northern tip where 50 Sandinista militiamen were stationed, to the southernmost Central Army Command, a military area of 150 square meters which houses up to 1,000 men but at the time of the attack was defended by 250 men.

After a perfectly coordinated six-hour night march, at daybreak Commander Jimmy Leo with 80 men led the assault on El Charcon, which resulted in 32 enemy dead and 18 escaped, with the capture of 32 AK-47s. The second objective—the Government Development Bank, along with grain storage facilities and other government offices—was taken by Commander Cinco Pinos. Only three of 27 defenders escaped. A substantial sum of money was requisitioned and used later for the purchase of boots and other items from the town's stores. The Freedom Fighters either are given food and other items or purchase them, never taking anything by force.

The State Security Forces had their own headquarters, where Commander Hugo's 40 men overpowered 15 Sandinistas, of whom 11 were killed with some weapons captured. A lumberyard caught fire rather spectacularly during the exchange. Commander Ruben with 80 men was assigned to take the center of the village. Only two Sandinistas were found there guarding the grain store, and were easily disposed of. No civilians were injured at all.

The Sandinista party headquarters was also guarded by troops, but out of 32 only three escaped in a battle which took just an hour.

The Highway Construction Camp, housing over 100 vehicles, tractors and other equipment, manned by Cubans and used for road building and military purposes, was defended by 60 men, of whom 15 were killed while the rest fled in confusion. Most of the equipment was destroyed as a means of curtailing the enemy's mobility.

The Army Central Headquarters, located in Estancia Cora, a farm and the base for Battalion 3644, which at times houses up to 1,000 men, was defended by 250 men, as our intelligence had reported. It had three lines of defense consisting of trenches, sandbags and turrets. Commander Douglas led the attack with 150 crack troops equipped with support weapons. The assault on the base camp at dawn met with fierce resistance, and the battle, with reinforcements arriving for the Freedom Fighters as other objectives were cleared, continued until 3 p.m., when the ammunition depot exploded after being hit with a grenade. That threw the enemy forces into disarray. When the Freedom Fighters overran the camp, 50 of the enemy were killed and the rest fled to the hills.

Enemy reinforcements of 250 men were beaten back at 5 p.m. through an ambush on the outskirts of town organized by Jimmy Leo after accomplishing his primary objective. At the beginning of the entire encounter Mike Lima had obtained a Nissan public bus for himself and drove it back and forth between the lines, directing the entire operation.

In this entire assault the Freedom Fighters lost only 8 men killed and 5 wounded, capturing 110 AK-47s, 87 Czech BZ, and 30,000 rounds of ammunition. They also reequipped themselves with items purchased from the local stores, mingled with the population, and—most important—recruited 114 new volunteers.

The special forces of the Freedom Fighters have carried out numerous operations which depended primarily on good intelligence and the element of surprise. Examples are the blowing up of petroleum storage tanks in the port of Corinto on October 10, 1983, and the destruction of the crude intake pipe offshore in Puerto Tamarindo (Sandino) a months earlier.

The special forces also carried out the mining of Nicaraguan ports without suffering any casualties, but this activity has been discontinued for political reasons.

UNSUCCESSFUL MILITARY OPERATIONS AND THE CAUSES OF THEIR FAILURE

Occupation of the town of Jalapa

By November 20, 1982, the FDN had several detachments in the community of Yumpali. By this date the different detachments had spent four consecutive days since November 16 in one relatively small area located about 15 kilometers from Jalapa. This meant that the EPS had had sufficient time to gather information about FDN movements and to send troops to the area.

Contact was first made with the enemy on November 23, seven days after the first Detachment had arrived at Yumpali, so the EPS had the information it needed to seek to cut off the force and try to annihilate it. Still, the Freedom Fighters lost no troops that day, while the EPS lost three. By this time it would have been wiser to have besieged Jalapa, which was the chief objective in any case. That same day the Freedom Fighters relocated from Yumpali to the command post formed at La Providencia, but by this time the Sandinistas had a superior logistical channel to the front line in addition to outnumbering the Freedom Fighters by at least 11 to 1. They also had an unconfirmed number of artillery pieces in action and the support of the air force.

The main cause of the failure of this operation lay in deficient planning and initiative. Since FDN troops had spent too much time in the area, the Sandinistas were able

to seize the initiative after the first day of combat.

Assault on the 'La Laguna' Tank Battalion

The main objective of this operation was to position explosive charges over the fuel tanks of Soviet-built T-54 tanks and thus lower the morale of the EPS troops through the knowledge that an armored unit had been hit.

The first attempt occurred around June 1983, but was aborted by the commanding officer of the special unit since he could not determine whether the tanks were present. A reconnaissance mission carried out by the same officer was not very successful, and therefore the information available on the 'La Laguna' installation was not accurate.

The second attempt occurred around October 1983. The new commanding officer and his men had been much better trained than had the first unit; but when they reached the objective they were fired upon by the enemy, who were expecting them. The cause of the failure here may have been reliance on old information obtained four months before.

Occupation of the city of Ocotal

Operation Marathon was launched in September 1983, the largest operation in terms of manpower undertaken to that time. The main objective was the capture of the city of Ocotal and the conducting of a psychological warfare propaganda campaign there. Plans included the takeover of an Ocotal radio station and the broadcasting of a prerecorded cassette calling for a mass concentration in the town's central plaza.

The operational plan envisioned the cutting off of the four access roads to Ocotal by several Task Forces while another Task Force took the town itself. The military operation was well conceived, but it lacked precise and up-to-date information on the number and location of enemy troops, which engaged in heavy fighting with the Freedom Fighters on the outskirts of town and prevented them from seizing it. Another cause of the failure was the complete absence of coordination between the Operational Theater Field Commander and the various Task Forces.

Assault on Potosi

In October 1983 an assault on the Port of Potosi was to be executed by a Special Forces team. Though the operation was well conceived and well rehearsed, it failed in its objective of seizing Potosi and destroying its installations and pier. No reconnaissance mission had been sent out in advance to gather precise information, and our team was surprised when it landed on the beach.

The few failures of the Freedom Fighters, in sum, have resulted from one and the same error: they forget they are trained for guerrilla warfare and fall into conventional tactics.

COORDINATION OF POLITICAL PROPAGANDA WITH MILITARY ACTION

Communications Center

The Communications Center is headed by one of the seven members of the FDN National Directorate. The propaganda and publicity campaigns carried out by the Center are aimed at various population groups ranging from the Sandinistas most ideologically committed to international communism to the FDN's most fervent supporters. One of the most important objectives of the Center is to broadcast information about the various military operations which take place all over the country in order to create conditions for a popular insurrection against the Marxist regime in Nicaragua.

The Communications Center conducts what is known in modern parlance as "psychological warfare." For this purpose the Communications Center has been divided into several departments with specific tasks.

The Information Department keeps in close touch with the military area, as does the clandestine radio "15 de Septiembre," the official voice of the FDN. Created just a year ago, this department is in charge of writing the news and other information to be broadcast on the radio, using various propaganda approaches to appeal to the different sectors of the population as determined by the department's staff. These approaches change from time to time, and are also affected by the responses of the target audiences to the campaigns which have already been conducted. This department has the task of portraying military actions along with parallel psychological campaigns which vary along with the types of military operations planned by the FDN. Effective coordination between this department and the military section is of vital significance for the success of the overall effort.

Radio '15 de Septiembre"

From humble beginnings, when it was run by a few young university students with minimal resources, the "15 de Septeimbre" radio station has established itself as the first nationalistic insurgent voice against the communist occupation of Nicaragua. It is now the official voice of the FDN.

This radio station, operated clandestinely from within Nicaragua, fulfils two essential functions. Inside Nicaragua it is not only a source of information, but also a symbol of liberation: every day it penetrates the barrier of communist censorship. In the international area, the radio has steadily established itself as a reliable source of information, with excerpts from its broadcasts retransmitted on commercial radio stations of Central America. In short, this radio station serves as one of the principal channels for the distribution of the FDN political line.

Publications Department

The publications distributed by this department enable readers not only to understand the nature of the struggle, but to identify as well those in Nicaragua who have taken up arms against the Sandinista dictatorship.

The chief publications are a *News Bulletin* and the official monthly magazine *Comando.* The weekly *News Bulletin* contains details of the military confrontations within the country and denounces the crimes against the Nicaraguan people committed by the Sandinista Popular Army and State Security Forces. Inside Nicaragua these publications are distributed by the Freedom Fighters themselves; internationally they are circulated to diplomats, political leaders, unions, universities, and newspapers, as well as, of course, the Nicaraguan exile community.

The Publications Department also prints leaflets of which more than a million have been dropped all over the territory of Nicaragua, denouncing the atrocities of the Sandinista dictatorship, the presence of foreign troops within the country, and providing evidence of the support of the Nicaraguan people for the FDN.

Political Education

This department has the responsibility for "face-to-face" political education through personal communication between the Freedom Fighters and the population, which provides quicker and more lasting results. The Political Education Department is closely linked to all the other departments of the Communications Center, and especially to Publications, which sees to publishing small texts serving as guides for the FDN Freedom Fighters in their propaganda work. A text entitled *El Libro Azul y Blanco* (The Blue and White Book), after the colors of the national flag, has been issued to instruct FDN supporters on the principles of democracy and the objectives of their struggle in order to prepare them to transmit this knowledge to the Nicaraguan population at large.

Public Relations

The Public Relations Department has the responsibility of transmitting to the international press, diplomats, political leaders and others the true image of the movement. It handles public relations with governments, international organizations, humanitarian groups, political parties, etc., including groups carrying out active or passive civil resistance inside Nicaragua. It also has a parallel plan of penetration to create sympathy and support from these entities for the political objectives of the FDN. This department also includes several Regional Committees in the Central American area.●

REFORM OF THE SENATE

● Mr. QUAYLE. Mr. President, it was just 1 year ago today that the Senate passed a resolution establishing the Temporary Select Committee to Study the Senate Committee System. Such anniversaries are useful occasions. They enable us to congratulate ourselves on accomplishments and to examine the prospects for the future in the light of the past.

On one-half of that year I look back with a feeling of pride and accomplishment. I am proud that members of the committee selected me as their chairman; I am proud that we issued a unanimous report; and it is a true accomplishment that 12 Members of the Senate of diverse ideological backgrounds recognized that the needs of the institution must prevail over their individual interests and united in calling for meaningful reform both of the committees of the Senate and of its floor procedures. Let me add that the call for reform was not limited to members of the Select Committee; Senator after Senator expressed both publicly and in private the need to reform the institution of the Senate if it is to regain its rightful place as the world's greatest deliberative body.

My feelings about the second half of this year are somewhat different. On the first day of this Congress, I introduced, together with Senator FORD, the cochairman of the Select Committee, resolutions which would have amended the Senate rules in accordance with the report of the Select Committee. Those resolutions were referred to the Rules Committee and they are still pending there.

Let me hasten to add that the record of the last 6 months is not entirely

negative. We have made considerable progress in reversing the growth in the number of committee and subcommittee assignments and in the number of subcommittees. The number of "A" committee assignments has declined from 231 in the last Congress to 214 in this one—reversing a long-term growth rate. We all owe a debt of gratitude to the Senator from Georgia, Mr. MATTINGLY, who, as chairman of the Republican Committee on Committees, did yeoman work in implementing this reduction.

Just as significant, the total number of subcommittees of standing committees has been reduced to 88 from the 102 of the 98th Congress, the lowest number of such subcommittees since the early 1960's. Senators now serve on an average of 10.75 committees and subcommittees, a significant reduction from 11.95 of the last Congress. I ask that a series of tables prepared by the Congressional Research Service documenting these numbers be printed in the RECORD at the conclusion of my remarks.

I also hasten to add that the Committee on Rules has reported a resolution to establish a committee to study and report on a 2-year budget, as recommended by the Temporary Select Committee, and I particularly commend the Senator from Washington, Mr. EVANS, for his unremitting efforts to get action on this issue.

Despite these positive results, I must admit that the pace of progress has been glacial and that the prospects for meaningful action in this Congress becomes ever more remote. I remind my colleagues of the closing days of the last Congress, and I repeat the truism that the time to enact reforms is not when we are paralyzed by filibusters on nongermane amendments on the continuing resolution. The time for reform is before we tie ourselves in procedural knots—and that time is fast disappearing.

The tables follow:

TABLE 1.—U.S. SENATE, NUMBER OF COMMITTEES AND THEIR SUBCOMMITTEES: 1945–1986

Congress	Standing committees		Select and special committees		Joint committees		Total panels
	No.[1]	No. of subcommittees[1]	No.[2]	No. of subcommittees[2]	No.[2]	No. of subcommittees[2]	
79 (1945–46)	[3] 33	[3] 57	7	[3] 10	6	[4] NA	NA
80 (1947–48)	15	61	3	NA	6	NA	NA
81 (1949–50)	15	63	2	NA	10	NA	NA
82 (1951–52)	15	65	3	NA	9	NA	NA
83 (1953–54)	15	66	1	NA	10	NA	NA
84 (1955–56)	15	87	5	NA	11	11	NA
85 (1957–58)	16	85	4	4	9	12	130
86 (1959–60)	16	87	5	0	12	8	128
87 (1961–62)	16	88	2	6	11	6	129
88 (1963–64)	16	85	3	6	11	13	134
89 (1965–66)	16	92	3	6	11	14	142
90 (1967–68)	16	98	5	12	11	15	157
91 (1969–70)	16	101	5	12	10	15	159
92 (1971–72)	17	115	5	13	8	15	173
93 (1973–74)	18	127	7	13	9	16	190
94 (1975–76)	18	122	6	13	7	14	180
95 (1977–78)	15	96	6	[5] 12	4	5	138
96 (1979–80)	15	90	5	10	4	5	129
97 (1981–82)	16	101	5	4	4	6	136
98 (1983–84)	16	102	5	4	4	6	137
99 (1985–86)	16	88	5	4	4	6	123

[1] Source: Unless otherwise noted, data are compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82–42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77.

[2] Sources: Unless otherwise noted, data are compiled from Brownson, Congressional Staff Directory; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News.

[3] U.S. Congress, Joint Committee on the Organization of Congress. Hearings, 79th Cong., 1st sess., March 13–June 29, 1945. Washington, U.S. Government Printing Office, 1945. p. 1041.

[4] This information is not readily available.

[5] Includes one three-member Ad Hoc Working Group of the Select Committee on Intelligence.

TABLE 2.—U.S. SENATE, COMMITTEE ASSIGNMENTS: 1945–1986

Congress	Total number of assignments					Mean number of committee assignments				
	Standing committees[1]	Subcommittees of standing committees[1]	Select, special and joint committees[2]	Subcommittees of select, special and joint committees[2]	Total	Standing committees	Subcommittees of standing committees	Select, special and joint committees	Subcommittees of select, special and joint committees	Total panels
79 (1945–46)	[3] 489	[3] 437	98	[4] NA	NA	5.09	4.55	1.02	NA	NA
80 (1947–48)	201	326	62	NA	NA	2.09	3.40	.65	NA	NA
81 (1949–50)	203	313	62	NA	NA	2.12	3.26	.62	NA	NA
82 (1951–52)	203	332	67	NA	NA	2.12	3.46	.70	NA	NA
83 (1953–54)	211	373	63	NA	NA	2.20	3.89	.66	NA	NA
84 (1955–56)	212	514	100	48	874	2.21	5.35	1.04	0.50	9.10
85 (1957–58)	228	530	98	36	892	2.38	5.52	1.02	.38	9.29
86 (1959–60)	250	631	116	66	1,063	2.50	6.31	1.16	.66	10.63
87 (1961–62)	240	636	95	59	1,030	2.40	6.36	.95	.59	10.30
88 (1963–64)	256	660	101	86	1,103	2.56	6.60	1.01	.86	11.03
89 (1965–66)	250	727	101	154	1,232	2.50	7.27	1.01	1.54	12.32
90 (1967–68)	252	752	120	165	1,289	2.52	7.52	1.20	1.65	12.89
91 (1969–70)	245	797	110	184	1,336	2.45	7.97	1.10	1.84	13.36
92 (1971–72)	247	895	124	197	1,463	2.47	8.95	1.24	1.97	14.63
93 (1973–74)	258	946	148	217	1,569	2.58	9.46	1.48	2.17	15.69
94 (1975–76)	240	969	120	228	1,557	2.40	9.69	1.20	2.28	15.57
95 (1977–78)	243	658	84	69	1,054	2.43	6.58	.84	.69	10.54
96 (1979–80)	252	668	78	76	1,074	2.52	6.68	.78	.76	10.74
97 (1981–82)	282	693	76	68	1,119	2.82	6.93	.76	.68	11.19
98 (1983–84)	[5] 295	771	80	49	1,195	2.95	7.71	.80	.49	11.95
99 (1985–86)	282	672	74	47	1,075	2.82	6.72	.74	.47	10.75

[1] Source: Unless otherwise noted, data is compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82–42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77.

[2] Sources: Unless otherwise noted, data is compiled from Brownson, Congressional Staff Director; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News.

[3] U.S. Congress, Joint Committee on the Organization of Congress. Hearings, 79th Cong., 1st sess., March 13–June 29, 1945. Washington, U.S. Government Printing Office, 1945. pp. 1040–1041.

[4] This information is not readily available.

[5] U.S. Congress. Senate. United States Senate Telephone Directory, May, 1984. Senate Publication 98–21, 98th Cong., 2nd Sess. Washington, U.S. Government Printing Office, 1984. pp. 77–120.

TABLE 3.—AVERAGE SIZE OF SENATE STANDING COMMITTEES AND THEIR SUBCOMMITTEES: 1945–1986

Congress	Standing committees	Subcommittees of standing committees
79 (1945–46)	14.9	7.7
80 (1947–48)	13.4	5.3
81 (1949–50)	13.5	5.0
82 (1951–52)	13.5	5.1
83 (1953–54)	14.1	5.7
84 (1955–56)	14.1	5.9
85 (1957–58)	14.3	6.2
86 (1959–60)	15.6	7.3
87 (1961–62)	15.0	7.2
88 (1963–64)	16.0	7.8
89 (1965–66)	15.6	7.9
90 (1967–68)	15.8	7.7
91 (1969–70)	15.3	7.9
92 (1971–72)	14.5	7.8
93 (1973–74)	14.3	7.5
94 (1975–76)	14.2	7.9
95 (1977–78)	16.2	6.9
96 (1979–80)	16.8	7.4
97 (1981–82)	17.6	6.9
98 (1983–84)	18.4	7.6
99 (1985–86)	17.6	7.6

TABLE 4.—SENATE COMMITTEE MEMBERSHIP LEVELS

	98th	99th	Recommended
"A" committees:			
Agriculture	18	17	15
Appropriations	29	29	27
Armed Services	18	19	15
Banking	18	15	15
Commerce	17	17	17
Energy	21	18	17
Environment	18	15	15
Finance	20	20	19
Foreign Relations	18	17	15
Governmental Affairs	18	13	13
Judiciary	18	18	17
Labor	18	16	15
Totals	231	214	200
"B" committees:			
Budget	22	22	21
Rules	12	15	11
Small Business	19	19	13
Veterans' Affairs	12	12	11
Intelligence	15	15	11
Aging	19	19	13
Joint Economic	10	10	10
Totals	109	112	97

Note.—Indian Affairs is not considered among the committees. This committee had 7 members in the 98th Congress, and has 9 members in the 99th Congress. The recommended level was 7.●

SUGAR PRICE SUPPORTS AND IMPORTS—S. 1222

● Mr. MOYNIHAN. Mr. President, I rise today to cosponsor legislation—S. 1222—introduced by my colleagues, Senators BRADLEY and GORTON, to reduce sugar price supports. Three seemingly unrelated events have occurred over the past few weeks that point to the urgent need for legislation to reform the sugar price support program: the Coca-Cola Bottling Co., with much publicity, introduced the new Coke; one of the largest employers on the Brooklyn waterfront closed its doors; and U.S. Customs officials detained a shipment of Israeli frozen pizzas.

On April 23, 1985, the Coca-Cola Bottling Co. announced the reconcocting of its 99-year-old, secret formula. Coke has a new look and taste. What is new about the taste? Well, it is sweeter. Why? Because Coke now contains more fructose than it did before. High fructose corn syrup sweetens Coke now, not sucrose—sugar. Actually, Coca-Cola and other soda drink manufacturers quietly began substituting corn syrup for sugar early in 1980.

The reason is simple: corn syrup is considerably cheaper than real sugar, which is made from sugarbeets and sugarcane. Now, why is that? Because, for the past 3 years, the Federal Goverment has supported the domestic price of sugar at some three to six times the world market price, currently less than 4 cents per pound. And that is why a tremendous market for corn syrup and artificial sweeteners has developed—also at higher prices.

Let's us be clear about just how the Goverment props up sugar prices. The Department of Agriculture's Commodity Credit Corporation [CCC] administers a price support program. As with most commodities, the CCC loans money for planting and harvesting, the commodity to be planted and harvested serving as collateral. In this instance, the CCC extends nonrecourse, low-interest loans to sugar processors—those who process sugarbeets and sugarcane into raw sugar—and the raw sugar serves as collateral. Loans are made on the basis that the sugar will be sold at a certain price, called the loan rate. If domestic sugar prices exceed the loan rate, processors sell the sugar and repay the loans. If market prices fall below the loan rate, processors default on the loans and forfeit the sugar to the CCC.

The Agriculture and Food Act of 1981—Public Law 97-98—set the current loan rate for cane sugar at 17.75 cents per pound—the loan rate for beet sugar is set in relation to raw cane levels and is slightly higher. The Federal Government has a powerful incentive to see that domestic sugar prices do not fall below 17.75 cents per pound—that is, to prevent loan defaults. Indeed, the CCC has been so zealous in its efforts to prevent forfeitures on its loans, that it has set a market stabilization price of 21.57 cents per pound.

How can the Government maintain domestic sugar prices at several times the world price? The President has two tools at his disposal: tariffs and quotas.

The President has exercised his authority to assess fees and duties on imported sugar, raw and refined, to support the domestic sugar prices. The maximum fees and duties allowable, however, have not been sufficient to discourage foreign producers from flooding the domestic market with sugar, given the tremendous disparity between the world price and the domestic price. So for the past 3 years, the President has also exercised his authority to impose restrictive sugar quotas. In May 1982, the President imposed quotas of 2.583 million metric tons for crop—fiscal—year 1983, 2.916 million metric tons for crop year 1984, and 2.2 million metric tons for crop year 1985. In 1981, the last full year before quotas were imposed, the United States imported 5.957 million metric tons of raw sugar.

The fees, duties, and quotas have supported a domestic price 3 to 4 cents per pound over the loan rate, and more than six times the current world market price.

Might we not ask, Mr. President, who benefits from this sugar price support program?

Some 11,000 sugarbeet and sugarcane farmers. While it may be important to preserve some domestic capacity to produce sugar, the rate at which we subsidize our producers should be reasonable. Sugarbeets are supported at nearly four times the level of corn on a return-per-acre basis—$403 per acre versus $113 per acre. Sugarcane is supported at three times the level of corn on a return-per-acre basis—$353 per acre versus $113 per acre. I would suggest that such rates are unreasonable.

Moreover, there is another side to this issue, those who pay artificially high sugar prices.

First, consumers. The organization Public Voice for Food and Health Policy estimates that in 1983, consumers paid $3.6 billion in higher product costs as a result of our sugar price support program. Price supports added 60 cents to the cost of a 5-pound bag of refined sugar. Higher sugar prices also affect sugar-containing products such as candy, jams and jellies, and powdered drink mixes, all of which are more expensive as a result. And as the price of sugar goes up, so too does the price of all other sweetners, both nutritive and nonnutritive. Artificially high sugar prices cost the average family of four about $60 each year. This is a regressive tax of sorts that particularly hurts poorer people.

The refining industry is also adversely affected by sugar price supports. Seven cane sugar refineries have closed since 1981; 13 are still operating, but at reduced rates of capacity utilization. The refining industry is concentrated in the older port cities of the East and deep South—Boston, New York, Philadelphia, and New Orleans, many suffering from urban blight and the flight of industry. Additional plant closings will wreak havoc with the economies of these areas.

Which brings me to the second event I mentioned earlier. On March 22, the Revere Sugar Corp. closed its Red Hook sugar refinery on the Brooklyn waterfront. The plant had operated 24 hours a day, 5 days a week since the 1930's, converting 6,000 tons of raw sugar into refined products—such as syrup and sucrose—weekly. Revere

laid off 350 workers. It is unlikely to reopen the refinery.

Regions that would otherwise import more sugar are also hurt. Let me cite one example. In 1983, 891,358 long tons of sugar were imported into the New York and New Jersey area. This was the first full year in which imports were governed by quotas, and this level was 26 percent less than the previous year. Yet, the New York-New Jersey Port Authority, in an internal study, estimated that in a 17-county region, these sugar imports created 1,950 jobs; provided $41 million in personal income; and generated $127 million in regional activity—sales—$23 million in business income, $4 million in regional tax collections, and $12 million in Federal tax collections.

Domestic food manufacturers pay more for sugar, which is an essential ingredient in countless processed foods. The manufacturers must contend with rapidly increasing imports of less expensive, sugar-containing products such as candy, powdered drink mixes, and jams and jellies. Which brings me to the last event.

You see, Mr. President, not only candy, jam, and jello contain sugar. Even pizza contains sugar. The current 18-cents per-pound difference between the world price of sugar and the domestic price means that foreign manufacturers of processed foods, who can purchase sugar at the world price, enjoy a tremendous cost advantage for at least this one ingredient. This advantage could enable those manufacturers to undersell domestic producers of the same product, increasing their share of our market.

Domestic sugar producers and processors, seeing demand by domestic manufactures for American sugar decline, pressed for more protection. And so, in January of this year, the President imposed emergency quotas on "edible preparations." By the beginning of March, these restrictive quotas were filled—leading to the impoundment of the Israeli frozen pizza I mentioned earlier. I might also note that Customs similarly impounded Korean noodles and Japanese surimi—artificial crab legs. These incidents were reported in the Wall Street Journal on April 29, 1985, and the subject of a New York Times editorial published on April 23, 1985. Last month, the President lifted some of the quotas, but others remain in force.

These are serious matters, and are seen as such by our trading partners. They are viewed—correctly—as just the kind of market access barriers that we in the Congress spend so much time accusing our trading partners of erecting. Most recently, on March 28, 1985, the Senate unanimously passed a resolution calling on the President to negotiate elimination of Japanese trade barriers. Do not our own sugar product quotas, which are not necessary to protect the sugar price support program—let alone sugar producers—legitimize other countries' attempts to restrict access to our exports?

This is yet another instance of this administration's failure to consider the broad trade implications of its decisions. It did not do so in 1981, when it created huge budget deficits, sending interest rates soaring and precipitating the unparalleled rise in the U.S. dollar—making foreign imports cheaper and our own exports less competitive. It did not do so in 1983, when it gave foreign manufacturers of telecommunications equipment unrestricted access to our market following the breakup of ATT, without insisting that our own products be allowed free entry into their markets. And it has not done so with respect to the consequences of the sugar price support program, either.

Mr. President, the time has come for action to reform the sugar price support program, to reduce the unfair burden it places on our Nation's consumers, refiners, and food manufacturers and exporters. S. 1222 is a purposeful first step. It sets the loan rates for the 1985-88 sugarcane crops at 13 cents, 10 cents, 9 cents, and 8 cents, respectively. These rates are more than adequate to preserve a domestic sugar industry, guaranteeing producers a return on their crop still many times the prevailing world price. More importantly, S. 1222 would save consumers $1.5 billion in the first year alone. Likewise, importing regions, refiners, and food manufacturers and processors would benefit from reduced sugar prices. I urge my colleagues to join me in cosponsoring this important measure.●

REFERRAL OF INTELLIGENCE AUTHORIZATION

Mr. DOLE. Mr. President, I ask unanimous consent that once the Select Committee on Intelligence reports the Intelligence Authorization Act for fiscal year 1986, it be referred jointly to the Committees on Armed Services, the Judiciary, Governmental Affairs, and Foreign Relations for the 30-day time period provided in section 3(b) of Senate Resolution 400, 94th Congress, provided that the Committee on the Judiciary be restricted to the consideration of title V, the Committee on Governmental Affairs be restricted to the consideration of section 603, and the Committee on Foreign Relations be restricted to the consideration of section 604 of title VII; provided that if any of said committees fail to report said bill within the 30-day time limit, such committee shall be automatically discharged from further consideration of said bill in accordance with section 3(b) of Senate Resolution 400, 94th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. DOLE. Mr. President, I would like to inquire of the minority leader if he is in a position to pass or indefinitely postpone the following items:

Calendar No. 15, S. 413, pass; Calendar No. 91, S. 1029, indefinitely postpone; Calendar No. 128, S. 1141, pass; Calendar No. 158, Senate Resolution 156, indefinitely postpone; Calendar No. 161, S. 1080, pass; Calendar No. 166, Senate Resolution 162, indefinitely postpone.

Mr. BYRD. If the distinguished majority leader will yield, Mr. President, this side is ready to proceed as stated by the distinguished majority leader.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 15, S. 413; No. 128, S. 1141; and No. 161, S. 1080.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR RISK INSURANCE

The bill (S. 413) to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking "September 30, 1984" and inserting in lieu thereof "June 30, 1990".

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CERTAIN TELEPHONE SERVICES FOR SENATORS

The bill (S. 1141) relating to certain telephone services for Senators, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (6) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended to read as follows:

"(6) for telephone service charges officially incurred outside Washington, District of Columbia, which are based on the amount of time the service is used;".

(b) Section 1205(a) of the Supplemental Appropriations Act, 1984 (2 U.S.C. 58a) is

amended by inserting "and in such Senator's State (except services for which the charge is based on the amount of time the service is used)" after "Columbia,".

SEC. 2. The amendments made by this Act shall take effect on the first day of the first calendar month which begins more than sixty days after the date of enactment of this Act.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL RAILROAD SAFETY ACT AUTHORIZATION

The Senate proceeded to consider the bill (S. 1080) to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RAILROAD SAFETY

ENFORCEMENT OF SUBPENAS AND ORDERS

SEC. 101. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by inserting the following immediately after the first sentence: "In case of contumacy or refusal to obey a subpena, order (other than an order directing compliance with this Act), or directive of the Secretary issued under the first sentence of this subsection by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation on order requiring immediate compliance with any such subpena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

(1) in subsection (c)(2), by striking "and", and by inserting immediately before the period the following: ", not to exceed $3,200,000 for the fiscal year ending September 30, 1986, and not to exceed $3,328,000 for the fiscal year ending September 30, 1987";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting immediately after subsection (c) the following:

"(d) There are authorized to be appropriated to carry out the provisions of this Act, except section 206(d) of this title and except for conducting safety research and development activities under this Act, not to exceed $27,975,000 for the fiscal year ending September 30, 1986, and not to exceed $29,094,000 for the fiscal year ending September 30, 1987.".

TITLE II [RAILROAD ACCOUNTING PRINCIPLES BOARD] *AMENDMENTS TO TITLE 49, UNITED STATES CODE*

[AUTHORIZATION OF APPROPRIATIONS] *RAILROAD ACCOUNTING PRINCIPLES BOARD*

SEC. 201. *(a)* Section 11168 of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by inserting immediately before the period the following: ", not to exceed $1,000,000 for the fiscal year ending September 30, 1986, and not to exceed $750,000 for the fiscal year ending September 30, 1987".

(b) Section 11161(f) of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under this section".

(c) Section 11162(a) of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title."

(d) Section 11167 of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURES INDEFINITELY POSTPONED

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar No. 91, S. 1029; Calendar No. 158, Senate Resolution 156; and Calendar No. 166, Senate Resolution 162 be indefinitely postponed.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR COMMITTEE TO MEET

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate, Friday, June 7, to markup S. 616, the farm bill, and related issues.

Mr. BYRD. Mr. President, I am constrained to object because there are objections on this side. May I say to the distinguished majority leader that I believe, if the distinguished chairman of the Agriculture Committee would indicate what hours he wishes to meet on a given day, it might be that the request could be cleared.

The distinguished majority leader will remember the other day we had one clearance that the committee could meet until 1:30, and there was no objection. If the request would be clear as to the timeframe in which the committee wants to meet on a given day, I might be able to get that request cleared.

Mr. DOLE. I thank the distinguished minority leader, and I will discuss that with the chairman of the committee, Senator HELMS, and maybe renew that request then early in the morning.

ORDERS FOR FRIDAY

ORDERS FOR RECESS UNTIL 8:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. on Friday, June 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS MC CLURE AND PROXMIRE

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order tomorrow, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senator MCCLURE and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. If time permits after that, but it is doubtful, I aks unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Following morning business, the Senate will resume consideration of S. 1003, the State Department authorization bill. Rollcall votes are expected throughout the day and it is expected, as I indicated, they could come as early as 9:30 a.m.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 8:30 a.m. Friday, June 7.

The motion was agreed to; and, the Senate, at 8:10 p.m., recessed until Friday, June 7, 1985, at 8:30 a.m.

EXTENSIONS OF REMARKS

DAY-CARE CENTERS ROCKED BY RISING INSURANCE COSTS

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mrs. BURTON of California. Mr. Speaker, our Nation's ability to provide safe, affordable, and appropriate child care has been in doubt for some time now, and it is a deepening crisis.

I would like to submit an article which describes one of the factors which is leading to the further erosion of our child care resources—insurance costs.

One of the effects of this trend will be to increase the percentage of day-care centers which operate "underground." This exposes the children of this Nation to an unacceptably high level of risk. I strongly urge my colleagues to examine this article as it will affect so many children and their families in each of our States.

The article follows:

[From Education Week, May 29, 1985]

DAY-CARE CENTERS ROCKED BY RISING INSURANCE COSTS: HIGH PREMIUMS, CANCELLED POLICIES MAY CLOSE MANY

(By Anne Bridgman)

Faced with what they say is their worst year in memory and concerned with continuing reports of child abuse in day care centers, insurance companies are raising premiums of child-care providers and even cancelling their policies.

As policies come up for renewal, child-care experts say, providers are finding that insurance carriers have tripled and quadrupled the premiums and, in some cases, are cancelling policies altogether, forcing centers to close.

What many day-care experts characterize as a "very serious problem" in the industry comes at a time when mothers of young children are entering the workforce in unprecedented numbers. Almost half of the nation's estimated 12.5 million women aged 18 to 44 with children under 5 are classified by the Census Bureau as working mothers.

Within five years, the government estimates that 80 percent of children under 6 will have mothers in the workforce, many of whom will be hard pressed to find adequate and affordable day care.

SHOCK PERIOD

The first signs of the insurance problem appeared in January when reinsurance companies, or underwriters, began to back away from insuring child-care centers, according to Roger Neugebauer, publisher of *Child Care Information Exchange*, a newsletter for day-care managers. This spring and summer, Mr. Neugebauer said, day-care providers will experience "the awareness period, the shock period," when centers' insurance policies come up for renewal.

New centers will be unable to afford insurance, Mr. Neugebauer said. And centers that can get insurance are likely to pass premium increases on the parents in increased fees, he said.

U.S. Representative George Miller, Democrat of California and chairman of the Select Committee on Children, Youth, and Families, is considering legislative options to provide some relief to providers.

"Insurance is primarily a matter regulated at the state level," Representative Miller said last week. "We are, however, exploring what might be most helpful to the child-care industry by reviewing other instances where the federal government came in to try to reduce the risk for insurers, and still enable critical services and property to be protected.

"We're looking at things like the federal flood-insurance program and the riot-reinsurance program. After we've completed this review, we will determine whether legislation is the best approach or whether there are other mechanisms that would be more appropriate."

"Insurance companies decided they were going to re-evaluate their risk-taking position in relation to their surpluses and the kind of risks they were going to write," he said.

"To oversimplify it," he continued "if you were in a position to ensure one house and somebody brought you a brick house and a wooden house, it's not hard to see which you'd insure."

Both Mr. Silverman and Mr. Rosenberg pointed out that rates for day-care facilities were artificially low for many years. "It's true that a 300-percent increase is a large increase, and that's probably higher than most industries would find," Mr. Rosenberg said, "but that's more a result of the liability insurance being undervalued in the past."

One of B.M.F.'s current underwriters, which has backed family-day care coverage for two years, is seeking to drop the coverage because of financial losses. The firm's two previous underwriters for family day care also incurred losses, Mr. Silverman said.

CHILD-ABUSE CHARGES

Compounding the insurance industry's own problems is the spate of child-abuse allegations involving day-care centers in the past year.

In fact, when day-care directors press insurance companies for an explanation of their cancellations, said Mr. Neugebauer, "the reason tends to be the sex-abuse cases."

In California, a survey of state-supported resource and referral agencies found that the reason most often cited by insurance companies for increasing premiums or canceling policies was the "adverse publicity" generated by child-abuse cases, according to Carol Stevenson, a staff attorney for the Child Care Law Center in San Francisco.

Although centers cannot be insured against a criminal act such as sexual abuse, civil lawsuits can be and have been brought against centers for negligent hiring or supervision practices. None of those has yet been resolved, Mr. Rosenberg said.

Insurance companies, Mr. Silverman said, "have determined because of all the adverse publicity in the news media regarding the problems in the day-care community that child care is a very high-risk, high potential, volatile type of exposure."

James Smith, vice president for general liability for Fireman's Fund Insurance Company, said the incidence of child-abuse cases has been a factor in his company's decision to get out of the day-care field altogether.

"Day care centers from a general-liability standpoint have always been somewhat of a problem because of injuries that could arise out of playground equipment," said Mr. Smith, whose company writes approximately $2 billion annually in premiums, some $100,000 to $200,000 of which has in the past been for day-care centers. But recent reports of child abuse in day-care centers, he said, have made it necessary to take "a very, very conservative approach" to insuring centers.

In attempting to control losses, it is possible to alter playground equipment to make it less dangerous, he said, but it is not possible to control the behavior of employees. "It would be a rare occasion where we'd write a new [day-care policy]," he said "And it would be a very rare occasion where we'd renew."

In addition, some insurance companies that do renew policies for day-care centers will explicitly exclude child abuse from coverage, child-care experts note.

Because most litigation involving child-abuse cases and day-care centers is still pending, insurance experts say there have not been any large awards paid to plaintiffs. But they note that, as a general pattern, the size of awards in liability cases is rising rapidly.

FISCAL BIND

The insurance industry's own financial difficulties are partially responsible for the squeeze on liability coverage for child-care centers.

"In round numbers, the industry lost about $3 billion in its underwriting last year," explained Marc Rosenberg, vice president for federal affairs for the Insurance Information Institute, an industry-sponsored clearinghouse in Washington. "In other words, they paid out in claims about $3 billion more than they took in in their combined premiums. It's their worst year in recent history."

Joel S. Silverman, executive vice president of B.M.F. Marketing, which insures day-care centers, family day-care homes, and foster parents in all 50 states, noted that 1984 was the worst year for the industry since 1906.

EFFECT ON CARE PROVIDERS

The cancellations and raised insurance rates, contended, Mr. Neugebauer, are likely to severely harm the smaller, "mom-and-pop" segment of the day-care industry.

"It really hits hard in day care because we don't have other choices [for coverage]," he said. "Organizationally day-care centers are really independent. They're not part of a larger organization; they don't have anything to fall back on."

Ms. Stevenson said that in California, where B.M.F. Marketing provides most of the coverage for family day care, its policy

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

covering most care providers is underwritten only through the end of June.

"If they don't get another underwriter," she said, "a huge number of family day-care providers would have their insurance cancelled."

Mr. Silverman of B.M.F., which is a subsidiary of the insurance firm of Bayly, Martin, and Fay International, said the day-care division has not cancelled any policies to date but may have to do so if another underwriter is not found.

CONSIDERING SOLUTIONS

Day-care experts have considered borrowing solutions from other industries. For example, Mr. Neugebauer pointed out, physicians with insurance problems have succeeded in separating general-liability policies from high-risk, or malpractice, policies.

"If we could separate out what the high-risk issues are, which tend to be the abuse issues, from the low-risk, such as a child tripping on a rug, we might be able to provide some sense to the policy, so we can get some general insurance coverage," Mr. Neugebauer said.

Mr. Rosenberg of the Insurance Information Institute said that because insurance companies have begun to reasses which premiums are profitable and which are not, the day-care industry should devise standards by which to measure risk.

Ms. Stevenson, pointing out that solutions will have to be devised on a state-by-state basis, said that they should address the distinct issues of access to insurance and the affordability of premiums.

"There might be some legislative solutions regarding access that spread the risk around to different carriers" similar to California's all-risk automobile-insurance plan, which divides high-risk individuals among a number of insurers.

Another option being considered is self-insurance. Under such a plan, all day-care providers would form a large pool and raise funds to cover expected liabilities within the industry. Such a proposition, Mr. Neugebauer and others acknowledged, would require that all participating centers put up funds to start the insurance program.

SINGLE ENTITY

A concept that has been attempted on a limited scale for the National Association for the Education of Young Children is to bind all day-care centers into a single national association that buys insurance coverage from one carrier, but even that program apparently has fallen victim to publicity about child abuse in day-care centers.

N.A.E.Y.C., a 47,000-member organization representing day-care providers, began offering liability insurance to its membership in 1980, according to Marilyn Smith, executive director of the association. A center can obtain coverage through the association if at least one staff member is an N.A.E.Y.C. member. Ms. Smith said she did not know how many centers the association insures.

The association is currently negotiating with a new insurer because the original insurance company began to exclude certain states from liability coverage, starting with California and Texas, despite the fact that N.A.E.Y.C. had never processed a claim on the policy, Ms. Smith said.

Despite months of negotiations with the new insurer, Market Dyne, Ms. Smith said the firm has experienced "cold feet" throughout the process, "explicity because of the fear that there's going to be a lot of potential exposure" should a child-abuse case come to light. "They think the issue will put ideas in people's heads to sue."

Even after N.A.E.Y.C. agreed to exclude sexual abuse from liability coverage, the association could not get the company to put the program on the market, according to Ms. Smith. And attempts by N.A.E.Y.C. to contact the firm's president have been unsuccessful, she said.

"I'm afraid we've only seen the tip of the iceberg," Ms. Smith said. "We're going to see much more of this panic."●

THE OBSTETRIC CARE INFORMATION ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BIAGGI. Mr. Speaker, today I am reintroducing legislation that would provide all women of childbearing age the right to have access to information about obstetric care that could have potentially harmful effects upon their health as well as the health of their children.

This bill, the Obstetric Care Information Act, requires that, as a condition of receipt of maternal and child health, funds provided under title V of the Social Security Act, each State must assure that, one, women have access to clear and understandable information about the obstetrical care that has been provided to them and, two, women be informed of the risks associated with the use of obstetric drugs and devices before they are used and that they consent to such use. The bill also requires the Food and Drug Administration to disseminate information on potentially harmful obstetric drugs and devices for pregnant women and their children.

Mr. Speaker, obstetricians are now using a wide range of obstetric drugs before and during the birth of children. The use of these drugs has steadily increased since the end of World War II. Yet, of the dozens of drugs used today, only a few have been approved by the FDA as safe for use during pregnancy. To compound the problem, there is evidence to indicate that there is considerable confusion among trained physicians and nurses as to those drugs that are classified as "safe" by the FDA. As the use of these drugs has proliferated, many valid questions have been raised as to the necessity of their use and the risks of administering the drugs. There have been a number of cases of mental disability in children whose mothers had been treated with certain obstetric drugs. Recently, concern has developed over the link between obstetric drugs and jaundice in newborns, a potentially fatal condition. These are some who are beginning to explore the relationship of obstetrical drug use and the perplexing mystery of crib death. We have no way of knowing where these concerns will lead us, but it is clear that the level of concern is not unwarranted. It is true that in many cases, the use of certain drugs is necessary during pregnancy. However, the potential risk of taking the drugs to both the mother and the newborn should warrant caution and careful consideration on the part of parents and doctors alike.

The General Accounting Office examined this problem and issued a report in 1979 which revealed that Federal attention to current obstetrical drug practices has been limited. The GAO reported that while a number of studies on obstetrical drug use had been done, only one dealt with the effects of such use on the Child. Even this study was narrowly structured. It focused on the drug oxytocin and the fetal/infant effects of elective induction of labor. According to the GAO, no reports of studies could be found which examined the long-term effects on children of the use of obstetric drugs. Another disturbing element of the GAO report was that since the 1960's., several obstetric drugs, such as sparteine sulfate, has been reported as having adverse effects on newborns. Yet, it was not until 1979 that action was taken by the FDA to remove this drug from the market.

The GAO report also highlighted the case of a child born in 1951, that was delivered after labor was electively induced by obstetric drugs. The child suffered brain damage which was probably caused by injected pitocin used during the elective induction of labor. In the mid-1960's, the parent of the child began an effort to call attention to this problem. The effort was largely futile. However, in 1977, the parent sent two letters of complaint to the FDA which generated action. The FDA convened its Fertility and Maternal Health Drugs Advisory Committee to consider the matter. After almost 1½ years of deliberations and public hearings, the committee recommended that the drugs pitocin and syntocinon be labeled to indicate the possible harmful effects of the drugs. The recommendation was, in fact, implemented.

The cases I have briefly discussed clearly illustrate the problem. It takes the FDA inordinate amounts of time to consider and conclude action on these matters, and in the end, the significance of the overall problem is lost. The public remains largely uninformed of the potential dangers in the widespread use of obstetric drugs, devices, and procedures. Warning labels, while well intentioned, do little to alleviate the situation and are clearly inadequate in light of the gravity of the problem. My bill goes directly to the heart of the situation. It will ensure that women are provided with more comprehensive information on the side effects, risks, contraindications,

and effectiveness of obstetric drugs, devices, and procedures to enable them to make informed and intelligent choices about their use. Once this information becomes available, many parents will realize that certain obstetric procedures and drugs are unnecessary and there are alternatives available to them that will assure a healthy and risk-free pregnancy.

For the benefit of my colleagues, I am inserting the text of the Obstetric Care Information Act into the RECORD, and I urge them to join me in supporting this important and much needed legislative initiative.

H.P. —

A bill to amend title V of the Social Security Act to require States to provide women during and after pregnancy with access to their medical records and current information on obstetrical procedures and to amend the Federal Food, Drug, and Cosmetic Act to require the dissemination of information on the effects and risks of drugs and devices on the health of pregnant and parturient women and of prospective and developing children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Obstetric Care Information Act".

ACCESS OF PREGNANT AND POST PARTUM WOMEN TO THEIR (AND THEIR INFANTS') MEDICAL RECORDS AND PROVISION OF CURRENT INFORMATION REGARDING OBSTETRICALLY-RELATED DRUGS AND PROCEDURES

SEC. 2. Section 505(2) of the Social Security Act (42 U.S.C. 705(2)) is amended (1) by striking out "and" at the end of subparagraph (D), (2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon, and (3) by inserting after subparagraph (E) the following new subparagraphs:

"(F) the State has a law under which any health care practitioner or provider of services (as defined in section 1861(u)) who furnished health services in the State to a woman during pregnancy or parturition must provide the woman, upon her request, with—

"(i) the opportunity to inspect and copy any medical records which the practitioner or provider maintains relating to the condition or treatment of the woman and her infant during the pregnancy, parturition, and post partum, and

"(ii) a reasonable explanation of any portion of such medical record which is not comprehensible to a layperson,

and under which there are appropriate procedures (as determined by the Secretary) to ensure the provision of the opportunity for inspection and explanation specified in clause (i) and (ii); and

"(G) the State has a law under which any health care practitioner or provider of services (as defined in section 1861(u)) in the State who performs a medical procedure on, or administers a drug or medical device to, a woman during pregnancy or parturition must (except under emergency and other extraordinary circumstance established by the Secretary)—

"(i) inform the woman, before performing the procedure or administering the drug or device, of the side effects, risks, contraindications, and effectiveness, with respect to the health of the woman and of her prospective children, of the procedure, of not performing the procedure or administering the drug or device, and of performing other medically recognized procedures (and of administering other drugs or devices) instead of the procedure, drug, or device involved, and

"(ii) after being so informed, receive her consent to the performance of the procedure or administration of the drug or device.".

(b)(1) Except as otherwise provided in paragraph (2), the amendments made by the subsection (a) shall apply to allotments to States for fiscal years beginning with fiscal year 1986.

(2) In the case of any State which the Secretary of Health and Human Services determines requires State legislation in order to provide the assurances described in subparagraphs (F) and (G) of section 505(2) of the Social Security Act, such assurances shall not be required until the first fiscal year beginning after the date of the first regular session of the State legislature that begins after the date of the enactment of this Act.

INFORMATION FOR PREGNANT WOMEN ON SIDE EFFECTS, RISKS, CONTRAINDICATIONS, AND EFFECTIVENESS OF DRUGS AND DEVICES

SEC. 3. (a) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding after paragraph (t) the following new paragraph:

"(u)(1) If it is a drug or device distributed or offered for sale in any State and intended for the use of any woman during pregnancy or parturition, unless its label or a written insert accompanying the drug bears an explanation, meeting guidelines established by the Secretary under subparagraph (2), of the side effects, risks, contraindications, and effectiveness of the drug or device on the health of women during pregnancy and parturition and on the health of prospective and developing children.

"(2) The Secretary shall, by regulation, establish guidelines with respect to the explanation of the side effects, risks, contraindications, and effectiveness of drugs and devices intended for the use of women during pregnancy or parturition.".

(b)(1) Subparagraph (l) of section 503(u) of the Federal Food, Drug, and Cosmetic Act (added by subsection (a) of this section) shall only apply to drugs distributed in commerce on or after the first day of the sixth month beginning after the date of the enactment of this Act.

(2) The Secretary of Health and Human Services shall establish the guidelines required under section 503(u)(2) of the Federal Food, Drug, and Cosmetic Act (added by subsection (a) of this section) not later than the first day of the third month beginning after the date of the enactment of this Act.●

COMMENCEMENT ADDRESS BY JOHN C. QUINN

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ST GERMAIN. Mr. Speaker, John C. Quinn, editor of USA Today and executive vice president of Gannett Co., Inc., recently gave the commencement address at his alma mater, Providence College, in Providence, RI.

Mr. Speaker, I commend his splendid thought-provoking remarks as they reflect the tremendous changes that have transpired in the field of communication along with the thinking of our youth today.

Mr. Speaker, at this point, I would encourage my colleagues to read this address; it is food for thought.

COMMENCEMENT ADDRESS BY JOHN C. QUINN AT PROVIDENCE COLLEGE

To our reverend and distinguished guests and to all who are part of the Class of 1985, I thank you for allowing me to share in this graduation day.

I need not tell you how grateful I am or how proud my wife is or how well-deserved my mother thinks this degree is. But I have told you anyway and I thank you again very much.

Well, Class of 1985, you are almost there.

You are within minutes of your milestone . . . of graduation in the great tradition and personal triumph of a Dominican education; . . . of liberation from trials and tortures of the Order of Preachers and their faculty tormentors; . . . of recollection of your undergraduate days past, of the good and the bad, the glad and the sad that now flash through your mind; . . . of expectations of your parents that you are now prepared to save the world, or at least find a job by fall; . . . and, of course, you are within minutes of fulfilling the satisfaction of all in this Civic Center that you are the cream of your new generation, that you are equipped with the centuries-tested armour of a Dominican education and that you are indeed ready to take your turn at making this a better world.

Why, then, with four years of faculty wit and wisdom ringing in your heads must you endure yet another lecture, one from an ink-stained graduate of 40 years ago? Darned if I know. Even more surprised would be my P.C. English professor. My beloved Rev. John T. McGregor, O.P., wrote on my first composition:

"You must be in the wrong place. This is the worst piece of writing it has been my misfortune to grade. I hope your livelihood never depends upon the written word."

That should tell either what is wrong with newspaper editors today or what is right about a Dominican education. The latter thesis, of course, is the more attractive, so let us explore from three perspectives what Providence College has done for—and to—all of us, from the Class of 1945 to the Class of 1985.

Providence College Perspective No. 1: On campus.

As an old grad, your 1985 commencement speaker recalls a different Providence College. The 1945 model was Hawkins Hall; the only other building—Aquinas Hall—was on temporary military duty . . . a P.C. where, if you can imagine it, there was neither hockey nor basketball team . . . where there was no Louie's Bar or Garden Cafe . . . where the coeducational environment consisted of catching the Smith Street trolley car with a Chapin Hospital nurse . . . and, alas, one could graduate without ever taking Dr. Fortin's ever popular Western Civilization.

But P.C. '85 is changing, too.

The most distinguished member of the Class of 85—and today the most applauded member—the very Rev. Thomas R. Peter-

son, O.P., will finally do his last thing for the last time as president, leaving behind a remarkable record of growth, like the Peterson Center; a remarkable record of progress, like coeducation; a remarkable record of leadership, as in his own words, "The habit of meeting new horizons has resulted in the habit of success" . . . you can leave to the juniors the problems of breaking in the new President, the Rev. John F. Cunningham, O.P., . . . and, best of all, you are becoming alumni just in time to be invited to contribute generously to the $25 million capital campaign.

So it is—1945 or 1985—that the Providence College spirit, like the 700-year-old white Dominican habit that represents it, continues to look new as the years roll by, as the size grows, as the teaching and the preaching remain first class.

Providence College Perspective No. 2: In the working world.

Your old grad speaker had the opportunity to blend the P.C. teaching in history, literature, philosophy—even if it was not called Western Civ—with a career in journalism that has seen this nation move into the bright but sometimes blinding Age of Information.

You, the Class of 1985, will be the leading edge in deciding whether this Age of Information does fulfill its potential to enrich our understanding and unity or whether it simply prolongs the clamor of conflict.

The challenges are great; the opportunities, still greater.

The new technology of communication brings to your generation a remarkable array of tools of understanding—from the durability and detail of the printed word in newspapers and magazines to the instant drama of electronic coverage on television and radio of the endless data banks of the computer world—all ever more readily available at your doorstep or at the turn of a dial or at the punch of a computer button.

That technology brings new meaning, new strength, new value to our precious First Amendment freedoms of speech, of religion, of assembly and of the press. Yet as this blend of principles and technology grows stronger, so do the threats to it.

Do not be misled by those who pursue privileges for a few at the expense of freedom for all.

Be ever alert to those who nibble away at the practices of freedom in hopes of devouring the whole principle of freedom . . . by courts and legislatures that would serve individual considerations by curtailing the fundamental freedoms on which our unique society was founded; . . . by politicians and pontificators who would substitute healthy diversity and debate with their own special dictatorial prejudices; . . . by the demigods of devisiveness who would blow a smokescreen over the basic, if not perfect, exercise of democracy while they sneak off with our right to know and ultimately with our ability to understand; . . . and, yes, by the press itself, which at times allows its personality to intrude upon its professionalism, lets its practices get in the way of its principles, forgets that it is the custodian of First Amendment freedoms, not its sole proprietor. Too often the press proclaims vigorously what it must do, but fails miserably to explain why it must do it. A freedom misunderstood is a freedom soon lost.

The defense against these threats to our freedoms rests with all of us.

For its part, the press must nourish its believability and its acceptability while still doing its job; it must match its exercise of the public's right to know with the reality of the public's need to understand; it must deliver the free flow of information effectively enough to communicate what the people want to know and to have them accept whan they need to know.

For its part, the public must insist that it get full, fair and accurate information; it must recognize that a free world cannot and should not be a unanimous world; it must be ready to encourage lively debate, to recognize the virtues of diversity and to reach for fuller understanding.

Providence College Perspective No. 3: In minds and souls.

Your old grad commencement speaker today brings to you living testimony that your survival and, hopefully, your success will rely not on what you know today, or ever, but on how successfully you find what you need to know in the wisdom of others.

Indeed, that disaster of Father McGregor's English Comp class did not survive in the world of words by becoming a literary genius, but by learning at the Dominican knee the virtue of taking guidance from others and thinking for yourself.

You, the Class of 1985, share in that learning from your Dominican education, from your years in the recent P.C. environment and from the many voices that will speak to you, too, in the years to come—sometimes at your behest, sometimes uninvited and even unappreciated, but always worth hearing and maybe heeding.

So let us conclude by listening to the wisdom of voices echoing among us today.

On goals, the words of St. Dominic: "That man who governs his passions is master of the world. We must either rule them or be ruled by them. It is better to be the hammer than the anvil."

On perseverance, the words of Fr. McGregor: "Quinn, you are going to pass this course with a good mark not because you are so smart, but because you are so stubborn; you wouldn't let me intimidate you. Don't let anyone else ever intimidate you, either."

On greatness, the words of Coach Joe Mullaney, who gave us all a splendid lesson this year in thinking with your brains, not your glands in his retirement statement: "This decision had to be made at this time for the benefit of Providence College."

On understanding, the words of St. Thomas Aquinas: "Three things are necessary for the salvation of man:

"To know what he ought to believe; to know what he ought to desire; and to know what he ought to do."

On spirit, the words of our departing president, Fr. Peterson: "Learn early to take your laughter seriously . . . If you as graduates have the proper understanding and respect for laughter, and take laughter seriously, you will be prepared to solve most of the problems you will encounter on the journey you begin this afternoon."

On style, the words of our incoming president, Fr. Cunningham: "We are not afraid of simple words like goodness, justice, morality, kindness and mercy."

On affection, the words of my mother who sits among us today: "Don't ever go to bed mad; never go through a day with a lingering regret."

And finally, the simple words of your commencement speaker: Be neither intimidated nor intransigent; be smart in heeding the wisdom of others, be courageous in thinking for yourself, be honest in all that you do.

May your 40 years and more ahead also be filled with the spirit of your Dominican education, with the guidance of a devoted family, by the patience of a loving spouse, by the blessings of the Lord.

Godspeed to you all forever and ever, Amen.●

TRIBUTE TO SOPHIE WEINER—COMMITTED TO THE ELDERLY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BIAGGI. Mr. Speaker, I rise today to pay a special tribute to a very special person in my congressional district—Ms. Sophie Weiner, retiring borough director of the Jewish Association for Services for the Aged in the Bronx.

For the past 17 years, we in the Bronx community have shared the privilege of having Sophie working in our midst. Although Sophie does not originally hail from the Bronx, she has devoted most of her working life to the elderly in our community and has made the Bronx her home. Through her work with the Jewish Association for Services for the Aged [JASA], many senior citizens have been awarded the dignity and independence they deserve. I have had the pleasure of working closely with JASA in my capacity not only as the Representative from the 19th District of New York, but also in my role as the chairman of the Subcommittee on Human Services of the House Select Committee on Aging. JASA has always been in the forefront in confronting issues that affect our Nation's elderly and our community's special senior citizen needs and concerns. Because of people like Sophie, they have become a successful, effective organization and lobbying force.

I would like to share with you a little of the history of Sophie Weiner's life and career. She earned her master's degree from Columbia School of Social Work in 1950 and since that time has worked for various agencies, including Beth Abraham Hospital in the Bronx, before joining the Bronx-based Henrietta and Stuart Hirschman Coordinating Committee for Services for the Aged in 1965. After a brief hiatus, she returned to the Hirschman Services in 1968 as casework supervisor from which position she became a charter member of the JASA staff when Hirschman was absorbed by JASA in January 1969. Two years later, she assumed the office of director of JASA's Bronx district, a position she has filled with energy and expertise ever since.

During her tenure in the Bronx, Ms. Weiner was responsible for developing a number of new and creative programs to assist elderly residents of the borough. These include:

The Mobile Home Service and Transportation Unit for Isolated Elderly Needy and Impaired People in Disadvantaged Neighborhoods in the Bronx, which operated from May 1972 to December 1973;

Project SPAN, in which college students visited elderly Bronx residents and helped them with household chores, 1982-85;

A cooperative program between JASA and Montefiore Hospital's emergency room, in which JASA arranged for immediate home care for elderly patients as they return home from the emergency room;

And, the Mobile Geriatric Crisis Intervention Unit, which operated as a demonstration project from 1976 to 1979. Ms. Weiner was responsible for the revival of this unit in May 1984 as the present Project Crisis, which is funded by the NYC Department of Mental Health, Mental Retardation and Alcoholism Services. Under Ms. Weiner's leadership, these programs have reached the most isolated and impaired elderly of the Bronx.

Sophie Weiner has been an essential element in the "aging network" that provides services to the aged in the Bronx. Her membership on local councils and committees and active participation in numerous conferences has earned her the respect and admiration of the entire community. She is an outstanding woman, who has assumed her various positions with pride, and this pride has been evident in all her undertakings. I depend upon Sophie, as we all do in the Bronx, and I know that she has always been there, ready to assist me, advise me, and support the causes we both find so very important.

It is not possible for one individual to be part of any organization for 17 years and not have some profound effect on it. Sophie Weiner's retirement comes at a time when the fruit of her labor is paying off—through her guidance, an entire generation of JASA workers and leaders have been trained and inspired. Through her special talents, hundreds of elderly people are living more comfortably and through her warm and caring personality, a sense of camaraderie and love has been developed throughout the JASA community.

I know that Sophie's presence as director will be missed as JASA strives on to meet its set goals. However, Sophie's presence will always be felt no matter how near or far she is, and at this time, I would like to salute Sophie for a job well done and wish her much continued personal happiness and success in all future endeavors.●

LATIN AMERICA AND ITS FOREIGN DEBT, THE PROBLEM CONTINUES

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BARNES. Mr. Speaker, 2 years ago the whole world was reacting to what then seemed to be an immediate financial crisis of unforeseen proportions resulting from Latin America's foreign debt. Since then, most countries have been able to reschedule their debts and have signed agreements with the International Monetary Fund. But although the crisis seems to have subsided, the long-term problem continues. In a letter to President Reagan, 11 Presidents from Latin America and the Caribbean warned:

It would be a serious mistake to believe that the problem of the foreign debt has been overcome or that it will have to correct itself automatically through the economic dynamics of the industrialized countries, both asymmetric and uncertain, or by the mere continuation of this adjustment process.

In a letter they also urge the creation of new mechanisms to deal with the problem. I would like to share this letter with my colleagues because it provides a useful perspective on the concerns of most of Latin America and the Caribbean.

The letter follows:

[Translation—Spanish]

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC.

[Text of the letter sent to the President of the United States of America, by the President of Uruguay on behalf of the Presidents of Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Mexico, Peru, the Dominican Republic, Venezuela, and Uruguay]

MONTEVIDEO, *April 26, 1985.*

YOUR EXCELLENCY: I have the great honor of addressing Your Excellency, in the name of the Presidents of Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Mexico, Peru, the Dominican Republic, Venezuela, and in my own name, on the eve of a new summit conference of seven Western industrialized countries, which is to take place in Bonn this May.

Already on previous occasions, we Latin American Chiefs of State have expressed to the political leaders of the industrialized world our concerns over the acute problems that the crisis has posed for Latin America and in particular for the situation and perspectives of the foreign debt, a subject that transcends the boundaries of our particular interests to converge with those of the entire international community.

The relative improvement of some indicators of the Latin American economy in 1984 was manifested insufficiently and unequally; it was the result of the partial recovery in various industrialized countries and, above all, of the responsibility and internal efforts of the Latin Americans themselves.

We wish to point out that the adjustment /?/ carried out by our countries, the most severe of the last 50 years, which has so far prevented the arrival of situations of great danger for the international financial system, is being carried out fundamentally at the expense of a drastic shrinking of the standards of living of our peoples, with grave economic, social, and political consequences. Although in the initial period of the crisis there has been a clear coresponsibility of the financial agents and the international economic system itself, such adjustments have been borne exclusively by the debtor countries.

It would be a serious mistake to believe that the problem of the foreign debt has been overcome or that it will have to correct itself automatically through the economic dynamics of the industrialized countries, both asymmetric and uncertain, or by the mere continuation of this adjustment process. For this reason, it will also be highly dangerous for a hasty evaluation of the facts to lead to a situation of self-complacency or to overlook the fragility and insufficiencies of the achievements attained.

In effect, as Your Excellency is aware, in the international economy high real interest rates, a dramatic depression of many of the prices of our basic export products, difficulties in access to foreign markets, and dangerous accentuations of trade protectionism persist. The resumption of new and additional flows of public and private capital is uncertain and hardly encouraging, and these flows continue at a low and insufficient level that does not compensate for the transfers of resources that leave Latin America for abroad, in particular those corresponding to the foreign debt service. These facts affect our ability to pay and force us to restrict imports, which accentuates the recession and weakens the domestic formation of capital.

Such considerations increase in meaning when one examines, in a long-term projection, the high transfers that must be carried out by the region through the debt service if the current market rates are maintained. In this context and despite our expectations, we must point out that in the recent deliberations of the Interim Committee and the Development Committee of the International Monetary Fund and the World Bank, no significant progress was recorded in the statement of problems presented by the developing countries, in particular those related to foreign indebtedness and the interrelated questions of financing and trade.

In addition, the initiative on a new round of trade negotiations announced, as well as the steps for a reform of the international monetary system, which we consider urgent and a priority, are being outlined in accordance with criteria of negotiation that in some cases exclude and in others do not ensure adequate participation of the developing countries. It seems fundamental to us that the advances in the field of commercial liberation be accompanied by advances in the monetary and financial fields, in virtue of the clear interrelation existing between both concepts.

Without evading the responsibilities that each country has assumed and will continue to assume in its processes of adjustment and economic realignment including the individual operations of renegotiation, we are convinced that the lack of support for our development efforts reduces the effective contribution that our economies can and wish to carry out in the dynamics of trade and the world economy. The decision of the region confirmed in the facts to face their foreign commitments should be supported

in the sustained increase in their economies and not in the persistent reduction of the domestic standards of living.

It is for that reason that an integral focus of the problem of the debt is urgently required, placing it in the context of the fundamental goal, which is the acceleration of the economic development and social progress processes. For these ends, political decisions that make it possible to overcome the obstacles that persist today and which distribute inequitably the sacrifices of these adjustment processes are required. Such political decisions will only come about through mechanisms of dialogue and concertation of efforts at the highest level, which transform into effective realities the will so often expressed to work collectively for a fairer international system.

The objective of the dialogue and the concertation that we propose is the effective advancement toward permanent and lasting solutions. It is necessary to design actions of cooperation that go beyond those of the alleviation of the indebtedness derived from the operations of renegotiation and which will allow through complementary measures in the fields of the debt, trade and financing, a rapid restoration of conditions for a sustained growth in the developing countries.

Together with calling attention to the need for political dialogue with a sense of responsibility and with an eminently constructive attitude, we want to share our concern over the risks to all of the international economy from the lack of response and the continuation of situations that make domestic adjustments more onerous, and if they persist they could create unpredictable situations for the entire international community.

The social and political consequences of this state of matters for our climate of internal coexistence are not hidden from Your Excellency. But such consequences become much more dramatic when they can turn into serious obstacles for the stability of the international political system and the strengthening and consolidation of our democracies, especially of those that have arisen after costly processes of change spurred by the will of our peoples and accompanied by the solidarity of friendly countries.

In the assurance that these arguments will contribute to a realistic and pragmatic vision of the problems of the world economy in relation to the situation of our countries, I use this opportunity to reiterate to Your Excellency the expressions of my best wishes.

(Translated by Deanna Hammond, CRS Language Services, May 22, 1985.) ●

THE FARMERS' VIEW OF FEDERAL FARM POLICY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GUNDERSON. Mr. Speaker, "The Plight of the American Farmer"—it's been a while now since we've heard it on the evening news or since we've read it on page 1 of our major newspapers. But the fact is, Mr. Speaker, that American agriculture is truly at a crossroads, and unless we are successful in developing sound agriculture policy in the 1985 farm bill and in reducing the Federal deficit, we will be reading those headlines again.

As we develop those policies and make those reductions, we in Congress must answer many difficult questions. What is the proper role of the Federal Government in farm policy? Ought we spend more money on agriculture in a time of soaring Federal deficits? Should there be limits on spending on individual farmers?

How we answer these questions will determine the role we play in the world for decades to come, for history shows that a nation remains strong only as long as it can feed its people.

Mr. Speaker, earlier this year I distributed a comprehensive farm questionnaire throughout the rural areas of Wisconsin's Third District to seek the views of our farmers on these important 1985 farm bill and deficit reduction issues.

Of those farmers responding, an overwhelming 80 percent said the role of the farm bill should be to preserve the family farm structure of agriculture. At the same time, our farmers are willing to do their share in deficit reduction. The majority said that no programs can be overlooked in deficit reduction, and that reductions in agriculture programs should be made as long as all programs have a fair share in spending cuts.

In regards to the future of dairy policy, most respondents feel the diversion program should be reinstated, and 77 percent favor extending the current dairy promotion assessment of $0.15/hundredweight beyond this September.

Asked which tax credits or deductions they would be willing to give up to reduce the deficit, our farmers are most willing to give up accelerated depreciation followed by investment tax credit. Of the farmers responding, 72 percent said that only farmers who can show they are farming for profit—and not for a tax loss—should be allowed to deduct a net loss for farming.

In the area of farm credit, most believe the Farmers Home Administration should limit its resources to loan guarantees, and that future FmHA loans should be targeted to farm related activities rather than community projects.

Mr. Speaker, for the benefit of all my colleagues I would like to share here the complete results of my farm questionnaire:

1985 AGRICULTURE QUESTIONNAIRE

[All answers are from those actively engaged in farming]

	Percent
1. Which of the following do you believe has the greatest impact on farmers' net income?	
A. The budget deficit	28
B. The farm bill	31
C. Monetary policy	9
D. Trade policy	32

1985 AGRICULTURE QUESTIONNAIRE—Continued

[All answers are from those actively engaged in farming]

	Percent
2. What should be the role of the Farm Bill? (You may pick more than one answer.)	
A. Guarantee an adequate supply of food to consumers	43
B. Allow only the most efficient farmers to survive	14
C. Provide a "safety net" for all farmers	15
D. Preserve the family farm structure of agriculture	80
3. As a general statement, which of the following most closely describes your attitude toward the federal government's agricultural programs (e.g., price support programs, commodity loan programs, and the like).	
A. We ought to have a totally free market with no government programs whatsoever	20
B. While there is a proper place for government programs in agriculture, we ought to be more market-oriented than we are today	55
C. The current government agricultural programs are appropriate	1
D. Government agricultural programs should be directed toward promoting supply management efforts	10
E. The Government ought to establish a strict system of bases and quotas which limit production to only that which can be used domestically and can be immediately exported	14
4. Many suggest that supply management (i.e., a limitation on how much an individual farmer may produce) is the solution to the problem of low commodity prices. How do you feel about the use of supply management?	
A. Every farmer should have limitations placed on his production	19
B. We should encourage farmers to voluntarily reduce production (like the recent dairy diversion program)	49
C. It should not even be considered	32
5. Would you be willing to accept mandatory production controls in exchange for higher commodity support prices?	
A. Yes	53
B. No	45
6. Many different suggestions have been made about the future of the dairy program. Which of the following most closely describes your preference?	
A. We ought to maintain the price support/purchase program at the current price support level ($12.10/cwt for 3.67 milk, that may become $11.60/cwt on July 1)	10
B. We ought to reinstate the diversion program for two years with the same terms and conditions that were previously used	28
C. We ought to go to a dairy specific parity that includes a supply/demand adjuster and a standby system of supply management	22
D. We ought to switch to a target price/deficiency payment program that provides direct payments to producers and limits individual benefits	15
E. We ought to eliminate the dairy price support program	24
7. Presently, there is no limitation on the amount of price support payments an individual dairy farmer can receive under the federal dairy program. Should an individual payment limitation be established for dairy program benefits?	
A. Yes	81
B. No	16
8. In the last year, national consumption of dairy products has increased by 2.4 percent, nearly twice the normal annual increase. Should the national $.15/hundredweight assessment for dairy products research and promotion be continued past September, 1985?	
A. Yes	77
B. No	23
9. Currently, there are almost 50 different federal milk marketing orders in operation in the United States. What should be the future of our milk marketing order system?	
A. It should be continued in its present form	8
B. It should be condensed into four or five orders to create a simpler, more uniform system	53
C. We should do away with all milk marketing orders	39
10. Current target price programs for wheat, feed grains, and other crops limit payments to $50,000/individual. How do you feel about that limitation?	
A. It is too high	49
B. It is just right	31
C. It is too low	2
D. It ought to be eliminated	18
11. There are those who suggest that we will continue to have significant commodity surpluses so long as the loan rates remain at current levels. In response, they recommend lowering the loan rate for a particular commodity to 75 percent of the target price for that commodity. Do you support that action?	
A. Yes, ASCS commodity loan rates should be no more than 75 percent of the target price for a particular commodity	62
B. No, current ASCS commodity loan rates should be preserved	38
12. The federal tobacco program is a system of acreage allotments and a producer-financed commodity loan program intended to be operated at "no net cost" to the taxpayers. Legislation has been introduced again to eliminate the tobacco program. How do you feel about this program?	
A. The tobacco program should be continued	35
B. The tobacco program should be eliminated	65
13. In the last few years, imports of Canadian pork have increased greatly. A recent International Trade Commission study found evidence of subsidies paid by the Canadian government to its pork producers. What should the U.S. government do in response?	
A. Nothing	5
B. Put a countervailing duty (i.e., a per unit charge) on Canadian pork imports entering the U.S. equal to the subsidy paid by the Canadian Government to its pork producers	63
C. Limit Canadian pork imports through quotas	28
D. Provide similar cash subsidies to U.S. pork producers	4
14. There are many different ideas on how to expand exports of U.S. agricultural products. Which of the following suggestions do you support? (You may choose more than one answer.)	

1985 AGRICULTURE QUESTIONNAIRE—Continued

[All answers are from those actively engaged in farming]

	Percent
A. Expand the use of producer-financed export promotion through commodity check-offs	28
B. Expand taxpayer-financed international promotion of U.S. ag products	16
C. Create an "export-PIK" program where countries that purchase U.S. farm goods are rewarded with a "bonus" of surplus CCC commodities	42
D. Subsidize U.S. exports to the extent that the strong U.S. dollar makes them more expensive	18
E. Eliminate the cargo preference laws	20
F. Increase federal spending on the PL–480 (Food for Peace) program (current spending level is about $1.5 billion)	27
15. As a general statement, which of the following best describes your view of the Federal government's involvement in farm credit through the Farmers Home Administration?	
A. The Federal government should not be in the credit business and ought to leave farm credit to the Farm Credit System and other private lenders	34
B. While there is a role for the government in the farm credit issue, it should be limited to guaranteeing the loans of the Farm Credit System and other private lenders	39
C. The current level of Federal direct lending and loan guarantees is fine	11
D. The government should increase its direct lending and loan guarantee activity so that no farmer is denied access to farm credit during the current credit crunch	14
E. The government has a responsibility to provide as much credit as is necessary to keep farmers in business regardless of cash flow or other considerations	2
16. Currently, the Farmers Home Administration offers loans in all of the following areas. Which, if any, of the following loans should not be offered by the FmHA in the future? (You may choose more than one answer.)	
A. Farm ownership	18
B. Farm operating	21
C. Rural housing	37
D. Sewer and water	52
E. Community facility	66
F. Business and industry	62
17. Present law permits FmHA to guarantee up to $400,000 in commercial operating loans or make up to $200,000 in direct operating loans to each individual producer. How do you feel about these limitations?	
A. They are too low	4
B. They are just right	23
C. They are too high	73
18. The use of advance ASCS commodity loans on 50 percent of a farmer's anticipated harvest to meet the immediate credit needs of that farmer has been under consideration. How do you feel about this proposal?	
A. Advance commodity loans should be made available to all farmers	19
B. Advance commodity loans should be made available only to those producers who have been unable to obtain sufficient operating credit for the current crop year and can show that, with these additional funds, they will be able to complete the crop year	30
C. ASCS commodity loans are a marketing tool and ought not be used for credit purposes	51
19. Is there a specific period of time within which a FmHA borrower should be expected to "graduate" from agricultural loans and move into the commercial lending market?	
A. Yes—within 15 years of his first loan	30
B. Yes—within 10 years of his first loan	45
C. No	25
20. Congress will again consider so-called "sod-buster" legislation this year which would penalize producers who plow and plant highly erodible land that has not been cultivated in the past. Which of the following is closest to your view of this legislation?	
A. Producers should be prohibited from plowing any new highly erodible land	32
B. Producers who plow new highly erodible land should be prohibited from participating in any Federal price support or loan programs	40
C. Producers who plow new highly erodible land should receive Federal price support protection only for crops not grown on that newly cultivated land	11
D. Producers should have no "sodbuster" restrictions placed on them	16
21. Should the Federal government have a policy of "cross-compliance" where producers would be prohibited from receiving price support protection and federal loans unless they engage in approved soil conservation techniques?	
A. Yes	73
B. No	27
22. Another current conservation proposal is a "Conservation Reserve" where the government pays a producer to take a portion of his land out-of-production for a period of 7–15 years. How do you feel about this?	
A. We ought not have to pay producers to take land out of production	34
B. I would support a Conservation Reserve if funds were taken out of existing programs to finance it rather than adding to the Federal deficit	44
C. Soil conservation is such a critical issue that I would support the establishment and funding of a Conservation Reserve even if it meant adding to the deficit	22
23. Which of the following tax credits or deductions, if any, would you be willing to give up if a comprehensive plan were to be put together to reduce the deficit. (You may select more than one answer.)	
A. Investment tax credit	31
B. Accelerated depreciation	50

1985 AGRICULTURE QUESTIONNAIRE—Continued

[All answers are from those actively engaged in farming]

	Percent
C. Capital gains tax rates	18
D. Cash basis accounting	14
E. None of the above	26
24. Which of the following do you feel is a proper direction for our federal tax policy in the future? (You may choose more than one answer.)	
A. Permitting a person to deduct a net loss from farming only if he can show that he is in farming for profit (and not just to get a tax loss)	72
B. Allowing a corporation to take Subchapter S deductions only to the extent of actual farm income	29
C. Permitting only those taxpayers who have derived a minimum of 33 percent of their family income from farming in the last year to file a Schedule F itemizing farm-related deductions	35
D. None of the above	10
25. As part of efforts to reduce the Federal deficit which is expected to exceed $200 billion this year and in the future which one of the following do you feel is most appropriate?	
A. Because of the crisis facing agriculture, we ought not be reducing spending on ag programs at this time	33
B. We cannot overlook any programs in our efforts to reduce the Federal deficit and, thus, we should make reductions in ag programs so long as they are fair and equitable in relation to cuts made elsewhere	49
C. The government is over-involved in agriculture anyway and significant reductions can and should be made in our Federal ag programs	19
RESPONDENT DATA	
26. Are you actively engaged in farming? (If your answer is yes, please answer the following questions as well.)	
A. Yes	66
B. No	34
27. What is the principal commodity you raise?	
A. Beef	5
B. Cash crops	13
C. Dairy	56
D. Pork	2
E. Other	5
28. As an adult, how many years have you been farming?	
A. 0 to 5 years	9
B. 6 to 15 years	36
C. 16 to 25 years	16
D. More than 25 years	39
29. What is your estimated debt to asset ratio?	
A. Less than 40 percent	59
B. Between 40 and 70 percent	29
C. Over 70 percent	12
30. What percent of your family income is earned off the farm?	
A. Less than 10 percent	58
B. Between 10 and 50 percent	21
C. More than 50 percent	21●

A SPEECH BY MR. BRET HESTER

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. THOMAS of Georgia. Mr. Speaker, this is the time of year when those of us in the Congress have the privilege of being invited to speak before a number of school commencement programs. In high schools, colleges, and universities in every corner of the Nation, we find ourselves among those who are called to address the Class of 1985.

For me and I am sure for my colleagues, this is a wonderful opportunity and one of the highlights of the year. It is an inspiration to visit with our new graduates and to be charged with the energy and enthusiasm which they carry.

At the same time, I am sure that many of us are guilty as graduation speakers of the sin of being carried away with the role of dispensing our wisdom, pronouncements, and homilies. I fear that sometimes a graduation speech is more to be endured by the audience than to be enjoyed.

For that reason, I take great pride today in sharing with the House a graduation talk that contains more wisdom than most of the words that we will hear in the Congress over a long period of time.

It is the work of Mr. Bret Hester, a 13-year-old young man who delivered the Form II Address at the St. Albans School Prize Day on May 31, 1985, here in Washington.

It was a great honor for Bret to be selected to deliver the only remarks by a student at the ceremony that marked the graduation of the eighth grade from the Lower School to Upper School. The honor is even more significant when you consider that Bret entered St. Albans only 2 years ago. I will claim some parochial pride in Bret's honor, because he is originally from the State of Georgia.

Mr. Speaker, when you see Bret's words' I am sure that you will share my own feelings that the youth of America carry with them an insight and an understanding that is both remarkable and reassuring.

It has been said that a school is a building that has four walls with our future inside. Bret Hester's talk gives me confidence that our future shines with promise. I ask his remarks be included in the RECORD at this point.

There are many large stones lying on the cathedral grounds that are rough and uimpressive. After they have been worked upon, polished, and finished, these stones become part of one of the most beautiful and impressive buildings in the world. One man working alone cannot build a cathedral. It takes the contributions of many workers, supervisors, and supporters to turn the plain, ordinary stone into the magnificent cathedral that you see today. That process is similar to the one we are a part of now, both as individuals, and as a class. In the lower school, we have been provided with the basics of our education, have formed friendships, and have begun developing our values. These qualities are the ones we will use as the foundation for the future.

The stone carvers at the cathedral grind and drill each individual block, making their impressions and leaving behind designs and art that people will see for many years to come. However well-crafted the cathedral might be, additions, repairs or changes will constantly be taking place. Teachers, parents, and friends have been drilling their impressions into us, helping us prepare for our immediate future, and for our eventual introduction to society as mature, contributing members. Just like the stones, our values, morals, and personalities will be added to and changed as we open our minds to new ideas and as we meet new people.

Educating the class of 1989 has not always been the easiest task undertaken on the cathedral close. There were days when it was rumored some of us would never learn how to identify an igneous rock, conjugate a Latin verb, or begin to understand the binomial theorem. There were also times when it was rumored that the faculty wouldn't be around the next day to even try to teach us.

But we have learned, and more than academics. We have learned from each other. We have learned to respect opinions and beliefs that differ from our own. We have learned to look to our family and friends for support and understanding when things might not be going so great, and to give our best effort when our friends need it most. We have been fortunate to have dedicated teachers who believed in our potential, and who were willing to give their time and energy to help us realize our capabilities.

I don't want to mislead you into thinking we've been living in some 20th century Utopia. The competition is tough: academically, socially, athletically. And yet, that really isn't a totally negative factor. If we are to succeed, first in the upper school, then in college and graduate school, and finally in the real world, we have to learn to deal with pressure in order to perform, and to still maintain our perspective. It's never an easy task, but here at St. Albans, we have the supporting structure that makes it possible to achieve without arrogance and to fail without despair.

At St. Albans, there is also concern and compassion that makes us aware of the world beyond the close. This year, many of us participated in social service activities for the first time. Working in a soup kitchen, I met many people very different from myself. The reason for this is simple: we are privileged and fortunate. The people with whom I was working had worries about where their next meal was coming from or where they would spend the next night. Day to day survival is a real problem for them; our problems are insignificant by comparison. Although we have our own worries such as "Will I complete this assignment on time?", "Will I pass this test?", or "Will we win this game?", we cannot get wrapped up in ourselves to the extent that we forget others.

Even as we sit here today, children are starving in Africa, people are dying in the streets in the middle east and central America, and citizens in many nations are deprived of even the most fundamental human rights. At the same time, there are concerned and dedicated people working to make the world a better place in which to live. Someone may be close to discovering the cure for cure for cancer, or a solution for famine, or a way to peace in a strife-torn area. What does this have to do with the Class of 1989 at St. Albans School?

To use the words of a song we hear every day on the radio, "we are the world, we are the children." What St. Albans has given us already, and will continue to provide through the next four years, is the mind and heart to care about the world and the people in it, and the intellectual skills and knowledge to make it possible to make a difference. Our class may not have an Einstein or a Bishop Tutu, but each and every one of us can become a worthy human being. Individually, and as a class let us take our stones and add them to the cathedral of human spirit.●

DEAR ROSTY: SENSATIONAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. DINGELL. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial which appeared recently in the Detroit News praising the distinguished chairman of Committee on Ways and Means for the manner in which he responded to the President's tax message last week.

As the tax proposal is studied and shaped over the next few months, Members and the American public will have very difficult choices to make. It is important that they have confidence that they will have the kind of information they need to make those choices intelligently and that the decisions be made in a spirit of bipartisanship and comity.

The editorial I am placing in the RECORD here today is convincing testimony that the chairman of the Committee on Ways and Means is winning that kind of confidence and that will stand us all in good stead in the difficult days ahead.

[From the Detroit News, May 30, 1985]

DEAR ROSTY: SENSATIONAL

An open letter to Daniel Rostenkowski, chairman of the House Ways and Means Committee, Washington:

In your Democratic response to President Reagan's tax message to the American people Tuesday night, you invited listeners to write you about their reactions to the campaign for tax simplification and reduction. Realizing that many people might have trouble spelling your name, you adlibbed that they could simply send their letters marked "Rosty."

OK, Rosty, here's our response: Sensational.

As good as the Great Communicator's speech was, yours was in some ways even better, perhaps because it was so unexpected. For one thing, it took courage for a leading Democrat such as yourself to throw your weight behind a Republican president's initiative. Not since the days of Arthur Vandenberg, the Michigan Republican who have his support to Harry Truman's postwar foreign policies, have we seen such a spirit of constructive bipartisanship.

Second, you've taken a giant step toward bringing the Democratic Party home again. As you noted, the Democrats have long argued for "fairness" in taxation. But you made it clear that fairness, in your book, shouldn't be a codeword for a tax increase. "If the president's plan provides real relief for middle-income taxpayers, Democrats will follow his lead and try to hold his package together," you said.

That's the sort of sensible perspective that Democrats have been lacking for years at the national level. If Walter Mondale had listened to you, he might have been president now. (Well, at least he might have come a lot closer than he did.) Instead, when people think of Democrats these days, they tend to think of tax increasers. With one stroke, you have challenged that attitude and given your party a golden opportunity to come in from the cold.

Finally, it was just a terrific speech. Usually we flick the TV off when it comes time for partisan responses to presidential speeches. Yours was riveting. Again, that's because you spoke affectingly to the concerns of real people, not to narrow ideological interests.

Referring to the working-class Polish neighborhood you grew up in, you noted that a lot of your friends have moved to the suburbs. "Then make more money than their parents. In most cases their lives have changed for the better. But the tax system has changed for the worse, and so has their faith in it." That's great all-American stuff, a welcome change from the politics of envy, which in recent years has driven politicians to denigrate and tax the successful in this country rather than find ways to encourage others to follow.

We're not naive. We know there's personal ambition at work here. You'd probably like to be speaker of the House after Tip O'Neill departs the scene, and this was a grand occasion to differentiate yourself from the rest of the pack.

And we realize you may have a different idea of "fairness" in the tax code than the president. You left the door ajar for those who insist that any rate cuts be "paid for" by a heavier burden on "the wealthy" and "big business." If you and the president aren't careful, left-wing demagogs could run away with the show. They have always been more interested in redistributing other people's income than in economic growth for all, which should be the real goal of tax reform.

But we understand that you'll want to find ways to put your own mark on the tax bill, and who can object? In your speech you accomplished a number of important things for which you deserve some recognition. You have rescued your fellow Democrats from the wilderness, which bodes well for American politics. You have saved tax reform from a potentially early death by placing the Reagan initiative in the great tradition of Roosevelt, Truman, and Kennedy.

And you have begun the vital process of redefining tax reform to mean primarily tax reduction (and fairness), not tax increases (in the name of a false fairness).

Fairness, after all, can be achieved by bringing tax rates down more surely than by raising them. The "rich," after all, wound up paying a bigger share of the total tax burden, not a smaller share, after the Kennedy tax cuts of the 1960s (engineered by one of your predecessors as chairman of Ways and Means, Wilbur Mills). There's nothing in the stars that says Republicans rather than Democrats should be the party of tax rate reduction.

So while we recognize that you may still have some differences with the president on tax reform, we think you deserve great credit for agreeing to work something out. That sort of spirit has been sadly lacking in Washington in recent years. As you said: "If we work together with good faith and determination, this time the people may win." To borrow a phrase the president used Tuesday night: Go for it, Rosty.●

POPULATION CONTROL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. UDALL. Mr. Speaker, as we approach a vote on this year's foreign aid bill, one of the most contested issues is the matter of aid to international organizations to be used for population control. I wish to recommend an excellent editorial from the Arizona Daily Star on the subject. As the Daily Star

points out, it is irresponsible for us to confuse efforts to slow the growth of the world's population with personal views on abortion.

It is estimated that within 40 years the world's population will be nearly 10 billion. Most of these people will be in countries of the Third World and will have little chance of survival. Today we already see the effects of unlimited population growth in Ethiopia, the Sudan, and all over Africa, as well as in Asia and Latin America where food and economic resources are insufficient to meet the needs of ever-growing populations.

It is clearly in our interest to bring the world's population under control. Unchecked growth means severe strain on global resources, international security, and the environment. We must continue to provide assistance to those countries which most need family planning programs. These funds should not be held hostage in order to make a point on abortion.

I offer here the Daily Star editorial:

ABORTION NOT THE ISSUE: HOUSE EFFORT THREATENS FUNDS TO KEEP FAMILIES IN CHECK

No country in the world, including China, has abortion as a policy of family planning. But that's not good enough for certain forces in Congress and the White House. They want to stop vital family planning money from going to any country where abortion is even allowed.

If that excessively strict regulation becomes law, the effect will be more population growth in Third World nations, more infant mortality, women resorting to illegal, life-threatening abortions and more hungry mouths to exacerbate famines.

Next week, the House of Representatives is scheduled to vote on a good foreign-aid bill. It allows the United States to assist voluntary family planning services and information to developing nations whose populations are doubling as rapidly as every 17 years.

But a congressman has threatened to attach to it an amendment that failed when the bill was considered in committee meetings. Die-hard congressmen want to revive it to punish struggling families in every country where the word abortion is even said aloud.

Population control in China has raised some legitimate questions about reported incidents of infanticide and coerced abortion. The foreign-aid bill withholds money from China's family planning activities. It also expresses strong opposition to involvement in China by any international population organizations if such abuse is verified.

The United States already passed a law, back in 1973, that said no U.S. money could be applied to abortion programs. That law is still followed. Coupled with the China action already in the bill, that is sufficient attention to the problem.

But a New Jersey Republican, Christopher Smith, has said he will bring back his amendment to the foreign-aid bill when it's discussed on the House floor. It would prohibit all U.S. funds to any organization that provides any funds to any countries permitting infanticide or coerced abortion. The foreign-aid bill already takes care of such abuses. Smith's attitude isn't pro-life, it's anti-family planning.

The broad definition that he and pressure groups give the terms infanticide and coerced abortion may well include abortions that doctors consider medically necessary in countries where abortion is legal. His amendment, improperly applied, could cause cut-offs of family planning aid not just to China but to the other 114 nations that depend on the United Nations Fund for Population Activities for maternal and child health services.

Most couples in developing countries still do not have access to family planning services that enable them to control their own fertility. Infanticide and abortion are resorted to where birth-control measures are missing and ignorance flourishes.

If the administration and members of Congress really want to reduce abortions worldwide, the last thing they should do is cut off family planning funds. Those who can rationalize such cut-offs and can live with that heavy, life-costing responsibility have blunted their consciences toward human suffering.●

THE BANK BRIBERY STATUTE NEEDS TO BE AMENDED

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GEKAS. Mr. Speaker, for criminal statutes to be effective, they must be clear as to what conduct is prohibited. Current law dealing with bank bribery is not now clear. I have introduced H.R. 2617 to make the changes which would clarify and make effective our present bank bribery law.

My proposal amends the Bank Bribery Statute (18 U.S.C. 215) that was enacted last year as part of the Comprehensive Crime Control Act. Although I strongly supported adoption of the act, I recognized then, as now, that not every line was perfect. One example, the bank bribery provision, needed clarification but was such a small part of the act that I could not allow its defects to blight prospects for passage of such landmark criminal justice reform legislation.

A necessary component of any criminal statute is an appropriate state of mind, or mens rea, which accompanies the forbidden act. Under the modern approach to law, there are four criminal states of mind: intentional, knowing, reckless, and negligent. Since the Bank Bribery Statute, as it now reads, uses the term "directly or indirectly," this generality would appear to criminalize a whole host of innocent acts performed by persons with no stated criminal intent. Therefore, in H.R. 2617, I propose that "knowingly" be added as the appropriate state of mind to correct this uncertainty.

Because of the nature of the offense of bank bribery, there should be a relationship between the conduct and the motivation of the violator which would establish a specific intent in the offense. I propose adding "with the intent to influence corruptly," to the Bank Bribery Statute because I feel that the essence of the statute has been and should be corrupt conduct.

Before its 1984 amendment, the Bank Bribery Statute focused on the receipt of gratuities by certain bank officials. Because it was a misdemeanor and limited in scope, a specific intent was not particularly necessary. But since it has now been transformed into a felony bribery statute with considerably broader application, I think it entirely appropriate that specific intent focus on the desire by the defendant to "influence corruptly." Just as there is a focus in the general bribery statute on corrupt demands or offers of gratuities, the focus of the Bank Bribery Statute should also be on corrupt influence.

A criminal statute should cast a net broad enough to catch criminals but not so wide as to ensnare the innocent. The Justice Department has said that they aren't looking for technical violators of the present law but for "cases where bribes have been a real corrupting influence." Knowing that Justice considers the law to have technical authority beyond its need should spur the House to take expeditious remedial action: H.R. 2617 is that remedy.

I encourage Members of the House to cosponsor and support H.R. 2617, the text of which follows:

H.R. 2617

A BILL to amend section 215 of title 18, United States Code, to modify the state of mind requirements for certain bank bribery and related offenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bank Bribery Amendments Act of 1985".

SEC. 2. SECTION 215 AMENDMENTS.

(a) SUBSECTION (a) AMENDMENTS.— Section 215(a) of title 18, United States Code, is amended—

(1) by striking out "directly or indirectly," and inserting "knowingly" in lieu thereof; and

(2) by striking out "for or in connection with any transaction or business" and inserting "with the intent to influence corruptly any transaction".

(b) SUBSECTION (b) AMENDMENTS.—Section 215(b) of title 18, United States Code, is amended—

(1) by striking out "directly or indirectly," and inserting "knowingly" in lieu thereof; and

(2) by striking out "for or in connection with any transaction or business" and inserting "with the intent to influence corruptly any transaction".●

THE SEVENTH ANNIVERSARY OF 197TH STREET YOUTH GROUP PROGRAM, INC.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BIAGGI. Mr. Speaker, it is a special honor for me today to formally recognize the seventh anniversary of an exceptional organization in my congressional district, the 197th Street Youth Group Program, Inc. Throughout the entire month of June, celebrations have been planned to commemorate 7 years of success and achievement by the youth group, and I am both proud and delighted to be part of these festivities.

The 197th Street Group Program, Inc. is a nonprofit organization which was established in May 1978 by a group of young adults who wished to create a positive atmosphere for the children in the Bronx community in which they live. These young people recognized the fact that juvenile delinquency is a stark reality in some communities in this country, and have sought to decrease this terrible growing problem by organizing activities and encouraging youngsters to participate. By inviting the children to take part in all types of educational and athletic events, the youth group has opened new doors for children who otherwise might not be utilizing the full extent of their God-given potential.

Some of the programs provided by the youth group include indoor and outdoor swimming, bowling, sightseeing in New York and surrounding areas, tours of museums, zoos, parks, and other places of interest. I have had the honor of spending time every year with a group of youngsters from the youth group who come to Washington, D.C. for a brief stay and who spend an afternoon visiting the Halls of Congress. I am always proud of these young people for they show an acute interest in and concern for the way our Government works and the intricate processes involved in introducing and passing legislation. I know that these youngsters have bright futures ahead of them.

The 197th Street Youth Group Program has been an effective and efficient organization since its inception, but this success could not have been achieved without the capable leadership of the many parents, families, and hardworking volunteers who staff it. There is one particular individual who I can say is directly responsible for the success of the program—the executive director, Ricardo Gonzalez. I have known Ricardo for some time now, and I see the very special relationship he has with the children in the program. He has earned their respect by working hard and in turn has become an example for many of these young people to follow. His leadership abilities have been outstanding, and I am pleased to salute him as well as the Youth Group Program celebrates this historic occasion. Together with Michael Evans, the board chairman, they have witnessed the fruits of their labor, and I know they will continue to provide the guidance and supervision needed in the coming years.

In conclusion, may I take this opportunity to congratulate not only the staff, but all the children who have participated in the program over the last 7 years. Without their cooperation and enthusiasm, we would not be celebrating this anniversary this month.

I wish the 197th Street Youth Group Program, Inc. many more years of success.●

TOXIC AIR EMISSIONS POSE MAJOR HEALTH THREAT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FLORIO. Mr. Speaker, earlier this year my colleague, Congressman HENRY WAXMAN, undertook an innovative survey of the American chemical industry which was designed to ascertain the rates of emissions of toxic air pollutants from major U.S. chemical plants. The results of this survey have now been analyzed and they reveal that such uncontrolled emissions pose a significant public health threat for our citizens.

Several days ago, Congressmen WAXMAN, WIRTH, and I introduced legislation designed to deal with this environmental hazard both by compelling the Federal Government to develop adequate controls on such emissions and ensuring the right of communities around such facilities to be informed of the hazards they pose. We have waited for years for the Environmental Protection Agency to fulfill its statutory mandate in this important area, but the Agency remains paralyzed and we simply cannot tolerate any further delay.

I commend to my colleagues' attention the following New York Times article on the Waxman survey.

PROBLEM OF TOXIC EMISSIONS—OFFICIALS FIND LACK OF DATA A HINDRANCE

(By Stuart Diamond)

In Parkersburg, W. Va., a million pounds of a Government-listed carcinogen are released into the air each year from a chemical plant owned by the Borg-Warner Corporation.

The chemical is acrylonitrile, also called vinyl cyanide. In its liquid state, the chemical is clear and flammable. It is used to make hard plastics for computer terminals, telephone receivers and other products.

There are no Federal or West Virginia standards that control emissions of acrylonitrile, and Borg-Warner says the Parkersburg emissions are safe. If the plant were in Philadelphia, however, such emissions would be double the safe limit established there. And in New York State they would be 50 percent above the limit.

Instances of toxic air emissions have only recently been recognized as a significant pollution problem. The new awareness is due partly to studies that increasingly relate sickness to chemical emissions. Improved instruments detect more emissions. Some chemical experts now say toxic emissions from plants are the main air pollution danger, even more serious than problems at dumps, the target of a Federal clean-up effort.

Interest in the subject has skyrocketed since Dec. 3, when a poison gas leak at the Union Carbide Corporation's pesticide plant in Bhopal, India, killed about 2,000 people and injured 200,000.

But officials have been stymied in dealing with toxic emission problems. There is a dearth of information on chemical producers and emissions. Disagreements have erupted over who should regulate emissions, judge new technologies and decide if remedial action is necessary.

"Toxic air pollution has emerged as the most important air pollution problem, but it is also the most difficult," said S. William Becker, who manages two Washington associations of air pollution officials. "It is newer. Less is known about it. There is not enough information in many cases to know how to proceed. There are many dilemmas."

C.L. Knowles Jr., director of environment, safety and health for the Olin Corporation, said most chemical companies do not measure and report all toxic air emissions accurately. Many jurisdictions accept estimates.

If the Government were to require precise measurement and reporting, he said, "the nation would learn an awful lot more about emissions." He added, "We might find it less scary—or more so."

Despite the absence of systematic studies, however, much information on toxic air emissions has begun to emerge. The largest chunk of data is from a survey of 86 major chemical companies conducted this year by the House Subcommittee on Health and the Environment, headed by Representative Henry A. Waxman, a California Democrat. More than 10,000 pages of information were gathered.

During the past month, The New York Times analyzed the panel's findings and interviewed chemical executives, regulators, environmentalists and others about the survey. The result is a picture of today's chemical industry that shows slow changes beginning in the assessment and control of chemical air pollution.

Among the conclusions are these:

Much of the tens of millions of pounds of toxic chemicals spewed into the air annually is not specifically regulated.

At many companies, emissions are not haphazard but a result of conscious judgments that balance economics against safety.

Emissions and their disclosure vary widely among companies, partly because of different attitudes.

Most chemical plant emissions come from a few large plants—less than 10 percent of all facilities.

Old plants, with more primitive emission controls, emit far more toxic chemicals than new plants.

Many companies are improving their emergency planning to protect nearby residents in case of accidents.

"The industry runs the complete range of companies that are responsible, moderately responsible and irresponsible," said Harold J. Corbett, senior vice president of the Monsanto Company. There has been a "tremendous impetus" since the Union Carbide accident to upgrade the average through peer pressure, he said, but the process is slow.

Toxic emissions generally consist of four types: synthetic organic' chemicals, such as benzene, made from oil and natural gas; natural organic chemicals such as asbestos, and metals such as mercury, cadmium and nickel. Many of these substances can cause cancer and are dangerous in small concentrations.

Such emissions usually do not include inorganic combustion products such as sulfur dioxide and nitrogen oxides. These are far less dangerous in similar concentrations and do not cause cancer. They are usually associated with respiratory problems, eye irritations and photochemical smog only when discharged in huge amounts. Such emissions, which were the focus of air pollution regulation from the early 1970's until recently have been sharply curtailed with controls on automobiles and factories.

EFFECTS ON HEALTH DEBATED

The health effects of toxic emissions are hotly debated. Many of the substances cause cancer in laboratory animals and have been linked to workers' diseases but almost always in higher concentrations than are found near chemical plants and sometimes involving entry into the body other than by inhalation. The tons of airborne chemicals, when dispersed, usually result in a few parts per billion or trillion at the plant fence. Some of the emissions decompose after a few weeks in the environment, although others, such as carbon tetrachloride, remain for decades.

Nonetheless, some studies have found more cancer near chemical plants, although such data are inconclusive. Scientists say additional study is needed. But regulators worry that the potential danger may warrant action before all the studies are completed, which may take years.

"One has to be concerned about tons of these cancer-causing substances going into the community," said Peter F. Infante, who directs carcinogen assessment at the Occupational Safety and Health Administration. "The more carcinogens, the more we are increasing our probability of getting cancer."

PANEL GATHERS STATISTICS

Over all, the House subcommittee's survey found more than 62 million pounds a year of toxic chemicals being released from at least 302 plants in 34 states. More than 120 chemicals were involved, including the cancer agents benzene, vinyl chloride, asbestos, chloroform, carbon tetrachloride, acrylonitrile and formaldehyde. There were also significant releases of lead, mercury, cadmium and bromine. The heaviest concentration were in Texas, Louisiana, West Virginia, Kentucky, Ohio, New Jersey and New York.

Yet that appears to be only a small fraction of the total releases. In Philadelphia, for example, the survey found four toxic chemical emitters, but city officials have found 750. In New York the survey found 19 toxic emitters, while state officials say there are actually more than 12,000.

The Congressional study was intended to check on only some of the largest chemical producers. Besides chemical plants, however, there are hundreds of thousands of other sources, including chemical haulers, chemical storers, dry cleaners, electroplating facilities, trash-burning plants and wood-burning stoves.

One lesson learned from the study is that a complete survey would probably need the force of law, including the threat of penalties.

RESPONSES TO SURVEY VARY

In response to the Congressional inquiry, some companies, such as the Dow Chemical Company of Midland Mich., submitted 300 pages of data.

Others, such as Reichhold Chemicals Inc. of White Plains, sent a letter challenging parts of the survey as ambiguous and submitting no data. "It's and individual decision for each company," said A.F. Vickers, Reichhold's environmental director.

Some, such as the Upjohn Company, declined to provide data, citing concern about confidentiality. By contrast, the Ciba-Geigy Corporation said, "None of the information which you have requested is confidential."

Based on the survey, large companies such as E.I. du Pont de Nemours & Company, Dow and Union Carbide generally emit the most toxics.

A few large plants appear to emit most of the toxic chemicals. About 61 percent of all benzene emissions tabulated in the survey, for example, came from five plants of the Shell Oil Company's chemical division in Texas, Louisiana and Illinois.

Two Diamond Shamrock Corporation plants in Texas and Deleware and a Vulcan Materials Company plant in Louisiana emitted 56 percent of the carbon tetrachloride. About 58 percent of the vinyl chloride was emitted by an Occidental Petroleum Corporation plant in Pottstown, Pa.

STATUS OF OLDER PLANTS

Some of the plants that are the biggest toxic emitters were built decades ago. Borg-Warner's 39-year-old plant at Parkersburg, W. Va., emits 500 times more acrylonitrile per ton of output than its 1982 plant with computer controls and recycling systems at Bay St. Louis, Miss., the company said. But changing the Parkersburg plant would be impossible without virtually gutting it, according to a Borg-Warner spokesman, Robert A. Hess. "It's a complex process of valves, storage vessels, fittings and process vessels that work together as a system," he said.

Emission practices vary. At Magnolia, Ark., Dow says, its control systems result in no detectable emissions of corrosive bromine. Yet, a nearby Ethyl Corporation plant emits 137 tons of bromine a year.

SOME OF MAJOR SUBSTANCES

The chemical that is emitted the most, the Congressional survey found, is methylene chloride—8.2 million pounds annually, coming from many plants. It is a paint remover and refrigerant that can irritate respiratory passages, cause blood changes and affect the central nervous system.

More than three million pounds each of ammonia, benzene, butadiene, chlorine, ethylene dichloride, tolune and xylenes are emitted every year. About 2.6 million pounds of acrylonitrile are emitted at 37 sites.

The survey found relatively small emissions of isocyanates. These include methyl isocyanate, known as MIC, which caused the tragedy in India. Union Carbide reported releasing 160 pounds of MIC a year at Institute, W. Va., and 188 pounds a year at Woodbine, Ga.

State limits on such emissions often are much more restrictive than workplace standards because the general pulbic is continually exposed and has a higher proportion of sick, young, old or otherwise vulnerable people.

But judgments vary. Connecticut divides by 600 the worker limits set by Washington's Occupational Health and Safety Administration. Philadelphia divided the limits by 420, New York State by 300 and Louisiana by 20, based on 24-hour exposure.

Some states are now targeting the largest emitters for improvement and ordering old plants to install the best available control technology.

"All of the interest in toxics is resulting in tighter controls," said Gustave Von Bodungen, Louisiana's air quality administrator.●

WOUNDED SOUTH AFRICAN BLACKS FACING ARREST AT HOSPITALS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. LELAND. Mr. Speaker, earlier today on the House floor I expressed my deep concern over recent reports that described how police in South Africa are interfering with the medical treatment of blacks.

I urge my colleagues to read the following Washington Post article that appeared on the front page of the June 5 issue:

WOUNDED SOUTH AFRICAN BLACKS FACING ARREST AT HOSPITALS

DOCTOR'S RUSES DECEIVE WATCHING POLICE

(By Allister Sparks)

JOHANNESBURG.—Police officers were watching the patients register at a big hospital for blacks in the South African city of Port Elizabeth when a young man came in with shotgun wounds in his chest and left arm.

A wiry little Indian doctor with sharp eyes, Mandikat Juta, later described here how he leaned across to the admissions clerk and declared: "This is Dr. Brown's gardener. Injured himself with a screwdriver. Admit him to my ward."

Juta, of the Port Elizabeth hospital staff, says he has been smuggling patients into his ward and treating them secretly for two months because the police in eastern Cape Province, where most of South Africa's prolonged racial unrest has been, keep watch at all the region's hospitals to arrest any black person admitted with gunshot wounds.

The mere fact of such a wound, especially from a shotgun, is regarded as evidence that the person was involved in a riotous crowd that clashed with the police, Juta says.

The wounded person is immediately placed under arrest, and an armed guard is posted at his bedside. According to Juta, some patients are handcuffed to the bed.

When the patient is discharged from the hospital, he is taken to a police cell, then to a court to be charged with riotous behavior.

Juta and a white doctor in private practice in Port Elizabeth, Gavin Blackburn, gave this account of police action regarding

blacks injured in unrest in the region, where 129 persons have died since March 21, at a meeting of concerned doctors and paramedics held in the Medical School of Johannesburg's Witwatersrand University last week.

The meeting was called by the National Medical and Dental Association of South Africa (Namsa), which broke away from the officially recognized Medical Association of South Africa because of the latter's failure to act against the doctors who treated black consciousness leader Steve Biko before he died in police custody in 1977.

Namsa's eastern Cape branch has protested what it regards as police interference with doctor-patient relationships during the current unrest in the area.

It issued a statement recently accusing the police of intimidating and arresting patients in hospitals, of placing them under arrest in their beds and sometimes confiscating their medication when they were transferred to police cells. It said the police had instructed some private doctors not to treat patients in their offices but to send them to the hospitals, so that they could be arrested there.

Accusing the authorities at the state-run hospitals to being in collusion with the police, the medical body, which has about 650 members countrywide compared with 6,000 in the officially recognized group, said sections of the hospitals where the wounded blacks were treated were closed to the public. Catholic priests had been told they could not go into these sections to administer last rites to dying patients, the statement said.

Namsa said many wounded blacks had gone without treatment because they were afraid to go to the hospitals and were turned away by nervous private doctors. A few had tried to operate on themselves to extract shotgun pellets, resulting in infections. Some patients had died through lack of medical attention.

Asked to comment on the Namsa allegations, a spokesman at police headquarters in Pretoria said: "Since we do not know the parameters of the Kannemeyer Commission's terms of reference, we are unable to comment."

The Kannemeyer Commission is investigating the police shooting of 20 members of a black crowd near the eastern Cape town of Uitenhage March 21, and the South African authorities take the attitude that they should not comment on this incident until the commission has reported.

Judge Donald Kannemeyer, the commission's chairman, said when the hearings started that they would focus only on the massacre itself and not probe general conditions relating to unrest in the region.

Juta said he was one of "maybe three or four" doctors out of a staff of 120 at Port Elizabeth's Livingstone Hospital who had tried to circumvent the police net to treat patients clandestinely. He said they risked their jobs as provincial government employees, adding that "I might even be dismissed for addressing this meeting."

Blackburn said he was one of several private doctors who had set up a rudimentary clinic in a church hall in Uitenhage, where they attended to wounded blacks who were afraid to go to the hospitals.

"We have no sterile facilities. There is no hot water, no X-ray equipment, so we don't know where the bullets are to extract them. There really isn't much we can do except give the patients penicillin injections," Blackburn said.

Juta said he had done a voluntary stint at the church hall and realized it was imperative to get some of the patients to a hospital.

"The only way," he said with mock irony, "was to do something irregular and improper. I admitted them to my ward under a false diagnosis."

As an example, the Indian doctor said, he had admitted one patient whose jaw had been shattered by a bullet as a case of "right facial palsy."

"The police had taken over the first and second floors of the hospital, and I was on the third floor, so they didn't really know what was going on up there," Juta said with a chuckle.

"The main problem was to stop the nurses from talking, and above all to keep [the head nurse] from finding out."

There had been a nasty moment, Juta said, when one of the police guards tried to date his medical assistant, but he had managed to persuade her to stand him up.

He found it awkward, too, when he had needed to consult medical specialists about these falsely registered cases, and book anesthetists.

"How can you explain to your consultant what you are doing? How much can you depend on your colleagues to go along with your irregular conduct?" Juta asked. He said he sought to treat the patients as quickly as possible and get them out of the hospital before the police learned they were there.

Sometimes specialists insisted that the patients be hospitalized for a week or more, which increased the risk of discovery and of his own dismissal.

Juta said he found the behavior of the police in the wards "unnerving."

"They walk about the hospital in camouflage fatigues carrying sten guns and automatic rifles. They smoke where there are no-smoking signs. They play cards in the wards, and they fingerprint patients pre- and post-operatively."

Still, he said, the situation in his hospital was not as bad as at the Uitenhage hospital, "which is like a military camp. Police trucks move into the Uitenhage hospital compound as often as ambulances."

Blackburn said a senior police officer had threatened to arrest the doctors treating wounded blacks in the church hall: "He told us we were obstructing the course of police activity."

A security police officer had demanded that one badly injured man be handed over to him, but the elderly woman doctor who was treating the patient refused, according to Blackburn.

A black man hit in the eyes with a charge of buckshot had gone to a private doctor in Uitenhage's black township of Kwanobuhle, Blackburn recounted.

The doctor had telephoned for an ambulance, but a security police car had arrived instead to take the man to the hospital.

The patient was placed under arrest in the hospital, with two armed police at his bedside.

Although his eyes were bandaged, he was handcuffed to the bed, Blackburn said.●

REMARKS OF ECUADOR'S PRESIDENT LEON FEBRES CORDERO BEFORE HIS ALMA MATER—STEVENS INSTITUTE OF TECHNOLOGY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GUARINI. Mr. Speaker, today I am pleased to share with my colleagues the recent remarks of Ecuador's President Leon Febres Cordero on accepting an honorary doctorate from his alma mater, the Stevens Institute of Technology, in Hoboken NJ.

President Cordero graduated from Stevens in 1953 at the top of his class. Well equipped with an analytical mind and a degree in engineering, he rapidly advanced from student to engineer to industrialist to statesman. His life in part reflects the sound preparation and challenging education he received from Stevens Institute. His achievements attest to the value of the rigorous academic curriculum provided by this fine institution.

I am very proud that Stevens Institute of Technology is located in the district which I represent. I salute the presentation of this doctoral degree to an outstanding alumnus.

STEVENS INSTITUTION OF TECHNOLOGY, MR. CHAIRMAN EMERITUS OF THE BOARD OF TRUSTEES: I HAVE THE HONOR TO PRESENT TO YOU, LEON FEBRES, CORDERO, CLASS OF 1953

The yearbook for the Class of 1953 bears a unique dedication. It was neither an inspired teacher nor a beloved counselor who drew the students' admiration. It was rather "the future of mankind." In the students' own words, "We must realize that the future of the world is . . . the responsibility of each and every one of us. The individual holds the power in the palm of his hand and it is up to him to use it."

How prophetic these words were for one member of the class, Leon Febres Cordero, President of the Republic of Ecuador. He is the sole son of Stevens to join that unique fellowship of individuals who hold in their hands the capability of shaping the destiny of our world.

When he was an undergraduate here, Mr. Febres Cordero was known for his intellectual prowess, his enthusiasm and boundless energy, his determination and relentless drives. Combining a rigorous academic schedule and a myriad of extracurricular activities, he graduated with high honor at the top of his class. The personal attributes that led to his success at Stevens have taken him along the path from student to engineer to industrialist to statesman.

Today, as president of Ecuador, facing the greatest challenges of his career, Mr. Febres Cordero can draw upon problem-solving approaches he first mastered as an engineering student at Stevens. With professional engineering credential that few world leaders possess, he can offer special insight into the complex problems facing mankind. His voice, raised on behalf of the positive results of technological innovation, commands international respect.

Mr. Febres Cordero has stated, "Everything I learned, I learned at Stevens." We thank you, sir, for this most generous endorsement, and in turn, say to you that your extraordinary achievements inspire us all. From Castle Point to the pinnacle of responsibility and power in the Republic of Ecuador, your promise has been so richly fulfilled.

I ask you, Mr. Chairman Emeritus, to confer upon His Excellency Leon Febres Cordero the degree of doctor of engineering, honoris causa.

KENNETH C. ROGERS,
President.

FREDERICK L. BISSINGER,
Chairman Emeritus of the Board of Trustees.

APRIL 10, 1985.

ACCEPTANCE REMARKS OF LEON FEBRES CORDERO, PRESIDENT OF ECUADOR

Without any doubt, your gesture has a special connotation for me; not only because of the high honour you are today bestowing upon me, but also and fundamentally because it brings me back to a period of my life which can never be forgotten; a period spent in this institution to which I owe my intellectual formation, most of my knowledge and the basic principles on which I have based the development of my ways of life.

The degree of Doctor Honoris Causa, which you have just granted me, does commit my gratitude to you, who represent, not only an institution of the highest academic standards, but who also fulfill the spirit of this nation: heroic in the compliance of duty, profound and austere in its obligations, and totally dedicated to the enhancement of science and technology.

In this educational environment, I spent a very important part of my life. Here I made everlasting and true friendships, and it was here that I acquired not only a sound education, but also the will to fight for noble causes, the character to overcome obstacles, and the strength not to succumb to negative emotions and passions.

These tools I have used with tenacity, to obtain the trust of a people which has put upon my shoulder the very grave responsibility of conducting its destiny.

In so doing, I have not surrendered my principles, nor have I deviated from my firm convictions. On the contrary, I have presented myself to the people in a frank and authentic fashion; I have spoken with sincerity on the principles of the market economy; I have opposed, without any fear, the demagogic posture of extreme leftist tendencies and statism.

I have spoken about the capabilities of the human being and his free will, of the need to foster the development of a society in which bread, shelter and jobs are available to everyone. I was fortunate to have the favorable response of my country men, to the service of whom I am now totally committed.

The degree with which I have been honoured on this day, I take back to my country with sincere pride and deep satisfaction; and with you I leave the warmest feelings of my people and the permanent gratitude of this alumnus.●

BOSTONER REBBE FULFILLS DREAM IN ISRAEL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FRANK. Mr. Speaker, through the determination and perseverance of a great religious leader, a dream has become a reality in Jerusalem. More than 50 years ago the Bostoner Rebbe, Rabbi Pinchas Horowitz, began his efforts to establish a community in Jerusalem. That effort was unsuccessful during the difficult days of the Great World Depression before the establishment of a State of Israel gave security and protection to the Jews seeking to settle in that part of the world, which is so important to the Jewish people. But Rabbi Pinchas Horowitz's efforts were continued by his son, the current Bostoner Rebbe, Grand Rabbi Levi Horowitz. Through his efforts, the township of Kiryat Boston is now a fact. And it will soon be for many religious Jewish families, a home.

The story of the establishment of Kiryat Boston through the efforts of Grand Rabbi Horowitz was detailed in an interesting story in the Jewish Advocate of Boston earlier this year. In recognition of the extraordinary leadership which the Bostoner Rebbe, Grand Rabbi Levi Horowitz, provides to his congregants and indeed to the entire Boston area and as a further illustration of the strong bonds that exist between the American Jewish community and Israel, I ask that this article be printed here.

Like many others, I regret the fact that we will have less of the time of the Bostoner Rebbe in our area. His leadership in the area of medical ethics, to cite just one example, has been very important to us. And I have enjoyed frequent conversations with him on topics ranging from religious to political and back again. But as Congregation Beth Pinchas President Barry Goldman says, "Everyone is entitled to fulfill their dreams," and that certainly includes our friend the Bostoner Rebbe.

The article follows:

[From the Jewish Advocate, Feb. 21, 1985]

KIRYAT BOSTON BLOOMS IN JERUSALEM'S HILLS

(By Dale V. Norman)

It might be unrecognizable to a Boston Brahmin, but there is a piece of the Hub rooted in the hills of Jerusalem.

Grand Rabbi Levi Yitzchak Horowitz (the Bostoner Rebbe) was instrumental in creating this religious township, which is part of the Jerusalem municipality, and is known as Kiryat Boston. The Rebbe met with the *Advocate* recently in his Brookline headquarters overlooking Beacon Street, to discuss this new settlement and future plans to divide his time between his duties here and in Kiryat Boston.

"My first trip to Palestine was in 1934 when my father arranged my bar mitzvah in Jerusalem," the Rebbe related. At that time, the Rebbe's father, Rabbi Pinchas David Horowitz, purchased a parcel of land just outside the new city of Jerusalem.

"He hoped to establish a Boston community in Jerusalem and bought land from the Arabs . . . At that time, to think of buying land in Israel was a far-off concept," he noted.

However, after a third unsuccessful attempt to resettle his family in Palestine, Rabbi Pinchas had to return to Boston due to economic difficulties. In 1936, the Rebbe, his mother, and little sister returned to Boston and later met Rabbi Pinchas at the railroad station. "There was no smile or happiness on his face . . . My father was distraught . . . His dream was shattered and he never could get over that," the Rebbe said sadly.

Rabbi Pinchas, also known as the 'Bostoner Rebbe', died in 1942. In 1946 his body was transported from its resting-place in Williamsbury, N.Y., to Israel, where it was buried on the Mount of Olives. Catastrophe struck the family in 1948 when this grave, along with many others became part of Jordan. This land was finally recaptured by Israel in 1967.

Along with the grave, the plot of land that had originally been purchased by Rabbi Pinchas, was again part of Israel. However, there was no simple solution available for the Horowitz family to obtain the land. As the Rebbe explained, "Immediately after the war the Israeli government took over that area of land."

The Rebbe related that he made a pilgrimage to Israel that year—and for the next 17 years, "To convince the government to give back our land . . . We wanted the land to fulfill my father's dream to build Kiryat Boston and Givat Pinchas—a synagogue . . . Finally, after many years of chasing, they've allocated a piece of land to build 200 apartments in the area of Har-Nof."

The Israeli government notified the Rebbe that he had an official presence in Israel—for which he will eventually have to raise approximately one-half million dollars.

Located East of Jerusalem, the land earmarked for Kiryat Boston was given to the Rebbe in 1980. "It is very beautiful," the Rebbe reflected, "Looking out of a window, one has an almost complete view of Jerusalem. It is very cool in summer and the air is clear and clean."

During October 1983, Mayor Teddy Kollek of Jerusalem wrote to the Rebbe, "I am happy to inform you that with intensive intervention on the part of the City good progress is being made on Har-Nof and I hope that everything will come to a speedy and satisfactory conclusion. The first families are moving in these very days."

Physically, Har-Nof is divided into two building phases, and Kiryat Boston is part of the latter phase. There are people presently living in the lower lying areas of Har-Nof, while in what will be Kiryat Boston, only roads and sewage foundations have been built. "This whole community is supposed to be a religious one—with a total of 2,000 families," he explained.

The Rebbe owns two apartments in the area. "One adjacent to the synagogue for Shabbat, and a larger one." The first synagogue has been completed, and was presented to the Rebbe by Mayor Teddy Kollek.

The synagogue has been named 'Givat Pinchas', (The Heights of Pinchas), which is the original name chosen by the Rebbe's father. "We have been thrown into a viable

good community and our Shul is the central point of Har-Nof. Therefore, Kiryat Boston has now been extended," he said.

The Rebbe related that approximately 100 families have bought apartments in 'phase one' of this area. "I think Kiryat Boston will be great . . . Many Americans and Israelis feel comfortable in the setting we provide . . . When I go there—I'm mobbed," he enthused.

Synagogue services began officially during the High Holy Day Services of 1984. "After 50 years our dream was realized . . . Kiryat Boston perpetuates what my father wanted when he purchased the land in 1934 . . . Many Bostonians live in Israel and want to come home again—They can do so and be in Jerusalem," he stated.

The upcoming prolonged absences of the Rebbe and his family from Boston will have a profound influence on members of the Congregation Beth Pinchas community of Brookline. Barry Goldman, president of the Congregation told the *Advocate* in a Tuesday conversation, "The Rebbe has been involved in Boston for many years now . . . Everyone has a dream—his dream is to spend more time in Israel. We have to look at this unselfishly as he has done so much for Orthodox Jews in Boston." Goldman concluded, "When he's not here there's a void, but everyone is entitled to fulfill their dreams. I just hope that as Kiryat Boston develops he will share his time with all of us."●

WHAT HAPPENED TO THE BRIGHTEST AND THE BEST?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RANGEL. Mr. Speaker, I rise to express my absolute dismay at Ronald Reagan's continuing inability to appoint noncontroversial people to top positions in his administration.

The controversies involving James Watt and Raymond Donovan are the most notorious examples of Reagan's poor judgment. Most recently, Marianne Mele Hall, chairwoman of the Copyright Royalty Tribunal, resigned amid heated debate about her association with a blatantly racist publication. These are not isolated incidents, and should not be viewed as such. Rather, they are part of a pattern of incompetent selection.

The Reagan administration is not an administration of the brightest and the best. I think that the Marianne Mele Hall incident should have dispelled any remaining doubt of this fact from the American conscience. I would like to submit the following article into the CONGRESSIONAL RECORD, and ask my colleagues to be cognizant of how poor our President's judgment can be in selecting his advisers.

[From the New York Daily News, May 7, 1985]

WHO'S PICKING THE BAD APPLES?

(By William Raspberry)

They have unearthed another one. At an obscure federal agency, tucked away in her new $70,000-a-year job, is Marianne Mele Hall, "co-author" or "editor" of a thin, privately published volume called "Foundations of Sand."

It is the book's thesis that one of the problems confronting America is that blacks "insist on preserving their jungle freedoms, their women, their avoidance of personal responsibility and their abhorrence of the work ethic." Also culpable, it contends, are the social scientists who "put blacks on welfare so they can continue their jungle freedoms of leisure time and subsidized procreation." If that strikes you as thinly disguised racism, you are wrong. It is racism that is vicious, brutal and disguised not at all.

Hall, who was confirmed a month ago as chairman of the Copyright Royalty Tribunal, says now that she really wasn't a "co-author" of the 71-page book, as she described herself on a Senate questionnaire.

"I edited that work—period," she told a reporter, as though it matters.

The crucial facts are that she is openly associated with a piece of racist trash (hers is one of three names listed on the book's cover) and that she has been appointed to office by a President whose administration manages to keep finding appointees with strange views.

Sometimes the views are merely bizarre, as in the case of the now-departed Eileen Gardner, who explained that the government shouldn't try to help the handicapped because "nothing comes to an individual that he has not, at some point in his development, summoned. Each of us is responsible for his life situation."

Sometimes they reflect a sort of conservative naivete, as in the case of those who dreamed up "constructive engagement," imagining that the South African government cold be sweet-talked into abandoning its fundamental racism.

Sometimes they are reactionary, as in the case of the Reagan nominees to what has come to be called the U.S. Commission Against Civil Rights.

Even now, William Bradford Reynolds, the associate attorney general for civil rights, is deliberately stirring up racial mischief. He is inviting school districts to dismantle desgregation plans long in place and he is trying to force city governments to reopen long-settled affirmative-action hiring programs in their police and fire departments.

Isn't it time to acknowledge that these things are not aberrations of the Reagan administration, but its themes?

Isn't it worth recalling that in 1980, Reagan, the "nice guy" to whom charges of racism refuse to stick, chose to start his Southern campaign swing in Philadephia, Miss., whose chief claim to fame is that it was the site of the murder of three civil rights workers? Isn't it worth remembering that it was Reagan's idea, as President, to grant federal tax exemptions for segregationist schools?

Isn't it time to wonder whether it is merely accidential that the Reagan administration, in its enthusiasm for budget cutting, has proposed to cut out the Job Corps, the Work Incentive Program and the Small Business Administration and has managed to cut to shreds the "safety net" the President said he would leave in place to protect the disproportionately black poor?

By its attitudes, by its appointments and by its actions, the Reagan administration has become the most actively anti-black administration in recent memory.

It no longer suffices to look at the Marianne Mele Halls as the occassional, accidential bad apples. It's time to turn some serious attention to the man in charge of the barrel.●

LEARNING TO LIVE WITH METRIC

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WHITEHURST. Mr. Speaker, many Americans are still doubtful about the need for conversion to the metric system, at least partly because they find it difficult to understand or to learn.

In the June, 1985, issue of National Geographic, Wilbur E. Garrett, the editor, included a brief, but cogent, editorial on the subject. I am pleased to share it with my colleagues, because I think it puts the whole matter in perspective.

The editorial follows:

When we began a gradual, methodical conversion to the metric system eight years ago, beginning with scientific articles and supplement maps, we expected resistance but not the vehemence of some of the complaints. We were called "pinko Commies, un-American, and traitors," as well as "just plain stupid."

Not everyone was against us, but as usual our critics were more vociferous than our supporters—by a wide margin. Since 1981 we've received close to 400 letters of complaint, versus only 29 in support of metric. In that same time 73 members (out of more than ten million) have resigned in anger.

It was a case of shooting the messenger who brings bad news. Few of us were thrilled by the need to learn new ways of measuring, but it was obvious that change we must.

Every nation in the world has adopted or is now committed to metric except three—Burma, Brunei, and the United States. The Olympics, as in Los Angeles last year, are run entirely in metric. Our national parks now use both miles and kilometers on signs. Because of NATO, our Department of Defense is moving to full metric standardization.

As is usually the case when our purses are endangered, we listen very carefully. What we are hearing is that the European Economic Community has set a 1989 deadline for all imports to be entirely metric. In Japan metric must now be used in all commercial transactions. Sixteen percent of the 1,000 leading U.S. firms have reported losses for failure to supply in metric.

The result: "Pinko Commies" aren't the only ones hearing the metric message.

General Motors cars are almost 100 percent metric, Chrysler 70 percent, Ford 50 percent. Seventy-one percent of the *Fortune* 500 companies manufacture a metric product. Forty percent of the wrenches now sold by Sears, Roebuck are metric.

For those like myself who still haven't fully converted their brains to metric, the GEOGRAPHIC will continue to use metric where appropriate and give customary U.S. equivalents when feasible.

Despite claims to the contrary, the dinosaurs did not go away overnight, nor will the older standards. The world has learned

to live without dinosaurs. In time we'll all learn to live with metric.●

HERO COP—PAUL RAGONESE

HON. MARIO BIAGGI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BIAGGI. Mr. Speaker, President Reagan has often made the point that heroes are a valuable commodity in our society. I would certainly agree, especially after learning of the recent heroics performed by New York City Police Detective Paul Ragonese.

Most of the Nation has heard news reports of the 65-ton crane that fell on the streets of New York City last week trapping Brigitte Gerney underneath for nearly 6 hours. Those same news reports told of the tremendous courage exhibited by Ms. Gerney as she waited for rescuers to free her crushed legs. We were also told of the miraculous work of the Bellevue Hospital microsurgery team that managed to save her legs.

What many of those news reports failed to mention, though, was the bravery and compassion exhibited throughout this terrible ordeal by then officer, now Detective Ragonese. According to a New York Post account of the incident:

> Ragonese, a 35-year-old veteran emergency services cop, crawled beneath the overturned crane last week on the East Side and spent 6 hours holding (Brigitte Gerney's) hand, praying and keeping her spirits up until she was freed.

Detective Ragonese had this reaction to his efforts, which are universally being acclaimed as heroic: "What I did was really nothing," he said. "All I did was what I believed any human being should do for another human being. The only real hero out of this is Brigitte Gerney."

Ms. Gerney had a different view of the situation. She told Mayor Koch after her surgery that "what kept me alive was that (Detective Ragonese) held my hand, and I knew I was alive because he held my hand."

It should be noted that helping people in distress and saving lives is not something new to Detective Ragonese. When only a 19-year-old police trainee, he managed to keep a suicidal man on the 911 emergency line long enough to trace the call and save him. Later in his career, he sifted through a New York City sewer to find the diamond engagement ring a young woman had dropped. He nearly drowned in 1982 while trying to rescue a woman who had made a suicide plunge into the East River. He risked his own life again just last year when he climbed eight stories and inched his way out on a steel girder to talk a lovesick teenager out of committing suicide. All totaled, Detective Ragonese has received 27 medals for these and other examples of outstanding police work.

According to Paul Ragonese, what he did "was what I believed any human being should do for another human being." Such a simple philosophy, and to think that we have always assumed it took so much more to be a hero.

Brigitte Gerney, we are told, will walk again. Paul Ragonese has been promoted to detective. And, as a 23-year police veteran, I am proud to say the law enforcement profession stands a little taller. Sadly, it has taken a terrible tragedy to give us at least two unsuspecting heroes and a special feeling that comes with another person's suffering turned good. Perhaps the best that can be said is thank you Brigitte and Paul for the powerful inspiration you have given us.

At this time, Mr. Speaker, I wish to insert two articles that appeared in the New York Post discussing the heroics of Paul Ragonese in more detail:

[From the New York Post, June 4, 1985]

APPLE OF OUR EYE

CRANE HERO COPS A BIG PROMOTION

(By Richard Esposito and Ann Giordano)

Hero cop Paul Ragonese, who crawled under a toppled crane to comfort a woman whose legs were crushed when it fell on her last week, was rewarded by the city today: he was promoted to detective.

"What I did was really nothing," Ragonese said after Police Commissioner Benjamin Ward and Mayor Koch presided over a ceremony at which he received the coveted gold detective's shield.

"All I did was what I believed any human being should do for another human being," said Ragonese, his blue dress uniform festooned with 27 medals for outstanding police work earlier in his career.

"The only real hero out of this is Brigitte Gerney," he added.

Ragonese, jammed into a cramped position, stayed with Mrs. Gerney, 49, for nearly six agonizing hours until the huge crane could be lifted from her.

His own legs cramped and numb from his contorted position, he was pulled away from the scene at Third Av. and 63d St. last Thursday.

"I couldn't physically remove the crane myself, so all I could do was comfort her," Ragonese said.

"The best reward is that she is alive," he said, as his wife Rose and two young daughters watched proudly. "That is the only real reward."

Ragonese said he planned to visit Mrs. Gerney today at Bellevue Hospital, where her legs were saved by a microsurgery team.

"I can't profess enough how great that woman is," Ragonese said at Police Headquarters before he was formally promoted.

"I'm more nervous about going to see her than going to this promotion," he said, his voice choking with emotion.

"She's an incredible woman. She's the bravest person I ever met."

The cop, tears welling in eyes as he relived the endless hours he spent with Mrs. Gerney, said:

"After 10 minutes of talking with her, I said, 'If anybody's going to survive this, it's going to be her,' because she's a fighter. She fought death from beginning end.

"She didn't give in to the pain, which must have been incredible, and she never panicked. She never said, 'get me out of here, I can't take it anymore.'

"All I did was hold her hand. I gave her communion. We prayed.

"If anybody ever doubts there's a God, after this I find it incredible," he said. "This was definitely a miracle."

And he also had high praise for the whole city.

"If anybody doubts New York's the greatest city in the world, from the Mayor on down . . . people were unbelievable." Ragonese said.

Mayor Koch, who attended the ceremony, credited Ragonese with helping save Mrs. Gerney's life.

He said that when he visited the injured woman, she told him:

"What kept me alive was that he held my hand, and I know I was alive because he held my hand."

"Now that's an extraordinary thing," Koch said.

Ragonese said he hoped to attend a party to celebrate Mrs. Gerney's recovery. "And believe me, I want the first dance with her," he added.

[From the New York Post, June 5, 1985]

CRANE COP TURNS COURAGE INTO A CAREER

(By Ann Giordano and Paul Tharp)

The lives he's helped are too many to count.

You see, Paul Ragonese has been a hero since he was a kid.

Whether it has keeping bullies off his little brother or teaching retarded kids how to hug and laugh, the construction-crane hero has been doing what he does best—helping people.

His latest "save," East Side accident victim Brigitte Gerney, is on the mend.

"I didn't know the real reason why I became a police officer until I discovered it was to help others," the 14-year veteran said.

That came when he was a 19-year-old trainee on the Police Dept., answering emergency calls to 911.

One caller wanted to commit suicide, but the gentleness and understanding of Ragonese kept the would-be victim on the phone for an hour and 15 minutes, enabling police to trace the call and save the man.

Throughout the city, there are men, women and children who always will remember how Ragonese changed their lives, and gave to them what they didn't expect.

There was the young woman, Nora Benjamin, who dropped her diamond engagement ring in a sewer in Greenwich Village, weeping that it was lost forever. But Ragonese—who has a soft heart and a strong stomach—climbed into the filthy sewer on Sept. 6, 1982, and strained the muck for one hour until he found her ring.

Ragonese has risked his own life—dozens of times—to save people hell-bent on killing themselves.

He nearly drowned in the East River on Sept. 28, 1982, trying to rescue a middle-aged woman who leaped in. He struggled with her for 20 minutes, trying to keep her head above water while she fought to die.

"I was just trying to save her," he said at the time. "I didn't think about myself."

Another time, on June 13, 1984, high above Broadway on Times Square on a teetering steel construction girder, Ragonese

calmed a love-sick teenager who wanted to jump.

Inching out, eight stories above the sidewalk, Ragonese managed to help get a rope around the youth, Chris Sanchez, 16, and lower him to safety.

Even Gov. Cuomo's father-in-law, Charles Raffa, 78, said he owes his life to Ragonese's quick actions. Raffa was beaten savagely in a May 22, 1984, mugging, but Ragonese got Raffa aboard a helicopter for a race to a hospital where an operation saved his life.

But only hours later, as he wound up his shift, he was shot trying to save the life of an emotionally disturbed person trying to kill himself in a lower Manhattan apartment.

Ragonese was shot in the thumb when he threw his hand over his face to deflect the bullet fired by the deranged man.

Ragonese, the eldest of six children, always watched over the family while his father, a butcher, worked late.

He recalled that when he was 12, weighing a hefty 220 pounds, he took on a mob of five kids that was beating his kid brother, Arnie. "I showed them the error of their ways," he said.

But brawling was not in character for Ragonese. He was a star athlete and altar boy at Xaverian HS in Brooklyn.

His interest in helping others was realized during summers as a teenager by teaching at a retarded home in Marine Park, Brooklyn.

"One kid, Jimmy, was 5 and he was my favorite. He couldn't walk and was partially blind. I looked out for him because he needed someone."

Ragonese went on to St. John's University and St. Peter's College to earn his degree, and joined the Police Dept. "because my dad always stressed civil service."●

COMPREHENSIVE HEALTH CARE IMPROVEMENT ACT OF 1985; CATASTROPHIC HEALTH CARE EXPENSES ASSISTANCE ACT OF 1985

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. SABO. Mr. Speaker, today I am introducing two bills which will assist individuals in confronting medical expenses as we continue to search for ways to contain rising health care costs.

A major problem we face along with our Nation's staggering Federal deficit is the skyrocketing cost of health care. This trend puts a great strain on the Federal budget as well as on the private sector. It also affects the quality of medical care that most Americans can afford.

The Comprehensive Health Care Improvement Act of 1985 would provide access to health insurance at group rates, provide low-income people with assistance in buying insurance, and protect all citizens from catastrophic health costs. It places a major emphasis on encouraging private businesses and individuals to provide comprehensive health insurance for their employees and for themselves. The bill would fill in the gaps in the current system of private insurance, Medicare, and Medicaid. The proposal is based upon a comprehensive health insurance and catastrophic health coverage bill passed into law in 1976 while I was speaker of the Minnesota House of Representatives.

My proposal consists of three major parts: Title I ensures that all persons have the opportunity to purchase adequate health plans; title II creates a State-Federal program to assist low-income people in buying health insurance policies or Medicare supplemental policies; and title III creates an optional State-Federal program of catastrophic health insurance for all Americans should their health costs exceed insurance coverage.

While the Federal deficit has overshadowed debate about national health insurance plans in recent years, the Census Bureau reports that 35 million Americans lack health insurance. My proposal does not call for drastic changes in existing programs or a large government organization. Assuring all Americans access to adequate coverage is too important to postpone discussion on the issue. If every State were to participate fully in the program, the Federal contribution would be about $1.4 billion. This relatively low cost is possible because of the emphasis that is placed on private insurance and the requirement that States share in administering and financing the program. It is not necessary to scrap the current health insurance system, we simply need to fill in the gaps. By building upon this system we can assure that everyone will have access to proper coverage and improve the health and quality of life for all Americans.

The Catastrophic Health Care Expenses Assistance Act of 1985 is the same as title III of The Comprehensive Health Care Improvement Act.

A summary of the bills follow:

THE COMPREHENSIVE HEALTH CARE IMPROVEMENT ACT OF 1985, THE CATASTROPHIC HEALTH CARE EXPENSES ASSISTANCE ACT OF 1985

Title I: Establishes a standard of "qualified" health insurance plans and requires that all plans be plainly labeled "qualified" or "non-qualified."

There are four "qualified" plans:

Plan A provides minimum benefits of 80% of medical costs, limits the 20% co-payment to no more than $3,000 a year, sets a maximum benefit of not less than $250,000, and a deductible of not more than $150.

Plan B is the same as Plan A but with a maximum deductible of not more than $500 a year.

Plan C is the same as Plan A with a maximum deductible of not more than $1,000 a year.

Plan D defines Health Maintenance Organization plans as equivalent to a Plan A.

The bill also defines qualified Medicare supplement plans as those with benefits equal to at least 50% of costs not covered by Medicare, a maximum co-payment of $1000 a year, and a maximum benefit of not less than $100,000 a year.

The Department of Health and Human Services should delegate certification of insurance plan qualification to state insurance regulatory bodies whenever possible.

Title I requires that all business firms which employ ten or more persons offer Plan A or B to its employees. There is no requirement that a firm pay for an offered plan, nor is there a requirement that employees accept a plan. But employees will have an opportunity to get qualified insurance at group insurance rates. These plans must also cover dependents and must be fully convertible if the individual leaves the group.

States would be required to establish a state-wide pool of all health insurance companies. This pool will offer qualified insurance to any individual at group rates. This provision establishes a group of all persons not eligible for a regular group plan such as the self-employed, those in firms with less than ten workers, and many rural Americans. Allows firms to pay all or part of the premiums of the pool insurance so that small firms not usually eligible for group insurance can assist their employees with insurance premiums.

Title II: Establishes a federal-state program to assist low income persons in purchasing insurance made available in Title I.

Federal government pays 50% of the cost up to a maximum of $5.00 times a state's total population. Maximum federal liability would be about $1.2 billion matched by at least $1.2 billion in state funds for a $2.4 billion program.

States would not be required to establish a program. Those that design a program would have wide flexibility in designing plans to suit their own states' needs. States would be able to experiment with total subsidy of purchase, cost-sharing, or sliding fee schedules.

The bill would help senior citizen couples where one spouse requires long-term nursing home care. Currently, a substantial amount of a couple's income and assets must be spent before they are eligible for medical assistance. The bill would allow states to set more flexible income and asset requirements in those cases so that the healthy spouse is not left with inadequate funds.

Title III: The Catastrophic Health Care Expenses Assistance Act of 1985 creates an optional federal-state program of catastrophic health insurance for all Americans.

After an individual has exhausted existing coverage, the program would cover at least 90% of all medical costs exceeding the greater of $2,500 or 30% of household income up to $15,000, 40% of income over $15,000 and less than $25,000 and 50% of income over $25,000.

The federal government would pay 75% of the costs of the program, with a maximum of $2 times the population of the state involved. The maximum federal cost would be about $460 million with a minimum state match of approximately $154 million.●

THE COURIER-NEWS ON TAX REFORM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. COURTER. Mr. Speaker, the Courier-News, a leading editorial voice in New Jersey, recently published an outstanding essay on tax reform that I would like to share with my colleagues.

The Courier-News points out that by removing the poorest Americans from the tax rolls, lowering marginal rates, and treating all types of income more fairly, the President's tax reform proposal is in the general interest, and against the special interests.

I urge my colleagues to review this excellent editorial as the tax reform debate proceeds.

A REVOLUTION WORTH FIGHTING

"No taxation without representation" was a rallying cry of the American Revolution. President Reagan hopes to lead a Second American Revolution on the premise that taxation can be pretty bad even with representation.

He's right. Americans are confused and embittered by a tax system that seems designed for special interests. And Reagan's reform is revolutionary.

It would cause a huge shift of the tax burden from individuals to corporations. Total taxes from individuals would be reduced by about 7 percent; corporate taxes would rise about 9 percent.

It would cause a huge shift among individuals. About 80 percent would pay less or the same amount. The other 20 percent—those who use a lot of the deductions that would be eliminated or curtailed—would pay more.

And Reagan's plan would cause a huge shift among businesses. Many smokestack industries that pay little or no tax by claiming certain credits and deductions would pay more. But many service and consumer industries that have been paying at rates up to 46 percent would pay less; the maximum rate would be reduced to 33 percent.

These shifts represent dozens of changes in the tax code. Each change will be resisted by those who would lose by it, no matter the overall benefits of tax reform.

Indeed, to get some idea of the pleas each senator and member of Congress will hear, consider what the president of the National Hockey League says about the tax deduction for corporate purchases of hockey tickets: "Sport . . . reaches something in each of us that inspires the individual and endows him with a sense of fellowship . . ."

If eliminating the business deduction for hockey tickets will leave us a nation uninspired, then the consequences of the President's whole tax package are too horrible to contemplate.

The President's plan is far from perfect and should be dissected. It no doubt will be combined with features of other tax-reform proposals, such as that of Sen. Bill Bradley of New Jersey and Rep. Richard Gephardt of Missouri.

Many New Jerseyans, for instance, would be socked by the elimination of deductions for state and local taxes. The Congressional Research Service estimates the average Jersey family that itemizes would pay an additional $1,129 a year in federal taxes. However, many New Jerseyans do not itemize, and even many who do would have the loss offset by a reduced tax rate.

Some specific provisions, such as the taxation of employer-paid medical benefits, could be improved. The president would leave in place tax breaks for the oil and gas industry that no other industry would enjoy. And there's nothing magic about having only three individual tax rates.

But overall, the kind of tax reform envisioned by Reagan would be very good for this country.

It would lead investors to put money in productive enterprises instead of tax shelters. For example: There is a glut of office space in America's cities because of real estate tax breaks; that money could instead be working to make companies more competitive in international markets.

It would eliminate taxes for families living in poverty.

It would make individual taxes fairer because all types of income would be treated more equally, and many tax shelters used only by the wealthy and sophisticated would be eliminated.

The President and Congress will have a hard time keeping their minds on the overall benefits of tax reform, however, as individual interests collide and cajole to protect their favorite tax provisions.

That is why Reagan and the Democratic chairman of the House Ways and Means Committee, Dan Rostenkowski, have appealed to the majority of Americans who support tax reform to let their representatives know it.

Tomorrow we will help provide you an opportunity to show that support, or to show your opposition. We will publish a brief survey on tax reform. We will tabulate the results and let you know what they are. Then we'll forward your survey to the appropriate member of Congress.

We like the type of tax reform that President Reagan has proposed. But whether you do or not, taxes touch us all, and you should let your representative know what you think.●

VETERANS HEALTH CARE BUDGET CANNOT BE REDUCED FURTHER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MONTGOMERY. Mr. Speaker, the House and Senate are expected to go to conference next week on the budget for fiscal year 1986. Many Federal programs will be affected. The decisions we must make will not be easy. We all have different priorities.

A very high priority of mine is veterans health care. I want my colleagues to fully understand the impact of any budget reductions in funds to operate the VA's health care system. Who is better able to relate the problems in the field than the people in the field?

According to the Chiefs of Staff at VA hospitals nationwide who responded to a recent survey, inadequate budgets are already taking their toll. More cuts in the budget will mean longer waiting lists, the turning away of certain nonservice-connected veterans, and delays in many surgical procedures.

There follows a report from the Chief of Staff at the VA Medical Center in Seattle, WA:

VETERANS ADMINISTRATION,
Seattle, WA, January 28, 1985.

HOWARD H. GREEN, M.D.,
Chief of Staff (11), VA Medical Center, White River Junction, VT.

DEAR HOWARD: The following information, pertaining to the Seattle VAMC, is provided in response to your letter dated January 2, 1985:

(a) Size of hospital—300 beds.

(b) Affiliated?—Yes; with University of Washington School of Medicine.

(c) Projected dollar deficit as of January 1, 1985—0.

(d) Impact of dollar deficit—Not applicable.

(e) Solutions you have devised—Not applicable.

(f) Other comments—As you know, I left the University Drive VAMC in Pittsburgh in November 1984, to become the Chief of Staff of the Seattle VAMC. The University Drive facility is struggling with serious financial deficits and has not devised successful strategies to cope with the fiscal shortages. The pharmacy runs out of important inventories near the end of each quarter, ward supplies are often seriously limited, linens are in short supply, and delays in replacing personnel have limited some important clinical functions.

I agree with Dr. Wolcott's conclusion "that 'enough is enough'." I am pleased that you and he, as Chiefs of Staff, have initiated this request for information and that you are attempting to raise our level of consciousness of these serious financial problems. However, the dialogue must be extended to involve directors, regional directors and pertinent VACO officials. I wonder how these individuals would respond to your request for information.

Sincerely,

STANLEY J. GEYER, M.D.,
Chief of Staff.●

UNSUNG HEROES GIVE LAW DAY, U.S. CONSTITUTION, NEW MEANING

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. House of Representatives a column in the May 4 edition of the New York Times written by Mr. Eugene Fidell.

The article discusses a little-known national holiday, Law Day, and reminds us that we in the United States are privileged to have the right to protest or picket; to speak our minds to the elected officials who represent us; and to hold and express views that are different from those of our neighbors.

Mr. Speaker, Mr. Fidell makes some interesting and very relevant points about the freedoms that we enjoy in

this country. This column is extremely timely and effectively brings home the importance of the principles our democracy is founded upon—tolerance, protection by law of our civil liberties, and the right to think and live as we choose. The article follows, and I would like to ask all of my colleagues in the U.S. House of Representatives to take note of this excellent piece by Mr. Fidell.

LET US NOW PRAISE UNFAMOUS MEN

(By Eugene R. Fidell)

Let's push aside the cast of reputable—and conventional—characters that clutter the podiums each year on Law Day, sermonizing on the principles of order that, we are told, are the glue of society. Instead, we should reserve space on this minor, but important, national holiday for the unsung heroes—society's soreheads.

We should honor every neighborhood activist who dares ask a question in a town meeting.

Every rumpled and disgruntled holder of two shares of stock who takes the floor at the corporation's annual meeting.

Every write-in candidate.

Every taxpayer who fights back during an I.R.S. audit.

Every citizen who uses the Freedom of Information Act and who writes his or her Congressman with instructions on how to vote.

Every last person who comments on proposed Federal regulations.

Picketers of all shapes and sizes, including every "street crazy" who patrols public buildings with sandwhich signs deploring injustices, real and imagined.

Every writer of letters to the editor, jailhouse lawyer, holdout juror, contester of jaywalking tickets, filer of small claims.

Every objector to advertising on license plates.

Everyone who wears a beard when shaving is in fashion, and shaves when beards are in vogue.

Every proud owner of an Edsel.

Everyone who actually puts a suggestion in the suggestion box.

In sum, everyone who is different and wants to remain so.

These are our fellow citizens whose "saint's day"—Law Day—was observed Wednesday. In all their disorder, noise, ability to annoy, pride of difference; in all the expense they impose on our courts, legislatures, schools, businesses; in all their pied beauty, the celebration was theirs.

Let us, therefore, honor them, for, by their very being, they breath life into our Constitution, perhaps more effectively than the loftiest discourse on the First Amendment. Imagine a world without them—and the grandeur of that document gains meaning.●

HONORS—SOCIETY OF FELLOWS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. LEVINE of California. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that the University of Judaism recently inducted Allen Ziegler into its Society of Fellows.

This unique and highly privileged honor was an extremely appropriate one for Allen Ziegler who has devoted so much of his time, energy, and resources to the University of Judaism and a host of other community activities.

I ask unanimous consent to include at this time into the RECORD a copy of Allen Ziegler's biography as it was presented at the 35th annual commencement program of the University of Judaism on the occasion of Allen Ziegler's induction into the Society of Fellows.

HONORS—SOCIETY OF FELLOWS

Allen Ziegler—With his induction into the Society of Fellows, philanthropist and industrialist Allen Ziegler joins a select group of individuals honored by the University of Judaism as outstanding patrons of Jewish education and learning.

"Allen Ziegler is a rare human being, generous to a fault, and deeply devoted to the Jewish people," said Dr. David Lieber, president of the University of Judaism. "Though he prefers to keep in the background, he has shown the way to others, freely giving of himself to further our religious heritage."

Mr. Ziegler's dedication to the education of future Jewish generations is reflected in the University of Judaism and Camp Ramah, both of which he helped found and has supported generously throughout the years. The Ruth and Allen Ziegler Administration Building on the UJ's Sunny and Isadore Famlian Campus, a student scholarship, and a cabin at Camp Ramah which bears the Ziegler name are just a few of many Ziegler gifts.

The University of Judaism also has benefited from Allen Ziegler's counsel and advice as a longtime member of the Board of Directors and its Executive Committee. In 1960, he was honored by the Patrons Society as the first recipient of the Eternal Light Award for his tireless efforts on the university's behalf.

A second-generation member of Sinai Temple, where he became a bar mitzvah in 1928, Allen Ziegler was one of the people who made it possible for the synagogue to move to its present location on Wilshire Boulevard. One of his proudest memories is of the day he, his sisters, and brothers brought their then 86-year-old mother to the dedication of Sinai's Ziegler Hall, named in honor of his father. Mr. Ziegler has held a number of offices at Sinai, including president, and his myriad contributions to the synagogue moved the congregation to name him Honorary Life President.

Many other organizations have been the recipients of Allen Ziegler's generosity and good will. Cedars-Sinai Hospital, which boasts the Ziegler Laser Research Laboratory for the Reestablishment of Coronary Circulation, recently honored him with its "Heart of Gold" Award for his years of service and involvement. Mr. Ziegler is s charter member and Gold Card member of the Beverly Hills B'nai B'rith Lodge, and has been an avid supporter of the City of Hope, Jewish Homes for the Aging, the UJA, and Israel Bonds.

Westco Products, of which Mr. Ziegler serves as Executive Vice President, is the leading bakery supply manufacturer in the Western United States, and one of the largest of its kind in the country. It has been the Ziegler family business for more than forty years.

Both Allen Ziegler and his wife Ruth are USC alumni, and continue to support the school's Alumni Association. Mr. Ziegler also is a graduate of the USC School of Law.

Dr. David Lieber offered this observation about Allen Ziegler: "Time and again, he has proven himself to be an extraordinarily loyal friend, who can be counted on whenever we need him."

The University of Judaism warmly congratulates its longtime friend, Allen Ziegler, on his induction into the distinguished company of the Society of Fellows.●

PENSION PLAN PARITY FOR THE SELF-EMPLOYED

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. JEFFORDS. Mr. Speaker, today my colleague, BILL CLAY, and I are introducing legislation of a technical nature to complete the process begun in 1982 to eliminate distinctions in the pension law between qualified plans for the self-employed and their employees (H.R. 10 plans) and the plans maintained by corporations. Generally, our bill extends the principle of parity embraced under TEFRA (the Tax Equity and Fiscal Responsibility Act of 1982) to the one area overlooked in that legislation—that is, to loans made to plan participants under H.R. 10 or so-called Keough plans.

In making the 1982 changes, Congress believed that the level of tax incentives made available to encourage an employer to provide retirement benefits to employees should generally not depend on whether the employer is an incorporated or unincorporated enterprise. Similarly, Congress believed that the rules needed to assure that the tax incentives available under qualified plans are not abused should generally apply without regard to whether the employer maintaining the plan is incorporated or unincorporated.

By amending section 4975(d) of the Internal Revenue Code and section 408(d) of ERISA (the Employee Retirement Income Security Act of 1974) to permit certain participant loans, our bill removes the major remaining impediment to full pension plan parity for the self-employed. Specifically under present law, a qualified corporate plan is permitted to make a loan to a plan participant if certain requirements are met. Generally, the loan must bear a reasonable rate of interest, be adequately secured, provide a reasonable repayment schedule, and be made available on a basis which does not discriminate in favor of employees who are officers, shareholders, or highly compensated. The technical amendments under the bill would extend the identical corporate plan requirements with respect to participant

loans to the plans maintained by the self-employed. Given the corrective nature of these amendments, we anticipate these changes to be taken up this year in the context of technical corrections to the appropriate statutory law. The text of the bill follows:

H.R. ——

A BILL To amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to permit certain loans from employee benefit plans to owner-employees and shareholder-employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF INTERNAL REVENUE CODE TO PERMIT CERTAIN LOANS FROM QUALIFIED PLANS TO OWNER-EMPLOYEES AND SHAREHOLDER-EMPLOYEES.

Subsection (d) of section 4975 of the Internal Revenue Code of 1954 (relating to exemptions from prohibited transaction provisions) is amended by striking out "(other than paragraphs (9) and (12))" in the sentence following paragraph (15) and inserting in lieu thereof "(other than paragraphs (9) and (12), and, except in the case of an individual retirement plan, other than paragraph (1))".

SEC. 2. AMENDMENT OF ERISA TO PERMIT CERTAIN LOANS FROM EMPLOYEE BENEFIT PLANS TO OWNER-EMPLOYEES AND SHAREHOLDER-EMPLOYEES.

Subsection (d) of section 408 of the Employee Retirement Income Security Act of 1974 is amended by striking out "and subsections (a), (b), (c), and (e) of this section" and inserting in lieu threof ", subsections (a), (b) (other than paragraph (1) thereof), (c), and (e) of this section, and subsection (b)(1) of this section in the case of an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1954),".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.●

THE CONSUMER BANKING ACT OF 1985

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. SCHUMER. Mr. Speaker, earlier this week I introduced the Consumer Banking Act of 1985. It is my hope that this legislation will help bring about needed reforms in a rapidly changing banking industry that has left the average consumer often confused and sometimes abused.

The U.S. banking system touches the lives of virtually every citizen of this country on a daily basis, yet few segments of our society are as far removed from meaningful consumer control and accountability as our financial institutions. The banking industry has undergone radical changes in style and structure over the past few decades, yet its centuries-old image as an aloof and mysterious business is as valid as ever for the majority of American citizens.

While many of the changes that have ripped through the banking world in recent years have been publicly justified on the basis of their "benefits to consumers," for the most part these changes have been suggested by, lobbied for, and enacted, either legislatively or by regulation, in order to benefit one or more segments of the banking industry. So, in this new world of banking, just what do consumers see?

They see fees and charges rising rapidly, sometimes being notified of changes when they show up as a deduction on their monthly or quarterly statement.

They see banks placing "holds" on their checks far in excess of the time it takes to collect the funds, earning interest on the float while the consumer is denied access to his or her funds.

They see banks leaving their neighborhoods preferring to pursue risky new "high flyer" opportunities than to lend to the local small businessman or homeowners.

More and more of them, and particularly those with low incomes, see the doors closing to them, as restrictive requirements have made bank accounts too costly or inaccessible.

They see a multitude of mortgages (and, increasingly, other loans) offered with a variable interest rate, with no standardized way to compare them, each advertised in a different way, and few of them understandable in plain language.

They hear about the banks that offer the "good" deals on basic services, but can't seem to find them, and even have difficulty getting information out of the banks to facilitate their own comparison shopping.

They know that many of the most important decisions affecting their relationship with banks and thrifts are made by regulatory agencies or courts, but frequently they are powerless to affect the outcomes in these forums, as they lack a voice that can speak for them with the expertise and depth of knowledge necessary for effective representation.

There is a dramatic need to reexamine the entire financial service system from the consumer's perspective rather than the industry's for once—the ordinary consumers, the ones who pay the bulk of the bank fees, the ones whose bedrock confidence in the system is its most valuable asset, but whose confidence is being worn down by the feeling that they are not being treated fairly by their bank.

They know, as events in Ohio and Maryland have poignantly shown them, that sometimes the bank they are doing business with is not as solid as it seems, and that they should get more information about it, but they don't know the first place to begin and have no one to turn to for help.

That is why I am introducing the Consumer Banking Act of 1985, which is the result of such a consumer-oriented reexamination of the banking system. This has been a major undertaking, and I need to thank a number of individuals and groups whose efforts have been essential to the research and development of this bill. They are: Ralph Nader, the Consumer Federation of America, Public Citizen's Congress Watch, Consumers Union, U.S. PIRG, the Center for Community Change, the Bankcard Holders of America, and the National Committee Against Discrimination in Housing.

A summary of the bill follows:

SUMMARY

TITLE I EXPEDITED FUNDS AVAILABILITY

Current bank practices involve holding periods ranging from 1 to 15 days, even though the Federal Reserve testified that 99 percent of all checks are paid in two days, and most of the rest of them are paid shortly thereafter. This provision shortens the maximum time that a financial institution may "hold" a check to 1-3 days, depending upon the category of checks, with exceptions for checks which present a high risk of loss to the institution of deposit.

TITLE II CONSUMER ACCESS TO DEPOSITORY INSTITUTIONS

This provision requires all financial institutions to offer a basic "lifeline" checking account to all consumers with a small initial balance requirement, and no fees or charges for a limited package of services. Account holders would be allowed 8 free checks per month, with a $1.00 per check charge thereafter, and could not be assessed any charge for maintenance of the account or for making deposits.

In addition, depository institutions would be required to offer (for a charge equal to the reasonable costs of processing) consumers a check cashing card which would allow the holder to cash any government check without charge.

TITLE III TRUTH IN DEPOSITING

This provision requires all depository institutions to maintain a schedule of fees, charges, terms and conditions applicable to each account it offers. The information on the schedule must include, among other things, information on minimum balances required to open or maintain an account, maintenance charges, per transaction charges, early withdrawal charges, balance inquiry charges, and interest rates.

The interest rate disclosure must include a statement of the interest rate, deposit period, method of compounding, and the "annual percentage yield", a standard measure of interest rates that allows comparison between different interest rate options. Advertisements for deposits would also be required to disclose this information.

TITLE IV CONSUMER-BAISED PREEMPTION

This provision will provide that, unless Congress explicitly provides otherwise, federally-chartered banks, thrifts, and credit unions must comply with all state laws which provide better consumer protection, better promote community reinvestment, or better protect against credit discrimination than federal law. In New York, for example,

the state issued regulations governing check hold periods, only to have the Federal Home Loan Bank Board preempt the law for federally-chartered thrifts. Actions like this will be prevented by this provision.

TITLE V ADJUSTABLE RATE MORTGAGE PROVISIONS

This title has three parts. First, it amends the Truth in Lending Act to require a detailed disclosure of ARM terms to prospective borrowers, including a "worst case" scenario, in which the lender must disclose the maximum interest rate and payment that could be required under the mortgage, and the earliest dates on which such rate or payment might take effect.

Second, this title applies certain safeguards to all ARMs, including a two percent annual interest rate cap, five percent life-of-loan cap (based in the initial rate), and a cap on negative amortization at the purchase price of the home.

Third, it helps promote a consumer-oriented adjustable rate mortgage by requiring institutions which receive federal net worth guarantees must offer a mortgage in which annual payment increases are determined by the average growth in wages rather than by the cost of funds, and negative amortization is limited to one fifth of the average appreciation rate of homes in the U.S. The Federal National Mortgage Association will be directed to purchase these mortgages from the origination institutions.

TITLE VI FINANCIAL INSTITUTIONS CONSUMER INFORMATION AND REPRESENTATION ASSOCIATIONS

In order to help consumers cope with the modern financial world, this title will provide non-financial federal support for the formation of statewide membership associations of financial institutions consumers. The purpose of these associations is to promote the interests of consumers in financial service matters, by conducting research, surveys, and investigations, and by representing, informing, and educating consumers in financial service matters.

The federal support offered to these institutions will be the right to place inserts into a limited number of deposit statement mailings of federally-insured financial institutions, in order to inform consumers about the association, and to survey them about financial services. Any additional cost of mailing caused by the insert will be borne by the association. Such associations offer a low-cost, non-regulatory, self-help approach to consumer protection in financial services.

TITLE VII COMMUNITY REINVESTMENT ACT AMENDMENTS

This title rewrites and expands the current CRA to insure that financial institutions meet the credit needs of the communities they service, including low- and moderate-income neighborhoods, consistent with safety and soundness.

Principal changes to the Act include:

Requiring public disclosure of CRA rating (from No. 1 to No. 5, with No. 1 being the highest), and allowing public comment on preliminary ratings of No. 1 or No. 2 before a final rating is given, both of which are necessary to improve the quality of CRA examinations;

Limiting interstate expansion only to those institutions with the top two ratings;

Limiting the use of real estate equity investment powers on a sliding scale linked to the CRA rating, similar to proposed regulations in New York state; and

Enacting a system of assessments and rebates supervised by the FDIC and FSLIC in which institutions with poor CRA ratings would face a monetary sanction, and institutions with the best CRA ratings would receive a benefit. Such a provision would give teeth to the enforcement of the Act.

TITLE VIII EQUAL ACCESS TO FINANCIAL SERVICES

Prohibits depository institutions from adopting or maintaining any policy practice or standard which results in denying or discriminating in the availability or terms of financial services because of race, religion, sex, or national origin, unless such policies, practices, or standards are justified by proof that they are required by reason of safety and soundness or other business necessity.●

HONOR THOSE WHO MADE THE ULTIMATE SACRIFICE

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. McKERNAN. Mr. Speaker, I wish to direct my colleagues' attention to an article written by one of the foremost leaders of veterans in Maine, Mr. Daniel E. Lambert, for Memorial Day, 1985.

Dan Lambert is the State adjutant of the American Legion of Maine and the chairman of the Maine Veterans Coordinating Committee. He is widely respected throughout the State of Maine by both veterans and nonveterans.

On the occasion of Memorial Day, 1985, Dan eloquently wrote of Americans who made the ultimate sacrifice for their country. He wrote of honoring their deaths on that special day and remembering the reasons why they were willing to make sacrifices. Dan reminds us that we must also reflect on the peace and freedom that these sacrifices have made possible.

I ask that Dan Lambert's article, which appeared in the Bangor Daily News on Memorial Day, May 27, be inserted in the CONGRESSIONAL RECORD so all may have an opportunity to read it.

The article follows:

HONOR THOSE WHO MADE THE ULTIMATE SACRIFICE

(By Daniel E. Lambert)

Today we pay homage to those who have given their lives for this country.

All across the nation, in tiny church-yards and in rolling national cemeteries, Americans are pausing to pay tribute to their loved ones and their friends.

It is in those moments, with sadness and with pride, that we remember those who died to keep this nation free.

It is a time of reflection, it is a time of honor, it is a time of renewal.

Tradition compels us to reflect momentarily about why Americans have died in far-off countries. The simple answer is: They died in defense of their country. The total answer is not so simple.

Freedom is a tangible thing. Devotion to the preservation of freedom—ours or someone else's—is not so tangible.

Reflect for a moment, if you will, about that passion, that all-consuming desire to allow peoples all over the globe the choice of freedom. It is in the American spirit to champion freedom. It is ingrained in the character of every man, woman and child. It is something we are willing to die for.

Tradition on Memorial Day also gives us pause to honor those who, in their desire for freedom, gave their lives so that others could live in peace because peace, too, is ingrained in every American's character. We honor our dead in many ways. We offer speeches. We give them rifle salutes. We offer prayers in their names. We cherish their memories.

Today, all across the nation, Americans will place flowers and small flags on final resting places of those who died to keep this nation free.

Everywhere, in solemn ceremonies, other Americans will show their gratitude and honor for those who stood up to be counted when their country needed them.

The dead have given all they have to us. It is for us to repay them in a special way. It is for us at this time each year to instill in every generation, now and yet to come, a deep appreciation and full understanding of the meaning of why they died.

Americans who die at Shiloh and Gettysburg did not die in vain. They bought with their lives, a united nation and secured equality under the law for everyone.

Americans who died "over there" were the price our great nation paid to avoid oppression and ruin.

And Americans who died in faraway lands, places like Iwo Jima and the Ardennes, Inchon and Vietnam, did not give their lives for nothing. They died to make the world a safer place to let people breathe free.

Those of us who are old enough to have experienced war must recognize our continuing responsibilities to our country, not the least of which is that the sacrifices we remember this Memorial Day must be made meaningful to every new generation of Americans.

Only by carrying out these continuing responsibilities can we insure that the sacrifices made by those whom we honor on this occasion shall not have been in vain.

Making this point of a Memorial Day observance does not heal the sense of loss in the hearts of those who mourn. But it can give them a renewed faith and a new sense of satisfaction in the knowledge that the love that was given could prove to be a gift of love and the gift of love to the future generations of this nation.

It is their deaths we honor today. It is not the wars, that claimed them that we honor. We who have served know all too well that war is not glorious.

As we observe this American day of remembrance we signal to the world that we will not let those ideals for which these brave men and women died ever pass from our memories. A clear signal to those who would threaten freedom: Do not underestimate the will of this free nation.

This ceremony is our way of keeping alive the spirits and accomplishments of our fallen comrades. It is our obligation to them. If we do less than that, we will have failed to impress upon all people that millions have suffered war to maintain the rights of free people everywhere to life, liberty and the pursuit of happiness.

As we pause to reflect upon the sacrifices rendered by those Americans we honor on this Memorial Day, let us not lose sight of the fact that we must remain ever vigilant,

strong, and united in preserving peace and freedom in the world.

We must renew our commitment to preserve all that Americans stand for. We must not shirk from our responsibility to remain a capable deterrent in troubled times.

And so we pause on this Memorial Day to reflect on the dedication to freedom that is a part of every American. We pause to honor Americans who have given the ultimate sacrifice. We pause to renew our commitment to preserving peace for all freedom-loving countries.

On this Memorial Day 1985, we can do no less.●

ARMS CONTROL CHARADE

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. HARTNETT. Mr. Speaker, I would like to bring to the attention of the House an article by columnist George F. Will, which appears in the June 6, 1985 edition of the Washington Post. As we approach the week in which we shall debate the defense authorization bill, I would encourage my colleagues to consider the wisdom of the words which appear below.

WHY CONTINUE THE ARMS CONTROL CHARADE?

(By George F. Will)

The envelope, please.

The award for Most Preposterous Argument of 1985 (no use waiting; this one is untoppable) goes to an argument for continuing U.S. compliance with the unratified SALT II treaty even after Dec. 31, when it would have expired anyway. The argument is: To abrogate SALT II limits would send a bad "signal" to Moscow at a "delicate moment" in the arms control process.

How can something dead be delicate? And what could be worse than the signal this president would send by continuing compliance with a treaty that a Democratic-controlled Senate refused to ratify in 1979—a treaty candidate Ronald Reagan denounced as "fatally flawed"?

When the Trident submarine Alaska enters service this autumn, the United States will exceed SALT II limits on MIRVed missiles, unless a Poseidon submarine is scrapped. But arms control has become such a virulent superstition that preservation of an unratifiable treaty is considered crucial.

Newsweek solemnly—nay, apocalyptically—"reports" that abandonment of even the expired, unratified SALT II would be an "ominous" threat to "the whole fragile web of restraints on the nuclear-arms race that have been negotiated since 1963."

Now, "fragile" hardly describes "restraints" that have coincided with the unprecedented Soviet buildup. Newsweek's warning is woven—talk about fragile webs—primarily from four unnamed sources. Given the caliber of their arguments, their desire for anonymity testifies to an endearing capacity for embarrassment.

Newsweek reports that "one U.S. official bluntly says": "The question is whether we begin to unravel arms control in the hope that it can be woven back together—or whether to demolish it." Blunt? Unintelligible. Anyway, if everything arms control has accomplished can be demolished by treating an unratifiable treaty as what it is—a dead letter; if arms control depends on complying with an agreement that the Soviets are violating wholesale; if so, what, precisely, is the arms control edifice that will tumble down?

Pointing with pride when there is nothing to be proud of can be amusing. A flack for a losing basketball team announced that his squad's record was 19–0 in games they led at the end of the fourth quarter. That flack belongs in Geneva; he is a born arms controller. He, perhaps, could point with pride to SALT II, under the "restraints" of which the Soviets have added 4,000 warheads and can add several thousand more without violating its "limits."

Newsweek reports that a "senior Russian diplomat" says new agreements in Geneva will be impossible unless the United States continues to comply with SALT II. But there has been no progress in Geneva since January, and the Soviet regime insists progress will be impossible until President Reagan abandons his Strategic Defense Initiative, which he will not do. So the Soviet diplomat is merely adding a redundant insolence to the arms control farce.

Newsweek reports that "one British Foreign Office official" says: "It is one thing to put more pressure on the Russians and quite another to abandon the treaties altogether." Yes, but it is a third thing to adhere to a treaty you denounced in 1979 and that you say the Soviets are violating promiscuously. Leaving aside the nice point of whether you can "abandon" an unratified and expired treaty, this is clear: If this president—the denouncer of SALT II, the documenter of Soviet violations of it—continues to comply with it, Gorbachev will reasonably conclude that this president is unserious about compliance—and perhaps about everything else.

A "senior administration official" tells Newsweek this is "the most important foreign-policy decision the President is ever likely to make." True, but not for reasons arms controllers give. The president must deal with the Soviet regime regarding the Middle East, Afghanistan, Central America. If he caves in concerning SALT II, and tries to cover his cave-in with a tricky, transparent, cosmetic maneuver, the Soviets will dismiss him as all noise.

The cosmetic solution would be to mothball but not dismantle a Poseidon. This would be a secondary failure of nerve about the primary failure of nerve. It would collapse the president's credibility by showing him unable to justify continuing compliance but afraid to brave the reflexive wrath of the arms control lobby.

Secretary of State George Shultz is off on the charade of "consulting" allies, who will urge continued compliance because the arms control charade is the opiate of their masses. But a task of diplomacy—and of a Great Communicator—is to explain courageously the need to act unfashionably.

In 1979 arms control was, as always, fashionable, but many senators courageously opposed SALT II. The Foreign Relations Committee, a nest of doves, approved it by only a single vote. The Armed Services Committee rejected it. If Ronald Reagan, who helped stop it then, will not abandon it now, three years stretch ahead like a dangerous Sahara.●

NATHAN CUMMINGS 1896–1985

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GREEN. Mr. Speaker, Nathan Cummings was known to the business community as a statesman of industry and the head of one of our country's major companies, the Consolidated Food Corp. He was known to the cultural community as a philanthropist and owner of one of the world's finest art collections. He was known to his family and friends as a man of kindness and compassion, a person of rare, God-given qualities. With his passing, our country and his community has suffered a great loss. Mr. Speaker, the impact of Nathan Cummings' contribution to our society was fittingly noted in the eulogy delivered by John Bryan, his successor at Consolidated Foods, now known as Sara Lee Corp. I therefore ask unanimous consent to have Mr. Bryan's tribute to Nathan Cummings included as part of the CONGRESSIONAL RECORD.

NATHAN CUMMINGS EULOGY

(By John H. Bryan, Jr.)

For the last 10 years of his life, I had the opportunity to know Nate Cummings intimately and from a unique perspective.

You see, it has been my lot to give direction to the corporation he founded back in 1939. For this past decade, I have been the chief officer of what is, for all time, Nathan Cummings' most important business legacy—Consolidated Foods Corporation.

In that capacity, I saw Nate often. In fact, we had planned a visit in Florida this past Wednesday. But that was not to be. We spent a lot of time on the telephone over those years. Nate liked the telephone. We traveled together. I enjoyed and liked him very much. We were very close.

But no matter how well we all knew Nate Cummings, he never ceased to surprise and delight us. Right now, I especially remember one occasion last October—Nate's 43rd appearance before his company's annual stockholders' meeting.

Nate was not in great health last fall, and we were not sure he would be able to address the annual meeting—but he was sure, and he joined us in Chicago. As usual, he was introduced to the stockholders and—with a little assistance—walked to the lectern as a reverent and excited crowd stood to applaud. Let me read to you from a transcript of his opening remarks at that meeting.

"I think I'm going to indulge in a glass of water," Nate began. The audience smiled as he theatrically drank the water. Nate slowly surveyed the overflow crowd of stockholders, and went on. "All the previous speakers this morning had their notes in front of them," he said, "but I haven't got any notes. Whatever I've got is part of me. A week ago last Sunday I went to Montreal to visit my younger brother who has been married for 65 years. That's quite a span. And I had a wonderful time. Last Sunday I was 88 years old—I mean young. I almost made a mistake. I feel like 50! And when I see this crowd of stockholders, believe me, it makes

my heart swell." That audience was enraptured as I have never seen it before.

Nate went on to talk extemporaneously about the ways in which Consolidated Foods touches the lives of people throughout the world—and about his hopes for the company in the future. And as I listened to him, I remember wishing that everyone connected with Consolidated Foods could hear his message, could see his positive and optimistic attitude, and witness this remarkable man's vision.

Next week, I shall send a personal communication to all the directors, officers and management of Nate Cummings' company. In some small way, I want to capture the qualities that Nate displayed so well at last October's meeting . . . because I want our present generation of managers to learn from—and appreciate—the lessons of this great man's life.

Let me mention some of those lessons.

As a businessman, Nate Cummings' really important lesson is that determination and tenacity are so essential to success in business. Nate Cummings would not give up very easily. So many of today's aggressive young managers with master's degrees are actually distraught if they haven't become a vice president by age 40. I like to tell them about this man with little formal education. At age 43—after persevering through business reversals—he started over again by buying a small company in Baltimore—and then lived to see it become one of the 50 largest industrial enterprises in all America. What a lesson in tenacity!

And most of you are familiar with a quotation that was Nate's favorite for as long as I can remember. "Nothing will ever be attempted if all possible objections must first be overcome." It is a powerful lesson for today's managers.

I also want them to learn from Nate's enthusiasm and his positive attitude. I never heard Nate Cummings complain. He never said he felt bad. If you asked him how he was, his answer was always, "I feel great!" Even in his later years, he had that powerful handshake that surprised—and inspired—so many people. And he took hold of every task with the same enthusiasm. That kind of optimism and zest is such an important lesson for leadership, and Nate Cummings was the best example I know of that idea in action.

And I want our managers to learn a lesson from Nate's extraordinary ability to deal with adversity. He never agonized about a business setback. I can still hear him saying, "John, don't worry—there'll be another deal." He had an uncanny knack for coping with the stresses and strains of business life and he could relax at any time. That was an important reason for his success and in itself is a lesson worth remembering.

Nate taught another lesson that is not widely recognized—he was always willing to listen to, and follow, the advice of others. Now, he had a strong personality. He could very easily say no. But he was also strong enough to delegate, and to accept the counsel of those he trusted. It was a characteristic that served him and the company well. And it's a lesson that every manager should remember.

And finally, I want to draw one other lesson from Nate Cummings' life. Because as ambitious and tenacious as he was in business, he always placed his work in its proper perspective. Nate was not a one-dimensional man.

He was unabashed in his devotion to his family. His life revolved around them. He thought of his children, grandchildren and great-grandchildren as his greatest success.

And he was so enthusiastic about his art. He genuinely enjoyed buying it. He loved showing it to people who visited his apartment. He got so much pleasure loaning it to friends, companies and museums. He collected and shared his art for more than 40 years. It was an important part of his life.

And Nate was indeed a philanthropist. He truly enjoyed giving. The vast majority of everything he ever made has gone or will go to charitable causes. A full accounting of his generosity may never be made. But it was extraordinary.

Nate Cummings always shared his talents and resources beyond the business world, and that's an important lesson for the people of our company. It is difficult to summarize all the qualities of Nate Cummings in a few words. But I believe very strongly that these lessons of his life should not be lost to those of us who follow him at Consolidated Foods.

In an increasingly impersonal world—in a company with more than 100,000 employees—it is an enormous asset to be able to identify with a founder and the ideas he represents.

So at Consolidated Foods, we will keep Nate's memory alive in a number of ways:

Through our corporate collection, which is the Nathan Cummings Memorial Collection.

Through the Nathan Cummings employee scholarship program.

Through a recently established employee international student exchange program that bears Nate's name.

And through a book which will chronicle the history of our company and will be dedicated to Nate.

But I know what is our most fitting memorial. It will be to keep Nate Cummings' company strong and increasingly prosperous in the years ahead.

I know that would please him most of all.

For one more moment, listen to Nathan Cummings' words as he concluded his remarks at that shareholder's meeting last fall. Remember, he spoke without a single note in front of him.

"I could go on," Nate said, "and tell you lots of things about the different parts of the company in the different parts of the world. But I think your *own* dream process will make you happy." He then said, "I do hope to be back again for a few more years. They won't give me a license for perpetuity—*it just isn't done.* So I'll take every day and make the best of it. I'll continue to enjoy the wonderful things that Consolidated Foods does. The many ways it enters into your life and makes it a happier one. Thank you very much."

That was Nate Cummings' farewell to the shareholders.

I think those few words so beautifully capture Nate's optimistic spirit and so eloquently set forth Nate's vision for his company, and surely for his own life.

Just imagine all the wonderful things he did and all the lives he made happier.

That was his most important lesson—and his most important legacy. Thank you, Nate.●

JOHN LENCZOWSKI ON SOVIET STRATEGY IN NICARAGUA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. COURTER. Mr. Speaker, I commend to my colleagues the following article on Nicaragua and Soviet strategy by Dr. John Lenczowski of the National Security Council staff. The events in Nicaragua follow a clear pattern that has occurred too many times before in history, at terrible human cost. Dr. Lenczowski's article is one of the clearest expositions I have seen of the challenge that Soviet strategy poses to human rights and American security in our own hemisphere, and my colleagues would do well to ponder the facts he sets forth.

[From the Washington Times, June 6, 1985]

FRANK TALK ABOUT DANGERS AT OUR DOORSTEP

FORCES BOUND BY A COMMON THREAD

It is often unpleasant to resurrect what many think are the unpleasant ghosts of the past. Unfortunately, that is what we do when we talk frankly about the forces of "international communism" at work in our hemisphere.

It has long been politically the safe thing to do to ridicule any mention of this alleged phenomenon. Professors and pundits have assured us for years that "international communism" as such no longer really exists—which is why it is ridiculed as a "phantom," the object of irrational phobias of extremists, know-nothings, or people living in the past.

It has been explained to us that we can no longer clinically and accurately use this loaded expression because of the Sino-Soviet split, the Yugoslav-Soviet split, the Albanian-Soviet split, and other manifestations of polycentrism.

Perhaps, indeed, communism is no longer a monolithic force subsuming all Marxist-Leninist states under the Soviet banner. Nevertheless, how can one label the presence today in Nicaragua of Cubans, Bulgarians, Libyans, Czechs, North Koreans, East Germans, Vietnamese, Soviets, and Communist elements of the Palestine Liberation Organization?

If this is not some facsimile of international communism, then we are at a loss as to how to explain the common thread that binds these forces together. If we must pay our dues to the gods of polycentrism, then perhaps we might refine our terminology by calling this phenomenon "Soviet international communism," since neither Maoist, Titoist, or Albanian brands of communism are at work here.

Since we so rarely discuss the facts about international communism as such, there are a few which should be remembered in the context of our current debate on Nicaragua:

The people do not want communism. Never in history has a majority of a free electorate democratically chosen a Communist form of government. (There is only one exception: the minuscule state of San Marino. In the case of Chile, Mr. Allende, although a Marxist, did not run for office as a Communist with a Communist Party in tow, or with an avowedly Communist politi-

cal program. Neither did he win a majority of the vote.)

Communists have always come to power through violent takeovers. These takeovers have always involved seizure of power by a well-organized and externally assisted minority over an unorganized and unwitting majority. Such takeovers consistently entail the use of a "popular front" of Communist and non-Communist elements; the establishment of a Communist Party which uses an ideological party line to enforce internal conformity and identify and eliminate deviationists; the use of camouflage to disguise the party's true intentions and full political program; the use of propaganda and disinformation to manipulate the international media; the use of violent and ruthless methods to eliminate all organized opposition, including ethnic minorities, organized religion, non-government-controlled media and the "class enemy;" and finally, the use of gradualism in the process of eliminating opposition and implementing internal security—so that the people do not realize what is happening to them until it is too late.

No Communist regime that has consolidated its power has ever been overthrown and replaced by a non-Communist order. (The only exception is Grenada). Every other form of government offers people the chance to retain a system of trial and error. It is easy to overthrow a Shah or a Somoza after trial has been granted and error perceived. But once communism is firmly in place, the possibility of trial and error is no more.

A vote against aid to the Freedom Fighters is a vote to consign Nicaragua to an indefinite period of no freedom of choice.

The human cost of communism wildly exceeds most Americans' expectations.

The numbers of people murdered by Communist regimes (outside of war deaths) are approximately: low estimate, 60 million; high estimate (more accurate in light of recent scholarship), 150 million.

The greatest tide of refugees in world history flows from Communist states to non-Communist ones: today it comes from Ethiopia, Afghanistan, Indochina, East Europe, and Nicaragua. (During the entire Vietnam War there was nary a refugee fleeing from Indochina. It was not until communism triumphed that life became so unbearable that people who could withstand decades of war fled to the seas).

Communism invented the concentration camp. Millions have been imprisoned, executed, or worked and starved to death in these camps. Communist regimes will not permit enterprising Western reporters anywhere near these camps, so you don't hear about them on the evening news.

Communist regimes recognize no restraint on their absolute power. From this they establish ideological falsehoods as the standards of right and wrong and the standards by which deviationism is measured; from this stems the systematic denial of all individual human rights.

The quality of life always deteriorates under communism: the militarization of society; the destruction of the consumer economy; the rationing of food; the deterioration of existing housing and insufficient new construction to meet population growth; the destruction of medical care through lack of medicine and medical supplies (despite all the propaganda about free universal medical care in the U.S.S.R., for example, a 900-bed hospital in Moscow gets an allocation of 250 hypodermic needles per *year*—a supply insufficient for one *day* in a Western hospital—with instructions on how to straighten them, clean them and derust them); the destruction of religion (in Russia in 1914 there were 77,000 Orthodox churches whereas today in the entire U.S.S.R. there are only some 7,000); the destruction and political control of education and culture; the rewriting of history, and the destruction of monuments to the national heritage; and the assault on family life and parental jurisdiction over children.

Soviet-style communism invariable means the export of terrorism, violence, and revolution to other countries. Soviet proxy states participate in an efficient division of labor in this sphere: Cubans as troops, Bulgarians and Vietnamese as arms suppliers, East Germans as secret police trainers and military advisers, etc.

Since it is Soviet and not Albanian proxies who are present on our continent today, it is not an accident that the Communist Sandinista regime is an active collaborator in this division of labor.

The Sandinistas are Communists. As Defense Minister Ortega said: "Marxism-Leninism is the scientific doctrine that guides our revolution . . . without Sandinismo we cannot be Marxist-Leninist and Sandinismo without Marxism-Leninism cannot be revolutionary."

The identical pattern of Communist takeover methods, internal policies, and external behavior is repeating itself in Nicaragua. There can be no doubt, given the vast evidence we have accumulated, that Nicaragua is becoming another Cuba.

Communist regimes, including the Nicaragua regime, spend vast resources on disinformation—to deceive the international media and foreign political decision-makers.

A principal goal is to disseminate false information about the nature of their own system: the principal disinformation theme of all Communist regimes is to convince others that they are not really Communist.

This is done in many ways by the Sandinistas but most prominently by the "guided tour." Countless American visitors are taken on this guided tour and see nice things and talk to "average citizens" who tell them what the regime wants them to hear.

Nobody wants to believe that he has been or can be fooled. But if Congress is to believe the testimony of constituents and reporters who base their information on the "guided tour," Congress may as well believe everything they are told on the identical guided tours in Moscow, Havana, East Germany, North Korea or any other totalitarian state.

Congress must decide whether it will resist international communism on our continent or let it prosper. Isolationists in the Congress may base their opposition to the administration on the principle that other countries should be allowed self-determination.

Unfortunately, in Nicaragua today there can be no self-determination, because of the reality of "foreign-force determination." The foreign force is the Soviet Union and its proxies, otherwise known as the forces of international communism.

Will the Nicaraguan people be given enough assistance so that they will be able to determine their future on the basis of a balance of foreign forces, or will Congress permit an imbalance, an imbalance against democracy, an imbalance against any system of trial and error?

If Congress chooses to deny the Nicaraguan friends of democracy a chance for self-determination, it will be voting in favor of the first victory of the Soviet strategic offensive on our own continent.●

TRIBUTE TO SOROKA BROTHERS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MURPHY. Mr. Speaker, I rise today to recognize two extraordinary brothers, who combined, have given 50 years of service to their church.

On June 9, the Archpriest Vladimir Soroka, pastor of the Holy Ghost Orthodox Church, Ambridge, PA, will be honored for having achieved a milestone in his ministry of the Eastern Orthodox Christian Church—the 25th anniversary of his ordination.

The occasion seems appropriate to acknowledge not only the accomplishments of Father Vladimir, but those of his younger brother, the Archpriest Igor Soroka, pastor of St. Nicholas Orthodox Chruch, Donora, PA. The latter commemorated his silver ordination jubilee in 1984.

Pursuing his ministry to be a "priest after the order of Melchisedec" (Hebrews 7:21), each has given a quarter century tending the spiritual needs corporately and individually within his congregation. Indeed, fostering spirituality in the tradition of the Eastern Orthodox Christian faith has held preeminence in the priesthoods of both fathers Vladimir and Igor.

In addition to serving the spiritual needs of their congregation, which are affiliated with the Orthodox Church in America, these brothers have made significant contributions toward making their faith's liturgical music available to the faithful throughout the United States. These efforts began well before their ordinations in 1959 and 1960.

The Eastern Orthodox Christian faith came to the North American continent in the 18th century via Russians settling on the California coast. Later immigrants brought their faith in the 19th and early 20th centuries from Greece, the Ukraine and Russia, Romania, Yugoslavia, Syria, and Armenia, among others; each ethnic group brought its liturgical music with it for essentially the same service. The liturgical tradition of the Orthodox Christian faith dates to the fourth century A.D. and such Christian Church fathers as Basil the Great, John Chrysostom, and Gregory Nazianzus. The problem for liturgical musicians in the United States has been made more complex by the fact that responses of the congregation are sung a cappella and not said.

Archpriests Vladimir and Igor Soroka are among the earliest to attempt to produce liturgical music for

common worship in the English language. This has meant adapting earlier translations from Church Slavonic or Greek to contemporary English, composing, arranging traditional ethnic melodies to contemporary harmony as well as all the chores entailed in the editing of a collection of music—all for no remuneration.

In much of their work, they have drawn on the rich choral heritage of the Russian Orthodox Church, from which the Orthodox Church in America gained autocephaly in 1970.

Father Vladimir is responsible for the publication of five volumes of music and Father Igor, seven. They have collaborated on several others. On the death of a brother in the priesthood who was to be buried from his parish in Ambridge, Father Vladimir realized that the order of service for a priest's funeral was unavailable from any single source in English. Using his own musical arrangements from earlier years, two clerks, a photocopy machine loaned by an area hospital, two pairs of blunt scissors and a great deal of cellophane tape, he produced in 1 night and 2 days, booklets of the service which are believed to be the first in English in the United States.

The brothers are among the seven children of an immigrant priest and his wife, the late Archpriest Gregory and Anastasia Soroka. Another brother, Leonard, now deceased, also was a priest.

Father Vladimir was ordained and served 14 of his 25 years since ordination in the parish which his father served as pastor for 35 years—Holy Trinity of Charleroi, PA. Ambridge is his second parish.

He received his undergraduate degree from Duquesne University in Pittsburgh. He entered Duquesne shortly after high school graduation in Charleroi, but interrupted his education by volunteering for Army service. He served as a paratrooper with the 13th and 82d Airborne Divisions from 1942–46. After graduation from Duquesne, he obtained a master's degree in education from Columbia University and taught music in the public schools for 8 years. He also served 17 years as a parish choir director in New Jersey, New York, Pennsylvania, and Massachusetts.

During his priesthood, he has been instrumental in establishing a mission parish, conducted programs in liturgical music education within the Archdioces of Pittsburgh and has served as a trustee of St. Vladimir Orthodox Theological Seminary, Crestwood, NY, from which he graduated.

Father Igor graduated from St. Tikhon Seminary, South Canaan, PA, and then entered Duquesne University. While attending Duquesne, he, like his brother Vladimir, was a member of that university's Tamburitzans, a world-traveled Slavic cultural ensemble.

He served as a parish choir director and vocal teacher. Before ordination, he helped organize a male chorus of Orthodox Christians in the Pittsburgh area; in 1964, he organized and still directs a choir of mixed voices. He has served on the music commission of the national church, conducted national choral conferences, represented the Pittsburgh Archdiocese on the Metropolitan—national—council and trained deacons in the Pittsburgh Archdiocese. He has served his entire ministry in the Donora Parish. He is a member of the Donora Committee for the Downtown Renewal.

Service to the church is an inherent trait in the Soroka family life. As her brothers and father before her, Zenia Soroka Pecuech is a parish choir director. Matthew, one of Father Igor's three sons, is an engineer by vocation, but has been a choir director; Michael and Leonard, sons of Father Vladimir, both are seminary graduates and parish choir directors. Leonard has collaborated on the publication of later English language translations also for use by the worshiper as well as better-prepared choir singer; Michael is an aspirant to the priesthood. Thomas, a third son, is trained to direct parish choirs but is pursuing higher musical education. Olga and Irene, wives of Vladimir and Igor respectively, have sung responses to services with their husbands. In that tradition, Tamara Bell Soroka, the bride of Michael, is a seminary graduate, a church school teacher, a reader and a singer.

I would like to commend the Soroka brothers and their families for their accomplishments and their dedication to serving the Eastern Orthodox Christian faith.●

COACH MALLEY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MINETA. Mr. Speaker, I am proud to speak today of a man, a special man to us in the Santa Clara Valley, who left an indelible mark on all of us fortunate enough to have known him. I am speaking of George Patrick Malley, the legendary football coach and athletic director of the University of Santa Clara, who fell victim to cancer at the age of 54.

For 26 years, Pat directed the University of Santa Clara Broncos on the gridiron, giving area sports fans something to cheer for on those crisp fall afternoons and evenings. It was Pat Malley who resurrected football at Santa Clara after a 6-year absence. It was Pat Malley who forged Santa Clara students, faculty, and alumni into a solid coalition of Bronco boosters. And throughout this effort, it was Pat Malley who stressed that college athletics was meant to be enjoyable as well as educational, and that his players must have fun out on the playing field.

More than just a football coach, Pat was as concerned with a player's personal and academic growth as his athletic talent. A dominating force around the campus as well as the gridiron, Malley's concern for his athlete's total development is evident by the fact that an outstanding 93 percent of his players graduated, compared with the national figure of 65 percent.

An integral part of the Santa Clara community, Malley's association with the university spanned four decades. Following in his father's footsteps, Malley graduated from Santa Clara with a history degree in 1953. Six years later, he returned to his alma mater as coach of a revised and revamped football program, which he quickly called "Football for Fun." Though the emphasis was on enjoyment of sport, Malley's intercollegiate teams went on to win over 140 games during his 26-year tenure as a coach.

His leadership abilities were duly recognized. He was three times named Coach of the Year by the Northern California Sportswriters Association. Several of his players went on to become professional stars. In 1983, Pat received the award he was most proud of—his induction into the University of Santa Clara Athletic Hall of Fame.

Overshadowing his dominating presence in athletics was the side of Pat Malley that made him stand out, that special quality that made him appear like a bright beacon on a dark night. His personality was filled with compassion and concern for his fellow man. Pat always had time for students—any student—to talk, to listen, to advise, to support, to encourage. It was often said that Pat Malley had two families: His own and the Santa Clara community. As a father draws strength from his children, Pat drew strength from the University of Santa Clara. He thrived on his work with the school, and in return he gave it his heart.

On May 18, 1985, Pat lost his toughest battle to cancer. Mr. Speaker, the passing of Pat Malley signals the end of an institution in the bay area. It is the end of an era for the University of Santa Clara. And it is a personal loss for all of us who called him our friend. But his legacy leaves us the gift of love and the hope that we too can leave the world a better place. And there are so many young people—many who are no longer so young—who can point to the influence of Coach Malley as reason for being

better prepared to face the challenges of life.

It is in this spirit that I ask you, Mr. Speaker, and all the Members of the U.S. House of Representatives, to join me in honoring the memory of George Patrick Malley.●

EXPANDED CAPITAL OWNERSHIP AND THE IDEOLOGICAL HIGH GROUND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. CRANE. Mr. Speaker, today I am including the third portion of a series of discussions on the concept of expanded capital ownership. Today's material is a continuation of Professor Eidelburg's analysis of the true nature of Marxism and why it is antithetical to freedom and real economic justice. His essay is not only insightful, but provocative as well, and I recommend it highly to each of my colleagues.

The material follows:

ECONOMIC JUSTICE: A QUESTION OF TRANSCENDENT TRUTH

(By Paul Eidelberg)

PART II—THE MEANING OF MARXISM

Contrast, now, the Communist Manifesto, written by Marx and Engels in 1848 when Marx was thirty years old. "A specter is haunting Europe—the specter of communism." These opening and ominous words of the preamble are soon followed by the more familiar statement: "The history of all hitherto existing society is the history of class struggles" (7). The first thing to be noted is that these words of the Manifesto implicitly deny the existence of a common good, a comprehensive good transcending the interests of any particular class of society. Of course, and as Marx explains in The German Ideology written two years earlier, "each new class which puts itself in the place of one ruling before it, is compelled, merely in order to carry through its aim, to represent its interest as the common interest of all the members of society, put in an ideal form; it will give its ideas the form of universality, and represent them as the only rational, universally valid ones." In other words, such notions as the "common good," "justice," and "morality," are merely articulations of the material interests of the ruling class.

The second point to be noted is this. If the history of all hitherto existing society is the history of class struggles, then the fundamental fact about human society is conflict, class conflict. This means that force, not reason, is the dominant principle of human history. Indeed, according to the Manifesto, reason is a product of the flux of history:

"Does it require deep intuition to comprehend that man's ideas, views, conceptions, in one word, man's consciousness, changes with every change in the conditions of his material existence, in his social relations, and in his social life?

"What else does the history of ideas prove than that intellectual production changes its character in proportion as material production is changed? The ruling ideas of each age have ever been the ideas of its ruling class." (26).

This historicism or relativism in the Manifesto merely reiterates the teaching of The German Ideology, wherein Marx maintains that "the 'inward nature' of men, as well as their 'consciousness' of it, 'i.e.' their 'reason,' has at all times been an historical product." Furthermore the "inward nature" of men, as well as their understanding of their nature, has always corresponded to "external compulsion," whether economic or social (113). From this it may be inferred that, at least until Marx, men have never possessed genuine insight or intellectual detachment; they have never been capable of transcending the ideas or interests of their particular class or society. Hence it would be foolish to appeal to men's reason over against their interests. Not that reason is utterly impotent. It is simply that ideas can only be effective when they correspond to or reinforce the material or historical interests of men, meaning the interests of their particular class. This is why the Manifesto is addressed to the proletariat. In the familiar words of the "peroration":

"Let the ruling classes tremble at a communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workingmen of all Countries unite!"

It would be a mistake to think, therefore, that Marx intends the Manifesto to create any tension between men's opinions and interests by appealing to men's reason. The appeal is primarily to men's passions, wherefore the Manifesto's scathing denunciation and vilification of the bourgeoisie:

"The bourgeoisie, wherever it has got the upperhand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the mostly feudal ties that bound man to his 'natural superiors,' and has left remaining no other nexus between man and man than naked self-interest, than callous 'cash payment.' . . . In one word, for exploitation, veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation." (9-10)

This vilification of the bourgeoisie—and I have only chosen one of the many equally inflammatory passages—stands in striking contrast to the Declaration's denunciation of the British King, a denunciation which, though impassioned, is encompassed by a preamble and a peroration cast in the language of civility and even of reverence. The explanation has already been suggested: (1) The Declaration affirms the primacy of reason; the Manifesto the primacy of force. (2) The Declaration acknowledges the existence of universal moral standards to which one may appeal over and against conflicting class interests. Its principles thus allow for the possibility of diminishing or transcending class conflict by replacing "class consciousness" with the consciousness of a common or more comprehensive good—this, to be achieved through moral suasion. In contrast, the Manifesto seeks to replace consciousness of a common good (which it identifies as the intellectual production of the ruling class) with class consciousness, more precisely, with proletarian class consciousness, in order to intensify class conflict to the point of revolutionary violence. This helps to explain the inflammatory rhetoric of the Manifesto vis-a-vis the urbane rhetoric of the Declaration.

Accordingly, it would be a grave error to regard the Communist Manifesto as a philosophical critique of bourgeois society, a critique animated by a quest for truth. Were that the case, the Manifesto would have been intended to change men's ideas or consciousness through criticism. But as Marx wrote in The German Ideology, "all forms and products of consciousness cannot be dissolved by mental criticism [such as by appeals to universal ideals or moral principles] . . . but only by the practical overthrow of the actual social relations which gave rise to the idealistic humbug; . . . not criticism but revolution is the driving force of history. . . ." (28-29). The purpose of criticism is not to correct error or to dissuade men from persisting in the doing of injustice (as was the case of those petitions for redress mentioned in the Declaration). To the contrary, Marxist criticism—and this is true of communist criticism today—is a weapon of class war. It was a "young" Marx who wrote in 1843, this time in his Critique of Hegel's Philosophy of Law:

". . . criticism is not a passion of the head, but the head of a passion. It is not a lancet, but a weapon. Its object is an enemy it wants not to refute but to destroy. . . . [It] is no longer an end in itself but simply a means. Its essential pathos is indignation, its essential task, denunciation."

This suggests that Marxism is not truth—but power-oriented, which may be seen more clearly in the following passage of the Critique of Hegel:

"Material force must be overthrown by material force. But theory also becomes a material force once it has gripped the masses. Theory is capable of gripping the masses when it demonstrates ad hominem, and it demonstrates ad hominem when it becomes radical." (257)

This is far from showing "a decent respect to the opinions [*i.e.* the reason] of mankind." But then, Marxism is addressed not to mankind, but to the "masses." Addressed to the masses Marxist "theory" demonstrates ad hominem when it appeals to men's passions and interests rather than to their intellect or reason. Given, moreover, its power-orientation, Marxism, or rather true Marxists, must incite the masses to revolutionary violence, for in this way only can they confirm the doctrine that "revolution is the driving force of history." Marxism is thus to be understood as a self-fulfilling theory animated not by the will to truth, but by the will to man's supremacy over truth.

We can now better understand Marx's statement that "criticism is no longer an end in itself but simply a means," a means of denunciation. This is equivalent to saying that the written or the spoken word is not a vehicle for the quest and communication of truth but rather a mere instrument for destroying one's adversaries. Lenin put it this way: "My words were calculated to evoke hatred, aversion, and contempt . . . not to convince but to break up the ranks of the opponents, not to correct an opponent's mistake, but to destroy him . . ." The words are Lenin's; to Marx belongs the thought.

But Lenin was simply the disciple—one of the truest disciples—of Marx, the distinctive Marx, not the so-called "young" or "early" Marx who of late has been tendentiously transformed into an innocuous humanist by revisionists and so-called neo-Marxists. What is most distinctive of Marx, so evident in the very violence of his rhetoric (the principles of which are studiously employed by Communist leaders today), is the doctrine of revolution, of economic class conflict, meaning civil war, as the propelling and even progressive force of history. Stated another way: what constitutes Marx's unique contribution to the history of political thought is that he incorporated into a

philosophy of history the Machiavellian principle of the primacy of force over persuasion in human affairs. It is to this doctrine of force or violence that we must trace the subordination of, indeed, the contempt for truth in Marxist rhetoric, and, with the contempt for truth, the cynical use and abuse of morality.

Given the primacy of force or of class conflict on the one hand, and the denial of a common good on the other, Marx in effect renders the bourgeoisie and the proletariat comparable to two species which, in relation to each other, are beyond morality. Hence it would be as absurd to condemn the former for exploiting the latter as it would to condemn wolves for devouring sheep. Yet Marx takes the side of those he calls the oppressed and denounces their oppressors. As we have seen, however, denunciation is the "essential task" of Marxist criticism. That criticism is philosophically armed propaganda designed to inflame the proletariat by demonstrating, ad hominem, that their ideas and values, being nothing more than the ideas and values of their oppressors, serve only the "selfish" interests of the bourgeoisie to the detriment of the proletariat's own class interests. Here Marx poses as a moralist precisely because the proletariat are themselves moralists. He uses morality to overthrow morality. Or, what is to say the same, he turns the language of morality against itself (just as communist leaders turn the language of democracy against itself).

Not for a moment, however, is Marx unaware of the paradoxical nature of his denunciation of bourgeois oppression—paradoxical if only because oppression is of the very essence (the propelling force) of history. From this one might even conclude that to oppress is to be human, which further suggests that to be human is to be evil or malevolent. But unlike Machiavelli, Marx did not regard malevolence as intrinsic to men's "inward nature." Rather, it was a consequence of the penury of external nature: nature at large did not of itself provide for men's needs, the satisfaction of which necessitated a division of labor which in turn engendered class antagonism and oppression. Thanks to modern science, however, and to the technological and industrial accomplishments of bourgeois society, the penury of nature was in process of being overcome, and would finally be overcome under the dispensation of a Communist society. That overcoming would mark man's total conquest of nature, including himself as part of nature.

Clearly, for Marx man has no "nature." Indeed, it is the nature of man to have no nature, no permanent nature. Man is to be defined not as homo rationalis but as homo faber, and in the most radical sense. For man is his own maker and will consciously become his own maker in complete freedom from morality or from the laws of nature and of nature's God. Morality, in which Marx sees the traditional tension between the individual and society, hence unhappiness, will disappear, and in its place there will emerge a new society, a Communist society in which man will be a fully "conscious species-being, that is, a being which is related to its species as to its own essence or is related to itself as a species being." Until then, we must conclude, perhaps to the consternation of neo-Marxists, men will be less than human. But this means that, in the name of an incredibly remote if not impossible but in any event questionable humanism, Marx degrades and dehumanizes men of the past, of the present, and, for that matter, of the foreseeable future.

Here we see why Marxism justifies the ruthless sacrific of men living today, men who, at this stage of history, are only partly human. Lenin was therefore correct in regarding Marxism as a "panegyric on violent revolution." Indeed, Marx's eschatology, his materialistic philosophy of history is, for all practical purposes, a doctrine of permanent revolution, a doctrine which cannot but issue in periodic violence, terror, and tyranny.

To say as Marx does in his Critique of Hegel's Philosophy of Law that "man is the highest essence of man" (264) is to deify man. But inasmuch as the essence of this deified man, his "species consciousness," will not come into existence until the end of history, then, at least until that far-off time, Marxist rulers, conscious that man is his own maker, may make and dispose of men as they will, unbound by any law. Lenin spoke as a true disciple of Marx in saying: "The scientific concept, dictatorship . . . means neither more nor less than unlimited power resting directly on force, not limited by anything, nor restrained by any laws or any absolute rules. Nothing else but that."

In Marx we are at the opposite pole from the statesmen of the Declaration of Independence, nay, more, from the fundamental principles of Western civilization. This said, let us pause and reflect upon the assertion of Zbigniew Brzezinski that: "Marxism not only provided Russia with a global revolutionary doctrine but infused it with a universal perspective derived from ethical concerns not unlike those stimulated in the West by the religious and liberal traditions.

That a political scientist like Professor Brzezinski could so distort the nature of Marxism on the one hand, and thereby obscure its fundamental antagonism to the traditions of Western civilization on the other, is cause for profound concern. That he could hold the position of National Security Adviser to a President of the United States, a position requiring a clear-eyed understanding of the true nature and global objectives of the Soviet Union—and at the same time be reputed a "hawk"—is a terrible commentary on how far America has drifted from the teachings of her founding fathers. But all this is a reflection on higher education in the United States. Brzezinski's understanding of Marxism, by no means confined to himself, has helped undermine the will and determination of the United States to arrest the advance Soviet communism throughout the world. Unless his erroneous teachings are quickly rectified in the colleges and universities of this country in such a way that they will no longer be reflected in the foreign policy of the United States, one may well fear for the survival of freedom and civility everywhere.●

A CONGRESSIONAL TRIBUTE TO KELLOGG SUPPLY, INC.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Kellogg Supply, Inc. of Carson, CA, which will shortly be celebrating its 60th anniversary.

Founded in 1925, by H. Clay Kellogg as the DBA Kellogg Supply Co., the company purchased sewage sludge from drying beds of Los Angeles City and County agencies, and created fertilizer for the agricultural areas of southern California. As the years passed and the post-year boom hit southern California and the rural areas changed to urban areas, the Kellogg Supply Co. changed to meet the demands of the new market. In 1953, Kellogg Supply Co. purchased the Globe Fertilizer Co. and became the Kellogg Globe Fertilizer Co. The company, now known as Kellogg Supply, Inc. sells to more retail nurseries and landscape contractors than any other fertilizer company in the southern California area.

Sixty years is a remarkable period of time for a company to survive in such a demanding and competitive industry. Kellogg Supply Co., however, has not merely survived—it has grown and prospered and assumed an undisputed position of leadership. This tremendous success story is a testament to the vision and foresight of the Kellogg family, who pioneered the marketing of organic fertilizers and soil amendments long before these products captured the public's imagination as a result of the ecological and environmental crises.

Kellogg has not only been successful because of foresight, but also because of the exceptional quality of their products. In fact, the company prides itself on the fact that quality products, outstanding service, qualified personnel and enlightened management have been the keys to its success.

If Kellogg Supply, Inc. continues along the successful ways that have led them to prosper over these last 60 years, it will continue to prosper for many years to come. My wife, Lee, joins me in wishing Kellogg Supply, Inc. and the entire Kellogg family continued success and all the best in the years ahead.●

A BILL ON GRADUATE MEDICAL EDUCATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WAXMAN. Mr. Speaker, I am introducing today a bill that will revamp the way Medicare and Medicaid pay teaching hospitals for graduate medical education. The principal objectives of this bill are: First, to maintain an appropriate level of support by Medicare and Medicaid for residency programs; second, to promote residency programs in primary care; third, to enhance primary care training by encouraging hospitals to place residents in ambulatory settings,

including HMO's; fourth, to close the current open-ended nature of Medicare's cost reimbursement rules; fifth, to simplify the intricate and complex cost allocation rules currently used in the Medicare Program; sixth, to encourage other third party payers to contribute their fair share to the costs of graduate medical education; seventh, to assure that foreign medical graduate residents meet acceptable standards of competence; and eighth, to make these revisions in a manner that avoids abrupt shifts in policy that might be harmful to teaching institutions or to beneficiaries' access to quality care.

Mr. Speaker, graduate medical education plays a vital role in present day medicine and warrants continued Federal support. Graduate medical education is the training ground for physicians. It not only provides assurance of an adequate supply of physicians who meet acceptable standards of competence; it also provides the basis for continued enhancement in the quality and sophistication of medical practice. Both of these inure to the benefit of Medicare and Medicaid patients and all of our citizens. While in training, residents also provide patient care under the supervision of qualified physicians and, in many areas and institutions, are an important component in making sure that Medicare and Medicaid beneficiaries have access to appropriate health care.

At the same time that we need to reaffirm our commitment to graduate medical education, we need to recognize that the current retrospective cost reimbursement rules used in the Medicare Program to pay for graduate medical education, and the diverse rules used in Medicaid, are badly in need of reform. Under the current rules, Medicare pays its share of whatever hospitals spend for resident stipends and fringe benefits, for the salaries and expenses of supervisory physicians and other personnel, and for administrative overhead. There are no restraints on the number, type, or length of residency programs and no restrictions on the amount that can be spent on the supporting activities. The rules are complex, to the point of being virtually impossible to understand, and provide no incentive for hospitals to be efficient in the way they manage residency programs.

Even more important, however, is the fact that the current rules ignore the effects which this support has on the specialty distribution of physicians. The amount of Medicare support for direct graduate medical education, which is nearly $1 billion this year, is far greater than the sums the Federal Government spends on the programs under title VII of the Public Health Service Act. Yet as the Subcommittee on Health and the Environment learned at a recent hearing on this issue, the Medicare payment rules foster incentives for specialty and subspecialty training that run diametrically opposite to the health professions policies that Congress has promoted under title VII. Notwithstanding a national consensus, and an explicit congressional policy, that we need more physicians trained in primary care, the financial incentives in the Medicare support for graduate medical education discourage primary care residencies and encourage extended residency programs in other specialties and subspecialties that generate substantial patient care revenues for the hospitals and teaching physicians.

Third party payers have traditionally recognized that graduate medical educational is an integral and legitimate part of hospital care and have been willing to share in its costs. However, the lack of clear direction in our reimbursement policies, the lack of firm data on how these policies are being implemented, the rapidly rising costs of hospital care, and the growing oversupply of physicians have all caused many payers to question their continuing support of these programs in the same manner as in the past.

Change is needed. However, change must recognize the concerns of teaching hospitals and other interested parties, and must deal with identified problems in the current payment methodology. A new system should not impose highly restrictive regulations that mandate how graduate medical education programs are to be designed and administered. In addition, major changes in the current system of payment should be done in a manner which gives hospitals, residents and teaching physicians advance notice and an opportunity to adjust without impairing the availability or quality of care for Medicare and Medicaid beneficiaries.

The administration recognizes that the current, open-ended, retrospective cost reimbursement rules do not provide an incentive for hospitals to be efficient. The Health Care Financing Administration recently published a proposed regulation that would freeze Medicare payments for graduate medical education at 1984 levels. Not only is this clumsy attempt unlikely to encourage more efficient behavior, it also ignores the adverse effects which the current rules have on our manpower goals. Its only objective is to reduce the budget deficit.

My bill represents an alternative approach. Recognizing that Medicare support will necessarily have a significant impact on the size and shape of graduate medical education, whether intentional or not, I have tried to make sure that the impact is as compatible as possible with the Congress goal of promoting training in primary care.

Under this bill, the Secretary would calculate, for each hospital, an average amount for a full-time resident in an approved residency program. This "approved full-time equivalent amount" would be based on the historical costs paid to each hospital under Medicare for graduate medical education in a base period, updated to the present by the Consumer Price Index. Once this average amount was established, the approved FTE amount would be set in subsequent years by updating the amount annually by the CPI. This approach would replace the current cost accounting and cost allocation rules used by Medicare. It would effectively close the current open-ended nature of Medicare support, would facilitate the implementation of the policies set forth in the bill, and would greatly simplify the administration of Medicare support payments for both the hospitals and the managers of the Medicare Program. The application of the approved FTE amount would be phased in, beginning with each hospital's cost reporting year starting on or after October 1, 1985.

In order to simplify further the administration of the program, to make it easier for program directors and others to plan and manage their programs, and to facilitate monitoring and revisions in the new payment methodology, the approved FTE amount would be treated on a uniform July 1 through June 30 cycle for all hospitals. This is the same cycle that is currently used for virtually all residency programs. Using it would, in particular, greatly facilitate a more rigorous and accurate calculation of full-time equivalent residents. A straightforward formula would allow hospitals that have cost reporting years that straddle two such residency cycles to determine the allowable payment amount for their particular cost reporting year and to apportion that amount properly to Medicare and Medicaid.

Primary care residency programs would be promoted by applying a weighting factor to the different types of residencies. Thus, a resident in a primary care residency would count more heavily, in the calculation of the full time equivalent residents at the hospital, than would residents in other specialties and subspecialties. Primary care residencies would be defined as those in the first 3 years of residency training in family medicine, general internal medicine, and pediatrics, and up to 2 years of graduate medical education in public health and preventive medicine and in geriatric medicine. Since there are no residency programs in geriatric medicine currently approved by the Accreditation Commission on Graduate Medical Education, the Secretary would be empowered to recognize and approve such programs

for purposes of implementing this bill. All other residencies, whether they were in the first 3 years of other specialties or were in specialty or subspecialty training beyond the first 3 years, would be counted less heavely. This would create financial disincentive for hospitals to conduct such residency programs. The weighting factors used for this purpose would be small at first, but would gradually incrase over 4 years in order to give greater emphasis to the weighting factor, while giving residents and hospitals time to adjust to them.

I wish to emphasize that this approach would not dictate to the hospitals what amounts they should pay to any resident or group of residents, or how they should allocate these resources among the various specialty programs at their institutions. The bill would simply set economic incentives that are compatible with out national health manpower goals and seek to overcome the other economic incentives that work to the deteriment of those goals.

In furtherance of this goal the bill would provide for larger reductions in Federal support for residents who are in training beyond the first year of board eligibility of 5 years, whichever came first. Support for these residencies would be more rapidly reduced to fifty percent of the hospital's average FTE amount. It is my expectation that this would be an adequate level of support to assure that such programs remain available in a sufficient number and that the quality of such programs could be maintained. It is also my expectation that the amount of Federal support would be augment by other existing sources of revenue such as payments to a faculty practice plan for patient care services or, possibly, other payments to the hospital for patient care.

Under the bill, blocks of time devoted to laboratory research, in particular, should not be counted. Only the time which a resident spends in activities directly related to patient care would be counted toward determining the full-time equivalents. While this is nominally the current Medicare policy, it would be my intention that it be more closely monitored for compliance.

In addition, I wish to encourage hospitals to make sure that residents, particularly those in primary care programs, get a broad range of the most appropriate educational experiences. Therefore, the bill makes it clear that all time spent providing patient care services, whether in the inpatient setting or in various ambulatory settings such as outpatient clinics or HMO's, would be counted toward the full time equivalents. The bill, in fact, provides for some financial incentives for hospitals to use such settings.

The amount which a hospital receives under Medicare and under Medicaid would depend on the proportion of its total inpatient days of care represented by Medicare and Medicaid patients. Thus, to determine its payment amount, the hospital would simply determine its full time equivalent residents, counting the proportion of time spent in providing patient care and applying the weighting factors discussed above. The number of full time equivalents would then be multiplied by the approved full time equivalent amount discussed above, to determine an aggregate approved amount for the hospital's cost reporting year. The aggregate approved amount would then be multiplied by the Medicare and Medicaid inpatient case load to determine the payment amounts under each of those two programs.

It is my understanding that, although reliable data are virtually nonexistent, there are considerable variations among hospitals in the costs they incur, on the average, for a resident in training. It is also my understanding that there are only modest variations among hospitals—or, for that matter, among specialties or years in residence—in the amounts spent for resident stipends and fringe benefits. The source of the large variations seems to be in the costs incurred for supervisory personnel, space and equipment, and other administrative and overhead expenses. While some variations are undoubtedly legitimate and should be recognized, it is appropriate to examine whether those who are incurring extraordinarily high costs, in comparison to the average spent by all hospitals, are administering these programs in an appropriate and efficient manner. Therefore, my bill would request the Secretary to conduct a study of these variations and to recommend whether these variations should be reduced. I have also sought to put some restraints on such hospitals, beginning in July 1987.

My bill also addresses the issue of Medicare and Medicaid support for foreign medical graduates. Considerable attention has been focused on this issue, with concerns expressed both about the quality of the medical education of some of these students and about the effect which they have on the costs of graduate medical education and on the supply of physicians. Nonetheless, at the present time, some institutions and patients are heavily reliant on foreign medical graduates for their care.

Some of these foreign medical graduates are citizens of the United States, who were not able to attend medical schools in this country and went to schools elsewhere. Others are not citizens of this country. They have studied in other countries, including at some of the finest institutions in the world, and have come here for advanced training and, in many cases, to make their lives here.

I believe that, at the present time at least, it is not appropriate to eliminate all support for such foreign medical graduates. But, we need to be assured that these students meet acceptable levels of competence and we need to be mindful of the fact that, if their numbers were not restrained, they could undermine both our manpower goals and our budgetary concerns. It appears to me that the newly established foreign medical graduate examination in the medical sciences [FMGEMS], coupled with the current immigration laws, provides a reasonable balance among competing concerns. FMGEMS is widely recognized as being as valid a test of competence as the examination of the National Board of Medical Examiners. For the present, I would rely on rigorous enforcement of a requirement that all foreign medical graduates successfully complete both days of FMGEMS. In order not to disrupt existing relationships and programs, I would not apply this requirement immediately to any residents who are in training in an approved residency program at the time this bill passed. Rather, those residents would be given an opportunity to pass the FMGEMS test next January. If they failed to do so, they could receive support for 1 more year, at a reduced level, in order to have two more opportunities to pass the test. If they had still failed to satisfy this requirement at that time, all further support would be eliminated.

Mr. Speaker, this is a complex, challenging, and very important policy issue. Finding a better solution to the funding of graduate medical education will not, by itself, solve all the problems facing Medicare and Medicaid in trying to make quality care readily accessible at affordable prices. However, viewed as part of a strategy that encompasses reimbursement reform, more appropriate use of health care technology, and quality assurance, improvements in graduate medical education have an important role to play. The bill I am introducing today is based on assistance and consultation from a broad range of interested and affected parties.

The Subcommittee on Health and the Environment held a very productive and thought-provoking hearing in April of this year. We were also assisted by an extraordinarily thorough and well-written research paper from the Congressional Research Service. I am deeply indebted to, and very grateful for, the assistance of all those who have cooperated in the preparation of this bill.●

THE SOVIET UNION—THE CENTER OF INTERNATIONAL TERRORISM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. YOUNG of Florida. Mr. Speaker, a trained, professional terrorist earlier today confirmed what I have been saying for many years—that the Soviet Union is the "political and financial center of international terrorism."

Mehmet Ali Agca, the man convicted of attempting to assassinate Pope John Paul II, made the statement during the trial in Rome of three Bulgarians and four Turks who were involved in the 1981 attempt on the Pope's life. Agca related in his testimony the training he received from Soviet surrogates from Bulgaria, Syria, and Czechoslovakia.

Agca also acknowledged that Soviet surrogates have trained Western European terrorists from France, Italy, Spain, and Germany. It is terrorists from these groups that have carried out attacks over the years against American diplomats, servicemen, and tourists living and traveling in Europe.

The Soviets have been careful not to be directly linked to the training or support of international terrorists. That is why their aid and support has come through third-party channels, such as their surrogate nations. In addition to those countries cited by Agca, we know that Soviet allies such as Libya, North Korea, and Vietnam also aid and abet terrorist operations.

Soviet support for these groups, which claim hundreds of lives, thousands of injuries, and countless millions of dollars of damage to public and private property and businesses, have enabled international terrorists to secure the most modern arms, ammunition, communications equipment, and training available. In many cases, these terrorists are better equipped and trained than the security personnel of nations assigned to guard against their attacks.

Americans throughout the world are the prime targets of international terrorists, who have at their disposal arms, equipment, and training from Soviet sources. This really shouldn't be very surprising, though, when you consider that the ongoing trial in Rome may directly implicate the Soviet Union for the attempt to murder the Pope, a man of peace and the world's most widely recognized religious leader.●

PROFESSIONAL FOOTBALL FAN PROTECTION COMMISSION

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Ms. MIKULSKI. Mr. Speaker, on April 4, 1985, the Energy and Commerce Subcommittee on Commerce, Transportation and Tourism, of which I am member, completed a hearing on the problem of professional sports team relocations. We received testimony from numerous public officials, professional sports leagues, players' representatives, and fans. Two principles were clearly enunciated by many of those participants. An extensive report released by the Congressional Research Service on April 2, 1985, also denoted the following principles:

Stability: The risk of team relocations is not only of concern to Baltimore or Oakland but is of concern to States and municipalities across the United States; and

Scarcity: The pressure for teams to relocate is a direct result of an artificial scarcity in team supply created by antitrust exemptions previously granted by Congress. This scarcity of teams, particularly in the NFL, has boosted the market value of a team by millions of dollars. It has resulted in destructive bidding wars between cities which are compelled to present owners with tremendous benefit packages at taxpayer expense.

A variety of bills have been introduced in the Congress attempting to restrict team movement unless specific criteria are met. The NFL and other sport leagues have supported proposals that reinvest the leagues with the power to approve or disapprove future relocations. The NFL has used this predatory environment to promote legislation which would provide broader antitrust exemptions. This legislation could more properly be designated the NFL Owner Relief Act of 1985. I am gravely concerned that any such legislation will exacerbate team scarcity, thereby preventing league expansion. Such legislation should be of particular concern to cities which may seek teams and cities whose existing teams may be threatened in the future.

Up to now, Congress has only reviewed these issues in a piecemeal manner whenever the issues were presented by the NFL or other sports leagues. The emphasis has always remained on the rights of the leagues and owners. Very little emphasis has ever been placed on the rights of communities and the sports fans.

For this reason, I am preparing to introduce the Professional Football Fan Protection Commission which will establish a short-term intercongressional Commission to evaluate the current league system from the perspective of the sports fan.

This Commission will evaluate various legislative proposals and make recommendations to the Congress of alternatives to relieve the team scarcity that underlies the problems we currently experience. The Commission will also explore the changing state of the electronic media which may cause the movement of important games to pay TV, and charges of anticompetitive conduct by competing sports leagues. This Commission has been carefully designed to avoid the valid objections of many in Congress to commissions in general. It would require no additional appropriation and would be staffed and financed from the budgets of the House and Senate committees with jurisdiction over this legislation. Its term would only be 6 months and it would have broad subpoena powers.

It is time for the Congress to solve these problems at their source in a quick and decisive manner, and to protect the interests of sports fans and the communities in which these teams are located. We need answers to questions that the NFL has carefully avoided our asking. I welcome you as a cosponsor of this vital legislation.●

CAMPARISON OF TAX PLANS

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. CAMPBELL. Mr. Speaker, we have heard much talk about which tax reform plan is the fairest and simplest, or which plan will assist certain groups of taxpayers the most. I would like to submit an article from Tax Notes entitled "A Bottom-Line Comparison of the Tax Reform Plans: Part II."

This enlightening report reveals some interesting facts by studying examples of individual taxpayers in income groups ranging from $25,000 to $200,000 per year. I found some of the conclusions to be useful. For instance, a two earner family with two children making $27,000 per year would face a whopping tax increase under the Bradley-Gephardt plan. This family would pay 35 percent more under current law. Moreover, this same family would continue to face a . . . increase every year since tax indexing is eliminated under this plan. This same family would pay 13 percent more under the President's proposal, and 7 percent more under Kemp-Kasten. However, this study disregards the 6-month differential between the elimination of deductions and the rate reductions under the President's proposal.

Under the same scenario—a two earner family with two children—but earning a combined income of $41,575, the differences between the plans is not as great. Under the President's proposal, this family would obtain a 1-percent tax cut, but face a 5-percent tax increase under Bradley-Gephardt and a 4-percent increase under Kemp-Kasten.

The study continues by looking at another taxpayer $87,000 per year. Under the President's proposal, this taxpayer would receive a 21-percent tax cut, compared with a 22-percent tax cut under Bradley-Gephardt and a 2-percent reduction under Kemp-Kasten.

While these type of studies do not represent everyone since the assumptions will vary from taxpayer to taxpayer, I believe they give a useful indication of what the different tax reform plans mean for different people. The following is the report:

A BOTTOM-LINE COMPARISON OF THE TAX REFORM PLANS: PART II

(By Stephen R. Corrick, Linda Goold, and John A. Lindquist of Arthur Andersen & Co.)

The April 29, 1985 issue of *Tax Notes* (p. 535) provided four examples of the effects of several tax reform proposals. The examples were of individual taxpayers in income groups ranging from $25,000 to $200,000. Most had income derived principally from salaries, while one's income came exclusively from investment. Examples of both homeowners and renters were provided.

The April article compared results under current law, Treasury I. Bradley-Gephardt, Kemp-Kasten, and Stark-Chafee. Those examples have all been updated to show the effects of the President's plan, unveiled on May 28, 1985. The Stark-Chafee approach is not presented. As with the earlier presentation, no common thread can be discerned from these limited examples. Different fact patterns at any income level produce both favorable and unfavorable results under all four approaches.

For all calculations, it is assumed that the tax year is 1986. Treasury I. Kemp-Kasten (FAST), and Bradley-Gephardt (FAIR) are assumed to have been in place for the full year. Although the rate reduction in the President's plan (Treasury II) would not be effective until July 1, 1986, the presentation here assumes that it is in place for the full year, so that comparisons will be meaningful. Where appropriate, the inflation rate is assumed to be four percent, the same rate used in Treasury I. The CPI inflation of 4.1 percent for 1984 is used to adjust the zero bracket amount to presumed 1986 levels. All examples are two-earner couples with two children, filing a joint return.

EXAMPLE 1—LOWER-INCOME HOMEOWNER

Assumptions

Income:	
Salary:	
Earner 1	$15,000
Earner 2	10,000
Interest income	250
Employer-paid health insurance	750
Employer-paid life insurance	50
Child care expenses	1,000
Total	27,050
Deductions:	
Charitable contributions	650
State income tax	800
Sales tax	300
Real property tax	600
Home mortgage interest	5,500
Other interest	1,100
Total	8,950

RESULTS

	Current	Treas. II	Treas. I	Fair	Fast
AGI	$24,250	$24,300	$24,050	$26,050	$20,250
Deductions (net of ZBA)	−5,270	−3,000	−2,719	−8,800	−3,450
Personal exemptions (4)	−4,330	−8,000	−8,000	−5,200	−8,000
Taxable income	14,650	13,300	13,331	12,050	8,800
Tax	1,457	1,395	1,430	1,687	1,320
Credit	−220	N/A	N/A	N/A	N/A
Tax liability	1,237	1,395	1,430	1,687	1,320
Percentage change		13	16	36	7

Comments

Each proposal increases the tax liability for the given family. Much of the increase is attributable to changing the child care credit to a deduction and to the loss of the two-earner couple exclusion. The President's plan (shown herein as Treasury II) produces a slightly more favorable result for this family because of the expanded zero bracket amount (ZBA) and more favorable charitable contribution provision. These two items more than offset the inclusion in adjusted gross income (AGI) of $300 of employer-paid health insurance premiums.

EXAMPLE 2—MIDDLE-INCOME HOMEOWNER

Assumptions

Income:	
Salary:	
Earner 1	$24,000
Earner 2	16,000
Interest	500
Employer-paid health insurance	1,000
Employer-paid life insurance	75
Total	41,575
Deductions:	
Charitable contributions	800
State income tax	1,600
Sales tax	350
Real property tax (homeowner only)	950
Home mortgage interest (homeowner only)	8,000
Other interest	1,500
Total	13,200

RESULTS—HOMEOWNER

	Current	Treas. II	Treas. I	Fair	Fast
AGI	$38,900	$40,300	$40,075	$41,575	$32,500
Deductions (net of ZBA	−9,520	−5,800	−5,200	−11,850	−6,450
Personal exemptions	−4,330	−8,000	−8,000	−5,200	−8,000
Taxable income	25,050	26,500	26,875	24,525	18,050
Tax	3,401	3,375	3,461	3,434	3,540
Surtax	NA	NA	NA	129	NA
Tax liability	3,401	3,375	3,461	3,563	3,540
Percentage change		−1	2	5	4

Comments

These homeowners experience slight tax increases under each plan except Treasury II. The minimal tax reduction is attributable to the more favorable treatment of the charitable contribution under Treasury II. As with example 1, the charitable contribution and expansion of the ZBA more than offset the increase in AGI attributable to employer-paid health insurance premiums.

EXAMPLE 3—HIGHER-INCOME INVESTOR WHO RENTS

Assumptions

Income:	
Dividends	$50,000
Interest	37,000
Total	87,000
Deductions:	
Charitable contributions	2,500
State income tax	5,600
Sales tax	700
Other interest	4,000
Total	12,800

RESULTS

	Current	Treas. II	Treas. I	Fair	Fast
AGI	$86,800	$83,000	$69,800	$87,000	$93,060
Deductions (net of ZBA)	−9,120	0	0	−12,100	0
Personal exemptions	−4,330	−8,000	−8,000	−5,200	−8,000
Taxable income	73,350	75,000	61,800	69,700	85,060
Tax	19,936	15,750	11,700	9,758	19,622
Surtax	NA	NA	NA	5,880	NA
Tax liability	19,936	15,750	11,700	15,638	19,622
Percentage change		−21	−41	−22	−2

Comments

This example illustrates the importance of the change in the treatment of interest expense under Treasury II. In this example, the taxpayer under Treasury I experiences a significant tax reduction arising from the indexation of interest income and expense. That provision reduced his investment income from its nominal level of $87,000 to an inflation-adjusted level of $69,800. Treasury II eliminates the indexation provision; the full amount of interest income is included in AGI. Thus, the tax reduction under Treasury II is much less than it would be under Treasury I.

EXAMPLE 4—UPPER-INCOME SALARIED HOMEOWNER

Assumptions

Income:	
Salary:	
Earner 1	$125,000
Earner 2	75,000
Interest	10,000
Total	210,000
Deductions:	
Charitable contributions	30,000
State income tax	17,000
Sales tax	1,500
Real property tax	4,000
Home mortgage interest	25,000

Other interest	7,000
Total	$84,500

RESULTS—SALARIED HOMEOWNER

	Current	Treas. II	Treas. I	Fair	Fast
AGI	$207,000	$203,000	$201,800	$210,000	$218,640
Deductions (net of ZBA)	−80,820	−51,000	−47,164	−83,000	−55,700
Personal exemptions (4)	−4,330	−8,000	−8,000	−5,200	−8,000
Taxable income	121,850	144,000	146,636	121,800	154,940
Tax	41,311	39,900	41,193	17,052	36,394
Surtax	NA	NA	NA	24,600	NA
Tax liability	41,311	39,900	41,193	41,652	36,394
Percentage change		−3	0	1	−12

Comments

The more favorable results under Treasury II for this fact pattern arise because the taxpayer receives the full benefit of his charitable contributions and because of the expanded ZBA.

Capital Gains

A separate example for capital gains is useful to show the diversity in the calculation of the amount of the gain itself, and also the impact of each proposal's rate structure. The example focuses on effective rates on nominal and inflation-adjusted, or "economic," gains.

This example assumes a single taxpayer with $83,400 in wage income and a $100,000 nominal capital gain. (The income level was chosen to establish the tax rate and so that no employment-income exclusion under Kemp-Kasten (FAST) would result.) The capital asset is assumed to have been held for 10 years and to have appreciated at an annual rate of 11 percent. Inflation for the period is assumed at seven percent annually; hence, the real gain is only $47,421. For simplicity, the taxpayer is assumed to have no itemized deductions.

EXAMPLE—CAPITAL GAINS TAX RATE COMPARISON

RESULTS

	Current	Treas. II	Treas. I	Fair	Fast
Taxable capital gain	$40,000	$50,000	$47,421	$100,000	$60,000
Tax attributable to gain	$19,000	$17,500	$16,597	$30,000	$14,400
Effective rate on nominal gain ($100,000) (percent)	19.9	17.5	16.6	30	14.4
Effective rate on real economic gain ($47,421) (percent)	41.9	37	35	63.3	30.4

FARM BILL, PART 4: THE NEED FOR AND PATH TO A MORE MARKET-ORIENTED ECONOMY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GUNDERSON. Mr. Speaker, the Secretary of Agriculture stated that:

The present program for readjusting productive acreage to market requirements is admittedly but a temporary method of dealing with an emergency. It could not be relied upon as a permanent means of keeping farm production in line with market requirements.

The Secretary of Agriculture was Henry A. Wallace. The statement was made 1 year after the current Agricultural Adjustment Act was enacted in 1933.

More than 50 years have lapsed since the implementation of those "temporary" programs. During this span of time, and until most recently, our stocks in the world market have continued to expand.

In the past 4 years, our participation in the world market has dropped from 48 percent in 1980 to 38 percent in 1984, despite a consistently high degree of grain consumption worldwide. The story is much the same for feed grains. This year, the United States will export 54 percent of the total world trade relative to 72 percent in 1979.

We have blamed domestic and international barriers that limit our trade potential abroad for this change. While those barriers clearly affect our trade, we should also consider the possibility that our own domestic policies present an equally difficult barrier to export trade. Although our present supply management and price support systems are vital to the immediate economic welfare of our Nation's farmers, we need to recognize that the price increases they create continue to undermine the farmers' long-term potential for commodity sales abroad by pricing us out of the world market in some cases. Clearly, an agriculture policy that minimizes the domestic barriers to export trade—a market-oriented policy—is not only opportune, it is crucial to the long-term security of the family farm.

It is impossible, however, to immediately implement a market-oriented policy. At present, far too many farmers run the risk of economic collapse to expect them to be capable of absorbing the inherent consequences of any overnight change in price support programs. Thus, the success of any transition to a more market-oriented farm policy will be directly contingent upon the degree to which it is gradually implemented. In short, we must stabilize farm income and maintain it at a level which allows increased commodity sales to offset a decrease in Government commodity support. This will, of course, require the continuation of current management supply programs and income support payments, and should provide for additional assistance during such a transition.

During this time, we must exhaust every outlet possible to enhance our export potential. Our objectives should be as follows:

First. To improve net farm income.

Second. To expand and enhance U.S. trade through joint efforts of farmers, Government agencies, agribusinesses, and grain merchants; and

Third. To balance U.S. wheat and feed grain production with domestic and world demand, thus reducing U.S. surpluses.

THE TEMPORARY NEED FOR AND POTENTIAL REVISIONS IN SUPPLY MANAGEMENT AND INCOME SUPPORT PROGRAMS

Because we understand that a nation remains strong only so long as it can feed its people, we must move cautiously. It is improbable and, consequently, dangerous to hope that an increase in commodity sales in the world market will immediately offset a decrease in commodity prices paid to the farmer. This becomes especially important given the fact that our productive capacity is expected to exceed both domestic and export requirements for the remainder of the decade. Under the current conditions, the implementation of a market-oriented policy without provisions for farm price support would effectively destroy our production base as many farmers would be forced out of business.

Clearly, short-term supply management is essential not only to moderate production and stabilize farm income, but also to establish a sound base on which a market-oriented policy may be built for the benefit of all producers. However, under current provisions, loopholes exist for abuse. For example, acreage allotments permit farmers to take their least productive land out of use while increasing production on the remaining acreage. This often results in increased production coupled with increased Federal funding for compliance with reduction efforts.

Another provision within the context of supply management—the farmer-owned reserve—has recently been criticized for encouraging surplus production and creating market shortages. It was intended to secure an adequate reserve to accommodate fluctuations in world demand; however, last year, due to inflexible regulations, the United States ended up importing Canadian wheat because release prices created artificial barriers which restricted the wheat surplus from exit.

These are but a few instances which attest to the counterproductive nature of some of these provisions. Revisions are, no doubt, in order if their continued use is to be effective for farmers and efficient to Government spending.

Before discussing the necessary revisions to supply management and income support, it is imperative to establish their separate functions and clarify the different means by which the two programs stabilize farm income.

SUPPLY MANAGEMENT

Supply management limits the land on which a commodity may be grown. This process stabilizes farm income by limiting the supply of a commodity. The effect is an artificially created re-

duction in the commodity grown and marketed, leading to a price increase. It differs from income support in that income support supplements farm income either directly through deficiency payments or indirectly through price support means. Supply management may range from acreage set asides to farmer-owned reserves.

Unfortunately, current acreage reduction programs have been ineffective largely due to their presumption of a constant yield per acre. Because controls have been placed on acreage rather than production, farmers have been able to produce as much, if not more, than in previous years while maintaining eligibility for payment.

In effect, we have been trying to limit the production of a commodity by limiting the acreage on which the commodity is grown. We must target the commodity itself. Furthermore, acreage diversion has been based on an estimate of total land use rather than on the previous year's production. Clearly, if true supply management is our goal, a new system for determining bases and yields must be implemented. Eligibility must also be contingent on long-term participation. On again/off again participation only encourages market volatility.

A second means of supply management is the farmer-owned reserve. Although this program serves to avoid food shortages, it has recently been criticized for acting like the commodity loan and acreage reduction programs to create artificial shortages and artificial prices. Even though such artificial changes are extremely short lived in open world markets, our competitors respond accordingly—planting more to sell in world markets. The following revisions in the present program should, therefore, be considered.

First. The reserve needs to be capped at a level to prevent the accumulation of excessive stocks (probably 15 percent of annual wheat utilization and 10 percent of annual feed grain utilization).

Second. Incentives for entry into the reserve need to be lowered to avoid setting an artificial price level through the reserve; and

Third. Release triggers for the reserve should be made more flexible.

INCOME SUPPORT

Income support may be accomplished either directly through deficiency payments or indirectly through price support measures.

Deficiency payments are direct payments to the producer for the difference between the target price and the market price or the loan rate, whichever may the higher of the two. Unfortunately, the present loan rate level is at a rate not only higher than the world market price but also higher than the domestic market price. This has encouraged farmers to overproduce in spite of acreage diversion attempts. Furthermore, the present loan rate, established arbitrarily by Congress, does not address the world market nor is it flexible enough to accommodate economic changes in that market broad. A reduction in the loan rate and provisions for flexibility would greatly assist our competitiveness abroad.

Price supports include indirect payments made to farmers through nonrecourse loans and subsequent commodity purchase. These programs, funded by the CCC, were originally intended to supplement farm incomes without making direct and costly Federal payments.

Nonrecourse loans act as a shelter for a farmer's commodity during periods of depressed market value. Although this program has resulted in ample reserves to compensate for anticipated shortages, it has, regrettably, encouraged farmers to produce regardless of the actual market demand. Current provisions allow the farmer to sell his collateral and repay the loan. However, after 9 months, if the farmer has not sold his commodity on the open market, the CCC has no recourse but to keep the collateral/commodity in exchange for forgiving the loan. Now, since the amount paid (based on the loan level) is consistently above the market price, farmers are encouraged to gear production toward these inevitable Federal "purchases." This is directly counterproductive to our domestic economy. Further, the effects abroad are considerable.

One alternative to currrent policy is to extend the loan period for another 9 months with the hope that the extension will result in greater market sales, thus reducing Federal outlays and Government surpluses.

Another possibility is moving to recourse loans (as opposed to nonrecourse loans) which place greater responsibility on the producer. This alternative ensures the same loan privileges as the nonrecourse loan; however at the end of the loan period, the consumer must repay the loan and retrieve his collateral. The advantage of a recourse loan is clear—the producer is responsible for the marketing of his commodity and more conscious of market conditions.

These revisions would not only increase the effectiveness of Government programs but also their efficiency. By regulating commodity output rather than acreage intake, we become more efficient in limiting surpluses. By targeting deficiency payments, we are more effective in income support. Finally, through revisions in our loan policy, we are simultaneously more efficient and effective.

THE IMPLICIT EFFECTS OF SUPPLY MANAGEMENT AND INCOME SUPPORT ABROAD

Regardless of their immediate domestic benefits, the inherent nature of these programs is counterproductive to foreign trade. Supply management and increased target prices or loan rates are an invitation to competitors to increase plantings and supply the markets we voluntarily forfeit or price ourselves out of. The farmer-owned reserve sends the same message by creating artificial shortages.

THE NEED FOR REFORM

While these measures continue to be necessary in the short run, maintaining them in the long run would paint a grim picture. If retained, price differentials would widen between those here and abroad and economic pressures to import would grow. We could very well find ourselves forfeiting an even greater share of the world market we presently hold.

Thus, we are confronted with two choices: The policies we adopt may either sustain the farmer at significant cost while continuing to forfeit shares in the foreign market, or accept the challenge foreign markets offer and gradually implement domestic policies which enhance our export potential. From an economic point of view, there is really only one choice if the goal is economic freedom.

Accordingly, in an effort to guide our market-oriented policy, we must:

First, recognize that we will not be credible proponents of freer trade so long as we continue to be protective of our own markets; proposals for domestic-content regulation and present cargo preference laws clearly weaken our negotiating position;

Second, recognize that many lesser developed countries will not be able to import agricultural products unless we and other industrialized countries are more willing to accept their labor-intensive manufactured products;

Third, negotiate additional international commodity agreements which tend to stabilize markets;

Fourth, continue research into technological advances in agricultural efficiency to maintain our productive edge in the world market;

Fifth, expand efforts at market development. We cannot afford to expand our exports in markets about which we know very little. Further, to be effective, we must evaluate the impact that agricultural policies of other countries have on our exports;

Sixth, offset the export subsidies of other countries, either directly or through the use of a "bonus commodity" program in those cases where freer trade agreements cannot be accomplished; and

Seventh, fund and actually use the export credit revolving fund and make better use of our other export credit programs.

Thus, the process of moving toward a more market-oriented agricultural policy is, of necessity, a two-step process. While we must continue income support and supply management pro-

grams in the short run until the current downturn in the agricultural economy has run its course, we must, secondly, realize that their permanent retention will only worsen the problems our farmers face in marketing their production. At the very least, we must begin to prepare our farmers for this ultimate shift.●

A CONGRESSIONAL TRIBUTE TO WILLIAM LUCAS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Dr. William Lucas of Los Angeles, CA, who will be retiring on June 30 from the Los Angeles Unified School District.

After serving 3 years in the Army Air Corps, Bill Lucas returned to Los Angeles where he received a bachelor of science degree in management and industry from the University of California, Los Angeles. He then continued his education at UCLA, earning a master's degree in elementary education and a doctorate in education.

In 1951, Bill Lucas began his career in education as a teacher in the Santa Monica Schools. The following year, he joined the Los Angeles Unified School District. Bill became a consultant for the district in 1956, and was promoted to vice principal the next year. From 1960 to 1967, Bill was the principal of a number of schools in the district. Then he became the administrative coordinator for the entire school district. From 1972 until his retirement this month, Bill Lucas has been the assistant superintendent for government relations.

In his current position, Bill has been able to act upon his knowledge that schools are inexorably linked to local communities and the political process. As a result, he has been honored with the chairmanship of the American Association of School Administrators' Federal Policy and Legislation Committee; the Western States Education Coalition; and the Association of California School Administrators' State Committee for Federal Legislation and Finance. In addition, Bill is on the executive committee of Schools' Committee on Reduced Utility Bills [SCRUB]; the legislative chair of the Coalition for Adequate School Housing [CASH]; and a board member of Law in a Free Society. Bill is also a member of Phi Delta Kappa, the education fraternity, and a life member of the Parent Teachers Association [PTA]. He enjoys hunting, fishing, and traveling in his spare time.

Although Bill Lucas will be retiring on June 30 from the Los Angeles Unified School District, he will work in Sacramento, CA, as a consultant on education issues.

My wife, Lee, joins me in wishing Bill Lucas and his wife, Patricia, all the best in the years ahead.●

STATEMENT ON THE PLAN TERMINATION AND REVERSION CONTROL ACT OF 1985

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ROYBAL. Mr. Speaker, in an attempt to address the problem of overfunded pension plan terminations by employers which deprive American workers and retirees of their retirement income security, I am today reintroducing the Plan Termination and Reversion Control Act of 1985.

Whey would a company drop a pension plan? It's done for the money. Large numbers of pension plans are temporarily overfunded today because the value of their investments is up, interest rates are up, and employment is down. A number of companies now find themselves with more assets in their pension plans than are needed to pay vested benefits. The only way they can recapture the excess assets quickly is to terminate the plan. Companies are generally not allowed to borrow surplus from their pension plans. But the Employee Retirement Income Security Act of 1974 [ERISA], the Federal law which regulates private pension and welfare benefit plans, does not prohibit employers from terminating the plan and taking the surplus assets for their own.

According to administration figures from 1979 to January 1985, over 579 overfunded defined benefit terminations involving reversions in excess of $1 million have occurred. Nearly 700,000 workers have had their pension benefits affected by these terminations and more will be affected in the future unless Congress takes action.

In overfunded plan terminations, both employees and retirees may lose valuable retirement benefits they will need to make their retirement financially secure. For example, a 15-year employee of XYZ Corp. who plans to retire in 10 years may reasonably expect to receive pension benefits of $550 a month on retirement, as defined in the pension plan. However, as a result of the termination of the corporation's overfunded pension plan, the employee might receive a benefit of only $300 a month. Even if a new plan were initiated, it would treat this worker as a new employee, so benefits would not accrue fast enough to provide anything like the pension anticipated under the old plan. Similarly, a retiree who might anticipate an ad hoc cost-of-living increase from his employer will, after an overfunded termination, typically not receive such a cost-of-living increase because the excess assets that would otherwise fund the increase will now be taken by the employer.

Employers are terminating their pension funds to recover so-called excess assets. These are amounts which remain after all liabilities—benefits to workers—have been satisfied after the termination of the pension plan by the employer. These excess assets, however, are not really excess at all but rather represent benefits which would otherwise be paid to workers but for the premature termination of the plan by the employer.

A Department of Labor study on overfunded terminations concluded that the difference to workers between an expected real benefit and a terminated nominal benefit, where there is no replacement plan, could represent approximately 45 percent of the real expected benefit. Also, under a number of different termination scenarios, workers age 45 through 65 will lose a substantial portion of their expected retirement benefit due to an overfunded plan termination because of the loss of accruals at these later ages under certain funding methods. Thus, the termination of an overfunded plan can have a devastating impact on the retirement security of a worker and his family. Moreover, retirees would lose cost-of-living adjustments because such adjustments typically are provided through the plan's excess assets, money that will now go to the employer on termination of the plan.

PURPOSE AND BILL SUMMARY

It is the purpose of this bill to establish a Federal policy which will ensure that workers and retirees are effectively protected from the loss of their pension benefits due to overfunded plan terminations which are initiated so that employers will recover excess assets. Such a Federal policy will make clear that the principal intent and purpose in establishing a pension plan and providing a tax-qualified basis for the constribution and accumulation of pension assets is to provide a secure and definable retirement income for workers and their families. The continuing trend of overfunded plan terminations represents a clear and present danger to the retirement income security of workers and retirees. To better ensure the retirement security of workers and retirees from such danger, the proposed legislation establishes a number of safeguards. The bill would:

If the termination was pursued because of a bona fide "business necessity," then the employer will be able to recover excess assets, subject to a 10-percent excise tax, under certain conditions specified in the bill.

If the termination was not caused by a business necessity, that is, was not the result of bankruptcy, insolvency, or other business hardship, then the bill provides that the employer may still terminate the plan but any excess assets would be ratably distributed to workers who are within 5 years of normal retirement age and retirees under the plan. An excise tax of 10 percent would be imposed on any remaining amounts which are not distributed to workers and retirees.

A failure to ratably distribute to workers and retirees, as prescribed in the bill, would constitute a violation of the fiduciary provisions under title I of ERISA.

A termination which meets the business necessity test will enable an employer to establish a comparable successor plan which is similar to the terminated plan; however, such a successor plan must provide benefits—that is, vesting, accrual, and dollar benefits—which are no less than those provided by the terminating plan, must provide past service credit under the comparable plan, must receive approval for an accelerated funding method for the comparable plan, and must provide a cushion of assets in the comparable plan equal to 125 percent of the rate of funding under the funding standard account of the terminated plan in the year prior to its termination.

Establish a new Federal cause of action for liability for exertion of undue influence or material misrepresentation by a party in interest with respect to a fiduciary relating to a single-employer plan termination which seeks to entrench corporate management or consolidate the position of that party in interest.

Clarifies that mergers, consolidations, or transfers of plan assets must not inure to the benefit of an employer.

An application for an overfunded termination will be subject to a public hearing on the record to enable both the employer and plan participants to articulate their views regarding the pending termination application.

Certain restrictions will be placed on contributions of employer stock and other employer investment media contributed to a plan. Specifically, a plan will be able to invest no more than 5 percent in qualifying employer securities and employer stock which is contributed may not contain features of debt when contributed to the plan.

A study will be commissioned to determine whether standards for appropriate actuarial assumptions and methods should be imposed for the funding of plans.

In a conversion from a defined benefit plan to an employee stock ownership plan [ESOP], a vote must be taken among participants to determine whether a conversion will occur.

Plans which commit an overfunded termination will be prohibited from instituting a comparable plan for a 5-year period after the termination. Certain restrictions on funding and funding deficiency waivers are also imposed on successor plans.

REVIEW OF ADMINISTRATION ACTIONS

The Reagan administration has done little to impede or resist this rising tide of plan terminations which deprive workers of needed pension benefits. In less than 5 years employer pension terminations have netted approximately $4 billion for corporations. Applications to terminate overfunded pension plans worth an additional $2 billion are pending. Hundreds of thousands of workers are affected. Issuance of new guidelines by the administration on asset reversion are not targeted to stop or resist pension raids. Rather, the guidelines offer new opportunities for corporate sponsors to accomplish plan terminations and will allow new and questionable techniques to be used to accomplish these terminations.

Overfunded pension plan terminations are not the only form of proliferating pension abuse that is growing. Increasingly, employers are contributing various forms of employer stock and other investments in lieu of cash to their pension funds. This has been particularly true in instances of corporate mergers and takeovers where stock held by the pension fund of the employer may prove to be crucial in resisting a takeover attempt. The abuse which may occur in such instances involves a loss to the plan of what the true market value of such a contribution should be and the manipulation of the pension fund to benefit the employer at the expense of the employees. The use of employee stock ownership plans [ESOP's] by employers as a device to either resist or accomplish a takeover attempt raises substantial questions under ERISA as to whether the interests of employees are well served by such actions. Moreover, restrictions on the ability of employees to vote their stock shares in ESOP's or other pension plans raise questions as to whether their interests are being adequately and appropriately represented by plan trustees.

It is now incumbent that the Congress examine these growing manifestations of employer-directed assaults on the security of pension benefits to workers. As the Congress has striven to provide security for workers under Social Security, it is no less important that the Congress assure workers that their pension benefits are equally secure to provide an adequate retirement income.

The House Select Committee on Aging has conducted two hearings regarding instances where workers have lost potential retirement benefits through such overfunded terminations. The first hearing, on June 7, 1982, reviewed the situation of the termination of the Harper & Row Publishers pension plan and its subsequent replacement by an employee stock ownership plan that was instituted by the management of that publisher. Present and former employees of Harper & Row testified at that time that the termination of the Harper & Row plan resulted in a loss of their retirement and resulted in significant losses of benefits due tc the inordinately high 15 percent rate was applied to lump-sum distributions to many of the workers.

A second hearing held on September 28, 1983, indicated the continuing problems associated with overfunded terminations generally and examined the status of Federal law as viewed by the Department of Labor and the Internal Revenue Service on overfunded terminations. The Department of Labor testified that the decision of a plan sponsor to terminate a plan is a business decision and not a fiduciary decision covered by ERISA. The Internal Revenue Service testified that, generally, the various requirements of the Internal Revenue Code permitted the return of surplus assets after the satisfaction of all accrued benefits to participants and beneficiaries at the termination of the plan. Moreover, the Service indicated that those amounts which arose as a result of "erroneous actuarial error" were recoverable by employers under the Service's regulations. Finally, the Service testified that it was concerned about the 10 new possible arrangements for terminations involving so-called spinoff terminations and termination reestablishment cases.

Since that testimony by the Department of Labor and Internal Revenue Service to this committee, Robert A. G. Monks, Pension Administrator for the Department of Labor on April 4, 1984, before the Senate Labor Subcommittee, announced a new administration position regarding overfunded terminations. This new position provides that employers may engage in spinoff and termination reestablishment terminations. A spinoff termination involves the termination of an overfunded pension plan in which the surplus and retired participants are retained in the former plan while a new and substantially comparable successor plan is created for active participants. The former plan is then terminated so that the employer may recover any excess assets. In a termination reestablishment case, the plan, which is overfunded, is terminated by the employer to recover the excess assets and a new substantially comparable defined benefit plan is instituted to replace the former plan. Both of these methods of terminating and subsequently substituting a substantially

comparable successor plan have been permitted under the administration's implementation guidelines.

The administration guidelines require that upon the termination of the plan, all participants and beneficiaries must be fully vested in their accrued benefits and that annuity contracts must be purchased for these individuals. Noticeably absent from these guidelines however, is any requirement to mandate that past service credits from the previous plan be credited to the successor plan for participants. While there is some argument that annuitization of vested credits provides some inflation protection for those vested benefits, clearly with respect to those plans in which the salary factor plays a principle role in determining benefits, final pay plans, the absence of any requirement to pick up past service credit in a successor plan will result, in some degree, in a diminution in benefits that would have otherwise been realized under the previous defined benefit plan. To this degree, and more starkly, the absence of mandated past service credits in a successor plan may well invite a reduction in absolute terms of projected benefits that could have been earned under the previous plan. Moreover, for a less altruistic employer, the absence of mandated past service credit may represent an open invitation to diminish benefits in any successor plan that might be instituted by the employer.

A group of tax attorneys who had petitioned the Internal Revenue Service and the Pension Benefit Guaranty Corporation to utilize the spinoff method of termination, had provided in their submission that a "cushion" of excess assets be carried into the successor plan, ostensibly to protect against a shortfall in funding in early years and to provide some modicum of protection to the Corporation in its responsibility to the successor plan. However, the administration did not see fit to include a requirement for a cushion within its guidelines. Rather, after some review, it was apparently felt that the annuitization of accrued benefits and the minimum funding standards would be sufficient to protect future benefit accruals and provide sufficent insulation to the Corporation with respect to the successor plan. It is problematic however, that the annuitization and minimum funding standards will provide sufficent protection particularly for the Corporation in the event that a termination of a successor plan occurs in years shortly after the creation of the successor plan. Moreover, it is also reasonable to assume that at any point at which interest rates and other markets decline and affect the actuarial liabilities of the plan, that the administration's guidelines will not provide a sufficient buffer to insure an adequate and solvent funding of the plan under those circumstances, particularly within the early years of the successor plan's creation.

An abuse noted in previous committee hearings and recognized as an issue within the administration guidelines has been the use of inordinately high interest rates applied to lump-sum distributions made to participants upon termination. Testimony by one witness before the committee indicated that based upon his 12 years of service with Harper & Row Publishers he had received a lump-sum distribution of approximately $700 for his accrued benefit. Upon seeking a life annuity from an insurance carrier however, he received a quote of approximately $7,000 to secure such an annuity. The administration has responded to this abuse by promulgating a regulation that requires an interest rate be used which approximates a market or annuity rate. While the new rate set by the Corporation will more closely align within prevailing market interest rates, such a formulation however, still falls short of the most accurate barometer of accrued benefits, the use of an annuity interest rate to determine lump-sum amounts.

The use of the spinoff and termination reestablishment techniques and certain other requirements which are embodied in the administration guidelines raise significant questions regarding the authority under ERISA and the code to permit such arrangements. One threshold problem involves an apparent lack of authority under the code and title IV of ERISA to prescribe certain conditions attending a spinoff and termination reestablishment. The use of the spinoff and termination reestablishment techniques directly undermine the minimum funding standards prescribed under titles I and II of ERISA. No exception or limitation is provided within those provisions to permit a redefinition or reorientation of the specific requirements of funding in the manner constrained through spinoff and reestablishment terminations. Moreover, there would appear to be little or no authority within the fabric of title IV upon which the Corporation could authorize the use of these techniques. The requirement that a plan sponsor could not engage in another termination and subsequent reestablishment of a defined benefit plan within a 15-year period is not specifically prescribed in either the code or title IV of ERISA, but rather it appears to be based on the 15-year requirement to amortize experience gains. Basically, the administration guidelines in this area simply undercut the policy and requirements of minimum funding under ERISA making null and void the need to preserve reserves of funding to protect participants, plan sponsors and the Corporation. The policy of the guidelines in this area simply cede to the employer any surplus through plan termination with little or no recognition of the policy objectives and requirements respecting minimum funding.

In recent correspondence between the Select Committee and the Department of the Treasury, it has become clear that the administration views the guidelines as merely a statement of enforcement policy rather than a substantive set of rules controlling plan asset reversions upon termination. Such a view makes clear that the guidelines need not be observed by a court and, in fact, the guidelines are presently being challenged in the courts by two plan sponsors, Celanese Corp. and Interco, Inc., who contend that certain specific requirements of the guidelines lack an appropriate statutory basis. These contentions by plan sponsors mirror closely the previously enunciated concerns of the Aging Committee in correspondence to the Treasury Department and the Pension Benefit Guaranty Corporation. The outcome of these pending lawsuits may well portend the demise of an enforcement strategy which held little statutory credence.

A significant area without guidance in the guidelines involves tax policy and the opportunity for tax abuse through overfunded terminations. The Committee on Aging has written extensively to the Service inquiring whether, in their opinion, opportunities for tax abuse exist within the present structure of overfunded terminations which have occurred to date. The responses of the Service had largely been unedifying on this topic until recently. It is clear is that an employer through the recapture of excess assets has received a tax deduction for contributions and an exemption for interest and dividends realized on plan assets. This preferred tax treatment is accorded to encourage the establishment and presumed maintenance of permanent programs of pension benefits to provide retirement income security to workers covered under these programs. An employer who is recapturing excess assets is reaping a significant tax benefit even assuming the reversion is included as income to the employer. An employer in a position to offset any tax liability with respect to the reversion through tax loss carryforward may significantly defray or entirely eliminate any tax liability that would otherwise result from the reversion. Such a result can be analogized to other abusive tax treatments of investments which have been the concern of both the administration and the Service in other areas. Simply, some employers may have treated their tax qualified pension plan as merely a tax-free corporate-savings device. In its most recent revised tax

plan, the Department of the Treasury is seeking the imposition of a 10-percent excise tax on any asset reversion arising out of a plan termination. This position was taken by the Treasury Department in recognition of the favorable tax treatment accorded to pension plan contributions that would otherwise inure to the benefit of an employer at termination, but for the imposition of the excise tax to recover amounts which should be taxed.

Perhaps the single greatest failure of the administration guidelines is that they fail to address the basic concern implicit in overfunded terminations. That is, that as a matter of public policy the failure to in any way inhibit or control overfunded terminations serves to erode the basic Federal policy supporting the establishment and maintenance of pension plans, which is to provide a secure reservoir of moneys to provide retirement income to workers.

Recent data derived from the Pension Benefit Guaranty Corporation [PBGC] indicate that, after the issuance of the administration guidelines in May 1984, the number of overfunded defined benefit plan terminations has substantially increased. PBGC data indicate that an estimated 279 plans, each with over $1 million in excess assets reverting to the employer, were to be terminated in 1984. This number of terminations is comparable to the total of all such terminations, 284, for the previous 5 years, 1979–83. It is also notable that the total of excess assets to be reverted to employers for 1984 is expected to exceed $3 billion, this compared with $2.14 billion for the period of 1979 through 1983. The data also indicates that the average reversion to the employer has substantially increased. For example, in 1980, the average reversion from an individual plan was approximately $2.1 million. By 1984, this figure has grown to approximately $11.3 million per terminated plan.

The majority of these terminations have been taken not because of a financial necessity of that employer but, rather, because the employer desired to obtain a reversion to accomplish some business purpose which might include preventing or sponsoring a takeover, improving the financial statements of that employer, or using the reversion to finance the acquisition of employer stock. While some commentators may believe that the use of a reversion in this manner is not an appropriate subject for review in the context of setting policy on employee pension plans, it would seem imperative that such a review is incumbent, at this point, to ensure that appropriate safeguards are provided to assure employee benefit security. Presently, there are pending applications for overfunded terminations—involving reversions of $1 million or more—which are rapidly approaching $1 billion. The issuance of administration guidelines, which sanction the use of spinoff and termination reestablishment techniques, would seem to provide a fertile environment to encourage further overfunded terminations. Moreover, the convenience of the termination vehicles available within the administration guidelines provide an easier mechanism to accomplish a plan asset reversion, than those methods previously sanctioned by the agencies.

DISCUSSION OF BILL

One provision of the bill would have the effect of prohibiting the use of so-called spinoff and termination reestablishment overfunded plan terminations. As indicated earlier, a spinoff termination involves the creation of a second and comparable defined benefit plan in which the active participants of the former plan are placed. The former defined benefit plan retains only retired participants—that is, participants who are already in pay status under the plan—and any surplus plan assets which exist in the plan. The employer typically purchases annuity contracts for retired participants and obtains a reversion of excess assets upon the termination of that former plan. Thereupon, only the active employees are retained in the subsequent successor plan which is substantially comparable to the terminated plan. With respect to a termination reestablishment arrangement, a defined benefit plan covering employees is wholly terminated and a reversion is taken by the employer upon the termination of that plan. Subsequently, a new and substantially comparable defined benefit plan is created to cover the same group of employees.

In both instances, these arrangements present signficiant difficulties with compliance with the minimum funding standards of ERISA. However, the bill would permit the use of a spinoff or reestablishment termination where a comparable successor plan was established, only in the instance where the plan sponsor has received a business necessity determination from the Pension Benefit Guaranty Corporation. The ability to establish a comparable successor plan, in an instance of business necessity, is taken in recognition that the employer not be penalized from maintaining a similar and consistent pension benefit program for his employees under this business exigency. However, to utilize such a comparable successor plan, the plan sponsor must meet certain conditions which include that: First, the benefit structure for the successor plan be equal to or greater than the benefit structure under the terminated plan, second, that there be a cushion of assets placed into the successor plan which equal 125 percent of the minimum funding requirement of the terminated plan in the plan year prior to its termination, third, that the plan obtain approval for an accelerated funding schedule to fund a successor plan, fourth, that no funding deficiency waiver be granted during the period of accelerated funding for the plan and fifth, in the case of a spinoff the comparable successor plan retains the same benefit structure as the original plan and such benefits are not reduced or otherwise amended at any time during the accelerated funding period. Terminations which did not receive a notice of business necessity from the corporation would be prohibited from instituting a comparable plan for a period of 5 years. Specifically, no comparable successor plan could receive tax qualification for a 5-year period.

The bill describes the various tests which must be applied concerning the distribution of excess assets upon the termination of an overfunded defined benefit pension plan. In the first instance, any residual assets which are attributable to employee contributions shall be equitably redistributed to those employees.

A rule has been provided requiring that 50 percent of the remaining residual assets will be distributed to retirees in pay status and 50 percent will be distributed to those participants who are within 5 years of the normal retirement age under the plan. This rule is added to provide some modicum of financial protection for those individuals who are approaching retirement and retirees who would otherwise be deprived of benefit security through an overfunded termination due to the loss of ad hoc cost-of-living adjustments. Specifically, these individuals will now, through operation of the rule, receive additional benefits which will more closely approximate promised benefits under the plan and for retirees provide needed cost-of-living protection that could have been afforded through the existence of overfunded amounts.

With respect to amounts distributed to participants and beneficiaries who are already in pay status with respect to the plan, such a distribution shall be equal to that participant's or beneficiary's unpaid constructive cost-of-living increase. The term "unpaid constructive cost-of-living increase" is defined as the amount of such participant's benefits which would be remaining unpaid, after satisfaction of the liabilities of the plan to such participant or beneficiary as if general cost-of-living increases had taken effect under the plan. This section requires that in order to have such a distribution no cost-of-living increase would have been granted to retirees within the last 5 years preceding the termination of the plan. The cost-of-living adjustment shall be measured based upon an annual rate equal to a measure of the Consumer Price Index

as prepared by the U.S. Department of Labor for the appropriate period.

With respect to any participants who have not received benefits, but who are within 5 years of the normal retirement age under the plan as of the termination date, such participants will receive ratable distributions. Such benefits will be measured based upon the present value of benefits prior to the termination of the plan and in a manner as if the plan had not been terminated and the participant had continued to accrue additional benefits under the plan and attain the normal retirement age. In this manner, the participant will receive some additional benefits toward what he would have otherwise earned under the plan but for the premature termination of that plan. However, amounts distributable under this section are premised on the amount of available assets remaining to satisfy these benefits and, to the extent that assets are less than those needed to provide full benefits under this section, such remaining amounts will be distributed on a prorated basis.

In each instance where there is a required distribution of excess assets to a specific class, if assets prove to be insufficient to meet a full distribution to all members of that class, then an equal and prorated distribution shall be made to all members of that class so as to absorb all remaining assets for that class.

A special rule is provided such that if benefits between any class, those who are five years of the normal retirement age under the plan and retirees who are in pay status, would fall below 75 percent of the benefit provided to the other class, the Commission will be granted discretion to redistribute such amounts from the other class so as to assure that benefits do not fall below the threshold of 75 percent between the two classes.

A plan which is in effect on the date of enactment of this law shall be considered to meet the requirements of the law if within 60 days after enactment, provisions of that plan contain provisions which have been previously described. Generally, the provisions of this subsection will constrain that all excess assets which are the result of an overfunded termination that does not meet the requirements of a business necessity termination shall be used for the satisfaction of benefit payments to retirees and participants who are within 5 years of retirement under the plan. It shall be the responsibility of the Commission which is created under this law to promulgate appropriate regulations to interpret and enact the provisions of this law.

An excise tax is imposed in any situation where an employer receives excess assets upon an overfunded pension plan termination. This requirement mirrors the proposal of the Treasury Department under its revised tax plan which also would impose a 10-percent excise tax on all such reversions to employers.

With respect to an application for termination of an overfunded plan, the bill provides that a hearing on the record be held by the Commission to determine whether or not the termination should be granted. The hearing will afford plan participants, retirees, plan officials and other interested parties an opportunity to express their views and concerns regarding the application for termination of the overfunded plan. In addition, such a hearing will better enable members of the Commission to define and understand those issues pertinent to the application for termination.

The bill establishes the new Federal cause of action wherein a fiduciary exerts or attempts to exert an undue influence or perpetrate a material misrepresentation to accomplish the entrenchment of a corporate management, typically related to an offensive or defensive posture related to a corporate takeover attempt.

Provisions of the bill make several significant changes to the manner in which employer securities are treated under ERISA. In recent years there has been a growing trend of contributions in kind—contributions of employer stock, leaseholds, limited partnerships, and so forth—by employers into their pension funds. Pension and Investment Age magazine has estimated that over one 18-month period employers contributed in excess of $1.8 billion in the form of stock or other contributions in kind. There is every reason to believe that such contributions will continue and, in fact, have escalated over the last several years.

Contributions in kind raise a number of significant questions regarding their propriety and acceptability with respect to certain goals which are sought under ERISA. One of the immediate concerns raised by a contribution in kind is the appropriate valuation of such a contribution into the pension fund. While a number of large employers have striven to assure that an appropriate value was placed on a contribution into the plan, other small and close corporations may not attempt to assure the appropriate valuation of such contributions. If the value of the contribution does not reflect the value of the required contribution to the plan, then there is a potential that the plan will become underfunded. Moreover, with respect to the deduction taken by the employer for such a contribution, if the true value is not reflected by the actual contribution then a form of tax abuse has occurred with respect to such a contribution.

Additional problems are presented in instances where the employer reserves or otherwise restricts the voting rights of stock which have been contributed to the pension fund. In such instances, management may seek to consolidate its position through exercise of voting rights held by the plan. Such an exercise by management may be antithetical to the interests of participants covered under the plan. The Department of Labor's interpretation of relevant provisions of the prohibited transaction provisions would not appear to clearly delineate and prohibit the exercise of voting rights in such instances.

Finally, the growing use of contributions in kind as a funding medium, generally, present an opportunity for a loss of security in the manners described above. For this reason, the threshold of qualifying securities or real property is lowered from 10 percent to 5 percent under the bill. This will better ensure that additional protection is afforded through this lowered limitation for contributions and appropriate transitional rules are provided to achieve the lowered threshold.

Provisions of the bill in this section provide that any qualifying employer stock contributed to a plan not be encumbered by a bond, debenture, note, certificate, or any other evidence of indebtedness. Moreover, such a contribution may not be subject to any restriction on its marketability or on any voting power attached to the contribution. These restrictions will better assure that the interests of plan participants remain clear and unfettered by ancillary concerns which could be raised by management. In addition the Secretary of Labor shall promulgate regulations which will define a method of determining the fair market value of stock or other contributions which are contributed to a pension plan.

There are provisions in the bill concerning a study which will be conducted by the Joint Board for the Enrollment of Actuaries. The bill would require that the Joint Board conduct a study to determine reasonable actuarial assumptions and methods that could be prescribed for various types of pension plans. Upon completion of this study, after a 2-year period, a report would be prepared and submitted to the appropriate committees of the Congress to determine whether any legislative reforms will be needed based upon the report.

This study would be undertaken in response to concerns that certain actuarial assumptions and methods that are presently applied to some pension plans are inappropriate and/or produce actuarial assumptions which cannot be sufficiently justified under prevailing market conditions and reasonable actuarial projections. Moreover, there is a concern that code provisions which grant the Internal Revenue Service authority to review the ac-

tuarial assumptions adopted by plans may not be sufficiently stringent to assure the adequate funding of plans and the appropriate use of reasonable actuarial assumptions with respect to any given plan. It would appear to be reasonable, given the absence of appropriate standards or guidelines associated with the use of actuarial assumptions and methods within the profession, to examine and make determinations with respect to whether appropriate guidance should be applied in this area. Moreover, it would appear to be appropriate to invest the Joint Board with responsibility to conduct this study, make recommendations, and if determined necessary, provide authority for the Joint Board to supervise the imposition of such appropriate standards.

With respect to employee stock ownership plans [ESOP], provisions of the bill would require that in any transfer of assets from a terminated plan to an ESOP, such a transfer must be approved in advance in writing by the participants in the terminated plan; that the proportion of voting rights remain equal to or no less than those rights existing prior to the termination of the pension plan.

This provision is included to better assure that the interest of participants, with respect to their voting of shares in an ESOP, is adequately protected through their ability to vote those shares. Moreover, the ability of participants to vote their shares will afford some protection against the ability of management to attempt to entrench itself or otherwise act in a manner which might be adverse to the interests of participants covered under the plan.

Certain restrictions are placed on the reestablishment or re-creation of a comparable plan after the termination of an overfunded plan which is not based on business necessity as formulated in the bill. Specifically, a plan which is terminated without business necessity is disqualified for a period of 5 years from establishing a comparable plan within that period. In addition, no funding deficiency waiver may be granted to a successor plan within 10 years after the termination of a plan which was not based on business necessity. With respect to the creation of a comparable successor plan after a termination for business necessity, no funding waiver may be available within 5 years of the termination of the former plan. Moreover, comparable restrictions are provided with respect to any extension of the amortization period in a manner similar to the restrictions discussed above. In addition, if a comparable plan is established within 5 years of the termination, a faster funding period is required for such a comparable plan to better assure adequate funding for future benefits.

The bill provides that the Pension Guaranty Benefit Corporation will administer the various provisions regarding terminations of sufficient overfunded plans and provides new authority for the PBGC to protect the interests of plan participants and retirees through new causes of action available under title I of ERISA which enable it to specifically enforce its authority in these various areas.

CONCLUSION

This bill is introduced with the intent not only to provide substantive standards to control and inhibit overfunded terminations, but, is also offered as a basis for discussion to attempt to arrange a framework which will better assure the retirement security of workers and retirees under such terminations. I solicit comments and views on this proposed legislation.●

CHILDREN IN POVERTY

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FORD of Tennessee. Mr. Speaker, last year I joined Congressman CHARLES RANGEL of New York in requesting a study from the Congressional Research Service and the Congressional Budget Office on children in poverty. That study was released on May 22, 1985. Part I of the study, which was prepared by the Congressional Research Service, examines historical trends of children living in poverty. Part II, conducted by the Congressional Budget Office, examines policy options for reducing poverty among children. The following is a summary of part I of the report. My colleague, Mr. RANGEL, has inserted a summary of part II immediately following my remarks.

SUMMARY AND HIGHLIGHTS OF CHILDREN IN POVERTY

I. POOR CHILDREN: A STUDY OF TRENDS AND POLICY, 1959-84

The Congressional Research Service prepared an historical analysis of children in poverty and Federal policy directed at those children. Highlights of their findings appear below.

NEW INSIGHTS

Never-married mothers present the most severe child poverty problem (three out of four children of such mothers are poor) and their ranks are growing. In 1980 almost one-fifth of births were to unwed mothers, 48 percent of black births, and 11 percent of white births. If the incidence of never-married mothers had not increased from 1969 to 1979, it is estimated that the overall poverty rate might have been five percent lower in 1979. (pages 249, 104 and 70)

More than one-sixth of poor children in 1983 were in families with at least one full-time, year-round job. These poor children numbered more than 2.5 million. Their existence belies the widespread view that a full-time job throughout the year is near-insurance against poverty. (pages 249 and 129)

Market income (excluding government transfers) poverty rates of children climbed 40 percent from 1973 to 1983. Instead of rising to fill the earning gap, government cash transfer payments to children poor without such aid declined by six percent in real terms. (pages 249, 183 and 177)

A smaller share of the population of poor children is receiving food stamps and AFDC but the share aided by subsidized housing has increased in recent years, and the share covered by Medicaid has held steady. (page 177)

Social security payments for children and their parents are substantially larger than Federal payments for AFDC benefit. (pages 249 and 218)

The capacity of economic growth to reduce the incidence of child poverty appears to have been diminished by growing inequality in the distribution of family income relative to poverty thresholds. (page 249)

WHO ARE THE CHILDREN WHO ARE POOR?

The poverty rate reached 22.2 children per 100 in 1983, the highest level since the mid-1960s. The number of poor children totaled 13.8 million, of whom more than half lived in families headed by a woman. (page 35)

A child's chances of being poor varied sharply by race, presence of the father, and marital status of the mother. (pages 31-32)

Almost half of all black children and more than one-third of all hispanic children were poor. In contrast, nearly five-sixths of all white children were not poor.

In 1983, most children in female-headed families were poor.

Overall, a black child was almost 3 times as likely to be poor as a white child in 1983.

Family composition and the age, race and education of the head of the family are all important factors in determining the poverty status of the family. For example, the poverty rate for chidren of white married couples whose father is at least 30 years old and a high school graduate is 6.5 percent. For children in black, single, female-headed families where the mother is under 30, and did not complete high school, the poverty rate is 92.8 percent. (page 127)

High rates of child poverty also occur in families with fairly young mothers (20-24), in female-headed families in which the youngest child is under the age of 6, in large families and in families where both parents did not complete high school. (page 6)

When AFDC was enacted, 88 percent of families that received State welfare were needy because the father had died. In March 1979, fewer than 3 percent of the AFDC children were paternal orphans. And in March 1983 more than 88 percent of the children had able-bodied but absent fathers; furthermore, the fathers of 47 percent of AFDC children were not married to their mothers. (page 13)

By Federal law, AFDC is available only to needy children in single-parent families except in certain limited circumstances. Twenty-seven States do not offer AFDC to unemployed two-parent families and States are prohibited from aiding needy two-parent families who are working. Over the years, there has been concern that concentration of AFDC benefits on fatherless families, and the program's exclusion of needy families with full-time jobs, may have inadvertently encouraged family breakup and unwed parenthood. (page 13)

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PERSISTENT POVERTY

Two-thirds of childern who are ever poor during a 15 year period remain in poverty for no more than four years. However, one poor child out of seven stays poor for at least 10 of the 15 years and can be considered "persistently" poor. These children spend two-thirds or more of their childhood in poverty. (pages 43 and 44)

Persistently poor children have characteristics that are different from the population as a whole. They are 90 percent black, a significant majority live in the South and lack a father in the home. They are most likely to live in rural areas. (pages 44 and 45)

Much of white poverty is short-term and associated with changes in marital status and family earnings. Black poverty lasts longer—the average black child can expect to spend more than 5 years of his childhood in poverty; the average white child less than 10 months—and is less affected by changes in family composition. (pages 47 and 48)

In theory, the poor can benefit either directly or indirectly from improved economic conditions. However, it appears that economic growth cannot be expected to reduce the rate of poverty among children very rapidly. Unless recent trends are reversed, it might take as long as 12 years (with an unusually high 3 percent annual growth rate in average market income relative to poverty thresholds) for the poverty rates of male-headed families with children to drop back to the levels of 1979. For nonwhite female-headed families, it might take 5 years. (page 176)

FAMILY COMPOSITION

The number of female-headed families with children more than doubled from 1959 to 1983. The share of all children living in such families climbed from 9 to 20 percent. Among poor white children, nearly 40 percent live in female-headed families, whereas among poor black children that figure is nearly 75 percent. (page 57)

Poverty rates among children in female-headed families consistently have been much higher and more persistent than those for children in male-present families. However, from 1978 to 1983 poverty rates increased faster among male present families than in female-headed ones, increasing the share of poor children with a man in the home. (page 57)

The number of poor children increased by 3 million from 1968 to 1983, even though the total population of children decreased by 9 million in those years. (page 57)

In 1983, more than half of all children in families with five or more children were poor. In contrast, among children in families with only one or two children, just under 15 percent were poor. (page 57)

If the proportion of children in female-headed families had not increased over the last quarter century, it is estimated that the number of poor children in 1983 might have been almost 3 million less than it actually was. (page 57)

Birth rates to unmarried teenagers have increased steadily since at least 1940. Even though birth rates among teenagers overall are declining, more of their babies have been conceived out of wedlock and fewer of the mothers are marrying before the birth. (page 58)

HISTORICAL TRENDS

The child poverty rate was cut in half between 1959 and 1969 to a record low of 13.8 children per 100 in 1969. Since then the trend has reversed. By 1983, although it still was below its 1959 level, the child poverty rate had climbed about 60 percent above its 1969 low. (pages 3 and 5)

Although the levels are sharply different, the trends in poverty rates among black and white children were similar. Poverty rates among white children declined from 20.6 percent in 1959 to a low of 9.7 percent in 1969; from that time they fluctuated until they began to increase again to 16.9 percent in 1983. Among black children, the rates declined from 48.1 percent of black children in poverty in 1959 to a low of 39.6 percent in 1969. After a period of fluctuation that rate also increased again, to 46.3 percent in 1983. (page 74)

Whether poverty is measured before or after government transfer payments (social insurance and welfare), and whether the income counted includes or excludes noncash benefits and money paid as taxes, child poverty rates rose especially sharply from 1979 to 1983. (pages 39–41)

From 1979 to 1983, the poverty rate for children under the official Census Bureau definition increased 35.4 percent. Under alternative definitions of poverty, the percentage increase was even larger, ranging from 48.9 percent to 63.9 percent. (page 40)

If taxes were deducted in the official definition, child poverty rates would increase by 0.8 percentage points in 1979 and by 1.5 percentage points in 1982. The number of additional poor children in 1982 (1.5 percentage points) would increase by approximately 900,000. (pages 41–42)

THE EXPERIENCE OF TWO-PARENT FAMILIES

From 1978–1983, a period frequently marked by recessions and unemployment, the share of the nation's poor children in female-headed families decreased. This was because the poverty rate climbed more rapidly in the much larger group of male-present families, who generally obtain a larger share of their income from the job market than female-headed families. (page 72)

Without a working parent, a child is almost sure to be poor. But having a working parent is no guarantee against poverty. Many children need two earners to escape poverty. One-fourth of children in married-couple families would be poor if their only income were their father's earnings. (page 132)

When poor families do earn their way out of poverty, secondary workers often play a crucial role, accounting for one-third to one-half of the extra income that lifts children across the poverty threshold. (page 249)

WHY DIDN'T THE CHILD POVERTY RATE DECREASE AS OUTLAYS FOR SOCIAL PROGRAMS INCREASED?

The incidence of child poverty rose 52 percent in the decade from 1973 to 1983, when Federal spending for income security climbed 83 percent in constant dollars. Why?

There is no paradox. Government spending for social insurance and cash welfare benefits to poor children, unlike overall income security outlays, declined in value from 1973 to 1983. Adjusted for price inflation, aggregate social insurance and cash welfare payments to children with insufficient market income were about six percent smaller at the end of the decade than at the beginning. Furthermore, the population of such poor children grew about 30 percent. Hence, government cash transfers per child in need of them fell significantly. Aggregate outlays for food stamps to children rose 75 percent in real terms from 1974 to 1983. However, from 1976 to 1983, total available cash and food stamp benefits fell by 20 percent per poor child. (page 177 and 182)

The rise in the incidence and severity of market income poverty of children during the decade was so large that real cash transfers would have had to rise substantially to compensate. Instead, the share of poor children served by AFDC and food stamps has declined. The share of poor children who received food stamps in a survey month fell from 76 percent in 1978 to 69 percent in 1982. However, the share of poor children covered by Medicaid was unchanged from 1970 to 1983, at about one-half, and the share of poor households with children that received subsidized housing rose slightly from 1977 to 1981, when it was almost one out of six. (page 177)

AFDC benefit levels have been eroded by inflation although some of the cash benefit loss has been offset by food stamps. The maximum AFDC benefit of the median State (ranked by benefit levels) fell about one-third from 1971 to 1985 in constant dollars. Combined AFDC and food stamp benefits fell about one-fifth. (page 178)

The reduced cash benefits translated into higher child poverty rates. Together, social insurance and cash welfare transfers in 1973 reduced the poverty rate of children from a market income level of 18.4 percent to a post-transfer level of 14.4 percent. This was a reduction of 21.7 percent. In contrast, the combined impact of social insurance and cash welfare payments in 1983 lowered the poverty rate by only 14 percent (from 25.8 percent before transfers to 22.2 percent after them). If transfers in 1983 had achieved the same relative poverty reduction as in 1973, there would have been about 1.2 million fewer poor children in 1983. (page 183)

INCOME DISTRIBUTION

The distribution of income among families has become more unequal. Ranked by family income to poverty ratios, families in the lowest fifth of all families had an average poverty income ratio of 0.91 in 1968, compared with still lower ratios of 0.83 in 1979 and 0.60 in 1983. The average income/poverty ratio of the highest fifth of families was 8.0 times that of the lowest fifth in 1983. In 1968, the top fifth's average ratio was only 4.6 times that of the bottom fifth, and in 1979, this multiple was 5.9 (page 166)●

CHILDREN IN POVERTY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RANGEL. Mr. Speaker, I am pleased to join my colleague, Mr. FORD of Tennessee, in bringing to the attention of the House the study, "Children in Poverty." This study contains alarming information about the number of children living in poverty. We are fortunate that it also contains policy options to reduce poverty among children. A summary of those options, prepared by the Congressional Budget Office for part II of the study, follows:

SUMMARY AND HIGHLIGHTS OF CHILDREN IN POVERTY

II. POLICY OPTIONS TO REDUCE POVERTY AMONG CHILDREN AND

III. COSTS AND EFFECTS OF EXPANDING AFDC

The Congressional Budget Office analyzed more than 40 proposals for reducing poverty among children. Where possible, estimates were made of the cost to implement the proposal, the effect on poverty, and the number of families benefited. Some of the options included in the study are described below.

ESTABLISHING MINIMUM AFDC BENEFITS

(Pages 290-292)

Creating a national minimum benefit level—in which AFDC plus food stamps would equal 65 percent of poverty—would target increased benefits on single-parent families in States with low benefits.

CBO projects that, if enacted, minimum AFDC payments to a family of three would equal $396 monthly in 1986. For 2.2 million families currently receiving AFDC, this would increase monthly payments by an average of $111. The net increase for those receiving food stamps—about 80 percent of those affected—would average $73 because food stamp benefits would decline by $38, on average. Roughly 190,000 families would become newly eligible for AFDC as a result of a minimum benefit, receiving average payments of $197 per month.

As a result of this proposal, the poverty gap—the amount needed to bring all poor families to the poverty line—would decline by $2.7 billion. Setting the minimum benefit level at 70 percent of poverty would affect about 0.2 million more families; current beneficiaries would average $160 in additional monthly benefits.

PROMOTING FAMILY STABILITY

(Pages 292-295)

Mandating two-parent coverage based solely on need would encourage families to stay together by reducing the current incentive for one parent to leave home so that the family can become eligible for AFDC. One of the options analyzed by CBO would require all States to cover needy two-parent families but allow aid to be limited to 6 months per year.

An estimated 450,000 families would become AFDC recipients under this option; benefits would average about $397 per month. In fiscal year 1986, the Federal cost of this option would be $1.3 billion: about $1.1 billion for AFDC payments, and $0.4 billion for Medicaid benefits, with savings of $0.3 billion in food stamps. The poverty gap would decrease by $0.8 billion, roughly 3.3 percent.

EXPANDING THE EARNED INCOME TAX CREDIT [EITC]

(Pages 307-313)

The EITC promotes three goals: (1) it helps poor children by providing greater resources to their families; (2) because married couples can qualify for the credit, there is no incentive for families to split; and (3) because aid is given only to families who work, the benefits are targeted to families trying to help themselves.

One of the proposals for increasing the EITC analyzed by CBO would raise it from 11 to 16 percent of the first $5,000 in earnings, hold the credit constant at $800 for earnings between $5,000 and $11,000, and phase the credit out between $11,000 and $16,000. Assuming it is effective in calendar year 1985, this option would extend the EITC to 3.7 million new families at a cost of $3.4 billion in FY 1986.

HEALTH AND NUTRITION SERVICES FOR NEEDY FAMILIES

Extending Medicaid coverage to all children and pregnant women in families with income below 65 percent of the poverty level would provide medical care for an additional 700,000 children and 100,000 pregnant women. Annual Federal outlays for the Medicaid program would increase by about $400 million under this option. (page 326)

If Congress increased funding for the supplemental food program for women, infants and children (WIC) by $500 million, the program could serve approximately 1 million additional mothers and children. (page 333)

ADOLESCENT PREGNANCY PREVENTION AND SERVICES

The Urban Institute estimated that the Federal government spent $8.55 billion in 1975 on AFDC households where the mother was a teenager when she had her first child. It has also been estimated (by SRI International) that each of the approximately 442,000 teenager first births in 1979 would cost the Federal, State and local governments together an average of $18,700 in additional health and welfare costs over the next 20 years. (page 345 and 346)

Reducing the birthrate of teenagers under 20 years of age by one-half would lead to a 25 percent reduction in AFDC costs in 1990, while halving the birthrate of only those teenagers who are under the age of 18 would result in savings of 12 percent of AFDC costs, according to the Urban Institute. (page 346)

If Federal funding for Title X family planning services was expanded and earmarked for serving adolescents, an estimated 1.4 million additional teenagers could be served for an additional $100 million. (page 351)

School-based service programs that provide access to child care and to other supportive services can reduce dropout rates after pregnancy. A 1979-1980 national survey of the needs of and services for teenage parents found that child care was the most commonly reported unmet need. (page 356)

Adolescent parents on AFDC are particularly at risk of long-term poverty. Welfare offices could play a stronger role as "brokers" for services needed by teenage mothers. For example, all AFDC offices that serve at least a minimum number of adolescent mothers could be required to have at least one caseworker who specializes in the problems facing them. This caseworker would help adolescent parents obtain a range of necessary services—for example, subsidized care for infants and toddlers and dropout prevention services. Given that these clients are already being served, this requirement would merely represent a shifting of resources and would require minimal additional funds for initial training. (pages 357 and 358)

WORK PROGRAMS FOR WELFARE RECIPIENTS

(Page 362)

The long-run well-being of children in poor families depends heavily on the ability of adults in those families to obtain jobs that pay adequate incomes.

A new national program that would provide closely supervised work experience for AFDC recipients could be effective in increasing the earnings of women who are long-term AFDC recipients. For example, participants in the national supported work demonstration engaged in nine months of closely supervised work experience in which the demands of the job and the standards of performance were steadily increased until they were similar to low-paid jobs. The result: over a year after leaving the program, the average earnings of participants were almost 50 percent higher than those of a similar group that had not participated.

REAUTHORIZING THE TARGETING JOBS TAX CREDIT

(Pages 363-364)

The targeted jobs tax credit (TJTC) encourages private employers to hire economically disadvantaged youth, recipients of specified cash transfer programs and members of other designated groups. Under current law, the credit will not be available for workers hired after December 31, 1985. If Congress reauthorized the TJTC and if one-third of the subsidized jobs were assumed to be net gains for the target group, the cost for each job created would be between $2,000 and $3,000.

Participation by employers in TJTC could probably be increased by broadening the eligiblility criteria, raising the percentage of wages for which a credit could be claimed, making the credit refundable, or increasing outreach efforts by the Employment Service.●

THE FAMILY ECONOMIC SECURITY ACT OF 1985

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FORD of Tennessee. Mr. Speaker, the President continues to assure us that there is a safety net protecting our most vulnerable citizens. The President is wrong. The safety net is a cruel joke for millions of America's children.

If there is a safety net, why do 13.8 million American children live in poverty?"

Nearly half of all black children are poor. Why aren't they "truly needy?"

Who is the safety net protecting if one out of seven poor children can expect to spend two-thirds of their childhood in poverty?

Where is the safety net for the children—black and white—who live with a single mother under the age of 30 who did not finish high school? More than 90 percent of these children are poor.

Why are 2.5 million children poor despite the fact that they live in families with at least one full-time, year-round job?

With the publication on May 22, 1985 of Children in Poverty, a report prepared by the Congressional Research Service and the Congressional Budget Office, we know the answers to some of these questions.

In August of last year, I joined Congressman CHARLES RANGEL of New York in asking the Congressional Research Service and the Congressional Budget Office to undertake a major study of children in poverty. We asked

for this study because of the alarming rise in the number of poor children in this country.

The facts about children living in poverty are distressing. There were 13.8 million poor children in 1983, the incidence of poverty among children climbed more than 50 percent from 1973 to 1983. Children are the poorest age group. More than half the children in all female-headed families are poor. More than two-thirds of the children in black female-headed families are poor. More than 2.5 million children were poor in 1983, even though a parent worked full time all year round. Almost one-half of all black children and more than one-third of all hispanic children were poor in 1983.

We know that part of the reason for increasing child poverty is the decline in the real value of Federal cash transfer payments, like aid to families with dependent children on which so many single parent families with children rely. We know that children born into poverty are likely to stay there and that the futures of teenage mothers and their babies are especially bleak. We know that the recession, high inflation and unemployment have helped to push many previously self-supporting two-parent families into poverty.

It is time to propose solutions.

My solution is the Family Economic Security Act, H.R. 2585, which I introduced on May 22, 1985 with my distinguished colleagues from New York, Congressman RANGEL and Senator MOYNIHAN. Make no mistake, this bill will not eliminate child poverty. But it will help to reverse the alarmingly high rate of poverty among children.

The legislation builds on much of what we have learned from the study titled "Children in Poverty." Nine of the 17 provisions included in the legislation are amendments to the AFDC program. They are carefully targeted to encourage work, to assure that all families with children have a subsistence income, and to take a first step toward addressing the problem of teenage pregnancy. Three tax provisions are included to reduce the tax burdens of families below the poverty level. The remaining five proposals make fine tuning adjustments to SSI and other programs which aid the elderly poor to ensure that the progress we have made to reduce poverty among the elderly continues.

In the months ahead, we may all agree that these and other steps must be taken. But, the budget deficit will loom large. Many of us will argue that without reductions the deficit will mortgage our childrens' futures. For those who will contend that we cannot afford to make these changes when budget deficits are so high, I have only one question: Can we afford not too?

As a Nation, we can run but we cannot hide from these facts. These are children. Through no fault of their own they are living in poverty. Economic growth, by itself, will help only a portion of them. We must compliment economic growth with a national commitment to break the cycle of poverty. The cost of such a commitment will not be small. But, unless we invest now, we are going to see a permanent underclass develop in this country—a significant portion of our population born into poverty without any hope for a better life. That is something that we cannot afford.

Mr. Speaker, for the benefit of my colleagues, I am inserting in the RECORD on outline of the Family Economic Security Act of 1985.

OUTLINE OF THE FAMILY ECONOMIC SECURITY ACT OF 1985 (H.R. 2585)

1. *Encourage supported work and other programs to reduce welfare dependency.* Over the past few years, States and localities have tested a number of new approaches to finding work for welfare recipients. These programs require a short term financial investment with the potential for long term savings and welfare avoidance.

The proposal: continue to encourage innovative State work programs by granting States permanent authority to operate WIN through either the labor or human services agency and create a new block grant fund special employment activities for AFDC recipients. One such program could be targeted to the long-term adult AFDC recipient.

2. *Restore the purchasing power of AFDC benefits and encourage benefit increases.* Between 1972 and 1984, the purchasing power of combined AFDC and food stamp benefits declined by nearly 22 percent. In no State did real AFDC and food stamp benefits increase. Furthermore, in 22 States the current AFDC *plus* food stamp benefit is less today (in real terms) than AFDC alone was in 1960 before food stamps was created.

The proposal: (a) mandate a minimum AFDC benefit level such that combined AFDC and food stamp benefits equal a percentage of poverty, rising from 55 percent to 70 percent over five years; and (b) reduce the State match by 30 percent for any AFDC benefit increases made by a State above the combined benefit level of 55 percent of poverty.

3. *Promote family stability.* It is currently a State option to aid needy two-percent families with an unemployed principal earner. Only twenty-six States now provide this assistance. In the States without a two-percent program, intact families cannot receive AFDC or must split up in order to qualify for assistance. Even in States with a UP program, aid is only paid if the principal earner is unemployed.

The proposal: (a) mandate two-percent coverage based only on need and identical to the single-parent AFDC program (i.e. eliminate the 100 hour rule and quarters of work requirement); (b) increase the Federal matching rate for two-parent benefits to 75 percent for all States; and (c) require one parent in the family to register for work *and* condition eligibility on active participation in job search, and training or a State work program (workfare, grant diversion/work supplementation and/or a work program of State design).

4. *Encourage efforts to prevent teenage pregnancy and reduce long term welfare dependence by teenage mothers.* Studies show that half of all AFDC expenditures go to households in which the mother had her first child as a teenager. Although some States have developed special programs to assist teenage families, comprehensive prevention and service programs do not exist in each State. In addition, as a result of the Omnibus Budget Reconciliation Act of 1981, States may not extend AFDC to pregnant women with no other children until the sixth month of pregnancy. Medicaid coverage is available from the date the pregnancy is confirmed.

The proposal: (a) authorize a grant program to permit the State AFDC agency to operate a teenage pregnancy prevention program targeted to children in current AFDC families and a comprehensive service program for teenage AFDC mothers designed to help these parents complete a high school (or equivalent) education and obtain the job skills needed for self-sufficiency; (b) eliminate the requirement for counting the income and resources of the parent of a minor mother when determining AFDC eligibility and benefits; and (c) require States to provide AFDC to otherwise eligible first time pregnant women from the date the pregnancy is confirmed.

5. *Disregard the first $100 of unearned income.* Under current law, Title II and unemployment benefits are included as family income. The first $50 of child support income is disregarded.

The proposal: retain the standard filing unit provision enacted as part of the Deficit Reduction Act (except as amended above for minor mothers) but disregard the first $100 of monthly unearned income including Title II benefits, child support payments and unemployment benefits received by a family.

6. *Require States to reevaluate the adequacy of their AFDC need standards.* In the AFDC program, the need standard is supposed to reflect the minimum amount a family of a given size needs for subsistence living. In most States, however, the need standard has not been regularly adjusted to reflect changes in inflation or the cost of essentials for daily living. Congress last required that States update their standard of need in July of 1969.

The proposal: retain the AFDC gross income limit but require States to reevaluate the need standard for changes that have occurred between 1969 and 1985 and which are not now reflected in the need standard.

7. *Mandate one year of Medicaid coverage for all families who leave AFDC without private health insurance.* The Deficit Reduction Act and other recent legislation have assured that certain families who lose AFDC eligibility retain Medicaid coverage for a limited period of time. Not all families are certain of health coverage when they leave assistance, however.

The proposal: provide one year of Medicaid eligibility for families who leave AFDC—for whatever reason—without adequate health insurance. Families which no longer include a dependent child or leave AFDC due to fraud or sanctions would not be eligible. States would be permitted to extend this coverage for one additional year to eligible families.

8. *Establish an AFDC resource policy that is identical to food stamps.* The AFDC program has an extremely strict asset policy: allowable resources may not exceed $1,000 and the value of a car is limited to $1,500 (equity value).

The proposal: use the food stamp resource policy as recommended by the President's

Task Force on Food Assistance. Allowable assets in AFDC could not exceed $2,250 for non-elderly and non-disabled households or $3,500 for households with elderly or disabled members. The limit on the fair market value of an automobile would be set at $5,500.

9. *Simplify the earned income disregards.* The AFDC program currently has a complicated set of policies for counting earned income: the first $75 is disregarded for work expenses, child care costs up to $160 per month per child are deducted, then a standard $30 deduction for 12 months followed by a deduction of ⅓ of remaining earnings for 4 months. The net result of these policies is that by the fifth month of work, the family has no financial incentive to continue working.

The proposal: replace these disregards with a standard deduction of $100 (to cover work-related expenses) plus 25 percent of remaining earnings. The disregard would not be time limited and there would be no change in the treatment of day care costs although this deduction would be capped at $320 per family.

10. *Expand outreach efforts.* In the Social Security Amendments of 1983, the Secretary of Health and Human Services was required to notify, on a one-time basis, all elderly OASDI beneficiaries who are potentially eligible, of the availability of SSI and encourage them to contact their district offices.

The proposal: Require the Secretary of Health and Human Services to notify all SSI and AFDC participants on a one-time basis and all new SSI and AFDC participants of their potential eligibility for food stamps. In addition, all unemployment compensation beneficiaries would be notified of their potential eligibility for food stamps and AFDC and all food stamp recipients would be notified of potential eligibility for AFDC.

11. *Increase SSI benefits.* Under current law, the regular Federal SSI benefit standard for 1985 is $325 per month for an individual and $488 for a couple.

The proposal: Increase the basic SSI benefit for an individual by $20 per month and for a couple by $30 per month.

12. *Eliminate the actuarial reduction for elderly survivors.* Social security recipients who elect to retire before age 65 receive 80 percent of the benefits that would have been received at age 65.

The proposal: eliminate the actuarial reduction of the survivor portion of the social security benefit for survivors upon attaining 80. In many instances, this reduction was taken many years earlier and was the result of decisions made by someone other than the elderly survivor.

13. *Encourage States to maintain their State SSI supplements.* Under current law, the purchasing power of State SSI supplements has declined significantly. For example, in New York, the State SSI supplement adjusted for inflation has declined by 46 percent. One of the primary reasons is the interaction between food stamps and State SSI supplements. As is the case in AFDC, when States increase SSI supplements, food stamp benefits decline by $.30 for each dollar increase.

The proposal: Provide a Federal matching of 30 percent for all State SSI supplement increases after May 22, 1985. This would simply mean that if a State spent $10 on a benefit increase it would be assured that $10 would be received by an SSI recipient.

14. *Mandate Medicaid coverage for aged, blind and disabled SSI recipients.* States currently have the option to extend Medicaid to SSI eligible persons or to apply their own more stringent eligibility standards.

The proposal: require all States to provide Medicaid benefits to persons receiving cash assistance under the SSI program.

15. *Increase and index the earned income tax credit (EITC).* Under current law, families with children receive a refundable income tax credit equal to 11 percent of the first $5,000 of earned income for a maximum credit of $550.

The proposal: gradually increase the maximum credit over three years. During this period, the credit would rise from $550 to $800 with a phase-out occurring between $11,000 and $16,000. In the third year, the maximum credit and the phase-out thresholds would be indexed.

16. *Reauthorize and increase the targeted jobs tax credit (TJTC).* Under current law, employers who hire individuals from certain target groups receive a credit against their taxes of 50 percent of wages paid up to $6,000 per year in the first year and 25 percent of wages up to $6,000 in the second year.

The proposal: reauthorize the credit for five years and increase the TJTC to 50 percent of wages paid up to $10,000 in the first year and 25 percent of wages paid up to $10,000 in the second year.

17. *Increase the zero bracket amount.* Under current law, the standard deduction or zero bracket amount is $2,390 for heads of households and $3,540 for married couples filing jointly. As a result, female-headed families with children pay more Federal taxes than similarly sized families with the same earnings.

The proposal: increase the zero bracket amount for heads of households to that of married couples filing jointly.●

WORDS OF WISDOM FROM A FORMER PRESIDENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BROOMFIELD. Mr. Speaker, The conflict between East and West is being fought in the Third World at this very moment. Whether we realize it or not, the future of democracy in the world is being determined by what happens in countries like El Salvador, and in other small struggling nations around the globe. While we are quite capable of fighting conventional, or nuclear conflicts, our country is still learning how to deal with the threat of creeping communism in the guise of revolutionary movements.

Former President Richard M. Nixon has written a fascinating article on the subject of future challenges to the West. I believe it is obvious that all of us have a lot to learn about the low-level insurgencies which will typify the wars of the future. We had better wake up to this threat before it is too late to do much about it.

With these thoughts in mind, I commend the following articles to my colleagues in the Congress.

[From the Washington Times, June 3, 1985]

OLD DEFENSES WON'T WORK

The Korean War demonstrated that a conventional attack across a border of a non-Communist country would bring immediate and united reaction from the United States and our U.N. allies. This is the least-likely kind of attack we will face in the future.

Since Korea, the Soviets have gone under and around borders in a variety of ways. North Vietnam, with Chinese and Soviet logistical support, waged guerrilla war against South Vietnam until 1972, when the North Vietnamese launched a massive conventional attack across the demilitarized zone.

In Cuba and Nicaragua the Soviet Union encouraged and eventually captured broad-based revolutionary movements in the guise of supporting so-called wars of liberation.

In Angola and Ethiopia the Soviet Union backed up Communist leaders with Cuban proxy troops who helped them gain or retain power.

In El Salvador we are witnessing a technique similar to that used in Vietnam—a guerrilla insurgency without broad-based popular support that would have no chance to survive, much less prevail, without the logistical support it receives from Nicaragua, the Soviet Union, and Cuba.

Sometimes the Soviets spark a revolution. Other times they capture one already in place. Either way they win and the West loses another battle in the war for the Third World.

Never in history has there been a conflict as broad-based and as pervasive as the Third World War. It challenges us to rethink all of our time-tested assumptions about the nature of war and aggression. If we insist upon preparing for today's war by mounting yesterday's defenses, we are doomed to defeat.

Today the important battles are not along borders but in remote villages and in small countries whose names few Americans have heard. In pinpointing aggression it is no longer enough to look for the smoking gun; now we must look for the hidden hand. We must become more aware of the role the Soviets and their surrogates play in instigating and supporting insurgencies against non-Communist governments.

We must begin by disabusing ourselves of some popular misconceptions about how to deal with conflicts in the Third World.

At one extreme there are those who insist that if we are strong enough militarily we will be able to meet and defeat any challenge we face. It is true that our overwhelming nuclear superiority was one of the factors which enabled us to stop Communist aggression in Korea. But with that superiority gone, the fact that we have far more accurate and powerful nuclear weapons today than those we had during the Korean War is irrevelant in Third World conflicts.

Great nations do not risk nuclear suicide to defend their interests in peripheral areas. And superior conventional forces will not prevail against an enemy who wages unconventional war. Helping a government stop a violent revolution militarily without helping it deal with the economic conditions that helped spawn the revolution would only buy a short-lived victory. After one revolution was put down, another would take its place.

At another extreme are those who say that poverty is the problem and that instead of providing military aid to ensure security, we should provide economic aid to

promote progress. They are only half right, and therefore all wrong.

I recall the year 1974, when President Truman asked for military and economic aid to Greece and Turkey to meet the threat of Soviet-supported Communist guerrillas in Greece. Along with those of other congressmen, my office was flooded with hundreds of postcards reading, "Send food, not arms."

We resisted the pressure and voted for the Truman program. If we had sent food only and not arms, Greece would be Communist today. The lesson of the Greek experience is that in the short run, there can be no progress without security. But we must also recognize that in the long run there can be no security without progress.●

JERSEY CITY YWCA CELEBRATES ITS 80TH YEAR

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. GUARINI. Mr. Speaker, on Thursday, June 13th the YWCA of Jersey City, Inc. will celebrate its 80th anniversary. The YWCA story is known to the entire world since its inception in 1855 in London, England.

History tells us that the very first YWCA began in America in 1858 at the Ladies' Christian Association in New York.

The Jersey City story, which has been provided with the vision and dedication of women and with the assistance of many organizations, is exemplary.

It was in 1905 when women from the community, the Old Bergen Church and the Jersey City Women's Club formed the YWCA of Jersey City aimed at providing a wholesome living environment and religious service operation for young working women.

The group was fortunate to have among its sponsors Colgate & Co., which was founded in 1804 and rose from one individual making soap and selling it by pushcart to the productive and sprawling plant encompassing acres of land on the Jersey City waterfront as part of its international operation.

The first YWCA was at 10 Wayne Street, and Mercer Street, Jersey City, in downtown Jersey City on the fringe of historic Paulus Hook and in the shadow of the Jersey City city hall.

The facility provided residence for women employed by Colgate's and later the Mueller Co. and other Jersey City industries which led to the growth of the YWCA movement.

In 1918 the YMCA established "a service bureau for foreign born women and girls," with the cooperation of the international institute, aiding factory and commercial employees and their families.

The "Y" provided many services during World War I.

In 1920 the Jersey City YWCA women clearly became established as community leaders helping organize the city health council and interracial council.

The "Y" located in Jersey City worked with similar groups in Bayonne, including the New Jersey State Federation of Colored Women's Clubs, Girl Scouts, and the Jersey City Junior Service League.

It was the Junior Service League which worked with other community organizations which helped raise in 1925 and 1928, $1,200,000 for the new building at 270 Fairmount Avenue, which was dedicated on January 22, 1928.

It was during World War II that the "Y" did outstanding work serving as a USO Center, plus being a home for the influx of women employed in the defense plants and a recreation center for swing shift workers.

On the 20th anniversary of the dedication of the "Y's" new building the mortgage was burned.

In 1950 the "Y" of Jersey City fully integrated all its programs, and amalgamated the functions of the "House of Friendliness" on Belmont Ave. which was then closed. The programs at that time included the dramatic workshop, movies, speakers, game parties, discussions, bowling, dancing, roller skating, and the choral club. Thirty-six Saturday night dances were attended by 11,036 people. The "Accent on You" series included topics on makeup, hair, foods, posture, clothes, self-understanding, dating, and marriage. "Housewives Holiday" participants enjoyed textile painting, jewelry making, flower arranging, and swimming.

Working with the League of Women Voters political responsibility for women through informed and active participation of citizens in government was a highlight. Mrs. Lawrence Camisa served as the first president of the League of Women Voters.

Historians of the YWCA Barbara Chryst, Dr. Patricia Sullivan, Jane Weeks, and Jacquelyn Glock pointed out that in 1960 programs such as those noted above continued much the same through the fifties and sixties. Yet, it can be seen that the relevance of this kind of YWCA began to fade in the 1960's, which was a period of rapid and often violent change in our community. In fact, most urban YWCA's throughout the United States failed to meet the challenges of that time, and did not survive the transitional period well.

As part of the Federal Government's War on Poverty, a job training center was established in Jersey City. The Jobs Corps was located in a medical center building, but was directed by the staff and board of the YWCA. Its purpose then was to provide vocational education for young women.

In 1966 the YWCA provided physical education classes for the women students of St. Peter's College when it became coeducational that year.

In 1973 their group worked to help establish the Women's Center at Jersey City State College which shared the many concerns of the YWCA working actively on conferences, proposals, and community projects.

In the early 1970's, specifically in 1974, the YWCA of Jersey City began taking giant steps toward its own survival and revitalization. The YWCA sought a broader base of representation on its board of trustees. Particular emphasis was placed on recruiting neighborhood residents and minority women, especially those who were active in other community service, and who could therefore further insure the YWCA's responsiveness to community needs.

In 1977 the "Y", working with the Hudson County Chapter of the National Organization for Women [NOW] formed a battered women's coalition which resulted in the development of the Hudson County Battered Women's Program of the YWCA of Jersey City.

During that year Concerned Community Women of Jersey City was founded resulting in that group's first donating funds to the YWCA in 1978.

I am pleased to report that many members of concerned community women [CCW] became active members of the "Y" serving on its board of trustees.

Our historians tell us that in 1978 the YWCA of Jersey City unveiled its dramatic and ambitious plan for the redevelopment of the YWCA to the community. Total project cost was estimated at $5 million.

Following years of negotiations with the New Jersey Housing Finance Agency, the Department of Housing and Urban Development and city hall, the YWCA was able to kickoff its unorthodox but successful capital campaign, headed by Fred F. Peterson of Colgate-Palmolive Co.

The rehabilitation of our community service facility led by the devoted Fred Peterson was financed through proceeds from the redevelopment itself and from a successful capital campaign.

It was my pleasure to introduce a modification to the Federal Tax Reform Act, which called for favorable treatment for development projects in which a principal user was a nonprofit organization. After steering it through Congress I was honored when the Jersey City YWCA was the first facility of its type to be awarded this special consideration.

The housing component was financed—90 percent—through the New Jersey Housing Finance Agency. Each of the units are rent-assisted. Thus, low and moderate income elderly and

handicapped need pay only 30 percent of their income for rent. The Federal Government guarantees subsidization of the remainder up to the established fair market rental rate.

The YWCA of Jersey City rehabilitated its entire existing facility. The project had two major components: First, the rehabilitation of the 11-story tower building of the existing facility for 79 apartments for the elderly and the handicapped; and second, the rehabilitation of the 5-story building at 270 Fairmount Avenue as the new YMCA community service building.

It was in April 1983 that the new YWCA facility was rehabilitated into 79 apartments for the elderly and handicapped and the new YWCA community service facility, with appropriate ceremony.

The YWCA project brought together a unique combination of private and public funds for a prototype that demonstrated the unlimited potential of the nonprofit sector. The project also demonstrated the feasibility of preserving and reusing older buildings for community service. The YWCA redevelopment project provided efficient service and recreational facilities for women and their families; housing for the handicapped and the elderly; employment opportunities for community residents; and expanded social and community service programming.

For his outstanding work as YWCA's Capital Campaign chairman from 1981-83 and the resulting $8 million project, Fred F. Peterson was selected as the recipient of the third "Special Friend of the YWCA" Award. The board of trustees' selection was based on Mr. Peterson's significant contributions to the YWCA of Jersey City, to wit: his dynamic leadership of the YWCA's successful campaign.

The YWCA of Jersey City celebrates its 80th anniversary by reaching out of old friends from throughout the country and new friends to join them at their anniversary dinner on Thursday, June 13 at the Meadowlands Sports Club in the spirit of partnership and challenge.

Generations of women: In search of female forebears, will set the tone and enhance the anniversary celebration. This internationally acclaimed photography exhibit is available to the YWCA through the Women's Study Department of Jersey City State College.

Gwendolyn Baker, newly appointed executive director of the YWCA of the United States of America will be guest speaker.

Prof. Joan M. Weimer, chair of the English Department of Drew University, will be the keynote speaker. Professor Weimer is the producer and moderator of a 13-part television series, "Women in the Center and Why They Belong There." Her recent publications and lectures focus on third world women in Egypt, Brazil, and Central America. Professor Weimer's work emphasizes the powerful link between human rights and women's rights.

YWCA OF JERSEY CITY 80TH ANNIVERSARY

Organizations are only as vital as their members. The Jersey City YWCA has been blessed with the talents and efforts of hundreds of women. Listed below is only a sampling of the many women who served both the organizations which have been a part of our city's life and the YWCA past and present.

Old Bergen Church: Geraldine Bromby, Marie Crossing, Katharine Dear (First Presbyterian), Adelaide Dear, Katharine Dear, Marie Highinian, Rose Highinian, Ethel Jones, Joan Pannenborg, Grace Russell, Gertrude Sutphen, Jane Weeks.

Jersey City Women's Club: Carrie Beckman Berkowitz, Jacqueline Connors, Marie Crossing, Adelaide Dear, Katharine Dear, Dorothy Engelbrecht Kamm, Mildred Knox, Grace Russell, Gertrude Sutphen, Elsa Tully.

Afro-American Industrial Club: Rose Gordan.

The Girl Scouts: Adelaide Dear, Katharine Dear, Florence Greenwalt, Lillian Pearce.

The International Institute: Ethel Jones, the Rev. Betty Jane Young.

The Junior Service League: Judie Brophy, Jacqueline Connors, Jean Dinsmore, Elizabeth Finnerty, Lynn Kegelman, Gloria Lobban, Margaret Maddocks, Michele Neubelt, Lois Reiser, Aida Scirroco, Mary Jane Wilson.

The League of Women Voters: Juliet Caruso, Diana Femia, Martha Z. Lewin, Mary MacEachern.

Concerned Community Works of Jersey City:

Sarah Green, Catherine Greene, Lousie McLeon, Ealine Moore, Sandra Stallworth, Shirley Watson.

Saint Peter's College:

Barbara A. Chryst, Dr. Patricia S. Sullivan.

The YWCA has been home to many many persons. Elijah Kellogg said:

Home is the place where character is built, where sacrifices to contribute to the happiness of others are made and where love has taken up its abode.

The many good, meaningful and lasting relationships prove that "We are all travelers in the wilderness of this world, and the best that we find in our travels is an honest friend" said Robert Louis Stevenson.

I am certain that my colleagues in the House of Representatives will join me in this well deserved salute to our noble institution.●

YESTERDAY'S HEADLINES BROUGHT NEWS OF INCREASING MIDAIR NEAR-COLLISIONS—WILL TOMORROW'S HEADLINES BEAR THE NEWS OF INCREASED FATALITIES?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. STARK. Mr. Speaker, yesterday's headlines may have proved quite surprising for some, reporting that the number of near-collisions rose to a record 592 last year. As well as surprising, I'm sure it put a damper on their summer vacation plans. Not to mention the nerve endings it hit as worried parents realized their children are flying home from school this week.

As I have repeatedly stated, it is imperative that a thorough investigation be conducted to discover the possible causes of the all too frequent midair collisions, near misses, and crashes.

In January I introduced House Joint Resolution 66 which calls upon the Department of Transportation to conduct such an investigation. Questions need to be asked: Is there a need for additional radar and warning equipment in aircraft of various sizes? Do large airports follow existing regulations and requirements associated with small planes? How efficient and practical are the visual flight rules [VFR] as the number of flights and airplanes increase and our Nation's airports become more crowded? To be sure, these are not the only questions that need to be asked and answered, but they represent a good starting place.

I strongly encourage this House to carefully weigh the situation, and lend their support to my resolution and to a thorough investigation of air travel. Let's not wait for tomorrow's headlines to bring us a tragic surprise.●

DRUG ABUSE PATTERNS AND TRENDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RANGEL. Mr. Speaker, as chairman of the House Select Committee on Narcotics Abuse and Control, I am concerned about the widespread abuse of illicit drugs that society is presently encountering. The committee has found through its hearings that drug abuse has been escalating and is a major problem in many areas throughout the United States.

The major drugs trafficked and abused in the United States continue to be cocaine, heroin, and marijuana. Over the past 3 to 5 years, cocaine

abuse has risen dramatically. The committee estimates a minimum of 85 tons of cocaine entered the United States last year. An estimated 5,000 people experiment with cocaine for the first time every day. Many of these new users will become dependent on the drug to the point of addiction. Regrettably, Mr. Speaker, the select committee also has found a sharp increase in the traffic and abuse of heroin since 1979. Nationally, heroin-related hospital emergencies increased 71 percent from 1979 to 1983, while heroin overdose deaths increased 93 percent in that same timeframe. Increases in these indicators have been much greater in a number of our Nation's large cities. Marijuana trafficking and abuse is also prevalent at high levels. For example, on the basis of illicit marijuana production and trafficking data available in late 1984, it is estimated that 30,000 to 60,000 tons of marijuana is being smuggled into the United States annually. This is augmented by about 4,000 tons of domestic marijuana production. Further, the THC content of both foreign and domestic grown marijuana is at record levels.

In light of the evidence of increased drug abuse that has come to the select committee's attention, I was particularly interested in reviewing the most recent findings of the Community Epidemiology Work Group. Sponsored by the National Institute on Drug Abuse [NIDA] in the Department of Health and Human Services, the Community Epidemiology Work Group has conducted research over the past 10 years on patterns and trends in drug abuse. The work group is comprised of 20 drug epidemiology researchers from around the country. The work group meets twice a year to review data on drug abuse trends in major metropolitan areas thoughout the United States. Following each meeting, their findings are released by NIDA in a publication entitled "Drug Abuse Indicator Patterns and Trends." Their most recent meeting in December 1984 produced findings that indicate growing substance abuse problems in many parts of the country.

The most recent Community Epidemiology Work Group statistics were compiled from a sample of 17 major metropolitan areas throughout the country. The cities studied were Philadelphia, Denver, Detroit, Dallas, Newark, New York, Los Angeles, Boston, Phoenix, San Diego, San Francisco, St. Louis, Wahington, DC, Miami, New Orleans, Buffalo, and Chicago. The findings reveal that cocaine abuse continues to grow and is the primary drug of abuse in most of the cities studied. In Los Angeles, reports of cocaine-related mortalities increased 331.3 percent from 1982 to 1984, while in New York, more cocaine-involved emergency room episodes occurred in 1984 than in any of the previous 3 years. Besides the alarming increase in cocaine abuse, Mr. Speaker, the availability, as well as the purity of the drug, have increased in many of the 17 cities surveyed.

Although some of the cities reported stable or slight declines in heroin abuse, the majority witnessed an increase in emergency room episodes and overdose deaths related to heroin. Also alarming are reports from New York indicating that AIDS continued to take a toll on the lives of intravenous drug users and that needles being sold on the street that are purported to be sterile are not sterile. Like cocaine, the availability and the purity of heroin are both continuing to rise.

The Epidemiology Work Group findings indicate that marijuana is widely available in essentially every urban area studied. The Detroit Police Department reported marijuana as the second most commonly abused drug by persons arrested during 1984. Emergency room indicators showed that problems with marijuana continued to rise in Los Angeles, St. Louis, and New York. Also worth mentioning is the greater presence of domestically grown marijuana. In 1980, only two States reported significant marijuana cultivation, while in 1984, 48 States did.

The Epidemiology Work Group's findings tend to confirm the select committee's belief that drug abuse is a prevalent and escalating problem in many or our Nation's urban areas and requires attention at all levels of government. For the information of the Members, I ask that the "Precis" from the December 1984 edition of "Drug Abuse Indicator Patterns and Trends" be inserted in the CONGRESSIONAL RECORD at this time, and I encourage Members to obtain and review the full report:

PRECIS

The seventeenth meeting of the Community Epidemiology Work Group was held in Los Angeles, California, on December 4-7, 1984. The focus of this meeting was on patterns and trends in drug abuse in 17 major metropolitan areas of the country. Highlights of these discussions include:

The problem of cocaine abuse continued to grow, with resports indicating that forms and routes of administration are changing (i.e., New York noted the growing use of cocaine powder as well as the popularity of mixing cocaine with another stimulant to maintain the high; Miami reported the smoking of partially processed coca paste.)

Several cities, including Denver, St. Louis, San Francisco, Phoenix, Miami, and Dallas, reported increases in heroin availability and/or use based on a variety of indicators such as emergency room and medical examiner data, treatment admission data, and street level price and purity data; at the same time, trend indicators continued to remain at elevated levels in New York, Los Angeles, and Washington, D.C.

Increasingly, reports indicate a heroin population that is older and contains a growing proportion of female addicts.

"Speedballing" (using heroin in combination with a stimulant, usually cocaine) remaine a popular practice among intravenous narcotic addicts.

The adulteration of poor quality heroin with other substances makes it difficult to segregate the true effects of the heroin as opposed to those of the "cut."

To date, the rescheduling of glutethimide in Newark appears to have had no effect on its pattern of abuse, as the combination of glutethimide (Doriden) and codeine (known as Hits, Loads, Fours, and Dors, etc.) remained a noted drug of abuse in New York, Boston, Philadelphia, and Chicago.

With the growth of marijuana as a cash crop and, with domestically grown marijuana accounting for a large share of the market, drug enforcement eradication activities have increased.

Indicators of PCP activity have increased in New York and Washington, D.C. and have been noted with greater frequency in Newark.

In Philadelphia, methamphetamine is cheaper than in any other area of the country, while in San Francisco stimulant abuse was reported as a growing problem.

No consistent substitute has been identified for methaqualone; presently diazepam (Valium) is the most common sedative-hypnotic found in "ludes".●

REPRODUCTIVE HEALTH EQUITY ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WEISS. Mr. Speaker, abortion is legal. A broad majority of Americans support this constitutional right. Many Members of Congress, however, have consistently ignored the views of the majority of all Americans who want abortion services kept safe and available.

In the 12 years since the Supreme Court's decision in Roe versus Wade which guaranteed the right of women to choose abortion, this choice has been all but eliminated for nearly 10 million women. Through antiabortion riders attached to a variety of Federal health care programs and benefits packages, congressional opponents of abortion rights have successfully limited access to legal abortion services by either denying funds for medical assistance or restricting earned benefits.

These measures have not ended abortion. What they have done is withheld from a certain segment of our population the constitutional right to equal protection of the law, and established a dual system of access to needed medical care.

The targets of this antichoice strategy are those Americans who receive health care services or health insurance benefits through the Federal Government. Among those now denied

choice over personal medical decisions are Medicaid recipients, native Americans, Peace Corps volunteers, military employees and their dependents, Federal employees, and residents of the District of Columbia.

It is not surprising that most of the women affected by the antichoice restrictions lack the necessary resources to effectively fight these restrictions. Medicaid recipients, by definition, are unable to afford medical care and have nowhere else to turn. Likewise, native Americans, the most impoverished minority group in the country, are denied even privately funded abortion services in Indian Health Service clinics or hospitals unless the life of the mother is endangered.

Peace Corps volunteers receive medical care as a benefit to supplement their small cost-of-living stipend. These volunteers, most of whom serve in outlying areas far from quality health care, are subject to a total ban on abortion services. Lower level military employees and their dependents, many stationed overseas, run health risks because they are denied care in base hospitals.

Abortion services are denied in the earned and often-bargained-for benefit packages of women employed by the Federal Government. The great majority of these women are in low-paying clerical positions. And the ban on abortion services to District of Columbia residents is particularly inappropriate, because it is in conflict with the District's home rule prerogatives.

No one should be surprised by the impact of these restrictions. Because of their poverty, native American women and Medicaid recipients run especially high risks of both unintended and problem pregnancies. Many women are forced to delay the procedure until they have raised the necessary funds. Delays result in much greater health risks and costs. Often, basic necessities such as food and clothing and the payment of household expenses like heating bills and rent are sacrificed.

Many poor women, however, are still not able to obtain legal abortions. Studies have shown that each year at least one in five women eligible for Medicaid are forced to carry their unwanted pregnancies to term. Another 5 percent, it is estimated, resort to illegal or self-induced abortions.

Abortion is legal in this country. And yet poor women, 12 years after the fact, are faced with the same complications, the same life-threatening situations that existed in the pre-Roe versus Wade United States.

These restrictions on health services are not as much about abortion as they are about poverty and wealth and the quality of medical care available to different groups of our people. Legal and safe abortion services are the right of every American woman, not a privilege to be determined by economic status.

Abortion is legal, but the fight for reproductive freedom continues. Today, I proudly join Congressmen VIC FAZIO, BILL GREEN and 73 of our colleagues in reintroducing the Reproductive Health Equity Act. It is the intent of this bill to eliminate the current discriminatory restrictions against women dependent upon the Federal Government for their health care and to abolish the two-tiered health system that currently exists in this country.

The current antichoice provisions stand in moral judgment of, and refuse any safe alternative to, poor women confronted with unwanted pregnancies. Millions of American women, many of them proudly serving our country, are forced to bear the burden of a particular moral judgment that is not supported by the society as a whole. We, in Congress, hold the responsibility to support the will and protect the rights of the people. We must continue the fight to guarantee safe and accessible abortion services to all women.●

INTRODUCTION OF THE HOME RESPIRATORY CARE ACT OF 1985

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WYDEN. Mr. Speaker, I am introducing today legislation, the Respiratory Home Care Act of 1985, which will bring both common sense and compassion into the provision of ventilator services by Medicaid and Medicare. I am joined in this effort by my distinguished colleagues, Mr. FLORIO, Mr. BRYANT, and Mr. FORD of Tennessee.

My bill will allow people who are dependent on ventilators—and would otherwise be getting ventilator care in a hospital paid for by Medicare or Medicaid—to remain in their own homes or in nursing homes and still receive reimbursement for their ventilator care.

Under our current system, thousands of people who need ventilator care, ranging from infants to the elderly, are being forced to remain in hospitals which are the most costly and often least desirable places to get this care. Studies have shown that ventilator care in the home is much less expensive than the same care given in a hospital. Nonetheless, many of the people now receiving ventilator care in hospitals—at the expense of Medicare and Medicaid—could just as safely receive the same care in the comfort of their home for less money.

But there's a catch. The Medicare and Medicaid Programs won't pay for ventilator care in a patient's home. This bias toward hospitals is more than just outdated, it's inefficient, inflexible, and expensive.

The situation was highlighted several years ago when a 3-year-old Ohio girl, Katie Beckett, faced the prospect of spending her life in a hospital because that was the only way Medicaid would pay for the round-the-clock ventilator care she needed.

In the hospital, Katie's care cost $6,000 a month. At home, she was able to receive the care she needed for only $1,000 a month. Medicaid saved $5,000 a month and Katie Beckett got to go home.

It took a special act by President Reagan to let Kattie Beckett receive the care she needed at home. This was the first of many special "permission slips" that were given to individuals to allow them to receive needed ventilator care in their homes.

Mr. Speaker, these "permission slips" have been valuable, but no one should have to go to the President of the United States to receive permission to do the right thing—get the care they need in the least costly, highest quality way. The Congressional Budget Office is currently working on a cost estimate, and we expect this bill to be at least budget neutral for the Medicare Program and to show substantial savings for Medicaid. If the cost estimate shows that we need further refinements, you have my commitment to make them.

Very simply, Mr. Speaker, this bill should achieve two very important goals—it should save the Federal Government money and should bring people home. The Medicare and Medicaid Programs, the taxpayers, families like Katie's, and people who need ventilator care would all be winners.

I urge my colleagues to support this bill, especially as we work through the Medicare and Medicaid budgets this year and look for ways to provide cost-efficient, high quality care in the most suitable setting.●

VETERANS' HEALTH CARE SHOULD BE A NATIONAL PRIORITY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RAHALL. Mr. Speaker, as we continue to address the budget for fiscal year 1986, we realize that many Federal programs will be affected by the decisions that will have to be made. We all have different priorities, however, I believe that our commitment to this Nation's veterans must be universal in the House and the Senate.

In this vein, a very high priority of mine is veterans' health care. I want

my colleagues to fully understand the impact of any budget reductions in funds to operate the VA's health care system. It occurs to me that no one is more qualified to relate the problems in the field than the people in the field; according to the chiefs of staff of VA hospitals nationwide who responded to a recent survey, inadequate budgets are already taking their toll.

More cuts in the budget will mean longer waiting lists, the turning away of certain non-service-connected veterans, and delays in many surgical procedures.

For the further information of my colleagues, there follows a report from the chief of staff at the VA Medical Center in Beckley, WV:

VA MEDICAL CENTER,
Beckley, WV, January 31, 1985.

HOWARD H. GREEN, M.D.,
Chief of Staff, President, NAVACOS, Veterans Administration Medical Center, White Junction, VT.

Subject: Questionnaire.

1. In response to your letter of January 2, 1985 concerning problems with deficits in pharmacy accounts, etc., the following is submitted:

(a) Size of hospital (include NHCU beds): 174 GM&S, 42-Bed NHCU.

(b) Affiliated? No.

(c) Projected dollar deficit as of January 1, 1985:

1. Personal Service—The combination of unfunded and underfunded personal service costs during the past two years has resulted in a Personal Service deficit of over $85,000.

2. All Other—We project a deficit of $82,000.

(d) Impact of dollar deficit:

1. Personnel—Due to the pending deficits, we are working with major personnel deficiencies. We have only two Nurse Anesthetists on staff; during periods of leave (annual, sick, educational), one person must provide 24-hour coverage for several days.

We have an employment level to provide only two Nursing personnel per ward during evening and weekend tours. We need at least one additional employee per ward during these tours to provide adequate coverage.

Some other areas of concern include physician and nursing personnel support in the Ambulatory Care Section, and additional support for pharmacy and MAS.

2. Supplies—Our Fiscal Year 1985 Target Allowance for All Other funds is 30 percent less than received in Fiscal Year 1984. As a result, minimal stock levels are maintained in all areas of operations. This has caused special problems in Pharmacy Service and the Operating Room. Nonemergency requests for supplies and services are being deferred until additional funds can be secured.

3. Equipment—We received less than $45,000 in Additional Equipment funding for Fiscal Year 1985. We currently have requests for additional equipment which significantly exceed our limited funds.

4. Backlog of patient surgery (specific numbers, types, and length of delay)—NA.

(e) Solutions you have devised (please be specific):

1. Placed an employment lag of one month before filling vacancies.

2. Reduced M&R service contracts by 30 percent. Service is being performed by staff bio-medical technicians.

3. Expanded tours of duty in Laboratory and Radiology Services, which reduced the hours of standby duty and the corresponding standby duty pay.

4. Implemented controls on the use of expensive drugs, such as antibiotics and anti-arthritic medications.

(f) Any other comments germane to the issue of resources. None.

ANTHONY DINH. M.D.,
Acting Chief of Staff.●

HONORING GOOD SCOUT AWARD RECIPIENT AL NATIVIDAD

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. TORRES. Mr. Speaker, I ask my colleagues to join me in honoring the mayor of Pico Rivera, Al Natividad, who has been selected as the 1985 recipient of the Rio Hondo district Boy Scouts of America prestigious Good Scout Award.

Al was born and raised in El Paso, TX, and is a veteran of World War II. After the war he moved to California and studied at East Los Angeles College, California State University at Long Beach, and the University of Southern California.

Mayor Natividad has served over 30 years in law enforcement, rising to the rank of inspector with the Los Angeles County Sheriff's Department. He retired in 1982 after having served as police chief for Pico Rivera and commanding an area containing the Norwalk, Lakewood, and Pico Rivera sheriff's stations.

In 1982, Al was elected to the city council of Pico Rivera and in April 1985 was appointed mayor. He is admired by his friends and the citizens of Pico Rivera for his dedication and service to the community. I have had the pleasure of knowing and working with Al for several years. Mayor Natividad has graciously served as a member of the military academy panel which makes recommendations to me on appointments to the military academies from the 34th Congressional District.

Mayor Natividad has served Pico Rivera with distinction as a member of the Pico Rivera Redevelopment Agency, the Pico Rivera Housing Assistance Agency, and city representative to the League of California Cities. He is a member of the legislative committee for the Southern California Association of Governments and State Advisory Group to the Governor on Juvenile Justice and Delinquency Prevention.

Mr. Speaker, I rise today on the floor of the House to proudly recognize my friend, Mayor Al Natividad for his outstanding service to the youth and people of Pico Rivera. He will be honored at a benefit dinner for the Boy Scouts, Cub Scouts, and Explorer Scouts on June 13, 1985. I want to join with others to pay tribute to his contributions.●

IN HONOR OF JOE BARTH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. FLORIO. Mr. Speaker, Joe Barth of Brooklawn, NJ, is being honored by the town of Brooklawn, Camden County, and the Brooklawn American Legion Post, No. 72, for his 34 years as coach. Through Joe's skills and dedication, his teams have won 33 area, 12 State, and 4 Eastern U.S. championships. In 1984, the team finished second in the American Legion World Series for 16- to 18-year-old young men, played in New Orleans, LA.

Joe has had a profound and positive impact on the many young men he has coached. Over 200 boys have been recipients of scholarships to play college baseball, and over 60 have become professional players.

I have been fortunate to know and work with Joe as a former fellow elected official and as a dedicated community leader. Joe, his wife Helen and their five children have lived and participated in their community for many years. Joe is most deserving of the honor being bestowed on Saturday, June 8, as an outstanding example of voluntarism and commitment to their community and our youth.●

PROF. NICHOLAS J. GRANT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. RITTER. Mr. Speaker, today I would like to bring to the attention of my House colleagues a symposium June 16–18 honoring the career of Nicholas J. Grant, professor of metallurgy, department of materials science and engineering, Massachusetts Institute of Technology. Professor Grant has been an honored faculty member at MIT for 40 years. His accomplishments, however, are not only in the realm of academia. Dr. Grant was among the first to push the technology transfer from the university to applications in industry. Even in the early 1950's while doing research in high temperature alloys and titanium, Dr. Grant realized that funding would continue to be provided only if the results were useful to the national welfare.

Dr. Grant went to Carnegie Institute of Technology in Pittsburgh on a football scholarship. He graduated with a

B.S. in metallurgical engineering in 1938. He obtained his Sc.D. in metallurgy in 1944 from MIT and began his teaching career at MIT the following year. In 1956, he was appointed a full professor.

Professor Grant's current research efforts are concentrated on high temperature metallurgy and materials with a major emphasis on rapid solidification science and technology. He has over 370 publications to his credit. Dr. Grant served on the Advisory Committee on Materials and Structures of NACA, the predecessor of NASA, from 1948 to 1958, then on the same committee under NASA from 1958 to 1966. From 1968 to 1974, he was a member of NASA's Research Advisory Committee, for a time serving as chairman. In all, he served 24 years on the two committees, an exception to NACA and NASA rules. He also served on numerous Government and institutional committees concerned with material topics. On these committees Dr. Grant was able to successfully transfer processes and data developed at the university to applications in the defense and civil sectors of our economy.

Dr. Grant also holds more than 30 U.S. patents and more than 100 foreign patents. Currently, he serves on the boards of five industrial companies and two mutual funds.

Nicholas J. Grant brings rich imagination and creativity as well as a warm and friendly personality to all his endeavors. His involvement with companies all over the world has enabled him to serve as a scientific ambassador for the United States. He has demonstrated the finest of American qualities to the rest of the world.

Nicholas J. Grant is an American pioneer. His efforts to join academia and industry have made him one of America's most valued scientists.●

THE FOREIGN MOTOR CARRIER REGISTRATION ACT OF 1985

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. COLEMAN of Texas. Mr. Speaker, today I am introducing a bill to correct the inequities created in a law, Public Law 98-554, the Motor Carrier Safety Act of 1984, passed at the end of the 98th Congress.

That law, though well-intentioned, will adversely affect this Nation's border economy with Mexico. In essence, the Motor Carrier Safety Act of 1984 provided for foreign carriers to obtain certificates of registration from the Interstate Commerce Commission to conduct commerce inside the United States. The original intent of the bill was to protect the American trucking industry from unfair competition from Mexico. The bill would have limited access for foreign carriers, primarily Mexican, to American markets by providing that they obtain a certificate of registration from the ICC, and only allow them to enter into the commercial zones designated by the ICC along the United States-Mexico border. The administration and the Congress believed that passage of this legislation was necessary to prod the Government of Mexico to open its trucking market to U.S. truckers. While I see no fault with the intent, I strongly object to the means. In effect, this law would cause undue strain on commerce along the United States-Mexico border, already hurt by the 1981 and 1982 peso devaluations. In conversations with the administration, the ICC, the U.S. Trade Representative, and the Department of Transportation, I became aware of the fact that none of these parties sought to bring harm to the American in-bond industry, a major boom to our border economy. Unfortunately, however, that is exactly what the implementation of Public Law 98-554 would do. Therefore, I am introducing a bill which would correct this situation without causing any harm to the American trucking industry, nor eliminate the road safety measures contained in the original bill.

My bill, the Foreign Motor Carrier Registration Act would do the following:

Clarify certain requirements contained in Section 226 of the Motor Carrier Safety Act 1984 (P.L. 98-554) regarding foreign motor carriers;

Clearly distinguish the type of certificate to be issued to foreign carriers;

Establish—

That registration requirements apply to all foreign carriers providing transportation of property (including exempt items); and,

That registration requirements relate to "commercial motor vehicles."

Establish—

The "fit, willing, and able" safety roadworthiness requirements applicable to foreign carriers when providing interstate transportation; and

The areas in which foreign motor carriers and foreign motor private carriers (foreign and United States owned and controlled) will be allowed to operate.

Mr. Speaker, the Foreign Motor Carrier Registration Act of 1985 is necessary to correct the inequities contained in Public Law 98-554. This bill reaffirms the existing law's safety provisions and strengthens them. It continues to protect the American trucking industry. Perhaps most significant, it avoids the undue harm on the American in-bond plant industry, which is so important to the United States-Mexico border region. It has only been a short 2 years since the drastic Mexican peso devaluations devastated this Nation's border economy. To cause further injury, which the implementation of Public Law 98-554 would do, could provide the fatal blow to that region with repercussions felt throughout the entire economy of the United States.●

FIRST ANNUAL ANNE FRANK AWARD

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WEISS. Mr. Speaker, Anne Frank was a remarkable young girl who retained her spirit and optimism even when forced into hiding to escape from the Nazis. Her diary attests to her steadfast courage in the face of constant danger. To commemorate the anniversary of Anne's birthday, this year there will be a major exhibition on the life and times of Anne Frank. Coinciding with the opening of the American Forum on Religion and Politics the American Friends of the Anne Frank Center will be presenting the first annual Anne Frank Award to Prof. Elie Wiesel.

The selection of Professor Wiesel for this great honor could not have been more appropriate. He has played an important and decisive role im making the public aware of the Holocaust. Professor Wiesel believes it is essential for the world to know how and why the Holocaust occurred because such an event can be prevented from recurring only if we understand why it happened the first time. Professor Wiesel had dedicated his life to this mission. Himself a survivor of the Nazi concentration camps, he subjects himself to the very real pain of recalling his horrifying memories again and again. His life is of such nobility as to have achieved almost universal praise and admiration.

The people at the Anne Frank Center also work to spread the story of the Holocaust throughout the world. They have chosen Professor Wiesel as the recipient of the first annual Anne Frank Award as a gesture of gratitude and respect. I complement the center for its fitting choice and congratulate Professor Wiesel as he receives this honor.

Just prior to being taken to the concentration camp where she died, Anne Frank wrote in her diary: ". . . in spite of everything I still believe that people are really good at heart." Her optimism was unwavering. She must have known that somewhere outside her secret hiding place there were people like Elie Wiesel.●

TRIBUTE TO ROBERT F. KENNEDY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. TORRICELLI. Mr. Speaker, today, we note 17 years since the tragic and untimely death of Senator Robert F. Kennedy.

In his death, there is only tragedy; but in his life, there was a moral dedication that is nothing less than inspirational.

What Robert Kennedy meant to us, and to all those he touched, was best summed up by his eldest son, Joseph, 2 years ago when he wrote:

> At the end of his life he was, many said, virtually alone in the ability to gather an almost fervent support from millions of America's working people—black and white and Spanish-speaking. He had become, I guess, a kind of populist * * *. Now, as I think of what has happened here in America and in other countries, too, I realize that millions of plain people, trying to make a go of it, often against considerable odds, are entitled to keep mourning the terribly premature death of Robert F. Kennedy as much as those in his family still do * * *.

His was a spirit that could neither be dampened nor corrupted, and his tenacity gave hope to us all. In a world of cynicism, he held fast to the dream of a brotherhood of man.

William Manchester recently wrote some words about President Kennedy which, I think, are just as appropriate for his brother Robert. Manchester compared the President to the brightness of the star Capella, "It is brilliant, it is swift, it soars. Of course, to see it, you must lift your eyes. But he showed us how to do that."

Robert Kennedy showed us, as a people, how to lift our eyes to the future, how to extend a hand of compassion to the unfortunate, how to wield the sword of truth against injustice, how to inspire the dreams of youth and, finally, he showed us how to better mankind through hope.●

HONORING MICHIGAN HOUSING COUNSELORS AND ERWIN R. KING

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. BONIOR of Michigan. Mr. Speaker, it is a distinct honor for me to mark today the 25th anniversary of the founding of Michigan Housing Counselors/Michigan Credit Adjusters, and to honor as well its distinguished founder and president, Erwin R. King.

Mr. Speaker, Mr. King and his firm are Michigan's oldest and most respected, and perhaps largest housing and credit counseling agency. The standards this firm has set over the last quarter century have shaped financial counseling in Michigan.

Mr. King's firm has had a major impact on Michigan's financial markets. In its 25-year history, the firm has counseled over 10,000 clients on consumer debt problems, preserving over $30 million. They have counseled over 5,000 mortgage cases, saving over $200 million in assets.

Mr. King has served as the president of the Michigan Association of Credit Counselors. His experience and professional reputation have extended far beyond Michigan. He has served as the secretary treasurer of the American Association of Credit Counselors.

Many of my colleagues will remember that several years ago, when the small but important Federal program to provide housing counseling was under attack, Mr. King came to Washington and testified in support of the program. His eloquent and specific statement was instrumental in saving that program.

Mr. King has also been a major influence in community affairs throughout southeastern Michigan. His firm contracted to provide counseling to low income families in Macomb County, receiving just $1 a year from the county to bind the contract. From 1969 through 1980, Macomb Credit Adjusters donated over 18,000 hours in counseling to over 2,500 clients, handling over $5 million under the contract with Macomb County.

Mr. King's years of community service touches many agencies vital to southeast Michigan. He has been active in the Michigan Cancer Society, the Kiwanis Club, the Michigan United Fund, as well as the Macomb County Human Resources Committee.

Mr. Speaker, I could go on and on about Mr. King's community service. It surprised few people when Mr. King was named "Citizen of the Year" by the Macomb County Board of Commissioners in 1979.

Mr. Speaker, Mr. King has helped give birth to the industry of financial counseling in Michigan, seeking the highest standards for the profession, handling over a quarter of a billion dollars in assets, and in the process protecting and shaping our neighborhoods and communities.

And the growth and expansion of Mr. King's work is not over. His firm is presently counsidering plans to begin franchising credit and mortgage counseling services across Michigan. There is a great future ahead.●

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. LEWIS of Florida. Mr. Speaker, on Thursday, June 6, due to official business, I was unavoidably absent during rollcall No. 142. Had I been present, I would have voted "nay."●

ANTI-APARTHEID ACT OF 1985

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. TALLON. Mr. Speaker, I rise today with great pride and optimism after this body's vote of 295 to 127 for H.R. 1460, the Anti-Apartheid Act of 1985. I am proud to be one voice in the House of Representative's unified message to South Africa and the Reagan administration that the racist regime of South Africa will no longer receive implicit or explicit U.S. support.

The news media carries almost daily reports of continuing violent confrontations between blacks seeking political and humanitarian rights and the forces of the South African Government.

I believe there can be no doubt that the cause of this violence lies in the system of apartheid, a system which maintains 23 million blacks, the overwhelming majority in South Africa, as outcasts in their own land.

The Republic of South Africa is the only place in the world where racism is enshrined in law. By law in South Africa, the color of one's skin determines whether that person can own property, where he can live, where he may work and whether he can vote.

How can we, as Americans, who pride ourselves on our commitment to civil rights, continue to directly or indirectly support a Government which denies the most basic of human rights to the largest racial group in its country?

That is why this legislation is so important and why I strongly supported its adoption.

We all agree that the apartheid system is moral and political evil. The question is how the United States can most effectively use its influence to change this system of institutionalized segregation.

The time is now for a new policy—one consistent with American values and American national interests. But we must make clear our opposition to apartheid in deed as in word.

Mere rhetoric can no longer suffice in the face of grave injustice and gross violation of state authority against a

people who merely seek what we all seek—equal political economic and social rights before the law.

America's economic strength will no longer go to support apartheid. Quite simply, this legislation imposes four economic sanctions on South Africa: a ban on loans to the South African Government, a ban on any new investment in South Africa, a ban on the importation of South African Krugerrands, and a ban on the sale of computers to the South African Government. The bill also establishes penalties for violations of these economic sanctions.

The measure also permits the President, only with congressional approval, to waive for a limited period the prohibitions involving new investment and gold coins if the South African Government meets one of eight conditions stipulated in the bill. The conditions require the South African Government to take definite steps to dismantle apartheid.

These economic sanctions will clearly indicate to the South African Government and the world that South African governance by threat or repression will no longer be tolerated. Through this legislation and further efforts, we can move to the construction of justice, freedom, and hope in South Africa.●

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ROGERS. Mr. Speaker, on June 4, 1985, I was unable to be present for rollcall No. 134, an amendment to H.R. 1460, the Anti-Apartheid Act of 1985. Had I been present, I would have voted "aye."●

A TRIBUTE TO ROBERT H. McGOWAN, CHIEF OF POLICE, CITY OF PASADENA, CA

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MOORHEAD. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues in the House of Representatives the retirement of a dedicated and effective public servant, Chief Robert H. McGowan of the Pasadena Police Department.

Chief McGowan joined the Pasadena Police Department in March 1954. Within a decade and a half, he was appointed the top law enforcement officer in the city of Pasadena. In that position, he made his presence felt almost immediately with an extensive reorganization of the department. He started the police helicopter patrol, which has achieved an unexcelled enforcement and safety record. He established the first full-time school resource officer program in the State of California. He organized a full-time special enforcement team, a youth services section to provide a wide range of alternatives to cope with juvenile crime problems, a Neighborhood Watch Program, a victim assistance team and a special narcotics task force, which has enjoyed considerable success.

In a word, Chief McGowan developed a police department that was responsive to the needs of the time and the city of Pasadena. He helped mold a police department that is a source of pride to the community and the people who serve in the department.

He has also served with distinction and respect on numerous county and State peace officers associations, being the president of the California Police Chiefs Association in 1981.

Chief McGowan's civic activities are almost as numerous as his law enforcement and criminal justice activities. He served with the Pasadena chapter of the American Red Cross, the California National Guard, the League of California Cities, the Pasadena City College Board of Directors Alumni Association, the Los Angeles Area Council on Community Relations and the Pasadena Little League.

The residents of Pasadena and the wider community will miss Robert McGowan's numerous contributions to the safety and welfare of our society. He is a man worthy of emulation and a man who deserves our gratitude for his countless contributions to our well-being.

Mr. Speaker, on behalf of myself and the residents of the 22d Congressional District, I wish for Robert McGowan in retirement the very best, which is what he has been giving us for so many years.●

AMERICA'S SPIRIT OF ALTRUISM ALIVE IN FLAGLER COUNTY

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. CHAPPELL. Mr. Speaker, as many of my colleagues are aware, Florida was recently subjected to a series of fires which left hundreds of thousands of acres blackened and hundreds of Floridians homeless.

One of the largest and most devastating of these fires occurred in Flagler County in the Fourth Congressional District. This fire burnt almost 30,000 acres and destroyed over 100 homes.

In response to this disaster, the people of Flagler County and neighboring jurisdictions banded together in a cooperative effort of voluntarism and hard work. Over 300 firefighters worked around the clock to bring the fire under control. After a tireless and courageous fight, and some help from Mother Nature in the form of rainfall, the fire was halted.

While controlling the fire brought relief, it also allowed local residents to focus on the devastation their community had suffered. However, the people of Flagler County, with the help of an unprecedented outpouring of needed commodities from nearby residents and over 250 volunteers, have begun the cleanup and to put their community back in order.

Mr. Speaker, much work remains to be done in Flagler County, but tribute must be paid to those who risked their lives and gave of their time and money to help their fellow citizens in their time of need. While the devastation has been great, the community response has shown that America's spirit of altruism is alive and well in Flagler County.●

EVA FOURNIER, OUTSTANDING SENIOR VOLUNTEER

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Ms. SNOWE. Mr. Speaker, Eva Fournier, of Rumford, ME, has just been named the Outstanding Senior Volunteer for Maine by the Federal Administration on Aging. At the age of 90, she is leading a life filled with energetic activity and concern for her friends and community.

Just a partial list of Eva's volunteer efforts illustrates her dedication to people of all ages in the Rumford area. Mrs. Fournier donates 30 hours each week to the Rumford Retired Senior Volunteer Program [RSVP]. Three days a week she is the "money lady" at the Rumford congregate meal site. Once a week she works with residents at the Cozy Inn Nursing Home, and clerks once each week at the Second Time Around Shop, a fundraising activity for the benefit of senior citizens projects. She assists with getting out the monthly senior citizen newsletter and regularly bakes for senior citizens fundraising sales.

Eva reaches out to those who are taking their first steps in life as well, by knitting and crocheting mittens and other articles for the local Head Start Program. While it's easy to see why the RSVP coordinator said it would take five volunteers to replace her, I don't think anyone could replace Eva—only follow her.

I take great personal pride in having had the honor of nominating Eva Fournier as Outstanding Volunteer. She stands as a role model for women of all ages: committed to brightening her life by improving the lives of those around her. It is a virtue that shines even greater because of her nine decades of life.

Mr. Speaker, I join with hundreds of others in Maine in saluting and thanking Eva Fournier for her tireless efforts.●

THE 1985 LONG ISLAND HIGH SCHOOL OF THE YEAR

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MRAZEK. Mr. Speaker, I rise today to bring to the attention of my colleagues the exceptional endeavors of some special high school students in New York's Third Congressional District.

Mineola High School in my district has just been awarded the grand prize in the 1985 Long Island High School of the Year competition for its outstanding contribution to community services. The award is presented annually by Newsday, Long Island's daily newspaper.

Mr. Speaker, we live in the greatest democracy in the world. Part of America's strength lies in the selfless and consistent voluntary support given by the youth of this country to those less fortunate. The students of Mineola have upheld the American tradition of voluntarism by donating their valuable time to causes which bring personal rather than financial rewards. The students have learned that sometimes even a minimum effort can bring immense, intangible joy to others' lives, and a special satisfaction to their own.

The Mineola students focused their efforts on one of the most critical community needs—enhancing communication between youth and senior citizens. Aging is a process most of us will someday confront. Yet, at the same time, few of us are adequately prepared to face the problems naturally connected with aging, such as loneliness and physical illness. The students of Mineola High established a Nursing Home Visitors Program, through which groups of students visited nursing homes over a period of 6 to 8 weeks. They also held fundraisers so they could invite senior citizens from Mineola to a luncheon at the school cafeteria with the high school students acting as waiters and cleanup crew.

These programs were specifically designed to dispel myths and stereotypes often held by youth about aging and the elderly. In light of this outstanding community service, I want to applaud the students' efforts, encourage continuation of these endeavors, and congratulate them on their selection by Newsday as the 1985 Long Island High School of the Year.●

GENERAL AGREEMENT ON TARIFFS AND TRADE NEEDS TO BE REEVALUATED

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 28, 1985

● Mr. THOMAS of California. Mr. Speaker, today I introduce a resolution calling upon the President to reevaluate the General Agreement on Tariffs and Trade [GATT] as a tool for obtaining relief for U.S. industries from unfair trade practices. If the President should determine GATT will not afford relief on our outstanding trade complaints within a reasonable period of time, the President is further urged to recommend to Congress appropriate reductions in U.S. funding of GATT activities.

This is not a resolution about GATT's dismal control of subsidies in agriculture or the European Community's callous refusal to agree to new trade negotiations on export subsidies and settlement processes. This resolution simply asks why the United States should continue to fund an international organization that seems to have no power to protect U.S. trade rights.

Recently, the European Community made it clear it will block any further action on a GATT panel report in favor of U.S. citrus producers. Having followed GATT rules since 1982 in seeking relief from EC trade preferences that nullify and impair U.S. rights, U.S. orange and lemon growers are now learning that GATT prevents them from getting relief. GATT actions are taken by consensus, and the EC's opposition to further action means the defendant in this action has simply decided not to allow any more to be done. The community's blatant action is no different in principle than its refusal to permit adoption of an earlier panel decision in favor of the United States on unfair EC export subsidies for pasta.

These actions show that the European Community or any other party can effectively deny the United States its rights under the agreement any time we stand a reasonable chance of winning a complaint. Why should the United States continue funding an organization that is of no use in protecting our trade rights? It seems the United States is only paying for the right to be told, drop dead.

In the near future, Congress will act on a conference agreement for the fiscal year 1986 budget. Lots of Americans are going to be asked to sacrifice under that budget no matter what it contains. The House will make hard choices and will undoubtedly demand that Government expenditures produce as much public benefit as possible.

One of those hard choices should be on our funding of GATT. The United States is supposed to supply GATT mechanisms with 14.88 percent of their funding this year, about $3.4 million; last year, the United States provided about $3 million. I am sure my colleagues will agree that we should demand some benefit from such expenditures. The time has come for a critical reevaluation of GATT's failure to provide relief, its poor prospects for providing relief in the future, and the barefaced waste of U.S. funds.

I urge my colleagues to join me as cosponsors of this resolution in order to emphasize the need for scrutiny of GATT's dismal performance. Unless the United States signals its displeasure with GATT's Byzantine and useless mechanisms, we will never get our trading partners to seriously discuss necessary reforms.●

A CONGRESSIONAL SALUTE TO JIM VAN STEDUM, OUTGOING PRESIDENT OF THE GREATER LAKEWOOD CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity to draw attention to the achievements of Mr. Jim Van Stedum, soon to be honored as the outgoing president of the Greater Lakewood Chamber of Commerce. Let me say at the outset that this can be, due to space limitations, at best a sketchy tribute to this gentleman who has contributed so much to our community.

Jim, the oldest of 12 children, was born on a dairy farm in Arpin, WI, in the same house that his father was born in. After attending Stevens Point College, he opened a vacuum cleaner store. Wisconsin's loss was California's gain when, in 1956, Jim came to Long Beach and worked for Sears & Roebuck. After serving 2 years in the Army, he went to Chicago where he worked for Ardis & Co., managing office space in the Loop.

Returning to Long Beach in 1960, Jim demonstrated his prowess at various sales positions. In 1977, he became a Farmers Insurance agent. Since then, his agency has grown to be one of the most successful Farmers Insurance offices in the area.

Since joining the Lakewood Chamber in 1979, Jim has continued to spread his positive influence to the benefit of the Lakewood/Long Beach community where he and his wife, Eileen, reside. He served on the board of directors in 1980 and held the position of 2d vice president in 1982. Jim is soon to conclude his term as the 1984-85 president. In addition to his activities with the chamber, he is a member of the Moose and Eagles lodges, and has served as treasurer and trustee for the Eagles as well as being head of the Max Bear Heart Fund for 1 year.

Jim Van Stedum is one of the many outstanding citizens whose activity in the community has added immeasurably to its betterment, and which makes me proud to represent the 32d District of California. My wife, Lee, joins me in wishing Jim and his wife, Eileen, all the best in their future endeavors.●

POLITICAL LABELS OFTEN MISLEADING IN REFLECTING AFRICAN REALITIES

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. WOLPE. Mr. Speaker, a significant gap exists between political labels and policies in almost every African country. It is a gap that has grown dramatically over the 25 years of African independence. Since 1960, African governments and societies have experimented with a variety of governmental and economic techniques and structures in their search for development and national growth. In numerous cases, the application of borrowed Marxist and Socialist principles have failed to alter or counteract a protracted economic decline throughout the continent. Indeed, as practiced in several African nations, Marxism and socialism has produced as wide a gap between expectations and fulfillment of economic well-being as that in many Warsaw Pact countries. As a result, there is disillusionment in many African capitals and a search for different approaches to Africa's economic woes.

Consequently, African leadership circles are reconsidering their ties to Western technology, capital, and expertise. It is important that the American response to these renewed overtures include a willingness to construct a dialog with all African countries, no matter their political labels. It is important that we do so in order to position ourselves to take advantage of this African attempt to reorder priorities in a way that best serves to strengthen and protect U.S. interests. As the weaknesses of the Soviet model are exposed and reexamined in the African context, the United States should move to support and offer expanded assistance toward alternative approaches for economic growth and development. I commend to my colleagues an article by Glen Frankel of the Washington Post that articulates very well certain aspects of this process of change, which is presented as follows:

[From the Washington Post, June 6, 1985]

SOCIALISM SEEN LOSING APPEAL IN AFRICA

(By Glenn Frankel)

HARARE, ZIMBABWE.—This continent, strewn with human victims of economic failure, is claiming an ideological victim as well.

Africa socialism, born and raised as the privileged offspring of the independence decade of the 1960s and grown to maturity in the Marxist-Lennist states of the 1970s, has been dispossessed and increasingly rejected in the squalor and turbulence of the 1980s.

Two weeks ago Tanzanian President Julius Nyerere, one of the founding fathers of African socialism, announced the lifting of his country's 14-year ban on private ownership of rental housing and a plan to sell off many state-owned farming estates to private businessmen.

The self-proclaimed Marxist state of Mozambique recently drafted a new private investment code, lowered taxes and eased import and export controls in a bid to attract foreign capitalists. It is one of several African states seeking investment from multinational firms they once viewed with open hostility. Similarly, Zimbabwean Prime Minister Robert Mugabe, who calls himself a Marxist-Leninist, mentioned socialism only twice in his annual address to the nation in April, and then only to assure this audience that his socialist goals would be achieved "by education and persuasion and not by imposition and compulsion."

Many reasons lie behind the retreat from socialism. One is the failure of socialist-oriented governments such as the ones in Tanzania and Zambia and Marxist states such as Ethiopia to meet their people's basic needs. Another is general disenchantment with the Soviet Union, which has not been able to supply sufficient funds and other resources beyond arms to allies such as Ethiopia, Angola and Mozambique and which ideologically has often treated those nations as well-meaning but impressionable children rather than full-fledged socialist partners.

But the most compelling reason is sheer survival. Many countries practicing socialism, whether of Nyerere's "humanistic" variety or the more ideological Marxist mode of Angola and Mozambique, are facing economic disaster and groping for new ways to stimulate growth. Increasingly they are forced to turn to the West for capital and for ideas.

About 10 of Africa's 50-odd nations call themselves socialist and another eight refer to themselves as Marxist. But the list includes such anomalies as Zimbabwe, whose leadership considers itself Marxist even while the country functions under a mixed, often capitalist-dominated economy.

Like Nyerere, many of these leaders turned to socialism in the late '60s and early '70s after the first decade of independence when they decided that capitalism had produced "growth without development," that is, increases in the gross national product but not better living conditions for the vast majority of their people.

Few leaders are willing to concede publicly what they now are retreating from the socialist model. But the impact of the steps many are taking is clear.

"We've been living beyond our means," said Tanzanian Finance Minister Cleopa Msuya, one of those overseeing his nation's policy reforms. "Cutting costs is neither socialism nor capitalism; it's just common sense." But, he added, "those who are realists can see the country is moving in a new direction."

A key feature of that new direction has been a move away from economic centralization. Once a prime goal of the newly formed countries of Africa, centralization was designed in theory to mobilize all of a nation's thin resources for the push toward development.

In practice, centralization often led to bloated and corrupt bureaucracies and state-controlled companies in national capitals run by poorly trained officials who had little or no idea of needs and priorities in the countryside, where most Africans live.

In many countries, central planning started as a watchword and soon became a farce. Mozambican officials never even bothered to publish their last five-year plan, which was designed in 1981 and scrapped the same year. Planning officials here were conceding that Zimbabwe's last three-year plan was out of date even before it was announced in 1983.

Part of the problem with socialism in Africa is that no government ever had defined it firmly. The early rulers of independent Africa, including Nyerere, Ghana's Kwame Nkrumah and Zambia's Kenneth Kaunda, sought to create a special brand of distinctly African socialism that was classless, agrarian and noncoercive and that harked back to the precolonial days when, it was claimed, a sort of pastoral communism flourished in Africa. But while Nkrumah moved increasingly toward a Marxist model, Kaunda tried to build a massive welfare state based on the earnings of one industry—copper—while Nyerere eventually opted for a complete overhaul of Tanzania's countryside by compelling peasants to relocate in collectivized villages.

All three models failed: Nkrumah's when he was overthrown, Kaunda's when the copper wealth ran dry and Nyerere's when peasants rebelled against forced moves and low farm prices by withholding their crops from the official marketplace.

In other nations, socialism began not as a program but as a response to perceived repression. Since white-minority governments in countries such as Angola, Mozambique and Zimbabwe called themselves capitalist, their black guerrilla opponents quickly identified themselves as socialists.

"To be a socialist meant to be opposed to the white-minority regime and to racism," said Willie D. Musarurwa, editor of the Harare Sunday Mail, who spent 10 years behind bars under white-minority rule here. "It had very little to do with real ideology or economics."

But after independence, translating liberation-movement slogans into governmental realities proved extremely difficult. Orthodox Marxism, with its belief in a broad, functioning working class and a small, vanguard revolutionary party as prerequisites for socialist transformation, often seemed less than relevant to an Africa that lacked industry and resources and whose political parties generally were mass organizations embracing many social classes and ideologies.

Even the Soviet Union, which encouraged the spread of communism in Africa, could

not bring itself to call its new Marxist proteges "socialist," instead they were labelled "socialist-oriented," a tag many African Marxists viewed with contempt.

Africa's economic agony has led even the most doctrinaire Marxists to rethink their policies. Angolan officials have said their Soviet economic advisers have encouraged them to turn to western transnationals such as Gulf Oil for new capital during what they describe as the "transition period" between the colonial past and a socialist future.

Marxists and other radical analysts defend themselves in part by denying that socialism ever got a chance in Africa.

"A lot of these regimes weren't really socialist to begin with," said Nelson Moyo, chairman of the economics department of the University of Zimbabwe. "The idea of centralizing everything at once without adequate manpower or training—that's not necessarily socialism."

Some radical analysts contend that the retreat from socialism is largely a result of pressure from western aid donors and lenders such as the World Bank and the International Monetary Fund.

Others say fruits of African independence have not been lost despite recent setbacks.

"Africa made a major step forward in becoming independent," said Paul Brickhill, a leftist intellectual who manages a socialist bookstore in Harare. "But now the struggle has moved to a further stage."

Paradoxically, some analysts suggest that the country that may have the best chance of achieving genuine socialism is the last holdout against black rule—South Africa. There, the reasoning goes, exists the largest, best trained and most politically sophisticated black working class and industrial base in Africa, some of the continent's fastest growing trade unions and a readily identifiable class enemy. If ever there is a workers' revolution in Africa, some Marxists contend, South Africa is where it will occur.●

IN SALUTE OF SACRAMENTO'S KAISER PERMANENTE HOSPITALS 20 YEARS OF PROGRESS, QUALITY AND CARING

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. MATSUI. Mr. Speaker, for 20 years Kaiser Permanente has provided outstanding service to my home community of Sacramento. On behalf of Sacramento, I would like to commend the Kaiser Permanente Medical Care Program and recognize its vital contributions in enhancing the quality of health care service in my community.

Kaiser first opened its doors in Sacramento on May 1, 1965. In the two decades since that date, Kaiser has grown from a small 64-bed hospital and clinic to two medical centers in Sacramento County and a medical office complex in Roseville, serving over 300,000 people which is equivalent to one out of every four residents in the Sacramento area.

The nature of health care, the demand for certain services and the role of medical providers has changed dramatically in 20 years. Such a transition requires flexibility, creativity and the willingness to take risks. These skills and talents, coupled with Kaiser's innovation, commitment and personal caring has thrust them from a maverick in health care to a national leader in the quest to provide the highest quality of care at an affordable price.

Again, Mr. Speaker I would like to commend and congratulate Kaiser Permanente on its 20th anniversary and wish them many more decades of success in Sacramento.●

THE REGISTRATION PROGRAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. SOLOMON. Mr. Speaker, when the House considers the Department of Defense Authorization Act I will offer two amendments aimed at strengthening our country's registration program. The first amendment simply states that no person who is required to register with the Selective Service and has not registered, shall be employed in civil service positions in the Federal Government. The second amendment prohibits individuals who have failed to register from working under a Department of Defense contract. These measures simply extend current laws which prohibits taxpayer benefits from individuals who have failed to register. They provide a practical and relatively inexpensive way to improve the effectiveness and fairness of the registration program.

Failure to register is not a victimless crime. The victims are the over 13.5 million patriotic young men who have abided by the law. Each man who ignores the law increases the draft vulnerability of those who have registered. The purpose of these amendments is to assure that the young men of our country are treated fairly.

We still have a large number of young men who are not registered and if Congress authorized a draft today the system would bypass those who have ignored the law and only call up those who have abided by the law. This is the problem my amendment seeks to address. These amendments are strong inducements to comply with the law. They will improve registration compliance and by so doing will insure that the young men of this Nation are treated in a fair and equitable manner.

Peacetime registration is a straightforward and vital contribution to the maintenance of our Nation's defense. The program contributes up to 2 months to our national readiness posture in the event America must mobilize. Linking Federal employment and employment created by defense contracts to the registration requirement simply tells young men that they cannot expect the benefits of our society if they fail to meet the minimum requirements of citizenship.

America's young men enjoy a priceless heritage: They are better off politically and economically than young men in any other country at any time in the history of mankind. But the freedoms they enjoy did not come easily. In a recent Supreme Court decision involving Selective Service, Justice Lewis Powell stated:

> Few interests can be more compelling than a Nation's need to ensure its own security. It is well to remember that freedom as we know it has been suppressed in many countries. Unless a society has the capability and the will to defend itself from the aggression of others, constitutional protections of any sort have little meaning.

The House of Representatives and the other body have overwhelmingly approved similar Solomon amendments. Under current law an individual who wants a job or job training under the $5 billion Job Training Partnership Act must be registered with the Selective Service. An individual who wants Federal student assistance must be registered with the Selective Service. Now I am requesting individuals who want Government or defense related employment to be registered. These are logical extensions to my earlier efforts.

In 1984 the Supreme Court of the United States, in a 6 to 2 decision, ruled that the original Solomon amendment was constitutional. The two amendments I will offer are crafted in a similar manner. I am hopeful that we can avoid any unnecessary debate concerning the constitutionality of this legislation. With respect to bills of attainder and an individual's fifth amendment rights, the Supreme Court stated in Selective Service versus Minnesota Public Interest Research Group, "Section 1113 imposes none of the burdens historically associated with punishment. As this Court held in *Flenning* v. *Nestor*, 363 U.S., at 617, the sanction is the mere denial of contractual governmental benefit. No affirmative disability or restraint is imposed, and Congress has inflicted nothing approaching the infamous punishment of imprisonment or other disabilities historically associated with punishment.

Congress did not even deprive appellees of title IV benefits permanently; appellees can become eligible for Title IV aid at any time simply by registering late and thus "carry the keys of their prison in their own pockets." *Shillitani* v. *United States*, 384 U.S. 364, 368 (1966). A statute that leaves open perpetually the possibility of qualifying for aid does not fall within

the historical meaning of forbidden legislative punishment.

With respect to individuals' rights under the fifth amendment the court stated:

However, a person who has not registered clearly is under no compulsion to seek financial aid; if he has not registered, he is simply ineligible for aid. Since a nonregistrant is bound to know that his application for federal aid would be denied, he is in no sense under any "compulsion" to seek that aid. He has no reason to make any statement to anyone as to whether or not he has registered.

My amendments leave open the possibility of qualifying for employment simply by registering and certainly no one is under any compulsion to seek this type of employment.

I hope that the over 300 Members of this body which voted in favor of the original Solomon amendment will continue and which have supported these actions on several occasions will continue to support my efforts to maintain an effective and fair peacetime registration program.●

PENSION PLAN PARITY FOR THE SELF-EMPLOYED

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. JEFFORDS. Mr. Speaker, today my colleague, BILL CLAY, and I are introducing legislation of a technical nature to complete the process begun in 1982 to eliminate distinctions in the pension law between qualified plans for the self-employed and their employees—H.R. 10 plans—and the plans maintained by corporations. Generally, our bill extends the principle of parity embraced under TEFRA—the Tax Equity and Fiscal Responsibility Act of 1982—to the one area overlooked in that legislation; that is, to loans made to plan participants under H.R. 10 or so-called Keough plans.

In making the 1982 changes, Congress believed that the level of tax incentives made available to encourage an employer to provide retirement benefits to employees should generally not depend upon whether the employer is an incorporated or unincorporated enterprise. Similarly, Congress believed that the rules needed to assure that the tax incentives available under qualified plans are not abused should generally apply without regard to whether the employer maintaining the plan is incorporated or unincorporated.

By amending section 4975(d) of the Internal Revenue Code and section 408(d) of ERISA—the Employee Retirement Income Security Act of 1974—to permit certain participant loans, our bill removes the major remaining impediment to full pension plan parity for the self-employed. Specifically under present law a qualified corporate plan is permitted to make a loan to a plan participant if certain requirements are met. Generally, the loan must bear a reasonable rate of interest, be adequately secured, provide a reasonable repayment schedule, and be made available on a basis which does not discriminate in favor of employees who are officers, shareholders, or highly compensated. The technical amendments under the bill would extend the identical corporate plan requirements with respect to participant loans to the plans maintained by the self-employed. Given the corrective nature of these amendments, we anticipate these changes to be taken up this year in the context of technical corrections to the approriate statutory law.●

ADVO SYSTEMS' NATIONAL CAMPAIGN TO LOCATE MISSING CHILDREN

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. LELAND. Mr. Speaker, it is with great pleasure and gratification that I announce today that Michael and Pamela Mayfield, two children from my district who have been missing since January of this year, will be the second and third children featured in ADVO Systems Inc. national campaign to help locate missing children. The children's picture will be featured on ADVO's mailing for the weeks of the 10th and 17th of June.

ADVO System, Inc., a major direct mail operation, introduced this unique campaign in late May to provide assistance in locating missing children. Each week ADVO's address cards, whose mailings reach 40 to 50 million households, will feature a photograph of a missing child along with vital statistics concerning the children and a toll free number for the Center for Missing and Exploited Children. ADVO's campaign is working closely with the center in an effort to create a heightened awareness of this tragic problem. These cards will serve as a reference and a constant reminder of the need for people to actively participate in locating missing children.

I am pleased that ADVO Systems, Inc. has selected Michael and Pamela Mayfield to be featured in their campaign. Michael who is 6 years old and his sister Pamela who is 5, were last seen walking home from school together on January 10, 1985. Nothing is known of their whereabouts since that tragic day in January. For the families, a missing child is a tragic occurrence but for the Mayfield's theirs is particularly distressing. Here is a family whose lives have been completely devastated because not one but both of their children are missing. We offer our sympathy and can only speculate about the worry, fears, and frustrations this family is having to endure. We are all hopeful that this effort by ADVO Systems, Inc. will be successful and that Michael and Pamela will be located and returned to their home and the agonizing ordeal for them and their family will end.

The promise of a happy ending for families such as the Mayfield's can be realized if everyone actively participates in ADVO System's campaign. Their efforts on behalf of missing children deserve our assistance. ADVO's address cards should be kept handy for easy reference and I encourage all Houstonians, as well as everyone across the country, to make a conscious effort to review the photo and information. It is very important that any information be immediately reported to the toll free number displayed on the card.

I would like to commend the laudable efforts of ADVO Systems, Inc. and its president, William McConnell for providing everyone the opportunity to participate and aid in the search for our missing children. They are to be congratulated for sharing their resources in this worthy and necessary effort. ADVO Systems has exhibited a sense of corporate and civic responsibility that is a model for others to follow as we attempt to combat the ever increasing and tragic problem of missing children.●

BE CAREFUL OF LEGISLATION TO EXTEND MASSIVE TAX BREAKS TO ALTERNATIVE ENERGY INDUSTRIES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. STARK. Mr. Speaker, at the end of 1985 the extra 15 percent in investment tax credits for alternative energy are due to expire. Many Members are urging that they be continued.

I would urge my colleagues to be careful. There are some truly dedicated people in this business—and there are some roaring crooks. The following articles describe some of the recent law enforcement actions against the tax rip-off artists who have invaded the scene. Before throwing more billions of dollars at this industry, we need to separate the wolves from the sheep.

The articles follow:

TAX SHELTERS: SUIT AGAINST SOLAR EQUIPMENT PROMOTERS ALLEGES $78 MILLION POTENTIAL TAX LOSS

(From the Bureau of National Affairs)

A suit filed June 3 against the California promoters of a tax shelter scheme involving the sale of overvalued solar energy equipment to take advantage of investment tax credits and federal and state energy tax credits could have cost the government more than $78 million, according to the Justice Department.

The civil suit, filed in the U.S. District Court in San Francisco, claims the defendants took advantage of federal and state laws by operating "the type of fraud commonly referred to as a 'Ponzi scheme,'" in which money returned to investors is derived, not from any real business activity, but from cash paid in by subsequent investors, Justice said.

Justice named as defendants in the case the United Energy Corp., Renewable Power Corp., United Financial Corp., and officials of these firms, Ernest P. Lampert, Delphine Lampert, and John P. Thorne, all of Foster City, Calif., and Robert J. Burns of Claxton, Calif.

The tax shelter program, marketed by United Energy Corp., involved the sale of overvalued solar "power modules," which consisted of platforms mounted with parabolic mirrors or optic lenses designed to reflect sunlight onto power heads containing photovoltaic power cells to convert sunlight into electricity, the suit alleged. The modules also would allegedly produce thermal energy as a result of the need for a water circulation system to continually pump water through the devices to cool the photovoltaic cells and prevent them from burning up, Justice alleged.

Purchasers of the modules were encouraged to sign "power sales agreements" with Renewable Power Corp., the operator of "solar farms" in which the modules were installed by United Energy, according to the suit.

Under these agreements, Renewable Power Corp. would agree to purchase the electricity and thermal energy generated by the solar modules from the investor/owner. The solar energy purchased from the investors is purportedly to be sold to public utilities under California's cogeneration laws, while the thermal energy is to be used to run ethanol stills on the solar farms, Justice alleged.

The solar farms are substantally nonoperational and have produced and sold less than $400 worth of electricity, although those who bought the modules in 1982, 1983, and 1984 received statements from Renewable Power indicating substantial amounts of power were being produced, Justice continued, noting that investors were paid for the power supposedly generated.

The suit charged that, since a minimal amount of power was actually produced, the source of these payments was the money initially paid to United Energy Corp. by the purchasers, which was then loaned by United Energy Corp. to United Financial Corp. and reloaned by United Financial to Renewable Power Corp., Justice said.

The overvalued solar modules, which were "fradulently overvalued by at least 20 times," in effect falsely increased the energy and investment tax credits claimed by investors, because these tax breaks are calculated based on the value of the equipment, according to Justice.

The suit alleges that 749 overvalued modules were sold in 1982, with a potential tax loss of $22.47 million and 1,850 were sold in 1983, with a potential tax loss of $55.5 million. The number of modules sold in 1984 is not known, Justice said in the suit, although it is believed to be less than in 1983.

A typical investor paid $14,500 in cash and signed a promissory note for another $40,000 to purchase the solar modules. In return, the investor was able to claim tax savings of $10,000 based on the energy tax credit and the investment tax credit, $10,000 based on the California solar tax credit, and more than $3,000 from federal and state depreciation deductions, according to Justice.

A taxpayer in the 50 percent tax bracket was able to claim savings of "more than $23,000 in taxes in the year of purchase alone," the department claimed.

The suit sought to have the defendants permanently enjoined from promoting or selling abusive tax shelters and to require them to submit offering material to the Internal Revenue Service at least 30 days prior to offering any tax-sheltered or tax-favored investment plan.

[From the Wall Street Journal, May 1985]

ENERGY TAX-SHELTER PLANS OFFERED MUCH—PERHAPS, STATE OFFICIALS ALLEGE, TOO MUCH

(By Anthony M. DeStefano)

NEW YORK.—It seems like a swell idea. Lease a $100,000 energy-conservation device for an up-front fee of $6,500 and take a $10,000 tax credit. Then have the gadget installed in a building whose owner or manager agrees to share the energy-cost savings—enough to cover subsequent lease payments and possibly leave the investor with some net after-tax cash.

That's a pitch that might impress a lot of people, especially if it were seemingly backed by a favorable report from a major accounting firm. But this one impressed New York state law-enforcement officials, as well. In papers filed in state Supreme Court here as part of a continuing investigation, they say the tax-shelter program is a fraud. The biggest trouble: The $100,000 energy saver is really worth only $3,000 or so, state investigators say in court papers.

The plan and two similar programs being probed by New York authorities are among a number of energy-conservation tax shelters coming under legal scrutiny. Since late 1983, the Justice Department has initiated at least six legal actions involving questionable energy shelters, and government lawyers say other investigations are in progress. "I think energy is the scam of the 1980s," says David T. Maguire, a Justice Department tax-fraud lawyer.

A GROWING BUSINESS

So-called shared-savings plans, in which energy-management firms help clients cut energy costs in return for part of the savings, became big business in the early part of the decade. They have continued to grow even though energy costs are no longer rising so painfully.

People in the business say questionable tax shelters are only a small part of a bigger picture. Such schemes detract from the success of hundreds of legitimate energy-service firms, they say. Others, however aren't so sure the abuses are minimal. Some, including Mr. Maguire, say many millions of dollars in tax revenues have been lost in dubious energy shelters.

In New York, the state Supreme Court has issued a restraining order against 58 companies and individuals in connection with a probe by the office of State Attorney General Robert Abrams. Among those under investigation are three energy-management companies that state law enforcers allege took in about $50 million from tax-shelter investors around the country in 1982 and 1983. Investigators say some people have already been told their tax credits may be disallowed; others are being audited.

The restraining order prohibits the disputed shelters from being offered in New York or from New York to residents of other states. The attorney general's office is also seeking access to company records, and officials say in court papers that evidence they collect may be taken before a grand jury—the procedure in New York for attempting to obtain a criminal indictment.

Two of the energy-management companies—First Energy Leasing Corp., in Smithtown, N.Y., and OEC Leasing Corp., in Garden City, N.Y.—dispute the state investigators' contentions and deny their allegations of wrongdoing. OEC Leasing, which is also contesting charges against it in a suit filed by federal authorities in U.S. District Court in Uniondale, N.Y., has appealed the restraining order.

The third energy-management company—Saxon Energy Corp., in New York City—hadn't as of yesterday filed a response to the state's action. Phone calls to Saxon's offices were answered by an answering service.

Attorney General Abrams's office filed its legal action in mid-1984 as part of a probe that began with a tip from Touche Ross & Co. The big accounting firm had complained to state officials in late 1983 about what it contends was a misuse of a draft report reviewing aspects of shelters sponsored by First Energy Leasing.

Touche Ross maintains that it was hired essentially to check the mathematics of First Energy's tax calculations and that it had insisted that its report wouldn't be used to promote or market shelters. Nevertheless, court papers say, material from the report showed up in promotional literature given to prospective investors.

The accounting firm has become a defendant in a recent class action brought by two First Energy shelter investors. They allege that a Touche Ross partner, Eric H. Hananel, favorably discussed the shelters on a cable television program of which they saw a videotape. Touche Ross says Mr. Hananel did appear in a videotape that was to be released only after the accounting firm approved it—which the firm says it never did.

Until it was stopped by the restraining order, the plan is said by state investigators in court papers to have worked like this: First Energy leased to investors sophisticated on-off switches that were supposed to reduce electrical costs by controlling electricity according to a set schedule. The company told investors it would arrange to have a service firm place and maintain the devices in commercial buildings where owners or managers agreed to pay investors 50% of the energy savings. Investors would keep 25% of their shares and pay the other 75% to First Energy to cover the tax-deductible yearly lease charges, which were to be based on the amount of energy savings each year.

First Energy allegedly acquired the switches for $2,500 each in up-front cash and gave a $97,500 promissory note for the balance, thus creating the $100,000 valuation on which a $10,000 tax credit was claimed. In a legitimate arrangement, the state investigators say, the 10% federal tax credit could be passed on to lessees. But they assert in court papers that the fair-market value of the devices is actually about $3,000.

INSTALLATION QUESTIONS

State law enforcers say it is unclear how many of the energy-saving devices were actually installed. They say some of those that were installed were out-dated, and energy savings were insignificant; in some cases owners or managers who agreed to have the devices installed are said to have told investigators the switches were never connected.

"The investment tax credit appears to be the most significant financial advantage for investors to participate in the program," Mark Tepper, an assistant state attorney general, says in papers filed with the court. "If you strip away deductions and tax credits, very few people would find it attractive."

Irving Seidman, an attorney for First Energy, says that allegations against the company aren't accurate and that First Energy is vigorously disputing them. Elliot Silverman, an attorney for OEC Leasing, says OEC denies overvaluing its equipment or making any false statements. Mr. Silverman, who is with the firm of Kostelanetz & Ritholz, says OEC is challenging the jurisdiction of state investigators, but is ready to have experts explain how the valuation of the energy-saving switch was properly based.

Meanwhile, federal authorities say solar-energy tax shelters that may be similar to the New York programs have cropped up in the Southwest and elsewhere. Says Carolyn Parr, a Justice Department lawyer: "We are always a little bit behind the promoters."●

SENATE—*Friday, June 7, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, much as it is regretted, families often suffer due to the pressures of Senate business. Spouses feel like second-class citizens and children wonder where father went. Like an invisible, unconscious, insidious infection the work of legislation absorbs an inordinate amount of time and energy, leaving the family with dregs. Free the Senators from this confusion of priorities, convict them of efforts to justify their neglect, enable them to fulfill their God-given responsiblity to family. Help them over this weekend, despite other commitments, to honor their loved ones with attention and devotion. In His name whose love is unconditional. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. SIMPSON. Mr. President, I do not want to make a habit of always responding to the remarkable words of the Senate Chaplain, but again he creates that in me, because he touches upon such realism as to our lives here.

Certainly, the phrase "second-class citizens" with regard to those who are dear to us is one of the perils of this job, especially with those of us who become obsessed with public life and "power," whatever that is. I have often said, "If you don't know who you are before you get here, this is a very poor place to find out." So do families find that out.

I thank the Chaplain for his perceptions and his honesty with respect to the things that do come to us in this fascinating arena.

SCHEDULE

Mr. SIMPSON. Mr. President, the two leaders have their usual time, under the standing order, of 10 minutes each.

There are special orders in favor of Senator MCCLURE and Senator PROXMIRE for not to exceed 15 minutes each.

There will be routine morning business, if time permits, not to extend beyond 9 a.m., with statements therein limited to 5 minutes each.

Following the routine morning business, the Senate will resume consideration of S. 1003, the State Department authorization. Rollcall votes can be expected throughout this day and very possibly before 9:30 a.m.

Mr. President, I reserve the remainder of my time, and I ask unanimous consent that I may reserve the minority leader's time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR McCLURE

The PRESIDENT pro tempore. Under the previous order, the Senator from Idaho [Mr. MCCLURE] is recognized for not to exceed 15 minutes.

Mr. McCLURE. I thank the Chair.

FIRE UNLEASHED

Mr. McCLURE. Mr. President, the American Broadcasting Co. deserves a great deal of credit for its dramatic, emotional presentation of the so-called documentary "The Fire Unleashed," which they broadcast last night.

As television critic Sue Mullin of the Washington Times noted in yesterday's paper:

"Fire Unleashed" gets an A for photography, an A for dramatic presentation, an A for the musical accompaniment, an A even for the poetry of some of its moving thoughts about life . . . but "Fire Unleashed" gets an F for fairness.

When I was first approached by ABC News several months ago about this production, I believed and hoped it would be a responsible look at the legitimate problems, and benefits of mankinds use of the atom. As he opened the show, Mr. Jennings said:

. . . we intend to take a hard look at the problems we have had controlling the atom ever since the nuclear genie was let out of the bottle.

What followed was a look at problems, but nothing of solutions. At the conclusion of the program I wondered if there were a part 2, a sequel which would give the other side of the story.

ABC spent 3 hours pummelling the viewer with an relentless display of cinematic gimmickry designed to establish fear and evoke hysterical, emotional responses. This program was so well crafted, that anyone unfamiliar with the facts about nuclear energy might accept this presentation as gospel, but what was most alarming is what the program omitted.

As John Corry, the television critic for the New York Times, stated in yesterday's edition:

This is a documentary overcome by its own sense of mission. It wants not to inform but to proselytize. Consider, for example, the 1979 mishap at Three Mile Island. The documentary calls it "the most ominous accident in the history of the nuclear industry." In fact, no one died at Three Mile Island, and responsible authorities have said that no one was hurt. "The Fire Unleashed," however, finds otherwise. A woman who lived near the nuclear power plant says her hair turned white (this is not evident on camera); another woman says her cows suffered an increase in sterility, and that there was "severe retardation in the cats." This is accompanied by what appears to be part of a home movie. A kitten staggers and then collapses.

Corry continues:

Then the documentary reports on giant dandelions, on babies born with thyroid problems and on an increase in deaths by cancer. Everything is attributed to radiation. The only rebuttal is offered by Pennsylvania's chief epidemiologist, who is allowed nine words to make his case. Mr. Frady [the show's producer and apparent star] casts doubt even on that.

But other eminent scientists declare there is insufficient data to dismiss T.M.I. as a factor.

Corry concludes:

. . . but "The Fire Unleashed" undermines its own case. There is no balance. The attacks are diffuse and one-sided.

From an overall perspective, the ABC program exhibited a complete imbalance, evidenced by an overwhelming preponderance of antinuclear opinions and the near-complete omission of opinion from any knowledgeable persons who believe in the atom. The absence of statements by key spokesmen of the nuclear industry—spokesmen who were originally interviewed by ABC, but later cut from the program—reveals the intentional bias of the show. Why were the statements of people like Carl Walske, president of the Atomic Industrial Forum, and Ben Rusche, Director of the Department of Energy's Office of Civilian Radioactive Waste Management, so obviously absent from the show? After all, it was Mr. Rusche's

program which was so roundly criticized by a number of people whose comments were not left on the cutting room floor.

In the few instances where nuclear advocates did contribute to the program, the approach that ABC used was to sandwich those interviews between antinuclear opinions in such a manner as to demolish any hope of objectivity.

In its self-aggrandizing advertisement in the Wall Street Journal, ABC states:

> The more and better information each of us has, the better equipped we are to deal with the issues and choices we face. Because the democratic process depends on an informed public, these programs . . . play a role in maintaining the viability of our political system.

Unfortunately, ABC chose not to inform the public through "The Fire Unleashed." Rather it chose to sensationalize, to encite, to distort to prey on the fear of the unknown. This is not a service toward "maintaining the viability of our political system," but an effort to further confuse an American public which is already groping to understand a complicated nuclear technology.

The result of ABC's effort is not an objective explanation of the problems facing nuclear power, but a further confusion of the public's perceptions of the problems facing nuclear power. It did nothing to help public understanding of the situation. What it did was elevate public emotion and hysteria through cinematically excellent, but factually questionable and inflammatory, portrayals of the challenges and choices posed by the nuclear age.

As John Corry aptly states in his New York times review of the program:

> The argument over nuclear energy may be more political than scientific.

Mr. Corry continues:

> Journalism is the loser in this, and so, one supposes, is the national well-being.

And, he concludes:

> America has an increasing need for electrical power. It is unlikely that oil and gas supplies will be abundant enough, or prices low enough, to meet the demand. Coal is a possibility, but coal is linked to, among other dismal by-products, acid rain. Conceivably, nuclear energy is the answer.

I strongly associate myself with his remarks. For I firmly believe that nuclear energy is a part of the answer. However, until the media can help remove the roadblocks—the public will never understand.

The resulting message in ABC's "The Fire Unleashed" as concluded by Martha Bayles in the Wall Street Journal is: "total despair. Shame on them."

And, Mr. President, shame on us if we let this pass without raising our voices, and informing the American people of the facts about nuclear energy.

Well, it is time to set the record straight.

Fact: Nuclear power provides 15 percent of the total electricity in this country—second only to coal. Not only in this country, but also abroad—in countries such as France, England, Germany, Russia, Italy, Spain, Sweden, Switzerland, Japan, Korea, Taiwan, China, and many others—nuclear power is providing a significant portion of the electrical energy, and has vastly reduced the industrialized world's dependence on oil.

Fact: Nuclear power is the safest source of electric energy in the world today. I challenge anyone to cite another energy source that has such a superb safety record, as evidenced by the fact that there have been no public fatalities as a result of nuclear powerplant operation anywhere in the world.

Fact: The amount of radiation released from the Three Mile Island accident was insignificant—less than 1 percent of the amount of background radiation that residents living in Harrisburg receive in a year from natural sources. Yet ABC chose to air unsubstantiated reports of animal deaths and mutations that have been totally discredited by scientists, such as the Center for Disease Control, who studied the incident in excrutiating depth.

Since the Three Mile Island accident, we have made giant strides to further improve the safety, operator training, and quality assurance programs, through the efforts of organizations such as the Institute of Nuclear Power Operations [INPO]. Furthermore, the specific activities associated with the cleanup of Three Mile Island are providng the entire world with invaluable information that will benefit all.

Despite the difficulties this country has experienced of late in getting nuclear plants online within a reasonable timeframe and within budget, as other countries do, we do have our share of success stories such as Florida Power & Light's St. Lucie 2 plant, Duke Power's fine record of excellence, and many others that ABC could have cited, but chose to omit.

For those troubled plants that ABC castigated, I fear the audience will have assumed this to be the norm rather than what it really is—the exception. Sure, there are problems facing our current generation of nuclear plants—problems scoping the full range from institutional to regulatory to managerial to financial. I highly recommend the Forbes magazine February 11, 1985, article "Nuclear Follies," for anyone wanting to become better informed on these matters.

We as a country can and will fix the many institutional, regulatory, and management problems that plague our nuclear industry in sharp contrast to nuclear programs abroad. We are already moving forward with licensing reform legislation to encourage standardized design and streamline the licensing process. And, I plan to announce hearings in the Energy and Natural Resources Committee which I chair to be scheduled in July to study the overall health of our electric generating industry. These hearings will necessarily focus a good deal of attention on the roadblocks to future nuclear power growth, which this country so desperately needs to meet future demand.

Mr. President, since the passage of the Nuclear Waste Policy Act in 1982, we can no longer make unconscionable claims—as ABC did—that the waste disposal problem is unresolved. The technology to safely dispose of these wastes does, in fact, exist. Furthermore, the activities relating to the transportation and disposal of such wastes represents only a very small percentage of the total activities this country deals with every day in the shipment and storage of hazardous materials of all kinds. The record of safety in the transportation, handling, and storage of radioactive wastes far outshines similar records for other hazardous materials. Yet ABC chose not to draw any parallels that might have taken the punch out of their blows.

The manner in which ABC chose to deal with nuclear proliferation concerns was equally as appalling. Over the years, numerous measures have been devised to strengthen the barriers to the spread of nuclear weapons—measures such as legal constraints embodied in treaties, international safeguards inspections under the auspices of the International Atomic Energy Agency [IAEA], application of export controls, and direct political pressure to inhibit suspect nuclear activities in nonnuclear weapons states. While many years ago experts were predicting that 30 to 40 nations would possess nuclear weapons by this decade, the facts are that such nonproliferation measures have succeeded in inhibiting such growth, and we find today still only a handful of nations possessing nuclear weapons capabilities, while at the same time, many countries enjoy the peaceful uses and medical benefits of nuclear technology. Even Canada, which participated in the Manhattan project, has made a deliberate decision against acquiring nuclear weapons, yet it has a broad and aggressive program in nuclear power production. Other technically capable states have followed the Canadian example, recognizing the possession of nuclear weapons is not in their overall security interests. The fact is, the Non-Proliferation Treaty and the IAEA safeguards system are a vital and effective framework of the world's nonproliferation interests. In

order for the United States to be able to continue to exert positive influence in the furtherance of nonproliferation goals, we must be seen as a credible and strong partner in the peaceful uses of nuclear energy. We simply cannot walk away from this responsibility.

Additionally, our Nation's news media cannot walk away from its responsibilities.

ABC is correct to assume that:

The willingness of American broadcasters to approach these difficult subjects helps ensure a television system that is dynamic and responsive to the needs and interests of its public.

Yet, by omitting important facts about the safety of nuclear power, this production "has only served to compound the severe public misunderstanding of the nature and severity of our Nation's nuclear power problems." As is always the case in public perception, the public is more likely to understand what they see in a 30-second segment on the evening television news. Technical and complex subjects, such as nuclear power, are very hard to communicate in that medium.

This bothers me. A subject is considered "news" if it obtrudes from the normal. This was amply demonstrated in last night's documentary.

Mr. President, I ask unanimous consent to have printed in the RECORD articles from the New York Times, the Wall Street Journal, the Washington Times, and the Washington Post.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 6, 1985]

"THE FIRE UNLEASHED," NUCLEAR AGE ON ABC

(By John Corry)

Commend ABC at least for its sense of purpose. It is devoting three hours of prime time—8 to 11 tonight—to a report on one of the gravest problems of our time. "The Fire Unleashed," a "Closeup" documentary, examines the nuclear age. At issue is whether the planet will survive it.

Thus a somber voice quotes Albert Einstein at the start of the documentary: "The unleashed power of the atom has changed everything save our mode of thinking, and thus we drift toward unparalleled catastrophe."

Go then to a recital of horrors: nuclear proliferation, nuclear destructiveness, nuclear waste, nuclear power. Even this last is "a deadly threat."

There is no mistaking the passion here, and in truth "The Fire Unleashed" is not so much a documentary as a sermon. Repent because doomsday is at hand. Marshall Frady, the ABC reporter, even speaks in King James cadence: "And there followed all the constellation of our handiwork and spirit, magnifying over the earth."

This is a documentary overcome by its own sense of mission. It wants not to inform but to proselytize. We must oppose the nuclear demon and all its works. Consider, for example, the 1979 mishap at Three Mile Island. The documentary calls it "the most ominous accident in the history of the nuclear industry."

In fact, no one died at Three Mile Island, and responsible authorities have said that no one was hurt. "The Fire Unleashed," however, finds otherwise. A woman who lived near the nuclear power plant says her hair turned white (this is not evident on camera); another woman says her cows suffered an increase in sterility, and that there was "severe retardation in the cats." This is accompanied by what appears to be part of a home movie. A kitten staggers and then collapses.

Then the documentary reports on giant dandelions, on babies born with thyroid problems, and on an increase in deaths by cancer. Everything is attributed to radiation. The only rebuttal is offered by Pennsylvania's chief epidemiologist, who is allowed nine words to make his case. Mr. Frady casts doubt even on that.

"But other eminent scientists," he says, "declare there is insufficient data to dismiss T.M.I. as a factor."

In support, the documentary then offers an Audubon Society physicist, Dr. Jan Beyea, who says that "further research is required." Indeed it probably is, but "The Fire Unleashed" undermines its own case. There is no balance. The attacks are diffuse and one-sided.

The nuclear power industry is a particular target. "The Fire Unleashed" points out, correctly, that its once great hopes have been blighted. In the last 10 years, the construction of some 100 reactors has been canceled. The industry has suffered from cost overruns, inept management and disastrous financial planning.

The documentary suggests, however, there have been moral failures as well. The Nuclear Regulatory Commission is singled out. "Critics charge," Mr. Frady says, "the N.R.C. is simply too close to the industry. It often doesn't enforce its own regulations. The result: widening popular concerns about safety." A moment later, someone calls the agency "ideologically corrupt."

There is a thought here, although not the one intended. Increasingly since the 1950's the nuclear industry has suffered from a poor press, and increasingly the public concern about safety has grown. In part at least, the concern may reflect the view that most scientists are skeptical about nuclear energy. The evidence, however, suggests they are not.

It is not noted in the documentary that a year after the accident at Three Mile Island, two social scientists, Stanley Rothman and S. Robert Lichter, randomly surveyed scientists listed in American Men and Women of Science. They found that the overwhelming majority of these scientists regarded nuclear energy as relatively safe. They also found that these scientists were relatively quiet; they published their views only in professional journals.

At the same time, Mr. Rothman and Mr. Lichter found, the scientists quoted mostly frequently in the press were members of the Union of Concerned Scientists. They did not favor the development of nuclear energy; they also represented only a small minority of the scientific community.

Meanwhile, Mr. Rothman and Mr. Lichter, who conducted their study under the auspices of Smith College and Columbia and George Washington Universities, also surveyed science journalists. Among the journalists, they found, "the best predictor of opposition to nuclear energy is the belief that American society is unjust." And "television reporters and producers—and public television personnel in general—are even more skeptical of nuclear energy than are other journalists."

Therefore, the argument over nuclear energy may be more political than scientific. Journalism is the loser in this, and so, one supposes, is the national well-being. America has an increasing need for electrical power. It is unlikely that oil and gas supplies will be abundant enough, or prices low enough, to meet the demand. Coal is a possibility, but coal is linked to, among other dismal byproducts, acid rain. Conceivably, nuclear energy could be the answer.

"The Fire Unleashed"—the executive producer is Pamela Hill; the senior producer is Richard Richter—does not discuss this, but it would have been a better documentary if it had. It is beautifully filmed, deftly edited and imaginatively scored. But it is presenting not so much an examination of nuclear problems as a wish that the problems simply did not exist.

The documentary concludes with an examination of "Star Wars," or the Strategic Defense Initative. Mr. Frady says "the Soviets feel threatened by this new technology," and that this will "have a profound effect" on arms talks. He may indeed be right, but "The Fire Unleashed" also suggests that the technology is so uncertain that "Star Wars" will never work. But if it won't work, why should the Soviet Union feel threatened? The thinking seems muddled. The argument, once again, is diffuse.

[From the Wall Street Journal, June 3, 1985]

TRAINING VIDEO POWER ON NUCLEAR POWER

(By Martha Bayle)

"Good evening. I'm Peter Jennings. Tonight the American Broadcasting Company is preempting all of its prime time programming so that ABC News can examine the most crucial issues ever to confront the human species. . . ."

In other words, sport fans, this is serious. Not serious enough to air on a Wednesday, which would preempt "Dynasty." But on a Thursday, when ABC eats the ratings dust of the other two networks anyway, why not examine a life-and-death issue such as "the degree to which the atom has come to dominate this planet?"

"The Fire Unleashed," which airs this Thursday, June 6 (8–11 p.m. EDT), purports to "take a good hard look" at nuclear proliferation, nuclear power, nuclear waste and nuclear weapons. If, like most people, you find these matters disturbing and confusing, you may be reassured at first by the sight of Mr. Jennings ensconced in a fine library, with an extremely handsome leather-bound book by this side.

Personally, I'd prefer a stack of journals and dogeared paperbacks, an image suggesting that some one was actually reading up on the subject. But for most viewers, the beautiful volume probably suffices as an emblem of civilized reason. Surely, with the wisdom of the ages at its fingertips, ABC can help find a way out of this monstrous, baffling nuclear nightmare.

We should be so lucky. Like a roller coaster, this program starts out slowly in order to make us scream more loudly at the first terrifying plunge. The screen glows red, the music grows ominous, and we hear Einstein's famous 1946 quote: "The unleashed power of the atom has changed everything, save our modes of thinking, and thus we drift toward unparalleled catastrophe."

ABC correspondent Marshall Frady, who takes over at this point, finds Einstein's

warning prophetic. Standing at the first atomic explosion site at Alamagordo, N.M., he states unambiguously that "we've failed to recognize how the revolutionary force we unleashed here would require a revolution in thinking almost as profound."

To remind us of what is at stake, a brilliant montage captures pre-history: molten lava, graceful Bushmen and stirring drumbeats; and history: Michelangelo's David, gleaming jet planes and classical music. And as the program surges ahead, we see dazzling lakes, leaping antelopes, praying priests and laughing children—emblems of "life." When anything "nuclear" is mentioned, however, we see forbidding-looking buildings, evil hardware, blasted landscapes, boiling mushroom clouds, and (for good measure) unrelated images of destructive power such as lightning, volcanoes, avalanches, and an occasional closeup of Niagara Falls.

Clearly ABC does well to broadcast this extravagantly manipulative film, if it can be used to manipulate all those fools out there whose antiquated "modes of thinking" are responsible for pushing our lovely technicolored planet to the brink. The trouble is, the program is so emotional, it doesn't appeal to any mode of thinking, old or new. The script makes a stab at journalistic fairness, quoting various sides of the various debates. But the qualified statements of a few talking heads shrivel like matchsticks in the firestorm of emotions brought on by the visuals and the music. Believe me, it makes the regular network news look like a debate at the Oxford Union.

I am afraid, moreover, that video power is like nuclear power: Once unleashed, it tends to get out of control. In the segment on nuclear proliferation, for example, Mr. Frady's message is stated clearly enough: "Despite Einstein's warning . . . the old prides and ambitions of nations . . . have opened the threat of nuclear arms races in other regions." We must, in other words, put an end to the jingoism that dehumanizes other peoples.

But what do we see but a bunch of strange-looking foreigners, hopping up and down and jabbering slogans in some language that isn't even English! Never mind that some are Argentinians celebrating the return of democracy, while others are Hindus perfoming traditional religious dances. They all look different from the folks in Dubuque; and, according to Mr. Frady, they all crave the bomb. Their leaders, who at least wear suits, all deny it, which suggests that these countries consist of barbarians led by liars. Some cure for jingoism.

Intellectually tricky, paradoxical, and based on highly disputable evidence, the arguments surrounding nuclear issues are notoriously hard for the educated to grasp, much less the great majority who get most of their public-affairs information from television. "The Fire Unleashed" does these people a terrible disservice by discrediting those who, over the last 40 years, have thought long and hard about the perils we face. And by its style, the film suggests not new thinking but ancient emotion: the "us" of frightened, thinking citizens versus the "them" of mentally backward authorities.

Many people who embraces this drastic dichotomy find solace in idealism, the dream of transforming mankind at this treacherous point in history. But hardnosed reporters like Mr. Frady are not good at offering such golden avenues of escape. They point to the same stark scenario, a choice between total abolition or total Armageddon. But their natural journalistic cynicism rules out the idealistic option. The resulting message: total despair. Shame on them.

[From the Washington Times, June 6, 1985]

ABC's "Fire" Spreads Lots of Heat, No Light

One of the most ambitious—and controversial—documentaries since 1982's "The Uncounted Enemy: A Vietnam Deception" comes to us at 8 tonight from ABC on Channel 7.

Called "The Fire Unleashed," the ABC Closeup production promises to "examine" the nuclear age. It also comes close to trying to examine the meaning of life, finding it seemingly only worth living before the nuclear age.

But no TV program—even one as long as this one's three hours—can accomplish the centuries-long and yet unfinished work of theologians, scientists and philosophers. In fact, it is just this sort of unfinished business that comes close to the core of the meaning of life.

The problem with "Fire Unleashed," then, is that it doesn't so much instruct as hype—in Chicken Little the-sky-is-falling fashion. It doesn't seek knowledge and enlightened solutions to the nuclear age's problems but repeatedly wishes they would just go away.

If wishing won't make something so, it certainly isn't going to make hard truths and cold facts go away either. And while the documentary, produced by a real pro—Marshall Frady, who also appears in it—is gorgeous cinematically, it is, unfortunately, depressing.

Frequently looking like a music video-travelogue, we're treated to scenes from Stonehenge to the Sphynx, from Mona Lisa's smile to Van Gogh's sunflowers, from snow-capped mountains to Mr. Frady standing in the bleached desert in a contrasting black suit and tie. But that's all designed to show us what we'll be missing because of that dirty seven-letter word nuclear.

Against all the lovely sunrises and sunsets, sprinting wildlife, soaring gulls, children's faces and man-made splendors, we hear endless and ominous preachings about "the degree to which the atom has begun to dominate this planet," the "pervasive nuclear threat," the "nuclear genie" that has come "out of the bottle," the five nations that "now openly possess nuclear arms," that "now, their [the superpowers'] arms race may extend into space" and "now we are at a moment . . . when we may be at the end."

Sometimes the documentary is hard hitting—for example, it uses glitzy charts to hammer home which countries have the bomb and which ones have the capability; it takes us to the scenes of breeder reactors, to waste disposal sites, to nuclear power plants that got off the drawing board but have never been opened because they have construction flaws deemed dangerous.

On these latter sites, charts show the millions of dollars spent on the unusable facilities. Despite its intention of giving us just-the-facts-ma'am, "Fire Unleashed" unleashes as many misperceptions as facts.

It does not make a clear distinction between commercial, peaceful applications of nuclear energy and nuclear weapons programs. It does not place the current financial and licensing problems of some nuclear power plant projects within the context of the program's overall success as a safe, economical and efficient source of electricity.

Furthermore, it perpetuates irresponsible allegations of public health effects and speculation about the consequences of the accident at Three Mile Island (which was just recently approved for reopening, incidentally—a fact which the documentary ignores).

As the U.S. Committee for Energy Awareness points out, the 25-year-old nuclear power industry in the United States has not incurred a single death or injury to the public due to nuclear-reactor operation and it has suffered no fatalities among workers in commerical nuclear plants due to radiation injury.

The committee also says there has been a world-wide scientific consensus on the best methods of permanently storing nuclear waste. It adds the U.S. National Academy of Sciences is just one of the prominent scientific bodies that have repeatedly endorsed deep geologic storage of waste. The U.S. inventory is currently at about 12,000 metric tons of spent fuel, it says, and "every gram of this material is accounted for and, being in a non-leechable, solid state, it is manageable."

Perhaps the greatest disservice "Fire Unleashed" does to the industry, though, is to subtly link it to nuclear weapons proliferation.

There also is much innuendo about nuclear terrorism. Yet, USCEA points out that the fuel mixture used in commercial nuclear plants is not suitable for weapons purposes. (It is far too diluted in the fissionable Uranium-235 isotope which is 3 percent to 5 percent in a power plant and 80 percent-plus in a weapon.) Likewise, there has been no known diversion of U.S. civil nuclear material for clandestine purposes.

Another group, the Atomic Industrial Forum Inc., with headquarters in Bethesda, also points out that the connection between nuclear weapons and nuclear electricity is weak. It is impossible for a nuclear power plant to blow up like a bomb, the group explains. The nature, purity, arrangement and concentration of materials in an atomic bomb is "significantly different from those in a nuclear reactor."

"Fire Unleashed" is even more of a doomsayer when it comes to nuclear weapons. Moreover, the portion on the so-called "Star Wars" defensive system, supported by the Reagan administration, is entitled "The Apocalypse Game," for starters. Here's an example of the segues the documentary makes which really amount to propaganda:

Film footage of President Reagan is flashed on the screen. He says: "There was a time when we depended on coastal forts and artillery batteries because with the weaponry of that day, any attack would have to come by sea. Well this is a different world."

Then the film abruptly cuts to Mr. Frady who says "to break out of the nuclear deadlock, the president would call for the most ambitious weapon system in human history. A vast, defensive system that's come to be known as 'Star Wars.' The president's plan would produce a bitter division: Will the defense initiative free us from the fatal terms of the arms race or unhinge the delicate nuclear balance carrying us even closer to the annihilating war." Even in the transcript of the documentary, that last sentence does not end in a question mark.

"Fire Unleased" gets an A for photography, an A for dramatic presentation, an A for the musical accompaniment, an A even for the poetry of some of its moving thoughts about life.

"If we go . . . if the earth goes," says Dr. Lewis Thomas, president of the Memorial

Sloan-Kettering Cancer Center, "it could well be that life is lost. We are a part of the life of this planet. And to think of killing that, for any reason, is simply . . . it is in the class of deep sin . . . we're supposed to keep it going, I think, and we've got to learn how to do that."

No one argues with the conclusion that all life is precious and it must be protected. But it may also be sinful to dismiss "Star Wars"—which as Secretary of Defense Casper Weinberger points out is launching a ray or beam "intended to attack a Soviet missile,"—as a *means* of protecting life. Mr. Weinberger's points get lost here in the midst of doomsaying narration with phases such as "mutual assured destruction," "the threat of our extermination," "cycle of threats" and "an arms race spiraling out of control."

"Fire Unleashed" gets an F for fairness. It has fire all right. Fire from the left. And like all fire, it is a dangerous thing to play with.

[From the Washington Post, June 6, 1985]

ABC's WINDY "FIRE"

(By Tom Shales)

Two years ago, ABC News, and to some extent news departments at other networks, were humiliated when an ABC entertainment program, "The Day After," the famous grim fantasy about nuclear Armageddon, provoked more thought and generated greater hubbub about an urgent national topic than did any news broadcast that year.

Indeed, during the same week that "Day After" aired, ABC News devoted the full hour of its "20/20" news magazine to a reverential consideration of pop star Barbra Streisand. The contrast was embarrassing.

Perhaps at that moment the wheels were set in motion for the dauntingly ambitious, exhaustingly exhaustive three-hour ABC News "Closeup" that airs tonight, "The Fire Unleashed," a study of the nuclear age and all its intimidating possibilities, at 8 on Channel 7. A wealth of information arranged with illuminating coherence, the program is nevertheless not only oddly unmoving, but oddly unterrifying as well, even though the specter of annihilation, among other specters, is invoked at fairly regular intervals.

Unquestionably a logistical achievement, and a commendably herculean effort, the program suffers most from miscalculations of style. The level of portentousness is kept so high that what should be startling or engrossing becomes finally rather numbing. Simply showing so many nuclear explosions and missile launchings diminishes the power of these images. In addition, nearly everything in the program is not just underscored but hyperscored with a musical soundtrack that ranges from "Inner Sanctum" spookiness to spaghetti Western pop-lyricism. There was probably a more sparing use of dramatic music in the dramatic production "The Day After" than on this news show.

In addition, the script, much of it read by reporter and writer Marshall Frady, seems overblown from the word boom. Near the top of the program, Frady intones, "Out of the vast energies of the universe, from the great engines of creation, our planet was formed, a small bright globe, isolated in the measureless void of space." Near the end, he is still intoning: "Over the great reaches of cosmic time, we have existed here for only a moment, creating against the void around us an urgent and tumultuous pageant . . ."

Someone forgot that television is not a word medium but a picture medium. The single most eloquently communicative instant within the entire three hours occurs in the third, when the uncertainties of the arms race are likened to a tightwire act. Prokofiev is on the soundtrack, and the camera shows acts from a Russian circus intercut with shots of explosive weaponry. The wordless simplicity is piquant. Then Frady returns to make the metaphor literal and prosaic. For a few seconds there, they had something going.

ABC News, perhaps unjustifiably at this point is generally considered the glitziest of the three network news operations. No one could call tonight's documentary "The Glitz Unleashed." This is not the usual glittery kind of glitz. Instead, the program may qualify as documentary television's first example of Glitz Gothic.

The report is divided into four sections. "Nearing Armageddon." The first, details alarming increases in global nuclear proliferation. "A Power to Light the World" chronicles the sorry history of the nuclear power industry. "The Quiet and Lethal Legacy," Part 3, is about the nuclear waste that will outlive us all.

"The Apocalypse Game," the concluding segment, is the most compelling and immediate, since it deals with the U.S.-Soviet arms race. There is little fruity prose here, and the restive musical cues relax a little as Frady and such authorities as former defense secretaries James Schlesinger and Robert McNamara talk about how the superpowers plot strategy also to plot destruction. This final sequence will likely be the most controversial of the four, because Frady takes what clearly seems a hostile approach to the Reagan Administration's so-called Star Wars plan for outer space defensive weaponry.

Frady gives the impression that Star Wars is a scheme sold quietly to President Reagan in the dead of night by nuclear physicist Edward Teller. "In March of 1983," Frady says, "without consulting the broad scientific or defense community, Ronald Reagan launched Star Wars." The "most ambitious weapons system in human history" is based upon "a long-discounted strategy," Frady says.

The program seems to give greater weight to Star Wars critics than to Star Wars defenders like Secretary of Defense Casper Weinberger. It is this fourth segment that provoked the conservative weekly Human Events to dismiss all of "Fire Unleased" as "more anti-nuclear propaganda" from ABC. Yet it is precisely because of the strong viewpoint that the last quarter of the program works so well. Fairness does not mean sterile objectivity; the broadcast is fair, but not objective. Time for additional discussion will be provided by "Nightline" at 11:30 p.m.

After a weightily ominous prologue that brings to mind the "Rite of Spring" sequence from "Frantasia," the proliferation segment, most hard-newsy of the four, documents the spread of nuclear weapons to countries that either have them now or will have them in a deadly twinkling. Former president Jimmy Carter is among those testifying to the escalating dangers. A segment on India and Pakistan is particularly timely in light of Indian Prime Minister Rajiv Gandhi's charge, reported yesterday, that the United States is taking a "soft line" toward Pakistan's efforts to arm itself and his warning that India will develop its own bomb if necessary.

Frady says that the bomb is now considered a status symbol representing "instant arrival as an important power" to countries that acquire it. The chilliest comment is from Syrian Defense Minister Mustafa Tias: "The nuclear weapon is to a state that seeks to defend its independence like a gun is to a cowboy."

The segment on nuclear power begins, not very subtly, with lightning bolts and cracks of thunder. Cameras visit the site of the Three Mile Island disaster of 1979. Humans and animals have both felt the lingering effects of that near-meltdown; there is a disheartening shot of a kitten staggering drunkenly toward its dish of milk. Construction of nuclear power plants in this country is a continuing scandal marked, Frady says, by "stupendous cost overruns." "careless construction practices," "inexperienced management" and "the worst human safety record in the Western world."

There are no glad tidings either, in the segment on nuclear waste. It did take guts for ABC to cram this much bad news into a single night of TV.

ABC expects a certain amount of praise merely for understanding a project as mammoth as this. So be it.

For the record, NBC News invented the three-hour documentary and NBC and NBC was the first network to devote its entire prime-time schedule to a single subject. "The American Revolution of 1963," on the civil rights struggle, which aired Sept. 2, 1963. The ABC broadcast tonight is still not as substantial a production as "The Defense of the United States," a five-hour, five-night documentary aired by CBS in 1981. And no one in TV news, producers of "Fire Unleased" included, has yet come up with a more graphic, memorable way to impart the devastating effects of a nuclear attack than did NBC News for a 1979 special on the Salt II talks in which John Chancellor simply roamed around Kansas pointing out to viewers which places and things would be oblitrated and which incinerated.

Various producers contributed to "The Fire Unleashed"; Pamela Hill is in charge of the "Closeup" unit and Richard Richter is senior producer. Frady is spelled at a few points in the program by Peter Jennings, who provides introductions to the introductions to each segment.

While "Fire Unleased" is a broadcast in which the network can take pride, one can't help imagining how much greater its effect would be if the resources of television had been more gainfully and less theatrically employed. Still, between those "vast energies of the universe" and those "great reaches of cosmic time," there is much here to engage the mind—and trouble the soul.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

NUCLEAR WINTER DRIVE FINAL NAIL IN CIVIL DEFENSE COFFIN

Mr. PROXMIRE. Mr. President, the cruellest fantasy about nuclear war has been the illusion that we could prepare a civil defense system that would permit most Americans to survive.

Few experts share that illusion today. Civil defense as a response to nuclear war probably has less support in this country than at any time since we dropped the atomic bomb at Hiroshima. When the Federal Emergency Management Agency [FEMA] that has responsibility for civil defense appeared before the Senate Appropriations Committee this year to justify their appropriations, they made no effort to justify their program as having any use in the event of nuclear war. They did ask for appropriations to provide for emergency relief from such natural disasters as hurricanes, floods, and tornadoes, but not for protection in the event of nuclear war.

There is, however, a still lingering school of thought that contends that civil defense is an essential responsibility that would give as many Americans as possible a chance to survive the colossal explosive force of nuclear weapons. They argue the country could have a warning of a few minutes, a few hours, or even a few days. Whatever the warning we might have, there would be a chance to evacuate some Americans to safety in the countryside from our cities which are regarded as a prime nuclear target. Advocates of evacuation complain that Soviet civil defense is far ahead of American civil defense. How about that? Is it true? The fact is, Soviet civil defense is largely based on plans for a massive population exodus from Russian cities. Russian's know their cities, like American cities, would perish in a superpower nuclear war.

Mr. President, the fact is that we now know that there is a very real possibility, as the American Academy of Science has told us, that in the event of a nuclear war we would have a nuclear winter which would plunge the Earth into darkness for many weeks and drop the temperatures to 45 degrees below normal for many months, perhaps for a year. And, of course, in the Soviet Union, where temperatures are very low anyway, this would mean that most of the people who went from the cities into the countryside would freeze to death and die of starvation because, of course, with the rays of the Sun shut out there would be no photosynthesis, plants would die, animals would die, and it would be the worst environmental disaster in 65 million years.

Nuclear explosions with their mammoth conversions would vaporize the heart of the cities. Intense heat of many hundreds of degrees would follow. Fires would explode over many square miles. The cities and most of our cities' suburbs would burn to a crisp. Both sides could easily target every city in the other nation with a population of 25,000 or more. Thousands of smaller communities near these urban centers would also burn to cinders. Seventy percent of the American population lives in the urban sector of the country. An even greater proportion of the Russian population lives in or near cities.

Without an effective civil defense program, most of the population of both superpowers are considered doomed in a superpower nuclear war. American advocates of a major civil defense effort to protect our citizens from this disaster contend the Russians have developed a detailed, far-reaching civil defense effort that would enable most of their population to survive. They have pointed to this Soviet civil defense effort as a major Russian nuclear war advantage. They have argued that the United States should do the same.

How about this? Do the Russians in fact have an effective civil defense effort that they can count on? Will it save much of the Russian population in the event of a superpower nuclear war?

Mr. President, the Russians have an abundance of literature on civil defense. They have a lot on paper. But there is little evidence that civil defense has gone past the theory and propaganda stage in the Soviet Union. Russian civil defense boils down to four words: "Get out of town." The plan is simple: evacuate the cities. If both superpowers were to try to evacuate their cities on a notice of 30 minutes or less, the maximum time for a warning that Russian missiles have left their silos in a preemptive strike, the United States would have a monumental series of traffic jams. But the Soviets would do much worse. The United States has an abundant series of roads and highways. Many Americans have autos or access to autos. As I said, the Russian population is more heavily concentrated in the cities than the American population. The Soviet Union has pitifully limited highways. Only the rare Soviet citizen has access to autos.

Of course, no one can guess how many in either superpower would survive an all-out nuclear attack. The most astonishing consequence of most of the world disastrous hurricanes, tornadoes, and floods is the astonishing number of persons dwelling even at the very center of the disaster who survive. The human being is a tough, strong creature. No single attack—even the most devastating bombing attacks in World War II that left cities a heap of rubble failed to destroy more than a relatively small percentage of the people. That is until one atomic bomb hit Hiroshima and one hit Nagasaki. The more than 20,000 nuclear warheads in the arsenals of the superpowers each have many times more power than the Hiroshima and Nagasaki bombs.

That means, of course, the human devastation, the loss of life in a nuclear war, would be infinitely greater than the terrible loss of life in World War II.

And now we have even worse news. The evacuation of cities that constituted the heart of civil defense for America and Russia might provide little protection for the fugitive population. The National Academy of Science has found as they put it "the clear possibility" that a superpower war would provoke a nuclear winter. The soot and smoke from burning cities would fill the atmosphere with particles that would block the Sun's rays for many weeks all over the Earth. Survivors would stumble around in almost pitch darkness. The vital photosynthesis essential for all plant life would cease. Plants would die. Animals too would die of starvation. For as long as a year the temperature of the Earth would fall about 45 degrees below normal. Those who had fled the city would largely perish from hunger in the cold and darkness. Civil defense has always been a remote feeble and generally discredited possibility. The likelihood of nuclear winter makes it a feebler and more discredited alternative than ever.

IMAGES OF TERROR

Mr. PROXMIRE. Mr. President, in the May 31 issue of the National Review, and article by Eugene H. Methvin entitled "Twentieth Century Superkillers: Hitler and Stalin" provides us with more chilling examples of the Nazi terror. As part of his comparison between the two dictators, Methvin documents Hitler's genocidal strategy to explain what he perceives as the morbid facination that the world has with this modern Satan.

Methvin describes the blatant exaltation of genocide and death that characterized the Third Reich. On August 22, 1939, Hitler ordered his generals to destroy Poland, to "remove its living strength * * * be hard and ruthless * * * Steel yourself against all pity." Himmler, the head of the SS, said to his men on October 4, 1943:

> Whether ten thousand Russian females fall down from exhaustion while digging an anti-tank ditch interests me only insofar as the anti-tank ditch for Germany is finished . . . It is a crime against our blood to worry about these human animals and give them ideals, thus causing our sons and grandsons to have a more difficult time with them.

These outrageous and amoral comments demonstrate that to the Nazis, those without Aryan blood were not only "racially" unworthy, but merely "animals" whose lives and well-being were of no consequence.

This frightening attitude resulted in Hitler's attempt to annihilate all of European Jewry. The calculating SS men left no stone unturned. Meticulously, they accounted for each life. As a result, the sheer number of documents available to historians is

enough to ensure Hitler's place in our collective consciousness. Even today, modern writers are affected by the proof of Nazi atrocities. Methvin quotes James A. Michener, as Michener describes his feeling while researching his recent novel, "Poland," at the Maidanek extermination camp near Lublin:

> It was well run, in an orderly, nonhysterical fashion, by German soldiers devoted to their duty and proud of their accomplishments. All they did was liquidate some 370,000 Poles, Jews, Gypsies, and other "undesirables" collected from all over Europe. On one hideous afternoon they slaughtered more than 18,000 Jews, methodically listing each death with full details as caused by either tuberculosis, grippe, or heart failure, all 18,000 of them dying of "natural causes" on the same day. To work in the Maidanek materials at Maidanek is to experience one's own taste of hell.

The 40th anniversary of the defeat of the Nazi terror has seen an explosion of images and memories of Hitler's "final solution." Methvin's article is only one of many that have filled newspapers, magazines, and television in recent months. Just as 36 years ago the explosion of photos and descriptions brought about the drafting of the Genocide Convention Treaty, so must this anniversary's memorializing of these shameful images bring about a similar gesture. The Senate must take the opportunity, in this symbolic year, to respond to these memories by ratifying the Genocide Convention Treaty.

As I have said before, and as I will continue to say, the Genocide Convention is now on the calendar. It is before the Senate. The Foreign Relations Committee has reported it for the sixth time. It has been pending in the Senate ever since 1949. President Ronald Reagan has called on the Senate to act, as has every President since Dwight Eisenhower.

Mr. President, it is a shame that the Senate does not act promptly. The Senate, as I have said, passed a resolution committing itself to act early in the 99th Congress. So, Mr. President, I hope we do not betray our word. The leadership can call that treaty up at any time. I realize we have a heavy calendar. Time is wasting, and we will have the same terrible fate for the Genocide Convention in this Congress as we have had in past Congresses since 1949 unless we act promptly.

ISRAEL HAS SHARPLY REDUCED ITS SALE OF ARMS TO SOUTH AFRICA

Mr. PROXMIRE. Mr. President, on April 1 of this year, I made a statement on the floor of the Senate about the international sale of military weapons by Israel. I specially stressed the sale of military weapons by Israel to Central America and South Africa. As might be expected, this Senator has received some protests about that speech. The speech was based on an article that appeared in the Washington Post on March 22 by Daniel Sutherland. That article was headlined: "Israeli Economy Said to Rely Heavily on Exports of Weapons." The subhead read: "Over $1 Billion in Sales Possible." In the course of the article, Sutherland wrote:

> . . . it appears that South Africa has been the leading purchaser of arms from Israel, acquiring as many as 35 percent of the nation's arms exports in recent years. Israeli sales to South Africa have included gunboats and Gabriel missiles.

On the basis of that article, I calculated that 35 percent of $1 billion was $350 million and I said that Israel had sold $350 million of arms per year to South Africa. I have received several protests from persons who argued that both the Sutherland article and my speech were in error.

In his article in the Post, Daniel Sutherland had relied primarily on work by Aharon Klieman of Tel Aviv University. Klieman's figures on arms sales for Israel are about three times higher than the figures received by the U.S. State Department and the Arms Control and Disarmament Agency. So I telephoned Mr. Klieman, who is presently a visiting professor at Georgetown University here in Washington. Mr. Klieman has written what may be the first comprehensive book on Israeli arms sales. His book is scheduled to be published in June. Its title is "Israel's Global Reach: Arms Sales as Diplomacy." Klieman is an American-born, Israeli citizen. When I questioned Professor Klieman, he told me the following:

All his material is open and unclassified. He secured his information about Israeli sales to South Africa from the Swedish Institute in Stockholm. He said that the 35 percent of Israeli arms sales he had reported as going to South Africa occurred prior to 1979, before the United Nations resolution boycotting arms sales to South Africa. Klieman said that any sales by Israel to South Africa since the boycott were a result of a contract made before the time of the United Nations boycott resolution in 1979. Israel had tried to comply with the boycott. It had reduced direct arms sales to South Africa. Israeli sales had, since that date, been under licensing with coproduction and sharing. Much of it consisted of scientific data packages. He said that some Israeli arms relations with South Africa still exist for arms that might be used strictly for national defense, but there was no shipment of arms that could be used for internal repression by South African police against the black majority.

Professor Klieman also said that my $350 million calculation was wrong. Here is why: Before 1979, Israeli arms sales were much lower than $1 billion. The volume of Israeli arms sales, according to Professor Klieman, did not reach $1 billion until 1981 or 1982. While Israel did sell 35 percent of its military weapons to South Africa in some years before 1979, since the 1979 boycott, it had not done so.

Israel does sell arms heavily in Central America and to underdeveloped countries in other parts of the world. I think this is a serious mistake by Israel. I say this although I recognize the sad fact that make these sales seem necessary to the Israeli Government. I fully recognize what a valiant and vital ally we have in Israel. The sales of arms by Israel provides that embattled country with absolutely vital foreign exchange. It also permits the Israel arms industry to achieve economies of scale that significantly reduce the immense cost of arms that are quintessential for Israel's defense.

I regret my misunderstanding of Israel's policy on the sale of arms to South Africa. And I commend Israel for having modified that policy since the United Nation's resolution in 1979 boycotting arms sales to South Africa.

But having said this, Mr. President, I still deplore the understandable fact that Israel, like the United States and most of our NATO allies, continue to sell military weapons to underdeveloped countries. Undoubtedly, if Israel should stop its sales, other arms-exporting countries would quickly move into this grizzly trade. There are fully understandable reasons for this trade in weapons of death. Perhaps we can never stop it. But we should not hesitate to criticize our friends and ourselves as well as our adversaries for making these sales.

By selling these weapons to underdeveloped countries, we not only provide lethal weapons, we impoverish these pathetically poor nations that need all their resouces to feed, clothe, and house their people. These little countries are spending hundreds of millions on weapons.

We face a terrible temptation to throw up our hands and say it has always been thus. Do we accept the argument that this is a realistic, if terrible, fact of life? Do we have to accept it? Well, Mr. President, I do not accept it. We have to go on talking about it and working hard to stop it. These desperately poor countries are spending hundreds of millions of dollars on military weapons. They are diverting their grossly inadequate resources. The result: hunger and misery.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

SOUTH CAROLINA INDUSTRY AND BUSINESS

Mr. THURMOND. Mr. President, Americans are experiencing a nationwide resurgence in patriotism and optimism about our country's future. An increasing number of citizens are expressing their confidence in the Nation's growth and development potential by investing private funds in industries.

Many South Carolina companies, thanks to private sector investments and efforts, are expanding and growing, and others are opening new facilities in South Carolina. In Spartanburg County, for example, textile industries such as Draper, Spartan Mills, and Southeastern-Kusan, producer of moulded plastic products, provide new jobs for area citizens. In the wake of recent heavy job losses in other area textile and apparel concerns, because of the flood of cheap foreign imports, these additional work opportunities are especially needed and welcome.

New industries such as Ambassador Corp. and the Bode Corp., also have recently built plants in the county. Renovations of two old hotels in Spartanburg and a new business and technology center are innovative boosts to the local economy.

Mr. President, I ask unanimous consent that an editorial from the Spartanburg Herald-Journal, underscoring the optimism of citizens and the successful cooperation between the private and public sectors, be included in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SPARTANBURG HAS SOME UPBEAT NEWS

We've had a welcome run of upbeat stories about economic development in Spartanburg County over the past few days.

Ginger Lundy's coverage of the Textile Show affirms that, while the industry is under heavy burden from imports, its leadership is dealing positively with the challenge.

One headline was particularly encouraging: "First American-Built Air Jet Weaver Introduced."

Draper Corporation exhibited five of the new machines at the show. It also showed a new rapier weaving machine which is to be sold, serviced and supported in the U.S. by Draper, through an agreement with the Italian developer.

Draper once was a premier name in American textile technology. It is good news indeed that the company is reasserting itself with a Spartanburg manufacturing location.

Draper's president, William O. Cordes, said the rebirth began four years ago.

"We knew we had some catching up to do, so we started with our strong point, which is weaving. . . . I'm so pleased we've reached this milestone, and we expect more and even better machinery later."

Walter S. Montgomery, chairman of the board of Spartan Mills and the dean of textile leaders, reacted to the announcement: "It thrilled my heart." He added that he hopes to start purchasing the American-made equipment rather than Japanese machinery.

Also in the news were additional manufacturing facilities in both the northern and southern sections of the county.

Southeastern-Kusan Inc., producer of molded plastics products, has added 44,000 square feet to its Inman plant. About 50 new jobs already have been created. The facility now has about 220 employees and 151,000 square feet.

Howard Milligan, manager, said, "We expect to add more jobs, probably before the end of the summer, and we're planning additional expansion that may take place this year or early in 1986. We feel a progressive move, and we're happy to do it in Spartanburg."

Meanwhile, Woodruff's first major new industry in 15 years, Ambassador Corp., has begun production in a temporary location. Its $1.25 million plant is expected to be ready for occupancy in August. The firm expects create 220 jobs.

Bode Corp., a West German firm which came to the county four years ago, has dedicated its expansion which will create 25 new jobs, making a total of 75. Bode manufactures automatic bus doors in the local plant.

In the non-manufacturing realm, and in the central city, promising developments are taking place.

Lastest was the announcement that a developer has obtained an option to buy the Franklin Hotel. The prospective buyer has indicated plans to convert the building into an apartment complex. For Spartanburg, this is perhaps, for the moment, hopeful speculation. Nevertheless, it is immensely encouraging.

Also, the old Cleveland Hotel has been bought. Cleaning up for renovation is under way. The Cleveland once was the favored hostelry with the finest dining room in the area.

Both the structures are eyesores. Their recovery as attractive, functioning facilities would be a tremendous boost to the downtown of Spartanburg.

Decidedly not speculative is the steel rising on the Spirit Center block. Construction of the Business and Technology Center, a truly innovative small-business "incubator," is well under way. It two buildings—one office, the other light industry—will have a total of 100,000 square feet. The investment by Control Data Worldtech Inc., is about $8.5 million.

Spartanburg County has good reason to be in an upbeat mood.

TRIBUTE TO DANIEL R. McLEOD

Mr. THURMOND. Mr. President, I would like to call to the attention of my colleagues an editorial printed in the May 17, 1985, issue of the Columbia Record, entitled "His Own Man." It is a brief comment on the strong character and commonsense of former South Carolina Attorney General Dan McLeod, who recently passed away.

During the 24 years Dan McLeod served the State and people of South Carolina, tremendous social and political change occurred in the State, as well as across the Nation. While Mr. McLeod's own belief at times conflicted with State law, he effectively used his conscience and legal sense to help guide the State through tumultuous change and to move forward on such diverse issues as consumer abuse, judicial reform, and handgun control.

Mr. President, Dan McLeod set a fine example for all elected officials to follow. In serving as attorney general, he kept the well-being of the people of South Carolina foremost in his mind. I urge all my colleagues to read this editorial, and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HIS OWN MAN

Daniel R. McLeod who died Wednesday served South Carolina well during his 24 years as attorney general. We can think of no one better suited to have been this state's chief legal officer during that crucial, often tumultuous, period of its history, one marked by overwhelming social and political change.

Calmness and good humor stood him in good stead while he was in office from the late '50s to the early '80s. McLeod was elected attorney general while the "separate but equal" doctrine governed life in South Carolina. He defended those policies but did so without the stridency and zealotry that marked the actions and rhetoric of many other elected officials in the Deep South.

Later, when it became obvious that the law of the land meant finis to segregation, McLeod accepted that inevitability and became a diligent spokesman for equal rights and an end to racial discrimination. Once he denounced as "political buzzardry" election campaigns with racial overtones.

McLeod was also a strong believer in the fundamental guarantees and precepts of the state and federal constitutions. And there were times when his conscience and legal sense placed him at odds with the state law and institutions he presumably was supposed to support.

There was, for instance, the time when he refused to defend a South Carolina law designed to keep the state parks segregated. On another occasion, he took the same stance on apportionment of the state Senate. He said it was patently unconstitutional and refused to give it his legal blessing.

During his 24 years as attorney general, he spoke forcefully on a number of diverse issues and problems—consumer abuses, pollution and judicial reform. Repeatedly, he urged the General Assembly to adopt meaningful controls on the ownership of handguns.

One lawyer, who once served as an assistant attorney general and is now in private practice, said McLeod brought "stability and character" to the office. More important, said his former associate, "he carried out the tough decisions that had to be made with even-handedness and good spirit."

Dan McLeod had been out of office little more than three years when he died at the age of 71. Sadly, he was denied the richly deserved blessings of a long, productive retirement.

THE NEED FOR ENERGY RESEARCH

Mr. DIXON. Mr. President, the Chicago Tribune today commented on its editorial page regarding the need for energy research. With recent reports from the Office of Technology Assess-

ment that our reserves of fossil fuels are lower than previously estimated, it should be evident that we need to be pursuing new energy sources. We need to be looking ahead to the long-range energy needs of our country, rather than simply reacting to energy crises.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NEED FOR ENERGY RESEARCH

The Office of Technology Assessment, a congressional research agency, reports that the United States has substantially reduced its estimates of the nation's oil and natural gas reserves. The primary reason is the failure of offshore deposits to live up to earlier expectations.

The report warned that as economic recovery and cheaper prices stimulate energy consumption, the U.S. will be forced to import more and more of its supplies, possibly as much as 7 million barrels of oil and 3 trillion cubic feet of natural gas a day by the end of the century.

The research agency recommended that the federal government develop some strategic plans to meet future energy needs.

The advice should not be ignored.

Energy experts have been warning for years that the Earth has finite supplies of oil and gas that eventually will be exhausted. The first to go will be supplies that are more easily recoverable, and therefore cheaper.

Meanwhile, the Reagan administration has been systematically attempting to cut federal funding for basic energy research, including a number of programs at Argonne National Laboratory in suburban Du Page County. This is a short-sighted policy that will grant some small immediate relief from the federal budget deficits but will cost the nation dearly in the future.

This country needs a long-range energy policy that will prepare it for the inevitable conversion from oil and natural gas to other forms of fuel. An integral part of that policy must be basic research on such things as improved nuclear reactors, more fuel-efficient engines and conversion of the nation's substantial coal reserves to forms compatible with existing machinery and heating plants.

SAULT STE. MARIE YOUNGSTERS IN AHAUS TOURNAMENT

Mr. LEVIN. Mr. President, for the first time in 19 years, the Lynn Auto Parts Pee Wee Hockey Team of Sault Ste. Marie, MI, advanced to the semifinals of the Amateur Hockey Association of the United States [AHAUS] National Pee Wee Class AA tournament. I would like to take this opportunity to congratulate the team members, coaches, and families on an outstanding season.

The 11- to 13-year-olds earned a tournament spot by winning the Upper Peninsula and Michigan Class AA Pee Wee Championships. They advanced to the semifinals held in West Haven, CT, by defeating the Schenectady, New York; West Haven, CT; and Anchorage, AK, teams in elimination rounds. They were finally defeated by the Chicago, IL, team which advanced to the championship.

The Lynn team, coached by Bob Brown, John Ferroni, Tom Crimin, and Clyde Alaspa, consists of 15 eager, talented young men from the Sault Ste. Marie area. They are: goaltenders Terry Metro and Jeff Blashill; defensemen, Phil Nertoli, Ted Askwith, Chad Crumley, and Dan McLay; forwards, Ryan Alaspa, Derek Crimin, Scott Weaver, and Jason Welch; also Randy Stevens, Jarrett Woodgate, Duane Gurnoe, Ernie Bright, and Lance Brown.

It is always a pleasure to acknowledge excellence and inspire young people. I am sure that my colleagues agree that the parents of these youngsters have reason to be proud.

Mr. President, I would like to ask my colleagues to join me in again congratulating the team on a job well done, and wish them good luck next season.

DEFENSE BUDGET

Mr. GOLDWATER. Mr. President, Congress is presently engaged in a protracted debate regarding the size of the Federal budget and just how much of that budget should be allocated to the defense of this country. The Senate has already determined that the defense budget should represent zero growth over that of last year with simply an allowance for the rate of inflation. The House version, I am certain, will likely end up even lower than the Senate version in an effort to get the Federal deficits under control.

Mr. President, these reductions in defense spending, far too great in my view will no doubt cause a serious setback in the President's efforts to rebuild this Nation's defenses after years of reduced spending.

What concerns me most is that in an effort to reduce the deficit, and I might remind you those deficits are not the result of excessive defense spending, the Congress seems determined to use the defense budget to shoulder the greatest share of the burden in reducing the deficit.

Many of my colleagues seem to have lost sight of the fact that the defense budget is the result of a complex assessment by the intelligence community as to the threat we face as a nation and that threat in real terms has grown at an alarming rate over the last several years. To reduce defense spending to the degree that we have, given the threat, seems to me unwise at best and perhaps unsafe in the long run.

Mr. President, I commend to my colleagues an article that appeared in the April/May issue of the Defense Science Magazine which contains an excellent explanation regarding the recent Soviet buildup which is the real driver behind the rationale for the defense budget.

Mr. President, I ask unanimous consent to print in the RECORD the edited version of Mr. Richard C. Gross' article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET MILITARY SPENDING: HOW MUCH HOW FAST?

(By Richard C. Gross)

The driving force behind the US defense budget, which is at a record level, is the size of the Soviet Union's military machine and how well oiled it is kept. The billions of dollars spent annually by the United States in research and development for new weapons to stay a step ahead of the Soviets and the billions more paid out for the production of nuclear-capable missiles, aircraft and submarines result from the US measure of the Soviet threat to America and its allies. It has been this way since the Russians got the bomb and it is likely to remain a way of life for the US defense establishment.

"Unfortunately, there is scant evidence that the diverse threats to world peace and US interests abroad will subside," Defense Secretary Caspar W. Weinberger said in his annual report to Congress for fiscal year 1986. "Because of its unrelenting military investment coupled with an opportunistic foreign policy, the Soviet Union will remain the most serious threat facing US allied and mutual interests. Moscow's current and past behavior justify no optimistic assumptions about its future intentions.

"In sum, our future defense efforts should be much like those of the past four years. And if, as we expect, those efforts continue to protect our nation, our allies and our interests, we will have carried out our primary security responsibility successfully."

The Reagan Pentagon estimates it will need nearly $2 trillion between next year and fiscal 1990 to maintain deterrence against a Soviet attack, although Weinberger repeatedly has insisted that the United States is not interested in trying to match the Kremlin tank for tank, gun for gun. Congress undoubtedly will pare the wish list, but if four years of history serve as a guide, the reduction will not be by much.

To measure the Soviet military output, The Central Intelligence Agency (CIA) and the Pentagon's Defense Intelligence Agency (DIA) devote countless hours to analyzing data gathered by a variety of sources. They do not agree on the extent of the Soviet buildup, but the discrepancy is not likely to figure into the heated congressional debate on how much money to approve for US military spending this year.

Both intelligence agencies have concluded that the growth in Soviet spending for the military between 1976 and 1982 stayed at zero. But both said Soviet procurement of weapons spurted during 1983 over 1982, disagreeing on the amount. The DIA said the growth rate was between 5 and 8 percent as calculated in US dollars, while the "more cautious" CIA estimate put it between 2 and 3 percent.

Discrepancies exist when the calculations are figured in rubles, too. The CIA thinks that overall Soviet spending, not only procurement, has risen 2 percent a year and "won't change much in 1983." The DIA figures overall spending grew 5 percent annually during the same period.

ANALYSES BECOME PUBLIC

Although both intelligence agencies conduct their analyses in secret, the issue exploded into the public domain when the CIA's deputy director for intelligence, Robert Gates, who also chairs the interagency National Intelligence Council, seemed to contradict Weinberger during testimony in November to a subcommittee of the Joint Economic Committee of Congress. Gates said Soviet spending for procurement had been stagnant since 1976, a statement which did not go over well at a time when the Pentagon chief was in the midst of a sales campaign to get his budget approved by Congress. A perpetual critic of the Pentagon, released Gates' testimony with an accompanying statement. "It is time for Washington to take official notice that Soviet military procurement has been stagnant for the past seven years and to stop acting like nothing has changed," he said.

But Gates and other intelligence officials were quick to respond that despite an overall decline in Soviet outlays for its military machine since 1976, the Kremlin was already at a high level of spending that exceeded the cost of US defense activities "by a large margin."

"The dollar cost of Soviet defense activities in 1981—in the middle of this period of decline—was some 45 percent greater than for the US; procurement costs alone were some 45 percent larger," said a CIA analysis endorsed by the Pentagon. "While this margin has narrowed with the growth in US defense spending, the Soviets still outspend the US overall and in important specific categories by substantial margins."

One Pentagon official, dismissed the CIA-DIA discrepancies and said the only "real measure" of Soviet military output over the United States was in the numbers of weapns that were produced.

Between 1977 and 1983, according to the CIA, Soviet forces received 1,100 intercontinental ballistic missiles, 700 submarine-launched missiles, 300 bombers, 5,000 fighters, 15,000 tanks and "substantial numbers" of surface warships, nuclear-powered missile-carrying submarines and attack subs. During the same period, US forces added to their arsenal 135 ICBMs, 390 SLBMs, no bombers, 3,000 fighters, 5,000 tanks and 106 major warships.

In addition, the CIA said, "Soviet efforts to develop advanced weapon systems continue in the 1980s at least at the rapid pace of the previous two decades. Among these weapons are fighter and airborne control aircraft, ballistic and cruise missiles, space systems and submarines. The new systems cover the full range of technologically advanced weaponry the Soviets will need to modernize all their forces."

SPENDING DOWN, BUT . . .

Intelligence officials now estimate that Soviet military spending will reach as high as 17 percent of the gross national product compared to about 7 percent for the United States. The previous range of 13-14 percent remained stable since 1965 because the growth of defense spending was about equal to overall economic growth, Gates testified. Defense spending growth slowed after 1975 because economic growth also declined.

"Despite the scale of the ongoing Soviet defense programs, the growth of spending did slow," Gates said. "The behavior of expenditures for the military services provides insights into the competition among conflicting interests in a period of slower growth in defense. The most striking feature of service spending trends is that all services shared in the reduced growth in spending. Before 1976, total outlays of the services increased by 3 to 5 percent annually. Starting in 1977, however, the rate of growth of total spending in all the services decreased substantially.

"Some services were hit harder than others; for example, total outlays for the Strategic Rocket Forces and Air Defense declined in absolute terms after 1977.

"Trends in spending on the various resource categories before and after 1976 demonstrate that the main source of slower growth in defense spending was a stagnation in spending for military procurement after 1976. Year-by-year estimates of the level of total defense spending and outlays for procurement since 1965 confirm this judgment."

Interestingly, Gates said "the stagnation in the level of procurement" between 1977 and 1983 probably was a conscious decision on the part of the Soviet leadership. Soviet leaders chose neither to keep older weapons in production while sorting out the kinks in new systems nor to produce new weapons at "catch-up rates" once the problems with them were ironed out.

"In deciding to hold procurement growth down, the Soviet leadership in the mid-1970s may have viewed the external threat as manageable and the existing high level of procurement as enough, possibly recognizing that the USSR was entering a period of generally slower economic growth and counting on a continuation of the decline in US military spending."

Weinberger's chief spokesman, Michael I. Burch, said the secretary recognizes that the rate of growth in Soviet spending has decreased, although he has not made that point in arguing before Congress for a 13 percent before-inflation increase in his budget. But, Burch said, "what you have to look at is total production and what they (the Soviets) can put in the field."

BUILDING AND ADVANTAGE

In that regard, Weinberger has more than once painted a grim portrait of Soviet military capabilities even when measured against the output of the NATO allies. The extent of the Soviet buildup from the mid-1970's, which Weinberger often has tagged the "years of neglect" of the US armed forces, has been sufficient to surpass the Western powers in both conventional and nuclear arms.

"By 1981," the Pentagon chief and in his annual report, "the Soviets had achieved an advantage in nearly every measure of strategic arms capability. While continuing to tilt the conventional and nuclear balance in Europe further in their favor, the Soviets were also increasing and modernizing their already considerable air and ground forces in northeast Asia. The Soviets were also expanding the geographic reach of their forces, moving steadily closer to achieving a global power projection capability.

"Soviet efforts to achieve military superiority have been particularly pronounced in the area of strategic nuclear forces. During the 1970s, the Soviets undertook a massive expansion of their strategic forces that continues to this day. Through major qualitative and quantitative improvements in offensive as well as defensive systems, they have significantly altered the strategic balance."

Intelligence analysts predicted more of the same for near future and said both the CIA and DIA "feel increasingly confident" that there was an increase in Soviet defense spending during 1984. But, they said, estimates are uncertain because weapons will not appear in the forces until a year or two from now.

"We see this great bow wave of development of systems," one analyst said. "The question is when will the prototypes be completed and new weapons go into production."

Among the new systems are two ICBMs (the SS-X-24 and SS-X-25) in the late stages of testing, two interceptors (the Fulcrum and the Flanker) that are "around the factories," the Typhoon and Delta IV missile-equipped submarines, a 65,000-ton aircraft carrier under construction, the Condor aircraft described as "the biggest transport in the world," a modified T-80 tank, and air, sea and ground-launched cruise missiles.

Further, the analysts said the Soviets are working on their own version of a Strategic Defense Initiative that includes deployable laser equipment which would be ground-based. They gave no further details.

In the view of the analysts, the Soviets are able to outperform the West in the development and production of weapons because much of their resources are devoted to the military instead of the manufacture of consumer goods, on which Western societies thrive.

For example, more than 25 percent of all machinery production is allocated to military procurement although procurement represents no more than 7 percent of GNP, Gates testified.

"In the process, resources are denied to the civilian sector that otherwise could be used to promote economic growth through investment to bolster consumer morale by increasing the supply of consumer durables. In addition, as much as a fifth of all metallurgy production, a key input for construction and machinery production, may be needed to support procurement.

"Other industries that contributed, directly or indirectly, significant shares of their output in 1982 to support military procurement include chemicals, electric power, fuels, transportation and communications and forest products."

In a separate statement. Gates appeared to sum up the CIA-DIA findings with regard to the Soviet military buildup:

"The best measure of Soviet military capabilities for use by US decision-makers is what the Soviets actually have bought, are deploying and are developing—rather than an artificial reconstruction of what it cost them."

TRIBUTE TO JUDY EISENHOWER

Mr. GOLDWATER. Mr. President, today, Friday June 7, is a day of particular importance to me and I would not go home this evening feeling I had paid full attention to my conscience if I did not observe it.

Thirty years ago today, a young girl whose birthplace was La Plata, MD, came to my office to work. Her name was Judith so we immediately called her Judy. The story is that she is still with me after 30 years, most of which she has been my administrative assistant.

I am not one who look into longevity records, but I don't believe there are many AA's on the Hill who have served their Senator as long as she has. I know that although the quality

of our AA's is excellent or even better, the quality of Judy is even a little above that.

She has more or less spoiled me, taking care of not only all of my office requirements—the keeping of books, the keeping of records, the providing and maintenance of staff, both here and in my Arizona offices—but she has performed these duties in a pleasant, agreeable manner that has made her an invaluable member of my staff. I would not want this day to go by without recognizing, in the CONGRESSIONAL RECORD, the fact that this young girl, now married, and known as Judy Eisenhower, a mother, and a resident of Arizona has served, not just me so long and so faithfully, but served her Senate and her country. I would be honest with the reader, I don't know how the devil she ever put up with me, but I thank the Lord she did.

PRESIDENTIAL PRIMARIES

Mr. INOUYE. Mr. President, I know that many of us are of the belief that the existing system of Presidential primaries effectively serves neither the candidates nor the people of our Nation. Recently, during a Conference on Presidential Primaries held at the Gerald R. Ford Library in Ann Arbor, MI, former Democratic Party Chairman Charles T. Manatt shared his views on how this system might be improved. In essence, Mr. Manatt argues that bipartisan congressional action, rather than further amending of party rules or systems, will be required to develop a fair and rational system.

I am very much impressed by, and in general accord with, his observations. Accordingly, I ask unanimous consent that the test of Mr. Manatt's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF CHARLES T. MANATT

I am honored to be here—first, because the subject is important—second, because the company is distinguished—and most of all, because I have a special respect for President Gerald Ford—and I share the abiding affection of the American people for him and for the great service he performed for our country.

More than a decade has passed since the solemn and difficult day when he took the oath of office and promised to restore the trust and confidence of this nation. He kept his oath—and he kept his promise. There were Democrats, including me, who disagreed with some of his polices—and, as President Ford knows, we said so clearly and vigorously. But we can all agree on something else, much more important, which cannot be said so clearly and unequivocally of every Presidency: Gerald Ford left our land better than he found it. His decency truly did make us proud to be Americans; his tenure truly did make it possible to move beyond some of the darkest times of our national life. And for that, Mr. President, you have the gratitude of your fellow citizens—and you will always have a high place in our history.

Gerald Ford's service did not end with his Presidency. It continues today, at this library, with this conference and with others like it. We are here not only to reflect on the past, but to set a direction for the future on one of the most vital questions of our political system—the way in which we choose our Presidents.

Except for prescribing the time of the election, and the function of the electoral college, the Constitution is remarkably silent on this question. There is not a single word about political parties or nominating methods—and there was no provision even for the separate election of the President and the Vice-President, until Aaron Burr nearly tricked Thomas Jefferson out of his victory of 1800.

The framers had George Washington consciously in mind as their first President—and they seem almost unconsciously to have treated him as the model for all future elections—someone who could emerge as a consensus choice, on the basis of past service and not partisan appeals.

Events swiftly confounded any such expectation. Madison and Hamilton, who had decried factions in *The Federalist Papers*, soon joined others in founding opposing political parties. Each sought the Presidency in different years; one of them succeeded and the other failed.

Since then, for nearly two centuries, we have invented, amended, blamed and praised the means of picking Presidential nominees. We have moved from King Caucus to what we regard as an open process, where voters are supposed to have a direct and decisive say. The present period of change began, in a sense, in 1936, when Franklin Roosevelt in effect commanded the Democratic Convention to repeal the two-thirds rule which had nearly denied him the nomination four years before. The immediate effect was to deprive the Southern states of their traditional veto power. The longer-range result was to foster the idea that Convention rules—once thought to be a sacrosanct part of an implicit yet delicately balanced compact, or an inviolate matter of state's rights—could be reformulated or "reformed" at will, at the national level.

But after the 1936 Convention, nothing else of great consequence changed in the rules for more than three decades. I suspect the reason was the tendency of the parties to nominate the most popular candidates. When, arguably, they failed to do so—for example, in the Stevenson-Kefauver contest of 1952, the contestants represented no fundamental cleavage of issues or ideology within the party—and the supporters of the loser soon rallied to the winner. That same year, perhaps such a cleavage did exist among Republicans, but who could persuasively contend that Dwight Eisenhower was not the choice of the people—and therefore, he was and had to be the nominee of a rigged or unfair convention?

Yet there were also pressures, related more to the emerging civil rights movement than to the identity of any particular nominee, which were building beneath the surface—and which would augment the coming wave of reform. Democratic conventions hotly debated whether to require "loyalty oaths"—pledges in advance to support the national ticket—as a condition of seating delegates. In 1964, the Mississippi Freedom Democratic Party challenged the regular Mississippi delegation—and the resulting compromise settlement, negotiated by the young Attorney General of Minnesota, Walter Mondale, put the national party squarely into the business of regulating delegate selection in the State of Mississippi.

The precedents and pressures were there—and the 1968 Convention provided the spark that set off a chain reaction of reform which has not yet spent itself. In 1968, there was an impression, right or wrong—and this is not the place to decide, that the eventual nominee, Hubert Humphrey, who had not entered a single primary, was not the popular choice. And the critics could point to some glaring examples of apparent unfairness—a Georgia delegation picked personally by the Governor, with no democratic participation or recourse; a Texas delegation with the unit rule, forcing the opponents of the Vietnam War within that delegation to cast a vote in favor of it; other delegations, selected far in advance of the convention, long before the campaigns of Robert Kennedy and Eugene McCarthy, and even longer before the withdrawal of Lyndon Johnson.

Added to this was the rising call for the empowerment of new forces—with blacks now joined by Hispanics, the young, and women, who were starting to express a new and powerful consciousness of their own identity. To conciliate these forces, and as part of the effort to rescue his candidacy from the chaos of the Chicago Convention, Hubert Humphrey agreed to establish a commission to rewrite the rules for 1972 and beyond.

This history points to an important insight: the reforms were not an accident, but a result of irrepressible events and broader trends. It also suggests that while the rules can be—and have been—amended repeatedly, the reforms, in their fundamental aspects, cannot be rolled back. The Republican Party, which was not the crucible of these changes, has adopted many of them. One reason is that state laws which apply to both parties were adopted to accommodate the new Democratic reforms. But the other reason, more pervasive and powerful, is that the rules changes reflected real changes in American society—changes which either Party could ignore only at its peril. At the 1984 Dallas Convention, Republicans denounced quotas—and then celebrated the fact that nearly half of their delegates were women.

There are two presently fashionable reactions of this period of reform—both of which I reject.

I do not accept the notion that the old system produced better nominees and that somehow it did so precisely because of its rules. Any such argument depends on selective history—and on the assumption that the nominating process can be made into a special preserve, sealed off from the mood and movements of the times. The old system produced Harding and Nixon as well as Eisenhower and Kennedy. And the Democrats had fewer chances to make mistakes in those years, not because the rules protected us, but because the unprecedented four terms of Franklin Roosevelt prevented us for a long time from nominating someone else. On the other hand, who imagines that the old rules could have survived the transformation of modern communications and consciousness? After Watergate, could the Republicans—or the Democrats—really have chosen their nominee in a smoke-filled room? And if the choice in 1984 had been left to party leaders and not primaries, would it have been any different—

given that so many of those leaders had already decided to endorse Walter Mondale by the end of 1983?

Just as I reject the notion that the old was better, so I also reject the fashionable argument that what we have now is good enough—and that it cannot or should not be improved. On our side, revisions in the rules will not cure all that ails the Democratic Party—or, on the other side, alter the underlying factors which could undermine the present Republican success. But revisions can make the system more rational, less beholden to separate groups and more reflective of the national will.

This is not only an appropriate time to act; it also presents nearly a unique opportunity for change. For the first time in 28 years, in 1988 neither party will have an incumbent President eligible for re-election. Together both parties can shape and seek changes on the basis of merit, and not the calculus of individual interest. They can move in Congress, in ways which I will outline, to mandate steps toward goals which virtually everyone professes, but no one so far seems able to achieve.

The critical cause of that shortfall is that we have considered the question largely in the context of party commissions, which themselves have largely been dominated by the representatives and adherents of prospective candidates. Congress offers a different forum which can focus on broader purposes—and which can invoke effective powers of enforcement.

First, Congressional action is not only the best way to deal with the length of the process, it may be the only way. Federal legislation can deny matching funds to candidates who violate federal guidelines.

Those guidelines should set primaries on four dates—the first or second Tuesdays in March, April, May, and June. Caucuses could be held anytime in the week following the primaries. To avoid the distortion of having all the states in a single region vote on the same day, without the balancing impact of a more representative diversity, Congress should consider the concept of time zone primaries. And which time zone went first and which followed in any given year should be determined by lottery. For the 1988 campaign, the lottery should be held in December 1986.

Any candidate who participated in a non-approved delegate selection process, held outside this system, would lose federal matching funds.

As a former National Chairman, I saw what happened when we tried, on our own, to shorten the process for 1984. We made some progress—Iowa came five weeks later than in 1980, and New Hampshire a week later; but it proved virtually impossible to do more—especially to eliminate the special status of the two states. There is always at least one candidate who will parade as their defender—and the others can't afford to be seen as the ones who tried to deny Iowa or New Hampshire their rightful priority. So those states can pick their dates, regardless of party rules—and assume that by the time the Convention comes, the winning candidate won't let it refuse to seat their delegates. And imagine the plight of the candidates who had to campaign in the New Hampshire Primary after trying to abolish it. The issue wouldn't be the economy, or Central America, new ideas or old values—but why did they try to deprive the state of its place in the news—and its lion's share of campaign revenues.

This is no way to pick a President. In 1984, candidates had to pay, according to price list, to put up banners or posters at a New Hampshire party event. They even had to pay a price to speak. Perhaps there's a rough justice in that, at least when it comes to some political speakers we've all heard; but practices like this degrade not only the candidates, but the process. They don't advance the cause of picking a nominee; they exploit it.

New Hampshire makes no more sense as the first primary for selecting a Democratic nominee than Massachusetts would as the first primary for the Republicans. And although I was raised in Iowa, and I'll certainly hear about this when I go back, Iowa too has no special claim—and it deserves no automatic priority.

The system I suggest also has the advantage of inviting a more coherent and less debilitating dialogue. In 1983 and 1984, we saw an increasing proliferation of joint appearances, debates, and speech contests—often used by state parties as fund-raising vehicles. Too readily, these events tempt candidates, especially those who are behind, to launch the kind of attacks which can almost fatally weaken a likely nominee for the coming campaign. What we need is a greater certainty of debates in the general election—and greater control over the number and intensity of the exchanges during the primary period. Perhaps as part of the reform I've proposed, the national parties should each sponsor four debates in 1988—on the four Saturdays or Sundays before the designated primary dates.

But any plan to shorten the length of the process will be only half successful if it fails to deal with the straw polls which foster an early start and a relentlessly paced campaign. Here, again, I believe that the matching funds system provides a mechanism for reform. The law should be amended so that any contributions raised before October 1st in the year preceding the primaries won't be eligible for a federal match. Candidates could raise enough to sustain a pre-primary operation; but they would be unlikely to raise more and more in unmatchable money to compete in unsanctioned straw polls.

To me, October 1st certainly is a reasonable date to start the match. A quarter of a century ago, John Kennedy was counted as an early entry because he announced his candidacy on January 3rd, 1960. And the crucial organizing meeting of his campaign was held in October of 1959. Perhaps we can't restore that sense of proportion to the process; but at least we can moderate a situation in which we are perilously close to the moment, in Adlai Stevenson's words, when the nominee will be "the last survivor." The precondition of running for President should not be that a candidate is out of office—or that he or she has to neglect totally, for two or three years, the office they may already hold.

The other major problem, the other perennial complaint about the system, is its cost. Frankly, I don't believe that we're going to find a way to nominate Presidents on the cheap. But we can develop a way to reduce the dominance of fund-raising in campaigns. One step is something I've already discussed—to limit matching for 1987 to contributions given after October 1st, 1987. At the same time, we should raise the limit on an individual contribution to $2,000—and we should match the first thousand dollars, rather than just the first $250.

There is no reason to hold candidates hostage to limits set a decade ago—and which, in real dollars, are worth only half as much today.

And there is no reason to make it progressively harder to raise money, to make candidates allocate more and more of their time searching out more contributors, simply so they will have barely resources enough to compete in the first primaries.

Yet wouldn't an October 1st date for matching work to precisely the opposite effect, forcing candidates to put greater energy into fund-raising later in the process? But they could gather pledges in advance; they could draw up budgets. All this rule says is that they could not actually receive—or spend—contributions before October 1st, if they wanted to see that money matched.

In closing, let me reaffirm my belief that in the truest sense, we can only reform the primary process if we reach beyond traditional candidate rivalries—and across the usual partisan divisions. Republicans and Democrats in Congress can bring about changes that separately the Republican and Democratic National Committees probably can never achieve.

And there is no better place to begin, to reflect on where we have been, and to define where we should go, than here at this Library, which honors President Ford. He was a partisan—a strong and committed one. But as President, he also reminded us, in word and deed, that our opponents were not our enemies. In his Inaugural Address, Thomas Jefferson told a divided country: "We are all Federalists; we are all Republicans." In his years in office, Gerald Ford taught a wounded, disillusioned nation that in the end, we are all Democrats and we are all Republicans—because we are all Americans.

In that spirit, let us meet the challenges before us—whether they involve the way we nominate Presidents, or the way we conduct our national debates on the great issues. Let us work with each other where we can, disagree when we must, and set a high standard of civility and mutual respect. In short, let us remember the plain majesty of Gerry Ford's own Inaugural message—that no matter how vigorous the debate between us, it is really "just a little straight talk among friends"—that the bond between us, "though strained, is unbroken"—and that most of all, it depends on "instincts of openness and candor."

Thank you.

BRITISH PARLIAMENTARY REPORT ON U.S. DRUG USE

Mrs. HAWKINS. Mr. President, we have recently acquired a partner in fear.

In an article in the Washington Times on May 24, 1985, it is reported that a group of British Parliamentary officials returned from a trip to the United States horrified at what it found out about the U.S. drug problem.

This all-party committee on British Parliamentarians spent 10 days in the United States on a study of drug abuse in this country, and went back to England calling drug abuse "the most serious peacetime threat to our well-being."

The 11 members of the committee went to numerous American cities, among them New York's Lower East Side, as part of their study, and said in

their report that illicit narcotic abuse had turned parts of many U.S. cities into "zones of indescribable despair." The drug abuse situation in the United States is depicted in this committee's report as "horrifying." It is also claimed by these Parliamentarians that an identical level of narcotics use could exist in Great Britain within 5 years. As one committee member is quoted as saying: "We have seen the future and it is very frightening."

Mr. President, the numerous political parties in the United Kingdom are known for their radically divergent views on just about everything. One issue, however, has achieved a rare consensus of opinion in England—the seriousness of the problem of drug abuse. As one committee member states in the report:

I cannot overemphasize the seriousness of the problem to the Western democracies and the United Kingdom. The problem we face is a very serious one, perhaps the most serious problem of our age, and the remedies for this problem have to be very draconian indeed.

Mr. President, it is sad to admit, but the Parliamentary committee report provides an accurate accounting of U.S. drug use. The report's statistics on American cocaine use alone are horrifying: over 12 million U.S. citizens use cocaine, with 5,000 new addicts reported every day and $9 billion a year spent just on this drug.

In their discussion of this report, the British Parliamentary officials offered several suggestions for possible solutions to dealing with the present substance abuse problem, and heading off problems of U.S. proportions.

They include: instigating the death penalty for drug traffickers; heightening judicial penalties for drug offenses; and contacting drug control officials of other European nations to coordinate antidrug trafficking and abuse efforts in all of Western Europe.

Mr. President, as Great Britain experiences a rapid increase in drug abuse—last year, heroin addiction rose almost 25 percent and approximately 120,000 people are estimated to be hooked on hard drugs—that nation's Government is to be commended to try to curb its problem with illicit narcotics. Already, the British Government has called for the use of the army, navy and air force to intercept drug traffickers; for the courts to seize the accounts of traffickers, even if they have not been convicted; and for the judiciary and the English population alike to react to drug pushers as the mass murderers they are.

It took Americans a long time to come to these realizations, Mr. President, but though it did, we have learned what the British Parliament has come to terms with in a concentrated period of time. We are now putting our lessons to work. We intend to achieve the eradication of drug abuse in our Nation, and will do everything we can to be of assistance to the citizens of Great Britain in their similar efforts.

Mr. President, I ask unanimous consent that the article entitled "U.S. Drug Scene Horrifies Britons," featured in the Washington Times on May 24, 1985, be inserted in the RECORD.

U.S. DRUG SCENE HORRIFIES BRITONS

(By Peter Almond)

LONDON.—After a 10-day visit to the United States, an all-party committee of British Parliamentarians has returned utterly horrified at what it found about the U.S. drug problem and with dire warnings for Britain.

Calling it "the most serious peacetime threat to our well-being," the House of Commons Home Affairs Committee yesterday called for the use of the army, navy and air force to intercept drug traffickers, for courts to seize the bank accounts of traffickers even if they have not been convicted, for intensive drug education programs, and for courts to sentence convicted drug pushers as if they were murderers.

"I cannot overemphasize the seriousness of the problem to the Western democracies and to the United Kingdom," said committee member John Wheeler. "The problem we face is a very serious one, perhaps the most serious problem of our age and the remedies for this problem have to be very draconian indeed."

Britain, the report said, could have a drug problem of "horrifying U.S. proportions within five years." It said that over 12 million Americans use cocaine, with 5,000 new addicts reported every day and $39 billion a year spent on cocaine alone.

The 11 committee members went to New York's lower East Side as part of their study and said in their report that heroin had turned parts of many U.S. cities into "zones of indescribable despair."

Said Labor MP Robin Corbett, "We have seen the future and it is very frightening."

Added Conservative MP Janet Fookes, "The atmosphere was horrifying. You could feel evil in the air. I was very shaken." She said she was "determined we must never let things get to that pitch in Britain."

The committee said drug trafficking was "tantamount to premeditated murder and we believe punishment in our courts should reflect this view." Committee chairman Conservative Sir Edward Gardner said he believes drug traffickers should get the death penalty, but as Parliament has repeatedly rejected the death penalty for any crime "it would not be politically possible."

While it does not yet have the serious drugs problem of some West European countries, Scotland Yard Police Commissioner Sir Kenneth Newman was with other European police chiefs in the European drug capital of Amsterdam yesterday to pressure Dutch authorities into taking tougher action against traffickers.

Britain is experiencing a rapid rise in drug addiction.

Heroin addiction rose almost 25 percent last year and some 120,000 people are estimated to be hooked on hard drugs.

GULF+WESTERN'S CHILD SAFETY EFFORTS

Mrs. HAWKINS. Mr. President, the subject of child abuse, which was for too long shrouded in secrecy, continues to call for our urgent attention. An enlightened public can make a vital difference in combating this terrible national problem that cuts across all segments of American life.

Educating the public is, of course, an obligation of the Congress. The Subcommittee on Juvenile Justice hearings chaired by Senator SPECTER and myself helped focus national attention on the problem of child abuse. Those hearings also helped stimulate a growing awareness of the need to confront the problem directly.

I am also pleased to note that the private sector has recognized the importance of reaching out to the public with the message of how to detect and prevent child abuse. Through the imaginative use of television and the new technology of home video, the problem has been aired forthrightly and meaningfully to millions of families.

One such private sector effort has been undertaken by Gulf+Western Industries through its television and publishing operations. Perhaps the most talked-about component of this effort has been Paramount Television's "Strong Kids, Safe Kids" hosted by Henry Winkler. This well-done and creative video cassette presents the subject of child abuse in a frank but nonthreatening manner. It has won the wide acclaim of educators, civic leaders, and parents throughout the country. The cassette is designed for use in the home, with children and their parents watching together.

Millions of television viewers saw the subject of child abuse addressed recently in evening prime time, when ABC aired a segment of Paramount Television's "Webster" which was entitled, "The Uh-Oh Feeling." Critical and community response to this program was overwhelmingly positive. It reached a wide audience and delivered its message with sensitivity and understanding. There was even a subsequent newspaper report indicating that viewing the show had prompted a child to step forward and report sexual abuse.

The Publishing and Information Resources Group of Gulf+Western, is the distributor of an understanding video cassette called "Touch." Featuring Lindsay Wagner, "Touch" is designed for classroom use. By presenting students carefully developed segments on different aspects of child abuse, "Touch" creates a structure in which students can deal with sensitive aspects of child abuse. "Touch" was produced by Media Ventures, Inc., with promotional support provided by International Dairy Queen. It features the Illusion Theater of Minneapolis, a talented group which has performed "Touch" live for hundreds of school groups.

Complementing the message of "Touch," Gulf+Western's MTI Teleprogram has just released a new video cassette entitled, "What Tadoo." This short video features two puppet frogs—What and Tadoo—and is for school use for younger children. It was produced for MTI by the J. Gray Mitchell Film Co. and is designed to help younger children understand how to avoid becoming a victim.

I want to commend Gulf+Western Industries and other similiarly motivated companies for the steps taken to help us protect our children and to help our children protect themselves.

With the Congress and the private sector joining to raise the level of public awareness, we can more effectively combat child abuse and make this a safer and more secure society for our children. We are moving in the right direction and I look forward to even greater progress in the coming months.

YOUTH SUICIDE PREVENTION MONTH

Mr. DOLE. Mr. President, the month of June has been designated as Youth Suicide Prevention Month.

Teen suicide is a large and growing problem in the United States. Last year, more than 5,000 teenagers took their own lives, and this statistic merely reflects the number of verifiable suicides. The actual number of adolescents who died by their own hand could very well be much higher.

In 1950 the suicide rate for the 15-24 age group was 4.9 per 1,000 persons; by 1983 the suicide rate for this same group had escalated to 11.7. Suicide is now the second leading cause of death for young people.

Recent outbreaks of teenage suicide have left bereaved parents, confused communities, and confounded experts trying to understand why youths who appear to have everything choose to take their own lives. Research indicates that several factors may be involved. Some of the most common causes cited by experts included feelings of isolation and the inability to relate to peers; failure to deal with intense academic pressures and high expectations; the inability to come to terms with an unhappy family life: and finally, the need to draw attention to oneself.

Suicide among adolescents has been known and recorded throughout history. Frightening, however, is the dramatic increase in the number of those attempting to take their own lives. This large increase has been attributed to the breakdown in the nuclear family, heightened alienation among peers, and cutbacks in mental health resources.

At increased risk for suicide are teens from families with alcohol or drug problems or where a relative has committed suicide. Psychiatrists indicate that suicides occur most frequently when a youngster feels that no one needs them or no one cares. Suicides are also more likely to occur shortly after the loss of a parent or other loved one.

Community and school-based programs have been effective in providing counseling services to potential teenage suicide victims. In addition, some States have provided funds to establish suicide prevention and awareness programs.

Congress, too, has begun to explore ways of expanding the Federal role in alleviating this social tragedy. The Senate Judiciary Subcommittee on Juvenile Justice has held hearings to focus attention on the problem of teenage suicide and to determine what action the Federal Government can take to broaden its activities in this regard.

The American Academy of Child Psychiatry and the American Psychiatric Association recommend that parents be on the alert for the warning signs of suicide, which include: Changes in eating and sleep habits, withdrawal from friends and family, decline in the quality of schoolwork, persistent boredom, drug and alcohol abuse, and violent or rebellious behavior, including running away from home.

Today five American youths will kill themselves. We need to take aggressive action now to insure that tomorrow this tragedy will not again be repeated.

A SPIRIT AND A VISION RECALLED FOR A NEW ERA—ADDRESS BY SENATOR KENNEDY

Mr. BYRD. Mr. President, one of the most thoroughly shared experiences of a majority of Americans living today is our bittersweet memory of President John F. Kennedy. A charismatic man—indeed, one for whom the term "charismatic" seemed exclusively intended—and an accomplished leader, President Kennedy inspired millions here and abroad to a renewed search for solutions to ancient and nagging problems, and to a commitment to a fuller realization of human possibilities. During his brief years in the White House, John F. Kennedy won the affections of people around the world, and even many who disagreed with certain of his policies admired his refreshing personality and the courage with which he stood by his ideals. His tragic death in 1963 left marks of grief on a whole generation like unto those usually reserved for the loss of a beloved member of one's own family.

Recently, Hofstra University, in its Presidential Conference series, focused on President Kennedy as its central subject. Appropriately, our distinguished colleague from Massachusetts, Senator EDWARD M. KENNEDY, delivered one of the conference addresses.

Senator TED KENNEDY is a perennial favorite on college and university campuses, both with students and faculty members. In the remarks that he presented at Hofstra, Senator KENNEDY challenged many current political and economic assumptions, and he outlined several issues that Americans of all persuasions and interests need to confront as we approach the 21st century. Significantly, Senator KENNEDY recalls, and appeals to, the spirit and ideals that tinctured many of John F. Kennedy's speeches and policies.

In order to afford Senator KENNEDY's important observations at a wider audience, I request that his speech at the John F. Kennedy Presidential Conference on March 29, 1985, at Hofstra University, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

REMARKS OF SENATOR EDWARD M. KENNEDY, THE JOHN F. KENNEDY PRESIDENTIAL CONFERENCE, HOFSTRA UNIVERSITY, NEW YORK, MARCH 29, 1985

In the spirit of the occasion, I come here today not merely to remember a thousand earlier days that passed so swiftly a generation ago, but to reflect on their parallels with the present—and their lessons for the future. President Kennedy, for whom history was a close companion and a constant teacher, spoke often of "the great and honorable tradition which combines American scholarship and American leadership in political affairs."

This Conference on the Kennedy years, like your previous sessions on other Presidencies, can sustain, deepen and enrich that tradition. For our purpose goes beyond the narrow task of restating and debating bygone moments. A university like Hofstra, by its very nature, is a place where memorable moments can abide for ages; where learning comes alive; where history is not a dry, theoretical discipline, but a vivid, shaping force of our national life. So we gather to examine the past not because we are in thrall to it, but because its experiences can challenge us to raise our sights from the rush of daily events, and disenthrall ourselves from the unexamined assumptions of our own unfinished time. We retrace the paths of others to reveal and redirect our own. We look back in order to look forward.

And in the power and meaning of John Kennedy's memory, I believe there are important lessons about the state of our politics today, and the direction of our Nation and the democratic party. A round of revisionism has come and gone—and surely, there will be more. But most significant is the indestructible quality, after more than two decades, of President Kennedy's appeal—in our own country, and around the globe.

Ronald Reagan opened his 1984 campaign by quoting John Kennedy and Franklin Roosevelt in his State of the Union Message. It is understandable that any candidate, of either party, would prefer to invoke Kennedy, Roosevelt, or Truman rather than Harding, Coolidge, Hoover and Nixon. But it is also remarkable how often Ronald

Reagan mentioned John Kennedy—not once or twice, but many times; not casually or as a gloss, but as a conscious strategy.

I believe that at one level, my brother would have been amused by this, even as he pointed to the profound differences between the Reagan vision and his own. During the 1960 campaign, he commented with a smile on the "impressive number of Republicans—those who are running for office—who suddenly, just before election time, try to sound like true Lincolns."

Yet in 1984, the Republicans not only tried to sound like true Roosevelts or Kennedys, but largely succeeded as they swept 49 of the 50 States. The success of their strategy points to two conclusions: First, that Democratic ideals still touch a powerful chord in the American character; and second, that the Democrats of 1984 somehow permitted our opponents to seize the high ground of our own heritage and history.

From the perspective of a decade ago, this was not inevitable or even likely. Let me suggest what readily could have happened that would have been very different in our recent politics. The record of the years between 1976 and 1980 has been cited—and cited frequently by President Reagan—as proof of the failure of today's Democrats and our policies. The Republicans emphasize the contrast between those years and their own term. But if Gerald Ford had been re-elected in 1976, policies of high interest rates and high unemployment, along with inflation and the energy crisis, would have brought a stunning rebuff to the Republican Party in the 1980 election. This decade could have been a time of Democratic success—and of a continuing conservative decline.

What might have been can refute the popular notion that the present Republican tide is an irresistible ordinance of history; but it cannot excuse us from doing what must be done to turn that tide. Those of us who are Democrats cannot cede to the other side issues like economic growth and America's standing in the world—issues which were the heart and strength of the Democratic Party for most of the Twentieth Century.

In 1976, the Democrats led the Republicans by a margin of nearly 25 points as the party which would do a better job of keeping the country prosperous.

By 1980, the two parties were tied.

By 1984, the Republicans held an advantage of nearly 20 points.

President Reagan came to power amid a self-fulfilling pessimism which told us that government did best by doing hardly anything at all. There was a widening fear that public policy could not move even mole hills, let alone seemingly mountainous problems, no matter who was in charge. He ran for re-election amid a new sense of optimism and satisfaction. We may quarrel with the cold unfairness of a program which means that so many Americans will be left out or left behind; we may argue the content and the long-term consequences of the Republican approach. We should—and I have—and I will. But we cannot deny the vote of 1984—which I also believe will be the verdict of history—that whatever the wisdom of his policy, Ronald Reagan has restored the Presidency as a vigorous, purposeful instrument of national leadership.

Last year, the Democratic message seemed primarily to be that things could get worse—and that we had to make some tough and painful choices. There was truth in that, and even courage. But where was the feeling of hope, the promise of change, the spirit that enlivened the Democratic Party from the new freedom to the New Frontier? There were elements of all this to be found somewhere in our platform planks, but they were nowhere near the center of the public debate. It was ironic, painful, and symbolic—but it was not at the Democratic Convention, but at the Republican Convention that the band triumphantly played "Happy Days Are Here Again."

The Democratic Party, the longest-lasting political party on this planet, must reinvigorate itself in order to remain the largest political party in this Republic—and to regain its role of leadership in the public arena. It would have been difficult for any Democratic nominee to win in 1984. But we cannot prevail in 1986 and 1988 by pretending that the essential problem last year was President Reagan's television presence—for if we comfort ourselves too much we cannot afford to blame the voters—for the critical question is not what they failed to see, but what we failed to show. Nor can we be content with fighting a rearguard action to save the policies of the past, while hoping that an economic downturn will raise our prospects for the future. That strategy is wrong—it does not deserve to win—and it probably will not work.

On the other side of the Democratic dialogue, there are equal dangers. We cannot let a healthy re-examination become an instrument of unhealthy recrimination, where each faction blames the other as part of a draining struggle for position and power. Most of all, we must avoid the temptation to think that by changing labels or manipulating images, we can trick people into believing that we, too, have seen the conservative light. I am more certain than ever of what I said in 1982: "The last thing this Nation needs is two republican parties." We must offer new ideas, but they must be more than retreads of the reactionary nostrums of this day. If we seek to become a pale carbon copy of the Republicans, then Democrats surely will lose to the real thing. As Thoreau observed, "expediency—or choosing that course which offers the slightest obstacles to the feet—that is a downhill one."

How, then, can the Democratic Party reclaim the heights of victory and of its own vision?

Above all else, we must recognize that our truest tradition is change. Thomas Jefferson, the founder of our party, said that the tree of liberty should be watered by revolution every twenty years. So our truest attachment is to the roots and not the branches. Our truest commitment is not to timeworn views, but to timeless values which will never wear out. And our truest challenge is not to abandon our identity, but to be what we have been at our best—an agent of progress, ready to refine our policies, anxious to refresh our faith, and unwilling to retreat from our fundamental principles. When John Kennedy called America to a new frontier, he did not ask us to leave behind the ideal of shared progress, of compassion and equal rights. Indeed, they were the guiding stars of that journey—the compass by which a new generation of leadership met and mastered new realities.

That task, in our own time, is now an urgent one—for the sake of our country, even more than our party. The Republicans, who claim to be a source of new ideas, now find themselves increasingly in the grip of rigid ideology.

At home, the party that promised to take government off our backs now proposes to put it into our bedrooms. In economic policy, their only real response to their own vast Federal deficits is the unreal answer of a balanced budget constitutional amendment—which, if passed, would shatter both their program and their politics.

Abroad, they do not have a foreign policy, but a weapons policy. Our capacity to compete in the world economy is nearly in freefall. Our standing in Latin America is in increasing peril. This Nation, which too briefly offered an alliance for progress in the 1960's, now seems to be the prime sponsor of an alliance with repression in the 1980's. In South Africa, America is seen as a source of aid and comfort to apartheid. And almost everywhere, this administration seems almost enamored of the notion that with secret wars and saber-rattling, we can retrieve old defeats, settle old scores, and vindicate approaches which failed in other places and other times.

The Republicans are now becoming the defenders of their own status-quo—a role which is far more appropriate to their long history of suspicion and resistance toward change.

So beyond the apparent discord and disputes within the Democratic Party, there is an emerging opportunity—which is also a national imperative: The time is ripe for us to reclaim our rightful role at the center of American progress.

Yet I also fear that in the present debate among Democrats, when all is said and done, much more will be said than done. The debate could become, in the phrase of an ancient play, only "A quarrel about the donkey's shadow."

We must offer something greater than that shadow—something better than a choice between two versions of the past—the Republican dogma of Laissez-Faire, of indifference and unconcern—and the mythology that all the Democrats have to give is more programs at higher cost, for lesser returns. President Kennedy's warning two decades ago has a new relevance today: "We cannot understand and attack our contemporary problems if we are bound by traditional labels and the slogans of an earlier era. The unfortunate fact of the matter is that our rhetoric has not kept pace with the speed of social and economic change. Our political debates—our public discourse on current . . . matters—too often bear little or no relation to the actual problems the United States faces."

Now, in the 1980's and the 1990's, we must recognize first of all that we cannot face our actual problems with an ideology that is always pro-government—or always anti-government.

When farmers are in crisis, they deserve more than bankruptcy sales, sermons about the free market, and a joke from the President suggesting that perhaps we should now export farmers instead of food. Where the marketplace works, we should rely on it—which is why I led the fight for airline and trucking deregulation. But where the marketplace fails, we must not sacrifice the hopes and dreams of people on the altar of ideological abstraction. We cannot move forward by running constantly to the right—or to the left. Sometimes we need less government—and sometimes we need more.

This applies with special force to the future of our economy. Government cannot plan it, but government has an inescapable and invaluable part in it—to support research and development, to encourage in-

vestment, to enhance private employment and to revive our foreign trade.

The share of information technology in our national product has risen nearly 50 percent in only 5 years; the share of autos and steel has remained approximately the same. During the 1984 campaign, we were frequently left with the impression that we had to choose between new industries and basic industries. That is a polarizing choice—which will leave us with a weakened society divided against itself. In fact, the greatest user of computers is the auto industry. In fact, new ideas and initiatives are also vital in our older industrial States—and many of their problems in turn will soon affect the rest of our economy.

Indeed, we are learning that unequal terms of trade can threaten the sharing enterprises of the Silicon Valley as well as the smokestack industries of the Mahoning Valley. In effect, Japanese regulations are now making it impossible to market American telecommunications in that nation. And no American company, new or old, can negotiate trade issues with any other country on its own—without the active, effective participation of American Government. Our purpose should not be protectionism, but fair competition. Our policy should not seek the preservation of any and every enterprise, but the modernization of our industrial base and our workforce.

Our standing in the world depends critically on our economic as well as our military strength. If we rely solely on missiles and warheads and neglect other challenges, here and overseas, America could become a declining economy ringed with excess weaponry—a nation in debt, with a vast trade deficit—a second class power in the international marketplace. We need not and must not accept that fate; we can and we should be the first economy on earth as we enter the 21st century—but only if we move to meet the challenges now.

Some question how we can succeed when the very deficit which endangers us also enjoins our capacity to respond to the dangers.

This leads me to a second view—the answer is not simply more dollars and more spending. We can no longer let the debate be cast in those terms. The unspoken but increasingly clear result—and perhaps the real intention—of the Reagan agenda is to limit the resources for domestic action—even if we finally do restrain the defense budget.

One other thing is certain: We cannot and should not depend on higher tax revenues to roll in and redeem every costly program.

Rather, those of us who care about domestic progress must do more with less—and in fact, some of the measures we should take will save money instead of spending it.

For example, we should reject the perennial establishment consensus in favor of high interest rates. They make our dollar too dear and our goods too expensive; they make it difficult for young families to buy a home. And each extra percentage point of interest adds 10 billion dollars to the Federal deficit—more than the price of 100 MX missiles—and half of the entire annual budget for all Federal education programs.

Beyond this, as we create new programs, we must regard them as replacements, not additions. We must have the daring to try innovations—and the courage to discard them when they fail. For only then can we successfully stand against the Republican strategy of assailing ends as well as means—their tactic of throwing out enduring institutions with exhausted efforts. In every area of domestic concern, they are becoming the party of no ideas; but we cannot overcome that by ourselves becoming the party of no change.

For who can deny that some traditional programs have fallen short—and that others, precisely because they have succeeded, can be thankfully set aside? The mere existence of a program is no excuse for its perpetuation—whether it is a welfare plan or a weapons system. The unexamined program is not worth keeping—and good intentions cannot redeem bad results. Too much of the public housing that was built in past decades—too many of our public service jobs and public assistance programs—have done too little to break the cycle of poverty and dependence—and too often they have proved to be counterproductive.

In areas where we can and must act, not all progress should be made or measured in dollars. Education is a central issue as a new generation enters a new and revolutionary information age. Computer literacy will cost money. Good teachers do need better pay. But equally important are other steps to assure the quality of our schools—especially merit pay and competency testing for teachers. Most of them do a tough job well, often at personal financial sacrifice. But unless we set new standards of excellence, we will sacrifice public support for all our public schools. Once the issue was simply Federal aid to education; now, here and elsewhere, we must focus not only on what we invest in the system, but what it produces in return.

Similarly, with the crisis in Medicare, we must move beyond simply opposing the deep cuts requested by the administration—which now seems to be saying that the solution to our problems is to throw money away from them. With Congressman Richard Gephardt, I have sponsored legislation to restrain the inflation of health costs—to strong forces which fiercely resist this, but it involves a question of simple justice: The elderly cannot live with less health care, but a reformed health system can afford to charge less.

Not every new idea will work—and in domestic policy as much as in defense policy, some new ideas will prove to be bad ideas. The call to impose a means test on social security and Medicare—to deny benefits to the middle class—is a shortsighted way to save money which will destroy long-term support for both programs. Our task is which will destroy long-term support for both programs. Our task is not to repeal the New Deal and the New Frontier; it is to take up the challenges of this day, not to return to the old injustices of former days. As President Kennedy said during the long, hard struggle for Medicare—"to [limit] help [to the] 'medically indigent,' coupled as it is with a means test, is far less appealing"—and therefore, far more difficult to sustain.

So for us the test of an idea should not be whether it is new or old—but whether it is right or wrong.

Issues cannot be decided by labels—and changing realities cannot be forced into precast and sometimes crumbling categories. There is nothing liberal or conservative about fighting crime with effective measures instead of code words—with bail and sentencing reform, and swifter punishment for violent offenders. There is nothing passe about the age-old dream of equality—of civil rights and equal rights for women. There is nothing outdated about the decade-old struggle to protect the environment—and to prevent America the beautiful from becoming America the polluted. And there is nothing outmoded about the belief that the strong owe a duty to the weak; the privileged have an obligation to the powerless; and all of us must strive not only for ourselves, but for each other and for our country.

Each generation has its rendezvous with a different reality. But if we demand new ideas, and we should, we do it in order to fulfill lasting ideals of liberty, of caring and mutual concern.

So this is our third imperative: We must not free ourselves from the past in order to run from responsibility for the poor and the homeless, the hungry who must be fed, the weak who must be strenghtened, and the hurt who must be healed.

I firmly believe that what angers the American people is not compassionate government, but incompetent government. And I am equally convinced that the indispensable condition of compassion is economic growth. We can no longer neglect President Kennedy's advice that "a rising tide lifts all boats." We must not attempt to redistribute portions of a shrinking or sluggish economy—or we will invite the defeat of our own most decent impulses.

Our ultimate goal must not be to support people, but to make them self-supporting. Here, too, we cannot stop with traditional programs; we must develop new approaches. As we educate all our children to work in the information age—with the new technology of computers and telecommunication—we must also pay attention to the special problems of the children of the poor. It is costly—and it is morally wrong—to abandon successive generations to illiteracy. Nothing in our economy is a greater waste—nothing in our democracy is a greater contradiction—than a permanent class of unemployable citizens.

Several States, including Massachusetts, have pioneered innovative changes in welfare to train individuals for productive work. Today Massachusetts has cut welfare to the lowest point an eleven years. Those who were dependent are finding jobs, dignity, and independence in an expanding economy. Over time, the savings could reach $100 million. But ironically, the Republican administration, in their relentless pursuit of instant budget cuts, even in the best programs, now proposes to slash this hopeful initiative. To save a few dollars today, they would condemn the future to pay the high costs of their neglect.

There is a fourth imperative, without which all the others will fall: We must seek to lead a country, not a collection of divided and contending groups.

The present Republican course threatens to set us against one another in a scramble for resources and advantages. The coils of rivalry tighten as the deficit in the budget widens. The aspirations of the middle class as well as the poor are now threatened by proposals like the one which would deny the sons and daughters of blue collar families, no matter how bright they are, the chance to attend our best colleges. Inevitably, an anti-government ideology will pit region against region, the Sunbelt against the Frostbelt, labor against business, black and brown against white—American against American.

The seeds of even more bitter division have been planted with assaults on privacy and our tolerance toward each other. Our politics is difficult enough—our civility is fragile enough—without supercharging the atmosphere with insoluble issues. We have to say, as John Kennedy did after the Su-

preme Court banned official prayer in schools, that questions so personal and discordant cannot be settled by government—that the remedy is "to pray a good deal more at home . . . and attend our churches with more fidelity."

That statement angered some groups, but it was right for the Nation. In the same spirit, the same President defied powerful forces inside his own party to take up the cause of desegregation, even at some risk to his own re-election. He also challenged both labor and management to hold down steel prices—and he took on the steel companies when they broke the agreement.

In the 1980's, we must revive the sense that issues are problems to be solved, not primarily conflicts to be negotiated among groups. Nowhere is the need for such leadership more compelling than on the question of tax reform and tax simplification. Once more we are learning that no one fears more for the future of the country than a lobby about to lose its favorite tax loophole. Every interest favors sacrifice—in everyone else's benefits or programs. But all of us, despite our separate concerns, have a greater common interest in lower tax rates and higher economic growth.

Loophole by loophole, lobbyist by lobbyist, generation by generation, we have constructed an Internal Revenue Code of Babel—a tax law of towering confusion which also distorts and depresses our economy. The challenge now is to preserve the concept of tax simplification—and to pass tax reform—instead of surrendering it piece by piece to the pressures of narrow interests. We must challenge each group: You may lose a loophole—but you and your country will gain profits and growth, jobs and opportunity.

Perhaps the hardest choice of all for political leaders is to say "no" to interests, however worthy, when there is a more important purpose at stake for the Nation. But sometimes you have to say "no," even to your friends. I remember how in the first battles for deregulation, we encountered the strong resistance of both corporations and unions. We overcame it because we were ready to speak for the national interest—and that fight will have to be waged many times in the years ahead. I strongly believe in unions and in private endeavor; but I also believe that we must transcend the simplistic lables of pro- or anti-business, pro- or anti-labor.

As Democrats, we must understand that there is a difference between being a party that cares about labor—and being a labor party. There is a difference between being a party that cares about women—and being the women's party. And we can and we must be a party that cares about minorities without becoming a minority party. We are citizens first—and constituencies second. The whole of America is greater than any of its parts and the sum of all its groups. We cannot grasp new possibilities by continuing the old practice of always calculating every decision on the basis of who will get what. We are one Nation with one history and one destiny—and I am certain that Americans will respond, if we are challenged to lift our eyes from narrow and separate views of an issue, to a broader vision of the Nation's future.

Finally, we must reject the pressures of some of the most powerful interests, who traffic in the most simplistic label of all—that we must be uncritically in favor of all defense spending or be branded as antidefense.

Indeed the administration's own reckless military budget has eroded the consensus for a stonger, steadier defense effort. And much of the money has been mis-spent in a misguided strategic arms race. We have stockpiled a vast arsenal of expensive nuclear missiles and bombers, we are launching a distant, uncertain, and perhaps destabilizing star wars experiment—and yet we are shortchanging the readiness and reliability of our conventional forces. We now find ourselves in the paradoxical position of lavishing more and more on national security, while becoming less and less sure of how secure we really are.

We can restore the consensus for defense only if we restrain the excesses of present policy. We must end wasteful spending, wherever it occurs, in the military budget as well as domestic programs. A just society cannot be tough on poor mothers—and easy on Pentagon contractors. We must resist the false choice, increasingly set before us by the administration's disastrous course in Central America, between a reborn isolationism and a reflex interventionism. Most of all, on the most important issue of all, we must reverse the tactic of turning arms control upside down—of misusing arms control talks as a bargaining process not with the Soviets, but with the Congress—not to reduce weapons, but to build support for new ones.

Just as we should not let a child go hungry, so we should never starve our national defense. But today it is overfed; it consumes too much of our scarce resources; it weakens our economy and our security—and perhaps even the prospects for our survival. We cannot afford to slash the defense budget or to deny reasonable increases; but we cannot afford to bloat it, or to pay for it by sapping another essential element of our strength—our economic leadership.

In closing, let me express my gratitude for this opportunity to reflect, today and in recent weeks, on the brief but vivid years of John Kennedy—years which so many of us here knew and treasured, which still have a special hold on so many others everywhere—and even on millions who were not yet born when he died. Perhaps his most enduring legacy, the quality which makes his presence so timeless, is that confident, insistent, invigorating summons to "move forward." We can learn from the events of his Presidency—for they tell us not only where we have been—but in vital ways, they point us to where we must go. Yet he would also be the first to say that while we cannot lead without a sense of history, we cannot live solely by its heritage.

And so the memory of his time does not capture us, but liberates us. Certain words, which express the spirit of his leadership, have a powerful meaning for our leadership now. In 1962, he told America: "Some conversations I have heard in our country sound like old records, long playing, left over from the middle thirties. The debate of the thirties had its great significance and produced great results, but it took place in a different world with different needs and different tasks. It is our responsibility today to live in our own world."

In the 1980's, it is our responsibility to live in our time—not to look back to the receding shore, but to sail ahead in hope, remembering whence we came, cherishing the values we carry with us, searching out the newer and better world which is the next destination and discovery of the American journey.

PAUL TSONGAS, ESTEEMED MEMBER OF THE GREEK COMMUNITY

Mr. RIEGLE. Mr. President, on June 14, 1985, the Detroit chapter of the American Hellenic Alliance will honor former Senator Paul Tsongas from Massachusetts for his distinguished service to the Greek community and the American people at large. I am privileged to be a speaker at this occasion and to have the opportunity to pay tribute once again to my friend and former colleague.

Though Paul recently retired from the Senate to return to his private practice of law, his unyielding commitment and eloquence in behalf of social justice and human rights have been a source of pride and inspiration to us all. For Senator Tsongas brought a rare brand of leadership to his office, a leadership full of faith in the democratic process and unhindered by ideological extremes of partisan rivalries. His extraordinary preserverance in achieving compromises on such controversial issues as the Alaskan Lands Act and his work with me on the Chrysler loan bill serves as a testament to his leadership qualities. Most importantly though, Paul inspired us all with his compassionate appeal to assist the poor and the underprivileged, the downtrodden, and the oppressed.

In his single term in the U.S. Senate, Paul played a leading role in an impressive array of issues. As a member of the Foreign Relations Committee, he was an outspoken proponent of arms control and a persistent critic of apartheid in South Africa. On the Energy and Natural Resources Committee he devoted himself to preserving our natural resources and wildlife.

Yet, through all these endeavors Paul never forgot his Greek heritage and his duty to the Greek community. The son of an immigrant father, Paul emerged as a national leader of the Greek community and a champion of Greek causes. Paul has worked hard to protect U.S. interests in the eastern Mediterranean and to strengthen our bilateral relationship with Greece. His profound concern for the nearly 200,000 Greek Cypriots who suffer under Turkish rule on the island of Cyprus led him to consistently attack Turkey for the illegal occupation of that island. Protesting that Turkey had never fulfilled the terms of the original bill lifting the U.S. arms embargo, which had called for a peaceful resolution of the Cyprus conflict, Paul was influential in the Senate Appropriation Committee's 1984 decision to place stricter conditions on future military aid to Turkey.

Senator Tsongas has devoted his life to public service and the betterment of his community and his world. In his 10 years in the House of Representatives

and the Senate he has struggled to advance the cause of peace and progress at home and abroad.

I wish him and his family the best of luck in the future.

THE DEFENSE AUTHORIZATION BILL

Mr. LEVIN. Mr. President, on Wednesday, I voted in favor of the Department of Defense authorization for fiscal year 1986. While I did not agree with every provision of this bill, it makes many useful contributions to improving the Nation's defenses in the coming fiscal year.

On a macroeconomic level, the size of this defense bill is much more consistent with the needs for deficit reduction than the proposal which the President made earlier this year. The deficits we face over the next few years threaten our economic well-being, and in that sense, are themselves a danger to our national security. It is important both in fact and in perception that the defense budget contribute to reducing these deficits. This bill holds defense spending to the level necessary to allow for increased costs due to inflation and no more. But let us not forget that this level of spending comes on top of an average annual increase in defense spending of 8.3 percent after adjusting for inflation from 1981 through 1985.

The cap on deployment of the MX missile in fixed, vulnerable silos is a long overdue step in the direction of strategic nuclear stability and sanity. I have long opposed putting any MX missiles in fixed silos. This bill would have been better if it followed that approach. But assuming that there will be some number of MX's in fixed silos, the fewer the better, and the cap on deployment achieves that objective.

This bill also includes important reforms designed to deal with the problem of the "revolving door" in which people in the Defense Department who oversee the contracts of a defense contractor on a Friday may be working for this same contractor the next Monday.

Almost every day it seems as if the public's confidence in the Defense Department's ability to manage its contracts is shaken. Much must be done to restore that confidence. But one step which can be taken is to assure that those in the Defense Department who oversee these contracts are not put in situations in which conflicts of interest may blur their judgments and weaken their ability to protect the interests of the American taxpayer. This bill takes that step.

I am also pleased that the Senate added to this legislation an amendment which puts the Senate on record in support of the proposition that the United States should refrain from undercutting the provisions of SALT II so long as the Soviet Union refrains from undercutting its provisions. This willingness not to undercut is essential to the potential for success of the Geneva negotiations and will enhance the security of the United States by keeping some lid on the nuclear arms race. SALT II is one of the few constraints that we currently have available to us.

I would have preferred a lower level of funding for the strategic defensive initiative, commonly referred to as star wars. While I believe that we must go forward with SDI research, I am concerned that the level of $2.97 billion in this bill is not consistent with the kind of spending restraint which we should show at a time of budgetary crisis. I am also concerned that the level of spending in this bill runs too great of a risk of making more likely the kind of expenditures which would violate the Anti-Ballistic Missile Treaty of 1972. It is likely that when the Defense Department authorization bill passes the House of Representatives it will have a lower level of funding for SDI. It is my hope that the compromise arrived at in the conference committee on this issue will be more consistent with the need for a sound budget and military strategy. Further, since the SDI program will clearly be going ahead at some level, I am pleased that at the urging of Senator BUMPERS, myself, and others, the chairman of the Armed Services Committee and the ranking minority member agreed that they would appoint a panel of experts to advise the Senate on key questions about the SDI program, including the question of whether specific technologies would violate the ABM Treaty's ban against developing, testing, or deploying ABM systems or components in space.

On another point, I am deeply troubled by the substance of title VII, which consists largely of the so-called Gramm amendment, and the process used to make it a part of this bill. This amendment would repeal major and longstanding provisions of law as they relate to defense contracts. It was adopted by the Armed Services Committee with virtually no opportunity to explore its implications at hearings and strictly limited discussion. Such important changes should be preceded by equally deliberative consideration. That did not occur here.

Mr. President, when taking all factors into account, I think that the bill before us was a reasonable approach to defense spending for the coming fiscal year. Certainly, there is room for improvement, but it is an adequate bill to take into conference.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, I herewith transmit the eighth annual report of the National Institute of Building Sciences.

RONALD REAGAN.

The White House, *June 7, 1985.*

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following acts and joint resolutions:

On April 25, 1985:

S.J. Res. 15. Joint resolution to designate May 7, 1985, as "Helsinki Human Rights Day."

S.J. Res. 63. Joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National DES Awareness Week."

On May 14, 1985:

S.J. Res. 64. Joint resolution to designate the week beginning May 5, 1985, as "National Correctional Officers Week."

S.J. Res. 83. Joint resolution to designate the week beginning on May 5, 1985 as "National Asthma and Allergy Awareness Week."

S.J. Res. 128. Joint resolution to designate May 7, 1985, as "Vietnam Veterans Recognition Day."

On May 15, 1985:

S. 597. An act to amend subtitle II of title 46, United States Code, "Shipping", making technical and conforming changes, and for other purposes.

S.J. Res. 53. Joint resolution to authorize and request the President to designate the month of June 1985 as "Youth Suicide Prevention Month."

S.J. Res. 60. Joint resolution to designate the week of May 12, 1985, through May 18, 1985, as "Senior Center Week."

S.J. Res. 65. Joint resolution designating the month of November 1985 as "National Alzheimer's Disease Month."

S.J. Res. 94. Joint resolution to designate the week beginning May 12, 1985, as "National Digestive Diseases Awareness Week."

On May 17, 1985:

S.J. Res. 59. Joint resolution to designate "National Science Week."

On May 20, 1985:

S.J. Res. 61. Joint resolution to designate the week of May 20, 1985, through May 26, 1985, as "National Osteoporosis Week."

On May 21, 1985:

S.J. Res. 103. Joint resolution to designate the month of May 1985, as "Very Special Arts U.S.A. Month."

On May 24, 1985:

S. 484. An act to amend the Saccharin Study and Labeling Act.

S. 661. An act entitled the "George Milligan Control Tower."

MEASURES PLACED ON THE CALENDAR

The following joint resolution, received from the House of Representatives on June 6, 1985, was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate announced that on today, June 7, 1985, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 93. Joint resolution to designate the month of May 1985 as "Better Hearing and Speech Month."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 88. Joint resolution to designate the week beginning September 8, 1985, as "National Osteopathic Medicine Week."

S.J. Res. 125. Joint resolution designating the week of June 23, 1985, through June 29, 1985, as "Helen Keller Deaf-Blind Awareness Week."

S.J. Res. 137. Joint resolution to designate the week of December 15, 1985, through December 21, 1985, as "National Drunk and Drugged Driving Awareness Week."

S.J. Res. 138. Joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week."

S.J. Res. 140. Joint resolution to designate the week of June 2 through June 8, 1985, as "National Theatre Week."

S.J. Res. 142. Joint resolution to designate June 12, 1985, as "Anne Frank Day."

H.J. Res. 64. Joint resolution designating Mother's Day, May 12, 1985, to Father's Day, June 16, 1985, as "Family Reunion Month."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

J. Frederick Motz, of Maryland, to be U.S. district judge for the District of Maryland.

By Mr. PACKWOOD, from the Committee on Finance:

Robert Michael Kimmitt, of Virginia, to be General Counsel for the Department of the Treasury.

(The above nomination was reported from the Committee on Finance with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 1259. A bill to correct certain inequities by providing Federal civil service credit for retirement purposes and for the purpose of computing length of service to determine entitlement to leave, compensation, life insurance, health benefits, severance pay, tenure, and status in the case of certain individuals who performed service as National Guard technicians before January 1, 1969; to the Committee on Armed Services.

By Mr. EVANS:

S. 1260. A bill entitled the "Hydroelectric Relicensing Reform Act."; to the Committee on Energy and Natural Resources.

By Mr. SIMPSON (by request):

S. 1261. A bill to amend the refugee assistance authorities of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON (for himself and Mr. KENNEDY):

S. 1262. A bill to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1263. A bill to amend the Internal Revenue Code of 1954 to require conformity between the loan loss reserve accounts maintained by certain financial institutions for tax purposes and for financial statement purposes; to the Committee on Finance.

By Mr. QUAYLE (for himself, Mr. STAFFORD, Mr. PELL, Mr. KENNEDY, Mr. WEICKER, Mr. SIMON, Mr. WALLOP, Mr. MATSUNAGA, and Mr. DODD):

S. 1264. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, to extend the authorizations of appropriations for that Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG (for himself, Mr. PELL, and Mr. INOUYE):

S. 1265. A bill to provide prompt, exclusive, and equitable compensation, as a substitute for inadequate tort remedies, for disabilities or deaths resulting from occupational exposure to asbestos, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 1259. A bill to correct certain inequities by providing Federal civil service credit for retirement purposes and for the purpose of computing length of service to determine entitlement to leave, compensation, life insurance, health benefits, severance pay, tenure, and status in the case of certain individuals who performed service as National Guard technicians before January 1, 1969; to the Committee on Armed Services.

FEDERAL CIVIL SERVICE CREDIT FOR CERTAIN NATIONAL GUARD TECHNICIAN SERVICE

Mr. THURMOND. Mr. President, it is with pleasure that I introduce legislation today which is designed to correct an inequity affecting a small number—approximately 400—of former National Guard technicians.

As my colleagues know, Mr. President, National Guard technicians are full-time, civilian employees of the Air and Army National Guard. These technicians are the people who provide the day-to-day support and services necessary to make the Guard a strong military force. They maintain the aircraft, tanks, trucks, and other military equipment. They prepare training programs, keep the necessary records, recruit new Guard members, and provide continuity between weekend training sessions. These individuals provide a vital service to the National Guard, and are an important link to the defense capabilities of our Nation.

Prior to 1969, a great deal of confusion and disagreement existed as to the employment status of technicians. Their salaries were actually paid by the Federal Government, and most conditions of employment were set out in rules established by the Federal National Guard Bureau. Courts had held that they were Federal employees for certain purposes, and many States insisted that they were employees of the Federal Government. However, the Federal Government continued to maintain that technicians were State employees.

In 1968, Congress took action to clarify the situation and passed legislation making the technicians Federal employees. However, retroactive credit for the purposes of determining eligibility for Federal benefits, such as civil service retirement benefits, was granted only to those who served as National Guard technicians on or after January 1, 1969. Those individuals who had left their technician jobs before that date, but subsequently became employed by other Federal agencies, were denied credit for their past service as employees in the National Guard.

Mr. President, my bill would correct this inequity by allowing Federal retirement credit for all prior service, without regard to date of separation. Technicians who left the Guard before January 1, 1969, and subsequently worked for the Federal Government in another capacity for at least 1 year,

will have 1 year after enactment to apply for a redetermination of their length of service. This bill would provide fair and equal treatment for all those men and women who have served their country as technicians in the National Guard, and guarantee them equal compensation for equal work.

These loyal public servants are entitled to receive credit for their work in the Guard, Mr. President, and I urge my colleagues to lend their support to prompt enactment of this measure.

By Mr. EVANS:

S. 1260. A bill entitled the "Hydroelectric Relicensing Reform Act"; to the Committee on Energy and Natural Resources.

HYDROELECTRIC RELICENSING REFORM ACT

● Mr. EVANS. Mr. President, I am introducing today a bill to provide fair and clear guidelines in the relicensing process for utilities which receive licenses from the Federal Energy Regulatory Commission. I am doing so because I believe that bills introduced on this subject thus far do not adequately address the key issues. These include the process for submittal and review of applications, providing appropriate public interest criteria, and establishing adequate compensation criteria in the event the license is transferred. My bill incorporates some of the concepts introduced by three other bills developed by Senators WALLOP, JOHNSTON, and METZENBAUM—S. 426, S. 403, and S. 1219 respectively—but also explores new ground.

I am introducing legislation at this time, in particular, since the Water and Power Subcommittee of the Energy and Natural Resources Committee will hold a hearing next Tuesday, June 11, to consider this issue. While I believe that none of the bills introduced so far represent an appropriate final version, it is important for the committee to address the various issues in a public forum. I believe the bill I am introducing today will help broaden the issues discussed in the Energy and Natural Resources Committee hearing.

Currently, the Federal courts are considering an appeal by certain public utilities of FERC's so-called Merwin dam decision. In the Merwin decision, issued on October 6, 1983, the Commission reversed its previous order and granted the new license to the existing licensee, Pacific Power & Light Co. There is enough uncertainty, however, both in the direction the courts might take and in future rulings by the Commission, that it is time for us to begin our deliberation. Legislation may not be inevitable, but there is a sufficiently high degree of uncertainty that I think it is wise for Congress to begin to consider the legislative alternatives.

The Federal Power Act of 1920 established a process to issue original license for a period of 50 years, but left the criteria and language for granting a subsequent license unclear. Section 7(a) of the Federal Power Act provided preference to States and municipalities in granting the original license, if the Commission determined that the applications were equally well adapted to serve the public interest. In addition, it gave State and municipal applicants the right of last amendment if the Commission judged that its application was not equally well adapted to another. Clearly, the emphasis in the 1920 act was to provide every opportunity to a State or municipality to receive the license for the project. Proponents of the act at that time were concerned about the potential for private electric utilities to monopolize our Nation's hydroelectric resources in perpetuity.

The legislators drafted the 1920 act to encourage a countervailing force of public power entities in our Nation's electric power industry. And it worked. Following the passage of the act, public utility districts were established in all parts of the Nation to provide electric service to a broad range of customers at a low price. With a growing industry supported by the public preference clause, States and municipalities grew to account for about 75 percent of our Nation's hydroelectric power resources today. The State of Washington in particular has been a major beneficiary of the development of public power.

Today, public and private utilities supply roughly equivalent amounts of electric power to residential and commerical customers in Washington State. About 90 percent of the power generation in our State is hydroelectricity. Of course, much of this high dependence on hydroelectricity is due to the commitment the Federal Government made in the 1930's to develop the resources of the Columbia River basin. The Bonneville Power Administration was created to market the power generated by the dams on the Columbia River. As a result, an abundant and inexpensive source of hydropower became the backbone of the Pacific Northwest's electric power supply and the lifeblood of region's economy.

To be sure, not all the dams in the Pacific Northwest were developed by the Federal Government. During the 1950's the Federal Government decided not to develop the potential for power generation on the mid-Columbia River. Hence the public utility districts in that area decided to construct those dams and have since become some of the largest public utility generators in the Nation. And there are many rivers in Washington State that the Federal Government was not authorized to develop, such as the Lewis, Skagit, and Baker Rivers.

Hydroelectric licensing policy is an extremely important issue to the ratepayers of my State. Yet it is one where there is little unanimity about what to do. Some would prefer to see legislation to clearly favor the existing licensee. Others express a strong desire to award preference to States and municipalities. Some utilities would prefer to see no legislation at all. It is in that context that I am introducing this bill.

Let me briefly describe the underlying assumptions of my bill. First I believe that the relicensing issue is primarily a ratepayer issue, not a preference issue. My legislation does not favor at the outset one group of ratepayers over any other groups, based on public preference or other criteria. Second, a related goal is to minimize the economic disruption to ratepayers during a relicensing proceeding. Third, since the project represents utilization of a public resource, there are benefits to be derived from the process of utilities competing for a new license. Through different applicants competing for the license, improvements can be made to the project. Fourth, any legislation should set a fair and well-defined framework for the process of submitting and reviewing applications, both in an adversarial and nonadversarial proceeding. Fifth, criteria which defines the public interest should be modified to reflect today's environment and needs.

Mr. President, the current law is vague and ambiguous regarding all of the above. My bill aims to clarify these ambiguities, while at the same time providing fairness to the existing licensee's ratepayers as well as an opportunity for a competing applicant to file for the new license. The compensation criteria are not so high as to discourage competing applicants, but will adequately compensate a displaced licensee's ratepayers. The public interest criteria include fish and wildlife mitigation and energy efficiency requirements that I believe reflect today's need to fully and responsibly utilize our Nation's hydroelectric resources. In addition, the criteria include clear language on the economic impact on ratepayers of the existing licensee in order to minimize the potential economic disruption.

I would like to clarify, however, that certain provisions in the legislation are offered as vehicles for discussion. I am not necessarily wedded to their specific numbers or percentages. They represent an attempt to resolve the issue after long and serious consideration of various alternatives. The first concerns the term of the license. In particular, I am proposing language to require, as a general rule, a term of 30 years for the new license. This provision reflects the policy of the Commission established in its Escondido deci-

sion in 1979. I believe we should reduce the new license term to a period shorter than 50 years since this will afford more frequent opportunities to improve the project. But the term should be sufficiently long in order that the licensee has an adequate period to recover the investment that it has made in that project.

Second, I am offering the compensation criteria of 50 percent of an equivalent amount of the least-cost alternative electric energy of the existing licensee to strike a balance between the two acquisition formula which stand at different ends of the spectrum—net depreciated investment and replacement, or fair market value. There is no mysterious magic to the 50 percent level, but I believe that it represents a reasonable price for an asset to be transferred between two utilities. It also encourages the utilities to develop least-cost alternatives by using this criterion for the basis of compensation. I am certainly willing to consider other reasonable alternatives as we consider this legislation.

In short, I believe the legislation I am introducing today will force utilities to consider relicensing primarily as an economic issue. If a utility believes that it can best represent its ratepayers by competing for the new license, and meet the public interest criteria specified in the bill, it will pursue the license. If it believes it cannot do so, it will not. In my view, this approach will lead to the optimum utilization and enhancement of our Nation's valuable hydroelectric resources.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1260

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hydroelectric Relicensing Reform Act of 1985."

The Federal Power Act (Act of June 10, 1920, 41 Stat. 1063, 16 U.S.C. 791a et seq., and Acts amendatory thereof and supplementary thereto) is amended—

SEC. 2. in section 7(a)(16 U.S.C. 800(a)),

(a) by inserting "original" after "hereunder or";

(b) by striking "and in issuing licenses to new licensees under section 808 of this title."

SEC. 3. in section 14(a)(16 U.S.C. 807(a)), by striking "two years" and inserting in lieu thereof "three years";

SEC. 4. by striking section 14(b)(16 U.S.C. 807(b));

SEC. 5. by striking subsection 15(a)(16 U.S.C. 808(a)) and inserting in lieu thereof the following new subsection:

"(a)(1) The existing licensee shall make known its intention to file for a new license no later than three years prior to the expiration of the existing license. If the existing licensee intends to file for a new license, it shall submit its initial application to the Commission, including all maps, plans and specifications, within 6 months of filing by the existing licensee of a notice of intent under this subsection. Such maps, plans and specifications shall become part of the records of the Commission and shall be made available upon request to all interested parties.

(a)(2)(A) Within 180 days of a filing by the existing licensee of an initial application for a new license under subsection (a)(1) of this section, any citizen, association of citizens, domestic corporation, municipality, or state may submit for filing a competing application. Any competing application must include a detailed statement of how the plans reflected in the competing application are as well adapted, or better adapted, than are the plans reflected in the initial application to develop, conserve, and utilize in the public interest the water resources of the region. All maps, plans and specifications filed under this section shall become a part of the records of the Commission and shall be available upon request to all interested parties.

(b)(1) Not less than one year prior to the expiration of the existing license, each applicant for the new license shall file a final application with the Commission. Such application shall refer to and seek to improve the applications previously filed.

(b)(2) The Commission shall provide public notice upon receipt of final applications for a new license under subsection (b)(1) of this section. The Commission shall review all final applications for a new license simultaneously.

(c)(1) If the United States does not, at the expiration of the existing license, exercise its right to take over any project or projects of the licensee, as provided in section 14, the Commission shall issue a new license to the applicant whose plans are best adapted to serve the public interest. If the Commission determines the plans of competing applicants are equally well adapted to serve the public interest, the Commission shall give preference according to the following bases:

(A) If one of two applicants is a municipality or a state, and the other is not, the Commission shall favor the municipality or state; or

(B) If both of two applicants are either a municipality or a state, or neither or them is a municipality or a state, the Commission shall favor the existing licensee.

(c)(2) New licenses shall be issued for a period not to exceed thirty years, unless the Commission determines a longer license term is necessary to best serve the public interest. The Commission shall not issue a new license unless it is satisfied that the applicant is able to carry out such plans.

(c)(3) In making a determination of the public interest under subsection (a)(1), The Commission shall consider—

(A) the economic impact upon customers served by the existing licensee if it fails to receive a new license;

(B) the ability of the existing licensee to provide efficient systems operation and reliable electric service to its customers if it fails to receive a new license;

(C) the plans of each applicant to protect, mitigate and enhance fish and wildlife to the extent affected by the development and operation of the project or projects;

(D) the plans of each applicant to implement energy efficiency programs to conserve the public resource; and

(E)(i) the plans of each applicant to adapt its development and operation of the project or projects to a comprehensive plan for improving or developing a waterway or waterways prepared by the State in which the facility is or will be located, or if the facility is located on the Columbia River or its tributaries, by the Pacific Northwest Electric Power and Conservation Planning Council (established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501, 94 Stat. 2697)), or, if no such plan exists, (ii) the recommendations of federal and state agencies and Indian tribes exercising administration over fish and wildlife, flood control, navigation, irrigation and recreation resources of the State in which the project or projects are located.

(d) If the Commission issues a license to a new licensee, it shall be on the condition that the new licensee shall, before taking possession of such project or projects.

(1) shall assume all contracts entered into by the licensee with the approval of the Commission;

(2) pay the net investment of the licensee in the project or projects taken, not to exceed the fair market value of the property taken;

(3) pay such reasonable damages, if any, to property of the licensee valuable, serviceable, and dependent as above set forth but not taken, as may be caused by the severance therefrom of property taken; and

(4) pay 50 percentum of the additional cost to the existing licensee of providing the equivalent amount of the least-cost alternative electric energy to its customers for the term of the new license: *Provided*, that, notwithstanding any provision of state or federal law, any payments received by the existing licensee under this subsection shall pass directly to the customers of the existing licensee.

(e) The provisions of this subsection shall not apply to any project or projects for which an application of any entity—

(1) whose application is pending before the Commission as of the date of enactment of this Act; and

(2) whose application is for a license for a project or projects for which an existing license expires prior to January 1, 1989.".

SEC. 6. by renumbering section 15(b) (16 U.S.C. 808(b)) as section 15(f).●

Mr. SIMPSON (for himself and Mr. KENNEDY):

S. 1262. A bill to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes; to the Committee on the Judiciary.

REFUGEE ASSISTANCE EXTENSION ACT

● Mr. SIMPSON. Mr. President, I am pleased today to join my colleague, Senator KENNEDY, in introducing the Refugee Assistance Extension Act of 1985. This legislation would reauthorize for 2 years the funds that are necessary to domestically resettle those refugees whom we have admitted from overseas. Refugee resettlement on the whole has been proceeding in a fairly smooth manner in the past year, and some programs that promise substantial improvement are now being put into action. However, there still remain some significant problems with the resettlement program—particular-

ly with respect to "welfare dependency—that is, the dependency rate" in certain States—and this bill seeks to correct some of those problems.

The legislation spells out more explicitly the performance criteria that voluntary agencies should be judged on, and for the first time it requires that a voluntary agency fulfill its responsibility to provide for a refugee's basic needs and develop and implement a resettlement plan that emphasizes self-sufficiency. I am pleased to report that the language which requires this responsibility has been approved by both the representatives of the voluntary agencies and the appropriate committees of the House and Senate. A refugee's successful initial experience with the U.S. job market has been proven to be essential to his ultimate integration into U.S. society, and I believe these amendments will encourage a positive experience from the beginning of the refugee's new life here.

The legislation also encourages the States to thoroughly review a refugee's situation before granting him public assistance, and it provides for penalties against those refugees who refuse legitimate job offers or job training. New provisions would allow refugees to work at entry-level jobs and still receive other necessary refugee-specific public assistance. The programs that refugee resettlement specialists consider to be essential for proper adjustment to our society are continued—such as many social services—yet it is time now to remove the line item funding for these programs and allow the regular appropriations process to determine the proper level of funding.

In conclusion, I urge my colleagues to work with us in pursuing this necessary legislation. The key to a generous refugee policy is a successful program or domestic resettlement, and I feel this bill will help us achieve that goal.

Mr. President, I would ask unanimous consent that a statement by Senator KENNEDY regarding this bill be inserted in the RECORD at the conclusions of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Refugee Assistance Extension Act of 1985".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.●

● Mr. KENNEDY. Mr. President, I am pleased to join with Senator SIMPSON in introducing this compromise package of amendments to extend the domestic assistance authorities of the Refugee Act of 1980.

There are few human dramas more compelling or more revealing of the troubled times in which we live, than the plight of millions of refugees around the globe. And there are few greater tests of the humanitarian ideals for which we stand, than how we respond to their needs.

In 1980, Congress took a major step to strengthen our Nation's ability to assist refugees with passage of the Refugee Act. For the first time, we put our refugee programs on a firm footing, ending years of ad hoc, uneven and uncoordinated programs. We established a permanent structure and process for admitting and resettling refugees. And we laid the basis for a far more effective and efficient program.

As I indicated last year when we reported out a bill similar to this, I believe the provisions of the act have served us well, and I strongly support extending the authorization for domestic resettlement programs for a longer period of time.

This does not mean there are no problems to be addressed, or challenges to be met. Clearly there are. But I believe these can be achieved under the existing statute without major amendments. This is because from the outset the Refugee Act was designed to be flexible—to allow administrative modifications of our resettlement programs to meet changing needs and conditions. It was deliberately framed to encourage innovation, better coordination, and strengthened management.

The voluntary agencies, as well as State and local agencies, have all made extraordinary progress in recent years in dealing with the continuing resettlement needs of refugees, especially Indochinese refugees. While there have been problems, we must not ignore the many success stories. And if we reflect upon the last 5 years, it is nothing short of a miracle that working together we have successfully resettled over a half a million Indochinese refugees since 1978—and another 200,000 before that.

Mr. President, this bill will further strengthen our ability to resettle refugees by:

First, giving the voluntary agencies statutory responsibility for early case management and planning for the refugees they resettled.

Second, unlike last year's bill, we would give the Office of Refugee Resettlement in the Department of Health and Human Services additional authority for more effective resettlement of refugees by ending the so-called 100-hour limitation and separating in the process cash and medical assistance. Our amendment also simplifies case management and State and local recordkeeping by authorizing all welfare and medical assistance through the Office of Refugee Resettlement.

Finally, we continued "targeted assistance" with "such sums as may be necessary" to help several State and local communities deal with refugees who are no longer qualified for time-restricted Federal reimbursement, but who are still in need of some assistance.

Again, Mr. President, this bill is essentially the same as we reported out of the Judiciary Committee last year, and I believe it meets the needs and concerns of the voluntary agencies—which remain a crucial link in our ability to resettle refugees—as well as authorizing needed funds to help State and local governments. It clearly deserves the support of the Senate and I will work for its expeditious passage.●

By Mr. ROTH:

S. 1263. A bill to amend the Internal Revenue Code of 1954 to require conformity between the loan loss reserve accounts maintained by certain financial institutions for tax purposes and for financial statement purposes; to the Committee on Finance.

LOAN LOSS RESERVES

● Mr. ROTH. Mr. President, today I am introducing legislation for myself and the distinguished Senator from Oklahoma, Senator BOREN which will promote bank safety and soundness by providing conformity between the amount commercial banks maintain for loan loss reserves in their official financial records and the amount of reserves commercial banks are allowed to deduct for income tax purposes.

In order to understand the necessity for this legislation, it is important to review the history of the treatment of loan loss reserves for income tax purposes. Since 1921, all businesses, including commercial banks, have been permitted to deduct a reasonable addition to a reserve for bad debts. Generally, for banks, the basis for allowable tax reserves has been a fixed percentage of loans outstanding.

Prior to 1969, banks were permitted to maintain loan loss reserves for tax purposes equal to 2.4 percent of outstanding loans. Because Congress felt that the use of an industrywide percentage was inappropriate, the method was replaced with one that in part allowed banks to consider their individual circumstances.

My legislation, Mr. President, would replace the current method with a more rational system which would require commercial banks to deduct for tax purposes the same amount it maintains in a loan loss reserve as it charges against its earnings. In my judgment, this legislation will address most of the criticism which has been levied against bank loan loss reserves

in the past and also will provide banks with an adequate means of protecting themselves, and their depositors, against potential losses.

In the past, the loan loss reserve provision for commercial banks has come under attack as being an artificial tax deduction, or preference, that bore no relationship to the amount that banks were actually charging earnings for loan loss reserves. This occurred because the loan loss reserve deduction was based on a fixed percentage of a bank's loan portfolio. By replacing the percentage method with a deduction based on the amount a bank charges against its earnings for loan loss reserve, the artificial preference aspects of the deduction are eliminated. Banks will be required to pay tax based on their real economic income, not on income that has been reduced by an arbitrarily calculated loan loss percentage.

Although the general concept underlying my legislation is that banks should be required to deduct the amount that they charge against earnings so that they are being taxed on their true economic income, I also recognize the need for some limitations on the amount of the deduction. In general, the pressure on a bank's board of directors to maintain earnings, and the requirement that bank accounting conform to generally accepted accounting principles [GAAP] will be sufficient to avoid overstatement of reserves for book, and therefore for tax, purposes. In order to ensure, however, that excessive reserves are not maintained, my legislation provides an overall cap of 1.5 percent of loans on the amount of reserves for which a deduction may be taken. Where the existing reserve maintained for tax purposes is less than the amount maintained in the bank's financial records, the two reserves will be gradually brought into conformity over a 6-year period.

In addition, to provide additional certainty that excessive reserves will not be maintained, especially with regard to smaller, closely held institutions in which there may not be shareholder pressure to maintain earnings, a sub cap of 0.5 percent of loans has been provided on the amount that may be deducted for increased reserves in any single year.

I believe that by providing financial institutions with a resonable means of maintaining adequate loan loss reserves, while at the same time requiring them to pay taxes on their actual economic income, the safety and soundness of our banking system will be enhanced. I urge my colleagues to join me in supporting this timely legislation.

I ask unanimous consent that the full text of the bill be inserted in the RECORD.

There being no objection, the bill was orderd to be printed in the RECORD, as follows:

S. 1263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN LOSS RESERVES OF BANKS.

(a) CONFORMITY BETWEEN TAX RESERVE AND FINANCIAL STATEMENT RESERVE.—Section 585 of the Internal Revenue Code of 1954 (relating to reserves for losses on loans of banks) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) RESERVE FOR BAD DEBTS.—For purposes of section 166(c), subject to the limitations of subsection (c), the reasonable addition for the taxable year to the reserve for bad debts of any taxpayer described in subsection (a) shall be the amount necessary to bring the balance of the tax reserve for bad debts as of the close of the taxable year to an amount equal to the amount of the financial statement reserve for bad debts maintained by the taxpayer as of the close of such taxable year.

"(c) LIMITATIONS.—

"(1) MAXIMUM FINANCIAL STATEMENT RESERVE RECOGNIZED.—For purposes of subsection (b), the amount of the addition for any taxable year shall not exceed the amount necessary to bring the balance of the tax reserve for bad debts up to 1.5 percent of total loans of the taxpayer.

"(2) MAXIMUM ANNUAL DEDUCTION.—Notwithstanding paragraph (1), the amount of the deduction allowable for any taxable year under subsection (b) shall not exceed an amount equal to 0.5 percent of total loans of the taxpayer as of the close of the taxable year. The amount of the limitation imposed by the preceding sentence shall be determined without regard to net charge-offs. For purposes of this paragraph, the term 'net charge-offs' means, for any taxable year the amount by which the sum of the amounts charged against the reserve for the taxable year exceeds the sum of recoveries of bad debts for the taxable year previously charged to the reserve.

"(d) INITIAL ADJUSTMENT OF TAX RESERVE DEFICIENCY SPREAD OVER SIX YEARS.—In the case of a taxpayer described in subsection (a), if the balance of the tax reserve for bad debts maintained by the taxpayer as of the close of the last taxable year beginning before 1985 is less than the balance of the financial statement reserve for bad debts maintained by the taxpayer as of the close of such taxable year, then the balance of the tax reserve shall be adjusted, as of the first day of the first taxable year beginning after 1984, to an amount equal to the balance of the financial statement reserve for bad debts maintained by the taxpayer. The adjustment shall be taken into account by the taxpayer (as a deduction) in computing taxable income in equal amounts over a period of 6 years beginning with 1985.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION 57 AMENDMENT.—Paragraph (7) of section 57(a) of such Code (relating to reserves for losses on bad debts of financial institutions) is amended by striking out "585 or".

(2) SECTION 291 AMENDMENT.—Subparagraph (A) of section 291(e)(1) of such Code (relating to excess reserves for losses on bad debts of financial institutions) is amended by striking out "585 or".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 of this Act shall apply with respect to taxable years beginning after 1984.●

● Mr. BOREN. Mr. President, today my colleague, Senator ROTH, and I are introducing important legislation which will help to promote bank safety and soundness by amending the Tax Code to permit commercial banks to maintain adequate loan loss reserves. Our bill would replace the current method of calculating loan loss reserves with a more rational system which would require a commercial bank to deduct for tax purposes the same amount it maintains in a loan loss reserve which it has charged against its earnings.

In the past 3 years, 13 banks have had to close in my home State of Oklahoma. Last year, this nationwide disruption in the financial industry saw the most bank failures since the end of the Great Depression of the 1930's.

Just a few weeks ago, as the Senate Banking Committee heard testimony from our banking regulators, we learned that over 940 banks are on the troubled list—the most in U.S. history. With the recent shaken confidence of depositors of savings and loans in Ohio and Maryland, we can see that we must do all we can to instill confidence in our banks by revising loan-loss reserve provisions to withstand the capital requirements and thus prevent another year of record bank failures.

The current system, which our bill replaces, has been criticized for providing an artificial tax. deduction. As the President's tax proposal points out, under the current law, "The methods permitted depository institutions for computing additions to tax reserves bear no necessary relationship to actual loan losses." Our bill is designed to eliminate this artificial aspect of the current loan loss reserve provisions in the Tax Code.

As I stated above, our bill will require a commercial bank to deduct for tax purposes the same amount as it charges against its earnings for additions to a loan loss reserve, subject to the limitations provided in the bill. This will result in banks being required to pay taxes on their real economic income, not on income which, as under current law, has been reduced by an arbitrarily calculated loan loss percentage.

In drafting the bill, we have also provided safeguards so that commercial banks will not be able to claim excessive loan loss reserves for book, and therefore tax purposes. For most commercial banks, the marketplace should provide enough certainty that reserves are not overstated. The directors are under pressure to maintain dividends, and stock values, and therefore have an incentive not to reduce earnings by

overstating reserves. The accounting practices are also subject to scrutiny by several Government regulatory authorities, and by outside auditors. To make sure, however, that excessive reserves are not maintained, our bill provides an overall of 1.5-percent loans on the amount of reserves for which a deduction for additions may be taken.

The President's tax proposal admits that banks must establish reserves to meet regulatory requirements, and that reserves are a proper means preserving the safety and soundness of depository institutions. The President's proposal concludes, however, that because, historically, the tax rules for computing deductions for additions to tax reserves have been unrelated to the reserve requirements imposed by the regulatory agencies, the tax rules allowing reserve deductions should therefore be repealed; we feel differently. If the current tax rules for computing loan loss reserves are flawed because they do not relate to the amount commercial banks place in reserves, and charge against their earnings, as required by regulatory agencies, we believe the proper solution is to require that the tax deduction equal the book reserve amount. This will eliminate the artificial aspects of the loan loss reserve deduction, while continuing to promote bank safety and soundness by not discouraging commercial banks from maintaining adequate loan loss reserves.

We urge our colleagues to join in supporting this legislation.●

By Mr. QUAYLE (for himself, Mr. STAFFORD, Mr. PELL, Mr. KENNEDY, Mr. WEICKER, Mr. SIMON, Mr. WALLOP, Mr. MATSUNAGA, and Mr. DODD):

S. 1264. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to extend the authorization of appropriations for that act, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES AMENDMENTS

● Mr. QUAYLE. Mr. President, it gives me great pleasure to introduce today with a number of my colleagues from the Subcommittee on Education, Arts and Humanities, Senators STAFFORD, PELL, KENNEDY, WEICKER, SIMON, WALLOP, MATSUNAGA, and DODD, a bill to reauthorize the National Foundation on the Arts and Humanities, which includes the Institute of Museum Services [IMS], through 1990. In particular, let me express my appreciation to both the Senator from Vermont [Mr. STAFFORD] and the Senator from Rhode Island [Mr. PELL], for their very hard and dedicated work on this legislation. They are both true supporters of the arts and humanities in our country, and I appreciate their great contributions to this legislation.

The National Foundation on the Arts and Humanities, which authorizes the National Endowment for the Arts [NEA] and the National Endowment for the Humanities [NEH], and the Institute of Museum Services, which was transferred under its authority by Public Law 98-306, is authorized through September 30, 1985. This bill would extend the National Foundation for 5 more years, from fiscal years 1986-90, with very few changes, which I will outline later.

The arts and the humanities are very important to our lives in many, many ways. The arts, through music, dance, or painting, provide many of us with an opportunity and means to forget for awhile some of our daily troubles and look beyond the mundane. The theatre provides not only intellectual stimulation and great acting to admire, but also a chance for social commentary as well. The community and local arts programs often highlight local artists, and folk arts have recently become very popular as a way to combine both art and history. The arts provide us with a learning experience, usually different from what we learn at school or on the job, and lets us enjoy as we are learning.

The humanities also contribute a great deal to our lives. The study of history and other cultures, the study of literature, philosophy, religion, and language is essential to understanding the world we live in and countries other than ours. Increasingly, our lives are becoming more international, and the study of the humanities will help maintain our Nation's identity as well as to understand the culture and identity of others. There has also been an increased emphasis on the teaching of humanities in our schools, as it has become evident that many of our students lack the knowledge of fundamental aspects of our country's heritage and history. I would also briefly point out that a number of business leaders have said that many of the most productive and quick-learning workers they have are ones with humanities backgrounds.

In Indiana, we have many strong supporters of the arts and humanities. Our Indiana Arts Commission and our Indiana Committee for the Humanities are both very involved in the State and in the community and have made extensive efforts to bring the arts and humanities to many of our more rural communities. In a rural State like Indiana, I believe it is important that the arts and humanities are available to everyone, not just to the people that live in or near a large city, and it pleases me that the act has been flexible and encourages such reaching out to the local level. I strongly believe that one of the areas the Federal Government must be concerned about is the provision of such cultural events to those that traditionally would not be served or have access to them. I very much support the NEA and the NEH, as well as the State and local agencies, continuing to provide these services to not only rural communities, but to inner-city and disadvantaged communities as well.

Mr. President, the National Foundation on the Arts and Humanities and the Institute of Museum Services have operated very well in the last few years, and the sponsors of this legislation feel that we should continue to permit them the flexibility they currently have. The legislation I am introducing today is based on the administration's reauthorization request, which is a fairly straightforward extension of the endowments, with a few changes. The most notable of these changes is the inclusion of the reauthorization of the Institute of Museum Services through 1990. While the administration has proposed, since 1981, the elimination of the IMS, the Congress has never agreed to do so. Numerous museums in Indiana have received over $315,000 last year to be used for general operating support to continue hours and provide the community with better museum services. The IMS makes significant contributions to the cultural heritage of our country, in preserving this heritage, and helping to make it available to our citizens. Thus, we have included the reauthorization of the IMS for 5 years, with no changes to its current authorizing language. The authorization levels for the IMS are set within the limits of the Senate Budget Resolution for fiscal years 1986, 1987, and 1988 and such sums for fiscal years 1989 and 1990.

The NEA and the NEH are also reauthorized at levels for fiscal years 1986, 1987, and 1988 consistent with the Senate-passed budget resolution and at such sums for fiscal years 1989 and 1990. The total for the two agencies in fiscal year 1986 is $302 million; for fiscal year 1987 it is $315 million, and for fiscal year 1988 it is $327 million.

The bill also would permit the chairman of the NEA to approve grants of up to $30,000 without the prior recommendation of the National Council on the Arts. The current level is $17,500, which has not been amended since 1973. The 1980 amendments to the act increased the limit on the comparable authority of the chairman of the Humanities Endowment to $30,000, and this change would treat the two agencies identically.

We would also add to the requirement of selection of members to the National Council on the Humanities that the individuals be from citizens of the United States who are recognized for their broad knowledge of, or exper-

tise in, the humanities. We feel this language will strengthen the Humanities Council.

Another change to the NEH is to allow grantees of the State humanities councils some administrative relief when they receive gifts to match Federal funds. Rather than having to send the gift to the State agency to receive the matching funds, the subgrantees will now be able to notify the State agency and receive their matching funds without having to actually send the gift to the State agency.

The final change of significance that we make to the NEH is to require that six of the members of the State humanities council shall be appointed by the Governor of that State. We believe that this change will improve the working relationship of the State humanities councils, which are generally private organizations, with the State and will help to increase State involvement in activities relating to the humanities within the State.

In this bill, we also amend the Arts and Artifacts Indemnity [AAI] Act. This is the act that provides insurance for American art exhibits traveling abroad or for foreign exhibits when they are part of an exchange with the United States. Without this insurance many major art exhibitions from Europe would not be able to be shown in American galleries, and a great deal of our art objects would not get sent abroad. The Arts and Artifacts Indemnity Act has had only one claim filed against it in the 10 years that it has provided insurance, and it was only for $100,000. Filing that claim, however, took almost 2 years, and these amendments will help expedite the filing of such claims. This will be done by establishing a permanent appropriation for certified claims of $100,000 or less, but subject to an overall cap of $1 million. If no certified claims are filed, however, the money will not be appropriated. Should the claim be for more than that, the current system for seeking appropriations in the amount of the claim would apply.

Another change to the Arts and Artifacts Indemnity Act is to increase the aggregate level of insurance from $400 million to $650 million. This increase is necessary to accommodate the effect of inflation on the value of art work, and based on program experience, will not have any budgetary impact, as only one claim of $100,000 has been filed. The cap on insurance has not changed since the enactment of the program in 1975.

One other small change to this act would solve a constitutional defect relating to certain members of the Federal Council on the Arts and Humanities who are excluded from participation in the AAI Act duties of the council.

Mr. President, the changes that we make to these statutes are very minor, technical ones. That is because the National Foundation on the Arts and Humanities, the Institute of Museum Services, and the Arts and Artifacts Indemnity Act have all been extremely successful and meet the needs of their constituents. I look forward to working with my colleagues on the reauthorization of these programs, and hope that we can move this bill expeditiously.

Once again, let me thank my good friend from Vermont, Senator STAFFORD and my good friend from Rhode Island, Senator PELL, for their help in drafting this bill and for the help of their staff, Susan Franson and Sandy Crary, respectively. It is always a pleasure to work with the chairman and ranking member of Education, Arts, and Humanities Subcommittee.

Mr. President, I ask that the text of the bill and a section-by-section analysis be printed in the RECORD at this point as well as any statements by interested Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "National Foundation on the Arts and Humanities Amendments of 1985".

APPLICATION APPROVAL OF NATIONAL COUNCIL ON THE ARTS

SEC. 2. The last sentence of section 6(f) of the National Foundation on the Arts and Humanities Act of 1965 (hereafter in this Act referred to as the "Act") is amended by striking out "$17,500" and inserting in lieu thereof "$30,000".

STATE HUMANITIES COUNCILS

SEC. 3. Section 7(f)(2)(B)(i) of the Act is amended—

(1) by striking out "four" and inserting in lieu thereof "six"; and

(2) by striking out "20 per centum" and inserting in lieu thereof "25 per centum".

NATIONAL COUNCIL ON THE HUMANITIES

SEC. 4. The second sentence of section 8(b) of the Act is amended by inserting after "selected" the following: "from citizens of the United States who are recognized for their broad knowledge of, or expertise in, the humanities and".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. (a)(1)(A) The first sentence of section 11(a)(1)(A) of the Act is amended to read as follows: "For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts $118,678,000 for fiscal year 1986, $123,425,120 for fiscal year 1987, $128,362,125 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

(B) The first sentence of section 11(a)(2)(B) of the Act is amended to read as follows: "For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $95,207,000 for fiscal year 1986, $99,015,280 for fiscal year 1987, $102,975,891 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

(2)(A)(i) The matter preceding clause (i) of section 11(a)(2)(A) of the Act is amended by striking out "1985" and inserting in lieu thereof "1990".

(ii) The exception at the end of section 11(a)(2)(A) of the Act is amended to read as follows: "except that the amounts so appropriated to the National Endowment for the Arts shall not exceed $8,820,000 for fiscal year 1986, $9,172,000 for fiscal year 1987, $9,539,712 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

(B)(i) The matter preceding clause (i) of section 11(a)(2)(B) of the Act is amended by striking out "1985" and inserting in lieu thereof "1990".

(ii) Clause (ii) of section 11(a)(2)(B) of the Act is amended by inserting "and subgrantees" after "grantees" each time it appears in such clause.

(iii) The exception at the end of section 11(a)(2)(B) of the Act is amended to read as follows: "except that the amounts so appropriated to the National Endowment for the Humanities shall not exceed $10,780,000 for fiscal year 1986, $11,211,200 for fiscal year 1987, $11,659,648 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

(3)(A)(i) The matter preceding clause (i) of section 11(a)(3)(A) of the Act is amended by striking out "1985" and inserting in lieu thereof "1990".

(ii) The exception at the end of section 11(a)(3)(A) of the Act is amended to read as follows: "except that the amounts so appropriated to such Endowment shall not exceed $20,580,000 for fiscal year 1985, $21,403,200 for fiscal year 1987, $22,259,328 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

(B)(i) The matter preceding clause (i) of section 11(a)(3)(B) of the Act is amended by striking out "1985" and inserting in lieu thereof "1990."

(ii) The exception at the end of section 11(a)(3)(B) of the Act is amended to read as follows: "except that the amounts so appropriated to such Endowment shall not exceed $19,600,000 for fiscal year 1986, $20,384,000 for fiscal year 1987, $21,199,360 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

(b)(1) The first sentence of section 11(c)(1) of the Act is amended to read as follows: "There are authorized to be appropriated to the National Endowment for the Arts $15,582,000 for fiscal year 1986, $16,205,280 for fiscal year 1987, $16,853,491 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Arts is responsible.".

(2) The first sentence of section 11(c)(2) of the Act is amended to read as follows: "There are authorized to be appropriated to the National Endowment for the Humanities $13,891,000 for fiscal year 1986, $14,446,640 for fiscal year 1987, $15,024,506 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Humanities is responsible.".

(c) Section 11 of the Act is amended—

(A) by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d)(1) The total amount of appropriations to carry out the activities of the National Endowment for the Arts shall not exceed—

"(A) $163,660,000 for fiscal year 1986,

"(B) $170,206,400 for fiscal year 1987, and

"(C) $177,014,656 for fiscal year 1988.

"(2) The total amount of appropriations to carry out the activities for the National Endowment for the Humanities shall not exceed—

"(A) $139,478,000 for fiscal year 1986,

"(B) $145,057,120 for fiscal year 1987, and

"(C) $150,859,405 for fiscal year 1988.".

REPEALERS

SEC. 6. (a) Subsections (d) and (e) of section 9 of the Act are repealed.

(b) Subsection (d) of section 10 of the Act is repealed.

MUSEUM SERVICES AUTHORIZATION

SEC. 7. Section 209(a) of the Museum Services Act is amended to read as follows:

"(a) For the purpose of making grants under section 206(a), there are authorized to be appropriated $21,600,000 for fiscal year 1986, $22,464,000 for fiscal year 1987, $23,362,560 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

ARTS AND ARTIFACTS INDEMNITY PROGRAM AMENDMENTS

SEC. 8. (a) Section 2(b) of the Arts and Artifacts Indemnity Act is amended—

(1) by inserting "(1) after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of this Act, the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, the member designated by the Chairman of the Senate Commission of Art and Antiquities and the member designated by the Speaker of the House shall not serve as members of the Council.".

(b) Section 5(b) of the Arts and Artifacts Indemnity Act is amended by striking out "$400,000,000" and inserting in lieu thereof "$650,000,000".

(c)(1) Section 7 of the Arts and Artifacts Indemnity Act is amended—

(A) by inserting "(a)" after the section designation; and

(B) by adding at the end thereof the following new subsection:

"(b) There are appropriated such amounts, but not more than $1,000,000 in any fiscal year, as may be necessary for the payment of any claim certified pursuant to section 6(b) of this Act which is equal to or less than $100,000.".

(2) Section 7(a) of the Arts and Artifacts Indemnity Act (as redesignated by subsection (a) of this section) is amended by inserting before the period at the end thereof the following: "for which appropriations are not made under subsection (b)".

(3) The heading of section 7 of the Arts and Artifacts Indemnity Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS; PERMANENT APPROPRIATIONS FOR SMALL CLAIMS".

SECTION-BY-SECTION ANALYSIS

Section 2 amends the authority of the Chairman of the Arts Endowment to approve certain grants without the prior recommendaton of the National Council on the Arts by increasing the value of such grants from $17,500 to $30,000.

The 1980 amendments increased the value of the National Endowment of the Humanities Chairman Action Grants to $30,000 but did not change the value of NEA's Action Grants.

Section 3 increases the number of members on the state humanities councils that are appointed by the Governor of the state from four to six. This will improve the working relationship of the state humanities councils with the state and will increase state involvement in activities relating to the humanities within the state.

Section 4 of the Bill amends the criteria for selection of members of the National Council on the Humanities to more closely follow that of the National Council on the Arts by adding the phrase, "from citizens who are recognized for their broad knowledge of, or expertise in, the humanities."

Section 5 of the bill amends the authorization levels for the four sections within the Endowments and the overall authorization levels, and extends them through 1990.

Each authorization level is computed according to the level in FY 85 with a freeze for FY 86, a 4% inflationary increase for the first two out years and such sums thereafter.

Section 6 of the bill repeals 3 subsections and 1 section of the Act which authorize studies and reports which have already been completed.

Section 7 reauthorizes the Institute of Museum Services for 5 years and authorizes $21,600,000 for FY 86; with the 4% inflationary increase in the first two out years and such sums thereafter.

Section 8 of the Bill amends the Arts and Artifacts Indemnity Act in several ways. First, it adds a restriction on the composition of the Federal Council on the Arts and the Humanities (those charged with administration of the AAI Act). Two of the former members, Secretary of the Smithsonian and the Director of the National Gallery of Art, could represent a conflict of interest. The other two, the Chairman of the Senate Commission of Art and Antiquities and the Speaker of the House, are not appointed in the manner prescribed in the Constitution for appointment of officers of the United States performing executive functions.

This section also increases the aggregate level of insurance available for art exhibitions under this statute at any one time to $650,000,000 from $400,000,000. This increase is necessary to accommodate the effect of inflation on the value of art works since the current limit was established.

In addition, this amendment establishes a permanent indefinite appropriation for certified claims of $100,000 or less, subject to a $1 million cap in any fiscal year. This will speed up claims which, in the one instance where a claim was filed, took an extremely long time for payment.●

● Mr. STAFFORD. Mr. President, along with Senators QUAYLE, PELL, KENNEDY, WEICKER, SIMON, WALLOP, MATSUNAGA, and DODD, I am pleased to introduce a bill to reauthorize the National Foundation on the Arts and Humanities Act. This act, in existence since 1965, authorizes the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services. All three of these programs serve very vital roles in the cultural development of our country and I commend this bill to all my colleagues.

The humanities endowment works to improve the quality of teaching and scholarship in subjects such as history, philosophy, literature, and language. By supporting fellowships, seminars, and research programs, the endowment has increased public understanding and appreciation of the humanities. In my own State of Vermont, new funds have been used in coordination with the Vermont Library Association for a reading program which has enhanced literacy and reading comprehension throughout the State.

The arts endowment has furthered excellence and creativity in areas such as dance, music, literature, and theatre. By providing greater access to the arts through companies, tours, and artists organizations, the arts endowment opens the art world to the general public and encourages cultural development in the United States.

Mr. President, the Institute of Museum Services has also been an important part of our Federal effort to promote our cultural resources. From modest beginnings, the institute has provided much-needed general operating support for the great repositories of our cultural and scientific heritage. This Senator also recognizes the critical role which museums have played in our educational system.

Mr. President, the combination of these three programs are important not only to our Nation's heritage and culture, but also to our educational health. They have, in the past, been run very effectively and efficiently and therefore I am recommending a very simple, straightforward reauthorization.

For instance, in keeping with Congress' desire for deficit reduction, this bill includes the authorization numbers from the Senate and House budget resolutions, with the 4 percent inflationary increase for the first two out years and such sums thereafter.

This bill also reauthorizes the Institute of Museum Services which, as I mentioned above, is a relatively small, but nonetheless, critical program for operation of our museum. While this administration has consistently tried to eliminate the IMS, the Congress has just as consistently given its full support.

In addition Mr. President, this bill also amends the Arts and Artifacts Indemnity Act, which insures exhibitions from abroad in the United States. First of all, it increases the aggregate level of insurance available for art exhibitions at any one time from $400,000,000 to $650,000,000. This takes into account the inflationary increase on the value of art works. Also, Mr. President, this amendment establishes a permanent indefinite appropriation for certified claims of $100,000 or less, subject to a $1 million cap in any fiscal year. Since the enact-

ment of this program, the only claim was for $100,000 and took over 17 months after being certified and sent to Congress for payment. Because of the lengthy delay for such a small claim, the National Endowment for the Arts is concerned that other museums and institutions abroad could be discouraged from participating in tours to American audiences.

As I said before, Mr. President, this bill is straightforward and includes mostly technical language to clarify congressional intent. As you can see by the list of cosponsors, this bill enjoys the support of most of the members of the Subcommittee on Education, Arts and Humanities. It is very similar to the bill sent to us by the administration, with the exception of the Institute of Museum Services, which I explained above.

These programs have worked in the past and I am confident that they will continue to be successful in the future. As the old adage goes, "If it ain't broke, don't fix it." I rise in support of this bill and I hope that my colleagues will support it as well.●

● Mr. PELL. Mr. President, it is a distinct pleasure to join with my colleague Senator STAFFORD and other members of the Subcommittee on Education, Arts and Humanities in cosponsoring a bill that will amend and extend the National Foundation on the Arts and Humanities Act of 1965. With Senator STAFFORD's supportive leadership as subcommittee chairman, we have developed what I believe is a sound and realistic bill that will reauthorize the component parts of the Foundation for 5 years. The current legislation expires as of October 1, 1985, and we propose to extend it through fiscal year 1990.

This bill is being introduced prior to a series of hearings later this month before the subcommittee that will address this reauthorization of the National Endowments for the Arts and Humanities, the Institute of Museum Services, and the Arts and Artifacts Indemnity Act. I will be eager to hear from the various constituencies served by these agencies and to discuss their goals and priorities for the next 5 years.

Most of the administration's own proposals for reauthorization have been incorporated into this bill. These changes are noncontroversial, reasonable, and timely. For example, the aggregate amount of insurance available for art exhibitions under the Arts and Artifacts Indemnity Act is raised from $400 to $650 million. This change reflects the increased value of works of art as well as the greater demand for the indemnification of exhibitions. This program has made it possible for the American public to view an enormous variety of art and artifacts while savings museums over $11 million in insurance premiums. In addition, the ceiling on grants made by the Chairman of the Arts Endowment without the prior approval of the National Council on the Arts is raised to $30,000. This merely conforms to the level accorded to the Chairman of the Humanities Endowment in 1980. These and other issues will be discussed in the upcoming hearings.

My own view is that the two Endowments, which are coincidentally observing their 20th anniversary this year, are now operating very much as I had envisioned they would when I sponsored their establishment in the Senate in 1965. In fact, the leveraging force of Endowment grants on the cultural life of the United States has far exceeded my expectations. The remarkable impact these agencies have had is due in large part to the key provision built into the enabling legislation that requires most grants to be matched on a one-to-one basis. This was later amended to provide for Challenge and Treasury grants that required a match of three non-Federal dollars for each Federal dollar granted in support of American culture. These ratios of support have been dramatically exceeded as the Endowments' budgets increased and their catalytic mission grew in strength. Though funding is currently constrained owing to the large Federal deficit, these unique matching grant programs are continuing to engender impressive amounts of non-Federal support for the arts and humanities.

It has been personally rewarding to observe how the bipartisan support for these agencies has increased and strengthened over the last 20 years. It marks a reaffirmation that our Federal Government does indeed have an important role to play in the support of culture in this country. This role has always been that of the junior partner in any endeavor so as to avoid a dominant Government role in dictating our cultural environment. The fundamental concept of the 1965 legislation holds true today—that private initiative should continue to be the principal and primary source for the support and encouragement of the arts and humanities.

One major area which has been of particular concern to me over the past two decades has been the humanities councils in the States. I regret that these organizations were not mandated to be official agencies of the States back in 1965 when the legislation was first enacted. Arts councils have been official State organizations for this entire period and one cannot help but note how successful they have become in attracting State funds for their respective programs.

I believe the humanities councils would benefit in the long run if they had similar status as official agencies of the States. However, a lot has happened in these 20 years and, though still private, most humanities councils have developed very positive and fruitful relationships with their State governments over this period and I commend them for this. In the 1980 reauthorization I asked that four members of each council be appointed by the Governor in each State to broaden the membership and reinforce the linkage between council and State.

The legislation being introduced today will increase the Governor's appointees to six. As most councils have between 20 and 25 members, six Gubernatorial appointees is a reasonable and appropriate number and should serve to enhance relations with the States even further.

The Institute of Museum Services was established in 1976 in the Department of Health, Education, and Welfare and in 1984 was moved by action of the congressional authorizing committees to its current place alongside the Endowments as the third independent cultural agency under the National Foundation on the Arts and Humanities. The Institute operates a unique grant program which provides urgently needed general operating support to our Nation's museums.

Last year 530 American museums from every geographical area of the country received these awards which totaled $15,500,000. The funds are provided for basic services such as maintenance, security, education and Outreach Programs—areas that are perhaps the most difficult to raise private funds for. In addition, 203 museums received Conservation Project awards from the IMS in 1984 for training conservators and improving conservation techniques.

It is critical that these institutions which preserve our national heritage be healthy and secure both fiscally and physically. The American museum-going public and their future generations deserve no less. The Institute of Museum Services makes an important contribution toward insuring the vitality and permanence of all our museums. The reauthorization of the Institute is a particularly important part of this bill which we introduce today.●

● Mr. KENNEDY. Mr. President, I am pleased to be an original cosponsor of this legislation to reauthorize the National Foundation for the Arts and Humanities. Since 1965 the National Endowments for the Arts and the Humanities have functioned with vision and efficiency to provide Federal support for our national cultural heritage. The Federal role is an important complement to State and local initiatives as well as the primary effort from the private sector that seek to insure a climate that is conducive to a vigorous and diverse cultural community.

I am deeply committed to the programs of the Endowment, as well as

those of the Institute of Museum Services, and believe that they have competently and fairly addressed the needs of the cultural community and our responsibility to American art and scholarship.

President Kennedy noted that "art establishes the basic human truths which serve as the touchstone of our judgment." Our commitment to the Endowments is a measure of our belief in these human truths. With a relatively small financial outlay, the National Endowment for the Arts has been able to help State and local efforts support dance, theater, music and literature. The National Endowment for the Humanities has provided seed money and support for scholarly research to improve our understanding of the humanities disciplines.

The bill being introduced today reauthorizes these agencies and fine tunes their programs. I look forward to hearings to consider these issues and to provide the opportunity to evaluate the effectiveness of their outreach. I am particularly interested in the new initiatives in the area of art education as well as questions that have arisen with regard to the Art-in-Architecture Program and the Indemnity Program.

The Senate bill also reauthorizes the Institute of Museum Services which the administration has sought to eliminate. The IMS is a small but essential agency for the Nation's museums and provides the only operational support available for these institutions along with urgent conservation initiatives.

I commend Senators STAFFORD and PELL for their leadership on this bill and know that their understanding and support has been invaluable to the Committee on Labor and Human Resources and to these agencies under its jurisdiction.●

By Mr. ARMSTRONG (for himself, Mr. PELL, and Mr. INOUYE):

S. 1265. A bill to provide prompt, exclusive, and equitable compensation, as a substitute for inadequate tort remedies, for disabilities or deaths resulting from occupational exposure to asbestos, and for other purposes; to the Committee on Finance.

ASBESTOS WORKERS' RECOVERY ACT

● Mr. ARMSTRONG. Mr. President, today I am introducing the Asbestos Workers Recovery Act. The purpose of this legislation is to address an extremely serious and controversial problem of how to provide compensation for workers who have been injured by exposure to asbestos.

This legislation was written jointly by many asbestos manufacturing companies including Manville Corp. located in my own State of Colorado. I am introducing this bill for discussion purposes fully aware that Federal legislation may not be the solution to this problem or that this legislation may need significant amendment. This legislation was introduced last year in the Senate and has been introduced in the House this year.

It is well known that asbestos claims have been clogging our courts for several years. According to the American Bar Association, more than 20,000 asbestos liability cases are currently pending in State and Federal courts. According to the Rand Corp. study, producers and insurers have spent about $1 billion in compensation and legal expenses in the last 10 years. Yet for every dollar spent on compensation asbestos victims, on the average, only 37 cents ever gets to the injured worker; 63 cents, nearly two-thirds of the amount recovered, goes to lawyers fees and court costs.

In the past, compensation of victims has been proven to be inadequate due largely to the problems in litigating this type of case. Many of these workers were exposed to dangerous levels of asbestos before the dangers were known and health safety standards for exposure were established. In many asbestos cases, the disease was not discovered until many years later—up to 20 or 30 years. As a result liability is difficult to trace to the liable party and asbestos manufacturers, producers, and their insurance companies all have been jointly sued in almost every case. The Federal Government has also been sued in many of these cases due to the use of asbestos in building ships during World War II.

Although workman's compensation is available, it is rarely chosen by the plaintiff as the exclusive remedy. Court awards are for the most part higher than an award in workman's compensation and many times limits are set on the amount allowed for attorneys' fees. Rather than pursue both an action in workman's compensation and in the courts, plaintiff's counsel will file an action in court and hope the case can be settled before actual litigation begins.

This legislation limits workers injured by occupational exposure to asbestos to recovery in workman's compensation. Claimants must file claims in the appropriate State or Federal workers compensation program for injuries resulting from an "asbestos-related disease." A National Medical Panel is created to precisely define "asbestos-related diseases." A trust fund is established to pay the lump sum benefit to eligible individuals who claims have been adjudicated successfully in workman's compensation. The trust fund is financed by asbestos companies, their insurers and the Federal Government. Provision is made in the bill to reassess the financing of the individual trust fund contributors at least every 3 years so that the obligation to finance benefits is allocated in a manner consistent with the actual asbestos claims.

I am hopeful that other nonlegislative solutions will be explored to clear up the backlog in cases currently pending in the courts. I am aware of an exciting first step that has been proposed to try to resolve this problem in the private sector. The Wellington Resolution Group composed of asbestos producers, insurance and reinsurance companies recently testified before Senator NICKLES labor subcommittee on a proposal to establish a private asbestos claims facility.

This facility would be designed to provide a faster, less costly alternative to asbestos claims litigation in the courts by making available to claimants a facility to negotiate settlements and encourage resolution of asbestos claims. This facility would have the authority to evaluate, settle, pay or defend all asbestos-related claims against all members of claims through nonjudicial procedures. The implementation of this proposal is still very much in the beginning stages, however the proposal has received much interest and support.

I would like to express my thanks to Senator NICKLES and his labor subcommittee staff for the many hours they have already devoted to the asbestos issue. I am hopeful that this legislation will further encourage meaningful discussions on the resolution of this problem.●

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. INOUYE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 74, a bill to amend titles XVIII and XIX of the Social Security Act to provide that the services of a pediatric nurse practitioner or pediatric clinical nurse specialist shall be covered under part B of Medicare and shall be a required service under Medicaid.

S. 231

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 231, a bill to establish a National Commission on Neurofibromatosis.

S. 313

At the request of Mr. MATSUNAGA, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 313, a bill to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for the Office of Poet Laureate of the United States.

S. 725

At the request of Mr. BENTSEN, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 725, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during

fiscal years 1986, 1987, 1988, 1989, and 1990.

S. 810

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 810, a bill to amend title XX of the Social Security Act to assist States in improving the equality of child-care services.

S. 942

At the request of Mr. DANFORTH, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 942, a bill to promote expansion of international trade in telecommunications equipment and services, and for other purposes.

S. 1047

At the request of Mr. CHILES, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1047, a bill to reform the laws relating to former Presidents.

S. 1171

At the request of Mr. MCCLURE, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 1171, a bill to amend the Small Reclamation Projects Act of 1956, as amended.

S. 1222

At the request of Mr. BRADLEY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1222, a bill to amend the Agricultural Act of 1949 to provide price support for the 1985 and subsequent crops of sugar.

SENATE JOINT RESOLUTION 24

At the request of Mr. BRADLEY, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 24, a joint resolution to designate the month of October 1985 as "National Make-A-Wish Month."

SENATE JOINT RESOLUTION 78

At the request of Mr. SYMMS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 78, a joint resolution to provide for the designation of June 10 through 16, as "National Scleroderma Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. MATHIAS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 97, a joint resolution designating the Study Center for Trauma and Emergency Medical Systems at the Maryland Institute for Emergency Medical Services Systems at the University of Maryland as the National Study Center for Trauma and Emergency Medical Systems.

SENATE JOINT RESOLUTION 115

At the request of Mr. LEAHY, the names of the Senator from Ohio [Mr. GLENN], the Senator from Indiana [Mr. LUGAR], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate 1985 as the "Oil Heat Centennial Year."

SENATE JOINT RESOLUTION 122

At the request of Mr. BRADLEY, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of Senate Joint Resolution 122, a joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day."

SENATE JOINT RESOLUTION 136

At the request of Mr. HATFIELD, the names of the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 136, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week."

SENATE JOINT RESOLUTION 142

At the request of Mr. LEVIN, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. QUAYLE], the Senator from Maine [Mr. COHEN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 142, a joint resolution to designate June 12, 1985, as "Anne Frank Day."

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. MCCLURE, the names of the Senator from Nebraska [Mr. ZORINSKY], the Senator from North Dakota [Mr. BURDICK], the Senator from North Carolina [Mr. HELMS], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution expressing the sense of the Congress that the English language is the official language of the United States.

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. D'AMATO, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Utah [Mr. HATCH], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Concurrent Resolution 45, a concurrent resolution condemning the actions of the Nicaraguan Government that hinder freedom of religion.

SENATE RESOLUTION 82

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Resolution 82, a resolution to preserve the deduction for State and local taxes.

SENATE RESOLUTION 148

At the request of Mr. ZORINSKY, the name of the Senator from Mississippi [Mr. STENNIS] was added as a cosponsor of Senate Resolution 148, a resolution commemorating the 50th anniversary of the Rural Electrification Administration.

SENATE RESOLUTION 174

At the request of Mr. GORE, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

AMENDMENTS SUBMITTED

DEPARTMENT OF STATE AUTHORIZATION, FISCAL YEARS 1986 AND 1987

HARKIN AMENDMENT NO. 278

Mr. HARKIN proposed an amendment to the bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987; as follows:

At the end of the bill, add the following sections:

PROHIBITION ON USE OF FUNDS FOR HUMANITARIAN ASSISTANCE BY CERTAIN AGENCIES

SEC. . (a) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated pursuant to an authorization of this or any other Act may be obligated or expended by the Central Intelligence or the Department of Defense to provide humanitarian assistance forces opposed to the Government of Nicaragua.

PROHIBITION ON SUPPORT FOR CERTAIN MILITARY OF PARAMILITARY OPERATIONS IN NICARAGUA

SEC. . (a) Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the U.S. Government involved in intelligence activity may be used for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except as specifically authorized by this Act and except for a specific operation approved by the President, and reported to the Congress, consistent with the Intelligence Oversight Act of 1980 (Public Law 96-450; 50 U.S.C 501(a)(1)(B)) to respond to an unforseen specific and immediate threat to the United States or its allies and intended solely to directly respond to that threat.

(b) As used in this Act, the term "material assistance" includes military training or advice and activities in support of military operations. Such term does not include diplomatic or public support.

GRAMM (AND BIDEN) AMENDMENT NO. 279

Mr. GRAMM (for himself and Mr. BIDEN) proposed an amendment to the bill S. 1003, supra; as follows:

On page 15, strike out lines 3 through 18 and insert in lieu thereof the following:

MONITORING OF AND REPORT ON THE SAFETY OF TRAVEL BY UNITED STATES CITIZENS IN MEXICO

SEC. 121. (a) The Congress—

(1) condemns the kidnapping and the brutal murder of Drug Enforcement Administration agent Enrique Camarena Salazar and the initially slow response by some Mexican authorities to apprehend those involved in this reprehensible crime; and

(2) deplores the disappearance of Americans in Mexico.

(b) The Congress finds encouragement in recent and signficant changes made by the Mexican Government to redress grievances concerning the safety of United States citizens within Mexico. Such changes include (1) the capture and indictment of those implicated in the murder of Drug Enforcement Administration agent Camarena, (2) the ongoing and active investigations of the disappearance of Americans in Mexico, (3) the establishment of the new coordinating office under the auspices of the Attorney General of Mexico with authority to deal with assaults and other crimes against all foreigners, (4) the sweeping reorganization of the police forces to reduce corruption, (5) the strengthening of protective services, such as the "Great Angels" road assistance units, (6) the installation of new leadership in the Mexican Interpol Office, and (7) the increased cooperation between Mexican authorities and Drug Enforcement Administration agents in Mexico.

(c) Not later than 90 days after the date of enactment of this Act and each 90 days thereafter, the Secretary of State shall transmit a written report to the Congress on the progress made in the Camarena case, the investigations of the disappearance of United States citizens, and the general safety of United States tourists.

KERRY (AND MOYNIHAN) AMENDMENT NO. 280

Mr. KERRY (for himself and Mr. MOYNIHAN) proposed an amendment, which was subsequently modified, to the bill S. 1003, supra; as follows:

At the appropriate place in the bill, add the following:

None of the monies authorized to be appropriated in this or any other act can be used to fund directly or indirectly, activities against the government of Nicaragua which have not been authorized by, or pursuant to, law and which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the Government of the United States.

WILSON (AND OTHERS) AMENDMENT NO. 281

Mr. WILSON (for himself, Mr. MATTINGLY, Mr. DANFORTH, Mr. GOLDWATER, Mr. MCCLURE, Mr. SIMPSON, Mr. NICKLES, Mr. SYMMS, Mr. WALLOP, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. GRAMM, Mr. QUAYLE, Mr. DENTON, Mr. THURMOND, Mr. HELMS, Mr. HATCH, and Mr. HECHT) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill insert the following new section:

RELEASE AND AUTHORIZATION OF FUNDS FOR ASSISTANCE TO NON-COMMUNIST RESISTANCE FORCES IN NICARAGUA

SEC. 601. (a) The Congress finds that—

(1) the Sandinista regime of Nicaragua assumed power as a direct consequence of action by the Organization of American States based upon a commitment made by the Sandinistas in 1979 that they would conduct free and fair elections, pursue political pluralism and a nonaligned foreign policy, maintain a mixed economy, and guarantee the full observance of human rights and respect for religious freedom;

(2) the Sandinistas have reaffirmed their commitment to these principles by signing the 21-point Contadora Document of Objectives in September 1983 which calls for full support for democratic institutions, the establishment of democratic systems in all the countries of the region, and respect for human rights;

(3) the current conflict in Nicaragua stems from the violation by the Sandinistas of their 1979 commitments;

(4) despite $1,600,000,000 in economic assistance furnished to Nicaragua by Western countries during the period 1979 through 1981, a large portion of which was furnished by the United States, and despite United States forebearance from counteraction until late 1982, Nicaragua has committed aggression and has armed and directed subversion and terrorism against her neighbor nations, with the backing of the Soviet Union and Cuba, in violation of her commitment to the Organization of American States;

(5) the Sandinista leadership is composed of committed revolutionaries who openly embrace Marxist-Leninist ideology and the goal of extending their regime beyond the borders of Nicaragua by means of subversion and terrorism directed against their Central American neighbors;

(6) the size of the Sandinista military, equipped with a massive infusion of weapons from the Soviet Union and its allies, now exceeds all legitimate defensive needs and is far larger than that of any other Central American country;

(7) President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this Hemisphere as dangerous to our peace and security";

(8) the establishment in Central America of Marxist-Leninist governments which serve as surrogates for Cuba and the Soviet Union—

(A) poses a real peril to the security of the United States and all other countries of the Americas, including (i) a potentially serious threat to shipping lanes in the Caribbean, and (ii) the threat of increased violence, terrorism, economic disruption, physical dislocation, and political repression in the region, all of which would likely result in a massive flight of refugees to the United States; and

(B) will ultimately require the United States to devote greater military resources to protect against actions which, if not contained, would inevitably threaten the southern approaches to the United States;

(9) the President announced economic sanctions against Nicaragua on May 1, 1985, in response to the emergency situation created by the Sandinista regime's aggressive activities in Central America, but that those sanctions alone are unlikely to change Nicaragua's behavior;

(10) the policy of the United States toward Nicaragua has the four following objectives: (A) an end to Nicaraguan support for guerrilla groups in neighboring countries, (B) severance of Nicaraguan military and security ties to Cuba and the Soviet bloc, (C) reduction of Nicaragua's military strength to levels that would restore military equilibrium to the region, and (D) fulfillment of the original Sandinista promises to support democratic pluralism and respect human and civil rights;

(11) dialogue, negotiation, and diplomatic pressure from world opinion have proven to have virtually no effect in changing the Sandinista regime's behavior and must be made effective by the application of military pressure as well; and

(12) United States assistance to non-Communist resistance forces in Nicaragua can be justified and can be effective only if such forces truly represent democratic and humanitarian values.

(b) It is, therefore, the sense of the Congress that—

(1) the President should consider severing diplomatic relations with the Sandinista government if that government does not fulfill its commitments to the Organization of American States and the Contadora countries and does not desist from further terrorism and subversion of its neighbors;

(2) the United States should provide funding for both overt and covert assistance to the non-Communist resistance forces in Nicaragua to meet both the military and nonmilitary needs of such forces;

(3) that current restrictions in law on the use of funds to provide assistance to non-Communist resistance forces in Nicaragua should be removed and additional funds for such purpose should be authorized for fiscal year 1986; and

(4) the United States should supply further assistance to the non-Communist resistance forces in Nicaragua only if such forces have eliminated from their ranks all persons who have engaged in abuses of human rights.

(c)(1) Notwithstanding any other provision of this Act, the prohibitions, conditions, and limitations contained in section 8066 of the Department of Defense Appropriation Act, 1985, as contained in section 101(h) of the joint resolution entitled "Joint Resolution making appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1837), and in section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618; 97 Stat. 1473) shall be inapplicable on and after the date of the enactment of this Act.

(2) Notwithstanding any other provision of this Act, the $14,000,000 made available for providing assistance to non-Communist resistance forces in Nicaragua by the enactment of this section may be obligated only for humanitarian assistance.

(3) Notwithstanding any other provision of this Act, there is authorized to be appropriated for fiscal year 1986 to the Central Intelligence Agency the sum of $28,000,000 for the purpose of providing assistance to non-Communist resistance forces in Nicaragua.

(d) None of the funds appropriated pursuant to the authorization of funds contained in subsection (c)(3) may be obligated or expended unless the President has submitted to the Congress after the date of enactment of this Act a certification stating that actions have been taken by the non-Communist resistance forces in Nicaragua to eliminate from their ranks all persons who have engaged in violations of human rights.

(e) The President shall include in any future request for funds to provide assistance to non-Communist resistance forces in Nicaragua a report regarding actions, if any, that have been taken by such forces to eliminate from their ranks all persons who have engaged in violations of human rights.

(f) The National Security Council shall monitor the use of funds appropriated pursuant to clauses (2) and (3) of subsection (c).

(g) As used in this section, the term "humanitarian assistance" means the provision of food, clothing, medicine, or other similar assistance, and transportation costs associated with the delivery of such assistance. Such term does not include weapons, weapon systems, ammunition, or any other equipment or material which is designed, or has as its purpose, to inflict serious bodily harm or death. Nothing in this section precludes sharing or collecting necessary intelligence information by the United States.

MELCHER (AND ZORINSKY) AMENDMENT NO. 282

Mr. MELCHER (for himself and Mr. ZORINSKY) proposed an amendment to the bill S. 1003, supra; as follows:

At the end of the bill, add the following new section:

SEC. . In cooperation with Cardinal Miguel Obando y Bravo and private voluntary organizations, the President should explore and promote means for providing food aid to the Nicaraguan people through private voluntary organizations and the Catholic Church.

LEAHY (AND OTHERS) AMENDMENT NO. 283

Mr. LEAHY (for himself, Mr. COHEN, Mr. CRANSTON, and Mr. BENTSEN) proposed an amendment to the bill, S. 1003, supra; as follows:

On page 31, after line 23, add the following new title:

TITLE VI—DIPLOMATIC EQUIVALENCE AND RECIPROCITY ACT OF 1985

SHORT TITLE

SEC. 601. This title may be cited as the "Diplomatic Equivalence and Reciprocity Act of 1985".

POLICY

SEC. 602. (a) It is the policy of the United States that the number of nationals of the Soviet Union admitted to the United States who serve as diplomatic or consular personnel of the Soviet Union in the United States shall not exceed the number of United States nationals admitted to the Soviet Union who serve as diplomatic or consular personnel of the United States in the Soviet Union unless the President determines and so certifies to the Congress that additional admissions of such personnel would be in the best interests of the United States.

(b) The policy contained in subsection (a) shall not apply to dependents or spouses who do not serve as diplomatic or consular personnel.

REPORTING REQUIREMENT

SEC. 603. Not later than six months after the date of enactment of this title, the Secretary of State and the Attorney General shall prepare and transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth a plan for ensuring that the number of Soviet nationals described in section 602 does not exceed the limitation described in such section.

DEFINITIONS

SEC. 604. For purposes of this title—

(1) the term "diplomatic or consular personnel" means the members of the diplomatic mission or the members of the consular post, as the case may be;

(2) the term "members of the diplomatic mission" is used within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; and

(3) the term "members of the consular post" is used within the meaning of Article 1(g) of the Vienna Convention on Consular Relations, done on April 24, 1963.

BINGAMAN AMENDMENT NO. 284

Mr. BINGAMAN proposed an amendment to the bill S. 1003, supra; as follows:

On page 24, strike out lines 9 through 16 and insert in lieu thereof the following:

(b) To encourage students to use their training in their countries of origin, each scholarship pursuant to this section shall be in the form of a loan, with repayment to be forgiven upon the student's prompt return to his or her country of origin for a period which is at least one year longer than the period spent studying in the United States.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 285

Mr. MOYNIHAN (for himself, Mr. PROXMIRE, Mr. CHILES, Mr. INOUYE, Mr. COHEN, Mr. DIXON, Mr. THURMOND, Mr. GLENN, Mr. PRESSLER, Mr. WALLOP, and Mr. HOLLINGS) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill, insert the following new title: "Foreign Surveillance Prevention Act of 1985".

SEC. 1. The Congress finds that—

(1) the widespread use of electronic surveillance and the interception of telecommunications by foreign governments pose a serious threat both to the national security of the United States and to the rights of privacy and association guaranteed to Americans by the Constitution;

(2) that such electronic intelligence activities by foreign governments have been, and are being, carried on under the guise of normal diplomatic relations with the United States; and

(3) that the President of the United States, constitutionally charged with the conduct of the Nation's foreign relations and with the protection of the Constitution of the United States, has the primary responsibility to protect the rights and interests of American citizens as they may be jeopardized by the electronic intelligence activities of foreign powers.

SEC. 2. Whenever the President of the United States has reason, based upon information in his possession, to believe that in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, any individual on whom diplomatic immunity has been conferred by the United States, is will fully engaging in electronic surveillance on behalf of a foreign power, the President shall—

(a) so inform the chairman and ranking minority member, or, in his discretion, the members of the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, and the Select Committee on Intelligence of the House of Representatives;

(b) so inform those persons, if any, reasonably believed to be particular targets of such surveillance in order that they may take such precautions as they consider advisable, unless he shall determine that to do so would seriously compromise sources or methods of intelligence gathering by the United States;

(c) so inform the Ambassador or Charge d'Affairs or other representative of such foreign power, and shall demand that such foreign power immediately cease such surveillance, unless he shall determine that to do so would seriously compromise sources or methods of intelligence gathering by the United States; and

(d) thirty days after such demand is made, if the electronic surveillance has not ceased, declare such individual to be persona non grata in the United States, and shall demand that he leave the United States immediately, unless the President shall determine that to do so would cause serious damage to the national security of the United States.

SEC. 3. DEFINITIONS.—As used in this Act:

(a) "electronic surveillance" means the interception of wire or radio communications through the use of any electronic, mechanical, or other device;

(b) "wire or radio communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, radio, cable, or other like connection between the point of origin and point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications;

(c) "person" means any individual, partnership, association, joint stock company, trust, or corporation;

(d) "electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or radio communication other than any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business;

(e) "foreign power" means—

(i) a foreign government or any component thereof, whether or not recognized by the United States;

(ii) a faction of a foreign nation or nations, not substantially composed of United States persons;

(iii) an entity, which is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(iv) a foreign-based political organization, not substantially composed of United States persons; or

(v) an entity which is directed and controlled by a foreign government or governments; and

(f) "common carrier" shall have the same meaning which is given the term by section 153(h) of title 47 of the United States Code.

EVANS AMENDMENT NO. 286

Mr. EVANS proposed an amendment to the bill S. 1003, supra; as follows:

At the end of the bill, insert the following:

SHORT TITLE

This title may be cited as the "Iran Claims Settlement Act".

RECEIPT AND DETERMINATION OF CERTAIN CLAIMS

SEC. 2. (a) The Foreign Claims Settlement Commission of the United States is authorized to receive and determine, in accordance with the provisions of title I of the International Claims Settlement Act of 1949, the validity and amounts of claims by nationals of the United States against Iran which are settled en bloc by the United States. In deciding such claims, the Commission shall apply, in the following order, the terms of any settlement agreement, the relevant provisions of the Declarations of the Government of the Democratic and Popular Republic of Algeria of January 19, 1981, giving consideration to interpretation thereof by the Iran-United States Claims Tribunal, and applicable principles of international law, justice, and equity.

(b) The Commission shall certify to the Secretary of the Treasury any awards determined pursuant to subsection (a) of this section in accordance with section 5 of title I of the International Claims Settlement Act of 1949. Such awards shall be paid in accordance with sections 7 and 8 of that title, except that—

(1) the Secretary of the Treasury is authorized to make payments pursuant to paragraphs (1) and (2) of section 8(c) in the amount of $10,000 or the principal amount of the award, whichever is less; and

(2) the Secretary of the Treasury is authorized to deduct pursuant to section 7(b) an amount calculated in accordance with section 3(a), instead of 5 per centum, of payments made pursuant to section 8(c).

DEDUCTIONS FROM ARBITRAL AWARDS

SEC. 3. (a) Except as provided in section 4, whenever the Federal Reserve Bank of New York shall receive an amount from the Security Account established pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981, in satisfaction of an award rendered by the Iran-United States Claim Tribunal in favor of a United States claimant, the Federal Reserve Bank of New York shall deduct from the amount so received, for the aggregate amount awarded under each enumerated claim before the tribunal, an amount equal to one and one-half percent up to and including a total awarded of $5,000,000 and one percent thereafter, as reimbursement to the United States Government for expenses incurred in connection with the arbitration of claims of United States claimants against Iran before the Iran-United States Claims Tribunal and the maintenance of the Security Account.

(b) Amounts deducted by the Federal Reserve Bank of New York pursuant to subsection (a) shall be deposited into the Treasury of the United States to the credit of miscellaneous receipts.

(c) Nothing in this section shall be construed to affect the payment to United States claimants of amounts received by the Federal Reserve Bank of New York in respect of awards by the Iran-United States Claims Tribunal, after deduction of the amounts calculated in accordance with subsection (a).

(d) This section shall be effective as of June 7, 1982.

EN BLOC SETTLEMENT

SEC. 4. The deduction by the Federal Reserve Bank of New York provided for in section 3(a) of this Act shall not apply in the case of a sum received by the Bank pursuant to an en bloc settlement of any category of claims of United States nationals against Iran when such sum is to be used for payments in satisfaction of awards certified by the Foreign Claims Settlement Commission pursuant to section 2(b) of this Act.

REIMBURSEMENT TO THE FEDERAL RESERVE BANK OF NEW YORK

SEC. 5. The Secretary of the Treasury is authorized to reimburse the Federal Reserve Bank of New York for expenses incurred by the bank in the performance of fiscal agency agreements relating to the settlement or arbitration of claims pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981.

CONFIDENTIALITY OF RECORDS

SEC. 6. Notwithstanding the provisions of the Freedom of Information Act, section 552 of title 5, United States Code, records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal shall be prohibited from disclosure to the general public except that—

(1) rules, awards, and other decisions of the Tribunal and claims and responsive pleadings filed at the Tribunal by the United States on its own behalf shall be made available to the public unless the Secretary of State or his designee determines that public disclosure would be prejudicial to the interests of the United States or United States claimants in proceedings before the Tribunal, or that public disclosure would be contrary to the rules of the Tribunal; and

(2) the Secretary of State or his designee may determine on a case-by-case basis to make such information available when in his judgment the interests of justice requires.

PRESSLER AMENDMENT NO. 287

Mr. PRESSLER proposed an amendment to the bill S. 1003, supra; as follows:

At the end of the bill, insert the following:

RESPONSIBILITIES OF UNITED STATES REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

(a) FINDINGS.—The Congress finds that—

(1) international organizations of which the United States is a member are increasingly involved in the consideration of proposals that may have a significant impact on the interstate or foreign commerce of the United States; and

(2) these proposals are not always adequately publicized or considered pursuant to open and fair procedures available to interested persons.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States representatives to United Nations-related agencies and to other international organizations should oppose the adoption of international marketing and distribution regulations or restrictions which unnecessarily impede the export of United States goods and services; and

(2) the Secretary of State, to the extent practicable, shall publish procedures to provide interested persons with timely notice and an opportunity to comment on such regulations and restrictions under consideration in international organizations as the Secretary determines may significantly affect—

(A) the interstate or foreign commerce of the United States;

(B) the policies or programs of the United States Government; or

(C) any State significantly affected by interstate or foreign commerce.

PRESSLER AMENDMENT NO. 288

Mr. PRESSLER proposed an amendment to the bill S. 1003, supra; as follows:

At the end of the bill, insert:

RESTRICTIONS RELATING TO THE PALESTINE LIBERATION ORGANIZATION AND THE SOUTH WEST AFRICA PEOPLE'S ORGANIZATION

SEC. 114. (a) Funds appropriated for any fiscal year for the Department of State for "International Organizations and Conferences" may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution of that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity);

(2) 25 percent of the amount budgeted for that year for projects whose purpose is to provide benefits to the Palestine Liberation Organization or the South West Africa People's Organization or entities associated with either of them.

(b) Funds appropriated for any fiscal year for the Department of State for "International Organizations and Conferences" may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose purpose is to provide benefits to the Palestine Liberation Organization or to the South West Africa People's Organization or entities associated with either of them.

(c) The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the purpose of providing benefits to the Palestine Liberation Organization or to the South West Africa People's Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contri-

bution is withheld and the amount withheld.

(d) Subsections (a)(3) and (b) shall not be construed as limiting United States contributions to the United Nations or its specialized agencies for projects whose purpose, as determined by the President, is to provide humanitarian, educational, developmental, and other nonpolitical benefits.

PRESSLER AMENDMENT NO. 289

Mr. PRESSLER proposed an amendment, which was subsequently modified, to the bill S. 1003, supra; as follows:

At the end of the bill, insert the following section:

SEC. . (a). The Department of State shall conduct a comprehensive study on the feasibility desirability, and non-desirability of creating a temporary lateral entry program into the Foreign Service for American businessmen, farmers, and other occupations. This study shall analyze the need for such a program by determining whether or not the personnel of the Foreign Service is composed of many people with a diversity of backgrounds such as business, farming, teaching or other vocations. The study shall also analyze the costs and feasibility of putting such a program into effect.

(b) The Secretary of State shall report the results of such a study to the Congress no later than 180 days after the date of enactment of this Act.

HELMS AMENDMENT NO. 290

Mr. HELMS proposed an amendment to the bill S. 1003, supra; as follows:

At an appropriate place in the bill, add the following:

SEC. . Redesignate subsection (c) of section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) as subsection (d), redesignate all succeeding subsections accordingly, and insert after subsection (b) the following new subsection:

"(c) Notwithstanding any provision of this section requiring that nongovernmental or multilateral organizations not be subject to any requirement more restrictive than that applicable to a foreign government, the President, in connection with making available assistance for population planning, shall retain authority under Article II of the United States Constitution and shall have authority hereunder to implement whatever policies he deems necessary to curb human rights violations, including but not limited to infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination, and such authority may be delegated to any officer of the United States who may be designated by the President for that purpose.".

DIXON AMENDMENT NO. 291

Mr. DIXON proposed an amendment to the bill, S. 1003, supra; as follows:

At the appropriate place, add the following new section:

SEC. . (a) The Senate finds and declares that:

(1) the United States has imposed trade embargoes on several occasions in recent years;

(2) these embargoes have been completely ineffective in accomplishing the goals of American foreign policy;

(3) past trade embargoes have created the impression that the United States is an unreliable trading partner and have hurt American businesses worldwide;

(4) American farmers lost $3 billion in grain sales and 40% of the Soviet grain market as a result of the 1980 embargo;

(5) on May 1, 1985, President declared an "emergency" under Section 204(b) of the International Emergency Economic Powers Act to prohibit all imports and exports of goods and services between the United States and Nicaragua;

(6) in 1984, the United States exported approximately $110 million worth of goods and services to Nicaragua and imported approximately $58 million worth of goods and services from Nicaragua;

(7) one consequence of the trade embargo will be to increase the United States' worldwide trade deficit by the amount of the trade surplus previously enjoyed by the United States in its trade with Nicaragua;

(8) increased trade deficits adversely affect the U.S. balance of payments, which require taxes and Treasury borrowings to finance and which cause inflation, economic stagnation and unemployment;

(9) American suppliers of major exports to Nicaragua, including agricultural machinery, machinery parts, animal and vegetable oils and fats, chemicals and insecticides, fertilizer, tires, and medical instruments, will lose millions of dollars worth of business to other suppliers;

(10) Nicaragua will find other sources to replace lost American suppliers;

(11) economic sanctions will push Nicaragua further into the Communist bloc by eliminating its number one free world trading partner, the United States;

(12) imposition of sanctions under the International Emergency Powers Act is inappropriate and circumvents the Export Administration Act;

(13) La Prensa, the major opposition newspaper in Nicaragua, in an editorial dated May 2, 1985, stated "The great majority of Nicaraguans in the interior of the Republic resist the diverting of the revolution and the totalitarian inclination of the government; but the majority would be the one punished by the embargo.",

(14) the people most harmed by the trade sanctions include Nicaraguan businessmen, the middle class, and all consumers in Nicaragua which groups may provide the greatest potential for responsible and effective opposition to the current government of Nicaragua; and

(15) the trade sanctions may undermine the strength of the opponents of the Sandinistas;

(b) It is the sense of the Senate that the trade sanctions imposed by the United States against Nicaragua are harmful to the American economy, the achievement of United States foreign policy goals, and the people of Nicaragua who are already suffering under the Sandinista regime, and, therefore, that the President should act immediately to rescind the trade sanctions against Nicaragua.

ABDNOR (AND OTHERS) AMENDMENT NO. 292

Mr. ABDNOR (for himself, Mr. LUGAR, Mr. DANFORTH, and Mr. KASTEN) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill, add new section:

SEC. . (a) The Congress finds that the increasing barriers to American agricultural trade harm the interests of American producers and of consumers in countries with high trade barriers. The Congress finds further that Western European and Japanese consumers are forced to pay high prices for food products as a direct result of the trade barriers erected against American agricultural products.

(b) The Director of the United States Information Agency is hereby authorized to develop and implement a significant public information campaign to educate citizens of countries with high agricultural trade barriers of the advantages that lowering tariff and non-tariff barriers would have for them as consumers. This campaign shall be conducted in collaboration with American agricultural producer groups, the Department of Agriculture, and the United States Special Trade Representative.

KASSEBAUM (AND OTHERS) AMENDMENT NO. 293

Mrs. KASSEBAUM (for herself, Mr. MATTINGLY, Mr. NICKLES, and Mr. FORD) proposed an amendment to the bill S. 1003, supra; as follows:

At the end of the bill, add the following new section:

SEC. . (a) After December 31, 1985, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated organization in excess of 20 per centum of the total annual budget of such organization unless the Secretary of State certifies, and has so reported to the Congress, that such organization has adopted procedures that grant to each member state voting rights on matters of budgetary consequence proportionate to the member state's contribution to such organization's budget and unless the Secretary of State has certified that such organization has adopted a plan to reduce the salaries and pensions of the organization's employees to a level no higher than that paid United States Civil Service employees for performing comparable duties, adjusted as appropriate for differences in the cost of living in the United States and the duty post of the employee.

(b) If the governing body of the United Nations Children's Fund does not adopt the voting procedures and employees compensation plan as specified in subsection (a), the funds appropriated by this bill for payment to the United Nations Children's Fund shall remain available until expended and shall be available only for the President to make grants to private voluntary agencies to carry out development and humanitarian projects overseas of particular benefit to children.

WEICKER AND OTHERS AMENDMENT NO. 294

Mr. WEICKER (for himself, Mr. ZORINSKY, Mr. HOLLINGS, Mr. RUDMAN, and Mr. EXON) proposed an amendment to the bill S. 1003, supra; as follows:

On page 17, strike line 23 through line 6 on page 21, and insert the following: the United States Information Agency $834,623,000 for the fiscal year 1986 and $844,623,000 for the fiscal year 1987 to carry out international information, educational, cultural and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the

Radio Broadcasting to Cuba Act, and other purposes authorized by law.

(b) Amounts appropriated under this section are authorized to remain available until expended.

FUNDS FOR EDUCATIONAL AND CULTURAL EXCHANGES

SEC. 203. Of the funds authorized to be appropriated by section 202(a)—

(1) $128,899,500 for the fiscal year 1986 and $444,996,000 for the fiscal year 1987 shall be available only for grants for the Fullbright Academic Exchange Programs and the International Visitor Program; and

(2) $4,891,500 for the fiscal year 1986 and $5,479,000 for the fiscal year 1987 shall be available only for grants for the Humphrey Fellowship Program.

FUNDS FOR WORLDWIDE BOOK PROGRAM INITIATIVE

SEC. 204. Of the funds authorized to be appropriated for the fiscal year 1986 by section 202(a), not less than the sum of $3,700,000 plus an amount equal to the amount allocated for the fiscal year 1985 for such purpose shall be available only for the worldwide book program initiative.

FUNDS FOR EXCHANGE ACTIVITIES ASSOCIATED WITH THE 1987 PAN AMERICAN GAMES

SEC. 205. Of the funds authorized to be appropriated for the fiscal years 1986 and 1987 by section 202(a), not less than $1,500,000 for each such fiscal year shall be available only to the Indiana Sports Corporation for exchanges of persons and other exchange related activities associated with the 1987 Pan American Games to be held in Indianapolis, Indiana.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

SEC. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1986 and 1987".

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. (a) Section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)(A)) is amended to read as follows:

"(A) $137,267,000 for each of the fiscal years 1986 and 1987.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1985.

MEMBERSHIP OF THE SECRETARY OF STATE ON THE BOARD

SEC. 303. (a) Section 3(b)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2872(b)(1)) is amended—

(1) by amending the first sentence to read as follows: "The Board shall consist of eleven members, two of whom shall be ex officio members."; and

(2) in the fourth sentence, by striking out "shall be an ex officio member" and inserting in lieu thereof "and the Secretary of State shall be ex officio members".

(b) Section 11(a)(1) of such Act (22 U.S.C. 2880(a)(1)) is amended by inserting after "except that" the following: "the Secretary of State may not be a member of the Board of Directors of RFE/RL, Incorporated, and that".

TITLE IV—NATIONAL ENDOWMENT FOR DEMOCRACY

SHORT TITLE

SEC. 401. This title may be cited as the "National Endowment for Democracy Authorization Act, Fiscal Years 1985 and 1987".

FUNDS FOR THE NATIONAL ENDOWMENT FOR DEMOCRACY

SEC. 402. Of the amounts authorized to be appropriated for the United States Information Agency under section 202(a) for each of the fiscal years 1986 and 1987, not less than $17,500,000 for each such fiscal year shall be available only for a grant to the national Endowment for Democracy, of which amounts $11,000,000 for each such fiscal year shall be available only for the Free Trade Union Institute and $2,300,000 for each such fiscal year shall be available only for the Center for International Private Enterprise.

FREEDOM OF INFORMATION ACT

SEC. 403. No funds authorized to be appropriated by this Act or any other Act of Congress may be provided as grants to the National Endowment for Democracy until the National Endowment for Democracy fully complies with all the provisions of the Freedom of Information Act (5 U.S.C. 552).

FUNDING PROHIBITION

SEC. 404. No funds authorized to be appropriated by this Act or any other Act of Congress may be granted directly or through the National Endowment for Democracy to the Republican National Committee, the National Republican Institute for International Affairs, Democratic National Committee, or the National Democratic Institute for International Affairs.

AUDITS BY USIA

SEC. 405. The National Endowment for Democracy Act (22 U.S.C. 4411 et seq.) is amended:

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) The financial transactions of the Endowment for each fiscal year may also be audited by the United States Information Agency under the conditions set forth in subsection (f)(1).".

PRYOR (AND WARNER) AMENDMENT NO. 295

Mr. PRYOR (for himself and Mr. WARNER) proposed an amendment to the bill S. 1003, supra; as follows:

On page 17, between lines 18 and 14, insert the following:

UNDER SECRETARY OF STATE FOR AGRICULTURAL AFFAIRS

SEC. . (a) That the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2552), is amended—

(1) by inserting in the first section "an Under Secretary of State for Agricultural Affairs," after "Management,"; and

(2) by adding at the end thereof the following: "Sec. 6. (a) The Under Secretary of State for Agricultural Affairs, referred to in the first section and appointed pursuant to section 2, shall be appointed from among individuals having experience in the international commerce of agricultural commodities.

"(b) The Under Secretary of State for Agricultural Affairs shall be responsible to the Secretary of State for matters pertaining to agricultural affairs, including United States policy affecting the export of agricultural commodities.".

(b) The seventh undesignated paragraph of section 5314 of title 5, United States Code, is amended by inserting "and an Under Secretary of State for Agricultural Affairs" after "Management".

ZORINSKY (AND EXON) AMENDMENT NOS. 296 AND 297

Mr. ZORINSKY (for himself and Mr. EXON) proposed two amendments to the bill S. 1003, supra; as follows:

On page 19, after line 9 add the following new section:

SEC. 206. BAN ON DOMESTIC ACTIVITIES BY THE USIA.

No funds authorized to be appropriated to the United States Information Agency shall be used to influence public opinion in the United States. No program material prepared by the United States Information Agency shall be distributed within the United States. This section shall not apply to programs carried out pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended (Public Law 87-256).

On page 19, after line 9 add the following new section:

SEC. 206. PRIVATE SECTOR FUNDING FOR USIA'S PRIVATE SECTOR PROGRAM.

No grant shall be made to any organization through the Private Sector Program of the United States Information Agency unless at least twenty-five percent of the organization's or of the funds for the proposed grant activity funds are provided from non-United States Government sources.

MATHIAS AMENDMENT NOS. 298 AND 299

Mr. MATHIAS proposed two amendments to the bill S. 1003, supra; as follows:

AMENDMENT No. 298

PILOT PROJECT FOR FOREIGN SERVICE ASSOCIATES

"SEC. —. PILOT PROJECT FOR FOREIGN SERVICE ASSOCIATES.

(a) It is the sense of the Congress that the national interest of the United States would be well served by making more productive use in U.S. missions abroad of the resources that spouses of American personnel assigned to missions abroad are qualified to provide.

(b) The Secretary of State is authorized to design, conduct and evaluate a pilot project to test appropriate means of increasing employment of qualified spouses of American personnel assigned to U.S. missions. The intent of the pilot project shall be to construct a feasible program within which spouses' education, training and relevant work experience can be used effectively within the mission and in the furthering of U.S. interests in the host country.

(c) The Secretary of State shall undertake the design phase of the pilot project upon enactment of this Act. He shall report to the Congress by February 1, 1986, on the design of the project and plans for its implementation and evaluation.

AMENDMENT No. 299

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

TERMINATION OF NATIONAL EMERGENCIES BY JOINT RESOLUTION

SEC. 601. Section 202 of the National Emergencies Act is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) there is enacted into law a joint resolution terminating the emergency; or";

(2) in the text below subsection (a)(2), by striking out "concurrent" and inserting "joint";

(3) in subsection (b), by striking out "concurrent" and inserting in lieu thereof "joint"; and

(4) in subsection (c), by striking out "concurrent" each of the six places it appears and inserting in lieu thereof "joint".

HAWKINS (AND CHILES) AMENDMENT NO. 300

Mrs. HAWKINS (for herself and Mr. CHILES) proposed an amendment to the bill S. 1003, supra; as follows:

On page 17, line 21, insert "(1)" after "(a)".

On page 18, strike line 4 and insert in lieu thereof the following:

"Act, and other purposes authorized by law: provided, however, that not less than $11,500,000 in fiscal year 1986 and $11,700,000 in fiscal year 1987 of the amounts authorized to be appropriate pursuant to this section shall be authorized to be appropriated for implementation of the Radio Broadcasting to Cuba Act.

(2)(a) The Congress finds that—

(1) on September 29, 1983, the Congress overwhelmingly passed legislation creating a new Voice of America: Radio Marti program for broadcasting to Cuba, and on October 4, 1983, this legislation was signed by the President into Law;

(2) the purpose of this legislation is to promote the cause of freedom in Cuba by broadcasting accurate and objective programming into Cuba;

(3) on May 20, 1985, Radio Marti began broadcasting; and

(4) now the people of Cuba have a reliable alternative to the government-sponsored propaganda of the Castro regime.

(b) The Congress hereby commends and endorses the decision by the President to begin broadcasting the Radio Marti program.".

HAWKINS AMENDMENT NO. 301

Mrs. HAWKINS proposed an amendment to the bill S. 1003, supra; as follows:

On page 20, between lines 16 and 17, insert the following:

RADIO MACCABEE PROGRAMING

SEC. 304. The Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following new section:

"RADIO MACCABEE PROGRAMING

"SEC. 14. (a) On or after the date of enactment of the Board for International Broadcasting Authorization Act, Fiscal Years 1986 and 1987, no grant may be made under this Act to RFE/RL, Incorporated, unless RFE/RL, Incorporated

"(1) establishes as a special unit of its Radio Liberty division, in addition to its programs available for broadcast to the Soviet Union on such date, a program of Russian language broadcasting for the Jewish population of the Soviet Union and entitled the "Radio Maccabee Program of Radio Liberty' (hereafter in this section referred to as the 'Program'); and

"(2) provides for the appointment by the Board of Directors of PFE/RL, Incorporated, of a Chief Editor of the Radio Maccabee Program of Radio Liberty who shall—

"(A) manage the Program'

"(B) participate in the decision-making process of Radio Liberty with a view to ensuring that adequate and appropriate priority is placed on broadcasting to Soviet Jews;

"(C) furnish advice on other aspects of programs of Radio Liberty affecting the Jewish community in the Soviet Union;

"(D) report to the director of the Radio Liberty division of RFE/RL, Incorporated; and

"(E) devote full-time to the Program, except for routine shared responsibilities within RFE/RL, Incorporated.

"(b)(1) Broadcasts of the Program shall include items of general cultural, intellectual, political, and religious interest to the Soviet Jewish population, as well as Hebrew education courses.

"(2) In establishing the Program, RDE/RL, Incorporated, shall identify the needs and concerns of the activist as well as the refusenik population in the Soviet Union and shall provide, as part of the Program, the news, commentary, and analysis, and other programs appropriate to such needs and concerns.".

On page 19, line 21, before the first period insert a comma and the following: "of which amounts $400,000 in each such fiscal year shall be available only to carry out the Radio Maccabee Program of Radio Liberty described in section 14".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND RESOURCE CONSERVATION

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of an oversight hearing before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources on recreation fees as authorized in the "Land and Water Conservation Fund Act of 1965" as amended.

The hearing is scheduled for Thursday, June 27, 1985 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements for this hearing should contact the Subcommittee on Public Lands, Reserved Water and Resource Conservation, Committee on Energy and Natural Resources, room SD-308 Dirksen Senate Office Building, Washington, DC 20510.

Witnesses are requested to submit 25 copies of their testimony 24 hours in advance of the hearing and 50 copies on the day of the hearing.

For further information, please contact Tony Bevinetto or Patty Kennedy at (202) 224-0613.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a hearing before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources on S. 720, to establish a permanent boundary for the Acadia National Park in the State of Maine, and for other purposes.

The hearing is scheduled on Friday, July 12, 1985 at 9:30 a.m. in room SD-366 in the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should contact the Subcommittee on Public Lands, Reserved Water and Resource Conservation, Committee on Energy and Natural Resources, room SD-308 Dirksen Senate Office Building, Washington, DC 20510.

Oral testimony will be limited to 5 minutes per witness. Written statements may be longer. Witnesses may be placed in panels and are requested to submit 25 copies of their testimony 24 hours in advance of the hearing, and 50 copies on the day of the hearing.

For further information, please contact Tony Bevinetto or Patty Kennedy at (202) 224-0613.

SUBCOMMITTEE ON WATER AND POWER

Mr. MURKOWSKI. Mr. President I would like to announce for the information of the Senate and the public that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources has added an additional bill to the list of bills which the subcommittee will receive testimony on at its hearing scheduled for Tuesday, June 11 at 10 a.m. in room SD-366 in the Dirksen Senate Office Building in Washington, DC.

The additional bill is S. 1260, the "Hydroelectric Relicensing Reform Act of 1985." As previously announced, the Subcommittee will also receive testimony on S. 403, S. 426, and S. 1219.

For futher information regarding this hearing, please contact Mr. Russ Brown of the subcommittee staff at (202) 224-2366.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the nomination of John M. Steadman, to be an Associate Judge of the D.C. Court of Appeals, and Richard A. Levie, to be an Associate Judge of the Superior Court of the District of Columbia. The hearing will be held on Tuesday, June 11 at 10 a.m. in Dirksen 342. For additional information, please contact Eileen Mayer at 224-4161.

ADDITIONAL STATEMENTS

PENTAGON SPENDING

● Mr. HEINZ. Mr. President, like millions of other Americans, I have been appalled by the Pentagon horror stories of cost overruns, inefficient procurement procedures, and outright fraudulent documentation of official records that permeate the defense acquisition process. Reports that the Pentagon has spent over $2,000 on a 13-cent nut and over $600 for an ashtray are too widespread to dismiss as isolated incidents. Quite clearly, these exorbitant costs are unjustifiable and unacceptable.

The waste, fraud, and abuse in the Pentagon procurement system poses a serious, long-term threat to our national security. Although we have debated many issues during the 2 weeks we in the Senate have considered the Department of Defense [DOD] authorization bill for fiscal year 1986, I want to emphasize the importance of the changes that this legislation makes in the defense procurement process, changes that are specifically designed to reform the Pentagon's wayward acquisition habits.

While there are many reasons, including sound economic ones, for the Senate's recent budget action to freeze the growth of defense spending and strictly limiting increases in future years, I believe the Senate also sent a strong message to the Pentagon that the wasteful spending of the taxpayers dollars will not be tolerated. A freeze in defense spending means that we must evaluate honestly what is or is not important to our national defense; clearly, there are far more important defense needs than the continuation of a procurement system which squanders millions of defense dollars every year.

While, on the one hand, it is encouraging to note that the DOD has established a policy of removing Pentagon officials who permit outrageous purchasing practices, the Secretary of Defense nevertheless must take further, more positive steps to encourage "whistle blowers" to bring these practices more quickly into the open. In addition, more attention obviously needs to be focused on each and every procurement contract, both before it is completed as well as during the periodic contract reviews.

Private defense contractors must also share responsibility for wasting our defense dollars through their exploiting of every loophole in the procurement laws and, quite often, their intentionally defrauding the Pentagon. For example, General Dynamics recently attempted to bill the Government for the country club dues and personal travel expense of a number of its executives as part of their defense contracts. In addition, 45 of the Nation's top 100 defense contractors are currently under investigation for a wide variety of criminal charges. Most recently, the General Electric Co. pleaded guilty to defrauding the Air Force of $800,000 by filing false payment claims for work on a missile contract.

Waste, fraud, and abuse by the Pentagon and its military contractors does a great disservice to the defense of our Nation. These incidents have shaken the public's confidence in the defense community and have eroded the national consensus for maintaining adequate levels of defense spending. Quite correctly, the American people will not tolerate the theft of their hard-earned tax dollars by unscrupulous contractors or the waste of those dollars due to the Pentagon's inability to properly monitor performance on its contracts.

One way Congress can begin to rectify this situation is to encourage competition in the Pentagon procurement system. The lack of competition for Pentagon contracts is a major cause of exorbitant spare parts charges, major cost overruns, and contractors' ability to raise their prices almost at will. Sole-source contracting provides an absence of a continuous contracting alternative, leaving the Pentagon with virtually no choice but to pay the increases.

Of the $130 billion in contracts which the military awards to private firms each year, 30 percent are awarded without any competition at all. Although another 38 percent of these contracts are awarded through competitive bidding, only a select group of qualified contractors are often allowed to compete for the right to design or produce a weapon system. Quite clearly, increased competition must be a central component of any Pentagon reform efforts.

I strongly supported the recent proposals offered by Senator QUAYLE as part of this year's DOD authorization we have just passed in the Senate. These proposals include requirements that the DOD establish and maintain throughout the life of the program two or more production sources for major aquisition programs that meet certain criteria. Competition is also increased by requiring that the Pentagon's acquisition plans provide for the use of the competitive procedures outlined in the Competition in Contracting Act of 1984. Increased competition will reduce unit prices, increase the size of the defense industrial base, and force contracting companies to become more innovative and cost-conscious.

In addition, the reform package includes requirements that the Secretary of Defense prepare an aquisition plan before the completion of full-scale development of each major defense acquisition program and that he submit such plans to the House and Senate Armed Services Committees prior to the time of the initial budget request for production of that program. These new requirements, in addition to the recent establishment of a permanent Senate Subcommittee on Defense Acquisition Policy, will improve Congress ability to properly monitor the defense acquisition process.

The cost estimating systems which the DOD and the military services use during the contract negotiations process are also a source of wasteful spending. In most cases, the cost estimating procedures used rely on historical data and industry trends rather than on careful assessments of the efficiency of individual defense contractors. The reform package includes a provision that requires the Secretary of Defense to conduct a should cost analysis, which determines the cost of a system produced in the most efficient manner, during the first 4 years of a major acquisition program for which contracts are awarded to a single-source.

Finally, this bill improves quality assurance warranties, increases small businesses' ability to compete for contracts, and changes the burden of proof in court cases against contractors accused of billing questionable items to the Pentagon. Overall, this package addresses many of the problems in the defense acquisition process and represents a major first step in reforming this wasteful and inefficient system.

Mr. President, the national security of our Nation is our No. 1 responsibility, and I am proud to say that the American people are not reluctant to pay for the defense of our freedoms and ideals. However, we are also responsible for a wise and prudent expenditure of taxpayers dollars, which the Pentagon procurement system has not been providing. The improvements noted are necessary first steps in restoring the American people's confidence in the defense community and in the Congress' ability to provide a military capability we can trust—at prices we can afford.

CANADA RENEGES ON TRAVEL LITERATURE AGREEMENT

● Mr. WARNER. Mr. President, last March, the Senator from Virginia [Mr. WARNER] reported to the Senate that during his meeting with the new Prime Minister of Canada, President Reagan obtained an agreement eliminating the 10-percent tax imposed on U.S. travel literature entering Canada.

Specifically, this Senator noted language contained in an official communique issued by the two governments following the President's meeting which stated in part:

Tax-free treatment of certain tourist literature: The Prime Minister has today indicated that action will be taken to exempt from the Federal sales tax tourist literature issued by national or state governments or departments thereof, boards of trade, chambers of commerce, municipal and automobile associations, and similar organizations, whether produced in Canada or imported. This should stimulate tourism in both Canada and the United States.

Today, Mr. President, this Senator is embarrassed to report that the Canadian Government has reneged on Prime Minister Mulroney's agreement with President Reagan.

On May 29, the U.S. Embassy in Ottawa informed the U.S. Travel and Tourism Administration that the Canadian Parliament adopted legislation exempting from this onerous sales tax only government-sponsored travel literature of a nonspecific, noncommercial nature.

Quoting from a summary of legislative actions published by the Canadian Department of Finance, dated May 23, 1985:

Government-sponsored tourist literature is being exempted from the Federal sales tax, effectively immediately. The exemption will apply to tourist literature acquired or imported by Federal, provincial, territorial, and municipal governments in Canada as well as national, state, and local governments of other countries and their agencies. The change will affect only tourist literature that is distributed free of charge and does not solicit tourist business by specific commercial activities. Consideration is being given to the means of extending similar relief to appropriate nongovernment associations and agencies.

Upon request for clarification, the U.S. Embassy was advised that the unfulfilled portion of the President's agreement with Prime Minister Mulroney might be addressed when the Canadian Parliament next considers its nation's budget—in a year or so.

Mr. President the Canadian Government must understand the import of its decision to not honor the agreement reached between our leader and theirs.

While some may respond that this is only travel literature, and therefore not worthy of such strong words of codemnation, let me remind Senators that Canada is a leading destination for many Americans traveling abroad.

Likewise, the United States is a leading destination for many Canadians traveling abroad.

Thousands of jobs in both countries are dependent on the free-flow of tourists between our two countries, and billions of dollars of tax revenue is produced from the tourism trade that results.

The nuisance tax imposed by the Canadians generates little revenue for the Canadians, but stands as a major irritant between Canada and the United States.

Literally, it threatens the goodwill between our countries and the viability of our two nation's tourism trade.

Plainly spoken, Mr. President, this Senator does not believe the strain produced as a result of this tax is worth the cost.

As the cochairman of the Senate Tourism Caucus and one of many Members of Congress who have patiently worked and waited over the past 3 years for a positive resolution to this matter, this Senator views the actions of the Canadians Parliament as unwise and shortsighted.

This Senator urges his counterparts in Canada to reconsider their decision, taking steps immediately to bring an end to this unfriendly and unwarranted practice.●

PROJECT SELF-SUFFICIENCY

● Mr. WARNER. Mr. President, I rise to bring to the attention of my colleagues a very worthwhile and successful endeavor known as "Project Self-Sufficiency."

In the early 1970's, the Warren United Methodist Church in Denver, CO, observed a great need within its community.

As the number of single-parent families continued to grow, the need for an inexpensive, family-oriented housing development also grew.

The members of this community responded to this need by creating the Warren Village.

This development limited itself to supplying single-parent families with safe, clean, housing, daycare facilities, and job training while providing village residents comprehensive counseling to assist them with the broad array of problems they face.

Through its use of private and community volunteers, Warren Village has been an overwhelming success.

The number of families relying on welfare entering the program is substantially higher than the number of families on welfare after completing the program.

In fact, Mr. President, Warren Village has been such a success that the U.S. Department of Housing and Urban Development has launched an effort modeled after Warren Village known as Project Self-Sufficiency.

This project attempts to reduce the dependence of single parents on programs such as Aid to Families with Dependent Children, food stamps, and welfare.

Project Self-Sufficiency does this by providing incentives for parents to work; to become ecnomically independent.

Presently, there are 78 Project Self-Sufficiency sites across the country.

Two of these sites are located in Virginia—one in Hampton and the other in Newport News.

All the families selected to participate in the Virginia projects receive approximately $3,000 per year in Aid to Families with Dependent Children.

Nearly all of the parents selected are unemployed when they enter the program, and those who are employed earn far too little to be self-sufficient.

Project Self-Sufficiency seeks to help single parents break the vicious circle of poverty in which many low income families find themselves by providing single parents safe, low rent housing, transportation, and child care facilities.

These services give parent the opportunity to find work without having to worry about the safety of their children.

In return, parents are encouraged and expected to improve their education and job skills through programs established at local community colleges and social services agencies.

The additional education makes the participants more attractive prospects for better paying jobs.

Further, by making it clear that their term of enrollment is limited to 18 to 24 months, participants are given every incentive to work diligently, to achieve maximum self-improvement.

In the fall of 1983, President Reagan, stating his concern about Federal welfare programs, said, "Federal policies that increase dependency and break up families aren't progressive, they're reactionary."

Warren Village, Project Self-Sufficiency, and other similar projects are progressive.

They are the type of program that is beneficial to everyone.

They supply single-parent families with the opportunities to help themselves become independent and productive.

They supply the private sector with skilled and motivated employees, and they reduce the number of families dependent on Federal welfare programs.

I commend those who have initiated Projected Self-Sufficiency and extend my best wishes for the success of its participants.

Most especially, however, I applaud the farsightedness of the Warren United Methodist Church and the founders of Warren Village for establishing the model around which others have shaped their programs.●

CAPT. WILLIAM YORK HIGGS RECEIVES HALERT C. SHEPHEARD AWARD

● Mr. STEVENS. Mr. President, I should like to call to the attention of my colleagues the 1984 Halert C. Shepheard Award which was presented to Capt. William York Higgs, president of Intercontinental Marine Ltd. The recipient of this award is honored for a single outstanding contribution to merchant marine safety or for continuous dedication and meaningful participation in maritime safety activities.

Indeed, Captain Higgs certainly fulfilled both requirements.

Established by the American Institute of Merchant Shipping [AIMS], the Halert C. Shepheard Award was presented to Captain Higgs by the American Bureau of Shipping [ABS]. In doing so, ABS gratefully acknowledged the captain's dedication to the safety of lives and ships at sea.

There can be no doubt that maritime safety is of utmost importance to all of us and I think we should follow ABS's lead and take time to commend Captain Higgs for his achievements.

Most of the captain's professional life was spent in towage and salvage work in British Columbia, Canada. The past 15 years, however, has been devoted to the development of radio buoys and survival vehicles. In fact, it was his design of ingenious and vital life-saving equipment such as the float-free radio buoy with a wire reel that can be attached to sunken ships to indicate their location, a float-free radio buoy unit with a wire reel and the ability to carry inflatable rafts, a rapid embarkation and self-launching lifeboat for use aboard vessels and an escape chute leading to a rigid power raft containing inflatibles for effective evacuation of passenger ships that ensured his nomination for and receipt of the Halert C. Shepheard Award.

Having received special recognition in Germany from the National Association of Seamen and in England from the Nautical Institute, Captain Higgs is no stranger to recognition and accolades. Yet, the captain's strenuous work and his nonfledging, personal attempts to persuade governments to strengthen their maritime safety laws is all the more reason to thank the captain again, to congratulate him for his most recent honor and to encourage him to continue his vital work in the maritime safety field.●

LESLEE GARVEY, SIOUX FALLS, SD

● Mr. PRESSLER. Mr. President, I am very honored to pay tribute today to an outstanding South Dakotan who recently achieved national recognition.

Leslee Garvey of Sioux Falls, SD, has been named the U.S. Postal Service Outstanding Handicapped Employee of the Year. Miss Garvey was the central region's nominee for the award and was named the national winner in a ceremony with Postmaster General Paul Carlin on May 23, 1985. Stricken with polio at the age of 8, Leslee has been a paraplegic and confined to a wheelchair.

Serving as a clerk-typist in the Sioux Falls Post Office, Leslee is respected for her ability to resolve customer problems. She possesses a special gift for working with people. Her philosophy in dealing with customers is to always take an extra minute to treat people with the utmost kindness. Leslee enjoys working under Sioux Falls Postmaster Richard Cellino as he shares her philosophy of concern for the customer.

Leslee also finds the time to help others when she is not working. At home, Miss Garvey has compiled a special list of lonely shut-ins and retirees to whom she writes notes and letters for special occasions such as holidays. During the Christmas season, she is one of "Santa's helpers" who writes responses to childrens' letters to Santa Claus.

Leslee Garvey is an inspiration to all of us. Her loyal service, compassion for her fellow man, and outstanding courage are evident in her every move.

Mr. President, again, I am very proud to pay tribute to my fellow South Dakotan, Miss Leslee Garvey—the 1985 U.S. Postal Service Outstanding Handicapped Employee.●

ANTI-NUCLEAR TERRORISM ACT OF 1985—S. 274

● Mr. D'AMATO. Mr. President, I recently joined 15 of my colleagues in cosponsoring S. 274, the Anti-Nuclear Terrorism Act. This legislation amends the Atomic Energy Act of 1954 to prevent sabotage at nuclear powerplants. A Nuclear Regulatory Commission [NRC] report indicates that between 1974 and 1982 there were 32 instances of possible sabotage at 24 reactors and reactor construction sites.

In the last 5 years, the NRC has investigated 12 incidents of suspected sabotage by plant employees. Examples include the misplacement of valves which knocked out the steam generator water pump at the Salem station in New Jersey in 1982, and the closing of a valve at a plant near Pittsburg which could have prevented necessary cooling water from being available in an emergency.

The Anti-Nuclear Terrorism Act provides for background investigations and fingerprinting of persons seeking unescorted access to nuclear powerplants. These fingerprints would be submitted to the Justice Department for identification and processing. Such investigations are necessary to ensure that no one who poses a security risk is allowed to enter a nuclear power site. All Privacy Act protections and limits on disclosure continue to apply under this bill.

Mr. President, I urge my colleagues to support this legislation. It is a balanced, constructive, and well-crafted response to a danger we cannot underestimate.●

MAINTAINING ORDER IN TEXTILE AND APPAREL TRADE

● Mr. LAUTENBERG. Mr. President, I rise to cosponsor S. 680, the Textile and Apparel Trade Enforcement Act of 1985. This critical legislation would help maintain viable domestic apparel and textile industries which have suffered increasing harm from foreign imports.

Since 1980, imports of textiles and apparel into the United States have shot up dramatically, an average of 19 percent each year. The Multi-Fiber Agreement [MFA] worked effectively to regulate imports and minimize domestic market disruption through the 1970's, but the MFA has failed to live up to its mission in the last 5 years.

Imports now make up a large and growing proportion of the market. Importers have directly targeted the American market with clothing which matches American sizes, styles and specifications, and according to an International Trade Commission report released last month, they have been extremely adept in circumventing MFA restrictions. The growth in imports is now so high that, if trends continue, virtually all of the American apparel market would be captured by imports by 1990.

Mr. President, I have spoken often about the need to open markets abroad to access by American firms and the need to maintain a free, fair, and stable trading system. This legislation is not inconsistent with those goals.

This legislation would not bar imports. Indeed, it would allow for future growth in imports. But, it would address the substantial disruption and dislocation that has resulted from the unprecedented rise in imports in recent years.

It is worth noting that while the United States has allowed a flood of imported apparel and textiles, other developed industrial nations have not. When a nation like Japan severely limits imports from neighbors in its own region, neighbors indeed that often use equipment purchased from Japan, then the pressure on our market is increased. That is unfair and should not continue.

This legislation is not designed to shield industry from competition. The textile and apparel industries are highly competitive sectors of our economy. They are bastions of the small entrepreneur. Even the largest companies in textiles or apparel cannot claim more than a mere 5 or 6 percent of the total domestic market. These small firms can be found in almost every State in the Union.

In my State of New Jersey, for example, as of 1982, there were 1,540 apparel plants with 49,000 employees, and 423 textile plants with 17,000 employees. On the average, then, these plants employ less than 34 workers apiece. Faced with growing competition, these industries have enhanced productivity in recent years, and they

are now working to take advantage of the lastest in automated technology.

Mr. President, the industries affected by this bill are highly labor intensive. Imports are advantaged by the ability to severely underbid labor costs. But wages in American plants cannot be cut to meet the wages of their competitors—on the average, 63 cents an hour in South Korea, 57 cents an hour in Taiwan, or 16 cents an hour in the People's Republic of China. American textile and apparel wages already fall below the average for American manufacturing workers.

When textile and apparel plants close down, these workers do not usually have the skills required to find new jobs, and we simply add more persons to the rolls of the long-term unemployed. We act to prevent the major dislocations in the work force that are resulting from drastic increases in import penetration.

Mr. President, S. 680 is essential to accomplish the objectives of the Multi-Fiber Agreement. We need to restore order to international markets. We need to avoid the drastic disruptions to our own market. I urge my colleagues to support this important legislation.●

TIME FOR TOUGH EXPORT CONTROLS

● Mr. GARN. Mr. President, the recent spy affair involving several former and current naval personnel is one notable example of Soviets efforts to buy secrets damaging to our national security. Recently, a former officer of the Soviet military's espionage service, the GRU, confirmed to British authorities the fact that acquiring American high technology is the Soviet espionage services' top priority.

A recent article in Time magazine states that there is "growing evidence to support" the President's concern about Soviet acquisition of high technology from the West.

Mr. President, the Congress shares that concern. Legislation containing provisions to toughen significantly our export control system has been moving forward during this session. Several weeks ago, the Senate requested a confernce with the House of Representatives in order to clear that measure for the President. I am confident that the other body will soon appoint conferees so that we might send that measure to the President prior to the July 4 recess and give the President the additional tools so necessary to reduce the ability of the Soviets to prey upon our knowhow and convert it into weapons for our own destruction.

As the Soviet defector stated in a Time interview,

President Reagan is quite right. Everything you give the Soviet Union, they use for military purposes. The West should cease all forms of technology transfer to the Soviets, not just high tech. Comrade Gorbachev is a realistic man. I am sure that putting himself into Reagan's shoes, he's saying to himself, "What bloody fools these Americans have been in taking so long to plug this hole."

I ask that the text of the article from Time magazine dated May 27, 1985 be wanted in the RECORD at this point.

The article follows:

[From Time, May 27, 1985]

A DEFECTOR WARNS: "WHAT FOOLS"

[The Reagan Administration's attempts to stanch the flow of technology to the Soviet Union, primarily directed at the shipment of computers, microelectronics and software, have also involved efforts to prevent publication or open discussion of certain unclassified technical research—a policy that has angered many scientists. Yet there is growing evidence to support Washington's concern. In an exclusive interview with Time's Frank Melville in London, a former officer in the GRU, the Kremlin's military intelligence agency, has affirmed the fact that acquiring American high technology is the agency's No. 1 priority. Other comments of this recent defector, whose identity is being guarded by British intelligence:]

Spying directed at finding out the enemy's order of battle is no longer necessary—it is all set out for the Soviet high command to read in the military balance sheets published by organizations such as Jane's and the International Institute for Strategic Studies, and in Flight International magazine and the International Defense Review. Even knowing the strategic plans of NATO for resisting a Soviet invasion across the north German plain is not all that important. What really interests the Soviets is such things as clues to laser components in systems for navigating nuclear submarines underwater, the guidance mechanisms of antitank missiles, and the engine air filters you put into battle tanks. The fact is that military technology has become the main espionage battlefield.

The Soviet Union can launch the first satellite, the first astronaut in space and the Second World War-winning T-34 tank, but it is behind—perhaps as much as a decade—in high-tech avionics, guidance systems and the whole range of electronics. But the Soviet designer is not stupidly proud. If someone has a better idea than he does, he accepts it. And that is what GRU activities in the West are all about.

Military intelligence sends to Moscow everything Soviet technology cannot make. They concentrate their efforts on the large number of smaller supplier firms working for major companies like Aerospatiale or British Aircraft Corp. We go after suppliers who are not so aware of our existence and try to fit together the whole picture [of a plane or a missile].

What is Moscow's current priority for GRU? The plate covering the U.S. shuttle vehicle through the enormous temperatures is one—how to connect [the tiles] with the metal. That the GRU would very much like to know about.

I think about half the achievements in Soviet military power has been very heavily influenced by the West. I speak about Soviet tanks, antitank missiles, antiaircraft missiles, aircraft and submarines. Sometimes you see a Soviet tank and it's a genuine Soviet tank. But inside you can see the stabilizers for the tank guns, night vision, communications equipment and engines that owe their existence to Western technology.

In one instance, a lot of money was used to bribe some German technicians in order to acquire a [West German] Leopard tank. The question was how to get the engine to the U.S.S.R. The solution was for the Soviet consul in the area to buy a yacht and have its engine taken out and replaced with the Leopard's engine. The yacht then rendezvoused several miles out to sea with a Soviet merchant ship, to which the engine was transferred.

Another exercise was carried out on an American missile-firing range in Germany. Some shepherds recruited by Soviet military-intelligence agents were used to scour the range looking for components of the fired missiles. The shepherds were told by their GRU directors to collect every piece of metal they could find. The GRU was not interested in warheads as such, but in elements of the guidance system that experts in Moscow were able to use to improve their equivalent missiles. Take the Soviet Strela-2 antiaircraft missile—it's an exact copy of the American Redeye. Take the SU-15 supersonic fighter, which destroyed the South Korean aircraft [Flight 007]. The technology in the SU-15 was stolen abroad.

President Reagan is quite right. Everything you give the Soviet Union, they use for military purposes. The West should cease all forms of technology transfer to the Soviets, not just high tech. Comrade Gorbachev is a realistic man. I am sure that putting himself into Reagan's shoes, he's saying to himself, "What bloody fools these Americans have been in taking so long to plug this hole.●

CONGRESSIONAL CALL TO CONSCIENCE—1985

● Mr. PRESSLER. Mr. President, I speak today as a participant in the 1985 Congressional Call to Conscience. This effort is intended to draw our attention to the unacceptable human rights violations being perpetrated against the Jewish people of the Soviet Union by their government and its officials.

It is extremely difficult for many in this country, with the guarantees, rights, and freedoms we enjoy, to comprehend the treatment and persecution that Soviet Jews have endured for so many years. Unfortunately, the conditions these people face are not improving. On the contrary, Jewish life has been more difficult due to the actions of Soviet officials who have attacked them in the press and defamed their history, culture and traditions in current literature.

In addition, the Jewish people continue to suffer demotions and denial of work, and in some instances, are stripped of professional degrees. A prominent Moscow journalist, Lev Kronegev, has referred to Soviet Jews as nonpatriots, bourgeois and even accused them of being nonpersons.

We are all very conscious of the fact that the Soviet Government has drastically reduced the emigration opportunities for its Jewish citizens. In 1979, Soviet Jewish emigration peaked at

51,320. Last year, the total number of Soviet Jews allowed to emigrate was a mere 896.

This drop is largely attributable to new restraints placed on those desiring to leave the Soviet Union. For the first time, applicants are required to submit an invitation from a first-degree relative who is living in Israel. Potential emigrees also face the intimidation of seeing others who have applied to leave harshly treated, chastized, and imprisoned on insufficient charges such as vagrancy, hooliganism, and anti-Soviet activity.

One such example is the case of Leonid Lubman. Leonid applied for emigration in 1976. His request was denied that same year. No reason was offered by the Soviet Government for this denial. Shortly after Leonid applied to emigrate to Israel, the KGB searched his home and took his Hebrew books. After he applied, he lost his position at work, he was chastized sharply, and was labeled a traitor.

Leonid wrote a book about the economic problems of his country and gave it to a student to take to the West to be published. The manuscripts were intercepted by Soviet authorities and Tass branded Lubman a traitor who was engaged in espionage. A closed trial was held and he was sentenced to 13 years in a labor camp. Communication between Leonid and his family has been severely disrupted by the Soviet Government, and knowledge of his condition is unknown to his family.

As Members of the Senate, we must send a strong message to the Soviet Government that these human rights violations cannot be tolerated. We can settle for no less. The issues of human rights and emigration must always be a primary consideration in the relations between our two nations.

The number of Jews allowed to emigrate from the Soviet Union tends to coincide with the state of relations between our countries. The advent of new Soviet leadership and the resumption of arms control negotiations makes this a most opportune moment. We must use this opening to press for better treatment and increased emigration opportunities for Soviet Jews.●

VIRGINIA STATE SPECIAL OLYMPICS SUMMER GAMES

● Mr. WARNER. Mr. President, today marks the beginning of the Virginia State Special Olympics Summer Games held at the University of Richmond in Richmond, VA.

For the first time, the State games will be held in Richmond with over 2,000 athletes, coaches, and trainers in attendance.

The Special Olympics organization is truly special.

Not only does it instill a sense of pride and accomplishment for the mentally retarded athletes that compete, but also provides the same for the coaches and trainers.

The Special Olympics are designed to motivate mentally retarded persons to participate in physical education and recreation programs and to encourage lay persons and communities to provide recreational opportunities for the mentally retarded.

These are extremely worthwhile goals which I know my colleagues share.

I have been privileged to serve as honorary sponsor of both the Washington, DC and Northern Virginia Special Olympics and am proud to bring to the attention of my colleagues the Virginia State Special Olympic Summer Games.

I commend all the supporters and participants in the summer games and wish them the best of luck in this and their future endeavors.●

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of S. 1003, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 1003) to authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes, for fiscal years 1986 and 1987.

The Senate resumed consideration of the bill.

Mr. LUGAR. Mr. President, in accordance with the unanimous-consent order which we have been following on the Nicaragua Contra amendments, the Senator from Iowa, Senator HARKIN, has the next amendment to be debated.

I yield the floor, and ask the Chair to recognize Senator HARKIN.

The PRESIDING OFFICER (Mr. ANDREWS). The distinguished Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

AMENDMENT NO. 278

Mr. HARKIN. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], proposes an amendment numbered 278.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following sections:

Division 1:

PROHIBITION ON USE OF FUNDS FOR HUMANITARIAN ASSISTANCE BY CERTAIN AGENCIES

SEC. . (a) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated pursuant to an authorization of this or any other Act may be obligated or expended by the Central Intelligence or the Department of Defense to provide humanitarian assistance forces opposed to the Government of Nicaragua.

Division 2:

PROHIBITION ON SUPPORT FOR CERTAIN MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. . (a) Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the U.S. Government involved in intelligence activity may be used for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except as specifically authorized by this Act and except for a specific operation approved by the President, and reported to the Congress, consistent with the Intelligence Oversight Act of 1980 (Public Law 96-450; 50 U.S.C. 501(a)(1)(B)) to respond to an unforseen specific and immediate threat to the United States or its allies and intended solely to directly respond to that threat.

(b) As used in this Act, the term "materiel assistance" includes military training or advice and activities in support of military operations. Such term does not include diplomatic or public support.

Mr. HARKIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

DIVISION OF AMENDMENT NO. 278

Mr. HARKIN. Mr. President, I ask unanimous consent to have a division of the amendment. The first division is the section on humanitarian assistance by certain agencies, and the second division is on military or paramilitary operations in Nicaragua.

Mr. President, I am asking that it be divided into two parts.

The PRESIDING OFFICER. Without objection, the amendment as sent to the desk will be separated and will be treated separately. The yeas and nays will apply to both sections of the amendment, as divided.

The Senator from Iowa is recognized.

Mr. HARKIN. Thank you, Mr. President.

I have, as indicated, divided the amendment into two parts. While both parts are similar, there is, I believe, enough difference in the two parts to warrant giving Senators an opportunity to vote on each of the parts separately.

Mr. President, the intent of the amendment is quite simple. The Central Intelligence Agency for the past 4 years has directed the mining of Nicaraguan ports, prepared manuals on assassination techniques, and consistently failed to keep this body, along with the Intelligence Committee of both this and the other Chamber, informed in a timely fashion of its activities. This amendment is intended to keep the Central Intelligence Agency out of the business of distributing the humanitarian aid approved in the past day by this body to forces opposed to the Nicaraguan Government, and also to keep the Central Intelligence Agency out of the business of managing the secret war in Nicaragua. My amendment is modest. I do not intend to deny humanitarian assistance to opposition forces along the Nicaraguan-Honduran border. Furthermore, my section prohibiting the Central Intelligence Agency and the Department of Defense from distributing aid is the same prohibition proposed by the minority leader in the House of Representatives.

Mr. President, my first section, prohibits the Central Intelligence Agency and the Department of Defense from distributing humanitarian aid to the Contras. I recognize, as I am certain all Senators do, the need for legitimate intelligence gathering for policymakers in both the executive and legislative branch so we can make informed and logical policy decisions. However, during the last 4 years I believe the professionalism of the Central Intelligence Agency has been put under a severe strain. In the past, the Central Intelligence Agency, under the leadership of Admiral Turner, Admiral Inman, and our distinguished Vice President, was run in a professional manner in accordance with the law and in accordance with the need for legitimate intelligence gathering for the legislative branch, and for the executive branch, to make informed and logical policy decisions.

Mr. President, during the last 4 years there has been an ever increasing abuse and misuse of the Central Intelligence Agency under the directorship of Mr. Casey. The Central Intelligence Agency is rapidly becoming nothing more or less than an extension of the political and ideological arm of the executive branch. I believe this is wrong. And to the extent that we can limit and proscribe these activities, we ought to do so.

The Central Intelligence Agency should gather intelligence, sort it out, provide interpretations when asked, so that we can develop policy. The Central Intelligence Agency, during the last 4 years, however, has become an entity that develops policy in the beginning, which we are then asked to approve or disapprove. That is putting the cart before the horse. That is doing it just backward of how it ought to be done.

This attitude and this use of the CIA has abused the professionalism of those who work in the Central Intelligence Agency.

Mr. President, the Senate has spoken. The Senate has said in a majority vote taken yesterday that it does want to provide humanitarian aid to the Contras.

I can understand that. Even though I did not support the amendment of the Senator from Georgia, I can understand the desire and the inclination of some Members of this body and the other body to provide humanitarian assistance. Why? Because, and let us be honest about it, the Contras were promoted by, trained by, assisted by, equipped by the Central Intelligence Agency, a branch of our Government. And many people I have spoken with feel that we cannot just leave them to wander in the hills of Honduras, that we have some obligation to these people.

Again, I can understand that and, to a certain extent, I might even support that, but not to the ex-Somocistas who left Nicaragua in the early days and began activities to overthrow the Government of Nicaragua. I can, to a certain extent, support providing humanitarian assistance to those peasants who were pressed into fighting or who were lured by the promise of clothing, arms, money; or I can even support providing such aid to those Nicaraguans who have a real, or imagined, grudge against the Government of Nicaragua and who have crossed the border into Honduras and joined the Contras. I can see, in that sense, some support for providing food, clothing, and medicine to these individuals and to their families.

But in the past, the Central Intelligence Agency has gone beyond this. There is a legitimate apprehension by many individuals on this point.

Mr. President, in the last few days there were a series of articles in the New York Times which sound a warning, a distinct warning, about what is happening along the border of Nicaragua. These articles talk about the fact that the U.S. military is prepared for any move against Nicaragua. One intelligence official—I can only assume this intelligence official must be in the Central Intelligence Agency, although the article does not say—said that if it became necessary to invade Nicaragua, it would be just like falling off a log. That is how easy it would be.

What is developing in the Central Intelligence Agency is a policy of promoting and directing a war, leading perhaps to an invasion by our forces in Nicaragua.

Mr. President, I ask unanimous consent that these articles appear at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 4, 1985]

U.S. MILITARY IS TERMED PREPARED FOR ANY MOVE AGAINST NICARAGUA

(The following article is based on reporting by Bill Keller and Joel Brinkley and was written by Mr. Keller.)

PANAMA.—In the last two years, the United States Southern Command, from its tropical hilltop headquarters here, has presided over the establishment of a sophisticated military apparatus in Central America.

While President Reagan and his top advisers say the use of American military force in the region is an unlikely and undesirable last resort, the military is prepared for contingencies, according to military officers and diplomats in Washington and Central America. Authorities say this has been accomplished with a vigorous tempo of war games, construction of staging areas and listening posts, the creation of an elaborate intelligence network and a major effort to fortify allied armies.

The United States military presence, once devoted almost exclusively to defending the Panama Canal, was expanded in the name of protecting stability throughout Latin America. More recently, the officials say, its focus has narrowed on Nicaragua, which the Reagan Administration believes is the main threat to peace in Central America.

The military officers and diplomats said in interviews that the buildup of the Southern Command, one of six global subdivisions of the American military, is now largely complete and that it is adequate to carry out any likely emergency in the region.

These officials also challenged what they called the apparently popular belief that if the United States was drawn into direct military involvement in Central America, it would inevitably lead to a Vietnam-style quagmire.

"LIKE FALLING OFF A LOG"

According to American military and intelligence assessments presented at the highest levels of the Government, the United States could quickly and easily rout the Sandinistas who govern Nicaragua.

An intelligence official whose opinions have been solicited by members of the National Security Council said that an invasion of Nicaragua was undesirable "from a propaganda point of view," but that if it became necessary it would be "like falling off a log."

As Congress begins another round of debate over how to deal with Nicaragua, both supporters and opponents of Administration policies are examining the military options embodied in the Southern Command with renewed interest.

One reason is that the Administration has begun talking more openly about the risk of American military involvement if Congress continues to foreclose less drastic measures, such as renewed military aid to the United States-backed Nicaraguan rebels seeking the overthrow of the Sandinista Government.

Moreover, United States and Central American officials say, the unpredictable behavior of the Nicaraguan Government

could increase the likelihood of American involvement at any time.

PRUDENT, OFFICIALS SAY

American military officials say the activities at the Southern Command is prudent preparation for such dangers.

"I can say with some confidence that the exercises have provided us with a significantly improved capability to operate in the region," said Col. Charles Pearcy, who heads the command's task force in Honduras.

Some critics, on the other hand, have long seen the muscle-flexing at the Southern Command in a more ominous light.

Eugene J. Carroll Jr., a retired admiral who is director of the Center for Defense Information, a group often critical of the Pentagon, wrote last year that "accelerating U.S. military preparations" in Central America "suggest that the decision has already been made by President Reagan to send U.S. troops into Nicaragua."

House Speaker Thomas P. O'Neill Jr., brushing aside the President's consistent statements that he is determined to avoid sending combat troops to Central America, said in April, "I've said all along that I don't think the President of the United States will be happy until American troops are down there."

THE COMMAND'S MISSION

The decision to use military force would be made in Washington, but the preparation and execution are the responsibility of the Southern Command, known as Southcom.

The headquarters, a cluster of neat frame buildings under coconut trees, has changed little in size or appearance since a few years ago when the command, in the words of its spokesman, Col. William C. Hansen, was "one of those final assignments" on the way to retirement.

But in 1983 the Southern Commands' importance began growing in earnest. That year the Administration, fighting one anti-Government insurgency in El Salvador while underwriting another in Nicaragua, without fanfare rewrote the command's mission statement.

Once assigned primarily to defending the Panama Canal, the command was committed, among other responsibilities, to "counter Soviet and Cuban militarization and other destabilization undertakings."

"There would not even be a United States Southern Command today, I am convinced, had it not been for the propensity of these Marxist-Leninists to pursue their own goals, ignoring the aspirations and needs of their own peoples" in Central America, Gen. Paul F. Gorman, the head of Southern Command, told the Senate Armed Services Committee in February, a few days before he retired.

THE CHANGES ARE MADE

General Gorman is widely considered responsible for changing the command to suit its new mission.

"When I came to Panama two years ago, I found an Army component very well designed to defend the Panama Canal against brawlers and rioters, but ill suited for supporting allies in the region," he told the Senate committee. He promptly disbanded the Army's canal-oriented mechanized infantry unit and sent to Washington for experts in intelligence, communications, aviation, medicine and construction.

Within a year of General Gorman's arrival, Southern Command had begun to build or enlarge eight airfields in Honduras, using engineering battalions brought in for military exercises. A member of the Senate Intelligence Committee who has toured the installations recently described them as "a pretty sophisticated staging area."

At Palmerola, in the central highlands west of Tegucigalpa, the largest airstrip was dedicated last February. The 8,000-foot, lighted, all-weather runway shimmers like a mirage in the midst of a sprawling military town of wood huts, camouflaged antiaircraft emplacements and repair shops. It can handle any plane the United States military owns, including jumbo C-5 and C-141 transports and high performance fighter planes.

VERSATILE PLANE SOUGHT

Palmerola is home for Joint Task Force Bravo, the American operating arm in Honduras, established in 1983 to train Hondurans, build and maintain shared facilities, organize war games and assist American military missions in the area.

In the last year the buildup has continued. The fiscal 1986 budget, for example, calls for moving to Southern Command a detachment of C-7 Caribou planes, a plane of 1960's vintage that can land on tiny, undeveloped airstrips. General Gorman told the Senate that, whereas 30 airfields in Central America can handle C-130 cargo planes, the little Caribou can deliver troops or materiel to some 900 locations.

Much of the more recent activity at Southern Command is not visible at all, involving intelligence-gathering.

In his testimony, General Gorman said that he had built "a very close working relationship with the entire intelligence community" and that he met constantly with Central Intelligence Agency station chiefs in his region.

A Congressional source said that within the last several months the National Security Agency had installed "the best technology we've got" at electronic eavesdropping posts on Tiger Island, in the Gulf of Fonseca near Nicaragua, and other locations.

SUPPLIES OF FUEL IN PLACE

The military has been thwarted by Congress in some of its more ambitious proposals, including a plan for storing bombs and rockets at Palmerola and San Lorenzo, about 40 miles from the Nicaraguan border.

The Southern Command has, however, stored fuel. According to a classified Pentagon report, the Southern Command on Jan. 1 was the only one of the six regional commands that divide responsibility for American military commitments around the globe that had stored 100 percent of its estimated oil requirements.

In manpower, the Southern Command is the smallest of the six commands, with about 9,600 people stationed at various installations in Panama and an average of 1,200 troops in Honduras.

But General Gorman noted that this was deceptive. Southern Command is designed to have a small permanent staff, but to draw troops, in event of conflict, from the United States Readiness Command, based at MacDill Air Force Base in Florida, and the United States Atlantic Command, based in Norfolk, Va., which patrols the Caribbean and the Atlantic.

BEHIND THE WAR GAMES

Getting those forces to Central America has been a central point of exercises conducted over the past two years.

Until 1983, Colonel Hansen, the Southern Command's spokesman, said, the command staged only one sizable exercise a year, an annual drill called Kindle Liberty that practiced defense of the Canal.

Since 1983, the Pentagon has added several major war games a year, testing on the playing field of Honduras virtually every wartime contingency that might arise in the region.

In an exercise called Big Pine III, completed May 3, the Americans staged Nicaraguan-style tank attacks near the Choleteca gap on the Honduras-Nicaragua border, while Honduran troops practiced defensive tactics. Universal Trek, which ended May 5, practiced landings by Marines and paratroopers—and for the first time tested how the Pentagon would handle reporters covering an unannounced military operation.

TROOPS WILL BUILD ROAD

This year's third major Honduras exercise, beginning June 7, will send 1,800 American troops to build a 15-mile road to the airfield at San Lorenzo and practice paratrooper attacks against guerrillas.

Colonel Pearcy, the Joint Task Force commander, said these war games served multiple purposes, including realistic training of American and allied troops, and served to remind the Nicaraguans of American resolve.

Most of the lessons could be applied to other regions. But the exercises, American officials said, have worked extensively on two abilities that would be essential in a Central American conflict: moving men and equipment to the region in a hurry and working in tandem with the Honduran Army, which American officals say would be a likely partner in any American military enterprise.

"What you do on the ground is often less important than the preparation for going, getting there and existing," Colonel Pearcy said.

MILITARY ADVICE PROVIDED

In addition to being host for exercises and training, Southern Command has helped run a gradually increasing program of military aid and advice for Nicaragua's neighbors, El Salvador, Honduras and Costa Rica.

In May, the United States sent 20 Green Berets from the Army Seventh Special Forces in Panama to train the Costa Rican civil guard in basic military skills at a new camp near the Nicaraguan border.

The Defense Department said it was the largest American military training team ever dispatched to Costa Rica, a neutral country that does not maintain an army, and the move prompted protests from some Costa Ricans that the United States was pressing their country to militarize.

THE DEBATE ON INVASION

Whether these preparations are enough to assure American success in any military operation that might arise is still a matter of lively debate.

No one in Government is suggesting that an invasion of Nicaragua is imminent or desirable. Still, in recent weeks senior Reagan Administration officials have for the first time begun openly discussing this as a possibility.

For example, in a speech to the American Bar Association on May 23, Secretary of State George P. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of U.S. combat troops."

Interviews with numerous American and foreign government officials in Washington and in Central America indicate that the

possibility of United States military involvement in Nicaragua has become a matter of open discussion.

THE FEARFUL ANALOGY

One factor that has caused many Americans to recoil from the idea of direct military involvement in Nicaragua is the Vietnam analogy.

In a conflict with the United States, the argument goes, the Sandinistas would quickly retreat to the hills like the Vietcong—jungle-wise guerrillas—and would draw American troops into a bloody quagmire.

"I think most people think it would be a very messy business, and don't want to do it for that reason," said Mark Falcoff, a Latin American scholar at the American Enterprise Institute who was a consultant to the commission on Central America headed by former Secretary of State Henry A. Kissinger.

In Nicaragua, where an American invasion is a topic of constant speculation, Cmdr. Julio Ramos Argüello, the army Chief of Staff, also said "this would be a kind of Vietnam war."

But a contrary view seems to have gained wide acceptance within the Administration. The view is that an invasion of Nicaragua, however undesirable for political reasons, would not be such a difficult task in military terms.

SANDINISTA DEFICIENCIES NOTED

In interviews, American military officers and other Government officials familiar with the region argued that the Sandinistas lacked the military skills, the popular base and the supply lines to prolong a guerrilla war in the face of an American invasion.

United States intelligence sources in the region have told their superiors in Washington that major Nicaraguan installations are lightly defended. In the Managua area, for example, an intelligence official said the Sandinistas had 13 potential targets that were protected by antiaircraft artillery, primarily 57-millimeter and 37-millimeter antiaircraft guns.

"If proper tactics and proper ordnance were applied to those sites, they'd never know what hit them," an intelligence officer said.

This officer and others said that with minimal risk, American pilots could destroy the small Nicaraguan Air Force, radar, artillery, tanks, supply depots and command centers.

According to a source who has discussed the subject with him, Col. William C. Comee Jr., the director of operations at Southern Command, has estimated that it would take the United States two weeks to gain control of 60 percent of the Nicaraguan population.

Colonel Comee, who has overseen war games and other operations in Central America since 1982, declined through a spokesman to be interviewed. In June he will replace Colonel Pearcy as commander of the Joint Task Force in Honduras.

Another United States political-military officer in the region said the most plausible scenario in the event of a full-scale conflict would be this: "The U.S. would come in heavily for a month or so, mostly with air strikes against major facilities. Then a new government would be put into place, and it would come with its own army."

It would be up to the new government, presumably organized from the existing democratic opposition, to pursue the Sandinistas, several military analysts said.

"The Sandinistas would be up in the hills, but that would be a problem for the new Nicaraguan government," an American officer said. "It wouldn't be our problem. We'd probably have a program like El Salvador, advisers and assistants, but no Americans involved in the fighting."

One United States military officer who has briefed members of the National Security Council asserted that the Nicaraguan people would rise up in support of an American invasion and the neighboring armies would assist the United States eagerly.

In addition, the officer has told senior officials in Washington that the Sandinistas would find the hills inhospitable because their presumed sanctuaries are now inhabited by the rebels and by largely conservative farmers who consider the Sandinistas a threat to their private property rights.

The officer said, "They've lost the support of people in the mountains," the officer said. "They'll get their heads chopped off up there."

Commander Ramos, whose responsibilities include the defense of Managua, said in an interview that this was a dangerous assumption. The initial American assault, he said, would kill thousands of Nicaraguans, uniting the citizenry in their outrage.

Another problem for the Sandinistas, according to several American military analysts, is that Nicaragua has no counterpart of Vietnam's Ho Chi Minh Trail which was used to deliver the Vietcong ammunition and other supplies from the North. In Nicaragua, land supply routes would be through mountainous jungle, while air and sea routes would be policed by American forces.

"We could seal that place tighter than a drum," an American military officer said. Other officials, noting that the United States had been unable to cut off arms traffic between Nicaragua and El Salvador, were not as confident that blocking arms to Nicaragua would be easy.

American intelligence reports show no evidence the Sandinistas have prepared large caches of ammunition or fuel in the hills, according to one knowledgeable official. Commander Ramos said: "We do have some things. Not many. Some fuel."

Colonel Pearcy, commander of the United States task force in Honduras, and other analysts noted that for the United States, the logistics would be much more favorable than they were in Vietnam. In addition to shared facilities in Honduras, the United States has bases in Panama and Puerto Rico, and Nicaragua is a five-hour transport plane flight from the American mainland.

Colonel Pearcy added a cautionary note. "I've been in the Army 24 years, and I've never seen anything neat."

Other American officials noted that even the 1983 invasion of Grenada, in which Army, Air Force, Navy and Marine units swarmed onto a tiny island, left 18 American servicemen dead and 116 wounded.

Invading Nicaragua, said Senator Sam Nunn of Georgia, who is the senior Democrat on the Armed Services Committee, "would be a much tougher military situation than that."

THE POLITICAL PITFALLS

Many experts say the worst difficulties of a United States invasion would be political rather than military.

One would be assembling a stable government in Managua from the contentious military and political rebel groups. Another would be a possible torrent of refugees into neighboring countries.

A senior Costa Rican official said that in the event of an invasion, his Government would probably issue a statement blaming the Sandinistas for provoking it. But he added: "We will suffer the consequences. We will have the Sandinista leaders in Costa Rica. We will have hundreds upon thousands of refugees. We will have instability."

And a third consequence, some experts say, would be a deep and lasting resentment in Latin America.

"You have to understand the emotional scar tissue left there by our historical involvement in the region," said a former Administration official, who supports the present White House policy. "The political, emotional, psychological cost would be high."

[From the New York Times, June 5, 1985]

NICARAGUA AND THE U.S. OPTIONS: AN INVASION IS OPENLY DISCUSSED

WASHINGTON, June 4.—Reagan Administration officials have begun openly discussing a subject they had previously refused even to speculate about: the possibility that American combat forces might one day be sent into Nicaragua.

No one in Government is saying that an invasion is imminent or desirable. But in the last few weeks, President Reagan, Secretary of State George P. Shultz and other senior officials have for the first time begun warning that if other policies fail, the United States may be left with little choice in the years ahead.

Interviews with almost 50 military, diplomatic and foreign government experts in Washington, Panama, Costa Rica, Nicaragua and Honduras indicate that discussion of the issue has become commonplace in official circles.

The interviews and other inquiries also brought to light these points:

Although no one in Congress has publicly called for United States military involvement in Nicaragua, the mood on Capitol Hill in the last few weeks appears to have shifted sharply against the Sandinista Government. Many members say there is growing doubt that any of the policy options still available, including renewed aid to the insurgents, is likely to bring fundamental changes in the Sandinistas' behavior.

The Administration has agreed that a number of possible situations would leave the United States little choice but to use military force. They include Nicaraguan acquisition of high-performance fighter planes and the granting to the Soviet Union of the right to establish a military base in the country.

Both critics and sympathizers of the Sandinistas say they would not be surprised if Nicaragua committed an act that provoked American intervention.

In Central America, American officials and other assert that Nicaragua's neighbors are growing more concerned by the day about the Sandinistas' policies. In Nicaragua, an American official said, business groups and others are asking, "When are you coming?"

In public and in private, the Joint Chiefs of Staff, Defense Secretary Caspar W. Weinberger, the White House national security adviser, Robert C. McFarlane, Mr. Shultz and, most importantly, President Reagan, all have said they hope the United States is never called upon to send American forces to Nicaragua. Still, every official interviewed said that events beyond United States control could change that almost overnight.

CONGRESS IS OPPOSED TO MILITARY ROLE

Without support from Congress, Administration officials agree, military involvement in Nicaragua is most unlikely. Today, Congress remains implacably opposed.

Many members reacted with alarm last month when President Reagan, in a classified report to Congress, said the use of American military force in Nicaragua "must realistically be recognized as an eventual option in the region, if other policy alternatives fail."

In a speech to the American Bar Association on May 23, Mr. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of American combat troops."

And in an interview on May 22, Fred C. Ikle, Under Secretary of Defense for Policy, warned that if Congress persisted in what he called "a policy of pinpricks," it raised the risk of "some variant of the Cuban missile crisis."

"What are you going to do two or three years from now, when Nicaragua is fully armed?" he asked. "Are you going to provoke another Cuban missile crisis? Are you going to send in the Marines?"

At the same time, the Nicaraguan Government's reputation on Capitol Hill has soured in the last few weeks.

"The Sandinistas don't have any friends up here any more," an aide to the House Democratic leadership said. "The change has been almost palpable."

SANDINISTA'S TRIP COSTS HIM SUPPORT

A key event behind the change was the trip to Moscow by Nicaragua's President, Daniel Ortega Saavedra. The announcement came on the day the House was voting on renewed aid to the rebels, and many members of Congress said they were stunned by the timing.

Senator Sam Nunn of Georgia, the senior Democrat on the Armed Services Committee, said: "What he did was rather stupid, from the Sandinistas' own point of view. It certainly cost them support up here."

The clearest demonstration of the changed view is that both houses are now considering renewed aid to the Nicaraguan rebels, even though the House refused to approve aid in any form just a few weeks ago.

So far, however, Congress has shown little interest in granting the type of aid the Administration says is most needed—military aid. And Gen. Paul F. Gorman told Congress in February that, even with renewed military aid, the rebels could not be expected to change the Sandinista Government "in the foreseeable future."

The next most likely step, several officials said, is the ending of diplomatic relations with Managua.

"I think that is going to happen," said Senator Richard G. Lugar, the Indiana Republican who is chairman of the Senate Foreign Relations Committee. "But I don't know how soon."

If relations were ended, "then we might recognize a government in exile," Mr. Lugar said, referring to an idea that has been discussed among Administration officials.

A senior American official in the region said "we could permanently station U.S. forces" in Honduras. If that fails, the official added, "I guess the strategy would be a policy of containment," meaning heavily arming Nicaragua's neighbors. But Mr. Ikle said, "We know from experience that doesn't work."

THE CHANGES DEMANDED BY THE ADMINISTRATION

In general, the Reagan Administration has demanded that Nicaragua demilitarize, cut its ties with the Soviet Union and Cuba and change its form of government to a pluralistic democracy.

But many officials in both the Nicaraguan and United States Governments believe the prospects are remote that the Sandinistas will adopt policy changes that would be satisfactory to the United States.

"They are hellbent on pursuing their policy," Mr. Ikle said. "The idea that you can strike a deal with them seems unrealistic."

In a speech in April, Nicaragua's President, Daniel Ortega Saavedra, said: "The United States still doesn't understand that this is an irreversible revolutionary process. Here, there can be no backward steps."

Senator Lugar said some members of Congress already believed that "the time for redemption is past" and that "a Marxist government can't reform."

In the months and years ahead, a Senate aide said, if further diplomatic sanctions are tried and fail, the military option may seem more tempting. "If you try everything and none of it works," he said, "then eventually you have everyone nibbling at the same bait."

WHERE THE UNITED STATES DRAWS THE LINE

Asked under what circumstances the United States might attack Nicaragua, American and Nicaraguan officials say the line is most clearly drawn against the acquisition by Nicaragua of high-performance warplanes.

Last November, American officials said that they suspected Soviet-made MIG-21 jet fighters were aboard a cargo ship bound for Nicaragua and that they would probably order what they called a "surgical" air strike to destroy the planes.

If the planes were aboard the ship, they were never unloaded. But when asked this month if the Nicaraguan Government had given up the idea of acquiring MIG's, Cmdr. Julio Ramos Arguello, chief of intelligence for the Nicaraguan Army, said simply, "No."

At the same time, American officials say they have not dropped the threat to destroy any such planes and in fact they have broadened it to include Czech-built L-39 jet training planes and similar aircraft.

The idea is that American warplanes would destroy the new planes and try not to hit anything else. Then in theory the attack would end. But a senior Administration official said: "I've never been able to see how that kind of phased operation stops because it sets off an action-reaction. If we hit the airport and maybe kill 80 or 90 people, they could come at the embassy."

In Managua, Commander Ramos said, "If the airplanes arrive, and if they bomb us, obviously we will be doing something about it."

Another circumstance would be the establishment of a Soviet-bloc military base in Nicaragua.

A senior Administration official said: "Access for Soviet Backfire or Bear bombers, port rights—any kind of Soviet military access, even without the presence of weapons systems. That would be a threshold." Nicaraguan and Soviet officials say they have no such plans.

ADMINISTRATION FEARS "A SECOND CUBA"

Still another circumstance, Administration officials say, would be the consolidation of Nicaragua's Government into what Administration officials often call "a second Cuba," meaning a heavily controlled, Soviet-bloc dictatorship that actively promotes Marxist revolution elsewhere.

A senior Administration official said of President Reagan: "Nobody who listens to him is completely sure, if it comes to the end of his term and Nicaragua is incontestably moving toward becoming a second Cuba: Will Ronald Reagan leave office letting it be just that?"

A senior American diplomat in the region said, "Above all, Ronald Reagan is a consummately pragmatic man" who would not use force if the circumstances did not warrant it.

But Mr. Ikle said, "Even members of Congress say they are not going to permit a second Cuba."

With "a second Cuba," Senator Lugar said, "we might be invited" by Nicaragua's neighbors to invade "as we were invited in the East Caribbean." Before the invasion of Grenada in October 1983, the leaders of several Caribbean island-nations formally requested American military intervention.

HOW ITS NEIGHBORS VIEW NICARAGUA

"In public and in private," Senator Nunn said, the other countries of Central America "would be strongly opposed" to an American invasion of Nicaragua.

But many American military and diplomatic officials and others in the region have reported a different view to their superiors in Washington.

A senior diplomat in San José asserted that "an awful lot of Costa Ricans" would in fact welcome an invasion.

A Costa Rican official who opposes the idea acknowledged that his Government probably would not condemn it. If the United States invaded, he said, his Government would issue a statement "saying something like 'it is unfortunate that the Cuban and Soviet advisers were invited in, and that the Sandinistas provoked it.' "

Costa Rica's Public Security Minister, Benjamín Piza Caranza, said, "There's no way we can live with a Marxist-Leninist state on our border that is open to exporting revolution." But he declined to speculate about how his country would react to an American invasion.

In Honduras, President Roberto Suazo Córdova has been quoted as saying that Nicaragua is "like a cancer: the only cure is to cut it out."

There is also a large and growing body of opinion within the Administration that the majority of Nicaraguans would welcome an American invasion, several American officials said.

An American intelligence officer who has interviewed dozens of people in Nicaragua said: "What the people tell me is 'we'd get out of our way and let you take care of the Sandinistas' " if American troops landed. The biggest problem United States forces would face, he added, would be preventing "severe retribution" against Sandinista officers.

POLLING THE PEOPLE ON MANAGUA STREETS

This officer has been called upon to brief numerous senior Administration officials on his views, including Mr. Weinberger, Mr. McFarlane and Gen. John W. Vessey, Jr., the Chairman of the Joint Chiefs of Staff.

Representative Glenn English, an Oklahoma Democrat who opposes some elements of the Reagan Administration's policy in Nicaragua, said the officer had briefed him too, but Mr. English was skeptical. So while in

Managua this month, he and Senator David L. Boren, another Oklahoma Democrat, interviewed about 15 Nicaraguan citizens they chose at random on the streets.

"They were pretty strong on condemnation of the Government," Mr. English said. "Virtually all of them said they wanted a change in Government, and one lady said flat out, without being asked, that she wanted the U.S. to invade."

A spokesman for the Sandinista Government, Maria Christina Argüello, said: "They may criticize the Government now because of the economy and the shortages" of food and other items. "But when there is an emergency, you can be sure they will take up arms."

WILL THE NICARAGUANS PROVOKE AN ATTACK?

It is difficult to find anyone, friend or foe of the Nicaraguan Government, who is confident the Sandinistas will not make a miscalculation that could lead to a military confrontation with the United States.

Sandinista officials have said they are being careful not to give the United States a pretext to attack.

But Edward L. King, a retired Army lieutenant colonel who opposes Reagan Administration policy in Nicaragua and has spent months there talking to numerous Sandinista officers, says he believes "the chances are pretty good" that Nicaragua will err in a manner that could lead to an American military response.

The view of Mr. King, who has wide military and civilian experience in Latin America, is noteworthy because he knows the Sandinistas well and because they say they trust him. After observing them, Mr. King said, he has concluded that "some of them hate us so much they almost have a death wish."

Some members of the Sandinista leadership, he added, "almost want a confrontation with us." "The hotheads say, 'Yeah, bring the gringos in here' just so they can kill a few of them."

"I make no case for the Sandinistas," Mr. King said. "They are real blunderers."

An American official with wide experience in Nicaragua said it was "martyrdom," not blundering, that might cause the Sandinistas to prompt the United States to invade.

"I think it is their sense that the revolution is bogged down anyway, and maybe it wouldn't be such a bad thing if they could survive" an invasion "and be a legend."

In Managua, Sandinista officials say all such speculation is nonsense. Commander Ramos and others said the Nicaraguan Government was interested in negotiation with the United States, not military confrontation.

Mr. HARKIN. Again, we in this body have to return the Central Intelligence Agency to its legitimate and professional mold and to stop further opportunity for the abuse by and misuse of the Central Intelligence Agency.

If Senators want to permit humanitarian aid to these Contras, again, as I said, I can accept that, and, clearly, the majority voted in that way yesterday.

But I would submit, and I would hope, that most of the Senators would not want to permit the Central Intelligence Agency or the Department of Defense to distribute this so-called humanitarian aid.

We had a colloquy last night on the floor of the Senate trying to define what humanitarian aid is. There is some question as to how far it can extend. It seems it now goes beyond food, clothing, and medicine. Radar, and many other things may be put under this broad description of humanitarian aid.

My amendment does not seek to prescribe or to delineate exactly what the humanitarian aid is, but, I believe, if we allow the Central Intelligence Agency to provide humanitarian assistance, we are just opening the door for further embarassment and trouble for this country and for the Congress.

My amendment is basically the same as the amendment offered by the distinguished minority leader in the other body. He also wants to prohibit, the Central Intelligence Agency or the Department of Defense from giving humanitarian aid.

I can understand the desire of those Senators who voted for Senator NUNN's amendment to provide this humanitarian assistance, if in fact they feel that we have an obligation to these individuals who are now in Honduras and who are members of this contra force, I can understand that. But, I believe, those Senators can also support this amendment and say, "Fine, give them humanitarian assistance, but do not use the Central Intelligence Agency and do not use the Department of Defense."

There are many other agencies: State Department, AID, or others the President might want to use. My amendment does not say that he has to use one or the other. But it does prohibit the use of the Central Intelligence Agency or the Department of Defense.

I would hope that the Senators who supported the amendment of the Senator from Georgia can also see fit to support this. It would still permit humanitarian assistance.

I might add that my amendment does not prohibit oversight by the National Security Council. I have no problem with that. That might be a legitimate function of the National Security Council to oversee this distribution of humanitarian aid.

I would hope that Senators will support this first division of my amendment, and not permit the CIA or the Department of Defense to distribute humanitarian assistance.

The second section of my amendment, reinstates the language of what has become known as the Boland amendment, or section 8066. However, I have modified it to answer some of the concerns raised by the distinguished Senator from Georgia in a colloquy I had with him last evening.

My amendment narrows the Boland amendment, or section 8066, by adding two exceptions in the prohibition of CIA paramilitary actions.

The first exception allows funds authorized under this act to be expended for humanitarian assistance.

That may seem like just restating the obvious, but there was a question raised the other evening by the Senator from Georgia that a broad interpretation of section 8066 might even prohibit the provision of humanitarian assistance to the Contras. I would allow for this in my amendment.

The second exception deals with specific and unforeseen emergencies or threats to the United States or the security of the United States. My amendment provides that "notwithstanding any other provision of this act or provision of law, no funds available to the CIA or DOD or any other agency or entity of the U.S. Government involved in intelligence activity may be used for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual."

That language, so far, is exactly like 8066. Here is the exception: "Except as specifically authorized by this act"—which means that the funds for the humanitarian assistance under this act could go to the Contras—"and except for a specific operation approved by the President and reported to the Congress, consistent with the Intelligence Oversight Act of 1980, to respond to an unforeseen specific and immediate threat to the United States or its allies and intended solely to directly respond to that threat."

Mr. President, I believe that exception answers the concern of some Senators, specifically the distinguished Senator from Georgia, who raised the question of what if, we found there was a terrorist camp in Nicaragua that was exporting terrorist activities to Costa Rica, Honduras, El Salvador, or other nations in this area? It was his concern that section 8066 would prohibit the Central Intelligence Agency from conducting any kind of paramilitary operation against that camp.

The other example was, what if Nicaragua received Mig-23's? Would 8066 prohibit us from selectively taking out those Mig-23's? I would agree that there is a legitimate concern on the part of Members that 8066 might be so broad as to cover this case. My amendment would make that exception, and provide that, for these unforeseen specific threats, the President could respond as provided in the Intelligence Oversight Act of 1980.

So, this provision I have added to the second section of my amendment incorporates—as I have read in the remarks of the distinguished Senator from Georgia—his understanding of a narrower intrepretation of 8066. I am hopeful that those Senators who have supported Senator NUNN's and Sena-

tor LUGAR's amendment could also support mine and state that we do want to prohibit the Central Intelligence Agency from conducting paramilitary operations within Nicaragua that do not respond to specific threats but which seek only to harass, intimidate, or perhaps overthrow the government.

Such a case is, for example, the mining of the ports in Nicaragua. I do not think our intelligence committees were fully informed of that operation. Neither was the House or Senate. The CIA went ahead and did this mining, which did not respond to any specific threat of Nicaragua, and we were highly embarrassed by it.

It was, in fact, a violation of international law. This is what the Boland amendment or section 8066 ought to prohibit.

The language in my second section would prohibit those kinds of activities, but still allow for the Central Intelligence Agency to respond as provided by law to specific and unforeseen immediate threats to the security of the United States or its allies.

The last paragraph of my second section also incorporates the understanding of the Senator from Georgia as to the meaning of the term "materiel assistance." The amendment adopted by the Senate last evening prohibits, proscribes, any further materiel assistance over and above the amount of money provided by the bill under the umbrella of humanitarian assistance.

In a colloquy with the Senator last night, he specifically responded that, in his opinion, this term did not include military training or advice and activities in support of military operations. So I have included that definition and provide that: "as used in this act, the term 'materiel assistance' includes military training or advice and activities in support of military operations. But such term does not include diplomatic or public support."

By the adoption of this amendment, the Senate would say, yes, we are going to give them humanitarian assistance in the amount of money so authorized, or as may be appropriated by the Appropriations Committees and further by both Houses of Congress, but that no further materiel assistance will be provided.

My amendment would just clarify the amendment adopted last night by saying that "no materiel assistance" includes military training, advice, and activities in support of military operations, but would not include public or diplomatic support.

Mr. President, I hope that those who feel that we have a legislative responsibility to provide humanitarian assistance to the Contras could support both sections of my amendment, the one allowing the President to give them assistance, but not through the CIA or DOD; and the other part of my amendment incorporates into the bill section 8066, but more narrowly defines that section to prohibit the CIA, from mining harbors. It would not prohibit the CIA from carrying out the legislative functions under the Intelligence Oversight Act of 1980.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I wish to respond to the distinguished Senator from Iowa. He has presented an amendment in two parts, one of which is designed to make certain that neither the CIA nor the Department of Defense would be involved in humanitarian assistance. The second part, in essence, is a restoration of the Boland amendment with certain exceptions which the Senator has mentioned in his argument. Essentially, the Boland amendment was repealed in the Nunn-Lugar amendment adopted yesterday.

Let me state in general debate that the Senator from Iowa has made an argument on this occasion, and on several others, in which he opposes CIA administration of activites in Nicaragua. This is certainly a legitimate argument. The argument has been made by others and is held by a fair number of persons in this body.

Let me just say that we are starting, down the trail, this morning, of amendment designed, in my judgment, to mitigate or contain or even unravel the activities that we adopted yesterday. In short, the Nunn-Lugar amendment called for the President to direct the National Security Council to monitor the use of funds for the purposes authorized and the clear implication was that the National Security Council would have as an option the use of the CIA for administration of these funds. The Security Council may, in fact, allow other agencies to find their way into administration of these funds, but presently, other agencies are not prepared to do that kind of administration. If the action we took yesterday is to be effective, the effective mechanisms that are in place ought to be employed. The effect of the Harkin amendment is to hobble severely any activities or to make less efficient the distribution of humanitarian aid as new administrative authorities are set up.

In due course the Security Council will have the opportunity of organizing new channels, but, for the moment, the Security Council does not really have other channels to employ. It is an interesting argument to suggest that somehow the CIA has been substantially discredited and to continue to cast aspersions at the CIA as if it were practically or morally is capable of the distribution of humanitarian aid. I do not accept that argument. I hope that a majority of Senators will not accept that argument. The effect of this amendment, at least in a practical term would be to hobble administration. So I am hopeful that Senator will defeat the first part of the amendment because it would clearly impede the administration's ability to get on with the will of the Senate as expressed here yesterday.

The second part of the amendment would have much the same sort of effect. I appreciate that many Members of the House, and maybe some in the Senate, have grasped the Boland amendment once again because they did not like or were mistrustful of the CIA. They have been trying to circumscribe its activities in Nicaragua and the rest of Central America. The Senator from Iowa is among the critics of United States activities in Central America generally, quite apart from those of Nicaragua. He has his legitimate arguments. Many persons are not certain what we ought to do in Central America. But yesterday, by a vote of 55 to 42, we determined that we ought to become a good bit more involved, through the vehicle of humanitarian aid. The definitions of that aid are obviously broad. That has troubled some Senators who would like for the definition to be very narrow. Senators who do not want the aid at all would like for the definition to be very narrow indeed. They would prefer that aid not be approved, but, if it were, that it have as many barriers, in both administration and definition, as is possible. This in the gist of the amendment that is before us. We debated substantially the same issue when we discussed the Biden amendment yesterday. Two of the major differentiations between the Nunn-Lugar and the Biden amendments were that Nunn-Lugar repealed the Boland amendment and, secondly, Nunn-Lugar made it possible for the CIA, if that was the will of the NSC, to continue administration of these funds. The Biden amendment lost 75 to 22. We have been over these traces, it seems to me, several times before and I shall not repeat the arguments. Rather I would like to yield time to the distinguished chairman of the Intelligence Committee, Senator DURENBERGER of Minnesota. How much time will the Senator require?

Mr. DURENBERGER. Up to 10 minutes.

Mr. LUGAR. I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I thank my colleague. Let me begin by complimenting the Senator from Iowa in his concern for Central America. It goes back to a time much prior to his coming to the U.S. Senate.

Let me compliment him in addition on the precision with which yesterday in his questions and today in his amendment he addresses the questions

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that will be raised about the implementation of the Nunn-Lugar amendment or whatever action we eventually take. And I am going to compliment him on something else in a bit, but let me begin where the chairman of the Foreign Relations Committee ended. And that is with the comment that those who are either apprehensive about or opposed to a direct U.S. role in Nicaragua can, in effect, make our policy so restrictive in its precision and in its technicalities that it is impossible to apply the language of what we do here to the reality of what is going on in Nicaragua or anywhere else. It is for that reason that I rise to oppose both parts of the amendment of the Senator from Iowa.

Now, I indicated earlier that I would compliment the Senator from Iowa on his characterization of some of the problems that the CIA has found itself in with regard to Central America over the last 4 years. I think he probably exaggerates somewhat, without intending to, the motivations. But I think the reality is that the professionalism of the Central Intelligence Agency has been called into question in the last several years because of the fact that policymakers in this country have insisted, as one of our colleagues will try to insist later today, that we continue to use the intelligence apparatus of this counry to conduct open military, paramilitary operations which in many cases are probably violative of international law. And for that comment, I compliment my colleague from Iowa.

Now, trying to deal with some of the realities of the application of Nunn-Lugar and the potential amendment, or the amendment which is before us today, let me first clarify one thing perhaps for the record and that is the references to the Boland amendment, I believe, are inappropriate. I raise that only because we have to deal with it in the oversight committee all of the time. The Boland amendment originally, I believe, was passed in 1982 and it prohibited the use of any funds in support of the overthrow of a government or the government in Nicaragua and/or in any manner that would be a threat to Honduras, as I best recall the language. I also recall that the Boland amendment expired the beginning of 1984.

So during the course of 1984, the operations of one kind or another which were allegedly being conducted by the United States in support of some alleged groups in Nicaragua were outside the prohibition of the Boland language and within the purview of the intelligence acts that cover such activities, assuming that they were even going on.

As you all know, on the floor of the Senate and the House in the summer of last year, financial support of any military, paramilitary, or other activity in Nicaragua was ended. At the end of September or early October, as I recall it, last year in the continuing appropriations resolution for fiscal 1985, we adopted section 80-66.

I believe I am correct that it is the 80-66 language which Nunn-Lugar in effect—and I think appropriately—eliminates. And it is the 80-66 language in effect which the Senator from Iowa would seek to bring back in large part in the second part of his amendment. That, in effect, prohibits the intelligence agencies of the U.S. Government from supporting, directly or indirectly, military or paramilitary operations in Nicaragua. The rest of the language is in the amendment. So I indicate that merely for the sake of precision, if you will.

With regard to the application of the amendment, I would say if any of our colleagues supported Sentor HART and Senator KENNEDY's second amendment or Senator DODD's amendment yesterday, then they might want to consider supporting the amendment of the Senator from Iowa because the net effect of this amendment is to prohibit any kind of military, paramilitary—whatever it is—operation, directly or indirectly, by anyone in Nicaragua.

It is my opinion that the language in Nunn-Lugar has been very carefully crafted to make certain that the United States is not providing direct or indirect support for military operations through the money which is being appropriated by the measure we have before us today.

It is my concern that the imprecise language of the word "indirect" and the words "effect of," and so forth, in this amendment will open a Pandora's box of the arguments that were before us yesterday afternoon. The Senator from Georgia was faced with a list, from the ranking Democrat on the Intelligence Committee, which did not get too far; but it started with uniforms, and I would imagine it worked its way down to radar, every piece of food.

Make a catalog, put it in law, vote it up or down 100 times on the floor of the Senate, or at some point you will have to trust the process which has been put together over time, has been tested, has been found wanting from time to time. But because the oversight process on occasion has been found wanting, I would say that those who are now part of having the responsibility for that oversight process are much more sensitive to the needs this country has for the assurance that there will not be the abuses which may have existed in the past.

I recommend that my colleagues, as they did yesterday on Kennedy-Hart, vote against this measure.

Mr. LUGAR. Mr. President, I yield to the distinguished Senator from Georgia. How much time does the Senator want?

Mr. NUNN. Thirty seconds.

Mr. LUGAR. I yield 2 minutes to the Senator from Georgia.

Mr. NUNN. Does that mean that the Senator believes I underestimate the time I will require by 400 percent?

Mr. President, I oppose this amendment. I agree with what the Senator from Indiana and the Senator from Minnesota said about the amendment.

If this amendment is adopted, and it may be, this will be a central issue in conference. But it seems to me that it will have to be thought about through a great deal in conference if the House takes the position as reflected by the amendment of the Senator from Iowa and the Senate sticks with the Nunn-Lugar language. It will have to be thought through because we know some of the problems with the CIA. We have been through that.

The Senator from Minnesota just made a very erudite observation, in that we have had lapses both in CIA administration of this overall program and in the oversight function. But those are less likely to be repeated than the whole host of problems which may arise with some agency that is not trained for this type mission going into it, and that would be the only recourse under the amendment of the Senator from Iowa.

What will be the problems that will arise if AID administers a program where they could have personnel delivering humanitarian aid in the middle of a zone that in certain circumstances is in combat? What happens if our diplomatic personnel deliver food to a certain region and get caught in the middle of a battle? Are we less or more likely to become engaged in something ourselves? I do not know the answers. I know that the Senator from Iowa is concerned about this, and I am concerned about the problems that have arisen in the past about the CIA. I suggest that the solutions to the problems we have now found out may be the problems themselves in the future.

So I suggest that we reject this amendment; that if we do face this issue in conference, we have time to think about it long and hard and find the best alternative for difficult problems. I agree with the Senator from Indiana.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I appreciate the kind words of the distinguished Senator from my neighboring State of Minnesota. I return the compliment by saying that I have nothing but the highest esteem for him, for his abilities, and for his professionalism as chairman of the Intelligence Oversight Committee.

It was my intent to be precise and specific in my language. I do not be-

lieve that this would hinder legitimate CIA activities, but it is incumbent on us to be somewhat more precise.

In fact, some of the remarks made by my good friend from Minnesota make my case. The Boland amendment expired, as he pointed out, at the end of fiscal year 1983. Shortly after, the CIA engaged in mining the harbors in Nicaragua. The Boland amendment was not in effect. However, what was in effect was a prohibition on any more money to be used.

Without that precise language, the CIA felt that it was not prohibited, that it was, in fact, authorized—if it was not specifically prohibited, it must be authorized—even though there was a prohibition against using any more money.

I also point out that the manual on assassinations specifically said, "Seeking to overthrow the Government of Nicaragua," which had been prohibited by the Boland amendment. The CIA was stretching the law to the point of saying that if it is not absolutely prohibited, it is going to do it.

We need precise language, carefully crafted, to prohibit some of these broader exercises of the CIA.

With regard to the comments made by the distinguished Senator from Georgia regarding the use of other agencies trained for this mission, there are two reasons why the CIA should not engage in distributing humanitarian assistance.

First, distributing humanitarian assistance—if it indeed is—is not the role of the Central Intelligence Agency. I plead with my colleagues: Let us return the CIA to the professionalism and the status it ought to have and used to have. Let us not make it a food distribution agency or a clothing distribution agency. Let us return it to its proper role. This is not the role of the CIA. That is the first reason.

The second reason is that if, in fact, humanitarian assistance is more than humanitarian assistance—if, in fact, it is going to be something else—then once again the Central Intelligence Agency will be up to its neck in thwarting the clear intent of Congress to provide only humanitarian assistance to the Contras.

We will not blame ourselves. We will blame the CIA, and once again the CIA's professional status will be denigrated because of our failure to be more precise in crafting language.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HARKIN. I am delighted to yield to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from Iowa for an excellent presentation and I rise in strong support of both sections of Senator HARKIN'S amendment. The first section prohibits any funds authorized or appropriated by Congress to aid the Nicaraguan Contras from going through the CIA or Department of Defense.

While I remain firmly opposed to any aid whatsoever to these forces committed to a violent overthrow of the Nicaraguan Government, the Senate voted last night to approve such funds. But, I would think that any such program of humanitarian assistance should be administered by the appropriate agency—and this amendment assures that such will be the case with respect to aid to the Contras.

What we are dealing with here is humanitarian aid to over 10,000 people inside Nicaragua who have been engaged in a not-so-covert war against the Sandinista Government of Nicaragua for the last 5 years. The administration originally asked for approval of military assistance to the Contras but the Congress and the American people have repeatedly voiced their opposition to such military aid to the Contras. The administration consequently backed down and now is only requesting that Congress approve humanitarian assistance to the opposition forces in Nicaragua.

The merits of such humanitarian assistance have been and will continue to be debated at other times. But if we are to provide true humanitarian assistance to these forces, the proper agency to provide such aid is not the Central Intelligence Agency or the Department of Defense.

The purpose of the Central Intelligence Agency is clearly spelled out in the United States Code. I quote:

"It shall be the duty of the Agency, under the direction of the National Security Council—

First, to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

Second, to make recommendations to the National Security Council for the coordination of such intelligence activities of the Departments and agencies of the Government as relate to the national security;

Third, to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Govenment. . . ."

To distribute humanitarian assistance to paramilitary forces involved in a war is not included in the CIA's charter—even under the broadest of interpretations.

The Agency is not prepared to run such a program to distribute $38 million over 2 years in aid to a force of about 10,000 people inside Nicaragua. It would create an enormous burden for an agency designed for totally different purposes.

The delivery of food, clothing, medicine and other humanitarian assistance will require expertise and experience better provided by personnel trained in such areas.

Moreover public scrutiny of this program—which is inevitable—may well compromise sensitive sources and methods.

This amendment does not specify which U.S. agency should administer this program—that choice is left to the administration. But this amendment is simply meant to point out to my colleagues and to the administration that the U.S. intelligence community is not the appropriate way to distribute this assistance.

I have had the opportunity in the time I have been in the Senate to be very much involved in the areas of humanitarian assistance. And I cannot think of a time in the 23 years I have been in the Senate when the CIA has been involved in this kind of undertaking.

I think all of us understand very well why the international voluntary agencies that have a long historical and, I think, proud tradition of humanitarian aid and assistance throughout the world in the most difficult of circumstances would refuse to associate themselves with this kind of distribution—because it aids only one side of the conflict in Nicaragua.

Both the UNHCR and the International Red Cross are prohibited from administering such a one-sided program. But the United States has any number of agencies designed to administer a program of humanitarian assistance.

If what the Senate is attempting to do is to provide aid and assistance to those people who are caught at least in some part of the conflict, then it should go to an agency that has some degree of competency, some degree of experience, some degree of commitment, to the distribution of true humanitarian aid inside Nicaragua.

I ask the Senator from Iowa whether he knows of any time in our history where the Central Intelligence Agency has been involved in any kind of humanitarian aid and assistance, and whether he does not believe that if that Agency is selected finally to be the distributor of this kind of aid and assistance, does he question whether it will effectively be humanitarian, and are we not perhaps misleading the American people that we as an institution are trying to do something about humanitarian need of the people that are caught up in the conflict?

Mr. HARKIN. I thank the distinguished Senator from Massachusetts for his observations and comments. They are right on target. That is the point I have been making. If indeed this is humanitarian assistance, as I believe those who voted for this legislation want and, as I said earlier, even I would not be opposed if it were distinct humanitarian assistance to those

individuals, those peasants, and others, who have been one way or another lured or even if they had a legitimate gripe against the Nicaraguan Government find themselves in this situation, I could perhaps see as legitimate giving food, clothing, and medicine to those individuals.

Again, as the Senator from Massachusetts points out, that has never been the role of the Central Intelligence Agency. I do not know they have ever done that. I know of no situation since the founding of the Central Intelligence Agency where it has been used in this manner.

If we are talking about doing that, the CIA has no history and no training in distributing food.

Mr. KENNEDY. Am I correct that AID is involved at the present time with the distribution of some assistance in Honduras?

Mr. HARKIN. That is absolutely true. The Senator is correct.

Mr. KENNEDY. So we have people who are competent, experienced, knowledgeable, who have a commitment to at least some kind of assistance, and the Senator is pointing out that they are effectively being excluded unless we accept the amendment of the Senator from Iowa.

Mr. HARKIN. Raising the issue of using AID people, who will be in a zone of combat and may get hurt, is really raising a false issue because, in fact, we could give humanitarian assistance to the Contras who are in Honduras. If in fact it has to be transported farther on to other camps, the Contras themselves, have the capability to do it.

Mr. KENNEDY. Will the Senator not agree with me that there are those who are not involved in the distribution efforts in AID and others who have experience in how to get help and assistance into areas where there is conflict? That there are mercy corridors and other types of regimes where there can be real relief if we have people who understand and who have experience in such relief efforts? So the argument to use the CIA or the Department of Defense to administer this program of humanitarian assistance I find a specious one and basically a red herring. Those who have experience about how to provide help and assistance in areas where there is either conflict or other kinds of disaster ought to be the ones administering any such programs in Nicaragua.

I think this section of the Senator's amendment is well structured and is well founded, and I hope the Senate will accept it.

Mr. President, I also rise in strong support of the second section of the amendment offered by my friend, Mr. HARKIN, extending the so-called Boland restrictions through fiscal year 1986. My opposition to providing support, directly or indirectly, for military or paramilitary operations in Nicaragua is well-known. The Senate has spend a great deal of time on this issue—and I suspect it will spend a great deal more time on it. And for good reason.

For over 4 years now, the Reagan administration has pursued a military solution to the crisis in Nicaragua. And for 4 years the situation in Nicaragua has continuously and dramatically worsened. I have consistently urged an increase in diplomatic efforts to resolve the problems with the Sandinista government and warned that the route this administration is pursuing can lead only to an increased militarization of the region and an introduction of U.S. troops into the region.

And now we see that this is exactly what is happening. Last week Secretary of State Shultz stated that we will soon "be faced with the agonizing choice about the use of American combat troops" in Nicaragua. We now are reading press reports that a U.S. invasion of Nicaragua is openly discussed among military and diplomatic circles.

And over the past 4 years this administration has altered our military presence in the region from one designed to protect the Panama Canal to one which focuses a sophisticated military apparatus against Nicaragua. According to press reports, this apparatus includes a vigorous tempo of war games, construction of staging areas and listening posts, the creation of an elaborate intelligence network, and a major effort to fortify allied armies.

We are no longer talking or trading with the Sandinistas. We have broken off bilateral negotiations with Nicaragua and continue to undermine the Contadora peace process. We have unilaterally imposed economic sanctions—the only effect of which will be to drive the Sandinistas further into the Soviet camp. The only avenue left open is a military one.

We are clearly heading right for a direct military confrontation with Nicaragua. And if the Boland restrictions currently in force are no longer in effect for fiscal year 1986 there will be no turning back. Recent polls show that a majority of the American public opposes U.S. aid to the Nicaraguan Contras. And I think we ought to listen to the American public.

U.S. support—whether direct or indirect, military or quote "humanitarian—is illegal and counterproductive. Article 2(4) of the Charter of the United Nations prohibits the threat or use of force against the territorial integrity of independence of any State and article 18 of the Charter of the Organization of American States states that "no state * * * has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state." The United States is a party to these agreements, and a decent respect for international law requires us to honor them.

U.S. policy in Nicaragua has helped the Sandinistas to consolidate support among the Nicaraguan people by identifying their revolution with Nicaraguan nationalism and has given the Sandinistas a pretext to pursue repressive policies within Nicaragua, thereby further entrenching their power within the country.

The United States has real and vital security interests in the region. The influence of the Soviet Union, Communist bloc countries, Cuba, Libya, and the PLO inside Nicaragua must be reduced. Nicaraguan assistance to guerrilla groups outside the country's borders must cease. Nicaragua's military forces must be brought down to a level compatible with the legitimate defense needs of the country. But current U.S. policy only brings us farther from these goals.

Giving the administration a free hand to support the Contras will further radicalize the Sandinistas, drive them further into the Soviet camp and provide them with a pretext to continue their massive military buildup. It could well drive them to construct Soviet military bases inside Nicaragua, and induce them to acquire advanced fighter planes—a development that would clearly represent a dangerous threat to the security of the United States.

The amendment by Senator HARKIN would prevent the administration from continuing its ill-advised policy of pursuing a military solution to the crisis in Nicaragua. It is crucial that we change course and attempt to reach a negotiated settlement to the problem, implement the 21 points of the Contadora treaty and encourage the Sandinistas to ensure the people of Nicaragua internationally recognized principles of democracy. This course is impossible while the administration is allowed to pursue its myopic militaristic policies.

I urge my colleagues to join me in support of the second section of Senator HARKIN's amendment.

Mr. HARKIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield to myself as much time as I may require.

The concern expressed by the distinguished Senator from Iowa and the distinguished Senator from Massachusetts about the most efficient distribution of humanitarian aid is an interesting one. But I think this particular argument is somewhat misplaced.

We are not, in the case of the Contras in Nicaragua, distributing aid in the same sense that we would be in a famine relief project in Africa or any

other humanitarian situation in which AID or others might be involved.

The argument, and it was clearly made through 9 hours of debate yesterday, is that it is the will of the Senate to assist the Contras in Nicaragua to continue in existence so that it might continue to apply pressure upon the central government—the Marxist Government of—Nicaragua. This is to be done in order that negotiations may finally occur between all those elements who were a part of the revolution against Somoza and who are entitled to participate in the political future of Nicaragua.

The point is that the Marxists have literally kicked out those elements that are in favor of democracy, freedom of speech, freedom of the press, political parties, free elections, and so forth.

The United States of America should be forthrightly behind those who favor freedom, not the Marxists. The humanitarian aid that we approved yesterday is designed to help the Contras. But this is a situation that is fraught with many dangers. That is a mission that the CIA is best able to perform.

The distinguished chairman of the Intelligence Committee, the Senator from Georgia, and I have all contended it is conceivable in due course that other agencies might also in the future become involved. For the moment, however, the CIA has the unique capabilities to perform this task.

We believe that we have provided safeguards with regard to the administration and the major safeguard, as the chairman of the Intelligence Committee pointed out, is the oversight capacity of the House and Senate Intelligence Committees themselves. They take this responsibility seriously, and we are confident we will take it even more seriously given the nature of this debate.

We ought not to undo the thrust of what we did yesterday by reinstituting the so-called section 8066 language which, in general, seems intended simply to hobble the administration of the aid.

Are there any other Senators on this side who would like to continue the debate?

If not, Mr. President, I yield back all time available on our side.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. HARKIN. Mr. President, again, we focus most of our debate on the first part of my amendment. I wish to discuss in my remaining few seconds the second part of the amendment.

I believe the repeal of the Boland language by Senator NUNN's amendment was due largely to ambiguities in 8066. I appreciate that.

My amendment seeks to remedy this problem by avoiding throwing out the baby with the bathwater.

With regard to the second part of my divided amendment, I believe that the exceptions that I have included narrowly define section 8066 to answer the legitimate concerns expressed by the distinguished Senator from Georgia and others in the past evening's debate. It would permit the Central Intelligence Agency to carry out its legitimate functions but not to carry out other broadly defined illegitimate functions like mining harbors and providing assassination manuals.

In closing, I ask that Senators support the first part of my amendment, which they will have an opportunity to vote on. It is the same as that proposed by the minority leader, the Republican leader, in the other body.

The second part of my amendment seeks to reinstate the prohibition on the use of the CIA in conducting paramilitary operations in Nicaragua, but defines it very narrowly.

VOTE ON AMENDMENT NO. 278, DIVISION 1

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired. The question is on agreeing to division 1 of the amendment by the Senator from Iowa [Mr. HARKIN]. The yeas and nays have been ordered, and the clerk will call the roll.

(Mr. DURENBERGER assumed the chair.)

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. GORTON], the Senator from Oregon [Mr. HATFIELD], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

On this vote, the Senator from Oregon [Mr. HATFIELD] is paired with the Senator from Washington [Mr. GORTON].

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Washington would vote "nay."

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

The PRESIDING OFFICER [Mr. MURKOWSKI]. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 35, nays 57, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—35

Baucus	Grassley	Metzenbaum
Biden	Harkin	Mitchell
Bingaman	Hart	Moynihan
Bradley	Inouye	Pell
Burdick	Kennedy	Proxmire
Byrd	Kerry	Pryor
Chafee	Lautenberg	Riegle
Cranston	Leahy	Sasser
Dodd	Levin	Stafford
Eagleton	Mathias	Weicker
Ford	Matsunaga	Zorinsky
Gore	Melcher	

NAYS—57

Abdnor	Garn	McClure
Andrews	Glenn	McConnell
Armstrong	Goldwater	Murkowski
Bentsen	Gramm	Nickles
Boren	Hatch	Nunn
Boschwitz	Hawkins	Packwood
Chiles	Hecht	Pressler
Cochran	Heflin	Quayle
D'Amato	Heinz	Roth
Danforth	Helms	Rudman
DeConcini	Hollings	Simpson
Denton	Humphrey	Specter
Dixon	Johnston	Stennis
Dole	Kassebaum	Stevens
Domenici	Kasten	Symms
Durenberger	Laxalt	Thurmond
East	Long	Trible
Evans	Lugar	Warner
Exon	Mattingly	Wilson

NOT VOTING—8

Bumpers	Hatfield	Simon
Cohen	Rockefeller	Wallop
Gorton	Sarbanes	

So division 1 of the amendment (No. 278) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which division 1 was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on division 2.

The minority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate is not in order. Senators will please take their seats. The minority leader has been recognized. Will Senators please leave the well?

The minority leader.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I sought recognition at this point while Senators are here and while there is still time for them to take a look at their schedules today, possibly changing them if they have to.

Is the majority leader in a position at this time to indicate about what time he feels the last rollcall will occur?

Mr. DOLE. Mr. President, if the distinguished minority leader will yield, we will have a vote immediately and then we will have another Contra amendment with a vote on that by 11:15. I would hope that would be the last Contra amendment. If that is the case, it is my understanding from the

chairman that there might be three additional amendments that require rollcalls.

What I would like to do is take those up very quickly. Then there are still 30-some amendments that do not require rollcalls. If we can work it out, I would like us to vote on those that will be contested, which we should complete by 2 o'clock. Then we could agree to have final passage on Monday afternoon, say, about 3 o'clock, and not hold everybody here while we took up the 30-some amendments which are noncontroversial.

It is my hope that with the cooperation of all Members the last vote might come as early as 2 o'clock or 2:30.

Mr. BYRD. If the majority leader will indulge me, would it be possible for us to stack the last two or three votes so that Senators can be here? These rollcall votes are going 5, 10, and 15 minutes over the 15 minutes we agreed to by resolution at the beginning of the session. If we could stack them so Senators are here, maybe we could have 10-minute votes.

Mr. DOLE. That is a good suggestion. Let me explore that.

Mr. BYRD. I thank the majority leader.

VOTE ON AMENDMENT NO. 278—DIVISION 2

The PRESIDING OFFICER. The question is on division 2. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. GORTON], the Senator from Oregon [Mr. HATFIELD], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

On this vote, the Senator from Oregon [Mr. HATFIELD] is paired with the Senator from Washington [Mr. GORTON].

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Washington would vote "nay."

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 62, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—30

Biden	Eagleton	Inouye
Bingaman	Ford	Kennedy
Bradley	Gore	Kerry
Burdick	Grassley	Lautenberg
Cranston	Harkin	Leahy
Dodd	Hart	Levin
Mathias	Mitchell	Riegle
Matsunaga	Pell	Sasser
Melcher	Proxmire	Stafford
Metzenbaum	Pryor	Weicker

NAYS—62

Abdnor	Exon	McConnell
Andrews	Garn	Moynihan
Armstrong	Glenn	Murkowski
Baucus	Goldwater	Nickles
Bentsen	Gramm	Nunn
Boren	Hatch	Packwood
Boschwitz	Hawkins	Pressler
Byrd	Hecht	Quayle
Chafee	Heflin	Roth
Chiles	Heinz	Rudman
Cochran	Helms	Simpson
D'Amato	Hollings	Specter
Danforth	Humphrey	Stennis
DeConcini	Johnston	Stevens
Denton	Kassebaum	Symms
Dixon	Kasten	Thurmond
Dole	Laxalt	Trible
Domenici	Long	Warner
Durenberger	Lugar	Wilson
East	Mattingly	Zorinsky
Evans	McClure	

NOT VOTING—8

Bumpers	Hatfield	Simon
Cohen	Rockefeller	Wallop
Gorton	Sarbanes	

So division 2 of the amendment No. 278 was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REQUEST FOR COMMITTEE TO MEET

Mr. LUGAR. Mr. President, I ask unanimous consent the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, June 7, 1985, in order to receive testimony concerning S. 51, the Superfund Improvement Act of 1985.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The Senate continued with the consideration of the bill (S. 1003).

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts [Mr. KERRY] is recognized.

AMENDMENT NO. 279

(Purpose: To revise section 121)

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I ask unanimous consent to proceed on a noncontroversial matter.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Delaware [Mr. BIDEN] and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 279.

Mr. GRAMM. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, strike out lines 3 through 18 and insert in lieu thereof the following:

MONITORING OF AND REPORT ON THE SAFETY OF TRAVEL BY UNITED STATES CITIZENS IN MEXICO

SEC. 121. (a) The Congress—

(1) condemns the kidnapping and the brutal murder of Drug Enforcement Administration Enrique Camarena Salazar and the initially slow response by some Mexican authorities to apprehend those involved in this reprehensible crime; and

(2) deplores the disappearance of Americans in Mexico.

(b) The Congress finds encouragement in recent and significant changes made by the Mexican Government to redress grievances concerning the safety of United States citizens within Mexico. Such changes include (1) the capture and indictment of those implicated in the murder of Drug Enforcement Administration agent Camarena, (2) the ongoing and active investigations of the disappearance of Americans in Mexico, (3) the establishment of a new coordinating office under the auspices of the Attorney General in Mexico with authority to deal with assaults and other crimes against all foreigners, (4) the sweeping reorganization of the police force to reduce corruption, (5) the strengthening of protective services, such as "Green Angels" road assistance units, (6) the installation of new leadership in the Mexican Interpol Office, and (7) the increased cooperation between Mexican authorities and Drug Enforcement Administration agents in Mexico.

(c) Not later than 90 days after the date of enactment of this Act and each 90 days thereafter, the Secretary of State shall transmit a written report to the Congress on the progress made in the Camarena case, the investigations of the disappearance of United States citizens, and the general safety of United States tourists.

Mr. GRAMM. I yield to the Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from Texas is to be complimented on this amendment.

During the markup of the State Department authorization bill in the Foreign Relations Committee, I offered a series of amendments concerning international drug trafficking. All of these amendments were originally part of S. 766, a bill I introduced with Senators CHILES and NUNN, entitled the "International Narcotics Control Act of 1985." One of the provisions unanimously accepted by the Foreign Relations Committee was for the State Department to issue a travel advisory for American tourists traveling in Mexico.

In considering this action I felt the United States needed to clearly express to Mexico our concern over the murder of Drug Enforcement Administration Agent Enrique Camarena and the abduction and murder of six Americans last year. Additionally, I believed that the corruption and violence perpetrated by drug traffickers in Mexico and an apparent lack of commitment by the Mexican Government to respond, could be a direct threat to the lives of Americans who might travel to Mexico.

Some of my colleagues have expressed to me that a travel advisory is too severe a penalty for a close friend like Mexico. The State Department vehemently opposed this amendment on the grounds that it set a bad precedent by using a travel advisory as a signal of political displeasure instead of its traditional purpose of warning American tourists. I disagreed on the grounds that unless the Mexican Government showed a commitment to clean up the corrupt practices of some of its law enforcement agencies, then Americans traveling in Mexico could truly be in danger.

The record of Mexico's response to drug traffickers pushing heroin, cocaine, and marijuana across our common borders has fallen off greatly since their gallant efforts to eradicate opium back in the 1970's. Last year production of both opium and marijuana were up in Mexico and there had not been a major drug trafficker arrested in Mexico in 8 years. The House Committee on Foreign Affairs staff study mission in the fall of 1984 stated:

"* * * It is clear that corruption is the single biggest obstacle to effective anti-narcotics efforts in Mexico * * *

Quite frankly Mr. President, I believe that a message had to be expressed by Congress, the President and the American people that we will not tolerate foreign countries, any foreign country, ignoring our requests for help in stopping the flow of drugs to this country. The tragic murder of our DEA agent followed by a coverup and the escape of those suspected required a prompt and effective response by the U.S. Congress.

Mr. President, Congress did express itself and the Mexican Government to their credit is responding. Mexico is responding not solely because of this travel advisory or the delay at the border crossings carried out by the Customs Agency several months ago, but because they realize they have a severe problem that could erode the credibility of their entire Government if it is not checked.

I have watched the response in Mexico closely over the last 2 months since we added the travel advisory to this bill and I applaud their efforts. Let me list for my colleagues some of the actions that have occurred.

President De La Madrid and Attorney General Garcia Ramirez have pledged that Mexico will pursue vigorously the war on traffickers and increase cooperation with U.S. law enforcement agencies.

Major drug trafficker Rafael Caro Quintero, suspected of complicity in the kidnaping and death of DEA Agent Camarena, was arrested in Costa Rica. Mexican officials quickly had him returned for prosecution.

On April 9, a second major trafficker sought in connection with the Camarena case was arrested in Mexico. A third major trafficker who fled Mexico has been arrested in Colombia. A fourth major trafficker implicated in the murder of Camarena is being actively sought.

Police officials named by the arrested traffickers as accepting bribes, including the officer originally tasked with investigating the Camarena kidnaping, have been arrested.

A number of State and Federal police officials, suspected of having ties to drug traffickers, have been removed from office or reassigned.

A key police service, the Federal directorate of security, is being reorganized with an estimated 400 agents out of 2,200 being fired or resigning.

The Mexican Interpol Office has new leadership. This office is Mexico's link to the international law enforcement community.

Cooperation between Mexican authorities and DEA agents in Mexico has increased significantly. DEA has been kept informed of developments and leads in the case of murdered DEA Agent Enrique Camarena.

The Government of Mexico is now actively investigating the disappearance of six Americans in Guadalajara.

The Mexican Attorney General has established a new coordinating office to handle cases involving assaults and other crimes against foreigners. Embassy officials have met with the Mexican official dedicated to this office to discuss ways in which crimes can be reported and investigations pursued with the least inconvenience to visitors.

Protective services, such as the Green Angels road assistance units, have been augmented. Police strength in certain problem areas such as Puerto Vallarta has been increased, with new patrol units and substations added.

These actions have earned the praise of Attorney General Meese, FBI Director William Webster and prompted one senior DEA official to call these recent drug arrests the most spectacular in Mexican history.

These actions clearly are a signal of commitment by the Mexican Government to work with us in stemming the flow of drugs in both their country and ours. However, this is only the beginning and much still needs to be done. Most importantly will be the successful prosecutions of major drug traffickers, corrupt law enforcement officials and those responsible for the murder of Agent Camarena. Also, the Mexicans must help to improve the eradication and verification program necessary to understand and respond to the recent increases in opium and marijuana production in their country. Cooperation and exchange of information between Mexican and United States law enforcement personnel can be improved and the house cleaning of corrupt law enforcement officials called for by Mexican Attorney General Garcia Ramirez must be completed.

In any event, Mr. President, I believe the actions by the Mexican Government is truly the type of response we had hoped for and in some cases goes beyond what I expected could be done in such a short period of time. I believe the travel advisory provision has helped prompt many positive changes. As I indicated to the chairman when offering this amendment originally, I would work closely with the State Department on this, and as the chairman indicated "we might want to lift this burden earlier if in the best interest of both countries."

I believe we have reached that point and I will support striking the travel advisory language from the bill. However, I, like many of my colleagues, will continue to carefully monitor the Mexican and United States Antinarcotic Program which is such a strategic element of our International Narcotics Program. It is a crucial link that requires a joint commitment and resolve if we are to be successful. The recent progress made is a step in the right direction, but there are many more steps that must be taken.

I therefore, will withdraw my amendment and offer with Senator GRAMM an amendment to call off the travel advisory but require updated reports from the State Department on the progress in Mexico.

Let us continue this progress so, like in the 1970's, we can once again point to Mexico as a model nation for its commitment to the battle against drug abuse.

Mr. GRAMM. Mr. President, this amendment builds on the excellent work of the Senator from Delaware. It notes our concern about problems in Mexico. It outlines the progress they have made in dealing with those concerns. It sets up a procedure for the Secretary of State to report to the Congress on the progress with regard to the investigation of the murder of our drug agent, the investigation concerning missing Americans in Mexico, and also on the general state of affairs concerning the safety of American tourists.

I yield back the remainder of my time.

Mr. BOSCHWITZ. Mr. President, it had been my intention to submit an amendment to the Gramm amendment which would provide for a travel advisory to U.S. citizens concerning travel to the State of Jalisco, Mexico. This amendment would be identical to the language regarding a travel advisory in the House-passed State Department authorization bill. Recent events in that area of Mexico give ample reason for concern about the safety of U.S. tourists.

In early 1985 DEA agent Enrique Camarena Salazar was kidnaped and brutally murdered, allegedly by Mexican drug traffickers. Between March and September 1984 six American citizens were slain in Mexican highway robberies, and approximately six disappearances of U.S. citizens remain unsolved.

Two of these disappearances involve John Walker from the State of Minnesota and Alberto Radelat from the State of Texas. Mr. Walker is a Vietnam veteran and father of two young children. Both men were reported missing from Guadulajara, Mexico on February 13, 1985, about the same time DEA agent Salazar disappeared. The persistent and courageous efforts of Eve Walker, wife of John Walker, and Dr. Radelat, father of Alberto Radelat, have contributed to the possible resolution of that case. Recent press reports indicate that the same man indicted for the murder of agent Salazar may be responsible for the abduction of Mr. Walker and Mr. Radelat. Both men are feared dead. The man accused of both crimes is a well-known drug dealer.

I know the entire Congress deplores the despicable murder of agent Salazar, the disappearance of U.S. citizens, and other violence against U.S. visitors to Mexico. The Mexican Government must act forcefully both to protect U.S. visitors to Mexico and to battle the illicit drug trade. When American citizens visit Mexico, they have a right to expect protection by the local authorities and vigorous help in resolving problems when they do arise. It is for these reasons that I intended to submit an amendment calling for a travel advisory for the Mexican State of Jalisco, where many of the problems have occurred.

Senator GRAMM's amendment would delete section 121 requiring the immediate issuance of a travel advisory for any part of Mexico. It is his opinion, and that of the State Department, that the Mexican Government has already made significant progress to meet our concerns and will continue efforts to protect U.S. tourists.

The recent indictment in the abduction of Mr. Walker and Mr. Radelat may support that progress is being made.

After consulting with the chairman of the Senate Foreign Relations Committee, I have decided not to offer any amendment on the travel advisory in order to allow Chairman LUGAR complete flexibility in the upcoming conference committee. I withhold my amendment with the understanding that the chairman will closely monitor and examine the situation in Mexico prior to the consideration of this issue by the conference. If at that time he concludes the Mexican Government does not appear to be honoring its pledge to improve the situation then I trust he would recede to the House language which is identical to my amendment.

Mr. LUGAR. Mr. President I appreciate and understand the deep concern of the Senator from Minnesota. He has my assurance that I will closely monitor this situation and if appropriate progress has not been made by the time this is considered by the conference committee, I will consult with him about the appropriate actions to be taken.

Mr. BOSCHWITZ. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 279) was agreed to.

AMENDMENT NO. 280

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

Mr. President, I send the following amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as folows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 280:

At the appropriate place in the bill, add the following: None of the monies authorized to be appropriated in this or any other act can be used to fund directly, or indirectly, activities against the government of Nicaragua which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the Government of the United States.

Mr. KERRY. Mr. President, how much time do I have?

The PRESIDING OFFICER. There are 20 minutes to a side remaining.

Mr. KERRY. I thank the Chair. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that the distinguished Senator from New York [Mr. MOYNIHAN] be recorded as a cosponsor of this measure. I yield to the Senator 7 minutes of my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank my distinguished friend from Massachusetts.

The past 2 days stand in stark contrast to the early days of the Sandinista regime in Nicaragua, when the United States first had to deal with this situation.

By 1980, it had become clear that the Government of El Salvador was besieged by a consortium of insurgent movements, whose headquarters and logistical support base were located in Managua. There was indisputably underway a military assault on the Government of El Salvador by forces in league with the Government of Nicaragua. The United States therefore had both a right and a duty under international law—both customary and as expressed in treaties—to support the Government of El Salvador in resisting that aggression.

Which we did. The President came to Congress, asked for funds to be authorized to be used in a program to discourage military support going from Nicaragua to overthrow the Government of El Salvador, and Congress authorized it.

I was in this period the vice chairman of the Senate Select Committee on Intelligence, where these matters were then discussed. Along with bipartisan majorities in both Houses of Congress, I supported the provision of this aid to insurgents in Nicaragua, for the purpose of responding to Nicaraguan aggression against its neighbor.

I urged that we do this avowedly and unashamedly. On November 18, 1983, in the necessary absence of Chairman GOLDWATER, it fell to me as vice chairman of the Intelligence Committee to bring to the floor of the Senate the report of the conference committee on the Intelligence Authorization Act for fiscal year 1984. This was the last time that Congress would authorize a bipartisan aid measure for the Contras. In order that the record be complete on this point, I would like to repeat a portion of my remarks of that day.

. . . (T)he distance between the House and the Senate was not as large as many might have thought. Both Committees understood the Government of Nicaragua to be in violation of international law. This was recognized in an express finding in the Intelligence Authorization bill passed by the House. The finding states:

By providing military support (including arms, training and logistical command and control, and communications facilities) to groups seeking the overthrow of the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated Article 18 of the Charter of the Organization of American States which de-

clares that no state has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of another state.

The United States, in upholding these covenants, has a duty to respond to these violations of law. Our response, however, must be both proportional and prudent. . . . Along with my colleagues, I pressed the administration to redefine its covert program to assure that it was in accord with our obligations under international law. . . . Thus the goal with this program is as it should be—to bring the Government of Nicaragua into conformity with accepted norms of international behavior.

The conference report was adopted unanimously.

Neither American nor Salvadoran forces were able to capture weapons known to have been moving from Nicaragua to the insurgents in El Salvador. There were two possible explanations for this. Either the program was not being executed properly—due to the ineptitude of the individuals involved, or some similar infirmity—or the program was working, and the flow of arms and other material had stopped.

It turns out, according to recent evidence—or what may be evidence—that the latter may in fact have been the case.

The New York Times, on May 21, 1985, published a report from San Salvador about recently captured documents of the Central American Revolutionary Workers Party, a Marxist group that is one of five factions in the rebel military Farabundo Marti Revolutionary Front. These papers, said the Times account,

indicate that . . . the Sandinistas appeared ready to cut off aid to the Salvadoran rebels at the end of 1983 and may have done so, at least temporarily.

Another set of documents chronicle the tense relations between the rebel high command and Nicaragua's Sandinista leaders after the United States invaded Grenada in October 1983. They show a much higher level of dependence on Nicaragua than the rebels have publicly admitted. But the documents also indicate that the Sandinistas may well have cut off aid to the rebels in 1983.

Despite this success, however, or perhaps because it was insufficiently clear to those involved whether our policy was enjoying any demonstrable success, the administration's support for the Contras in Nicaragua was continued, and indeed expanded.

It became less clear what the real policy was. By early 1984 it had become clear at least that our object was no longer simply the interdiction of war material to the Salvadoran rebels.

Either the policy had changed, although this has never been explained in a straightforward manner by persons in authority in the administration, or the policy had always been something other than what it was stated to be.

This dilemma persists. It remains unclear what the goals of the President in this respect are.

Wholly apart from the matter of whether certain activities of the CIA or its affiliates in Central America were consonant with American principles and law—and international law—it has been unclear for an extended period now what the President's policy proposal for Nicaragua is.

On February 21 of this year, at a White House press conference, President Reagan replied to a question about the goal of his policy toward Nicaragua that it is, or was on that day at any rate, to:

remove (the Nicaraguan government) in the sense of its present structure, in which it is a Communist totalitarian state . . .

The President proposed, in effect, the overthrow of the Government of Nicaragua. He proposed the provision of $14 million in military assistance to the Contras for this purpose. But the case for this policy was not made sufficiently clear. What were our grounds? Would $14 million suffice? Suffice to do what? What was the strategy for actually removing the Sandinistas from Managua? How many years was that likely to take? What would be some interim accomplishments that would indicate whether progress was being made? None of these questions were answered, nor have then been since.

When it became clear that Congress would reject that ambiguously constructed policy proposal, by refusing to authorize the funds, the request was modified to exclude military assistance to the Contras, and to provide instead $14 million worth of humanitarian assistance.

Can it really be the policy of the President of the United States to seek to induce change in the policies or personnel of the Government of Nicaragua by providing $14 million in humanitarian assistance to the Contras?

Is that a coherent policy?

The proliferation of lengthy, detailed policy prescription by senators of a wide variety of experience and political disposition suggests it is not.

Much as I would like to support elements in several of the amendments before the Senate today, as I noted at the outset of my remarks, I believe it the duty of the Executive to formulate the policy in a more coherent and integrated manner than is possible when the Senate—and then the House—consider, and adopt or reject, seriatim, bits and pieces of a policy.

I will vote against all of these amendments, and look forward with hope to a more complete statement of policy and purpose from the President.

In particular, I would hope the administration might let us know just what is its position on the central recommendation of the Kissinger Commission—that is to say, on the proposal to establish a Central American Development Organization, with the help of Latin American and, it was hoped, European allies. This organization would help all the countries of the region, Nicaragua included, but on condition that each government maintain acceptable standards of human rights and representative government. That surely was a large and thoughtful proposal, and wholly consistent with American traditions and experience. Either Nicaragua jointed or it declared itself to the world unwilling to meet the conditions of membership.

Had we pursued this course, would we be quarelling among ourselves and isolated from our friends in the world today? It is not too late.

Mr. President, I will summarize what may be the most important decision we make in the course of this debate. The specifics of policy can always be changed and certainly will always be argued. The basis of policy is a very narrow range of options, and we are asking the Senate today to reaffirm what has been the basis of our policy in Central America until approximately a year and-a-half ago, and the change which has occasioned the last 2 days of debate we have seen, today and yesterday, the debates last year, and those surely coming next fall.

Mr. President, it happens I was vice chairman of the Select Committee on Intelligence during the events I wish to describe, and I would almost plead for the attention especially of my distinguished friends, the managers of this legislation, as to what happened.

It will be recalled that funds to support the Contras in Nicaragua were proposed on this floor 3 years running and were approved unanimously in debates that scarcely took 20 minutes on any occasion.

Why? I offer the thought that it was because the proposals were set forth as based upon the rights and obligations of the United States under international law, under treaty and conventional law.

The sequence is well known. In 1980, the Sandinista Government came to power and very quickly organized the various insurgencies in neighboring El Salvador, provided them a headquarters in Managua, and began supplying arms to them in El Salvador itself. This a clear violation of the OAS Charter, of the United Nations Charter, and of the Rio Treaty. The new administration came to Congress and asked if we would support efforts to prevent and discourage Nicaragua from behaving in violation of law. The administration was entirely within its rights in asking, and Congress would be within its rights in so doing. This was known as a covert program, though it was never covert in any serious way.

We came to the floor of the Senate and said exactly what it was and why we were doing it. On November 8, 1983, the last time this came forward as a noncontroversial, bipartisan, unanimous measure, it fell to me—in the necessary absence of my beloved friend, Chairman GOLDWATER—to bring to the floor of the Senate the conference report on the Intelligence Authorization Act for fiscal year 1984.

That was the last time Congress authorized a bipartisan aid measure.

I should like to repeat a portion of my remarks that day. I said:

. . . [T]he distance between the House and the Senate was not as large as many might have thought. Both committees understood the Government of Nicaragua to be in violation of international law. This was recognized in an express finding in the intelligence authorization bill passed by the House. The finding states—

And this is statute, Mr. President.

I went on to say:

By providing military support (including arms, training and logistical command and control, and communications facilities) to groups seeking the overthrow of the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of another state.

Mr. President, that was the basis upon which a bipartisan agreement was reached in this body and in the other body.

Not many months later, the executive branch decided to mine harbors in Nicaragua, in what we view—many view—as a violation of international law. It was not a situation in which the committees were consulted or informed.

The consensus began to break up because the question again arose: Were our actions based on law, as they previously had been? This probably is a matter thought of with derision in parts of the executive branch, but those who are so contemptuous of such concerns might ask what happened to their policy. It has failed; it has floundered; it is defunct.

Last Friday, Mr. President, for the first time in the history of the United States, we failed to appear at an international tribunal in response to charges made against us in accordance with the charter of that tribunal—to wit, we failed to appear at the World Court in The Hague. The failure to appear at The Hague is part of the whole failure of the administration to understand that support for its policy was solid when its policy was based on law. When it departed, the support dissolved.

Mr. President, I thank the Senator from Massachusetts for allowing me to join him in this matter, and I congratulate him for proposing the amendment. I say to the Senate that a large statement is going to be made here.

Mr. KERRY. I thank my distinguished colleague, the senior Senator from New York.

Mr. KENNEDY. Mr. President I support Senator KERRY's amendment, and I cannot conceive that any Member of the U.S. Senate would not also vote to support a measure that simply reiterates American adherence to international law. I cannot conceive that any Member of the U.S. Senate would not support the idea that, in expending the funds authorized in this legislation for the operation of the Department of State, the U.S. Government should not violate well-established, long-recognized standards of international conduct.

It is a sad moment in the history of our country when our continued adherence to international law is called into question. Since the end of World War II, the United States has recognized that its own interests are best served when the nations of the world abide by basic rules of behavior, and to that end, the United States has been a leader in the effort to develop such standards and to persuade the international community to abide by those standards. But when it comes to U.S. policy toward Nicaragua, serious questions have been raised about whether U.S. actions have violated international law.

But the issue of whether U.S. policy in Central America has or has not violated international law is not the issue raised by this amendment. This amendment poses a much broader question with far greater significance for the role of the United States in the world.

If this amendment fails today, what kind of signal will it send? If the Senate rejects this amendment, the word will be out that the Senate believes that our country should not be bound by international law. The Senate will be saying, "The only law that counts in international relations is the law of the jungle." We will be in the company of Libya, South Africa, and Iran. We will be a club whose membership is composed of terrorists and international outlaws.

This amendment poses an important challenge at a critical moment in our Nation's history. I hope that the Senate will rise to that challenge and will state its support for the rule of law in the conduct of our foreign policy.

I urge my colleagues to support this amendment.

Mr. KERRY. Mr. President, I yield 2 minutes of my time to the distinguished ranking minority member of the Foreign Relations Committee.

Mr. PELL. Mr. President, I am very glad to support this amendment of the Senator from Massachusetts, an amendment that simply says we should abide by the law. We are theoretically a country of law, a government of law.

I recall that George Santayana once wrote that those who forget the lessons of history are condemned to repeat them.

In this regard, I am struck by the statement of the Senator from New York that this was the first time we have been called before a court of international law and ignored its summons. Actually, this happened earlier, in 1912, when we promoted the establishment of the Central American Court of Justice. The Central American Court of Justice ruled against us when we sent 2,600 troops into Nicaragua. Those troops stayed there until Somoza took over, and Nicaragua was in his hands.

So we have ignored the law in the past. Perhaps if this amendment of the Senator from Massachusetts had been on the books, we would not have thwarted the law and sabotaged the Central American Court of Justice as we did in 1912 and as we seem to do at this time, at the World Court in The Hague.

Mr. President, in this connection, I ask unanimous consent to have an article recounting the events of 1912 regarding the Central American Court printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Jan. 27, 1985]

OUR WORLD COURT SNUB IS A RE-RUN

U.S. PLAYED THE SAME SCRIPT IN NICARAGUA 70 YEARS AGO

(By Steven S. Volk)

For those who believe that history is repeated first as tragedy and then as farce, the Reagan Administration's decision to boycott the World Court should provide some pause. It may be absurd that U.S. leaders have not learned the lessons of the past, but the consequences of such ignorance can only be tragic.

The United States has long been selective about which laws it would observe and which it would ignore in its relations with Central America. And this selectivity has led it to sabotage not only the indigenous efforts of the Central Americans, but even its own efforts to promote a respect for international law in the region.

At the turn of the century, Theodore Roosevelt and the Progressives wrestled with a new concept of U.S. global involvement. They had reached a general consensus that the U.S. economy needed to operate on a global scale if it were to prosper. They also concluded that (a few cases excepted) the United States would not seek to build a formal colonial empire. The United States would be the first truly informal empire—an empire of commerce and investment backed by U.S. naval power.

To this framework the Progressives added their own concept of the "white man's burden," a commitment to bring "civilization" to those countries with which the United States traded. "All that this country

desires," Roosevelt noted, "is that the other republics on this continent shall be happy and prosperous." Yet this happiness would not arise spontaneously. Roosevelt continued: ". . . they cannot be happy and prosperous unless they maintain order within their boundaries and behave with a just regard for outsiders."

To achieve these goals, U.S. force would be employed to open the world to, and then protect, American trade and investment. And Washington would re-create abroad its own image of a "happy and prosperous" nation. Arguing that the Central Americans lacked their own institutional forums to resolve their disputes, Roosevelt would provide these forums from Washington.

The Central American Court of Justice, created in 1907 and partially financed by Andrew Carnegie, was the showpiece of the reformist side of the U.S. drive in Central America. Here was an arena in which Central Americans could resolve their differences peacefully. Even more impressive, it worked. In 1908, for example, the Nicaraguan president protested that Guatemala and El Salvador had encroached upon Honduras' internal affairs to force the installation of an anti-Nicaraguan government. The court heard the case and ordered all the governments to reduce their military forces and refrain from meddling in one another's affairs. They agreed, and war was averted.

Yet within only five years, the United States had begun to undermine the authority of its own creation. Then, as now, the United States was employing all of its myriad weapons to install a government in Managua that was more sympathetic to U.S. economic interests. For years, Washington had opposed the nationalist government of Jose Santos Zelaya. In 1909 the U.S. government backed a conservative revolution that originated in the Caribbean coast town of Bluefields. When two U.S. citizens were caught laying mines in the San Juan River (how little some things change!) and were executed by Zelaya's troops, Washington had all the encouragement that it needed to enter in force. Zelaya saw fit to resign, and Washington ultimately installed its choice as successor.

When this U.S.-backed regime came under fire in 1912, President William Howard Taft sent in 2,600 troops to demonstrate continued U.S. support. The issue of U.S. military intervention was raised before the Central American Court of Justice. But when the court ruled against Washington's actions, the United States simply ignored it. U.S. troops would stay in Nicaragua for more than 20 years before leaving the country in the hands of the first Somoza.

Four years later Washington chose again to defy the court—this time provoking its total demise. Washington and the U.S.-backed Managua government had entered into a treaty giving the United States exclusive rights to build and operate a transoceanic canal in Nicaragua. The United States also offered to "guarantee" Nicaragua's "stability," but this transparent attempt to create a protectorate was rejected by the U.S. Senate.

Costa Rica, El Salvador and Honduras were appalled by U.S. moves in the region, and charged before the Central American Court of Justice that the United States and Nicaragua had violated their territorial integrity and pre-existing Central American treaties. The court agreed, and once again Washington refused to accept the ruling. At the urging of the United States, Nicaragua withdrew from the court, which promptly collapsed.

Washington's decision to ignore a judicial institution of its own creation certainly taught the Central American nations that any attempt to construct a framework for the even-handed resolution of international problems would sooner or later hit against the hard rock of U.S. intransigence. The Reagan Administration's current slap at the World Court will only convince both the Central Americans and world opinion that little has changed in the intervening seven decades. Washington still maintains that U.S. interests take precedence. More than disrespect for the World Court, the Reagan Administration's decision shows an utter disregard for the rule of law and reason in a world that is sorely in need of both.

Mr. KERRY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 9 minutes remaining.

Mr. KERRY. I yield myself 7 minutes.

Mr. President, in view of some comments yesterday by the senior Senator from South Carolina, who said it is unfortunate that some Members of Congress serve as apologists for a Communist dictatorship that offers to let the Soviets station missiles in their country, I should like to make it very clear that I do not know of any Member of this body who apologizes for any Communist dictatorship. To the best of my knowledge, there has never been any effort or offer made to put missiles in that region. This Senator, again and again, has made clear that would be a totally unacceptable act to this Senator and, I believe, to this country.

I have stated again and again that the interests of the United States are clear in this hemisphere, and I support those interests—not to have Soviet bases, not to have infusion of Soviet or Cuban troops, not to have subversion across national borders, not to have foreign military bases. I would support the strongest measures by the United States to prevent those things from happening.

However, I think what has been absent in our foreign policy and in our approach to Central America has been a consensus; an ability to be able to see the forest for the trees and to be able to make a determination about what will best achieve the protection of those interests I just outlined.

In passing this amendment we shall be rededicating ourselves to those existing hemispheric institutions and treaties which will enable us, in the long run, to protect those interests.

I congratulate the Senator from Georgia. I thought there was much in his amendment of yesterday that was beneficial, although I did not support it in the final analysis, for a number of reasons. As he knows, many of us at the White House meeting would have voted for humanitarian aid if we could link it directly to cease-fire and to a resumption of talks between the United States and Nicaragua. It is my conviction that this administration is avoiding those talks and that, therefore, the constitutional authority of Congress is called upon to try to set a different direction.

I know that reasonable people can differ on that, and the vote yesterday indicated that. But it seems to me that if Congress is going to move down the path it is moving, it is imperative that we go on record at least in support of U.S. adherence to the international obligations we currently have, to which we should adhere, to which we are a signatory under the charter of the Organization of American States and international law.

My amendment is very straightforward. It is an attempt simply to place Congress on record in opposition to the expenditure of any taxpayers' dollars which would place us in violation of those clear obligations. We helped set up this system, and I do not believe we should turn away from it.

In the aftermath of World War II, the United States was the driving force behind both the Inter-American Treaty of Reciprocal Assistance, also known as the Rio Treaty, which was ratified by President Truman on December 12, 1947, and the Charter of the Organization of American States, which was ratified by President Truman on June 15, 1951.

I am not going through all of the provisions that are contained in these treaties. They are a matter of record. But I would incorporate them as a matter of reference in my comments and in this debate.

I ask unanimous consent that both the charters of the OAS as well as the Treaty of Rio be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2. LATIN AMERICA

a. Inter-American Treaty of Reciprocal Assistance

(Opened for signature at Rio de Janeiro September 2, 1947; ratification advised by the Senate of the United States of America December 8, 1947; ratified by the President of the United States of America December 12, 1947; ratification of the United States of America deposited with the Pan American Union December 30, 1947; proclaimed by the President of the United States of America December 9, 1948; entered into force December 3, 1948)

In the name of their Peoples, the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and strengthening their relations of friendship and good neighborliness, and

Considering:

That Resolution VIII of the Inter-American Conference on Problems of War and Peace, which met in Mexico City, recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America;

That the High Contracting Parties reiterate their will to remain united in an inter-

American system consistent with the purposes and principles of the United Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System;

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning the "Inter-American Peace System" envisaged in Resolutions IX and XXXIX of the Inter-American Conference on Problems of War and Peace.

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest trust that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security.

Have resolved, in conformity with the objectives stated above, to conclude the following Treaty, in order to assure peace, through adequate means, to provide for effective reciprocal assistance to meet armed attacks against any American State, and in order to deal with threats of aggression against any of them:

ARTICLE 1

The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty.

ARTICLE 2

As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

ARTICLE 3

1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

ARTICLE 4

The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole.

ARTICLE 5

The High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

ARTICLE 6

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extracontinental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

ARTICLE 7

In the case of a conflict between two or more American States, without prejudice to the right of self-defense in conformity with Article 51 of the Charter of the United Nations, the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the *status quo ante bellum*, and shall take in addition all other necessary measures to reestablish or maintain inter-American peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meetings may agree upon.

ARTICLE 8

For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relation; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radio telegraphic communications; and use of armed force.

ARTICLE 9

In addition to other aids which the Organ of Consultation may characterize an aggression, the following shall be considered as such:

a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

b. Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

ARTICLE 10

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations.

ARTICLE 11

The consultations to which this Treaty refers shall be carried out by means of the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty, or in the manner or by the organ which in the future may be agreed upon.

ARTICLE 12

The Governing Board of the Pan American Union may act provisionally as an organ of consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.

ARTICLE 13

The consultations shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.

ARTICLE 14

In the voting referred to in this Treaty only the representatives of the Signatory States which have ratified the Treaty may take part.

ARTICLE 15

The Governing Board of the Pan American Union shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have ratified this Treaty and between these States and the United Nations.

ARTICLE 16

The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 15 above shall be taken by an ab-

solute majority of the Members entitled to vote.

ARTICLE 17

The Organ of Consultation shall take its decisions by a vote of two-thirds of the Signatory States which have ratified the Treaty.

ARTICLE 18

In the case of a situation or dispute between American States, the parties directly interested shall be excluded from the voting referred to in two preceding Articles.

ARTICLE 19

To constitute a quorum in all the meetings referred to in the previous Articles, it shall be necessary that the number of States represented shall be at least equal to the number of votes necessary for the taking of the decision.

ARTICLE 20

Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

ARTICLE 21

The measures agreed upon by the Organ of Consultation shall be executed through the procedures and agencies now existing or those which may in the future be established.

ARTICLE 22

This Treaty shall come into effect between the States which ratify it as soon as the ratification of two-thirds of the Signatory States have been deposited.

ARTICLE 23

This Treaty is open for signature by the American States at the city of Rio de Janeiro, and shall be ratified by the Signatory States as soon as possible in accordance with their respective constitutional processes. The ratifications shall be deposited with the Pan * * * deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 24

The present Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union, when two-thirds of the Signatory States have deposited their ratifications.

ARTICLE 25

This Treaty shall remain in force indefinitely, but may be denounced by any High Contracting Party by a notification in writing to the Pan American Union, which shall reform all the other High Contracting Parties of each notification of denunciations received. After the expiration of two years from the date of the receipt by the Pan American Union of a notification of denunciation by any High Contracting Party, the present Treaty shall cease to be in force and with respect to such State, but shall remain in full force and effect with respect to all the other High Contracting Parties.

ARTICLE 26

The principles and fundamental provisions of this Treaty shall be incorporated in the Organic Pact of the Inter-American System.

In witness thereof, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Treaty on behalf of their respective Governments, on the dates appearing opposite their signatures.

Done in the city of Rio de Janeiro, in four texts respectively the English, French, Portuguese and Spanish languages, on the second of September nineteen hundred forty-seven.

[RESERVATION OF HONDURAS.—The Delegation of Honduras, in signing the present Treaty and in connection with Article 9, section (b), does so with the reservation that the boundary between Honduras and Nicaragua is definitely demarcated by the Joint Boundary Commission of nineteen hundred and nineteen hundred and one, starting from a point in the Gulf of Fonseca, in the Pacific Ocean, to Portillo de Teotecacinte and, from this point to the Atlantic, by the line that His Majesty the King of Spain's arbitral award established on the twenty third of December of nineteen hundred and six.]

b. Organization of American States

(1) Charter of the Organization of American States as amended by the Protocol of Amendment (with reservations)

[Charter signed at Bogota April 30, 1948; ratification advised by the Senate of the United States of America, with a reservation, August 28, 1950; ratified by the President of the United States of America, subject to said reservation, June 15, 1951; ratification of the United States of America deposited with the Pan American Union June 19, 1951; proclaimed by the President of the United States of America December 27, 1951; entered into force December 13, 1951]

In the name of their Peoples, the States represented at the Ninth International Conference of American States,

Convinced that the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace, and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law.

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held at Mexico City, have agreed upon the following:

PART ONE

CHAPTER I. NATURE AND PURPOSES

ARTICLE 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their independence. Within the United Nations, the Organization of American States is a regional agency.

ARTICLE 2

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

(a) To strengthen the peace and security of the continent;

(b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;

(c) To provide for common action on the part of those States in the event of aggression;

(d) To seek the solution of political, juridical and economic problems that may arise among them; and

(e) To promote, by cooperative action, their economic, social and cultural development.

CHAPTER II. PRINCIPLES

ARTICLE 3

The American States reaffirm the following principles:

(a) International law is the standard of conduct of States in their reciprocal relations;

(b) International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

(c) Good faith shall govern the relations between States;

(d) The solidarity of the American States and the high aims which are sought through it require the political organization of those states on the basis of the effective exercise of representative democracy;

(e) The American States condemn war of aggression: victory does not give rights;

(f) An act of aggression against one American State is an act of aggression against all the other American States;

(g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

(h) Social justice and social security are bases of lasting peace;

(i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the hemisphere;

(j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex;

(k) The spiritual unity of the hemisphere is based on respect for the cultural values of the American countries and require their close cooperation for the high purposes of civilization;

(l) The education of peoples should be directed toward justice, freedom and peace.

CHAPTER III. MEMBERS

ARTICLE 4

All American States that ratify the present Charter are Members of the Organization.

ARTICLE 5

Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization.

The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

ARTICLE 6

Any other independent American State that desires to become a Member of the Organization should so indicate by means of a note addressed to the Secretary General, in which it declares that it is willing to sign and ratify the Charter of the Organization and to accept all the obligations inherent in membership, especially those relating to collective security expressly set forth in Articles 27 and 28 of the Charter.

ARTICLE 7

The General Assembly, upon the recommendation of the Permanent Council of the Organization, shall determine whether it is appropriate that the Secretary General be authorized to permit the applicant State to sign the Charter and to accept the deposit of the corresponding instrument of ratification. Both the recommendation of the permanent Council and the decision of the General Assembly shall require the affirmative vote of two thirds of the Member States.

ARTICLE 8

The Permanent Council shall not make any recommendations * * * request for admission on the part of a political entity whose territory became subject, in whole or in part, prior to December 18, 1964, the date set by the First Special Inter-American Conference, to litigation or claim between an extracontinental country and one or more Member States of the Organization, until the dispute has been ended by some peaceful procedure.

CHAPTER IV. FUNDAMENTAL RIGHTS AND DUTIES OF STATES

ARTICLE 9

States are juridically equal, enjoy rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

ARTICLE 10

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

ARTICLE 11

The fundamental rights of States may not be impaired in any manner whatsoever.

ARTICLE 12

The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

ARTICLE 13

Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

ARTICLE 14

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

ARTICLE 15

The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

ARTICLE 16

Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

ARTICLE 17

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

ARTICLE 18

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

ARTICLE 19

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

ARTICLE 20

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

ARTICLE 21

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

ARTICLE 22

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles as set forth in Articles 18 and 20.

CHAPTER V. PACIFIC SETTLEMENT OF DISPUTES

ARTICLE 23

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the * * *.

ARTICLE 24

The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

ARTICLE 25

In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution.

ARTICLE 26

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

CHAPTER VI. COLLECTIVE SECURITY

ARTICLE 27

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

ARTICLE 28

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-hemispheric conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of hemispheric solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

CHAPTER VII. ECONOMIC STANDARDS

ARTICLE 29

The Member States, inspired by the principles of inter-American solidarity and cooperation, pledge themselves to a united effort to ensure social justice in the Hemisphere and dynamic and balanced economic development for their peoples, as conditions essential to peace and security.

ARTICLE 30

The Member States pledge themselves to mobilize their own national human and material resources through suitable programs, and recognize the importance of operating within an efficient domestic structure, as fundamental conditions for their economic and social progress and for assuring effective inter-American cooperation.

ARTICLE 31

To accelerate their economic and social development, in accordance with their own methods and procedures and within the framework of the democratic principles and the institutions of the inter-American system, the Member States agree to dedicate every effort to achieve the following basic goals:

(a) Substantial and self-sustained increase in the per capita national product;

(b) Equitable distribution of national income;

(c) Adequate and equitable systems of taxation;

(d) Modernization of rural life and reforms leading to equitable and efficient land-tenure systems, increased agricultural productivity, expanded use of underdeveloped land, diversification of production, and improved processing and marketing systems for agricultural products; and the strengthening and expansion of facilities to attain these ends;

(e) Accelerated and diversified industrialization, especially of capital and intermediate goods;

(f) Stability in the domestic price levels, compatible with sustained economic development and the attainment of social justice;

(g) Fair wages, employment opportunities, and acceptable working conditions for all;

(h) Rapid eradication of illiteracy and expansion of educational opportunities for all;

(i) Protection of man's potential through the extension and application of modern medical science;

(j) Proper nutrition, especially through the acceleration of national efforts to increase the production and availability of food;

(k) Adequate housing for all sectors of the population;

(l) Urban conditions that offer the opportunity for healthful, productive, and full life;

(m) Promotion of private initiative and investment in harmony with action in the public sector; and

(n) Expansion and diversification of exports.

ARTICLE 32

In order to attain the objectives set forth in this Chapter, the Member States agree to cooperate with one another, in the broadest spirit of inter-American solidarity, as far as their resources may permit and their laws may provide.

ARTICLE 33

To attain balanced and sustained development as soon as feasible, the Member States agree that the resources made available from time to time by each, in accordance with the preceding Article, should be provided under flexible conditions and in support of the national and multinational programs and efforts undertaken to meet the needs of the assisted country, giving special attention to the relatively less-developed countries.

They will seek, under similar conditions and for similar purposes, financial and technical cooperation from sources outside the Hemisphere and from international institutions.

ARTICLE 34

The Member States should make every effort to avoid policies, actions, or measures that have serious adverse effects on the economic or social development of another Member State.

ARTICLE 35

The Member States agree to join together in seeking a solution to urgent or critical problems that may arise whenever the economic development or stability of any Member State is seriously affected by conditions that cannot be remedied through the efforts of that State.

ARTICLE 36

The Member States shall extend among themselves the benefits of science and technology by encouraging the exchange and utilization of scientific and technical knowledge in accordance with existing treaties and national laws.

ARTICLE 37

The Member States, recognizing the close interdependence between foreign trade and economic and social development, should make individual and united efforts to bring about the following:

(a) Reduction or elimination, by importing countries, of tariff and nontariff barriers that affect the exports of the Members of the Organization, except when such barriers are applied in order to diversify the economic structure, to speed up the development of the less-developed Member States or to intensify their process of economic integration, or when they are related to national security or to the needs for economic balance;

(b) Maintenance of continuity in their economic and social development by means of:

i. Improved conditions for trade in basic commodities through international agreements, where appropriate; orderly marketing procedures that avoid the disruption of markets; and other measures designed to promote the expansion of markets, and to obtain dependable incomes for producers, adequate and dependable supplies for consumers, and stable prices that are both remunerative to producers and fair to consumers;

ii. Improved international financial cooperation and the adoption of other means for lessening the adverse impact of sharp fluctuations in export earnings experienced by the countries exporting basic commodities; and

iii. Diversification of exports and expansion of export opportunities for manufactured and semimanufactured products from the developing countries by promoting and strengthening national and multinational institutions and arrangements established for these purposes.

ARTICLE 38

The Member States reaffirm the principle that when the more-developed countries grant concessions in international trade agreements that lower or eliminate tariffs or other tariff barriers to foreign trade so that they benefit the less-developed countries, they should not expect reciprocal concessions from those countries that are incompatible with their economic development, financial, and trade needs.

ARTICLE 39

The Member States, in order to accelerate their economic development, regional integration, and the expansion and improvement of the conditions of their commerce, shall promote improvement and coordination of transportation and communication in the developing countries and among the Member States.

ARTICLE 40

The Member States recognize that integration of the developing countries of the Hemisphere is one of the objectives of the inter-American system and, therefore, shall orient their effort and take the necessary measures to accelerate the integration process, with a view to establishing a Latin American common market in the shortest possible time.

ARTICLE 41

In order to strengthen and accelerate integration in all its aspects, the Member States agree to give adequacy priority to the preparation and carrying out of multinational projects and to their financing, as well as to encourage economic and financial institutions of the inter-American system to continue giving their broadest support to regional integration institutions and programs.

ARTICLE 42

The Member States agree that technical and financial cooperation that seeks to promote regional economic integration should be based on the principle of harmonious, balanced, and efficient development, with particular attention to the relatively less-developed countries, so that it may be a decisive factor that will enable them to promote, with their own efforts, the improved development of their infrastructure programs, new lines of production, and export * * *.

CHAPTER VIII. SOCIAL STANDARDS

ARTICLE 43

The Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms:

(a) All human beings, without distinction as to race, sex, nationality, creed, or social condition, have a right to material well-being and to their spiritual development, under circumstances of liberty, dignity, equality of opportunity, and economic security;

(b) Work is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working.

(c) Employers and workers, both rural and urban, have the right to associate themselves freely for the defense and promotion of their interests, including the right to collective bargaining and the workers' right to strike, and recognition of the judicial personality of associations and the protection of their freedom and independence, all in accordance with applicable laws;

(d) Fair and efficient systems and procedures for consultation and collaboration among the sectors of production with due regard for safeguarding the interests of the entire society;

(e) The operation of systems of public administration, banking and credit, enterprise, and distribution and sales, in such a way, in harmony with the private sector, as to meet the requirements and interests of the community;

(f) The incorporation and increasing participation of the marginal sectors of the population, in both rural and urban areas, in the economic, social, civic, cultural, and political life of the nation, in order to achieve the full integration of the national community, acceleration of the process of social mobility, and the consolidation of the democratic system. The encouragement of all efforts of popular promotion and cooperation that have as their purpose the development and progress of the community;

(g) Recognition of the importance of the contribution of organizations such as labor unions, cooperatives, and cultural, professional, business, neighborhood, and community associations to the life of the society and to the development process;

(h) Development of an efficient social security policy; and

(i) Adequate provision for all persons to have due legal aid in order to secure their rights.

ARTICLE 44

The Member States recognize that, in order to facilitate the process of Latin American regional integration, it is necessary to harmonize the social legislation of the developing countries, especially in the labor and social security fields, so that the rights of the workers shall be equally protected, and they agree to make the greatest efforts possible to achieve this goal.

CHAPTER IX. EDUCATIONAL, SCIENTIFIC, AND CULTURAL STANDARDS

ARTICLE 45

The Member States will give primary importance within their development plans to the encouragement of education, science, and culture, oriented toward the over-all improvement of the individual, and as a foundation for democracy, social justice, and progress.

ARTICLE 46

The Member States will cooperate with one another to meet their educational needs, to promote scientific research, and to encourage technological progress. They consider themselves individual and jointly bound to preserve and enrich the cultural heritage of the American peoples.

ARTICLE 47

The Member States will exert the greatest efforts, in accordance with their constitutional processes, to ensure the effective exercise of the right to education, on the following bases:

(a) Elementary education, compulsory for children of school age, shall also be offered to all others who can benefit from it. When provided by the State it shall be without charge;

(b) Middle-level education shall be extended progressively to as much of the population as possible, with a view to social improvement. It shall be diversified in such a way that it meets the development needs of each country without prejudice to providing a general education; and

(c) Higher education shall be available to all, provided that, in order to maintain its high level, the corresponding regulatory or academic standards are met.

ARTICLE 48

The Member States will give special attention to the eradication of illiteracy, will strengthen adult and vocational education systems, and will ensure that the benefits of culture will be available to the entire population. They will promote the use of all information media to fulfill these aims.

ARTICLE 49

The Member States will develop science and technology through educational and research institutions and through expanded information programs. They will organize their cooperation in these fields efficiently and will substantially increase exchange of knowledge, in accordance with national objectives and with laws and treaties in force.

ARTICLE 50

The Member States, with due respect for the individuality of each of them, agree to promote cultural exchange as an effective means of consolidating inter-American understanding; and they recognize that regional integration programs should be strengthened by close ties in the fields of education, science, and culture.

PART TWO

CHAPTER X. THE ORGANS

ARTICLE 51

The Organization of American States accomplishes its purposes by means of:

(a) The General Assembly;

(b) The Meeting of Consultation of Ministers of Foreign Affairs;

(c) The Councils;

(d) The Inter-American Juridical Committee;

(e) The Inter-American Commission on Human Rights;

(f) The General Secretariat;

(g) The Specialized Conferences; and

(h) The Specialized Organizations.

There may be established, in addition to those provided for in the Charter and in accordance with the provisions thereof, such subsidiary organs, agencies, and other entities as are considered necessary.

CHAPTER XI. THE GENERAL ASSEMBLY

ARTICLE 52

The General Assembly is the supreme organ of the Organization of American States. It has as its principal powers, in addition to such others as are assigned to it by the Charter, the following:

(a) To decide the general action and policy of the Organization, determine the structure and functions of its organs, and consider any matter relating to friendly relations among the American States;

(b) To establish measures for coordinating the activities of the organs, agencies, and entities of the Organization among themselves and such activities with those of the other institutions of the inter-American system;

(c) To strengthen and coordinate cooperation with the United Nations and its specialized agencies;

(d) To promote collaboration, especially in the economic, social and cultural fields, with other international organizations whose purposes are similar to those of the Organization of American States;

(e) To approve the program-budget of the Organization and determine the quotas of the Member States;

(f) To consider the annual and special reports that shall be presented to it by the organs, agencies, and entities of the * * *.

(g) To adopt general standards to govern the operations of the General Secretariat; and

(h) To adopt its own rules of procedure and, by a two-thirds vote, its agenda.

The General Assembly shall exercise its powers in accordance with the provisions of the Charter and of other inter-American treaties.

ARTICLE 53

The General Assembly shall establish the base for fixing the quota that each Government is to contribute to the maintenance of the Organization, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. Decisions on budgetary matters require the approval of two-thirds of the Member States.

ARTICLE 54

All Member States have the right to be represented in the General Assembly. Each State has the right to one vote.

ARTICLE 55

The General Assembly shall convene annually during the period determined by the rules of procedure and at a place selected in accordance with the principle of rotation. At each regular session the date and place of the next regular session shall be determined, in accordance with the rules of procedure.

If for any reason the General Assembly cannot be held at the place chosen, it shall meet at the General Secretariat, unless one of the Member States should make a timely offer of a site in its territory, in which case the Permanent Council of the Organization may agree that the General Assembly will meet in that place.

ARTICLE 56

In special circumstances and with the approval of two thirds of the Member States the Permanent Council shall convoke a special session of the General Assembly.

ARTICLE 57

Decisions of the General Assembly shall be adopted by the affirmative vote of an absolute majority of the Member States, except in those cases that require a two-thirds vote as provided in the Charter or as may be provided by the General Assembly in its rules of procedure.

ARTICLE 58

There shall be a Preparatory Committee of the General Assembly, composed of representatives of all the Member States, which shall:

(a) Prepare the draft agenda of each session of the General Assembly;

(b) Review the proposed program-budget and the draft resolution on quotas, and present to the General Assembly a report thereon containing the recommendations it considers appropriate; and

(c) Carry out such other functions as the General assembly may assign to it.

The draft agenda and the report shall, in due course, be transmitted to the Governments of the Member States.

CHAPTER XII. THE MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

ARTICLE 59

The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

ARTICLE 60

Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Permanent Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

ARTICLE 61

The agenda and regulations of the Meeting of Consultation shall be prepared by the permanent Council of the Organization and submitted to the Member States for consideration.

ARTICLE 62

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

ARTICLE 63

In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Permanent Council of the Organization, who shall at the same time call a meeting of the Permanent Council itself.

ARTICLE 64

An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

ARTICLE 65

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

ARTICLE 66

The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

ARTICLE 67

The Committee shall also meet when the Conference or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

CHAPTER XIII. THE COUNCILS OF THE ORGANIZATION; COMMON PROVISIONS

ARTICLE 68

The Permanent Council of the Organization, the Inter-American Economic and Social Council, and the Inter-American Council for Education, Science, and Culture are directly responsible to the General Assembly and each has the authority granted to it in the Chapter and other inter-American instruments, as well as the functions assigned to it by the General Assembly and the Meeting of Consultation of Ministers of Foreign Affairs.

ARTICLE 69

All Member States have the right to be represented on each of the Councils. Each State has the right to one vote.

ARTICLE 70

The Councils may, within the limits of the Charter and other inter-American instruments, make recommendations on matters within their authority.

ARTICLE 71

The Councils, on matters within their respective competence, may present to the General Assembly studies and proposals, drafts of international instruments, and proposals on the holding of specialized conferences, on the creation, modification, or elimination of specialized organizations and other inter-American agencies, as well as on the coordination of their activities. The Councils may also present studies, proposals, and drafts of international instruments to the Specialized Conferences.

ARTICLE 72

Each Council may, in urgent cases, convoke Specialized Conferences on matters within its competence, after consulting with the Member States and without having to resort to the procedure provided for in Article 128.

ARTICLE 73

The Councils, to the extent of their ability, and with the cooperation of the General Secretariat, shall render to the Government such specialized services as the latter may request.

ARTICLE 74

Each Council has the authority to require the other Councils, as well as the subsidiary organs and agencies responsible to them to provide it with information and advisory services on matters within their respective spheres of competence. The Councils may also request the same services from the other agencies of the inter-American system.

ARTICLE 75

With the prior approval of the General Assembly, the Councils may establish the subsidiary organs and the agencies that they consider advisable for the better performance of their duties. When the General Assembly is not in session, the aforesaid organs or agencies may be established provisionally by the corresponding Council. In constituting the membership of these bodies, the Councils, insofar as possible, shall follow the criteria of rotation and equitable geographic representation.

ARTICLE 76

The Councils may hold in any Member State, when they find it advisable and with the prior consent of the Government concerned.

ARTICLE 77

Each Council shall prepare its own statutes and submit them to the General Assembly for approval. It shall approve its own rules of procedure and those of its subsidiary organs, agencies, and committees.

CHAPTER XIV. THE PERMANENT COUNCIL OF THE ORGANIZATION

ARTICLE 78

The Permanent Council of the Organization is composed of one representative of each Member State, especially appointed by the respective Government, with the rank of ambassador. Each Government may accredit and acting representative, as well as such alternates and advisers as it considers necessary.

ARTICLE 79

The office of Chairman of the Permanent Council shall be held by each of the representatives, in turn, following the alphabetic order in Spanish of the names of their respective countries. The office of Vice Chairman shall be filled in the same way, following reverse alphabetic order.

The Chairman and the Vice Chairman shall hold office for a term of not more than six months, which shall be determined by the statutes.

ARTICLE 80

Within the limits of the Charter and of inter-American treaties and agreements, the Permanent Council takes cognizance of any matter referred to it by the General Assembly or the Meeting of Consultation of Ministers of foreign Affairs.

ARTICLE 81

The Permanent Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 63 of this charter arise.

ARTICLE 82

The Permanent Council shall keep vigilence over the maintenance of friendly relations among the Member States, and for that purpose shall effectively assist them in the peaceful settlement of their disputes, in accordance with the following provisions.

ARTICLE 83

To assist the Permanent Council in the exercise of these powers, and Inter-American Committee on Peaceful Settlement shall be established, which shall function as a subsidiary organ of the Council. The statutes of the Committee shall be prepared by the Council and approved by the General Assembly.

ARTICLE 84

The parties to a dispute may resort to the Permanent Council to obtain its good offices. In such a case the Council shall have authority to assist the parties and to recommend the procedures it considers suitable for the peaceful settlement of the dispute.

If the parties so wish, the Chairman of the Council shall refer the dispute directly to the Inter-American Committee on Peaceful Settlement.

ARTICLE 85

In the exercise of these powers, the Permanent Council, through the Inter-American Committee on Peaceful Settlement or by any other means, may ascertain the facts in the dispute, and may do so in the territory of any of the parties with the consent of the Government concerned.

ARTICLE 86

Any party to a dispute in which none of the peaceful procedures set forth in Article 24 of the Charter is being followed may appeal to the Permanent Council to take cognizance of the dispute.

The Council shall immediately refer the request to the Inter-American Committee on Peaceful Settlement, which shall consider whether or not the matter is within its competence and, if it deems it appropriate, shall offer its good offices to the other party or parties. Once these are accepted, the Inter-American Committee on Peaceful Settlement may assist the parties and recommend the procedures that it considers suitable for the peaceful settlement of the dispute.

In the exercise of these powers, the Committee may carry out an investigation of the facts in the dispute, and may do so in the territory of any of the parties and the consent of the Government concerned.

ARTICLE 87

If one of the parties should refuse the offer, the Inter-American Committee on Peaceful Settlement shall limit itself to informing the Permanent Council, without prejudice to its taking steps to restore relations between the parties, if they were interrupted, or to reestablish harmony between them.

ARTICLE 88

Once such a report is received, the Permanent Council may make suggestions for bringing the parties together for the purpose of Article 87 and, if it considers it necessary, it may urge the parties to avoid any action that might aggravate the dispute.

If one of the parties should continue to refuse the good offices of the Inter-American Committee on Peaceful Settlement or of the Council, the Council shall limit itself to submitting a report to the General Assembly.

ARTICLE 89

The Permanent Council, in the exercise of these functions, shall take its decisions by an affirmative vote of two-thirds of its members, excluding the parties to the dispute, except for such decisions as the rules of procedure provide shall be adopted by a simple majority.

ARTICLE 90

In performing their functions with respect to the peaceful settlement of disputes, the Permanent Council and the Inter-American Committee on Peaceful Settlement shall observe the provisions of the Charter and the principles and standards of international law, as well as take into account the existence of treaties in force between the parties.

ARTICLE 91

The Permanent Council shall also:

(a) Carry out those decisions of the General Assembly or of the Meeting of Consultation of Ministers of Foreign Affairs the implementation of which has not been assigned to any other body;

(b) Watch over the observance of the standards governing the operation of the General Secretariat and, when the General

Assembly is not in session, adopt provisions of a regulatory nature that enable the General Secretariat to carry out its administrative functions;

(c) Act as the Preparatory Committee of the General Assembly, in accordance with the terms of Article 58 of the Charter, unless the General Assembly should decide otherwise;

(d) Prepare, at the request of the Member States and with the cooperation of the appropriate organs of the Organization, draft agreements to promote and facilitate cooperation between the Organization of American States and the United Nations or between the Organization and other American agencies of recognized international standing. These draft agreements, shall be submitted to the general assembly for approval.

(e) Submit recommendations to the General Assembly with regard to the functioning of the Organization and the coordination of its subsidiary organs, agencies, and committees;

(f) Present to the General Assembly any observations it may have regarding the reports of the Inter-American Juridical Committee and the Inter-American Commission of Human Rights; and

(g) Perform the other functions assigned to it in the Charter.

ARTICLE 92

The Permanent Council and the General Secretariat shall have the same seat.

CHAPTER XV. THE INTER-AMERICAN ECONOMIC AND SOCIAL COUNCIL

ARTICLE 93

The Inter-American Economic and Social Council is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

ARTICLE 94

The purpose of the Inter-American Economic and Social Council is to promote cooperation among the American countries in order to attain accelerated economic and social development, in accordance with the standards set forth in Chapter VII and VIII.

ARTICLE 95

To achieve its purpose of the Inter-American Economic and Social Council shall:

(a) Recommend programs and courses of action and periodically study and evaluate the efforts undertaken by the Member States;

(b) Promote and coordinate all economic and social activities of the Organization;

(c) Coordinate its activities with those of the other Councils of the Organizations;

(d) Establish cooperative relations with the corresponding organs of the United Nations and with other national and international agencies, especially with regard to coordination of inter-American technical assistance programs; and

(e) Promote the resolution of the cases contemplated in Article 35 of the Charter, establishing the appropriate procedure.

ARTICLE 96

The Inter-American Economic and Social Council shall hold at least one meeting each year at the ministerial level. It shall also meet when convoked by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, at its own initiative, or for the cases contemplated in Article 35 of the Charter.

ARTICLE 97

The Inter-American Economic and Social Council shall have a Permanent Executive Committee, composed of a Chairman and no less than seven other members, elected by the Council for terms to be established in the statutes of the Council. Each member shall have the right to vote. The principles of equitable geographic representation and of rotation shall be taken into account, insofar as possible, in the election of members. The Permanent Executive Committee represents all of the Member States of the Organization.

ARTICLE 98

The Permanent Executive Committee shall perform the tasks assigned to it by the Inter-American Economic and Social Council, in accordance with the general standards established by the Council.

CHAPTER XVI. THE INTER-AMERICAN COUNCIL FOR EDUCATION, SCIENCE, AND CULTURE

ARTICLE 99

The Inter-American Council for Education, Science, and Culture is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

ARTICLE 100

The purpose of the Inter-American Council for Education, Science, and Culture is to promote friendly relations and mutual understanding between the peoples of the Americas through educational, scientific, and cultural cooperation and exchange between Member States, in order to raise the cultural level of the peoples, reaffirm their dignity as individuals, prepare them fully for the tasks of progress, and strengthen the devotion to peace, democracy, and social justice that has characterized their evolution.

ARTICLE 101

To accomplish its purposes the Inter-American Council for Education, Science, and Culture shall:

(a) Promote and coordinate the educational, scientific, and cultural activities of the Organization;

(b) Adopt or recommend pertinent measures to give effect to the standards contained in Chapter IX of the Charter;

(c) Support individual or collective efforts of the Member States to improve and extend education at all levels, giving special attention to efforts directed toward community development;

(d) Recommend and encourage the adoption of special educational programs directed toward integrating all sectors of the population into their respective national cultures;

(e) Stimulate and support scientific and technological education and research especially when these relate to national development plans;

(f) Foster the exchange of professors, research workers, technicians, and students, as well as of study materials; and encourage the conclusion of bilaterial or multilateral agreements on the progressive coordination of curricula at all educational levels and on the validity and equivalence of certificates and degrees;

(g) Promote the education of the American peoples with a view to harmonius international relations and a better understanding of the historical and cultural origins of the Americans, in order to stress and preserve their common values and destiny;

(h) Systematically encourage intellectual and artistic creativity, the exchange of cultural works and folklore, as well as the interrelationships of the different cultural regions of the Americas;

(i) Foster cooperation and technical assistance for protecting, preserving, and increasing the cultural heritage of the Hemisphere;

(j) Coordinate its activities with those of the other Councils. In harmony with the Inter-American Economic and Social Council, encourage the interrelationship of programs for promoting education, science, and culture with national development and regional integration programs;

(k) Establish cooperative relations with the coresponding organs of the United Nations and with other national and international bodies.

(l) Strengthen the civic conscience of the American peoples; as one of the bases for the effective exercise of democracy and for the observance of the rights and duties of man;

(m) Recommend appropriate procedures for intensifying integration of the developing countries of the Hemisphere by means of efforts and programs in the fields of education, science, and culture; and

(n) Study and evaluate periodically the efforts made by the Member States in the fields of education, science, and culture.

ARTICLE 102

The Inter-American Council for Education, Science, and Culture shall hold at least one meeting each year at the ministerial level. It shall also meet when convoked by the General Assembly, by the Meeting of Consultation of Ministers of Foreign Affairs, or at its own initiative.

ARTICLE 103

The Inter-American Council for Education, Science, and Culture shall have a Permanent Executive Committee, composed of a Chairman and no less than seven other members, elected by the Council for terms to be established in the statutes of the Council. Each member shall have the right to one vote. The principles of equitable geographic representation and of rotation shall be taken into account, insofar as possible, in the election of members. The Permanent Executive Committee represents all of the Member States of the Organization.

ARTICLE 104

The Permanent Executive Committee shall perform the tasks assigned to it by the Inter-American Council for Education, Science, and Culture, in accordance with the general standards established by the Council.

CHAPTER XVII. THE INTER-AMERICAN JURIDICAL COMMITTEE

ARTICLE 105

The purpose of the Inter-American Juridical Committee is to serve the Organization as an advisory body on juridical matters; to promote the progressive development and the codification of international law; and to study juridical problems related to the integration of the developing countries of the Hemisphere and insofar as may appear desirable, the possibility of attaining uniformity in their legislation.

ARTICLE 106

The Inter-American Juridical Committee shall undertake the studies and preparatory work assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils of the Organization. It may also, on its own initiative, undertake such studies and preparatory work as it considers advisable, and suggest the holding of specialized juridical conferences.

ARTICLE 107

The Inter-American Juridical Committee shall be composed of eleven jurists, nationals of Member States, elected by the General Assembly for a period of four years from panels of three candidates presented by Member States. In the election, a system shall be used that takes into account partial replacement of membership and, insofar as possible, equitable geographical representation. No two members of the Committee may be nationals of the same State. Vacancies that occur shall be filled in the manner set forth above.

ARTICLE 108

The Inter-American Juridical Committee represents all of the Member States of the Organization, and has the broadest possible technical autonomy.

ARTICLE 109

The Inter-American Juridical Committee shall establish cooperative relations with universities, institutes, and other teaching centers, as well as with national and international committees and entities devoted to study, research, teaching, or dissemination of information on juridical matters of international interests.

ARTICLE 110

The Inter-American Juridical Committee shall draft its statutes, which shall be submitted to the General Assembly for approval. The committee shall adopt its own rules of procedure.

ARTICLE 111

The seat of the Inter-American Juridical Committee shall be the city of Rio de Janeiro, but in special cases the Committee may meet at any other place that may be designated, after consultation with the Member State concerned.

CHAPTER XVIII. THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

ARTICLE 112

There shall be an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

An Inter-American convention on human rights shall determine the structure, competence, and procedure of this Commission, as well as those or other organs responsible for these matters.

CHAPTER XIX. THE GENERAL SECRETARIAT

ARTICLE 113

The General Secretariat is the central and permanent organ of the Organization of the American States. It shall perform the functions assigned to it in the Charter, in other inter-American treaties and agreements, and by the General Assembly, and shall carry out the duties entrusted to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils.

ARTICLE 114

The Secretary General of the Organization shall be elected by the General Assembly for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality. In the event that the office of Secretary General becomes vacant, the Assistant Secretary General shall assume his duties until the General Assembly shall elect a new Secretary General for a full term.

ARTICLE 115

The Secretary General shall direct the General Secretariat, be the legal representative thereof, and, notwithstanding the provisions of Article 91.b, be responsible to the General Assembly for the proper fulfillment of the obligations and functions of the General Secretariat.

ARTICLE 116

The Secretary General, or his representative, participates with voice but without vote in all meetings of the Organization.

ARTICLE 117

The General Secretariat shall promote economic, social, juridical, educational, scientific, and cultural relations among all the Member States of the Organization, in keeping with the actions and policies decided upon by the General Assembly and with the pertinent decisions of the Councils.

ARTICLE 118

The General Secretariat shall also perform the following functions:

(a) Transmit *ex officio* to the Member States notice of the convocation of the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, the Inter-American Economic and Social Council, the Inter-American Council for Education, Science, and Culture, and the Specialized Conferences;

(b) Advise the other organs, when appropriate, in the preparation of agenda and rules of procedure;

(c) Prepare the proposed program-budget of the Organization on the basis of programs adopted by the Councils, agencies, and entities whose expenses should be included in the program-budget and, after consultation with the Councils or their permanent committees, submit it to the Preparatory Committee of the General Assembly and then to the Assembly itself;

(d) Provide, on a permanent basis, adequate secretariat services for the General Assembly and the other organs, and carry out their directives and assignments. To the extent of its ability, provide services for the other meetings of the Organization;

(e) Serve as custodian of the documents and archives of the Inter-American Conferences, the General Assembly, the Meetings of Consultation of Ministers of Foreign Affairs, the Councils, and the Specialized Conferences;

(f) Serve as depository of Inter-American treaties and agreements, as well as of the instruments of ratification thereof;

(g) Submit to the General Assembly at each regular session an annual report on the activities of the Organization and its financial condition; and

(h) Establish relations of cooperation, in accordance with decisions reached by the General Assembly or the Councils, with the Specialized Organizations as well as other national and international organizations.

ARTICLE 119

The Secretary General shall:

(a) Establish such offices of the General Secretariat as are necessary to accomplish its purposes; and

(b) Determine the number of officers and employees of the General Secretariat, appoint them, regulate their powers and duties, and fix their remuneration.

The Secretary General shall exercise this authority in accordance with such general standards and budgetary provisions as may be established by the General Assembly.

ARTICLE 120

The Assistant Secretary General shall be elected by the General Assembly for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality. In the event that the office of Assistant Secretary General becomes vacant, the Permanent Council shall elect a substitute to hold that office until the General Assembly shall elect a new Assistant Secretary General for a full term.

ARTICLE 121

The Assistant Secretary General shall be the Secretary of the Permanent Council. He shall serve as advisory officer to the Secretary General and shall act as his delegate in all matters that the Secretary General may entrust to him. During the temporary absence or disability of the Secretary General, the Assistant Secretary General shall perform his functions.

The Secretary General and the Assistant Secretary General shall be of different nationalities.

ARTICLE 122

The General Assembly, by a two-thirds vote of the Member States, may remove the Secretary General or the Assistant Secretary General, or both, whenever the proper functioning of the Organization so demands.

ARTICLE 123

The Secretary General shall appoint, with the approval of the respective Council, the Executive Secretary for Economic and Social Affairs and the Executive Secretary for Education, Science, and Culture, who shall also be the secretaries of the respective Councils.

ARTICLE 124

In the performance of their duties, the Secretary General and the personnel of the Secretariat shall not seek or receive instructions from any Government or from any authority outside the Organization, and shall refrain from any action that may be incompatible with their position as international officers responsible only to the Organization.

ARTICLE 125

The Member States pledge themselves to respect the exclusively international character of the responsibilities of the Secretary General and the personnel of the General Secretariat, and not to seek to influence them in the discharge of their duties.

ARTICLE 126

In selecting the personnel of the General Secretariat, first consideration shall be given to efficiency, competence, and integrity; but at the same time, in the recruitment of personnel of all ranks, importance shall be given to the necessity of obtaining as wide a geographic representation as possible.

ARTICLE 127

The seat of the General Secretariat is the city of Washington.

CHAPTER XX. THE SPECIALIZED CONFERENCES

ARTICLE 128

The Specialized Conferences are intergovernmental meetings to deal with special technical matters or to develop specific aspects of inter-American cooperation. They shall be held when either the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs so decides, on its own initiative or at the request of one of the Councils or Specialized Organizations.

ARTICLE 129

The agenda and rules procedure of the Specialized Conferences shall be prepared by the Councils or Specialized Organizations concerned and shall be submitted to

the Governments of the Member States for consideration.

CHAPTER XXI. THE SPECIALIZED ORGANIZATIONS

ARTICLE 130

For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

ARTICLE 131

The General Secretariat shall maintain a register of the organizations that fulfill the conditions set forth in the foregoing Article, as determined by the General Assembly after a report from the Council concerned.

ARTICLE 132

The Specialized Organizations shall enjoy the fullest technical autonomy, but they shall take into account the recommendations of the General Assembly and of the Councils, in accordance with the provisions of the Charter.

ARTICLE 133

The Specialized Organizations shall transmit to the General Assembly annual reports on the progress of their work and on their annual budgets and expenses.

ARTICLE 134

Relations that should exist between the Specialized Organizations and the Organization shall be defined by means of agreements concluded between each organization and the Secretary General, with the authorization of the General Assembly.

ARTICLE 135

The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a worldwide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

ARTICLE 136

In determining the location of the Specialized Organizations consideration shall be given to the interest of all of the Member States and to the desirability of selecting the seats of these organizations on the basis of a geographic representation as equitable as possible.

PART THREE

CHAPTER XXII. THE UNITED NATIONS

ARTICLE 137

None of the provisions of this Chapter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

CHAPTER XXIII. MISCELLANEOUS PROVISIONS

ARTICLE 138

Attendance at meetings of the permanent organs of the Organization of American States or at the conferences and meetings provided for in the Charter, or held under the auspices of the Organization, shall be in accordance with the multilateral character of the aforesaid organs, conferences, and meetings and shall not depend on the bilateral relations between the Government of any Member State and the Government of the host country.

ARTICLE 139

The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

ARTICLE 140

The representatives of the Member States on the organs of the Organization, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General shall enjoy the privileges and immunities corresponding to their positions and necessary for the independent performance of their duties.

ARTICLE 141

The judicial status of the Specialized Organization and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the General Secretariat, shall be determined in a multilateral agreement. The foregoing shall not preclude, when it is considered necessary, the concluding of bilateral agreements.

ARTICLE 142

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

ARTICLE 143

The Organization of American States does not allow any restrictions based, on race, creed, or sex, with respect to eligibility to participate in the activities of the Organization and to hold positions therein.

CHAPTER XXIV. RATIFICATION AND ENTRY INTO FORCE

ARTICLE 144

The Present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedure. The original instrument, the Spanish, English, Portuguese and French texts of which are equally authentic, shall be deposited with the General Secretariat, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the General Secretariat, which shall notify the signatory States of such deposit.

ARTICLE 145

The present Charter shall enter into force among their ratifying States when two-thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

ARTICLE 146

The present Charter shall be registered with the Secretariat of the United Nations through the General Secretariat.

ARTICLE 147

Amendments to the present Charter may be adopted only at a General Assembly convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedures set forth in Article 145.

ARTICLE 148

The present Charter shall remain in force indefinetely, but may be denounced by any Member State upon written notification to the General Secretariat, which shall communicate to all the others each notice of denunication received. After two years from the date on which the General Secretariat receives a notice of denunciation, the present Charter shall cease to be in force with respect to the * * * State which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

CHAPTER XXV. TRANSITORY PROVISIONS

ARTICLE 149

The Inter-American Committee on the Alliance for Progress shall act as the permanent executive committee of the Inter-American Economic and Social Council as long as the Alliance is in operation.

ARTICLE 150

Until the Inter-American convention on human rights, referred to in Chapter XVIII, enters into force, the present Inter-American Commission on Human Rights shall keep vigilance over the observance of human rights.

(RESERVATIONS MADE AT THE TIME OF RATIFICATION)

NOTE.—The original Charter was signed April 30, 1948, for the Argentine Republic, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, the United States of America, Uruguay, and Venezuela and the following reservations were made at the time of ratifying:

Guatemala

None of the stipulations of the present Charter of the Organization of American States may be considered as an impediment to Guatemala's assertion of its rights over the territory of Belize by such means as at any time it may deem advisable.

Peru

With the reservation that the principles of inter-American solidarity and cooperation and essentially those set forth in the preamble and declarations of the Act of Chapultepec consititue standards for the mutual relations between the American States and juridical bases on the inter-American system.

United States

That the Senate give its advice and consent to ratification of the Charter with the reservation that none of its provisions shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of the several states of the Federal Union with respect to any matters recognized under the Consitution as being within the reserved powers of the several states.

Mr. KERRY. Mr. President, the charter of the OAS, I think, is an articulation of basic historical American values. It seems to me that the peaceful resolution of disputes, the respect for international law, the collective wisdom and judgment of the member states in addressing threats to peace and stability in the inter-American community are central to what we are as a nation. The charters of the OAS and the United Nations stand out as major achievements of President Harry Truman who was surely as staunchly anti-Communist President we ever had in office; yet Harry Truman also believed that American interests abroad were best served

when our policies reflected the traditional American values and were carried out in concert with friends and allies.

I draw the attention of my colleagues to the fact that none—not one—none of our Western allies support our policies toward Nicaragua right now.

When the President announced the economic embargo on the eve of the Bonn summit the action was met with virtually universal opposition on the part of the West. Italy responded by announcing it was moving forward with a $25 million assistance project in Nicaragua. Belgium announced it would import bananas from Nicaragua which were formerly destined to the United States. Canada announced it would step in to take up the trade slack created by the embargo. One day after sanctions were announced, the OAS by unanimous vote voted to end military and economic sanctions by member states in the hemisphere.

Three weeks ago the 24-member Economic Commission of Latin America meeting in Caracas voted to condemn U.S. sanctions against Nicaragua.

While the administration pursues the singular preoccupation with Central America, Fidel Castro is moving into the vacuum talking about the debt problems of the Latin America, and we have seen the new President of the right-of-center government in Ecuador make a formal visit in Cuba. There are signs that Uruguay, Peru, and possibly Brazil may reestablish full diplomatic relations with Cuba.

All these are democracies, Mr. President. What is happening for anyone who takes the time to talk with diplomats throughout Latin America and Central America is that the U.S. influence and credibility is waning.

Why do we stand isolated in our own hemisphere?

Mr. President, I think the answer could be found in a column which appeared May 1 in the New York Times which was written by former Venezuelan President Carlos Andres Perez. He said:

> For Latin America at least, the lessons of Vietnam are crystal clear that the United States is strongest when it acts multilaterally, and most successful when it deals, with neighbors as equals dedicated to peace, freedom, and democracy. We only wish the United States could see this as clearly as we do.

The PRESIDING OFFICER. The Senator's time expired.

Mr. KERRY. I yield myself another 30 seconds.

Mr. President, I am hoping through this amendment that we can at least salvage from our current policy a statement that the Senate believes that the United States in pursuit of its policies should adhere to the fundamental treaty obligations that we have and to international law.

I think that is vital to our future relations and to the long-term interests of this country.

I reserve whatever time I have. Thank you.

Mr. NUNN. Mr. President, will either the Senator from Indiana or Rhode Island yield me about 1 minute?

Mr. LUGAR. I am happy to yield 1 minute to the Senator from Georgia.

Mr. NUNN. Mr. President, I hope that this amendment will be supported. The Senator from Massachusetts and I have not agreed on the substance of some of the amendments we have voted on in the past 24 hours.

But I do believe that, as the Senator from New York said so articulately our policy in Central America started coming apart when we lost our perspective as to what we were doing and how we justified it under international law.

I began service on the Intelligence Committee only shortly after this series of events began, and I therefore caught it in the middle, but in my opinion the one thing that broke the consensus the Senator from New York has described was the feeling that we had gone astray in terms of having our bearings charted to a fixed course based on our rights and obligations under international law.

I think there were many things we were doing that were justified in international law but the mining of the harbors could not be squared with international law. That is when the consensus came apart.

I think it is important for us to have moorings in international law. It is a difficult subject. We are in uncharted waters. There are a lot of gray areas. It is not easy to interpret international law and obligations under it; but at least we ought to be striving toward that end.

I hope the Senate will overwhelmingly approve this amendment, and I hope whenever we have Intelligence Committee hearings, when we have Foreign Relations Committee hearings, and other hearings that get into this subject, international law will be first and foremost on our minds.

We have to have a value system in this country. If this country does not have a value system, there is no value system in the world. We have to have something on which to base our aspirations and goals, and international law has been that base for a long time.

Mr. LUGAR. Mr. President, I yield myself as much time as I may require.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate the words of the distinguished Senator from Georgia and the distinguished Senator from New York with whom I served on the Intelligence Committee during the time in question in which, as the Senators from New York and Georgia have accurately described, bipartisan consensus with regard to the policy we have been discussing the last 2 days came apart. Indeed, from that point onward, we have had very great difficulty putting it back together.

I paid tribute yesterday to the distinguished Senator from Georgia and others who I believe have made a very strong attempt to work with this Senator, with the majority leader, with the distinguished chairman of the Intelligence Committee, Senator DURENBERGER, and others to see if there is not a way of trying to forge a bipartisan approach to something that is tremendously important to the security of our country and the future of Central America.

I mention that at the outset because as the amendment of the Senator from Massachusetts was originally drafted, it appeared to me that it might be an attempt as a part of a general argument against our involvement in Central America to at least put one more nail in the coffin, and I must say that I was skeptical of the original language.

I appreciate the Senator from Massachusetts engaging in off-the-floor conversation with me, and I expressed some of the reservations that I had about his amendment, and he has attempted to address those. I think they were important changes, but I suppose beyond that, I am prepared to say this morning that I believe the United States of America ought to act in accordance with the treaties we have signed with regard to international law as we can best understand it, certainly with regard to our laws, and it would be very difficult, if not impossible, to argue against that general principle.

The dilemma this Senator has in taking a look at the practical effects of this amendment is a question of judgment as to who is to determine when and if a violation of international law has occurred. Specifically, with regard to an individual employee who might be involved in the administration of the affairs of this act, that employee must make a prospective judgment and it has been argued, I think persuasively, and I would hope that Senators would accept this general proposition, that this is a dilemma faced by a public servant with regard to any number of administrative acts.

In short, it may be argued, and I would argue, that the particular emphasis we have been placing on, and the intensity of, the emotion we have been showing during the last 2 days on Central America and Nicaragua tends to rivet our attention with regard to international law in this aspect, but we have this dilemma generally with regard to all of our activities, that there is no specific way in which this

amendment is differentiated except for the fact that the Senators from New York and Georgia have pointed out the particular case they have cited, the mining of the harbors. These questions of international law came to the fore acutely with regard to policy in Central America. It might have come acutely in other places but it clearly did in this one and that is the subject we are talking about today.

If I might, I would like to raise two questions with the distinguished Senator from Massachusetts, the proposer of the amendment, in order that this might be a part of the RECORD as we are moving toward general reconciliation on this amendment.

I would like to ask the Senator, does this amendment create any additional obligations for the United States under international law?

Mr. KERRY. Mr. President, I would answer the Senator by saying, no, it does not. It just refers to our existing treaty obligations, as most specifically stated in the Rio Treaty and the OAS charter and other such obligations that may be incorporated through both of those particular treaties or such other treaties as we may be signatories to that might somehow apply. But it is not meant in any way to create the new obligation such as we have not signed or otherwise discussed in the formulation of any of those agreements.

Mr. MOYNIHAN. Mr. President, will the distinguished Senator yield for an observation?

Mr. LUGAR. Yes.

Mr. MOYNIHAN. It would be beyond the powers of the U.S. Senate unilaterally to change this under the statute.

Mr. LUGAR. That is my understanding. I assume that is apparently the answer of the Senator from Massachusetts, that there are no changes. It is simply a statement of policy.

I would like to raise one further question. Does this amendment give any body outside the United States any additional authority to judge U.S. actions beyond that which it now currently possesses?

Mr. KERRY. Incorporating the statement of the distinguished Senator from New York as a part of my answer, obviously we do not have that power. Second, it is not the intention of this amendment to do so. There is a process set up through the OAS and a process set up under the Treaty of Rio, and there are rights accorded by those particular agreements to the member parties. But there is certainly no intention here to try to create rights beyond those specified by our treaty obligations.

Mr. LUGAR. I appreciate the answers of the distinguished Senator from Massachusetts. I would take the position that all of us should expect the U.S. powers to be conducted conforming to international law and our commitments, and that no new obligations can be created by the Kerry amendment. Those obligations really pertain to all aspects of our American foreign and domestic policy where it might come in contact with treaty obligations or international law.

On that basis, Mr. President, on this side, we are prepared to accept the amendment. We hope that the Senate would adopt it unanimously.

Mr. DOLE. Will the Senator yield?

Mr. LUGAR. I am happy to yield.

Mr. DOLE. Mr. President, I hope we can adopt it on a voice vote. I have 10 Senators from both sides beating me over the head about getting out of here. If the amendment has been worked out to everyone's satisfaction, I hope we would not have a need for a record vote.

Mr. KERRY. Mr. President, in answer to the distinguished majority leader, I am one of those Senators who would be more than delighted to be able to return to my State this afternoon. I know we are all pressed to get out of here. I did reduce my time fairly significantly in an effort to try to have that happen.

I would be happy to try to move on the vote more rapidly, and I would even be willing to stack the vote, but I would like to have a Record vote on this matter because I personally believe that down the road it may prove to be a matter of significant importance in the conduct of our affairs.

Mr. LUGAR. Mr. President, we yield back all our time on this side.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute.

Mr. KERRY. Mr. President, I wish to thank the Senator from Georgia and the distinguished chairman of the Foreign Relations Committee for their support on this. My reasoning behind it, I want to assure the Senators, is not to create any additional incumbency upon us than what is already required under our treaty obligations. It is my considered belief that I think that the consensus which has been lost is really dangerous, not only for the making of U.S. foreign policy in Washington, but also, obviously, for divisions which it has created in our Nation. I believe my amendment would contribute to rebuilding that consensus.

So I appreciate their support. Without further ado, I yield back my time.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent for 45 seconds for a further comment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I simply wish to make the point to the chairman of the Foreign Relations Committee and the majority leader that international law does not restrain a country's behavior. It guides that behavior.

For 3 years running I brought to this floor proposals to provide aid to people in opposition to the government of Nicaragua. Each was unanimously agreed to because under the law we have the right and arguably the obligation to provide that assistance.

We must not see law as a kind of Nanny out there telling us how to behave. It sets rules by which a country can use force and defend the use of force.

Mr. DOLE. Mr. President, I rise in opposition to the amendment offered by the Senator from Massachusetts.

I do so not because I oppose the principles which it espouses. None of us here wants the United States to engage in any activity, in Nicaragua or anywhere else in the world, which would put us in violation of international law or our obligations to either the United Nations or the OAS. Almost all of us, I would think, would agree that we are not engaging in any such activity. So if that were the real issue, this amendment could pass overwhelmingly.

In fact, though, that is not the real issue. This seemingly benign amendment in fact raises two major problems.

First, the effect of the amendment—and, I suspect, its intent—is to open a Pandora's box of controversy and litigation in our courts about whether specific aspects of our policy toward Nicaragua violate our international obligations. We can, and perhaps should, debate such issues, as appropriate, and some might want to consider it legislatively in some way, but we just do not need to turn the Contras issue into fodder for lawsuits and the vehicle for big lawyers fees.

Second and potentially even more dangerous, the amendment's passage could also raise very serious and complex legal questions about the effect of the judgments of international tribunals and organizations on our foreign policies. Those are fundamental, constitutional questions involving the basic sovereignty of our country. Let us not bring them up through some back-door route, by an apple pie sounding amendment.

Mr. President, I urge my colleagues to defeat this wolf in sheep's clothing.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. GORTON], the Senator from Oregon [Mr. HATFIELD], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

On this vote the Senator from Oregon [Mr. HATFIELD] is paired with the Senator from Washington [Mr. GORTON].

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Washington would vote "nay."

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Florida [Mr. CHILES], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Florida [Mr. CHILES] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 47, nays 42, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—47

Armstrong	Gore	Metzenbaum
Baucus	Grassley	Mitchell
Bentsen	Harkin	Moynihan
Biden	Hart	Nickles
Bingaman	Heflin	Nunn
Boren	Heinz	Packwood
Burdick	Inouye	Pell
Byrd	Johnston	Proxmire
Cranston	Kennedy	Pryor
DeConcini	Kerry	Riegle
Dixon	Lautenberg	Sasser
Dodd	Leahy	Specter
Eagleton	Levin	Stafford
Exon	Lugar	Weicker
Ford	Matsunaga	Zorinsky
Glenn	Melcher	

NAYS—42

Abdnor	Goldwater	McClure
Andrews	Gramm	McConnell
Boschwitz	Hatch	Murkowski
Chafee	Hawkins	Pressler
Cochran	Hecht	Quayle
D'Amato	Helms	Roth
Danforth	Hollings	Rudman
Denton	Humphrey	Simpson
Dole	Kassebaum	Stevens
Domenici	Kasten	Symms
Durenberger	Laxalt	Thurmond
East	Long	Trible
Evans	Mathias	Warner
Garn	Mattingly	Wilson

NOT VOTING—11

Bradley	Gorton	Simon
Bumpers	Hatfield	Stennis
Chiles	Rockefeller	Wallop
Cohen	Sarbanes	

So the amendment (No. 280) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. GORTON], the Senator from Oregon [Mr. HATFIELD], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 42—as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—48

Abdnor	Gramm	McConnell
Andrews	Hatch	Murkowski
Armstrong	Hawkins	Nickles
Boschwitz	Hecht	Pressler
Chafee	Heinz	Quayle
Cochran	Helms	Roth
D'Amato	Hollings	Rudman
Danforth	Humphrey	Simpson
Denton	Kassebaum	Specter
Dole	Kasten	Stafford
Domenici	Laxalt	Stevens
Durenberger	Long	Symms
East	Lugar	Thurmond
Evans	Mathias	Trible
Garn	Mattingly	Warner
Goldwater	McClure	Wilson

NAYS—42

Baucus	Ford	Matsunaga
Bentsen	Glenn	Melcher
Biden	Gore	Metzenbaum
Bingaman	Grassley	Mitchell
Boren	Harkin	Moynihan
Burdick	Hart	Nunn
Byrd	Heflin	Packwood
Chiles	Inouye	Pell
Cranston	Johnston	Proxmire
DeConcini	Kennedy	Pryor
Dixon	Kerry	Riegle
Dodd	Lautenberg	Sasser
Eagleton	Leahy	Weicker
Exon	Levin	Zorinsky

NOT VOTING—10

Bradley	Hatfield	Stennis
Bumpers	Rockefeller	Wallop
Cohen	Sarbanes	
Gorton	Simon	

So the motion to reconsider the vote was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to reconsider vote 115 was agreed to.

Mr. BOSCHWITZ. Mr. President, I move to lay that motion on the table.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I send a motion to the desk.

The PRESIDING OFFICER. The motion will be stated.

The assistant legislative clerk read as follows:

I move to postpone consideration of the pending Kerry-Moynihan amendment numbered 280 until Friday, June 14.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the consideration of the Kerry-Moynihan amendment No. 280 be postponed until 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from California, Senator WILSON, is recognized.

Mr. WILSON. Thank you, Mr. President.

AMENDMENT NO. 281

(Purpose: To release the restrictions on funds appropriated to provide assistance to non-Communist resistance forces in Nicaragua and to authorize funds for assistance to such forces for fiscal year 1986)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from California [Mr. WILSON], for himself and Mr. MATTINGLY, Mr. DANFORTH, Mr. GOLDWATER, Mr. MCCLURE, Mr. SIMPSON, Mr. NICKLES, Mr. SYMMS, Mr. WALLOP, Mr. MCCONNELL, Mr. QUAYLE, Mr. MURKOWSKI, and Mr. GRAMM, proposes an amendment numbered 281.

Mr. WILSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

RELEASE AND AUTHORIZATION OF FUNDS FOR ASSISTANCE TO NON-COMMUNIST RESISTANCE FORCES IN NICARAGUA

SEC. 601. (a) The Congress finds that—

(1) the Sandinista regime of Nicaragua assumed power as a direct consequence of action by the Organization of American States based upon a commitment made by the Sandinistas in 1979 that they would conduct free and fair elections, pursue political pluralism and a nonaligned foreign policy, maintain a mixed economy, and guarantee the full observance of human rights and respect for religious freedom;

(2) the Sandinistas have reaffirmed their commitment to these principles by signing the 21-point Contadora Document of Objectives in September 1983 which calls for full support for democratic institutions, the establishment of democratic systems in all the countries of the region, and respect for human rights;

(3) the current conflict in Nicaragua stems from the violation by the Sandinistas of their 1979 commitments;

(4) despite $1,600,000,000 in economic assistance furnished to Nicaragua by Western countries during the period 1979 through 1981, a large portion of which was furnished by the United States, and despite United States forebearance from counteraction until late 1982, Nicaragua has committed aggression and has armed and directed subversion and terrorism against her neighbor nations, with the backing of the Soviet Union and Cuba, in violation of her commitment to the Organization of American States;

(5) the Sandinista leadership is composed of committed revolutionaries who openly embrace Marxist-Leninist ideology and the goal of extending their regime beyond the borders of Nicaragua by means of subversion and terrorism directed against their Central American neighbors;

(6) the size of the Sandinista military, equipped with a massive infusion of weapons from the Soviet Union and its allies, now exceeds all legitimate defensive needs and is far larger than that of any other Central American country;

(7) President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this Hemisphere as dangerous to our peace and security";

(8) the establishment in Central America of Marxist-Leninist governments which serve as surrogates for Cuba and the Soviet Union—

(A) poses a real peril to the security of the United States and all other countries of the Americas, including (i) a potentially serious threat to shipping lanes in the Caribbean, and (ii) the threat of increased violence, terrorism, economic disruption, physical dislocation, and political repression in the region, all of which would likely result in a massive flight of refugees to the United States; and

(B) will ultimately require the United States to devote greater military resources to protect against actions which, if not contained, would inevitably threaten the southern approaches to the United States;

(9) the President announced economic sanctions against Nicaragua on May 1, 1985, in response to the emergency situation created by the Sandinista regime's aggressive activities in Central America, but that those sanctions alone are unlikely to change Nicaragua's behavior;

(10) the policy of the United States toward Nicaragua has the four following objectives: (A) an end to Nicaraguan support for guerrilla groups in neighboring countries, (B) severance of Nicaraguan military and security ties to Cuba and the Soviet bloc, (C) reduction of Nicaragua's military strength to levels that would restore military equilibrium to the region, and (D) fulfillment of the original Sandinista promises to support democratic pluralism and respect human and civil rights;

(11) dialogue, negotiation, and diplomatic pressure from world opinion have proven to have virtually no effect in changing the Sandinista regime's behavior and must be made effective by the application of military pressure as well; and

(12) United States assistance to non-Communist resistance forces in Nicaragua can be justified and can be effective only if such forces truly represent democratic and humanitarian values.

(b) It is, therefore, the sense of the Congress that—

(1) the President should consider severing diplomatic relations with the Sandinista government if that government does not fulfill its commitments to the Organizations of American States and the Contadora countries and does not desist from further terrorism and subversion of its neighbors;

(2) the United States should provide funding for both overt and covert assistance to the non-Communist resistance forces in Nicaragua to meet both the military and nonmilitary needs of such forces;

(3) that current restrictions in law on the use of funds to provide assistance to non-Communist resistance forces in Nicaragua should be removed and additional funds for such purpose should be authorized for fiscal year 1986; and

(4) the United States should supply further assistance to the non-Communist resistance forces in Nicaragua only if such forces have eliminated from their ranks all persons who have engaged in abuses of human rights.

(c)(1) Notwithstanding any other provision of this Act, the prohibitions, conditions, and limitations contained in section 8066 of the Department of Defense Appropriation Act, 1985, as contained in section 101(h) of the joint resolution entitled "Joint Resolution making appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1837), and in section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618; 97 Stat. 1473) shall be inapplicable on and after the date of the enactment of this Act.

(2) Notwithstanding any other provision of this Act, the $14,000,000 made available for providing assistance to non-Communist resistance forces in Nicaragua by the enactment of this section may be obligated only for humanitarian assistance.

(3) Notwithstanding any other provision of this Act, there authorized to be appropriated for fiscal year 1986 to the Central Intelligence Agency the sum of $28,000,000 for the purpose of providing assistance to non-Communist resistance forces in Nicaragua.

(d) None of the funds appropriated pursuant to the authorization of funds contained in subsection (c)(3) may be obligated or expended unless the President has submitted to the Congress after the date of enactment of this Act a certification stating that actions have been taken by the non-Communist resistance forces in Nicaragua to eliminate from their ranks all persons who have engaged in violations of human rights.

(e) The President shall include in any future request for funds to provide assistance to non-Communist resistance forces in Nicaragua a report regarding actions, if any, that have been taken by such forces to eliminate from their ranks all persons who have engaged in violations of human rights.

(f) The National Security Council shall monitor the use of funds appropriated pursuant to clauses (2) and (3) of subsection (c).

(g) As used in this section, the term "humanitarian assistance" means the provision of food, clothing, medicine, or other similar assistance, and transportation costs associated with the delivery of such assistance. Such term does not include weapons, weapon systems, ammunition, or any other equipment or material which is designed, or has as its purpose, to inflict serious bodily harm or death. Nothing in this section precludes sharing or collecting necessary intelligence information by the United States.

Mr. WILSON. Mr. President, first let me say that I am offering this amendment on behalf of myself and Senators MATTINGLY, DANFORTH, GOLDWATER, MCCLURE, SIMPSON, NICKLES, SYMMS, WALLOP, MCCONNELL, QUAYLE, MURKOWSKI, and GRAMM.

Mr. President, the amendment that we offer is in no way inconsistent with the Nunn-Lugar-Boren amendment which the Senate passed yesterday. Indeed, I am a cosponsor of that amendment and supported it. And other cosponsors of that amendment have told me that they support military aid to the Contras, and that is the substance of this amendment. We have settled the question of whether or not the Senate supports so-called "nonlethal" aid to the Contras. The issue that is before us is whether or not there should be military aid in addition.

Several people have pointed out to me that through yesterday's amendment providing "nonlethal" aid, we are simply engaging in a shell-game—because, money being fungible, the Contras will be able to spend money for other "non-lethal" purposes otherwise that would have been expended for the purchase of arms. They will—with enactment of yesterday's Nunn-Lugar-Boren amendment—now have money that will allow them to buy the nonmilitary supplies they require. And because of that, a like amount of money received by the Contras from other sources will become available for the purchase of arms. And that is true.

It is also true that other sources are apparently financing military aid to the Contras. Some will argue that this amendment is therefore unnecessary and that we are engaged in an act of symbolism.

Well, if so, Mr. President, it is vitally important symbolism. This amendment proposed instead to fund military support directly and explicitly. It is necessary that America do so openly to signal clearly our support for the military pressure that is required to check Sandinista repression in Nicaragua and subversion against Nicaragua's neighbors—where diplomatic pressure alone has failed to do so, as clearly as it has failed to rid Afghanistan of Marxist-Leninist oppression.

Not only is the amendment consistent with what was done yesterday. It is quite consistent with what the United States is doing by way of "covert" aid to freedom fighters in Afghanistan.

Let me also reassure my colleagues that those who would shrink from supporting openly, honestly, and explicitly military aid to the Contras, because they fear to be associated with alleged human rights violations by some members of the Contras, need not withhold their support for this amendment on that account. Because this amendment requires certification that the Contra command has expelled from their ranks any who have

been found to have engaged in human righs violations.

And for those who would shrink from supporting this amendment because they shrink from interfering in the internal affairs of another sovereign nation, I bid them to pay heed to the eloquent recital of recent history by our colleague, Senator BIDEN, on the floor yesterday, when he pointed out it is too late for that fastidious reservation because we have already interfered mightily in the internal affairs of Nicaragua. In 1979, the United States engaged in flagrant interference with Nicaragua when the United States and other nations gave money and political support to the Sandinistas to seize power through Armed Force, through a bloody revolution which was explicitly aimed at the violent overthrow of the Somocistas. We did so knowing their purpose after the Sandinistas sought the support of the United States and other member states of the OAS in the now famous telegram to OAS in 1979 in which they promised that they would bring democracy and human rights to Nicaragua. Clearly they have not done so. So, Mr. President, a belated and selective fastidiousness affords no honest basis to oppose this honest amendment.

Moreover, we are clearly concerned here not just with the internal affairs of Nicaragua.

In fact, Mr. President, we should support this measure for three reasons: The first, to be sure, is for the sake of a free and democratic Nicaragua; the next is for the sake of a free and democratic Central America; and, the last, is for the sake of the United States and our own security interests.

First, let me address the first point. We are giving "covert" military aid to the Afghan freedom fighters. That is about as much of a secret as our prior "covert" military aid to Nicaraguan freedom fighters. We should be because the two are distinctly parallel. And if there are some who would find nice distinctions, let us deal with those now. In Nicaragua, a Marxist government has seized power by force promising democracy. It has proved to be as cruel and repressive as the evil and corrupt regime that it replaced. Indeed, in terms of repressing the free exercise of religion, it has outdone even the Somocista regime.

But there are some who would find a distinction in the fact that the Marxist army ruling by force in Managua is Nicaraguan rather than Russian, as is the Marxist army ruling Afghanistan. That is the small and virtually meaningless distinction between oppressor and surrogate oppressor. The oppressed do not make such a distinction. Quislings are not new to the world. The real determinant should be and is the fact that in both nations a repressive Marxist regime has been imposed and retained by force. And let no one be deluded that the sham, the utter charade, that was conducted last fall in Nicaragua was anything like a free election because it clearly was not.

Our colleague, Senator DURENBERGER, is freshly returned from Central America. Yesterday he recited having met with the leadership of what will be a free and democratic Nicaragua, the three A's, as he termed them: Sr. Calero, Sr. Robelo and Sr. Cruz. He is satisfied that they are capable of governing in a free and democratic way a Nicaragua that clearly hungers for democracy, as the rest of Central America does. The evidence of democracy's success in El Salvador is growing daily.

Let me simply say that, without reiterating all the violations of their promises by the Sandinistas, Senator, DURENBERGER returned with what perhaps sums it up, the graffiti that he found on the walls all over San Jose, the capital of neighboring Costa Rica. What he found was a phrase repeated again and again that says the Sandinistas are the same as the Somocistas.

Mr. President, we are concerned with more than simply Nicaragua. We are concerned with all of Central America. It is now well known that the size, the efficacy of the military machine of the Sandinista regime so far exceeds any legitimate defensive need that it allows only one rational inference—that it exists for the purpose of aggression.

There is no amount of diplomatic pressure that has been able to dissuade the Sandinistas from their announced goal of "revolucion sin fronteras." They mean to export their revolution beyond the boundaries of Nicaragua, by violence and by subversion and they are engaged in doing so.

Let me simply give evidence, in case there is anyone in doubt that this effort conducted against the neighbors of Nicaragua is being conducted by Nicaragua.

Here is the most recent statement on the subject of President Jose Napoleon Duarte given just days ago to the Assembly of El Salvador.

> On repeated occasions have we denounced that Nicaragua is the haven for Salvadoran subversion. Extremist leftist groups are trained there. Logistic aid for the Salvadoran guerrillas is coming from Nicaragua. Nicaragua is the center of the opposition where terrorist actions against El Salvador are planned, decided and ordered. Nicaragua is a cancer in Central America.

Mr. President, yet more recently we have seen a vicious attack on Costa Rican soil conducted by the Sandinistas which took life and which left many casualties. It has resulted in one more protest by President Monge and his Government against this kind of violation, the repeated violations. It is the 63d such protest that the Costa Ricans have sent to Managua.

Mr. President, no amount of diplomatic pressure alone can possibly produce change in the regime of the Sandinistas or in their behavior. Listen to what we have heard said in Managua on the occasion of the first anniversary celebration of the revolution there, when their guest, the late Maurice Bishop, said:

> It is not enough that there shall be a Sandinista Nicaragua. Tomorrow there must be a Sandinista El Salvador, a Sandinista Guatemala, a Sandinista Costa Rica

How does this amendment relate to the United States? Why do I say that we must do this for the sake of the United States?

The Bipartisan National Commission on Central American, put it best when they said:

> We are persuaded Central America is both vital and vulnerable. Its millions of refugees will become our problem. Its danger is ours. The United States and its allies must negotiate, but realistically from strength, by keeping the pressure on, not engaging in wishful thinking that will lead to an unverifiable process and continued war.

The Contadora process which we have supported has not changed the Sandinistas' behavior. I will not speak of sea lanes in the Caribbean and other obvious American interests that are threatened. I will simply say that that Commission was right. In fighting their own fight against subversion, the neighbors of Nicaragua are fighting our fight as well. El Salvador, Honduras, Costa Rica are fighting America's fight. And I prefer to see those who are quite disposed to resist the Sandinistas's aggression and terrorism have the means to do so. Because that is all that they are asking. They are asking not that we send our sons but only that we send dollars so that they can defend themselves.

I do not want America to awaken one day and find that El Salvador and Honduras and Guatemala have fallen to the Sandinistas and to their Soviet and Cuban suppliers and sponsors. Or that the nation of Mexico, with whom we share a 2,000-mile border, is threatened. Because on that day the threat of our sending our sons to defend the southern approaches to the United States will be quite real.

It is not necessary at this stage, Mr. President, that we send our sons. We are asked only to send dollars.

Mr. President, for the sake of Nicaragua, for the sake of Central America, for the sake of the United States I urge the support of this amendment, because the issue, Mr. President, is the future of Central America, not just of Nicaragua. The issue is the future of the Western Hemisphere, in our time just as in President Monroe's. The issue is the reliability of the United States as an ally of democracy. The credibility of the United States as an ally—that is what is at stake.

Mr. President, I yield 5 minutes to Senator MATTINGLY.

Mr. MATTINGLY. Thank you. I thank the Senator from California.

The PRESIDING OFFICER. The Senator may proceed.

Mr. MATTINGLY. Mr. President, I rise in support of the amendment before us, which I have sponsored together with the Senator from California and the Senator from Missouri. This issue—that of U.S. aid to the Contras in Nicaragua—is not a new one for us. We have cast votes; we have debated the matter at length. I do not intend to add voluminously to the discussion at this time. But I do want to direct my colleagues' attention to the text of this amendment itself, for it states concisely, clearly, and directly the reasons the Senate should release the restrictions on the funds appropriated to the Nicaraguan freedom fighters and to authorize an additional $28 million for the Contras in fiscal year 1986.

As the amendment points out, the Sandinista government is a self-proclaimed Marxist-Leninist regime which has allied itself with Cuba and the Soviet Union and which supports violent revolution in this hemisphere. The Sandinista government has failed to fulfill its commitment to the Organization of American States and the Contadora countries to pursue political pluralism and a nonaligned foreign policy. It has engaged in a military buildup far in excess of its own legitimate defense needs and has exported its terrorism to neighboring nations. In my view, this raises serious security issues for the United States and the democracies which border Nicaragua.

I mentioned the Sandinistas support of violent revolution in our hemisphere and their exportation of terrorism to neighboring countries. Nicaragua's recent actions in relation to Costa Rica speak loudly. The Sandinista's are becoming increasingly aggressive. According to administration officials, "Evidence now available indicates that elements of the Armed Forces of the Nicaraguan Government conducted a deliberate attack on Costa Rican Civil Guard Patrol May 31, wounding nine and killing at least two persons. There is continuing sporadic fire in that area from Nicaraguan troops which on June 3 again shelled a Costa Rican patrol." Let me repeat that, Mr. President. There is continuing fire from Nicaraguan troops in that area. Isn't this enough to demonstrate to us again the nature and intention of the Sandinista government?

We cannot be surprised by this action any more than we could be "surprised" by Ortega's recent travels to Moscow which followed closely on the heels of Congress' votes on Nicaraguan aid in April. Only the naive would have expected any other action from the Nicaraguan leader. It is time that we stopped hiding behind weak and wrong-headed reasoning. Actions speak louder than the pronouncement of intentions, and I believe the recent actions of the Nicaraguan troops in Costa Rica and Ortega in Moscow should have an impact on our judgment and our votes.

The struggle in Nicaragua between the Sandinistas and the Contras is the fundamental struggle between totalitarianism and freedom. The Contras are fighting for the values of democracy. The primary question then is whether the promotion and defense of democracy and the values of freedom is the proper role for the United States. To that question, I answer with an unequivocal "Yes." Do the Contras in Nicaragua merit our commitment of support. Without question. For they are the best hope to preserve democratic ideals in Nicaragua. The proliferation of the Marxist-Leninist alliance in Central America can have only one result—the destruction of democracies. Simple logic and history make that clear. And the weakening of democracy and freedom in any place is a threat to democracy everywhere.

America has always stood with the forces of democracy and supported brave men and women, like the Contras in Nicaragua, who are fighting for an improved life for themselves and their children, for the rights of religious freedom and participation in their own government. We support the democratic forces in El Salvador and the freedom fighters in Afghanistan. It should be no different in Nicaragua.

This amendment, which releases restrictions on the $14 million in humanitarian aid in 1985 and authorizes an additional $28 million in aid to the Contras through the Central Intelligence Agency in fiscal year 1986, signals the U.S. commitment to freedom and democracy in Nicaragua. It moves toward the establishment of long-term policy toward the region, which is essential to the survival of freedom in the area.

Mr. President, dialog and negotiation are not enough. They are not a substitute for direct economic and indirect military pressure. Funding for both overt and covert assistance to the Contras is required.

The question is a simple one, between totalitarianism and freedom. It is the question of whether or not we should help those who desire to build democracies. This amendment states that we should. I agree and I urge my colleagues' support of the principles set forth in the amendment.

Mr. WILSON. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I want to compliment the Senator from California for his amendment. It makes excellent reading. I commend the text of the amendment to all of our colleagues. Mr. President, one of the difficulties of conducting foreign policy from the Congress of the United States is that 535 people are in the act, and what we see is exactly what has occurred on this bill—an effort to compromise, an effort to bring together diverse interests, and sometimes there is a loss of clarity in our approach when we do that. This amendment offers clarity because it raises exactly the question which I think should be debated and answered by our country. The question is should the United States restrain the expansion of communism in our own hemisphere? Mr. President, I think the basic premises behind this amendment are almost beyond dispute. The first premise is that Nicaragua is a Communist country. It is. There is no debate about that. The Sandinista Government has turned toward Marxism. The second premise is that one of the basic doctrines of Marxism is not to contain its revolution but to expand beyond its own borders. That is the stated objective of the Nicaraguan Government—to expand the revolution beyond its own borders. In furtherance of this, the standing Army of Nicaragua, some 62,000 people, is well beyond what is necessary to defend against any aggression into Nicaragua. In fact, as the Senator from California has pointed out, Nicaragua has acted on its stated purpose, and has actually crossed the borders of Honduras and of Costa Rica.

Mr. President, we have attempted to befriend the Government of Nicaragua. We did that when they seized power. That did not work. Instead, the Government of Nicaragua turned toward other sources of friendship—to the Soviet Union, to Cuba, to East Germany, to Bulgaria, to Libya, and to the Palestine Liberation Organization. We have attempted disengagement. That was tried by the House of Representatives about a month ago when they voted to do nothing for the Contras, and immediately after that Commandante Ortega left his country of Nicaragua and went to the Soviet Union and to Eastern bloc countries. We found out then that when we create a vacuum by departing from a region of the world, that vacuum does not remain a vacuum for long, but it is filled.

Mr. President, Nicaragua is not another Vietnam. Nicaragua is in our own backyard. It is in a region of the world which has historically been within the sphere of the U.S. concern. The Monroe Doctrine was developed to relate to just this part of the world. One of the lessons of Vietnam is that there is a domino theory, that when one country falls, other countries tend to fall as well.

It is my view that what the Senator from California has done is to offer an

opportunity to face up to a very real problem—to recognize the threat of Nicaragua to the rest of Central America, and eventually to Mexico itself—and to provide the kind of assistance which would give us some hope of nipping this problem in the bud at an early stage before it gets out of hand.

Mr. WILSON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. WILSON. Mr. President, thank you. Mr. President, I yield 2 minutes to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, sitting on the floor listening while we unconstitutionally try to develop foreign policy is rather humorous because it works so sad. We keep hearing about human rights. Yet, the other day we did not even tap Russia on the wrist for violation of a treaty. Human rights? She has murdered 50 million or more people. We get friendly with Red China. Human rights—50 million or more. Afghanistan—human rights? The Russians are killing the Afghans as fast as they can. And we talk about human rights.

Mr. President, I want to remind my colleagues that there is only one small country in this entire world that has ever voluntarily taken communism as a form of government. Every other country that suffers under communism has had it driven down their throats by the might of armed forces.

Mr. President, I think the Senator from California should be commended for what he is trying to do. He and I might have a little closer interest on this because we live on the Mexican border.

We have watched communism grow around this world and we have watched how country after country after country has been infiltrated and taken over, like they are trying to do in Central America.

Why are we concerned? Central America is closer to my living room than Chicago.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. GOLDWATER. I thank my colleague for the time.

Mr. WILSON. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, there is a war of ideas going on in Central America. Those ideas are freedom and democracy on one hand and communism and totalitarianism on the other hand.

Some people talk about letting the people of Nicaragua decide their own future, but the Russians and Cubans continue to ship tanks, artillery, and shoulder weapons to Nicaragua in order to enforce their "solution" upon an unwilling people.

We are here today—and have been for 2 years—debating whether to send medical supplies. It doesn't take a military expert to understand that in any battle where one side is armed with military equipment and the other side is supplied with Band-Aids, the side with the military equipment will prevail and the side with the Band-Aids will find them exceedingly useful.

I urge my colleagues to supply military assistance to those fighting for their freedom in Nicaragua, lest we find ourselves faced with communism spreading through Central America and threatening Mexico. If that happens, we will be sending more than our arms, we will be sending our sons.

Those who oppose direct American military intervention in Central America should support the Wilson amendment.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. WILSON. Mr. President, I yield 2 minutes to the distinguished senior Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, Nicaragua is receiving war equipment from the Soviets directly and from Cuba. Their goal, and it is the wish of the Soviets, is for them to take over El Salvador. If that happens, then you will see Honduras, Guatemala, and Costa Rica attacked. Mexico will be threatened. Panama and the Panama Canal will be threatened.

If we allow that to happen, then we are obligated to defend that area, and it will throw us into a war. It is a simple thing for us to do to provide this $28 million to the resistance forces fighting for freedom against Nicaragua. If not, I predict we will end up sending American troops there because we will be compelled to do it in order to keep this hemisphere free of communism, which wants to engulf the whole hemisphere.

I hope this amendment will be adopted. I am convinced it is the best for freedom, the best for America, and I commend the Senator from California for offering this amendment.

Mr. WILSON. I thank the Senator.

Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes remain.

Mr. DURENBERGER. Will the Senator from Indiana yield to me for 10 seconds?

Mr. LUGAR. I am happy to do so.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from California. I wish first to commend the Senator for the findings in the amendment, which I support. They express in clear, concise, and dramatic terms the concerns that we all share—concerns over the creation of a new military dictatorship in Managua.

I am opposed, however, to the proposal that the United States should provide funding for both overt and covert assistance to the non-Communist resistance forces in Nicaragua to meet both the military and nonmilitary needs of such forces. I am also opposed to the provision of funds to the CIA for support, without restriction, for the armed opposition in Nicaragua.

In voting for the Lugar-Nunn amendment, I voted for funds for humanitarian aid for the democratic resistance and accepted that the President may choose the CIA as the instrument for administering those funds. I did this for two reasons.

First, the funds can only be used for humanitarian aid. Military aid and training are excluded. This ensures that the CIA is not put back into the business of running a secret war in Nicaragua.

Second, I want to do something as quickly as possible, and the CIA is in the best position to provide that assistance. This aid cannot be administered as if this were a disaster relief program. It requires not only knowledge of the requirements of the resistance, but understanding of the logistics mechanism to get the material to the recipients in the widely scattered and armed jungle camps. Right now, the CIA alone has the people who know who is to be supported, where they are and what they need. I do not want to see the CIA in the permanent business of humanitarian relief, and I would hope that in conference on this bill we could move to a formula of using multiagency group, with CIA participation to capitalize on their experience. Ultimately, we could phase the CIA out of the operation.

What we clearly do not want and what the Central Americans do not want is to return to a covert CIA military operation.

For over 4 years, the Senate Intelligence Committee has had to wrestle with this Nicaragua matter. Throughout these years, many of us have warned both our colleagues and the President that we cannot continue to have overt covert actions. When supposedly covert operations are in fact both unwieldy and controversial, a free society cannot keep them secret for very long.

Once those operations become public knowledge, they poison the well of our foreign policy. They move the focus from the Managuas of the world right back to Washington and this very Chamber. We end up fighting wars of words with ourselves, rather than pursuing a coherent policy that we can support.

This pathological behavior is only made worse when the operations involve paramilitary support to forces that we cannot control, or when CIA officials are so afraid of congressional

opposition that they hide their activities from us until something blows up in our collective faces. I have stated, and I confidently believe, that the Intelligence Committee can monitor CIA administration of a program of humanitarian aid to the democratic opposition in Nicaragua. I cannot speak with the same confidence if we once again give the CIA an uncertain mandate to meddle militarily in that region.

The irresponsible CIA operations in Nicaragua are history: Minings; U.S. nationals in combat operations; ill-conceived sabotage and maritime strike operations; abuses and excesses by poorly chosen guerrilla leaders; poorly planned and supported air operations; and nonproductive ground operation.

We don't want to turn back the clock and start this all over again. The Central Americans do not want this to again become an American war. They want our support, but they do not want control by the CIA any more than they want U.S. marines.

I oppose this amendment because it places the emphasis on military aid. I have previously voiced strong objection to the covert action program in Nicaragua because it lacked any clear definition of the military objectives. No one knew where the military operation was leading. We heard at one time that it was for the purpose of arms interdiction. At another time it was to take the pressure off of El Salvador. Then there was the prospect it was to help overthrow the Sandinista government or at least "cry uncle," whatever that means.

Since we have cut off funding to the resistance, they have been forced to turn to the political element of the opposition. Partly to help them gain the funds they need. Partly to gain support and strength. This has worked. The fighters have been able to not only sustain themselves, but grow significantly in numbers. They have become largely self-sufficient in sources of military supplies and logistics and training.

In my recent visit to Costa Rica, I spoke with Alfonso Robelo. He told me of the intent of the unified political leadership, Robelo, Cruz, and Calero, to assume control of the military elements of the democratic resistance. This is exactly right. The military operations should be conducted in support of a political solution and under political direction, not as an end in themselves. The Nicaraguans want to resolve their problem their way. We should let this process work and achieve the dialog that the UNIR seeks with the Sandinista regime. Providing direct U.S. military aid to the resistance will undermine that process. The dialog in El Salvador has been difficult, and President Duarte is hampered in his efforts partly because he must take into account a strong, largely independent military. We do not want this same situation in Nicaragua.

If, in the future, we find it necessary to change the nature and extent of our help, the President is provided a mechanism in the Lugar-Nunn amendment to come back to Congress with such a request.

It is vital to remember what our major goal must be: a policy toward Nicaragua that will unite the President and Congress, our Government, and the vast majority of our people. Without such unity, anything we do is merely the focus of more domestic argument—which the commandantes in Managua know very well how to exploit.

The American people have seen enough of the commandantes to know that the Sandinista government is harsh, dictatorial, narrow-minded, and committed to the support of guerrillas and terrorists in Central America. Few are fooled by Sandinista claims of democracy or moderation, or by attempts to blame all their policies on the very peasant rebellion that those policies have fueled.

What the American people clearly want, however, is moderation in U.S. tactics. And that is what we achieved yesterday when we passed the Lugar-Nunn amendment. If we try to change that hard-won, truly impressive consensus, frankly, we will lose it.

To me, then, the choice is clear: we can stick with what we have passed, which may well lead to a consensus of both Houses of Congress and a consolidation of public support for our policy. Or we can tinker with it, and thereby destroy the consensus that we have built. Whatever my colleagues' policy preferences, I urge them not to tear down the framework that we have spent so much effort to construct.

Mr. WILSON. Mr. President, first, I ask unanimous consent to add Senators DENTON, THURMOND, HELMS, HATCH, and HECHT as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I have been requested by distinguished Members of this body to choose another vehicle for this amendment. They have been leading cosponsors and participants in the negotiations that led to the Nunn-Lugar-Warner amendment which was agreed to yesterday. They have agreed that they would forbear from supporting any other measure that provided any aid.

While I may question the wisdom of that agreement, they are men of honor. I respect that, and I respect the fact that they are committed, and their commitment, they feel, does not allow them at this time, on this vehicle, to support this amendment, even though they have expressed to me in no uncertain terms their support of military aid to the Contras. I intend not to force them to vote against this measure and against their true feelings today. I intend to give them the opportunity to vote for it on a different vehicle and very soon. I will offer it as an amendment to the supplemental appropriations bill that will be before us very shortly because, Mr. President, to repeat the clear admonition from the Bipartisan National Commission on Central America; "Central America is both vital and vulnerable. Its millions of refugees will become our problem. Its danger is ours. The United States and its allies must negotiate, but realistically from strength, by keeping the pressure on, and not engaging in wishful thinking that will lead to an unverifiable process and continued war."

We are told by President Duarte and others that that means we must give military aid as well as economic and political aid to El Salvador. So must we give military aid to democratic forces in Nicaragua.

Mr. President, I reluctantly withdraw this amendment. I will not ask for the yeas and nays today. That will come soon on another vehicle.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. LUGAR. Mr. President, I yield myself such time as I may require, but I want to take a moment to commend the Senator from California.

The PRESIDING OFFICER. The Senator has no time.

Mr. LUGAR. A parliamentary inquiry. With the withdrawal of the amendment, was the time in opposition taken, as well as the time of the proponents?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Mr. President, I ask unanimous consent that the Senator from Indiana be given 5 minutes, if he will give me 1 minute of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I commend the Senator from California for his amendment and my colleagues for the debate which has ensued in support of the amendment.

The Senator from California is correct when he mentions that in preparation for the bipartisan support that we hoped would occur on bringing humanitarian assistance to the Contras in Nicaragua, that agreements have been made.

As one participant in those agreements, I would say to the Senator from California publicly as I have said privately, that my sentiments are his and on another occasion, at another time, I willl be a supporter of his measure.

I appreciate the arguments in favor of the position and his willingness not to press the amendment on this occasion. This will help achieve strong bi-

partisan support and will lead to a strong vote on this bill at this time.

I yield to my distinguished colleague from Georgia.

Mr. NUNN. Mr. President, I did support military assistance in the past. There may be some time in the future when I will also support such assistance. I hope that we can give economic aid, as well as political and economic leverage, a chance to work. I believe it is important that we give it a chance. I do not know whether it will take 1 month, 2, 3, or 6 months, but I believe we can build a consensus around this general policy. Military assistance that passes the Senate by two votes or loses by two votes, is not a consensus. We must have a consensus on both sides of the aisle so that the message goes to the Sandinistas that our policies will be sustainable. If they believe we will provide military assistance for 6 months followed by no assistance whatever, then we have no consistency, just a 6-month policy that will have no effect.

I congratulate the Senator from California for his strong statement. I am also pleased that he was willing to draw down his amendment at this point and consider it at a later point. I hope the Senator would consider what happened in the House on this issue.

The House is moving toward the middle ground, if my perceptions are correct. I hope the Senator from California would seriously consider giving this policy of political and economic measures and humanitarian aid, a chance to succeed. If we vote very quickly on the Senate side and even if we pass the resumption of military aid by one or two votes, I think the progress that is being made on the House side to develop a consensus could be very much hindered. So I thank the Senator from California for his action this morning.

AMENDMENT NO. 282

(Purpose: To explore and develop means for providing food aid to the Nicaraguan people through private voluntary organizations and the Church)

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself and Mr. ZORINSKY, proposes an amendment numbered 282.

At the end of the bill add the following new section:

SEC. . In cooperation with Cardinal Miguel Obando y Bravo and private voluntary organizations, the President should explore and promote means for providing food aid to the Nicaraguan people through private voluntary organizations and the Catholic Church.

Mr. MELCHER. Mr. President, the United States has great economic problems here in the United States that need the attention of the Congress and the President, but if we are to continue to fund excursions in Nicaragua, I propose to use some of the surplus commodities the United States has acquired in the price support farm programs. We have paid for them and are paying Federal storage costs.

It is my strong belief that Nicaragua cannot be allowed to become a base for military operations to cause a threat to other countries. Preventing new armaments to come into Nicaragua through Cuba, the Soviet Union, or their counterparts continues to be the goal of the United States and that is supported by the Contadora group and the entire hemisphere.

To that extent there is a unified approach.

I believe in the meantime, we should be unified on helping the people of Nicaragua who are caught in the middle of the guerrilla war between the Nicaraguan Government military forces and those who adhere to the Contra side. That continuous strife disrupts the usual production of food and drains available resources for the people.

It is the hearts and minds of the Nicaraguan people who will, over the course of time, determine the future position of Nicaragua in its relationship with their neighbors of Central America and the rest of us in this hemisphere.

Of the various schemes to salvage U.S. interests in Nicaragua, all have flaws. The worst, of course, would deliberately or inadvertently add to the suffering of the 3 million Nicaraguan people and further fan their resentment toward us.

There is justification for that antagonism, whether we like to admit it or not. We first started risking Nicaraguan animosity starting in 1894. President Cleveland then, and later Presidents McKinley and Taft, found it necessary to send U.S. Marines to Nicaragua to protect U.S. interests from harm or destruction. Sending Marines to Nicaragua seemed to grow into a habit. In 1910 we began an era of 23 years where we invited the animosity of the Nicaraguan people.

President Taft responded to a growing Nicaraguan revolution against the Government by sending a 750-man provisional regiment from Philadelphia to Nicaragua. They landed in May 1910 and remained through approximately September 1910. This time they actually went into the interior of the country and fought in battles to neutralize rebel towns.

Beginning in 1912, U.S. Marines were stationed in Nicaragua almost continuously for the next 21 years. The events that led to the Marine landing in 1912 started a couple of years earlier when economic problems in Nicaragua caused the conservative, pro-U.S. government there to apply for funds to help reorganize the country's finances. The United States supplied the money but, in return, demanded that the Nicaraguan Government place the nation's customs department, post office, national banks, mines, railways, and harbors under the control of two New York banks as a guarantee.

This increasing U.S. involvement in the internal affairs of Nicaragua provoked an uprising in 1912 against the pro-U.S. government. At the request of the Nicaraguan Government, 1,700 Marines were sent to Nicaragua by President Taft. Their numbers were shortly increased to 2,700. The combined government and U.S. troops soon captured the rebel leaders and broke the back of the revolution.

With the exception of a brief 9-month period in 1925–26, the United States maintained some type of military presence in Nicaragua from 1912 until 1933, and the presence of these troops was instrumental in keeping the pro-U.S. government in power.

In the late 1920's Augusto Cesar Sandino, from whose name comes the term "Sandinista," began to rise to the leadership of the nascent revolutionary forces in Nicaragua. The guerrilla-style warfare practiced by Sandino and his some 300 followers went on throughout the late 1920's and early 1930's.

In January 1933, after a decade of guerrilla war, Sandino's major condition for peace required the departure of the Marines. After the Marines left, Sandino signed a peace agreement with the Nicaraguan Government. Marines have not been deployed to Nicaragua since that time. During this time, Anastasio Somoza of the Nicaraguan National Guard had become a power in the Government and in 1937, with U.S. backing, Somoza became the head of a military regime which was to rule Nicaragua for more than 40 years, to 1979. In all, three members of the Somoza family headed the Nicaraguan Government with the backing of the United States and more than half a billion dollars in U.S. aid.

What was the final result of all this military support in Nicaragua? The eventual collapse of the Somoza dictatorship and the rise to power of the Marxist Sandinista government.

All in all, our involvement in Nicaragua in backing oppressive governments, including the Somoza family dictatorship, resulted in antagonizing the oppressed Nicaraguans and lead to even greater support for the rebel Sandinistas in Nicaragua.

In short, this left a bitter legacy of antagonism toward our country we have not, thus far, been able to overcome.

U.S. aid to Nicaragua during the Carter administration neither bought us the friendship of the new Ortega government nor helped that government get along with Nicaragua's neighbors or stabilize its economy.

Worse still, the Reagan administration actions through our Central Intelligence Agency backfired in mining Nicaraguan harbors embarrassed us throughout the hemisphere. At the same time, these clumsy, misguided actions have given the Marxist government of Nicaragua a propaganda opportunity. President Ortega finds it convenient to blame U.S. interference for the low state of the Nicaraguan economy and the high state of human suffering.

There is little excuse for the CIA mischief we have wrought in the region. The Nicaraguan people pose no real threat to the United States. What would constitute a threat, of course, is any attempt by Cuba, the Soviet Union, or any other outside power to funnel more arms to the Ortega government. Introducing armaments into Nicaragua from abroad is contrary to the Monroe Doctrine and the Rio Treaty, and preventing that from happening must be a primary goal.

On the other hand, our primary goal with regard to the Nicaraguan people must be to help them as much as we can afford to help and to do it in a manner that they can understand and appreciate.

The most stable institution in that unstable country remains the Roman Catholic Church, and though President Ortega and his cabinet insulted Pope John Paul during the Pontiff's peace mission there in 1983, Cardinal Miguel Obando y Bravo, the bishops, and most of the clergy remain the resolute and responsible arbiters between the people and their government. What is more, the Nicaraguan church leaders have maintained a positive relationship with their counterparts throughout Central America and the rest of the world.

If Cardinal Bravo and the church in Nicaragua are willing to arrange transportation and distribution, we should offer some of our surplus food to the Nicaraguan people whose national economy and food production cycles have been destabilized by a decade of intermittent strife.

Among the poorest peasants in Central America, the poor of Nicaragua have found little in our policy toward their country to identify Americans as friends and good neighbors. Since we have much more food in Federal storage than we can dispose of, we should immediately ask Nicaraguan church officials if they will receive and distribute U.S. commodities to their country's poor.

It is my judgment that implementing such a food aid policy through the church could begin to rebuild trust, friendship and good will among the Nicaraguan people and, at the same time, pointedly refute the misleading and self-serving propaganda of the Ortega government.

Let me use an old adage: The time has come to fish or cut bait. The CIA has fished for us in Nicaragua and come up empty-handed because of its inane and stupid bungling. Now it is time for a positive approach that does not promote conflict but builds a sense of common purpose with the people of Nicaragua. Food is their basic need and food we have. The people of Nicaragua understand that. But we want them, above all, to understand that while we deplore their present government, we do not deplore them.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Montana for his amendment and for the very thoughtful presentation he has made. I am pleased to say that on our side we are prepared to accept the amendment. I ask that the Senator from Montana agree to a voice vote so that we might expedite the procedures of the afternoon.

I yield to my colleague from Rhode Island for his comment on the amendment.

Mr. PELL. Mr. President, I join with my chairman in recommending to our colleagues that we accept this excellent amendment.

Mr. MELCHER. Mr. President, will the distinguished Senator from Indiana yield?

Mr. LUGAR. I am pleased to yield.

Mr. MELCHER. I say to my colleague that I will be very delighted to have a voice vote. I thank the chairman, the manager of the bill, and the Senator from Rhode Island, as manager on our side, for accepting the amendment.

Mr. LUGAR. Mr. President, we yield back all time on our side.

The PRESIDING OFFICER. Does the Senator from Montana yield back his time?

Mr. MELCHER. Mr. President, I yield back all time on my side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 282) was agreed to.

AMENDMENT NO. 283

(Purpose: To establish a policy of limiting the number of Soviet diplomatic and consular personnel in the United States)

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to bring up an amendment, the Leahy-Cohen amendment, on behalf of my self and the distinguished Senator from Maine. I will send the amendment the purpose of which is to establish a policy of limiting the number of Soviet and diplomatic consular personnel in the United States, to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. COHEN, Mr. BENTSEN, and Mr. CRANSTON, proposes an amendment numbered 283.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, add the following new title:

TITLE VI—DIPLOMATIC EQUIVALENCE AND RECIPROCITY ACT OF 1985

SHORT TITLE

SEC. 601. This title may be cited as the "Diplomatic Equivalence and Reciprocity Act of 1985".

POLICY

SEC. 602. (a) It is the policy of the United States that the number of nationals of the Soviet Union admitted to the United States who serve as diplomatic or consular personnel of the Soviet Union in the United States shall not exceed the number of United States nationals admitted to the Soviet Union who serve as diplomatic or consular personnel of the United States in the Soviet Union unless the President determines and so certifies to the Congress that additional admissions of such personnel would be in the best interests of the United States.

(b) The policy contained in subsection (a) shall not apply to dependents or spouses who do not serve as diplomatic or consular personnel.

REPORTING REQUIREMENT

SEC. 603. Not later than six months after the date of enactment of this title, the Secretary of State and the Attorney General shall prepare and transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and the permanent Select Committee on Intelligence of the House of Representatives a report setting forth a plan for ensuring that the number of Soviet nationals described in section 602 does not exceed the limitation described in such section.

DEFINITIONS

SEC. 604. For purposes of this title—

(1) the term "diplomatic or consular personnel" means the members of the diplomatic mission or the members of the consular post, as the case may be;

(2) the term "members of the diplomatic mission" is used within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; and

(3) the term "members of the consular post" is used within the meaning of Article 1(g) of the Vienna Convention on Consular Relations, done on April 24, 1963.

Mr. LEAHY. Mr. President, I ask unanimous consent that I have, during the period of time that this bill is on the floor, to add the names of other Senators as cosponsors as they request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from California [Mr. CRANSTON] be added as a cosponsor.

The PRESIDING OFFICER (Mr. MCCONNELL). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I rise to introduce an amendment to establish diplomatic equivalence and reciprocity between the United States and the Soviet Union.

Under this amendment, it would be made the policy of the United States that the number of Soviet diplomatic and consular personnel in the United States may not exceed the corresponding number of American representatives in the Soviet Union. The President could continue to admit Soviets in excess of numerical equivalence if he determined, and certified to Congress, that it would be in the best interests of the United States to do so. Six months after this provision comes into force, the Secretary of State and the Attorney General would have to transmit to the Foreign Relations and Intelligence Committees a plan to carry out the new policy.

On May 8, the Select Committee on Intelligence voted unanimously to include a parallel amendment in the Intelligence Authorization Act for Fiscal Year 1986. Senator COHEN has been the chief cosponsor and several other Republican and Democratic members of the Intelligence Committee also sponsored the amendment in committee.

There can be no doubt of the security risks of continued employment of a large number of Soviet nationals at U.S. diplomatic and consular facilities in the Soviet Union. It has recently been revealed, for example, that for a period of years the U.S. Embassy in Moscow was "bugged" by highly sophisticated devices implanted in its typewriters. The Intelligence Committee has determined that the typewriters and other pieces of office equipment have regularly been sent through ordinary freight channels, and that Soviet employees of our Embassy were actually involved in their assignment and use by U.S. officials.

Numerous cases which have been exposed in recent years also reveal the pervasive efforts of Soviet intelligence officers and their agents in the United States. In April 1983, Lt. Col. Yevgeney N. Barmyantsev, acting military attache of the Soviet Embassy, was arrested in the act of picking up classified information dropped by a U.S. double agent in rural Montgomery County, MD. Just last month came the reports of the apprehension of John Walker and others after Walker attempted to deliver 129 classified documents to a "dead drop" only about 3 miles away from where the earlier incident had occurred. Another Soviet official, Aleksey Gavilovich Tkachenko, a vice consul at the Soviet Embassy, was implicated by the FBI and left the country shortly thereafter.

The Walker case reinforces our longstanding concern about the extent and scope of Soviet espionage activities in the United States. So far, three members of the Walker family and one other individual have been implicated in this case, and there will probably be others. Their spying may have been going on for nearly 20 years. Information from all sorts of sensitive Navy operations were probably passed to the Soviets. Other Soviet intelligence officers in the United States, as well as other Soviets abroad, must also have been involved in receiving the classified information, giving instructions to their American agents, and making arrangements for pickup and payment. Each year, about 1,400 Soviets are in the United States for official reasons.

It is clear that there are great problems both in the clearance and review of individuals for access to classified information and in the ability of the FBI and military investigative services to detect espionage activities. The Select Committee on Intelligence has looked into both these problems and has recommended that the resources devoted to counterintelligence, especially by the FBI, be increased.

Mr. President, it will do no good to increase the resources devoted to counterintelligence investigations and security checks in the United States if we do not begin to control more effectively the numbers as well as the activities of Soviet officials in this country. It is estimated that nearly 40 percent of Soviet diplomatic and consular officials are intelligence officers. Certainly, we must assume all Soviet representatives engage in intelligence activities at least part of the time. Increased resources for the FBI and Department of Defense for counterintelligence and security cannot alone enable them to keep pace with the numbers and aggressiveness of Soviet intelligence officers and their agents.

The Leahy-Cohen amendment addresses the problem of the Soviet nationals at U.S. facilities in the Soviet Union at the same time as the problem of the number of Soviet diplomats and consular officials in the United States. These problems are closely related. At present, only about 200 Americans work in our Embassy and consulates in the Soviet Union while over 300 Soviets work in their facilities here. The United States employs over 200 Soviets to perform a wide variety of administrative and support functions at our facilities in the Soviet Union while the Soviets employ only a handful of Americans here, for limited purposes.

Mr. President, the problem of numerical disparity between United States and Soviet diplomatic representation in each other's countries, as well as reciprocity in treatment and conditions of work and life, is of longstanding. It is ingrained deeply into the fabric of our formal relations. The State Department seems to believe it cannot operate an Embassy and consulates effectively in the Soviet Union without Soviet nationals as employees. It also fears that any move to reduce the numbers of Soviets in the United States would result in counteractions by the Soviet Union against Americans.

I believe State's concerns and attitudes on these matters are exaggerated, and that the necessity for better security, both in this country and in our diplomatic and consular establishments in the Soviet Union are paramount. However, I recognize that the problems cannot be solved overnight. The amendment has been carefully designed to allow the executive branch flexibility in devising a plan to fulfill the requirement of eventual numerical parity.

Clearly, the most urgent problem to address is the large number of Soviet employees in our Embassy in the Soviet Union. It is imperative to reduce, and I believe eventually eliminate entirely, the huge number of Soviet employees who are scattered in nearly every part of the building. The State Department is now working on a plan to cut these numbers. This is a first step, but one which is partial and inadequate. Much more will be required. Our amendment will ensure that additional measures will be taken.

There will have to be action taken to draw down the numbers of Soviet diplomatic and consular representatives in the United States as well. Obviously, the greater the increase in Americans in the Soviet Union, the smaller the cut in Soviets here must be. This provides an incentive to the State Department to seek ways to overcome the problems it perceives in sending more Americans to do administrative and support jobs now performed by Soviets. This should also respond to concern that reductions in Soviets here might provoke a Soviets retaliation.

In any event, even if there are risks of some Soviet anger at such U.S. actions, the United States should not and cannot bear any longer the political, security, and psychological costs of tolerating such a massive disparity in representation. The Soviets cannot continue to enjoy the freedoms and material benefits of American life, while subjecting our people to appalling conditions, bleak environment, incessant harassment, and intolerable restrictions.

Mr. President, the Intelligence Committee prepared report language on the Leahy-Cohen amendment during its consideration of it. This report language provides additional valuable detail which would be a useful part of the legislative history of the amendment and its intent. I ask unanimous consent that the portion of the committee's report dealing with the Leahy-Cohen amendment appear in the RECORD at the conclusion of my remarks.

Mr. President, this amendment represents a serious, well-considered effort to assist the executive branch in dealing with a major security problem confronting this country. It merits the strong support of the Senate. I urge my colleagues to vote for the Leahy-Cohen amendment and for responsible action to achieve the equivalence and reciprocity in United States and Soviet diplomatic and consular representation.

Mr. President, I ask unanimous consent that the additional material, including a report from the Senate Intelligence Committee, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIPLOMATIC EQUIVALENCE AND RECIPROCITY WITH THE SOVIET UNION (EXCERPT FROM A REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE)

Last year, the Committee favorably reported, and the Congress passed, Title VI of the Intelligence Authorization Act for Fiscal Year 1985 (Pub. L. 98-618) dealing with counterintelligence and official representation. Through this law, Congress expressed its sense that numbers and conditions (status, privileges and immunities, travel, accommodation, and facilities) of official representatives to the United States of "any foreign government that engages in intelligence activities within the United States harmful to the national security" should not exceed the respective numbers and circumstances applied in such countries to U.S. officials. The President was asked to report to the foreign relations and intelligence committees of the Congress each year on these numbers and conditions and any action taken with respect to them.

In its report accompanying the bill, S. Rpt. 98-481, the Committee stated that the intent of this provision was "to provide bipartisan Congressional support for Executive branch efforts to strengthen U.S. counterintelligence capabilities by reducing disparities between the official representation in the U.S. of foreign governments that engage in intelligence activities harmful to our national security and U.S. official representation in such countries." The Committee indicated that current mechanisms would not necessarily lead toward reducing such disparities:

"The Foreign Missions Act does not regulate the number of official representatives of foreign governments in the U.S., nor does the Office of Foreign Missions play a direct role in determining the size of either foreign missions in the U.S. or U.S. missions abroad. The question of whether to set a goal of eliminating disparities in this area is a matter for high-level policy decision."

The Committee's report demonstrated that there was a direct connection between diplomatic reciprocity and national security in terms of counterintelligence capabilities—i.e., the ability of the United States government to resist hostile intelligence activities. On the one hand, the number of foreign officials in the United States from countries conducting such activities is of great concern due to the danger they pose of espionage within our country. On the other hand, the limited U.S. official representation and the practice of employing large numbers of local nationals abroad presents opportunities for foreign intelligence services to breach the security of U.S. diplomatic facilities and operations.

In its report of last year, the Committee took note of an FBI estimate that some 40% of the official representatives of Soviet Bloc countries in the United States are intelligence officers. The Committee indicated that all forms of espionage had resulted, especially against national secrets and private technological data with military applications, and that the activities of foreign intelligence officers had done "severe and extensive damage to U.S. national security." The Committee also stated that even the enhanced counterintelligence capabilities encouraged and approved by Congress in recent years "will not be adequate to provide full coverage for these operations."

There are few indications that this situation has improved in the intervening year. There has been no significant decline in the number of officials from these countries resident in the United States. New cases and new information meanwhile continue to reveal the extent of hostile intelligence activities in the United States. Arkady Shevchenko, the highest ranking Soviet defector to date whose story was revealed last year, stated in his recent book that "nine out of twelve Soviets" under his supervision were intelligence "professionals."

The Committee also took particular note last year of the "substantial imbalance in the number of Soviet nationals permanently assigned to embassy and consulate positions in the United States, and the number of U.S. nationals permanently assigned to embassy and consulate positions in the Soviet Union." The situation has not changed meaningfully in this regard. The Soviets continue to have some 300 personnel at their diplomatic facilities here and the United States approximately 200 such personnel in the Soviet Union. About 220 Soviet and other foreign personnel are employed in our Embassy and consulates in the Soviet Union performing a wide range of clerical, administrative and service functions, while the Soviets hire only a handful of Americans on a limited basis, primarily as language teachers.

Recent press accounts show the danger of employing Soviet and other foreign nationals in U.S. diplomatic facilities, particularly in countries like the Soviet Union which engage in hostile intelligence activities against the United States. The Committee notes, for example, the stories that have appeared concerning the systematic "bugging" of the U.S. Embassy in Moscow over a period of years through devices implanted in its typewriters. The Committee has determined that typewriters and other pieces of office equipment have regularly been sent through ordinary freight channels to their destinations at U.S. facilities in the Soviet Union and that Soviet employees of our Embassy and consulates there are involved in their assignment and use by U.S. officials.

Since passage of the Foreign Missions Act and the Committee's action of last year, the Executive branch has begun to remedy the disparity between official representation by the United States and foreign countries, including the Soviet Union, which engage in intelligence activities harmful to our national security. Under the Foreign Missions Act of 1982, the State Department has begun to take steps to equalize the conditions of foreign diplomats in the United States with those of U.S. representatives in their countries. Reciprocal restrictions on the travel of such officials within the United States are especially helpful in assisting the FBI and other agencies with counterintelligence responsibilities to monitor their movements and activities.

The first annual report called for by subsection (b) of last year's provision on this subject is not due until one year after enactment of the FY 1985 intelligence Authorization Act, on November 8, 1985. The Committee has been informed that the Administration continues to be internally divided over how to respond to the sense of Congress expressed through last year's provision. It is considering ways to address the problem of disparities in representation between the U.S. and certain foreign countries, particularly the Soviet Union. The Secretary of State has the lead in developing a policy on behalf of the Administration that will be coordinated with other federal agencies that have diplomatic and intelligence missions. However, despite evidence that the Administration is at least discussing possible remedies, the Committee views the counterintelligence situation with respect to foreign officials in the United States and U.S. officials abroad as so serious that further action should be taken by Congress immediately to stimulate decisions and action by the Executive branch. The Committee has decided, therefore, to report favorably Title VII of the Intelligence Authorization Act for Fiscal Year 1986, proposed in Committee by Senators Leahy, Cohen, Bentsen, Hollings, McConnell, Boren and Hatch.

Upon enactment of Title VII, it would be the policy of the United States that the number of nationals of the Soviet Union serving as diplomatic or consular personnel in the United States shall not exceed the equivalent number of U.S. nationals serving at posts in the Soviet Union unless the President certified to Congress that allowing additional Soviet personnel to serve in this country would be in the best interests of the United States. Within six months of enactment of this provision, the Secretary of State and the Attorney General would be required to submit a report to the intelligence and foreign relations committees of Congress setting forth a plan to ensure that the number of Soviet officials does not exceed the limitation. This would give the Executive branch ample time to prepare an approach for attaining equivalence within a reasonable period through attrition of Soviet personnel in the United States, an increase in the number of American personnel in the Soviet Union, or a combination of both.

Section 701 provides that this title of the FY 1986 Intelligence Authorization Act is entitled the "Diplomatic Equivalence and Reciprocity Act of 1985."

Section 702 subsection (a) states the policy of the United States that the number of nationals of the Soviet Union admitted to the United States who serve as diplomatic or consular personnel of the Soviet Union in the United States shall not exceed the

number of United States nationals admitted to the Soviet Union who serve as diplomatic or consular personnel of the United States in the Soviet Union unless the President determines and so certifies to the Congress that additional admissions of such personnel would be in the best interests of the United States.

Subsection (b) of this section specifies that the policy in the previous subsection does not apply to dependents or spouses who do not serve as diplomatic or consular personnel.

Section 703 requires that the Secretary of State and the Attorney General, not later than six months after the date of enactment of this title, shall prepare and transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth a plan for ensuring that the number of Soviet nationals described in Section 702 does not exceed the limitation described in that section.

Section 704 contains definitions for terms used in this title. Subsection (1) provides that the term "diplomatic or consular personnel" shall refer to the members of the diplomatic mission or the members of the consular post. Subsection (2) refers to Article 1(b) of the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, TIAS No. 7502, for the meaning of the term "members of the diplomatic mission." Under this article, the members of the mission are "the head of the mission and the members of the staff of the mission." Under Article 1(c) of the same Convention, the members of the staff of the mission include "the members of the diplomatic staff, of the administrative and technical staff and of the service staff." Subsection (3) refers to Article 1(g) of the Vienna Convention on Consular Relations, done April 24, 1963, 21 U.S.T. 77, TIAS No. 6820, for the meaning of the term "members of the consular post". Under this article, members of the consular post includes "consular officers, consular employees and members of the service staff." The Committee is aware that the status of U.S. and Soviet official representatives in the other country is also governed by bilateral agreements. It is the intention of the Committee that the definitions contained in Section 704 be applied on their face, except that they may be applied mutatis mutandis in the event their scope is explicated by such agreements. (The Committee does not, however, believe it likely that the terms of any such Executive Agreements of a bilateral nature will significantly depart from the definitions contained in the Vienna Conventions cited.)

The Administration, while taking certain steps to achieve diplomatic equivalence and reciprocity, has not yet adopted a formal policy on this subject. Executive branch agencies have been unwilling to support, in their preliminary responses to Committee inquiries, further legislative actions in the area of diplomatic representation, citing primarily the danger of retaliation if the United States moved unilaterally to reduce the presence of Soviet or other foreign officials in the United States.

The Committee believes, however, that its action when implemented by the Executive branch will not necessarily result in retaliatory action against the best interests of the United States in conducting our diplomatic functions abroad. As the Committee has noted, our key problem in achieving reciprocity with certain countries is the presence of their nationals as employees in our diplomatic facilities located there. In the case of the Soviet Union, over 200 such personnel are retained by the United States government. The Committee is of the view that nearly all these personnel should be replaced as speedily as possible with American employees. The number of American officials in the Soviet Union would have to be increased. If the number of Soviet officials in the United States remained above the number of Americans in the Soviet Union after such measures were taken, then and only then would the Soviet presence here have to be reduced in line with the policy adopted in this provision. The retention of additional American personnel in the Soviet Union could, of course, result in extra expenses for the State Department and other agencies despite the reduction in administrative and support staff hired in the Soviet Union or elsewhere. The Committee believes that, if necessary, the State Department should seek and the Congress should provide sufficient legislative authorization and appropriations to cover such additional expenses in the future.

The Committee's action does not apply either to Soviet officials assigned to quasi-official trade organizations or to Soviet nationals serving as employees of the United Nations. It also does not apply to members of the Soviet Mission to the United Nations. The Committee recognizes that all of these persons potentially pose an intelligence threat to the United States. There is, however, no practical way at present of controlling the numbers of such persons admitted to this country vis-a-vis the number of U.S. officials assigned to posts in the Soviet Union.

The issue of the numbers of U.S. and Soviet diplomatic and consular personnel is, however, an important issue that can and should be addressed independently. The danger to U.S. national security entailed by larger-than-necessary numbers of Soviet diplomatic and consular officials in the U.S. and Soviet personnel at our Embassy and consulates in the Soviet Union requires immediate action. The Committee has been informed that senior policymakers in the Administration are personally committed to resolution of this issue, but the Committee has to date seen little sign of movement from Executive branch agencies to address the disparity in diplomatic and consular representation between the United States and the Soviet Union.

The Committee is prepared to work constructively with the Administration to see to it that this problem is resolved in the most effective way. For the present, however, the Committee sees no convincing reason why it should not be made the explicit policy of the United States government that the number of Soviet diplomatic and consular officials in the United States may not exceed the number of equivalent U.S. officials stationed in the Soviet Union. Accordingly, the Committee favorably reports Title VII of this Act, the Diplomatic Equivalence and Reciprocity Act of 1985, which makes clear that this is the policy of the United States and requires the Secretary of State and the Attorney General to submit within six months a plan for ensuring that this policy is given effect.

ADDITIONAL MATERIAL

BACKGROUND PAPER ON SOVIET-UNITED STATES EMBASSY AND CONSULAR STAFFING

The Soviet embassy and consulate in the United States are staffed completely differently from the U.S. embassy and consulate in the Soviet Union. The differences give rise to significant counterintelligence problems—both within the United States and at the U.S. mission in the U.S.S.R. Although the staffing arrangements for each mission date back many years, the counterintelligence implications for U.S. security interests have become more serious as Soviet intelligence operations have intensified.

SOVIET EMBASSY AND CONSULATE

The Soviet mission in the United States is staffed almost exclusively by Soviet nationals sent to this country to perform not only diplomatic tasks, but also the full range of administrative and menial service jobs. The only exceptions are a few Americans occasionally hired as language teachers and seven Americans who work at the Soviet information office to assist in publication of "Soviet Life" magazine.

Although the numbers vary from time to time, at least 320 Soviet nationals are employed at the embassy in Washington and the consulate in San Francisco. These include:

150 diplomats and 127 other employees listed at the embassy in Washington (some posts vacant);

About 60 assigned to Washington on temporary duty (TDY) for periods ranging from 2-11 months.

20 diplomats and 21 employees listed at the consulate in San Francisco (some posts vacant);

These figures do not include dependents (some are working wives). Nor do they include Soviets at the United Nations, Soviet media personnel, trade organization members, the Intourist organization, visiting cultural and commercial delegations and tourists who have visas. A recent estimate listed 1,168 Soviet officials present in the U.S. for official duties. The total number of Soviet representatives and official visitors of all types has been about 1,400 a year.

U.S. EMBASSY AND CONSULATE

The U.S. mission in the Soviet Union is staffed by a mixture of Americans, Soviets, and third-country nationals. Many of the administrative tasks and most of the menial jobs at the embassy are performed by Soviets. The listed number of Americans is about 210, while the number of Soviets and third-country nationals was as large as 250 last January.[1] Thus, the total number of employees working at the U.S. embassy and consulate in the USSR (about 460) is much larger than the number of employees at the Soviet embassy and consulate in this country (about 320). On the other hand, there are 100 fewer Americans at our embassy and consulate than there are Soviets at their embassy and consulate.

This disparity has made it very difficult to develop and enforce a policy of reciprocity. In the past, some State Department officials have suggested that reciprocity should be calculated on the basis of the total number of employees—sending country and host country. From that perspective, the United States would be viewed as having an advantage. However, recognition of the

[1] About 100 other Americans are in Moscow on TDY, as teachers, and as part of the construction team for the new embassy.

counterintelligence problems has required the State Department to abandon this position and to consider alternatives.

COUNTERINTELLIGENCE IMPLICATIONS IN THE UNITED STATES

The FBI estimates that 30-40 percent of the Soviet officials in the United States are trained intelligence personnel of the KGB or GRU (Soviet military intelligence). Most of the others are co-opted for intelligence assignments, such as spotting potential recruitment targets. The greater number of Soviets at their embassy and consulate increases the FBI's counterintelligence burdens.

The Walker case illustrates FBI's difficulties. For as long as twenty years, Walker was passing information to Soviet intelligence from his own access and his network of agents. The circumstances of Walker's arrest strongly suggest that he had regular contact throughout this period, by "dead drops" and other clandestine means, with Soviet intelligence personnel working in the United States under official cover. Recent events also indicate that the FBI might never have detected these contacts, had it not been for someone coming forward and volunteering information to the Bureau. The number of Soviet and East European officials in the country is simply too great for the FBI to monitor their activities adequately.

The Congress has given the FBI a substantial increase in manpower and other resources for counterintelligence investigations in recent years, but high-quality counterintelligence Special Agents need years of experience and training to be effective. Even with growing resources, the FBI must deal with an enormous challenge from the increasing number of officials from countries other than the USSR that also pose a significant espionage threat. The record number of espionage prosecutions in 1984 shows the agressiveness of Soviet intelligence and the need for improved countermeasures across-the-board. Any reduction in the Soviet official presence, based on reciprocity or otherwise, would be helpful from a counterintelligence viewpoint.

COUNTERINTELLIGENCE IMPLICATIONS IN THE U.S.S.R.

The Soviet nationals employed at the U.S. embassy and consulate are undoubtedly KGB intelligence officers and co-optees. There is no reason to believe the KGB would forego the opportunity provided by such a presence in our facilities. While they do not have access to the areas where classified work is done, the Soviet employees can monitor the movements and activities of all the American employees in most of the embassy space. While press reports have focused on the Soviet electronic surveillance threat, including reported penetration of embassy typewriters, the counterintelligence problems are also serious on the "people" side.

Through electronic surveillance and personal contacts, the KGB is able to observe and assess the Americans in the embassy and consulate on a continuing basis. Examples are:

Keeping track of all arrivals, departures, and automobile use by each American.

Making all arrangements for entertainment.

Overhearing and reporting informal conversations in the unsecure areas of the embassy and consulate.

Allowing access to the unsecure areas by any Soviet government official.

Serving as caretakers at the embassy's dacha in the country.

Performing all the electrical, plumbing, and other maintenance in the unsecure areas.

The State Department has taken extraordinary security measures to protect classified information in the secure areas of the embassy and consulate. Nevertheless, access by so many Soviet personnel to the unsecure areas gives the KGB significant information, including opportunities to assess potential recruitment targets.

The arrangements in Moscow are, of course, totally different from those at the Soviet embassy and consulate in the United States. The Soviets appear to realize that their security requires keeping Americans out. It is also reasonable to assume that the same concern is behind the Chinese decision to staff their Moscow embassy entirely with their own nationals.

NEW APPROACHES

The key to achieving reciprocity in the number of people and thereby alleviating counterintelligence problems here and in Moscow is a *fundamental change* in the U.S. approach to staffing the embassy and consulate in the USSR. If the number of Soviets and other foreign nationals employed at the mission could be greatly reduced—if not totally eliminated—there would be a basis for enforcing numerical reciprocity and reducing the number of Soviets at their embassy and consulate here. At the same time, the counterintelligence problem in Moscow would be alleviated.

The benefits here, i.e., the ability to reduce the number of Soviets in Washington and San Francisco, depend on whether the State Department can *use fewer than 100 Americans to do the work now done by 220 Soviet and foreign nationals.* This is a real possibility. Specially trained and expert American personnel should be able to do maintenance and administrative work twice as well as a Soviet employee.

Some argue that the Americans sent over to replace the Soviets will be vulnerable to KGB recruitment. Of course, that is a risk. But eliminating the Soviets from the embassy will make it more difficult for the KGB to get access to the American employees. They will have to rely on indirect contacts, rather than continuous personal observation and direct relationships inside the embassy.

Another concern is cost, which has been estimated to be considerable if the U.S. must recruit, train, and house 100 more administrative and service personnel. Policymakers must take the need for additional funding into account in deciding whether a fundamental change in Moscow staffing arrangements is, on balance, worthwhile. The costs have not prevented Congress from requiring a major upgrade in embassy security against terrorist attacks. Increasing concern about the Soviet intelligence threat could justify similar expenditures.

COURTER AMENDMENT IN HOUSE BILL

The House version of the State Department Authorization Bill includes an amendment, offered on the floor by Rep. Courter, which prohibits employment of Soviet citizens at our embassy and consulate after September 30, 1986. The amendment also expresses the "willingness" of Congress to provide additional funds to the State Department for the expenses of employing U.S. citizens to replace the Soviet citizens.

This approach raises significant practical problems and does not take into account the need for enforcement of reciprocity as a means of eventually reducing the number of Soviets in the United States. The practical difficulties include:

A deadline that could seriously disrupt the functioning of the embassy and consulate. It will probably take longer than one year to develop and implement a plan to replace the Soviet employees with Americans.

The absolute prohibition unnecessarily limits the President's flexibility. Employment of some Soviets in particular jobs—perhaps isolated from the rest of the facilities and personnel—could be in the national security interest of the United States.

If the end result is to have a smaller mission in the Soviet Union than the Soviets have here, there must be a clear mandate to reduce the Soviet presence on the basis of reciprocity.

Whatever plan is developed should be based on a conterintelligence as well as diplomatic and conventional security considerations. Additionally, the plan should be submitted to the appropriate Congressional committees, such as Foreign Relations and Intelligence, to ensure that it conforms to the desires of Congress and that decisions are fully justified. This will require review of classified information.

U.S. Embassy and Consulate in Soviet Union

U.S. nationals:	
Embassy in Moscow	184
Consulate in Leningrad	25
Total	209
Others (teachers, TDY, construction team)	100
Soviet nationals:	
Embassy in Moscow	214
Consulate in Leningrad	28
Total	242
3d country nationals	12

Soviet Embassy and Consulate in United States

Soviet Nationals:	
Embassy in Washington	277
Consulate in San Francisco	41
Total	318
Other (TDY)	60
U.S. nationals	7-10

Other Soviet Officials in United States

Soviet U.N. mission	[1] 263
Ukranian U.N. mission	17
Beylorussian U.N. mission	15
U.N. Secretariat	[2] 308
Other Government employees	56
Exchange students	20
Total Soviet officials in United States	[3] 1,168

[1] Above 410 during session.
[2] Includes 10 TDY.
[3] About 1,400 per year.

U.S. SENATE,
Washington, DC, June 6, 1985.

DEAR COLLEAGUE: During consideration of S. 1003, the State Department Authorization bill, we intend to propose an amendment to make it the stated policy of the United States that there be equivalence in the number of U.S. diplomatic and consular personnel in the Soviet Union and Soviet diplomatic and consular personnel in this country.

The amendment parallels a provision approved unanimously on May 8 by the Senate Select Committee on Intelligence as part of the fiscal year 1986 intelligence au-

thorization bill. It is in line with legislation passed last year and signed into law which expressed the sense of the Senate that equivalence in diplomatic representation should be achieved with countries which engage in intelligence activities against the United States.

The amendment would make it the stated policy of the United States that the number of Soviet diplomatic and consular personnel in the U.S. may not exceed the corresponding number of American representatives in the Soviet Union. The President could continue to admit more Soviets only if he determined, and certified to Congress, that it would be in the best interests of the United States to do so. Six months after the provision came into force, the Secretary of State and the Attorney General would have to transmit to the foreign relations and intelligence committees of Congress a plan to carry out the new policy.

There can be no doubt of the security risks of continued employment of a large number of Soviet nationals at U.S. diplomatic and consular facilities in the Soviet Union. Nearly 200 Soviet nationals work at our facilities in the Soviet Union while only a handful of Americans work for the Soviets here. It was recently revealed that for a period of years the U.S. Embassy is Moscow was "bugged" by highly sophisticated devices implanted in its typewriters. The Intelligence Committee has determined that the typewriters and other pieces of office equipment have regularly been sent through ordinary freight channels and that Soviet employees in our Embassy and consulates are actually involved in their assignments and use by U.S. officials.

There is an equally severe security problem caused by the activities of Soviet diplomats in the United States. In April 1983, Lt. Col. Yevgeney N. Barmyantsev, acting military attache of the Soviet embassy, was arrested in the act of picking up classified information dropped by a U.S. double agent in rural Montgomery County. Just last month came the reports of the apprehension of John Walker and others after Walker attempted to deliver 129 classified documents to a "dead drop" only about three miles away from where the earlier incident had occurred. Another Soviet official, Aleksey Gavilovich Tkachenko, a vice consul at the Soviet Embassy, was implicated by the FBI and left the country shortly thereafter.

It will do no good to increase the resources devoted to counter-intelligence investigations and security checks within the United States by the FBI and the investigative services of the Department of Defense and the separate military services if we do not begin to control the numbers as well as the activities of Soviet officials in the United States. It is estimated that nearly four out of every ten Soviet diplomatic and consular officials are intelligence officers. Increased resources made available to the FBI and Department of Defense for counterintelligence cannot alone enable them to keep pace with the numbers and aggressiveness of Soviet intelligence officers and their agents.

Our amendment would address the problems of the Soviet nationals at U.S. facilities in the U.S.S.R. at the same time as the number of Soviet diplomats and consular officials in the United States. These problems are closely related; at present, only about 200 Americans work in our Embassy and consulates in the Soviet Union, while over 300 Soviets work here.

This approach is a flexible one that would allow the President to address both these problems together. It would give the Executive branch the statutory directive it needs to resolve the serious problem of the disparity between the numbers of U.S. and Soviet officials. The best way to reduce this disparity in line with the amendment would be for the Executive branch to begin by reducing the number of Soviets working in the U.S. Embassy in Moscow and replacing them with American employees. The Administration could then raise with the Soviets the need to reduce their diplomatic and consular representation here to correspond with the level of U.S. representation in the Soviet Union.

If you have any questions or would like to cosponsor this amendment, please contact either Eric Newsom or Jim Dykstra at 4-1700.

Sincerely,

PATRICK LEAHY.
WILLIAM S. COHEN.

Mr. COHEN. Mr. President, I am pleased to join today with Senator LEAHY in introducing an amendment which should significantly contribute to our national security and promote equity in our diplomatic relations with the Soviet Union.

The amendment would make it the state policy of the United States that there be equivalence in the number of U.S. diplomatic and consular personnel in the Soviet Union and Soviet diplomatic officials in this country. It parallels a provision approved unanimously on May 8 by the Senate Select Committee on Intelligence as part of the fiscal year 1986 intelligence authorization bill. Moreover, it is in line with legislation passed last year and signed into law which expressed the sense of the Senate that equivalence in diplomatic representation should be achieved with countries which engage in intelligence activities against the United States.

The need for this legislation has been clearly demonstrated by the events of recent weeks as we have seen the unfolding of what may be one of the greatest breaches of security in our Nation's history. John Walker, a retired Navy warrant officer, was arrested as he attempted to deliver 129 classified documents to a dead drop in the area near Poolesville, outside of Washington, DC. A Soviet official, Aleksey Gavilovich Tkachenko, a vice consul at the Soviet Embassy, was implicated by the FBI and left the country shortly thereafter.

This incident was similar to one which occurred in April 1983. At that time, Lt. Col. Yevgeney N. Barmyantsev, acting military attaché of the Soviet Embassy, was arrested in the act of picking up classified information dropped by a U.S. double agent. The drop site in that instance was only 3 miles from the rural Montgomery County location used by John Walker.

What these examples point up is the threat to our national security which is posed by the large number of Soviet agents in our country under the guise of diplomatic assignments. The Soviets have far more officials in the United States than we have in the Soviet Union, and it is estimated that 40 percent of official Soviet bloc representatives in the United States are, in fact, active intelligence officers.

It will do no good to increase the resources devoted to counterintelligence investigations and security checks within the United States by the FBI and the investigative services of the Defense Department and military services if we do not begin to control the numbers and activities of Soviet officials in the United States. These increased resources will be of little avail if those responsible for counterintelligence are unable to keep pace with the numbers and aggressiveness of Soviet intelligence officers and their agents.

Our amendment would address this problem and bring into closer balance the existing numbers, which show about 200 Americans working in our Embassy and consulates in the Soviet Union and over 300 Soviets working here. It also would deal with the problems brought about by the large number of Soviets working at U.S. facilities in the U.S.S.R.

Nearly 200 Soviet nationals are employed at our Embassy in Moscow and consulate in Leningrad, while only a handful of Americans work for the Soviets here. Recently, it was reported that for a number of years, the U.S. Embassy in Moscow was bugged by highly sophisticated devices implanted in typewriters. The Intelligence Committee has determined that the typewriters and other office equipment were regularly sent through ordinary freight channels and that Soviet employees in our Embassy and consulate are actually involved in their assignments and use by U.S. officials.

Our amendment will provide a flexible means allowing the President to address both these problems together. It would provide for corresponding numbers of American representatives in the Soviet Union and Soviet officials in the United States. The President could continue to admit more Soviets only if he determined, and certified to Congress, that it would be in the best interests of the United States to do so. Six months after the provision came into force, the Secretary of State and the Attorney General would have to transmit to the Foreign Relations and Intelligence Committees of the House and Senate a plan to carry out the new policy.

This approach would give the executive branch the statutory directive it needs to resolve the serious problem of the disparity between the numbers of United States and Soviet officials. It strikes me that the best way to accomplish this would be for the executive branch to begin by reducing the

number of Soviets working in the U.S. Embassy in Moscow and replacing them with American employees. The administration could then raise with the Soviets the need to reduce their diplomatic and consular representation here to come in line with the level of U.S. representation in the Soviet Union.

What we are proposing is, I believe, a responsible, balanced approach which will, by providing essential equivalence in United States and Soviet diplomatic representation, insure greater equity in the diplomatic relations between our two nations. It is an approach which embodies a sense of fairness and a recognition that our interests are best served by achieving the goal of equality which is at the heart of this effort.

I commend this amendment to my colleagues and urge its speedy passage.

Mr. LEAHY. In summary, Mr. President, I will be very brief. My brevity is not because of a lack of concern in this matter but, rather, because I understand the time bind that the distinguished managers of this bill are under. They have a lot of issues which they wish to complete. I know they have been working night and day to do just that. I refer to the distinguished Senator from Indiana and the distinguished Senator from Rhode Island, as well as the distinguished leaders, Mr. DOLE and Mr. BYRD.

Mr. President, it is of great concern to me as a Member of this body and as vice chairman of the Intelligence Committee to see the enormous differences between what the Soviets are allowed to do in the United States and what we are allowed to do in the Soviet Union. The U.S. diplomatic corps is treated as second-class citizens—third class, I would guess—in the Soviet Union while everything possible is done to make life amenable to the Soviets here. I am not suggesting that we change the normal hospitality of the United States, but what I am suggesting is that if the Soviets want certain privileges here in their numbers and the way they are treated, then they should accord the same to the United States. As a U.S. Senator, I cannot stand to see my country given a second-rate treatment in the Soviet Union while we give first-rate treatment to their people here. I think the price of the treatment for the Soviets in this country ought to be quid pro quo. They ought to treat us the same way. They are not doing that.

A year ago I had a similar amendment with Senator Huddleston of Kentucky. This one is, quite frankly, a lot tougher. I think, in light of what has happened, we must do this. In this regard, the Intelligence Committee has prepared a report which provides additional valuable detail and is going to be a useful part of the legislative history of this amendment in its intent. It was part of what I put into the bill already.

I hope, Mr. President—and I realize each one of us always has the idea that we will go back and read things in the RECORD—in this case not only will members of the committee read everything in the RECORD on this amendment, but they will avail to themselves the advantage each Senator has of Senate Resolution 400, to go to the Intelligence Committee and read the bipartisan report the committee has prepared in this area, and they will realize why the Intelligence Committee passed this amendment unanimously.

Finally, Mr. President, I would like to express my sincere appreciation for the excellent work done on this matter by staff of the Intelligence Committee. I wish to thank particularly the minority staff director of the committee, Eric Newsom; the minority counsel, Daniel Finn; John Elliff of the committee's bipartisan staff; and James Dykstra, Senator COHEN's designee, the quality of the form of the amendment and accompanying material only begins to suggest the skill with which they helped me pursue this matter.

Mr. President, I understand that either of the distinguished floor leaders may have a couple of questions on this amendment. I will be glad to answer them, and then I will yield back my time.

Mr. LUGAR. Mr. President, I commend the Senator for his amendment. As a former member of the Intelligence Committee, I have some knowledge of the background that has led to his conclusions and that of the distinguished Senator from Maine, a cosponsor of the amendment.

On our side, we are prepared to accept the amendment and to proceed with a voice vote, if that is the preference of the distinguished mover of the amendment.

Mr. PELL. Mr. President, there is one question that I should like to direct to the mover of the amendment. I am very interested in the subject matter, having been a diplomat behind the Iron Curtain myself some years back. There is a phrase in the amendment:

> The number of nationals of the Soviet Union admitted to the United States who serve as diplomatic or consular personnel of the Soviet Union in the United States.

That does not include, as I understand it, the missions at the United Nations; is that correct?

Mr. LEAHY. The distinguished Senator from Rhode Island is right. It does not include the United Nations mission or the Secretariat. We went over this carefully with legal counsel. Section 3 is based on the Vienna conventions on diplomatic and consular relations.

The phrase referred to is a term of art intended to make clear that it is those diplomats who are accredited to the United States, as opposed to the United Nations.

I would love to be able to do something about the people at the United Nations, because we have an enormous problem, quite frankly, with Soviet espionage out of the United Nations, but that is a separate thing. I respect the integrity of the United Nations and the fact that it is on our soil, but it is a separate entity outside purely United States-Soviet relations. The amendment is clearly aimed just at those Soviets who would be here with or without the United Nations.

Mr. PELL. I thank the Senator. I agree with him that it is a separate ball of wax, and that means that the Soviet citizens who are either accredited to the United Nations or part of the Secretariat of the United Nations would not be covered by this amendment.

Mr. LEAHY. The distinguished Senator is correct.

Mr. PELL. I thank the mover of the amendment, and I look forward to seeing it adopted.

Mr. LEAHY. Mr. President, ordinarily I would have asked to have a rollcall vote on this matter, because I understand that there is tremendous bipartisan support for it. However, I also understand the difficulties that the majority leader and the minority leader are under, as well as the managers of the bill. So I ask the distinguished managers of the bill if, at the time this matter goes to conference with the House, both Senator COHEN and I could at least be advised of the progress of the Leahy-Cohen amendment.

Mr. LUGAR. I advise the Senator that he will be informed, and we will be prepared to work with him.

Mr. LEAHY. I thank the Senator.

Mr. President, I ask unanimous consent that the name of the Senator from Texas [Mr. BENTSEN] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield back the remainder of my time.

Mr. MOYNIHAN. Mr. President, I wonder if I might take a moment, in the presence of the distinguished chairman and the ranking minority member and the Senator from Vermont.

The question of the United Nations has been raised, and what has been known for a very long while has been attested to in recent months in an important book by Arkady Shevchenko called "Breaking With Moscow." Shevchenko was the Under Secretary General of the United Nations for Political Affairs; and in 1975, at the time I happened to be our representative there, he decided to defect to the United States.

I believe this is the highest-ranking defection in the history of the official Soviet family. He has become very much involved with our affairs and has written an important book which elaborates in precise detail the use by the Soviet Union of the Secretariat of the General Assembly of the United Nations for the purposes of espionage and for purposes of manipulating the functions of the United Nations itself.

He elaborates in great detail the use of the Soviet missions at Glen Cove, Long Island, and Riverdale, in The Bronx, for electronic surveillance and interception of telephone calls, the most massive invasion of privacy the United States probably has ever known. And we do nothing. It was not as if we did nothing when we did not know or it was not generally known that we knew. We now do nothing when the matter is of record.

I wonder if the chairman of the Committee on Foreign Relations has any expectation of dealing with this question.

I gather not.

The Senator from Vermont, as the vice chairman of the Intelligence Committee, has raised a specific question with regard to the Soviets on a mission-for-mission basis.

Mr. LEAHY. Mr. President, if the Senator will yield——

Mr. MOYNIHAN. Mr. President, I asked the question, but if I am not going to have an answer——

Mr. LEAHY. Mr. President, if the Senator will yield, the question was not directed to me, but I might say that it is a matter of grave concern to me.

We did not find any way we could work it in this piece of legislation without having to involve the State Department even more than we had to. So I thought I would make it specifically as the amendment is now, leaving out the United Nations.

I assure the distinguished Senator from New York, as he knows from comments I have made in the past, that the U.S. delegations are the next area I want to look at. He knows the subject, and we obviously will not go into it in open session. He knows, from his tenure as vice chairman of the Intelligence Committee, what the problems are there, and he knows from his own distinguished experience as the Ambassador to the United Nations.

Mr. MOYNIHAN. Mr. President, we hear an awful lot about persons being soft on communism these days—too much. The President was somewhere down South yesterday, telling us Democrats that we are misled by leftists.

I should like to ask why they do not say something about Soviets intercepting the telephone calls of U.S. Senators and New York citizens and San Francisco citizens. Are they afraid of the Soviet Union? I do not think they are, but if they were not, they would act differently.

Mr. LEAHY. I hope the Senator from New York does not expect me to disagree with that statement.

Mr. MOYNIHAN. I know that the Senator does agree.

Mr. LEAHY. Mr. President, I am willing to yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 283) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 284

(Purpose: To encourage foreign students to use their training in their countries of origin)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator from New Mexico that it would take unanimous consent to consider the amendment.

Mr. BINGAMAN. I ask unanimous consent that the amendment I have just sent to the desk be considered at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 284.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, strike out lines 9 through 16 and insert in lieu thereof the following:

(b) To encourage students to use their training in their countries of origin, each scholarship pursuant to this section shall be in the form of a loan, with repayment to be forgiven upon the student's prompt return to his or her country of origin for a period which is at least one year longer than the period spent studying in the United States.

Mr. BINGAMAN. Mr. President, I commend my colleagues on the Foreign Relations Committee for including the U.S. Scholarship Program for Developing Countries Act as part of the State Department authorization bill, S. 1003.

I have worked closely with the senior Senator from Maryland, Senator MATHIAS, on this legislation, which was originally introduced as S. 542, and will enable students of limited financial means from developing countries to pursue undergraduate and graduate training in American universities, colleges, and technical schools.

This program will contribute significantly to the educational development of the lower and middle classes of Third World countries. It will enable young people from developing countries to better understand American culture and values. And it will help to overcome the disparity that has existed for the past decade between our educational efforts in the Third World and those of the Soviet Union and Eastern bloc countries.

Mr. President, I recently had the pleasure of participating in a unique hearing on this measure before the Subcommittee on International Operations of the House Foreign Affairs Committee, along with my colleague Senator MATHIAS and Representative JIM WRIGHT and Representative JACK KEMP, the House sponsors. What was unusual about this hearing was that a distinguished panel of educators from Latin America were also able to testify via satellite.

As a result of this hearing, I am even more convinced of the importance and value of this legislation. One of the issues raised was the possibility that some students may remain in the United States after completing their studies in this country. As it is clearly our intent to have the students return to their home country, I, along with my distinguished colleague from Maryland, would like to strengthen the provisions regarding repayment of the student loans.

The amendment we are offering is a simple one, which perfects the original purpose of the program. Specifically, Mr. President, we would like to amend section 504(b) to require the full repayment of all grants and loans, if the student does not return to his or her country of origin and reside in that country for a period of not less than the equivalent of the number of years spent studying in the United States plus one. The present bill requires that only half the loan be repayed, should the student not return.

While this bill is designed to assist students from developing countries throughout the world, I urge the President to give first priority to the Caribbean and Latin America. I base this recommendation on the findings of the Kissinger Commission, whose report called for the establishment of a program which would provide 10,000 U.S. Government sponsored scholarships for Central American students. In view of the persistent political turbulence and economic problems in Central America, and their impact on our relations with countries in the region, I believe it is imperative that attention be focused initially on assisting our neighbors to the South. I believe that educators in my own State of New Mexico, as well as my Senate

colleagues who have cosponsored the original scholarship bill share this view.

I am not, Mr. President, advocating that we should authorize moneys to educate those of limited means in developing countries, while drastically reducing benefits for students at home. As it turns out, however, we do not face this problem, because some $14 million has already been authorized as part of last year's continuing resolution to finance the Scholarship Program recommended by the Kissinger Commission over a 5-year period.

I believe the intrinsic merit of this legislation, the economic and political benefits that we will derive, and the existing availability of funds commend its passage. The Scholarship Program will not only fill a gap in our current assistance efforts in the areas of advanced education and technical training of people from the developing world, it will also enhance the effectiveness of our foreign policies.

In conclusion, Mr. President, I thank the senior Senator from Maryland for his leadership and guidance on this matter, and I thank the members of the Foreign Relations Committee for their cooperation.

Mr. President, this is a noncontroversial amendment. I understand that it is acceptable to the majority and the minority. Senator MATHIAS, who is a prime sponsor of this measure, is agreeable to it.

Mr. LUGAR. Mr. President, the distinguished Senator from New Mexico is correct. We commend the amendment and believe it is a distinct improvement on the text in the bill. We appreciate his offering it today.

Mr. PELL. Mr. President, this is a very good amendment which better meets the problem that is often posed when people come here on scholarships and then stay on with no penalty. This increases the penalty, and I trust that it will be approved.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 284) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO 285

(Purpose: To protect communications among Americans from interception by foreign governments, and for other purposes)

Mr. MOYNIHAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the amendment being in order at this time?

Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 285.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new title: "Foreign Surveillance Prevention Act of 1985".

SEC. 1. The Congress finds that—

(1) the widespread use of electronic surveillance and the interception of telecommunications by foreign governments pose a serious threat both to the national security of the United States and to the rights of privacy and association guaranteed to Americans by the Constitution;

(2) that such electronic intelligence activities by foreign governments have been, and are being, carried on under the guise of normal diplomatic relations with the United States; and

(3) that the President of the United States, constitutionally charged with the conduct of the Nation's foreign relations and with the protection of the Constitution of the United States, has the primary responsibility to protect the rights and interests of American citizens as they may be jeopardized by the electronic intelligence activities of foreign powers.

SEC. 2. Whenever the President of the United States has reason, based upon information in his possession, to believe that in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, any individual on whom diplomatic immunity has been conferred by the United States, is willfully engaging in electronic surveillance on behalf of a foreign power, the President shall—

(a) so inform the Chairman and ranking minority member, or, in his discretion, the members of the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, and the Select Committee on Intelligence of the House of Representatives;

(b) so inform those persons, if any, reasonably believed to be particular targets of such surveillance in order that they may take such precautions as they consider advisable, unless he shall determine that to do so would seriously compromise sources or methods of intelligence gathering the United States;

(c) so inform the Ambassador or Charge d'Affairs or other representative of such foreign power, and shall demand that such foreign power immediately cease such surveillance, unless he shall determine that to do so would seriously compromise sources or methods of intelligence gathering by the United States; and

(d) thirty days after such demand is made, if the electronic surveillance has not ceased, declare such individual to be persona non grata in the United States, and shall demand that he leave the United States immediately, unless the President shall determine that to do so would cause serious damage to the national security of the United States.

SEC. 3. DEFINITIONS.—As used in this Act—

(a) "electronic surveillance" means the interception of wire or radio communications through the use of any electronic, mechanical, or other device;

(b) "wire or radio communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, radio, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications;

(c) "person" means any individual, partnership, association, joint stock company, trust, or corporation;

(d) "electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or radio communication other than any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business;

(e) "foreign power" means—

(i) a foreign government or any component thereof, whether or not recognized by the United States;

(ii) a faction of a foreign nation or nations, not substantially composed of United States persons;

(iii) an entity, which is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(iv) a foreign-based political organization, not substantially composed of United States persons; or

(v) an entity which is directed and controlled by a foreign government or governments; and

(f) "common carrier" shall have the same meaning which is given the term by section 153(h) of title 47 of the United States Code.

Mr. MOYNIHAN. Mr. President, this is legislation which I have introduced to the Senate in 1977, 1983, and again in 1985. This year it is the substance of S. 12.

In the simplest way, Mr. President, it addresses the question of electronic spying in the United States carried out from diplomatic premises of various missions of various kinds within our borders.

The fact that we are at this point probably seeing the largest invasion of privacy of American citizens in their history carried out by foreign diplomats and foreign missions, including missions to the United Nations, is no longer a secret. It is a public fact.

As I mentioned in a previous exchange, Shevchenko, in his book, "Breaking With Moscow," describes in detail the facilities that were operating in Glen Cove, Long Island, about 10 years ago and which we know to have been greatly expanded since.

Last autumn, on October 7, 1984, Mr. David Burnham, of the New York Times, reported an extraordinary interview with Mr. Walter G. Deeley of the National Security Agency, the

senior officer in charge of protecting Government communications.

We know in this body that the activities of the National Security Agency are very closely held affairs and its officials rarely give interviews. Mr. Deeley did. He said,

I want the country to be aware that if we do not protect our communications, it can do a great deal of damage to us. This is a problem that goes to the very fabric of our society. It is not just a worry of the National Security Agency.

He went on to say:

They are having us for breakfast. We are hemorrhaging. Your progeny may not enjoy the rights we do today if we do not do something.

He announced that the National Security Agency is purchasing phones for $35,000 a copy to protect the privacy of Government officials doing official business on the telephones. That was National Security decision directive No. 145.

We have more recently learned, in a May 20, 1985, account by Mr. Burnham, that the President has signed a National Security decision memorandum 113, ordering the use of scramblers on automobile phones used by officials here in Washington.

Mr. President, there is a degree to which the Government can protect itself and should. It is expensive—$35,000 a telephone is a pretty expensive telephone. That gets into the socket wrench category, you might say.

What about the rest of us? What about the citizens of New York, Chicago, San Francisco, and Washington, with respect to these Soviet activities?

The Soviet Embassy is now on one of the highest points in the city of Washington—an area known as Mount Alto. The Soviets will have opportunities there for the interception of microwave transmissions throughout the capital area.

We have to stop this. The fourth amendment rights of Americans are involved.

I once asked a General Counsel of the Central Intelligence Agency about this in a hearing we had. I said, "Aren't the fourth amendment rights of Americans being violated by these activities?"—which no one denies.

The counsel, who may have gone to slightly too good a law school, said, "No, they are not."

I said, "How was that?" He said, "The fourth amendment only protects citizens against invasion of their privacy by their own Government, not by foreign governments."

Technically so. The more then is the reason we should have this legislation, giving the President a clear message that we will support him to the degree necessary and prudent. With adoption of this amendment, Congress will insist that we know what is going on, and it would be illegal if done by anyone but foreign diplomats, and we want it stopped. If they do not stop, have them leave.

Mr. President, I ask unanimous consent to have printed in the RECORD the interview from the New York Times of Walter G. Deeley, to which I have made reference, and the article from the New York Times by David Burnham, entitled, "Getting an Earful From Soviet Radio Telephones."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 7, 1984]

500,000 MORE SPY-PROOF PHONES PROPOSED BY TOP SECURITY AGENCY

(By David Burnham)

WASHINGTON, Oct. 6—The National Security Agency is proposing that the Government and industry be equipped with as many as 500,000 telephones that can be secured against interception.

The Agency is convinced that the Soviet Union and other nations are obtaining important intelligence from United States telephone.

Although cloaked in secrecy, a program like the one the agency proposes could cost hundreds of millions of dollars. The project could also lead to a new role for the intelligence agency in private industry. Under the proposal, production of the secure phones would begin in two years.

REAL SECURITY THREAT IS SEEN

The decision by the largest and most secretive American intelligence organization to propose a major effort to combat telephone eavesdropping was disclosed by Walter G. Deeley, the senior official in charge of protecting government communications.

He said in an interview that electronic eavesdropping by the Soviet Union, other countries he did not name and corporations posed a genuine threat to the security of the United States.

"I want the country to be aware that if we don't protect our communications, it can do a great deal of damage to us," Mr. Deeley said. "This is a problem that goes to the very fabric of our society. It is not just a worry of the national security agencies."

MOVE BY CARTER ADMINISTRATION

He said he believed the United States was in "deep trouble," adding: "They are having us for breakfast. We're hemorrhaging. Your progeny may not enjoy the rights we do today if we don't do something."

A Reagan Administration official familiar with intelligence matters agreed there was a surveillance problem, but he also said no final decision had been made to go beyond research or to request money to produce the phones.

In August, the National Security Agency sent a letter to more than 2,000 major corporations saying, "The U.S. has initiated an effort to develop lowcost, user-friendly secure telephone instruments."

The number of secure telephones currently used by Government agencies is classified information. But the Carter Administration said there were 100 such phones in the Government, and it planned to buy 150 more. The cost of each phone then was $35,000. The Reagan Administration has bought an unknown number of additional secure phones.

The phones proposed by the National Security Agency would be used by the Central Intelligence Agency, the Defense and State departments, military contractors and other private corporations such as banks that handle information of possible use to a foreign power.

BACKING COMPUTER RESEARCH

The National Security Agency was set up by President Truman in a secret executive order in 1952 to conduct electronic intelligence all over the world and protect the sensitive messages of the United States.

It has used its secret budget, now estimated at $4 billion a year, to make itself a major sponsor of advanced computer research, and it has played an important covert role in shaping national communication policy. Its top officials almost never grant on-the-record interviews.

"Anyone making a phone call to the West Coast of Boston from the Washington area has no idea how the conversation will be transmitted," Mr. Deeley said, "It might go via fiber optics, conventional cable, microwave towers or one of the 19 domestic satellites. If it is going via satellite you can presume the other guy is listening to it."

SECURING COMPUTER DATA

Asked for specific examples of electronic espionage, he said he could not disclose them because they were classified. Citing individual cases, he said, would give the Russians important clues about the ability of the United States to detect their efforts.

Mr. Deeley said his agency was developing a similar program to improve the security of computerized data. "This area has blown up extraordinarily fast," he said. "In many ways computerized data is more harmful than telephones because it's all record information.

"The financial institutions have become aware of this problem. The insurance companies are becoming aware. The rest of the private sector companies are just now beginning to see that if they are going to survive, they have to protect their communications."

He said increasing American use of communication satellites and microwave transmission towers made it economically possible for almost any nation and many large corporations to intercept messages, then use high-speed computers to sort them out.

CONGRESSMAN OPPOSES MOVE

A spokesman for the American Telephone and Telegraph Company said he could not estimate the amount of telephone traffic that was subject to relatively easy interception because it was transmitted by microwave towers or satellites. But he added that one rough indicator was that 70 percent of A.T.&T.'s domestic equipment and 60 percent of its overseas equipment transmitted telephone messages through the atmosphere rather than by cable, which is harder to intercept.

Few members of Congress other than members of the Senate and House Intelligence Committees are aware of the National Security Agency's plan. One execption is Representative Glenn English, Democrat of Oklahoma and chairman of the House Government Operations Subcommittee on Information. In a letter Sept. 24 to the General Accounting Office, a Congressional investigative arm, he said, "There can, of course, be no objection to maintaining adequate security for classified information."

He said, however, that he knew "from past experience that the national security bureaucracy has a tendency to require a degree of protection for classified information that may be excessive." He added,

"Technological security measures are very expensive, and my concern is that the unnecessary use of these measures is a waste of scarce Federal funds."

UNCLASSIFIED STUDY IS ASKED

Mr. English asked the G.A.O. to prepare an unclassified report on whether the proposed protective measures were necessary and worth the cost.

Henry Geller, director of the National Telecommunications and Information Administration in the Carter Administration and now the head of the Washington Center for Public Policy Research of Duke University, raised questions about the project.

He said that when the Carter Administration studied Soviet eavesdropping, it decided that its biggest security agency should be responsible for assuring the communications security of the American military and American intelligence services but that the Commerce Department should be responsible for working with private companies.

"There was a strong belief in the Carter Administration that the United States has a long and important tradition that the telephone systems and broadcasting groups are independent, privately owned entities," he said. "Adopting a plan that gives the N.S.A., a branch of the Pentagon, an important role in the communication network of private corporations and civilian agencies of government is a significant policy change that should be carefully examined by Congress before it is adopted."

FIVE CONTRACTS AWARDED

Mr. Deeley said his agency's concern prompted it earlier this year to award five of the major American communication companies small contracts to conduct individual studies; the object would be to determine whether they could mass-produce a low-cost, easy-to-use telephone that would be difficult to intercept. The companies are AT&T, the GTE Corporation, the ITT Corporation, the Motorola Corporation and the RCA Corporation.

Mr. Deeley did not describe the telephones, but experts in the field said each would presumably have a small computer that would transform the voice signals into a stream of coded digits. They said this would require time and expensive equipment for an outsider to decode the message.

However, after the coded message was transmitted by conventional means to another special telephone, the receiving unit's computer could quickly turn the digits back into an understandable voice.

As a result of the preliminary studies supported by his agency, Mr. Deeley said that he hoped to get bids on the project in November and sign an agreement with two of the five companies before the end of this year, and that production of the devices could begin before the end of 1986. "We're talking about a half a million phones," Mr. Deeley said.

While the Carter Administration paid $35,000 for each such phone, Mr. Deeley said the N.S.A. hoped that mass production could cut the cost.

"Communications security is like insurance," he said. "It has no intrinsic value until it is needed. Some people buy insurance, some don't. If you are a responsible person with a family, you take out a little term insurance. If you aren't, you buy a case of beer."

Mr. Deeley said a major investment in secure telephones by the private sector would result in a substantial reduction of the cost of such equipment for the Federal Government.

"If Exxon or Hanover Trust want to protect themselves," he said, "they ought to be able to get the right equipment to achieve that goal. If they don't care about other people reading their mail, that's their business."

[From Time Magazine, Oct. 29, 1984]

IS IT SAFE TO USE THE PHONE?

The tapping of telephone conversations has long been recognized as a security threat, and the rise in microwave and satellite transmission of conversations has made electronic eavesdropping easier than ever. Yet even though all Presidents since Franklin Roosevelt have conducted much of their business over secure, or scrambled, phone lines, the U.S. has been bewilderingly slow in dealing with another potentially enormous security problem: most Government and business officials daily discuss sensitive matters over ordinary, unsecured equipment.

As new technology has increasingly enabled global adversaries to sort through vast amounts of airborne telebabble in search of key words and phrases, ordinary telecommunications have become a priceless source of intelligence for the Soviet Union and, possibly, other nations. Says New York Democrat Daniel Patrick Moynihan, Vice Chairman of the Senate's Select Committee on Intelligence: "The targets of Soviet interception of telephone communications now include our businesses, our banks, our brokerage houses, as frequently as our Government agencies . . . Private communications of all sorts have been violated, and on a scale that dwarfs any previous surveillance effort by friend or foe."

Now the Reagan Administration is belatedly moving to stanch this immense intelligence drain. The President has quietly signed a document known as National Security Decision Directive No. 145. It gives overall responsibility for ensuring the security of communications in the Government and the defense industry to the National Security Agency (NSA), the secrecy-shrouded behemoth whose primary function since its founding in 1952 has been the collection and analysis of other nations' communication traffic. Under Reagan's directive, the NSA will search for ways of protecting the integrity of sensitive telecommunications and federal computer information, which increasingly are two interrelated parts of a common technology. Estimated cost over the next ten years: $6 billion to $8 billion.

The most visible part of the stepped-up security will be a massive increase in the use of secure telephones, which have so far been parceled out to federal officials with unusual frugality. Less than four years ago, intelligence sources say, the combined networks of secure telephones operated by the Federal Government probably numbered just upwards of 1,000 units. That total has risen steadily under the Reagan Administration; the exact number is secret, but unofficial estimates put the new total at between 2,000 and 3,000 units. One reason the Government has been slow to install scrambled lines has been the cost: each secure unit runs about $31,000. Another has been complaints from users that voice quality is poor. Even so, concedes Walter Deeley, the NSA's deputy director for communications security, a study he conducted last year on communications security showed telephones to be the biggest leakage problem.

Working with five of the nation's largest manufacturers of telephone equipment (AT&T, ITT, Motorola, RCA and GTE), NSA officials believe technology has been developed that will lead to what Deeley, in computer jargon calls "a user-friendly secure phone" at a cost of less than $2,000 a unit. Scrambling units in current use weigh about 70 lbs and take up the space of two filing-cabinet drawers. Electronics experts expect the new units to employ small, inexpensive microcircuits built directly into the telephone receiver. The scrambler converts signals produced by conversation into electronic "white noise" that is meaningless until disencrypted, or unscrambled, on the other end of the line.

Deeley predicts that production of the new generation of secure phones will begin within two years. By the end of the decade, NSA officials plan to install half a million of them: 200,000 in Government offices and an additional 300,000 in private companies that have access to classified or sensitive Government information. Within ten years they expect the total number of secure telephones in the U.S. to reach 2 million, or about one out of every 120 of the nation's horns. "Communication security is not like guns, ships or bullets," says Deeley. "It's sort of like insurance; it has no intrinsic value at a particular moment. But we must become serious about it."

Many experts are also concerned that there is leakage of valuable technical information through foreign eavesdropping on the telecommunications of private firms. The Commerce Department had considered a program to encourage private businesses to take more security measures, but the Government now tends to rely on competitive pressures to force companies to guard their secrets.

The U.S. began losing physical control of its telecommunications in the 1960's, when more and more began to be transmitted through the air waves rather than through cables. AT&T currently estimates that it uses satellites or microwave towers for 70% of its domestic traffic and 60% of its traffic abroad. Both forms of atmospheric transmission are easily interceptible on Soviet listening equipment that is doubtless installed in the U.S.S.R.'s diplomatic properties in the U.S. and elsewhere. The Kremlin's listening post in Cuba, for example, can pick up virtually all traffic from U.S. domestic communication satellites. Says an NSA official: "They just sit down there with their huge vacuum cleaner and suck everything up." In recent years the Soviets have developed computers that can cull such intelligence with much more sophistication than earlier models, and not just in search of defense secrets. "A computer can put together those bits and pieces," says an NSA official. "And even if the vast majority of what was said is unclassified, the other side can put it together and save billions in research." Indeed, U.S. officials are convinced that the Soviets are targeting telecommunications involving U.S. space shuttle personnel in an effort to do just that.

Though cutting back on the Soviet Union's ability to eavesdrop is the primary purpose of the new telesecurity program, U.S. officials point out that it could also foil surveillance attempts by other rivals, including unscrupulous economic competitors. Moreover, as Reagan has pointed out, the same technology used in foreign intelligence operations is increasingly available to "terrorist groups and criminal elements."

[From the New York Times, May 20, 1985]

GETTING AN EARFUL FROM SOVIET RADIO TELEPHONES

(By David Burnham)

WASHINGTON, May 19—About 25 years ago, the United States began eavesdropping on top officials of the Soviet Union in Moscow as they chatted with each other on their car telephones.

The electronic snooping went on for a number of years and, according to some accounts, produced useful information, such as signs that some leaders were seriously ill while others had drinking problems. But then word leaked out and the radio telephones of the Soviet leaders suddenly went silent. A short time later, the conversation resumed, only now the voices were scrambled.

Although the United States was aware its conversations could be monitored, too, this time it took no major steps to secure the car telephones of its own leaders. Officials were warned not to discuss confidential matters over the air, but it was not until early last year, at the insistence of President Reagan, that the 86 limousines used by top American officials in the capital got scramblers on their phones.

NOW NEARLY COMPLETE

The installation, ordered under a top secret memorandum, National Security Decision 113, is now almost complete. In fact, even more sophisticated equipment has been ordered to replace the original.

In the interim, was any secret information compromised? And why the long delay for scramblers?

No officials will answer the first question. But whatever the case, Allen Henney, a Washington-area radio buff who is a member of the Radio Communications Monitoring Association reports that most of what he now hears is scrambled.

"I used to hear a fair amount of chit-chat, some official telling his wife he wouldn't get home until late," said Mr. Henney, who spends many hours a week working his way through radio frequencies used by such agencies as the Federal Bureau of Investigation and the Secret Service. "But beginning about a year ago," he added, "most of this stuff began to be scrambled."

SOME LIGHT ON THE AGENCY

As for the delay in installing scramblers in American limousines, the reasons offered provide a peephole of "sigint," or signals intelligence, and "comsec," or communications security. They also shed some light on the workings of the National Security Agency, a huge but largely invisible agency.

Intelligence and communications experts in the executive branch, Congress and outside of the Government say the first and foremost reason for the installation delay was the way the National Security Agency was set up. Since 1951 it has had prime responsibility for collecting electronic intelligence from around the world and protecting the official communication links of the United States.

HE SHIFTED TO OTHER HALF

"The NSA," one Capitol Hill intelligence expert said, "is divided into two largely autonomous divisions that seldom have talked to each other. This has meant that the signal intelligence side focused all of its attention on listening while Comsec has concentrated on such activities as developing secret codes, without giving much thought to other communication channels such as car radio telephones."

It may not be entirely coincidental that shortly after Walter G. Deeley became the head of Comsec in June 1983 that the National Security Agency greatly increased its efforts to combat Soviet eavesdropping. Mr. Deeley is the first head of Comsec to have spent most of his professional career in Sigint.

A second reason for the delay may be technical. Although there has been a dramatic growth in the use of mobile telephones, the industry has paid little attention to developing an efficient way to protect the privacy of conversation on radio telephones.

"The NSA could have installed a scrambling device on the President's mobile telephone before 1984, but it would have taken up a lot of space and was pretty cumbersome to use," said one official. "With the current technology, the equipment still is pretty bulky but we expect that, like all such electronic items, it will shrink a lot more."

END TO EAVESDROPPING SOUGHT

In fact, a few months ago the agency selected three major companies to begin producing a new family of small office and mobile telephones for under $2,000, an instrument that the agency hopes will help end international and corporate eavesdropping. The agency would like to see the new phones in the offices of 500,000 Government officials and contractors as well as a million corporate executives in the next five years.

As for the eavesdropping on the Soviet leaders, according to several accounts, the first efforts to pick up their telephone conversations was apparently undertaken under a project with the code name of Gamma Gupy. The listening device was probably nothing more than an antenna on the roof of the United States Embassy. Later, according to intelligence experts, satellite listening devices were employed.

It is not known when or how the Russians first learned of the project. But a senior American intelligence official close to that particular project said a syndicated Jack Anderson newspaper column on the subject resulted in "all radios going dead" in the early 1970's. "When they came back on," the official added, "the conversations were encrypted."

While it is difficult, scrambled telephone conversations can sometimes be unscrambled by an eavesdropper. Presumably, both the Soviet Union and the United States now have such operations underway.0

Mr. MOYNIHAN. Mr. President, it is my understanding that the distinguished chairman of the Committee on Foreign Relations who has been very friendly to this purpose for the longest while is willing to accept the amendment, which would be a moment of some consequence.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, I appreciate the amendment offered by the distinguished Senator from New York who speaks from great experience on this subject from his responsibilities in the Intelligence Committee and previous responsibilities in public life.

On our side we are prepared to accept his amendment and commend it to the Senate.

Mr. PELL. Mr. President, this is a good amendment and one that comes out of the experience and long years of working in this field with the Senator from New York, and I believe we should accept it.

Mr. MOYNIHAN. Mr. President, may I express my gratitude to the managers of the legislation and most especially to my friend, the Senator from Rhode Island, who having served abroad behind the Iron Curtain, is especially aware of what this can mean.

Mr. President, there are 10 cosponsors of the legislation who would like to be included and Senator HOLLINGS would like to further be recorded as a cosponsor. I ask unanimous consent that the RECORD be allowed to remain open for any others who might wish to do so in the course of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cosponsors of S. 12, which is identical to the amendment, are Mr. PROXMIRE, Mr. COHEN, Mr. INOUYE, Mr. CHILES, Mr. DIXON, Mr. THURMOND, Mr. GLENN, Mr. PRESSLER, Mr. WALLOP, and Mr. HOLLINGS.

Mr. MOYNIHAN. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 285) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. I thank the Chair.

AMENDMENT NO. 286

Mr. EVANS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington [Mr. EVANS] proposes an amendment numbered 286.

Mr. EVANS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following:

TITLE —. IRAN CLAIMS SETTLEMENT ACT

SHORT TITLE

This title may be cited as the "Iran Claims Settlement Act".

RECEIPT AND DETERMINATION OF CERTAIN CLAIMS

SEC. 2. (a) The Foreign Claims Settlement Commission of the United States is authorized to receive and determine, in accordance with the provisions of title I of the International Claims Settlement Act of 1949, the validity and amounts of claims by nationals of the United States against Iran which are

settled en bloc by the United States. In deciding such claims, the Commission shall apply, in the following order, the terms of any settlement agreement, the relevant provisions of the Declaration of the Government of the Democratic and Popular Republic of Algeria of January 19, 1981, giving consideration to interpretations thereof by the Iran-United States Claims Tribunal, and applicable principles of international law, justice, and equity.

(b) The Commission shall certify to the Secretary of the Treasury any awards determined pursuant to subsection (a) of this section in accordance with section 5 of title I of the International Claims Settlement Act of 1949. Such awards shall be paid in accordance with sections 7 and 8 of that title, except that—

(1) the Secretary of the Treasury is authorized to make payments pursuant to paragraphs (1) and (2) of section 8(c) in the amount of $10,000 or the principal amount of the award, whichever is less; and

(2) the Secretary of the Treasury is authorized to deduct pursuant to section 7(b) an amount calculated in accordance with section 3(a), instead of 5 per centum, of payments made pursuant to section 8(c).

DEDUCTIONS FROM ARBITRAL AWARDS

SEC. 3. (a) Except as provided in section 4, whenever the Federal Reserve Bank of New York shall receive an amount from the Security Account established pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981, in satisfaction of an award rendered by the Iran-United States Claims Tribunal in favor of a United States claimant, the Federal Reserve Bank of New York shall deduct from the amount so received, for the aggregate amount awarded under each enumerated claim before the tribunal, an amount equal to one and one-half percent up to and including a total awarded of $5,000,000 and one percent thereafter, as reimbursement to the United States Government for expenses incurred in connection with the arbitration of claims of United States claimants against Iran before the Iran-United States Claims Tribunal and the maintenance of the Security Account.

(b) Amounts deducted by the Federal Reserve Bank of New York pursuant to subsection (a) shall be deposited into the Treasury of the United States to the credit of miscellaneous receipts.

(c) Nothing in this section shall be construed to affect the payment to United States claimants of amounts received by the Federal Reserve Bank of New York in respect of awards by the Iran-United States Claims Tribunal, after deduction of the amounts calculated in accordance with subsection (a).

(d) This section shall be effective as of June 7, 1982.

EN BLOC SETTLEMENT

SEC. 4. The deduction by the Federal Reserve Bank of New York provided for in section 3(a) of this Act shall not apply in the case of a sum received by the Bank pursuant to an en bloc settlement of any category of claims of United States nationals against Iran when such sum is to be used for payments in satisfaction of awards certified by the Foreign Claims Settlement Commission pursuant to section 2(b) of this Act.

REIMBURSEMENT TO THE FEDERAL RESERVE BANK OF NEW YORK

SEC. 5. The Secretary of the Treasury is authorized to reimburse the Federal Reserve Bank of New York for expenses incurred by the bank in the performance of fiscal agency agreements relating to the settlement or arbitration of claims pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981.

CONFIDENTIALITY OF RECORDS

SEC. 6. Notwithstanding the provisions of the Freedom of Information Act, section 552 of title 5, United States Code, records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal shall be prohibited from disclosure to the general public except that—

(1) rules, awards, and other decisions of the Tribunal and claims and responsive pleadings filed at the Tribunal by the United States on its own behalf shall be made available to the public unless the Secretary of State or his designee determines that public disclosure would be prejudicial to the interests of the United States or United States claimants in proceedings before the Tribunal, or that public disclosure would be contrary to the rules of the Tribunal; and

(2) the Secretary of State or his designee may determine on a case-by-case basis to make such information available when in his judgment the interests of justice requires.

Mr. EVANS. Mr. President, this amendment would create a new title S. 1003 concerning settlement of claims against Iran.

This amendment, the Iran Claims Settlement Act, S. 1166, was adopted unanimously by the Foreign Relations Committee and has the support of the administration and the American Bar Association.

The amendment would promote the prompt and efficient processing of claims made by the U.S. citizens and corporations against the Government of Iran. These claims are now pending before the Iran-United States claims tribunal in the Hague.

It would accomplish these ends in three ways:

One, it would give the Foreign Claims Settlement Commission the authority to adjudicate certain claims of U.S. nationals against Iran should those claims be resolved by an en bloc settlement between the two governments.

Two, it would permit the State Department and U.S. claimants to share among themselves pleadings and other documents that relate to proceedings before the tribunal.

And three, it would provide specific statutory authority for the collection of a modest fee from claimants to offset the expenses incurred by the U.S. Government in providing a forum for the arbitration for their claims and maintaining a source of funds for payment of awards to successful claimants.

Mr. President, for the purpose of establishing legislative history I ask unanimous consent to have printed in the RECORD the committee report on S. 1166.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT No. 99

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the prompt and efficient processing of certain claims made by U.S. nationals against the Government of Iran and to authorize the collection of a fee from successful claimants to offset certain of the expenses incurred by the U.S. government in assisting these claimants.

COMMITTEE ACTION

S. 1166, the Iranian Claims Settlement Act, was introduced by Senators Evans and Lugar on May 17, 1985. A hearing chaired by Senator Evans was held on May 20, 1985. The following witnesses gave testimony:

Michael J. Matheson, Esq., Deputy Legal Adviser, Department of State.

Arthur Rovine, Esq., Baker & McKenzie.

Philip R. McKnight, Esq., Ivey, Barnum & O'Mara.

Timothy Dickinson, Esq., Gibson, Dunn & Crutcher.

In addition, statements for the record were received from:

Stewart A. Baker, Esq., Steptoe & Johnson.

Markham Ball, Esq., Wald, Harkrader & Ross.

The Committee approved the bill on June 4, 1985 by a vote of 16–0. Senator Murkowski did not vote.

BACKGROUND

The Iranian hostage crisis was settled on January 21, 1981 with the signing of the Algiers Accords. Among other things, the Accords provided for the establishment of an international arbitral tribunal known as the Iran-United States Claims Tribunal. The Tribunal, consisting of three members appointed by the United States, three by Iran and three chosen by agreement of the two countries, has the authority to adjudicate claims of U.S. citizens and corporations against Iran arising out of debt, contract, expropriation and other measures affecting property rights. Tribunal awards are binding on the parties and are enforceable in the courts of any nation. Payment of the first award was made in June of 1982.

To assure payment of awards made to U.S. nationals a Security Account was established at a subsidiary of the Netherlands Central Bank using a portion of Iranian bank deposits which had been frozen in the United States. The initial amount deposited in the Account was $1 billion; the amount currently in the fund is $630 million. Interest on the Security Account is credited to a separate account and may be used by Iran to replenish the fund. Under the Accords, Iran has the responsibility to replenish the Security Account when payments to U.S. claimants cause the fund to fall below $500 million.

More than 3,800 claims have been filed with the Tribunal: some 2800 small claims (defined as claims under $250,000) and approximately 518 large claims of U.S. nationals against Iran; about 100 disputes between the two governments; and more than 400 claims of Iranian banks, based on letters of credit or disputed deposits in U.S. banks. There are also a number of claims against the U.S.

Large claims are expected to be settled only as a result of claimants pleading their cases before the Tribunal individually.

Under the Accords the U.S. Government presents the small claims of U.S. nationals to the Tribunal. While the U.S. is prepared to go forward if necessary with the arbitration of each one of the more than 2800 small claims, it has been the intention of the State Department seek a negotiated settlement of the small claims "en bloc". If such a settlement is achieved, the most efficient way to divide the amount received in the "en bloc" settlement would be through adjudication by the Foreign Claims Settlement Commission, a component of the Department of Justice. The Commission has developed procedures for processing the claims of U.S. nationals against foreign governments.

The Accords provide that the costs of operating the Tribunal and maintaining the Security Account are to be shared by the U.S. and Iran. The U.S. Government's annual contribution to defray the costs of the Tribunal is approximately $2 million. The U.S. also pays about $1 million annually to a subsidiary of the Netherlands Central Bank for managing the Security Account.

Besides these shared costs, the U.S. Government incurs additional expenses in connection with the Tribunal. These are costs associated with the representational and advisory services performed by the Office of the Legal Adviser in the Department of State. The Legal Adviser's Office represents the U.S. Government before the Tribunal, preparing and defending claims to which the U.S. is a party. For small claims, the Office processes the claim and formally presents it to the Tribunal. For large claims, it advises claimants' counsel on Tribunal procedure and precedent. The Office also briefs and argues legal issues common to all claimants.

A portion of the expenses borne by the Government inure to the benefit of private claimants. In recognition of this, the Administration has been deducting a fee of 2% from awards made by the Tribunal. To date, $6,860,000 has been collected. This fee was imposed pursuant to the Independent Office Appropriations Act (31 U.S.C. S 9701).

The Administration's authority to collect this fee has been challenged in the United States Claims Court by the Sperry Corporation, a successful claimant. In a May 1, 1985 ruling from the bench, Chief Judge Kozinski held that for technical reasons the fee did not meet the requirements of the Independent Office Appropriations Act. If Judge Kozinski's opinion stands, the Administration would be liable for refunds of the entire $6,860,000 it has collected; no additional fees could be assessed until the technical deficiencies Judge Kozinski found were corrected.

SECTION-BY-SECTION ANALYSIS

Section 2 authorizes the Foreign Claims Settlement Commission to adjudicate the small claims of U.S. nationals in the event of an "en bloc" settlement between the United States and Iran. The Commission is to exercise this authority in accord with Title I of the International Claims Settlement Act of 1949. This section is necessary because the Commission's authority is presently limited to claims "arising out of the nationalization or their taking of property" of U.S. nationals. Claims pending against the Government of Iran encompass additional matters.

Section 2 addresses several technical matters as well. It sets forth the standards the Commission is to apply in making awards. It also provides the method by which payment of an award is to be made. Ordinarily, a 5% fee is deducted from Commission awards to offset the Commission's costs of operation. Section 2 overrides this provision and directs that the fee be calculated in accordance with Section 3 of the Iran Claims Settlement Act.

Concern has been expressed that Section 2 gives the Commission the authority to adjudicate large claims if they were also settled "en bloc". The Administration has made it clear that it has no plans to seek such a settlement. Were this to change, the Committee expects that the Administration would seek additional legislative authority from the Congress. The Committee does not intend, in approving Section 2, to give the Commission authority to adjudicate any but the small claims following an "en bloc" settlement.

Section 3 contains express legislative authority for the collection of a fee from successful claimants. The Federal Reserve Bank of New York is directed to deduct the fee from the award prior to forwarding it to the claimant. The fee is to be deposited in the Treasury to the credit of miscellaneous receipts. This authority is made effective as of June 7, 1982, the date the Administration published its intent to collect a fee in the Federal Register (47 Fed. Reg. 2543).

The fee is set at 1½% of the first $5,000,000 awarded and 1% on amounts in excess of $5,000,000. In other words, on a successful claim of $6,000,000 the fee would be $8,500. This represents $7,500, 1½% of $5,000,000, plus $1,000, which is 1% of $1,000,000. For purposes of calculating the fee, principal, interest and costs awarded are lumped together.

This two-tier approach will require the Federal Reserve Bank of New York to calculate the amount to be deducted from awards. In the normal case, this will cause no difficulty, since the amount awarded to a specific claimant in a specified claim will be readily identifiable. Where, however, the Tribunal makes more than one award in one claim (for example, where it first renders a partial award and subsequently renders a final award), under Section 3 the Bank is to aggregate those awards in calculating the deduction. If the Tribunal renders an award covering more than one claim without specifying the amount awarded in each claim, the Bank is to calculate the fee based on the total amount awarded.

In approving Section 3 the Committee takes no position on Judge Kozinski's ruling in the *Sperry* litigation to the effect that the deduction pursuant to the Independent Office Appropriations Act was erroneous. The Committee does note that enactment of Section 3 would resolve the matter at issue in the *Sperry* case and any other pending cases which challenge the validity of the Administration's action under the Independent Office Appropriations Act. The Committee also notes that in the event Section 3 becomes law, the claimants which have had a 2% fee deducted would be entitled to a small refund. This refund would be made automatically pursuant to 31 U.S.C. S. 1322.

Section 4 and 5 are technical provisions. Section 4 insures that in the event of an "en bloc" settlement of small claims, no fee is levied on the settlement. Rather, the fee is to be collected as each individual award is made by the Foreign Claims Settlement Commission. Section 5 authorizes the Secretary of the Treasury to reimburse the Federal Reserve Bank New York for expenses the Bank has incurred in connection with the Algiers Accords.

Section 6 contains a limited exemption of the Freedom of Information Act for records relating to the arbitration of claims before the Tribunal. At present, the Department of State is unable to share certain information with claimants and their counsel because of the interaction of the rules of the Tribunal and the Freedom of Information Act. If the Department furnishes information to claimants, this information then becomes subject to general disclosure under the Freedom of Information Act. However, Tribunal rules require confidentiality. Thus, to avoid violating Tribunal rules, the Department must keep certain claims' related information from claimants.

The exemption contained in Section 6 permits information to be freely shared between the Department and claimants without risking disclosure under the Freedom of Information Act. It is narrowly drawn to include only "records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal." Requiring that these records be available furthers none of the purposes of the Freedom of Information Act, exempting them from general disclosure will aid claimants in the prosecution of their claims.

MAJOR ISSUES CONSIDERED BY THE COMMITTEE

The sole controversy with respect to S. 1166 pertains to the imposition of a fee on successful claimants. Some claimants contend that no fee should be charged. They argue that no fee is imposed on litigants using state and federal courts. On the other side, the Administration urges that the flat 2 percent fee, the amount it imposed by regulation, be retained.

The Committee has opted for something between these two extremes. On the one hand, the Committee agrees with the Administration that those who benefit from the existence of the Tribunal and the services provided by the State Department should help bear the expense. On the other hand, the Committee agrees with critics of the flat 2 percent fee, including Judge Kozinski, who say that it fails to match costs with benefits. Clearly, at some point the relationship between the size of the claim and the benefit received declines. Based on the recommendations of the American Bar Association and others, the Committee determined that $5,000,000 was the appropriate dividing line.

The Committee bill establishes a two-tier fee schedule. On awards up to $5,000,000, 1½ percent is deducted; on amounts greater than $5,000,000, 1 percent is charged on the excess over $5,000,000. This 1½ percent-1 percent fee schedule also reflects a reduction on what the Administration would charge small claimants. The Administration seeks a 2 percent fee; the Committee felt that in view of the small size of these claims, averaging roughly $25,000, 1½ percent was fairer.

COST ESTIMATES

In accordance with Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the Committee provides the following estimates of the cost of S. 1166, prepared by the Congressional Budget Office: (attached)

EVALUATION OF REGULATORY IMPACT

In accordance with Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the Committee has reviewed the regulatory impact of S.1166. The Committee

has found that there will be only a slight impact and that this impact will fall almost entirely on the Executive branch. The Committee believes the benefits from enacting the bill far outweigh this slight additional regulatory burden.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by this bill. The entire bill consists of additions to current law.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 6, 1985.

Hon. RICHARD G. LUGAR,
Chairman Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1166, the Iran Claims Settlement Act, as ordered reported by the Senate Committee on Foreign Relations on June 4, 1985. The bill authorizes the recovery of part of the costs incurred by the United States government in connection with the arbitration of claims of U.S. nationals against Iran, authorizes the Foreign Claims Settlement Commission to adjudicate certain claims against Iran should those claims be resolved by an en block settlement between the two governments, and otherwise deals with the settlement of claims against Iran.

Currently, a fee of 2 percent is collected by the Treasury on awards paid to U.S. nationals in settlement of their claims against Iran. However, no statutory justification exists for the collection of these fees. S. 1166 establishes the statutory basis for collecting these fees, and would facilitate the processing of such claims. The bill would reduce the rate to 1½ percent on the first $5 million of each award and to 1 percent on any additional amount. The reduction in the rate would be retroactive, that is, it would apply to all settlements paid after June 7, 1982. In effect, this would result in refunds to claimants who have already received their award and paid a 2 percent fee.

CBO estimates that S. 1166 would yield Iranian claim fees of almost $2 million each year. This is based on the assumption that all claims are settled and awards paid within the projection period, that is, by fiscal year 1990. Refunds mentioned above are likely to be returned to claimants before the end of fiscal year 1985, and so would result in a net revenue loss of just less than $1 million in that year. From 1986 through 1990, the fees would increase revenues by $2 million annually.

If you have any questions, please feel free to contact me, or your staff may wish to contact Neil Fisher or Joe Whitehill.

With best wishes,

Sincerely yours,

RUDOLPH G. PENNER,
Director.

Mr. LUGAR. Mr. President, the Foreign Relations Committee under the guidance of the distinguished Senator from the State of Washington conducted a hearing on this issue and the committee had a markup and adopted this amendment in the form of legislation unanimously.

Obviously we are strongly in favor of the legislation. We commend its passage.

Mr. PELL. Mr. President, I too join the chairman in supporting this amendment and urge that it be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 286) was agreed to.

AMENDMENT NO. 287

Mr. PRESSLER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the amendment at this time? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposed an amendment numbered 287.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following:

RESPONSIBILITIES OF UNITED STATES REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

(a) FINDINGS.—The Congress finds that—

(1) international organizations of which the United States is a member are increasingly involved in the consideration of proposals that may have a significant impact on the interstate or foreign commerce of the United States; and

(2) these proposals are not always adequately publicized or considered pursuant to open and fair procedures available to interested persons.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States representatives to United Nations-related agencies and to other international organizations should oppose the adoption of international marketing and distribution regulations or restrictions which unnecessarily impede the export of United States goods and services; and

(2) the Secretary of State, to the extent practicable, shall publish procedures to provide interested persons with timely notice and an opportunity to comment on such regulations and restrictions under consideration in international organizations as the Secretary determines may significantly affect—

(A) the interstate or foreign commerce of the United States;

(B) the policies or programs of the United States Government; or

(C) any State significantly affected by interstate or foreign commerce.

Mr. PRESSLER. Mr. President, my amendment states that it is the sense of the Senate that United States representative to United Nations related agencies and other international organizations should oppose regulations on international organizations should oppose regulations on international marketing and distribution which unnecessarily impede the export of U.S. goods and services. The Secretary of State would be called upon to publish public comment procedures so that people who may be affected by possible agreements on international restrictions and regulations would have a chance to be heard.

This is a very basic, practical amendment. It is not presently the goal of our negotiators in international organizations to impede the export of U.S. products. Usually these regulations are agreed to in a good faith effort to promote order and safety in international trade. Some of the regulations, however, may affect our ability to be involved in international trade. All this amendment calls for is the increased participation of the private sector in the decisions to enter into these agreements. Presently, agreements affecting segments of the private sector may be entered into, with the segment affected having no say in the matter. This amendment calls for our delegates to international organizations to oppose such regulations until the Secretary of State has allowed the members of the private sector to comment. After that, the Secretary of State can go ahead with the agreement if he wishes to.

There has been a considerable amount of discussion recently about our increasing trade deficit. It is important that, in reaching international agreements, we take no unnecessary actions which could adversely affect our trade position. By allowing the private sector to work with the Secretary of State on these matters, we can easily prevent such agreements. It seems only fair that companies affected by a U.S. international agreement have a chance to comment on the agreement before it is adopted.

For these reasons, I urge the adoption of my amendment.

Mr. President, I might say that in the Foreign Relations Committee we held hearings on this subject and we had Jeane Kirkpatrick testify on it one time. It is a real problem that the well-intentioned civil servants in the United Nations adopt regulations without consulting those who would be affected. We are then put into a position of having to vote against them at the last minute. Sometimes they go into effect without anybody paying attention.

Civil servants of the United Nations and the public servants who serve in the United Nations, for the most part, take a very antifree enterprise, anti-West point of view. I have raised this with our current Ambassador to the United Nations and I will continue bringing up this important subject because the exports of the United States are good and our companies are doing a good job.

We want to comply and be a part of international trade, but we do not

want to be subjected to a series of regulations which are suddenly thrust upon us, with no warning given to those affected.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from South Dakota for his amendment. Indeed, there has been considerable concern in the business community about the regulations adopted by the United States without consultation or notice. We believe that his amendment serves a useful effect.

Mr. PELL. Mr. President, this provision is a version of a bill reported by our committee last year. It is a good amendment and I trust it will be accepted.

Mr. PRESSLER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 287) was agreed to.

AMENDMENT NO. 288

Mr. PRESSLER. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the consideration of the amendment will be in order at this time.

The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposed an amendment numbered 288.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert.

RESTRICTIONS RELATING TO THE PALESTINE LIBERATION ORGANIZATION AND THE SOUTH WEST AFRICA PEOPLE'S ORGANIZATION

SEC. 114. (a) Funds appropriated for any fiscal year for the Department of State for "International Organizations and Conferences" may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity);

(2) 25 percent of the amount budgeted for that year for projects whose purpose is to provide benefits to the Palestine Liberation Organization or to the South West Africa People's Organization or entities associated with either of them.

(b) Funds appropriated for any fiscal year for the Department of State for "International Organizations and Conferences" may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose purpose is to provide benefits to the Palestine Liberation Organization or to the South West Africa People's Organization or entities associated with either of them.

(c) The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the purpose of providing benefits to the Palestine Liberation Organization or to the South West Africa People's Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

(d) Subsections (a)(3) and (b) shall not be construed as limiting United States contributions to the United Nations or its specialized agencies for projects whose purpose, as determined by the President, is to provide humanitarian, educational, developmental, and other nonpolitical benefits.

Mr. PRESSLER. Mr. President, my amendment is intended to place restrictions on U.S. funding for international organizations which support or benefit terrorist groups. This amendment would cut the U.S. contribution to the United Nations by 25 percent of the level of funding for committees, special units, or projects of the United Nations that benefit the Palestine Liberation Organization or the South West Africa People's Organization. I would like to stress that this amendment would not limit our ability to provide funding for humanitarian, educational, or developmental aid to nonterrorist groups.

Specifically, this amendment cites the Committee on the Exercise for the Inalienable Rights of the Palestinian People or any successor entity as one committee that is known to support the PLO. The President would determine which other projects or agencies might fall under the provisions of this amendment.

The United States has a strong interest in the ability of the United Nations to act as a forum for international disputes and disagreements. Any actions by the United Nations that promote terrorism or special interests limit the ability of the United Nations to provide an effective forum. If the United Nations ever were to become controlled by ideological factions which would use their powers against other members on a partisan basis, the United Nations would cease to exist as an impartial body. There is a danger that this could occur. The United States must do whatever is possible to assure that it does not.

The most demeaning thing that the United Nations—an organization dedicated to peace—could do, is promote terrorism. Once the world's foremost peace organization is tied with terrorist groups, it becomes difficult for that organization to claim the legitimacy necessary to act as an effective vanguard of peace. Organizations like the PLO, whose terrorist activity has been well documented, should not be supported or benefited by an agency such as the United Nations. Although many member countries of the U.N. have some ties with the PLO, those ties should not become a part of an organization such as the United Nations. If certain member countries believe that the PLO has some legitimate complaints, those complaints could be dealt with in the United Nations. The terrorist organization, however, should not be involved.

It would be counter productive for the United States to react to PLO involvement with the U.N. by pulling out from all financing or U.N. activity. Although it is against the best interests of the United Nations to be involved with the PLO, the involvement at the present time is not so great as to place the entire mission of the United Nations in jeopardy. The United States should, however, make it clear that this type of action is not correct in our eyes and that we will not support it. Cutting our level of funding by this amount is a moderate display of dissatisfaction. We are in essence saying to the United Nations that the United States considers involvement with such groups as wrong and contrary to the purpose of the United Nations. This action sends a signal that future involvement with terrorist organizations will arouse a U.S. response. This type of moderate expression of our firm belief that such action cheapens the value of the United Nations will hopefully be enough to prevent further involvement with such organizations.

Again, this is a moderate approach to a significant problem. Too strong of an approach could undermine the United Nations. But no response to this dangerous precedent of U.N. involvement with terrorist organizations could allow the United Nations to continue on a dangerous path toward losing their legitimacy as an international forum for peace.

The Congress has in the past agreed to such efforts not to fund organizations involved with terrorist groups. I urge my colleagues to continue opposing U.S. support of organizations involved with such groups, by adopting this amendment.

Mr. President, I move the adoption of the amendment.

Mr. LUGAR. Mr. President, on our side we accept the amendment. We find it to be a commendable amendment.

Mr. PELL. Mr. President, from the minority side, likewise.

The PRESIDING OFFICER. Is there further debate? If there is no

further debate, the question is on agreeing to the amendment.

The amendment (No. 288) was agreed to.

AMENDMENT NO. 289

(Purpose: To provide for a study by the Department of State concerning the feasibility of a temporary lateral entry program into the Foreign Service for businessmen and farmers)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the consideration of the amendment at this time will be in order.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 289.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following section:

SEC. (a). The Department of State shall conduct a comprehensive study on the feasibility of creating a temporary lateral entry program into the Foreign Service for American businessmen and farmers. This study shall analyze the need for such a program by determining whether or not the personnel of the Foreign Service is composed of many people with a diversity of backgrounds such as business, farming, teaching, or other endeavors. The study shall also analyze the costs and feasibility of putting such a program into effect.

(b) The Secretary of State shall report the results of such a study to the Congress no later than 180 days after the date of enactment of this Act.

Mr. PRESSLER. Mr. President, I invite the participation by the ranking manager of the bill who has served in the Foreign Service. The purpose of this is to look into whether the Foreign Service has become an elite organization—whether we should not attempt to try to have lateral entry by people with a diversity of backgrounds, such as business, farming, teachers, and those with other practical experience. I know that it is very expensive to get Foreign Service security clearances for people, but at one point there was a program of lateral entry. This amendment would ask for a study of what it would cost to have a special lateral entry program in the future. Maybe this is impractical in this day and age because the Foreign Service serves all over the world. They have to have very high security clearances, and it is very important they be trained in languages.

I envision a lateral entry program for the Foreign Service in which certain individuals with certain backgrounds could serve for 2 to 4 years and then go back to their private lives, or continue in the Foreign Service. On the other hand, I realize that it is important to train Foreign Service officers. They need to know the way the State Department operates and other things concerning international relations. I also know that maybe it is very expensive in this day and age to have this sort of lateral entry. But this amendment would ask that a study be conducted by the State Department on the feasibility of such a program. I do not envisage an expensive study. I envisage a low-cost study and probably somebody in-house has done a paper such as this already. But in any event, this amendment would provide that the State Department shall conduct a comprehensive study on the feasibility of creating a temporary lateral entry program.

We have added that there should be involvement by people with a diversity of backgrounds: business, farming, teaching, or other endeavors. The study should also analyze the cost and feasibility of putting such a program into effect. If this study shows that it is impractical, I would not press forward. If it shows that it is practical, then it is something we should do. I feel very strongly about our Foreign Service. I want them to be professional. I want them to be paid properly. I want to protect them. I also do not want them to become a group that is unrepresentative or unreflective of the American public as a whole.

So, Mr. President, I move the adoption of the amendment.

Mr. PELL. Mr. President, I am a little bit concerned about this amendment as an old Foreign Service officer because one of the problems we face in the Foreign Service is that too many people are coming in through political means and by lateral entry now. There is nothing more demoralizing to a young Foreign Service officer at the bottom of the scale as a second lieutant than to see someone coming in as a lieutant colonel, or even a captain. My own view is a little different I think. I think there should be less lateral entry rather than more lateral entry. Therefore, I am wondering if the Senator might accept a modification of his amendment and say that the Department of State shall conduct a comprehensive study on the desirability or nondesirability of creating a temporary lateral entry program.

Mr. PRESSLER. I certainly accept that. The Senator's point is well taken. In order to judge whether we should have a lateral entry program or not, we must consider whether there is danger in having a very professional group of people in an elite Foreign Service organization. There could indeed be an analogy to the military profession where I would oppose lateral entry because it is a very specialized technical profession. It would depend upon a definition of what our Foreign Service is. I certainly appreciate that improvement in the amendment. I think those are better words—"desirability" and the "effects."

I thank my colleague.

Mr. PELL. Also, the last sentence in that paragraph, "The study shall also analyze the costs and feasibility of putting such program in effect," if it is so desired, because this leads you to the conclusion that such a program should be put into effect.

Mr. PRESSLER. Part of the reason I would like to have something about what the cost would be is that it may be cost prohibitive to take a family out of private life to give them security clearances and to transport them to a Foreign Service post for one tour. I know there are many farm groups, business groups, and others in my State that have said, "Are their opportunities in midcareer to enter the Foreign Service?" And the general answer is no. Maybe it is just because it is too expensive. I do not envisage the State Department writing a huge report. They already have this information in-house, and I think they can gather it together.

Mr. PELL. OK. I will be glad to accept it.

Mr. PRESSLER. Mr. Chairman, may my amendment be modified as suggested?

The PRESIDING OFFICER. The Senator has that right. If the Senator will send the modification to the desk, the amendment will be so modified.

The amendment, as modified, is as follows:

At the end of the bill, insert the following section:

SEC. . (a) The Department of State shall conduct a comprehensive study on the feasibility, desirability, and non-desirability of creating a temporary lateral entry program into the Foreign Service for American businessmen, farmers, and other occupations. This study shall analyze the need for such a program by determining whether or not the personnel of the Foreign Service is composed of many people with a diversity of background such as business, farming, teaching, and other endeavors. The study shall also analyze the costs and feasibility of putting such a program into effect.

(b) The Secretary of State shall report the results of such a study to the Congress no later than 180 days after the date of enactment of this Act.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are prepared on our side to accept the amendment. I must say that the Department of State will conduct a study at this point on feasibility. I think those are the important words. The Senator from South Dakota raises an interesting question as to whether lateral entry into the Foreign Service can take place in this way. The Senator from Indiana would have some doubts as to whether in midcareer these sorts

of transfers are likely to be a good idea for the Foreign Service or for the people involved. But it is an interesting question. So long as only a feasibility study is required, we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Dakota [Mr. PRESSLER].

The amendment (No. 289), as modified, was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 290

(Purpose: To maintain Presidential authority to curb human rights violations in connection with population assistance)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered. 290.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered,

The amendment is as follows:

At an appropriate place in the bill, add the following:

SEC. . Redesignate subsection (c) of section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 215lb(c)) as subsection (d), redesignate all succeeding subsections accordingly, and insert after subsection (b) the following new subsection:

"(c) Notwithstanding and provision of this section requiring that nongovernmental or multilateral organinzations not be subject to any requirement more restrictive than that applicable to a foreign government, the President, in connection with making available assistance for population planning, shall retain authority under Article II of the United States Constitution and shall have authority hereunder to implement whatever policies he deems necessary to curb human rights violations, including but not limited to infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination, and such authority may be delegated to any officer of the United States who may be designated by the President for that purpose."

Mr. HELMS. Mr. President, the principle that the President of the United States, as chief of state, conducts the foreign policy of the U.S. Government is basic to the Constitution and its formal separation of powers among the three branches of Government. It is a principle that has been recognized time and time again in American history.

In 1936, for example, Mr. Justice Sutherland in delivering the opinion of the Supreme Court in the famous Curtiss-Wright Export Corp. case wrote this:

It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution. It is quite apparent that if, in the maintenance of our international relations, embarrassment is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admmissible were domestic affairs not involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials. Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results.

Mr. President, too often in the recent past Congress has ignored the wise counsel of Mr. Justice Sutherland and has unduly restricted the President's authority in conducting U.S. foreign policy. The foreign aid bill, S. 960, which recently passed the Senate—and which I voted against—contained a provision that severely tied the hands of the President in one particular area of foreign policy.

Section 303(b) of that bill, as it passed the Senate, forces the executive branch to apply identical restrictions in making available population assistance to both nongovernmental or multilateral organizations, on the one hand, and foreign governments, on the other. In other words, in awarding population grants, nongovernmental or multilateral organizations cannot be subjected to any requirements more restrictive than whatever requirements are applied to foreign governments.

Mr. President, there is a major flaw in this provision. It forces the President to treat two fundamentally different entities as if they were the same. It requires him to treat sovereign governments exactly the same as nongovernmental, despite the fact that the nature and attributes of a sovereignity are very different from those of a multilateral organization and not at all like those of a private organization.

This is a serious mistake. This severely ties the President's hands, and makes it impossible for him to have the kind of flexibility he needs in formulating and carrying out U.S. foreign policy in general and in upholding human rights in population policy in particular.

Mr. President, the amendment I now propose is intended to preserve the President's existing flexibility to curb human rights abuses in population control policies. In particular, it maintains his discretion to formulate policies as he deems necessary in order to restrict infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination in connection with U.S. population assistance.

Mr. President, it is no surprise to anyone to learn that certain population policies of governments have involved gross deprivations of human rights. The history of Nazi genocide directed against the Jews and other ethnic populations, the recent revelations about China's draconian depopulation efforts, and the extremely high abortion rate in the Soviet Union indicate that population policy sometimes serves as a subterfuge for what is plainly an abuse of human rights by the forces of tyranny.

Mr. President, in light of the recent controversy over President Reagan's trip to Bitburg and the SS graves there, let's look specifically at the matter of forced abortion by the Nazis. As many of my colleagues may know, the United States treated the Nazis' program of forced abortion among Polish women as a crime against humanity during the Nuremburg trials. Specifically, Otto Hofmann and Richard Hildebrandt were convicted on counts involving forced abortion in the so-called RuSHA Case; RuSHA was a German abbreviation for Race and Settlement Main Office, which was an SS agency. Both Hofmann and Hildebrandt were lieutenant generals in the SS.

Mr. President, I want to quote from the actual count of the indictment on which Hofmann and Hildebrandt were convicted. Paragraph 12 of the indictment is as follows:

12. Abortions. All known cases of pregnancy among deported Eastern slave workers were submitted to RuSHA. Examinations were conducted of the racial characteristics of the expectant mother and father. In the majority of instances, where the racial examinations yielded negative results showing that the expected child was not of "racial value", the Eastern women workers were induced or forced to undergo abortions. When the expected child was found to be of "racial value", it was taken shortly after birth, as described below in paragraph 13. The desired results of this systematic program of abortions were immediately to keep the women available as labor, and ultimately to reduce the populations of the Eastern nations. Abortions on Polish women in the General Government were also encouraged by the withdrawal of abortion cases from the jurisdiction of the Polish courts.

Mr. President, there are tragedies going on in the world today not unlike those inflicted on Polish women and their babies by the Nazis during the 1940's. One prominent case is China, where involuntary sterilization, forced

abortion, and female infanticide have played a major role. One of the best summaries of the horrors taking place in China is a report by China expert John S. Aird of the U.S. Bureau of the Census, entitled "Coercion in Family Planning: Causes, Methods, and Consequences." In his report, Aird describes the terrible abuses the people in China have suffered under the guise of population policy.

Mr. President, I ask unanimous consent that the Aird report, scheduled for formal publication later this year, be printed in the RECORD at this point (excluding all footnotes).

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COERCION IN FAMILY PLANNING: CAUSES, METHODS, AND CONSEQUENCES

(By John S. Aird)

SUMMARY

The undeniable effectiveness of the Chinese family planning program owes much to its coerciveness. From Chinese sources it is clear that many people comply because they have no choice. The Chinese authorities insist that strict control of population growth is essential not just for china's modernization but to assure adequate food, clothing, housing, health, and employment for the people, but limiting families to one child violates traditional family values still deeply entrenched. It also means that many parents will have no one to look after them in old age. They resist the policy by spreading rumors, removing IUDs without permission, destroying female infants in the hope of having a son, and direct hostile acts against family planning workers. Many cadres share the attitudes of the people and are reluctant to enforce the program.

To overcome this resistance, the authorities maintain extreme pressures both on the cadres and on couples of childbearing age. Cadres are penalized for failure to meet targets or for allowing couples to have unauthorized children. People who get pregnant without permission are lectured, harassed, publicly humiliated, fined, deprived of contract land, denied food, water, and electricity, and "mobilized" to have abortions. In the peak year of coerciveness, 1983, the central authorities ordered that all couples with two or more children be sterilized, all women with one child have IUDs inserted, and all unauthorized pregnancies be aborted. The escalation of coercion has not been steady. Periods of intensive coercion have alternated with periods of partial remission, when the central authorities disavowed coercive measures and blamed them on the local cadres. The case of Huiyang Prefecture, Guangdong Province, shows how coercive tactics approved by the central and provincial authorities can be represented in the media as examples of "patient and meticulous ideological work."

In communications addressed to foreigners, the Chinese central authorities insist that they disapprove of coercion and quickly put a stop to it wherever it is discovered. This claim has not deceived most foreign reporters in China but it has been widely accepted by representatives of organizations advocating control of population growth, who have lavishly praised the Chinese effort. In 1983, the United Nations gave one of its first population awards to the head of China's State Family Planning Commission, which the Chinese authorities cited as proof that the whole world approved and supported their program. The United Nations Fund for Population Activities has a continuing multi-million dollar program of assistance to China, including projects supporting family planning, despite a provision in its charter prohibiting aid for coercive family planning programs.

Some of the immediate consequences of reduced fertility in China are salutary, such as the easing of pressures on school enrollments and employment opportunities, but some of the long-range effects may be more problematical. Chinese demographers have expressed concern about the rapid aging of the population in the next century and the serious social security burden that is in prospect. Other Chinese are worried about a generation of pampered only children growing up to be willful, selfish, undisciplined, and ill-adapted to life under socialism. If the economic gains promised the people in return for surrendering a part of their parenthood fail to materialize, an undercurrent of disillusionment with profound political implications could result. The responsibility for coercion in the Chinese program rests not only with the Party leaders who directed the program and the Chinese demographers who rationalized it but also with the foreign agencies and individuals who applauded and encouraged it.

INTRODUCTION

Since the early 1970s, the People's Republic of China has been pursuing what has proved to be the most successful national family planning program the world has ever seen. Its effectiveness can be demonstrated beyond all doubt from the official population data. But exactly why the Chinese have been successful in an undertaking in which many other countries have made little headway is a matter of sharp dispute. Official spokesmen have attributed China's success mainly to persuasive propaganda and an efficient delivery system for family planning services. They tell foreign audiences that the people of China recognize the benefits of family limitation both to the state and to themselves, that they support the family planning program, and that they practice birth control voluntarily. However, the overwhelming weight of the evidence from within China makes it clear that the program is compulsory and that many people comply because they have no choice.

In foreign circles, the debate over whether or not the Chinese family planning program is coercive is mainly between representatives of the mass media, who have repeatedly drawn attention to its inhumane tactics, and the representatives of organizations advocating control of population growth, who frequently echo Chinese claims and sometimes add their own testimonials that the program is purely voluntary. A realistic appraisal of the Chinese program is important not only for China but also for international organizations offering family planning assistance and other developing countries that might consider following the Chinese example. For China the sudden demographic changes and the methods used to achieve them have economic, social, and political consequences that may cause acute distress in the future and could threaten the stability of the government. International organizations that identify themselves closely with the Chinese program without regard to the fact that it violates their own principles about freedom of choice in contraception compromise their own credibility and may bring discredit on the cause of worldwide control of population growth. Countries that attempt to emulate the Chinese example without understanding what has really been happening in China risk a costly failure that could have severe political repercussions for them as well.

To understand the Chinese family planning program, it is necessary to enquire into the reasons why the Chinese leadership decided to impose it on their people, the extent of popular resistance, the tactics that have been used, the misrepresentations of the program by foreign apologists, and its possible future consequences for China.

CHINESE JUSTIFICATIONS

Compulsory family planning is not the first unpopular program to be implemented in China, but unlike the collectivization drive of the middle 1950s, the Big Leap Forward of the later 1950s, and the Cultural Revolution of the middle 1960s, the family planning program entailed government intervention in some of the most intimate aspects of family life and violated deeply rooted convictions that had been part of Chinese culture for thousands of years. Opposition has therefore been strong not only among workers and peasants but within the Chinese Communist Party and administrative system as well.

Ideologically inclined Party members have a double reason for their reluctance to support compulsory family planning. To orthodox Marxists, even to grant the need for controlling population growth in China was ideological heresy, tantamount to rejecting Marx in favor of Malthus.[1] At the founding of the PRC in 1949, Mao denied that population growth could cause problems for economic development and insisted that China's large population would be an asset because it meant abundant labor and labor was the source of all wealth. His confidence was apparently shaken by the results of the 1953 census, which showed a population 100 million larger than expected, and a tentative birth control program was started in 1956, mainly in the cities. Before it could achieve any results, Mao launched the Big Leap Forward under the illusion that political enthusiasm could unleash an enormous upsurge of productivity among China's workers and peasants, enabling the country to overtake the most advanced nations within a few years. Birth control was promptly abandoned. After the Big Leap Forward collapsed in a major famine in 1958-61 that caused some 30 million unnecessary deaths,[a] a second birth control campaign was launched in 1962. This continued until it was interrupted in 1966 by another political upheaval, the Cultural Revolution, before fertility levels in rural areas could be much affected. In 1969, after the ensuing turmoil was finally brought under control, family planning efforts were resumed and have continued with mounting intensity ever since.

Why did the Chinese leadership make family planning a matter of national policy and pursue it with increasing compulsion despite both cultural and ideological predispositions to the contrary? None of the reasons stated publicly during the first and second birth control campaigns seem urgent enough to explain the priority assigned to the program. In the first campaign, the rationale was that birth control was for the health of mothers and children and to help China more quickly overcome poverty and

[1] Footnotes at end of article.

backwardness. Privately, however, Mao had expressed deep concern in 1957 about the country's ability to feed a rapidly growing population, and the statistical fiction that grain production had doubled in 1958 conjured up by the Big Leap Forward suggests that concern about food was the main reason for the program. In the second campaign, the health argument was the most prominent; again, fears about food were not mentioned, perhaps because after the massive famine of 1958–61 food problems were too sensitive a matter for public discussion.[2]

When the third campaign began, economic arguments were more prominent, but food problems were still dismissed as of little concern. However, by 1978 it was acknowledged that arable land per capita had declined since the 1950's and that food grain per capita in 1977 was at the same level as in 1955.[3] In 1979, it was revealed that food grain per capita had actually decreased since 1957,[4] that food was short in some rural areas, and that for the country as a whole food was still "a big problem."[5] From 1979 onward, the arguments for control of population growth became more explicit and urgent. It was said that population pressures had created problems in meeting the people's need for clothing, housing, transportation, education, medical care, and employment, and had contributed to environmental pollution, disturbed the ecological balance, and severely damaged the country's natural resources. Some parts of the country were said to be already overpopulated, and surplus labor complicated the problems of unemployment in the cities and underemployment in the rural areas and accounted in part for the low level of productivity of Chinese labor.

These arguments have a certain plausibility and closely resemble the arguments used by advocates of family planning in other developing countries. Few economists or demographers would question China's need to curb population growth; it is inconceivable that a country of one billion people needs more mouths and hands. But the critical questions are what degree of control is required by the national welfare, how quickly it must be attained, and at what cost to other popular values. Some Chinese sources imply that disaster is imminent unless absolute control is achieved in very short order. An "open letter" issued by the Party Central Committee in September 1980 contains one of the more moderate warnings:

"If the population is not brought under control within the next 20 or 30 years, . . . this will cause great difficulties for the four modernizations and create a grave situation in which there will be little hope of improving people's living standards."[6]

Other Chinese sources have gone much farther, arguing that if the population plan is not implemented all other plans will fail, that the "stability and unity of society" will be threatened,[7] that China must control population growth strictly or not at all, that it is necessary to get to zero population growth as soon as possible, that the one child policy is the only choice for China, and that it is not the Party but "objective conditions" in the country that make it impossible to let people have more children.[8]

The argument that China has no choice but to implement the extreme family planning policies now in force has never been supported by substantial evidence or cogent reasons. In fact, the Party leaders have made other choices in the past, including a three child and a two child policy. They have also talked of reverting to the two child limit some time in the next century. They have often revised their targets and timetables. Even if the one child policy were prerequisite to keeping the population under 1.2 billion by the year 2000, or to achieving the four modernizations, or to quadrupling the gross national product by the end of the century, none of these goals in an absolute necessity to which the wishes of the people must be sacrificed. But the Party leaders have a tendency to represent their major programs as historical imperatives. They did so with land reform and collectivization in the 1950s, and when these programs encountered popular opposition and began to lag, they unleased the full administrative power of the state to speed their implementation. In the case of family planning, the use of coercive means seems to derive not from demonstrable necessity but from the knowledge, based on past experience, that such means bring quick results.

Nevertheless, although the central authorities may not really believe that a demographic crisis is as imminent or as certain as the Chinese media sometimes claim, there is no question that the leaders regard control of population growth as essential to their plans for China's economic development. Unless they had been convinced of its importance, they would not have taken the unusual step of acknowledging that China's past failure to deal with population problems was a mistake for which the Party itself was to blame.[9] In 1979, the Party made a gracious, though rather belated, apology to Prof. Ma Yinchu, former president of Beijing University, whom Party spokesmen had silenced with "merciless criticisms" when he tried to warn of the dangers of uncontrolled population growth in the late 1950s. Recently, some Chinese writers have made it clear that the main reason the Party failed to heed Ma's warnings was opposition from Mao Zedong.[10] In effect, the Party leaders were admitting that because of the Party's past mistakes, population problems were more acute and more difficult to solve and valuable time had been lost. Only profound concern would have induced them to make this confession.

Evidence of Popular Resistance

The coerciveness of the Chinese family planning program has resulted directly from the conflict between the Party's determination to restrict population growth and the resistance of the people to demands that they limit their families, especially to the extreme limitation demanded of them since the beginning of 1979. What proportion of Chinese couples in the childbearing ages comply with the requirements of the program voluntarily and what proportion continue to resist or surrender against their will cannot be determined exactly from the evidence available publicly, but there can be no doubt that both popular resistance and involuntary compliance are extensive.

Resistance among the people

Statements in the Chinese media about popular resistance and voluntary compliance seem at first glance to be completely contradictory. On the one hand, there are categorical assertions that birth control is "the demand of the masses," a "reflection of popular desires," "supported by the overwhelming majority," and "the wish of the people," but on the other hand it is conceded that the policy is not accepted by "all the people," that the masses do not consider it "something to adopt voluntarily," and that getting their cooperation is "a long term task." Many sources mention the persistence of traditional ideas that "having many sons brings happiness," that a son is needed to "carry on the family line," and that, especially for rural families, sons are essential for support in old age.

The explanation of the contradiction is that the Party leaders have always maintained as a matter of ideological precept that they act in the interests of the people and therefore their leadership expresses the will of the people. One purpose of this claim is to legitimize the authority of the leadership, but another is to deny that there could be extensive opposition to unpopular programs and thus to deny that coercive means are required or are being used to secure the compliance of the masses. In the case of family planning, popular opposition to the one child family has been widespread, strong, and remarkably resilient. It is clear that on this issue there is a profound conflict of interest between the needs and wishes of individual families and those of the Party and the state.

Overt resistance takes many different forms. One of the mildest is the circulation of rumors that the policy is about to be abandoned or the requirements eased. Such rumors were widespread in 1980, 1981, and 1984, evoking emphatic denials in the media. More aggressive are the instances of "sabotage" of family planning by people who organize popular resistance, "sow discord," "refuse to be controlled," and falsify certificates and records relating to birth control surgery. The type of "sabotage" most often mentioned in the Chinese press is the illegal removal of intrauterine devices by persons who operate outside the regular medical system.

"Illegal" IUD removals

The surreptitious removal of IUDs was evidently very widespread and was strongly denounced in the press in 1981 and 1983. For the most part, the people engaged in these activities, who were known as "hook wielders" or "hookers," were not medically trained, but some were herbalists, midwives, or regular medical personnel moonlighting for extra money. Lacking the right equipment, they used steel or lead wires, bicycle spokes, or bamboo strips to extract the IDUs, and as a result some women suffered infections, punctures of the uterus, or hemorrhages, sometimes leading to permanent injury or death. The numbers of cases cited in local sources justify official complaints that the "illegal" removals constituted a major rebellion against the family planning program. Yunnan Province reported 9,600 cases in just 6 counties during 1980, and in one Yunnan commune, of 2,100 women fitted with IUDs, 650 had been removed. In 1983, a Sichuan county reported that since 1980 more than 10,000 women had "stealthily removed their IUDs." Several brigade reports in 1981 indicated 80 percent and 100 percent removal rates. Obviously, women resorted to the "hookers" because the regular medical personnel would not take out IUDs on request. This implies that the retention, and probably also the insertion, of the IUDs was against their will. Evidently a high proportion of women with IUDs were willing to put their health and even their lives at risk to have another child without permission from the authorities.

The resurgence of female infanticide

A still more extreme reaction to compulsory family planning, and especially to the one child limit, was the revival of female infanticide in China after 1979. The problem

was first metioned in the Chinese media in 1980, but at first the authorities showed no great concern about it. However, during 1982 their attitude changed. In November 1982, an article in the newspaper *China Youth Gazette* sounded an unmistakable cry of alarm, warning that if female infanticide were not stopped immediately it could cause a serious imbalance between the sexes, with the result that in 20 years' time "a large number of young men will be without spouses." The article called upon the whole of Chinese society to "save the baby girls."[11] Immediately a press campaign was launched to condemn female infanticide and the maltreatment of women who bore girl babies with the avowed intent of arousing public opinion.

The press described the problem as "serious," "grave," and "intolerable," and foresaw in "insoluble" and even an "unimaginable" problem in the future if the trend were not checked. Among the guilty were not just the masses but cadres and Party and Youth League members as well. According to media reports, unwanted female infants were suffocated, strangled, or drowned at birth, sometimes in a bucket of water placed beside the delivery bed, or they were later thrown down wells or into ponds, buried alive, or abandoned under bridges, in fields, by riversides, in railway stations, hospitals, or public toilets. Women who bore daughters were sometimes ostracized, abused, beaten, divorced, or driven to suicide.

Instances of female infanticide were said to be "frequent" and even "rampant" in some localities. Local figures were cited to show that a significant distortion of sex ratios among newborns was already occurring in some areas. According to one report, the sex ratio among newborns was 154 males per 100 females in a street in Wuhan Municipality and 503 in a Hubei village. Another cited brigade figures in which males accounted for 60 to 70 percent of all births, and a report from Guangdong Province said that in some brigades the ratio or male to female births was as high as 7 or 8 to 1! In such small units random variation in the sex ratio at birth can be considerable, hence it is not clear to what extent the apparent imbalance reflected female infanticide, but a survey conducted by the Anhui Provincial Women's Federation disclosed a sex ratio at birth in one Anhui county of 139 in 1981; in several communes of that county the ratios were in the range from 165 to 175.[12] These figures imply that between 25 to 40 percent of the expected numbers of female infants were missing. According to the 1982 census, the sex ratio of births in Anhui Province in 1981 was higher than for any other province—112.45 males per 100 females, and the figures for the whole country implied a sex ratio at birth in 1981 of 108.47. If the actual sex ratio was around 106 male births per 100 female, as is normal for many Western and Asian populations, including the Chinese, some 230,000 female infants were not accounted for. Failure to report the births of girls who were still alive at the time of the census may be part of the explanation for the statistical imbalance, but one Chinese source says that the cause in Anhui was female infanticide.[13] Several Chinese sources linked the infanticide problem with the one child policy.[14]

When the foreign press began to repeat what the Chinese media were saying about female infanticide and its connection with the one child policy, Chinese sources began to deny the seriousness of the problem. Cases of infanticide were said to be "few in number" and to "occur from time to time in a few places," and other statistical data, sometimes irrelevant to the issue, were cited to show that sex ratios in China were "normal" and in no danger of becoming unbalanced.[15] Some Chinese sources denied any relationship between family planning and infanticide,[16] and Qian Xinzhong argued that the one child policy had not caused infanticide in China because that was a problem that had existed long before,[17] ignoring indications that infanticide had been in abeyance for 30 years and rebounded only when the one child policy was imposed. Although the Chinese press has not said much about the subject since the latter part of 1983, it is quite likely that the problem became more serious in 1982 and 1983, as the enforcement of the one child policy intensified.

Reprisals against family planning cadres

The most direct form of popular resistance to family planning demands was hostile actions against the family planning cadres. Some of the actions were relatively mild, such as refusing to be told what to do, being "obstinate," rebuffing the cadres with the "cold shoulder" treatment, or simply taking offense at their ministrations, yet these tactics were enough to make many cadres hesitant about pushing the work, which they described as "the most difficult under heaven." Other forms of popular resistance were much less subtle. In the more extreme cases, the cadres were verbally abused, physically beaten, or killed, and their crops and property were "sabotaged."[18] In 1982 it was reported that, in an experimental election of local magistrates in which more than one candidate for each office was permitted, none of those elected was a woman, because all of the women candidates had been identified with family planning work, which the people resented.[19] It was necessary to provide the family planning cadres with special legal protection and to encourage them to be brave and continue their work in spite of the attacks on them.

Cadre resistance

The local cadres themselves sometimes ignored or actively resisted the family planning requirements imposed on them from above, a matter regarded by the central authorities as very serious, because if the local cadres did not enforce the policy, it made no progress. Some cadres simply did not understand the policy, did not think that the rate of population growth mattered very much, or regarded family planning as a "soft" task—less urgent than such "hard" tasks as attaining production quotas. Some were in disagreement with the policy, considered it too extreme, thought family planning work should attempt to eliminate third and higher birth orders but not hold everyone to just one child, wanted more latitude for permitting second births, or charged that the one child policy was a "leftist" idea. Some cadres simply paid no attention to family planning, adopted a laissez faire attitude, or responded to the demands from above with much talk but little action. Some were said to be sympathetic with the peasants' desires for more children and therefore neglected family planning.

Many cadres were unwilling to limit the size of their own families, despite the fact that they were supposed to take the lead in order to set an example for the people. When leading cadres had additional children in violation of the policy, the masses used them as "shields" and followed suit. Hence the media repeatedly publicized individual cases of cadres who were severely punished for noncompliance with family planning requirements. Some were dismissed from their posts and expelled from the Party.[20]

coercive measures

Because of the widespread resistance among both the cadres and the people, propaganda and persuasion alone could not bring about the sudden reduction in fertility needed to attain the announced target figures for population growth. Strong administrative pressures had to be exerted on leaders and functionaries of the Party and government at all levels and through them on the masses of the people. This was no simple matter. The Chinese administrative system is authoritarian, driven mainly by commands from the top, but it is also a bureaucracy. Its personnel at lower levels have their own purposes to serve which are not always consonant with those of the top leadership, and conflicts sometimes arise, especially in connection with the execution of unpopular policies like compulsory family planning, which place the cadres in a difficult position. To effectuate such policies, it is necessary to develop special incentives, disincentives, and monitoring systems to ensure implementation.

Pressures on the cadres

Initially, the central authorities tried to induce the lower levels to take action by issuing commands and directives. The language used was extremely aggressive and seemed to intimate that administrative power was to be used liberally to secure the compliance of the reluctant masses. In the middle 1970s, family planning instructions were called "battle directives," told the lower levels to treat family planning work as part of the "class struggle," called for "a complete dictatorship over the capitalist class" in which "bourgeois rights" were to be restricted, and referred to all opponents as "class enemies." Local cadres were to "grasp" family planning work "firmly," "tightly," "seriously," "vigorously," "fiercely," and "relentlessly." However difficult, population control was said to be "urgent," "imperative," "indispensable," and "an essential task." In 1978, local Party secretaries across the country were directed to take personal command of the work and mobilize the whole Party apparatus for the purpose. Having issued this order, the central authorities could hold the local Party leaders accountable if the work did not progress, and indeed they did. "Why is it," the *People's Daily* asked in 1981, "that the birth rates and natural population growth rates in some places have fallen below the general requirements while they are still high in other places? . . . The reasons lie in the leadership."[21] The "requirements" were set by the central and provincial authorities, at first in the form of target natural increase rates and subsequently target birth rates and population totals, percentages of sterilizations, abortion rates, percentages of eligible couples contracepting, and other measures. Leaders of units that did not meet their targets could expect to be dressed down and humiliated at periodic family planning report meetings and occasionally in the provincial or the national press.

Still, responsibility during the 1970s tended to be rather diffused and hard to fix. Sometimes the cadres were severely punished for their laxity, as, for example, when more than 100 Party and municipal officials in a Guizhou city who had failed to enforce birth control were required to undergo va-

sectomies or tubal ligations in May 1980, according to a Japanese report.[22] The punishment of individual cadres who failed to set a good example by practicing family planning themselves may have disposed the cadres to be less lenient with the violators among the masses. But such cases were too scattered to have a uniform effect throughout the administrative system. A major change in cadre accountability came in 1981, when the "cadre job responsibility system" was established, under which cadres were rewarded or punished according to how well they met their job requirements. For many cadres, family planning work was included in the periodic evaluations. In one locality, cadres who failed to prevent "unplanned" (i.e., unauthorized) births could lose up to 20 percent of their basic subsidy for the year.[23] In another, 10 percent of the year's bonus or wage supplement was deducted from the remuneration of basic level cadres for each "unplanned" birth in their commune, brigade, or production team.[24] In some places, cadres were assigned a certain number of households each and penalized if any of "their" households failed to practice family planning.[25] After the cadre responsibility system was set up, many localities reported that "the sense of responsibility of the cadres at all levels has been strengthened." Under such pressures as these, the cadres have only three choices if the people in their units will not comply voluntarily with family planning requirements: accept the penalties, falsify the reported data, or resort to coercion.

Pressures on the people

Long before the pressures on the cadres had been systematized to such a degree, some cadres had already been resorting to coercive measures. They found that propaganda was time-consuming and did not get the quick results demanded by their superiors and that a show of force was more effective. From time to time, the central authorities condemned the local expedients in what seemed to be deliberately obscure terms. They warned against relying on "compulsory orders," "indigenous policies," "bumpkin policies," "forcing everybody to do the same thing," "oversimplified and crude methods," doing things in a "crude and brutal manner," using "punitive methods," adopting "hard and rigid rules," imposing "administrative measures of a forcible type," and "resorting to coercion and commandism." Exactly what kinds of practices were condemned by these admonitions was not made clear in the public media, but the particulars were probably provided in directives not made public. Injunctions against "hard and fast rules" and "forcing everybody to do the same thing" are allusions to such practices as forcing all women to use IUDs even if they were successfully using contraceptive pills or forcing women with IUDs to submit to tubal ligations. "Indigenous" policies may refer to practices such as those condemned in a national newspaper in December 1978:

"Some localities popularizing birth control have dispatched "militia propaganda teams" to those households that did not practice birth control to "propagandize" and exercise control over their food, drinking water, and workpoints. These local laws have caused great dissatisfaction among the people.[26]

However, the Chinese family planning authorities have shown no hesitation about approving and commending for emulation around the country some local tactics that would be recognized as coercive in most other parts of the world. One that has been widely used since the beginning of the current birth control campaign is the mass "mobilization" of the people to practice contraception, have IUDs inserted, or be aborted or sterilized. These are often carried out in connection with crash campaigns designed to "whip up a new upsurge" in family planning or to eliminate an anticipated upsurge in births. What sort of activities may be used to "mobilize" people is not made explicit in public sources, but they are obviously sufficiently forceful that the people caught up in the "mobilizations" have little chance of refusing what is demanded for them. This explains the occasional reports that people flee their homes before an impending "mobilization" and go into hiding.[27] The distinction between persuasion and "mobilization" was explained to a foreign visitor in 1981 by a local family planning worker as follows:

"Mobilization is different from persuasion. We persuade people to do this or that. But we mobilize people to do this or that when we fail to persuade them in spite of our efforts. Hopefully they will understand later.[28]

Another approved coercive method is the so-called "heart-to-heart" talks between family planning cadres and couples who refuse to abort an unauthorized pregnancy or be sterilized, which may be repeated as many as 20 times until the couples give in. In a Hebei commune, couples who refused to sign a pledge not to have a second child where subjected to nightly visits by local officials, one of whom predicted flatly that "everybody is going to sign the pledge."[29] A Beijing teacher and her husband held out against the onslaught of uninvited visitors trying to "persuade" her to have an abortion, but after two months of harassment by as many as six visitors a day, the woman finally submitted to abortion in her fifth month of pregnancy. The tactics used by the visitors, according to the foreign reporter who obtained the story, is to "threaten, cajole, harass, educate, and plead . . . and, when all else fails, resort to coercion."[30]

The imposition of severe economic penalties on couples that have unauthorized children also amounts to approved coercion. The penalties have been specified in a series of family planning regulations adopted by most of the provinces between 1979 and 1982.[31] As different provinces issued their laws, the provisions got stiffer. The Anhui regulations passed in April 1979 provided that urban and rural couples that had a third child would lose five percent of their wages from two weeks after the birth until the child was 14; for a fourth child the penalty was 6 percent and for the fifth 7 percent, and so on. Shanghai deducted 10 percent from birth to age 16 and allowed no additional housing or private plots for additional children. Gansu made it 10 percent of a couple's income for an unauthorized second child from birth to age 10 and 15 percent for an unauthorized third child from birth to age 16. Shanxi added a one-time penalty of 20 percent of the family's annual wages for refusal to abort a second pregnancy and 30 percent for a third. To reinforce these regulations and family planning requirements in general, the central authorities included a new provision in the national constitution in 1982 stating that "Both husband and wife have a duty to practice family planning."[32]

As the production responsibility system spread throughout rural China in 1981 and peasants were authorized to become "wealthy" through their own enterprise, the economic penalties in the provincial family planning laws lost much of their deterrent power and the cadres found it difficult to keep track of who was pregnant and who was not. The peasants promptly began to have more children, since they could now afford to pay the penalties. The response of the central authorities was to raise the penalties, devise new enforcement mechanisms, and supplement these with "administrative" measures.[33]

One of the new measures was the "double contract" system for rural families. When they received their land allotments under the "production responsibility system," they were obliged to sign a contract also to observe the family planning regulations. Those who had another child without permission could be required to increase their grain deliveries to the collective, sell more of their grain to the state, surrender their private plots or a portion of their "responsibility" plots, or they could be refused contracts, have their contracts "suspended," or be denied medical treatment rights and welfare funds.

In 1983, further measures were taken that made previous demands seem comparatively lenient. The central authorities directed that one of the partners in couples of childbearing age with two or more children be sterilized, all women with one child have an IUD inserted, and all women pregnant without authorization have abortions. The third child was to be absolutely prohibited. Local authorities were to dispatch "propaganda" teams and "technical work" teams to see that these measures were carried out.[34]

What is clear from the evidence is that the official definition of coercion has been largely confined to the use of physical force or raw political intimidation not camouflaged by efforts at "persuasion." More subtle forms of coercion that used such extreme economic, social, or psychological measures that the peole could not resist were never disapproved. As long as the victims of such pressures walked to the clinics under their own power, their submission to family planning surgery was said to be voluntary. In fact, the large numbers of sterilizations, IUD insertions, and abortions that took place during the major mobilizations were sometimes cited as proof that the people accepted and supported the program![35]

ALTERNATING ESCALATIONS AND REMISSIONS

Official spokesmen sometimes insist, especially when speaking for foreign audiences, that they have always opposed coercion, that instances are few and attributable to excesses of local cadres, and that they are stopped as soon as detected.[36] This is at best a half truth. The official attitude toward coercion has been highly unstable. The definition has varied and the campaigns to quell coercion have been turned on and off almost year by year since the late 1970s. What the changes in policy strongly suggest is that the central authorities only oppose and disavow coercion when it backfires.

The 1978 anticoercion campaign

Between May and December 1978, the central authorities carried out a general campaign against "coercion and commandism" in all aspects of administration, partly in an effort to redress some of the grievous wrongs done to people during the Cultural Revolution and partly to discourage continuing abuses of power by lower level cadres. The campaign was ostensibly prompted by some extreme examples in a Shaanxi county, but similar abuses were

said to "exist in some places throughout the country," and in August 1978 the *People's Daily* demanded "a big change" in the "work style" of the cadres.[37] As the campaign developed, one province after another acknowledged that the faults were to be found among its cadres also, but several provincial commentaries pointed out that not all of the blame for coercion and commandism should be laid on the lower level cadres.

One said that the problem was that the higher levels were sometimes unrealistic in their demands, adopted a coercive approach in dealings with lower levels, and put more emphasis on results than on "work style."[38] Another said that some local cadres "resort to coercion and commandism because the assigned tasks are ardous and urgent," for which, it added, "the authorities at haigher levels must shoulder responsibility."[39] The *People's Daily* noted that when they are faced with difficult tasks and the higher levels demand that they "carry out instructions from the top whether you understand them or not," some cadres "resort to deception, coercion, and commandism and . . . beat and scold people . . . because they are not afraid to harm the interests of the people, . . . (but) are only afraid not to be able to win the trust of their superiors."[40] An earlier *People's Daily* article laid the blame for coercion squarely on the higher authorities:

". . . . Some (higher level) organs fail to make clear to the lower organs the bounds of a given policy and the work methods and work style required. They demand that the task be accomplished at all costs. Whoever accomplishes the task, no matter what methods they use, are considered as capable. They are commended and promoted. Such a way of doing things gives rise to empty talk, coerion, and commandism . . ."[41]

While the 1978 anti-coercion campaign was going on, there were warnings in the Chinese media against coercion in family planning and local leaders were told repeatedly that couples were not to be coerced into using contraceptives or having abortions by cutting their food rations or threatening political action against them.[42] But the prohibition against using coercion apparently demoralized many of the cadres, so that they became passive and fearful of making "mistakes." In Shaanxi Province, the cadres were assured that "if mistakes are made, it is all right as long as they are corrected," and in Sichuan they were told that "mistakes are inevitable" in administrative work but that "the worst mistake is doing no work at all." By the end of the year, the authorities were ready to forgive a good deal of coercion to reactivate the cadres.

The escalation of 1979

In February 1978, before they had much grasp of demographic realities, the Party leaders had committed China to reducing natural increase to 10 per thousand population within three years,[43] but by early 1979 they were aware that the official vital data showed natural increase for the previous three years almost level at around 12 per thousand.[44] Provincial sources had for some time been reporting that the work was "uneven," that natural increase was not declining, and that target figures were not being met. Early in 1979, the Party Central Committee issued a new policy calling on all couples to have "only one child if possible, two at the most, with a period of three or more years between them" and imposing "financial measures" on those having three or more, in order to get population growth down below one percent per year.[45] Provincial news items began to "vigorously advocate" one child per couple. By midyear, Vice-Premier Chen Muhua had announced the goal of bringing the national natural increase rate down to 10 per thousand in 1979 and to 5 per thousand by 1985,[46] which would have required an extreme escalation of family planning work.

As the pressures generated by the new policy mounted, concern about coercion vanished. Planned parenthood "pacts with the masses," "local laws," and other measures disapproved in 1978 as "indigenous policies" were once again approved. Sichuan Province, which had been told by the central authorities in 1978 that coercion in family planning must stop immediately, asserted in September 1979 that the 1978 criticisms had discouraged some cadres from "grasping" planned parenthood work and that an investigation had shown that, far from "overdoing things," Sichuan had not done enough.[47] Nationally, the target natural increase rates, the one child policy, the rewards and punishments prescribed in the provincial family planning laws, and the changed attitude toward coercion signalled that the authorities wanted quick results and were no longer concerned about "work style."

Reading the signals, the provinces again turned up the pressure. For example, when Guangdong Province discovered in July 1979 that if the provincial birth rate continued to the end of the year at the level of the first six months, the natural increase rate would reach 16 per thousand instead of the target figure of 10, all areas in the province were directed to require pregnant women to take "remedial measures," a standard Chinese euphemism for abortion, so that the target could be attained. They were told that "any policy that is advantageous to planned parenthood must be carried out." To reach the target, the local authorities would have had to abort 55 percent of the pregnancies that would otherwise have resulted in births before the end of the year, a total of about 340,000, all of them well beyond the first trimester. The order was not generally carried out, and, in the end, Guangdong's natural increase rate for 1979 was 16.96 per thousand, but in November the provincial authorities commended localities that had "taken remedial actions as requested by the province and overfulfilled the task," and called for further "remedial measures" to lower the birth rate before the end of the year, which would have meant abortions in the eighth or ninth month of pregnancy![48]

The anti-coercion campaign of 1980–81

The aggressive measures of 1979 apparently evoked strong negative reactions among the masses. The authorities responded with a second anti-coercion campaign in 1980 and the first half of 1981, limited this time to family planning work. It consisted of the usual warnings against "coercion and commandism," issuing compulsory orders, using simple and rigid methods, and problems in "work style," and called for more emphasis on "meticulous ideological work" and persuasion, being "fair and reasonable," and doing work in a "down-to-earth manner." The cadres were told to avoid indiscriminate use of rewards and punishments and methods that are "divorced from the masses." One article warned that such "forcible" measures as refusing birth registration for second and higher parity children, denying them rations, and depriving their parents of employment could have outcomes "contrary to our wishes," and another said that "oversimplified and crude ways can only bring damage and destruction to our work."[49]

Once again, some cadres read these warnings as a call to ease the pressures in birth control work, which promptly began to lag. Targets were not met, policies were not implemented, and "unplanned" births were still numerous. Rumors spread in some areas that the one child policy was about to be abandoned. Some cadres thought that according to the new official attitude enforcing the provincial family planning laws constituted coercion.[50] The relaxation of cadre efforts in 1980 was followed in 1981 by an upsurge in births in much of the country. The upsurge was also due in part to two changes in national policy which unintentionally dealt a setback to family planning. One was the passage of a new marriage law in September 1980, which raised the minimum ages for marriage by two years but also invalidated local administrative rules that had set much higher minimum ages in most of the country.[51] The result was that three or four cohorts of young people became eligible to register for marriage at the same time and immediately rushed to do so. The authorities realized that the rash of marriages would soon be followed by a sharp increase in the numbers of first births.

The second policy change was the extension to most of rural China during 1981 of the "production responsibility system," under which the collective land was allocated on contract to individual peasant families, who were allowed to farm it on their own initiative, remanding an agreed proportion of their crops to the collective at the end of the year but retaining the rest to consume or sell on the free market at their own discretion. The intent was to arouse the peasants' "enthusiasm for production," which had admittedly been dampened during 20 years of collectivization. In this respect, the new policy has been quite successful, but it has also removed peasant families from the daily surveillance of the rural cadres, given the peasants greater wealth and independence, and encouraged many of them to consider having more children to add to the family labor force in the future. The cadres in some areas, frustrated at their loss of control over the situation, simply threw up their hands and stopped enforcing family planning requirements.[52]

Foreseeing a deluge of births, the central authorities declared that population growth was "out of control" in many areas, that a new "baby boom" was imminent, and that a "population explosion" threatened to wipe out all the family planning gains of the 1970s. These prospects were described as "frightening," "disastrous," and "catastrophic." By the middle of 1981, concern over coercion had again been eclipsed by fears about population growth.

Escalation and confusion in 1981–82

Once again, the central authorities issued urgent orders to reactivate birth control work. In March 1982, the Party Central Committee and the State Council called for action to bring population growth under control,[54] and the *People's Daily* warned that if control were not restored in time, the national population could exceed 1.3 billion by the end of the century, far beyond the target of under 1.2 billion.[55] In the same month, the central authorities also issued a directive calling on Party and government

organs at lower levels to do "still better family planning work," urging them to "promptly study and tackle the new situation and new problems that have cropped up," and making the one child policy virtually universal. The directive stated flatly that "no one is allowed to have a third child, no matter what." [56]

But developing new enforcement mechanisms took time, and meanwhile there was confusion at the local levels. While some units urged "rigorous enforcement," "necessary administrative interventions," "decisive and urgent measures," and "inflexible family planning work," which sounded like invitations to the local cadres to resume coercion, others revived the standard warnings against coercion. Some again resorted to "shock attacks" and "village rules and agreements," set up the "double contract" system, denied contract land and private plots to families with unauthorized births, and added "administrative disciplinary measures" to their economic penalties, but in others the work virtually ceased, family planning efforts were relaxed, no one was in charge of the work, and childbearing was in "a state of anarchy."

Meanwhile, with the help of China's newly established demographic research centers and their analyses of China's age structure, the central authorities became aware of another serious threat to their population targets. The enlarged cohorts of people born between 1962 and the early 1970s were about to enter the childbearing ages, continuing the upsurge of births caused by the new marriage law and the responsibility system. In November 1982, Qian Xinzhong told a national family planning work conference that:

". . . Our country is now facing a new peak in population growth rates . . . Only by maintaining the annual net increase in population at around 10 million for the next 18 years can we achieve the fighting goal of limiting the population to under 1.2 billion by the end of this century." [57]

In the same month, State Counsellor Bo Yibo predicted that the next three years, 1983–85, would be a crucial period for family planning in China.[58] The official concern culminated in a new family planning drive more extreme than anything in prior human experience.

Mandatory birth control surgery in 1983

On December 6, 1982, a circular issued jointly by the State Family Planning Commission, the Party Central Committee Propaganda Department, and several other organizations announced that a national family planning "propaganda" month would begin on New Year's Day and last until after Spring Festival. It called for sterilization of couples with two children and the prompt abortion of unauthorized pregnancies.[59] After the start of the new year, it became clear that sterilization was the "key measure" under the new policy, and in March an unnamed "central leadership comrade" said that the success of the propaganda month must be affirmed and the effective measures continued. In May, a provincial source revealed that these measures had been approved by the Party Central Committee and the State Council.[60] Responsibility for them clearly rested with the highest authority in the land.

The reason for making sterilization the "key measure" was not just to eliminate third and higher parity births but because the threat of sterilization "spurred on the adoption of other birth control measures." [61] How it did so was explained by the Vice-Governor of Guangdong Province, who said that "the basic purpose of (sterilization) is to absolutely prohibit married couples from bearing a second child," [62] implying that fear of being sterilized would suffice to make one-child couples avoid further pregnancies. This strategem clearly assumed that people did not want to be sterilized and could thus be intimidated by the certainty that if they had a second child they would be sterilized against their will. Of course, sterilization also had the advantage of eliminating any further need for "persuading" people, monitoring their pregnancy status, and "mobilizing" them for abortions. Once sterilized, their compliance was assured! [63]

Accordingly, childbearing age couples with two or more children were designated as persons "who should be sterilized," and the provincial authorities estimated their number and made plans to complete the surgeries over the next several years.[64] Initial reports indicated a massive sterilization drive under way. Pleased with these results, the central authorties directed that "the success of the propaganda month must be fully affirmed and the effective measures carried out must be continued."[65] It was later reported that in 1983 along 20.8 million sterilizations had been performed.[66] The mandatory sterilization, IUD insertion, and abortion policy of 1983, with its quotas and "high tides" was a violation of previous admonitions against "rigid rules," "crash jobs," and "forcing everybody to do the same thing," but in 1983 these were no longer part of what the central authorities chose to regard as coercion. In fact, in the domestic media of China in 1983, coercion was hardly mentioned.

Slight moderation and ambivalence in 1984

The human costs of the mandatory surgeries in 1983 may never be known in full, but the political costs must also have been significant. Although several provinces planned to stage another propaganda month in January 1984 to continue and even to intensify the sterilization drive, these plans were interrupted soon afterward by another change in policy. The first hint of a change was the fact that in December 1983 Qian Xinzhong was removed without explanation from his post as head of the State Family Planning Commission.[67] At the end of January 1984, the new director, Wang Wei, said that family planning work must be "based on local conditions" and carried out "reasonably to win the support of the broad masses" and urged the cadres to find ways of doing family planning work effectively and at the same time "building a close relationship between the Party and the people." [68] The last phrase clearly indicated that, as in the past, the coercive measures of 1983 had caused such a negative popular reaction that they now had to be disavowed once more.

Provincial family planning leaders attending a 10-day conference in Beijing that concluded on March 7, 1984 were told that family planning measures should be "more realistic," supported by the masses, and easy for the cadres to carry out, that it was necessary to improve their "work style," and that they should "refrain from coercion" and "strictly forbid any illegal and disorderly action." While the one child policy was still to be promoted, the circumstances under which couples could be allowed to have a second child were slightly enlarged, provided that the national, provincial, and local target population totals for the year 2000 were not exceeded,[69] which meant that very few second births could be permitted.[70] In May 1984, the family planning edition of the journal *Health Gazette* explained that family planning work was to be "subordinated to and serve the general tasks and goals of the Party," [71] and in June it warned against coercion, being "doctrinaire" about punishments, indiscriminate sterilization, scheduling too many surgeries, and letting unqualified persons perform them, and forbade the setting of surgical quotas for lower levels.[72] The excesses of 1983 were, as usual, ascribed to local "misunderstanding" of central policies, which the central authorities pretended had never changed.

Soon after the March conference, the new policy was spelled out in a directive referred to as "Party Central Committee Document No. 7," the text of which has not been made public. From exigeres given in the Chinese media, it is evident that the directive called for moderation and flexibility in implementing policies and avoidance of coercion to repair relations with the masses but at the same time demanded that the cadres maintain "a tight rein" on family planning, strengthen their leadership, and continue to fulfill the assigned targets. The mixed signals plunged the cadres into confusion, and in some places they reportedly lost faith in the resolutions of the central authorities and stopped enforcing family planning requirements. Rumors began to circulate that the policy had changed and that all families were now allowed two children. In May, Wang Wei attempted to clarify the intent of Party Document No. 7, and throughout the summer and fall of 1984 warnings were issued against complacency, passivity, and laxness.[73] The 1983 policies on sterilization, IUD insertion, and abortion were reinstated, and, at least in some places, sterilization quotas were resumed.[74] This somewhat hardened line was still in force at the start of 1985.

The on-again-off-again anti-coercion campaigns and the alternate escalations and remissions in family planning demands make it quite clear that the central authorities approve and encourage the use of coercive methods and welcome the results gained through them but will not accept responsibility for them. The local cadres alone are held accountable for policy failures, whether due to excessive compulsion or not enough. Since the central authorities control the media at all levels, they can reinterpret policies and events to suit their own convenience. The local cadres seldom get to tell their side of the story.

THE CASE OF HUIYANG PREFECTURE

One of the few cases in which both the media version and the local side of a story are available for comparison occurred in 1981, thanks to the intervention of a Hong Kong newspaper. This case is extremely important as an indication not only of the accuracy of Chinese media coverage of politically sensitive matters but also of the credibility of official claims that coercion in family planning is not allowed. In the summer of that year, just as the second anti-coercion campaign was being terminated, the paper, *Contention Daily*, an enterprising offshoot of the journal *Contention*, began to receive letters from readers in Huiyang Prefecture, Guangdong Province, complaining of "cruel struggles and heartless attacks" carried out in the prefecture's family planning drive. Like its parent journal, the newspaper supported Deng Xiaoping and circulated widely in Guangdong, where its reporters enjoyed ready access to

cadres and people alike. Accordingly, the paper sent a reporter to Huiyang to investigate. The reporter learned that family planning work was directed by the acting prefectural Party secretary, Du Ruizhi, who had demanded at a meeting in late April that 47,000 women in the prefecture who had two or more children and were again pregnant be subjected to abortion in an all-out drive during May and June. Targets were assigned to all of the ten counties and municipalities in the prefecture. On May 26, Du made a speech calling for "total victory" and said that "although it was against the people's wishes" this was normal under the circumstances, that all methods of controlling population growth were correct, and that it did not matter if some "problems" occurred during the abortion drive because the Party would not hold the cadres responsible. Du promised that those who did a good job would be rewarded and assured them that the same methods were being used throughout the country.[75]

In many communes in Dongguan County, where the campaign was waged most fiercely, the pregnant women were herded into "study classes," where they were not allowed to talk to one another or to rejoin their families and were surrounded by "work teams" who pressured them to have abortions regardless of the duration of pregnancy. Those who resisted were criticized in public meetings, harassed, and humiliated. it was alleged that vehicles were sent into the villages to round up the pregnant women and take them to the hospitals by force, creating a panic wherever they appeared. Individual respondents told of seeing women taken away in handcuffs, tied with ropes, or in cages used to transport hogs. In Huidong County it was said that arrest warrants were issued for some women on which the word "pregnant" was written in the space indicating the crime committed.[76] In urban areas, water and electricity were cut off for noncompliant households; in rural areas the electricity was cut off, the houses were sealed, and fines were imposed. In one commune of Dongguan County, roof titles were removed, the children of the family were turned out of doors, and other families were warned not to feed them or they would be fined. In one instance, a pregnant school teacher fled to another community to save her second pregnancy, but her husband was arrested and confined in a "water dungeon" until she returned and submitted to an abortion. The Dongguan Party secretary was quoted as saying that the purpose was to see to it that "there is no road to heaven and no door into the earth" for the pregnant women to escape through.[77]

Both the cadres and the masses were intimidated and dared not protest openly. Some of the cadres felt that the campaign was an example of "leftism," then under official interdict, a violation of human rights, Party discipline, and the laws of the state, and further strained relations between the Party and the masses. One cadres said that Du Ruizhi was "really like a mad dog that went around biting people."[78] The local public security organs reportedly refused to accept charges of law violation against Du's family planning cadres.[79]

The Hong Kong reporter could not at first ascertain under what authority Du Ruizhi was acting. The provincial newspaper, *Southern Daily*, seemed hesitant about reporting his activities, as though the provincial authorities were unsure of the official line, then in transition. At the end of May, Du went to Guangzhou to make a report, but instead of returning to Huiyang, he went to Beijing, apparently on his own initiative. When he next appeared in Huiyang, his manner was subdued, which led local cadres to suspect that his methods had been disapproved. By late July, it was rumored that Du would shortly be transferred back to a provincial organ, but people in Huiyang did not know whether this was a promotion or a demotion.80

They were not long left in doubt. In late August 1981, the Guangdong provincial authorities announced a new family planning drive for September to mobilize pregnant women for abortion, convened an "on-the-spot" meeting in Huizhou Municipality to "study the experiences" of Huiyang Prefecture in "getting a good grasp of family planning work in the new situation," and commended the Huiyang leaders for what they accomplished in May and June, when they had shown "great determination, . . . made a big show of strength, . . . (and) carried out ideological education together with letting the policy play its authoritative part." They were also congratulated for having "displayed the Party's fine work style of serving the masses and doing a good job of planned parenthood work." 81 Guangdong Governor Liu Tianfu concluded that "the experience was good and the achievement was great." 82 All areas were called upon to "learn from the experiences of Huiyang." 83 In September, the Huiyang example was brought to national attention by a XINHUA reporter who cited Huiyang's spring abortion drive as proof of what could be done "through patient and meticulous ideological work among the masses." 84

With the high level approval of his tactics, Du Ruizhi also prospered. In November 1981, elevated to membership on the standing committee of the provincial Party committee, Du gave the summary speech at a provincial family planning meeting commending the Huiyang example, and in December he did the same at a meeting on family planning in Guangdong's cities.85 In May 1983, Dongguan County was commended for its "excellent results" in family planning and for the fact that its "top people" took firm charge of the work and had "great determination and great momentum." 86 In August 1983, Du was in attendance at another provincial family planning meeting, in October he spoke at still another, and in May 1984 he addressed a provincial telephone conference and gave the closing speech at a "mobilization rally" introducing Document No. 7. 87

The central authorities could hardly have been unaware of the allegations made against Du in the Hong Kong newspaper. The provincial authorities were not; they made at least one attempt to explain away one of the Huiyang incidents as a public misunderstanding.88 In what was obviously a centrally directed action, mainland Chinese trading firms suddenly withdrew their advertising from the Hong Kong paper causing it to collapse on August 1, 1981, just 44 days after its founding.89

The Huiyang case shows how coercive practices can be upheld as examples of "patient and meticulous ideological work" and of "the Party's fine work style" by the Chinese media during periods when coercion has central approval. It also strongly suggests that coercion is not merely a matter of local initiative but is actually the result of a correct reading of central intentions by local authorities. Moreover, the career of Du Ruizhi confirms what the *People's Daily* said in 1978 about the commendation and promotion of local cadres who accomplish centrally assigned tasks through coercive means.90

FOREIGN VIEWS ON THE COERCION ISSUE

Surprisingly, the evidence from China has not had a decisive impact on foreign perceptions of the nature of the Chinese family planning program. One reason may be that the detailed evidence is scattered in obscure sources and not easily assembled and evaluated. Another is that the Chinese authorities have withheld important directives and other parts of the record that might tend to contradict the official claim that the program is voluntary. But perhaps the main reason why foreign descriptions of the Chinese program often ignore or downplay its coercive aspects is that for many foreign observers coercion in family planning poses a conflict of values that is not easily resolved. Many agree that China urgently needs to control its population growth but are also committed to humanitarian principles and ideas about human rights which coercion violates. Acceptance of the Chinese denials means that the inherent value conflict need not be faced.

Chinese statements for foreign consumption

For their part, the Chinese authorities do their best to see that their official story is made as acceptable as possible. Domestic communications about family planning in the Chinese media are often purposefully vague and euphemistic, but those addressed to foreign audiences are still more carefully worded and often contain what looks like calculated disinformation. Aside from the routine assertions that China's program is based on the voluntary cooperation of the people "under state guidance,"[91] that it relies on education and persuasion, and that its success is due to "mass support and understanding," Chinese sources also insist that the state merely "advocates" or "urges" the adoption of birth control, that couples are "encouraged" to have only one child, and that sterilization is "provided free of charge."[92] Punitive measures are rarely alluded to in statements for foreign audiences. Instead, foreigners are assured that "all this is done on the basis of respect for personal choice" and that population plans are "worked out through full discussion from the grass roots up to the central level and have been carried out by the masses on a voluntary basis,"[93] which amounts to a denial that targets and quotas are assigned from above.

In 1983, when mandatory sterilization, IUD insertion, and abortion were in full force, with sterilization as the key measure, Qian Xinzhong maintained that sterilization was "voluntary," and other spokesmen said that it was "encouraged" or "recommended" but "never compulsory," that women were "advised' to use IUDs, and that "no operation can be done without the person's consent."[94] To persuade foreign audiences that the program was not coercive, Qian argued in 1983 that it could not have attained the success it had without mass support. How, he asked, could you coerce one billion people?[95] But as Qian well knew, it is not necessary to coerce a billion people to force compliance with family planning requirements; coercing couples in the childbearing years, less than 35 percent of the population, would suffice. Yet he evidently expected that in some foreign circles the assumptions implicit in his rhetorical question would not be examined too closely. In February 1985, on a visit to the United States,

Zhou Boping, Vice-Minister of the State Family Planning Commission, allegedly told various questioners, including members of the U.S. Congress, Congressional staff, and journalists, that China does not force women to have abortions, does not have late-term abortions, promotes contraception but not abortion, permits parents whose first child is a daughter to have a second child, and punishes officials who resort to coercion by removing them from office. All of these claims are contradicted by evidence from other Chinese sources.[95a]

The response of foreign observers

Chinese family planning propaganda directed at foreigners has had somewhat mixed success. It has not impressed foreign media personnel in China, most of whom are inclinded from training and experience to discount cover stories and probe further, but it has been quite effective with some other people. notably those that advocate planned parenthood and the control of population growth, some of whom have even tried to take issue on China's behalf with the journalists. For example, when the *Wall Street Journal* editorialized in April 1984 that "by now the evidence about coercive birth control in China is overwhelming,"[96] a representative of a population control advocacy group responded by quoting Qian Xinzhong to prove that the Chinese "will not tolerate coercive practices" and that family planning in China "must be voluntary."[97] In 1982, a representative of another such organization allegedly defended the Chinese program as a "very well organized and good motivational program with strong political commitment" and one that "the world should copy," and in November 1984 the same spokesman, on a visit to China, reportedly said that he had not detected any coercion during his tour and added that "China has shown to the world what can be done when people conscientiously tackle the problem."[98]

Kind words have also been said about the Chinese family planning program by representatives of international organizations in the population field whose charters explicitly condemn the use of coercive measures. In 1981, Rafael M. Salas, Executive Director of the United Nations Fund for Population Activities (UNFPA), was quoted as saying that "China provides a superb example of integrating population programs with the national goals of development."[99] In April 1983, officials of the International Planned Parenthood Federation (IPPF) visiting China at the invitation of Qian Xinzhong reportedly said that China's program was successful because "the masses have an understanding of family planning" and "it is the people's own choice." They also said that China's population policies were consistent with the goals of the IPPF and invited the Chinese Family Planning Association, then an associate member of the IPPF, to become a full member.[100] In May, the UNFPA deputy in Beijing was quoted in an assertion that China's one child policy was "the only choice for a country with such a large population."[101] In June, a deputy secretary general of the IPPF allegedly said that China's program had been approved by the people, who saw it as in their interests and practiced family planning willingly.[102] In November, the IPPF Members' Assembly meeting in Nairobi reaffirmed the organization's commitment to voluntary informed choices about contraception and welcomed the Chinese Family Planning Association (and six others) to full membership.[103]

Meanwhile, a number of organizations, both governmental and private, have become involved in activities broadly supportive of the Chinese family planning program. Most prominent among them is the UNFPA, which in June 1980 signed an agreement to provide $50 million to China during 1980–85 to be used for various population-related activities, including the 1982 census, demographic training, and family planning. UNFPA assistance in family planning included support for the establishment of a population information center and a training center for family planning workers.[104] When it became generally known outside China in the spring of 1983 that the Chinese leaders had embarked on a program of compulsory sterilization, IUD insertion, and abortion as a matter of national policy, the UNFPA was temporarily alarmed. Questioned by the *Washington Post* Beijing correspondent, United Nations officials who coordinated projects there said they were investigating whether the new policy violated United Nations principles. One was quoted as saying that "if there is a very explicit regulation that all couples with a second child must be sterilized, it could cause serious problems for the United Nations. Compulsion in these matters is not acceptable."[105] Whatever the outcome of the investigation, the UNFPA projects continued. In February 1984, the UNFPA announced that it would provide another $50 million in assistance to China in 1985–89,[106] and in April Mr. Salas was quoted in a denial that the UNFPA has any evidence that its program in China supports coercive measures.[107]

But of all the foreign encouragements for the Chinese family planning program, none was more important symbolically than the United Nations population award conferred on Qian Xinzhong in 1983. In March it was disclosed that an award committee consisting of representatives from ten United Nations member countries, including China, had decided to honor Qian and Indian Prime Minister Indira Gandhi with the first of the newly instituted annual population awards.[108] This action caused consternation among some advocates of population control in other countries, who thought the selections ill-advised in view of the fact that China and India had the dubious distinction of being the only two countries in the world to attempt coercive family planning programs. The two awardees were both in positions of responsibility while the attempts were being made. However, no public demur was heard except from one of the five members of an advisory group chosen to assist the awards committee. In a letter to Mr. Salas, the Nobel laureate econmist, Prof. Theodore W. Schultz, of the University of Chicago, denounced the committee's decision as a "travesty" and told the UNFPA to remove his name from any materials involving the awards. Schultz charged that the Chinese policies were responsible for the high rate of female infanticide in China.[109] The awards were formally presented in New York in September 1983 by United Nations Secretary-General Javier Perez de Cuellar, who expressed "deep appreciation" for the way in which the Chinese and Indian governments had "marshalled the resources necessary to implement population policies on a massive scale."[110]

The Chinese authorities were at least equally appreciative of the award, which they interpreted as "evidence of worldwide concern and support" for their family planning program. Qian Xinzhong expressed his gratitude not only to the United Nations but also to other international organizations and friends who "support China's effort." The evidence of international approbation was useful in discouraging domestic criticism of the program because it seemed to show that responsible world opinion sided with the Chinese government on this issue. It was also useful in Chinese counterattacks against foreign critics, whose allegations that the program was coercive were denounced as "slander" and "distortion."[111]

The coercion issue again received international attention in the spring and summer of 1984, when a U.S. Senate subcommittee heard testimony on the matter and the House of Representatives debated whether U.S. contributions to the UNFPA and the IPPF were being used to support the Chinese program. Public discussion at that time was not well informed about the nature of the program and tended to focus on the one aspect that was of high political salience in the United States—compulsory abortion—although for Chinese families compulsory sterilization would probably be regarded as much more devastating. The policy issue was ultimately narrowed to the question of whether funds contributed by the United States were being used to pay for abortions, which the UNFPA could plausibly deny.[112] It did not deal with the much larger question of whether it was possible to support any aspect of the Chinese program without seeming to endorse all of it. As a result, the position of the United States as put forward at the International Population Conference in Mexico City in August 1984 would have little bearing on coercion in the Chinese family planning program, although it might hamper the IPPF in providing help for voluntary abortions in other countries.[113]

However, in February 1985, after the publication in January in the *Washington Post* of three articles by its Beijing coorespondent, Michael Weisskopf, describing in detail coercive family planning practices in China, the U.S. Agency for International Development (AID) announced that it had decided to postpone the allocation of $23 million to the UNFPA pending a careful review of the UNFPA program.[114] Also in February, the UNFPA prepared a "briefing note" in response to an AID enquiry in which it claimed that the Chinese government only advocates but does not require compliance with the one child limit, that couples who wish a second or even a third child can have them, that in many rural areas couples whose first child is a girl can now have a second, that the acceptance of the one child limit "can only be on a voluntary basis," and that the government has repeatedly indicated to the people of China that "coercion is under no circumstances permitted . . ."[114a] All of these allegations are either incorrect or misleading, as the preponderant evidence from Chinese sources makes clear. After a review of the evidence, AID announced at the end of March that it will withhold $10 million of the $46 million previously appropriated by the Congress for the UNFPA, an amount equivalent to the amount the UNFPA spends on China each year.[114b]

Whether the Chinese leaders would make a more sincere effort to curb coercion in their family planning program if the rest of the world showed more sincerity in condemning it is not certain. Several Chinese spokesmen at the Mexico City conference insisted that any foreign attempt to make China change its population policies would be viewed as a violation of China's sovereignty, thus, in effect, declaring population

policy out of bounds for international human rights interventions.[115] Despite such statements, the Chinese authorities obviously want foreign approval of their family planning program and are sensitive to foreign criticism, but they may feel that they need not take the criticism seriously so long as prestigious organizations in the population field, such as the UNFPA and the IPPF, continue to laud their success without an adequate examination of the means by which it was attained.[116]

THE CONSEQUENCES OF SUDDEN FERTILITY REDUCTION

The speedy reduction of fertility in China achieved through compulsory family planning measures has already begun to ameliorate some aspects of population pressure, but it may not in the long run prove an unmixed blessing. As with other extreme policies imposed on the Chinese people without careful consideration of the long-range effects, the Party leaders have been reluctant to entertain publicly the possibility of adverse outcomes and tend to suppress criticism by declaring that the policy is "correct," wise, and well suited to China's current needs. As a result, the leaders are often slow to recognize that a policy is not working well unless a crisis ensues or there is a change of leadership.

Among the major examples of Party policies that provide disastrous for reasons that might have been foreseen, the briefest was the Big Leap Forward, but mainly because, despite Mao's effort to silence its critics, the policy precipitated a famine so severe that it could not be ignored. The collectivization of agriculture in 1955–56 seriously damaged peasant morale and "enthusiasm for production" for over 20 years, until a new leadership under Deng Xiaoping replaced it with the "production responsibility system" and the policy of letting peasants become "wealthy" through their own efforts. This seems to have solved the problem of motivation, but at the cost of disrupting successful collective undertakings, the rural health system, and the rural family planning efforts. In both these cases, the modification of the mistaken policies brought an immediate remission of some of their worst effects, but even an instant change in family planning policies would not erase the marks already imprinted on the Chinese age-sex structure by the policies of the mid-1970s and early 1980s, which will be visible for the next 80 years or so and may have echoes and reverberations that last longer still. Chinese demographers have pointed out that demographic trends have an inertial property. They have also made population projections showing the effects of current policies on age composition in China during the next century. But, until late in 1983, their published writings tended to discount the possibility that age composition could be a cause of problems in the future.

In 1980, when a reaction set in against the coerciveness of the newly instituted one child policy, Chinese sources said that "some comrades" were worried that the policy could lead to the excessive aging of the population, to shortages of workers and military recruits, to an imbalance of the sexes, and to heavy welfare burdens for the state. Among the people there were fears that after three generations of the one child policy, the age structure of the Chinese family would follow a "4-2-1" pattern—four grandparents and one child supported by two working parents. The writers of press articles insisted that these fears were unfounded, that the problems would not arise soon, and that there would be plenty of time to deal with them later on. In 1982, a demographer expressed concern about the effects of the one child policy on family structure, parent-child relations, family income and expenditures, social customs, moral concepts, and mass psychology. Many of the problems, he said, had not been studied yet, and he warned that history had a way of inflicting "punishments" on those who carried out unwise policies "blindly and subjectively."[117] In the same year, China sent a delegation to a United Nations conference on aging to find out how other countries were coping with the problem,[118] but still the official attitude as expressed in the press was that China would be able to solve its own aging problem in good time.[119]

In August 1983, one Chinese writer suggested that sudden changes in population growth rates could cause difficulties and that the low target population total set for the country for the year 2000 had its drawbacks. He added that the one child policy could mean that in 40 years' time some elderly couples would have no one to care for them and that it would be difficult to get only children to accept military service or work assignments far from home.[120] In November, a Chinese demographer said that the aging of China's population would be the "fastest in history"[120a] and that China should begin at once to plan how it would support the increasing numbers of elderly persons. He suggested that it was time to consider adjusting the family planning program to keep the problem from becoming too serious.[121] In August 1984, when the central authorities were again worried about a relaxation of local family planning efforts, the same demographer altered his position somewhat, arguing that it would be "highly inappropriate" to overemphasize the problems of aging, as "some people" were doing, and "relax population control right now."[122] Other writers echoed the official position that the problem was under study and would surely be solved.[123]

One reason for the apparent lack of concern about the aging of the population may be the fact that many of the benefits to the state from a sudden reduction in fertility are relatively immediate whereas the adverse consequences are mostly long-term. The declining birth rates of the 1970s have already eased the state's burden in providing childcare, consumer goods for children, and primary schooling in much of the country. By about 1989, the size of cohorts entering the labor force will diminish sharply, reducing the over-supply of rural labor and the numbers of urban young people "waiting for employment." Shortly after that, the demands for housing for newly married couples should also ease considerably. Under any projection that is based on the 1982 census age-sex structure and is carried forward according to fertility assumptions reflecting current official policies and plans, the proportion of the population in the working ages will increase until about the year 2010, when it will account for some 65 percent of the total population. But the proportion of the population aged 65 and over will rise steadily from now on and very rapidly after 2010, reaching 25 percent by the year 2040 if present fertility restrictions are continued to the end of this century. Whether the Chinese economy can solve the problem of providing financial security for so many retirees even if the goals of modernization have been achieved by then is problematical, and there can be no assurance that the goals will be achieved on schedule even if the plan for future population growth is fully realized. The rate of population growth has not been the only deterrent to China's economic development in the last 30 years, which has made gains in spite of the near doubling of the population. Other major obstacles pointed out by Chinese economists include overcentralized control of the economy and unrealistic planning and management, which are implicit in the Chinese administrative system and will continue to hamper development whatever is done about population. If more developed economies sometimes have difficulty sustaining established social security systems when the number of beneficiaries is increasing more rapidly than the number of contributors, it is likely that China will encounter even greater difficulties in setting up an adequate system de novo under much more unfavorable demographic circumstances.

The social and political consequences of the sudden reduction in fertility are still harder to predict and may also be more difficult to resolve. Care for the elderly is not just a matter of providing food, clothing, shelter, and burial expenses; the need for health card will rise even more rapidly than the numbers of the elderly themselves, as will the need for such daily ministrations as were formerly tendered by family members at no cost to the state. Since the full impact of lower birth rates on these arrangements cannot easily be anticipated, there is no basis for the confident assurances by the Party leaders that all such matters can be taken care of later.

The most profound and incalculable effects of the family planning program may be those that result from changes in family structure and in child rearing practices. Articles in the Chinese media have expressed concern about the personality and character of only children, doted on by parents and grandparents and treated by the state as privileged individuals in regard to health care, education, and employment opportunities. Some reports suggest that they are becoming spoiled, self-centered, inclined to immediate gratification, willful, disrespectful toward authority—in short, exactly the kind of people least adapted to life under a political system that emphasizes obedience and orthodoxy. There is also some danger of political disaffection among the generation of their parents, many of whom lost their opportunities for secondary and higher education during the Cultural Revolution, are now deprived of some of the satisfactions of parenthood by the family planning program, and face the prospect of neglect in their old age.

The disaffection may be all the more acute if the rewards of economic development seem insufficient to justify the deprivations imposed on the Chinese people. After all, they have had little voice in the national policy decisions that have affected their lives. Had they been consulted about population policy, many might have chosen to forego some of the "modernization" their leaders have planned for them in order to have more children. More than in many other countries, an important element in the quality of life for the people of China is the gratification afforded by family life and the rearing of children, which have been high on the Chinese scale of values for thousands of years. In the last analysis, the costs of the Chinese experiment with coercive family planning may prove rather high. If so, the burden of responsibility will rest not just with the Party leaders who ordered and directed it and the Chinese demogra-

phers who rationalized and promoted it but also with the foreign population control advocates who applauded it and identified its goals with their own.

FOOTNOTES

[1] The eighteenth century British economist, Thomas Robert Malthus, argued that population tended to outgrow the means of subsistence unless checked by war, famine, or pestilence. Marx vehemently denounced Malthus but failed to develop a population theory of this own. Many later Marzists assumed that population growth was a sign of national prosperity and denies that socialist countries would ever need birth control.

[2] The actual magnitude of the losses can only be estimated, but most estimates are around 30 million. See the interview with Judith Banister reported in Stephens Broening, "The Death of 30 Million Chinese," *The Baltimore Sun*, April 26, 1984, p. A19; Ansley J. Coale, *Rapid Population Change in China, 1952-1982*, Committee on Population and Demography, Report No. 27, National Academy Press, Washington, D.C., 1984, pp. 68-70; and Basil Ashton, Kenneth Hill, Alan Piazza, and Robin Zeitz, "Famine in China, 1958-61," *Population and Development Review*, Vol. 10, No. 4, December 1984, p. 614.

[3] For a discussion of the rationale used in the first and second birth control campaigns, see John S. Aird, "Population Policy and Demographic Prospects in the People's Republic of China," in Joint Economic Committee, Congress of the United States, *People's Republic of China: An Economic Assessment*, U.S. Government Printing Office, Washington, D.C., 1972, pp., 225-244 and 275-294.

[4] By Hu Qiaomu, president of the Chinese Academy of Social Sciences, in an article entitled "Act in Accordance with Economic Laws; Step Up the Four Modernizations," published in *Renmin ribao (People's Daily) (RMBR)*, October 6, 1978, XINHUA, Beijing, October 5, 1978, Foreign Broadcast Information Service (FBIS), No 197, October 11, 1978, p. E17.

[5] Luo Weixiong, "The Current State of Chinese Agriculture and Our Historical Experience in Developing Agriculture," excerpts cited by Beijing radio, Domestic Service, February 14, 1979, FBIS, No. 34, February 16, 1979, p. E12.

[6] Commentator, "It Is a Major Task To Do a Good Job of Summer Grain Procurement," Haikou radio, Hainan Island Regional Service, May 22, 1979, FBIS, No. 102, May 24, 1979, p. P1.

[7] XINHUA, Beijing, September 25, 1980, FBIS, No. 189, September 26, 1980, p. L2.

[8] The statement about the stability and unity of society is from the eminent Chinese demographer Wu Cangping. See "Some Population Problems That Should Be Deliberated at an Early Date," *Shijie jingji daobao (World Economic Report) (SJJJDB)*, Shanghai, No. 165, December 12, 1983, FBIS, No. 8, January 12, 1984, p. K4.

[9] The statement that the one child policy is the only choice for China was made first by Prof. Liu Zheng, Director of the Population Research Institute, Chinese People's University, Beijing, in "Laogu shuli yu jihua kongzhi renkou zengzhang de chanlue zixiang" ("Firmly Establish the Strategic Ideology of Planned Control of Population Growth"), *RMRB*, February 5, 1980, p. 5. It was repeated by Wu Cangping in "Tigao jihua shengyu xuanchuan de kexuexing" (Raise the Scientific Nature of the Propaganda on Family Planning"), *RMRB*, April 1, 1983, p. 5. The last statement is from "Give Priority to Propaganda and Education in the Work of Family Planning," *RMRB*, September 29, 1981, FBIS, No. 192, October 5, 1981, p. K6.

[10] In 1982 Qian Xinzhong said that "the Party is very much at fault' in not coming to grips earlier with the population problem and that this was one of the reasons why it was now so difficult to eliminate poverty and backwardness in China. See "Quanguo jihua shengyu bangongshi zhuren peixumban jieye Qian Xinzhong qiangdiao bixu zhuajin jiejue renkou wenti" ("Training for Directors of Family Planning Offices in the Country Concluded; Qian Xinzhong Emphasizes That Close Attention Must Be Given to Solving the Population Problem") *Xinhua ribao (New China Daily) (XHRB)*, Nanjing, May 28, 1982, p. 3.

[11] For example, at a discussion meeting in 1979 convened by the State Council's Birth Planning Office, "some comrades" noted that the attack on Mao's population theory was based on the idea that more people meant "more views and enthusiasm," obviously a reference to Mao's 1958 statement that "The more people, the more views and suggestions, and the more intense the fervor and the greater the energy." For the comments of the "comrades," see XINHUA, Beijing, June 8, 1979, FBIS, No. 115, June 13, 1979, p. L16. In 1982, Bo Yibo, in a speech to a national family planning conference, noted that in the 1950s Ma, Shao Lizi, and Zhou Enlai all favored birth control, but, "after the appearance of the saying that 'a large population is a good thing,' all people believed it blindly." This is a reference Mao's September 1949 declaration that "It is a very good thing that China has a big population," which was quoted throughout the 1950s, even while family planning was being promoted. for Bo's speech, see Bo Yibo, "Kongzhi renkou yao tong shixian fan liangfan de zhanlue mubiao tong bu jinxing" ("Population Control Must March in Step with the Strategic Target of Quandrupling Output"), *Jiankang bao (Health Gazette) (JKB)*, November 28, 1982, pp. 1-2.

[12] "Jiuiiu nüying" ("Save the Baby Girls"), *Zhongguo qingnian bao (China Youth Gazette)*, November 9, 1982, p. 3.

[13] "Investigation Conducted by Anhui Provincial Women's Federation Shows the Seriousness of the Situation of Drowning Baby Girls in Rural Areas and the Resulting Disproportion Between Male and Female Babies," *RMRB*, April 7, 1983, FBIS, No. 68, April 7, 1983, pp K5-6.

[14] Zhang Wansong el al., "Yinger xingbili shitiao yao qieshi jiuzheng" ("Effective Steps Must Be Taken Against the Disproporation in the Sex Ratio at Birth"), *Shehui (Society)*, April 20, 1983, p. 29.

[15] "Sex discrimination incompatible with socialist principles," *China Daily (CD)*, March 2, 1983, p. 4; and Zou Ping, "Guanyu Beijingshi chusheng yinger xingbiebi de diaocha" ("A Survey of the Sex Ratio at Birth of Beijing Municipality"), *Renkou yanjiu (Population Research)*, No. 4, July 29, 1983, p. 36.

[16] XINHUA-English, Beijing, April 15, 1983, FBIS, No. 75, April 18, 1983, p. K8; Beijing radio, Domestic Service, April 18, 1983, FBIS, No. 78, April 21, 1983, p. K7; and "Rudongxian renkou shengyulu chouyang diaocha zhengming jihua shengyu bu daozhi xingbiebi shitaio" ("Sample Fertility Survey Carried Out in Rudong County Shows that Family Planning Does Not Lead to Imbalance in the Sex Ratio"), *JKB*, May 19, 1983, p. 1.

[17] For example, an article in the journal *Health Gazette* asserted that "there is no inevitable link" between female infanticide and family planning. See Commentator, "Zhongguo renmin de jihua shengyu gongzuo burong waiqu" ("Distortions About the Family Planning Work of the Chinese People Are Not Allowed"), *JKB*, May 5, 1983, p. 1.

[18] XINHUA-English, Beijing, September 23, 1983, FBIS, No. 188, September 27, 1983, p. K9.

[19] "Sheng jihua shengyu bangongshi jiu dangqian cunzai de wenti tichu cuoshi" ("The Hebei Provincial Family Planning Office Proposes Measures in View of Current Problems"), *Hebei ribao (Hebei Daily)*, Shijiazhuang, September 28, 1981, p. 1; Song Youtian, "Guanyu jihua shengyu gongzuo qingkuang de baogao" ("Report on Family Planning Work"), *Shaanxi ribao (Shaanxi Daily)*, Xian, March 9, 1982, p. 3; "Cheng Shuyan xuanchuan jihua shengyu jiazhong bei za" ("The Home of Cheng Shuyan Was Smashed for Publicizing Family Planning"), *Liaoning ribao (Liaoning Daily) (LNRB)*, Shenyang, January 11, 1983, p. 1; Chengdu radio Sichuan Provincial Service, January 15, 1983, Joint Publications Research Service (JPRS), No. 82,842, February 10, 1983, p. 178; and Michael Weisskopf, "Abortion Tears at Fabric of China's Society," *The Washington Post*, January 7, 1985, p. A20.

[20] "Birthrate called bigger challenge than quadrupling," *CD*, December 2, 1982, p. 3.

[21] In 1980, a Tianjin news item said that there were some Party members and cadres who had openly expressed the feeling that they would "rather give up Party membership than not have a son." See Commentator, "Dangyuan ganbu yao zuo jihua shengyu de daitouren" ("Party Members and Cadres Must be the Leaders in Practicing Family Planning"), *Tianjin ribao (Tianjin Daily)*, Tianjin, February 13, 1980, p. 1. Some have actually paid the penalty. See for example Guangzhou radio, Guangdong Provincial Service, January 29, 1982, JPRS, No. 80,051, February 8, 1982, pp. 59-60; and "Zhao Wenru ju bu jihua shengyu bei kaichu dangji" ("Zhao Wenru Refuses to Practice Family Planning and Is Expelled from the Party"), *RMRB*, January 28, 1983, p. 4.

[22] "Sustained Efforts Are Needed in Planned Parenthood Work," *RMRB*, January 27, 1981, FBIS, No. 28, February 11, 1981, p. L19.

[23] KYODO, Beijing, June 25, 1980, FBIS, No. 126, June 27, 1980, p. Q1.

[24] Yang Zhonghao, "Guanghan, Xinduxian shixing ganbu gangwei zerenzhi de diaocha" ("An Investigation of the Implementation of the Tentative Cadre Job Responsibility System in Guanghan and Xindu Counties"), *Jingji guanli (Economic Management)*, No. 4, April 15, 1982, pp. 76-79.

[25] "Gaozhan gongshe shixing 'sanguagou' jihua shengyu chuxian xin jumian" ("Gaozhan Commune's Family Planning Has a New Breakthrough After Practicing the "Three-Hook-Up' "), *Shichuan ribao (Sichuan Daily) (SCRB)*, Chengdu, April 24, 1982, p. 1.

[26] "Defengxian quanmian jianli renkou shengchan zerenzhi" ("Dafeng County Establishes Population and Production Responsibility Systems"), *XHRB*, June 19, 1982, p. 4; "Qidingshan gongshe jianli jihua shengyu zerenzhi" ("Qidingshan Commune Establishes a Family Planning Responsibility System"), *LNRB*, January 3, 1983, p. 1; and "Jiuyouguan nongcun jihua shengyu wenti da duzhe wen" ("Questions and Answers on the Problems of Rural Family Planning"), *LNRB*, January 6, 1983, p. 3.

[27] "Some Current Problems in Drafting Laws," *Guangming ribao (Guangming Daily) (GMRB)*, December 22, 1978, FBIS, No. 3, January 4, 1979, p. E7. This item also implies that Chinese references to "propaganda" may cover actions that are actually coercive.

[28] Changsha radio, Hunan Provincial Service, September 23, 1979, FBIS, No. 188, September 26, 1979, pp. P2-3; and Michael Weisskopf, *loc. cit.*

[29] Quoted in Pi-chao Chen, *Rural Health and Birth Planning in China*, International Fertility Research Program, Research Triangle Park, North Carolina, 1981, p. 44.

[30] Jay Mathews, "China Pressures Couples to Have Only One Child," *The Washington Post*, February 28, 1980, p. A20.

[31] Amanda Bennett, "China Cajoles Families and Offers Incentives to Reduce the Birth Rate," *The Wall Street Journal*, July 6, 1983, p. 23.

[32] By May 1981, more than 20 provinces had adopted such laws. Xian radio, Shaanxi Provincial Service, May 3, 1981, FBIS, No. 85, May 4, 1981, p. T4.

[33] XINHUA-English, Beijing, December 4, 1982, FBIS, No. 235, December 7, 1982, p. K12. Significantly, neither the provincial family planning laws nor the national constitution explicitly prohibit coercion in family planning or specify penalties for it. The Chinese press has not yet described a case of a cadre being punished for using coercion for any purpose, though it has cited many cases of severe punishments for violating family planning laws.

[34] Guangzhou radio, Guangdong Provincial Service, May 2, 1982, FBIS, No. 85, May 3, 1982, p. P3.

[35] See below, pp. 30-33.

[36] Sometimes popular acceptance was taken as an *a priori* assumption, as when Xu Dixin argued in 1981 that "Since our country is a socialist state (and) since our birth control program is in the interests of the people . . ., it is certain that it is favored by the great majority of our people." See Xu Dixin, "A Few Problems Concerning Population Science, *Jingji yanjiu (Economic Research) (JJYJ)*, No. April 20, 1981, FBIS, No. 101, May 27, 1981, p. K23. Official spokesmen insisted that the policy emphasized "persuasive education and the people's willingness" and that coercion was "against state policy." See "Incentives help control population," *CD*, August 8, 1983, p. 4. A State Family Planning Commission spokesman said in July 1984 that the reduction in fertility in China "could never have been achieved without the people's voluntary support." See "Two-child families for next generation," *CD*, July 4, 1984, p. 1. Hebei Province claimed that the 2 million sterilizations it had performed in January-August 1983, during the mandatory sterilization program that represented the peak in coercion thus far in China's family planning work, were all "based on the masses' own free will." See "Hebeisheng jiaqiang jieyu jishu gongzuo" ("Hebei Province Strengthens Birth Control Technical Work"), *JKB*, October 25, 1983, p. 1.

[37] Editors of the *Beijing Review*, an English language journal for foreign consumption, have said that "in promoting family planning, we have always emphasized education and opposed coercion" and that the government "never hesitates to correct (cases of coercion) the moment they are discovered." See An Zhiguo, "Family Planning," *Beijing Review (BR)*, Vol. 26, No. 35, August 29, 1983, p.

4; and Xin Lin, "A Realistic Population Policy," *BR*, Vol. 27, No. 30, July 23, 1984, p. 4.

[37] XINHUA-English, Beijing, August 2, 1978, FBIS, No. 151, August 4, 1978, p. M5; and "A Big change in Cadres' Work Style Is Demanded," *RMRB*, August 2, 1978, FBIS, No. 151, pp. E2-5. For more details on the manifestations of coercion in spheres other than family planning, see John S. Aird, "Fertility Decline in China," Chapter 4 in Nick Eberstadt, (ed.), *Fertility Decline on the Less Developed Countries*, Praeger Publishers, 1981, pp. 188-189.

[38] Nanning radio, Guangxi Zhuang Regional Service, August 12, 1978, FBIS, No. 159, August 16, 1978, p. H3.

[39] "All-Out Effort, Policy, and Work Style," *SCRB*, September 26, 1978, FBIS, No. 190, September 29, 1978, p. J1.

[40] "We Should Have a Large Number of Cadres Who Dare to Study, Single Out, and Solve Problems," *RMRB*, December 7, 1978, FBIS, No. 239, December 12, 1978, pp. E11-12.

[41] Contributing Commentator, "Forget Not the Relationship That Is as Close as Fish to Water," *RMRB*, August 19, 1978, FBIS, No. 164, August 23, 1978, p. E2.

[42] Michael Parks, "Sex is high on list of new Chinese Freedoms," *The Baltimore Sun*, January 25, 1979.

[43] Hua Guofeng, "Unite and Strive to Build a Modern, Powerful Socialist Country!" (Report on the work of the government delivered at the first session of the Fifth National People's Congress, February 26, 1978). XINHUA-English, Beijing, March 6, 1978, FBIS, No. 45, March 7, 1978, p. D25.

[44] The rates for 1976, 1977, and 1978 were 12.72, 12.12, and 12.05, respectively.

[45] XINHUA, Beijing, January 26, 1979, FBIS, No. 22, January 31, 1979, p. E9.

[46] XINHUA-English, Beijing, June 28, 1979, FBIS, No. 127, June 29, 1979, p. L5.

[47] Liu Haiquan, "Control Population Growth with the Same Drive Used in Grasping Production and Construction," *GMRB*, September 13, 1979, JPRS, No. 74,694, December 13, 1979, p. 68.

[48] "Shenggeweihui zhaokai jihua shengyu gongzuo dianhua huiyi" ("Guangdong Provincial Revolutionary Committee Holds Telephone Conference on Family Planning Work"), *Nanfang ribao (Southern Daily) (NFRB)*, November 11, 1979, p 1.

[49] Xu Dixin, "A Few Problems Concerning Population Science," *JJYJ*, No. 4, April 20, 1981, FBIS, No. 101, May 27, 1981, p. K23.

[50] They were told that this was "completely wrong" and that law enforcement could not be considered coercion since people must obey the laws. The authorities were not troubled by the fact that the laws themselves were coercive. See "Dui wosheng jihua shengyu gongzuo de jidian xiwang" ("A Few Expectations Concerning Planned Parenthood Work in Guangdong Province"), *NFRB*, October 6, 1980, p. 1; and Xu Xuehan, "Tiaozheng woguo renkou zaishengchan de guanjianxing juece" ("The Key Policy Decisions in the Readjustment of China's Population Reproduction"), *GMRB*, August 29, 1981, p. 3.

[51] XINHUA, Beijing, September 15, 1980, FBIS, No. 184, September 19, 1980, p. L22. The new minimum ages were 20 for women and 22 for men. But the previous administrative restrictions had set limits as high as 23 and 25, respectively, or higher in most areas. These limits were now said to be superseded. Even before the new law was formally promulgated on January 1, 1981, there was a rush to get married throughout the country.

[52] Some areas reported a rise in second births. As some people put it, "the loudspeakers are silent, the secretaries are mute, and babies are being born." See "Renda daibiao fayan yaoqui jihua shengyu ying lifa" ("Deputies to the National People's Congress Demand that a Family Planning Law Be Enacted"), *JKB*, December 13, 1981, p. 1.

[54] XINHUA, Beijing, March 13, 1982, FBIS, No. 50, March 15, 1982, pp. K4-6.

[55] "Firmly Adhere to the Scientific and Correct Population Policy," *RMRB*, March 14, 1982, FBIS, No. 50, March 15, 1982, p. K3.

[56] XINHUA, Beijing, March 13, 1982, *loc. cit.*

[57] XINHUA, Beijing, November 1, 1982, FBIS, No. 213, November 3, 1982, p. K20. A few days later he said in an interview that the annual increment should be kept under 11 million, 3 million less than the 14 million figure for 1981, See XINHUA-English, Beijing, November 6, 1982, JPRS, No. 82,378, December 3, 1982, p. 74.

[58] XINHUA, Beijing, November 6, 1982, FBIS, No. 218, November 10, 1982, p. K21.

[59] "Guanyu kaizhan quanguo jihua shegyu xuanchuanyue huodong de tongzhi" ("Circular on Carrying Out the Nationwide Family Planning Propaganda Month Activities"), State Family Planning Commission Document No. 207, December 6, 1982, *Zhonghua renmin gongheguo guowuyuan gongbao (People's Republic of China State Council Bulletin)*, 1982:21, February 12, 1983, pp. 1063-1070.

[60] "Zhongyang lingdao tongzhi zuijin shichu jihua shengyu gongzuo bixu jixu zhuahao" ("A Central Leadership Comrade Recently Pointed Out that Family Planning Work Must Continue to Be Done Well"), *JKB*, March 3, 1983, p. 1; and "Jiu youguan jieyu jishu zhengce, shengyu zhengce deng wenti Wang Pingshan fushengzhang da jizhe wen" ("Vice-Governor Wang Pingshan Answers Reporter's Questions on Policies on Birth Control Techniques and Childbearing"), *NFRB*, May 15, 1983, p. 2.

[61] Joint Investigation Team, State Family Planning Commission, Hebei Provincial Family Planning Office, and Shijiazhuang Prefectural Family Planning Office, "Nongcun jihua shengyu gongzuo de yixiang zhongda cuoshi" ("An Important Step in Rural Family Planning Work"), *JKB*, April 3, 1983, p. 2.

[62] Guangzhou radio, Guangdong Provincial Service, May 14, 1983, FBIS, No. 114, June 13, 1983, p. P1.

[63] The advantages of sterilization were set forth in an article in a national health journal. See Ju Genhua, "Tichang nongcun yi sheng liangtai de yuling fufu ziyuan zuo jiezha" ("Encourage Rural Couples of Childbearing Age Who Already Have Two Children to Volunteer for Sterilization"), *JKB*, January 16, 1983, p. 2.

[64] For example, Guangdong Province reported that it had 7 million couples of childbearing age, of which 5.2 million had two or more children and "should be sterilized," but only 2.2 million had already had the operation by May 1983. The province had a three-year plan to sterilize 2.7 million of the remainder, of whom 1.7 million were to be sterilized in 1983. See "Sheng weishengting fachu tongzhi yaoqiu geji weisheng bumen zuohao jihua shengyu jishu gongzuo" ("The Provincial Public Health Department Issues Circular Requesting Public Health Organs at All Levels to Do Well in Technical Planned Birth Work"), *NFRB*, May 10, 1983, p. 1.

[65] "Zhongyang lingdao tongzhi zuijin zhichu jihua shengyu gongzuo bixu jixu zhuahao" ("A Central Leadership Comrade Recently Pointed Out that Family Planning Work Must Continue to Do Well"), *JKB*, March 3, 1983, p. 1. The "central leadership comrade" was Qian Xinzhong.

[66] These figures were obtained from the Ministry of Health by Michael Weisskopf. See "Abortion Policy Tears at Fabric of China's Society," *loc. cit.* A total only slightly different was estimated by Judith Banister from official data on nationwide birth control usage in 1982 and 1983. See Judith Banister. *China's Changing Population*, Stanford University Press, Stanford, California, (forthcoming in 1985), table 7.2.

[67] "China set to invoke new law on statistics," *CD*, December 9, 1983, p. 1.

[68] "Guojia jihua shengyu weiyuanhui fuzhe tongzhi weiwen jiceng ganbu he duzinuhu" ("Responsible Comrades of the State Family Planning Commission Visit Basic Level Cadres and Households with an Only Child"), *JKB*, January 29, 1984, p. 1.

[69] "Quanguo sheng, shi, zizhiqu jihua shengyu weiyuanhui zhuren huiyi haozhao jixu dali zhuahao jihua shengyu gongzuo" ("Conference of Directors of Family Planning Commissions of All Provinces, Municipalities, and Autonomous Regions Calls for Continued Efforts to Carry Out Family Planning Work"), *RMRB*, March 8, 1984, p. 1.

[70] In October, a writer in the same journal revealed that the Party Central Committee had suggested that the proportion of couples to be considered for a second child be increased to 10 percent. This was called "opening a small gap" and was contingent on the success of the effort to close the "large gap" of other families having unauthorized births. See Long Guangrong, "Renzhen kai hao xiaokou qieshi duzhu dakou" ("Earnestly Do Well in Opening a Small Gap and Effectively Close the Large Gap"), *Jiankang bao jihua shengyu ban (Health Gazette Family Planning Edition) (JKBJHSYB)*, October 19, 1984, p. 3.

[71] "Ge sheng, zizhiqu, zhixiashi lianxi dangdi shiji jiejue wenti ba zhongyang dui jihua shengyu gongzuo de zhibiao bianwei xingdong" ("Provinces, Autonomous Regions, and Municipalities Solve Problems by Taking Local Realities into Consideration and Turn the Directives of the Party Central into Actions"), *JKBJHSYB*, May 18, 1984, p. 1. But the article also said that the success of previous policies in reducing the numbers of births showed that they were "completely correct."

[72] "Weishengbu he guojia jihua shengyu weiyuanhui lianhe fachu tongzhi yaoqiu gedi guance zhongyang zhishi jingshen zuohao jihua shengyu jishu zhidao gongzuo" ("The Ministry of Public Health and the State Family Planning Commission Issue a Joint Circular Requesting that All Areas Carry Out the Guidelines of the Central Committee by Doing Well in the Work of Giving Family Planning Technical Guidance"), *JKBJHSYB*, June 8, 1984, p. 1; and Peng Zhiliang, "Tan jihua shengyu zhengce yao heqing heli" ("Family Planning Policy Must Be Fair and Reasonable"), *JKBJHSYB*, June 29, 1984, p. 3. A month earlier the journal had carried an article citing as an example to be copied a Human county that would not permit its cadres to violate the "four-not-allowed"—i.e., not allowed to "scold away the pigs." The county was congratulated for having had "no cases of coercion since 1981." Its cadres had changed their "work style" and now they "tested the sweetness"—they were welcomed by the masses wherever they went! See "Zhuzhong gongzuo fanfa guanxing qunzhong jiku" ("Pay Attention to Work Methods and Care for the Sufferings of the Masses"), *JKBJHSYB*, May 18, 1984, p. 3.

[73] "Ba Zhongyang jingshen wei ganbu qunzhong de zijue xingdong" ("Turn the Guidelines of the Party Central Committee into Voluntary Actions on the Part of the Cadres and the Masses"), *JKBJHSYB*, July 6, 1984, p. 1. This article is an abstract of a discussion Wang Wei had with reporters on May 29, 1984.

[74] A report from Hainan Island in August 1984 complained that the region had done rather poorly in fulfilling the sterilization quota assigned by the provincial authorities. See Haikou radio, Hainan Island Service, August 31, 1984, FBIS, No. 173, September 5, 1984, p. P5. The 1983 policies are also mentioned in Xining radio, Qinghai Provincial Service, October 16, 1984, FBIS No. 204, October 19, 1984, p. T1; and Nanning radio, Guangxi Regional Service, December 4, 1984, FBIS, No. 236, December 6, 1984, p. P1.

[75] Lo Ming, "'Zuo' xing weigai huaiyun youzui" ("The 'Leftist' Nature Has Not Been Changed; It Is a Crime to Be Pregnant"), *Zhengming ribao (Contention Daily)*, (*ZMRB*), Hong Kong, July 27, 1981, p. 1.

[76] *Ibid.*

[77] Lo Ming, "Xiaohua guaishi wuqibuyou" ("Laughable and Peculiar Events; Nothing is Too Strange"), *ZMRB*, July 28, 1981, p.1.

[78] Lo Ming, "Why Is There Still Lawlessness? The Ultraleftist Practice of 10 Counties and Municipalities in East Guangdong in Planned Parenthood," *ZMRB*, July 29, 1981, JPRS, No. 78,901, September 3, 1981, pp. 68-69.

[79] Lo Ming, "Xiaohua Guaishi wuqibuyou," *loc. cit.*

[80] Lo Ming, "Why is There Still Lawlessness?. .," p.70.

[81] Guangzhou radio, Guangdong Provincial Service, August 20, 1981, FBIS, No, 162, August 21, 1981 p. P1; Guangzhou radio, August 28, 1981, FBIS, No. 169, September 1, 1981, p. P5; and Guangzhou radio, August 29, 1981, FBIS, No. 169, September 1, 1981, p. P6.

[82] "Jianchi ba jihua shengyu he gongnongye shengchan zhe liangjian dashi yiqi zhuahao" ("Persist in Grasping Family Planning Work and Agricultural and Industrial Production Simultaneously and Well"), *NFRB*, August 29, 1981, p. 1.

[83] "Xuexi Huiyang diqu jingyan zhuahao jihua shengyu gongzuo" ("Learn from the Experiences of Huiyang Prefecture and Grasp Family Planning Work Well"), *NFRB*, August 29, 1981, p. 1.

[84] XINHUA, Beijing, September 11, 1981, FBIS, No. 179, September 16, 1981. pp. P1-2.

[85] At the first meeting, it was asserted that since the Huizhou "on-the-spot" meeting there had been an improvement in family planning and the cadres' "work style." See "Shengfu zhaokai jihua shengyu gongzuo huiyi yanjiu jinhou gongzuo" ("The Guangdong Provincial Government Holds a Family Planning Work Meeting to Study Plans for the Coming Year"), *NFRB*, December 2, 1981, p. 1; and Guangzhou radio, December 20, 1981, JPRS, No. 79,892, January 19, 1982, p. 52.

[86] "Qingyuan, Dongguan jihua shengyu gongzuo chengji xianzhu" ("Qingyuan and Dongguan

Achieved Marked Results in Family Planning Work"), *NFRB*, May 20, 1983, p. 1.

[87] Guangzhou radio, August 8, 1983, FBIS, No. 155, August 10, 1983, pp. P1-2; Guangzhou radio, October 8, 1983, FBIS, No. 197, October 11, 1983, p. P1; Guangzhou radio, May 8, 1984, FBIS, No. 91, May 9, 1984, pp. P1-2; and Hu Fuqiang, "Guangdong sheng, Guangzhou shi lianhe zhaokai jihua shengyu gongzuo dongyuan dahui" ("A Mobilization Meeting on Family Planning Work Was Jointly Held by Guangdong Province and Guangzhou Municipality"), *Renkou yu jingji (Population and Economics) (RKYJJ)*, No. 4, August 25, 1984, p. 63.

[88] The explanations were offered by Li Hanbo, deputy director of Guangdong's provincial family planning organ (hence an underling of Du Ruizhi), to an American reporter. See Christopher S. Wren, "China's Birth Goals Meet Regional Resistance," *The New York Times*, May 15, 1982, p. 7.

[89] David Bonavia, "Deng stops the presses," *Far Eastern Economic Review*, August 7, 1981, p. 34.

[90] See above, pp. 23-24.

[91] For example, see Beijing Centre of Communication and Education for Family Planning, "A Bird's Eye View of China's Population and Family Planning," (no date or place of publication), p. 3.

[92] XINHUA-English, Beijing, May 19, 1979, FBIS, No. 102, May 24, 1979, p. L6; XINHUA-English, Beijing, October 26, 1981, FBIS, No. 207, October 27, 1981, pp. K7-8; "Speech by Head of Chinese Delegations at Third Asian and Pacific Population Conference," (mimeo), 1982; XINHUA-English, Beijing, March 21, 1983, FBIS, No. 56, March 22, 1983, pp. K7-8; and "Highlights from Statements of Countries in the ESCAP Region at the 39th Session of ESCAP, April 19-29, 1983," *Population Headliners*, No. 98, May 1983, p. 3.

[93] Chinese Delegation to the Third Asian and Pacific Population Conference, "China's Population and Its Propsects," (country statement), September 1982, p. 7; and Beijing Centre of Communication and Education for Family Planning, *loc. cit.*

[94] Qian Xinzhong, "Controlling Population Growth," *BR*, Vol. 26, No. 7, February 14, 1983, p. 23; Michael Weisskopf, "China Orders Sterilizations for Parents," *The Washington Post*, May 28, 1983, p. A27; XINHUA-English, Beijing, August 3, 1983, FBIS, No. 151, August 4, 1983, p. K9, and An Zhiguo, "Family Planning," *BR*, Vol. 26, No. 35, August 29, 1983, p. 4.

[95] XINHUA-English, Beijing, September 23, 1983, FBIS, No. 188, September 27, 1983, p. K9.

[95a] See "China's Program: 'Voluntary, Not Coercive,'" *Popline*, Vol. 7, No. 2, February 1985, p. 3. The remarks attributed to Zhou in this article are not necessarily verbatim, but the Population Institute staff member who prepared the article is confident that they are accurate in substance.

[96] "Paying for Abortions," *The Wall Street Journal*, April 9, 1984, p. 34.

[97] See the letter from Fred O. Pinkham, President of the Population Crisis Committee, in *The Wall Street Journal*, April 20, 1984.

[98] The spokesman was Werner Fornos, President of the Population Institute, who visited China at the invitation of the State Family Planning Commission in November 1984. See "*China Daily* wins global media award," *CD*, March 16, 1982, p. 3; and "Husband praised by population expert," *CD*, November 24, 1984, p. 1.

[99] "1% Population Growth Goal for Asia," *Popline*, Vol. 3, No. 11, November 1981, p. 2.

[100] "Guojia jihua shengyu Lianhehui Wu Kunhuang zhuxi he Aluweihaier zhuren shuo; Zhongguo de jihua shengyu shi renmin zijide zuanze" ("President Ng Koon-Fong and Director Aluvihare of the International Planned Parenthood Federation Say that China's Family Planning Is the People's Own Choice"), *JKB*, April 28, 1983, p. 1; and "Family planning measures 'hopeful'," *CD* May 4, 1983, p. 3. One of the officials has stated in a letter to the author that the comments quoted in the first of these sources had been "lifted out of context." He also said that the IPPF visitors questioned their hosts about reports of infanticide and coercion in China. From his report of their responses it is apparent that the visitors received the usual answers.

[101] XINHUA-English, Beijing, May 7, 1983, FBIS, No. 92, May 11, 1983, p. K12.

[102] XINHUA-English, Beijing, June 21, 1983, JPRS, No. 83,802, June 30, 1983, p. 48.

[103] "Human rights defined," *People*, London, Vol. 11, No. 1, 1984, p. 36.

[104] Population Division, Economic and Social Commission for Asia and the Pacific, *Asian-Pacific Population Programme News*, Vol. 11, Nos. 1 & 2, 1982, pp. 22-24; "Teaching aids to boost family planning drive," *CD*, February 3, 1982, p. 1; and "Work starts on family planning training centre," *CD*, March 17, 1982, p. 3.

[105] Michael Weisskopf, "China Orders Sterilizations for Parents," *loc. cit.* Requiring a "very explicit regulation" set an impossible standard for the incriminating evidence. The Chinese central authorities would never issue a directive in this form because that would make it impossible to shift the blame to lower levels if the adverse public reaction were too strong. Moreover, the authorities seldom publish family planning directives and certainly not those that contradict their claim that the program is not coercive.

[106] "UN aid for population planning," *CD*, February 25, 1984, p. 1.

[107] "Paying for Abortions," *loc. cit.*

[108] "Xinzhong, Gandhi Win Population Awards," *Popline*, Vol. 5, No. 3, April 1983, pp. 1 and 4.

[109] Bernard Nossiter, "Population Prizes from U.N. Assailed," *The New York Times*, July 24, 1983, p. 4. Contacted by the newspaper, Mr. Salas reportedly defended the awards and dismissed Schultz's allegations about infanticide as "an inference." But the same inference was drawn in Chinese sources in late 1982 and early 1983, until the foreign press began to repeat them, and it is supported by relevant demographic data from China. See above, pp. 9-12.

[110] "Perez de Cuellar Issues Warning On Overpopulation," *Popline*, Vol. 5, No. 9, October 1983, p. 4.

[111] For example, see Qian Xinzhong's remarks in August 1983 in XINHUA-English, Beijing, August 3, 1983, FBIS, No. 151, August 4, 1983, pp. K7-8.

[112] "Paying for Abortions," *loc. cit.*; and "Congress Debates Population Aid," *Population Today*, Vol. 12, No. 6, June 1984, pp. 3-4.

[113] "No aid to abortion promoters—US," *CD*, July 16, 1984, p. 1.

[114] "U.S. Withholds $23 Million From U.N. Population Fund," *The Washington Post*, February 6, 1985, p. A14; and "U.S. Delays Population Aid," *The Washington Post*, February 7, 1985, p. A10.

[114a] United Nations Fund for Population Activities, "UNFPA and China: Briefing Note," February 9, 1985, pp. 3-5. This document cites the Party Central Committee "open letter" of September 1980, written during the anti-coercion reaction to the excesses of 1979, and the March 1984 conference of family planning leaders, held to curb the excesses of 1983, but it ignores the policies of 1983, when coercion in the Chinese family planning program reached its peak of intensity this far, and it does not mention the hardening of the line since the summer of 1984 that followed the slight relaxation of March 1984. The effect is to convey a mistaken impression that the policy has been progressively relaxed in recent years; what has actually happened is instead a net escalation from 1978 through 1983, with a very slight relaxation since 1983. The program remains highly coercive. See also George Archibald, "Pro-life, AID forces clash on U.S. aid to China's population control." *The Washington Times*, March 18, 1985, p. 7B.

[114b] The administration had previously taken the position that it would provide no further U.S. aid to any organization whose projects directly or indirectly supported abortion or coercive family planning practices, but an AID official reportedly said that the partial withholding of funds was intended to "give UNFPA a chance to clean up its act." See "U.S. Cutting Population Agency's Funds," *The Washington Post*, March 31, 1985, p. A7; and George Archibald, "AID seeks to cut U.N. population agency's funding," *The Washington Times*, April 1, 1985, p. 3A.

[115] Shen Guoxing, "A Brief Introduction to China's Family Planning Program," (Statement at a press conference in Mexico City), August 9, 1984, pp. 4-6; and Xu Dixin, "On Population Control and Free Economy—Answering Questions by a China International Broadcasting Station Reporter," *SJJJDB*, November 26, 1984, JPRS, No. 85-007, January 16, 1985, p. 11.

[116] A UNFPA official was recently quoted as saying that the Chinese authorities had "really taken very seriously everything that the U.N. has suggested" and had "taken important steps" to deal with reported abuses in their family planning program. (See "U.S. Withholds $23 Million From U.N. Population Fund," *loc. cit.*) Of course, after the 20.8 million sterilizations of 1983, the need for coercion in family planning would have been significantly reduced. Forcible sterilization assures future compliance without further strong measures.

[117] Zha Ruichuan, "Renkou guanxing ji qi dui woguo renkou fazhan de yingxiang" ("Population Inertia and Its Effects on China's Population Growth"), *RKYJJ*, No. 2, April 25, 1982, pp. 19-23.

[118] "Aging world poses problems," *CD*, July 9, 1982, p. 4; and "Grannies to outnumber the young," *CD*, July 24, 1982, p. 1.

[119] Bai Jiefu, "Work on Population and Planned Parenthood," *RKYJJ*, No. 5, October 25, 1982, JPRS, No. 84-011, February 1, 1982, p. 31.

[120] Gui Shixum, "Diqijian: Weilai renkou ziran biandong yao youli yu shehui de fazhan" ("Lecture VII: The Rate of Change in Population Must Be Favorable to Social Development"), *Shehui (Society)*, No. 4, August 20, 1983, pp. 61-65.

[120a] The rapid aging of the population is a phenomenon common to all populations that have made a quick transition from high to low fertility. As the progreessively larger cohorts of people born when fertility was stil high and the population was growing rapidly reach the advanced ages and their places in the younger and middle ages are taken by progressively smaller cohorts born during the years when fertility was falling and population growth slowing down the numbers of the elderly rise, their proportion of the total population increases still more quickly, and the average age of the population also rises. Hence the population as a whole is said to be "aging."

[121] XINHUA-English, Beijing, November 8, 1983, JPRS, No. 84,857, December 1, 1983, p. 50; Wu Cangping, "Some Population Problems that Should Be Deliberated at an Early Date," SJJJDB, No. 165, December 12, 1983, FBIS, No. 8, January 12, 1984, pp. K3-6; and Wu Cangping, "Yindang zhuyi de liangge renkou wenti" ("Two Problems to Which We Should Pay Attention"), *Jingjixue wenzhai (Economics Digest)*, No. 4, 1984, p. 58

[122] Wu Cangping, "Problems of Old Age and Our Countermasures," *RMRB*, August 20, 1984, JPRS, No. 84-065, October 2, 1984, p. 27.

[123] For example, see Fei Xiaotong, "Planning Population Growth and Distribution," *China Reconstructs*, Vol XXXIII, No. 5, May 1984, p. 13; and Tian Xueyuan, "Cong renkou nianling jieguo biandong kan jihua shengyu gongzuo de weida chengjiu" ("Great Achievements Made in Family Planning Work as Shown by Changes in the Age Structure of the Population") *JKBJHSYB*, August 31, 1984, pp. 1-2.

Mr. HELMS. Mr. President, the concept of my amendment—that of Presidential flexibility in developing population policies—should be maintained in order that the President not be impeded in his efforts to stem human rights abuses. This concept was endorsed by the administration during consideration of S. 960. During debate on that bill, Senator LUGAR, as chairman of the Committee on Foreign Relations, received a letter, dated May 14, 1985, from Kenneth W. Dam, who was acting as the Secretary of State in the absence of Secretary Shultz who was out of the country. The letter listed a number of amendments which it said "must be made on the Senate floor" in order to win administrative approval. One was described as follows:

> A provision allowing the President to deny funds to foreign non-governmental or multilateral organizations that perform abortions.

The bill passed without such an amendment, and so I am offering one that will achieve that purpose today.

Mr. President, let me specifically describe what my amendment does. It adds a new subsection to section 104 of the Foreign Assistance Act, stating in part that:

The President, in connection with making available assistance for population planning, shall retain authority under article II of the U.S. Constitution and shall have authority hereunder to implement whatever policies he deems necessary to curb human rights violations, including but not limited to infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination, and such authority may be delegated to any officer of the United States who may be designated by the President for that purpose.

In adopting this amendment Congress will be anticipating nearly simultaneous enactment of language in S. 960, specifically section 303(b), which goes contrary to this amendment and which therefore this amendment is intended to modify and control.

The language of my amendment, Mr. President, will effectively maintain the President's existing authority and flexibility in developing policies for U.S. population assistance which will help advance, not impede, human rights. The effect of this amendment would be to give the President a vote of confidence on his prolife, prohuman rights policies which he has had in place since the summer of 1984. In this regard, it would be similar to the amendment I offered on August 8, 1984, which the Senate refused to table, by a vote of 43 to 52. In other words, 52 Senators gave the President a vote of confidence in August 1984 with his prolife population policies, and I hope at least that many will support him today by voting for this amendment.

Mr. President, I urge adoption of this amendment, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be laid aside temporarily so that the distinguished Senator from Illinois [Mr. DIXON] can be recognized with the understanding that consideration of the pending amendment will return to priority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 291

(Purpose: To express the sense of the Senate that the President should immediately rescind the trade sanctions against Nicaragua)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 291.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. (a) The Senate finds and declares that:

(1) the United States has imposed trade embargoes on several occasions in recent years;

(2) these embargoes have been completely ineffective in accomplishing the goals of American foreign policy;

(3) past trade embargoes have created the impression that the United States is an unreliable trading partner and have hurt American businesses worldwide;

(4) American farmers lost $3 billion in grain sales and 40% of the Soviet grain market as a result of the 1980 embargo;

(5) on May 1, 1985, President declared an "emergency" under Section 204(b) of the International Emergency Economic Powers Act to prohibit all imports and exports of goods and services between the United States and Nicaragua;

(6) in 1984, the United States exported approximately $110 million worth of goods and services to Nicaragua and imported approximately $58 million worth of goods and services from Nicaragua;

(7) one consequence of the trade embargo will be to increase the United States' worldwide trade deficit by the amount of the trade surplus previously enjoyed by the United States in its trade with Nicaragua;

(8) increased trade deficits adversely affect the U.S. balance of payments, which require taxes and Treasury borrowings to finance and which cause inflation, economic stagnation and unemployment;

(9) American suppliers of major exports to Nicaragua, including agricultural machinery, machinery parts, animal and vegetable oils and fats, chemicals and insecticides, fertilizer, tires, and medical instruments, will lose millions of dollars worth of business to other suppliers;

(10) Nicaragua will find other sources to replace lost American suppliers;

(11) economic sanctions will push Nicaragua further into the Communist bloc by eliminating its number one free world trading partner, the United States;

(12) imposition of sanctions under the International Emergency Powers Act is inappropriate and circumvents the Export Administration Act;

(13) La Prensa, the major opposition newspaper in Nicaragua, in an editorial dated May 2, 1985, stated "The great majority of Nicaraguans in the interior of the Republic resist the diverting of the revolution and the totalitarian inclination of the government; but the majority would be the one punished by the embargo.",

(14) the people most harmed by the trade sanctions include Nicaraguan businessmen, the middle class, and all consumers in Nicaragua which groups may provide the greatest potential for responsible and effective opposition to the current government of Nicaragua; and

(15) the trade sanctions may undermine the strength of the opponents of the Sandinistas;

(b) It is the sense of the Senate that the trade sanctions imposed by the United States against Nicaragua are harmful to the American economy, the achievement of United States foreign policy goals, and the people of Nicaragua who are already suffering under the Sandinista regime, and, therefore, that the President should act immediately to rescind the trade sanctions against Nicaragua.

Mr. DIXON. Mr. President, my amendment relates to the trade embargo against Nicaragua which President Reagan announced on May 1.

The amendment is very straightforward, Mr. President. It states the sense of the Senate that the trade sanctions imposed by the United States are harmful to the American economy, the achievement of United States foreign policy goals and the people of Nicaragua who are already suffering under the Sandinista regime. The amendment also states the sense of the Senate that the President should act immediately to rescind those sanctions.

As a general rule, Mr. President, I believe that a trade embargo is bad policy. It is poor foreign policy, and it is even worse economic policy.

Just to cite one recent example, in 1980 the United States imposed a trade embargo against the Soviet Union in response to the Soviet invasion of Afghanistan.

Let us review the results of the embargo, Mr. President. The Soviets are still in Afghanistan. American farmers lost $3 billion in grain sales and 40 percent of the grain market as a direct result. Then there is the example of Caterpillar, of Illinois.

In 1978, Caterpillar had more than 85 percent of the Russian market for pipelayer tractors. After the pipeline sanctions were imposed, Caterpillar lost virtually all its business in the Soviet Union. Mr. President, did that end the Soviet pipeline? No. The Soviet Union turned to the east and found Komatsu of Japan. Komatsu went on to capture the lion's share of the Soviet Market. Today, Caterpillar stands weakened in the overall market, in no small part because of the sanctions, and Komatsu is much stronger, than it previously was.

An additional lesson to be learned from our experience with the Soviet embargo is that it added to the already palpable impression that the United States is an unreliable trading partner. That appearance leads other nations to think of the United States as a supplier of last resort of food and other goods and services, which means more foregone opportunities for American businesses worldwide.

We shot ourselves in the foot, Mr. President, when the Soviet embargo was declared. I fear the United States is already in the process of repeating that grave error in Nicaragua.

Prior to the May 1 embargo the United States was Nicaragua's largest trading partner. Although exports to

Nicaragua have dropped steadily since 1980, American businesses exported $110 million worth of goods and services to that nation in 1984. The United States imported approximately $58 million worth of goods and services from Nicaragua.

That means the United States posted a $52 million trade surplus with Nicaragua just last year. Now we are in the process of throwing that surplus away.

One certain consequence of the embargo will be to increase the United States worldwide trade deficit by the amount of the trade surplus previously enjoyed by the United States in its trade with Nicaragua. From an economic standpoint, increased trade deficits adversely affect the U.S. balance of payments, which require taxes and Treasury borrowing to finance and which cause inflation, economic stagnation and unemployment here at home. That does not seem to me to be a very good way to pressure the Sandinistas.

Take a look at the markets we are going to lose. American businesses have been sending farm machinery, machinery parts, animal and vegetable oils, chemicals and insecticides, fertilizer, tires, and medical instruments. You can bet that the Sandinistas will find other sources to replace most of the American suppliers.

Ironically, one sure offshoot of the sanctions will be to push Nicaragua further into the arms of Communist bloc nations by eliminating its number one free world trading partner.

There is more, Mr. President. What will happen inside Nicaragua? There may well be some short-term adverse affects on the Nicaraguan economy. However, the people most harmed by the trade sanctions include Nicaraguan businessmen, the middle class, and all consumers in Nicaragua. Those are the groups which may well provide the greatest potential for long-term responsible and effective opposition to the current Government of Nicaragua. As La Prensa, the leading opposition newspaper in Nicaragua, recently editorialized: "The great majority of Nicaraguans in the interior of the republic resist the diverting of the revolution and the totalitarian inclination of the (Sandinista) government; but the majority would be the one punished by the embargo."

The trade sanctions may undermine the strength of the opponents, the people we should be helping, in their struggle to put Nicaragua on a course toward democracy.

In conclusion, Mr. President, I believe the United States should continue to pressure the Sandinistas. I support the proposal to provide humanitarian assistance to the opposition forces of Nicaragua. Economic sanctions, however, will not help in the long run to change the course of Nicaragua's future behavior for the better. The embargo will hurt the United States. It will hurt the people of Nicaragua who are already suffering great hardships under the Sandinista regime. In my opinion, the trade sanctions should be lifted immediately.

Mr. BAUCUS. Mr. President, I am voting for this amendment because of my concern over the use of trade sanctions without adequate consultation and consideration of their wider ramifications.

We all know that the grain embargo raised serious questions about the reliability of the United States as a trading partner. The farmers in my State of Montana—and farmers elsewhere in the United States—believe they have been paying for that uncertainty ever since.

In addition, this embargo was imposed by the President without the kind of consultation with the Congress that I think is appropriate. It should be remembered that the Constitution gives the Congress authority over commerce and foreign trade.

Mr. President, I ask unanimous consent that a letter from the National Grange, the National Association of Wheat Growers, and other agricultural groups about the trade embargo be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GRANGE,
Washington, DC, May 9, 1985.

President RONALD REAGAN,
The White House
Washington, DC.

DEAR PRESIDENT REAGAN: Agricultural trade leaders continue to be greatly concerned about the impact of any stoppage of U.S. exports on our credibility as a reliable supplier of farm products.

While we appreciate the fact that the Nicaraguan embargo is not limited to agricultural exports, and that the markets involved are far smaller than those of earlier embargoes, we believe that all such actions cause international buyers to become more apprehensive about dependence on the U.S. for their critical food needs.

We urge that existing contracts be exempt from this embargo, as a means of reducing the long-term as well as immediate damage to our world agricultural markets. We recommend also your strong initiatives in working with the Congress to bring about the conditions which will lead to an early lifting of this embargo to the benefit of U.S. and world trading interests.

American Soybean Association, Grain Sorghum Producers Association, Millers National Federation, National Corn Growers Association, National Association of Wheat Growers, National Council of Farmer Cooperatives, The National Grange, National Soybean Processors Association.

Mr. LEVIN. Mr. President, I voted against the amendment offered by my friend and colleague from Illinois [Mr. DIXON] with some reluctance. I understand the opposition of many in this body and in the Nation at large to the Reagan administration's clumsy attempts to move a regime it doesn't like in a neighboring country into changing its policies and ultimately into self-destruction. It is a sadly misguided and mishandled policy in many respects, but in one key respect I agree with its goals. It is important and legitimate for the United States to seek to halt Nicaragua's active support for violent revolutionary groups in its neighboring countries. I have personally sought assurances from the President of Nicaragua that his government would cease its support for the rebels in El Salvador. I think a trade embargo against Nicaragua is an appropriate way to apply pressure on the regime in Managua both to stop its active support for violent revolutions and to accept a ceasefire in its confrontation with the rebels operating out of Honduras. I have expressed my support for nonmilitary ways of applying pressure of Nicaragua in the past and my support for negotiated solutions to the conflicts in the Caribbean. It is with the hope that a trade embargo will help achieve such solutions that I opposed the Dixon amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I deeply appreciate the statement of my distinguished colleague from Illinois. I share a disposition for free trade, for the movement of American exports in particular, and for the feeling that trade sanctions have many problems. This is why I listened carefully to his argument and have some general sympathy with the philosophy that underlies the argument.

Mr. President, I must oppose the amendment by the distinguished Senator from Illinois because the United States of America has simply, in the last few weeks, embarked upon a position vis-a-vis Nicaragua in which the trade sanctions are a part of our foreign policy, I think an important part. One can argue as to the effects of those policies.

Indeed, economists both here and in Nicaragua have so argued, as have our friends abroad. But I would hope that most Senators believe that it would be unwise to change course immediately; unwise for the Senate in the course of this deliberation on the State Department authorization bill, to call for a dramatic change in our foreign policy.

It is, once again, a judgment countermanding our President, our Secretary of State, and others in whom we have vested certain authority and have tried to assist in a general posture of support for the freedom fighters, support for negotiation with Nicaragua, support for all the principles we have been arguing about for the last couple of days.

I would hope we would not undercut the President by taking this specific

action. Granted it is but a sense-of-the-Senate resolution, it has the force of public opinion, in my opinion, in seriously undermining our foreign policy vis-a-vis Nicaragua.

Mr. President, does anyone else on our side wish to speak? If not I yield the floor.

POSTPONEMENT OF VOTE ON KERRY-MOYNIHAN AMENDMENT

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the question recurs on the motion to postpone consideration of the amendment of the Senator from Massachusetts.

Mr. DOLE. Mr. President, there is a discussion going on at the moment with the State Department lawyers, representatives of the distinguished chairman's staff, representatives of Senator KERRY's staff, and Senator MOYNIHAN's staff. Since they are discussing questions with reference to the amendment, I ask unanimous consent that we continue the postponement until 3 p.m.

Mr. ARMSTRONG. Mr. President, reserving the right to object, it is not my intention to object but, rather, to commend the majority leader for attempting to work this out.

After the majority leader's unanimous-consent request is agreed to and with the concurrence of the manager of the bill, I should like to take a moment or two to comment on the Kerry amendment because, in all probability, I shall not be present when the matter recurs at 3 o'clock. I have a plane I must catch, and I would like to take a moment to express my thoughts on this amendment.

Mr. LUGAR. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Prior to 2 o'clock, the amendment of the Senator from Illinois [Mr. DIXON] was pending under an agreement that provided that upon its disposition, the amendment of the Senator from North Carolina [Mr. HELMS] would recur.

Mr. DIXON addressed the Chair.

Mr. DOLE. Is there objection to the unanimous-consent request, Mr. President?

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. KERRY. Mr. President, did the majority leader say 3 o'clock?

Mr. DOLE. Three o'clock, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, if I may, I would like to comment on the Kerry amendment.

Mr. DIXON. Mr. President, may I interrupt my friend from Colorado? I have no objection, of course, to his proceeding as long as we may show that it is intervening business. I ask unanimous consent that he may be permitted to go ahead, then resume to close the debate on the issue before this body, the amendment that I have at the desk; and that we have the yeas and nays on that.

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the Dixon amendment.

The PRESIDING OFFICER. The Senator from Colorado has the floor. Does he yield?

Mr. ARMSTRONG. Yes, Mr. President, of course I yield. My remarks will be quite brief.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

KERRY AMENDMENT NO. 230

Mr. ARMSTRONG. Mr. President, I want to take just a moment or two to put a perspective on the dispute which arose over the Kerry amendment. Frankly, I think we are right on the verge of blowing this out of proportion. That is why I think the majority leader is acting wisely to try to work out a compromise that is agreeable to the vast majority and hopefully to this Senator.

First, I want to make a point of how the point got lost in the shuffle. In the debate over this amendment, which I voted for but which I think was not really necessary or helpful in the consideration of this bill, the impression might have been created that some Senators might think we are not proceeding in a lawful manner in Central America. Since I was a Senator who voted for the Kerry amendment, I want to make it absolutely clear that I have studied this matter and sought legal advice.

I am convinced that the U.S. policy in Central America is fully in accord with the domestic law of this country, with our obligations under the treaties mentioned in the Kerry amendment, with the U.N. Charter, and with long-standing international law. I make this point because there are thoughtful people—none, I trust, in this Chamber—who are in doubt about the legal basis for the U.S. policy in Central America. Because of that, I sought the advice of a number of authorities in this field at the Department of State and elsewhere. I inserted in the RECORD last week a lengthy discussion of the legal basis of U.S. policy, including a very thoughtful analysis by Prof. John Norton Moore, who is an expert on these matters. I want to make that point absolutely clear, that so far as I am concerned, based on all the information which has come to my attention and extensive research, I am convinced that the U.S. policy is lawful.

The reason this became a matter of controversy is that an amendment was propounded and, for reasons which I think were not directly a result of the content of the amendment, a number of Senators, a near majority, in fact, determined that they wished to vote against it—really, I think not a vote against the substance of it, but a vote against the idea of considering it in that way at that particular time.

My one concern is I would not want anybody to read the RECORD and think that nearly half the Senators in this Chamber in some way are opposed to limiting the expenditure of funds in this bill to perfectly lawful purposes. I do not think there is one Senator who for a minute would countenance the expenditure of funds for any unlawful purpose. Certainly, the President of the United States and the Secretary of State have made it clear that that is not their intention, nor do they believe that our policy does so.

I just wanted to clarify that, Mr. President. I do not know exactly where we are going from here. My hope is that there will be a consensus amendment which can be approved either by a voice vote or on a nearly unanimous vote so that the final action of the Senate today on this matter will be to affirm our commitment to a lawful process and, indeed, to a policy which is in the best interest not only of the people of our country but of the countries directly affected in Central America. If we are not able to reach that kind of consensus, and I will bet almost anything we do, because that is the direction we are moving in, it would be my hope that the amendment would be postponed indefinitely or tabled. If I am present when such a motion is made, I shall vote to do that, because I would do that as a procedural motion.

I hope under the circumstances that we would not, unless we have reached a consensus, have another up-or-down vote on its merits.

Mr. HELMS. Will the Senator yield for a question?

Mr. ARMSTRONG. I shall be very happy to yield, Mr. President.

Mr. HELMS. I thank my friend from Colorado.

The Senator says he believes that United States action in Nicaragua is or will be lawful. I agree with that. Who is going to determine whether it is lawful? The World Court? This is the thicket you wander into, I say to the Senator. That is the reason I voted against the amendment.

Mr. ARMSTRONG. My purpose in explaining my own vote on that subject was not to persuade other Senators.

Mr. HELMS. I understand.

Mr. ARMSTRONG. Let me explain to the Senator from North Carolina, who is far better informed than I on this matter, and I acknowledge he is my leader in this matter. He has spent endless amounts of time studying it. He is an authority on this subject, and I am not. Nonetheless, let me say that there are thoughtful people in this

country who are in doubt about the legal basis for our actions in that part of the world. That is why I regret any appearance in this Chamber of countenancing illegal actions.

Specifically on the question of the World Court, I do not believe the World Court has jurisdiction over U.S. policy in that part of the world, nor do I think it ought to have. I do not think that was the question in the amendment, either.

The question in the amendment, as I understand it to be framed, is whether or not funds in this bill could be authorized for appropriation and expenditure contrary to the undertakings that we have in international law.

The reason I thought at the outset that it was not very timely and in fact certainly not necessary is that we cannot appropriate funds for such purposes, anyway.

Mr. HELMS. That is correct.

Mr. ARMSTONG. It is not something we can do. It is a have-you-stopped-beating-your-wife kind of question. It is a question that would have been better not raised on this particular bill. But the fact is once it gets raised, once the question is before us, if it is voted on on its merits, at least as one Senator, I want to be on the side of law and order, even though I think it is, in a sense, not a frivolous issue but perhaps a near-frivolous issue.

Mr. HELMS. Mr. President, I thank the Senator. Let me make one other point with him, if I may.

The Senator is correct. This is not only a have-you-stopped-beating-your-wife issue, but that is the purpose of the amendment. I say that with all respect to my friend from Massachusetts.

Furthermore, the amendment goes a little bit further than the law and brings in the OAS and what they may think and brings in the United Nations. That is what frightens me to death. That is why I have considerable doubt on this amendment. For all these reasons, the United States should not be involved in this have-you-stopped-beating-your-wife kind of thing.

Mr. ARMSTRONG. Mr. President, I think we have made the point. Let me just have the last word, if I may, with the Senator from North Carolina.

Mr. HELMS. Sure.

Mr. ARMSTRONG. The thing that troubles me, and the reason why I made a point to put an extensive discussion in the RECORD last week of the legal bases of our action, is that out home thoughtful people who are not Senators, who are not members of the Foreign Relations Committee, who are not lawyers but who are concerned citizens and who are no friends of the Sandinista regime nonetheless have doubts about the legal issues involved. It is intolerable to let a group of responsible citizens come to the conclusion that we are violating our own legal process. We have the moral high ground there. We are doing the right thing. We are standing up for freedom. And to have it go forth from this Chamber or in the public press or out home or anyplace else that somehow we are doing something less than that is just not a message I am prepared to let go by without at least giving the other side.

Mr. HELMS. The Senator from Colorado—and I will say this in conclusion—is the last person I could think of who would be accused of any such thing. I admire the Senator. I know where he is coming from, and I know where he is going.

VOTE ON DIXON AMENDMENT NO. 291

The PRESIDING OFFICER [Mr. KASTEN]. If there is no further debate, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. GORTON], the Senator from Nevada [Mr. LAXALT], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. GORTON] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MELCHER], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

The PRESIDING OFFICER (Mr. WILSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 68, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—22

Baucus	Harkin	Metzenbaum
Boren	Hart	Mitchell
Burdick	Hatfield	Pell
Chafee	Inouye	Proxmire
Cranston	Kerry	Pryor
Danforth	Leahy	Weicker
Dixon	Mathias	
Gore	Matsunaga	

NAYS—68

Abdnor	Denton	Goldwater
Andrews	Dodd	Gramm
Armstrong	Dole	Grassley
Bentsen	Domenici	Hatch
Biden	Durenberger	Hawkins
Bingaman	Eagleton	Hecht
Boschwitz	East	Heflin
Byrd	Evans	Heinz
Chiles	Exon	Helms
Cochran	Ford	Hollings
D'Amato	Garn	Humphrey
DeConcini	Glenn	Johnston
Kassebaum	Nickles	Specter
Kasten	Nunn	Stafford
Lautenberg	Packwood	Stennis
Levin	Pressler	Stevens
Long	Quayle	Symms
Lugar	Riegle	Thurmond
Mattingly	Roth	Trible
McClure	Rudman	Warner
McConnell	Sarbanes	Wilson
Moynihan	Sasser	Zorinsky
Murkowski	Simpson	

NOT VOTING—10

Bradley	Kennedy	Simon
Bumpers	Laxalt	Wallop
Cohen	Melcher	
Gorton	Rockefeller	

So the amendment (No. 291) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the amendment of the Senator from North Carolina be temporarily set aside so that I may propose an amendment.

Mr. HELMS. Mr. President, reserving the right to object, and I shall not object, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, if I might further cooperate with the distinguished majority leader, I suggest this amendment be put over until next week so all Senators will be here, and I welcome any comments he may have.

Mr. DOLE. I thank the distinguished Senator from North Carolina.

I understand the managers of the bill are making very good progress. I think 89 or 90 Senators voted on that last amendment. It may come to the point where a controversial amendment will have to be put over until next week.

We would like, and I think I speak for the managers, to move ahead. We have disposed of about 15 amendments in the last hour. I think they can dispose of another 15 amendments, and there are only, as I understand, how many, 2 or 3 that may require rollcalls.

Mr. LUGAR. That appears to be the case.

Mr. DOLE. Three. That includes the amendment of the Senator from North Carolina?

Mr. LUGAR. Yes.

Mr. DOLE. So what we are going to do, if we can work out some agreement

on this amendment with reference to next week, is continue to pursue the other amendments so when we return whenever we take it up it will just be that amendment plus final passage.

Mr. HELMS. Mr. President, further reserving the right to object, let me say to my friend, the distinguished manager of the bill, and Senator PELL and the majority leader, it will be to my advantage to press the amendment this afternoon. I think they understand what I am saying. I do not want to slow down the operation of the railroad here this afternoon. So I am saying that I am willing to delay the amendment if necessary. But if it comes to the judgment of the distinguished managers of the bill that the amendment should be considered that will be entirely agreeable to me. What I saying is I will cooperate with the leadership in any way I can.

Mr. DOLE. We appreciate the cooperation of the Senator.

Mr. HELMS. I thank the Senator.

Mr. DOLE. Mr. President, as I understand it we have not disposed of the so-called Dole amendment in the Contra amendment, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be vitiated and the 60 minutes along with it.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 292

Mr. ABDNOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR], for himself and Mr. LUGAR, Mr. DANFORTH, and Mr. KASTEN proposes and amendment numbered 292.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add new section:

SEC. —. (a) The Congress finds that the increasing barriers to American agricultural trade harm the interests of American producers and of consumers in countries with high trade barriers. The Congress finds further that Western European and Japanese consumers are forced to pay high prices for food products as a direct result of the trade barriers erected against American agricultural products.

(b) The Director of the United States Information Agency is hereby authorized to develop and implement a significant public information campaign to educate citizens of countries with high agricultural trade barriers of the advantages that lowering tariff and non-tariff barriers would have for them as consumers. This campaign shall be conducted in collaboration with American agricultural producer groups, the Department of Agriculture, and the United States Special Trade Representative.

Mr. ABDNOR. Mr. President, I have consulted with the majority side and minority side.

The PRESIDING OFFICER. The Senator from South Dakota will suspend. We must have order in the Senate.

I ask the Senators to give our colleague from South Dakota the attention and courtesy to which he is entitled.

Mr. ABDNOR. I thank the Chair.

Mr. President, I have consulted with both the majority and the minority sides on this particular amendment, and they have agreed to it. It has been cosponsored by several of my colleagues.

Mr. President, many Members of the Senate have been concerned about the growing problem of trade barriers to American agricultural products in Europe and Japan. These barriers are extremely harmful to American farmers. Additionally, they are harmful to the consumers of those countries who are required to pay excessively high prices for their groceries because of the barriers to American farm products.

I, and a number of my colleagues are firmly resolved to address the question of agricultural trade barriers by using U.S. diplomacy. My amendment authorizes the Director of the U.S. Information Agency [USIA] to support this resolve by carrying out a public information campaign in countries with high agricultural trade barriers in order to educate consumers about the advantages opening their markets to the American farmer would have for them.

I believe that if the consumers of those countries truly understood the financial advantages to them of a lowering of the trade barriers their countries have erected, they would join us in demanding that their governments eliminate these barriers. The simple fact is that European and Japanese consumers could eat better, and save money at the same time if these barriers are reduced.

For example, current Japanese barriers to American beef allow Japanese consumers to eat less than two good American steaks per year. Additionally, a sirloin steak in Tokyo sells for over $14 per pound while a sirloin in my home State of South Dakota sells for under $3 per pound.

Trade barriers to U.S. farm products hurt American farmers. I don't have to remind my colleagues that U.S. farmers are in the throes of a 5-year economic depression. Farm exports have plummeted during the past 5 years. In 1985, farm exports are expected to total only $34.5 billion, down 9 percent from the 1984 mark of $38 billion. If we are to improve farm income and reduce supplies of surplus commodities, we are going to have to export more wheat, corn, soybeans, beef, pork, lamb, poultry, rice, and other agricultural goods. One way to accomplish this task would be to let consumers in foreign countries know that the United States is ready, able, and willing to provide them with the highest quality food in the world if only their governments will let us.

The campaign I have in mind would be coordinated with American agricultural producer groups, the Department of Agriculture, and the U.S. Special Trade Representative. Similar campaigns are conducted in the United States by other countries, as we see frequently in the media in our country.

In summary, Mr. President, my amendment would allow the USIA to inform the people of Japan that the price they are paying for food is twice as much as what we pay in the United States. It would allow U.S. farmers to inform the residents of Bern, Switzerland, that their prices for food are 75 percent higher than those in our Nation's Capital. In essence, Mr. President, my amendment should help bring down trade barriers to U.S. farm products. If we can let consumers in other countries know that they could be paying less for food, I am hopeful that a new round of trade negotiations can be a reality.

I believe this amendment is noncontroversial, and I believe it will be acceptable to the managers of this bill.

Mr. LUGAR. Mr. President, we are prepared to accept the amendment on our side. We commend the Senator for an important amendment and are pleased to support it.

Mr. ABDNOR. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, what does the amendment do?

Mr. ABDNOR. The amendment simply asks—

Mr. BYRD. There is so much noise in here I could not hear the offerer of the amendment explain it.

The PRESIDING OFFICER. The minority leader's point is well taken. The Senators will please take their conversations off the floor into the cloakroom. We cannot hear the debate. We will suspend until there is order in the Senate.

Mr. ABDNOR. To the minority leader I say the amendment simply authorizes the USIA to develop and implement a significant public information campaign to educate the citizens of the countries with high agricultural trade barriers of the advantage that lower tariff barriers will have on the consumers.

It is just pointing out the problem of trade barriers and how it causes the consumer high prices and it gives them somewhat of an incentive maybe

to give us a lift when we sit down and try to talk with those countries about free trade and less barriers.

It is a very simple thing. I do not think anyone will have any trouble with it.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD. Mr. President, I thank the Chair and I thank the Senator from South Dakota.

Mr. ABDNOR. I say I did check with Senator PELL and he is agreeable to it.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 292) was agreed to.

Mr. ABDNOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOSCHWITZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 293

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk on behalf of myself, Senators MATTINGLY, NICKLES, and FORD, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the amendment of the Senator from North Carolina? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for herself, Mr. MATTINGLY, Mr. NICKLES, and Mr. FORD, proposes an amendment numbered 293.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

Sec. (a) After December 31, 1985, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated organization in excess of 20 per centum of the total annual budget of such organization unless the Secretary of State certifies, and has so reported to the Congress, that such organization has adopted procedures that grant to each member state voting rights on matters of budgetary consequence proportionate to the member state's contribution to such organization's budget and unless the Secretary of State has certified that such organization has adopted a plan to reduce the salaries and pensions of the organization's employees to a level no higher than that paid United States Civil Service employees for performing comparable duties, adjusted as appropriate for differences in the cost of living in the United States and the duty post of the employee.

(b) If the governing body of the United Nations Children's Fund does not adopt the voting procedures and employees compensation plan as specified in subsection (a), the funds appropriated by this bill for payment to the United Nations Children's Fund shall remain available until expended and shall be available only for the President to make grants to private voluntary agencies to carry out development and humanitarian projects overseas of particular benefit to children.

Mrs. KASSEBAUM. Mr. President, this amendment places a cap of 20 percent on the U.S. contribution to the United Nations and its agencies, unless the Secretary of State certifies that the organization receiving U.S. funds has adopted a procedure which grants to member countries a vote on budgetary matters, and I repeat budgetary matters, proportional to the contribution each member makes to that organization's budget. The amendment further requires that the Secretary of State certify that the organization has adopted a plan to reduce the salaries paid to its personnel to a level that is equal to the salaries paid U.S. civil service personnel performing comparable duties.

There is a specific provision relating to UNICEF which instructs the President to make available, in the event that UNICEF does not comply with this provision, the sums this amendment would save to the private voluntary agencies with specific programs relating to children.

Mr. President, the time is long overdue for the United States to take effective action to bring the U.N. budget into line. At this time of very difficult decisions on the domestic and defense programs of this nation, the United Nations can no longer be a sacred cow. All programs need a close examination, and all must bear a fair share of the austerity we face.

The tyranny of the Third World majority in the United Nations and the irresponsibility of the U.N. budget process was shown most clearly earlier this year when the United Nations decided to build a $73 million conference center in Ethiopia. In the midst of a famine, the United Nations has begun not to aid the victims of the famine, but to build another monument to itself. This conference center—which is duplicative of the conference facilities that the United Nations has in New York, Geneva, and Vienna, is to serve the U.N. Economic Commission for Africa. Africa's economic problems are ones which are well known to me, and I can assure you that building a conference center adds nothing to the solution of those problems.

Mr. President, the history of the United Nations has shown conclusively that it requires congressional rather than executive branch action to bring the United Nations and its agencies under control. During the 10-year period 1972–82, during four administrations, the U.S. executive branch fought U.N. budget increases within the system. The result? A 273-percent increase in the assessed contributions. When the Congress has acted, there has been results. In 1952 the Congress voted to reduce the maximum U.S. contribution to the United Nations from 40-some percent to 33⅓ percent. It was said that it could not be negotiated. It was negotiated. In 1972 a further congressional action reduced the maximum U.S. contribution to 25 percent. Again we were told that the United Nations would never accept it. In the end, our decision was accepted.

It is on these precedents of successful congressional control over the U.N. budget that I have based my amendment. I am fully confident that the action we take today will continue the successful record of our predecessors in this body.

The increase in U.S. costs of 273 percent during the decade 1972–82 has made possible enormously lucrative salaries for U.N. bureaucrats. A recent example of unconscionable salaries and benefits was provided when an Under Secretary General retired and was rehired as a so-called consultant. This individual retired last year, was paid about $400,000 in a cash lumpsum retirement benefit, is now receiving a tax-free pension of $50,000 a year in addition to the lump sum, and was rehired as a consultant at about $90,000 a year also tax free. If the $400,000 was appropriately invested at 10 percent interest, this individual is now collecting some $180,000 a year tax free. This is for an Under Secretary General—of whom there are many.

I have previously described to the Senate the incredible array of salaries and benefits paid to U.N. employees. The original intention of the U.N. personnel system was to pay salaries equal to that of the highest paid civil service among the member nations. That civil service is the American civil service. We know that our salaries do not begin to compare with the salaries paid in the United Nations.

The American taxpayer has a right to frugality in government. We are properly concerned and take action to correct the situation when an ashtray costs the taxpayers hundreds of dollars, we are properly concerned and take action when a coffeemaker costs $7,000. And we should be concerned and take action when U.N. employees earn salaries that are unheard of in the public service of any country.

Mr. President, I am very pleased that Senator FORD has some comments on one very important aspect of this question.

Mr. FORD. Mr. President, I thank the distinguished Senator from Kansas. I fully support her amendment, not because I am opposed to the United Nations as an organization, but because I strongly object to the way in which the United Nations spends its

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funds. It has an extremely questionable sense of priorities and the worst example of this is the decision of the 39th General Assembly to expand and improve a conference center in Addis Ababa for the Economic Commission for Africa.

For more than 2 years the General Assembly deliberated the merits of the expansion. During that period, the project developed into a major construction effort that will more than quadruple the size of ECA's facilities at an expected total cost of approximately $90 million spread over 6 years. The project includes expansion and refurbishment of an existing conference room and the construction of six additional meeting rooms and large separate lounge, dining, cafeteria, and reception facilities for delegates and U.N. staff. Its stated purpose is to create a world-class conference facility for the ECA. The project takes no account of the existing major U.N. conference facility in Nairobi, Kenya. Nor does it take into account how totally inappropriate it is to spend this amount of money for a facility of questionable need in a country that is experiencing the acute famine and social upheaval that Ethiopia is today.

The United States sought to have consideration of the issue postponed or linked together with consideration of increased relief and development aid for Africa. Unfortunately, we were rebuffed. The project was approved by a vote of 122-5-16. The United States, the United Kingdom, the Netherlands, Belgium, and Luxembourg voted no.

The cost of the first phase of this building will be $73.5 million. The United States share will be 25 percent, and it will cost us $18.5 million to pay for that conference center in Ethiopia so that they can stand on the 29th floor and watch the rest of their countrymen starve to death.

The approval of funds for the ECA conference center construction project raises fundamental questions about the attitudes of member states toward the United Nations. As one of our alternate delegates said last fall, "Are the resources contributed to the United Nations intended to serve the narrow institutional interests of its bureaucracy, or the concrete needs and aspirations of our peoples, particularly those in developing countries who are in the greatest need? Are they intended to build concrete and steel monuments to the comfort and vanity of the representatives of member states, or to help the world's people build a more secure, more prosperous future?" I am afraid that the wrong answer has been given.

This symbolic statement of the priorities of the United Nations is a perversion of the ideals found in the U.N. Charter. Organizations and programs of the U.N. system are making significant contributions towards the alleviation of the suffering in Africa, but these efforts—and the heart-warming response to the famine of the world community in general—will be diminished if the General Assembly goes ahead with plans for a conference facility that, most delegations privately agree, exceeds the needs of the ECA.

At the very least, Mr. President, at the very least the United States should refuse to pay 1 cent for this conference center. It is a slap in the face to those who care about the condition of mankind and it is a particular insult to the Ethiopians who are suffering so much and to the American public which has given so generously to help relieve that suffering.

Furthermore, I would add, if the United Nations expects to keep any support among the American people, its leadership must renew its emphasis on helping other people instead of itself. The Kassebaum amendment is a way to drive that message home and I hope my colleagues will give it resounding support.

I would submit that the United States not only contributes more money to the United Nations—25 percent of the total budget—than any other country, but it is apparently also more interested than most countries in using that money to improve the daily lives of the people of the world. When the General Assembly votes to improve a conference center in a nation that is experiencing a horrible famine, rather than use it for humanitarian aid, correction needs to be made. If the General Assembly is so anxious to undertake a construction project, why not build a series of orphanages to house the 150,000 orphans created by the famine as indicated in a recent article in the Washington Post? I wonder what would happen if our U.N. delegates were to put that proposal before the General Assembly? I am afraid that, to their eternal discredit and shame, the majority would vote it down.

That is why the Kassebaum amendment is so important. It would reduce the U.S. contribution to the United Nations and its affiliated organizations by 20 percent until and unless such organization has changed its voting procedures so that votes are weighted by member state contribution. As I have clearly demonstrated, priorities in that body have become seriously skewed. The Kassebaum amendment provides a mechanism that would perhaps allow us to right them. Until that day comes, it would send forth a message to the world of the U.S. disapproval of the spending of U.N. funds in ways that so blatantly contradict the ideals upon which the United Nations was founded.

Mr. President, I thank the distinguished Senator from Kansas.

Mr. LUGAR. Mr. President, on our side, we are prepared to accept the Kassebaum amendment. Clearly, the questions of funding the United Nations are complex. I recall attempting to deal with a similar question 2 years ago in conference. At that time we attempted to send a signal to the United Nations. I am not certain how well or how comprehensive it has been received.

But the Senator's amendment, in my judgment, will lead back to a constructive dialog with the United Nations. I ask for strong support today in the Senate for the amendment.

Mr. MATHIAS. Will the Senator yield for a question?

Mr. LUGAR. I am happy to yield.

Mr. MATHIAS. I wonder if the chairman of the Foreign Relations Committee can tell the Senate what commitments the United States has made, by treaty or by other understanding, with respect to the U.N. funding?

Mr. LUGAR. Well, I presume that we have made a commitment to fulfill our obligations.

Mr. MATHIAS. Will this amendment in any way affect the commitments that we have already made?

Mr. LUGAR. The amendment would clearly lead initially to the United Nations finding us in arrears. That would lead, I would hope, to some negotiation. I think that was the gist of our activities the time before.

Mr. MATHIAS. What the chairman is telling me is the amendment would lead to a violation of the commitment we have made. I am afraid that the good faith of the United States really is at stake.

Mr. LUGAR. The Senator is correct in a technical sense, but I suppose that many of us are of a mind to want to negotiate a situation of proportionality with regard to our contribution. That is the gist of the amendment of the Senator from Kansas.

Mr. FORD. Mr. President, will the Senators allow me to get involved in this colloquy just for one question?

Mr. MATHIAS. We always allow the Senator from Kentucky to do anything he wants within reason.

Mr. FORD. Since the Senator qualified that, I am in trouble. [Laughter.]

How many other countries are in arrears as it relates to the payments for the United Nations?

Mr. LUGAR. I cannot respond off the top of my head to the Senator.

Mr. FORD. Is it more than several?

Mr. LUGAR. The Soviet Union has perennially been in arrears. I suspect there are other smaller entities.

Mr. FORD. I thank the chairman.

Mr. MATHIAS. If I can ask the distinguished chairman of the committee one further question, would it not be better to coordinate our policy with that of the executive to say that in the future the commitment will be made in a manner which is consistent with

the feelings of the Congress and the wishes of the American people at whatever level it may be, but that we should not by some reaction in the Senate put the executive in the embarrassing position of being unable to fulfill a commitment that has been made in good faith? It seems to me that is not a desirable position for the United States, standing as the leader of the free world, as a Nation which is the principal upholder of international law and justice. And I hope this amendment will not prevail to put the President in that embarrassing situation.

Mr. LUGAR. I thank the Senator.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I have the greatest respect for the Senator from Kansas, and what she is seeking to do here, but I feel that I must oppose the proposal. This is the fourth time that such a floor amendment has been introduced reducing funding for the United Nations and affiliated organizations. I think many of us share the concerns, and are very upset and angered with the way we get kicked around in the United Nations and the problems we have there. But this is not the way to seek to resolve it in my view. I think it would have serious foreign policy implications. It is a matter that never has been considered in any depth by the Foreign Relations Committee, and it should.

In addition to that, more knowledge is needed. In this regard, the House Foreign Affairs Committee has requested the GAO which is working with the State Department to review and report to them the salary and benefit levels of the U.N.-affiliated agencies as compared to American civil servants. I believe that taking action at this time in view of that would be untimely. Also, I take into account that while we are the ones who are responsible for legislation we dispose of the suggestions from the executive branch in the same way. In this case, the executive branch views should be taken into consideration.

In a letter from Secretary Dam to Senator KASSEBAUM on September 27 of last year, he came out—while agreeing with the objectives—strongly against following this procedure. For these reasons I am compelled to oppose the amendment.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. I am not going to delay this debate very long. The Senator from Rhode Island just used the phrase we have been kicked around in the U.N. I know that is a popular perception. It is a widely held view. But I think it might be a point at which we can salute the achievements of the former U.S. Ambassador to the U.N., Jeane Kirkpatrick who turned around the record in the United Nations to a remarkable degree. She and her staff made a concerted effort to work the corridors. They had what would be known in ordinary back alley political activities as a boiler room. They made a list of the members who were about to vote on given issues. They worked over those members. They visited them. They persuaded them. They cajoled them and the result was that the United States voting record in the United Nations was considerably improved. This is not a time, when we are improving our position, when we are not being kicked around, to expose ourselves to a legitimate criticism of having welched on the need of having broken our word. I hope the Senate will not accept this amendment.

Mr. MATTINGLY. Mr. President, I rise in support of the amendment offered by the distinguished junior Senator from Kansas, Mrs. KASSEBAUM. I am pleased to co-sponsor her proposal.

The amendment represents the latest attempt to shine some light in the various accounting nooks and budgetary crannies at the United Nations. The taxpayers continue to get less than a fair exchange in return for the expenditure of their hard earned tax dollars.

The amendment limits to no more than 20 percent the amount that the United States can contribute to the operating budget of the U.N. and its affiliated organizations unless the Secretary of State reports to the Congress that each such organization has adopted procedures that provide each member state voting rights in proportion to their financial contribution and unless the Secretary certifies that the salaries and pensions of U.N. employees are no higher than U.S. Civil Service employees performing comparable work.

The amendment also provides that if the governing body of the United Nations Children's Fund does not agree to these procedures and compensation plans, the money provided to that body in this bill will be available only for the use of the President in making grants to private agencies for humanitarian projects overseas of particular benefit to children.

The need for these cost cutting steps is apparent to anyone who has even casually followed the growing accounts of the U.N.'s growing bureaucracy and budgetary excesses. In addition, there is a recognition that Congress must do something to counteract the current system where member nations at the U.N. and its affiliates can continue to vote for increased operating budgets and yet their countries have to pay little of those increases—most of the additional cost falls on the U.S. taxpayer!

The amendment is timely and necessary and I urge its adoption.

Mr. HOLLINGS. Mr. President, while we are talking about our contributions to international organizations, I have a concern which relates to the House-passed version of the State Department authorization. That is a provision which was adopted on the House floor which could do extreme, and I believe unintended, damage to several Western Hemisphere organizations.

The amendment adopted on the floor would reduce the international organizations account by some 15 percent in fiscal year 1987. However, while the U.S. contribution of the U.N. agencies is only 25 percent of their budgets, our assessed contribution constitutes a much higher percentage of the budgets of the Western Hemisphere organizations such as the Pan American Health Organization, the Inter-American Institute for Agricultural Cooperation and the OAS. This 15-percent cut would have an extremely serious impact on their activities.

In the case of the Pan American Health Organization, which operates in many ways as an extension of our own public health service and the Center for Communicable Disease in monitoring infectious diseases and also provides direct benefits to the United States in a host of programs, this could do serious damage to that organization's activities. As the chairman will recall, that organization has just announced a campaign to eradicate polio in the Western Hemisphere. Also it was instrumental in the El Salvador immunization campaign which, despite the conflict there, succeeded in obtaining a 3-day de facto ceasefire and the immunization of more than 250,000 children.

While I am just as concerned about the need for removing all waste from government expenditures—whether national or international organizations are involved—the Pan American Health Organization has had budget increases far below those of the U.S. Government for more than a decade. In each of the past three budgets PAHO has actually reduced its number of posts in an effort to operate more efficiently.

I would be extremely concerned about the impact of this House provision and I would hope that some form of exception, at the very least, would be provided for these Western Hemisphere entities, in the conference with the House of Representatives on this matter.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I would like to say one further word. It is not in any way my desire or intent to express one way or the other our views on the United Nations. I happen to believe it

is an important forum for world opinion but I do think it is very difficult to justify a 273-percent increase in funding from a 10-year period, 1972 to 1982, and largely this has been in administrative salaries.

The Senator from Kentucky, Mr. FORD, gave a very good example of something that I think has to trouble us when $73 million is spent on an administrative conference center in Ethiopia at a time that that money could have been far better spent going to other agencies in the United Nations to deal with the distribution of medical care and food supplies. I believe that this is in no way an effort to undermine the United Nations but to make it fiscally responsible when we have tried over and over again to do it through the system, so to speak. We have not been successful. I point to the two times that we did take legislative action in 1952 and 1972 in addressing our concerns and working with the United Nations. In this case it would not even cap the 20-percent contribution if we could have proportional voting on budgetary matters. I hope that we can get strong support for this in order to give the administration some leverage in dealing effectively with the United Nations in budget problems.

Thank you.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. GORTON], the Senator from Wisconsin [Mr. KASTEN], the Senator from Nevada [Mr. LAXALT], the Senator from Kentucky [Mr. MCCONNELL], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. GORTON] and the Senator from Wyoming [Mr. WALLOP] would each vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mr. CRANSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. LEAHY], the Senator from Montana [Mr. MELCHER], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

The PRESIDING OFFICER [Mr. WILSON]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 13, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—71

Abdnor	Ford	Mitchell
Andrews	Garn	Murkowski
Baucus	Glenn	Nickles
Bentsen	Goldwater	Nunn
Bingaman	Gore	Packwood
Boren	Gramm	Pressler
Boschwitz	Grassley	Proxmire
Burdick	Harkin	Pryor
Byrd	Hatch	Quayle
Chiles	Hawkins	Riegle
Cochran	Hecht	Roth
D'Amato	Heflin	Sasser
Danforth	Heinz	Simpson
DeConcini	Helms	Specter
Denton	Hollings	Stafford
Dixon	Humphrey	Stennis
Dodd	Johnston	Stevens
Dole	Kassebaum	Symms
Domenici	Lautenberg	Thurmond
Durenberger	Levin	Trible
Eagleton	Lugar	Warner
East	Mattingly	Wilson
Evans	McClure	Zorinsky
Exon	Metzenbaum	

NAYS—13

Biden	Kerry	Pell
Chafee	Long	Sarbanes
Hart	Mathias	Weicker
Hatfield	Matsunaga	
Inouye	Moynihan	

NOT VOTING—16

Armstrong	Kasten	Rockefeller
Bradley	Kennedy	Rudman
Bumpers	Laxalt	Simon
Cohen	Leahy	Wallop
Cranston	McConnell	
Gorton	Melcher	

So the amendment (No. 293) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair wished to advise the Senate the pending question is the motion to postpone the amendment of the Senator from Massachusetts.

Mr. DOLE. Mr. President, I ask unanimous consent that I may withdraw the motion.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The minority leader is recognized.

Mr. BYRD. Mr. President, I want to get order so we can hear the majority leader.

Mr. DOLE. Mr. President, I ask unanimous consent that I may withdraw the motion to postpone.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

KERRY AMENDMENT NO. 280, AS MODIFIED

Mr. DOLE. Mr. President, I ask unanimous consent that the distinguished Senator from Massachusetts may be permitted to modify his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I offer the following modification to my amendment which I send to the desk for its immediate consideration.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

At the appropriate place in the bill, add the following:

None of the monies authorized to be appropriated in this or any other act can be used to fund directly, or indirectly, activities against the government of Nicaragua which have not been authorized by, or pursuant to, law and which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the Government of the United States.

The PRESIDING OFFICER. The question is now on agreeing to the amendment of the Senator from Massachusetts, as modified.

The yeas and nays have been ordered.

Mr. KERRY. Mr. President, I am not requesting the yeas and nays.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. WEICKER. I object.

The PRESIDING OFFICER. The Chair hears an objection.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, if I might just explain very quickly the modification. It is I think very simple. It clarifies the concerns of some with respect to——

The PRESIDING OFFICER. The Chair advises that debate on the pending matter is not in order.

Mr. KERRY. Mr. President, I ask unanimous consent that I may have 2 minutes to explain this change.

The PRESIDING OFFICER. Is there objection? without objection, it is so ordered.

Mr KERRY. Mr. President, the change is one phrase to the original wording which inserts the words "have

not been authorized by, or pursuant to, law and which and which."

The reason for that is simply to clarify actions of the Congress which may already be in place that some Members were concerned might be somehow excluded by virtue of the original language. I think it is pretty straightforward.

Mr. MOYNIHAN. Will the Senator yield?

Mr. KERRY. Yes; I yield to the Senator from New York.

Mr. MOYNIHAN. May I simply point out to the Senate that the Intelligence Authorization Act of Fiscal 1984 contains identical language. We are on record that our actions vis-a-vis the Government of Nicaragua must be in accordance with the Charter of the Organization of American States.

Will the Senator once again add me as a cosponsor?

Mr. KERRY. Mr. President, I thank the Senator.

I ask unanimous consent that the Senator from New York be included as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I renew my request that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Massachusetts as modified.

So the amendment (No. 280), as modified, was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized

STATUS OF AMENDMENTS

Mr. PELL. Mr. President, after some conversations with the majority leader, the minority leader, and the chairman of the committee, we have some amendments that been cleared on both sides of the aisle both by the chairman and his staff and by me and my staff.

These amendments can be worked on without objection. I should like to list these amendments:

Arms Control and Disarmament Agency; Swiss claims; foreign and commercial; jute bill amendment; technical language change; Australian bicentennial, by Senator WARNER; USIA film, by Senator D'AMATO; Asia Foundation, by Senator MURKOWSKI; Radio Maccabbee, by Senator HAWKINS; pilot project Foreign Service, by Senator MATHIAS; Afghanistan films or Radio Free Europe, Afghanistan, by Senator HUMPHREY; National Endowment for Democracy; chemical weapons, by Senators COHEN and BIDEN; disabled games by Senator D'AMATO; USIA, No. 1, by Senator DOMENICI; USIA, No. 2, by Senator DOMENICI; UN amendment, by Senator KASTEN; nuclear winter amendment, by Senator PROXMIRE; Eximbank by Senator BYRD; Under Secretary of Agriculture amendment, by Senator PRYOR; USIA, No. 1, by Senator ZORINSKY; USIA, No. 2, by Senator ZORINSKY; Radio Marti, by Senator HAWKINS; Yalta amendment, by Senator KASTEN; national emergency amendment, by Senator MATHIAS.

These have been looked at carefully and, so far as I am concerned, are cleared on this side.

Mr. WEICKER. The National Endowment For Democracy amendment which the Senator refers to, is that my amendment?

Mr. PELL. That is the one we agreed on, and I withdrew my objection.

Mr. CHAFEE. What is Radio Maccabbee?

All right, I have received an explanation.

Mr. PELL. Special broadcast to the Jewish population—the Soviet Union.

Mr. DOLE. I thank the distinguished Senator from Rhode Island.

Mr. PELL. I omitted one, a Foreign Service amendment, by Senator HELMS, which is not objected to.

I believe Senator MATHIAS has an amendment with respect to Foreign Service spouses.

Mr. DOLE. I thank the distinguished managers of the bill.

Mr. President, it is my understanding that some Senators must depart on official business by 4 o'clock. With this statement by the Senator from Rhode Island, the managers might go ahead and proceed to take care of these amendments. Is that correct?

Mr. LUGAR. That is correct.

Mr. PELL. That is absolutely correct.

Mr. DOLE. I also understand that this would leave five or six amendments that we probably would not be able to dispose of today. I hope to propound a unanimous-consent request in a few moments that we limit any amendments on this bill to those in the agreement and those mentioned by the distinguished Senator from Rhode Island.

Mr. LUGAR. The majority leader is correct.

I will mention the five amendments that will remain, so that if others are omitted, we can include those: the Clark amendment repeal, by Senator SYMMS; an amendment dealing with the language on abortion, by Senator HELMS; an amendment dealing with UN employees to be governed by the Foreign Missions Act, by Senator ROTH; an amendment dealing with narcotics, a proposed International Narcotics Control Commission, by Senator HAWKINS; an amendment dealing with Radio Free Europe, Afghanistan, by Senator HUMPHREY.

Those amendments would be debated on Monday, and we will try to conclude all other amendments.

Mr. DOLE. Is it the understanding of the distinguished Senator from Rhode Island that those would be the remaining amendments, the ones just referred to?

Mr. PELL. So far as I know, these are the remaining amendments, but there may be others of which I am not aware.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I yield.

Mr. BYRD. Mr. President, I have an amendment that is going to be agreed upon. This sounds like 15 or 20 amendments to me. While I understand that the distinguished managers have gone over the amendments and have agreed to accept them, the full Senate still has to adopt the amendments or reject them.

I want to see us find a way to go over until Monday and have no more rollcall votes today. Is this bill so urgent that we have to legislate in this manner this afternoon on 15 or 20 amendments?

The distinguished ranking minority member of the committee probably will not be able to stay around. Who else around here knows what is in these amendments?

Can we find a way to put these amendments over until next week? They can still be accepted then and voted on. Senators will at least be here to listen to the debate and can ask questions, can ask for rollcall votes if they wish, can offer amendments to the amendments. I hate to see a situation in which we are going to adopt 15 or 20 or more amendments that nobody knows anything about except the two managers and their staffs. At least, I do not know what the amendments would do.

Mr. DOLE. It may be that we can start down that list now.

The distinguished Senator from Connecticut is ready to start on one of the amendments they have agreed to, and probably we can do a number between now and the time the distinguished Senator from Rhode Island must depart.

I should like to get some understanding that we have 10 amendments or 15 or 20 and no more, because over the weekend there could be 40 amendments.

Mr. BYRD. The majority leader makes a good point.

Would the majority leader at least try to get an order which would recognize the offerers of the amendments, let them call up their amendments on Monday, or whatever, and have an

order to the effect that there will be no more amendments than these that are listed?

It seems to me that that would be better than attempting to deal with these amendments on Friday afternoon, when Senators are heading for the door and engagements elsewhere.

Who is going to stay and listen while these 15 or 20 or more amendments are called up? Who is going to stay here? I think this is a poor way to legislate.

If this bill is so necessary that we have to get it passed, let us stay the rest of the day and come in tomorrow, too, if it is that urgent.

One of the amendments is mine. The distinguished manager and the distinguished ranking manager may decide not to accept it, and they would certainly be within their rights.

Mr. DOLE. It is not so urgent that this bill pass, but there are a number of other bills waiting in the wings. I would be willing to list the amendments and come back on Monday, delay the consideration of the clean water bill on Monday—I assume both managers will be available on Monday—take up the amendments we can agree on, and not open the floodgates on Monday for additional amendments. That is my primary purpose.

Mr. PELL. In other words, the understanding would be that the only amendments in order would be the ones I outlined earlier and the amendments by Senators SYMMS, HELMS, ROTH, HAWKINS, and HUMPHREY.

Mr. DOLE. Yes; we can dispose of three or four of those in the next 40 minutes, I think.

Perhaps, while I am preparing a consent agreement, it might be possible to dispose of the amendment of the Senator from Connecticut.

Mr. McCLURE. The Senator from Idaho has been discussing with staff the possibility of offering an amendment. I have not yet determined whether or not I will. I wonder if I could have the possibility of offering one today or Monday.

Mr. BYRD. I have to say to the distinguished majority leader that before we can agree that these amendments will be accepted, we have a hotline over here.

Mr. DOLE. We have been accepting amendments all day without running a hotline.

Mr. BYRD. We do use the hotline here. I am trying to help the distinguished majority leader.

Mr. DOLE. If we can dispose of three or four amendments, we will prepare a consent agreement saying that the following amendments will be in order, period.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Chair wishes to inform the Senate that the pending business is the amendment of the Senator from North Carolina.

Mr. WEICKER. Mr. President, I ask unanimous consent that the amendment of the Senator from North Carolina be set aside for the purpose of offering my amendment and after it is disposed of we return to the amendment of the Senator from North Carolina.

Mr. SYMMS. Mr. President, reserving the right to object, and I shall not object, I did not quite hear what the majority leader said. Have we had the last vote today or have we not?

Mr. DOLE. I think it fair to say that will be the last vote. There will be no more votes today.

Mr. SYMMS. I thank the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

AMENDMENT NO. 294

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] for himself, Mr. ZORINSKY, Mr. HOLLINGS, Mr. RUDMAN and Mr. EXON proposes an amendment numbered 294.

Mr. WEICKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, strike line 23 through line 6 on page 21, and insert the following:

the United States Information Agency $834,623,000 for the fiscal year 1986 and $844,623,000 for the fiscal year 1987 to carry out international information, educational, cultural and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Education and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Radio Broadcasting to Cuba Act, and other purposes authorized by law.

(b) Amounts appropriated under this section are authorized to remain available until expended.

FUNDS FOR EDUCATIONAL AND CULTURAL EXCHANGES

SEC. 203. Of the funds authorized to be appropriated by section 202(a)—

(1) $128,899,500 for the fiscal year 1986 and $444,996,000 for the fiscal year 1987 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program; and

(2) $4,891,500 for the fiscal year 1986 and $5,479,000 for the fiscal year 1987 shall be available only for grants for the Humphrey Fellowship Program.

FUNDS FOR WORLDWIDE BOOK PROGRAM INITIATIVE

SEC. 204. Of the funds authorized to be appropriated for the fiscal year 1986 by section 202(a), not less than the sum of $2,700,000 plus an amount equal to the amount allocated for the fiscal year 1985 for such purpose shall be available only for the worldwide book program initiative.

FUNDS FOR EXCHANGE ACTIVITIES ASSOCIATED WITH THE 1987 PAN AMERICAN GAMES

SEC. 205. Of the funds authorized to be appropriated for the fiscal years 1986 and 1987 by section 202(a), not less than $1,500,000 for each such fiscal year shall be available only to the Indiana Sports Corporation for exchanges of persons and other exchange related activities associated with the 1987 Pan American Games to be held in Indianapolis, Indiana.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

SEC. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1986 and 1987".

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. (a) Section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)(A)) is amended to read as follows:

"(A) $137,267,000 for each of the fiscal years 1986 and 1987.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1985.

MEMBERSHIP OF THE SECRETARY OF STATE ON THE BOARD

SEC. 303. (a) Section 3(b)(1) of the Board of International Broadcasting Act of 1973 (22 U.S.C. 2872(b)(1)) is amended—

(1) by amending the first sentence to read as follows: "The Board shall consist of eleven members, two of whom shall be ex officio members."; and

(2) in the fourth sentence, by striking out "shall be an ex officio member" and inserting in lieu thereof "and the Secretary of State shall be ex officio members".

(b) Section 11(a)(1) of such Act (22 U.S.C. 2880(a)(1)) is amended by inserting after "except that" the following: "the Secretary of State may not be a member of the Board of Directors of RFE/RL, Incorporated, and that".

TITLE IV—NATIONAL ENDOWMENT FOR DEMOCRACY

SHORT TITLE

SEC. 401. This title may be cited as the "National Endowment for Democracy Authorization Act, Fiscal Years 1985 and 1987".

FUNDS FOR THE NATIONAL ENDOWMENT FOR DEMOCRACY

SEC. 402. Of the amounts authorized to be appropriated for the United States Information Agency under section 202(a) for each of the fiscal years 1986 and 1987, not less than $17,500,000 for each such fiscal year shall be available only for a grant to the National Endowment for Democracy, of which amounts $11,000,000 for each such fiscal year shall be available only for the Free Trade Union Institute and $2,300,000 for each such fiscal year shall be available only for the Center for International Private Enterprise.

FREEDOM OF INFORMATION ACT

SEC. 403. No funds authorized to be appropriated by this Act or any other Act of Congress may be provided as grants to the National Endowment for Democracy until the National Endowment for Democracy fully complies with all the provisions of the Freedom of Information Act (5 U.S.C. 552).

FUNDING PROHIBITION

SEC. 404. No funds authorized to be appropriated by this Act or any other Act of Con-

gress may be granted directly or through the National Endowment for Democracy to the Republican National Committee, the National Republican Institute for International Affairs, Democratic National Committee, or the National Democratic Institute for International Affairs.

AUDITS BY USIA

SEC. 405. The National Endowment for Democracy Act (22 U.S.C. 4411 et seq.) is amended:

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) The financial transactions of the Endowment for each fiscal year may also be audited by the United States Information Agency under the conditions set forth in subsection (f)(1).".

Mr. WEICKER. Mr. President, this amendment institutes essential reforms to increase the accountability of the National Endowment for Democracy [NED] and reduces its authorization level by $2 million over the next 2 years. Without these changes, the American people will continue to fund activities which they may know little about and which they may strongly oppose.

The amendment would:

First, subject NED to the Freedom of Information Act, which will allow citizens access to information about how $17.5 million of their money is being spent.

Second, allow the USIA to audit NED on an annual basis, so that there can be a full accounting made of the activities of NED and its grantees. This portion of the amendment is identical to language passed by the House in its Foreign Relations authorization bill.

Third, eliminate all funding for the Democratic and Republican Parties under this act. This is current law, passed by the full Senate last year by a vote of 62 to 30 during consideration of the fiscal year 1985 State, Justice, Commerce appropriation bill.

Fourth, reduces the authorization level for NED by $1 million in fiscal year 1986 and $1 million in fiscal year 1987. This reduction would not come from the amounts earmarked for the Free Trade Institute or the Center for International Private Enterprise.

Mr. President, I believe that fundamentally NED is a con game of sorts, in which big labor, big business, and big politics all have a piece of the action, and the American taxpayer is the mark. Once all the major players in this town have their piece, no one is left to oppose this shameless money-grab.

Now the Senate may not be prepared, for whatever reasons, to make such a judgment today. However, I do believe that this matter needs to be brought out of the backroom into the clear light of public scrutiny. My amendment would ensure that on a future day on this floor we would know what it is we are spending our money on. That is what the FOIA and audit provisions are intended to accomplish.

One of the best lessons we could teach the world is the danger to democracy represented by elected governments providing money to the political apparatus which elects them.

This amendment denies such funding to our political parties.

The reduction in NED's authorization level by $1 million for both of the next 2 years represents a cut in NED's discretionary moneys, which presumably could have been used as grants to the political parties.

I believe we have reached a fair compromise on this matter and accomplished what we can on this bill. I urge my colleagues to support this amendment.

Mr. President, I also thank those who worked with me on this project which included Senators ZORINSKY, PELL, EXON, RUDMAN, and HOLLINGS.

I yield the floor.

Mr. ZORINSKY. Mr. President, I urge my colleagues to support the amendment I have joined Senator WEICKER in cosponsoring.

This amendment will:

First, require the National Endowment for Democracy to fully comply with the requirements of the Freedom of Information Act;

Second, prohibit grants to the Democratic and Republican Parties and their interested institutes;

Third, mandate annual audits of the Endowment by the U.S. Information Agency; and

Fourth, reduce funding for the Endowment by $1 million for each of 2 years.

Mr. President, I make no secret of my preference for repealing the legislation creating the National Endowment for Democracy. However, I believe the votes for that proposal are not present today.

Consequently, I am offering this legislation with Senator WEICKER. It is a good proposal for a number of reasons, not the least of which is our serious concern about the cost of this program. At a time when our country is facing an enormous and destructive deficit, almost $1.6 trillion, we should not be funding a program with such marginal impact. The promotion of democracy is, indeed, a laudable goal. But while Federal retirement programs, grants for higher education and farmer loan programs are under siege, we should not create slush funds and travel bureaus. I regret that the reduction in funding contained in this amendment is only $2 million over 2 years, but it is movement in the right direction.

Mr. President, I believe NED is doomed to failure. Our democratic system is a wonderful system. But it is a unique system which has not flourished throughout the world. To think that an $18 million grant program can change this situation is extremely naive and rather arrogant. Mr. President, this money would be better spent reducing our deficit than in using public tax money to subsidize the activities of the Republican and Democratic Parties, the AFL/CIO, and the Chamber of Commerce. These are organizations which are extremely well-financed and need no Federal funds to operate.

I am sure that each of these organizations do much to promote the development of democracy, free enterprise, and trade unionism abroad. To provide them with public funds only undermines their efforts and credibility and allows them to be branded as instruments of the U.S. Government. At least, this amendment removes the political parties from this potential distortion.

Mr. President, the reasons for the other provisions of this amendment are obvious. The annual audit and compliance with the Freedom of Information Act will go far in deterring abuse. Full disclosure will provide accountability. If we must have a National Endowment for Democracy, then at least we should have it open to public scruntiny so taxpayers can know how their public funds are being spent.

Mr. President, I urge my colleagues to support this amendment.

I yield the floor.

Mr. LUGAR. Mr. President, I wish to commend to the Senate the amendment. I appreciate the work on the amendment by the distinguished Senators from Connecticut and Nebraska and others who are deeply interested.

We accept the amendment and wish to proceed to a vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 294) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 295

(Purpose: To establish the position of Under Secretary of State for Agricultural Affairs)

Mr. PRYOR. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to set aside the amendment of the Senator from North Carolina?

Without objection, it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] for himself, Mr. PRESSLER, Mr. MELCHER, Mr. SASSER, Mr. BOREN, Mr. BUMPERS, Mr. HEFLIN, Mr. COCHRAN, and Mr. JOHNSTON proposes an amendment numbered 295.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 13 and 14, insert the following:

UNDER SECRETARY OF STATE FOR AGRICULTURAL AFFAIRS

SEC. . (a) That the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended—

(1) by inserting in the first section "an Under Secretary of State for Agricultural Affairs," after "Management,"; and

(2) by adding at the end thereof the following:

SEC. 6. (a) The Under Secretary of State for Agricultural Affairs, referred to in the first section and appointed pursuant to section 2, shall be appointed from among individuals having experience in the international commerce of agricultural commodities.

"(b) The Under Secretary of State for Agricultural Affairs shall be responsible to the Secretary of State for matters pertaining to agricultural affairs, including United States policy affecting the export of agricultural commodities.".

(b) The seventh undesignated paragraph of section 5314 of title 5, United States Code, is amended by inserting "and an Under Secretary of State for Agricultural Affairs" after "Management".

Mr. PRYOR. Mr. President, I submit this amendment today on behalf of myself and the distinguished Senator from North Dakota, Senator ANDREWS. Also as cosponsors we have on this particular amendment Mr. PRESSLER, Mr. MELCHER, Mr. SASSER, Mr. BOREN, Mr. BUMPERS, Mr. HEFLIN, Mr. COCHRAN, and Mr. JOHNSTON.

Mr. President, very simply this amendment does one thing: It creates within the Department of State a new position, one new position, Under Secretary of State for Agricultural Affairs.

We think that this position is sorely needed, especially with the President's proposal today for a tremendous export program in our Foreign Agricultural Service, in our Agency for International Development, all of these things being considered, and especially considering the fact that today $37 billion worth of agricultural commodities are sold or traded overseas internationally.

It is a must that there is someone in the Department of State who is there to look after the interest of the American farmer and those who export commodities and trade with foreign governments.

Mr. President, this amendment would create within the State Department the new position of Under Secretary of State for Agricultural Affairs.

I propose this new senior position because it has become clear that agricultural policy is being made today by those officials who make foreign policy. Time and again, foreign policy decisions are made with little consideration of the effect of the decisions on American farmers.

EMBARGOES

The most obvious example of a foreign policy decision's backfiring on our own people is the most recent grain embargo directed against the Soviet Union. There are times, such as the 1979 invasion of Afghanistan, when it is necessary to take dramatic steps to counter Soviet aggression, and the U.S. farmer will be the first one to step forward to support appropriate efforts. But the results of the embargo were not what the policymakers had in mind.

The only countries to benefit from the action were Argentina, Australia, and Canada, whose grain exports to the U.S.S.R. soared. The Soviet Union apparently suffered no ill effects at all. So who was hurt by the embargo? Only the American farmer, who saw his grain market sharply reduced, his prices lowered, and his future buyers made suspicious of his reliability as a supplier.

In the past decade, there have been four embargoes of agricultural goods. At one point the United States saw its market drop from a 72-percent share in world grain exports to 58 percent.

We must make it convincingly clear to our customers around the world that they should not expect embargoes from the United States. They should expect us to be reliable suppliers. Any uncertainty about the reliability of U.S. food exports will cause our trading partners to make arrangements with other suppliers.

An agriculture specialist understands this problem. The average diplomat may not.

EXPORTS

Agricultural products account for roughly 20 percent of all U.S. exports and contribute $37.5 billion to the balance of trade. As of 1982, agricultural exports accounted for $95 billion of our domestic economic activity and provided 1.2 million jobs. Each extra $1 billion in exports creates as many as 35,000 new jobs.

Increased agricultural trade would provide a welcome outlet for farm products and create jobs in food processing industries. The European Community is already seeking to expand its exports to the Third World, and an aggressive role by State Department officials here and abroad will be necessary if we are to maintain our preeminence as a supplier of the world's food.

TRADE BARRIERS

Before we can see an expansion of U.S. food sales abroad, however, we need to get rid of some of the barriers that stand in the way of fair competition for food customers, particularly the rigid protectionist policies of Japan and the European Community.

U.S. Foreign Service personnel are in an ideal position to monitor the slightest changes in trade policy around the world, and under the guidance of an Under Secretary for Agricultural Affairs their efforts could help to head off the creation of the sort of trade barriers which are giving us so much trouble.

OTHER ISSUES

Briefly, Mr. President, let me mention just a few other areas where the State Department deals directly with agricultural issues.

An extremely sensitive issue has been the matter of Commodity Credit Corporation guarantees of loans to Poland and Romania for the purchase of United States farm goods. The foreign policy ramifications of this controversy are varied and difficult to predict, but before this issue is resolved, the American farmer must be considered and consulted.

Trade programs, like the Caribbean Basin Initiative, may affect certain domestic producers of food and fiber.

As the administrator of the Food for Peace Program—Public Law 480—promoter of agricultural exchange programs and monitor of economic trends abroad, the State Department is closely involved with the activities of the U.S. farmer and is in a position to affect our farmers in numerous bilateral and multilateral negotiations.

Through the Agency for International Development [AID], a part of the State Department, this country not only funds agricultural development projects in developing countries but also sends agricultural specialists abroad to train others in cultivation and marketing techniques.

That is fine in many cases, but who knows, in the State Department, the actual impact of these decisions on the American farmer?

Some people feel that these U.S. specialists may be doing too good a job. Brazil, for example, has been a recipient of developmental assistance—more than $10 million yearly, I believe—and is now competing head to head with U.S. farmers who are trying to export their soybeans.

An Under Secretary for Agricultural Affairs would be in a position to foresee possible damaging effects of AID programs on U.S. farmers and see that certain Government programs do not work at cross purposes with each other.

While the Agency for International Development does some valuable work, it has mishandled several projects and hurt American farmers in the process:

AID made an $80 million loan to the Egyptian Government to build a grain

elevator. But by placing the elevator on the Red Sea instead of the Mediterranean, officials have put United States grain at a disadvantage since Australian and Brazilian shipments now have much easier access. AID admits that U.S. competitors will enjoy increased soybean sales as a result.

AID contributed over $1 million to destroy pigs in the Dominican Republic that had contracted swine fever but objected to having United States concerns supply replacement pigs. Canada ended up selling the replacement pigs to the Dominican Republic.

A FARMERS' ADVOCATE

Finally, Mr. President, more often than not, agriculture and foreign policy objectives coincide, and our farmers will enthusiastically support U.S. foreign policy if only they feel that their own interests are being represented and represented well. Today, however, the American farmer has little or no access to the makers of our own foreign policy, which affects every farmer and every farm family in our great country.

We need to provide a permanent, specialized conduit for the concerns of the farmer within the highest levels of the State Department.

A number of farm groups have a strong interest in this concept, although a few have expressed some concern that the new official might usurp some of the responsibilities of the Foreign Agricultural Service under the Department of Agriculture. Mr. President, in proposing this amendment it is not my intent to shift any of the duties of the FAS away from that office. The Under Secretary of State should serve as a sounding board for U.S. farmers who might be affected by foreign policy decisions, an advocate with State for farm interests, and a clearinghouse for various international agriculture programs.

Another concern is that we might be creating a bulky, new bureaucracy. My own vision of this new position, however, is that a three- or four-person operation should suffice. It seems to me that these personnel could probably be transferred from within the State Department to the new office.

Two years ago when we last considered a State Department authorization bill, this proposal was accepted by the chairman of the committee, Senator Percy, but was later dropped in conference. I hope that the Senate will approve this amendment today on a rollcall vote so that we will be able to create this important position at the State Department.

I am proud to have as my cosponsor the Senator from North Dakota, Senator ANDREWS.

Mr. ANDREWS. Mr. President, I rise in support of the amendment that my colleague from Arkansas and I are offering with a number of cosponsors.

Mr. President, this amendment would create within the State Department the new position of Under Secretary of State for Agricultural Affairs.

Far too often our agricultural policy has been made by people whose primary and sometimes only interest is foreign policy. From the grain embargo to today's Export Enhancement Program, the State Department has often used agriculture as a political football. The costs to America have been dramatic.

In 1979 at the time of the ill advised grain embargo the Soviet Union imported over 74 percent of its grain from us. They now import only 47 percent of their grain from us, and it has been a slow climb to reach that level. If we had maintained a 70 percent level, we would have shipped an additional 79 million metric tons since the embargo. Our challenge in farm policy would not be nearly as strong. That opportunity lost is a permanent cost to our Nation's overall economy.

Agricultural trade is only one component of our relations with other nations, but it is an enormously vital one and the largest dollar earner. Given the nature of the State Department's existing role in trade relations, tariff negotiations, and aiding impoverished Third World countries, it is essential that the Secretary of State have the guidance that would prevent the problems this Nation has encountered all too often in the past. Agriculture plays a key role in our Nation's economic welfare and thus is an integral part of our strength in the world today. The position of Under Secretary of State for Agricultural Affairs would help insure that continued strength.

Mr. PRYOR. I ask unanimous consent that the distinguished Senator from Virginia [Mr. WARNER] be added as an original cosponsor of the amendment.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

Mr. PRYOR. I thank the Chair.

Mr. LUGAR. Mr. President, I commend the distinguished Senators from Arkansas and North Dakota for their idea. I have inquired of both of them the amount of representation or who in fact handles the agricultural export sales within the State Department now, and, of course, their personnel who have an interest in this but not in an executive capacity, with the advocacy that clearly the times require.

So we are prepared to accept this amendment and commend the Senators for their authorship and ask the Senate to adopt the amendment.

Mr. PRYOR. I thank the Senator.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 295) was agreed to.

Mr. ANDREWS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 296

(Purpose: To prohibit the United States Information Agency from engaging in domestic propaganda)

Mr. ZORINSKY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from North Carolina is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. ZORINSKY] for himself and Mr. EXON proposes an amendment numbered 296.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, after line 9 add the following new section:

SEC. 206. BAN ON DOMESTIC ACTIVITIES BY THE USIA.

No funds authorized to be appropriated to the United States Information Agency shall be used to influence public opinion in the United States. No program material prepared by the United States Information Agency shall be distributed within the United States. This section shall not apply to programs carried out pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended (Public Law 87-256).

Mr. ZORINSKY. Mr. President, I offer this amendment to prohibit USIA from engaging in domestic propaganda and to restate the existing prohibitions on domestic dissemination of USIA products.

By law, the USIA cannot engage in domestic propaganda. This distinguishes us, as a free society, from the Soviet Union where domestic propaganda is a principal government activity.

There is considerable discussion within USIA about using the Agency's so-called second mandate to engage in domestic propaganda. The second mandate—"telling America about the world"—has never been implemented. It should not now be implemented as part of a USIA strategy to propagandize the American people on foreign policy issues.

The American taxpayer certainly does not need or want his tax dollars used to support U.S. Government propaganda directed at him or her. My amendment ensures that this will not occur.

Mr. President, I have checked with the majority floor manager and the minority floor manager and they have indicated this may be acceptable to them.

Mr. LUGAR. Mr. President, the amendment of the distinguished Senator from Nebraska essentially restates law with regard to the USIA. The Senator feels that it is important that this law be not only restated but perhaps reenforced by the emphasis of this amendment. We accept the amendment and commend it to the Senate.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 296) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 297

(Purpose: To ensure private sector funding for the Private Sector Program of the United States Information Agency)

Mr. ZORINSKY. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from North Carolina is laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. ZORINSKY], for himself and Mr. EXON, proposes an amendment numbered 297.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, after line 9 add the following new section:

SECTION 206. PRIVATE SECTOR FUNDING FOR USIA'S PRIVATE SECTOR PROGRAM.

No grant shall be made to any organization through the Private Sector Program of the United States Information Agency unless at least twenty-five percent of the organization's or of the funds for the proposed grant activity funds are provided from non-United States Government sources.

Mr. ZORINSKY. Mr. President, I offer an amendment to require that grantees receiving funding under USIA's Private Sector Program raise a modest percentage of their funds from nongovernment sources.

The purpose of USIA's Private Sector Program is to assist private organizations engaging in exchange-of-persons programs. The Private Sector Program is intended as a partnership with the private sector, not as Federal financing.

My amendment would require that any grantee raise at least 25 percent of the expenses—a proposed activity or its funds from nongovernmental sources.

In 1983 and 1984, the USIA provided grants to a group of young politicians known as the International Youth Year Commission. This group, in its grant application, promised to raise substantial private sector funds. It raised a grand total of $1,917. It received some $2 million from USIA and other Federal agencies.

Other groups, such as the American Council of Young Political Leaders and the U.S. Youth Council, provide trips abroad for young American political leaders. Some individuals have taken 20 or more trips under the aegis of these organizations. In spite of an impressive board, both these organizations exist in the so-called Private Sector Program almost entirely on Government money.

My amendment will guarantee a partnership between the private sector and the U.S. Government for these exchanges.

It is financially prudent, very moderate, and will increase the taxpayers' value for the dollar.

Mr. LUGAR. Mr. President, we are pleased to accept this amendment. We believe it has constructive intent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 297) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the amendment of the Senator from North Carolina be laid aside temporarily so that I may offer two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 298

Mr. MATHIAS. Mr. President, I send the first amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. MATHIAS] proposes an amendment numbered 298.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it so ordered.

The amendment is as follows:

PILOT PROJECT FOR FOREIGN SERVICE ASSOCIATES

"Sec. ——. Pilot Project for Foreign Service Associates.

(a) It is the sense of the Congress that the national interest of the United States would be well served by making more productive use in U.S. missions abroad of the resources that spouses of American personnel assigned to missions abroad are qualified to provide.

(b) The Secretary of State is authorized to design, conduct and evaluate a pilot project to test appropriate means of increasing employment of qualified spouses of American personnel assigned to U.S. missions. The intent of the pilot project shall be to construct a feasible program within which spouses' education, training and relevant work experience can be used effectively within the mission and in the furthering of U.S. interests in the host country.

(c) The Secretary of State shall undertake the design phase of the pilot project upon enactment of this Act. He shall report to the Congress by February 1, 1986, on the design of the project and plans for its implementation and evaluation.

Mr. MATHIAS. Mr. President, this is a proposal to authorize a pilot project within the Department of State for the better employment of the talents of spouses of foreign service officers. It is experimental in nature. It would be designed within the Department of State. It would look at the problems which exist in many foreign service families that have to accommodate the American lifestyle, in which there are often two breadwinners in the family, and the realities of life on diplomatic posts. I think it provides an opportunity to study this problem and to devise some solution to it, which has so far eluded us.

Mr. President, the Foreign Service, our front line of diplomats around the world, must find a way to accommodate an American domestic fact-of-life—two-income, two-career families.

The national interest of the United States would be well served by making more productive use of the education, training, and relevant work experience of spouses of American personnel assigned to our missions abroad.

Spouses face unique circumstances in the Foreign Service. Typically, their husbands and wives are assigned to a series of foreign posts, usually in 2- and 3-year stretches. Spouses often have little initial contact with the broader community in the host country, and by the time they may begin to make some contacts, they move on. Spouses often have to give up or suspend their own careers to accompany their husbands or wives to a foreign mission.

Tours abroad are separated by assignments in Washington, where the couple plunge back into American life, only to find it difficult to pull up stakes when the time comes to go abroad again. Spouses are increasingly reluctant to leave remunerative jobs and appealing career opportunities in the United States.

Career opportunities for their spouses is a chief concern of new Foreign Service officers, who average 31 years of age. More than 80 percent of them have advanced degrees. Their spouses also tend to have advanced degrees and careers of their own. If we are to continue to attract the best young men and women to this vital service, then we must try to develop a framework in which spouses of these officers can continue to make use of their own skills during overseas assignments, while helping to further U.S. interests.

There are striking advantages to a well-designed program that would achieve these objectives. It would be cost-effective, making use of valuable resources that now are being ignored or underutilized. It would help the Foreign Service retain personnel in whom it has invested years of invaluable training and promote recruitment of the best-qualified people. It would improve morale in missions, where jobs and careers are a leading preoccupation.

There are many openings today in embassies and consulates around the world. There is work to be done and spouses who are eminently qualified to do it. We need a way to get them together.

To provide a constructive solution to this problem, I would like to propose a pilot project for Foreign Service associates. Under this resolution, which carries no expenditure of funds, the Secretary of State would be authorized to design, conduct, and evaluate a program to test appropriate means of increasing employment of qualified spouses in American missions.

The Secretary would be asked to undertake the design phase of the project upon enactment of this legislation, reporting to Congress by February 1, 1986, on the design and on plans for implementation and evaluation.

It is my expectation that such a project would start on a small scale but develop into a more comprehensive program that would attract qualified spouses.

I am confident that such a program would address a serious problem at limited costs with far-reaching benefits to both the morale and the effectiveness of our diplomatic efforts throughout the world. I hope my colleagues will support this amendment.

Mr. President, the amendment has been submitted to both the distinguished chairman of the committee and the ranking minority member and I believe they have approved it.

Mr. LUGAR. Mr. President, indeed we have commended the Senator from Maryland for his longtime interest in the subject of the amendment. The talents of spouses of foreign service personnel and especially of our Ambassadors are manifold. The need to find ways in which each can have a more meaningful life and be of greater service to this country is obvious.

The Senator has proceeded in a constructive way with the pilot project idea. We would advocate its support.

Mr. PELL. Mr. President, I am also familiar with the subject matter of this amendment. I think the approach adopted here with simply a pilot project to examine its merits is an excellent one. We would be very interested in studying the results.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 298) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 299

(Purpose: To require the enactment of a joint resolution in lieu of the adoption of a concurrent resolution in order to terminate a national emergency)

Mr. MATHIAS. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. MATHIAS] proposes an amendment numbered 299.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

TERMINATION OF NATIONAL EMERGENCIES BY JOINT RESOLUTION

SEC. 601. Section 202 of the National Emergencies Act is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) there is enacted into law a joint resolution terminating the emergency; or";

(2) in the text below subsection (a)(2), by striking out "concurrent" and inserting "joint";

(3) in subsection (b), by striking out "concurrent" and inserting in lieu thereof "joint"; and

(4) in subsection (c), by striking out "concurrent" each of the six places it appears and inserting in lieu thereof "joint".

Mr. MATHIAS. Mr. President, I rise to offer an amendment to the National Emergencies Act, which became the law of the land on September 14, 1976. I had the honor in 1972 to serve as cochairman of the bipartisan Senate Select Committee on Emergency Powers. The committee was formed to address the constitutionality of the successive states of national emergency and vast array of powers that have been delegated to the President by means of various statutes enacted from the earliest days of the Republic. As some Members of this body will recall, we discovered that over 2,000 statutes were triggered by the declaration of a state of national emergency, and that we were living—at that time in 1972—under not one but four states of national emergency. We also found upon study and examination of these statutes that their cumulative effect was to give the President by statutory delegation what amounted to dictatorial powers.

As the report of the select committee made clear at the time, we faced:

> The 2,000-year-old problem of how a legislative body in a democratic republic may extend extraordinary powers for use by the Executive during times of great crisis and dire emergencies—but do so in ways assuring both that such necessary powers will be terminated immediately when the emergency has ended and that normal processes will be resumed * * *.

Over a period of 4 years and with the full cooperation of the House of Representatives, successive administrations and all the affected departments and agencies, we were able to repeal unneeded, outmoded, and clearly dangerous grants of power, and to establish a sound joint working procedure under which the three branches could carry out their constitutional responsibilities in as effective, orderly, and constitutionally appropriate a manner as possible. The National Emergencies Act has proven to be a rational and sensible procedure.

In the past year and a half, however, the constitutional validity of the use of concurrent resolutions to terminate statuatory delegations of power has been called into question. In particular, the so-called Chadha case, INS versus Chadha, invalidated in that case the one-house veto of an administrative action. The reasoning of the Court is based on the view that "every bill" as well as "every order, resolution, or both, to which the concurrence of the Senate and the House of Representatives may be necessary" shall be presented to the President for the opportunity to approve or disapprove the letter subject to override by a two-thirds vote of both Houses.

I am of the view that we in the Congress should respond to the opinion of the Court and determine if a joint resolution procedure, which would meet the constitutional test set forth by the Court, would adversely affect the purposes of the National Emergencies Act as they originally intended. Upon reflection, I have concluded that we should amend the National Emergencies Act and replace the use of the concurrent resolution for termination of a State or national emergency with the procedure of a joint resolution.

I submit this amendment for the following reasons: First, I am persuaded by the opinion of the Court that the use of a concurrent resolution is constitutionally inappropriate in this case in matters so grave or serious as a national emergency. We must assure the operation of the full constitutional process of lawmaking if at all possible. Second, as a practical matter, the view and the power of the Congress is fully expressed by either means, whether a concurrent resolution or joint resolution. If a majority of both Houses are for termination of a national emergency and the President disagrees, we are at the same point of impasse, whether the legislative means is a concurrent resolution or a joint resolution. If we come to such an impasse between the President and the Congress, either a two-thirds override is called for or the use of the appropriations power or other constitutionally sound remedies.

There is no question in my mind that we need to maintain the procedures we have so carefully developed to deal with national emergencies. Presidents will have occasions to require the use of extraordinary powers to meet critical emergent situations, but we must be able to exercise constitutionally appropriate oversight and control over such power. The amendment I have offered will respond to a crucial issue raised by the Court, and, in my view, the change I propose will not in any way diminish the efficacy of the National Emergencies Act but will instead strengthen it.

This is an amendment which is purely technical in nature. It would, in fact, provide an amendment to the National Emergencies Act, which became the law of the land on September 14, 1976. This amendment is made necessary by virtue of the decision of the Supreme Court in the famous Chadha case. Since, under the decision of the Court in that case, the action by the Congress through the mechanics of a concurrent resolution are no longer appropriate, this amendment would substitute a joint resolution for a concurrent resolution in order to meet the tests required by the Court. It is not a perfect solution to the Chadha problems, but it at least brings the emergency powers legislation into line with current law.

I, therefore, suggest that we do this while we consider such other measures as may be required.

Mr. LUGAR. Mr. President, on our part we accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 299) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the amendment of the Senator from North Carolina [Mr. HELMS] be temporarily laid aside so that I may offer two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 300

(Purpose: To Express the Sense of the Congress and to Establish Authorizations for Radio Marti for Fiscal Years 1986 and 1987)

Mrs. HAWKINS. Mr President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mrs. HAWKINS], for herself and Mr. CHILES, proposes an amendment numbered 300.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 21, insert "(1)" after "(a)".

On page 18, strike line 4 and insert in lieu thereof the following:

"Act, and other purposes authorized by law; provided, however, that not less than $11,500,000 in fiscal year 1986 and $11,700,000 in fiscal year 1987 of the amounts authorized to be appropriated pursuant to this section shall be authorized to be appropriated for implementation of the Radio Broadcasting to Cuba Act.

"(2)(a) The Congress finds that—

"(1) on September 29, 1983, the Congress overwhelmingly passed legislation creating a new Voice of America: Radio Marti program for broadcasting to Cuba, and on October 4, 1983, this legislation was signed by the President into law;

"(2) the purpose of this legislation is to promote the cause of freedom in Cuba by broadcasting accurate and objective programming into Cuba;

"(3) on May 20, 1985, Radio Marti began broadcasting; and

"(4) now the people of Cuba have a reliable alternative to the government-sponsored propaganda of the Castro regime.

"(b) The Congress hereby commends and endorses the decision by the President to begin broadcasting the Radio Marti program.".

Mrs. HAWKINS. Mr. President, I offer this amendment on behalf of myself and Mr. CHILES.

Mr. President, after considerable delay and with much anticipation, on May 20, Radio Marti began broadcasting to the people of Cuba. After over 25 years of a steady diet of Castro's propaganda, the people of Cuba now have an alternative. The purpose of this amendment is to commend the President for getting the program on the air, and to show continuing support from the Congress for the program by ensuring that it receives the necessary resources to continue broadcasting at its current levels.

Many of us here in the Senate worked long and hard to ensure that a program of reliable, accurate, and objective broadcasts could be made available for the people of Cuba. Now we have achieved that end. It's very easy for us here in the United States to take for granted one of the basic freedoms that forms the cornerstone of democracy—freedom of the press. In a democracy, a free press enables us to have an enlightened electorate and to have an effective check on the abuse of power—key ingredients for a fair and just society. For totalitarian dictatorships such as Castro's, however, the press is merely one more means—and a particularly effective means—of controlling the information available for the people of Cuba. By controlling this inflow, Castro, or any other dictator for that matter, can virtually enslave the minds of his people. If a person is denied access to a wide range of facts and opinions, it is the same as robbing him of his ability to make choices. What Radio Marti does is provide the people of Cuba with a wider range of news and opinions on which they can make their own judgments on what they wish to believe.

It is my belief, that in the end truth will triumph in Cuba. I don't expect it to happen overnight, although I wish it would. But with time, I believe that as the Cuban people experience a growing understanding of the price that they are paying, both individually and as a nation, for Castro's dictatorship, and their nation's virtual servitude to the Soviet Union, that they and their children will be the one's to pay the piper excesses of the Castro regime.

I believe that Radio Marti will make a significant contribution to the process of providing the people of Cuba with a better basis for deciding what they believe will be best for themselves and their families. I believe that it is part of our responsibility as the leading democracy in the world to promote the free flow of ideas and information, and Radio Marti is a part of that effort.

Mr. President, the effect of my amendment to express the sense of the Congress that this Congress which overwhelmingly supported the adoption of the Radio Marti legislation, is now pleased that President Reagan has turned on the switch to permit the Cuban people to have an alternative to the steady diet of propaganda that they have been forced to hear for 25 years. In addition, the amendment continues the policy adopted in the Broadcasting to Cuba Act of 1983 of providing a specific authorization for Radio Marti. In the Radio Broadcasting to Cuba Act, moneys were authorized for fiscal years 1984 and 1985.

This amendment would extend that policy into fiscal years 1986 and 1987. The funds authorized for Radio Marti would be $11.5 million in fiscal year 1986 and $11.7 million in fiscal year 1987. This fiscal year 1986 level is the same as the administration's request for Radio Marti adjusted to restore funds that had been deleted from the request when the administration decided to call for a 5-percent reduction in Federal pay. As we all know, Congress has rejected that pay cut so it is only right that Radio Marti's funding request reflect that as well. This funding level is entirely consistent with the level approved for Radio Marti last year and more importantly it does not add a penny to the budget.

Mr. President, fiscal year 1986 will be the first full year of operation for Radio Marti, and I believe that in addition to expressing our continued support for the program that it is important for the Congress to make it clear that it intends to support funding to permit it to continue operating in 1986 at the same rate and with the same attention to quality that it has and expects to continue throughout fiscal year 1985.

I urge my colleagues to support Radio Marti and support this amendment.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I join Senator HAWKINS in cosponsoring this amendment.

Mr. President, I believe the Cuban people have a right to the truth and that there is no better way of conveying the truth to them than through the broadcasts of Radio Marti.

The Cuban people have a right to know there are Cuban advisors in Angola and in Ethiopia and throughout Africa. Knowledge of this might prod them to ask why their tiny nation's resources is appropriated to foreign ventures of this kind. They have a right to know of their government's involvement in Central America. This includes the shipping of arms into this volatile region. They have a right to know of the botched up attempt to establish a Cuban arsenal base in Grenada. This might spur questions from the Cuban people on why government policy includes fomenting revolution in other parts of the world. And they have a right to know world opinion of the Castro regime's complicity in the drug trade and its violations of human rights. Again, this may lead to more questions. Legitimate questions which will have the effect of holding Cuba accountable for its actions.

Mr. President, there is so much the people of Cuba do not know about their own government's actions. And there is so much Radio Marti can tell them. We have all heard of the ostrich who sticks his head in the sand. Through no fault of their own Cubans are a people totally in the dark, like the ostrich they are unaware of the activity around them. The Cuban Government keeps the tightest of grips on the information available in Cuba. An active effort is made to ensure that the ostrich keeps his head buried. On May 20 with the commencement of the Radio Marti broadcasts this situation exists no longer.

While the original intent was to place Radio Marti under the jurisdiction of the Board for International Broadcasting [BIB], as is the case for Radio Free Europe and Radio Liberty—government-sponsored radio stations beaming news and information to the people of Eastern Europe and the Soviet Union—a compromise reached during congressional consideration placed it under the auspices of the VOA as a separate entity. This was a move made to quell the fear that Radio Marti was to become the loose cannon of international broadcasting. The separate entity designation continues the recognition of Radio Marti's broadcasting responsibilities to the people of Cuba.

As a result, the dictates of objectivity and reliability inherent in the standards of the VOA will ensure Radio Marti's broadcasts will be of the finest quality and of a most reliable nature. Radio Marti could not succeed otherwise. Its credibility will be enhanced by the reliability of its programs.

To belittle the role that Radio Marti will play in Cuban society and present its programs as ones already available to the Cuban people ignores the tight control the Castro regime has maintained over Cuba's media and the Cuban people's consciousness for the past 26 years.

While the suspension of the immigration accord and the imposition of a travel ban for Cuban Americans traveling to the island is unfortunate, this reaction by Fidel Castro is meant as a punishment to the Cuban American community. This action can also be viewed as an overreaction on Fidel Castro's part to the 14½ hours of Radio Marti. An overreaction which indicates Castro's concern that in Cuba there exists a wide audience for the broadcasts of Radio Marti. The Voice of America, is the most reliable and detailed source of electronic news in the world. Its charter dictates broadcasts to present a window of America, depicting our culture and values to the people of the world. VOA presents these programs accurately and presents programs of interest to the Cuban populace, but the crux of the matter is that Radio Marti will inform Cubans about Cuba along with news about world events. It complements quite appropriately the broadcasts of the VOA, but the two should not be viewed as interchangeable.

To contend that this radio station is some kind of self flagellation on the part of our foreign policy makers and to present it as an inconvencience not worth the trouble denigrates our belief in the access to information and the common exchange of ideas. It is important to note article 19 of the United Nations Declaration of Human Rights asserts the right of all people to have access to information through any media regardless of frontiers.

Radio Marti appropriately acknowledges the Cuban people's right to the truth.

Mr. President, I certainly join in supporting this amendment for the proper funding for Radio Marti.

Mr. LUGAR. Mr. President, the Committee has carefully considered the request for Radio Marti. The committee is in favor of the amendment as presented by the distinguished Senator from Florida [Mrs. HAWKINS], and supported by her colleague, Senator CHILES.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida [Mrs. HAWKINS].

The amendment (No. 300) was agreed to.

Mrs. HAWKINS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 301

(Purpose: To provide for the establishment of the Radio Maccabee Program of Radio Liberty)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mrs. HAWKINS] proposes an amendment numbered 301.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, between lines 16 and 17, insert the following:

RADIO MACCABEE PROGRAMING

SEC. 304. The Board of International Broadcasting Act of 1973 is amended by adding at the end thereof the following new subsection:

"RADIO MACCABEE PROGRAMING

"SEC. 14. (a) On or after the date of enactment of the Board for International Broadcasting Authorization Act, Fiscal Years 1986 and 1987, no grant may be made under this

Act to RFE/RL, Incorporated, unless RFE/RL, Incorporated—

"(1) establishes as a special unit of its Radio Liberty division, in addition to its programs available for broadcast to the Soviet Union on such date, a program of Russian language broadcasting for the Jewish population of the Soviet Union and entitled the 'Radio Maccabee Program of Radio Liberty' (hereafter in this section referred to as the 'Program'); and

"(2) provides for the appointment by the Board of Directors of PFE/RL, Incorporated, of a Chief Editor of the Radio Maccabee Program of Radio Liberty who shall—

"(A) manage the Program;

"(B) participate in the decision-making process of Radio Liberty with a view to ensuring that adequate and appropriate priority is placed on broadcasting to Soviet Jews;

"(C) furnish advice on other aspects of programs of Radio Liberty affecting the Jewish community in the Soviet Union;

"(D) report to the director of the Radio Liberty division of RFE/RL, Incorporated; and

"(E) devote full-time to the Program, except for routine shared responsibilities within RFE/RL, Incorporated.

"(b)(1) Broadcasts of the Program shall include items of general cultural, intellectual, political, and religious interest to the Soviet Jewish population, as well as Hebrew education courses.

"(2) In establishing the Program, RFE/RL, Incorporated, shall identify the needs and concerns of the activist as well as the refusenik population in the Soviet Union and shall provide, as part of the Program, the news, commentary, and analysis, and other programs appropriate to such needs and concerns.".

On page 19, line 21, before the first period insert a comma and the following: "of which amounts $400,000 in each such fiscal year shall be available only to carry out the Radio Maccabee Program of Radio Liberty described in section 14".

Mrs. HAWKINS. Mr. President, the amendment now pending at the desk is very simple. It requires Radio Liberty, the U.S. Government-sponsored radio station for broadcasting into the Soviet Union, to increase its Russian language programming for Soviet Jews, and it gathers these programs in to one program unit to be known as the Radio Maccabee program of Radio Liberty. In addition, the amendment creates an institutional basis of support within Radio Liberty for issues of concern of Soviet Jews. It does this by establishing a position known as the Chief Editor of the Radio Maccabee program who will manage the broadcasts, and provide advice to the Director of Radio Liberty on general programming issues of interest to the Jewish community inside the Soviet Union.

The effect of this amendment will be to provide a life line encouragement and support for the Jewish community in the Soviet Union by increasing the amount Radio Liberty broadcasts that addresses their special needs. The timing for this could not be better. We all know of the desperate situation facing those Soviet Jews wish to emigrate, and the callous disregard shown these people by the Soviet authorities. Many of us are also aware of the stepup in harrassment of Soviet Jewish activists by Soviet officials. With these continuing low levels of emigration, and with this new harassment comes a special need to reassure these brave people of the continuing support of their friends in the West.

Several months ago I joined a number of my constituents on a pier on the Atlantic Ocean in south Florida. Gathered there on that pier we took two of those large water bottles of the kind you find in offices which had been filled with hundreds of letters addressed to Soviet Jews and threw the bottles into the ocean. Needless to say, those letters will probably not reach their destination. But we did that to make to point. The point was that those letter inside that bottle, bobbing somewhere in the Atlantic, have as much a chance of reaching their addressed as do letters sent through the Soviet mail system. That's no reason for us to give up on writing those letters, but it is a sobering reminder if the power of a totalitarian society.

Clearly we need to be sensitive to other means of encouragement and support for Russia's Soviet Jews. Another perfect means of providing that encouragement and support is through radio. We have been doing it for decades for Lithuanians, Ukranians, Tarters, and other groups living in the Soviet Union. And in Eastern Europe we have been doing it for the Pole, Czech, Hungarians, and other groups in that area. But how much programming has been available for Soviet Jews? I think that many of my colleagues would be surprised—and probably not favorably surprised—at the level of broadcasting for Soviet Jews currently conducted by Radio Liberty—one-half hour of original programming each week—one-half hour. This program is then repeated twice more during the week bringing the total amount of programming dedicated for Soviet Jews to a meager 1½ hours a week, not a day, a week. That means that broadcasting for Soviet Jews amounts to less than 1 percent of total Radio Liberty Russian language broadcasting.

A comparison of the priority given Soviet Jews by Radio Liberty with the priority given by the Congress and this and other administrations shows a glaring discrepancy. In this body, we have passed scores of resolutions expressing concern about the plight of Soviet Jewry, and many of us have written letters in support of individual Soviet Jews and their families in an effort to persuade the Soviet Government to loosen their iron grip on emigration.

The Helsinki accords were written in large part with the human rights concerns of Soviet Jews in mind. This and other administrations have raised the problems of Soviet Jewry at the highest level. In our Embassy in Moscow, we have one Foreign Service officer whose sole responsibility to deal with the issue of Soviet Jewry—no other group in the Soviet Union receives this kind of treatment.

Clearly the problems of the Soviet Jews are an important concern of the Congress and administrations, past and present, have shown a similar concern. But what about Radio Liberty—less than 1 percent of their total Russian language broadcasting is dedicated to a group of people that have deservedly received considerable attention from the Congress and the administration.

The Radio Maccabee Program provides us with an opportunity to do something constructive, something tangible to help those courageous people to maintain their hope for a better future. The Radio Maccabee Program would provide items of general cultural, intellectual, political, and religious interest to the Soviet Jewish population, as well as Hebrew education courses. This raises an important point because much of the attention here in Congress on Soviet Jews focuses on those refuseniks wishing to emigrate but who have been denied. There are apparently many Soviet Jews who have not yet indicated an interest in emigrating, or who might not wish to emigrate, and yet who also have an obligation to these people to help them retain their senses of identity in the face of conformist pressures by the Soviet Government.

In addition, this amendment instructs Radio Liberty to take into account the special needs and concerns of the activists and refusnik population in the Soviet Union and to provide news, commentary, analysis, and other programming appropriate to those needs and concerns.

What will all this do the deficit? What will be the budgetary impact? Not one thin dime. The amendment earmarks $400,000 of the funds appropriated in this bill for Radio Liberty for the establishment of the Radio Maccabee program.

Mr. President, I want to close my remarks by clarifying what Radio Maccabee is, and what it is not. Radio Maccabee is not a separate radio station. It will not have its own transmitters. It will not have its own frequency. It will be a program unit within Radio Liberty. It will expand and unify current Radio Liberty broadcasts under one administrative unit. In much the same way that radio stations in this country select their programming to reach specific audiences such as youth, housewives, preppies and so forth, the Radio Maccabee program will select its programming to reach its targetted population—Soviet Jews.

We are not creating a huge and expensive bureaucracy here. We are seeking to establish a modest, cost-effective means of providing tangible support for Jews struggling to live in the Soviet Union. One of the most frustrating aspects of dealing with the issue of Soviet Jewry is the feeling of helplessness when it actually comes to doing something to help their situation. Radio Maccabee gives us a chance to do something, and to do something that I believe will make a difference.

I want to thank the south Florida conference on Soviet Jewry for their inspiration and support in this legislation. I also want to commend the union of councils for Soviet Jews for their efforts to help promote this idea and the cause of Soviet Jewry in general. Mr. President, I ask that a letter from the union of councils for Soviet Jews, as well as several other letters in support of this amendment, including one from Evgenia Utevskaya, a Jewish leader from Leningrad who has only recently left the Soviet Union and is now living in Israel, be included in the RECORD following my statement.

I urge my colleagues to support this amendment and make a difference.

Thank you.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I wish to indicate that I support the amendment of the distinguished Senator from Florida. Indeed, it is a most constructive amendment, and hopefully it will bring hope and sustenance to the many Jews in the Soviet Union who are seeking liberation from their circumstances.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida [Mrs. HAWKINS].

The amendment (No. 301) was agreed to.

Mrs. HAWKINS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HAWKINS. Mr. President, I commend the staff on both sides of the aisle for their willingness to work out these technical and difficult amendments.

Thank you very much.

U.S. DEFENSE COMMITMENT TO TAIWAN

Mr. GOLDWATER. Mr. President, I have carefully examined the section of the pending bill, S. 1003, relative to the Republic of China and interpret it as approving and encouraging continuation of the present trends toward democratization in the Republic of China on Taiwan. As an example of these trends, I might mention that the Republic of China has greatly expanded the number of elective offices available to new members from Taiwan in each of its three national elective bodies, the National Assembly, the Legislative Yuan and the Control Yuan, in order to broaden native Taiwanese representation in those bodies. Also, in 1980 a major constitutional decision was made by the national government on Taiwan to transfer supervision of the high court and the district court from the Ministry of Justice in the political branch, to the separate jurisdiction of the judicial branch, known as the Judicial Yuan. This was a very important step taken voluntarily by the Government of the Republic of China toward full judicial independence.

Mr. President, I also construe the section on Taiwan as reaffirming the Taiwan Relations Act in all its aspects, including the U.S. defense commitment. Obviously, people who pursue democracy must first be able to defend themselves and their rights, and I would note the provision specifically mentions the TRA.

The ability of the Republic of China to defend its people against any threat of outside force or coercion is already emphasized in the Taiwan Relations Act, which was substituted by Congress for the Defense treaty with Taiwan that President Carter abrogated. The act now states an express commitment on the part of the United States to provide Taiwan with arms of a defensive character and to make available to Taiwan defense articles and services of such quantity as may be necessary to enable Taiwan to preserve a sufficient self-defense capability. Section 3 of the act requires this policy to be implemented by directing that the President and Congress jointly shall determine the nature and quantity of military equipment needed by Taiwan based solely upon their collective judgment and not upon the judgment or reaction of anyone else.

Mr. President, this occasion is a good time to reaffirm those commitments. Red China has never ruled out the use of force as a means of ultimately absorbing Taiwan. General Wang Zhen of Communist China said, in an interview on May 1, "we," meaning Red China, "have the capability to impose a blockade on Taiwan." Chinese Communist Party leader Hu Yaobang said, in an interview with a Hong Kong publisher recently, that Peking might consider a military attack against Taiwan in the next decade.

And there is another threat to the peace and security of the entire Western Pacific that is far more ominous for the entire world and that is from the Soviet Union. The massive Soviet buildup in Asia and the Pacific present a new situation that we must face.

The Pacific now has half of Russia's aircraft carrier strength and the Soviets reportedly have twice the number of American attack subs covering the same waters in the Pacific. Russia's Pacific fleet includes the Soviet Union's largest contingent of naval infantry based near Vladivostok. Several hundred of these forces were deployed to Cam Ranh Bay in Vietnam last year in an exercise. If this deployment becomes permanent in the future, the Soviets will possess an advance base which could be more advantageous to them in terms of distance than the Marine base in Okinawa is to the United States.

Also, some 16 Badger bombers have been transferred by the Soviets to Da Nang and Cam Ranh Bay bases. In fact, there have been Soviet overflights of the Taiwan Straits. About 10 of the Soviet bombers are reportedly Badger G's which can carry nuclear-armed air to surface missiles. The 1,500 mile refuel radius of the TU-16 would enable it to strike every Southeast Asian capital and U.S. bases in the Philippines. The functioning of a permanent Cam Ranh Bay military base for the Soviet Pacific fleet would, for that portion of the fleet, eliminate 10 steaming days required from the two main Russian Pacific ports of Vladivostok and Petropavlosk to get into equal position with the United States to project forces into the Indian Ocean. The Soviet Navy's access to Cam Ranh Bay would allow submarines and surface warships in Vietnam to reach the Pacific without passing through the narrow checkpoints between Vladivostok and the open ocean.

To me, these facts mean that the presence of Taiwan of a long-time, trusted ally who has faithfully served American national interests for decades is more important than ever. The defense of Taiwan is critical to the security and prosperity of the entire Western Pacific region.

From a strategic viewpoint, Taiwan and the offshore islands stand at pivotal positions between the main sealanes connecting the Indian and Pacific Oceans and serve as a link with the United States 7th Fleet. Taiwan bridges the surrounding air and sea lanes and is a valuable strategic asset for the United States. This becomes more apparent as the situation in the Philippines deteriorates.

Thus, we have no intent or purpose today of upsetting the situation on Taiwan or weakening confidence in the government there. At the same time as we call attention to political developments in Taiwan, we show an equal concern for the defense of Taiwan. A country is best able to democratize its institutions if it is a secure country.

One of Taiwan's most pressing security needs is an antiblockade defense. Naval blockade of the ports of Taiwan

is a plausible threat to all the people of Taiwan. Air superiority, at least qualitatively, over the Taiwan Straits is essential to defend against a blockade.

The United States has it within its capacity to contribute to the survival of Taiwan and thereby improve its chances of expanding democracy. The first priority is new, all weather fighter interceptors to replace Taiwan's aging inventory. Ideally, a credible antiblockade defense would also include new helicopters to identify and track submarines, effective countermissile measures and other enhanced defense capabilities.

The United States has, in statutory law, committed itself to providing a sufficient self-defense capability for Taiwan. This means the United States should constantly reassess the most likely threats to the security of Taiwan and reaffirm the credibility and effectiveness of our commitment.

The Taiwan provision in S. 1003 means to me that the Senate is declaring that a credible defense for Taiwan is of at least as high a priority to the United States as the political situation there.

Mr. President, I wish to include with my statement a brief summary listing some of the positive developments towards democratization in the Republic of China since 1980.

DEMOCRATIZATION AND IMPROVEMENTS OF HUMAN RIGHTS: A SELECTIVE RECORD FOR THE REPUBLIC OF CHINA ON TAIWAN SINCE 1980

1. In May 1980, the Public Officials Election and Recall Law was enacted. The 113-article law was widely viewed as a marked improvement over the previous existing set of election laws to regulate compaign activities more fairly.

2. In December 1980, an unprecedented number of seats in the national legislature were allocated to the territory under the control of the Republic of China (ROC) for open competitive elections in which native Taiwanese are eligible to gain office, 97 for the Legislative Yuan and 32 for the Control Yuan (an important watchdog body). Locally elected members now outnumber the senior members elected on the Chinese Mainland in 1948 who are still active.

3. In June 1980, a 17-article State Compensation Law was enacted granting a means of relief and compensation for the ordinary citizen against wrongdoing committed by public officers and employees while in the course of their duties. An amount equivalent to U.S. $16 million was later appropriated as the first-year fund for compensation.

4. In July 1980, the ROC Government transferred the administrative jurisdiction over all district and higher courts from the Executive Branch to the Judicial Branch so as to secure the independence of the judicial system and formally separate the courts from the prosecution function.

5. In August 1981, native Taiwanese, General Chen Shou-shan, was appointed to the post of the Commander-in-Chief of the Taiwan Garrison Command as the highest executive officer for all national emergency acts and regulations.

6. In July 1982, the Code of Criminal Procedure was revised to give suspects the right to have a lawyer present during interrogation and to legal counsel during the investigation phase. Such a revision has greatly reduced the possibility of police brutality against suspects during interrogation.

7. In October 1983, the government decided to eliminate, and not to fill by appointment or election, vacancies left by the demise of members of the central legislature who were elected on the mainland in 1948. In the natural course of time, this important decision will make the ROC's Parliament truly representative of the people of Taiwan.

8. In May 1984, Doctor Lee Teng-hui, a native Taiwanese and American-trained agri-economist, was elected Vice President of the Republic. At least 40 percent of the positions in the new Cabinet, including sub-Cabinet spots, are currently filled by native Taiwanese.

9. In August 1984, Mr. Lin Yi-hsiung and Reverend Kao Chun-min, convicted because of the 1979 Kaohsiung incident, were released on parole after their sentences were commuted.

10. In March 1985, Ms. Lu Hsou-lien, also convicted because of Kaohsiung incident, was released on parole for medical treatment.

UNANIMOUS-CONSENT AGREEMENT ON AMENDMENTS TO S. 1003

Mr. DOLE. Mr. President, earlier this afternoon the two managers of S. 1003, the distinguished Senator from Indiana and the distinguished Senator from Rhode Island, had agreed that they were prepared to take up a number of noncontroversial amendments, amendments on which they do not believe rollcall votes will be necessary. The distinguished Senator from Rhode Island recited that list in the RECORD. In addition, they mentioned potentially controversial amendments. Probably three or four of those ultimately would not be controversial. I will refer to each of those amendments. The distinguished minority leader has a list.

The noncontroversial amendments are: Lugar, arms control authorization bill; Lugar, Swiss claims; Lugar, foreign and commercial affairs; Lugar, jute bill; Lugar, technical change in authorization language; Warner, Australia bicentennial; D'Amato, USIA film; Murkowski, Asia Foundation; Humphrey, Afghanistan films; Cohen and Biden, chemical weapons; Grassley, Pentacostals and Moscow Embassy; D'Amato, disabled Olympic games; Domenici, USIA-Latin America; Kasten, United Nations and another United Nations by Kasten; Proxmire, nuclear winter; Byrd, Eximbank; Helms, two on Foreign Service; Kasten, Yalta.

And then the potentially or could be controversial amendments: Helms, human rights abuses; Symms, repeal of Clark amendment; Roth, United Nations employees; Humphrey, Radio Free Afghanistan; Hawkins, International Narcotics; McClure, arms control study, and then possibly three amendments to be offered by the distinguished minority leader and three amendments to be offered by the majority leader.

I ask unanimous consent that the above-mentioned amendments be the only first-degree amendments in order to S. 1003.

Mr. BYRD. Will the Chair indulge me just one moment. I reserve the right to object.

Mr. DOLE. Mr. President, I am advised that in the noncontroversial section, the distinguished Senator from New Mexico has a second amendment that has been cleared on both sides and would be prepared to offer that on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, may I ask the distinguished majority leader, is it his intention to rule out any second-degree amendments or any amendments of any kind or degree other than the ones that he has listed?

Mr. DOLE. We could do that on the first page. I am advised that on the second page there may be amendments, for example, second-degree amendments to Senator HELMS' human rights abuses amendment. I have been advised by my colleague from Kansas that she might have a second-degree amendment. But I think we could rule out any second-degree amendments on the amendments listed in the noncontroversial section.

Mr. BYRD. Mr. President, does the distinguished majority leader then in connection with the so-called controversial amendments which might attract amendments, rule out nongermane, nonrelevant amendments?

Mr. DOLE. Yes, I would rule out nongermane, nonrelevant amendments in any event.

Mr. BYRD. As long as they are relevant to the amendment?

Mr. DOLE. That is right, and germane, yes. And I would add that to my request, that any amendment, even though it is in the second-degree, be relevant and germane to those amendments listed as potentially controversial.

But I have been advised that there might be a Symms amendment, there could be a second-degree amendment that would be germane and relevant, the same with the Helms amendment, there could be a second-degree, so I cannot rule that out.

Mr. BYRD. Would the distinguished majority leader feel it would be wise or not wise to preclude any motion to commit this measure with instructions to report back? That might be another way for any Senator to get votes on amendments of various degrees. While I do not think that would be a problem, the Senator might want to in-

clude no motions to commit with instructions.

Mr. DOLE. There would be no motion to recommit with instructions.

The PRESIDING OFFICER. Is there objection to the request? Without objection, the request is agreed to.

Mr. DOLE. And it is understood there are no time agreements on any of the amendments in either section.

Mr. BYRD. Yes.

Mr. DOLE. I am advised that the first group will probably not take a great deal of time, but Members should be alerted and be on the floor to offer their amendments. I assume we would be on the bill by 1 or 1:30 on Monday. It would be my guess that if they dispose of all the noncontroversial amendments, it is very unlikely there would be votes on Monday. I would not make a flat statement, but the managers will be present and Members should be available to offer the amendments.

Mr. BYRD. Mr. President, is my understanding correct now that the order which the distinguished majority leader has requested prohibits any motions to recommit the bill or amendments with instructions to be brought back?

The PRESIDING OFFICER. That is correct. The Chair advises that the agreement prohibits motions to recommit the bill with instructions and that motions to recommit amendments are not in order generally.

Mr. BYRD. Mr. President, say that again about amendments.

The PRESIDING OFFICER. Motions to recommit amendments are generally not in order.

Mr. BYRD. Commit or recommit?

The PRESIDING OFFICER. Motions to recommit are generally in order against a bill. Because of the unanimous-consent agreement, a motion to recommit with instructions against the bill will not be in order in this case. However, as a general proposition, motions to recommit amendments are not in order.

Mr. DOLE. Mr. President, I ask unanimous consent that the reference to recommittal of the bill be deleted from the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I guess we have an agreement on S. 1003.

I indicate, as I did earlier, that it is my hope that Members will be available starting at 1 or 1:30 on Monday to dispose of all noncontroversial amendments.

I should point out that the Helms amendment is pending, and we will need the consent of Senator HELMS to set that aside. I understand that he is willing to do that. I am not certain. I cannot say at this time that there will not be votes on Monday, but if there are votes, they will come late on Monday.

The text of the agreement follows:

Ordered, That when the Senate resumes consideration of the pending business, S. 1003, a bill to authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987, the following two lists of amendments be the only first degree amendments to be in order:

Lugar—Arms Control Authorization.
Lugar—Swiss Claims.
Lugar—Foreign and Commercial Affairs.
Lugar—Jute Bill.
Lugar—Technical Change in Authorization Language.
Warner—Australia Bicentennial.
D'Amato—USIA Film.
Murkowski—Asia Foundation.
Humphrey—Afghanistan Films.
Cohen/Biden—Chemical Weapons.
Grassley—Pentecostals in Moscow Embassy.
D'Amato—Disabled Olympic Games.
Domenici—USIA Latin America.
Kasten—United Nations.
Kasten—United Nations
Proxmire—Nuclear Winter.
Byrd—Ex-Im Bank (Coal).
Helms—Foreign Service.
Helms—Foreign Service.
Kasten—Yalta.

Ordered further, That no second degree amendments or amendments of any kind be in order to the foregoing amendments.

Helms—Human Rights Abuses.
Symms—Repeal of Clark Amendment.
Roth—U.N. Employees.
Humphrey—Radio Free Europe for Afghanistan.
Hawkins—International Narcotics.
McClure—Arms Control Study.
3 Byrd Amendments.
3 Dole Amendments.

Order further, That the foregoing second list of amendments be open to second degree amendments which are germane and relevant to the first degree amendments which are germane and relevant to the first degree amendment to which proposed.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. STEVENS. Mr. President, I ask the distinguished majority leader if it is his intention to have any other matters come before the Senate pertaining to the calendar after the consideration of the pending business. In that inquiry, I include the whole question of adjournment following the completion of the pending business or anything else.

As he knows, I have a vital interest in the next bill to come before the Senate, and I would be happy to wait around.

Mr. DOLE. I can advise the Senator that we will not make any request—in other words, we will not adjourn. We will recess over until Monday.

We will complete action on this bill before we move to any other legislation, although on Wednesday I would like to take up a Legal Services nomination. So it may be that the clean water bill may not make it until later next week.

Mr. STEVENS. I ask the distinguished majority leader to pay me the courtesy of notifying me before any motion is made with regard to taking up the Clean Water Act reauthorization or adjourning prior to its consideration, which might trigger the whole concept of a motion to proceed during the morning hour. I am vitally interested in anything that would in any way lead to consideration of the Clean Water Act reauthorization as proposed to the Senate by the Environment and Public Works Committee.

I will be here and will be pleased to change my schedule in any way necessary to accommodate the majority leader, but I do want to be present at any time that matter is considered in any way.

Mr. DOLE. I can assure the distinguished Senator from Alaska that we will keep him fully informed, because I know of his interest in that matter, and I hope we can resolve his problem. We are already undertaking efforts to do that. We certainly will advise the Senator.

Mr. STEVENS. I thank my good friend. I assure him we are not seeking any special privilege for my State. It is just that we feel that we are very much discriminated against by virtue of the existing procedures under the Clean Water Act, and we want an opportunity to have that fully explored by the Senate before the matter comes before the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY

ORDER FOR RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, June 10, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND SENATOR EAGLETON

Mr. DOLE. Mr. President, I ask unanimous consent that following the two leaders under the standing order

on Monday, there be special orders in favor of the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Missouri [Mr. EAGLETON] for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that on Monday, following the special orders for Senators PROXMIRE and EAGLETON, there be a period for the transaction of routine morning business, not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1003

Mr. DOLE. Mr. President, following routine morning business on Monday, it is the intention of the majority leader that the Senate proceed to the consideration of S. 1003, the State Department authorization bill.

SPECIAL ORDERS FOR WEDNESDAY AND THURSDAY

Mr. BYRD. Mr. President, will the distinguished majority leader provide for four 15-minute orders on next Wednesday morning and four on Thursday morning, for Senators on my side who will wish to discuss foreign trade? He can put them under my name and his name or anyone else's name, just so that Mr. BENTSEN will have charge of a full hour each day.

Mr. DOLE. I say to the distinguished majority leader that we will make that provision on Wednesday and Thursday of next week—four special orders on each day, 15 minutes each.

Mr. BYRD. For a discussion of trade.

Mr. DOLE. BENTSEN, BYRD, DOLE, and CRANSTON, each day.

Mr. BYRD. I thank the distinguished majority leader.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, the distinguished Senator from New Mexico hopes we might be able to appoint conferees for the budget conference this evening, and I hope we can do that.

Mr. BYRD. We cannot do it today.

Mr. DOLE. I am advised that we cannot do it today, and I am advised that the budget conference will start on Tuesday. We will do it on Monday.

RECESS

Mr. DOLE. Mr. President, if there be not further business to come before the Senate, I move that the Senate stand in recess until 12 noon on Monday, June 10, 1985.

The motion was agreed to, and at 4:49 p.m., the Senate recessed until Monday, June 10, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 7, 1985:

DEPARTMENT OF STATE

John C. Whitehead, of New Jersey, to be Deputy Secretary of State, vice Kenneth W. Dam.

NUCLEAR REGULATORY COMMISSION

Thomas Morgan Roberts, of Tennessee, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1990, Reappointment.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Monroe W. Hatch, Jr., xxx-xx-x... xxx-... FR U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

To be lieutenant general

Lt. Gen. William J. Campbell, xxx-xx-... xxx-... FR, U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Sidney T. Weinstein, xxx-xx... xxx..., U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be admiral

Adm. William N. Small, xxx-xx-xxxx /1310, U.S. Navy.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Glenwood Clark, Jr., xxx-xx-... /1440, U.S. Navy.

HOUSE OF REPRESENTATIVES—*Monday, June 10, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May Your wisdom and protection be with all Your people, gracious God, and may Your guiding hand lead along life's way. Where there is anger, grant understanding; where there is fear, give perfect love; where there is frustration, give patience. We pray, O God, that Your virtues of faith and hope and love will surround us and all people this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 679. An act to authorize the appropriation of funds for certain maritime programs for fiscal year 1986, and for other purposes.

FACILITIES INITIATIVE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I rise today to speak on the seventh, and last, in a series of initiatives which I have been pursuing in an effort to improve the readiness of our Guard and Reserve Forces. I refer to this as the "facilities initiative."

As this Nation continues to place increased reliance on our National Guard and Reserve Forces, we must ensure that adequate facilities are provided. In my opinion, this year's budget request fails to do so. While DOD officials state that there is a backlog of more than $3 billion in National Guard and Reserve construction projects, only 4.1 percent of the total fiscal year 1986 DOD Construction Program will be used to fund Guard and Reserve requirements. Such a percentage is grossly inadequate.

Although I am reluctant to ask for additional funds, I did request that my colleagues on the House Armed Services Committee listen seriously to the pleas from the Guard and Reserve communities to provide critically needed relief. They did so, and I am pleased to report that additional funding was included in the military construction authorization bill which will come to the floor for debate in the near future.

One area in which these funds will provide relief involves the growing backlog of minor construction projects within the Army National Guard. These projects include improved firing ranges, additional local training sites, and additional storage facilities for the increase in up-to-date equipment being provided to our Reserve Forces.

The funds will also help eliminate a short fall involving antiquated barracks at naval air stations around the country. Living conditions within these barracks have a definite adverse effect on the job performance of men and women who often drive long distances to perform weekend duty.

Mr. Speaker, although these actions do not nearly address all of the facility needs of our Reserve Forces, I believe they do provide significant relief. While I hope Congress will continue to provide such relief whenever necessary, I also strongly encourage the administration, in future budget requests, to address these needs in a more responsible manner.

APPOINTMENT OF PERSON FROM PRIVATE LIFE AS MEMBER OF THE NATIONAL COUNCIL ON PUBLIC WORKS IMPROVEMENT

The SPEAKER. Pursuant to section 104, Public Law 98-501, the Chair appoints as a member of the National Council on Public Works Improvement the following person from private life:

Mr. Peter C. Goldmark, Jr., of New York, NY.

NICARAGUA PERPETRATES ANOTHER CROSS-BORDER INCIDENT

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, about the time this past Monday when we were passing a resolution expressing support of Costa Rica's neutrality, Nicaragua was in the process of violating it.

This second cross-border incident in 4 days only serves to reconfirm the Sandinista regime's aggressive intentions. Last Monday, a Costa Rican helicopter flying near the border was fired upon from Nicaragua as it tried to rescue the body of a civil guardsman who had been killed by Nicaraguan soldiers on Friday. Also, on Monday, other Costa Rican civil guardsmen were attacked by Nicaraguan soldiers along the border.

The evidence indicates that Sandinista army soldiers conducted a deliberate and unprovoked attack on a civil guard unit inside Costa Rica resulting in the deaths of two guardsmen and the wounding of nine others. There is no evidence to support the Sandinista claims they were pursuing Contra forces in the area.

The attacks on Costa Rica in the last week following the attack on Honduras last month demonstrate the Sandinistas do pose a military threat to their neighbors. You would think the Sandinistas would have learned something about timing, at least, after Ortega's trip to Moscow. They should at least recognize that provocative acts against their neighbors won't reinforce their case in the Congress as we consider aid to the democratic resistance in Nicaragua.

At Costa Ricas request the OAS has passed a resolution sending a team, including the Secretary General to investigate.

SPYING HAS BECOME AN EPIDEMIC FOR DOLLARS IN OUR SOCIETY

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, according to the Department of Justice and the Federal Bureau of Investigation, never before have so many individuals been awaiting trial on espionage charges in the United States. As of today, including the 4 individuals who have been arrested for espionage in the Walker case, there are presently 22 individuals who have been charged with espionage and are either awaiting trial or are on appeal. Spying has become an epidemic for dollars in our society.

In today's Washington Post, Bobby R. Inman, former Deputy Director of the CIA, was interviewed regarding our present crisis in national security due to the increase in instances of spying. Mr. Inman's position is right on the mark. We need to increase the penalty for espionage to life imprison-

ment without parole if the death penalty is not invoked.

H.R. 2697 which I introduced last week accomplishes just that by making the penalty for espionage a true life sentence, one without parole and probation and not subject to suspension.

Traitors need to be physically removed from society never to return. Let's throw away the key.

IMPOSITION OF DEATH PENALTY FOR CERTAIN CAPITAL OFFENSES

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today I am introducing a bill which would amend title 18 of the United States Code to establish explicit criteria for the imposition of the death penalty for certain capital offenses.

While the Supreme Court never specifically voided the death penalty, it made abundantly clear in the case of Furman versus Georgia that Congress and the States must explicitly define procedures to be followed in imposing that ultimate penalty.

Many States, including Arizona, acted promptly following that decision, but Congress has never done so. While we have added to Federal statutes crimes covered by the death penalty, we have never enacted the provisions that would make that penalty legal. My bill will correct that glaring inequity. The provisions contained in this bill are, I believe, sufficient to satisfy constitutional requirements for a discretionary capital punishment process.

It is the moral imperative of a just society to express its outrage at crimes so inhumane and heinous that people who commit them forfeit their own right to life. As the Supreme Court stated in the case of Gregg versus Georgia: "The instinct for retribution * * * serves an important purpose in promoting the stability of a free society."

I urge my colleagues to join me in cosponsoring this important legislation.

PATRICK BUCHANAN: WHITE HOUSE GAFFE DIRECTOR

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, President Reagan ought to change Patrick Buchanan's title to White House Gaffe Director. He certainly has all the right credentials.

It's obvious why Buchanan is reluctant to talk to the press. It's not that he's shy. It's tough to talk with your foot in your mouth. Some days he gets both feet in.

Recently he is reported to have said that the Reagan tax bill will force women to stay at home. This must be startling news to Justice Sandra Day O'Connor, Prof. Jeane Kirkpatrick, Transportation Secretary Elizabeth Dole, and HHS Secretary Margaret Heckler, not to mention the more than 50 percent of U.S. families where the female spouse works outside the home.

The point is that increasing the personal exemption is long overdue. I have introduced a bill that increases it to $2,600. It will help small families; it will help large families. It will help families where both spouses work as well as those where one spouse works.

If the resulting increase in family net income means some spouses, male or female, can, by choice, work less—that's fine. If they want to use the extra income to save for their children's education or a family vacation or to hire help in the home, well, that's fine also.

But increasing the personal exemption won't force anyone to do anything.

□ 1210

ALCOHOLICS ANONYMOUS—50 YEARS OF RECOVERY, UNITY, AND SERVICE

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHANDLER. Mr. Speaker, 50 years ago today, at about 9 in the morning, a doctor on his way to surgery was handed a beer to steady his nerves. No, Mr. Speaker, this isn't a story about malpractice. It is a story about recovery.

The physician was the beloved "Dr. Bob," the cofounder of Alcoholics Anonymous. The beer, given to him by a sympathetic New York stockbroker, was the last drink this hopeless alcoholic was ever to take.

Incidentally, Dr. Bob—Bob Smith—performed the operation without a hitch. In all likelihood, his patient didn't know that one of the most significant movements of the 20th century, Alcoholics Anonymous, had just come into being.

The story was a simple one—one alcoholic helping another—and it was to repeat itself over 1 million times over the next 50 years.

Mr. Speaker, the success of this remarkable society in mending the broken lives of so many who have suffered the ravages of alcoholism can only be understood by those who have seen the destruction of this terrible illness and the hope and joy of recovery.

Before concluding, though, I would like to mention the debt of gratitude that AA owes to the late Henrietta Seiberling, the mother of our esteemed colleague from Ohio. In the words of Bill Wilson, AA's other cofounder: "What Alcohlics Anonymous owes to her will always be beyond anybody's reckoning." It was she who brought the New York stockbroker and the Akron physician together.

Mr. Speaker, yesterday's edition of the Washington Post included an exceptional article, by Robert H. Williams, about AA's 50th anniversary, which I would like to commend to the attention of my colleagues and insert in the RECORD at this point.

[From the Washington Post, June 9, 1985]

WHEN "DR. BOB" TOOK HIS LAST DRINK, MILLIONS WERE SAVED

(By Robert H. Williams)

"Are you a friend of Bill Wilson?" It's an ordinary enough kind of a question, and it's asked probably a thousand times a day somewhere in the world, and if it doesn't mean anything to you, it is a genial code phrase for at least a million people who know that the late Bill Wilson, also known as Bill W., was one of the co-founders of Alcoholics Anonymous.

The question, innocent enough, helps one AA member identify another in social settings, stores, on the street and at the beach and in the work place. It is usually asked when one AA suspects that another person is also in the fellowship of Alcoholics Anonymous and wants to say hello in that context. The tip-off has to do with some of the outward signs that a man or woman has recovered from alcoholism through the granddaddy of all self-help programs, a set of clear, attentive eyes and the confidence that comes with knowing exactly how and under what circumstances one has escaped an ugly life and an even uglier death.

What Alcoholics Anonymous is is a million-plus souls walking the land freed from the fear of dying of a drug or alcohol overdose, dying an ugly death of bloated liver and yellowed skin, of fiery car crashes or gunfire, much of the latter being self-inflicted. Every AA meeting consists of a handful, or more, of human beings who had, essentially, been written off by society as hopeless.

Most AAs can tell you what day they had their last drink. Many can tell you the hour and minute. All lead up to telling you how they stopped with one version or another of two simple words: "Something happened."

That "something" will be celebrated this month in 114 countries around the world as the fellowship of Alcoholics Anonymous observes its 50th birthday. Monday, the half-century mark for AA, will mark the exact beginning of Alcoholics Anonymous: with the last drink of Dr. Robert Holbrook Smith, a surgeon and co-founder of AA.

That "something" that will be marked has to do with the darkness that comes with the realization that a person has had his last possible ounce of alcohol, white wine, muscatel or Scotch. As the bottom nears for an alcoholic, the normal reactions and feelings of a human being are replaced by an overwhelming fear—blind, unreasoning fear of impending doom. At this stage the alcoholic may be afraid to leave the house, to drive a car, even to leave, yes, the bed. It is a fear of nothing and of everything, a dread that, possibly, retribution (for what?) is at hand.

And finally, after days or weeks or months or years of "maintenance" drinking, keeping

enough alcohol in the system to stave off withdrawal symptoms (such as convulsions, DTs and hallucinations), in the words of the immortal Roberto Duran, the alcoholic will simply say *"No mas, no mas,"* and stop it.

He may accompany this act of the last drink with the magical three words: "Please help me."

This can be reduced to two words, and then one, "Help," and then, AAs will tell you, it is possible to begin the recovery from fear, guilt, anxiety, rage and, if the alcoholic is lucky, many of the physical impairments that go along with alcoholism.

What AA offers to the person who had decided not to drink anymore is in the words of the preamble that is read at the start of every AA meeting. It begins: "Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism."

There is little organization in AA, and it has been called the anarchy that works. Groups form, almost spontaneously, and find a place to meet. Many groups meet in church basements, in office buildings, in recreation centers.

At the basic "closed" (members-only) AA meeting a leader presides, reading the preamble, choosing a topic for discussion, or amplifying on whichever of the 12 steps of AA is to be discussed that hour. Generally the leader will relate the subject (it may be "gratitude," or "tolerance" or even "how did your day go?") to his own life and drinking experiences, and tell part of his "drunkalogue" to the group, which may number from five or six to as many as 40 or 50 or more members.

Each person in the meeting, then, may have the chance to address the subject, or just "dump," if he chooses, telling of a current problem with wife, dog, lover, boss or cab driver. Most experienced AAs say they find most of their real problems within themselves, and that the catharsis of "dumping" helps the solution to present itself.

"Open" meetings, which may be attended by anyone (few sightseers are reported at meetings around Washington), are less candid and more general in nature than the closed meetings, and at the third type of meeting, the "open speakers' meeting," a leader might bring two alcoholics who will each tell his story for about half an hour: how he began drinking, what it was like, how he got to AA and how life is today. Almost invariably, the point of surrender to the powerlessness over alcohol is expressed in a phrase very close to "Something happened."

The story of this remarkably successful organization starts with William G. Wilson, a riches-to-rags stockbroker and Wall Street hustler. He had been diagnosed as a hopeless, chronic alcoholic, doomed to apparently endless hospitalizations and then mean death or insanity. In one of these hospitals, Wilson in November 1934 had what he described later as a spiritual experience, and never had another drink.

He had been hospitalized several times before, and this last time, in October, he was 39, drunk, impotent, angry and depressed, and after a flash of light that filled his room, he was to live a life of service to others and die sober in Miami Beach on Jan. 24, 1971, at the age of 75, at which time his full name, picture and story were carried by the media worldwide for the first time. He had been, well, anonymous.

After preliminary recovery, but still shaky (experts in the field of alcoholism estimate, that it takes a month of sobriety for every year an alcoholic drank, just to clear his system of the physical effects of booze), Bill W. went to Akron on a business trip. The trip turned out to involve results other than what our protagonist had expected, and he found himself craving a drink, a typical alcoholic response to unexpected events. He knew he would drink again unless—unless what? Then it came to him that if he could find another alcoholic to talk to, perhaps the two of them could do what he alone could not.

He made a few telephone calls, and through a rather involved route found "Dr. Bob" Smith, another "hopeless" alcoholic.

Bill W. had been exposed to the Oxford Group, a sort of spiritual predecessor of AA, which had had only limited success in helping anyone get sober. One of the things he had learned is that an alcoholic will listen to another alcoholic who knows what he's talking about when it comes to booze, and no one else. And in Akron that evening in May, 1935—dry only a few months—Bill W. knew he was doomed if he could not find another alcoholic, drinking or not, to talk to and, if possible, help.

So exactly what transpired between Bill W. and Dr. Bob—who had been drinking alcoholically since medical school—was that the latter found that he was not alone nor was his problem unique, and that here was somebody who had been there and knew the territory and could show him a way out. Bill W. wore the mantle of total credibility. And Bill W. not only found an alcoholic to help. In the course of helping Dr. Bob, he lost his desire to have just one drink.

That seems to be the basis for the simple magic of AA: The laughter in the rooms where anonymous alcoholics gather is the laughter of those who have been at the gates of hell and been restored; the men and women there laugh at their own problems and understand those of the newcomer.

The founding date of June 10, 1935, for Alcoholics Anonymous was selected because that was the day of Dr. Bob's last drink. This last drink Dr. Bob had was a bottle of beer Bill W. slipped the good surgeon on his way into the hospital to perform an operation. This last drink was to steady his hand.

Dr. Bob was to die, sober, in November 1950, 15 years later. It is is estimated that he personally treated more than 5,000 alcoholics during that period of his life, at no charge, and that he was never free of the compulsion to drink until his last breath, a rarity among those who recover from alcoholism in the fellowship he helped create.

His last words to Bill W. were said with a wink: "Remember, Willie, don't louse it up. Keep it simple."

The remarkable thing about AA is how it has been kept simple and functional by its members—men and women who are notorious for their talents at complicating, say, a two-car funeral.

The simple part of AA is that it offers 12 steps to recovery, the 12 steps that have formed the basis for almost every other program of "self-help," including Neurotics Anonymous, Narcotics Anonymous, Impotents Anonymous and similar groups for overeaters, cancer victims and gamblers.

The steps are all "suggested," which recognizes the alcoholic tendency to resist authority in whatever uniform it appears. And alcohol is mentioned in only one of them, the first: "We admitted we were powerless over alcohol, and that our lives had become unmanageable." It is suggested to newcomers that this step is the only one of the 12 that can ever be done perfectly.

An AA member has got to cut some sort of a deal with himself and a "higher power" about the business of drinking. Bill W. said he had a literal spiritual experience, with a blinding flash of light. Most AAs enjoy what is called a spiritual "awakening," a simple coming to accept that there is a power greater than one's self, a power that can lift the compulsion to drink alcohol and, by extension, much, much more.

So a prospective AA member is told that, yes, the AA program might work for him if he stopped drinking, and it is usually at this time that "something happened."

It might be in the middle of a moonless night when a man who had been unable to go without an infusion of ethanol for four hours for the past 10 years pours his white wine (reduced to this from half a gallon of bourbon a day because of decreased tolerance) back into the jug and decides to be serious about not drinking. "Something happened," he will report after a comfortable period of sobriety.

Or a housewife who has been chained by Scotch whisky to her isolated bed for five years might look through the cobwebs of a treatment center window and know that all she has to do is go downstairs and join the group to begin her recovery. "Something happened," she will report after she has taken some new place in society.

That "something" is that, when an alcoholic is able to admit utter defeat and utter powerlessness over alcohol, he is stripped, at least temporarily, of that will power that has failed him so often and so dramatically. He is forced to rely on something else: a power greater than himself.

AA emphasizes to newcomers that this decision to stop drinking need be only for today. You can drink tomorrow, if you choose, but just for today you don't have to. This is very simple stuff, but remarkably effective with people who for years had begun every grocery list with liquor.

Now Alcoholics Anonymous is not your run-of-the-mill social gathering, and I have never heard of anybody saying, for instance, that the bowling alley seems to be crowded tonight, why don't we go see what one of these AA meetings is like?

If some kind of black light were to be rigged at the door of one of those church basements, it would certainly detect a footprint on the seat of the pants of almost everybody coming in, at least for the first visit. The footprint might be that of a spouse, a lover, or a judge, but more frequently an employer, because the job, ergo the wherewithal, is that important.

But those who get there and stay find that once they have admitted that they are powerless over alcohol there is some help. It begins there, with the surrender. The AAs don't ask anybody to believe in God, or anything else. What you can believe is that yesterday morning you had to have a drink to get your day started and today you didn't.

This is where the magic begins, magic in terms of the workings of the mind and soul. As it begins to dawn on a new AA member that he hasn't had a drink now for a day—two days, a week, 10 days, what? a month!—he can see that although the rest of the steps do not mention alcohol, they have built into them a formula for stripping away the sorts of thinking and behavior that led to the escape-drinking that led to the compulsive-drinking that led to the swollen liver

and the red eyes that looked back at a hated face in the mirror.

Don't drink, say your prayers and get to a meeting is the admonition given to new members. There is more advice to come:

Get a sponsor (someone to begin to trust, for once in your life, and explain to you what the program is and maybe tell you the next thing to do is brush your teeth).

Read the Big Book. ("Alcoholics Anonymous," written by Bill W. and Dr. Bob and the first 100 AAs to get sober. It was first published two years after AA's founding; it sold its 4 millionth copy this last winter.)

Keep coming back, keep it simple, first things first, easy does it, one day at a time, until the cynical drunk begins to suspect he's a victim of a bumper-sticker mentality.

He is also told he should get to a meeting a day for at least 90 days. At the end of that, he may be told, if he isn't fully satisfied "your misery will be fully refunded."

It isn't hard to find 90 meetings in 90 days in the D.C. area. There are an estimated 1,000 meetings a week here now.

The magic of AA is simply a relationship between people that works. Psychologically, it involves a sort of transference that would make most shrinks suicidal with envy. As a prospective fellow of AA begins to recover from the effects of continued ingestion of a toxic substance, he looks around and usually "connects" with one person in one meeting. That person will have that certain something—the clear eye, the stride, the self-confidence and the self-esteem and the apparent joy of living. He will express this by what he says during the meeting and afterward. And the newcomer will want all those things.

This may be the person the newcomer asks to be his "sponsor"—a member more senior in terms of years of sobriety who is available to steer the newcomer into the steps of the program and provide a ready ear for all sorts of personal problems, the way Bill W. learned with Dr. Bob.

This connection need go nowhere, not even sponsorship. But, once made, it is transferable, first to several members of the group and then to the group itself. (Many AAs urge newcomers who consider themselves atheists or agnostics to use the group as a power greater than themselves for the time being.) In extreme cases of recovery, the transference is then made from the group to the entire AA fellowship and then, saints preserve us, to society in general.

This connection/transference is made during the meetings, where at the same time the underlying principles of the AA 12 steps are toyed with and examined and teased and discussed endlessly (but an hour at a time, the AA propensity in this area being to start and stop meetings on time, unlike the churches many AAs fled). The principles, not so oddly, are tolerance, patience, honesty, open-mindness, willingness, humility, gratitude and other things taught Boy Scouts but forgotten quickly by those whose reluctance to grow up emotionally can lead to serious chemical substance abuse.

Not everybody gets to Alcoholics Anonymous. There are an estimated 300,000 to 400,000 alcoholics in the Washington metropolitan area alone, according to Joe Wright of the Washington Area Council on Alcoholism and Drug Abuse. Of these, 35 percent, or 40 percent at the outside, may touch a form of help, if nothing more than counseling with a clergyman, or AA, or perhaps formal treatment at a hospital. The other 60 percent will continue their course of untreated alcoholism to its abysmal end.

Of the lucky 40 percent, better than half will go back to the booze and stay there until dead or insane.

Of the remaining 20 percent, 10 will find and make the sobriety grade for three to five years, and the other 10 will vacillate in and out of AA (members call this "slipping" or "relapsing"), with 5 percent eventually getting more-or-less permanent, or at least long-term, sobriety in AA. A 1983 survey found 30 percent of the members women, with 20 percent of all members under the age of 31.

And none of them will ever graduate. Nobody ever gets completely well in Alcoholics Anonymous. When you are cured, one old-timer said, they hang you on a hook in the packing house. Nobody ever graduates, although many sober up and never go back to meetings. Sobriety is viewed there as a process, not an event. A few go back out there after long years of sobriety, and it is a lot harder for them to get back on track than it is for those who relapse early in their first brush with newfound sanity.

See, the deal cut with a higher power in the middle of the night is to put the cork in the bottle, the plug in the jug. That is up to the alcoholic to do, a day at a time. The steps of the Alcoholics Anonymous program are intended to give the alcoholic a way of life based on gratitude to whatever that power was that made the dark go away.

THE ALCOHOLICS ANONYMOUS WAY

These are Alcoholics Anonymous' 12 suggested steps of recovery:

1. We admitted we were powerless over alcohol—that our lives had become unmanageable.
2. Came to believe that a Power greater than ourselves could restore us to sanity.
3. Made a decision to turn our will and our lives over to the care of God as we understood Him.
4. Made a searching and fearless moral inventory of ourselves.
5. Admitted to God, to ourselves and to another human being the exact nature of our wrongs.
6. Were entirely ready to have God remove all these defects of character.
7. Humbly asked Him to remove our shortcomings.
8. Made a list of all persons we had harmed and became willing to make amends to them all.
9. Made direct amends to such people wherever possible, except when to do so would injure them or others.
10. Continued to take personal inventory and when we were wrong promptly admitted it.
11. Sought through prayer and meditation to improve our conscious contact with God as we understood Him, praying only for knowledge of His will for us and the power to carry that out.
12. Having had a spiritual awakening as the result of these steps, we tried to carry this message to alcoholics and to practice these principles in all our affairs.

TAX CODE FAIRNESS TO WORKING WOMEN

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, once again a spokesperson for President Reagan's administration has revealed the administration's appalling insensitivity and ignorance about working women.

I refer to the statements this weekend by the President's Director of Communications, Patrick Buchanan, that the President's tax plan encouraged what he termed "traditional" families, with a working husband and a stay-at-home wife.

Mr. Buchanan's comments ignore the fact that 53.9 percent of adult women are in the labor force or seeking to enter the labor force. And why do a majority of adult women work? The answer is so obvious you would think even the administration could figure it out. Economic need. According to the Bureau of Labor Statistics the majority of women who work do so because of economic need, and half of these working women have children. Shouldn't the Tax Code be fair to them too?

Apparently, Mr. Buchanan's comments are just fine with the administration. The official response from the White House—silence. But the working women of America are becoming used to the Reagan administration's silence on their needs.

FAMILY EDUCATION ASSISTANCE ACT

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in recent years there has been a great deal of discussion, both nationally and in Texas, about the need for improvement in our educational system. There are problems at every level; elementary, secondary, and college, and the one problem common to all is too much Federal control.

The more the Federal Government funds local education, the more it is able to dictate how our local schools are run. The more the Federal Government funds college education, the more it is able to dictate who can go to college. In both instances, family involvement is greatly diminished, and that is the first problem that needs to be addressed.

How can we get family responsibility back into education? One way is to make it easier for families to fund their own children's educations, rather than allowing the Federal Government to tax money with one hand and pass it out with the other.

Last week I planned to introduce legislation to eliminate the Federal middle man. The Family Education Assistance Act of 1965 would allow parents to set up special tax-free education savings accounts [ESA's]. Parents, or students themselves, could contribute up to $1,500 per year to an

ESA. The principal and accrued interest would remain tax-exempt as long as the account was being used for legitimate educational expenses—tuition, room and board, etc. The funds from the account could be used to send students to any college, university, or vocational school; public or private.

Judging from the widespread support of individual retirement accounts [IRA's], education savings accounts should prove popular. The more that families use ESA's, the less the demand for federally funded student loans and grants. That would return control back to parents, while also helping the overall economy by providing incentive for savings.

My bill would make the application of Federal programs more fair. I recently spoke with Secretary of Education William Bennett during an Education and Labor Committee hearing, and he agreed that it is wrong to tax a single mother, or a janitor working two jobs, to provide money for a doctor to send his children to expensive private colleges.

ESA's eliminate the inherent unfairness of Federal programs, and puts the responsibility in the hands of the parents—the ones who care most about their children's education. When parents have greater choice in the education of their children, the educational establishment will respond to the powerful force of competition. When parents are able to secure a child's education based on quality rather than availability of Government funds, the quality of our public school systems will vastly improve.

Just as Federal intrusion in the marketplace distorts priorities and quality, so it does in the field of education. The enactment of the Family Education Act of 1965 will give parents greater freedom in deciding where their children will attend school, and how well those schools will be run.

FARM FAMILIES LOSING WHAT THEY WORKED SO HARD TO CREATE

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, at some farm meetings I held in North Dakota a while back, one farmer stood up and said something I want to share with the Members of this House. He said if there was one success in this country that we could trumpet to the world, it would have to be the development of the most effective food producing system in the history of civilization. But that farmer added, if there is one shame we must confess to the world, it's that we allowed so many family farmers who produced that food to go bankrupt because of failed public policies.

This is the year that the Congress is going to write a new farm bill. We have a chance to reform those failed policies. Here's tangible proof that we need to do that. One farmer near Dickinson, ND, clipped out of newspapers within a 90 mile area, all of the auction sale notices for a 30-day period. He sent them to me to demonstrate how many family farmers are losing their farms. Here are those clippings. Each and every one of them represents a young man or woman or a farm family losing what they've worked so hard to create.

This country had better wake up before it loses its most valuable asset. Family farmers are the strength of this Nation, and yet we have Government programs that reward the giant agrifactories and force the little guys out of business. That's a disaster in public policy that I hope we can remedy this year. These people deserve a chance to make it, and America needs to have them make it.

TAX REFORM SHOULD BE FAIR TO ALL FAMILIES

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, the President had made a big point that his tax reform plan is pro-family. Now we hear from his White House Director of Communications, Pat Buchanan, that the plan is really pro-family for one kind of family: The traditional family type with a breadwinner husband, a homemaker wife, and lots of children.

While this kind of family deserves tax reform like any other, the fact of the matter is that less than one out of four American families fit the traditional mold. The fact is that husbands were the sole earners in only 22 percent of all American families last year. The fact is that the number of husband and wife two-earner families has grown from 34 percent of all married couple families in 1970 to 52 percent in 1984. The fact is that nearly 60 percent of married mothers with children under five are in the work force. The fact is that the number of families maintained by the mother alone has nearly doubled over the last 10 years, and now account for nearly one-fifth of all families.

It is fine for this administration to claim to be pro-family, and I am, of course, pro-family—but to truly be pro-family, you have to recognize that families come in many varieties. I, for one, intend to work for a tax reform package that is fair to all families, and not one that will make life more difficult for the women of this country who work hard outside the home to help support their families.

TAXPAYERS' BILL OF RIGHTS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, it's a simple case of mistaken identity—according to the Internal Revenue Service.

That's what they told one of my constituents, after he spent months trying to find out why a lien had been placed against his property.

It seems that the Internal Revenue Service had intended to place the lien on another man by the same name—but had acquired my constituent's Social Security number instead—and slapped the lien on him—"by mistake."

The problem—now months old—still has not been corrected. The Internal Revenue Service still has not acted—and my constituent's credit has been jeopardized—all because of a "mistake."

This is not the first time such an error has occurred, nor is it the only example of why I introduced the taxpayers' bill of rights—a bill designed to prevent the Internal Revenue Service from violating citizens' rights.

For example—my bill requires the Treasury to prepare a public statement of taxpayers' rights and obligations. If deprived of such—the taxpayer could take legal action against the Internal Revenue Service personnel who abuse those rights. And—taxpayers who prevail in an appeal before the tax court would be awarded costs.

My bill has other provisions to protect taxpayers from being threatened by the Internal Revenue Service. This legislation is exactly what its name describes—the taxpayers' bill of rights.

Isn't it about time?

□ 1220

PROPOSED AMENDMENT SEEKING ANSWERS ABOUT SDI

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, I have placed in the amendment box for H.R. 1872 the following amendment which I believe is a sound legislative proposal. It reads:

AMENDMENT TO H.R. 1872 AS REPORTED, OFFERED BY MR. BENNETT OF FLORIDA

At the end of Title II, add the following new section:

Section 207(a). That at the time of submission to the Congress of the requests by the Department of Defense for fiscal year 1987 expenditures for the Strategic Defense Initiative, said Department shall inform Congress as to:

(1) What probable responses can be expected from potential enemies should the Strategic Defense Initiatives be carried out to procurement and deployment, such as what increase may be anticipated in offensive enemy weapons in an enemy's attempt to penetrate the defensive shield by increasing the numbers or qualities of its offensive weapons;

(2) What can be expected from potential enemies in the deployment of weapons not endangered by the Strategic Defense Initiative, such as cruise missiles and low trajectory submarine missiles;

(3) The degree of the dependency of success for the Strategic Defense Initiative upon a potential enemy's not deploying anti-satellite weapons;

(4) Whether it would be in the best security interests of the United States to share our discoveries in the Strategic Defense Initiative studies with potential enemies as a way of discouraging their offensive weapons buildup, as has been suggested by the Administration; and

(5) The cost estimates for the proposed Strategic Defense Initiative, not only in research and development but itn procurement and deployment,

(b) Of the funds appropriated pursuant to the authorizations in Section 201(a) for research, development, test and evaluation, the sum of $25,000,000 shall be available to the Department of Defense to complete the studies required for the information sought in Section 207(a).

Mr. Speaker, I have attended the House Armed Services Committee briefing and hearings on the strategic defense initiative. My impression is that if this plan is carried out it will be the most expensive project ever undertaken by mankind. As a fiscal conservative that worries me some; but not enough to reject the plan if it is valid. What I heard the witnesses say left me with questions which I have addressed in this amendment. I sincerely hope that it will be adopted because the American people and our national security are at stake.

For instance, what percentage of missiles fired at U.S. targets will get through, despite the proposed defensive weapons? Wouldn't a cheap answer by an enemy be just to multiply the missiles sent our way; or to concentrate on weapons not addressed the SDI, like cruise missiles? It has been urged that it would be frustrating to the enemy not to know which of his ICBM's would arrive on a particular target. But considering that each would probably be worse than 100 Hiroshimas wouldn't the damage be nevertheless unacceptable to us? Would the SDI then encourage a response that would be affordable to the enemy but devastating to us? We should get answers to questions like this and the others asked in order to be sure that the chartered course really assists our security.

PAT BUCHANAN'S BRAND OF "CONSERVATISM"

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, Ronald Reagan has had a problem. To try to pacify his right wing, which gets a little uneasy when he gets excessively chummy with the regime of Communist China or hesitates to repudiate SALT II, he has brought Pat Buchanan aboard.

But there is a problem with that. Pat Buchanan's most recent public statements before joining the White House included a defense of the apartheid regime of South Africa and an attack on the anti-Nazi effort of the Justice Department, so they tried for a while to have Pat Buchanan there and not let him say anything publicly. But that did not work because people wondered why the Director of Communications was so noncommunicative.

So they let Pat Buchanan out, and I think they are going to have to put him back in again because on Friday he announced that one of the major reasons for the President's tax bill is to punish such neosocialist States as the State of California and also to protect the traditional family as he defines it. In other words, men and women and young people in this country can benefit financially if they live their private lives and govern the most intimate details of their lives in a way that Pat Buchanan approves.

Now, individuals are entitled to whatever views they want about traditional family or nontraditional family or family traditions, but for the Federal Government, as Pat Buchanan tells us, to say that the Tax Code shall be used as an instrument to dictate to people or influence people in the most intimate details of their private lives is an extraordinarily intrusive action.

I had thought genuine conservatism sought to keep the Government out of certain areas. Having a Federal tax proposal which Pat Buchanan tells us is intended to impose his particular views of whether or not a wife should work and how many children people should have, if that is genuine conservatism, then Caspar Weinberger is a management efficiency expert.

PERSONAL EXPLANATION

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, last January I accepted an invitation to give the commencement address for the 1985 graduation ceremony of Whitesburg High School in Whitesburg, KY. The date: June 4, at 8 p.m.

I was indeed pleased to have been invited to give the commencement speech to the 193 Whitesburg High School graduates and accepted for a number of reasons, including the fact that the school is my wife Carol's alma mater.

It so happened that I missed the vote ordered on House Joint Resolution 192, to designate April 24, 1986 as "National Day of Remembrance of Man's Inhumanity to Man."

I would have voted "no" on House Joint Resolution 192. I do not believe Congress should become involved on an annual basis in passing a measure that would embarrass Turkey, an important NATO and political ally of our country. Indeed, I believe Members of Congress should try to be friendly to both Americans of Armenian and Turkish descent.

Attempts to pass House Joint Resolution 192 under suspension of the rules failed last Tuesday.

I urge the promoters of this resolution to abandon their efforts during this 99th Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:55 p.m. on Friday, June 7, 1985, and said to contain a message by the President whereby he transmits the eighth annual report of the National Institute of Building Sciences.

With kind regards, I am

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, U.S. House of Representatives.

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance, and Urban Affairs:

(For message, see proceedings of the Senate of Friday, June 7, at page 14845.

THE LAKERS BRING NBA TITLE BACK TO LOS ANGELES

(Mr. DREIER of California asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, in the words, of the famed poetess Marianne Moore: "I am troubled, I am dissatisfied, I am Irish." More appropriate words could not have been written to describe the fate of the Boston Celtics following their sound drubbing by the mighty Los Angeles Lakers. Behind the guns of Kareem, Magic, Worthy, Rambis, and the "Big Mac," the team that hark's from the city of Angels rose to the occasion yesterday to win their second NBA championship in 4 years. This time, the guardian angel prevailed.

The Lakers proved that they are the best team in basketball. And as always, there it talk of an impending dynasty. After watching the Lakers' poise, talent, and aggressiveness, this is no doubt true. Congratulations are in order for the Los Angeles Lakers. But for the rest of basketball—just a warning that the best is yet to come.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker I rise at the outset of this week, given the opportunity to do so, before we go into a rather crucial period with respect to whether or not the Congress is going to sanction the up to now undeclared Presidential war that has been carried on by President Reagan in Central America for about 2 years and a few months. We have surrounded that area with the heaviest military presence in the history of that part of the world.

Simultaneously with his announcement of the deployment of those forces some 2½ years ago, he announced the formation of what he called and described as a bipartisan Commission on Central America. On it he named several Members of the Congress, some from the House including the distinguished majority leader, and some from the Senate including the Senator from Texas, Mr. BENTSEN. Also on that array of Members was the distinguished colleague who happens to be the chairman of the Subcommittee on Latin American Matters of the Foreign Affairs Committee.

At that time in my area, the big news was that the President had also chosen the very illustrious and dynamic mayor of my city of San Antonio.

At the time that the announcement was made of the formation of the commission, the President in the next breath announced the deployment of the massive military presence in that part of the region of the new world on both the Pacific as well as the Caribbean sides.

Since then we have had a number of our active duty servicemen killed while serving in some yet to be precisely defined capacity. Along the Honduran-Nicaraguan border we have had some fatalities and some of them have been enshrouded in quite mysterious circumstances.

In the beginning, the President stated categorically that in his opinion the regime in power, the so-called Sandinista group, was antithetical to the best interests of our country, that he had information to show that there was a very heavy presence of both Cuban Castroite forces as well as Russian. He then went on ahead and had some television presentations of what were supposed to be sites for aircraft landing, and also brought in the question of Granada. Now this was in anticipation of what transpired that grabbed the headlines shortly after the murder of the 241 marines in Beirut. At that time the headlines were not focused on Central America except sporadically as various events took place in the other Central American neighboring country of El Salvador, so that never have we had a clear coherent picture as we have progressed from stage 1 to stage 2, 3, 4, and 5 in Central America, because the big issue, which also was sporadic—if I recall correctly, in 1982, in June, the big headlines had to do with the disturbances in Lebanon and the fact that the President saw fit to send a smaller contingent of marines, and then with them some Italian and French. But they were pulled out as soon as it looked as if there was some order restored. But then followed the developments that were bloody, very disturbing and apparently the President felt that the national interests dictated that he deploy 2,000 or more marines battle equipped into Beirut.

The ostensible purpose was actually as first outlined, two reasons. One was to try to preserve the order, especially after the massacres in the Shatila and Sabra refugee camps, or refugee camps, whichever point of view one wants to look at that from.

Second, to shore up the Gemayel regime. At that time I raised a question and directed a letter to the President asking in lieu of the fact that the matter was still in a very disturbing state in Central America and that he had also requested a somewhat small increase in the official number of military advisers that he wanted in El Salvador, though unofficially I had good reason to know, I had been very faithfully and credibly informed that the actual number of our active duty military was about some five times greater than what the official count of so-called advisers was given to the Congress, but the counts when taken were not taking into consideration the moving out temporarily from one area into another across the border say into Honduras or temporarily for some yet to be described purpose in Costa Rica or just outside of the boundaries of El Salvador for the count. As soon as the count was taken, we had a redeployment of a greater number of active duty military; I mean special forces elements and others. Some of them were actually going out into the field, even though they were in an advisory capacity and the fact that they were equipped for conditions that would have made it incumbent under the 1974 War Powers Limitations Act for the President to report within 60 days to the Congress, which fact he has never done; so that in the meanwhile in addressing my letter to the President, the question was I think fundamental: "What is the mission of the marines in Beirut, Mr. President?"

He never replied, because this is the first President of six that I have worked with that does not reply to a Congressman's letter; rather, he has some unknown staff aide say that they acknowledge receipt of the letter; but subsequent to that, and if I remember correctly, the month of December 1982, one newspaper reporter in asking that question finally elicited a reply for the record and the President said they were there for the purpose of peace keeping mostly, particularly peace keeping.

It was after that and the refusal to get any kind of a credible answer, either from the Defense Department itself, the State Department or the executive branch, that I took the floor and kept asking the question, because anybody even superficially acquainted with the complex situation historically and otherwise in Lebanon knew that the Gemayel regime was only one of four factions; so that if we sent warriors—the marines are not diplomats, as I pointed out to the President. They are not politicians. They are fighting men. They are trained for that purpose. They are soldiers, so that if we call upon soldiers to carry out a function, it is a fundamental promise that the mission must be crystal clear, that you cannot go and continue to go, as we have in these encounters, ranging all the way from the Korean, even though there there was perhaps somewhat of a coherent policy, inasmuch as we did not go in unilaterally. We went under the aegis of the United Nations; but particularly in Vietnam and particularly I would say preceding that, and I think the first evidence to me of what I have been worried about since the 1947 Reorganization Act was the Bay of Pigs. I felt and I said so at the time, though I never thought I would be in the Congress at the time, that there was something fundamentally flawed, that that would not have happened under the old War Department system, under the old Secretary of War setup, because if we have entered

an era in which we have complex social-political-military problems, if we reach the point where we have failed diplomatically, and no country ever resorts to the soldier unless he has first failed diplomatically, and if we have confessed our failure in diplomacy and therefore call in the military, it is essential that we have a clear, coherent policy; for "If the trumpet soundeth an uncertain sound, then who can truly rally to the call to fight?"

And this is exactly what happened. The objectives were muddied. Nobody really understood the fundamental purposes. Men were dying in the meanwhile; some were, some were not.

And, of course, you do not have to be an expert to know that we would have terrible social divisiveness in this country. It just shatters me to think that we have learned nothing from those experiences. And I thought that certainly, even though the fragile set of signs, the Reorganization Act of 1947 that created the Defense Department, I felt certainly that a Commander in Chief would adhere or certainly be amenable to a unanimous advice on the part of the Joint Chiefs of Staff. These are the top professional military. Our country has invested in them huge sums. We set up all of these service schools. We set up the academies, and these are the graduates of these academies, and these are the experts.

Yet in the case of Beirut the President for 14 months willfully, callously, totally disregarded the unanimous advice of the Joint Chiefs of Staff that the Marines had no business under those circumstances in Beirut.

We live in a day and time in which leaders will accept responsibility tirelessly, as they did after they had the post mortem and they called the poor military and said, "Hey, you better investigate," and "How could this have happened, how could you have allowed this to have happened?" And they said, of course, that it was this, that, and the other. But the truth of the matter was it was not until then that it was publicly found out, though I knew before, and that is why I had been speaking, that the Joint Chiefs of Staff had advised against it solidly; there was no division among them. And the reason was simple. You do not have to be a military expert to know that if you are surrounded by hostile forces and you are placed in a sort of a hollow and the rim of the hollow is hostile, that you do not have much of a chance to fight out militarily and that sooner or later you are going to have a tragedy.

Yet we live in a day and time in which the leaders say, "Well, yes, I must take technical responsibility." But they will not accept blame. And it is the same thing now happening in Central America.

The reason for my rising is that it is a calculated course for catastrophe. And the House is going to be asked in about 24 or 36 hours to vote money which actually, in terms of dollars, when the proportion was $14 million, well, anybody that knows much about approriations around here knows that the $14 million could hardly have been the issue. The President has found money with which he has funded, contrary to the mandate of the Congress, the so-called Contras. He has made extensive use of his executive budget, the discretionary budget, if you please.

The discretionary budget of the President, the same President who is asking us to cut back on everything from food stamps to housing, his discretionary budget has increased 750 percent in less than 2 years, and it coincides with the cutoff of funds to the Contras as mandated by the Congress, even though under the procedures that an executive has, he can transfer funds within his executive discretionary budget, and he has done so and has increased that amount 750 percent, 7½ times, in less than 2 years.

As a matter of fact, he used that discretionary fund authority to pull $10 million from the National Park Service so that he could computerize the White House kitchen for the family, not the regular White House kitchen, but the family White House kitchen, and also to refurbish some things there, while he is asking us to zero out all of the housing rehabilitation programs for the Nation, especially the poor and the moderate income.

So what with these contradictions I will not be much surprised, given the skill with which the public pressure can be applied, and the same fears aroused that Members fear that if they do not back up the President, why the Communists are liable to take over, and what do you want, to have them on the Texas border next? Why, certainly, what side are you on.

Well, this is the same thing that was asked during the Vietnam War, and I think that a word to the wise is more than sufficient. I believe, though, that upon serious and sober consideration the facts should be coldly evaluated. Is the money, whether it is $14 million or $38 million, as was approved in the other body last week, the issue? No, it is not.

The issue is whether or not the President will be able to escape the responsibility of accountability under the War Powers Limitation Act for a vote favorable along the line of the Republican controlled Senate action last week which would mean that we are giving our imprimatur of approval to a Presidential war that will only increase exponentially as we go into the near future.

Now let us think what that means. While you take this action, I want to take this time to anticipate to you, my colleagues, that you are in effect prescribing the formula for an irreversible conduct of this country that will forever vulcanize the New World. We will not only not have learned anything from our immediate history with respect to the use of military, but we have learned nothing about the history of the motherlands and fatherlands from which we all precede, the ancient divisions which still have us sunk in the mire of those hatreds and animosities that are historical, embedded in central Europe, even in Western Europe, and the consequences to us here.

I think the significant thing is that the President's actions, and I will not say policy because none has really been developed, the President's actions thus far with respect to Central America specifically, or Latin America generally, have not gained the support of any country, either in the New World or the Old World. None of our allies in Europe support us, not a one. None in the New World, including Canada, support us.

The only countries that have made sort of chuckling signs when our diplomats pressure them are what I call the aid junkies, the ones that are addicted to our aid and are totally beholden to our aid, at least the ruling classes in those countries are at this point. They are the only ones.

But in the context of the group we call the Latin American republics of 21, they do not loom large at all. In fact, practically no significance, now or at any time in the past. So that what I am saying today is this: that if the President insists, as I think he irreversibly is committed to, I think the investment has been too great for him to reverse, we have poured in just in El Salvador about $2 billion just in the smallest country, and we have not won there yet. We have been lulled into thinking that we have a moderate regime.

The truth of the matter is that at this point, even as I rise to speak today, it is our helicopters, our Huey attack helicopters, that are murdering peasant women, children, infants even, all in the name of controlling the so-called Marxists, which are not in any heavy presence in El Salvador.

□ 1250

You have five different rebel groups. The least numerous and significant at this point is the so-called Marxist-Leninist. But we insist on trying to do what we accuse Russia of doing in Afghanistan.

At this point we have made minimal use of our troops, unlike the Russian invasion of Afghanistan. But in Nicaragua we are on the verge, we are on the threshold of intervening unilaterally. If I am any judge about what the course of events have been in just the

last 2 weeks, there is no question in my mind whatsoever, and last week I put into the RECORD the absolute proof reflected in a sort of, what was intended to be, a private message from the President to some Members of the Congress but, somehow or other, as most things will, got leaked, in which he said that failing any other way he would not rule out and would probably be using direct American intervention. Now, when we talk that way and given the investment thus far put into this venture we ought to at least think rationally, practically, and realistically. What is it we are talking about, let us say militarily? In order to overcome, in Nicaragua, where what we have is the result of a civil war and an election result that took place last November, like it or not the President did not like that election even though he liked the one we paid for in El Salvador; but like it or not, the group in power now in Nicaragua were duly elected. Like it or not, some of them have been and have always said they were Marxist-Leninists, Socialists, whatever you want to call them, but also in the forefront of that regime are three or four Catholic priests, other men that we would call moderates in our terminology, also heavily present and still are in the councils of that Government.

The significant thing is that the people support the regime. We may not like that but that is the fact. We may not like Castro and we may be very much against him but we must admit that he continues to have the overwhelming popular support of the Cuban people. It is the same thing in Nicaragua. No government that does not feel secure would hand out the arms in the variety, quantity as the Nicaraguan Government has to the peasants up in the north fighting against the invasions, the atrocities committed by the men the President says are the equal of our Founding Fathers. What an irrationality, and yet that is what the record shows.

Also every single household in Managua, if you visit the inner city of Managua and you go into the barrios and the neighborhoods you will see sandbag shelters, you will see bulwarks of resistance and every household armed with a heavy-caliber gun. There is no reason, if the people wanted to, they could not rise and overcome the regime in Nicaragua. But the reason they are armed is they are fully expecting the North American invasion.

Now, why would they? I know that sounds kind of paranoic to some of us, but let us look at the history. We have invaded Nicaragua 11 times in its history; in this country alone 6 times. Nicaragua was the scene of the freebooter Walker who wanted to establish a government there that he would commandeer and would add her to the United States. The very name Sandino should tell us that it is evocative of the resistance of the Nicaraguan groups against the American invasion by the Marines in 1929.

I think we also ought to note that in neighboring countries such as Mexico the same fear still is prevalent. Now that is true. That is not the way we look at it. But I am speaking to you the way the real world out there looks at us, not the way we look at ourselves; the way they look at us given the experience of history and relationships and invasions on our part.

We have not hesitated one bit to impose the most atrocious, dictatorial, most tyrannical, most corrupt regimes as in Nicaragua. We are the ones, with the presence of the Marines there for 9 years, that is how long it took, before you isolated Sandino, who was the freedom fighter to their point of view and whose name is being evoked today. I think the significant thing is that we ought to point out that as in the case of "Black Jack" Pershing chasing after Pancho Villa and the Marines in the case of Sandino, in neither case did they catch them. That was in 1929. There was no such thing as sophisticated air power, no such thing as the means and methods available today militarily. But the difference is that in 1929 that world was a completely different world. In 1985 this is an absolutely new world. The world has shrunk. The masses that now outnumber us in total population, and I think this began to be true just about a decade and a half ago, but today they are about 50 percent greater in number than our total population for the first time. Those masses have been in the main downtrodden, exploited cruelly, coldly by their masters, that we have identified with. We are identified with these forces, simply because most of these people are the ones that will be doing business with our corporations. They are the ones that are trying to keep their power in place. They are the ones that do not hesitate 1 minute as they did all during the Alliance for Progress, taking and creaming off most of that aid money that President Kennedy, in good will—and the masses down there just sanctify him to this day—but it never got down to the masses because it went to the secret Swiss accounts of these corrupted leaders that could care less about their own masses. But those masses have awakened. They are like, we used to say during civil rights struggles in the sixties and before then before Martin Luther King some of us were in that struggle, and we used to say that the difference with our situation after the war as compared to before the war was like a little boy standing on the street corner with a little mess of kitties recently born, had them in a little box. The man came by and said, "Son, those are pretty little kittens. How much do you want for them?" He said, "They are 50 cents apiece."

The man walked on. The next day he came back and he said, "I have been thinking about that. I think I would like that brown mottled one there. How much is it? Is it 50 cents?" "No, it is $1." "You told me they were 50 cents yesterday." "Yes, I know that, but they have opened their eyes by now."

They have now opened their eyes. This is what has happened to these masses of people down there; they are no longer going to tolerate the injustices and oppressions that have been taken for granted for years. We ought to know. We ought to know that in 1932 there, you had the same kind of uprising as in the last 10 years. The difference was that the ruling 12 families of that day could conduct the massive, massive murdering of over 30,000 citizens and retain control of that regime. The CIA could go into the neighboring country, Guatemala, in 1954 and destabilize the so-called Colonel Arbenz's regime.

□ 1300

And we could use the money of United Fruit to hire the mercenary pilots through the CIA and pick Arbenz out by strafing the capital just one time. That was 1954.

The point I made last year was that in 1984, the CIA is abysmally wrong in thinking that what worked for them in Guatemala in 1954 was going to work for them in Nicaragua in 1984. It just is not about to happen.

The world has changed. We had better realize it, we had better find how just adhering to our own basic principles, we can gain victory. We do not have to do any more, any less than that.

That is the reason why I first spoke up on April 1, 1980. Now, President Reagan was not the President; it was Jimmy Carter, and I said the same thing then. I said: Mr. President, you have about 90 days in which you can still use that last remaining vestige of leverage for collective leadership in this new world. Do that. Do not go in unilaterally. Those days are gone. Gunboat diplomacy will not work any more. They are gone forever.

Let us use our brains, and with it out of this nettle of danger and disorder we can pluck this little flower of success, both peace and business even. There is no question why not, but for that we have to sacrifice ideology and the restraints of ideological zealotry, which is what is governing our leaders in our Government today.

And that is a state of mind. I have found all throughout my career you cannot argue against a state of mind. But we, the deliberative body, the House, should take note the President has followed a consistent course of abi-

valence and outright disregard for the wishes of the Congress, and particularly those expressed in the various resolutions passed by this House of Representatives.

This vote this week will be a critical one. I think that the least we can do is to point out to the President that since he has been in total disregard of the congressional mandate under the 1974 War Powers Limitation Act, and that when the President has, as he has in Beirut and others in other places, the end results have been detrimental to the well-being of our country; that our system is predicated on some congeniality, some collegiality they call it, between the branches of Government, that we cannot forget that, that as much as we know that the basic, fundamental premise of our Government is the separation of powers, the coequality of powers, the independence of each branch, that we must work together, at least on some basic, basic proposition.

At least if we disagree as to tactics, we can say that we will follow the same general road, the same general direction, and I have always said that, and have offered suggestions; I have made specific suggestions in every one of these instances, to President Jimmy Carter and now to President Reagan.

In the case of Jimmy Carter for whatever reason, there seemed to be an equal inaccessibility among those that were following whatever processes; I never could quite determine in the case of President Carter, there, and especially this President, and President Lyndon Johnson, especially the last 1½ years of his regime, exactly what the judgment-making valuation processes were.

Obviously, in the case of this President, we have a very serious situation, because we have a Chief Executive, who also under the Constitution is Commander in Chief, who will willfully ignore the unanimous advice of the most highly respected and professional of the military.

This is a very dangerous conjunction at this time in our Nation's history, and therefore calls upon the Congress like never before in an area in which we traditionally have deferred to Presidents and the executive branch, since the first Congresses, matters of foreign relations generally, in matters of diplomacy, naturally.

So both historically and constitutionally we set the precedent, but at this point, that is stressed also by the obtuseness of our leadership in its conduct of foreign relations in other parts of the world; not just in the Middle East where that is a total catastrophe. What is happening there now and for the first time really making it possible to have a heavy Russian presence in the deliberations in the Middle East.

Nobody speaks now about the Gemayal faction; in fact, Gemayal was almost murdered, like his brother Bashir before, and nobody speaks now of sending the Marines. Why? What has changed? The basic excuse given? Nothing, except the fact that sheer events in the course of these inexorble events and reality—the real world, have just shattered this bubble of illusion and delusion.

When I see the same thing in Middle Europe, and I see that in the matters of international finances we have consistently followed a course of disaster, equally well, and that it is just a matter of time before the consequences are generally felt.

In other words, just like during the Vietnam war, nobody much cared when in 1965 I rose right here on this floor and pointed our that 47 percent of those men who had and were continuing to face hostility; death, serious bodily harm, were draftees; 47 percent plus by August 1965.

Nobody gave a hoot. It was not until a few years later that the casualties came in, tragically, they reached the point of over 100 a week, then the military said well, you know, we have to have more. But if you have more, we have to have more backup, and then you start dipping into the middle class and then at that point, some corporation presidents said "Hey, Mr. President, what about this war, Let's look up."

In other words, when it began to hit the perception or level of us in our comfort, in all of our creature comforts, this is what I tried to say on Thursday, October, preceding the Sunday massacre, the 24th. The last words in the RECORD were my appeal to the President that evening, as the Members were taking off for the week. I said, when we go off, we have a good steak tonight. Mr. President, you will retire to the family quarters. Please think of those marines that are under the shadow of death this very moment.

I was looked upon—I had a couple of calls up to the office; critical and abusing, but I would give anything if what happened that following Sunday had not happened. If somebody had taken time to worry, just like in 1965 you did not have to be a prophet; you do not have to be a seer; you do not have to be an expert to know that if some of us are going to be asked and forced to fight undeclared wars, as we are preparing to do in Nicaragua, it will take 100,000 men to start off in Nicaragua. 100,000.

Well, what does that mean? Let us talk in terms of reality. Let us talk in terms of the guy that is going to have to go through those barrios and kill those families and face hostile fire, and on an equal basis.

Now we may have control of the air, maybe we will get challenged this time like we did not in Southeast Asia, but let us just look at it coldly and practically. It is undeclared war. All of the legal things that come into play when you have a declared state of war are absent, as they were during Vietnam.

So that some of the things that would be treason if there was a declared state of war, were not. Remember, unlike Britain that could in the case of the Falklands just feed out the information from the Minister of Information in London, we have the first amendment—until Grenada.

□ 1310

And for the first time President Reagan did what even Lincoln could not do during the Civil War, and he kept the press out. So that these are issues that maybe nobody heeds. We are worried about taxes and whether our taxes are going to go up or go down and whether somebody else is going to get gravy or not, and nobody is worried about those soldiers it is going to take to go in and knock out the Sandinistas. But, then, what is going to be their mission? Knock out what? The Sandinista government? Then who is going to govern? The Contras? Why, the Contras, mostly, at least 80 percent, are the ex-Somocistas, the ones who were hated and reviled and kicked out. So, then, unless we are prepared to think in terms of occupying the country, then that means we will not limit it to Nicaragua. It is going to set up that whole region in flames, as it is beginning to, and we will have for a long time what we like to call guerrilla warfare. We will call it terrorism, but they will call it guerrilla. And then we will not succeed in imposing a Somoza regime like we did in the 1930's; but I think we ought to start thinking about that. I think we ought to start thinking about what is our objective. Is Nicaragua a peril now to our national interest? The President says it is. In order for him to have imposed the embargo, under the law he had to say that Nicaragua is a present threat to the security and well-being of our country. Is that so? Then why do we not pull our Ambassador out of Nicaragua? We still have an ambassador. That means that, to the world, we proclaim that we recognize that regime.

These are the ambiguities, these are the questions that inevitably will arise. Whether I raise them or whether somebody else, it makes no difference. They are inevitable. But from a practical standpoint, if we deploy 100,000, then we have to pull in support. Where are we going to pull them in? From the 300,000 we have in Germany, at a time when Germany is in ferment, at a time when the President went a long way on his Bitburg visit to shore up the neo-Nazis that have the Russians climbing up the trees and, therefore, making it very attractive to revive the ancient rivalries, like the

mass requests in some of the provinces in Germany for the restoration of a couple of the provinces now technically in Poland that the West Germans say they ought to be restored? And then what is Minister Kohl saying? He is saying, "Well, hold up a little bit until we have a peace treaty."

Well, then, wait a while. Everybody is talking as if World War II is over with. But we have 300,000 of our military in Germany alone. Now, let us look at it realistically. The French live next door. How many do they have? The British, how many do they have? The British have about 7,000, mostly in the Ruhr, where they took over because of the steel production section. In other words, in the 1940's, after 1945, when Germany was split up, what the United States got was the hard part, all based on the fact that Russia would be a threat if it happened to come in over land. But the British got that which would protect their steel industries, and the French, of course, got their comparative share. But Germany is divided. And the whole basis of the cold war stems from that, German reunification.

General Eisenhower, as he was leaving office, was the last President and only President to address that. And if I were to quote General Eisenhower today, I would be criticized by the prodefense spokesmen in and out of the Congress as a pacifist. But who was speaking? Well, here was a warrior and a President, who was conscientious, who was as honest as the day is long, and who was telling or trying to tell the American people what the facts were. But those powers and those vested interests that he in effect was trying to expose to the American people to be aware of, by that time they had taken over, and today they have taken over completely.

And I rise only because I want to remind my colleagues that whether you vote for $14 million—$14 million, why, it took more than that to get Senator HELMS elected in North Carolina. So, you know that is not the issue. Or whether it is $40 million, $45 million or $100 million, that is not the issue. What you will be doing, depending on your vote, will be sanctioning, as in the case of Guatemala right now, a process that we do not have the manpower, the treasure and the national resources to win.

I believe in winning. This was the reason I asked the question of President Johnson, after he had a big briefing, with the Joint Chiefs of Staff, and they were pointing out with their pointers Haiphong and should you mine or bomb Haiphong, and the admiral got up and he said:

Well, sure, we could do this, but there is a British ship in that harbor, there is a French ship in that harbor, there is a West German ship in that harbor, there are a couple of Russian cargo ships there, and we cannot guarantee that in the process one of them would not hit a mine or we would not bomb one of them inadvertently.

The President said:

See, that is the dilemma, that is the dilemma.

They had Gen. Lou Walt, fresh from I think they called it the fourth area, whatever it was, and talking about how the casualties were going up.

I was asked by one of the President's advisers, well, what did I think about it. And I said I think that I cannot figure it out. I heard Gen. Lou Walt say—and I have many, many constituents, most of them volunteers—I have the most volunteering constituency in the United States of America even now, so that I am sensitive, and also I am privy to many, many of my constituents who are serving in every single area of the world, whether it is Panama, El Salvador, Honduras, off the coast in Lebanon, Germany, Korea, name it, I have constituents, and they stay in touch with me. And I think I have an idea of what they face and what their questions are and what their worries are. They are good, loyal, patriotic, trained soldiers. They want to do their duty for their country. But they also want to know, as many asked me during Vietnam, "What is it all about?" Well, I will not mention this Presidential adviser, he is very prominent, but I said, "As I see it, General Walt just told us that these casualties are coming in, and that is because they are getting supplies over land by the Chinese, who are so able that they could put a railroad track under the surface of a creek or a river and protect it from bombing, our bombers." And they they had the cargo ships bringing in all kinds of goods. Remember, we did not have a friendly world opinion in our support in Vietnam. None of our European allies were outwardly supporting us or joining us, so they were doing what we call business with the enemy. And I said, "Well, if I had ordered any American out there and I knew he was going to get shot at and maybe killed and he was going to get shot at and killed from material coming in from Haiphong, or wherever, either I would do something about that or I would pull my man out, either one."

"Well, but do you want a war with Russia?"

I said, "Well, then, if that is what we are afraid of, then we should not be there at all, in my opinion."

What is the mission? What are you asking the military man to do? The military finally coined a phrase. They said, "The rules of engagement called for us to go here and there, and that's all, and over here, and that is all." In war you do not do it that way. You are not playing a football game.

This was what I tried to tell President Reagan. I said, "You are not the Gipper, you are the Commander in Chief, and you have got men who are going to die."

And this is what I am saying now. That whole area is in conflagration. Do not tell me about the problems that the Marxist-Leninists are posing for us in Nicaragua. We helped make those. In fact, we did more. And we have made the Communists, we have made Fidel Castro. We insist on giving them credit they are not entitled to.

□ 1320

We have made them; everybody will tell you that outside of our boundaries. We insist on giving the Communists credits that they are far from being entitled to. Our myopic policies; greedy policies because we are shaping some of them out of corporate offices instead of the State Department or here in the Halls of Congress. That is the reason; no other reason.

So when you vote, you are not voting just for money; you are voting for the expendable lives of a good chunk of our fighting men. So you better make sure you know what the purpose is. The Contras are a group dedicated to the destruction of a regime in Nicaragua. That is the long and the short of it. We intervene on behalf of a group like that; we are intervening in a civil war.

We do not have the consensus of opinion of support from those surrounding countries, either to the south or to the north. Neither one of our adjoining countries join us, whether it is Canada or the Republic of Mexico. Surely this is a good definition of a bankrupt policy, but now when you vote, you are not voting $35 million, you are also voting for no less than 20,000 to 25,000 dead American soldiers, at least.

If any of the professional soldiers who ought to know, are even half way right, that is what my information is. So make up your minds whether or not we face the frontal issue, and that is to hold the President accountable to the national policymaking body in the case of Presidential wars. This is our big question as we are on the verge of celebrating the 200th anniversary of our form of government. That will not come until 1989, because that is the bicentennial of the Constitution. At stake are the fundamental premises that the men who wrote the Constitution were most worried about. They were so worried about this office that they later called the Presidency, but which, during the Constitutional Convention debates they called it Chief Magistrate. They did not want that kind of office. In fact, the first 10 years of our national being, that is, two Continental Congresses, they did not bother. It was Congresses, Delegates, Representatives, because they wanted to make sure that they would not face what they had read about all

in history and what they themselves had faced in the form and shape of the European regimes.

My point is, we have come full circle. In the last 4 years, our country has emerged from a producing country to a consuming dumping ground of external goods and other materials. We are back to what I call the old merchantile system. This was one of the underlying causes of the American Revolution. No matter what products we raised here, wool, whatever, the manufactured good had to be bought from England, the mother country. We are back at that; we are back in that. We are back in the merchantile system.

For the first time since 1914, the United States is a debtor nation. In the meanwhile, as I have said, we keep ignoring that real world. What is the real world in Middle Europe for whose defense one-half of the $315 billion is what this Congress is approving.

But what is it that we are defending, and on what basis do we predicate it? Well, we predicate it on the premise that we have a situation of allies. But in the meanwhile, the reality is that Europe has grown into a unified position where they are now saying, as they pointed out to our Treasury and financial associates that went with President Reagan to Bonn last month in May, nobody in the United States read about the European Community having fleshed out through their six financial ministers the month before in April, in Palermo, Sicily, with the preliminary meeting before that in Basil, Switzerland, because now that group of six has more gold and more gold reserve than we have in the United States. So they are telling the United States. You read the headline where the French only held out on a trade agreement. But trade and international finance and such things as balance of payments are all one and part of a kit. What nobody wishes to discuss is that the Europeans have finally put together what they call the ECU, the European currency unit, and the supporting framework of reference known as EMS; the European monetary system.

Now, I have been speaking on this since 1979, but I find that it is the only voice so doing in the whole Congress, either on this side or over in the Senate. I have seen nothing in the RECORD to even mention the European currency unit. Yet, it is a fundamental, it is of mortal significance to us, because we are now in the most monstrous position internationally, trade wise. We have a trade deficit as of December 31, 1984, of $140 billion. For every 10 of those 140, America has lost 250,000 permanently.

This is why, I do not know if any of my colleagues saw in the newspapers just 2 weeks ago, finally it comes out and says, America has lost x number of millions of jobs in the last few years, and then nothing after that. But still there is no discussion about the reality of that world. What is that real world over in Europe? The President's mindset, and judging from the discussions and debates on this floor, the mindset of the overwhelming preponderant Members of my colleagues, is a Europe of 1947. That is gone. You have on the threshold of power in Germany alone a brandnew generation that does not remember World War II.

Kohl, the minister in West Germany, was 15 years old. Gorbachev, his Russian counterpart in Russia was 15 years old in World War II. So my friends, I say that my advice to the privileged orders is that we must, if nothing else, for the sake of our well-being look at this in a wider concept and context. Keep it in line with our own revolutionary traditions.

We are a revolutionary country. If we remain basically loyal to our basic principles. Let us not abandon those because those are the principles that gave for the first time in the annals of written human history a true democratic expression. The world is not kind to democracy, and particularly at this juncture of the 20th century.

The vote may seem inconsequential as to money, but let me assure you that the hidden, real cost of that bill will be one that will cause us all to hang our heads in shame. We are here on the scene at this moment and juncture in our history; we must rise to the occasion. Yes, politically, it may be expendable, but as I have said time and time again, my friends, arise, arise ye downtrodden Congressmen, we have nothing to lose but our seat.

Mr. Speaker, for purposes of clarification, I would like to include the following article titled:

[From the Washington Post, May 8, 1985]

A DEFECTING NICARAGUAN CONTRA'S TALE—FORMER FIELD COMMANDER CHARGES WIDESPREAD ABUSES

(By Robert J. McCartney)

MEXICO CITY, MAY 7.—Ever since 1980, when he was among the first Nicaraguans to join the anti-Sandinista resistance, Jose Efren Martinez Mondragon had appeared to follow the typical career of the dedicated contra, or counterrevolutionary, guerrilla leader.

Formerly a sergeant in the National Guard of deposed dictator Anastasio Somoza, Martinez Mondragon worked his way up in the resistance movement from commander of a guerrilla training unit in Honduras, to become a task force commander who regularly led missions inside Nicaragua. Just six months ago, he was commanding 180 contras on a patrol in Esteli province, deep inside territory normally controlled by the Sandinistas.

Today, however, Martinez Mondragon did something that no contra commander ever had done before: he flew home to Managua to be welcomed by his former foes as a defector. He will take advantage of a Nicaraguan amnesty law approved earlier this year that provides for a pardon for rebels who lay down their arms. Eight weeks ago, Martinez Mondragon and nine other persons, including two other guerrillas, sought political asylum in the Mexican Embassy in Tegucigalpa, Honduras. Initially the Honduran government refused to let him leave the country, although the others were permitted to depart for Nicaragua almost immediately, and his fate was uncertain until a week ago when the Honduran authorities finally let him fly to Mexico City.

The defection ended what Martinez Mondragon described as a prolonged personal ordeal of several years as he grappled with his own doubts about the guerrillas' cause and, even more, about their behavior in the field. In a four-hour interview here last night, he said he left the contras in disgust with what he said were their routine practices of murder, kidnaping and rape of Nicaraguan civilians.

"They are kidnaping and killing people who just want to work," the 26-year-old defector said. "This wasn't a struggle. It was banditry."

While there have been news reports of individual incidents of alleged kilings and abductions by the contras of Nicaraguan civilians who were, or were believed to be, Sandinista sympathizers, Reagan administration officials in the past have denied the validity of claims that such practices were routine and characterized the claims as propaganda.

In another assertion that was likely to be controversial, Martinez Mondragon said that the Honduran, Salvadoran and Guatemalan armies have supplied the contras with the bulk of their ammunition and other military supplies since the CIA stopped funding them a year ago.

Spokesmen in Miami and Honduras for the rebel group Martinez Mondragon belonged to were unavailable today for comment on his specific allegations.

Because of the severity of his charges and the unprecedented nature of his defection, Martinez Mondragon's change of heart could contribute to the political debate that extends from Managua to the U.S. Congress. The guerrillas previously have drawn criticism for human rights abuses from some unofficial U.S. monitoring groups. This has become a factor in the U.S. debate over whether Washington should resume financial backing for them.

Several former Sandinista leaders, such as Arthuro Cruz and Eden Pastora, and many sympathizers of the Sandinistas have broken with Managua's government and are allied with the rebels. Martinez Mondragon, a middle-level contra field commander, is the first to go the other way.

The defection already has triggered a flurry of activity by several of the players involved, either to control the damage or maximize it.

The Nicaraguan Democratic Force, the largest of the rebel groups and the one to which Martinez Mondragon belonged, already has suggested that the defector had lost some of his mental faculties because of a motor vehicle accident. The force, known by its Spanish initials FDN, also has charged that Martinez Mondragon's lover was a Sandinista spy who may have encouraged the defection.

For its part, the Nicaraguan government wasted no time making the defector available to the media, presenting him both at the interview last night and at a news conference upon his arrival in Managua this morning.

In the interview, Martinez Mondragon alleged that the contras have regularly killed Nicaraguans who refused to join the rebel

cause after crossing the border into Honduras or after being abducted and brought there by the guerrillas. He said that there were several clandestine cemeteries for such victims along the Nicaraguan-Honduran border, including one near a hamlet called San Judas in Honduras' Choluteca province, and another at La Lodoza in El Paraiso province.

"If you won't fight, then they think you are a [Sandinista] infiltrator and kill you," he said.

He said the armed forces of Honduras, El Salvador and Guatemala currently are providing the FDN with the bulk of its ammunition, uniforms and boots. He said he has seen Honduran military trucks and helicopters deliver ammunition and other supplies to contra camps, and that he had learned from friends who handled the rebels' supplies that these three countries' armies were the principal source of materiel.

The FDN's base camps are inside Honduras just across the border from Nicaragua, and the defector said that Honduran army officers control all deliveries of military supplies to the contras.

Since Congress stopped the CIA from funding the guerrillas a year ago, the source of the rebel's military supplies has been something of a mystery. The rebels say they have continued their fight with the aid of private donations, but several reports have surfaced that the Honduran, Salvadoran and Guatemalan governments were playing an important role.

Martinez Mondragon said that other contra commanders had told him that "the CIA advisers arranged for the Salvadoran, Guatemalan and Honduran armies to provide materiel" to the FDN. He did not say when the CIA supposedly had done this, however.

He said guerrillas fequently had raped civilian women in Nicaragua and abducted them for sexual use.

During a patrol in Nicaragua's Jinotega province last August, the defector said, he came across a group of 40 families near Wina who said that they had been abducted by another patrol from the San Jacinto regional command. This patrol had abducted and raped eight young women from the group, and had killed eight young men who refused to join the rebels, he said.

At that time, Martinez Mondragon said, he radioed FDN military leader Enrique Bermudez to complain about the treatment of the civilians. Bermudez told him "to stop interfering in business that doesn't affect you," the defector said. This was only one of several times that Martinez Mondragon complained to FDN leaders about abuses by the rebels and received unsatisfactory responses, he said.

The interview was conducted in a sitting room at the Nicaraguan ambassador's residence in Mexico City, but the defector said that he had not been pressured to grant the interview and had not been briefed beforehand by Sandinista officials. Nicaraguan Embassy officers wandered through the room from time to time during the talk, but their presence did not seem to affect Martinez Mondragon.

The defector acknowledged that he was seriously hurt in the vehicle accident, when he struck his head hard and was unconscious for a week. He spoke slowly, occasionally lost his train of thought and said that his head still hurt "deep inside" from time to time.

While the FDN has suggested that he cannot be trusted because of brain damage, the FDN did entrust him to command several missions inside Nicaragua after the accident has taken place.

Martinez Mondragon expressed fears that the FDN would take reprisals against his friends or family. He said he believed the FDN's leadership was responsible for the deaths of his brother and two of his cousins.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PICKLE, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GAYDOS, for 30 minutes, June 11.

Mr. GAYDOS, for 30 minutes, June 12.

Mr. WILLIAMS, for 60 minutes, June 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. GRADISON.

Mr. CONTE.

Mr. FRENZEL in three instances.

Mr. PETRI.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. BARNES.

Mr. COLEMAN of Texas.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. MONTGOMERY.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. DONNELLY.

Mr. WISE.

Mr. NATCHER in three instances.

Mr. HUBBARD.

Mr. BENNETT.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 11, 1985, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report of a House committee concerning the foreign currencies and U.S. dollars utilized by them during the first quarter of calendar year 1985 in connection with foreign travel pursuant to Public Law 95-384 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joseph Addabbo	1/7	1/9	Italy		166.00						166.00
	1/9	1/11	Israel		200.00						200.00
	1/11	1/14	Italy		225.00		4,379.00				4,604.00
Hon. Daniel Akaka	2/9	2/13	Brazil		495.00						495.00
	2/13	2/17	Argentina		432.00						432.00
	2/17	2/19	Puerto Rico		150.00						150.00
Military transportation							4,068.16				4,068.16
Hon. Les AuCoin	1/4	1/7	Portugal		324.00				72.92		396.92
	1/7	1/9	Belgium		216.00						216.00
	1/9	1/12	Israel		399.00				207.72		606.72
	1/12	1/13	Denmark		111.00				15.48		126.48
	1/13	1/17	Soviet Union		635.00						635.00
	1/17	1/19	Austria		230.00						230.00
Military transportation							5,556.94				5,556.94
Hon. Lindy Boggs	1/5	1/8	Israel		399.00				566.28		965.28
	1/8	1/11	Egypt		246.00				304.81		550.81
	1/11	1/15	Greece		540.00				80.66		620.66
	1/15	1/18	Spain		327.00				197.51		524.51
Military transportation							8,817.30				8,817.30

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 30, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Richard Durbin	2/7	2/8	Mexico		162.56						162.56
	2/8	2/10	Nicaragua		271.00						271.00
	2/10	2/12	Costa Rica		150.00						150.00
	2/12	2/13	El Salvador		75.00						75.00
	2/13		United States		70.40		1,093.78				1,164.18
Hon. Bernard J. Dwyer	1/22	1/23	Portugal		150.00						150.00
	1/23	1/26	Germany		150.00						150.00
	1/29	1/31	Great Britain		267.00		4,226.00				4,493.00
	2/8	2/11	France		252.00						252.00
	2/11	2/13	Sudan		168.00						168.00
	2/13	2/16	South Africa		225.00						225.00
	2/16	2/17	Zaire		134.00						134.00
	2/17	2/19	Senegal		150.00						150.00
Military transportation							7,472.34				7,472.34
Hon. William Lehman	2/8	2/11	France		252.00						252.00
	2/11	2/13	Ivory Coast		156.00						156.00
	2/14	2/14	Congo		104.00						104.00
	2/15	2/17	Zaire		402.00						402.00
	2/17	2/19	Senegal		150.00						150.00
Military transportation							3,786.44				3,786.44
Commercial transportation							1,902.70				1,902.70
Hon. John Myers	2/8	2/11	France		252.00						252.00
	2/11	2/13	Sudan		168.00						168.00
	2/13	2/16	South Africa		225.00						225.00
	2/16	2/17	Zaire		134.00						134.00
	2/17	2/19	Senegal		150.00						150:00
Military transportation							7,472.34				7,472.34
Hon. Neal Smith	2/8	2/11	France		252.00						252.00
	2/11	2/13	Sudan		168.00						168.00
	2/13	2/16	South Africa		225.00						225.00
	2/16	2/17	Zaire		134.00						134.00
	2/17	2/19	Senegal		150.00						150.00
Military transportation							7,472.34				7,472.34
Terry Bevels	1/22	1/23	Portugal		150.00						150.00
	1/23	1/26	Germany		150.00						150.00
	1/26	1/29	Belgium		150.00						150.00
	1/29	1/31	Great Britain		178.00		4,154.00				4,332.00
Delacroix Davis	2/10	2/11	France		84.00						84.00
	2/11	2/13	Ivory Coast		156.00						156.00
	2/14	2/14	Congo		104.00						104.00
	2/15	2/17	Zaire		402.00						402.00
	2/17	2/19	Senegal		150.00						150.00
Military transportation							2,516.10				2,516.10
Commercial transportation							3,252.00				3,252.00
Jimmy R. Fairchild	2/8	2/11	France		252.00						252.00
	2/11	2/13	Sudan		168.00						168.00
	2/13	2/16	South Africa		225.00						225.00
	2/16	2/17	Zaire		134.00						134.00
	2/17	2/19	Senegal		150.00						150.00
Military transportation							7,472.34				7,472.34
John G. Osthaus	1/4	1/6	United States		112.50						112.50
	1/6	1/8	Costa Rica		140.00						140.00
	1/8	1/10	Guatamala		170.00		844.60				1,014.60
	2/8	2/11	France		252.00						252.00
	2/11	2/13	Sudan		168.00						168.00
	2/13	2/16	South Africa		225.00						225.00
	2/16	2/17	Zaire		134.00						134.00
	2/17	2/19	Senegal		150.00						150.00
Military transportation							7,472.34				7,472.34
Donald E. Richbourg	1/7	1/9	Italy		166.00						166.00
	1/9	1/11	Israel		200.00						200.00
	1/11	1/14	Italy		225.00		4,248.00				4,473.00
Committee total					14,637.46		86,206.72		1,445.38		102,289.56
Appropriations, surveys and investigations staff, expended between Jan. 1 and Mar. 31, 1985:											
R. Douglas Dunkle	2/2	2/8	Japan		549.75		2,041.00		32.80		2,623.55
Edwin C. Eads	1/28	2/10	Germany		993.75		1,986.93		6.72		2,987.40
	2/10	2/13	Belgium		243.75						243.75
	2/13	2/15	England		166.00				8.22		174.22
William P. Haynes	1/28	2/10	Germany		993.75		1,986.93		12.72		2,993.40
	2/10	2/13	Belgium		243.75						243.75
	2/13	2/15	England		166.00				8.22		174.22
Joseph D. Powell	2/2	2/8	Japan		549.75		2,041.00		32.80		2,623.55
Richard E. Sheffield	1/30	2/3	Korea		350.00		2,141.70				2,491.70
	2/3	2/7	Japan		352.75				29.00		381.75
	2/18	2/20	England		186.75		2,024.00		48.70		2,259.45
	2/20	2/23	Germany		206.25				5.00		211.25
	2/23	2/27	Spain		323.00						323.00
Carlton A. Weiss	1/30	2/3	Korea		350.00		2,141.70		38.00		2,529.70
	2/3	2/7	Japan		352.75				9.00		361.75
	2/18	2/20	England		186.75		2,024.00		29.70		2,240.45
	2/20	2/23	Germany		206.25						206.25
	2/23	2/27	Spain		323.00				11.00		334.00
Committee total					6,744.00		16,387.26		271.88		23,403.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman, Apr. 30, 1985.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1427. A letter from the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 99-77); to the Committee on Appropriations and ordered to be printed.

1428. A letter from the Secretary of Housing and Urban Development, transmitting the quarterly report on HUD-owned multifamily project negotiated sales, as required by the Senate committee report on the HUD-Independent Agencies Appropriations Act for 1983; to the Committee on Appropriations.

1429. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 2482 of title 10, to allow a commissary store of the Department of Defense to donate unmarketable (unsaleable), but edible, food which would otherwise be destroyed to authorized food banks (nonprofit) sanctioned by either the Department of Defense or the Department of Health and Human Services; to the Committee on Armed Services.

1430. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting information on a proposed transaction of more than $100,000,000 with respect to U.S. exports to Colombia, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(i) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

1431. A letter from the Auditor, District of Columbia, transmitting a report entitled: "Revenue Report for March 1985," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1432. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to repeal the Community Services Block Grant Act and the Community Economic Development Act of 1981, and for other purposes; to the Committee on Education and Labor.

1433. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to issue commercial export license for sale of certain major defense equipment to Israel in the amount of $50 million, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1434. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter of offer to the Federal Republic of Germany for defense articles and services estimated to cost $372 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1435. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1436. A letter from the Acting Assistant Attorney General, transmitting a draft of proposed legislation to amend the Trading with the Enemy Act in order to terminate the Office of Alien Property; to the Committee on Foreign Affairs.

1437. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to issue commercial export license for sale of certain major defense equipment or services to Belgium, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1438. A letter from the Secretary of Health and Human Services, transmitting the 1984 report on the status of Federal agencies support of the National Decade of Disabled Persons; to the Committee on Foreign Affairs.

1439. A letter from the Administrator, Veterans' Administration, transmitting a report on the activities of the inspector general, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

1440. A letter from the Assistant Vice President, Farm Credit Banks of Baltimore, transmitting the annual actuarial and financial report for the farm credit district of Baltimore retirement plan for the year ending December 31, 1984, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1441. A letter from the Secretary of Defense, transmitting the inspector general's semiannual report, October 1, 1984 to March 31, 1985, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750); to the Committee on Government Operations.

1442. A letter from the Secretary, Postal Rate Commission, transmitting an evaluation of compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1443. A letter from the Secretary, the U.S. Battle Monuments Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1444. A letter from the Chairman, Federal Election Commission, transmitting the Commission's 10th annual report, pursuant to Public Law 92-225, section 311(a)(9) (93 Stat. 1354, 1362); to the Committee on House Administration.

1445. A letter from the Acting Deputy Associate Director for Royalty Management, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1446. A letter from the Trustees of the Pribilof Islands Trust, transmitting a copy of the audited financial statement of the St. George Island Trust and progress report, pursuant to 16 U.S.C. 1166(g) (Public Law 89-702, section 206(g) (97 Stat. 842); to the Committee on Merchant Marine and Fisheries.

1447. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title XI of the Merchant Marine Act, 1936, as amended, to repeal those portions that relate to vessels or shoreside facilities used in the fisheries trade or industry; to the Committee on Merchant Marine and Fisheries.

1448. A letter from the Secretary, Interstate Commerce Commission, transmitting proposed rules and comments to implement the provisions of the Motor Carrier Safety Act concerning foreign motor carriers; to the Committee on Public Works and Transportation.

1449. A letter from the Secretary of Energy, transmitting a report on the modifications needed in the comprehensive ocean thermal energy conversion research, development and demonstration management plan, pursuant to Public Law 96-310, section 3(d); to the Committee on Science and Technology.

1450. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the commercialization and operation of a civil land remote sensing satellite system by the Department of Commerce, and for other purposes; to the Committee on Science and Technology.

1451. A letter from the Clerk of the U.S. House of Representatives, transmitting the annual compilation of personal financial disclosure statements filed by Members of the House of Representatives and legislative personnel for the period January 1, 1984 to December 31, 1984, pursuant to 2 U.S.C. 703(a) (H. Doc. No. 99-76); to the Committee on Standards of Official Conduct and ordered to be printed.

1452. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of graduate and student nurses; to the Committee on Veteran's Affairs.

1453. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of the nondisclosure of safeguards information, pursuant to AEA, section 147e. (94 Stat. 788); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 1533. A bill with an amendment (Rept. No. 99-165). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. JONES of North Carolina, Mr. LENT, and Mr. YOUNG of Alaska):

H.R. 2704. A bill to amend the Fish and Wildlife Coordination Act; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 2705. A bill to amend the Internal Revenue Code of 1954 to require the Internal Revenue Service to make income tax refunds within 45 days after the tax return is filed; to the Committee on Ways and Means.

By Mr. KOLBE:

H.R. 2706. A bill to amend title 18, United States Code, to establish rational criteria for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

51-059 O-86-23 (Pt. 11)

By Mr. FAUNTROY (for himself, Mrs. HOLT, Mr. PARRIS, Mr. BARNES, Mr. HOYER, and Mr. WOLF):

H.J. Res. 310. Joint resolution designating July 4, 1985, as "July 4th Family Celebration Day"; to the Committee on Post Office and Civil Service.

By Mr. FLORIO (for himself and Mr. LENT):

H. Res. 194. Resolution to express the sense of the House of Representatives that the United States should not sell advanced fighter aircraft, mobile antiaircraft missiles, or any other advanced arms to Jordan while Jordan continues to oppose the Camp David peace process; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

151. By the SPEAKER: Memorial of the Senate of the State of Illinois, relative to a space-based, nonnuclear defensive system; to the Committee on Armed Services.

152. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the Vietnam war; to the Committee on House Administration.

153. Also, memorial of the Legislature of the State of Oklahoma, relative to youth suicide; jointly, to the Committees on Education and Labor and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. MINETA.

H.R. 43: Mr. DASCHLE and Mr. BOSCO.

H.R. 667: Mr. FAZIO, Mr. HAWKINS, Mr. EVANS of Illinois, Mr. GRAY of Illinois, Mr. SAVAGE, and Mr. VENTO.

H.R. 712: Mr. FIELDS and Mr. LAGOMARSINO.

H.R. 753: Mr. CROCKETT.

H.R. 864: Mr. SYNAR, Mr. HARTNETT, Mr. BIAGGI, Mr. GINGRICH, and Mrs. HOLT.

H.R. 1029: Mr. CLINGER, Mr. CRAIG, Mr. HARTNETT, Mr. JEFFORDS, Mr. KINDNESS, Mr. LOEFFLER, Mr. MCCANDLESS, Mr. STRANG, Mr. SUNDQUIST, Mr. SWINDALL, Mrs. VUCANOVICH, Mr. WHITEHURST, Mr. WILSON, and Mr. RUDD.

H.R. 1099: Mr. MINETA.

H.R. 1622: Mr. BIAGGI, Mr. HORTON, Mr. WORTLEY, Mr. RANGEL, Mr. DUNCAN, Mr. CROCKETT, Mr. TOWNS, Mr. HAMMERSCHMIDT, Mr. GRAY of Illinois, Mr. DYMALLY, and Mr. NIELSON of Utah.

H.R. 1660: Mr. MARTINEZ.

H.R. 1715: Mr. PEPPER and Mr. GRAY of Pennsylvania.

H.R. 1776: Mr. BUSTAMANTE.

H.R. 2038: Mr. SHAW, Mr. FASCELL, Ms. KAPTUR, Mr. DONNELLY, Mr. FUSTER, Mr. WILSON, Mr. SMITH of Florida, Mr. BEVILL, Mr. MATSUI, Mr. ROSE, Mr. RAY, Mr. ORTIZ, Mrs. COLLINS, Mr. GREEN, Mr. DORNAN of California, Mr. BUSTAMANTE, Mr. GILMAN, Mr. EVANS of Illinois, Mrs. BOXER, Mr. DEWINE, Mrs. BENTLEY, Mr. RODINO, Mr. FRANK, Mr. FAUNTROY, Mr. MARTINEZ, Mr. ST GERMAIN, Mr. LEVINE of California, Mr. DE LA GARZA, Mr. ANDERSON, Mr. DE LUGO, Mr. TORRES, and Mr. EDWARDS of California.

H.R. 2258: Mr. MARTINEZ.

H.R. 2262: Mr. NIELSON of Utah, Mr. APPLEGATE, Mr. SAXTON, and Mr. MARTINEZ.

H.R. 2337: Mr. EMERSON.

H.R. 2626: Mr. DIOGUARDI, Mr. SHUMWAY, Mr. LAGOMARSINO, Mr. SAXTON, Mr. EMERSON, and Mr. YOUNG of Florida.

H.J. Res. 105: Mr. GEJDENSON, Mr. PEASE, Mr. SKEEN, and Mr. UDALL.

H.J. Res. 127: Mrs. ROUKEMA.

H.J. Res. 135: Mr. FLORIO, Mrs. JOHNSON, Mr. CARR, Mr. CLAY, Mr. COLEMAN of Texas, Mr. DIXON, Mr. STOKES, Mr. KOLTER, Mr. DANIEL, Ms. OAKAR, Mr. WALGREN, Mr. UDALL, Mr. BEVILL, Mr. MCMILLAN, Mr. WIRTH, Mr. RUSSO, Mr. CALLAHAN, Mr. WYLIE, Mr. ANDERSON, and Mr. BATEMAN.

H.J. Res. 156: Mr. WHEAT, Mr. FAZIO, Mr. TALLON, Mr. PRICE, and Mr. ORTIZ.

H.J. Res. 190: Mr. MOAKLEY, Mr. LELAND, Mr. MINETA, Mrs. COLLINS, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. TOWNS, Mr. MRAZEK, Mr. FLORIO, Mr. BOLAND, Mr. STARK, Mr. FUSTER, Mr. GREEN, Mr. DYMALLY, Mr. SCHEUER, Mrs. BOXER, Mr. WEISS, Mr. MITCHELL, Mr. BERMAN, Mr. FAUNTROY, Ms. KAPTUR, Mr. MORRISON of Connecticut, Mr. MATSUI, Mr. BARNES, Mr. FRANK, Mr. ROSE, Mr. FAZIO, Mr. GUARINI, Mr. STALLINGS, Mr. EVANS of Illinois, Mr. HOYER, Mr. KILDEE, Mr. KOLTER, Mr. MANTON, Mr. GEPHARDT, and Mr. SMITH of Florida.

H. Con. Res. 90: Mr. BUSTAMANTE.

H. Con. Res. 131: Mr. SCHUMER and Mr. ZSCHAU.

H. Res. 165: Mr. FLIPPO, Mr. YOUNG of Florida, Mr. SMITH of New Hampshire, Mr. KASTENMEIER, Mr. PETRI, Mr. MAVROULES, Mr. BONER of Tennessee, Mr. MCCOLLUM, Mr. SKELTON, Mr. CARR, Mr. YOUNG of Missouri, Mr. MRAZEK, Mr. ERDREICH, Mr. DICKINSON, Mr. VENTO, Mr. FEIGHAN, Mr. REID, Mr. LEVINE of California, Mr. GUNDERSON, Mr. COOPER, Mr. WILLIAMS, Mr. CHANDLER, Mr. BARNARD, Mr. DUNCAN, Mr. DANIEL, Mr. MOORE, Mr. MORRISON of Connecticut, and Mr. BROYHILL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

120. By the SPEAKER: Petition of F. B. Jimenez, Manila, Philippines, relative to Philippine Scouts pay during World War II; to the Committee on Armed Services.

121. Also, petition of the mayor of the city of Bowie, TX, relative to Federal Fair Labor Standards Act; to the Committee on Education and Labor.

122. Also, petition of the city council of Tyler, TX, relative to an exemption from the Fair Labor Standards Act; to the Committee on Education and Labor.

123. Also, petition of the North Atlantic Assembly, Brussels, Belgium, relative to "Economic Interdependence and Alliance Security"; to the Committee on Foreign Affairs.

124. Also, petition of the city council of Gothenburg, Sweden, relative to Central America; to the Committee on Foreign Affairs.

125. Also, petition of the State of Maryland, Commission on Human Relations, Baltimore, relative to investments in South Africa; to the Committee on Foreign Affairs.

126. Also, petition of the Board of supervisers, County of Los Angeles, relative to voting; to the Committee on House Administration.

127. Also, petition of John Christopher Garrison, San Diego, CA, relative to taxes; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

By Mr. DURBIN:

—Page 61, beginning in line 14, strike out "Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund)" and insert in lieu thereof "(a) CONDITIONS.—Assistance described in subsections (b)(1) and (b)(2) of this section".

—Page 61, line 18, strike out "amount of"; line 20, after "25 percent", insert "of the amount of economic assistance described in subsection (b)(1) and up to 25 percent of the aggregate amount of military assistance described in subsection (b)(2)"; and line 25, strike out "75 percent" and insert in lieu thereof "amount of assistance".

—Page 62, line 6, strike out "amount of"; line 8, after "50 percent", insert "of the amount of economic assistance described in subsection (b)(1) and up to 50 percent of the aggregate amount of military assistance described in subsection (b)(2)"; and line 15, strike out "50 percent" and insert in lieu thereof "amount of assistance".

—Page 62, after line 20, insert the following:

(b) ASSISTANCE SUBJECT TO CONDITIONS.—The conditions established by this section apply with respect to—

(1) assistance provided under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund); and

(2) assistance provided under chapter 2 of part II of that Act (relating to grant military assistance), chapter 5 of part II of that Act (relating to international military education and training), and the Arms Export Control Act (relating to foreign military sales financing).

H.R. 1872

By Mr. BENNETT:

—At the end of Title II, add the following new section:

Section 207(a). That at the time of submission to the Congress of the requests by the Department of Defense for fiscal year 1987 expenditures for the Strategic Defense Initiative, said Department shall inform Congress as to:

(1) What probable responses can be expected from potential enemies should the Strategic Defense Initiatives be carried out to procurement and deployment, such as what increase may be anticipated in offensive enemy weapons in an enemy's attempt to penetrate the defensive shield by increasing the numbers or qualities of its offensive weapons;

(2) What can be expected from potential enemies in the deployment of weapons not endangered by the Strategic Defense Initiatives, such as cruise missiles and low trajectory submarine missiles;

(3) The degree of the dependency of success for the Strategic Defense Initiative

upon a potential enemy's not deploying anti-satellite weapons;

(4) Whether it would be in the best security interests of the United States to share our discoveries in the Strategic Defense Initiative studies with potential enemies as a way of discouraging their offensive weapons buildup, as has been suggested by the Administration; and

(5) The cost estimates for the proposed Strategic Defense Initiative, not only in research and development but in procurement and deployment,

(b) Of the funds appropriated pursuant to the authorizations in Section 201(a) for research, development, test and evaluation, the sum of $25,000,000 shall be available to the Department of Defense to complete the studies required for the information sought in Section 207(a).

SENATE—*Monday, June 10, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray,

O Lord our Lord, how excellent is thy name in all the earth! Who hast set thy glory above the heavens.—Psalm 8:1.

O Lord our God, we worship Thee, not because Thou dost need worship, but because we need to worship—we were made to worship Thee. We deny our humanness when we refuse to adore Thee—to honor Thee. It is not they who deny Thy existence Lord who are the problem, it is we who profess to believe in Thee and live as though Thou art nonexistent. It is we who say we believe and behave as though it makes no difference. Forgive us Lord, for the contradiction in our lives: With our lips we worship Thee, but our hearts are far from Thee. Forgive the vanity—the emptiness—the fruitlessness of lives whose faith in God is a charade. Help us to love Thee Lord—to serve Thee—to follow Thee—to obey Thee—to honor Thee. To the praise of Thy glorious grace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by special orders not to exceed 15 minutes each for Senators PROXMIRE and EAGLETON, and then routine morning business not to extend beyond the hour of 1 p.m. with statements limited therein to 5 minutes each.

Following morning business, we will return to S. 1003, the State Department authorization bill, under the unanimous-consent agreement of Friday, which specifies the amendments that are in order. As I look at it, I think there are 33 amendments, but I guess that probably 30, if there are 30 offered, could be disposed of this afternoon if Members are prepared and can bring their amendments to the floor. It is my understanding the managers, the distinguished chairman and ranking minority member of the Foreign Relations Committee, Senator LUGAR and Senator PELL, will be ready to go at 1 o'clock. I urge Members who have amendments to come to the floor and offer their amendments so we can move on this bill and maybe get on to some of the more controversial amendments of which there are three or four, and then hopefully dispose of this bill and all the amendments no later than tomorrow.

I hope that there will not be any late-night sessions this week. That would be up to the managers of any bill that might be pending, but I hope that we could avoid any 10 or 11 o'clock sessions or even 9 o'clock.

Following the completion of the State Department authorization bill—we hope that will be on Tuesday, June 11, and I will make a unanimous-consent request here in a few moments—we might take up the Legal Services Corporation nominations under a time agreement. There will be votes on the nominations. There could be a vote which would count for nine rollcall votes, in addition, to two separate votes on other Legal Services nominations. Following these nominations it is our hope that we might take up the nomination of Martha Seger to be a member of the Federal Reserve System and then turn to S. 1128, the clean water bill.

It is my understanding that there are problems with the clean water bill. I am advised by both Senators from Alaska that they have serious concerns. I will attempt to resolve some of those problems between now and Wednesday or Thursday and if we could work out the problems on the clean water bill, then on Friday we would turn to any other Legislative or Executive Calendar items cleared for action.

I will attempt to advise Members no later than tomorrow what we hope to do on Friday. There will not be a Saturday session. We hope to advise Members on what will be pending on Friday and whether or not rollcall votes and how many might be anticipated.

So that more or less is the schedule for the week.

I again thank the distinguished minority leader for helping work out the unanimous-consent agreement on Friday. That will permit us to dispose of the State Department authorization bill hopefully no later than some time tomorrow afternoon.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair, the occupant of which is the very distinguished President pro tempore of the Senate (Mr. THURMOND), a man who is always diligent in his business and is always very conscientious about his duties as the elected Presiding Officer over the Senate, and who has control of the Chair with the exception of those times in which the Vice President presides.

Mr. President, I also thank the distinguished majority leader for his kind references with respect to the legislation that will be before the Senate once the morning business has been dispensed with.

U.S. SENATE PAGE SCHOOL AWARDS ASSEMBLY JUNE 3, 1985

Mr. BYRD. Mr. President, on June 3, the U.S. Senate Page School held its annual awards assembly. Awards are given for excellence in several academic fields, and in recognition of citizenship and service achievements by Senate pages.

I note with interest in this regard that Sally Klemperer, who is a page from West Virginia, received the Smith Award at the assembly on June 3 and that she was one of the yearbook editors, the recipient of the Outstanding Social Studies Achievement Certificate, the SAT math achievement awardee, recognized for chemistry achievement, on the student council, and recognized for overall mathmatics progress.

I extend my congratulations to Sally Klemperer and to all these fine students for their scholastic accomplishments. Their achievements demonstrate the dedication and serious attitude that these young people take toward their studies.

As this outstanding group of pages now prepares to depart to complete their high school careers, I take this opportunity to thank the 1984-85 Senate page class on both sides of the aisle for their months of hard work.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of all awards conferred by the Senate page school.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. SENATE PAGE SCHOOL AWARDS ASSEMBLY
JUNE 3, 1985

Flag Salute, Amy Trent.
President, Student Council.
American Legion, William Blair.
Smith Award, Sally Klemperer.
Harvard Book Award, J. Christopher Bailey.
Rennselaer Award, Amy McNamer.
Danforth Award, Christine Cragin, Julie Heffernan.
Women's Bar Association of D.C., Mary Buckley, Lisa Amundson, Susan Matthews.
Leadership, Amy Trent.
Yearbook Editors, Sally Klemperer, Gwen Newton.
Outstanding Social Studies Achievement Certificate, Sally Klemperer.
Political Science Achievement, J. Christopher Bailey, Susan Matthews.
U.S. History Achievement, Amy McNamer.
Vocabulary Achievement, Amy Trent.
SAT Math Achievement, Sally Klemperer.
Algebra/Trig Achievement, J. Christopher Bailey, Christine Cragin, Susan Matthews, Amy McNamer.
Chemistry Achievement, J. Christopher Bailey, Christine Cragin, Sally Klemperer.
Student Council, William Blair, George Cooper, Sally Klemperer, Amy McNamer, Amy Trent.
National Honor Society Induction Ceremony Conducted by, Steven McManus, Lisa Amundson, Susan Matthews, Amy McNamer.
Overall Mathematics Achievement, Christine Cragin.
Overall Mathematics Progress, Sally Klemperer.

Mr. BYRD. I ask unanimous consent that I may reserve the balance of my time.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

SALT II

Mr. DOLE. Mr. President, I want to make one announcement. I think there was some confusion on a meeting at 4 o'clock. There will be a briefing for Senators only by Paul Nitze and perhaps Secretary Shultz with reference to SALT II and other arms control issues in S-407. There was some earlier report it would be on the Senate floor. It will be at 4 o'clock for Senators only in room S-407. I would urge my colleagues to attend.

I would also indicate that I think the action we took in the Senate on SALT II was very helpful to the President in making his decision. So I think it was a positive effort, a bipartisan effort. Again I thank my colleagues on both sides. There were a number of meetings that day involving up to 13 to 15 Senators on each side of the aisle. I thank in particular Senators BUMPERS and MCCLURE who were sort of the leaders of those groups, and I applaud them and the others who participated for working out what I consider to be a very constructive resolution.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. Yes.

Mr. BYRD. On my time, Mr. President, I am glad that the distinguished majority leader has made that statement. I commend the President for—I have not seen his exact words or whatever report the Senator may be talking about—but I think it is fairly well known that he is expected to elect to abide by the treaty, at least during the year of 1986.

I studied this treaty very, very carefully back in 1980 and read every word of the Armed Services Committee's hearings thereon, and every word of the Foreign Relations Committee's hearings thereon. I did not ask a staff member to do it. I did it myself.

In the final analysis, I came down, after much study and consideration, on the side of supporting the treaty. I felt that, at least on the basis of 49 to 51, it ought to be supported. I have supported other matters or issues more strongly in my time, but I came down in support of the treaty.

It was only because of the invasion of Afghanistan by the Soviet Union that I recommended to the President that we not go forward with that treaty. I felt at the time that it would be impossible to get a two-thirds vote in support of the treaty and it was going to be difficult, in any event, entirely aside from the invasion of Afghanistan. But, as far as I was concerned, that was the fate of the treaty for that period of time. I called Mr. Carter and asked if I could talk with him. I went over and visited with him and told him that it would be an act in futility to bring up the treaty. He agreed to that. And so it was not called up.

Now, I think as long as the United States will benefit more so than would the Soviet Union—at least this is what I am told—by adhering to the treaty, I think we should adhere to it over the next year. I feel that, on the basis of the information that we get, that the United States will have less to give up than would the Soviets in the event that the constraints of the treaty are adhered to.

That being the case, it seems to me it is in the interest of stability in this field, and it is also important from the standpoint of doing whatever can be done to lessen the pressure on that trigger. It seems to me that from the standpoint, therefore, of peace between the two countries, it would be best if both countries adhered to the constrictions of the treaty. I think both countries will benefit. So I commend the President on the decision he has made.

I think, also, Mr. President, from the standpoint of our allies in Europe, those who have already elected to take the stand and bite the bullet in regard to the deployment of Pershing and other missiles there, I think we owe it to the allies as well as to our own people to adhere to this treaty, at least as long as the end of the next year and as long as the Soviets seem to be adhering to most of the provisions of the treaty.

Also, with those countries like Belgium, which has recently made its decision, and The Netherlands, which yet will make their decision, it seems to me that it was in the best interest of all of these allies that the President elected to adhere to the treaty. Otherwise, it might have endangered the prospects of The Netherlands' reaching a favorable decision in the near future to deploy cruise and Pershing missiles on their soil.

So I again commend the President. I will do whatever I can to support him in this regard.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 13 minutes.

TIME EXACTLY RIGHT TO STOP THE ARMS RACE

Mr. PROXMIRE. Mr. President, I challenge any Senator to name any objective more important for the U.S. Government than peace with freedom. Has there ever been a nation on Earth more blessed with opportunity and freedom than the United States? Has there ever been a time when human life—all human life—was in such jeopardy as it is in the world today beset with a breakneck, all-out nuclear arms race?

Both the United States and the U.S.S.R. have nuclear arsenals so appalling that a superpower nuclear war could utterly destroy both the United States and the Soviet Union as organized societies. Such a war could, in the view of the National Academy of Sciences, create a nuclear winter. For months the entire Earth could be plunged into darkness and bitter cold. It would be the worst environmental disaster in 65 million years. Mankind could literally perish from the Earth. Faced with such a terrible threat, we should measure our policies on the basis of what they contribute to our chances of preventing this catastrophe while preserving our freedom.

On that basis, how do our policies rate? Most Americans believe that we should negotiate an end to the nuclear arms race now. A big majority believe that we can only achieve a successful and effective arms control agreement if we negotiate from a position of strength with nuclear weapons and technology. How much of this strategic strength do we need? Answer: A rough parity with the U.S.S.R. Do we have that rough parity? Well, the

answer is yes we do, and then some. In fact, we have far more than parity. First, take the status of the two superpowers in military technology. Where do the two superpowers stand? In March of this year the Under Secretary of Defense for Research and Engineering issued a report comparing the United States and the Soviet Union in the 20 most significant military technologies. Was the United States behind or ahead or about the same? It is astonishing that almost no one talked about the content of that report. It was a bombshell. In the 20 major military technology categories. The United States lead in 15—I repeat of 20 categories the United States lead in 15. Think of that—we lead in three-quarters of the main military technology areas. The two superpowers were considered equal in five. And in how many categories did the Soviets lead? Exactly none. As we say in baseball, it was a white wash, a shut out.

If ever it could be said that the United States can deal from strength in terms of military technology that can be said of the United States today. How about strategic weapons in being? The first big fact is that both superpowers have far, far more than they could possibly ever need to totally demolish the other. In strategic long range warheads capable of delivery on the opposition, the United States leads about 12,000 to 9,000. In total nuclear warheads—including tactical nuclear weapons—the best unclassified available evidence give the United States a roughly 30,000 to 20,000 lead. Does the Soviet Union have any significant nuclear weapon advantage? Yes. The Soviets lead in land based, superaccurate ICBM's. It leads in megatonnage and throw-weight. How is that significant? If the superpowers abrogate SALT II, the Soviets could more easily add nuclear warheads to their missile arsenal. But the U.S. deterrent is far less vulnerable than the Soviets. The United States can reach, find, and destroy much of the Soviet nuclear deterrent. The Soviets cannot destroy much of the United States deterrent. Why? Because so much more of the American nuclear deterrent is in submarines. Fifty percent of our bigger deterrent—bigger than the Soviet Union—is in submarines, as compared to 25 percent for the Soviets. Based on high-flying, fast-moving bombers—25 percent on high-flying, fast-moving bombers for the United States, and only 4 percent for the Soviet Union.

What does all this mean for the timing of arms control? It means today—right now—is as good a time as we are ever likely to have to negotiate an end to the arms race. Today we negotiate from strength. Both superpowers suffer an immensely costly nuclear arms burden. The arms race increases that burden with every passing year. A verifiable, comprehensive agreement to stop all nuclear testing, production, and deployment would greatly benefit both countries economically. More important, such an agreement would certainly advance the cause of peace and the survival of American freedom.

FELIX NUSSBAUM

Mr. PROXMIRE. Mr. President, the New York Times on Sunday, June 3, carried an article tracing the life and work of a painter named Felix Nussbaum, who died in the Auschwitz concentration camp in 1944. Mr. Nussbaum's paintings are being exhibited through August at the Jewish Museum in New York.

Living in an attic hideaway in Brussels from 1940 until his capture by the Gestapo in 1944, Felix Nussbaum created a substantial body of work that depicted on canvas the fear and terror that Jews lived under during the Nazi years of persecution and murder.

Today, more than 40 years later, the world is still trying to comprehend their pain and anguish. Luckily, many of Nussbaum's paintings survived confiscation because his friends hid them from the Nazis, so today through his art we can better understand and bear witness to the suffering wrought by the Holocaust.

Not long after Hitler became Chancellor of Germany in 1933, Nussbaum was stripped of his professional affiliations and could not make a living at his art.

He, therefore, left Germany for Belgium. But, when the Nazis invaded that country in 1940, Nussbaum was arrested and sent to St. Cyprien, an internment camp in southern France. He escaped from that camp, returned secretly to Brussels, and began his 4 years in hiding.

The work he produced during his years in hiding was intensely autobiographical. The figures he painted were like himself and his people—trapped as civilization was crumbling around them.

His subjects are desperate, emaciated people who graphically show the toll of the destruction. But even amid this destruction, there appear signs of hope in Nussbaum's art. In one painting, for example, a flowering branch grows out of a bare lopped-off tree. In another painting, kites fly, heralding the arrival of the Allied planes.

In a sense, the life Felix Nussbaum lived and the art he created embodies the entire Holocaust episode. Through his work, we can better comprehend the combination of danger, sorrow, and hope that was the experience of Jews in Europe.

We can also understand that for Felix Nussbaum, as for so many other Jews in Europe, liberation came only in death.

If we are to recognize the horror that was the Holocaust, we must also recognize our responsibility to join with other nations that have already ratified the Genocide Treaty. U.S. ratification of the Genocide Treaty would tell the world this country is deeply committed to ensuring that the human loss represented so intensely in the paintings of Felix Nussbaum is never repeated.

Mr. President, the Foreign Relations Committee has reported the Genocide Treaty to the floor of the Senate now for the sixth time—for the sixth time in the 36 years the treaty has been pending. The treaty was not listed by the majority leader in the "must" bills that had to be taken up this month. But the treaty is pending now on the floor.

I would like to point out that we passed a resolution in the closing days of the last session in which the Senate overwhelmingly—with only two dissenting votes—pledged itself to take up the Genocide Treaty and act on it promptly in the 99th Congress. Therefore, Mr. President, we should take it up as soon as possible, and not let it languish another session without action.

Mr. President, I am happy to yield the remainder of my time to my good friend from Missouri, Senator EAGLETON.

I yield the floor.

RECOGNITION OF SENATOR EAGLETON

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri, Mr. EAGLETON, is recognized for not to exceed 15 minutes.

Mr. EAGLETON. Thank you, Mr. President.

THE DEPARTMENT OF TRANSPORTATION AIR CARRIER ACQUISITION ACT OF 1985

Mr. EAGLETON. Mr. President, today I am introducing the Department of Transportation Air Carrier Acquisition Act of 1985 which would establish a hearing policy in hostile takeovers of airlines and place a prohibition on greenmail in airline acquisitions.

This legislation concerns hostile takeovers, but does not block legitimate, necessary corporate activities. Obviously, a dynamic economy demands the freedom to merge, tender and acquire. The growth of the business lexicon to include the terms "junk bonds," "greenmail," and "poison pills," however, reflects unprecedented behavior in the corporate world, and the consequences of this takeover mania are unknown. It can safely be said to date, however, that the rash of takeovers has resulted in companies being saddled with huge debts or being liquidated, throwing in-

dustries and people's lives into a nonproductive uproar.

Members of the Securities and Exchange Commission, the Federal Communications Commission, the Department of Tranportation, and the administration in general seem content to let this new breed of corporate pirate, the "raider," roam freely, with little apparent concern for the consequences of their inaction. Congress has been less than robust in setting a firm course through these newly discovered, largely uncharted waters of the American corporate sea.

In fact, these agencies and this administration exemplify a policy of eager inactivity.

Just today, the Department of Transportation denied TWA's request to intervene in the Carl Icahn attempted takeover of TWA.

DOT claims that the Icahn takover isn't imminent, despite the fact that he has acquired 33 percent of TWA's stock and it is a foregone conclusion that he will win this takeover battle absent a "White Knight" or "Tattletale Gray Knight" or some form of governmental intervention.

DOT also did not see any lack of fitness of the Icahn takeover. Icahn has been in trouble with the Securities and Exchange Commission, the State Corporation of Virginia, the U.S. district court, the State of New York, the New Jersey Bureau of Securities, the New York Stock Exchange, and the Chicago Board of Options.

Yet to DOT, he is clean as a hound's tooth to run an airline.

In the eyes of DOT, if you are not in the Federal penitentiary in Leavenworth, you are fit to run a national airline.

In fact, if you read DOT's decision as to Icahn's fitness (page 7, 8), Willie Sutton, once out of jail, could operate a major airline.

Mr. President, I ask unanimous consent that a copy of DOT's order denying TWA's application be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. EAGLETON. DOT's decision is a profile in cowardice.

I am now introducing a bill which would give DOT some modicum of courage to look carefully before allowing a Carl Icahn to take over a national airline.

The bill in essence seeks to require DOT to do the job already set out for it. In this particular industry, the public interest is so pronounced that there already exists legislation barriers to segregate their activities from the normal ebb and flow of the free market. Congress, at the very least, must require that there be a full investigation of the motives, financing, intentions, and competence of those raiders now stalking the aviation industry as their private game preserve. My bill will do just that.

The Department of Transportation Air Carrier Acquisition Approval Act of 1985 will do three things: First, require timely hearings by the proper regulatory authority, the Department of Transportation, to disclose all parties and financial arrangements involved in any proposed acquisition, to reveal any previous securities violations and the managerial experience of the prospective acquiror; second, require the proper regulatory agency, the Department of Transportation, to make a finding as to the fitness and intent of the acquiror to continue to operate the target company in the public interest, and; third, prohibit the payment of greenmail in all acquisitions within the airline industry.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

Mr. President, I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Transportation Air Carrier Acquisition Approval Act of 1985".

APPROVAL OF TRANSFER OF AIR CARRIER OWNERSHIP

SEC. 2. (a) The Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) is amended by inserting after section 419 (49 U.S.C. 1389) the following new section:

"APPLICATION TO TRANSFER AIR CARRIER OWNERSHIP

"SEC. 420. (a) Any person seeking ownership or control of any air carrier whose Board of Directors has not approved the proposed acquisition of such ownership, shall file an application with the Secretary of Transportation which shall include—

"(1) full disclosure of—

"(A) the identities of all persons involved in the proposed acquisition of such ownership;

"(B) all financial sources involved in the proposed acquisition; and

"(C) the details of all financial arrangements involved in the proposed acquisition;

"(2) the reasons that the proposed acquisition is in the public interest, convenience, and necessity;

"(3) the managerial experience and financial resources available to such person if such ownership is acquired; and

"(4) any other information the Secretary of Transportation may reasonably require to make the determinations pursuant to subsection (b).

"HEARING BY THE SECRETARY OF TRANSPORTATION

"(b) Within sixty days after the receipt of an application pursuant to subsection (a) the Secretary shall hold a hearing and determine whether the public interest, convenience, and necessity will be served by the approval of such application.

"APPROVAL OF APPLICATION

"(c) An approval of an application by the Secretary of Transportation pursuant to subsection (b)—

"(1) shall permit the person filing such application to attempt to acquire ownership of such air carrier;

"(2) may not be construed to affect the authority of, or any action taken by the Secretary of Transportation pursuant to sections 408, 409, or 414 (49 U.S.C. 1378, 1379, or 1384).

"PROHIBITED SALES OF SECURITIES

"(d) It shall be unlawful for any person who owns an air carrier which is the subject of an application filed under subsection (a) to purchase, directly or indirectly, any of its equity securities from any person who holds more than 3 per centum of the class of securities to be purchased and has held such securities for less than two years, unless—

"(1) such purchase has been approved by the affirmative vote of a majority of the outstanding aggregate voting securities of the issuer; and

"(2) the issuer makes an offer, at a price equal to the price paid to such person to all holders of securities of such class and to all holders of any class into which such securities may be converted.

"EXEMPTION OF PROHIBITED SALES

"(e) The Secretary of Transportation may, by rule, regulation, or order, exempt any purchase from the requirements of this subsection if such an exemption would be in the public interest and consistent with the purposes of this section.".

(b) The table of contents at the beginning of such Act is amended by inserting after the item relating to section 419 the following new item:

"Sec. 420. Approval of transfer of air carrier ownership.
"(a) Application to transfer air carrier ownership.
"(b) Hearing by the Secretary of Transportation.
"(c) Approval of application.
"(d) Prohibited sales of securities.
"(e) Exemption of prohibited sales.".

—

EXHIBIT 1

[DOCKET 43135]

ORDER DENYING APPLICATION

Having carefully considered TWA's Application and all of the comments filed in response, the Department finds that while it has jurisdiction to institute an investigation of TWA's continuing fitness, such action would be appropriate only in the rare and exceptional case and no such action is warranted here. TWA has failed to set forth the compelling *prima facie* case essential to justify such a proceeding in these circumstances.

BACKGROUND

On May 16, 1985, Trans World Airlines (TWA) filed an Application asking us to investigate its prospective continuing fitness under section 401(r) of the Federal Aviation Act (Act), 49 U.S.C. 1371(r), in the event that Mr. Carl C. Icahn gains control of the carrier. In support of its Application, TWA alleged that: (1) Mr. Icahn and companies he controls ("Mr. Icahn") own at least 20% (as of the date of the filing) of TWA's outstanding common stock and seek immediate control of TWA; (2) Mr. Icahn's record of several consent decrees with the SEC and of enforcement actions by several state agencies indicates that he does not have the disposition to comply with the law; (3) his financing for the purchase of TWA stock may in part come from foreign banks, raising the issue of foreign control of an airline; (4) his

investment group has no experience in airline management; (5) his investment group might have financial interests in other aeronautics enterprises, requiring specific approval of the Department for the acquisition of TWA; and (6) his history as a "corporate pirate" shows that his financial and operational plans for TWA would be highly disruptive to TWA's continued operation and fitness as an air carrier. In addition, TWA argues that the intention of Mr. Icahn to merge TWA with a corporation formed for that purpose would be unlawful, absent prior approval of the Department under section 401(h) of the Act and review by the President pursuant to section 801 of the Act. TWA also filed a motion for expedited treatment and asked that the Department act to stop Mr. Icahn from acquiring additional TWA stock before he takes control of TWA.

On May 17, 1985, we issued a Notice to All Parties that responses to TWA's Application should be filed by May 28.[1] Several civic groups and other persons filed comments in support of TWA's Application: the St. Louis and Kansas City Chambers of Commerce, the Missouri Parties, the Port Authority of New York and New Jersey, the Cities of St. Louis and Kansas City, the Los Angeles Department of Airports, the Air Line Pilots Association, and the City of Memphis.[2] Their support is based primarily upon the perceived economic consequences if Mr. Icahn acquires control of TWA and dismantles the company. In addition, there have been several letters to the Department from members of Congress: for example, Senators Alfonse M. D'Amato and Thomas F. Eagleton expressed concern about the possible selling off of assets of the carrier if Mr. Icahn gained control and eight members of the Missouri delegation wrote to ask for an investigation under the Department's continuing fitness authority.

Mr. Icahn filed an Answer opposing TWA's Application. Mr. Icahn asks that we dismiss TWA's Application because: (1) DOT has no authority to grant the relief requested by TWA, since it cannot review an acquisition of control of TWA by a person not connected to the transportation industry; (2) although DOT does have authority to institute a fitness investigation should he gain control of TWA, he does not now have such control, and the Department should not exercise its continuing fitness power to regulate changes in control of TWA; and (3) there is no evidence to suggest that TWA will be unfit if he should gain control of the carrier.

Mr. Icahn characterized TWA's Application as an attempt to have the Department regulate the acquisition of a carrier by requiring its fitness approval in advance of any acquisition. He asserts that the Department has no authority to grant the relief requested by TWA because Congress, when it passed the Airline Deregulation Act of 1978, specifically withdrew authority to review acquisitions of air carriers by persons not involved in the transportation industry.

He also urges that the Department not exercise its continuing fitness authority under section 401(r) or the Act at this time as requested by TWA, since he does not yet control TWA. Such a step, he asserts, would be tantamount to an exercise of the powers Congress specifically rescinded in the Deregulation Act.

According to Mr. Icahn, he and all members of the partnerships involved in his stock purchase are U.S. citizens and all funds used to purchase stocks have and will come from U.S. investors or financial institutions. He asserts that no person, partnership, or corporation involved in the acquisition is substantially engaged in the business of aeronautics. Mr. Icahn also states that, contrary to TWA management's claims, he has no intention of dismantling TWA if he gains control. Along with his statement to this effect in his filing here, he points to the May 28 decision of the U.S. District Court, *TWA* v. *Icahn*, No. 85 Civ. 3677 (JMC) (S.D.N.Y. May 28, 1985), denying TWA's motion for a restraining order against further stock acquisitions, where the court concluded that it could not infer from Mr. Icahn's past conduct that he has a plan that "most likely implicates the sale of major assets or a 'greenmail' attempt."

Mr. Icahn also addresses compliance disposition issues raised by TWA. He points out that his companies are in good standing with the many regulatory bodies, including the SEC, New York Stock Exchange, and several State agencies, that oversee the securities industry. He argues that TWA has overstated the nature and magnitude of his past consent decrees with the SEC. According to Mr. Icahn, none of these proceedings involved an adjudication of wrongdoing, and all were settled without an admission of guilt. Mr. Icahn further argues that, because he does not intend to merge TWA into a new corporation and transfer TWA's assets to that corporation, no Department approval under section 401(h) of the Act or Presidential review under section 801 of the Act is required.

On May 29, TWA filed a Reply contending that Mr. Icahn's Answer is irrelevant, asserting that: (1) TWA seeks relief under section 401(r) (continuing fitness requirements), not under section 408 (approval of a control relationship), and DOT has authority to conduct a fitness inquiry prior to acquisition of a carrier by a person suspected of being unfit; and (2) serious questions have been raised regarding Mr. Icahn's fitness. On June 3, Mr. Icahn filed an Answer to TWA's Reply, asking that we not accept TWA's Reply, since the issues have been defined and argued in prior pleadings, and again asserting that TWA has failed to establish that the Department has jurisdiction to institute a fitness investigation at this time and has also failed to show that such an investigation is warranted.[3] On June 5, TWA filed a motion requestion that the Department hold oral argument on the jurisdictional issue raised by Mr. Icahn.

LEGAL ISSUES

1. Jurisdiction

TWA presented evidence that Mr. Icahn has acquired a large portion of TWA's outstanding stock, and that he has stated his intention to acquire, and has taken steps to acquire, control of the carrier. TWA has, therefore, asked us to determine whether it will continue to be fit in the event Mr. Icahn gains control. In essence, it has asked us to determine, in advance of his actual control of the carrier, whether Mr. Icahn himself meets our fitness standards. TWA asserts that we have jurisdiction to conduct such a fitness investigation under section 401(r) of the Act. Under section 401(r), the requirement that a carrier be fit, willing, and able to perform air transportation and to hold a certificate is a continuing one. We use a three-part fitness test focusing on managerial experience, finances, and disposition to comply with the law. The Department can modify, suspend, or revoke the certificate of a carrier if, after notice and hearing, it finds the carrier has failed to comply with this continuing requirement.

Mr. Icahn asserts that we have no jurisdiction to review his acquisition of control of TWA, since the Airline Deregulation Act (Pub. L. 95-504) eliminated the requirement of prior government approval of an acquisition of a carrier by a person with no substantial aeronautical interest. He argues that he does not yet control TWA and that, if the Department were to assert jurisdiction under section 401(r) at this time, it would be circumventing the intent of Congress that the government not intervene in such changes in ownership.

The Department strongly agrees that it should not routinely intervene in changes in airline ownership. And this is clearly the intent of Congress as well. Before 1978, the Act required Board approval for an acquisition of control of an air carrier by "any person," a requirement added in 1969. The Airline Deregulation Act of 1978 struck the "any person" language from section 408. The Senate committee explained this change as follows, S. Rep. No. 95-631, 95th Cong., 2d Sess. (1978) at 77:

"Upon reflection it now appears best to leave supervision of these types of transactions to the antitrust laws. In essence, this provision protects incumbent managers from the threat that any person or firm believing it can more profitably and effectively operate the carrier will be able to purchase a significant share of the firm's stock for the purpose of influencing carrier policy. In nonregulated industries, this threat of a takeover helps insure that managements have every incentive to profitably operate their firms."

The House committee recommended for similar reasons that the Board's jurisdiction over control acquisitions be substantially narrowed, H.R. Rep. 95-1211, 95th Cong., 2d Sess. (1978) at 18:

"There would appear to be little need for CAB review of acquisitions of control of airlines by persons with no other aviation interests. Disclosure of these transactions will still be required by section 407 of the Federal Aviation Act and the securities laws. If the acquisition of control impairs a carrier's operating ability, it will suffer the competitive consequences which will occur in the more competitive environment established by this bill."

Congress clearly intended that carrier acquisitions by persons with no other transportation interests be free from the regulatory burdens once imposed under section 408(a)(5). However, the purposes of sections 408 and 401(r) are separate and distinct. The amendment to section 408 was not intended to eliminate our authority and responsibility under section 401(r) to ensure that carriers continue to be fit.

The purpose of section 408 is to protect the public against control transactions with potentially serious anticompetitive effects.

[1] In its motion for expedited treatment which was filed later in the same day that we issued the Notice, TWA asked that responses be due no later than May 24. Since the date for filing responses was set by our Notice, we deny TWA's motion.

[2] Memphis' Answer was filed on May 31 and was accompanied by a Motion For Leave to File Late, on the basis that only on May 29 did it learn of the May 28 deadline for filing responses. Since it has shown good cause, we grant Memphis' Motion.

[3] Both TWA's Reply and Mr. Icahn's Answer to the Reply were accompanied by motions for leave to file their respective documents. We grant both parties' motions for good cause shown.

Section 401(r) is not concerned the acquisition of control *per se*, nor with the competitive effects of acquisitions. Rather, its purpose is to ensure that carriers maintain their fitness to operate. Furthermore, a reading of the legislative history of the Deregulation Act shows that the purpose of the amendment to section 408 centered only on the desire to do away with unnecessary regulatory barriers to competition. There is no suggestion in the legislative history that Congress thus intended to abolish our authority to determine whether a carrier continues to be fit under new ownership or management. *See* S. Rep. No. 95-631, 95th Cong. 2nd Sess. (1978) a 76-78. Thus, a determination of the continuing fitness of a carrier under new ownership or management is not contrary to the intent of Congress in amending section 408. At the same time, we must be careful to avoid having this continuing fitness authority used as a substitute for the section 408 authority Congress eliminated in 1978.

Mr. Icahn concedes that, should he gain control of TWA, the Department has the authority to institute a fitness investigation under section 401(r). However, he urges the Department not to exercise its section 401(r) authority now because, he asserts, he does not yet "control" TWA and he claims that such an action would amount to an attempt to regulate control of an air carrier.

We disagree that the Department must decline to consider instituting a continuing fitness investigation based on Mr. Icahn's assertions that he does not "control" TWA.

If a compelling case were made that a carrier's continuing fitness to operate would be subject to serious question following a proposed acquisition, it clearly would be in the public interest for us to use the authority provided in section 401(r) as early as practicable to review the continued fitness of an air carrier.[4] For this reason, where the public interest was at risk, we have not refused to act where fitness was at issue merely because actual control of a carrier had not been conclusively established. Order 85-2-4, February 1, 1985 (Continuing Fitness of Golden West Airlines).

The issue of a carrier's continued fitness under new ownership or management may properly be the subject of a continuing fitness investigation under section 401(r). Orders 85-2-4, February 1, 1985 (Continuing Fitness of Golden West Airlines); 84-5-23, May 4, 1984 (Premiere Airlines Continuing Fitness Investigation); 83-9-86, September 19, 1983 (Midway (Southwest) Airway Co. Fitness Investigation); 82-4-84, April 15, 1982 (Application of Avia International Airlines and Challenge Air Transport); and 80-12-26, December 5, 1980 (Application of Gifford Aviation, *et al.*). Moreover, whether a carrier is actually under the control of a particular person and therefore might not be fit to operate may appropriately be at issue in an initial fitness investigation (Order 85-3-85, March 29, 1985 Pan Aviation Fitness Investigation) as well as a continuing fitness investigation. Orders 85-2-4, February 1, 1985 (Continuing Fitness of Golden West Airlines), and 84-5-23, May 4, 1984 (Premiere Airlines Continuing Fitness Investigation).

In his Answer, Mr. Icahn admits to owning at least 25% of TWA's outstanding stock as of May 28, and has made public his intention of acquiring control of the carrier.[5] He has, in fact, already proposed to purchase all remaining outstanding shares of TWA. Under those circumstances, whether Mr. Icahn has the ability to control TWA is an issue that may properly be resolved in the context of a continuing fitness investigation under section 401(r) of the Act. under these facts, we therefore do not accept Mr. Icahn's arguments that we cannot institute such an investigation because he does not yet control TWA.[6]

While we find that we have the legal authority to institute a fitness investigation of a person before actual control of an airline has been acquired, it is our policy to use that authority only in the rare and unusual case. The Department does not intend through our authority under section 401(r) to be drawn into takeover attempts or other management disputes as a matter of course or to otherwise substitute unnecessary government regulation for the competitive pressures of the marketplace. As discussed above, the Department's routine involvement in takeover contests would be contrary to Congress' decision in the Airline Deregulation Act that prior Government approval was unnecessary whenever a new person acquired control of an air carrier. We do not believe that our section 401(r) authority should be exercised before control has been acquired unless at least two criteria are met: first, the likelihood of a change in control must be strong; and second, there must be a compelling *prima facie* case of a lack of fitness.

We agree with TWA that Mr. Icahn may well acquire control of the carrier. However, because TWA has not made out a compelling *prima facie* case of lack of fitness with respect to Mr. Icahn, we conclude that institution of a continuing fitness investigation pursuant to section 401(r) of the Act is not warranted.

2. Fitness

In its Application, TWA raises several issues that it claims are related to TWA's fitness, including Mr. Icahn's compliance disposition, his managerial experience, the possibility of foreign control or holdings by Mr. Icahn in aeronautical businesses, and the possibility that his financial and operational plans for TWA may be disruptive to its continued fitness.

a. Managerial Experience

There is no credible evidence that Mr. Icahn's control of TWA would deprive it of the managerial expertise necessary to meet our fitness standard. We do not require that a person controlling an air carrier have specific aviation experience; the test is met if that person has substantial business experience and the carrier's management team has the qualifications and experience needed to operate the carrier. *See* Order 85-3-9, March 4, 1985 (Application of Pegasus Airlines). We have been presented with no grounds to conclude that Mr. Icahn will be unable or unwilling to choose competent and experienced managers should he control TWA.

b. Financial and Operating Plan

TWA also claims that Mr. Icahn's reputation as a "corporate pirate" shows that his financial and operational plans would be so disruptive as to render the carrier unfit. We are not inclined to intrude at this time in a transaction such as this based on speculation of future actions that may be taken by the prospective new owner or management of a carrier. TWA has presented no credible evidence to demonstrate that Mr. Icahn's control of this carrier, even if he were to redeploy assets, would result in an unfit operation.[7]

c. Compliance Disposition

TWA contends that numerous administrative and judicial actions involving securities transactions by Icahn companies raise questions regarding his compliance disposition that must be resolved in a fitness hearing. These actions involved matters ranging from allegations by State or Federal authorities of failure of Icahn-controlled companies to comply with registration requirements to private suits involving takeover attempts and inaccurate reporting.

The Department regards compliance disposition as an important element in our fitness process and has not hesitated to act where there was substantial evidence of a person's lack of disposition to comply with the law and as a consequence, of an imminent risk to the public. For example, early this year we instituted a continuing fitness investigation of Golden West Airlines, prompted by our concern over the alleged control of the carrier by Mr. Kevin M. Von Feldt, who had a history of aviation enforcement problems involving the illegal sale of air transportation with resultant difficulties by prospective passengers in obtaining refunds. Order 85-2-4, February 1, 1985 (Continuing Fitness of Golden West Airlines.[8]

We find here, however, that the incidents cited by TWA do not provide a sufficient basis to institute a continuing fitness review. According to Mr. Icahn, in none of these instances has there been an adjudication of guilt or wrongdoing on his part. TWA does not controvert his account. More importantly, Mr. Icahn and his companies remain in good standing in the heavily regulated securities industry with the SEC, New York Stock Exchange, and various States. Based on this information, we find no compelling *prima facie* case of a compliance disposition problem that would justify investigation by the Department.

3. Certificate transfer, foreign control, and aeronautical interests

TWA also asserts that the intention of Mr. Icahn to merger TWA with another cor-

[4] In fact we require under section 204.4 of our regulations that certificated carriers notify us of *proposed* substantial changes in operations. This authority has been exercised in conjunction with alleged or proposed changes in ownership and management to review the continuing fitness of a carrier. Orders 85-2-4, February 1, 1985, (Continuing Fitness of Golden West Airlines) and 83-9-86, September 19, 1983 (Midway (Southwest) Airway Co. Fitness Investigation).

[5] Mr. Icahn's holdings are apparently increasing. According to his most recent filing with the SEC, Mr. Icahn owns 32.77% of TWA's outstanding shares.

[6] Since we have rejected Mr. Icahn's jurisdictional argument, we deny TWA's Motion for oral argument on that issue.

[7] In any event, TWA has failed to demonstrate that Mr. Icahn has any intention to redeploy the carrier's assets in the fashion alleged by TWA. *TWA v. Icahn*, No. 85 Civ. 3677 (JMC) (S.D.N.Y. May 28, 1985).

[8] Although in the course of our continuing fitness investigation we found Mr. Von Feldt was not entitled to use the Golden West name, by Order 85-5-45, May 8, 1985, we revoked the carrier's certificate pursuant to section 401(r) for reasons unrelated to Mr. Von Feldt's illegal activities. In a related court action, the Department had obtained a restraining order prohibiting Mr. Von Feldt from engaging in air transportation as Golden West. The Court also found him in contempt of an earlier order enjoining him from engaging in air transportation without requisite authority.

poration would violate section 401(h) of the Act, absent prior approval of the Department, and section 801 review by the President.[9] Section 401(h) prohibits transfers of certificates without approval of the Department and section 801 provides for review by the President of any transfer of a certificate to engage in foreign air transportation. Certainly no certificate may lawfully be transferred unless the requirements of sections 401(h) and 801, as appplicable, are met. However no steps yet have been taken that would trigger review under these sections. Therefore, we find no merit in TWA's argument. Nor has TWA presented evidence demonstrating foreign controll or any interest by Mr. Icahn in any other aeronautical business, and in fact, Mr. Icahn specifically denies any foreign involvement and any other involvement in the business of aeronautics.

ACCORDINGLY

1. We deny the Motion of Trans World Airlines for expedited treatment;
2. We grant the Motion of the City of Memphis for leave to file its Answer late;
3. We grant the Motion of Trans World Airlines for leave to file its Reply;
4. We grant the Motion of Carl C. Icahn for leave to filed his Answer to TWA's Reply;
5. We grant the Motion of Trans World Airlines to file its third amendment to it Application;
6. We deny the Motion of Trans Worlds Airlines for an emergency order;
7. We deny the Motion of Trans Worlds Airlines for oral argument; and
8. We deny the request of Trans Worlds Airlines for the institution of a continuing fitness investigation under section 401(r) of the Federal Aviation Act.

MATTHEW V. SCOCOZZA,
Assistant Secretary
for Policy and International Affairs.

[9] This assertion is contained in TWA's third amendment to its Application. TWA also filed a Motion for Leave of File this document, since the date for filing responses had already passed. We grant TWA's motion.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

NATIONAL LITTLE LEAGUE BASEBALL WEEK

Mr. DOLE. Mr. President, 46 years ago, on a baseball diamond in Williamsport, PA, three teams began competing in a league that would eventually include ball clubs from such exotic places as Egypt, Italy, and Taiwan. Although the league debuted in 1939 with a grand total of eight baseball gloves shared between three teams, the organization by 1985 would boast more than 25 million players on its international roster. Of course, the Senator from Kansas is describing an American institution known the world over as the Little League. We pay tribute to this great success story this week during National Little League Baseball Week.

Mr. President, it is fitting that we mark the league's 46th anniversary on Capitol Hill because, in fact, it is the only sports organization chartered by the Federal Government. Indeed, from its modest opening day in Williamsport, Little League baseball has grown to become the world's largest youth sports organization, with an amazing 15,600 programs in 25 different countries.

In my view, there are no better ways of exporting to the rest of the world our basic American values of teamwork, discipline, and good, clean fun than through our great national pastime and the Little League. Every August, teams from the corners of the globe gather in Williamsport to participate in the Little League World Series, a weeklong competition to determine the world champions. But true to the ideals of the league upon which its founders so wisely insisted, there are no losers in the Little League—not the runners-up in the World Series, nor the team struggling to learn the fundamentals in a small Kansas town or on a dusty diamond in Africa. Above all, the thrill of competition and the principles of hard work will better prepare our youngsters—and their international teammates—for the challenges of adulthood.

Mr. President, our American kids might have trouble understanding the Japanese or German of their foreign rivals, but throw out a bat and a ball and you've got the instant communication of a universal language. Let us honor the remarkable accomplishments of Little League baseball this week by saluting the dedicated organizers, parents, coaches, communities, and our young ballplayers who give so much of themselves to perpetuate our uniquely American game; through the Little League, it is our gift to the world.

ALCOHOLICS ANONYMOUS ANNIVERSARY

Mr. DOLE. Mr. President, 1985 marks the 50th anniversary of the founding of Alcoholics Anonymous—a fellowship of men and women who share their experience, strength, and hope with each other so that they may solve their common problem and help others to recover from alcoholism.

AA was founded in 1935 in Akron, OH, by a New York investment executive and an Akron physician who found that by helping each other they could maintain sobriety. Both men are now deceased, but the program of recovery has spread to all parts of the world with an estimated 1,000,000-plus membership. Members meet regularly to help themselves and others gain and maintain sobriety.

Alcoholism is recognized as a major health problem. In the United States, it is the third largest killer, after heart disease and cancer. And alcoholics are not the only victims. Families, friends, coworkers, and the community-at-large all suffer. According to a recent indepth poll conducted by ABC News and the Washington Post, one out of three American adults—56 million Americans—say that alcohol abuse has brought trouble to their families. The same survey indicates that 8 percent of the public, or 13 million Americans, at some point in their lives have had a drinking problem for which 1 percent have received treatment. Currently about 2½ million Americans admit to having a drinking problem.

The statistics outlined above only allude to the full extent of the problem, for many alcoholics are unable to confront the fact that they are suffering from the disease. And alcoholism is a disease, a well-known but little understood illness. While we have learned a great deal about how to identify and arrest alcoholism, as yet, we have been unable to find a way to prevent it.

And so today I ask you, my colleagues, to join me in saluting Alcoholics Anonymous, an organization which has helped millions of alcoholics stop drinking and lead normal and productive lives.

In Washington, we sometimes lose sight of what can be done by people joining together to help each other, without any prodding, funding, or regulation by the Federal Government. AA serves as a sterling example of what can be accomplished through simple, self-help efforts. There are no dues or fees for AA membership. The only requirement is a desire to stop drinking. AA is not affiliated with any political organization or institution. It neither endorses nor opposes any causes. It accepts no government money, no foundation money, no corporate or private money. It is entirely self-supporting, almost totally from the money dropped in the baskets passed at AA meetings.

Many have tried to analyze the phenomena of AA—why it works in so many cases when all else has failed. That it does work and has been such a vital force in arresting the disease of alcoholism clearly deserves our recognition and our gratitude. So join me today in celebrating, along with millions throughout the world, the 50th anniversary of Alcoholics Anonymous.

DRUG PRODUCTION IN JAMAICA

Mrs. HAWKINS. Mr. President, the unsurpassed tropical beauty of the Caribbean Island of Jamaica is belied by the ugliness that results from what has become its chief export—illicit narcotics.

The United States has been sending its citizens to Jamaica for years, providing this island nation with massive amounts of revenue in travel and tourism. It would seem that Jamaica, in return, is sending us drugs that corrupt our children, destabilize our society, and threaten our national security.

The United States has also been generous in its financial support of Jamaica. For fiscal year 1986, in fact, $134.5 million in economic and military aid is slated for this island nation. Jamaica is also one of the primary recipients of multilateral development bank assistance—$130.4 million in fiscal year 1984. I am aware of the political and social turmoil that has afflicted Jamaica in the recent past, and I realize full well that U.S. aid is vital to this nation in its efforts to stabilize its government, and restore tranquility to its citizens. But I also realize that we as Americans can no longer channel millions of dollars into a nation that refuses to take the steps necessary to curb its drug production—crops that are headed directly for our children.

Not only is marijuana entering our Nation from Jamaica in record amounts, but there is increasing hard evidence that imported cocaine is becoming prevalent on the island. Air and sea routes, both for marijuana and cocaine transport, are being utilized in and around Jamaica for drug shipments intended for the United States. It has been reported, as well, that numerous cocaine processing "labs" are beginning to emerge all over Jamaica.

There has been some internal fallout, however. There are indications that this Nation is starting to experience growing problems with drug use and abuse by the Jamaican population, both with marijuana and cocaine. It has been necessary in the recent past to set up numerous drug treatment and rehabilitation centers in Jamaica for the many young people who are suffering in increasing numbers from drug addiction.

In the recently published International Narcotics Control Strategy Report of the State Department, it was reported that Jamaica has become the second leading source of marijuana available in the United States. Colombia is first, with Mexico next. Mr. President, 13 percent of the marijuana that is destroying our children comes from the island of Jamaica, and it is expected that this percentage will increase in the next fiscal year. The 1984 figures are still being computed, but it is expected that between 2,000 and 3,000 metric tons of marijuana will come into the United States from Jamaica.

Mr. President, I find it untenable, and I think my colleagues in the U.S. Senate will agree with me, that U.S. aid to Jamaica, and Jamaican marijuana production, and Jamaican cocaine trafficking, are increasing at the same time. It is, indeed, time that we stopped funding our own destruction.

I therefore call on the nation, and the Government of Jamaica to curb its drug production. In the long run, when we in the United States finally become fed up with the refusal of the Jamaican Government to comply with our request to stop producing and exporting illicit narcotics, it will end up costing Jamaica more than this nation may be willing to pay. It will cost them U.S. aid—all of it. We in the U.S. Congress are in the process of eliminating American aid to the nation of Bolivia because of their government's refusal to curb their drug production and export, and Jamaica should be forewarned that we are prepared to introduce similar legislation in their behalf. In our determination to end the scourge of drug abuse in our Nation, we in the United States are prepared to do whatever we must to protect our children, and preserve our society.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes, for fiscal years 1986 and 1987.

The Senate resumed consideration of the bill.

Pending:

Helms Amendment No. 290, to maintain Presidential authority to curb human rights violations in connection with population assistance.

Mr. LUGAR. Mr. President, I ask unanimous consent that the pending amendment, the Helms amendment, be temporarily set aside, through the consideration of 21 amendments that are listed under the unanimous-consent agreement, commencing with the Lugar arms control authorization amendment and through the Kasten Yalta amendment, as listed in the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 302

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 302.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, add the following:

TITLE VI—ARMS CONTROL AND DISARMAMENT AMENDMENT ACT OF 1985

SHORT TITLE

SEC. 601. This title may be cited as the "Arms Control and Disarmament Act of 1985".

SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1985

SEC. 602. Section 49(a)(1) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)(1)) is amended to read as follows:

"(1) for the fiscal year 1985, $23,789,000, of which amount $4,321,000 shall be available only to pay necessary expenses incurred in connection with arms control negotiations with the Government of the Soviet Union on strategic arms reductions, intermediate-range nuclear forces, and space and defensive weapons;".

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1986 AND 1987

SEC. 603. (a) Section 49(a)(2) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)(2)) is amended to read as follows:

"(2) for the fiscal year 1986, $25,614,000, and, for the fiscal year 1987, $25,614,000, of which amounts $6,146,000 shall be available in each fiscal year only to pay necessary expenses incurred in connection with arms control negotiations conducted with the Government of the Soviet Union on stratetic arms reductions, intermediate-range nuclear forces, and space and defensive weapons;".

REPORTS ON ADHERENCE TO AND COMPLIANCE WITH AGREEMENTS

SEC. 604. The Arms Control and Disarmament Act is amended by adding at the end thereof the following new section:

"REPORTS ON ADHERENCE TO AND COMPLIANCE WITH AGREEMENTS

"SEC. 52. (a) The Congress determines that the achievement and maintenance of successful controls upon armaments requires official and public confidence that the parties are expected to adhere to their commitments and that the parties will be held accountable for failure to meet obligations. Without such confidence, existing arms control accords are eroded, and the prospects are jeopardized for new agreements which can place further controls on the competition in nuclear and conventional weapons and which can increase international stability. In accordance with this determination—

"(1) the President shall submit, not later than January 31 of each year, to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in coordination with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the adherence of the United States to obligations undertaken in arms control agreements and on any problems related to compliance by other nations with the provisions of bilateral and multilateral arms control agreements to which the United States is a party; and

"(2) the section of the report dealing with United States adherence shall include information on the policies and organization of each relevant agency or department of the United States to ensure adherence, a description of national security programs with a direct bearing on adherence questions and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the previous year regarding United States adherence, together with an assessment of such issues and the need for any corrective action; and

"(3) the section of the report dealing with problems of compliance by other nations shall include, in the case of each treaty or agreement about which compliance questions exist—

"(A) a description of each significant issue raised and efforts made and contemplated with the other party to seek a resolution of the difficulty;

"(B) an assessment of damage, if any, to United States security and other interests; and

"(C) recommendations as to any steps which should be considered to redress any damage to United States national security and to reduce compliance problems.

"(b) The report required by subsection (a) shall be provided in unclassified form, with classified annexes, as appropriate.".

Mr. LUGAR. Mr. President, the amendment I have offered is the ACDA authorization bill. This was passed by the Senate Foreign Relations Committee as S. 1132. It is being offered as an amendment to the State Department authorization bill. It had unanimous consent of the committee, and on our part we are prepared to accept the amendment.

Mr. PELL. Mr. President, the amendment authorizing supplemental funding for the Arms Control and Disarmament Agency in fiscal year 1985 and increased funding levels in fiscal years 1986 and 1987 will ensure that the Agency has the necessary resources to support strong arms control efforts.

The Agency requested a substantial increase specifically to cover the costs of the new negotiation in Geneva on strategic arms, intermediate-range nuclear forces, and space and defense weapons. At the initiative of the Senator from Maryland [Mr. SARBANES], the additional funds are earmarked to ensure that they are used specifically to support that new initiative. As a result, the basic funding for the Agency will be frozen at present levels. This is a prudent means of making certain that ACDA has what it needs, but joins with other agencies in fiscal restraint at this time of massive budget deficits.

The bill also includes an amendment I offered, which was approved unanimously, requiring the President to submit to Congress an annual report prepared by the Director of ACDA on U.S. adherence to arms control treaties and agreements and on any problems of compliance by other parties to multilateral and bilateral agreements with us. These reports are to be prepared in coordination with the Secretaries of State, Energy, and Defense, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence.

In recent years, amendments to defense billls have required reports on Soviet noncompliance. My amendment makes the requirement a standing part of the Arms Control and Disarmament Agency Act. However, it expands the requirement to cover the activities of other nations, as well as the Soviet Union. In addition, the report requires an assessment of damage, if any, to U.S. security and other interests caused by failure of other nations to comply with agreements, and recommendations as to any steps which should be considered to redress any damage to U.S. national security and to reduce compliance problems.

My amendment also places a new requirement for information on policies and organization to ensure U.S. adherence to arms control agreements, identification of programs with a direct bearing on adherence and steps being taken to ensure adherence, a compilation of substantive questions raised by other nations regarding our adherence, together with an assessment of these issues and the need for any corrective action.

Verification and compliance continue to be matters of considerable concern to the Congress. I believe the succinct reports called for in this amendment could be of considerable value to the Congress in making informed judgments and in deciding what, if any, action should be taken to ensure that problems with adherence and compliance do not undermine our arms control and other national security efforts.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 302) was agreed to.

AMENDMENT NO. 303

(Purpose: To amend the Trading With the Enemy Act to authorize an ex gratia payment to Switzerland in accordance with a bilateral agreement.)

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 303.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 13 and 14, insert the following:

EX GRATIA PAYMENT TO THE GOVERNMENT OF SWITZERLAND

SEC. 124. Section 39 of the Trading With the Enemy Act (62 Stat. 1246; 50 U.S.C. App. 39) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any of the provisions of subsections (a) through (d) of this section, the Attorney General is authorized to pay from property vested in or transferred to him under this Act, the sum of $20,000 as an ex gratia payment to the Government of Switzerland in accordance with the terms of the agreement entered into by that Government and the Government of the United States on March 12, 1980.".

Mr. LUGAR. Mr. President, the amendment I have offered would authorize the Attorney General to pay $20,000 to the Swiss Government, from funds held by the Office of Alien Property. The payment settles disputed claims arising from assets considered to be enemy property held by us at the end of World War II.

On our part, we are prepared to accept the amendment.

Mr. PELL. There is no objection on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 303) was agreed to.

AMENDMENT NO. 304

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 304.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title I, add the following new section:

SEC. . APPOINTMENTS TO THE SENIOR FOREIGN SERVICE BY THE SECRETARY OF COMMERCE.

(a) LIMITED APPOINTMENT TO SENIOR FOREIGN SERVICE IN DEPARTMENT OF COMMERCE.—Section 305 of the Foreign Service Act of 1980 (22 U.S.C. 3945) is amended by adding at the end thereof the following new subsection:

"(c)(1) Appointments to the Senior Foreign Service by the Secretary of Commerce shall be excluded in the calculation and application of the limitation in subsection (b).

"(2) Except as provided in paragraph (3), no more than one individual (other than an individual with reemployment rights under section 310 as a career appointee in the Senior Executive Service) may serve under a limited appointment in the Senior Foreign Service in the Department of Commerce at any time.

"(3) The Secretary of Commerce may appoint an individual to a limited appointment in the Senior Foreign Service for a specific position abroad if—

"(A) no career member of the Service who has the necessary qualifications is available to serve in the position; and

"(B) the individual appointed has unique qualifications for the specific position.".

(b) CONFORMING AMENDMENT.—Section 2403(c) of such Act (22 U.S.C. 3901 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1985.

Mr. LUGAR. Mr. President, the amendment that I now offer is supported by the administration and has been approved by the House of Representatives. It enables the Secretary of Commerce to appoint individuals specialized in market expertise, to help open difficult export markets abroad.

The appointment would be made only if no career officer would be qualified for the position.

The appointment would normally be limited to a 3- to 4-year tour.

On our part, we are prepared to accept the amendment.

Mr. PELL. Mr. President, this seems like an excellent amendment, and I recommend that we pass it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 304) was agreed to.

AMENDMENT NO. 305

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 305.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title I of the bill add the following new section:

SECTION . The President is authorized to maintain membership of the United States in the International Jute Organization.

Mr. LUGAR. Mr. President, the amendment that I have sent to the desk authorizes the United States to maintain our membership in the recently-established International Jute Organization.

Congress must specifically authorize continued U.S. membership prior to September 19, 1985; otherwise the United States will have to withdraw from the International Jute Organization.

U.S. membership in the International Jute Organization impies a modest financial obligation of around $200,000 per year.

The International Jute Organization comprises 29 countries and is dedicated to improving jute productivity and jute markets through research and market promotion.

Jute is a principal export product for some of the world's poorest countries—Bangladesh, India, and Nepal, for example—and the success of the International Jute Organization will have a direct and positive impact on small farmers in these countries.

We are prepared to accept the amendment.

Mr. PELL. Mr. President, this seems like a fine amendment. We recommend we pass it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 305) was agreed to.

AMENDMENT NO. 306

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] for Mr. KASTEN proposes an amendment numbered 306.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 15, page 5 strike the word "funds" and insert in lieu thereof "amounts authorized to be".

Mr. LUGAR. Mr. President, the amendment that I have introduced for Senator KASTEN is a technical amendment that corrects a mistake in the manner in which an earmark was written in the original legislation.

We are prepared to accept the amendment.

Mr. PELL. Mr. President, there is no objection to this amendment on our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 306) was agreed to.

AMENDMENT NO. 307

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] for Mr. WARNER proposes an amendment numbered 307.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title I, add the following new section:

SEC. . AUSTRALIAN BICENTENNIAL.

(a) FINDING.—The Congress finds that the American-Australian Bicentennial Foundation, a private, nonprofit corporation established in 1983 for the purpose of coordinating all United States official and private participation in the 1988 Australian Bicentennial celebration, deserves and needs financial support to effectively carry out that purpose.

(b) GRANT TO AMERICAN-AUSTRALIAN BICENTENNIAL FOUNDATION.—From the amounts authorized to be appropriated by section 102(1) for the "Administration of Foreign Affairs", the Secretary of State may make a grant in each of the fiscal years 1986 and 1987 to the American-Australian Bicentennial Foundation in support of its programs and operations to prepare for United States participation in the Australian Bicentennial celebration.

(c) AUTHORITY OF USIA NOT AFFECTED.—Subsection (b) shall not be construed to affect the authority delegated to the Director of the United States Information Agency under section 102(a)(3) of the Mutual Education and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(3)).

Mr. LUGAR. Mr. President, I have introduced this amendment on behalf of Senator WARNER. It is an amendment that would authorize the State Department to help fund the American-Australian Becentennial Foundation.

The administration requests this action in the interests of American-Australian relations.

The Australian Government contributed substantially to our own Bicentennial and spent $7 million in New Orleans; $7 million for Knoxville, and $5 to $6 million for Spokane.

The Becentennial Foundation will be largely financed privately, but this amendment will allow the State Department to provide small grants out of existing funds. It will not require additional funding authorization.

The private foundation replaces the usual practice of creating a separate commission at much greater cost to the Government.

I might add that Great Britain has pledged 1 million pounds to the Australian Bicentennial.

We are prepared to accept the amendment.

Mr. PELL. Mr. President, this amendment on behalf of the Senator from Virginia is an excellent one and recommend its passage. We support it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 307) was agreed to.

AMENDMENT NO. 308

(Purpose: To provide for the distribution within the United States of the USIA film entitled, "Hal David: Expressing a Feeling)

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] for Mr. D'AMATO proposes an amendment numbered 308.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 19, between lines 9 and 10, insert the following:

DISTRIBUTION WITHIN THE UNITED STATES OF USIA FILM ENTITLED "HAL DAVID: EXPRESSING A FEELING"

SEC. 206. (a)(1) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(A) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "Hal David: Expressing a Feeling"; and

(B) subject to paragraph (2), the Administrator of General Services shall reimburse the Director for any expenses of the Agency in making the master copy of such film available, shall deposit such film in the National Archives of the United States, and shall make copies of such film available for purchase and public viewing within the United States.

(2) The Administrator of General Services shall carry out his duties under clause (B) of paragraph (1) only after the United States Government has acquired, after the date of enactment of this Act, any remaining license or other rights which are not Government-held before such date and which are required for distribution within the United States of the film entitled "Hal David: Expressing a Feeling" without use of funds appropriated or otherwise made available to any department, agency, instrumentality, or office of the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

Mr. LUGAR. Mr. President, I send to the desk this amendment on behalf of Senator D'AMATO. It is an amendment that will permit the showing in the United States of the USIA film "Hal David, Expressing a Feeling."

USIA films are prohibited from being shown in the United States, although Congress can make legislative exceptions, and this is what is sought in this instance. The bill has passed in the House.

The film is a profile of the songwriter and lyricist Hal David. It is considered a particularly useful film for U.S. viewing.

We are prepared to accept the amendment.

Mr. PELL. Mr. President, I recognize that this is an exception and it is rare Congress grants these exceptions. In this case, it seems a good one. We have no objection to its passage.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 308) was agreed to.

AMENDMENT NO. 309

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], on behalf of Mr. MURKOWSKI, proposes an amendment numbered 309.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new title:

TITLE VI—THE ASIA FOUNDATION

SHORT TITLE

SEC. 601. This title may be cited as "The Asia Foundation Authorization Act, Fiscal Years 1986 and 1987".

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. Section 404 of The Asia Foundation Act of 1984 (22 U.S.C. 4403) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $10,500,000 for each of the Fiscal Years 1986 and 1987 for grants to The Asia Foundation pursuant to this title.".

Mr. LUGAR. Mr. President, I send this amendment to the desk in behalf of Senator MURKOWSKI.

It will make the Asia Foundation a separate title in the bill. This is a technical improvement that makes clear the independent status of this private group.

We are prepared to accept the amendment.

Mr. PELL. Mr. President, I am familiar with the Asian Foundation. It is doing an excellent job. From our viewpoint, this seems like a good amendment, and we hope it passes.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 309) was agreed to.

AMENDMENT NO. 310

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] for Mr. COHEN and Mr. BIDEN proposes an amendment numbered 310.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

POLICY TOWARD BANNING CHEMICAL WEAPONS

SEC. 601. (a) The Congress finds that—

(1) chemical weapons are among the most terrible weapons in today's military arsenals;

(2) it is the objective of the United States to eliminate the threat of chemical warfare through a comprehensive and verifiable ban on chemical weapons;

(3) the United States is vigorously pursuing a multilateral agreement to ban chemical weapons;

(4) the negotiation of a verifiable, bilateral agreement between the United States and the Soviet Union would be a significant step toward achieving a worldwide ban on chemical weapons;

(5) bilateral discussions relating to a ban on chemical weapons took place in July and August of 1984 between the United States and Soviet delegations to the Conference on Disarmament; and

(6) such enheavors could serve the security interests of humankind.

(b) It is the sense of the Congress that—

(1) the President should be commended for his efforts to negotiate a mulitlateral agreement banning chemical weapons;

(2) the President should continue to pursue vigorously such an agreement; and

(3) the President should seek the continuation and development of bilateral discussions between the United States and the Soviet Union to achieve a comprehensive and verifiable ban on chemical weapons.

Mr. LUGAR. Mr. President, for the sake of clarification of the Chair, I ask unanimous consent at the outset that the Helms amendment be set aside for a list of 21 amendments, and we have thus far followed specifically the order in the unanimous-consent agreement.

We now come to what would be the Humphrey Afghanistan films amendment, but we do not have that in hand presently, and the amendment that I have sent to the desk is in fact the next one in the list, the Cohen-Biden chemical weapons amendment.

Mr. President, the Cohen-Biden chemical weapons amendment is offered on behalf of the distinguished Senator from Maine and the distinguished Senator from Delaware.

● Mr. BIDEN. Mr. President, I am pleased to join my distinguished colleague from Maine in this amendment urging broader United States-Soviet discussions to achieve a comprehensive, verifiable ban on chemical weapons.

I am pleased to note that, subsequent to our original proposal in November 1983 for bilateral United States-Soviet negotiations, the United States did indeed initiate such discussions with the Soviet Union in the context of the 40-nation Conference on Disarmament in Geneva. Consequently, our amendment—slightly revised—

now calls for the continuation and development of those talks.

It is a premise of this amendment that a bilateral agreement on chemical weapons issues is a prerequisite to a multilateral treaty on the same subject. We believe, moreover, that an effective superpower pact would eliminate the most significant chemical weapons threat, while providing the basis for other nations to join in a global ban.

Conclusion of such an agreement will not be easy, particularly in the area of verification. I am, nonetheless, cautiously optimistic that an effective verification plan may be possible. In contrast to its resistance to onsite inspection with regard to every other category of weaponry, the Soviet Union has itself proposed onsite inspection to confirm the destruction of chemical weapons stockpiles. Although such a proposal, obviously, cannot be taken at face value, direct bilateral negotiations will enable us to probe Soviet intentions and establish the measure of Soviet sincerity in this increasingly dangerous realm of military-science ingenuity.

Heretofore, Congress has been preoccupied with debate—often contentious—over just which kinds of chemical weapons to procure or maintain in the U.S. arsenal. This proposal today looks beyond that issue to the possibility of banning such terrible weapons entirely from the military stockpiles of every nation.

The use of lethal chemical agents in recent military conflicts has demonstrated the horror of such weaponry and should spur all nations to find effective means to prevent their further use. For the sake of humankind, we can spare no effort to reach a verifiable—and that means cheatproof—mutual agreement to ban these awful weapons. Through this amendment, the Senate would give some small impetus to the search for such a treaty.●

● Mr. COHEN. Mr. President, in the often rancorous debate on whether to modernize our country's present stockpile of chemical weapons, there has consistently been one major point of apparent agreement: The United States should vigorously seek a comprehensive international agreement banning chemical weapons from the face of the Earth.

The United States has pursued a ban on chemical weapons in multilateral negotiations and, for a time, in bilateral negotiations with the Soviet Union.

The United States has played an active role in the efforts of the 40-nation Conference on Disarmament in Geneva to achieve a comprehensive ban on chemical weapons. In November 1983, for example, at the invitation of the United States, delegates of the Conference on Disarmament visited the Tooele facility in Utah to witness a demonstration on the effective verification of the destruction of chemical weapons. It is unfortunate that the Soviet Union opted not to send a delegate to witness this demonstration. Last year, the United States tabled a draft treaty in the conference aimed at moving toward an agreement banning chemical weapons. I was disappointed in the very negative Soviet reaction to the draft treaty. In my view, it would be more productive for the Soviet side to focus on specific points of difference and address them directly in the negotiations.

In short, I believe that efforts to achieve agreement in the multilateral forum should continue in earnest. At the same time, I feel that more can be done to further progress.

In 1976, the United States and the Soviet Union began meeting on a bilateral basis to discuss a comprehensive ban on chemical weapons. The negotiations ceased in 1980. In hearings conducted by the Senate Armed Services Committee in 1983, a former Arms Control and Disarmament Agency official responsible for chemcial weapons negotiations noted that a bilateral agreement with the Soviet Union is a prerequisite to a multilateral treaty. A similiar view was expressed by the Defense Department official responsible for chemical weapons matters during the first Reagan administration. I agree with this view.

One of the main obstacles to an agreement on chemical weapons has been the issue of verification. In the bilateral negotiations with the Soviet Union, the sides were unable to agree on mutually satisfactory verification measures to assure compliance with provisions of a chemical weapons agreement. The U.S.S.R. has stated its willingness to consider limited onsite inspection measures to help verify compliance with the provisions of an agreement. While, in my view, these require extension and additional clarification, I believe they offer an opening for working toward agreement in this difficult area. I feel that the subject should be pursued vigorously in a bilateral as well as multilateral forum to insure that all possibilities for agreement have been thoroughly explored.

In November 1983, my distinguished colleague from Delaware, Senator BIDEN, and I introduced a resolution aimed at fostering the elimination of chemical weapons from today's military arsenals. The measure urged the resumption of bilateral negotiations with the U.S.S.R. toward a comprehensive and verifiable ban on chemical weapons. Forty of our colleagues on both sides of the aisle joined in support of the measure.

Last summer, at U.S. initiative, bilateral discussions took place between the United States and Soviet delegations to the Conference on Disarmament. I believe that such discussions can significantly advance the prospects for achieving progress toward a chemcial weapons arms control agreement. Consequently, earlier this year Senator BIDEN and I introduced a resolution reiterating points from the November 1983 measure and calling on the President to seek the continuation and development of bilateral discussions between the United States and the U.S.S.R. The resolution has attracted broad, bipartisan support in the Senate. A total of 43 Senators, thus far, have cosponsored the measure.

Mr. President, it is my belief that the United States can increase the prospects for a verifiable ban on chemical weapons by continuing to pursue intensive bilateral discussions with the Soviet Union while we continue our efforts in the multilateral forum. It is with this in mind that I rise today with Senator BIDEN to introduce an amendment to the State Department Authorization Act, similar to the resolution we introduced earlier this year, commending the President for his efforts to achieve a multilateral arms control agreement on chemical weapons and urging that he seek to continue and develop bilateral discussions with the Government of the U.S.S.R. An expression of broad, bipartisan support for such an effort would, in my view, underscore U.S. resolve and strengthen efforts to achieve a comprehensive, verifiable ban on chemical weapons.

Mr. President, regardless of where one stands on the question of how best to deter the use of chemical arms, I believe that we all share an abhorrence of these terrible weapons and a desire to achieve their worldwide elimination. The amendment we are introducing today proposes a means of moving toward that objective. I urge my colleagues on both side of the aisle to join us in this initiative.●

Mr. LUGAR. Mr. President, we are prepared to accept the amendment.

Mr. PELL. Mr. President, this seems like an excellent amendment. We have no objection to it and recommend its passage.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 310) was agreed to.

AMENDMENT NO. 311

(Purpose: To authorize funds for the XV World Games for the Deaf, the Fifth National Amputee Championships, and the 1985 National Cerebral Palsy/Les Autres Games)

Mr. LUGAR. Mr. President, I send a D'Amato amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] for Mr. D'AMATO, proposes an amendment numbered 311.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment will be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SUPPLEMENTAL AUTHORIZATION FOR INTERNATIONAL GAMES

SEC. —. There is hereby authorized to be appropriated for fiscal year 1986 $3,000,000 which shall be available only to reimburse expenses associated with the XV World Games for the Deaf, the Fifth National Amputee Championships, and the 1985 National Cerebral Palsy/Les Autres Games.

Mr. LUGAR. Mr. President, Senator D'AMATO has offered an amendment asking for specific support of games for the deaf and games for the disabled.

● Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleagues in support of the Foreign Relations Authorization Act for fiscal years 1986 and 1987. I would especially like to note the long history of USIA's support of sport exchanges and other sport programs.

Athletic competition for the handicapped is as important as similar events for the nonhandicapped. America was built by men and women who have done the best they can with the physical resources available to them. We must continue to encourage the participation of the handicapped throughout the world to be the best that they can be.

Therefore, I am offering this amendment so that the deaf, amputees, and those with cerebral palsy in the United States and other countries, can come together for strength through competition and collaboration which they so rightly deserve.

The aim of this amendment is the same as that of section 205 of S. 1003. It provides partial funding for the travel, per diem, and other expenditures associated with each game. This includes, but is not limited to, expenditures for athletes, coaches, and officials prior to and during the games, and expenditures for conferences, meetings, and cultural events associated with each game.

The XV World Games for the Deaf will take place in California, between July 10–20, 1985. The 1985 games follow a tradition for the world community that goes back to 1924. With an interruption for World War II, they have been held every 4 years, the immediately previous games being held in 1981 in Cologne. The 1965 games were held in Washington, DC. The 1965 games and the current Los Angeles games are the only games in the United States. The next world games are in Seoul.

This year, 45 nations will participate in more than 140 events. Estimates of attendance at this year's event range from 100,000 to 200,000. Millions more will view the games on local, national, and international networks. President Reagan is the honorary chairperson of the XV World Games for the Deaf.

The Fifth National Amputee Championships are to be held June 11–13, 1985 in Nassau County, NY. Although the amputee games are a national championship, there are significant international aspects.

Athletes from Canada, Australia, and Yugoslavia will participate. Canada is sending 40 athletes and 5 coaches; Australia is sending 10 athletes and 2 coaches. Yugoslavia is sending 5 athletes. In addition, both England and Ireland have indicated they will be sending athletes.

More significantly, the National Amputee Championship serves as a proving ground and laboratory for similar games throughout the world. The United States is the leader in amputee games. There are no similar programs in South America. A delegation from South America is to attend the games as observers with a view to the initiation of similar programs in South America.

The International Sports Organization for the Disabled [ISOD] met at Warsaw, Poland, April 25–27. This was a general assembly meeting with over 50 countries. A detailed presentation was made on behalf of the U.S. amputee games and members were encouraged to attend, evaluate, and initiate similar games and events to help the disabled.

There are also significant international benefits that will accrue from the 1985 National Cerebral Palsy/Les Autres Games to be held at Michigan State University. The Canadians do not have a national championship. Thus, they are sending 38 athletes and 15 coaches to participate and to qualify for the 1986 international cerebral palsy games. Holland will have athletes participating, and it is likely that Chile will as well.

A delegation from the Cerebral Palsy Athletes Organization of Great Britain will attend to evaluate the games. The same delegation will also be evaluating the possibility of the United States serving as host for the international cerebral palsy games tentatively scheduled for 1990.

South America has no program for Cerebral Pasly/Les Autres games. However, a delegation from South America plans to be in attendance to evaluate the games and to formulate the initial negotiation for possible Pan American cerebral palsy games.

Mr. President, I firmly believe the disabled should be every opportunity to participate in the same activities as the nondisabled. People who are not deaf or hearing impaired or who do not live in a household with such a person, have difficulty imagining the world of the deaf.

For the deaf the world is silent, even for the hearing impaired, sounds are a meaningless confusion. But, this disability is much more than silence. The inability to hear destroys the ability to speak: If you can't hear your own voice you can't articulate. Because the inner ear controls equilibrium, dysfunction of the sense of hearing skews the sense of balance.

The hearing disabled for too long have huddled together in the protective closet of their shared disability. But it the shame of their disability, the consolation of mutuality, or fear of the outside world, it is safer and easier in the comfort of the family unit or the specialized school. There is a double tragedy to this. Society is deprived of the companionship and the contribution of a significant portion of the population.

The XV World Games for the Deaf breaks the hearing disabled from this closed environment. Competition is among the hearing disabled from worldwide and diverse environments. Everything is in the bright light of a normal environment. The games, the news coverage, and the videos flash a message: Not only do the participants realize that they can achieve in a nondisabled world, but the world realizes that the disabled can contribute.

One example illustrates this fact: Jeff Float won 10 swimming medals at the 1981 XIV Games for the Deaf in Germany. He then made the U.S. Olympic team, competed in the summer of 1984 in the Los Angeles Olympics and won a gold medal in swimming. Now he has been hired by GTE to do commericials. Mr. Float was given an opportunity to contribute and he made the very best of it. I hope my colleagues will also make a contribution to the quest of other disabled by supporting this amendment. We should give the disabled a chance to make the very best of it.

Mr. President, these games will bring many disabled from the closet of despair to a dream come true. Mr. Jim Float serves as a model for other disabled, but we need other models as well. Therefore, I ask my colleagues to join me in support of this amendment to give the disabled the opportunity to progress from the closet of disability and despair to the reality of their dreams. The disabled and nondisabled should both be allowed to actively participate in making the world better for all.●

Mr. LUGAR. Mr. President, we are prepared to support the amendment.

Mr. PELL. Mr. President, my understanding is that this amendment means we will support all disabled people, not merely those who are deaf and amputees. It is my understanding

that this is an excellent amendment and we ask for its passage.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 311) was agreed to.

AMENDMENT NO. 312

(Purpose: To authorize appropriations for the Department of State; the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987)

Mr. LUGAR. Mr. President, I send an amendment to the desk on behalf of Mr. KASTEN with regard to the United Nations and ask for its immediate consideration.

This is first of two Kasten amendments.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. KASTEN, proposed an amendment numbered 312.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

Sec. . Section 114 of the Department of State Authorization Act, Fiscal years 1984 and 1985 (P.L. 98-164) is hereby amended by—

(1) striking the word "and" at the end of subsection (a)(2);

(2) striking the period at the end of subsection (a)(3) and inserting in lieu thereof "; " ; and

(3) adding the following at the end of subsection (a):

(4) 25 percent of the amount budgeted for that year for the Committee on Elimination of Racial Discrimination (for any similar successor entity);

(5) 25 percent of the amount budgeted for any other United Nations agency or conference whose sole or partial purpose is to implement the provisions of General Assembly Resolution 33/79; and

(6) 25 percent of the amount budgeted for the General Assembly-approved $73,500,000 conference center to be constructed for the Economic Commission for Africa (ECA) in the Ethiopian capital of Addis Ababa.

Mr. LUGAR. Mr. President, this amendment, offered on behalf of Senator KASTEN, expands the current law whereby the Department of State is prohibited from making payments to the United Nations or specialized agencies for certain purposes or organizations.

● Mr. KASTEN. Mr. President, this amendment expands the current law whereby the Department of State is prohibited from making payments to the United Nations or specialized agencies for certain purposes or organizations. The current law reduces our assessed contribution by 25 percent of amounts budgeted for the Committee on the Exercise for the Inalienable Rights of the Palestinian people, the special unit on Palestinian rights, projects for the PLO, or for the South West Africa People's organization.

The amendment I am offering would also reduce our contribution by 25 percent for the Committee on Elimination of Racial Discrimination which was set up basically to implement the very odious general assembly resolution which equated zionism with racism, 25 percent of the amount budgeted for any other agency or conference whose sole or partial purpose is to implement the provisions of that resolution, and 25 percent of the amount budgeted for the general assembly, approved $73.5 million Conference Center slated to be constructed in Ethiopia. U.S. delegates to the 39th General Assembly, as well as others, bitterly criticized this extravagant use of funds in the face of massive famine throughout much of Ethiopia. It is interesting to note that it has not been so easy to get funds for the United Nations Office which was set up to combat that drought in Ethiopia and sub-Saharan Africa, but funds for this luxurious Conference Center passed easily.

Mr. President, I believe that all Members of the Senate know of these particular offensive activities by the United Nations and agree with me that U.S. taxpayer funds should not go for any of these purposes. I hope my amendment will be accepted.●

Mr. LUGAR. Mr. President, we are prepared to accept the amendment.

Mr. PELL. Mr. President, I understand the amendment, and I think it is a fine one and recommend we pass it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 312) was agreed to.

AMENDMENT NO. 313

Mr. LUGAR. Mr. President, on behalf of Mr. KASTEN I send an additional amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], on behalf of Mr. KASTEN, proposes an amendment numbered 313.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. . Section 115 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (P.L. 98-164) is hereby amended by striking the last sentence in subsection (b), which begins with the words "The United States shall withhold payment . . .", and inserting in lieu thereof:

"The United States shall reduce its annual assessed contribution to the United Nations or such specialized agency by 8.34 percent for each month in which United States participation is suspended pursuant to this section."

Mr. LUGAR. Mr. President, I have submitted an amendment on behalf of Senator KASTEN which calls for a change in U.S. participation in the United Nations. If Israel is illegal expelled, the current law provides that the United States withhold its contributions during that period if the general assembly is involved in illegal actions.

The Kasten amendment simply provides that our contribution to the United Nations or any specialized agency which took illegal action would be permanently penalized by a reduction in the U.S. contribution to that entity during the period of time during suspension.

As Senator KASTEN points out: "My amendment provides a real penalty as opposed to the current law which makes the offending agency financially whole regardless of its action once that action is corrected."

Mr. KASTEN. Mr. President, the current law provides that if Israel is expelled, suspended, denied its credentials or in any other manner denied its right to participate in the United Nations, or any specialized agency of the United Nations, the United States shall suspend its participation in the general assembly or such specialized agency until the illegal action is reversed.

The current law also provides that the United States would withhold its contributions during that period. The problem with the current law is that this represents no penalty, as when the suspension is finished, the funds withheld are paid in full. My amendment simply provides that our contribution to the United Nations or any specialized agency which take the actions I have described will be permanently penalized by a reduction in the U.S. contribution to that entity equal to the period of time of the suspension.

Mr. President, very simply put, my amendment provides a real penalty as opposed to the current law which makes the offending agency financially whole regardless of its action once that action is corrected.

Mr. President, I hope my amendment will be accepted.

Mr. LUGAR. Mr. President, we are prepared to accept the amendment.

Mr. PELL. Mr. President, we, too, are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 313) was agreed to.

AMENDMENT NO. 314

(Purpose: To express the sense of the Congress that the United States and the Soviet Union should jointly study the consequences of so-called nuclear winter)

Mr. LUGAR. Mr. President, on behalf of Mr. PROXMIRE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], on behalf of Mr. PROXMIRE, for himself, Mr. HATFIELD, Mr. JOHNSTON, Mr. GORE, Mr. BINGAMAN, Mr. LEVIN, Mr. SIMON, Mr. LEAHY, and Mr. KERRY, proposes an amendment numbered 314.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS POLICY OF CONGRESS REGARDING A JOINT STUDY BY THE UNITED STATES AND THE SOVIET UNION OF THE CONSEQUENCES OF NUCLEAR WINTER

SEC. 601. It is the sense of the Congress that the President should propose to the Government of the Soviet Union during any arms control talks held with such Government—

(1) that the United States and the Soviet Union should jointly study the atmospheric, climatic, environmental, and biological consequences of nuclear explosions, sometimes known as "nuclear winter", and the impact that nuclear winter would have on the national security of both nations;

(2) that such a joint study should include the sharing and exchange of information and findings on the nuclear winter phenomena and make recommendations on possible joint research projects that would benefit both nations; and

(3) that at an appropriate time the other nuclear weapon nations—the United Kingdom, France, and the People's Republic of China—be involved in the study.

Mr. LUGAR. Mr. President, the distinguished Senator from Wisconsin, Senator PROXMIRE, has offered an amendment which I have now submitted which expresses the sense of the Congress that the President should propose to the Government of the Soviet Union during the arms control talks in Geneva that the United States and U.S.S.R. should jointly study nuclear winter.

The amendment is cosponsored by Senator HATFIELD, Senator JOHNSTON, Senator GORE, Senator BINGAMAN, Senator LEVIN, Senator SIMON, Senator LEAHY, and Senator KERRY.

Mr. PROXMIRE. Mr. President, I offer an amendment today that I hope will receive widespread support in this Chamber because of the crucial issue it addresses.

This amendment, Mr. President, simply expresses the sense of the Congress that the President should propose to the Government of the Soviet Union during the arms control talks in Geneva that the United States and U.S.S.R. should jointly study nuclear winter.

I am pleased to have Senator HATFIELD, Senator GORE, Senator BINGAMAN, Senator LEVIN, Senator SIMON, Senator LEAHY, Senator KERRY joining me as cosponsors of this important amendment.

This amendment expresses the sense of the Congress—it suggests to the President that he should discuss with the Soviets the idea of a joint study of nuclear winter.

The amendment urges the President to propose that the United States and the Soviet Union work together to investigate the atmospheric, climatic, environmental and biological consequences of nuclear war and their impact on the national security of both nations.

The amendment envisions that such joint study would exchange information and findings on the nuclear winter phenomena and would conduct joint research projects that benefit both nations.

It also states that at some point down the road, the other nuclear weapons States—Great Britain, France and the People's Republic of China—should also be involved in the work of the Joint Commission.

This would be an extremely important initiative on the President's part.

During the past 2 years a number of authoritative studies have been published by this Nation's top scientists, suggesting that a climatic catastrophe, known as nuclear winter, could be touched off by just a fraction of the world's nuclear arsenals.

In 1983, a ground-breaking study was published, titled the "Global Atmospheric Consequences of Nuclear War." This study—which is known as the TTAPS study after the last names of its authors—disclosed that a nuclear conflict between the United States and the Soviet Union would send tens of millions of tons of smoke, soot and radioactive dust into the atmosphere. And that could result in severe and prolonged low temperatures that could wipe out crops, animal life—even entire civilizations.

Last December, the National Academy of Sciences—the most prestigious and most respected scientific organization in this country—concluded that there was a "clear possibility" that a climatic catastrophe like nuclear winter could result from the detonation of just one-half of the current world arsenal of nuclear weapons.

More than a dozen government agencies also have been investigating nuclear winter. They range from the National Oceanic and Atmospheric Administration, to the Defense Nuclear Agency, to the Department of Energy.

Even the President's own science adviser, Dr. George Keyworth, has pressed for a greater research effort into nuclear winter.

No one can say at this point what all this research will lead to.

Some scientists have speculated that a nuclear winter could result in the extinction of the entire human race. Whether that would happen, no one really knows at this point. There is disagreement among the experts over how severe nuclear winter would be after a nuclear conflict.

Yet everyone agrees that many uncertainties remain.

And everyone agrees that there needs to be further research into this phenomena to narrow these uncertainties.

There's also a growing consensus in the Administration and in the Congress—on both sides of the aisle—that more study also is needed of the policy implications of nuclear winter.

In particular, we need to study more the implications of nuclear winter for U.S. defense strategy and capabilities.

I was pleased to see that the Armed Services Committee last year approved a provision in its fiscal year 1985 Department of Defense Authorization Bill, which required the Pentagon to conduct a comprehensive study of nuclear winter and its implications for U.S. defense policy.

The Secretary of Defense issued a report on that nuclear winter study last March.

Clearly, more investigation of this phenomena is needed. The National Academy of Sciences report recommended that a major research effort to narrow the uncertainties about nuclear winter be given "high priority."

This research should also be a high priority with the Soviet Union.

Why? Because both sides' arsenals have the capacity to touch off a nuclear winter.

If the nuclear winter theories prove correct, the nation launching a nuclear attack could face devastation just from the climatic catastrophe its exploding warheads would cause.

If the nuclear winter theories prove correct, the strategic doctrines of both superpowers might well be turned on their heads.

Nuclear winter, therefore, is not only something the United States should begin studying intensively.

It's a phenomena we should make sure the Soviets are fully aware of.

This should not be an instance where one side investigates nuclear winter and the other side remains blissfully ignorant.

We can't afford to let that happen. We can't afford to have any misperceptions by the Soviets about what their nuclear forces might touch off.

In other words, it's in our national interest that they know what we know

about nuclear winter and what might cause it. Ignorance, in this case, could lead to a catastrophe we would both regret.

Such a commission, therefore, reinforces the deterrence we all want to preserve.

Fortunately, Soviet scientists have been conducting studies of the nuclear winter phenomena, although we don't know how extensive those studies are or whether the Soviet leadership has been kept fully abreast of the nuclear winter findings.

There have even been some limited cooperation between United States and Soviet scientists studying nuclear winter, which we all should take as a positive sign that this might be an area where the two countries can work together.

For example, United States and Soviet scientists have coauthored a journal article on the global climatic consequences of nuclear war.

Both United States and Soviet scientists have exchanged visits to Government laboratories to discuss nuclear winter research.

There have been tentative discusions among United States and Soviet scientists about joint nuclear winter research projects.

And last August, four American scientists from Lawrence Livermore Laboratory and four Russian scientists from the Soviet Academy of Sciences signed a joint statement calling for cooperative research on nuclear winter.

This amendment would take these tentative moves by both countries to work together on nuclear winter one step further by encouraging more intensive joint study efforts.

Mr. President, in the past, both superpowers have established scientific exchange programs in other areas that have benefited both countries.

Certainly a joint effort to study nuclear winter falls into the category.,

On such a critical issue, where the fate of the Earth could well hang in the balance, we simply can't afford not to work together on this.

I, therefore, strongly urge my colleagues to support this amendment.

We all hope and pray that the arms reductions talks the United States and the Soviet Union are conducting in Geneva go well. They are critically important talks not only for our national security, but for the security of the entire world.

Therefore, as these talks proceed, it is critical that both countries have a clear idea of what actually is at stake with these negotiations.

A joint United States-Soviet effort to study nuclear winter would go a long way toward accomplishing that objective.

Mr. SIMON. Mr. President, Senator PROXMIRE has introduced an amendment calling for the President to propose to the Soviet Government that the United States and U.S.S.R. jointly investigate the theory and consequences of the nuclear winter scenarios. This is an ideal time to begin such a joint study, and I would like to add my voice to those supporting the concept of a joint study.

It seems incredible to me that just a few short years ago, politicians, scientists, and strategists the world over had few concrete guidelines to consult when the question of nuclear-induced damage entered the counsels of state. Certainly, it seemed clear to many that widespread damage would extend across continents, but always those in charge of nuclear strategy and planning assured us that good estimates could not be made or that limited nuclear exchanges could indeed occur without resulting in pervasive societal destruction. Our nuclear doctrine has in fact shifted over the years from one embracing all-out assured destruction to one where limited nuclear attacks are believed to be controllable and atmospherically safe. Greater accuracy has made the notion of counterforce targeting appealing to many strategists, thereby contributing—however unwittingly—to a reduction in the nuclear threshold. Soviet launch-on-warning tactics are strengthened, and additional missiles are summoned up as a way around such counterforce targeting.

But now we learn that even in a purely counterforce exchange, the prospect of a long nuclear winter settling over at least the Northern Hemisphere becomes a real possibility. In fact, if such targeting plans form the basis of both superpowers' strategic doctrine, then we may well have come to a point in the road where hair-trigger launch policies, formulated in the name of stability, push either or both nations over the brink in a severe crisis—contributing to the disintegration of deterrence. Preliminary nuclear winter studies suggest that even a fraction of today's arsenals, targeted either at missile silos or cities or some likelier combination of the two, can bring on the irradiated pall everyone fears.

Charges have been leveled at previous Soviet work in this area, charges that amount to a declaration of scientific disbelief. The fear is that Soviet scientists, led by their political masters, have an incentive to dream up the worst possible scenarios to cause the West to disarm. Whether these charges are true of false—and it seems to me that there is some good basic research occurring today in both the United States and the U.S.S.R.—does it not make eminent good sense to approach the nuclear winter phenomenon bilaterally? If American scientists participate in tandem with their Soviet colleagues, any results that flow from these studies can be free from the contaminating accusations of politicization of research.

Rather than enter future confrontations deliberately blind to the consequences of our mutual actions, it would be much better to know the severity of the dangers facing not just isolated missile silos but all civilization. Without prejudging the results of joint research, it is my guess that at the least both nuclear superpowers will come away with a heightened awareness of the dangers of the nuclear age, and the importance of controlling and severely reducing the quantity of nuclear arms through fair and balanced negotiations.

I commend my colleague, Senator PROXMIRE, for his leadership on the essential issues. He is publicly best known for his "golden fleece" awards. I appeciate that effort at saving money. But much more significant are his questions that relate to the survival of humanity and this is one of those thrusts.

Mr. LUGAR. Mr. President, we are prepared to accept the amendment.

Mr. PELL. Mr. President, I think this is truly an excellent amendment and one that, while it is a sense-of-the-Congress amendment, I trust the executive branch will heed. I am very glad to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 314) was agreed to.

AMENDMENT NO. 315

Mr. LUGAR. Mr. President, on behalf of Senator HELMS, I send an amendment to the desk and ask for its immediate consideration. This is the first of two amendments dealing with the foreign service by Senator HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] on behalf of Mr. HELMS proposes an amendment numbered 315.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following language:

Section 208 of the Foreign Service Act of 1980 (22 U.S.C. 3928) is amended by striking out, "from among the career members of the Senior Foreign Service" in the first sentence.

SEC. 2. Section 210 of the Foreign Service Act of 1980 (22 U.S.C. 3930) is amended by striking out "a career member of the Senior Foreign Service designated by the Secretary of State" in the second sentence and inserting in lieu thereof "an individual appointed by the President".

SEC. 3. (a) Section 1002 of the Foreign Service Act of 1980 (22 U.S.C. 4102) is amended in paragraph (12)—

(1) by striking out "or" at the end of subparagraph (E);

(2) by inserting "or" after the semicolon at the end of subparagraph (F); and

(3) by inserting the following new subparagraph (G) after subparagraph (F):

"(G) is a member of the Senior Foreign Service;".

(b) Section 1012 of such Act (22 U.S.C. 4112) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting the following new paragraph (3) after paragraph (2);

"(3) members of the Senior Foreign Service.".

Mr. LUGAR. Mr. President, the distinguished Senator from North Carolina [Mr. HELMS] has submitted an amendment which allows the President to appoint the best qualified individual, regardless of membership in the foreign service, to be chairman of the board of the foreign service. The amendment conforms the senior foreign service to their civil service counterparts, the senior executive service, by excluding them from the State Department labor bargaining unit due to their senior management status.

Mr. President, we are prepared to accept the amendment.

Mr. PELL. Mr. President, I am not at all sure that this amendment is necessary, but I am prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 315) was agreed to.

AMENDMENT NO. 316

Mr. LUGAR. Mr. President, on behalf of Senator HELMS, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], on behalf of Mr. HELMS, proposes an amendment numbered 316.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following language:

Section 2 (1) of the Inspector General Act of 1978 (P.L. 95-452) is amended as follows:

At the end of the section, strike the semicolon and insert ", the Department of State, and the United States Information Agency.".

Section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) is hereby repealed.

The Secretary of State shall take all appropriate steps to assure completion of the transition to an independent Inspector General at the Department of State, subject to the Inspector General Act of 1978 (P.L. 95-452), by June 30, 1976.

The Director of the United States Information Agency shall take all appropriate steps to assure the completion of the transition to an independent Inspector General at the U.S. Information Agency subject to the Inspector General Act of 1978 (P.L. 95-452), by June 30, 1986.

Mr. LUGAR. Mr. President, the Helms amendment adds the State Department and the U.S. Information Agency to the Inspector General Act of 1978, to which 18 Federal departments and agencies are already subject.

The State Department and USIA are required to complete this step by June 30, 1986. Section 209 of the Foreign Service Act of 1980, which established the present, nonindependent IG at State, is repealed.

On behalf of Senator HELMS, the arguments are the State Department and USIA invite conflicts of interest, and frequent document abuses, by allowing Foreign Service officers to be temporarily assigned to the Office of Inspections or the Inspector General's Office, only to inspect their fellow Foreign Service officers who might one day be inspecting them.

He points out that the Inspector General Act of 1978 requires that the IG be qualified in investigations, auditing experience, and so on, and is a needed dimension to inspections at USIA and the State Department.

The report of the GAO clearly explains and underscores the need for this amendment.

Mr. PELL. Mr. President, I am not sure this amendment is necessary, but I am prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 316) was agreed to.

AMENDMENT NO. 317

(Purpose: To require a study of the feasibility of greater utilization in the scholarship and participant training programs of the USIA and the Agency for International Development of U.S. universities located near Latin American and the Caribbean in areas of sizable Hispanic populations.)

Mr. LUGAR. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator form Indiana [Mr. LUGAR], on behalf of Mr. DOMENICI, proposes an amendment numbered 317.

On page 19, between lines 9 and 10, insert the following new paragraph:

"SEC. 206. No later than December 15, 1985, the Director of the United States Information Agency and the Administrator of the Agency for International Development shall report jointly to the Chairmen of the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on the feasibility of greater utilization in those two agencies' scholarship and participant training programs of United States universities in states bordering Latin American and Caribbean which are located in areas characterized by the presence of sizable Hispanic populations."

Mr. DOMENICI. Mr. President, this amendment speaks for itself. There is similar language in the report of the companion House authorization bill.

Universities in California, Arizona, New Mexico, Texas, Louisiana, Mississippi, and Florida have traditionally offered exceptional educational and training opportunities to students from Central and South America and the Caribbean. In New Mexico, our Latin American Programs in Education [LAPE] is a pioneer and successful effort to offer, in Spanish, advanced degree courses in administration at the University of New Mexico. A number of our graduates throughout the region have moved into policymaking positions, and we will be working with them to implement our economic assistance efforts in Central America.

I thank the managers of the bill for accepting this amendment, and I encourage them to support it in conference with the House.

Mr. LUGAR. Mr. President, we are prepared to accept the amendment.

Mr. PELL. Mr. President, we are prepared to accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 317) was agreed to.

Mr. LUGAR. Mr. President, this Senator notes that, at the right time, at least in order, the distinguished Senator from Wisconsin [Senator KASTEN] has arrived to present his amendment.

I yield the floor.

AMENDMENT NO. 318

(To reaffirm United States solidarity with the aspirations (Purpose: of captive nations in Central and Eastern Europe by repudiating any attempts to legitimize the domination of East European nations by the Soviet Union through the Yalta Executive Agreement)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself, Mr. QUAYLE, Mr. WALLOP, Mr. HELMS, Mr. EAST, Mr. SYMMS, and Mr. MCCLURE proposes an amendment numbered 318.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

POLICY TOWARD APPLICATION OF THE YALTA AGREEMENT

SEC. 4601. (a) The Congress finds that—

(1) during World War II, representatives of the United States, Britain, and the Soviet Union took part in agreements and understandings concerning other peoples who were not represented;

(2) the Soviet Union violated the Yalta guarantee of free elections in the countries involved, specifically the Yalta agreement commitment "to form interim intergovernmental authorities broadly representative of all democratic elements in the population and pledge to the earliest possible establishment of free elections of government responsive to the wills of the people and to facilitate where necessary the holdings of such elections;"

(3) at Yalta it was decided that a new Polish Government should be formed using an unpopular Soviet backed provisional government as a base which was to expand on a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad, and was to hold free elections, provisons which the Soviets violated by arresting or executing democratic leaders while holding fraudulent elections;

(4) at the Yalta Conference, it was agreed to repatriate all Soviet citizens who remained abroad after the war, irrespective of their individual wishes and by force if necessary resulting in much tragedy and suffering;

(5) millions of people around the world, especially those residing in Central and Eastern Europe believe the 1945 Yalta executive agreements involved alleged United States acquiescence in the enslavement of entire nations under a Soviet totalitarian system of government;

(6) the nations of Central and Eastern Europe continue to resist Soviet domination as for example in guerrilla wars after World War II in Lithuania, Ukraine, and other countries, in East Berlin 1953, Poznan and Budapest 1956, Prague in 1968, in Poland 1970, and again since 1980;

(7) it is appropriate for the United States according to the principles on which this nation was founded to respect the desires and aspirations of all freedom-loving people around the world;

(8) it is appropriate that the United States express the hopes of the people of the United States for the freedom of the people subjected to the captivity of Soviet despotism in Central and Eastern Europe as well as elsewhere around the world; and

(9) it is appropriate for the United States to reject any interpretation or application that, as a result of the signing of the 1945 Yalta executive agreements the United States accepts the present position of nations being held captive by the Soviet Union.

(b)(1) The United States does not recognize as legitimate any spheres of influence in Europe and that it reaffirms its refusal to recognize such spheres in the present or in the future, by repudiating any attempts to legitimize the domination of East European nations by the Soviet Union through the Yalta Executive Agreement.

(2) The United States proclaims the hope that the people who have been subjected to the captivity of Soviet despotism shall again enjoy the right to self-determination within a framework that will sustain peace, that they shall again have the right to choose a form of government under which they shall live, and that the sovereign rights of self-determination shall be restored to them in accordance with the pledge of the Atlantic Charter.

(3) The United States hereby expresses its solidarity with the peoples of Central and Eastern Europe.

Mr. KASTEN. Mr. President, 40 years ago a meeting began in the Crimean resort city of Yalta that was to have immense consequences for the Freedom of Eastern Europe, and the security of the West.

The Yalta conference produced a series of executive agreements that, in effect, established Soviet domination of Eastern and Central Europe. This resulted in the enslavement of millions of people, and even today provides a justification for inaction in the face of Communist offenses against human rights in those regions.

In commemoration of this anniversary, I am offering this amendment which calls upon Congress to repudiate any attempts to legitimize Soviet domination of East European nations through the Yalta executive agreements. This repudiation has to do with the fact that Yalta has become a symbol of the inability of liberal democracies to stand up to a totalitarian power, and a willingness to abandon friends and principles.

I do not question the motives of the Western leaders who negotiated this agreement with Stalin in 1945. After all, the Red Army already controlled much of Eastern Europe at the time of the meeting, and the Western leaders believed that by acquiescing temporarily to Soviet control of this region, they could extract valuable concessions from Stalin. History has proven them wrong. But the reasons for repudiating the consequences of Yalta have less to do with questioning these political judgments. It has do with our ideals of democracy.

The consequences of Yalta are contrary to both the Atlantic Charter, which established the goals of the allies in World War II, and the great founding principles of this great Nation of ours. Both stressed the idea of self-determination. But there was no self-determination resulting from Yalta. The future of millions of people were laid out on the basis of geographical location. They had little control of their destiny.

The Soviet Union looks to Yalta to justify its domination of Central and Eastern Europe. Therefore to repudiate any attempts to legitimize Soviet domination of Eastern European nations through the Yalta executive agreements would make it clear that we do not accept the forcible division of Europe. To repudiate these consequences of Yalta would make it clear to the Soviet Union—and to our allies—that cooperation with the U.S.S.R. will not be at the expense of the subjugated people of Central and Eastern Europe. This resolution will send a message to those vanquished people that we have not forgotten.

Mr. President, this effort is no substitute for substantive economic and political pressure on the Soviet empire. But the renunciation of Yalta is an important symbolic act in much the same way that the Emancipation Proclamation was an important symbolic act. Just as the Emancipation Proclamation gave hope to those who languished in slavery before they were actually freed, so the repudiation of Yalta is intended to give hope to the people of the Soviet bloc. We must send a clear message to the people of Central and Eastern Europe that we have not written off their hopes and aspirations for a better life.

Mr. President, I ask unanimous consent that articles on this subject from the Washington Times and the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 6, 1985]

YALTA'S FALSE PROMISE

(By George F. Will)

Four decades of fraud are enough. The coincidence of the historical calendar and the quickening pace of what is called U.S.-Soviet "dialogue" make this the moment for the United States to denounce the agreements entered into 40 years ago at Yalta.

These words open a chapter in the final volume of Churchill's history of the war: "As the weeks passed after Yalta it became clear that the Soviet government was doing nothing to carry out our agreements. . . ." Churchill was referring especially to Poland, on whose behalf Britain had gone to war in 1939, when the Soviet Union was Hitler's ally.

In February 1945 the Soviet Union began sealing Poland from Western eyes and destroying democratic elements. There were fewer of those elements than there might have been. When the Polish resistance rose in Warsaw against the Germans, the Soviet army loitered on the outskirts of the city to allow the Nazis to massacre the Polish freedom fighters, who would have been inconvenient for the arriving Soviet totalitarians. The Soviet Union compounded its crime by even refusing to allow U.S. and British planes to land in Soviet-held territory after dropping supplies to the Polish resistance. This was six months before Yalta.

The Yalta conference ended Feb. 11, 1945. On Feb. 27, Andrei Vyshinsky, the satanic prosecutor at the 1930s Moscow show "trials," arrived in Bucharest, Romania, to demand that King Michael dismiss the all-party government. The next day, Churchill wrote, Vyshinsky returned to the king, "banged his fist on the table, shouted for an immediate acquiescence, and walked out of the room, slamming the door. At the same time Soviet tanks and troops deployed in the streets of the capital, and on March 2, a Soviet-nominated administration took office."

The Yalta agreements "binding" the allies to work for open societies in Eastern Europe were, at best, forlorn attempts to blunt Soviet bayonets with parchment. It took six days for them to be revealed as an empty pretense.

Yalta did not "give" Eastern Europe to the Soviet Union. The Red Army took it. But Yalta codified the West's wishful thinking about the Soviet Union. The latest Shultz-Gromyko session, like the arms con-

trol process generally, is another manifestation of the hope that if the Soviet Union can be talked into talking, and into adopting the forms of orderly relations, then the substance of such relations will somehow follow.

Perhaps we should periodically enter into agreements like those signed at Yalta or, 30 years later, at Helsinki, if only for what they can teach. That is, such agreements can be useful because of the lesson that can be extracted from the instant and comprehensive Soviet violation of them. The problem is that Western governments wind up teaching their publics precisely, the wrong lesson. They refuse to teach the lesson by denouncing the agreements. Instead they convince themselves and their publics that there is something inherently wholesome in the mere "process" of producing agreements.

It may be argued that denouncing the Yalta agreements would be an empty gesture. Not true. It would be an act of public pedagogy, underscoring a lesson at a pregnant moment.

Plans are now being made for commemorating the 40th anniversary of the end of the war in Europe, and there is a revival of the sort of sentimentalism that helped produce Yalta. Today the sentimentalism is, "We were friends then, so . . ." "Friends," forsooth. In 1945 the sentimentalism took the form of the belief that the Soviet regime (which can claim legitimacy only as the enemy of bourgeois democracies) would desire in peace a continuation of the cooperative relationship that served it well in war.

In 1985, the anniversary of V-E day will be an appropriate moment for commemorating the fact that the Soviet Union began the war as Hitler's enthusiastic ally. It was convinced that Hitler would destroy England and other decadent bourgeois democracies, and was eager for that outcome. Hitler initiated the rupture with the Soviet Union, which then received enough aid from the decadent bourgeois democracies that it could survive and become the legatee of Hitlerite values—conquest, totalitarianism, anti-Semitism.

This June will mark the 10th anniversary of the Helsinki agreements on human rights. Those agreements are extensions of the Yalta agreements, but are even less defensible because they came after 30 years of experience with the Yalta agreements. Under the Helsinki agreements the Soviet Union undertook to stop being the Soviet Union—that is, to be minimally civilized.

It has, of course, declined to do that. So 1985 is the year also to denounce the Helsinki agreements. A decade of fraud is enough.

[From the Washington Times, Aug. 31, 1984]

POISON OF SURRENDER HAS INFECTED US SINCE YALTA

(By Leopold Tyrmand)

In hindsight, we may claim, with a reasonable amount of certitude, that the Yalta Agreement was accepted and approved because President Roosevelt succeeded in convincing both the American people and the American establishment of that pact's beneficiality for America. Even those who then spoke of its moral speciousness came to see in it some pragmatic advantage or American interest, or saw it as an exercise in *realpolitik*.

Four decades later, we know that Mr. Roosevelt's intentions proved to be in error, his reasoning a calamitous ineptitude, and his assurance a lie. History has disproved every one of his assumptions and hopes. In retrospect, Yalta appears to be the first debacle—a Dunkirk of sorts—in the subsequent showdown with forces of totalitarian tyranny that inevitably followed in Hitler's bloody footsteps, forces that are waging a ferocious assault on our beliefs, our institutions, and our very existence.

Yalta was a monumental concession to the stubborn Soviet demand that the postwar world should not be ordered by the victors according to some superior political and ethical principle, but structured on and divided into autonomous, impenetrable spheres of influence. Accepting the Soviet postulate, Mr. Roosevelt fell into a trap: only the autonomy of the Soviet sphere was assured to be hermetic by dint of the nature of communist power. The *a priori* vulnerability of *our* sphere was a foregone conclusion, a factor built into Soviet plans, the trump card of their calculations. Without Yalta, there would have been neither a war in Korea nor in Vietnam.

The peaceful coexistence between two contradictory sociomoral systems, especially when violence constitutes the philosophical essence of one of them, is a futile endeavor. A failure to recognize this was Mr. Roosevelt's personal mistake. He chose to ignore that Yalta neutralized America's military superiority and freed the Soviets to use their might, which at that time was inferior to ours, for a neo-imperialist drive.

Our repugnance for any use of arms except in the defense of our own territory, or of our citizens' legitimate interests overseas, foreclosed a firmer American response to Soviet expansionism. Of course, we could not make war then because the very idea of war against a putative ally would have been the gravest offense to our fundamental moral sensibilities, to our very notion of integrity and honor—and they knew it. Nevertheless, our choice and our decision, their inevitability and nobleness notwithstanding, were a cardinal error—if only because those making the policy never seemed to suspect that our implacable enemy would not have hesitated one second if he had a monopoly on the atom bomb, and would perceive and capitalize upon the slightest chance of instantly making the world safe for communism, Russian style.

The postwar era of "peace" has sufficiently documented that whenever the Kremlin sniffed the scantiest smell of our vincibility, it put its proxies in motion and triggered wars—that is, the Soviets created those woes that Mr. Roosevelt hoped to eliminate through the spheres-of-influence arrangement. Conseqently, our vulnerability to the threat of the ultimate solution became increasingly palpable. Now, our vacillations make it look as if our demise is only a matter of time—and time and patience are weapons with which a totalitarian state can arm itself at the lowest cost.

Since 1945 we have amply demonstrated to the world (including their part of the world) that though we are not perfect, we are a morally superior society and polity, better suited to provide an example for mankind. The post-Yalta American reality, however, makes it clear that our worst enemy is not perhaps even the Soviet Union and its idelogy, but our incertitude and self-doubt.

All those among us who deny us the right to act as humanity's best friend, all those who fanatically insist that our commitment to decency and fairness and rationality and respect for the law is actually an empty promise, and that we have no moral right to claim any moral primacy over the Soviet crime to genocide, subjugations of entire nations, and cruel abuses of entire societies, including their own, are a bleeding ulcer in our body.

This subversion of faith in our own value, which is so meticulously documented by history, is our worst disease, one which pushes us toward national suicide. Its germs can be found in the ideological climate of Yalta, in the act of moral surrender that contaminated our history and made life for two generations more difficult than it should be been.

Mr. KASTEN. Mr. President, I ask unanimous consent that Senators QUAYLE, WALLOP, HELMS, EAST, SYMMS, and MCCLURE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, we have discussed this amendment with the ranking leadership on both sides of the Foreign Relations Committee. I am hopeful that the committee will, in fact, accept this amendment.

Mr. LUGAR. Mr. President, we do in fact accept the amendment and commend the Senator from Wisconsin for the amendment.

Mr. PELL. Mr. President, on this side, too, we accept the amendment, recognizing that this resolution is not a formal repudiation of the Yalta Agreement. If that agreement had been truly adhered to and the Soviets not violated it, we would not be in this situation we are in today.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 318) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, at this point we have accepted and passed 17 of the 21 amendments that are in the unanimous-consent agreement. The four amendments that must still be considered, for the information of all the Senators, are a Humphrey amendment on Afghanistan films; a Grassley amendment on Pentecostals in the Moscow Embassy; one of the Domenici amendments on USIA and Latin America; and an amendment by the distinguished minority leader, Senator BYRD, on the Eximbank.

Mr. President, pending arrival of the distinguished Senator who may offer those amendments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 319

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of myself, and Mr. ROCKEFELLER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. ROCKEFELLER, Mr. WARNER, and Mr. FORD proposes an amendment numbered 319.

At the appropriate place insert the following:

The Export-Import Bank is directed to issue a report to the Chairmen and Ranking Members of the Senate Committee on Banking and Urban Affairs, the Senate Committee on Energy and Natural Resources, the House Committee on Banking, Finance and Urban Affairs, and the House Committee on Energy and Commerce within thirty days of the date of enactment of this act, on the status, terms, and all other pertinent information on all assistance provided to foreign nations that produce or export coal, for the purpose of financing or assisting in the development of coal production, transportation, export, or other coal-related activities or operations.

Mr. BYRD. Mr. President, the amendment that I offer is addressed to a problem related to the financing activities of the Export-Import Bank and foreign coal development.

I have already expressed my concern earlier this year on the Senate floor, and in the course of committee hearings conducted by Senator WARNER just last week, about the recent opening of one of the world's largest surface coal mines known as El Cerrejon in the South American nation of Colombia. The mine is a $3.2 billion joint venture between the Government of Colombia and the Exxon Corp. The entire output of that mine, I am told, is dedicated to the export market, including the United States. Indeed, Colombian coal is already being imported to the United States.

I express my concern about the impact of that mine on coal markets in the United States and Western Europe, particularly with respect to the potential of Colombian coal to displace domestic coal in domestic and foreign markets. To the extent that such displacement occurs, coal-producing States such as West Virginia will suffer.

I noted in my earlier statement that a part of the financing for the El Cerrejon mine was provided by the Export-Import Bank. In other words, the Bank provided some of the financing for the development of the mine involving Exxon, one of the largest corporations in the world, which is in direct competition for markets in the United States and Western Europe with coal-producing States such as West Virginia.

The development of the El Cerrejon mine suggested that the United States is not intended as a major market for El Cerrejon coal. The export market in Western Europe is suggested as the intended market but that is of little comfort to the coal industry in West Virginia, Indiana, Illinois, Tennessee, Virginia, or wherever.

Mr. President, the Subcommittee on Natural Resources Development and Production, chaired by the distinguished Senator from Virginia [Mr. WARNER] has held a hearing on the impact of U.S. coal imports on the domestic coal industry. The subcommittee heard testimony that the Export-Import Bank has provided $850 million in assistance to the El Cerrejon project, $600 million of which has already been obligated. The financing was provided to the Colombian Government, which provided one-half of the project cost as an equal partner with Exxon.

It has been suggested that the financing was justified on the grounds that a portion of the money was used to purchase equipment from companies in the United States. However, the purchase of equipment and services from the United States was a one-time transaction. The coal mining jobs which may be exported to Colombia with the project may be lost for many years to come. If the output of the Colombian mine displaces U.S. coal, in either domestic or foreign markets, jobs could be and would be lost in the domestic coal industry.

Mr. President, the international coal market is very competitive, and I am confident that the American coal industry can compete against other coal-producing nations. However, the ability of the domestic coal industry to compete in the world coal market can be unfavorably affected by transactions of our own Government which appear to finance our competitors. Is the Colombian coal project the only such venture by the Export-Import Bank? Have there been others? If there have been other similar transactions, it may be that some of the activities of the Export-Import Bank may have an unfavorable impact on the domestic coal industry.

My amendment merely directs the Export-Import Bank to report to the chairmen and ranking members of the Senate Committee on Energy and Natural Resources, the Senate Committee on Banking and Urban Affairs, the House Committee on Energy and Commerce, and the House Committee on Banking, Finance and Urban Affairs within 30 days the status, terms, and other pertinent information regarding all assistance provided by the Export-Import Bank for the purpose of financing or assisting in the development of coal production, transportation, export, or other coal-related activities in all foreign nations that produce or export coal.

Mr. President, the information called for by this amendment will be useful for determining if some of the policies of the Export-Import Bank will have an adverse impact on the competitive position of the coal industry in such States as West Virginia and other coal-producing regions of the United States.

Mr. President, I now yield to the two distinguished managers of the bill.

Mr. LUGAR. Mr. President, indeed, we have given the amendment by the distinguished Senator from West Virginia, the distinguished minority leader, very careful consideration. We commend him for the amendment. The Senator from West Virginia has been a long-time champion of coal. I applaud him for that leadership. Mr. President, I feel privileged to support him on many occasions regarding that industry.

We believe the amendment will be very helpful in illuminating the problems faced by the U.S. coal industry in terms of the Export-Import Bank, and are prepared to support the amendment.

Mr. PELL. Mr. President, while we do not have a coal industry in my State, I believe this is an excellent amendment. We are aware of the acute problems faced by the coal industry at this time. It does seem odd that we would finance, or be partially responsible for the financing of, operations in direct competition with our industry. For these reasons, I am more than glad to support the amendment of our Democratic leader.

Mr. BYRD. Mr. President, I thank both managers for their expressed support of the amendment.

Mr. President, I should also say that I offer this amendment on behalf of myself, my distinguished colleague from West Virginia [Mr. ROCKEFELLER], the distinguished Senator from Virginia [Mr. WARNER], and the distinguished Senator from Kentucky [Mr. FORD], who, I ask unanimous consent, be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 319) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the manager and the ranking member for their support.

AMENDMENT NO. 320

(Purpose: To provide for the distribution within the United States of two United States Information Agency films relating to Afghanistan)

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. HUMPHREY, proposes an amendment numbered 320.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment follows:

On page 19, between lines 9 and 10, insert the following:

DISTRIBUTION WITHIN THE UNITED STATES OF THREE USIA FILMS RELATING TO AFGHANISTAN

SEC. 206. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the films entitled "Afghanistan 1982: The Struggle for Freedom Continues," "We Are Afghanistan"; and "Afghanistan: The Hidden War" and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of such a film, the Archivist shall reimburse the Director for any expenses of the agency in making the master copy of such film available, shall deposit such film in the National Archives of the United States, and shall make copies of such film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

Mr. HUMPHREY. Mr. President, this amendment would allow the USIA to release for viewing by the American public, three films which document the terrible suffering of the Afghan people under the brutal Soviet military occupation of that country, an occupation that is now in its sixth year. In the past, the Congress, in releasing USIA films for a wider distribution, has contributed effectively to the cause of freedom in Poland for example. The release of the film "Let Poland Be Poland" in 1981 was an important and necessary gesture of our support for Solidarity in its struggle against the Polish martial law regime. It is important that we take advantage of this opportunity to express our support of the same struggle for freedom being waged by the people of Afghanistan.

The first film, entitled "Afghanistan 1982: The Struggle for Freedom Continues," contains actual footage of the Soviet invasion of 1979, along with interviews of eyewitnesses, international journalists, and other concerned persons. Revealing accounts are given of the destruction wrought by Soviet tanks, helicopter gunships, and antipersonnel mines used to maim and cripple Afghan children. This 47-minute color film conveys a message which is still valid in 1985, and one which ought to be seen by all of America.

The second film, entitled "Afghanistan: The Hidden War," produced in 1983, continues to chronicle the valiant battle being waged by the Afghan people against seemingly overwhelming odds. This 58-minute film includes segments produced by the European media, who, sadly, have been much more committed to pursuing the story of what is happening to Afghanistan, than their American counterparts.

The third film, entitled "We Are Afghanistan," was completed in December 1984, and incorporates the most recent footage available of the conflict in Afghanistan. This 24-minute film was produced to coincide with the fifth anniversary of the Soviet invasion, and demonstrates quite vividly, that the struggle for that country is far from over. By means of combat footage and interviews with freedom fighters, the camera crews have documented the intense determination of an entire people to fight on. The film contains inspiring scenes of the educational programs run for Afghan children living in refugee camps in Pakistan, further evidence of the commitment of Afghans to provide for the youngest generation in spite of their displacement.

Mr. LUGAR. Mr. President, we are prepared to accept the amendment.

Mr. PELL. Mr. President, I understand the amendment has been cleared by the Intelligence Committee. I believe it is a good amendment and recommend that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 320) was agreed to.

AMENDMENT NO. 321

Mr. LUGAR. Mr. President, I send to the desk an amendment on behalf of Mr. DOLE. This is not in the original group of 21. Mr. President, I ask unanimous consent that the Helms amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] on behalf of Mr. DOLE, proposes an amendment numbered 321.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following subsection: Mayor Teddy Kollek has worked to promote harmony among all the people of Jerusalem; and he has promoted freedom of access to religious shrines for Muslims, Christians, and Jews; and through his efforts the aesthetic character of the city has been enhanced;

Therefore, the Congress commends Mayor Kollek for his efforts over the years.

Mr. LUGAR. Mr. President, I have offered this amendment to express these sentiments: Mayor Teddy Kollek has worked to promote harmony among all the people of Jerusalem; and

He has promoted freedom of access to religious shrines for Muslims, Christians, and Jews; and

Through his efforts the esthetic character of the city has been enhanced;

Therefore, the Congress commends Mayor Kollek for his efforts over the years.

Mr. President, I do this after a visit with Mayor Kollek and with a profound appreciation for precisely the reasons that I have commended him. He has been a pillar of strength and has, in my judgment, promoted freedom of access through his extraordinary leadership in Jerusalem.

Mr. President, we are prepared to accept the amendment.

Mr. PELL. Mr. President, this is an excellent amendment. I am very glad to support it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 321) was agreed to.

AMENDMENT NO. 322

(Purpose: To prevent the conduct of espionage activities in the United States by employees of the United Nations)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 322.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new sections:

To prevent the conduct of Espionage activities in the United States by employees of the United Nations.

SEC. (a) The Congress finds that—

(1) Pursuant to the Headquarters Agreement between the United States and the United Nations (authorized by Public Law 80-357, 22 U.S.C. 287, Aug. 4, 1947):

(A) The United States has accepted the treaty obligation to permit, and to facilitate, persons employed by or who are authorized

by the United Nations to conduct official business in connection with the organization or any agency thereof, the right of entry into, and the exit from, the United States subject to regulation as to points of entry and departure, for purposes of conducting official activities within the Headquarters district; and

(B) An obligation to permit, and to facilitate, acquisition of facilities in order to conduct such activities within or in proximity to the Headquarters District, subject to reasonable regulation, including the location and size of such facilities; and

(2) Taking into account subsection (1), and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including non-official activities, by such persons outside of any area described in this section.

(b) Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301, et seq.), is amended by adding the following new section:

"SEC. "

(a) Definitions—for purposes of this Act, "Headquarters District" shall mean such area, if any, within the United States, agreed to by a public international organization and the United States to constitute such a District, together with such areas as the Secretary of State may approve from time to time in order to permit effective functioning of the Organization or Missions thereto;

(b) The conduct of any activities, or the acquisition of any benefits as defined by P.L. 80-357, by any person described in subsection (a)(1)(A), or any person or agency acting on behalf thereto, outside an area described in that subsection may be permitted or denied or subject to reasonable regulation as determined to be in the best interests of the United States and pursuant to the provisions of P.L. 80-357.

(c) The Secretary of State shall report to the Congress not later than thirty days after the date of enactment of this Section as to plans for implementation of its provisions, and shall report not later than six (6) months thereafter as to action taken pursuant thereto.

(d) The Secretary of State is directed to apply to employees of the United Nations Secretariat who are nationals of a foreign country any and all terms, limitations, restrictions, or conditions applicable to individuals pursuant to this Title as may from time to time be applied to members of the consulate, embassy, or mission to the United Nations of this country in the United States, pursuant to this Title.

(e) Nothing in this section shall apply to any United States national.

Mr. ROTH, Mr. President, on May 7 the Committee on Governmental Affairs heard testimony from our former permanent representative to the United Nations, Ambassador Jeane Kirkpatrick. The Ambassador's testimony covered a variety of subjects, including Soviet espionage activities in the United Nations.

Mr. President, I believe that it is now time that the Congress move forthrightly and directly to terminate such espionage activities.

Theoretically employees of the U.N. Secretariat are international civil servants, owing their allegiance to the United Nations, not to their country of origin. Significantly, the Soviet Union refuses to abide by this system. The vast majority of Soviet employees of the Secretariat do not take the oath of loyalty to the U.N., they are simply assigned to the Secretariat temporarily, "on secondment" from the Soviet civil service, to which their allegiance remains and to which they return after serving several years in the U.N Secretariat.

However, despite the Soviet refusal to abide even by the formalities of the U.N. system, this country has continued to treat Soviet employees of the U.N. Secretariat as international civil servants. This allows those figures to travel freely around the United States, unhindered by the restrictions and reporting requirements imposed upon regular Soviet diplomats by the Foreign Missions Act.

I have pressed this matter in the Senate Intelligence Committee. Two weeks ago the committee was able to release an unclassified report on Soviet intelligence activities in the United Nations. The report reveals the truth of Ambassador Kirkpatrick's testimony. There are approximately 800 Soviet employees in the U.N. Secretariat. Of those, fully 200 are members of the KGB or GRU. The remainder are continually available for co-option by the KGB, and, meanwhile, use their presence in the U.N. to further Soviet interests and propaganda.

Clearly, this situation cannot be allowed to continue.

Consequently, I am introducing this amendment, defining the headquarters district of the United Nations and requiring the Secretary of State to report to the Congress within 30 days of enactment of this legislation on his proposals to restrict the activities of certain foreign nationals outside the headquarters district. It also directs the Secretary of State to subject non-U.S. employees of the U.N. Secretariat to restrictions and limitation on their travel and activities identical to those placed by the U.S. Government upon the diplomatic personnel of their country of origin. Currently, such restrictions apply largely to Soviet and eastern bloc diplomatic personnel.

Members should note that this legislation does not represent any departure from our traditional position on the U.N. headquarters agreement. The Congress, in enacting Public Law 80-357 specifically reserved to the U.S. Government the right to restrict the activities of U.N. employees outside the headquarters district.

I urge my colleagues to support this vital piece of legislation.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Delaware on his amendment. It parallels action we have taken in other regards. As the Senator has pointed out, we are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this is an excellent amendment. It seeks to plug up holes that exist in the structure of the U.N. Secretariat and I believe it should be passed.

Mr. BYRD. Mr. President, may I ask a question?

Mr. LUGAR. I yield to the distinguished minority leader.

Mr. BYRD. Mr. President, is this amendment cosponsored by the distinguished Senator from Arizona (Mr. DECONCINI)?

Mr. ROTH. No; Mr. President, it is not. I am not aware of any cosponsors. We would welcome his cosponsoring.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 322) was agreed to.

Mr. LUGAR. I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

[Later, the following occurred:]

Mr. LUGAR. Mr. President, I send to the desk a corrected version of the Roth amendment, No. 322, and I ask unanimous consent that it be substituted for the text previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The corrected amendments is as follows:

At the appropriate place in the bill add the following new sections:

To prevent the conduct of Espionage activities in the United States by employees of the United Nations.

Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301, et seq.) is amended by adding the following new section:

U.S. RESPONSIBILITIES FOR EMPLOYEES OF INTERNATIONAL ORGANIZATIONS

SEC. 206A. (a) The Congress finds that—

(1) Pursuant to the Headquarters Agreement between the United States and the United Nations (authorized by Public Law 80-357, 22 U.S.C. 287, Aug. 4, 1947):

(A) The United States has accepted the treaty obligation to permit, and to facilitate, persons employed by who are authorized by the United Nations to conduct official busi-

ness in connection with the organization or any agency thereof, the right of entry into, and the exit from the United States subject to regulation as to points of entry and departure, for purposes of conducting official activities within the Headquarters district; and

(B) An obligation to permit, and to facilitate, acquisition of facilities in order to conduct such activities within or in proximity to the Headquarters District, subject to reasonable regulation, including the location and size of such facilities; and

(2) Taking into account subsection (a), and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including non-official activities, by such persons outside of any area described in this section.

(b) The conduct of activities, or the acquisition of any benefits as defined by P.L. 80-357, by any person described in subsection (a)(1)(A), or any person or agency acting on behalf thereto, outside an area described in that subsection may be permitted or denied or subject to reasonable regulation as determined to be in the best interests of the United States and pursuant to the provisions of P.L. 80-357.

(c) The Secretary of State shall report to the Congress not later than thirty days after the date of enactment of this Section as to plans for implementation of its provisions, and shall report not later than six (6) months thereafter as to action taken pursuant thereto.

(d) The Secretary of State is directed to apply to employees of the United Nations Secretariat who are nationals of a foreign country any and all terms, limitations, restrictions, or conditions applicable to individuals pursuant to this Title as may from time to time be applied to members of the consulate, embassy, or mission to the United Nations of this country in the United States, pursuant to this Title.

(e) Nothing in this section shall apply to any United States national.

(f) Definitions—for purposes of this section, "Headquarters District" shall mean such area, if any, within the United States, agreed to by a public international organization and the United States to constitute such a District, together with such areas as the Secretary of State may approve from time to time in order to permit effective functioning of the Organization or Missions thereto;

AMENDMENT NO. 323

(Purpose: To express the sense of the Senate toward the treatment of Soviet Pentecostals)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk for myself and Senator SYMMS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself, Mr. SYMMS, and Mr. DECONCINI, proposes an amendment numbered 323.

Mr. GRASSLEY. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 13 and 14, insert the following:

POLICY TOWARD TREATMENT OF SOVIET PENTECOSTALS

SEC. 124. (a) The Senate funds that—

(1) it is the policy of the Government of the Soviet Union to hinder and deny the free practice of religion and to deny freedom to emigrate to the victims of religious persection;

(2) such policies are a violation of the latter and spirit of the Charter of the United Nations, the United Nations Declaration on Human Rights, and the Helsinki Accords, to which the Government of the Soviet Union is a party;

(3) members of the 170-member Pentecostal Christian community living in Chuguyevka in the Soviet Far East have allegedly undergone persecution at the hands of the Soviet authorities as a result of their attempts to practice their religious beliefs;

(4) the Soviet authorities allegedly have refused to allow members of that Pentecostal community to emigrate from the Soviet Union;

(5) when, on Monday May 13, 1985, four members of the Pentecostal community of Chuguyevka attempted to enter the United States Embassy in Moscow in an attempt to seek refuge and make their plight known, they were intercepted by Soviet guards stationed outside the Embassy;

(6) in the scuffle that ensued three of the Pentecostals were beaten severely and arrested by the Soviet guards, while the fourth Pentecostal gained entrance to the Embassy and was interviewed by United States officials; and

(7) upon agreeing to leave the United States Embassy the man was driven to the subway in a diplomatic car where he was detained by Soviet police before he could enter the subway.

(b) It is the sense of the Senate that—

(1) the Soviet Union has acted in violation of the human rights of the Pentecostal community in Chuguyevka by hindering the practice of their religious beliefs and refusing to allow them to emigrate from the Soviet Union;

(2) personnel of the Government of the Soviet Union acted in violation of the human rights of the four members of the Pentecostal community who attempted to enter the United States Embassy in Moscow, particularly in using excessive force in an attempt to prevent their entry;

(3) the United States Department of State should continue through all available channels to assure the safety of the four persons who attempted to enter the United States Embassy, and to seek to persuade the Government of the Soviet Union to allow the members of the Pentecostal community in Chuguyevka to emigrate to the West; and

(4) the Secretary of State should undertake a study of United States policy relating to the granting of asylum in United States embassies abroad and develop recommendations for the Committee on Foreign Relations of the Senate as to where current policy might be adjusted with relation to incidents over the past five years where asylum has been requested at United States embassies abroad.

Mr. GRASSLEY. Mr. President, the amendment I am offering today has three purposes. The first is to call attention to the plight of one community of Pentecostal Christians living in the Soviet Far East. In singling out this one community, it is not my intention to imply that the things that have befallen these people are isolated incidents; rather they are examples of Soviet policy toward those whose religious beliefs have led them to dissent from the militant atheism that is the official practice of the Soviet state.

The second purpose of this amendment is to encourage the State Department to continue to pursue the specific case of the Pentecostal community.

Finally, the amendment calls upon the Secretary of State to submit a report to the Foreign Relations Committee assessing current policy toward asylum.

Mr. President, it is my understanding that this amendment has been accepted on the part of both the minority and the majority. I defer to the distinguished majority manager of the bill.

Mr. LUGAR. Mr. President, we commend the senior Senator from Iowa for this amendment which addresses a very important point. Certainly, his highlighting of the plight of Pentecostals in the Soviet Union is important. We are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I think this is truly an excellent amendment. I like the last phrase of it which says that the State Department should report where asylum is being requested at U.S. Embassies abroad, not just granted but requested. I think that report should be very interesting, and I trust the State Department will note just what it says, that we want the reports where they have been turned down as well as where the asylum has been granted. We are prepared to accept this excellent amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 323) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. I thank the chairman of the committee for accepting this amendment and helping us work it out.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 324

(Purpose: To Repeal Section 113 of the International Security and Development Cooperation Act of 1980)

Mr. SYMMS. Mr. President, on behalf of myself and Senator SYMMS, as well as cosponsors Senators HELMS, ARMSTRONG, GOLDWATER, DENTON, THURMOND, MCCLURE, QUAYLE, and MATTINGLY, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself and others, proposes an amendment numbered 324.

The PRESIDING OFFICER. The Helms amendment is the pending business and must be set-aside by unanimous consent.

Mr. SYMMS. I ask unanimous consent that the Helms amendment, the pending business, be temporarily set-aside, so that this amendment may be in order, and that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment is as follows:

At the appropriate place, and the following new section:

REPEAL OF RESTRICTIONS ON OPERATIONS IN ANGOLA

Section 118 of the International Security and Development Cooperation Act of 1980 (Pub. L. 96-533-ss U.S.C. 2293 note) is hereby repealed.

Mr. SYMMS. Mr. President, to refresh everyone's memory, this amendment I offer is not a new subject to this body nor to the other body. It is a subject we have been discussing and which has been talked about for many years. I think it is of very significant importance to overall strategy with respect to the ability of the United States to secure freedom for ourselves and to keep peace and security in the world. It is the subject of Angola. Angola, of course, is a country just north of Namibia in Africa.

The United States first became involved in Angola when the Kennedy administration, responding to evidence of Soviet and Chinese activity there, started to channel, through the CIA, small amounts of aid to one liberation organization, the FNLA [National Front for the Liberation of Angola] headed by Holden Roberto. The United States was trying to establish good relations with the group that could become the head of a new Angola, when Portuguese rule ended. But a covert effort in Angola was necessary, because of our relationship with Portugal, a NATO ally.

Mr. President, is there a time agreement on this amendment?

The PRESIDING OFFICER. There is not a time agreement.

Mr. SYMMS. When Portugal announced it would grant independence in 1975, the free-for-all began. The Alvor agreement was hammered out by Portugal in early 1975, and laid the framework for a transitional government, to include all factions, which would eventually draft a constitution, and hold fair and free elections.

The Alvor agreement bears resemblance to the unfulfilled 1979 OAS pledge made by the Sandinistas—without American power backing up the democratic forces, Marxists were virtually guaranteed victory. This was true in Nicaragua, and it was true in Angola. The Soviets, forever eager to fish in troubled waters, readily backed the Marxist MPLA, and the United States more or less sat on the fence and wrung hands over what should be done, if anything.

The MPLA immediately sought massive Cuban and Soviet military assistance. By December 1975, the MPLA had received an estimated $40 to $60 million in Soviet assistance, along with some 3,500 to 5,000 Cuban combat troops. South Africa lent military support to the opposition groups fighting the Marxists, and the United States lent some $32 million worth of arms. The U.S. aid, however, was dwarfed by the massive weaponry and manpower from Cuba and the U.S.S.R.

Congress, in 1975, was timid of new involvement following the legislated defeat in Vietnam, grew increasingly hesitant about America's role in Africa. On December 17, 1975, Senator Tunney of California introduced a 1-year provision, to amend the defense appropriations bill to cut off aid and ban further U.S. involvement in Angola. This provision passed the Senate on a 54 to 22 vote, and was overwhelmingly approved in the House of Representatives in January 1976. President Ford justifiably remarked that Congress had "lost their guts." All the old fallacious arguments from Vietnam resurfaced, that if America just backed out of the conflict, the military escalation by the Soviets and Cubans would end. Well, the United States did back out, but there is no peace in Angola today, and American security interests are more vulnerable in Africa then they have ever been before.

When I was a Member of the other body, I recall that Secretary Kissinger appealed to and pleaded with the Members of the House on this issue. We had Members on both sides of the aisle who did not want to respond to the request the President had made, and those of us who supported the request in the minority were sadly beaten. I do not say this in a partisan sense. It was an equally divided decision made by both Republicans and Democrats in the House, and there were some Democrats and some Republicans who voted for the continuation of the aid.

I know that President Ford felt very strongly about it at the time, and I think history has proved that he was quite right in his analysis of what was going to happen in Angola.

SOVIET ROLE IN AFRICA

The Soviet Union has been very active in Africa over the past decade. According to this year's authoritative DOD publication Soviet Military Power, the U.S.S.R. has continued military support to both Angola and Mozambique. In 1984, Mozambique was given additional Mig-21/Fishbed fighter aircraft, increasing its total to at least 44. Angola received large Soviet deliveries, including, for the first time, SA-2 Sam systems, Mig-23/Flogger aircraft, and Su-22/Fitter aircraft, as well as more helicopters, including the sophisticated HIND, used so effectively by Soviet troops in Afghanistan; tanks, armored personnel carriers, trucks, field artillery, and other military equipment.

According to the 1985 Soviet Military Power, the Soviets now have an 8,500-ton capacity floating drydock in Luanda, Angola's capital, capable of handling most major Soviet naval combatants. In fact, Luanda is reported to be Moscow's most important port for its West African naval units. Luanda's airfield services TU-95/Bear D maritime reconnaissance aircraft, which deploy in pairs about three or four times per year.

The U.S.S.R. has made notable progress in military security in Ethiopia, in the Seychelles, and in Guinea. In sub-Saharan Africa, the Soviets lead in providing weapons and have military sales agreements with 21 nations. Since the mid-1970's, the Soviets have delivered about $9 billion worth of equipment, while nearly 4,000 Soviet military advisers and technicians operate in the region and 1,500 African military personnel are being trained in the Soviet Union. Looking at the listing of major Soviet equipment delivered to the Third World from 1980 to 1984, the sub-Saharan region of Africa bypassed Latin American deliveries in nearly every category.

Mr. President, I ask unanimous consent to have the list printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MAJOR SOVIET EQUIPMENT DELIVERED TO THE THIRD WORLD, 1980–84

	Near East and South Asia	Sub-Saharan Africa	Latin America	East Asia and Pacific	Total
Tanks/self-propelled guns	3,160	500	405	320	4,385
Light armor	5,640	770	195	230	6,835
Artillery	3,590	1,860	775	310	6,535
Major surface combatants	21	4	4	3	32
Minor surface combatants	23	17	38	41	119
Submarines	5	0	2	0	7
Missile attack boats	16	9	6	6	37
Supersonic aircraft	1,360	305	135	205	2,005
Subsonic aircraft	105	5	0	10	120
Helicopters	585	140	80	75	880

MAJOR SOVIET EQUIPMENT DELIVERED TO THE THIRD WORLD, 1980–84—Continued

	Near East and South Asia	Sub-Saharan Africa	Latin America	East Asia and Pacific	Total
Other combat aircraft	200	65	30	70	365
Surface-to-air missiles	7,480	545	920	350	9,295

Mr. SYMMS. Mr. President, it is interesting to note, if one goes back to the middle twenties, that one of the first priorities the Soviets listed that they wanted to achieve was to secure the mineral belt across Africa. There is no question that that is what they are after—not that the Soviets are short of minerals. It is their plan to deny these minerals to the West.

While the Soviets have been gaining ground in Africa, the United States because of apartheid concerns, severed its access to Simonstown, South Africa's port with the best equipped naval facilities between Singapore and Gibraltar. Simonstown can accommodate up to 50 warships, and maintains a work force of 2,500 uniformed personnel and 4,500 civilians. The facility is largely underground, and therefore would survive conventional or nuclear attack.

Mr. President, I had the privilege of visiting the Simonstown port last year. In my view, it is unfortunate that the U.S. ships do not make ports of call there. These decisions have been made over legitimate and sincere concerns about apartheid; but I have often thought that it might do the South Africans more good if they saw a U.S. destroyer come in and make a port of call and recognize that we have black officers on our ships.

It would be in our own interests to have access to that port, particularly on those long hauls up to the Persian Gulf, with the concerns in Iran and Iraq, and the experience with respect to our oil supplies in the gulf.

That is why the Cape is vitally important for shipping to Western Europe and the United States.

The South Africans at this point hardly have search and rescue capability. We will not sell them anything. They badly need P-3's, to be able to continue with a good search and rescue operation just for emergencies, just for the saving of human lives, but not to mention the threat that Soviet submarines could cause if they were deployed in that part of the world and ever chose to choke off those vital sealanes.

The reason I mention that is because I think it is important that we remember the damage that Hitler's U-boats did to allied shipping in World War II. At the peak, Nazi Germany's 56 submarines sank 138 allied ships then. Today, the Soviet Union has 183 conventional and 179 nuclear subs; 80 percent of the West's strategic minerals use the Cape route and 75 percent of the world's tanker tonnage pass the Cape yearly. Clearly, since the Soviets do not have a large transoceanic trade, the buildup of Soviet naval forces in the Atlantic and Indian Oceans could only have a single purpose—to threaten ocean shipping of NATO and the United States, and to cut off the flow of strategic materiel to the West in time of war.

One additional comment—I think it is very interesting to bring to my colleagues' attention the latest remarks Fidel Castro has made about Angola. On May 29 at the Isle of Youth in Cuba, while U.N. Secretary General DeCuellar was visiting Cuba, Castro boasted that 200,000 Cubans have served in Angola and that Cuban troops will not leave until U.N. Resolution 435 is complied with in Namibia.

To refresh my colleagues' memories, U.N. Resolution 435 is the prescription for SWAPO control of Namibia, the Soviet terrorist group the United Nations declared the sole legitimate representative of the Namibian people. Castro stated further that 200,000 more Cubans stand ready to go to Angola if necessary.

In January 1985, when I visited the great leader of Free Angola, Jonas Savimbi, in Jamba, Angola, he was under the opinion that there are somewhere between 35,000 and 40,000 Cuban troops now in Angola. Obviously, Mr. President, the reason Fidel Castro's Cubans have become so intransigent is because the United States demonstrated such a long unmitigated period of weakness. We have been weak on this issue ever since the passage of the fatal Clark amendment back in 1975 and if we want to break the logjam on the negotiations, in my view, the way to do it is to repeal the Clark amendment and send a strong signal to European allies and African countries who want to help UNITA that the United States stands for freedom and will help its friends fighting foreign tyranny.

Mr. President, at this point I remind some of my colleagues of the remarks that President Kennedy made in 1961. I believe that these are remarks that sometimes we seem to forget. But I think of Kennedy's message when he talked about passing the torch of leadership from one generation to the next in his well-renowned inaugural address of January 20, 1961. I think sometimes we need to be reminded of just what our charge is. I quote President Kennedy on his inaugural address:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.

I just say to my colleagues that if they have the opportunity to visit Free Angola they should make an effort to do so. In my personal visit to Yenda in South Africa and on out to Camp Omega and north into Angola, I had the opportunity to see first hand of the tremendous job of liberating the countryside that Dr. Savimbi and UNITA are doing. They are educating the young people, teaching them how to farm. They are feeding themselves. They are building hospitals. They truly have the support of the people with them.

These are the people we should be supporting in Angola, not the Communist government that is being supported by the Soviets and Cubans and others who are stacking their trade on nothing other than terror and tyranny, and forcing people to go along with them.

So I appeal to my colleagues that if we want to see the success of constructive engagement in southern Africa work, the best thing we can do would at least be not viewed as completely neutral with respect to Angola.

This amendment will not cost any money, but psychologically it would be a great lift to the forces of Dr. Savimbi—to know at least the United States is not against them.

I think also once Savimbi achieves power in Angola, and takes over and can set up a government and restore the democratic process in that country and restore the rights of the people to be able to seek opportunities in their own lives, that then we will have an example of a successful government in Africa that other governments can pattern themselves after.

Africa has had too many examples of imperfect governments overthrown by Marxist dictators that perpetuate their reigns of terror.

We are all, of course, concerned about apartheid, but we should remember that there is no example of a successful leadership that respects human rights by any of the other black nationalist countries in that part of Africa.

Mr. President, I would like to skip over part of my remarks and comment that the distinguished junior Senator from Kansas, Senator KASSEBAUM, on September 30, 1981, offered this similar amendment. She stated very clearly that she thought this amendment should be repealed. Senator KASSEBAUM is chairman of the Subcommittee on African Affairs. I quote to my colleagues the distinguished Senator's statement. She remarked:

> If we create a linkage between the repeal of the Clark amendment and a Namibian settlement, then we are creating an incentive for the Angolans and their supporters to withhold cooperation from the international effort to achieve a settlement in Namibia.

I am certain that the Senator from Kansas must recognize that it will be difficult, if not impossible, for a new government in Namibia to remain free

and independent if SWAPO and ANC bases continue their operations under the sanction of the Soviet and Cuban-dominated Government of Angola.

Mr. President, Senator HEINZ went on to say:

The Clark amendment is a way of saying to the Soviet Union, to Cuba, and to other people who wish to have as large a sphere on influence, as far-flung a net of hegemony, as possible, that we, the United States, declare Angola to be of no significance, and that we, by declaring it off limits to our interests, welcome the intrusion, and the intervention, the stationing of Cuban troops, or any other kind of activity or action by other people, presumably hostile to our interests, that they care to engage in.

Mr. President, I see the distinguished chairman of the committee on his feet. I would be happy to yield if he has a question. I might ask if it has been agreed upon to accept the amendment. This amendment passed the Senate in September 1981 by a vote of 66 to 29.

Mr. LUGAR. Mr. President, I ask the distinguished Senator from Idaho if he would be willing to set his amendment aside temporarily so that the distinguished Senator from New Mexico [Mr. DOMENICI] might be recognized to present an amendment that is noncontroversial. Then we will be prepared to return to the Symms amendment.

Mr. SYMMS. I am happy to do that.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered?

The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair. I thank the distinguished chairman of the committee, the Senator from Indiana.

AMENDMENT NO. 325

(Purpose: Reservation of funds for full implementation of the recommendations of the National Bipartisan Commission on Central America)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of myself, Senator CHILES, Senator HOLLINGS, Senator ABDNOR, Senator KASSEBAUM, and Senator DANFORTH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. CHILES, Mr. HOLLINGS, Mr. ABDNOR, Mrs. KASSEBAUM, and Mr. DANFORTH, proposes an amendment numbered 325.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, between lines 17 and 18, insert the following new subparagraph:

"(3) $45,400,000 for the fiscal year 1986 and $45,100,000 for the fiscal year 1987 shall be allocated to fund grants and exchanges to Latin America and the Caribbean, and the amounts utilized for programs in Central America shall be obligated in a manner consistent with the recommendations of the National Bipartisan Commission on Central America."

Mr. DOMENICI. Mr. President, I am offering an amendment that involves Central America, but doesn't address directly the Nicaragua issue that has occupied the Senate recently. It has nothing to do with aid to the Contras—the democratic resistance to the Sandinistas—but it has everything to do with the crisis in Central America.

My amendment is a simple amendment to the USIA authorization part of the pending bill. It earmarks funds for educational and exchange programs in Latin America and the Caribbean, an issue that is already addressed in the bill.

Some may ask, "Why bring this up now? The Senate has been debating the Contra issue, not foreign aid or exchange programs for Central America."

Someone listening to debates on this issue last Thursday and Friday, would be led to believe that all the Senate cares about in Central America is the removal of the Marxist Sandinista dictatorship in Nicaragua. That is just not the case.

Let me explain why I am convinced that this amendment is appropriate and necessary.

Last January, a distinguished bipartisan group, with a little help from this Senator and other Senators, concluded that the Western Hemisphere faces a double challenge, political and economic.

The political challenge centers on one issue: The legitimacy of government down there. Who shall govern, and under what forms, are the central issues in the process of change now under way in country after country throughout Latin America and the Caribbean.

The Bipartisan Commission on Central America offered an analysis that is widely accepted:

Those Nations in Latin America which have been moving to open their political, social, and economic structures and which have employed open elections have been marked by a stability astonishing in the light of the misery which still afflicts the hemisphere.

The Commission concluded, and I concur, that social peace and regional security is more likely in societies where political justice is founded on self-determination and protected by formal legal guarantees. Both elements are missing in Nicaragua today. That is why thousands of Nicaraguans oppose the nine Sandinista dictators and why this body must choose whether to help them and how to do so.

Mr. President, all of the concerns that I have just discussed are important and valid. In the case of Nicaragua, they are inescapable.

For the rest of Central America, and for the Western Hemisphere nations as a whole, there is an economic and human dimension, too. As we debate security and political concerns, we can not forget that poverty is on the rise everywhere in Central America. Joblessness is up, and near 50 percent in many areas. Technical and professional services are lacking in many regions.

For most Central Americans, especially those in the struggling democracies, each day is a struggle to find decent shelter and adequate food for one's family. Without a job, a source of income to feed the children, the hopes raised by elections and more open societies are quickly dashed.

I do not want this Senate to complete debate on Central America in this bill without touching on the full range of U.S. responses to the crisis in Central America.

This country is doing a lot more than supporting the democratic resistance in Nicaragua. We are providing $1.5 billion this fiscal year to help with a broad range of social and economic problems, but we are not doing enough in some areas.

My amendment addresses one area—scholarships and academic exchanges—where we're falling down in our efforts to help Central America and other nations in the region.

In 1982, according to the committee report on this bill, the Soviet Union and East Europe provided scholarships for 9,000 Latin American students to study in those countries. The Cubans provided an unspecified additional number.

What did the United States provide? Less than 2,200 scholarships and training opportunities. Four times as many Latin Americans received professional and technical training in Communist countries than in the United States. Moreover, I'd wager that most of the students offered support by the Soviets were poor and middle-class individuals with leadership potential, and that many of the ones supported by us came from better-off families with the proper political connections. Most of those could afford an education and were from the rich people of that country.

In January 1984, the National Bipartisan Commission on Central America recommended a program of 10,000 scholarships for Central American students, half of which would go to undergraduate scholarships. The next month, the President requested $19 million for a USIA Scholarship Program for Central America, as a part of the Jackson plan. The $19 million would have been the first installment of a plan to bring 2,700 undergraduate, upwardly mobile students from Central America to U.S. universities over a 5-year period.

Congress agreed to fund more than 95 percent of the overall economic aid request, but the USIA Central America Scholarship Program fell through the cracks at the end of the session. Only $3.8 million was appropriated and allocated for about 143 undergraduate scholarships.

Mr. President, frankly we are off to a bad start on the effort to give Central American students a choice between studying in our great country or in the Soviet Empire. Over the 5-year period, the USIA is planning less than 2,000 undergraduate scholarships, and the fate on these is uncertain if we have another continuing resolution, as I expect we will.

We now have money with the USIA for an undergraduate scholarship program for Central American young people, but we have not been getting results. We would not add any new money. We would merely earmark a portion of that money to make sure the young people in that part of the country get a chance to come to the United States and get their education.

This amendment would insure that the fiscal 1986 request is not crowded out by other priorities.

For fiscal 1986 the amendment would earmark the $45.4 million requested by USIA for programs in Latin America and the Caribbean.

The $12.5 million requested for the Central American Undergraduate Scholarship Program is not specifically earmarked, but I anticipate that the USIA will protect this scaled-down program as it obligates these funds, once they are appropriated. The first large groups to arrive in the United States are not expected until January 1986, more than 2 years after the report of the Commission. If fiscal year 1986 funding is not available well in advance of that date, we may miss another semester.

I am aware that the committee-reported bill already includes a Dodd amendment in section 514 that earmarks 25 percent of the educational grants and exchanges authorized by title V for Latin America and the Caribbean. My amendment follows the spirit of the Dodd provision, but differs in two aspects: It sets a dollar amount rather than a percentage, reflecting the priority the Senate assigns to this hemisphere; and it is moved to title II, where the actual dollar authorization for the USIA is located. There is no authorization in title V, and for that reason I believe title II is the proper place for this amendment.

Mr. President, I urge adoption of this amendment. It completes the Jackson plan funding, and demonstrates Senate concern for Central America.

Mr. CHILES. Mr. President, I am pleased to cosponsor this amendment designed to provide scholarships to Central American students wishing to study in the United States. Although this bill already reserves funds for this purpose, I believe the amount is insufficient to redress the extraordinary imbalance between the number of Caribbean Basin students granted scholarships in the Soviet Union and Eastern Europe, and those granted scholarships in the United States.

Last year, the Kissinger Commission correctly pointed out that one of the best ways to promote democracy in Central America was to provide a broader base of U.S.-sponsored scholarships to bring Central American students to the United States. This amendment will provide sufficient funds to support the Kissinger Commission's recommendation and bring 10,000 Central American students a year into the United States for higher education.

I strongly support this effort. Let me also express my support for efforts to use these funds to support and encourage scholarships in the other direction. That is, scholarships for U.S. students to study in Central America. I believe it is most important for your young people to gain a greater understanding of life in Central America.

Education, and the free exchange of ideas, should be the cornerstone of our efforts in the region. It is through these kinds of programs that peoples of different backgrounds, and cultures learn to bridge the cultural gaps that divide us from our neighbors to the south.

(By request of Mr. DOMENICI, the following statement was ordered to be printed in the RECORD:)

Mr. ABDNOR. Mr. President, Dr. Robert T. Wagner, president of South Dakota State University, recently has written to me to call my attention to a Department of State current Policy Release No. 669, dated February 28, 1985, pointing to the fact that the number of academic students in the Soviet Union from Latin America and the Caribbean has more than doubled in the last 5 years, rising from 2,900 in 1979 to 7,600 at the end of 1983, whereas the number of Central American students in the United States sponsored by the U.S. Government has remained almost static at approximately 200.

Dr. Wagner concisely states his concern with what is revealed by this development in our hemisphere and recommends that we "enliven our programs" to encourage and support the attendance of international students in our universities and colleges and takes note that our land-grant colleges especially are qualified to play an important role in the program.

Mr. President, I ask that Dr. Wagner's letter be printed in the RECORD.

The letter follows:

SOUTH DAKOTA STATE UNIVERSITY,
Brookings, SD, May 23, 1985.

HON. JAMES ABDNOR,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABDNOR: I have just finished reviewing a Department of State current Policy Release #669, Soviet Activities in Latin America and the Caribbean.

Page five indicates that the total number of academic students in the Soviet Union from Latin America and Caribbean countries has more than doubled in the last five years, rising from 2,900 to 7,600 at the end of 1983. At the same time, however, the graph on page six indicates that total enrollment of Central American students in the United States sponsored by the United States government has remained relatively stable at an approximately 200.

I believe an important avenue for building democratic principles in Central and Latin American countries is educational exposure on the part of their future leaders to American higher education institutions. Seeing the dramatic increase in enrollments by these nationals to Russian controlled universities is disturbing. It suggests the need to enliven our programs whereby we encourage and support international students at American colleges and universities. Traditionally, the Land-Grant Colleges have played an important role in that educational experience by preparing students for rural and technical agricultural and technological advancement. Perhaps we need to investigate further federal programming in support of land-grant attendance by Central and Latin American students.

Thank you for letting me share this concern with you.

Cordially,

ROBERT T. WAGNER,
President.

Mr. ABDNOR. Mr. President, I am gratified the legislation before us anticipates the desirability and need of the program about which Dr. Wagner has written. I commend the distinguished Senator from Maryland [Mr. MATHIAS], for his amendment agreed to in the Foreign Relations Committee to establish an Undergraduate Scholarship Program for foreign students and also commend the distinguished Senator from Connecticut [Mr. DODD], for his committee amendment that would earmark 25 percent of the Scholarship Program for use in Latin America and the Caribbean.

To quote from the Department of State Policy Release of February 28, 1985:

These would be wise policies for the United States even if the Soviet Union were not as active in this hemisphere. It is obvious, for example, that more students from Latin America and the Caribbean should receive scholarships for study in the United States that will help them to build a better future. The fact that the majority of foreign scholarships now available to these students are from the Soviet bloc adds another important reason for a major increase in U.S. scholarship programs.

I particularly commend Senator DOMENICI for his amendment reserving a specific dollar amount for Latin America.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from New Mexico for a very important amendment. He is, indeed, a student of Central American affairs and has offered distinguished service to the Kissinger Commission and on many other occasions has noted the need for scholarship assistance and for the ties that might come between our country and the Central American countries that he has mentioned.

We are very pleased to commend the amendment and accept the amendment on our side.

Mr. PELL. Mr. President, I would like to ask one question of the Senator from New Mexico. Am I correct in my assumption that the moneys for this program, which is an excellent program, will not come out of the traditional Fulbright and Humphrey programs?

Mr. DOMENICI. The Senator is correct.

Mr. PELL. I thank the Senator very much. It is an excellent amendment, and I am glad to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 325) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I thank the distinguished floor managers for their cooperation. I do hope that the conferees will see the wisdom of this approach. We will do our best, I say to both of them, in the fiscal year 1985 supplemental appropriations bill to make sure we are moving in the same direction on the scholarship program as we move with the appropriated funds for this fiscal year.

Mr. LUGAR. I thank the Senator.

AMENDMENT NO. 324

The PRESIDING OFFICER. The pending question is the Symms amendment.

Mr. LUGAR. Mr. President, I ask unanimous consent that we proceed back to the Symms amendment.

The PRESIDING OFFICER. That is the pending question.

Mr. SYMMS. Mr. President, if there is no one opposed to the amendment, I am ready to vote on the amendment.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, one question that, I am sure, will come up is what the administration's position is on this. I will read this letter for my colleagues:

U.S. DEPARTMENT OF STATE,
Washington, D.C., May 30, 1985.

DEAR SENATOR SYMMS: The President has asked that I respond to your letter of April 17 on Namibian issues.

Neither the U.S. Government, nor as far as we are aware any European allied government, has criticized South Africa for withdrawing troops from Angola. We view that withdrawal as a positive development and have said so publicly.

Since 1966 it has been the U.S. position and that of our allies that the South African occupation of Namibia is illegal. We and our allies have also long taken the position that any transfer of power to bodies set up in Namibia by South Africa is null and void. That includes the recent announcement that some powers would be transferred to the new MPC administration, which has also been referred to as a "transitional government" or "interim government." We have never suggested that SWAPO or any other party should participate in such a government.

What we do favor are free and fair elections to allow the Namibian people themselves to decide who should rule an independent Namibia. Such elections are provided for under the UN plan, Resolution 435. That plan, which was drafted by the US and its allies in the Western Contact Group, favors no party, including SWAPO. It contains extensive safeguards to insure UN impartiality in overseeing the elections. These safeguards were agreed by all parties to the negotiations, including South Africa.

Regarding the negotiations, the US, as mediator, has made no formal proposal. We did put forward ideas, which we hope both sides will be able to accept as a basis for negotiations. These ideas have not been made public. Confidentiality is, as you know, important in negotiations, and it is particularly incumbent on the U.S., which has been entrusted with the role of mediator by South Africa and Angola. As to the Clark Amendment, the Administration is on record as favoring its repeal.

With best wishes,

Sincerely,

WILLIAM L. BALL III,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

Mr. President, are the yeas and nays ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. SYMMS. Mr. President, I might propound an inquiry to the distinguished managers of the bill. It is my understanding that they wanted the yeas and nays. Is that correct?

Mr. LUGAR. Mr. President, I would like to respond to the distinguished Senator from Idaho. I think the parliamentary situation is this: There is in fact a desire for the yeas and nays for a rollcall vote on this. The majority leader and the minority leader have offered some assurance to the Senators that if a vote were to come it would come late in the day. In fact, given the briefing that is to occur at 4 o'clock or later in the afternoon, many Senators may wish to hear from Mr. Nitze and/or the Secretary of State, or whoever may come over, on the SALT situation.

So I have consulted with the distinguished majority leader. He will be talking to the distinguished minority leader. It may very well be that we will want to have a vote tomorrow afternoon on the Symms amendment following perhaps the debate on the amendment of the distinguished Senator from North Carolina, so that all Members would be present for consideration of that vote. This is the reason I have put in a quorum call, and am obviously attempting to consult with Members on both sides of the aisle.

Mr. SYMMS. I request the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, it is fine with the author of the amendment that any time the distinguished managers of the bill find it appropriate, we will have a recorded vote on the amendment.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I wish to rise in support of the amendment of the distinguished Senator from Idaho, Senator SYMMS, with regard to the appeal of the Clark amendment. The Clark amendment was in fact repealed by the Senate on September 30, 1981, by a vote of 66 to 29. Unfortunately, in conference with the House of Representatives the amendment was dropped and was not adopted in the subsequent legislation. But it is significant to note that in 1981 the debate was not between repeal or retention of the Clark amendment. It was between two proposals with regard to repeal. The proposal by the distinguished Senator from Kansas, Senator KASSEBAUM, for repeal of the Clark amendment immediately was one alternative, and the proposal by the distinguished Senator from Massachusetts, Senator Paul Tsongas, for repeal of the Clark amendment not later than March 31, 1983, was the other alternative.

I think it is significant to note that, even in the event that the Tsongas substitute had been adopted, the Clark amendment would in fact have been repealed 2 years ago. In truth, the Kassebaum version was adopted, and, as I have indicated, by a vote of 66 to 29 the Senate position in the conference was repealed on the Clark amendment.

I draw to the attention of the Senate part of Senator Paul Tsongas' statement during the 1981 debate with respect to a straight repeal of the Clark amendment at that time. I quote Senator Tsongas:

The argument is that it does not make sense, technically, to have a country-specific prohibition of covert activities, that there is no reason why Angola should be in a special category from every other country. That argument, I think, is valid and there is no way around that validity. There is a rhetorical way around it but substantively there is not. So the repeal of the Clark amendment I think is something that we should consider and should pass because it is kind of an anachronism in that technical sense.

I am redundant, Mr. President, to make certain that point comes through. Senator Tsongas in his supporting argument for a a repeal of the Clark amendment in 1983 said that—there is no way around the validity of the argument that a country-specific prohibition of covert activities does not make sense.

Indeed, for that reason, the distinguished Senator from Massachusetts, although he wished to delay 2 years, favored a repeal, as does Senator SYMMS today, and as I support that proposition.

The Tsongas amendment to repeal the Clark amendment no later than March 31, 1983, was supported by a significant number of Members on the Democratic side. Among them were the distinguished ranking minority members of the committee, Senators BRADLEY, CRANSTON, DODD, and KENNEDY in their floor statements, and they all voted in favor of the Tsongas substitute.

I think it is important to note that the Clark amendment repeal was also approved by the Senate on June 17, 1980, when an amendment was approved to allow the President to provide aid to groups in Angola, provided that he notify the Senate Foreign Relations Committee and its counterpart, the Foreign Affairs Committee of the House, about the amounts and the categories of assistance that he wished to provide, and to certify that such assistance was important to the national security interests of the United States. The amendment in 1980 that effectively repealed the Clark amendment was a joint product of Senator Tsongas, Senator Javits, and Senator HELMS.

When the Clark amendment was originally passed, the Senate and the House of the Congress had not taken the major reform steps of congressional oversight of the intelligence agencies. Clearly in light of the debate over covert aid to the Contras, there are more than adequate controls in place today should repeal the amendment—that is, the Clark amendment—lead to covert aid to any Angolan faction. The vote is more a vote of confidence in the Members assigned to the Intelligence Committee than a vote for covert aid to anyone for that matter.

Let me simply add, Mr. President, that given the history of debate on the Clark amendment in the Senate, it would appear that a majority of Members of the Seante who were here and voting 4 years ago voted in favor of repeal of the Clark amendment, it had strong bipartisan support, and at best those who opposed outright repeal favored repeal within a 2-year period of time. Therefore, I commend the Senator from Idaho for introducing this amendment. It appears that there is no other case of this variety anywhere in our foreign policy where we have a country—specific prohibition of this variety. It is certainly unwarranted with regard to Angola for any reason. I am hopeful that as we come to a vote on the Symms amendment we will have a large vote, and that on this occasion we will be able to prevail in conference with the House of Representatives.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. LAXALT). The Senator from Rhode Island.

Mr. PELL. Mr. President, there is an old adage, "If it ain't broke, don't fix it." It seems to me that the stream of events in Angola is going in that direction, in any case, at this time. Basically, I oppose this amendment because I believe it would undermine, rather than promote, American interest in decreasing Soviet and Cuban influence in southern Africa and in achieving a Namibian settlement.

Repeal of the Clark amendment would lead the Angolan Government and the international community to conclude that the United States intends to provide aid to UNITA, the South African-supported insurgent movement fighting for control of Angola.

The threat of U.S. aid to UNITA would not force the Angolan Government to reach an accommodation with UNITA.

It would, however, increase Luanda's dependence on the Soviet Union and Cuba, and pave the way for the introduction of more Cuban troops into Angola.

Since the South African Government refuses to withdraw from Namibia until Cuban troops are withdrawn from Angola, repeal of the Clark amendment would set back the prolonged negotiations for a Namibian settlement.

In addition, repeal would allow the South African Government to assume that the United States condones its interference in Angola, the interference of the South African Government.

Black African nations would view repeal as American interference in Angolan affairs and as further evidence that the United States supports the racist government in Pretoria—at a time when we, in Congress, are demonstrating that we don't.

By virtue of its strategic position on the southwest coast of Africa, bordering mineral rich Namibia and Zaire, Angola is important to Western interests.

In recent years, Angola has been moving toward the West.

It has welcomed Western investors, sought Western aid, and been forthcoming in the Namibian negotiations by agreeing to curb SWAPO incursions into Namibia in return for South Africa's withdrawal from southern Angola.

I believe that the United States ought to encourage rather than discourage this trend.

We have economic interests in Angola, particularly the Cabinda Gulf Oil operation, and in the region. We have political interests in fostering stability in southern Africa and in putting pressure on the South African Government to end its repugnant system of apartheid.

All told, events are leading in our direction in that part of the world. Angola is looking toward the West. When events are moving our way, why change them? Repealing the Clark amendment, to my mind, would not foster these interests.

Mr. SYMMS. Mr. President, I first wish to thank the distinguished chairman of the committee for his very remarks which enlightened our memory on what happened, and his trying to put it into the proper perspective. I thank him for his gracious support.

To my critic from Rhode Island, I would like to emphasize the point that I hear what he is saying, and things are seeming to go in our direction. There is one big roadblock. There are anywhere from 25,000 to 45,000 Cuban troops in Angola currently. As long as they stay there, there will never be any peace in Angola as per our description of peace, which means that people are able to be free and have their own elections. They need to form a government of national unity, one with representatives of the Angolan people. They offered to have a unity government. The MPLA will not do that.

I think it is important that UNITA is talking of holding free and fair elections in Angola. That is one reason why I think we should be in support of repeal of the Clark amendment, although by repealing the Clark amendment we are not asking for any aid to be given to UNITA. We are only saying that the Clark amendment is repealed, and there is no money involved in this. I think we ought to clarify that point.

Psychologically, however, I think that the repeal of Clark would mean that those people on the African Continent and other places who wish to support Dr. Savimbi would be more inclined to do so.

The morale is bad with the MPLA troops. There is rivalry between Cubans who receive better weapons and black Angolans.

This is an opportunity for us to be on the offense and to stand for what we believe in. That is to be in favor of leadership in Angola that best represents the kind of human rights that we in the United States stand so firmly in favor of.

The Cuban forces will never leave until all outside support to UNITA ends, until no internal or external threat ot the MPLA government exists, and Namibia is made independent through elections. That is their position.

So a victory for democratic government, self-determination, and national independence should be put in place, and we should abandon the desperate reach for a settlement at any cost which would entrench the MPLA in Angola and their Soviet masters.

In other words, we have to achieve a military victory by the UNITA forces so that peace can be achieved in Angola. Any other thought on that is just pure naivete in terms of what is going to happen in that part of the world.

Mr. President, all I would do is invite my colleagues to go out and see for themselves. They will see what I am talking about.

Looking back to home, one of the reasons I feel so strongly about this issue is because it's been sorely neglected. This is a place where we can achieve a victory, not only an actual victory on the field but a moral victory, a psychological victory, which will give strength to free men all over the world.

In my conversations in January 1984 with Dr. Savimbi, one of the greatest lifts that had happened for the morale of the UNITA forces was the American liberation of Grenada. He told me, "Senator, your President's leadership to liberate Grenada gave hope to all of the people in UNITA in Angola because they view it that they are in the same resistance movement against the tyranny of the Communists that the people of Grenada were being held by, and that the United States stood firm and liberated those people, and said Grenada will be a free country."

What will we get back for it? If we have a major setback for Castro in Angola, his stature in the Caribbean will be diminished. A great psychological victory can be achieved by the forces of freedom in Africa by defeating the Cubans at the first sight of their use as a substitute for the Red Army. I think this would give other nations encouragement in their resistance against Soviet adventurism through the Cuban surrogates, and confidence will be strengthened in America's willingness to deter Soviet aggression.

I just believe, Mr. President, that America can most help UNITA through a strong, unequivocal statement of political, moral, and diplomatic support for UNITA. We are on the moral high ground by repealing the Clark amendment. The times and circumstances point directly to that.

Our economic policy should also be reflected to encourage investments in free Angola rather than encouraging investments in an unstable MPLA government in the false hope of encouraging the MPLA to moderate their negotiating position. It is not a consistent policy for us. We need a consistent policy. Right now we are openly trying to aid in a bipartisan fashion the Cambodian resistance and the Afghan resistance, but we are excluding UNITA. This is the worst kind of discrimination. In my opinion, it is a frank embarrassment that the United States maintain such an incoherent policy.

Mr. President, I want to speak briefly about a point that my good friend from Rhode Island brought up, because it is highly sensitive and I think he brings up a point that we need to talk about. That is, of course, the point or the response, I should say, to what happened with respect to South Africa, troops being captured or killed, allegedly wishing to blow up oil fields which are actually owned by Americans.

I think we ought to first respond to that criticism from the State Department and the news media as a result of the disclosure that the Marxist Angolan Government had captured a South African soldier and killed two more. The soldiers were allegedly involved in an effort to blow up an oil facility in Cabinda.

The first thing that happened was our State Department said that it deplored the presence of South African troops in Angola, and claimed U.S. policy aims at stopping the violence and obtaining the removal of foreign troops from the region.

It is most unfortunate that the State Department has had little, if anything, to say about the the growing number of Cuban troops in Angola, which are growing, and growing, and growing.

Second, the Lusaka accord, which was signed between Angola and South Africa, has been repeatedly violated by Angola. One of the key terms of that accord was Angola's pledge to prevent SWAPO incursions into Namibia.

Only 6 months ago, I was given a report by a friend who had just returned from extensive travel in the region. He cited 100 violations of the Lusaka agreement by Angola. But no word of protest was seen in the press or from the Department of State about the MPLA Communists' failure to live up to the account.

Last, I want to comment on UNITA's dilemma. UNITA by being denied assistance, has had to turn for arms to any nation willing to sell or give them. The economic lifeblood of the Marxist regime is the royalties from the Cabinda oilfields, which represent 90 percent of the government budget. UNITA, grossly outnumbered by the Cuban and military troops, has, as part of their military strategy, chosen to threaten the economic war machine of the Communists. Given the unfavorable odds for UNITA in the face of Western vacillation about involvement in the country, UNITA's choice of tactics can be better understood.

Mr. President, the situation is kind of difficult; it is not very pleasant. But I think that, under the circumstances, we first would have to look back at our own history. I say that to my friend from Rhode Island: If we were to recall our own history, some 125 years ago, when the South wanted its independence and the war between the States was being waged at a fervent pitch, and President Lincoln was determined to keep the Union together, our own Nation made the decision to wage a scorched-earth policy against the South in order to achieve a total military victory so that the Union could be preserved. I do not like that, and I am sure the Senator does not like it and a lot of us do not like it. Particularly, some of our colleagues who come from Georgia and North and South Carolina have a very strong viewpoint about what actually happened during that time. I do not like to see oil wells blown up that belong to Americans.

But I am not surprised that the UNITA people, who have such a high motivation and a high moral drive to secure a free society and an opportunity for a society in Angola that they are equally deserving of as we are here in our society, would resort to desperate and, in this case, extreme measures in the defense of liberty.

I think that is really what has happened. I think when we put that into a proper perspective, it is more easily understood. I would not be surprised if they tried again.

That is not to say I endorse that; I do not endorse it. But I think we have to recognize that it is a very difficult situation and that they are doing exactly what they feel they must do.

Mr. President, I might just make a few more comments about why I think this is a good amendment, why I think it will help, not hinder, the rapidity with which we can achieve freedom for the people of Angola. That, after all, is a very noble goal that I think we all share.

As the world outside our borders presents numerous opportunities and threats, I believe that among the threats, the activities that our global adversary, the Soviet Union and its surrogates and allies, including Cuba, are of the deepest concern. In Afghanistan, the Caribbean, the Persian Gulf, Central America, and southern Africa, we confront the most evident projec-

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tions of Soviet global ambition outside of Europe. U.S. policy toward Africa is completely inconsistent with American policy toward Central America; it is inconsistent with our policy in Afghanistan, it is inconsistent with our policy in support of the solidarity group in Poland. I think that Clark repeal could address that inconsistency. That is why this vote is so crucial, so important. I hope my colleagues will give it a lot of thought and vote for it, because their votes will be sending a signal around the world that the United States is for human rights and that we have not forgotten the speech that President Kennedy gave in 1961, where he made it so clear what our position would be with respect to the support of free people and the support of liberty.

U.S. policy in southern Africa, and particularly southwestern Africa—Angola and Namibia—while wisely and ambitiously conceived in 1981, has become counterproductive and obsolete in my view, in light of new developments and our regional and broader geopolitical goals. Present policy seems to be based on the assumption that the most effective means of reducing Soviet influence in southern Africa—an area identified by this Government as accounting for 60 percent of our total sub-Saharan direct investment and $6 billion in annual two-way trade, as well as possessing "immense deposits of many strategic minerals vital to industrial economies like ours"—is to promote a Namibian settlement acceptable to the anti-American United Nations.

Such a settlement and the associated South African withdrawal from Namibia, it is presumed, will allow the United States to insist on a simultaneous withdrawal of Cuban combat troops from Angola, allow for a political settlement in Angola, and deny the Soviets a forward base in southern Africa from which to continue to threaten the South African heartland.

By promoting a settlement of the Namibian dispute, it is assumed the United States will enjoy African and other Third World good will. By bringing about a Cuban troop withdrawal from Angola, some in our diplomatic corps believe we will not only contribute to the stabilization of the southern African region, but make it clear to other non-aligned nations that the support of the Soviets and their proxies does not necessarily ensure their political survival. At its conception, this policy was historically consistent with the southern African policy of the previous administration in that it sought to rollback Soviet influence in the region. This plan now, however, reasonable it may sound to the less well informed, is fraught with pitfalls and misconceptions in today's dynamic and changing Africa.

To allow the present policy in southern Africa to result in a Marxist regime to grab power in Namibia is inconceivable, even if the settlement which installed such a government were to be connected with a Cuban troop withdrawal from Angola. In the present political climate in South Africa, it could result in a swing to the right on the part of the white electorate, bringing pressures to bear on President Botha's reform-dedicated national party government, foreclosing any prospect of further significant political reforms in the short to medium term. The emergence of a Marxist government in Windhoek could, moreover, radicalize important black moderates in South Africa who would fear understandably, that radical extremism is the only successful posture in southern Africa.

United States southern African policy is falsely premised on the assumption that Swapo [Southwest Africa People's Organization], the Soviet-backed terrorist organization, will not win an election organized under U.N. Security Council resolution 345. This assumption ignores the facts. Swapo likely could win a sizable majority in any election organized and supervised by the United Nations in terms of the present settlement plan for the following four reasons:

First, because the legitimacy of South Africa's administration of Namibia has been universally challenged and Swapo's terrorist insurgency against South African "rule" is widely perceived, even by those with no inclination to support it, to enjoy the sanction of the international community to the exclusion of any alternative means of securing independence from South Africa. The United Nation has repeatedly endorsed Swapo's "armed struggle" in resolutions of the General Assembly.

Second, because of the U.N.'s endorsement of Swapo as the "sole and authentic" representative of the Namibian people. It is naive to imagine that the psychological impact of a decade of support for SWAPO by the United Nations will be offset by a newfound state of technical "impartiality" during the brief, 7-month electoral runup.

Third, because the democratically-inclined parties in Namibia received, until recently, very little external recognition or support from western democratic nations. This reinforces the impression among Namibians that the world outside their country takes only one party seriously, and that Swapo will win "internationally-sponsored" elections. Understandably, no one in an African country wants to back a loser.

Fourth, because the foregoing factors have hampered democratic political development in Namibia. Other parties and much of the electorate have become fatalistic, believing the dice to be so heavily loaded in favor of Swapo that political organization is pointless. The democratic Turnhalle alliance is an exception, and recent efforts and successes of the multiparty conference have had a great impact on Namibian politics and African opinion. The reception accorded the MPC delegation here by Secretary Shultz in May 1984, was a useful beginning. However, without other overt United States and western support for the democratic process, it will be difficult for democratization to be achieved in Namibia.

Mr. President, I think it is important to note that our support and a victory achieved in this particular part of the world would bring new hope to free people or those people seeking freedom all over the world.

I think we should also recognize that as an alternative policy, if Cuban troop withdrawal from Angola cannot be achieved, the very admirable goals of this administration, Secretary Shultz, Assistant Secretary Chester Crocker, who is our point man in Africa, will not be secured, whether or not a Namibian settlement is forced upon the South Africans. If a Namibian settement results in a Swapo victory, with the consequences outlined above, our policy will fail, whether or not the Cubans have withdrawn from Angola.

Now, the solution to the conflict in the southern African region is the organization that we have been talking about, UNITA, Angola's freedom fighters. Dr. Savimbi is a learned and intelligent political scientist from the University of Lausanne is Switzerland. He is UNITA's president. He is organizing schools, hospitals, farming. He is a soldier. He is a statesman. He is a leader that we should be encouraging. With the assistance from South Africa, Morocco, Gabon, a number of other African States, and some friendly Arab countries, he has now achieved effective control of two-thirds of Angola, and that probably caused by good friend from Rhode Island to mention the fact that things are going pretty well. They are. But the MPLA, the Marxist regime which controls the remainder of Angola, supported by some 35,000 Cuban troops, according to the latest DIA estimates, SWAPO, and even African National Congress troops, is now besieged even in its own tribal heartlands.

UNITA receives logistical support from the South Africans, but Savimbi's organization continues to demonstrate that it has developed into a foremost guerilla force with an increasing mobile capacity, and a strong and expanding base of support among the Ovimbundu, and more recently, other Angolan people. Dr. Savimbi has learned well the lessons of revolution-

ary war and has installed his own civilian administration in areas he has liberated. He has brought his people the benefits of education and health care, in sharp contrast to the quality of life in Marxist Mozambique or famine-stricken Ethiopia. UNITA's stated goals are modest and restrained—to bring about a government of "national unity" to include UNITA. Dr. Savimbi has himself indicaed that such a development would pave the way for independence in Namibia. It is self-evident that the accomplishment of such a goal would also result in a Cuban troop withdrawal.

Present U.S. policy ignores that fact that UNITA has rapidly built the capacity to force the MPLA into direct negotiations with UNITA to form a government of nationality unity. Present policy ignores that fact that the Cuban people are tired of the war in Angola—in fact, a popular Cuban song speaks of war weariness in Angola—and that a defeat in Angola would be highly symbolic, as the site of the first use of Cuban proxy forces for the Soviets.

I mentioned that earlier, but I want to say it again because I think that is of critical importance to our policy. A success in Angola would be viewed around the world as a major setback for the Soviets and the Cubans, and a major psychological lift, in places like Nicaragua, in Afghanistan, in Poland, in Southeast Asia, and other places, to those people who are resisting and are the leaders of the resistance movement against the Communists.

Last, the present U.S. policy is premised on victory through negotiation, a concept which has badly served U.S. interests.

After 4 years of negotiations, and concessions from the West, such as Eximbank loans and multilateral aid, the MPLA remains completely intransigent, and refuses to accept the concept of linkage, that is, tying Cuban troop withdrawal to the issue of security and independence for Namibia. The MPLA will never, without more pressure, relent to the departure of their mainstay—the Cuban troops.

Without them, the MPLA would not last 2 weeks. With them, they can stay there for quite a long time because they have air superiority, and the Savimbi forces lack sufficient antiaircraft weapons.

In fact, a resolution passed over a year ago by Angola permits anyone who has served the revolution to become an Angolan citizen, which means that all the Cubans in Angola are now eligible for citizenship—further complicating any troop withdrawal verification.

So that is why I say, Mr. President, Dr. Savimbi is not in a position to accept a partial victory. He has to go all the way now for victory and place UNITA as the party in power through the democratic process.

There are several instructive comparisons between the situation the United States confronts in Central America and southern Africa. In both theaters, we are contending with Soviet-Cuban-sponsored attempts to destabilize the region, beachheads of insurrection—Nicaragua and Angola—and target nations—El Salvador, Costa Rica, Honduras, Guatemala, and Namibia. The Central American threat is both more proximate to the North American mainland and further advanced. Southern Africa is more easily contained, and would require a much smaller American investment. Indeed, UNITA has only asked for our diplomatic and political support.

It is interesting to note they are not asking for military support. They are only asking for the moral endorsement of what they are trying to accomplish.

Counter-insurgency forces are already active in both theaters, trained by U.S. personnel in Central America and by South Africa in Namibia. Domestic insurgencies are being supported by the beachhead countries in both regions, by the United States in Nicaragua, and by South Africa in Angola. In the case of UNITA, moreover, the South Africans and friendly states have backed an organization that is clearly the strongest, best organized, and outfitted of the freedom fighters in the world today.

The United States should recognize that what the South Africans are seeking to accomplish in Southern Africa bears resemblance to what America is trying to accomplish in Central America, and move to adopt a similar policy. South Africa has already achieved considerable success in their assistance programs, and direct U.S. military involvement in the region is unnecessary and unwarranted.

We stand on the side of freedom, self-determination, and human rights, in sharp contrast to the human misery, suffering, starvation, and dying economies that Soviet imperialism has brought to the African continent. We should make it clear to the rest of the world that the threat posed by the Soviets and Cubans will be met, and that the United States intends to support those people in Angola and Namibia who share our commitment to democratic government and open political societies. We can encourage internal reform of South Africa's racial policies, and still be true to our principles and act to defend our interests.

There has been a generous American effort to help the starving victims of the Marxist regime in Ethiopia. Similarly, we have lent support to the Marxist government of Mozambique, and Angola. It is ironic to me that we are not sanctioning these governments which have created far worse standards of living and oppressive conditions for their people than has South Africa. If some of us can argue that we will help the status of South Africa's blacks by sanctions on South Africa, then surely they will agree that U.S. policy should be to help black Africans outside of South Africa as well. If we agree that our help to African blacks should be consistent, then I hope that the Senate can see the merit of repealing the pernicious Clark amendment, and sending a message of vocal support for the overwhelming number of Angolans who want to be freed from Communist slavery.

Mr. ARMSTRONG. Mr. President, I support Senator SYMMS' amendment to repeal the U.S. policy of withholding military aid to any faction in Angola. This policy, better known as the Clark amendment, has outlived its original purpose and quite simply is contrary to U.S. foreign policy interests in Africa. Repealing it can be a first step toward quelling Soviet/Cuban involvement in the internal affairs of Angola.

The administration supports repeal of the Clark amendment. And so should the U.S. Senate. While we all prefer—and the administration is working very hard to accomplish—the withdrawal of Cuban troops and a peaceful solution to the Angolan conflict, it carries little weight in the international community if we continue to deny recognition to the democratic forces in Angola by retaining the Clark amendment.

In testimony before the Senate Foreign Relations Committee, Assistant Secretary Chester A. Crocker stated:

> Clearly, instability in the region offers opportunities to our adversaries to fish in troubled water. It may be fashionable in some quarters to dismiss the presence of 30,000 Cuban troops in Angola as an inconsequential blip on the radar screen of history. That is not the view of this Administration. The extension of Soviet power into an area of the world not within its traditional sphere of concern must be of concern to all of us who have responsibility for public policy in this country.

One should ask, how did we so easily ignore Soviet-backed action in Angola. The answer tells the tale of a country trying to deal with the least understood and most unpopular war in U.S. history. Americans had their fill of war and congressional debate at the time indicated a growing desire to withdraw from any situation that might have developed into another Vietnam. Therefore, in 1975 the Senate passed the Clark amendment to insure that U.S. troops would not be committed to military action in Angola during what was believed to be a civil war.

Although some rumors of outside Communist involvement circulated before the Senate vote, the West was

determined to believe that the war in Angola was simply a civil war being fought by Angolans against a colonial force. Only after the vote prohibiting military aid to any faction in Angola did Cuba admit to its involvement in Angola. And within 2 months, Cuban troop strength had risen to 15,000. It became clear the Angolan civil war was, in effect, a Soviet-backed conflict with international consequences.

The democratic forces in Angola quickly felt the impact of a Soviet-equipped, Cuban-supported Marxist force bent upon their destruction. By the sheer quantity of imported arms and Cuban troops, the Marxist People's Movement for the Liberation of Angola party [MPLA] was able to take over the Government and scatter the democratic forces of the National Union for the Total Independence of Angola [UNITA] and other smaller groups to the farthest corners of Angola.

In light of the Brezhnev doctrine which declares that Communist revolutions are irreversible, many might have easily written off any realistic prospect for a free Angola. Unfortunately for the Soviets, Jonas Savimbi and UNITA were not so easily convinced. From his demoralized and scattered forces Savimbi regrouped and began building a political and military unit which would provide a real spark of hope for Angolans.

Savimbi's message was clear. He sought free elections and a mixed economy. He sought national unity and reconciliation with all factions, including the Marxist MPLA (National Review interview, August 22, 1980). Quite simply, he sought what we in the United States consider the cornerstone of our society—freedom of choice and self-determination.

While Savimbi was building up his forces and gaining support, the ruling Marxist MPLA party continued its attempts to stop him. However, this became more and more difficult as it became apparent that the MPLA was only seeking to institute a Marxist brand of Soviet colonialism. Paying for Soviet/Cuban support is exacting an enormous price on the Angolan economy. For example, the Government must pay $40 per day per Cuban soldier to stay in power. With the conservative estimate of 30,000 Cuban troops currently in Angola, each day's cost is no less than $1.2 million. In addition, the MPLA is deeply in debt to the Soviet Union for increasingly sophisticated weaponry needed to fight the democratic forces of UNITA.

The question arises as to why the MPLA needs the help of the Soviet Union and its proxies. Simply put, it is because the MPLA is steadily losing support in Angola. While UNITA openly seeks free elections involving all factions, the Marxist MPLA has refused to consider it. While UNITA stresses the need to remove foreign forces from Angola, the MPLA cannot afford to consider it. While UNITA reportedly treats its prisoners of war decently, the State Department notes increasing instances of beatings and torture of MPLA-held prisoners (Country Reports on Human Rights Practices for 1984).

Admittedly, in a time of war, excesses happen and both sides have registered charges and countercharges of brutality. However, the increasing support among the populace for UNITA can only indicate that Angolans clearly prefer the opportunity to select their own government rather than count on future improvements by the Marxist government in power.

As UNITA has gained strength militarily and politically, it has also devoted substantial attention and funding to aiding the people in the areas it controls. UNITA operates schools, cooperatives for food distribution, hospitals, and agricultural projects. As UNITA's territorial boundaries grow, the new areas under its control reap the benefits of UNITA's programs. There is little doubt as to why UNITA entirely controls one-third of Angola and is active in every other region of the country.

Support within Angola for the UNITA forces is constantly growing. According to the State Department, Savimbi currently has some 45,000 men in its ranks. In addition, villages are being trained in democratic political philosophy as well as basic military defense so that UNITA is able to continue to take and to hold more and more territory.

The Marxist government cannot begin to combat Savimbi's well-organized, ever-growing effort for the hearts and the minds of the people. The average Angolan knows only too well the emptiness of Communist utopian promises.

What does this mean for the United States? This is certainly a valid question, and one with very clear answers.

We in the Congress stand up every day and spout rhetoric about our support for freedom and self-determination for all. But when we can clearly see that Jonas Savimbi and UNITA are fighting and gradually winning the battle for these very ideas, where are we? Our heads are in the sand so that we can avoid publicly recognizing just what an amazing thing is happening in Angola—Communist totalitarian forces are losing ground to an indigenous nationalist democratic movement.

For some reason, we in the West seem to have an unbelievable inability to distinguish our friends from our enemies. I believe it is time to change this.

Today we can take a major step as the leader of the free world by repealing the Clark amendment. The Clark amendment is not a policy, it is an aberration. It is one thing to deny or reduce military assistance on budgetary grounds or simply because it is generally believed that providing such assistance is harmful to U.S. interests. It is another to publicly proclaim that we will forever after prohibit any assistance regardless of changing circumstances. While I was not in the Senate when the Clark amendment was passed, and therefore, certainly cannot second-guess its intentions, we must now decide if this vestige of the past should continue.

I would like to point out that repealing the Clark amendment is unlikely to create another Vietnam in the sense that at some point U.S. troops could be sent to Angola. Savimbi repeats time and again that his goal for Angola centers around the concept of national unity but only after the unconditional withdrawal of all foreign forces. While Savimbi clearly means Cuban and other Soviet-controlled troops, there is little doubt that U.S. military personnel would also be unwelcome. And with the increasing support UNITA is finding within Angola, he has no need of U.S. personnel.

Perhaps an official UNITA handbook expresses it best:

> UNITA was not aligned to any world power, curried favor with none, received support from none, and thus owed allegiance to none. One of our basic founding principles, self-reliance, dictated that we depend primarily on the support and cooperation of the people.

The handbook goes on to explain UNITA's plans for the future.

> UNITA does not seek unity from a position of weakness. [Rather] the strength and determination of our people have given us the hope and courage to continue to fight for the goal of independence and self-determination for Angola. The same strength and determination inspires us to continue to seek a peaceful political settlement with our adversaries, who are also our people.

If we in the United States so strongly believe that democratic institutions should be fostered by encouragement rather than by aggression, we are certainly off the mark in Angola. While we do nothing to show our support for a democratic force which is more than willing to reach a political settlement, more Soviet and Cuban aid are being funneled into Angola.

In light of what UNITA has accomplished and what it means for the future of Angola, as the leader of the Western nations, how can we ignore and in fact harm the efforts of the free forces in Angola by continuing to deny their democratic goals and refusing to officially recognize them.

Time and again free forces throughout the world have appealed to the West for recognition. Now we have a clear opportunity to step beyond our customary indifference by repealing the Clark amendment. Such action by

the U.S. Senate will send a signal to the Soviets, to the Cubans, but most importantly to the Angolans that the United States can and will recognize democratic forces who are seeking to overthrow the yoke of Communist tyranny.

To better illustrate the situation in Angola, I ask unanimous consent to enter into the RECORD at this time a chapter from the interesting book, "Combat on Communist Territory" edited by Charles Moser and published by the Free Congress Foundation. This chapter by Edward P. Cain is an outstanding summation of the conflict in Angola and realistically shows how our recognition of the free forces in Angola can serve as a guiding light toward freedom and self-determination in the region.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

THE AGONY OF ANGOLA

(Edward P. Cain)

Angola has been torn by war since March 1961, when Bakongo Warriors—who live in tribal lands divided by the border—poured into northern Angola from the newly independent former Belgian Congo. More than 300 Portuguese and thousands of blacks died within a few weeks in that explosion of violence.

Stretching for 1600 kms. along Africa's west coast a little south of the equator, Angola was Portugal's largest and most prosperous colony, with enormous undeveloped wealth. Covering an area of 1,246,000 square kilometers, nearly twice the size of Texas, it is roughly quadrilateral with an enclave in the extreme northwest—Cabinda—cut off from the rest of the country by a tongue of Zaire. Although its climate and vegetation are quite varied, ranging from equatorial forest to harsh desert, the central plateau is healthy and fertile, so much so that the Portuguese used to boast that Angola could feed all of Africa. Though it was the world's fourth largest coffee producer, Angola's real wealth lay under the soil. Its diamond fields are the world's largest; it exports high-grade iron ore from its rich deposits; its vast holdings of copper, manganese, gold, bauxite, and platinum are virtually untouched. But its real resource is oil: in 1983 it produced 135,000 barrels a day from deposits which are the envy even of the Persian Gulf.

Luanda, the capital, with its skyscrapers, wide avenues, a population of over 500,000, and its generally European appearance, was modern and dynamic. It also has one of the two finest natural harbors in West Africa (the other, Lobito, is in southern Angola). Angola's sparse population of 6.5 million is divided into many tribes speaking different languages. In 1973 the white population was 450,000.

Angola's war may be divided into three parts. From 1961 to 1974 three liberation movements fought against Portuguese colonialism. After a short period of peace following the left-wing military coup in Portugal during which the liberation movements conducted political campaigns, a civil war began which lasted from March 1975 to February 1976, when the MPLA, reinforced by enormous quantities of Soviet arms and by a Cuban expeditionary force of 13,000, overwhelmed the other movements. Finally in the third phase—continuing to the present—UNITA has challenged the Soviet-Cuban occupation of Angola with increasing success.

I. THE LIBERATION MOVEMENTS—THE MPLA

The Movemento Popular de Libertacao de Angola (People's Movement for the Liberation of Angola) was founded in Luanda on December 10, 1956. Its early leaders included Mario de Andrade and Agostinho Neto, both members of the Portuguese and French communist parties, and its initial financial support came from the Belgian, French and Portuguese communist parties. From the moment of its inception Moscow has viewed it as its instrument and has supported it in its propaganda publications. Indeed the official Soviet publication *Africa Today* claims that it was founded at the initiative of the Angolan communist party.

MPLA militants were responsible for the first acts of armed insurrection in Angola when they attacked prisons in Luanda on February 4, 1961. Agostinho Neto was in detention in Portugal at the time. He then escaped from house arrest and arrived in Kinshasha (then Leopoldville), Zaire, in the fall of 1962, to find the MPLA almost at an end. He took over the presidency from Andrade and set out to revitalize the movement. Neto, a member of the Kimbundu tribe, had compiled an excellent academic record, as a result of which he was one of the first blacks to be accepted as an *assimilado*, with the full rights and status of the whites. He had studied medicine at Coimbra University in Portugal, where he was arrested for subversive activities.

Prospects for the MPLA improved when it moved its headquarters to Brazzaville, Congo, in November 1963. Alphonse Massamba-Debat had seized power in the Congo only a few months earlier and begun transforming the country into a Marxist stronghold. In April of 1964 the first Chinese diplomats arrived in the Congo and built a training camp for the MPLA at Bouango. The MPLA began infiltrating the Cabinda enclave from the Congo in 1963-64, and when Zambia became independent in October 1964 Neto established bases there to support strikes into eastern Angola. By 1970 the MPLA was responsible for some 59% of guerrilla incidents in the country.

In March 1965 Neto visited Moscow under the auspices of Alvero Cunhal, the Portugese communist leader who had been Neto's friend since his student days. In October the Organization of African Unity (OAU) switched its support to the MPLA from the rival FNLA. By November the MPLA was receiving support from the Soviet Union, Cuba and China. Neto received the Joliot-Curie award from the World Peace Council in 1966 and was Angola's representative to the Afro-Asia Solidarity Conference: both of these organizations were communist fronts.

By this time as well the MPLA had extensive bases in the Congo in which it stores its Soviet arms and supplies. Aside from offices, indoctrination centers and other facilities located in Brazzaville, it had three other installations in the country, and used Radio Brazzaville's powerful transmitter to beam its propaganda into Angola. Several thousand of its cadres had been trained by Russia, Czechoslovakia, and Bulgaria.

Inside Angola, however, the MPLA had only limited political support. Since it had been founded by Portuguese and mestico (people of mixed ancestry) Marxists with urban roots and secondary education, the MPLA had difficulty in dealing with rural issues. It constantly stressed the class struggle, using egalitarian multiracial and anti-imperialist themes. This bias was reinforced by the views on the political and military cadres trained in the Soviet Union, Eastern Europe and Cuba. Its rural support came almost exclusively from the Kimbundus, Neto's tribe, representing about 22% of the population.

Several internal conflicts have convulsed the MPLA both before and after it seized power in Angola. For example, after an unsuccessful attempt on Neto's life in Brazzaville in May of 1973, a number of its members were executed, but one of those involved in the plot, Daniel Chipenda, fled to Zambia, where he rallied the majority of the guerrillas around him. The dispute virtually paralyzed the MPLA and by 1974 it had been all but eliminated by the Portuguese army in the eastern region of the country.

UNITA

The Uniao Nacional para a Independencia Total de Angola (National Union for the Total Independence of Angola) was founded on March 13, 1966, by Jona Malheiro Savimbi at Mwangai, in Angola's Moxico province. The son of a station master who founded churches and opened schools all along the Benguela railroad in central Angola, Savimbi was born in 1934 and finished secondary school at the top of his class. He studied at Lisbon University until violence erupted in Angola in 1961, then moved to Switzerland and graduated from the university of Lausanne in political science. He served as the first foreign minister of the Angolan Revolutionary Government in Exile formed by Holden Roberto in March 1962, but resigned along with several others in July 1964 on the ground that Roberto was a flagrant tribalist who gave his men no political training. When his call for a united front of all valid nationalist movements met with no response he formed his own movement.

UNITA, the first group to benefit from Zambia's independence, sent military into eastern Angola in 1966-67. However, after it sabotaged the Benguela railroad—the main export channel for Zambian copper—Savimbi was expelled from Zambia in 1968, but later returned clandestinely, and then established his headquarters in eastern Angola. UNITA penetrated Angola on a narrow front south of Luso and was active as far as the border with Bie. Though he initially enjoyed Chinese support, this faded after 1970, and Savimbi concentrated on building up a strong base among the people. Since UNITA operated in roughly the same area as the MPLA and had no representatives outside the country, at first MPLA was given credit for many of UNITA's actions. However, when the MPLA became inactive toward the end of 1973, guerrilla incidents in eastern Angola were correctly credited to UNITA. Thus at the time of the Lisbon coup UNITA was the most active of the three movements, and the only one operating inside Angola.

FNLA

The Frente Nacional de Libertacao de Angola (National Front for the Liberation of Angola) was the successor to the UPA (Angolan People's Union), which was responsible for the bloody uprising of 1961 in the north of Angola. Led by Holden Roberto, brother-in-law of President Mobutu of Zaire, it drew its support from the Bakongo tribe, which comprises 13% of the population, and operated from bases in Zaire. Al-

though it had been largely neutralized by the Portuguese by 1974, it still put up a strong showing in the civil war following the Lisbon coup. After he split from the MPLA in 1974 Daniel Chipenda joined the FNLA with 3,000 troops who had been fighting in eastern and central Angola, which gave the FNLA a presence in the southern half of the country. FNLA consisted mainly of a fighting force without a clear political program, and ceased to function in 1978 with the normalization of relations between Angola and Zaire. It will, therefore, receive only incidental mention in the study.

II. THE SOVIET-CUBAN OCCUPATION OF ANGOLA

A. The Civil War

The Portuguese coup of April 25, 1974, effectively ended army action against the Angolan insurgents. The new government almost immediately issued appeals to the liberation movements to lay down their arms, reconstitute themselves as political parties, and discuss the future of Portugal's colonies. On June 17, 1974, UNITA agreed to a ceasefire and Savimbi began moving through the country addressing political rallies.

The MPLA, still hopelessly divided, held a "unity conference" in Lusaka, Zambia, at which, surprisingly enough, Neto stormed out and allowed Chipenda to assume the presidency. Clearly Neto had learned from his friends in Moscow, in the Armed Forces Movement which initiated the coup, and the now legal Portuguese communist party, that he could seize power even without the MPLA guerrillas. He returned to Luanda and began mobilizing and arming the unemployed and discontented city residents.

On November 25, 1975, the Johannesburg-based Portuguese-language weekly O Seculo reproduced a letter purportedly written to Neto on December 22, 1974, by his brother-in-law Rosa Coutinho, the first High Commissioner appointed to Angola by the new Portuguese government. Nicknamed the "Red Admiral," Coutinho warned "comrade" Neto against the "imperialist forces" of the FNLA and UNITA, which, he said, were seeking to frustrate attempts to "extend communism from Tangiers to the Cape and from Lisbon to Washington." He then told Neto to instruct the MPLA to "terrorize the whites by all means" in order to force them to flee the country. "We shall uproot the whites so completely," he wrote, "that with their fall the whole capitalistic structure will be demolished, making it possible to establish the new socialist society." Whether this letter was authentic or not—and Coutinho has never disputed its authenticity—it accurately foresaw the disaster which was to befall Angola.

On January 5, 1975, the MPLA, FNLA, and UNITA announced the formation of a common front to negotiate with Portugal. This was followed by the Alvor agreement of January 15, 1975, which established a quadripartite transitional government to exercise power until November 11, 1975, the date fixed for independence. The main task of the transitional government—whose ministries were divided equally among the movements and Portugal—was to organize general elections. By the terms of the agreement each nationalist movement would provide 8,000 men to be integrated with 24,000 Portuguese troops to produce a national army of 48,000 men. The Portuguese force would be a stabilizing presence and would not be withdrawn until February 29, 1976.

The Institute for the Study of Conflict has noted that the Portuguese adopted a policy of "neutrality" at a time when the influence of the Portuguese communist party was at its height in Lisbon, which meant that Lisbon gave tacit support to the MPLA as the preferred nationlist movement. During those critical spring and summer months of 1975 the Lisbon government acted as a broker between Moscow and the MPLA. The influence of the Portuguese communist party was only curbed with the formation of the sixth Portuguese provisional government of September 19, 1975, but by that time the MPLA had already established military preponderance in Angola.

In the meantime Savimbi—who has always preferred political to military action—launched his nationwide election campaign. He proved a spellbinding orator, and soothed Portuguese anxieties with assurances that he considered all who had settled in Angola to be Angolans. He also promised blacks a new order under majority rule, free from domination by whites and *mesticos. Le Monde's* Gilbert Comte at the time described him as "intelligent, intuitive and gifted, with great personal charm, (offering) the anxious multitudes the reassuring words they (so) wanted to hear." Public opinion polls taken in March through May put UNITA clearly ahead of its rivals, with the MPLA drawing only 25% of the vote.

Soviet arms deliveries to the MPLA had accelerated steeply after October 1974, in line which the general Soviet policy of supporting national liberation struggles everywhere in the world. Neto mobilized and armed his newly acquired supporters with the assistance of East Germany, the Protuguese communist party. Yugoslavia and the Scandinavian countries: he literally had more guns than recruits for his mushrooming army and urban militia. In addition, the Soviet propaganda machine swung all its resources behind the MPLA.

Heavy fighting between the MPLA and the FNLA broke out in the Luanda region toward the end of March. The FNLA headquarters in the capital was demolished and the MPLA forces accomplished a priority objective of occupying the port region. During May the fighting spread to Caxito, 40 miles north of Lunada. Although Savimbi appealed to the Angolans to end the killing, neither the Portuguese military nor the transitional government issued a statement on the burgeoning conflict. At Savimbi's insistence the leaders of the three movements met in Kenya from June 16 to 21, 1975, and signed the Nakuru agreement by which they undertook to restore the workings of the transitional government, to end all violence, set up a single national army and disarm civilians. They also affirmed that elections would be held "sometime during October 1975." But Angola was being effectively partitioned, and fighting resumed within days of the conclusion of the Nakuru conference.

The MPLA's first priority was to establish its complete ascendancy in Luanda for military, political and psychological reasons. The FNLA forces retreated northward, while UNITA regrouped in southern Angola, but the MPLA advanced southward and by the end of August had occupied Lobito, Benguela and Mocamedes. A secondary MPLA objective was the control of the vital Benguela railroad running from Lobito through the middle of Angola of Teixeira de Sousa on the Angola-Zaire border, and on to the Zambian copper belt. By early October MPLA troops held Teixeira de Sousa and the western section of the line, but UNITA blocked it by retaining control of Nova Lisboa, Silva Porto and Luso.

By early August MPLA had achieved unchallenged ascendancy in Luanda. Its occupation of the ports not only facilitated the Soviet arms buildup, but also prevented the importation of food, fuel and supplies, which intensified the chaos on which MPLA throve. The widespread violence caused more than half the whites to flee the country, accelerating the administrative and economic breakdown. Meanwhile Soviet weapons continued to pour in. In its *Angola after Independence: Struggle for Supremacy,* the Institute for the Study of Conflict catalogues some of the arms shipments which reached the MPLA between March and October 1975. In addition to much increased quantities of infantry weapons, the new shipments included relatively sophisticated weapons such as light field artillery, tanks, armored vehicles, six-wheeled trucks, tracked armored anti-aircraft vehicles, armored personnel carriers, rocket launchers, and anti-tank wire-guided missiles. As none of the other nationalist movements possessed weapons of this type, the MPLA acquired both superior firepower and great mobility, which enabled it to gain an overwhelming military superiority. All this was, of course, in violation of the Alvor agreement, under whose terms all such aid should have gone to the transitional government, and not to an individual movement, a position reaffirmed in a OAU directive of June 1975 which also called for an end to foreign involvement in Angola.

The Cubans

Another new factor introduced into the conflict came in the form of Cuban combat troops. Fidel Castro had met MPLA leaders and subscribed to their ideals as far back as 1963, during his visit to Africa. Cuban military advisors and instructors began training MPLA guerrillas in the Congo under the terms of a 1966 military aid program, but this relationship was altered dramatically upon the arrival of 200 of 300 Cuban military advisers in April 1975. Preparations for greater Cuban involvement were made in July during a visit to Havana when Colonel Otelo de Carvalho, a Marxist member of the Armed Forces Movement, was asked to arrange permission for Cuban ships to dock in Luanda. The logistics for a full-scale war were being developed, and in addition Cuban war exercises that month seemed to be aimed at an Angola-type war. By June the Cubans had set up military training centers in such widely scattered places as Benguela, Cabinda, Henrrique de Carvalho (Saurimo) and Salazar (Dalatando). Troops were being prepared for Angola by mid-August, and the decision to send them was taken at the end of August or the beginning of September. By September leading members of the Cuban general staff and combat troops had begun arriving in Angola.

With the MPLA in control of Luanda, the transitional government also came under its effective control. To complete its ascendancy, in September the Portuguese High Commissioner announced that the Alvor agreement was suspended, that all Portuguese troops would be withdrawn from the country on November 11, and all Portuguese military equipment handed over to Angola. Holdin Roberto complained that Portuguese Air Force planes were used to reconnoiter his military positions.

Thus by the eve of independence the MPLA had established both military ascendancy and *de facto* political legitimacy in Angola. Its position was further buttressed by the strenuous support it was receiving

from the Soviet Union in such international forums as the OAU. At noon on November 10, 1975, the High Commissioner lowered the Portuguese flag in Luanda and sailed from the harbor, conferring independence on "the Angolan people who should decide the forms of its execution." At midnight Neto proclaimed the founding of the People's Republic of Angola, which was not recognized by Portugal. The elections promised in both the Alvor and Nakuru agreements were never held.

Operation Zulu

A new development in the civil war was the arrival of a small South African column, code-named "Operation Zulu," which entered the southern part of the country on October 14. It initially used only civilian vehicles, and consisted of a black FNLA battalion of 1,000 men, a battalion of Bushmen trackers with Portuguese ex-army officers, and a South African colonel with 6 officers and 7 NCO's. It was later joined by 25 Panhard armored cars and a 81mm mortar platoon.

South African involvement had begun a month earlier, when two groups of about 20 instructors were sent to train UNITA and FNLA troops at Calombo and Mapupa respectively. They were instructed to assist the troops of the two movements, now allied, to regain the areas of southern and central Angola where they enjoyed traditional ethnic support, in the hope that the MPLA and the Cubans would consent to an agreement with the anti-Soviet forces if the latter were obviously in a strong position. At the time of the South African intervention pro-Soviet forces had seized all major towns except four in the center of the country and Holden Roberto's capital in the north.

Initially the South Africans planned to withdraw at the time of Angolan independence, but Savimbi flew to Pretoria to urge the South African Prime Minister to help the anti-Soviet forces sustain their position at least until the OAU summer meeting scheduled for December 9, when he hoped to obtain a majority vote in favor of a tripartite settlement in Angola. South Africa acceded to this and similar pleas reaching it from other sources, including Zaire and Washington. The OAU meeting, however, was postponed.

The South African troops were withdrawn after the vote of the United States Senate in December against military aid to any faction in Angola, and the further postponement of the OAU meeting. Only on December 22, after the Senate vote, did the Cubans admit their involvement in Angola. By the end of January 1976 Cuban troop strength in Angola had risen to 15,000. By contrast, South Africa never sent more than 1,500 troops to the country.

The depth of African distrust at the time for the Angolan Marxists and their allies was demonstrated by the voting at the OAU summit. Despite intensive Soviet lobbying, a resolution recognizing the MPLA as the legitimate government of Angola was not accepted, receiving the same number of votes as one calling for a "government of national reconciliation" in Angola.

Soviet Involvement

By using proxy forces from another continent, the Soviets had scored a major military victory, and an even greater psychological one. They successfully gambled on an American lack of resolve to resist communist expansion in an area of the world which the United States did not regard as vital. When Secretary of State Henry Kissinger failed to persuade the Soviets to cease their activities in Angola, he sought more U.S. military aid to the FNLA and UNITA from Congress. The refusal of the Senate to grant his request prevented deeper U.S. involvement in Angola, but simultaneously gave Moscow a green light to increase its military aid and fly in large numbers of Cuban troops. By their intervention in Angola the communist powers successfully placed in power in an African country a government of their choice, without heeding the requirements of free elections and majority rule which the West customarily demands in cases of self-determination.

Soviet military aid to the MPLA, valued at $280 million, included 12 MiG-21s and the devastating 122mm "Stalin organ" rocket launcher, to which UNITA and FNLA guerrillas had no answer. The MPLA was further assisted by its access to the oil revenues from Cabinda: Gulf Oil, the largest U.S. economic interest in Angola, switched its payments of oil royalties to a secret account held by the MPLA in Europe.

B. Developments in the MPLA Since 1976

Even after the South African withdrawal Cuban troops and Soviet arms continued to pour into the country. The Cuban forces included 6,000 infantrymen, an armored regiment of 1,900 men equipped with 120 T-54 and T-34 tanks, an armored regiment with 70 Soviet-built BRDM vehicles and 1,600 men, an anti-aircraft battalion and five regiments equipped with multi-barreled rocket launchers. Cubans also provided the key element in the new Angolan airforce, piloting all the MPLA's Soviet-supplied aircraft and commanding the airbases. They assumed major positions throughout the civil service, supervised the MPLA's program of political mobilization designed to drum up support for the "Mass Marxist-Leninist party" the MPLA planned to found, and trained trade union leaders in Marxist philosophy and Soviet history.

During a visit to Moscow in October 1976, Neto signed a 20-year friendship and cooperation treaty with the Soviet Union providing for regular exchanges between the MPLA and the Communist Party of the Soviet Union. He and his Prime Minister both spoke of the importance to Angola of the relationship between the MPLA and the Soviet Union. The MPLA security force, DISA, was set up and directly controlled by the Cuban intelligence service, the DGI, and modelled on the KGB. Soon after Neto's return, the MPLA announced that Angola was to be described officially as a "Marxist-Leninist Republic," to be governed by a "democratic revolutionary dictatorship" while preparations were made for the achievement of "scientific socialism." The MPLA would recognize itself as a mass party by indoctrinating the peasantry. Private property would be abolished, and banks and other key sectors of the economy taken over by the state.

In 1977 the government introduced a new currency: Angolan families were allowed to exchange no more than 20,000 of the old escudos (about $670) for the new kwanzas. Anything beyond that became worthless paper. As the Finance Minister boasted at the time, "when the exchange operation is complete, we will virtually be able to declare that the middle class has ceased to exist in Angola. At the MPLA's first congress in December 1977, the MPLA-Workers' Party, a vanguard party dedicated to the 'scientific ideology of the proletariat—Marxism-Leninism,'" was formed.

By the middle of 1977 an estimated 19,000 Cuban military personnel were in Angola, in addition to some 10,000 civilians. Eastern-bloc nations had delivered arms and equipment worth almost $500 million to Angola by 1978, and the cost to the Soviets of maintaining a Soviet/Cuban presence there had risen to more than $700 million annually. By 1979 the daily cost of maintaining this presence was estimated at $1.7 million. There were also some 500 Soviet soldiers backed by 5,000 military advisors actively involved in military planning. Estimates of the number of East German troops ranged up to 5,000, with more than 14,000 personnel from other Eastern bloc countries. Angola had signed cooperation agreements in various fields with Yugoslavia, Czechoslovakia, Hungary, Bulgaria and Poland.

The MPLA in power has continued to suffer from internal disputes. On May 27, 1977, a faction killed a number of important officials in an attempt to seize power: supported by white Portuguese communists, this group wanted closer ties with the Soviet Union, as well as more extensive nationalization, and appealed to black racist sentiment by calling for the dismissal of whites and *mesticos*. When Neto's supporters regained control of the Luanda radio station, he labelled the rebels "leftists and ultra-revolutionaries;" a subsequent statement claimed they displayed a "feigned dedication to some friendly countries," in an obvious reference to the Soviet Union. The propaganda line was soon changed, however, to avoid antagonizing the USSR; they were labelled "rightist bandits" instead. Moscow's view of the uprising was ambiguous. Although apparently aware of the plot, the Soviets neither warned Neto nor came to his aid. The Cubans, however, were clearly pro-Neto, and Cuban troops helped quell the uprising after a delay of several hours.

On September 10, 1979, Neto died at 56 while undergoing surgery in Moscow. Rumor in Luanda and elsewhere held that he had been murdered in retaliation for his attempts to steer a course independent of Moscow. Ten days later the central committee of the MPLA-Workers Party elected Jose Eduardo dos Santos, 37, its new president, which automatically made him president of Angola and commander-in-chief of the armed forces as well. Dos Santos was reputed to be a principal member of a group opposing contact with the West and working for closer ties with the Soviet Union. He was trained in Moscow as a petroleum engineer and was married for a time to a Russian woman. He was responsible for another shake-up within the party when he removed 30 MPLA members from their posts in January of 1983.

The MPLA suffers from its narrow power base. Its top leadership is drawn overwhelmingly from the Kimbundus and the *mesticos* who make up 22% and 1% respectively of the population, although recently it has attracted more support from the Bakongo (13%), all located in the northwestern portion of the country. Moreover, the MPLA has a total membership of only 20,000, or 0.3% of the population. One reason is that its constitution forbids membership to anyone who "believes in any religious idea," and the Angolans are deeply religious.

Complaining about the difficulty of negotiating with the MPLA regime, a French government spokesman recently said: "We are not certain whom we are addressing there, as the Angolan President does not seem to have the power of decision expected of a head of state. There are obviously at

least two brains masterminding his policies—in Havana and Moscow."

The Angolan economy has been in a very poor state, with coffee production dropping from 200,000 tons before the civil war to 26,000 tons in 1983 and diamond production plunging from 2.2 million carats to half a million: in 1983 a diamond smuggling operation costing the state diamond monopoly $150 million per year was uncovered, with several ranking MPLA officials implicated. The Angolan fishing industry—which in 1973 produced 470,000 tons of fish—has been ruthlessly exploited by the Russians, who took 248,000 tons in 1977 and gave Angola only 12%. Despite Angola's rich agricultural potential, it has been importing 90% of its commercial food supplies, while long lines formed outside food stores. The Soviet Union has provided Angola increasingly sophisticated weaponry, but next to nothing in economic aid. The only bright spot in the Angolan economy has been the oil produced by Gulf Oil in Cabinda, which accounted for 80% of the country's foreign exchange and enabled it to pay for Cuban troops and other foreign workers. A full 60% of Angola's income goes to military and security expenditure.

C. Angola's Army

At the conclusion of the civil war, the Forcas Armadas Populares para Libertacao de Angola (FAPLA)—the People's Armed Forces for the Liberation of Angola, the armed wing of the MPLA— became the national army, while remaining totally subservient to party control.

FAPLA is a strong, well-equipped regular army of 35,000 men consisting of two motorized infantry brigades, each with a tank battalion. Other units are largely organized into infantry brigades, although there are also a number of detached tank battalions. Its tank force consists of approximately 60 T-54/55, 30 T-34/85, 50 PT-76, 100 T-34, and unspecified number of newly acquired T-62s. In 1983 FAPLA acquired substantial fresh supplies of arms, including T-62 tanks, additional BM-21 rocket launchers, and new air defense systems consisting of SAM-8 surface-to-air missiles. These complement the existing SAM-3 and the SAM-6 systems. As back-up FAPLA has 300,000 militiamen (30,000 armed and trained) and over 25,000 Cubans, who are mainly, though not exclusively, used for garrison duty, thus relieving the FAPLA troops for active duty.

The air force has 24 MiG-23, 10 MiG-17, 3 Fiat G91 jet fighters, 3 MiG-15 jet trainers, and 20 Alouette helicopters. It has 6 Antonov An-26 transports (one was shot down by UNITA in July 1977), 4 AN-12 and 3 C-47 as well as 2 Pilatus PC-6 Turbo-Porter utility transport and counter-insurgency aircraft. In early 1984 Angola acquired nearly 40 Dauphin helicopters from France. These versitile helicopters form a useful addition to the two helicopter squadrons which fly Soviet Mi-8 multi-role helicopters and Mi-24 assault gunships.

III. FIGHTING SOVIET-CUBAN INVOLVEMENT

On Independence Day—November 11, 1975—UNITA and its ally, the FNLA, established the "Democratic and Popular Republic of Angola" at Huambo (formerly Nova Lisboa), the country's second largest city. UNITA's annual conference—held in nearby Bie (Silva Porto) from December 28 to 31 with 300 participants—resolved to strengthen cooperation between UNITA and FNLA, demanded the "immediate and unconditional withdrawal" of all foreign forces, and blamed the Soviet Union's interference in Angolan internal affairs for the civil war. The conference called for an immediate cease-fire, a tripartite conference under OAU auspices, and a guarantee of free return for Portuguese who had fled. It warned that no party alone could impose its will on the people of Angola by sheer force.

In a booklet published the following month UNITA summarized its efforts since its inception to reconcile various nationalist movements, and called once again for a government of national unity. Appealing for an end to hostilities between "ourselves and our brothers in MPLA," it believed Angola could still extricate itself from "this externally induced war" and urged all forces to work for a political solution to the Angolan crisis. After recalling "repeated attacks" on UNITA offices and militants by the MPLA, the booklet notes that UNITA did not enter the civil war until "after the August 5 attack in Silva Porto on President Savimbi's plane." The booklet concludes:

"UNITA was not aligned to any world power, curried favor with none, received support from none, and thus owed allegiance to none. One of our basic founding principles, self-reliance, dictated that we depend primarily on the support and cooperation of the people (Therefore) UNITA does not seek unity from a position of weakness. (Rather) the strength and determination of our people have given us the hope and courage to continue to fight for the goal of independence and self-determination for Angola. The same strength and determination inspires us to continue to seek a peaceful political settlement with our adversaries, who are also our people."

Huambo was "liberated" by a combined Cuban and MPLA force on February 8, 1976, and Savimbi withdrew once again to the bush of eastern Angola. UNITA's political base—the southern two-thirds of the country—remained largely intact, and despite strenuous efforts the MPLA has enjoyed little success in gaining support among the Ovimbundu peoples. On April 1, 1976, a Cuban-led MPLA offensive was launched against UNITA bases, but UNITA regained the initiative in early May and reoccupied the areas around Cuchi (Serpa Pinto) and Gago Coutinho, indispensable for its supply routes. By the latter half of 1976 Savimbi had established himself in the forests of the Bie plateau, where his men continued to disrupt traffic on the Benguela line between Luena (Luso) and Bie. Dominique de Roux, a French political advisor, said of him then: "He has seldom been so happy and has found his niche again; tightening the ranks of his army, invigorating his soldiers after their defeat. He is using this third war to set the political scene which tomorrow, when peace comes—not a false and hostile peace—will bring about the reconstruction of the country, with the two other parties, the FNLA and the MPLA." UNITA was on the attack: its morale was high. They mounted patrols, destroyed ambushes and harassed the Cubans. Their object was to foster a sense of insecurity in the built-up areas and blow up railroad lines. There were even occasional attacks in Huambo itself. Savimbi had no message for the world. His immediate problems were those of "people's war": food, medical supplies, adequate arms and ammunition for his fighters.

In an interview of late 1976, Savimbi said that UNITA did not have or wish bases outside Angola, since it would then be subject to political pressure from the host country. It had sufficient arms and ammunition, and was prepared to fight a protracted war which it was certain it could win. In the preceding nine months its operations had moved through a series of planned stages. First, its untried soldiers made contact with the enemy, so that they could "get used to the fire." Then it tested itself in confrontation with the MPLA-Cuban forces and directed its efforts toward "confusing the enemy." "If we pass the test of confusing the enemy, we will plan real operations," Savimbi said. Their objective was to wreck the economy so that the MPLA could not pay for the war and would lose what popular support it had. Bridges were blown up, roads made unsafe, and the vital Benguela railroad kept closed through sabotage.

Journalist Luis Rodrigues, who spent six months in 1976 with UNITA, has borne witness to their problems, their support from the people, and the ruthlessness of the Cubans which has caused thousands of refugees to flee to Namibia. Amid scenes of great jubilation, Savimbi marched into a village with his feet bleeding from a 3-day march almost non-stop. He told Rodrigues that except for two white former Portuguese officers from Angola, no outsiders were fighting with UNITA. UNITA was willing to fight its own war. It could use foreign aid, but would not depend on it, and was prepared to do without it. What UNITA needed most was Western recognition for what it was accomplishing.

During the next year the Cuban-MPLA forces launched five major mopping-up operations, but for all their savagery against the civilian population large sections of central Angola remained contested zones, and the Benguela railroad stayed closed. A journalist visiting central Angola in March 1977 confirmed that no trains were operating along the 400 kms. between Bie and Luena, and that UNITA had blown up a bridge in Luena. MPLA, however, played down the threat dismissing UNITA as "desperate bandits" and confidently predicting that all Cubans both military and civilian, would be out of the country within a year or two.

In May 1977 UNITA inflicted many casualties on the MPLA in heavy fighting south of the important military town of Menongue (Serpa Pinto). Many MPLA soldiers stationed there had received no pay, and were in a state of starvation and near mutiny. In central Angola UNITA was conducting military operations near Andulo and Huambo and on the coastal road between Lobito and Sumbe (Novo Redondo). In eastern Angola UNITA ambushed MPLA-Cuban convoys on the road between Luena and Gago Coutinho, inflicting heavy casualties; it also captured an MPLA base at Caiundo, killing many troops, while others fled into the bush or drowned in the Cupango river while trying to escape. In southeastern Angola UNITA had such effective control of the countryside that FAPLA was forced to rely on air transport for re-supply. In southern Angola combined Cuban, FAPLA and SWAPO forces were still engaged in a genocidal "eradication" campaign along the Namibian border. Uncooperative tribesmen were either forced into controlled villages or shot, kraals were burned down and cattle removed or killed. Even families of FAPLA soldiers were not spared, which caused still greater disaffection in their ranks.

Calai, the last border town in southeast Angola, was captured by UNITA in August 1977 against almost nonexistent MPLA resistance, after it had already occupied the other border towns of Cuanger, Mucasso and Dcirico. None of these towns was of much strategic importance, but the cam-

paign again demonstrated the MPLA's inability to impose its authority on the entire country. In a communique of late August UNITA claimed to have killed 403 Cuban and MPLA soldiers in addition to destroying three trains and 24 armored vehicles, with casualties of only six dead and several wounded. In the first reported action in the Melanje province UNITA captured the fortified village of Fungo, near Quirima, on August 14. Before that most activity had occurred in the central and southeastern provinces of Huambo, Bie, Moxico and Cuando Cubango. By this time some 30,000 Angolan refugees had been resettled in the Kavango district of Namibia.

Jorge Sangumbe, UNITA's secretary for foreign relations, told the journal *Africa* that UNITA had held its fourth congress in March 1977 at Sambu, 80 kms south of Huambo, with 5,300 delegates in attendance. The congress had decided it would not refuse arms from South Africa, nor the offer of "its expertise in transforming the Unita guerrillas into a semi-regular force," but Sangumbe denied that some UNITA troops were being trained in northern Namibia. He claimed that UNITA was operating schools, cooperatives for food distribution, hospitals and a civil organization in the areas under its control. It had 12,000 armed soldiers and 8,000 more without proper arms.

A British peer, Lord Chalfont, has described Savimbi as follows: "The first impression is one of formidable strength. In his well-pressed jungle green uniform he looks, physically, even bigger than he really is, and when he talks it is easy to understand how he has captured the imagination and the loyalty of the 15,000 guerrillas who make up Unita." Savimbi said that eventually the MPLA would have to negotiate with him, and he would agree to negotiations on the essential condition that all Cuban troops be withdrawn. He regarded the southeastern Cuando Cubango province as completely "liberated," for UNITA troops travelled freely there and the MPLA did not even attempt to enter. In October a column of 5,750 men under Cuban command was deployed in that province to deal with UNITA, but their advance was held up for several weeks by fuel and food shortages which caused the desertion of unknown numbers of men. In its communique covering the period from November 22 to December 7, 1977, UNITA claimed to have fought 28 battles, killed 515 soldiers (including 26 Cubans), and captured 11 vehicles, destroying 14 others and one train. Two railroad bridges were also destroyed, along with 1.4 kms of line. UNITA had captured 370 weapons, including 60 and 82mm mortars and a 75mm cannon, and freed 2,649 civilians.

Gerald Buthaud spent two months with UNITA in 1978, arriving in a four-engine DC-4 on a regular run. He walked 800 kms, was driven another 480 kms., and visited 10 large, permanent UNITA camps, some with more than 2,000 people each, and 15 smaller camps. He saw only two MPLA helicopters and a truck, which was successfully ambushed. At major rallies Savimbi commanded audiences of 20,000 or more. From its heartland in Bie, Moxico and Cuando Cubango, UNITA claimed to control half of Angola's 6 million people with 12,000 guerrillas, of whom only 8,000 were properly armed. Although it had a few Unimog trucks, UNITA usually walked to war.

In late 1979, Savimbi visited the United States to seek support. Lamenting the fact that the U.S. displayed a "total absence of resistance to Russian and Cuban aggression" in Africa, he complained about a "new style of slavery" on the continent. Commenting acidly on the lack of American support for Savimbi, the editor of the *National Catholic Register* noted that Savimbi was living proof of the United States' inability to distinguish its natural friends from its natural enemies.

Although UNITA operated primarily in the rural areas, it did not neglect the cities. In November 1979 124 alleged UNITA members were arrested for operating underground cells in major Angolan cities; of these 30 were sentenced and executed almost immediately.

Having slowly built up his forces in numbers, equipment and battlefield experience, Savimbi was ready to commit them to conventional battle. He chose Mavinga, second largest town in the Cuando Cubango province, which was guarded by an MPLA brigade of 2,000 men. UNITA attacked with some 2,500 men in four battalions on September 19, 1980, and after four hours routed the MPLA, inflicting over 1,000 casualties and capturing large quantities of arms, ammunition and equipment, including 70 trucks. Significantly, the 6,000 Cuban and MPLA troops at Menongue and 4,000 at Cuito Cuanavale, 80 kms away, refused to intervene. In March and July of 1981 the MPLA made major efforts to retake the town, but failed when UNITA killed 800 of its troops in an ambush 70 kms to the west. Mavinga was UNITA's most substantial victory to date.

It was also one of 13 "significant engagements" between UNITA and MPLA forces from 1979 to 1981 which resulted in 1,609 MPLA fatalities. It is difficult to overstate the importance of these engagements, for they proved that UNITA troops and commanders could function as a conventional army, not merely as hit-and-run guerrillas. They had built up a small commando structure, logistics, communications, and the tactical skill to defeat forces with superior equipment and air support. They could not only take, but also hold, an exposed position in an area with heavy MPLA troop concentrations.

On November 22, 1980, UNITA shot down an Antonov 22 transport in southern Angola, capturing its Russian pilot and mechanic. Another plane was shot down on May 16, 1981, in Cuando Cubango province, killing 10 high-ranking Cuban officers. UNITA also claimed to have shot down 5 helicopters, destroyed 16 locomotives and two rail bridges, and captured the MPLA garrison at Galanga, killing 112 MPLA and 7 Cuban soldiers. At that stage UNITA had 15,000 guerrillas operating in fighting groups of 30 and 150 in every province of southern Angola. It had trained and equipped 10 conventional combat battalions and expected to have 15 by the end of the year. It claimed to hold most of the provinces of Moxico and Cuando Cubango and half of Cunene, and to control territory containing a total of 2.5 million people. The weapons in its inventory included SAM-7 ground to air missiles, 81 and 82mm mortars, recoilless cannon, anti-aircraft guns and "Stalin Organ" multiple missile launchers.

At the beginning of April 1982, UNITA hit the headlines by releasing a number of Portuguese, some of whom it had held for five years. They confirmed that the guerrillas were active in the whole of southern and eastern Angola except the western province of Mocamedes, which is largely desert. One man had been captured on the coastal road between Lobito and Sumbe, an area previously considered free of UNITA activity. They had never seen any signs of South African troops or advisors at UNITA camps. At that time UNITA was active in the provinces of Bie, Huambo, Benguela, Huila, Cunene and the southern parts of Cuanza Sul and Malanje. More prisoners were released in November, including a Dutch priest captured within 5 kms of Cubango in Huila province. They had been captured as a warning to foreigners to stay out of Angola because the MPLA could not guarantee their safety. UNITA claimed to have overrun the MPLA garrison at Candono, Malanje province, 270 kms from Luanda, on October 19, killing 24 MPLA soldiers and 6 Cubans. This is the closest it had come to the capital to that date.

In January 1983 Savimbi reported that UNITA had doubled the area under its control through a series of fierce battles over the previous 6 months. The capture of the strategic town of Gago Coutinho gave UNITA control of most of the border with Zambia, enabling it to take a line of small towns further north to within 32 kms of Luena, a major MPLA/Cuban garrison on the Benguela railroad. One of its main objectives for 1983 was to open a corridor right to the center of the country to provide a secure logistics route to a regular battalion and several companies of guerrillas already operating 320 kms north of the railroad. UNITA had extended its operations to Cuanza Norte, Malanje, and southern Luanda provinces, to within 200 kms of the capital; its "area of expansion" included the northern Uige province, home of the Bakongo tribesmen, who were being recruited to open a new front there. It was also recruiting among the Kimbundu, Seles and Songo tribes, traditional supports of the MPLA. In the south, it was seeking to control the western half of the Benguela line and the railroad between Mocamedes and Menogue. Only one train every three months—and then only under heavy military escort—was reaching Menongue, while the last train had reached Huambo in September 1982. Though the latter had been escorted by 1,200 MPLA troops, half its consignment had been destroyed en route. As a result of UNITA's growing strength, the Cubans had been taking a more active role since July 1982. UNITA had also established 45-men "special forces" units of well-proven soldiers who had received a nine-month intensive training course in sabotage and demolition. On January 17, one group blew up the Lomaoum dam, which supplied electricity to Huambo and Lobito, Angola's second and third largest cities.

In April UNITA captured the key road junction of Alto Cuita Tempue, Moxico province, giving "open motorized access" to the Benguela railroad from the south, after already taking the rail towns of Munhango and Cangonga, which were vital to its access corridor. By July, Savimbi claimed, the corridor was operating from Namibia to southern Zaire; he said that 3,000 troops—composed of 100-man guerrilla squads and a 600-man regular battalion—were operating in the Lunda province. This development gave UNITA direct access to three countries (Namibia, Zambia and Zaire) and widened its political options (it had already instituted its own passport procedures along the Zambian border). Long involved in selling diamonds to finance its operations, UNITA could now tap the diamond fields in Lunda. In May and June the MPLA and Cubans

launched a major offensive to retake Gago Coutinho, but UNITA halted their advance midway from Luena.

Cangamba—defended by 2,800 MPLA troops and 200 Cubans, the last MPLA stronghold in UNITA territory—fell in August after an 11-day siege, during which UNITA had cut all overland supply routes and surrounded it with SAM-7 missiles. UNITA killed 709 defenders and 120 Cubans, taking 165 prisoners. This great victory caused UNITA morale to soar, and freed some 6,000 guerrillas for deployment elsewhere, while putting a considerable dent in MPLA morale.

UNITA's first "general offensive," launched in August 1983, led to the capture of Calulo, 200 kms southeast of Luanda, on September 4. A dozen priests and nuns were among the 27 foreigners captured then. UNITA was still holding the town of Mussende, 300 kms southeast of Luanda, which it captured in July with its new battle unit, a brigade of 2,000 men. Meanwhile foreign diplomats in Luanda were warned not to travel more than 50 kms from the capital because of the danger of guerrilla attacks, while hundreds of Cuban, Soviet and East German technicians were evacuated from outlying areas.

A new UNITA offensive launched at the beginning of November 1983 and intended to last 5 months resulted in the capture of Cazombo, which completed UNITA's control of the border with Zambia. Supplies for the offensive moved along the 800-km "Savimbi Trail" in a fleet of trucks which also carries UNITA "exports," including ivory, rhino horn, teak, leopard and antelope hides, and diamonds. In actions from November 16 to 24 UNITA claimed to have "neutralized" the railroad running from Luanda to Malanje, killing 284 soldiers, including 20 Cubans, and destroying 49 military vehicles. Alto Chicapa fell to UNITA on November 29 after a short battle in which 25 MPLA soldiers were killed. Resistance was minimal as MPLA morale was very low: they had little food, and water and electric supplies were gone. This victory opened the way to Saurimo, capital of the Lunda province, since the tarred road between Saurimo and Luanda has been under attack from UNITA guerrillas for the whole of 1983. The victory, together with the capture of Andulo, 270 kms to the west, and Cazombo to the east greatly enhanced the security of the "Savimbi Trail." The MPLA meanwhile launched a two-month offensive involving 20,000 troops against UNITA in the central provinces of Huambo, Bie and Cuanza Sul, and claimed to have killed 1,971 guerrillas.

Brigadier Geraldo Nunda, 31, commander of UNITA's northern military front, moved his three battalions 80 kms north of Alto Chicapa and overran the major town of Caculo on the main tarred road, the only land route from Luanda to Lunda. At least 10 UNITA battalions of between 600 and 800 men were by then north of the Benguela line with regulars operating at brigade strength of almost 3,000 in two areas. Many months and hundreds of kilometers ahead of the battalions, guerrilla units of 15 to 200 were planning mines, blowing up bridges, ambushing convoys and attacking small outposts. In the meantime fighting continued in the provinces of Cuanza Sul, Cuanza Norte, and Luanda, which lie between the capital and the besieged Huambo. UNITA cut one of the roads between Huambo and Lobito and also the coastal road between Lobito and Luanda.

As a result of these operations, over the last two years UNITA has pushed forward by hundreds of kilometers, carrying the focus of the war from the south to the north. It also controlled the entire Angolan border with Zambia (1,100 kms) and also 320 kms of the border with Zaire, so that the MPLA could no longer dismiss it as a handful of "bandits." However, its forces were compelled to withdraw from the Calulo-Mussende area, 175 kms from Luanda, in late September and October by major offensives of Cuban-backed MPLA forces using armor and helicopter-gunships. UNITA claimed that a Soviet general and an East German general were directing the operation. UNITA harassed the flanks, and then engaged in direct battle once the enemy supply lines became extended along poor remote country roads.

At a special press conference held at UNITA headquarters in Jamba in southeastern Angola at the end of March, Savimbi announced that his forces had struck simultaneously at four points on March 22. It had attacked Luena and held Sumbe for 12 hours. Sumbe, defended by two MPLA and one Cuban battalions, was hit by 5,000 UNITA soldiers after a three-month buildup of supplies. UNITA claimed to have killed 8,000 Cubans since 1981, and 6,000 MPLA troops in 1983. Between December 1983 and March 1984, UNITA had sustained 103 attacks against it while launching 3,373 of its own, destroying 446 enemy trucks, 9 trains and 5 tanks. UNITA had 35,000 men under arms, of which 20,000 were guerrillas, the remainder regular troops, including an armored column and special sabotage commandos. It totally controlled one-third of Angola, was active in another third, and was pushing hard in the remaining areas. Its priorities were to make greater progress in the northeastern Lunda province, to attack (but not necessarily to hold) provincial capitals as part of a strategy of "returning to the towns," and to reinforce its political and administrative control over the areas under its influence.

Meanwhile UNITA had embarked upon another new policy: the taking of hostages. In a typical incident, it attacked the diamond-mining town of Cafunfo, Lunda province, only 100 kms from the Zaire border, at first light on February 23. The attack was over in 10 minutes, and within 2½ hours the foreign technicians—44 Portugese, 17 Filipinos, and 16 British—were well on their way into the bush. They covered the 500 kms to the Benguela railroad in 32 days, from where they were taken by truck to Jamba. The Portugese and Filipinos were released almost immediately. The only condition UNITA set for the release of the British subjects was that Britain acknowledge its existence by talking directly with it. Sir John Leahy, a British Under-Secretary, arrived on May 12, and the British prisoners were handed over after three hours of talks. All said they had been well treated and praised the discipline of the UNITA troops. The same procedure was followed in June, when 20 Czech prisoners were handed over to their country's deputy Foreign Minister, after they and their families had been captured on March 12, 1983, at Alto Catumbela, a "safe" area. The 43 wives and children had been released unconditionaly the previous July. The taking of the hostages gave UNITA world-wide press coverage and the opportunity to put its case directly to the governments concerned, in addition to underlining the inability to the MPLA to protect foreigners in Angola.

Two Soviet lieutenant-colonels and a number of Cuba officers were killed on April 19, 1984, when UNITA exploded a bomb in Huambo. Afterwards MPLA troops fought a three-hour battle with Cubans which only ended with the intervention of the provincial governor. In May UNITA repelled an attack by 22,000 MPLA and Cuban troops (13 brigades) supported by at least 20 combat aircraft near the towns of Lewa, Lumenga and Mukuseegue, near the Benguela line. It overran the town of Quibala, Cuanza Sul, in June, taking a number of foreigners captive. In its first reported action in the northern Uige province, UNITA claimed to have "annihilated" a Cuban-backed MPLA battalion near Kinzala on June 28. UNITA scored a major victory when it blew up a major oil pipeline in the heavily fortified Cabinda enclave on July 13, killing 22 people and injuring another 50. With 80% of Angola's revenue coming from Cabinda oil, any disruption of that industry would deal a serious blow to the MPLA's hard-hit economy. A UNITA communique has warned foreign countries to review their positions or exert their influence for the removal of Cuban troops from Angola, thus opening the way for an Angolan government of national unity. UNITA claimed to be operating in every province except the desert province of Mocamedes.

IV. AN ASSESSMENT OF UNITA

A. UNITA's Theory of Guerrilla Warfare

Once the decision to resist the Soviet-Cuban occupation of Angola had been made, Savimbi set about assessing UNITA's situation and formulating future strategy. Realizing that the new war would require tens of thousands of troops, Savimbi decided to establish UNITA in the densely populated central plateau instead of returning to the extremely sparsely populated Moxico province, for only in this way could UNITA reach the people needed to provide its army with food, recruits and skills. This was the basis for Savimbi's "theory of big numbers." Coupled to this was the concept of the protracted nature of the struggle: UNITA would grow only gradually, and time was needed for this.

The support base for UNITA is within the rural population. By nature the peasants are traditionalist, conservative, fatalistic, generally disorganized, and most illiterate. Hard work, time, and training were required to transform them into a reliable support base. In addition UNITA needed to acquire greater professionalism in military skills and political and administrative organization, which meant that a quick coup was out of the question. The bitterness of the people over the foreign armies in the country, along with the MPLA's brutal repression, political blunders, administrative incompetence and chronic internal crises have made them responsive to UNITA, which already had a guerrilla army and years of political experience. It had access to substantial weapons caches and operated over a vast area, which made it difficult to combat. It had loyal friends in the international community, and neighboring countries soon realized that the Cubans were a threat to their own security as well. Although the military forces at the disposal of the MPLA made it tactically powerful, its lack of support among the people made it strategically weak.

UNITA therefore formulated its theory of guerrilla warfare.

1. The guerrilla organization must be guided by a well defined political philosophy, and should serve as an instrument to achieve certain specific political goals. Mili-

tary problems must therefore be viewed from a political perspective.

2. The guerrilla organization must be rooted among the people. It must enjoy their support, and become a truly people's army in a people's war.

3. Guerrilla warfare constantly relates theory to practice, and vice-versa.

4. The guerrilla army must strive for strength and cohesion. Ultimately it must evolve into a regular or semi-regular army, or a combination of the two, to enable it to attack larger enemy targets.

5. The guerrilla army must avoid direct confrontation with the enemy's powerful regular forces, concentrating on surprise attacks by small, flexible, mobile guerrilla units which take advantage of the terrain, the weather, and the sentiments of the people. In the first stages it must strive simply for physical survival, avoiding acts of bravado against its powerful adversary.

6. The guerrilla army must retain high mobility, avoiding fixed positions.

7. Despite all the difficulties it suffers, the guerrilla organization must seek to meet the needs of the local population for such things as medicine, salt, clothing, schools, and defense.

8. The guerrilla army must know how to deal with enemy infiltration of its ranks, and be aware of the enemy's counter-guerrilla methods.

9. Strategically the guerrilla army is a defensive force, defending the country against foreign intruders. Tactically it is an offensive force, initiating most military actions against the enemy.

10. As soon as possible the guerrilla organization must establish a Rear Support Base, a vast, liberated section of national territory in which party and the army may move freely and develop an infrastructure for continuous expansion.

11. The guerrilla army must adhere strictly to the universally recognized elementary guerrilla tactical principles. These include; retreat when the enemy advances; harass him when he camps; pursue him when he flees; encircle him when he tires.

12. The guerrilla army's relationship with the people is of paramount importance for the organization's survival and success. Therefore, in his contacts with the local population the guerrilla must be beyond reproach at all times: he must be polite, honest, fair, and helpful.

13. The command structure of the guerrilla organization and the relationship between soldiers and officers should involve a strong sense of unity, compassion and authority. The guerrilla commander must be in permanent contact with his men. He must know how they feel and care about their difficulties. He must work to build up the *esprit de corps* of his troops, knowing that it is often their state of mind that makes his men good combatants. A good commander listens to the news on his transistor radio to keep abreast of national and international events, and shares that news with his subordinates.

Guerrilla units must know how to utilize and share their arms and ammunition, which are generally in short supply. The guerrilla commander must always think in terms of the whole army, the whole country, not just his own unit. Because they are few and united in their objectives, unity among the commanders and soldiers of the FALA (Forcas de Libertacao de Angola) is theoretically and practically attainable. By contrast, unity is completely unattainable on the MPLA side because it is an unwieldy and heterogeneous mass composed of, among others, Cuban, Russian, East German, and Portuguese troops.

Rear Support Base

UNITA defines its rear support base as the territory within which its people and armed forces can move freely. Guerrillas cannot be permanently on the move, as this would exhaust them and make them incapable of undertaking serious actions. The guerrilla organization needs a place where its soldiers can rest, recuperate and train while the organization sets up its political power organs, schools, clinics and agricultural projects. The rear support base must above all be relatively inaccessible to enemy forces: mountainous or in dense forests, and without roads. It must, however, have a population and a water supply.

Despite setbacks suffered when the enemy bombed schools, burned hospitals, and destroyed agricultural projects, UNITA has succeeded in establishing its rear support base in central Angola. Over the years this area has been consolidated and expanded until in May 1984 it covered more than one-third of the country—truly a magnificent achievement. UNITA's watchword is vigilance, for it knows that the enemy retains his superiority in firepower and in sophistication and abundance of weapons, and will continually seek to disrupt UNITA's efforts. There is a firm interrelationship between the creation of FALA's regular units, the establishment of the rear support base, and the protracted nature of the struggle. The protracted war requires a rear support base, for it is only there, under peaceful conditions, that the regular forces can be trained. Yet one can consolidate and stabilize the rear base only with regular forces.

Phases of Resistance

UNITA identifies four stages of its resistance to the Soviet-Cuban occupation of Angola.

The START was a traumatic experience after the joy of the period when UNITA tasted political power and could campaign politically, even in the cities. It was a bitter experience to withdraw into the bush again in the face of overwhelming enemy firepower. In assessing the future, the UNITA leadership had to contend on the one hand with those who failed to appreciate the movement's weakness, and therefore could not chart a realistic course of action; and on the other, with those who viewed the Soviet-Cuban-MPLA coalition as invincible, and advocated capitulation. Certainly a challenge to Soviet imperialism at a time when Moscow enjoyed great influence among Western liberal intellectuals and in the Third World was unprecedented, and could easily be labelled "reactionary."

SURVIVAL was the first goal once the decision to resist had been made. UNITA had to take four steps immediately in order to survive the initial enemy offensive. It had to win the people's support by explaining the reasons behind the continuing struggle. It had to locate its dispersed forces and weld them into guerrilla units. It had to develop its strategy and divide the country into operational zones. And it faced the major problem of acquiring suitable weapons, especially infantry arms and light artillery to enhance mobility.

Militarily, UNITA concentrated on ambushes, sabotage (especially of the Benguela railroad), mine-laying and long-range mortar bombardments, with the objectives of dispersing the already thinly-stretched enemy forces, to cut their lines of communication and to confine them to the defense of major towns and strategic installations. At all costs it had to avoid conventional confrontation with the enemy, who had superior firepower as well as air support. At the same time, UNITA concentrated on improving its military hold on rural areas in the south, center and east of the country, and winning the support of the people.

Equilibrium of forces, the third stage, is the most difficult of achievement. Although its initial victories re-established the people's confidence in UNITA and boosted its morale, they also escalated the conflict. While UNITA's troop strength has increased four-fold over the past 5 years, Cuban troop strength has risen from 12,000 in 1976 to 30,000 in 1980 and to 40,000 in 1984, according to UNITA estimates. At the same time more sophisticated weapons such as MiG-23s and Mi-24 "flying tank" helicopters have been introduced. In this phase UNITA was able to establish its secure rear support base territories, which enabled it to move on to the next phase in certain areas.

Generalized counter-offensive. As UNITA gained military experience and strength, the impact of past victories and political and economic conditions unfavorable to the MPLA regime has enabled it to move to the strategic counter-offensive, which will eventually open the way for a generalized counter-offensive. Its semi-regular units have enabled it to adopt a far more offensive posture and to attack enemy strongpoints, heavily defended positions and even large towns. An example is the capture in August 1983 of the heavily defended town of Cangamba after a full-scale battle lasting several days. Previously UNITA abandoned captured towns in the face of inevitable MPLA or Cuban/MPLA counterattacks. Its current strategy of "capture and hold" indicates a dramatic reversal of the Angolan military situation.

UNITA is now in a position to dictate the nature and the pace of the war in Angola. It is expanding its operations in the northeast, in the north, and in the coastal areas just south of Luanda. Its purpose is to increase military pressure on the MPLA regime and the Cubans in order to bring about a Cuban withdrawal. Savimbi hopes that a combination of military reverses, mounting casualties, the unpopularity of the war at home, its ever escalating cost, and diplomatic pressures will eventually force the Cubans to withdraw. Then the MPLA, faced with military defeat, will be forced, he believes, to negotiate a settlement with UNITA leading to free elections and a coalition government including UNITA, the MPLA, and the FNLA. Thus UNITA will have achieved the goals it set itself when it again took up arms in 1975 after the breakdown of the Alvor accord.

The Organizational Structure of FALA

UNITA's armed wing FALA (Armed Forces for the Liberation of Angola) is a sophisticated force organized along conventional military lines with a rank structure resembling those of most Western armies. It has an officer corps ranging from lieutenant to general and a centralized staff structure incorporating the usual functional divisions of operations, intelligence, personnel, and logistics. Its High Command consists of the Supreme Commander with a Headquarters Staff headed by the Chief of Staff and consisting of the Chiefs of Intelligence, Personnel, Logistics, and Operations. It is responsible for the overall planning and coordination of the war.

UNITA has developed a system of dividing its forces into four levels, each one better trained and armed than the preceding level.

People's Defense Committees consist of local elements of the population, and are designed to safeguard the security of the villages. After they have been adequately politically mobilized to ensure their loyalty, they are trained in the handling of "rudimentary weapons" and are occasionally provided with rifles.

Dispersed guerrillas are small units whose function is to prevent the enemy from advancing into UNITA's rear support base area. They assist in gathering information, food production, and transport.

Compact guerrillas are company-size units which conduct guerrilla operations, such as ambushes, mine-laying, and sabotage, in a zone or fixed geographical area.

Regular and semi-regular forces operate in units up to battalion size, are trained to engage in frontal, conventional actions, and can be moved from one region to another. They operate as self-supporting formations, with offensive and defensive companies assisted by artillery, logistics, medical and intelligence supporting elements. At the beginning of 1984 FALA had 33 semi-regular battalions. The regular forces have anti-tank, anti-aircraft and support artillery capabilities and can conduct conventional warfare. These units give UNITA the ability to destroy relatively large enemy targets.

It is estimated that today FALA has 2,000 regular troops, 18,000 semi-regulars, 20,000 compact guerrillas, and possibly as many as 35,000 dispersed guerrillas. It is a highly motivated force which the MPLA's FAPLA is incapable of containing. UNITA has recently established a number of "special force" units trained in sabotage, demolition, tracking, intelligence, and reconnaissance. Regular force recruits are selected from the guerrilla units on the basis of combat record, age, and level of literacy. In its assaults on garrisons and towns UNITA attacks in overwhelming numbers (at least two to one) and keeps an avenue of escape open to the defenders: if trapped the defenders will make a last stand and inflict heavier casualties on UNITA. When losses are minimized, the morale of UNITA soldiers remains high.

Deployment of Forces

UNITA has divided Angola into five military fronts (southern, western, eastern, central and northern), each headed by a front commander who holds the rank of Brigadier or Colonel. The fronts are divided into 24 military regions each headed by a regional Chief of Staff with the rank of Colonel or Lieutenant Colonel. In each region some 1,500 men are deployed in guerrilla or regular units. Each region consists of sectors—usually 3—headed by a Major, and they in turn are broken down into zones headed by a Captain or Lieutenant. Most daily guerrilla operations are undertaken at the one level, with 50 or 100 troops. A number of compact Guerrilla units may be assembled for a specific combat mission, with the men reverting to their original units upon completion of the mission. Several important enemy posts have been captured in this way.

Political awareness

Political awareness is of paramount importance in FALA. In addition to their military training, troops are expected to know the political orientation of UNITA's struggle, FALA therefore has political commissars at all command levels, who are superior to the unit commanders. In addition to imparting military knowledge, the commissars can explain the political nature of UNITA's struggle.

B. UNITA's Political Structure

UNITA was founded in March 1966 in Angola as a broadbased political movement, and the constitution it adopted at that time called for a proportionally representative government. Armed struggle—first against the Portuguese, later against the MPLA—was viewed as the means of achieving this government through free elections. From its inception, therefore, UNITA has placed at least as much emphasis on the political education (or "mobilization") of the peasantry as on the armed struggle. Persuaded of the importance of the people, UNITA places a high priority on the welfare of the soldier, the cadre, the teacher, the nurse, the student, and the peasant. It sees military operations and political action as inseparable, so that in its eyes greater military successes bring greater political and social responsibilities. This has led the movement to create an extremely sophisticated political structure predating its military structure.

UNITA's most important legislative organ is its National Congress, which meets every four years and is attended by elected representatives of all the kimbo (village) committees in the areas controlled by UNITA. They elect the President, secretary-general, permanent secretary and chief of staff, as well as the 20 members of the Political Bureau and the 35 members who, together with the Political Bureau, comprise the Central Committee. The President—Savimbi since UNITA's inception—is automatically the commander-in-chief of the armed forces and the chairman of the Central Committee.

General administrative matters of national importance are dealt with at the annual conference, attended by members of the Political Bureau and the Central Committee. The President appoints the political commissars reponsible for political affairs at the regional level. These regions coincide with UNITA's 24 military regions; the political commissar may also be the regional military commander. He acts as the link between the Political Bureau and the Central Committee on the national level, and the district and village committees which make up the region. Below the village is the cell, the smallest unit in the party.

The system works remarkably well. Despite the long chain of command, the party leadership maintains close contact with the interests and aspirations of its supporters at the grassroots level. UNITA has remained true to the democratic, populist principles on which it was founded, and has avoided the elitism which has plagued other African political movements.

UNITA's Political Ideology

UNITA's political ideology is difficult to define because it does not fit easily into one of the familiar Western patterns. Perhaps the closest would be the social democracy of Western Europe. It is clear that UNITA is resolutely opposed to communism, both on the grounds that it does not work and that it is a foreign ideology with no place in Africa. This does not mean, however, that UNITA is not socialist. Savimbi has often spoken of "democratic socialism," without defining precisely what this means. Recently UNITA has begun to use the even vaguer phrase "realistic socio-economic analysis." In contrast to the MPLA, which stresses the importance of intellectuals and industrial workers, UNITA believes that the peasants who make up 80% of the population should be the primary component of the new Angolan society.

Perhaps the key to an understanding of UNITA's political ideology may be found in the concept of "negritude," the central and constant theme of its political writings. This is not the same thing as the "black power" concept of an exclusive black nationlism; rather it is a generalized notion incorporating UNITA's most basic political beliefs and its political program. Savimbi has explained "negritude" as the recognition that ethnic and tribal groupings and systems must serve as the basis for any successful form of African government. The leadership must work toward compromise at all stages, and consensus must form the basis of government and all forms of political leadership. The deep-rooted African culture—subverted by various colonial powers to produce "rootless" African societies with no past—must form the basis of the present culture, though without being exclusive. Interstate relations in Africa must be based on practical cooperation between free countries, not on unrealistic ideals such as "Pan-Africanism." "Negritude," then, is not a political ideology in the proper sense, but rather a way of approaching the complex problem of governing multi-ethnic, ex-colonial societies.

UNITA's political views may be summed up as a moderate, democratic form of Afrocentric populism combining certain features of capitalism and socialism and based on the principles of compromise and consensus. UNITA sees non-alignment as a relative thing: "no one can be totally non-aligned," it holds. "UNITA's sympathy is with the West, in economy and politics. In other areas, national ideas must be followed."

Savimbi offers his followers the opportunity to decide their own future in a democratic way, free from foreign interference. UNITA's main aim is to get all "foreign troops out of Angola," as Savimbi says, "so that the Angolan people can decide their own destiny. The important point is that the people must have a say, i.e., the government must be accountable to the people."

A detailed outline of UNITA's political and economic program was published in the form of a 134-page book in Jamba in December 1983, Entitled The Angola Road to National Recovery—Defining the Principles and the Objectives, it deals with UNITA's economic development and its constitutional foundation.

Leadership

Clearly UNITA owes its formation, survival, growth and ultimate success to the talents and efforts of Jonas Savimbi, with whose life the history of UNITA is intimately intertwined. Perhaps no other political party or movement in modern times has been so dominated by a single individual. Savimbi has coordinated the entire range of UNITA's political and military activities as well as its internal security and information.

Savimbi has an extremely sharp intellect, great personal charm, and a stable yet charismatic personality: all the qualities of a great leader and statesman. As a politican he owes his success primarily to his pragmatism (he has been called the greatest survivalist of modern politics) and to his extrordinary oratorical powers. As a military leader he has a keen sense of history, especially military history, and a thorough grasp of the theory and practice of guerrilla warfare. In addition he has an incredible capacity for absorbing and recalling dates, personalities, places, facts and statistics. A writer and poet of note, he is also a remark-

able polyglot: besides his mother tongue and other tribal languages, Savimbi is fluent in Portuguese, English, French, and German. Savimbi is a professing Christian with a strong sense of honor who abhors corruption and dishonesty and deals drastically with those found guilty of such things.

The long and arduous years of fighting in Angola have produced a capable second echelon of leaders around Savimbi. They are an extremely effective leadership by African standards, and make it possible for Savimbi to leave Angola for long tours abroad. UNITA's most influential and poweful figure after Savimbi is Secretary-General Miguel N'Zau Puna, who holds the rank of brigadier. A Cabindan with Tunisian training in agronomy, Puna is responsible for the civil administration of the Party as well as for the overall coordination of UNITA's logistic and communications network. Puna is also a superb orator, able to arouse the emotions of his audience. Although not a particularly good organizer, he is very intelligent, with a keen sense of humor. He communicates well in Portuguese and speaks passable English.

As Chief of Staff, Brigadier Demosthenos Chilingutila is the effective head of FALA and specifically responsible for training, accounting, mobilization and recruitment. A former corporal in the Portuguese artillery, Chilingutila is an Ovimbunda like Savimbi, but his rise through the UNITA hierarchy is not due merely to Savimbi's favor, but also to his enthusiasm, dedication, and willingness to learn. Ernest Mulatto, Permanent Secretary of the Political Bureau and Secretary of The Commission of Control is a Bemba from northern Angola and an influential leader of long standing. His responsibilities include the arbitration of disputes within the party and the maintenance of good order and discipline. He has a very strong personality, and commands a great deal of respect. Jeremiah (Jerry) Chitunda, another leading personality and respected figure, is UNITA's Chief Foreign Representative, based in New York. Educated in the United States, he is extremely articulate and has built up an impressive network of influential contacts over the years. Brigadier Renato Campo Mateus, Chief of Staff Operations, is a former lieutenant in the Portuguese army. He is extremely able but handicapped by ill-health. Brigadier Samuel Epalongo, Commander of the HQ base, was for many years UNITA's chief logistic organizer. Brigadier Geraldo Nunda, Commander of UNITA's forces in northeastern Angola, is a relative newcomer. Colonel Dr. Vakulakuta Kashaka, Chief of Staff Logistics, is a Kwanyama from southern Angola. He lost an arm in combat several years ago. Jorge Sangumba, Chief Political Administrator in Angola, was educated in the United States and was formerly UNITA's Chief Foreign Representative.

C. The SWAPO/South African Factor

The situation in Angola is complicated by the effects of another conflict. As soon as it became clear that the MPLA had won the civil war, SWAPO (South West African People's Organization), the Soviet-backed liberation movement fighting to replace the South African administration in Namibia (South West Africa), moved its bases from Zambia to Angola, bringing them closer to its operational area. Angola soon became the center of SWAPO activities, and the Cubans began training its members. As SWAPO guerrillas were infiltrated into Namibia. South African forces launched a number of "hot pursuit" operations against SWAPO bases in southern Angola, bringing them into conflict with MPLA and Cuban forces. Eventually South Africa established a permanent presence in the Cunene province of southern Angola.

Years of hostility between Angola and South Africa ended on February 16, 1984, when an agreement was signed in Lusaka, Zambia, by whose terms Angola banned both SWAPO and the Cubans from the border area while South Africa began withdrawing from Angola. It was hoped that the establishment of peace on the border would lead to the withdrawal of Cuban troops from Angola and the granting of independence to Namibia.

Two questions flow from the peace agreement. First, are the Cubans in Angola to protect that country from South African attack, as Luanda and Havana have consistently maintained, or are they there to prop up the unpopular MPLA regime against UNITA's growing strength? If the former is the case, then the peace with South Africa should clear the way for their departure.

The second question involves UNITA. Is it a South African "puppet" totally sustained and manipulated by Pretoria to destabilize Angola, or is it a self-motivated nationalist force which receives assistance from a number of countries, including South Africa? If the former is the case, will South Africa withdraw its support of UNITA—and could UNITA survive should that happen?

This question ignores two points. First, it is impossible for a medium-sized country like South Africa to sustain a military operation as large as UNITA has become, and which operates deep within Angola hundreds of kilometers from the Namibian border. UNITA has access to longer frontiers with Zambia and Zaire than with Namibia. Second, it overlooks Savimbi's philosophy of self-reliance, which he has successfully put into practice both in his war against the Portuguese and in the current one. He believed UNITA should base itself exclusively inside Angola, become self-reliant in economic and military matters, and follow Mao's precept that the enemy should be the principal source of guerrilla arms. Savimbi estimates that during the latter stages of the war against the Portuguese, 80% of UNITA's weapons were either captured or stolen from the enemy. Beginning in 1978, thanks chiefly to Savimbi's diplomatic and negotiating skills, UNITA began receiving financial assistance, arms and ammunition from a number of African and Middle Eastern countries, including Egypt, Iran (before the Shah's fall), Saudi Arabia, Morocco, Senegal, Zaire, Sudan, and South Africa.

Savimbi makes no secret of the support he has received from South Africa, and does not apologize for it either. "We had no choice other than to accept South Africa's help," he has said, "unless you consider accepting domination by the Russians and Cubans as a choice. We could either accept being crushed or we could resist. To resist we had to resist with the help of somebody." Asked what the South Africans demanded in return for their support, Savimbi replied: "Well, they have never asked me to sign any document. But we are conscious of the fact that since they are giving us aid they hope for cooperation in the future." What cooperation would he give them?

"Friendship, I think that is what they want. I would invite (the South African Prime Minister) Mr. Botha to my own capital and receive him as head of state. (The Zambian President) Kaunda meets him on other people's borders, but I will challenge him on my own ground. And when he visits me, I will not, I cannot become less black than I am already. And because I am willing to talk with South Africa does not mean I believe in apartheid. I cannot. Things must change in South Africa. There are two ways things can change there—through reform or revolution. But a revolution will spill over into the rest of southern and central Africa in unpredictable ways. So I think reforms are better in South Africa."

More recently, following the peace agreements between South Africa and Angola and Mozambique, Savimbi was asked whether he as a black revolutionary leader was not embarrassed by his links with South Africa. To that he responded, "What's wrong with talking to South Africa? Ask them in Maputo. Ask the MPLA." He added that he had advocated dialogue with the white south as early as 1974, and now everyone was doing it. Moreover, when in 1976 the emergency session of the OAU demanded that all foreigners leave Angola, "the South Africans left at once—but the Cubans increased their numbers to 35,000."

Asked about the peace initiative in southern Africa which sees South Africa and the MPLA cooperating without reference to UNITA, Savimbi said he was enormously encouraged by it because it created a mood of optimism and positive thinking which could only work to UNITA's benefit. And if supplies from South Africa should be cut off, "we have alternatives. We will survive as long as need be."

Asked how a UNITA victory might alter the political situation of southern Africa, Savimbi replied:

"Very dramatically. Take Namibia. We're now drifting into a Middle East-like situation. But with a UNITA victory, SWAPO would no longer have a sanctuary in Angola, or anywhere else. They would have to abandon guerrilla war and subject themselves to a democratic process in Namibia. Thus, a solution to Namibia means a solution to Angola first. For once the Cubans and SWAPO are gone from Angola, South Africa will have no more excuses."

D. UNITA's Achievements

It is difficult to overstate UNITA's achievements. From a military point of view it has successfully challenged the Soviet-Cuban occupation of Angola and the puppet MPLA regime imposed on the Angolan people. When it accepted that challenge in 1976, it had virtually no outside support. The world took it for granted that Angola was irreversibly in the Soviet camp; anyone contesting that fact was contesting the irresistible forces of history and needlessly prolonging the suffering of the people.

Against overwhelming odds, Savimbi regrouped his scattered, dejected followers and by a slow, deliberate process built them up into a disciplined, cohesive fighting force which has seized the initiative from the MPLA forces and their foreign commanders and is relentlessly forcing them into an ever-shrinking portion of the country, to the point where dos Santos now exercises control mostly over beleaguered large towns and cities. Now even those are threatened by UNITA, which is permanently and openly holding villages and small towns which the Marxist allies are incapable of retaking.

Even more impressive is the fact that UNITA has been able to blunt and roll back the major offensives launched against it. These, it must be remembered, are directed by Soviet and East German generals, use T-

54 and T-62 tanks, and have the aerial support of MiG-21s and 23s and of Mi-24 helicopter gunships, and now one of the latest western gunships, the Dauphin. Yet UNITA has stopped these offensives even without armor or air support. All this has been achieved without the overt or covert support of a superpower, or indeed of any major Western power, with very little publicity and none of the support groups to which Marxist "national liberation movements" have access in the West.

If anything, UNITA's achievements in the social and political areas are even more impressive than this. Savimbi has welded the illiterate peasants who provide most of his support and make up the overwhelming majority of Angola's population into a well-ordered community. Almost everyone visiting Jamba, Savimbi's capital, is impressed by its tidiness. All footpaths and huts are kept clean, and there is an abundance of hygienic latrines. There are no piles of garbage or foul odors so common in other African villages, or in Luanda itself. Jamba is a temporary town built of grass huts and sand paths, but it has a hospital as well as wood and metal working workshops. Other UNITA villages are just as orderly.

Savimbi has also been remarkably consistent in his views: from the time he joined Holden Roberto's Revolutionary Government in Exile in 1962, he has striven to unite Angola's different factions. Knowing the strength of Angola's tribal loyalties, he has contended that no one group can successfully govern the country: only a government of national unity which incorporates the different elements can do so. Thus even to this day UNITA is not fighting to overthrow the MPLA goverment but rather to drive out the foreign forces which brought strife to Angola. Once they are gone, the MPLA will have to talk to UNITA and form a coalition government to prepare for the elections promised by the almost forgotten Alvor agreement.

One final question needs to be answered. In view of the overwhelming support given the MPLA by Moscow, why has the West given Savimbi so little assistance? Savimbi has amply demonstrated that he is anti-communist and pro-Western; he has proven his leadership abilities and shown that he has widespread support within Angola. Why, therefore, are Western calls for the withdrawal of foreign troops, the formation of a coalition government, and the holding of free elections so remarkably muted? The question is not easily answered. Savimbi's response is:

"I think it must be the Third World that has to give the West the courage to oppose the Soviet Union and stand up for its ideals, not the other way around—to provide a cure for what Solzhenitsyn calls the 'western disease.' That is why, we say, 'UNITA is the key to Angola, Angola is the key to Africa, Africa is the key to the West.'"

Certainly Angola's UNITA presents the West with a unique opportunity to turn the tables on the Soviets and roll back Marxism's hitherto inexorable worldwide advance. Cuban troops have been in Angola for nearly 10 years, suffering high casualties: they are war-weary and eager to return home. Luanda could not have signed a peace agreement with Pretoria without a green light from Moscow. This would indicate that now the Soviet will to assert itself in Angola as it did in 1975 is lacking, perhaps because of its commitments to Afghanistan, or because of its uncertain leadership. Moscow therefore apparently wishes to freeze the current situation in Angola until it can be given more attention. The situation in Angola in 1984 is the reverse of what it was in 1975. Then American will was weak; now Soviet will is weak. With concerted diplomatic and moral support from the United States, combined with only a fraction of the material aid which the Soviets poured in in 1975, UNITA could take a dominant role in a new Angolan government, with immediate and tangible advantages to the West in the diplomatic, political, economic, moral and strategic spheres. Such an opportunity may not present itself again in the foreseeable future.

Mr. DENTON. Mr. President, I rise vigorously to support the amendment offered by the Senator from Idaho [Mr. SYMMS]. I commend him for his persistent efforts to repeal the Clark prohibition on U.S. aid to the forces of freedom in Angola. I know of no other Senator who has spoken out so consistently and forcefully to preserve our national security and to urge that we help to assure a free and prosperous future for the peoples of the Third World. He and I and many of our colleagues know that the long-term security interests of the United States will be served best by the advancement in the less developed and developing world of the cause of freedom, democracy, and justice based on the rule of law, along with self-sustaining economic growth and development.

I believe that the Senate should act today to repeal the Clark amendment. I do so for two reasons: compassion and self-interest.

In terms of compassion, the human cost of Communist rule and its propensity to expand is intolerable and one that the free world can no longer afford to countenance. If the record was not made clear to all between 1917 and 1975, we have obtained irrefutable and overwhelming evidence from the historical events of the past decade. For developing nations, joining the ranks of Soviet-allied Marxist-Leninist nations means not only unmitigated poverty but total bondage for the people of so unfortunate a nation.

Too often, most of the nations' leaders, unless they are active and trained Marxist subversives, and most of the nations' people are innocent, naive, and vulnerable to the tried and true Communist ruse of using a valid reason for popular dissent as the means to topple an existing imperfect government. The irreversible replacement is a Communist tyranny amounting to political and spiritual slavery and characterized by economic exploitation rather than improvement.

The failure of the free world to oppose vigorously this timeworn pattern of Soviet-sponsored usurpation of the Third World's hope for the future is making us silent partners in the spread of that tragedy. That the United States, which is so abundantly endowed with prosperity and freedom, should consent so consistently to the pattern's fulfillment is unforgivable, but we have and we do. We share complicity for the famine in Ethiopia, the genocide in Cambodia and Afghanistan, the systematic use of physical and psychological torture in Vietnam, Eastern Europe, and other Communist nations, and most assuredly the continuing Communist exploitation and bloodshed in foreign-occupied Angola.

Apart from compassion, the United States and the Western World have important strategic and economic interests in southern Africa. These interests require a coherent policy to defend against Communist encroachment in the region.

The Cape of Good Hope sits astride one of the world's busiest sealanes. More than 25,000 ships a year pass around the Cape. Too large to use the Suez Canal, which is not a secure route, supertankers bring one-fifth of Western oil imports around the Cape. A quarter of Europe's food supplies must round the Cape.

Besides the vital sealane, southern Africa possesses great strategic mineral resources, resources upon which the defense of the United States and the free world depend. The Soviet Union knows this and has long made southern Africa a conscious strategic goal.

In Prague, in 1973, Leonid Brezhnev said, "Our aim is to gain control of the two great treasure houses on which the West depends * * *, the energy treasure house of the Persian Gulf and the mineral treasure house of central and southern Africa." An examination of their African foreign policy will reveal that the Soviets have acted at every opportunity to fulfill that objective.

I note parenthetically, Mr. President, that after many hearings about South Africa, and about the situation there which we abhor; namely, apartheid, it has become absolutely clear without argument from the side of any of those who oppose apartheid who are liberal human beings that the African National Congress and SWAPO—two originally well-intended and even well-founded organizations—are now totally co-opted by the Soviet Union, and are used by them.

So I wish we can become realistic about this, and learn within this body about our committee hearings which have established such facts. Sanctions, though well-intended, will have the actual effect of further polarizing the political situation in South Africa which is being effectively exploited by Communist elements. But it will lead to greater violence, and loss of innocent life hastening a Communist takeover.

Again, we will have cooperated within well meaning a Communist takeover of a major part of the world.

The pattern of American and free world misperception and folly is being observed with growing anxiety ap-

proaching despair by nations currently under Communist pressure. These nations have watched the United States cough up the cause by congressional action that cancels military victory. They remember congressional interference with and cancellation of President Carter's effort of deter one invasion of Angola, and that the United States did not choose to give its friend of decades, the Shah of Iran, medical treatment or even a place to die.

The Shah had done what we asked him to do, what we leaned on him to do for many years, and in a crunch we simply abandon him.

The United States is proving to be a dangerous friend and a helpless foe. Time is becoming short to avert a major disaster in world affairs. A disaster in which the leaders of the nations that are being pressured by the Communist side will make their best deal with their intimidator and cave in. That scenario will develop to consummation if this body does not wake up.

The weakness of congressional perception and the consequent paralysis that prevents the development of an adequate security policy are already the cause of tremendous but unrecognized economic loss—as well as strategic loss—to this country. The survival of freedom depends upon an effort to improve our perception and permit development of an effective foreign policy.

Critics of administration policy argue that a denial of aid to freedom fighters in Angola, Nicaragua, Afghanistan, and Southeast Asia, is intended to avoid violence and U.S. military involvement. History shrieks that such a policy is folly and makes U.S. military involvement more likely, more costly in lives and treasure, and less likely to succeed.

The PRESIDING OFFICER. Does the Senator from New Hampshire wish recognition?

Mr. HUMPHREY. He does.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. In order to accomplish that, the Helms amendment and the Symms amendment would have to be set aside by unanimous consent.

Mr. HUMPHREY. If it is agreeable to the chairman of the Foreign Relations Committee and the ranking member, I ask that consent.

The PRESIDING OFFICER. Without objections, it is so ordered.

AMENDMENT NO. 326

(Purpose: To provide for radio broadcasting by RFE/RL, incorporated, in the Dari and Pashto languages)

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 326.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, strike out lines 20 and 21 and insert in lieu thereof the following:

"(A) $137,717,000 for the fiscal year 1986 and $137,517,000 for the fiscal year 1987."

On page 20, between lines 16 and 17, insert the following:

RADIO BROADCASTING IN THE DARI AND PASHTO LANGUAGES

SEC. 304. (a) Section 2 paragraph 5 of the Board for International Broadcasting Act of 1973 (22 USC 2871 paragraph 5) is amended by inserting "and Afghanistan, as long as it is under Soviet occupation" after "Eastern Europe."

(b) The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871 et seq.) is amended by adding at the end thereof the following new section:

"RADIO BROADCASTING IN THE DARI AND PASHTO LANGUAGES"

"SEC. 14. Not less than $450,000 of the grant payable under this act in the fiscal year 1986, and not less than $250,000 of the grant payable under this act in the fiscal year 1987, to RFE/RL, Incorporated, shall be used for radio broadcasting to the Afghan people in the Dari and Pashto languages, to be designated 'Radio Free Afghanistan.'"

Mr. HUMPHREY. Mr. President, in creating a Radio Free Afghanistan that would broadcast 7 days a week in Dari and Pashto, operating out of the offices of, but independent from RFE/RL, this amendment seeks to implement more fully the intent of Senate Concurrent Resolution 74, which calls on the United States to effectively support the people of Afghanistan, and to encourage them to continue their struggle for freedom.

In 1949, the last flickering light of freedom in Eastern Europe was violently extinguished when the Government of Czechoslovakia was toppled by a Soviet-inspired coup. With the addition of Czechoslovakia to the Soviet fold, a shroud of state censorship descended upon the whole of Eastern Europe, a censorship ultimately guaranteed by the threat of military occupation. Under cover of this censorship of information, the U.S.S.R. embarked on the task of reshaping Eastern Europe in its own image. In that time of darkness, RFE/RL was created to bring a small light to the people of Eastern Europe.

Over the years, the Soviet Union has sought to expand its interests in various ways, into other parts of the world. Today in Afghanistan however, the Soviet Union, with a brutality of unprecedented scope, is attempting to enforce censorship by the sword. The large numbers of soviet troops in Afghanistan are aiding the U.S.S.R. in the achievement of the same objective that fueled the engine of Soviet post-war policy in Europe: the remolding of what had been free and independent societies into mirror-images of the Soviet Union.

Radio Free Europe and Radio Liberty were founded respectively, in 1950 and 1953, to meet the need of Eastern Europe for reliable, dependable, and timely sources of information. The people of Afghanistan have this same need.

This amendment, in creating a Radio Free Afghanistan, ensures that the United States will go on record as supporting the right of peoples everywhere to freedom of opinion and expression.

As the Soviet Union continues the construction of a Communist society in Afghanistan by force, and under cover of total state control of the media, the need of the Afghan people for independent sources of information about their country becomes critical. This is a need that will not wait for tomorrow, or next year or the year after.

Mr. President, on March 7 of this year, our former colleague Senator James Buckley testified before the House Foreign Affairs Committee in his capacity as Director of Radio Free Europe/Radio Liberty.

Among the items he touched upon in his testimony was a recommendation that Congress authorize an extension of Radio Free Europe/Radio Liberty to permit the beginning of a modest broadcast service to the people of Afghanistan. In the several months which have passed since that recommendation was made by former Senator Buckley, the White House has concurred in that recommendation and supports it, and it is for that purpose that I submit this amendment today.

If the Senate and the House agree, Radio Free Europe/Radio Liberty will be able to broadcast in the same manner to the people of Afghanistan as it has been broadcasting for decades to the people of Eastern Europe and the Soviet Union.

I think it unnecessary to point to the record of high professionalism of Radio Free Europe and Radio Liberty since the early 1950's; and of course, the same professionalism in journalism and broadcasting, under the supervision of the Board for International Broadcasting, will apply in this case.

It is also very important to stress that in submitting this amendment, by no means do we concede Afghanistan to the Soviet Union. Quite the contrary—it is for the contrary purpose that we offer this amendment.

Just to underscore the point, the amendment proposes to set up Radio Free Afghanistan as a separate service, just as Radio Liberty, for example, is

distinctly separate from Radio Free Europe.

I think we all recognize that Afghanistan is a country occupied by the Soviet Union, whose forces are there, in part, to prop up a puppet regime which would fall within a matter of hours, absent 115,000 or 120,000 Soviet troops with their armor and helicopters.

Mr. President, I said earlier that this amendment would permit the establishment of a modest broadcasting operation in the native language of Afghanistan. Envisioned is a 7-day-a-week effort of broadcasting for only one-half hour per day. I wish it were more than that. This is truly a modest effort in the dollar sense of things. The operating costs are $250,000 per year, with an additional startup cost of $200,000. In order words, the 1986 request is $450,000, and the 1987 request, which is purely operational expenses, is $250,000.

Mr. President, over the last several days, my staff and the staffs of the distinguished chairman of the Foreign Relations Committee and his counterpart, the distinguished ranking minority member, have been negotiating to come to some agreement on this matter so that the amendment might be accepted, and we have reached that point.

There is no more to say on this, except to underscore the overwhelming vote by which the Tsongas amendment was adopted in 1984. That was a Senate concurrent resolution which called upon the United States to effectively support the people of Afghanistan and to encourage them to continue their struggle for freedom.

One of the things greatly lacking in Afghanistan today is reliable information about what is going on in that country—information available to the Afghans themselves. Radio Free Afghanistan would provide a surrogate domestic news service, if you will, in much the same way Radio Free Europe and Radio Liberty do that in another part of the world.

Mr. President, at this point, I invite my colleagues, Senator LUGAR and Senator PELL, to speak on this matter.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from New Hampshire for a very constructive and important amendment. I am prepared to accept the amendment.

Mr. PELL. Mr. President, this amendment has been worked out with great care and effort on the part of the Senator from New Hampshire, in consultation with the members of the staff of the Foreign Relations Committee. I think it is a very good amendment, and I am glad to support it.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a transcript of Senator BUCKLEY's testimomy, to which I alluded earlier.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

The second aspect of our budget and where the growth you point to exists, Mr. Chairman, is our modernization program on our existing transmitter sites where the equipment we have is old, and increasingly falling behind the increased power of our jammers, so that if you want to maintain our current level of audibility into the future we will need to have that extra heft. If the decision is to defer any part of our modernization program it means one portion or another of our audiences will simply find it harder and harder to hear through the jamming.

The idea if setting priorities sounds wonderful, but I think a technical examination of our request, which has already been pared down, will indicate that there are not priorities unless you say that Hungarians are less important than Poles or Ukrainians less than Balts.

The item I would next call to your attention is that our 1987 request calls for the establishment of an Afghan service. We don't have to remind ourselves of what has happened and what is happening there, and there is a broad consensus that we ought to be providing the people within Afghanistan with the kind of service that our other audience is receiving.

Now, what I would urge the Committee to do, Mr. Chairman, would be to amend existing legislation this year to authorize us to institute an Afghanistan service.

Right now we are authorized to reach Eastern Europe and the Soviet Union. We will be able to initiate a symbolic program into Afghanistan within existing resources for the simple reason that Tajik is very close to Dari, which is spoken by half the population and is the official language in Afghanistan, and we have the time there already and we have people already on the payroll who can broadcast in Dari.

So, without additional expense, we could establish a symbolic presence—fifteen minutes, twice a week—until the Congress, if it decides to increase our funding so that we can institute a full service, can provide us with the resources to do so.

Mr. HUMPHREY. Mr. President, I thank Senator LUGAR and Senator PELL for their cooperation in this important matter, as well as the cooperation of their staffs.

I know of no objection to the amendment, and unless there is further debate, I think we are prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 326) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later the following occurred:)

Mr. LUGAR. Mr. President, I ask unanimous consent that the Humphrey amendment numbered 326 be construed as an amendment to the Weicker amendment, as modified, so that it includes the language of the Hawkins amendment No. 301.

(Conclusion of later proceedings.)

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTIONS TO AMENDMENTS NOS. 294 AND 297

Mr. LUGAR. Mr. President, during consideration of the Weicker amendment on the National Endowment for Democracy, No. 294, certain budget figures for the U.S. Information Agency were modified as a result of the passage of that amendment. These modified figures appear in Friday's RECORD. They are in error in three places. I ask unanimous consent that on page S7719, the number $444,996,000 be changed to $141,996,000. On page S7798, the number $444,996,000 should be changed to $141,996,000. Also, on page S7720, the number $3,700,000 should be changed to $2,700,000.

There is also a word omitted from Senator ZORINSKY's amendment, amendment No. 297. On the fifth line of the amendment, the word "funds" should be added after the word "organization's."

Mr. President, I ask unanimous consent that these corrections be made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the parliamentary situation with regard to the pending amendments?

The PRESIDING OFFICER. The pending business before the Senate is the amendment by Mr. SYMMS.

Mr. BYRD. Is there another amendment pending also?

The PRESIDING OFFICER. By consent the Helms amendment will recur after consideration and disposal of the Symms amendment.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that both amendments be temporarily laid aside so that I might offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 327

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendment numbered 327.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Since the People's Republic of China has made substantial progress in promoting market-oriented practices throughout the Chinese economy;

Since the Chinese economy has responded to this increased liberalization with record growth that last year alone resulted in increases in the real gross national product of an estimated thirteen percent;

Since this growth has created significant new demand for a vast array of products and services that can be met by American producers;

Since trade between the United States and the People's Republic of China totalled only $6 billion in 1984 and was again in deficit by more than $50 million; and

Since increased exports are essential to the creation of American jobs and to the vitality of the American economy; and,

Since the People's Republic of China represents the world's largest potential market, therefore

It is the sense of the Congress that, consistent with overall American foreign policy and national security objectives, the Departments of State and Commerce should take appropriate steps to increase United States/China trade with a view to improving the trade balance, increasing American jobs through export growth, and assuring significant U.S. participation in the growing Chinese market.

Mr. BYRD. Mr. President, the People's Republic in China is engaged in a broad-ranging reform of the entire Chinese economy. As a recent report in the New York Times indicates, these reforms have "set off an economic chain reaction that will inevitably alter the international balance of power." The report continues that "the ongoing conversion of China to a more prowestern and procapitalist orientation represents a peacetime victory for our political and economic system." A study by the U.S. International Trade Commission supports this conclusion. According to that study, "Such comprehensive reforms cannot fail to have an impact on foreign companies doing business in China."

In recognizing that the Soviet model economy is a failure, the Chinese leadership has struck out on a bold new approach to respond to the needs of its people. That approach has invigorated the Chinese economy, with the result that the Central Intelligence Agency estimates that China's real gross national product increased by 13 percent in 1984.

High expectations are shared by American and Chinese officials. During his recent trip to the People's Republic of China, Secretary of Commerce Baldrige signed a working agreement to help make sure that American companies get a fair share of the planned $14 billion that China intends to spend to modernize itself over the next 2 years. At a recent seminar on trade and investment opportunities, Mr. Chen Ding of the China International Trust and Investment Corporation said, "There are some 400,000 enterprises in China representing all industrial sectors, and most need technical renovation. This will offer a great many opportunities for U.S. firms."

Some of those opportunities have already turned into increased U.S. exports and more U.S. jobs. The Borg-Warner Co.'s international chemicals division at Parkersburg, WV, I am advised, has more than doubled its sales to the People's Republic of China in the past 5 years. Millions of dollars of trade in chemical products has created a significant number of jobs at Borg-Warner operations in West Virginia. As Borg-Warner Vice President Donald Feeney says, "The key to our success is working with the people in the PRC to help them develop their market." Through hard work and perseverance, Borg-Warner has expanded the market for specialty chemicals in China, and helped to strengthen its U.S. operations. The Chinese market has created jobs in West Virginia and new opportunities for Borg-Warner.

Unfortunately, the Borg-Warner success story may not be typical. The high dollar, uncertainty about the Chinese market, and a lack of commitment to export promotion are keeping many U.S. companies out of China. Two-way merchandise trade with the People's Republic of China was $6 billion in 1984. This was 38 percent higher than the previous year's total. But—as was the case in 1983—the United States experienced a trade deficit with China to the extent of more than $50 million. While this is a mere drop in the bucket when considered against our global trade deficit of $123 billion, it is a disturbing development. This deficit occurs at a time when the Chinese market is ripe for the introduction of U.S. products, and when Japan and the European community are engaged in aggressive measures to win a permanent share of the Chinese market.

What is needed is a commitment by American industry and by our Government to assure a continued and growing U.S. presence in the expanding Chinese market. We need to act now to establish U.S. companies as dependable, serious suppliers in the People's Republic of China market. At a recent discussion on United States-China issues, the Chinese Consul General in New York, Mr. Ji Lide, said, "Our two nations can make up each others deficiencies and supply each others needs." He urged American companies "Don't miss the bus." I think this is correct.

The Japanese and European governments are working hard to give their businesses a foothold in the Chinese market at this early stage. American businesses deserve the same kind of encouragement and support. In 1980, I supported a successful move to extend Overseas Private Investment Corporation services to China to aid American companies seeking investment opportunities there. This is one example of the kind of aggressive government support for exports that we need. Today, the Foreign Commercial Service and the Department of State need to evaluate their efforts in support of American businesses in China.

In addition, they should consider increasing programs in this country that educate American businesses on how they can best break into the changing Chinese market. Our foreign competitors are doing a great deal to help support their private sector as it reaches out into the world marketplace. We must match those efforts and better them if we are to guarantee ourselves America's share of the job growth and prosperity that exports provide.

The amendment I offer today is calculated to achieve that objective. It states the sense of the Congress that the Departments of State and Commerce should take appropriate steps to increase United States-China trade, consistent with overall American foreign policy and national security objectives.

Let me explain exactly what this language means. It does not endorse an open-ended sale of high technology or military goods. In fact, much of what China needs most has nothing to do with military technologies. It is significant that the current Chinese program of the so-called four modernizations lists upgrading the military as the last of these major priorities. I would hope the military sales and those dual use technologies that could have military application will be given appropriate reviews and be subject to restraint. We do not need to make the historical mistake of falling all over ourselves to curry favor with Chinese buyers. Rather we need a measured, long-term commitment to carve a significant niche in the Chinese market for American goods.

The purpose of the amendment is to encourage a vigorous, concerted effort by the Departments of State and Commerce to maximize opportunities for American firms seeking to sell American-made goods in China. This means providing advice and technical assistance, conducting seminars here, and assuring that American businesses get every possible kind of support in their dealings in China.

Mr. President, I have discussed this amendment with the two distinguished managers of the bill, and I hope that they will be in a position to accept the amendment.

Mr. LUGAR. Mr. President, we have carefully considered the amendment of the distinguished minority leader. Indeed, we are prepared to accept it.

Mr. PELL. Mr. President, it is an excellent amendment, and we accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 327) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill, Mr. LUGAR, and the distinguished ranking member, Mr. PELL, for their support of the amendment.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. Amendment No. 324 is the pending business.

Mr. HELMS. I thank the Chair.

Mr. President, I ask for regular order.

The PRESIDING OFFICER. Regular order is the Helms amendment No. 290.

AMENDMENT NO. 328

Mr. HELMS. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 328 to amendment numbered 290.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all language in the pending amendment after the word "subsection:" on line 5, and insert in lieu thereof the following:

"(c) Notwithstanding any provision of this section requiring that nongovernmental or multilateral organizations not be subject to any requirement more restrictive than that applicable to a foreign government, the President, in connection with making available assistance for population planning, shall retain authority under Article II of the United States Constitution and shall have authority hereunder to implement whatever policies he deems necessary to curb human rights violations, including but not limited to infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination, and such authority may be delegated to any officer of the United States who may be designated by the President for that purpose; provided that this subsection shall take effect on June 30, 1985.".

Mr. HELMS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, as I understand there is no further action contemplated on the State Department authorization bill today.

SALT COMPLIANCE DECISION OF THE PRESIDENT

Mr. DOLE. Mr. President, first of all, I commend the President on his decision on continuing a "proportionate response" policy toward SALT II. I think it reflects his strong determination to preserve our country's security while exploring every possible chance for mutual, verifiable arms control.

The President has sent a clear message to Moscow: The United States will not permit the Soviet Union to gain any unilateral military advantage from its continued violations of the SALT II understanding. We will do whatever is necessary, including thorough modernization of our own nuclear forces, to insure the security of our country and our allies. We will continue to monitor carefully all aspects of Soviet compliance, and we will respond to any Soviet violations in a manner which will insure that the Russians not obtain any military advantage from their deceit.

At the same time, the President has sent an equally clear message to all of us in this country and to our friends overseas: That we are dead serious about arms control and are willing to meet the Russians halfway—but only if they are serious, too.

By his decision to move forward with dismantling one of our Poseidon submarines in order to remain within the bounds of the SALT understanding, the President has set up a good test of Moscow's true intentions. If the Russians respond by discontinuing their violations and by beginning to negotiate in good faith in Geneva, the President's action will have opened up the real possibility of an effective arms control agreement. But if Moscow responds by continuing to violate the interim restraint accord and by using Geneva solely as a launching pad for its propaganda, all of us will be able to assess the Russians' true intentions, and our own course—to insure our national security—will be clear.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I would also indicate that one reason that we want to end our session early today is there is a briefing in S. 407, a classified briefing, by Paul Nitze, one of the arms control experts and advisers to the arms control negotiators. That begins at 4 p.m.

THE CALENDAR

Mr. DOLE. Mr. President, I ask the distinguished minority leader if he is in a postion at this time to pass a number of items on the calendar. I will list them. They are Calendar Nos. 170, 171, 172, 173, Calendar 174 to be indefinitely postponed, Calendar 175, 176, and 177.

Mr. BYRD. Mr. President, if the minority leader is ready to proceed, this side is also ready to proceed.

Mr. DOLE. Mr. President, I ask unanimous consent that the calendar items just identified by considered en bloc and passed or indefinitely postponed, and that all amendments, preambles, and titles be considered en bloc.

The PRESIDING OFFICER (Mr. MCCONNELL). Without objection, it is so ordered.

NATIONAL OSTEOPATHIC MEDICINE WEEK

The joint resolution (S.J. Res. 88) to designate the week beginning September 8, 1985, as "National Osteopathic Medicine Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S. J. RES. 88

Whereas osteopathic medicine has been practiced in the United States since 1874 and is based upon the philosophy that every patient should receive complete personal health care;

Whereas the osteopathic profession is dedicated to providing comprehensive health services to entire families, while stressing the uniqueness of each individual;

Whereas more than twenty thousand osteopathic physicians practice throughout the United States, emphasizing primary health care while also representing all medical specialties, caring for more than thirty-five million Americans;

Whereas over two hundred osteopathic hospitals are located in thirty-one States with more than twenty-five thousand beds, providing comprehensive care to approximately eight hundred and seventy-seven thousand patients, and annually accounting for some six and one-half million patient-days of care to the American public; and

Whereas fifteen colleges of osteopathic medicine located throughout the United States currently enroll nearly six thousand students engaged in an education emphasizing a holistic approach to health, focusing (both in didactic and clinical training) on family, community, and preventative medicine, and inceasingly, providing a biomedical and behavioral research component: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 8, 1985, is designated "National Osteopathic Medicine Week". The President is requested to issue a proclamation calling upon all Government agencies and people of the United States to ob-

serve this week with appropriate ceremonies and activities.

HELEN KELLER DEAF-BLIND AWARENESS WEEK

The joint resolution (S.J. Res. 125) designating the week of June 23, 1985, through June 29, 1985, as "Helen Keller Deaf-Blind Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 125

Whereas Helen Keller is the most accomplished, respected, and renowned deaf-blind American in history;

Whereas the anniversary of the birth of Helen Keller occurs on June 27;

Whereas deaf-blindness is a severe disability that results in the loss of two primary senses;

Whereas forty thousand Americans, including approximately six thousand children, suffer from deaf-blindness as the result of the rubella epidemic of the late 1960's and other causes;

Whereas the nature of deaf-blindness causes the cost of education, training, and rehabilitation for deaf-blind individuals to be higher than the cost of such aid to individuals with other disabilities;

Whereas the high level of such costs cause many service agencies to be reluctant to serve deaf-blind individuals, further preventing such individuals from becoming independent and frequently resulting in their placement in custodial institutions;

Whereas national and regional deaf-blind centers serve only a portion of the deaf-blind population, leaving the remainder to receive inadequate education, training, and rehabilitation services, an inadequacy which leads to a terrible waste of human lives and resources and imposes high costs on our Nation;

Whereas it is in the national interest to prevent this waste of human resources by fostering the independence of, creating employment opportunities for, and maximizing the opportunities for achievement among, deaf-blind individuals;

Whereas these objectives can be accomplished only through increased public awareness of, and attention to, the needs, abilities, and potential contributions to society of deaf-blind individuals; and

Whereas it is highly appropriate to publicize the needs, abilities, and potential of deaf-blind individuals, and to recognize Helen Keller not only as a guiding example of courage and hope for our Nation, but also as an illustration of what deaf-blind individuals can achieve when given a chance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That the week of June 23, 1985, through June 29, 1985, is designated as "Helen Keller Deaf-Blind Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

The joint resolution (S.J. Res. 137) to designate the week of December 15, 1985, through December 21, 1985, as "National Drunk and Drugged Driving Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 137

Whereas traffic accidents cause more violent deaths in the United States than any other cause, approximately forty-four thousand in 1984;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas more than 60 per centum of drivers killed in single vehicle collisions and 45 per centum of all drivers fatally injured in 1984 had blood alcohol concentrations above the legal limit;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for Americans fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas the total societal cost of drunk driving has been estimated at over $24,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the Presidential Commission on Drunk Driving, appointed to heighten public awareness and stimulate the pursuit of solutions, provided vital recommendations for remedies for the problem of drunk driving;

Whereas most States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and greater safety belt usage would increase the number of survivors of traffic accidents;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help to sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of "National Drunk and Drugged Driving Awareness Week" in each of the last three years stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter; and

Whereas the activities and programs during "National Drunk and Drugged Driving Awareness Week" have heightened the awareness of the American public to the danger of drunk and drugged driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 15, 1985, through December 21, 1985, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.

NATIONAL INTELLIGENCE COMMUNITY WEEK

The joint resolution (S.J. Res. 138) to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 138

Whereas the work of the men and women of the Intelligence Community is essential to the national security of the United States and to the cause of freedom and democracy throughout the world;

Whereas the dedication of the men and women of the Intelligence Community to the service of their country in difficult and dangerous circumstances abroad, and in arduous intellectually challenging analytical assignments at home, is deserving of special recognition by the Senate and House of Representatives of the United States;

Whereas efforts should be made to foster an understanding and appreciation on the part of the American people that intelligence is the first line of national defense and that an effective intelligence capability is vital to the safety and well being of the United States; and

Whereas it is particularly appropriate to recognize the continuing contribution of our intelligence officers during the week of the anniversary of the birth of Nathan Hale, an early patriot, hero, and practitioner of American intelligence, who symbolizes the selfless dedication of our Nation's intelligence personnel: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week be-

ginning June 2, 1985, through June 8, 1985, is hereby designated as "National Intelligence Community Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to recognize the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week".

NATIONAL THEATRE WEEK

The joint resolution (H.J. Res. 25) to designate the week beginning June 2, 1985, as "National Theater Week," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ANNE FRANK DAY

The joint resolution (S.J. Res. 142) to designate June 12, 1985, as "Anne Frank Day," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 142

Whereas Anne Frank was a young girl who died in the Bergen-Balsen Nazi concentration camp;

Whereas Anne Frank kept a diary, discovered after her death, that told the story of the concealment of her family from the Nazis;

Whereas June 12, 1985, is the anniversary of the birth of Anne Frank;

Whereas June 12, 1985, also is the occasion of an international opening of the exhibition, entitled "Anne Frank in the World 1929-1945", in Frankfurt in the Federal Republic of Germany, in Amsterdam in the Netherlands, and in New York City in the United States;

Whereas the Anne Frank exhibit was organized by the American Friends of the Anne Frank Center, a nonsectarian organization committed to preserving the memory of Anne Frank;

Whereas the American Friends of the Anne Frank Center has selected the American Forum on Religion and Politics to host the opening of the Anne Frank exhibit in New York;

Whereas the American Forum on Religion and Politics, a group composed of business, political, and professional leaders and religious leaders from many faiths, is committed to preserving the separation of church and State and to advancing social change by encouraging dialogue; and

Whereas it is appropriate for the people of the Nation to reflect on the message of Anne Frank that in the face of evil it is possible to retain a belief in humanity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 12, 1985, is designated as "Anne Frank Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

FAMILY REUNION MONTH

The joint resolution (H.J. Res. 64) designating Mother's Day, May 12, 1985, to Father's Day, June 12, 1985, as "Family Reunion Month," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote on the actions just taken.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT RESOLUTION INDEFINITELY POSTPONED—

By unanimous consent, the joint resolution (S.J. Res. 140) to designate the week of June 2 through June 8, 1985, as "National Theater Week," was indefinitely postponed.

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, as I understand, we will be able to clear the Legal Services Corporation nominations in a few minutes, or even less. I ask the indulgence of the distinguished minority leader while we do that.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. DOLE. I am happy to yield.

ANTI-APARTHEID ACT OF 1985

Mr. BYRD. Mr. President, I wish to ask, is the House message on H.R. 1460 at the desk?

The PRESIDING OFFICER. Yes, it is.

Mr. BYRD. Is that the antiapartheid act of 1985?

The PRESIDING OFFICER. It is.

Mr. BYRD. Mr. President, on behalf of [Mr. KENNEDY,] I ask that the message be read for the first time.

The PRESIDING OFFICER. The clerk will state the measure by title.

The bill clerk read as follows:

A bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes.

Mr. BYRD. Mr. President, on behalf of [Mr. KENNEDY,] I ask that the message be read for the second time.

Mr. DOLE. Mr. President, I object on behalf of the distinguished Senator from Utah [Mr. GARN], chairman of the Committee on Banking.

The PRESIDING OFFICER. Objection is heard.

MESSAGES FROM THE PRESIDENT

Messages from the President to the United States were communicated to the Senate by Mr. Saunders, one of this secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON U.S. SECURITY INTERESTS AND CERTAIN ARMS AGREEMENTS—MESSAGE FROM THE PRESIDENT—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report: which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

The attached classified report responds to a requirement in the FY-85 Department of Defense Authorization Act (Section 1110 of P.L. 98-525) requesting a report that:

(A) describes the implications of the United States Ship Alaska's sea trials, both with and without the concurrent dismantling of older launchers of missiles with multiple independently targeted reentry vehicles, for the current United States no-undercut policy on strategic arms and United States security interests more generally;

(B) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy;

(C) reviews and assesses Soviet activities with respect to existing strategic offensive arms agreements; and

(D) makes recommendations regarding the future of United States interim restraint policy.

In accordance with our prior interim restraint policy, the United States has scrupulously lived within the SALT I and II agreements governing strategic offensive arms. The United States has fully kept its part of the bargain. By contrast, we have found and reported to the Congress that the Soviet Union has violated major arms control obligations, as fully documented in comprehensive reports to the Congress on this subject in January 1984 and February 1985. Multiple Soviet violations of the SALT II Treaty and of other agreements were fundamental considerations in assessing a future United States interim retraint policy.

The basic United States strategic goals remain unchanged. In the years ahead, the United States objective is a radical reduction in the levels and the power of existing and planned offensive nuclear arms, as well as on stabilization of the relationship between nuclear offensive and defensive arms, whether on earth or in space.

I firmly believe that if we are to put the arms reduction process on a firm and lasting foundation, our focus must remain on making best use of the promise provided by the current negotiations in Geneva. The policy outlined in my report, involving the establishment of an interim framework for truly mutual restraint and proportionate United States responses to uncorrected Soviet noncompliance, is specifically designed to go the extra mile in giving the Soviet Union the opportunity to join us in this vital endeavor.

I believe that this policy, addressed in the classified report and the unclassified fact sheet, both recognizes the recent views of the Congress and serves as a basis for bipartisan support.

RONALD REAGAN.

THE WHITE HOUSE, *June 10, 1985.*

MESSAGES FROM THE HOUSE

At 3:42 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading Clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1460. A bill to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes.

MEASURES REFERRED

The following joint resolution, received from the House on June 6, 1985, was read the first and second times and referred as indicated:

H.J. Res. 159. Joint resolution commemorating the 75th anniversary of the Boy Scouts of America; to the Committee on the Judiciary.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1460. A bill to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1253. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the June 1, 1985 cumulative report on rescissions and deferrals; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-1254. A communication from the Secretary of the Interior transmitting, pursuant to law, a report on activities carried out by the U.S. Geological Survey January 1 through December 31, 1984; to the Committee on Energy and Natural Resources.

EC-1255. A communication from the Secretary of Energy transmitting, pursuant to law, the annual revision to the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-1256. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the 60 days previous to May 30, 1985; to the Committee on Foreign Relations.

EC-1257. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1258. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-28; to the Committee on Governmental Affairs.

EC-1259. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-27; to the Committee on Governmental Affairs.

EC-1260. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-25; to the Committee on Governmental Affairs.

EC-1261. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-26; to the Committee on Governmental Affairs.

EC-1262. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Revenue Report for March 1985"; to the Committee on Governmental Affairs.

EC-1263. A communication from the chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report of the Board on significant actions of the Office of Personnel Management; to the Committee on Governmental Affairs.

EC-1264. A communication from the assistant vice president of the Farm Credit Banks of Baltimore transmitting, pursuant to law, the 1984 annual Actuarial and Financial Report for the Farm Credit District of Balitmore Retirement Plan; to the Committee on Governmental Affairs.

EC-1265. A communication from the Acting Assistant Attorney General of the United States transmitting a draft of proposed legislation to amend the Trading With the Enemy Act; to the Committee on the Judiciary.

EC-1266. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to repeal the Community Services Block Grant Act and the Community Economic Development Act; to the Committee on Labor and Human Resources.

EC-1267. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to provide for appointment by the President of the entire membership of the Federal Council on the Aging; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs.

The following named persons to be Members of the Board of Directos of the National Institute of Building Sciences for terms expiring September 7, 19887: MacDonald G. Becket, of California, Kyle Clayton Boone, of North Carolina.

(The above nominations were reported from the Committee on Banking Housing, and Urban Affairs with the recommendation that they be confirmed subject to the nominees commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG:

S. 1266. A bill to amend the foster care and adoption assistance programs under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. EAGLETON:

S. 1267. A bill to provide that the Secretary of Transportation shall review and approve the acquisition of certain air carrier corporations to protect the public interest, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1268. A bill for the relief of Guiseppe Cassibba, Rosa Alcira Cassibba, and Salvador Marcelo Cassibba; to the Committee on the Judiciary.

By Mr. GORTON:

S. 1269. A bill to amend part C of title IV of the Higher Education Act of 1965, relating to work study programs in order to assure that a student who declines a Pell grant will not be penalized in the determination of the demonstration of financial need; to the Committee on Labor and Human Resources.

By Mr. BENTSEN:

S. 1270. A bill to amend the Internal Revenue Code of 1954 to repeal the volume cap and certain other restrictions applicable to qualified veterans' mortgage bonds, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG:

S. 1266. A bill to amend the foster care and adoption assistance programs under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

FOSTER CARE AMENDMENTS OF 1985

● Mr. ARMSTRONG. Mr. President, in 1971 two very special parents, Dorothy and Robert DeBolt of California, decided to add to their already large family of 10 children by adopting a handicapped Korean girl. Since that date, the DeBolts have adopted 10 more special needs children and founded Aid to Adoption of Special Kids [AASK] in 1973. In the last 12

years AASK America has successfully expanded throughout the country and now serves all 50 States. This organization, thanks to the inspirational example of the DeBolts, has permanently placed 2,200 children with special needs in homes. Most of these 2,200 children had originally been placed in foster care homes with little hope of being permanently placed in an adoptive home.

In my own State in Sterling, CO, Dr. Ed Tennant and his wife June have also chosen to devote their lives to being parents for special needs children. In a remarkable story of love and devotion, the Tennants have adopted nine children over the years—all of whom are handicapped or come from a minority background. Thanks to the Tennants, many of their handicapped children have undergone sugery to correct or reduce their physical disabilities and all have received the emotional support of a healthy family environment.

Today I am introducing legislation developed by the administration intended to encourage more success stories like the special children adopted by the DeBolts and the Tennants. This legislation amends the Federal Foster Care and Adoption Assistance Programs administered by the Department of Health and Human Services and operated through State child welfare and social services agencies.

As you may recall, in 1980 Congress made substantial and significant changes in the Federal Foster Care Program and created the Fedeal Adoption Assistance Program. That law—the Adoption Assistance and Child Welfare Act of 1980—grew out of a bipartisan effort to reform the foster care system across the country. Too many children were spending their childhood "lost" in the foster care system, moved from temporary home to temporary home or sometimes to an institution.

The 1980 act addressed the need to find permanent placement—return to home or adoption—for those children already in foster care, and provide troubled families with services designed to reduce the need for foster care placements. Requirements and incentives were built into the law to achieve these goals. This program has helped to significantly reduced the number of children in foster care. By the end of the 1970's approximately 500,000 children were in foster care homes. Today that number is roughly 245,000. However, more can be done to improve this program—especially to encourage the placement of more difficult to place children.

The proposal which I am introducing today builds on the foundation created in 1980 to strengthen the foster care and adoption programs. The bill would make amendments to the foster care and adoption assistance programs under title IV of the Social Security Act to help States reduce the number of children in foster care, to moderate the increase in costs of the foster care program, and to make other program improvements.

The proposal would create a program of incentive payments to reward States that increase the number of long-term foster children removed from foster care to permanent homes. States that are unable to make reductions would not be penalized.

The bill would also eliminate practical difficulties in providing Medicaid coverage to adoption assistance children, and would make permanent the temporary provisions of title IV-E authorizing maintenance payments for certain children voluntarily placed in foster care.

The proposal would also modify the limitations on Federal funding for the title IV-E foster care program, and the formula for determining a State's allotment when a limitation is in effect. I want to emphasize that the modifications would not eliminate increase in funding for this program, but would slow the increase in costs. The proposal would continue to allow States to provide child welfare services which were not needed for foster care. Federal funding for adoption assistance payments would remain open ended.

The needs of each child entering a foster care home or institution may differ greatly. Some children may be placed in the foster care home voluntarily for temporary protection of that child until the former home can adequately provide a healthy home life. In other cases, after a period of time it becomes obvious that certain children can never return to their former home—if they had one. For these children, adoption remains the only alternative if they are to come close to having a normal home life during these very important formative years.

This legislation encourages States to improve their efforts to develop innovative adoption programs for this latter category of children. The purpose of foster care is to provide an interim solution for a child until a better home can be provided and can never be an adequate substitute for a permanent home. After nearly 5 years of experience in operating the programs created in 1980, the Department of Health and Human Services has developed these proposals to fine-tune these important programs while leaving the basic structure intact. This legislation is designed to give States needed flexibility to meet the needs of their foster care and child welfare programs and at the same time encourage efficient use of every Federal dollar. I look forward to working with all who are interested in this legislation and encourage comments and other suggested reforms to improve these programs.

I ask unanimous consent that the bill and the section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foster Care Amendments of 1985".

BONUS FOR REDUCTION OF NUMBERS OF CHILDREN IN LONG-TERM FOSTER CARE

SEC. 2. Part E of title IV of the Social Security Act (42 U.S.C. 670 *et seq.*) is amended by adding at the end the following new section:

"BONUS FOR REDUCTION OF NUMBERS OF CHILDREN IN LONG-TERM FOSTER CARE

"SEC. 477. (a)(1) Each State that, in any or all of fiscal years 1988, 1989, or 1990, reduces the total number of children in foster care under the State's program under this part who have been in foster care for more than 24 months (whether or not such months are consecutive) by more than three percent of such total in the preceding fiscal year shall receive payment of $3,000 for each child removed from such foster care in that fiscal year.

"(2)(A) Children removed from foster care under this part to other foster care under the supervision of the State or of a local government, and children who attain the age of majority, shall not be counted in determining whether a State has qualified for payment under paragraph (1).

"(B) The Secretary may determine the number of children who have been in long-term foster care in any fiscal year, for purposes of paragraph (1), by averaging the number of children who have been in foster care for more than 24 months as of November 15 (or such other date as the Secretary may select) and the number of chidren who have been in foster care for more than 24 months as of August 15 (or such other date as the Secretary may select).

"(b) Each State applying for payment under this section must report to the Secretary, in such form and manner and at such times as the Secretary may require, such information as the Secretary may find necessary to determine whether the State is entitled to payment under this section for any fiscal year, and must maintain such records as the Secretary may find necessary to verify the accuracy of such reports.

"(c) Payments to States under this section may be used for any purpose authorized under this part or part B of this title or under title XX.".

LIMITATION ON STATES' ENTITLEMENT TO FUNDING FOR FOSTER CARE

SEC. 3. (a) Section 474(b)(1) of the Social Security Act (42 U.S.C. 674(b)(1)) is amended by striking out "any of the fiscal years 1981 through 1985" and inserting instead "any fiscal year".

(b) Section 474(b)(2)(A) of that Act (42 U.S.C. 674(b)(2)(A)) is amended—

(1) by striking out "and" at the end of clause (iv),

(2) by striking out the period at the end of clause (v) and inserting instead "; and", and

(3) by adding after clause (v) the following new clause:

"(vi) with respect to fiscal year 1986 and each succeeding fiscal year, only if the

amount appropriated under section 420 for such fiscal year is equal to $200,000,000.".

(c) Section 474(b) of that Act (42 U.S.C 674(b)) is further amended in paragraph (2)—

(1) by striking out "(A)" after "(2)",

(2) by striking out subparagraph (B), and

(3) by redesignating clauses (i) through (vi) as subparagraphs (A) through (E).

(d) Section 474(b) of that Act (42 U.S.C. 674(b)) is further amended by striking out paragraphs (3) through (6) and inserting instead the following new paragraphs:

"(3) For purposes of this subsection, a State's allotment for fiscal year 1986 shall be that amount which bears the same ratio of $485,423,000 as the total amount determined to be allowable as of September 30, 1985, on the basis of expenditure reports received by the Secretary on or before April 30, 1985, for expenditures made in fiscal year 1984 relating to foster care under this part (including expenditures under part B of this title for which payment is claimed pursuant to section 474(c)) bears to the total amount determined to be allowable, as of September 30, 1985, to all States on the basis of all such expenditure reports.

"(4) For purposes of this subsection, each State's allotment for fiscal year 1987 shall be that amount that results when—

"(A) the amount determined to be allowable for expenditures made in fiscal year 1984 relating to foster care under this part (including expenditures under part B of this title for which payment is claimed pursuant to section 474(c)) is adjusted by the inflation factor (as defined in paragraph (6)) for fiscal year 1985;

"(B) the amount determined in subparagraph (A) is adjusted by the inflation factor for fiscal year 1986; and

"(C) the amount determined in subparagraph (B) is adjusted by the inflation factor for fiscal year 1987.

"(5) For purposes of this subsection, each State's allotment for fiscal year 1988 and each succeeding fiscal year shall be an amount equal to the State's allotment for the preceding fiscal year, adjusted by the inflation factor (as defined in paragraph (6)) for such fiscal year.

"(6) For purposes of this subsection, the 'inflation factor' for a specified fiscal year means an increase or decrease (as the case may be) of the lesser of five percent or the ratio of (i) the Consumer Price Index prepared by the Department of Labor, and used in determining cost-of-living adjustments under section 215(i), for the second quarter of the preceding fiscal year, to (ii) such index for the second quarter of the second preceding fiscal year.".

(e) Section 474(c) of that Act (42 U.S.C. 674(c)) is amended—

(1) in paragraphs (1) and (2), by striking out "Except as provided in paragraphs (3) and (4), for any of the fiscal years 1981 through 1985" and inserting instead "Except as provided in paragraph (3), for any fiscal year",

(2) in paragraph (2), by striking out "relvant" and inserting instead "relevant",

(3) in paragraph (2), by striking out "(b)(2)(A)" and inserting instead "(b)(2)", and

(4) by striking out paragraph (3), and redesignating paragraph (4) as paragraph (3).

(f) The amendments made by this section shall be effective with respect to calendar quarters beginning on and after October 1, 1985.

MEDICAID ELIGIBILITY OF CHILDREN ELIGIBLE FOR ADOPTION ASSISTANCE PAYMENTS

SEC. 4. Section 473(b) of the Social Security Act (42 U.S.C. 673(b)) is amended to read as follows:

"(b) For purposes of title XIX, any child described in subsection (a)(1) with respect to whom there is in effect an adoption assistance agreement and an interlocutory or final adoption decree shall be deemed to be a dependent child as defined in section 406 and shall be deemed to be a recipient of aid to families with dependent children under part A of this title in the State where such child resides.".

ONE-YEAR LIMIT ON SUBMISSION OF PRIOR YEAR CLAIMS

SEC. 5. Section 1132(a) of the Social Security Act (42 U.S.C. 1320b-2(a)) is amended—

(1) by inserting "(or, in the case of claims for payment with respect to expenditures on or after October 1, 1985 under a State plan under part E of title IV, the one-year period)" after "the two-year period", and

(2) by striking out "such two-year period" and inserting instead "such period".

PERMANENT EXTENSION OF AUTHORITY TO FUND VOLUNTARY FOSTER CARE PLACEMENTS; REPEAL OF REQUIREMENT FOR ANNUAL REPORT

SEC. 6. (a) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 is amended by striking out "and before October 1, 1985,".

(b) Section 102(c) of that Act is amended to read as follows:

"(c) The amendments made by subsections (a) and (b) shall be effective with respect to expenditures made after September 30, 1979."

(c) Section 102(e) of that Act is repealed.

SECTION-BY-SECTION SUMMARY

The draft bill would make amendments to the foster care and adoption assistance programs under title IV-E of the Social Security Act.

BONUS FOR REDUCTION OF NUMBERS OF CHILDREN IN LONG-TERM FOSTER CARE

Section 2 of the draft bill would provide for a program of incentive payments designed to encourage States to move children from foster care into permanent family placements. A State that in any of fiscal years 1988, 1989, or 1990 reduced by at least 3 percent below the prior year's total the number of children who had been in foster care more than 24 months would receive payments of $3,000 per child for such reductions. States could use bonus payments for any purpose under title IV-E (foster care and adoption assistance), title IV-B (child welfare services), or title XX (the social services block grant).

LIMITATION ON STATES' ENTITLEMENT TO FUNDING FOR FOSTER CARE

Section 3 of the draft bill would make amendments to the conditional limitation on Federal funding for State expenditures under title IV-E related to foster care, and to the formula for calculating each State's foster care allotment for years when the limitation is in effect.

Subsections (a) and (b) would make the conditional limitation effective for FY 1986 and any succeeding fiscal year in which at least $200 million was appropriated for child welfare services under title IV-B of the Act (under present law the limitation becomes effective only when the title IV-B appropriation is at least $266 million).

Subsection (c) would eliminate the provision that the conditional limitation applies only if the triggering amount for title IV-B is included in an advance appropriation.

Subsection (d) would freeze total payments to States for FY 1986 at $485,423,000 (the estimated payment level for FY 1985), and would provide that each State's share of this amount would be proportional to its share of foster care funds for FY 1984 (including any funds transferred to title IV-B), as determined on the basis of expenditures reports received by the Secretary on or before April 30, 1985, and approved by September 30, 1985.

For FY 1987 and succeeding years, this subsection would provide that each State's allotment would equal its Federal matching payments for FY 1984 for foster care and for transfer to title IV-B (without limitation to claims submitted by April 30, 1985), adjusted by the lower of five percent or the Consumer Price Index.

These amendments move to FY 1984 the base year for purposes of calculating States' allotments (the base year under present law, with certain variations, is essentially FY 1978), and revises the inflation factor (currently the lower of 10 percent or twice the CPI) to be more in line with current inflation rates.

Subsection (e) would make conforming amendments.

Subsection (f) would make these amendments effective with respect to calendar quarters beginning on and after October 1, 1985.

MEDICAID ELIGIBILITY OF CHILDREN ELIGIBLE FOR ADOPTION ASSISTANCE PAYMENTS

Section 4 of the draft bill would make two changes in the provision deeming adoption assistance children to be children receiving AFDC for purposes of Medicaid eligibility.

First, this amendment would deem children found eligible for adoption assistance who have been permanently placed pursuant to a final or interlocutory adoption decree and an adoption assistance agreement to be Medicaid-eligible, regardless of whether adoption assistance payments are being make. This revision would eliminate the need to maintain token adoption assistance payments in cases where the adoptive parents do not need cash assistance, in order to preserve the child's Medicaid eligibility.

Second, this amendment would specify that adoption assistance children are eligible for Medicaid from the State where they reside, regardless of whether that is the State which was a party to the adoption assistance agreement.

ONE-YEAR LIMIT ON SUBMISSION OF PRIOR YEAR CLAIMS

Section 5 of the draft bill would provide that, effective with respect to quarters beginning on and after October 1, 1985, States would be required to make claims for Federal financial participation in expenditures under title IV-E within one year after the expenditure (rather than two years, as under present law).

PERMANENT EXTENSION OF AUTHORITY TO FUND VOLUNTARY FOSTER CARE PLACEMENTS; REPEAL OF REQUIREMENT FOR ANNUAL REPORT

Section 6 of the draft bill would make permanent the provisions of title IV-E which authorize Federal matching of foster care maintenance payments made on behalf of certain children voluntarily placed in foster care. These provisions, most recently extended by P.L. 98-617, are due to expire on September 30, 1985.

This section would also repeal the requirement for an annual report to the Congress on voluntary foster care placements. This requirement, which was designed to help the Congress to decide whether to make this authority permanent, would no longer be needed.●

By Mr. EAGLETON:

S. 1267. A bill to provide that the Secretary of Transportation shall review and approve the acquisition of certain air carrier corporations to protect the public interests, and for other purposes; to the Committee on Commerce, Science, and Transportation.

(The remarks of Mr. EAGLETON and the text of the legislation appear earlier in today's RECORD.)

By Mr. GORTON:

S. 1269. A bill to amend part C of title IV of the Higher Education Act of 1965, relating to work study programs in order to assure that a student who declines a Pell grant will not be penalized in the determination of the demonstration of financial need; to the Committee on Labor and Human Resources.

FINANCIAL NEED DETERMINATION UNDER THE HIGHER EDUCATION ACT

● Mr. GORTON. Mr. President, the bill I am introducing today makes a small but important modification to the Higher Education Act. Under current law, an individual who wishes to forgo outright grant assistance to which he or she would otherwise be entitled, in favor of additional loans or work/study, cannot make that choice. Because Pell grants are an entitlement program, the granting colleges and universities must assume that the student has accepted all such aid which is offered when they subsequently calculate the amounts of loans and work/study which will complete the aid package. Because outright grants are generally considered the most desirable form of aid, this is usually an accurate assumption.

Occasionally, however, a student wishes to decline a Pell grant, and instead be considered for additional work/study assistance. Current law does not permit this. Now, this does not happen frequently, but it does happen—I know, because it has hapened to a constituent of mine. I believe that we should not discourage this kind of behavior, and indeed, should make it easy for students to make this choice, if they wish.

The bill I am introducing today makes one small change in the Higher Education Act. It allows student aid officers to recognize the fact that a student has declined a Pell grant in subsequent calculations of eligibility for other types of assistance, provided the student has waived his or her right to the Pell grant for that academic year. This is a small improvement, but it is an improvement, and I hope the Senate will consider this proposal favorably when it reauthorizes the Higher Education Act this year.●

By Mr. BENTSEN:

S. 1270. A bill to amend the Internal Revenue Code of 1954 to repeal the volume cap and certain other restrictions applicable to qualfied veterans' mortgage bonds, and for other purposes; to the Committee on Finance.

REPEAL OF CERTAIN RESTRICTIONS ON QUALIFIED VETERANS' MORTGAGE BONDS

● Mr. BENTSEN. Mr. President, I introduce today legislation that would revise the tax-exempt bond rules enacted in the Deficit Reduction Act of 1984 to permit the continued existence of two programs that are very important to veterans in my State, the Texas Veterans Land and Housing Programs.

The land program, which was created in 1949, provides eligible Texas veterans with low-interest loans of up to $20,000 for the purchase of land. The housing program, which began in 1983, is a natural extension of the land program and permits veterans the same dollar amount for the purchase of a home. The Texas Veterans Land Board, which oversees these programs, issues State-backed tax-exempt bonds to fund these loan programs.

Last year's tax bill contained a general provision disallowing the use of tax-exempt bonds to fund so-called consumer loan programs like the land program. The bill contained a 3-year exception from the new rules for longstanding programs like the Texas Land Program. However, this exception is scheduled to expire in 1987 and, absent congressional action, the land program will die.

This is also true for the Veterans Housing Program. During deliberations on the 1984 act, the House of Representatives attempted to bring veterans housing bonds under the State-by-State volume limitations that apply to other mortgage bonds. Thus, States would have been able to continue issuing veterans mortgage bonds, but would have had to cut back on other mortgage bonds to do so. In the House-Senate conference, a compromise was adopted that permits States to continue issuing veterans housing bonds, without regard to the mortgage bond limitations, in the amount of the average issuance of bonds during each of the calendar years 1979 through June 22, 1984. However, to ensure that the veterans' housing programs eventually wind down, strict eligibility requirements were included: only veterans who served before 1977 are eligible, and in order for those veterans to be eligible, they must apply for a loan within 30 years after leaving the service. This ever-narrowing window of eligibility will slowly shut Texas veterans and veterans of other States that have similar programs out of the market for these loans.

Mr. President, I believe that these two programs are worthwhile and ought to be preserved. My legislation will provide for this by making the exception for longstanding consumer loan programs permanent, and by removing the strict eligibility requirements that are already precluding veterans from participating in the housing programs. Texas has long had a tradition of providing for its veterans. Soon after the decisive battle of San Jacinto, at which Texas won its independence from Mexico, the Texas Legislature acknowledged the sacrifice that veterans had made in the war by granting them land tracts from the nascent nation's then-ample treasury of 220 million acres. This tradition has been maintained well into the 20th century through the advent of these two programs. My good friend in the House of Representatives, Mr. PICKLE, has introduced similar legislation, H.R. 2627, and I trust that both Chambers will act quickly on this legislation.●

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. HELMS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 46, a bill to amend the Civil Rights Act to protect the lives of unborn human beings.

S. 274

At the request of Mr. DENTON, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 277

At the request of Mr. ANDREWS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 277, a bill to reauthorize the Indian Health Care Improvement Act, and for other purposes.

S. 729

At the request of Mr. DURENBERGER, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 729, a bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 908, a bill to provide market expansion and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and for other purposes.

S. 1053

At the request of Mr. MATSUNAGA, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of S. 1053, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

S. 1162

At the request of Mr. HART, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of S. 1162, a bill to amend the Nuclear Waste Policy Act of 1982 to require the Secretary of Energy to incorporate transportation impacts into the selection process for repositories of high-level radioactive wastes.

S. 1172

At the request of Mr. HELMS, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from Arizona [Mr. GOLDWATER] were added as cosponsors of S. 1172, a bill to provide financial assistance for the Sam J. Ervin, Jr., Program in Public Affairs at the North Carolina State University.

S. 1233

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1233, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 1245

At the request of Mr. STEVENS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1245, a bill entitled the "Fishery Conservation and Management Act Amendments of 1985."

S. 1263

At the request of Mr. ROTH, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1263, a bill to amend the Internal Revenue Code of 1954 to require conformity between the loan loss reserve accounts maintained by certain financial institutions for tax purposes and for financial statement purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of Senate Joint Resolution 73, a joint resolution to designate the week of September 15, 1985, through September 21, 1985, as "National Independent Free Papers Week."

SENATE JOINT RESOLUTION 138

At the request of Mr. DURENBERGER, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 138, a joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week."

AMENDMENTS SUBMITTED

DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

LUGAR AMENDMENTS NOS. 302 THROUGH 306

Mr. LUGAR proposed five amendments to the bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987; as follows:

AMENDMENT No. 302

On page 31, after line 23, add the following:

TITLE VI—ARMS CONTROL AND DISARMAMENT AMENDMENT ACT OF 1985

SHORT TITLE

SEC. 601. This title may be cited as the "Arms Control and Disarmament Act of 1985".

SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1985

SEC. 602. Section 49(a)(1) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)(1)) is amended to read as follows:

"(1) for the fiscal year 1985, $23,789,000, of which amount $4,321,000 shall be available only to pay necessary expenses incurred in connection with arms control negotiations with the Government of the Soviet Union on strategic arms reductions, intermediate-range nuclear forces, and space and defensive weapons;".

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1986 AND 1987

SEC. 603. (a) Section 49(a)(2) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)(2)) is amended to read as follows:

"(2) for the fiscal year 1986, $25,614,000, and, for the fiscal year 1987, $25,614,000, of which amounts $6,146,000 shall be available in each fiscal year only to pay necessary expenses incurred in connection with arms control negotiations conducted with the Government of the Soviet Union on strategic arms reductions, intermediate-range nuclear forces, and space and defensive weapons;".

REPORTS ON ADHERENCE TO AND COMPLIANCE WITH AGREEMENTS

SEC. 604. The Arms Control and Disarmament Act is amended by adding at the end thereof the following new section:

"REPORTS ON ADHERENCE TO AND COMPLIANCE WITH AGREEMENTS

"SEC. 52. (a) The Congress determines that the achievement and maintenance of successful controls upon armaments requires official and public confidence that the parties are expected to adhere to their commitments and that the parties will be held accountable for failure to meet obligations. Without such confidence, existing arms control accords are eroded, and the prospects are jeopardized for new agreements which can place further controls on the competition in nuclear and conventional weapons and which can increase international stability. In accordance with this determination—

"(1) the President shall submit, not later than January 31 of each year, to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in coordination with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the adherence of the United States to obligations undertaken in arms control agreements and on any problems related to compliance by other nations with the provisions of bilateral and multilateral arms control agreements to which the United States is a party; and

"(2) the section of the report dealing with United States adherence shall include information on the policies and organization of each relevent agency or department of the United States to ensure adherence, a description of national security programs with a direct bearing on adherence questions and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the previous year regarding United States adherence, together with an assessment of such issues and the need for any corrective action; and

"(3) the section of the report dealing with problems of compliance by other nations shall include, in the case of each treaty or agreement about which compliance questions exist—

"(A) a description of each significant issue raised and efforts made and contemplated with the other party to seek a resolution of the difficulty;

"(B) an assessment of damage, if any, to United States security and other interests; and

"(C) recommendations as to any steps which should be be considered to redress any damage to United States national security and to reduce compliance problems.

"(b) The report required by subsection (a) shall be provided in unclassified form, with classified annexes, as appropriate.".

AMENDMENT No. 303

On page 17, between lines 13 and 14, insert the following:

EX GRATIA PAYMENT TO THE GOVERNMENT OF SWITZERLAND

SEC. 124. Section 39 of the Trading With the Enemy Act (62 Stat. 1246; 50 U.S.C. App. 39) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any of the provisions of subsections (a) through (d) of this section, the Attorney General is authorized to pay from property vested in or transferred to him under this Act, the sum of $20,000 as an ex gratia payment to the Government of Switzerland in accordance with the terms of the agreement entered into by that Government and the Government of the United States on March 12, 1980.".

AMENDMENT No. 304

At the end of Title I; add the following new section:

SEC. . APPOINTMENTS TO THE SENIOR FOREIGN SERVICE BY THE SECRETARY OF COMMERCE.

(a) LIMITED APPOINTMENT TO SENIOR FOREIGN SERVICE IN DEPARTMENT OF COMMERCE.—Section 305 of the Foreign Service Act of 1980 (22 U.S.C. 3945) is amended by adding at the end thereof the following new subsection:

"(c)(1) Appointments to the Senior Foreign Service by the Secretary of Commerce

shall be excluded in the calculation and application of the limitation in subsection (b).

"(2) Except as provided in paragraph (3), no more than one individual (other than an individual with reemployment rights under section 310 as a career appointee in the Senior Executive Service) may serve under a limited appointment in the Senior Foreign Service in the Department of Commerce at any time.

"(3) The Secretary of Commerce may appoint an individual to a limited appointment in the Senior Foreign Service for a specific position abroad if—

"(A) no career member of the Service who has the necessary qualifications is available to serve in the position; and

"(B) the individual appointed has unique qualifications the specific position.".

(b) CONFORMING AMENDMENT.—Section 2403(c) of such Act (22 U.S.C. 3901 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1985.

AMENDMENT No. 305

At the end of Title I of the bill add the following new section:

SECTION . The President is authorized to maintain membership of the United States in the International Jute Organization.

AMENDMENT No. 306

On line 15, page 5 strike the word "funds" and insert in lieu thereof "amounts authorized to be".

WARNER AMENDMENT NO. 307

Mr. LUGAR (for Mr. WARNER) proposed an amendment to the bill S. 1003, supra; as follows:

At the end of Title I, add the following new section:

SEC. . AUSTRALIAN BICENTENNIAL.

(a) FINDING.—The Congress finds that the American-Australian Bicentennial Foundation, a private, nonprofit corporation established in 1983 for the purpose of coordinating all United States official and private participation in the 1988 Australian Bicentennial celebration, deserves and needs financial support to effectively carry out that purpose.

(b) GRANT TO AMERICAN AUSTRALIAN BICENTENNIAL FOUNDATION.—From the amounts authorized to be appropriated by section 102(1) for the "Administration of Foreign Affairs", the Secretary of State may make a grant in each of the fiscal years 1986 and 1987 to the American-Australian Bicentennial Foundation in support of its programs and operations to prepare for United States participation in the Australian Bicentennial celebration.

(c) AUTHORITY OF USIA NOT AFFECTED.—Subsection (b) shall not be construed to affect the authority delegated to the Director of the United States Information Agency under section 102(a)(3) of the Mutual Education and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(3)).

D'AMATO AMENDMENT NO. 308

Mr. LUGAR (for Mr. D'AMATO) proposed an amendment to the bill S. 1003, supra; as follows:

On page 19, between lines 9 and 10, insert the following:

DISTRIBUTION WITHIN THE UNITED STATES OF USIA FILM ENTITLED "HAL DAVID: EXPRESSING A FEELING"

SEC. 206. (a)(1) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(A) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "Hal David: Expressing a Feeling"; and

(B) subject to paragraph (2), the Administrator of General Services shall reimburse the Director for any expenses of the Agency in making the master copy of such film available, shall deposit such film in the National Archives of the United States, and shall make copies of such film available for purchase and public viewing within the United States.

(2) The Administrator of General Services shall carry out his duties under clause (B) of paragraph (1) only after the United States Government has acquired, after the date of enactment of this act, any remaining license or other rights which are not Government-held before such date and which are required for distribution within the United States of the film entitled "Hal David: Expressing a Feeling" without use of funds appropriated or otherwise made available to any department, agency, instrumentality, or office of the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

MURKOWSKI AMENDMENT NO. 309

Mr. LUGAR (for Mr. MURKOWSKI) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill, add the following new title:

TITLE VI—THE ASIA FOUNDATION

SHORT TITLE

SEC. 601. This Title may be cited as "The Asia Foundation Authorization Act, Fiscal Years 1986 and 1987."

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. Section 404 of The Asia Foundation Act of 1984 (22 U.S.C. 4403) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $10,500,000 for each of the Fiscal Years 1986 and 1987 for grants to The Asia Foundation pursuant to this title."

COHEN (AND BIDEN) AMENDMENT NO. 310

Mr. LUGAR (for Mr. COHEN, for himself and Mr. BIDEN) proposed an amendment to the bill S. 1003, supra; as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

POLICY TOWARD BANNING CHEMICAL WEAPONS

SEC. 601. (a) The Congress finds that—

(1) chemical weapons are among the most terrible weapons in today's military arsenals;

(2) it is the objective of the United States to eliminate the threat of chemical warfare through a comprehensive and verifiable ban on chemical weapons;

(3) the United States is vigorously pursuing a multilateral agreement to ban chemical weapons;

(4) the negotiation of a verifiable, bilateral agreement between the United States and the Soviet Union would be a significant step toward achieving a worldwide ban on chemical weapons;

(5) bilateral discussions relating to a ban on chemical weapons took place in July and August of 1984 between the United States and Soviet delegations to the Conference on Disarmament; and

(6) such endeavors could serve the security interests of humankind.

(b) It is the sense of the Congress that—

(1) the President should be commended for his efforts to negotiate a multilateral agreement banning chemical weapons;

(2) the President should continue to pursue vigorously such an agreement; and

(3) the President should seek the continuation and development of bilateral discussions between the United States and the Soviet Union to achieve a comprehensive and verifiable ban on chemical weapons.

D'AMATO AMENDMENT NO. 311

Mr. LUGAR (for Mr. D'AMATO) proposed an amendment to the bill S. 1003, supra; as follows:

At the end of the bill, add the following new section:

SUPPLEMENTAL AUTHORIZATION FOR INTERNATIONAL GAMES

SEC. ——. There is hereby authorized to be appropriated for fiscal year 1986 $3,000,000 which shall be available only to reimburse expenses associated with the XV World Games for the Deaf, the Fifth National Amputee Championship, and the 1985 National Cerebral Palsy/Les Autres Games.

KASTEN AMENDMENTS NOS. 312 AND 313

Mr. LUGAR (for Mr. KASTEN) proposed two amendments to the bill S. 1003, supra; as follows:

AMENDMENT No. 312

SEC. ——. Section 114 of the Department of State Authorization Act, Fiscal years 1984 and 1985 (P.L. 98-164) is hereby amended by

(1) striking the word "and" at the end of subsection (a)(2);

(2) striking the period at the end of subsection (a)(3) and inserting in lieu thereof ";" ; and

(3) adding the following at the end of subsection (a):

(4) 25 per cent of the amount budgeted for that year for the Committee on Elimination of Racial Discrimination (for any similar successor entity);

(5) 25 per cent of the amount budgeted for any other United Nations agency or conference whose sole or partial purpose is to implement the provisions of General Assembly Resolution 33/79; and

(6) 25 per cent of the amount budgeted for the General Assembly-approved $73,500,000 conference center to be constructed for the Economic Commission for Africa (ECA) in the Ethiopian capital of Addis Ababa.

AMENDMENT No. 313

At the end of the bill add the following new section:

SEC. ——. Section 115 of the Department of State Authorization Act, fiscal years 1984 and 1985 (P.L. 98-164) is hereby amended by striking the last sentence in subsection (b), which begins with the words "The United States shall withhold payment . . .", and inserting in lieu thereof:

"The United States shall reduce its annual assessed contribution to the United Nations or such specialized agency by 8.34 per cent for each month in which United States participation is suspended pursuant to this section."

PROXMIRE (AND OTHERS) AMENDMENT NO. 314

Mr. LUGAR (for Mr. PROXMIRE, for himself, Mr. HATFIELD, Mr. JOHNSTON, Mr. GORE, Mr. BINGAMAN, Mr. LEVIN, Mr. SIMON, Mr. LEAHY, and Mr. KERRY) proposed an amendment to the bill S. 1003, supra; as follows:

On page 31, after line 23, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

POLICY OF CONGRESS REGARDING A JOINT STUDY BY THE UNITED STATES AND THE SOVIET UNION OF THE CONSEQUENCES OF NUCLEAR WINTER

SEC. 601. It is the sense of the Congress that the President should propose to the Government of the Soviet Union during any arms control talks held with such Government—

(1) that the United States and the Soviet Union should jointly study the atmospheric, climatic, environmental, and biological consequences of nuclear explosions, sometimes known as "nuclear winter", and the impact that nuclear winter would have on the national security of both nations;

(2) that such a joint study should include the sharing and exchange of information and findings on the nuclear winter phenomena and make recommendations on possible joint research projects that would benefit both nations; and

(3) that at an appropriate time the other nuclear weapon nations—the United Kingdom, France, and the People's Republic of China—be involved in the study.

HELMS AMENDMENTS NOS. 315 AND 316

Mr. LUGAR (for Mr. HELMS) proposed two amendments to the bill S. 1003, supra; as follows:

AMENDMENT No. 315

At the end of the bill, add the following language:

Section 208 of the Foreign Service Act of 1980 (22 U.S.C. 3928) is amended by striking out, "from among the career members of the Senior Foreign Service" in the first sentence.

SEC. 2. Section 210 of the Foreign Service Act of 1980 (22 U.S.C. 3930) is amended by striking out, "a career member of the Senior Foreign Service designated by the Secretary of State" in the second sentence and inserting in lieu thereof "an individual appointed by the President".

SEC. 3. (a) Section 1002 of the Foreign Service Act of 1980 (22 U.S.C. 4102) is amended in paragraph (12)—

(1) by striking out "or" at the end of subparagraph (E);

(2) by inserting "or" after the semicolon at the end of subparagraph (F); and

(3) by inserting the following new subparagraph (G) after subparagraph (F):

"(G) is a member of the Senior Foreign Service;".

(b) Section 1012 of such Act (22 U.S.C. 4112) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting the following new paragraph (3) after paragraph (2):

"(3) members of the Senior Foreign Service.".

AMENDMENT No. 316

At the end of the bill, add the following language:

Section 2(1) of the Inspector General Act of 1978 (P.L. 95-452) is amended as follows:

At the end of the section, strike the semicolon and insert ", the Department of State, and the United States Information Agency.".

Section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) is hereby repealed.

The Secretary of State shall take all appropriate steps to assure completion of the transition to an independent Inspector General at the Department of State, subject to the Inspector General Act of 1978 (P.L. 95-452), by June 30, 1986.

The Director of the United States Information Agency shall take all appropriate steps to assure the completion of the transition to an independent Inspector General at the U.S. Information Agency subject to the Inspector General Act of 1978 (P.L. 95-452), by June 30, 1986.

DOMENICI AMENDMENT NO. 317

Mr. LUGAR (for Mr. DOMENICI) proposed an amendment to the bill S. 1003, supra; as follows:

On page 19, between lines 9 and 10, insert the following new paragraph:

"SEC. 206. No later than December 15, 1985, the Director of the United States Information Agency and the Administrator of the Agency for International Development shall report jointly to the Chairmen of the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on the feasibility of greater utilization in those two agencies' scholarship and participant training programs of United States universities in states bordering Latin American and Caribbean which are located in areas characterized by the presence of sizable Hispanic populations."

KASTEN (AND OTHERS) AMENDMENT NO. 318

Mr. KASTEN (for himself, Mr. QUAYLE, Mr. WALLOP, Mr. EAST, Mr. SYMMS, and Mr. MCCLURE) proposed an amendment to the bill S. 1003, supra; as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS POLICY TOWARD APPLICATION OF THE YALTA AGREEMENT

SEC. 4601. (a) The Congress finds that—

(1) during World War II, representatives of the United States, Britain, and the Soviet Union took part in agreements and understandings concerning other peoples who were not represented;

(2) the Soviet Union violated the Yalta guarantee of free elections in the countries involved, specifically the Yalta agreement commitment "to form interim intergovernmental authorities broadly representative of all democratic elements in the population and pledge to the earliest possible establishment of free elections of government responsive to the wills of the people and to facilitate where necessary the holdings of such elections;"

(3) at Yalta it was decided that a new Polish Government should be formed using an unpopular Soviet backed provisional government as a base which was to expand on a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad, and was to hold free elections, provisions which the Soviets violated by arresting and executing democratic leaders while holding fraudulent elections;

(4) at the Yalta Conference, it was agreed to repatriate all Soviet citizens who remained abroad after the war, irrespective of their individual wishes and by force if necessary resulting in much tragedy and suffering;

(5) millions of people around the world, especially those residing in Central and Eastern Europe believe the 1945 Yalta executive agreements involved alleged United States acquiescence in the enslavement of entire nations under a Soviet totalitarian system of government;

(6) the nations of Central and Eastern Europe continue to resist Soviet domination as for example in guerrilla wars after World War II in Lithuania, Ukraine, and other countries, in East Berlin 1956, Poznan and Budapest 1956, Prague in 1968, in Poland 1970, and again since 1980;

(7) it is appropriate for the United States according to the principles on which this nation was founded to respect the desires and aspirations of all freedom-loving people around the world;

(8) it is appropriate that the United States express the hopes of the people of the United States for the freedom of the people subjected to the captivity of Soviet despotism in Central and Eastern Europe as well as elsewhere around the world; and

(9) it is appropriate for the United States to reject any interpretation or application that, as a result of the signing of the 1945 Yalta executive agreements the United States accepts the present position of nations being held captive by the Soviet Union.

(b)(1) The United States does not recognize as legitimate any spheres of influence in Europe and that it reaffirms its refusal to recognize such spheres in the present or in the future, by repudiating any attempts to legitimize the domination of East European nations by the Soviet Union through the Yalta Executive Agreement.

(2) The United States proclaims the hope that the people who have been subjected to the captivity of Soviet despotism shall again enjoy the right to self-determination within a framework that will sustain peace, that they shall again have the right to choose a form of government under which they shall live, and that the sovereign rights of self-determination shall be restored to them in accordance with the pledge of the Atlantic Charter.

(3) The United States hereby expresses its solidarity with the peoples of Central and Eastern Europe.

BYRD (AND OTHERS) AMENDMENT NO. 319

Mr. BYRD (for himself, Mr. ROCKEFELLER, and Mr. FORD) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place insert the following:

The Export-Import Bank is directed to issue a report to the Chairmen and Ranking Members of the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Committee on Energy and Natural Resources, the House Committee on Banking, Finance and Urban Affairs, and the House Committee on Energy and Commerce within thirty days of the date of enactment of this act, on the status, terms, and all other pertinent information on all assistance provided to foreign nations that produce or export coal, for the purpose of financing or assisting in the development of coal production, transportation, export, or other coal-related activities or operations.

HUMPHREY AMENDMENT NO. 320

Mr. LUGAR (for Mr. HUMPHREY) proposed an amendment to the bill S. 1003, supra; as follows:

On page 19, between lines 9 and 10, insert the following:

DISTRIBUTION WITHIN THE UNITED STATES OF THREE USIA FILMS RELATING TO AFGHANISTAN

SEC. 206. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the films entitled "Afghanistan 1982: the Struggle for Freedom Continues"; "We Are Afghanistan"; and "Afghanistan: The Hidden War" and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic releases of such a film, the Archivist shall reimburse the director for any expenses of the Agency in making the master copy of such film available, shall deposit such film in the National Archives of the United States, and shall make copies of such film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

DOLE AMENDMENT NO. 321

Mr. LUGAR (for Mr. DOLE) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place, add the following subsection:

Mayor Teddy Kollek has worked to promote harmony among all the people of Jerusalem; and he has promoted freedom of access to religious shrines for Muslims, Christians, and Jews; and through his efforts the aesthetic character of the city has been enhanced;

Therefore, the Congress commends Mayor Kollek for his efforts over the years.

ROTH AMENDMENT NO. 322

Mr. ROTH proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill add the following new sections: To prevent the conduct of Espionage activities in the United States by employees of the United Nations.

Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301, et seq.), is amended by adding the following new section:

U.S. RESPONSIBILITIES FOR EMPLOYEES OF INTERNATIONAL ORGANIZATIONS

SEC. 206A. (a) The Congress finds that—

(1) Pursuant to the Headquarters Agreement between the United States and the United Nations (authorized by Public Law 80-357, 22 U.S.C. 287, Aug. 4, 1947):

(A) The United States has accepted the treaty obligation to permit, and to facilitate, persons employed by or who are authorized by the United Nations to conduct official business in connection with the organization or any agency thereof, the right of entry into, and the exit from, the United States subject to regulation as to points of entry and departure, for purposes of conducting official activities within the Headquarters district; and

(B) An obligation to permit, and to facilitate, acquisition of facilities in order to conduct such activities within or in proximity to the Headquarters District, subject to reasonable regulation, including the location and size of such facilities; and

(2) Taking into account subsection (a), and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including non-official activities, by such persons outside of any area described in this section.

(b) The conduct of any activities, or the acquisition of any benefits as defined by P.L. 80-357, by any person described in subsection (a)(1)(A), or any person or agency acting on behalf thereto, outside an area described in that subsection may be permitted or denied or subject to reasonable regulation as determined to be in the best interests of the United States and pursuant to the provisions of P.L. 80-357.

(c) The Secretary of State shall report to the Congress not later than thirty days after the date of enactment of this Section as to plans for implementation of its provisions, and shall report not later than six (6) months thereafter as to action taken pursuant thereto.

(d) The Secretary of State is directed to apply to employees of the United Nations Secretariat who are nationals of a foreign country any and all terms, limitations, restrictions, or conditions applicabl · to individuals pursuant to this Title as may from time to time be applied to members of the consulate, embassy, or mission to the United Nations of this country in the United States, pursuant to this Title.

(e) Nothing in this section shall apply to any United States national.

(f) Definitions—for purposes of this section, "Headquarters District" shall mean such area, if any, within the United States, agreed to by a public international organization and the United States to constitute such a District, together with such areas as the Secretary of State may approve from time to time in order to permit effective functioning of the Organization or Missions thereto;

GRASSLEY (AND OTHERS) AMENDMENT NO. 323

Mr. GRASSLEY (for himself, Mr. SYMMS, and Mr. DECONCINI) proposed an amendment to the bill S. 1003, supra; as follows:

On page 17, between lines 13 and 14, insert the following:

POLICY TOWARD TREATMENT OF SOVIET PENTECOSTALS

SEC. 124. (a) The Senate finds that—

(1) it is the policy of the Government of the Soviet Union to hinder and deny the free practice of religion and to deny freedom to emigrate to the victims of religious persecution;

(2) such policies are a violation of the letter and spirit of the Charter of the United Nations, the United Nations Declaration on Human Rights, and the Helsinki Accords, to which the Government of the Soviet Union is a party;

(3) members of the 170-member Pentecostal Christian community living in Chuguyevka in the Soviet Far East have allegedly undergone persecution at the hands of the Soviet authorities as a result of their attempts to practice their religious beliefs;

(4) the Soviet authorities allegedly have refused to allow members of that Pentecostal community to emigrate from the Soviet Union;

(5) when, on Monday, May 13, 1985, four members of the Pentecostal community of Chuguyevka attempted to enter the United States Embassy in Moscow in an attempt to seek refuge and make their plight known, they were intercepted by Soviet guards stationed outside the Embassy;

(6) in the scuffle that ensued three of the Pentecostals were beaten severely and arrested by the Soviet guards, while the fourth Pentecostal gained entrance to the Embassy and was interviewed by United States officials; and

(7) upon agreeing to leave the United States Embassy the man was driven to the subway in a diplomatic car where he was identified by Soviet police before he could enter the subway.

(b) It is the sense of the Senate that—

(1) the Soviet Union has acted in violation of the human rights of the Pentecostal community in Chuguyevka by hindering the practice of their religious beliefs and refusing to allow them to emigrate from the Soviet Union;

(2) personnel of the Government of the Soviet Union acted in violation of the human rights of the four members of the Pentecostal community who attempted to enter the United States Embassy in Moscow, particularly in using excessive force in an attempt to prevent their entry;

(3) the United States Department of State should continue through all available channels to assure the safety of the four persons who attempted to enter the United States Embassy, and to seek to persuade the Government of the Soviet Union to allow the members of the Pentecostal community in Chuguyevka to emigrate to the West; and

(4) the Secretary of State should undertake a study of United States policy relating to the granting of asylum in United States embassies abroad and develop recommendations for the Committee on Foreign Relations of the Senate as to where current policy might be adjusted with relation to incidents over the past five years where asylum has been requested at United States embassies abroad.

SYMMS (AND OTHERS) AMENDMENT NO. 324

Mr. SYMMS (for himself, Mr. HELMS, Mr. ARMSTRONG, Mr. GOLDWATER, Mr. DENTON, Mr. THURMOND, Mr. MCCLURE, Mr. QUAYLE, and Mr. MATTINGLY) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place, add the following new section:

REPEAL OF RESTRICTIONS ON OPERATIONS IN ANGOLA

Section 118 of the International Security and Development Cooperation Act of 1980 (P.L. 96-533-ss U.S.C. 2293 note) is hereby repealed.

DOMENICI (AND OTHERS) AMENDMENT NO. 325

Mr. DOMENICI (for himself, Mr. CHILES, Mr. HOLLINGS, Mr. ABDNOR, Mrs. KASSEBAUM, and Mr. DANFORTH) proposed an amendment to the bill S. 1003, supra; as follows:

On page 18, between lines 17 and 18, insert the following new subparagraph:

"(3) $45,400,000 for the fiscal year 1986 and $45,100,000 for the fiscal year 1987 shall be allocated to fund grants and exchanges to Latin America and the Caribbean, and the amounts utilized for programs in Central America shall be obligated in a manner consistent with the recommendations of the National Bipartisan Commission on Central America."

HUMPHREY AMENDMENT NO. 326

Mr. HUMPHREY proposed an amendment, which was subsequently modified, to the bill S. 1003, supra; as follows:

On page 19, strike out lines 20 and 21 of the Weicker amendment No. 20 and insert in lieu thereof the following:

"(A) $137,717,000 for the fiscal year 1986 and $137,517,000 for the fiscal year 1987, of which amounts $400,000 in each such fiscal year shall be available only to carry out the Radio Maccabee Program of Radio Liberty described in section 14.

On page 20, between lines 16 and 17, insert the following:

RADIO BROADCASTING IN THE DARI AND PASHTO LANGUAGES

SEC. 304. (a) Section 2, paragraph 5 of the Board for International Broadcasting Act of 1973 (22 USC 2871 paragraph 5) is amended by inserting "and Afghanistan, as long as it is under Soviet occupation" after "Eastern Europe."

(b) The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871 et seq.) is amended by adding at the end thereof the following new section: "Radio Broadcasting in the Dari and Pashto Languages".

"SEC. 14. Not less than $450,000 of the grant payable under this act in the fiscal year 1986, and not less than $250,000 of the grant payable under this act in the fiscal year 1987, to RFE/RL, Incorporated, shall be used for radio broadcasting to the Afghan people in the Dari and Pashto languages, to be designated 'Radio Free Afghanistan.'"

BYRD AMENDMENT NO. 327

Mr. BYRD proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill, insert the following:

Since the People's Republic of China has made substantial progress in promoting market-oriented practices throughout the Chinese economy;

Since the Chinese economy has responded to this increased liberalization with record growth that last year alone resulted in increases in the real gross national product of an estimated thirteen percent;

Since the growth has created significant new demand for a vast array of products and services that can be met by American producers;

Since trade between the United States and the People's Republic of China totaled only $6 billion in 1984 and was again in deficit by more than $50 million; and,

Since increased exports are essential to the creation of American jobs and to the vitality of the American economy; and,

Since the People's Republic of China represents the world's largest potential market, therefore It is the sense of the Congress that, consistent with overall American foreign policy and national security objectives, the Departments of State and Commerce should take appropriate steps to increase United States/China trade with a view to improving the trade balance, increasing American jobs through export growth, and assuring significant U.S. participation in the growing Chinese market.

HELMS AMENDMENT NO. 328

Mr. HELMS proposed an amendment to amendment No. 290 proposed by him to the bill S. 1003, supra; as follows:

Strike all language in the pending amendment after the word "subsection:" on line 5, and insert in lieu thereof the following:

"(c) Notwithstanding any provision of this section requiring that nongovernmental or multilateral organizations not be subject to any requirement more restrictive than that applicable to a foreign government, the President, in connection with making available assistance for population planning, shall retain authority under Article II of the United States Constitution and shall have authority hereunder to implement whatever policies he deems necessary to curb human rights violations, including but not limited to infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination, and such authority may be delegated to any officer of the United States who may be designated by the President for that purpose; provided that this subsection shall take effect on June 30, 1985.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, June 10, 1985, to resume hearing on S. 51, the Superfund Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HOME RESPIRATORY CARE ACT

● Mr. HEINZ. Mr. President, on Thursday, June 26, 1985, I introduced S. 1249, legislation to give respirator-dependent patients, now hospitalized on life support machines, the freedom to receive respiratory care services in alternative care settings such as their homes or skilled nursing facilities. Under current law, there are several thousand persons—young and old—who are medically able to leave the hospital but are unable to do so because the current reimbursement rules under Medicare and Medicaid will only cover the more costly hospital care.

This legislation, the Home Respiratory Care Act of 1985, would correct a situation first brought to the attention of the American public by President Reagan nearly 4 years ago. In a nationally televised press conference, the President cited the case of a young Iowa girl, Katie Beckett, as an example of "hidebound regulation" preventing a needy child from getting appropriate help from the Federal Government. Katie had been hospitalized for an extended period of time and was medically able to go home, as long as she could continue to use a respirator. The State Medicaid plan would pay only for her hospitalization.

Through the efforts of her Congressman, Katie's plight was brought to the attention of the White House. After the President's press conference, the Department of Health and Human Services found an obscure provision in the SSI law that would allow Katie to obtain a waiver. At last, after months and months of redtape and futile appeals, Katie was able to go home. As a result, the Medicaid program has been saved an estimated $200,000 in annual costs for Katie's hospital care and Katie is now thriving in the warmth and security of her own home.

Katie Beckett's experience led to the creation by the Department of Health and Human Services of the "Katie Beckett" task force which reviewed persons in similar situations on a case-by-case basis. The process was cumbersome; the task force approved benefits for only 200 people in situations similar to Katie's. It is estimated that well over 2,000 people could be more appropriately cared for in nonhospital settings.

Now the task force is closing shop. In the future, the only way to obtain a waiver will be through a cumbersome process, which in many ways will be dependent upon the State agency's ability to produce the necessary information for waiver consideration. The Home Respiratory Care Act of 1985, which is also being introduced in the House by Representative RON WYDEN, would provide a financial incentive

within the Medicare and Medicaid programs to care for chronic respirator-dependent Americans in the least costly, most comfortable setting. It is estimated that about 15 percent of chronic respirator-dependent patients who have been hospitalized for more than 30 days can be cared for in less intensive settings. Today, reimbursement barriers prevent such care in nursing homes and home care under Medicare and Medicaid. This bill would remove those barriers and, according to the American Association of Respiratory Therapists, would save about $200,000 per patient per year.

Specifically, this bill establishes a target category of patients who have been hospitalized for at least 30 consecutive days, dependent on a respirator for life support at least 6 hours per day during that time, and are medically able to be cared for in a less intensive setting. These patients would be eligible to receive respiratory care under the home health benefits of Medicare and Medicaid, and the skilled nursing facility benefit of Medicare. In addition, the bill provides for "Freedom of choice," such that an individual who wants to remain in the hospital may do so. The patient would not be required to leave. This provision is included to protect patients who may not have adequate support services at home.

Last year, the Congressional Budget Office prepared a preliminary cost estimate of a similar proposal, concluding that it would cost the Medicare Program $1 million and save the Medicaid Program approximately $10 to $14 million. CBO is preparing new estimates now, based on the specific provisions of this legislation. Even if these final figures should show an increased cost to either Federal health care program, adjustments could be made in the program to lower costs without jeopardizing the basic intent of the legislation.

In sum, this legislation is necessary because even the miracles of modern medical technology have a down side. This legislation balances the potential dehumanizing effects of respiratory therapy with the nurturing environment of the home.

I urge my colleagues to join with me in sponsoring this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Home Respiratory Care Act of 1985".

SECTION. 1. COVERAGE OF RESPIRATORY CARE SERVICES FOR VENTILATOR-DEPENDENT INDIVIDUALS.

(a) UNDER MEDICARE PROGRAM.—

(1) AS PART OF HOME HEALTH SERVICES.—(A) Section 1861(m)(2) of the Social Security Act (42 U.S.C. 1395x(m)(2)) is amended by inserting before the semicolon at the end the following: ", or respiratory care for a qualified respiratory care patient (as defined in subsection (ee))".

(B) Section 1814(a)(2)(C) and 1835(a)(2)(A) of such Act (42 U.S.C. 1395f(a)(2)(C), 1395n(a)(2)(A)) are amended by inserting after "speech therapy" the following: ", or, in the case of a qualified respiratory care patient (as defined in section 1861(ee)), respiratory care,".

(2) AS PART OF EXTENDED CARE SERVICES.—(A) Section 1861(h)(3) of such Act (42 U.S.C. 1395x(h)(3)) is amended by inserting after "speech therapy" the following: ", or respiratory care for a qualified respiratory care patient (as defined in subsection (ee)),".

(B) Section 1814(a)(2)(B) of such Act (42 U.S.C. 1395f(a)(2)(B)) is amended by inserting after "rehabilitation services," the following: "or, in the case of a qualified respiratory care patient (as defined in section 1861(ee)), respiratory care,".

(C) Section 1813(a)(3) of such Act (42 U.S.C. 1395e(a)(3)) is amended by inserting after "one-eighth" the following: "(or one-sixteenth in the case of a qualified respiratory care patient, as defined in section 1861(ee))".

(3) DEFINITION OF QUALIFIED RESPIRATORY CARE PATIENT.—Section 1861 of such Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"QUALIFIED RESPIRATORY CARE PATIENT

"(ee) The term 'qualified respiratory care patient' means—

"(1) with respect to respiratory care furnished as part of extended care services during a spell of illness, an individual who—

"(A) is medically dependent on a ventilator for life support at least six hours per day,

"(B) before admission to the skilled nursing facility, was so dependent (for life support at least six hours per day) as part of inpatient hospital services for at least 30 consecutive days during the spell of illness,

"(C) but for the provision of respiratory care as part of the extended care services, would require respiratory care as part of inpatient hospital services,

"(D) has adequate social support services to be cared for at home, and

"(E) wishes to be cared for at home; and

"(2) with respect to respiratory care furnished as part of home health services during or following a spell of illness, an individual—

"(A) is medically dependent on a ventilator for life support at least six hours per day,

"(B) before first being furnished home health services during the spell of illness, was so dependent (for life support at least six hours per day) as part of inpatient hospital services or post-hospital extended care services for at least 30 consecutive days during the spell of illness, and

"(C) but for the provision of respiratory care as part of the home health services, would require respiratory care as part of inpatient hospital services or extended care services.".

(b) UNDER MEDICAID PROGRAM.—Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is amended by striking out "and" at the end of subparagraph (C), by adding "and" at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

"(E) for the inclusion of home respiratory care for any individual who—

"(i) is medically dependent on a ventilator for life support at least six hours per day,

"(ii) has been so dependent for at least 30 consecutive days or the maximum number of days authorized under the State plan, whichever is less, as an inpatient in one or more hospitals, skilled nursing facilities, or intermediate care facilities,

"(iii) but for the inclusion of home respiratory care, would require respiratory care as an inpatient in a hospital, skilled nursing facility, or intermediate care facility,

"(iv) has adequate social support services to be cared for at home, and

"(v) wishes to be cared for at home;".

(c) EFFECTIVE DATES.—

(1) MEDICARE AMENDMENTS.—The amendments made by subsection (a) shall apply to services performed on or after the first day of the first month beginning 60 days after the date of the enactment of this Act.

(2) MEDICAID AMENDMENTS.—(A) Except as provided in subparagraph (B), the amendments made by subsection (b) shall apply to services performed on or after the first day of the first calendar quarter beginning 60 days after the date of the enactment of this Act.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirement imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet that additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.●

OUTSTANDING FLORIDIANS

● Mr. CHILES. Mr. President, I would like to take this opportunity to recognize eight outstanding citizens of Florida. Each year the Florida Department of Labor and Employment Security commemorates National Employ the Older Worker Week by giving awards to eight senior citizens who set an example for others in being gainfully employed and productive past age 55 or 60. This year, a panel of judges selected 8 out of 700 nominees to receive the "Timex You're Still Ticking Awards." These employer-nominated candidates were required to be over age 55 and in a paid position of employment. The winners were chosen considering their age, current and past achievements, and their determined level of productivity.

The 1985 grand prize winner was 80-year-old J. Dayton Saltsman. Dayton is a three-county CPR coordinator for the American Heart Association in St. Petersburg. Dayton was previously an area radio/television personality, and is endeared by both current and past associates. As grand prize winner,

Dayton received a year's use of a new automobile, two barrels of gasoline, and a pass to fly at no charge throughout the United States for 1 year.

The seven runners up receiving awards were Earl R. Adams, 82, of Key West, Anne Elman, 74, of West Palm Beach, Sidney Godet, 72, of Boynton Beach, Helen Keegan, 88, of Miami, Irving Miller, 74, of Miami, Richard Charly Sager, 65, of Ormond Beach, and Juanita H. Strumph, 69, of Jacksonville. All eight received an appropriate basket of prizes. I would like to commend the efforts of Wallace E. Orr and the staff of the Florida Department of Labor and Employment Security for organizing this event and providing the recognition of these vital and active older Americans. I hope my colleagues will join me in extending our thanks and congratulations to this group of 700, as well as the 8 winners.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 7, 1985.
In reply refer to I-03276/85ct.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-38 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the Federal Republic of Germany for defense articles and services estimated to cost $372 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 85-38

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Federal Republic of Germany.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$354
Other	18
Total	372

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Three hundred mission equipment packages, consisting of a target acquisition designation sight and pilot night vision sensor; and a video thermal tracker. This proposed sale also includes a coproduction option for development work, technical data packages, technical assistance and sales of components.

(iv) Military department: Army (WJO).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: 7 June 1985.

POLICY JUSTIFICATION

FEDERAL REPUBLIC OF GERMANY—MISSION EQUIPMENT PACKAGES

The Government of the Federal Republic of Germany (FRG) has requested the purchase of three hundred mission equipment packages, consisting of a target acquisition, designation sight and pilot night vision sensor; and a video thermal tracker. This proposed sale also includes a coproduction option for development work, technical data packages, technical assistance and sales of components. The estimated cost is $372 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the FRG; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The FRG needs these mission equipment packages as part of the modernization of its air defense attack capability. The PAH-2 helicopters, in which they will be incorporated, will be used to defend Central European airspace. The FRG is capable of absorbing this equipment into its defense establishment and there will be a marked improvement in the FRG air defense capabilities.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Martin Marietta Aerospace Corporation of Orlando, Florida.

Implementation of this sale will require the assignment of one additional U.S. Government representative to the FRG; no additional contractor representatives will be required.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

SUPPORT FOR THE CONTRAS

● Mr. HUMPHREY. Mr. President, during the past few days, this body has spent a great deal of its time debating the merits of continued American support for the anti-Marxist fighters, or Contras, of Nicaragua. The time was more than well spent as this is a question of vital concern to the American people and directly affects our security and national interests. By this open and democratic process, we ensure a fair hearing for all points of view and foster the creation of a free and informed electorate.

The debate has centered primarily on the rightness and effectiveness of American policy in Nicaragua rather than on that policy's ultimate goal. U.S. policy is to encourage the development of stable and prosperous nations which look to the protection and advancement of their own people and not to extend a domineering ideology and to create regional strife. At this point, it behooves us to take a moment to reflect on the wider implications of the continued presence of a Soviet proxy state, that is Nicaragua, in the geographical center of our hemisphere.

In an article which appeared in the Christian Science Monitor of June 6, 1985, John Lenczowski, Director of European and Soviet Affairs at the National Security Council, addresses just this topic. Mr. Lenczowski points out some fundamental truths of the nature of Marxist-Leninist states, especially those which adhere to the strict disciplinary requirements of Soviet communism. The Soviet ideology is marked by the sacrifice of the individual's and society's welfare to its own propagation and extension. By their own admission, the Sandinista government of Nicaragua is just such a client state of the Soviet Union. The presence of Bulgarians, East Europeans, and Cubans, helping to shore up the Government's oppressive and unpopular leaders, testifies to the future role of Nicaragua in the Soviet bloc.

Agents of the Soviet Union are adept at the use of disinformation and the propagation of untruths. It is crucial that the real nature of the Nicaraguan Government be exposed. Mr. President, I ask unanimous consent that a copy of Mr. Lenczowski's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERNATIONAL COMMUNISM AND NICARAGUA—AN ADMINISTRATION VIEW

(By John Lenczowski)

It is often unpleasant to resurrect what many think are the unpleasant ghosts of the past. Unfortunately, that is what we do when we talk frankly about the forces of "international communism" at work in our hemisphere. It has long been politically the safe thing to do to ridicule any mention of

this alleged phenomenon. Professors and pundits have assured us for years that "international communism" as such no longer really exists—which is why it is ridiculed as a "phantom," the object of irrational phobias of extremists, know-nothings, or people living in the past. It has been explained to us that we can no longer clinically and accurately use this loaded expression because of the Sino-Soviet split, the Yugoslav-Soviet split, the Albanian-Soviet split, and other manifestations of polycentrism.

Perhaps communism is no longer a monolithic force subsuming all Marxist-Leninist states under the Soviet banner. Nevertheless, how can one label the presence today in Nicaragua of Cubans, Bulgarians, Libyans, Czechs, North Koreans, East Germans, Vietnamese, Soviets, and communist elements of the Palestine Liberation Organization? If this is not some facsimile of international communism, then we are at a loss at how to explain the common thread that binds these forces together. If we must pay our dues to the gods of polycentrism, then perhaps we might refine our terminology by calling this phenomenon "Soviet international communsim," since neither Maoist, Titoist, or Albanian brands of communism are at work.

Since we also rarely discuss the facts about international communism, here are a few that should be remembered in the context of the debate on Nicaragua:

The people do not want communism. Never in history has a majority of a free electorate democratically chosen a communist form of government. (There is only one exception: the minuscule state of San Marino.)

Communists have always come to power through violent takeovers. These takeovers have always involved the seizure of power by a well-organized and externally assisted minority over an unorganized and unwitting majority. Such takeovers consistenly entail the use of a "popular front" of communist and noncommunist elements; the establishment of a communist party that uses an ideological party line to enforce internal conformity and identify and eliminate deviationists; the use of camouflage to disguise the party's true intentions and full political program; the use of propaganda and disinformation to manipulate the international news media; the use of violent and ruthless methods to eliminate all organized opposition; and finally, the use of gradualism in the process of eliminating opposition and applying internal security—so that the people do not realize what is happening to them until it is too late.

No communist regime that has consolidated its power has ever been overthrown and replaced by a noncommunist order. (The only exception is Grenada.) Every other form of government offers people the chance to retain a system of trial and error. It is easy to overthrow a Shah or a Somoza after trial has been granted and error perceived. But once communism is firmly in place, the possibility of trial and error is no more. A vote against aid to the "freedom fighters" is a vote to consign Nicaragua to an indefinite period of no freedom of choice.

The human cost of communism exceeds most Americans' expectations. The number of people murdered by communist regimes is estimated at between 60 million and 150 million, with the higher figure probably more accurate in light of recent scholarship. The greatest tide of refugees in world history flows from communist states to noncommunist ones: Today it comes from Ethiopia, Afghanistan, Indochina, East Europe, and Nicaragua. (During the entire Vietnam war there was nary a refugee fleeing from Indochina. It was not until communism triumphed that life became so unbearable that people who could withstand decades of war fled to the seas.) Communism invented the concentration camp. Millions have been imprisoned and executed, have worked and starved to death, in these camps. Communist regimes will not permit enterprising Western reporters near these camps, so you don't hear about them on the news. Communist regimes recognize no restraint on their absolute power. From this they establish ideological falsehoods as the standards of right and wrong and the standards by which deviationism is measured; from this stems the systematic denial of all individual human rights. The quality of life always deteriorates under communism: the militarization of society; the destruction of the consumer economy; the rationing of food; the deterioration of housing and insufficient new construction to meet population growth; the destruction of medical care through lack of medicine and medical supplies; the destruction of religion; the destruction and political control of education and culture; the rewriting of history and destruction of monuments to the national heritage; and the assault on family life and parental jurisdiction over children.

Soviet-style communism invariably means the export of terrorism, violence, and revolution. Soviet proxy states participate in an efficient division of labor: Cubans as troops, Bulgarians and Vietnamese as arms suppliers, East Germans as secret-police trainers and military advisers. Since Soviet proxies are present on our continent today, it is no accident that the communist Sandinista regime is an active collaborator in this division of labor.

The Sandinistas are communists. Nicaraguan President Daniel Ortega has said: "Marxism-Leninism is the scientific doctrine that guides our revolution. . . . [W]ithout Sandinismo we cannot be Marxist-Leninist, and Sandinismo without Marxism-Leninism cannot be revolutionary." The identical pattern of communist takeover methods, internal policies, and external behavior is repeating itself in Nicaragua. There can be no doubt, given the evidence we have accumulated, that Nicaragua is becoming another Cuba.

Communist regimes, including the Nicaraguan regime, spend vast resources on disinformation—to deceive the international news media and foreign political decisionmakers. A principal goal is to disseminate false information about the nature of their own system: The principal disinformation theme of all communist regimes is to convince others that they are not really communist. This is done in many ways by the Sandinistas, but most prominently by the "guided tour." Countless American visitors are taken on this guided tour and see nice things and talk to "average citizens" who tell them what the regime wants them to hear. Nobody wants to believe that he has been fooled. But if Congress is to believe the testimony of constituents and reporters who base their information on the "guided tour," Congress may as well believe everything it is told on identical guided tours in Moscow, Havana, East Germany, and North Korea.

Congress must decide whether it will resist international communism on our continent or let it prosper. Isolationists in Congress may base their opposition to the administration on the principle that other countries should be allowed self-determination. Unfortunately, in Nicaragua today there can be no self-determination, because of the reality of "foreign-force determination." The foreign force is the USSR and its proxies, otherwise known as the forces of international communism. Will the Nicaraguans be given enough assistance so that they will be able to determine their future on the basis of a balance of foreign forces, or will Congress permit an imbalance, an imbalance against democracy, against any system of trial and error? If Congress chooses to deny the Nicaraguan friends of democracy a chance for self-determination, it will be voting in favor of the first victory of the Soviet strategic offensive on our own continent.●

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the Chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, Room SD 423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 5, 1985.

In reply refer to: I-03304/85

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BANNERMAN. By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost $50 million or more.

Sincerely,

PHILIP C. GAST,
Director.

POLICY JUSTIFICATION

(U) The prime contractor will be the Ford Aerospace and Communications Corporation of Newport Beach, California.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

ORDERS FOR TUESDAY, JUNE 11, 1985

ORDER FOR RECESS UNTIL 11 A.M., TUESDAY, JUNE 11, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until the hour of 11 a.m., Tuesday, June 11, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the Proxmire special order, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon, with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate may stand in recess between the hours of 12 noon and 2 p.m. tomorrow so that Members on each side may attend their policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF S. 1003

Mr. DOLE. Mr. President, at 2 p.m. the Senate will resume consideration of S. 1003, the State Department authorization bill. Pending is Helms amendment No. 328 to the underlying amendment No. 290, also by Senator HELMS.

Mr. President, it is the intention of the majority leader to complete action on S. 1003, the State Department authorization bill, on tomorrow. Therefore, I believe rollcall votes can be expected throughout the day.

I would guess that any votes will probably occur in the late afternoon, but there probably will be votes tomorrow.

RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 11 a.m., Tuesday, June 11.

The motion was agreed to; and, at 4:22 p.m., the Senate recessed until Tuesday, June 11, 1985, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 10, 1985:

DEPARTMENT OF STATE

George Cranwell Montgomery, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

NATIONAL SCIENCE FOUNDATION

Perry L. Adkisson, of Texas, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1990, vice Lewis M. Branscomb, term expired.

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with appropriate provisions of title 10, United States Code, sections 624 and 628:

To be colonel

Edward J. Burke, Jr., xxx-xx-xxxx
John R. O'Donnell, xxx-xx-xxxx
John S. Walker, Jr., xxx-xx-xxxx

To be lieutenant colonel

Larry G. Baldwin, xxx-xx-xxxx
George Demetriou, xxx-xx-xxxx
Clarence D. Demory, xxx-xx-xxxx
Jack L. Kaplan, Jr., xxx-xx-xxxx

CHAPLAIN CORPS

To be lieutenant colonel

Harold Wasserman, xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

MEDICAL SERVICE CORPS

To be lieutenant colonel

Samuel L. Cunningham, xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Gary L. Andersen, xxx-xx-xxxx
Michael E. Coker, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Mary F. Jeffries, xxx-xx-xxxx
Christina A. Santry, xxx-xx-xxxx

To be major

Michele E. Simmons, xxx-xx-xxxx
James B. Stalker, xxx-xx-xxxx
William G. Waters, Jr., xxx-xx-xxxx

ARMY NURSE CORPS

To be major

Ann M.V. Bianchi, xxx-xx-xxxx
Michael S. Evans, xxx-xx-xxxx
Judith Martinez-Fortier, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Dana E. Madison, xxx-xx-xxxx
Earl S. Newsome III, xxx-xx-xxxx

MEDICAL CORPS

To be major

Peter M. Klara, xxx-xx-xxxx

EXTENSIONS OF REMARKS

GENUINE COMPETITION FOR FINANCIAL INSTITUTIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. FRANK. Mr. Speaker, as a member of the Committee on Banking, Finance and Urban Affairs, I have been distressed at what seems to me an insufficient commitment to genuine competition on the part of many of our financial institutions. Too many of those in the financial services industry pay lip service to competition in general, but strike anticompetitive postures when it is suggested that increased competition in their own lines of business would be beneficial.

One very noteworthy exception to this not-for-me approach to competition comes from the John Hancock Mutual Life Insurance Co. On May 6, 1985, E. James Morton, president and chief operations officer of the John Hancock, made a superb speech on the subject of genuine financial deregulation which expresses a viewpoint which seems to me to be in the best interest of consumers and the economy as a whole.

I want to congratulate Mr. Morton for his courageous and thoughtful presentation, and I ask that his remarks on this subject be reprinted here.

FINANCIAL SERVICES DEREGULATION: A NECESSITY FOR THE INSURANCE INDUSTRY

(By E. James Morton)

Thank you. It's a pleasure to be here today, and I'm delighted to have this chance to deliver an important message to my colleagues in the life insurance industry, as well as to you—and that is that life insurance companies are in serious danger of being excluded from the emerging financial services industry not only because of unfair regulatory policies but also because of our own shortsightedness. Now let me expand a little on that theme.

Existing regulatory policies severely restrict life insurance companies from entering banking, residential real estate brokerage and other services. And we continue to be restricted even as regulatory doors are being opened to banks and many other financial service providers.

Besides being patently unfair, that is clearly bad public policy. Yet, for reasons I don't totally understand, life insurance people have done almost nothing about this discrimination or to make their case to the people who hold our fate in their hands—Congress and the Federal regulatory agencies.

Banks, brokerage firms, and others are rapidly expanding their products. Some of them are lobbying hard for laws and regulations which will let them expand and diversify. We understand that approach. But John Hancock would rather see changes in the current system to give all players a fair opportunity to compete.

I don't think the life insurance industry is serving its own interest by trying to stop the obvious and natural evolution of the marketplace. We certainly can't rely on any other industry to protect us, or to include us in their deregulation proposals—and we shouldn't expect them to. We have to fight our own battles for equal treatment and opportunity. At the John Hancock we are engaged in that combat, and we sure would appreciate some help from our colleagues.

Also, at the risk of seeming like an ungrateful guest, let me say that I believe the media has practically ignored the role of life insurance companies in the deregulation issues. Of course, that may be our own fault because we have done such an amateurish job of explaining our role and our needs.

Everyone has heard about the diversification programs of Citicorp, Merrill Lynch, American Express, and Sears Roebuck. But they have heard very little about the life insurance companies, even though deregulation is the major issue which we face, because in an increasingly deregulated environment, the future of most life insurers probably lies either in filling specialty niches or in diversifying. And in case you haven't guessed, the John Hancock has chosen the latter course, diversification.

We were founded in 1862, during Abraham Lincoln's first administration. For a century we sold life and health insurance, and did very well. And, we continue to sell insurance. But over the past 15 years we have moved into the middle of the financial services revolution. We have added mutual funds, stock brokerage, tax shelters and property and casualty insurance to our products, and we regard our competitors as Sears, and Merrill Lynch, and Citicorp and American Express.

I'm almost old enough to remember the days when American Express was a delivery company whose principal business was moving packages quickly in horse-drawn wagons. Today with its wide array of diversified services—from travelers checks to securities brokerage—one of the principal businesses of American Express is moving money.

We are not playing dead in the face of that competition. We are competing, and we intend to compete ever more aggressively, in this brave new world. I personally believe that deregulation is a good thing—both for consumers and for financial service providers—and the more deregulation we get the better off we will all be.

I sadly acknowledge, however, that such an enlightened view has not increased the John Hancock's popularity among our friends in our own industry. We stand virtually alone among life insurance companies in favoring continued financial services deregulation.

To many—to too many—in our industry, the burning issue of the day is not how to get into the banking business but rather how to keep the banks out of the life insurance business. Many life insurance companies have suggested they are willing to stay out of banking if that's the price they must pay to keep banks out of insurance. At the John Hancock, we couldn't disagree more.

The marketplace—and by that I mean the people who buy financial products—has identified the integrated financial services provider as meeting the needs of people and offering the convenience which they have come to expect in their daily transactions. Five to ten years from now, whether we like it or not, Citicorp and other financial services giants will be offering just about every financial service that there is—including life insurance. The erosion and eventual elimination of barriers to financial services integration are inevitable. It's time for the life insurance industry to wake up and accept that fact. Rather than being obsessed by the banks as evil competitors out to do us in, we ahould be using this time to prepare for the increased competition that surely lies ahead. And we must use this time to educate the Congress and regulators about our existence and our needs, so that life insurance companies do not end up being second-class citizens. Surely, if we are afraid of the competition of banks in our business, the best defense is for us to be able to offer banking services to our own customers.

To me, it doesn't seem like reasonable public policy to let a major industry dry up slowly because it cannot compete on equal terms. Yet, that is exactly where regulatory policy appears to be heading today with respect to life insurance.

While companies like Merrill Lynch, American Express and Sears Roebuck have been allowed to offer a wide variety of financial services inside their corporate complexes, the John Hancock has encountered regulatory resistence to a simple acquisition of a Savings and Loan institution—even though no one doubts our integrity of our demonstrated skill in providing financial services including mortgage lending to consumers. For the past year, we've been trying to acquire a Savings and Loan Holding Company in Columbus, Ohio (which I am happy to tell you, is Federally insured). We have a Purchase Agreement. We have submitted our application to the Federal Home Loan Bank Board and the Massachusetts Insurance Commissioner. But for the past year, our application has languished at the federal level because one of our subsidiary companies is a regional securities firm. And yet there is no federal law prohibiting the common ownership of a securities firm and a federal Savings and Loan. The affiliate restrictions of the Glass Steagall Act do not apply. But still out application remains in limbo. More recently we have filed to start a consumer bank in New Hampshire. Perhaps we will have better luck with that venture.

In any event, if we are to compete in the emerging financial services marketplace—and we have every right to do so. . . . And if we are to hold ourselves out to consumers as a diversified financial services organization, then we must offer banking services . . . as well as insurance services and securities brokerage services and credit card services and real estate services and all the rest. It's just as simple as that.

Unfortunately, the marketplace always moves faster than regulatory or legislative action. And today the financial services

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

business, aided by technology, has evolved far beyond the old regulatory system which tried to pigeonhole the various segments of financial services into distinct and separately owned companies. When a sharp change in market practices occurs before a corresponding change in legal philosophy and structure can be devised, then two things happen. First, those companies which can find a way to maneuver around the old structure will do it and gain an artificial competitive advantage. And, second, the regulators trying to enforce outmoded laws have no clear guidance for dealing with the new situation. That's where we are now.

What makes sense to us is a functional regulation system in which each sector of the financial services market—banking, life insurance, securities brokerage, etc.—is regulated separately. Organizations would be free to enter any or all segments, but would be subject to regulation in whatever segments they participate—segment by segment.

It's absolutely understandable and reasonable that regulators need to be assured of financial market safety. I've worked in a regulated environment all my life, and I know that we can live with any reasonable restrictions to prevent abuse. But regulation which seeks to stop that abuse by preventing common ownership of companies that offer the separate parts of the financial services market is foolish and anticompetitive—and furthermore, as we have seen, ineffective.

I find it fascinating that Sears Roebuck—a retail merchandising company not subject to financial services regulation—has long had very successful property and casualty and life insurance subsidiaries, and a California Savings and Loan, and has more recently acquired a major full-line securities firm, a major national real estate firm and a Delaware consumer bank. While the life insurance industry goes about fighting the banks, and the regulators try to decide what they want to do about the question of common ownership of diversified financial companies, Sears and other competitors go about the more productive task of creating full financial services complexes.

As Sears has already proved, the diversified financial services company is here right now. So the problem is not how to maintain artificial and discriminatory and exclusive barriers. The real problem is how to develop even-handed regulation that gives equal opportunity to all types of financial institutions regardless of their historic origins, and that includes life insurance companies.

Unfortunately, most of the new frameworks that are being proposed favor one industry or another and most often the banks. Most proposals give little or no recognition to the insurance industry. For instance, the proposal backed principally by the Reagan administration and which has its genesis in Treasury Department recommendations is bank oriented and offers very little to the life insurance industry.

So our major effort at the John Hancock is to work uniform regulation. But, making our voice heard is not easy. When I visit Washington, I have to remind people that we even exist, before I can make our case. That's because we are regulated at the state level, and so there is no agency in Washington with extensive knowledge of our business. So, we have no federal champion of our cause in the financial service debate. We constantly face the need to educate federal policymakers about our business in order to receive any consideration in the various deregulation bills. (Unless we as an industry do a much better job than we have been doing, we are very much at risk of being frozen out as Congress struggles to devise an equitable regulatory policy.

Unlike most other insurance companies, the John Hancock would gladly accept federal regulation of our industry—*if* it provided full access to the financial services market and preempted the state restraints on diversification. Anyway the federal government already has a substantial influence on our business, despite the fact that we are a state regulated industry. Federal tax law influences our product design besides dictating our tax payments. The SEC regulates some of our products. ERISA governs still others. And the coming congressional overhaul of financial services regulation will clearly shape the future of our business—whether by design or by inadvertence. The time has surely come for a comprehensive federal approach to financial services regulation which addresses the key issue—and that is—reciprocal market access for all financial service providers, including mutual life insurers.

And with that word mutual, let me say that for mutual companies such as us, the road to full financial services is really rocky. Although mutual companies have 56 per cent of life insurance industry assets, the mutual form of organization is confusing to and misunderstood by federal regulators. Many of the federal deregulation proposals making the formation of an upstream holding company a structural prerequisite. And yet because a mutual life company is held by its policyholders, an upstream holding company is impossible in the mutual form of organization. And furthermore, conversion from the mutual form of organization to a stockholder owned structure is not the panacea its advocates suggest. Some states make no provision for conversion, Massachusetts being one that's somewhat significant for us. And without a wholesale reappraisal of those state insurance conversion laws which do exist, insurers trying to become stock companies may find themselves so debilitated by the cost of the reorganization as to be unable to compete effectively once the process is completed. John Hancock and its policyholders have been well served over the years by the mutual form of organization. We are not going to discard this structure casually—merely because Congress failed to make provision for mutual life companies in their regulatory framework.

Well, with all these very serious problems, it would be nice if our friends in the insurance industry would join us in seeking fair treatment in Congress. So far, we haven't had a hell of a lot of success. There are a lot of people in the closet, but they only open the door once in a while and say, "Don't tell anybody, but we think you're right."

One of the few companies that does publicly agree with us is not a life insurer but a bank.

In testimony before a House Subcommittee, Citicorp's David Wagstaff said quote: . . . "Citicorp does not support restrictions on insurance companies and others who wish to enter the market for banking services so long as they do so on an equal basis." End quote.

Well, hooray for David Wagstaff and Citicorp. But what we really need is some support from the regulators—both our state regulators and those in Washington.

Now there are some people who question whether insurance companies are nimble and aggressive enough to compete with banks as they come into our markets. I'm not too worried about that. Take Savings Bank Life Insurance for instance, which is aggressively promoted. In Massachusetts, Connecticut and New York, it represents only about 3 percent of all life insurance sold. And I've never seen long lines of people waiting outside savings banks in Boston to buy life insurance.

There's an old but true cliché in our business: Life insurance is sold, not bought. Almost invariably, an agent is the essential catalyst. The agent must first identify a client's needs and then motivate the client to buy life insurance to meet those needs. In assessing our own strengths, we come back repeatedly to our sales organization. It's highly motivated and trained, and is supported by strong marketing services. But most important, it has loyalty and a long tradition which cannot be duplicated, assembled or purchased overnight.

But unlike some other financial service organizations, we don't view the future in terms of an integrated financial services complex where clients deal with a single sales person for all their needs. We do look for integration wherever possible. We own Tucker Anthony and R.L. Day, a regional brokerage firm which is expanding nationally, and there are significant synergies between Tucker Anthony and our life insurance operations. For instance, John Hancock agents are now selling tax shelters created by Tucker Anthony, while Tucker Anthony brokers are selling John Hancock annuities.

But mostly we anticipate that each of our financial service segments will operate separately and attract its own primary clients. Those clients will then become prospects for other John Hancock products and services.

Let me conclude by saying the time has come for the life insurance industry to wake up and accept the reality of today's financial services marketplace. The question is not whether deregulation is here to stay. That's a fait accompli. The real question is whether life insurance companies will be excluded from the emerging financial services marketplace or given a chance to participate. We have to let Congress, the regulators and you know we exist and to insist everyone recognize our needs.

At John Hancock, we will not give up our struggle for equality. We intend to be major participants in the emerging financial services industry as those regulatory walls come tumbling down.●

J.S. MORAN OF KENTUCKY

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. NATCHER. Mr. Speaker, I ask my colleagues to join with me in honoring J.S. Moran, editor emeritus of the Springfield Sun of Springfield, KY, who has recently been selected for inclusion in the University of Kentucky Journalism Hall of Fame.

For many years, Mr. Moran was editor and publisher of the Springfield Sun. He is a newspaper man in every best sense of the word and a gentleman of high caliber. To him his news-

paper is far more than a profession, more than a trade, more than a business. It is a way of life and his way of living his life.

He has always believed that the basic function of a newspaper is to keep its readers intelligently informed and, thus prepare them to better share their civic and moral responsibilities. He has known during his 69 years in journalism that a newspaper cannot be better than the people that establish it, determine its policies, write its articles and editorials, plan its format, operate its presses and distribute it to the community it serves.

Mr. Speaker, my friend, J.S. Moran, has always been a credit to the fourth estate. In his articles, whether on the local or the distant scene, he wrote with understanding and objectivity. He has always given his reading audience factual and accurate information as fully as he could develop it so that they might perceive the meaning of the news and understand the questions involved. He always understood the influence that was his as editor-publisher and committed himself to serve, sustain, and promote the home community. Following the proven newspaper rule that the big news is the nearest news, Mr. Moran developed his local reporting into a fine art. He is skilled in describing the ordinary, the familiar and everyday life in a manner that has enabled the people to better know themselves and their community.

Down through the years, Mr. Moran knew that the place of the press in the formation of opinion and the operation of modern government could be clearly evidenced by provocative and refreshing editorials and this is the system that he has always used.

In the industrial and agricultural growth of Washington County, the Springfield Sun has not just recorded accomplishments, but has performed magnificently the true function of a local newspaper—that is to inform, encourage and stimulate action which would bring about development and expansion of the local community.

Still active at the age 97, Mr. Moran, as editor emeritus of the Springfield Sun, continues in his column—"Through My Bifocals"—to express himself and to carry out his duties as editor emeritus of this excellent newspaper. Tremendous changes have come about since the beginning of this newspaper and this publication has kept pace with our fast-moving world. The very presence of a hometown newspaper makes a difference in the people's lives and certainly the Springfield Sun has played a major role in bringing about the many and worthwhile accomplishments that have been attained in Washington County during the past 69 years.

Shortly after Washington County, under a new redistricting act, was placed in the Second Congressional District, I met Mr. Moran and since that time we have been friends. It is a distinct honor and privilege for me to call J.S. Moran my friend. On many occasions we have talked at length about our country, our State, our congressional district and Washington County. On each occasion, he was exceptionally well versed on each matter that we discussed and I was impressed by his keen grasp of affairs. I was more impressed, however, by the way he saw himself and his newspaper in the community. No one has ever lived in Washington County that loved this county more than Mr. Moran and the same applies to the Commonwealth of Kentucky.

Mr. Speaker, J.S. Moran, editor emeritus of the Springfield Sun in Springfield, KY, is a newspaperman in every best sense of the word and he certainly is a distinct credit to the fourth estate. He is my friend and he has been good for this country.●

U.S. POLICY TOWARD NICARAGUA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. GARCIA. Mr. Speaker, I am submitting an article from the June 9 edition of the Washington Post by Dr. Robert Pastor on the Contra debate. Bob Pastor is a former member of the National Security Council, and he has written a great deal about United States-Latin American relations. Bob is a thoughtful man who has shown real insight on our relationship with Latin nations, particularly Central America and the Caribbean.

I believe his article clearly outlines what our policy should be regarding Nicaragua and the Contras. I urge my colleagues to take a minute to read this article.

APPLY LATIN—NOT AMERICAN—PRESSURE

(By Robert Pastor)

The vote by Congress on whether to support the contras is a crossroads in U.S. policy toward Nicaragua. Congress should avoid diversionary issues, such as whether the contras are *Somocista* or Nicaragua is communist; neither is the case, or the critical point. In deciding whether to endorse the contras, the choice is between two strategies.

The Reagan administration's unilateral strategy will lead eventually to a choice between (1) lending direct military support to the contras to overthrow the regime and (2) abandoning U.S. security interest in Central America. Support for the contras is not a substitute for U.S. intervention, as some contend; it is the first installment on a loan that the contras can repay only with the help of the Marines. An alternative, multilateral path can lead to a negotiated settlement in Central America, which could contain the Sandinistas and support those Nicaraguans genuinely interested in pluralism. But this is less certain.

The issue of whether the contras are effective in encouraging negotiating flexibility by the Sandinistas or counterproductive in providing domestic support for the regime is moot, since the administration is not interested in negotiations. The administration believes negotiating with the Sandinistas is useless, except to mollify Democratic critics, since they do not believe the Sandinistas would fulfill and agreement, and they don't trust the Contadora countries to enforce one.

Therefore, a vote for the contras is a vote for a strategy to polarize Nicaragua and divide and conquer the Sandinistas. The embargo is part of this strategy, which encourages the middle class to leave Nicaragua and transfer its legitimacy to the contras while forcing the Sandinistas into a closer relationship with the Soviets. The fewer moderates left in Nicaragua the easier it is to argue that Nicaragua is a Stalinist regime.

Once Congress openly invests in the contras, it will become increasingly difficult to abandon them, particularly as the new moderate recruits will make the contras stronger and more legitimate. However, they will never get strong enough to defeat the Sandinistas militarily without direct help from the United States. This strategy will produce a regime as dependent on the Soviets, as barren of a moderate opposition and as much of a threat to its neighbors as some in the Reagan administration currently believe is the case—but isn't. Then, the choice will be inaction or intervention.

Today, there is still a better alternative, but it requires a clearer statement of objectives and a better understanding of the effective sources of leverage against the Sandinistas. Our primary interest is to preclude Nicaragua's receiving sophisticated offensive weaponry or being used by the Soviet Union or Cuba as a base. A bipartisan congressional statement on this issue should not be difficult, and indeed, the Nicaraguans and the Soviets have already received this message.

A second interest is to prevent Nicaragua from subverting its neighbors, and a third is to encourage democracy. The best means for achieving these last two interests happily coincide with a fourth interest, which is to pursue a strategy in consultation and coordination with our democratic friends in the region. The administration's unilateral strategy undermines these interests. Actions such as the embargo force those Latin American governments, who were becoming critical of the Sandinistas, to defend them.

The essence of a good strategy is to reinforce Latin American pressure on Nicaragua, not transform it into support or replace it. Over the long term, the fear of isolation from Latin America and Western Europe is a more effective source of influence on the Sandinistas than the contras or, frankly, anything the United States can do, short of invervention.

So the question is how to transform a bilateral confrontation, which makes the Sandinistas look heroic and the United States look foolish, into a multilateral strategy. Evidence of Nicaraguan subversion should not be published as a State Department white paper; it should be brought to the Organization of American States by the affected countries, and the United States should support these efforts. When the evidence is sufficiently persuasive, the affected countries should seek sanctions against Nicara-

gua. The threat of such sanctions would be a powerful deterrent.

In consultations with the Contadora countries and others in Latin America, the United States should indicate that in the absence of multilateral support, it is phasing out aid to the contras, and looks toward a joint approach to encourage the Sandinistas to begin a genuine dialogue with their opposition. The United States should encourage moderate leaders to stay in Nicaragua, not leave, and seek peaceful means of influencing the government.

Other than the issue of Nicaragua's military relations with the Soviet bloc, Nicaragua does not constitute a security threat to the United States, but to its neighbors. We should respect Contadora to pursue their own security interests, making clear that we will support them, not fight for them.

If the administration could persuade a bipartisan Congressional group that it were genuinely interested in negotiating with the Sandinistas and supporting Contadora, then within a multilateral strategy, supporting the contras might make sense, but that is not the case. In the context of the administration's strategy, an endorsement and investment in the contras is a step down the wrong path. The administration may not want to intervene, but the logic of its policy will take us to a point where the other options will be worse.●

WORST SCENARIO LIKELY FOR PUERTO RICO WITH THE ELIMINATION OF SECTION 936

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. FUSTER. Mr. Speaker, the preoccupation of the people of Puerto Rico and the opinion of financial experts regarding the devastating effects of the elimination of IRS section 936 as proposed in the administration's tax simplification plan found an echo in Robert Friedman's story in the New York Daily News of June 2, 1985.

I request that the full text of his "Report from Puerto Rico" be inserted in the RECORD for all of our colleagues to learn about the possible consequences of such ill-timed action.

The text of the report follows:

WORST SCENARIO LIKELY FOR PUERTO RICO WITH THE ELIMINATION OF SECTION 936

(By Robert Friedman)

SAN JUAN.—President Reagan's tax "rebellion" could lead to the overthrow of the Puerto Rican economy.

That's what government officials, economists and financial experts are saying here. They are talking about a wholesale pullout of manufacturers, the loss of up to 200,000 jobs and the outflow of $7 billion to $9 billion held in island banks.

The worst scenario seemed suddenly likely with the release last week of the President's tax reform package. The 461-page report contained eight pages seen as devastating to the island's economy.

These pages dealt with Section 936 of the Internal Revenue Code. The section offers U.S. firms setting up shop here huge tax breaks, including the right to bring home profits tax free, after investing them for a time in the local economy.

The commonwealth government sees the law as its main incentive to attract industry and badly needed jobs. The U.S. Treasury sees it as a loophole that through creative bookkeeping costs the federal coffers $1.7 billion a year.

Section 936 has been the basis for the island's rapid industrialization since World War II. But the provision, according to the White House report, has led to a system that is "complicated, expensive and inefficient."

The Reagan tax plan would call off the deal. Section 936 would be replaced in five years with a wage-credit plan giving companies tax credits based on how many people they employ and how much the employees earn.

This new arrangement will not be enough by a long shot, say financial experts. They note Puerto Rico is no longer a low-wage area attracting industries seeking wage credits to offset federal taxes. The island is now in the high-tech arena, as shown by the sharp growth here in the electronics and pharmaceutical industries.

"It's not just seeing how many industries would leave," said Antonio Colorado, administrator of Fomento, the government agency that tries to attract factories to the island. "It's seeing how many industries wouldn't come."

Jorge Junquera, executive vice president of Banco Popular, the largest Puerto Rican-owned bank, said the end of 936 would mean a huge pullout of banking funds by U.S. companies. "If we end up with $1 billion (of up to $9 billion now in banks), we will be lucky," he said.

Already, stateside executives are talking about packing up and leaving. Bob Deasy, a Westinghouse corporate relations official, said Thursday that if 936 is phased out, "the majority of our island operations will be moved outside."

Westinghouse employs 4,200 people in 22 factories on the island. There are 417 corporations here operating under the 936 provision. They provide about 100,000 direct and 125,000 indirect jobs.

The Puerto Rican government has not lost hope that 936 can be saved. Congress, officials here feel, will be much more receptive to the island's plight than the Treasury Department and White House have been.

Congressmen will be cautioned that if U.S. industries desert this land, large chunks of welfare funds may be needed to keep the island's economy from collapsing and hundreds of thousands of Puerto Ricans may be swept up in an exodus to the states in search of jobs.

The commonwealth government also will continue to push a plan to use 936 funds to set up factories in poor Caribbean nations.●

VETERANS HEALTH CARE BUDGET CANNOT BE REDUCED FURTHER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. MONTGOMERY. Mr. Speaker, the House and Senate conferees are expected to begin meeting tomorrow on the budget for fiscal year 1986. Many Federal programs will be affected.

A very high priority of mine is veterans health care. I want my colleagues to fully understand the impact of any budget reductions in funds to operate the VA's health care system. Who is better able to relate the problems in the field than the people in the field?

According to the chiefs of staff at VA hospitals nationwide who responded to a recent survey, inadequate budgets are already taking their toll. More cuts in the budget will mean longer waiting lists, the turning away of certain non-service-connected veterans, and delays in many surgical procedures.

There follows a report from the chief of staff at the VA Medical Center in Wood, WI:

VETERANS' ADMINISTRATION
MEDICAL CENTER,
Wood, WI, January 21, 1985.

HOWARD H. GREEN, M.D.,
Chief of Staff (11),
White River Junction, VT.

DEAR DR. GREEN: This is in response to your inquiry of January 2:

(a) 715 hospital beds; 400 domiciliary beds; 200 nursing home care beds.

(b) Affiliated with the Medical College of Wisconsin.

(c) Projected dollar deficit as of January 1:

1. Personnel Service: $150,000.
2. All Other: none.

(d) Impact of dollar deficit:

1. A slight recruitment lag has been in effect to help balance the budget, but this has had no impact on patient care.
2. There has been no difficulty in securing supplies.
3. In the past we have experienced major problems in securing new and replacement equipment; these problems have been largely solved in the past year.
4. There is no backlog in surgery.

(e) We have benefited on a one-time basis by reducing our domiciliary by 200 beds, retaining the funding for these beds for one year.

(f) We are not optimally funded for our present mission:

1. Personnel: in particular there is marginal staffing of Nursing Service and inadequate clerical/secretarial support.
2. Equipment: we have had extreme difficulty in the past in securing new equipment (e.g. CAT scanner) and replacement equipment (ICU monitors).

WM. C. MATOUSEK, M.D.,
Chief of Staff.●

MASS TRANSIT IS UNDER UNFAIR ATTACK

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, the Reagan administration and, at times, the news media have criticized—often unfairly—southern Florida's new rapid mass transit system, Dade County's Metrorail.

As a believer in the future of public transportation in this country, I have

defended Miami's transit system and also other rapid mass transportation projects that are receiving Federal funding.

Recently, a member of the Miami Herald's editorial board, Robert F. Sanchez, did the best job I've seen of describing what makes Metrorail worthwhile.

I want to share some of his thoughts with my colleagues:

MASS TRANSIT IS UNDER UNFAIR ATTACK

To defend Metrorail properly in these circumstances, its proponents need to do two things. First, they need to remind themselves of why it was built in the first place. Second, they need to boil down those reasons into statements so short and simple that even a journalist can follow them.

This is important not only to win continued Federal and state aid, but also to woo local support when voters are asked to swallow a sales-tax increase or other levies to offset transit's operating deficits.

For starters, then, let's consider seven pithy reasons why projects such as Metrorail are good public policy—for Dade, for Florida, and for the nation.

1. More than 115 million people live in the nation's 37 metropolitan areas with populations over one million. Improving mass transit in those areas allows a significant reduction in oil consumption.

2. The energy crisis isn't dead; it's only sleeping. Higher prices and spot shortages of gasoline are forecast for the 1990s. When that occurs, middle-class dependence on mass transit will grow dramatically.

3. In Miami and most other cities, many people—the young, the old, the poor, the handicapped—can't drive or can't afford a car's costs, especially insurance. Without good public transportation, these people have no way to reach their jobs, their schools, their doctors, and so on. With it, many of them can remain more independent.

4. Although construction of rail systems such as Dade's costs a lot initially, it brings savings on labor costs. It also eliminates the need for other projects. In Miami, for instance, millions of dollars worth of planned expressways were canceled in favor of mass transit.

5. Well-planned transit systems can help shape a more-efficient urban landscape. Growth in high-density corridors along the transit lines reduces urban sprawl. This results in lower costs for each Federally assisted projects as water and sewer lines.

6. Even if road funds were plentiful, there's a limit to a city's ability to absorb automobiles. Traffic snarls. Parking becomes scarce—or else consumes inordinate amounts of valuable real estate.

7. Having too many cars in the heart of a city fouls the air. Mass transit moves more people with less pollution. Clean air reduces respiratory disease and, hence, cuts Federal medical costs.

These are just seven reasons why Metrorail is beneficial, not only for Dade but for the nation as well. There are many other reasons. If some of them occur to you, send them along. Remember, though: Keep them short and simple—in case the networks return.●

THE HONORABLE FRED MARSHALL

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. NATCHER. Mr. Speaker, it was with profound sorrow that I learned of the passing of Fred Marshall. Fred Marshall was an outstanding Member of the House of Representatives and he was respected by every Member in the House.

Fred Marshall was born in Union Grove Township near Grove City, Meeker County, MN, on March 13, 1906. He was born and reared on a farm and Mr. Speaker, he was proud of the fact that he was a farmer. He actively engaged in farming and this applied not only at the time of his election to Congress, but also during the time that he served as a Member of the House. He started out as a member of the Minnesota Agriculture Administration Committee and served in this capacity from 1937 to 1941. Next, he was State director of the Farm Security Administration which, as you know, is now the Farmers Home Administration from 1941 to 1948. He was elected to the 81st Congress and to the six succeeding Congresses, serving from January 3, 1949, to January 3, 1963. He was not a candidate for reelection in 1962 to the 88th Congress.

Fred Marshall, if he had so desired, could have extended his tenure in the House by many years, but he decided in the year 1962 to retire.

His service in the House of Representatives was during an unusual period in the history of our country and his name will be known in all-time to come at home and throughout this country for his service in the House.

I served with Fred Marshall on the Committee on Appropriations for many years and he served on this committee with distinction and honor. He knew more about agriculture than any member of our committee and in fact, Mr. Speaker, more than any Member of the House serving during the time he was with us. I talked with him on many occasions about agriculture and what we should be doing to assist the American farmer—not as a matter of appropriating more money, but as a matter of placing the farmer in a position where he could sell his commodities and make a living.

He was a self-made man and his life exemplified those virtues that make an outstanding citizen and an outstanding Member of the Congress. He was fair at all times and was willing to listen to suggestions and programs that would produce benefits for the people of our country. He left his mark on Congress, not necessarily through legislation which he succeeded in having enacted, but instead through his character itself. He was always a gentleman and represented his district and his State in an excellent manner.

Mr. Speaker, words are inadequate to fully apprise Fred Marshall's tremendous capacity for loyalty and love of his country. In every position, he held either private or public, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty. He will have a high place in the history of our country and in the hearts of all of those who knew and loved him.

Mr. Speaker, Fred Marshall was my friend and one of the nicest things that has happened to me since I have been a Member of Congress is the opportunity I had to serve in the House of Representatives with him.

To his lovely wife and to the members of his family, I extend my deepest sympathy in their bereavement.●

TEXTILE AND APPAREL TRADE ENFORCEMENT ACT OF 1985

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. FRENZEL. Mr. Speaker, on May 28, 1985, the Journal of Commerce published an editorial reminding us of the downside of passing a bill as tough as the Textile and Apparel Trade Enforcement Act of 1985.

The bill has the lofty goal of protecting the interests of the domestic textile/apparel industry, but it is easy to ignore its negative aspects including retaliation by other affected nations. For instance, the Chinese have already threatened to boycott U.S. grain.

Other factors must be considered too, such as job losses in the domestic import, retail, and transportation industries, higher prices for consumers, and the LDC's perception that we are not interested in assisting them to earn hard currency to curb their debt problems. While the supporters of the bill have stated that the bill will not result in significant rollbacks for the least developing countries, I have seen some preliminary figures from the administration which may indicate otherwise.

The article, which is reprinted below, indicates that the textile/apparel industry has lost over 300,000 jobs in the last 4 years. My figures, obtained from the Bureau of Labor Statistics, indicate that from 1981 through 1984, 112,800 jobs have been lost in both the textile and apparel industries. The total for 1974-84 is 372,000. Some of the job losses can be attributed to plant modernization and industry readjustment. It is surely not

fair to blame the multifiber arrangement for all losses.

There are many other industries in the United States which have suffered significant job losses. Because, none has received as much protection as the domestic textile/apparel industry. Additional protection must be carefully considered.

The article follows:

NO MORE TEXTILE PROTECTION

It may not get the publicity of the depressed steel or agricultural industries, but the crisis facing America's textile industry is every bit as disconcerting as the troubles at the mill and on the farm. The textile industry, which employs four million Americans, is facing such stiff competition from cheap imported products that officials fear domestic production may be wiped out in as little as 10 years.

But the protectionist solutions offered so far do not address the fundamental industry flaws. If implemented, these proposals would serve only to stoke the already raging protectionist fires around the world.

As a senator from one of the country's top textile producing states, Sen. Strom Thurmond, R-S.C., has proposed a bill that would further restrict the export shipments from the 20 leading textile producing nations. Sen. Thurmond's heart is in the right place but his bill should be rejected.

When the Multi Fiber Agreement, which dictates world trade patterns for most textiles, expires next year, textile-producing countries will seek greater access to the U.S. market. But many developing countries, dependent on textile exports, worry the United States will instead adopt protectionist policies that would keep them out of their largest market.

Their paranoia is easy to understand. The Country of Origin law, which went into effect April 4, prevents exporters from shipping semi-finished garments to another country for finishing and finally reshipment to the United States. With Sen. Thurmond's Textile and Apparel Trade Enforcement Act bill is picking up steam in Congress, concern among developing countries is growing.

Already the Chinese are threatening to boycott U.S. grain and passage of this new bill increases the chances of such a boycott. The Chinese grain boycott in 1983—following previous textile restraints—cost U.S. farmers hundreds of millions of dollars. Such a loss in export sales is the last thing American farmers need.

Passage of the Texile and Apparel Trade Enforcement Act threatens more than just farmer welfare. Critics of the act say that if it is passed, imports would be rolled back 20 to 30 percent. Such a decline would mean "considerable job losses" in both the garment industry and at the retail level, according to one critic of the bill.

In addition, steamship lines would see cargo levels drop from ports in mainland China, Taiwan, Malaysia and South Korea. But perhaps the most important reason for rejecting further textile industry protection is the effect such a measure would have on the world's debt situation.

Textile production is usually the first level of manufacturing for less developed countries and many LDCs depend heavily on fiber and apparel exports to earn hard currencies. If, for example, Latin American textile exports were substantially diminished, those countries would find it that much more difficult to meet their debt payments—a danger, by that way, of all protectionist measures aimed at developing countries. A major LDC debt crisis is only now abating and one of the reasons is that the strong dollar has allowed these nations to increase their exports to the United States. Additional protectionist measures could push those countries closer to default.

But passage of the bill would also hurt the American consumer. A report by the American Center for the Study of Business, estimates that artificial textile protectionist barriers have cost U.S. consumers $58.5 billion. In addition, the corresponding price increase accompanying additional protectionist measures would raise prices and make it more difficult for the poor to buy clothing.

Some textile industry officials believe a 20-30 percent rollback in imports would likely boost the inflation rate.

The American textile industry had a trade surplus of $956 million in 1981 but last year they registered a $16 billion trade deficit. Textile producers argue that this can only be attributed to unfair trade practices on the part of the competition. But these officials fail to mention that the strong dollar has affected all U.S. industry in just the same way.

To be sure, some industry complaints are justified. A 40 percent jump in imports last year—giving imported textile and apparel products about 20 percent of the U.S. market—raised great fears in an industry that has lost over 300,000 jobs in the last four years.

But the industry would be better served by retooling and modernizing their operations rather than by seeking additional protection from imports. The funny thing about protectionism is that it always comes back to haunt those countries erecting the trade barriers.●

FOREST VIEW NURSING HOME IN NEW YORK CELEBRATES ITS 15TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. ACKERMAN. Mr. Speaker, today I rise to congratulate the fine administrators and staff of the Forest View Nursing Home in Forest Hills, NY, as they mark its 15th anniversary on June 13, 1985.

The Forest View Nursing Home offers a wide variety of services in order to maintain the physical and emotional well-being of its patients. A total of 159 senior citizens are provided with around-the-clock comprehensive nursing care, as well as a variety of medical, pharmaceutical, social, cultural, and religious services and programs. In addition, the home sponsors frequent recreational events, including films, weekly professional entertainment, and trips to concerts and other attractions. It also offers music and drama therapy programs that effectively combine physical and emotional care.

Although the Forest View Nursing Home is a private facility, it enjoys a healthy and active involvement with the community. Last year, the home held a health fair which provided valuable information about health and nutrition to the public. Forest View also offers frequent hearing and blood pressure testing for neighborhood residents, free of charge, as well as meeting space for local groups of all kinds. In return for these services, the home is staffed by a group of local volunteers that provides a valuable supplement to its paid staff. In addition, groups from neighborhood schools, churches, and synagogues often visit the Forest View to perform for its patients.

I would like to ask all of my colleagues in the U.S. House of Representatives to join with me now in congratulating administrator Joseph L. Bloch and all of the people who have made possible the success, good works, and excellence of the Forest View Nursing Home, upon the momentous occasion of its 15th anniversary.●

FISH AND WILDLIFE COORDINATION ACT AMENDMENTS

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. BREAUX. Mr. Speaker, today I am introducing a bill, along with my colleagues, Mr. JONES of North Carolina, Mr. LENT, and Mr. YOUNG of Alaska, to amend the Fish and Wildlife Coordination Act. This legislation is virtually identical to H.R. 5755 which was approved by the House in 1984. Unfortunately, no action was taken by the other body.

The Fish and Wildlife Coordination Act, first enacted by Congress in 1934, was one of the earliest Federal environmental statutes and represented the first attempt to integrate fish and wildlife conservation measures into the Federal Government's water resources planning activities. As amended in 1946, the act requires Federal agencies that administer projects modifying water resources to take fish and wildlife resources into consideration before proceeding. The act, however, does not affect such agencies' discretion in making final decisions concerning water projects. Whenever any agency proposes a project that will affect a water resource or considers issuing a permit for a private project that will affect water resources, it consults with the Fish and Wildlife Service, the National Marine Fisheries Service, and the fish and wildlife agency of the State in which the project is to be constructed. After consultation, the fish and wildlife agencies may submit a report to the agency responsible for the project detailing the impacts on wildlife and fisheries, and may make recommendations for alternative actions or mitigation meas-

ures. The act also authorizes the transfer of funds from construction agencies to the fish and wildlife agencies to conduct investigations to carry out the purposes of the act.

The legislation I am introducing attempts to deal with some relatively technical issues that have been called to our attention in the implementation of the Coordination Act. First, it authorizes off-site as well as on-site mitigation to facilitate comprehensive planning for projects and allow for innovative conflict resolution mechanisms such as mitigation banking. Second, it requires, rather than simply authorizes, the agencies responsible for Federal projects to provide funds to the Federal fish and wildlife agencies to carry out their studies. Third, it calls for a study to determine whether or not permit conditions requested by the fish and wildlife agencies are effective and if they are being complied with.

Finally, this legislation adds a new section to the act which authorizes the Secretary of the Interior and the Secretary of Commerce to cooperate in the development of plans for areas such as port development projects and to enter into contractual agreements to provide assurances that fish and wildlife resources are protected. The project sponsors would in turn receive assurances that their future permit processing would be carried out under the conditions or guidelines set forth in the agreement.

Mr. Speaker, this legislation makes some important, constructive changes to one of our oldest and most important fish and wildlife conservation laws. I believe that the changes contained in this legislation will prove valuable in assuring the continued long-term effectiveness of the Fish and Wildlife Coordination Act. The Subcommittee on Fisheries and Wildlife Conservation and the Environment will hold hearings on this legislation in the near future.

H.R. 2704

A bill to amend the Fish and Wildlife Coordination Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Fish and Wildlife Coordination Act (16 U.S.C. 662) is amended—

(1) by adding subsection (a)—

(A) by inserting "(1)" after "(a)",

(B) by striking out "United States Fish and Wildlife Service, Department of the Interior," and inserting in lieu thereof "responsible Federal agency", and

(C) by adding at the end thereof the following new paragraph:

"(2) For purposes of this section—

"(A) the term 'Secretary' means the Secretary of the Interior or the Secretary of Commerce; and

"(B) the term 'responsible Federal agency' means the United States Fish and Wildlife Service or the National Marine Fisheries Service;

as program responsibilities are respectively vested pursuant to the provisions of Reorganization Plan Number 4 of 1970.";

(2) by amending subsection (b)—

(A) by striking out "Secretary of the Interior" each place it appears therein and inserting in lieu thereof "Secretary",

(B) by striking out "United States Fish and Wildlife Service" and inserting in lieu thereof "responsible Federal agency",

(C) by striking out "or compensating for these damages." in the second sentence and inserting in lieu thereof "these damages at onsite and offsite locations.", and

(D) by inserting after the second sentence the following new sentence:

"For purposes of the preceding sentence, measures for mitigating damages should, to the extent practicable, affect those populations and habitats impacted by a project, and may include measures for "(A) avoiding the impact altogether by not taking a certain action or parts of an action, "(B) minimizing impacts by limiting the degree or magnitude of the action and its implementation, "(C) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, "(D) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, and "(E) compensating for the impact by replacing or providing substitute resources or environments.";

(3) by amending subsection (e) by striking out "is authorized to transfer to the United States Fish and Wildlife Service" and inserting in lieu thereof "shall transfer to the responsible Federal agency";

(4) by adding at the end thereof the following new subsection:

"(i)(1) for purposes of this subsection, the term 'related water control project' means any project—

"(A) with respect to which a Federal license or permit referred to in subsection (a) is issued; or

"(B) of a kind described in subsection (a) that is carried out by a Federal department or agency; and for which consultation is required under this section.

"(2) For each biennial period beginning after September 30, 1985, each responsible Federal agency shall—

"(A) prepare a listing by categories of—

"(i) the related water control projects with respect to which a consultation referred to in paragraph (1) was made during the period; and

"(ii) the number of related water control projects listed under clause (i) for which recommendations of the kind described in subsection (b) were made; and

"(B) select a statistically significant sample of the related water projects referred to in subparagraph (A)(ii) and shall, regarding each of those projects—

"(i) evaluate the extent to which recommendations referred to in subparagraph (A)(ii) were incorporated as conditions of the applicable Federal license or permit or of the project planning or construction;

"(ii) notify the federal department or agency having jurisdiction over the project of the selection and evaluation under clause (i); and

"(iii) after taking into account the response received from that department or agency under paragraph (3), evaluate the results and effectiveness of such compliance.

"(3) each Federal department or agency that receives a notification under paragraph (2)(B)(ii) shall promptly subject to the responsible Federal agency such information regarding the related water control project as may be necessary or appropriate to enable the responsible Federal agency to carry out paragraph (2)(B)(iii), including an evaluation of the extent to which each recommendation is being complied with in regard to that project.

"(4) The Secretary of the Interior, in cooperation with the Secretary of Commerce, shall prepare and submit to Congress, within ninety days after the close of each biennial period referred to in paragraph (2), a report regarding those actions that are required to be undertaken under paragraph (2) for that period."; and

(5) by adding at the end thereof the following new subsection: "(j) The Secretary may—

"(1) participate or cooperate with Federal, State, or local agencies, and with private organizations or entities, in the preparation of plans which comply with applicable Federal, State, and local law and which promote (A) the conservation or enhancement of wildlife and wildlife habitat, and (B) the reconciliation of such conservation or enhancement with other objectives and uses; and

"(2) with respect to each plan referred to in paragraph (1) regarding which the Secretary participates or cooperates, enter into contractual agreements that provide assurances, consistent with law, regarding the value and extent of the habitat to be conserved or enhanced, the mitigation to be provided for the affected wildlife resources, and the nature and extent of habitat modifications to be permitted.".●

THE CONFERENCE'S 10TH ANNIVERSARY

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mr. WISE. Mr. Speaker, since coming to Congress over 2 years ago, I have been impressed by many things. The staggering workload, the tremendous effort put forth by my colleagues on both sides of the aisle to come to grips with the issues of the day, and the incredible abundance of information that is available to me as a Member of Congress, being among them.

I think that this latter point, the fact that there is literally too much information for any one Member or staff to digest on any given issue, is a critical one.

It is for this reason, then, that I have become a strong supporter, and now a member of the board and a vice chair, of one of the organizations on the Hill that seeks to deal with this problem—the Environmental and Energy Study Conference.

Since my good friend and former Member of Congress Dick Ottinger started the conference in 1975, it has grown both in membership, resources, experitise, and effectiveness. The 10 original members have now become 320—including both House and Senate—and it is the largest legislative service organization in Congress. It is

bipartisan, and provides unbiased information on energy and environmental legislation that we must debate and make decisions about. To me, the information and analysis it generates has not only become useful, but indispensible. But the EESC does more; it takes the enormous amount of information and data that is available on environmental and energy issues, and makes them mean something to us common folk.

The Green Sheets mean one thing in my office—facts. The EESC publications analyze, report, forecast and generate a great deal that is important to me and the constituency that I represent, West Virginia's Third Congressional District. Staff director John Dineen and his whole crew do yeoman work in getting me and the other members of the conference the background we need to do our jobs, and do them well.

I have always been proud to be a member of the EESC. I am even more excited now that I have decided to become more active in its leadership, and I want to take this opportunity to thank Dick Ottinger, and all of the subsequent chairpersons for what they have created. I would like to particularly acknowledge the leadership that my friend and colleague, HOWARD WOLPE, and Senator PAT LEAHY have provided the EESC over the past 2 years. They have provided a service to this Congress and country. I look forward to working during the 99th Congress with Chairman BILL GREEN and SLADE GORTON, and my co-vice-chair, AL GORE.●

TRIBUTE TO HON. SAM B. HALL, JR.

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1985

● Mr. FUQUA. Mr. Speaker, I rise today to express to the House of Representatives my deep respect and admiration for the gentleman from Texas [Mr. SAM B. HALL, JR.] who has left this body to become a Federal district court judge. He will truly be missed.

Wright Patman was a legend in this House and a legislative giant. No one said succeeding him would be easy and many predicted that person elected to the First Congressional District would never be able to fill his shoes.

SAM HALL did not even try. He just went out and made a place for himself in this body and no one will be able to replace him either.

In his work in both the Veterans' Affairs Committee and the Judiciary Committee, he has been diligent and fair.

He goes now to serve as a judge, a high calling in its own right. I wish him the best of luck and hope he will take time occasionally to return to visit so that we may enjoy again his wisdom and insight.

Best of luck to you, SAM, and to your family, as you begin yet another challenge in your career.●

ON THE OCCASION OF THE TENTH ANNIVERSARY OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mr. JEFFORDS. Mr. Speaker, I want to thank my colleagues Mr. WOLPE and Mr. GREEN for organizing today's special order to celebrate the 10th anniversary of the Environmental and Energy Study Conference. It is a real honor for me to have the opportunity to stand before my fellow House Members to sing the praises of this outstanding organization.

The conference came into being during my first term in Congress; the brainchild of our good friend Mr. Ottinger of New York. Since then the organization has grown into a very successful and highly respected bipartisan establishment. In addition to benefiting from the numerous services provided by the conference and its staff, I have had the unique pleasure of having served as its chairman in 1978–79.

During my tenure as chairman, the conference kept its members and the Congress informed on the impacts and implications of several important pieces of pending legislation. Recognizing the importance of reliable energy sources for our national security, the conference provided invaluable analyses and background information on the provisions which were to become part of the Energy Security Act. This act upgraded the strategic petroleum reserve and took steps to reduce our dependence upon foreign oil by providing tax incentives for alternative energy sources and conservation measures. Of particular importance to my home State, this legislation authorized the first federally sponsored study on the effects of acid precipitation. The valuable work done by the conference on various elements of the Energy Security Act emphasized the importance of managing the relationship between our vital energy needs and a clean environment.

Also during this time, the conference took an active role on the Alaska National Interest Lands Conservation Act, one of the single largest conservation bills in our history. This bill set aside thousands of acres of wilderness areas in northern Alaska while recognizing the need to develop our extensive energy resources in this region and accommodate the needs of native peoples in the region.

This was indeed an exciting and challenging time on the environmental front and the conference was an active participant—researching issues, organizing seminars and briefings, and providing helpful information to stimulate and contribute to these important debates. In particular, the conference saw fit to tackle the challenging subject of the impact of environmental regulations upon the economy. Noted economist Alfred Kahn led a discussion concerning the inflationary impact of environmental regulations and the need to develop an alternative measure of national welfare which includes improvements in environmental quality.

As a clearinghouse for information on energy and environmental legislation, and as a store of expertise on the issues and events that affect our environmental decisions, the conference has served us well in addressing the energy issues of the late 1970's, the Burford-era EPA, the Watt-era Interior Department and the devastating realization of the dangers of hazardous chemicals and abandoned waste dump sites.

As we move into the second decade of the Environmental and Energy Study Conference, it is no less important that Congress have access to this valuable resource. The environmental and energy challenges that faced us in the early days of the conference still exist and if anything are even more compound as we wrestle with the unequivocal need to control the Federal budget and national debt. Today we must make decisions that are fiscally sound but do not compromise the need to protect our environment and provide for our energy future. These decisions will be that much more informed with the involvement of the study conference.

I applaud the founders of the Environmental and Energy Study Conference for their foresight in realizing the need for a forum to collect, analyze and exchange information critical to environmental and energy debates. I have the highest regard for all my fellow members on the conference and for the extremely fine staff of the conference. The first 10 years have set a high standard of excellence and achievement. I am confident that this second decade will see the continued growth and influence of this fine organization.

Again, I thank my colleagues for the opportunity to join them in praising this worthy institution today.●

BENJAMIN HUME MORRIS ELECTED PRESIDENT GENERAL OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. NATCHER. Mr. Speaker, it is an honor and privilege for me to bring to the attention of my colleagues the recent election of a fellow Kentuckian to the position of president general of the National Society of the Sons of the American Revolution. On Wednesday, June 5, in Louisville, KY, the 95th Annual Congress of the Sons of the American Revolution selected Col. Benjamin Hume Morris to be president general of that body for the year 1985–86. Not since 1924 has a native of Kentucky been selected to serve as head of that distinguished patriotic group.

Today, 20 Members of the Congress belong to that patriotic society, which is composed of men who can trace their descent from individuals who served our new Nation during the Revolutionary War. I am sure that they all join me in congratulating Colonel Morris upon his election as president general of the Sons of the American Revolution.

Colonel Morris is a resident of Louisville. He holds a juris doctor degree from the University of Louisville Law School. For over 30 years he served in the business world as vice president, secretary, and general counsel of the Brown-Forman Distillers Corp. He has been president and chairman of both the Kentucky Distillers Association and the Distilled Spirits Council of the United States.

During World War II, Colonel Morris served as an Air Force pilot in North Africa, Sicily, Italy, and England. He retired as a colonel in the Air Force Reserve in 1977.

Colonel Morris is married to Mary Francis Fowler Gatlin, who is the regent of the John Marshall Chapter of the Daughters of the American Revolution, in Louisville. He also serves as an elder in the Presbyterian Church.

Many outstanding men from the Commonwealth of Kentucky have enriched the Sons of the American Revolution by their membership, beginning with Kentucky Society SAR member No. 1, the Honorable John Cabell Breckinridge, former Vice President of the United States and last Secretary of War for the Confederate States of America, who enrolled in the Society in 1889. Colonel Morris' elevation to the highest office in the National Society of the Sons of the American Revolution brings honor to the city of Louisville and to the Commonwealth of Kentucky.●

BRENTWOOD'S MOCK TRIAL TEAM: A STUNNING VICTORY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. DOWNEY of New York. Mr. Speaker, it gives me enormous pleasure and satisfaction to rise in recognition of the Brentwood High School mock trial team and the 14 high school students whose talent, energy, and intelligence propelled the team to a second place victory in the New York State Mock Trial Competition. Four hundred and four high schools were entered in the tournament when it began in early March. By the beginning of May, the students of the Brentwood High School mock trial team had established themselves as the regional Long Island champions of New York, paving the way for their stunning second place win in the New York State finals. The outstanding students responsible for this achievement are: Richard Apgar, Keith Brown, Theresa Brown, Kelly Deere, Gregory Denizard, Neal Fiesler, John Fiore, Joyce Florio, Michael Glauber, Kristen King, David Landsberg, Raymond Markowski, Lisa Robinson, and John Soto.

The mock trail competition is sponsored by the New York State Bar Association and is designed to provide students with an appreciation and knowledge of our Nation's judicial system. Each team is required to recreate a courtroom situation and argue cases based upon actual legal procedures. The students, along with their legal and academic advisers, are responsible for their own research and preparation. It is a difficult and grueling tournament in which the academic abilities of each student are tested. Not surprisingly, the students of Brentwood High School have passed with flying colors.

I join their proud parents, teachers, and the Brentwood community in commending these fine students for their interest in our Nation's legal process and their commitment to academic excellence. In addition, the guidance and dedication of their high school coaches, Mr. Thomas F. O'Conner and Mr. Charles P. McCarthy, and their attorney-advisors, Mr. Bryan P. Kujawski and Ms. Martha M. Palmer, cannot go unrecognized. Through their efforts, these 14 students were able to capture this special honor for themselves and Brentwood High School.●

SIMPLIFY THE ADMINISTRATION OF SHELTERED WORKSHOPS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. PETRI. Mr. Speaker, last week I introduced legislation, H.R. 2676, which would amend section 14(c) of the Fair Labor Standards Act.

The Fair Labor Standards Act has always provided special provisions to pay physically and mentally handicapped persons special minimum wages based on their individual productivity. These provisions allow employment opportunities for handicapped persons who would not be able to compete for jobs in the regular labor marketplace if the regular minimum wage had to be paid.

While many handicapped persons are now able to work competitively and earn wages and salaries equal to those of nonhandicapped persons, there are still large numbers of handicapped persons whose disabling conditions are so severe as to substantially reduce their ability to work when compared with nonhandicapped persons. Many of these severely handicapped persons work in sheltered workshops where jobs within the limitations of the handicapping conditions, as well as many supportive services, can be provided, which enable there persons to live and work outside of institutional settings.

The last major change in the special minimum wage provision, section 14(c) of the Fair Labor Standards Act, came in 1966 when a floor of 50 percent of the minimum wage was set for handicapped workers. There was a recognition that there would be circumstances when that level could not be met by the productivity of a handicapped person. Thus, there were exceptions for persons engaged in evaluation or training programs, persons certified by the State vocational rehabilitation agency as being too severely handicapped to meet the 50-percent level, and for persons in work activities centers where the work is primarily for therapeutic reasons. The Department of Labor issues special certificates for the basic program and for each of the four exceptions to the 50-percent floor. Currently there are 4,814 workshops holding 8,222 program certificates. Seventy-five percent of the certificates are for exceptions to the 50-percent floor.

Since 1966, there has been a dramatic turnaround in the nature of persons served in sheltered workshops. Where once there were predominantly physically handicapped persons, now persons with mental or developmental disabilities predominate. These more severely handicapped persons need

more extensive assistance and tend to be less able to produce at a level equal to or greater than the 50-percent level and must work under one of the exemptions to that general rule.

A study of sheltered workshops by the General Accounting Office published in 1981 concluded that the 50-percent floor was not having the intended effect. Because of the high intake of much more severely handicapped persons, only 17 percent of the persons served or employed in sheltered workshops benefited from the 50-percent floor—by 1984, this was down to 13 percent. GAO recommended elimination of the 50-percent floor. Workshops would be required to pay each handicapped worker based on his or her individual productivity. This would greatly simplify the process for certification and would allow sheltered workshops and the Department of Labor to focus their efforts on substantive compliance reviews rather than paperwork and technical compliance. Another major study prepared for the Department of Health and Human Services found that the 1966 amendments to the Fair Labor Standards Act were complex and implemented by even more complex regulations and produced an "administrative nightmare." This 1980 study also recommended elimination of the 50-percent floor and use of a single certificate.

Based on a documented need to simplify the Fair Labor Standards Act provisions with regard to sheltered workshops and handicapped workers, I am recommending changes in the Fair Labor Standards Act based on language recommended by the General Accounting Office. The changes in section 14(c) would guarantee that each handicapped worker would be paid according to his or her individual productivity.

I invite all Members to join as cosponsors of this bill. This is significant legislation for rehabilitation facilities and the severely disabled persons for whom they provide services and employment. It is supported by: National Association of Rehabilitation Facilities; Goodwill Industries of America; United Cerebral Palsy Associations, Inc.; National Easter Seal Society; National Industries for the Severely Handicapped; Association for Retarded Citizens of the United States, and the National Association of Jewish Vocational Services.

The full text of the bill follows:

H.R. 2676

A bill to amend the Fair Labor Standards Act of 1938 to require that wages based on individual productivity be paid to handicapped workers employed under certificates issued by the Secretary of Labor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214) is amended to read as follows:

"(c) The Secretary, to the extent necessary to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment, under special certificates, of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age, physical or mental deficiency, or injury. Under such certificates individuals shall be paid wages which—

"(1) are lower than the minimum wage applicable under section 6,

"(2) are commensurate with those paid to nonhandicapped workers, employed in the vicinity in which the individuals under the certificates are employed, for essentially the same type, quality, and quantity of work, and

"(3) are related to the individual's productivity.".●

KOOL HOTLINE ON JOBS COME TO THE EIGHTH DISTRICT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. DELLUMS. Mr. Speaker, I am pleased to call the attention of the House of Representatives to the Kool Hotline on Jobs Program.

This program is a unique and creative approach to the enormous and devastating problem of unemployment in the black and minority communities. It provides job information and listings, training programs, and qualifications for both through the local media. Basic, yet invaluable information on how to apply for a job, write a resume and fill out a job application is disseminated.

In addition to facilitating information and communication between employers and the unemployed, the "Kool Hotline on Jobs Program" further stimulates the economy within the minority communities by a commitment to affirmative action and minority business efforts.

The "Kool Hotline on Jobs Program" has been successful in cities such as New Orleans, St. Louis, Philadelphia, and Atlanta. I am pleased and excited that now, the city of Oakland, CA has been chosen as a service area. Oakland's public and private sectors have consistently stated a commitment to address the problems of unemployment. The makers of Kools have provided Oakland a well thought out and tested program to assist in these efforts.

Mr. Speaker, this initiative highlights the potential for further cooperative efforts between the public and private sector to effectively reduce unemployment and to stimulate economic development. I am honored that the Eighth Congressional District will now become one of the beneficiaries of this successful experiment.●

ADVOCATE FOR YOUNG CHILDREN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. McKINNEY. Mr. Speaker, on June 14, one of my constituents, Mrs. Jeanne Ellis-Hudgens, the executive director of the early childhood educational programs in Stamford, CN, is being honored for her 25 years of dedicated service. Throughout her many years of service, Jeanne has worked to ensure the quality of programs for children of working and underprivileged families, such as the Child Care Center, Stamford Day Care Program, and Stamford Head Start Program.

Perhaps it is because she was an only child whose father died at a young age, leaving her to be brought up by a remarkable and wonderful mother, that Jeanne Ellis-Hudgens found herself as executive director of Stamford's largest preschool program, mothering some thousands of children. Most women have spent a few years taking care of children. Jeanne has spent her life protecting and enhancing their welfare. What makes her life so remarkable is that she is the embodiment of caring. For Jeanne no request is too small, no voice too weak, no hour too late, and no job too big.

Mrs. Ellis-Hudgens, who was born in North Carolina, was first interested in drama and dance, but always interested in people. In school, impressed with a young teacher and following the footsteps of her mother, who also was a teacher, she attended college determined to teach. She was 15 when she entered, 19 when she taught her first class. "I was too young," she admits. "It was not a good experience, but I stuck it out * * *. I never mind failure—you can learn through failure." From these remarks we can see that her persistence is admirable.

Today, in her marriage to Charles E. Hudgens and, as the mother of three grown sons, Cornell, Larry, and Michael Ellis, and the grandmother of two young girls, Jessica and Shayla, she administers Day Care and Head Start Programs which together serve over 600 preschoolers. Her colleagues remark that her success is due to her tremendous insight, organization, personality, intelligence, as well as her keen ability to communicate.

In her 25 years of service she has given of herself as a leader in numerous community and national organizations: Stamford Museum, board of directors; Child Guidance Center, board of directors; Voluntary Action Center, board of directors; Yerwood Community Center, board of directors; Planned Parenthood, board of directors; Child

and Welfare League of America, council of executives; George Washington Carver Foundation, board of directors; Norwalk Parks and Recreation, commissioner; Stamford United Way, executive council; National Black Administration in Child Welfare, board of directors; Mid-Day Club, membership; Fairfield County Chapter Links, membership; and, Stamford Hospital, trustee.

The driving force behind her work is a strong belief in the "importance of children." This belief led her to Washington in 1975 to testify on behalf of the Child and Family Services Act of 1975, S. 626 and H.R. 2966, the Mondale-Brademus bill. In July 1984, Jeanne Ellis-Hudgens was appointed by Connecticut Gov. William A. O'Neill to the Child Day Care Study Commission. She also was listed both in 1976 and 1977 in Who's Who in American Women.

I have taken the time of the House today to bring to the attention of my colleagues a most remarkable woman, with a most remarkable story. Mrs. Jeanne Ellis-Hudgens deserves our recognition for her 25 years of exemplary service to our Nation's most important natural resource—our children.●

THE CHURCH OF THE NAZARENE GENERAL ASSEMBLY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. ANDERSON. Mr. Speaker, the Church of the Nazarene will be holding its 21st International Quadrennial General Assembly in the Anaheim Convention Center in Anaheim, CA, where 50,000 persons are expected to attend the opening communion service of June 25, 1985.

The Church of the Nazarene had its beginnings in southern California and was organized by Dr. Phineas F. Bresee in 1895. In 1908, other groups from across the United States met with the church and formed a nationwide denomination. From that time, when the membership was 10,000, the church has grown to more than 1 million who worship in their churches around the world each week. The church has its international headquarters in Kansas City, MO, from which the church operates its national program and its missionary work around the world. Evangelical in nature, the church holds strongly to the Wesleyan traditions with its emphasis upon entire sanctification.

We are happy to welcome the Church of the Nazarene to southern California for their assembly. This is the first time the church has returned for such an event to its roots since its founding days. Hopefully, their coming assembly will challenge them to reach the goals which will be set for the years to come.

Mr. Speaker, Mrs. Anderson and I wish to congratulate the Church of the Nazarene on its progress and its programs, which are aimed at caring for the people of the world. Especially, we send our greetings to the board of general superintendents: Dr. V.H. Lewis, Dr. Orville W. Jenkins, Dr. Eugene L. Stowe, Dr. Charles H. Strickland, Dr. William M. Greathouse, and Dr. Jerald D. Johnson. We wish the church continuing succeses in the years to come.●

MILITARY RETIREMENT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. BENNETT. Mr. Speaker, I intend to offer an amendment to the Defense authorization bill to strike this ill-conceived provision that cuts $4 billion from military retirement funding and does it without specifying how it is to be done. The Pentagon is, by the bill, asked to come up with a proposal; but if it doesn't, or if Congress does not enact its now-not-known provisions, the $4 billion cut is to come anyway, either from retirement or active duty pay. I have been in Congress now for almost 37 years and this provision for a $4 billion cut without specification as to where the savings are come from has to be the most irresponsible legislation I have yet seen. It is the duty of Congress to legislate for the national defense. It is not the Pentagon's duty.

Mr. Speaker, I include at this point a recent article by James J. Kilpatrick on this subject matter. It is well worth reading, just as most everything that comes from his able pen.

MILITARY RETIREMENT PAY

(By James J. Kilpatrick)

WASHINGTON.—What should be done about the high cost of military retirement? Budget Director David Stockman has called the present system a "scandal" and an "outrage." A civilian expert, John Bickerman, has termed it "a misguided, extravagant scheme for enriching our retired military men and women." Half a dozen studies have called for reform.

Stockman is wrong and Bickerman is wrong, but some of the several studies make sensible suggestions. At roughly $18 billion a year, the cost of military retirement plainly is high, but when it is criticized as "too high," we have to ask: compared to what?

A word of background: The first general military retirement law was enacted in 1861 in an effort to speed the resignation of aged Union generals who were doddering about on canes. It was not until after World War II that Congress began to provide the basis for today's military retirement system. The object is to provide a youthful combat force, led by senior noncoms and highly motivated officers, and this is the fact: The system is working. It is doing exactly what it is supposed to do.

An understanding of the controversy requires that certain myths be disposed of. One is the myth that the system permits retirement after 20 years at "half pay." Not so. The system permits retirement at half of base pay, which is a very different matter. Military pay consists of base pay, special pay and allowances.

In the Navy, for example, special pay is provided for hazardous duty, hostile fire, imminent danger, foreign duty, diving, flight time and special proficiency. All these "pays" are taxable income. Allowances for quarters, subsistence and travel are not taxable.

In terms of base pay, the typical serviceman earns less than the typical civilian postal clerk (and much less than the typical urban police officer or firefighter), but when account is given to the various allowances and special pays, the picture is not too bad. Yet, retirement is calculated upon base pay only. A chief petty officer in the Navy, at E-7 pay grade, could retire this year after 20 years of service at 9,312 a year. This is poverty level.

But Bickerman says many service retirees usually in their early 40s, "can take a job in private industry, work for as much as 25 years, and receive a pension from that employment plus Social Security." This is too glib. Some highly skilled technicians fall swiftly into civilian jobs, but other men in their mid-40s discover that military skills are not so easily transferred.

Another myth is that virtually all members of the armed services hold on for 20 years and retire a day later. Not so. Only 13 percent of officers and enlisted personnel serve long enough to qualify for retirement benefits. If the present plan were in fact an "extravagant scheme for enriching" service personnel, we would have 5 million or 10 million on the retirement roll instead of 1.4 million.

Properly seen, retirement benefits are deferred compensation for officers and enlisted personnel who have made career in arms. There is no way that such careers can be compared with the stable, 40-hour workweeks of typical civilian families. Especially in the Navy, but to a degree in other services also, families must endure the hardships of prolonged separation.

After 20 years of privation, danger and sacrifice, is a taxable retirement income of $9,312 a year too much? Compared to what?

In recent years Congress has nibbled at the edges of the military retirement system, rounding down years of service to a lower month, and rounding down retirement checks to a lower dollar. Fifteen years hence, retirement benefits for post-1980 enlistees will be based upon an average of the three highest years of pay rather than upon final base pay. Several studies have proposed that the 20-year minimum period of service be raised for future enlistees to perhaps 25 years.

Another idea is to provide ever more attractive bonuses for the reenlistment of key officers and non coms in order to hold them at the peak of their skills.

What is most irksome to service families is the statement that a soldier, sailor, airman or Marine has "more generous" retirement benefits than a civilian draftsman, druggist, TV technician or sales manager. The short and simple answer to that charge is "My God, I hope so."●

HUMANITARIAN ASSISTANCE AND THE CONTRAS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. BARNES. Mr. Speaker, recently several private voluntary organizations, many of which enjoy international recognition in the field of humanitarian aid, issued a statement imploring the Congress "to conduct the upcoming debate on aid to the Nicaraguan Contras in a way that respects and preserves the integrity of humanitarian aid."

As the statement points out:

Bona fide humanitarian aid should be made available solely on the basis of human need, not for political purposes. Such aid needs to be offered impartially to all sides of a conflict. Governments seeking to assure the right to humanitarian relief must be neutral in relation to the conflict. Perhaps most important, the Geneva Conventions recognize the right to humanitarian relief only for civilians and non-combatants.

Clearly, what the Michel amendment to H.R. 2577, the fiscal 1985 supplemental appropriation bill, calls humanitarian aid is nothing of the kind. It is logistical support for an army—an army which, by the way, is dedicated to the subversion and violent overthrow of a recognized government. In our debate on this measure this week, I hope that we will all be clear on what we are talking about. And I hope that we will not force the noble cause of humanitarian aid to bear the burden of the President's war policies.

I include the entire statement for the information of my colleagues:

STATEMENT ON HUMANITARIAN ASSISTANCE—JUNE 4, 1985

As persons involved in both public and private humanitarian aid activities for many years, we call on Members of Congress to conduct the upcoming debate on aid to the Nicaraguan contras in a way that respects and preserves the integrity of humanitarian aid.

Proposals for food, clothing, medicine, and "other" aid to the contras are being characterized as representing humanitarian aid. One Senate proposal now pending even specifies that the term humanitarian assistance shall "not preclude sharing of intelligence information or the collection of necessary intelligence by the United States." Administrators of such aid to the contras under one proposal or another include the Central Intelligence Agency, the Department of Defense, and the Agency for International Development.

Characterizing such aid as humanitarian disregards both internationally agreed upon criteria for humanitarian aid and much of the United States' own tradition in providing it. *Bona fide* humanitarian aid should be made available solely on the basis of human need, not for political purposes. Such aid needs to be offered impartially to all sides of a conflict. Governments seeking to assure the right to humanitarian relief must be neutral in relation to the conflict. Perhaps most important, the Geneva Conventions recognize the right to humanitarian relief only for civilians and non-combatants.

Involving the U.S. Agency for International Development in the delivery of would-be humanitarian assistance to combat forces would not only violate the norms of such aid. It would also seriously damage the credibility of AID's activities throughout the world. Similar proposals in the past have been rejected out of concern for AID's integrity.

We urge that Congress respect long-standing U.S. custom and well-established humanitarian assistance criteria. To distort humanitarian aid by the way it is provided in highly politicized situations does a disservice to public and private humanitarian efforts and to those victims of natural disaster and civil strife whom such aid seeks to benefit.

We urge that humanitarian aid be made available through appropriate channels to refugees wherever they are in need.

Mr. Warren Witte, Associate Executive Secretary, American Friends Service Committee.

Mr. Ted Wilde, Executive Director, Board of World Mission of the Moravian Church.

Mr. J. Richard Butler, Executive Director, International Voluntary Service.

Ms. Nan Borton, Executive Director, International Voluntary Services.

Dr. Richard S. Scobie, Executive Director, Unitarian Universalists Service Committee.

Mr. John A. Lapp, Executive Secretary, Mennonite Central Committee.

The Rev. Paul F. McCleary, Associate General Secretary, General Council on Ministries, United Methodist Church.

Dr. Alan Geyer, Executive Director, Churches' Center for Theology and Public Policy.

The Rev. Philip Land, S.J., Associate, Center of Concern.

Ms. Linda Hiebert, Mennonite Central Committee, and the Center on International Policy.

Mr. Arthur C. Helton, Director, Political Asylum Project, Lawyers' Committee for International Human Rights.●

UNITED STATES-MEXICO BILATERAL RELATIONS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. COLEMAN of Texas. Mr. Speaker, the United States and Mexico enjoy good, positive bilateral relations, and the closeness of our ties has been strengthened by the excellent working relationships of United States and Mexican political leaders. These bonds are highlighted by the annual interparlimentary conferences, which give key Mexican and U.S. legislators the opportunity for a frank and direct exchange of views on bilateral and other important issues that affect our relationship. Recently, the Camarena case highlighted the importance of close cooperation on difficult issues such as narcotics. Although frictions developed over the conduct of the investigation in Mexico, prompt communication between high-level officials on both sides, including Presidents Reagan and de la Madrid, resulted in a more vigorous Mexican effort to apprehend those involved in the case.

Overall, our relationship is characterized by a complex web of social, economic, and cultural matters that are the logical outgrowth of our geographic proximity and growing interdependence. Progress has been made on many of these issues, although some differences remain. We cooperate closely on many law enforcement matters, including joint customs operations and the transfer of American and Mexican prisoners. They share our desire for closer cooperation on border issues, and there is a long history of collaboration on water issues and the environment.

The delegations to the 25th Mexico-United States Interparliamentary Conference discussed a broad range of bilateral issues. The conference was composed of two committees, the political committee and the economic committee. Because of the importance of trade and commerce to the 16th District, I served on the economic committee, and was the discussion leader on border issues for the U.S. delegation. Here is an executive summary of the economic issues we discussed and their future outlook:

BORDER ISSUES

IN-BOND INDUSTRIES

The interdependent border relationship is clearly reflected in the Mexican in-bond industry program, the "maquiladoras." This program involves largely U.S.-owned, labor intensive manufacturing and assembly plants operating on the Mexican side. Mexico is currently the world's second largest in-bond producer, with 675 in-bond plants employing about 230,000 workers. The border industry program accounts for over $1 billion annually in exports to the United States. Contrary to popular belief, there is no one single "twin plant law," but rather several laws and tariff regulations that create a favorable operating environment for twin plants. At the conference, we recognized the benefits that the twin plants have produced, and we also agreed to seek ways in which to attract more jobs in the United States side of the border through the program.

INTERNATIONAL BRIDGES AND BORDER CROSSINGS

In 1982, the U.S. and Mexican governments reached certain understandings on improved bilateral coordination on international bridges and border crossings. The 1982 understandings called for construction of a new land border crossing at Otay Mesa, California/Baja California and a new bridge at Presidio, Texas/Ojinaga, Chihuahua. In 1985, Mexico announced that in 1985 it will be studying the possible need for new or replacement/reconstructed international bridges in the Ciudad Juarez/El Paso area.

I met personally with Mexican Secretary of Programming and Budget Carlos Salinas Gortari about the bridge and border crossings program, and we discussed the possibility of using private financing for the construction of the new bridge in El Paso. We had been previously told that private financing was unacceptable, that it had to be

on the federal-to-federal level. Secretary Salinas said that that was not necessarily the case, and he encouraged my efforts to continue to pursue private financing.

CUSTOMS AND TRANSPORTATION

Currently, transportation and customs and issues are handled under various mechanisms. Annual customs conferences take place under the Mutual Customs Assistance Agreement signed between the U.S. and Mexico in 1976. These conferences have made progress in the exchange of information and on matters such as coordinating work hours at the border, and in reducing delays in border clearances. The full House Appropriations Committee approved my amendment to add 30 additional Customs inspectors to the El Paso district, which should assist in reducing delays and traffic jams at the international bridges.

CROSS BORDER TRUCKING

We recently engineered a compromise on the implementing regulations for the Motor Carrier Act of 1984. Border businesses were not consulted by the Department of Transportation when the draft regulations were issued in early 1985, and if left unchecked, they would have severely damaged the ability of twin plants to ship goods back and forth across the border. This is a good example of an issue that should have been the subject of bilateral negotiations between our two governments instead of constant regulatory revision.

TOURISM

In the final resolution of the Conference, the Mexican delegation agreed to support increased drug enforcement efforts, and the U.S. agreed to support the status quo for travel advisories, which makes their issuance up to the discretion of the State Department. At the present time, a travel advisory for the State of Jalisco is contained in the Fiscal Year 1986 State Department authorization bill, but it will probably be dropped in conference. Additionally, Mexican authorities are mounting a campaign to increase the safety of tourists, and the Administration has gone out of its way recently to praise the Mexican efforts.

LAW OF THE SEA

The United States did not sign the Law of the Sea Convention, and the disappointment of the Mexican government was expressed by its delegation. They also voiced a great deal of concern about the disposal of toxic wastes, such as ocean dumping and toxic burning at sea.

BORDER ENVIRONMENTAL ISSUES

A major contribution was made by the participation of the Mexican EPA officials in the conference. Various actions to be taken to enhance border health and environmental quality were discussed, including the installation of air pollution measuring devices in Juarez to analyze and measure air pollution, and the opening of a sewer treatment plant in Juarez later this year.●

CONGRESSMAN WILLIAM H. NATCHER'S TALENTED LITERARY FAMILY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. CONTE. Mr. Speaker, I would like to bring to the attention of the Members of this House, all of whom hold the gentleman from Kentucky WILLIAM H. NATCHER, in high esteem, as do I, a recent accomplishment of his daughter, Louise Murphy. She is the author of a novel, published recently, that has received a great deal of attention. The title of the book is "The Sea Within," published by G.P. Putnam's Sons, of New York City. It is described in the book review that I am submitting to be reprinted as "kentucky Gothic," a book that "grabs you on page 1 and keeps grabbing you with its unexpected turns and twists in style, story and tone."

Not only is this book notable on its own ground, as the review makes clear, but it is also notable because it demonstrates a second generation of literary talent. Our colleague, the gentleman from Kentucky, has kept a detailed diary every since he came to the House of Representatives, some 32 years ago. When he allows it to be published, I predict it will become a landmark, serving as a source and insight into the decades it spans for the generations to come, much like such famous works as the Samuel Pepys Diaries.

I know the gentleman from Kentucky is proud of his daughter, and we are proud of him and his entire family. In the health area that BILL and I spend a lot of time on, we hear a lot about heritability.

It's clear that BILL has passed his literary talent on to his daughter, and he can justifiably feel proud about it.

I urge my colleagues, and all who read these remarks, to read the review that I am submitting to be reprinted, and then to go out and buy the book. I hope the chairman will autograph my copy.●

JOHN CAUFIELD HONORED BY UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. RODINO. Mr. Speaker, this Thursday a very special individual will be honored by a very special institution in my home city of Newark, and I would like to take this opportunity to pay tribute to both of them.

The University of Medicine and Dentistry of New Jersey will be officially dedicating the New Jersey Cancer Center at University Hospital. The board of trustees will also be awarding the University Medal for Distinguished Leadership to State Senator John Caufield. These two occasions are both connected, as it was the leadership and guidance of Senator Caufield that made the establishment of the Center possible.

Senator Caufield spearheaded the legislative to provide the necessary funds for this very important research center. The university is honoring him for a career that has been dedicated to the improvement of public health and safety. As fire director for the city of Newark and as chairman of the New Jersey Fire Safety Commission and as a member of the New Jersey State Senate, John Caufield has always made our citizens' health and safety a top priority. His vigorous support of these programs have earned him the respect and admiration of the community, and it is most fitting that the University of Medicine and Dentistry of New Jersey has chosen to honor him with this very prestigious award.

I offer my best wishes to John Caufield and to everyone involved with this extremely important research center.●

REAL REFORM IS UP TO THE DEMOCRATS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. DONNELLY. Mr. Speaker, I would like to insert into the RECORD the following article from the June 2, 1985, New York Times. It provides a most interesting perspective on the subject of tax reform.

[From the New York Times, June 2, 1985]

REAL REFORM IS UP TO THE DEMOCRATS

(By David C. Wilhelm)

President Reagan's tax-revision plan presents the Democrats with a perfect opportunity to regain the political high ground. The Administration has worked hard to present the proposal as a populist revolt against special interests. And, over all, the President's plan is an improvement on the present system. But the substance of the proposal falls far short of its populist packaging.

In fact, in the name of economic "incentives" the President's plan would continue several tax breaks for traditional Republican constituencies. Moreover, within a few years it would produce significant revenue losses that would have to be made up, perhaps through a consumption tax. If the Democrats can redraw the reform package to conform truly to populist principles, they may succeed in regaining the allegiance of the "Reagan Democrats"—blue-collar, ethnic voters—whom Mr. Reagan seems so intent upon welding into the Republican coalition.

To the extent that the President's tax-reform proposals are consistent with populist principles, they are worthy of support. An increase in the zero bracket amount and personal exemptions is long overdue and will be a key selling point for those 65 percent of American taxpayers who do not itemize deductions. An expanded earned-income tax credit will help take families in poverty off the tax rolls. And a strengthened minimum tax on the wealthy and on healthy corporations will enhance public confidence in the system's fairness.

But in most other respects, the President's plan marks a retreat from fairness. During his ill-fated trip to Europe, President Reagan made a point of saying that his tax program would "reduce progressivity." He was right. The dramatic reduction in the top marginal rate from 50 percent to 35 percent has brought smiles to the faces of millionaires all across the country. And the reduction in the top capital gains rate from 20 percent to 17.5 percent has made those smiles even broader. The average millionaire received over 40 percent of his income in capital gains.

The Treasury's own numbers show that taxpayers earning in excess of $200,000 a year would receive a larger percentage reduction under the President's plan than would middle-income taxpayers. The Treasury trumpets the fact that taxes for the very poor would be reduced by as much as 35 percent. But this reduction amounts to only $30 for a household with income of $10,000. For a $200,000-a-year household, the average tax cut would come to $9,500.

The beauty of the original Treasury package lay in its strict adherence to the principle that all income should be treated equally for tax purposes. The underlying belief was that our tax system works best when it raises revenue with as little economic distortion as possible and worst when promoting a never-ending variety of social and economic objectives.

President Reagan's plan is marked by confusion about what a tax system is supposed to do. Although in his speech Tuesday night the President railed against "special provisions that favor some at the expense of others," he spoke of the need for "incentives" no fewer than six times. The result is the retention of a number of special provisions that favor some taxpayers at the expense of others—enough to feed the tax shelter industry for a long time to come.

A retreat from the slower economic depreciation system of the original Treasury propsoal is justified by the need to "encourage investment." Mr. Reagan proposes a new depreciation system that would cut the revenue loss associated with the present accelerated cost recovery system only 20 percent in the short run and that would ultimately cost more.

The retention and reduction of the preferential tax rate on capital gains is defended for its "stimulative effect on savings, investment and capital formation." And investors in oil and gas partnerships would continue to write off most drilling costs in the year in which they are incurred. This, Treasury explains, is an "incentive for domestic energy production."

Despite this abundant faith in the power of incentives, there is little evidence that they accomplish much. A recent Citizens for Tax Justice study of the annual reports of 250 profitable corporations for 1981, 1982 and 1983 shows that the 50 lowest-taxed corporations actually cut investment in new plant and equipment by 22 percent between 1981 and 1983.

And data provided by the Gallatin Institute have shown that the influx of money into venture capital is due not to high-income speculators responding to the "incentive" of lower capital-gains tax rates but to pension-fund managers, whose funds' earnings are tax-free, responding to liberalized investment rules.

One thing that incentives do demonstrably well is reduce the tax bills of upper-income taxpayers. A truly populist tax-revision package would do away with them. A truly populist President would drop the word "incentive" from his vocabulary.

Of course, much of the talk about "incentives" is simply an attempt to gloss over political compromises that were made to appease traditional Republican constituencies. A comparison of the first Treasury plan and Mr. Reagan's proposal reveals that some of the key cave-ins went to Wall Street and venture capitalists, oil and gas partnerships and large corporations.

Notably, there were no cave-ins on the repeal of state and local tax deductibility—despite the pleas of mayors and governors already reeling from the cutbacks in Federal aid. Nor did the President give in on new taxes on employer-paid health insurance and unemployment and disability payments. Clearly, in the delicate negotiations that preceded the unveiling of the President's plan, the real winners were a far cry from the blue-collar Democrats the President hopes to win over.

The President's proposal suffers from one other serious flaw: Far from being revenue neutral, it could lead to significant revenue losses. Over time, the Treasury says, the tax cut for individuals will amount to 7 percent, while corporate taxes will rise by 9 percent. It doesn't take a genius to figure out that corporate taxes—which account for only one-sixth of 1 percent of all income taxes under current law—would have to increase by quite a bit more than 9 percent to sustain a permanent 7 percent cut in individual taxes.

Indeed, corporate taxes are scheduled to rise by more than 20 percent during the initial years of the Reagan plan—increased by a recapture of excess depreciation deductions. But Treasury admits that its new system of corporate taxation—with lower rates, a new dividend exclusion and a new brand of accelerated depreciation—would not sustain this increase. The Treasury expects the shortfall to be made up, at least in the short term, through economic growth.

Mr. Reagan should be commended for joining the battle for tax overhaul. However, Congressional Democrats have plenty of work before them in fashioning a tax revision package that can truly be called populist. They can start by opposing attempts to reduce the top marginal tax rate of 35 percent, increasing the top capital gains rate, sponsoring real depreciation reform and closing down remaining loopholes that provide incentives only to tax-shelter promoters.●

ENVIRONMENT AND ENERGY STUDY CONFERENCE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mrs. BOXER. Mr. Speaker, I am pleased to be able to appear today to recognize the occasion of the Environmental and Energy Study Conference's 10th anniversary. The study conference is the single most valuable resource for environmental and energy issues on Capitol Hill. It is crucial for Members and their staffs to have a source of information which provides accurate and indepth coverage of these issues. The study conference not only works diligently to publish a weekly bulletin, but also provides research materials to assist Members in preparing legislation, organizes briefings and meetings for discussion and debate, and publishes timely special reports and fact sheets that detail and analyze developments in environmental and energy issues.

The fact that the study conference is bicameral, bipartisan and boasts the largest membership of any legislative service organization in Congress is unique and contributes to the incalculable services the organization provides. It provides accurate, unbiased information on energy and environmental legislation before Congress and brings together Members of both parties to address common needs thus assisting us in developing thoughtful, informed positions.

Again, I would like to recognize the invaluable service this organization provides, and especially commemorate the executive officers, the chairmen, Representative HOWARD WOLPE and Senator PATRICK LEAHY; and the vice chairs, Representative CLAUDINE SCHNEIDER and Senator SLADE GORTON.

Congratulations on 10 years of excellent service and I hope you enjoy many, many more fruitful years.●

PRISONS AND THE CRIMINAL JUSTICE SYSTEM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. GRADISON. Mr. Speaker, today I had the honor of participating in the inaugural ceremonies for the new justice center in Hamilton County, Ohio. I would like to take this opportunity to share my remarks with my colleagues.

REMARKS BY BILL GRADISON AT HAMILTON COUNTY JUSTICE CENTER, JUNE 10, 1985

That a new prison has been built and is being dedicated is not in itself unusual these days. There has been a dramatic increase since 1980 in the number of inmates in state prison systems. Consequently, there has been an enormous strain on resources to provide sufficient housing, staff, and programs considered necessary to the corrections process.

According to the U.S. Department of Justice, the crime rate in the United States has declined 13 percent in the past three years. However, over that same time period, the prison population, in both state and federal facilities, has escalated 23.7 percent. Since 1980 the prison population has increased 40.6 percent nationwide.

In the state of Ohio, the prison population rose 38.6 percent from 1980 through 1984. This figure is consistent with the national trend. Ohio had the fifth largest prison population in the nation in 1984 with 18,694 inmates.

Persistent overcrowding and inadequate facilities have prompted state and federal courts to intervene in corrections policy

with a series of court orders and consent decrees to relieve the pressure brought about by overcrowded conditions.

By the end of 1984, 7 states and the District of Columbia were operating their facilities under existing court orders or consent decrees. In 1984, 3 states were removed from such court supervision. In 25 other states, including Ohio, at least one major correctional institution was operating under a court order or consent decree. Only 8 states have not been the subject of a court order or consent decree due to overcrowding or other similar conditions.

There are options to relieve overcrowded conditions in addition to constructing new facilities. Legislatures could modify penal codes to reduce sentences, repeal mandatory sentencing, and decriminalize some behavior. In addition, we could rely more heavily on community-based corrections, the use of noncustodial sanctions, the reclassification of certain offenders to permit transfer to medium or minimum security facilities thus making it easier and quicker to release these offenders into noncustodial environments, increase the use of work-release programs, and to increase the use of probation and parole. But these run squarely against the trend of public opinion and judicial action in the last few years and have not made much of a dent in the need for new facilities.

Any reform of the corrections system must, in the present environment, contend with addressing the appropriate balance between rehabilitation and/or overcrowding and victim's rights and the perception of justice in society. American society, which has one of the highest rates of incarceration in the world, is committed to the principle of incarceration. Even during previous periods of reform when the emphasis was on prisoners' rights and rehabilitation, perhaps with less concern for the victim and the perception of justice, incarceration remained the basic model.

The same trends and public attitudes have affected federal policy—most recently in the passage of the Comprehensive Crime Control Act of 1984. The Act is the most comprehensive legislation enacted by Congress since the 1968 Omnibus Crime Control and Safe Streets Act. The origins of this Act are in the 1973 proposals of President Nixon.

Among the many subjects addressed by the Act, three provisions are particularly important. First, federal sentencing procedures have been overhauled to reduce discrepancies in punishment for similar offenses. In addition, pretrial detention of defendants considered dangerous is permitted.

Second, the insanity defense has been redefined to restrict its application. While this was largely an outgrowth of the attempted assassination of the President, displeasure with this defense had been growing for several years.

Finally, grant programs for state anticrime projects were reestablished. Although this authorization was more modest than those of the defunct Law Enforcement Assistance Administration, it clearly indicates the importance the federal government attaches to programs of this kind, even during periods of necessary budget restraint.

The passage of this Act, with the strong support of the President, is indicative of a discernable national trend toward tougher sentencing procedures. This trend, which exists at all levels of government, is the main cause of current federal and state overcrowding in correctional institutions. The public has apparently decided that incarceration and stiff sentences, without necessarily abandoning the prospect of rehabilitation, are the fundamental elements of rational public policy.

However, there has not been a public debate of equal significance on how to staff, fund, and administer an expansion of the correctional system to accommodate the increase in prison population that has resulted from these decisions. Without that debate, the situation is likely to deteriorate nationally.

Here at home, however, the issue has been squarely faced by our local governments, which sets us apart from much of the country. There was close cooperation between the City and the County in the early development of the Hamilton County Justice Center. In 1981, in the middle of the development process, the County took over responsibility from the City for corrections.

The Justice Center was constructed in accordance with state and federal standards. The project itself, in which the Hamilton County Commissioners played such a strong oversight role, was brought in well under budget. I wish the Hamilton County Commissioners were running the Pentagon!

This structure is a symbol of the can-do attitude of our Hamilton County elected officials. It will be a lasting symbol of our belief in a society built upon the twin principles of law and justice, and dedicated to the proposition that the freedoms we love and treasure depend upon a proper balancing of individual rights and responsibilities. All who have helped to make this facility a reality deserve the lasting praise at the citizens of our community.●

THE "JUSTICE" DEPARTMENT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1985

● Mr. HUBBARD. Mr. Speaker, more and more Americans are becoming aware that the U.S. Justice Department is the most politically conscious, politically active agency in our Federal Government.

And those of us familiar with the Justice Department's Public Integrity Section would select that unit as No. 1 of all the politically conscious, politically active units of the Department.

Political considerations are foremost at the Public Integrity Section. Gerald E. McDowell, chief of the Public Integrity Section, would say that "equitable and practical considerations" and "adequate or inadequate legal advice" are important to his unit of the Justice Department.

Consider the following news story sent nationwide to approximately 1,200 recipients of the Associated Press wire service last week.

USDA OFFICIAL MADE $1.2 MILLION OFF PIK, BUT WON'T BE PROSECUTED

(By Jim Drinkard)

WASHINGTON.—A top Agriculture Department official whose farm reaped $1.2 million from a subsidy program he oversaw will not be prosecuted, despite a department finding of "an appearance of a conflict of interest."

The Justice Department decided not to prosecute the official, Everett G. Rank Jr., but added "our decision is not based on a determination that no evidence of an offense—exists" in connection with his administration of the payment-in-kind, or PIK, program in 1983.

Rather, the department said in a May 21 letter from Gerald E. McDowell, chief of the Public Integrity Section, Rank's case was being closed because of "several equitable and practical consideration," including a finding that he may have received inadequate legal advice about conflicts of interest.

"Although criminal prosecution is unwarranted, corrective action should be taken to assure that Mr. Rank does not violate (the law) in the future . . ." McDowell wrote.

That warning prompted the Agriculture Department to schedule ethics classes for all of its top officials, including Rank and other presidental appointees, beginning next week.

Some 800 pages of documents detailing the investigation and the Justice Department's decision were released to The Associated Press following a Freedom of Information Act request.

Other than being required to attend the class, Rank's only punishment was a letter scolding him for giving "the appearnace of a conflict between your public duties and responsibilities and your private business interests."

John J. Franke Jr., USDA assistant secretary for administration, told Rank in the letter that "in the future you must exercise more caution to ensure that your actions are always in the best interests of the department . . ."

Rank said Thursday he was "very pleased at the outcome," but added he still did not agree with the department's finding of at least an appearance of a conflict of interest.

"There was never any conflict or special treatment of anybody, and I think the report shows that," he said, adding he believed the allegations against him stemmed from complaints by a disgruntled former employee.

The investigation's outcome angered Rep. Fortney H. Stark, D-Calif., who has been critical of the PIK program's large payments and of Rank in particular,

"It looks like the administration is not bothering to prosecute another senior official," Stark said through a spokesman. "The only thing USDA is making Bud Rank do is attend an ethics class. I'm tired of 50-year-old men in this administration having to take on-the-job courses in ethics."

Stark said the report "doesn't close the case at all" but "puts it into the legislative arena because the administration is unwilling to deal with its own dirty laundry." He was not specific about what congressional action he might be contemplating.

Rank is administrator of the Agricultural Stabilization and Conservation Service, the agency that oversees farm commodity programs and designed and ran PIK. The program gave nearly $10 billion in government-owned commodities to farmers as incentives to cut production and reduce surpluses.

Rank also is part owner of Cinco Farms Inc., based in Huron, Calif., which collected $1.2 million for enrolling its cotton acreage in PIK. That made the farm one of the top 50 recipients nationally of PIK benefits, according to department figures.

While Rank resigned from the Cinco board of directors when he took his government post, he has received more than

$222,000 from the farm in rent, guarantor's fees and mortgage payments since 1981, as well as a $53,000 loan, which he used to buy stock in a citrus juice plant along with other Cinco partners.

USDA ethics counsel J. Michael Kelly, who spoke with Rank about his business dealings, was quoted in the investigation report as saying Rank could not understand why there were any allegations against him.

"He does not appear to accept or comprehend that his 17½ percent ownership interest in Cinco could have been enhanced to the extent of 17½ percent of the income from PIK," Kelly told investigators.

Rank had been cleared once before, in 1983, of the conflict charges. But the investigation was reopened after new questions were raised not only about his benefiting from PIK, but about favorable treatment he may have given cotton-industry associates and Calcot, the cooperative through which Cinco marketed its cotton.

The Justice Department decided not to prosecute after reviewing accounts of interviews conducted by the Agriculture Department's Office of Inspector General with dozens of top USDA and industry officials involved in PIK.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 11, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

9:00 a.m.

Office of Technology Assessment

The Board, to hold a general business meeting.

EF-100, Capitol

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To resume hearings to examine corporate takeovers, focusing on securities, financing and other aspects of mergers and acquisitions.

SD-538

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on S. 1218, to provide for the revocation of certain certificates for air transportation.

SR-253

Environment and Public Works

Nuclear Regulation Subcommittee

To continue joint hearings with the Committee on Labor and Human Resources on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability.

SD-430

Finance

To continue hearings on the President's tax reform proposal.

SD-215

Foreign Relations

To hold hearings on the nominations of J. William Middendorf II, of Virginia, to be the Representative of the United States of America to the European Communities, with the rank and status of Ambassador, Nicholas Ruwe, of the District of Columbia, to be Ambassador to the Republic of Iceland, and John D. Scanlan, of Hawaii, as Ambassador to the Socialist Federal Republic of Yugoslavia.

SD-419

Labor and Human Resources

To continue joint hearings with the Committee on Environment and Public Works' Subcommittee on Nuclear Regulation on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability.

SD-430

Rules and Administration

To hold hearings on the nomination of Ralph E. Kennickell, Jr., of Virginia, to be Public Printer.

SR-301

Veterans' Affairs

Business meeting, to mark up proposals to clarify and improve certain health-care programs and services provided and administered by the Veterans' Administration, including S. 6, S. 875, S. 876, S. 1007, and S. 1052; S. 367, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; and proposed legislation authorizing funds for construction of Veterans' Administration facilities.

SR-418

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.

SR-328A

Energy and Natural Resources

Business meeting, on pending calendar business.

SD-366

Environment and Public Works

Water Resources Subcommittee

Business meeting, to mark up S. 366, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and related proposals.

SD-116

10:30 a.m.

Judiciary

To resume hearings on S. 172, to provide a cause of action to cities to prevent professional football teams from abandoning them for more profitable locations, and to provide limited antitrust immunity to joint action of those teams engaged in professional football, S. 298, to clarify congressional intent regarding the application of antitrust laws to certain types of major sports leagues practices and decisions, and to review the antitrust provisions of S. 259, to protect local community interests regarding the relocation of certain professional sports teams.

SD-226

2:00 p.m.

Commerce, Science, and Transportation

To hold hearings on a proposal to purchase the Consolidated Rail Corporation (Conrail) by Morgan Stanley International, Inc.

SR-253

Judiciary

To hold hearings on pending nominations.

SD-226

JUNES 13

9:00 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings on the condition, structure, and competition within the domestic financial services industry, focusing on implications of further deregulation of depository institutions.

SD-538

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration, and S. 1218, the International Air Transportation Protection Act.

SD-253

Finance

To continue hearings on the President's tax reform proposal.

SD-215

Labor and Human Resources

Labor Subcommittee

To hold hearings on S. 1105, to reform the Walsh-Healey Act to allow Federal contractors in the private sector to work flextime hours.

SD-628

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.

SR-328A

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to mark up S. 1210, to authorize the establishment of a registry of teaching hospitals.
SD-430

Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings on the rural labor force.
SD-342

11:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings on S. 635, Anti-Apartheid Act.
SD-538

1:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:00 p.m.
Appropriations
Business meeting, to mark up H.R. 2577, making supplemental appropriations for the fiscal year ending September 30, 1985.
SD-192

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

JUNE 14

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Thomas G. Moore, of California, to be a Member of the Council of Economic Advisers, Lee L. Verstandig, of the District of Columbia, to be Under Secretary of Housing and Urban Development, and Glenn R. Wilson, of Nebraska, to be President, Government National Mortgage Association.
SD-538

Finance
Health Subcommittee
To hold hearings on health promotion and disease prevention strategies for Medicare beneficiaries.
SD-215

Special on Aging
To hold hearings on certain pension issues.
SD-106

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on S. 1200, to control unauthorized immigration into the United States.
SD-226

JUNE 17

9:00 a.m.
Foreign Relations
To hold hearings on the nominations of Harry G. Barnes, Jr., of Maryland, to be Ambassador to the Republic of Chile, John A. Ferch, of Ohio, to be Ambassador to the Republic of Honduras, Charles A. Gillespie, Jr., of California, to be Ambassador to the Republic of Colombia, Lowell C. Kilday, of Virginia, to be Ambassador to the Dominican Republic, Sheldon J. Krys, of Maryland, to be Ambassador to the Republic of Trinidad and Tobago, Fernando E. Rondon, of Virginia, to be Ambassador to the Republic of Ecuador, and Edward M. Rowell, of California, to be Ambassador to the Republic of Bolivia.
SD-419

9:30 a.m.
Finance
To resume hearings on the President's tax reform proposal.
SD-215

Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on S. 1200, to control unauthorized immigration into the United States.
SD-226

Labor and Human Resources
To hold hearings on home health care reform.
SD-430

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on issues relating to groundwater protection.
SD-406

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Richard T. McCormack, of Pennsylvania, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, and Lewis A. Tambs, of Arizona, to be Ambassador to the Republic of Costa Rica.
SD-419

JUNE 18

9:30 a.m
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on the current status of and factors affecting the natural gas market.
SD-366

Finance
To continue hearings on the President's tax reform proposal.
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1134, to permit Federal agencies to impose monetary penalties on individuals or companies which submit false claims to the Government.
SD-342

Judiciary
Immigration and Refugee Policy Subcommittee
To continue hearings on S. 1200, to control unauthorized immigration into the United States.
SD-628

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed amendments to S. 100, the Product Liability Act.
SR-253

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Foreign Relations
To hold hearings on the nominations of Peter S. Bridges, of Louisiana, to be Ambassador to the Somali Democratic Republic, Edward J. Perkins, of Oregon, to be Ambassador to the Republic of Liberia, Lannon Walker, of Maryland, to be Ambassador to the Republic of Senegal, Robert L. Pugh, of Virginia, to be Ambassador to the Islamic Republic of Mauritania, and Paul J. Hare, of the District of Columbia, to be Ambassador to the Republic of Zambia.
SD-419

Labor and Human Resources
To continue hearings on home health care reform
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council.
SD-138

JUNE 19

9:30 a.m.
*Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 2, proposing an amendment to the U.S. Constitution relating to voluntary silent prayer or reflection, and related measures.
SD-226

Select on Indian Affairs
To hold hearings on S. 954, to provide additional protection of steelhead trout as game fish.
SR-253

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider S. 721, to make exports of U.S. agricultural commodities competitive in world markets with sales of other countries by clarifying export activities of the Department of Agriculture relating to the cargo preference provisions.
SR-253

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Endowment of the Arts and the National Endowment for the Humanities.
SD-430

2:00 p.m.
Foreign Relations
To hold hearings on the nomination of Marvin L. Stone, of Virginia, to be Deputy Director of the United States Information Agency.
SD-419

JUNE 20

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on the diagnosis and treatment of osteoporosis.
SD-430

Veterans' Affairs
To hold oversight hearings on the Administration's proposed health care policy changes.
SR-418

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 816, to establish the Pine Ridge Wilderness and Soldier Creek Wilderness in the Nebraska National Forest.
SD-342

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume oversight hearings on issues relating to groundwater protection.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Endowment of the Arts and the National Endowment for the Humanities.
SR-485

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of David G. Newton, of Virginia, to be Ambassador to the Republic of Iraq, and Thomas R. Pickering, of New Jersey, to be Ambassador to Israel.
SD-419

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 904, Water Research Foundation Act.
SD-342

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

JUNE 24

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 203, to provide a one-time amnesty from criminal and civil tax penalties, as well as 50% of any interest penalty, for taxpayers who pay previous Federal tax underpayments during the amnesty period, and S. 205, to create a mechanism for taxpayers to designate $1 of any Federal tax overpayment for payment to the National Organ Transplant Trust Fund.
SD-215

Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on S. 1200, to control unauthorized immigration into the United States.
D-226

2:00 p.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold oversight hearings on the implementation of the Adoption Assistance and Child Welfare Act (P.L. 96-272), and on proposals to modify the foster care and adoption assistance program.
SD-215

JUNE 25

9:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by the Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on proposed amendments to S. 100, the Product Liability Act.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Department of Labor's enforcement of the Employee Retirement Income Security Act (ERISA).
SD-342

Labor and Human Resources
To hold oversight hearings to examine certain barriers to adoption.
SD-430

Veterans' Affairs
Business meeting, to meet, to consider, proposed reconciliation legislation on the budget.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Department of Defense.
SD-192

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on proposed legislation to modify deductions for certain tax payments to State and local governments.
SD-342

JUNE 26

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 1017, to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority, and S. 1110, to provide for the award of grants to the Washington Metropolitan Airports for certain capital expenditures.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on the Department of Labor's enforcement of the Employee Retirement Income Security Act (ERISA).
SD-342

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 902, to establish federal standards for gaming activities on Indian lands.
SD-628

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To continue hearings on proposed legislation to modify deductions for certain tax payments to State and local governments.
SD-342

JUNE 27

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold oversight hearings on recreation fees as authorized in the Land and Water Conservation Fund Act of 1965.
SD-366

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings to examine the problem of drugs in the military.
SD-430

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

JULY 9

9:30 a.m.
Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the impact on the coal industry of the Office of Surface Mining's proposed rulemaking to collect permit application fees.
SD-366

JULY 10

9:30 a.m.
Labor and Human Resources
To resume oversight hearings to examine certain barriers to adoption.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 11

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 12

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 720, to establish a permanent boundary for the Acadia National Park in the State of Maine.
SD-366

JULY 15

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 680, the Textile and Apparel Trade Enforcement Act.
SD-215

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of section 404 of the Clean Water Act, relating to the wetlands dredge and fill permit program.
SD-406

2:00 p.m.
Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 16

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to examine U.S. relations with the International Labor Organization (I.L.O.).
SD-430

10:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To continue hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 17

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings on civil rights issues.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.
SD-406

JULY 18

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 22

2:00 p.m.
Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 25

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the impact of the Supreme Court's ruling in Garcia vs. San Antonio Metropolitan Transit Authority on the coverage of state and local government employees under the Fair Labor Standards Act.
SD-430

JULY 31

9:30 a.m.
Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

SENATE—*Tuesday, June 11, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of truth and justice, let the light of Your wisdom illuminate the issues now confronting this body. The problem is not doing what is right, but knowing what is right to do. Senators do not disagree because they are disagreeable. They disagree because they have strong convictions which differ—often conflict. As the Senators sift through the milieu of information, data, and opinion, help them to distinguish fact from fiction—reality from illusion. Guide them through deception, disinformation, and bias to truth. Help them through ambivalence and equivocation to clarity and decisiveness, that Thy will may be done on Earth as it is in Heaven. In Thy holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, each leader has 10 minutes, and I will yield 5 minutes of my time to the distinguished Presiding Officer, the President pro tempore of the Senate.

Following that, there will be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

Then there will be routine morning business not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

The Senate will be in recess between 12 noon and 2 p.m. for the usual Tuesday policy luncheons for Members on both sides of the aisle.

At 2 p.m., we will resume consideration of S. 1003, the State Department authorization bill. Pending is amendment No. 328 to the Helms amendment.

It is my hope that we can complete action on the State Department authorization bill today. I indicate to my colleagues that we can expect rollcall votes occurring today, probably starting late afternoon.

I hope we might complete business no later than 7 or 8 this evening, and I still hope that there will not be any late sessions this week.

Since the House and Senate budget conference is to start today, it is necessary that we appoint budget conferees before noon today.

In addition, we would like to work out a time agreement on consideration of the Legal Services nominations and the nomination for the Federal Reserve. We could take those up tomorrow if we complete action on the State Department authorization bill today.

We are working with Members on both sides of the aisle who have problems with the clean water bill, who have amendments; and we hope we can take up that measure on Wednesday and complete action on Thursday.

Perhaps on Friday we will come in fairly early and take up the Nuclear Regulatory Commission measure, with one or two amendments, and may be able to dispose of that by early afternoon—2 o'clock or 2:30.

That is the hope for the week. It may not be the reality, but that is the hope and the schedule.

With respect to the remainder of today, there probably will be about four rollcall votes on S. 1003, including final passage—maybe more, depending on what happens with amendment No. 328 and the initial Helms amendment with reference to human rights abuses.

Mr. President, I yield 5 minutes of my time to the Senator from South Carolina, after the distinguished minority leader has been recognized.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. RUDMAN). Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I thank the majority leader.

I ask unanimous consent that the remainder of my time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I say to the distinguished majority leader that if he wants some additional time for Mr. THURMOND or others, he may have mine.

UNANIMOUS-CONSENT REQUEST —COMMITTEE MEETING

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to meet during the session of the Senate on Tuesday, June 11, 1985, and Wednesday, June 12, 1985, and on Thursday, June 13, 1985, in order to mark up S. 616, the farm bill and related issues.

Mr. BYRD. Mr. President, as I indicated the other day to the distinguished majority leader, if the request could state a certain timeframe in which the committee would meet, I do not feel there would be any problem.

The complaint is that we get consent for the committee to meet during a day, and hours go by, Members do not know when they are going to be called for the meeting, and it is even more difficult then to get a quorum. I do not know anything about the complaint personally, what the facts are, but that, I believe, is our problem in getting consent.

If the distinguished majority leader can get some information from the committee as to precisely what time it wants to meet and for how long, I do not believe there will be any problem.

Mr. DOLE. May I suggest, on behalf of the chairman of the committee—and I have not consulted with him, and maybe I can renew the request after the policy luncheon—that they be permitted to meet until 5 p.m. today.

Mr. BYRD. Beginning when?

Mr. DOLE. Beginning at 2 or 2:30, after the policy luncheon.

Mr. BYRD. All right, let us see if we can clear that.

RECOGNITION OF SENATOR THURMOND

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

LOSS OF JOBS IN THE TEXTILE/ APPAREL INDUSTRY

Mr. THURMOND. Mr. President, I should like to take this opportunity to call my colleagues' attention to the continued loss of jobs in the textile/apparel industry.

Almost everyday, the newspapers in my home State contain stories of textile and apparel plant closings. A viable textile and apparel industry

cannot exist if cheap foreign imports continue to flood our markets.

Mr. President, I ask unanimous consent that articles appearing in the State and USA Today newspapers detailing the loss of 450 jobs at Bath, SC, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the USA Today, June 7, 1985]

ACROSS THE USA

BATH, SC.—Nearly 450 United Merchants and Manufacturers workers will lose jobs as mills are phased out by September. Blamed, rising textile imports.

[From the States, June 7, 1985]

450 TO LOSE JOBS AT BATH

BATH, SC.—More than 450 workers will lose their jobs when operations at United Merchants and Manufacturers' Bath Mills are phased out between now and September, officials said.

"We will begin an orderly phase out of our operations because of our inability to compete with the flood of foreign imports entering the American market," General Manager Bruce Henson said Wednesday.

Bath Mills produces yarn dies and apparel fabric.

Henson said the order to close, received Tuesday from United Merchants' headquarters in New York, will not affect the company's finishing plant at Clearwater.

But Hattie Mae Hammond, a Bath Mills employee, said, "It's going to affect me a lot."

Mrs. Hammond said one woman who has worked at the plant for 20 years fainted when she heard about the shutdown.

"It will be hard mentally and financially, but mostly financially," said worker Julia Mae Thomas.

Mill employees in the Aiken County town will be offered assistance in filing for unemployment compensation and in finding other job opportunities, said Wayne Thompson, personnel director.

Henson said signs of the shutdown first appeared at the end of March, when about 100 employees on weekend shifts were released.

Arthur Charwat, vice president of United Merchants, said the closing comes after months of decline in business. He said the decision was made after evaluation of market conditions.

"The market is simply not strong enough to support our production capabilities," Charwat said.

Mr. THURMOND. Mr. President, I just wish to quote from these articles. This is an article which appeared in the State newspaper, the biggest paper in South Carolina, written in big headlines: "450 to Lose Jobs at Bath." It seems almost every day a mill is closing curtailing operations and as a result people are losing their jobs. It does not make sense to allow these imports to come in here to the extent that they are closing down our own industries and putting our own people out of jobs.

Mr. President, this article says:

More than 450 workers will lose their jobs when operations at United Merchants and Manufacturers' Bath Mills are phased out between now and September.

"We will begin an orderly phaseout of our operations."

Why, Mr. President?

"Because of our inability to compete with the flood of foreign imports entering the American market."

Says Bath Mills general manager, Bruce Henson.

The mill produces yarn, dyes, and apparel fabric.

Both mills received orders from New York they would have to close.

One worker, Hattie Mae Hammond, said:

It's going to affect me a lot.

Mrs. Hammond also said one woman who has worked at the plant for 20 years fainted when she heard about the shutdown.

Fellow worker Julia Mae Thomas said:

It will be hard mentally and financially, but mostly financially.

Mr. President, Mr. Charwat, the vice president of United Merchants said,

The market is simply not strong enough to support our production capability.

The U.S.A. Today newspaper, a newspaper that is read across the whole Nation, printed an article on the plant closing in Bath, SC, and said:

Nearly 450 United Merchants and Manufacturers workers will lose jobs as mills are phased out by September. Blamed, rising textile imports.

Mr. President, I hope that this administration will think over this matter. I realize they want to trade with other nations, but this is not the kind of trade in which we ought to engage. I believe in fair trade, not free trade. How can you have free trade when workers in the mainland of China are making from 8 cents to 15 cents an hour and we are paying our workers in this country from $6 to $10 an hour? You just cannot compete. The administration cannot continue to allow these imports to come into our country on such an excessive scale.

I remember in 1958 I was on the Textile Subcommittee of the Commerce Committee. Senator Pastore of Rhode Island was the chairman of that subcommittee, and the Democrats were in the majority.

We held hearings on the subject of textile imports. Our first hearing was in Maine and from there we went to New Hampshire. I remember when we got to New Hampshire, I went to the home of Daniel Webster. I was very interested to see where he was born in that beautiful State.

We held hearings in Rhode Island, in Connecticut, in New York, and in Washington, DC. We continued south to the Carolinas and Georgia.

Mr. President, as you can see, we have had this problem for a long time. I just do not understand why so many administrations have not acknowledged that this is an important problem. I do not know what would happen if the American textile industry went out of business completely. The Defense Department says that textiles are ranked second to steel in the matter of national defense. They not only make uniforms, they make parachutes and many other things that our Armed Forces must have. If we had a war, how would we get those items from other countries? We may not be able to do it. It would be a tragedy.

I say that from the standpoint of our very survival in this country we need the textile industry. We need this apparel industry. We also need to give jobs to our people.

Again, I hope the administration will wake up and realize what they are doing and stop these excessive imports. I hope the administration will have the vision and have the courage to act. I am deeply disturbed.

While I realize the State Department wants to get along with other countries in every way possible, they must realize that we cannot placate all nations. Most of all they must not placate other nations at the expense of the lives and jobs of our own people here in this country. Our first duty is to our American workers.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for a period not to exceed 15 minutes.

Mr. PROXMIRE. Thank you, Mr. President.

PRESIDENT'S SALT II DECISION RIGHT, BUT ARMS CONTROL IS STILL IN SERIOUS JEOPARDY

Mr. PROXMIRE. Mr. President, yesterday, President Reagan announced that we will continue to abide by the Strategic Arms Limitation Treaty II. The treaty expires at the end of this year. Senator BUMPERS is reported to have called the President's decision the most statesmanlike of his administration. The Washington Post said it was not an easy decision.

On the other hand, Mr. President, this Senator would call the President's decision right on every count and supremely easy. If all Presidential decisions were as easy as this one, the Presidency would be a snap.

Consider: First, from the standpoint of strict military power, does the United States gain or lose by continuing to abide by the treaty? Three of the four members of the Joint Chiefs of Staff were reported to have urged the President to abide by the treaty. Why did they take this unusual step? They had good, solid military reasons.

Here is why: SALT II provides minor restrictions on this country's nuclear arms arsenal. To abide by the treaty the United States did have to make sacrifices. In order for this country to bring a new Trident submarine into service, it was necessary for us to reduce warheads somewhere else in our arsenal.

We could have dismantled Minuteman missiles or we could, as we did, take an old Poseidon submarine out of service. The President said we would dismantle the Poseidon. The net effect is to strengthen our submarine deterrent. The new Trident has many features superior to the Poseidon. Of course, the country would have had a slightly—very slightly—larger submarine deterrent if we had defied the treaty and kept both submarines on duty. But the difference is marginal, considering the fact that our nuclear carrying submarine fleet has the power to utterly devastate every Russian city many times over.

So, the U.S. sacrifice in abiding by the SALT Treaty was very minor. On the other hand, by keeping the treaty in effect, the majority of the Joint Chiefs of Staff advised the President that we provide far more effective restraint on the Soviet Union. Their ICBM arsenal consists of missiles that have great throw weight. The missiles now carry 3 to 10 warheads. Without the restraint of SALT II, the missiles could carry 20 or even 30 warheads. The process of adding extra warheads is cheap and simple.

Whatever prospect this country has of preventing a significant portion of Russian warheads from reaching American targets with a star wars defense could be easily overcome by this additional Russian MIRV'ing of their present missiles. So from a strictly military power standpoint, the President was right. His decision was easy. And, do not forget, Mr. President, President Reagan has requested a study by November 15 on proportionate responses which could set the stage for breaking the treaty.

Now, from an arms control standpoint, the decision was obvious. If the President had renounced this treaty, which has less than 7 months to run before it expires, it would have made the President's arms control posture conspicuously and obviously negative.

Here is a President who has opposed every arms control treaty ratified by this country. He is pushing hard for a star wars program that will, when it reaches fruition, obviously nullify the Antiballistic Missile Treaty. The President has refused to negotiate an end to nuclear weapons testing, although the country has pledged to do exactly that by two treaties we have signed.

If, on top of all of this, the President should turn his back on SALT II, he would have put himself in direct opposition to an arms control movement that has won overwhelming support from the American public in a number of statewide referendums.

If the President had renounced SALT II, his prospects of making progress with the Congress on such critical issues as military procurement, overall military spending, and support for his controversial policies in Central America—all would have suffered serious erosion. And how about the President's influence with our NATO allies? Rightly or wrongly our European military partners have put greater stock in arms control. They are deeply concerned that this country may proceed with the star wars program that will swiftly abrogate the ABM Treaty. They generally have a far more critical attitude toward the superpower arms race than Americans have. If the President had repudiated the SALT II Treaty, even the Teflon President, Ronald Reagan, would have lost considerable influence with our European allies.

Mr. President, this Senator is happy and grateful that President Reagan has decided to continue to abide by the SALT II Treaty that expires at the end of this year. It is the right decision by our President. But we should not mistake this action by the President as the salvation of arms control. Arms control will require far more support from this President in the future if it is to survive.

I think we should recognize that the President of the United States is the name of the game in arms control. He is the captain. He is the crew. He is the works. He is a true one-man band. In arms control neither the Congress nor any other institution counts at all. To his credit President Ronald Reagan has made a sound and right decision in announcing that he will let SALT II live at least for the rest of 1985. In the next few days I will discuss on the floor why arms control continues to be in real serious trouble.

RATIFICATION OF THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, an article in the Washington Post on Friday, June 7, reports the progress that has been made in the case against former Nazi SS officer Klaus Barbie, the infamous "Butcher of Lyons."

The Barbie trial will begin before the end of the year, perhaps.

Mr. President, since we passed a resolution at the end of the last session to take up the Genocide Treaty early in the 99th Congress, the Senate should pay particular attention to this trial.

Under French law, Barbie cannot be prosecuted for war crimes committed more than 20 years ago, but he can be charged with crimes against humanity. In the context of this case, crimes against humanity means actions against noncombatants.

He is accused of ordering the arrest of 44 Jewish children at their school in the village of Izieu in southwestern France on April 6, 1944, and then having them shipped to the Auschwitz concentration camp on his own initiative without orders from above.

It is believed that all those children died at Auschwitz.

According to the famed Nazi hunter Serge Klarsfeld, "The decision to send the children to Auschwitz was taken by Barbie. He claimed credit for it."

The three sons of Fortunee Benguigui were among the 44 children. In the Post article, she says, "Other people forgive. But I cannot forgive. I suffered to have these children, and I do not want to die before the man who was responsible for their deaths is brought to trial."

Fortunee Benguigui is herself an Auschwitz survivor, though she never saw her children while she was there. She descibes the pain she has carried with her since:

> For someone who wasn't there, it is impossible to believe what we suffered. Only those of us who have seen it know what it was like—and we have a duty to talk about it so that it never happens again.

We in the Senate have a duty as well. I believe, Mr. President, that it is our duty to ratify the Genocide Treaty. The Foreign Affairs Committee has now reported the treaty to the Senate floor for the sixth time since World War II by an overwhelming bipartisan vote. The case of Klaus Barbie points out that for the survivors of the Holocaust, like Fortunee Benguigui, the pain is still there.

If we fully understand her message, we ought to join with the 96 other nations that have already ratified the Genocide Treaty—a document that would demonstrate our resolve to bring the perpetrators of genocide to judgment.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with statements therein limited to 5 minutes each.

MEMORIAL SERVICE FOR THE HONORABLE SAM J. ERVIN, JR.

Mr. STENNIS. Mr. President, this Thursday morning, June 13, at 11 a.m., there will be a memorial service to pay tribute to the Honorable Sam J. Ervin, Jr., who was a member of this body from 1954 to 1974 and who died on April 23, 1985.

He spent those years in the Senate working to protect the rights and lib-

erties of all Americans of all races, creeds, and colors.

Friends and former colleagues have been invited and are invited to join in this service to his memory at the National Presbyterian Church at 4101 Arizona Avenue, NW., Washington, DC.

UNITED STATES-NICARAGUAN RELATIONS: A HISTORICAL PERSPECTIVE

Mr. MATSUNAGA. Mr. President, last week here in the Senate we voted approval of nonmilitary aid to those attempting to overthrow the Sandinista government of Nicaragua, a regime with which we are at odds although we continue to maintain diplomatic relations. By other actions as well we expressed qualified support for administration suasion on the Nicaraguan Government to "cease and desist" in its aggressive behavior toward its neighbors and its repression at home. For my part, I have not been in total sympathy with the administration's policy toward Nicaragua since it has failed to reflect adequately the origins of the deprivation which has given rise to the political and social unrest in that country and has tended to rely almost exclusively on military initiatives to spur a resolution of our differences there. Hence, I was most disappointed by the tie vote that defeated the proposal of the senior Senator from Massachusetts, Mr. KENNEDY, urging the administration to resume talks with the Sandinista government.

This vote fails to signal a congressional willingness, in the context of our other actions, to resolve our differences in Nicaragua at the diplomatic bargaining table, rather than through sole reliance on continued civil strife there. In this connection, I am somewhat reassured by the Defense Department statement that Secretary Weinberger "sees no need for intervention in that area of the world" and views "the root cause of the problems there"—to be—"primarily economic."

It is well for us to recall that when we last sent American troops in 1912 to that troubled country—albeit at the request then of a provisional government—we remained there, except for a brief withdrawal in 1925, until 1933, a period of two decades. Three years after our final withdrawal the Somoza family began its long reign of despotism there in 1936, a dynasty we continued to support until shortly before its downfall despite its lack of any real democratic ideals or inclinations. Historically, our involvement in Nicaraguan affairs has done little to foster either political stability or economic and social progress for the people of Central America's largest country.

But, Mr. President, I did not realize how fractious an issue our diplomatic relations with Nicaragua have been on this hill until earlier this year when I was researching the history of our Government's agricultural policy in regard to Hawaiian sugar, in preparation for deliberations on the continuation of price supports for this commodity.

I discovered that the first sugar reciprocity treaty Hawaii achieved here in Washington in 1876 was the culmination of diplomatic negotiations between the Hawaiian monarchy and the U.S. Government which began 20 years earlier. It was in 1856 during the expansionist Presidency of Franklin Pierce that a sugar treaty was first worked out between Secretary of State William March and representatives of the then Kingdom of Hawaii. Unfortunately, however, our predecessors in this body failed to give their assent to the document. Diplomatic historian Samuel Flagg Bemis writes that this failure to gain Senate ratification was not so much due to opposition from southern sugar interests as it was a general reaction against President Pierce's foreign policy and, specifically, his tacit support for a proslavery filibustering expedition against Nicaragua that installed an American citizen, William Walker, as the country's president until he was forced out by an alliance of neighboring countries. The cause of Hawaiian sugar received a setback that took another 20 years to overcome thanks to the President's secret war in Nicaragua! I devotely hope that these two issues do not become entwined once again in 1985, but it is not hard to understand why the United States has not been strongly identified with aspirations toward democracy in Nicaragua, given the history of our relations over the past 130 years. Mr. President, to paraphrase Santayana, unless we remember our history and take lessons from it, we are doomed to repeat the mistakes of our past.

EAST-WEST CENTER CELEBRATES SILVER ANNIVERSARY

Mr. MATSUNAGA. Mr. President, as a principal cosponsor of the legislation passed in the 98th Congress to establish a U.S. Institute of Peace, I rise this morning to call to the attention of my colleagues the silver annivesary of another congressionally inspired institution dedicated to the promotion of international understanding and, thereby, to the cause of world peace. I refer to the Center for Cultural and Technical Interchange Between East and West, whose charter was laid out in legislation signed into law by President Dwight D. Eisenhower on May 14, 1960.

The East-West Center, as it has come to be known, has brought together leading scholars and scientists across the spectrum of human achievement in knowledge in the interest of seeking answers to questions of the human condition both practical and profound, immediate and farsighted, with a special focus on life in and around the Pacific. It has trained both promising young students and midcareer achievers from all the Pacific basin nations in a transcultural setting and, in so doing, has made an enormous contribution to amity and understanding in the Pacific hemisphere as these graduates have gone on to become leaders in their lands. Once viewed as an instrument of U.S. foreign policy, the center has indeed evolved in the last decade to become a truly international partnership for achieving interchange in culture, science, and technology.

Its origins sprang from the vision of Hawaii's last territorial delegate to Washington in the late 1950's, John A. Burns, and that of his powerful ally in the Senate, Majority Leader Lyndon B. Johnson, both of whom authored the enabling legislation. Later, of course, Johnson went on to become Vice President and President while Burns returned to the new Aloha State and subsequently became its Governor.

Many and varied have been the accomplishments of their brainchild in the years since. A year after their legislation was signed the two men particiated in groundbreaking ceremonies for the first facilities of the center on the Manoa campus of the University of Hawaii. Soon thereafter programs were underway that more than matched the distinction of the architecture embodied in the structures that rose there: the Thomas Jefferson Hall and the John F. Kennedy Theater. These included the Resource Systems Institute, the Population Institute, and the Institute of Culture and Communications, as well as the Environmental and Policy Institute and the Pacific Islands Development Program.

On June 28 a gala silver jubilee dinner will be held in Honolulu with distinguished keynote speakers. The dinner will be sponsored by the center's board of governors, whose members will mark their own 10th anniversary as an international board on July 1. The International Association of East-West Center alumni will be holding its international conference in Honolulu June 25-30. Later this year a program will be held here in Washington to present the center's accomplishments and commemorate this anniversary here on Capitol Hill, where the center was first conceived. It is a presentation I eagerly await so that all of us in this body may share in the pride of the center's achievements.

Mr. President, the East-West Center is, without a doubt, one of the greatest investments in peace we have ever made.

THE WESTWAY HIGHWAY

Mr. LAUTENBERG. Mr. President, on April 2, I joined with Senators PROXMIRE, HUMPHREY, and BRADLEY in introducing S. 826, legislation which would prohibit the construction of the Westway Highway project in New York City. Specifically, S. 826 states that no Federal funds should be expended to fill in 200-plus acres of the Hudson River. This landfill is necessary to accommodate the construction of this project, as currently designed, although it is not necessary for building a replacement highway on the west side of Manhattan, the original rationale of Westway. Westway would tunnel through the landfill. At ground level, 200 acres of parkland, residential, commercial, and office development would be created.

My colleagues might ask: Why are Senators from Wisconsin, New Hampshire, and New Jersey seeking to forestall the development of a highway in New York? The Congress rarely does this. There are three answers to that question. First, the transportation benefits of the Westway project are far outweighed by its costs to the highway trust fund and the environment. Second, the construction of this project may do significant damage to a vital striped bass habitat. Finally, there are less expensive alternatives to this project which could better serve regional transportation needs by freeing up billions of dollars for highway and mass transit improvements in New York.

Anyone who knows New York City knows that the city needs better transportation both at ground level and in its extensive subway system. S. 826 does not deny New York the right to build a new and improved road. Nor, does it deny New York the opportunity to invest billions more in its mass transit facilities. All the bill does is deny New York the right to use highway trust funds to create additional real estate on Manhatten Island. The bill asserts the principle that the U.S. taxpayers should pay for transportation, and only transportation, out of the highway trust fund.

On a cost per mile basis, Westway will be the most costly road in the Nation. The next most costly is only half the cost of Westway. Officially, its cost today is $2.25 billion. A reasonable estimate of its projected cost is $4.2 billion. Westway is a 4.2-mile stretch of road. Therefore, Westway, over the 10 years it would take to build it, could cost a billion dollars per mile.

Mr. President, if the Westway project had been judged only on its value to improved transportation, a permit for its construction could not have been issued by the U.S. Army Corps of Engineers. As a transportation project, Westway is not cost effective. It is only when its amenities are counted as part of its benefits that a cost/benefit analysis can be viewed favorably.

In May, Mr. President, the Senate approved a budget resolution which assumed a $1.7 billion cut in Federal highway expenditures. We made that cut because we are concerned about the solvency of the highway trust fund and the growth of the Federal deficit. I ask my colleagues: When all States are being asked to delay highway projects, is this a time when we should be funding a project which cannot be justified based solely on its benefits to transportation?

Mr. President, with the decline of the striped bass stocks in the Chesapeake Bay, the Hudson River has taken on added importance as a breeding ground for striped bass. Three Federal agencies, at the regional level, objected to the granting of the Westway construction permit. The Environmental Protection Agency, the Fish and Wildlife Service, and the National Marine Fisheries Service all cited the threat to the striped bass habitat as reason for their negative recommendations. It is clear that Westway would have a significant and adverse impact on this vital habitat.

If Westway is not built, Mr. President, New York is not left without an opportunity to improve its roads and subways. Under the Interstate Transfer Program, New York can trade in Westway for $1.7 billion in highway and mass transit funding. Under a special provision of the Surface Transportation Assistance Act of 1982, New York still has the opportunity to seek a trade-in. Trade-in authority for all other segments not under court order expired on September 30, 1983. New York has until September 30, 1985, to trade in Westway. Given the restraint in Federal mass transit funding and New York's extraordinary mass transit needs, I urge them to make this choice.

Mr. President, the sponsors of S. 826 did not originate the opposition to Westway. Westway is opposed by a broad array of environmental groups and organizations supporting mass transit. Westway is opposed by the National Taxpayers Union. And, the most prominent opponents of Westway, including a number of members of New York City's congressional delegation, come from New York City. In fact, both city council president, Carol Bellamy, and city comptroller, Harrison Goldin, both city-wide elected officials, are Westway opponents.

In 1977, the Congressman from Manhattan's West Side, Congressman Ed Koch, said, "The Westway will not be built. I will not build an environmental disaster." As mayor, Mayor Ed Koch has now changed his mind. But the nature of the Westway project has not changed.

Recently, Mr. President, the New York Times printed an excellent op-ed piece on Westway by Senators PROXMIRE and HUMPHREY. For the information of my colleagues, I ask unanimous consent that this article appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WESTWAY—GIANT BOONDOGGLE

(By Gordon J. Humphrey and William Proxmire)

WASHINGTON.—Thanks to the fancy footwork of the developers of Westway and the proponents of the proposed 4.2 mile highway on the West Side of Manhattan, what normally would be a local transportation issue has mushroomed into a national controversy. The highway is just the surface of what promises to be, if allowed to proceed, a multibillion dollar boondoggle.

Westway should be seen for what it is—a major real estate development project for New York City, courtesy of the nation's taxpayers. The actual highway is just a small part of the project.

The Westway project would create 224 acres of new land for real estate development by filling in the Hudson River, with the highway running through a tunnel in the landfill for much of its length.

The project is expected to take 10 to 15 years to complete and cost anywhere from $4 billion to $10 billion, or up to $7,500 an inch. Westway would become far and away the most expensive highway in the world.

Much of the costs of Westway would be paid for out of the Highway Trust Fund. The law creating the fund states that "funds shall be limited to the construction necessary to provide a minimum level of acceptable service on the interstate system."

Does the Westway plan represent a minimum level of service? Hardly. Nowhere in the law does it state that highway funds are to be used for land development schemes for the benefit of private developers.

In essence, New York City is not only asking the Federal Government to foot 90 percent of the bill to build a highway, the Westway project would have the nation's taxpayers pay to rebuild the city's West Side. The project would include residential, commercial and industrial development and a new waterfront park. It's a financial gold mine for real estate developers at taxpayers' expense.

It also poses environmental hazards. The section of the Hudson River that would be dredged to build Westway is one of the last remaining breeding grounds for the striped bass, an important fish species. Three different Federal agencies have stated that at least half of the striped bass juvenile population and other species of fish would be destroyed by the construction of Westway. And there is a danger that dredging the river could stir up latent toxic wastes, creating a major health hazard for the region.

No one objects to a highway on the West Side of New York City. No one objects to the revitalization to the area that the highway would serve. What is objectionable is the attempt to use Highway Trust Fund monies to fund real estate development.

Alternative highway projects for the same route could cost as little as $54 million—less than one-hundredth the cost of Westway. The city and the state have the option to "trade in" $1.71 billion in Federal funds, which could be used to construct a nonland-

fill highway and to rehabilitate New York's crippled mass-transit system. The city could have both a highway and improved mass transit for a fraction of the cost of Westway.

Westway is not just a New York issue. If the Westway landfill is funded, Federal highway money that under other circumstances would go to many other states would flow instead to this single, enormous project. Since the Highway Trust Fund expires in 1990, while Westway would still be under construction for years to come, the highway may also need additional funds to complete the project. Where is the money going to come from?

The most likely answer is that the American taxpayer will once again be called upon to pick up the tab. What Westway advocates are really asking for a long-term, open-ended commitment that the Government may not be able to keep.

The current plan for Westway is an assault on both the environment and the Treasury. New York has legitimate transportation needs, but the Government is not in the business of creating land for private use. And Westway is no place to start.

RETIREMENT OF PAUL S. WISE

Mr. DOLE. Mr. President, a distinguished native of Kansas, Paul S. Wise, has recently retired from his position as chairman of the Alliance of American Insurers. The alliance is an association of 175 major property/casualty insurance companies, including many from Kansas.

From his early beginning in Pratt and Kansas City, Paul Wise has exhibited the kind of hard work and dedication to his job which have earned him the respect of his peers and a long list of impressive career achievements.

After completing his early education in the public schools of our State, he attended the University of Kansas and later graduated from Washburn University in Topeka, graduating magna cum laude in 1942.

After a distinguished career in the service of his country as a Navy pilot during World War II, he returned to Kansas and completed his education, receiving his J.D. degree in 1947. He entered State government as an attorney in the Kansas insurance department and became assistant commissioner of insurance.

Later, he also served as Kansas commissioner of workers compensation and lecturer on insurance law at Washburn University School of Law.

In 1952, he joined the alliance as an attorney. In 1964, he became general manager and in 1968 was elected president and CEO of the alliance.

Paul Wise was elected chairman of the Alliance of American Insurers in 1984. He is active in the American Bar Association, Federation of Insurance Counsel, and the International Association of Insurance Counsel in addition to numerous boards and civic activities.

He served as a member of the college of insurance as well as the President's Committee on Employment of the Handicapped. He currently serves as a member of the Board of Overseers of the Institute for Civil Justice at Rand Corp. and is a director of the Insurance Institute for Highway Safety. Paul Wise also currently serves as an adjunct professor at Georgia State University in Atlanta.

On the occasion of his retirement, it is appropriate to salute this native son of Kansas who has made significant contributions to the legal profession, the insurance industry and the State of Kansas.

JEANETTE RANKIN'S BIRTHDAY

Mr. DOLE. Mr. President, today is the anniversary of the birth of Jeanette Rankin, Republican of Montana, the first woman to serve in the U.S. Congress. Elected to the House of Representatives 4 years before women were granted the right to vote, Jeanette Rankin will always be remembered for her tireless effort on behalf of women's suffrage and her steadfast pacifism which twice caused her electoral defeat. A statue of her now adorns the Capitol, a fitting tribute to this pioneer in women's political activism.

During her first congressional campaign in 1916, she ran on a platform that included the Federal suffrage amendment, improved health care for mothers and infants, tax law reform, and a stronger national defense. Though she sought to emphasize the issues, the recurring question she had to answer was why a woman wanted to sit in the Congress. To the skeptics she would reply, "There are hundreds of men to care for the Nation's tariff and foreign policy and irrigation projects. But there isn't a single woman to look after the Nation's children."

Similarly, once she was elected, many in the press were more interested in her appearance and personal life than her legislative priorities. She was known for her curt replies to trivial inquiries. When asked how she should be addressed, she replied:

It makes no difference * * * I was elected from my State as one of its two congressmen.

When asked why she had been assigned an office next to one of the most eligible bachelors in Congress, she replied "I expect to put in my time here learning the ropes."

Mr. President, women in politics still, at times, confront a dissettling preoccupation with their hair styles and dress sizes when they would prefer to talk about pressing national issues. And they still have to overcome concerns, albeit less vocal, that women are not suited for public office. Nonetheless, the Nation has come a long way in accepting women as full and equal partners in the governmental process, and we can thank Jeanette Rankin for setting the stage. She was a woman of principle and courage who holds a very special place in the history of her party and her country.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 11:59 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. MATTINGLY].

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board of International Broadcasting, and the National Endowment for Democracy, and for other purposes, for fiscal years 1986 and 1987.

The Senate resumed consideration of the bill.

Pending:

(1) Helms Amendment No. 290, to maintain Presidential authority to curb human rights violations in connection with population assistance.

(2) Symms Amendment No. 324, to repeal Section 113 of the International Security and Development Act of 1980 (Public Law 96-533).

(3) Helms Amendment No. 328 (to Amendment No. 290), of a perfecting nature.

Mrs. HAWKINS. Mr. President, I ask unanimous consent to set aside the pending Helms amendment.

Mr. BYRD. Mr. President, I object, only momentarily, to the distinguished Senator's request. I have a Senator who wants to be on the floor when this amendment is offered, if we

could put in a quorum call until we get him to the floor. I apologize to the Senator.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have a question that I wish to ask of the distinguished manager or managers.

As I recall, the request for $4 billion in humanitarian assistance for the Contras was initially made in the spring or summer a year ago. I believe that is correct.

My question is, if $14 million was initially requested for the entire fiscal year 1985, which will have run its course as of September 30, this year, why is the same amount of money needed for the remainder of this fiscal year, keeping in mind that by the time this bill is finally enacted, only July, August, and September will remain in this fiscal year? Since $14 million was orginally requested for the whole year, why could not that amount of money be pro rata reduced for the remaining 3 months?

Mr. LUGAR. I would like to respond to the distinguished minority leader that indeed he is correct. The $14 million originally contemplated for the fiscal year was passed over at the beginning of the year, and we would be through it by the time of the potential passage of this bill. Of course, the bill that the Senate passed last year had $24 million for the fiscal year.

I think the only answer that can be given is the $14 million originally is a relatively small sum, given the numbers of persons involved. The Contras may or may not be as many as 10,000 or 20,000. These are estimates that are often given by observers in the field. Divided by that number of persons or even a fraction of them, $14 million for humanitarian assistance—food, clothing, shelter, and other aid of that variety—will be rapidly dissipated. The $14 million, I presume, was not changed by the authors of the legislation largely because it has become a figure which is familiar to the Senate and the House, one which we have voted on in the past, and there was resistance, as the minority leader will recall, in the House to $14 million.

I expect in a tactical sense the thought of going beyond that sum at this time now seems advisable as we get another revisiting of the problem, thinking about it for another year, with the sum increasing to $24 million.

I think the direct answer is there is no technical reason for the $14 million specifically for either the year or the 3 months. It simply is that that was the residue of the earlier debate taken up again and revisited on this occasion.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. Can we get the information in the RECORD before we vote? We should have something from the administration that would indicate why the original request for $14 million for an entire year remains at $14 million even after three-fourths of the fiscal year has gone by.

Mr. LUGAR. I will respond that I will make that request immediately to administration spokesmen. During the course of the afternoon, I am hopeful they might forward to us information that will give us a satisfactory answer.

Mr. BYRD. I thank the manager of the bill. I yield the floor.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the pending amendment, a second-degree amendment by Senator HELMS, be temporarily laid aside and that an amendment to be offered by the distinguished Senator from Florida, Senator HAWKINS, now be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 329

(Purpose: To establish the International Narcotics Control Commission)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration

Mr. LUGAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Indiana is recognized for a parliamentary inquiry.

Mr. LUGAR. Mr. President, would the Chair advise us to which amendments must be set aside so that the way is clear for Senator HAWKINS to offer her amendment?

The PRESIDING OFFICER. The amendments of the Senator from North Carolina, as well as the amendment being offered by the Senator from Idaho, have to be set aside in order to provide an opportunity for the Senator from Florida to present an amendment.

Mr. LUGAR. I thank the Chair.

Mr. President, I will ask unanimous consent that both of the amendments by the Senator from North Carolina [Mr. HELMS] and the amendment by the Senator from Idaho [Mr. SYMMS] be laid aside temporarily so that Senator HAWKINS might proceed with her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mrs. HAWKINS] proposed an amendment numbered 329.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

INTERNATIONAL NARCOTICS CONTROL COMMISSION

SEC. 601. (a) There is established the International Narcotics Control Commission (hereafter in this section referred to as the "Commission").

(b) The Commission is authorized and directed—

(1) to monitor and promote international compliance with narcotics control treaties, including eradication, money laundering, and narco-terrorism; and

(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

(c)(1) The Commission shall be composed of twenty-two members as follows:

(A) Seven Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and three shall be selected, after consultation with the minority leader of the House, from the minority party.

(B) Seven Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party of the Senate, after consultation with the majority leader, and three shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(C) One member of the Department of State appointed by the President.

(D) One member of the Department of Justice appointed by the President who shall be the Attorney General.

(E) One member of the Department of the Treasury appointed by the President.

(F) Five members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

(2) There shall be a Chairman and a Co-chairman of the Commission.

(3) On the date of enactment of this section and at the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

(4) At the beginning of each odd-numbered Congress, the Speaker of the House of

Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.

(d) In carrying out this section, the Commission may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

(e) In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report regarding the status of compliance with narcotics control treaties, the first one to be submitted six months after the date of enactment of this section.

(f) The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the House of Representatives and the Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to the Congress a report on its expenditures under such appropriation.

(g)(1) There are authorized to be appropriated to the Commission for each fiscal year and to remain available until expended $550,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this section, such appropriation to be disbursed on a voucher to be approved by the Chairman of the Commission.

(2) For purposes of section 502(b) of the Mutal Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to the use of funds in accordance with such sections.

(3) Not to exceed $6,000 of the funds appropriated to the Commission for each fiscal year may be used for official reception and representational expenses.

(h) The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

Mrs. HAWKINS. Mr. President, this amendment authorizes the Department of State to establish the International Narcotics Control Commission.

No threat strikes America more frequently nor more gravely than the threat of illegal narcotics. It makes its use felt in our homes, failed education, lower productivity, impaired national defense, increased violent crime, addiction, and, yes, death.

To combat this threat effectively, we must use a three-pronged approach: we must eradicate, we must educate, and we must cut off drugs at the source. In order to achieve the eradication of drug abuse in our Nation, we must fight the battle against illicit narcotics simultaneously on all three fronts, and in so doing we must use every weapon at our disposal.

A most useful weapon, using as an example the highly successful Helsinki Commission, would be an International Narcotics Control Commission, designed to monitor and promote international compliance with narcotics control treaties, including those involving eradication, money laundering and terrorism. This Commission would also monitor and encourage U.S. Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

The composition of the Commission would be as follows: seven Members of the House of Representatives appointed by the Speaker, four of whom would be from the majority party, and three of whom would be from the minority party; seven Members of the Senate appointed by the President of the Senate, again, with four being from the majority party, and three from the minority party; one member of the Department of State appointed by the President; one member of the Department of Justice appointed by the President; one member of the Department of the Treasury appointed by the President. There would also be private sector representation on the International Narcotics Control Commission, with five members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees. There would be, of course, a Chairman and a Cochairman of the Commission.

A rotating system would be established for the designation of the Chairman of the International Narcotics Control Commission, with the President of the Senate designating one of the Senate Members as Chairman in even-numbered Congresses, and the Speaker of the House designating one of the House Members as Chairman during odd-numbered Congresses. The Commission would also be provided with subpoena power.

The President of the United States will participate in the activities of the Commission by submitting a semiannual report with regard to the status of international compliance with narcotics control treaties, the initial report to be submitted 6 months after the date of enactment of this proposal. In turn, the Commission is authorized and directed to report to the Congress on a periodic basis, and at the end of each fiscal year the Commission will submit to the Congress a report on its expenditures.

Mr. President, a well-structured and well-supported entity such as the International Narcotics Control Commission would be of invaluable assistance in the battle against drug abuse. Enactment of this legislation would provide an international forum for consideration of narcotics control efforts worldwide, and would enable my colleagues in the U.S. Congress to express their concern in this most vital of issues. Mr. President, as we all work together to achieve the eradication of drug abuse, I wish to take this opportunity to urge speedy adoption of this amendment.

WE NEED AN INTERNATIONAL NARCOTICS CONTROL COMMISSION

Mr. DECONCINI. Mr. President, I rise in support of an amendment offered by the distinguished Senator from Florida, Senator HAWKINS, and urge its adoption today.

Mr. President, this amendment is probably long, long overdue. The narcotics smuggling problem and drug abuse problem in this country is an international disgrace and needs an international solution. The amendment of the Senator from Florida would take the first step in the direction of monitoring what international remedies might be available to stemming the tide of drugs from foreign countries into the United States. By establishing an international "watch dog" commission to monitor and promote international compliance with narcotics control treaties, we will be assured that more than casual review of international drug control programs will be brought to bear. Furthermore, the Hawkins amendment will help to assure that the United States and all foreign countries who suffer from the drug plague, will work together to craft multilateral agreements to combat drug abuse and narcotics trafficking.

Mr. President, our efforts to force foreign drug source countries to crack down on the drug trafficker have been mixed. On the one hand, we see a country like Colombia finally getting tough on the drug trafficker in that major producer of cocaine and marijuana. On the other hand, we see countries like Peru and Bolivia virtually paralyzed by the narcotics trade and unable to make anything more than a dent in the flow of drugs out of those South American countries. Add to these the continuing role of the Bahamas, Jamaica, and Belize as major transshipment countries for drug trafficking, and it is clear that we need a more cohesive, international policy in our war on drugs. Hopefully, the International Narcotics Control Commission that would be established by this amendment will bring the drug source, drug transshipment, and drug consumer nations together in a common goal to rid the world of the drug poison that is killing our citizens and threatening the lives of our chil-

dren in schools, on the playground, and in the home.

Mr. President, I am pleased to be a cosponsor of this amendment. It is an idea whose time has come. On the one side of our war on drugs we are making great progress in drug interdiction by beefing up our civilian and military interdiction capabilities. On May 21, the Senate passed my amendment to the defense authorization bill, establishing for the first time in history, a peacetime drug interdiction capability within the Department of Defense. The Customs Service has done a good job of beefing up its interdiction capabilities, as has the Coast Guard. However, on the other hand, our ability to move foreign governments to match the resolve of the United States in attacking the drug smuggler, has been less successful. The Commission established in this amendment may be the catalyst that allows us to turn the corner in the crucial international arena to halt drug abuse and drug trafficking.

Mr. President, I urge the adoption of the amendment and applaud Senator HAWKINS for her initiative and persistence in this matter.

Mr. BIDEN. Mr. President, I support the concept of an International Narcotics Control Commission to encourage cooperation on the important issue of international narcotics control. Five years ago in my report entitled, "The Sicilian Connection: Southwest Asian Heroin En Route to the United States" I stressed the need for greater bilateral and multinational cooperation in dealing with the international problem of drug abuse. My report clearly stated the need to bring this tragic issue to a higher level of international concern. Therefore, in this context I believe the Commission could provide a very useful service.

There are several issues that I would like to be considered as part of the legislative record on this amendment that will not be directly reflected in the statutory language. With regard to the membership of the Commission, I believe it is essential that the congressional Members be chosen based on their committee assignments and expertise on foreign relations and international narcotics matters. This should certainly be the case with regard to the Chairman and Cochairman. Additionally, if the Commission is to truly serve a useful purpose in the international community, the five public members should be known experts/leaders in this subject area and not political appointments made simply to pay off some favor. These individuals should be recognized throughout the international community for their work in promoting bilateral and multilateral cooperation in stemming drug abuse and narcotics trafficking throughout the world.

It is equally important that the proposed member from the Department of Justice be the Attorney General, which, under legislation included in the crime package last year, makes him the Chairman of the National Drug Enforcement Policy Board. His role as Chairman of this Board is to serve as the individual Congress and the American people will look to as the primary adviser to the President and Congress on national and international antidrug programs. I am glad that the Senator from Florida agrees that he be a member of this Commission.

It is important that the activities of this Commission reflect a consistent position of the Congress and particularly those congressional committees most responsible for oversight of narcotics enforcement and international drug trafficking. It would be extremely damaging to our international drug abuse strategy if the Commission was viewed as duplicative or sending mixed signals abroad as to the U.S. drug policy.

I do believe that the Commission can provide a stronger voice in the international community on the issue of drug abuse. However, I would hope that in the final agreement reached in the House and Senate conference, that these concerns shared by myself and others be considered.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Florida for this amendment and equally for the strong and vigorous leadership she has given in the fight against drug abuse in this country and internationally. She has been outspoken, she has been courageous and, in my judgment, she has been highly effective.

This amendment, once again, extends that record of service. On our side, we are prepared to accept the amendment.

Mr. PELL. Mr. President, I join in commending the Senator from Florida on this amendment. This commission could be exceptionally useful. I am very glad, indeed, to join in supporting it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 329) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. HAWKINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TECHNICAL CORRECTION TO AMENDMENT NO. 311

Mr. LUGAR. Mr. President, I ask unanimous consent that a technical correction be made to amendment No. 311, sponsored by the distinguished Senator from New York [Mr. D'AMATO]. This amendment was to increase the total authorization for USIA and then earmark the increase for the specific purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 311), as modified, reads as follows:

On page 1, line 1, of the Weicker Amendment No. 294, as amended, change the dollar amount to $837,623,000.

At the end of the bill, insert:

SUPPLEMENTAL AUTHORIZATION FOR INTERNATIONAL GAMES

SEC. —. Of the funds authorized to be appropriated for fiscal year 1986 by section 202(a), $3,000,000 shall be available only to reimburse expenses associated with the XV World Games for the Deaf, the Fifth National Amputee Championship, and the 1985 National Cerebral Palsy/Les Autres Games.

TECHNICAL CORRECTION TO AMENDMENT NO. 300

Mr. LUGAR. Mr. President, I ask unanimous consent that a technical change be made to amendment No. 300, sponsored by the distinguished Senator from Florida [Mrs. HAWKINS] to conform it to the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The technical change reads as follows:

In Amendment 300, on page 17, line 21, delete the "(1)" inserted after "a", and strike "(2)(a)" through "Marti program."

Mr. LUGAR. In removing the congressional findings section from amendment No. 300, we are merely limiting the amendment to a funding earmark, with no prejudice to the substance of those findings or criticism of the program. Indeed, in making this earmark, Congress is increasing the funds available to the program.

Mr. PELL. That is correct.

Mrs. HAWKINS. That is correct.

I wish to commend and endorse the decision of the President to begin broadcasting the Radio Marti Program on May 20, 1985. It gives the people of Cuba a reliable alternative to the Government-sponsored propaganda of the Castro regime. As we know, the purpose of the legislation that created the Radio Marti Program was to promote the cause of freedom in Cuba by broadcasting accurate and objective programing into Cuba.

Mr. LUGAR. I too wish to commend the President's decision to begin broadcasting the important Radio Marti Program, and to commend as well the distinguished Senator from Florida for her diligent efforts on its behalf.

AMENDMENT NO. 325

Mr. LUGAR. Yesterday, the Senate agreed to amendment No. 325, sponsored by the distinguished Senator from New Mexico [Mr. DOMENICI]. I wish to propound a question concerning the sponsor's intention in offering the amendment. Mr. President, as I

understand the amendment concerning exchanges and grants in Latin America, Central America and the Caribbean, the intention is to earmark funds for grants and exchanges in that part of the world. The earmark is based on the congressional budget presentation, and includes funding for the Fulbright Graduate Program and the International Visitors Program, as well as for the Central American Undergraduate Scholarship Program. Is that the intention of the sponsor?

Mr. DOMENICI. Mr. President, that is my intention.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the two amendments by the distinguished Senator from North Carolina, Senator HELMS, be temporarily set aside, that consideration might recur on the amendment of the Senator from Idaho [Mr. SYMMS].

The PRESIDING OFFICER. Without objection, it is so ordered.

SYMMS AMENDMENT NO. 324, TO REPEAL SECTION 113 OF THE INTERNATIONAL SECURITY AND DEVELOPMENT ACT OF 1980 (PUBLIC LAW 96-533)

Mr. KENNEDY. Mr. President, I rise in strong opposition to the amendment proposed by Senator SYMMS which repeals the so-called Clark amendment—the current prohibition on aid to the rebels in Angola.

The Senate addressed this issue in 1981. I voted then for a compromise amendment offered by Senator TSONGAS because it was a responsible alternative to the Kassebaum amendment which immediately and unconditionally repealed the Clark amendment. I did not then, nor do I now, support such an unconditional repeal. I voted for the Tsongas amendment because it contained stringent conditions on any repeal of the Clark amendment which prohibited support to the rebels in Angola attempting a violent overthrow of the Marxist regime in Angola. Let me quote from the amendment I supported:

> Section 118 of the International Security and Development Cooperation Act of 1980—the so-called Clark amendment—shall cease to be in effect the earlier of:
>
> (1) A date by which the President has determined that an effective cease-fire is in place in Namibia and that preparations for internationally supervised elections in Namibia are in progress; or
>
> (2) March 31, 1983.

Back in 1981, we all had high hopes that a settlement of the Namibia question would be reached in the near future. We had made it clear to the South African Government that the United States strongly opposed their illegal occupation of Namibia. And there appeared to be real movement on this issue.

But now the negotiations are deadlocked over the issue of the timing of the withdrawal from Angola of some 30,000 advisors, and U.N. Resolution 435—the only real hope for peace in the region sits in cold storage.

We are farther away from a peaceful resolution of the conflict that we were in 1981. The Tsongas amendment was offered during a more optimistic period in southern Africa. It stated that if the essence of U.N. Resolution 435 was in place—a cease-fire and internationally supervised elections in Namibia were in progress—then the Clark amendment was a kind of anachronism. But now, 4 years later, we are even farther away from a resolution of the conflict—the constructive engagement policy of the Reagan administration has failed—and the administration knows it—so they want to abandon the peaceful route of negotiations and resort to a military one.

The amendment I supported in 1981 also contained a specific prohibition of just that military route. Let me again quote from Senator Tsongas' amendment:

> Nothing in this section shall be construed to be an endorsement by Congress of the provision of assistance for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola.

The administration supports the amendment offered by Senator SYMMS on the grounds that it will send a good signal to the Marxist regime in Angola. That it will provide a "stick" to the U.S. negotiators in the conflict. We are told that this amendment does not involve any material support to the rebels in Angola—just moral, psychological support.

First of all, I seriously doubt that if the Clark amendment is repealed that no U.S. aid will reach the UNITA forces inside Angola. But, let us take the administration at its word for a moment and look at the signal they are attempting to send.

The Reagan administration has for over 4 years now promoted its policy of constructive engagement as the best way to resolve the question of Namibian independence and a withdrawal of Cuban troops from Angola. But for 4 years we have seen no progress; 30,000 Cuban troops are inside Angola and Namibia is still illegally occupied by South Africa and hope for any solution in the near future is dwindling.

My opposition to constructive engagement is well known and I do not intend to get into a debate about that at this time. But what I can't understand is how those who support the principle of constructive engagement can possibly support a repeal of the Clark amendment. If we are to play the much touted role of independent brokers in the conflict, what more effective way to destroy and completely gut that role exists than supporting, or even threatening to support, one side of the conflict?

This administration is already too cozy with the South African regime. The 1984 Lusaka accords—calling for a ceasefire and disengagement of South Africa forces from Namibia—were signed by South Africa and yet we now hear of intelligence gathering units being sent into northern Angola to blow up American Oil Co. installations.

Our close ties to the South African Government have already compromised our ability to play the honest broker role, but if the Senate goes on record today as repealing the Clark amendment we will be sending exactly the wrong signal to those involved in the delicate negotiations in the region. We will be saying that the negotiations are going nowhere and that the only route left is the military route. We will be saying to the South African Government, we support your assistance to UNITA, and we will forget that South Africa is acting in direct violation of the Lusaka accords—and is acting not only against the Government of Angola but also against U.S. installations inside the country.

My opposition to repeal of the Clark amendment in 1981 was strong and it is distressing to be debating this issue again in 1985. But let me restate some of the arguments I made 4 years ago. I quote:

> A repeal of the Clark amendment not only would be tantamount to turning the clock back to 1975, but would seriously damage our current diplomatic efforts and interests in Africa in a number of ways.
>
> First, a repeal would be a clear signal to Africa and to the world that the United States was reverting to an African policy viewed primarily in terms of East-West competition, with little concern for African needs and priorities.
>
> Second, repeal would be a severe impediment to any future attempts by the United States to improve relations with the current Angolan government. * * *
>
> Third, repeal would further identify the United States with the racist South African regime, which continues to support the Angolan reels and which has recently conducted a large-scale invasion of Angola.
>
> Fourth, repeal would add to the widespread impression that American foreign policy is concerned more with military intervention than with diplomatic efforts to protect our national interests.
>
> More specifically, repealing the Clark amendment would undermine three basic U.S. policy objectives in southern Africa and Africa as a whole. First, the peaceful achievement of independence and majority rule in Namibia; second opposing Soviet, Cuban, and East German intervention; and third, improving our ties with nations throughout the African continent.

The Clark amendment may no longer be appropriate when the President has determined that an effective cease-fire is in place in Namibia and that preparations for internationally supervised elections in Namibia are in progress. But we are no closer to the achievement of these goals in 1985 than we were in 1981, or for that matter in 1976 when the Clark amendment originally was signed into law.

A repeal of the Clark amendment would clearly not lead to a withdrawal or a reduction in the number of Cuban troops in Angola. Instead, repealing the amendment would precipitate further Soviet and Cuban adventurism in Angola by increasing, not diminishing, the reliance the Angolans now have on the Cubans for their security needs.

As Senator SYMMS stated yesterday, "the Cuban forces will never leave until all outside support to UNITA ends, until no internal or external threat to the MPLA government exists, and Namibia is made independent through elections." I believe the Senator from Idaho—and therefore think we ought to be concentrating on a negotiated solution to the conflict—not sending U.S. aid, advisors, and trainers into a long and bloody conflict.

The Clark amendment is a responsible prohibition on aid to rebels in Angola. It must be maintained if the United States is to continue to be a broker in the region, if a peaceful settlement of the Namibian question is to be reached and if the United States wants to avoid getting itself into another unwinnable war.

I strongly urge my colleagues to join me in opposition to the amendment offered by Senator SYMMS.

Mrs. KASSEBAUM. Mr. President, I support the amendment by the Senator from Idaho to repeal the Clark amendment on Angola. However, I would like to clarify, for audiences at home and abroad, what this step does and does not signify.

The reason we should repeal the Clark amendment is the same as in past efforts at its repeal—that it is a unique legal limitation on American foreign policy that treats Angola differently from other countries; that this special restriction, whatever its merits at the time of passage, should not be allowed to continue ad infinitum, and that repealing the amendment is merely reversing an out-of-the-ordinary restriction, not committing the United States to some positive course of action.

The administration has made it clear that it does not intend to lend tangible assistance to the UNITA rebel movement in Angola, and does not view repeal of the Clark amendment as implying any such policy. It does, however, want to see this special restriction on executive branch freedom of action removed.

On the merits, the case for repeal seems overwhelming. Unfortunately, the timing of this measure's appearance on the Senate's agenda is not fortuitous, for two reasons.

First, we are in the middle of broad-based and bipartisan efforts in Congress to send South Africa a strong message of American discontent with the black loss of life and repression that have occurred over the last 8 months. There is no desire to compromise this message with an action on the Clark amendment that could be perceived as supporting South Africa.

Second, and more directly relevant, the measure comes before us just after South Africa has committed an outrageous act, in Angola, utterly opposed to American interests—the attack on the gulf oil facility in Cabinda. This South African action is all the more reprehensible because of the major efforts this administration has made in the Namibia negotiations to take into account South Africa's security concerns in Angola. This attack deserves vigorous condemnation, which it has received from the State Department. Again, there is no desire to compromise this message by sending a "mixed signal" on the Clark amendment.

I am mindful of the problem of sending "wrong signals," but I feel that we must, nevertheless, take the legislative action that is justified by the merits of the case. Members will recall that similar arguments about the "time not being right" were raised when I proposed, and the Senate passed, this same action 4 years ago. If we wait until the time is "right," I am afraid we will never repeal this amendment.

In the process, no one should misconstrue our purpose. That purpose is to correct a longstanding anomaly, not to indicate any approval of South Africa's conduct, either internally or in the region. Indeed, if South Africa wants to understand true American feelings, it should draw exactly the opposite conclusion about this country's attitudes in both areas.

Mr. PELL. Mr. President, it should be borne in mind that the amendment offered by Senators Javits and Tsongas and passed by the Senate in June 1980 was a substitute to an amendment offered by Senator HELMS that would have repealed the Clark amendment entirely. The Javits-Tsongas amendment modified the Clark amendment by giving the President authority to provide aid subject to congressional accountability and a national security determination. It was a compromise reached between those who argued against repeal of the Clark amendment and those who favored repeal in order to provide the President with flexibility in the Angolan situation.

Although Senator Tsongas joined in offering this amendment in the spirit of compromise, he made it clear in debate on the floor that he did not favor repeal of the Clark amendment. He said:

> Even though there may be a time when, perhaps, we can look to some change in the law, I do not think this is the time and I hope that my colleagues will take a strong stand against the motion that what we are going to engage in at this point is covert activity in that part of Africa.

VOTE ON AMENDMENT NO. 324

The PRESIDING OFFICER. The question is on agreeing to amendment No. 324. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—63

Abdnor	Ford	McClure
Andrews	Garn	McConnell
Armstrong	Goldwater	Mitchell
Bentsen	Gorton	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Byrd	Hatch	Pressler
Chafee	Hawkins	Quayle
Chiles	Hecht	Roth
Cochran	Heflin	Rudman
Cohen	Heinz	Sasser
D'Amato	Helms	Simpson
DeConcini	Hollings	Stennis
Denton	Humphrey	Stevens
Dixon	Johnston	Symms
Dole	Kassebaum	Thurmond
Domenici	Kasten	Trible
Durenberger	Laxalt	Wallop
East	Long	Warner
Evans	Lugar	Wilson
Exon	Mattingly	Zorinsky

NAYS—34

Baucus	Hart	Moynihan
Biden	Hatfield	Pell
Bingaman	Inouye	Proxmire
Bradley	Kennedy	Pryor
Bumpers	Kerry	Riegle
Burdick	Lautenberg	Rockefeller
Cranston	Leahy	Sarbanes
Dodd	Levin	Simon
Eagleton	Mathias	Specter
Glenn	Matsunaga	Weicker
Gore	Melcher	
Harkin	Metzenbaum	

NOT VOTING—3

Danforth	Packwood	Stafford

So the amendment was agreed to.

Mr. LUGAR. I move to reconsider the vote.

Mr. SYMMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I sought recognition at this point to ask the distinguished majority leader if he could tell the Senate what the outlook is for the rest of the day as far as rollcall votes are concerned.

Mr. DOLE. Mr. President, as I understand it from visiting with the distinguished chairman of the committee, the remaining amendments would be the amendment of the Senator from North Carolina plus a perfecting amendment; I understand the Senator from West Virginia has an amendment; and then passage. I think that is it. I am not certain there will be a demand for the yeas and nays on passage. Maybe there will be. But I am not certain of the status of the amendment of the distinguished minority leader. I thought there would be one or maybe two votes, unless there is a demand for vote on final passage, and we would hope that we might have those votes at about 6:15, 6:30.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. So, if we understand it, there could be two or three more rollcall votes?

Mr. DOLE. Right.

Mr. LUGAR. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is the amendment in the second degree offered by the Senator from North Carolina to his amendment in the first degree.

Mr. LUGAR. Mr. President, the mover of the amendment is present, and I would be prepared to yield the floor and hope the Chair would recognize the Senator from North Carolina.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BYRD addressed the Chair.

Mr. HELMS. Mr. President, I have the floor, but I will be delighted to defer to the able Senator.

Mr. BYRD. Mr. President, I am not sure the Senator has the floor. The Chair has not recognized anyone, I do not believe.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I will not take but a moment. I was wondering——

Mr. HELMS. I will say to the Senator that I heard what the Chair said. I was recognized but I am glad to defer to the Senator

Mr. BYRD. Well, my hearing may be a little bad. But I certainly mean no offense to the distinguished Senator from North Carolina. I have an amendment. I will be glad to call it up now—I anticipate there may be a rollcall vote on it—or I can wait until the Senate has acted on the amendment of the distinguished Senator from North Carolina. What is the preference, may I ask?

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

Mr. HELMS. It will certainly be satisfactory with me for the distinguished Senator to proceed with his amendment, particularly if he feels he will desire a rollcall vote.

Mr. BYRD. I think there probably will be.

Mr. HELMS. Yes.

Mr. BYRD. Does the chairman have any wishes in this regard?

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that the Senator from West Virginia may call up his amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Carolina.

Mr. HELMS. I thank the Senator.

AMENDMENT NO. 330

Mr. BYRD. Mr. President, I send an amendment to the desk. It is cosponsored by Mr. LEVIN, Mr. BENTSEN, Mr. KERRY, Mr. BOREN, and Mr. THURMOND. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LEVIN, Mr. BENTSEN, Mr. KERRY, Mr. BOREN, and Mr. THURMOND, proposes an amendment numbered 330.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

(a) The Congress hereby finds—

(1) The Japan-U.S. security relationship is the foundation of the peace and security of Japan and the Far East, as well as a major contributor to the protection of the United States and of the democratic freedoms and economic prosperity enjoyed by both the U.S. and Japan;

(2) The threats to our two democracies have increased significantly since 1976, principally through the Soviet invasion of Afghanistan, the expansion of Soviet armed forces in the Far East, the invasion of Cambodia by Vietnam and the instability in the Persian Gulf region as signified by the continuing Iran-Iraq conflict;

(3) In recognition of these threats, the United States has greatly increased its annual defense spending through sustained real growth averaging 8.8 percent yearly between Fiscal 1981 and 1985, and cumulative real growth of 50 percent in that period.

(4) In May, 1981, the Prime Minister of Japan stated that, pursuant to the Mutual Security Treaty between his country and the United States, and pursuant to Japan's own "Peace" Constitution, it was national policy for his country to acquire and maintain the armed forces adequate for the defense of its land area and surrounding airspace and sea lanes, out to a distance of 1,000 miles;

(5) The U.S. Government applauds the policy of Japan to obtain the capabilities to defend its sea and air lanes out to 1,000 miles and expects that these capabilities should be acquired by the end of the decade, and recognizes that achieving those capabilities would significantly improve the national security of both Japan and the United States;

(6) Japan, however, has failed to provide sufficient funding and resources to meet her basic self-defense needs and these alliance responsibilities under the Mutual Cooperation and Security Treaty between her and the United States, signed January 19, 1960;

(7) Every year since 1981, the Defense Department has reported to Congress that Japan "ranks last or close to last" on most measures surveyed and thus quite clearly "appears to be contributing far less than its fair share" of the common defense burden;

(8) In 1985, the Commander of all U.S. armed forces in the Pacific region, Adm. William J. Crowe, Jr., testified to Congress that Japan's decision to increase its defense budget in 1985 "is still inadequate to meet the defense capabilities the Japanese government has pledged itself to meet;"

(b) It is the sense of the Congress that Japan, to fulfill her self-defense responsibility as agreed upon pursuant to the Mutual Security Treaty with the United States and in accordance with the national policy declaration made by her Prime Minister in May 1981, to develop a 1,000 mile, airspace and sea-lanes defense capability should:

(1) formally reexamine her 1976 National Defense Program Outline with the objective of revising it to reflect these agreed-upon responsibilities and today's increased mutual security requirements; and

(2) develop and implement a 1986-1990 Mid-Term Defense Plan containing sufficient funding, program acquisition, and force development resources to obtain the agreed-upon 1,000 mile self-defense capabilities by the end of the decade, including the allocation of sufficient budgetary resources annually to reduce the ammunition, logistics, and sustainability shortfalls of her forces by 20 percent each year.

(c) It is the further sense of the Congress that Japan, to assume a more equitable share of the mutual security burden in view of her status as the second richest nation in the Free World, should be encouraged to:

(1) increase substantially her annual financial contribution to construct new facilities for U.S. military forces stationed in Japan; and,

(2) under the terms of the existing Status of Forces Agreement with the United States, increase substantially her annual financial contribution to support U.S. forces stationed in Japan, or operations in defense of Japan, including the assumption of a larger proportion of the labor costs of Japanese nationals employed by the United States in Japan.

(d) to permit the Congress to assess Japan's progress toward actually fulfilling her common defense commitments, the President should, not later than February 1, 1986, and on an annual basis thereafter, submit to the appropriate committees of Congress, a report in both classified and unclassified form, containing the following:

(1) a detailed estimate by the U.S. government of the level of funding resources, specific procurement programs and other defense improvement actions required annually between 1986 and 1990 for Japan to achieve the capabilities to defend her homeland and airspace and sea lanes out the 1,000 miles, by the end of this decade;

(2) a detailed estimate by the U.S. Government of the length of delay beyond 1990 for Japan to achieve the self-defense capabilities referred to in (c)(1) and caused by any disparities between the U.S. estimate of resources required and those resources provided by Japan for that particular annual period and for the years remaining in the 1986-90 Mid-Term Defense Plan; and

(3) an account of what actions the U.S. Government has taken in the preceding year to encourage Japan to attain by 1990 the 1,000 mile self-defense capabilities.

Mr. BYRD. Mr. President, let me see if I can briefly explain the import of the amendment.

Mr. President, the purpose of my amendment is to send a strong message to the Government of Japan that its continued conspicuous failure to bear a fair share of the common defense burden threatens the good relations between our two nations and perhaps even the security upon which Japan's economic prosperity and democracy are based.

It is particularly appropriate to send this message this week, since the Director-General of the Japan Defense Agency, Koichi Kato, is in Washington, DC to meet with executive branch officials.

Upon leaving Tokyo for this visit, Mr. Kato said he would be discussing the United States-Japan defense relationship "on an equal footing."

His words echo repeated declarations by Japanese Prime Minister Nakasone that, as a full partner among the world's great democracies, Japan recognize its responsibilities to help promote international peace and economic prosperity.

Director General Kato, and Prime Minister Nakasone, should hear today that the elected representatives of the American people, on behalf of their constituents, are demanding much more than soothing words and positive sounding promises from Japan in the defense area.

Japan has been promising for years what she will accomplish for the common defense.

More yen, not more words, are what the American people want the Japanese to provide for our mutual security.

The American people are weary of Japan's half-empty defense promises. Their patience is wearing thin, just as it is with the current trade difficulties with Japan.

Performance is what counts in defense, just as in trade, Mr. President, and that is the message Mr. Kato should take back to Prime Minister Nakasone and deliver personally.

Briefly, Mr. President, my amendment calls on Japan to act in four defense areas so she might meet her mutual security commitments.

First, it calls on Japan to reexamine formally her 1976 national defense program outline, the basis for her present defense budgets and program planning, with the objective of revising it to reflect the defense tasks she has agreed to and today's increased mutual security requirements. The U.S. Government considers that this 1976 outline has "grown seriously out of date," according to the Pentagon.

This nine-year-old program was developed before several significant increases in the threats facing our two democracies, including the revolution in Iran, the Soviet invasion of Afghanistan, a major expansion of Soviet Far East forces, North Vietnam's invasion of Kampuchea, and the continuing instability near the Persian Gulf as evidenced by the Iran-Iraq war.

It also became the foundation of Japan's defense policy before that policy was broadened greatly in 1981, when the Government stated it would acquire and maintain armed forces adequate to defend its land area and surrounding airspace and sea lanes out to a distance of 1,000 miles.

It should be emphasized that this expanded self-defense policy was deemed permissible by Japan under her "peace constitution," and that this policy was not forced upon her by the United States.

The 1976 defense program outline should be revised to reflect these expanded, freely accepted self-defense responsibilities, Mr. President, as well as today's increased mutual security requirements.

Second, my amendment urges Japan to develop and implement a 1986-90 mid-term defense plan which would contain sufficient funding, program acquisition, and force development resources to obtain the promised 1,000 mile self-defense capabilities by the end of the decade. It states that this 5-year plan should include the allocation of sufficient budgetary resources annually to reduce the ammunition, logistics, and sustainability shortfalls of Japan's forces by 20 percent each year.

Japan is in the final stages of drafting a 5-year defense spending plan to replace its present 1983-87 plan. The current plan not only is considered woefully inadequate, but our own Government estimates that the improvement programs it envisions are at least 1 year behind schedule.

Our first indications whether Japan truly is serious about matching its defense commitments with sufficient military resources will come in the creation of this new multiyear spending plan. Her leaders are promising major improvements in the dangerously low stockpiles of munitions, spare parts, and other logistics capabilities.

We should put Japan on notice that we are watching closely the formulation of this plan and that we expect her to meet her mutual security commitments in it. My amendment accomplishes this.

Third, my amendment states that Japan should be encouraged to increase substantially its annual contributions to construct new facilities for U.S. forces stationed in that country. Although Japan's annual spending in this category is noteworthy, much more could be done, and my amendment urges Japan to do so.

Fourth, my amendment urges that Japan should be encouraged to increase substantially its annual financial contributions to support U.S. forces stationed in Japan or operating in defense of Japan, especially in the area of paying more of the costs of Japanese labor hired by the U.S. forces there. The Japanese claim they cannot increase these contributions without renegotiating the Status of Forces Agreement governing the deployment of our forces there. Our Government rejects this position, and my amendment is a strong statement in support of our Government's policy.

Regarding our own Government's actions, my amendment states that the President should report annually on the status of the Japanese defense effort and what our own Government is doing to obtain increased mutual security contributions from Japan.

Mr. President, my amendment imposes no new defense responsibilities on Japan. It does not propose that the Japanese should breach their peace constitution. Its most important sections, those dealing with the revisions to the 1976 defense program outline and the creation of a sufficiently funded 1986-90 spending plan, only urge them to achieve the objectives they themselves have said are permissible.

Mr. President, the evidence is inescapable that Japan has not allowed sufficient resources to her self-defense and to our mutual security in the past 5 years, despite any claims she might make to the contrary.

Total U.S. defense spending has grown from $537 per capita and 4.9 percent of gross national product in 1979 to $979 per capita and approximately 6.5 percent of gross national product in 1984.

Despite being the free world's second richest nation, Japan spent only $102 per capita and 0.99 percent of its gross national product on defense in 1984, an insignificant increase relative to its expenditure of only $83 per capita and 0.90 percent of GNP in 1979.

Every year since 1981, the Defense Department has reported to Congress that Japan "ranks last or close to last" on most measures surveyed and thus

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quite clearly "appears to be contributing far less than its fair share" of the common defense burden.

In 1983, the Defense Department reported to the Congress that "Japan * * * has never been willing to address defense expenditures from the point of view of actual requirements." The Pentagon reported that this inadequate funding has resulted in a Ground Self-Defense Force with obsolete equipment; ground, maritime, and air forces with only token levels of ammunition, thus making them unable to sustain themselves in combat and unable to defend Japanese territory against any serious incursion; air and maritime forces which are too small to provide for defense against the large air threat posed by Soviet Far East Forces and to protect the sea lanes to 1,000 miles. In 1984, the Defense Department reported to the Congress:

> There is no doubt that the Japanese remain content to limit their investment in defense to a level so low as to cause a disproportionate share of defense commitments to be borne by the rest of the Free World.

This year, the Commander of all U.S. Armed Forces in the Pacific region, Adm. William J. Crowe, Jr., testified to Congress that Japan's decision to increase its defense budget in 1985 is still inadequate to meet, and "the Japanese are at least a year behind * * * maybe further" in meeting, their current 5-year defense spending plan.

Admiral Crowe testified further that:

> Most respected Japanese and U.S. defense authorities agree that Japan's self declared defense goals, could most likely be achieved at a Japanese defense spending level of around two percent of the gross national product, and that Japan could significantly increase its defense capabilities as promised by focusing on capabilities for self-defense and not for threatening the other countries of Asia.

He further urged that the United States:

> Must use every opportunity to encourage the Japanese toward meeting their declared defense goals.

Mr. President, past American entreaties for the Japanese to increase their defense efforts to match their commitments have been met with excuses about the nation's debt-financing problems, the emphasis it places on "consensus" in national policymaking, and the particular political problems facing the incumbent of the moment.

These excuses no longer should be accepted. Our own Nation finances its defense program despite staggering annual budget deficits and a national debt which is nearing $2 trillion. That defense program directly benefits Japan as well as our own Nation.

The requirements for a consensus in Japan's political culture are well-known, but the shaping of a consensus can be accelerated by courageous political leadership. Prime Minister Nakasone has tried to provide that leadership and has demonstrated this personal political courage. Unfortunately, his efforts have not been supported with equal courage among enough members of his own ruling Liberal Democratic Party, its allies in the Diet, and the entrenched bureaucrats in the powerful Finance Ministry. These individuals should help their Prime Minister to build this prodefense consensus more quickly.

Defense requirements cannot wait for periods of domestic political tranquility to be satisfied, and Japan must realize this.

Mr. President, my amendment affords the Congress just such an opportunity to encourage the Japanese toward meeting their declared defense goals, as Admiral Crowe testified.

It is an excellent opportunity for the Senate to speak on this important matter, and I urge its adoption.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, I will support the amendment offered by the distinguished minority leader, the Senator from West Virginia. But I would comment, as I support it, that in the meeting that I enjoyed this morning with the minister of state, Mr. Kato, who is the Director General of the Japanese Defense Agency, he said that the Japanese Government is well aware of the need for building up the country's self-defense capabilities. Mr. Kato noted that Japan has attempted to achieve a zero growth budget overall, and yet it has managed to increase real growth in defense expenditures of 4.8 percent and 5.4 percent in the past 2 years respectively, while simultaneously holding spending for social service programs very close to zero.

Admittedly, Japan could do more. The sense of the Byrd amendment is that Japan should do more. Obviously, the distinguished Senator from West Virginia would not, nor do I, accuse Japan of doing nothing in the contribution. The contribution has been a substantial one. I suspect we ought to recognize this even while encouraging our Japanese friends to do more to fulfill an obligation to us and to their own people.

I would note that there has been work in the majority party, the Liberal Democratic Party of Japan, to try to make more effective the growth in the country's defense capability. We acknowledge that and applaud that.

We, likewise, I think, would do well to point out, as the distinguished Senator from West Virginia has done so generously, that Prime Minister Nakasone has been vigorous in his advocacy of a stronger defense and, indeed, has made many pledges to our President, President Reagan, that the Japanese efforts would be continuous and would grow. We believe that progress has been made by the distinguished Prime Minister of Japan in chipping away at the widespread belief in Japan that self-defense is somehow bad.

As a matter of fact, in the debate in that country, it would appear there has been a much more widespread recognition of the need for Japan to have self-defense without in any way becoming a militaristic power or assuming characteristics that the world found most regrettable in the past.

Therefore, in the spirit of the amendment, it seems to me that the Congress is indeed interested in a very great ally, interested in the friendship that we have with Japan. It is in the spirit of that friendship that we are working toward a more effective defense relationship and we are asking our Japanese friends to fulfill the goals of their midterm defense plan, asking them to fill pledges made to us.

In that spirit, I support the amendment of the distinguished Senator from West Virginia.

Mr. BOREN. Mr. President, I am pleased to lend my support to my good friend from West Virginia in his efforts to again demonstrate to the Japanese Government our continuing concern that their commitment to defend their country and surrounding airspace and sealanes, out to a distance of 1,000 miles, be met by 1990.

This sense of the Congress resolution simply but firmly requests that the Japanese leaders fulfill their declared defense goals by funding the specific procurement programs and other defense improvement programs.

As the second richest nation in the Free World, Japan can certainly do more to share the burden for our mutual freedom which allows the retention of the present economic prosperity enjoyed by both the United States and Japan.

Adm. William J. Crowe, Jr., the Commander in Chief of the Pacific Fleet, testified before the Senate Committee on Armed Services last year that, even with a 6.9-percent increase in 1985, Japan was at least a year behind in her Mid-Term Defense Plan which would obtain the 1,000 mile self-defense capability by the end of this decade. Our amendment asks that a new 1986–1990 MTDP by the Japanese Government be developed and implemented to ensure these goals.

The report by the President, required in this amendment, would allow the appropriate committees in the Congress to assess what, if any, actions could be taken to encourage the reallocation by the Japanese of the necessary resources to attain by 1990 the defense improvements to meet the self-defense capabilities of her country and surrounding 1,000 area.

Mr. President, I again want to express my appreciation to the minority leader for his initiative and urge the

support of my fellow colleagues for this amendment.

Mr. THURMOND. Mr. President, as a cosponsor of this amendment, I would like to first say that Prime Minister Nakasone has done an admirable job in moving Japan in the direction of greater levels of defense spending. His is a very difficult task that requires great skills as a leader. There is a growing perception in this country, however, that our Japanese allies are not bearing their fair share in the area of defense spending, and it is true that Japan has not met its agreed upon levels of expenditures for defense.

I feel that this public perception has contributed significantly to the decline in support for continued real growth in U.S. defense spending, which is bad not only for the United States, but for the entire free world. The United States cannot go it alone any more than our allies can, but is certainly not unreasonable for our allies to live up to their commitments when we spend as much as we do for defense.

Mr. President, this amendment is not intended as a condemnation of past policy; it sends a signal that we expect Japan, who benefits so richly from freedom, to join us in ensuring an adequate protection of that freedom in the region, and I urge all of my colleagues to support this amendment.

Mr. PELL. Mr. President, we are in somewhat of an anomalous position here because many of us in this body fought for 4 or 5 years to make sure Japan never had another army and never had another soldier. We felt strongly about it 40 years ago. We felt strongly about it after Germany, as well. History changes. We now have two rearmed Germanies, and Japan is coasting along not carrying its part of the defense burden.

I recognize the situation as different from what it was, although I fully supported the Japanese Peace Treaty, which pledged never to have a military establishment, at that time.

But the same events seem different through the eyes of time, and time has changed, and Japan should carry more of its own load.

Even though I find myself in this anomalous position of having supported the peace treaty with Japan and the sacrifice that many men and women made in that war, I think this amendment is good and she should carry her just load.

Mr. MATHIAS. Mr. President, I do not want to inject myself into this chorus of leadership, but I would like to add very briefly one additional thought to this debate because it is of such great importance. I do not think there is any doubt that all of us look to the Japanese to carry a larger share of the burden of maintaining civilization in the world today, of maintaining a stable peace and a workable economy. But I would not want this debate to close with any misunderstanding that that burden is solely carried by means of military expenditures.

There are other very important contributions that I personally look to the Japanese to make. For example, one of the complaints about the International Monetary Fund, the IMF, is that it is too stringent in its regulations and its demands, that it imposes austerity upon the governments that it seeks to help. I have discussed this with Jack Larosiere, the Director of the IMF. He points out it is not the charter of the IMF nor the stinginess of his own heart or that of his directors. It is the lack of resources at the IMF that really imposes the austerity, and the Japanese could help very much in this respect.

The World Bank, which undertakes long-term development projects throughout the world, is in constant need of replenishment. The Japanese have increased their contributions in foreign aid generally over the past few years, but I think they could afford, even with the size of their economy, a very much larger increase.

There are other multinational development institutions and other multinational development financial institutions to which the Japanese could make major contributions. I would hope, although those are not contemplated within the strict terms of the amendment of the Senator from West Virginia, that the Japanese, in considering what has been said here, would also consider their responsibilities in these other areas.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Maryland. He has made a very pertinent contribution to this debate. I want him to know that I share his views.

I also wish to thank the distinguished manager and ranking manager, Mr. LUGAR and Mr. PELL, respectively, for their comments. I recognize they are in no position to accept the amendment, but they have made statements that would indicate a strong feeling that the amendment has considerable merit, and I respect the positions they have expressed.

Mr. President, I am finished with my statement on the amendment. I would like a rollcall vote on this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON], the Senator from Iowa [Mr. HARKIN], and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 7, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—88

Abdnor	Gramm	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hart	Nunn
Baucus	Hatch	Pell
Bentsen	Hatfield	Pressler
Boren	Hawkins	Proxmire
Boschwitz	Hecht	Pryor
Bumpers	Heflin	Quayle
Burdick	Heinz	Riegle
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Chiles	Humphrey	Rudman
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Cranston	Kasten	Simon
D'Amato	Kennedy	Simpson
DeConcini	Kerry	Specter
Denton	Lautenberg	Stafford
Dixon	Leahy	Stennis
Dodd	Levin	Stevens
Dole	Long	Symms
Domenici	Lugar	Thurmond
Durenberger	Mathias	Trible
East	Mattingly	Wallop
Evans	McClure	Warner
Exon	McConnell	Weicker
Ford	Melcher	Wilson
Garn	Metzenbaum	Zorinsky
Gore	Mitchell	
Gorton	Moynihan	

NAYS—7

Biden	Glenn	Matsunaga
Bingaman	Goldwater	
Bradley	Laxalt	

NOT VOTING—5

Danforth	Harkin	Packwood
Eagleton	Inouye	

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the second-degree amendment of the Senator from North Carolina [Mr. HELMS].

Mr. LUGAR. I thank the Chair.

Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from North Carolina be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 331

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 331.

The text of section 903 of Public Law 98-164 is hereby designated as subsection (a) and the text which follows as subsection (b):

Pending completion of the negotiation of an agreement with the Government of India, the annual earnings generated by the monies appropriated by Public Law 98-411 may be used for the purposes set out in section 902(A) above.

Mr. LUGAR. Mr. President, as the clerk has stated, this is a technical amendment.

For the past 2 years, we have had an agreement with India under which we use interest from a particular local currency account which we maintain to fund cultural, educational, and scientific research and exchange programs. Since there is a possibility that a new agreement covering these worthwhile programs will not be completed by September 30, the end of the fiscal year, this amendment will allow continuation of funding through the current mechanism until the new agreement is actually signed.

I understand this amendment has been cleared on both sides of the aisle.

We are prepared to accept it on this side.

Mr. PELL. Mr. President, we are prepared to accept it on this side likewise.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 331) was agreed to.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 328 TO AMENDMENT NO. 290

(Purpose: to maintain Presidential authority to curb human rights violations in connection with population assistance)

Mr. HELMS. Mr. President, perhaps the best way to proceed to make the case for this amendment—Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. I thank the Chair.

Mr. President, as I was saying, I believe the best way to proceed is for me to discuss what this amendment does and what it does not do. Senators will of course make up their own minds as to how they will vote, but I do hope that they will make up their own minds on the basis of what the amendment says and what the amendment proposes, not on what its opponents erroneously claims about it. I do not want to be too technical, but this amendment adds a new subsection to section 104 of the Foreign Assistance Act to maintain in an explicit way the President's current authority to curb human rights violations in population control policy, including but not limited to the following violations: Infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination. I would emphasize the word "involuntary."

Mr. President, the reasons for this amendment may seem a bit complicated, but the amendment is nonetheless necessary. Let us examine the chronology of what has transpired thus far.

When the foreign aid bill, S. 960, was passed by the Senate on May 15, it contained a provision that would tie the President's hands in developing policies to curb human rights abuses in connection with U.S. population assistance. Specifically, section 303(b) of S. 960 added the following sentence to subsection (b) of section 104 of the Foreign Assistance Act:

In determining eligibility for assistance under this subsection, the Administrator of the agency primarily responsible for administering this part shall not subject any nongovernmental or multilateral organization to any requirement more restrictive than any requirement applicable to a foreign government for such assistance.

Mr. President, that obviously is an unjustified tying of the President's hands. This language in S. 960, which is now pending in the House of Representatives, would severely tie the President's hands if it should become law. It would force the executive branch to treat nongovernmental organizations exactly the same as foreign governments. They have a saying down in North Carolina, "That doesn't even make good nonsense," if one has any appreciation for the tripartite system and the prerogatives clearly designated to the President of the United States.

I acknowledge that such a principle of uniform treatment may at first glance have superficial appeal, but, Mr. President, it is not well-suited for the delicate and constant adjustments that a President must make in relations between our Government and foreign governments because the fact is that foreign governments are by their nature different from nongovernmental organizations. Therefore, the President should continue to have the flexibility to treat them differently in the best interests of the people of the United States and in furtherance of human rights.

So the pending amendment modifies the language of section 303(b) of S. 960 in order to maintain Presidential authority and flexibility in curbing human rights abuses in connection with population control policies—authority and flexibility he now has under existing law. Specifically, my amendment adds a new subsection to section 104 of the Foreign Assistance Act, stating in relevant part as follows:

The President, in connection with making available assistance for population planning, shall retain authority under Article II of the United States Constitution and shall have authority hereunder to implement whatever policies he deems necessary to curb human rights violations, including but not limited to infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination.

So, Mr. President, we have a couple of issues here. The first is institutional, as I say, that being whether the President of the United States as Chief of State will be permitted sufficient latitude and flexibility to conduct our foreign policy. That is what it boils down to.

This issue transcends any particular Presidency and goes to the heart of how the constitutional separation of powers should work in practice. Will we allow the President of the United States, no matter who he is, no matter what party he represents, to do his job in foreign affairs? Or are we going to tie him down and hem him in at every turn?

The second issue—and I recognize it is a little bit delicate but it is, nonetheless, a part of it—is political: Will President Ronald Reagan, after having been reelected by a landslide of 49 of 50 States, be supported by Congress in the way he has chosen to develop U.S. population policy abroad.

Now, if it is news to any Senator that Ronald Reagan opposes infanticide, abortion, coercive sterilization, and racial or ethnic discrimination in population policy, I will have to say that the Senator has not been listening. Of course, Ronald Reagan has taken a firm stand on these questions. And there may be some—there may be many—who do not agree with him, but the fact remains that he has been forthright in taking his positions. Everybody who went to the polls in 1984 and voted for Ronald Reagan is bound to have known where he stood on this issue. The American people knew it and they overwhelmingly returned him to office.

So I guess, Mr. President, part and parcel of what we will decide this afternoon, Republicans and Democrats alike, is whether we are going to allow President Reagan to carry out the mandate which his policies obviously received from the American people, or are we going to impede, disrupt, and undercut him whenever the opportunity arises.

I tend to think, Mr. President, that the American people, even those who disagree with the President on various issues, recognize that Ronald Reagan was, after all, elected President.

Mr. President, I have a copy of a letter from Ken Dam, Acting Secretary of State, dated May 14, 1985, in which he makes clear the support of the State Department for an amendment of this sort.

Mr. Dam knows that the concept of this amendment, that of Presidential flexibility in developing population policies, should be maintained in order that the President not be impeded in his efforts to stem human rights abuses. This concept was endorsed by the administration during consideration of S. 960, to which I alluded just a couple of minutes ago.

During the debate on that bill, the distinguished chairman of the Foreign Relations Committee [Mr. LUGAR] referred to a letter that he received from Secretary Dam. Mr. Dam was acting in the absence of Secretary Shultz, who was out of the country at the time. The letter listed a number of amendments which, the letter said—signed by Kenneth W. Dam, Acting Secretary—"must be made on the Senate floor in order to win administration approval." One of them was described as follows:

> A provision allowing the President to deny funds to foreign nongovernmental or multilateral organizations which perform abortions.

Mr. President, that bill passed without such an amendment.

That is why I felt obliged to make as certain as possible, within the limit of my capability, that a clear-cut vote on that proposition, not watered down, occur on this bill. That is why, Mr. President, I offered a perfecting amendment to my underlying amendment. The perfecting amendment is identical to the underlying amendment except it adds an effective date.

Now, I may win or I may lose on this vote, Mr. President. We all like to win. But my father used to tell me, whether you win or whether you lose, you are obliged to try. And try I am doing, at this moment, because a fundamental principle of the tripartite system in which we all presumably believe is at stake in this issue and in the vote that will occur shortly.

(Mr. PRESSLER assumed the chair.)

Mrs. KASSEBAUM. Mr. President, I rise in opposition to the amendment offered by Senator HELMS.

We argued this issue in the Foreign Relations Committee, and I respect his sensitivity on this issue, just as I believe he shares with me the belief that it is an important issue.

I say to the Senator from North Carolina that I do not believe it ties the President's hands curbing human rights violations, because, if adopted, this amendment will have the effect of undoing language approved less than a month ago by this body.

This is language which I offered during the Foreign Relations Committee markup of the foreign aid authorization bill, S. 960. It was approved both by the committee and by the full Senate as part of the final version of S. 960. It provides that foreign governments and nongovernmental organizations will be treated in the same way with respect to establishing eligibility for U.S. population assistance funds.

Mr. President, this is the way it has always been handled until the past summer's conference in Mexico City when a change in the policy was announced.

My purpose in offering the amendment in committee and in opposing the amendment now before us is to maintain the viability of our population planning assistance efforts abroad. These efforts, which have taken years of painstaking work to develop, are now threatened by a policy change announced last summer at the International Conference on Population held in Mexico City. That new policy states that nongovernmental and multilateral organizations may not use any funds—even their own—for abortion-related activities if they wish to receive U.S. assistance. Foreign government recipients of U.S. population aid are not subject to this new restriction.

There is much more to this policy revision than first meets the eye, and I think it is important that the Senate fully appreciate the complexities of the issue before we cast what some might erroneously regard as "just another abortion funding vote."

Before we lose sight of what is really the central issue before us—the future of international family planning programs—I want to state clearly several points:

First, since 1973, we have prohibited the use of U.S. dollars by any recipient of U.S. population assistance to pay for abortions abroad:

Second, numerous audits have demonstrated that there has been strict compliance with this prohibition and that no U.S. funds have been used for this purpose, language clearly states that no funding will be provided for China, where there is concern about infanticide;

Third, I am not trying—nor do I wish—to change this policy. I don't think U.S. funds should be used for abortion abroad; and

Fourth, it would not tie the President's hands in dealing with human rights violations.

What I am trying to do is put us back to where we were prior to the Mexico City policy revision. The reason I believe this is so important is that I have chaired many hearings of the Africa Subcommittee regarding famine problems. One cannot go through such an experience without recognizing the role which overpopulation plays in both creating and compounding famine in Africa.

The most visible impact of this policy revision was the decision announced in December to discontinue support for the International Planned Parenthood Federation, an organization composed of 119 individual family planning associations. The Agency for International Development [AID] had expected that about $11 to $12 million—not including commodities—which would have gone to IPPF would be reprogrammed. That was December. Today, nearly 6 months later—and well into fiscal year 1985—not 1 cent of these funds has been redirected.

The problem does not end with IPPF, however. The only reason that other groups have not already been affected is that AID has chosen not to implement the new requirements until an organization's contract is up for renewal.

Based on the concerns which have been raised about the implementing clauses prepared by AID, it is clear that even those organizations which disassociate themselves completely from abortion are doubtful of their ability to comply. That is because not only must they disassociate themselves from abortion, but they must also assure that all their subgrantees do the same. Moreover, these clauses go far beyond any reasonable definition of "performing or actively promoting abortion." To me, actively promoting abortion means providing information or services which recommends or gives preference to abortion as an alternative to contraception for the purpose of family planning.

To AID, however, "actively promoting abortion" includes even providing advice and information regarding the availability of legal, medically indicated abortion. This is taken to the point where a group must assure AID that no physician in any facility which receives population assistance will mention to a woman—even upon request—that abortion is available in a country where it is legal. These organizations point out that they are not in a position either to ask or to expect a physician to violate principles of professional responsibility by withholding care and counsel he or she believes to be in the best interests of a patient.

What is damaged is the work of population assistance efforts which have nothing at all to do with abortion.

Through alternatives and abortion, we can and we should work for constructive, positive alternatives which will enhance economic and political stability and improve the quality of life.

Mr. HELMS. Mr. President, let me be as explicit as I can. I certainly want to be entirely deferential to a lady whom I admire and respect, as she well knows. I enjoy serving in the Senate with her, and it gives me a problem every time I find myself on the opposite side of an issue from her.

Let me say, as explicitly as I know how, that there is nothing in this amendment that undercuts U.S. population assistance for family planning.

In the first place, I draw a sharp distinction between family planning and the subjects involved in the amendment. The subjects of this amendment over which the President will be given explicit authority to make policy are infanticide, abortion, involuntary sterilization, racial or ethnic discrimination, and other human rights abuses. None of these, I submit, has any legitimate role in family planning.

Second, even though I suppose there are some who will question whether the taxpayers are getting their money's worth in spending hundreds of millions of dollars every year to limit population growth when we have serious needs here at home, this amendment does not—I repeat, does not—affect current or future funding of family planning in foreign aid. Just as a point of emphasis, so that Senators who may be listening on their squawkboxes in their offices will understand, this amendment does not affect current or future funding of family planning in foreign aid. Thus, it would not be accurate to assume that this amendment undercuts in any way the U.S. commitment to family planning abroad.

Furthermore, this amendment does not set requirements or restrictions as to any specific recipient of U.S. population assistance. All of them are free to compete for the available grants. No one is disqualified by this amendment.

Let me say again, as clearly as possible, what this amendment does. All it does is to leave it to the President, whoever he may be—I felt the same way when Mr. Carter, Mr. Ford, Mr. Nixon, and Mr. Johnson were President—and whoever may sit in the Oval Office in future years. We must leave to the President the authority for setting requirements and restrictions that he believes are in the best interests of the United States and the furtherance of human rights in our foreign policy.

This is as it should be because it is the President, not Congress, who is representative of the United States in foreign policy.

Mr METZENBAUM. Mr. President, will the Senator from North Carolina yield for a question?

Mr. HELMS. I am glad to yield; yes.

Mr. METZENBAUM. I notice the language having to do with population planning and wonder whether that would include the question of where people live in a particular area or what sector of the country they live in. Would that be a part of the population planning?

Mr. HELMS. The amendment would not address that kind of thing standing alone. The amendment addresses the authority of the President of the United States to continue to have the judgment and the authority that he has under existing law.

Mr. METZENBAUM. I do not see where it says "under existing law," and as I read it, it would seem to me to indicate that the President, in connection with making available assistance for population planning, would have authority to implement whatever policy he deems necessary to curb human rights violations, including racial or ethnic discrimination. As I read that, it would seem to me that it could very well lend itself to have the interpretation that the President is given whatever authority he deems necessary in connection with the problems of South Africa and the racial discrimination there. That would come within the whole question of racial discrimination, and I want to be certain that I understand what the Senator from North Carolina is intending, because the language certainly says so, to give the President all of the authority that—let us see—he shall have authority hereunder to implement whatever policies he deems necessary to curb human rights violations, including racial or ethnic discrimination.

As I understand that, and I am not certain at all that I am opposed to that—in fact, I do not think I am—but I did not know that the Senator from North Carolina and I were in agreement on the question of giving the President authority to take such steps as he deems necessary in connection with curbing South African discrimination against their blacks. But whether that be the intent or not of the Senator from North Carolina, is it not the fact that that is what it says?

Mr. HELMS. No, it is not a fact as broadly as the able Senator has stated it.

The Senator perhaps needs to go back and look at the reference point. Let me read him from the Foreign—

Mr. METZENBAUM. What record is the Senator talking about?

Mr. HELMS. Let me finish.

Mr. METZENBAUM. We only have before us here this amendment. The record does not speak any louder than the language of the amendment, and the language of the amendment says exactly what the Senator from Ohio interprets it to mean because it says that in categorical terms the President is given that full authority, and I hope—I am not a supporter of the amendment; I do not intend to vote for it—but I do want to be certain that the Senator from North Carolina understands the power that he is putting in the President with respect to the implementation of policies vis-a-vis South Africa, and since I know that he may not be in agreement with me on that issue as well, I just want to be certain that the record, the congressional debate, indicate that some of us in the Senate interpret the language to mean just that.

Mr. HELMS. I have been advised by the staff member that perhaps I misunderstood the question the Senator raised. Would he state the question again? Maybe I can take another run at answering it. What is the precise question of the Senator?

Mr. METZENBAUM. The precise question is, Is it not the fact that under the language of the Senator's amendment if it should be passed, which I hope it will not be, but if it should be passed, it would give the President the power to implement whatever policies he deems necessary to curb human rights violations, including racial and ethnic discrimination in South Africa?

Mr. HELMS. If it is involved in family planning and using U.S. funds to do it, yes.

Mr. METZENBAUM. As a matter of fact, there is nothing in here about family planning because it says the President in connection with making available assistance for population planning, which is a little something different than family planning, so I want to point out to my friend that it is not family planning about which we are speaking; we are speaking when they make available assistance for population planning which, as I understand it, is something totally different than family planning, that we are giving the President, if this amendment should be adopted, great latitude to deal with the problems of South African racial discrimination.

Mr. HELMS. I still say we are talking about population planning, family planning, whatever terminology the Senator wants to use. That is what this amendment addresses. We are not addressing the South African question, unless under section 104(b) of the Foreign Assistance Act United States funds are used for population/family planning.

Mrs. KASSEBAUM. Mr. President, is the Senator from Ohio through with his questioning?

Mr. METZENBAUM. I am.

Mrs. KASSEBAUM. I wish to ask a question of the Senator from North Carolina, because I think it is an interesting question regarding when and in what way Congress should tie the hands of the President. I think that, as a matter of fact, both of us would agree that the President should have as much latitude as possible, particularly in the area of foreign policy. We just finished a vote on the overturning of the Clark amendment, which did tie the President's hands. But when the Senator says that we should not tie the President's hands. I wish to ask the Senator from North Carolina if he did not offer an amendment that indeed attempted to tie the President's hands in 1983? Did he not offer an amendment at the time which would have prevented the President implementing any defense program which assumed ratification of the SALT II

Treaty? So in doing that, the Senator was offering an amendment on the floor which indeed would have restricted the President in the area with which he was concerned? Is that not the case?

Mr. HELMS. Will the Senator yield to me?

Mrs. KASSEBAUM. I am happy to yield.

Mr. HELMS. Mr. President, how does one answer a lovely lady who is a distinguished and able Senator? Let me try.

As the Senator knows, we were dealing with ratification of SALT II which as she knows is absolutely the prerogative of the Senate under the Constitution. Any treaty is. Thus I do not know how to assess her analogy, let alone answer it. In any case, the Senate was clearly within its duty in addressing any implication resulting from SALT II. So I really cannot accept the Senator's analogy.

Mrs. KASSEBAUM. Let me perhaps ask it in another way, because it really is a question about how and when we tie the President's hands. The Senator is saying SALT II clearly gave us the ability to restrict the President in that case. I would only say to the Senator, and would he not agree, that we have a great deal of language in any authorization legislation, certainly in foreign aid authorizations, which does lay out certain guidelines and certain requirements that we feel are important. We have debated them in committee. We have debated them on the floor. I do not think my language in the foreign aid authorization bill ties the President's hands. It is language that has already been approved as part of the foreign aid authorization and that takes us back to the way our population planning assistance program operated before last summer. Funding was never provided for the very things that the Senator is addressing, but funding did go to those organizations which are now unable to comply with the new policy—and that is the difference.

And I think it is a very important difference if we do care about family planning assistance programs.

That is why I really do not feel the real issue is one of tying the President's hands.

Mr. HELMS. The President thinks the S. 960 language does, and the State Department, according to Mr. Dam, thinks it does.

All I am saying, I say to the able Senator, is that we leave the authority with the President of the United States. I am not addressing, with this amendment, any funding level. The Senator acknowledges that, does she not?

Mrs. KASSEBAUM. Yes.

Mr. HELMS. And I am not proposing that any organization shall be excluded or precluded from receiving a grant, am I?

Mrs. KASSEBAUM. Yes you are, because you say that the President would make that determination. As a matter of fact, we determine the funding. That is something that the President does not determine.

Mr. HELMS. But would it not be the prerogative of the President, as it always has been, for him to determine those who are seeking the taxpayers' funds allocated and appropriated for this purpose? Would the Senator not agree?

Mrs. KASSEBAUM. There are certain entities which have always been involved in family planning assistance. The International Planned Parenthood Federation is one, and there are others. These are groups which, as the Senator knows, have been involved in abortion-related funding. We have always held our money separate so that it could not be used for abortion.

Now, the Senator, and maybe all of us, might question the overall level of funding for population planning programs and we might wonder if these organizations were doing the job we would hope they do. But I do not think we should take away the opportunity to express support in the U.S. Congress for family planning programs. Placing restrictions on nongovernmental groups which we do not require of Government recipients of population planning funds draws a distinction that I think should not be made. From government to government—and, as the Senator has said, it is an issue of sovereignty—we cannot apply these restrictions. Certainly, we should continue to require that our funds be held separate to assure they are not used for abortion. I also think we should be able to provide funding to nongovernmental groups on the same terms as to Government groups because many of them have been long involved working with programs that are beneficial in countries with major population problems. That is the key point in my view, not a question of tying the President's hands.

Mr. HELMS. Even though the President of the United States, duly elected by the people, may make a judgment contrary to that of the Senator from Kansas and others? I am trying to understand exactly her point.

The Senator is saying that the President should not have any option in this judgment? Is that what the Senator is saying?

Mrs. KASSEBAUM. I think the President's option in this area, as it is for any of the areas that we handle in the foreign aid authorization, is to give us guidance and recommendations. We considered these recommendations and debated them in committee and on the floors. The President clearly has responsibility which he exercises as our leader to establish what he believes is important to accomplish. That he can do without our necessarily directing his actions and decisions.

The question before us deals with an area in which Congress has traditionally been involved, and we should continue to be. And that, I think, is the central point.

Mr. HELMS. But, if the Senator will forgive me, we have not traditionally been involved in telling the President of the United States "You must do this and you must not do this" with reference to foreign governments. That is uniquely the responsibility of the President of the United States, uniquely the responsibility of the President to implement foreign policy. I do not think that this Congress can or should dictate that sort of decision.

I am sorry but I do not agree with the Senator.

Mrs. KASSEBAUM. I say to the Senator from North Carolina that we do that many times. We just got into many important issues on the defense authorizatioin bill. Among other things, we debated the level of funding for the strategic defense initiative and raised questions about the President's recommendations for the MX missile. Our policy toward South Africa is an area where I think the Senator from North Carolina and I both agree that economic sanctions are not a wise policy initiative, and yet, Congress is clearly moving in that direction, and I would guess such steps may be inevitable. The President has clearly stated his concerns about economic sanctions. The President certainly has the ability and the responsibility of his leadership to express his concerns, and the Congress has the opportunity to work its will.

Mr. HELMS. The Senator has persuaded me as to her sincerity, but I believe her to be sincerely wrong. I say again that this amendment is intended to preserve the President's responsibility and authority clearly enunciated in the Constitution of the United States.

Now as for what we did on the defense authorization bill, sure, we set levels of funding. And Congress can indeed eliminate weapons by not funding them. But the Senator's point is not analogous. This Congress uniquely has the sole authority to declare war. But, the President, on the other hand, is the Commander in Chief.

I say again that this amendment does not propose to touch the funding level for population-family planning.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield to the Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise in opposition to the Helms amendment. Only 3 weeks ago, during consideration of the Foreign Assistance Authorization Act, the Senate adopted

the Kassebaum amendment as approved by the Foreign Relations Committee which assure equal treatment of both foreign governments and nongovernmental organizations engaged in providing family planning services in developing nations. We should reaffirm that policy today and reject attempts to weaken the U.S. commitment to population assistance in the name of human rights.

Existing law, enacted in 1973, prohibits the use of U.S. population aid funds to pay for abortion as a method of family planning and, to date, there have been no reported violations of this statute. The Kassebaum amendment as adopted by the Foreign Relations Committee and this body would not change this longstanding policy. Indeed, it reaffirms our commitment to voluntary family planning and our repugnance for any form of coercive family planning practices.

Under current law, both foreign governments and nongovernmental organizations which provide family planning services are permitted to keep funds from the U.S. Agency for International Development [AID] in segregated accounts. None of these moneys are used to perform abortions or promote abortion in the 40 or more developing nations where voluntary abortion is legal.

Last summer, in an abrupt departure from this policy, the administration announced that it would no longer fund any private organization involved in performing or actively promoting abortion—even if no AID funds are used to support these activities.

As a result of this misguided new policy, which never received the endorsement of the Congress, the International Planned Parenthood Federation, the world's largest private provider of voluntary family planning services, lost approximately one-third of its annual budget—about $12 million, in funds provided by AID, and several million dollars' worth of free contraceptives and educational materials provided by AID. A number of other AID grantees, including universities and private, nonprofit corporations also were threatened with the loss of their U.S. funds. That is why the Senate acted during consideration of the foreign aid bill only 3 weeks ago, and that is why we should reject the Helms amendment which is an attempt to reassert the administration's views.

The real victims of the administration's policy will be the millions of mothers and children in developing countries who today enjoy better health and a more secure future as a result of family planning services provided with American help. They will be the millions of unwanted children who face almost certain starvation and women whose lives are shortened by too frequent childbearing and poor pre- and post-natal care. They will include the peoples of developing nations whose dreams of a better life may be shattered if they are unable to obtain needed population planning assistance.

Ironically, by preventing private organizations from providing much needed voluntary family planning services, the administration may even promote an increase in the number of abortions—both legal and illegal, voluntary and coercive—in the Third World. Obviously, this is not a good way to promote human rights.

Mr. President, the administration recognized that it should not dictate abortion policy to other governments. However, it wants to place private, nongovernmental organizations in the position of dictator to other governments in their middleman role, even though abortion is legal in this country and has been for years. It is a case of saying "do as I say, not as I do." This is an unacceptable double standard—the kind of thing that we in the United States would not tolerate for 1 minute. Fortunately, the full Senate recognized the problem and resolved it. Let us not undermine our decision of 3 weeks ago. Let us reject the Helms amendment and retain the language of the Senator from Kansas, and continue our longstanding policy of support for a wide range of population services provided both by governments and the private sector.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this amendment if adopted would negate the Kassebaum amendment which was supported in the committee, was adopted by the full Senate just last month, and the Kassebaum amendment simply requires a uniform policy for the U.S. population assistance with respect to the recipient governments and nongovernmental or multilateral organizations. Our committee adopted the Kassebaum amendment in order to restore equal treatment in our bilateral assistance program to governments and these nongovernmental organizations. Henceforth, we will provide funding to each on the same basis or we will deny funding on the same basis.

Currently, we find the anomaly of an organization like the International Planned Parenthood Federation can be denied a grant because it uses private funds for support of abortions while we continue to provide aid to a nation like India or Bangladesh which uses public funds for just such purposes. The Kassebaum language ends that anomaly. I oppose the present amendment because it guts the Kassebaum amendment, its clever wording notwithstanding.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

Earlier there was a discussion between the able Senator from Ohio, Mr. METZENBAUM, and this Senator from North Carolina. I believe I made my position clear but in case I did not, let me try again to clear up the question of racial or ethnic discrimination in South Africa population policy that was raised by Senator METZENBAUM.

My response to the Senator from Ohio was in effect this: To the extent that South Africa receives or should receive U.S. population assistance funds under section 104(b) of the Foreign Assistance Act, the President of the United States under my amendment, which is now pending, will have authority to curb racial or ethnic discrimination. So on this point, and in this context, my able friend from Ohio, Mr. METZENBAUM, and I probably are in complete agreement, which may or may not be a rarity.

I say again, Mr. President—and this will be my final comment—the issue on this amendment is not International Planned Parenthood Federation or any other individual or specific group. The issue is solely whether the President of the United States will continue to have the authority and flexibility to conduct the foreign policy of the U.S. Government, including the authority to develop population control policies.

However, Mr. President, since an issue has been made of International Planned Parenthood, I would like to include certain materials in the RECORD which bear on the question of Planned Parenthood support for abortion worldwide.

Mr. President, I ask unanimous consent that the following materials be printed in the RECORD:

First, a letter dated May 7, 1985, to me from the National Right to Life Committee.

Second, an enclosure with that letter entitled "Do Population Control Groups regard Abortion as an Acceptable Method of Birth Control," dated April 29, 1985.

Third, another enclosure with that letter which is an article by Donald P. Warwick from the Hastings Center report of April 1980 entitled "Foreign Aid for Abortion"—including footnotes—and two resulting letters to the editor.

Fourth, an editorial from the Wall Street Journal of December 19, 1984, entitled "Planned Parenthood's Plans."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington DC, May 7, 1985.

Senator JESSE HELMS,
Dirksen Senate Office Building, Washington, DC.

Re S. 960 and funding of the International Planned Parenthood Federation.

DEAR SENATOR HELMS: Last summer, President Reagan decided that the U.S. would no longer fund private foreign-based organizations which seek to repeal the anti-abortion laws of sovereign states or which actively promote abortion as a method of family planning through other means. This policy was enunciated at the United Nations Conference on Population held in Mexico City in August.

The London-based International Planned Parenthood Federation (IPPF) refused to accept the President's policy and thus, as of January 1, lost eligibility for funding from the Agency for International Development (AID). AID has informed the Congress that the money which would have gone to IPPF (about $17 million this year) will all be spent on population assistance, much of it in Africa.

It is not surprising that IPPF rejected the President's anti-abortion policy. For over a decade, IPPF (a federation of about 130 national affiliates) has engaged in an international campaign to repeal all anti-abortion laws.

IPPF's policy of undermining anti-abortion laws was well documented by Donald P. Warwick of the Harvard Institute for International Development in the April 1980 Hastings Center Report (enclosed). Prof. Warwick (himself a supporter of legal abortion) concluded:

"The International Planned Parenthood Federation of London (IPPF) has been the most outspoken advocate of legal abortion services in the developing countries. . . . The IPPF's stated position is that abortion should be legally available to those who desire it and that local associations [i.e., IPPF affiliates], when possible, should assist in providing the necessary services."

IPPF has not limited itself to compaigning against the anti-abortion laws of sovereign states. IPPF has also encouraged its affiliates to violate such laws "as part of the process of stimulating change."

This longstanding policy was recently reiterated in the Report of the Working Group on the Promotion of Family Planning As A Basic Human Right, disseminated to IPPF affiliates in November, 1983. In the introduction to this report, IPPF affiliates were urged "to accept these recommendations and promote them as widely as possible" (page 7).

The report (which was signed by Faye Watleton, president of the Planned Parenthood Federation of America, among others), stated [Section 106]:

"Family planning associations [IPPF affiliates] and other nongovernmental organizations should not use the absence of law or the existence of an unfavorable law as an excuse for inaction; action outside the law, and even in violation of it, is part of the process of stimulating change."

Section 108 of the same document urged IPPF affiliates to work to achieve recognition of a "legal right" to abortion as part of "the legal right to family planning" in nations which now have anti-abortion laws.

In an address to a U.N.-sponsored conference in New York on March 6, IPPF Secretary-General Bradman Weerakoon specifically cited AID's prohibition against "even lobbying for the amendment of ineffective abortion laws . . ." as a major reason why IPPF would not accept the new U.S. policy.

By "ineffective abortion laws," Weerakoon meant, of course, laws which place any effective restrictions on abortion. IPPF affiliates have been successful in undermining anti-abortion laws in some countries. Still, according to a 1984 U.N. report, most less-developed nations—118 out of 126—do not permit abortion for "socio-economic" reasons, and only five of the 126 less-developed countries permit abortion on demand. (A copy of the pertinent portion of the U.N. report is enclosed.)

The President has rightly concluded that it is inappropriate for the U.S. to fund an organization which regards the repeal or violation of anti-abortion laws as a major part of its mission.

When the Foreign Relations Committee marked up the FY 1986 foreign aid authorization bill (S. 960) on March 27, Sen. KASSEBAUM offered an amendment which would in effect overturn the President's policy and restore full funding to IPPF. This amendment was narrowly adopted (9 to 7), despite the opposition of Chairman LUGAR.

On August 8, 1984, Senator PACKWOOD challenged President Reagan's policy in an amendment to a supplemental appropriations bill. On that occasion, you voted against tabling a second-degree amendment which reaffirmed the President's policy, offered by Senator HELMS. Senator PACKWOOD then withdrew his pro-abortion amendment from further consideration.

When S. 960 comes to the Senate floor, it is likely that Sen. HELMS will again offer an amendment to defend the President's policy.

The National Right to Life Committee strongly urges you to again vote in support of this pro-life policy, in order to insure that U.S. population control funds are channeled through organizations which confine themselves to providing contraceptive services—rather than organizations which engage in pro-abortion political campaigns and in promoting abortion as a method of family planning.

Thank you for your attention to this matter.

Respectfully submitted,

DOUGLAS JOHNSON,
Legislative Director.

APRIL 29, 1985.

DO POPULATION CONTROL GROUPS REGARD ABORTION AS AN ACCEPTABLE METHOD OF BIRTH CONTROL?

During the current controversy over President Reagan's decision to de-fund private international organizations which "perform or actively promote abortion as a method of family planning," spokespersons for various population control groups have repeatedly claimed that no population group supports abortion as a means of population control.

However, there is abundant documentation that these organizations really regard abortion as an acceptable means of birth control, and have actively promoted abortion in many foreign countries.

Indeed, prior to 1973, the U.S. Agency for International Development (AID) itself aggressively promoted abortion overseas. In response, Congress enacted the Helms Amendment to the Foreign Assistance Act. This law, which remains in effect, prohibits the use of AID funds "to pay for the performance of abortions as a method of family planning."

The Helms Amendment was interpreted to forbid only the direct use of U.S. funds to pay for performance of abortions. AID continued to provide major portions of the budgets of private organizations which provided and lobbied for abortion, ostensibly with funds obtained from other sources. Finally, in August, 1984, the Administration announced that it would no longer fund private international groups which "perform or actively promote abortion as a method of family planning."

Although other AID recipients agreed to accept the Administration's new anti-abortion criteria, the International Planned Parenthood Federation (IPPF) refused to do so. The U.S. had been providing about one-quarter of IPPF's annual budget.

Why would IPPF give up one-quarter of its budget—if, as it claims, only a tiny fraction of its activities involve abortion?

The answer is that IPPF and allied groups, such as the Population Crisis Committee, are in fact deeply committed to abortion. They have long regarded abortion as a method of birth control which should be as freely available as contraception.

Consider, for example, this statement by Werner Fornos, president of the Population Institute, to a Planned Parenthood legislative conference held in Madison, Wisconsin, on March 12, 1985:

"We need to separate the abortion issue from the family planning issue, when we're dealing with our legislators. Two years from now, I may stand here and advocate something different, and the reality of our times may dictate that. Certainly, if we ever have enough votes, we ought to desperately seek a repeal of the Helms Amendment [forbidding direct AID funding of abortion "as a method of family planning"].

Planned Parenthood's commitment to abortion as a method of birth control was also stressed at the same March 12 conference by Daniel Weintraub, vice-president for international programs for the Planned Parenthood Federation of America. Weintraub said:

"I know that there are some people in our own country . . . who sincerely believe that we should compromise, we should accept the Administration's policy. And the argument goes that 'after all, abortion in our international programs is only a small percentage of our entire program. Strategically we would be better off to try to save family planning by giving up abortion.' Well, I tell you that these people are wrong . . . One of the principles of the Planned Parenthood Federation of America is that reproductive freedom is indivisible. You either have it or you don't."

[Hastings Center Report, April 1980]

FOREIGN AID FOR ABORTION

(By Donald P. Warwick)

Aid for abortion is the most sensitive subject in the entire field of nonmilitary foreign assistance. No topic will make a foreign aid official blanch more quickly, and none will be greeted with greater wariness in disclosing information. The question is so emotionally charged that virtually nothing has been written about it. Data on international abortion activities are typically not reported at all, are reserved for classified documents of restricted circulation, or are buried under such generic names and euphemisms as "surgical methods of family planning" or

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Footnotes at end of article.

"menstrual regulation." As a consequence it has not been easy to gather data for this article, which is the first attempt to survey the field. Officials involved with foreign aid for abortion were generally willing to discuss their work, but were vague about details and wary of public attention. However, by combining information from interviews with scattered fragments of existing data one can begin to construct a composite picture of the international abortion scene.[1]

THE CURRENT SCENE: AN OVERVIEW

Before considering the activities of specific agencies, it is worth noting the broad features of the terrain in which they operate. It is an environment marked by complexity, ambiguity, human misery, political tension, and bureaucratic trepidations.

First, apart from any outside intervention, induced abortion is a common practice in the developing countries. Not only is abortion frequent, but it is a prominent cause of death and illness among women of childbearing age. In Latin American countries illegal abortions often account for a third of maternal deaths; women whose abortions have been mishandled fill half or more of the country's hospital beds. And unlike the situation in the United States, where contraception is generally available to those who want it, many of the poor women who resort to this method are unaware of or do not have ready access to modern means of birth control. While the statistics cited are often used to argue for legalized abortion, they have also been a source of concern to those categorically opposed to abortion. They have led some Catholic bishops to soften their opposition to contraception, which they saw as the lesser of two evils for women faced with unwanted children. Whatever one's moral views on abortion, the figures point to a human tragedy that cannot be ignored.

Second, foreign aid for abortion is but a small proportion of the total aid for population activities. Despite occasional rumors that abortion is a mainstay of population assistance, foreign aid for this purpose adds up to less than a quarter of one percent of the total spent for population. On the supply side foreign donors have been prevented by law or inhibited by politics from pouring vast amounts into this controversial area. On the demand side, despite the widespread practice of abortion by individual women, it remains illegal in many countries and a point of moral and political debate in the domestic politics of these countries. Hence even if the total volume of funds available for abortion were increased tenfold, the money would not be quickly or easily spent.

Third, with the exception of United Nations agencies, most organizations supplying funds for abortions operate on a clandestine and usually illegal basis. As one expert commented, "Not even your best friends will tell you what they are doing overseas." In some countries, including the Philippines, aid for abortion is both against the law, and against the country's official population policies. This is not to deny that there are many ambiguities about what, precisely, is "legal," or that officials who speak publicly against abortion may give tacit support to clandestine foreign aid supporting it. The gap between rhetoric and reality is greater here than in most spheres of development, for understandable reasons. Nevertheless, severe legal and cultural restrictions on abortion create a climate in which private agencies providing abortion services may behave more like intelligence operatives than bearers of foreign aid.

Fourth, the most common type of foreign aid involves the technique known as uterine aspiration. This goes under various code phrases, especially "menstrual regulation" and "menstrual induction." The essential feature is that the womb is efficiently emptied without forceful dilation of the cervix.[2] The International Projects Assistance Service (IPAS) manufactures the required equipment, and almost all the organizations active overseas distribute kits for this purpose. In many countries doctors, nurses, paramedics, and midwives are being provided with such kits and trained in their use.

Fifth, abortion in the developing countries can be a profitmaking proposition. Especially in urban areas and where a country has tasted the fruits of development, as in Taiwan and Korea, women are willing to pay for abortion services. Where in the typical family planning clinic client fees meet only a small proportion of total costs, with abortion a small amount of money, even a loan, can go a long way toward expanding services. This point has not been lost on business-minded agencies seeking a maximum return on their investment. In several countries American donors have provided loans to one abortion clinic, which repaid the loan and generated enough profits to open new clinics.

Finally, the politics of abortion in the United States have had an overwhelming impact on foreign aid for abortion. The highly charged atmosphere in this country has led not only to the Helms Amendment of 1973 specifically banning the use of foreign aid monies for abortion, but to a series of indirect effects. Established philanthropic organizations will not fur l abortion services for fear of jeopardizing their core activities. Federal officials, fearing violations of the law, abuse from Congress, or reprimands from their superiors, use their discretion to keep U.S. overseas involvement with abortion to a minimum. These repercussions extend to agencies that receive American funds, such as the International Planned Parenthood Federation. Faced with demands for tight accounting on abortion and anxious to avoid American reaction to visible initiatives in this field, recipient agencies walk a more narrow path than they would prefer. Hence the United States has become both the prime source of capital for abortion services and the foremost instigator of constraints on activism.

AGENCY ACTIVITIES

As of 1979 only a handful international donors were involved in direct support of abortion activities in the developing countries; others provided indirect assistance for research, meetings, and information activities. With most of the large donors shrinking from visibility much of the action has fallen to more intrepid and flexible smaller agencies.

The Agency for International Development (AID), the principal foreign aid organization of the U.S. government, was an ardent supporter of abortion until it was brought to a standstill by the Helms Admendment. From its beginnings in the 1960s until the Helms Amendment was passed in 1973 AID's Office of Population actively supported the development of new techniques for abortion, including the uterine aspirator. The Office Director at that time. Dr. Reimert T. Ravenholt, was a strong advocate of all methods of birth control, including abortion, and an international advocate for the aspirator. But even with his keenness for "postconceptive" methods of birth control, AID did not invest great amounts of money in abortion programs overseas, essentially because political leaders interested in family planning did not wish to jeopardize their other work. The prevailing sentiment was that contraception was sensitive enough without adding the complexities of abortion. Hence despite Ravenholt's strong support for improved abortion methods, there were not, until 1973, many recipient nations.

In 1973, Senator Jesse Helms of North Carolina amended the Foreign Assistance Act by drastically curtailing AID's activities on abortion. The Amendment reads:

Section 114. Limiting use of funds for abortion—None of the funds made available to carry out this part (Part I of the Foreign Assistance Act of 1961) shall be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any persons to practice abortions.

As this language was necessarily vague about operational implications, the Administrator of AID issued the following "policy determination" on June 10, 1974.[3]

1. No AID funds will be used to ". . .procure or distribute equipment provided for the purpose of inducing abortions as a method of family planning."

2. AID funds will not be used for the direct support of abortion activities in the developing countries.

3. "A.I.D. does not and will not fund information, education, training, or communication programs that seek to promote abortion as a method of family planning. A.I.D. will finance training of developing country doctors in the latest techniques used on OB-GYN practice. A.I.D. will not disqualify such training programs if they include pregnancy termination within the overall curriculum. However, A.I.D. funds will not be used to expand the pregnancy termination component of such programs, and A.I.D. will pay only the extra costs of financing the participation of developing country doctors in existing programs. Such training is provided only at the election of the participants."

4. "A.I.D. will continue to support research programs designed to identify safer, simpler, and more effective means of fertility control. This work includes research on both foresight and hindsight methods of fertility control." [Hindsight methods, of course, are those involving some form of abortion.]

5. "A.I.D. funds are not and will not be used to pay women in the developing countries to have abortions as a method of family planning. Likewise, A.I.D. funds are not and will not be used to pay persons to perform abortions or to solicit persons to undergo abortions."

In short, AID could provide no funds for the direct support of abortion or motivation for abortion, but it could continue certain kids of training and research involving abortion. It could also contribute to organization, such as the Pathfinder Fund, which were involved in providing abortion services provided that AID's money was not used directly for that purpose.

In practice, this restriction has forced AID to withdraw from most abortion activities. In 1979 less than one-half of one percent of its population funds were spent on any aspect of abortion. A good part of these funds go to the International Fertility Research Program in North Carolina, which conducts studies on effective methods of birth limitation. Among these are various

abortion methods, including different techniques of "menstrual regulation." Research on these methods, which is conducted by collaborators in several countries, does involve abortion, but under the terms of the Helms Amendment it is permissible so long as there is no active promotion or provision of services. AID also supports training programs in which medical doctors are given instruction in abortion methods under the conditions outlined earlier.

Coupled with the political controversies surrounding abortion, the Helms Amendment has affected AID and its funding recipients in many ways. Most important, the overall level of monitoring and control in this field has increased at least fivefold. Sensitive to the political dangers at stake for themselves and the agency, administrators, lawyers, contract officers, and auditors in AID and elsewhere in the government keep a close watch on any activities even close to abortion. Within AID, officials must be exceptionally careful of what they do in the first instance and then clear all proposals through multiple levels of approvals. Needless to say, this process dampens the enthusiasm of those most committed to providing abortion services. Organizations receiving AID funds, most notably the International Planned Parenthood Federation (IPPF) and the Pathfinder Fund, are also under strong pressure to maintain detailed records showing that AID funds have not been used for abortion. Where there is doubt, the burden of proof is on the receiving organization. This is a classical case of the political context of administration constraining public officials to minimize controversy. Recipient organizations have also been forced to change their entire reporting system and add their own auditors to deal with the demands and questions of monitors from the government.

The only two major agencies that do operate openly in this field, though without publicity and on a small scale, are the World Bank and the United Nations Fund for Population Activities (UNFPA). The UNFPA's policy is to respond to country requests for assistance for all kinds of population programs, provided that they are within the organization's mandate and do not violate UN policies on human rights. The UNFPA places no restrictions on methods of fertility control, and is willing to entertain requests for abortion assistance. To date it has provided such assistance to India, Thailand, and Tunisia. It also contributes to the Special Program to the World Health Organization, which includes research on methods of abortion, and to university research programs investigating abortion methods. In 1979 UNFPA assistance for all activities in abortion came to less than one-quarter of one percent of its total budget. The World Bank operates under similar policies, and spends an even smaller proportion of its funds on abortion. While both organizations receive substantial funding from the United States for a wide variety of aid projects, their position is that the monies provided must come with no spending restrictions. They will thus resist any attempt by contributors to impose a curb on abortion expenditures.

Major philanthropic organizations, including the Ford and Rockefeller Foundations, have always shied away from funding abortion projects. While Ford has long been a frontrunner in support for population activities, and for a time was the largest single contributor to the field, it has consistently turned down projects involving abortion services. The Rockefeller Foundation has been similarly inclined. Despite some urging from AID and other agencies to fill the gap created by the Helms Amendment, established foundations apparently decided to avoid abortion projects. Two reasons were cited by persons familiar with these organizations. The first is that association with abortion could touch off controversies that would impair work in less volatile areas of higher priority. The second is that the illegal nature of abortion in many countries and the common use of clandestine techniques to promote abortion services would cause considerable squeamishness among professional staff members at the foundations. Critics accuse these organizations of excessive caution springing from a desire to protect their image in the "establishment," while more sympathetic observers commend them for common sense and adherence to the law and to their basic institutional values. Whatever the case, the large foundations have given little more than moral support to international programs for abortion services.

The Population Council of New York falls somewhere between the foundations which help to keep it in existence and more activist agencies. Perhaps the single most respected professional organization in population studies, the council has had a notable impact on population policies, programs, and research in many nations. In legal constitution, internal organization, staff composition, and institutional demeanor it is much like a large foundation. The word "professionalism"was cited by many staff members as a keynote of the Council's behavior, while the desire for cooperative relationships with governments has generally led to an "above board" approach in technical assistance. One might thus expect that it would have some of the same antipathies to abortion projects as the Ford and Rockefeller Foundations, with which it is in close contact. At the same time the Council has undertaken advisory assignments in the developing countries, including projects carried out in very delicate political environments. It also did not shrink from controversy when it developed and promoted the Lippes loop, and when it became a frank advocate of voluntary family planning programs. But from its inception in 1952 and 1976 its activities on abortion were confined to research and writing. During his presidency the late Bernard Berelsons had serious ethical and prudential reservations about foreign aid for abortion, and his board seemed to share those misgivings.

In 1976 the presidency passed to George Zeidenstein, and in a report to the board that June, Zeidenstein made three recommendations related to abortion: (1) that the Council's purpose, should be, *inter alia*, to "stimulate, encourage, promote, conduct, support . . . abortion;" (2) that its Bio-Medical Center engage in "mission-oriented research" on abortion technology; and (3) that the organization add abortion to the "range of services" it provides.[4] This recommended change drew a strong dissent from trustee John Noonan, Jr., who resigned in protest. Despite this shift in policy, over the past three years the Population Council's involvement with abortion has been minimal, and not strikingly different from the period before 1976. Christopher Tietze continues to conduct statistical research on various facets of abortion and there are some small research efforts overseas, but on the whole the Population Council remains more like the Ford Foundation than more activist agencies. The reasons are probably the same as in the foundations—a fear that controversy over abortion will cripple the organization in other areas, problems of professional self-image for staff members, and difficulty in acting without breaking the laws of other countries.

The International Planned Parenthood Federation of London (IPPF) has been the most outspoken advocate of legal abortion services in the developing countries, though not the most ardent promoter of such services. The IPPF is the central office for several dozen semi-autonomous private national family planning associations. As a central body it receives funds from international donors, including AID, and passes money and supplies along to the local associations. It also tries to set policies and standards applicable to all associations, including policies on abortion. The IPPF's stated position is that abortion should be legally available to those who desire it and that local associations, when possible, should assist in providing the necessary services. But while it has considerable leverage from its funding position, the IPPF must also respect the constraints and preferences of its local affiliates. In practice the central office can recommend, lobby, and cajole, but it cannot force a member association to take action on abortion.

Despite its frequent pronouncements on the need for safe and legal abortion services and its lobbying efforts in many countries, the IPPF spends only about one-third of one percent of its total funds on abortion. As of 1978 it had carried out specific projects in ten countries as well as various regional and global efforts, mostly in training.

In the Philippines, where abortion is both illegal and explicitly against official population policy, the IPPF provided 200 'menstrual regulation" kits for demonstration purposes. IPPF also conducted a local seminar that set off sharp controversy. Beginning in 1974 the IPPF affiliate, the Family Planning Organization of the Philippines (FPOP) organized a series of meetings under the title of "Symposia on Advances in Fertility."[5] The topics included medical and legal aspects of abortion, procedures and techniques of abortion, and the dangers and attendant health risks of abortion. The first meeting touched off a storm of protests from religious and civil leaders, and led the government to reaffirm its official opposition to abortion. Nevertheless, the FPOP continued its symposia, which were clearly aimed at legitimizing discussion of abortion in the Philippines and which were made possible by funding from IPPF.

Further controversy arose when the FPOP distributed "menstrual regulation" kits to local doctors. Although the government had laws specifically prohibiting the importation of abortive devices, these kits were brought into the country as "medical instruments" to obtain "sample tissue for examination." While aware that the vacuum aspirators had been imported and were being distributed to private doctors, the government's official body in this field, the Commission on Population, chose not to take action. Since the FPOP did not take a public stand favoring abortion, and since it did not use these devices in its own clinics, the Commission felt that its regulatory powers were limited. Other observers concluded that POPCOM officials were de facto not opposed to such underground activities so long as they generated no public uproar. These examples show the potential of the

IPPF and its collaborating organizations for circumventing national laws and policies, and also suggest that officials responsible for enforcing those policies may themselves not be totally opposed to their violation.

One of IPPF's largest projects, totalling about $62,000, was in Bangladesh, where 5,000 vacuum aspiration kits were provided to the local family planning association. These kits have also been supplied to Korea, Singapore, Hong Kong, Thailand, Vietnam, and India. Although most of these projects have been relatively small—usually under $30,000—the IPPF has not provided details of its activities in its published reports, even in its main report to donor agencies.[6] One reason, apart from the illegal and controversial nature of these activities, may be that the federation is under constant scrutiny from the U.S. government to insure that it is not violating the Helms Amendment.

Another activist agency, and one that has been more willing to "go public" with its activities, is the Pathfinder Fund of Boston. Pathfinder was founded in 1929 by Dr. Clarence Gamble to find new ways of promoting birth control. Its characteristics have been innovation, small size and quick action. In recent years innovation has meant activities in abortion, particularly the promotion of the uterine aspirator. A Pathfinder flyer issued around 1975 states:

Abortion—safe, legal, and available—is important as a backup for contraceptive failure, and as a way to bring women into programs of contraception at the moment they are most susceptible to persuasion. But because of the Helms Amendment to the foreign-aid law, no AID money can be spent to promote abortion. Therefore we do this important work with money raised from the private sector.

Pathfinder is encouraging the establishment of abortion as a woman's right. We are promoting the early-abortion procedure known as "menstrual induction"—through publications, distribution of instruments, and direct grants. And Pathfinder has sponsored a major conference.[7]

In recent years Pathfinder has engaged in two kinds of abortion activities: helping to establish clinics in countries where abortion services are illegal but tolerated by the government; and distributing vacuum aspiration kits to clinics and private practitioners who wish to use them. Thus it has recently worked with a local doctor to open a private abortion clinic in Colombia, and has similar activities elsewhere in Latin America. When asked about the legality of this move in Colombia, an individual familiar with the project said that the clinic was indeed illegal, but that prosecution was unlikely, if only because the children of public figures were using its services. A staff member further commented: "Where abortion is culturally acceptable we don't think that the law is restrictive in an ethical sense. We are also concerned at the practical level—will it be enforced or not. "He likewise raised a crucial point about legality: the difference between the laws on the books and the laws as interpreted by the government. In Bangladesh, abortion is still technically illegal in most cases, but the government has instructed medical schools that by 1981 the country's 420 local health centers should offer "menstrual regulation" services. There is thus a difference between the law and executive regulations, with the latter taking precedence in Bangladesh.

The Pathfinder Fund, which receives over 90 percent of its funds from AID, has been hard hit by the Helms Amendment. The net effect has been to force the organization to choose between providing family planning services without abortion or abortion without broader services. If Pathfinder wants to help establish a family planning unit without abortion. AID will cover all or most of the costs. But if abortion is included, AID will provide only the contraceptives. As a Pathfinder official put it, "The Helms Amendment has disastrously affected population programming by destroying all the linkages between abortion and contraceptive recruiting, "Pathfinder has also been forced to change its accounting and auditing system in order to convince government monitors that no federal funds are being spent for abortions.

One of the most influential and yet anomalous organizations in the field is the Population Crisis Committee, which has been a powerful lobbyist for birth control in Washington. This organization has been very much "up front" on the United States domestic scene. With its board made up of retired ambassadors and generals, prominent businessmen, and other notable public figures, it would seem an unlikely supporter of illegal abortion activities overseas. And yet that is precisely what it does outside the United States, though never under its own name. A recent UN document on population programs and projects contains this description of the Population Crisis Committee-Draper Fund:

PCC/DF works to generate support for reducing world population growth in two basic ways: through high-level advocacy at home and abroad to increase government commitment to strong, effective family planning programmes; and through its highly selective support of innovative, cost-effective private family planning projects in developing countries . . . Through arranging private support of special projects overseas. PCC makes possible indigenous activities that can be readily expanded or replicated.

While abortion is not specifically mentioned in this description, closer checking reveals that this is its major form of "innovative, cost-effective, private family planning projects." Abortion activities account for about one half of the Committee's "Special Projects" and about one-fourth of its international budget. The organization works as follows:

PCC has no overseas operations. Instead, it funds or finds funding for selected high-leverage projects initiated by or recommended to PCC by IPPF and other family planning/population organizations that have a proven track record in overseas operations. Projects are undertaken in collaboration with indigenous leaders and groups. . . Projects selected for support are those that promise exceptional return in lowered birth rates per dollar invested. Typically such projects involve one of the ten most populous Third World countries; they demonstrate or extend an approach to delivery of family planning services that has proven cost-effective in lowering birth rates in similar conditions elsewhere; they require private money because the government is not ready to accept a new approach until it has been proven successful; and they include a sensible plan for expansion or replication.[9]

At present the Population Crisis Committee leans strongly toward programs involving the participation of local businessmen. In abortion programs they speak of a three-legged stool involving a doctor, who provides the services, the woman, who receives them, and the businessman, who organizes them to generate a profit. In practice, PCC looks for projects in which a small amount of seed money can be used by local entrepreneurs to launch self-funding abortion activities on a much larger scale. PCC officials offer as an example a project in Taiwan in which a loan for one clinic ultimately led to a total of nineteen, all patterned exactly after the first. PCC prefers projects in which abortion services are closely linked to contraception so that the experience is not repeated. The following are some of its projects:

Philippines: Menstrual Regulation Training. To train and equip doctors to perform menstrual regulation on the island of Mindinao. $34,000 committee for two years beginning May 1978 to International Projects Assistance Services.[10]

Colombia: Bogota Pregnancy Clinic. To provide inexpensive, humane treatment for incomplete abortions using the new technology developed for simple first-trimester abortion, to train doctors throughout Latin America in these abortion clean-up techniques, and to reduce the incidence of abortion in Colombia by using the occasion of botched abortion to involve women in appropriate family planning practices:[11]

Bangladesh. (1) Abortion Training and Supplies. Training for doctors from government health centers, mobile camps and health districts in the use of the latest abortion techniques and supply of non-electrical vacuum aspirators. $8,356 committed for one year to International Projects Assistance Services. (2) Abortion training. To train new doctors and qualified paramedics in early abortion, menstrual regulation and the treatment of incomplete abortions as well as contraceptive counseling in 6 regional and 2 Dacca medical colleges. $35,000 committed for one year to the Pathfinder Fund.[12]

The agencies most often chosen for project execution are the Pathfinder Fund and International Project Assistance Service (IPAS). PCC officials feel that private abortion services have a bright future in the developing countries, mainly because they are profitable and thus appeal to the entrepreneurial instincts of local people. They also feel that the Helms Amendment may have been a blessing in disguise, for it has forced abortion advocates to rely less on large donors and the public sector and make productive explorations into abortion as a business venture. Beyond its catalytic role in stimulating abortion activities, the PCC is the American purchasing agent for the IPPF and supplies it with vacuum aspiration kits manufactured by the IPAS. Though unobtrusive in its international operations, the PCC is undoubtedly one of the most influential agencies in this field. And besides its own indirect funding of abortion and other projects, PCC takes an active role in fundraising.

The most aggressive organization in this arena is the International Projects Assistance Service (IPAS), formerly known as the International Pregnancy Advisory Service. This is an organization that is disreputable and proud of it. Its policy is to move in wherever it can to promote abortion. As a former staff member said, "Our policy is that the more abortion is illegal, the more attractive it is because it is necessary. If it is legal other organizations can handle it." At present IPAS works in three areas: (1) providing loans for the establishment of abortion clinics; (2) manufacturing vacuum aspiration equipment for sale to other organizations, such as Pathfinder and the IPPF; and

(3) direct abortion services. Their strategy on this last front is to identify doctors who are interested in abortion, whether it is legal or not, and then help them to initiate new services. They are now supporting clinics in some twenty countries, including Mexico, Brazil and Indonesia, where abortion is illegal. They are also training midwives in the Philippines to use the vacuum aspirator, even though this technique is specifically banned by the government. In Bangladesh, Pakistan, Sri Lanka, Thailand, and Mexico, IPAS offers vacuum aspirator kits through a direct mail program, and provides training in their use. They find themselves handicapped in raising funds, mainly because their direct action tactics leave potential donors uncomfortable about supporting a "pariah." Foundations such as Ford and Rockefeller are unwilling to support them, while AID is unable to do so. Hence they must depend on grants from the PCC and other private sources as well as on the revenues generated by their loan program and manufacturing operations. Although, as they put it, "our response is always yes," the Executive Director claims that the funds available are much smaller than the interest they find in expanding abortion services.

Other organizations involved in some spects of abortion are Family Planning International Assistance, the international division of the Planned Parenthood Federation of America; Population Services International; and Johns Hopkins University, which provides training in techniques of abortion. But the most critical actors are IPPF, Pathfinder, the Population Crisis Committee, and IPAS.

TOWARD NEW GROUND FOR ETHICAL DEBATE

Foreign aid for abortion raises a host of ethical questions. The most basic is, of course, the morality of abortion itself. Debate on this issue is not simple within the United States, but it becomes immensely more complicated when the scene of action involves two or more nations. The root problem is that there is no universally accepted ethics, nor even a common language for debating moral issues across countries and cultures. Thus when we ask what ethical principles should guide the UN in aid for abortion, we quickly stumble over the questions of what and whose moral views should prevail. Should we opt for a frank national relativism, allowing each government to announce its moral standards and then having the UN respect those judgments? This position is appealing in its simplicity, but it clashes with the concept of universal human rights also endorsed by the UN. And where governments have unequivocally stated their opposition to abortion on religious, moral, or political grounds, should pro-choice advocates try to claim that their conceptions of individual rights take precedence over national sovereignty? These are tough questions that will not be resolved with instant absolutes or ready relativisms. And the debate is not likely to progress very far without much more systematic work on a cross-cultural and cross-national ethics. At this time our poverty of principles is outdone only by the richness of rhetorical flourishes in the abortion debate.

While the morality of abortion will remain the paramount question in evaluating foreign aid for that purpose, it is not the only issue at stake. Other questions arise from the objectives, processes, and composition of international assistance in this field. There may well be situations in which the most staunch pro-choice advocate would concede that certain kinds of foreign aid for abortion are unjustified, and where equally ardent pro-life representatives might grant that aid for problems related to abortion is ethically acceptable. To stake out some new ground for etchical debate it will be helpful to begin with three working principles.

The first is that the overarching goal of foreign aid should be individual and family welfare. All assistance to the developing countries should aim to promote such universally sought goods as health, education, a decent level of living, self-respect, and the ability to control significant aspects of one's existence. While this principle has been used by pro-choice as well as pro-life groups to support their respective claims, there are questions transcending the usual debates. The broadest implication of the welfare principle is that foreign aid should be used to remove or reduce the conditions leading poor women to seek abortions in the first place. Basically, these conditions are poverty and ignorance. A welfare orientation would argue strongly against foreign aid for abortion that does nothing to change the socio-economic conditions leading to high fertility. A single-minded concern with the fertility variable seems inconsistent with the promotion of individual and family welfare. The same criticism would apply to pro-life groups that seem more intent on stopping foreign aid for abortion than on increasing the amounts spent on general development activities. Indeed, if pro-life forces align themselves with anti-UN lobbies to cut off all American funds to the World Bank and the UNFPA, as has been threatened in the past, they would join their antagonists in an obsession with fertility to the detriment of economic justice.

The welfare principle further suggests that foreign aid for abortion would not be justified if its sole or primary aim was to bring down the birth rate. It would seem a flagrant violation of welfare to use the desperation of women for population control while doing nothing to remove the conditions producing such desperation. Specifically, programs providing only abortion services, with no assistance for health or contraception, would be ethically suspect on welfare grounds, and doubly so when they yield a profit. The welfare criterion might also argue for foreign aid to treat incomplete abortions. Human compassion calls for helping women who incur the risk of death or serious illness from badly performed abortions, even if one disapproves of the source of that risk. Many physicians of pro-life sympathies have no moral qualms about providing medical services in these circumstances, although they would reject the preventive step of medically supervised abortions. In short, raising the question of welfare may help to take the debate about foreign aid to at least a few steps beyond the polarization that has been its hallmark to date.

A second principle is that foreign aid for population should respect national autonomy. The World Population Plan of Action, approved in Bucharest in 1974, sets forth the following guideline: "The formulation and implementation of population policies is the sovereign right of each nation. This right is to be exercised in accordance with national objectives and needs and without external interference. . . . The main responsibility for national population policies and programs lies with national authorities." [13] Adherence to this principle would seem a prima facie obligation for international donors. According to this norm the UNFPA and the World Bank would be justified, on procedural grounds, in supplying aid for abortion to countries requesting their help. By the same token the clandestine activities reviewed earlier would be unjustified, particularly when abortion is not only technically illegal but directly contravenes a country's official population policy.

Three overlapping arguments have been raised against respect for national autonomy. The first is that in many countries laws about abortion have no moral force since they are merely vestiges of colonialism and are not observed in practice. One pro-choice physician compared them to the antiquated laws on the books in many states, such as those governing the positions of men and women walking together. A specific case cited was Bangladesh, where laws and executive edicts were patently contradictory. This example does suggest that there are legitimate grounds for debate about what really constitutes a country's policies. Where the government itself openly requests aid for abortion, donor agencies would obviously not be violating its autonomy by providing such assistance. But where the government is manifestly and forcefully on record as being opposed to abortion, as in the Philippines, and assures its critics that abortion is not being practiced with the consent of national authorities, covert foreign aid for abortion to nongovernmental recipients would violate autonomy.

A second argument is that foreign aid programs should honor not the laws that are on the books, but the laws of cultural preference as expressed in citizen's behavior. Thus when large numbers of women by their actions show a clear preference for abortion, donors should respect their wishes rather than outmoded laws restricting safe abortions. Sometimes this argument is premised on the notion of universal human rights for women, sometimes on the principle that culture is a higher law than legislation. The problems with this argument are both substantive and procedural. On substantive grounds one would want to know if all cultural preferences, including the execution of minority groups, cannibalism, and female circumcision, should override a country's laws, or if a universal right to life of the fetus should be cited as a basis for subverting laws permitting abortion. From a procedural standpoint the critical difficulty lies in deciding who should make decisions about the relative merits of a country's laws vis-a-vis competing sources of legitimacy. It hardly seems justifiable for donor agencies to take it upon themselves to make this judgment, since their own bureaucratic or political interests are usually at stake in the decision. At the very least one would want the matter to be adjudicated by some neutral court of appeals.

A third argument against respect for laws restricting abortion is that governments themselves are often divided on this question. In such pluralistic settings some groups are in favor of action and others opposed. Under these conditions, donor representatives have argued, foreign agencies have a right to work with supportive officials, even if abortion is illegal and against the country's official policy. In other words, when opinion is split on abortion policy there is nothing wrong with donors taking sides since there will also be nationals on that side. But here, too, there are ethical difficulties. By taking sides, particularly when support is accompanied by a generous infusion of foreign monies, the donors are,

in fact, infringing on national autonomy in a particularly delicate area. Foreign intervention becomes especially questionable when external financing is used as a bargaining chip in negotiating what is fundamentally a moral and political question on the national scene. Second, international agencies supplying aid for abortion under conditions of secrecy are themselves being hypocritical and aiding governmental double-dealing. This approach seems highly unjustified if the government simultaneously denies taking aid for abortion and accepts funds for that purpose. In such circumstances domestic critics of abortion, such as the Roman Catholic hierarchy in the Philippines, are being deliberately deceived about the government's intentions and the donor's actions, and are thus deprived of their right to comment on population activities. The ethical problems of covert intervention are compounded when, as is often the case, the donor's aim is to establish a beachhead of services which will be extremely difficult to dislodge even when they are made public. While such issues arise in other spheres of foreign assistance, they are of particular significance here because of the deep moral and religious values at stake in abortion.

A great drawback to violations of national autonomy is that they cannot be turned into a workable universal principle. One "categorical imperative" might read: "Whenever a donor agency considers national autonomy subservient to its own conception of human rights or public policy, its conception should prevail." According to this criterion foreign organizations opposing the U.S. Supreme Court's 1973 decision on abortion would have a moral warrant to use clandestine means in supporting the proposed constitutional amendment against abortion. Hence Saudi Arabia and other conservative Islamic countries would be justified in supplying the United States Right to Life movement with, say, $100 million for undercover activities in support of this amendment. Most of us would find this a horrifying prospect, yet this is very close to what is being done on a smaller scale to promote abortion in developing countries.

A third guiding principle is that *foreign aid for abortion should not jeopardize foreign aid for socioeconomic development.* The great bulk of economic assistance today goes for activities other than population, including agriculture and nutrition, education, health, and public works. Most aid programs try to improve human welfare by finding better ways of producing rice and wheat, by increasing access to schooling for the rural poor, by experimenting with low-cost methods of delivering health care, and through similar means. To work well in promoting development, foreign aid requires an atmosphere of mutual trust and collaboration, not only between the donor agency and the government but with other segments of the society as well. The greatest risk of covert aid for abortion is that it will pollute this environment and place all foreign assistance under a cloud of controversy and doubt. There are already suspicions in some quarters, particularly in Latin America and Africa, that donors bootleg as much birth control as possible into countries that do not want it. These suspicions are abetted by evidence that a decade ago, when family planning programs were coming into their own, donors imported the Lippes loop under the billing of "Christmas tree ornaments" and other contraceptives as "fungicides." The point here is that fears about hidden agendas and surreptitious activities on abortion can undercut the efforts of agencies that operate completely above board, even in areas seemingly unconnected to birth control. And in the population field itself doubts about donor integrity can make a government reluctant to open the door for assistance to family planning services or even research. If an African Minister of Health fears that a family planning program will be taken over by abortion advocates and later cause a political explosion, he may be reluctant to move down that path at all. No program is an island in foreign aid.

In the end we must ask what constitutes ethical foreign aid. Is assistance to other countries primarily a means to help governments attain their own purpose, or is it an instrument for subverting those purposes? The issues raised here can fruitfully be debated by persons who differ on the morality of abortion but who share a common commitment to the promotion of national development and international cooperation. It is a debate that is badly needed.

FOOTNOTES

1 This article is based on several interrelated sources: the author's own research on foreign aid agencies: unpublished country studies prepared for the Hastings Center's Project on Cultural Values and Population Policies by scholars in several of the developing countries; and recent interviews dealing specifically with foreign aid for abortion. Persons contacted included present or former staff members of the Population Council, the Office of Population of the Agency for International Development, the Population Crisis Committee, the Pathfinder Fund, the International Projects Assistance Service, the International Fertility Research Program, and the U.S. Senate.

2 H.R. Holtrop and R.S. Waife, *Uterine Aspiration Techniques in Family Planning* (Chestnut Hill, Mass.: The Pathfinder Fund, 1976), p. 1.

3 U.S. Department of State, Agency for International Development, "A.I.D. Policies Relative to Abortion-Related Activities." Policy Determination, PD-56, June 10, 1974.

4 George Zeidenstein, "Future Directions of the Population Council." Report prepared for the meeting of the Board of Trustees of the Population Council, June 8-9, 1976.

5 Material describing this incident is contained in M.E. Lopez, A.M.R. Nemenzo, L. Quisumbing-Baybay, and N. Lopez-Fitzpatrick, *Cultural Values and Population Policy: Philippines. The Sociological Study* (Quezon City: Institute of Philippine Culture, Ateneo de Manila University, 1978).

6 The information summarized here was obtained from an informal report on abortion prepared by IPPF in 1979.

7 The Pathfinder Fund, "Pathways in Population Planning." Promotional flyer issued circa 1975.

8 United Nations Fund for Population Activities, *Population Programmes and Projects, Vol. I: Guide to Sources of International Population Assistance* (New York: United Nations Fund for Population Activities, 1979), p. 297.

9 *Ibid.*

10 United Nations Fund for Population Activities, *Population Programmes and Projects, Vol. II: Inventory for Population Projects in Developing Countries Around the World 1977/78* (New York: United Nations Fund for Population Acitivities. 1979), p. 303.

11 *Ibid.*, p. 71.

12 *Ibid.*, p. 31.

13 United Nations, World Population Conference, *Action Taken at Bucharest* (United Nations, New York: Center for Economic and Social Information/OPI for the World Population Conference, 1974), p. 10.

IPPF AND FOREIGN AID FOR ABORTION

Donald Warwick, writing about "Foreign Aid for Abortion" (*Hastings Center Report*, April 1980, pp. 30-37), misrepresents the position of the International Planned Parenthood Federation in several important respects.

IPPF is a Federation of 95 Family Planning Associations, each of which is an autonomous, indigenous organization in its own country. These Associations individually determine their roles and programme priorities according to the needs and conditions in their own countries, while adhering to the basic aims and objectives of the IPPF. Family Planning Associations collectively decide the Federation's policies through several tiers of committees of volunteer representatives. The office in London is the Central Office of the Secretariat; it is not the IPPF. There are, in fact, six regional offices also performing secretariat functions in different parts of the world.

Mr. Warwick implies that donor governments are able to influence IPPF policies. While it is true that if a donor does not wish its funds to be used for abortion-related activities, IPPF respects that position; nevertheless IPPF's policies on abortion assistance are derived from the views and wishes of its members, not from its donors. Many IPPF member associations receive no financial support from the Federation; their policies are not influenced by external funds.

IPPF has no stated position that "abortion should be legally available to those who desire it and that local associations, when possible, should assist in providing the necessary services." IPPF has deliberately refrained from taking an international position on abortion, in respect for the wide diversity of legal and social conditions in which its member associations work. It has, however, urged its members to strive for humane treatment for women undergoing abortions and to ensure the availability to them of contraceptive advice and services.

Given the policy, laid down in 1971 and reaffirmed in 1976 and again in 1979, it is incorrect to say that IPPF is "the most outspoken advocate of legal abortion services in the developing countries." IPPF maintains an open attitude on abortion, neither imposing policies on its members not prohibiting the development of their own policies. Family Planning Associations are free to decide their own positions and the Federation is made up of those who totally approve of abortion and those bitterly opposed to abortion, as well as many which have taken no firm stand either way.

Contrary to the impression conveyed by Mr. Warwick, IPPF conducts its affairs in public, rendering regular, full reports to its policy bodies and to its donors and not seeking to minimise the diversity of problems and situations in which its family planning activities are conducted. It has enjoyed the confidence of its donors and respects the desire of its members for independence in addressing the differing domestic issues that confront them—Frances Ennis (Mrs.), *Director, Information and Public Relations, IPPF.*

Donald Warwick replies:

Aside from the organizational formalities of IPPF, which I do not dispute, Ms. Dennis makes four points bearing on the substance of my article:

1. *IPPF has taken no official position on abortion.* In a flyer entitled "Policies for the '80s" the IPPF states:

As a fundamental principle in both provision of and advocacy for family planning services, (Family Planning Associations) should strive to ensure the availability, where national laws permit, of all safe and effective methods of fertility regulation. They should consider actively campaigning

against any restriction on any of these methods.

Since the IPPF considers medically supervised abortions and specifically vacuum aspiration as "safe and effective methods of fertility regulation," this statement must be considered in favor of abortion. A document called "Guidelines for New Three-Year Work Programme 1974/1976" (M. P. 54—7A) is more frank about IPPF's true operating policies. The section on abortion opens with this statement:

Programmes aimed at increasing the factual knowledge of illegal abortion and its hazards . . . in order to educate governments into taking steps to remove abortion from the criminal code, should be undertaken in a number of countries where such action will not do serious harm to the basic family planning programme (p. 6).

The same document says that "it may be possible to start pilot projects on menstrual regulation as a method of fertility regulation, where abortion is legal." The book *Abortion* by M. Potts *et al.* further contains this observation:

An International Planned Parenthood Federation Conference on the medical and social aspects of abortion held in Accra in December 1973 focused attention on the abortion problem in the African continent. One of its suggestions was that the Karman curette (vacuum aspirator) should be routine equipment for paramedical workers and traditional mid-wives (p. 432).

Finally, my article showed quite clearly that the IPPF has, in fact, supported the distribution of vacuum aspirators in countries were such devices are illegal. Hence whatever IPPF's stated position on neutrality, it has in word and deed been one of the foremost lobbyists for abortion in the developing countries.

2. *IPPF conducts its affairs in public and does not hide its abortion activities.* The letter's language is cloudy on this point, but this seems to be its message. In October 1978, the IPPF published a fairly thick, printed *Report to Donors.* While it makes passing reference to abortion, it mentions *nothing* about IPPF's clandestine distribution of vacuum aspirators. The latter activity was mentioned in a confidential, mimeographed report obviously regarded as "top secret." This double-entry accounting is hardly an example of openness.

3. *IPPF does not try to influence national Family Planning Associations on abortion policies.* For years IPPF has been an active lobbyist with its member associations, not only on abortion but on many policy matters, such as the medical acceptabililty of Depo Provera. As a dispenser of funds and institutional recognition to local associations, IPPF is in a strong position to bargain, cajole, lure, and otherwise influence their activities. The earlier quotation from "Policies for the '80s" is quite specific in its recommendations to such associations. And as my article documents, and Ms. Dennis does not deny, the IPPF has specifically been a strong promoter of the vacuum aspirator and has supplied this instrument to local associations. Central initiative in this area appears to have been vigorous.

4. *IPPF is not influenced by its own donors.* A few years ago the Agency for International Development, a major IPPF donor, was criticized by the U.S. General Accounting Office for supplying funds to IPPF in such a way that their use could not be tracked. The context of the GAO report was public criticism about the use of AID funds for abortion. According to very reliable sources, IPPF was forced by this and related developments to change its accounting system to ward off further criticism about the "co-mingling" of funds. Moreover, for years IPPF was regularly cited by AID in Congressional hearings as an effective "intermediary" in AID's population mission. The evident implication—and one never denied by IPPF—was that this organization went beyond services that it would have provided in any event to that extra margin of initiative constituting an effective intermediary. Only the very naive could believe such formalistic proclamations of immunity to donor influence and abstention from influence on recipients.

While on this subject, let me correct an error and make a clarification concerning the United Nations Fund for Population Activities (UNFPA). The error is a statement that the UNFPA has indirectly supported abortion in Thailand. Such is not the case. The mistake arose from a document listing Thailand under the heading of "Prospective Support," which I interpreted as funding for program development but which turned out to be only a future possibility. The clarification concerns the UNFPA's support for abortion in recipient countries. The point to be underscored, and which may have been ambiguous in the article, is that the UNFPA does not give direct support for abortion but will cover abortion services on request when they are part of a national family planning program. The article mentioned Tunisia and India as cases where the UNFPA provided that kind of support. Recently the UNFPA wrote me that "no direct or indirect funds have been provided to support abortion in India." As earlier interviews gave a different picture for India, which has included abortion in its national program, there is probably a difference of interpretation over precisely what the UNFPA is supporting in that country. There and elsewhere the use of foreign aid funds is notoriously difficult to trace. Whatever the case for India, the policy described does hold for Tunisia so that the basic point made remains valid.

[From the Wall Street Journal, Dec. 19, 1984]

PLANNED PARENTHOOD'S PLANS

Is there no end to the coldheartedness of this Scroogelike Reagan administration? It has now taken steps to defund Planned Parenthood, announcing that it will withhold the U.S. allotment of some $17 million next year. Already, some editorials are raising injured cries to protest this action.

Planned Parenthood is one of those organizations—like the Sierra Club or Action for Children's Television—that has somehow got people to believe that it is in the mom's-apple-pie business. It is widely believed that Planned Parenthood is just delivering fairly harmless civic lectures on the benefits of being careful. Now, it is said, the organization has become the victim of the Reagan administration's anti-abortion policies. But there are reasons beyond the issue of abortion to have reservations about Planned Parenthood.

Several months ago, the International Planned Parenthood Federation, headquartered in London, published "Human Numbers, Human Needs," a small book "summing up what has been learned in the past 10 years. "Space does not permit, as the saying goes, but some samples of what the federation now knows to be true are instructive.

"There is a clear need for long-term planning, at national, and where possible, at global levels," opine the booklet's authors. Their plea for a global Gosplan is backed with much talk of "redistribution"—of "wealth," "incomes," "resources" and just about anything else that isn't nailed down. Moreover, "the affluent consumers of Northern countries and the Southern elites constitute perhaps the major threats to the world's oceans and fish stocks, tropical forests, genetic diversity and global climate." Nations winning the war against uncontrolled birth "are not usually countries of pronounced inequalities."

One admired model is China, which has "the most remarkable of all families planning policies. . . . Chinese parents are told that if action had been taken sooner it would have been acceptable for them to have had two children—the need for the one-child limit is, it is stressed, the price of delay." The close reader detects no word of China's recent practice of forced, third-trimester abortions. Ah, but we are again raising that tasteless abortion issue.

What we are dealing with here most of the time is twaddle. Just to keep its political bona fides in order, the IPPF proudly announces that South Africa is "currently suspended." Afghanistan and Vietnam, of course, are in good standing; let us pray, since our tolerance has some limits, that this is not because of the vigorous population-control measures the armies of those two governments are conducting against native peoples.

Planned Parenthood's love affair with socialism has become more than a harmless upper-middle-class hobby and now borders on the ludicrous. When Europe's governing Socialists are abandoning statism for the free market, Planned Parenthood still rushes in the opposite direction: "If food was equally distributed, the world, and developing countries as a whole, would have enough food to meet everyone's needs."

Of course they would, but the far left "planners" in places like Ethiopia and Mozambique are proving to be gruesomely unsuccessful at achieving these equities, or for that matter any food production or distribution at all. The Reagan administration is correct in deciding that the American public should no longer be a party to Planned Parenthood's plans for the world's poor.

The PRESIDING OFFICER. Is there further debate?

Mr. EVANS. Mr. President, let me speak briefly on this issue. First, to reiterate what some of my colleagues have said earlier on, we have acted on this issue, and acted decisively several weeks ago. I am increasingly distressed by the multitude of times that we seem to have come back to repeat ourselves on issue after issue which comes before this Senate.

I do not believe this question is one of abortion. It is a question of equal treatment. The Senator from North Carolina has related to the President's abhorrence of abortion. I share that opposition to abortion. He talks about the mandate to continue in international population programs. I suggest then to be consistent the Senator should have added the denial to governments as well as nongovernmental units this prohibition. But what disturbs me most is the amendment as it is written has so many questions and

ambiguities that I find it difficult for anyone to support it.

What does "in connection with making available assistance for population planning" mean? Some have already spoken to that issue. It could mean giving the President unusual powers in dictating policies in any country which may be a recipient of U.S. aid.

The implications of the language are so broad that at a minimum the Senate, it seems to me, Mr. President, would benefit from the interpretation of constitutional scholars as to what this language means.

The amendment has not had committee hearings. No one saw it before last Friday. It was never raised at all in committee. A short floor debate cannot do justice in clarifying its meaning to the Senate.

Part of the amendment is certainly redundant, to say the President shall retain authority under article II of the U.S. Constitution. I cannot conceive of anyone attempting, much less the Senate having the power, to remove from the President whatever rights he may have under article II of the Constitution.

Then it goes on to say:

> The President . . . shall have authority hereunder to implement whatever policies he deems necessary to curb human rights violations, including but not limited to infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination.

Two areas in that phrase I find particularly difficult. "Whatever policies he deems necessary." Where do you stop?

In our current relationships with the country of Nicaragua, the administration has not stated that it would unequivocally refrain from military force in that country if all else fails. Does this amendment suggest that even that would fall under the rubric of whatever policies he deems necessary to curb human rights violations?

Then it goes on to say, "including but not limited to," and that opens the door even wider, not just to the specific things listed but to whatever else could be considered. No one, including the mover of the amendment, has suggested what the term "not limited to" really includes.

Then, finally, when after this massive suggestion of power to the President for whatever policies he deems necessary, then it says, "and such authority may be delegated to any officer of the United States who may be designated by the President for that purpose."

Sweeping powers not delineated very accurately, and sweeping powers which then can be translated under who knows what officers of the United States.

My fear is not half so much with the President, for I have great confidence in his ability to accurately and responsibly carry out his duties under the Constitution, but my deep concern is that when something this broad is stated and then authority further delegated down the line, we almost assuredly will at some time find an abuse or misuse of such great power.

Mr. President, I think we have acted decisively, we have acted wisely. We have tried to be consistent in our policies as they relate to other governments and to nongovernmental organizations. I hope that my colleagues will join with me in defeating this amendment.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, it seems to this Senator, at least, that part of the Helms amendment is that it proposes to give the President the power necessary to curb human rights violations. I believe we are all in favor of that. There is some disagreement, apparently, about the language, and perhaps disagreement on other points. The language reads, in part:

> Policies he deems necessary to curb human rights violations, including but not limited to infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination, and so on.

Mr. President, it seems that there is a crying, urgent need for such policies and for the President to be able to exercise such policies. Senators by now are aware, event those whose daily fare is the Washington Post and the New York Times, that tens of thousands, hundreds of thousands, probably millions of women are being forced to undergo abortions involuntarily in that paradise known as the People's Republic of China, and that American dollars, indirectly to be sure, are helping to finance this ghastly program of involuntary abortion.

Senators who are of the opinion that the fetus is not a person, perhaps is not a human being, nevertheless must be concerned about the rights of those women in China.

Steven Mosher, who has written a book recently on this subject, spent a year or something like that living in a rural village in China recently and estimated the number of those women who would bear their children were they not forced by authorities to undergo abortion.

What about the rights of those women? That is a gross violation of human rights of the very kind condemned by the Nuremberg trials, in which a number of Nazi officials were found guilty of this very same crime, violation of the human rights of the mothers of those aborted children.

Mr. President, the Senate, and, for that matter, both Houses of Congress, over and over again in recent years have gone on record consistently as opposing Federal funding of abortions. This is quite apart from the question of the nature of abortion, itself, the rights of the unborn. Some feel the unborn have no rights. Others, including this Senator, feel that the offspring of human beings are human beings; that it is self-evident that they deserve, once again, practically speaking, the Constitution they once had. But that is a separate question, really, in this debate on the Helms amendment.

Without any question, women who are being forced to undergo abortion are being deprived of their human and civil rights. Just as Americans deplore the use of American dollars to finance abortions in this country and demand of their representatives votes against Federal funding of abortion, by the same logic they would demand or certainly request and urge their representatives to vote against the measures that permit the flow of American dollars to perform forced abortions elsewhere.

The purpose of the Helms amendment, in part, is to give power to ensure the President has the power in the distribution of funds under the Agency for International Development to ensure, to the best of his ability, that American funds are not used or do not flow indirectly to China or elsewhere where gross and ghastly human rights violations are occurring.

It seems to this Senator that the Helms amendment is in order in view of an amendment adopted in the committee, apparently, by the Senator from Kansas as part of the foreign aid bill, and which bill subsequently was passed by the Senate.

Some need for correction is there. There is a need there. The Helms amendment fills that need, it seems to this Senator.

Some might argue that the language could be improved. Maybe so. Maybe that is something they might want to discuss with the Senator from North Carolina. But surely we cannot overlook these forced abortions in China. We cannot sit still and allow the President's hands to be tied to deal effectively with that kind of human rights violation.

Therefore, Mr. President, with all due respect, I urge my colleagues to support the Helms amendment in the same spirit we have supported over and over again, year after year, the Hyde amendment and language of that kind.

I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I will be moving to table the underlying amendment, amendment 290, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. KASSEBAUM. Mr. President, I said I would be moving to table. I do not want to cut off debate yet.

Mr. BRADLEY and Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I oppose the amendment of the Senator from North Carolina. He would have us believe that anyone opposing his amendment is somehow a supporter of coerced abortions and infanticide. In short, Mr. President, this is hogwash.

The Foreign Aid Authorization Act, which was adopted by the full Senate 3 weeks ago, makes U.S. policy on the issue on infanticide and coerced abortion very clear. First, U.S. dollars cannot be used for any family planning program in China; our country does not—and will not—condone coerced abortion. Indeed, under current law, no U.S. assistance will be provided to any country or organization that includes involuntary or coerced abortion as part of its population planning programs. In addition, the act requires the President to speak out against the coercive population planning methods employed by China by voting against any U.N. aid to China for population planning.

The legislative language included in the Foreign Aid Authorization Act that recently passed the Senate is clear on this issue. We as a nation are unalterably opposed to coerced abortion and infanticide.

So, Mr. President, once we set aside the rhetoric, what is the real intent of the amendment offered by the Senator from North Carolina? I think I know the answer.

Mr. President, we are all aware that last year, the administration adopted a new policy with reference to international family planning. The new policy added restrictions on eligibility for family planning grants to nongovernmental organizations. When this policy change was originally proposed, many of us contended that it would effectively cut off Federal funds to nongovernmental organizations such as International Planned Parenthood, the largest provider of family planning services to less developed countries. That was our contention; we were correct. The International Planned Parenthood Federation has been defunded.

I still cannot comprehend the logic of this policy. This debate is not about abortion—remember that the law now says that no U.S. funds can be used for abortion. This debate is about whether the United States should help provide family planning services to developing countries. Ultimately, this debate is also about whether the United States should take effective steps to prevent millions more children from starving every year. In a tragic piece of irony, the administration's new policy will do a great deal to suppress family planning efforts, the most sensible way to avoid abortions. Women living in developing countries need access to safe and effective methods of family planning if they are to exercise their right to make decisions about family size.

Mr. President, over the recent recess, I visited Calcutta, India with a number of other Senators. We visited the orphanage of Mother Theresa. One cannot visit Calcutta and see families living on the streets, see families huddled in drainpipes, see children literally starving, not only unable to get medical care but also unable to get adequate food, living in a city where even the city officials cannot tell you how many people live there—one cannot experience the horror of street life in Calcutta and support this kind of amendment. Because what it says is that we will not attempt to aid the family planning efforts in countries that want to try to get their population under control by giving women a chance to determine their family size.

Mr. President, I cannot comprehend a policy that says, let the children starve but above all, no familiy planning assistance.

Last August, Senator PACKWOOD and I introduced a resolution in an attempt to change the administration's new policy on international family planning. Unfortunately, we were not successful in convincing the administration to change its policy. Because the administration continues to insist on its wrong-headed policy, the Senate directed the administration—through the amendment offered by Senator KASSEBAUM to the Foreign Aid Authorization Act—to change its policy.

Our Resolution said, "Administration, change your policy. Make family planning assistance available to all groups."

Mr. President, I fully supported Senator KASSEBAUM's effort. Her amendment simply required that we treat nongovernmental and multilateral organizations in the same way that we treat foreign governments in establishing eligibility for population assistance funds. Until last summer, eligibility requirements for all potential recipients were the same, but given the policy change this is no longer the case. Eligibility requirements for foreign governments have not changed but the administration has imposed additional restrictions on nongovernmental and multilateral organizations. In brief, the Kassebaum amendment eliminated the new requirements imposed by the administration, including one that these groups may not use any funds—including their own—for any abortion related activity if they are to maintain eligibility for U.S. population assistance funds. If we overturn the Kassebaum language, the administration will continue its shortsighted policy.

In other words, the administration will continue to deny funds for family planning to the organizations that have been most successful in executing family planning internationally. That means that children in countries like Calcutta will continue to starve because their mothers will not be given a choice to determine their family size.

So, Mr. President, there may be a lot of talk today about eliminating coerced abortions or infanticide, but the amendment offered by the Senator from North Carolina has nothing to do with this. The amendment is an attempt to overturn the legislative language included by Senator KASSEBAUM in the Foreign Aid Authorization bill, and as such, it must be opposed.

There is a second reason why we must, as a body, reject the amendment offered by the Senator from North Carolina. Not only does the Helms amendment overturn the Kassebaum amendment, it also gives the President broad, sweeping powers—and I quote here from the amendment—"to implement whatever policies he deems necessary to curb * * * infanticide, abortion and involuntary sterilization * * *" I am not comfortable giving the President unlimited authority to implement policies that he deems necessary on any subject matter, much less abortion.

Mr. President, as I stated last August, the policy changes implemented by the administration represent wrong-headed policy. If it is not overturned, we will see greatly diminished family planning activities worldwide. In other words, more Calcuttas, more maternal and infant deaths, more abortions, and the very real possibility of harsher government controls on individual freedoms. The Helms amendment is designed to nullify the Kassebaum provision included in the Foreign Aid Authorization Act passed by the Senate just 3 weeks ago. So the Senator from North Carolina wants us to reverse the position that the Senate endorsed just 3 weeks ago.

Mr. President, I urge my colleagues to oppose the amendment offered by the Senator from North Carolina, and I am pleased to yield to the Senator from Kansas.

The PRESIDING OFFICER (Mr. HECHT). The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I move to table amendment No. 290——

Mr. HELMS. Mr. President, will the Senator withhold for just one moment?

Mrs. KASSEBAUM. I will be glad to.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair. I have learned many things this day, among them being that I am somewhat more capable of speaking for myself than the Senator from New Jersey is capable of speaking for me. Now, I will not use the tone that the Senator from New Jersey used, nor will I use words like "hogwash." I am not sure that is within the Senate rules, but that is all right; the Senator from New Jersey is entitled to express himself as he wishes. But when he begins to misrepresent the intent and the meaning of the amendment, that is something else again. But so the record will be clear just before we vote, this amendment is designed to give the President flexibility to curb abortion, among other things, in U.S. population policy. Thus, it is only the most convoluted logic that would lead the Senator from New Jersey or anyone else to believe that maintaining the President's current constitutional authority to curb abortion will lead to more abortion. This simply does not make sense, Mr. President. Ronald Reagan is a perceptive man. He has fine talent in his administration. Therefore, making sure that he has authority to continue to curb abortion obviously will not lead to more abortion.

Furthermore, Mr. President, the pending amendment does not—I repeat, does not—set requirements or restrictions as to any specific recipient of U.S. population assistance. All are free to compete for the available grants. Nobody is disqualified by this amendment.

But as I have said over and over again this afternoon, it does leave to the President the authority which is rightfully his for setting the requirements and restrictions that he believes are in the best interests of the United States and the furtherance of human rights in our foreign policy.

Finally, contrary to anything that the distinguished Senator from New Jersey may believe or may say, there is nothing in this amendment that undercuts U.S. population assistance for family planning. The Senator talked about the pitiful children in India and I share his sympathy for them. But as the Senator spoke, I wondered what the Senator's solution is for these pitiful children in India. We all feel sympathy for them. Would the Senator help them by destroying them? Surely, he does not mean that and I do not suggest that he does.

But I do say, Mr. President, that this amendment draws a sharp distinction between family planning and the subjects of this amendment over which the President has and, if this amendment is approved will continue to have, authority to make policy: infanticide, abortion, involuntary sterilization, and racial or ethnic discrimination and other human rights abuses. None of these in my judgment has any legitimate role in family planning. I thank the Senator from Kansas for yielding to me.

Mr. PACKWOOD. Mr. President, I rise today in strong opposition to the Helms amendment to the Foreign Relations Authorization Act. The Helms amendment gives the President complete power and responsibility—without the consent of Congress—to form our U.S. foreign policy on international family planning. This amendment abrogates all congressional responsibility for shaping international family planning policy and, in fact, says to the President, "We don't care or don't want to know about international family planning policy, just do it."

Well, Mr. President, it is no secret why my colleague from North Carolina [Mr. HELMS] would like to hand this carte blanche power over to this President.

There have been repeated and documented assurances that no U.S. funds are being used abroad to pay for abortion as a method of family planning. That, Mr. President, does not appear to be enough of a prohibition for Senator HELMS or this administration.

Without the consent of Congress, the Agency for International Development [AID] has taken this abortion funding prohibition one dramatic step further by demanding that nongovernmental organizations [NGO's] eligible for U.S. family planning funding not use their private funds to perform or promote abortion. This policy means that if an NGO uses private—non-AID—funds to refer a patient to an abortion facility, that NGO will no longer be eligible to receive U.S. funding.

Is this a policy Congress approved or adopted? No, Mr. President. In fact, Mr. President, it goes well beyond the intent of law this Congress enacted over 13 years ago. When this body debated the original 1973 Helms amendment to the Foreign Assistance Act of 1961 prohibiting the use of U.S. funds to pay for abortion abroad, Mr. HELMS said of his amendment which is the curent law AID should be administering:

"We could, in fact, go far beyond the present amendment and require all abortion activities, from whatever funds, to be stopped before our assistance could be received. But the present amendment does not do that. . . it (the amendment) is intended to prevent the use of AID funds—that is to say funds collected from the taxpayers of the United States—in the practice and promotion of abortion. [119 CONGRESSIONAL RECORD, 32292 (October 1, 1973)]".

Clearly, AID has "gone far beyond" the letter of the law established by this Congress and the intent articulated by the sponsor of the law, Mr. HELMS.

Make no mistake about it, we are talking here about a dramatic shift in the intent of the law that has served our foreign policy for many years. This is a policy never approved by Congress and a policy shift I don't believe this Congress wants. I don't believe my colleagues want to tell private groups what to do with their private money.

Let me review now:

First. How AID has implemented this new policy I have just described, and

Second. Then share with you why it is so hard for NGOs to meet this new requirement.

Third. Finally, why AID faces major obstacles in reprogramming population assistance funds originally planned for use by the International Planned Parenthood Federation [IPPF] and the United Nations Fund for Population Activities [UNFPA] in fiscal year 1985.

Last December, the U.S. Agency for International Development [AID] refused to renew its 17 years of support for the International Planned Parenthood Federation. As a result, approximately $11 million in cash—not including commodities—was freed up for reprogramming to other family planning programs in fiscal year 1985. In March, AID announced that if it received congressional approval, it also would reprogram $10 million originally scheduled for expenditure by the United Nations Fund for Population Activities [UNFPA].

In testimony, AID Administrator M. Peter McPherson repeatedly has assured Congress that he faces no difficulty in reprogramming the funds released from IPPF, UNFPA, or any other family planning organization the agency may defund as a result of the administration's reinterpretation of Congress' prohibition on the use of AID funds to pay for abortion. However, as of May 1, 1985 with only 5 months remaining in the fiscal year, AID has been unable to reprogram any of the funds for two reasons:

AID's Bilateral Population Program cannot absorb substantial increases in population aid, since only a limited number of governments receive bilateral aid, and

AID is still trying, but without success, to develop requirements for the implementation of the administration's new population aid policy with which nongovernmental organizations [NGO's] are able to comply operationally.

At this stage, AID faces the problem of not only being unable to reprogram the moneys originally scheduled for IPPF and UNFPA, but also being unable to reprogram tens of millions of dollars more because other organizations are unlikely to be able to comply with AID's new requirements.

In closing Mr. President, I'd like to add a more human insight into the impact of this new policy for my colleagues to consider. Currently, an estimated 400 million women lack access to family planning services worldwide. I am reminded of a similar phenomenon long ago in America, when in 1873, the fanatical head of a group calling itself the New York Society for the Suppression of Vice, Anthony Comstock, pushed a law through Congress that made the giving out of contraceptive information a Federal offense. Known as the Comstock laws, this lack of information greatly impacted the poor. Thousands of desperate women, many with 9 or 10 children crowded into 1-room tenements, tried to abort fetuses themselves or go to a back alley abortionist. An estimated 25,000 died from illegal and unsafe abortions per year at the turn of the century in this country before the Comstock laws were repealed.

Because of a severe shortage of contraceptives in poor developing nations, many Third World women are similarly resorting to abortions to end an unwanted pregnancy. An estimated 35 to 55 million abortions occur in the world each year, and half of them are illegal. Currently, 50 to 60 percent of the beds in the maternity wards in many Third World hospitals are filled with women seriously ill or dying from illegal abortions. Illegal abortions are a leading cause of death among Third World women. Advocates of a policy that would decrease the availability of desperately needed international family planning services should consider that history has demonstrated that the practical impact of less access to contraceptives may actually lead to more women resorting to abortions.

I urge my colleagues to vote against the Helms amendment.

Mr. McCLURE. Mr. President, I am about to ask unanimous consent that the pending amendment be temporarily set aside so that the Senate might entertain an amendment to be offered by myself. Before doing that, let me suggest I have talked to the majority and minority managers of the bill. I have also talked to the Senator from Kansas, who had indicated a desire to make a motion to table. I think there is no objection from either side. I also beleive that the amendment that I will offer will be accepted by the managers of the bill. I will take only a few minutes to explain that amendment. I, therefore, do ask unanimous consent the pending matter be temporarily laid aside so that I might offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 332

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 332.

At the end of the bill add the following new section:

"The Department of Defense shall prepare a report, to be submitted to Congress in both classified and unclassified form by July 15, 1985, that describes in detail the direct and indirect military consequences and effects of all Soviet violations of all arms control treaties and agreements."

Mr. McCLURE. Mr. President, the amendment is short and concise. Let me suggest, too, that in talking with the distinguished Senator from Rhode Island, the minority manager of the bill, he points out, quite properly, that a month ago the Senate adopted language calling for a similar report but on January 31 of each year. The reason I have offered this amendment is twofold, but primarily because yesterday in the President's report to the Congress on interim compliance he indicated the Department of Defense had been directed to analyze and report to him not only on the military and security implications of treaty violations but upon compensatory actions that could be taken by the United States to offset the security threats because of treaty violations on the part of the Soviet Union, that report to be presented to the President by November 15 of this year.

It seems to me wise that we should attempt to get as much information as we can as early as possible dealing with the military and security implications of those treaty violations so that we can begin to judge both the severity of that action and the kind and nature of the actions that should be taken in whatever way is necessary to protect the security of the United States and our allies.

I should point out, too, that the Defense Authorization Act for fiscal year 1986 carries report language calling for exactly the same kind of report by July 15, and this would carry forward into statute what is already in report language approved by the Senate committee on the bill that has now been approved by the Senate. I believe that it would be a constructive exercise for us to get this report.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I think the idea of the Senator from Idaho is excellent. There is in my own personal view a certain redundancy in that the Senate appr ed yesterday, in the Arms Cont. l and Disarmanent Agency authorization amendment to this bill, a provision which I authored, setting forth a requirement for a similar report to be filed on an annual basis by January 31. My amendment deals with both U.S. adherence to and the compliance of other nations with arms control agreements. One of the requirements in this legislation is there be provided recommendations as to any steps which should be considered to redress any damage to the U.S. national security and to reduce compliance problems.

However, in a spirit of comity and friendship, I have no objection to the adoption of this amendent.

I point out that it is conceivable that the bill may not even be signed into law by the very date called for by the proposed amendment.

Mr. McCLURE. The Senator is correct that it is possible. I hope that is not true.

Similarly, it is possible that the Department of Defense authorization bill, which carried the report language to which I made reference, may also not be law by July 15. But I think we have to try to get that information as soon as we can.

I thank the Senator for his support.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. HELMS. Mr. President, I commend the Senator for his amendment.

I must say to him that I have prepared, but will not offer, an amendment to his amendment to provide specific protection for the Poseidon. There is another vehicle, which will be on this floor within a very few days, and I will offer it at that time.

Mr. McCLURE. I thank the Senator from North Carolina.

I share his concern about what will be done with the Poseidon, as does my colleague from Idaho. I think we will have opportunities, as time passes, to deal with that question.

I thank the Senator for his restraint today.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Idaho for his amendment, which seeks information which we should have promptly. On our side, we accept the amendment and hope it will be adopted unanimously.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 332) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 290

Mrs. KASSEBAUM. I move to table amendment No. 290, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, as I understand it, we could be nearing the end of this bill, although I have been advised that there may be another Contra amendment, which I think would be out of order, based on the agreement we had last week. In any event, it is my understanding that, depending on what happens to the motion to table, it could be the last amendment.

I alert Senators that there could be an additional vote following this, maybe two votes.

The PRESIDING OFFICER (Mr. HECHT). The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—53

Baucus	Gore	Nunn
Bentsen	Gorton	Packwood
Biden	Hart	Pell
Bingaman	Hatfield	Pryor
Boren	Heinz	Riegle
Bradley	Hollings	Rockefeller
Bumpers	Kassebaum	Rudman
Burdick	Kennedy	Sarbanes
Byrd	Kerry	Sasser
Chafee	Lautenberg	Simon
Chiles	Leahy	Simpson
Cohen	Levin	Specter
Cranston	Long	Stafford
Dixon	Mathias	Stevens
Dodd	Matsunaga	Warner
Evans	Metzenbaum	Weicker
Glenn	Mitchell	Wilson
Goldwater	Moynihan	

NAYS—45

Abdnor	Ford	McClure
Andrews	Garn	McConnell
Armstrong	Gramm	Melcher
Boschwitz	Grassley	Murkowski
Cochran	Hatch	Nickles
D'Amato	Hawkins	Pressler
Danforth	Hecht	Proxmire
DeConcini	Heflin	Quayle
Denton	Helms	Roth
Dole	Humphrey	Stennis
Domenici	Johnston	Symms
Durenberger	Kasten	Thurmond
Eagleton	Laxalt	Trible
East	Lugar	Wallop
Exon	Mattingly	Zorinsky

NOT VOTING—2

Harkin	Inouye

So the motion to table amendment (No. 290) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Indiana.

Mr. LUGAR. Mr. President, the distinguished minority leader at an earlier time in the debate——

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will please take their seat. The Senate will be in order.

The Senator from Indiana.

Mr. LUGAR. Mr. President, at an earlier point in the debate, the distinguished minority leader asked for assurance with regard to moneys to be spent for the Contras in Nicaragua. Specifically, he asked whether $14 million was needed, given the fact that this bill might become law with only 3 months left in the year, and he asked if some degree of proportionality might be considered.

I responded at that time with my own feelings as to why that would be inappropriate. He asked that there be some administration word on this.

We have sought a letter and I have understood for the last hour that a letter has been signed by Mr. McFarlane and the messenger is en route. I must admit I do not have the letter in hand. I wish that I did.

But let me assure the minority leader that when the letter does come, I will share it with him immediately and it will respond that the $14 million is needed but, likewise, that if the $14 million should not be spent, that the money would revert to the Treasury and that it would not be available for the forthcoming year.

We had, as we discussed in the debate, two separate items, the $14 million that was unfenced in the current fiscal year and the $24 million that was to be authorized for the following year.

So I would assume the minority leader, although I believe the money will be required largely for capital equipment items as opposed to a day-by-day situation, that if this is not so, it will go back into the Treasury and it would not be reprogrammed for use in the following year.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. Is it his intention to insert the letter into the RECORD?

Mr. LUGAR. It is my intention.

Mr. BYRD. I will be interested in seeing what the response is. I will not call up the other amendment which, by order of the Senate, I was entitled to call up. The supplemental appropriations bill will be coming along and I will take a good look at what the administration says in response to this question. So there will be other opportunities if we feel the urge and the need to offer an amendment. I will not do so on this particular bill this evening.

EXPLANATION OF AMENDMENTS RELATING TO STATE DEPARTMENT AND USIA INSPECTORS GENERAL, AND THE SENIOR FOREIGN SERVICE

● Mr. HELMS. Mr. President, yesterday this body adopted two amendments offered on my behalf by the distinguished chairman of the Committee on Foreign Relations. I am grateful to the Senator from Indiana [Mr. LUGAR] for his support of these measures, and to the ranking minority member of the committee for accepting them. For the purposes of the RECORD, let me describe these two measures in terms of their intent and purpose.

AMENDMENT NO. 316

Mr. President, amendment No. 316 would put into effect the recommendation by the Comptroller General that the State Department's Office of Inspector General should be made more independent and effective. In a GAO report dated June 2, 1983 (document No. AFMD83-56), the General Accounting Office outlined weaknesses of the present State Department Inspector General system. That report found that the State Department was the only 1 of 18 major Federal departments or agencies whose inspector general did not conform to the Uniform Principles and Standards of the Inspector General Act of 1978.

Mr. President, the GAO report details the problems which this lack of conformity has caused. First of all, a fundamental principle of Government audits requires that, in all matters relating to audit work, the audit organization and the individual auditors "must be free from personal or external impairments to independence, must be organizationally independent, and shall maintain an independent attitude and appearance." Those words are taken from the GAO report. However, in the State Department, the GAO found a number of situations in which the independence of the State Department Inspector General's inspection, audit, and investigative functions have been or could be impaired.

Moreover, Mr. President, the GAO found that the State Department IG has little actual operational control over investigations into allegations of waste, fraud, and abuse. The problem there is the proximity of the investigative entity—the Office of Security—and the State Department management hierarchy, another breach of fundamental requirement of independence.

Finally, Mr. President, the GAO found that, "Although the Foreign Service Act of 1980 requires that IG inspectors and audits comply with Government audit standards, GAO found the standards are not being complied with and the quality of the IG's work has been adversely affected."

My amendment enacts the recommendation of the Comptroller General

by placing the State Department Inspector General under the Inspector General Act of 1978. It guarantees the independence, standards of excellence, and ultimate accountability of the work of that office from problems like those detailed in the Comptroller General's report.

Mr. President, I ask that the report of the Comptroller General on the State Department Inspector General Office appear at this point in the RECORD.

The report follows:

STATE DEPARTMENT'S OFFICE OF INSPECTOR GENERAL SHOULD BE MORE INDEPENDENT AND EFFECTIVE

The basic duties and responsibilities of 17 of the 18 statutory inspectors general (IGs) established by the Congress in recent years generally conform to the provisions of the Inspector General Act of 1978. Only the State Department IG's authorizing legislation differs significantly from the inspector general concept as embodied in the 1978 act.

These differences have permitted the new statutory State IG to continue to operate in a manner that impairs the independence and effectiveness of the IG's office.

GAO recommends that the Congress either place the State Department IG under the Inspector General Act of 1978 or conform the IG's authorizing legislation to the 1978 act. The Secretary of State and the IG also need to take certain actions, such as establishing a permanent staff of qualified auditors and investigators within the IG's office.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, DC.

Hon. JACK BROOKS,
Chairman, Subcommittee on Legislation and National Security, House Committee on Government Operations.

DEAR MR. CHAIRMAN: This report is in response to your February 9, 1982, request that we review the operations of the Department of State Inspector General's office. The report discusses (1) differences between the Inspector General Act of 1978 (Public Law 95-452), under which most statutory inspectors general operate, and section 209 of the Foreign Service Act of 1980 (Public Law 96-465), which established the State Inspector General; (2) how differences between the two acts affect State Inspector General operations; (3) problems with the State Inspector General's independence and effectiveness; and (4) the need for the Congress to either place the State Department IG under the Inspector General Act of 1978 or conform the IG's authorizing legislation to the 1978 act.

We did not obtain official agency comments on this report. As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its date. At that time, we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General of the United States.

DIGEST

In recent years, the Congress has enacted several public laws to establish statutory inspector general (IG) offices in 18 major Federal departments and agencies. The basic duties and responsibilities of 17 of the IGs conform to the provisions of the Inspector General Act of 1978, which sets forth uniform principles and standards for these offices. The State Department's IG is the only one whose authorizing legislation—section 209 of the Foreign Service Act of 1980—continues to differ significantly from the 1978 act.

At the request of the Chairman, Subcommittee on Legislation and National Security, House Committee on Government Operations, GAO reviewed the State Department's IG operations to determine, among other things, how these differences affect the IG's work.

GAO found that the 1980 legislation included several important differences from the basic IG concept embodied in the 1978 act (see p. 2 and app. II). These differences permit the new statutory State IG to continue to operate in essentially the same manner as the previous administratively established IG rather than functioning like the independent statutory IGs in other agencies.

For example, the 1980 act, among other things:

Allows the State IG to use temporarily assigned Foreign Service officers and other persons from operational units within the Department to staff the IG office. Other statutory IGs rely primarily on permanently assigned staff.

Requires the State IG to conduct reviews routinely of all overseas posts and domestic operations, which is normally considered a management function. Other statutory IGs are not required to review all organizational units within their respective agencies.

Permits the State IG to use a unit of management (the State Department's Office of Security) to conduct investigations of fraud, waste, and abuse. Other statutory IGs conduct their own investigations.

These differences affect the independence and effectiveness of the statutory State IG.

MORE INDEPENDENCE IS NEEDED IN THE IG'S OFFICE

Provisions of the Foreign Service Act of 1980 and its legislative history raise questions about the degree of independence the Congress expected of the State IG. One committee report said the State IG was not expected to be as independent as the IGs established under the Inspector General Act of 1978. On the other hand, several provisions of the 1980 act indicate the State IG was to be independent. For example, *one section prohibits any State official from preventing or restricting an IG audit.* Accordingly, congressional intent regarding the degree of independence has been unclear. (See p. 9.)

Government audit standards, which the State IG is required by the 1980 act to follow, emphasize that *in all matters relating to audit work, the audit organization and the individual auditors "must be free from personal or external impairments to independence,* must be organizationally independent, and shall maintain an independent attitude and appearance." Although there are no Government-wide investigative standards, GAO believes investigations should also be carried out by personnel and organizations that are independent of department operations. GAO found, however, a number of situations in which the independence of the State Department IG's inspection, audit, and investigative functions has been or could be impaired.

For example, the State Department IG relies on a temporary staff of Foreign Service officers and audit-qualified professionals to conduct its inspections and audits. Although the use of temporarily assigned staff from operational units is expressly authorized by the Foreign Service Act of 1980, GAO believes *the IG's extensive use of temporary or rotational staff affects the IG office's independence* because (1) these staff members routinely rotate between the IG office and management positions within the organizations they review, and (2) *major decisions affecting their careers are determined by the State Department rather than by the IG office.* The IG's own staff, State Department officials they audit, and officials from other statutory IGs interviewed by GAO have raised questions about the State IG office's independence. (See pp. 7-11.)

Although IG officials acknowledged that major career decisions concerning their staff are decided by State Department management rather than by the IG office, they did not believe this represented an impairment to the IG staff's independence. (See p. 8.)

STATE IG IS PERFORMING A MANAGEMENT FUNCTION—INSPECTIONS

The Foreign Service Act of 1980 requires that the State Department IG, in addition to doing traditional audit functions, inspect and audit each foreign post and domestic unit at least once every 5 years. The statutory IGs under the Inspector General Act of 1978, on the other hand, are not *required* to review all organizational units within their respective agencies, nor are they required to conduct their reviews and evaluations within a legislatively mandated time frame. GAO believes that management, not the State IG, should be responsible for these routine inspections.

One of the fundamental responsibilities of agency management is to routinely monitor and assess its operations to determine whether its programs are meeting intended objectives efficiently and economically and to render a full account of its activities to the public. The inspections currently performed by the IG represent the only comprehensive review of foreign post activities. Until 1980—when the Foreign Service act established the new statutory State IG—these inspections had always been performed by departmental management.

The role of the independent audit organization, on the other hand, should be to evaluate how well agency management is carrying out its basic management responsibilities, including its routine monitoring and assessment functions. (See ch. 3, p. 15.)

STATE'S MANAGEMENT IS PERFORMING AN IG FUNCTION—INVESTIGATIONS

GAO found that the State Department IG has little operational control over investigations into allegations of fraud, waste, and abuse. Instead, the IG relies on State's Office of Security to assign the case, plan the approach, and conduct the investigation.

Although the legislative history for the 1980 act indicates that the IG could continue conducting investigations jointly with the Office of Security to ensure that the investigations do not jeopardize national security, GAO believes the present arrangement constitutes an organizational impairment to the independence of the investigative process because *the investigative entity—the Office of Security—is located within State's management hierarchy.* Also, both the timeliness and quality of investigations have suffered because the Office of Security has other high-priority responsibilities and its

staff are not adequately trained to handle IG investigations.

State officials told GAO that the Department is acting to improve investigative timeliness and quality (primarily by reorganizing the Office of Security and establishing a new General Fraud and Malfeasance Branch staffed with experienced investigators). However, this will not eliminate GAO's concern about management investigating itself. (See ch. 4, p. 19.)

GREATER EMPHASIS IS NEEDED ON COMPLIANCE WITH GOVERNMENT AUDIT STANDARDS

Although the Foreign Service Act of 1980 requires that IG inspections and audits comply with Government audit standards, GAO found the standards are not being complied with and the quality of the IG's work has been adversely affected by the State IG (1) using staff who do not have adequate audit experience and training, (2) requiring staff to operate under severe time constraints, and (3) *not requiring staff to adequately document their work.*

IG officials maintain that the use of Foreign Service officers who have not received adequate audit training, and the time constraints under which the staff are required to operate, have not adversely affected the quality of the IG office's work. Although *IG officials acknowledge their staff's workpapers do not meet Government audit standards* they believe the workpapers are adequate for their purposes. (See ch. 5, p. 23.)

RECOMMENDATION TO THE CONGRESS

GAO believes the exceptions contained in the 1980 legislation to the basic IG concept embodied in the Inspector General Act of 1978 have contributed to problems GAO found with the State IG's independence and effectiveness. (See p. 29.) Accordingly, GAO recommends that the Congress either (1) *repeal section 209 of the Foreign Service Act of 1980 and* place the State Department IG under the inspector General Act of 1978 or (2) *conform section 209 to the Inspector General Act of 1978.*

RECOMMENDATIONS TO THE SECRETARY OF STATE AND THE INSPECTOR GENERAL

GAO recommends that the Secretary of State and the Inspector General work together to establish a permanent IG staff of qualified auditors, and discontinue the IG office's reliance on a temporary staff whose tenure, promotions, and reassignments are decided by departmental managers.

GAO also recommends that the Secretary and the Inspector General establish an investigative capability within the IG office to enable the IG office to conduct its own investigations. In this regard, they should consider transferring from the Office of Security to the IG office those qualified investigators assigned to the Office of Security's new General Fraud and Malfeasance Branch.

In addition, GAO makes other recommendations to the Inspector General to improve the office's independence and effectiveness. (See p. 30.)

AGENCY COMMENTS

GAO did not obtain official State Department comments on the report but discussed the issues in the report with State IG officials and incorporated their views where appropriate.

CHAPTER 1—INTRODUCTION

In recent years, the Congress has enacted several public laws establishing independent statutory inspector general (IG) offices in 18 major Federal departments and agencies. Of the 18 offices, 15 were established pursuant to the Inspector General Act of 1978 (Public Law 95-452, Oct. 12, 1978), as amended,[1] which contains uniform principles and standards for the operation of these offices.

Each of the other three IG offices was established pursuant to its own specific authorizing legislation, the provisions of which differ in some respects from those contained in the 1978 act. However, conforming amendments enacted in 1980 brought the authorizing legislation for two [2] of these three IG offices into line with the Inspector General Act of 1978, in terms of the IG's legislatively mandated duties and responsibilities. *Only the authorizing legislation[3] for the Department of State's IG office (State IG) continues to differ in several major respects from the 1978 act.*

In recognition of these differences, and in keeping with (1) the House Government Operations Committee's responsibility to oversee legislation creating statutory IG offices and (2) the Legislation and National Security Subcommittee's jurisdiction over the Department of State, the Subcommittee Chairman asked us to help the Subcommittee compare the State IG with the IGs of other departments and agencies. (See app. I.) Among other things, the Chairman specifically requested that we compare section 209 of the Foreign Service Act of 1980 with the Inspector General Act of 1978, and determine how significant differences in the two acts affect the work of the State IG. A more detailed discussion of our review objectives, scope, and methodology is included at the end of this chapter.

STATE IG LEGISLATION DIFFERS FROM THE 1978 INSPECTOR GENERAL ACT

The inspector general concept, as set forth in *the 1978 Inspector General Act, consolidates auditing and investigative responsibilities under a single senior official who reports directly to the agency head or officer next in rank below the head.* This results in independent and objective units which conduct and supervise audits and investigations relating to programs and operations of their respective departments and agencies. The inspectors general are intended to provide leadership and coordination and recommend policies (1) to promote economy and efficiency in the administration of programs and operations and (2) to prevent and detect fraud and waste. They also provide a means for keeping agency heads and the Congress informed about administrative problems and deficiencies, the effectiveness of programs and operations, and the need for and progress of corrective action.

The State Department was initially included in the proposed legislation to create independent statutory IGs in major Federal departments and agencies (subsequently enacted as the Inspector General Act of 1978). *The Department argued that it should not be included in the legislation because of its unique foreign policy responsibilities.* In 1980, the Congress again considered amendments to include the State Department under the 1978 act; it subsequently chose to accept an alternative proposal to allow State to have its own special IG legislation—section 209 of the Foreign Service Act of 1980.

Section 209 of the Foreign Service Act of 1980 has several features that set it apart from the 1978 IG legislation. A detailed analysis of the differences and similarities between the two acts is in appendix II. Some of the more important differences are summarized below:

The 1978 IG legislation makes IGs responsible for performing audits and investigations and other activities related to economy, efficiency, and effectiveness in the administration of programs and operations. In addition to the duties and responsibilities outlined in the 1978 legislation, the 1980 Foreign Service Act requires that the State IG *inspect* and audit each Foreign Service post, bureau, and other operating units within the Department to determine whether they are complying with U.S. foreign policy objectives.

The 1980 Foreign Service Act requires that these inspections and audits of posts, bureaus, and other operating units be done at least once every 5 years. *The 1978 legislation establishes no such audit cycle for the other inspectors general, nor does it require that they audit each organizational entity.*

Because of the need to perform the inspection and audit function discussed above, *the 1980 Foreign Service Act requires that the State IG staff have, in addition to the individual qualifications required of an agency IG in the 1978 legislation, knowledge and experience in foreign affairs.*

Both the 1978 and 1980 acts authorize the inspectors general to select, appoint, and employ such persons as necessary to carry out their statutory responsibilities. The 1980 act additionally authorizes the State IG to assign persons from operational units within the State Department and the Foreign Service to the IG office.

Both the 1978 and 1980 acts authorize inspectors general to investigate allegations of waste, fraud, and mismanagement. However, the 1980 act's legislative history indicates the State IG could continue conducting investigations jointly with the Department of State's Office of Security to ensure that the investigations do not jeopardize national security.

STATE IG RESPONSIBILITIES, ORGANIZATION, AND STAFFING

All audit, inspection, and investigation activities within the Department of State are performed by or under the direction of the Office of Inspector General, which is in Washington, D.C. The State IG has two Deputy Inspectors General, an Assistant Inspector General for Audits, and an Assistant Inspector General for Investigations.

In fiscal 1982, the State IG was authorized 76 positions: 11 managers, 50 inspectors, and 15 support staff. The total fiscal 1982 IG

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[1] Public Law 95-452 initially established statutory IG offices in 12 Federal departments and agencies including Agriculture, Commerce, Housing and Urban Development, Interior, Labor, Transportation, Community Services Administration, Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, Small Business Administration, and the Veterans Administration. It was subsequently amended to include the Department of Education (Public Law 96-88, Oct. 17, 1978), the Agency for International Development (Public Law 97-113, Dec. 29, 1981), and the Department of Defense (Public Law 97-252, Sept. 8, 1982), for a total of 15 statutory IGs under the 1978 act.

[2] Public Law 94-505 (Oct. 15, 1976) and Public Law 95-91 (Aug. 4, 1977), which established statutory IG offices within the Department of Health, Education, and Welfare (now Health and Human Services) and the Department of Energy, respectively, were amended by Public Law 96-226 (Apr. 3, 1980) to conform their legislatively mandated duties and responsibilities in certain respects to those contained in the 1978 act.

[3] Sec. 209 of the Foreign Service Act of 1980 (Public Law 96-465, Oct. 17, 1980).

budget was $3.5 million, of which $2.6 million was for salaries.

The State IG is staffed with both temporarily assigned Foreign Service officers and audit-qualified professionals. The Foreign Service officers generally serve 2-year tours in the IG office, after which they rotate to other positions in the Department. The audit-qualified professionals have been hired primarily for their audit skills from various Government audit agencies, including the General Accounting Office (GAO). They initially serve 4-year tours in the IG office and then rotate into other positions in the Department.

OBJECTIVES, SCOPE, AND METHODOLOGY

At the request of the Chairman, Subcommittee on Legislation and National Security, House Committee on Government Operations, we reviewed the operations of the Department of State Inspector General's office to determine (1) how the differences between the Inspector General Act of 1978 (Public Law 95-452) and the Foreign Service Act of 1980 (Public Law 96-465) affect the State IG's work and (2) whether the IG is meeting GAO's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" (hereafter referred to as Government audit standards). Our review focused on the State IG operations since passage of the Foreign Service Act of 1980.

We made our review at the State IG office and at other departmental bureaus in Washington, D.C.; and at U.S. missions in Belgium, Denmark, Mali, Norway, Pakistan, Senegal, Tunisia, and Turkey.

We analyzed the legislative histories of the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 to compare and contrast the similarities and differences between the two acts. We reviewed Federal laws, regulations, and implementing instructions relating to the IG's audit, inspection, and investigative responsibilities. We also reviewed the organization and functions of the State IG in relation to the 1980 Foreign Service Act and Government audit standards.

To evaluate the adequacy and usefulness of the State IG inspections and to determine whether they comply with Government audit standards, we reviewed recent IG inspection reports on seven foreign posts (Belgium, Denmark, Mali, Norway, Pakistan, Senegal, and Turkey). These posts were selected in consultation with State IG management to provide a cross-section of foreign posts inspected by the IG and of the problems and issues an inspector might find. We visited each foreign post to discuss the adequacy and value of IG inspections with mission officials including ambassadors, deputy chiefs of mission, and section heads.

In Washington, we reviewed the IG workpaper files to determine whether findings, conclusions, and recommendations contained in the inspection reports were adequately supported. We discussed the IG inspection concept and process with Department of State managers including desk officers, executive directors, directors, and deputy assistant secretaries of regional bureaus. In addition, we accompanied an IG inspection team to Tunis, Tunisia, to observe an inspection that was underway.

To determine whether the IG audits complied with Government audit standards we judgmentally selected and reviewed IG working papers and reports for seven audits conducted during calendar 1981 and 1982. We discussed four of these audits with the State Department officials responsible for the audited area to obtain their views on the adequacy and value of the IG audit.

To evaluate the State IG's investigative responsibilities we judgmentally selected 20 investigations from the IG's log of about 300 open and closed case files. We later selected nine additional investigations after interviews and discussions with IG and departmental officials. We reviewed both the correspondence and investigative files in the IG's office, and the investigative files in the special assignment staff and passport and visa branches of State's Office of Security.

We interviewed officials in the IG office and the Office of Security to obtain their views on the investigative process. We did not verify the statistics on investigations provided to us by the IG and we accepted the IG staff's judgements about the quality of the investigative work done by Office of Security personnel.

We reviewed the personnel summaries of the training and experience of Foreign Service officers assigned to the State IG office as of April 1982 to evaluate whether their experience and training sufficiently qualified them to serve as auditors/inspectors in accordance with Government audit standards.

We interviewed officials from 15 other statutory inspector general offices to compare their operations to that of the State IG and to obtain their views on activities we had observed there. Finally, we interviewed selected former and current IG staff members to discuss issues raised during our review.

The scope of our efforts to comprehensively review the State IG's operations was impaired because *the IG workpapers we reviewed, which were intended to support selected inspection and audit reports, were generally inadequate.* This prevented us from determining whether the findings, conclusions, and recommendations contained in IG reports were valid.

Our review was made in accordance with Government audit standards except for the limitation discussed above. Also, we did not obtain official State IG comments on our report, although we did discuss the issues in the report with appropriate IG officials.

CHAPTER 2—MORE INDEPENDENCE IS NEEDED WITHIN STATE'S OFFICE OF INSPECTOR GENERAL

Section 209 of the Foreign Service Act of 1980 requires that the Department of State's Office of Inspector General comply with Government audit standards in carrying out its inspection and audit functions. Regarding the issue of independence, these standards state:

"In all matters relating to the audit work, the audit organization and the individual auditors, whether government or public, must be free from personal or external impairments to independence, must be organizationally independent, and shall maintain an independent attitude and appearance."

These standards place the responsibility for maintaining independence upon auditors and audit organizations. Auditors should consider not only whether they are independent and their own attitudes and beliefs permit them to be independent, *but also whether there is anything about their situation that might lead others to question their independence.*

Our review disclosed, however, a number of situations in which the independence of the State IG's inspection, audit, and investigative[1] functions has been or could be perceived as impaired. Most of the examples we identified fall within three broad areas. First, the State IG relies on a temporary staff comprised of both Foreign Service officers and audit-qualified professionals to conduct its inspections and audits even though these staff members routinely rotate among IG and management positions within the organizations they review, and major decisions affecting their careers—such as tenure, promotions, and future assignments within the Department—are determined by State Department management rather than by the IG office.

Second, the State IG relies upon the Department's Office of Security to conduct most of the investigations of fraud, waste, and abuse. Because most State investigations involve overseas locations, the Office of Security uses its overseas security staff to perform the investigative work. *These personnel, however, face personal and external impairments to their independence when they are assigned to investigate their own supervisors, other senior post officials, and individuals with whom they live and socialize at foreign posts.*

Finally, the Inspector General's active participation on departmental policy and decisionmaking committees could lead others to question the IG office's independence on subsequent reviews of the programs or organizations affected by these committees.

STAFFING AND PERSONNEL PRACTICES IMPAIR INDEPENDENCE OF STATE IG

Government auditing standards state that when auditors encounter any situations that affect their ability to work and report findings impartially, they should consider their independence impaired and decline to perform the audit. *The standards describe several circumstances in which an auditor cannot be impartial.* These include the following:

Official, professional, personal, or financial relationships that might cause the auditor to limit the extent of the inquiry, to limit disclosure, or to weaken the audit findings in any way.

Previous involvement in a decisionmaking or management capacity that would affect current operations of the entity or program being audited.

Biases that result from employment in, or loyalty to, a particular group, organization, or level of government.

Influences that jeopardize the auditor's continued employment for reasons other than competency or the need for audit services.

All these criteria appear to be directly applicable to staffing and personnel practices discussed in this section.

IG staff face impairments to their independence

Unlike other statutory inspectors general, the State IG does not have a permanent staff. *Approximately half the State IG staff are Foreign Service officers on 2-year details. The other half are audit-qualified pro-*

[1] Section 209 of the Foreign Service Act of 1980 does not require that the State IG's investigations comply with Government audit standards. In fact, there are no Government-wide investigative standards. We believe, however, as we stated in our report "DOD Can Combat Fraud Better By Strengthening Its Investigative Agencies" (AFMD-83-33, Mar. 21, 1983), that investigations should be carried out by personnel and organizations that are independent of department operations.

fessionals hired from other auditing organizations, who rotate in 2- to 4-year cycles between the IG office and administrative positions in the Department and at foreign posts. We believe their previous involvement in decisionmaking and management positions could affect the objectivity and impair the independence of such individuals.

These Foreign Service officers and audit-qualified staff face further impairments to their independence: major decisions affecting their careers are controlled by management rather than by the IG. For example, we were told that *promotions for Foreign Service personnel, including both audit-qualified staff and Foreign Service officers assigned to the State IG, are based on annual evaluations by promotion boards set up by the Department's personnel office. These boards, which consist of Foreign Service officers and non-State Department officials, select the people who will be promoted.* This means that IG staff promotions are determined or influenced by individuals whose functions and activities may have been inspected or audited by the IG staff. Awareness of this could impair the independence of the staff in carrying out inspections and audits.

Along the same vein, *audit-qualified professionals hired initially as IG inspectors must receive Foreign Service tenure after 3 to 5 years or leave the State Department.* The tenuring process is also administered by the Department's personnel office. *It involves tenuring boards consisting entirely of Foreign Service personnel who evaluate a candidate's suitability for the Foreign Service* and, in the case of audit-qualified individuals, the candidate's ability to perform auditing work. Again, *the State IG office has no control over this process.* This situation is similar to that of the promotion boards and could adversely affect the objectivity and impartiality of the audit-qualified staff.

Finally, *reassignments from the State IG office of both Foreign Service officers and audit-qualified professionals are determined by the Department's personnel office.* Decisions are based on expressed preferences and the needs of the Department. *The State IG office has no control over the process.* The desire of IG staff to receive favorable assignments after their State IG tour could, again influence their objectivity.

In discussing these issues with the IG management, the Inspector General told us he firmly believes in using rotational or temporary staff. He said he would not want a staff of only audit-qualified professionals or only Foreign Service officers. He believes both types are needed. Further, the Inspector General felt his office was too small to be able to have a career ladder for a permanent staff. He said that only by rotating the audit-qualified professionals into departmental positions can he offer them career opportunities.

Although IG officials acknowledge that major career decisions concerning their staff are decided by State Department management rather than by the IG office, they did not believe this represented an impairment to the IG's independence. The officials further noted that the Foreign Service places a high premium on integrity.

We believe the various staffing and personnel practices discussed above represent impairments to the independence of the State IG office and its staff, and are contrary to Government audit standards.

Subsection 209(c)(1) of the Foreign Service Act of 1980 states that the State IG *shall comply* with generally accepted Government audit standards in carrying out the inspection and audit activities under the act. Although this subsection does not mention any specific exceptions to this requirement, subsection 209(e)(2) provides that at the IG's request, State employees and Foreign Service officers may be assigned to the Inspector General. *It expressly states, however, that the individuals so assigned "shall be responsible solely to the Inspector General, and the Inspector General or his or her designee shall prepare the performance evaluation reports for such individuals."* The latter provision appears to indicate that the Congress wanted to provide at least some degree of independence to these individuals while assigned to the IG's office. Other indicators in the legislation of congressional intent regarding independence include: (1) the requirement that only the President may appoint or remove the State IG; (2) the restriction against the assignment of general program operating responsibilities to the State IG; and (3) the prohibition against any State official preventing or restricting the State IG from initiating, carrying out, or completing any audit or investigation.

However, the House Committee report on the 1980 act states that:

"* * * Due to the peculiar nature of the office of the Inspector General of the Foreign Service and its responsibilities concerning the activities and operations of Foreign Service posts overseas, the committee believes that it is not only unnecessary but also undesirable to legislate the kind of independence which is contained in the Inspector General Act of 1978. * * *"

The Committee report was silent as to the specific application of this statement. Accordingly, we believe there is some question as to the intent of the Congress regarding the degree of independence expected of the State IG.

We firmly believe independence is the cornerstone of any audit organization, and as long as the State IG is allowed to continue the staffing and personnel practices described in this chapter it will never achieve the degree of independence needed to function as an effective audit entity. Moreover, we found nothing peculiar or unique about the State IG office's responsibilities that would justify its having less independence than other statutory IGs.

Others also acknowledged impairments to independence in State IG office

The State IG's own staff, the State Department officials they audit, and officials from other statutory IGs we interviewed have also raised questions about the State IG office's independence because of its staffing and personnel practices.

State IG Staff

Some State IG staff members acknowledged that they face potential impairments to their independence. For example, we asked 14 current and former Foreign Service officer inspectors to comment on whether they consider themselves independent and whether they believe others view them as independent.[2] Although *all said they believe they personally are independent, seven acknowledged that their independence could be questioned by others.* One of the seven told us that Foreign Service officers have an inherent conflict of interest in auditing or inspecting activities they previously performed, and that the IG's audit-qualified staff are also put into compromising positions because of their desire to rotate into the Foreign Service. Another officer told us that while auditing a particular departmental bureau, he was in the process of trying to arrange for his rotation out of the IG office. He noted that since the bureau he was auditing had input into the assignment selection process, others could question his independence.

Eight out of nine current and former audit-qualified professionals whom we asked to comment on their independence acknowledged that their rotation in and out of management positions within the department could raise independence questions.

For example, *one staff member stated that "the name of the game" in the IG office is making contacts to try to get a good assignment after leaving that office.* It was his opinion that, as a result, no one in the IG office wants to push big problems through the system because it would be like "shooting yourself in the foot" (that is, jeopardizing your chances of getting a good assignment after the IG tour). This staff member further stated that he does not believe he is as independent as he was at a previous audit agency because of this need to make contacts within State.

Another staff member said that from a professional audit organization standpoint, the State IG office is not independent because staff tenure, promotions, and reassignments are decided outside the IG office. He also said Foreign Service officers temporarily assigned to the IG office might not be objective.

Departmental Officials

Some departmental officials who were audited by the State IG also believed the IG's staff faces impairments to its independence. Six out of 12 departmental officials we asked to comment on the IG's use of temporary staff, particularly the use of Foreign Service officers, said that the use of temporary staff did raise questions about the State IG's independence.[3] For example, one official stated that, in his opinion, the IG office could never be independent or objective because no matter what assignment Foreign Service officers were currently in—whether in the State IG, an embassy, or a departmental bureau—they were always considering promotion potential and their next possible assignment. He observed that when Foreign Service officers are assigned to the IG office, the Department has Foreign Service officers auditing themselves.

Other Statutory IGs

All officials from the other 15 statutory IGs we contacted said that, in their opinion, relying primarily on temporary staff who rotate back and forth between management and the IG's office would create serious impediments to any IG's independence. Further, officials from these IGs stated that they would not staff their offices with temporary or rotational staff because of the potential independence problems.

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[2] At the time we initiated our review, the IG's inspection staff consisted of abut 27 Foreign Service officers (including 4 retired officers brought back to serve as inspectors for a temporary period) and 21 audit-qualified professionals. We selected staff for interviews on this and other issues discussed in this report primarily based on their availability. Most of the former IG staff members we contacted were located in Washington, D.C.

[3] The departmental officials we interviewed were familiar with the five IG domestic reviews we judgmentally selected for review.

Earlier GAO report questioned practice of using temporary staff in State IG office

In a 1978 report to the Congress, we pointed out that the practice of detailing Foreign Service officers to the State IG for temporary tours as inspectors raised questions about their independence.[4] Specifically, we noted that:

"The fact that Foreign Service Officers are detailed as inspectors for temporary tours of 2 years and then reassigned to activities which they may have evaluated has negative as well as positive aspects. On the one hand, the Foreign Service Officer has extensive experience in the foreign affairs area, but on the other hand, this same experience could lead the officer to accept the present operating methods without raising questions that might occur to independent observers. The likelihood and the awareness that an inspector will later become one of the inspected officers in a new role as an Ambassador, deputy chief of mission, political officer, or economic/commercial officer could constrain him from reporting as candidly as he otherwise might. These circumstances and the inspectors' own close relationships with the Foreign Service and its functions tend to dilute their independence and lessen others' confidence in the completeness and objectivity of their inspections and reporting * * *."

At the time of our earlier review, the Foreign Service Act of 1946, as amended, required that Foreign Service officers be detailed to the State IG office as inspectors. Based on our findings in the 1978 report, we recommended that the Congress amend the 1946 act to eliminate this requirement.

When the Congress enacted the Foreign Service Act of 1980, the requirement was dropped; however, as previously discussed, the act allows the State IG to continue to use temporarily assigned Foreign Service officers. In summary, the 1980 act permits the new statutory IG to follow the same staffing practices as the predecessor IG organization which was an integral part of management's internal review process.

INDEPENDENCE IMPAIRMENTS ALSO HAMPER STATE IG INVESTIGATIONS CONDUCTED BY THE OFFICE OF SECURITY

As discussed in more detail in chapter 4, the State IG relies upon the Department's Office of Security to investigate most charges of fraud, waste, and abuse rather than establishing its own in-house investigative capability as the other statutory IGs have done. Because most State investigations involve overseas locations, the Office of Security uses its security staff to perform the investigative work. We found, however, that these investigators face serious personal and external impairments to their independence.

Although they officially report to the Office of Security in Washington, D.C., the security officers are subject to the administrative direction of the chief of mission or his designee, and receive performance appraisals from senior post officials. Sometimes they are put in the precarious position of having to investigate their own supervisors or other high ranking post officials. Also, the security officers live and socialize with individuals whom they may have to investigate. We believe these personal relationships could affect their ability to conduct impartial investigations.

Our review of investigative case files and discussions with Office of Security personnel disclosed several examples that illustrate the seriousness of the impediments confronting these investigators. In one case, post officials refused to allow a security officer to send investigative information to headquarters supervisors. The security officer attempted to cable to headquarters superiors information on the investigation's status and the anticipated investigative approach. The security officer was informed by post officials that the cable could not be sent as written. According to the investigator, post officials wanted to delete a great deal of information because they did not want their "dirty laundry" seen by everyone. The investigator told us he was instructed by post officials not to communicate in any way with *Office of Security officials. The officer had to make a special trip to Washington to brief headquarters superiors.*

In another case, a security officer who was asked to help investigate an allegation involving an administrative consular, deputy chief of mission, and ambassador, was subjected to "verbal and cryptic threats" from the officials implicated in the investigation. *He was told that eventually he was going to pay for his involvement and that his future career in the Department was dead.* He told us that after the investigation was completed, working and socializing with employees at the embassy became very difficult because people were always wondering if he was looking over their shoulders. The officer said that *because he was continually harassed and threatened, and because he was ostracized by many employees, he rotated to another post.*

In a third case, the Office of Security did not use the local security officer to conduct an investigation at a particular post because it recognized that the officer's involvement would place him in an unfavorable light with post personnel. *The investigation was delayed about 9 months while the Office of Security made arrangements for another officer to investigate the case.*

Office of Security officials acknowledged that this type of conflict is inherent in their investigative process. They pointed out, as an example, that *special investigator communications channels used for contacting Office of Security headquarters supervisors are routinely monitored by post officials.* In June 15, 1982, testimony before the Senate Permanent Subcommittee on Investigations, a former Department of State security officer confirmed this when he stated:

"* * * Many of my confidential telegrams to the Office of Security in Washington regarding the status and direction of this investigation had received unnecessary distribution within the embassy. Consequently, my activities were compromised to the suspects early in the investigation."

We believe the problems discussed in this section help support the position we take in chapter 4 regarding the need for the State IG office to develop its own inhouse investigative capability. Officials from all the other statutory IG offices we contacted stated that the independence of investigations would always be subject to question if the IG did not conduct its own investigations.

THE INSPECTOR GENERAL'S INVOLVEMENT IN DEPARTMENTAL DECISIONMAKING PROCESSES IMPAIRS HIS OFFICE'S INDEPENDENCE

As discussed earlier in this chapter, generally accepted Government audit standards identify circumstances in which auditors cannot be impartial because of their view or personal situation, including previous involvement in a decisionmaking or management capacity that would affect current operations of the entity or program being audited.

We believe the Inspector General's involvement with two key State Department committees—the Priorities Policy Group and the Committee on Foreign Service Posts—places him in a situation where his independence could be questioned.

The Priorities Policy Group, chaired by the Under Secretary for Management, formulates the Department's budget, prepares options and recommendations, and implements major management decisions. In addition to the Inspector General, we were told other members include the Comptroller, Director General of the Foreign Service, Director for Policy and Planning, and the Director of Management Operations.

Also, the Inspector General is a voting member of the Committee on Foreign Service Posts which acts in an advisory capacity on any proposal to open, close, or change the status of a diplomatic mission or a consular post. Other committee members include the Director General of the Foreign Service; Assistant Secretary for Administration; Assistant Secretary for Consular Affairs; and the Director for Management Operations. The committee forwards its recommendations to the Under Secretary for Management for consideration.

The Inspector General maintains that his role on both committees is strictly advisory and that his office's independence is not impaired by his participation. He said he serves on the two committees to help ensure compliance with his office's inspection and audit report recommendations.

While we agree that IG recommendations should be considered by these committees, we do not believe it is necessary for the Inspector General to participate on them to ensure compliance. Further, we believe the IG office's independence is impaired by the Inspector General's participation. In the case of the Priorities Planning Group, by participating on a group that is involved in the Department's budget process, the Inspector General is taking the role of a departmental manager thereby impairing his office's independence. For example, one departmental manager who attends the group's meetings commented to us that the Inspector General is a respected committee member who actively participates in the committee's deliberations.

While the other committee's function is advisory, the Under Secretary for Management told us he places a great deal of reliance on the committee's recommendations. We believe the Inspector General is assuming a role similar to that of other committee members—his involvement can be perceived as being that of a decisionmaker or manager and not that of an independent auditor.

The independence problems caused by the Inspector General's involvement in departmental decisionmaking processes are not unique to the State IG. We have noted similar situations involving other IGs.

CHAPTER 3—STATE'S INSPECTION FUNCTION SHOULD BE PERFORMED BY DEPARTMENTAL MANAGEMENT RATHER THAN BY THE OFFICE OF INSPECTOR GENERAL

For many years, the State Department had been required by law to conduct "inspections" of each foreign post at least once every 2 years, and to use Foreign Service officers to conduct these inspections. *Accord-*

[4] "State Department's Office of Inspector General, Foreign Service, Needs to Improve Its Internal Evaluation Process" (ID-78-19, Dec. 6, 1978).

ing to State officials, these periodic inspections are the only comprehensive means it has for routinely monitoring and assessing the operations of its overseas posts. Prior to the Foreign Service Act of 1980, this function was performed by agency management, primarily through one or more of the agency's internal review organizations (including an "inspector general" administratively established by State within the Foreign Service).

However, when the Congress enacted the Foreign Service Act of 1980 it required that routine inspections of all foreign posts and domestic bureaus be performed by the new statutory IG. We believe this legislatively mandated responsibility is a program function that more properly belongs to agency management—not to an independent statutory IG.

Government managers, as an inherent part of their basic management responsibility, are expected to routinely monitor and assess their own operations to assure themselves, their superiors, legislators, and the public that their programs and operations are well controlled and meet intended goals and objectives. The role of the independent audit organization, on the other hand, is to evaluate how well agency management is carrying out its basic management responsibilities, including its routine monitoring and assessment function.

INSPECTIONS HAVE TRADITIONALLY BEEN PERFORMED BY DEPARTMENTAL MANAGEMENT

The inspection function began at the Department of State in 1906 as a means of checking on consular activities abroad. At that time, departmental management had no means of knowing whether the consuls at a station were doing their work properly, except from information that casually found its way to the Department from letters or conversations of American travelers.

Legislation enacted in 1906 established five "Consuls General at Large" to inspect consular offices at least once every 2 years. The Rogers Act of 1924 changed the title "Consuls General at Large" to "Inspectors" and required that Foreign Service officers be detailed to inspect foreign post activities. The Foreign Service Act of 1946 continued this activity and further required that diplomatic and consular posts be inspected in a substantially uniform manner at least every 2 years.

In 1957, the State Department administratively established an inspector general office within the Foreign Service, and assigned to it the responsibility for the overseas inspections. Basically, this office was an internal review organization which received day-to-day guidance from the Deputy Under Secretary for Management and was, in effect, agency management's mechanism for routinely monitoring and assessing foreign post activities.

After several reorganizations to streamline and improve its internal review and evaluation activities, the Foreign Service Inspector General began using "conduct of relations" teams in 1973 to perform the legislatively mandated inspection function.

In our 1978 report, we noted that the conduct of relations teams usually consisted of two or three Foreign Service officers and one auditor. The Foreign Service inspectors examined economic, commercial, and political affairs and related policies, programs, and objectives; while the auditor generally reviewed budget and finance, administrative, and general services activities. The team then issued a single report covering all aspects of the inspection (the term "inspection" includes all monitoring activities performed by the team, including the auditor). Our 1978 report criticized both the inspection process and the resulting reports on several important issues. Among other things:

The inspections focused mainly on individual posts and followed the same fixed guidelines year after year.

The inspectors tried to cover too many areas in too little time, and did not cover any of them in depth.

The inspectors did not do sufficient work to identify the underlying causes and make meaningful recommendations to correct the problems noted during the inspection.

The inspectors seldom dealt with substantive matters. For example, in one case concerning an economic/commercial section at one embassy, inspectors reported numerous factual and evaluative comments on the staffing, experience, dedication, and competence of personnel in the section. They also reported the section was engaged in economic reporting on a wide range of subjects of keen interest to the United States. The inspectors, however, did not evaluate any of the economic reporting subjects from the standpoint of (1) relationship to overall U.S. interests, (2) specific projects or efforts being undertaken or planned, (3) actual or potential issues, problems, and controversies involved, (4) possible solutions, and (5) obstacles that might be impeding selection. Such information would provide a better insight into how the section was accomplishing its purpose.

Finally, we reported that about 68 percent of the Foreign Service Inspector General's staff resources and about 75 to 80 percent of its other expenses were being devoted to conduct of relations inspections, and that there was a need for the Inspector General to concentrate on more substantive work, including (1) regional or worldwide expanded-scope efficiency and economy audits, and (2) program results reviews of agency programs and activities.

1980 ACT REQUIRES THAT INSPECTON FUNCTION BE PERFORMED BY NEW STATUTORY IG

In addition to the normal IG functions outlined in the 1978 act, the 1980 act requires that the State IG inspect and audit each Department of State foreign post and domestic unit at least once every 5 years. Our review disclosed that the routine inspection function performed by the new statutory IG has not changed significantly from the way it was handled by agency management's internal review organization, and that most of the problems discussed in our 1978 report still exist.

As discussed elsewhere in this report, the authorizing legislation for State's new statutory IG office contains several exceptions and deviations from the provisions of the 1978 act. *These allow it to continue to operate in essentially the same manner as the old Foreign Service Inspector General office, which was an internal review organization under agency management.* One of the most significant deviations is that the 1980 act requires State's statutory IG to inspect and audit *all* foreign posts and domestic bureaus *at least once every 5 years.*

The statutory IGs under the 1978 act, on the other hand, are not required to review all organizational units within their respective agencies, *nor are they required to conduct their reviews and evaluations within a legislatively mandated period. Instead, they have the discretion to spend their resources on the reviews and evaluations that have the greatest potential payoff in improved agency programs and operations. Only 5 of 15 other statutory IGs we contacted performed any type of inspection function.* However, they said their inspection activities were very limited in relation to their total resources, and were performed as an integral part of their independent audit responsibilities rather than through routine management-type monitoring of agency program activities. In this regard, we noted that *about 50 percent of the State IG's staff resources and about 75 percent of its travel resources were being devoted to overseas inspections.*

ROUTINE INSPECTIONS OF OPERATIONS SHOULD BE PERFORMED BY DEPARTMENTAL MANAGEMENT

We do not believe the State's statutory IG should be specifically charged with routinely inspecting the Department's overseas and domestic operations. Instead, this function should be performed by agency management.

One of the fundamental responsibilities of agency management is to routinely monitor and assess its operations to determine whether its programs are meeting intended objectives efficiently and economically and to render a full account of its activities to the public. Also, feedback obtained through this process gives management essential information it needs to carry out other basic management functions, such as planning, staffing, taking needed corrective actions, and redirecting program operations.

State Department management has not established an internal review mechanism to routinely assess its operations since the inspection function was transferred to the new statutory State IG office. Department managers told us they rely heavily on the State IG inspections because they are the only comprehensive source of information about foreign posts' operations.

While the information obtained through the inspection function may be very important to the departmental managers in making day-to-day decisions concerning program operations as noted above, agency management—not an independent IG—has the primary responsibility for routinely obtaining this type of data. The primary role of the State IG should be to evaluate how well agency management is carrying out its various management functions—one of which is to routinely monitor and assess its operations. This does not preclude the State IG from conducting inspections. The inspection technique may be used by the IG office to check on how well management conducts its inspections or to periodically survey foreign post activities to identify potential audit areas.

In support of our position on the distinction between the respective roles of agency management versus independent audit organizations, it should be noted that when the Congress recently created an independent statutory IG office at the Department of Defense, it did not require that the new IG take over the traditional military inspection function. Although the military services, like the State Department, have a long tradition of performing routine inspections of their various installations and operations, the Congress evidently recognized that military inspections are an internal review and monitoring function that should be performed by management—not by an independent statutory IG. Accordingly, it left the responsibility for these traditional inspections with the individual services.

CHAPTER 4—THE OFFICE OF INSPECTOR GENERAL SHOULD CONDUCT ITS OWN INVESTIGATIONS

State's Office of Inspector General should establish an in-house investigative capability and begin conducting its own investigations of fraud, waste, and abuse like the other statutory inspectors general. The present arrangement wherein the State IG relies upon the Department's Office of Security to conduct most of its investigations presents a number of problems which limit the overall independence and effectiveness of the investigative function within the Department.

As already discussed in chapter 2, the personal and external impairments to independence faced by post security officers when they must investigate their supervisors, peers, or other individuals with whom they work and associate, raise serious questions about their ability to conduct the investigations and report their findings objectively and impartially. We believe *the present arrangement also consititutes an organizational impairment to independence because the investigative entity—the Office of Security—is located within State's management hierarchy.* Finally, both the timeliness and quality of investigations have suffered because the Office of Security has responsibilities of higher priority and its staff are not adequately trained in IG-type investigations.

OTHER STATUTORY IG OFFICES CONDUCT THEIR OWN INVESTIGATIONS

Officials at the 15 statutory IG offices we contacted said they each have their own trained criminal investigators to review allegations of fraud, waste, abuse, and mismanagement. Moreover, their investigators are directly involved in all aspects of assigned cases—from initial processing and planning to investigating and reporting.

These officials said it was their understanding that the Congress intended, under the Inspector General Act of 1978, for each IG office to establish its own independent in-house investigations staff. They explained that unless this function was located within the IG's office, the independence and objectivity of the investigations could be open to question.

STATE IG INVESTIGATIONS ARE CONDUCTED BY THE DEPARTMENT'S OFFICE OF SECURITY

Prior to the establishment of State's statutory IG by the Foreign Service Act of 1980, allegations of fraud, waste, abuse, and mismanagement within the State Department were routinely referred to the Office of Security for investigation. Under the 1980 act, the State IG was given responsibility for conducting these investigations; however, the legislative history of the act indicates that the IG could continue conducting investigations jointly with the Office of Security to ensure that the investigations do not jeopardize national security.

We found that the new statutory IG has continued to operate essentially in the same manner as the previous IG organization by relying almost exclusively upon the Department's Office of Security to conduct its investigations.

Rather than establish an in-house investigative capability like that of the other statutory IGs, the State IG told us he decided to continue using the Department's Office of Security for this purpose on the grounds that it would be more cost effective. He explained that the Office of Security personnel who were conducting most of the investigations were already located at overseas posts, where most of the allegations of fraud, waste, and abuse occur.

The State IG's use of the Office of Security to conduct investigations results in an organizational impairment to the IG's investigative operation because the Office of Security reports to the Department's Under Secretary for Management—a line management unit. *In effect, having the Office of Security conduct IG investigations allows a management unit to investigate allegations against management.*

The State IG office has generally limited its involvement in investigations to a monitoring and oversight role. This role has been handled by the IG's Office of Investigations since its establishment in June 1981. The office is staffed by two former Office of Security investigators who serve as Assistant and Deputy Assistant Inspectors General for Investigations. However, the IG's Office of Investigations has little operational control over investigations because the Office of Security assigns the staff, plans the approach, and supervises the job.

PROBLEMS EXIST WITH TIMELINESS AND QUALITY OF INVESTIGATIONS DONE BY OFFICE OF SECURITY

Although the Office of Security has agreed to give a high priority to IG requests for investigation, it has been unable to do so because its primary mission or protecting life and property has a higher priority. *The Office has four major responsibilities which it considers to be of higher priority than conducting IG investigations:* (1) protecting the Secretary of State, (2) providing security for U.S. diplomatic personnel and facilities abroad, (3) protecting foreign dignitaries, and (4) conducting background investigations on presidential appointees.

The Office of Security's inability to promptly initiate investigations for the IG is reflected in its investigative workload statistics. An analysis by the IG staff showed that *the overall backlog of cases pending investigation had grown from 34 on January 1, 1981, to 156 as of June 1, 1982.* The analysis also showed that many of the cases assigned to the Office of Security had no recorded investigative activity for long periods of time. For example, *about 40 percent of the June 1, 1982, pending Office of Security investigations showed no investigative effort in the previous 30 days; approximately 24 percent had no recorded investigative activity in the past 60 days; and approximately 14 percent showed no activity in 90 days or more.*

Office of Security officials acknowledge the problem. In its 1983 budget request the Office asked for additional investigators, noting that

"With the recent implementation of the Foreign Service Act there has been an increase in emphasis on the prevention, detection, and investigation of Waste, Fraud, and Mismanagement (WFM) cases * * *. However, under our current staffing, we have been unable to provide the requested support to the IG in all instances. Unfortunately, the demands of the other priority cases have created situations in which we are unable to support the IG * * *."

State IG officials identified several cases for us that show that some investigations are delayed for months. For example, in May 1982 the IG requested that the Office of Security reinvestigate a January 1982 case because the final investigative report had "developed nothing of value." *However, the IG's office finally did the investigation itself when it became evident that the Office of Security would be unable to provide an investigator for at least 5 months. Its resources were committed to "heavy protective requirements" through July 1982, and to the United Nations General Assembly session scheduled for September and October 1982.*

The quality of investigations performed for the IG has also suffered. According to State IG officials, *approximately 40 percent of the 62 investigations completed from January 1 to June 1, 1982, had to be returned to the Office of Security for additional work because the investigative effort was not considered adequate. For example, in some cases basic investigative leads had not been pursued and fundamental questions had not been asked; in others, investigative inquiries were superficial.*

State IG officials attribute the inadequate work to a lack of proper investigative training. They said although the *security officers receive training in protective and physical security, and in background/suitability investigations, few receive appropriate training in Federal criminal investigations, particularly in white collar crime and cash flow analysis.*

Office of Security officials told us that while it would be desirable for their investigators to attend appropriate investigative training programs offered by the Federal Law Enforcement Training Center and the Federal Bureau of Investigation, they had been unable to do so because of other high priority responsibilities.

ACTIONS TO IMPROVE INVESTIGATIONS DO NOT GO FAR ENOUGH

According to the State IG, the Office of Security is taking action—principally through a reorganization of its investigative functions—to improve investigative timeliness and quality.

Under the new organization, IG investigations will be conducted by the office of Security's recently established General Fraud and Malfeasance Branch. Office of Security officials said this branch will be staffed with about 17 personnel who have had extensive experience in various phases of law enforcement and criminal investigative work. The staff will also receive specialized training in fraud and white collar crime, which should imporve the training in fraud and white collar crime, which should improve the quality of IG investigations. The General Fraud and Malfeasance staff will be "principally devoted" to IG investigations, according to the officials, and this should improve timeliness.

We agree that the above action could improve the overall quality and timeliness of IG investigations. We note, however, that the specially trained staff could still be diverted to other Office of Security duties (such as protective detail), which could continue to affect investigative timeliness.

In addition to improving quality and timeliness, the planned action should remove some of the investigators' personal and external impairments discussed in chapter 2, since most investigations would be handled out of the Office of Security headquarters. *However, the reorganization will not eliminate our concern about the organizational impairment to the independence of the IG's investigative process—that is, having management investigate itself.* Until the State IG assumes complete responsibility for its investigations, the independence of the investigative process will always be open to question. *We belive this issue can be resolved easily by the State Department permanently transferring to its IG office those Office of Security personnel who have been*

selected to conduct IG investigations. This action would also give the State IG complete operational control over its own investigative activities and bring the State IG into conformance with the other statutory IGs who conduct their own investigations.

CHAPTER 5—GREATER EMPHASIS IS NEEDED ON COMPLIANCE WITH GOVERNMENT AUDIT STANDARDS

The Foreign Service Act of 1980 requires that the State IG's inspections and audits comply with Government audits standards. We found, however, that several standards are not being complied with. As a result, the quality of the State IG's work has been adversely affected by (1) Foreign Service officers being assigned to the IG office without receiving adequate audit training; (2) IG staff being required to operate under severe time constraints, which impairs the scope of their work; and (3) IG staff not being required to adequately document their work.

FOREIGN SERVICE OFFICERS DO NOT RECEIVE ADEQUATE AUDIT TRAINING

Government audit standards place upon the audit organization and the auditor the responsibility for ensuring that the audit is conducted by personnel who collectively have the skills necessary for the type of audit to be done. This standard states, however, that those possessing special skill in a field other than accounting and auditing, as is the case with Foreign Service officers, must receive appropriate audit training.

The State IG does not provide its Foreign Service officers with sufficient audit training to meet the standard. The training provided consists of four basic courses: (1) a 2-day course on auditing methods and Government auditing standards, (2) a 2-day course on interviewing skills, (3) a 3-day inspectors' management seminar, and (4) a 2-day seminar on Government fraud. While these courses provide audit-related information, their length and depth are not adequate to develop the specific skills necessary to be an effective auditor.

Further, as we noted in our 1978 report, training sessions alone do not produce proficient management auditors any more than college courses do. Proficiency in management auditing skills and techniques is acquired and developed mainly through regular exposure on the job. *Two-year terms for inspectors, in our opinion, are not long enough to allow the acquisition of skills essential for effective management review and analysis.*

Of the 10 Foreign Service officers we interviewed on this issue, 9 did not believe the training they received prepared them adequately for their IG duties. Furthermore, all of the nine audit-qualified professionals we interviewed believed that Foreign Service officers did not recieve sufficient audit training to function effectively.

The Inspector General maintains that Foreign Service officers can learn auditing in two years. He said that officers selected for IG assignments are "top-notch" personnel and serve in an on-the-job training capacity for their first few assignments. He also noted their review teams are a mix of both new and experienced staff. He acknowledged that the actual training is less than desirable because of their travel requirements and that Foreign Service officer training is mostly on-the-job, supplemented by classes when time permits. However, he contends there is no evidence that his staff is not doing an adequate job.

We believe insufficient audit training can seriously affect the quality of the State IG's work, particularly in view of the fact that Foreign Service officers were team leaders on about 70 percent of the IG's overseas and domestic reviews during calendar 1981 and 1982. We question the ability of Foreign Service officers, who have received virtually no audit training, to provide proper supervision and ensure that the State IG's work is performed in accordance with Government audit standards.

TIME CONSTRAINTS ADVERSELY AFFECT THE IG'S WORK

Government audit standards state that when an audit's scope is impaired, the audit is adversely affected and the auditor(s) will not have complete freedom to make an objective judgment. According to the standards, an unreasonable restriction on the time allowed to competently complete an audit is considered a scope impairment.

The Foreign Service Act of 1980 requires that the State IG review at least once every 5 years the administration of activities and operations of 253 overseas U.S. diplomatic and consular activities, as well as numerous State Department domestic bureaus and other headquarters operating units. *To meet this requirement, the IG schedules three 14-week cycles each year during which selected foreign posts and domestic units are reviewed. These 14-week cycles, however, severely limit the IG staff's ability to adequately review assigned areas and hamper their ability to comply with Government audit standards.*

IG staff acknowledge adverse effects of time constraints

Some IG staff members acknowledged that the scope of their work has been frequently reduced because of the 14-week work cycles and that this time constraint, among other factors, affected their ability to comply with generally accepted Government audit standards.

For example, *the team leader and several team members responsible for a 1982 review of a major State Department activity felt the time allowed for the review was insufficient.* The team leader wrote on his end-of-assignment evaluation form that one cycle was insufficient to perform necessary tests, complete evaluation of data compiled during the audit, and adequately support recommendations. A team member commented that a single cycle did not allow the team sufficient time to validate its findings and verify its conclusions through visits to selected overseas sites.

In another example, an IG staff member commented that he did not have enough time to cover most assigned areas on overseas reviews and that many times he had to drop areas that should have been audited. Another member told us he was part of a team that reviewed all foreign post operations in six Central American countries during an 8-week period in 1982. He stated he could not adequately review post administrative operations because too many posts had to be covered in the limited time available.

Finally, one *IG staff member told us that on several reviews he had to cut back on the number of issues being looked at to accommodate the 14-week cycle.* He acknowledged that this is a scope impairment and not in accordance with Government audit standards.

In March 1981, the Assistant IG for Audits asked an experienced audit-qualified professional to estimate the staff and time requirements needed to comprehensively review the administrative operations of a foreign post.[1] *The estimates far exceed the resources and time the State IG currently devotes to these areas.* For example, according to the estimate the IG would need about 72 audit-qualified professionals to review each post's administrative functions within the required 5-year period. In addition, about 380 staff days would be needed to review the administrative operations of an individual post.

We noted, however, that the IG's office had only about 20 audit-qualified professionals as of December 1982 and some of these do not work full time on foreign post reviews. *Also, during our observation of an actual IG review in Tunis, Tunisia (discussed below), we noted that the IG team spent the equivalent of about 50 staff-days reviewing the post's administrative operations. This was only about 13 percent of the estimated staff-days needed to adequately perform such a review.*

In discussing the issue of time constraints with the IG management, the Inspector General acknowledged they are working close to the limits but doubted his staff is missing anything major. The other IG officials maintained the office is doing all it can within the available time and resources.

GAO's observations confirm that time constraints adversely affect the IG's work

We observed during the Tunis review that the IG's staff did not conduct a comprehensive review of the post's administrative operations because of insufficient time.

For example, we noted that the staff member responsible for reviewing the post's general services operations had to limit testing and rely largely on testimonial evidence to support the final conclusions and recommendations. The staff member spent about 30 minutes at the post's nonexpendable property warehouse verifying the existence of only six items costing about $3,100 out of an inventory that the general services officer estimated at approximately $2 million. Although the inspection report concluded that "The operations of the General Service unit are exceptionally well managed and the services provided to the mission community are generally timely and efficient," we believe sufficient testing was not done to reach this conclusion.

In another case, we noted that although a staff member believed the post had an excessive number of Foreign Service nationals in one section, time did not permit pursuance of the issue. The staff member could only recommend that the post study its use of these employees.

Foreign post officials believe some IG reviews were not adequate

Some officials at six of the seven foreign posts we visited, which were previously reviewed by the State IG, told us the IG reviews of their operations were superficial or lacked depth. The administrative officer at one post stated he believed the IG staff got bogged down in the routine of their work and did not have time to do an adequate management evaluation. For example, the officer claimed the IG staff overlooked a serious management problem in the personnel section, which he did not disclose to us, and did not adequately analyze his general services operations for evidence of potential fraud, waste, and abuse.

[1] This is just one aspect of a foreign post operation reviewed by IG staff. It includes such functions as contracting, supply management, personnel, and budget and fiscal matters.

At another post, the budget and management officer also told us he did not believe the State IG staff had done enough to adequately review the post's internal controls. Consequently, we reviewed one of the post's petty cash funds *and found the following internal control weaknesses: (1) the responsible U.S. officer was not conducting required cash counts, (2) an unauthorized employee was in charge of the fund, (3) the fund was not properly safeguarded, and (4) cash disbursements were being made from the fund for supplies and materials before the items were actually received.* Our review indicated that the first three weaknesses existed at the time of the State IG review but were not detected. We could not determine whether the fourth problem existed at the time of the IG review. We were also unable to determine the extent of the IG's testing in these areas or identify possible reasons why these internal control weaknesses went undetected because the supporting documentation for this portion of the audit was inadequate.

IG STAFF DO NOT ADEQUATELY DOCUMENT THEIR WORK

Government audit standards require that sufficient, competent, and relevant evidence be obtained to support the auditor's reported findings, conclusions, and recommendations, and that a record of the auditor's work be retained in the form of workpapers. However, we could not determine whether sufficient, competent, and relevant evidence was obtained by the IG staff for 11 of 12 reports we reviewed because the workpapers contained numerous deficiencies. For example:

Several IG reviews appeared to rely extensively on interviews; however, we found no written memorandums of these interviews. Instead, the workpapers contained only handwritten notes which, in some cases, were illegible or not readily understandable without additional explanation. We therefore could not determine how this information was used to support the report.

Most workpapers included numerous documents such as cables and internal memorandums written by the auditee. However, the IG staff usually had not labeled these documents or identified the reason for obtaining them. We again could not readily determine the relevance of these documents. In addition, the workpapers rarely had a table of contents for individual files.

We took workpapers for two IG reports and asked the appropriate staff to identify the workpapers supporting their findings, conclusions, and recommendations. Both persons said they did not have enough time to develop workpapers that met prescribed auditing standards. In addition, they said it was neither necessary nor cost beneficial—in terms of staff time—to create workpapers merely to satisfy GAO review needs. They further questioned the need to meet workpaper standards when—

Quality control over report accuracy is limited to the post officials' review of the IG draft report prior to the team's departure,

No supervisory review of their workpapers has ever been done, and

IG reports are for internal departmental use rather than for external congressional or public use.

One Deputy Inspector General said that the IG office did not follow workpaper standards because (1) although audit-qualified professionals are familiar with the standards, Foreign Service officers assigned to the IG office are not; and (2) IG staff, unlike GAO staff members, seldom get arguments from the auditee, so the IG believes extensive documentation isn't needed. The Assistant IG for Audits told us that, due to the time constraints under which their work is performed, preparing workpapers according to Government audit standards is not a high priority. We also noted that although this official (who is the IG's highest ranking audit professional) is responsible for arranging internal reviews to determine if the IG staff are operating, documenting, and reporting in accordance with Government audit standards, he actually serves in a staff position and has no line authority over the quality of IG work.

We cannot agree with the IG staff's statements questioning the general need to prepare workpapers that meet Government audit standards. *The Foreign Service Act of 1980 requires that the State IG comply with these standards.* Furthermore, adequately prepared workpapers are essential to give the IG a basis for assuring the quality of its staff's work. For all intents and purposes, the State IG does not have a quality review process.

The Inspector General acknowledged that his staff's workpapers are less than adequate. However, he emphasized that because the Department complies with most IG recommendations, workpapers are desirable but not extremely necessary. IG officials further noted they are trying to improve their workpapers.

We believe the factors identified in this chapter adversely affect the quality of the IG's work. They clearly illustrate the need for the State IG to implement a quality review system to ensure that its reviews comply with generally accepted Government audit standards.

CHAPTER 6—CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

In recent years, the Congress has enacted several public laws to establish statutory IG offices in 18 major Federal departments and agencies. The basic duties and responsibilities of 17 of the 18 IGs generally conform to the provisions of the Inspector General Act of 1978, which sets forth uniform principles and standards for the operation of these offices. However, when the Congress established a statutory IG office in the State Department through the Foreign Service Act of 1980, the authorizing legislation and the legislative history included several important exceptions to the basic IG concept embodied in the 1978 act.

We found that these exceptions permit the new statutory State IG to continue to operate in essentially the same manner as the previous administratively established IG rather than functioning like the other independent statutory IGs, particularly in three major areas. Specifically, the statutory State IG has continued to:

Make extensive use of temporarily assigned Foreign Service officers and other persons from operational units within the Department to staff the IG office, even though their independence is seriously impaired and many lack proper audit experience and training;

Conduct routine cyclical inspections of all overseas posts and domestic bureaus, even though this function is a more proper role for agency management than for an independent IG;

Use a unit of management to perform a major IG responsibility: conducting investigations of fraud, waste, and abuse in agency programs. This limits the overall independence and effectiveness of the IG investigative function within the Department.

In summary, we found that little has changed in the State IG's operation since our 1978 report.

We believe the exceptions contained in the 1980 legislation to the basic IG concept embodied in the Inspector General Act of 1978 have contributed to the above deficiencies which impair the independence and effectiveness of the new statutory State IG. Accordingly, we believe section 209 of the 1980 act should be repealed and the State IG brought under the 1978 IG act. In our opinion, all statutory IGs should operate under the same basic authorizing legislation with uniform principles and standards. However, an acceptable alternative would be for the Congress to amend section 209 of the Foreign Service Act to make it conform to the 1978 IG act.

RECOMMENDATION TO THE CONGRESS

We recommend that the Congress either (1) repeal section 209 of the Foreign Service Act of 1980 and create an independent Inspector General in the State Department by placing the Department under the Inspector General Act of 1978 or (2) conform section 209 of the Foreign Service Act of 1980 to the Inspector General Act of 1978.

RECOMMENDATIONS TO THE SECRETARY OF STATE AND THE INSPECTOR GENERAL

We recommend that the Secretary of State and the Inspector General work together to establish a permanent IG staff of qualified auditors, and discontinue the IG office's reliance on a temporary staff whose tenure, promotions, and reassignments are decided by departmental managers.

We also recommend that the Secretary and the Inspector General establish an investigative capability within the IG office to enable the IG office to conduct its own investigations. In this regard, they should consider transferring from the Office of Security to the IG office those qualified investigators assigned to the Office of Security's new General Fraud and Malfeasance Branch.

We further recommend that the Inspector General:

Stop participating in departmental decisionmaking processes such as the Department's Priorities Policy Group and Committee on Foreign Service Posts.

Establish a quality review system to ensure that the work of the office complies with Government audit standards.

APPENDIX I

LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE, COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, February 9, 1982.

Hon. CHARLES A. BOWSHER,
Comptroller General, U.S. General Accounting Office, Washington, DC.

DEAR GENERAL: In keeping with the Government Operations Committee's oversight responsibilites over legislation creating statutory Offices of Inspector General and the Legislation and National Security Subcommittee's oversight jurisdiction over the Department of State, the Subcommittee is this year beginning a comparison of the Department of State Office of Inspector General with the Offices of Inspector General of other departments and agencies. It would be helpful if the General Accounting Office could provide the Subcommittee with background information for this comparison.

With enactment of the Foreign Service Act of 1980, on October 17, 1980, a statutorily-created Office of Inspector General was established in the Department of State. The language of the Inspector General Act of 1978 is substantially incorporated in Section 209 of the Foreign Service Act which established that Office. However, certain provisions in the Foreign Service Act are unique to the State Department Inspector General. We would like the General Accounting Office to compare Section 209 of Public Law 96-465 with Public Law 95-452 and determine how the significant differences in the two Acts impact on the work of the Department of State Office of Inspector General.

In addition, please advise us whether the auditors of the Department of State Office of Inspector General meet the qualifications required by the General Accounting Office standards and whether Foreign Service Officers serving temporary duty assignments meet the GAO standards. Is the Office as currently established meeting required inspection and audit standards? As they study develops, other questions will arise. From time to time it would most probably be helpful for your study team to get together with Subcommittee staff to review progress made and to receive additional details as may be necessary for a mutually beneficial effort.

I would appreciate having this review completed by July 31, 1982. In addition, I would appreciate GAO not discussing the findings, conclusions or recommendations with the Department of State. Thank you for your consideration.

Sincerely yours,

JACK BROOKS,
Chairman.

APPENDIX II

DIFFERENCES AND SIMILARITIES BETWEEN THE INSPECTOR GENERAL ACT OF 1978 AND THE FOREIGN SERVICE ACT OF 1980

The Inspector General Act of 1978 (Public Law 95-452, 92 Stat. 1101) sets forth uniform practices and procedures to be followed by the inspectors general established in 12 executive departments and agencies. This act makes the agency inspectors general primarily responsible for (1) audits, investigations, and other activities related to economy, efficiency, and effectiveness in the administration of programs and operations, and (2) detecting and preventing fraud and abuse in programs and operations.

The 1978 act did not establish inspectors general in the Departments of Defense, Justice, Treasury, or State. The legislative history of the 1978 act indicates doubt about whether to include the Department of State. Instead, the Department was given more time to address the concerns identified by the Congress.

The Foreign Service Act of 1980 (Public Law 96-465, Title 1, sec. 209, 94 Stat. 2080, 22 U.S.C. 3929) established the Inspector General of the Department of State and the Foreign Service (State Inspector General).

The following summarizes the major differences and similarities between the 1978 and 1980 acts.

Duties and responsibilities

The 1978 act assigns broad duties and responsibilities to the agency inspectors general, including the duty to (1) establish policy for and conduct, supervise, and coordinate audits and investigations relating to agency programs and operations; (2) review existing and proposed legislation and regulations relating to programs and operations; (3) recommend policy for and conduct, supervise, or coordinate other activities carried out or financed by the agency to promote economy and efficiency or prevent and detect fraud and abuse in programs and operations; (4) recommend policy for and conduct, supervise, or coordinate relationships between the agency and other Federal agencies, State and local government agencies, and nongovernment entities on the matters detailed in item (3); and (5) keep the agency head and the Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to programs and operations, and recommend corrective action therefor (sec. 4(a)).

The 1980 act does not contain a separate section setting forth the duties and responsibilities of the State Inspector General. The State Inspector General, unlike the IGs established in the 1978 act, is not specifically required to recommend corrective action for identified problems, abuses, and deficiencies. Nor is he required to review legislation and regulations related to programs and operations.

The 1980 act does assign more detailed responsibilities to the State Inspector General as to the timing and scope of its inspections, audits, and investigations. The State Inspector General is required to inspect and audit the activities and operations of each Foreign Service post and bureau and other operating unit of the State Department at least once every five years (sec. 209(a)(1)). The act also requires that any inspection, investigation, and audit conducted by or under the direction of the Inspector General shall include the systematic review and evaluation of these units, including an examination of:

(1) whether financial transactions and accounts are properly conducted, maintained, and reported;

(2) whether resources are being used and managed with the maximum degree of efficiency, effectiveness, and economy;

(3) whether the administration of activities and operations meets the requirements of applicable laws and regulations and specifically, whether such administration is consistent with the requirements of section 105 [of the 1980 act concerning merit principles; protection for members of service; and minority recruitment];

(4) whether there exist instances of fraud or other serious problems, abuses, or deficiencies, and whether adequate steps for detection, correction, and prevention have been taken; and

(5) whether policy goals and objectives are being effectively achieved and whether the interests of the United States are being accurately and effectively represented (sec. 209(b)).

Although the 1978 act does not contain comparable provisions regarding the audit responsibilities of agency inspectors general, the above paragraphs (1) to (4) are traditional audit functions. That is, paragraph (1) is analogous to a financial audit; (2) to economy and efficiency audits; and (3) to a compliance audit.

Paragraph (5) above is characteristic of a program results or effectiveness audit, requiring the State Inspector General to determine whether the United States foreign policy objectives are being achieved. The legislative history indicates that the uniqueness of this requirement sets the State Inspector General apart from the inspectors general established by the 1978 act. The following comment on this requirement appears in the House report:

"* * * In the view of the committee, the historically dual responsibility of the office of the Inspector General to prevent waste and misuse of funds and also to determine compliance with U.S. foreign policy objectives sets this office apart from other Inspectors General. It is not enough to know that a bureau or office in Washington or a post overseas is functioning efficiently and that its accounts are accurate, for at the same time, that post, bureau, or office may not be effectively representing U.S. foreign policy interests."

Authority

The 1978 act vests the agency inspectors general with broad authority so that their statutory responsibilities can be effectively carried out (sec. 6). This authority is made applicable to the State Inspector General by reference (sec. 209(e)(1)). The authority includes (1) having access to all records, reports, audits, documents, recommendations, and other relevant materials available to the department or agency concerned; (2) making such investigations and reports relative to the department or agency as the Inspector General deems necessary; (3) requesting necessary information or assistance from Federal, State, or local governments; (4) subpenaing such documents, reports, accounts, and other information the Inspector General deems necessary; and (5) having direct and prompt access to the head of the department or agency when the Inspector General deems necessary.

Qualifications

Both the 1978 and 1980 acts provide that the Inspector General possess certain qualifications, namely: integrity and demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigation (secs. 3(a) and 209(a)(1), respectively). The 1980 act imposes an additional requirement that the State Inspector General should have knowledge and experience in the conduct of foreign affairs. This requirement of course reflects the State Inspector General function to determine whether policy goals and objectives are being effectively achieved and whether the interests of the United States are being accurately and effectively represented (sec. 209(b)(5)). The legislative history also states that the auditors, investigators, and inspectors who serve the State Inspector General should collectively possess auditing and foreign policy training.

Independence

Appointment and Removal

Both the 1978 and 1980 acts provide that the inspector general shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation (secs. 3(a) and 209(a)(1), respectively). Further, both acts provide that only the President can remove an inspector general, and that the President must communicate the reasons therefor to both Houses of Congress (secs. 3(b) and 209(a)(2), respectively.)

Supervision and Performance of Duties

Both the 1978 and 1980 acts require that the inspectors general report to and be under the general supervision of the head of the department or agency concerned (secs. 3(a) and 209(a)(1), respectively.) The 1978 act further states, however, that an agency inspector general may be required—pursuant to the exercise of a delegation of authority from the head of an agency—to report to and be under the general supervi-

sion of the officer next in rank below such head, but "shall not report to, or be subject to supervision by, any other office of such establishment" (sec. 3(a)).

The 1980 act does not contain a similar provision limiting the Secretary's authority to delegate his reporting and supervisory authority over the State Inspector General. In view of the broad authority the Secretary of State has to delegate the functions he is required to perform (5 U.S.C. 301), the Secretary has more discretion than the heads of other departments and agencies in placing the Inspector General under the supervision of another departmental official.

Concerning the performance of a specific audit or investigation, both the 1978 and 1980 acts prohibit the head of the department or agency concerned, or any other officer therein, from preventing or prohibiting an "Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation" (secs. 3(a) and 209(a)(1)).

Assignment of Additional Functions

The 1980 act specifically requires that the State Inspector General shall perform such functions as the Secretary of State may prescribe, except that the Secretary cannot assign any general program operating responsibilities (sec. 209(a)(1)). The House Committee Report provides the following comment as to the intended meaning of this provision:

"This subsection also provides that the Inspector General shall perform other functions prescribed by the Secretary of State. These other functions will be limited to evaluatory and advisory functions to improve the effectiveness and efficiency of the management of foreign affairs, and will not include substantive responsibilities for any programs, activities, or operations which are themselves subject to independent audit or review."

The 1978 act also precludes the assignment of program responsibilities to the department or agency inspectors general, but contains no provision for the assignment of additional functions. However, the legislative history clearly shows the Congress intended that agency inspectors general would perform audits and investigations at the request of the head of the department or agency, depending upon the availability of staff resources:

"Generally, the committee envisions that if the agency head asked the Inspector and Auditor to perform an audit or an investigation or to look at certain areas of agency operations during a certain year, the Inspector General and Auditor General should do so, assuming staff resources were adequate. However, the Inspector and Auditor General's authority to initiate whatever audits and investigations he deems necessary or appropriate cannot be compromised. If the head of the establishment asked the Inspector and Auditor General not to undertake a certain audit or investigation or to discontinue a certain audit or investigation, the Inspector and Auditor General would have the authority to refuse the request and to carry out his work. Obviously, if an Inspector and Auditor General believed that an agency head was inundating him with requests in certain agencies in order to divert him from looking at others, this would be the type of concern which should be shared with Congress."

Employment and Assignment of Additional Personnel

Both the 1978 and 1980 acts authorize the inspectors general to select, appoint, and employ such persons as necessary to carry out their statutory responsibilities (secs. 6(a)(6) and 209(e)(1)). It appears that this authority is intended to give inspectors general an added measure of independence from the head of the department or agency concerned, due to the possibility that the denial or limitations of such employment authority may unduly hamper their operations.

The assignment of persons to the offices of the inspectors general from operational units of the department or agency presents the risk that the assigned person's independence may be compromised. While the 1978 act is silent on this matter, the 1980 act explicitly authorizes the State Inspector General to have persons from operational units within the State Department and the Foreign Service assigned to his office (sec. 209(e)(2)). However, the same provision states that any person so assigned shall be responsible solely to the Inspector General.

Reports

Both the 1978 and the 1980 acts require the inspectors general to prepare and submit periodic written reports summarizing their activities during the applicable period (secs. 5(a) and 209(d)(2). The reports are to be submitted to the agency head and then forwarded to the Congress within 30 days; the 1978 act requires a semiannual report while the 1980 act requires an annual report. The acts require the reports to contain nearly the same information, except that the 1978 act requires agency inspectors general to report each occasion on which access to records, documents, other information, or assistance was denied and the denial was taken to the agency head for resolution (sec. 5(a)(5)).

Both the 1978 and the 1980 acts require that copies of each inspector general report be made available to the public upon request and at a reasonable cost (secs. 5(c) and 209(d)(2)). The 1980 act specifically provides that nothing in section 209(d) shall be construed to authorize the public disclosure of any information that is either specifically prohibited by law or required by Executive order to be kept secret.

Appointment of assistant inspectors general

The 1978 act requires inspectors general to appoint two assistant inspectors general in charge of audits and investigations, respectively (sec. 3(d)). While the draft legislation for the 1980 act initially contained an identical requirement (H.R. 6790), it was deleted by the Conference Committee. The Senate floor debate record indicates that the requirement would have unnecessarily limited the State Inspector General in appointing the personnel he deemed appropriate.

Investigations

Both the 1978 and 1980 acts authorize the Inspector General to investigate allegations of waste, fraud, and mismanagement (secs. 4 and 209(b)). However, the report of the House Committee on Foreign Affairs says this section is not intended to preclude the State Inspector General from conducting investigations of fraud and similar irregularities jointly with the State Department Office of Security. This is to ensure that such investigations do not jeopardize national security.

APPENDIX III

PUBLIC LAW 95-452, 95TH CONGRESS

An Act to reorganize the executive branch of the Government and increase its economy and efficiency by establishing Offices of Inspector General within the Departments of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, and Transportation, and within the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans' Administration, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Inspector General Act of 1978".

PURPOSE; ESTABLISHMENT

SEC. 2. In order to create independent and objective units—

(1) to conduct and supervise audits and investigations relating to programs and operations of the Department of Agriculture, the Department of Commerce, the Department of Housing and Urban Development, the Department of the Interior, the Department of Labor, the Department of Transportation, the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans' Administration;

(2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations; and

(3) to provide a means for keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action;

thereby is hereby established in each of such establishments an office of Inspector General.

APPOINTMENT AND REMOVAL OF OFFICERS

SEC. 3. (a) There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis law, management analysis, public administration, or investigations. Each Inspector General shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head, but shall not report to, or be subject to supervision by, any other officer of such establishment. Neither the head of the establishment nor the officer next in rank below such head shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation.

(b) An Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(c) For the purposes of section 7324 of title 5, United States Code, no Inspector General shall be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(d) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment, and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

DUTIES AND RESPONSIBILITIES

SEC. 4. (a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established—

(1) to provide policy direction for and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of such establishment;

(2) to review existing and proposed legislation and regulations relating to programs and operations of such establishment and to make recommendations in the semiannual reports required by section 5(a) concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by such establishment or the prevention and detection of fraud and abuse in such programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by such establishment for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(4) to recommend policies for, and to conduct, supervise, or coordinate relationships between such establishment and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by such establishment, or (B) the identification and prosecution of participants in such fraud or abuse; and

(5) to keep the head of such establishment and the Congress fully and currently informed, by means of the reports required by section 5 and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by such establishment, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.

(b) In carrying out the responsibilities specified in subsection (a)(1), each Inspector General shall—

(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activitives, and functions;

(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors; and

(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1).

(c) In carrying out the duties and responsibilities established under this Act, each Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward avoiding duplication and insuring effective coordination and cooperation.

(d) In carrying out the duties and responsibilities established under this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

REPORTS

SEC. 5. (a) Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports shall include, but need not be limited to—

(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment disclosed by such activities during the reporting period;

(2) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

(3) an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed;

(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(5) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period; and

(6) a listing of each audit report completed by the Office during the reporting period.

(b) Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by such head of the appropriate committees or subcommittees of the Congress within thirty days after receipt of the report, together with a report by the head of the establishment containing any comments such head deems appropriate.

(c) Within sixty days of the transmission of the semiannual reports of each Inspector General to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost.

(d) Each Inspector General shall immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment. The head of the establishment shall transmit any such report to the appropriate committees or subcommittees of Congress within seven calendar days, together with a report by the head of the establishment containing any comments such head deems approprite.

AUTHORITY; ADMINISTRATION PROVISIONS

SEC. 6. (a) In addition to the authority otherwise provided by this Act, each Inspector General, in carrying out the provisions of this Act, is authorized—

(1) to have access to all records, reports, audits reviews, documents, papers recommendations, or other material available to the applicable establishment which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act;

(2) to make such investigations and reports relating to the administration of the programs and operations of the applicable establishment as are, in the judgment of the Inspector General, necessary or desirable;

(3) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from any Federal, State, or local governmental agency or unit thereof;

(4) to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided*, That procedures other than subpenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

(5) to have direct and prompt access to the head of the establishment involved when necessary for any purpose pertaining to the performance of functions and responsibilities under this Act;

(6) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) to obtain services as authorized by section 3100 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–18 of the General Schedule by section 5332 of title 5, United States Code; and

(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this Act.

(b)(1) Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay.

(c) Each head of an establishment shall provide the Office within such establishment with appropriate and adequate office space at central and field office locations of such establishment, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and

shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

EMPLOYEE COMPLAINTS

SEC. 7. (a) The Inspector General may receive and investigate complaints or information from an employee of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

(b) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take, or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

SEMIANNUAL REPORTS

SEC. 8. (a)(1) The Secretary of Defense shall submit to the Congress semiannual reports during the period ending October 1, 1982, summarizing the activities of the audit, investigative and inspection units of the Department of Defense. Such reports shall be submitted within sixty days of the close of the reporting periods ending March 31 and September 30 and shall include, but not be limited to—

(A) a description of significant instances or patterns of fraud, waste, or abuse disclosed by the audit, investigative, and inspection activities during the reporting period and a description of recommendations for corrective action made with respect to such instances or patterns;

(B) a summary of matters referred for prosecution and of the results of such prosecutions; and

(C) a statistical summary, by categories of subject matter, of audit and inspection reports completed during the reporting period.

(2) Within sixty days of the transmission of the semiannual reports, the Secretary shall make copies of such reports available to the public upon request and at a reasonable cost.

(3) If the Secretary concludes that compliance with the reporting requirements in paragraphs (1) and (2) of this subsection would require inclusion of material that may constitute a threat to the national security or disclose an intelligence function or activity, the Secretary may exclude such material from the report. If material is excluded from a report under this subsection, the Secretary shall provide the chairmen and ranking minority members of the appropriate committees or subcommittees with a general description of the nature of the material excluded.

(4) The Secretary may delegate his responsibilities under paragraphs (1) through (3): *Provided*, That the delegation be to an official within the Office of the Secretary of Defense who is a Presidential appointee confirmed by the Senate. In preparing the reports, the designee of the Secretary shall have the same access to information held by the audit, investigative or inspection units as the Secretary would.

(5) In order to effectuate the purposes of this Act with respect to the Department of Defense, the Secretary of Defense shall submit, not later than March 31, 1981, proposed legislation to establish appropriate reporting procedures, for the period after October 1, 1982, concerning the audit, investigative and inspection activities of the Department of Defense.

(b)(1) The Secretary of Defense shall establish a task force to study the operation of the audit, investigative, and inspection components in the Department of Defense which engage in the prevention and detection of fraud, waste, and abuse. The Secretary shall appoint the Director and other members of the task force: *Provided*, That the Director shall be a person who is not an employee of the Department of Defense. The Director shall have the authority to hire such additional staff as is necessary to complete the study.

(2) The Director and members of the task force and, upon the request of a member or the Director, the staff of the task force shall have access to all information relevant to the study and held by the audit, investigative, and inspection components in the Department of Defense including reports prepared by such components: *Provided*, That—

(A) such information or reports may be withheld if a component head determines that disclosure would compromise an active investigation of wrong-doing;

(B) the Inspectors General of the Military Departments may delete the names of individuals in a report prepared by them if the Inspector General determines that the inclusion of the names would affect the ability of the Inspector General to obtain information in future investigations and inspections; and

(C) no classified information shall be released to the task force unless the members and staff who will have access to the classified information have the appropriate clearances.

Upon the request of the Director, the Secretary of Defense and the Secretaries of the Military Departments shall assure that the task force has access to information as provided in this subsection.

(3) The task force shall prepare a comprehensive report that shall include, but not be limited to—

(A) a description of the functions of the audit, investigative and inspection components in the Department of Defense and the extent to which such components cooperate in thier efforts to detect and prevent fraud, waste and abuse;

(B) an evaluation of whether such components are sufficiently independent to carry out their responsibilities;

(C) the relationship between such components and the Criminal Division of the Department of Justice; and

(D) recommendations for change in organization or functions that may be necessary to improve the effectiveness of such components.

(4) The task force shall submit its final report to the Secretary of Defense and the Director of the Office of Management and Budget. The Secretary and the Director of the Office of Management and Budget may, in the form of addenda to the report, provide any additional information that they deem necessary. The Secretary shall submit the report and the addenda to the Congress not later than April 1, 1980. the task force shall be disestablished sixty days following such submission.

(5) Any matter concerning the intelligence or counterintelligence activities of the Department of Defense and assigned by regulation to the Inspector General for Defense Intelligence shall be excluded from the study of the task force.

TRANSFER OF FUNCTIONS

SEC. 9. (a) There shall be transferred—

(1) to the Office of Inspector General—

(A) of the Department of Agriculture, the offices of that department referred to as the "Office of Investigation" and the "Office of Audit";

(B) of the Department of Commerce, the offices of that department referred to as the "Office of Audits" and the "Investigations and Inspections Staff" and that portion of the office referred to as the "Office of Investigations and Security" which has responsibility for investigation of alleged criminal violations and program abuse;

(C) of the Department of Housing and Urban Development, the office of that department referred to as the "Office of Inspector General";

(D) of the Department of the Interior, the office of that department referred to as the "Office of Audit and Investigation";

(E) of the Department of Labor, the office of that department referred to as the "Office of Special Investigation";

(F) of the Department of Transportation, the offices of that department referred to as the "Office of Investigations and Security" and the "Office of Audit" of the Department, the "Offices of Investigations and Security, Federal Aviation Administration", and "External Audit Divisions, Federal Aviation Administration", the "Investigations Division and the External Audit Division of the Office of Program Review and Investigation, Federal Highway Administration", and the "Office of Program Audits, Urban Mass Transportation Administration";

(G) of the Community Services Administration, the offices of that agency referred to as the "Inspections Division", the "External Audit Division", and the "Internal Audit Division";

(H) of the Environmental Protection Agency, the offices of that agency referred to as the "Office of Audit" and the "Security and Inspection Division";

(I) of the General Services Administration, the offices of that agency referred to as the "Office of Audits" and the "Office of Investigations";

(J) of the National Aeronautics and Space Administration, the offices of that agency referred to as the "Management Audit Office" and the "Office of Inspections and Security";

(K) of the Small Business Administration, the office of that agency referred to as the "Office of Audits and Investigations"; and

(L) of the Veterans' Administration, the offices of that agency referred to as the "Office of Audits" and the "Office of Investigations"; and

(2) such other offices or agencies, or functions, powers, or duties thereof, as the head of the establishment involved may determine are properly related to the functions of the Office and would, if so transferred, further the purposes of this Act,

except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities.

(b) The personnel, assets, liabilities, contracts, property, records, and unexpended

balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (a) are hereby transferred to the applicable Office of Inspector General.

(c) Personnel transferred pursuant to subsection (b) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions except that the classification and compensation of such personnel shall not be reduced for one year after such transfer.

(d) In any case where all the functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on the effective date of this Act, held a position compensated in accordance with the General Schedule, and who, without a break in service, is appointed in an Office of Inspector General to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 10. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(122) Inspector General, Department of Health, Education, and Welfare.

"(123) Inspector General, Department of Agriculture.

"(124) Inspector General, Department of Housing and Urban Development.

"(125) Inspector General, Department of Labor.

"(126) Inspector General, Department of Transportation.

"(127) Inspector General, Veterans' Administration.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(144) Deputy Inspector General, Department of Health, Education, and Welfare.

"(145) Inspector General, Department of Commerce.

"(146) Inspector General, Department of Interior.

"(147) Inspector General, Community Services Administration.

"(148) Inspector General, Environmental Protection Agency.

"(149) Inspector General, General Services Administration.

"(150) Inspector General, National Aeronautics and Space Administration.

"(151) Inspector General, Small Business Administration.".

(c) Section 202(c) of the Act of October 15, 1976 (Public Law 94-505, 42 U.S.C. 3522), is amended by striking out "section 6(a)(1)" and "section 6(a)(2)" and inserting in lieu thereof "section 206(a)(1)" and "section 206(a)(2)", respectively.

DEFINITIONS

SEC. 11. As used in this Act—

(1) the term "head of the establishment" means the Secretary of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, or Transportation or the Administrator of Community Services, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans' Affairs, as the case may be;

(2) the term "establishment" means the Department of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, or Transportation or the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration or the Veterans' Administration, as the case may be;

(3) the term "Inspector General" means the Inspector General of an establishment;

(4) the term "Office" means the Office of Inspector General of an establishment; and

(5) the term "Federal agency" means an agency as defined in section 552(e) of title 5 (including an establishment as defined in paragraph (2)), United States Code, but shall not be construed to include the General Accounting Office.

EFFECTIVE DATE

SEC. 12. The provisions of this Act and the amendments made by this Act shall take effect October 1, 1978.

APPENDIX IV

PUBLIC LAW 96-465—OCT. 17, 1980

(1) shall have full responsibility for the direction, coordination, and supervision of all Government employees in that country (except for employees under the command of a United States area military commander); and

(2) shall keep fully and currently informed with respect to all activities and operations of the Government within that country, and shall insure that all Government employees in that country (except for employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

(b) Any agency having employees in a foreign country shall keep the chief of mission to that country fully and currently informed with respect to all activities and operations of its employees in that country, and shall insure that all of its employees in that country (except for employees under the command of a United States area military commander) comply with all applicable directives of the chief of mission.

SEC. 208. DIRECTOR GENERAL OF THE FOREIGN SERVICE.—There shall be a Director General of the Foreign Service, who shall be appointed by the President, by and with the advice and consent of the Senate, from among the career members of the Senior Foreign Service. The Director General shall assist the Secretary of State in the management of the Service and shall perform such functions as the Secretary of State may prescribe.

SEC. 209. INSPECTOR GENERAL.—(a)(1) There shall be an Inspector General of the Department of State and the Foreign Service, who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, or their knowledge and experience in the conduct of foreign affairs. The Inspector General shall report to and be under the general supervision of the Secretary of State. Neither the Secretary of State nor any other officer of the Department shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation. The Inspector General shall periodically (at least every 5 years) inspect and audit the administration of activities and operations of each Foreign Service post and each bureau and other operating unit of the Department of State, and shall perform such other functions as the Secretary of State may prescribe, except that the Secretary of State shall not assign to the Inspector General any general program operating responsibilities.

(2) The Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(b) Inspections, investigations, and audits conducted by or under the direction of the Inspector General shall include the systematic review and evaluation of the administration of activities and operations of Foreign Service posts and bureaus and other operating units of the Department of State, including an examination of—

(1) whether financial transactions and accounts are properly conducted, maintained, and reported;

(2) whether resources are being used and managed with the maximum degree of efficiency, effectiveness, and economy;

(3) whether the administration of activities and operations meets the requirements of applicable laws and regulations and, specifically, whether such administration is consistent with the requirements of section 105;

(4) whether there exist instances of fraud or other serious problems, abuses, or deficiencies, and whether adequate steps for detection, correction, and prevention have been taken; and

(5) whether policy goals and objectives are being effectively achieved and whether the interests of the United States are being accurately and effectively represented.

(c)(1) The Inspector General shall develop and implement policies and procedures for the inspection and audit activities carried out under this section. These policies and procedures shall be consistent with the general policies and guidelines of the Government for inspection and audit activities and shall comply with the standards established by the Comptroller General of the United States for audits of Government agencies, organizations, programs, activities, and functions.

(2) In carrying out the duties and responsibilities established under this section, the Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward insuring effective coordination cooperation.

(3) In carrying out the duties and responsibilities established under this section, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

(d)(1) The Inspector General shall keep the Secretary of State fully and currently informed, by means of the reports required by paragraphs (2) and (3) and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of activities and operations administered or financed by the Department of State.

(2) The Inspector General shall, not later than April 30 of each year, prepare and furnish to the Secretary of State an annual report summarizing the activities of the Inspector General. Such report shall include—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of activities and operations of Foreign Service posts, and bureaus and other operating units of the Department of State, which were disclosed by the Inspector General within the reporting period;

(B) a description of the recommendations for corrective action made by the Inspector General during the reporting period with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

(C) an identification of each significant recommendation described in previous annual reports on which corrective action has not been completed;

(D) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted; and

(E) a listing of each audit report completed by the Inspector General during the reporting period.

The Secretary of State shall transmit a copy of such annual report within 30 days after receiving it to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and to other appropriate committees, together with a report of the Secretary of State containing any comments which the Secretary of State deems appropriate. Within 60 days after transmitting such reports to those committees, the Secretary of State shall make copies of them available to the public upon request and at a reasonable cost.

(3) The Inspector General shall report immediately to the Secretary of State whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of activities and operations of Foreign Service posts or bureaus or other operating units of the Department of State. The Secretary of State shall transmit any such report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and to other appropriate committees within 7 days after receiving it, together with a report by the Secretary of State containing any comments the Secretary of State deems appropriate.

(4) Nothing in this subsection shall be construed to authorize the public disclosure by any individual of any information which is—

(A) specifically prohibited from disclosure by any other provision of law; or

(B) specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(e)(1) The Inspector General shall have the same authority in carrying out the provisions of this section as is granted under section 6 of the Inspector General Act of 1978 to each Inspector General of an establishment (as defined in section 11(2) of such Act) for carrying out the provisions of that Act, and the responsibilities of other officers of the Government to the Inspector General shall be the same as the responsibilities of the head of an agency or establishment under section 6(b) and (c) of such Act.

(2) At the request of the Inspector General, employees of the Department and members of the Service may be assigned as employees of the Inspector General. The individuals so assigned and individuals appointed pursuant to paragraph (1) shall be responsible solely to the Inspector General, and the Inspector General or his or her designee shall prepare the performance evaluation reports for such individuals.

(f)(1) The Inspector General may receive and investigate complaints or information from a member of the Service or employee of the Department concerning the possible existence of an activity constituting a violation of laws or regulations, constituting mismanagement, gross waste of funds, or abuse of authority, or constituting a substantial and specific danger to public health or safety.

(2) The Inspector General shall not, after receipt of a complaint or information from a member of the Service or employee of the Department, disclose the identity of such individual without the consent of such individual, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(g) Under the general supervision of the Secretary of State, the Inspector General may review activities and operations performed under the direction, coordination, and supervision of chiefs of mission for the purpose of ascertaining their consonance with the foreign policy of the United States and their consistency with the responsibilities of the Secretary of State and the chief of mission.

SEC. 210. BOARD OF THE FOREIGN SERVICE.—The President shall establish a Board of the Foreign Service to advise the Secretary of State on matters relating to the Service, including furtherance of the objectives of maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system and compatibility between the Foreign Service personnel system and the other personnel.

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● Mr. HELMS. Mr. President, the taxpayer depends on Congress for effective oversight of all Government departments and agencies. My amendment would ensure that the highest standards of auditing and accountability will prevail in the Inspector General Office at the State Department, by making it absolutely independent and free from conflicts of interest. Not only will it help those congressional committees charged with oversight of State Department operations, but it also represents our commitment to the taxpayers of this country that we are serious about our responsibilities in this regard.

Mr. President, my amendment also provides for an independent inspector general at the U.S. Information Agency. The same problems which prevail at the State Department's Office of the Inspector General, as described in the GAO report just cited, also plague USIA. Two years ago, the Congress required USIA to acquire more trained auditors for their inspections efforts, but we did not go far enough: the USIA Office of Inspections has suffered from situations where inspectors have been in charge of inspecting their own performance while on previous assignments.

The work of the Inspections Division of USIA has been hampered by this lack of independence, Mr. President, and their present structure invites conflicts of interest galore. The USIA needs this independent inspector general every bit as much as the State Department.

Mr. President, this amendment also makes it possible for professionals in the career Foreign Service to do their jobs better. It will assure that they will not be asked to conduct any inspections, on temporary assignments to the inspector general staff, of managers who might later be their superiors on subsequent assignments within the Department of State or the USIA. I am sure that every professional, career and noncareer alike, will welcome a truly independent and professional IG staff.

AMENDMENT NO. 315

Mr. President, amendment No. 315 addresses certain problems of responsiveness to the democratic process presently found in existing legislation. It provides flexibility to the President of the United States in choosing effective senior management personnel for service in the Department of State.

Mr. President, the first provision of my amendment allows the President to choose the Director of the Foreign Service of his choice, without requiring that said Director General be from among the career members of the senior Foreign Service. Since the Director Gereral is immediately responsible to the Secretary of State in a senior management function, and holds a position which is subject to the advice and consent of the Senate, it is clear that the Congress will be able to exercise abiding oversight of this important function without limiting the President's options, as the law presently requires.

Mr. President, the next provision provides that the President may choose the best qualified candidate to be Chairman of the Board of the Foreign Service, without limiting such candidates to members of the career bureaucracy. Moreover, it allows that the Board of Foreign Service might be chaired by representatives of the U.S. Information Agency, the Department of Agriculture, the Department of Commerce, or any one of the other departments presently involved in Board functions, rather than necessarily the representative of the Department of State on that Board.

Mr. President, section 3 includes all members of the senior Foreign Service as management officials, which corresponds to the classification of their civil service counterparts in the senior Executive service in other Government departments.

Mr. President, while the State Department is charged with major responsibilities in conducting our foreign policy, it is unique among Government departments in allowing a confusion between management functions and those of labor. My amendment ad-

dresses some of those confusions and opens up key management positions to competition by all qualified individuals, whether or not they happen to be members of the career Foreign Service. Furthermore, my amendment requires that the State Department hierarchy conform to standards applied to every other Government bureaucracy, in clearly distinguishing between management and labor roles.

Mr. President, I ask that two articles which outline some of the problems addressed by this amendment be included at this point in the RECORD, the first, by Ambassador Lawrence H. Silberman, and the second by Mr. James Hackett. Both of these individuals have long and distinguished careers in the State Department, ACDA, and USIA. Their views are an important contribution to the discussion of these issues.

Mr. President, as the Chief Executive of our foreign policy apparatus, the President must be permitted to make the best possible selections for senior management posts.

The articles follow:

HOW THE WHITE HOUSE CAN REGAIN CONTROL OF FOREIGN POLICY

(By James T. Hackett)

INTRODUCTION

The authority and influence of the careerists in the United States Foreign Service [1] have increased considerably during the Administration of a President who came to Washington intent on reducing the federal bureaucracy. This anomalous situation directly affects foreign policy decisionmaking, which in turn limits the ability of the American people to direct the course of foreign policy through the electoral process.

The foreign service considers it a high duty to maintain the continuity of American foreign policy around the globe. While no one would deny the importance of continuity in day-to-day operations, policy is the province of the American people and the President they elect, and they do not always vote for continuity. Through free elections, the people periodically express their desire for change in the policies of government. Foreign policy must not be excluded from this democratic process in the interest of continuity. The issue, then, is the need to make the foreign service more responsive to the democratic process, while at the same time, preserving a significant role in the development and implementation of policy for career service experts.

An institutional method is needed to bring the foreign service bureaucracy under the effective management of the administration elected by the American people. Although it will take perseverance, it is possible for the elected administration to exercise management oversight of the foreign service. The President can take important steps toward that end by directing the Office of Personnel Management to oversee the foreign service, as it now does the civil service, and by appointing to policy-making positions in the Department of State more men and women dedicated to the political philosphy of his Administration.

Minor changes in the Foreign Service Act would complete the effort. These would remove the service's senior officers from labor union membership and activity and reconstitute the Board of Foreign Service, so that its oversight functions were under the control of the President, not of the foreign service.

BACKGROUND

As the foreign service has multiplied and expanded since World War II, successive Presidents have encountered difficulty in using it as an effective instrument of national power. In a series of postwar changes and reorganizations extending from 1946 to 1980, the service was enlarged and revised to meet what were seen as the needs and challenges of the latter half of the 20th Century. Today, nearly forty years after the inception of these changes, the foreign service has evolved into a powerful special interest bureaucracy that seems determined both to run its own affairs and to instruct the administration in office on the formulation of foreign policy.

In the State Department, a pervasive "old boy network" of senior foreign service officers (FSO's) effectively controls most appointments and assignments, assuring that members of the career service who are loyal to the system are placed in policy-making positions.[2] Most Secretaries of State, overwhelmed by the complexities of global foreign policy, have been only too willing to rely on the foreign service to run the State Department and to help formulate policy. Through this means, the foreign service has been able to maintain significant control of the foreign policy process, frustrating Presidents and leading to major policy conflicts between the State Department and national Security advisors and other government agencies. While administrations come and go, the foreign service bureaucracy continues to run things at Foggy Bottom.

Foreign service influence today is greater than ever for two reasons. First, the Foreign Service Act, drafted during the Carter Administration and pushed through Congress with substantial help from the American Foreign Service Association (AFSA) and pro-labor congressional staffers, gives the career foreign service new power. Most provisions of the law became effective in February 1981, just three weeks after President Reagan took office, so its impact has been felt only by the current Administration.

Second, it became apparent early in the Reagan Administration that the White House would defer to the State Department on non-career appointments at all levels, including presidential appointments. This was due initially to the take-charge manner of Secretary of State Alexander Haig, who insisted on deciding all senior appointments, and subsequently to the President's preference for a cabinet form of government.

What this has meant is that the foreign service has continued to dominate the selection process for policy-level jobs in Washington and ambassadorships abroad. The result is a State Department leadership that generally pursues policies to the left of the platform on which Ronald Reagan ran for the presidency, and indeed, which he has publicly articulated as President.

THE INSTITUTIONAL PROBLEM

The foreign service today is a separate, self-governing career service. Theoretically under the direction of the Secretary of State and his senior staff, it actually is a creation unique in government, an organization which is self-promoting, self-rewarding, self-duplicating, and largely self-assigning. Its members, most of whom belong to a professional organization turned labor union, the American Foreign Service Association, are employed in five different agencies, but State Department FSOs, totaling about 3,800 or over 63 percent of all officers, dominate and control the system.

They take care of each other. The old boy network of senior officers who "look out for their own" is very much a reality. Thus, the most important factor for career success as an FSO is to be on good terms with the senior members of the network, even more than with the political appointees of the administration in office.

While the main function of the foreign service is to staff the nation's embassies and consulates abroad, about 43 percent of FSOs are assigned to jobs in Washington, including the key positions of Under Secretary for Political Affairs and Under Secretary for Management. In fact, the top seven management officials of the Department, headed by the Under Secretary for Management, are now career officers.

With such an effective interest group in control at State, it is difficult for the White House to get advice or recommendations that do not reflect the policy inclinations and institutional biases of the foreign service, and which have not been diluted in the clearance process to eliminate options unpopular within the service. Of course, foreign policy is an arcane business, fraught with complications and not subject to clear or easy solutions. Even so, the State Department is prone to what Jeane Kirkpatrick calls the "principle of consensus," [3] which refers to the practice of sending forward recommendations that are the least common denominator acceptable to all of the bureaus and offices that must clear them.

This system of multiple clearances produces foreign policy recommendations by agreement, rather than by such objective criteria as what is most in the national interest or what most approximates the political philosophy of the administration in power. Yet it is in the interest of the foreign service to continue this system of policy-making by consensus, since it makes it difficult to fix the blame when something goes wrong.

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[1] The Foreign Service of the United States is a career government service that includes professional, technical, and clerical employees whose main responsibility is to serve abroad, staffing United States embassies, consulates and missions. Five Federal agencies employ foreign service personnel in varying numbers. This paper is concerned only with the 6,000 professional-level foreign service officers (FSO's), who are on the rolls of the following five agencies in the approximate numbers indicated: the State Department, 3,800; U.S. Information Agency, 900; Agency for International Development, 900; Department of Agriculture (Foreign Agricultural Service), 225; and the Department of Commerce (Foreign Commercial Service), 175.

[2] Laurence H. Silberman, "Toward Presidential Control of the State Department," Foreign Affairs, Spring 1979. Ambassador Silberman's excellent summary of the problem, which was written during the Carter Administration, is no less valid today.

[3] In a lecture delivered at The Heritage Foundation on October 4, 1983, Ambassador Kirkpatrick bemoaned the development of foreign policy by consensus and then added: "I have actually heard it said, and at very high levels of our government, that the most practical test of the right policy is the one which procures the broadest agreement. You know that's not necessarily so. It would be nice if it were, but it isn't. The right policy is in fact the one that is most effective in defending our institutions and values and protecting our interests in the world."

The institutional problem that has eluded solution through nearly forty years of changes in the system is how the President can best control the foreign policy apparatus to make it effectively pursue the goals of his Administration. It has been achieved on a case-by-case basis when Presidents have been willing to appoint a strong-minded Secretary of State who can and will dominate the career service. Eisenhower followed such a course with Dulles, as Nixon and Ford did with Kissinger. Another way is to bypass the foreign service by appointing a relatively weak Secretary and a strong National Security Advisor, as Nixon did when he put William Rogers at State and Henry Kissinger in the White House as National Security Advisor.[4] But this ties the effectiveness of the system to personalities; the institutional problem remains.

CONTROL OF THE SYSTEM BY STATE FSO'S

The State Department's FSOs so dominate the foreign service system that the other foreign affairs agencies (USIA, AID, Commerce, and Agriculture) must rely on State to support them in any labor-management disagreement. But since the foreign service dominates the Department, it often resorts to unilateral action in labor-management issues, dragging the other foreign affairs agencies along with it. This is what happened last year in a dispute with the unions over the issue of management control of executive bonuses.

The device established by law for interagency coordination of foreign service matters, the Board of the Foreign Service, has been totally ineffective in such issues. This is to be expected, since the Foreign Service Act put the Board under foreign service control by requiring it to be chaired by a "career member of the Senior Foreign Service," and as with Abraham Lincoln's cabinet the chairman has total control of the Board and its actions.[5] In other words, a fox is appointed to watch the other foxes.

Foreign service control is spreading

Through a labor-management agreement developed by FSOs serving in management positions and accepted by the President's appointees at State in order to keep peace, the foreign service has won total control of executive bonuses, thereby excluding management from participation in the process. Adding this to earlier State Department concessions on promotions and other management rights has resulted in a self-governing service that decides who gets in, who gets promoted, who gets bonuses, and beginning next year, who can be extended beyond mandatory retirement. The appointees of the administration elected by the people are excluded by law or labor-management agreement from participating in these normal management decisions.

The Administration cannot order a bonus or promotion, nor can it overrule either the supervisor or the FSO-controlled Promotion Board (except to deny a promotion in criminal or security cases) under present labor-management agreements. Any attempt to do so would raise a tremendous cry of "politics" from the foreign service. The significance of these promotion and bonus procedures is that the foreign service, unlike the rest of the federal government, is not being managed by the administration in office.

In addition, the foreign service enjoys substantial control over the assignment of its members to posts abroad. When USIA management began exercising some modest oversight on assignments in 1981, foreign service members mobilized their congressional supporters to question these procedures, implying that agency management should not be able to review or revise assignments made by career officers working in the agency's office of personnel. Deciding whether an officer goes to Rome or Calcutta is a tremendous exercise of power that the foreign service wants to control without intervention by the Administration. If the service were to obtain full control of assignments, it would constitute a major additional derogation of management authority.

FSO's fill noncareer jobs

While the State Department is overstaffed, there are not enough policy-making positions for the large number of senior FSO's.[6] The result is constant pressure from within the service for more senior positions, more and faster promotions, and strong opposition to the appointment of anyone from outside the service to any job within. It is this fierce opposition to outsiders that generates criticism by the foreign service of noncareer ambassadorial appointments and quiet but determined opposition to other noncareer appointments, as in the Senior Executive Service.

The foreign service has kept the number of noncareer appointments small by filling most of the Department's openings with FSO's. On those few occasions when the Administration has forced noncareer appointments at State, the Department has tried to create dummy jobs for them, e.g., new positions without real authority, thereby keeping Administration appointees out of policy-making positions.

THE PROBLEM OF OVERCAUTIOUS ADVICE

Another problem Presidents have had with the foreign service is the quality of its advice. FSOs are not trained to write clear, direct, short, or simple recommendations, nor is the State Department system designed to produce them. Diplomacy often requires the obfuscation of true goals or intentions, and survival in the foreign service means never, or hardly ever, sticking one's neck out, at least not until getting to the top. The natural inclination of FSOs is to observe these conventions (which are highly desirable in dealing with foreign governments) when preparing recommendations for their own government. In addition, recommendations prepared by the foreign service for the Secretary to send to the White House rarely consider attitudes of U.S. citizens or the political views of the Administration. Indeed, sometimes they are deliberately intended to revise or undercut those views. And most Secretaries, relying heavily on the career service, do not hesitate to forward such recommendations.

The Department's organizational structure also influences its advice. Organized along geographic lines, the five regional bureaus have prime responsibility for most of the activities that occur in their areas of the world. But when a policy recommendation is needed, the geographic bureau must clear its views with any other geographic bureau that claims even a residual interest in the issue, in addition to any of the functional bureaus or offices that may be interested. This clearance procedure makes sense in theory. It ensures that all possible implications have been considered, and prevents the parochialism that is unavoidable in organizations responsible for foreign policy in a particular region of the world. What often happens, however, is that a strong-willed individual, especially one of senior rank, can delay or water down virtually any recommendations except those that have originated at the highest levels of the Department.

In addition, officers who have no particular problem with the substance of a proposal often make stylistic or other changes that have the effect of fudging conclusions and recommendations (the State Department is called the Fudge Factory with good reason). Altogether, these factors often produce advice that is either imprecise or not in tune with the basic policy directions of the Administration.

Of course, it is generally assumed that the bureau head and his principal deputies will pursue the policies of the President. This cannot be taken for granted. Most foreign policy issues have many facets, and a bureau head who is not fully supportive of the President's policies can undercut them in clever and subtle ways. One way is through telephone coordination between FSO's in Washington and overseas. Since the ambassador's advice is sought by Washington on most matters, the FSO handling an issue in the State Department can influence the recommendation by telephoning the FSO ambassador or deputy chief of mission and soliciting the desired advice from the field before the telegram requesting advice is even sent from Washington. The submission of slanted or overcautious advice on policy issues can be the result. The solution to this problem is the appointment of bureau heads and principal deputies who clearly understand and support the policies of the President. This requires more White House and National Security Council involvement in the selection process.

[4] Henry Kissinger, *White House Years* (Boston, Massachusetts: Little, Brown & Co., 1979) pp. 137-138. Dr. Kissinger cites a classic example of how the State Department bureaucracy, convinced of the correctness of its desire to initiate the SALT talks in a hurry, chipped away at an explicit presidential decision not to set a date for the talks with a series of leaks, comments, and statements that eventually forced the President to change his position. The former national security advisor concludes, however that "the bureaucracy's victory was Pyrrhic," since the President then moved the conduct of the negotiations from the State Department to the White House.

[5] The Board of Foreign Service is established by law, Section 210 of P.L. 96-465, the Foreign Service Act, and includes representatives of State, USIA, AID, Agriculture, Commerce, Labor, OPM, OMB and the EEOC. The chairman must be a career FSO and many of the members are senior FSOs. The chairman exercises total control of the Board's actions and decisions. Thus, instead of being an oversight body, it operates to protect the interests of the foreign service.

[6] John Krizay, "Clientitis, Corpulence and Cloning at State—the Symptomatology of a Sick Department," Policy Review, Spring 1978. The second of Mr. Krizay's three C's, Corpulence, referred to the problem of overstaffing in general, which was serious at State when he wrote his article nearly six years ago. As with most problems afflicting the foreign service, corpulence is still around, especially at the senior grades. The foreign service has a much higher ratio of senior officers than any other personnel system. More than 20 percent of State Department FSO's are in the Senior Foreign Service. By comparison, only 1.5 percent of all civil service personnel in grades GS-11 and above are in the comparable Senior Executive Service. The comparison with the military, with which the foreign service often likes to compare itself, is even more striking. Only one-third of one percent of all officers are serving as generals or admirals and those ranks are tied to the incumbency of flag rank billets. The lack of a similar requirement for the foreign service means that many senior officers are unassigned and "walking the halls" as they say at State, while receiving salaries of $69,600 per year.

CONTROL OF NONCAREER APPOINTMENTS

The quality and commitment of people can make or break a presidency. A basic criterion for non-career appointees, therefore, should be agreement with the President's philosophy and objectives. Many agency heads, however, prefer to appoint to their senior staffs people they know and in whom they have confidence or to advance career officers who demonstrate efficiency. But candidates chosen by these criteria often are not strong supporters of the President and have little or no commitment to the political philosophy of his party.

Ambassadors deserve special attention.[7] The 148 ambassadors serving as chiefs of mission represent the largest single group of prestigious appointments available to the President. They serve, at least theoretically, as personal representatives of the President. In any normal government operation the vast majority of such appointees would be selected by the White House on the basis of a combination of high personal qualifications and support for the President's policies and programs. However, career FSO's argue that ambassadors should be chosen from FSO ranks on the grounds that they train throughout their careers for such appointments and are the best qualified. Yet personal qualifications may not be as relevant to the achievement of U.S. policy objectives as the dedicated pursuit of presidential policies by someone who fully understands and supports those policies.

Still, the pressures applied by the foreign service bureaucracy for the appointment of career FSOs as ambassadors, usually with the support of the Secretary of State and friends on Capitol Hill, can be enormous. The percentage of ambassadors selected from the career service has ranged from 56 percent under Franklin Roosevelt to 73 percent under Jimmy Carter. In 1982 the percentage of career ambassadors was 65 percent, but under continuing foreign service pressure, the White House has let that figure inch back up to 69 percent. That means that only 31 percent of all ambassadors have been selected for their support of the President and his programs.

This extreme interest in getting FSOs appointed as ambassadors is a characteristic only of State Department FSOs. USIA, with about 170 senior foreign service officers, has only two career FSO ambassadors—to the small countries of Malta and Sierra Leone—a number unchanged for years. By contrast, the State Department has about 100 senior officers serving as ambassadors, about 13 percent of the 775 in the Department's Senior Foreign Service. Last year, Congress went on record in support of greater equity between State and USIA FSOs in career ambassadorial appointments, but State has done nothing to revise its ambassador selection process, which overwhelmingly favors State Department FSOs.

The authority to nominate career officers as ambassadors should be removed from the careerist network. One solution would be for the White House and the National Security Council to select nominees for ambassadorships after considering candidates for each vacancy from the various foreign affairs agencies, other parts of the government, and outside the government. The most important criteria would be background and qualifications appropriate to the position plus known support of the President's policies. Another approach would be to have the selection process handled by a reconstituted Board of the Foreign Service, chaired by an impartial presidential appointee who reports to the White House and is not on the payroll of any of the foreign affairs agencies.

A CONFUSION BETWEEN MANAGEMENT AND LABOR

One of the unique aspects of the Foreign Service Act is that it blurs the normal distinction between management and labor. This legislation and the concept it encompasses make it possible for the FSOs to control and direct the foreign service system, excluding the President's appointees from exercising normal management functions. There is no comparable situation in the civil service, where management and labor are clearly delineated. The Civil Service Act of 1978 defines all members of the Senior Executive Service as management officials, automatically excluding them from membership in or activity on behalf of employee labor unions.

In contrast, the Foreign Service Act does not define members of the Senior Foreign Service as management officials. The result is that most FSOs, including many in the highest positions in the State Department, are union members. In the foreign service, a senior officer exercising high-level responsibilities could be representing management one day and the union the next. The foreign service considers this a wonderful arrangement, and State Department management, much of which is part of the foreign service, agrees.

There is a quick fix for this bizarre situation. The Foreign Service Act lists categories of "management officials," and excludes the incumbents of positions in those categories from the union bargaining unit. If all senior FSOs were classified as management officials, as are all of their civil service counterparts in the Senior Executive Service, it would solve the problem. As management officials, they would be excluded from activity on behalf of the union and would be required to represent management's interests. But when this proposal was raised last year in the Board of the Foreign Service, the surprising position taken by then Undersecretary of State for Management Jerome Van Gorkom was that management in the State Department is different from that in the rest of the government and that most of the Department's 775 senior officers are not part of management, despite their impressive ranks, titles, and high salaries.

HOW TO MANAGE THE FOREIGN SERVICE

It is time to stop treating the foreign service as a government within a government, a bureaucracy independent of the will of the American people. To carry out its electoral mandate, an Administration must be able to manage the permanent bureaucracy. While some may interpret this as "political control" it is, in fact, responsiveness to democracy.

The main problem with the foreign service system is the lack of effective management or oversight. In a recent study of the system, the State Department's principal in-house expert, Dr. William I. Bacchus, raises the question of who is exercising overall management of the foreign service, and replies "the honest answer is, no one." Commenting further no managerial shortcomings, Dr. Bacchus states, "Another source of inadequacy in foreign affairs personnel systems is that their management is ill suited to the tasks at hand, and poorly equipped to force necessary changes." [8]

What is needed is continuing oversight and review of the system by a professional organization equipped to do the job. The best existing oversight authority is the Office of Personnel Management. Most of the government works under the oversight of OPM, and there is no reason why the foreign service should not be included in its jurisdiction. OPM now oversees the entire civil service, including the civil service employees of the five foreign affairs agencies. It would be logical to extend the same management review to the small group of foreign service employees now exempt from OPM oversight.

The separate foreign service system could be retained, including special benefits appropriate to a worldwide operation with conditions of employment greatly at variance with those of the civil service. But giving OPM oversight of the foreign service would at least assure reasonable and consistent supervision of activities such as personnel, appointments, management, labor relations, inspections, and cost control, which need outside review. No matter how well-intentioned, no agency can adequately police itself in these areas, particularly when there is a built-in conflict of interest. With oversight control, OPM could force some of the tough management decisions the State Department has not been able to make because so many of its senior management officials have a vested interest in the system.

Establishing suitable oversight might be difficult and time consuming, but that is no reason to defer the effort. The outcome would be a significant management achievement with lasting benefits to American foreign policy.

CONCLUSION

State Department problems can be addressed through administrative action by the Executive Branch and legislative proposals to Congress. A good start would be for the White House to:

1. Direct the Office of Personnel Management to assume oversight review of the foreign service personnel system, as it now does for the civil service system.

2. Direct the White House Office of Presidential Personnel, the Department of State, and OPM to work together to ensure the appointment of a reasonable number of well-qualified, non-career candidates, who support the policies and philosophy of the President, to managerial and policy-making positions in the Department. Such appointments should include the Undersecretary for Management and the Inspector General, and after the law is changed, the Director General of the Foreign Service and the Chairman of the Board of the Foreign Service.

3. Submit to Congress an amendment to the Foreign Service Act, adding "members of the Senior Foreign Service" to the categories of management officials listed in Section 100a(12). This could be added to the package of amendments to the Act now pending.

4. Ask Congress to amend sections 208 and 210 of the Foreign Service Act to remove the requirements that the Director General of the Foreign Service and the Chairman of

[7] While many individuals are accorded the rank of ambassador to attend an international conference or to represent the President abroad on a trip or mission, the title ambassador as used here is limited to those serving as chief of a diplomatic mission, currently numbering 148.

[8] William I. Bacchus, Staffing for Foreign Affairs (New Jersey: Princeton University Press, 1983), pp. 80, 83.

the Board of the Foreign Service be selected from the career service. For the Board of the Foreign Service to provide proper oversight and guidance, the chairman should be a presidential appointee, who reports directly to the President, and should not be on the payroll of any of the foreign affairs agencies under his oversight.

TOWARD PRESIDENTIAL CONTROL OF THE STATE DEPARTMENT

(By Laurence H. Silberman)

This article challenges the notion that it is appropriate for Foreign Service officers to routinely occupy senior policymaking positions in the State Department. As a recent "political" ambassador who has also served at a senior level in domestic departments of our government, I confess that I ended my ambassadorial stint with less than friendly feelings toward the Foreign Service as a whole. Since then, reflecting as dispassionately as possible on my own observations and looking with some care into past history, I have concluded that the frictions that have arisen almost continuously between the Service and successive Presidents (and their political appointees) have their roots deep in the system of appointments itself—and that they lend themselves to constructive remedies.

The practice of having Foreign Service officers in senior State Department positions goes back a long way; in the minds of many it has attained the status of an accepted convention. I believe it is time to reject that convention, not only because it is fundamentally inconsistent with American democratic theory, but also because—perhaps more directly relevant to those interested in the substance of foreign policy—for the last 50 years the Foreign Service's quite natural desire to preserve and expand these job opportunities has caused or exacerbated unfortunate clashes with presidential authority over the conduct of foreign policy. As Professor James Q. Wilson of Harvard has recently observed, indispensable to a full understanding of any government department's policy-formulating process is an appreciation of that department's formal and informal incentive system.[1] So long as the Foreign Service sees itself in competition with political appointees for senior positions, it will instinctively resist presidential direction of the substance of foreign policy. In resisting the legitimacy of political appointments essential to presidential control, it inevitably rejects as well the legitimacy of political direction.

Indisputably, the Foreign Service has much to offer in the fashioning and implementation of foreign policy, but the troublesome friction to which I refer has often led Presidents and their appointees to reject the Service's views out of hand. It is time, I submit, to call a halt to this long struggle. Accordingly, in my conclusion I suggest a legislative modus vivendi, one which takes account of the need to maintain, indeed improve, the Foreign Service's morale.

II

Perhaps it is because Foreign Service officers (and many of their journalistic champions) have relatively little experience with the American government as a whole that they are unaware of how anomalous is their claim to policymaking positions.

Senior political posts in the executive branch of the U.S. government, those presumed to carry policymaking functions, are almost invariably presidential appointments requiring Senate confirmation. For the most part, they are designated as executive appointments at levels from one through four: level one is reserved to the Cabinet (and the Special Trade Representative); level two is typically a deputy secretary (but also includes the Directors of the CIA and FBI); level three embraces the under secretaries and level four the assistant secretaries. Men and women who fill these jobs are normally thought of as part of the President's team; indeed, they are extensions of the presidency.

Among the world democracies, the United States uniquely functions with so many political appointments at senior levels of government. But the United States' tripartite governmental structure is also unique. The parliamentary democracies fuse legislative and executive powers; the civil service in those countries, therefore, looks only to one political authority. By contrast, in the United States both a presidential sun and a congressional moon exert a gravitational pull on the Civil Service. Since our chief executive must compete with legislative authority for the allegiance, or even the attention, of the Civil Service, it follows that he needs a considerable number of senior executives in the departments who are closely tied to his political fortunes. Even these ties do not guarantee him bureaucratic support, but they ensure an irreducible minimum of influence.

In all the executive departments save State, these executive-level appointments almost invariably go to supporters of the President—persons who share his political goals, or at least are drawn from the President's political party. To be sure, occasionally a civil servant will be selected for political appointment but, in that event, he or she is assumed to have abandoned the neutrality of the career service and does not return to career status when the administration leaves office.

The State Department is structured like other executive departments with a secretary, deputy secretary, four under secretaries, and over a dozen assistant-secretary-level positions. In addition, however, there are more than 150 ambassadorships, all presidential appointments requiring Senate confirmation and carrying an executive-level ranking—depending on the importance and size of the embassy—from two through five. The more important ambassadorships, then, have equivalent rank to the deputy or under secretary posts since an ambassador, in theory, personally represents the President of the United States in his assigned country. According to strict protocol, the American ambassador outranks even the Secretary of State at his embassy (a protocol nicety that few ambassadors have dared assert). As in direct representative of the President, an ambassador is not restricted to communications with the State Department. Some have even advanced personal views of positions espoused by other departments that ran counter to State's wishes—unless instructed otherwise by the President. It is not unknown, for that matter, for Presidents to direct ambassadors or certain sensitive matters without even informing the State Department.

Over the years, however, the majority of these embassies and a goodly proportion of the senior posts in Washington have been occupied by career Foreign Service officers who maintain their career status while in these positions. Accepted Washington wisdom, as disseminated by the diplomatic press corps, holds that these appointments should normally go to Foreign Service officers. Career status has, in the State Department, been deemed synonymous with merit. Political appointments are implicitly regarded as non-meritorious. During the presidential campaign of 1976, for example, C. L. Sulzberger, the venerable if predictably conventional foreign correspondent of the The New York Times, paused in a little town outside of Plains, Georgia to write a column in which he described the importance of a presidential candidate committing himself to appoint Foreign Service officers to ambassadorships. After his subsequent meeting with Jimmy Carter, he breathlessly reported that, sure enough, the Democratic candidate was determined to make "merit" appointments to foreign policy positions. After the election, as we all saw, Jimmy Carter did not completely accept the congruence of career status and merit. He did appoint fewer political ambassadors but, in contrast to the Ford-Kissinger Administration, President Carter took more care to ensure that his assistant and under secretaries were drawn from political circles that shared the President's foreign policy philosophy.

III

The Foreign Service has persistently argued for a congressionally imposed limit on the number or percentage of non-career appointments to ambassadorships and has grumbled at what it regards as excessive appointments of non-careerists to comparable positions in Washington. A necessary corollary to the Service's position has been its explicit assumption that foreign policy—unlike all other responsibilities of government—is not appropriately a subject for political difference. As Fred Ikle recently put it, the Foreign Service has a direct career interest in defending the cliche that "politics stops at the water's edge."[2]

George Kennan, perhaps the leading apostle of foreign policy careerism (some say elitism), argues that our political parties play no important role in the long-term formulation of foreign policy because in the United States, unlike Europe, they are not ideological. He sees them as purely pragmatic groupings of various constituencies without ideological content. When politicians challenge the Foreign Service's conduct of policy, they are, according to Kennan, responding merely to "highly organized lobbies and interest groups."[3]

The ultra-careerist must thus denigrate the impact of politics on foreign policy, for if it were to be conceded that our political parties do represent alternative philosophies of foreign policy, it would also have to be conceded, consistent with democratic theory, that the successful party is entitled to place its adherents in senior State Department positions to carry out its philosophy.

Kennan and his supporters, I submit, fundamentally misunderstand our political system. American political parties can indeed be seen as competitive constituency groupings, but these have always been bound together in significant degree by an ideological glue of varying viscosity—using "ideology" simply to mean a reasonably coherent set of ideas about the relationship between government and its citizens. Our great geographical and cultural diversity, as virtually every first-year college student is taught, has caused a certain degree of ideological overlapping. Still, for almost 50 years the Republican Party, or at least its central core, has differed with the Democrats over

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Footnotes at end of article.

the fundamental issue of the desirability, equity, even morality of coercive redistribution of wealth and income, and the corollary question of the growth of governmental power.

Moreover—and this point is crucial—domestic ideological differences have always been, in part, reflected in the differing foreign policy approaches of the Democratic and Republican Parties. Surely the restrained enthusiasm with which conservative Republicans view delegations of authority to the United Nations is ideologically connected to Republican distrust of domestic governmental growth, and the greater receptiveness with which most liberal Democrats examine the developing nations' demand for a New International Economic Order is related to their espousal of domestic economic redistribution. For most liberal Democrats, "narrowing the gap" in world income by direct transfers of wealth follows ineluctably from their domestic political objective of similarly "narrowing the income gap" among Americans. Domestic liberals—and most are Democrats—are almost as prone to believe that world order can be achieved through supranational planning as they are to believe that we should move toward greater governmental planning domestically. Conservatives, by contrast, in both domestic and foreign policy, tend to distrust rationalistic schemes and give greater deference to the natural growth of domestic and international structures. These differences, between liberal and conservative, go back to Rousseau and Burke.

True, domestic ethnic, religious and racial lobbies have always exerted political influence on American foreign policy. In recent years U.S. policy toward disputes in the Aegean, the Middle East and southern Africa has been so shaped. Still, these issues are not without ideological content. Most American blacks, for instance, are aligned with the Democratic Party, which party, particularly President Carter's wing, has seemed much less troubled by black African nationalism with a Marxist flavor than have Republicans. This, in turn, is clearly related to the present Administration's overall effort to reduce the anti-communist character of American foreign policy.

Although both parties share a strong distaste for totalitarianism, Republicans are naturally, on the whole, more distrustful and fearful of totalitarianism on the Left and Democrats more apprehensive of its rightist counterpart. That is surely why Roosevelt's foreign policy in the 1930's was more aggressively anti-fascist than many Republicans thought prudent. And why Republican views for years have been, on the whole, more aggressively anti-communist.

Admittedly, there are important foreign policy differences within both parties. The 1976 Reagan challenge to President Ford was most successfully rooted in foreign policy disagreements centered on the Ford-Kissinger policy of détente. In that respect there are similarities between conservative Republicans and the Jackson-Moynihan-Nunn wing of the Democratic Party. That these kinds of issues are often disputed intra-party as well as inter-party does not at all detract from the proposition that our political process properly accommodates foreign policy debates or that they normally have an ideological content. Senator Jackson, like Governor Reagan, lost his primary fight for nomination and, therefore, as much as some of us might regret it, President Carter was certainly on sound democratic (note the small "d") grounds in rigorously excluding Jackson Democrats, as well as orthodox Republicans, from significant foreign policy positions. They manifestly would not fit.

I do not mean to suggest that American foreign policy will or should shift 180 degrees as administrations change. In the first place, the great strength of American democracy is the relatively narrow degree of ideological differences between our political parties with respect to either domestic or foreign issues. What we virtually all agree upon—our shared premises—is greater than that which divides us. Therefore, philosophic changes in foreign policy orientations, while significant, will not be fundamental—not sea changes.

Second, the United States does have relatively permanent economic and strategic interests that no administration, regardless of ideology, can ignore. To be sure, which of those interests are vital is very much a political question because vital interests are those a nation is willing to take substantial risks to preserve or advance. Thus, different administrations may well be willing to assume greater political, economic and even military costs, on the margin, to protect different objectives. Put another way, the political process sets priorities on national interests; Vietnam was in that manner continually downgraded from vital to borderline to irrelevant. No computer or group of wise men can objectively divine the outer boundaries of vital interests, because in a democracy the people as a whole must determine the acceptable cost-benefit ratio of actions that preserve or advance foreign policy goals. Still, the central core of our policy, or any nation's policy, will always be shaped by objective factors. Not surprisingly, then, as time passes, we see that at least certain of President Carter's policies have begun to conform to those of the preceding Administration. Take, for example, the abandonment of the Turkish arms embargo or the President's "Camp David" change in Middle East policy.

Some scholars argue that ideology should play little or no role in the conduct of foreign policy, but it is hard to take that position seriously. Can one imagine American policy in this century uninfluenced by antipathy to or a healthy fear of fascism and communism? Nonetheless, how much weight ideology should be given when fashioning policy toward other nations is surely questionable. As Bayless Manning put it, since the beginning of the Republic pragmatism and ideology, held in uneasy balance, have been twin themes of our foreign policy.[4] Sometimes an administration has emphasized ideological factors over pragmatic ones, for example, Woodrow Wilson's self-determination, John Foster Dulles' anti-communism, and Jimmy Carter's human rights. At other times, as most recently with Kissinger's Realpolitik, pragmatism seems to dominate.

I suggest that a long-term aim of our policy is to keep these considerations, ideology and pragmatism, in appropriate balance. No magic formula, however, will permanently achieve that equation. The best means to keep these factors in balance, and the one most appropriate to our system of government, is partisan public debate. Inevitably, the administration in power will emphasize one or the other factor and the party out of power will duly criticize the administration for overemphasis—just as the Democrats attacked Dulles for excessive moralizing and Kissinger for too little attention to moral concerns. The political process ensures that the balance can never be tipped too far in one direction.

In that fashion, I would argue, partisan political debate over foreign policy serves long-run stability rather than instability. The democratic process is often thought to jeopardize professionally devised foreign policy continuity; in fact, it ensures a deeper continuity which eludes totalitarian states. The key theoretical proposition, then, of the careerists' argument for their own dominance of senior foreign policy positions—that domestic politics is the appropriate process for the resolution of domestic economic and social issues, but *not* for foreign policy questions—is plainly and demonstrably wrong.

IV

Still, political theory aside, the question of expertise remains. Foreign Service spokesmen maintain that the conduct (and fashioning) of foreign policy is inherently subtler and more sophisticated than other facets of governmental responsibility. The stakes, moreover, are much higher—particularly in a thermonuclear world. American democracy, it is argued, has no practical choice but to delegate to its Foreign Service greater responsibility than is granted to the domestic Civil Service. George Kennan assumes this delegation when he describes the Foreign Service officer as an anomaly not belonging to "that great body of *lower-level* servicing personnel known as the civil service" but rather somewhere between the ordinary civil servant and the political appointee.[5]

The grade, rank and pay of Foreign Service officers, however, is comparable to that of Civil Service officers—except when the former are serving in those executive-level presidential appointments described earlier—so Congress has not explicitly made the delegation Kennan assumes.[6] In fact, the Foreign Service was created through executive orders of Presidents Roosevelt and Taft and the Rogers Act of 1924 to bring our diplomatic personnel up to the professional standards of the Civil Service.

But should the Foreign Service be regarded as superior to the Civil Service? Is the substance of foreign policy so uniquely challenging as to compel acceptance of a Foreign Service policy-making role?

To answer No, to reject this claim, it is not necessary to denigrate the complexities of foreign affairs. It is only necessary to observe that other aspects of governmental responsibilities are not less complex. I would go further, however. The average American has a sounder instinctive grasp of the basic dynamics of foreign policy than he does of domestic macroeconomics (the management of which is, after all, the most important domestic responsibility of the government). Common sense—the sum of personal experiences—will take one farther in the realm of foreign policy than in macroeconomics. Even children playing together begin to learn lessons about the balance of power—to prevent one from dominating others—but they manifestly do not learn the way people behave economically in the aggregate. As George Will laments, much of domestic democratic government consists of futile efforts to reverse economic laws—laws, I would add, that are rooted in human nature.

The Foreign Service contends that the actual conduct of day-to-day relations between countries—as opposed to the administration of domestic departments—requires of those who do this business special exper-

tise that *only* professionals with a lifetime of training gain; expertise both in the process of diplomacy itself and in profound knowledge of the nature of other societies. The military is a favorite analogy used to buttress this argument. We do not appoint politicians to senior military commands because we recognize the need for that special expertise which only the careerist can provide; the same reasoning, it is argued, should govern appointments to the senior foreign policy commands. On close examination, this analogy disintegrates. Civilian or political control of the military is well established in the United States. Consequently, the Assistant Secretaries of the Defense Department and of the services are invariably drawn from the ranks of civilians, and the military are almost never given political authority (the exception would be temporary wartime or postwar occupation of enemy territory).[7]

To be sure, the Joint Chiefs of Staff report directly to the President in his role as Commander in Chief. This is obviously of more practical significance in war than in peace. But war and planning for war are a good deal more specialized and outside the experience of most politicians than the conduct of diplomacy. (For that matter, it is equally outside the experience of the Foreign Service, which surely is one of the reasons why, when George Kennan recently called for a special conclave of experts to redefine Soviet capabilities and intentions, he excluded any consideration of the Soviet military buildup.)

Drawing once again upon James Q. Wilson, if one wishes to determine whether political appointees bring any desired attitudes or skills to the conduct of foreign policy, one should look carefully at the actual tasks performed both abroad and at home. What is it that diplomats actually do? Are there comparative advantages and disadvantages as between typical careerists and non-careerists with respect to requisite skills and experiences?

The Foreign Service is divided into four categories or "cones": political, economic, consular, and administrative. Political officers—from whose ranks the lion's share of ambassadors is drawn—are responsible, when abroad, for analyzing and reporting political trends and events in their assigned country. Economic officers, similarly, report on economic affairs, but when serving as commercial attachés or when supervising them, they are also responsible for searching out business opportunities for American firms, then helping these firms take advantage of those opportunities. Consular officers are charged with aiding Americans who run afoul of host country laws and also are responsible for the often vexing administration abroad of U.S. immigration laws. Administrative officers provide support services for the embassy, much as do administrative officers in the Civil Service.

All four groups must also represent American interests to the host country in their respective spheres. The job of an embassy, then, including the various attachés who work for other governmental departments (agricultural, military, legal, etc.) is partly to report to our own government on events in that country and partly to represent the American government and American interests there.

To do this job, officers need background and knowledge of the host country—including usually the host country's language as well as broad training in political theory, economics and history. They also, however, need an even more profound understanding of our own country, its governmental and political processes, and the nature of national objectives and interests. One who represents the United States obviously must understand it but in addition—and this is insufficiently appreciated—to report well on events in an assigned country, one must have an analytical framework which assigns relevance, and relevance depends on American interests. that assuredly does not mean that reporting should be filtered through an ideological prism which would distort the truth, but it does mean that there are all sorts of truths, and some are of more compelling interest than others.

The Foreign Service ambassador will often (but by no means always) have a deeper knowledge of the country to which he or she is assigned than a non-careerist, but the non-careerist often has a comparative advantage in understanding the United States, particularly if he or she comes to a post with a broad background in government, economics or scholarship.

Career officers typically complain that politicians and political appointees do not sufficiently appreciate "the world as it is." In a sense that is true. The Foreign Service will more accurately reflect trends and values prevailing outside the United States than the non-careerists. But, I believe, the converse is also true: the Service will less accurately reflect counterpart trends and values dominant within the United States. The Foreign Service in the 1920s, 1930s and 1940s was significantly more sympathetic to dominant trends in Western Europe during that time, including what we have come to see as misguided ideas of accommodation with fascism, than was the Roosevelt Administration.[8] Today, I would argue that the Foreign Service is more willing to accommodate Marxist trends around the world than are many politicians or the American people as a whole. Essentially that is why Daniel Patrick Moynihan as U.N. Ambassador was so popular with the American public but so repugnant to our professionals.

To some extent the world, to the Foreign Service, is divided up into the sum total of ambassadorial posts. The resulting distortion is analogous to the political distortion at the United Nations (one dictator-one vote). Thus, Foreign Service partiality to the Arab side of the Arab-Israeli dispute over the last 30 years does not have its roots (as some critics have suggested) in undue deference to Arab oil power, nearly so much as in the fact that there are over a score of Arab capitals—which means there are that many embassies and that many ambassadorial slots in Arab nations.

Foreign Service officers necessarily tend to specialize in certain areas of the world; the burdens of language training alone ensure this. For self-advancement, an officer must be hospitably received in the country or countries in which he specializes. Moreover, once posted in a country, good reporting requires sources of information, particularly among influential or governing elites. Inevitably, therefore, a Foreign Service officer has a tendency toward what is referred to in the State Department as "clientism," a term which suggests overemphasizing the interests of a foreign country (as defined by the governing elite) vis-á-vis the broader interests of the United States. "Good relations" between the host country and the United States (often at our expense) become an end in themselves without sufficient regard to U.S. geopolitical and geostrategic interests.[9] Some political appointees, admittedly, are subject to the same tendency, but since political appointees have other career options they are likely to be less susceptible to the germ.

The Foreign Service officer has a natural tendency toward caution; one advances in the Foreign Service by not making mistakes. It follows, then, that risk is to be avoided. One kind of avoidable risk involves too sharp a presentation of options. Just as a diplomat must often seek to paper over disputes between his own country and his assigned country, he learns to blur American foreign policy options for presentation to policymakers. Thus the State Department's nickname, "the Fudge Factory."

The other kind of risk typically eschewed by career officers is too vigorous a defense of American interests because such behavior can lead to relative unpopularity with the nation or group of nations in which the officer specializes—particularly if that group of nations shares a common ideology. For instance, two political appointees of Roosevelt in the 1930s, Claude G. Bowers to Spain and William E. Dodd to Germany, were far more outspoken in defending American values and ideology in the face of fascist attacks than the prevailing views within the career service or, in the case of Dodd, his career-service successor.[10]

At bottom, a good diplomat, like a good politician, domestic bureaucrat, businessman, lawyer or administrator, is one who exercises good judgment. The Foreign Service does attract, on the whole, the ablest men and women who enter government. But I would contend that it is relatively rare for Foreign Service officers in their first ten or 15 years to exercise responsibility equivalent to that available to a talented young person in the domestic Civil Service or, even more pronouncedly, outside government. Good judgment comes from the opportunity to exercise responsibility—even the opportunity to make mistakes. The Foreign Service is one of America's most rigidly hierarchical organizations. The most insignificant question must be passed up through the apparat, layer after layer. This is particularly so in Washington but true also in most embassies. Such an operational climate does not produce sufficient opportunities for junior officers to assume responsibility and, therefore, to develop seasoned judgment.

All of these considerations lead me to believe we would have a far better Foreign Service if we could provide incentives for Foreign Service officers to spend significant periods in domestic agencies where real responsibility can be offered earlier. The present personnel practice of the State Department discourages this. One-year stints on the Hill or with domestic agencies are not uncommon. But three or four years at the Treasury Department or Interior will actually injure the Foreign Service officer's career chances. By comparison, great newspapers will often assign journalists, whose function closely parallels certain tasks of the diplomat, alternately to domestic and foreign assignments. Indeed, the best foreign correspondents and columnists are those whose interests and experience include domestic affairs.

West European countries, in the main, rigorously segregate their foreign services from their domestic departments—and from political appointees as well. That should hardly be a persuasive precedent, however, since many of those countries are still burdened with an ancient tradition that demands aristocratic pedigrees (or reasonable contempo-

rary facsimiles in the form of university degrees) from career diplomats. The communist states and many developing countries, on the other hand, often transfer diplomats back to responsible jobs in domestic affairs. This practice ensures that ambassadors are more well rounded and, not incidentally in my view, more aggressive in pursuit of national interests when serving abroad. That Japan, for instance, draws heavily upon its economic ministries for diplomats may be related to its persistent and successful pursuit of foreign markets.

It is sometimes observed—Harold Nicolson, the British counterpart to George Kennan, said it patronizing—that career diplomats are trained to patience, whereas amateurs often blunder by seeking to accomplish too much during their relatively short tenure. There is a good deal of truth to that, but the other side of the coin is that the Foreign Service officer is often slow to see the importance of change, and "the essence of good foreign policy is constant reexamination."[11] For this reason, I believe we need both careerists and non-careerists among our diplomats.

v

What, it may be asked, does all of this have to do with the stuff of foreign policy? Does it really make much difference whether our ambassadors and assistant secretaries are drawn from the career Foreign Service or from outside those ranks—and in what proportion? Is this just an unseemly squabble between two classes of jobseekers without relevance to the broad compelling issues of foreign policy? On the contrary, in my view the tension between political authority and careerists has had, and continues to have, an unfortunate impact on the shaping and articulation of these issues.

Consider the recurring frustration American Presidents express concerning their relative inability to control and direct the State Department. One need not agree with Daniel Yergin's revisionist theory of the cold war set forth in his recent A Shattered Peace to recognize that he chronicles a sad story of guerrilla warfare between the professional Foreign Service and the Roosevelt Administration. The story is amplified by Martin Weil's more recent A Pretty Good Club. Since the 1920s, the constant theme of the Foreign Service has been resistance to political appointees and that, in turn, has led to presidential hostility and various techniques to circumvent the Foreign Service. President Nixon's use of the National Security Council to fashion and implement his Soviet and China initiatives—because he distrusted the Foreign Service—parallels Roosevelt's efforts to conduct foreing policy, as Weil and Yergin recount, using various confidants outside the State Department. The Foreign Service did its best to sabotage Roosevelt's efforts to negotiate terms for diplomatic relations with the Soviet Union in 1933; thereafter, he wisely did not trust his State Department.[12] Nixon, it seems, distrusted State even more than the domestic bureaucracies. Truman, Eisenhower, Kennedy and Johnson all, at one point or another, expressed the same exasperation with the State Department and sought to circumvent its institutional hostility.[13]

Now, of course, Presidents have been known to complain about unresponsiveness in other executive branch bureaucracies as well, but the State Department has been in a class by itself. If one thinks hard about this, it seems extraordinary. Other bureaucracies present difficulties for presidential direction because of their symbiotic relationship with domestic constituencies and congressional committees and staffs—often referred to as "iron triangles." But as the Foreign Service so often complains, it has no supporting domestic constituency and, therefore, less of an institutional ally within the Congress. One would expect that the State Department would be the department most responsive to presidential will rather than the least. The answer to this paradox lies, I believe, in the resentment, unique in our government, that Foreign Service officers feel for political appointees in the State Department. This resentment inevitably leads Foreign Service officers toward resistance to any political direction of foreign policy—even presidential.

Of course, disputes between the Foreign Service and political authority are always couched in policy terms, but the root cause, I believe, is often found in the Foreign Service's natural fear of diminishing job opportunities and a concomitant wish to expand these. It is impossible to exaggerate the fierce attention career officers pay to the number of political appointments (like the unemployment rate, the absolute number is less "politically" significant than the rate and direction of change), or the resistance new political appointees encounter. I dare say this is less a reflection on the Foreign Service than it is an observation on human nature; any group of people would surely behave the same. One should keep in mind that promotion in the Foreign Service is more difficult then in the Civil Service; the personnel structure is more like a pyramid. So long as every political appointment is seen as a direct threat to the Foreign Service officer's career advancement, his or her attitude vis-a-vis both the appointee and the authority represented is inevitably negatively affected.

The most troublesome aspect of this phenomenon is that the bureaucratic struggle it causes takes on a life of its own. Since the career Foreign Service officer rejects the legitimacy of politically appointed ambassadors or assistant secretaries, it necessarily tends to reject whatever new ideas or perspectives those men or women bring to their posts. For instance, the previously mentioned Ambassadors Dodd and Bowers saw the dangers of European Fascism and Nazism with a good deal more clarity than the professional Foreign Service. But the views of both men were rejected and both were criticized for their efforts to defend American values under fascist attack. In turn, the President's appointees, if they are not beaten into submission by the obdurate hostility of the Foreign Service, tend to reject its expertise. A whole administration can thereby turn a deaf ear to legitimate concerns of conscientious Foreign Service officers.

Patrick Hurley's experience is, in this respect, instructive. As our Ambassador to China during the crucial period of the Chinese civil war, he is often accused of ignoring—indeed, of persecuting—the old China hands, that corps of excellent Foreign Service China experts who consistently warned U.S. policymakers of the likely communist triumph in China. But what is not often noted is that Hurley, by the time he arrived in China as Special Envoy in 1944, had experienced several years of Foreign Service coolness or even hostility. He had undertaken several wartime missions for President Roosevelt and, in particular, after a sojourn in Iran as Roosevelt's Special Envoy, his recommendation for postwar U.S. policy toward that country—of which Roosevelt approved—had been buried by the State Department's hierarchy. To be sure, Hurley was a man of severe limitations, but the persistent hostility of the Foreign Service surely contributed to his inability to draw upon its expertise.[14]

Perhaps no one in recent years has more directly confronted the Foreign Service than Daniel Patrick Moynihan, whose views expressed both in his famous *Commentary* article, "The United States In Opposition" and during his term as Ambassador to the United Nations so fundamentally challenged conventional wisdom as to the appropriate tactics the United States should employ vis-á-vis the Third World (as well as the "socialist" bloc). The implacable hostility he aroused in our own Foreign Service against a "politician" obscured the validity of Moynihan's analysis even for some officers who privately conceded much of his thesis. Andrew Young's more recent performance has generated similar if more muted disdain among the professionals. Moynihan and Young represent virtually philosophic extremes with respect to most foreign policy issues facing the United States; both have been, concerning the appropriate strategy and tactics the United States should employ vis-á-vis dictatorial Marxism, marginally further to their end of the pole than the administrations they have served. But both were appointed Ambassadors to the United Nations because of their views and not despite them, by administrations that wished these articulate men to help fashion the indispensable ideological component to foreign policy. Both, therefore, were entitled to the Foreign Service's full support rather than the back-alley muggings which have characterized their respective tenures.[15]

Ostensibly it is their style to which the Foreign Service has most objected; neither man was sufficiently discreet to satisfy the requirements of career diplomacy (admittedly both made gaffes)—but the truth of the matter is that sharply articulated fundamental policy issues so that the American people could see them. That is terribly threatening to the Foreign Service officer because it allows for political resolution of these issues.

The career Foreign Service officer will, and indeed should, exercise a cautious drag on political swings in foreign policy direction. Any government bureaucracy will do the same, since it has an intellectual and psychological investment in past policy. Particularly is this important in foreign affairs, since other nations, too, have investments in these policies. Capricious turns of the foreign policy wheel will inevitably undermine U.S. credibility. But the Foreign Service's challenge to the legitimacy of senior political appointees in the State Department does not serve a policy interest because it does not actually focus on policy. More, it extends beyond advice regarding fashioning of policy to constitute obstruction of the implementation of policy. And this, in a vicious circle, tends to generate within political authority a disposition to disregard completely whatever the Foreign Service has to contribute.

No one seems to have understood the difficulties in dealing with the Foreign Service better than Henry Kissinger. As National Security Adviser he deftly outmaneuvered the whole State Department including the senior political appointees, and as Secretary of State he exercised astonishingly successful control over most issues of foreign

policy. He did so not by "managing" the State Department; middle- and lower level officials often were blissfully uninformed concerning Kissinger's strategy and tactics even in their areas of substantive responsibility. And when informed or partially informed, they were frequently shockingly open in their opposition, particularly in the early stages of his tenure as Secretary.[16] But Kissinger so centralized decisionmaking and personally so dominated the important cable traffic as to ensure his own direction of key policy movements. Naturally some matters, like the Cyprus crisis of 1974, fell between the cracks, but Kissinger's energy and range were absolutely astonishing. To aid him—for not even Kissinger could do everything alone—he promoted into senior presidential appointments relatively young and capable Foreign Service officers who because of their junior status could be unusually loyal to the Secretary.

Most of these young men, however, had little attachment or loyalty to the Republican Administration or to the President. In fact, the majority were at least nominal Democrats, which of course accentuated their calculated dependence on Kissinger personally. As a result, the foreign policy of the United States appeared—and indeed was—the child of the Secretary of State without structural links to the Administration or the Republican Party. When, as was inevitable, foreign policy came under attack in the presidential campaign of 1976, both Reagan first, and Carter second, effectively denigrated President Ford's leadership by pointing to Henry Kissinger's dominant role. The senior appointees in the State Department were not then conspicuous, even in private, in their defense of the President. They may, as some have noted, have been busy with transition plans, but even if they had been willing to respond vigorously to the political attacks, as careerists they would not have been credible or effective.[17]

So even though Kissinger dominated the State Department's product to a degree not seen before, and probably not to be seen again, his technique did not lead to political—that is to say, presidential—control over foreign policy. Unless a President can command the political loyalty of all of his senior department appointees, political control is impossible.

VI

Three competing interests, then, are involved here. First, democratic control of foreign policy requires political presidential appointments in the State Department just as is the case with all other government departments. Second, the debilitating friction between administrations and the Foreign Service must be reduced. Third, spokesmen for the Foreign Service are right to concern us all with maintaining the morale of the Service. If a career officer cannot look forward to the day he or she is appointed an ambassador, we will not continue to attract top-grade talent into the Foreign Service. That consideration has led Service spokesmen to urge Congress to limit by statute the number or percentage of non-career ambassadorial appointments. The Constitution, in my view, however, will not tolerate such legislative limitations on the presidential appointment power.[18]

These three conflicting policy interests—to encourage political control, to reduce competitive friction and to ensure a fixed percentage of ambassadorships for Foreign Service officers—can be accommodated. I propose a law that would convert all but a set number of ambassadorships, say 15 or 20, into appointments of the Secretary of State.[19] Incumbents would be limited to career officers and would carry their Foreign Service grade (normally at the top or close to it), but not an executive-level rank commensurate with senior presidential appointments. Of course, this would change the ostensible nature of these ambassadorships; they would no longer be seen as policymaking positions. But the truth of the matter is that few ambassadorships today are in practice real policymaking positions. As has been remarked too often, advances in transportation and communications have erased much discretion that ambassadors were once called upon to exercise. For the same reason, it is more a fiction than fact to describe most ambassadors as personal representatives of the President—they usually take directions drafted by an assistant secretary or below. No purpose is served in perpetuating the fiction.

To be sure, some ambassadorships to countries whose relationships with the United States are of overriding importance are of a different order. Usually in those cases, a web of political, cultural, economic and military connections makes appropriate an American envoy who actually is the personal representative of the President rather than merely of the State Department. Fifteen or 20 ambassadorships would, therefore, be reserved for presidential appointments confirmed by the Senate, and could be used by the President as he wishes for those countries he and the Secretary regard as falling within that category. These need not be assigned to the largest nations; one can visualize a particularly sensitive negotiation, like that over the Panama Canal, which could require an ambassador-at-large or an ambassador to a small country drawn from this pool.

Some may contend that those nations to which a political appointment is not sent will object to an implied downgrading of their importance. The United States and all other nations, it will be recalled, were, for similar reasons, driven to convert all legations into embassies (ministers to ambassadors). But my proposal treats all titles the same; it is only grades and political status that vary among embassies. Grades already vary among ambassadors today, depending on the size and importance of embassies, and as to political status, the Foreign Service claims that most nations prefer a career officer (which is not necessarily true) so the issue cannot be argued both ways.

A careful examination of presidential appointments in the Department should also be made with an eye to converting any that should not be regarded as truly policy-level positions into career appointments of the Secretary. The rest, particularly assistant secretaries and above, like the small group of political ambassadors, will be the President's men and women.[20] This doesn't mean that Foreign Service officers would be ineligible for appointment to these positions; that, too, might be an unconstitutional abridgement of the President's appointment power. But—and it is a very big but—the law should require any Foreign Service officer who accepts such an appointment immediately to resign from the Service with no right of return. On those rare occasions in the past when a civil servant accepted a presidential appointment, that has been the practice in other departments[21] and it should be the rule in the State Department. Once having accepted a presidential appointment, a career officer should have committed his or her fortunes and loyalty to that President's administration. If the appointee has the right to return subsequently to the Service, either that commitment and the resulting presidential confidence will be undermined, or else subsequent administrations would be disadvantaged.

Some will certainly argue that it will be too difficult for either party to recruit able non-careerists for all senior posts—particular toward the end of an administration. For that matter it is never easy to attract the very best political appointees into government in any department, but it can be done with sufficient effort. Surely the talent pool of those interested and experienced in foreign affairs throughout the nation is no smaller than that from which presidential appointees are drawn for other departments. It may not always be possible to find appointees with actual diplomatic experience any more than those coming into other departments have experience in the actual tasks performed by those departments. But it is not undesirable, in my view, that some political appointees bring different perspectives formed through varying experiences.

Others will contend that the conditions I would impose on Foreign Service officers who wish to accept a presidential appointment are draconian and will therefore effectively prevent careerists from serving in such positions. Admittedly, I do not mean to make it easy for ex-careerists to dominate policymaking positions; I would rather see the pool of other experienced political appointees in both parties expand. Nonetheless, a careerist who accepts a presidential appointment and is thereby forced to resign from the Foreign Service will hardly be unemployable when the appointing administration leaves office. We are, after all, discussing very senior appointments and the private market for such people is strong and will get even stronger. Moreover, depending on one's age, there is no reason to believe that such a person's diplomatic career would be finished upon the expiration of the appointing administration. Some, like the late David Bruce, might be appointed in successive administrations; others would surely reappear when their party returned to office. In any event, it is probably advisable to consider some modification of the Foreign Service retirement scheme to ensure a greater measure of financial security for persons in this category.

If this proposal were made law, what benefits would flow from its implementation? Foreign policy formulation would thereafter be generally recognized as the responsibility of political authority and, at least conceptually, would be distinguished from foreign policy execution. The latter responsibility, clearly subordinated to the former, would be the task of the careerist. A clear line of demarcation between political appointments and career jobs would, both at home and abroad, substantially lessen that institutional friction between the Foreign Service and the presidency which has negatively affected the conduct of American foreign policy.

The Foreign Service would have gained a great deal, however: a fixed number or percentage of ambassadorships—the vast majority, at that—would be reserved to the careerist. What is crucial here is not so much the particular number, but that there be a fixed number. Certainly as to the number of political appointments would substantially relieve the quite natural career anxieties of Foreign Service officers; future political appointments would not thereafter be seen as the institutional threat they presently con-

stitute. Furthermore, with only a relatively few ambassadorships to appoint—at senior levels—any President would be a good deal less likely to give those appointments to men and women whose primary qualification is financial campaign contributions.

Most important, as Presidents gained greater confidence in their ability to control the Foreign Service, they would have less incentive to circumvent the State Department. The undoubted expertise in that Department, therefore, would be more effectively employed.

FOOTNOTES

[1] James Q. Wilson, *"The Investigators,"* New York: Basic Books, 1978, *passim.*

[2] "Beyond the Water's Edge: Responsible Partisanship in Foreign Policy," *Common Sense,* Summer 1978.

[3] "Foreign Policy and the Professional Diplomat," *Wilson Quarterly,* Winter 1977, pp. 148-57.

[4] Bayless Manning, "Goals, Ideology and Foreign Policy," *Foreign Affairs,* January 1976 pp. 271-284.

[5] Kennan, *op. cit.,* p. 151 (emphasis added). Surely, this unwarranted assumption of the superiority of the Foreign Service over the Civil Service owes much to the "aristocratic" social origins of Foreign Service officers of the 1920s and 1930s (and the pretensions of some others whose backgrounds were more modest). See Martin Weil, *"A Pretty Good Club,"* New York: W. W. Norton, 1978. That is not to say that today's Foreign Service is drawn primarily from the same social circles, but the sense of superiority remains—in search of a justifying rationale.

[6] The last step of an FSO-1's pay schedule is equivalent to a GS-18. There is a handful of career ministers who carry the grade of executive level five; there are also, however, a number of executive level five positions in the domestic departments filled by civil servants.

[7] Ironically, the State Department argues, usually successfully, that military serving in foreign countries should be subordinate to ambassadors, for the latter carry *political* authority as the direct representatives of the President.

[8] See Weil, *op. cit.,* especially pp. 94-102 and 119-28.

[9] See "Clientitis, Corpulence and Cloning at State—The Symptomatology of a Sick Department," John Krizay, *Policy Review,* Spring 1978, pp. 39-55.

[10] Both Dodd and Bowers are discussed in the anecdotal but useful gallery of ambassadorial portraits by E. Wilder Spaulding, *Ambassadors Ordinary and Extraordinary,* Washington, D.C.: Public Affairs Press, 1961, pp. 170-77. For a more considered comparison of Dodd and his successor, Hugh Wilson, see Arnold A. Offner, *American Appeasement,* Cambridge: Harvard University Press, 1969, pp. 206-16. How much of Hitler's well-known view of the weakness of Western democracies arose from his perception of Western professional diplomats?

[11] David Halberstam, "The Best and The Brightest," New York: Random House, 1972, p. 121.

[12] Weil, op. cit., pp. 69-71.

[13] Dulles seems to have largely ignored the great bulk of the Foreign Service during Eisenhower's presidency, without too great a resistance since the Service was still terrorized by its searing experience with McCarthyism. See Townsend Hoopes, "The Devil and John Foster Dulles," Boston and Toronto: Atlantic Little, Brown, 1973, passim. By President Kennedy's time, the Service seems to have regained its urge to resist. See Arthur M. Schlesinger, Jr., "Robert Kennedy and His Times," Boston: Houghton Mifflin, 1978, pp. 451-61.

[14] For a dispassionate view of Hurley's encounters with the Foreign Service concerning Iran and later in China, see Russell D. Buhite, "Patrick J. Hurley and American Foreign Policy", Ithaca: Cornell University Press, 1973, pp. 124-33, and Chapters VI-XI. A sharply critical view of Hurley in China will be found in Theodore H. White, "In Search of History," New York: Harper & Row, 1978, pp. 197-205.

[15] For Moynihan's story see "A Dangerous Place," Boston: Little, Brown, 1978. His "Commentary" article appeared in March 1975, pp. 31-44.

[16] Foreign Service morale at any point seems always to be worse than it was in the past but, as is true of any department, a strong Secretary with a coherent strategic view improves career morale in due course even when there is widespread disagreement with that Secretary's views. This appears to have been true in Mr. Kissinger's case.

[17] The tradition precluding State, Defense and Justice appointees from political campaigning does not and should not prevent their response to political criticism directed at policies or activities of their departments.

[18] Congress has, over the years, sought to fashion legislative limits on the President's appointive discretion by specifying characteristics of those to be apointed to particular posts. When applied to executive branch appointments, this practice is constitutionally dubious; the more discretion is restricted, the more dubious the practice. Cf. Meyers v. U.S., 272 US 52: "We see no conflict between [congressional power to prescribe qualifications for office] and [presidental power] of appointment and removal provided, of course, that the qualifications do not so limit selection and so trench upon executive choice as to be in effect legislative designation." The Senate could, as has been suggested, resolve or otherwise declare that it would not confirm more than a fixed number of percentage of political ambassadors. That approach strikes me as an unseemly circumvention of the Constitution.

[19] Under the Foreign Service Act of 1946, all Foreign Service officers like military officers are presidentially appointed with the advice and consent of the Senate—to a class or grade, rather than to a specific post (22 USC 906). The Constitution, Article II, Section 2, Clause 2 specifies that "ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States" shall be appointed by the President with the advice and consent of the Senate. It also provides, however, that "Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments." "Inferior officers," as used here, is not a pejorative, but simply means officers who can be appointed by constitutionally recognized officers. Although the issue has never been squarely decided, and occasionally courts have referred to inferior officers as those not specifically mentioned in that clause (see U.S. v. Germaine, 99 US 508, 510) it seems more likely that ambassadors, public ministers and consuls would be regarded as inferior to the Secretary of State if appointed by the Secretary. Attorney General Cushing implied just that in an opinion (7 OP AG 186, at p. 217). He pointed out that "the term ambassadors and other public ministers comprehends all officers having diplomatic, functions whatever their title or designation" (page 211). It is therefore quite unlikely that the Constitution intended that no diplomatic officer could be considered an "inferior officer." In any event, because Foreign Service officers are presidentially appointed and confirmed for all promotions, it is clearly not constitutionally required that they be nominated and confirmed to each ambassadorial job assignment, as is statutorily required today (22 USC 901).

[20] A limited number of political appointments below the rank of presidential appointment would be necessary as immediate staff to presidential appointees, corresponding to the "Schedule C" or NEA appointments in other departments. These are now generally treated as Foreign Service Reserve appointments, but I would suggest a separate category to avoid needless friction. Perhaps one top administrative post could be reserved for a careerist who would then be recognized as the senior serving Foreign Service officer, but I do not see this post as carrying a line policy role like the Under Secretary for Political Affairs.

[21] Unfortunately, the Civil Service Reform Act of 1978, effective this July, provides otherwise. Mr. Campbell of the Civil Service Commission believes, contrary to the thrust of this article, that civil servants should have the opportunity to serve in political appointments and still maintain Civil Service reemployment rights. I strongly doubt, however, given the tradition in the domestic departments, that many civil servants will be offered presidential appointments (other than such posts as Assistant Secretary for Administration), or that after receiving them, they would invoke the new right to return to Civil Service status. If they do, succeeding administrations would surely bury them.●

SUPPORTING THE INTERNATIONAL RED CROSS ON PROTECTION OF PRISONERS OF WAR

Mr. KENNEDY. Mr. President, I had intended to offer an amendment to add a small amount to the Department of State's "Migration and Refugee Assistance" account to give the Department some greater flexibility in responding to the growing number of appeals of the International Committee of the Red Cross [ICRC] for their work in behalf of prisoners of war and political prisoners around the world.

However, I understand that it may not be necessary to add new funding to achieve our objective. But I did want to take this opportunity to express my concerns to the distinguished managers of the bill and to review for the record some issues I believe we must address if we are to fully support the work of the International Red Cross.

First, I want to commend the distinguished chairman of the Foreign Relations Committee [Mr. LUGAR], and the ranking minority member [Mr. PELL], for the outstanding support they have already given to the work of the ICRC in the pending bill. As reported from the Foreign Relations Committee, this bill substantially strengthens our Nation's commitment to the International Red Cross and its important humanitarian work.

I commend them for clearly stating in the bill that it is "the policy of the United States to contribute to the International Red Cross . . . not less than 20 percent of the regular budget" and "to support generously the special appeals made by the International Committee of the Red Cross."

Mr. President, this is an enormously important initiative and I commend my colleagues for taking it. The United States has always been a strong supporter of the ICRC, but now that support is clearly stated for the record and firmly written in the statute.

However, I believe it is also important that we use available funds to support the special appeal issued by the ICRC for their work with prisoners of war—particularly in the tragic Iraqi-Iranian War—to which the United States has not yet responded, although the appeal has been outstanding for well over a year.

Mr. President, I think it is important that we respond, and that we offer some tangible support for ICRC's work with Iraqi and Iranian prisoners of war—both as a matter of principle, and as an issue of genuine humanitarian concern.

The principle is certainly critical, Mr. President, for what is at stake is nothing less than the international community's commitment to the Geneva conventions on the protection of prisoners of war. If we fail to express our alarm over their breach in one instance—if we fail to respond to appeals to support their implementation in one conflict and not another—we will only weaken their force in all conflicts, including those in which our citizens are involved.

It was not too many years ago that we appealed to the ICRC to intervene in behalf of American prisoners of war held in North Vietnam. The International Red Cross immediately responded, as is their mandate under the Geneva conventions, and launched a decade-long effort to gain international support for the application of the conventions in North Vietnam.

Although their diplomatic initiatives and appeals were rejected by the North Vietnamese, the ICRC went the extra mile in behalf of American prisoners of war, and spent enormous energy around the world in focusing international attention on their plight.

Today they are attempting to do the same in another war in another part of the world and in a war that is as unpopular in many quarters of the international community as the Vietnam war was. And they are finding once again that many governments would just as soon look the other way—of saying a "pox" on both houses of Iraq and Iran.

But I don't believe, Mr. President, that America can look the other way. No matter how critical we may be of the combatants, or how distasteful we view this bloody conflict, or how ruptured our relations are with Iran—we cannot fail to support the application of the Geneva conventions to the Iraqi-Iranian conflict. And we should not fail to offer our support to the tireless work of the Red Cross delegates in protecting all prisoners of war—including those from Iraq and Iran.

Mr. President, I know there has been some hesitancy in some quarters of Congress and the administration to take a public stand on this issue—but I believe it is a matter of principle that we cannot, and must not, be silent on.

Mr. President, at this point in the record I ask unanimous consent that the text of the International Committee of the Red Cross appeal be printed, along with a statement by the ICRC President, Mr. Alexandre Hay.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Comité International De La Croix-Rouge]

PRESIDENT HAY'S ALLOCUTION ON 23 NOVEMBER 1984 TO ALL PERMANENT REPRESENTATIVES IN GENEVA

LADIES AND GENTLEMEN: Once again, I must approach you and your governments on the question of the respect of the Geneva Conventions in the conflict between Iraq and Iran.

As you all know, following the serious incidents which took place in the prisoner-of-war camp in Gorgan, the Islamic Republic of Iran made numerous statements on the subject of these incidents and on ICRC's humanitarian activities in Iran and in Gorgan: the highest officials of the Iranian government, their diplomatic representatives abroad, the press, television and radio in Iran have accused the ICRC of spying for Iraq, of provoking violence in the prisoner-of-war camps, of raising obstacles to the return to their families of seriously wounded Iraqis, of carrying out a propaganda campaign hostile to Iran, of refusing to make a serious effort to search for the numerous people who have disappeared in the war.

If I have asked to speak to you today, it is not only because the ICRC, which has been direct witness to Iran's inadmissible treatment of Iraqi prisoners of war, can today no longer stay silent in the face of such attempts to mislead public opinion; it is much more because some 50,000 Iraqi prisoners of war being held in the Islamic Republic of Iran and the ICRC once again urgently need your Governments' help.

I am convinced that their help will be forthcoming. We must all hope that it will have a positive effect.

In three years, the ICRC, by itself, has not been able to obtain respect of humanitarian law in the conflict between Iraq and Iran and especially to bring Iran to respect the third Geneva Convention relative to the treatment of prisoners of war. It was obliged to send two memoranda on 7 May 1983 and on 10 February 1984, to your Governments, explaining the difficulties it had encountered in discharging its humanitarian mandate in that conflict. The ICRC received valuable help from many governments which were determined to see the international humanitarian law to prevail and which wanted to guarantee the survival of the victims whom that law should protect.

In the spring of 1984, your Governments' response and the ICRC's exceptional patience seemed to have borne fruit in Iran.

At that time, the ICRC received renewed oral and written guarantees from the Iranian authorities that they wished to apply the Third Convention and so resumed its visits to the Iraqi prisoners, starting on 19 May 1984. For the third time, after the interruptions of 1982 and 1983, the ICRC hoped that it would finally be able to work in Iran under normal conditions.

From May to October 1984, ICRC delegates were able to visit nine camps and see some 29,000 Iraqi prisoners of war, or about half the total number of prisoners of war being held in Iran.

These visits did not go as smoothly as had been expected. Some prisoners were removed from the camps before the delegates arrived; others were prevented from seeing the delegates during the visits. These visits, although incomplete, enabled the ICRC to get a clear picture of the conditions of captivity of the Iraqi prisoners of war and to bring to the attention of the Iranian authorities, in numerous confidential representations, the points causing it concern.

On 10 October 1984, in the camp at Gorgan, the ICRC delegates were witness to an incident which resulted in the death of prisoners of war. As it is customary, the ICRC submitted a report on the incident to the authorities of Iraq and of the Islamic Republic of Iran, in which it reminded the Islamic Republic of Iran of its obligation under the Convention to conduct an inquiry into the events. From that day, Iran suspended all ICRC activities on its territory and undertook a campaign of slander against the ICRC of unprecedented virulence in the 120-year history of the ICRC and of the Red Cross and Red Crescent movement.

Unfortunately, what happened in Gorgan is not an isolated incident—that, ICRC has ascertained in a manner leaving no room for doubt. Other violent confrontations have taken place in other camps, causing numerous deaths and injuries. Such violence—as we have repeatedly told the Iranian authorities—is the inevitable result of Iran's policy throughout the past three years, a policy the ICRC has already described and denounced in its memorandum of 10 February 1984, I quote: "Ideological and political pressure, intimidation, systematic 're-education' and attacks on the honour and dignity of the prisoners have remained a constant feature of life in the camps, and even seem to increase as a result of the activities of certain persons having no connection with the normal running of the camps. Representatives of a "department of political and ideological education", members of Iraqi opposition groups who have fled to the Islamic Republic of Iran, and the official press all attempts to incite the prisoners against their government".

The Gorgan tragedy is but one more proof of the fact that these deliberate violations of the Third Convention continue in spite of the appeals of the ICRC and the States parties to the Conventions.

Today, and for the third time in three years, Iran has, with no valid justification whatsoever, denied the ICRC its right to have access to the Iraqi prisoners.

At stake is the physical and moral survival of thousands of men and future respect for the Geneva Conventions: such a policy forces in fact prisoners of war to choose between treason or death. This policy must cease, but we fear that the Islamic Republic of Iran will not consent to stopping it unless it is convinced that the international community demands this of it as it would of any State signatory to the Conventions.

In making this appeal, the ICRC is well aware that in other serious situations in the past it has not had recourse to such an exceptional measure. It is also aware that the situation of captivity of prisoners of war in Iraq is not satisfactory and wishes to emphasize that it is taking on their behalf all the measures which circumstances dictate.

But the repeated and systematic nature of the Iranian violations of the Third Geneva Convention is so serious that the ICRC feels that if it did not have recourse to this exceptional measure, it would jeopardize by its silence not only the lives of tens of thousands of men, but also the very future of humanitarian law. It places the fate of these men and the future of humanitarian law in your hands and those of your governments. Under article 1 of the Geneva Conventions, it is the legal duty of States Parties to ensure that governments engaged in an armed conflict respect these Conventions: the efforts of the ICRC to ensure protection of prisoners of war in Iran will fail unless the Iranian authorities are brought to realize that it is the political will of the Community of States to see humanitarian law observed.

Ladies and Gentlemen, I thank you for your attention and your help.

[Comité International De La Croix-Rouge]

[Original: French]

SECOND MEMORANDUM FROM THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO THE STATES PARTIES TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949 CONCERNING THE CONFLICT BETWEEN ISLAMIC REPUBLIC OF IRAN AND REPUBLIC OF IRAQ

Geneva, 10 February 1984

On 7 May 1983, the International Committee of the Red Cross was compelled to address an appeal to all the State Parties to the Geneva Conventions. With reference to the solemn undertaking of these States to

respect and ensure respect for the Conventions at all times, the ICRC asked them to make every effort to ensure the rigorous application of International Humanitarian Law by the two belligerent states i.e. the Islamic Republic of Iran on the one hand and the Republic of Iraq on the other, and to enable the ICRC to effectively perform its humanitarian task of helping the great number of civilian and military victims of this conflict.

Nine months after making its first Appeal, the ICRC notes that the results hoped for have been achieved only to a very limited degree, and it feels that the States Parties to the Conventions should be informed of the lack of respect for the principles of Humanitarian Law in the Islamic Republic of Iran and the Republic of Iraq.

The ICRC wishes to stress that its two memoranda concern serious infringements of International Humanitarian Law which are known to have occurred and which endanger the lives and liberty of the tens of thousands of people caught up in this conflict, and which flout the very spirit and principles of that law. These infringements, if unchecked, may, in time, bring into discredit those rules of law and universal principles which the States Parties to the Conventions laid down to provide human beings with a better defence against the evils of war.

From its experience the ICRC is conscious that increasingly numerous violations of International Humanitarian Law have invariably placed insurmountable obstacles in the way of peace negotiations, even when all belligerents wished to end the conflict. For example, recent conflicts have been needlessly prolonged because no agreement was reached on arrangements concerning prisoners of war. The ICRC thus calls upon States working towards the restoration of peace in the region to consider most carefully the problems which will inevitably arise because of the infringements of the Geneva Conventions by the belligerents.

In particular, the ICRC would ask States, in the course of their dealings with each of the two parties to the conflict, to broach the humanitarian questions which are hereby submitted to them. The States are also urged to lend their active support to the ICRC's efforts to help the victims of the conflict which is strictly within the terms of the humanitarian mandate assigned to the ICRC through the Geneva Conventions. Finally, the ICRC hopes that discussions will be held to designate Protecting Powers willing to undertake the tasks encumbent on such states by the Geneva Conventions. Naturally, the ICRC would wish to work closely with the Protecting Powers.

The ICRC is convinced that the States Parties to the Conventions are aware of what is truly at stake in the steps proposed, and that it will be their desire and intention to translate into action the commitment which they undertook in adopting Article 1 common to the Four Geneva Conventions of 12 August 1949.

ISLAMIC REPUBLIC OF IRAN

A. Iraqi Prisoners of War Interned in the Islamic Republic of Iran

1. The activities of the International Committee of the Red Cross in favour of the Iraqi prisoners were again suspended on 27 July 1983. The ICRC considers that, in general terms, it has not been able to discharge its mandate as prescribed by the Third Geneva Convention relative to the treatment of prisoners of war for almost two years.

At present, some 50,000 prisoners are without the international protection to which they are entitled by virtue of their status.

In this connection, the ICRC is no longer able to perfom the following tasks:

To ascertain the precise number of prisoners of war and to ascertain how they are distributed among various places of interment.

To obtain information on the identity and state of health of each prisoner of war in order to notify this family and the Iraqi Government.

To monitor the material, psychological and disciplinary conditions of internment by means of regular visits to the camps and interviews without witness with the prisoners.

To draw up lists of prisoners of war who should quickly be repatriated because of severe wounds or illness.

To maintain effective surveillance of the flow of Red Cross messages between the prisoners and their families.

These tasks of surveillance are all categorically stipulated in the Convention and constitute indispensable requirements for the effective protection of prisoners by ICRC delegates.

2. Numerous facts and indications, when considered together, arouse great concern on the part of the ICRC with regard to the fate of the prisoners and the authorities' real reasons for preventing the ICRC from carrying out its activities. The ICRC has noted the following specific points:

The ICRC has constantly been denied access to certain categories of prisoners such as high-ranking officers.

Severe sentences have been passed on a number of prisoners. Despite repeated demands, the ICRC has received neither notifications nor explanations which should, by law, have been submitted to it.

Serious incidents have occurred in certain camps. Further-more, among the death certificates issued by the Iranian authorities for members of the enemy armed forces "killed in action", the ICRC has received a number which were despatched very tardily and without any comment in relations to persons who were known to have been interned in the Islamic Republic of Iran for many years, since they had been registered and visited on several occasions by ICRC delegates.

Ideological and political pressure, intimidation, systematic "re-education" and attacks on the honour and dignity of the prisoners have remained a constant feature of life in the camps, and even seem to increase as a result of the activities of certain persons having no connection with the normal running of the camps. Representatives of a "department of political and ideological education", members of Iraqi opposition groups who have fled to the Islamic Republic of Iran, and the official press all attempt to incite the prisoners against their government. On many occasions, the ICRC has submitted to the highest authorities of the Islamic Republic of Iran detailed and clearly reasoned requests that a stop should be put to these practices which States, in drawing up the Third Geneva Convention, agreed to ban. The ICRC has made the abolition of these practices a condition for the resumption of its activities, since the discharge of its mandate is incompatible and irreconcilable with attempts at political and ideological conditioning of prisoners. To date, the ICRC has received no satisfactory reply to the written and oral representations which it has made on the subject to the Government of the Islamic Republic of Iran.

B. Iraqi Civilians Refugees in the Islamic Republic of Iran

The ICRC has failed in its attempts to bring aid to these groups, consisting mainly of Iraqi Kurds who have fled from their home territory and are now living in camps in the Islamic Republic of Iran. The ICRC knows that these groups are in great need of food and medicine. By virtue of their status as refugees from an enemy power, these people come under the aegis of the Fourth Geneva Convention relative to the protection of civilians in time of war. They should therefore be allowed to receive the aid which an organization such as the ICRC could provide.

REPUBLIC OF IRAQ

A. Iranian Prisoners of War Held in the Republic of Iraq

1. Every month without fail since October 1980, ICRC delegates have visited Iranian prisoners of war, who currently number 7,300 and are held in six internment camps. The visits take place in accordance with the conditions laid down in Article 126 of the Third Geneva Convention, a main stipulation of which is that the delegates should be able to talk freely and without witnesses with prisoners of their choice.

As a rule, prisoners of war are registered by the ICRC within a reasonably short time of being captured.

On the whole, the exchange of Red Cross messages between the prisoners and their families works well, though delays which may sometimes be quite long are still caused by the Iraqi censorship procedure.

2. In the camps themselves, the ICRC has observed a number of significant improvements in the material conditions of interment. Moreover, the authorities have taken steps to put an end to the random acts of brutality to which the ICRC drew their attention on many previous occasions. Furthermore, an improvement in disciplinary measures has been apparent since autumn 1983.

3. On 29 January 1984, 190 Iranian prisoners, 87 of whom were severely wounded or sick, were handed over by the Iraqi authorities to the ICRC in Ankara for repatriation.

4. The ICRC is concerned by the fact that a large number of members of the enemy armed forces, both officers and other ranks, some of whom were taken prisoner by the Iraqi armed forces at the beginning of the conflict, are still being held in detention centers to which the ICRC is denied access. The ICRC has regularly submitted to the government and military authorities of Iraq lists of names showing that several hundred such prisoners of war exist. The ICRC mentions with satisfaction that at the end of 1983 it was allowed to register several dozens of these prisoners, who had been captured at the start of the conflict and have now been placed in camps visited by the ICRC.

The ICRC has good grounds to be concerned about the prisoners held in places to which it does not have access. These prisoners are deprived of their most basic rights and, according to many mutually corroborating sources of information, are held in conditions which do not meet the requirements of humanitarian law.

B. Iranian Civilians Who Have Been Deported To Or Taken Refuge in the Republic of Iraq

1. During the conflict, several tens of thousands of Iranian civilians have been displaced from their homes in the frontier areas of Khuzestan and Kurdistan to Iraqi territory.

The Iraqi authorities have accepted that in principle the ICRC should be present from now on among these civilians, and considerable efforts have recently been made to improve the living conditions of these civilians when it was necessary.

2. Since the start of the conflict, the ICRC has registered more than a thousand civilians in the prisoner-of-war camps, including women and elderly men arrested in the territories occupied by the Iraqi armed forces. Although it has been possible to repatriate several hundred of these people, an overall solution to the problem still has to be found.

C. Bombing of civilian areas by the Iraqi armed forces

The Iraqi air force has continued to carry out regular indiscriminate bombing of Iranian built-up areas, sometimes more than 200 km from the front. The result has been loss of life, sometimes on a large scale, and considerable destruction of purely civilian property. These deliberate attacks on civilians and civilian property are sometimes designated as reprisals; they contravene the laws and customs of war, in particular with regard to the basic principle that a distinction must be made between military objectives and civilian persons and property.

[Original: French]

APPEAL

Since the outbreak of the conflict between the Islamic Republic of Iran and the Republic of Iraq, the highest authorities of both these States parties to the Geneva Conventions have several times confirmed their intention to honour their international obligations deriving from those treaties.

Despite these assurances, the International Committee of the Red Cross, which has had a delegation in the Islamic Republic of Iran and in the Republic of Iraq from the very start of the hostilities in 1980, has encountered all kinds of obstacles in the exercise of the mandate devolving on it under the Geneva Conventions, despite its repeated representations and the considerable resources which it has deployed in the field.

Faced with grave and repeated breaches of international humanitarian law which it has itself witnessed or of which it has established the existence through reliable and verifiable sources, and having found it impossible to induce the parties to put a stop to such violations, the ICRC feels in duty bound to make these violations public in this present Appeal to States and its attached memorandum.

The ICRC wishes to stress that, pursuant to its invariable and published policy, it undertakes such overt steps only in very exceptional circumstances, when the breaches involved are major and repeated, when confidential representations have not succeeded in putting an end to such violations, when its delegates have witnessed the violations with their own eyes (or when the existence and the extent of those breaches have been established by reliable and verifiable sources) and, finally, when such a step is in the interest of the victims who must as a matter of urgency be protected by the Conventions.

The ICRC makes this solemn Appeal to all States parties to the Geneva Conventions to ask them—pursuant to the commitment they have undertaken according to Article 1 of the Conventions to ensure respect of the Conventions—to make every effort so that:

International humanitarian law is respected, with the cessation of these violations which affect the lives, the physical and mental well-being and the treatment of tens of thousands of prisoners of war and civilian victims of the conflict; the ICRC may fully discharge the humanitarian task of providing protection and assistance which has been entrusted to it by the States; all the means provided for in the Conventions to ensure their respect are used to effect, especially the designation of Protecting Powers to represent the belligerents' interests in their enemy's territory.

The ICRC fervently hopes that its voice will be heeded and that the vital importance of its mission and of the rule of international humanitarian law will be apparent to all and fully recognized, in the transcending interest of humanity and as a first step towards the restoration of peace.

MEMORANDUM

SITUATION OF PRISONERS OF WAR HELD IN THE ISLAMIC REPUBLIC OF IRAN

According to the Iranian authorities they today hold 45,000 to 50,000 prisoners of war. The Third Geneva Convention confers on those prisoners a legal status entitling them to specific rights and guarantees.

Registration and capture cards

One of the essential provisions of the Conventions demands that each prisoner of war be enabled, immediately upon his capture or at the latest one week after his arrival in a camp, to send his family and the Central Prisoners-of-War Agency a card informing them of his captivity and his state of health.

This operation proceeded normally at the beginning. However, the obstacles which the Iranian authorities constantly put in the way of the ICRC delegates' work led to a progressive decline in that activity from May 1982 onwards.

At present the ICRC has registered only 30,000 prisoners of war, leaving 15,000 to 20,000 families in the agony of uncertainty, which is precisely what the imperative provisions of the Conventions are designed to avoid.

Correspondence between prisoners of war and their families

The considerable delay and the holding up of mail, every aspect of which is regulated by the Convention, aggravate the families' worries and the prisoners' distress.

Although thousands of messages are sent each month by Iraqi families through the ICRC and thence to the Iranian military authorities for censorship and distribution, a great many prisoners of war complain they have received no mail for many months. The ICRC is no longer able to exercise any supervision of the distribution and collection of family messages.

ICRC visits to prisoner-of-war camps

The Third Geneva Convention stipulates that ICRC delegates shall be allowed, with no limitation of time or frequency, to visit all places where prisoners of war are held and to interview the prisoners without witnesses. In the Islamic Republic of Iran this essential provision is being violated.

The ICRC has lost track of the interned population since May 1982: only 7,000 prisoners of war have benefited from regular visits by the ICRC.

Many places of internment have been opened since then but the ICRC has never had access to them and has not even been notified of their existence.

Consequently the ICRC can no longer monitor the material living conditions and treatment of the Iraqi prisoners of war interned in Iran.

Although there did occur at the end of 1982 one truncated visit during which the delegates were not permitted to interview prisoners without witnesses, and two spot visits in March 1983, the latest complete visit to a prisoner-of-war camp consistent with treaty rules dates back to May 1982.

The fact that it has not had access to the great majority of prisoners of war for more than a year, and the systematic concealment of some categories of prisoners of war—high ranking officers, foreigners enlisted in the Iraqi army—gives the ICRC cause to be profoundly concerned about the plight of those prisoners.

Treatment of prisoners of war

In a general way, the Iraqi prisoners of war, right from the time of their capture, are subjected to various forms of ideological political pressure—intimidation, outrages against their honour, forced participation in mass demonstrations decrying the Iraqi Government and authorities—which constitute a serious attack on their moral integrity and dignity. Such treatment, which runs counter to the spirit and the letter of the Convention, has gone from bad to worse since September 1981.

Last but not least, concordant information from various sources and witnesses confirm the ICRC's certainty that some camps have been the scene of tragic events leading to the death or injury of prisoners of war.

Severely wounded and sick prisoners of war

The Third Geneva Convention states that "parties to the conflict are bound to send back to their own country, regardless of numbers or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel . . .". Although there have been three repatriation operations—on 16 June, 25 August 1981 and 30 April 1983—and despite the constitution of a mixed medical commission, most of the severely wounded and sick prisoners of war have not been repatriated, as required by the Convention.

SITUATION OF IRANIAN PRISONERS OF WAR AND IRANIAN CIVILIANS IN THE POWER OF THE REPUBLIC OF IRAQ

1. Prisoners of war: So far the ICRC has registered and visited at regular intervals some 6,800 prisoners.

Registration and capture cards

In general, these prisoners of war are registered by the ICRC within the time limit specified by the Convention.

Correspondence between prisoners of war and their families

After some initial difficulties, the exchange of messages between prisoners and their families has been satisfactory for the last several months.

ICRC visits to prisoner-of-war camps

Every single month since October 1980, ICRC delegates have visited prisoners of war in a manner consistent with Article 126 of the Third Geneva Convention, which specifies inter alia that the delegates shall be enabled freely to interview prisoners of their choice without witnesses.

However, in the course of its activities in the Republic of Iraq, the ICRC realized that the Iraqi authorities have never fully respected the Third Geneva Convention.

The ICRC has established with certainty that many Iranian prisoners of war have been concealed from it since the beginning of the conflict. The ICRC has drawn up lists containing several hundred names of Iranian prisoners of war incarcerated in places of detention to which the ICRC has never had access. Although several dozen such prisoners have been returned to the camps and registered by the ICRC no acceptable answer has been found to the problem of concealed prisoners.

Treatment of prisoners of war

In the prisoner-of-war camps the ICRC has noted some appreciable improvement in material conditions. On the other hand, ill-treatment has frequently been observed and on at least three occasions disorders have been brutally quelled, causing the death of two prisoners of war and injury to many others.

Severely injured and sick prisoners of war

The Third Geneva Convention states that "parties to the conflict are bound to send back to their own country, regardless of numbers or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel . . .". Although there have been four repatriation operations—on 16 June, 25 August and 15 December 1981 and on 1 May 1983—and despite the constitution of a mixed medical commission, most of the severely wounded and sick prisoners of war have not been repatriated, as required by the Convention.

2. Iranian civilians: Tens of thousands of Iranian civilians from the Khuzistan and the Kurdistan border regions, residing in areas under Iraqi army control, have been deported to the Republic of Iraq, in grave breach of the Fourth Geneva Convention.

The ICRC delegates have had only restricted access to a few of these people.

In the prisoner-of-war camps the ICRC has registered more than a thousand civilians, including women and old men arrested in the occupied territories by the Iraqi army, deported into the Republic of Iraq and unjustifiably deprived of their freedom since the beginning of the conflict.

GRAVES BREACHES COMMITTED BY BOTH PARTIES TO THE CONFLICT

Both in Iran and Iraq captured soldiers have been summarily executed. These executions were sometimes the act of individuals involving a few soldiers fallen into enemy hands; they have sometimes been systematic action against entire enemy units, on orders to give no quarter.

Wounded enemies have been slain or simply abandoned on the field of battle. In this respect the ICRC must point out that the number of enemy wounded to which it has had access and whom it has registered in hospitals in the territory of both belligerents is disproportionate to the number of registered able-bodied prisoners in the camps or to even the most conservative estimates of the extent of the losses suffered by both parties.

The Iraqi forces have indiscriminately and systematically bombarded towns and villages, causing casualties among the civilian inhabitants and considerable destruction of civilian property. Such acts are inadmissible, the more so that some were declared to be reprisals before being perpetrated.

Iraqi towns also have been the targets of indiscriminate shelling by Iranian armed forces.

Such acts are in total disregard of the very essence of international humanitarian law applicable in armed conflicts, which is founded on the distinction between civilians and military forces.

Mr. KENNEDY. Mr. President, I would like to ask the distinguished managers of the bill whether they believe there are available funds for the United States to respond to the ICRC appeals in support of their work in Iraq and Iran?

I do, as I say, believe it is worthy of our support, simply as a matter of principle.

If it is a question of fully appropriating funds to the Department of State account, I am prepared to offer amendments during the forthcoming supplemental appropriations bill or the regular appropriations bill.

Mr. PELL. Mr. President, as the Senator from Massachusetts knows, I fully share his high regard for the important humanitarian work of the International Committee of the Red Cross—particularly their work in behalf of prisoners of war and political prisoners.

And I share his concern that if we do not respond to the problems the ICRC encounters in implementing the Geneva Conventions in one part of the globe, we will only see greater difficulties in other parts later on. It is critically important—as well as in our own national interest—to support the ICRC in its efforts to protect prisoners of war and secure adherence to the Geneva Conventions.

So I share the Senator's concern and join him in urging the Department to use available funds to respond to the ICRC appeal in behalf of their program in Iraq and Iran.

Mr. LUGAR. Mr. President, I ask unanimous consent that a letter dealing with $14 million of aid to the Contras in Nicaragua be printed in the RECORD (to appear before the vote on passage).

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, June 11, 1985.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: In response to your query, I want to address the rationale for supporting a $14M level of aid to the Nicaraguan democratic resistance during FY-85 even though the fiscal year is more than half over.

The President's initial request for $14M was a bare bones funding level based upon a resistance force of between 9,000-10,000. Although a substantial portion of the fiscal year has passed, the infrastructure necessary for the resistance force has deteriorated significantly since the original request. Because the need remains unmet and because the size of the resistance has nearly doubled and continues to grow at a rapid rate, these funds are needed now.

Even for a period of four months the figure of $14M is not an unreasonable level of support especially when compared to the Nicaraguan announcement that Mr. Ortega's recent trip to the Soviet Union and the eastern bloc countries has yielded more than $200M in new support for the Sandinista government.

Sincerely,

BUD MCFARLANE.

Mr. KENNEDY. Mr. President, I will vote against final passage of the Department of State Authorization Act for fiscal year 1986 for two reasons. This legislation will take the United States closer to war in Nicaragua, and it will seriously hamper the efforts to achieve peace and freedom for Namibia in southern Africa.

My reasons for opposing further assistance to the Contra forces fighting to overthrow the Government of Nicaragua are well known. This legislation authorizes the expenditure of an additional $38 million for assistance to those forces. I believe that this policy has failed in the past and has no hope of success in the future. It can only lead to wider war inside Nicaragua and expanding war throughout the region.

I have also stated my reasons for opposing the repeal of the Clark amendment. This legislation, as amended by the full Senate on the floor, contains such a repeal. In my view, this aligns the United States with the Government of South Africa and prevents our Government from playing an effective role as an honest broker in the effort to achieve independence for Namibia.

If the bill had come to the vote for final passage as it was reported out of the Foreign Relations Committee, I would have supported it. But it has been changed radically by amendments added during the course of this debate. And in this new form, I cannot support it.

Mr. LUGAR. I know of no other amendments to come before the Senate.

Mr. President, I believe we are prepared to proceed to third reading of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2068, Calendar Order No. 124.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2068) to authorize appropriations for fiscal years 1986 and 1987 for the

Department of State, the United States Information Agency and the Board of International Broadcasting, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, I move to strike out all after the enacting clause of the House bill and insert the language of S. 1003, as amended, therefore.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

I further announce that the Senator from Georgia [Mr. NUNN] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—80

Abdnor	Ford	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baucus	Gore	Packwood
Bentsen	Gorton	Pressler
Biden	Gramm	Pryor
Bingaman	Grassley	Quayle
Boren	Hatch	Riegle
Boschwitz	Hawkins	Rockefeller
Bradley	Hecht	Roth
Bumpers	Heinz	Rudman
Byrd	Helms	Sarbanes
Chafee	Hollings	Sasser
Chiles	Humphrey	Simon
Cochran	Johnston	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Lautenberg	Stennis
DeConcini	Laxalt	Stevens
Denton	Leahy	Symms
Dixon	Long	Thurmond
Dole	Lugar	Trible
Domenici	Mathias	Wallop
Durenberger	Mattingly	Warner
Eagleton	McConnell	Weicker
East	Metzenbaum	Wilson
Evans	Mitchell	

NAYS—17

Burdick	Hatfield	McClure
Cranston	Heflin	Melcher
Dodd	Kennedy	Pell
Exon	Kerry	Proxmire
Garn	Levin	Zorinsky
Hart	Matsunaga	

NOT VOTING—3

Harkin	Inouye	Nunn

So the bill (H.R. 2068), as amended was passed.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. EVANS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I move that the Senate insist on its amendments to H.R. 2068, that it request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Chair appointed Mr. LUGAR, Mr. HELMS, Mr. MATHIAS, Mr. PELL, Mr. BIDEN, and, for that portion of the conference dealing with Iran claims legislation, Mr. EVANS, conferees on the part of the Senate.

Mr. President, I move to indefinitely postpone consideration of S. 1003.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I take this opportunity to thank the distinguished ranking member [Mr. PELL] and all members of the committee and of the Senate who participated in a vigorous debate on this legislation. I am especially appreciative of the majority leader [Mr. DOLE] and the minority leader [Mr. BYRD] for their great assistance in getting Members to the floor and expediting the completion of our work.

I am appreciative of the majority and minority staff, who helped us in refining the job we have done.

Mr. PELL. Mr. President, I join the Senator in his encomiums to the leadership and to the Senate as a whole on this legislation.

I strongly supported this bill when it was presented to the Foreign Relations Committee and I strongly congratulate Senator LUGAR for his leadership in this regard. I would have continued to support this bill if it were basically the same one we had reported, but it is a sad fact that it is not. We have adopted a provision providing for a continuation of a war in Nicaragua that violates our commitment under the charter of the Organization of American States. Whether we call it humanitarian aid or military aid, the bottom line is that we have voted to sustain the Contras, whose military command structure is dominated by former Somoza people. The Contras are a terrorist force, and we should not dignify them by calling them freedom fighters or the democratic resistance.

I am also deeply troubled by the provision, added not in the committee, but on the floor that would repeal the Clark amendment relating to Angola. One Nicaragua is enough, and I don't believe that we advance our country's interests by generating a perception that we are about to intervene once again in Angola—a perception that, in my judgment, will jeopardize our effort to secure the removal of Cuban forces from Angola.

There is an old saying that goes: "If it isn't broken, don't fix it." Angola has not been causing trouble in the region, it has been moving toward the West, and its cooperation is vital if U.S. efforts to achieve a negotiated settlement in Namibia are to succeed. Why do something that could drive Angola away from the path of peace in southern Africa?

For these reasons, I reluctantly must oppose S. 1003 in its amended form. I shall, however, be doing my best in conference to make the necessary changes that would enable me to vote for the conference report.

Mr. DOLE. Mr. President, I thank the managers of the bill. I think it is another indication that the Senate Foreign Relations Committee is pretty much on schedule with all the legislation it has. I know there are still a couple of minor items hanging out there, like the genocide treaty and apartheid legislation. We can probably pass those on a voice vote. In any event, I commend both managers of the bill.

I have been keeping the box score here. We considered this for 4 days, consumed 24 hours and 30 minutes, had 16 rollcall votes, considered 63 amendments, agreed to 50, rejected 8, tabled 2, withdrew 1, and there are two still pending, one of mine and one of the distinguished minority leader's in the completed action.

Again, I thank the distinguished chairman and the distinguished ranking member of the committee for their efforts and thank the many colleagues who were willing to accommodate the managers. I think the spirit in which it was done made it much easier for myself and the distinguished minority leader. We never really had any problem and were able to dispose of 30 amendments yesterday in rather rapid fashion. Members were present, they had a chance to discuss their amend-

ments, and they were accepted. Even today, when we had some rather serious differences, Members permitted us to vote. So the Senate has worked its will. I commend the managers for their work and obviously, their staffs deserve a great deal of credit on each side.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. Mr. President, I congratulate the distinguished majority leader for the deftness with which he is handling the schedule. The action on this bill is another indicator of his skill.

I also compliment the distinguished manager of the bill [Mr. LUGAR], the chairman of the committee, and Mr. PELL, the ranking member. I compliment them on their professionalism, their ability, their patience, their reasonableness at all times.

I think that in the work that has been done and the bill that has been produced, while there are some areas not every Member will be exactly in accord with, their legislative craftsmanship has shone through. I thank them on behalf of myself personally and also, on behalf of the Senate, I congratulate them. I say that the expertness that they have demonstrated is something that we all should try to emulate from time to time, with great pride.

THE CALENDAR

Mr. DOLE. I inquire of the minority leader if he is in a position to pass Calendar No. 168, Senate Concurrent Resolution 47.

Mr. BYRD. Mr. President, the minority is ready to proceed.

ANNIVERSARY OF THE ENACTMENT OF THE OLDER AMERICANS ACT

Mr. DOLE. I call up Calendar No. 168, Senate Concurrent Resolution 47.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 47) observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. Mr. President, I am a cosponsor of this concurrent resolution and rise to urge that my colleagues give it their support. This resolution was passed unanimously out of the Subcommittee on Aging, of which I am chairman, and out of the Committee on Labor and Human Resources. As I said when this resolution was introduced by Senator HEINZ on May 7, the Older Americans Act is one of the most important pieces of legislation designed to assist older Americans. As such, it enjoys broad and deep support among our citizenry. The last 20 years for the Older Americans Act network and programs have been years of constructive growth and change. The programs authorized by the act have grown from around $6 million in 1965 to approximately $1 billion today. The decentralized nature of the Older Americans Act structure and administration of its programs has allowed State and local needs and interests to be well accommodated during this period. Now the Older Americans Act network and programs are in a period during which it seems clear that there is, and will continue to be, considerable ferment and change in their environment. Cost containment efforts in the Federal health programs seem to be increasing the need for the kinds of services the Older Americans Act programs offer. Tight Federal budgets for the foreseeable future, make expansion of the existing programs an unlikely prospect. In these circumstances, questions may be raised about the appropriate priorities as between and among the several programs authorized by the act. Indeed, questions may even be raised about the appropriate role of the Older Americans Act network: Should it be direct service provision; should it be planning, coordinating and stimulating the provision of services on the part of others; should it be case management designed to help older people make their way though the confusing array of community services? Whatever the answer to this set of questions as we go forward with the Older Americans Act, the last 20 years indicates that the Older Americans Act network will adapt and change in ways which will enable it to continue to serve the varied needs of our older citizens.

Mr. QUAYLE. Mr. President, I rise in support of Senate Concurrent Resolution 47, of which I am a cosponsor, to commemorate the enactment of the Older Americans Act and 20 years of support and service to our older Americans.

Mr. President, the Older Americans Act [OAA] has been one of the most significant pieces of legislation ever passed by Congress. Since its enactment, the programs under the Older Americans Act have grown from a few small social service grants and research projects to a network of over 1,500 individual community service projects and over 13,500 congregate nutrition sites throughout the country. The programs are administered by 57 State and territorial units on aging, with the assistance of over 665 locally based area agencies on aging. The budget for the OAA in 1966 was $5.7 million. Today, it is over $1 billion, showing the commitment of Congress to the programs, in addition to the needs that exist at the local level.

The Older Americans Act authorizes a number of very important programs, including the provision of congregate and home-delivered meals, transportation within the community, support for families with a member suffering from Alzheimer's disease, provision of legal services, and the prevention of elder abuse.

In Indiana, over $14 million was spent under the OAA to provide meals and support services. This money helped pay for close to 3 million meals going to 60,000 of the State's most economically needy senior citizens. It also paid for an additional 1.8 million meals that were delivered to more than 52,000 home-bound seniors.

The Older Americans Act also provides funds for the community service employment for older Americans, which is a very popular and worthwhile program. The community service employment programs provide jobs to seniors, who would have difficulty in obtaining employment, in areas of service to the community such as health, welfare, educational, legal or counseling services, library and recreational services, conservation, maintenance or restoration of natural resources, and weatherization activities. My home State of Indiana has received $8.3 million, providing jobs for 1,627 elderly workers.

Perhaps most importantly, the programs and services authorized by the Older Americans Act provide a vital link for many elderly people to their communities, from which they might otherwise be cut off. For many older citizens, the senior centers provide them with personal contacts and friendships, social activities, dances, cookouts, day trips, lectures, and other types of intellectual and personal stimulation. The activities and the meals offered at the senior center are often the reason for seniors to get out of bed each day, to get dressed each day. They know they have something to look forward to, they have friends to see and they will have activities to keep them busy and feeling productive. Sometimes the sense of belonging and of self-worth is missing in an elder person's life. Many times I have heard from these elderly citizens that the senior centers funded by OAA give them a reason to live and a joy to look forward to each day.

For these and so many other reasons, I have always been a strong supporter of the Older Americans Act and will continue my support of the act. I urge my colleagues to support Senate Concurrent Resolution 47, which commemorates the 20th anniversary of the enactment of a truly historic and

incredibly successful law, the Older Americans Act.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 47

Whereas 1985 marks the 20th anniversary of the enactment of the Older Americans Act of 1965;

Whereas over its 20-year history, the Older Americans Act of 1965 has provided important social and human services to tens of millions of older individuals in their communities helping to promote greater independence for them and maintaining their dignity;

Whereas one of the key elements contributing to the successful implementation of the Older Americans Act of 1965 during this 20-year period was the establishment of the "aging network" which consists of State and area agencies on aging, as well as congregate and home delivered nutrition providers and other supportive service providers;

Whereas the Administration on Aging, created by the Act, has served as a purposeful advocate for the concerns and needs of older individuals;

Whereas the Act has provided important funds for research, training, and demonstration programs to improve, expand and enhance services to older individuals;

Whereas the Act has provided important part-time community service employment opportunities for low-income older individuals, many of whom work in providing services to other older individuals;

Whereas the Act has sought to address the special needs of older American Indians through grants to Indian tribes;

Whereas the programs and services provided under the Act have been more successful because of the contributing role of volunteers;

Whereas the Act has periodically been amended by Congress in recognition of the changing needs of our rapidly aging society; and

Whereas the Older Americans Act of 1965 serves as a model for the development of community-based services which provide alternatives to institutionalization of older individuals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 20th anniversary of the enactment of the Older Americans Act of 1965 and the successful implementation of such Act;

(2) acknowledges the many and varied contributions by all levels of the aging network and recognizes that the Act has achieved its mandate to the extent that it has because of the day-to-day work performed by the aging network; and

(3) reaffirms its support for the Older Americans Act of 1965 and its primary goal of providing services to maintain the dignity and promote the independence of older individuals in the United States.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF H.R. 1460

Mr. DOLE. Mr. President, on behalf of the distinguished chairman of the Committee on Banking, Housing, and Urban Affairs, Senator GARN, I propound a parliamentary inquiry:

Will the Chair state to which committee the bill H.R. 1460, recently received from the other body, would be referred under rule XXV, if a referral were made?

The PRESIDING OFFICER. To the Committee on Banking, Housing, and Urban Affairs.

Mr. DOLE. I thank the Chair.

ROUTINE MORNING BUSINESS

(During the day routine morning business was transacted and additional statements were submitted, as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 6:05 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that pursuant to section 104 of Public Law 98-501, the Speaker appoints from private life, Mr. Peter C. Goldmark, Jr., of New York, NY, as a member of the National Council on Public Works Improvement.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1268. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, the annual report on the operations of the Export-Import Bank for fiscal year 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-1269. A communication from the Special Counsel, Merit Systems Protection Board transmitting, pursuant to law, a report on findings and conclusions of the investigation into allegations of improprieties by an attorney employed by the FAA, Oklahoma City, OK.; to the Committee on Commerce, Science, and Transportation.

EC-1270. A communication from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, the annual report on oil and gas royalty management and collection; to the Committee on Energy and Natural Resources.

EC-1271. A communication from the Secretary of Labor transmitting, pursuant to law, the Inspector General's report for October 1984 through March 1985; to the Committee on Governmental Affairs.

EC-1272. A communication from the Chairman of the National Mediation Board transmitting, pursuant to law, the 49th annual report of the Board; to the Committee on Labor and Human Resources.

EC-1273. A communication from the President of the United States, transmitting, pursuant to law, requests for supplemental appropriations for fiscal year 1985; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DURENBERGER, from the Select Committee on Intelligence, without amendment:

S. 1271. An original bill to authorize appropriations for fiscal year 1986 for intelligence activities of the U.S. Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes; pursuant to the order of June 6, 1985, referred jointly to the Committee on Armed Services, the Committee on the Judiciary, the Committee on Governmental Affairs, and the Committee on Foreign Relations for the 30-day period provided in section 3(b) of Senate Resolution 400, 94th Congress, provided that the Committee on the Judiciary be restricted to the consideration of Title V, Governmental Affairs be restricted to consideration of section 603, and the Committee on Foreign Relations be restricted to the consideration of section 604 and title VII; provided that of any of said committees fails to report said bill within the 30-day time limit, such committee shall be automatically discharged from further consideration of said bill in accordance with section 3(b) of Senate Resolution 400, 94th Congress (Rept. No. 99-79).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 374: A bill to provide authorization of appropriations for the U.S. Travel and Tourism Administration (Rept. No. 99-80).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 1078: A bill to amend the Federal Trade Commission Act to provide authorizations of appropriations, and for other purposes (Rept. No. 99-81).

EXECUTIVE REPORTS OF COMMITTEES

By Mr. HATCH, from the Committee on Labor and Human Resources:

J. Floyd Hall, of South Carolina, to be a Member of the National Council on Educational Research for a term expiring September 30, 1986;

Donna Hellene Hearne, of Missouri, to be a Member of the National Council on Edu-

cational Research for a term expiring September 30, 1986; and

Carl W. Salser, of Oregon, to be a Member of the National Council on Educational Research for a term expiring September 30, 1986.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GOLDWATER, from the Committee on Armed Services:

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 22, May 23, June 3, June 5, June 7, and June 10, 1985, at the end of the Senate proceedings.)

SENATE ARMED SERVICES COMMITTEE ROUTINE MILITARY NOMINATIONS

JUNE 11, 1985

*1. Maj. Gen. Vaughan O. Lang, U.S. Army, to be lieutenant general. (Ref. No. 300)

*2. Lt. Gen. Bennett L. Lewis, U.S. Army, (age 58) to be placed on the retired list. (Ref. No. 301)

*3. Maj. Gen. John F. Wall, U.S. Army, to be lieutenant general. (Ref. No. 302)

*4. Col. Shirley M. Carpenter, U.S. Air Force Reserve, to be brigadier general. (Ref. No. 307)

*5. Maj. Gen. Robert H. Forman, U.S. Army, to be lieutenant general. (Ref. No. 308)

*6. Lt. Gen. James M. Lee, U.S. Army, (age 58) to be placed on the retired list; and Lt. Gen. Charles W. Bagnal, U.S. Army, to be reassigned. (Ref. No. 309)

**7. In the Air Force there are 9 appointments to the grade of colonel and below (list begins with Edward S. Bocian, Jr.) (Ref. No. 310)

**8. In the Air Force there are 11 promotions to the grade of lieutenant colonel and below (list begins with Jon K. Plummer). (Ref. No. 311)

**9. In the Air Force there are 117 promotions to the grade of colonel (list begins with Bruce R. Altschuler). (Ref. No. 312)

**10. In the Air Force there are 155 promotions to the grade of lieutenant colonel (list begins with John A. Anderson). (Ref. No. 313)

**11. In the Air Force there are 490 promotions to the grade of major (list begins with Richard D. Alston). (Ref. No. 314)

**12. In the Army there are 216 appointments to the grade of colonel and below (list begins with Gerald P. Stelter). (Ref. No. 315)

**12-1. In the Navy Reserve there are 41 appointments to permanent ensign (list begins with Joseph M. Muhitch). (Ref. No. 316)

*13. Vice Adm. William H. Rowden, U.S. Navy, to be reassigned. (Ref. No. 325)

**14. Maj. Arthur D. Nicholson, Jr., U.S. Army, for posthumous promotion to lieutenant colonel. (Ref. No. 326)

*15. Gen. James E. Dalton, U.S. Air Force, (age 54) to be placed on the retired list. (Ref. No. 341)

**16. In the Air Force there are 19 permanent promotions to the grade of lieutenant colonel and below (list begins with John H. Cain). (Ref. No. 342)

**17. In the Air Force there are 41 appointments to the grade of colonel and below (list begins with Robert Calderon). (Ref. No. 343)

**18. In the Air Force there are 3 appointments to the grade of major and below (list begins with Dennis P. McEneany). (Ref. No. 344)

**19. In the Navy there are 2 appointments to the grade of permanent ensign (list begins with William C. Brown). (Ref. No. 345)

*20. Lt Gen. Monroe W. Hatch, Jr., U.S. Air Force, to be reassigned. (Ref. No. 348)

*21. Lt. Gen. William J. Campbell, U.S. Air Force, (age 54) to be placed on the retired list. (Ref. No. 349)

*22. Maj. Gen. Sidney T. Weinstein, U.S. Army, to be lieutenant general. (Ref. No. 350)

*23. Admiral William N. Small, U.S. Navy, (age 58) to be placed on the retired list. (Ref. No. 351)

*24. Rear Adm. Glenwood Clark, Jr., U.S. Navy, to be vice admiral. (Ref. No. 352)

**26. In the Army there are 8 permanent promotions to the grade of colonel and below (list begins with Edward J. Burke, Jr.). (Ref. No. 355)

**27. In the Army there are 14 permanent promotions to the grade of lieutenant colonel and below (list begins with Samuel L. Cunningham). (Ref. No. 356)

Total, 1,141.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURENBERGER:

S. 1271. An original bill to authorize appropriations for fiscal year 1986 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on the Judiciary, the Committee on Armed Services, the Committee on Foreign Relations and the Committee on Governmental Affairs, jointly, pursuant to the order of June 6, 1985, for a 30-day time period, provided that the Committee on the Judiciary be restricted to consideration of title V, Governmental Affairs be restricted to consideration of section 603, and Foreign Relations be restricted to consideration of section 604 and title VII.

By Mr. KASTEN:

S. 1272. A bill for the relief of Tsun-lit Poon; to the Committee on the Judiciary.

By Mr. McCLURE:

S. 1273. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Minidoka powerplant rehabilitation and enlargement, Minidoka project, Idaho-Wyoming; to the Committee on Energy and Natural Resources.

By Mr. DOLE:

S. 1274. A bill to implement the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. QUAYLE):

S. 1275. A bill to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials/and other accredited members of delegations involved in the games of the Tenth Pan American Games to be held in Indianapolis in 1987; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. DODD, Mr. KENNEDY, Mr. BYRD, Mr. MOYNIHAN, Mr. SARBANES, Mr. BURDICK, and Mr. BRADLEY):

S. 1276. A bill to provide financial assistance to the States for computer education programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (for himself, Mr. CHILES and Mr. GLENN):

S. 1277. A bill to amend title XIX of the Social Security Act to provide that States may provide home or community-based services under the Medicaid program without the necessity of obtaining a waiver; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE:

S. 1273. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Minidoka powerplant rehabilitation and enlargement, Minidoka project, Idaho-Wyoming; to the Committee on Energy and Natural Resources.

MINIDOKA POWERPLANT REHABILITATION AND ENLARGEMENT

● Mr. McCLURE. Mr. President, I am introducing legislation today to authorize the Secretary of the Interior to construct, operate, and maintain the Minidoka powerplant rehabilitation and enlargement, Minidoka project, Idaho-Wyoming.

As my colleagues will recall, similar authority was included in S. 268 when passed by the Senate on August 4, 1983, but, unfortunately, the Minidoka authorization was not included in the final version of the measure as enacted into law.

Subsequent to consideration of S. 268, Assistant Secretary for Water and Science of the Department of the Interior, Robert N. Broadbent, transmitted to the Congress, on August 31, a feasibility study and environmental statement on the proposed project.

Mr. President, I ask unanimous consent that the letter of transmittal signed by Assistant Secretary Broadbent be included in the RECORD at the conclusion of my remarks.

Mr. President, for almost 80 years, the Minidoka project has served the

people of southern Idaho and the Pacific Northwest. Originally authorized for construction in 1904 as the first Federal reclamation development in Idaho, irrigation water was first delivered by the project in 1906. Construction started in 1908 on the first hydroelectric powerplant in the Northwest at the newly completed Minidoka Dam to provide irrigation pumping power to the project. The five original generating units have been joined by two additional units, one installed in 1926 and the other 1942. The existing powerplant with seven units has an installed capacity of 13.4 megawatts and average annual generation is 95,900,000 kilowatts-hours. Power generated at the plant, in excess of local irrigation pumping power contracts, is marketed by the Bonneville Power Administration as a part of the Federal Columbia River Power System.

The powerplant, placed on the National Register of Historic Places in 1974, is operating today much as it did in the early 1900's except that units one through six are nearing the end of their useful life and are extremely difficult and expensive to maintain. This situation together with the fact that a substantial amount of water now passes the dam in excess of the plant hydraulic capacity led the Congress to authorize a feasibility study of the possibility of rehabilitation or enlargement of the existing powerplant.

Mr. President, the Minidoka powerplant has been in continuous operation for almost 80 years. This remarkable record of service is a tribute to the original builders and also to the current personnel of the Bureau of Reclamation who are responsible for maintenance of the facility. As I mentioned, the powerplant is on the National Register of Historic Places and it is truly a fine example of early power development. To me, one of the most exciting features of the plan recommended by the Department of the Interior is to preserve much of the existing plant and machinery as a public museum. I have been to the plant and I can say that what will be preserved would merit display here at the Smithsonian in Washington, DC.

In addition to the historic aspect, the authorization will provide the opportunity to address recreational and fish and wildlife needs in the project area with particular care devoted to the preservation of the outstanding trout fishery located below the spillway of the existing dam.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill and the letter were ordered to be printed in the RECORD, as follows:

S. 1273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Acts of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplementary thereto), is authorized to construct, operate, and maintain a rehabilitation and enlargement of the existing Minidoka powerplant, Minidoka project, Idaho-Wyoming, consisting of two turbine generator units of fifteen thousand kilowatts each in replacement of existing units one through six, and features for purposes of recreation and fish and wildlife. In carrying out the purposes of this Act, the Secretary of the Interior is authorized to modify the capacity of the powerplant as determined necessary or desireable during preconstruction study and design and after consultation with the Secretary of Energy.

SEC. 2. Hydroelectric power generated by the powerplant rehabilitation and enlargement authorized by this Act shall be delivered to the Secretary of Energy for distribution and marketing through the Federal Columbia River Power System. The Secretary of Energy is authorized to construct, operate, and maintain transmission facilities as required physically to connect the hydroelectric powerplant authorized in section 1 of this Act to existing power transmission systems and as he determines necessary to accomplish distribution and marketing of power generated by the hydroelectric powerplant.

SEC. 3. During Federal construction of the powerplant rehabilitation and enlargement authorized by this Act, the Secretary of the Interior and the Secretary of Energy shall seek to minimize the loss of capacity, energy, or both to power customers due to unit outages which result from such construction. The Secretary of Energy shall seek to maintain, through purchase if required, contractual deliveries of capacity, energy, or both at contract prices to customers affected by unit outages resulting from such Federal construction.

SEC. 4. The powerplant rehabilitation and enlargement shall be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water service contract.

SEC. 5. The provision of lands, facilities, and any project modifications which furnish fish and wildlife or recreation benefits in connection with the project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

SEC. 6. The interest rate used for computing interest during construction and interest on the unpaid balance of the Federal reimbursable cost of the powerplant shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the powerplant commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue.

SEC. 7. There is hereby authorized to be appropriated, beginning October 1, 1985, for construction of the Minidoka powerplant rehabilitation and enlargement and related works the sum of $66,200,000 (October 1984 price levels), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as indicated by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of the powerplant rehabilitation and enlargement and related works. There are also authorized to be appropriated such sums as may be required by the Secretary of Energy to accomplish the purposes of sections 2 and 3 of this Act.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, August 31, 1984.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: As provided by Section 9(a) of the Reclamation Project Act of 1939 (53 Stat. 1187), transmitted herewith is my report/final environmental statement (report/FES) on the Minidoka Powerplant Rehabilitation and Enlargement, Minidoka Project, Idaho-Wyoming. The report/FES is in compliance with the requirements of the National Environmental Policy Act and was filed with the Environmental Protection Agency on June 3, 1982.

The key feature of the project would be a 35-megawatt plant, which would include construction of a new 30-megawatt plant and continued operation of an existing 5-megawatt unit. The proposed plan includes features and measures to (1) increase electrical energy production at the site by nearly 48 million kilowatt hours annually; (2) preserve the existing powerplant as a public museum; (3) expand and improve recreational facilities in and near Walcott Park; and (4) conserve and enhance fish and wildlife in the general proximity of Minidoka Dam, Lake Walcott and the Snake River.

The proposed report on the project was transmitted to the Columbia River Basin States and interested Federal agencies for review on September 18, 1981, as required by law. The comments received as a result of that review, none of which opposed the project, are addressed in the report/FES.

Also enclosed as part of the report/FES is the Reports of Cooperating Agencies Appendix which contains the full Fish and Wildlife Coordination Act report. Recommendations of the Fish and Wildlife Service and our adoption, deletion, or modification of those recommendations and the rationale therefor are included in the reports.

The report/FES was transmitted to the President through the Office of Management and Budget (OMB) on January 3, 1983. Enclosed is a copy of the June 13, 1984, response from OMB advising that it has no objection to our submitting the report/FES to the Congress for consideration for authorization. However, OMB supports authorization for non-Federal development unless such development is determined to be impractical.

Federal development and operation of the Minidoka Powerplant Rehabilitation and Enlargement would be preferable to development by a non-Federal entity since (1) power is an authorized function at the site; (2) the site has an existing Federal powerplant; (3) power generated at the facility is being marketed by Bonneville Power Administration: (4) complex river and reservoir system operations to meet multiple water needs are involved at the dam making an additional power operating entity a complicating factor, and (5) public acceptance of the powerplant enlargement was gained only after lengthy and careful consultation with affected interest groups and agencies leading to commitments by Reclamation regarding river and reservoir operations and fishery enhancements that normally would be outside the scope of a strictly non-Federal development.

The Office of Management and Budget also advises that should Federal development be necessary, arrangement should be made for up-front financing and/or revenue sharing by local sponsors, It is our intention to pursue those possibilities.

Therefore, I recommend that the Minidoka Powerplant Rehabilitarian and Enlargement, Minidoka Project, Idaho-Wyoming, be authorized for construction in accordance with the basic plan presented in the enclosed report/FES.

An identical letter is being sent to the Speaker of the House of Representatives.

ROBERT N. BROADBENT,
Assistant Secretary for Water and Science.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC. June 13, 1984.

Hon. WILLIAM P. CLARK,
Secretary of the Interior, Washington, DC.

DEAR MR. SECRETARY: On January 19, 1983, the Commissioner of Reclamation transmitted to us reports to the Congress on the Anderson Ranch Powerplant Third Unit, Boise Project, Idaho, and Minidoka Powerplant Rehabilitation and Enlargement, Idaho and Wyoming, as required by E.O. 12322. We have reviewed these reports, together with the Interior Department's recommendations concerning them.

The Office of Management and Budget concurs with the recommendations to authorize construction of these projects. However, we support authorization of the projects for non-Federal development unless you find such development to be impractical. Should Federal development be necessary, up-front financing and arrangements for sharing of power or revenues from the projects should be sought from local sponsors.

We note that acquisition of private land for environmental enhancement purposes is no longer included in the proposed plan for Anderson Ranch.

The Office of Management and Budget has no objection to your submitting these reports to the Congress in accordance with the conditions stated above.

Sincerely,

FREDERICK N. KHEDOURI,
Associate Director for Natural Resources, Energy and Science.●

By Mr. DOLE:

S. 1274. A bill to implement the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, and for other purposes; to the Committee on Finance.

EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS IMPORTATION ACT

Mr. DOLE. Mr. President, I am pleased to introduce today a bill to reauthorize the President to implement the Nairobi Protocol to the Florence agreement, a trade agreement that provides for duty-free trade in certain scientific, educational, and cultural materials, and articles for the blind and the handicapped. I first sponsored a bill for this purpose 3 years ago, and it subsequently was enacted as part of the 1982 omnibus tariff legislation. That bill authorized the President to implement the protocol on a provisional basis, and only until August of this year. Because I support the goals of the procotol, I believe it is important now to renew the President's authority to implement it.

THE FLORENCE AGREEMENT

The Florence agreement provides for duty-free trade among its approximately 90 adherents in specified categories of articles. These categories are: First, books, publications, and documents; second, works of art and collector's pieces; third, visual and auditory materials; fourth, scientific instruments and apparatus; and fifth, articles for the blind. Some limitations are applicable. For example, some of the covered materials must first be approved by the importing country's authorities, or must be imported for the benefit of specific institutions.

The United Nations educational, scientific, and cultural organization [UNESCO] opened the Florence Agreement for signature in 1950. Following passage of the Educational, Scientific, and Cultural Material Importation Act of 1966, the United States adopted the agreement. We have apparently enjoyed a favorable balance of trade in the covered items since that time.

THE NAIROBI PROTOCOL

The Nairobi Protocol, open for signature since 1977, broadened the scope of the Florence Agreement by removing some of its restrictions, and by expanding it to cover technologically new articles and previously uncovered works of art, films, and so forth. For example, audiovisual material was placed on the same footing as books. Scientific maps and charts and wood mosaics were among the new items covered.

Most importantly, the protocol embraced one major new category of items: "All materials specifically designed for the education, employment and social advancement of physically or mentally handicapped persons * * *." The Florence Agreement is limited to articles for the blind insofar as it specifically addresses the needs of handicapped persons. Thus, not only does the protocol liberalize coverage of materials for the blind that are provided duty-free treatment, it benefits all handicapped persons, without regard to the source of their affliction.

Like the Florence Agreement, the protocol allows, but does not require, signatories to accord duty-free treatment only to covered articles imported by specific institutions, for example, universities, and to articles that are not equivalent to domestically produced ones. By authorizing the President to proclaim duty-free treatment without these restrictions, the 1982 implementing legislation sought to encourage other nations—particularly the European Community [EC]—also to adopt the more encompassing commitment to provide duty-free treatment. I believe the 1982 bill was an appropriate compromise satisfying two domestic concerns: Those of some U.S. producers worried about new duty-free competition at home without significant new export opportunities, and, on the other hand, consumer beneficiaries of the protocol who preferred to see immediate implementation of the tariff cuts.

EXPERIENCE UNDER THE 1982 LAW

For the past 2½ years, the United States has applied the protocol without the restrictions that the 17 other signatory nations adopted. I regret that our actions did not encourage the EC and others to follow our lead, for the benefit of their own citizens. Despite the advantages of broader coverage for U.S. consumers, this lack of reciprocity by other signatories requires that the United States revert to implementing the more restrictive form of the agreement. The bill I introduce today, as proposed by the administration, authorizes the President to do so. However, in the event other nations agree in the future to accept the broader obligations, the President would be authorized to apply those broader obligations once again.

Nevertheless, one of the most important features of the 1982 law will be retained. The United States has accorded duty-free treatment to a somewhat broader range of articles for the handicapped than required by the protocol. This treatment facilitates access by our handicapped citizens to a broad range of materials available abroad to assist them with their daily activities. This step by the Government is justified without regard to the actions of our trading partners, and I am therefore pleased that the restrictions to be applied now, under the bill, to other covered material will not extend to these articles.

Finally, I wish to note that a limited safeguards provision included in the 1982 law is also retained in the new bill. Under that provision, the President may, on a most-favored-nation basis, restore existing tariff rates for articles, the import of which he determines has a significant adverse impact on a domestic industry producing a like or competitive article, and which are not covered by either the Florence Agreement or Nairobi Protocol. This special is limited to articles not covered by commitments in those agreements. Because this country is offering somewhat broader coverage than those agreements require, the additional streamlined safeguard protection is appropriate. Of course, normal safeguard relief available under section 201 of the Trade Act of 1974 will remain unaffected by this bill or protocol, as recognized by paragraph 18 of the protocol.

CONCLUSION

Mr. President, I regret that U.S. leadership has failed to induce the

freest flow of ideas that would be encouraged through the acceptance by other nations of the broadest obligations of the Nairobi Protocol. Yet, it is important to continue U.S. participation in this important endeavor by renewing the President's authority as I have outlined it. Because the Nairobi Protocol first, expands the Florence Agreement in an important way—to include articles specifically designed to benefit the handicapped, second, will-contribute to increased U.S. exports, and third, will contribute to greater international understanding by facilitating increased exchanges of ideas, I urge my fellow Members to join me in supporting the bill.

I ask unanimous consent that the bill and an explanatory statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I. SHORT TITLE, ETC.

Sec. 101. SHORT TITLE.

This Act may be cited as the "Educational, Scientific, and Cultural Materials Importation Act of 1985".

Sec. 102. AMENDMENT OF TARIFF SCHEDULES.

Whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, an item, headnote, or other provision, the reference shall be considered to be made to an item, headnote, or other provision of the Tariff Schedules of the United States (19 U.S.C. 1202; hereinafter referred to as the "TSUS").

Sec. 103. PURPOSE.

The purpose of this Act includes (1) to provide for the implementation by the United States of the Protocol (S. Treaty Doc. 97-2, 9; hereinafter referred to as the "Nairobi Protocol") to the Agreement on the Importation of Educational, Scientific, and Cultural Materials (17 UST (pt. 2) 1835; hereinafter referred to as the "Florence Agreement"), (2) to clarify or modify the duty-free treatment accorded under the Educational, Scientific, and Cultural Materials Importation Act of 1982 (96 Stat. 2346; hereinafter referred to as the "1982 Act"), under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (80 Stat. 897), and under P.L. 89-634 (80 Stat. 879), and (3) to continue the safeguard provisions concerning certain imported articles provided for in the 1982 Act.

Sec. 104. REPEAL OF 1982 ACT.

The 1982 Act (subtitle B of title I of Public Law 97-446) is repealed.

TITLE II. TARIFF PROVISIONS.

SEC. 201. TREATMENT OF PRINTED MATTER AND CERTAIN OTHER ARTICLES.

(a) Items 270.45 and 270.50 are redesignated as 270.46 and 270.48, respectively.

(b) Part 5 of schedule 2 is amended as follows:

(1) The following new item is inserted in numerical sequence:

"270.90	Catalogs of films, recordings, or other visual and auditory material of an educational, scientific, or cultural character	Free	Free",

(2) Items 273.45 through 273.55 and the superior heading thereto are stricken and the following new item is inserted in lieu thereof:

"273.52	Architectural, engineering, industrial, or commercial drawings and plans, whether originals or reproductions	Free	Free",

(3)(A) The superior heading to items 274.50 through 274.70, inclusive, is amended by inserting after "Photographs" the phrase "(including developed photographic film; photographic slides; transparencies; holograms for laser projection; and microfilm, microfiches and similar articles except those provided for in item 737.52)".

(B) The following new items are inserted in numerical sequence under the superior heading "Printed not over 20 years at time of importation:", and above (and at the same hierarchical level as) "Lithographs on paper:":

"274.55	Loose illustrations, reproduction proofs or reproduction films used for the production of books	Free	Free
"274.56	Articles provided for in items 270.05, 270.10, 270.25, 270.55, 270.63, 270.70, and 273.60 in the form of microfilm, microfiches, and similar film media	Free	Free."

(C) Item 735.20, part 5D of schedule 7, is stricken and the following new items and superior heading are inserted in lieu thereof:

	"Puzzles; game, sport, gymnastic, athletic, or playground equipment; all the foregoing, and parts thereof, not specially		
735.21	Crossword puzzle books, whether or not in the form of microfilm, microfiches, or similar film media	Free	Free
735.24	Other	5.52% ad val..	40% ad val."

(D) Item 737.52, part 5E of schedule 7, is amended by inserting after "Toy books" the phrase "(whether or not in the form of microfilm, microfiches, or similar film media)".

(E) Item 830.00, part 3A of schedule 8, is amended by inserting at the end of the article description thereof "; official government publications in the form of microfilm, microfiches, or similar film media".

(F) Item 840.00, part 3B of schedule 8, is amended by inserting after "documents" the phrase ", whether or not in the form of microfilm, microfiches, or similar film media)".

SEC. 202. VISUAL AND AUDITORY MATERIAL.

(a) Headnote 1, part 7 of schedule 8 is amended to read as follows:

"1. (a) No article shall be exempted from duty under item 870.30 unless either:

(i) a Federal agency or agencies designated by the President determines that such article is visual or auditory material of an educational, scientific, or cultural character within the meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, or Cultural Character (17 UST (pt. 2) 1578; Beirut Agreement), or

(ii)(A) such article is imported by, or certified by the importer to be for the use of, any public or private institution or association approved as educational, scientific, or cultural by a Federal agency or agencies designated by the President for the purpose of duty-free admission pursuant to the Nairobi Protocol to the Florence Agreement, and

(B) is certified by the importer to be visual or auditory material of an educational, scientific, or cultural character or to have been produced by the United Nations or any of its specialized agencies.

"For purposes of subparagraph (i), whenever the President determines that there is or may be profitmaking exhibition or use of articles described in item 870.30 which interferes significantly (or threatens to interfere significantly) with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry under that item of such foreign articles to insure that they will be exhibited or used only for nonprofitmaking purposes.

"(b) For purposes of items 870.32 through 870.35, inclusive, no article shall be exempted from duty unless it meets the criteria set forth in subparagraphs (a)(ii)(A) and (B) of this headnote."

(b) Item 870.30, part 7 of schedule 8, is amended by inserting after "models" the phrase "(except toy models)", and by striking out "headnote 1" and inserting in lieu thereof "headnote 1(a)".

(c) The following new items and superior heading are inserted in numerical sequence in part 7 of schedule 8:

	"Articles determined to be visual or auditory materials in accordance with headnote 1 of this part:		
870.32	Holograms for laser projection; microfilm, microfiches, and similar articles	Free	Free
870.33	Motion-picture films in any form on which pictures, or sound and pictures, have been recorded, whether or not developed	Free	Free
870.34	Sound recordings, combination sound and visual recordings, and magnetic recordings; video discs, video tapes, and similar articles	Free	Free
870.35	Patterns and wall charts; globes; mock-ups or visualizations of abstract concepts such as molecular structures or mathematical formulae; materials for programmed instruction; and kits containing printed materials and audio materials and visual materials or any combination of two or more of the foregoing	Free	Free."

SEC. 203. TOOLS FOR SCIENTIFIC INSTRUMENTS OR APPARATUS.

Part 4 of schedule 8 is amended by adding in numerical sequence the following new item:

"851.67	Tools specially designed to be used for the maintenance, checking, gauging or repair of scientific instruments or apparatus admitted under item 851.60	Free	Free."

SEC. 204. ARTICLES FOR THE BLIND AND FOR OTHER HANDICAPPED PERSONS.

(a) REPEAL OF CERTAIN TSUS ITEMS.—Subpart D of part 2 of schedule 8 is amended by striking out items 825.00, 826.10, and 826.20.

(b) SPECIALLY DESIGNED ARTICLES.—Part 7 of schedule 8 is amended as follows:

(1) by inserting, in numerical sequence, the following new items:

	"Articles specially designed or adapted for the use or benefit of the blind or other physically or mentally handicapped persons:		
870.65	Articles for the blind: Books, music, and pamphlets, in raised print, used exclusively by or for them.	Free	Free
870.66	Braille tablets, cubarithms, and special apparatus, machines, presses, and types for their use or benefit exclusively	Free	Free
870.67	Other	Free	Free,"

(2) by adding the following new headnote:

"3. For the purposes of items 870.65, 870.60, and 870.67—

"(a) The term 'blind or other physically or mentally handicapped persons' includes any person suffering from a permanent or chronic physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"(b) These items do not cover—

(i) articles for acute or transient disability;

(ii) spectacles, dentures, and cosmetic articles for individuals not substantially disabled;

(iii) therapeutic and diagnostic articles; or

(iv) medicine or drugs."

TITLE III. AUTHORITY TO MODIFY CERTAIN DUTY-FREE TREATMENT ACCORDED UNDER THIS ACT.

SEC. 301. AUTHORITY TO LIMIT CERTAIN DUTY-FREE TREATMENT.

(a) AUTHORITY TO LIMIT.—

(1) IN GENERAL.—In addition to his authority under section 201 of the Trade Act of 1974 (19 U.S.C. 2251), the President may proclaim changes in the TSUS to narrow the scope of, place conditions upon, or otherwise eliminate the duty-free treatment accorded under sections 203 or 204 with respect to any type of article the duty-free treatment of which has significant adverse impact on a domestic industry (or portion thereof) manufacturing or producing a like or directly competitive article, and provided the effect of such change is not inconsistent with the provisions of the relevant annexes of the Florence Agreement or the Nairobi Protocol.

(2) RATES WHICH ARE TO TAKE EFFECT IF DUTY-FREE TREATMENT ELIMINATED.—If the President proclaims changes to the TSUS under paragraph (1), the rate of duty thereafter applicable to any article which is:

(A) affected by such action, and

(B) imported from any source,

shall be the rate determined and proclaimed by the President as the rate which would then be applicable to such article from such source if this Act had not been enacted.

(b) RESTORATION OF TREATMENT.—If the President determines that any duty-free treatment which is no longer in effect because of action taken under subsection (a) could be restored in whole or in part without a resumption of significant adverse impact on a domestic industry or portion thereof, the President may proclaim changes to the TSUS to resume such duty-free treatment.

(c) OPPORTUNITY TO PRESENT VIEWS.—Before taking an action authorized by subsection (a) or (b), the President shall afford an opportunity for interested Government agencies and private persons to present their views concerning the proposed action.

(d) Any action in effect or any proceeding in course under Section 166 of the 1982 Act on the date of entry into force of this Act shall be considered as an action or proceeding under this section.

SEC. 302. AUTHORITY TO EXPAND CERTAIN DUTY-FREE TREATMENT ACCORDED UNDER SECTION 202.

(a) EXPANSION OF DUTY-FREE TREATMENT.—If the President determines such action to be in the interest of the United States, he may proclaim changes to the TSUS in order to remove or modify any conditions and restrictions imposed by section 202 of this Act on the importation of articles provided for in items 870.30 through 870.35, inclusive (except as to articles entered under the terms of headnote 1(a)(i), part 7 of schedule 8), in order to implement the provisions of Annex C-1 of the Nairobi Protocol.

(b) Effective Date of Changes.—Any changes to the TSUS proclaimed pursuant to paragraph (a) shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the fifteenth day following the date on which the President proclaims duty-free treatment under subsection (a) of this section.

SEC. 303. CHANGES TO TSUS TO IMPLEMENT FLORENCE AGREEMENT PROVISION.

(a) AMENDMENT OF ITEM 851.60.—Item 851.60, part 4 of schedule 8 is amended by deleting from the article description thereof the word "Instruments" and inserting in lieu thereof the words "Scientific instruments".

(b) HEADNOTE CHANGE.—(1) Paragraphs (a) and (b) of headnote 6, part 4 of schedule 8 are amended to read as follows:

"3. For purposes of item 851.60—

(a) The term "Scientific instruments and apparatus" shall mean scientific instruments and apparatus for deriving information from, or generating data necessary to, scientific experimentation by means of sensing, analyzing, measuring, classifying, recording, or similar operations; the term "Scientific" means pertaining to the physical or life sciences and, under certain circumstances, to applied sciences. Such instruments and apparatus do not include materials or supplies, or ordinary equipment for use in building construction or maintenance or in supporting activities (such as administration or operating residential or dining facilities) of the institution seeking their entry under this item.

(b) An institution desiring to enter an article under this item shall make an application therefor to the Secretary of Commerce, including therein (in addition to such other information as may be prescribed by regulation) a description of the article, the purposes for which the instrument or apparatus is intended to be used, the basis for the institution's belief that no instrument or apparatus of equivalent scientific value for such purposes is being manufactured in the United States (as to which the applicant shall have the burden of proof), and a statement that the institution either has already placed a bona fide order for such instrument or apparatus or has a firm intention to place an order therefor on or before the final day specified in paragraph (d) of this headnote. If the Secretary finds that the application is in accordance with pertinent regulations, he shall promptly forward copies thereof to the Secretary of Health and Human Services. If, at any time while its application is under consideration by the Secretary of Commerce or on appeal from a finding by him before the United States Court of Appeals for the Federal Circuit, the institution cancels an order for the instrument or apparatus covered by its application, or if it no longer has a firm intention to order such article, it shall promptly so notify the Secretary of Commerce or the Court, as the case may be."

(2) Paragraph (c) of headnote 6 is amended:

(i) by striking out the words "Health, Education and Welfare" and inserting in lieu thereof the words "Health and Human Services"; and

(ii) by striking out, from the third sentence, the words "the Secretary of the Treasury and"; and by striking out words "the Treasury" from the last sentence of such paragraph and inserting in lieu thereof "Commerce".

(3) Paragraph (e) of headnote 6 is amended by striking out "Court of Customs and Patent Appeals" and inserting in lieu thereof "Court of Appeals for the Federal Circuit".

(4) Paragraph (f) of headnote 6 is amended to read as follows:

"(f) The Secretary of Commerce may prescribe regulations to carry out his functions under this headnote."

SEC. 304. STATISTICAL INFORMATION.

In order to implement effectively the provisions of Section 301, the Secretary of the Treasury, in conjunction with the Secretary of Commerce, shall take such actions as are necessary to obtain adequate statistical information with respect to articles to which amendments made by Section 204 apply, in such detail and for such period as the Secretaries consider necessary.

TITLE IV. EFFECTIVE DATE OF AMENDMENTS, ETC.

SEC. 401. EFFECTIVE DATE.

This Act shall be effective on, and the amendments to the TSUS made by it shall be effective with respect to articles entered, or withdrawn from warehouse for consumption on or after, the latest of: (1) August 12, 1985, (2) the 15th day following the date of the enactment of this Act, or (3) the 15th day following the deposit of the U.S. ratification of the Nairobi Protocol.

SEC. 402. RETROACTIVE APPLICATION

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, in the application of the relevant provisions of this Act to the entry of any article:

(1) which was made on or after August 12, 1985, and before the effective date of this Act, and

(2) with respect to which there would have been no duty if the relevant provisions of this Act applied to such entry;

such entry shall be liquidated or reliquidated as though such entry had been made on or after the effective date of this Act.

SECTION-BY-SECTION ANALYSIS

This act may be cited as the "Educational, Scientific, and Cultural Materials Importation Act of 1985."

Title I describes the purpose of the act and repeals the Educational, Scientific, and Cultural Materials Importation Act of 1982, in order that the new bill may be substituted for the earlier law.

Title II repeats the tariff provisions of the 1982 act with certain modifications. The earlier act provided for duty-free importation of a range of printed, visual and auditory materials, tools for scientific instruments or apparatus, and articles for the blind and other handicapped persons. These items constituted a somewhat enhanced version of the new categories of imported educational, scientific, and cultural materials covered by those annexes of the Nairobi Protocol which it was anticipated that the United States would accept. The Protocol is an extension of the coverage of the Florence Agreement on the Duty-free Importation of Educational, Scientific, and Cultural Materials, already in force between the United States and numerous other countries.

The bill would include certain printed and related materials inadvertently not specified by the 1982 act. More importantly, the bill would limit the duty-free treatment of visual and auditory materials to materials

either: 1) certified by the designated Federal Agency as educational, scientific, or cultural in character, or 2) imported by or for the use of public or private institutions or associations approved by the designated Federal agency and certified by the importer as educational, scientific, or cultural in character. The 1982 act granted duty-free entry to visual and auditory materials regardless of subject or end use. The proposed narrowing or the scope of the provisions permitting duty-free importation is intended to implement the U.S. acceptance of an annex to the Protocol containing lesser obligations at a level which more closely resembles the treatment of these materials accorded by our major trading partners. Both the 1982 Act and the 1985 bill contain provisions, principally relating to goods for the handicapped, for duty-free treatment somewhat broader than those in the Protocol.

Title III renews the safeguard provisions of the previous act, provisions which allow the President to narrow the scope of, place restrictions on, or otherwise eliminate duty-free treatment of articles not provided for by the relevant annexes to the Florence Agreement or the Nairobi Protocol, and the importation of which is determined by the president to have a significant adverse impact on domestic competitors.

Title III also includes authority to expand duty-free treatment of visual and auditory materials to the extent provided for under the 1982 act, if the President deems such action to be in the interest of the United States. This Subtitle also includes an amendment to an existing headnote in the TSUS to clarify the provisions allowing duty-free importation of scientific instruments. The amendment is intended to insure that such duty-free treatment is limited to instruments and apparatus that are scientific in nature. Finally, this Subtitle also provides for the collection of statistical information.

Title IV provides the effective date of the amendments made by the bill, as well as a provision allowing its retroactive application, which is intended to cover goods entered after the expiration of the 1982 act and before the effective date of the proposed legislation.

By Mr. LUGAR (for himself and Mr. QUAYLE):

S. 1275. A bill to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the Tenth Pan American Games to be held in Indianapolis in 1987; to the Committee on Finance.

PERMITTING THE DUTY-FREE ENTRY OF PAN AMERICAN GAMES EQUIPMENT

Mr. LUGAR. Mr. President, today I am introducing legislation to permit the participants in the 1987 Pan American Games to bring their equipment into the United States without paying duty or posting bond.

This legislation is cosponsored by every Member of the Indiana delegation, and supported by the Commissioner of the U.S. Customs Service, William von Rabb. It will substantially reduce the regulatory burden, both on the Customs Service and on the participants in the Pan American Games. It will not have any effect on the Treasury.

The 1987 Pan-American Games will be the 10th Quadrennial Pan Am Games. They will be held in Indianapolis in August 1987. All 37 nations of the Western Hemisphere are expected to participate in the competitions, which will include all of the Olympic events plus a few others such as baseball that are not yet official Olympic sports.

The games are coming to the United States for the first time in 30 years. The city of Indianapolis was a natural site to host the Pan Am Games since it is one of the few cities in the hemisphere with the needed sports facilities. The people of Indianapolis are not only prepared to host the games, but they are also excited at the prospect of bringing this tremendous competiton to Indiana and the United States.

Within weeks of the announcement that the United States would host the games, an organizing committee had been formed and the planning had begun. Now, 6 months later a small staff and hundreds of talented and dedicated volunteers are putting together all of the details that are required when conducting a large, complex, international competition.

The city of Indianapolis and the State of Indiana have been electrified. No longer are the 1987 games the single focus of planning. Now the community is planning a hemispheric celebration that will last for months. There will be trade fairs, cultural events, community programs, and educational programs. More events are being added each week.

We are proud to have the opportunity to host the games on behalf of the United States. The games will be a splendid sports event, and they will also be an opportunity to demonstrate our partnership with our friends in the Western Hemisphere.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"915.10	Personal effects of aliens who are participants in or officials of the Tenth Pan American Games, or who are accredited members of delegations thereto, or who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with such games; and other related articles as prescribed in regulations issued by the Secretary of the Treasury.	Free	Free	On or before 9-30-87".

SEC. 2. The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of the enactment of this Act.

By Mr. LAUTENBERG (for himself, Mr. DODD, Mr. KENNEDY, Mr. BYRD, Mr. MOYNIHAN, Mr. SARBANES, Mr. BURDICK, and Mr. BRADLEY):

S. 1276. A bill to provide financial assistance to the States for computer education programs, and for other purposes; to the Committee on Labor and Human Resources.

COMPUTER EDUCATION ASSISTANCE ACT

● Mr. LAUTENBERG. Mr. President, computers are fast becoming a fact of everyday life for all Americans. They are changing the way we work, the way we live, and the way we learn. We are in the midst of the coming of the information age. As the flood of innovation and change surges forward, this country must assure that the benefits associated with this change are widely shared. Just as flood waters bring both rich new soil and harmful destruction, so information technology can be beneficial for those who are trained to use it and potentially limiting for those who are not.

The competitive position of this Nation in the world economy is dependent upon our ability to be innovative and adaptable, and to demonstrate technical prowess. We can continue to be competitive and meet the challenge of the future, but to do so we must continue to produce well-educated, skilled and creative workers, workers who understand the uses of the new information technology. This will require adequate resources to support top notch education for our children.

The last few years have seen much criticism of American education, and important beginnings in its revitalization. But concern remains. The chairman of the National Association of Manufacturers recently wrote about his concerns. He said:

For the first time in our history, we may produce a generation less educated than its predecessor. More alarmingly, it may possess the wrong skills—or simply inadequate ones—for the jobs of the future.

I share this concern and believe that we must make greater strides toward strengthening American education. Computer education will be part of that process. Last year I introduced legislation to establish a program of Federal assistance for schools to develop and improve computer education programs. The bill that I am introducing today, along with my colleagues, Senators DODD, KENNEDY, BYRD, MOYNIHAN, SARBANES, BURDICK, and BRADLEY, is an improved version of that bill, with the same goals and concepts.

The Computer Education Assistance Act of 1985 continues to provide for a program of competitive grants for the purchase of computer hardware and software and inservice teacher training. It strengthens the emphasis on careful planning for computer education in the school curriculum. The bill authorizes assistance for teacher-training institutes for elementary and secondary school teachers. It also provides for evaluation of computer hardware and software and the development of model instructional programs.

At a time when new Federal expenditures are viewed with great skepticism, the kind of investment I am proposing will pay for itself many times over in a more productive citizenry. This investment is particularly important in schools with concentrations of poverty-level children who should not be deprived of the benefits of a modernized curriculum.

Mr. President, computer education is no substitute for the three R's. Putting computers into the classroom is not a cure-all for the problems of American education. But, carefully designed computer education programs can clearly help.

Planning for the appropriate role of computer education is as important as the purchase of hardware and software. Thoughtful consideration must be given to the integration of computers into the curriculum. Computer education planners must first consider the overall goals for their schools. Then, they must decide how computers can help them meet those goals. For some purposes, existing methods will continue to be best. For other purposes, computers offer exciting possibilities for transforming the curriculum and the way it is taught.

Computers can be crucial in the transition from traditional education, with its relative emphasis on rote learning, to a new emphasis on assimilating information and solving problems. Computers can be used by students in every subject in every grade. Students can use word processing programs to improve their writing by editing and revising more easily than they do now. They can learn to simulate "what if" situations in history classes so that they can understand more clearly the factors that affect human behavior and events. They can learn to use graphics to present data in a clear and meaningful way. Some scientific experiments can be carried out through simulations.

These uses of the computer in schools would go far beyond the teaching of computer awareness or programming. A basic understanding of the working and operation of a computer should be a beginning for computer education, not an end. Computers are more like pencils than books. As educators come to view computers in this way, as tools, they will begin using them to expand their students' horizons and improve their analytical and critical thinking skills.

Thinking of computer education in broader terms will require coordination with curriculum planning. It is more than drill and practice exercises. Computer education involves the use of application software in word processing, spread sheet analysis, and data base analysis, all of which can be used more generally than highly specialized instructional courseware.

Use of computers in schools is growing, but the need for Federal assistance is convincing. From 1983 to 1984 the number of microcomputers in public schools increased by 75 percent. By last fall, 85 percent of the public schools had at least one microcomputer. This widespread penetration of computers represents a tremendous growth since 1981 when only 18 percent of the schools had an instructional computer.

However, many of these schools have only the one computer. The average number of computers per school is 8.2 and average number of students per computer is 63.5. The penetration of computers is wide, but not deep. The machines are frequently spread too thin to be used in optimum ways. Consider what it would mean if students had to share paper and pencil to the extent that they must share computers. Clearly the computer revolution in the schools is in its infancy.

Furthermore, the benefits of the growth in computers in schools are not evenly distributed among schools serving different socioeconomic groups. A study conducted in the fall of 1984 found that 92 percent of affluent schools had at least one computer, while only 74 percent of poor schools were so equipped.

Even more startling is the growth in the gap between rich and poor schools in the amount of computer equipment that each has. In 1983 the difference between the average number of computers in affluent and poor schools was just over two per school. One year later the difference had increased to nearly 4, with affluent schools averaging 10.6 computers per building and poor schools averaging only 6.8.

The exposure that students have to computers varies by economic class also. One study found that twice as many students in well-to-do urban areas said that they had never used a computer in school as students in disadvantaged urban areas. The number of computers in homes far exceeds the number in schools and the lion's share of these computers are in more affluent homes, including many with children. The additional exposure to computers in the home creates further disparity between rich and poor children.

Mr. President, the Computer Education Assistance Act of 1985 will establish a program to assist States and local school districts in developing the ambitious computer education program that is needed. The program will authorize $150 million for the first year and such sums as necessary for an additional 3 years for grants to schools for acquisition of hardware and software and teaching training. The funds will be allocated to the States, half on the basis of school age population and half on the basis of the chapter I formula, used for aid to disadvantaged schoolchildren. Each State will make grants to local school districts, which must assure that at least half the funds are used to serve chapter I eligible children and that funds are targeted on schools with the greatest need for computers.

School districts will be required to do some fairly extensive planning. This will include:

Setting goals for computer education in the schools and relating these goals to the overall educational objectives of the district.

Instructional priorities for the use of computers.

Schedules for placing computers in the elementary and secondary schools.

Criteria for selection of the hardware and software.

Planned revisions in the basic curriculums of the schools designed to incorporate the use of computers.

Afterschool availability of the computers for use by parents and students.

The Federal grants are to be matched, with the Federal share set at 75 percent and the non-Federal at 25 percent. The non-Federal share can come from public or private sources, and may be in cash or kind. Local districts that can make arrangements with businesses and industries to donate equipment, personnel, or cash will not have to use their own funds for the matching share. Private school students would be eligible for assistance.

The bill provides $20 million a year for 4 years to the National Science Foundation for the establishment of teacher-training institutes. These in-

stitutes would provide more indepth training for teachers than the title I grants will support. Proper preparation of teachers is essential to the success of a computer education program. These institutes will offer teachers an opportunity to learn about computers and the best methods for using them in the schools.

Evaluations of existing hardware and software and research and development on new software and instructional models will provide much of the underpinning for the new programs of computer education. Title III of this bill authorizes the National Science Foundation and the Department of Education through the National Institute of Education to provide assistance to organizations that have expertise to carry out this research.

The planning requirement in this legislation is extremely important. Education planners need to take a careful look at the role of computers in the total curriculum. They also need to consider such questions as whether to institute saturation programs at a few schools or to provide computers in every classroom in a particular grade throughout the district. The bill does not set a goal for a specific ratio of students to computers or daily access time per student.

Plans are to include afterschool availability of computers for parents and children. This would permit parents and children to spend additional time working on the computers and gaining familiarity with them. Such afterschool programs would be especially helpful to those without access to computers at home. The children who do not have computers at home are very likely also to be attending schools which are least likely to have many computers. In such areas, special outreach programs to encourage parental participation may be necessary.

The funds from the Computer Education Assistance Act of 1985 will be used in all schools, but at least half the funds will be targeted on schools with poverty-level children. Priority also is to be given to schools with the greatest need for computers. By establishing the targeting requirement and the priority for underserved schools the bill aims to concentrate its resources in a way that benefits schools and children that are falling behind in computer usage.

The grant funds can be used for acquisition of equipment and computer programs and inservice teacher training. Each district will decide the mix of uses to which they will put their funds. This provides school districts with a great deal of flexibility.

In addition, the non-Federal matching share can be in kind, such as donations of equipment or personnel services from private sources or from public agencies. This provides additional flexibility and incentive for local school districts to involve the business community in their planning.

Mr. President, the program of planning and grant assistance for the purchase of equipment, training, and research authorized by this bill will provide Federal seed money for computer education programs. A great deal of flexibilty is allowed and the result should be a better education for all children. This result is important for the growth and success of our children and our country.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Computer Education Assistance Act of 1985".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to improve and strengthen computer education instruction in elementary and secondary schools and thereby to improve student's academic performance in both technical and other fields by—

(1) encouraging orderly planning for the use of computers and for the application of computers to the instructional program of elementary and secondary schools;

(2) encouraging the acquisition of computer hardware for elementary and secondary schools having the greatest need;

(3) improvement of teacher training in computer education; and

(4) assisting in the development and acquisition of appropriate computer software.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education;

(6) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(7) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965;

(8) the term "computer hardware" means—

(A) a data processor which—

(i) has a combined random access and read only memory of at least 64,000 bytes; and

(ii) is or can be connected with devices for interaction with users and for visual display;

(B) in connection with such a data processor (i) a display screen, (ii) one or more disk or tape drives, (iii) peripheral equipment such as printers and communications devices; and

(C) any equipment necessary for the installation of equipment described in subparagraphs (A) and (B); and

(9) the term "computer software" means computer programs including programs of general applicability and programs of instructional courseware suitable for use in the education program of the elementary and secondary schools within the State, including programs and program materials necessary for the operation and maintenance of the computers.

TITLE I—ACQUISITION OF COMPUTER RESOURCES

PROGRAM AUTHORIZED

SEC. 101. (a) The Secretary is authorized, in accordance with the provisions of this title, to make grants to States to pay the Federal share of the costs of strengthening and expanding computer education resources available in the elementary and secondary schools within the State.

(b) There are authorized to be appropriated $150,000,000 for fiscal year 1986 and such sums as may be necessary for the fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990, to carry out the provisions of this title.

ALLOTMENT TO STATES; WITHIN STATE ALLOCATION

SEC. 102. (a)(1) From the sums appropriated under section 101(b) for each fiscal year, the Secretary shall reserve 2 percent for payments to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(2) From the remainder of such sums, the Secretary shall, subject to the provisions of subsection (b), allot to each State—

(A) an amount which bears the same ratio to one-half of such remainder as the school-age population of the State bears to the school-age population of all States, plus

(B) an amount which bears the same ratio to one-half of such remainder as the amount the State is eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981) in the fiscal year for which the determination is made bears to the amount available to all States under such subpart 1.

(3) For the purpose of this subsection—

(A) the term "school-age population" means the population aged 5 through 17; and

(B) the term "States" includes the fifty States, and the District of Columbia.

(b) For the purpose of this section—

(1) the provisions of section 111(a)(3)(D) of the Elementary and Secondary Education Act of 1965, relating to the use of the survey of income and education data, shall not apply to the allotment of funds under paragraph (2) of subsection (a); and

(2) the provision of the third sentence of section 193(a) of the Elementary and Secondary Education Act of 1965, relating to the 85 percent hold harmless, shall not apply to the allotment of funds under paragraph (2) of subsection (a).

(c) The State educational agency shall allocate the allotment of the State to local

educational agencies within the State having an application approved by the State in accordance with section 105 based on the factors described in clause (3) of section 106(a), relating to the local applications.

ELIGIBILITY FOR GRANTS

SEC. 103. No grant may be made to a State under this title unless the State educational agency, and local educational agencies within the State, carry out planning activities designed to facilitate the use of Federal financial assistance under this title for the expansion of computer resources in the elementary and secondary schools within the State. The planning activities shall include—

(1) the goals for computer education in the schools of such agency and how the goals relating to computer education in each subject relate to the education objectives of the local educational agency,

(2) planned revisions in the basic curricula of the elementary and secondary schools designed to integrate the use of computers,

(3) instructional priorities for the use of computers,

(4) schedules for placing computers in the elementary and secondary schools of such agency selected in accordance with the provisions of section 106(a)(2)(B),

(5) criteria for selecting computer hardware and software to be acquired,

(6) provisions for the security of the computers,

(7) after school availability of the computers for use by parents and students for instructional or educational purposes, and

(8) standards for the evaluation of the computer education program assisted under this Act.

USES OF FUNDS

SEC. 104. Grants under this title may be used for the payment of the Federal share of—

(1) the acquisition of computer hardware for use in the education program in the elementary and secondary schools in the State, including services necessary for the operation, installation, and maintenance of the computer hardware;

(2) the conduct of teacher training programs designed to improve the quality of instruction in computer education and to expand the use of computers in the education program in the elementary and secondary schools in the State, with particular emphasis upon the use of seminars and inservice training and the use of specially trained teachers to train other teachers in the targeted schools of the local educational agency; and

(3) the acquisition of computer software.

STATE APPLICATION

SEC. 105. (a) Each State which desires to receive grants under this Act, and has complied with section 103, shall file an application with the Secretary. Each such application shall—

(1) designate the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this Act;

(2) provide assurances that the planning activities required under section 103 are completed or will be completed promptly after filing an application under this section, except that any State may meet the requirement of this clause if the Secretary determines that computer education program planning activities conducted prior to the date of enactment of this Act substantially meet the requirements of section 103;

(3) provide assurances that the State—

(A) will use grants under this Act (i) so as to supplement the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purpose of the program for which assistance is sought; and (ii) in no case to supplant such funds from such non-Federal sources; and

(B) will not commingle funds made available under this Act with State funds;

(4) provide assurances that the State will not expend more than 5 percent of the funds available to it under this title for administration and oversight activities and for furnishing services to local educational agencies within the State necessary for the local educational agencies to carry out their responsibilities under this Act;

(5) provide assurances that the State, through the State educational agency, shall furnish services to local educational agencies within the State necessary for the local educational agencies to carry out their responsibilities under this title;

(6) provide assurances that the State educational agency will pay from non-Federal sources the non-Federal share of the cost to the State of the computer education program for which assistance is sought under this title, together with an identification of the sources of the non-Federal support;

(7) provide that the application of each local educational agency applying for funds under this title will not be denied without notice and opportunity for a hearing before the State educational agency; and

(8) provides such additional assurances as the Secretary deems necessary to assure compliance with the requirements of this Act.

(b)(1) An application filed by the State under subsection (a) shall be for a period not to exceed four fiscal years and may be amended annually as may be necessary to reflect changes without filing a new application.

(2) The Secretary shall not disapprove an application submitted by the State educational agency without first affording notice and opportunity for a hearing.

LOCAL APPLICATIONS

SEC. 106. (a) A local educational agency may receive payments under this title for any fiscal year in which it has on file with the State educational agency an application which—

(1) identifies the computer hardware, computer software, and the teacher training programs available in the elementary and secondary schools in the local educational agency and sets forth the uses for which assistance is sought by the local educational agency;

(2) provide assurances that the planning activities required under section 103 are completed or will be completed promptly after filing an application under this section;

(3)(A) provides assurances that of the payments made to the local educational agency in each fiscal year at least half of such funds shall be used to serve educationally disadvantaged children served under title I of the Elementary and Secondary Education Act of 1965 (as modified by the Education Consolidation and Improvement Act of 1981); and

(B) provides assurances that the local educational agency will provide the funds made available to the agency under this title in each fiscal year first to elementary and secondary schools of such agency with the greatest need for computer hardware, computer software, and teacher training;

(4) provides assurances that the local educational agency will evaluate the computer education program assisted under this title;

(5) provides assurances that funds paid under this title (A) will be used to supplement the levels of funds that would in the absence of such funds be made available from non-Federal sources for the purpose of the program for which assistance is sought; and (B) in not case as to supplant such funds from non-Federal sources;

(6) provides assurances that the local educational agency will pay from non-Federal sources the non-Federal share of the cost of the computer education program for which assistance is sought under this title, together with an identification of the source of the non-Federal support;

(7) agrees to keep such records and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation consistent with the responsibilities of the State educational agency under this title;

(8) describes the programs and procedures which the local educational agency has developed to ensure the participation of parents in the establishment of its computer hardware acquisition program and in the development and implementation of a curriculum for the use of such hardware; and

(9) provides assurances that the agency will comply with the other provisions of this Act.

(b) One or more local educational agencies may jointly file an application under subsection (a).

(c)(1) The State educational agency may approve applications submitted under subsection (a) based upon the factors described in clause (3) of subsection (a) and section 102(c).

(2) An application filed by a local educational agency under subsection (a) shall be for a period not to exceed four fiscal years and may be amended annually as may be necessary to reflect changes without filing a new application.

PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

SEC. 107. (a) The provisions of section 557 of the Education Consolidation and Improvement Act of 1981 shall apply to the financial assistance made available under this title.

(b) Each private elementary and secondary school to which subsection (a) applies shall, to the extent practicable, furnish evidence that such school has substantially complied with the planning activities described in section 103.

PAYMENTS; FEDERAL SHARE

SEC. 108. (a) From the amount allotted to each State pursuant to section 102, the Secretary shall, in accordance with the provisions of this Act, pay to the State an amount equal to the Federal share of the cost of the program to be assisted under this Act.

(b)(1) The Federal share for each fiscal year shall be 75 percent.

(2) Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment, and services.

TITLE II—TEACHER TRAINING INSTITUTES

NATIONAL SCIENCE FOUNDATION PROGRAM

SEC. 201. (a) From the amount appropriated pursuant to section 203 for any fiscal year, the National Science Foundation shall arrange, through grants and contracts with professional, scientific or engineering orga-

nizations, science museums, regional science education centers, consortia of local educational agencies, intrastate resource and service centers, and institutions of higher education (including community colleges), for the development and operation by such entities of short-term or regular session institutes for study to improve the qualifications of individuals who are engaged in or preparing to engage in the teaching, or supervising or training of teachers, in the use of computers for computer education instruction and other education programs in elementary and secondary schools.

(b) In making grants and contracts under subsection (a), the National Science Foundation shall give special consideration to applicants who will train teachers, or supervisors or trainers of teachers, serving or preparing to serve in elementary and secondary schools that enroll substantial numbers of culturally, economically, socially, and educationally disadvantaged youth or in programs for children of limited English language proficiency.

STIPENDS

SEC. 202. Each individual who attends an institute operated under the provisions of this title shall be eligible (after application therefor) to receive a stipend at the rate of $275 per week for the period of attendance at such institute.

AUTHORIZATION OF APPROPRIATIONS

SEC. 203. There are authorized to be appropriated to carry out this title $20,000,000 for the fiscal year 1986 and for each succeeding fiscal year ending prior to October 1, 1989.

TITLE III—INFORMATION DISSEMINATION AND EVALUATION

NATIONAL INSTITUTE OF EDUCATION

SEC. 301. (a) For the purpose of providing advice and technical assistance to State and local educational agencies on the expenditure of funds under title I of this Act and on the acquisition of suitable computer software, the Secretary of Education and the National Science Foundation, in accordance with an interagency agreement between the Secretary and the Foundation, shall—

(1) evaluate available computer hardware and software, in terms of its usefulness in the classroom;

(2) disseminate the results of such evaluation; and

(3) develop model computer educational software, and make such model software (and its design premises) available to computer software producers and distributors, teachers, and school administrators.

(b) The Secretary of Education shall carry out the functions required by this section through the National Institute of Education.

(c) The Secretary of Education and the Foundation are authorized to make grants and enter into contracts to carry out the functions described in clauses (1), (2), and (3) of subsection (a).

(d) There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal year 1986 and for each succeeding fiscal year ending prior to October 1, 1989.

PRIVATE EVALUATION AND DISSEMINATION CENTERS

SEC. 302. (a) The National Science Foundation shall, through grants to or contracts with professional scientific or engineering organizations, science museums, regional science education centers, public television, consortia fo local educational agencies, regional laboratories and university based research centers and institutions of higher education (including community colleges), conduct, assist, and foster research and experimentation on, and dissemination of, models of instruction in the operation and use of computers. Such models of instruction may include model training programs for adults. In carrying out the provisions of this section, the Foundation shall give priority to proposals prepared with active and broad community involvement of such groups as parents, teachers, school boards and administrators, and local business.

(b) Funds available under a grant or contract pursuant to this section may be used for the acquisition of computer hardware and software.

(c) The Director of the National Science Foundation shall report to the Congress annually on the results of research and experimentation performed with funds made available under this section. The Director, in conjunction with the National Institute of Education, shall take such steps as may be necessary to disseminate information concerning such results to local educational agencies.

(d) There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal year 1986 and for each succeeding fiscal year ending prior to October 1, 1989.●

● Mr. DODD. Mr. President, today I am cosponsoring, with several of my colleagues, the Computer Education Assistance Act of 1985.

This legislation will help equalize computer education opportunities and to upgrade education curricula to include adequate computer use in schools throughout the Nation.

Quality computer education programs, properly integrated into existing curricula, should complement and enhance traditional school subjects. They need not, and must not, be imposed upon existing curricula at the expense of such basics as English, writing, science, or mathematics. The proper inclusion of computers as a tool of education, however, should assist students in acquiring specific skills needed in today's high-tech information society.

The 1980's has been aptly called "The era of the high-tech revolution." One critically important, and rapidly expanding, component of this revolution is information technology.

John Naisbitt may not have exaggerated the importance of information technology in his book Megatrends, when he wrote:

Schools around the Nation are beginning to realize that in the information society, the two required languages will be English and computer.

Although no one can safely predict the full impact of this technological revolution on the Nation's school systems, some problems are already clearly identifiable.

For example, many students in the more affluent schools effectively are being taught to utilize computers as part of routine classwork. On the other hand, many students in less affluent or less progressive schools are being frustrated by the lack of computer access and computer-literate teachers. This division in educational opportunities may ultimately create a technological caste system within the Nation's schools which we can ill afford.

In addition, many school officials lack expertise in choosing the hardware and software most suitable for their school needs.

To remedy these emerging problems, provisions of the Computer Education Assistance Act of 1985 allocate funds for the purchase of computer hardware—with priority being given to schools with the greatest need—establish teacher training institutes, and authorize new appropriations for the National Science Foundation and the National Institute of Education to research, evaluate, and disseminate information regarding available computer hardware and software. In addition, this legislation includes provisions for the development of "appropriate" computer education programs for use in the classroom.

One of the more positive components of this bill, in my opinion, is the requirement of a local plan outlining ways to incorporate computer education into existing school curriculum. In addition, the planning requirements will help ensure thoughtful consideration of ways to encourage proper student computer participation as well as the purchase of the most suitable equipment.

Funds under this act would be allocated to States half on the basis of school-age population and half on the basis of the chapter 1 formula as outlined in the Education Consolidation and Improvement Act of 1981.

Mr. President, the value for students of computer skills recently has been shown in many reports and surveys. One survey regarding the use of computers in the classroom was conducted by the National Education Association [NEA]. The NEA survey showed approximately 70 percent of responding teachers favorably reported that students with a good grasp of computer knowledge showed more motivation, improved interest in classwork, increased attention span, and enhanced cognitive learning skills.

The advantages of computer skills are not limited to the classroom. One estimate is that by 1990, more than 30 million jobs, including such areas as health care services, publishing, telecommunications, business, and manufacturing will be computer-related.

In my opinion, Mr. President, the Federal Government can make a valuable contribution to the Nation's future by improving access to quality computer education. I urge my colleagues' support for this important legislation.●

● Mr. MOYNIHAN. Mr. President, I am pleased to join my friend, Senator LAUTENBERG, in reintroducing the Computer Education Assistance Act. No single technological innovation of the last half-century has the potential to so revolutionize America and American education as does the computer. This legislation would expand and improve computer instruction in American elementary and secondary schools.

Many of us completed our formal educations with the aid only of pencils, slide rules, and, for a lucky few, typewriters. Not so much different from students a century before. Such will not do for students today. The computer is not a technological curiosity, but an integral part of the office and, increasingly, the home. It must become a integral part of the classroom as well.

The need is particularly acute for children from disadvantaged backgrounds, who so often attend schools which lack adequate equipment and resources. In 1983, the National Commission on Excellence In Education concluded in its report, "A Nation at Risk," that every high school student should receive at least one-half year of computer science training. Millions of students will not do so if their school districts cannot afford the equipment, or lack a plan to put that equipment to good use. Computer training is one field in which children at all economic levels should receive training.

This legislation would provide $150 million in fiscal year 1986 to assist State and local education agencies in developing programs for computer instruction, and authorize funds through the end of the decade. The funds next year would support the purchase of computer hardware and software, and improvements in teacher training. Each education agency which receives a grant under this program would be required to develop a comprehensive plan outlining its specific goals for computer education, planned revisions in elementary and secondary school curricula to incorporate computers, timetables for purchasing computer equipment, and for the availability of this equipment to students and parents during nonschool hours. Such will ensure that the computer assistance provided under this program is implemented in a coherent, well-integrated way. This bill also addresses one of the most persistent problems plaguing American education—inadequate teacher training. Instructors as well as students would benefit from this support for computer training.

The most prosperous, most successful nations have always been those which seized and harnessed technological innovations first. All around us, the microchip is changing the world in which our children will live and work. Computer education is essential to their success in this new world. I urge all my colleagues to support this most important education legislation.●

● Mr. KENNEDY. Mr. President, I join my colleagues in supporting the Computer Education Assistance Act of 1985. This legislation is similar to that which was introduced last year and which I cosponsored. The computer education bill introduced in the last Congress was a composite of various bills introduced by myself, Senators DODD, LAUTENBERG and BYRD, along with Congressman WIRTH. The present bill is substantially similar to that effort with some minor modifications.

As we move toward a more technological, information-based society, computers will become an integral part of our daily lives. Computers are becoming an essential ingredient in the instructional process. The majority of schools in the country already own one of more microcomputers. Some observes predict that more than a million computers will be place in U.S. schools within the next 2 to 3 years.

Computer literacy is becoming a prerequisite for college performance. A recent article in the New York Times magazine declared that "the rush to create a 'computer intensive' academic environment is on." And, computer literacy is rapidly becoming a necessary skill for almost any occupation. In his book Megatrends, John Naisbitt cited one estimate that "75 percent of all jobs by 1985 will involve computers in some way—and people who don't know how to use them will be at a disadvantage." Naisbitt stated, "Although computer use in public education is still in its infancy, schools around the Nation are beginning to realize that in the information society the two required languages will be English and computer."

The Computer Education Assistance Act of 1985 is an attempt to address the present and future needs for computer education. The bill authorizes funds for the purchase of computer hardware and software, for teacher training and for important planning activities.

In spite of the increased availability of computers, this bill seeks to insure equal access to computers by authorizing the purchase of computer hardware and software. The bill also provides that 50 percent of the funds will be allocated to schools serving disadvantaged children. Insuring equal access to computers is one of the most important goals of this legislation. A recent study showed that while between two-thirds to three-quarters of the richest U.S. schools have at least one microcomputer, 60 percent of the poorest schools have none. Insuring equity of access has been the continuing commitment of the Federal Government. Insuring equity of access to computers and computer literacy is the challenge in the upcoming decades.

This bill authorizes the purchase of both computer hardware and software. Access to the appropriate computer software is as important as having access to the computer itself. Developments in computer software are making computers an important learning tool, not only for computer literacy, but for literacy in math, science, English and almost every other subject.

Another important element addressed in this legislation is teacher training. Computers in the classroom are useless if the teacher is unable to teach computer skills or to integrate them into the curriculum. A 1982 survey found that 58 percent of teachers were "not well informed" about how to operate a computer, only 21 percent had some computer training and only 7 percent were receiving some computer training. This bill establishes, in cooperation with the National Science Foundation, teacher training institutes to provide computer training.

Finally, the bill requires school districts to conduct extensive planning to insure that the computer hardware and software is appropriate to meet the needs of the students. Ernest Boyer, in his "High School: A Report on Secondary Education in America," stated, "the first obligation of the school is to put the technological revolution in perspective. Buying computers before this core educational program is solidly in place is to turn school priorities upside down."

The Computer Education Assistance Act of 1985 is an important investment in our national education agenda. It is an important step in our effort to promote excellence in our Nation's classrooms. This effort, however, does not replace the need to improve the quality of education for all children. As John Naisbitt said, "without basic skills, computer illiteracy is a foregone conclusion." We will continue to work to improve the quality of education for our children. In the meantime, we must address the need for computer access. This bill is an important step in that direction.●

Mr. BYRD. Mr. President, I am pleased to join my colleagues today in introducing the Computer Education Assistance Act of 1985. This bill is basically identical to the one we introduced last year in April. It is a composite of what we consider the best features of several bills that were introduced in the 98th Congress, and, as such, represents the most effective Federal response to the very critical needs our Nation's schools face in the area of computer education and computer-assisted education.

The report of the President's Commission on Industrial Competitiveness,

issued in January of this year, focused its recommendations for improving educational quality on just this subject. I quote from that report:

Education is central to enhancing the quality of human resources, for it supplies the tools for learning that are basic to the process of adapting to change. The changing workplace will require employees to utilize a broader mix of skills as work becomes increasingly knowledge-based. To adapt to these evolving skill requirements, workers will need a solid grounding in basic skills—particularly reading, writing, computation, and problem solving. Our public education system, which has primary responsibility for transmitting these skills, must be upgraded to instill renewed rigor and quality in the basic education of all citizens. Through curriculum reforms, improved teacher quality, and *the use of new teaching methods, such as education technology, this goal can become a reality.* (Emphasis added.)

Citing the work of the President's National Commission on Excellence in Education in making recommendations for general educational reform, the Industrial Competitiveness Commission then zeroes in on two particular needs in the area of education technology: The development of quality, comprehensive software, and improved teacher training in computer and computer-assisted education, two major sections of the bill we are introducing today.

This past year, it has become commonplace to pick up a national news magazine, newspaper, or education trade publication that contains an article on the computer revolution now taking place in our Nation's schools—in elementary and secondary schools and in colleges and universities. Newsweek magazine has observed that the use of computers "is not simply an educational innovation: (their) use is being forced on schools by society." In its 1983 report, the President's National Commission on Excellence in Education officially recognized this new educational requisite when it listed what it considers the "five new basics" in secondary education: English, math, science, social studies, and computer science.

Schools all around the country are rushing headlong to meet this revolutionary demand. The Department of Education's National Center for Education Statistics [NCES] reported that in the fall of 1980 there were 31,000 microcomputers—and an additional 22,000 terminals—being used for instructional purposes in public schools. A followup survey by NCES found 96,000 microcomputers, and 24,000 terminals, in schools by the spring of 1982. A separate survey by Market Data Retrieval, Inc. [MDR], found 325,000 microcomputers in the public schools by the fall of 1983. Preliminary data from MDR now show over 550,000 microcomputers in schools by the fall of 1984. The majority of schools in the country now own one or more microcomputers intended for educational purposes.

As this revolution has progressed, serious problems have emerged that are associated with this rush to "keep up with the Joneses" by trying to put an "apple" in every schoolroom. Our bill today addresses four of these serious problems.

The first and most critical problem directly relates to our historic commitment to ensuring access to education. It is the fact that access to this computer revolution is not equal between poor schools, poor children and rich schools, rich children. A 1983 University of Minnesota study found that the 12,000 wealthiest schools in the country are four times more likely to have microcomputers than the 12,000 poorest. The Johns Hopkins Center for Social Organization of Schools has found that in 1983 nearly 70 percent of the schools in more affluent areas had at least one microcomputer, while only 40 percent of the schools in poorer areas had such equipment. Market Data Retrieval, Inc., [MDR], found that in 1983, in districts with less than 5 percent of their student population below the poverty level, 83 percent of the schools were using microcomputers. In districts with student populations 25 percent or more from families with subpoverty level incomes, only 53 percent of the schools were using microcomputers. MDR's data for the year before—1982—show the corresponding percentages of schools using microcomputers in those two categories of school districts were 44 percent and 18 percent. Thus, although the proportion of schools having at least one microcomputer in the low-income districts has been growing more rapidly than in the high-income districts, the percentage gap between these two categories of school districts has also grown.

Clearly, there is an equity problem in computer education and computer-assisted education opportunities, and it stems from a very real disparity in the relative financial capacities of schools. Dr. Ronald E. Anderson, one of the directors of the 1983 University of Minnesota study, offers this ominous warning about the potential effects of this disparity:

The implications are not just ethical and social, but they are economic as well. If differential opportunities for computer literacy continue to grow, large segments of the labor force will be rendered increasingly less productive as a consequence of not being able to function effectively and comfortably with the computers around them.

My State of West Virginia is still suffering the profound effects of the Reagan recession. But because West Virginians recognize the imperative to improve educational excellence now, despite the severe strains on the State's resources, the State nevertheless has committed increased funding to education, including computer education. Last year, West Virginia embarked upon a very well-designed and impressive state-wide computer network to bring computer education capabilities to her schools. In its first year, the program was targeted to reach all of the 71 vocational schools and a dozen high schools in the State, providing computer access for high school seniors only. Obviously, many more resources will be needed before this outstanding program can reach all West Virginia schools and students in all grades.

The bill we offer today directly addresses this important access problem. It targets Federal money to those schools and students who, without such assistance, would be left behind in the computer revolution.

The second most critical problem that has arisen in this revolution is that many schools have rushed to purchase hardware and software, or have happily accepted donations of hardware, only to find in a short time that their computer systems are incapable of meeting their educational needs. These purchases or gift acceptances have been made before undertaking any sort of planning as to how the equipment will be used, by whom, for what, and toward what goals. Clearly, haste has made waste in these schools.

It is imperative that thorough planning be undertaken before purchasing computer hardware and software. Our bill, therefore, puts heavy emphasis on such planning. Before receiving grants under the bill, local education agencies will be required to undertake such a process.

A third problem in computer education today is a shortage of adequate teacher training programs. A 1982 survey conducted by the National Education Association found that 58 percent of their respondents were "not well informed" about how to operate a computer. Only 21 percent had received some computer training, only slightly more than 11 percent had used computers for instruction, and only 7 percent were currently doing so. Clearly, teacher training programs have not kept pace with the rush to install computer capabilities. We must rectify this.

The President's Industrial Competitiveness Commission recognizes this necessity and recommends "systematic efforts to provide inservice training in the use of computers for teachers of all fields, stressing the integration of computer-assisted instruction in the school curriculum and aiding teachers in adapting the technology to their own needs." Our bill addresses this need by providing funds for such inservice training. It also sets up a grant program, to be administered by the National Science Foundation, available to a wide variety of local, State, or regional agencies, including muse-

ums, community colleges, nonprofit scientific or engineering organizations, et cetera, for the development and operation of teacher training institutes.

The fourth problem our bill addresses is one that has received the most recognition in the magazines and newspapers I referred to earlier, and that is the inadequate state of software available to schools. According to P. Kenneth Komoski, executive director of the Educational Products Information Exchange Institute [EPIE] of Columbia University:

> The quality of educational computing in a school is going to depend on the quality of the software selected for use in that school and on the way in which the use of that software is integrated into the overall curriculum.

In an article dated December 1984, Mr. Komoski reported the results of a 2-year and ongoing study of available computer software. EPIE's study finds only 5 percent of the hundreds of programs available to be of truly high quality, while more than half are judged "not worth recommending." The President's Industrial Competitiveness Commission recommends strong Federal action in this area:

> By providing support for the costly research underlying software development and identifying those approaches that promise the most effective results, Government can remove a major barrier to the development of quality software by industry.

Our bill will increase the capabilities of the Department of Education and the National Science Foundation to develop this kind of research and will direct them to develop model software programs and programs for the dissemination of the software.

In closing, Mr. President, I would like to emphasize that this bill is a thoughtful response to the actual needs facing America's schools and students in this computer revolution. Because of the enormity of the budget deficits facing our Government, we intentionally have kept the proposed spending in this bill to a responsible level. It is our hope that the Computer Education Assistance Act of 1985 will become law before the end of the 99th Congress.

By Mr. BRADLEY (for himself, Mr. CHILES, and Mr. GLENN):

S. 1277. A bill to amend title XIX of the Social Security Act to provide that States may provide home or community-based services under the Medicaid program without the necessity of obtaining a waiver; to the Committee on Finance.

MEDICAID HOME AND COMMUNITY-BASED SERVICES IMPROVEMENT ACT

Mr. BRADLEY. Mr. President, I rise today to introduce the Medicaid Home and Community-based Services Improvement Act of 1985, which is designed to give States much more flexibility in providing home care services to persons at high risk of institutionalization. Joining me in introducing this legislation are the Senators from Florida [Mr. CHILES] and Ohio [Mr. GLENN].

Mr. President, in 1981, the Congress established a program that was designed to help Medicaid recipients stay out of nursing homes and hospitals by promoting an expansion of home-based care. Section 2176 of the 1981 Omnibus Budget Reconciliation Act was designed to allow States to apply to HCFA for waivers to allow a limited number of people to be treated at home rather than in institutions through the provision of a wide range of home-health and community services that Medicaid had not previously covered.

To be eligible to run a Home and Community-based Waiver Program, States had to meet several criteria. First, safeguards had to be established to ensure that the health and welfare of recipients be protected and that persons would be given a choice between home care and nursing home care. In addition, States had to show that the costs for home care would not be any higher than they would be for institutional care if the waiver had not been granted. Finally, by operating the program through the waiver approval process, it was believed that the Government would be able to adequately test the program and still keep control.

As of December 31, 1984, 47 States had submitted a total of 124 waiver requests. About two-thirds of the requests were approved, with the balance either rejected, withdrawn, or still awaiting final decision. My own State of New Jersey received approval for 1,800 slots for Medicaid eligible elderly and disabled persons and 700 slots for mentally retarded persons.

Why do we need this program, Mr. President? Yesterday, I visited with John Srozenski in his home in Elmwood Park, NJ. Mr. Srozenski, a victim of multiple sclerosis, is in need of extensive health care services. He has received home care services for the past 2 years from the Hackensack Medical Center under the auspices of the Medicaid Home and Community-Based Waiver Program.

These services have enabled Mr. Srozenski to remain at home with his loved ones. This program has improved the quality of his life. And I believe the quality of life in America is improved when we, as a Nation, help those in need, because our own well-being is tied in many respects to the well-being of our neighbors.

In a word, Mr. President, this program helps keep families together and enables people who otherwise would end up in a nursing home remain in their own homes.

This is a program that we need to support.

Mr. President, in March 1985, after nearly a 4-year delay, the Health Care Financing Administration issued final regulations on the Home and Community-based Waiver Program. It appears to me that OMB had a very heavy hand in drafting the regulations. The program has been tightened up in such a way as to subvert the congressional intent to expand home care services. The regulations put the States through so many hoops and reporting requirements that many States in the future will most likely not be able to get approval for new waivers or extensions for their current waivers.

Mr. President, the recent regulations are clearly trying to undermine the Home and Community-based Waiver Program. So long as this administration is in control of approving State waivers, congressional intent will be subverted. The administration will try to reduce rather than expand the current commitment to home care. Unless the administration is overruled, much of the good work that has been done developing this program over the past couple of years will be for naught.

Unless these actions are countermanded, I fear that the Mr. Srozenski's of the world will no longer be receiving services. To overture the HCFA actions, the bill that we are introducing today terminates the waiver-approval process and allows States, at their option, to provide these home care services to Medicaid eligible elderly and disabled persons to avoid institutionalization. States would still have the authority—as they do under the waiver—to limit services to a specific number of people or a specific geographic area. And States would still have to submit documentation in their State plan showing that Medicaid costs will not be increased due to the establishment of the program. But the bill doesn't require States to jump through all of the hoops that the administration is now requiring. The main difference is that there will not be a waiver process; HCFA would have much less control over the process and States will have much more flexibility to tailor home care services to meet the needs of the population at risk of institutionalization.

Mr. President, this legislation addresses a second concern that relates to the out-of-pocket costs that many beneficiaries must pay to receive services. The administration currently requires that a recipient must allocate all of his or her income above the SSI income level—$356 per month for a single person in New Jersey—up to the cost of home care services to pay for services. Needless to say, in a high-cost State like New Jersey, it is very, very hard to live on $356 a month.

As examples, consider two eligible clients living alone—one with income

of $350 a month and the other with income of $550 a month. Under HCFA policy, the former client would not have to pay anything for services; the latter client would have to pay $194 a month for services. It is nearly impossible for a chronically ill person with income close to the poverty line to pay almost 40 percent of their income for home care. In my home State of New Jersey, this "cost sharing" provision has caused at least half of the persons eligible for services to opt not to join the program because of the high cost.

Last fall, I wrote to Secretary Heckler requesting a change by HCFA to raise the threshold by $150 a month before a person had to pay for services. HCFA denied this regulatory change.

Mr. President, to correct this problem, this bill increases the amount by $150 a month that a person can recieve in family income before having to pay for home care services. The Federal Government will still be saving money because the "cost neutrality" provision assures that the cost for the program will be no more than the Medicaid costs would have been if the program were not in operation.

Mr. President, there are many among us who have ignored the growing demand for long-term care services in this country, hoping that if the Federal Government does as little as possible that the problem will somehow go away.

The problem won't go away. It is only going to get bigger. In the next 15 years, the over-age-85 population will grow by 60 percent and the number of persons who suffer from a chronic disease that limits their daily activities will grow by 50 percent.

We have to come to grips with the fact that long-term care is going to cost this Nation a lot of money as the population ages. I believe that more home care—as an alternative to nursing home care services—is a humane and cost-effective approach. This bill allows states much greater flexibility to test out ways to provide affordable long-term care services at home.

The Federal and State Governments have a responsibility to develop innovative ways to help meet the long-term care needs of this Nation's elderly and disabled populations. I ask you—for cost reasons and for humanitarian reasons—aren't we better off living in a society that tries to find ways to keep the elderly and the disabled in their homes with their family members rather than in institutions?

ADDITIONAL COSPONSORS

S. 377

At the request of Mr. DECONCINI, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 377, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 505

At the request of Mr. DURENBERGER, the names of the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Montana [Mr. BAUCUS], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Mississippi [Mr. STENNIS], the Senator from Florida [Mr. CHILES], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 505, a bill entitled the "Maternal and Child Health Preventive Care Amendments of 1985."

S. 765

At the request of Mr. KASTEN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 765, a bill to provide for coordinated management and rehabilitation of the Great Lakes, and for other purposes.

S. 855

At the request of Mr. PRYOR, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Tennessee [Mr. GORE], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 855, a bill for the relief of rural mail carriers.

S. 865

At the request of Mr. MATHIAS, the names of the Senator from Florida [Mr. CHILES], the Senator from Massachusetts [Mr. KERRY], the Senator from Missouri [Mr. DANFORTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mr. GRAMM], the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Rhode Island [Mr. PELL], the Senator from Mississippi [Mr. STENNIS], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 865, a bill to award special congressional gold medals to Jan Scruggs, Robert Doubek, and Jack Wheeler.

S. 1093

At the request of Mr. MATHIAS, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1093, a bill to amend the patent law to restore the term of the patent grant in the case of certain products for the time of the regulatory review period preventing the marketing of the product claimed in a patent.

S. 1162

At the request of Mr. HART, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1162, a bill to amend the Nuclear Waste Policy Act of 1982 to require the Secretary of Energy to incorporate transportation impacts into the selection process for repositories of high-level radioactive wastes.

S. 1258

At the request of Mr. GARN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1258. A bill to modify the restrictions on the use of a certain tract of land in the State of Utah, and to provide for the conveyance of the fence located on such tract to the Armory Board, State of Utah.

SENATE JOINT RESOLUTION 78

At the request of Mr. SYMMS, the names of the Senator from New Jersey, [Mr. BRADLEY], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to provide for the designation of June 10 through 16, as "National Scleroderma Week".

SENATE JOINT RESOLUTION 97

At the request of Mr. MATHIAS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 97, a joint resolution designating the Study Center for Trauma and Emergency Medical Systems at the Maryland Institute for Emergency Medical Services Systems at the University of Maryland as the National Study Center for Trauma and Emergency Medical Systems.

SENATE JOINT RESOLUTION 122

At the request of Mr. BRADLEY, the names of the Senator from Nebraska [Mr. EXON], the Senator from New Mexico [Mr. DOMENICI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. SIMON], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 122, a joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day."

SENATE JOINT RESOLUTION 125

At the request of Mr. LEAHY, the names of the Senator from South Dakota [Mr. ABDNOR], the Senator from Montana [Mr. BAUCUS], the Senator from Tennessee [Mr. GORE], the Senator from Kentucky [Mr. FORD], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Montana [Mr. MELCHER], the Senator from Maine [Mr. MITCHELL], the Senator from Nebraska [Mr. EXON], the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr.

WILSON], the Senator from Arizona [Mr. GOLDWATER], the Senator from Hawaii [Mr. INOUYE], the Senator from Tennessee [Mr. SASSER], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 125, a joint resolution designating the week of June 23, 1985, through June 29, 1985, as "Helen Keller Deaf-Blind Awareness Week."

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. HEINZ, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of Senate Concurrent Resolution 47, a concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

SENATE RESOLUTION 177

At the request of Mr. KENNEDY, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Montana [Mr. MELCHER], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Resolution 177, a resolution to assure Israel's security, to oppose advanced arms sales to Jordan, and to further peace in the Middle East.

SENATE RESOLUTION 178

At the request of Mr. EVANS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Resolution 178, a resolution to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard.

AMENDMENT NO. 324

At the request of Mr. SYMMS, the names of the Senator from Florida [Mr. CHILES], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Amendment No. 324 proposed to S. 1003, an original bill to authorize appropriations for the Department of State, the United States Information Agency the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987.

AMENDMENT NO. 325

At his request, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Amendment No. 325 proposed to S. 1003, an original bill to authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987.

AMENDMENTS SUBMITTED

DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

HAWKINS AMENDMENT NO. 329

Mrs. HAWKINS proposed an amendment to the bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987; as follows:

On page 31, after line 23, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

INTERNATIONAL NARCOTICS CONTROL COMMISSION

SEC. 601. (a) There is established the International Narcotics Control Commission (hereafter in this section referred to as the "Commission").

(b) The Commission is authorized and directed—

(1) to monitor and promote international compliance with narcotics control treaties, including eradication, money laundering, and narco-terrorism; and

(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

(c)(1) The Commission shall be composed of twenty-two members as follows:

(A) Seven Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and three shall be selected, after consultation with the minority leader of the House, from the minority party.

(B) Seven Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party of the Senate, after consultation with the majority leader, and three shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(C) One member of the Department of State appointed by the President.

(D) One member of the Department of Justice appointed by the President who shall be the Attorney General.

(E) One member of the Department of the Treasury appointed by the President.

(F) Five members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

(2) There shall be a Chairman and a Cochairman of the Commission.

(3) On the date of enactment of this section and at the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

(4) At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.

(d) In carrying out this section, the Commission may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

(e) In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report regarding the status of compliance with narcotics control treaties, the first one to be submitted six months after the date of enactment of this section.

(f) The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the House of Representatives and the Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to the Congress a report on its expenditures under such appropriation.

(g)(1) There are authorized to be appropriated to the Commission for each fiscal year and to remain available until expended $550,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this section, such appropriation to be disbursed on a voucher to be approved by the Chairman of the Commission.

(2) For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to the use of funds in accordance with such sections.

(3) Not to exceed $6,000 of the funds appropriated to the Commission for each fiscal year may be used for official reception and representational expenses.

(h) The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

BYRD (AND OTHERS) AMENDMENT NO. 330

Mr. BYRD (for himself, Mr. LEVIN, Mr. BENTSEN, Mr. KERRY, Mr. BOREN, and Mr. THURMOND) proposed an amendment to the bill S. 1003, supra; as follows:

At the appropriate place in the bill insert the following:

(a) The Congress finds—

(1) The Japan-U.S. security relationship is the foundation of the peace and security of Japan and the Far East, as well as a major contributor to the protection of the United States and of the democratic freedoms and

economic prosperity enjoyed by both the U.S. and Japan;

(2) The threats to our two democracies have increased significantly since 1976, principally through the Soviet invasion of Afghanistan, the expansion of Soviet armed forces in the Far East, the invasion of Cambodia by Vietnam and the instability in the Persian Gulf region as signified by the continuing Iran-Iraq conflict;

(3) In recognition of these threats, the United States has greatly increased its annual defense spending through sustained real growth averaging 8.8 percent yearly between Fiscal 1981 and 1985, and cumulative real growth of 50 percent in that period.

(4) In May 1981, the Prime Minister of Japan stated that, pursuant to the Mutual Security Treaty between his country and the United States, and pursuant to Japan's own "Peace" Constitution; it was national policy for his country to acquire and maintain the armed forces adequate for the defense of its land area and surrounding airspace and sea lanes, out to a distance of 1,000 miles;

(5) The U.S. Government applauds the policy of Japan to obtain the capabilities to defend its sea and air lanes out to 1,000 miles and expects that these capabilities should be acquired by the end of the decade, and recognizes that achieving those capabilities would significantly improve the national security of both Japan and the United States;

(6) Japan, however, has failed to provide sufficient funding and resources to meet her basic self-defense needs and these alliance responsibilities under the Mutual Cooperation and Security Treaty between her and the United States, signed January 19, 1960;

(7) Every year since 1981, the Defense Department has reported to Congress that Japan "ranks last or close to last" on most measures surveyed and thus quite clearly "appears to be contributing far less than its fair share" of the common defense burden;

(8) In 1985, the Commander of all U.S. armed forces in the Pacific region, Adm. William J. Crowe, Jr., testified to Congress that Japan's decision to increase its defense budget in 1985 "is still inadequate to meet the defense capabilities the Japanese government has pledged itself to meet;"

(b) It is the sense of the Congress that Japan, to fulfill her self-defense responsibility as agreed upon pursuant to the Mutual Security Treaty with the United States and in accordance with the national policy declaration made by her Prime Minister in May 1981, to develop a 1,000 mile, airspace and sea-lanes defense capability, should:

(1) formally reexamine her 1976 National Defense Program Outline with the objective of revising it to reflect these agreed-upon responsibilities and today's increased mutual security requirements; and

(2) develop and implement a 1986-1990 Mid-Term Defense Plan containing sufficient funding, program acquisition, and force development resources to obtain the agreed-upon 1,000 mile self-defense capabilities by the end of decade, including the allocation of sufficient budgetary resources annually to reduce the ammunition, logistics, and sustainability shortfalls of her forces by 20 percent each year.

(c) It is the further sense of the Congress that Japan, to assume a more equitable share of the mutual security burden in view of her status as the second richest nation in the Free World, should be encouraged to:

(1) increase substantially her annual financial contribution to construct new facilities for U.S. military forces stationed in Japan; and,

(2) under the terms of the existing Status of Forces Agreement with the United States, increase substantially her annual financial contribution to support U.S. forces stationed in Japan, or operating in defense of Japan, including the assumption of a larger proportion of the labor costs of Japanese nationals employed by the United States in Japan.

(d) to permit the Congress to assess Japan's progress toward actually fulfilling her common defense commitments, the President should, not later than February 1, 1986, and on an annual basis thereafter, submit to the appropriate committees of Congress, a report in both classified and unclassified form, containing the following:

(1) a detailed estimate by the U.S. government of the level of funding resources, specific procurement programs and other defense improvement actions required annually between 1986 and 1990 for Japan to achieve the capabilities to defend her homeland and airspace and sea lanes out to 1,000 miles, by the end of this decade;

(2) a detailed estimate by the U.S. Government of the length of delay beyond 1990 for Japan to achieve the self-defense capabilities referred to in (c)(1) and caused by any disparities between the U.S. estimate of resources required and those resources provided by Japan for that particular annual period and for the years remaining in the 1986-90 Mid-Term Defense Plan; and

(3) an account of what actions the U.S. Government has taken in the preceding year to encourage Japan to attain by 1990 the 1,000 mile self-defense capabilities.

LUGAR AMENDMENT NO. 331

Mr. LUGAR proposed an amendment to the bill S. 1003, supra; as follows:

The text of Section 903 of P.L. 98-164 is hereby designated as subsection (a) and the text which follows as subsection (b):

Pending completion of the negotiation of an agreement with the Government of India, the annual earnings generated by the monies appropriated by P.L. 98-411 may be used for the purposes set out in Section 902(A) above.

McCLURE AMENDMENT NO. 332

Mr. McCLURE proposed an amendment to the bill S. 1003, supra; as follows:

At the end of the bill add the following new section:

"The Department of Defenese shall prepare a report, to be submitted to Congress in both classified and unclassified form by July 15, 1985, that describes in detail the direct and indirect military consequences and effects of all Soviet violations of all arms control treaties and agreements."

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold a hearing on the Program Fraud Civil Penalties Act of 1985 (S. 1134) on Tuesday, June 18, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON NUTRITION

Mr. HELMS. Mr. President, I wish to announce that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the reauthorization of the Food Stamp Act of 1977 and legislation related thereto. The hearing will begin at 9:30 a.m. on Friday, June 14, 1985, in room 328-A Russell Senate Office Building.

If further information is needed, please call the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SMALL BUSINESS: FAMILY FARM

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Small Business: Family Farm, of the Committee on Small Business, be authorized to meet during the session of the Senate on Tuesday, June 11, at 2 pm, to hold a hearing on industrial development bonds.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 11, to hold a hearing on S. 403, to amend the Federal Power Act to establish policy and procedures to guide the Federal Energy Regulatory Commission in the issuance of new licenses to operate existing hydroelectric facilities; S. 426, to amend the Federal Power Act to provide for more protection to electric consumers; S. 1219, Fair Competition in Hydroelectric Licensing Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 11, 1985, in order to receive testimony concerning contractors indemnification.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A CONVENTIONAL MISSILE DEFENSE FOR NATO

● Mr. QUAYLE. Mr. President, there has been considerable debate over the President's strategic defense initiative [SDI]. Much of this debate has been confusing, if not confused. A critical

misconception is that SDI is only useful against strategic nuclear ballistic missiles. This is not so. Indeed, as was recently emphasized in an excellent Wall Street Journal op-ed by Dennis Gormley and Douglas Hart last week, one of the most urgently needed applications of SDI technology is against Soviet conventionally and chemically armed SS-21, SS-22, and SS-23 tactical missiles.

Currently, there is no defense against these deployed missiles. Thus, although NATO is spending billions pouring concrete to protect its main operating bases against Soviet fighter-bomber attacks, it is entirely nude before missiles that are accurate enough to do their job without having to be nuclearly armed. Certainly, NATO wants to deter a nuclear war, but it is even more imperative that NATO deter war at the conventional level since there is every reason to fear that once war begins, it may go nuclear.

Mr. President, as we consider what the value of defenses against missiles might be and how the United States might cooperate with its NATO allies on SDI, the Soviet tactical missile threat and the need to develop anti-tactical ballistic missile (ATBM) defenses are issues that we will be forced to address. In hopes that the wider distribution of the piece by Dennis Formley and Douglas Hart might invigorate Senate discussion of these issues, I ask that the full text of their op-ed in the Wall Street Journal of May 29, 1985, be entered in an appropriate place in the RECORD.

The text follows:

[From the Wall Street Journal, May 29, 1985]

A CONVENTIONAL MISSILE DEFENSE FOR NATO

(By Dennis Gormley and Douglas Hart)

While interest from European industry in President Reagan's Strategic Defense initiative is growing, NATO political leaders are becoming increasingly ambivalent over it. Not surprisingly, Moscow is using the revived arms talks to exploit European anxieties about SDI. Despite these anxieties, a ballistic-missile defense for Europe could offer the most effective and stable hedge against highly accurate, conventional ballistic missiles now being deployed with Soviet ground forces in Eastern Europe.

Unopposed by any form of missile defense, new Soviet missiles are aimed at the heart of NATO's defense policy of flexible response; they endanger the alliance's capacity to resist at the conventional level and to threaten nuclear escalation should Warsaw Pact success demand it. In addition to their nuclear and chemical warheads, Soviet SS-21, SS-22 and SS-23 missiles reportedly possess, or have under development, improved conventional munitions. With missile accuracies reported to be within 55 yards, these new weapons will increase the danger of conventional war in Europe, even with major reductions in superpower long- and medium-range nuclear missiles.

The reason is simple: Tied as they are to the Warsaw Pact's offensively oriented strategy of pre-emptive surpise attack, new deep-strike Soviet missiles will create a hair-trigger, highly unstable environment during crises because they foster such strong incentives to substitute military for diplomatic action.

How do these new military instruments fit into Soviet theater warfare strategy and why is some means of defense against them so vital to stability and deterrence in Europe?

Over the past two decades the Soviet Union has vastly improved its capacity to fight military campaigns without recourse to nuclear weapons. Soviet strategists see decisive advantages coming from exploiting the initial period of war when an adversary is only partially mobilized.

In an interview last May in Red Star, Marshal Nikolai Ogarkov, former chief of the Soviet General Staff, declared that major improvements in the range, accuracy and destructive potential of conventional weapons will greatly magnify "the role and significance of the initial period of the war." Soviet strategy for the initial period calls for a massive conventional air campaign and the insertion of the large mobile groups deep behind NATO's forward lines to create disarray and eventually a collapse of NATO's defense—especially its nuclear option and ability to reinforce Europe.

Many question whether such an audacious strategy could work. Its success hinges on the swift application of conventional firepower to open up corridors for the air campaign and to support airborne landings. Given NATO's significant investment in air defenses, it is highly uncertain whether the Warsaw Pact could achieve the required air superiority. But highly accurate, conventionally armed ballistic missiles are immune to NATO's air defenses. Besides striking deep into NATO's vulnerabile rear areas, these missiles could readily attack selected portions of NATO's air-defense belt, freeing Warsaw Pact aircraft for deep-strike bombing missisions.

A quick look at a map of Europe reveals just why these new tactical missiles will become so destabilizing. Most of NATO's most valuable military installations (nuclear storage sites, airfields, air-defense posts and reinforcement depots) are located within 300 miles of the East German border. Based in Eastern Europe, new Soviet tactical missiles could easily reach these critical installations (the SS-22 has a 560 mile range, while the SS-23's range is 300 miles).

Prudence alone mandates the immediate consideration of suitable hedges against this emerging threat. Several possible countermeasures—suppresive fire against Soviet missile launchers or improved dispersal and mobility of NATO's tactical nuclear weapons, for example—are worthy of study. Unfortunately, these could heighten the risks of war during crises for the very same reasons that Soviet missiles do. Offensive solutions like suppressive fire create strong hair-trigger incentives for pre-emptive attack, while defensive hedges such as dispersal and mobility succeed only if political leaders believe warning signals and react decisively. But history suggest leaders are reluctant to react for fear of provoking attack. NATO's fear of provoking Soviet pre-emption could inhibit such precautionary measures and, paradoxically, create still stronger Soviet incentives to act, even against purely defensive NATO efforts.

Ballistic missile defenses, by comparison, are entirely consistent with the historic premise that NATO is purely defensive military alliance. And because missile defenses are able to cope with the tension between military response and provocation, they could stabilize otherwise hair-trigger crisis environments. Most important, even if NATO leaders failed to react to warning and the Warsaw Pact successfully surprised the alliance, ballistic-missile defenses could best contend with the consequences of surprise.

NATO's near-term response to its dilemma could consist of either modifications to existing hardware (for example, to provide the Patriot air-defense system with a self-defense capability) or a new anti-tactical ballistic-missile system designed in an incremental building-block approach. A modest upgrade of the Patriot would not furnish any area production, but would help deter conventional war by complicating the delicate timing involved in the Soviet coordination of first-wave missile and follow-up air attacks.

Alternatively, the use of a building-block approach for a new ATBM system offers attractive opportunities for European cooperation with the U.S. Because the flight times for Soviet tactical ballistic missiles are appreciably shorter than for intercontinental ballistic missiles, their velocities are much lower, making them especially susceptible to an ATBM system of ground-based interceptors and airborne sensors. The first phase, which the U.S. might chiefly finance, could consist of only ground-based components: high-acceleration interceptors and supporting radars. European firms might usefully contribute to incremental system growth through work on either an airborne or space-based early-warning sensor. Such an addition to the ground-based components would substantially broaden coverage against a range of Soviet attack options, especially against NATO's vulnerable rear area.

Should the alliance prove reticent in dealing with its most inviting vulnerabilities, NATO Commander Gen. Bernard Roger's bleak assessment of allied conventional defenses will only worsen. Unfortunately, Gen. Rogers's only alternative—a resort to nuclear weapons "fairly quickly"—is increasingly incredible as a persuasive deterrent to conventional war in Europe.

By bringing Star Wars down to earth to deal with conventional, as well as nuclear instabilities, both sides of the Atlantic Alliance can improve NATO's means of deterrence and defense.

WALLOP-BREAUX TRUST FUND

● Mr. HOLLINGS. Mr. President, I commend the South Carolina General Assembly for their contribution to the debate over the Wallop-Breaux trust fund. Revenues for this fund are derived from user fees in the form of an excise tax on fishing equipment, motorboat fuel taxes, and duties on imported boats and fishing tackle. The money is then automatically apportioned to the States for use in protecting natural resources and enhancing recreational opportunities.

But the Reagan administration is trying to withhold these funds from the States and, as pointed out by the general assembly, that is wrong. The sportsmen have taken it upon themselves to become partners with the Federal Government in the preserva-

tion and development of our sport fishing programs and aquatic education programs. The States and the fishermen are doing their parts, and I intend to see that the Federal Government does its part. That is why I have cosponsored Senate Resolution 130, which expresses the sense of the Senate that the funds owned to the States from the trust fund should not be withheld or delayed.

I submit for the RECORD H. 2568, a concurrent resolution, passed by the House of Representatives of the State of South Carolina and concurred in by the Senate.

The resolution follows:

H. 2568

Whereas, sportfishing provides important recreational and economic benefits to the citizens of South Carolina and to the nation; and

Whereas, the South Carolina Wildlife and Marine Resources Department (department) is the state agency in South Carolina charged with the responsibility of managing, conserving, and developing the state's sportfishery resources and habitat; and

Whereas, the department also has responsibility regarding boating access and aquatic education; and

Whereas, the states currently do not have adequate funding for sportfisheries management, research, development, and enhancement actitivies; and

Whereas, the recent passage of Public Law 98-369 created the Sportfishing and Boating Enhancement Fund (Fund) for the purpose of providing much-needed revenues to the states for the further development of saltwater and fresh water sportfisheries program, boating access, and aquatic education programs; and

Whereas, the Office of Management and Budget has proposed that sixty-six million dollars or ninety-seven percent of the new money to be generated under Public Law 98-369 be "impounded" and utilized for purposes other than those intended by Public Law 98-369; and

Whereas, the source of funds for the Sportfishing and Boating Enhancement Fund is not from general treasury funds but, rather, from excise taxes on sportfishing equipment, a portion of unrebated motorboat fuel taxes, and custom duties on imported watercraft and fishing tackle; and

Whereas, virtually all of these newly authorized funds are a result of the user-pay concept and represent a philosophy supported by the federal administration; and

Whereas, to use these funds for purposes other than those embodied in Public Law 98-369 would be a serious break in faith with the fishing and boating public who are being taxed for the specific purpose of supporting sportfishing programs; and

Whereas, the action proposed by the Office of Management and Budget is contrary to law and to the intent of Congress in passing Public Law 98-369: Now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring:

That the members of the General Assembly of the State of South Carolina, by this resolution, strongly urge the President and the Congress of the United States to take every action necessary to ensure that the Sportfishing and Boating Enhancement Fund (Fund) is used solely for the purposes and activities embodied in Public Law 98-369 and that monies from the Fund be made available beginning on October 1, 1985. Be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States; to the President of the United States Senate; to the Speaker of the House of Representatives; to each member of the South Carolina Congressional Delegation; and to the Director of the Office of Management and Budget in Washington, D.C.●

EXCHANGE CLUB CENTERS

● Mrs. HAWKINS. Mr. President, the National Exchange Club Foundation for the Prevention of Child Abuse has played an important role in efforts to protect our Nation's children. In 1979, the National Exchange Clubs adopted as its national project the prevention of child abuse. The first 2 years were spent in creating the National Exchange Club Foundation for the Prevention of Child Abuse, a nonprofit organization headquartered in Toledo, OH. Also, during this time period the operating funds and seed grants were raised by the members of exchange all over the entire United States. In addition to raising funds, a contract for services for establishing training personnel and supervising centers was arranged with a child abuse prevention organization in Little Rock, AR, known as Scan America, a direct offshoot of Scan of Arkansas which had been in operation for over 12 years in the State of Arkansas.

On March 21, 1981, the first center under the National Exchange Club Foundation for the Prevention of Child Abuse was opened in Fort Pierce, FL. This center was opened with 3 paid staff and 12 volunteer lay therapists who had been trained by the professional staff of Scan America and the local paid staff. The three paid staff of the center consisted of a director, assistant director—or supervisor—and a secretary-bookeeper. The director and assistant director both had degrees in social work and a number of years of experience in the field of child abuse and child care in either the private sector or the State department of human services.

The basic operation funds for this first center came from a $25,000 seed grant from the National Exchange Club Foundation, a $30,000 title 20 grant and local funds from the private sector. As the years have gone on the finances for this center have come from the renewal of the title 20 contracts, grants from the juvenile justice board; county and city grants; State trust funds; major fundraising projects by the local exchange clubs in the four county area served by the center and contributions from other local civic organizations and the general public. The national foundation also receives funds that are earmarked for the Fort Pierce center from exchange clubs and friends in Florida and sends these funds to the center as they are collected by the foundation.

The Fort Pierce center is supervised and receives periodic advanced training by the foundation staff which since mid-1983 was moved from Little Rock, AR, to Toledo, OH, with the foundation now having complete control over the program with its own professional staff and is no longer affiliated with Scan America. In addition to the supevision from the foundation staff the local center has regular staff meetings with the Florida Department of HRS with which the center has its contract for services under the State and Federal statutes. I must say at this point that the relationship between this center and the HRS people of district IX has been extraordinarily fine and although there was some doubt on the part of many of the district people in the beginning that this program could not work using volunteers it has proven to be very successful and cost effective over the last 4½ years.

The center has had its ups and downs due primarily to being the first center under the National Exchange Club Foundation project but is now a very strong program both programmatically and financially. As stated earlier, the center covers the four county area of Saint Lucie, Indian River, Martin, and Okeechobee Counties. The monthly caseload has ranged from a low 6 families to a high of 46 families representing as many as 146 children at one point in time. Over the 4½-year period the center has served over 250 families and over 600 children. For the first 18 months of operation there was very little recognition of the program by the general public including other agencies dealing with the problems of child abuse and neglect, but now approximately one-third of the families the center works with comes from self-referrals or other agencies other than the department of HRS. It must be pointed out that whenever the case comes to us from these other sources it is immediately reported to the department so that final jurisdiction for the case lies with the department in accordance with the State and Federal statutes.

What does the future hold for exchange club centers in Florida? In November 1984 the second center was opened in St. Petersburg, FL. This is a joint operation with the child protection team at All Children's Hospital. The exchange club center will run the parent aide section of the joint program which again will use a limited paid professional staff and volunteer lay therapists. This program currently has about 19 families and approximately 40 children.

In July we hope to be in operation with another joint venture with the Parent Resource Center in Miami.

Here again, the exchange center will be running the parent aide portion of the program. The Parent Resource Center has been in operation since 1979 but has been relatively unsuccessful with its Parent Aide Program so has agreed to join forces with the National Exchange Club Foundation to take over the operation of the Parent Aide Program.

In addition to the three centers discussed above, we have had requests for centers to be established in the Ocala-Gainsville area, Jacksonville area, and Palm Beach County areas. At present we are working on putting together task forces which will assure the public and private sectors working together and avoiding duplication of services in these areas. Many of these task force people will become the beginning board of directors of the exchange club centers when they are finally formed and put into operation.

Child abuse in all its forms in the State of Florida is a very serious problem. Through the efforts of many people in the State and local governments as well as the private sector there has been a great awareness and progress created in the State. In 1981 there were some 70,000 cases of child abuse reported in the State. In 1984 the number of reported cases had risen to 115,000. When you realize that approximately one in five cases gets reported there is still a great deal of work to be done in our State, but the people of Florida are making progress in making this problem a prime target for both the government and the private sector to work together and one day be able to eliminate child abuse and neglect in our State.●

TONY JOHNSON: 1985 FFA AWARD WINNER

● Mr. SASSER. Mr. President, each year the Future Farmers of America designates a select group of young Americans as winners of awards for outstanding leadership in one of 22 different award areas.

These 22 FFA members have been selected from thousands of students who participated in the awards program nationwide.

There were three young Tennesseans honored—a reflection of the importance of agriculture to our great State, and of the dedication and regard for agriculture that our young farmers have.

Tony Johnson of Lexington, TN, is one of this select group of winners. Sponsored by Philip Morris, Inc., he was the 1985 award winner in fish and wildlife management.

Tony, 19 lives on a 12-acre farm where he and his father have a small herd of beef cattle. In 1983, Tony built a 1-acre pond and stocked it with 1,000 catfish.

Tony is greatly concerned about the survival of wildlife and feels he has made a great step in helping the wildlife on his farm by planting food plots and putting up nesting boxes. Tony attends the University of Tennessee, Martin, and is majoring in chemical engineering.

All of the FFA award winners were honored here last week with a series of events, and then left the United States for a travel seminar which will take them to several European countries so that they can learn first hand about agricultural problems, techniques, and policies in other nations.

I want to commend Tony for his award-winning abilities. I also want to commend the Future Farmers of America for helping to prepare young Americans in production agriculture and agriculturally related fields.

Tony Johnson is evidence that the FFA does a solid job of strengthening one's individual skills through classroom instruction, supervised occupational instruction, and through developing leadership, citizenship, and cooperation in its members. The FFA is a creative and positive force in Tennessee and in our society.●

CHRIS WINSTEAD: 1985 FFA AWARD WINNER

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Chris Winstead of Martin, TN, is one of this select group of winners. Sponsored by Pfizer, Inc., he was the 1985 award winner in swine production.

Chris, 19, comes from a family of four. His father is a salesman for Todd Uniform Service and farms about 225 acres with a 75 sow herd. Chris is in a partnership with his father in operating the farm. Now that Chris is out of high school, they plan to increase their swine operation to 150 sows.

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FIGHTING THE MONEY LAUNDERERS: OUR UNIQUE CAYMAN ISLANDS PARTNERSHIP

● Mrs. HAWKINS. Mr. President, during this session all of us have been giving a great deal of attention to the growing problem of narcotics trafficking and its attending evil, the "laundering" of illicit drug profits through the international financial system.

Anyone who has tried to grapple with drug profiteering knows how pernitious the problem is: The corrupting influence of billions of dollars in drug-related capital flowing through banks here and abroad, infects every element of our society and jeopardizes not just the health of our children but the integrity of our financial and governmental institutions.

There are many steps our Government has taken to combat the drug trade, and many more need to be explored. But beyond these unilateral actions, we must recognize the prime importance of entering into effective drug-interdiction and information-sharing arrangements with other sovereign jurisdictions throughout the world, whose own leaders recognize the perils of the drug trade as we do, and are prepared to attack it as we are.

One all-too-rare success story in this battle is the Cayman Islands. This small British crown colony and successful offshore financial center has resolved not to let its strict financial confidentiality laws serve as a shield behind which launderers with impunity. Under the law, when the Attorney General of the United States has reason to believe that identifiable persons are implicated in narcotics violations or related crimes, he may request relevant documentary information from the Attorney General of Cayman. The law then obligates the Cayman Attorney General to retrieve the requested documents, swiftly and under strict confidentiality, in order to prevent any leakage to targets of the U.S. investigation. Furthermore, Cayman and United States authorities are cooperating in drug interdiction efforts that the U.S. Drug Enforcement Administration has singled out for their effectiveness.

Mr. President, earlier this week my colleagues Mr. MATTINGLY, Mr. DODD

and I received a firsthand briefing on our Cayman Islands partnership from a visiting delegation of four senior Cayman officials: Attorney General Michael Bradley; Financial Secretary Thomas Jefferson; Minister for Health, Education, and Social Services Benson Ebanks, and Minister for Development and Natural Resources Vassel Johnson.

We learned at this briefing that our cooperative efforts are already bearing fruit. Under the narcotics agreement the Justice Department has made 28 requests for documentary information thought to be located in the Caymans. There has been 100-percent compliance with these requests, and the information provided has already led to eleven narcotics-related convictions. Joint Cayman-United States drug interdiction efforts have resulted in the seizure of more than 13,000 kilograms of marijuana between 1980-84, and some 630 drug-related arrests.

We also learned that Cayman banks closely scrutinize and require detailed references of potential new clients before accepting them, and—in an interesting step beyond our own disclosure laws—actually refuse to accept any large cash deposits whatsoever, so as to avoid even unintentional contact with illicit drug cash.

Mr. President, I learned from these gentlemen that the Cayman financial center is not, as some imagine, a mirage of nonexistent "shell" banks. In fact, more than 50 banks—including many of the world's largest institutions—maintain a significant presence in the Islands, accounting for the employment of a thousand people and contributing substantially to the Caymans' public treasury and private economy. Cayman financial institutions provide one of the world's largest Eurodollar marketplaces, and the Islands have a burgeoning captive-insurance industry as well. Such service-sector prosperity has given the Cayman Islands one of the highest per capita income levels in the Caribbean, and the islands are indeed an oasis of economic and political stability in a sea of politically troubled waters.

Mr. President, offshore financial centers may be mysterious to the general public, but are known within the financial world to serve a host of legitimate and productive purposes. To be sure, some financial centers are abused. But we must be alert to recognize the exemplary conduct of those centers like the Cayman Islands, which protects financial confidentiality but will not tolerate laundered money within its financial system.

Our unique partnership with the Cayman Islands was recently praised in a letter to Cayman Gov. Peter Lloyd from DEA's Caribbean affairs coordinator in Miami, Sam Billbrough. I would like to share this letter with my colleagues. I ask that the letter be printed in the RECORD.

The letter follows:

CAYMAN ISLANDS,
May 16, 1985.

Hon. G.P. LLOYD,
His Excellency the Governor, Government Administrative Office, George Town, Grand Cayman, Cayman Islands, BWI.

HIS HONOR THE GOVERNOR: I take this opportunity to discuss with you the cooperation between the Government of the Cayman Islands and the Drug Enforcement Administration.

Subsequent to the meetings with you, members of your Government and Mr. Peter Gruden, Special Agent-in-Charge, Miami Field Division, Drug Enforcement Administration in 1983, a very productive liaison was established with the Royal Cayman Islands Police force. Since the establishment of this liaison, the intelligence information passed between the Cayman Islands Police and DEA has proven very useful to both of our agencies. On several occasions, the information has led to arrests and seizures.

The assistance and advice of the Cayman Islands Police can only be described as exemplary. The cooperation of the Cayman Islands Police has always been complete and on numerous instances, major investigations being conducted by DEA could not have been successfully completed without this total cooperation. In several of the cases the CIP cooperated fully even though the investigation did not directly pertain to the Cayman Islands.

The Cayman Islands Police force is an agency that is well respected throughout DEA. This respect has been based on many facets. At one time the waters around the Cayman Islands appeared to be a way-station for drug vessels moving between the United States and South America. The quick and decisive action by the Cayman Islands Government helped alleviate this situation through an interdiction program, as well as joint enforcement activities with DEA.

As the Caribbean Affairs Coordinator, I am looking forward to a continued joint effort in the termination of drug movement in the Central Caribbean area.

Respectfully,

S.B. BILLBROUGH,
Caribbean Affairs Coordinator, Miami Field Division, Drug Enforcement Administration.

For more information about the DEA-Cayman relationship, please contact: William Yout, Public Information Officer, Miami Field Division, DEA (305) 591-4837.●

GRADUATION ADDRESS BY SENATOR GOLDWATER AT ARMY WAR COLLEGE, CARLISLE, PA

● Mr. GOLDWATER. Mr. President, I submit for the RECORD the graduation address I made at the Army War College in Carlisle, PA, on Monday, June 10, 1985.

The address follows:

SENATOR BARRY M. GOLDWATER, CHAIRMAN, SENATE ARMED SERVICES COMMITTEE, GRADUATION ADDRESS

General Healy, Ambassador Marthinsen, General Reynard, distinguished guests, students and faculty, ladies and gentleman.

Its been some years since I visited the Army War College and I'm delighted to be back. For someone like me who grew up in Arizona, and did most of his military duty on isolated air bases, this beautiful, green Pennsylvania countryside has a special attraction. I wonder if Henry David Thoreau didn't have the Carlisle lifestyle in mind when he said that: "It is impossible to give a soldier a good education without making him a deserter!"

While we were flying up this morning, I reviewed the mission of the Army War College. I see that the purpose of the curriculum is to qualify you to contribute to preparations for and potential conduct of war in support of national policy. I'm told you spend as much time on studying national policy as the conduct of war. I would say that is very important, because it gets at the heart of the fundamental national security issue of our day. Namely, how to reconcile what our values at home require with what our power abroad permits.

Albert Einstein put it very well when he said that in America ". . . our problem lies in a perfection of means toward a paucity of ends." Certainly that was true in Indochina.

Newspapers and television were filled last month with retrospectives on the Vietnam experience. Most of the articles and shows had a common underlying assumption. It was the seductive notion that once the lessons of Vietnam were pointed out, they would become so clear that readers and viewers would see them for themselves.

But Vietnam was not World War II, where we had clear enemies, well defined military objectives, and consequently a common interpretation of what the fight was all about. The Vietnam war had none of those. Consequently, even ten years later, making sense out of Vietnam is still almost as difficult as was fighting that war itself.

We each have our own views. Mine are well known, especially to those of you who were old enough to vote in 1964. From a military standpoint, I have always believed it was absolute folly to involve American troops in a ground war in Southeast Asia. We had the air and sea power to have made it impossible for North Vietnam to continue the war. We should have either ended the war as soon as possible—by using our superior power to force the North Vietnamese to stop their aggressive acts—or we should have pulled out promptly and come home.

A decade after the end of America's longest war, there is a great temptation to look back for the lessons of Vietnam. But this morning I want to look forward instead, and talk about the war's consequences and implications for our future.

To my mind, the most dangerous change flowing from that war was a decade of weakness and vacillation in U.S. defense policy. Much of the blame for that belongs squarely on the shoulders of those in Congress who believe that when a national security problem arises, one way to solve it is to starve it to death. By the way, these are the same folks who think federal money will cure any social ill.

Their reasoning goes something like this. The Vietnam war was no good. The Vietnam war was supported by defense appropriations. Therefore, the way to prevent wars like Vietnam is to reduce defense spending. Sadly, this kind of thinking prevailed during the decade of the 1970's. As a result:

We let economic conditions dictate our foreign and defense policies. Between 1970 and 1982, for example, government spending on social programs increased by 97 percent in real terms, while defense spending decreased by 8 percent. All this at a time when

the Soviets were arming at an unprecedented rate in peacetime.

We turned inward and rationalized disturbing events in Africa, Southeast Asia, the Perisan Gulf, and Latin America, as beyond our concern.

We downplayed the Soviet's growing military strength or responded with inadequate defense programs stretched out over too many years.

We clung to the idealistic spirit of detente, despite Soviet violations of the Helsinki Accords, the SALT I Treaty, and the Test Ban Treaty.

We put too much faith in arms control negotiations. Like the British in the inter-war years, we allowed our hope for effective arms control agreements to lull us into an unfounded sense of security.

We were unprepared to challenge Soviet or surrogate aggression, whether Cubans, in Angola, Vietnamese in Kampuchea, Libyans in Chad, or the Soviets in Afghanistan.

The consequences of those shortsighted policies are clear, especially to those of you who are military professionals. During the 1970's, United States military strength, when compared with the Soviet's, dangerously decayed. During that period, our nation: lost theater nuclear superiority in Europe; permitted an unfavorable shift in the overall U.S.-Soviet conventional force balance; suffered a serious loss in Vietnam, in part because of our failure to enforce the Paris Accords; experienced disruptions in our supply of foreign oil as that resource was turned against American interests; and we endured the revolution and hostage crisis in Iran, and with it the collapse of U.S. security policy in the Persian Gulf region.

America briefly rejected those shortsighted notions during the early 1980's and began a long overdue program to rebuild our defenses. But now, as the price of protecting our interests and holding to our cherished principles, has again become the focus of political attention, too many people in positions of leadership want to return to those failed policies of weakness, conciliation, and isolationism.

I am as concerned as anyone about the high cost of defense and size of the federal deficit. Unlike some of the liberal free spenders who recently have assumed the unaccustomed role of advocating federal thrift, I've been worried for years about the way we spend money.

Back in 1976, I wrote a little book called, The Coming Breakpoint. In it, I said that if we continued on our present course, we would inevitably reach a breakpoint—a point in time when the taxpayer's ability to support the government's unlimited largesse, would finally give way. I said then that while I didn't think the threat was immediate, in my view the nation had less than 10 years to go at the current spending rate before a genuine crises occurred.

Well here we are 9 years later and our huge federal deficit has become the number one economic problem. At the same time though, I am very concerned that an obsessive emphasis on the deficit problem may result in a dangerous lowering of our overall needed defense outlays.

In this sort of climate, it is absolutely essential to keep issues relating to the fundamental defense of this nation in proper perspective. Take the notion of a Military Industrial Complex.

The critics would have us believe it is the major cause of everything from past inflation to continuing poverty. When we have world wide responsibilities, we should not be surprised that we have a large and expensive military establishment supported by a capable defense industry. Simply because our enormous responsibilities require the existence of a Military-Industrial Complex does not mean that we must fear or feel ashamed of it. Does anyone seriously believe the Soviets would be at the negotiating table in Geneva if the United States did not have a capable military backed by industry to support and protect our interests?

Just because I support a strong national defense establishment does not mean I think we should tolerate waste, inefficiency or extravagance among our forces or the industries which support them. There is no more excuse for waste in defense than in any other area of Government.

Many of you students here this morning will soon be in the vanguard of our attempts to eliminate waste and improve our military procurement policies. But the mere existence of waste or cost overruns in military procurement must not be allowed to blind us to the need to keep our defenses strong. Nor should the cost of military hardware become the overriding consideration in determining how much we spend on defense.

We must never lose sight of the fundamental principle that when weighing defense decisions, in the interest of our nation's survival, we must always come down on the side of security. Regardless of taxes or deficits, inflation or social needs, the security of 236 million Americans is not negotiable. Where defense spending is involved, the first and enduring concern must always be the national interest and the security of the American people.

That is why I am always suspicious of arbitrary reduction figures, spending ceilings, and pat-sounding schemes for coming to grips with defense costs.

The latest of these simplistic solutions is the so called "Defense Freeze." Some of my congressional colleagues argue that a freeze on defense spending is necessary to reduce the federal deficit. Worse yet, they often employ highly misleading statistics in an attempt to pass off self-serving advocacy as reasoned analysis.

Consider their assertion that during that 1982-1985 period, we have been buying fewer weapons. For many items, such as munitions, this is patently false. But even so, how many items we buy is not always a clear indication of how much capability we're getting for our money.

Quality often matters as much as quantity, as in the case of the Army's Bradley Fighting Vehicle. For years the Army bought comparatively large numbers of their M113 Armored Personnel Carriers, in part because they were nursing along an inadequate combat vehicle. In short, they were substituting quantity for quality. Now that the superior Bradley Vehicle is available, we are buying less of them, but getting more capability through higher quality.

The truth is that a protracted defense freeze would be financially short-sighted because it might well actually increase defense costs in the future. Arbitrary cuts would produce mostly false economies and threaten all our efforts to puruse smarter procurement policies.

Take the matter of competition among defense industries. The Services have been making good progress in fostering competition in the weapons procurement process and the resulting savings can be enormous.

For example, competition among two shipbuilders for three AEGIS class cruisers in fiscal year 1985 saved more than $228 million dollars from the President's budget request. Similarly, competition in the attack submarine program saved 108 million dollars last year.

But if competition is to be sustained, then we must build ships and the like in sufficient quantities to make it worthwhile for more than one manufacturer to compete. When we build three cruisers a year, the contending builders sharpen their pencils and reduce costs, because the low bidder wins two ships. Conversely, if the AEGIS program were cut to only two ships per year, competition would be impractical and sole sourcing would inevitably lead to sharply increased costs.

The same is true of programs where we are finally enjoying substantial savings because of stable and economically efficient production rates. Freezing funding means cutting back on production rates and that inevitably will drive unit costs higher. The Air Force's B-1 bomber makes the point well. The administration has asked to buy 48 strategic B-1 bombers in 1986 at a cost of 159 million dollars each. If that quantity were halved, it would add 4.6 billion dollars to the total cost of the B-1 program.

Similarly, in 1985 we paid 64 million dollars each for 6 electronic warfare aircraft. This year the administration has proposed to buy 12 of the same airplanes for 39 million dollars each. By supporting more efficient production levels, we can save 25 million dollars per aircraft. But a spending freeze will stretch out procurement plans, disrupt efficient production, and increase costs. In short, we will end up paying more to get less.

As Chairman of the Armed Services Committee, I recently completed a series of hearings on the current readiness and future needs of our armed forces. Leaders of the Army, Navy, Air Force, and Marines all said that, by any measure, our military forces today are better manned, better equipped, better trained and more combat ready than ever before. But professional opinions aside, the objective facts provide further evidence that we are making good progress in restoring America's military might.

Airlift is a good example. Adequate airlift is essential to our ability to project force to respond to crises and support allies. Here the progress has been substantial. During the last four years, our nation's total strategic airlift capability has increased by 28 percent.

The Army has also made significant gains. Since 1980, Army flying hours and batallion training days have increased markedly. Superior new equipment, such as the Bradley Fighting Vehicle and M-1 Abrams Tank, are being delivered and overhaul and maintenance back logs reduced. By one estimate, the Army's total potential warfighting capability improved by 18 percent between fiscal year 1980 and 1984.

Marine Corps modernization has kept pace as well. Marine infantry battallions are being restructured with 10 percent fewer people and 25 percent greater firepower. This is possible because of a host of new, more powerful individual and crew served weapons.

As for the Navy, in February 1981 the fleet had 309 combatant ships. Exactly four years later, this number had grown to 341. When President Reagan took office in 1981, there were 479 ships in the U.S. battle forces. Today there are 532. Over 100 more are under construction, conversion, or reac-

tivation. United States maritime superiority is rapidly being restored and by 1989, the U.S. Navy will be 600 ships strong.

Afer a decade of neglect, President Reagan succeeded in persuading the American people that we need a foreign policy that reflects our determination to defend our interests and principles, and a defense rebuilding program to support that policy. Now the danger is that this rebuilding program may be hamstrung by the re-emergence of a myopic pre-occupation with economic problems and internal affairs. Too many of my congressional colleagues simply fail to appreciate the critical need for a stable national security effort that is independent of the fluctuations of domestic politics.

The defense budget is not sacrosanct. It ought to undergo the same scrutiny as any other program and some reductions will certainly be necessary this year. But given how far we've come in improving our defenses, how those reductions are applied is terribly important. In our search for quick, near-term savings, we must absolutely not do anything which would undermine the progress we've made in redressing serious military deficiencies.

I think our own history is instructive in this regard. It seems historians are always more explicit about the course of wars than their causes. Maybe that is a reflection of our inability to understand our own worst instincts. Greed, stupidity, egoism and miscalculation all play a part. But in my view, the most common recurring theme in the history of warfare, is the undeniable fact that weakness and inaction invite agression.

In our current fiscal climate, compromise would be as attractive and easy as the British found it during the 1930's. But this is not the time for business as usual. As thoughtful Americans, I urge you to reject simplistic defense cuts and oppose those who would risk this nation's security rather than make the difficult budgetary decisions that would upset favored special interest groups.

Today, when the stark reality of Soviet power and its threat to free world institutions is fully understood, the need for continued U.S. military strength is clear. Aggression can be deterred and our nation's security assured. But the clear lesson from the past is that we can never achieve peace unless there is a good faith commitment to do so. At the same time, we must never rest our nation's security solely upon the good faith of others.●

THE NORTH AMERICAN CONFERENCE ON ETHIOPIAN JEWRY

● Mr. MOYNIHAN. Mr. President, in 1982 a grassroots, activist, nonprofit organization, the North American Conference on Ethiopian Jewry, was founded in order to initiate and foster immediate action on behalf of the relief and rescue of Ethiopian Jewry. I am proud to serve as a member of the NACOEJ's Advisory Board.

Mr. President, at the request of Barbara Ribakove, chairwoman of the Board of Directors of the NACOEJ, I ask that a statement of the NACOEJ, commending the role of the U.S. Senate in the rescue of Ethiopian Jews from refugee camps on the Sudan in March 1985, be printed in full in the RECORD.

The statement is as follows:

STATEMENT OF THE BOARD OF DIRECTORS OF THE NORTH AMERICAN CONFERENCE ON ETHIOPIAN JEWRY

The North American Conference on Ethiopian Jewry expresses its profound gratitude to President Reagan, Vice President Bush, Secretary of State Schultz, Senator Cranston and the members of the U.S. Senate for their role in the rescue of Ethiopian Jews from refugee camps in the Sudan in March 1985.

As Americans and Jews, we take pride in the diplomatic and operational skill that brought about this brilliant rescue. We are thankful these men, women and children have been rescued from the horror of their present lives and given the opportunity to begin new lives with their people in Israel.

We urge you to apply your efforts now to those thousands of Jews still in Africa so they too will have the right to live as free people in the Jewish homeland.●

CONCERN OVER PROPOSED SALE OF SOPHISTICATED WEAPONS TO JORDAN

● Mr. D'AMATO. Mr. President, I rise today to reiterate my support for Senate Resolution 177, which I have cosponsored. This resolution makes crystal clear the opposition of the Senate to the sale of advanced weapons and sophisticated aircrafts to Jordan. I am very concerned over reports that the administration is planning to request such a sale in the near future.

Although I am pleased that the peace process in the Middle East is currently active, the United States should not prematurely reward Jordan with sophisticated arms until a lasting peace is really in sight. These weapons are an incentive for Jordan to pursue peace with Israel, thus it would be imprudent to offer them while peace efforts have not yet blossomed. Senate Resolution 177 sagaciously allows for sales of sophisticated weapons only after Jordan joins the Camp David peace process and begins direct negotiations with Israel.

The Middle East is a caldron of problems exacerbated by an overabundance of weapons. As our only true and stable ally in this area, Israel cannot be put into the vulnerable position of defending against highly sophisticated weapons from the United States. We must prevent putting the tools of Israel's destruction into the hands of her enemies. During the Camp David peace process, Egypt was allowed advanced arms only after its commitment to a lasting peace with Israel. This is a precedent we must continue to follow.

According to reports, the administration plans to sell $300 million worth of advanced weapons to Jordan. Included in the shipping list are F-16's and F-20's, the mobile I-Hawk medium-range ground-to-air missile system, and Stinger missiles. While such arms would improve Jordan's defense posture, it also would significantly improve its offensive power. This may have the unintended effect of reinforcing intrasigence on the part of Jordan in the peace process and increase the likelihood that Jordan would no longer refrain from participating in possible future armed conflicts.

There are other problems with this sale as well. The Stinger missile, for example, is a shoulder-launched anti-aircraft missile system operated by a single individual. We cannot afford to ignore the possibility that these missiles could fall into the hands of terrorists, including the PLO. If history is an accurate guide, we must be extremely cautious toward weapons sales of any kind to Jordan. Before 1967, Jordan promised not to move American supplied M-48 tanks into the West Bank. As soon as the 1967 war began, the Jordanians ordered the tanks to cross the Jordan River in clear violation of their agreement with the United States. U.S. arms sales to Jordan is a risk Israel should not be forced to accept.

Unless Jordan takes the bold and courageous step of direct negotiations with Israel, an arms sale to Jordan, a nation still technically at war with the people of Israel, would invite more turmoil in this region. We are, and must remain, committed to the security of Israel. The sale of sophisticated weapons to Jordan will significantly raise the stakes in the Middle East balance of power at a time when Israel is working hard to put its economic house in order.

Jordan's efforts toward peace with Israel are commendable but fall quite short of the mark. Jordan's recommendation to invite the Soviet Union to join the peace process is hypocritical when it is that very nation which is actively promoting terrorism and anarchy in the Middle East. I also question King Hussein's assurances that the Palestinian Liberation Organization agrees to U.N. Resolutions 242 and 338. In a recent article in the Wall Street Journal, Yasser Arafat, leader of the PLO, continued to refuse to publicly accept the U.N. resolutions. I am concerned whether King Hussein can deliver Yasser Arafat's support; I am equally concerned whether Yasser Arafat can deliver the support of the Palestinian people.

Mr. President, we should consider sales of advanced weaponry to Jordan only after it enters into direct negotiations with Israel. I strongly urge President Reagan not to request these sales at this time and I urge my colleagues to join me in opposition to this arms sale.●

THE WAR WE LOST IN NICARAGUA

● Mr. METZENBAUM. Mr. President, I understand that in Japan, they have a procedure through which certain artists and craftsmen may be designated as "National Treasures."

That is a fine idea—one that we, perhaps, should imitate.

And if we ever do, I intent to propose that Art Buchwald be one of the first nominees.

For decades, Art Buchwald has amused—and instructed—Americans with those fresh and lively columns of his. One column may be whimsical and the next an exercise in the sharpest satire. But always, there is in Art Buchwald's writing a great gentleness which may explain why he has become an American institution.

But on June 2, Mr. President, there appeared in the Washington Post a Buchwald column that clearly was not intended to be funny.

The column was entitled "The War We Lost in Nicaragua."

It was an account of a future event—A "Nicaraguan Remembrance Day", held on June 15, 1999, to honor the 200,000 Americans who died in a "Police Action" in Central America.

The column describes another Vietnam—an intervention launched in the second Reagan term and carried on by two succeeding Presidents. Like Vietnam, Buchwald's hypothetical Central American war was fought by the "Professional Military and the unemployed." And also like Vietnam, it ended in withdrawal of U.S. forces after two decades of war.

Is this far-fetched speculation?

Is it just another product of the fertile imagination of Art Buchwald?

I hope so.

But at a time when our Secretary of State describes aid to the Contras as the alternative to "direct application of military force," I wonder.

I wonder about those high administration officials who told the New York Times recently about the ease with which we could via military intervention, topple the Sandinista regime.

And I wonder also about those high White House and CIA officials who, says the Washington Post, "Contend that Americans will eventually share Reagan's perception of the Nicaraguan menace."

Mr. President, Art Buchwald's column of June 2 can today be classified as commentary. But let us hope that it will not at some time in the future be seen as phophesy.

I ask that the text of Mr. Buchwald's column be printed at this point in the RECORD.

The column follows:

[From the Washington Post, June 2, 1985]

THE WAR WE LOST IN NICARAGUA

(By Art Buchwald)

WASHINGTON, D.C., June 15, 1999—Officials and veterans gathered in the nation's capital today to celebrate "Nicaraguan Remembrance Day" and honor the more than 200,000 American GIs who died in the recent war in Central America.

The ex-GIs, dressed in old khaki, some wearing combat boots and medals, marched from the steps of the Capitol to the recently completed memorial overlooking the Potomac.

The war, which began during the second term of Ronald Reagan and was continued by two other presidents, ended in a stalemate with the withdrawal of American troops after a decade of fighting.

An estimated 535,110 fighting men on both sides and 1,620,000 civilians died during the bloody police action.

Many of the ex-GIs who participated today were bitter about the way they had been treated on their return from Nicaragua.

Ex-chief petty officer Clyde Durban had served on the destroyer escort Fishbait, the vessel that President Reagan claimed had been fired on by a Nicaraguan PT boat. It was because of this incident that the president asked for a "Gulf of Fonseca Resolution," which he said gave him the legal justification for ordering the U.S. Marines to invade Managua.

Durban said, "It was nighttime and we never did see the ship that was supposed to have attacked us in the Gulf of Fonseca. Some of the guys on board the Fishbait said they thought it was a fishing boat shooting up flares. We never dreamed the United States would go to war over it."

Former infantry lieutenant Harvey Robinson, who had been wounded at the Battle of San Rafael del Norte, tried to find the names of his buddies on the memorial wall. "It was Vietnam all over again," he said. "We were able to get control of the cities, but the Commies held the countryside. We'd wipe out a jungle hideout and as soon as we moved on, they would move back in. We didn't know which civilians were for us and which ones were against us. So after a while we started shooting at anybody who looked suspicious. When we couldn't hold on to real estate, Washington demanded body counts. Based on the counts, every president since Reagan promised we'd be home by Christmas."

Ex-captain Robert Simpson, who was shot down in a helicopter by a Soviet missile near Jinotega and held prisoner by the Sandinistas for four years, was bitter because so many American boys refused to go when President Reagan asked Congress to reinstitute the draft in September 1986.

He said, "After the October riots when an estimated 3 million kids declared they would go to jail rather than fight in Nicaragua, the president had to backtrack on this call for national conscription. So this left the professional military people and the unemployed to fight the dirty little war. We got our butts shot off while the guys back home were earning big bucks and getting the best jobs. 'Nicaraguan Remembrance Day' doesn't mean diddly beans to the guys who were there."

George Shultz, who was Ronald Reagan's Secretary of State at the time of the "Gulf of Fonseca Resolution," and is now teaching diplomacy at the University of Chicago, told reporters he still feels the United States did the right thing by invading Nicaragua. "At the time, Congress would not support the freedom fighters in Honduras, nor CIA efforts to destabilize the Sandinista government. So we had no choice but to get our American boys directly involved. The price may have been higher than we predicted, but we kept tyranny from being exported to Haiti. In spite of the casualties, the important thing is that President Reagan sent a strong message to the Russians that he would do everything to maintain his credibility. I'm sure that if faced with the same set of facts, Ronald Reagan would not hesitate to throw our boys into Nicaragua again."

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. RUDMAN. Mr. President, the following determinations have been made by the Select Committee on Ethics pursuant to its responsiblities under paragraph 4 of rule 35.

The select committee received a request for a determination under rule 35 that Messrs. John Ritch and Kenneth Myers of the Senate Foreign Relations Committee staff be permitted to participate in a program in Bonn, West Germany, sponsored by the Friedrich Ebert Stiftung, from May 28 through June 1, 1985.

The committee determined that participation by Messrs. Richt and Myers in the program in Bonn, West Germany, at the expense of the Friedrich Ebert Stiftung, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. Bruce MacDonald of the staff of Senator DALE BUMPERS, Mr. Mike House of the staff of Senator HOWELL HEFLIN, and Mr. Gregg Garmisa of the staff of Senator ALAN DIXON, be permitted to participate in a program in Taipei, Taiwan, sponsored by Tamkang University, from April 7–14, 1985.

The committee determined that participation by Messrs. MacDonald, House, and Garmisa in the program in Taipei, Taiwan, at the expense of Tamkang University, to discuss United States-Taiwan relations was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Ms. Denise Greenlaw of the staff of Senator PETE DOMENICI, Ms. Patty Lynch of the staff of Senator DENNIS DECONCINI, Ms. Jackie Clegg of the staff of Senator JAKE GARN, and Mr. Sam Ballenger of the staff of Senator PAUL LAXALT, be permitted to participate in a program in Santiago, Chile, sponsored by the University of Chile, from May 26–30, 1985.

The committee determined that participation by Ms. Greenlaw, Ms. Lynch, Ms. Clegg, and Mr. Ballenger in the program in Santiago, Chile, at the expense of the University of Chile to discuss United States-Chile relations, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Messrs. Andrew Wahlquist of the staff of Senator JOHN WARNER, Thomas G. Hughes of the staff of Senator CLAIBORNE PELL, David M. Strauss of the staff of Senator QUENTIN BURDICK, and Ms. Susan L. Arnold of the staff of Senator TED STEVENS, be permitted to participate in a program in Bonn, West Germany, sponsored by the Konrad Adenauer Stiftung, from April 13-21, 1985.

The committee determined that participation by Messrs. Wahlquist, Hughes, and Strauss and Ms. Arnold in the program in Bonn, West Germany, at the expense of the Konrad Adenauer Stiftung, to discuss United States-German relations, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. Steven R. Valentine of the Subcommittee on Courts (Committee on the Judiciary), Mr. Mark Bowen of the staff of Senator JAMES EXON, and Ms. Kathy Stoner of the staff of Senator JESSE HELMS, be permitted to participate in a program in Taipei, Taiwan, sponsored by the Chinese Culture University, from April 6-13, 1985.

The committee determined that participation by Messrs. Valentine and Bowen and Ms. Stoner, in the program in Taipei, Taiwan, at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Ms. Ruth Kurtz of the staff of the Joint Economic Committee and Mr. Gerard Wyrsch of the staff of the Housing Subcommittee, be permitted to participate in a program in Taipei, Taiwan, sponsored by Tunghai University, from May 24 to June 1, 1985.

The committee determined that participation by Ms. Kurtz and Mr. Wyrsch in the program in Taipei, Taiwan, at the expense of Tunghai University, to discuss United States-Taiwan relations, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Messrs. John Podesta and Ralph Oman, of the Subcommittee on Patents, Copyrights, and Trademarks, be permitted to participate in a program in Geneva, Switzerland, sponsored by the World Intellectual Property Organization in mid-May 1985.

The committee determined that participation by Messrs. Podesta and Oman in the program in Geneva, Switzerland, to attend a hearing on the Berne Convention on the international protection of intellectual property, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Messrs. Richard Gideon and Nick Chumbris, and Misses Barbara Sherry and Teresa Miller of the staff of Senator JEREMIAH DENTON, be permitted to participate in a program in Taipei, Taiwan, sponsored by the China External Trade Development Council, from April 5-12, 1985.

The committee determined that participation by Messrs. Gideon and Chumbris and Misses Sherry and Miller, at the expense of the China External Trade Development Council, to assist in escorting an Alabama trade delegation to develop export markets between Alabama and Taiwan, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. Kevin G. Nealer of the Democratic Policy Committee be permitted to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from April 7-14, 1985.

The committee determined that participation by Mr. Nealer in the program in Japan, at the expense of the Japan Center for International Exchange, to discuss United States-Japan economic relations, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. Michael Sauls of the staff of Senator PAULA HAWKINS be permitted to participate in a program in South Korea, sponsored by Seoul National University, from April 4-14, 1985.

The committee determined that participation by Mr. Sauls in the program in South Korea, to discuss United States-Korea relations, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Ms. Reba Raffaelli of the staff of Senator JOHN HEINZ be permitted to participate in a program in the Republic of China, sponsored by Soochow University, from April 4-14, 1985.

The committee determined that participation by Ms. Raffaelli in the program in the Republic of China, at the expense of Soochow University, to discuss United States-Taiwan relations, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. William D. Phillips of the staff of Senator TED STEVENS be permitted to participate in a program in the People's Republic of China, sponsored, by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, in mid-April 1985.

The committee determined that participation by Mr. Phillips in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, to participate in eductional seminars with government and academic officials, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 that Mr. David V. Evans of the staff of the Subcommittee on Education, Arts, and Humanities, and Mr. Kenneth Apfel of the staff of Senator BILL BRADLEY be permitted to participate in a program in Irsee, West Germany, sponsored by the Center for Civic Education, a nonprofit, domestic educational organization, and the Center for Political Education, an agency of the Federal Rebublic of Germany, from April 13-19, 1985.

The committee determined that participation by Messrs. Evans and Apfel in the program in Irsee, West Germany, at the expense of the Center for Political Education and the Center for Civic Education, to discuss United States-German relations, was in the interest of the Senate and the United States.●

U.S. COMPLIANCE WITH SALT

● Mr. LEAHY. Mr. President, I wish to congratulate President Reagan for his decision yesterday to maintain U.S. compliance with the SALT agreements to the extent that the Soviet Union refrains from undercutting them. This was a decision in the national security interests of the United States and its allies. The President deserves credit for rising above his own longstanding opposition to SALT and for refusing to heed those who wanted to scrap the only remaining limits on nuclear missiles and bombers. He substituted arms control for an arms race.

I think it is clear that a number of things influenced the President's decision to continue to comply fully with the SALT agreements. One was the advice he was receiving from the Joint Chiefs of Staff that the limitations on Soviet forces in the agreements favored the United States and helped our security. Another was the strong views of our allies, particularly in NATO, in support of maintaining existing limits. A third surely was an understanding that U.S repudiation of the SALT agreements before a successor treaty can be negotiated would hand Moscow a tremendous propaganda victory. Last, was his own feeling that arms control is truly necessary.

Another reason which had to influence the President, one which I believe was a major factor, was the 90-5 vote of the United States on Wednesday, June 5, in favor of the amendment offered by Senators BUMPERS, CHAFEE, HEINZ and myself calling on

the President to continue the policy of not undercutting the SALT agreements. The Senate spoke strongly in support of arms control and against an unrestrained arms race, and the President heeded our voice. This is an instance where, I believe, the Senate can be proud of its stand on an issue of immense importance to the Nation, and the influence it had on the President.

Mr. President, it is not luck or chance when the Senate votes 90-5 in favor of a controversial measure such as the Bumpers-Leahy-Chafee-Heinz SALT compliance amendment. This victory was the consequence of many months of hard work and preparation. The whole effort originated in the winter of 1983 when DALE BUMPERS and I decided to try to put together a bipartisan coalition in support of maintaining the SALT limits. We drafted the first version of the Bumpers-Leahy amendment and sought cosponsors. I was delighted when my good friends JOHN CHAFEE and JOHN HEINZ joined us in the spring of 1984.

Last year, the precursor of this year's amendment was adopted by the Senate in an 82-17 vote. The 90-5 vote last week showed even stronger support in the Senate for continuing the arms control restraints. This is the more encouraging because the issue was much more controversial this year. To remain in compliance, the United States must dismantle the launchers on a Poseidon submarine later this summer. Last year, at least in military terms, it cost the United States nothing to continue the limits.

Mr. President, the success of our effort was the product of long hours of hard work, and much of that work was done by staff. I cannot let this proud moment pass without registering my deep appreciation for the contributions made by my staff and the staffs of my colleagues. In particular, I want to thank Eric Newsom, minority staff director of the Select Committee on Intelligence, and Bruce McDonald of Senator BUMPER's office. These two prepared the original resolution which formed the basis of the amendments. They were later joined by George Tenet of Senator HEINZ' office, and Scott Harris and then Cyndi Levi of Senator CHAFEE's staff. Luke Albee of my office also formed part of this able and dedicated staff group. To them and the many others who contributed to the success of our effort, my thanks and appreciation.●

PERSECUTION OF THE HEBREW TEACHERS

● Mr. METZENBAUM. Mr. President, a year ago, the Soviet Union launched an all-out campaign to crush once and for all the spirit of Soviet Jewry.

The notorious anti-Zionist committee filled the Soviet media with denunciations of Israel and with crude, anti-Semitic attacks on Jews who dare to practice their religion and to express their national sentiments.

Emigration, which in its peak year exceeded 51,000 dropped in 1984 to merely 896. So far this year, fewer than 500 Soviet Jews have departed.

But, Mr. President, the most brutal Soviet treatment has been received for the Hebrew teachers—people who have the temerity to instruct others in the ancient language of the Jewish faith and the living language of Israel today.

Aleksandr Kholmiansky, a Hebrew teacher from Moscow, received a 3-year sentence in a labor camp after Soviet police "found" an illegal weapon in his home.

Yakou Levin of Odessa received a 3-year sentence for defaming the Soviet State. He was found to be in possession of subversive documents such as a copy of Leon Uris' "Exodus" and works by Vladimir Jabotinsky which predate the Russian revolution.

Yakov Mesh of Odessa refused to give evidence against his friend, Yakov Levin. He was so badly beaten at the holding prison that he was released—with injuries diagnosed as "irreversible."

Another friend of Mr. Levin and Mr. Mesh, Mark Nepomniashchy, was sentenced to 3 years, also for slandering the state.

Dan Shapira of Moscow was arrested early this year. He awaits trial.

But of all these terrible cases, Mr. President, the one that is of the greatest concern today is that of Yuli Edelshtein.

Yuli Edelshtein is a religious Jew from Moscow who is serving a 3-year sentence in a labor camp for "drug possession"—drugs that were "found" by Soviet police among Mr. Edelshtein's religious articles. According to the Soviets, the drugs were to be used by Mr. Edelshtein in connection with Jewish "religious rituals."

Yuli Edelshtein is incarcerated in a camp whose commander has taken it upon himself to cure his prisoner of religious enthusiasm.

According to reliable reports, Yuli Edelshstein suffers daily beatings.

He is deprived of sleep and denied the rest periods from hard physical labor to which the other inmates are entitled.

All of his personal possessions—including his prayer book—have been confiscated.

This morning, I held a press conference in my office on the campaign against the Hebrew teachers at which we released a telegram to General Secretary Gorbachev. It was signed by myself, Congressman LARRY SMITH of Florida, Mrs. Teresa Heinz of Congressional Wives for Soviet Jews and representatives of a wide range of Christian and Jewish groups. I ask that a copy of the telegram be printed in the RECORD.

The telegram follows:

TEXT OF TELEGRAM TO MIKHAIL GORBACHEV, GENERAL SECRETARY, COMMUNIST PARTY, U.S.S.R.

Representing members of the U.S. Congress, Christian and Jewish national organizations, we deplore the Soviet actions of physical and emotional brutality against the incarcerated Hebrew teachers in the Soviet Union, specifically Yuli Edelshtein and Yosif Berenshtein and the conviction of Evgeny Aisenberg and forthcoming trial of Dan Shapira. We urge you to cease all harassment and allow all Prisoners of Conscience to repatriate to their homeland, Israel, and exercise their human rights under the Helsinki Accords, the Universal Declaration of Human Rights and the International Covenant on Human Rights.

Senator Howard Metzenbaum (D-OH).

Representative Lawrence Smith (D-FL).

Jerry Goodman, National Conference on Soviet Jewry.

Robert Z. Alpern, Unitarian Universalist Association of Congregations in North America.

Rev. Charles Bergstrom, Lutheran Council in the U.S.A.

Rabbi Irwin Blank, Synagogue Council of America.

David Brody, Anti-Defamation League of B'nai B'rith.

Hyman Bookbinder, American Jewish Committee.

George Chauncey, Presbyterian Church (U.S.A.).

Robert Chertock, Jewish National Fund.

Dr. Eugene Fisher, U.S. Catholic Conference.

Joyce Hamlin, United Methodist Church.

Teresa Heinz, Congressional Wives for Soviet Jews.

Marc Pearl, American Jewish Congress.

Rabbi David Saperstein, Union of American Hebrew Congregations, Religious Action Center.

Daniel Thurz, B'nai B'rith International.

Mr. METZENBAUM. Mr. President, at this morning's meeting, Rabbi Irwin Blank of the Synagogue Council of America addressed these words to a government that permits thugs in the guise of prison officials to torture Yuli Edelshtein.

To his captors, we say shame! shame! shame! How lacking in self-respect you must be to persecute a man of faith, to transgress your own laws, to have to govern by fear and force. What have you, a mighty super power to fear from this man of spiritual commitment?

I do not know what the Soviet leaders fear.

But whatever it is, they have responded to it in a manner repugnant to civilized humanity.

They have made a mockery of their own constitution.

They have shown just how worthless are their signatures on documents like the Helsinki accords and the Universal Declaration of Human Rights.

I hope, Mr. President, that the new leaders of the Soviet Union will move at last to change policies that bring such disgrace upon their country.

JOHN SCARLETT: 1985 FFA AWARD WINNER

● Mr. SASSER. Mr. President, each year the Future Farmers of America designates a select group of young Americans as winners of awards for outstanding leadership in 1 of 22 different award areas.

These 22 FFA members have been selected from thousands of students who participated in the awards program nationwide.

There were three young Tennesseeans honored—a reflection of the importance of agriculture to our great State, and of the dedication and regard for agriculture that our young farmers have.

John Scarlett of New Market, TN is one of this select group of winners. He was the 1985 award winner in dairy production. He was sponsored by New Idea Farm Equipment and Alfa-Laval, Inc., Agri-Group and American Breeders Service.

John, 19, is a fourth generation dairy farmer. He grew up on a 525-acre dairy farm with his parents and brother. John's herd consists of 43 cows and 39 heifers.

Scarlett's holstein cattle are known throughout the State of Tennessee for their excellence in production and type. John has shown cattle throughout the Eastern United States and has won many awards. An embryo transfer program is credited for much of his success in raising per cow milk production.

All of the FFA award winners were honored here last week with a series of events, and then left the United States for a travel seminar which will take them to several European countries so that they can learn firsthand about agricultural problems, techniques and policies in other nations.

I want to commend John for his award-winning abilities. I also want to commend the Future Farmers of America for helping to prepare young Americans in production agriculture and agriculturally related fields.

John Scarlett is evidence that the FFA does a solid job of strengthening one's individual skills through classroom instruction, supervised occupational instruction, and through developing leadership, citizenship and cooperation in its members. The FFA is a creative and positive force in Tennessee and in our society.●

INSTITUTIONALIZATION OF OUR CHILDREN

● Mr. DURENBERGER. Mr. President, over the last year, the number of adolescents admitted to psychiatric treatment facilities in Minnesota increased by 50 percent. We all need to take a close look at these statistics and examine the trends in inpatient treatment for all ages. While it is important to recognize the mental health needs of our children, it is also important to make sure that they are receiving the best care in the most appropriate setting.

On June 6, 1985, Mr. Ira Schwartz, senior fellow at the Humphrey Institute of Public Affairs at the University of Minnesota, testified before the House Select Committee on Children, Youth, and Families. Ira has done extensive research on the treatment and care of adolescents and has helped to bring national attention to the increasing rates of institutionalization of our children.

I ask, Mr. President, that Mr. Schwartz's testimony be printed in today's RECORD along with my own statement which was submitted to the House Select Committee on Children, Youth, and Families. Our experience in Minnesota raises important policy issues for the entire country.

The material follows:

TESTIMONY OF IRA M. SCHWARTZ

Mr. Chairman, members of the committee, I want to thank you for inviting me to testify today. The issue of growing numbers of juveniles being placed in inpatient psychiatric and chemical dependency (drug and alcohol) treatment programs in private hospitals and free-standing residential facilities, largely fueled by the availability of third party health care reimbursement is one that demands our immediate attention.

Currently, very little is known about this development. Undoubtedly, the interest and involvement of the committee will help to shed light on what may prove to be a complex problem and one of national significance.

At present, I am serving as senior fellow and director of the Center for the Study of Youth Policy at the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota. While some of my comments will reflect the findings of research activities undertaken at the center, the views and opinions I am expressing on this topic are my own and not those of the Humphrey Institute or the University of Minnesota.

Although the House Select Committee on Children, Youth, and Families has been in existence for a relatively short period of time, the committee is already recognized as a key source of data and policy information on the general condition and problems confronting children, youth and families in America. Also, the committee has developed a solid reputation amongst policy makers, practitioners, public interest groups and child advocates at the National, State and local levels.

I know that the committee is deeply concerned about the problems young people are having with respect to chemical dependency. Also, I know that the committee is alarmed by the extremely high rate of teenage suicide and the high incidence of emotional problems and other stresses that impact the lives of our children and youth.

However, while the problems confronting families and children are serious and the need for policies and services that are responsive is great, there is mounting evidence that some of the approaches used in meeting the needs of troubled youth and families are inappropriate and costly. In particular, I am referring to the alarming trend of institutionalizing juveniles in private hospitals and free standing residential facilities for chemical dependency and psychiatric treatment, largely fueled by the availability of third party health care reimbursement.

For example, it was recently reported on the CBS Evening News that juvenile admissions to private psychiatric hospitals jumped from 10,764 in 1980 to 48,375 in 1984. This represents an increase in admissions of nearly 350%. However, these figures may be the tip of the iceberg because they only pertain to admissions to the 230 hospitals that are members of the National Association of Private Psychiatric Hospitals.

Our research suggests that the largest number of admissions may be in private general hospitals that have developed inpatient psychiatric and chemical dependency programs. For example, the following table depicts the admissions trends and patient days of care for juveniles admitted to Minneapolis/St. Paul area hospitals for psychiatric care between 1976 and 1984.

TABLE I.—JUVENILE PSYCHIATRIC ADMISSIONS

Year	Number	Rate per 100,000	Patient days
1976	1,123	91	46,718
1977	1,062	88	53,730
1978	1,268	107	60,660
1979	1,623	142	68,949
1980	1,775	158	74,201
1981	1,745	159	72,381
1982	1,813	165	71,267
1983	2,031	184	76,899
1984	3,047	299	83,015

All of these admissions were in general hospitals. None was in the one hospital in Minnesota that is a member of the National Association of Private Psychiatric Hospitals.

Also, I would like to point out that the vast majority of these admissions were "voluntary" placements. In other words, they were not ordered by the courts. They occurred as a result of parents consenting to admit their child, often upon the recommendation of a physician.

Comparable data on admissions to inpatient chemical dependency programs for juveniles is not available. However, the indications are that the number of juveniles admitted to these programs in Minnesota increased significantly during the late 1970s and early 1980s and have leveled off in the past few years. Also, it appears that a significant number of youth in these programs come from other States.

While our formal research on the issue has been limited to the State of Minnesota, we suspect that juveniles are being propelled into these programs elsewhere. Informal contacts with representatives from the health insurance industry, specialists in health care, juvenile justice and child welfare professionals, academics and members of the media suggest that juveniles are being confined in hospitals in many other States.

The psychiatric and chemical dependency treatment industries targeted toward children and youth in Minnesota raise some important issues and policy considerations. These include:

1. The majority of inpatient psychiatric and chemical dependency placements are paid for by third party health care reimbursement. In the early 1970s, the Minnesota legislature enacted laws that mandated insurance companies to include coverage for mental health and chemical dependency as a condition for selling health insurance in the State. Minnesota's laws were among the first of their kind and have been used as a

model for the enactment of similar legislation in many other States.

Minnesota's mandatory mental health and chemical dependency health insurance laws are clinically vague and provide financial incentives favoring inpatient as compared to outpatient care. This, coupled with a need for services on the part of families, and an excess of hospital beds, has created ideal conditions for the development of inpatient psychiatric and chemical dependency programs as well as the potential for abuse.

2. There is a need to develop more specific criteria for admission to inpatient psychiatric and chemical dependency treatment. Currently, juveniles are largely being admitted to facilities for such things as emotional disturbance, conduct disorder, adolescent adjustment reaction and attention deficit disorder. These categories imply a level of diagnostic precision that has yet to be proven empirically and allow for the exercising of virtually unbridled discretion on the part of mental health professionals.

3. There are significant legal and procedural safeguard questions that need to be explored. The overwhelming majority of the youths admitted to inpatient psychiatric and chemical dependency programs are admitted on a "voluntary" basis (not ordered by the court). More often than not, these youths are referred by their parents. However, our research, as well as examples cited by legal aid attorneys and mental health advocates, suggests that many youth are coerced into these programs. For many, it means deprivation of liberty without benefit of due process.

Some of the questions that must be addressed are: "Should parents have the absolute right to admit a child to an inpatient psychiatric or chemical dependency program against the child's will?" "Should placement in a locked psychiatric or chemical dependency program be left almost entirely in the hands of psychiatrists?" "Should juveniles be afforded due process and procedural protections?"

4. One of the principal objectives of the Federal Juvenile Justice and Delinquency Act of 1974 is the deinstitutionalization of status offenders from such secure facilities as detention centers, training schools, and adult jails. However, on-site visits to facilities, discussions and interviews with psychiatrists, nurses, and social workers, and reviews of records suggest that some of the youths being incarcerated in private psychiatric and chemical dependency programs are status offenders. Instead of truancy, running away, incorrigibility, or inability to get along with parents, these youths are admitted for such things as conduct disorders or chemical dependency. Also, there is evidence that females are being admitted to psychiatric units for promiscuity.

The intent of the Juvenile Justice and Delinquency Prevention Act was not to have status offenders removed from institutions in the justice system only to have them incarcerated elsewhere.

5. While it appears that many youths are being placed in inpatient programs unnecessarily, there are others who are being denied access to appropriate services. For example, the overwhelming majority of youth in inpatient psychiatric and chemical dependency programs are from white, middle and upper class families which have insurance coverage or are able to pay for the cost of care. In contrast, youths from poor or low income families who are in need of mental health services tend to be defined as delinquent and end up in the public child welfare or juvenile justice systems. This is particularly the case for minority youth.

6. Another disturbing factor is that allegations of abuse and questionable practices are mounting. For example, there are reports of arbitrary and capricious use of solitary confinement, verbal abuse on the part of staff, little or no work with families, inadequate amounts of time spent with patients by psychiatrists, and the incarceration of children as young as two, three and four years old.

Mr. Chairman, our research has led us to conclude that a "hidden" system of juvenile control is developing in Minnesota and in a number of other States. It is a system that is largely unmonitored, unregulated and driven by the availability of third party health care reimbursement. Clearly, this is an issue that demands immediate attention on the part of policy makers, health care professionals, juvenile justice and child welfare specialists, public interest groups and child advocates.

STATEMENT BY SENATOR DAVE DURENBERGER

The information that has been generated on the rise in the institutionalization of adolescents is startling. As Chairman of the Senate Finance Committee's Subcommittee on Health I am concerned both about the quality of care being provided to these kids and the needless costs to the total health care system.

Although the issue revolves around state insurance laws and state mandated coverage policies, I think we all agree that inappropriate placement and poor quality care are subjects that must be addressed by all levels of government.

A recent ruling by the U.S. Supreme Court confirmed the states' role in this area, upholding a Massachusetts law which requires insurance companies to cover mental health services in employer-based plans. Currently some 26 states have mandated coverage laws. Although well meaning, these laws have contributed to the rise in the numbers of children, placed in psychiatric treatment hospitals. The logic is simple: If the insurance company will pay, the incentives are for hospitals and treatment facilities to admit.

And in fact, inpatient treatment is increasing at an alarming rate with no controls on quality, appropriate diagnosis, and appropriate placement. Over the last four years, institutional placement of adolescents has increased by 350%.

There are promising signs, however. Blue Cross/Blue Shield of Minnesota has taken the initiative in trying to prevent the needless institutionalization of adolescents. They have tightened their admission criteria and they have instituted a preadmission screening program for admissions to psychiatric treatment facilties. These initiatives led to payment denials for 20% of the cases filed last year. I am hopeful that as other insurance companies are faced with increasing costs, they too will begin to look more closely at their admission criteria and the quality of treatment provided.

In the meantime, we should note that this issue also has an important federal facet. I think it is high time we examine our federal insurance policies and their mental health and alcoholism treatment benefits. Medicare and Medicaid have generally utilized inpatient, medically-based treatment facilities. Questions have been raised not only on the comparative effectiveness of inpatient care but also on its relative costs. I plan to further explore the feasibility of coverage for outpatient and freestanding treatment facilities. In addition, I intend to examine more closely Medicare's admission criteria for inpatient mental health and alcoholism treatment.

Congress should also direct its attention to federal laws governing employee-benefit plans. Under current law, employee-based insurance is under the jursidication of the states and state mandated insurance laws. The self-insured, on the other hand, come under federal employee-benefit laws that do not mandate special treatment coverage. Justice Blackmun encouraged the Congress to explore the different treatment of employee benefit plans and I would concur with his advice.

I thank Representative Miller for the opportunity to include my Statement in the Select Committee's Hearing Record. I commend the Committee for its work in this area and I look forward to hearing from my Minnesota constituents.●

ORDERS FOR WEDNESDAY

Mr. DOLE. Mr. President, I am not certain the distinguished minority leader has had an opportunity to go over these requests.

ORDER FOR RECESS UNTIL 9 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on June 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order, there be a special order in favor of the following Senators for not to exceed 15 minutes each: Senators PROXMIRE, BENTSEN, BYRD, DIXON, MELCHER, MURKOWSKI, and DOMENICI.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 11 a.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, following routine morning business, the Senate will go into executive session to consider Legal Services nominations. Rollcall votes are expected. Following the Legal Services nominations, the Senate will turn to the nomination of Martha Seger to be a Member of the Federal Reserve Board. A vote is expected on the confirmation.

Following the Seger nomination, it will be the majority leader's intention to begin consideration of S. 1128, the Clean Water Act. Votes could occur in connection with the clean water bill tomorrow afternoon.

I think there may also be a resolution to be offered by the distinguished Senator from Wisconsin [Mr. PROXMIRE] with reference to recess appointments. At least that is an indication he gave me as part of an agreement on the Seger nomination. That matter, I believe, is under discussion with Senator PROXMIRE and the chairman of the committee, Senator GARN.

UNANIMOUS-CONSENT AGREEMENT—LEGAL SERVICES NOMINATIONS

Mr. DOLE. Mr. President, with reference to the Legal Services nominations, as in executive session, I ask unanimous consent that at 11 a.m., on Wednesday, June 12, the Senate go into executive session to consider the 11 Legal Services nominations, and that they be considered under the following time agreement: 4 hours total on the nominations, to be equally divided between the chairman of the Labor Committee and the ranking minority member, or their designees, and that following the conclusion or yielding back of time, the Senate proceed to vote, without any intervening action, first on the nomination of Michael Wallace, and to be followed by the nomination of Leanne Bernstein.

I further ask unanimous consent that following the confirmation of Leanne Bernstein, the Senate proceed to the consideration of nine remaining Legal Service nominations, by unanimous consent, if there is no objection.

Finally, I ask unanimous consent that following action on the nominees, and the motion to reconsider and the notification of the President, the Senate resume legislative session.

Mr. BYRD. Mr. President, reserving the right to object, does the distinguished majority leader wish to modify the request?

Mr. DOLE. Mr. President, I would modify the request with reference to the nine remaining Legal Services nominations. I think it would be appropriate to say I further ask unanimous consent that following the confirmation of Leanne Bernstein, the Senate proceed to the consideration of the nine Legal Services nominations, period.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it would be my hope that we could dispose of those nine by voice because I think there are one or two Members who may have decided they could be absent tomorrow on official business because we were not going to have one vote count for nine votes.

Mr. BYRD. Mr. President, may I say to the distinguished majority leader, I apologize for the bit of confusion in connection with the paragraph which he has taken out of the overall omnibus request. That very language was put in at my request, but the matter was discussed in our Democratic conference today and I found that our conference did not wish to proceed exactly as I had proposed. So I apologize to the majority leader.

Mr. DOLE. I might say to the distinguished minority leader I had a brief discussion with the senior Senator from Massachusetts [Mr. KENNEDY] and he indicated they needed rollcall votes on at least two nominees and that the other nine could probably be by voice vote.

Mr. BYRD. I thank the majority leader.

RECESS UNTIL 9 A.M.

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 9 a.m., Wednesday, June 12.

The motion was agreed to, and at 7:16 p.m., the Senate recessed until tomorrow, Wednesday, June 12, 1985, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 1985:

EXECUTIVE OFFICE OF THE PRESIDENT

Clayton Yeutter, of Nebraska, to be U.S. Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, vice William Emerson Brock III.

DEPARTMENT OF STATE

Bruce Chapman, of Washington, to be the Representative of the United States of America to the Vienna Office of the United Nations and Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

HOUSE OF REPRESENTATIVES—*Tuesday, June 11, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us renewed awareness, O God, of the power of words of faith brought together with good works. Forgive us when we offer only pious thoughts and empty phrases and neglect the will to act in the interest of justice. May our faith become active in love and may our words and deeds glorify You and serve our neighbors both in our communities and throughout the world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. COMBEST. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COMBEST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 145, answered "present" 3, not voting 31, as follows:

[Roll No. 147]

YEAS—254

Ackerman	Boner (TN)	Coyne
Addabbo	Bonior (MI)	Crockett
Alexander	Bonker	Daniel
Anderson	Borski	Darden
Andrews	Bosco	Daschle
Annunzio	Boucher	Davis
Anthony	Boxer	de la Garza
Archer	Breaux	Dellums
Aspin	Brooks	Dicks
Atkins	Broomfield	Dingell
AuCoin	Brown (CA)	Dixon
Barnard	Bruce	Donnelly
Barnes	Bryant	Dorgan (ND)
Bateman	Burton (CA)	Downey
Bates	Bustamante	Duncan
Bedell	Byron	Dwyer
Beilenson	Carper	Dyson
Bennett	Carr	Early
Berman	Chappell	Eckart (OH)
Bevill	Coelho	Edgar
Biaggi	Coleman (TX)	Edwards (CA)
Boggs	Collins	English
Boland	Cooper	Erdreich
Evans (IL)	Levin (MI)	Rodino
Fascell	Levine (CA)	Roe
Fazio	Lipinski	Rogers
Feighan	Lloyd	Rose
Fish	Long	Rostenkowski
Flippo	Lowry (WA)	Roukema
Florio	Luken	Rowland (CT)
Foglietta	Lundine	Rowland (GA)
Foley	MacKay	Roybal
Ford (TN)	Markey	Rudd
Fowler	Marlenee	Russo
Frank	Martinez	Savage
Frost	Matsui	Scheuer
Fuqua	Mavroules	Schneider
Garcia	Mazzoli	Schumer
Gaydos	McCloskey	Sharp
Gejdenson	McCollum	Shelby
Gephardt	McCurdy	Sisisky
Glickman	McHugh	Skelton
Gonzalez	McKinney	Slattery
Gordon	McMillan	Smith (FL)
Gradison	Meyers	Smith (IA)
Gray (IL)	Mica	Smith (NE)
Gray (PA)	Mikulski	Smith (NJ)
Green	Miller (CA)	Spratt
Guarini	Mineta	St Germain
Hall (OH)	Mollohan	Stallings
Hall, Ralph	Montgomery	Stark
Hamilton	Moody	Stokes
Hatcher	Moore	Stratton
Hayes	Morrison (CT)	Swift
Hefner	Mrazek	Tauzin
Hertel	Murphy	Thomas (GA)
Holt	Murtha	Torres
Hopkins	Myers	Torricelli
Horton	Natcher	Towns
Howard	Neal	Traficant
Hoyer	Nelson	Traxler
Hubbard	Nichols	Udall
Huckaby	Nowak	Valentine
Hughes	O'Brien	Vander Jagt
Hutto	Oakar	Vento
Jeffords	Oberstar	Visclosky
Jenkins	Obey	Volkmer
Johnson	Olin	Walgren
Jones (NC)	Ortiz	Watkins
Jones (OK)	Panetta	Waxman
Jones (TN)	Pease	Weiss
Kanjorski	Pepper	Wheat
Kaptur	Perkins	Whitley
Kastenmeier	Petri	Whitten
Kennelly	Pickle	Wirth
Kildee	Price	Wise
Kleczka	Pursell	Wolpe
Kolter	Rahall	Wortley
Kostmayer	Rangel	Wright
LaFalce	Ray	Wyden
Lantos	Regula	Wylie
Leath (TX)	Reid	Yates
Lehman (CA)	Richardson	Yatron
Lehman (FL)	Rinaldo	Young (MO)
Leland	Robinson	

NAYS—145

Armey	Coble	Fiedler
Badham	Combest	Frenzel
Bartlett	Conte	Gallo
Barton	Coughlin	Gekas
Bentley	Courter	Gilman
Bereuter	Craig	Goodling
Bilirakis	Crane	Gregg
Bliley	Dannemeyer	Grotberg
Boehlert	Daub	Gunderson
Boulter	DeLay	Hammerschmidt
Brown (CO)	Derrick	Hansen
Burton (IN)	Dickinson	Hartnett
Callahan	DioGuardi	Hendon
Campbell	Dornan (CA)	Henry
Carney	Dreier	Hiler
Chandler	Durbin	Hillis
Chappie	Eckert (NY)	Hunter
Cheney	Edwards (OK)	Hyde
Clay	Emerson	Ireland
Coats	Evans (IA)	Jacobs
Cobey	Fawell	Kasich
Kindness	Mitchell	Siljander
Kolbe	Molinari	Skeen
Kramer	Monson	Slaughter
Lagomarsino	Moorhead	Smith (NH)
Latta	Morrison (WA)	Smith, Denny
Leach (IA)	Nielson	Smith, Robert
Lent	Oxley	Snowe
Lewis (CA)	Packard	Solomon
Lewis (FL)	Parris	Spence
Lightfoot	Pashayan	Stangeland
Livingston	Penny	Stenholm
Loeffler	Porter	Strang
Lott	Quillen	Stump
Lowery (CA)	Ridge	Sundquist
Lujan	Ritter	Swindall
Lungren	Roberts	Tauke
Mack	Roemer	Taylor
Madigan	Roth	Thomas (CA)
Martin (IL)	Saxton	Vucanovich
Martin (NY)	Schaefer	Walker
McCain	Schroeder	Weber
McCandless	Schuette	Whitehurst
McDade	Schulze	Wolf
McGrath	Sensenbrenner	Young (AK)
McKernan	Shaw	Young (FL)
Michel	Shumway	Zschau
Miller (OH)	Shuster	
Miller (WA)	Sikorski	

ANSWERED "PRESENT"—3

Dymally	Solarz	Synar

NOT VOTING—31

Akaka	Gibbons	Snyder
Applegate	Gingrich	Staggers
Broyhill	Hawkins	Studds
Clinger	Heftel	Sweeney
Coleman (MO)	Kemp	Tallon
Conyers	Manton	Weaver
DeWine	McEwen	Whittaker
Dowdy	Moakley	Williams
Fields	Owens	Wilson
Ford (MI)	Sabo	
Franklin	Seiberling	

□ 1220

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1043. An act to authorize appropriations for the Department of Energy for national security programs for fiscal year 1986, and for other purposes;

S. 1080. An act to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes; and

S. 1141. An act relating to certain telephone services for Senators.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 99, AMERICAN CONSERVATION CORPS ACT OF 1985

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 99-166) on the resolution (H. Res. 195) providing for

the consideration of the bill (H.R. 99) to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1409, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1986

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 99-167) on the resolution (H. Res. 196) providing for the consideration of the bill (H.R. 1409) to authorize certain construction at military installations for fiscal year 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be permitted to sit during proceedings under the 5-minute rule on tomorrow, Wednesday, June 12, 1985.

Mr. Speaker, this has been cleared by the minority.

Mr. SHAW. Mr. Speaker, we have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON AVIATION AND SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on Aviation and the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule in the House on tomorrow, Wednesday, June 12, 1985.

Mr. SHAW. Mr. Speaker, the minority has no objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during the 5-minute rule on today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to ask the gentleman from Wisconsin whether or not this request has been cleared by the minority. It is my understanding that we were not aware of the request on this side.

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield, I must in all candor tell the gentleman that it has not.

Mr. WALKER. Then I object, Mr. Speaker.

The SPEAKER. The gentleman is aware of the fact that it takes 10 Members to object.

Messrs. FAWELL, LOTT, MICHEL, HANSEN, LIGHTFOOT, ROWLAND of Connecticut, PACKARD, NIELSON, of Utah, and COBLE also objected.

The SPEAKER. Objection is heard.

A TRIBUTE TO KAREEM ABDUL-JABBAR AND THE LAKERS—AND THE CELTICS TOO—FOR A GREAT BASKETBALL SERIES

(Mr. DIXON asked and was given permission to address the House for 1 minute.)

Mr. DIXON. Mr. Speaker, it is with great pleasure that I rise today and pay tribute to an outstanding group of athletes who through their relentless determination and unyielding spirit have for the third time in the past six seasons brought the National Basketball Association's championship trophy home to the city of Los Angeles.

My congratulations to the 1985 Laker players, their coaches and management who, once and for all, cleaned out a closet of Celtic skeletons. They provided fans with an exciting brand of basketball that featured a break faster than the Concorde, a patented sky hook that seems only to get better with each passing year, and outside shooting that would make a SWAT team jealous.

The Los Angeles Lakers are a first-class organization. Their captain is a man who exemplified competitiveness in every sense of the word. Kareem Abdul-Jabbar has enabled fans in Los Angeles to celebrate many championships, both as a Laker and as a UCLA Bruin. This season in particular, Kareem, who is in the twilight of an awesome career, played with an intensity and skill that many young players wish they could duplicate. He was awarded the most valuable player trophy of the championship series, and many would agree that that Kareem is the most valuable player of the decade.

Yes, Mr. Speaker, we should truly thank the Lakers and the Boston Celtics for providing basketball fans around the world quality basketball and a great championship series.

□ 1230

TRIBUTE TO BILLY LASTER FISH

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise to express a great sense of loss upon the death of a dear friend to many of us in this Chamber.

We had come to know Billy Laster Fish through her charm, her sincerity, and through the constant support she offered to her husband, our distinguished colleague from New York [Mr. FISH].

Billy was always active in political life, sharing in her husband's duties. She was a household word in the 21st District of New York, where all who met her came to appreciate her charm and graciousness.

Billy Fish attended the Southwest Texas State University prior to becoming a devoted mother. I remember how proud HAM was when she completed her education by graduating cum laude from American University in 1979.

Billy was a determined woman who never allowed adversity to get her down. During the last year, despite her illness and confinement, she always had a kind word for everyone.

Washington, DC, will never be the same without her.

To our colleague HAM, and to Billy and HAM's children, James, John, Ham, Nicholas, Peter, and Julia, I know you join with me in extending our sincerest condolences.

It was indicative of Billy's concern that it was her wish that in her memory we support the United Negro College Fund.

Mr. Speaker, I am pleased to yield to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding. I want to join with the gentleman in expressing our sympathies to our colleague, HAM FISH.

My wife, Nancy, and I knew Billy Fish very, very well. She was a person of great courage, a great person, very friendly. It is a great loss to us personally to have her gone.

I want to join with the gentleman in expressing our sympathies and regrets

to the HAM FISH family and particularly to our colleague, HAM FISH.

Mr. GILMAN. Mr. Speaker, I thank the leader of our New York Republican Congressional Delegation [Mr. HORTON] for his kind words.

Mr. DIOGUARDI. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. DIOGUARDI. Mr. Speaker, I thank the gentleman for yielding.

I would like to join the distinguished gentleman from New York in expressing our great sense of loss upon the death of Billy Fish.

The constant support she offered her husband, HAM, was evident to me even as a new Congressman. Just a few weeks ago I was privileged to sit next to Billy at a Women's Leadership Conference that she held with HAM in Washington, for the women of the 21st District of New York. Her support and interest was clearly evident and appreciated by all.

Mr. Speaker, we will all miss her. Thank you, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supportive words.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from New York.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding.

I want to join him and my colleagues in paying tribute to Billy Fish. She was a person not only devoted to her husband and our friend and colleague, HAMILTON FISH, but a thoroughly decent person, committed to some very important issues, including the limitation of the nuclear arms race.

Mr. Speaker, we will miss her very, very much, and I thank the gentleman for yielding.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York.

I am pleased to yield to our minority leader, the distinguished gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I thank the gentleman for taking this time so that we might comment briefly on the passing of Billy Fish, the wife of our colleague HAM FISH of New York. After she had suffered her first stroke and was confined to a wheelchair, my wife was very privileged to take her to a number of functions in which she still wanted to participate. She was a delight to be with. Always optimistic about life and her progress toward rehabilitation.

It came as a severe shock to us when we heard that Billy had suffered a second and fatal stroke 2 weeks ago.

We are always going to remember with what courage she faced her particular problem and the inspiration she gave each and every one of us when we were in her presence.

My wife Connie would surely want to join me in expressing our profound sympathy to all the members of the family in their great loss. We share the family's grievous loss.

Mr. GILMAN. Mr. Speaker, I thank the minority leader, the gentleman from Illinois [Mr. MICHEL] for his kind words.

Mr. HUGHES. Mr. Speaker, will the gentleman yield to me?

Mr. GILMAN. I am pleased to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

I want to associate myself with the gentleman's remarks.

My wife, Nancy, and I have been privileged to know Billy Fish for these some 10 years that I have served in Congress. She was just a marvelous lady. She was generous, very, very friendly, charming and a very devoted wife to our colleague, HAMILTON FISH.

We are going to miss Billy Fish. She was a great lady.

I thank the gentleman for taking out this special time to focus attention upon our great loss of Billy Fish. Our sympathies go out to HAMILTON and to his family on this loss.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey for his supportive words.

Mr. Speaker, I am pleased to yield to our distinguished chairman of the Judiciary Committee, the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, I thank the gentleman for yielding.

I wish to associate myself with this tribute of praise and this eulogy to a fine lady, one whom I was privileged to know.

Billy Fish was truly a rare individual—she combined charm with a courage that was remarkable—this was so apparent during the period of her illness. Never did she lose her sense of humor even while she herself was heavily burdened within: Billy Fish felt a deep commitment to noble causes—to the advancement of the underprivileged, to the realization of a universe free of the fear of nuclear holocaust, to a world at peace.

Billy Fish was a caring person and she touched all who knew her with this fine quality. She was a dear friend for whom I had a deep affection and whom I respected and admired. My dear friend HAMILTON FISH, has suffered a great loss but I am sure that he will find some comfort in knowing that so many share his sorrow with him.

Mr. GILMAN. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for his kind words and, Mr. Speaker, I thank the Chair for permitting us to make these remarks at this time.

CONGRATULATIONS TO WORLD CHAMPION LOS ANGELES LAKERS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I would like to congratulate history's greatest basketball team: the Los Angeles Lakers. None of us should be surprised by the Lakers' latest triumph, which was their third championship series victory in 6 years.

Granted, the Lakers had accommodated the Celtics eight previous times in championship play, but this year there was a little extra Magic in the air. With the quickest hands in the game and that infectious spirit, one might say that Magic was everywhere in this series. Kareem once again inspired us with his talent and dominance and proved that hustle is a function of determination and not age. Rambis and Kupchak shattered the notion that you have to grow up on the streets of Boston to learn how to hit the boards. Worthy and Coop thrilled us with their usual acrobatics and shooting consistency, reminding us all that it's always showtime when the Lakers take the court.

No team has brought as much style and excitement to professional basketball as the Lakers. This series was just the latest glimpse at the team's amazing grace. Our mind's eye still pictures Mr. Clutch's quick release, Elgin's midair suspended body, Wilt's finger role, and Egan's alley-oop.

Laker basketball taught us about the possibilities of man's strength, endurance, and agility. With the assistance of Chick Hearn's commentary taking us left to right across our radio dials, it seems that we have run with the Lakers forever. Now, we pause for one sweet moment to say thank you.

JUDY HARVEY, AN EXAMPLE OF COURAGE

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, this last Saturday, at my town meeting in Pagosa Springs, CO, I met a very brave lady, Judy Harvey, the mother of Chris Harvey, one of the more than 1 million missing children in this country. Chris disappeared from their summer home in Pagosa Springs on July 11, 1984. Chris Harvey is 15 years old, 5 foot 11 inches tall, and weighs approximately 135 pounds. His hair is light brown and his eyes are hazel.

For the sake of Judy and Jim Harvey—any persons having information about Chris Harvey should call the National Center for Missing and Exploited Children at 1-800-843-5678.

That's 1-800-843-5678. Thank you, Mr. Speaker, and thank you Judy Harvey for the example of courage you give me and others whose lives you touch.

OPPOSE AID TO THE CONTRAS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I rise once again to oppose aid to the Contras in Nicaragua.

In the last few weeks, we have come to focus on the wrong issue. The issue is not Mr. Ortega—not his travel plans, not his tailoring, not even the words we would like to hear him say.

The issue is what policy will achieve our goals in Nicaragua? And here the answer is that more aid to the Contras just won't work. We cannot encourage peace and democracy in Nicaragua by pumping money into efforts to overthrow their government.

We can't encourage stability by promoting war and upheaval.

We can't promote democracy by pushing Nicaragua further toward Moscow.

We can't achieve peace by supporting miltiary overthrow. What would our country do in that situation? What would any country do?

Mr. Speaker, I believe that our policy toward Nicaragua poses moral issues. But it also poses commonsense ones. Voting against Contra aid this week is more than a chance to demonstrate our good intentions to the American people and the world. It is a chance to demonstrate our good sense. I urge this House once again to defeat aid to the Contras.

□ 1240

CONFEREES: A NEW IMPERATIVE TO CUT THE DEFICIT

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, yesterday OMB projected the fiscal year 1986 deficit will be $17 to $20 billion more than originally forecast. This means that one-third of the savings contained in the House and Senate versions of the budget resolution has already evaporated. By 1988, the deficit will be in the $175-$195 billion range, rather than the $100 billion we have targeted.

This is fiscal child abuse. Never in American history has one generation left such an immense burden of debt for its children to repay.

Today, I am writing all the House and Senate conferees to ask them to produce a conference report that takes these new projections into account, and makes even greater savings than were contained in either our resolution or the Senate's. I suggest they take the lower figure of the House and Senate resolution in each budget category.

The moment of budget truth is upon us. Will the conferees cut a deal and send still another bill drenched with red ink to our children? If so, I, for one, will oppose the conference report in the strongest possible terms.

TRUE HUMANITARIAN AID AND THE MICHEL AMENDMENT

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, humanitarian assistance will get a bad name if we pass the Michel amendment to the supplemental appropriation bill.

Historically humanitarian assistance from our country has been given to help end suffering, regardless of whether the recipients were our political allies or not. Our recent efforts to end the famine in Marxist Ethiopia is a good example of real humanitarian assistance. But with the Michel amendment this administration has distorted the term humanitarian so that in Nicaragua we only extend a helping hand to those who agree with us politically and then only to military forces.

Let us call the Michel amendment for what it is. The United States is sending assistance to a military force attempting to overthrow the Government of Nicaragua. With these millions of dollars we will only increase the suffering of ordinary Nicaraguans.

The administration insists that the American people support its goal of overthrowing the Government of Nicaragua. If this is true, why must the President cloak his real intentions in the guise of humanitarian assistance?

The administration's policy in Nicaragua deprives us of our most compelling weapon in the family of nations: adherence to the rule of law and to the rule of reason.

A humanitarian vote is "no" on the Michel amendment.

THE HONORABLE MELVIN PRICE RECEIVES THE VANGUARD AWARD

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, I rise to bring to the attention of my colleagues a most distinguished and important award that our friend and colleague MEL PRICE, chairman emeritus of the Armed Services Committee is to receive tomorrow from the Non-Commissioned Officers Association of the United States of America.

This award is the Vanguard Award. It has only been presented to two other Members of the House. It is being presented to the chairman emeritus in recognition of his more than 30 years dedicated service and of our Nation's defense needs and more importantly his willingness to fight for the quality of life for our military personnel.

This award is being presented to Chairman MEL PRICE at a luncheon tomorrow in the Rayburn Building.

U.S. POLICY IN NICARAGUA

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MARLENEE. Mr. Speaker, it has become clear that the cabal of fearmongering from the liberal left is mounting a clarion call to all who would support an encampment of communists on this continent.

The call goes like this: "U.S. On Verge Of Jungle War," "Policies Of Aid Could Lead To War," and "Direct Confrontation With Soviet Union Likely."

These calls sound like a bird who has been reduced to shrill squawks because of eating fermented berries.

Could it be that their misinformation comes from the same source referred to in one of Washington's major newspapers—the Times—in a June 7 article I enclose that is headlined "Memo Provided Ortega Tips On Manipulating Hill Visitors."

U.S. foreign policy should be made in Washington, not in Central America and not in Managua.

MEMO PROVIDED ORTEGA TIPS ON MANIPULATING HILL VISITORS

(By Roger Fontaine and Ron Cordray)

A newly discovered Nicaraguan government memorandum sets out in revealing detail how the Sandinista government planned to manipulate three U.S. congressmen during their visit to Managua in early 1982 at a critical moment in the Reagan administration's efforts to win support for its policies in Central America

The six-page, single-spaced memo—written to Daniel Ortega by Rita Delia Casco of the Ministry's North American Department—outlines "Approaches, observations, and suggestions with the purpose of taking maximum advantage of this delegation's visit."

The memo was dated Jan. 5, 1982.

The three congressmen, all liberal Democrats, were Sen. Christopher Dodd of Connecticut and Reps. Michael Barnes of Maryland and George Miller of California.

A copy of the memorandum was obtained by The Washington Times from the council on Inter-American Security, a Washington-based research firm that specializes in Latin American policy questions.

A spokesman for Sen. Dodd said he "obviously did not know of the memo" and that the senator had "no control over what was written regarding the visit."

The spokesman, however, cited a State Department interoffice cable that said the congressmen's visit "had a positive impact

vis-a-vis U.S. interests." The State Department cable said the congressmen "had a clear understanding of the current situation in Nicaragua and were under no illusions as to the true nature and trend of the Sandinista revolution.

An aide to Mr. Miller said the congressman was not aware of the memorandum, and that its contents represent "one person's opinion" and it "sounds very subjective." The aide said that if the Casco memo "means that Rep. Miller fought the attempt to fund the Contras, she's accurate."

Noting that Mr. Miller has visited Central America on three occasions, his aide said: "The situation [since the memo was written] has changed. It might have applied then, I'm not sure it would today."

Rep. Barnes could not be reached for comment.

The disclosure of the memo came as Congress prepared to vote once more on a Reagan administration proposal to offer humanitarian aid to the resistance forces fighting against the Sandinista government.

Rep. William Broomfield of Michigan, ranking minority on the House Foreign Relations Committee, said the Sandinista government's description of the three congressmen as "friends of the revolution" is a matter they "have to address . . . themselves."

Mr. Broomfield said he expected the administration's proposal for humanitarian aid to the resistance would carry on Tuesday. "A lot of members [who voted against the aid earlier] are getting a little itchy about the military buildup in Nicaragua, supplied by the Soviet Union, and Mr. Ortega's visit to Moscow immediately after the last vote."

State Department officials said the Nicaraguan Foreign Ministry memo came to U.S. attention about a month ago, and the State Department believes it to be authentic. One official said, however, that there was "no way to prove it."

The memo suggests the three lawmakers were singled out for attention because of their record of opposition to the Reagan administration and their influence in Congress.

"Congressman Barnes as well as Sen. Dodd have questioned and continue to question seriously, firmly, and insistently, the policy of the administration in respect to Central America in general, and El Salvador and Nicaragua in particular," the memorandum said.

"On many occasions the questioning of Barnes and Dodd have made [Alexander] Haig, [Thomas] Enders and other high officials at the Department of State to lose face in Congress.

". . . [T]hese congressmen do not represent nor support the present policy of the Reagan administration toward Nicaragua; on the contrary, they question it, and are disposed to do everything possible to change it or at least to obstruct it."

The Sandinistas listed Rep. Barnes, chairman of the House Foreign Relations subcommittee on Western Hemisphere affairs, as the most important of the three, with "a very special power and influence somewhat disproportionate to any other congressman."

To back this assertion, the memo described Mr. Barnes as being actively courted by the Reagan administration.

"[Mr.] Enders, [then assistant secretary of state for Latin American affairs] is doing everything possible and impossible to gain [Mr. Barnes'] support, keeping him informed in his way and calling him nearly every day," it said.

"Because of all of this, special care ought to be taken in cultivating his friendship," the Nicaraguan Foreign Ministry told Mr. Ortega.

As an example of such cultivation, the memo recommends that if jailed leaders of the Nicaraguan business community were to be released before their sentences were served, that Rep. Barnes be told of it, but "be asked to keep it secret; this will make him feel that he enjoys our confidence."

In another section of the memorandum, Miss Casco, the author, says of Rep. Miller: "I can say that he is more progressive than Dodd and Barnes and also wants to help us." She offered no suggestion of how Rep. Miller could be useful to the revolution.

All three legislators, the memo noted, "have serious suspicions" about CIA involvement in Nicaragua, but advised Mr. Ortega not to emphasize the U.S. intelligence angle "because we might run the risk of placing them on the defensive.

"More important and even more effective is presenting proof, data, and concrete information and let them draw their own conclusions," it said.

The memo repeatedly cautions the Sandinista leadership to be careful in presenting the Nicaraguan case to the U.S. legislators to mold opinion but not "impose" Managua's views on the Americans.

The author of the memo was not so cautious about suggestions for getting sensitive information from the delegation. It recommended that Mr. Ortega, addressed as "comrade commandant of the revolution," ask the congressional delegation "if they have any information that would demonstrate that the administration has discarded the possibility of a military action against Nicaragua or on a possible participation of the CIA in the activities of the Somocistas [the Sandinista term for the Nicaraguan resistance]".

The memo suggests that "Congress investigate the connection between the Florida training camps and those of Honduras" in reference to Nicaraguan resistance activities, and that Congress bring pressure to dismantle the camps.

The Foreign Ministry seemed concerned over explaining the possible appearance of MiG aircraft in Nicaragua. In terms that clearly demonstrate the ministry's ignorance of the Sandinista leadership's intentions on this matter, the memo outlines two possible approaches to be used with the congressional delegation.

Recommending that Mr. Ortega be "the most honest possible with them," the memo writer urged that, if the government intended to acquire the MiGs within six or eight weeks following the visits, Mr. Ortega should not lie to the congressional delegation for fear of losing credibility.

If the MiGs were, in fact, to be brought to Nicaragua, "it is suggested that we try to explain why we need them."

The memo outlines in great detail defensive arguments on a variety of sensitive subjects such as the militarization of Nicaragua, freedom of the press, the viability of the private sector, and pluralism.

The memo suggested that, to defend Nicaragua's growing military strength, Mr. Ortega tell the visitors of "(a) activities of the armed Somocista bands, (b) pacts between the militaries of Honduras, El Salvador and Guatemala with the possible help of the United States."

Within two months of his return from Managua, Rep. Barnes—long a foe of the Reagan policy in Central America—introduced a bill to prevent the Reagan administration from assisting any clandestine operations against the Sandinistas.

In an essay written for The Christian Science Monitor shortly after the trip, Mr. Barnes repeated a number of themes presented in the Foreign Ministry memo.

In the Monitor article, Mr. Barnes said he took the trip at the urging of the Nicaraguan Embassy, and did so because of "the inability of the Reagan administration to see that its own actions are making the situation worse."

Rep. Barnes wrote that El Salvador, Guatemala and Honduras, all sworn enemies of the Sandinista regime, were vastly increasing their military forces, and said that Nicaraguan exiles were operating against Nicaragua from Honduras with foreign support.

AID TO THE CONTRAS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think it is very important we have a little straight talk about what is going on before we start voting on the Contra aid. We are going to hear all sorts of things about the travel of Ortega and other rhetoric.

But I want to point out to my colleagues that we have visiting in this city right now Prime Minister Gandhi from India. Why aren't people questioning Prime Minister Gandhi's positions? He just finished a trip to Russia and he certainly made out a whole lot better in aid commitments from the Russians than Daniel Ortega did.

If you also look at India's voting record in the U.N., you will find that they have aligned themselves with the Soviet Union over and over.

But the most amazing thing is to read Gandhi's interviews in the newspapers where he is consistently saying the Russians did not invade Afghanistan, they were invited in. And yet the White House is feeding and feting him and pretending like he is our wonderful ally.

Why is there a difference there?

Let us also ask President Reagan about his Mozambique policy. They are going to send trade missions to Marxist Mozambique. That's the reverse of the treatment Nicaragua is getting. It's impossible not to see all sorts of hypocrisy here.

The issue is what is best for the United States and it seems to me the best thing we can do is listen to the Contadora nations who are trying to do everything they can to bring us to the table, to bring reason rather than violence to the continent.

I think we have to explore the negotiation route before we go the violent route, and that is going to be the issue that is in front of us. Let us stay focused on what we should do and not all of these other peripheral things

such as travel and all sorts of other peripheral issues of different leaders.

PROPAGANDA IN SUPPORT OF COMMUNIST AGGRESSION

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, I just received a full page advertisement from a constituent in Arizona. I do not know how to describe it except to say that it is just ridiculous.

It is published by a group called "U.S. Out of Central America," and it pictures several dead bodies, including a small child, which could have been filmed anywhere in the world. But the ad declares that the Nicaraguan Contras are responsible. The act of ad distribution is nothing short of irresponsible and it is dangerous.

War is hell and its tragedy is not acceptable but why is no mention made of the atrocities committed by the Communist Sandinista regime? And the question comes to mind as to who funded this outfit, this "U.S. Out of Central America," group that they could saturate all of America with a rotten irresponsible ad like that?

The Permanent Commission on Human Rights, founded in Managua in 1977, reports hundreds of cases of prisoners who disappear after being detained by the Sandinistas; more than 100 cases of physical and psychological torture of detainees; mass arbitrary arrests and political killings. What about the genocide committed against the Miskito Indians, the massive military buildup and Sandinista support for subversion and terror in neighboring countries in Central America—as a matter of fact, all of Latin America?

□ 1250

Do we want to subject all of Central America to this terror? Are we willing to stand up to Communist Marxist aggression and help those fighting to restore democracy and freedom? Let us recognize that the United States out of Central America can be nothing else but propaganda in support of Commuinist aggression in the Western Hemisphere.

LOWER DEFICIT AND BETTER FARM POLICY, TWIN OBJECTIVES

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, we have a tendency around here to deal with an issue for several weeks and then move on to other things as if somehow we have solved that issue once and for all.

Earlier this year, we dealt with the farm crisis. Then more recently we moved on to the budget crisis. Now we are moving on to other matters.

Yet the farm crisis and the budget crisis were not resolved. They are as real today as they were during those weeks that we devoted our attention to those matters. It is incumbent on us to continue to focus on these two very real problems in American society. In fact these two items are closely related.

I call on the members of our conference committee to work with the Senate on the budget to maximize the deficit reduction because if we can get the deficit down, we can benefit our farm economy through lower interest rates, through better exports, and better prices.

I call on my colleagues in the Agriculture Committee to work as well toward a better farm policy. By the end of this season, I want to say that in the area of the budget deficit and the farm crisis, we tackled the problems.

RATIFY SALT II NOW

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN Mr. Speaker, today I commend President Reagan for refusing to break out of SALT II.

That a lifelong arms control opponent such as Ronald Reagan could find himself forced by reality to support the SALT II limits is a demonstration of the overwhelming merit of the treaty.

This is good.

I wish I could now say we've turned the corner at Geneva. Unfortunately, there seems to be little or no basis for hope that any national security benefit will come out of that exercise.

But there's another route to arms reduction. We, here in Washington, have the power to force the Soviets to promptly reduce their deployed strategic weapons launchers 10 percent. We could do it without a single negotiating session, and in a way that would win applause among our allies.

All we have to do is ratify SALT II. All we have to do is to formalize the kind of actions Mr. Reagan announced yesterday.

The President has taken one good step. Now it should serve national security by requesting that SALT II be ratified.

SANDINISTA REFORMS INDOCTRINATE CHILDREN INTO LEFTIST PHILOSOPHY

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, news reports from Nicaragua reconfirm popular opposition to the Sandinistas forcing Marxist-Leninist education on the young people of that country.

The Union of Parents of Christian Families has publicly denounced Sandinista reforms requiring indoctrination of their children in its leftist philosophy. The president of the Union Sofonias Cisneros told the newspaper La Prensa, "our families have been replaced by the state. In democratic countries, the father takes charge of his child's education. Here and in other Communist nations, the state has taken the right."

Cisneros gave examples of the doctrinal messages carried in the primary school textbooks, such as a grammar text which uses the following sentence as an example of proper sentence structure: "One has to fight to win victory under the direction of our organization, the FSLN." Also, to learn arithmetic, children must count piles of rifles and grenades.

When I was in Nicaragua in March with Congressman MIKE DEWINE, we heard similar complaints, particularly from the Catholic Church, where Catholic private schools are forced to include Marxist-Leninist theory in their classrooms. There can be no doubt the intention of the Sandinistas is to indoctrinate the young people of Nicaragua in their leftist, revolutionary philosophy.

LET THE SUN SHINE IN

(Mr. ECKART of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART of Ohio. Mr. Speaker, recently the Nuclear Regulatory Commission succeeded in closing the doors to some of their meetings, effectively locking out the public. And no longer will the very people whose very safety depends on the agency's rules and regulations have access to the transcript and the meetings held on their behalf.

Soon Congressman GERRY SIKORSKI from Minnesota and I will be introducing legislation to pry open the NRC's door of secrecy. The discussions that form the basis for safe nuclear policy must once again be open to public scrutiny. People who live in the vicinity of nuclear powerplants, Mr. Speaker, must be able to trust that the decisions made by the NRC are in their interests, not of the powerful special interests.

How can they have that sort of confidence if the Commission insists that its gatherings be held in secret?

They cannot. That is why I urge my fellow colleagues to support my efforts to open the doors of the NRC and let the Sun shine in. Public confidence, open government, and public opinion demand that we lift the shroud of se-

crecy and let the public decisions be truly made in the public.

PENSION AND EMPLOYMENT DISCRIMINATION OF OLDER WORKERS MUST CEASE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, we continue to subject older workers to financial and employment discrimination despite the passage of the 1978 Age Discrimination in Employment Act.

To address this problem, today I am introducing the Older Workers Employment Protection Act—that will require employers to accrue pension benefits for workers over 65. Now, half of all workers in ERISA-covered pension plans are provided this protection, which means that the remaining 50 percent are not. My bill will also eliminate the remaining provisions of mandatory retirement by lifting the age 70 cap for workers in the private sector. This is virtually identical to my bill of the 98th Congress—which was the subject of hearings late last year by the Education and Labor Committee.

Failure to accrue pension benefits for older workers can translate into a loss of 4 to 23 percent of their pensions if they work until age 67. This loss can be even greater—up to 50 percent—if that same employee works until age 70.

We place older workers in double jeopardy if on one hand—we eliminate age discrimination—yet on the other hand—we fail to protect their pension benefits from backdoor discrimination. If an employee wishes to remain on the job past age 65—there is no justifiable reason why that same employee should not continue to accrue pension benefits until retirement.

Finally, this bill also assures that older workers—5 years from retirement—will be allowed to participate in ERISA-covered plans.

Let us strike a blow for fairness and equity—and strike a blow against remaining barriers in the workplace that keep many of our most valued employees from continuing to work based on their ability—not their age.

□ 1300

THE "SECRET SPEECH"

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, one of the most revealing events regarding the Sandinista government's true goals has been all but overlooked by the American news media. In May 1984, Commandante Bayardo Arce, one of the nine Nicaraguan junta leaders, gave a speech in Managua. The speech was supposed to be secret, but was tape recorded without Arce's knowledge and reprinted by the Spanish newspaper La Vanguardia. Subsequently, even Daniel Ortega acknowledged the authenticity of the speech.

What is so very important about the speech is that it is an open admission from the Sandinista leadership that the Nicaraguan elections were a sham designed to trick gullible Americans into believing Nicaragua was committed to democracy. Furthermore, the commandante frankly admitted that the Soviet Union told the Sandinistas not to declare themselves to be Communists, so that the free world would not recognize Nicaragua for what it is. Perhaps the most telling comment is the quote: "We've talked about this being the first experience of building socialism with the dollars of capitalism." That, Mr. Speaker, is the Sandinista program in a nutshell, and in their own words. We must finally remove the obstacle of partisanship and see that the Sandinistas are frankly admitting they are totalitarian Communists.

THE PRESIDENT'S DECISION ON SALT II LAUNCHER LIMITS

(Mr. DICKS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, yesterday the President made an important choice between the advocates of arms control and those who seize every opportunity to undercut the arms control process.

I believe the President's decision was prudent from a military perspective. The 1,200 limit on multiple warhead missile launchers, if breached by the United States, could have potentially allowed the Soviets to add 5,000 to 10,000 additional warheads to their existing large ICBM force. Clearly, that is why the Joint Chiefs urged no undercut of SALT II launcher limits.

Now we must decide how to respond to Soviet violations of existing agreements. Proportionality is the issue. Let us make certain that we make responses that make sense and do not lead to a needless escalation in the arms race. Let us call on the Soviets in Geneva and at the SCC to settle these troublesome violations.

The President's decision will aid our negotiations in Geneva and will help our relationships with our allies. I hope that the Soviets will now respond by ending practices that violate existing arms control agreements.

The President has exercised good judgment. I hope the Soviet leadership will respond positively, and in the same spirit.

A GOOD DECISION, MR. PRESIDENT

(Mr. WEISS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, this morning I had the privilege of meeting with a delegation of survivors of Hiroshima and Nagasaki. The atomic bombs dropped on those cities almost 40 years ago changed the condition of humanity forever. After those two cataclysmic events, it became obvious as the words of a hit country record of that day stated, there would be "peace in the world or the world in pieces."

Arms control efforts have been difficult to achieve. Humanity barely survives on the razor's edge of potential nuclear annihilation. Ronald Reagan has not often played a constructive role in moving the world back from the precipice, but his decision yesterday not to undercut the unratified SALT II Treaty was as welcome as it was historic. Given his prior positions on the treaty and the opposition from Secretary of Defense Weinberger and the extreme right wing of the Republican Party, his decision could not have been an easy one.

All of humanity can heave a great sigh of relief.

It was a good decision, Mr. President, I applaud it; people around the world enthusiastically approve it. Hopefully, it will make even more constructive steps possible to free us from the threat of an unrestrained arms race in the heavens and on Earth.

PROBLEMS WITH THE TAX REFORM PROPOSAL

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, it is now clear that President Reagan has succeeded in devising a plan to achieve one of his goals for tax "reform"—rewarding the wealthy at the expense of the middle income group.

Yesterday, my Small Business Subcommittee on Tax heard from a Cincinnati accountant who painstakingly filled out 1040's for several categories of taxpayers under current law and under the Reagan plan. This exercise showed that for Ohio taxpayers the President's plan would result in higher taxes of $421 for a childless couple earning $45,000 where both work. A married couple with an income of $26,000 with two children and one worker would pay $12 more in taxes.

Who, then, are the beneficiaries of this "reform"? Those who earn $200,000 with one wage earner and two children would save more than $7,000. Those earning $500,000 would save

almost $30,000 per year, about $600 per week.

The President may have succeeded. He's managed to move the debate on tax reform away from the central issue of the progressivity of our tax system—which is the basis of its fairness.

We already knew that. Tax reform from this administration flunks outright on simplicity, and, as we look closely gets very low marks for equity and fairness.

I agree with Lee Iacocca, we don't have our priorities in order, when we put tax overhaul before cutting the national debt and trade deficits.

CENTRAL AMERICA: A DOSE OF REALITY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, the Senate voted last week to provide $38 million to the Nicaraguan Contras. The House has before it this week two narrower proposals, but what we all realize is that it does not really matter what is passed at this point—the result of providing aid in any form to the Contras is to escalate U.S. involvement in the Nicaragua war.

It is pointless to label any aid we provide as "humanitarian" aid, since by providing any funding at all we are helping to arm the Contras.

We are not fooling the American people by calling this aid humanitarian or nonlethal. One can argue, for example, that providing instruction to soldiers is nonlethal aid, but the result of such aid is decidedly lethal. It's like providing nonlethal aid in the form of clubhouses to the Hell's Angels, the result is the same: They'll go out and terrorize the neighborhood.

Under this administration, the situation in Central America has worsened. The situation in Nicaragua is deplorable, and peace is no closer at hand than it was 4 years ago. This administration's policies are undefined, unarticulated, and ineffective—and $14 million or $38 million or however much aid the Contras might get from us now is not going to make any difference. Just as the previous millions of dollars we have provided have not been effective. The President is merely keeping the door open for more aid and a deeper U.S. involvement.

Remember what happened in Lebanon. The President did not stop there as the Joint Chiefs of Staff recommended—he was forced to stop only after we lost 260 marines. And now, as the Joint Chiefs of Staff are advising the President not to get involved militarily in Nicaragua, the President is leading us step by step in that direction, refusing to heed the warnings of our top military leaders.

Mr. Speaker, the President may be asking for millions of dollars today, but he will be asking for hundreds and thousands of lives tomorrow. Is the U.S. Congress willing to accept responsibility for a war with Central America?

WE SHOULD HELP NICARAGUANS REPLACE COMMUNISM WITH FREEDOM IN THEIR OWN COUNTRY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we have heard a number of Democrats come to the floor today and talk about the Nicaraguan situation. What they have said, essentially, is no help, not even humanitarian help, to those Nicaraguans who are attempting to replace communism with freedom in their own country.

□ 1310

If we do not help those who are fighting the Communist government in their own country, are we then willing to accept at face value those Communists? One has to guess that that is precisely the policy that many Democrats are advocating. They keep saying they oppose the Nicaraguan Communists, but they are not willing to do those things necessary to stop the Communists. They are willing to write off as unimportant the ties of the Nicaraguan Communists to the totality of the world Communist movement, including, evidently, Ortega's trip to Moscow. They send Members of this House to deal directly with that Communist government. They evidently seek not to stop communism in our hemisphere but to accommodate it.

Well, that is the real question before us as we approach the discussion of the Michel amendment. Which side are you on, the side of the question that supports the freedom fighters, or the side of this question that accommodates the Communists?

I doubt many of your constituents will agree that this House should adopt a policy of accommodation, capitulation and, ultimately, retreat in Nicaragua. But it is our choice.

NO U.S. FOREIGN AID FUNDS USED FOR ABORTIONS

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOSTMAYER. Mr. Speaker, yesterday, in a "Dear Colleague" letter, the gentleman from New York [Mr. KEMP] again misled the House and the American people when he charged that our foreign aid dollars are being used by international organizations that support or participate "in the management of a program of coercive abortion."

Although I do not question the gentleman's sincerity, I question his fast and loose misuse of the facts. The Helms amendment of 1974 and the Snowe amendment adopted by the Foreign Affairs Committee amply ensure that no U.S. foreign aid funds are used directly or indirectly for abortions anywhere or anytime in the world.

In addition, the Reagan-appointed AID Administrator, Peter McPherson, has informed the Congress that "The U.N. Fund for Population Activities neither funds abortions nor supports coercive family planning practices through its program."

Mr. KEMP's efforts to gut family planning in the Third World will dramatically increase the number of abortions occurring there each year.

JOINT CHIEFS OF STAFF REFORM MEASURES IN THE MILITARY COMMAND REORGANIZATION ACT OF 1985

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, when President Reagan unveiled his tax simplication proposal last week, he promised to replace a system that has become "unwise, unwanted and unfair." The evolution of tax reform dates back to Presidents Kennedy, Nixon and Ford. Mr. Speaker, the issue of military Joint Chiefs of Staff reform parallels this protracted evolution and likewise is considered to be a system that is "unwise, unwanted and unfair." Unfair, because the current Joint Chiefs of Staff structure requires a service chief to perform two jobs at once—leading his service and performing as a member of the JCS.

This problem of having to perform two jobs is not new. In 1958 President Eisenhower, in his message to Congress, emphasized that, ". . . the Joint Chiefs' burdens are so heavy that they find it very difficult to spend adequate time on their duties as members of the JCS. The problem is not new but has not yielded to past efforts to solve it." And more recently, the 1982 Specials Study Group highlighted another aspect of the problem of excessive time demands: ". . . the Chiefs must travel extensively to meet their own service leadership obligations. . . . Their travel schedules make it hard for the JCS to maintain continuity as a working group; . . . only one-quarter of the time [over the past 5 years] were all five principals present [at JCS meetings]."

Mr. Speaker, in the spirit of the tax reform initiative, as with the issue of JCS reform, we must recognize this as a great opportunity for change. Clear-

ly, the problems of the JCS have been with us too long. Clearly, these problems are inherent in organizational arrangements which violate established principles of good management.

The bill I am proposing to reform the JCS addresses this fundamental flaw. The gains we made in the 98th Congress on JCS reform must be used to carry us through to completion this year.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Are there further 1-minute speeches to be requested?

If not, the 1-minute speeches will be concluded with the gentleman from Massachusetts [Mr. MARKEY].

LET'S CUT OUT THE DOUBLE-TALK

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, today, the Republicans are trooping out the lastest costume for covert war in Nicaragua. But the issue today is the same one we've debated for the last 3 years.

Should we be in the business of trying to overthrow another government?

Let's be honest with the American people. Humanitarian assistance to the Contras is an oxymoron.

It is not humanitarian to supply an army in the field. That's funding violence, not alleviating suffering.

Combat boots, K-rations, helicopters and radar are not humanitarian aid.

Are you going to tell the people in Managua that it was a humanitarian airplane that dropped a bomb in their neighborhood?

Are you going to tell peasants that it was humanitarian dynamite that blew up their farm?

And let's debate what we are voting on. The issue is not the Sandinistas. The issue is the Contras.

When the Republican leaders talk about the Contras, I feel like little Red Riding Hood. They've got the Contras all dressed up like a saintly grandmother; but, my what long teeth that wolf has.

Let's cut out the double-talk.

Either you support an undeclared war against Nicaragua, or you don't.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House of following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 2:15 p.m. on Monday, June 10, 1985, and said to contain a message from the President whereby he transmits a classified report as required by Section 1110 of the Department of Defense Authorization Act, 1985 (P.L. 98-525).

With kind regards, I am
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

REPORT ON U.S. SECURITY INTERESTS AND CERTAIN ARMS AGREEMENTS, A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services and the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of yesterday, Monday, June 10, 1985, at page 15020.)

□ 1320

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend his remarks on the further consideration of H.R. 2577, supplemental appropriations bill, 1985, and that I may include extraneous and tabular matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS BILL, 1985

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2577, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 6, 1985, the Clerk had read through line 9 on page 28.

AMENDMENT OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH: On page 27, line 1, strike all after "Geneva-on-the-Lake, Ohio:", down through "Arkansas-Red River Basin;" on line 6 and insert the following:

Red River Chloride Control, Oklahoma and Texas: Provided, That Section 201 of the Flood Control Act of 1970, as amended by Section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the heading "Arkansas-Red River Basin" and inserting in lieu thereof the following: "Construction shall not be initiated on any element of such project involving the Arkansas River and/or its tributaries until such element has been approved by the Secretary of the Army. The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to be authorized as separate projects, with separate authority under Section 203 of the Flood Control Act of 1966, as amended.";

Mr. ENGLISH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ENGLISH. Mr. Chairman, at the request of my colleagues from Oklahoma, I ask unanimous consent to strike the words on line 10 "and/or its tributaries," and replace that language with the word "Basin," so that it reads "Arkansas River Basin until such element."

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ENGLISH. Mr. Chairman, I rise in support of my amendment to retain existing law, which requires the Secretary of the Army to grant approval for any element of the Arkansas River Basin water quality control project before construction on that element may be initiated.

As reported from the House Appropriations Committee, H.R. 2577 would allow construction on the Arkansas River Basin water quality project to occur without approval of the Secretary of the Army. It is highly unlikely that the Secretary would ever grant such approval because the Army Corps of Engineers found that for every $1 spent on the project, only 25 cents in benefits would result. Some would argue that construction on this project should not occur with or without the

Secretary's approval. But, requiring the Secretary of the Army to grant specific approval is an added assurance for the American taxpayer that construction on the project will not be initiated. Without my amendment, however, taxpayers in your district would be vulnerable to paying unintended expenses incurred in the construction of this water project.

My amendment also separates authorization of the Arkansas River Basin water quality project from the Red River Basin water quality project. The intent of this separation is to ensure that no money authorized and appropriated for the Red River Basin water quality project can be spent on any portion of the Arkansas River Basin water quality project. This amendment is in line with legislation developed by the Oklahoma delegation which I introduced and which the House adopted during its consideration last year of H.R. 3678, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1983.

By separating the Arkansas River chloride control project from the Red River chloride control project, my amendment requires that each project stands on its own merits. Unfortunately, present law permits funding authorized and intended for the Red River project to be spent on the Arkansas River project. This could happen despite the fact that the Corps of Engineers has concluded after extensive study that the Arkansas River project is not economically feasible and that the corps should not proceed with it.

A closer look at the Arkansas project reveals the actual scope of this billion-dollar question-mark. Basically, the Arkansas River Basin project contains a series of shallow salt brine ponds which would be used to collect, store, divert, and dispose of salt brine. These ponds would require the sacrifice of at least 60,000 acres of land in western Oklahoma.

Congress authorized the Arkansas project in the Flood Control Act of 1970. At the same time, and using the same provision, Congress authorized construction on sites for the Red River project. In 1977, corps officials testified that unless Congress was prepared to make a total commitment to the complete Arkansas project, the Congress should not support any part of it. Furthermore, at that time, the corps was not prepared to give its go-ahead for the entire project. In 1981, 10 years after the initial authorization, the corps rejected plans to proceed with the Arkansas project. Specifically, the corps found that for every $1 spent on the project, only 25 cents would be returned in benefits. This ratio was substantially lower than the required dollar-for-dollar cost-to-benefit ratio. The corps recommended tabling the project until a significant change occurred which "clearly demonstrates a greater need and probable use of the improved water." This has yet to happen, and I doubt it ever will. Additionally, the corps stated that the "environmental analysis showed that there would not be outstanding contributions to the environmental quality account to offset the lack of economic benefits."

Taxpayers from throughout Oklahoma have expressed their concern over and opposition to the Arkansas project. By separating the authorization of the two projects, however, we can at least ensure that funding intended for the Red River Basin project does not end up spent on the Arkansas River Basin project. It is also important that we maintain present law which prohibits any construction on the Arkansas River Basin water quality project without the prior approval of the Secretary of the Army. Thousands of tax dollars have been spent on corps studies of the Arkansas River Basin project. The conclusions and recommendations of these studies should be followed and not ignored and circumvented. I urge the House to support my amendment.

Mr. BEVILL. Mr Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, we accept the amendment, and agree with the gentleman that it is a good amendment. We accept it.

Mr. ENGLISH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ENGLISH], as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL INVESTIGATIONS

For an additional amount for "General Investigations", to remain available until expended, $1,200,000 with which the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake studies of the Buffalo Harbor, New York; St. Petersburg Harbor, Florida; Tangier Island, Virginia; South Kohala water supply, Hawaii, West Onslow Beach and New River Inlet, North Carolina; Meredosia; Willow Creek, and Coon Run Drainage and Levee District, Illinois, (AE&D); and a reconnaissance study of the feasibility of making the Wabash River navigable under the authorized Wabash River Basin Comprehensive Study; and in addition, the Secretary of the Army is directed to proceed with the feasibility phase of the Brunswisk Harbor, Georgia, study at full Federal expense, using funds made available in Public Law 98-360; and in addition, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct and complete the feasibility phase of the Red River Basin, Arkansas, Texas, Louisiana, and Oklahoma Comprehensive Study and the Arkansas River and Tributaries, South Central and Southeast Areas of Oklahoma Comprehensive Study in accordance with the directives contained in Public Law 98-63 and the House report accompanying this bill.

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", to remain available until expended, $7,500,000 for the construction, at full Federal expense, of facilities at the Mill Creek recreation area of the Tioga-Hammond Lakes project in Pennsylvania which would typically be cost shared, making a special effort to adapt such authorized facilities to the specific needs of the handicapped, provided that local interests develop specialized facilities to include buildings, lodges, demonstration centers, and non-water oriented equipment, and accept full responsibility for operation and maintenance of the entire recreation area which must be made available to the general public: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to utilize funds heretofore appropriated for Construction, General to carry out engineering and design and acquisition of land for Gallipolis Locks and Dam, Ohio and West Virginia; Locks and Dam 26, Illinois and Missouri Second Lock; Monongahela River, Grays Landing (Lock No. 7), Pennsylvania; Monongahela River, Point Marion (Lock No. 8), Pennsylvania and West Virginia: William Bacon Oliver Lock and Dam, Alabama; Bonneville Navigation Lock, including necessary relocations. Oregon and Washington; and Winfield Lock and Dam, West Virginia.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $25,000,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", to remain available until expended, $2,600,000 with which the Corps of Engineers is directed to construct recreation facilities at Sepulveda Dam, California.

GENERAL PROVISIONS

The Secretary of the Army is directed to construct recreation facilities at the Quachita and Black Rivers, Arkansas and Louisiana; New Melones Lake, California; Saylorville Lake, Iowa; Copan Lake, Oklahoma; and Sardis Lake, Oklahoma, projects at full Federal expense, in accordance with Public Law 98-360 (H. Rept. 98-866) using funds heretofore or hereafter provided.

Within available funds, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform necessary channel and associated work in connection with the Turtle Creek, Pennsylvania, local protection project; and shall take such action as may be necessary to remove accumulated snags and other debris blocking the channel of the Hatchie River and its tributaries in the vicinity of Bridge Creek and the Little Hatchie River in Mississippi; and shall take such action as may be necessary to perform necessary channel and associated work in connection with the Glencoe, Alabama, flood control project.

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my concern over a provision of this chap-

ter found at pages 34 through 37 relating to the authorization of a project on the Toutle, Cowlitz, and Columbia Rivers in the State of Washington.

One of my concerns with this provision is that unlike most authorizations that are reported from the Public Works Committee, this one does not contain any limitation on the Federal costs of this project. I wonder whether any of the members of the committee who are familiar with this provision could provide some information on the cost to which we are obligating ourselves in this authorization.

Mr. BONKER. Mr. Chairman, if the gentleman would yield, as he knows, in this supplemental there is no amount appropriated for this project. It is simply a matter of authorization which is necessary if the Corps of Engineers is going to proceed with implementing a long-term solution to the Mount St. Helens sediment problem.

With respect to the gentleman's specific question, while there is no appropriation involved the ultimate cost, as it has been estimated by the Corps of Engineers for the construction of that single retention structure, is $194 million.

□ 1330

Beyond that, dredging will be required as construction on the dam proceeds over that period of time. So that is the amount involved.

Mr. PETRI. I thank the gentleman.

Have either the authorizing or appropriation committees held any hearings on this project?

Mr. BONKER. If the gentleman will yield further, I would defer to the gentleman from Oregon, who is a prominent member of the subcommittee. I have testified a number of times before the Appropriations Committee, as has the Corps of Engineers. We have been subject to a number of questions and inquiries about the nature and the scope of the project.

Beyond that, the corps has conducted public hearings in the State with respect to the comprehensive plan and also on a feasibility report. So there has been ample opportunity for public and private input.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield to me?

Mr. PETRI. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yelding.

Mr. Chairman, I do not serve on this subcommittee of the Appropriations Committee but I am a member of the full Appropriations Committee and have worked very closely with the able chairman, the gentleman from Alabama, Mr. BEVILL, who is the chairman of the subcommittee.

The answer to the gentleman's question is: Yes; there have been hearings in which questions have been posed to both the Assistant Secretary and the Pacific Northwest Division of the Corps of Engineers. I think the data base and the record built by that committee is extensive. It points to a very real need here that my colleague, the gentleman from Washington [Mr. BONKER] my good friend, has alluded to, and Mr. BONKER is correct that in late 1983 there were, in addition, comprehensive hearings in the field conducted by the Corps of this question on the comprehensive plan as well as on the single-retention structure.

Mr. PETRI. I thank the gentlemen for their answers, and I have one final question which one or the other may wish to answer.

Has the Corps of Engineers calculated a benefit-cost ratio for this project?

Mr. BONKER. If the gentleman will yield, the cost-benefit ratio is 1.55 to 1, so the Government is going to come out ahead 1½ times by proceeding with this project.

I am glad the gentleman has raised this issue because we are dealing with an ongoing problem with respect to Mount St. Helens. We read about it from time to time in the newspaper about the dome-building phenomenon, the vibrations and the possibility of future eruptions. That is not the problem.

The problem goes back to May 1980 and the first eruption. Since then, we have had continuing problems with downstream sediment filling up the Toutle River and then the Cowlitz River, and eventually the Columbia River. What that does is make the whole area prone to flooding because as soon as those rivers fill up with the sediment, then when the snow melts in the spring rains, it will threaten the 60,000 to 70,000 people who live at the bottom of that river and who most certainly would be flooded out.

This has all been substantiated by the Corps of Engineers and the U.S. Geological Service. Not only that, but the mud slides would make their way into the Columbia River, thereby inhibiting the commerce in and out of that river, which is vital to the economy of the Northwest.

Let me finally point out that we have spent $360 million on dredging since 1980 to keep those rivers clean. It involves not only dredging, but acquiring space to dump the sediment. If the environmentalists are concerned, they ought to be tremendously concerned about where we are going to put all of the sediment, 700 million cubic yards, that will have to be dredged over the long period.

This single retention structure will catch that mud when it comes down, instead of depositing it all the way downstream and having to be dredged. By proceeding with this project, we will benefit considerably. If we do nothing, the corps tells us that the dredging will cost twice as much.

Mr. PETRI. I thank the gentleman for his answer.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. PETRI] has expired.

(By unanimous consent, Mr. PETRI was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman yielding.

At the risk of prolonging this, I would like to make a couple of points to the gentleman in answer to the question he has posed.

In 1980, the eruption that took place blasted 3 billion cubic yards of debris in the North Fork of the Toutle River. It is a massive amount of material. It created a debris avalanche which is 15 miles long, up to 1¾ miles wide and about 150 feet deep. It now threatens to inundate both the Cowlitz and the Columbia Rivers with silted sand and that really is the problem.

In testimony by the Corps earlier this year, it was stated that unless we authorize by October 1 this single-retention structure, we will have crippled our chances to contain this debris avalanche. If we do not move forward now, we really do risk the clogging of both these rivers, and what that means to the vital shipping for international trade to this region of the country is substantial, not to mention the drain on the Treasury in continued dredging of the debris that will come into those rivers.

Mr. PETRI. I thank the gentleman.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

I would just like to say to my very good friend from Wisconsin that this project has been scrutinized over and over again by the administration, by the Corps. My good friend, the gentleman from Washington [Mr. BONKER] has done an enormous amount of work on this project and I can tell you that this committee has reviewed it very, very carefully, very closely.

In my judgment, this is the absolute correct answer. Without it, we could risk several billions of dollars in property damage to the communities below this area. This single-retention facility has been thoroughly analyzed and I believe it is the correct decision for this important project.

Mr. PETRI. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Notwithstanding any existing agreement, within funds otherwise available for the Yazoo Basin, the Corps of Engineers is directed to operate and maintain the McKinney Bayou Pumping Plan in accordance with the provisions of Public Law 678 of the Seventy-fourth Congress, approved June 15, 1936, as amended by Public Law 526 of the Seventy-ninth Congress, approved July 24, 1946, effective after the date of enactment of this Act.

Section 105 of Public Law 98-360 is amended by by striking the words "at a cost not to exceed $450,000", and inserting in lieu thereof, the words "at an estimated cost of $735,000".

The Secretary of the Army, acting through the Chief of Engineers, is directed to construct the beach erosion control project for Langdon Park, Wilmette, Illinois, under the authority of Section 103 of the River and Harbor Act of 1962, as amended, and in accordance with the cost-sharing provisions in the Final Detailed Project Report, dated September 1983, at a total estimated cost of $270,000.

Section 14 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 408), is amended by inserting a colon in place of the period at the end of the section and inserting thereafter: "*Provided further,* That the Secretary may, on the recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation or use of any of the aforementioned public works when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work."

The Secretary of the Army is directed to initiate continuation of planning and engineering studies for the Maumee Bay State Park, Ohio, project at full Federal expense, using funds made available in Public Law 98-360.

The Secretary of the Army, acting through the Chief of Engineers, shall grant, within ninety days of enactment of this Act, to the University of Alabama at Huntsville the funds appropriated to the Secretary of the Army pursuant to Title I of Public Law 98-50 for the design and construction of a Corps of Engineers learning facility at Huntsville, Alabama. This grant shall be made to the University of Alabama at Huntsville subject to the conditions that the University will convey the grant funds to the Chief of Engineers to design and construct the learning facility on lands owned by the University of Alabama and the completed facility is to be owned and maintained by the University and be operated by the University and the Corps as a joint use facility, all according to such specifications, terms, and cost sharing arrangements for operation and maintenance as the University of Alabama at Huntsville and the Secretary of the Army, acting through the Chief of Engineers, may agree. The Secretary of the Army, acting through the Chief of Engineers, shall report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on a monthly basis on the status of the required agreements and the construction of the learning facility until such time as the facility is constructed and operational at the University of Alabama at Huntsville.

The authorization for the Sardis Lake project, Oklahoma, contained in Section 203 of the Flood Control Act of 1962, as amended by Section 108 of the Energy and Water Development Appropriation Act of 1982 is hereby amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to plan, design, and construct access road improvements to the existing road from the west end of Sardis Lake to Daisy, Oklahoma, at an estimated Federal cost of $10,000,000 and the State or political subdivision shall agree to operate and maintain said facilities at their own expense.

Notwithstanding and other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to enter into a purchase contract for the acquisition of new buildings and appurtenant facilities for the United States Army Engineer District, Walla Walla, Washington. Such buildings and facilities shall be constructed on a suitable site in the Walla Walla, Washington area, which the Chief of Engineers is authorized to acquire for that purpose. The contract shall provide for the payment of the purchase price, which shall not exceed $12,000,000, and reasonable interest thereon, by lease or installment payments over a period not to exceed 25 years. The contract shall further provide that the title to the building and facilities shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract.

The Secretary of the Army, acting through the Chief of Engineers, is authorized to design, construct, operate, and maintain a Federal project for reduction of both flood damage and navigation maintenance on the Toutle, Cowlitz and Columbia Rivers, Washington. Specifically, the Secretary of the Army, acting through the Chief of Engineers is authorized to construct a single stage retention structure near the confluence of the Toutle and Green Rivers with such design features as the Chief of Engineers determines to be advisable, including justified measures to mitigate for adverse environmental impacts associated with the project; except that, based on the results of Continuation of Planning and Engineering studies, the Secretary of the Army may select and implement a staged sediment retention structure at the confluence of the Toutle and Green Rivers or dredging alternative on the Toutle, Cowlitz and Columbia Rivers if he determines that continuing monitoring of sedimentation and further analysis of benefits and costs provide compelling and convincing new evidence to justify selection of a staged retention structure or dredging alternative.

Prior to initiation of measures authorized by this section, non-Federal interests shall agree to:

(1) convey or otherwise provide to the United States, all lands, easements, and rights-of-way which the Chief of Engineers determines to be necessary for project construction and maintenance, including borrow sites for the removal of material needed for retaining works and disposal sites for the disposal of excavated material;

(2) accomplish any alteration or relocation of buildings, roads, bridges, or other structures or utilities which the Chief of Engineers determines to be necessary in connection with implementation of the project;

(3) in the event local interests are unable to comply with requirements (1) or (2) above in a timely manner, provide a cash contribution to the United States, at such times and in such amounts as the Chief of Engineers determines to be necessary to allow acquisition of the property by the United States in accordance with project construction schedules;

(4) hold and save the United States free from damage due to design, construction, operation, and maintenance of the project except damages due to the fault or negligence of the United States or its contractors;

(5) operate and maintain any Federally undertaken mitigation project which the Chief of Engineers determines to be justified; and,

(6) maintain all dredged material disposal sites.

All items of local cooperation shall be provided at the time needed, as determined by the Chief of Engineers, and without cost to the United States; except in the event the Secretary of the Army selects a staged sediment retention structure or dredging alternative rather than the single stage sediment retention structure, any increase this selection causes in the cost of local cooperation requirements, as determined by the Secretary of the Army, will be reimbursed by the Federal Government.

Any goods and services purchased by the United States in connection with the project authorized pursuant to this section shall not be subject to the tax imposed by Chapters 82.04, 82.08, and 82.14 of the Revised Code of Washington and made applicable to contractors of the United States pursuant to Section 82.04.190(6) of the Revised Code of Washington.

The Corps of Engineers is authorized and directed to initiate Continuation of Planning and Engineering for the Virginia Beach, Virginia beach erosion and hurricane protection project, using available funds.

From funds available to the Corps of Engineers such sums as may be required shall be made available to complete the recreation facilities on the northern part of the Tennessee-Tombigbee navigation project as described in Volume 2, Appendix D of the Final Supplement to the Environmental Impact Statement provided to the Environmental Protection Agency and the United States District Court but under the same terms and conditions as those initiated prior to fiscal year 1983.

From Construction, General funds heretofore or herein appropriated, the Secretary of the Army, acting through the Chief of Engineers, shall pay the judgment and any associated interest, resulting from the decision of the Engineer Board of Contract Appeals in ENG BCA Docket Number 4815 (April 16, 1985), notwithstanding the limitation on allotment of Section 107 of the River and Harbor Act of 1960 (Public Law No. 186-645), as amended (33 U.S.C. 577). Nothing in this provision affects the obligations of the non-Federal sponsor to the United States of America for the work involved.

The Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Miami Harbor, Bayfront Park, Florida project under the authority of Public Laws 98-50 and 98-360 except that east-west connector, known as the promenade, which is necessary for park development, shall be at Federal expense.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for the "Construction program", to remain available until expended, $20,850,000; of which $1,550,000 shall be available for transfers to the Upper Colorado River Basin Fund as authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d): *Provided,* That of the

total appropriated, the amount for program activities which can be financed by the Reclamation Fund may be derived from that Fund: *Provided further,* That of the total appropriated, $8,300,000 is appropriated pursuant to the Snyder Act (25 U.S.C. 13), to be expended by the Bureau of Reclamation for the purpose of designing and initiating construction of the Headgate Rock Hydroelectric project, Arizona: *Provided further,* That none of the funds made available by this Act may be obligated or expended for construction of the Animas-LaPlata Participating Project, Colorado-New Mexico until: (1) an agreement has been executed between the Secretary of the Interior and non-Federal entities in Colorado and/or New Mexico providing for such non-Federal entities to contribute a reasonable portion of the total project costs; and (2) such agreement has been submitted to the Congress and 120 calendar days have elapsed. The authority of the Secretary of the Interior to obligate or expend the funds made available for the Animas-LaPlata Project in this Act shall lapse if the agreement required by this paragraph has not been reached by September 30, 1986.

INDEPENDENT AGENCY

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

There is appropriated an additional $5,000,000, to remain available until expended, for the "Tennessee Valley Authority Fund" for the conduct of a demonstration project for the construction of a main water transmission line.

AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Chairman, I offer an amendment.

Mr. DINGELL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] reserves a point of order against the amendment.

The Clerk read as follows:

Amendment offered by Mr. FAZIO: PAGE 39, AFTER LINE 18 INSERT:

DEPARTMENT OF ENERGY

To the extent the Federal Energy Regulatory Commission has authority or jurisdiction under the Federal Power Act of a Memorandum of Understanding for the California-Oregon Transmission Project, dated December 19, 1984 (50 F.R. 420, Jan. 3, 1985), as amended and supplemented by the Secretary of Energy prior to enactment of this paragraph, or of any contracts implementing such Memorandum, the Federal Energy Regulatory Commission shall exercise such authority or jurisdiction within two years after enactment of this paragraph or after the filing of any such contract, whichever is later, and the Commission shall adjust its procedures and practices to ensure completion of such exercise of administrative authority or jurisdiction within such two-year period. Nothing in this paragraph shall be construed by the Commission or any court as affecting, changing or limiting the authority, jurisdiction or procedures of the Commission under the Federal Power Act concerning rates, charges, service, facilities, classification, access or other matters in regard to such project. Consistent with the provisions of Public Law 98-360 which authorized the Secretary of Energy to construct or participate in the construction of such project for the benefit of electric consumers of the Pacific Northwest and California and obtain compensation from non-Federal participants in such project, sufficient capacity shall be reserved, as recognized in such Memorandum, to serve the needs of the Department of Energy Laboratories and wildlife refuges in California. The Secretary of Energy and the Federal Energy Regulatory Commission shall keep the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate fully and currently informed concerning the project, any changes in such Memorandum of Understanding (as so amended and supplemented), the implementing contracts, compensation, reserved capacity for such laboratories or refuges, actions under the Federal Power Act, and any related matters. Nothing in this Act or in the Memorandum shall in anyway affect, modify, change, or expand the authorities or policies of the Bonneville Power Administration under existing law regarding wholesale power rates, transmission rates, or transmission access.

□ 1340

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Chairman, this amendment I am offering at this point facilitates the construction of an essentially Federal 1,600-megawatt transmission line between California and the Pacific Northwest.

The $400 million cost will be financed entirely by non-Federal users. This is not even a case of full repayment; it is a case of full non-Federal financing.

The line can help tap into vast reservoirs of surplus hydropower now wasting through turbines into the Pacific. It also helps make feasible the upgrading of three existing lines by a total of 1,400 megawatts more, thus increasing overall transfer capacity by some 3,000 megawatts between California and the Northwest.

California is helped by being able to purchase more of this electricity, avoiding the necessity for billions of dollars in new electrical generation costs. In fact, 98 percent of all the utilities, both public and investor owned, in the State are part of the agreement signed with the Department of Energy. This includes a number of water districts as well.

The Pacific Northwest and the Federal Treasury are both helped by increased power revenues. The amendment would provide that the Federal Energy Regulatory Commission approve or disapprove the arrangement struck between the Department and the financing utilities for the construction and operation of the line, but it would have the FERC do so within 2 years. Thus the utilities and their ratepayers, to finance their line, will have some certainty that the vital mutual agreements underpinning their participation will be allowed to continue once they receive the initial approval.

This amendment is satisfactory, I believe, to the Committee on Energy and Commerce. Language in the supplemental bill, as reported, which was objectionable to the Judiciary Committee will be removed as well.

In this context, I would certainly like to express my appreciation to the committee chairman, the gentleman from Michigan [Mr. DINGELL], to the gentleman from Massachusetts [Mr. MARKEY], chairman of the Energy Subcommittee, and to the gentleman from New Jersey [Mr. RODINO], chairman of the Judiciary Committee, as well as the gentleman from Florida [Mr. SMITH], for their cooperative spirit and for the permission that they have given us to proceed in good faith on this particular provision. Following my amendment, the gentleman from Michigan [Mr. DINGELL], chairman of the Energy and Commerce Committee, will move a point of order striking from the bill the original language as reported.

The powers of the Pacific Northwest to establish power rates and transmission rates for access policies are unimpaired by this language and by this project. I know of no opposition to the amendment, which would help facilitate a project which would be of great value to the taxpayer, the ratepayer, and the environment, all at no cost to the Treasury.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am more than happy to yield to my good friend, the gentleman from Washington [Mr. SWIFT], who has been very helpful in this whole effort.

Mr. SWIFT. Mr. Chairman, I just want to commend the gentleman in the well, as well as my chairman, the chairman of the Energy and Commerce Committee, for working this out.

This has benefits for two great regions of the west coast. For those in California and for those of us in the Pacific Northwest, it is extremely useful, and I want to commend the gentleman for all his hard work in putting this together.

Mr. FAZIO. Mr. Chairman, I thank the gentleman, and I look forward to working with him as we complete this project.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

This is the amendment that was worked out through the Department of Energy and the State of California?

Mr. FAZIO. Mr. Chairman, that is correct. The State Energy Commission was part and parcel of the effort, and the Department of Energy, with Secretary Harrington presiding in recent months, has been very helpful in bringing this together.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman. I just want to join him in support of this amendment. It is very important to our State and to the Nation.

Mr. FAZIO. Mr. Chairman, I appreciate the gentleman's comments.

Mr. DINGELL. Mr. Chairman, will my distinguished friend, the gentleman from California, yield?

Mr. FAZIO. I yield to the distinguished chairman of the committee.

Mr. DINGELL. Mr. Chairman, pursuant to an understanding reached with Mr. FAZIO and the leadership of the Committee on Appropriations, the amendment by Mr. FAZIO, together with a point of order that I will offer to the next two paragraphs, would delete from the bill broad legislative provisions relating to the Clayton Act and the Federal Power Act and substitute a much narrower provision and substitute a new provision which has been worked out with Mr. FAZIO, Mr. SWIFT, Mr. AUCOIN, Mr. MARKEY, and Mr. RODINO.

The new provision eliminates any reference to the Clayton Act and exceptions for antitrust matters on the insistence of Chairman RODINO and myself. In the first sentence, it provides a time limitation on the Federal Energy Regulatory Commission [FERC] to exercise whatever jurisdiction or authority FERC now has under the Federal Power Act over a Department of Energy [DOE] Memorandum of Understanding dated December 19, 1984, as amended and supplemented by a DOE decision of February 7, 1985, and by DOE letters dated February 4, May 4, and May 20, 1985, within 2 years after enactment or 2 years after filing of each contract, whichever is later. The amendment does not endorse, reject, or approve the memorandum of related documents. It is neutral on these items. At the same time, the amendment includes, in the second sentence, a disclaimer that the entire amendment is not intended, and does not actually affect, change, or limit in any way or manner FERC's present authority, jurisdiction or procedures concerning rates, charges, service, facilities, classification, access or other matters however raised, in regard to this 500 kilovolt alternating current transmission line project in the far West.

The amendment also does not affect in any way any judicial review of any matter after FERC action.

In the third sentence, the amendment also notes the prior authorization of the project in 1984 and the requirement of compensation from non-Federal participants in the form of transmission capacity, monetary payment, or other fair equivalent benefit, with priority for capacity to be reserved for DOE laboratories and wildlife refuges.

In the fourth sentence, the amendment requires the DOE and FERC to keep the Energy and Commerce Committee and the Committee on Interior and Insular Affairs of the House and the Senate Committee on Energy and Natural Resources fully and currently informed about all of these matters.

Finally, the amendment includes a disclaimer regarding Bonneville Power Administration authorities and policies that is consistent with the DOE's February 4, 1985 letter to Senator HATFIELD which I just mentioned. It is a sentence urged by Mr. SWIFT and Mr. AUCOIN and I commend them for it.

Mr. Chairman, it is with great reluctance that I agree to even this narrow substitute provision. The Energy and Commerce Committee prefers no provision at all because we do not want matters within our jurisdiction legislated in appropriations bills. Further, there have been no hearings on such legislation. Several of the DOE documents are very recent and have not undergone public review. It is not at all clear why any provision is needed or desirable. However, because of the urging of my very able and effective friend and valuable Member of the House, Mr. FAZIO, and his assurance to me and Chairman RODINO that he will insist in any conference on H.R. 2577 that this provision will not be changed, even technically, or expanded, I have agreed to this limited provision. I and subcommittee Chairman MARKEY have also agreed that our committee is open to consider further legislative approaches, if needed, in the future and that our committee will, in its oversight function, examine this project and related matters carefully in the near future to ensure that DOE and all participants are complying with all applicable provisions of law and acting in good faith. I note that many in California and the Pacific Northwest believe this is an important project. I understand that the private participants who are seeking this legislation apparently agree. I expect all, including these participants, strive to make it work and come into completion and not seek excuses or raise real or imagined obstacles to its success.

I also want to thank my friend, Mr. SWIFT, also an effective and valuable Member of this body, for his role in helping to work out this difficult problem. Congressman MARKEY, who is chairman of the subcommittee with responsiblity for these matters, and who took the leadership in working out these matters, and I am grateful to both of these Members and Chairman WHITTEN and Chairman BEVILL for their efforts and understanding.

I commend my good friend and able chairman, Mr. RODINO, for his help and his joining me in preserving the House rules and our proper legislative jurisdiction. I also express my appreciation to Chairman PEPPER and the Rules Committee for supporting Chairman RODINO and Mr. MARKEY and myself.

Finally, I want to express my appreciation for Congressman BROYHILL and Congressman MOORHEAD of California for also helping to work out this matter.

I urge adoption of the amendment.

Mr. FAZIO. Mr. Chairman, I thank the gentleman from Michigan [Mr. DINGELL] for his comments.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend, the chairman of the Judiciary Committee.

Mr. RODINO. Mr. Chairman, I thank the gentleman for yielding.

I merely want to state that I have no objection to the amendment which the gentleman is presenting. The language has already been worked out in advance. I know that it in no way will affect the antitrust laws. There will be no exemption that will be granted by this language.

Mr. Chairman, I commend the gentleman for having cooperated in this matter in working out this language.

Mr. FAZIO. Mr. Chairman, I want to sincerely thank the chairman of the committee for his cooperative spirit in bringing us to this point.

The CHAIRMAN. Does the gentleman from Michigan [Mr. DINGELL] wish to pursue his point of order?

Mr. DINGELL. Mr. Chairman, I withdraw the point of order on the amendment, but I do have points of order on sections of the legislation commencing at line 20, page 39, and line 12, page 40.

The CHAIRMAN. The gentleman from Michigan will withhold his point of order until the Chair has put the question on the amendment offered by the gentleman from California.

The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was agreed to.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to add my support to the amendment offered by my good friend Mr. FAZIO, and commend him for the work he has done to have this language accepted.

As has already been mentioned, the third alternating current intertie is extremely important both to the North-

west and Southwest regions of the country, and by implication to the rest of the Nation as well. By providing a conduit through which power can be moved from the Northwest, where it is surplus, to the Southwest, where it is needed, we are making the most efficient use of this Nation's natural resources. In addition, by making hydropower available to the Southwest, we help avoid the need for power production from fossil fuels, lessening our dependence on the use of oil and improving the outlook for our environment.

The language before us today helps facilitate the progress of the third alternating current line. It does so by providing additional security to the participants by establishing a timeframe within which FERC must exercise its authority. At the same time, nothing in the bill or the memorandum of understanding regarding ownership interests in the new line in any way affects BPA's authorities, particularly with respect to wholesale power rates, transmission rates, or regulation of transmission access. The bill does not affect the authority of the Bonneville Power Administration to regulate access to federally owned or controlled transmission which has recently been upheld by the Ninth Circuit Court of Appeals.

In this context, Mr. Chairman, I support the gentleman's amendment and look forward to its passage into law.

● Mr. AUCOIN. Mr. Chairman, I want to thank the gentleman from California for his efforts on behalf of the third alternating current intertie line, which this amendment facilitates. The line will greatly benefit both the Pacific Northwest and the Pacific Southwest regions, and will build upon an already existing network of interties previously approved by Congress in the Public Works Appropriation Act of 1964 and in section 8 of the Pacific Northwest Preference Act.

These laws gave us the present authorized transmission grid: The existing 500 kilo-volt direct current line between The Dalles, OR, and the Sylmar converter station in Los Angeles, CA; the second direct current line, a 750 kilo-volt line authorized for construction by the Federal Government between The Dalles, OR, and Hoover Dam but not yet built; and the existing 500 kilo-volt alternating current lines between John Day, OR, and Los Angeles.

The third alternating current line, initially approved by Congress last year and further facilitated by this amendment, increases the capacity of the existing intertie to 4,800 megawatt. This additional capacity, as those of us in the Pacific Northwest and Pacific Southwest are well aware, is needed to sell and exchange electric power to the advantage of ratepayers in both regions.

This additional capacity permits the sale of Northwest electric power for which there is no market in the Northwest at rates established for such power. This power can be used to displace the consumption of expensive fossil fuels in the Southwest. This was among the intitial justifications for the intertie. The rationale is as sound today as it was in 1964. The benefits to both of our regions—and the opportunities for additional long-term power sales—are significant.

It is my hope that this amendment and the report language will increase the likelihood of these sales by allowing construction of the intertie to go forward while protecting the interests of the Northwest and the Northwest ratepayers.

It's my understanding that nothing in this amendment or the memorandum of understanding regarding ownership interests in the new line in any way affects BPA's authorities, particularly with respect to wholesale power rates, transmission rates or regulation of transmission access. It does not affect the authority of the BPA to regulate access to Federally owned or controlled transmission which has recently been upheld by the Ninth Circuit Court of Appeals.

Similar assurances were offered to Senator HATFIELD by the former Energy Secretary, Don Hodel in an exchange of letters earlier this year. Report language in this bill also refers to the Energy Secretary's February 4, 1985 written assurances to Congress. I would like to submit for the record copies of Senator HATFIELD's letter of January 3, 1985 inquiring about the BPA authorities and the Secretary's February 4, 1985 reply.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, January 31, 1985.

Hon. DONALD PAUL HODEL,
Secretary of Energy, Department of Energy, Washington, DC.

DEAR DON: On December 24, 1985, you forwarded to Congress a draft Memorandum of Understanding (MOU) negotiated by major California utilities that intend to participate in the construction of the third AC Pacific Northwest-Pacific Southwest Intertie line.

I want to congratulate you and the Department of Energy on your efforts in facilitating this agreement which represents a tremendous opportunity for both regions. Significant mutual benefits from increase of intertie capacity will be forthcoming, and all participants may look forward to sharing in these benefits. However, it is important to emphasize that Pacific Southwest utilities are not forced to purchase and Pacific Northwest utilities are not forced to sell resources against their interest. While regional interdependence is facilitated, regional independence is also assured.

On this latter point, I have had numerous inquiries seeking assurance that the MOU and related discussions are to be interpreted in a manner consistent with BPA's existing authorities and policies respecting rates and access to the Intertie, including Canadian access. This would appear to be the intent of the MOU. As you are aware, many members of Congress are on record as supporting the adoption and implementation of BPA's near-term Intertie Access Policy. I would appreciate the Department's further assurance that my interpretation of the MOU is correct and that it in no way is to be interpreted as impinging on these authorities and policies.

Thank you for your prompt attention to this matter.

Sincerely,

MARK O. HATFIELD,
Chairman.

THE SECRETARY OF ENERGY,
Washington, DC, February 4, 1985.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR MARK: Thank you for your kind letter of February 1, 1985, regarding the Memorandum of Understanding (MOU) on the third 500 kV AC line, which Congress authorized in Title III of the Energy and Water Development Appropriation Act for Fiscal Year 1985. I agree that it provides a landmark opportunity for interregional cooperation and that significant mutual benefits can accrue to both the Pacific Southwest (PSW) and the Pacific Northwest (PNW).

Your interpretation of the MOU is the same as ours. The Department of Energy's understanding in reviewing and forwarding the draft MOU to Congress was that each region, the PSW and the PNW respectively, must decide the sales or purchases that is in their own best interest. Further, the MOU should not be read as impinging upon the Bonneville Power Administration (BPA) authorities and policies respecting rates and intertie access.

With respect to extraregional access, the BPA's near term Intertie Access Policy provides access to Canadian utilities when capacity is not otherwise subscribed by PNW utilities. I understand that BPA has offered and continues to discuss the possibility of greater access if agreement by extraregional utilities can be reached on improved coordination between the Canadian and PNW power systems. * * *.

The Department is also aware that the proper level and design of BPA rates for sales of non-firm power to PSW utilities are currently the subject of a proceeding at the Federal Energy Regulatory Commission. It is not our intent that the MOU should affect or be affected by the outcome of that proceeding.

I trust that this clarifies the Department's understanding with regard to the MOU and the issues you raised.

Sincerely,

DONALD PAUL HODEL.●

The CHAIRMAN. The Clerk will read.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that this section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the bill, beginning at line 19, page 39, through line 11, page 40, is as follows:

DEPARTMENT OF ENERGY

The Congress finds that the timely construction, operation, and use of a third 500 kV AC transmission line between the Pacific Northwest and California in accordance with the Memorandum of Understanding for the California-Oregon Transmission Project dated December 19, 1984, as approved and conditioned by the Secretary of Energy's Memorandum of Decision dated February 7, 1985, and by the Secretary's letter to the Chairman of the House Appropriations Subcommittee on Energy and Water dated May 20, 1985, and a May 4, 1985 letter from the Energy Department Acting General Counsel (the "Memorandum"), will be of significant benefit to both regions and is just and reasonable and in the public interest. However, neither this Act nor the Memorandum shall in any way affect the authorities or policies of the Bonneville Power Administration regarding wholesale power rates, transmission rates, or transmission access.

POINT OF ORDER

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] is now recognized for his point of order.

Mr. DINGELL. Mr. Chairman, I raise a point of order to the language of the bill at line 20, page 39, through line 11 on page 40.

I would raise a point of order also, Mr. Chairman, if I am recognized for that purpose, to the section at line 12, page 40, through line 24, if I could do that by unanimous consent at this time.

The CHAIRMAN. The Chair will state that that part has not been read. The gentleman will be recognized at the appropriate time.

Mr. DINGELL. I stand on my original point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. The point of order, Mr. Chairman, is that the language referred to is violative of the provisions of clause 2, rule XXI, of the Rules of the House of Representatives as legislation in an appropriation bill.

The CHAIRMAN. Does any other Member desire to be heard on the point of order? If not, the Chair is prepared to rule.

The point of order is well taken, and the Chair sustains the point of order.

The Clerk will read the next paragraph.

The Clerk read as follows:

Sections 4, 4C, and 16 of the Clayton Act, as amended (38 Stat. 730), shall not apply to the Memorandum. Furthermore, there shall be no modification under the Federal Power Act, as amended (40 Stat. 1063), of the Memorandum or of mutually agreed upon contractual provisions which implement the Memorandum, to the extent that the provisions are derived from the Memorandum. To the extent that the Federal Energy Regulatory Commission has jurisdiction over contracts containing such contractual provisions, it may determine whether the provisions implement the Memorandum. Except as specifically provided in this Act, no other rights shall be affected under the antitrust laws, the federal Power Act, or any other law.

POINTS OF ORDER

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. DINGELL] rise?

Mr. DINGELL. Mr. Chairman, I raise the same point of order to the language of the section at lines 12 through 24 on page 40 in that said language does constitute legislation on an appropriation bill and is, therefore, violative of clause 2 or rule XXI.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Mr. RODINO. Mr. Chairman, I believe that the matter has already been raised by the gentleman from Michigan [Mr. DINGELL], the chairman of the committee, but I was prepared to raise that point of order and will raise the point of order against that part of the paragraph on page 40, lines 12 through 24.

The CHAIRMAN. The Chair notes that the gentleman raises the same point of order.

Does any other Member care to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair sustains the point of order, and that paragraph will be stricken.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the people of Holcut, MS, and many others reared there have shown a greatness in cooperating with the Corps of Engineers and our Government in the development of the Tennessee-Tombigbee Waterway. They have given up their town, Holcut, a historic community, to this progress. The town of Holcut, MS, was the only town to be displaced by the waterway.

To them we express our admiration. Truly, the citizens of Holcut are like those who have made such contributions throughout history; they revere the past but are willing to build on it.

In order to honor the citizens of Holcut and to honor the history of the town, the Corps of Engineers should develop from funds available a suitable plaque and marker to provide recognition for this historical site of Holcut.

The CHAIRMAN. The Clerk will read the paragraph at the top of page 41.

The Clerk read as follows:

The line constructed pursuant to the Memorandum is hereby named "The Harold T. (Bizz) Johnson California-Pacific Northwest Intertie line".

□ 1350

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER V

FOREIGN ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

MULTILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increased capital stock, as authorized by the International Financial Institutions Act, $30,000,925 for the General Capital Increase, as authorized by section 39 of the Bretton Woods Agreements Act, to remain available until expended.

LIMITATION OF CALLABLE CAPITAL SUBSCRIPTION

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable portion of the United States share of increases in capital stock in an amount not to exeed $370,023,735.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the replenishment of the resources if the Fund for Special Operations, $72,500,000 to remain available until expended; $3,000,000 for the United States share of the capital for the Inter-American Investment Corporation to remain available until expended; and $40,001,171 for the United States share of the increase in paid-in capital stock of the bank to remain available until expended.

LIMITATION OF CALLABLE CAPITAL SUBSCRIPTION

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed $849,000,244.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States contribution to the increase in resources of the Asian Development Fund, $91,232,340 to remain available until expended.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS (TRANSFER OF FUNDS)

For an additional amount for "International Organizations and Programs", $5,686,000 to be derived by transfer from the "Economic Support Fund" for Lebanon as provided in Public Law 98-63: *Provided*, That these funds shall be available only for the International Atomic Energy Agency.

BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

POPULATION, DEVELOPMENT ASSISTANCE

The Foreign Assistance and Related Programs Appropriations Act of 1985, as enacted in Public Law 98-473, is amended by adding at the end of the paragraph entitled "Population, Development Assistance":

None of the funds made available in this bill nor any unobligated balances from prior appropriations may be made available to any organization or program which sup-

ports or participates in the management of a program of coercive abortion.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $1,302,000.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $2,008,000,000: *Provided,* That of the funds provided by this paragraph $1,500,000,000 shall be available for Israel; $500,000,000 shall be available for Egypt; and $8,000,000 shall be available for the Middle East Regional Program: *Provided further,* That the funds provided by this paragraph shall not exceed the amount contained in an official supplemental budget request transmitted to the Congress: *Provided further,* That none of the funds provided by this paragraph shall be available until they have been authorized: *Provided further,* That the funds provided by this paragraph shall be available for obligation until September 30, 1986.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado: On page 44, line 3, strike "$2,008,000,000" and insert in lieu thereof "$1,508,000,000"; and on line 5, strike "$500,000,000 shall be available for Egypt;"

Mr. BROWN of Colorado. Mr. Chairman, we meet in troubled times. We meet at a time when we have a deficit this year that will exceed $200 billion. Some estimates run as high as $215 billion. Others think it may go even higher. We are not unaware of this crisis. As a Congress, we have met and begun to take strong action. We recognize that the future economic strength of this Nation lies in our ability to bring some balance to our economy.

This body has chosen to freeze the authorizations for NASA—not an easy act. We voted to freeze the funding for NSF. We voted to freeze the authorization for the Bureau of Standards. We voted to freeze a variety of other programs.

There are proposals by many Members of this body to push for an across-the-board freeze.

The Senate of the United States has suggested a freeze in COLA's.

This body has acted to freeze, or at least suggest in the budget document, to freeze pay raises for Federal employees.

At the time we are doing this, we have in this supplemental a $500 million increase in funding for Egypt.

Now, let me make it very clear. I bear no animosity for the country of Egypt, but they have already received $2.2 billion and what this body is proposing to do in this supplemental, is to give Egypt a $500 million increase over the $2.2 billion it already receives, while we freeze Federal employees' salaries and we freeze NASA and we freeze a variety of other agencies.

Mr. Chairman, that is indefensible. We cannot turn to our own people and freeze their funds and pay and have an enormous increase for Egypt.

It is not a matter of liking or disliking Egypt. It is a matter of bringing some fiscal sanity to this country's economy and to this country's budget.

Let me suggest that this amendment simply removes the $500 million year-end bonus. It does not cut the amount of aid Egypt receives.

We do not have the resources for an enormous bonus to Egypt. I am not sure we have the resources for the $2.2 billion that we are already giving.

Let us make one point very clear. Aid to Israel and aid to Egypt are not tied together. We are not obligated to fund Egypt at the same rate we fund Israel. Not increasing the aid to Egypt does not imperil our assistance to the State of Israel.

Mr. KEMP. Mr. Chairman, will the gentleman yield on that point?

Mr. BROWN of Colorado. I will be glad to yield as soon as I finish two other points, if the gentleman would permit me.

We are talking about in this supplemental a $500 million bonus to Egypt. The fact is, they have been unable to even spend the money we have already given. There is $2.1 billion in aid unspent at this point. Imagine another domestic program where you had not even been able to spend the money you had already received and you were trying to push another $500 million on them.

Next, I think it is important for us to look at our history. The Camp David accords do not specify that there be a parity between the aid to Israel and Egypt. Egypt has already received $12 billion since 1978. No one, no one could possible accuse the United States of being stingy in this area.

The fact is Egypt has failed to maintain an ambassador to the State of Israel. If we give them a bonus at a time they have failed to live up to the Camp David accords, we are saying they do not have to. We are rewarding them for failing to live up to those accords.

Our activity by providing a bonus says that we do not care whether they live up to those accords or not. I know our rhetoric is to the other point, but the fact is when it comes down to it, we will have provided them a bonus for failing to live up to their agreement.

There are other items with regard to trade and tourism agreements that have come out of the Camp David Accords that have not been honored. Egypt has refused to let the U.S. Rapid Deployment Force use the Red Sea ports on a regular basis.

In the United Nations, Egypt, that receives $2.2 billion a year from us, has voted against the U.S. position 76.6 percent of the time.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. BROWN] has expired.

(At the request of Mr. RUDD, and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 3 additional minutes.)

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman. I know there are some folks here who would like to address an inquiry.

I would merely close with this. It is inappropriate at a time of fiscal crisis for us to provide $500 million bonus to Egypt.

It is inappropriate for us to reward a country that has voted against us 76 percent of the time.

It is inappropriate for us to provide a bonus for a country that has failed to live up to the Camp David accords. And to provide that $500 million bonus at this time sends a message that we do not care whether they live up to their agreement or not.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I commend the gentleman for bringing these facts supporting his amendment and I support that amendment.

Would the gentleman answer one question, please?

Does the gentleman know how much funding we have given to Egypt since the Camp David accords?

Mr. BROWN of Colorado. The figures that I have seen indicates that they have received $12 billion since 1978.

Mr. RUDD. The gentleman was indicating that Israel has received $12 billion, but Egypt, is that what the gentleman had in mind for them, $12 billion?

Mr. BROWN of Colorado. Yes. Israel has received well above that figure.

Mr. RUDD. I thank the gentleman. I think that these facts bear supporting of the amendment.

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman for the clarification.

I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not think anyone needs to be reminded that the bill we are talking about here today does contain $1.5 billion for the State of Israel.

I strongly oppose the Brown amendment to delete $500 million in supplemental economic assistance for Egypt. These funds are essential to that country and we have to support the economic needs of our friend and supporter in the Middle East.

The $500 million in this bill is there as the result of a careful review by the administration of the economic needs

of Egypt and the serious economic crisis that country faces.

The administration has recognized serious problems resulting from Egypt's heavily subsidized economy, but more importantly, has recognized the strong efforts of the Mubarak government in Egypt to reform that economy and to set it on a more solid footing.

□ 1400

A strong Egyptian economy is crucial to U.S. interests in the Middle East because a strong economy will promote stability and moderation. And I would suggest that lack of stability and immoderation are the real dangers and the real enemies of peace in the Middle East.

Egypt is a pivotal nation in the region and the United States must meet its needs at the present time. Egypt is seeking to reform its economy, reducing subsidies, and state intervention, and opening the economy to more private sector activity and a more market oriented atmosphere.

The United States strongly supports this action. In fact, this Congress has often chided Egypt and pressed the administration to open up the Egyptian economy, and these funds are needed to support that very effort.

It is important to recognize, I think, the way these funds are being provided to Egypt. They are not being given to Egypt in a lump sum without consideration of the results. The committee has provided these funds with the understanding that they will be dispersed over a 2-year period in fiscal year 1985 and fiscal year 1986 in increments which are based on Egypt's achievements of continuing economic reforms.

It is in the interests of the United States that Egypt reform its economy and remain economically strong, and these funds are to be provided to Egypt only with the understanding that Egypt does precisely that.

It is clear to all of us here in the House I think that we must cut spending back to the bare minimum and cannot fund unnecessary programs. But I believe very strongly this is a necessary program and that these funds are important to the economy of a strong friend and ally of the United States, and I ask my colleagues to oppose this amendment.

Our efforts at reducing the U.S. budget deficit cannot override our national security interests. A strong and stable Egyptian economy with these funds will clearly promote the national security interests of the United States.

I would suggest that the passage of this amendment will send a different kind of message than the one my good friend from Colorado [Mr. BROWN] has suggested, and that is that what is being said in the Middle East all of the time will be proven in the eyes of many there to be true; namely, that we only have one friend in the Middle East, that we do not have a balanced and evenhanded policy. And I am afraid that passage, as I say, of the gentleman's amendment will be read by many in the area as evidence of that feeling they already have.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I am happy to yield to the gentleman from Colorado.

Mr. BROWN of Colorado. I thank the gentleman for yielding.

I would just raise a question. We, of course, supply Egypt $2.2 billion a year now and that is continued.

Mr. LAGOMARSINO. That is correct.

Mr. BROWN of Colorado. Is it the gentleman's feeling that the $2.2 billion is not enough to get them to adopt the reforms that he has talked about? If they would not adopt the reforms with $2.2 billion a year, why would they adopt them with another $500 million bonus?

Mr. LAGOMARSINO. Certainly the feeling of the administration, who has studied this very carefully, is that this is requird to continue the economic recovery in that country. But I think the strongest argument for my position, and against the gentleman's, is the psychological one, frankly, of the message it would send and the damage that it would do or could do, hopefully would not do, but could do to the peace process, which, while it is not at an advanced stage, we might say at least there is a glimmering of hope. That is probably the best way to put it. There is progress, there is movement.

Mr. BROWN of Colorado. Does the gentleman from California share my concern that this appears to be rewarding Egypt at a time that they have failed to live up to the Camp David accords?

Mr. LAGOMARSINO. That is one interpretation that could be made. But I am afraid that the other interpretation, the one that I suggested, is the one more likely to be made, not only by Egypt but by our other friends in the area.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words and I rise to oppose the amendment.

Mr. Chairman, as those in the Chamber who know me are very well aware, there are many issues upon which I disagree with the administration. I disagree with them fundamentally on South Africa. I disagree very strongly with their position on Nicaragua.

But if there is one area where I think this administration is doing a good job it is in the area of the Middle East. And I think we ought to fully understand what this amendment would put at risk.

I share the concerns expressed by the gentleman from Colorado about the need for fiscal stringency, and I would be curious when the regular appropriation bill comes to the floor how many people will at that point back up what the Chair intends to do in producing a very lean regular appropriation bill, because it is the intention of this subcommittee chairman to make a number of significant reductions below the administration's request.

But at this point I think we need to understand why we have a special case. The administration asked the Congress to do two things. They asked the Congress to approve a $1,500,000,000 special supplemental to Israel in order to provide transition assistance to enable it to attack some of its very serious economic problems; and at the same time the administration asked the Congress to also approve $500 million as a companion item in additional assistance to Egypt.

The easy thing for the administration to do in the case of Israel, because Israel is a very close ally and friend, the easy thing for the administration to do would have simply been to say, "OK, we will give you the money, no ifs, ands, or buts." The administration did not do that. The administration, instead, appointed Dr. Herb Stein, Dr. Fischer, and several others as part of an economic panel to review what actually needed to be done to assure that this additional assistance to Israel would not become a permanent add-on to the budget. They wanted to assure that this would be a one time, temporary request to get them over the hurdle.

And so they asked the Congress—and we complied— to make this money available in a way which would give the adminstration the authority to determine the schedule under which it would actually be provided to Israel, so that they would be able to try to maintain, frankly, some friendly pressure on the Israeli Government to meet the economic reforms that are necessary.

The committee chose to do that same thing for Egypt. We chose to also give the administration the authority to determine the timing of the granting of this additional economic assistance in order to put some friendly pressure on the Egyptian Government to try to follow through on some of the reforms that are necessary to assure that ths is not going to be a permanent addition.

I have great doubts personally that either Egypt or Israel will actually take the steps necessary to actually get their economic problems under control. I think that is an open question. But the subcommittee has tried to march down the same road with the administration. We wanted no seams to develop between us and the admin-

istration to make clear to both countries that we are trying to approach this in a unified way.

Make no mistake about it, on the subject raised by the gentleman from California, this is not just an economic issue. There is not one partner to Camp David; there are two parties to the Camp David accords.

In my judgment the best single way that we can assure that Camp David never moves beyond its existing status, to bring in other parties to the peace process, is to pass this amendment today. To pass this amendment today would send a clear message that there is absolutely no reason for moderation on the part of any Arab country.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. To pass this amendment would send a clear message that there are no rewards for trying to cooperate in the peace process. To pass this amendment today would send a clear signal to Syria, and to Mr. Arafat, and to the Saudis and a number of other parties that there is really no need to be responsible, and there is no need to look for peace.

I think it would be greatly discouraging to the efforts the administration is engaged in now to bring the Israelis and the Jordanians and the Egyptians all together in a second stage of Camp David.

The committee conducted an on-site review of both the Israeli requests and the Egyptian requests over the spring break.

□ 1410

I think anyone who was on that journey knows that the committee pressed both governments extremely hard in terms of the needed economic reform that is essential to prevent this from being a permanent increase in appropriation. I just think that it is absolutely essential that the Congress and administration remain united on this one because the administration is doing as good a job as can be done in this area under the circumstances, and we owe them, because of the quality of their work in this area, we owe them our support.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

Mr. Chairman, I want to support the gentleman in his efforts to defeat this amendment. I think that probably no member of the Appropriations Committee has spoken out more last year and the year before on the problems of Egyptian noncompliance with the Camp David agreements and the possibility that if that situation continued to deteriorate we ought to be looking at the foreign aid for the Egyptian Government. But the fact of the matter is that the situation has not only not deteriorated but, in my opinion, has somewhat improved—although certainly not 100 percent—from where we were when we considered last year's foreign aid bill in the Appropriations Committee.

I therefore join the chairman of the subcommittee in suggesting that this would be an extremely poor time in which to try to decouple these two aid programs. They both flow inevitably from the Camp David agreements. There is no doubt that President Sadat, when he entered into the Camp David agreements, did so in part to improve the economic well-being of his Egyptian citizenry. That is the reason he was willing to reduce the level of tension in the Mideast because he could see what that was doing to the Egyptian economy and the Egyptian people.

So I think, given the modest turnaround in the performance of the Egyptian Government under the Camp David agreements, and the discussions of the Mideast at this point, this would be a very bad time in which to support this amendment.

(On request of Mr. RUDD and by unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. RUDD. Mr. Chairman, will the gentleman yield for a question?

Mr. OBEY. I surely do yield to the gentleman.

Mr. RUDD. I thank the gentleman for yielding.

Mr. Chairman, I respect the gentleman's careful legislative workmanship, having served with him on the Committee on Appropriations, but I am a little concerned about this one aspect that has nothing to do with the Camp David accords, in my opinion. We have $2.1 billion in the pipeline for Egypt unspent and yet to provide an additional $200 million disturbs me greatly in view of the fact of the size of our own debt and deficit which tells me we do not have that kind of money to provide.

How does the gentleman feel about that?

Mr. OBEY. Let me be very frank about it. My honest feelings on the subject are that if this issue is so important that we ought to fund it, then we ought to raise the taxes to pay for it, rather than borrow the money. That is my honest personal view. Nonetheless, I am trying to cooperate with the administration in this instance, because they have an important foreign policy goal. I would also point out that it is giving the wrong impression to suggest that there is somehow free money laying around here. The money to which the gentleman refers is earmarked for projects which have not yet been completed. That money is under obligation.

Mr. RUDD. I thank the gentleman. It does not make sense to me.

Mr. KEMP. Mr. Chairman, I have great regard for our colleague from Colorado. He makes eminent good sense in many areas. But it does not make any sense at this point in the history of the Middle East to disrupt what the chairman has pointed out is a very fragile relationship, between ourselves and the Camp David nations, that is, Israel and Egypt. It is particularly unfortunate timing from the standpoint of their economic history. Both Israel and Egypt have very severe balance-of-payment problems. To disrupt this package, which appropriates $1.5 billion for Israel and $500 million for Egypt, means that almost all of the money in the supplemental goes to Israel, one partner in the Camp David accords and nothing to Egypt. The other partner. It would be, as Mr. OBEY said, a terrible signal to those moderate governments in the Middle East whom we want to join with us in what the chairman has called Camp David II. I think that the Camp David agreement is the linchpin of peace in the Middle East, if there is to be peace in the Middle East, and we would like to bring Jordan as well as the other responsible nations, into this step-by-step peace process. Egypt has been a very positive force behind the whole peace process. Have they lived up to all the Camp David accords? The answer is no. As the gentleman from New York pointed out, many of us have been critical regarding those elements of Camp David that have not been observed. But Egypt has been a stabilizing influence in the Middle East at a time of great tension. Our support for Egypt is especially important at a time when the United States is very anxious to bring Jordan and other responsible Arab nations into this process that is so critical to the future of the Middle East.

I would suggest to the gentleman that the amendment is poorly timed; and it risks jeopardizing support for additional assistance to Israel. Many of us think this is a very critical moment in the history of the State of Israel. The Israelis need economic assistance and our support in moving the peace process forward. Egypt is also suffering from economic problems, perhaps to a greater degree than Israel. My fear is that passage of this amendment would fracture the relationship between the United States, Israel and Egypt. For this reason, I think the amendment should be defeated.

The gentleman talks about a signal. I would say to my good friend from Colorado, who knows the regard within which I hold him, that this

amendment would be a terrible signal. Supplemental aid for Egypt does not constitute a reward for pulling their Ambassador back from Tel Aviv. It is a response to legitimate economic needs. If these funds are denied, we would really be punishing one of the partners whose support is so critical to bring other Arab States into the step-by-step peace process which began at Camp David under President Carter and, hopefully, will go forward under this President. Peace in the Middle East is in the interest of both sides of the political aisle, of Israel, and of the Arab States. I cannot speak for the State of Israel, but it is my own view on this subject that the Israeli Government, both Likud and Labor, would be very much opposed to this amendment because it does introduce an element of inconsistency into a relationship that is not only fragile but the very key to the future peace prospects in the Middle East.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KEMP. Yes, I would be glad to yield to the gentleman.

Mr. BROWN of Colorado. I thank the gentleman for yielding.

Mr. Chairman, with regard to the position of the Israeli Government, I have not talked with them.

Mr. KEMP. I made it very clear that I am only speaking for myself. I am just surmising that they would oppose it if not publicly, then privately.

Mr. BROWN of Colorado. Our office did check with the Embassy and they do not have a position on the amendment.

Mr. KEMP. And I can understand why. I think Israel is wise in not taking a public position on this amendment either for or against. I am just telling you as someone who is responsible in this subcommittee, along with Mr. OBEY from Wisconsin, for trying to hammer out a bipartisan aid package that will move those nations forward toward peace in the Middle East, that I think it is poorly timed. It would be a very bad signal to our friends in the Middle East. And very importantly, it would be a very bad signal to Qadhafi. Clearly, Egypt, bordered by Libya and confronted by the breakdown of the Sudanese Government, is a vital strategic ally for the free world, in the Mideast and North Africa; and I do not think Mr. Mubarak, or Mr. Peres, or the President, any one of them would think the passage of this amendent would be helpful to the peace process in the Middle East.

□ 1420

Mr. BROWN of Colorado. If the gentleman would yield further.

Mr. KEMP. Of course I will.

Mr. BROWN of Colorado. We have been told Richard Murphy, the Assistant Secretary of State for the Near East had said, quote:

> The U.S. has made no commitment for equality of aid.

The gentleman had referred to the concern for a symmetry between aid to Israel and aid to Egypt. At least our research has shown that there is no commitment in that area, or obligation.

(On request of Mr. OBEY, and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. I thank my colleague from Wisconsin. Before I yield to him, I want to say that while I believe there is no commitment to numerical equality of aid, certainly it is in the spirit of the peace process to aid both Israel and Egypt, while both took great risks for peace. Part of this $1.5 billion is to help Israel deal, not only with the pullout from Lebanon, but with the pullout from the Sinai and the other terrible costs that have been incurred by that nation. In judging the need for aid to Egypt, let us remember that there is a very severe economic problem, in Egypt and in other Northern African countries as well, and that Egypt is so critical to the strategic interests of this country and also the peace process. On that basis, I support the President's $500 million request for Egypt.

Why is not the gentleman striking, in the spirit of fiscal responsibility that he mentioned earlier, the aid for Israel? He is not doing it because clearly he is pro-Israel. I think it is important, if you are pro-Israel, to recognize that it is incredibly important to Israel to have Egypt and other moderate Arab Nations involved in the peace process, not outside of it. It is also important to be strong, not weak, in our dealings with Qadhafi and other anti-Western forces in the region and I think the gentleman's amendment would send them the wrong signal.

I yield to the gentleman from Wisconsin, our chairman.

Mr. OBEY. I thank the gentleman for yielding. I would just like to read a portion of a letter which I received from Kenneth W. Dam, who at the time he wrote this letter was Acting Secretary of State, and he said in part:

> The actual amounts requested for each country were based on our best projection of the assistance required to facilitate orderly economic adjustment. As a full partner in the peace process, we cannot address only one partner's problem without losing the confidence of others in the region whose active participation is essential to further progress.

And then he goes on to say after describing the discussions underway now; he goes on to say:

> Proposals to reduce or eliminate the supplemental assistance Egypt needs could only have an adverse impact on this important and constructive dialog.

I thank the gentleman for the time.

Mr. KEMP. I thank my chairman for yielding.

(By unanimous consent, Mr. KEMP was allowed to proceed for 1 additional minute.)

Mr. KEMP. I think this amendment would have an adverse impact upon Israel. I do not see how we can sustain continuing support of material resources to Israel, absent some aid to Egypt, a country that catalyzed the peace process. That is not to endorse all of the mistakes that the Egyptians have made, but denying aid to this country would be a terrible message to send to friends of the peace process in the Middle East at this very critical point.

Mr. YATES. Will the gentleman yield?

Mr. KEMP. My colleague from Illinois.

Mr. YATES. I agree with the gentleman. I oppose the Brown amendment for the reasons that he has explained and for the reasons that the gentleman from Wisconsin and the gentleman from New York have already given in their statements to the House.

(On request of Mr. YATES and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. YATES. If the gentleman will continue to yield, it seems to me that this is a critical period, not only for Camp David and for the true signatories together with us to the Camp David Treaty, but negotiations are going on with other countries such as Jordan in an effort to try to expand the purposes of Camp David and to bring other signatories into Camp David.

It would seem to me that, if this amendment were approved, it would set back that peace process tremendously and present the culmination or the successful culmination of the administration's efforts.

We, on our subcommittee, have criticized Egypt for its failure to observe the spirit and the intent and the letter of the Camp David Treaty. We have written paragraphs in our report urging Egypt to change and adopt a greater spirit of cooperation with Israel and we are frustrated by that.

I can understand the gentleman's frustration with Egypt's actions and its failure to cooperate to a much greater extent, but I do not think this is the way. I do not think the gentleman's amendment is the way to achieve what I think the gentleman wants to achieve.

The amendment should be defeated.

Mr. KEMP. I thank my colleague from Illinois.

I just want to finish by saying that I, too, recognize the sincerity of the gentleman from Colorado, but do not forget the sincerity of Egypt in coop-

erating last summer with the United States in clearing the mines from the Red Sea and the Gulf of Suez canal. This assistance was critical in defending U.S. strategic interests in the Middle East and the Mediterranean. As I have noted before, I would suggest that accepting this amendment would not only be untimely, but might very well fracture those fragile hopes for peace that are served by encouraging Egypt and Israel to continue the process begun at Camp David, and to bring other responsible Arab nations into the process.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, before I speak on the amendment, I want to take this opportunity to commend and congratulate my good friend of many years, the new chairman of the Foreign Operations Subcommittee, Mr. OBEY. He did an exemplary job; we had a very difficult job in the subcommittee on the International Financial Institutions. He put together a real good package which I supported, and incidentally, DAVID, I am very happy to note that today it went through on a voice vote.

He has been a good chairman in his first year at the helm, and I know he is going to be a great chairman of that subcommittee. DAVE, it is a pleasure to work with you.

Mr. Chairman, I rise in opposition to the amendment eliminating the supplemental economic assistance for Egypt.

The President requested this $500 million in emergency assistance to Egypt as an integral part of the entire package of timely, negotiated aid to the Middle East. Two other parts of this package, $1.5 million for Israel and $8 million for West Bank and Gaza residents, were also requested and have been included in the bill. Based on the recent visit to the United States of King Hussein of Jordan, it is expected that a request for Jordan in the neighborhood of $200 million to $300 million will also be forthcoming from the administration—perhaps to be added to this bill by the Senate.

Let's not kid ourselves. Part of the rationale for this aid is economic, but the larger reason is political. The United States has a large stake in promoting the continuation and expansion of the Camp David peace process in the Middle East. The United States has a large stake in the stability of Egypt. The United States must continue to play an evenhanded role when dealing with our diverse friends in that region.

We find ourselves again at a very critical juncture in the Middle East. While new players have indicated a willingness to discuss peace, new and continuing uncertainties in Lebanon and the Sudan threaten to undermine that progress. This is definitely not the time to furnish a large amount of aid to one side while ignoring the legitimate needs of the other.

We must support the serious efforts undertaken recently by both Israel and Egypt to improve their bilateral relationship. Knocking out this aid to Egypt would have an adverse impact on this important and constructive dialog.

The sponsor of this amendment says we shouldn't send any more aid to Egypt because there is still money in the pipeline. Sure, there is money there, although that pipeline has been getting smaller over the past couple of years as projects become implemented. But those funds in the pipeline are already programmed for specific purposes. This additional aid is intended to meet unexpected financial and balance of payments emergencies due to lower oil prices and remittances from Egyptians working abroad. This aid will be disbursed as a cash transfer in tranches by the President as Egypt improves its economic performance.

This is intended as a one-shot balance of payments boost to assist the Egyptian Government to take the tough economic policy reform measures necessary to put their economy on a sustainable basis.

Of course, Egypt has had problems implementing some assistance projects in the past. They are trying to support 45 million people largely on the resources of a narrow strip of land along the Nile River. They have had thousands of years to build up a bureaucracy, compared to our 200 years. They know they have problems, and President Mubarak has been trying, with considerable political courage, to address those problems. But he needs our help.

Don't cut his political and economic legs out from under him. It is the interests of all concerned—the United States, Israel, Egypt, and the entire region—that we continue to play an evenhanded role in the Middle East.

Vote against this amendment.

□ 1430

I yield to my good friend, and I mean good friend—the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank the gentleman from Massachusetts. As one from the West, it is good to hear of his strong support for water projects, even if they are in Egypt.

I would say to the gentleman that the information I have been given indicates that rather than the pipeline narrowing——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(On request of Mr. BROWN of Colorado and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Colorado. The information I have been given indicated that instead of the pipeline getting smaller, it is increasing. Egypt has received $1.6 billion in 1981, $1.9 billion in 1982, $2.3 billion in 1983, so that what we are dealing with here is not a shrinking pipeline but an increasing pipeline. Is that information correct?

Mr. CONTE. No. The annual aid levels are rising, but the pipeline is lower. What you have to realize is that a lot of that pipeline is already committed. Even though the pipeline is there, those funds are committed for development projects. That is why it is shrinking; it is getting smaller.

Mr. BROWN of Colorado. I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important for us to examine the rationale that has been given by so many of those who oppose this amendment. I think that the gentleman from Colorado has some noble motives in mind when he offers this amendment, but the reality is that there is a time in this country always, during any budget process, when we have to weigh the political value of the money we spend against the value of the money itself.

In this particular case, the United States has invested, over the years, tremendous amounts of dollars, but, in addition, in the Middle East, has invested tremendous amounts of its political assets, its political courage and its manpower. Nobody can forget just a little under 2 years ago what happened to almost 250 of our marines in the Middle East, in Lebanon. We have an investment there, and what we are trying to do is to bring slowly but surely the babe of peace, this infant, to nurturing, to maturity.

We are right now seeing a process which slowly, humbly, sometimes even inperceptibly, is moving forward, and that is an important sign.

The Camp David process that started in 1977 was an unusual process because we saw for the first time an Arab State willing to have the courage sufficient to stand up and make peace with Israel, its neighbor.

The United States pledged at that time and has fulfilled that pledge to be part of the ongoing process of using that as the first step to get peace in the Middle East. We have continued our strong secure relationship with Israel and have now gotten a strong secure relationship with Egypt. And, remember, Egypt had been originally very much in the camp of the Soviet Union, was buying arms, getting material aid and money from the Soviet Union; they have now turned away

and they have rejected the Soviet Union and they have thrown the Russian advisers out of Egypt and have much more come to our side.

In addition, in recent months they have been the strength which has allowed Jordan to renew diplomatic ties with Egypt, to bring other Arab countries closer, Iraq renewing ties with the United States, movement that is toward our side, movement that 2 years ago, when that terrible tragedy happened in Lebanon, people said would not occur: That the United States had lost all its influence; they wrung their hands and said we are finished in the Middle East. Oh, we were, for about 2 weeks. The reality is that, given their own devices, they must move in this direction, because the other direction is an alternative they do not want to contemplate.

We must now play that as well as we can. This $500 million appropriation as a supplemental for their economic problems in Egypt is one way to do that. It is needed. It is not just a gift. This is a very important loan of money to these people for the purpose of having a very strong economy which helps us to secure peace in the region. And they have been a good friend.

Let me tell you what it does. It turns around a policy that we have had in this country, especially in the State Department, for too many years. That is the carrot and stick approach. We given them all the carrots they want, and then we beat ourselves over the head with the stick. We have for years been giving favors in advance of actual deeds being done. But in the case of Egypt, it was not promises; it was delivery. They followed through on Camp David. They provided an impetus for us. It cost their leader his life, but he had the courage to do it, and they have followed through.

I would urge my colleagues not to vote this amendment up. It has a chilling effect on what the United States has tried to do.

And let me just close by saying this: We right now should never be lulled by voting against this amendment into believing that this Congress subscribes to—and I want to make it clear my opposition to—the actions of Egypt lately with reference to Camp David. They should be warned. This Congress is on record, and I delivered a letter signed by many in this Chamber to Mr. Mubarak when he was here just 2 months ago, signed by over 100 of our colleagues, saying, "Send the ambassador back to Israel, commit yourself fully to Camp David." This money is no reward for their noncompliance. It is a recognition that we have a continuing strong relationship with them and also that we will not abandon our friends but we want our friends to commit themselves to what on paper they have agreed to.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 3 additional minutes.)

Mr. SMITH of Florida. And I want to urge my colleagues to understand that voting this amendment down gives no carte blanche for Egypt. They still must commit themselves fully to the Camp David process, and that means day-to-day commitment with Camp David.

But this amendment is the wrong way to try and get compliance by Egypt with the Camp David process. I urge my colleagues to review this whole area in the light of what the United States has done and to understand that this is for the peace process.

I yield to the gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank my distinguished friend, the gentleman from Florida, for yielding to me, and I want to associate myself with his remarks and especially to underscore the last comments that the gentleman made.

It seems to me that the problem with this amendment is that the timing is totally out of sync. Had an amendment of this kind been offered 6 or 8 months ago, I think perhaps it would have been appropriate because Egypt indeed was engaging in what has been described as a cold peace; it seemed not to be adhering to the commitments it made in the Camp David agreements.

But over the course of the last few weeks, there has been the restoration, the renewal, fragile as it is, of the peace process; and it seems to me that now would be exactly the wrong time to adopt this kind of an amendment and send a message which would only chill those efforts.

So I would urge, along with my colleague, the defeat of this amendment.

Mr. SMITH of Florida. I yield to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, I would commend the gentleman for his concern over the Camp David accords, and I certainly commend him for his actions in drawing attention to the fact that Egypt has withdrawn its ambassador. But let me ask the gentleman: Does he share my concern about the trade and tourism agreements that were part of the Camp David accords that have not been lived up to?

Mr. SMITH Of Florida. Well, of course, we all do. And I share those, as well as the concerns about the Ambassador, the concerns about the continuing anti-Semitism. And we have made our concerns known to Egypt. I think Mr. Mubarak has been fairly, not completely, but fairly forthcoming. But every country that we deal with has some significant failings that we are constantly trying to remedy. But these people have put themselves on the line for peace.

It is significant that there is an existing peace treaty between an Arab country and Israel. We want more Arab countries to fall in line this way. We cannot get that to happen by cutting off what is necessary aid, even though we have concerns about their commitment to that written document. We keep fighting them on those issues, and slowly but surely we are beginning to see a little bit of progress. We are not giving them this money to commend them for their total day-to-day commitment to Camp David. This money is being extended in recognition of their major problems economically and the fact that they are an ally of the United States and will be of help in bringing peace to the region which will save this country, if it ever happened, untold billions of dollars and will save lives and do something this country desperately seeks to do, and that is to make a harmonious region out of the Middle East.

I yield to the gentleman from Ohio [Mr. KASICH].

The CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has expired.

(On request of Mr. KASICH and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I appreciate the gentleman yielding.

Mr. Chairman, let me say that I think there are an awful lot of people in Israel who, over the last couple of years, have become increasingly disenchanted with the agreement that was made between Egypt and Israel and disenchanted for several basic reasons. No. 1, because of the situation regarding the withdrawal of the Ambassador.

□ 1440

Second, I think almost as strong a feeling in the minds of Israelis is the fact that the cultural exchanges have not taken place. They view cultural exchanges as critical to the way in which individuals can relate to one another and break down many of the barriers that have been created, particularly in the Egyptian press with many anti-Semitic comments, cartoons, articles, and a variety of other things.

I think that if today you were to talk to Israelis about where we stand, while they would tell you they are not satisfied with the progress that has been made in the area of cultural and ambassadorial exchange, I think they will tell you that this is a critical juncture. One only has to spend a short time in the Middle East to recognize the powderkeg that it is. Not only because of

the tremendous differences that separate these nations, but also because of the distance, the pure, physical distance. We have embarked now on very sensitive negotiations, and I think everyone in the Congress is watching very carefully what King Hussein has to say and what President Mubarak has to say, and more recently, what the Prime Minister of Israel, Mr. Peres, has to say. I think at this point in time, although it is still very early, there is cause for optimism.

In my judgment at this point it would be a mistake to try to alter the facts. It would be a mistake to try to change our policy because we seem to be going along the right path. To be honest, in this country, we have had great difficulty and great debate both within and without our State Department.

Mr. CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has expired.

(On request of Mr. KASICH and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. SMITH of Florida. I continue to yield to the gentleman.

Mr. KASICH. As I said, there has been great debate about where we ought to head. And maybe for once we have hit upon the correct formula. To try to change that formula at this critical juncture by adding new equations to the formula in the Middle East, I think frankly, would be a major mistake. Let us give peace a chance. That is what we are talking about now.

Let us bring it along. Let us not throw any cold water in the face of any of the nations that are in the middle of this process right now. Let us not interject anything new into the formula because right now it seems to be working. I am going to tell my colleague from Florida, though, that if the Egyptians do not live up to their accord, if we do not see the kind of progress we want to see in the Middle East and this all turns out to be a charade, and I hope and pray it is not, I am going to support this kind of an amendment, because in my judgment the Egyptians have not stood by the accord and have had far too many excuses.

I hope this gives them the great opportunity to make up for their inaction and bring peace forward in that region.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. SMITH of Florida. Just let me say to my colleague from Ohio, I am not standing here supporting the Brown amendment. So if you tell me that you are going to be in favor of this amendment 1 year from now, I will tell you that you are preaching to the choir. I just said the same thing.

If there is no compliance, if there is not commitment by Egypt, long term, and if we are going to help them with their problems including their economy like we are with the money that is in the supplemental, and we do not see any corresponding movement on their part to come closer to a day-to-day commitment to Camp David, I can assure you Mr. BROWN is going to have an awful lot of supporters for an amendment that might come up next time to cut aid.

I want to tell you that Israel, as an ally of the United States, has done a great deal to cooperate consistently with all of the kinds of things that the United States is trying to do for peace in this region. We have not had that kind of cooperation with every Arab State. We have gotten some with Egypt; we are trying to promote more. That is where we are.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman.

Mr. RUDD. I think the gentleman was saying originally that the funding is not tied to the Camp David accords.

Mr. SMITH of Florida. Well, I do not think that the Camp David accords provide for direct, significant funding.

Mr. RUDD. Mr. Chairman, I move to strike the last word.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman.

Mr. WHITTEN. Mr. Chairman, was there some discussion about limiting time? I notice it is about an hour on this, and I wonder if we would have some agreement as to the length of time on this amendment.

Mr. Chairman, I ask unanimous consent that the time be limited to 3:15; 30 minutes. That is 30 minutes longer and it makes it more than an hour that you have had on this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Chairman, reserving the right to object, I just wonder whether we have some indication as to who is ready to speak. Other than Mr. BROWN, there has been nobody yet who has been able to speak in favor of this amendment. Most Members who have arisen are Members of the Appropriations Committee, which means that the rest of us are having trouble getting recognized.

I just want to be assured that some of us who want to speak in favor of the amendment may do so.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that those who might wish to speak on this stand at this time.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

Mr. WHITTEN. It would be about 7½ minutes for each.

Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto end at 3:15.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. RUDD. Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, prior to that request, the Chair had granted this Member 5 minutes.

The CHAIRMAN. The gentleman's 5 minutes is protected.

Mr. RUDD. Mr. Chairman, I yield to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank the gentleman and I appreciate the time. This does not suggest in any way that you eliminate the funding for Egypt. The $2.2 billion which is in the budget this year, stays in the budget. This amendment only deals with the supplemental; the bonus, if you will. So we are not talking about cutting off aid to Egypt; all we are talking about is not giving them a bonus.

A point has been raised with regard to the balance-of-payments situation with regard to Egypt. Their balance-of-payment situation is improving in contrast to ours.

They dropped their current accounts deficit from $1.9 billion in 1982 to $1 billion last year. That has been going down, not up. I would hope with regard to the kind of signal we send with this amendment that the Members would give that some reflection.

Here are the facts as I see them. First of all, Egypt has unilaterally withdrawn its Ambassador to Israel in direct violation of the Camp David accords. We are talking about giving them a bonus in light of them failing to comply with the accords.

Egypt has failed to live up to the trade and tourism agreements that came out of the Camp David accords. The problem with the signals discussion is that they have failed to comply with the Camp David accords. To give them more money in light of their failure to comply, I believe sends a clear signal that they do not have to comply.

Egypt has refused to let the U.S. Rapid Deployment Force use the Red Sea port on a regular basis. That surely cannot be a signal that we want to reward. In the United Nations, Egypt has voted against the United States' position 76.6 percent of the time. If you give a nation with this record a bonus over and above the $2.2 billion, I submit you are sending a signal, but the signal is not one of urging them to comply with the Camp

David accords, it is one of rewarding them for failing to comply.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 3½ minutes each.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

□ 1450

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. BROWN].

Mr. Chairman, I do want to compliment our subcommittee chairman, the gentleman from Wisconsin [Mr. OBEY] for the manner in which he has, in the less than perfect of all worlds and with the very complex needs throughout the world, crafted a very remarkable piece of legislation.

I want to thank also the ranking minority Member, especially in regard to the part that deals with the problems in the Midwest, for the support that he has given this section of our supplemental legislation.

I believe that this is probably the best chance that we will have to deal with the problem in regard to Egypt's compliance with the Camp David accords. This piece of legislation, as far as I am concerned, will for the last time put the ball back in Egypt's court. We must now see that Egypt becomes part of the ball game again and moves closer to the spirit of Camp David accords, in regard to placing its Ambassador back in the State of Israel. The Israelis are now out of Lebanon, and the alleged reason for withdrawal of Egypt's Ambassador is no longer there.

I am especially concerned that we are now seeing additional anti-Israel statements in the Egyptian media in Egypt, and I think it is time that Egypt takes hold of this issue and does not permit this kind of inflammatory situation to continue.

The ball, as I say, is now in Egypt's court. It is up to them to play the game according to the rules of Camp David and to help bring peace to the Mideast in the real sense of the term.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. BROWN], which would strike $500 million in supplemental economic assistance for Egypt from the bill.

Mr. Chairman, I might otherwise hesitate to rise on the floor in defense of unauthorized appropriations, but I feel that an exception should be made in the case of Egypt, the target of this amendment, and for Israel and certain other projects contained in this title of the bill.

To speak directly to the amendment offered by the gentleman from Colorado, the funds appropriated for Egypt in this bill are for economic assistance. Any of my colleagues who have been to Egypt recently can attest not only to the depth of the poverty that exists in that country, but also to the great potential of that country and its people. The economic problems Egypt has been experiencing, and which the Egyptians have been overcoming through very rapid economic growth, result not only in human misery but also sow the seeds of political instability. A stable Egypt is crucial to the peace of the Middle East—not only because of Egypt's role in helping to end the Arab-Israeli conflict but also because of Egypt's importance in other arenas—its cultural leadership in the Arab world and its role in containing Libya. What would happen to American interests—to the interests of peace—if a Qadhafi- or Khomeini-like regime managed to install itself in Egypt? That is something we want to prevent.

This $500 million supplemental appropriation is not a bonus—but a response to a serious economic crisis that Egypt faces.

Mr. Chairman, both the bill before us and the Foreign Affairs Committee's report provide for directions to the U.S. Government to assure that any ESF funds we provide be directed toward helping the Egyptians reach a goal of economic self-sufficiency. I am confident that with the continued support of my colleagues we can help them reach that goal.

Turning for a moment to the other provisions of the bill, note that it provides for $1.5 billion in sorely needed economic assistance to Israel. This supplemental appropriation has been recommended by both the Foreign Affairs Committee and incorporated into the substitute to be offered by our ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD]. The committee stated it has approved this amount because of an urgent need for expeditious assistance to Israel in its emergency efforts to address its economic crisis. The U.S. Government should continue to work with our allies in the Mideast, both Israel and Egypt, to find ways—other than the direct provision of funds—to help them out of their economic crisis.

I supported the $1.5 billion supplemental in authorization form and I am pleased to support it here today. Israel has been plunged into a crisis of high inflation and resulting economic weakness because of a combination of factors, some of which are beyond the immediate control of the government, others of which the Israeli Government is attempting to get a handle on. These will be difficult steps, but I have confidence that they will be undertaken.

And let us bear in mind that these expenditures are an investment for peace in the Middle East—far less costly than our financing any U.S. military initiative in the Middle East, in the event of the outbreak of any hostility.

Accordingly, Mr. Chairman, I urge the defeat of the pending amendment and the passage of this needed supplemental appropriation.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, the committee report says, very interestingly, at one point:

> The Committee recognizes the severity of Egypt's economic difficulties and believes that supplemental assistance can help Egypt overcome its pressing economic problems.

One has to wonder whether the committee recognizes the economic problems of this country. That is the real question in the Brown amendment.

We are talking $500 million here. That is a big chunk of cash. It is being paid for with American taxpayers' money. What are the American taxpayers getting for their money? What is Egypt going to use the money for?

The committee says in the report that Egypt is going to use these funds to address its economic problems, and these economic problems include the rising international debt burden. Sound familiar? The need for significant structural reforms. Sound familiar? And pressing economic development requirements. Sound familiar?

It seems to me that the precise things that we say that we are sending $500 million to Egypt for are things that American taxpayers would like to see some interest about in this particular body. We are talking about spending virtually all of the tax dollars contributed to this government by 143,000 American families. We are going to take all of the tax mony contributed by 143,000 American families and send it to Egypt.

We are already sending to Egypt all of the money contributed by 572,000 American families. In other words, if you put those two together, all of the tax money being paid by several congressional districts in this country is already going to Egypt, and we are proposing to spend even more.

I think that is a clear question. It seems to me that in defending spending $500 million additional for Egypt, we have heard some awfully backward foreign policy arguments. We have heard, for instance, discussed on the floor here today that words speak louder than deeds; that our foreign policy options are based upon that; that if we write a letter to Mubarak, that is enough; that he will pay more attention to the fact that a few of us write him a letter than he will to the fact that we are sending him more money.

My guess is, when he gets the $500 million, he has to say, "All is forgiven," because that is the kind of action that people pay attention to. It is a little like the backwards foreign policy options that were the case with the SALT II yesterday by the administration: That somehow the Soviets are going to pay more attention to all of the tough language that was in the factsheet than they are to the fact that we are starting to dismantle our own defenses.

That kind of foreign policy just strikes me as being a little backwards. Here a week or so ago we got up all of our courage around here and literally cut off aid to the South Africans, or cut off all involvement with the South Africans, saying to the South Africans, "That is going to tell you that we are disgusted with you," and now we turn around and come back this week and suggest with that same kind of foreign policy option, that what we ought to say to Egypt is, "We are disgusted with you, too. We do not think you have been performing up to par, but we are going to give you 500 million bucks."

I just have to question whether or not that is what the American people think that this body should be doing. I question whether or not 143,000 American families want every dime that they will give to the American Government this year to go toward a bonus to Egypt. I question whether or not 572,000 American families want all of the money that they are now giving to Egypt to be paid out.

I think it is time to vote for this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, I had planned to make a speech on this. I am afraid I stand here kind of heavy hearted, but probably what I would have to say would not make a contribution one way or the other, so in order to provide some time for our friend who serves on the Appropriations Committee, I would rather revise and extend my remarks and reluctantly just sit down heavy hearted and yield my time to the gentleman from New York, MATT MCHUGH.

Mr. MCHUGH. I thank the gentleman very much for yielding his time to me, and I will be very brief.

Mr. Chairman, I think it is important to stress the point that the money that is in the pipeline, approximately $2 billion, is money which is not available to Egypt to deal with its current, immediate economic problem. There has been a legitimate question raised about the pipeline money and, indeed, if that money were available to Egypt to deal with the existing problem, then there would be no need to provide additional funding, and the argument for this amendment would certainly be sound.

But as has been stated previously by at least one or two speakers, the pipeline money is committed to long-term development projects which are very important to Egypt but which will take up that pipeline funding. The problem that is pending in Egypt arises from a number of unanticipated problems.

□ 1500

One of those problems relates to rising interest rates on indebtedness which has increased the debt burden on Egypt and can be said to be somewhat unanticipated.

Second, the oil revenue is down in Egypt, which, of course, has affected its current earnings.

Third, the use of the Suez Canal is less than anticipated because of the mining of the Suez Canal and the Red Sea, and it seems to me that is somewhat unanticipated as well.

There is no reason to provide any money to Egypt, however, unless we conclude that it is in the interest of the United States to do so, and I think other speakers have demonstrated very clearly that it is in the foreign policy, security, political interest of the United States in the Middle East to maintain a commitment to stability which inevitably involves a commitment to both Israel and Egypt, the two countries that have demonstrated very clearly and at some risk that they are committed to the peace process and they are committed to values and interests which are congruent to our own.

Mr. Chairman, it is for that reason that I suggest that we reject this amendment, and again I thank the gentleman from Oklahoma [Mr. WATKINS] for yielding.

Mr. WATKINS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, I thank the Chair for this opportunity to go through the amendment once more.

I will not belabor my colleagues with arguments that have already been made, but let me suggest that one of the deep concerns I think we all have is about bringing our budget back into line. This is a concern about American farmers who need to be put back in the market, a concern about American auto workers who need to have their jobs back, and a concern about Americans in all walks of life who are seeking a better way of life. Each and every one of us knows that getting a handle on our budget is critical to their economic future.

This Congress has acted. Almost every Member of this House has voted to freeze the NASA authorization for next year. Almost every Member of this House, in a tough vote, voted to freeze the National Science Foundation for next year. Almost every Member of this House has voted to freeze the Bureau of Standards. Almost every Member of this House voted to at least freeze the maritime program or eventually to reduce it. This House is mindful, I am sure, of the concern we all have to get this budget in line.

Let me suggest a couple of things. First of all, this supplemental is $2.7 billion over budget. This offers us an opportunity to reduce that by $500 million. What we are asked is whether or not those who are willing to put a freeze on Federal employees' salaries and those who are willing to freeze important domestic programs are then going to turn around and throw money to Egypt in a $500 million budget-busting amendment.

Mr. Chairman, all we are asking for is symmetry. We have done a good job. Let us not let the American people down now. Let us vote for this amendment. All it does is say that we are going to freeze the aid to Egypt at the $2.2 billion level we had already planned on in the budget document itself.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I cannot help but ask this question. I know it was indicated that the money that was being appropriated would help Egypt pay its debt or the interest on its debt. I am wondering, who is going to pay the $150 billion interest on our debt for this year only?

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman for his important point.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, the gentleman has been very gracious with his time, and I compliment him on his sincerity and his concern about the national debt and the economy. As he knows, I have a great regard for him.

But how are we going to build friends in this world if the United States won't act in partnership with nations who are willing to risk something to join in an alliance, de facto though it may be, toward that peace process that is so important to all of us? How are we going to have access in the Middle East, the Mediterranean, the Red Sea, and other places if we do not have the cooperation of countries like Egypt?

This is one of the choke points, one of the strategic waterways of the whole world. I am not suggesting that Egypt has been perfect in its interna-

tional behavior or domestic policies, but I think it is ill-advised to oppose needed assistance when the Egyptians have taken great risks to join the United States in working out some peace process, far from perfect though it may be. Anwar Sadat lost his life gambling on peace. President Mubarak is taking a great risk in being a friend of the United States and of peace.

We are trying to bring King Hussein as well as the leaders of other moderate nations into the peace process to the advantage of Israel, its neighbors, and the United States. I think it is unhelpful intemperately to criticize Egypt when Egypt's support is so important to achieving our objective in the Middle East.

So I would ask my colleagues to please keep their rhetoric as responsible as possible because it is in this Nation's interest to have Egypt with us and not against us and not allied with the Soviet Union. Egypt kicked all of the Soviet Union's KGB agents and troops out a few years ago. They have taken some big risks in the interests of peace.

I believe that President Mubarak is pro-West and pro-Camp David, despite the statements to the contrary. I do not agree with Egypt's U.N. voting record, but nonetheless they are a moderating influence in an area of the world where extremism daily threatens the lives of our citizens and friends.

Mr. Chairman, I would hope that we would roundly, soundly defeat this amendment, even though it may have been offered in good spirit.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, the administration did not ask for this money gratuitously. They asked for it for one simple reason. We are a world leader. Thank God, we, not the Soviet Union, are the great power which is trusted on both sides in the Middle East today, and we would kind of like to keep it that way.

I had an interesting conversation with the editor of Izvestia 2 years ago in Moscow. He was giving me a great lecture about U.S. foreign policy failings in the Middle East, and when he got finished, I said, "Well, sir, you are pretty good at analyzing our potential weaknesses. Tell me, why do you think the Egyptians kicked you out of their country?"

And he said, "Well, of course, you understand Mr. Sadat was an alcoholic and he was a drug addict." He went into this wild personal attack on President Sadat. To me it was just another illustration of Soviet frustration because we have been able to serve as the principal mediator in the area over the last 15 years and they have not.

I submit there is nothing that you can do that would change that more quickly than to pass this amendment today. The key question is not whether we are unhappy with Egypt's removal of its Ambassador on a temporary basis, the key question is not whether we like the Egyptian votes at the United Nations. The key question is whether the United States is going to be able to play the role of a major power in mediating between both sides in the Middle East, and this effort crafted by the administration is meant to assure that we do continue in that role.

As I said before, I have a lot of disagreements with this administration in a lot of areas, but the one place where they have done an excellent job is in the Middle East, and we ought not to muck it up by changing this request today. As the gentleman from New York said, this effort for peace cost Mr. Sadat his life.

□ 1510

Is not that enough? Is not that enough of an investment in the future to be made by that country? Do not we all have to remain partners in that tripartite process? How do we persuade Hussein? How do we persuade any Palestinian elements who might be interested to enter into a process that will lead to an expansion of Camp David?

You do not do it by adding $1.5 billion to Israel's aid this afternoon and eliminating the request the administration made for Egypt's aid. You do it by recognizing that the United States needs a relationship not only with Israel, but with other Arab partners as well. A great power cannot just play one card. We have to stick with our friend, Israel, but we also have to cultivate other relationships and encourage other sensible conduct which is what the administration is trying to do.

I would urge you in the interest of furthering an administration policy which I believe to be right on target to oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. BROWN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of Colorado. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, noes 314, not voting 9, as follows:

[Roll No. 148]

AYES—110

Anderson	Boulter	Cheney
Applegate	Breaux	Coats
Archer	Brown (CO)	Cobey
Bates	Broyhill	Coble
Bereuter	Burton (IN)	Combest
Bilirakis	Chappie	Craig
Crane	Hubbard	Rudd
Dannemeyer	Hunter	Schaefer
Darden	Jacobs	Schroeder
Daub	Jenkins	Schuette
Davis	Kastenmeier	Sensenbrenner
DeLay	Kindness	Shumway
Dickinson	Kleczka	Shuster
Donnelly	Kolter	Smith (NE)
Dreier	Kramer	Smith (NH)
Dyson	Lightfoot	Smith, Denny
Early	Lloyd	Smith, Robert
Emerson	Lott	Snyder
English	Lujan	Solomon
Evans (IA)	Marlenee	Stenholm
Fiedler	Martin (IL)	Strang
Fields	McCandless	Stump
Franklin	McCollum	Sundquist
Gaydos	Miller (OH)	Swindall
Goodling	Monson	Tallon
Gordon	Montgomery	Tauke
Gradison	Murphy	Tauzin
Gray (IL)	Nielson	Taylor
Gregg	Pashayan	Thomas (CA)
Hall, Ralph	Petri	Valentine
Hansen	Ray	Vucanovich
Hartnett	Ritter	Walker
Hefner	Roberts	Watkins
Henry	Robinson	Whittaker
Hiler	Roemer	Whitten
Hillis	Rogers	Wyden
Hopkins	Roth	

NOES—314

Ackerman	de la Garza	Holt
Addabbo	Dellums	Horton
Alexander	Derrick	Howard
Andrews	DeWine	Hoyer
Annunzio	Dicks	Huckaby
Anthony	Dingell	Hughes
Armey	DioGuardi	Hutto
Aspin	Dixon	Hyde
Atkins	Dorgan (ND)	Ireland
AuCoin	Dornan (CA)	Jeffords
Badham	Dowdy	Johnson
Barnard	Downey	Jones (NC)
Barnes	Duncan	Jones (OK)
Bartlett	Durbin	Jones (TN)
Barton	Dwyer	Kanjorski
Bateman	Dymally	Kaptur
Bedell	Eckart (OH)	Kasich
Beilenson	Eckert (NY)	Kemp
Bennett	Edgar	Kennelly
Bentley	Edwards (CA)	Kildee
Berman	Edwards (OK)	Kolbe
Bevill	Erdreich	Kostmayer
Biaggi	Evans (IL)	LaFalce
Bliley	Fascell	Lagomarsino
Boehlert	Fawell	Lantos
Boggs	Fazio	Latta
Boland	Feighan	Leach (IA)
Boner (TN)	Fish	Leath (TX)
Bonior (MI)	Flippo	Lehman (CA)
Bonker	Florio	Lehman (FL)
Borski	Foglietta	Leland
Bosco	Foley	Lent
Boucher	Ford (MI)	Levin (MI)
Boxer	Ford (TN)	Levine (CA)
Brooks	Fowler	Lewis (CA)
Broomfield	Frank	Lewis (FL)
Brown (CA)	Frenzel	Lipinski
Bruce	Frost	Livingston
Bryant	Fuqua	Loeffler
Burton (CA)	Gallo	Long
Bustamante	Garcia	Lowery (CA)
Byron	Gejdenson	Lowry (WA)
Callahan	Gekas	Luken
Campbell	Gephardt	Lundine
Carney	Gibbons	Lungren
Carper	Gilman	Mack
Carr	Gingrich	MacKay
Chandler	Glickman	Madigan
Chappell	Gonzalez	Manton
Clay	Gray (PA)	Markey
Coelho	Green	Martin (NY)
Coleman (TX)	Grotberg	Martinez
Collins	Guarini	Matsui
Conte	Gunderson	Mavroules
Conyers	Hall (OH)	Mazzoli
Cooper	Hamilton	McCain
Coughlin	Hammerschmidt	McCloskey
Courter	Hatcher	McCurdy
Coyne	Hayes	McDade
Crockett	Heftel	McGrath
Daniel	Hendon	McHugh
Daschle	Hertel	McKernan

McKinney	Pursell	St Germain
McMillan	Quillen	Stallings
Meyers	Rahall	Stangeland
Mica	Rangel	Stark
Michel	Regula	Stokes
Mikulski	Reid	Stratton
Miller (CA)	Richardson	Studds
Miller (WA)	Ridge	Sweeney
Mineta	Rinaldo	Swift
Mitchell	Rodino	Synar
Moakley	Roe	Thomas (GA)
Molinari	Rose	Torres
Mollohan	Rostenkowski	Torricelli
Moody	Roukema	Towns
Moore	Rowland (CT)	Traficant
Moorhead	Rowland (GA)	Traxler
Morrison (CT)	Roybal	Udall
Morrison (WA)	Russo	Vander Jagt
Mrazek	Sabo	Vento
Murtha	Savage	Visclosky
Myers	Saxton	Volkmer
Natcher	Scheuer	Walgren
Neal	Schneider	Waxman
Nelson	Schulze	Weber
Nowak	Schumer	Weiss
O'Brien	Seiberling	Wheat
Oakar	Sharp	Whitehurst
Oberstar	Shaw	Whitley
Obey	Shelby	Williams
Olin	Sikorski	Wirth
Ortiz	Siljander	Wise
Owens	Sisisky	Wolf
Oxley	Skeen	Wolpe
Packard	Skelton	Wortley
Panetta	Slattery	Wright
Parris	Slaughter	Wylie
Pease	Smith (FL)	Yates
Penny	Smith (IA)	Yatron
Pepper	Smith (NJ)	Young (AK)
Perkins	Snowe	Young (FL)
Pickle	Solarz	Young (MO)
Porter	Spence	Zschau
Price	Spratt	

NOT VOTING—9

Akaka	Hawkins	Staggers
Clinger	McEwen	Weaver
Coleman (MO)	Nichols	Wilson

□ 1520

Messrs. DONNELLY, HILER, KRAMER, and COATS changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1530

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words in order to engage in a colloquy with the gentleman from Wisconsin Mr. [OBEY], the Chairman of the Appropriations Subcommittee on Foreign Assistance.

Mr. Chairman, there has been concern expressed to me by individuals who have worked with the Egyptian Aid Program over several years with the provision of a large cash transfer totaling some $500 million included in this bill. They argue and I am inclined to agree that we should set aside at least some of these funds for Project AID.

I wonder if the chairman could address this question.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the chairman of the subcommittee.

Mr. OBEY. I thank the gentleman for yielding.

Let me simply point out that this is an emergency assistance program to meet unique requirements which are brought about by major foreign debt problem. That is why in this case we proceeded on a cash transfer basis, because it was the judgment of the administration that it was essential in this instance, given the special nature of the circumstances.

Mr. DICKS. It is the intention of the committee that by proceeding in this manner we are indicating that this is the way we should normally provide such economic assistance?

Mr. OBEY. No. This action does not provide in any way prejudice future conduct by the committee or future provision of funds. It is simply meant to deal with the specific problem at hand at this time.

Mr. DICKS. Mr. Chairman, I would hope that efforts will be made to ensure that at least a portion of the regular currencies generated by this assistance will be used to undertake reforms or development activities by the Egyptians that would not otherwise be undertaken. Does the chairman support such an effort in general terms?

Mr. OBEY. I certainly would.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AFRICAN DEVELOPMENT FOUNDATION

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D85-40 relating to the African Development Foundation, as set forth in the message of February 6, 1985, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

The CHAIRMAN. The Clerk will read beginning with chapter VI.

The Clerk read as follows:

CHAPTER VI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1), is further reduced in fiscal year 1985 by not more than $23,367,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1985 (Public Law 98-371, 98 Stat. 1213, 1216), $75,000,000 are rescinded: *Provided*, That any balances of appropriations made available under such heading in such Act shall, notwithstanding the provisions of section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g), remain available for obligation for the fiscal year ending September 30, 1986, and shall be used by the Secretary for fiscal year 1986 requirements in accordance with section 9(a) of such Act, as amended.

URBAN DEVELOPMENT ACTION GRANTS

Language under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1985 (Public Law 98-371), is amended by striking out the first colon and all that follows and inserting in lieu thereof a period.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

(RESCISSION)

Of available funds under this head, $6,919,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,000,000, to remain available until September 30, 1986: *Provided*, That these funds shall be available only for activities authorized by the Cigarette Safety Act of 1984 (Public Law 98-567).

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,000,000.

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of available funds under this head, $4,125,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $15,000,000, to remain available until September 30, 1986.

CONSTRUCTION GRANTS

Language under this heading in Public Law 98-396 is amended by deleting "an operable sewage treatment facility at or adjacent to San Diego, California for the purpose only of intercepting and treating" and inserting in lieu thereof "a treatment works to address".

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $786,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(RESCISSION)

Of available funds under this head, $1,287,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

(RESCISSION)

Of available funds under this head, $63,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

Language under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1985 (Public Law 98-371), is amended by deleting "including $155,500,000 for a space station, of which $5,500,000 shall be

made available from prior year appropriations: *Provided,"* and inserting in lieu thereof "including $150,000,000 for space station, to be combined with $5,500,000 to be made available from prior year appropriations for a total of $155,500,000: *Provided,* That the $5,500,000 so identified shall be in addition to $2,422,600,000 appropriated for Research and Development for fiscal year 1985: *Provided further,".*

RESEARCH AND PROGRAM MANAGEMENT

(RESCISSION)

Of available funds under this head, $6,000,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Of available funds under this head, $1,000,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

DEPARTMENT OF THE TREASURY

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $90,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $175,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $44,200,000, to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

(RESCISSION)

Of available funds under this head, $150,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(RESCISSION)

Of available funds under this head, $2,109,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

GENERAL OPERATING EXPENSES

(RESCISSION)

Of available funds under this head, $2,000,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

CONSTRUCTION, MINOR PROJECTS

(RESCISSION)

Of available funds under this head, $377,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter 6 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter VI?

Are there any amendments to chapter VI?

The Clerk will read.

The Clerk read as follows:

CHAPTER VII

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING RESCISSION)

For an additional amount for "Management of lands and resources", $45,000,000.

Of available funds under this head, $2,900,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

OREGON AND CALIFORNIA GRANT LANDS

(RESCISSION)

Of available funds under this head, $350,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

WORKING CAPITAL FUND

(RESCISSION)

Of available funds under this head, $2,951,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING RESCISSION)

For an additional amount for "Resource management", $1,200,000.

Of available funds under this head, $1,900,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

CONSTRUCTION AND ANADROMOUS FISH

(RECISSION)

Of available funds under this head, $40,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Operation of the national park system", $9,560,000.

Of available funds under this head, $4,300,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

CONSTRUCTION

(RESCISSION)

Of available funds under this head, $397,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1985 by 16 U.S.C. 4601-10a is rescinded.

CONSTRUCTION (TRUST FUND)

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D85-45 relating to the Department of the Interior, National Park Service, "Construction (Trust fund)", as set forth in the message of February 6, 1985, as amended, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(RESCISSION)

Of available funds under this head, $1,269,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

(RESCISSION)

Of available funds under this head, $1,764,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

PAYMENTS TO STATES FROM RECEIPTS UNDER MINERAL LEASING ACT

Notwithstanding any other provision of law, in fiscal year 1985 moneys received from sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982), and rentals of the public lands under the provisions of the Mineral Lands Leasing Act of 1920, as amended, and the Geothermal Steam Act of 1970, which are not payable to a State or to the Reclamation Fund, shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d), prior to the crediting of such funds to miscellaneous receipts of the Treasury.

BUREAU OF MINES

MINES AND MINERALS

(DEFERRAL)

Of the funds appropriated and remaining available until expended under this head in the Act making continuing appropriations for the fiscal year 1985, and for other purposes (Public Law 98-473), $1,355,000 shall not become available for obligation until October 1, 1985.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For an additional amount for "Regulation and technology," $4,800,000.

ABANDONED MINE RECLAMATION FUND

(DEFERRAL)

Of the funds appropriated under this head in the Act making continuing appropriations for the fiscal year 1985, and for other purposes (Public Law 98-473), $3,233,000 shall not become available for obligation until October 1, 1985.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For an additional amount for "Operation of Indian programs", $19,818,000, and $4,900,000 which shall be derived by transfer from National Park Service, "National capital region arts and cultural affairs", such transferred funds to remain available for expenditure until September 30, 1986.

Of available funds under this head, $2,800,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

CONSTRUCTION

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D85-33 relating to the Department of the Interior, Bureau of Indian Affairs, "Construction", as set forth in the message of November 29, 1984, as amended, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

(DEFERRAL)

Of the funds appropriated under this head in Public Law 98-8, $3,000,000 shall not become available for obligation until October 1, 1985.

UTAH PAIUTE TRUST FUND

For an additional amount for "Utah Paiute trust fund", $50,000.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(INCLUDING RESCISSION)

For an additional amount for "Administration of territories", $1,994,000, to remain available until expended.

Of available funds under this head, $107,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of available funds under this head, $462,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of available funds under this head, $232,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL FOREST SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "National forest system", $61,247,000.

Of available funds under this head, $6,067,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

CONSTRUCTION

(INCLUDING RESCISSION)

For an additional amount for "Construction", $1,568,000, to remain available until expended.

Of available funds under this head, $961,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

LAND ACQUISITION

(RESCISSION)

Of available funds under this head, $68,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $38,925,000 of the proposed deferral D85-27A relating to the Department of Energy, "Fossil energy research and development", as set forth in the message of February 6, 1985, as amended, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

FOSSIL ENERGY CONSTRUCTION

(DEFERRAL)

Of the funds available for obligation under this head, $860,000 shall not become available for obligation until October 1, 1985.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(DEFERRAL)

Of the funds appropriated under this head in the Act making continuing appropriations for the fiscal year 1985, and for other purposes (Public Law 98-473), $181,000 shall not become available for obligation until October 1, 1985.

ECONOMIC REGULATION

(RESCISSION)

Of available funds under this head, $102,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

EMERGENCY PREPAREDNESS

(RESCISSION)

Of available funds under this head, $51,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

STRATEGIC PETROLEUM RESERVE

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D85-31A relating to the Department of Energy, "Strategic petroleum reserve", as set forth in the message of February 6, 1985, as amended, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

(DEFERRAL)

Of the funds appropriated under this head in the Act making supplemental appropriations for the fiscal year 1984, and for other purposes (Public Law 98-396), $156,000 shall not become available for obligation until October 1, 1985.

SPR PETROLEUM ACCOUNT

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D85-42 relating to the Department of Energy, "SPR petroleum account", as set forth in the message of February 6, 1985, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

ALTERNATIVE FUELS PRODUCTION

(DEFERRAL)

Of the funds available for obligation under this head, $23,000 shall not become available for obligation until October 1, 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

(RESCISSION)

Of available funds under this head, $161,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

GENERAL PROVISION

Notwithstanding any other act, none of the funds made available to the Department of the Interior or the United States Forest Service during fiscal year 1985 by this or any other act may be used to implement the proposed jurisdictional interchange program.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter VII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter VII?

Are there any amendments to chapter VII?

Mr. LIVINGSTON. Mr. Chairman, I want to commend the Interior Appropriations Subcommittee, and particularly the distinguished chairman, Mr. YATES, and my good friend the ranking member, Mr. REGULA, for the efforts and foresight to ensure the integrity of the strategic petroleum reserve.

By maintaining fiscal year 1985 funding for continued construction and maintenance of strategic petroleum reserve facilities, the subcommittee has preserved hundreds of jobs in south Louisiana and Texas.

Equally, and perhaps more important, I believe the subcommittee has significantly enhanced the energy independence and national security of our country.

Again, I thank Chairman YATES, Mr. REGULA, and the best of the Interior Subcommittee for disapproving the deferral of funding for construction and maintenance at all strategic petroleum reserve sites.

While I have concerns about indefinitely halting or even reducing the fill rate for the SPR, especially during a time of cheap oil availability, we must at least complete the construction and improvements scheduled for various sites, including Big Hill.

This can be accomplished and we can still realize substantial budget savings by reducing the fill rate, a recommendation this committee has already made. The General Accounting Office recently reported to Congress that the costs of developing SPR storage capacity—which are only 6 percent of total SPR costs—roughly $500 million over 5 years—are miniscule compared to the cost of buying SPR oil—over $8 billion.

I firmly believe that to withhold funding for facilities construction and improvements would be more costly in the long run, it would inflict another severe blow to the economy of south Louisiana and Texas, and it would severely impact the energy and security needs of our Nation.

The lead time in reopening and repreparing sites for oil storage is too long to leave until a national emergency is upon us. The loss of trained personnel will be very costly to replace and over 100 jobs have already been lost as a result of the fiscal year 1985 deferral proposals. In addition, the cost of placing the partially completed facilities on standby and then renovating them when they are subsequently needed must also be considered. Higher subsequent costs for construction, labor, and materials will certainly have to be paid by the Government and taxpayers. But more importantly, the time and expense of readvertising, rebidding, conducting contract negotiations, and for remobilizing the construction process will result in, at the very least, a delay of 1 whole year before facilities construction or improvements can begin again, let alone enabling us to start filling the reserves with oil again.

The General Accounting Office, in its recent comprehensive cost/benefit analysis of a range of SPR size scenar-

ios done for various House and Senate committees, made some important conclusions.

First, the moratorium on construction will cost millions of dollars that would not otherwise have been spent. It is estimated that up to $15 million would have to be spent to mothball and pay for electric power contracted for and not taken at the Big Hill site alone.

Second, the moratorium would mean that permits and warranties would expire and equipment would go untested at the Big Hill site.

Third, a moratorium is being proposed without study and analysis by the Department of Energy to support it. In fact, all DOE studies still support the 750 million barrel goal for SPR.

Finally, GAO has concluded that Big Hill would be the most reliable and cost effective site in the SPR system. Big Hill is the only site built by DOE specifically for SPR. Also, Big Hill currently is $150 million to $200 million under DOE's original cost estimates made 4 to 5 years ago. This is due in large part to the fact that oil and gas related construction costs in the region of Texas and Louisiana are running 20 percent to 30 percent below normal.

Without doubt, this is the time to proceed with construction of these reserve sites.

Mr. Chairman, most disturbing to me is the economic blow dealt to Louisiana and south Texas if facilities construction and improvement funding is eliminated. The six sites necessary for the eventual 750 million barrel reserve are all operating or under improvement and construction. Already $150 million—or 25 percent of the estimated cost of Big Hill—has been expended. As I mentioned earlier the deferral of fiscal year 1985 funds has already cost the south Louisiana and Texas region from 100 to 200 jobs. Conservative estimates by contractors now working on the various reserve sites estimate that the entire region will lose approximately 900 jobs as well as payrolls and purchases totaling over $100 million per year if facilities construction and improvements are not funded. Using the customary ratio of 6 to 1 to estimate the indirect economic impact of these losses, the real economic loss to our region could reach $600 million per year.

The loss of these jobs and income would be devasting to Louisiana, a State where unemployment remains above the national average and nearly every major industry in the State has yet to recover from the 1981-82 recession.

Mr. Chairman, the latest Energy Information Administration estimates reveal that the United States imported 34 percent of its total consumption in 1984. This compares to 37 percent at the height of the OPEC embargo in 1975, and 45 percent in 1978, the highest import year in recent history.

The Energy Information Administration forecasts that import consumption volumes will exceed the 1975 rate of 37 percent by next year, and the 1978 rate of 45 percent by 1990. Regardless of the source of these imports, these figures are very disturbing to anyone who believes that we should not be so dependent on unstable foreign oil supplies.

I urge the House to support the recommendations of this committee to disapprove the deferral of funds for the strategic petroleum reserve.

The Clerk will read.

The Clerk read as follows:

CHAPTER VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", from the Employment Security Administration Account in the Unemployment Trust Fund, $30,000,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to Social Security Trust Funds", not to exceed $3,500,000,000 to carry out activities authorized by section 217(g), to remain available until December 31, 1985.

LIMITATION ON ADMINISTRATIVE EXPENSES

For the "Limitation on administrative expenses", $10,000,000 for automatic data processing and telecommunications activities shall be derived from unobligated balances in the construction activity, to remain available until expended.

OFFICE OF HUMAN DEVELOPMENT SERVICES

HUMAN DEVELOPMENT SERVICES

For an additional amount for "Human development services", $6,000,000, for the Family Violence Prevention and Services Act (Title III of Public Law 98-457.)

FAMILY SOCIAL SERVICES

For an additional amount for "Family social services", $79,495,000, for parts A and E of title IV of the Social Security Act.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE HANDICAPPED

The $61,000,000 appropriated in the Department of Education Appropriation Act, 1985, Public Law 98-619, for part D of the Education of the Handicapped Act shall be available for obligation on October 1, 1984, and shall remain available until September 30, 1985: *Provided*, That $500,000 to support the 1985 International Winter Special Olympic Games shall be derived from the $14,635,000 provided for special demonstration programs for the severely disabled, section 311 of the Rehabilitation Act of 1973, in the Department of Education Appropriation Act, 1985, Public Law 98-619, for the Rehabilitation Services and Handicapped Research appropriation account.

EMERGENCY IMMIGRANT EDUCATION

Funds appropriated in Public Law 98-151 for carrying out Emergency Immigrant Education Assistance under title V of H.R. 3520 as passed the House of Representatives on September 13, 1983 (subsequently enacted under Public Law 98-511), shall remain available for obligation until September 30, 1986.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance", $287,000,000, which shall remain available until September 30, 1986, for carrying out subpart 1 of part A of title IV of the Higher Education Act.

GUARANTEED STUDENT LOANS

For an additional amount for "Guaranteed student loans", $720,346,000, to remain available until expended.

HIGHER EDUCATION

Of the funds appropriated in 1985 for title III of the Higher Education Act of 1965, as amended, $15,200,000 for the endowment grant program under section 333 shall remain available until September 30, 1986.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter VIII be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Are there any points of order against chapter VIII?

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order that occurs on page 62 beginning at line 23, on the grounds that it violates rule XXI, clause 2, regarding legislating on an appropriations bill. That particular paragraph extends the availability of funds through September 30, 1986, which is not authorized under existing law.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. NATCHER] desire to be heard?

Mr. NATCHER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky [Mr. NATCHER] will proceed.

Mr. NATCHER. As I understand the gentleman from Pennsylvania [Mr. WALKER] he objects to that portion of the bill beginning on page 62 at line 22, under the heading "Student Financial Assistance" which relates to Pell grants. Is that correct?

Mr. WALKER. If the gentleman will yield, the gentleman is correct.

Mr. NATCHER. Mr. Chairman, this provision in the bill is very much in order and in full compliance with the Rules of the House of Representatives. It provides, as the chairman well knows, for an additional amount for student financial assistance, $287 million, which shall remain available until September 30, 1986, for carrying out subpart 1 of part A of title IV of the Higher Education Act.

Now, Mr. Chairman, relates to Pell grant funding contained in the 1985 appropriation bill word for word. We, under this supplemental, increase it by

$287 million. It is not in violation of any rule of the House and is very much in order.

Mr. WALKER. Mr. Chairman, it is my belief that the availability until September 30, 1986 is not presently authorized and that that constitutes legislating in an appropriation bill and it is to that particular matter that my point of order goes.

The CHAIRMAN. The gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, with regard to Pell grants, sections 411(b)(4) (A) and (B) of title IV of the Higher Education Act (20 U.S.C. 1070(a)) provide that funds available for making payments under the Pell Grant Program shall remain available during the next suceeding fiscal year.

The annual appropriation for the Pell Grant Program is based on estimates of cost required to carry out the program established each year by authorizations and appropriations. Since the Pell Grant Program is forward funded, it is difficult to know in advance how much is required to meet the cost of the program for making payments for a particular academic year.

Since it is nearly impossible to know in advance the actual amount of the appropriation needed to allow the Secretary of Education to make Pell grant payments established by Congress, extended availability of funds is authorized by sections 411(b)(4) (A) and (B) to permit unobligated funds to carry forward to the next succeeding fiscal year.

In addition, Mr. Chairman, advance funding is authorized for all programs administered by the Secretary of Education by 20 U.S.C. 1223. Advance funding of education programs has been authorized since 1968. Most appropriations for education programs have been made on an advance funding basis since that time.

Mr. Chairman, with regard to certain programs administered by the Secretary of Education, 20 U.S.C. 3874 provides:

> Notwithstanding any other provision of law, unless expressly in limitation of this section, funds appropriated in any fiscal year to carry out activities under this chapter shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the succeeding fiscal year. (Public Law 97-35, title V, § 594, August 13, 1981, 95 Stat. 481.)

Mr. Chairman, for the foregoing reasons the point of order should be overruled.

□ 1540

The CHAIRMAN. Does the gentleman from Pennsylvania desire to respond further, or to withdraw his point of order.

Mr. WALKER. No, Mr. Chairman, I insist on my point of order, and let me make a couple of remarks with regard to the contention of the gentleman from Kentucky.

Mr. Chairman, the applicable authorization relating to this paragraph is section 411 of the Higher Education Act.

Subsections (b)(4) (A) and (B) of this section permit extended availability of funds only in limited circumstances, where there is an excess of funds over and above the amount needed to make payments in the current fiscal year.

The paragraph to which I raise an objection under rule XXI, clause 2, in no way limits the extended availability of the supplemental funds being provided to the circumstances required under section 411 of the Higher Education Act. The paragraph to which I object authorizes extended availability of funds regardless of whether the funds to remain available are in excess of the amount needed to make payments in the current fiscal year, and so exceeds the conditions under which extended availability is currently authorized, and so constitutes legislation on an authorization bill.

The law to which the gentleman from Kentucky refers does in fact do the things that the gentleman talks about; however, it is the question of extended availability of funds regardless of whether the funds to remain available are in excess of the amount needed to make payments.

In this case what we are doing is we are appropriating money up front, and then carrying that over, and that exceeds the authority of the law.

Let me also go to the question of the General Education Provisions Act.

Mr. Chairman, this section is not applicable to the situation at hand, section 412 of the General Education Provisions Act addresses itself to the situation where a school has received an allocation of funds from a Federal education program but has not spent all of those funds in the current fiscal year. Section 412 authorizes that school to retain the funds for another fiscal year.

The operative phrase in section 412 is "educational agencies or institutions." Extended availability is authorized only to educational agencies or institutions. Under Section 400A (a)(2)(C), "educational agency or institution" is defined as "any public or private agency or institution offering education programs." Obviously this does not include the U.S. Department of Education, since the Department does not offer education programs, but rather provides grants to institutions to offer education programs.

The paragraph to which I object under the rule does not limit itself to agencies or institutions offering education programs, but rather would authorize extended availability of funds to the U.S. Department of Education, and so exceeds the current authorization for extended availability on the books, and constitutes legislation on an appropriations bill.

The CHAIRMAN (Mr. BROWN of California). The Chair is prepared to rule.

The Chair has listened to the arguments very persuasively put forward by the gentleman from Pennsylvania and the statement of the gentleman from Kentucky, and the Chair is convinced that the provisions of title 20 United States Code section 3874 are broad enough in their application to support the extended availability of the funds in question, and accordingly the Chair overrules the point of order of the gentleman from Pennsylvania.

Are there points of order against this section?

Mr. MONTGOMERY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the distinguished gentleman from Mississippi, the very able chairman of the Appropriations Committee Mr. WHITTEN, and the distinguished ranking minority member of the committee Mr. CONTE, for getting this supplemental bill to the floor.

I would also like to express my appreciation, and that of the other members of the Committee on Veterans' Affairs, for the work of the chairman of the Subcommittee on HUD-Independent Agencies, Mr. EDDIE BOLAND, and the able ranking minority member of the subcommittee, Mr. GREEN, who once again show their deep commitment to our Nation's veterans as reflected in this supplemental.

All veterans are grateful for the support they have received from the Appropriations Committee. The bill under consideration today, H.R. 2577, is a perfect example of congressional action to preserve and maintain an adequate level of veterans' benefits and health care services.

The bill provides funding for the cost of living allowance increases which the Congress passed last year.

I am especially pleased with that part of the supplemental that would restore funds to cover increased pay costs for employees who provide medical care to veterans. The administration proposed that the VA absorb over half of the costs associated with the pay raise given employees effective January 1. The effect of this proposal is to cut employment in VA hospitals and nursing homes by nearly 2,100 people. During the past several weeks I have included in the CONGRESSIONAL RECORD descriptions of serious staffing and equipment shortages that currently exist at many VA hospitals.

I expressed my concern earlier this year to Mr. BOLAND and Mr. GREEN and am pleased with the action the subcommittee and the full committee have taken to make sure that the staffing level is adequate for the current fiscal year. Every VA hospital di-

rector has been informed of the action of the Appropriations Committee and they are most grateful for the support shown by the House.

In closing, Mr. Chairman, let me emphasize that the administration should recognize that Members of the House are together when it comes to meeting the health care needs of veterans. The message we want to convey to the administration is this. When the Congress appropriates a level of FTEE and resources for staffing of VA medical centers, we expect the agency to maintain that level. We intend to accept nothing less and we will hold the VA accountable if these funds are not spent in accordance with the wishes of the Congress.

I thank the committee for its action and am certain our Nation's veterans are equally grateful.

The CHAIRMAN. Are there any amendments to chapter VIII?

If not, the Clerk will read.

The Clerk read as follows:

CHAPTER IX

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Catherine S. Long, widow of Gillis W. Long, late a Representative from the State of Louisiana, $75,100.

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, officers and employees", $130,000.

COMMITTEE EMPLOYEES

For an additional amount for "Committee employees", $2,799,000.

ALLOWANCES AND EXPENSES

For an additional amount for "Allowances and expenses", $5,603,000.

JOINT ITEMS

OFFICIAL MAIL COSTS

For an additional amount for "Official mail costs", $11,853,000.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that chapter IX be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter IX?

Are there any amendments to chapter IX?

AMENDMENTS OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer three amendments, all of which go to the issue, and I ask unanimous consent that those three amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. WALKER: "On page 63 strike everything between line 17 and line 25 and strike everything between line 1 and line 4 on page 64."

"On page 80, strike everything between line 22 and line 2 on page 82."

"On page 83, strike everything between line 1 and line 13."

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes in support of his amendments.

Mr. WALKER. Mr. Chairman, these amendments go to my feeling that we ought to be very careful with this whole business of supplemental appropriations. It seems to me that one way to make the case that we should be careful about the business of supplemental appropriations is to look at our own situation.

The amendments that I have offered here strike the money from the supplemental appropriations bill that will go toward additional moneys for the House of Representatives and also for the Executive Office of the President.

It will save in total a little bit more than $30 million. Why am I doing it? I am doing it because I believe we have got a problem with this whole business of supplemental appropriations. I think supplemental appropriations are supposed to be to meet emergency needs of the Government.

The fact is that they have become a catchall for nearly everything imaginable, and the fact is that supplemental appropriations have been largely responsible for the fact that Congress, over the last 5 years, has exceeded its own budget by $157 billion.

Now it is that kind of spending that has gotten this Government and this country in trouble, and I suggest that we ought to get serious about looking at that kind of problem, a problem of overspending, and that one of the places that we ought to begin to get serious is with our own legislative shop.

Here, in this body, we will spend in the course of this legislative year, as a total, as a congressional appropriation, $1.5 billion. One and one-half billion dollars represents all of the tax money paid by 429,000 American families—429,000 American families are doing nothing but paying taxes to support the legislative branch.

It is my contention that out of that $1.5 billion that we ought to be able to find—we ought to be able to find enough money to take care of our supplemental needs without asking the taxpayers to pay more. Without going to an additional 8,600 families and saying, "We've gone over what we originally appropriated; now we're going to ask you to pay some more."

Because that is what the particular measures in this bill would do; they would go to 8,600 more families across this country and say, "Ante up, folks; Congress overspent what we thought we were going to need."

Now there are things in here that I am sure we are going to be told are absolutely essential; that we have got to take care of the pay raises, we have got to take care of the additional mailing costs, we have got to take care of all of these things which are heavily worthwhile items in order to keep this body running.

□ 1550

I think out of a $1.5 billion budget we ought to be able to do those things. And if the fact is we are not budgeting wisely enough to understand that we are going to have additional costs, then it raises a question.

Local governments back home do not have the luxury of doing this. I defy you to find very many local governments across this country who, after they have budgeted in a particular year, and after they have appropriated money for a particular year, can come back midyear and say, "Oh, we have made a mistake, folks," and so on; "we are going to have to raise your tax, we are going to have to do something in order to get some additional money."

But that is exactly what we are doing with regard to ourselves. I think that here is a place where we can say, "Let's not spend the $30 million, let's not spend a $30 million additional bill, let's not have $30 million of add-on spending here in the Congress; let's, at a time when we are facing a fiscal crisis in this country, find a way within our own budgets to meet this need."

And I would hope that we would be willing to do that. I would hope that we would be willing to find $30 million so that 8,600 more American families do not have to spend all of their money just to fund our add-on expenses. That is the issue here. And I think that if we are going to be responsible and responsive to what I hear the American people saying, at the very least, what we could do is cut back on what we do.

I must say that I have included, also, here the Executive Office of the President as a part of this measure, because it is not just us. It seems to me that the President ought to be sensitive to some of these kinds of things to and ought not be sending us supplemental requests if he does see a particular need for them and an emergency need. That does not exist.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendments.

Mr. FAZIO. Mr. Chairman, I rise in opposition to this amendment. I do so because we are serious in the legislative branch of Government, and we do a very thorough job of budgeting. We are talking about less than a $30 million supplemental to the regular fiscal 1985 bill of $1.5 billion appropriation. That is a 2-percent adjustment, which is brought about only because of the requirements that are forced upon us

by events that are beyond the immediate control of our committee.

I would like to take a few minutes, and I do not expect anyone else on our side to explain these facts, so I will beg the indulgence of my colleagues. I would like the Members to know that they have no reason to vote for this amendment, they can rest assured that we are acting with prudence in the legislative subcommittee and that we do not bring to the floor anything that is frivolous or that unnecessarily burdens the American family or taxpayer.

Let me cite the items that would be eliminated by this amendment. The $130,000 for the services of mail delivery personnel hired by the Postmaster; $2,799,000 for committee employees; $5,603,000 for official expenses of the Members; $11,853,000 for official mail costs of the House and the Senate.

I might add that, despite the gentleman's statement, several items are an emergency or unexpected. We did not appropriate funds for the postal rate increase of last February that were made by an independent entity, the Postal Rate Commission; we did not and cannot always predict the flow of mail into this institution that required the services of temporary postal employees. We must stay in communication with our constituents, and when the mail comes in, it must be answered.

We looked at these very carefully, all of these items proposed for deletion. We denied a number of items that were possible to defer to the next fiscal year or simply reject out of hand. The ones we allowed were placed in the bill because they are necessary and because they are needed to allow the House to operate efficiently.

Let me describe them: Salaries of officers and employees. We provide $130,000 for 17 temporary and 3 permanent employees approved for the Postmaster last October. These positions were approved by the House Administration Committee under their authority in title 2 of the U.S. Code. The people are already on board, and they have been for some time, handling the millions of pieces of mail that are sent to the House Members. The action has already taken place. We now have the responsibility of approving the salary money to make sure that these people are compensated for the effort they are putting forth. The workload justifies these new employees. The Postmaster had a 30-percent increase in incoming mail last year, from 153 million pieces in 1983 to over 200 million in 1984. I think with the tax bill this year, with the problems with the budget, we are going to see even more mail flowing into and out of this institution.

I know the gentleman who offered the amendment surely remembers the delays we all experienced last year in receiving mail from our constituents. The action in this bill was the solution to that problem.

Committee employees. We have in this bill $2.8 million for the staffs of the standing committees. All of us know that they are essentially the backbone of this institution. This funding is simply essential. It is needed to pay the costs of the staffs that are allowed under rule XI of the House to each standing committee.

Why do we need a supplemental? Because we simply underestimated the need in the original 1985 appropriation. As matters now stand, the committee employee account is funded at a level which is $30,000 below the actual expenditure in fiscal year 1984, the previous year. If we do not have the funds necessary to pay our committee employees we will have to lay off many of them. Some of them are our most experienced people. Or we will have to take other kinds of drastic and disruptive action. We would be cutting, as we all know, the muscle out of the legislative process.

Are we going to lay off the Ways and Means staff as they go through this comprehensive rewrite of our Tax Code? Are we going to avoid responsibility for passing a budget resolution with inadequate Budget staff? The Appropriations Committee has the responsibility of providing the funds to operate the entire Government. I do not think we are about to lay those people off.

We do not need to apologize to the American public for the relatively small amounts expended for our employees. Legislative branch salaries for our professional staff are far below those at OMB or in the Executive Office.

And I want to quote from the administration, because they have made this concession. The fact is on the record. OMB, in the submission of their budget to the Congress for 1986 said:

> • • • real budget authority per employee in House Clerk Hire accounts has fallen by 21 percent, as salary increases—and average starting salary levels—have fallen sharply behind overall inflationary trends since 1971.

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has expired.

(By unanimous consent, Mr. FAZIO was allowed to proceed for 5 additional minutes.)

Mr. FAZIO. They also said:

> "Correspondingly, House committee staff salary budget authority has on average fallen 24 percent while Senate committee staff average salaries have dropped in real terms by 18 percent.

We budget these accounts very closely, I might tell my colleague from Pennsylvania. If each committee spent the maximum allowed under rule XI, we would be spending far more, some $17 million more. As it stands, even with this supplemental, we are still underfunded in this account from the authorization level by some 30 percent.

And an even more important point: Our committees actually employ now about the same number of employees as they did in 1977, about 2,150 people. That is, 8 or 9 years later. The committees of the House are showing admirable restraint. We are not growing by leaps and bounds as some would have you believe.

Then we have the allowances for the Members, the expenses of running our offices, the official expenditures that we must make. We all know how telephone costs have increased, we know that rent and travel costs are up. I do not think, again, that we have been out of line in the appropriation of funds in this area. They are 22 percent less than authorized by the Administration Committee. Members' official allowances are underfunded by $21.1 million. In other words, the average Member only spends about 78 percent of their office allowance. I do not think we are overspending. I think we ought to be telling our constituents that we are saving dollars, not projecting an image that we are overspending for the benefit of some Members.

Official mail. We have the funding for franked mail at $11.9 million. This funding is justifiable, as I indicated, based on the responsibilities that are performed by the Franking Commission and by other entities in the House. We are responding to the Postal Service. They have told us they underestimated the need last year and that this additional appropriation is necessary. I have no reason not to believe them.

It is important that we stay in touch with our constituents through the mails. Are we not going to respond to their requests on case work, on the important rewriting of the tax bill, on Social Security or veterans benefit issues? I think we have to and we have to pay the mail bill.

Pay costs are very important, as well. Pay costs are important because they keep faith with the staff and employees who have already been given the 3.5 percent cost-of-living adjustment authorized by the President this past January. The gentleman's amendment would eliminate the funds for that cost-of-living raise.

I think it is important to note that the legislative branch portion of the bill has absorbed 54 percent of the additional costs of that pay increase. And I think that is important to underscore because we do in that context far better than the executive branch does. We are forcing the agencies and other entities in the legislative branch, not just the congressional operations of the House and Senate, but those other entities that serve us like the GAO, the Congressional Budget

Office, and so forth, we are forcing them to absorb the cost of the pay adjustment that we have made available to their employees by forcing them to reduce other areas of their budget. I think it is important that we understand that the $9.1 million that we are providing in the pay cost title is minuscule in light of the $4 billion necessary for the entire executive branch. They have only absorbed 34 percent of the cost of the additional pay while the legislative branch absorbed 56 percent.

□ 1600

I think it would be fair to conclude that this package is responsible as it treats the legislative branch. I would say also with respect to the gentleman's amendment as it relates to the Executive Office of the President, that we are only providing what the President requests. In the spirit of comity, the committee bill did not cut the Executive Office that is so important to the functioning of the Presidency.

I know that every Member in this Chamber will agree with me that the responsibilities of that office are tremendous; any reduction in funds could result in cutbacks in personnel or elimination of functions previously provided for by the Congress, and would be extremely disruptive to the President.

I am not going to participate in any partisan gamesmanship here; I think it is important that we fund, in respect for the Presidency the Chief Executive of this Government, the amount of money that was requested of us.

So I would urge that funds for the Executive Office of the President and for the legislative branch be enacted. I do not ask that the legislative branch be enacted at the level that was requested. We have made a significant reduction in those proposals. I do ask it for the Executive Office of the President and I do ask that the Members defeat the amendment.

The CHAIRMAN pro tempore (Mr. SHARP). The time of the gentleman from California [Mr. FAZIO] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. FAZIO. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, let me first of all say that I do think that the gentleman from California and his ranking Member from California do an excellent job of keeping track of the appropriations.

I just have the feeling though that in the supplemental appropriation we do have some areas that we could think about that go beyond the statement that the gentleman made. In the official mailing costs, for example, that item of $11 million, it is my understanding that a significant portion of that if not all of that could be absorbed if every Member of Congress sent out one less newsletter this year.

In other words, the sacrifice to us in order to lower the amount of spending by that much would be for everyone to send out one less mass mailing to their district; one less newsletter. It is simply my suggestion that we are not faced with exactly a dire emergency when we could respond to the situation by all of us deciding that we could get along with one less newsletter.

The gentleman well knows that I believe in that kind of communication with constituents too, to which he referred. But the question becomes whether or not we could not get by with one less newsletter in order to save somewhere around $11 or $12 million.

Mr. FAZIO. I happen to agree that we need to make some savings in the postal area. I have made that view clear in committee and I have talked to a number of my colleagues, some of whom are on the Franking Commission.

This is one of those nonpartisan no-no's around here that people do not like to talk about, and I certainly do not want to become bold and definite in my comments until I understand and feel a consensus building about how we might reach some of these postal cost containment proposals.

I am not going to, at this point, necessarily agree with the gentleman's statement, but I do think we have to find some ways to reduce or contain costs. Perhaps the best way to begin is through voluntary requests from our leadership, to make some savings in the postal area.

I would remind the gentleman that it is difficult for each Member to be treated equally in this area. Some of us have districts and constituents that are more communicative than others.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. FAZIO] has expired.

(By unanimous consent, Mr. FAZIO was allowed to proceed for 1 additional minute.)

Mr. FAZIO. We have committee memberships that will vary tremendously in the volume of mail with which we will be confronted. I can only cite again the Ways and Means Committee's burdens this year on the tax measure, as an example.

So it would be hard for me to generalize and agree with his amendment, but I think the gentleman makes a point that is worth considering in the future—not however in this meat-ax approach that places no limitation on any Member. It simply defers meeting our responsibilities.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment, not because I do not agree with the concerns expressed by my colleague from Pennsylvania [Mr. WALKER]. He and I share very strongly that objective of many Members of the House to get a handle on the rising costs of Government. I must say that many of the questions that he was raising here that BOB would have apply across the board in terms of Government have been very carefully been addressed by the work of this subcommittee.

I want to extend both my appreciation and my support for the chairman of the subommittee, Mr. FAZIO, who makes it his business to see that section by section in this portion of the bill we purposely underfund to keep pressure on the process. We underfund many of these accounts as much as 30 percent.

As a matter of fact, if you will take just the mail area as an illustration, we get our estimates regarding how much mail we might be required to use and the number of dollars involved approximately 2 years before the actual expenditure takes place. Little items do develop around here that change our expectations. For example, just about a week ago, in response to the President's address, relative to the tax bill, our colleague, DAN ROSTENKOWSKI, made an excellent presentation before the American public regarding the tax measure. We will remember for a long, long time his smiling at the American public and saying, "If you agree with me or you are concerned about this bill, just write Rosty. Send it to the Capitol and write Rosty."

He followed that, even better yet, "Write your own Member of Congress." We anticipate in the short time just ahead of us that probably that each Member will receive thousands of letters from concerned constituents as a result of that activity alone. That will very likely end up being paid for in a supplemental appropriation in the 1986 bill. We cannot anticipate that kind of explosion of public interest and concern about what is going on within their Federal Government.

Clearly, if the people are going to participate, clearly we want our membership to respond and communicate with them so that they can effectively interact with our process.

I must say, Mr. Chairman, beyond that a good deal of the difficulty we have here comes because of the fact that we purposely underfund some of our staff positions in the House. We do not want every committee slot automatically filled. The bill is designed to keep the pressure on. Indeed, in this supplemental we have funded only approximately 56 percent of the requests for supplemental. The balance of 44 percent, the individual agencies and committees are being

asked to absorb the growth and expected growths in their costs.

It is very clear, Mr. Chairman, that as we go about attempting to control the growth of the Federal Government the first place we should be willing to look it to the legislature itself. We need to lead the way in terms of cut, squeeze, and trim in this process. That is the job of this subcommittee report. As a matter of fact, I must say that between our staff and the bipartisan effort that takes place within our committee, we do lead the way. As a practical fact of life, if we are not willing to say we are going to be tough on our budgets as well, then how can we expect the rest of Government to do the same.

The $11.853 million which has been discussed relative to mail costs focuses upon our concern very well. Recently I have been given the questionable privilege of joining the Franking Commission to join people like my colleagues, BILL FRENZEL and Mr. UDALL of Arizona to see how we can best go about convincing both our leadership and our membership that maybe there are ways we can cut back the mail. Those cutbacks certainly should not be taking place in terms of our responsibility to respond to requests of our constituents.

On the other hand, it may be that the membership will decide in the future that this load is so great that perhaps we should trim in some of our own unsolicited mailing. That is a very controversial and difficult subject area, but we on the Franking Commission will be attempting to deal with it. The purpose of our trying to deal with it is to make certain that we continue in this subcommittee report to lead the way in terms of attempting to cut back the cost of our Federal Government.

Mr. Chairman, while I am sure all of us will agree with the fundamental thrust of the gentleman from Pennsylvania, in this case, the job has already been done, and I must say that from there I want to express my appreciation to Mr. WALKER for his very, very careful efforts in terms of holding down the cost of Government.

□ 1610

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendments, and I would like to specifically address the reductions in the Executive Office of the President.

My good friend, the gentleman from Pennsylvania is well intentioned with his amendment to control the growth in Federal personnel and spending. I agree that every agency of the Government should share equally in this effort to reduce the deficit, and the leaders of Government should set the example. However, the facts supporting the committee recommendation indicate that this amendment goes too far and may have unintended results.

The Executive Office of the President is unique in many ways among the agencies of the executive branch. Most importantly, in this case, the EOP is an extremely labor-intensive office. Most of the funds provided are used to pay either personnel costs or mandatory rent on office space. There is little, if any, discretionary spending. Therefore, major reductions in funding will surely affect the efficiency and effectiveness of this important function. And no one can dispute the fact that the duties and responsibilities of the President have increased over the years.

Yet, during the past few years under the Reagan administration, Executive Office funding for all categories has decreased by 13 percent in real terms since 1980. This reduction has occurred despite mandated GSA rent increases of 124 percent and personnel costs-of-living increases of 22 percent over the same period. This funding restraint is especially significant in view of the fact that these two items constitute over 73 percent of the EOP budget.

In terms of personnel, permanent positions within the Executive Office of the President have decreased by 261 or 16 percent since 1980.

Similarly, funding for discretionary items has decreased in real terms by $3.5 million over the same period.

The fiscal restraint shown over the years in the budget for the Executive Office of the President is present in the supplemental request before the House today.

The six agencies of the Executive Office funded in this pay supplemental have been allocated only 50 percent of the amount required to fund the entire January pay raise. And what has not been mentioned is the fact that several agencies of the Executive Office were forced to absorb 100 percent of the pay increase.

The Council of Economic Advisers, the National Security Council and the Office of Policy Development were given no funds to make up the 3.5-percent pay increase. In fact, the total amount for the Executive Office pay supplemental is less than 1-percent increase in fiscal year 1985 funding for the EOP.

Let me just say in closing that it's not easy to vote increased funding for a Federal bureaucracy. But in this case, any further reduction in funding would result in personnel cutbacks and the curtailment of important functions mandated by law. The amendment will have a negative effect on the operations of the Executive Office of the President.

I urge the House to reject this amendment. Now that the gentleman from Pennsylvania [Mr. WALKER] has learned all this for the first time, I am sure he is not going to press his amendment.

The CHAIRMAN pro tempore (Mr. SHARP). The question is on the amendments offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALKER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 149]

ANSWERED "PRESENT"—416

Ackerman	Chappie	Fascell
Addabbo	Cheney	Fawell
Alexander	Clay	Fazio
Anderson	Coats	Feighan
Andrews	Cobey	Fiedler
Annunzio	Coble	Fields
Anthony	Coelho	Fish
Applegate	Coleman (TX)	Flippo
Armey	Collins	Florio
Aspin	Combest	Foglietta
Atkins	Conte	Ford (MI)
AuCoin	Conyers	Fowler
Badham	Cooper	Frank
Barnard	Coughlin	Franklin
Barnes	Courter	Frenzel
Bartlett	Coyne	Frost
Bateman	Craig	Fuqua
Bates	Crane	Gallo
Bedell	Crockett	Garcia
Beilenson	Daniel	Gaydos
Bennett	Dannemeyer	Gejdenson
Bentley	Darden	Gekas
Bereuter	Daschle	Gephardt
Berman	Daub	Gibbons
Bevill	Davis	Gilman
Biaggi	de la Garza	Gingrich
Bilirakis	DeLay	Glickman
Bliley	Dellums	Gonzalez
Boehlert	Derrick	Goodling
Boggs	DeWine	Gordon
Boland	Dickinson	Gradison
Boner (TN)	Dicks	Gray (IL)
Bonior (MI)	Dingell	Gray (PA)
Bonker	DioGuardi	Green
Borski	Dixon	Gregg
Bosco	Donnelly	Grotberg
Boucher	Dorgan (ND)	Guarini
Boulter	Dowdy	Gunderson
Boxer	Downey	Hall (OH)
Breaux	Dreier	Hall, Ralph
Brooks	Duncan	Hamilton
Broomfield	Durbin	Hammerschmidt
Brown (CO)	Dwyer	Hansen
Broyhill	Dymally	Hartnett
Bruce	Dyson	Hatcher
Bryant	Early	Hayes
Burton (CA)	Eckart (OH)	Hefner
Burton (IN)	Eckert (NY)	Heftel
Byron	Edgar	Hendon
Callahan	Edwards (CA)	Henry
Campbell	Edwards (OK)	Hertel
Carney	Emerson	Hiler
Carper	English	Hillis
Carr	Erdreich	Holt
Chandler	Evans (IA)	Hopkins
Chappell	Evans (IL)	Horton

Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1630

The CHAIRMAN pro tempore. Four hundred and sixteen Members have answered to their names, a quorum is present, and the committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Pennsylvania [Mr. WALKER] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that 5 minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 202, noes 217, not voting 14, as follows:

[Roll No. 150]

AYES—202

Andrews
Applegate
Archer
Armey
Badham
Bartlett
Barton
Bedell
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boner (TN)
Boulter
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Callahan
Campbell
Carper
Chandler
Chappie
Cheney
Coats
Cobey
Coble
Combest
Courter
Craig
Crane
Daniel
Dannemeyer
Daub
DeLay
DeWine
DioGuardi
Dorgan (ND)
Dreier
Duncan
Dyson
Early
Eckart (OH)
Eckert (NY)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fawell
Fiedler
Fields
Flippo
Franklin
Frenzel
Gallo
Gekas
Gingrich
Glickman
Goodling
Gordon
Gradison
Gregg
Grotberg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen
Hartnett
Heftel
Hendon
Henry
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jacobs
Johnson
Jones (OK)
Kanjorski
Kaptur
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCain
McCandless
McCollum
McCurdy
McKernan
McMillan
Meyers
Miller (OH)
Miller (WA)
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Nelson
Nichols
Nielson
Olin
Oxley
Packard
Pashayan
Penny
Petri
Porter
Pursell
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Rudd
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Slaughter
Smith (NE)
Smith (NH)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Strang
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Whittaker
Wise
Wortley
Wylie
Yatron
Young (FL)
Zschau

NOES—217

Ackerman
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Barnard
Barnes
Bateman
Bates
Bellenson
Berman
Biaggi
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Bruce
Bryant
Burton (CA)
Carney
Carr
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dymally
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes
Hefner
Hertel
Horton
Howard
Hoyer
Hyde
Jeffords
Jenkins
Jones (NC)
Jones (TN)
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lipinski
Long
Lowry (WA)
Luken
Lundine
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Mrazek
Murtha
Myers
Natcher
Neal
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Owens
Panetta
Parris
Pease
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Reid
Richardson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shelby
Sikorski
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Waxman
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams
Wirth
Wolf
Wolpe
Wright
Wyden
Yates
Young (AK)
Young (MO)

NOT VOTING—14

Addabbo
Akaka
Brown (CA)
Bustamante
Clinger
Coleman (MO)
Dornan (CA)
Ford (TN)
Hawkins
Martin (NY)
McEwen
Staggers
Weaver
Wilson

Mr. EDWARDS of Oklahoma changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

□ 1640

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 64, strike everything between line 1 and line 4.

Mr. WALKER. Mr. Chairman, this amendment need not take very long, but the Members may want to understand what it is.

Mr. Chairman, the House has decided by a fairly narrow vote that we did

not want to eliminate all of the money that was in there for the legislative appropriations. I think perhaps, though, the House may want to decide that what we will do is take out the money that is in the bill under a category called "Official Mailing Costs."

That is the frank. That is additional money for the frank that is in the bill. It is $12 million.

What this amendment does is it cuts out that money.

Why cut out that money? That is the equivalent, that is approximately the equivalent of all of us deciding that in these times of national financial emergency, when deficits are running big, that we ought to make the ultimate sacrifice and give up one newsletter for all of us.

In other words, the only sacrifice that this amendment would ask of us is that all of us maybe give up one newsletter in order to save $12 million and thereby maybe help a little bit in meeting the national problem of finances.

That is the essence of the amendment. You can save $12 million here by cutting out this particular spending. As I say, it is the equivalent of one newsletter apiece. I think maybe the American people might think that is a sacrifice that the Congress can make, and I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I did not expect such an amendment because it is clearly just a piece of mischief, and I mean no disrespect to its author.

I hope the Members understand what the gentleman has just said. He has quite honestly explained that the only way to comply with this, the effect of adopting his amendment is to reduce the amount of mail you send to your constituents.

Now, if indeed all the mail was generated from our side of the correspondence stream, that is something that would be within our control. But I think almost all of the Members would agree with me that the demands on you and your staff for responses now from citizens and organized groups of citizens, everybody has their computer, is greater than ever in the history of this country. And I do not think your constituents or mine would appreciate it if we gave them the excuse, "I would like to answer your letter but we decided that it is not important for us to send information to you anymore because we are going to balance the budget."

I do not think that is going to buy any votes and I do not think that they are going to look at it as anything except a dodge, as a way to keep from being responsive to them.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I will be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I just want to make the point to the membership that we are hardly cutting out our ability to send mail out under this particular amendment. There are millions of dollars in the regular appropriation for the frank, and we are cutting out with this amendment add-on franking money.

I think that is a sacrifice we can afford to make, and I thank the gentleman for yielding.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

I would like to explain the situation we are in, because it is very easy to get caught up in the emotion of the moment and perhaps adopt an amendment that will not make sense in retrospect.

First of all we are not voting here on whether or not the Members mail one less newsletter. That is not the decision before us. It is not the amendment. We are not in a position to govern how many newsletters Members send.

Second, we are here for one major reason, and that is that we did not have the foreknowledge, any more than we knew the exact amount of the January cost-of-living adjustment when we adopted the legislative bill last June, to anticipate what the Federal Postal Commission would require us to reimburse them for the cost of handling our mail. We had a rate increase this past February, remember? The Members should be aware that the rate increase that impacted our constituents also impacted our mail.

So it is necessary for us to provide additional funding to pay these additional postage costs and for the increasing amount of mail that we are responsible for answering.

We have seen increases of 30 percent in our incoming mail from 1 year to the next, and if you do not think this is going to be one of those years, in light of the tax bill that is before us, in light of the variety of budget cuts that we are being asked to deal with, if you do not think this is going to be one of those years in which the incoming mail increases in volume, you are going to be very wrong.

I would urge the Members to keep in mind that this is the responsible way to handle this job. I do believe there are some economies that can be made in the postal area. I am working with our leaders, with the members of the Franking Commission, to find out how we can go about doing that in a rational way.

But each of us have different districts, different committee assignments. We are not in a position to be treated equally, unless we can come up with some sort of a formula related to population or registration or a number of other factors.

The Ways and Means Committee is going to get far more mail than other committees with less important legislation in this particular fiscal year. Other committees and all the Members will feel the pressures of the additional mail and constituent interest.

I would urge the Members to think about the fact that they have found it very helpful for them to communicate with their constituencies and in more and more cases in response to pressure from them. That is what this mail money is for.

I would urge a responsible no vote on this very, very impetuous amendment.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I will be happy to yield to the gentlewoman from Ohio.

Ms. OAKAR. Is it your understanding that the thrust of this amendment is to inhibit us from responding to our constituents? Is that correct?

Mr. FAZIO. Absolutely; there is no question that will be the effect, and it will fall unevenly among the Members, and I think that is the most pernicious aspect of the amendment.

Ms. OAKAR. I think that our people in this country want to have a closer tie with what we are doing, not to be cut off from communications. So I certainly support a no vote on this amendment.

Mr. FAZIO. I think many Members have decided it is useful to use the television cameras here in the Chamber, and that can be an expensive proposition as well.

Ms. OAKAR. That is a very expensive proposition.

Mr. FAZIO. I think that the time honored and traditional approach of using the mail is what we should sustain.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Is it not true that the volume of incoming mail which we ought to be responding to has increased by 30 percent?

Mr. FAZIO. Those are the statistics that I put in the RECORD when we took the bill up initially. A 30-percent increase is a sizable increase and we can anticipate more. It would be irresponsible for us not to be in a position to respond.

I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to strike the requisite number of words.

I think it is very important that the Members understand precisely what this amendment would do. Mr. Chairman, this amendment is designed to

strike $11,853,000 from the supplemental appropriation bill from our mailing costs.

□ 1650

Now Members we should understand that the mailing we are talking about is the mailing we have already done, that we finished mailing as of December 1984. The gentleman [Mr. WALKER] is suggesting we have already sent the mail so it is OK to cut the supplemental out. I understand where the gentleman from Pennsylvania is coming from, but it seems to me if he is serious about this that he would address himself to the 1986 budget year, design a bill that would say that "you and others cannot mail as much as you want," if he likes. But I would point out that in 1986, for example, I mentioned in the general debate, in 1986 as a result of that quote on television "Write to Rosty" we will probably receive millions more letters next year and we cannot anticipate what that load will be 2 years ahead of time. Therefore the supplemental process in this bill.

The gentleman's objective is to suggest that we ought to reevaluate what we are doing with the mail in this House. Frankly, I have just become a member of the Franking Commission and the reason for being there is to try to join with people like our colleague, Mr. UDALL of Arizona, to see if we can get a handle on this thing. But please recognize that we do have a responsibility to pay the bills for the services we have already demanded. Indeed, the mail load was much higher last year than we anticipated in 1983. We have to pay for those bills for the mail already sent. So I ask for a no vote on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN pro tempore. Are there further amendments to chapter IX?

The Clerk will read.

The Clerk read as follows:

CHAPTER X

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

The "Limitation on working capital fund" is reduced to $65,470,000.

COAST GUARD

ALTERATION OF BRIDGES

For an additional amount for "Alteration of bridges", $8,400,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

Notwithstanding any other provision of law, the Secretary of Transportation shall hereafter, in consultation with appropriate law enforcement and other agencies, reexamine immediately the fitness of any carrier which has violated laws and regulations of the United States pertaining to the illegal importation of controlled substances or has failed to adopt available measures to prevent the illegal importation of controlled substances into the United States aboard its aircraft, and shall, where appropriate, suspend, modify, or revoke the certificate of public convenience and necessity or foreign air carrier permit of such carrier.

The Administrator of the Federal Aviation Administration shall not implement or enforce Federal Aviation Administration Order numbered 6850.26A or any other order establishing national policy for Federal funding of visual glideslope indicators until such time as the Administrator has published notice in the Federal Register and has provided adequate opportunity for public comment concerning a national policy for Federal funding of such indicators.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of available funds under this head, $10,000,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

The limitation on General operating expenses is reduced to $204,452,000.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For an additional amount for "Railroad-highway crossings demonstration projects", to remain available until expended, $5,300,000, of which $3,533,333 shall be derived from the Highway Trust Fund.

MOTOR CARRIER SAFETY

(RESCISSION)

Of available funds under this head, $164,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(RESCISSIONS)

Of available funds under this head, $808,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

Of available funds under this head for the purposes of carrying out a national program to encourage the use of automobile safety belts and passive restraints, $7,500,000 or so much thereof as may be available on May 2, 1985, is rescinded.

HIGHWAY TRAFFIC SAFETY GRANTS

(RESCISSION)

Of available funds under this head, $250,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

Of available funds under this head, $170,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

RAIL SERVICE ASSISTANCE

(INCLUDING RESCISSION)

For an additional amount for "Rail service assistance", $60,281,000, to remain available until expended, for payment to the Secretary of Treasury for debt reduction, together with such sums as may be necessary for the payment of interest due to the Secretary of Treasury under the terms and conditions of such debt.

Of available funds under this head, $90,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SETTLEMENTS OF RAILROAD LITIGATION

For the settlement of promissory notes pursuant to section 210(f) of the Regional Rail Reorganization Act of 1973 (Public Law 93-236) as amended, $4,233,000 to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of Treasury under the terms and conditions of such notes.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of available funds under this head, $200,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

RAILROAD REHABILITATION AND IMPROVEMENT

FINANCING FUNDS

The limitation on total commitments to guarantee new loans pursuant to section 511 through 513 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, is increased to $6,500,000 of contingent liabilities for loan principal during fiscal year 1985.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The limitation on administrative expenses is reduced to $1,792,000.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for "Research and special programs", $425,000, to be derived by transfer from "Payments to air carriers, Department of Transportation".

RELATED AGENCIES

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,150,000.

PANAMA CANAL COMMISSION

CAPITAL OUTLAY

(TRANSFER OF FUNDS)

For an additional amount for "Capital outlay", $2,220,000 to be derived from "Operating expenses" and to remain available until expended.

PAYMENTS TO THE REPUBLIC OF PANAMA

(TRANSFER OF FUNDS)

For payment to the Republic of Panama, pursuant to article XIII, paragraph 4(c) of the Panama Canal Treaty of 1977, $2,186,000 to be derived from "Operating expenses".

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter X be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order against chapter X?

Are there any amendments to chapter X?

The Clerk will read.

Mr. CONTE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The Chair has asked if there are any amendments to chapter X.

Hearing no requests, the Clerk will read.

Mr. CONTE. Reserving a point of order, the gentleman from Pennsylvania [Mr. WALKER] wanted to reserve a point of order on page 65, I believe, on the bottom there.

The CHAIRMAN pro tempore. Would the gentleman from Massachusetts indicate what he is trying to indicate to the Chair?

Mr. CONTE. The gentleman from Pennsylvania [Mr. WALKER] made a request.

Mr. WALKER. Mr. Chairman, I have a point of order on page 65.

Mr. LEHMAN of Florida. Mr. Chairman, I think that chapter has been passed already.

The CHAIRMAN pro tempore. The gentleman from Florida is making the point of order that the chapter has already been passed in the reading and that no one raised a timely point of order; is that the gentleman's point of order?

Mr. LEHMAN of Florida. It is, Mr. Chairman.

The CHAIRMAN pro tempore. Does anyone contest that point?

If not, the Chair will sustain the gentleman's point of order.

The Clerk will read.

The Clerk read as follows:

CHAPTER XI

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $969,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $75,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", $10,000,000.

Of available funds under this head, $972,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INTEREST ON UNINVESTED FUNDS

For "Interest on uninvested funds" for a deficiency incurred in 1984, $5,000: *Provided*, That any funds refunded by the American Printing House for the Blind, as a result of an accidental overpayment to the Printing House of $5,000 in 1984, shall be returned to the General Fund.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", $1,900,000.

Of available funds under this head, $397,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", $2,800,000, including purchase of thirty motor vehicles for police-type use.

Of available funds under this head, $1,223,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

CUSTOMS FORFEITURE FUND

For necessary expenses of the Customs Forfeiture Fund, not to exceed $6,000,000, as authorized by Public Law 98-473 and Public Law 98-573, to be derived from deposits in the Fund.

CUSTOMS SERVICES AT SMALL AIRPORTS

Such sums as may be necessary for expenses of the provision of Customs services at certain small airports designated by the Secretary of the Treasury, including expenditures for the salaries and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports, and to remain available until expended.

BUREAU OF THE MINT

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $87,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

(RESCISSION)

Of available funds under this head, $52,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $198,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

PROCESSING TAX RETURNS AND EXECUTIVE DIRECTION

(RESCISSION)

Of available funds under this head, $781,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

EXAMINATIONS AND APPEALS

(RESCISSION)

Of available funds under this head, $1,588,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

(INCLUDING RESCISSION)

For an additional amount for "Investigation, collection and taxpayer service", $2,400,000, including purchase of twenty-five motor vehicles for police-type use.

Of available funds under this head, $1,633,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL TAX LIEN REVOLVING FUND

For additional capital for the "Federal Tax Lien Revolving Fund", $9,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", $4,400,000.

Of available funds under this head, $1,465,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service Fund", for revenue forgone on free and reduced rate mail pursuant to 39 U.S.C. 2401 as amended, $168,620,000.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses for the National Critical Materials Council, including activities as authorized by Public Law 98-373, $200,000.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING RESCISSION)

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1985, $31,033,000 shall be made available for such purposes and shall remain available until expended for the construction and acquisition of facilities, as follows:

New Construction:

California: Long Beach, Federal Building, $22,617,000.

Payment of Construction Claims:

Florida: Fort Lauderdale, Federal Building-Courthouse, $405,000.

South Carolina: Columbia, Federal Building-Courthouse, $820,000.

District of Columbia: Washington, Forrestal Building, $3,000,000.

Purchase:

Acquisition of Excess Property, Scotia, New York, Depot, $3,000,000.

Repairs and Alterations:

Texas: Lufkin, Federal Building, $1,108,000:

Provided, That $3,000,000 of the amount previously appropriated for Real Property Operations pursuant to Public Law 98-473, under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", shall be made available for purchase of the Scotia, New York, Depot and the limitation on the amount available for repairs and alterations is increased to $221,809,000 and the limitation on the amount available for design and construction services is increased to $59,596,000 and the limitation on the amount available for real property operations is decreased to $689,899,000: *Provided further*, That any revenues, collections, and any other sums accruing to this fund during fiscal year 1985 in excess of $2,284,313,000, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

Of available funds under this head, $3,204,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

PERSONAL PROPERTY ACTIVITIES

PERSONAL PROPERTY, OPERATING EXPENSES

(RESCISSION)

Of available funds under this head, $300,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

GENERAL SUPPLY FUND

(RESCISSION)

Of available funds under this head, $30,848,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL PROPERTY RESOURCES ACTIVITIES

OPERATING EXPENSES, FEDERAL PROPERTY RESOURCES SERVICE

(RESCISSION)

Of available funds under this head, $207,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

EXPENSES, DISPOSAL OF SURPLUS REAL AND RELATED PERSONAL PROPERTY

(RESCISSION)

Of available funds under this head, $1,832,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

GENERAL ACTIVITIES

GENERAL MANAGEMENT AND ADMINISTRATION, SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $403,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

OFFICE OF INFORMATION RESOURCES MANAGEMENT OPERATING EXPENSES, OFFICE OF INFORMATION RESOURCES MANAGEMENT

(RESCISSION)

Of available funds under this head, $45,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL TELECOMMUNICATIONS FUND

(RESCISSION)

Of available funds under this head, $415,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

AUTOMATIC DATA PROCESSING FUND

(RESCISSION)

Of available funds under this head, $145,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

OFFICE OF INSPECTOR GENERAL

(RESCISSION)

Of available funds under this head, $35,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(RESCISSION)

Of available funds under this head, $19,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

WORKING CAPITAL FUND

(RESCISSION)

Of available funds under this head, $8,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

(RESCISSION)

Of available funds under this head, $166,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

The limitation on administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management, contained in (H.R. 5798) and incorporated in Public Law 98-473, is hereby reduced to $50,503,000.

Of available funds under this head, $1,161,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service Retirement and Disability Fund", $40,965,000.

GENERAL PROVISIONS

None of the funds appropriated under this or any other Act shall be obligated or expended prior to October 1, 1985, to implement, promulgate, administer, enforce, or reissue or revise the proposed Office of Personnel Management regulations and the proposed Federal Personnel Manual issuances published in the Federal Register on March 30, 1983, on pages 13341 through 13381, as superseded by proposed regulations and Federal Personnel Manual issuances published in the Federal Register on July 14, 1983, on pages 32275 through 32312, and as further superseded by proposed regulations and Federal Personnel Manual issuances published in the Federal Register on October 25, 1983, on pages 49462 through 49498.

Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices of the United States Customs Service.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter XI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order against chapter XI?

Are there any amendments to chapter XI?

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to take this opportunity to commend the members of the subcommittee for a very important provision that they have added to this bill to save the Customs Service from dismantlement. The bill contains a much needed prohibition against any plan to reduce the number of Customs officers or to degrade the level of service. This will be very good news, of course, to a great many inland ports throughout the United States where the Customs Service offices had been marked for closure. Congress on several occasions has tried repeatedly to prevent the administration from wreaking this kind of economic havoc upon the backs of communities dependent upon international trade. One of those is the Dallas-Fort Worth area and there are many others throughout the United States, some 22 of them in all, that would have been affected.

This surely is harmonious with the actions of the budget resolution that we already adopted in the House, where, in a bipartisan way, we decided that we wanted to increase the number of Customs personnel by some 800 slots. This will assist us in our efforts to control illicit narcotics and other illegal traffic. It will protect our borders and if we are ever going to crack down on illegal imports we surely are going to have to be serious about beefing up this Customs Service.

There are an estimated 18,000 outlawed drug flights that violate our border each year. Smugglers have been able to enter the United States almost with impunity by land and by sea. The General Accounting Office estimates that all Federal law enforcement agencies, including Customs Service, have been seizing only an estimated 16 percent of the marijuana and less than 10 percent of the cocaine and heroin that enter this country illegally every year. The Customs Service at its present level of staffing intercepts only 1 out of every 100 planes and only 6 out of every 100 boats that are used for smuggling drugs.

So I commend the committee and I think all of us should join them.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes; I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

I thank the gentleman for his work and diligence in this Customs area. I have worked a good deal with the gentleman in this area. As the gentleman knows, in the Dallas-Fort Worth area we have in addition to the problems an opportunity, as the gentleman cited, we have some additional concerns in which our concerns are related specifically, in addition to the one the gentleman cited, to the need to provide the services to international trade which at least in our particular Customs district is increasing rather dramatically.

In our area, as the majority leader knows, the private sector is combining with the Customs to ensure in the future we can build the kind of efficiencies through automation, that will ultimately relieve the need to have this kind of prohibition in future appropriations bills at some point in the future.

I commend the gentleman for his work on that efficiency as well as the narcotics control which he cited.

□ 1700

Mr. WRIGHT. I thank the gentleman for his comments.

I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding, and I want to commend the gentleman for his comments and for the work of the committee in providing for extra funding for an agency that is doing very important and critical work in our war against narcotics. We need this now more than ever, and I hope that my colleagues will be supportive of the entire appropriations bill, but particularly this provision.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in strong support of this bill.

Chapter XI, title I, and title II of this bill are both good sections which address a serious problem adversely affecting every sector of our society. I want to commend our chairman, the gentleman from California [Mr. ROYBAL] for his leadership in crafting it.

The supplemental appropriations for the Department of the Treasury provides $600,000 in funds above the administration's request for 120 additional customs inspectors. And, it provides $6 million more in funding for salaries and expenses for the Customs Service in order that the Service can avoid absorbing the full cost of the January pay increase.

Mr. Chairman, our Nation is a nation plagued with the disease of drug abuse. There is not a community or school which has been left unscarred. And while the administration and we in Congress have acknowledged the problem and attempted to make provisions to curtail the flow of narcotics into our country, we have seriously neglected our front line of defense against the scourge of drugs, the U.S. Customs Service. In essence, over the last 5 years, we have built a Maginot line through commissions and investigations, all well intentioned, but we continue to lose the war. During all this time, we have been preoccupied with fighting back administration attempts to reduce Customs personnel instead of realizing that those personnel are severely understaffed. In hearings before the subcommittee we found that Customs personnel check only 2 percent of containerized shipments entering the United States. Two out of one hundred sounds like pretty good odds to the drug smuggler.

This bill reverses that trend by providing $600,000 for 120 Customs personnel to fill immediate shortages, and $6 million to fund the full cost of the January 1985 Federal pay increase. While the 120 positions are greatly needed, particularly along the United States-Mexican border region, the additional $6 million pay supplemental will allow the Customs Service to avert a severe shortage in hiring, under the amount approved by Congress last year. In testimony before the subcommittee, the Customs Service admitted that it would fall short of the congressionally mandated level of personnel by some 525 positions in fiscal year 1985. The sole reason given was that the agency would have to absorb half the cost of the January 1985 pay increase. This is not a new problem. In fiscal year 1983 Customs fell 594 positions short of the positions appropriated. In fiscal year 1982 the figure was 276, and in fiscal year 1981 it was 544. What has happened, is that while the Congress has fought off attempts by the administration to reduce the Customs Service in regular appropriations, the administration, through the Office of Management and Budget has used a backdoor method of spending cuts to end run the Congress and proceed with the elimination of personnel. It is a simple procedure which must be halted if we are going to get serious about drug abuse. By passing this measure, we will give the Service the necessary funds to meet the Congress' wishes.

If we fail to do so, the Customs Service will be understaffed as a result of questionable management and congressional inaction. The issue here is simple. Either we can approve the funds so that the Customs Service can hire the amount of personnel the Congress mandated, or we can play OMB's game of backdoor cuts and rescissions and allow for the Customs Service to continue to be severely understaffed, which closes our eyes to the tragedy of drugs which is ruining the social fiber of our Nation. Make no mistake about it, this vote will signify whether or not the U.S. House of Representatives is willing to get serious about our drug problem. I urge my colleagues to support passage of this section and the entire bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1985

For additional amounts of appropriations for the fiscal year 1985, for increased pay costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

"House leadership offices", $91,000;

"Salaries, officers and employees", $1,176,000;

"Committee employees", $1,012,000;

"Members' clerk hire", $2,636,000;

"Allowances and expenses", $669,000;

JOINT ITEMS

"Joint Economic Committee", $75,000;

"Joint Committee on Printing", $8,000;

"Capitol Guide Service", $10,000;

CONGRESSIONAL BUDGET OFFICE

"Salaries and expenses", $123,000;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", $75,000;

"Capitol buildings", $100,000;

"Capitol grounds", $100,000;

"House office buildings", $123,000;

"Capitol power plant", $70,000;

Library buildings and grounds: "Structural and mechanical care", $90,000;

LIBRARY OF CONGRESS

"Salaries and expenses", $1,833,000;

Copyright Office: "Salaries and expenses", $199,000;

Congressional Research Service: "Salaries and expenses", $500,000;

BOTANIC GARDEN

"Salaries and expenses", $36,000;

OFFICE OF TECHNOLOGY ASSESSMENT

"Salaries and expenses", $143,000;

THE JUDICIARY

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

"Salaries and expenses", $87,000;

UNITED STATES COURT OF INTERNATIONAL TRADE

"Salaries and expenses", $98,000 to remain available until September 30, 1986;

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Salaries of judges", $1,910,000 of which $210,000 shall remain available until September 30, 1986;

"Salaries of supporting personnel", $9,150,000 to remain available until September 30, 1986;

"Defender services", $375,000 to remain available until September 30, 1986;

"Bankruptcy Courts: Salaries and expenses", $2,540,000;

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

"Salaries and expenses", $452,000 to remain available until September 30, 1986;

FEDERAL JUDICIAL CENTER

"Salaries and expenses", $90,000;

EXECUTIVE OFFICE OF THE PRESIDENT

THE WHITE HOUSE OFFICE

"Salaries and expenses", $204,000;

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

"Operating expenses", $57,000;

SPECIAL ASSISTANT TO THE PRESIDENT

"Salaries and expenses", $13,000;

OFFICE OF ADMINISTRATION

"Salaries and expenses", $68,000;

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", $352,000;

"Office of Federal Procurement Policy: Salaries and expenses", $15,000;

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFERS OF FUNDS)

"Office of the Secretary", $65,000;

"Departmental Administration", for budget and program analysis, $45,000; for personnel, finance and management, operations, information resources management, equal opportunity, small and disadvantaged business utilization, and administrative law judges and judicial officer, $175,000; making a total of $220,000;

"Office of Governmental and Public Affairs", for public affairs, $40,000; and for intergovernmental affairs, $2,000;

"Office of the Inspector General", $431,000 to be derived by transfer from the

appropriation "Food stamp program" and merged with this appropriation;

"Office of the General Counsel", $188,000 to be derived by transfer from the appropriation "Food Stamp Program" and merged with this appropriation;

"Agricultural Research Service", $4,084,000;

"National Agricultural Library", $64,000;

STATISTICAL REPORTING SERVICE

"Salaries and expenses", $538,000;

ECONOMIC RESEARCH SERVICE

"Salaries and expenses", $489,000;

"Agricultural Cooperative Service", $36,000;

"World Agricultural Outlook Board", $34,000;

"Foreign Agricultural Service", $274,000;

"General Sales Manager", not to exceed an additional $54,000 may be transferred from the Commodity Credit Corporation funds to support the General Sales Manager;

FEDERAL CROP INSURANCE CORPORATION

"Administrative and operating expenses", $502,000;

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", $324,000;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $8,046,000;

SOIL CONSERVATION SERVICE

"Conservation operations", $8,196,000;

"River basin surveys and investigations", $252,000;

"Watershed planning", $172,000;

"Watershed and flood prevention operations", $1,543,000;

"Resource conservation and development", $320,000;

"Great Plains conservation program", $216,000;

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

"Salaries and expenses", $2,266,000;

FEDERAL GRAIN INSPECTION SERVICE

"Salaries and expenses", $58,000;

AGRICULTURAL MARKETING SERVICE

"Marketing services", $841,000;

"Increase in limitation on administrative expenses", $753,000;

"Funds for strengthening markets, income and supply (section 32)", (increase of $150,000 in limitation, "marketing agreements and orders");

"Office of Transportation", $27,000;

FOOD SAFETY AND INSPECTION SERVICE

"Salaries and expenses", $11,396,000;

FOOD AND NUTRITION SERVICE

"Food program administration", $1,000,000;

"Human Nutrition Information service", $37,000;

"Packers and Stockyards Administration", $85,000;

FOREST SERVICE

"Forest research", $964,000;

"State and private forestry", $209,000;

"National forest system", $10,688,000;

"Construction", $1,777,000, to remain available until expended;

"Land acquisition", $30,000, to remain available until expended;

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(TRANSFER OF FUNDS)

"Operations, research, and facilities", $2,783,000 to be derived by transfer from International Trade Administration, "Operations and Administration";

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(INCLUDING TRANSFER OF FUNDS)

"Military personnel, Army", $442,249,000;

"Military personnel, Navy", $224,819,000, and in addition, to be derived by transfer, $114,814,000, of which $21,000,000 shall be derived by transfer from "Aircraft Procurement, Navy, 1983/1985", $27,750,000 shall be derived by transfer from "Weapons Procurement, Navy, 1983/1985", $51,064,000 shall be derived by transfer from "Shipbuilding and Conversion, Navy, 1981/1985", and $15,000,000 shall be derived by transfer from "Other Procurement, Navy, 1983/1985";

"Military personnel, Marine Corps", $116,840,000;

"Military personnel, Air Force", $275,312,000, and in addition, to be derived by transfer, $112,367,000, of which $72,367,000 shall be derived by transfer from "Aircraft Procurement, Air Force, 1983/1985", $25,000,000 shall be derived by transfer from "Missile Procurement, Air Force, 1983/1985", and $15,000,000 shall be derived by transfer from "Other Procurement, Air Force, 1983/1985";

"Reserve personnel, Navy", $26,619,000;

"Reserve personnel, Marine Corps", $3,078,000;

"Reserve personnel, Air Force", $2,976,000;

"National Guard personnel, Air Force", $17,532,000;

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

"Operation and maintenance, Army", $14,470,000, and in addition, to be derived by transfer, $147,000,000, of which $12,500,000 shall be derived by transfer from "Aircraft Procurement, Army, 1983/1985", $23,500,000 shall be derived by transfer from "Missile Procurement, Army, 1983/1985", $86,000,000 shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1983/1985", $10,000,000 shall be derived by transfer from "Procurement of Ammunition, Army, 1983/1985", and $15,000,000 shall be derived by transfer from "Other Procurement, Army, 1983/1985";

"Operation and maintenance, Navy", $22,952,000, and in addition, to be derived by transfer, $135,148,000, of which $83,448,000 shall be derived by transfer from "Shipbuilding and Conversion, Navy, 1981/1985", $16,200,000 shall be derived by transfer from "Research Development, Test, and Evaluation, Navy, 1985/1986", $29,100,000 shall be derived by transfer from "Shipbuilding and Conversion, Navy, 1985/1989", and $6,400,000 shall be derived by transfer from "Aircraft Procurement, Navy, 1985/1987";

"Operation and maintenance, Marine Corps", $8,488,000 to be derived by transfer from "Shipbuilding and Conversion, Navy, 1981/1985";

"Operation and maintenance, Air Force", $75,133,000, to be derived by transfer from "Aircraft Procurement, Air Force, 1983/1985";

"Operation and maintenance, Defense Agencies", $89,230,000;

"Operation and maintenance, Army Reserve", $7,336,000;

"Operation and maintenance, Navy Reserve", $600,000;

"Operation and maintenance, Marine Corps Reserve", $150,000;

"Operation and maintenance, Air Force Reserve", $7,300,000;

"Operation and maintenance, Army National Guard", $13,194,000;

"Operation and maintenance, Air National Guard", $15,091,000;

"National Board for the Promotion of Rifle Practice, Army", $12,000;

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

"Salaries and expenses", $53,000;

CORPS OF ENGINEERS—CIVIL

(TRANSFER OF FUNDS)

"General investigations", $2,200,000 to remain available until expended to be derived from "Construction, general";

"General expenses", $3,000,000 to remain available until expended to be derived from "Construction, General".

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", $324,000;

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

"Energy Information Administration", $495,000;

Federal Energy Regulatory Commission:

"Salaries and expenses", $1,627,000;

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

"Salaries and expenses", $3,535,000;

HEALTH SERVICES ADMINISTRATION

"Indian Health Services", $9,297,000;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $2,712,000, to be derived by transfer from the various funds of the Federal Housing Administration;

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $2,000,000;

UNITED STATES FISH AND WILDLIFE SERVICE

"Resource Management"; $2,000,000;

NATIONAL PARK SERVICE

"Operation of the national park system", $8,700,000;

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

"Regulation and technology", $455,000;

GEOLOGICAL SURVEY

"Surveys, investigations, and research", $4,464,000;

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $5,000,000;

OFFICE OF THE SOLICITOR

"Office of the Solicitor", $306,000;

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

"Salaries and expenses", $1,068,000;

UNITED STATES PAROLE COMMISSION

"Salaries and expenses", $160,000;

LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses, General Legal Activities", $3,308,000;

"Salaries and expenses, Antitrust Division", $665,000;

"Salaries and expenses, United States Attorneys and Marshals", $7,811,000, of which

$1,636,000 to be derived by transfer from "Support of U.S. Prisoners";

"Salaries and expenses, Community Relations Service", $135,000, of which $17,000 may be made available for expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980;

INTERAGENCY LAW ENFORCEMENT

"Organized crime drug enforcement", $43,000;

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $15,270,000;

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", $4,682,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $9,561,000;

FEDERAL PRISON SYSTEM

"Salaries and expenses", $7,345,000;

"Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of $30,000 in the limitation on Administrative expenses, and $74,000 on Vocational Training expenses);

DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION

"Black Lung Disability Trust Fund", $176,000 which shall be available for transfer to Employment Standards Administration, "Salaries and expenses";

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

(TRANSFERS OF FUNDS)

"Operations", $3,112,000, of which $2,025,000 shall be derived from the unobligated balances of "Payments to air carriers"; $682,000 shall be derived from "Headquarters administration"; and $405,000 shall be derived from the unobligated balances of "Construction, Metropolitan Washington airports";

"Operation and maintenance, Metropolitan Washington airports", $505,000 to be derived from the unobligated balances of "Construction, Metropolitan Washington airports";

COAST GUARD

(INCLUDING TRANSFERS OF FUNDS)

"Operating expenses", $3,275,000 to be derived from the unobligated balances of "Payments to air carriers": *Provided*, That not to exceed $782,200,000 shall be available in fiscal year 1985 for compensation and benefits of military personnel of the Coast Guard;

"Reserve training", $1,025,000, of which $390,000 shall be derived by transfer from the appropriation "Payments to air carriers"; $500,000 shall be derived from the unobligated balances of "Acquisition, construction and improvements"; and $135,000 shall be derived from the unobligated balances of "Research, development, test and evaluation";

MARITIME ADMINISTRATION

(TRANSFER OF FUNDS)

"Operations and training," $552,000 to be derived from the unobligated balances of "Payments to air carriers";

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

(TRANSFER OF FUNDS)

"Research and special programs," $300,000 to be derived from the unobligated balances of "Payments to air carriers";

OFFICE OF THE SECRETARY

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $65,000 to be derived by transfer from "Transportation planning, research and development" together with $435,000 from the unobligated balances available under this head at the beginning of fiscal year 1985;

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", $657,000;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", $102,000;

FINANCIAL MANAGEMENT SERVICE

"Salaries and expenses", $1,229,000;

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

"Salaries and expenses", $1,339,000;

UNITED STATES CUSTOMS SERVICE

"Salaries and expenses", $12,492,000;

BUREAU OF THE PUBLIC DEBT

"Administering the public debt", $849,000;

INTERNAL REVENUE SERVICE

"Salaries and expenses", $1,821,000;

"Processing tax returns", $14,384,000;

"Examinations and appeals", $28,539,000;

"Investigation, collection, and taxpayer service", $20,453,000;

Any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation to the extent necessary for increased pay costs authorized by or pursuant to law;

UNITED STATES SECRET SERVICE

"Salaries and expenses", $2,214,000;

ENVIRONMENTAL PROTECTION AGENCY

"Salaries and expenses", $5,423,000;

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATION OF AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1985, $2,099,000 shall be available for such purposes and the limitation on the amount available for design and construction services is increased to $59,513,000 and the limitation on the amount available for real property operations is decreased to $692,899,000 and the limitation on the amount available for program direction and centralized services is increased to $118,509,000: *Provided*, That $2,099,000 of the amount previously appropriated for Real Property Operations pursuant to Public Law 98-473, under the heading "Federal Building Fund, Limitations on Availability of Revenue", shall be made available for increased pay costs: *Provided further*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1985, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $2,256,180,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts;

PERSONAL PROPERTY ACTIVITIES

(TRANSFER OF FUNDS)

"Operating expenses", $2,200,000 of which $200,000 shall be derived by transfer from "Operating expenses, Office of Information Resources Management", $1,500,000 shall be derived by transfer from "Expenses, Presidential transition", and $500,000 shall be derived from unobligated balances available from "Operating expenses, Federal Property Resources Service";

GENERAL MANAGEMENT AND ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $2,200,000 of which $200,000 shall be derived by transfer from "Operating expenses, Office of Information Resources Management", $1,500,000 shall be derived by transfer from "Expenses, Presidential transition", and $500,000 shall be derived from unobligated balances available from "Operating expenses, Federal Property Resources Service";

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", $21,300,000;

OFFICE OF PERSONNEL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $917,000 in addition to $448,000 for current fiscal year administration expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;

VETERANS ADMINISTRATION

"Medical care", $152,524,000, to remain available until September 30, 1986;

"General operating expenses", $6,000,000;

OTHER INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

"Salaries and expenses", $12,000;

COMMISSION OF FINE ARTS

"Salaries and expenses", $2,000;

COMMISSION ON CIVIL RIGHTS

"Salaries and expenses", $122,000;

COMMODITY FUTURES TRADING COMMISSION

"Commodity Futures Trading Commission", $272,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Salaries and expenses", $2,900,000;

FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses", $1,830,000;

FEDERAL ELECTION COMMISSION

"Salaries and expenses", $116,000;

FEDERAL HOME LOAN BANK BOARD

"Limitation on administrative and nonadministrative expenses, Federal Home Loan Bank Board" (increase of $1,110,000 in the limitation on administrative expenses);

FEDERAL LABOR RELATIONS AUTHORITY

"Salaries and expenses", $167,000;

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", $234,000;

FEDERAL TRADE COMMISSION

"Salaries and expenses", $1,450,000;

INTELLIGENCE COMMUNITY STAFF

"Intelligence Community Staff", $174,000;

INTERGOVERNMENTAL AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses", $17,000;

DELAWARE RIVER BASIN COMMISSION

"Salaries and expenses", $2,000;

SUSQUEHANNA RIVER BASIN COMMISSION

"Salaries and expenses", $2,000;

INTERNATIONAL TRADE COMMISSION

"Salaries and expenses", $300,000;

INTERSTATE COMMERCE COMMISSION

"Salaries and expenses", $500,000;

MERIT SYSTEMS PROTECTION BOARD

"Salaries and expenses", $194,000;

"Office of Special Counsel", $44,000;

NATIONAL CAPITAL PLANNING COMMISSION

"Salaries and expenses", $22,000;

NATIOAL SCIENCE FOUNDATION

"Research and related activities", (increase of $1,670,000 in the limitation on program development and management);

"United States Antarctic program activities", $750,000, to remain available until expended;

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", $199,000;

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

"Salaries and expenses", $18,000;

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", $1,294,000;

SMITHSONIAN INSTITUTION

"Salaries and expenses", $1,906,000;

"Salaries and expenses, National Gallery of Art", $363,000;

"Salaries and expenses, Woodrow Wilson International Center for Scholars", $16,000;

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

"United States Holocaust Memorial Council", $13,000;

UNITED STATES TAX COURT

"Salaries and expenses", $350,000;

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read printed in the RECORD, and opened to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order to title II?

Are there any amendments to title II?

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUDDS:

On page 93, strike lines 8-12, and insert in lieu thereof the following:

"Operating expenses", $15,000,000 to be derived from funds available in fiscal year 1985 from the boat safety account; and $3,275,000 to be derived from the unobligated balances of "Payments to air carriers": *Provided*, That not to exceed $785,000,000 shall be available in fiscal year 1985 for compensation and military benefits of military personnel of the Coast Guard;

Mr. STUDDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STUDDS. Mr. Chairman, I offer this amendment on behalf of myself and the ranking minority member of the subcommittee on Coast Guard and Navigation, the gentleman from Michigan, Mr. DAVIS.

The effect of the amendment would be to make $15 million available to the Coast Guard from the boat safety account created last year by the Deficit Reduction Act. In proposing the amendment, we seek merely to fulfill the intent of Congress, as it was expressed last year. Federal law now specifically provides that $15 million from the boat safety account should be made available annually, beginning, in 1985, for the operating expenses of the Coast Guard. Those funds are not in the account; they are derived not from the General Treasury, but instead from that portion of the Federal Tax on Gasoline that may be attributed to the purchase of motorboat fuel; the money is intended by law to be made available to the Coast Guard; the Coast Guard needs the money but Congress must appropriate the money out of the account before it may be spent. The final step—the actual appropriation of the money—is the purpose of this amendment.

If we do not take this step, the $15 million will not revert to the General Treasury; rather it will remain in the boat safety account until it is ultimately used for some other purpose related directly or indirectly to recreational boating or to sport fish restoration projects. The issue, then, is not whether this $15 million raised by user fees on boaters will be spent, but whether it will be spent in accordance with a carefully developed formula spelled out in Federal law.

The amendment does not specify precisely how the Coast Guard is to use the $15 million. But it is the intent of myself and Mr. Davis that the money be used to help the Coast Guard maintain its past level of operations, especially in the areas of search and rescue and maritime law enforcement. Specifically, we expect that one-third of the money will be used to maintain in full operation the 13 search and rescue stations around the Great Lakes that are presently scheduled for reduction or closure; that sufficient funds will be available to permit the continued use of temporary duty personnel in law enforcement operations in the 7th Coast Guard District, without requiring additional new reductions of personnel from other Coast Guard stations around the country; and that the Coast Guard will be able to maintain a total of 39,150 full time military personnel at least through the end of this fiscal year. This amendment should also permit the Coast Guard to go forward with its plans for contracting services under OMB Circular A-76 in a more deliberate, equitable, and careful way than has been possible, thus far in 1985.

It is our intent—and our reading of the law—that the $15 million shall be available until expended, and that adoption of this amendment will have no effect on the allocation of the full $15 million requested by President Reagan for Coast Guard operating expenses in funds transferred in 1986 from the boat safety account.

I want to emphasize again the effect of this amendment. It does not appropriate new money; it simply releases money already earmarked for Coast Guard operating expenses by Federal law. The effect of the amendment will be to help the Coast Guard continue to do its job in the future as well as it has in the past. It is not an amendment to increase the size of the Coast Guard, or to expand its capabilities. In fact, the 39,150 level we are requesting for military personnel in 1985 represents a slight reduction in the number maintained by the Coast Guard at the end of 1984. The real question raised by this amendment is not whether we are to have a freeze on Coast Guard capabilities; that appears, unfortunately, to be almost inevitable in the short term. The real question is whether we are to have a subfreeze, a subzero budget, for this service. I believe that as a matter of national policy we should make a commitment to keep the Coast Guard at least at its present level of strength. The missions of the Coast Guard—in law enforcement, search and rescue, military preparedness, marine safety, aids to navigation, and environmental protection—are demanding; they are growing in importance each year; and they simply will not be accomplished successfully if we do not give the Coast Guard the resources it needs to accomplish those missions at a level the public expects and the national interest demands.

This amendment will help the Coast Guard; it will not hurt the Federal budget. It is, in short, a perfect amendment, and I hope it will be approved.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment of my colleagues from Massachusetts and Michigan to provide for a transfer of $15 million from the boat safety account to the Coast Guard's operating expenses, as authorized by last year's Deficit Reduction Act. The authorization of this transfer was enacted too late to be included in the regular 1985 budget or appropriations bill, and I believe that this is exactly the type of circumstance under which supplementals of this sort are appropriate.

These additional funds will permit the Coast Guard to maintain a level of military personnel at a number only slightly lower than the level at the end of fiscal year 1984, rather than declining to significantly lower levels as requested in the 1986 budget. These personnel, and this level of funding for operations, are necessary in order to continue the Coast Guard's critical multimission functions. These funds will permit the continued emphasis on drug interdiction in the Southeastern United States while also supporting continued operations on the Great Lakes and elsewhere throughout the country. I urge adoption of the amendment.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I certainly support the basic intent of the gentleman's amendment. Everyone supports the search and rescue and drug interdiction activities of the Coast Guard. Our committee has been extremely generous in providing appropriations to the Coast Guard for these and other activities. More than three-quarters of a billion dollars in additional unbudgeted appropriations have been provided to the Coast Guard over the past 4 fiscal years.

I am somewhat concerned, however, about where we will find the money in fiscal year 1986 to continue the programs and personnel levels provided for in the gentleman's amendment, particularly if we intend to freeze transportation programs at the current year's level as contemplated in the House budget resolution. Even though the administration's budget for 1986 treats the Coast Guard much more generously than any other major agency in the Department, I cannot guarantee that we will be able to find additional funds for these purposes next year. However, I do recognize the importance of the activities the Coast Guard performs and, as one member of the committee, have no problem taking the gentleman's amendment to conference.

Mr. TRAXLER. Mr. Chairman will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I commend the gentleman for this fine amendment. It is of vital importance to the small community in my district and to all the Great Lakes ports which are adversely affected by the decision of the Coast Guard.

I thank the gentleman for offering it, and I strongly support it.

Mr. ECKART of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Ohio.

Mr. ECKART of Ohio. I appreciate that. I thank the gentleman from Massachusetts, and his counterpart, the gentleman from Michigan, for their vigorous efforts in support of Great Lakes search and rescue operations, of critical importance not only economically but safety orientation to the great boating communities on the Great Lakes.

I appreciate and support the amendment.

Mr. STUDDS. Mr. Chairman, I want to say while I still have the floor that it is understanding that the gentleman from Pennsylvania [Mr. COUGHLIN] is going to introduce an amendment that is entirely acceptable to both sides, which in fact fulfills the intention of the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words and I rise to support the amendment.

Mr. Chairman, as ranking minority member of the Coast Guard Subcommittee and coauthor of this amendment, I would like to take this opportunity to urge my colleagues to support it. What this amendment seeks to do is give the U.S. Coast Guard $15 million in operating funds which will allow them to do three very important things:

First, it will enable them to keep operating search and rescue stations on the Great Lakes that they intend to close or curtail;

Second, it will allow the Coast Guard to keep up its Drug Interdiction Program in our southeast coastal areas with 100 temporary duty personnel they now have; and,

Third, it will allow the Coast Guard to maintain a personnel level of 39,150 as required by the 1984 Coast Guard Authorization Act.

Before I discuss these provisions I would like to make it very clear to all the Members of the House that this $15 million we are asking for will not add a penny to the Federal deficit. The funding we seek is available now through the boating safety account of the aquatic resources trust fund passed by Congress last year as part of the Deficit Reduction Act. That account collects up to $45 million for our Federal Boating Safety Programs. By law, $15 million of that funding is earmarked for the operating expenses of the Coast Guard. Because the Deficit Reduction Act was passed late in the 98th Congress, there was not an opportunity to appropriate this funding to the Coast Guard in fiscal year 1985. This is what we are attempting to do now.

Having made that assurance to the Members, I would like to discuss our priorities for this funding. First and foremost to me is the continued operation of 13 search and rescue stations on the Great Lakes which are due for closure or curtailment at the end of this fiscal year. This so-called Great Lakes consolidation plan was submitted as part of the Coast Guard's 1986 budget—but it was not a Coast Guard plan, it was the plan of the Office of Management and Budget. During hearings in February before our Coast Guard Subcommittee on the Coast Guard's 1986 budget, the Commandant of the Coast Guard, Admiral Gracey, admitted to us that the plan was the result of a directive of OMB to cut 150 people from the Great Lakes region. It is a plan that I know the Coast Guard does not like and would not have produced on its own. It is plan which severely reduces the search and rescue capability of the Coast Guard on the Great Lakes. It is a plan which literally endangers recreational boaters—which I might add there are more of in the State of Michigan than any other State in the Nation. Our Coast Guard Subcommittee held hearings in six areas of the Great Lakes region where stations are affected by this plan and heard a loud and unanimous outcry from boaters, sheriff departments and emergency service officers alike. I know that there will be other Members speaking today about the urgency of this problem in our region and I want to emphasize that it is important that this body reject this attempt by OMB to force cutbacks in Coast Guard personnel which are arbitrary and totally unwarranted. That brings me to another priority for this funding.

This Coast Guard Authorization Act of 1984 contains a provision which mandates a floor for the level of Coast Guard military personnel. That floor is 39,150. The reason we put that floor in the bill is simple. For years the Coast Guard has been asked to do more and more with less and less. When we went through the process of authorizing Coast Guard programs it became clear to our committee that if the Coast Guard is to survive it must be able to maintain a minimum number of people to do all the things it has been asked to do—not the least of which is the massive drug interdiction effort this administration has made a priority for the Coast Guard in the Southeast. After careful and thorough consideration, our Coast Guard Subcommittee recommended this minimum number of people which the Coast Guard must have to continue to operate. That recommendation was accepted by Congres and signed into law by the President. Now, OMB has decided the Coast Guard doesn't need this minimum number of people. I say that OMB is not in a position to make that judgment and should not be allowed to by this body.

Lastly, our amendment will allow the Coast Guard to keep the 100 tem-

porary duty personnel they have in the Southeast for the drug interdiction effort. I would like to point out that these 100 people are not extra personnel, they have been sent from other Coast Guard missions in other parts of the Nation. They are an important addition to the drug interdiction effort and we believe they should stay where they are. This amendment will make that possible.

These are the issues which our amendment addresses. Again, we are not asking for extra funding, we are asking for funding which exists right now. We are not asking for frills, we are asking for a freeze. I urge my colleagues to support this amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I am pleased to yield to the ranking member of the full committee, the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts [Mr. STUDDS] who is the chairman of the Coast Guard and Navigation Subcommittee, and the gentleman from Michigan [Mr. DAVIS] who is the ranking minority member of that same subcommittee. This amendment in effect accomplishes two important objectives.

First, it achieves the objective of adding $15 million to the Coast Guard budget so that they may carry out their important duties. Specifically, the intention is to permit the continuation of 13 search and rescue stations on the Great Lakes which are currently scheduled to be cut back, continuation of important drug interdiction activities off southeast Florida without affecting the Coast Guard operations in other parts of the United States where their services are equally important, and maintenance of the level of military personnel in the Coast Guard as required by the Coast Guard Authorization Act passed last Congress. While the Department of Defense is building up its military personnel, the military personnel of the Coast Guard have been cut back. This amendment therefore would prevent this anomaly from occurring.

The second objective is that it fulfills an obligation that Congress made to the recreational boating community. The $415 million is to be derived from the boating safety part of the Aquatic Resources Trust Fund which was created last year by the Deficit Reduction Act. This money is placed in this account from a tax that recreational boaters pay on motorboat fuel. The money is set aside and earmarked specifically for the Coast Guard, if Congress actually appropriates the money. That is simply the purpose of this amendment.

If not appropriated as promised, the money will not go to support the Coast Guard, but be spent on sport fishing restoration programs rather than being turned over to the General Treasury. This, it is not a question of whether we will spend $15 million or not, but rather a question of how this money will be allocated. Allowing this money to pass through this trust fund without being allocated to support the Coast Guard will violate a trust that we in Congress have with the boating community. It also will cause the Coast Guard to make ill-advised cutbacks in its programs which of course will benefit no one.

We constantly turn to the Coast Guard and ask them to do more and more with less and less. At some point, the Coast Guard will not be able to perform the important law enforcement, search and rescue, marine environmental protection, merchant marine safety, military readiness, and other maritime duties that all of us have come to automatically expect from them.

In summary, this amendment gives us the opportunity to add funding to this important agency and meet our obligation to the maritime community without doing any harm to the overall budget. Therefore, I urge my colleagues to join with me and support this amendment.

Mr. DAVIS. Mr. Chairman, I yield back the balance of my time.

● Mr. JONES of North Carolina. Mr. Chairman, I fully support and urge passage of this amendment to H.R. 2577, the supplemental appropriations legislation for fiscal year 1985.

As has been stated by the chairman of the Coast Guard and Navigation Subcommittee, we know that $15 million is necessary to: First, maintain the level of military personnel required by the Coast Guard Authorization Act passed last Congress; second, to permit continuation of 13 search and rescue stations on the Great Lakes; and third, to continue the drug interdiction activities in southeast Florida without reducing essential Coast Guard services in the rest of the country.

I am especially concerned about the continuous reduction of military personnel in the U.S. Coast Guard. As you know, the Government is presently contracting out services to the private sector through the A-76 process. Unfortunately, the Coast Guard has been asked to reduce their personnel levels before they even know if it is cost effective to contract out one of their functions to the private sector. It is important that we do not cut military personnel in anticipation of future reductions in force. Therefore, we need to maintain the level of military personnel, as was required by the Coast Guard Authorization Act passed last year.

And most important, please do not overlook the fact that this $15 million is derived from the motor boat fuels tax, paid for by the boaters of this country. It is money that has already been collected and will continue to be collected from the fuel tax on gasoline. This money will not be turned over to the General Treasury. It should be the decision of this House to use these funds for the U.S. Coast Guard.●

● Mr. SILJANDER. Mr. Chairman, I rise in support of the amendment offered by both the ranking majority and minority members of the Coast Guard Subcommittee. I urge my colleagues to support this amendment which will make possible the continued operation of search and rescued stations around the Great Lakes which, are currently scheduled for closure or consolidation, without adding a penny to the Federal deficit.

In a recent meeting with Coast Guard officials I learned that the proposed closing of the Holland Coast Guard Station in Holland, MI along with eight other stations around the Great Lakes was directed not by the Coast Guard but by the Office of Management and Budget. I also understand that the Office of Management and Budget made the decision to specifically target the Great Lakes region out of a dozen other Coast Guard regions in an effort to slash $5 million out of the Coast Guard's fiscal 1986 budget.

I consider search and rescue to be the Coast Guard's primary and most important mission. Without the Coast Guard's protection, Lake Michigan can be deadly, particulary during the peak recreational season. Failure to pass this amendment would leave users of Lake Michigan, particularly in the Holland area, virtually unprotected. It would take a rescue boat nearly 2 hours to respond to a call in the Holland area if it has to come all the way from Grand Haven or St. Joseph, MI. In most cases, help would arrive too late.

Thomas D. Martin, director of the Michigan Department of Natural Resources' Office of Great Lakes has said:

> These cuts are not only a direct threat to the welfare of recreational boaters, they are a menace to the safety of commercial seamen (both) directly and indirectly * * *.

Whether it is fishermen or commercial seamen, or just recreational boaters out for the fun of it, their safety and sometimes their survival depends on the U.S. Coast Guard's search and rescue service.

Shouldn't we place a higher priority on lifesaving than on money-saving? I urge passage of this amendment.●

● Mr. ECKART of Ohio. Mr. Chairman, I am pleased to vote in favor of an amendment to the fiscal year 1985 Supplemental Appropriations bill that provides an additional $15 million to

the U.S. Coast Guard for operating expenses. This amendment addresses 3 specific Coast Guard functions, including prohibiting the slated closure of 13 search and rescue stations along the Great Lakes.

This amendment restored funding for these stations, including Station Ashtabula in my district in northeastern Ohio, that were slated for closure under an Office of Management and Budget proposal, the Great Lakes Consolidation Plan. Under this plan, the Coast Guard was directed to close 13 search and rescue stations, cut $5 million from the Coast Guard's funding in the Great Lakes, and eliminate 150 jobs. Considering the continued increase in the recreational use of the Great Lakes, this proposal is a great threat to the safety of the many commerical and recreational users of the lakes.

Over these past few months I have worked very closely with my colleague from Michigan to ensure that the OMB's plan is not implemented. We held hearings in Jefferson County, OH to discuss the Reagan administration's plan and to solicit comments from concerned citizens about the closure.

The opposition to the plan closing was expectedly strong. The closure of the station would not only increase the boating deaths near the harbor, because the response time of the Coast Guard from nearby stations would not be adequate, but the economy of the community would be seriously threatened. Many citizens of the town, whose jobs rely on the lake and the activities it provides, worried that boaters would leave Ashtabula and move to towns where a Coast Guard station was operating. In a county, where the unemployment rate is currently 13.8 percent, Station Ashtabula's closing would only increase its hardships.

The services the Coast Guard provides along our sea coasts which are vital to the security, safety, and economy of our Nation, has been consistently slated for cuts by the Reagan administration. I am heartened by my colleague's efforts to reverse these proposals and to continue providing the moneys this necessary service provides, not only to the people of my district in Ohio, but throughout the country.●

AMENDMENT OFFERED BY MR. COUGHLIN TO THE AMENDMENT OFFERED BY MR. STUDDS

Mr. COUGHLIN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. COUGHLIN to the amendment offered by Mr. STUDDS: After "$15,000,000" insert the following ", to be available until expended,"

Mr. COUGHLIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COUGHLIN. Mr. Chairman, I fully support the amendment of the gentleman from Massachusetts and the gentleman from Michigan. It is a very good amendment. This simply makes the funds available until they are expended, and since some of the funds may not be necessary until next year, it would carry them over to next year to the extent they are not spent.

I understand this is acceptable to the gentleman from Massachusetts and the gentleman from Michigan.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. COUGHLIN] to the amendment offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. STUDDS], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title II?

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 100 on line 21 strike all language after the word "year."

Mr. WALKER. Mr. Chairman, what this amendment would do is say that if this is really a supplemental appropriations bill, that it really is an attempt to meet emergency conditions in the year 1985, the money ought to be spent in fiscal year 1985.

We ought not to be moving the money over into future years, because what this bill really is, if the committee were to be truthful with us is, is an appropriations authorization bill going into not only toward the end of 1985, but going into 1986; in some cases going over into 1987.

This bill is an entire panoply of spending that commits us not only for this year, but commits us well into the next year.

Now, what my amendment would do is simply say, have the section 301 read, "No part of any appropriation contained in this act shall remain available for obligation beyond the current fiscal year." Period.

And so what we would be doing is saying we ought to spend the money in fiscal '85 if we are appropriating in fiscal '85. We ought not use these bills out here as a conglomerate of ways in order to effect spending.

We ought not to have Members of Congress coming in here getting their pet projects put down in these bills and then extending it over into years hence. We ought not allow one committee to make all of the decisions for the House and roll those over into the outyears.

We ought to say in this bill that the money that we are coming up with in supplemental appropriations is available in this year and this year only, and that is what my amendment would do; it would not affect any of the moneys in the bill; it would simply say that the moneys in the bill ought to be expended in this year, since this is a supplemental appropriation for this year.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as chairman of the Committee on Appropriations, I listen to lots of mistaken statements on the floor. I have not taken issue at the time they were made, because by stretching out debate, you spend money, too.

I would like to point out that this year, that your Committee on Appropriations has been requested to act. The bill before us, that we brought to you, was $69 million below the level recommended by the President. As it stands now, it is $173 million below the amount requested by the President.

The reason for allowing funds to stretch into the next year is the same reason I gave you on Ethiopia in the famine relief bill; let the President stretch it out; it gives him some bargaining power. When you make the Government spend all its money by October the 1st, you have cost yourself money; because if they have time to do it on a proper basis, you will save money.

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Now, we have lots of reaction here on the floor that indicates this, that and the other, and I know they have an appeal in tomorrow's paper. Let me tell you that I have addressed this in a formal letter, required by law, to the Budget Committee. This year the budget requests that we cut domestic expenditures $28.9 billion but it asks that we increase money for military carryover by $36.2 billion. So none of the money that we are cutting here goes on the deficit or the debt. Keep that straight. Nobody is taking issue

with these facts. I have made it clearly available to you.

Now, I am as much disturbed as anybody about the deficit and the debt. But all of this action that we are taking is not changing spending into deficit reduction. So let us give them time where they can save some money instead of making them commit all the funds in this bill by October 1.

We have been through this many, many times. An amendment like this is just very foolish.

Now, I have no disparaging remarks to say to my friend from Pennsylvania, but we spent hours and months and days on this and we have come here with our best judgment. Now, keep in mind that we need to get our debts settled, we need to get our economy settled, we need to do a whole lot of things. But let us do it judiciously, and let us be sure that we take care of the essentials. There are a whole lot of things that are necessary to run this Government, and we need to look at that. We should balance our budget at a high enough level to take care of what we have.

I mentioned here the other day that some years ago it was said that a particular country had the only balanced budget in the world, did not owe a dollar and did not have one either. So balancing the budget is important, but let us take care of the essentials first.

Here, this amendment, if adopted, would cost you millions of dollars not only in money but in inadequate response to what we spend. So I hope you will defeat this amendment. It is well intentioned but headed the wrong way.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I agree with the chairman. The amendment would affect every chapter in the supplemental. In fact, we just adopted the Coughlin amendment on the Coast Guard, saying if the money was not expended this year, they can expend it next year. So I think, in the long run, we would lose money. I direct my remarks to my good friend, the gentleman from Pennsylvania, and I hope the amendment is defeated.

Mr. WALKER. If the gentleman will yield, here is why I offered the amendment—and I will ask unanimous consent in a moment to withdraw it—but the only reason I offered the amendment is to make a point about supplemental appropriations. Supplemental appropriations are not that any longer. Under the Rules of the House and under procedures in the House, until a few years ago, supplemental appropriations were truly that. We brought out bills here on an emergency basis. This is essentially a continuing resolution with large amounts of money in it for a little bit of everything, going well into out years. And I am questioning the process, because the process is adding on billions of dollars worth of spending. I think that it is high time that we begin to review a process by which we are expending billions of dollars. The amendment is in a way to say that this is a mockery to put language in like this when we know that throughout this bill there is just one huge appropriation into the next year.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting apropriations or other funds, available fiscal year 1985, limiting the amount which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

AMENDMENT OFFERED BY MR. ZSCHAU

Mr. ZSCHAU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZSCHAU: Page 101, after line 6, insert the following new section:

SEC. 303. All amounts appropriated by this Act for payments not required to be paid by previously enacted law shall be reduced by 5 percent.

Mr. ZSCHAU. Mr. Chairman, this amendment would make an across-the-board 5 percent cut in all of the discretionary programs in this supplemental appropriations bill.

I think that this amendment deserves careful consideration. In the last couple of weeks we have had a lot of focus on tax reform. It is an exciting topic, it is a fun topic to talk about, but it has diverted our attention from the effort that we engaged in, in the beginning of this Congress, namely, deficit reduction. It has taken our eye off of the deficit-reduction ball.

Second, as you have read in the newspapers in the last couple of days, there are indications that the rate of economic growth in the country will result in deficits that are higher than previously projected, even if all of the budget-cutting spending cuts enacted in either the Senate bill or the House bill currently in conference were enacted. And it seems to me that at this time we should, when we are considering a $14 billion spending bill, revitalize our interest in deficit reduction.

The nondefense cuts from program changes in the House-passed bill, the budget that came out of this body, were a total of $14.35 billion. That is an amount equal to the amount that we will be spending if this supplemental appropriations bill were passed as it is. It would be a case of easy-come, easy-go, except that it was not easy in order to make those program cuts that would result in a $14 billion cut in spending in 1986. It seems to me that we should be addressing our attention to that fundamental question today.

Fiscal restraint, I might add, is a state of mind, in addition to actions. It is an attitude. And in the authorization bills that we have passed so far, we have enacted the concept of a freeze, not to increase spending from what it was in the past years. That has been a very healthy attitude that we have had from the standpoint of fiscal responsibility. But, if in this case, we do not seek to apply the same sort of restraints, I believe that it will be more difficult in the future, as we address further authorization bills and appropriations bills, to have that same sort of restraint that we have had so far.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. ZSCHAU. I yield to the gentleman from Illinois.

Mr. YATES. My chapter of the bill, at least the chapter of the bill that comes out of the subcommittee which I chair, relates in measure to appropriating funds for firefighting expenses. Those are expenses that have already been incurred. They are expenses for fires that have occurred in the gentleman's State of California, all throughout the West, for the most part.

If the 5-percent cut goes to the firefighting expenses, we will have to pass another supplemental in order to pay for that.

Now, I am sure the gentleman never intended that kind of result.

Mr. ZSCHAU. I appreciate the gentleman raising that issue.

The way in which the language of my amendment is offered is that all amounts appropriated by this act for payment not required to be paid by previously enacted law shall be reduced by 5 percent. The mandatory programs, those that are under formula, would be maintained. But the discretionary expenditures would be limited by the 5 percent.

Mr. YATES. If the gentleman will yield further, this is not a formula program. This is a program that is based upon actual costs that are expended. There is no formula required for law. This is just an accumulation of expenses that have occurred in connection with suppressing fires throughout the West, for the most part, and it has to be paid.

If there is a 5-percent cut, we will have to pass another supplemental

somewhere along the line in order to pay these expenses.

Mr. ZSCHAU. I appreciate the gentleman's contribution, and I think he raises an important question, that these cuts that I am talking about will be difficult. All of these programs are important. But all of the expenditures that we deal with in this body are important and all of the cuts that we will be asked to make as we try to deal with the deifict will be difficult cuts. It seems to me that if we have expended so much time on the budget, we have been spending so much energy in order to bring the deficit down, that this is not a time to change our attitude but a time to revitalize our efforts. A 5-percent cut is a cut only on the margin. It saves only $371 million. But I think it is an important signal and an important action for this House to take so that in the future, as we dealing with spending issues, we can look back at this appropriation supplemental spending bill and say we took decisive action today, we should take it again in the future.

□ 1720

Mr. FAZIO. I respect the gentleman's perspective on the entire matter of budget reduction and I know he is sincere in his efforts, and I am trying to understand where the amendment would affect the bill and where it would not.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. ZSCHAU] has expired.

(On request of Mr. FAZIO and by unanimous consent, Mr. ZSCHAU was allowed to proceed for 2 additional minutes.)

Mr. ZSCHAU. I yield to the gentleman.

Mr. FAZIO. Would the gentleman's amendment reduce, for example, the funding that we have talked so much about already today in the Foreign Operations section of the bill; the aid to Egypt and Israel, for example?

Mr. ZSCHAU. Yes. Under my amendment the aid to Egypt and Israel, out of the $2 billion additional aid, it would be reduced by 5 percent or $100 million. Commodity Credit Corporation, reduced by about $197 million. Pell grants, $14 million, and so on. There is a series of discretionary programs that I could go through.

I yield to the gentleman.

Mr. FAZIO. One of the areas that we typically get involved in at this point in the fiscal year is the Food Stamp Program where we do find that, because of lagging employment in some areas of the country with a slow recovery, there continues to be a need to provide basic food for families.

Is the gentleman's amendment reducing the allocations for food stamps in the bill?

Mr. ZSCHAU. I appreciate the gentleman raising that question. There is a debate among the various committees as to whether the Food Stamp Program falls into the mandatory or discretionary column. For the purposes of my amendment, I assume that the Food Stamp Program was a mandatory program rather than a discretionary program because it is enacted under a formula that is based on previous law. So the $16 million that would have been cut if it had been applied to the Food Stamp Program is not included in my amendment.

Mr. FAZIO. It is not included?

Mr. ZSCHAU. That is correct.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at the outset I want to commend the gentleman from California. I believe in what he is trying to do to bring Federal spending under control. But any of you who have been around here for any period of time know that I have opposed many across-the-board amendments.

This is a very fragile bill. A few moments ago, the gentleman from Massachusetts [Mr. STUDDS] offered an amendment to transfer $15 million out of the aquatic trust fund and into the Coast Guard. Why? I will tell you why. If there is any agency in the Federal Government that is suffering today because of lack of funds it is the Coast Guard of the United States.

The Congress has given the Coast Guard mission after mission without providing adequate resources. The Coast Guard now has search and rescue, fisheries enforcement, and drug interdiction. We all heard about the terrible drug problem and what the Coast Guard is doing in Florida and elsewhere in the Southeastern United States.

The Coast Guard is responsible for pollution enforcement, maritime treaty enforcements, vessel safety, and aids to navigation. They also do ice breaking. That agency is hurting. Believe me, they are really hurting. A 5-percent cut now to the Coast Guard? You must be kidding.

Look at the ICC. The ICC has been so short of funds they have been on furlough since mid-April. They are working 4 days a week, with a 20-percent pay cut. Nine hundred employees down there have only been working 4 days a week because there is no money in the well. And so we put in $500,000 to bring those people with families and mortgages back to work, and now you are going to cut that 5 percent?

We have money in here for Pell grants. The chairman of the Labor, HHS, and Education Subcommittee, the gentleman from Kentucky, did such a great job on Pell grants. You are going to cut Pell grants $14 million? Aid to Egypt, you are going to cut that $25 million? Aid to Israel, $75 million? They have a very fragile economy. This was a request by the administration.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. YATES. As I pointed out to the gentleman from California, this bill contains $45 million to repay firefighting costs that have already been incurred. But more than that, this bill contains $2,900,000 which is an estimated shortfall in welfare assistance for the Indian people. This bill contains an additional $2 million for the Indian water rights cases to provide funds for the Indian people to defend their rights in the water which is the life blood, not only of the westerners but of the Indian people as well.

It provides an additional $550,000 to take care of the Zuni Pueblo's water rights negotiations. These are cases that have been pending for years. We have finally put money in to protect the Indian people. This amendment would cut those funds.

Mr. CONTE. As I was saying, Mr. Chairman, the bill also provides for the security of the embassies in the Middle East and the Persian Gulf. The gentleman from Iowa, NEAL SMITH, is an expert on this; he has been through that area; he knows how fragile that situation is out there. The amendment would cut $13 million for security, and we need that money and we need it desperately. We should have done it years ago.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. ZSCHAU. There is several millions of dollars for security assistance, but there is also within that line item a building of the U.S. Embassy in the Soviet Union.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. CONTE was allowed to proceed for 3 additional minutes.)

Mr. CONTE. I yield to the gentleman.

Mr. ZSCHAU. The amount of contractor compensation equals the amount that I am taking out of here, so it was my intent not to do anything to undermine our activities in enhancing the security in our embassies abroad.

Mr. CONTE. Let me tell the gentleman that we just came back from the Soviet Union and we are having a lot of trouble building that Embassy over there, believe me. These are claims by American contractors; we own that money. There is no way of getting out of that; they can go to court and sue the Federal Government. You say: You cannot forget it. They are claims; they are owed.

The gentleman from California is well-intentioned. I support his idea, but not here. This it too delicate. I urge him to withdraw his amendment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. SMITH of Iowa. I just wanted to say that the gentleman is exactly right. In this State Department supplemental security item, most of the money is for work that needs to be done to protect Americans overseas. The last place you could get that money is to stop paying the claims from U.S. contractors for the Moscow project. The reduction would have to come from one of these projects where we need security work done.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts [Mr. CONTE] has again expired.

(On request of Mr. Solomon and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. CONTE. I yield to the gentleman.

Mr. SOLOMON. I would like to address a question to the gentleman from California. How do you go about cutting the supplemental by 5-percent? Is that what I understand?

Mr. CONTE. I yield to the gentleman from California for his response.

Mr. ZSCHAU. The 5 percent across-the-board cut would be applied to all of the discretionary programs. Those programs where there is not an obligation to pay the funds under existing law.

□ 1730

Mr. SOLOMON. Let me just say this to the gentleman, and I can understand the concerns on both sides of the aisle, especially those of the gentleman from Massachusetts, for whom I have a great deal of respect, but we have to start someplace. We cannot just go out and spend $14 billion over and above what we anticipated spending in the first place.

We have a foreign assistance bill coming on this floor sometime this week or next week or the week after, and it is going to be a half a billion dollars over the continuing resolution of last year. We have deficits in this country that are going to drive interest rates sky high.

I can remember not too long ago we had interest rates of 22 percent prime rate. Do you want to see that happen again?

I think the gentleman is offering a good amendment. I intend to offer, when the foreign assistance bill gets on this floor, an amendment which will cut that foreign assistance bill 5 percent in the aggregate, and let the President make those cuts, or let you gentleman make them. I do not care who makes them, but we are going to cut that foreign assistance bill.

When we have people in America who we are asking to tighten their belts because we want to keep inflation down, and we want to keep interest rates down, the only way we are going to do it is to stop spending money, and I support the gentleman's amendment, and every man and woman in this Chamber should support it.

(By unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. CONTE. First of all, let me answer the gentleman from New York. This supplemental is not something that the Congress or the Appropriations Committee dreamed up. The administration asked for $13.490 billion in supplementals. If the gentleman is going to offer a 5-percent or 10-percent cut on foreign aid, that is fine if he offers it on defense also, because we have to be consistent here.

This is a supplemental. This is money that is due. You have heard the people here talk about Customs and narcotics flooding over the border in Texas. They need this money desperately in New Mexico and other places.

Where are you going to cut this 5 percent? The Coast Guard, I told you, is already barebones. Fortunately there are some of us who feel strongly about the Coast Guard and its missions, even though you could not get a canoe up my Housatonic River. But I believe in the Coast Guard. How can you cut them 5 percent? This is wrong.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my friend, the gentleman from California, because I think he is a reasonable man and he may be coming around to my way of thinking.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has illustrated the fundamental problem in all of the appropriation and authorization bills, that the programs are good and it is difficult to make cuts. The arguments are strong and persuasive for all of the expenditures.

But what I am saying is that if we do not make an attempt on this $14 billion supplemental to exercise some modest amount of restraint, it is going to be very difficult to make the arguments down the road as we go further to exercise the restraint we need to exercise in order to reduce the deficit.

Mr. CONTE. I think we are better off doing it in the regular appropriation bills, or even instead of that, in what the gentleman from New York [Mr. SOLOMON] suggests, on every authorization bill that comes up here. Then propose your 5-percent cut across the board, but not here. This is a supplemental. We have to pay these bills.

(On request of Mr. NATCHER and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, I want to commend my friend, the gentleman from Massachusetts [Mr. CONTE], the ranking minority member on the Appropriations Committee and the ranking minority member on the subcommittee that makes the recommendations for the Departments of Labor, Health and Human Services, and Education.

He has pointed out to the committee that as far as guaranteed student loans are concerned, it is a budgeted request. It was submitted by the administration and, Mr. Chairman, the administration is right about it. There is a shortage of $664,846,000, and after the hearings we added $55.5 million, bringing it up to $720 million, the amount necessary under the existing law. As far as the Pell Grant Program is concerned, as the gentleman from Massachusetts has pointed out, a maximum grant of $2,100 is in the budget request for fiscal year 1986. That is included in the President's request in the 1986 budget. That is also what we have in this supplemental bill.

So a 5-percent reduction takes out of this bill millions of dollars, Mr. Chairman, that was not only requested by the administration, but this is money that is needed and I commend the gentleman from Massachusetts.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify that the guaranteed student loan program is considered to be a mandatory program and would not be subject to the 5-percent cut in my amendment. The Pell grants, on the other hand, would be subject to the 5 percent.

Mr. CONTE. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have had this type of amendment many times, and it has an appeal. However, I urge my colleagues to stick with the system which we have. I was on the study group that recommended the Budget Act. What we have today is a far cry from what we recommended.

At that time the appropriations bills for 37 out of 39 years had been below the budget. We were proud of being below the budget. We try now. We have weeks and months of hearings by folks who are experienced in this area,

and we bring a bill here and recommend it to you.

We created the Budget Committee because about 42 percent of all our spending was bypassing our annual review process. We were passing laws saying we shall do it, and then we had to pick up the check.

May I say in the Appropriations Committee today, 46 percent of what we have in here the legislative committees have made mandatory, and we are caught with having to do it. But I say listen to this, if you will: This committee has brought you, after weeks and weeks of hearings, where they want to reduce. I served on the Budget Committee the first year when it was what it was supposed to be, that is to set targets, work toward the targets, and then make it final at the end of the year and not at the front of the year. We now try to control Congress based on the opinions of economists. This is what we are trying to do now.

So I repeat again, our system means that we recommend to you our honest views. And may I say already this bill is $173 million below the recommendations of the President. For the current fiscal year overall, we are $17 billion below that recommended by the President.

I am telling my colleagues the system works. If you get in the habit of cutting everything 5 percent, they will put 10 percent in and let you cut 5. So I am saying, while your intentions are good, you will disrupt a whole lot of things and you are losing a system where we are doing our very best to stay under the budget.

So I urge my colleagues to vote this down and let the system work—where there are hearings, where there is judgment, where we have a track record that cannot be ignored, in my judgment, as against any individual who does not have the same experience we do. Let us not set up a system where we are forced to bring you something and count on you cutting it out.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. ZSCHAU. I appreciate the gentleman yielding.

Mr. Chairman, I appreciate the gentleman's remarks that this is a carefully crafted supplemental based upon many hearings and based on the facts, but the facts are changing in this economy. We are facing economic growth that is slower than we had anticipated. We are facing deficits that are larger than we anticipated.

It seems to me that this committee has to take some action, looking ahead to the future as well as the past.

Mr. WHITTEN. I agree that it seems that way to you, but the gentleman's amendment, might contribute to the waste we read so much about in the papers.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. ZSCHAU].

The question was taken; and on a division (demanded by Mr. ZSCHAU) there were—ayes 11, noes 30.

Mr. ZSCHAU. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 151]

ANSWERED "PRESENT"—410

Ackerman	Carr	Evans (IL)
Addabbo	Chandler	Fascell
Alexander	Chappell	Fawell
Anderson	Chappie	Fazio
Andrews	Cheney	Feighan
Annunzio	Clay	Fiedler
Anthony	Coats	Fields
Applegate	Cobey	Fish
Archer	Coble	Flippo
Armey	Coleman (TX)	Florio
Aspin	Collins	Foglietta
Atkins	Combest	Foley
AuCoin	Conte	Ford (TN)
Badham	Conyers	Fowler
Barnard	Cooper	Frank
Barnes	Coughlin	Franklin
Bartlett	Courter	Frenzel
Barton	Coyne	Fuqua
Bateman	Craig	Gallo
Bates	Crane	Garcia
Bedell	Crockett	Gaydos
Beilenson	Daniel	Gejdenson
Bennett	Dannemeyer	Gekas
Bentley	Darden	Gephardt
Bereuter	Daschle	Gibbons
Berman	Daub	Gilman
Bevill	Davis	Gingrich
Biaggi	de la Garza	Glickman
Bilirakis	DeLay	Gonzalez
Bliley	Derrick	Goodling
Boehlert	DeWine	Gordon
Boggs	Dickinson	Gradison
Boland	Dicks	Gray (IL)
Boner (TN)	Dingell	Green
Bonior (MI)	DioGuardi	Gregg
Bonker	Dixon	Grotberg
Borski	Donnelly	Guarini
Bosco	Dorgan (ND)	Gunderson
Boucher	Dornan (CA)	Hall (OH)
Boulter	Dowdy	Hall, Ralph
Boxer	Dreier	Hamilton
Breaux	Duncan	Hammerschmidt
Brooks	Durbin	Hansen
Broomfield	Dwyer	Hartnett
Brown (CO)	Dymally	Hatcher
Broyhill	Dyson	Hayes
Bruce	Early	Hefner
Bryant	Eckart (OH)	Heftel
Burton (CA)	Eckert (NY)	Hendon
Burton (IN)	Edgar	Henry
Bustamante	Edwards (CA)	Hertel
Byron	Edwards (OK)	Hiler
Callahan	Emerson	Hillis
Campbell	English	Holt
Carney	Erdreich	Hopkins
Carper	Evans (IA)	Horton
Howard	Miller (WA)	Shelby
Hoyer	Mineta	Shumway
Hubbard	Mitchell	Shuster
Huckaby	Moakley	Sikorski
Hughes	Molinari	Siljander
Hunter	Mollohan	Sisisky
Hutto	Monson	Skeen
Hyde	Montgomery	Skelton
Ireland	Moody	Slattery
Jacobs	Moore	Slaughter
Jeffords	Moorhead	Smith (FL)
Johnson	Morrison (CT)	Smith (IA)
Jones (OK)	Morrison (WA)	Smith (NE)
Jones (TN)	Mrazek	Smith (NH)
Kanjorski	Murphy	Smith (NJ)
Kaptur	Murtha	Smith, Denny
Kasich	Myers	Smith, Robert
Kastenmeier	Natcher	Snowe
Kennelly	Neal	Snyder
Kildee	Nelson	Solarz
Kindness	Nichols	Solomon
Kleczka	Nielson	Spence
Kolbe	Nowak	Spratt
Kolter	O'Brien	St Germain
Kostmayer	Oakar	Stallings
Kramer	Oberstar	Stangeland
LaFalce	Obey	Stark
Lagomarsino	Olin	Stenholm
Lantos	Ortiz	Stokes
Latta	Owens	Strang
Leach (IA)	Oxley	Stratton
Leath (TX)	Packard	Studds
Lehman (CA)	Panetta	Stump
Lehman (FL)	Parris	Sundquist
Leland	Pashayan	Sweeney
Lent	Pease	Swift
Levin (MI)	Penny	Swindall
Levine (CA)	Pepper	Synar
Lewis (CA)	Perkins	Tallon
Lewis (FL)	Petri	Tauke
Lightfoot	Porter	Tauzin
Lipinski	Price	Thomas (CA)
Livingston	Pursell	Thomas (GA)
Lloyd	Quillen	Torres
Loeffler	Rahall	Towns
Long	Rangel	Traficant
Lott	Ray	Traxler
Lowery (CA)	Regula	Udall
Lowry (WA)	Reid	Valentine
Lujan	Richardson	Vander Jagt
Lundine	Ridge	Vento
Lungren	Rinaldo	Visclosky
Mack	Ritter	Volkmer
MacKay	Roberts	Vucanovich
Madigan	Robinson	Walgren
Manton	Rodino	Walker
Markey	Roe	Watkins
Marlenee	Roemer	Waxman
Martin (IL)	Rogers	Weber
Martin (NY)	Rose	Weiss
Martinez	Rostenkowski	Wheat
Matsui	Roth	Whitehurst
Mavroules	Roukema	Whitley
Mazzoli	Rowland (CT)	Whittaker
McCain	Rowland (GA)	Whitten
McCandless	Roybal	Williams
McCloskey	Rudd	Wirth
McCollum	Russo	Wise
McCurdy	Sabo	Wolf
McDade	Savage	Wolpe
McGrath	Saxton	Wortley
McHugh	Schaefer	Wright
McKernan	Schneider	Wyden
McKinney	Schroeder	Wylie
McMillan	Schuette	Yates
Meyers	Schulze	Yatron
Mica	Schumer	Young (AK)
Michel	Seiberling	Young (FL)
Mikulski	Sensenbrenner	Young (MO)
Miller (CA)	Sharp	Zschau
Miller (OH)	Shaw	

□ 1750

The CHAIRMAN pro tempore. Four hundred and ten Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the

gentleman from California [Mr. ZSCHAU] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair announces that 5 minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 190, noes 226, not voting 17, as follows:

[Roll No. 152]

AYES—190

Andrews	Hall, Ralph	Olin
Applegate	Hamilton	Oxley
Archer	Hammerschmidt	Packard
Armey	Hansen	Panetta
Badham	Hartnett	Pashayan
Barnard	Heftel	Pease
Bartlett	Henry	Penny
Barton	Hiler	Petri
Bates	Hillis	Porter
Bennett	Hopkins	Pursell
Bevill	Hubbard	Ray
Bilirakis	Huckaby	Ridge
Boehlert	Hughes	Ritter
Boner (TN)	Hutto	Roberts
Boulter	Hyde	Robinson
Breaux	Ireland	Roemer
Broomfield	Jacobs	Rogers
Brown (CO)	Jeffords	Roth
Broyhill	Jenkins	Rowland (CT)
Burton (IN)	Jones (OK)	Rowland (GA)
Byron	Kanjorski	Russo
Callahan	Kasich	Saxton
Campbell	Kastenmeier	Schaefer
Carney	Kindness	Schroeder
Carper	Kolbe	Sensenbrenner
Chandler	Kramer	Sharp
Chappie	LaFalce	Shumway
Cheney	Lagomarsino	Shuster
Coats	Latta	Skeen
Coble	Leach (IA)	Skelton
Combest	Lewis (FL)	Slattery
Cooper	Lightfoot	Slaughter
Craig	Livingston	Smith (NH)
Crane	Lloyd	Smith, Denny
Daniel	Loeffler	Smith, Robert
Dannemeyer	Lott	Snowe
Darden	Lujan	Snyder
Daub	Lundine	Solomon
DeLay	Lungren	Spence
Derrick	Mack	Spratt
DeWine	MacKay	Stallings
Donnelly	Madigan	Stenholm
Dornan (CA)	Martin (IL)	Strang
Dreier	McCain	Stump
Dyson	McCandless	Sundquist
Eckert (NY)	McCollum	Sweeney
Emerson	McCurdy	Swindall
English	McKernan	Tallon
Erdreich	McMillan	Tauke
Fawell	Meyers	Tauzin
Fields	Mica	Thomas (CA)
Flippo	Miller (OH)	Thomas (GA)
Fowler	Miller (WA)	Valentine
Franklin	Monson	Vander Jagt
Frenzel	Montgomery	Vucanovich
Gekas	Moore	Walker
Gibbons	Moorhead	Whitley
Gingrich	Morrison (WA)	Whittaker
Goodling	Myers	Wirth
Gradison	Neal	Wylie
Gregg	Nelson	Young (FL)
Grotberg	Nichols	Zschau
Gunderson	Nielson	
Hall (OH)	Nowak	

NOES—226

Ackerman	Berman	Bustamante
Addabbo	Biaggi	Carr
Alexander	Bliley	Chappell
Anderson	Boggs	Clay
Annunzio	Boland	Cobey
Anthony	Bonior (MI)	Coleman (TX)
Aspin	Bonker	Collins
Atkins	Borski	Conte
AuCoin	Bosco	Conyers
Barnes	Boucher	Coughlin
Bateman	Boxer	Courter
Bedell	Brooks	Coyne
Beilenson	Bruce	Crockett
Bentley	Bryant	Daschle
Bereuter	Burton (CA)	Davis
de la Garza	Kolter	Roe
Dickinson	Kostmayer	Rose
Dicks	Lantos	Rostenkowski
Dingell	Leath (TX)	Roukema
DioGuardi	Lehman (CA)	Roybal
Dixon	Lehman (FL)	Rudd
Dorgan (ND)	Leland	Sabo
Dowdy	Lent	Savage
Duncan	Levin (MI)	Scheuer
Durbin	Levine (CA)	Schneider
Dwyer	Lewis (CA)	Schuette
Dymally	Lipinski	Schulze
Early	Long	Schumer
Eckart (OH)	Lowery (CA)	Seiberling
Edgar	Lowry (WA)	Shaw
Edwards (CA)	Luken	Shelby
Edwards (OK)	Manton	Sikorski
Evans (IA)	Markey	Siljander
Evans (IL)	Marlenee	Sisisky
Fascell	Martin (NY)	Smith (FL)
Fazio	Martinez	Smith (IA)
Feighan	Matsui	Smith (NE)
Fiedler	Mavroules	Smith (NJ)
Fish	Mazzoli	Solarz
Florio	McCloskey	St Germain
Foglietta	McDade	Stangeland
Foley	McGrath	Stark
Ford (MI)	McHugh	Stokes
Ford (TN)	McKinney	Stratton
Frank	Michel	Studds
Frost	Mikulski	Swift
Fuqua	Miller (CA)	Synar
Gallo	Mineta	Torres
Garcia	Mitchell	Towns
Gaydos	Moakley	Traficant
Gejdenson	Molinari	Traxler
Gephardt	Mollohan	Udall
Gilman	Moody	Vento
Glickman	Morrison (CT)	Visclosky
Gonzalez	Mrazek	Volkmer
Gordon	Murphy	Walgren
Gray (IL)	Murtha	Watkins
Gray (PA)	Natcher	Waxman
Green	O'Brien	Weber
Guarini	Oakar	Weiss
Hatcher	Oberstar	Wheat
Hayes	Obey	Whitehurst
Hefner	Ortiz	Whitten
Hendon	Owens	Williams
Hertel	Parris	Wise
Holt	Pepper	Wolf
Horton	Perkins	Wolpe
Howard	Price	Wortley
Hoyer	Quillen	Wright
Hunter	Rahall	Wyden
Johnson	Rangel	Yates
Jones (TN)	Regula	Yatron
Kaptur	Reid	Young (AK)
Kennelly	Richardson	Young (MO)
Kildee	Rinaldo	
Kleczka	Rodino	

NOT VOTING—17

Akaka	Downey	Staggers
Brown (CA)	Hawkins	Taylor
Clinger	Jones (NC)	Torricelli
Coelho	Kemp	Weaver
Coleman (MO)	McEwen	Wilson
Dellums	Pickle	

□ 1800

Mr. HUNTER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. COLEMAN of Texas. Mr. Chairman, the fiscal year 1985 supplemental appropriations bill turns back a dangerous trend begun in the fiscal year 1982 budget. This bill recognizes the mistakes made in that budget that severely cut back on the number of U.S. Customs personnel, particularly Customs inspectors.

The bill provides for 120 additional Customs inspectors and import specialists to be added in the current fiscal year. It also provides for full funding of the January 1985 pay increase for Customs Service personnel. The full funding of that pay increase will allow the Customs Service to hire the full number of personnel funded by Congress in the regular Treasury appropriations bill for fiscal year 1985. If we had not passed that provision, the Customs Service estimates it would be understaffed by some 525 positions. Additionally, the bill includes language calling for Customs to lift the hiring freeze imposed by the Commissioner of Customs last December in order that those 525 personnel and the 120 additional personnel may be hired immediately.

Mr. Chairman, the cutbacks in Customs personnel since fiscal year 1982 have not produced efficiency and economy. On the contrary, those draconian reductions have brought chaos and confusion to the Customs Service. Working conditions have deteriorated. Commerce and tourism have been delayed, a particularly bad situation for the United States-Mexico border economy which has been trying to stage a comeback from the 1981-82 Mexican peso devaluations. And, in one case, the cutbacks have resulted in the death of a Customs inspector. I believe this policy of reducing personnel to create economy and efficiency has been a failure. When one considers the fact that the Customs Service is one of the few agencies of the Federal Government that actually contributes more funds to the Treasury than it takes out—$20 taken in for each $1 appropriated—I believe that the previous cuts, and future proposals are clearly unjustified.

A major factor to consider is the issue of widespread drug abuse in this Nation. We in Congress continue to stand up and denounce drug abuse and drugs smuggling, but there comes a time when we must act. Under the present conditions, as the front line of defense against narcotics entering our country, the Customs Service only inspect 2 percent of all containers entering our country. If we are really serious about attacking the problem of the flow of illegal drugs we must provide the Customs Service with the means to catch smugglers, and that entails more personnel to conduct more surveillance of our borders.

I believe the passage of this bill will signify to the administration and the public that the Congress is willing to take action to stem the flow of illegal drugs into our country. It will show the border areas that we are willing to address the issue of the border economy and improve the flow of cross-border commerce so important to our economy. I look forward to working on the fiscal year 1986 Treasury Appropriations bill to see that we move forward and provide the Customs Service with the funding it needs to do a competent job, minus the chaos and confu-

sion which now exists. If we are to make a real attempt to help international commerce and stem the flow of drugs, we must start by providing the Customs Service with the tools it needs to do the job. This bill is a start in that direction.

Mr. Chairman, I would also like to point out that I strongly support the section in chapter VIII of the bill, which provides that the fiscal year 1985 funds for the Emergency Immigrant Education Act be carried over to the next fiscal year should a delay in the obligation of the funds occur.

In fiscal year 1984, not all of the funds were obligated by the Department of Education because many school districts had difficulty in expending the funds. Furthermore, the Department of Education did not provide regulations for the allocation of the funds until late in the fiscal year. The language contained in the bill would address that problem and restate the intent of Congress that the Federal Government will share the financial burden with the local school districts adversely affected by the influx of schoolchildren of immigrant workers, including those of undocumented workers. This is only fair because the Supreme Court ruled that the States are responsible for the education of such children. While I cannot disagree with that ruling, the Congress believed that the Federal Government should share part of that burden since the control of our international borders is a responsibility of the Federal Government. I appreciate the continued support of the Subcommittee on Labor, Health and Human Service, and Education for the program.

Mr. Chairman, this is a good bill. In key sections, it addresses the needs of the United States-Mexico border region, which, for so long, has only received passing thought from Washington, DC.●

● Mr. HERTEL of Michigan. Mr. Chairman my colleague from Massachusetts, Mr. STUDDS, is offering an amendment today that would secure funding for Coast Guard facilities nationwide. I strongly support this gesture and urge my colleagues to lend their support to this important measure.

The Studds amendment would make available $15 million in funds from the boat safety account of the aquatic resources trust fund. This money would be used for Coast Guard operations, including maintaining the statutory floor of 39,150 persons, maintaining 13 critical search and rescue installations around the Great Lakes, and maintaining 100 temporary duty personnel in drug enforcement activity off the southeast coast.

The aquatic resources trust fund was established by the Deficit Reduction Act of 1984 and consists of money derived from that portion of the Federal tax on gasoline that is attributable to the purchase of motorboat fuel. The amendment will not increase overall Federal expenditures; instead, it will simply ensure that the $15 million intended by the Deficit Reduction Act to be made available to the Coast Guard will, in fact, go to this service, and not be diverted to other purposes.

The administration's request to consolidate Coast Guard facilities in the Great Lakes basin would have a devastating impact on the citizens of Michigan and other Great Lakes States. In my district alone the administration's proposal to close the only two Coast Guard stations serving Lake Saint Clair would jeopardize the safety and welfare of boaters and lakefront community residents who rely on the Coast Guard for many types of assistance.

Without the proximity of the Coast Guard facilities on Lake Saint Clair, the environmental welfare of our area would also be endangered. Currently, the Coast Guard monitors clean up efforts of environmental accidents, assuring the welfare of marine life and preventing further water pollution, discolored beaches and shoreline damage. The citizens who enjoy the Great Lakes, particularly Lake Saint Clair, know that we have worked hard over the past decade to improve the environmental quality of our water—and we want to maintain this healthy level.

Over the past several months the Merchant Marine and Fisheries Subcommittee on the Coast Guard has held hearings on the fiscal year 1986 budget request for the Coast Guard. These hearings have demonstrated time and time again the active, diverse and critical role of the Coast Guard nationwide.

Last month I conducted a field hearing in Detroit to review the funding request for the Coast Guard. This enabled representatives from the Great Lakes region to testify on conditions in the Great Lakes and the vital role the Coast Guard plays in our area. After reviewing testimony and carefully studying the issue, I am convinced that cutting or reducing U.S. Coast Guard facilities would greatly endanger the safety and welfare of our citizens.

I urge each of my colleagues to carefully consider this proposal and vote for the Studds amendment.●

● Mr. BIAGGI. Mr. Chairman, I want to rise and express my special support for the provision in H.R. 2577, providing supplemental funds for fiscal year 1985, addressing the funding shortfall in the WIC Program.

Under this legislation, we are providing $245.6 million—appropriated through the fiscal year 1985 appropriations bill—to implement the full $1.5 billion provided for this program in this year. As a result of the backdoor savings initiatives of the Office of Management and Budget—this action is necessary to release the $245.6 million and assure that pregnant women, infants, and children receive the full amount of funding provided through this program by Congress in this year. Without it—we would be agreeing to a process of allowing OMB to provide 10 months of funding for a program which has been fully funded for a 12-month cycle.

In some States, the activities in this area have resulted in reduced caseloads and waiting lists of up to 3 months. This problem is especially acute in my own city of New York. Take for example, Columbia-Presbyterian Medical Center—which has been required to keep its caseload at 1,500 women and infants—despite the fact that this same center delivers almost 4,000 babies per year. It is the high-risk obstetrics center for New York City. More importantly—this same center is able to save $3 in neonatal costs for every $1 spent on nutrition supplements.

Mr. Chairman, as a senior member of the House Education and Labor Committee—which has oversight responsibility for this program—I believe that we must act decisively today if we are to assure that the intent of Congress is carried out and the full $1.5 billion provided by Congress for WIC in this fiscal year is spent. Failure to provide this kind of support for the most vulnerable segments of our citizenry—through a program that has a proven record of support—is shortsighted in its goals and simplistic in its fiscal intent.●

● Mr. BIAGGI. Mr. Chairman, I want to rise to express my strong support for the $6 million that is provided in this legislation to start the Family Violence Prevention and Treatment Program.

As one of the authors of this legislation—I believe that in providing this modest level of support—we will begin to address some of the most pressing domestic problems which confront us as a society.

The sad but startling statistic point out the facts in this matter and demonstrate the need for these funds: Nearly 6 million women will be abused in any one year; some 2,000 to 4,000 women are beaten to death annually; and battery is the single major cause of injury to women—more significant than auto accidents, rapes, or muggings; and nearly one-half million elderly are abused by their families in any year.

The Family Violence Prevention and Treatment Act is designed to provide modest, startup and operational funds to local, community-based agencies in order to continue or to initiate programs to assist victims of domestic vio-

lence. My own special interest in this area includes assuring that these programs also take into account the special problems faced by abused elderly family members.

As a result of my own efforts as a member of the select Committee on Aging, we have raised the issue of elder abuse—as a family violence problem that must be considered in tandem with spousal abuse. Since 1979, our committee, including my own Subcommittee on Human Services, has conducted a number of hearings on this issue. We were also in the forefront of efforts last year, during the reauthorization of the Older Americans Act, to provide area agencies on aging the opportunity to operate elder abuse programs, as one of the supportive services provided under title III of the act. With the $6 million in funds provided in this legislation, community-based organizations that receive funds will be encouraged to operate cooperative efforts with area agencies on aging that establish special elder abuse programs.

While we recognize that the problems of elder abuse are special—and that services for elderly victims of family abuse need special kinds of services that an abused wife with children require—these funds are the first step in assuring that the services are in fact available at the community level to all victims of all ages.

Accordingly, in addition to the special emphasis on elder abuse in this program, I also was responsible for the antidiscrimination provisions that were added to the report to assure that the elderly receive their fair share of services and are not denied access to programs.

I am especially pleased that of the $6 million provided in this program, an amount not in excess of $2 million will be allocated to the Attorney General in order to establish training programs that assist law enforcement personnel in addressing this problem in communities. The fact is police officers spend one-third of their time responding to domestic violence calls. Training and technical assistance is critical if they are to be able to provide the kind of support that is needed.

Mr. Chairman, I want to commend that distinguished chairman of the subcommittee, Mr. NATCHER, and the ranking Republican, Mr. CONTE, for their foresight and their efforts in providing these long-overdue dollars. Those of us who have been involved in this effort for some years, are gratified by their recognition of the importance of this program and the people it is intended to serve.●

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Supplemental Appropriations Act, 1985".

The CHAIRMAN pro tempore. Are there further amendments?

If not, the Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

PREFERENTIAL MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, Pursuant to the rule and to clause 2(d) of rule XXI, I offer the preferential motion that the committee do now rise and report the bill back to the House with sundry amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN pro tempore. The question is on the preferential motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The preferential motion was agreed to.

The CHAIRMAN pro tempore. Pursuant to the rule, the Committee, however, does not rise.

At this point, no further amendments to the bill are in order except the four designated amendments made in order by the rule relating to Nicaragua.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. TRAFICANT] having assumed the chair, Mr. SHARP, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, had come to no resolution thereon.

REQUEST FOR CONSIDERATION OF SENATE JOINT RESOLUTION 142, ANNE FRANK DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 142) to designate June 12, 1985, as "Anne Frank Day," and ask for its immediate consideration.

The SPEAKER pro tempore. The Chair will advise the gentleman that this Senate joint resolution has not yet been messaged to the House by the other body, to the best of the Chairman's knowledge, unless there is some further clarification from the gentleman.

Does the gentleman from New York [Mr. GARCIA] have a second request?

RECOGNIZING PAUSE FOR PLEDGE OF ALLEGIANCE AS PART OF NATIONAL FLAG DAY ACTIVITIES

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 211) to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to this legislation now being considered.

Mr. Speaker, under my reservation, I would like to yield to the gentlewoman from Maryland [Ms. MIKULSKI] the chief sponsor of this House joint resolution.

Ms. MIKULSKI. Mr. Speaker, I would like to thank the gentleman from New York for bringing this legislation up. The President of the United States will be visiting Fort McHenry and it will be a great honor to have this bill signed.

Mr. Speaker, this Friday, June 14, is Flag Day. National Flag Day was officially designated by the Congress back in 1949. Since then, local Flag Day celebrations have swept across the country. Today the House has passed a resolution which will add a pause for the Pledge of Allegiance as part of these Flag Day celebrations.

It is in my hometown of Baltimore, MD, that the idea for pause for the Pledge originated. The Star-Spangled Banner Flag House, located in Baltimore, has been the official sponsor of Flag Week since 1952. The Flag House was the home of Mary Pickersgill who created the 42 by 30 foot Star-Spangled Banner which flew over Fort McHenry during the War of 1812 and inspired Francis Scott Key to write our national anthem. It is also in Maryland that the National Flag Day Foundation, Inc., was founded. The president of this organization, Mr. Louis Koerber, has worked for many years to conduct educational programs throughout the United States in promotion of National Flag Day and to encourage national patriotism by promoting the pause for the Pledge.

Now, with the passage of this bill, all Americans are urged to pause for a moment on June 14 at 7 p.m. e.d.t. to say simultaneously the 31 words of the Pledge of Allegiance to the flag. The effect of this simple ceremony will be a stimulating experience at home and a sign of unity abroad.

I am proud of the part that the people of Baltimore have played in our country's history. I am also proud that the House has seen fit to make history today by passing this patriotic resolution. In times that are troubled and uncertain, it is necessary to join together in honoring our flag and country and to recommit ourselves to the values which have made our country strong.

□ 1810

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 211

Whereas by Act of the Congress of the United States, dated June 14, 1777, the first official flag of the United States was adopted; and

Whereas by Act of Congress, dated August 3, 1949, June 14 of each year was designated "National Flag Day" and the Star-Spangled Banner Flag House Association in Baltimore, Maryland, has been the official sponsor since 1952 of National Flag Day for the United States; and

Whereas on June 14, 1980, the Star-Spangled Banner Flag House Association developed a national campaign to encourage all Americans to pause for the Pledge of Allegiance as part of National Flag Day ceremonies; and

Whereas this concept has caught the imagination of Americans everywhere, and has received wide citizen support and recognition, and there has not been created the National Flag Day Foundation, Incorporated, to plan the Nation's Flag Day ceremonies: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the pause for the Pledge of Allegiance as part of the celebration of National Flag Day throughout the Nation, and urges all Americans to participate on that day by reciting in unison the Pledge of Allegiance to our Nation's Flag, at seven o'clock post meridian eastern daylight time on June 14, 1985.

SEC. 2. The Congress shall transmit a copy of the resolution to the National Flag Day Foundation, Incorporated, in Baltimore, Maryland.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BALTIC FREEDOM DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 66) designating June 14, 1985, as "Baltic Freedom Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object but I simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. CARNEY] who is the chief sponsor of the joint resolution, Senate Joint Resolution 66.

Mr. CARNEY. Mr. Speaker, it is indeed a pleasure to speak on behalf of Senate Joint Resolution 66, Baltic Freedom Day.

Our consideration of this bill marks this body's continued commitment to the cause of freedom for the people of the Baltic States of Estonia, Latvia, and Lithuania.

Mr. Speaker, Senate Joint Resolution 66 requests the President to issue a proclamation—in conjunction with other appropriate activities—to commemorate this Friday, June 14, as Baltic Freedom Day.

Such a commemoration is important. For it reminds us all that there are still places in the world where people do not live in freedom. The people of the Baltic States lived peacefully and in freedom from 1918 to 1940, when World War II again subjected them to attack by both Nazi Germany and the Soviet Union. The Soviets occupy Estonia, Latvia, and Lithuania to this day.

Mr. Speaker, the people of these nations have suffered greatly under Soviet rule.

In early June 1941, hundreds of thousands of Baltic people were deported to Siberia. Many perished while still on route in the subhuman travel conditions the Soviets provided. Many others died in labor camps in Siberia, far from their native homelands.

The oppression of the Baltic people continues to this day.

The gulagas, prisons, and psychiatric hospitals are filled with people whose only crime is seeking freedom for their nation.

Mr. Speaker, this year marks the 45th anniversary of the United States nonrecognition of the Soviet takeover of Estonia, Latvia, and Lithuania. Our country has never recognized the illegal occupation of these countries and always supported the desire of the people of these nations to be free.

This resolution, Senate Joint Resolution 66, allows us in this body to express our solidarity with the cause for freedom for these three nations behind the Iron Curtain. Our colleagues in the other body have already expressed their support in a similar resolution passed in May.

Mr. Speaker, I urge my colleagues on this important anniversary to join with me in supporting Senate Joint Resolution 66.

Mr. HANSEN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding. Mr. Speaker, I rise in strong support of the resolution designating June 14 as "Baltic Freedom Day."

The purpose of the resolution is twofold, Mr. Speaker: it demonstrates the solidarity that exists between the people of the United States and the people of the formerly free Baltic States. At the same time, Mr. Speaker, it is tragic: it reminds us—and that is its purpose—that the Baltic States remain under the oppression of the Soviet Union.

Mr. Speaker, the people of Estonia, Latvia, and Lithuania deserve political, cultural, and religious freedom: rights which have been denied them since their countries were forcibly absorbed into the Soviet Union in the early 1940's. These are people who cherish the principles of liberty and justice and want nothing more than to assert their national identities through independent statehood.

The domination of the Baltic peoples by the Soviet Union is one of the great tragedies of the modern age. Baltic peoples have been forcibly deported from their homelands, which have been repopulated by other ethnic groups in an attempt to suppress the indigenous population and its culture.

The people of the United States care deeply about the political freedom and cultural identities of the Baltic people. Americans have continually supported them ever since their fate became known in the West.

We stand in solidarity with the people of the Baltic States, and hope for the day when they will again see the light of freedom.

Mr. HANSEN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. I thank the gentleman for yielding.

Mr. Speaker, I would like to add my support and comments to this Baltic Freedom Day. Latvia, Lithuania, and Estonia, the people there are brave peoples. They are definitely three different nations which are forced to live under the boot of the Soviet power. They take great interest in the fact that the United States of America has not diplomatically recognized the forcible annexation of these three nations. They take pride in the fact that we in the U.S. House of Representatives call attention to the time during which they were free and independent nations and by us in this House of Representatives, along with Baltic Americans and Baltic peoples throughout the world as well as those in Latvia, Lithuania, and Estonia, as long as we

keep that candle of freedom burning they will keep their hopes alive for one day having independence once again from the Soviet Union.

Mr. Speaker, I again thank the gentleman for yielding.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

● Mr. HOYER. Mr. Speaker, I would like to thank and commend the gentleman from New York [Mr. CARNEY] for bringing this important issue, the Baltic Freedom Day Resolution, before the House.

The commemoration of June 14, 1985, symbolizes our solidarity with the oppressed citizens of the Baltic States, and condemns the illegal and forced occupation of their soil by the Soviet Union. Moreover, since the signing of the Helsinki accords in 1975, the Soviets continue to constantly and blatantly violate both the letter and spirit of the accord's hyman rights provisions. In particular, Moscow has refused to allow the free flow of people and idea across national boundaries, and the right of people within each country to practive "freedom of though, conscience, religion or belief" pusuant to the accords.

It is and always has been, the inherent duty of all democratic governments to insure, through all reasonably feasible channels, that the basic civil liberties, culture, language, traditions, religion and political and territorial independence—in short, the national sovereignty—of any people are perpetuated via their own accord, and not infringed upon, coerced, or destroyed by any foreign power.

On August 14, 1941, Franklin Delano Roosevelt signed the Atlantic Charter opf eight points, the second point of which declared that the United States would approve "no territorial changes that do not accord with the freely expressed wishes of the people concerned." The third point declared the signatories respect for the "rights of all peoples to choose the form of government under which they will live"; and their "wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

With this Baltic Freedom Day Resolution, we renew our original convictions of 45 years ago, and continue to stand firm in our commitment for the reestablishment of Baltic national sovereity.●

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 66

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations;

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions, and languages distinctively foreign to those of Russia;

Whereas the Union of the Soviet Socialist Republics (U.S.S.R.) in 1940 did illegally seize and occupy the Baltic Republics and by force incorporate them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.;

Whereas the U.S.S.R. since 1940 has systematically removed native Baltic peoples from their homelands by deporting them to Siberia and caused great masses of Russians to relocate in the Baltic Republics, thus threatening the Baltic cultures with extinction;

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom;

Whereas the people of Estonia, Latvia, and Lithuania find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest;

Whereas the U.S.S.R. refuses to abide by the Helsinki accords which the U.S.S.R. voluntarily signed;

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism;

Whereas the United States, as a member of the United Nations, has repeatedly voted with a majority of that international body to uphold the right of other countries of the world, including those in Africa and Asia, to determine their fates and be free of foreign domination;

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States of Latvia, Lithuania, and Estonia, the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms, and

Whereas the U.S.S.R. conscripts Estonians, Latvians, and Lithuanians into the Soviet Armed Forces compelling them to serve in Afghanistan, Vietnam, and Cuba: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the dominaiton of the U.S.S.R. and deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression and that the fourteenth day of June 1985, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people and that the president of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the 1-minute speech today by the gentleman from New York [Mr. GILMAN.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE FARM CRISIS

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. DASCHLE. Mr. Speaker, in recent months I have been asked time and again by many of our colleagues about whether the farm crisis has actually blown over.

The fact is that the farm crisis in the last couple of months has actually gotten worse. The recent reports that they received 90 percent of the financing they needed only means that 90 to 95 percent of those farmers have gotten deeper in debt and they are deeper in debt to a degree which we have never seen in history. The aggregate farm indebtedness next year will be more than $230 billion, and of that $230 billion more than $60 billion will be held by those who have a debt to asset ratio of 70 percent or greater.

As a matter of fact, 2-year land values are now projected to decline by more than 40 percent by the end of this year. Just last week four banks in Nebraska closed their doors.

The situation is getting worse. The farmers' projected income next year is going to be less and the situation deserves and demands our attention.

Recently an article was written in the Wall Street Journal depicting the current situation in agriculture. It is an accurate reflection of the seriousness of the situation. It is an accurate depiction of how grave the problems really are and I urge my colleagues to read it.

I include the article at this point in the RECORD.

[From the Wall Street Journal, June 6, 1985]

BANKS GIVE FARMERS LOANS AND PRAY FOR BAILOUT

LENDERS ARE SQUEEZED AS AGRICULTURE ECONOMY DETERIORATES

(By Charles F. McCoy, and Marj Charlier)

Gary Larson, a Council Bluffs, Iowa, farmer with his back to the wall, got a $50,000 planting loan this spring.

It didn't seem to matter much that he still owed the bank $40,000 from last year, that he had negative cash flow and that the value of his collateral had been rapidly disappearing. Nor did it matter that both he and his banker agreed as they closed the loan that there was virtually no way Mr. Larson would be able to repay.

"He shrugged, I shrugged, he signed me on," Mr. Larson recalls. "We knew it'd take some kind of drastic changes for either of us to come out all right. I mean miracles."

But miracles are in short supply these days. The battered farm economy has deteriorated in recent weeks, shoving farm lenders and their customers deeper into the morass. Land values, the collateral holding up most agriculture loans, are unraveling faster than at anytime since the farm upheaval began four years ago; many observers predict land values will drift downward for years before touching bottom at as little as a quarter of peak prices of the early 1980s. Depressed commodity prices and exports are expected to plunge further this fall.

Even the weather won't cooperate: The Soviet Union has had a lovely spring, unmarred by the drought that wrecked crops there last year and opened the Soviet market to big shipments of American grain.

"Every fundamental trend is going downhill steadily," says Sung Won Sohn, chief economist at Norwest Corp., a big bank holding company based in Minneapolis. "We're looking at poor conditions this year, probably worse next year, persisting through 1987 and perhaps beyond."

PROBLEM LOANS INCREASE

That bleak litany is turning up the heat on farm lenders. The number of farm banks with more problem loans than capital—a leading indicator of failure—was at 89 and rising as of Dec. 31, up one-third from 64 last June, according to Veribanc Inc., a consulting firm in Woburn, Mass. The Federal Deposit Insurance Corp.'s problem bank list now includes 371 farm banks; last June, the figure was 231. Twenty-four of the 43 banks that have failed so far this year were agricultural banks.

Many banks, afraid to take heavy write-offs in their weakened conditions, continue to defer losses by lending more to essentially broke farmers on the thin hope that something will surface to make them whole. About 95% of farmers got planting loans this spring, belying predictions that only 85% to 90% would get new money. Much of that credit came from government agencies such as the Farmers Home Administration, but bankers and regulators concede that banks threw millions of dollars of good money after bad.

"We know a lot more farmers than that 5% who got cut out (who) are in terrible shape," says Elden Rance, president of First National Bank of Worthington, Minn. "For a lot of farmers and banks, the agony has merely been prolonged."

RED-TAPE NIGHTMARE

Richard Chesley could fit that category. A Missouri wheat farmer, he is behind on payments to the FmHA on some 300 acres, has negative cash flow and has a debt-to-asset ratio of about 120%. Yet his bank lent him planting money. "The bank is hanging with me," he says. "Get some better prices, I may be able to pay back."

Some bankers still hold out hope that the government will help turn things around, but no action is expected soon. The administration's major stab at farm relief, a $650 million emergency loan program launched this spring, is puny in comparison to the $212 billion farmers owe banks and federal agencies. And it has been a red-tape nightmare. "It took a hundred filled-out forms and 2½ months, and by then it was damn near too late," says Ray Jenkins, a beet farmer near Greeley, Colo.

Bankers carp that too many farmers were left out because the government's cash-flow requirements are too tough. And only $31.7 million has been lent under the part of the program the administration touted most, an offer to guarantee most of a loan if the bankers would knock off 10% of the principal or interest. For their part, federal officials complain that some bankers are abusing the program by trying to dump hopelessly indebted farmers on the government, rather than the temporarily pinched operators the program is designed to cover.

"This program and all the other stuff the government is talking about are stopgap measures, but they're not enough to stop up all the gaps we've got now," says Weldon Barton, agricultural representative of the Independent Bankers Association of America.

Farm banks—so-called because at least a quarter of their loans are to farmers—and other commercial banks with agriculture portfolios together have about $51 billion in farm exposure. As much as 50% of that debt, or $25.5 billion, is now "dangerously delinquent or soon to be," estimates W.H. Shirley, a farm bank consultant in Merriam, Kan. About 13.5% of BankAmerica Corp.'s Bank of America unit's $1.7 billion of farm loans was at least 90 days past due as of March 31, compared with 10.5% at year-end; one Bank of America official concedes that, barring some unlikely about-face in the farm economy, the banking giant's agricultural loan write-offs this year could match 1984's $77 million.

PROMISE OF MORE FAILURES

For smaller farm lenders, the deteriorating outlook has meant a slew of failures and the promise of many more. In Iowa, where the farm crisis is hitting hardest, banks in Odebolt, Story City and Massena closed within a two-week period beginning in late April. Some bankers predict that as many as 20 Iowa banks will fail this year. In 1984, three failed.

In Iowa and other farm states, officials worry that the farm turmoil is scaring off investors and bleeding the banks of capital to the point that economic development will be set back years. Already promoters of a planned horse race track near Des Moines that the state is counting on for badly needed tax revenues have run into trouble finding backers. "Investors are worried about our banks and farmers having any money left to spend," says Dean Rowland, Iowa's chief bank examiner.

Farm bankers contend they're coming to grips with the snowballing problems. But in many instances, banks can't write off loans fast enough to heal themselves. First State Bank in Paullina, Iowa, has taken the kind of tough measures cheered by regulators, writing off a fifth of its $15 million in loans over the past eight months. But that only cut First State's ratio of problem loans to capital from 229% to about 180%, still deep in the danger zone.

Many bankers have been counting on a recent shift to cash-flow lending from lending against inflated land values to contain their loan losses. But with commodity prices sagging and farm income now projected to fall to $25 billion from last year's $33 billion, cash-flow lending "isn't much of an answer, because people you figured would have some cash flow aren't going to," says E. Harry Hess, president of Greeley (Colo.) State Bank.

BANKS ACCUMULATE FARMLAND

The farm banks' land problem also is getting worse. Through farm failures and foreclosures, banks in recent months have been accumulating farmland in many areas faster than at almost anytime since the Depression. In Iowa, for example, banks held $153 million of farm real estate assets as of March 31, up 33% from $115 million a year earlier.

That portends big trouble for the banks, because the value of farmland is crashing. The gloomy outlook has kept potential buyers away, fattening an already huge land glut and driving prices down 6% to 9% in the first quarter alone in most parts of the Farm Belt.

At a recent auction near Cedarville, Ill., a dairy farm with a mortgage of about $880 an acre got one bid of $550; the bank that was trying to unload it decided not to sell. In Louisa County, Iowa, prime farmland that went for $2,300 an acre in 1981 is valued at $1,600 an acre. Thomas Huston, Iowa's banking superintendent, says prices will fall to $800 an acre before stabilizing. He and other observers think land prices could ultimately approach the lower levels prevalent in foreign countries U.S. farmers compete with. "We're in for a hell of a whipping," Mr. Huston says.

The plunging land prices are sticking banks with assets that are declining in market value almost every week. Still, banks are holding off on dumping the land on the glutted market; there are few buyers, and selling at today's depressed prices would mean major losses and would only depress land values further.

GOOD WILL FORESTALLS LOSSES

Regulatory good will has permitted banks to forestall massive losses on farmland in some areas. In Iowa, the state Legislature last year passed a law allowing banks to hang on to real estate for five years; previously, they had to sell within a year. Federal regulators are easing up as well, permitting banks in Colorado and elsewhere to hold land for as long as 10 years without selling.

But such moves are small comfort, especially as bankers look toward the winter planting season and another round with credit-starved, debt-heavy farmers. Already, some economists are guessing another 5% of farmers won't get loans, forcing banks to swallow more losses and throwing more land onto the market.

And there are worried whispers that the conflict between borrower and lender could turn nastier. Farmer lawsuits against banks are occurring more frequently, and some farmers have even forced lenders to refinance them by threatening to simply walk away from bad debt. "I wouldn't want to be in a banker's shoes for the next few years," says Mr. Larson, the Iowa farmer. "Then

again, I suppose it won't be any better in the farmer's shoes."

ESSEX-MIDDLE RIVER 25TH BIRTHDAY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and to include extraneous material.)

Mrs. BENTLEY. Mr. Speaker, on June 13, 1985, the Essex-Middle River Civic Council, located in the eastern portion of my district in Maryland, will celebrate its 25th birthday.

The council was informed in late 1959 by a movement of the Women's Club of Middle River. Mrs. Anita Lyden of Rosedale formed the council with the motto "We live here—We care." How well this phrase reflects both the area and the people who live and work there.

The articles of early council outlines its goals and purposes: To advance educational, civic, social, commercial, and economic interests, to cultivate social relationships among its members, to discover and correct abuses, to prevent or adjust controversies, to promote integrity and good faith, just and equal principles in business and professional activities, and uniformity in commercial uses, and to conduct a club for the purpose of providing for the refreshment, entertainment, and social diversion of its members.

Today, as a result of the strong presidency of Mrs. Alberta Pugh in the 1970's, the council is stronger, larger and more knowledgeable than ever. It continues to demand respect for the area and serve it well. So to the many hard working and dedicated community and civic minded volunteers of the Essex-Middle River Civic Council, I say happy 25th birthday—and many, many more.

The Essex-Middle River Civic Council was formed in late 1959 by a movement of the members of the Womans Club of Middle River. At the urging of several members of the Womans Club, Mrs. Anita Lyden of Rosedale, wife of Dr. Robert Lyden, formed the council with a motto of "We care—We live here."

The council was composed of delegates and representatives from civic and womans clubs in the area. The initial concern for the council was becoming involved in the issue of spot zoning, which according to Mrs. Lyden could turn a residential area into a business area almost automatically. It seems that we are fighting the same battles 25 years later.

Mrs. Lyden saw the need for a single areawide clearinghouse or council, but she still stressed the need for individual groups for the important role they play in community problems.

Those organizations represented on the council at its start were the Bauernschmidt Manor Improvement Association, Country Ridge Civic Association, Long Beach Improvement Association, Martindale Civic Association, Middleborough Civic Association, Hope Lutheran Church, Glenmar PTA, Mars Estates PTA, Victory Villa PTA, and Sussex PTA. The first group of officers for the council were, Robert D. Romeril, president; Walter Heinecke, vice president; Dorothy Muse, recording secretary; Joseph Fuchs, treasurer; and Mrs. Harry McCord, corresponding secretary.

The civic council formally incorporated on June 13, 1960, with Robert Paul Mann as the resident agent, and Robinson Walter, Irene Jordan, and Kathy McCord as the directors.

The purposes of the council as listed in the articles of incorporation were to advance the educational, civic, social, commercial, and economic interests of the community of Essex-Middle River; to cultivate social relations among its members; to discover and correct abuses; to prevent or adjust controversies; to promote integrity and good faith, just and equal principles in business and professional activities, and uniformity in commercial uses; and to conduct a club for the purpose of providing for the refreshment, entertainment, and social diversion of its members.

At that time the council began upon a long term of community service that saw many rewards and benefits for the area. Unfortunately however, with each new victory many members of the council were finding no new major issues to become involved in and slowly interest and attendance in the council began to diminish. These were lean and hard years for the council but just as many a great athlete has had a comeback so did the council.

In September 1969 with a great deal of help from Mrs. Maxine Leroy, one of the original founders of the council, the Essex-Middle River Civic Council was reorganized. At this point in time, the council as we know it today had begun. Many hard working and dedicated community and civic minded volunteers joined the council to help provide and promote a more appealing Essex-Middle River community.

The mid-1970's began the newest and most productive era in the council's history. At this time, Mrs. Alberta Pugh was first elected to serve as president of the council. Mrs. Pugh had a working knowledge of zoning laws, the county code, health regulations, et cetera, that was second to none. She used this knowledge to attract greater numbers to join the council, and put these people to work in the proper areas that would be more profitable to the community. Mrs. Pugh was a one woman army who put Essex-Middle on the map, and gained respect for our community from the entire State. Her tireless dedication and devotion carried the council through the 1970's and into the 1980's. Mrs. Pugh's death in 1983 left a great void in the council as she had been doing the work of 10 people.

The story is not lost there however, not wanting to see the council die again, and out of tribute to Mrs. Pugh, a handful of volunteers such as Rev. Willie Chambers, Randy Cogar, George Frangos, Keith Roberts, and others have banded together to see that the council continues to survive into the next century.

It is with the knowledge of these facts that we can boast that the Essex-Middle River Civic Council, Inc. will continue to serve as the greatest community council in the State of Maryland for infinity.

We wish a very happy 25th birthday to the council, and a longer more successful future.

VANCE, McNAMARA, VICE ADMIRAL LEE OPPOSE NEW NERVE GAS WEAPONS

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I want to share with my colleagues a very important letter which I received from former Secretary of State Cyrus Vance, former Secretary of Defense Robert S. McNamara, and Vice Adm. John M. Lee.

These three distingished public servants view production of new binary nerve gas weapons as not serving our country's national security interests. They stress in this letter that these new binary weapons are unnecessary, unproven, potentially inferior to and a greater logistical problem than our existing unitary chemical weapons, and a political liability with our allies.

They conclude by stating that the technical, operational, and political liabilities of the binary convince them that these new nerve gas weapons should not be funded at this time. I want to remind my colleagues that the cost of these new weapons will be $174 million this year and at least $2.3 billion over the next 5 years.

I urge my colleagues to carefully consider the opinions of these national security and defense experts when we vote on the Porter-Fascell amendment to the DOD authorization bill.

Their letter follows:

JUNE 2, 1985.

Hon. DANTE B. FASCELL,
Chairman, House Foreign Affairs Committee, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE FASCELL: As former defense and foreign policy officials, we are writing today to express our concern over the request for the fiscal year 1986 funds of

$163 million for the production of binary chemical weapons.

At the outset, we wish to emphasize that we would not question binary chemical weapons production if we thought such an action would put the United States at a disadvantage militarily. However, it is our view that U.S. national security interests will be ill-served by producing binary weapons at this time.

First, we believe that our existing stockpiles of chemical munitions make the additional request of binary weapons unnecessary. Secretary of Defense Caspar Weinberger addressed the issue of the adequacy of our current chemical artillery stockpile in a February 1, 1983 written response to questions from Senator Sam Nunn:

"For procurement of new artillery shells, the need is not one of redressing a clear lack of military capability. The U.S. possesses a stockpile of chemical nerve agent artillery shells, similar to the proposed M-687 binary round, that are compatible with modern 155mm. and 8-inch artillery pieces. The quantity is in the range of sufficiency (at least for U.S. forces) and actually is higher than the planned acquisition quantity for the binary projectile."

Second, we believe that the proposed binary chemical munitions may actually be militarily inferior to the unitary weapons in our existing stockpile. Because the binaries have never been open-air tested in their actual configuration, their reliability is far from certain. Test failures involving the proposed Bigeye binary bomb, which led both the House and Senate Armed Services Committees to delete part of the administration's fiscal year 1984 request for this program, underscore the importance of not proceeding with the production of binary munitions until they have been fully tested.

Third, binaries also create greater logistical problems compared to existing chemical weapons because they are heavier and bulkier, and because there are two separate components which must be assembled on the battlefield. An April 29, 1983 General Accounting Office Report to the Congress, entitled "Chemical Warfare: Many Unanswered Questions," considers these factors and concludes:

"The available data do not sustain the argument that binaries offer substantial technical and operational advantages over existing weapons . . . Army estimates indicate that nearly four times the space is required for transporting and storing binary munitions, compared to unitary."

Finally, it is also far from clear whether our friends and allies in Europe would be positively disposed toward the prepositioning of binary weapons on their soil. We are concerned that an attempt to deploy binary chemical weapons will not only be rejected by our European allies, but could also trigger a request for the removal of currently deployed unitary chemical weapons from West Germany.

The foregoing points certainly suggest that spending billions of dollars on the procurement of binary munitions does not constitute a judicious allocation of our defense dollars. In our opinion, the technical, operational and political uncertainties surrounding the proposed binary chemical weapons program thus argue strongly against funding binary weapons production at the present time.

We urge you to support the upcoming effort to delete the $163 million binary production request from the fiscal year 1986 defense authorization bill.

Sincerely,

ROBERT S. MCNAMARA.
CYRUS VANCE.
Vice Admiral JOHN M. LEE.

EX-CONTRA WARNS OF U.S. INVASION

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, this morning I joined other Members of Congress at breakfast with Edgar Chamorro, whose family has produced four former Presidents of Nicaragua. Mr. Chamorro described his support for the ouster of Somoza, later becoming a member of the dictorate of the Contras [FDN] after Marxists gained control of the Sandinista [FSLN] government.

Mr. Chamorro observes that the 4-year U.S. policy of pain toward Nicaragua has failed:

That in his country where 60 percent of the population is under 20 years of age, the pain is suffered most by helpless children.

That Mr. Reagan's policy supports an army run by Sandinistas who terrorize, kidnap, rape, and murder in the name of freedom.

That U.S. policy encourages the radical elements to unite against the Contra front for the CIA which is perceived to be the vanguard for a U.S. military invasion.

That in his words, the United States is forcing Nicaragua like Cuba 25 years ago, to become more dependent upon the Soviet Union.

And that democracy can work only if the United States will permit Contadora to work.

I submit for the RECORD a copy of a letter from Mr. Chamorro, together with my letter of transmittal to Members of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 1985.

DEAR COLLEAGUE: Until late last year, Edgar Chamorro served as one of the principal leaders of the Nicaraguan rebels. He subsequently broke with the contra movement, and is now free to give his own personal assessment of the contra army, and the possible effects of new American aid in Nicaragua.

Mr. Chamorro is probably one of the best sources of first-hand information about the contra movement. Last week I asked him to prepare a letter to Members of Congress, summarizing his views on the possibility of renewed American assistance to the contras. That letter is attached. I urge you to take a few moments to reflect on its contents before the House considers the Nicaragua issue on Wednesday.

With kindest regards, I am

Sincerely,

BILL ALEXANDER.

JUNE 10, 1985.

ESTEEMED MEMBERS OF CONGRESS: My name is Edgar Chamorro Coronel. I am a Nicaragua citizen and a former member of the National Directorate of the Nicaraguan Democratic Force (FDN)—currently the largest rebel force opposing the Sandinista government. I take this opportunity to write to you, distinguished members of the United States Congress, out of my concern for the future of my homeland, as well as the direction of U.S. policy in the region.

Prior to the Nicaraguan revolution in 1979, I lived and worked in Nicaragua. I was educated and trained by the Jesuit order of the Catholic Church and spent twenty years as a Jesuit. I also served as Dean of the School of Humanities at the University of Central America in Managua and as a member of the Nicaraguan mission to the United Nations.

In 1978 I joined the broad coalition of political parties and organizations which contributed to the overthrow of the Somoza regime. I considered the defeat of Somoza to be a political victory by this broad coalition of forces, not simply a military victory by the Sandinistas. Shortly after the Sandinistas came to power, I became concerned that moderate elements were giving way to the more radical trends within the FSLN. Fearing the radicalization of the revolution, I decided to leave Nicaragua with my wife and two children.

I joined the FDN in an attempt to work for democracy in Nicaragua. For two years I worked out of Tegucigalpa, Honduras as the FDN spokesman in charge of communications. I was intimately involved in and acutely aware of the inner workings of the organization.

I regret to tell you, Members of Congress, that from my personal experience in a leadership role with the FDN I learned that this organization could not contribute to the democratization of Nicaragua. The FDN is in the hands of the ex-National Guard who control the Contra army, stifle internal dissent, and intimidate or murder those who dare to oppose them. This is not a democratic organization. In addition, the FDN has been subject to excessive manipulation by the Central Intelligence Agency which has reduced it to a front organization.

At this moment a critical point has arrived that will effect many Nicaraguans and future relations between Nicaragua and the United States. I would respectfully suggest the importance of deep reflection on the significance of the choice you are now facing.

My most important message to you, stemming from my personal experience with the FDN, is:

A political solution should be the first priority in solving the Nicaraguan conflict. This policy requires opening avenues of diaglogue and avoiding confrontation. Past proposals for dialogue have been delivered as ultimatums and are therefore unacceptable. The first step towards national reconciliation and dialogue is the abolition of the contra army.

A policy of national reconciliation would strengthen the moderates and pragmatists and weaken the extremists and ideologues on both sides. Moderate political leadership should not be encouraged to leave the country and join the "freedom fighters." It is these moderates who are most capable of engaging in dialogue.

The present policy of applying military pressure inflicts suffering and pain on the people of Nicaragua, leads to further political polarization, and increases the danger of

military escalation. This policy of applying pressure to the Sandinistas until they "cry uncle" grossly underestimates the extent of Nicaraguan pride and self-esteem. A revolution based on national pride and dignity will never "cry uncle."

The Contadora initiative presents the best available option for achieving a lasting political solution in Nicaragua. Nicaragua is a Latin American problem best solved by Latin politicians. American interests in Nicaragua are best defended by genuine support for the Contadora process.

I consider humanitarian assistance to the contras just another vehicle for the prolongation of this war. The only assistance worthy of the name "humanitarian aid" is assistance to the victims of the conflict on both sides.

Let me leave you with a final thought. Finding a solution to the conflict in Nicaragua requires patience in spite of the apparent urgency; wisdom in the midst of complexity; tolerance and magnanimity to accept the stumbling steps of a young nation finding its own way. Such qualities are the privilege of a great power and the most important contribution that the United States can make toward solving the crisis in Nicaragua.

Sincerely,

EDGAR CHAMORRO CORONEL.

PRESIDENT SUPPORTS BIPARTISAN PROPOSAL TO ASSIST FORCES OF DEMOCRACY IN NICARAGUA

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCURDY. Mr. Speaker, I insert in the RECORD a letter I received from President Reagan today, and I would like to highlight a couple points that the President made when he addressed this letter to me. He said:

DEAR CONGRESSMAN MCCURDY: I am writing to express my strongest support for your bipartisan proposal to assist the forces of democracy in Nicaragua. . . .

He said:

My Administration is determined to pursue political, not military, solutions in Central America. Our policy for Nicaragua is the same as for El Salvador and all of Central America: to support the democratic center against the extremes of both the right and left, and to secure democracy and lasting peace through national dialogue and regional negotiations. We do not seek the military overthrow of the Sandinista government or to put in its place a government based on supports of the old Somoza regime. . . .

We oppose a sharing of political power based on military force rather than the will of the people expressed through free and fair elections. . . . It is also the position of the Nicaraguan opposition leaders, who have agreed that executive authority in Nicaragua should change only through elections. . . .

President Reagan also indicates he takes seriously my concern about human rights. He says:

The U.S. condemns, in the strongest possible terms, atrocities by either side. We are committed to helping the democratic resistance in applying strict rules regarding proper treatment of prisoners and the civilian population. . . .

Mr. Speaker, the text of the President's letter is as follows:

THE WHITE HOUSE,
Washington, DC.

Hon. DAVE MCCURDY,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCCURDY: I am writing to express my strongest support for your bipartisan proposal to assist the force of democracy in Nicaragua. It is essential to a peaceful resolution of the conflict in Central America that the House of Representatives pass that proposal, without any weakening amendments.

My administration is determined to pursue political, not military, solutions in Central America. Our policy for Nicaragua is the same as for El Salvador and all of Central America: to support the democratic center against the extremes of both the right and left, and to secure democracy and lasting peace through national dialog and regional negotiations. We do not seek the military overthrow of the Sandinista government or to put in its place a government based on supporters of the old Somoza regime.

Just as we support President Duarte in his efforts to achieve reconciliation in El Salvador, we also endorse the unified democratic opposition's March 1, 1985 San Jose Declaration which calls for national reconciliation through a church-mediated dialog. We oppose a sharing of political power based on military force rather than the will of the people expressed through free and fair elections. That is the position of President Duarte. It is also the position of the Nicaraguan opposition leaders, who have agreed that executive authority in Nicaragua should change only through elections.

It is the guerrillas in El Salvador—and their mentors in Managua, Havana, and Moscow—who demand power sharing without elections. And it is the Sandinistas in Nicaragua who stridently reject national reconciliation through democratic processes. Our assistance has been crucial to ensuring that democracy has both the strength and will to work in El Salvador. In Nicaragua, our support is also needed to enable the forces of democracy to convince the Sandinistas that real democratic change is necessary. Without the pressure of a viable and democratic resistance, the Sandinistas will continue to impose their will through repression and military force, and a regional settlement based on the Contadora principles will continue to elude us.

I understand that two "perfecting" amendments will be offered that will seek to nullify the intent of your proposal. One, supported by Ed Boland, would prohibit the exchange of information with the democratic resistance and permanently deny even humanitarian assistance because it would "have the effect" of supporting "directly or indirectly" the military efforts of the resistance. The other, supported by Dick Gephardt, would prohibit humanitarian assistance for at least 6 months and then continue the prohibition until Congress votes yet again.

The Boland amendment is clearly intended to have the same effect as the Barnes amendment that was rejected by the House in April. If the Boland prohibitions are enacted, the only way humanitarian assistance could be provided would be for the recipients to abandon their struggle and become refugees. The Gephardt proposal, guaranteeing the Sandinistas six additional months without effective pressure, would send a signal of irresolution to friends and adversaries, while denying the democratic resistance help that it so desperately needs. These amendments would prevent us from providing humanitarian assistance and exchanging information to sustain and preserve the democratic resistance. They would effectively remove the resistance as a source of pressure for dialog and internal reconciliation. If those struggling for democracy are not supported, or worse, forced to become refugees, the Sandinistas will be encouraged to press their military advantage and the prospects for a peaceful resolution will be diminished.

I take very seriously your concern about human rights. The U.S. condemns, in the strongest possible terms, atrocities by either side. We are committed to helping the democratic resistance in applying strict rules regarding proper treatment of prisoners and the civilian population. And we urge their leaders to investigate allegations of past human rights abuses and take appropriate actions to prevent future abuses.

I recognize the importance that you and others attach to bilateral talks between the United States and Nicaragua. It is possible that in the proper circumstances, such discussions could help promote the internal reconciliation called for by Contadora and endorsed by many Latin American leaders. Therefore, I intend to instruct our special Ambassador to consult with the governments of Central America, the Contadora countries, other democratic governments, and the unified Nicaraguan opposition as to how and when the United States could resume useful direct talks with Nicaragua. However, such talks cannot be a substitute for a church-mediated dialog between the contending factions and the achievement of a workable Contadora agreement. Therefore, I will have our representative meet again with representatives of Nicaragua only when I determine that such a meeting would be helpful in promoting these ends.

Experience has shown that a policy of support for democracy, economic opportunity, and security will best serve the people Central America and the national interests of the United States. If we show consistency of purpose, if we are firm in our conviction, we can help the democratic center prevail over tyrants of the left or the right. But if we abandon democracy in Nicaragua, if we tolerate the consolidation of a surrogate state in Central America responsive to Cuba and the Soviet Union, we will see the progress that has been achieved in neighboring countries begin to unravel under the strain of continuing conflict, attempts at subversion, and loss of confidence in our support.

There can be a more democratic, more prosperous, and more peaceful Central America. I will continue to devote my energies toward that end, but I also need the support of the Congress. I hope the House will support your legislation.

Sincerely,

RONALD REAGAN.

Mr. DORNAN of California. Mr. Speaker, the preceding speaker Mr. MCCURDY and I had a chance to visit El Salvador in February 1982. At that time there had only been one other Republican down there in about 8 years and only 1 Democrat, the former

chairman of one of the appropriations subcommittees, Doc Long.

I had taken my sons down alternately and then in February 1982 I took my wife to try and show Congressmen and women that it was not Dodge City in the 1800's down there, but that El Salvador is a beautiful country and that there was much for all Americans to learn about in a country we were trying to help.

I remember the gentleman from Oklahoma saying to Beth Nissen of Newsweek Magazine during a dinner at the American Ambassador's home that he did not like to use the word "Communist." because it was pejorative. And I recall vividly my wife then asking the gentleman from Oklahoma (Mr. McCURDY) if he chose not to ever use the word "Communist," then what did he call Communists? The gentleman from Oklahoma (Mr. McCURDY) had no answer. Well, that antipathy about calling Communists "Communists" has certainly been retired in this continuing debate over aiding the Contra-tyrants.

Now we have in this House total recognition, there are truly Communists in Nicaragua. But I am confused by our President's letter to Mr. McCURDY. The President in speeches across the country in the last few days proclaimed that he would never again use the term Sandinistas but instead say Communists. But not in his letter to McCURDY. Back to Sandinistas. Why? And then the letter says that he only wants to apply "pressure" with a "viable and democratic resistance."

Well, I ask my President and ask everybody who plans to participate in that hot debate coming up tomorrow: What is this pressure? Are we encouraging young Nicaraguans to shed their blood as we encouraged young Vietnamese, Cambodians and Laotians to do, just for a little pressure?

LBJ told the world in the sixties, "We're only applying pressure, pressure to get the Communists to the negotiating table. Fifty eight thousand of our finest young men and nine young women died to apply a little pressure. After we walked away the dieing continued in 1973 and 1974 and 1975, until our allied countries fell to communism? And the dying goes on to this day.

I do not know what is wrong with a military solution in Nicaragua if our military is not involved. What's wrong with a victory over communism. The Communists in Nicaragua are there to stay unless driven to Cuba by freedom fighters repeating the revolution for freedom that deposed Samoza.

If the OAS would withdraw recognition of the betrayers—the government in Managua—the result would be swift. If Costa Rica, Honduras and El Salvador withdraw recognition, then Guatamala, then the United States.

The heat is on. And Nicaraguans smell victory over oppression. And then freedom begins to win.

THE SITUATION IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, I recently had the opportunity to speak before the American Security Council on the subject of U.S. policy in Central America.

In view of the deliberations now underway in the House with regard to aid to Niacaragua, I would like to place the text of my speech in the CONGRESSIONAL RECORD, to stress my belief that this is no trivial issue, but rather a pivotal issue with regard to the security of the United States.●

ADDRESS BY THE HONORABLE SAMUEL S. STRATTON AT THE ANNUAL MEETING OF THE AMERICAN SECURITY COUNCIL

THE SITUATION IN CENTRAL AMERICA

In the years of the Reagan Administration there have been two areas, from a national security viewpoint, where there have been sharp partisan policy differences: defense and Latin America.

The differences in defense have, of course, been debated at great length, not only on the floor of Congress, but also in the media; and as Congressman Les Aspin, the new Chairman of the House Armed Services Committee, said recently in a speech, the Democrats, with some significant exceptions, are clearly viewed as strongly against defense.

With even fewer exceptions the same split prevails, with respect to Latin America. The Administration is deeply concerned with the rapidly growing dependence of Nicaragua on the Soviet Union as it affects the security of the United States.

The crux of these policy differences has centered around our dealings with the so-called Contras, the rebel military forces who oppose the Marxist-Leninist coloration of the Sandinistas, most recently highlighted by the hurried trip that President Ortega took to Moscow the very day after Congress refused to provide even "humanitarian" assistance to the Contra forces.

Republicans had opposed humanitarian aid, since it would have had little impact in getting the Sandinistas to clean up their political act. Democrats figured that since the Congress lacked the votes to give the Contras military aid, why waste $14 million on a group they never really liked anyway.

But the Ortega hegira to Moscow produced some red Democratic faces and new efforts are now underway to come up with at least a slightly tougher approach to the Sandinistas.

Outside of Congress it is my impression that only a few people are really concerned with Nicaragua. The ones we hear from mostly oppose the President's stand.

Not too many people have traveled to Latin America and, except for Mexico, the beaches are not nearly as inviting as are those in Bermuda, the Bahamas, or the Virgin Islands. The feeling seems to be that the major problem is poverty not communism. To be sure, there is plenty of poverty in Central America, as there is, incidentally, also in South America, once you get out of the center of the cities and get a look at the favellas and the tar-paper shacks where the majority of people lives.

But it is easy to overlook the fact that it is precisely in poverty areas where communism has flourished best. And America, as we did in El Salvador, and as we have done in countless other areas of the world, has never hesitated to spend money to relieve poverty—from the Marshall Plan in Postwar Europe to the famine relief in Ethiopia.

But what is facing us today is a serious potential military threat to the United States. Nicaragua has become a major Soviet outpost on the continent of the Western Hemisphere, in contradiction to the Monroe Doctrine.

To be sure, Cuba is also a Soviet satellite in the Caribbean and also poses a military threat to us with their air bases, their combat battalion, their nuclear-capable Mig 23's, and the ballistic missiles that can be fired from their submarine base at Cienfuego, to say nothing of their continued supply of Cuban soliders to Soviet trouble spots in Angola and Ethiopia.

Nicaragua already has a modern airport in Managua, but a few miles away they have been gradually developing an even bigger military airport which could handle the nuclear-capable Mig 23's as well as the long-range Soviet Bear, and even Backfire bombers.

And Cuba, after all, is just an island. But Nicaragua is part of the continent. A Soviet foothold in Nicaragua could provide the basis for a Soviet move north, taking over not only El Salvador, which they have been trying desperately to do, but have not accomplished in face of the brilliant and courageous leadership of José Napoleon Duarte.

Some have urged us to negotiate with Nicaragua. Secretary Shultz carried out such negotiations for months—but with no results. Much like what apparently seems to be going on in Geneva with the Russians: lots of talk but no results.

It is possible we might tolerate a Marxist government in Nicaragua, even one that has flagrantly abandoned all its promises. But we cannot tolerate the export of communist revolution in the Caribbean.

The classic proof of what is underway in the Soviet plans in Latin America was Grenada.

Grenada was a small island—but it has become a microcosm of what the Soviets and their communist bloc countries are up to in our back yard.

Six warehouses full of all kinds of weapons from Libya, Czechoslovakia, Red China, Bulgaria, and the Soviet Union. Six million rounds of ammo and thousands of those AK47 rifles that got Admiral Metcalf into so much trouble along with some soldiers and Marines. Obviously, such an enormous weapons cache was not intended for the 100,000 citizens of Grenada. They were destined for distribution throughout the Caribbean.

The documents in Grenada we picked up spelled out very precisely how the Soviets planned to integrate these islands in America's back yard. People pooh-poohed when President Reagan showed the Grenada airport on TV and called it a military threat. But it would have been a military threat, without our prompt intervention.

Some people have worried that Nicaragua could become another Viet Nam. Quite the contrary. In Viet Nam our American soldiers were fighting to help the Vietnamese.

But the Soviets used no troops in Viet Nam. Instead, in Viet Nam as in Korea they used surrogates to fight their battles. Today in Nicaragua we already have the trained, determined, courageous, freedom fighters who are not only willing but eager to fight our battle to put an end to this military threat.

We have no desire to take over Nicaragua. We just refuse to permit another Cuba in Central America. Diplomatic talks have done no good. The Contra forces are the only genuine leverage we have on our side to convince the Nicaraguan government to reform its ways and to clean up its act.

Some would suggest that we turn the whole issue to a handfull of Latin American States, the Contadora group. But they, too, have come up empty-handed in getting the Sandinistas to back off their efforts to take over other states. Moreover, as the major power in the area, we can hardly leave the determination of our major security interests to other outside groups.

But most of all we need to convince the American people that these surrogate fighters, these Nicaraguan Freedom Fighters, cannot carry on the job they are prepared to perform without weapons, without ammunition, without the funds just to be able to subsist in their courageous undertaking without money and without the gratitude and the recognition of the American people.

After all, it is virtually an open secret that we have been supporting the brave, courageous Afghanistan Freedom Fighters over three or four years. No one shudders about that. Why is it heroic to support the Freedom Fighers of Afghanistan—fighting against Soviet combat troops—but somehow is dirty, immoral, and infradig for us to give any military assistance whatever when these brave men are also seeking, in concert with what is supposed to be the leader of the free world, to restore in Nicaragua the freedom and democracy they long for.

This is no Caribbean adventure. This is an attempt to recognize a threat for what it is and to respond to it in time. This is what the debate in Congress in the next few days is all about. We don't need to use American troops. We have surrogates to carry our battle. But we must make sure the American people understand, as they don't seem to understand today, what is up and what the stakes really are.

That's what the American Security Council is for and what it does so well in raising these vital questions that some many of our lawmakers would seem to want to brush off—to keep this country of ours filled in on the progress of American security in every portion of the world, to bring the most essential facts, and thus to keep America free, safe, and secure.●

SUPPLEMENTAL APPROPRIATIONS BILL IS A BUDGET BUSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, some time within the next few weeks most of the American people are probably going to hear from their Member of Congress who is going to send them a newsletter or do a press release or make a speech or say something about all the fighting of the deficit that is going on in Washington.

I hope the American people will keep in mind the supplemental appropriation bill whenever they hear that Member of Congress so representing himself as a deficit fighter because the bill that we have had on the floor the last couple of days, particularly today, is a perfect example of why this country is in great financial problems and what this Congress does to contribute to them.

This bill was brought to the floor under a rule that mandated $3 billion of budget busting. The rule not only protected a lot of budget busting, but it also flatly allowed us to consider a bill that violated the budget.

So Members of Congress who voted for that rule did so knowing that what they were doing was busting the budget.

□ 1820

So the bill came to the floor under a situation that we knew the budget was going to be busted, and we have continued, through a series of amendments here on the floor to assure that we were going to bust that budget.

We, for instance, today rejected an amendment that was aimed at trying to reduce the spending in this bill by $500 million of foreign aid to one country.

Now that country already—Egypt—gets $2.2 billion; and so we are going to give a $500 million bonus.

Mr. BROWN of Colorado suggested that maybe we did not want to do that, since that is all of the taxes of 143,000 American families, maybe we did not want to spend all of the taxes of 143,000 families to give Egypt a $500 million bonus.

This House rejected that idea. This House decided to go ahead, spend the budget-busting money; go ahead and spend the bucks. Remember that when someone tells you that they are serious about fighting the deficit.

Then we had another amendment, that I offered, aimed at saying "OK, if we don't want to reduce it in the foreign aid area, maybe what we ought to do is reduce spending" where we have add-on spending around this body. Thirty million dollars' worth of add-on spending that we are doing right here in the Congress.

Maybe we ought to try to put our own house in order and save millions upon millions of dollars by cutting some spending around here. The House rejected that idea. The House said, "Go ahead and spend the money. We don't want to save money when it comes to our own pocket."

In fact, when another amendment was offered that was aimed at doing just one thing about ending abuse around here, just one thing, and that was ending abuse of the frank, the procedure by which we have free mail around here, we could not even get enough Members of Congress to stand and have a vote on that matter, because nobody wanted to go on record as saying that they were willing to spend $12 million for add-on spending for the franking privilege for Congress, the free mailing privilege; $12 million simply to add on to our mailing costs around here, but we could not get enough Members to stand to get a vote.

It is obvious why; as I say, no one wanted to be recorded on that kind of a vote; they do not want to face their constituents and explain why they, the great deficit fighters, are willing to spend fantastic amounts of money for add-on spending for free mail for Congressmen.

Finally, we had an amendment aimed at just cutting 5 percent across the board. We do not have the guts to face up to the specific spending items, maybe what we ought to do is just try in a general way to cut across the board; but again, it was rejected because the fact is that we are a spending body.

The arguments made against the 5 percent across the board went through a whole series of proposals all of which are meritorious programs and gee, we cannot cut those.

The fact is that we cannot cut spending in this body. This is a serious bill that we have had before us. It is a serious bill because this is when we really get down to the business of deciding whether we are going to spend the money.

Most of the rest of what we do around here is fluff. The Budget Act is fluff because the fact is we are going to violate the budget anyhow; we are proving it with this bill. Most of the authorization process around here is fluff because it does not really spend money. It is when you really get down to this kind of bill, the supplemental appropriations we have had before us, that you really spend the money.

Well, Congress is showing that is precisely what it intends to do; it intends to spend the money. It intends to spend the money even if it has to violate the Budget Act, even if it is spending money to feather our own nests, even if it is spending money where a 5-percent cut can easily be made; Congress decides "No. No; we don't want to cut. We want to spend the money."

The American people want to know why we have deficits; the American people have to look no further than this House, they have to look no further than the votes on that supplemental bill. Each and every Member of Congress has had his chance to do something about deficits, and all too sadly the majority Members of Congress have decided they want to talk about cutting deficits, they do not want to do anything about it.

I yield back the balance of my time.

THE CHALLENGE OF YOUTH SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I would like to bring to the attention of my colleagues an article by Franklin Thomas, president of the Ford Foundation, which recently appeared in the New York Times.

Mr. Thomas calls attention to the tragedy of continuing youth unemployment and points to the innovative efforts of a number of States and localities in using the energies of these young people to provide needed community services as an example for a larger program of national service.

I share Mr. Thomas' interest in a program of voluntary national service and in fact, I have introduced legislation in this Congress to encourage and expand these local and State efforts. My bill, H.R. 888, the Voluntary National Youth Service Act, would provide Federal matching funds to youth service or conservation programs like the ones described by Mr. Thomas. These programs provide an opportunity for young people not only to better themselves but to also better their local communities by providing needed social services. Through local service, youth service participants become productive members of society. I urge my colleagues to lend their support to these efforts. The text of Franklin Thomas' article follows:

NATIONAL SERVICE FOR JOBLESS YOUTH

(By Franklin Thomas)

Despite the economic recovery, the labor market seems to have shut down for young people. While it is estimated that five to six million parttime jobs will become available this summer, this number falls far short of demand and will have only a limited impact on the mounting yearround jobless rate for youth.

While total national unemployment hovers near 7.2 percent, youth joblessness stands at 16 percent for whites, 24 percent for Hispanics, 43 percent for blacks. The reasons for this failure to absorb young workers are familiar: industrial and technological changes generate fewer entry-level jobs; manufacturing has fled the inner city for suburbs and now, increasingly, for other shores; many youngsters are not adequately taught workplace skills and attitudes.

This summer, before more teenagers are abandoned to the ranks of the unemployable, let us renew the idea of national youth service. Proponents of such a program share the conviction that young people represent a vastly underused resource that should be encouraged to offer itself in the service of our society, economy and national defense. They believe a system of youth service might help dampen the incidence among youth of drug and alcohol abuse, crime and vandalism, unwanted pregnancies and other symptoms of alienation. Most important, national service could be more than a repair shop for social damage or a means of keeping youngsters occupied: it could help them sort out their identities, build lifetime principles and develop a greater respect for self and society.

Congress last year passed a bill that would have created an American Conservation Corps to put youngsters to work in parks and public lands. President Reagan vetoed that bill. The strongest leadership on behalf of youth service, however, has come from states and municipalities. Consider these examples:

The New York City Volunteer Corps. Many participants in this city-funded organization are high school dropouts. Members earn $80 a week staffing a shelter for the homeless, rehabilitating city parks and taking oral histories from residents of a geriatric center. Those completing the 12-month program are awarded cash and educational vouchers to provide free schooling.

The California Conservation Corps. Assignments for this $35 million a year program funded by California's Natural Resources Department range from repairing dams to clearing salmon streams to assisting forest-fire brigades.

The Northwest Youth Corps. This summer-only environmental program in Eugene, Ore., has a unique feature: roving crews of young workers are hired directly by private businesses for short-term assignments. The logging industry has used the corps to assist in replanting forests after timber harvests.

In all, more than 30 such programs are taking shape around the country. While some, such as Pennsylvania's year-old Conservation Corps, are targeted at the economically disadvantaged, others, like the California corps recruit members from a wide spectrum of social and educational backgrounds. One notable effort, in the East Harlem section of New York City—the Youth Action Project—specifically seeks society's most difficult youngsters and helps them devise their own community service programs.

Not only do these programs help develop values and attitudes that go with responsible adulthood, studies show that work experience—even part-time jobs—together with education and skill training can significantly improve a young person's long-term employment and earnings prospects.

The Federal Government should study the successful examples of local youth service programs to design a national program. Clearly, a number of concerns would have to be considered: for example, program design, the extra costs imposed on a deficit-burdened budget, the impact on military recruitment, rural vs. urban settings, attitudes of organized labor, etc.

Despite such problems, national service is a compelling idea that merits trying. The important point is making the commitment before youth unemployment rates get even worse.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

● Mrs. SCHROEDER. Mr. Speaker, on June 6, 1985, I was absent for two votes. Had I been present I would have voted as follows:

Rollcall No. 145: "yes."

Rollcall No. 146: "no."●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

● Mr. SPRATT. Mr. Speaker, I was obliged for personal reasons to be in my district on June 6 and to miss five rollcall votes. If I had been present to vote, I would have voted to approve the journal and I would have recorded my presence at the time of the quorum call. On consideration of H.R. 2577, supplemental appropriations for fiscal year 1985, I would have voted for the rule, for the Edgar amendment to the Whitten amendment, and for the Whitten amendment as modified by the Edgar amendment.●

NATIONAL DAY OF PRAYER FOR PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 60 minutes.

Mr. FEIGHAN. Mr. Speaker, I have requested this special order in support of a National Day of Prayer for Peace in the Middle East.

As we meet here on behalf of peace in that troubled part of the world, Catholic, Jewish, Moslem, and Protestant clergy, and lay people are convening at an interdenominational prayer service at the Shrine of the Immaculate Conception here in Washington in search of the spiritual solution to end hostilities in the Middle East. I am pleased that some of my colleagues have taken the time from their busy schedules to join me to offer their support for this peaceful endeavor.

The last 37 years have been characterized by violence and bloodshed as we searched for solutions to the problems in the Middle East. Our normal political and secular efforts toward peace in that area have yet to achieve the results those nations so desperately seek. It is heartening that people of all faiths, religions, and political beliefs are able to set aside their differences and join together in a National Day of Prayer for Peace in the Middle East.

Involved as we all are in seeking viable solutions to this conflict, we often lose sight of our common goal—not the victory of one nation over another, but the victory of peace over violence.

Peace can be achieved when the people of all religions and all points of view sit down and talk in an atmosphere of mutual respect and common resolve to reach a fair, just, and lasting settlement of their differences. Perhaps the National Day of Prayer for Peace in the Middle East—supported by religious, governmental, and community leaders—can be a first step toward a just and lasting peace that

recognizes the hopes, aspirations, and security of the peoples of the Middle East.

□ 1830

Mr. Speaker, I yield to my distinguished colleague, the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. I thank the gentleman for yielding, and I wish to commend my distinguished colleague from Ohio for having called this special order on this extremely important subject. The gentleman from Ohio has been one of the leaders in this House, as a member of the Committee on Foreign Affairs and as a member of the Subcommittee on Europe and the Middle East, in terms of seeking viable solutions to move toward peace in the Middle East.

As the gentleman and as all of our colleagues know, this has been an area of the world which has been wracked with division and conflict, with a great deal of trouble and difficulty for generations. And the fact that we do today celebrate a national day of prayer directed toward peace in the Middle East, and that this is a day of prayer which includes people of all faiths, people from the three great religions who have been seeking and searching for a peaceful solution in this world, is a matter of some significance.

So I am very pleased that the gentleman from Ohio has asked me to share this special order with him, to compliment and to congratulate the religious leaders and the lay leaders from the three great religions, Christianity, Mohammedanism, and Judaism, all of which have a deep and significant stake in achieving a just and lasting long-term peace in this region. I commend, as does the gentleman from Ohio, these leaders who have come together in prayer seeking the type of solution for which all of us yearn and for which all of us dedicate so many days and hours in our deliberations here in a legislative context. It is appropriate that there be a spiritual context which ultimately will be absolutely essential in terms of ensuring that type of tranquillity, that type of peace, that type of solution for which we all seek.

So I commend the gentleman from Ohio [Mr. FEIGHAN] and I commend the persons throughout the world and particularly those who are here today in Washington seeking peace through prayer and through a spiritual foundation.

Mr. FEIGHAN. I thank the gentleman from California [Mr. LEVINE] for his comments this afternoon, and I think they are reflective of the very caring, the very thoughtful, the very responsible positions that he has taken in his efforts in the Congress to try to bring about a lasting peace in a very troubled region of the world.

● Mr. BERMAN. Mr. Speaker, I rise to applaud the gentleman from Ohio [Mr. FEIGHAN] for bringing this ecumenical effort to the House's attention. The united action of religious leaders of several faiths on behalf of peace in the Middle East is representative of the efforts we should be promoting in the region.

Peace cannot be achieved by unilateral action. When the various forces in the Middle East can sit around a negotiating table as mandated by the agreements at Camp David and U.N. resolutions 242 and 338, then they will be on a path to resolving the conflicts that bring violence and disruption to the region.

The prayers of these rabbis, priests, and ministers serve to focus our attention on the ultimate goal of our work in this House. We work toward a day when all the people of the Middle East can live in peace and friendship. We have our work to do here. We thank our friends in this ecumenical task for lending us their prayers.●

● Mr. KOLTER. Mr. Speaker, at 6 p.m. on June 11, 1985, there will be an interdenominational prayer service at the Shrine of the Immaculate Conception for Peace in the Middle East. This is a noble undertaking that deserves the support of peace-loving people everywhere. The last 37 years have been characterized by violence and bloodshed as a means of solving the problems in the Middle East. Our normal political and secular efforts toward peace in that area have not produced results. It is time that men of all religions, and all points of view, humble themselves together before God to ask His help and guidance. Peace can only be achieved when the leaders from all responsible factions sit down and talk in an atmosphere of mutual respect, and with the common resolve to reach a fair, just, and lasting settlement of their differences. Perhaps the National Day of Prayer for Peace in the Middle East is the first step in that process. Perhaps when men of different religions can pray together in a common liturgy for a common goal, they then can learn to sit together and talk together. May God soften the hearts of men everywhere, and may He guide them with His invisible hand toward peace.●

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include therein extraneous material on the subject of my special order this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

U.S. FOREIGN POLICY IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 30 minutes.

Mr. LIVINGSTON. Mr. Speaker, although a recent New York Times poll shows that 62 percent of the American people support humanitarian aid to the Contras, there is still a lot of confusion and misunderstanding about United States foreign policy in Nicaragua. The growing public backing of the administration has been impeded by the lingering fallout from Vietnam, the determined reluctance of this body to take the lead in protecting the natural rights of our neighbors and, perhaps most importantly, the tendency of administration proponents to assume that the American people have an intimate knowledge of recent history and current events in Nicaragua.

These three factors, among others, have combined until now to render American common sense susceptible to the perhaps well-intentioned, but false, arguments which have made us hesitant to do what is right.

I am hopeful that tomorrow this body will act wisely and adopt the bipartisan McCurdy-McDade amendment. As for the remaining misgivings about U.S. policy, I would like to offer some plain talk.

In the country and in the Congress, when people know the truth, there is strong support for the freedom fighters in Nicaragua. But this body has been particularly reluctant to show leadership, and as a result, we have yet to reach a consensus. Yes, almost everyone has now lined up to criticize the Sandinista regime, and to recognize the fact that they are Marxist dictators and terrorists in Nicaragua, but that is all.

We have been talkers, not doers; politicians, not statesmen.

Those of us who have supported administration policy have become extremely frustrated, but perhaps it is our own fault.

Perhaps we have been misguided or naive in assuming that repeated recitation of Sandinista totalitarian policy would spur our colleagues into action. Time and again we have documented that the Sandinista regime is anti-Semitic, antiunion, antireligion antifree press, and antiminority. We have noted their massive military buildup, their reliance on numerous Soviet and Cuban advisers, and their adoption of police-state social structures, such as neighborhood-informer groups and the turbas, or divine mobs, who attack political dissent and free expression.

And each time, our pleas have fallen on deaf ears. Although every Member of this body embraces the democratic principles that the Sandinistas reject, the majority of this House have lacked

the will to act in defense of those principles.

Make no mistake, this is a dangerous course. For a retreat in the face of a threat to the natural, and as our Constitution calls them, "inalienable," rights of one people is, in essence, a greater threat to the rights of all.

How have we come to this state of affairs in the United States—the Nation that was once the world's greatest champion of freedom? We have come to such a state because of Vietnam. Regardless of where one stands on that issue, the Vietnam War was a most severe trauma for our Nation. It still colors everything we do—or don't do—in the realm of U.S. foreign policy.

I believe that as a country we have grossly overreacted to that war. We have gone far beyond the point of prudently drawing lessons from adverse experiences, to a point in which we have stuck our heads in the sand and withdrawn into a shell, in an attempt to avoid all potentially disturbing influence.

As to Nicaragua, this post-Vietnam mindset has literally paralyzed us. In the presence of a dictatorial regime which openly espouses the spread of Marxist revolution throughout the hemisphere—and our hemisphere, not some land halfway around the globe—the post-Vietnam mindset has completely disabled us and kept us from doing even the bare minimum.

And it is a bare minimum that will be at issue tomorrow. The McCurdy-McDade amendment provides only humanitarian aid. It is not as strong as I would have liked, but it is a reasonable compromise which provides assistance to the right people and does not encourage Nicaraguans to become refugees, as the Hamilton amendment does.

Not even the freedom-seeking people of Nicaragua can blame us for suffering through the national post-traumatic neurosis that is the legacy of Vietnam. The war was that serious a trauma.

But that war is over. It is time to rise above that pain. And it is time for us to move forward on behalf of those weaker than ourselves, those who cannot move forward without us, those who will be literally crushed by our inaction.

History teaches us that those people will be crushed without our help, for as in so many cases of current events, we have been here before.

Our children may understand this lesson of history better than we do. In a textbook used in many American high schools and colleges, "A History of the Modern World," Prof. R.R. Palmer of Princeton University and Prof. Joel Colton of Duke University say this about the causes of World War II:

105: The Weakness of the Democracies:

Again to war.

The Pacifism and Disunity of the West.

While dictators stormed, the Western Democracies were swayed by a profound pacifism, which may be defined as a somewhat doctrinaire insistence on peace regardless of consequences. Many people now believed, especially in England and the United States, that the First World War had been a mistake, that little or nothing had been gained by it * * * that vigorous peoples like the Germans or Italians needed room for expansion, that democracy was after all not suited to all nations, that it took two sides to make a quarrel, and that there need be no war if one side resolutely refused to be provoked—a whole system of pacific and tolerant ideas in which there was perhaps the usual mixture of truth and misunderstanding.

* * * * *

The United States Government, despite President Roosevelt's repeated denunciation of the aggressors, followed in practice a policy of rigid isolation. Neutrality legislation (was) enacted by a strong isolationist bloc in Congress. * * * From this American neutrality legislation the aggressors of the 1930's were to derive a great benefit, but not the victims of their aggression.

* * * * *

Adolf Hitler perceived these weaknesses with uncanny genius. Determined to wreck the whole treaty system, he employed tactics of gradual encroachment which played on the hopes and fears of the Democratic peoples. He inspired in them alternating tremors of apprehension and sighs of relief. He would rage and rant, arouse the fear of war, take just a little, declare that it was all he wanted, let the former allies hope that he was now satisfied and that peace was secure; then rage again, take a little more, and proceed through the same cycle.

That was a rather long quotation, Mr. Speaker, but it shows clearly the disturbing parallels between yesterday and today in terms our children, if not we, can understand—and it suggests the grave risk history predicts for us if we persist in our isolationism.

Our parents were paralyzed by World War I; we are transfixed on Vietnam. The Congress of the 1930's ignored F.D.R.'s warnings; this Congress blocks President Reagan at every turn. The Axis powers consumed whole nations and peoples; the Soviet bloc grows into Cuba, Nicaragua, Grenada (temporarily), and licks across the borders of Costa Rica, Honduras, and El Salvador. Our parents waited so late to act that the cost was enormous once they did; we run that same risk today.

Mr. Speaker, let's put all our cards on the table for the American people to see. What has happened in Nicaragua is this: Anastasio Somoza was a repressive dictator in Nicaragua for many years, and we made a mistake in supporting him. To rectify that mistake, we provided millions of dollars in aid to the group known as the Sandinistas, who in 1979 succeeded in overthrowing Somoza, taking control of the government themselves.

The Sandinistas were Nicaraguans of differing ideologies and backgrounds. We knew that many of them—particularly the political and military leaders who held the most power—were devoted Communists, that is, believers in the elimination of private property and the establishment of a totalitarian system of government in which a single authoritarian party controls state-owned industry and labor and, ultimately, all political expression. But still we hoped that these members of the Sandinista revolution would follow through with their promises of reform, and would eventually give way to the others in the movement who truly believed in democracy and an open society. So we gave them money in the belief that our assistance and encouragement would make our hopes come true. We chose to believe the Sandinista voices which said they planned to create a new, free Nicaragua. We chose to believe that the Sandinistas would replace Somoza's authoritarian rule with a new domocracy.

We made a mistake, Mr. Speaker. The Communist leaders have taken full control of Nicaragua and have betrayed the revolution. They betrayed our good faith and our trust. And in doing so, they have fired the first shot in what has become the new battle for the freedom of the Nicaraguan people and the rest of Central America. That's really what this whole battle amounts to.

The freedom fighters, also known as the Contras, are in large part the same people who fought the Somoza dictatorship originally. They are ex-Sandinistas who have broken from their former colleagues as those colleagues have made crystal clear that there was never any real plan to establish freedom in Nicaragua. From the first day of the new regime, the Communist Sandinistas—the real muscle of the revolution—have moved to build economic and military ties to the Soviets and Cubans, to build by far the largest military force in Central America, and to support Communist insurgencies in other neighboring Central American countries.

The Sandinista betrayal has also been manifested in their refusal of our offer of Peace Corps assistance, their refusal of our offer of $5 million to aid their private sector, their expulsion of the Salvation Army from the country, their refusal to accept a cease-fire and negotiate with the freedom fighters under church supervision, and their most recent obstruction of the Contadora peace process, when they reneged on an agreement in principle to allow international observers into Nicaragua to monitor the demilitarization of Central America.

So, Mr. Speaker, these are the various parties and elements involved, and that is what they stand for. The American people are beginning to focus on these facts more every day. That is

why a majority of them now support the U.S. trade embargo and humanitarian aid to the Contras. We must follow their lead in this House. We must pass McCurdy-McDade when it is considered tomorrow.

Let us not muddy the waters with our colleagues' arguments that the United States is trying to overthrow the Sandinista regime, or that the United States is interfering in the internal affairs of a sovereign nation.

We all know, and the American people know, that there is no real prospect that this aid will overthrow the Sandinistas. What we are interested in, in reality, is mere pressure on the Sandinistas to negotiate in good faith—the stick of "carrot-and-stick" diplomacy.

Documents captured in April from Salvadoran guerrillas show that this approach—and only this approach—is effective in ending the hostilities. Specifically, they showed that Sandinista military support for the Communist Salvadoran guerrillas was temporarily cut way back after the Grenada rescue mission, for the Sandinistas feared that their continued export of revolution in the form of military aid to the guerrillas could provoke a firm response by the United States.

Similarly, my colleagues, we are not interfering in the affairs of a sovereign state by passing McCurdy-McDade. That word, "interfering," should not be the bogeyman that it has been. The Sandinistas took power at the barrel of a gun and then turned that gun on the people of Nicaragua and on the true democrats who helped them gain power. The subsequent presidential election of 1984 was a sham that cannot disguise the illegitimacy of the regime.

Bayardo Arce, one of the nine ruling Sandinista strongmen, has been recorded on tape saying that the Sandinistas never intended—never intended—to have real elections or a democractic society. He called the elections "a nuisance" and referred to the new Nicaraguan Constitution this way: "We are using an instrument claimed by the bourgeoisie, which disarms the international bourgeoisie, in order to move ahead in matters that for us are strategic." In other words, Mr. Speaker, they have utter contempt for constitutional democracy but will sing its praises and fake its implementation to buy time and fool the world.

The documented Sandinista export of revolution also totally negates this "interfering" ploy. Once a party expands its reach beyond its borders—and captured documents, backed by defector Napoleon Romero's May 12 statements, show clearly that's what we are dealing with here—all bets are off, and we enter the realm not of interference, but of self-defense.

And since the aid that we will vote on tomorrow is not even military in nature, surely it is preposterous to argue that we are exceeding the bounds of proportionate self-defense. If the Sandinistas can give the Salvadoran guerrillas 70 percent of their total arms, which those guerrillas then use to kidnap and murder Salvadoran mayors, surely we can give food and bandages to the Sandinistas' democratic opposition.

What we propose to do is legally and morally right. We are merely aiding others in their own fight. In doing so, we avoid war, and we avoid repeating the mistakes of our parents before World War II. The United Nations Charter, the Charter of the Organization of American States, and the Rio Treaty on which we joined with our neighbors, all of these recognize the right, if not the duty, to respond proportionally to aggression, collectively or individually. Take a look at article 51 of the U.N. Charter, articles 22, 27, and 28 of the OAS Charter, and article 3 of the Rio Treaty.

It is also no excuse to say, Mr. Speaker, that our assistance is immoral simply because Nicaragua is not under actual invasion by another power, as is the case in Afghanistan and Cambodia where many of your colleagues support covert military aid to freedom fighters. Wasn't it moral for us to materially oppose the Quisling Regime in Norway and the Vichy Regime in France, which ruled in World War II at the behest of the Nazis without the fulltime presence of a Nazi invading force?

Of course it was moral, and the "no invasion" theory wears especially thin when we remember that today, the modern style of totalitarian expansion comes equally in the form of guerrilla wars and undeclared wars of so-called national liberation.

Mr. Speaker, let's return bipartisanship to U.S. foreign policy, and let's tell Daniel Ortega where he can get off with his return trip to Moscow right after this House voted to cut off aid last time. The President was right on El Salvador—even the Washington Post agrees our policy has helped create a democracy in that country—and I believe he is right on Nicaragua.

Speaker O'Neill has fought us all the way, but El Salvador's progress shows we were right there. I hope he will join us tomorrow and support McCurdy-McDade humanitarian aid to those who are giving their lives for freedom in Nicaragua.

Thank you, Mr. Speaker.

□ 1840

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. First of all, I want to thank the gentleman for putting some of the situation in Nicaragua into historical perspective. I think he does the House a great service and he does the country a great service in giving us this kind of a background.

The gentleman remembers, as I do, when we were fighting the Vietnam war and there was much dissention about the battle in this country; that many of the folks who are today on this floor telling us that we should not carry on any kind of action against the Communists in Nicaragua. They were telling us at that time that if the Vietnam war were being waged in Central America, it would be a different equation. One of the arguments that was used all the time in the debates that I participated in during that era was that that was thousands of miles away, and that it had no bearing on us; we were not fighting any kind of a battle that would in any way impact on us. If this was something that was taking place in Central America, then we should worry. But we ought not worry since it was in Southeast Asia.

Now, today, having had the Vietnam experience and having had us back out of Vietnam, they now come back when we are faced with a situation in Central America and say we ought not repeat Vietnam in Central America. In other words, having had us retreat in Southeast Asia, they would now say that the lesson of that is that we should retreat in Central America.

I just wonder if the gentleman recalls, as I do, that in the historic context which he raised here with us that the left was saying totally different things at that time that they now tell us on Central America.

Mr. LIVINGSTON. It seems that the left will reach for an argument to keep us out of that God-bidden war no matter where they go and no matter what type of aggression or oppression they are looking at.

The gentleman is absolutely right. They reach for arguments saying, "Of course we would get involved in Central America, but we do not have to get on the other side of the world during Vietnam."

□ 1850

They also did basically the same thing prior to World War II and said that is for the Europeans to determine on their own; we do not have to get involved. Of course, we withheld because of their arguments.

Now they are saying, as the gentleman has pointed out, "No, we should not get involved in Central America. We should leave the Central Americans to their own self-determination." Read into that the fact that if we had done that in El Salvador 5 or 6 years ago, El Salvador would be a Marxist regime today, just like Nicaragua is. We got involved and we helped those people economically, not necessarily militarily. We gave them some military supplies. But they pulled themselves up by their bootstraps and they

are succeeding, as the Washington Post indicates, as a viable democracy today for the first time in their history.

But more importantly, again, some of these same people who are saying we should not get involved in Central America have no hesitation about getting the United States involved in the Middle East, or no hesitation about sending great amounts of money to Turkey to defend its borders against the Soviets. I happen to agree with that policy, but many of these same people would vote to support Turkey or they might even vote to support Afghanistan, which is fighting a freedom fighter war over there, way on the other side of the world. Yet they have blinders on. They just do not see the need to get involved in Nicaragua, which, of course, is on our continent, only 1,200 miles of my home, New Orleans, closer actually to my home in New Orleans than my home is to New York City or to Los Angeles.

I just think that it is a very narrow minded approach that hopefully will never come back to haunt us, but I think the best way we can avoid what they are looking at and what they profess to fear, that being the great conflagration between the East and West, is if we just send a little bit of money down to those people who are actually Nicaraguan citizens who are seeking to defend freedom and pluralism and democracy in their own country and who want to bring and branch out this very totalitarian government that exists there today.

Mr. WALKER. If the gentleman will yield further, there is another sense of deja vu that I found in the gentleman's remarks. The gentleman pointed out that the left is also attempting to undermine the credibility of the Contras and to build up the Sandinistas, and so on, the same thing that was done in Vietnam. If we want to learn a lesson from Vietnam, we can remember the people marching in the streets shouting, "Ho, Ho, Ho Chi Minh, We Are Going To Help You Win," and being on the side of the Communist government, but every little detail of the South Vietnamese, every little scandal, every little problem, was highlighted as a major problem because, after all, we were giving aid to South Vietnam.

We find the same thing now in Nicaragua. While they say, give a boilerplate, to "Well, I do not like the Sandinista government either," the fact is that all the arguments are in defense of the Communists in Nicaragua and all of their arguments about the people who are doing bad things are against the Contras. So it is our allies that they constantly argue against.

As I say, if we want to learn lessons from Vietnam, there is a sense of deja vu with what we are hearing about Nicaragua today.

Mr. LIVINGSTON. The gentleman's point is well taken. They continuously ignore the atrocities that are perpetrated by the Communist government in Nicaragua, the imprisonment, the executions, the tortures, the oppression of religion, and basically the suppression of all freedoms across the board, and try to dreg up evidence against the freedom fighters in Nicaragua. I notice they went so far as to come forth with a couple of pictures of alleged killings at the hands of the Contras a few days ago, but the Washington Times published a picture showing that the guy who had come forward with those pictures was not only not to be trusted, but that he was totally incredible.

So that argument was shot down, but still and all, they concentrate their efforts of antagonism against the people who really want to restore freedom in Nicaragua. It seems that it goes on time after time after time. When this issue is long behind us, we will probably have experienced an intensity of the undermining of the democracy in the Philippines, Southeast Asia will eventually come back to haunt us as the Communists try to move into those bastions around the world, and there is really no end to it, but I think the one great way that the American people could stand up and show that they are tired of this onslaught by the left to desecrate the principles of this great Nation, the United States of America, and to stop the onslaught is simply to support the Congress in their efforts to give the money that we are requesting to the freedom fighters so that they can carry on and do the job themselves to bring pluralism, and to bring back freedom to Nicaragua.

Mr. WALKER. If the gentleman would yield further, it is also interesting how the left is so quiet these days and El Salvador. The gentleman mentioned, I think very validly, that El Salvador is becoming a success story, so all of a sudden the left does not want to talk about that. Particularly what they do not want to talk about is death squad activity in El Salvador because the Government down there, with our support, has begun the process of cleaning that problem up insofar as Government-sponsored or quasi-Government sponsored death squad activity, and the death squads are all now operating from the left. It is the Communists who are pillaging throughout El Salvador, killing Government officials at the national level, at the local levels. Death squad activity, we still hear reports from the human rights groups about deaths that are taking place in El Salvador, but it is the left that is perpetrating them, so suddenly we do not want to have any discussion of the situation in El Salvador because it is, in fact, the Communists in Nicaragua who are backing the Communists in El Salvador who are now engaged in massive violations of human rights through death squad activities.

We become very forgetful on the left in this country when those kinds of activities take place. As we say up in my country, the Pennsylvania Dutch country, 'tis passing strange.

Mr. LIVINGSTON. I thank the gentleman for his comments. He is absolutely right. I think it is significant that really the only prominent mention of El Salvador in the press recently was to commend the Salvadoran Government that we supported, that we pulled up by the bootstraps, which has gone off on its own and immunized all of the children, whether they were in Communist stronghold area sectors of El Salvador or not, immunized all the children against serious diseases.

So I think we can indeed prove and point to a success story in El Salvador. The only reason we can is because we did get involved both economically and with some military supplies, but without the involvement of U.S. troops, and those folks succeeded in bringing a democracy to the Salvadoran people. That is all we are trying to ask for in Nicaragua, and yet we are being opposed by the same folks who, for the last 6 years, have opposed us at every juncture with respect to El Salvador.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I would be happy to yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman for taking the time to bring this to the country's attention and the House's attention, and with his permission there are three passages in a recent book that I think are particularly relevant to the point the gentleman is making that there is a relationship between the failures of the past and stopping communism in other countries. The very same people and the very same ideology that was blind to communism in the past once again proving that its ostrich-like capabilities of remaining blind are true today.

The book I want to quote from is "Breaking With Moscow," by Arkady N. Shevchenko. Shevchenko is the highest ranking Soviet official ever to defect. He was the Under Secretary General of the United Nations. He had worked closely with Gromyko, and he wrote this book which has recently been on the best seller list. I think it makes three points that I think are well worth our considering as Americans. He says on the very last page, and I quote:

The U.S. sometimes lacks the steadiness to deal persuasively with the Soviets. Its

policy toward the Soviet Union seems to jump from extreme to extreme.

The point he is making here is, again, that the very people who were unsteady in Vietnam and were unsteady in El Salvador are unsteady in Nicaragua, and they cannot quite seem to bring themselves to try to stop the Soviet Union or its allies.

He goes on to say, I think this is very hard for Americans to accept in the world we live in, but we have here the word of the highest ranking Soviet ever to defect:

If American leaders do not forget an old and still true lesson, what the men in the Kremlin understand best is military and economic might, energetic political conviction, strength of will. If the West cannot confront the Soviets with equal determination, Moscow will continue to play the bully around the globe.

I think that is an important concept.

Mr. LIVINGSTON. I thank the gentleman for his comments.

□ 1900

BREAKING WITH MOSCOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I will not take all my time, but I want to go on and point out, to build on the case the gentleman from Louisiana [Mr. LIVINGSTON] was making, that when you look at the question, as Mr. Shevchenko suggested to us on page 370 of his book that we need to recognize the Soviets will react to energetic political conviction and strength of will, and you then listen to the debate from what I would call leftwing ostriches in the U.S. House of Representatives, it would be hard to imagine being further away from the values and the strengths and the determination and consistency that, in fact, one would expect if you were in the Kremlin asking, "What are the Americans going to do?" and if you listen to excuse after excuse and to the failure of the ostrich wing of the American society to learn any lessons about communism.

Let me make two other points. We on our side, I believe, would draw the argument that there are certain lessons of the dangers of communism that we should have learned from Cuba and from Fidel Castro, and Shevchenko reinforces these lessons.

When people say to me, "Why are you worried about Nicaragua? That is a tiny country," these are the same people who said earlier, "Why are you worried about Cuba? It is a tiny island."

Let me read two quotes from Shevchenko's memory of his experience of trying to deal with the Soviet Union in Cuba in the context of Cuba's role in the world. He makes this point, for example—and I quote from page 143—"Gradually, however, the Kremlin became more sympathetic to Cuba's contention that Socialist revolution in Latin America should be accomplished by military rather than peaceful means."

Now, the meaning of this assertion is very simple, and I say this to all my friends on the left who keep on getting up and saying, "Look how much poverty there is. Look how much difficulty there is with people not having adequate food, adequate housing, and adequate education." The reality is that communism can be imposed by military force, that Castro is dedicated, just as Adolf Hitler was, to the supremacy of military force, and that the use of force to impose communism is a key characteristic of the Soviet Union, of Fidel Castro, of the Cuban Communists, and now of the Nicaraguan Communists.

Why, then, do we have to be vigilant? Why then do we have to worry?

Let me again quote from page 272, talking about the years of American weakness. Shevchenko was in Moscow when Vietnam was lost. He was in the Foreign Ministry watching the Soviet Union react to a Congress which had lost its way and had lost its will. He was there when the Soviets could not believe how ostrich-like the American left was in avoiding the realities of the Soviet system and of the dangers of communism in Southeast Asia.

This is what he said happened after the American Congress collapsed in its will to resist in Southeast Asia and after we sent signals of weakness. This is in talking with Kuznetsov, a senior Soviet leader:

"How did we persuade the Cubans to provide their contingent?" I asked Kuznetsov.

He laughed. After acknowledging that Castro might be playing his own game in sending about 20,000 troops to Angola, Kuznetsov told me that the idea for the large-scale military operation had originated in Havana, not Moscow. It was startling information. As I later discovered, it was also a virtual secret in the Soviet capital. Certainly, Western analysts had assumed that the Soviet Union, which had airlifted Cuban soldiers to Angola to help Neto defeat the Western and Chinese-supported factions of Savimbi and Roberto, had called on its Caribbean ally for what proved to be crucial assistance.

Why had the Cubans volunteered? First, they badly needed to boost revolutionary fervor at home. More and more Cubans had become disillusioned with Castro's regime and its chronic economic distress. Second, Castro still cherished the idea of himself as a great international figure. His early efforts to spread revolution in Latin America—the obsession of his firebrand comrade Che Guevara—had gone against more conservative Soviet advice to concentrate on first establishing a healthy domestic economy and on mending relations with his country's neighbors.

By 1975, however, Moscow was welcoming and encouraging Cuba's adventurism. Growing Soviet military strength prompted the Kremlin to take a more decisive role in Africa's struggles than had been possible before.

Contrary to the current spirit of Soviet-American relations, the Politburo was determined to push ahead in Africa without taking American opinion into account. Cuban successes had convinced many in Moscow that the United States lacked will in Africa. After its humiliation in Vietnam in 1975, America was increasingly portrayed by party militants as a diminished rival in the Third World. Although some experts took a more cautious line, the Soviet leaders judged that in addition to the "Vietnam syndrome," the United States now had an "Angola syndrome.".

Moreover, 1976 was a Presidential election year, a contributing factor in the timing of Soviet offensive actions. The prevailing view within the Foreign Ministry was that America was far more concerned about its internal politics than anything to do with Africa. "Once again the Yankees have handcuffed themselves for most of the year—they won't be looking at us," was a cheerful boast of confidence I heard from more than one Soviet official.

That is from page 272, "Breaking with Moscow," by Arkady Shevchenko, the highest ranking Soviet official ever to defect.

Now, my challenge to my ostrich friends on the left, people who are well-meaning and sincere but remarkably naive, is: How many defectors do you have to hear from? How many Soviet high officials do you have to learn from? How many occasions of American failure does there have to be?

If Vietnam was not successful in convincing you that the Soviets and their allies were not nice people, if the massacre of the Cambodian people did not convince you that the Communists were not nice people, if the fact that today there is a Vietnamese Army firing into Thailand does not convince you that, in fact, dominoes do fall, what about the experiences of Shevchenko himself? When a Soviet high official tells you flatly that Castro is the enemy of America, that Cuba was systematically seeking ways to militarily expand communism, not to exploit poverty, not to worry about human rights, not to deal with difficulties in Central America, but to systematically use military force in Latin America and Africa, at what point then do you have to recognize that maybe Mr. Shevchenko is correct in saying "The United States sometimes lacks the steadiness needed to deal persuasively with the Soviets"?

What I am saying tonight and what I have said in recent days and will say again in the future is very uncomfortable for some of our ostrich friends to learn. The very nature of ostriches makes them wish to deny reality, and when it is brought to their attention again and again, they find it painful.

Let me quote again from the last page of Shevchenko's book, because it is the key to why I hope that people will look to Grenada this fall and why

we will take the week of October 26 and use it as a week not only to celebrate the liberation of Grenada but to study Leninism.

Shevchenko said this:

> Plain truth is the most effective weapon against the falsehoods on which the Soviet system is built, the myths about itself it has been all to successful in spreading around the world. Truth is also the one force that can dispel the secrecy behind which the Soviet leaders hide the reality of their system and their intentions.

That is on page 370, in his epilogue as he closed his book.

Now, what is the plain truth? The plain truth is that the Nicaraguan Government is a Communist government, that the Nicaraguan Government is systematically allied to Cuba and the Soviet Union, and that the Nicaraguan Communists are already waging war against Guatemala, Honduras, and El Salvador. The three guerrilla armies in each of those countries are headquartered in Nicaragua, and we know they get training in Cuba and they get Soviet military equipment by way of Cuba to Nicaragua and then on to their neighbors. We know that the leaders of the Nicaraguan Government are not only Communists but they are proud to call themselves Marxist-Leninists.

Listen to what Shevchenko says of Leninism:

> . . . in effect a new religion has emerged in the U.S.S.R., a religion that flourishes as did the old Orthodox faith in times past. The new religion, of course, is Leninism.

Shevchenko goes on to quote the Washington Post of September 3, 1984, from an article by Richard Harwood, in which Harwood says:

> It is a religion sustained by a profound faith in a beneficent Father, Vladimir Ilyich Lenin. As Christ (is) to Christians, as Muhammad (is) to Moslems, Lenin to this society is a holy prophet and guide, not divine perhaps, but more than mortal. To believe otherwise—to dissent from Leninist orthodoxy—is the new heresy.

□ 1910

Now, what are Shevchenko and Harwood telling us? They are telling us that to be a Leninist is to believe in a system of values that is fairly clear cut, fairly decisive and around which a semireligious cult is built.

And what does Leninism say? It says, first, that it is the nature of the Soviet state and Leninist followers to be at war with America and the West.

It says, second, that as long as there is freedom in the West, there can be no true peace because we are by definition a threat to the survival of the Soviet dictatorship.

It says, third, that they are endowed with the moral right and duty to lie to Americans.

In fact, ironically, Lenin called the leading Soviet newspaper, Pravda, which means truth and when asked how he would explain that one time, he said, "You must remember, I am the editor of truth. I, therefore, am in charge of truth and truth is by definition what I write."

In that setting, it is amazing to me that Ortega, the dictator of Nicaragua, a Communist leader, a self-proclaimed Marxist-Leninist, when he decided to go to Moscow after the last time this House defeated aid for the freedom fighters seemed to shock some of our more ostrich-like Members. They could not quite believe that a Communist Nicaraguan who had been to Moscow on several occasions would be so arrogant as to rush back to Moscow as soon as we defeated aid to the freedom fighters.

One said to me in the hall that he could at least have waited a week, a sign which I thought indicated the length of time it takes an ostrich to bury its head in the sand again, since apparently had he gone after the week was up, the ostriches would not have noticed, but by leaving too early, the ostriches could not avoid seeing the Communist go back to Moscow.

The question I would ask of our ostrich-like friends as they prepare to vote tomorrow is simply this. If tomorrow night you defeat aid to the freedom fighters, if tomorrow night you succeed in handicapping your own country by imposing on it rules which the Soviet KGB will not follow, rules which the Cuban secret police will not follow, rules which no terrorist will follow; by crippling only America tomorrow night, if you pass the Boland amendment, by weakening only America, what then will you do on Thursday morning if Ortega visits Moscow again or if Borge, the head of the secret police, decides to visit his friend Qadhafi in Libya, what then will you say? Will you be shocked again?

How often do you really expect the American people to believe the ostrich-like plea that you did not know, you did not realize, you did not understand?

The fact is quite simple. The Nicaraguan Communist Government is the enemy of the United States. The Nicaraguan Communist Government is an ally of the Soviet Union and of Castro's Cuba. The Nicaraguan Communist government is already waging a war against its neighbors. The Nicaraguan Communist government is building a 12,000-foot runway for an airfield a meter thick, strong enough to carry Soviet bombers, an airfield which makes sense only if Nicaragua is an ally of the Soviet Union.

Tomorrow, we will have a chance in this House to vote either to help the freedom fighters fight for their own lives in Central America or to strangle freedom by cutting them off.

Tomorrow we will have a chance in this House to vote to at least allow the American side to have as much strength in Central America as the Communist side, or as some of our ostrich friends would have us, we will vote to cripple the Americans, while the Communists are uninhibited.

This may well be the most important vote since Democratic President Harry Truman came to this Congress in 1947 and outlined the nature of communism and asked for our help in order to stop communism in Greece and Turkey.

It is my hope that every Member of this House will have looked at the Grenada documents and lessons they teach before voting.

It is my hope that every Member of this House will have looked at the book, "Breaking With Moscow" by Shevchenko before voting.

To not look at the Grenada documents, which are published by our State Department, to not have any idea of the lessons we have learned about communism from documents we captured in liberating that island, to not study Shevchenko's work, to not appreciate the scale of the threat to this country and to still vote to cripple American forces first, to cripple America's allies first, would in my judgment be an act of such amazing irresponsibility, of such blindness to communism, that it is hard to imagine any Member could willfully act in ignorance.

So I hope in the next few hours that every Member who is considering voting for the Boland amendment will look first at the historical record of the Grenada documents, of the personal testimony of the highest ranking Soviet official ever to defect, and then will look second at the nature of the American people.

There was one unfortunate letter sent out last week by a Member of this House, who I will not name because he is not on the floor and I have not had time to invite him to be here, but in which he claimed the American people were against our policy in Nicaragua.

I have sent a "Dear Colleague" letter containing far more accurate information from public opinion polls which proves rather conclusively that the American people on the big issues do in fact have a pretty good sense and are in fact on the side of freedom. Fifty-nine percent of the American people believe that the Soviet Union cares about global domination, not just national security. That is almost 6 out of every 10 Americans has a clear sense that the Soviet Union is in fact interested in dominating the whole world, not just protecting its borders.

Eigthy-three percent of the American people believe that the Soviet Union is either a severe or moderate threat to the survival of the United States and to American interests. That is 8 out of every 10 people.

Eighty percent of the American people are aware that Cuba is Commu-

nist and a very high percentage believe that Cuba is a real threat to its neighbors.

Not as many Americans as yet know about Nicaragua, but I would say to my ostrich friends, do not deceive yourselves. Over the next year or two as the country comes to understand that Nicaragua is Communist, as the country comes to understand that Nicaragua is allied with Castro and that Nicaragua and the Communists are allied with the Soviet Union, the same general principles will apply to the country's beliefs.

When informed that Nicaragua is Communist, a clear plurality, 49 percent of the American people, based only on that additional information, were willing to support American activities on behalf of the freedom fighters.

I suggest to our friends who in an ostrich-like way have been neglecting or ignoring the lessons and dangers of communism that before you vote, you should look at the historical record of the Grenada documents, the personal testimony of Mr. Shevchenko, and finally, you should look back to your own constituents. You should go home and ask them, because I think you will find they are truly concerned about a 12,000-foot Soviet runway within easy distance of the Panama Canal, about another Communist dictatorship in a country, Nicaragua, which is closer to Miami than Miami is to Washington, DC, and about the notion that American Representatives would be willing to cripple the American Central Intelligence Agency when the Soviet KGB is unhindered, would be willing to cripple the American forces in helping freedom fighters when the Cuban Communists would be unhindered, would be willing to cripple America's efforts to defend freedom, when the Soviet effort to expand slavery would be unhindered.

In that setting, I suggest that tomorrow's vote may well be one of the most decisive in American history.

So, Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FEIGHAN) to revise and extend their remarks and include extraneous material:)

Mr. STRATTON, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. LIPINSKI, for 5 minutes, June 12.

Mr. GONZALEZ, for 60 minutes, June 12.

Mr. GONZALEZ, for 60 minutes, June 13.

Mr. FRANK, for 60 minutes, June 18.

(The following Members (at the request of Mr. DELAY) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, June 12.

Mr. GINGRICH, for 60 minutes, June 13.

Mr. LIVINGSTON, for 30 minutes, today.

Mr. WALKER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. AUCOIN, immediately after the remarks of Mr. DICKS on H.R. 2577, in the Committee of the Whole today.

Mr. LIVINGSTON, on the strategic petroleum reserve on H.R. 2577 in the Committee of the Whole today.

Mr. COLEMAN of Texas, immediately after the remarks of the gentleman from Texas [Mr. WRIGHT] on H.R. 2577, with respect to Customs, in the Committee of the Whole, today.

Mr. SILJANDER, following Mr. DAVIS and prior to acceptance of amendment by the gentleman from Massachusetts [Mr. STUDDS] in the Committee of the Whole today on H.R. 2577.

(The following Members (at the request of Mr. DELAY) and to include extraneous matter:)

Mr. COMBEST.

Mr. MYERS of Indiana.

Mr. RINALDO.

Mr. CONTE in two instances.

Mr. SENSENBRENNER.

Mr. BEREUTER.

Mr. MACK.

Mr. GOODLING.

Mr. GINGRICH in five instances.

Mr. LAGOMARSINO.

Mr. MONSON.

Mr. SILJANDER.

Mr. BOEHLERT.

Mr. CHAPPIE.

Mr. COBLE.

Mr. CRANE.

Mr. COURTER.

Mr. BROYHILL.

Mr. GROTBERG.

Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. FEIGHAN) and to include extraneous matter:)

Mr. RANGEL in two instances.

Mr. MONTGOMERY.

Mr. FLORIO.

Mr. DORGAN of North Dakota.

Mr. LIPINSKI.

Mr. KASTENMEIER.

Mrs. BURTON of California in two instances.

Mr. YATRON.

Mr. TORRICELLI in three instances.

Mr. SCHUMER.

Mr. PANETTA.

Mr. STARK.

Mr. MURPHY.

Mr. SOLARZ in two instances.

Mr. RODINO.

Mr. FASCELL in two instances.

Mr. VENTO.

Mr. MOAKLEY.

Mr. STUDDS in three instances.

Mr. BEDELL.

Mr. COELHO in two instances.

Mr. ANTHONY in three instances.

Mr. HOWARD.

Mr. MARKEY in two instances.

Mr. STRATTON.

Mr. WAXMAN.

Mr. HERTEL of Michigan.

Mr. LEVINE of California.

Mr. DELLUMS.

Mr. TRAXLER.

Mr. PEPPER.

Mr. OBERSTAR.

Mr. DASCHLE in five instances.

ADJOURNMENT

Mrs. BOXER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 12, 1985, at 10 a.m.).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1454. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 139(b) of title 10, United States Code, to exempt the Secretary of Defense from the contact award report requirement in two additional instances; to the Committee on Armed Services.

1455. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the fiscal year 1984 annual report, pursuant to the act of July 31, 1945, chapter 341, section 9(a) (88 State. 2336); to the Committee on Banking, Finance and Urban Affairs.

1456. A letter from the Secretary of Labor, transmitting a semiannual report on the activities of the Inspector General, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

1457. A letter from the Acting Assistant Attorney General for Administration, transmitting notice that the Department of Justice will modify the Privacy Act systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1458. A letter from the Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting notice of the deletion of a system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1459. A letter from the Assistant Attorney General for Administration, transmitting notice of five new systems of records, pursu-

ant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1460. A letter from the Deputy Assistant Secretary of Defense, transmitting a report on an altered system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1461. A letter from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a report on implementation of the Federal Oil and Gas Royalty Management Act of 1982, pursuant to Public Law 97-451, section 302(a); to the Committee on Interior and Insular Affairs.

1462. A letter from the Secretary of the Interior, transmitting a list of geological surveys conducted outside the national domain, pursuant to Public Law 87-626, section 2 (88 Stat. 1971); to the Committee on Interior and Insular Affairs.

1463. A letter from the Chairman, Merit Systems Protection Board, transmitting a report on the significant actions of the Office of Personnel Management (OPM), pursuant to 5 U.S.C. 1209(b); to the Committee on Post Office and Civil Service.

1464. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting the findings and conclusions of the Secretary of Transportation's investigation into allegations of improprieties by an attorney employed by the Federal Aviation Administration, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

1465. A letter from the Secretary of Transportation, transmitting a report on the Urban Mass Transportation Administration for the first quarter of 1985, pursuant to Public Law 88-365, section 4(h)(1) (92 Stat. 2738); to the Committee on Public Works and Transportation.

1466. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a report on Lumber River Basin, North Carolina and South Carolina; to the Committee on Public Works and Transportation.

1467. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting a report on Department of Defense Procurement from small and other business firms for October 1984 through February 1985, pursuant to SBA, section 10(d); to the Committee on Small Business.

1468. A letter from the Acting U.S. Trade Representative, transmitting a comprehensive study of foreign industrial targeting and remedies for such targeting on the automobile and computer industries, pursuant to Public Law 98-573, section 625 (98 Stat. 3042); to the Committee on Ways and Means.

1469. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation called Foster Care Amendments of 1985; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. BURTON of California: Committee on Rules. House Resolution 195. Resolution providing for the consideration of H.R. 99, a bill to provide for conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes (Rept. No. 99-166). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 196. Resolution providing for the consideration of H.R. 1409, a bill to authorize certain construction at military installations for fiscal year 1986, and for other purposes (Rept. No. 99-167). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1650. A bill to amend the Safe Drinking Water Act; with an amendment (Rept. No. 99-168). Referred to the Committee of the Whole House on the State of the Union.

Mr. NICHOLS: Committee on Armed Services. H.R. 2397. A bill to limit the payment of costs to defense contractors; with amendments (Rept. No. 99-169). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Foreign Affairs discharged from further consideration of H.R. 1452; H.R. 1452 referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ST GERMAIN (for himself, Mr. WYLIE, Mr. FAUNTROY, Mr. LAFALCE, Mr. LUNDINE, Mr. GARCIA, Mr. SCHUMER, Mr. FRANK, Mr. LEHMAN of California, Mr. COOPER, Mr. MANTON, and Mr. DREIER of California):

H.R. 2707. A bill to authorize certain interstate acquisitions of depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. UDALL (for himself, Mr. YOUNG of Alaska, Mr. BREAUX, Mr. MOODY, Mr. MCCAIN, Mr. LELAND, Mr. FASCELL, Mr. LAGOMARSINO, Mr. HAYES, Mr. ANDREWS, Mr. LUJAN, Mr. YOUNG of Missouri, Mr. NIELSON of Utah, Mr. SCHUMER, Mr. SOLARZ, Mr. HUTTO, Mr. HUCKABY, Mr. WILSON, Mr. ENGLISH, Mr. BARTON of Texas, Mr. PORTER, Mr. GIBBONS, Mr. JONES of Oklahoma, Mr. LEHMAN of Florida, and Mr. HANSEN):

H.R. 2708. A bill to amend the Mineral Leasing Act of 1920 with respect to the movement of coal over public lands, and for other purposes; Jointly, to the Committees on Interior and Insular Affairs, and Public Works and Transportation.

By Mr. ANTHONY:

H.R. 2709. A bill to provide for two additional members of the Prospective Payment Assessment Commission; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 2710. A bill to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and reform the operation of the Joint Chiefs of Staff; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 2711. A bill to amend title IV of the Higher Education Act of 1965 to improve the availability of student assistance for part-time students; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. PEPPER, and Mr. RINALDO):

H.R. 2712. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to require pension plans to allow participation by employees nearing normal retirement age and to allow benefit accrual by participants to continue past normal retirement age, and to amend the Age Discrimination in Employment Act of 1967 to extend its application to employees who have attained age 70; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. BOUCHER (for himself, Mr. CONYERS, Mr. EDWARDS of California, Mr. FRANK, and Mr. BERMAN):

H.R. 2713. A bill to amend title 18, United States Code, to modify certain provisions pertaining to restitution, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.R. 2714. A bill to amend the Food Stamp Act of 1977 to require State agencies to carry out a workfare program applicable to households participating in the Food Stamp Program; to the Committee on Agriculture.

By Mr. DASCHLE:

H.R. 2715. A bill to amend the Agricultural Act of 1949 to provide price support for the 1986 through 1993 crops of wheat and feed grains; to the Committee on Agriculture.

By Mr. DORGAN of North Dakota:

H.R. 2716. A bill to amend titles II and XVI of the Social Security Act to require the Secretary of Health and Human Services to issue the Secretary's final decision, after certain hearings required thereunder, within 90 days after commencing proceedings before the Appeals Council in the Department of Health and Human Services; to the Committee on Ways and Means.

By Mr. DYMALLY:

H.R. 2717. A bill to establish an independent jury system for the Superior Court of the District of Columbia; to the Committee on the District of Columbia.

By Mr. EDGAR:

H.R. 2718. A bill to extend for 5 years the authority of the Commodity Credit Corporation to transfer dairy products to the Secretary of the Army for the use of Armed Forces and to the Administrator of Veterans' Affairs for use in Veterans' Administration hospitals; to the Committee on Agriculture.

By Mr. ENGLISH:

H.R. 2719. A bill to require the Secretary of Agriculture to devote certain farmland to conservation uses; to the Committee on Agriculture.

By Mr. FRENZEL:

H.R. 2720. A bill to amend the Social Services Block Grant Act, to authorize consolidation of certain block grants to Indian tribes, and for other purposes; jointly to the Committees on Ways and Means, and Interior and Insular Affairs.

By Mr. GARCIA:

H.R. 2721. A bill to amend title 13, United States Code, to require the collection of statistics on domestic apparel and textile industries; to the Committee on Post Office and Civil Service.

By Mr. GARCIA:

H.R. 2722. A bill to amend title 13, United States Code, to eliminate the requirement relating to decennial censuses of drainage;

to the Committee on Post Office and Civil Service.

By Mr. JACOBS (for himself, Mr. BURTON of Indiana, Mr. COATS, Mr. HAMILTON, Mr. HILER, Mr. HILLIS, Mr. MCCLOSKEY, Mr. MYERS of Indiana, Mr. SHARP, Mr. VISCLOSKY, Mr. COYNE, Mr. DOWNEY of New York, Mr. FLIPPO, Mr. GRADISON, Mr. MATSUI, Mr. STARK, and Mr. DUNCAN):

H.R. 2723. A bill to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the Tenth Pan American Games to be held in Indianapolis, IN, in 1987; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself and Mr. MOORHEAD):

H.R. 2724. A bill to provide that filing and miscellaneous fees for the U.S. District Court for the District of Columbia shall be collected in the same manner as such fees are collected for the other district courts in the United States; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. FUQUA, Mr. NELSON of Florida, and Mr. WALKER):

H.R. 2725. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; jointly, to the Committees on the Judiciary, and Science and Technology.

By Mr. LENT:

H.R. 2726. A bill to direct the Secretary of Commerce to conduct a study on crime in domestic and international commercial shipping, and the impact of such illegal activity on the commercial shipping industry and consumers; jointly, to the Committees on the Judiciary, Public Works and Transportation, Energy and Commerce, and Merchant Marine and Fisheries.

By Mr. MACK:

H.R. 2727. A bill to authorize the construction of a Veterans' Administration hospital in southwest Florida; to the Committee on Veterans' Affairs.

By Mr. MICHEL:

H.R. 2728. A bill to amend title 28, United States Code, to provide for an additional district judge for the central district of Illinois; to the Committee on the Judiciary.

By Mr. MONSON (for himself, Mr. NIELSON of Utah, and Mr. HANSEN):

H.R. 2729. A bill to modify the restrictions on the use of a certain tract of land in the State of Utah, and to provide for the conveyance of the fence located on such tract to the Armory Board, State of Utah; to the Committee on Veterans' Affairs.

By Mr. MORRISON of Connecticut:

H.R. 2730. A bill to amend the Consumer Credit Protection Act with respect to consumer leases and rental purchase agreements; to the Committee on Banking, Finance and Urban Affairs.

By Mr. OLIN:

H.R. 2731. A bill to amend the Agricultural Act of 1949 to provide for dairy production stabilization; to the Committee on Agriculture.

By Mr. PARRIS:

H.R. 2732. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the sale of real property in one State to any agency or instrumentality of another State; to the Committee on Government Operations.

By Mr. PETRI (for himself, and Mr. JEFFORDS):

H.R 2733. A bill to establish a supplemental higher education loan program in which a borrower's annual repayment obligation is dependent upon both postschool income level and borrowing history, and for other purposes; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. RICHARDSON (for himself, Mr. DANNEMEYER, Mr. BROYHILL, Mr. DOWDY, of Mississippi, Mr. FIELDS, Mr. RAPLH M. HALL, Mr. OXLEY, Mr. SCHAEFER, Mr. SHELBY, and Mr. WHITTAKER):

H.R 2734. A bill to amend the Natural Gas Policy Act of 1978 to facilitate the transition of the natural gas industry to a more competitive market, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RODINO (for himself, Mr. FISH, Mr. BROOKS, Mr. EDWARDS of California, Mr. SEIBERLING, Mr. HUGHES, Mr. GLICKMAN, Mr. FEIGHAN, and Mr. SMITH of Florida):

H.R. 2735. A bill to amend the Clayton Act by modifying the notification requirements applicable to mergers and tender offers, and for other purposes; to the Committee on the Judiciary.

By Mr. TAUKE (for himself, Mr. EVANS of Iowa, and Mr. BEDELL):

H.R. 2736. A bill to amend title 28, United States Code, to increase the number of United States bankruptcy judges authorized to be appointed for the northern district of Iowa; to the Committee on the Judiciary.

By Mr. ANTHONY (for himself, Mr. HOPKINS, Mr. HAMMERSCHMIDT, Mr. REID, and Mr. DASCHLE):

H.J. Res. 311. Joint resolution to provide for the designation of October 15, 1985, as "National Poetry Day"; to the Committee on Post Office and Civil Service.

By Mr. COUGHLIN:

H.J. Res. 312. Joint resolution designating August 13, 1985, as "National Neighborhood Crime Watch Day"; the Committee on Post Office and Civil Service.

By Mr. GINGRICH (for himself, and Mr. SKELTON):

H.J. Res. 313. Joint resolution to authorize the President to issue a proclamation designating the week beginning October 30, 1985, as "The Lessons of Grenada Week"; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H. Res. 197. Resolution authorizing printing of the transcript of proceedings of the Committee on Interior and Insular Affairs incident to presentation of a portrait of the Honorable Morris K. Udall; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

154. By the SPEAKER: Memorial of the legislature of the State of Maryland, relative to change in the Washington Metropolitan Area Transit Authority Compact; to the Committee on the Judiciary.

155. Also, memorial of the Legislature of the State of Delaware, relative to economic welfare in Delaware; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. BURTON of California introduced a bill (H.R. 2737) for the relief of Demetrios Theodoropulos; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. MOODY, Mr. SOLARZ, Mr. SMITH of Florida, Mr. SLATTERY, Mr. GUARINI, Mr. BRYANT, Mr. HUGHES, Mr. LANTOS, Mr. ANDERSON, Mr. RUDD, Mr. TORRES, and Mr. WHITEHURST.

H.R. 21: Mr. CONTE, Mr. WOLPE, Mr. MCGRATH, and Mr. PURSELL.

H.R. 75: Mr. VALENTINE and Mr. DELAY.

H.R. 76: Mr. VALENTINE and Mr. SHUMWAY.

H.R. 97: Mr. CRAIG.

H.R. 276: Mr. SMITH of New Jersey.

H.R. 370: Mr. BERMAN, Mr. MARTINEZ, and Mr. MORRISON of Connecticut.

H.R. 382: Mr. COURTER, Mr. LOWRY of Washington, Mrs. LLOYD, Mr. LAGOMARSINO, Mr. MURPHY, Mr. KINDNESS, Mr. MAVROULES, Ms. KAPTUR, Mr. WHITEHURST, Mr. YOUNG of Florida, Mr. GLICKMAN, Mr. FLORIO, Mr. MILLER of Washington, Ms. MIKULSKI, Mr. GINGRICH, Mr. HUGHES, Mr. FAZIO, Mr. OXLEY, Mr. RIDGE, Mr. SENSENBRENNER, Mr. NEAL, Mr. MONTGOMERY, Mr. WHITLEY, Mr. DASCHLE, Mr. DONNELLY, Mr. ACKERMAN, Mr. REID, Mr. WISE, Mrs. SCHNEIDER, Mr. CLINGER, Mr. TAUKE, and Mr. EDWARDS of Oklahoma.

H.R. 442: Mr. KLECZKA.

H.R. 469: Mr. COMBEST.

H.R. 528: Mr. WILLIAMS and Mr. WEISS.

H.R. 598: Mr. DYMALLY, Mr. DOWNEY of New York, Mr. LELAND, Mr. FRANK, Mr. AKAKA, Mr. TOWNS, Mr. LEVIN of Michigan, Mr. LIGHTFOOT, Mr. MORRISON of Connecticut, Mr. IRELAND, Mr. HOYER, Mr. APPLEGATE, Mr. FAWELL, Mr. MITCHELL, Mr. CROCKETT, Mr. ANDERSON, and Mr. MARTINEZ.

H.R. 704: Mr. MILLER of Ohio, Mr. BURTON of Indiana, Mr. BILIRAKIS, Mr. PORTER, Mr. WALKER, Mr. DENNY SMITH, and Mr. DARDEN.

H.R. 760: Mr. YATES, Mr. BEILENSON, Mrs. BOXER, and Ms. KAPTUR.

H.R. 847: Mr. CHANDLER, Mrs. COLLINS, Mr. DASCHLE, Mr. DAVIS, Mr. EMERSON, Ms. KAPTUR, Mr. LOWRY of Washington, Mr. MURPHY, Mr. OBERSTAR, Mr. RICHARDSON, and Mr. SWINDALL.

H.R. 880: Mr. EDGAR.

H.R. 891: Mr. HOYER.

H.R. 1031: Mr. BATES.

H.R. 1032: Mr. BATES.

H.R. 1207: Mr. DASCHLE.

H.R. 1246: Mr. KOLTER, Mr. CONTE, Mr. STRANG, Mr. FAZIO, Mr. BATES, Mr. VENTO, Mr. MARTINEZ, Mr. NIELSON of Utah, Mrs. BURTON of California, Mr. ZSCHAU, Mr. MATSUI, and Mrs. VUCANOVICH.

H.R. 1284: Mr. MOODY, Mr. GARCIA, Mr. TORRICELLI, Mr. LUNDINE, Mr. MURTHA, Mr. TORRES, Mrs. KENNELLY, Mr. JACOBS, Mr. BERMAN, Mr. FAZIO, and Mr. SHARP.

H.R. 1294: Mr. MINETA.

H.R. 1309: Mr. SEIBERLING and Mr. EDGAR.

H.R. 1345: Mr. VALENTINE and Mr. DELAY.

H.R. 1357: Mr. MINETA.

H.R. 1375: Mr. ROE, Mr. MORRISON of Connecticut, Mr. DORGAN of North Dakota, and Mrs. BOXER.

H.R. 1376: Mr. KINDNESS.

H.R. 1400: Mr. ACKERMAN, Mr. MCCLOSKEY, Mr. WOLPE, and Mr. DYMALLY.

H.R. 1458: Mr. FEIGHAN.

H.R. 1467: Mr. STOKES.
H.R. 1482: Mr. MATSUI.
H.R. 1616: Mr. ACKERMAN, Mr. HOYER, Mr. ATKINS, Mr. ASPIN, Mr. MCCLOSKEY, and Mr. MINETA.
H.R. 1666: Mr. STANGELAND, Mr. WAXMAN, and Mr. BROWN of California.
H.R. 1722: Mr. HOYER.
H.R. 1770: Mr. TOWNS and Mr. MARTINEZ.
H.R. 1796: Mr. MITCHELL.
H.R. 1905: Mr. YATRON and Mr. SAVAGE.
H.R. 1910: Mr. HEFTEL of Hawaii.
H.R. 1940: Mr. FROST, Mrs. SCHROEDER, and Mr. MINETA.
H.R. 1985: Mr. MORRISON of Connecticut, Mr. SOLARZ, Mr. DOWNEY of New York, Mr. YATES, Mr. GOODLING, and Mr. MCKINNEY.
H.R. 2024: Mr. SCHEUER.
H.R. 2078: Mr. RINALDO, Mr. YOUNG of Alaska, Mrs. BENTLEY, and Mr. DARDEN.
H.R. 2116: Mr. KOLTER.
H.R. 2119: Mr. JEFFORDS and Mr. SOLARZ.
H.R. 2137: Mr. JACOBS.
H.R. 2162: Mr. DEWINE.
H.R. 2226: Mr. BRUCE, Mr. GRAY of Illinois, and Mr. MCEWEN.
H.R. 2262: Mr. DURBIN.
H.R. 2277: Mr. BEDELL and Mr. THOMAS of Georgia.
H.R. 2326: Mr. BROWN of Colorado, Mr. EMERSON, and Mr. LEATH of Texas.
H.R. 2346: Mr. SENSENBRENNER, Mr. NIELSON of Utah, and Mrs. LLOYD.
H.R. 2364: Mr. MORRISON of Washington and Ms. OAKAR.
H.R. 2383: Mr. RICHARDSON and Mr. WOLPE.
H.R. 2397: Mr. DURBIN and Mr. MARTINEZ.
H.R. 2401: Mr. ROYBAL and Mrs. LLOYD.
H.R. 2406: Mr. SHELBY, Mr. OWENS, Mr. LEACH of Iowa, Mr. RAHALL, and Mr. FAUNTROY.
H.R. 2472: Mr. HOYER, Mr. FUSTER, Mr. MITCHELL, Mr. STOKES, Mr. ATKINS, Mr. AKAKA, Mr. MOAKLEY, Mr. CLINGER, Mr. KASTENMEIER, Mr. MARTINEZ, Mr. WALGREN, Mr. CARR, Mr. BOEHLERT, and Mr. ROYBAL.
H.R. 2495: Mrs. BENTLEY.
H.R. 2508: Mr. VENTO.
H.R. 2511: Mr. VENTO.
H.R. 2512: Mr. VENTO.
H.R. 2513: Mr. VENTO.
H.R. 2524: Mr. MILLER of Washington.
H.R. 2526: Mr. LEVINE of California and Mr. BROWN of California.
H.R. 2567: Mr. OWENS, Mr. HAYES, Mr. DELLUMS, Mr. CONYERS, Mr. DYMALLY, Mr. GRAY of Pennsylvania, Mr. DE LUGO, Mr. LELAND, Mr. FRANK, Ms. KAPTUR, and Mr. WEISS.
H.R. 2588: Mr. GRAY of Illinois, Mr. BUSTAMANTE, Mr. FRANK, Mr. MINETA, Mr. ROE, Mr. WORTLEY, Mr. HEFTEL of Hawaii, Mr. FAUNTROY, and Mr. BLILEY.
H.R. 2591: Mr. WORTLEY, Mr. FAZIO, Mr. GALLO, Mr. FAUNTROY, Mr. DOWDY of Mississippi, and Mr. FROST.
H.R. 2597: Mr. DIOGUARDI, Mr. RINALDO, Mr. BOLAND, Mr. GALLO, and Mr. MORRISON of Connecticut.
H.R. 2684: Mr. HYDE.
H.R. 2697: Mr. DARDEN, Mr. HUCKABY, Mr. BROOMFIELD, Mr. MURTHA, Mr. MONTGOMERY, and Mr. BEVILL.
H.J. Res. 41: Mr. LANTOS.
H.J. Res. 144: Ms. MIKULSKI, Mr. MILLER of Washington, Mr. MOODY, Mr. PURSELL, Mr. RUSSO, Mr. VENTO, and Mr. HOYER.
H.J. Res. 145: Mr. STANGELAND.
H.J. Res. 156: Mr. DASCHLE, Mr. BEDELL, Mr. CARPER, Mr. DANIEL, Mr. CRAIG, and Mr. O'BRIEN.
H.J. Res. 178: Mr. LEVINE of California, Mr. GILMAN, and Mr. STARK.
H.J. Res. 221: Mr. BREAUX.
H.J. Res. 222: Mr. LEVIN of Michigan.
H.J. Res. 224: Mr. LANTOS.
H.J. Res. 250: Mrs. HOLT, Mr. DICKINSON, Mr. STANGELAND, Mr. DE LA GARZA, Mr. STUMP, and Mr. LATTA.
H.J. Res. 263: Mr. CHAPPELL, Mr. FOGLIETTA, Mr. GROTBERG, Mr. KRAMER, Mr. MCCOLLUM, Mr. MICHEL, Mr. MURTHA, Mr. PRICE, Mr. SILJANDER, Mr. PETRI, Mr. RINALDO, Mr. HAMMERSCHMIDT, Mr. MOORE, Mr. HAWKINS, Mr. MCDADE, Mr. BORSKI, Mr. DANNEMEYER, and Mr. FROST.
H.J. Res. 287: Mr. AKAKA, Mrs. BENTLEY, Mr. BERMAN, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CAMPBELL, Mr. CARPER, Mr. CARR, Mr. COATS, Mr. CONTE, Mr. DAUB, Mr. DELLUMS, Mr. DEWINE, Mr. DIOGUARDI, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. CROCKETT, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EVANS of Iowa, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FUSTER, Mr. GREEN, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HAYES, Mr. HEFNER, Mr. HENRY, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. IRELAND, Mrs. JOHNSON, Mr. KANJORSKI, Mr. KOLTER, Mr. LANTOS, Mr. LATTA, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. MCCAIN, Mr. MCDADE, Mr. MCHUGH, Mr. MCKINNEY, Mr. MARTIN of New York, Mr. MATSUI, Ms. MIKULSKI, Mr. MURPHY, Mr. O'BRIEN, Mr. OWENS, Mr. PORTER, Mr. PRICE, Mr. RANGEL, Mr. REGULA, Mr. RINALDO, Mr. ROBINSON, Mr. ROE, Mr. ROSE, Mr. SABO, Mr. SAVAGE, Mr. SHAW, Mr. SHUMWAY, Mr. TOWNS, Mr. VALENTINE, Mr. WHEAT, Mr. WISE, Mr. WOLF, Mr. WOLPE, Mr. WYLIE, and Mr. YOUNG of Alaska.
H.J. Res. 290: Mr. BROWN of California, Mr. COOPER, Mr. LANTOS, and Mr. MINETA.
H.J. Res. 293: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS, Mr. ANNUNZIO, Mr. ANTHONY, Mr. APPLEGATE, Mr. BARNARD, Mr. BARNES, Mr. BATES, Mr. BEDELL, Mr. BEILENSON, Mr. BEREUTER, Mr. BERMAN, Mr. BIAGGI, Mr. BOEHLERT, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BORSKI, Mrs. BOXER, Mr. BROWN of California, Mr. BRUCE, Mr. BRYANT, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CARNEY, Mr. CARPER, Mr. CARR, Mr. CHANDLER, Mr. CLAY, Mr. COATS, Mr. COELHO, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COOPER, Mr. COYNE, Mr. CROCKETT, Mr. DARDEN, Mr. DAUB, Mr. DE LA GARZA, Mr. DEWINE, Mr. DINGELL, Mr. DIOGUARDI, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. DYMALLY, Mr. DYSON, Mr. EARLY, Mr. ECKERT of New York, Mr. EDGAR, Mr. ENGLISH, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Michigan, Mr. FOWLER, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. FUSTER, Mr. GARCIA, Mr. GEJDENSON, Mr. GILMAN, Mr. GONZALEZ, Mr. GRADISON, Mr. GRAY of Pennsylvania, Mr. GREEN, Mr. GUARINI, Mr. GUNDERSON, Mr. RALPH M. HALL, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HAYES, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HENRY, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HYDE, Mr. JEFFORDS, Mr. JENKINS, Mr. JONES of Tennessee, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. KRAMER, Mr. LAFALCE, Mr. LANTOS, Mr. LATTA, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEVINE of California, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LOWRY of Washington, Mr. LUKEN, Mr. LUNDINE, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLAN, Mr. MACK, Mr. MACKAY, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MICA, Ms. MIKULSKI, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NEAL, Ms. OAKAR, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PANETTA, Mr. PASHAYAN, Mr. PEPPER, Mr. PERKINS, Mr. PETRI, Mr. PICKLE, Mr. PORTER, Mr. PRICE, Mr. PURSELL, Mr. QUILLEN, RANGEL, Mr. REID, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ROWLAND of Georgia, Mr. ROYBAL, Mr. RUSSO, Mr. SAVAGE, Mr. SAXTON, Mr. SCHEUER, Mr. SCHUMER, Mr. SHARP, Mr. SHAW, Mr. SHELBY, Mr. SIKORSKI, Mr. SKELTON, Mr. SLATTERY, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. SOLARZ, Mr. SOLOMON, Mr. STAGGERS, Mr. STOKES, Mr. STRATTON, Mr. SYNAR, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. UDALL, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WATKINS, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WHITLEY, Mr. WILSON, Mr. WIRTH, Mr. WOLPE, Mr. WORTLEY, Mr. WYDEN, Mr. YATES, Mr. YATRON, Mr. YOUNG of Missouri, Mr. SMITH of New Jersey, Mr. ASPIN, Mr. SABO, Mr. NIELSON of Utah, Mr. KASTENMEIER, and Ms. SNOWE.
H.J. Res. 306: Mr. BATEMAN, Mr. LAGOMARSINO, Mr. WYDEN, Mr. GUNDERSON, Mr. MRAZEK, Mr. BLILEY, Mr. WEBER, and Mr. CONTE.
H. Con. Res. 26: Mr. ROE and Mr. SCHUETTE.
H. Con. Res. 69: Mr. VALENTINE, Mr. MCCOLLUM, Mr. RAY, Mr. MARKEY, Mr. TORRES, Mr. MCCLOSKEY, Mr. ALEXANDER, and Mr. TRAXLER.
H. Con. Res. 101: Mr. DOWNEY of New York, Mr. KOLTER, Mrs. BOXER, Ms. MIKULSKI, Ms. KAPTUR, and Mr. BEDELL.
H. Con. Res. 116: Mr. HAYES.
H. Con. Res. 121: Mr. SOLARZ and Mr. FEIGHAN.
H. Con. Res. 128: Mr. HYDE, Mr. BOUCHER, Mr. SMITH of Florida, Mr. SMITH of New Jersey, Mr. HUGHES, Mr. GALLO, Mr. GLICKMAN, Mr. MOODY, Mr. EVANS of Illinois, Mr. FRANK, Mr. STOKES, Mr. TOWNS, Mr. SEIBERLING, Mr. DANNEMEYER, and Mr. NIELSON of Utah.
H. Con. Res. 129: Mr. JONES of North Carolina and Mr. KOLBE.
H. Res. 105: Mr. LOWERY of California, Mr. ROTH, Ms. FIEDLER, Mr. EDWARDS of Oklahoma, Mr. JEFFORDS, Mr. FUSTER, Mr. FRANK, Mr. MARKEY, Mr. APPLEGATE, Mr. HENRY, Mr. KINDNESS, Mr. VENTO, Mr. RINALDO, and Mr. LANTOS.
H. Res. 152: Mr. BONIOR of Michigan, Mr. ROWLAND of Connecticut, Mr. FRANK, Mr. LEVINE of California, Mr. CARR, Mr. VENTO, and Mr. MINETA.
H. Res. 167: Mr. DELAY, Mr. HOPKINS, Mr. EMERSON, Mr. WHITEHURST, Mr. DUNCAN, Mr. WEBER, Mr. SMITH of Florida, and Mr. SOLOMON.
H. Res. 178: Mr. BROWN of California, Mr. BURTON of Indiana, Mr. NIELSON of Utah, Mr. MICHEL, Mr. SAXTON, and Mr. WHITEHURST.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

128. By the SPEAKER: Petition of the Board of Supervisors, county of Los Angeles, CA, relative to C-17 airlift aircraft; to the Committee on Armed Services.

129. Also, petition of the city council of La Marque, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

130. Also, petition of the city of New Braunfels, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

By Mr. DORGAN of North Dakota:

—Page 154, after line 24, add the following new section:

SEC. 1208. REDUCTIONS IN AUTHORIZATIONS

Notwithstanding the amounts specified in the preceding provisions of this Act—

(1) the amount of each authorization of appropriations for fiscal year 1986 or fiscal year 1987 provided by this Act,

(2) the amount of the annual aggregate ceiling on foreign military sales credits pursuant to section 101(b) of this Act, and

(3) the amount of each earmarking of funds for specified international organizations and programs pursuant to section 402 of this Act,

shall be the lesser of (A) the amount specified in the relevant preceding provision of this Act, or (B) the amount which is 3.28 percent less than the amount specified for that purpose in the amendment-in-the-nature-of-substitute reported by the Committee on Foreign Affairs of the House of Representatives to the bill H.R. 1555 (99th Congress).

—Page 131, after line 14, insert the following new section:

SEC. 910. SUPPORT FOR ADEQUATE FUNDING FOR FOOD AND AGRICULTURAL ASSISTANCE PROGRAMS.

It is the sense of the Congress that the programs carried out by the International Fund for Agricultural Development and the programs carried out pursuant to the Agricultural Trade Development and Assistance Act of 1954 are valuable programs, and that those programs should receive adequate funding to carry out their purposes.

By Mr. DORNAN of California:

—Page 134, after line 18, insert the following new section 1103 and redesignate subsequent sections of title XI accordingly:

SEC. 1103. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961, as amended by section 1102 of this Act, is further amended in paragraph (1) by inserting after "Mongolian People's Republic" the following: "Mozambique.".

—Page 134, after line 18, insert the following new section 1103 and redesignate subsequent sections of title XI accordingly:

SEC. 1103. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961, as amended by section 1102 of this Act, is further amended in paragraph (1) by inserting after "Mongolian People's Republic." the following: "Nicaragua.".

—Page 125, after line 15, insert the following:

SEC. 810. REPEAL OF CLARK AMENDMENT.

Section 118 of the International Security and Development Cooperation Act of 1980 (prohibiting assistance for military or paramilitary operations in Angola) is repealed.

—Page 134, after line 18, insert the following new section 1103 and redesignate subsequent sections of title XI accordingly:

SEC. 1103. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961, as amended by section 1102 of this Act, is further amended in paragraph (1) by inserting after "Republic of Cuba." the following: "The Seychelles.".

—Page 134, after line 18, insert the following new section 1103 and redesignate subsequent sections of title XI accordingly:

SEC. 1103. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961, as amended by section 1102 of this Act, is further amended in paragraph (1) by inserting after "Mongolian People's Republic." the following: "People's Democratic Republic of Yemen.".

—Page 134, after line 18, insert the following new section 1103 and redesignate subsequent sections of title XI accordingly:

SEC. 1103. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961, as amended by section 1102 of this Act, is further amended in paragraph (1) by inserting after "Mongolian People's Republic." the following: "People's Democratic Republic of Afghanistan.".

—Page 134, after line 18, insert the following new section 1103 and redesignate subsequent sections of title XI accordingly:

SEC. 1103. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961, as amended by section 1102 of this Act, is further amended in paragraph (1) by inserting after "Mongolian People's Republic." the following: "People's Democratic Republic of Angola.".

—Page 134, after line 18, insert the following new section 1103 and redesignate subsequent sections of title XI accordingly:

SEC. 1103. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961, as amended by section 1102 of this Act, is further amended in paragraph (1) by inserting after "People's Republic of China." the following: "People's Republic of Kampuchea.".

—Page 146, after line 4, insert the following:

SEC. 1112. REPEAL OF PROHIBITION ON ASSISTANCE FOR POLICE TRAINING.

Section 660 of the Foreign Assistance Act of 1961 is repealed.

—Page 134, after line 18, insert the following new section 1103 and redesignate subsequent sections of title XI accordingly:

SEC. 1103. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961, as amended by section 1102 of this Act, is further amended in paragraph (1) by inserting after "Democratic People's Republic of Korea." the following: "Ethiopia.".

By Mr. DURBIN:

—Page 61, beginning in line 14, strike out "Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund)" and insert in lieu thereof "(a) CONDITIONS.—Assistance described in subsections (b)(1) and (b)(2) of this section".

Page 61, line 18, strike out "amount of"; line 20, after "25 percent", insert "of the amount of economic assistance described in subsection (b)(1) and up to 25 percent of the aggregate amount of military assistance described in subsection (b)(2)"; and line 25, strike out "75 percent" and insert in lieu thereof "amount of assistance".

Page 62, line 6, strike out "amount of"; line 8, after "50 percent", insert "of the amount of economic assistance described in subsection (b)(1) and up to 50 percent of the aggregate amount of military assistance described in subsection (b)(2)"; and line 15, strike out "50 percent" and insert in lieu thereof "amount of assistance".

Page 62, after line 20, insert the following:

(b) ASSISTANCE SUBJECT TO CONDITIONS.—The conditions established by this section apply with respect to—

(1) assistance provided under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund); and

(2) assistance provided under chapter 2 of part II of that Act (relating to grant military assistance), chapter 5 of part II of that Act (relating to international military education and training), and the Arms Export Control Act (relating to foreign military sales financing).

By Mr. LAGOMARSINO:

—Page 154, after line 24, insert the following new section:

SEC. 1208. DENIAL OF TRADE BENEFITS TO AFGHANISTAN.

(a) AMENDMENT TO TARIFF SCHEDULES.—The General Headnotes and Rules of Interpretation to the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by inserting "Afghanistan" before "Albania" in headnote 3(f).

(b) DENIAL OF MOST-FAVORED-NATION STATUS.—

(1) Notwithstanding any other provision of law, the products of Afghanistan shall not receive nondiscriminatory (most-favored-nation) trade treatment.

(2) No agreement may be entered into with Afghanistan under section 405 of the Trade Act of 1974 (19 U.S.C. 2435).

(c) DENIAL OF TRADE CREDITS.—Notwithstanding any other provision of law, Afghanistan may not participate, directly or indirectly, in any program under which the United States extends credit, credit guarantees, or investment guarantees.

—Page 145, strike out line 24 and all that follows through line 4 on page 146 and insert in lieu thereof the following:

(b) EARMARKING OF FUNDS.—Each fiscal year, not less than $15,000,000 of the aggregate amount of funds available to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only for humanitarian assistance to the Afghan people pursuant to subsection (a) of this section.

(c) EFFECTIVE DATES.—This section shall take effect on the date of enactment of this Act, except that subsection (b) does not apply to fiscal year 1985.

By Mr. LOWERY of California:

—Page 125, after line 15, insert the following new section:

SEC. 810. FAILURE OF THE ETHIOPIAN GOVERNMENT TO EFFECTIVELY ANTICIPATE AND AMELIORATE FAMINE CONDITIONS.

(a) FINDINGS.—The Congress finds that—

(1) many thousands of Ethiopian people have suffered and died, and an additional ten million people are in danger of death,

through starvation caused by prolonged drought;

(2) it has been suggested that the United States Government has been negligent in its efforts to ameliorate the tragic conditions present in Ethiopia;

(3) the Government of the United States has a continuing commitment to the emergency fund under title II of the Agricultural Trade Development and Assistance Act of 1954 (the Food For Peace Act);

(4) United States emergency food assistance for Africa in fiscal year 1985 is more than twice the amount provided in fiscal year 1984, and is the largest amount contributed by any single donor;

(5) the Ethiopian Government, as a client state of the Soviet Union, has considered the equipage and modernization of its five hundred thousand-person military organization more vital than alleviating the suffering of its people caused by drought;

(6) the Ethiopian Government has considered the funding of its military organization more vital than promoting a viable national agrarian policy;

(7) there is evidence that the Government of Ethiopia has used the drought-caused famine to induce cooperation from certain dedicated Ethiopians who seek to bring about fundamental changes in their country and to discriminate against certain other ethnic groups such as the Falashas or Ethiopian Jewish community;

(8) the United States Government is concerned about the seizure by the Ethiopian Government of an Australian aid ship in an attempt to cut off food to its citizens in the northern regions, an area most severely stricken by famine; and

(9) the Ethiopian Government deems the appearance and status of its socialist system more worthy of attention than its citizens and agricultural policies in need.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the Government of Ethiopia should be condemned for its gross dereliction of responsibility and duty in failing to anticipate and ameliorate the severe drought and famine conditions throughout its agrarian countryside;

(2) the Government of Ethiopia should allocate more of its resources toward the development of a more balanced and effective agrarian system;

(3) human rights monitoring groups can be a positive force for human rights in Ethiopia and should be allowed to function and should be supported;

(4) the Government of Ethiopia should initiate a genuine policy of national reconciliation;

(5) the continued improvement of Ethiopia's treatment of the Ethiopian people and respect for human rights would better relations between the United States and Ethiopia;

(6) the President or his representatives should convey to Ethiopian officials the concerns of the Congress expressed in this section at every opportunity; and

(7) the President or his representatives should also convey these concerns of the Congress to the governments of United States allies and urge the cooperation of those governments in efforts to ensure a more responsible Ethiopian Government.

By Mr. MILLER of Washington:

—Page 55, after line 17, insert the following new sections 408 and 409 and redesignate existing sections 408 and 409 as sections 410 and 411, respectively:

SEC. 408. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

(a) PROHIBITION.—Section 620A of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 620A. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

"(a) PROHIBITION.—The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the Arms Export Control Act, to any country which the President determines—

"(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

"(2) otherwise supports international terrorism.

"(b) PRESIDENTIAL WAIVER.—The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the waiver (including the justification for the waiver) in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

"(c) INTERNATIONAL COOPERATION.—If sanctions are imposed on a country pursuant to subsection (a) because of its support for international terrorism, the President should call upon other countries to impose similar sanctions on that country.".

(b) CONFORMING AMENDMENT.—Section 3(f) of the Arms Export Control Act is amended by striking out ", credits, and guaranties" and ", credits, or guaranties" each place they appear.

SEC. 409. INTERNATIONAL CIVIL AVIATION BOYCOTT AGAINST IRAN AND LIBYA.

It is the sense of the Congress that the President—

(1) should call for an international civil aviation boycott with respect to Iran and Libya, and

(2) should take steps, both bilateral and multilateral, to achieve a total international civil aviation boycott with respect to those countries.

H.R. 1872

By Mr. ENGLISH:

—At the end of title V (page 68, after line 6) add the following new section:

SEC. 533. GRADE OF DIRECTOR, DEPARTMENT OF DEFENSE TASK FORCE ON DRUG ENFORCEMENT.

Section 525(b) of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) An officer while serving as Director of the Department of Defense Task Force on Drug enforcement, if serving in the grade of lieutenant general or vice admiral, is in addition to the number authorized his armed force for that grade under paragraph (1) or (2).".

H.R. 2577

By Mr. DINGELL:

—Page 39, after line 18 insert:

DEPARTMENT OF ENERGY

To the extent the Federal Energy Regulatory Commission has authority or jurisdiction under the Federal Power Act of a Memorandum of Understanding for the California-Oregon Transmission Project, dated December 19, 1984 (50 FR 420, Jan. 3, 1985), as amended and supplemented by the Secretary of Energy prior to enactment of such paragraph, or of any contracts implementing such Memorandum, the Federal Energy Regulatory Commission shall exercise such authority or jurisdiction within two years after enactment of this paragraph or after the filing of any such contract, whichever is later, and the Commission shall adjust its procedures and practices to ensure completion of such exercise of administrative authority or jurisdiction within such two-year period. Nothing in this paragraph shall be construed by the Commission or any court as affecting, changing or limiting the authority, jurisdiction or procedures of the Commission under the Federal Power Act concerning rates, charges, service, facilities, classification, access or other matters in regard to such project. Consistent with the provisions of Public Law 98-360 which authorized the Secretary of Energy to construct or participate in the construction of such project for the benefit of electric consumers of the Pacific Northwest and California and obtain compensation from non-Federal participants in such project, sufficient capacity shall be reserved, as recognized in such Memorandum, to serve the needs of the Department of Energy Laboratories and wildlife refuges in California. The Secretary of Energy and the Federal Energy Regulatory Commission shall keep the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate fully and currently informed concerning the project, any changes in such Memorandum of Understanding (as so amended and supplemented), the implementing contracts, compensation, reserved capacity for such laboratories or refuges, actions under the Federal Power Act, and any related matters. Nothing in this Act or in the Memorandum shall in anyway affect, modify, change, or expand the authorities or policies of the Bonneville Power Administration under existing law regarding wholesale power rates, transmission rates, or transmission access.

EXTENSIONS OF REMARKS

TECHNICAL VIEWS ON VERIFIABILITY OF TREATIES

HON. ROBERT J. LAGOMARSINO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following letter I received from Dr. Don Westervelt, a staff member of the Los Alamos National Laboratory's Field Test Division, to the attention of my colleagues. Dr. Westervelt's reply comes to a letter I sent to him, requesting his technical views on the verifiability of the Peaceful Nuclear Explosions [PNE], Threshold Test Ban [TTB], and Comprehensive Test Ban [CTB] treaties. Dr. Westervelt has long been involved in monitoring Soviet compliance with these treaties, and I urge my colleagues to carefully review his comments.

MAY 30, 1985.

Hon. ROBERT J. LAGOMARSINO,
2332 Rayburn House Office Building, Washington, DC 20515.

DEAR CONGRESSMAN LAGOMARSINO: In response to your letter of May 20, 1985, I am happy to provide my personal technical views on the verifiability of the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosion Treaty (PNET). These views are based on some 30 years of participation in the nuclear weapons program of the United States as well as recent intensive study of the subject to which your questions are addressed.

1. Question: Have the Soviets exceeded the 150 kiloton (kt) limit under the TTBT? If so, please provide background information. Do you believe that there can be a so-called "militarily significant" violation of the treaty?

Answer: The question whether the Soviets have exceeded the TTBT limit is unresolved and, with present verification methods, is unresolvable. The President noted recently in a report to the Congress that the pattern of signals indicates that violations are likely. I share this view. However, it is not possible to make a more definite statement with any confidence.

Two "models" have been advanced to account for the pattern of signals seen at the main Soviet test site since an abrupt increase in their size in 1978-79. One of these is called "testing to a limit," the implication being that the Soviets have placed some yield limit on their program and observe that limit. Violations would be involved only if their limit exceeded the legal value, 150 kilotons. At present it appears to do so, but not by an alarming margin, and some believe that an appropriate change in interpretative methodology (sometimes called a "bias adjustment") will bring the apparent limit down to the threshold, eliminating concern about noncompliance.

A second, equally valid, model involves a majority of tests at or below the threshold, but a few "fliers" that exceed the limit by a significant amount. If this model represents what is actually happening, no bias adjustment has been proposed or considered that will bring the estimated yields of all of the Soviet tests into compliance. The implications of this second equally plausible pattern of testing are much more serious than those of the first, since only a small number of excursions may be needed to accomplish a military objective.

There is no evidence based on the pattern of teleseismic signals to "indicate" (in a statistical sense, which implies that a probability statement is attached to the conclusion) that the Soviets are observing any particular yield limit in their testing. With equal or greater likelihood the signals can be explained by the more ominous "flier" model. In fact, an unbiased analysis shows that it is equally likely, if not more so, that while they are doing most of their tests within the TTBT limit, they also are occasionally permitting themselves substantially larger yields, perhaps when the exigencies of their military programs require such tests.

The problem we face is that it is not possible from the signal pattern alone to draw an unambiguous conclusion regarding compliance or noncompliance. It is only possible to assign relative probabilities, and while the data lean toward the side of noncompliance under present interpretations, the kind of confident conclusion that is generally required in a court of law cannot be stated. Thus external evidence, to the extent that it is available, and prior assumptions about likely Soviet behavior, must enter any final judgment on this matter, and the question ultimately becomes one of prudence: on which side is it preferable to err in a matter of this kind?

The question whether there can be a "militarily significant" violation must be answered in the affirmative. There is general agreement among those familiar with U.S. weapons technology that the Soviets can, if their technology is not unlike ours, perform at low risk at least occasional tests at yields sufficiently above the limit to allow certification of new weapon designs, or recertification of old ones that have developed problems, whose yields are squarely within the present estimated range of 90% of Soviet strategic weapons.

With only teleseismic verification methods, even if these were supplemented by the data exchange called for in the TTBT Protocol, enforcement of compliance at a yield level that would preclude such militarily significant violations is impossible. Part of the problem results from the fact that as the Soviets have proceeded to MIRV their strategic missiles, their average yields have moved downward, much closer to the TTBT limit so that violations that might not have been considered significant in 1974 now are much more so. (Reducing the threshold limit, however, would in my view only make matters worse under present circumstances.)

2. Question: Is the TTBT in fact verifiable as written? What is the statistical uncertainty involved? To what degree do statistical uncertainties affect our seismological readings of Soviet underground nuclear explosive tests?

Answer: The TTBT, in my opinion, is not verifiable as written, even taking into account provisions of the Protocol that would become effective upon ratification. I prefer, as I have implied, to use the term enforcement: At what yield can compliance with the TTBT limit be enforced? If that yield is sufficiently above the limit so that militarily significant tests can be performed that could not be performed with genuine compliance, then enforcement in my view is inadequate. This is the situation at present, and I believe that it will continue to be the situation under any arrangement that depends on teleseismic methods for verification, even should such methods be "calibrated" by any practical procedure that has been suggested.

The reasons are basically found in the statistical nature of the seismic enforcement problem, although political considerations such as the acceptability of "false alarms" enter the analysis also. On the statistical side both random and systematic errors are involved.

To explain these terms, let me use a simple example. Suppose we have the job of estimating from a limited series of observations the average lifetime of, say, a particular kind of lightbulb. We screw a number of them into sockets in several rooms of a house, and measure the time it takes for them to burn out, using the clocks in each room. We will find out that there is a scatter in our results about some mean value that we take to be the average lifetime, with a level of confidence that depends on the number of bulbs tested. The scatter reflects the random error factor; it is independent from bulb to bulb. As in the case of signals from the Soviet tests, a small number may deviate from this average by enough to be considered statistically significant, at some level of confidence that we are free to choose; we say these are exceptional lightbulbs.

The systematic error factor is more difficult to recognize, because it affects all of our measurements in the same way but it is unknown to us. In the lightbulb experiment, such an error would arise if all of the clocks were slow or fast and we did not know it. The random error would stay about the same, but the mean we determined would be off by an unknown amount.

With regard to the Soviet signals, there is not much debate about the size of the random error, but the size of the systematic error is unknown and must be estimated as well as possible from outside information. The estimates we make may be influenced by our own preconceptions. Even a few "calibration shots" where we accurately measure the yield of the explosion directly will not help much, when the resulting arithmetic is done properly. The systematic error, known as "bias," cannot be reduced sufficiently by a practical number of calibration shots, and even if it were, the random error would remain as a serious problem.

In my personal view, there is probably an additional complication to worry about. To return to the lightbulb example, suppose the clocks were not only in error, but the clocks differed significantly from room to

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

room. A "calibration" of the clock in one room would be of little help in the other rooms; the only way to be sure of our results would be to make sure we had found all the rooms and calibrated all of the clocks. I believe that it may be very difficult to assure ourselves that we have found all of the "rooms" at the Soviet test sites and made the necessary measurements. Since they live in those rooms, they are likely to know about the ones we have missed or calibrated incorrectly, and they can use this to their advantage.

Finally, to fully appreciate the magnitude of the verification problem one only must note that we assumed in our example that all of the light bulbs tested were nominally of the same kind. In the case of Soviet test yields, we cannot make that assumption. Large signals of the kind that have been reported may be statistical flukes, or they may come indeed from large weapon tests.

The way around this problem is to measure yields of the larger tests directly, as suggested by the President in his speech to the United Nations. Systematic errors are negligible and random errors are very small indeed when the most modern methods for doing this are used.

My colleagues and I have elaborated the analysis of these questions in several classified reports, the most recent of which (LA-10355-MS, March 1985) provides a general overview of our conclusions.

3. Question: Is the PNET verifiable?

Answer: Compliance with the PNET is more nearly verifiable than is compliance with the TTBT. As you know, in some situations it provides for direct on-site hydrodynamic measurements of explosive yields. These I believe to be the only adequate way to enforce compliance with either treaty. The final wording of the PNET left a slight bit to be desired, in that the emplacement criteria established for hydrodynamic sensing cables were marginal as were some of the criteria for performing the measurement, but I did not at the time consider that the basic verification objective was seriously jeopardized. That objective was to make it no easier to do a weapon test in excess of the TTBT limit in the guise of a PNE than it would be to do the same illegal test at a weapon test site; I believe this was accomplished. Clearly, if the TTBT now is improved it is logical that the PNET provisions may require some reexamination.

4. Question: Would verification of the TTBT/PNET be enhanced by their ratification?

Answer: In my view, it would be improved only to an insignificant extent. There might be an exchange of marginally-useful but entirely unverified information, if adequate procedures for this were worked out after ratification, but even if the information were correct the basic verification/enforcement problem would remain essentially unchanged so long as seismic observations continued to be the technical methodology in use.

5. Question: How would you describe the measures proposed by the Soviets to date to assist in verification of these treaties?

Answer: In a word, as inadequate. To my knowledge, the Soviets have only urged ratification, stating that the resulting exchange of data will solve the problem. As I have indicated, this will not solve the problem. In their defense, I do not believe we have provided them (or the international community in general) with any technical explanation of our position. Such an explanation is necessary to demonstrate the inadequacy of the data exchange.

6. Question: In general, do you believe that vital US security interests would be enhanced by ratification of the TTBT/PNET or by immediate resumption of negotiations for a CTB?

Answer: For the reasons I have stated, I believe that ratification of the TTBT/PNET as these treaties now stand would be contrary to US vital national interests. The result could well be a growing asymmetry between the US and the Soviet Union as they continued to be able to conduct militarily significant weapon tests in violation of the TTBT limit while the US continued scrupulously to observe the limit.

In addition, ratification of a treaty that is demonstrably unenforceable would establish the worst kind of precedent for acceptance of further limits on testing whose enforcement would be even more difficult. Until such time as the Soviets prove willing to negotiate adequate measures to assure compliance with the present agreements, I should consider resumption of negotiations for a CTB to be entirely reckless; should such measures eventually be established I would then wish to examine the desirability of a CTB as a long-term goal in the light of the criteria already established by the administration. At present these criteria would appear to me to rule out any early resumption of CTB negotiations, regardless of the issue of verfication.

Please feel free to request any additional information that you may find necessary. In particular, you may wish to supplement my unclassified views, described here, with the specific classified information contained in the report I mentioned earlier.

Sincerely,

DONALD R. WESTERVELT.●

MEDICAL TEAM FROM JAPAN TO CONDUCT EXAMINATIONS FOR ATOMIC BOMB SURVIVORS LIVING IN THE UNITED STATES

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mrs. BURTON of California. Mr. Speaker, on the 14th, 15th, and 16th of this month, a team of six physicians from Japan will be arriving in San Francisco to conduct medical examinations on American atomic bomb survivors of Japanese and Korean descent. I would like to take this opportunity to recognize the efforts and the achievements of this medical mission and commend them for their contributions and services.

Since 1977, the Japanese Government has financed and sponsored an official biennial medical mission to the United States to conduct free comprehensive medical examinations for those Americans living in the United States who suffer from continuing medical problems caused by radiation exposure from the 1945 atomic bombing in Hiroshima and Nagasaki.

It has been estimated that 200,000 persons were instantly killed by this tragic bombing in 1945 and an additional 200,000 people have since died from multiple diseases resulting from radiation exposure. Among those affected were over 1,000 Americans who were either visiting relatives in Japan or attending school there. In 1983, the medical team conducted 305 examinations and it is expected that 130 people will be examined this year from the San Francisco area alone.

The six physicians participating in this event are Dr. Fumio Dokoh of the Hiroshima Prefectural Medical Association and chief of obstetrics and gynecology, Hiroshima Municipal Hospital; Dr. Chikako Itoh, chief of the Department of Medicine, A-Bomb Survivors Health Management Center at the Hiroshima A-Bomb Casualty Council; Dr. Masanobu Miimi, vice director of the Hiroshima Municipal Funairi Hospital; Dr. Tsutomu Inamizu, lecturer from the Medical Department at Hiroshima University; Dr. Hideo Sasaki, research worker from the Department of Medical Radiation Effects Research Foundation; and Dr. Hiroaki Yamada, chief of Nonmedical Record and Coding Section, Epidemiology and Statistics, Department of the Radiation Effects Research Foundation. In addition, a member of the Japanese Ministry of Health and Welfare as well as a representative from the Hiroshima prefectural government will be accompanying the medical team to the United States.

The American Hibakusha—survivors of the two atomic bombs—living here in the United States have been denied medical care by our Government. I will work with other Members of Congress to see that a Federal effort is made in some way to assist the Hibakusha and am hopeful that this year, the 40th anniversary of the bombing of Hiroshima and Nagasaki, will bring about a stronger commitment to peace, justice, and humanity by this Congress.●

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. ANTHONY. Mr. Speaker, the bill I am introducing today expands the membership of the Prospective Payment Assessment Commission by 2, from 15 members to 17.

The Social Security Amendments of 1983 established a new hospital reimbursement system for the Medicare Program. This new payment scheme is known as the prospective payment system.

At the time Congress introduced this new system it foresaw that, due to the complexity of the health care delivery system, there would be problems implementing the program. Thus, the

Congress created the Prospective Payment Assessment Commission to assist it in reviewing the new payment scheme and in making sure the system stayed up to date with the introduction of new technologies and other changes in the practice of medicine. Specifically, the Commission is charged with recommending to the Secretary of the Department of Health and Human Services and the Congress the appropriate percentage change in the Medicare payment for inpatient hospital care, as well as recommending changes in diagnosis-related groups [DRG's], including establishing new DRG's, modifying existing DRG's and changing the relative weights of the 468 DRG's. This is a very important assignment. It was originally envisioned that this Commission would consist of a panel of experts, knowledgeable about and representing all sectors of the health care delivery system.

Unfortunately, there exists a gap in the membership of this panel. At the present time, there is no representation of rural health facilities on the panel. These rural hospitals are of vital importance to the millions of Americans who live in sparsely populated areas. All too often the unique needs of these institutions are overshadowed by the concerns of the large urban hospitals who, because of their size and power, tend to dominate policy debates.

Mr. Speaker, it is essential that all parties included—the Congress, the Secretary of the Department of Health and Human Services and the Prospective Payment Assessment Commission—have a thorough understanding of rural health problems. This bill will permit for the appointment of a representative of the rural health care community to the Commission; thereby making rural health care a part of the deliberations and ultimately helping us—the Congress—to make appropriate adjustments in the new payment system.

Mr. Speaker, I reiterate that the work of this Commission is vital to congressional efforts to keep the Medicare hospital payment system up to date, and I believe the involvement of rural health facilities is absolutely critical to this process.

The modest increase in the size of the Commission to permit for a rural representative, as well as one other representative from the nursing or business community, will allow for an appropriate broadening of the representation on the Commission.

I urge my colleagues, especially those from rural districts, to join me in sponsoring and advancing this legislation.●

INCREASING INCENTIVES FOR CHILD CARE: H.R. 2532, THE ON-SITE DAY CARE PRIVATIZATION ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. BIAGGI. Mr. Speaker, today I rise to introduce the On-Site Day Care Privatization Act, designed to encourage employers to provide quality child care for the dependents of their employees. This legislation is also being introduced in the Senate by Senator D'AMATO, as S. 1125.

In an attempt to alleviate the hardships of working parents by encouraging employer involvement in the child care dilemma, I am introducing the On-Site Day Care Privatization Act. This legislation would extend a 15-percent tax credit to business for all initial and ongoing costs associated with employer operated onsite day care facilities during the facility's first year of operation. In the second year of operation, the employer would receive a 10-percent tax credit for all costs associated with salary expenses of workers at the day care facility. This act would take effect on January 1, 1987, and end December 31, 1989.

The need for quality child care has dramatically increased in the United States, as the traditional family unit continues to undergo structural changes. The traditional family unit was characterized by the father as the wage earner and the mother as the housewife with the primary responsibility for raising children. In recent years, such a family structure has been transformed as more and more women enter the work force. The percentage of women in the United States who work has grown from 24 percent in 1970 to 44 percent in 1984. The percentage of women in the work force with children under age 3 has risen from 37 percent in 1970 to 57 percent in 1984. These figures indicate that new types of family compositions have emerged, with such variations as the one-parent household and the home with two full-time employed parents. In such situations, a need exists for child care which neither sacrifices the quality of life for the children, nor sacrifices the abilities and talents of the women.

Millions of families find it necessary to look for out-of-home care for their children during working and commuting hours. These families all confront the problems of cost, availability, and suitability in their search for child care. A largely untapped resource for child care involves employer assisted projects. According to a 1984 report by the House Select Committee on Children, Youth, and Families, of the 6 million employers in the United States, only 1,500 provide some form of child care assistance to their employees.

Studies of employer assisted child care have demonstrated that such services provide numerous benefits to both workers and employers. The employers benefit from decreases in rates of employee turnover and absenteeism, heightened morale and motivation among workers, and an increased ability to attract employees. Yet, employers may still remain reluctant to establish child care services. Many employers may not be aware of the numerous options available in child care. Employers might also believe that utilization of such services would be low. The administrative obligations of running a child care service might also discourage some employers. Insurance costs, potential liability, lack of available land or building space, city zoning ordinances, fire and safety regulations, and local and State health standards deter employers from investing in and operating child care services. Attitude can also be a deterrent, if the employer feels that child care is the responsibility solely of the parent.

My bill would add an extra incentive for employers to explore the options available in fulfilling the child care needs of their workers. I am convinced that the private sector can provide and augment current child care services which will benefit both workers and employers. The National Employer Supported Child Care Project found that, when onsite facilities were provided, there were reductions in employee turnover of 65 percent and absenteeism was reduced by 53 percent with increased results in recruitment of 85 percent and morale of 90 percent. Other preliminary results by Dr. Deanne Tate of the University of Texas have estimated that, for every $1 spent on an onsite facility, there was a potential profit increase of $3 to $6 due to increased productivity resulting from lower rates of turnover and absenteeism. These studies indicate that satisfactory day care arrangements allow parents to function better in the work environment.

The demand for quality child care continues to grow. As a result of the rising population of children under age 6, the changing structure of the family, and the increase of women with children in the work force, child care is emerging as a valuable employee benefit afforded by a small number of employers. My bill is designed to expand such employer initiatives for more employees. Companies would be encouraged to examine the feasibility and need of child care services. The On-Site Day Care Privatization Act would help offset the initial costs of opening a day care facility. Once the center is established, the expense of the salaries of the day care workers

would be offset for the first 2 years of operation.

I strongly feel that once the private sector becomes involved in providing child care centers, these facilities will pay for themselves with results such as reduced absenteeism and positive employee attitude. Parental involvement helps promote safer and more enriched child care environments. These onsite facilities will promote worker productivity and satisfaction, while also strengthening the family bond. I believe this is a sound piece of legislation and I encourage my colleagues to join with me in supporting H.R. 2532.●

VISITATION OF MOROCCAN PARLIAMENT

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. SILJANDER. Mr. Speaker, I recently met with Johana O'Hana, a member of the Moroccan Parliament here in the United States on a USIA exchange program. The members of the delegation had several meetings with Members of Congress to discuss the role of the U.S. Congress in American politics and to describe for us the role of Morocco's Parliament in the Moroccan political system.

Morocco is extremely important to the United States, both in its strategic importance at the Straits of Gibraltar and in the northern corner of Africa, and in its long history of close ties with the United States. Morocco is currently faced with a severe economic crisis, and is negotiating with the Paris Club for a rescheduling of its debts. Morocco has recently signed a union agreement with Libya, which has caused concern in the United States.

In light of these issues, I welcomed the opportunity to meet with members of the Moroccan Parliament to discuss them and to get their views on the situation. I feel that visits of this kind are extremely useful, Mr. Speaker, in providing us in the Congress the opportunity of exchanging views with members of parliament in nations like Morocco that are close friends of the United States.

Mr. O'Hana is the vice chairman of the Foreign Affairs and National Defense Committee of Morocco's Parliament, and an important member of that body. Mr. O'Hana is a Moroccan Jew elected to the parliament from a district of 40,000 Moslem voters. He is a member of the Constitutional Party, which is the party of King Hassan II. He is a firm supporter of the King, and of his policies.

Mr. Speaker, following my meeting with Mr. O'Hana, I asked that he provide me with a summary of his remarks so that I can share them with my colleagues. I think they are an insightful and concise discussion of United States-Moroccan relations and of the ties between our two countries.

The summary follows:

SUMMARY OF THE REMARKS OF MR. JOHANA O'HANA

Mr. Chairman: Honorable Members of the Committee on Foreign Affairs:

My colleagues and I, arriving straight from the Moroccan Parliament, bring you the fraternal greetings of Morocco and our hopes that these direct contacts between our two countries will contribute to widening the understanding between our two countries and to strengthening the friendship which binds Morocco and the United States of America. These ties, woven from the heart and from the mind, during the last two hundred years, remain unchangeable.

On both sides, one cannot forget that Morocco was among the first to recognize the new State of America, at that time weak and isolated, as shown in the correspondence exchanged between George Washington and Sultan Mohamed III, and the way that the intervention of this Monarch with Tunis and Tripoli allowed the free navigation of American ships in the Mediterranean. The American legation in Tangiers was the oldest diplomatic property of the United States.

During both world wars our two countries fought on the same side, the side of freedom and justice.

The quality of these relations does not proceed only from a shared historical heritage or similar outlook.

It rests on the moral ethics of the Moroccan people, on its ideals, its geographical position in terms of strategic location, on its civilization and its culture and a noble genius which can prove itself to be equal to circumstances and faithful to its alliances and to its virtues.

This people is also fortunate to have to guarantee its stability a monarch fully aware of the realities of the world, both for the present and the future.

In its preface, the Moroccan Constitution of 1972 reaffirms the determination of Morocco to work for the preservation of peace and the security of the world. Other Articles provide for:

A multi-party political system;

The freedom of worship;

The freedom of movement, expression and gathering;

The freedom of association and the freedom to belong to any trade union or political organization; and

Equality between men and women.

His Majesty Hassan II declared in his book "The Challenge" that a Moroccan citizen is free to practice the Jewish religion or free to practice the Christian religion. They are the religions of the Book accepted by Islam—and not only accepted—Muslims are enjoined to believe in their prophets.

Moreover, King Hassan declared on the recent occasion of the Anniversary of his Accession to the Throne, that democracy in our country has become a dogma and underlined a commitment to its expansion. Thus, in spirit, practice and facts, there is no shadow of a doubt nor any risk of contradiction that Morocco—a constitutional monarchy—is a democratic country, in the full meaning of the word, anti-racist and a respector of the fundamental freedoms of men.

As a proof thereof, let me describe the situation of the Moroccan citizen of Jewish faith in an Arab, Muslim and African country:

The Jewish citizens of Morocco faithfully remember in their hearts the late Mohamed V, who was the only Arab Head of State to oppose the Nazis from touching a single hair of his Jewish subjects. He did it with courage, in defiance of the redoubtable and barbaric force of the occupier.

His first concern, when he returned from exile in 1955, was solemnly to affirm that the Jewish Moroccans were full citizens, enjoying the same rights and practices of complete citizenship.

Not only has their right of movement and their rights as citizens always been respected but King Hassan II has been the only Arab Head of State solemnly to declare before the whole world that his Jewish subjects who have emigrated, may—if they so desire—return to their native land to take up their rights and at the same time benefit from its goodwill and safety.

Speaking about his subjects abroad, H.M. the King said:

"Our traditions charge us to take the greatest possible care of our subjects living abroad and to give them all our solicitude.

"And whatever religious faith they may belong to and whatever the reasons that have made them expatriates, they remain—and this we know without any doubt—attached to their country, to their king and to our constitutional institutions."

In my own case, I have been freely elected as a Parliamentary Deputy from among political competitors in a city with an entirely Muslim population. I have received the confidence of my colleagues in the Moroccan Parliament, who selected me to serve as Vice-President of the Parliamentary Commission on Foreign Affairs and National Defense.

Today, Morocco is facing problems important to American public opinion. With regard to questions about the agreement between Morocco and Libya, I would like to point out that we respect your internal or regional agreements, as far as they comply with the needs of American policy and security; we would not allow ourselves to criticize or take offense at agreements which depend on your internal policies, which we have to respect.

Morocco does not want to give up its friendship and its alliances with other countries and the Morocco-Libya treaty is in no way directed against America.

We ask you to forego all suspicion and doubt and note that H.M. Hassan II has to be given credit for his courageous condemnation of all forms of extreme nationalism as well as religious fanaticism. His positions, both at the Islamic and Arab conferences, have prevailed thanks to his moderation and his realism.

In today's world, the great American nation has to understand that solidarity must be conceived on a global scale to contribute to a more peaceful world from East to West and a more just and generous one from North to South. Morocco can only take pleasure in seeing a strong America, ready and willing to take up its international responsibilities.

Morocco seeks the continuation of friendly dialogue and permanent cooperation with your great country so that it might insure its protection and economic development, with a perspective for permanent peace and freedom in the world.

We have come to affirm our good intentions and our friendship. This visit will also allow us to improve our understanding of your institutions, and high principles of your policy and your economic aid.

We sincerely hope that, on both sides, the exchanges of visits between members of friendly nations, united through their destiny, hsitory and a similar approach to moral principles on the humanitarian and social level, will increase.●

CAMP HILL HIGH SCHOOL GRADUATING CLASS OF 1935

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. GOODLING. Mr. Speaker, I call on my fellow colleagues to join me in recognition and celebration of the 50th anniversary of the Camp Hill High School graduating class of 1935. These graduates, now long established community members of Pennsylvania's 19th District, have furthered those values and standards we Americans hold so highly. It is my pleasure to recognize these fine alumnae and it is an honor to represent such accomplished constituents. Please join me in wishing the Camp Hill graduating class of 1935 many more years of good health, happiness, and prosperity.

JULY 6, 1985.

DEAR FRIENDS: I would like to extend my sincere congratulations to you on the 50th Anniversary of your Camp Hill High School graduation.

Since your Graduation Day on July 6, 1935, I am sure you have always strived to apply the knowledge you have gained to pursue your goals in life. In this regard, you have also gained much respect from those around you.

May your future be filled with many more years of good health, happiness, and prosperity. Best wishes to you all, I am,

Sincerely,

BILL GOODLING,
Member of Congress.●

HAROLD FORD—USA TODAY INTERVIEW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. RANGEL. Mr. Speaker, I rise to bring the attention of my colleagues to a June 5, interview in USA Today with my distinguished colleague Congressman HAROLD FORD of Tennessee. The article, entitled, "Kids Dig in Garbage To Get Enough To Eat," is a compelling interview about the pain and suffering of America's children who live in poverty.

HAROLD FORD has done a commendable job in representing the needs of the Nation's poor youth as chairman of the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation. This interview with Congressman FORD on the topic of children in poverty reflects further his ability to incisively comment on the plight of poor Americans. This is a problem which will not simply go away, but which Congress should come to grips with during the 99th Congress.

The full text of the USA Today article follows:

INQUIRY

TOPIC: POOR CHILDREN

Harold Ford, 40, a Democrat, represents Memphis in Tennessee's 9th congressional district. Since 1981, he has served as chairman of the House Ways and Means Subcommittee on Public Assistance and Unemployment Compensation, which recently held hearings on children in poverty. He was interviewed by USA Today's Barbara Reynolds.

KIDS DIG IN GARBAGE TO GET ENOUGH TO EAT

USA TODAY: Many studies show that the number of poor children in the USA is growing dramatically. Why are our children living in such dismal conditions when the economy is so strong?

FORD: This administration has said loud and clear that we have a recovery in this country, but the congressional study showed that even during periods of economic growth, poverty still grew at a rapid pace. This is because of the real inequities involved in the distribution of economic growth in this country. Single females raising children—and there are so many—simply are not in a position to participate in the economic growth without real support services, like day care, education, and job training. We have some real problems; basic job skills, education, and teen-age pregnancy.

USA TODAY: The Children's Defense Fund released a report Monday showing that black children are three times as likely to be poor as white children. Why?

FORD: Some problems are the result of public policy, especially in Southern states where the father must be absent for the family to receive Aid to Families with Dependent Children. The report showed that the purchasing powers of blacks has declined. We have seen severe cuts under Reagan policy since 1981. We have seen an increase in dollars the federal government spends, but a decrease in purchasing power because states have not figured in inflation or changed the AFDC payments. Also we must deal with teen pregnancy, at the same time Reagan is cutting programs.

USA TODAY: What do these dire statistics portend for black America?

FORD: Among the black race today, 50 percent of kids born in the 1980s will never graduate from high school or go into the work force under present policies. The biggest cause of poverty today has been teen-age pregnancy. What we are faced with now is that black teen-age pregnancy is reaching epidemic proportions. If this trend continues, by the year 1990, less than one-third of all the black children in this nation will live in a two parent family home.

USA TODAY: Why can't a single parent who works climb out of poverty?

FORD: First, in our tax structure, we have not increased our personal exemption. Those families earning $10,500 a year in 1983, were paying $1,140 per year in taxes—federal, FICA, and other income taxes. In 1973, these same people only paid about $430. We have had problems with the Social Security taxes going up. We've had other taxes increase. Even though President Reagan gave a 25-percent tax reduction in his tax package of 1981, there was a message that this tax deal is geared to the rich.

USA TODAY: Won't the present tax reform package help the nation's poor children, since it has been touted as pro-family?

FORD: We don't know unless we are able to lower families' tax brackets, unless we are able to increase their personal exemption from $1,000 to $2,000, unless we are ready to give some of these individuals earned income tax credits in the Family Economic Security Act, which we introduced in the Congress. We have people who have made it right beyond the threshold. If you take a family of three with $8,000 cash income, if in-kind benefits like food stamps are excluded, their disposable income drops below the poverty level.

USA TODAY: Your committee recently held hearings on hunger. The testimony showed that children are going to bed hungry.

FORD: We went to a clinic in Washington, D.C., and we talked with many of the mothers who are a part of the Women, Infants and Children program, which provides supplementary food. It showed the system is working in certain areas. We went to those who are qualified and eligible for the WIC program. We found that those receiving both food stamps and a part of the WIC program had eggs, milk, and other essential foods for the children the last three or four days of the month because of the WIC program. But this was just for feeding the baby.

USA TODAY: What about the other children in the household?

FORD: For some of the other kids who are 11 and 12, there was no food in the house, other than the eggs and any food they had from the WIC program for the smaller kid. They were just barely making it to the end of the month. But when we stopped by a home where there was no WIC program in the house, they were going hungry about four or five days out of a month.

USA TODAY: Is this true in your district in Tennessee, in Memphis?

FORD: We found that kids who didn't qualify for the school lunch or school breakfast program had no food during the day six days out of a month. People were going hungry six days out of month. We had parents who testified that their kids were going to the garbage cans on weekends to find food because there was absolutely no food at the end of the month when they ran out of food stamps or whatever public assistance they had. School board officials testified that students have no money to pay for their share of the school lunch program.

USA TODAY: How deeply has the nation's school lunch program been cut?

FORD: About 20 to 23 percent overall—the nutrition program. Then they came back and they cut additional components of the school lunch program. So people were faced with real problems. The Census Bureau released a study two years ago indicating a shift from 24.5 million people living below the poverty level in this country to more than 35 million Americans living below the poverty level today. That number had increased by 10.5 million! It's unbelievable, and it should be unacceptable.

USA TODAY: Have children replaced old people as the nation's poorest age group because the elderly have more effective lobbyists?

FORD: That is true. When you think in terms of senior power—they make up approximately 30 percent if not more of the total electorate. That's political power. They have influence in the Congress. They have been very active in political campaigns. Children have not had that strong voice in the Congress.

USA TODAY: What would be the effect of the Family Economic Security legislation you've introduced?

FORD: It calls for us to do several things. I'm not saying that it's going to satisfy or solve all our problems, but we're talking about encouraging government-aided work and other programs to reduce welfare dependency. No. 2, we're talking about restoring the purchasing power of AFDC benefits and encouraging states to increase the benefits. We are talking about a strong program to promote family stability by mandating the AFDC for needy two-parent families.

USA TODAY: How is that an improvement?

FORD: Right now, 27 states do not recognize an intact family. In other words, the husband has to leave, or the woman can't get married, or he can't be in the household, if she's going to qualify for AFDC. We're saying that the welfare policy itself in this country has sent a strong signal that we don't believe in an intact family.

USA TODAY: How much will this legislation cost taxpayers?

FORD: If it's fully implemented in the way the bill is written, it will cost about $4.5 billion for the first year, about $7.5 billion the second year, and about $10 billion the third year.

USA TODAY: Will the administration support it?

FORD: I don't know. With 80 percent of the newspapers carrying the plight of poor children on their front pages and with national attention being focused on this problem. I think the issue has surfaced.

USA TODAY: Why is the cause of helping children in poverty so unpopular?

FORD: It's not unpopular. It is probably the hottest item on the media agenda today. It's just that Reagan has been so popular with his budget cuts and his reductions that nobody has paused long enough to evaluate the impact of those cuts and policies.

USA TODAY: Is that changing?

FORD: For the first time, people realize poverty among children has reached epidemic proportions. That is not to say we're going to change public policy today or tomorrow, but it is coming now to the academic circles. Symposiums are being set up all over the country now to discuss this. This is a problem this nation faces. We cannot look around the globe and see all of the hunger and other problems unless we are willing to address these problems right here at home

Compared to white children, black children are:

Five times as likely to:

Be dependent on welfare.

Become pregnant as teen-agers.

Four times as likely to:

Live with neither parent and be supervised by a child welfare agency.

Be murdered before 1 year of age or as a teenager.

Be incarcerated between 15 and 19 years of age.

Three times as likely to:

Be poor.

Have their mothers die in childbirth.

Live with a parent who has separated.

Live in a female-headed family.

Be placed in an educable, mentally retarded class.

Be in foster care.

Die of known child abuse.

Twice as likely to:

Die in the first year of life.

Be born prematurely.

Suffer from low birthweight.

Have mothers who received late or no prenatal care.

Be born to a teenage or single-parent family.

See a parent die.

Live in substandard housing.

Be suspended from school or suffer corporal punishment.

Live in institutions.●

THE REAL WORLD

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. TORRICELLI. Mr. Speaker, on June 3 the distinguished author and historian David McCullough delivered a thoughtful and inspirational commencement address to the graduating class of Colorado College.

In his remarks, David McCullough offered advice, encouragement, and hope to these graduates as they embark upon the challenges of the "Real World."

With his wonderful perspective on life, his sense of history, and his sense of the individual, David McCullough reminds us of our place in the world and our obligations and responsibilities to continue to understand it, to change it, and to make it a better place to live for ourselves and our children.

I commend his speech to my colleagues and to all Americans.

THE REAL WORLD

President Riley, Dean Brooks, honored guests, Senator Simpson, members of the faculty, members of the Class of 1985, fellow parents, ladies and gentlemen:

Did you know that more Americans watch the "Wheel of Fortune" than any other program on television? Forty-three million today and every day!

Did you know that in variety of different kinds of life, insects exceed all other living things?

Are you aware that genetic material has been extracted *intact* from an Egyptian mummy believed to be 2400 years old?

Or that leading physicists now think everything is made of strings?

I've been gathering odd items under the category of The Real World, and reflecting on them, for by tradition the real world is what you of the graduating class are about to enter. You may feel, and with reason, that you have been part of a perfectly real world right here on this beautiful campus. But others won't be seeing it that way.

"Welcome to the real world," they'll say. "Welcome to the *real* world." It will be the voice of experience speaking, supposedly—casehardened, often bitter. Life is mean and rough is the message. Life is coming up with the rent. Expect few favors, no justice. Grab yours when you can. Trust very few.

The newspapers seem to confirm the view more often than we like. Giant corporations are caught cheating with abandon. E.F. Hutton pleads guilty to 2,000 counts of fraud. Imagine! And nobody seems to learn. The famous Air Force pliers are charged to the taxpayer at $748 a pair. There's a public outcry and the price drops to $90 a pair. The outcry fades and the price goes right back to $748.

Meantime, to save money, our Government builds American Indian homes without any toilets.

To judge by television the real world seems to be mainly about money—cleaning up on the "Wheel of Fortune," or flaunting it on "Dallas" and "Dynasty." "I'm not sure money brings happiness," concedes the producer of "Dynasty" in an interview, "but it does bring control."

The primacy of self-interest is confirmed by smart chatter we hear on all sides: "Anyone who pays any income taxes ought to fire his accountant," says the cocktail-party patriot.

Justice Oliver Wendell Holmes, Jr., who was very much of this world for 90-some years, willed most of his estate to the Government. "I pay my tax bill with pleasure," he said, "because with it I buy civilization."

But what is the real world? Difficult question.

The real world is rough. The rent is a problem. The real world is unfair, God knows, wasteful, often absurd, often tragic, as we have just seen in Bangladesh.

The nightmare weapons keep piling up. The madness is spreading. Officials in Washington talk calmly of enlarged chemical arsenals. In airports those strange people with the strange eyes press you to sign up for some new kind of terrible killer beam in space. In the still of the night, sleepless, we wonder if it is the summer of Sarajevo come again.

Bigotry, poverty, the old, cold realpolitik of Machiavelli are with us as ever.

But that isn't the whole of the real world, we know. It isn't half. And it's not the point.

Beethoven is the real world. Jefferson is the real world. Monet, Einstein, Gershwin and Joplin and Cole Porter, Willa Cather and Woody Allen are the real world. So is the sound of the leaves on a back porch on a summer afternoon.

Children are the real world.

So are miracles.

I saw my first miracle in a schoolroom in Pittsburgh at age 11. With a piece of chalk on the blackboard Miss Mavis Bridgewater, the art teacher, demonstrated two point perspective. I couldn't have been more dazzled if she had caused her desk to levitate.

Perspective was introduced into art by the Greeks about 500 B.C. It is one of those ideas that changed forever how we perceive reality. The real world was henceforth and forever different after Galileo, after Darwin, after Einstein. And the ideas keep coming. That also is in the news—the business about the strings, for example. (As I understand it, all the basic particles that we've learned to think of as points are in fact strings so minute they behave like points.) Or the latest report that maybe life didn't start in the sea after all, but in clay.

The truth, of course, is we live in exciting times. Very soon, probably next year, we will put a telescope in space. This is enormously important, marvelous news and why more isn't being made of it I can't understand. We will be seeing the stars as never before, as we have hardly even imagined. We will be able to see seven times further into space and with stunning clarity, perfect clarity, because there will be no more murky

interference from our atmosphere. The telescope, the first ever in space, with an "eye," a mirror, 8 feet in diameter, will go up in the shuttle and orbit the Earth for 15 years or more. The possibilities are unparalleled. Astronomers tell me it will mark the biggest advance in observational astronomy since Galileo and his first telescope four centuries ago.

There is more good news than we know. A man in Illinois, one man named George Ware, because of a lifelong affection for shade trees, has spent 13 years working to develop a hybrid elm resistant to Dutch elm disease—the fungus that has wiped out millions of our old American elm. He has succeeded. It was in the New York Times on Tuesday. Minneapolis will be getting two dozen seedlings. This is not only progress, it is an act of faith in the future. The trees won't reach maturity until the next century.

But understanding the real world, being part of it and enjoying it, has mainly to do, I believe, with being a real person. That's the point. It means taking an interest in other people, all kinds of people. It means enjoying people and trying to understand one another. It means small kindnesses. It means doing what we can to move civilization forward, to make the world a little better place because we are in it.

It also means, I'm sure, taking a less anthropocentric view of reality than many of us are accustomed. Best we know more about the natural world, best for the future of the planet, but best also for us. One of the most vital people I know has spent her life studying fleas. One of the wisest, most engaging books I know is all about fireflies, wasps, and locusts. It has the wonderful title Life on a Little Known Planet.

The Scottish physician James Hutton, founder of the science of geology, saw two things about our Earth that nobody had before—that its history is indefinitely long and that all the great forces which shaped it so slowly down through time are the same forces at work around us now. Change is reality, he decided. No sight of beginning or end, he said. "Nature lives in motion," wrote Dr. James Hutton of the 18th century, a very complete human being. For he also had a genius for friendship. His many interests, we read, his enthusiasm for new ideas, drew people to him. He loved good conversation and good company. He was an exceedingly real person.

The oldest account we have of a real person is in the Bible, in the Second Book of Samuel. I recommend it highly. It is the story of King David, a man of complex and extreme personality who is given to us warts and all.

David has been dead longer than that newsmaking Egyptian mummy. He lived roughly 3,000 years ago. But he is alive for us because of what is written of his humanity. He did terrible things, yet in all he comes to us as loveable, a figure of affirmation, not because of his great deeds alone, but because of this: his enduring faith in God, his capacity for forgiveness, his ability to admit wrong, and his love for others. He is a towering example of the impact of personality on history.

History, history, history. Surely being a real person in the real world means having a sense of history. We are enlarged by history. The present is small-scale, confining and incomplete without the past. The past is an immense stage, larger by far, the cast is larger, there is more of everything, color, variety, stories without end. And we need stories to be complete human beings, believe me.

You are as rich as the breadth of your horizons in time no less than space, as rich as the images in your mind, the stories you treasure.

It is a hard world indeed, the real world, but then it always has been. That too history teaches us. Large questions almost never have easy answers. Progress is always difficult. What courage and stamina we see in so many who have gone before us. As Churchill said, "We didn't come this far because we are made of sugar candy."

Most of the major issues of our day have to do with the age-old conflict of power and ethics. Morality comes down to a sense of individual responsibility. We must do what we can, all of us. And when one of us has the courage and decency to take the lead in solving one of our thankless, seemingly overwhelming problems—like Senator Alan Simpson with his efforts to right the human wrongs of our immigration policy—then we should stand behind him.

We are creatures of change. You are not the same as you were when you began here 4 years ago. Your world is not the same. History has moved on. Change is the rule, as the geologist said. I wonder if maybe the essence of the real world is change and choice.

It helps also to be reminded now and then how sensible some of the obvious choices can be.

Among those gathered here to celebrate your commencement is Caitlin McDonald from Milton, Massachusetts, my small granddaughter. She is four. Last summer at my birthday she stood beside my chair, her head at eye-level with a cake blazing with candles, her eyes exceptionally large. I told her I thought we should make a wish before we blew out the candles. And what did she think we should wish for, I asked. She thought a moment, then she said, "Let's wish for cake."

Commencement speakers often like to remind the graduates of the gratitude they should feel for all their parents have done to make their education possible. Speaking as a parent I would like to express the gratitude we feel for all you have achieved to arrive at this moment. It is you who have done us the greatest of favors by being who you are, by giving us so much that is worthwhile to work for and to be so proud of.

To the Colorado College Class of 1985 my heartfelt congratulations. I wish you the best of lives, good work—and cake.

Go with confidence. Be yourselves. Prize tolerance and horse sense. Remember you are heir to one of the world's richest treasures, the English language.

Take time for music. See Italy. Love your children.

And some time somewhere along the line do something for your country.●

STATES SUPPORT EXPANDED SUPERFUND

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. FLORIO. Mr. Speaker, as many Members know, the Congress must soon act to reauthorize the Superfund Program. The money supporting this vital environmental effort runs out on October 1, 1985, with cleanup funds committed at less than 10 percent of the sites currently on the national priorities list. We must act quickly and decisively to secure the furture of the cleanup effort.

I recently received a letter from three prominent leaders of the National Governors' Association setting forth that organization's position on the reauthorization of Superfund. I urge my colleagues to consider their views carefully as we proceed to debate these important issues. The letter follows:

NATIONAL GOVERNORS' ASSOCIATION,
May 9, 1985.

Hon. JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation and Tourism, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN FLORIO: The National Governors' Association supports your efforts to reauthorize the Superfund hazardous waste cleanup program and increase the size of the trust fund available to clean up leaking and abandoned hazardous waste sites, spills, and other releases of dangerous substances. As you know, this program is the cornerstone of the nation's efforts to protect public health and the environment from decades of mismanagement of hazardous substances. In reauthorizing this important program, we would urge your attention to several issues which we believe are central to its effectivenss. These include:

Cleanup standards. The EPA, the states, and responsible parties have been hampered in site cleanup decisions by the lack of a clear definition of "how clean is clean." All too often, the cleanup remedy chosen by EPA involves either covering the waste and leaving it in place, or removing it to another facility, usually a landfill. Such measures do not reflect real solutions to the contamination problem so much as the transfer of the program from one generation or community to another. We believe the law should specifically require cleanups to protect public health and the environment, consistent with any applicable federal *or state* standards or criteria. In addition, the statute should prohibit the land burial or underground injection of Superfund wastes except in circumstances deemed safe by the EPA, consistent with the 1984 RCRA amendments. Remedial actions which involve the destruction or treatment of wastes should be preferred over actions which merely cover the waste or transfer the disposition problem to another facility.

The scope of the program. We are aware of Administration and Congressional interest in restricting the scope of the Superfund program. While the Governors' Association has not taken a position on such issues as the use of the fund for cleaning up asbestos in public buildings, etc., our personal view is that it makes sense to focus the program on hazardous waste sites, spills, and releases. However, there is one category of release which may seriously threaten public health and the environment—petroleum products leaking from underground tanks—which should be covered by the Superfund program and currently is not. The Governors recommend that leaking underground tanks be eligible for Superfund treatment, except for tanks associated with petroleum production or refining activities. We do not believe that every leaking underground tank will

qualify for Superfund under the hazard ranking system, but we can more effectively protect the public if those which present sufficient hazard are treatable under the program.

The funding of operation and maintenance costs. Under the current law, the long term operation and maintenance costs of remedial measures must be borne by the state after initial cleanup. A major problem with the present system is that remedial operating and maintenance costs are actually an integral part of cleanup itself. For example, if cleanup requires pumping and treating groundwater, the costs are not O&M in the usual sense but are in fact central to the cleanup, and should be a shared responsibility. The Governors are convinced that failure to share such costs on the same 90/10 basis as other cleanup costs biases EPA's cost effectiveness calculations towards measures with low capital and high operating costs. For example, the most "cost effective" remedy for a site with extensive groundwater contamination may appear to be a quick fix of surface contamination, with the state left responsible for a very expensive O&M program designed to clean up the subsurface. We believe this bias in choosing a cleanup remedy is both unfair and environmentally unsound.

The state role in the program. Because states must bear the most direct burden of assuring citizens that Superfund cleanups are thorough and protective of public health, state concurrence should be required before EPA or responsible parties undertake any removal or remedial action under Superfund. We strongly oppose the Administration's suggestion that state and local permitting should be preempted in Superfund actions. We also believe it is critical to repeal the preemption of state Superfund taxing authority contained in section 114(c) of the statute, so that states may have the full range of possible revenue sources for developing their state share of Superfund costs or for other purposes.

The post closure fund. We believe the Congress was wise in 1980 to establish a post closure liability trust fund to ensure monitoring and maintainence at permitted waste sites beginning five years after they close. We are very concerned that the public will face serious risk in the future from closed facilities which begin to leak, and for which there may be no responsible, solvent party. We believe steps are necessary to either ensure that the Superfund itself will be available to deal with these problems, or to reauthorize the post closure fund and to extend the period in which the owner or operator would be liable for any problems from the present five years to thirty years.

Program funding. Given the size of the hazardous waste cleanup problem we face, a major, long term commitment is necessary to the Superfund program. We have noted that the EPA's best guess of the cost of the job we face totals almost $12 billion. Our recommendation is that the fund be increased to $9 billion over the next five years. Our sense is that to finance the Superfund program, the Congress should increase the feedstock and petroleum taxes which are the mainstays of the existing program. We recognize, however, that it may not be possible to entirely support the trust fund from these taxes alone. In developing other revenue sources, the Governors favor taxes such as waste end or waste generation taxes, which create an incentive for proper waste management, over an increase in the general revenue share of the Superfund program.

We know that the job you face in reauthorizing the Superfund program is a difficult one, and that many hard decisions must be made. If we can be of any assistance to you, please do not hestiate to contact us. We look forward to working with you in the weeks ahead to secure the reauthorization of the Superfund program. We have enclosed a copy of the NGA position on Superfund, and will very much appreciate your consideration of the Governors' recommendations on this important legislation.

Sincerely,

GOV. ANTHONY S. EARL,
Chairman,
Committee on Energy and Environment.
GOV. JOHN H. SUNUNU,
Vice Chairman,
Committee on Energy and Environment.
GOV. MICHAEL S. DUKAKIS,
Chairman,
Subcommittee on the Environment.●

TIMBER INDUSTRY NOT OUT OF THE WOODS

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. ANTHONY. Mr. Speaker, the Trade Subcommittee of the House Ways and Means Committee has recently held several hearings on natural resource subsidies. The hearings focused on several legislative proposals to address the problems being faced by a number of U.S. industries resulting from foreign government regulatory controls affecting natural resource distribution. The competitive position of many U.S. industries, such as lumber, has been decimated in the last several years as a direct result of foreign governments' policies regarding natural resource subsidies.

With timber being the biggest industry in Arkansas, I am particularly sensitive to this situation and have been working with the Trade Subcommittee in developing various legislative proposals to alleviate what I consider to be unfair trade practices. In this regard, an article recently appeared in the business section of the Arkansas Gazette reviewing the present state of the timber industry in Arkansas, with particular emphasis on Canadian imports. I believe this article to be very timely and commend it to my colleagues for their review.

TIMBER INDUSTRY NOT OUT OF THE WOODS

(By David R. Palmer)

Timber is the biggest industry in Arkansas.

Until a few weeks ago, it also seemed to be in the biggest trouble.

Prices were down, as were profits. New tax legislation threatened to reduce earnings even further.

The price of timberland, in general, has dropped to almost half of what it was a decade ago.

Although there are still plenty of problems, things are beginning to look somewhat brighter.

John Ed Anthony, president of Anthony Timberlands, Inc., in Bearden, said in a telephone interview last week, "Our solid wood business in the south has had an unpredicted, totally unexpected six weeks."

Anthony noted that housing starts had increased dramatically. Another industry source reported the price of southern pine had climbed from $188 to $265 per thousand board feet in a matter of weeks, a 40 percent increase.

Anthony speculated that business was picking up principally because of dropping interest rates and less stringent lending policies.

There is also cause for optimism relative to land prices. Investors, particularly those with pension funds who are looking for alternatives to more conventional real estate syndications, have begun to put money into timberland. The increasing demand for land can do nothing but help.

The good news does not mean the timber industry is out of the woods.

Timber operators serve three major markets—lumber, paper and particle board—and only softwood lumber shows real promise at the moment.

Anthony said the kraft paper business, which is important to the state economy, was languishing and the sale of hardwoods produced in the northern and eastern part of the state was slumping. He predicted, however, that hardwoods would stage a comeback if the surge in housing could be sustained.

Some of the problems in the timber business are cyclical and have to do with rather predictable economic forces. Others are more political and far more threatening.

One of these is the problem of cheap foreign imports that keep prices and profits down. Another is a proposed change in the federal tax law, introduced by President Reagan Tuesday night, which would adversely affect timberland profits and remove incentives aimed at encouraging good forest management.

How these problems are resolved remains a matter of great concern to those who work in the industry and to the 160,000 citizens and corporations who own roughly 15 million acres of timber in Arkansas.

FOREIGN COMPETITION

On the matter of foreign competition, Anthony, focusing mainly on softwood lumber, lambasted the Canadians at a World Trade conference in Little Rock last month.

Anthony said prices and profits were depressed because cheap Canadian imports were flooding the market.

Mr. Reagan's tax reform package is likely to do further damage to profits if it passes. It proposes to do away with tax incentives introduced in 1944 to revitalize what was then a nearly moribund timber industry.

Quoting from a special report prepared by International Paper Company in Dallas, Anthony told the World Trade Conference, "[in 1984] the United States lumber industry sustained an estimated pretax loss exceeding $300 million. Largely as a result of that loss, as well as a string of losses since 1980, major United States wood products, manufacturers announced in 1984 extensive plant shutdowns and took writeoffs totaling more than $600 millon."

The report went on to say that curtailed operations "have led to the disappearance of more than 30,000 jobs of which 22,000 can be attributed to increased Canadian lumber imports."

Canadian lumber has steadily increased from 19 percent to 31 percent of total United States softwood lumber consumption over the past decade, the report said.

LOSSES CATASTROPHIC

Anthony said in a subsequent interview last week that it would be tough to develop comparable figures for Arkansas, but he said losses for Anthony Timberlands, Inc., since 1980 have been "catastrophic" and that his company was not alone.

At the World Trade Conference, Anthony, referring again to the report, charged the Canadians with subsidizing their timber industry "by selling stumpage at arbitrarily low prices" and "by assuming the bulk of the cost of reforestation and other forestry expenses."

The result is that lumber delivered to Dallas from Arkansas, or even Texas, costs more than lumber shipped from western Canada.

At the time of the report, stumpage (uncut trees) cost $2 per thousand board feet in British Columbia and $119 for the same quantity in the United States. The bottom line is that the delivered price to Dallas, before corporate overhead and other allocations, was $200 per thousand board feet for the Canadian lumber and $215 for the American lumber.

Anthony said United States producers would be glad to take on the Canadians in a fair fight but could not compete against their government subsidy.

CONSUMERS BENEFIT

Canadian Consul General Douglas H.M. Branion, while emphasizing to the World Trade Conference the need for the two neighboring countries to work things out, said the American consumer was, after all, the beneficiary of the low prices.

Anthony agreed that there were short term consumer benefits. But, he said, in the long run, investors in timber will seek other opportunities for investment if losses continue to erode their returns.

Capital inevitably flows to opportunity, Anthony said, and if timber offers little or no return, many investors will turn to other opportunities. Those who remain in the business will be inclined to abandon costly reforestation programs and adopt pre-World War II "cut out and get out" policies.

OPPOSES REAGAN PLAN

Mr. Reagan's new tax package, if adopted, would have the same dampening effect on investment, he said.

Since 1944, timber profits have been taxed as capital gains rather than as ordinary income. Mr. Reagan's plan, among other things, would eliminate the capital gains treatment and treat profits as ordinary income.

The plan would also require capitalization of currently deductible timber management expenses, interest and property taxes. This would increase taxable income further discouraging investment.

The capital gains tax was designed to encourage investment by giving preferential tax treatment to entrepreneurs and others who are willing to invest in assets and hold on to them.

Timber is now treated similarly to other capital assets, whether sold outright, managed and sold under contract, or processed in the owner's plant. The difference between the cost and sales price or the market value of the standing timber when harvested is the capital gain and is taxed at the long-term capital-gain rate. Under Mr. Reagan's plan, instead of paying a capital gains rate of 17.5 per cent (a proposed reduction in the 20 per cent rate presently in effect), an individual would be taxed up to 35 per cent on his earnings.

For corporations, the tax would be raised from 28 per cent to a top of 33 per cent.

A White Paper issued by the timber industry said, "the effect of these changes would be to reduce timber regeneration, inhibit intensive forestry, lower the rate of timber utilization from acres under harvest and encourage liquidation of present timber investment.

"In general, the proposals would largely stifle timber growing and employment, reduce community stability. [They] would have serious price effects and would return us to the severe underinvestment in timber that existed prior to 1944."

Anthony said, "there has to be an advantage for tying your money up for such a long time. If the advantage is withdrawn, there will be no investment."

TAX SHELTERS

The White Paper suggested Mr. Reagan was partly influenced in his proposals, which take much of the appeal out of investing in timber, by a desire to eliminate tax shelters in the timber industry.

It went on to say this was not valid since "there are few, if any, tax shelters in timber under present law."

This does not mean no investors are interested in timberland. Since 1980, insurance companies in increasing numbers have begun to merchandise shares in pools of timberland to qualified pension plans that pay no taxes on earnings.

Travelers and John Hancock have been in the business for several years and now Equitable Life has joined the pack. Equitable is putting together a $100 million fund to buy up timberland, primarily southern pine. in a number of states including Arkansas.

Barry V. Smith, executive vice president of Equitable Life, said, "The recent recession in the timber industry has resulted in some good buys. Market conditions, such as high real interest rates, moderate housing starts and Canadian companies dumping lumber into the United States market are currently depressing prices.

"These factors enable investors to buy timberland at cheaper prices. Additionally, forecasted supply and demand fundamentals indicate a favorable long-term future for timberland investments."

Smith said, "Timber investments have historically outperformed stocks and bonds."●

RURAL ELECTRIC ASSOCIATION'S 50TH ANNIVERSARY

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. DASCHLE. Mr. Speaker, recently I had the opportunity to participate in the historic marker unveiling and dedication of the Rural Electric Association's 50th anniversary first site location in South Dakota.

Leo Flynn's eloquent remarks given during that dedication outline precisely how important the REA system is to us in South Dakota and to all of rural America. And, I would like to share these remarks with my colleagues.

When we first began working with rural electrification, generally we were much younger than those with whom we were working. As a result, since the law of averages usually prevails, my early associates are gone. Later on new men replaced the older ones but now even many of them are gone. Because I have thus far survived I have been asked to be here today.

Much has been said and much has been written about the many anniversaries that 1985 has brought: Vietnam 10 year anniversary, World War II 40 year anniversary, dust storms 50 year anniversary, and, of course, 1985 has called attention to the fact that rural electrification is 50 years old.

Rural electrification became possible in South Dakota because a friendly National Government provided the idea and backed that idea with money to be borrowed and that same Government provided us with the guidance that we needed. That guidance came to us in the form of planning, engineering, bookkeeping, office management, and legal assistance.

The willingness of the National Government to help us get light and power would have gone unheeded and unnoticed had it not been for the men and the communities like the men and the community that we honor here today who picked up the offer and made it a reality.

I am sorry to say that during all these 50 years no real help was ever given this effort by any city government, where you trade, no township or county ever lent a hand. During the early years of struggle for recognition and acceptance the State government gave us no encouragement or assistance. Instead, members of all political subdivisions gloried in taunting us by reminding us of our failures in the past in our efforts to form and run elevators, creameries, and other farm oriented cooperatives.

In the days of our origin we needed favorable State legislation and we asked for it and we were refused time after time. But we went on ahead anyway and, when it appeared evident that there was no stopping us, we finally got good legislation.

I am of the opinion that even today if we were to introduce legislation favorable to our program, if the municipals or the investor owned power companies opposed us, our friends in the legislature would fight hard for us but when the votes were counted we would lose. Politics and legislation are a game of numbers and we do not have the numbers.

The effort to develop rural electrification in the early stages met with many obstacles. The Nation was preparing for national defense, we were recovering from a long dry spell and, later, from the effects of World War II. Construction was not aided by the equipment we have today. Much of the work was done by hand with no diggers, no basket truck or fancy wire stringers.

Much of the land then was owned by insurance companies and the Federal Land Bank. Much of the land was occupied by renters who wanted and needed light and power but the landowners were often reluctant to spend the money needed to wire the premises.

As one co-op after another was formed, boundary lines had to be worked out between them. Decisions had to be made as to what co-op would serve specific areas most efficiently as each co-op approached the area that surrounded them. To the best of my knowledge these situations were resolved quickly and efficiently to the benefit

of the co-ops involved and the customer to be served.

In the beginning little groups did a limited amount of planning and then ultimately joined up with other groups in putting together a package that would work as a feasible project that would satisfy the requirements of our banker, the rural electrification administration in Washington.

At first cities and towns paid little or no serious attention to our progress but as these municipals observed that dreams were coming true they began a struggle to entice the co-op's to create a permanent headquarters near their cash registers and the co-op's were caught in the middle. Here again patience and cooperation within the individual co-op solved the problem in every instance but one where litigation was finally necessary.

In later years co-op's faced another difficulty. Investor owned power companies and municipals pirated areas that the co-op had developed, built lines and had customers. Much litigation followed and much legislation was passed and repealed and then more legislation was passed. Finally legislation was enacted that, generally speaking, assigned areas to each power supplier. As a result there has been little controversy in recent years.

Originally power was purchased from investor owned power companies. Later power became available from the generating plants on the Missouri. In order to obtain power from the river, the co-op's were often required to furnish all or part of the transmission facilities and to do so meant forming generating and transmission co-op's. As consumption continued to grow the river was no longer able to furnish enough power and the co-op's built generating plants in locations where water, coal, transportation, transmission, and need could all be taken into consideration.

Out of all this effort has come a life style for rural people, farmers and rural dwellers, lake cottage owners, all who live beyond the city limits that would not have ever been possible but for rural electrification. Much of the drudgery of rural living has been eliminated with the advent of lights, running water, and automatic heat and cooling.

In addition to creating these creature comforts, rural people are much more productive with less effort and, in addition to being able to better farm the land and produce meat and milk and all the other products, new industry may now locate in rural areas and have electric power available.

Electric light and power brought about these benefits and changes at a price that rural poeple could pay and, in addition, the facilities were put in place without a cash investment by the rural user. The co-op built all the way to the yard pole at no charge.

Surely in looking back on these 50 years there were many dark days. There were many times when there were many problems but I prefer to try to remember the good days. The fun of watching the joy and excitement of the rural woman when the power was turned on for the first time and she tested each appliance still not really believing that the miracle of electricity had finally come into her home. The excitement of the rural man was equally real as he tested each of the motors and machines that were destined to make his life more worth living.

You can try to imagine the joy and excitement of these rural people as the power finally came on but unless you were really there or you yourself was one of them you will never really know.

In looking back we must recognize how important the generation and transmission cooperatives have been to the individual co-op's. We must realize how important the efforts of the South Dakota Rural Electric Association, now located in Pierre, has been to our program. We should not overlook the work that has been done in our behalf by the National Rural Electric Cooperative Association, located in Washington, DC. These two organizations have consistently fought our battles in the form of legislation and litigation both on the State level and on the national level, besides furnishing leadership for us in all our endeavors.

In honoring the men who met here 50 years ago perhaps it behooves the rest of us to examine our lives and our attitude in this endeavor and determine whether or not we are contributing our fair share of effort in this worthy cause, thereby aiding in the general well-being of humanity. Possibly what these men and others like them have done in the field of rural electrification represents the most outstanding sacrifice that they have made with perhaps the exception of the sacrifice that they have made for their families. By the same token those efforts have probably been the most rewarding for how else and in what manner would these men, who are basically farmers, have had an opportunity to travel the Nation over and rub elbows with the high and the mighty in so doing. It has afforded to some degree an equal opportunity for their wives and their families to see America and learn too of that which lies beyond the fence lines of their farms.

Every one of these men must feel and enjoy a smug inner happiness and satisfaction of having accomplished something real and something good that they have helped create and made happen, that was good for the Nation, the State, good for their neighbors, their families and themselves. This smug feeling must now serve as some reward for the thankless trips that they have made and are still making alone, at night and in all kinds of weather in creating this program and in still keeping it living and prosperous.

We must always remember that a friendly National Government created the rural electrification program but we must also remember that an unfriendly National Government possesses the equal power to destroy the rural electrification program. The people will little note what we say here but they can never forget what these men have done here. It is for us, perhaps a shade younger than those we honor here today, to be dedicated to the unfinished task which these men have worked for and have thus far advanced.

It is better for us to be here dedicated to the great tasks remaining before us: That from these honored men we take increased devotion to that cause for which they have given so much; that we here highly resolve that these men shall have not worked in vain; and that the Rural Electrification Program shall not perish from the Earth.●

MILITARY CHIEFS SUPPORT SALT II LIMITS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. STARK. Mr. Speaker, yesterday's New York Times reported an anomaly in the history of our Nation's security policy. The Joint Chiefs of Staff are in open disagreement with the Secretary of Defense and his civilian advisors over the question of continued U.S. adherence to the SALT II numerical limits.

The anomaly is that the Joint Chiefs are the ones advocating continued U.S. adherence to those limits. It is the Reagan administration's civilian defense officials that recommend scrapping the unratified accord's provisions.

SALT II was criticized from both sides, following its signature in 1979. The treaty did not achieve the hoped for reductions in the nuclear arsenals of the superpowers. It served only to place ceilings on those forces. SALT II in no way limited the nuclear weapons programs of the United States.

As a candidate in 1980 Ronald Reagan claimed SALT II was "fatally flawed," yet as President he has thus far followed a policy of "not undercutting" the treaty's provisions, as long as the Soviets show similar restraint. Why has the President seen fit to abide by a "fatally flawed" agreement, which he once claimed endangered our security? And why now do the most senior military leaders in our Nation support continued adherence to that accord?

The simple reason is that tangible limits on Soviet weapons programs enhance our security by reducing uncertainty, and making U.S. planning easier. Some limits which do not inequitably limit U.S. weapons deployment, are better than none.

The proof of the Reagan administration's fundamental opposition to arms control as a means of enhancing U.S. security may prove to be this split between the uniformed military and Reagan appointees over SALT II compliance.

I would like to insert in the RECORD the article from the New York Times.

MILITARY CHIEFS FAVOR ABIDING BY SOVIET PACT

SPLIT WITH WEINBERGER ON 1979 ARMS TREATY

(By Bill Keller)

WASHINGTON, June 4.—Senior American military leaders, in a split with Defense Secretary Caspar W. Weinberger, have concluded that the United States would probably lose more than it would gain by abandoning the 1979 arms limitation treaty with the Soviet Union, Pentagon officials said today.

The military leaders, including at least three of the five members of the Joint Chiefs of Staff, have determined that the

Soviet Union would be able to outbuild the United States in an unrestrained nuclear arms race, while the American military would be held back by budgetary and political restraints, the officials said.

One official said the military sentiment was also colored by a worry that an all-out competition in nuclear weaponry would drain money away from tanks for the Army and ships for the Navy and other nonnuclear weapons.

REAGAN'S DECISION DUE MONDAY

The White House has said that President Reagan will announce his decision Monday on whether to continue abiding by the 1979 treaty, which expires at the end of this year. Although the pact was not ratified, each side has said in the past that it will informally observe its provisions if the other side does.

Mr. Weinberger and his senior civilian arms control adviser, Richard N. Perle, Assistant Secretary of Defense for International Security Policy, have urged the President to abandon the treaty because of what they contend have been Soviet violations, the Pentagon sources said.

Mr. Perle has said that scrapping the treaty would not pose any immediate threat to the United States, and would signal to the Soviet Union that it must abide by future treaties.

"The Soviets have enough warheads to cover the U.S. target base now," a Pentagon civilian said. "Any increment they gain by doing away with SALT is not going to significantly alter the balance in the 1990's."

The 1979 treaty was the second major arms control agreement reached by the United States and the Soviet Union in the 1970's. The first, a 1972 accord limiting antiballistic missile systems, was ratified by the two sides and continues in force.

Among the weapon ceilings set by the 1979 treaty, the one of immediate interest is a limit of 1,200 on the number of missiles with multiple warheads that can be deployed by each side. The United States will exceed the limit this fall when a Trident submarine, the Alaska, puts to sea with 24 multiple-warheads missiles. This will put the Americans 14 missiles above the limit.

Administration officials have said that Secretary of State George P. Shultz proposed Monday in a meeting of the National Security Council that the President either postpone a decision or announce that the United States will put a 16-missile Poseidon submarine into dry dock, out of service.

ALLIES' VIEWS ARE A FACTOR

That would fall short of the technical requirements of the treaty, which says that old missiles must be physically destroyed, but Mr. Shultz said it would signal to the Western allies that the United States takes the limits seriously. Officials said Mr. Shultz had told the President that outright abrogation of the treaty would give the Soviet Union a propaganda tool.

According to Pentagon sources, Mr. Weinberger wants to show the Russians that they cannot get away with what the United States views as treaty violations. They are said to include the encoding of missile test data, which are supposed to be decipherable by the other side for verification, and the development of at least two new types of land-based missiles when the treaty permits only one.

According to Pentagon sources, Gen. John W. Vessey Jr., Chairman of the Joint Chiefs of Staff, did not directly contradict Mr. Weinberger or offer a clear recommendation in the Monday meeting. But the sources said his refusal to endorse Mr. Weinberger's view reflected the prevailing military opinion that lifting arms control would complicate military planning.

The sources said that the Army Chief of Staff, Gen. John A. Wickham Jr., and the Air Force Chief of Staff, Gen. Charles A. Gabriel, also favored staying within the treaty limits.

The views of the Chief of Naval Operations, Adm. James D. Watkins, and the Marine Corps Commandant, Gen. Paul X. Kelly, could not be immediately determined.

Mr. Weinberger's spokesman, Michael I. Burch, and Lieut. Col. Edward Robertson, a spokesman for General Vessey, declined comment on what advice had been given to the President.

Pentagon sources said one Air Force concern was that the lifting of limits on nuclear warheads could jeopardize the Midgetman missile, a small, single-warhead missile planned for the 1990's. Although it is designed to elude attack, the Air Force fears that a massive attack by warheads exploding above ground would be a serious threat.●

REMEMBERING THE TRAGEDY OF THE GOLDEN TEMPLE INCIDENT

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. CHAPPIE. Mr. Speaker, last Thursday, June 6, marked the first anniversary of the Golden Temple incident in India. The result of this incident was a wave of violence which claimed the lives of thousands of people including men, women, and children, of the Sikh community, as well as, hundreds of Hindus. In the attack, many important religious documents and structures were destroyed. All this occurred in a place, not where people gather to fight, but where people go to worship. Many questions remain as to what happened at the Golden Temple, and I rise today to urge the Indian Government to do all in its power to answer the questions which still remain.

I do not seek these answers in order to cast blame on any one group. Instead, I do not believe we will ever see an end to the hostilities between the Sikhs and Hindus, unless and until, those questions which are so important to the Sikh community, and to the rest of the world, are answered. As one who is fortunate to have a large Sikh community in my district, I can attest to the deep feelings which linger on about this incident. Many of the allegations of human rights violations committed against the Sikhs occurred during and after the attack on the Golden Temple. The failure on the part of the Indian Government to conduct its own investigation, or to allow an independent investigation of this incident, is only creating deeper tensions between the Sikh and Hindu people. I strongly believe that once an investigation of the incident has occurred and the answers are provided, we will see the healing process begin between these two great peoples of India.

Since the attack on the Golden Temple and the assassination of Indira Gandhi, the Sikh people have received greater public attention. To many Americans, however, the Sikh people are still unknown. There are approximately 15 million Sikhs in the world who follow the religion of Sikhism. The majority of Sikhs live in the State of Punjab in north western India, with the remaining population living in nearly every part of the world. There are about a quarter million Sikhs currently living in the United States. The Sikhs in the United States, and specifically those who reside in my district, have made a great contribution to our society. They are extremely industrious individuals who work hard to make things better for themselves and their families. They also have a great social conscience, stressing community service and helping those who are unable to help themselves. In India, the Sikhs are fighting to achieve social justice; to be treated as equals among the rest of the population of India. What is going on in India today with regard to the Sikhs is similar in many ways to what went on here in the United States during the civil rights movement of the 1960's. Fortunately, for the United States, we were able to move forward in our fight against discrimination. Hopefully, India will move in the same direction.

This week we will be honored by the visit of the Prime Minister of India, Rajiv Gandhi. I hope that the administration, along with the Congress, will stress upon him the need for his government to continue its efforts in pursuing the democratic principles of human rights for all those who live in India. For peace to exist in India between the Sikhs and Hindus, the Sikhs must be provided with complete religious and political equality. Prime Minister Gandhi appears to be heading in this direction, and it is imperative that he continue with reforms until the rights of the Sikhs are preserved and ensured for future generations to come. I believe that good faith negotiations between the Sikhs and the Indian Government can attain this goal. India was founded on the principles of democracy with the Indian constitution guaranteeing the rights of all citizens of the country and prohibiting discrimination of people based on religion, caste, or place of birth. I know that Prime Minister Gandhi is dedicated to carrying out these principles, and I have faith in his beliefs and courage to continue on the path

toward bringing Hindu and Sikh together in India.

I also want to make it clear, that while it is important to continue the fight for Sikh rights in India, such a fight must be carried on peaceably, at the negotiating table. There is no room for violent acts of terrorism. Terrorism can never be a substitute for negotiation. Acts of terrorism, whether committed by Sikh or Hindu, are to be condemned, and those who commit such acts must be punished to the full extent of the law. The only thing that terrorism brings is death, and most of the time it is to those who are just innocent bystanders. Extremists must not be allowed to control and speak for any group, because as we have seen in the past, these extremists will turn on their own, as well as people of different beliefs. In fact, the violence continues at the Golden Temple, as ten persons were injured on Sunday in fighting between militant and moderate Sikhs. Such outbursts only slow down the process of achieving social justice for the Sikhs in India. The rift between Sikh and Hindu can be eliminated, and I call on all my colleagues in Congress to join me in urging the Indian Government to negotiate and to pursue those policies which will ensure the rights of the Sikh community in India.●

VETERANS' HEALTH CARE BUDGET CANNOT BE REDUCED FURTHER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. MONTGOMERY. Mr. Speaker, the House and Senate conferees are scheduled to begin meeting today on the budget for fiscal year 1986. Many Federal programs will be affected.

A very high priority of mine is veterans' health care. I want my colleagues to fully understand the impact of any budget reductions in funds to operate the VA's health car system. Who is better able to relate the problems in the field than the people in the field?

According to the chiefs of staff at VA hospitals nationwide who responded to a recent survey, inadequate budgets are already taking their toll. More cuts in the budget will mean longer waiting lists, the turning away of certain non-service-connected veterans, and delays in many surgical procedures.

There follows a report from the chief of staff at the VA Medical Center in Gainesville, FL:

VETERANS' ADMINISTRATION,
MEDICAL CENTER,
Gainesville, FL, January 29, 1985.

HOWARD H. GREEN, M.D.,
Chief of Staff, VA Medical Center, White River Junction, VT.

DEAR HOWIE: In response to your inquiry January 2, which, incidentally, I did not see until January 22 since I was out of town, let me give you the following information:

a. Size of hospital: 595 beds—475 acute beds; 120 NHCU beds.

b. Affiliated: Yes.

c. Projected deficit as of January 1, 1985: 1. Personnel Service: $500,000; 2. All other: None.

d. Impact of dollar deficit:

1. Personnel: Will require a longer lag time in filling positions than required last year. This also requires filling low level positions with temporary appointments and not filling permanent physician, nurse, technician and other positions in more critical areas.

2. Supplies: We are tightening controls, especially in pharmacy and will, to some extent, live off our inventory.

3. Equipment: We will defer some needed equipment purchases.

4. Backlog in patient care: (a) We are essentially restricted to service connected patients only for elective orthopedic surgery. This is partially a recruiting problem but also partially a result of our dollar deficit; (b) Our outpatient clinics see 70+% non-discretionary patients (i.e., service connected, aid and attendance, WWI, 10-10's, etc.), and the delay in scheduling of clinics for non-emergent patients varies from one to six months.

(c) Our surgical service is running about a 25 percent cancellation rate, half of which results from patient needs in excess of the capability of our OR's and SICU.

e. Solutions (or attempts at solution):

1. Our escalating drug costs have been our biggest single dollar problem. They went up about $1,000,000 last year, an increase of over 30 percent. We have discussed this weekly at CEB meetings, set up a task force, primarily of attending physicians, which, with the P&T Committee has severely restricted the addition of new drugs to the formulary, restricted refills on NSC patients that are not eligible for continuing treatment, etc. All of this conversation, and some action, appears to be helping. The first quarter of this year, with a slight decrease in inpatients and a slight increase in outpatients, we have done better in slowing the rising cost of drugs.

2. We continue to be very strict in the "obviate the need" program in seeing the veteran only for the number of visits (usually two or three, rarely more than four) required to determine if hospitalization is needed. If he does not, he is discharged. An interesting aside, we anticipated that as we became more strict, these patients would come back on a 10-10 and manipulate the system that way. This has not happened. Our number of 10-10's has remained relatively constant over the last three to four years.

3. We have always had insufficient psychiatric beds and, consequently, hospitalization, and outpatient psychiatric treatment, is restricted almost entirely to service connected veterans. Emergency NSC NP patients are admitted on a bed available basis but now infrequently we have no NP bed for a service connected veteran and have to refer him to Tampa or Bay Pines. Perhaps this is more of an impact than a "solution."

I expect, with the time schedule you were working under, this may well be too late. My apologies for not being in town but Mexico was great!

Sincerely,
RICHARD M. WHITTINGTON, M.D.,
Chief of Staff.●

THE SEA WITHIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. RANGEL. Mr. Speaker, it is not every day that a distinguished member of this Congress can lay claim to a daughter who is a nationally acclaimed novelist. Ms. Louise Murphy, daughter of Representative WILLIAM NATCHER of Kentucky, has become one of the most important, rising young novelists of the decade.

"The Sea Within," a truly major addition to great American fiction, has captured the hearts and minds of students, critics, and fiction readers everywhere. The theme, of a woman dealing with the complexities of human life, is lyrical and original; it will capture and sustain you from beginning to end. Ms. Murphy is an extremely talented and gifted writer. Her future is eminent among America's great literary figures.

It is indeed an honor for me to include this book review of "The Sea Within," Ms. Murphy's first novel, from the New York Times for inclusion in the CONGRESSIONAL RECORD..

CAMILLE'S WILDERNESS

(By Anne Bernays)

"The sea within" (a misleading and rather limp title for a book that has nothing flaccid about it) is a lovely, brave piece of work by a first novelist of shining promise. Camille Anderson, 39 years old, leaves Henry, her husband of many years, when she discovers he has been sleeping with a former friend of hers. The marriage was never much good anyway. She now has no use for the hypocritical Henry, who, despite a small, mean soul, "could keep the banner of niceguyism flying defiantly if not proudly."

Leaving San Francisco and returning to Kentucky, her childhood home, Camille confronts the wilderness, not the "calm gently rolling . . . farmland. My wilderness was the brush and thickets of my failures." She sets up a tent on the only land she owns, a cemetery plot 130 by 40 feet. From there she ventures outward, to visit her beloved great-aunt Nell and explore her past. Along the way she begins a tentative love affair with an old beau, Tom Church, and involves herself with the fate of her distant cousin, 15-year-old Dinah, who is pregnant and miserable. How Dinah got that way—as well as how Tom was involved—forms the resolution of this artfully plotted story.

From time to time, Louise Murphy breaks into her narrative to take a short side trip, stopping at, among other places, the Indian wars, Abraham Lincoln, the Shakers, the Bible. In less gifted hands, these detours might make the vehicle break down, but in

Mrs. Murphy's they add interest and richness to the journey.

Camille is hungry for history; twice a week she goes to the library to stuff herself on Kentucky lore. Mrs. Murphy must have done the same thing; she is sure-footed, authentic and often harrowing in retelling what she has learned, as in the story of Jenny Wiley and her Cherokee captors.

Having seen her children scalped and slaughtered, given birth in a care, been tied to a tree and threatened with death by fire, Jenny escapes and creates a new life for herself. "When Jenny Wiley lay dying at seventy-one, in the year 1831 . . . did [she] think of her lost children? Did she long to join them in another land, or were her living children enough? Had she found life sweet enough to recompense for that one year as a captive? How sweet is life? How sweet?" Mrs. Murphy is too good a writer either to try to answer this question or to draw an explicit parallel between Jenny and Camille.

This novel is about such familiar items as late-blooming identity, women's struggle to survive in brutal interior and exterior landscapes, sex and making choices. What sets it apart is the author's freshness of tone and language and a panoramic vision she has translated into beautifully controlled prose. Thus of a basket with a baby in it (which may or may not sink in the river on which it rides), she writes: "It was there, bobbing and turning gently in the river. The basket floated slowly with the summer current and the handle stood up in a ludicrous curve that turned and became a single line as the basket circled."

And this is Camille's wry comment about divorce: "It is obvious that the two people failed. The best defense is to assure everyone how radically you have changed since the separation. Such change proves that the marriage was repressive and did not allow you to develop the way you could outside the limiting strictures of the marriage."

Camille begins with bitterness and a terrible sense of failure. Having drawn close to her aunt Nell and the awfulness of Dinah's life, she absorbs several homely truths that, if they are not earth-shaking, satisfy a need—both Camille's and the reader's—for resolution and forward motion.●

GOSPEL MUSIC WEEK IN NEW JERSEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. RODINO. Mr. Speaker, once again I am proud to pay tribute to the World Gospel Music Association which begins celebrating Gospel Music Week on June 14.

Gospel music has its origins in the spirituals which were written by slaves who turned to music as a way of expressing their hope for a better life. The musical styles were developed from a combination of American and European influences, and the result was the first truly American form of music. Gospel music went on to influence various other American musical styles, while at the same time it continued to endure as an important musical genre all its own.

One place where gospel music has thrived is my home city of Newark, which has been proclaimed the gospel music capital of New Jersey. Newark's important role in the World Gospel Music Association is due primarily to the efforts of Prof. Albert Lewis, president of the World Gospel Music Association of New Jersey. He has given an enormous amount of time and energy so that others may appreciate the joys and the beauty of gospel music.

This week the ceremony at city hall will feature many talents, and I am grateful for this opportunity to name those performers who will bring gospel music to the people of Newark at this very special festival: Melkane Campbell of East Orange; Lar Terry Butler of Newark; Charles Dixon of East Orange; Carol Dortch of Irvington; Myron Smith & Co. of Irvington; Lillette Jenkins; Michele White of Jersey City; Sharon Dodd & YTE Theatrical Association of Newark; Connie Pitts of Newark; Dr. Brenda Watt of Irvington; and Yvette W. Glover of Newark.

The host for the performance will be Professor Lewis and the co-hosts are Anna Lundy-Lewis and Herman Amis. I would also like to mention the importance of the cable systems in New Jersey that carry the gospel hour and have played a major role in bringing gospel music into the homes of listeners around the State.

Mr. Speaker, I am certain that the festivities in Newark and around New Jersey this week will be a success, as they always have been in the past. And I wish to commend all of the participants, especially Professor Lewis, for allowing the rest of us to enjoy the wonder of gospel music.●

OLDER WORKERS EMPLOYMENT PROTECTION ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. BIAGGI. Mr. Speaker, today I am introducing, along with my colleagues Representatives CLAUDE PEPPER and MATTHEW RINALDO, legislation designed to provide increased protection for older workers who wish to remain in the work force past age 65.

Mr. Speaker, it was in 1978 when this Congress took the bold and long-overdue step of eliminating mandatory retirement for all those in the public sector and for those between the ages of 40 and 70 in the private sector. Recognized as an important civil right for all Americans—the right to work based on ability and not on age—the 1978 Age Discrimination in Employment Act provides an important tool to older workers by protecting their ability to remain in the work force until they voluntarily choose to retire.

Today—there are a number of barriers facing older workers in the work force—both subtle and direct. This bill, the Older Workers Employment Protection Act, is a two-pronged approach to eliminating many of these remaining barriers. First, it requires employers to continue to accrue pension benefits for their employees who work past the age of 65—which is not required by law even though we prohibit mandatory retirement for all workers over 65 in the public sector and for those 65 or 70 in the private sector. Second, this bill would remove the age cap of 70 in the private sector—and once and for all—eliminate mandatory retirement for all workers.

Ceasing pension contributions for all workers over 65 is now practiced in almost half of employer sponsored pension plans under ERISA. There is no justifiable policy, nor economic reason to stop granting pension benefits to workers after age 65. An analysis conducted for the Select Committee on Aging in 1984 found that pension accruals for workers over 65 are no more costly than those for workers age 60 to 64.

In addition to prohibiting employers from stopping pension benefit contributions at 65, this bill also requires that persons who are within 5 years of normal retirement age must be allowed to participate in a plan. This would help those workers who enter the work force later in their careers and would assure them full and fair participation in pension plan benefits.

In my dual capacity as a senior member of the House Education and Labor Committee, as well as an original member of the Select Committee on Aging, I believe that this bill provides a sound and timely response to both breaking the last vestiges of discrimination in the workplace against older employees. At a time when unemployment continues to remain high, this bill could add 70,000 older workers into the work force by the year 2000.

More importantly, it will remove any temptation for employers who want to cease to live up to their full contractual obligations with their employees by providing them less than their fair share of pension benefits.

Denial of pension contributions for workers over 65 is now allowed as a result of a 1979 interpretation by the Department of Labor which views "normal retirement age" under the ADEA as 65, thus failing to protect many of those same workers who can work after 65 as a result of this act. We place older workers in double jeopardy if on one hand—we allow them to continue working after 65—yet deny them full pension benefits at the same time. This bill will eliminate this "catch-22" situation.

According to the Employee Benefit Research Institute, the absence of

pension accruals can be costly to older employees. An employee who is not collecting pension benefits after age 65 and remains on the job for at least 2 more years, can lose from 4 to 23 percent of the value of lifetime accrued benefits. An employee delaying retirement for 5 years can lose up to half of the valued of pension benefits accrued at age 65.

Despite the fact that more than half of ERISA-covered pension plan participants in medium and large firms are covered by plans that offer some type of provision for post-65 service, older workers are more likely than the labor force as a whole to be employed in smaller firms. When compared to the entire working population, the elderly comprise a greater percentage of employees in small firms under 100 employees—one-third of older workers participate in small-firm pension plans as compared to 18 percent of all workers. Thus, older workers are less likely to receive fair pension treatment since they are twice as likely to be employed by firms that do not make accommodations for pension benefit accrual after age 65.

By requiring pension benefit accrual and eliminating mandatory retirement, we will be giving older workers the protection they need to assure that their pensions are not raided directly—or—solely because of their age.

Mr. Speaker, these issues have been before Congress for some time and I believe that it is now time to act and act decisively. The same group of workers that we sought to help 7 years ago when we passed ADEA, are ironically no longer protected by its provisions. Passage of the Older Workers Employment Protection Act would do just that and I urge my colleagues to join us in this bipartisan effort to adopt this sensible and important initiative.●

SHEEPSHEAD BAY HISTORICAL SOCIETY: TEN YEARS OF SERVICE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. SOLARZ. Mr. Speaker, I rise to pay tribute to the Sheepshead Bay Historical Society which will celebrate its 10th anniversary with an open house tour and gala dinner-dance on Thursday, June 13, 1985.

The Sheepshead Bay Historical Society was founded in 1975 by I. Stephen Miller, a teacher at Public School 209, who wanted to use the theme of the Nation's bicentennial year as a way to help his students learn more about the historical origins of their community.

Over the past 10 years, the Sheepshead Bay Historical Society, which is housed in P.S. 209—the Margaret Mead School—has become a valuable community resource. Under its auspices, a museum club has involved hundreds of students and adults in neighborhood studies, historical fairs, folklore festivals, natural history events, and camping programs. Its cultural outreach program offers historical research assistance and teacher-training programs. With the cooperation of the New York City Board of Education and the sponsorship of Community School District 21, two inservice training courses are also provided each year by the society.

Originally sponsored by the PTA of P.S. 209, which is still actively involved, the Sheepshead Bay Historical Society has received awards from the Citizens' Committee for New York and the Community Education Action Coalition of Brooklyn in conjunction with the New York City Youth Bureau.

I am proud to pay tribute to the officers of the Historical Society, especially its founder and president, I. Stephen Miller, whose hard work and dedication can be seen in the wide variety of programs and activities offered by the society. I also want to acknowledge the important contribution of the Parent-Teacher Association of P.S. 209, who sponsored this program from its inception, and whose members have worked so diligently to make it a successful community resource.

And finally, I want to recognize Ralph Cohen, the former principal of P.S. 209, who had the foresight to endorse this unique venture; and Sheldon Thaler, the current principal, who has continued to support the activities of the society; and all the supervisors, teachers, staff, students, and community residents who have given so much of their time and effort to this worthwhile community project.

May this celebration serve as an inspiration to all those who have participated over the past 10 years so that they will be encouraged to continue their fine efforts on behalf of the Sheepshead Bay Historical Society in the decade ahead.●

TRIBUTE TO MARION RILEY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. COELHO. Mr. Speaker, I would like to extend my congratulations to Mr. Marion Riley, a teacher at the Thomas Downey High School in Modesto, CA, for having been awarded the Excellence in Teaching Award in recognition of his 16 years of dedicated service to Downey High School

Mr. Riley was born and raised in Nebraska. He received his bachelor of science degree in vocational agriculture from the University of Nebraska, and his master of science degree in molecular biology from Oregon State University. After beginning his teaching career at a junior high and later a senior high school in Nebraska, he began his tenure at Downey High in 1968.

Mr. Riley has worked hard to achieve and maintain the highest of academic standards in the science department and in the school at large during his career at Downey High. He has been the chairman of the science department for several years, and also serves as the president of the faculty senate. He chaired the Downey High School accreditation report for the Western Association of Schools and Colleges Accreditation Committee, and serves as the representative from Downey to the Superintendent's Advisory Council. He is a member of the American Association for the Advancement of Science, the American Institute for Biological Science, the California Teachers Association, the National Education Association, and the 4-H Leaders Council.

Marion Riley's high degree of involvement in Downey High School's curricular and extracurricular programs attest to his dedication to the field of education and to the youth of Modesto. I would like to congratulate Mr. Riley upon receiving the Excellence in Teaching Award, and thank him for his dedicated service to our community.●

QUESTIONS REMAIN 1 YEAR AFTER ATTACK ON SIKH GOLDEN TEMPLE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1985

● Mr. TORRICELLI. Mr. Speaker, I rise today in remembrance of those Sikhs who died in the Golden Temple incident and the wave of violence it precipitated 1 year ago. As the Congress prepares to welcome Prime Minister Gandhi, it is appropriate that we pause to reflect on this tragedy and its implications.

I do not rise today to condone the actions of Sikh extremists, actions that led to the Indian Army attack on the Golden Temple. Acts of extremism and terrorism—for any cause—inevitably lead to suffering by those entirely innocent of any wrongdoing; they demand condemnation by all.

Nor do I rise to condemn the Government of India, the world's largest democracy, for its actions in this matter.

Rather, I rise today to point out that 1 year later many questions remain unanswered.

Why, for example, did the Indian Government choose a Sikh holy day to mount the attack on the temple, knowing that pilgrims, as well as Sikh extremists, would be inside?

Why is a list of Sikhs killed during the attack still unavailable, and why have no human rights groups been allowed to visit Punjab to view the situation firsthand?

And finally, with these, and other, questions remaining unanswered, why has the Indian Government not ordered an inquiry into the events surrounding the Golden Temple?

As a member of the House Foreign Affairs Committee, I understand the difficulties any democracy has in dealing with terrorism while maintaining guaranteed freedoms. Yet, I also understand that democracies rest on a foundation of human rights for all. To maintain the strength and integrity of that foundation must be the highest priority for India and for all nations.●

LOS DESAPARECIDOS EN CUBA: MISSING CUBANS WITHIN THEIR COUNTRY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. YATRON. Mr. Speaker, I remain deeply concerned over the human rights situation in Cuba. As chairman of the Subcommittee on Human Rights and International Organizations, I have conducted hearings on this issue and have worked to pressure the Castro regime to respect basic freedoms and liberties.

Last year, I had the opportunity to meet with Armando Valladares, the Cuban poet and former political prisoner. Mr. Valladares is indeed a courageous and outstanding spokesman for human rights. He was fortunate enough to be released after languishing for many years. Unfortunately, there are others in Cuba whose fate is even worse—they are missing within their own country.

Mr. Valladares, who now resides in Madrid, established the European Coalition for Human Rights in Cuba as a way to help the missing Cubans. He has put together a booklet, "Los Desaparecidos En Cuba: Missing Cubans Within Their Own Country," which presents just one more facet of Castro's repression.

The booklet was provided to me by the Cuban American Foundation, which has done a tremendous job of revealing human rights abuses and other injustices of Castro's regime, and in helping the oppressed Cuban people.

Because I believe the booklet is of such great value, I am submitting for the RECORD a portion of its contents:

Los Desaparecidos En Cuba: Missing Cubans Within Their Country

This is the first account of missing persons in Cuba.

As in the Soviet Union and the rest of the communist countries, it is extremely difficult to obtain information.

This report is the result of almost two long years of searching and investigation. Nearly all information comes from the underground Human Rights Committee working inside Cuba.

Relatives in Cuba living under terror, have not allowed the disclosure of their addresses. Only those living outside Cuba have.

Some of these disappearances were informed to International Organizations, as in the case of Arturo Berardo Rangel Sosa and Teobaldo Rangel Sosa, whose sister Paula announced it to the United Nations in Geneva. She never had a reply.

Disappearances in Cuba began in 1961 during military operations of the Castro regime carried out to suppress the uprising of peasants who had previously fought alongside Castro himself, but not to bring about another dictatorship.

At that time, the procedure in force in the mountainous Sierra del Escambray, in the center of the Island, was the instant shooting of the patriotic rebels by the communist troops without any previous investigation or trial, and burying them in the spot.

The amount of missing persons who were anonymously shot is not recorded, the same as in Russia, during the Stalin era, its horrors and murders were unknown.

In Cuba, peasants were subjected to terror in order to prevent them from supporting the rebels in the area; some of the cases of detained people of whom nothing was ever heard again are disclosed here.

The situation came to a climax when the first strategic towns were created on the western part of the Island, in a place called Sandino, some 400 kilometres away from the guerrilla zone. All peasants of the area were gathered by force and taken away from their homes, having lived ever since in these strategic towns.

Many Cubans were detained and died while being tortured, or were shot without a trial. Frequently, we saw from our goals prisoners being taken down the stairs for execution. Those men had never been in jail or had a legal trial.

Political prisoners have also disappeared; three cases are known so far: Guillermo Casasús Toledo, a pote; Silvino Rodríguez Barrientos, and Ramón Guín, former Major of the Rebel Army.

The European Coalition for Human Rights in Cuba, is now trying to verify the cases of another two hundred and thirty eight missing persons.●

UTAH GUARD AND RESERVE NEED LARGER FACILITIES

HON. DAVID SMITH MONSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. MONSON. Mr. Speaker, I am pleased to introduce a bill which would allow the Utah National Guard and Reserve to relocate in larger facilities. Companion legislation is also being introduced in the Senate by the senior Senator from Utah.

The Utah Guard has requested this move for three reasons: First, the lack of space at the current facilities which are located adjacent to the University of Utah and the Veterans' Administration hospital. Second, to resolve the legal problem of having the Utah National Guard housed on a federally owned armory property, instead of a State facility. Third, the current location creates numerous transportation and safety problems when moving heavy equipment through downtown Salt Lake City to the training center at Camp Williams.

The National Guard has occupied the current facilities for over 30 years. With the expanding role of the National Guard in the security of our country, adequate facilities are essential. The property that the Utah National Guard is interested in purchasing has a larger more modern building, which is located closer to Camp Williams.

The Veterans' Administration declared this property surplus land in 1954. Congress granted the Utah State Armory Board all right, title, and interest in the 35 acres adjacent to the Salt Lake City Veterans' Administration Medical Center. However, certain restrictions were applied to this property. Uses allowed include training, civic, and related purposes.

This proposed legislation would expand the potential uses of this land to include hospital, education, civic, residential, or related purposes. This will allow the State armory board to sell a portion of this property and enable it to be developed in some reasonable manner. The original intent of the 1954 legislation will be respected. This current legislation will not interfere with the present or future operation of the Veterans' Administration hospital.

The Veterans' Administration, the National Guard Bureau, and the Utah State Armory Board all approved this legislation. I, too, believe that this legislation is the most prudent way to resolve the problem of overcrowding at the current facilities. It is also important to address the safety problems. Under current conditions, it is only a matter of time before a crisis, such as a transportation accident, occurs. Congress should act quickly on this legislation to alleviate these problems.

I ask that my colleagues join me in supporting this bill.●

THE TENTH ANNIVERSARY OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

● Mr. BOEHLERT. Mr. Speaker, I would like to join my colleagues in congratulating and commending the Environmental and Energy Study Conference, on the occasion of its 10th anniversary. This bicameral, bipartisan organization is an invaluable service to all of us in Congress who are concerned about the vitality of our environment. The EESC bulletins and factsheets are the most comprehensive, unbiased information available to Members of Congress.

The EESC supports, in many ways, the growing number of people in this town, across the country, and around the world who realize the serious environmental challenges we face: The challenge to maintain clean air, water, and land; the challenge to protect and wisely use our natural resources; and the challenge to protect our wildlife. In this technological age, we must constantly remember that our natural environment is the foundation of our physical and spiritual well-being.

As many of you know, I have been active in the fight to reverse the growing threat from acid rain. I am continually frustrated by those who say first, that we need more research, and second, that acid rain is a regional problem, not a national problem. Well, excuse me, but those people are wrong on both counts. The damage done to forests, lakes, wildlife, and yes, even people, has been documented by many private and public studies over the past 10 years. Scientists have a solid understanding of the causes of acid rain, and have made specific recommendations that we can act upon now.

Second, I respectfully suggest to my colleagues from the Midwest, the Far West, and the South, that you cannot put your heads in the sand and believe that acid rain is just another problem faced by the industrial Northeast. A comprehensive study done last year by the National Wildlife Federation details the effects of acid rain in 21 States around the country, including Washington, California, Colorado, New Mexico, Minnesota, Wisconsin, Kentucky, Florida—I think you get the idea. Acid rain is a national problem that we can and must address immediately.

Let me close by paying tribute to the past and present leaders of the EESC. Again, the motivating spirit of bipartisan leadership and nonpartisan service is one that serves us all well. Congratulations on the 10th anniversary of your fine organization.●

THE UNDESIRABLE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. STUDDS. Mr. Speaker, on April 26, the Cape Cod Times wrote an excellent editorial on the McCarran-Walter Act (Immigration and Nationality Act) as it applies to Farley Mowat, the Canadian writer and naturalist barred from entering the United States because of his political beliefs. I believe that this commentary illustrates well the discrepancy between McCarran-Walter and the tradition of freedom of thought and expression so intrinsic to the democratic foundation on which this Nation was built.

The editorial follows:

[From Cape Cod Times, Apr. 26, 1985]

IN OUR VIEW: THE UNDESIRABLE

It will pay everyone who is concerned about the safety and security of the United States of America to read the following paragraphs carefully. They were written by a man—a foreigner—whom the U.S. Immigration and Naturalization Service some time ago determined to be undesirable as resident or visitor—a person whose presence in our midst might carry the bacteria of subversion. Attend:

"I arrived in the windswept, gray-souled capital of Canada and found my way to the dingy labyrinth which housed the Wildlife Service. . . . The legions of Dantesque bureaucrats whom I visited in their gloomy, Formalin-smelling dens, where they spent interminable hours compiling dreary data or originating meaningless memos, did not rouse in me much devotion to my new employment . . ."

And:

"Somewhere to the eastward, a wolf howled; lightly, questioningly. I knew the voice, for I had heard it many times before. It was George, sounding the wasteland for an echo of the missing members of his family. But for me it was a voice which spoke of the lost world which once was ours before we chose the alien role: a world which I had glimpsed and almost entered . . . only to be excluded, at the end, by my own self."

For some, these paragraphs, to be found in the same book, evidence the wisdom of our government's decision to include their author on its computerized "lookout book" of shady characters who are to be denied entry to the United States for one reason or another.

The first paragraph clearly portrays the mindset of a man who harbors a certain contempt for the majority of government. The second reveals the author's desire to shed the glories of civilization and revert to a primitive state in which rules, regulations, directives and duties do not exist. An unnatural state, suggesting anarchy.

The author of these words is one Farley Mowat, respected in his native Canada as a writer and a naturalist. The paragraphs above are quoted from his popular book, "Never Cry Wolf," which a year ago became a popular film.

Alas, he is the same Farley Mowat who claimed, in a story published in the Ottawa Citizen in 1968, to have fired his .22-caliber rifle at a U.S. Strategic Air Command B-52 bomber.

Further, Mowat admitted to having helped form a three-person leftist group calling itself the Newfoundland Revolutionary Society, whose goal, he said, was to steal one of the atomic bombs reportedly stored by the SAC in that Canadian province. When U.S. aircraft came looking for their bomb, he said, the group would shoot them down with their shotguns.

This week the puckish Mr. Mowat learned first-hand what rewards such anti-social thoughts can earn the likes of him. As he boarded an airplane in Toronto bound for Los Angeles on Tuesday to see his agent and to promote his newest book, he was informed that his name was on the Immigration Service's lookout book, and that he therefore must remove himself from the aircraft. As of yesterday he remained in Canada.

On Wednesday, Canadian Prime Minister Brian Mulroney interceded with our government on behalf of Mowat. Washington responded that Mr. Mowat could plead his case before the INS in Niagara Falls, N.Y., if he wishes. Mowat responded that he would not; that he'll now go to the United States only if they send Air Force One to fetch him.

We allow entry only to our political friends, of whom Mowat is not one. The loyal supporters of the late Nicaraguan President Anastasio Somoza, for example, apparently are. As are those who served U.S. Army intelligence and U.S. missile-making establishment so well after having put in years of service to Adolf Hitler. And those who were so close to former Cuban President Fulgensio Batista, such as members of his secret police.

As to Farley Mowat—he who lies down with wolves. . . .●

MSGR. ROBERT W. McNEILL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. MOAKLEY. Mr. Speaker, I would like to bring to the attention of my House colleagues, a special person from the Boston area who is a major fixture in Massachusetts high school sports, and the Catholic Youth Organization for the past 20 years, Msgr. Robert W. McNeill.

Reverend McNeill has directed the CYO for the past 18 years after being appointed to the position by then Cardinal Richard Cushing whom he admired and looked up to like a father. When Reverend McNeill became director in 1967, he continued to build on the idea of spiritual growth which he had helped to foster with his predecessor, Msgr. John P. Carroll.

Reverend McNeill's main objective has always been to help and assist the young people of the CYO community, by being interested in their spiritual welfare and using athletics as a means to an end. This is where Reverend McNeill achieved many of his greatest moments of satisfaction through these

dealings with the youth of the community. He initiated the Overnight Retreat Program which is geared to young adults and their peers, and allows each individual involved to express their feelings to one another, and offer any assistance that may be needed.

In return for his dedication and hard work on behalf of the CYO, Reverend McNeill has had many awards bestowed upon him, among them: The Massachusetts Inter-Scholastic Association Distinguished Service Award, for unique and invaluable past and continuing years of service to thousands of boys and girls. He has also received the Archdiocesan Council of Catholic Youth Award in appreciation for timeless dedication and service to the youth of the Archdiocese. In addition to these high honors, Reverend McNeill has also received the St. George Emblem, for service to Catholic youth enrolled in the Boy Scouts of America. Reverend McNeill now serves as the Archdiocesan Scout chaplain for both the boys and girl scouts.

Reverend McNeill has been an integral part of the CYO and it's community for the past 20 years. His idea of what the CYO Program should stand for includes different aspects of spirit, social, athletics, and culture, and he has held that as his theme throughout as his guide to success. Reverend McNeill's absence from the CYO Program will be deeply felt. His personality was filled with compassion and patience for anyone and everyone he came in contact with, but most of all, he was accessible to everybody.

The generations of men and women who have passed through the CYO Program have been blessed with the sense of caring for their fellow man, which Reverend McNeill has so eloquently emulated throughout his own life.●

A NICARAGUAN "HOLIDAY"—HARSH REALITY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. LIPINSKI. Mr. Speaker, today I would like to share with my colleagues a letter from a constituent of mine detailing her experiences during a recent trip to Nicaragua. I encourage all of my colleagues to read this revealing letter prior to tomorrow's consideration of aid to the Contras.

8948 BARBERRY LANE,
HICKORY HILLS, IL,
May 28, 1985.

Hon. WILLIAM O. LIPINSKI,
Representative, Fifth Congressional District, 5838 South Archer Avenue, Chicago, IL.

DEAR REPRESENTATIVE LIPINSKI: I am an adult student and a constituent in your district. Normally you would not expect a letter from a local resident to matter much regarding international political affairs, but in this case you and your fellow members of Congress might be interested.

You see, I am also an anthropologist and a graduate student in intercultural studies. But what is more, I have recently returned from a month-long visit to Nicaragua.

It is my understanding that the House of Representatives has denied President Reagan's request for $14 million in aid to the Nicaraguan contras, who are engaged in civil conflict with President Daniel Ortega and his present Sandinista regime. I also understand, however, that the contras-aid issue will come up for another vote in the near future. In an effort to urge Congress to reconsider its position, I thought I would share with you the observations I made as an anthropologist studying the situation in Nicaragua.

Actually, I was not engaged in any formal study during my April visit, but I was invited by a Nicaraguan friend of mine to live with her family in Managua for the month as a kind of "holiday" and an opportunity to take some notes. Although I had heard of the ongoing conflict in that country, I did not realize that I would be met at the airport by military personnel, uniformed and carrying weapons. I also had no idea that my baggage would be subjected to the most thorough search I have ever witnessed. I was equally unaware of the discoveries I would subsequently make: that the water is turned off for two full days each week; that soap, bathroom tissue, and medicine are very limited or not available at all; that auto parts are not to be found and tires are impossible to repair; that it is useless to ask police to protect something from being stolen because it is the police themselves who do the stealing; and that medical services are extremely poor. The Bertha Calderon Hospital in Managua, for example, has no bedsheets or blankets; women delivering their babies often do so without medical assistance due to staff shortages; and there is no water for bathing patients.

For these thirty days I continuously observed the particularly brutal behavior of the people who habitually crowd into such places as churches and buses. In one instance I was literally beaten by a middle-aged man who kept punching me in the ribs and maliciously crushing my legs with his body as we rode the bus. Other women on this very overcrowded vehicle tried to pull me farther away from him, but they inadvertently hurt me as well.

It is interesting to note that the journalists, upon whom you rely for information about this troubled country, do not ride on these buses. They are housed in Managua, usually at the Intercontinental Hotel, and are shuffled around by the Sandinistas in micro-vans. I saw reporters standing around the now infamous "flower tree," videotaping the latest "news" on the grounds of the hotel. I later saw the videotape cannisters being loaded onto Aeronica air lines for their direct flight to Miami, but I cound not be sure they actually contained any videotapes or that they actually made it to their destination. Since none of these photojournalists ever rode the bus or slept in the homes of the citizens, I am at a loss to explain how they ever became such experts on the conflict which, I assure you, is splitting this country apart.

The radio stations broadcast nothing but propaganda. There are only two television channels in Managua, and both of them are mere instruments of propaganda. Two local newspapers, La Prensa and the Barracada, are the same way; and the magazines all come from Russia, Eastern Europe, or Central America. One local magazine, Soberania, equally propagandistic, is published quarterly by the Tribunal Antiperialista de Nuestra America (TANA). It costs $20.00 per year, which the publishers ironically prefer in U.S. dollars.

To give you some idea of the Nicaraguan economy, I discovered that the official exchange rate is one U.S. dollar to 28 cordobas. The black market exchange rate, however, has the same dollar equal to 500 to 1,000 cordobas. Domestic servants work a full week for 300 cordobas, which on the black market might come to about 30 cents. While I was there it cost about one cordoba for each ride on the bus. Then one day the government tripled the busfare overnight; and at the same time gasoline went from 48 cordobas per gallon to 150, while food prices nearly doubled.

As an anthropologist, I might suggest that some cultural aspects of Nicaraguan society are slowly becoming extinct. The traditional meals are often being replaced by imported macaroni and sardines from the Eastern Bloc countries. Obviously, the current conflict has speeded up this process. Another problem is the alarming shortage of young men, as is clearly evident from observing all the public gathering places. While I was there, the Government announced that the draft would now include all males from the age of 14 on up. Many families have also been split apart due to the flight of their young men who have escaped this draft by emigrating to other Central American countries and to the U.S. Faced with such a shortage of young males, one is left to wonder if the Ortega sons, by themselves, will be enough to repopulate the whole of Nicaragua's 57,000 square miles.

Anthropologists, however, are not prone to draw conclusions of a political nature based on cultural observations. But I do believe that the trouble I have witnessed in this land will not, by itself, go away. If the government in power is allowed to have its way, the rebellion brewing among its disgruntled populace could escalate into a full-scale conflict within a very short time. That government already has pledges of support from behind the Iron Curtain, and if such a thing were to develop, the cost to the United States would be far in excess of the $14 million requested by President Reagan. You are aware, of course, that the Vietnam "conflict" amounted to $80 million per day (according to the book "Asia Awakes: A Continent in Transition" by Dick Wilson) or $150 billion (according to Time magazine). The author Wilson also wrote the incredible statistic that it cost $250,000 to kill one Communist guerrilla fighter in Vietnam, which at the time was a country with an average per capita income of no more than $75 a year.

I know that none of us is quite ready to face the expense of another Vietnam. At the daily rate described above, however, the amount our President is asking for is actually less than we spent for the first five hours in which we fought in that country. The United States Congress must spend the cost of five hours now to save the cost of many years later.

Please urge your fellow Representatives to rethink and reconsider this urgent matter, involving what should be, and should always remain, an important Latin American country freely allied with our own.

Central America must be saved.
Sincerely yours,

MARY BOYAJEAN.●

SUPPORT H.R. 2577

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. COBLE. Mr. Speaker, I urge my colleagues to support funding for the Randleman Lake project in the supplemental appropriation bill now under consideration, H.R. 2577.

Randleman Lake was authorized pursuant to section 203 of the Flood Control Act of 1968 (Public Law 90-483) as an element of the Cape Fear River Basin plan. To date, approximately $7.1 million has been spent on Randleman Lake, with an additional $2.7 million earmarked in H.R. 2577 for planning, design, and land acquisition.

Few local issues in the Sixth District of North Carolina have received more attention in recent years. Proponents claim that a water crisis is imminent and the project is a necessity, both for meeting future water demand and encouraging industrial growth in the affected area. Opponents maintain that future water demand estimates for the region are exaggerated, the project is too costly, and the water source is polluted. Unquestionably, one of the biggest problems associated with Randleman Lake is trying to obtain information which would dispositively reveal whether its construction is, in fact, needed.

Such information, Mr. Speaker, is at hand. The Piedmont Triad Council of Governments, located in Greensboro, commissioned an internationally prominent consulting firm, CH2M HILL, to review the affected area's future water needs and all alternatives that could best meet those needs. While the report in its final form will not be available until late June, the Executive Summary of this study has been released. Briefly, three key points contained in the summary should be highlighted: First, capability to meet additional water demands will be exhausted in the local communities of Archdale by 1994, Greensboro by 2000, High Point/Jamestown by 2008, and Randolph County by 1991. The present water supply for Randleman is inadequate, and demand for all of these communities will increase beyond 2020. In short, the water demand exists. Second, the water will be fit for human consumption or use after approved methods of conventional treatment are applied. Third, of the 40 potential alternatives studied, Randleman Lake was adjudged as the best alternative to satisfy demand in the affected area. To invoke the Executive Summary at page 13: "None of the other regional alternatives offer benefits sufficient to outweigh the overall advantages of Randleman Lake. It is particularly attractive because of its current implementation status, which includes completed engineering studies and design, environmental assessment, and progress toward congressional authorization. We therefore recommend that—the Piedmont Triad Council of Governments—and the participating communities support implementation of this alternative as a regional water supply."

Mr. Speaker, while I still await the final report for a more detailed analysis, I also believe that CH2M HILL's Executive Summary has revealed a preliminary, convincing need for the House to support start-up funding for the Randleman Lake project as set forth in H.R. 2577.●

FRIENDS PAY TRIBUTE TO VILLANOVA'S ROLLIE MASSIMINO, COACH OF THE YEAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. RINALDO. Mr. Speaker, our colleagues from Pennsylvania are proud of the fact that the Villanova Wildcats are the 1985 NCAA basketball champions; the team that pulled one of the greatest upsets in college basketball history by defeating Georgetown, the defending national champions. Many basketball fans in my district of New Jersey are also proud of Villanova's triumph, which was led by Rollie Massimino, who began his coaching in our area.

Starting at Cranford, NJ, High School, under Bill Martin, the dean of Union County scholastic coaches, Rollie Massimino returned to his alma mater at Hillside, NJ, High School, where he coached for four successful seasons and brought the school's basketball team a county championship and success in the State regional high school basketball playoffs.

It was a hallmark of Rollie Massimino teams that his boys were part of the family. He treated them like a father who loves his sons. Rollie encouraged his players to study hard just as he does at Villanova where basketball players not only succeed on the court but in the classroom, too. In a period when college sports have been influenced by huge television contracts, Rollie Massimino has avoided the pitfalls of player exploitation. He has brought pride to all Villanova graduates and students and to eastern college basketball.

On June 25, several hundred friends, family members, fellow coaches, former players, and fans of Rollie Massimino will honor him for his contributions to basketball and student athletics at a dinner at the Mayfair Farms in West Orange, NJ. In honor of the occasion, Mr. Speaker, I am submitting excerpts from a column by Daily Journal Sports Editor Bill Kennedy for the RECORD. It tells of Coach Massimino's relationship with his players and some of the anxious moments they endured in reaching the final four of the NCAA Tournament. It is a home county tribute to a fine gentleman, a great coach, and a native son of New Jersey who has brought fame and honor to an outstanding university, and to our great neighboring State of Pennsylvania.

ROLLIE REMEMBERS WHERE HE'S FROM

(By Bill Kennedy)

Part of the gospel according to Villanova coach Rollie Massimino, as told by his son R.C. Massimino, goes like this: "You always should know where you came from and how you got there."

This is one commandment Massimino seems to practice as well as he preaches, if Tuesday's pre-Final Four press conference at Villanova University is an example. Here he was, deluged with questions on the NCAA Tournament and Villanova's involvement in the Final Four by sports writers from throughout the Northeast, and he still found time to talk about the formative days of his coaching career and his first home in Hillside.

Massimino was asked about the 6 a.m. running sessions he demands of his players during the early stages of preseason, and he replied how important he considers it for his players to be ready to go at the dot of 6 a.m.

"I hate anyone to be late," he said. "I guess I learned that from Bill Martin."

Massimino was referring to his first coaching job, accepted for the 1956-57 season to direct the junior varsity team at Cranford High, where Martin was dean of Union County scholastic coaches. For three years Massimino served an apprenticeship under Martin before he returned to his alma mater, Hillside High, where he coached for four seasons and compiled a 71-24 record. As an aide, Massimino pointed out that his successor for the Cranford JVs was Hubie Brown, an Elizabeth native who is currently head coach of the Knicks.

Rollie didn't talk about his athletic achievements at Hillside High, where he was a basketball and baseball star, but his son, a 5-10 junior guard for Villanova, had an interesting comment.

"Someone who played against Dad sent him a photograph from his scrapbook," R.C. said, "We started asking him about it and he told us how great he was. Then we asked some of his old friends and got the straight story." • • •

While on the subject of Hillside, Massimino reminded the writers of the fact that his background is not totally Roman Catholic.

"When I lived in Hillside," he said, "all of my friends were Jewish. I knew all the prayers and I attended more Bar Mitzvahs than most Jewish guys."

When he became serious once more, Massimino acknowledged that it was his family background and being raised in a town like Hillside which helped him to rise to coaching acclaim at Villanova, where his 12-year

record is 226-137, a winning percentage of .623. The family aspect of Villanova's success is a particularly important subject to the Massiminos.

"In the beginning, when we weren't as good," said R.C., recalling when the Massiminos came to Villanova from SUNY at Stony Brook, "he tried to establish a family atmosphere with the team. But even now, the players come over to the house for dinner three or four times during the season."

Any member of the 15-man squad is always welcome at the Massimino house, which is a throwback to the days when Rollie's mother, Mrs. Grace Massimino, would welcome all the neighborhood kids in Hillside. Rollie's wife, Mary Jane, has similar closeness to the Villanova players, who know her only as "Mom" and never address her as "Mrs. Massimino."●

ELIMINATE LABOR VIOLENCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. COMBEST. Mr. Speaker, as exemplified by recent labor disputes in several parts of the country, violence is an increasingly common component of the union-management relationship. While unions were organized with a valid and necessary purpose in mind, the pervasiveness and power of unions has expanded to a point where the original intent has been greatly overstepped. The apparent acceptance of violence as a means of achieving union goals clearly exhibits the inadequacy of current law in ensuring that labor disputes are settled in an equitable and orderly manner.

Because I believe that avenues which permit union violence and abuses must be eliminated, I am cosponsoring Congressman PHILIP CRANE's H.R. 1719, a bill to amend the Hobbs Act to prohibit the use of extortion in labor disputes.

Enacted in 1946, the Hobbs Act contains a provision referring to extortion as the obtaining of property from another, with his consent, induced by the wrongful use of actual or threatened force, violence or fear. In 1973, the Hobbs Act came under scrutiny in a Supreme Court case. The word "wrongful" triggered significant debate as to whether violence was a punishable offense when used in pursuing a legitimate labor activity. A look at the legislative history of the Hobbs Act indicates that the word wrongful was included to distinguish legitimate labor activities such as peaceful striking and picketing from other labor activities in the definition of extortion. However, the Court ruled that since labor disputes do not constitute wrongful activities, the Hobbs Act definition of extortion could not be applied to violence occurring during a labor dispute. I do not believe that congressional intent at any time was to sanction the use of violence to resolve disputes.

H.R. 1719 would rectify this legal loophole that has permitted outbreaks during labor disputes which result in injury or death. By redefining the definition of extortion to provide that conduct which occurs in a labor dispute is wrongful if such conduct would be wrongful in the absence of a labor dispute, the inadequacy of the Hobbs Act in overseeing the activities of union officials would be eliminated.

Those who engage in labor disputes should not be exempt from the law. As legislators, we must act to curtail abusive union practices that threaten individuals and communities while consistently working to retain equity and a protective voice for American workers.●

ATTACKING THE AL SMITH LEGEND

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. SCHUMER. Mr. Speaker, I rise today to call attention to recent press reports concerning a legendary New York politician, Al Smith. Smith, the son of Irish immigrants, rose from the poverty of New York's Lower East Side to become four-term Governor of New York State. During his administration, Smith fought hard for labor protection laws, increased education funding, and was a champion of civil liberties.

I would like to call particular attention to a recent article by former U.S. Ambassador to Ireland William Shannon that appeared in the Boston Globe. Mr. Shannon's tribute to Al Smith makes clear that we should always remember his lasting contributions to New York politics and civic culture.

I ask unanimous consent that the text of Mr. Shannon's article be included in the RECORD.

[From the Boston Globe, June 5, 1985]

ATTACKING THE AL SMITH LEGEND

(By William V. Shannon)

The most shocking news story of recent days was an account of a corrupt action that allegedly took place 60 years ago.

The New York Times on May 22 reported that in the early 1920s, Thomas L. Chadbourne, a wealthy corporation lawyer and businessman, secretly gave Alfred E. Smith, then the governor of New York and soon to be the 1928 Democratic presidential nominee, more than $400,000 in cash and stock options. This allegation is contained in a chapter of Chadbourne's memoirs written during his lifetime but published only this year. The published version put out by the New York University Law School omitted the chapter relating to Smith, but a copy of the omitted material subsequently came into possession of the Times.

Did Babe Ruth lose baseball games in behalf of a gambling syndicate? Were Man O'War's races fixed? Was Calvin Coolidge a secret Communist?

Those implausible fantasies would be no more distressing than the accusation that Al Smith was "on the take." His integrity is central to his place in the pantheon of American heroes.

William E. Nelson, a professor of legal history at New York University, who supervised the publication of the Chadbourne memoirs and who made the decision to omit the chapter, seems to have no understanding of Smith's significance.

"So what if it's true that Smith is being bribed?" Nelson said in an interview. "We haven't particularly learned anything that we might not have suspected or known anyway. We know that plenty of politicians in New York in the first half of the 20th century were bribed, so what if we find out here's one more."

Al Smith was not just another New York politician. He is an authentic American cultural hero.

Smith was a son of the Lower East Side of Manhattan and of the political machine the immigrants made their own, Tammany Hall. Born in 1873, Smith quit school when he was 15 to help support his widowed mother. He worked for a year in the Fulton Fish Market and then as a laborer in a steam-pump plant in Brooklyn. Through his local Democratic club, he became a subpoena server for the commissioner of jurors.

After he had worked eight years in that patronage job, Tammany elected Smith as a state assemblyman when he was 30. He served a dozen years, made his name as an efficient and progressive legislator, and eventually became speaker. In 1918, he was elected governor. Defeated for re-election in the nationwide Republican landslide of 1920, he returned in 1922 to serve three two-year terms before capping his career by his unsuccessful run for president. He died in 1944.

Smith fought for social welfare and labor reforms such as a workers' compensation law, an eight-hour day for women workers, and widows' pensions. He signed the law giving women teachers equal pay with men. He was a civil libertarian who opposed book censorship and the "Red scare" raids of 1919-20. He spoke in favor of the constitutional amendment forbidding child labor despite the opposition of the bishops of his own church. He greatly increased state funding for education and led New York in the building of parks and public beaches.

Peter Viereck once wrote a poem on the proverb "New York ain't America" in which he has America and New York conduct a dialogue.

America: Don't think I haven't watched you. There's a cure.

For towns too un-American.

Don't think I'll let some alien hurricane

Blow down the fence that keeps my suburbs pure.

New York: I have a child named Dagokikeandmick.

You wouldn't play with her when she was sick.

America: Such white-hot coals were stoking such dark eyes.

New York: I showed her younger names to make her well.

And now her name is *Future*.

Smith, the typical New Yorker, was a symbol of hope to millions of immigrant Americans and their children. He proved that "one of our own" could rise from pover-

ty, overcome the lack of an education, and transcend the political machine that gave him his start. His legend is too important to leave the issue of his integrity unresolved.●

THE WRONG CRUSADE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. STUDDS. Mr. Speaker, on May 29 the Boston Globe wrote an excellent commentary on the importance of voluntary family planning in a world that grew by an unprecedented 85 million people last year. Recently, U.S. foreign assistance for international family planning has been threatened by crippling amendments proposed by those who oppose family planning programs. The crusade against family planning assistance would increase starvation, disease, and object poverty—all results of overpopulation. I urge my colleagues to reflect carefully on the editorial which follows.

A MISDIRECTED U.S. CRUSADE

If members of Congress are serious about stemming world population growth and its attendant evils of hunger and misery, they had better pay attention to the latest efforts to dismantle US aid for birth control overseas.

For two months a campaign has been waged by Sen. Jesse Helms (R-N.C.), Rep. Jack Kemp (R-N.Y.) and Rep. Christopher Smith (R-N.J.), ostensibly to prevent US money from being spent to foster infanticide or coerced abortion in China—or anywhere else. Who could argue against it, if that truly were the intent or the problem were real?

A far different agenda is in effect, however. Amendments to the Foreign Assistance Act framed by Helms, Kemp and Smith would scuttle US support of family planning in developing countries. The amendments would accomplish exactly what they purport to oppose—abortions and infanticide, age-old practices when pregnancy prevention is not possible.

The amendments are pernicious. They would ban US family-planning money from being used in any country in which coerced abortion or infanticide occurs, "officially or in practice." They also would bar the award of public funds to any family planning-organization that operates in such countries.

No public funds nor any organization's funds knowingly go for such purposes. However, when Helms, Kemp and Smith specify infanticide in terms of "officially or in practice" they would close out funds to nearly every country in the world, including the US.

Since the 1984 United Nations conference on world population in Mexico, the Reagan Administration's anti-family-planning policy has been steadily unfolding.

Last year, $17 million in US family-planning funds, dispensed through the US Agency for International Development, was shut off to the international Planned Parenthood Federation under the guise of preventing any indirect support of abortion. Also held up was $10 million in AID funds for the United Nations Fund for Population Assistance, despite repeated certification that no part of the US contribution to UNFPA goes to China.

As a nation, China has been singled out because of its stark, one-child family goal. Accounts of abortion excesses there, however, are outdated and largely based on "lopsided, distorted and exaggerated reports," according to Zhang Wenjin, Chin's ambassador to the US. He stressed that infanticide is condemned there, as here.

Rep. Peter Kostmayer (D-Pa.) says the amendments are meant to eliminate support for the major agencies trying to stem the world's current growth of 85 million people a year. Werner Fornos, president of the Population Institute, contends that "the Administration's new policy is not the crusade against abortion it purports to be, it is a crusade against family planning."

Ironically, the loss of UNFPA funds would barely be noticed within China's $1-billion-a-year population-control program. Yet any reduction in AID family-planning funding would be catastrophic for countries where population growth outruns food, shelter, education and jobs, and where pregnancy and its complications remain the foremost killer of women of reproductive age.●

A DIFFICULT ROAD FOR CENTRAL AMERICAN NEGOTIATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. BEREUTER. Mr. Speaker, today we are about to once again take up the issue of aid to the Contras. Since the last time we spent 2 days discussing this issue on the floor of the House, the situation in Central America has become yet more tense and volatile. Tensions in the area can be reduced and a final resolution to the conflict be found only through serious and successful negotiations. These can take place through the Contadora process, which would be most preferable, but any forum that could be successful should be tried.

I would only point out, Mr. Speaker, that the Government of Nicaragua seems intent on projecting an ever tougher international line. The Sandinistas can probably still be convinced that negotiations are in their best interest. But, if the recent negotiations between the Sandinistas and the Miskito Indian population are any benchmark, the road to an earnest political solution to the conflict will be a long and hard one.

For months, the Sandinistas used their offer of negotiations with Brooklyn Rivera, the principal Sandinista opponent of Nicaragua's Indian population, as rhetorical proof of their "willingness" to negotiate. Now the negotiations have broken down because the Sandinistas refused to concede on any substantial issues. The Christian Science Monitor had an editorial on this subject on June 3, 1985. I think it beautifully outlines the Sandinista negotiating strategy and how the Contadora countries should respond. Allow me to quote the key paragraph of the editorial:

The proper way to settle the Nicaraguan-Contra fighting is through negotiations, preferably by the Contadora nations. Yet as the Miskito situation shows, that will not be easy: Contadora nations will need to be as firm as the Sandinistas. And they should insist on guarantees, something their first proposal lacked: No one should try to rely on promises or atmospherics.

A full copy of the article follows. I commend it to my colleagues.

[From the Christian Science Monitor, June 3, 1985]

SANDINISTA GESTURE: MORE THAN MEETS THE EYE

At first glance the announcement by the Nicaraguan government sounds as though it had decided to end its nearly six-year fight with the country's 5,000 Miskito Indians. The Miskitos, the announcement says, will be allowed gradually to return to their homelands.

But as so often happens in international affairs, there is more to the issue than is immediately visible. At base the outcome thus far of communications between the Sandinistas and the Miskitos is a warning to other nations or international groups, which properly seek to negotiate an end to the contra war, that Nicaragua's Sandinista government is not easily persuaded to be flexible on the really difficult negotiating points. The Miskitos and Sandinistas are right back where they started: at odds on all major issues.

Nearly six years ago the Sandinistas drove the Miskitos out of their traditional homelands and destroyed their villages, saying in effect that they wanted the Indians to become integrated into modern life.

But the Miskitos wanted to continue their traditional way of life. They took up arms against the Sandinistas and have been fighting a guerrilla action separate from that of the better-known contras. In recent months Miskito leaders have been negotiating with the Sandinistas. They have demanded virtual autonomy in their homelands, a demilitarized region, and supervision by an independent council of any accord with the Sandinistas.

For months hopes of accommodation were raised, largely by the Sandinistas, who indicated a settlement was likely. A cease-fire, later violated, was signed.

But when talks reached the crucial issues, the Sandinistas would not yield at all and called the demands "arbitrary and absurd." The Miskitos charged the government with trying to impose a cease fire without addressing any Indian concerns. This week the talks broke off.

Two days later the Sandinistas announced that Miskitos could gradually return to their tribal lands.

To go back would ask a lot of the Miskitos. There is no indication they would have any degree of autonomy. They would not be permitted at this time to return to some of the homelands. In addition, they would be returning to villages largely laid waste by the Sandinistas, and would have to rebuild them almost entirely.

The Sandinistas have an economic reason for wanting the Miskitos to return: They hope they will help revitalize Nicaragua's sagging fishing industry, thus aiding the seriously damaged national economy. In the past the Miskitos, from their traditional

lands, caught sizable quantities of shrimp and lobster.

In part the Sandinista offer is a gesture toward the Miskitos. It also is in the Sandinistas' interest to remove some military pressure by settling with them. The Contadora nations are trying to work out an end to violence in Central America. They might note the way the Sandinistas have conducted negotiations with the Miskitos: The atmospherics of progress exists, yet there is an unwillingness to compromise on crucial issues.

The proper way to settle the Nicaraguan-contra fighting is through negotiations, preferably by the Contadora nations. Yet as the Miskito situation shows, that will not be easy: Contadora nations will need to be as firm as the Sandinistas. And they should insist on guarantees, something their first proposal lacked: No one should try to rely on promises or atmospherics.●

THE RESTORATION BILL

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. SENSENBRENNER. Mr. Speaker, I direct my colleagues' attention to a May 29, 1985 Richmond Times-Dispatch editorial entitled "The 'Restoration' Bill." An insightful and articulate piece, it should be considered required reading by the Members of this House prior to floor consideration of H.R. 700, the "Civil Rights Restoration Act of 1985." The article follows:

[From the Richmond Times-Dispatch, May 29, 1985]

THE "RESTORATION" BILL

Its billing as the Civil Rights Restoration Act of 1985 ought to earn its congressional sponsors, chiefly Sen. Ted Kennedy and Rep. Augustus Hawkins, the political hocus-pocus of the year award. The legislation that purportedly would do nothing more than restore the status quo in civil rights enforcement prior to the Supreme Court's Grove City College decision actually would extend the federal reach into virtually every nook and cranny of Americans' public and private lives.

The bill would cast a wide net by redefining a "program or activity receiving federal financial assistance." For purposes of civil rights enforcement, the measure states, the term applies to "all of the operations" of various "entities." If any part of a local government or organization received federal aid, all parts would be subject to compliance reviews by federal agents. "All the operations of a corporation, partnership, or other private organization" could be covered through the indirect-aid triggering mechanism.

In the House, a small band of believers in pluralism has been fighting a legislative guerrilla action against the advocates of Government Unlimited. They are sponsoring amendments that would shorten Washington's long arm at least a little. One would make Title IX, the anti-sex-discrimination law, less blatantly pro-abortion. Another would protect religiously affiliated institutions, such as colleges and hospitals, from having to implement morally repugnant policy changes pushed on them by faceless bureaucrats in the federal civil-rights bureaucracy

Current Title IX regulations defining both pregnancy and its termination as "disabilities" against which no federal-aid recipient could discriminate would combine potently with the new, expansive law. The upshot, notes Rep. James Sensenbrenner, R-Wis., would be that any college accepting students who had received federal loans or grants would have to permit abortions in its student health program. Furthermore, it would have to provide its employees insurance coverage for abortions. Likewise, hospitals with federally assisted teaching programs could be required to perform abortions, regardless of previous policy. And since the Hyde Amendment prohibits use of federal money for abortions, these colleges and hospitals ironically enough would have to pay for the federally required abortions with their own money.

With the support of the U.S. Catholic Conference and other groups representing church-related colleges, Rep. Sensenbrenner and others have introduced amendments intended to make the civil rights law "abortion-neutral." It would make clear that, though a woman has a legal right to seek an abortion, there is no affirmative civil-rights obligation to accommodate her wishes in each and every medical institution in the land.

A related amendment would exempt from federal regulation any school or hospital that is controlled or supported by, or affiliated with, a religious organization. Current Title IX regulations have a religious exemption, but institutions have to meet a rigid burden of proof—for example, the members of their growing boards must be church-appointed, and much of their financial support must come from the church. Many institutions cannot meet those criteria because, though they remain committed to religious ideals, they have broadened the composition of their governing boards and sources of support in order to survive financially.

In a pluralistic society, government does not try to push all people and groups into the same mold. Predictably, however, the Leadership Conference on Civil Rights has screamed loudly about an exemption that would "create a huge loophole allowing hundreds of institutions to avoid Title IX coverage." The House, which roared its approval 370-32 of a similar no-holds-barred bill last year, probably will opt for the wide net again. The Judiciary Committee defeated the abortion and religion amendments last week, though a favorable vote in Education and Labor kept them breathing for a while. But the real showdown likely will come in the Senate, which scuttled the 1984 version of this Orwellian bill and, if liberty's luck holds, will do the same to the just-as-bad '85 model.●

NATIONAL SCLERODERMA WEEK

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. PANETTA. Mr. Speaker, earlier this year, I introduced a joint resolution, House Joint Resolution 144, designating the week of June 10-16, 1985, as "National Scleroderma Week." Senator SYMMS introduced a similar resolution in the other body.

Unfortunately, neither body has adopted this resolution in time for the President to make an official designation. House Joint Resolution 144 has a great deal of support in the House, however, as 55 Members have joined me in sponsoring it. There is comparable support in the Senate. Therefore, I am making this statement today in order to encourage recognition of this week as National Scleroderma Week and to encourage national attention to the efforts of the United Scleroderma Foundation and other organizations to find the cause and a cure for this serious and increasingly common ailment.

Scleroderma, for those of my colleagues unfamiliar with it, is a painful and debilitating disease that attacks the skin and various organs. In its most serious form, scleroderma can strike the esophagus, intestines, lungs, heart, or kidneys, causing fibrosis, inflammation, and atrophy of tissues. Two problems caused by scleroderma are decreased circulation and increased production of collagen. Localized scleroderma causes hardening and thickening of the skin, particularly of the hands and fingers, along with painful ulcerations.

Scleroderma, one of the many forms of arthritis, affects an estimated 300,000 people in the United States. However, the actual number of victims may be higher because of misdiagnosed cases. The disease is particularly prevalent among women.

Unfortunately the cause of scleroderma is unknown, and there is no permanent cure. Various medications and therapies can only alleviate symptoms. Research is being conducted at medical centers throughout the country in the search for a cure.

Unfortunately, there is a shortage of funding for this vital research. At a time when public funding for many worthy causes is scarce, we obviously need to encourage private contributions. National Scleroderma Week is intended to bring the additional attention that will boost public consciousness of scleroderma, as well as lend comfort to its hundreds of thousands of victims.

Mr. Speaker, although there will be no official Presidential proclamation this year, I urge my colleagues and the public to do whatever they can to help defeat scleroderma. Only with this kind of assistance and appropriate contributions can the effort to find the cause and a cure for this devastating disease succeed.●

SENATOR NUNN ON OUR DEFENSES

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. COURTER. Mr. Speaker, I want to bring to the attention of my colleagues the excellent article below by one of the best thinkers in the area of national defense: Senator SAM NUNN.

Senator NUNN's article, "It's Not What We Spend on Defense," Washington Post, June 4, emphasizes that it is not the number of dollars, per se, spent on defense that matters—it is "the military capabilities coming out."

The article follows:

IT'S NOT WHAT WE SPEND ON DEFENSE: IT'S WHETHER WE HAVE THE MILITARY CAPABILITIES WE NEED

(By Sam Nunn)

For the past four years our national security debate has focused on two underlying themes: first, how much the defense budget should grow each year, and second, how much our miltary forces have improved relative to the 1980 defense posture under President Carter.

A shift in this myopic national security debate is long overdue. The reference point for measuring improvement should be not our 1980 defense posture but rather our national military needs and objectives.

Faced with zero to 3 percent annual real defense growth for the foreseeable future, we can no longer afford the luxury of an intellectually deficient defense debate that never rises above the level of President Reagan's famous slogan: "Are we better off now than we were four years ago?" Meaningful benchmarks are difficult and challenging, but essential. The Reagan administration and Congress must begin to focus on the real challenges and questions that should guide our national security decisions.

(1) Following the U.S. expenditure of approximately $700 billion on NATO-related forces since 1980, can NATO meet the requirements of defending its territory? The recent description of the supreme allied commander, Gen. Bernard Rogers, of our NATO military posture as one that requires the release of nuclear weapons "in terms of days, not weeks or months" is a good starting point for examining our NATO defense posture.

(2) Can we meet the rigorous requirement of defending our interests in the Persian Gulf that have been defined as "vital" by both President Reagan and President Carter? Do we have the strategic mobility, on-the-scene allies and a clear military strategy required to defend an area 7,000 miles from home against Soviet subversion and aggression?

(3) Are our mobilization goals appropriate and can we meet them? Should we continue to base our mobilization objectives on developing the capability to fight for many months in Europe when our allies would start to run out of ammunition in less than two weeks and NATO's war plan calls for 30 days of sustainability?

(4) Will any level of defense spending provide us the capability to meet the requirements of the administration's 3½-war strategy? (Defense Secretary Caspar Weinberger has testified that this administration's "long-term goal is to be able to meet the demands of worldwide war including concurrent reinforcement of Europe, deployment to Southwest Asia and the Pacific, and support for other areas.") Has the "strategy-capability gap" narrowed over the last four years with the expenditure of $1 trillion in the U.S. defense budget? Will this gap close with the planned expenditure of $1.3 trillion over the next four years?

Defense experts will undoubtedly differ in their answers to these questions—but certain conclusions are inescapable:

(1) Our current military strategy as set forth in Weinberger's defense posture statements has little relationship to our present capability or to foreseeable resources.

(2) Our own defense planning is out of sync with that of our allies, and our mobilization goals are out of sync with NATO capabilities and war plans.

Even using the "Are we better off now than we were four years ago?" benchmark, the answer is "yes," but not in proportion to the dollars spent. Our force structure (Army and Marine divisions and Air Force wings) is essentially the same, though we do have more Navy ships. The readiness of our forces has improved primarily because of the increased quality of our manpower. Our ability to sustain a war has improved, but is far short of our announced goals. Modernization of our weapons systems is under way, but is in serious jeopardy in a no-growth environment.

To justify increased defense spending, Weinberger frequently displays charts that show how the Warsaw Pact is outproducing NATO in various categories of weaponry. The secretary has a point. In 1984 NATO produced 1,760 tanks, 755 artillery tubes, 80 rocket launchers and 525 fighter aircraft. The Warsaw Pact produced 3,650 tanks, 3,200 artillery tubes, 700 rocket launchers, and 1,070 fighter aircraft.

Yet, we must consider the fact that NATO has consistently outspent the Warsaw Pact for the past decade and a half, especially over the last four years. This raises some tough questions. If we are already outspending the Warsaw Pact but are getting so badly outproduced, how do we cure this problem? Moreover, we should ask whether it is the administration's goal to match the Warsaw Pact tank for tank, plane for plane. If so, how, and at what cost?

Unless the administration and Congress refine our military objectives and concentrate on the overall U.S. and allied defense output, defense in the 1980s and 1990s will increasingly fall into the same disrepute that many domestic programs are now in. The recent budget debate and congressional votes on defense indicate that trend is well under way.

Those who advocate a strong national defense, in both political parties, must start asking, "Where are we going, and what are we getting?" rather than simply "How much should we spend?"

We must recognize that defense spending has leveled off after five years of growth. It is likely to stay that way until the American public and Congress are convinced that the deficit is being reined in and that increased defense spending can really narrow the gap between our capabilities and our strategy.

In approaching national security challenges with a new realism, there are a number of essential steps that our nation must take to maximize the effectiveness of our defense expenditures:

We must revise our military strategy to one based on U.S. and Western strengths and Soviet weaknesses.

We must coordinate our weapons programs with those of our allies to eliminate wasteful duplications. We must ensure that the United States and our allies are marching to the same war plans, and we must insist that our European, Japanese and Pacific friends follow through in meeting agreed-upon strategy and defense goals.

We must expose the Pentagon procurement system to a strong dose of free-enterprise competition and accountability. We must devise a method by which the Department of Defense increases the number of efficient production lines by eliminating lower-priority weapons and by restricting the number of new starts.

We must insist that the administration define the Strategic Defense Initiative realistically to avoid public disillusionment in the years ahead; and

We must carry out long overdue and badly needed reforms in the structure of the military services, the Joint Chiefs of Staff and the entire Defense Department.

History will judge us not by the number of dollars going into the Pentagon, but by the military capabilities coming out.●

TRIBUTE TO MAYOR JOSEPH LIPARI

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to a man whose outstanding example of involvement in the field of drug enforcement deserves special mention. I am speaking of Mayor Joseph Lipari, of Passaic. On March 21, Mayor Lipari demonstrated his leadership by participating with Federal authorities, in an early-morning raid on a $4 million a month drug ring. Mayor Lipari was awarded recognition and a plaque at a recent awards ceremony. He is the first mayor in New Jersey ever to be so honored.

This is not an isolated example of Mayor Lipari's involvement in efforts to fight drug abuse. He serves as a model for others in Government to emulate.

The disproportionate danger that drug abuse poses to our youth in particular and society as a whole demands our utmost concern. I can confidently state that Mayor Lipari's efforts in this area serve all members of his community and society at large.

True leadership demands far more than the mere issuance of orders; it demands an intensity of involvement and a level of commitment that surpasses satisfaction with mediocrity of performance. By virtue of his example, Joseph Lipari is most deserving of both his award and our appreciation.●

CONGRESSIONAL SALUTE TO EDWARD J. HAYDUK, HAWTHORNE SCHOOL DISTRICT SUPERINTENDENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. ANDERSON. Mr. Speaker, on June 14, Mr. Edward J. Hayduk will retire as district superintendent of the Hawthorne School District. I take this opportunity to commend Ed on a fine career in the important field of public education.

A graduate of Creighton University, Ed earned his masters degree in school administration from the University of Southern California. He served in the U.S. Marine Corps during World War II.

Ed's three-and-a-half decades of service to the Hawthorne School District began in 1950 as an intermediate school teacher. Five years later Ed was appointed assistant principal of Hawthorne Intermediate School. When Yukon Intermediate School opened 1 year later, Ed was chosen as its principal. He served in this capacity until 1961 when he received his appointment as assistant superintendent for the district. In 1981, Ed was selected district superintendent by the Hawthorne School District Board of Trustees.

As we all know, Mr. Speaker, young people are America's future. And, our classrooms, school libraries and laboratories not only help train the minds of our children, but also hone the skills and sensitivities of those to whom we will entrust our health, our safety, our economic wellbeing, our common defense, our rights and our freedom in the future. We are lucky that Ed Hayduk chose to teach. His emphasis on curriculum and instruction helped strengthen the minds of countless young people.

I must also point out that in addition to his professional duties, Ed has long been active in the community. Among other things, he has served as president of the Hawthorne Kiwanis Club, and the Hawthorne Family YMCA Board of Managers.

My wife, Lee, joins me in congratulating Ed Hayduk on this special occasion. We wish him and his wife, Jean, and their fours sons, Edward, Tom, John and Mark, continued success in all their future endeavors●

THE OBERSTAR SOCIAL SECURITY ACT AMENDMENTS: AN EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. OBERSTAR. Mr. Speaker, recently I introduced a series of amendments to the Social Security Act for the purpose of correcting inequities, and restoring or improving benefits to Social Security recipients. Since these proposals in many respects are quite technical in nature. I offer, for the consideration of my colleagues, the following explanations of those bills.

SOCIAL SECURITY ACT AMENDMENTS: INTRODUCED BY CONGRESSMAN JAMES L. OBERSTAR

H.R. 556 to repeal the separate definition of disability now applicable only to widows and widowers and to provide that months of a widow(er)s entitlement to SSI benefits may be used to establish entitlement to medicare.

The Social Security Act has two different standards for determining disability. Wage earners and SSI applicants with severe disabilities are considered disabled if they are unable to perform any substantial gainful activity, considering age, education, and experience.

Widows and widowers are evaluated on the basis of severe disabilities alone. The law prohibits consideration of age, education and experience. Benefits to disabled surviving spouses are denied if a widow or widower is considered able to perform any gainful activity. (Note the absence of the word "substantial.")

State agencies, which have responsibility for making disability determinations, frequently are required to render two separate, contradictory decisions on the same applicant.

Because of this double standard, many severely disabled widows have been forced into poverty. They were "not disabled" as widows, but when all resources were exhausted and they applied for SSI, they were "disabled" on the basis of the same evidence used to deny survivors' benefits. H.R. 556 also provides that widow(er)s who were unable to qualify for survivors' benefits, but subsequently or simultaneously qualified for disability SSI benefits will be entitled to count months on the SSI rolls toward the 25 month waiting period for Medicare eligibility.

Disabled widow(er)s who have been in the work force a sufficient length of time to qualify for disability benefits on their own wage records are confronted with the same double standard. They, too, can be simultaneously "disabled" for their own benefit and "not disabled" for a larger survivors' benefit.

The separate, more stringent definition of disability permitting widows and widowers to be judged under the same standards as all other disabled individuals can be financed at a long term cost of .01% of social security wages.

H.R. 557 to modify the actuarial reduction formula for surviving spouses who qualify for their own disability insurance benefits after first qualifying for widow(er)'s benefits.

Workers or widows, capable of work force participation, who apply for retirement or survivor benefits before reaching age 65, are required to accept a benefit reduction for each month they are less than full retirement age. Disabled workers, however, have never been penalized for prematurely leaving the work force. Rather disabled workers are considered to have involuntarily retired and benefits are computed as if full retirement age has been attained.

In keeping with this philosophy, workers who apply for and begin receiving reduced early retirement benefits and who, before reaching age 65, qualify for disability insurance benefits, are entitled to have their benefits recomputed to remove the actuarial reduction for any months they are considered incapable of working.

Similarly, disabled widows who qualify first for a disability insurance benefit on their own work record and subsequently qualify for a larger survivor benefit on the wage record of a deceased spouse, receive an actuarial reduction only in the difference between the two benefits.

Contrary to treatment accorded disabled workers, disabled widows and widowers who qualify for survivors benefits before age 65 have their benefits reduced in spite of the fact that they are incapable of entering the work force. The 50 percent reduction originally imposed on 50 year old disabled widows was somewhat ameliorated by the 1983 Social Security Amendments which limited the reduction to 71.5 percent. This is the same reduction imposed on widows who voluntarily file for early benefits at age 60.

Again contrary to the treatment accorded workers, a disabled widow who applies first for an actuarially reduced survivor benefit and subsequently qualifies for her own disability insurance benefit never receive a recomputation of the widow(er)'s entitlement.

H.R. 557 would require a recomputation so that the permanent reduction would be appropriate for the months of receipt of reduced widow(er)'s benefits with dual entitlement months reduced only for the difference between the two benefits.

H.R. 558 to extend the period of time during which a disabled widow or widower can qualify for a survivor benefit.

Under current law, in order to qualify for disabled survivor benefits prior to age 60, a widow(er) must be disabled within seven years of the wage-earning spouse's death or within seven years of the time the youngest dependent child reaches age 16.

The presumption of law is that a widow(er) neither caring for young children nor disabled is capable of self support and, as a participant in the work force, would have an opportunity to qualify for disabled worker benefits within seven years. A benefit based on relatively few years in the work force, however, would be very small.

H.R. 558 extends the seven year survivor period by three months for each calendar quarter of social security credit the widow(er) earns following the spouse's death. This change would assure that a surviving spouse who enters and remains in the work force will never lose the protection of survivor's benefits although the survivor's benefit payable would continually decline as his or her own worker entitlement increased.

H.R. 559 to reduce to 20 the number of calendar quarters of coverage required to qualify for disability insurance benefits and eliminate the requirement that those quarters must have been earned within the ten years prior to onset of disability.

The "recency of work" test was originally placed in the law to insure that disability insurance benefits were paid only to workers who were out of the work force as a result of their disabilities. Individuals who move from employment covered by social security into non-covered public service or (prior to January 1984) to employment for a nonprofit agency frequently lost disability insurance protection without ever being out of the work force. However, the requirement for recent work in employment covered by social security has always had its most adverse impact on women. With the change in work force participation of women since the Disability Insurance program was originated in 1957, it is no longer reasonable to presume that women who left the work force as family responsibilities dictated would not have reentered the work force if they were physically able.

Amendments to the Social Security Act in 1980, 1981, and 1983 reduced disability insurance benefits, required additional years to be counted for young disabled workers, eliminated the minimum benefit, capped benefits to workers insured for disability insurance from public employment, and revised the formula for computing social security benefits to reduce social security entitlement for persons eligible for public annuities.

These restrictions safeguard the Disability Insurance Trust Fund against indiscriminate payment of benefits to workers who lack recent attachment to the work force. Removal of the "recency of work" test will now insure that workers with substantial social security credits will not lose important disability insurance protection.

H.R. 560 to provide unreduced survivor benefits to disabled widow(er)s at any age.

When disabled widows were initially authorized survivor benefits in 1967, no reliable estimate could be made of the numbers of widows who might become eligible. Until such experience could be gained, it was considered prudent to protect the Old Age and Survivors Insurance Trust Fund from excessive outlays by imposing several limitations which were not applicable to wage earners who became disabled.

The restrictions imposed on disabled widows included a separate, more stringent definition of disability, a seven year limit on qualification following the death of the worker or cessation of mother's benefits, and a requirement that the applicant be at least 50 years of age.

A widow who met all of these requirements then suffered a reduction in her benefit for each month she was under age 65. The reduction formula was devised so that a disabled widow qualifying at age 50 became entitled to only 50% of the benefit which would have been paid had she been age 65. This reduction factor was modified by Public Law 98-21 to limit the reduction to 71.5% of a full benefit, which is the actuarial reduction of a widow voluntarily electing to receive early retirement benefits at age 60.

An age 50 requirement for disabled wage earners was imposed when the Disability Insurance Program was initiated in 1956. Four years later the age limitation was removed so that disabled workers who met the recency of work test could qualify for benefits regardless of age. Disabled individuals less than 31 years of age were made eligible for benefits if they had worked in half of the calendar quarters following their 21st birthday.

No actuarial reduction has ever been imposed on disabled workers. When severe impairments, combined with vocational limitations, make it impossible for the worker to continue in the work force, benefits are computed as if the worker had reached age 65.

H.R. 560 provides that widows who apply for reduced survivor benefits prior to becoming eligible for disabled survivor benefits will suffer a permanent benefit reduction for only those months of receipt of early retirement benefits.

H.R. 561 to provide full benefits for disabled wives and husbands of workers who are in receipt of retirement or disability social security annuities.

When a worker becomes disabled or reaches retirement age, his retirement-age spouse is also eligible for a benefit. For each, full benefits are not payable until age 65, but actuarially reduced benefits can be paid as early as age 62. A spouse less than retirement age, who does not have a child under age 16 or an adult disabled child in her care, is presumed to be capable of entering the work force until retirement age is attained. This presumption is as invalid for a disabled spouse as it is for a disabled worker or widow.

H.R. 561 authorizes the payment of unreduced benefits to disabled spouses or disabled divorced spouses of annuitants (and to disabled divorced spouses of individuals eligible to retire) subject to the same definition of disability and to the same five month waiting period before benefits can begin as is applicable to disabled workers. The legislation also provides for an appropriate adjustment of full benefits due to prior receipt of actuarially reduced early retirement benefits.

H.R. 562 to provide spouse benefits, at any age, to husbands or wives of disabled annuitants who are in need of aid and attendance.

When a disabled social security annuitant is in need of constant care, a spouse who is less than retirement age is usually required to provide that care. As a result, he or she is prohibited from entering the work force, yet the worker's benefit alone may be inadequate for the support of both husband and wife. This lack of income is often the principal cause of nursing home placement and is frequently the primary factor in divorce entered into to relieve the non-disabled spouse of financial responsibility for the costs of institutional care. Payment of a spouse benefit in such cases could make home care possible.

H.R. 562 authorizes the payment of a full spouse benefit when an annuitant is so disabled as to require full time care. This provision is similar to present law which authorizes a mother's benefit (or parent's benefit) to be paid when there is an adult disabled child in need of care.

H.R. 563 to extend the benefits of delayed retirement credit to surviving spouses and surviving divorced spouses whose widow's or widower's insurance benefits are higher than their own old-age insurance benefits.

Under existing law, workers who remain in the work force past age 65 are entitled to a delayed retirement credit of 3/12 of 1% for each month a social security retirement benefit is not payable due to excess wages. Though the credit is not actuarially determined, it partially compensates the worker for continuing to work past normal retirement age.

This credit is generally meaningless to widows because any credit which is applied to a benefit based on their own wage records simply serve to reduce the amount to which they are entitled on the age record of a deceased spouse. Thus, widows seldom share in the savings which accrue to the Old Age and Survivors Trust Fund as a result of their delayed retirement.

H.R. 563 would insure that when a widow or widower remains in the work force past normal retirement age, any delayed retirement credit which is applicable will be applied to the higher of a personal benefit or a survivors' benefit.

H.R. 1822 to extend the delayed retirement credit to widows and widowers who are not insured for benefits on the basis of their own employment.

All workers or survivors reaching age 62 in 1991 or later will require forty calendar quarters of work in covered employment in order to be insured for social security retirement benefits in their own right. H.R. 563, described above, assures that widows who are entitled to benefits on their own wage records will receive a delayed retirement credit on the highest benefit to which they are entitled. This measure extends the same delayed retirement credit to widow(er)s who may not be fully insured and entitled to benefits on their own wage record, but who, nevertheless, enter and remain in the work force between age 65 and 70, thereby forfeiting survivors' benefits for one or more months during those years.

H.R. 1820 to assure that workers entitled to both social security disability benefits and retirement or compensation received from public employment have both their public and private wages considered in setting a "cap" on total benefits.

Public Law 97-35 "capped" social security disability benefits at 80% of social security wages for workers entitled to disability benefits based on wages in public employment not covered by the Social Security Act. Any benefit paid on the basis of wages in public employment is used to offset social security entitlement. Yet in determining the amount on which the "cap" is based, public wages are not counted. Any public employee who works two jobs—one covered by social security and the other not covered—has essentially no social security disability insurance.

A not-at-all-unusual example would be a low wage government worker such as a janitor, guard, maintenance worker or cleaning staffer working a night shift and holding down a second job during the day. Assume a Federal government employee earning $12,000 a year in full time employment and averaging $6,000 a year in employment covered by social security for a total annual income of $18,000. If this worker became incapacitated, a Federal disability benefit of 40%, or $4,800 a year, would typically be paid. Since $4,800 would equal 80% of the social security wage, no social security disability benefits would be payable. Instead of being "capped" at 80% of wages, this worker would be "capped" at 27%.

To be insured for social security disability benefits, a worker must have wages in covered employment in twenty of the forty calendar quarters prior to onset of disability. Thus a public employee who does not have concurrent wages is seldom insured for disability.

Individuals working in one or more jobs covered by the Social Security Act who becomes disabled are entitled to a combination of social security disability insurance benefits and worker's compensation subject to a "cap" of 80% of wages in covered employment. In considering the income to be "capped" full annual wages are counted

even if they exceed the taxable wage base which, this year, is $39,600.

For example, an executive who pays FICA taxes on only $39,600 of a total wage of $60,000 does not have his social security benefits withheld if his worker's compensation is 80% of the taxable wage base. Rather, full social security benefits for himself and dependents are payable as long as the combination of social security and worker's compensation does not exceed 80% of his full wage or $48,000 a year.

H.R. 563 would authorize a public employee who was eligible for social security disability insurance benefits to present evidence of full earnings in the five years prior to onset of disability. Benefits would then be "capped" at 80% of total wages.

H.R. 1821 to restore full family benefits to disabled workers with low benefits.

The Social Security Disability Benefits of 1980 reduced disability insurance benefits for workers and their families. These changes were justified on the basis that younger workers, by having their benefits computed on a relatively few number of years, received greater benefits than lifetime workers. A second justification was that social security benefits were not subject to Federal income tax. Families with a second worker had both the advantage of filing a joint tax return and the benefit of tax free social security dollars.

To reduce this "overcompensation," workers less than 47 years of age were required to count additional years of wages in "averaging" annual income for purposes of computing disability annuities. Second, after individual benefits were reduced, maximum family benefits were severely restricted. Instead of the normal family maximum, applicable to retirees and survivors, ranging from 150-188% of the worker's benefit, maximum family disability benefits were limited to 100-150% of the worker's benefit. For a significant number of low wage disabled workers, no additional benefits are payable for dependents. Because of low wages and sporadic work force participation, this restriction on family benefits primarily affects women, many of whom head single parent families.

Since 1980, social security entitlements have been reduced in many other ways: the minimum benefit was abolished; mother's benefits were eliminated when the youngest child reaches age 16; a COLA was delayed for six months; a 2.4% increase in the CPI was skipped; the formula for computing benefits for individuals entitled annuities based on public employment was drastically altered to lower benefits; entitlement was essentially wiped out for workers with two jobs, one public and another private employment and one-half of social security annuities were made subject to Federal income tax for individuals and couples with substantial other income.

H.R. 1821 repeals the limitation on maximum family benefits and assures that low wage workers with dependents will receive additional benefits. ●

IN HONOR OF FRED RAU

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. COELHO. Mr. Speaker, on behalf of Congressman PASHAYAN, Congressman LEHMAN, and myself, I call to the attention of the Congress the recognition being extended to Mr. Fred Rau for his many years of outstanding service to the dairy industry in California.

On June 14, 1985, Mr. Rau will be honored at a dinner held by the California dairy industry during their special salute to June Dairy Month of 1985. Fred Rau is the acknowledged "dairy ambassador" for not only Fresno County dairymen, but the State dairy industry in general. Fred has been an active Fresno County dairyman since 1939. During that time, he has been awarded 71 trophies for excellence in dairy herd production and was an early leader in large herd management using artificial breeding, improved feeding, and efficient cow milking methods.

Mr. Rau has been a leader in promoting dairy producer cooperation with the consuming public. He has served as past president and director for the Fresno County Dairy Herd Improvement Association for 32 years; he has been a member of the Fresno-Madera June Dairy Month Committee for 25 years; he has been a member of the Fresno-Madera and California Dairy Princess Committee; a member of the California Milk Advisory Board, and a leader of various local, State, and national producer organizations.

This fine gentleman has gained national and international recognition as a premier dairyman. In the past, over 2,500 dairy tourists representing 30 counties, 22 States, and 18 foreign countries have visited his dairy, including the agricultural attaché for the U.S.S.R. and the People's Republic of China.

Mr. Fred Rau has been active in other community activities, having served as trustee and director of several school districts, the local fair board, and a director on the Kings View Hospital board. His philosophy in employee relations has helped to establish standards in the dairy industry. He practiced complete delegation of responsibility and initiated one of the first pension-retirement plans for his employees.

We are proud to join in honoring and commending Fred A. Rau on his exemplary record as a leader in the California dairy industry. We applaud him on his outstanding display of service to and concern for the improvement of the dairy industry and his community, and we extend best wishes to him for continued success in his future endeavors.●

CONGRESSMAN STRATTON'S REPORT TO CONSTITUENTS ON THE STRATEGIC DEFENSE INITIATIVE

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. STRATTON. Mr. Speaker, a number of constituents have written to me with concerns about the strategic defense initiative—as I am sure every other Member of the House has found the same; how much would it cost; would it be effective; and what, exactly, is it. In the response I made to the people in my area, I have tried to dispel some of the misconceptions that are going around about SDI, and thought my colleagues might be interested in my comments for their own replies.

Under leave to extend my remarks, I include a copy of my letter in the RECORD:

MAY 28, 1985.

DEAR FRIEND: This will acknowledge your recent message in opposition to the Strategic Defense Initiative (SDI) as proposed by President Reagan. I appreciate having your views on this important program.

I am well aware that many people share your opposition; but much of this sentiment, it seems to me, is the result of a misunderstanding of what SDI actually represents.

In the first place, SDI is not a system that has already been developed and is now ready to replace all our other defenses. On the contrary, at this stage it is largely just an idea which is going to require a good deal of study and research before it can even be considered for deployment. That could be as far away as 10 or 15 years.

But one of the things that has made America great has been our willingness to consider new ideas and to dream bold new dreams.

Back in 1927, for example, people thought Lindbergh was nuts when he said he could fly from New York to Paris in what was essentially a puddle-jumper airplane. But Lindy was right, and the rest of us wrong.

The same was true when John Kennedy proposed that we land a man on the moon. "Insane," people said. "How could that possibly work!" But it did work, and it put us well ahead of the Soviets in the conquest of space.

The SDI concept has been generated by the chilling realization that in this nuclear age our main defense strategy is based on the doctrine of mutual assured destruction (MAD), which means that we maintain the peace by hoping that no one will be so stupid as to try to wipe us out, since he would realize that he himself would be wiped out in turn.

But when you think of it, MAD is a pretty gruesome kind of doctrine to protect our country, our people, and our children. In fact, do you realize that we have no real defense here in America against nuclear missiles? We don't even have defenses against enemy aircraft, though in recent months we have begun to provide for some. In contrast, the Soviets have developed an incredibly elaborate air defense system.

SDI stems from the belief that maybe, with our U.S. high technology, we might be able to develop some kind of defense against those enormous Soviet rockets targeted against us, rather than just sitting idly by and watching them fly over.

In the past few months a number of experiments have been carried out that have convinced our scientists it would be possible to shoot down incoming Soviet ICBM's. Not only that, but shoot them down in such a way that no nuclear explosion would be involved. If we could really do this, it would suddenly remove the whole specter of nuclear weapons and the grim possibility of that "nuclear winter" people have begun to talk about.

I believe this is truly something we ought to consider. Obviously it is far, far better than getting involved in a nuclear war which, as we all know, could be triggered by some nut who didn't recognize the rationale of MAD.

So this is what is underway today on a modest scale, and I believe we in Congress would be criminally negligent as custodians of our nation's future were we not to do our best to see if this encouraging concept could indeed be put into operation.

Incidentally, you may be interested to know that the Soviets have in fact been doing a great deal of research in this same field over the past several years.

So we are not escalating the competition between our two countries with SDI; we're just catching up, which is pretty much what we've been doing in the past decade.

What is even more convincing is that it was SDI that brought the Soviets back to the negotiating table in Geneva. And ever since, the Soviets have done everything they could to prevent us from going ahead with SDI. The very fact it has them worried would seem to me to be reason enough for us to continue the research.

Sincerely yours,●

ESTABLISH VETERANS HOSPITAL IN SOUTHWEST FLORDIA

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. MACK. Mr. Speaker, today I am introducing legislation to establish a veterans hospital in southwest Florida. This bill is designed to meet the needs of more than 100,000 veterans residing in my district as well as the influx of winter Floridians into southwest Florida from around the Nation.

This is an endeavor I have actively pursued since first being elected to office in 1982. There is a dramatic need for a VA hospital in southwest Florida and with each passing year, this need only increases. The men and women who so valiantly served our country deserve a facility in southwest Florida that can adequately, comprehensively, and conveniently meet their health care needs.

All evidence suggests that veterans in southwest Florida, as a group, travel a greater distance to reach inpatient health care at a VA hospital than veterans anywhere else in the State of Florida, perhaps in the entire country. For example, the 35,000 veterans who live year round in Lee County, the geographical center of the region, must travel as far as 150 miles to reach a veterans hospital. And this is in a State that has only two beds for every 100 veterans needing care—about one-third the national average.

Veterans in southwest Florida deserve a VA hospital—to wait any longer in moving forward on this project would be a gross injustice.●

FORD MOTOR CO. LOOKS AT ITS FUTURE

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. TRAXLER. Mr. Speaker, last week Mr. Donald E. Petersen, the chairman of the board of the Ford Motor Co., and Mr. "Red" Poling, president of the Ford Motor Co., took the time to meet with a number of our colleagues at a luncheon hosted by the congressional automotive caucus, which I cochair with the gentleman from Indiana, Mr. BURTON.

These knowledgeable executives have a message which we should consider in our deliberations of ways in which to make American industry more competitive, ranging from trade policy to tax reform, and I believe that all of our colleagues have an opportunity to review their remarks.

I respectfully request that their remarks be printed in the RECORD at this point.

REMARKS OF DONALD E. PETERSEN

I'm delighted to have the opportunity to lunch with you today. I've heard a lot about the Auto Caucus and its work in increasing Washington's understanding of the competitive issues this industry faces.

I know there must be some issues that are on your minds, so I will leave plenty of time for questions. First, I would like to share some brief observations on where the industry is and where it is headed; then, I'll ask Red Poling to make a few comments.

The auto industry is well on its way to a second strong year. In the first quarter, car sales ran at an annual rate of 10.6 million units—slightly stronger than 1984—and we project sales will continue at about that level for the rest of the year. Ford's share of this market is up. We're running at 19.6 per cent—up one point from a year ago. Ford's truck share is off slightly from last year, but we've continued to maintain market leadership.

The profit picture continues to be good. Ford earned record after-tax profits of $2.9 billion in 1984. While strong sales were partly responsible, Ford's profit improvement primarily reflected the $4.5 billion we have taken out of our cost structure since 1979. Incidentally, despite this aggressive cost cutting, we continued to invest heavily in our future, spending nearly $14 billion worldwide on new products, processes, machinery and equipment, plus another $9 billion on research and engineering.

But the job is far from done. Good profits are not making us "fat, dumb, and happy." After having worked hard to reduce the breakeven point of our North American automotive operations by more than 40 per cent, we're taking care not to add fat back in just because profits are up. We're not going to be "happy" until we've closed the gap with foreign competition. And we believe we're undertaking "smart" strategies that will position us well for the future.

A brief rundown on our product and technology efforts . . .

In North America, we have just introduced the updated Ford Escort and Mercury Lynx, and we are taking orders for the new Ford Cargo truck. Later this year, we will introduce the Ford Aerostar minivan and the Ford Taurus and Mercury Sable front-wheel-drive cars. Restyled for 1986 are the Ford Tempo and Mercury Topaz, and a significantly improved EXP sport car will be right behind them.

Like the products, the processes are new and improved. Computers are playing an increasingly larger role in product design and in running our manufacturing plants. We have just purchased an interest in American Robot Corporation, a firm that specializes in computer-integrated manufacturing systems. This additional computer power will increase our ability to tie together our design, engineering and manufacturing functions in a virtually paperless operation.

Also, we're undertaking a joint project with General Electric—the Ford Automated Motor Evaluation project—"FAME" we call it. The systems that we develop for this highly advanced electric motor manufacturing project will have broad application across our operations.

You have probably heard about Project Alpha.

Project Alpha is Ford's highest priority forward project. With Alpha, we're taking an entirely new look at design and manufacturing. We want a vehicle design that is responsive to customer needs and wants, yet meets all the needs of the manufacturing system. The design is intended to integrate new technology with the full talents and capabilities of Ford people. We also intend to include the talents and capabilities of our suppliers and dealers and their employees as part of the Alpha program.

Meanwhile, Ford is building on its international strengths with selected joint production programs with our affiliates in other countries.

* * * * *

That's a brief summary of some of the ways we plan to remain competitive. But as you well know, there are a lot of *external* factors that can affect how these plans work out. Key among them are government policies that affect where we invest, how we invest, the cost base of our foreign competitors, even what products we can sell.

I recently told our stockholders that Ford is committed to keeping as many jobs in the U.S. as possible. But I also told them we still didn't know how likely this might be in the face of the substantial cost advantage Japan enjoys. We're fortunate we have the best-selling subcompact—Ford Escort—so our need to replace our small cars is not as pressing as is that of our competitors. Even so, if Ford had to announce today where it would produce the small cars of the future, I couldn't be very specific.

I can say that the cumulative impact of present U.S. government policies is to make it increasingly difficult for American-based firms to continue to produce here. The U.S. auto industry is looking at a trade policy

that gave up auto restraints without attempting to correct the yen/dollar imbalance that provides Japanese producers a big windfall cost advantage . . . We're looking at a fuel economy policy that is out of line with present consumer demands and threatens to restrict large-car production. * * * We see a proposed tax policy that would reduce the incentive (and the ability) to invest in modern, competitive facilities and products.

I've asked Red to give you more detail about the trade and fuel economy issues, but I would like to comment on the new Treasury tax reform package. Ford supports the goals of simplicity, fairness, and lower marginal rates. But I confess to concern that the proposal hits our nation's basic industries so hard.

You probably know better than anyone about auto industry cycles. You've seen the effects on employment and the economic well-being of your communities. The tax reform proposal, as we see it, has two very serious impacts on cyclical industries.

First, it eliminates the investment tax credit. These tax incentives are directly tied to investments made in new products, plants, and equipment—just the sort of investment we must make if we are to improve our competitiveness. Elimination of the ITC surely isn't going to help capital formation and the creation of new jobs in industrial America. Why retain a research credit but eliminate the ITC, when investing in modern productive equipment and machinery is clearly in the public interest?

Second, we are astonished by the so-called "windfall" provision that would retroactively tax depreciation that companies like ours took five years ago. The proposal not only would make it harder to invest in productive equipment in the future, but would penalize those who invested in such equipment *in the past.*

The net effect is that the basic industries—which for so long have provided economic growth and jobs for America—are being targeted for billions of dollars of new taxes. These are the same industries that are already fighting the effects of a high-dollar and low-wage import competition.

You are the experts on the legislative outlook. There seems to be a lot of momentum behind tax simplification—and I'll add my name to the list of supporters. But I would hope that you share my concern that our kind of business *not* bear an unfair share of the burden of that tax reform.

Before turning things over to Red, I should point out that, when he took over as head of our North American Automotive Operations, we were losing over $2 billion in North America. By the time he left, we were operating at a pre-tax prohibit of about $3 billion. If anyone understands the tough challenges this business is presenting, it's Red Poling.

REMARKS OF H.A. POLING

Thank you, Don.

First of all, let me reiterate Don's point that we are dedicated to *continuing* the cost reductions, quality improvements, mammoth investments and product improvements Don mentioned.

The question before the house—yours in Congress and ours at Ford—is whether these efforts are enough in the face of some factors that are clearly outside our control. I'd like to speak briefly on two government policies that importantly affect our future operations in the U.S.—trade and fuel economy—and how these policies interrelate.

The most basic challenge for U.S. auto manufacturers today is the differential in production costs between our operations and those of our Japanese competitors—and, increasingly, those of new competitors from other Asian nations.

We estimate that Japanese companies producing an Escort-sized car in Japan for sale in the U.S. enjoy a $2,500 cost advantage compared to what it costs us to produce the same car here in the U.S.

About half of this difference can be attributed to Japan's lower labor costs and higher productivity—and these are problems for industry to face. But the continuing strength of the dollar, relative to the Japanese yen, and a higher U.S. tax load make up the other half of Japan's cost advantage. At today's rates, the currency imbalance is worth about $1,000 per car. The difference in the tax structures of our Japanese and European competitors accounts for an additional several hundred dollars.

The strong dollar is hurting U.S. auto competitiveness because it acts as a penalty on all U.S. exports and a subsidy on foreign goods sold here and abroad. It is the principal cause for the escalating U.S. trade deficit which last year hit an unbelievable $123 billion, the ninth consecutive year of red ink. This deficit is taking a terrible toll on our economy—since 1980, it has cost over 2 million jobs and $100 billion in net tax revenues.

Much of the fault of the overly strong dollar and the trade deficit can be laid at the door of the massive inflows of capital into this country. It is critical that resolute action be taken to reduce the budget deficit and U.S. interest rates that are attracting foreign funds and putting such upward pressure on the dollar. Recent congressional efforts toward reducing the federal budget deficit are an encouraging first step.

But the trade problem with Japan—which is not only currency but access to Japanese markets—is particularly acute. Last year, Japan accounted for 30% of the total U.S. trade deficit and for virtually all of the First Quarter increase in the trade deficit. And that's before Japan begins to ship 24% more cars to the U.S.

The current talks on improving the access of American products to Japan are important, but what we need is results. There have been seven such market opening programs by Japan since 1980, but their worldwide trade surplus has grown from $2 billion to $50 billion.

It seems to me that it's about time to send an unmistakable message to Japan that we are serious about U.S jobs and production. I understand there are numerous proposals pending in the Congress. I'm attracted to the ones that would impose a surcharge on imports from countries with which the United States has large trade deficits and that are not taking vigorous actions to correct them. If Japan corrected its lopsided trade balance with the U.S., the surcharge could come off immediately.

Unfortunately, the Japanese trade problem—and particularly the decision to let the VRA lapse—hits Ford twice. More Japanese car exports—at a currency advantage of $1,000 a car—undoubtedly will make it more difficult to maintain sales of U.S.-made small cars. This will reduce even further our ability to meet government fuel economy standards—the second government policy I mentioned.

These standards currently require each auto company to achieve a fleet average fuel economy level of 27.5 mpg per gallon. The standard was set based on the technology improvements that could reasonably be expected, and on the mix of products—small, mid-size and large—consumers would buy.

Ford has exceeded the technology targets. We've taken over a 1,000 pounds of the average car, reduced engine displacement by nearly 40%, introduced ten all-new lighter weight, more fuel-efficient engines and improved our fleet fuel economy by 85%. The fuel economy of our small cars today is double what it was in 1975, when the law was passed, and Ford's largest cars today have better fuel economy than the smallest ones we produced back then.

Ford would be meeting the standards today if the mix of products was what we and government predicted. But lower-than-expected gasoline prices and the attractiveness of today's full-size family cars have resulted in relatively stronger sales of these models.

In a way, we're our own worst enemies—today's largest cars have such good fuel economy that the consumer doesn't have as great an incentive to buy small.

So for a full-line manufacturer like Ford, meeting the fuel economy requirement means selling more small cars—an almost impossible task in the face of half a million additional Japanese imports—or rationing the production of the full-size family cars customers want.

The result is that Ford is caught between its customers and the CAFE rules. The cars we produce that our customers like best—those where America has a comparative advantage over Japan—stand in danger of being restricted or eliminated because market conditions aren't what everyone expected when the standards were set.

Fortunately, Congress had the foresight to give DOT the authority to change the standard if things turned out a little differently than expected. Ford, GM, and the Automobile Importers of America have requested a reduction in the 27.5 mpg standard and, hopefully, it will be granted before we have to restrict consumer choice and lay off employees in our full-size car plants.

I've just returned from visiting Ford's European operations and I can't help but note that, in most auto-producing countries around the world, governments are busy infusing capital and creating an environment where the home companies have at least equal footing. I'm certain that the U.S. government does not intend to place its own industries at a competitive disadvantage but I don't believe any group is looking at how all of these policies fit together. Perhaps we could work together to highlight the very serious employment and economic implications of our national policies on basic U.S. industries.●

DEFENSE PROCUREMENT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. LEVINE of California. Mr. Speaker, the current issue of The Nation magazine contains an important article about the shortcomings of our defense procurement system. It highlights the reasons why the Secretary of Defense is unwilling to impose

tough sanctions on corporations like General Dynamics and General Electric which have defrauded the taxpayers out of hundreds of millions of dollars.

The harshest penalty the Secretary could take would be to debar General Electric or General Dynamics, or any other company which engages in similar business practices. Such an action would be consistent with the Federal acquisition regulations which allow for debarment of contractors that engage in fraud, bribery, or "any other offense indicating a lack of business integrity." As The Nation article makes plain, although the Pentagon has debarred some smaller contractors, it has taken no meaningful actions against any major contractor.

The reason for this is that in many areas of defense procurement there exists no practical alternative. For example, we have only one source of production for our nuclear submarines, only one source for MI tanks, and only one source for aircraft carriers. Debarring the contractor for these weapons could effectively halt production on these weapons.

There is, of course, a solution to this problem. The Pentagon could move to establish dual sources for the major weapons it buys. This would ensure that the Secretary of Defense would not have to hesitate before debarring any contractor which engaged in unethical or illegal business practices in the future.

I hope that the House will include language in the 1986 Department of Defense authorization bill mandating increased competition for new weapons in the future. Passage of such a law would be a significant contribution to solving many of the problems which plague our military procurement system.

I ask for unanimous consent to include the text of The Nation's article at the conclusion of my remarks, and I commend it to my colleagues' attention.

The article follows:

[From The Nation, June 15, 1985]

IT'S WASTE AS USUAL AT THE PENTAGON

(By Tony Kaye)

GOLD-PLATED WEAPONRY

On March 28, the Air Force suspended General Electric, the Pentagon's fifth largest contractor, from doing business with the government for doctoring labor time sheets to the tune of $800,000. Within days, the General Services Administration announced it wouldn't even buy General Electric's tainted light bulbs. The Pentagon's highly publicized war on waste seemed finally to have wounded a major contractor. But it didn't take long for the headlines to fade and the suspension to be lifted. By the time General Electric pleaded guilty on May 13 to 108 counts of filing false claims, the Air Force had already ended the ban against all the company's affiliates except the Space Systems Division (which accounts for only 3 percent of General Electric's sales), where the fraud occurred. John Welch Jr., the chief executive officer, recently told shareholders the suspension would have "no significant impact" on this year's earnings. General Electric might not even lose out on the light bulbs; a company spokesman said the government might double its next order.

Under the Federal Acquisition Regulations, the Defense Department may debar contractors that have engaged in fraud, bribery or "any other offense indicating a lack of business integrity," though such a ban is not mandatory. Most sanctions result from legal proceedings. The Pentagon usually imposes suspension, a temporary penalty, after an indictment; and debarment, a more formal ban of up to three years, after a conviction. It can also suspend companies when it finds that a "preponderance of evidence" points to wrongdoing, a less stringent standard than required in criminal prosecutions.

Critics of waste and fraud in Pentagon contracting argue that enforcing those regulations would show contractors that the cost of getting caught defrauding the government outweighs the potential rewards of temporarily getting away with it. Representative John Dingell, chair of the House Energy and Commerce Committee, has called on the Pentagon to debar Electric Boat, a division of General Dynamics accused of charging the government for bogus overhead costs totaling several hundred million dollars. Jeff Hodges, an aide investigating General Dynamics for a House subcommittee, says that such action "would have a tremendous effect" on large contractor fraud. "You can investigate them, you can fine them, the newspapers can expose them, but the only really meaningful thing to them is losing business."

The General Electric suspension was the first time any of the Pentagon's top 100 suppliers had ever been banned. Capt. John Nimitz, chief of the analysis branch of the Army's Criminal Investigation Command, says the Army has collected enough evidence against several contractors to meet debarment standards—"51 percent of the evidence points to a crime"—but it has not taken action. Officials and Defense Department investigators said in interviews that it isn't in the Pentagon's interest to debar major contractors. That is partly because only a few large firms have the capital and expertise to build the sophisticated weapons the Pentagon wants.

Since World War II, the military has increasingly favored procurement of a few sophisticated weapons rather than many relatively simple ones. Major contractors support this high-tech approach because the Pentagon normally pays the cost plus a fixed percentage of profit. Since complicated weapons are more expensive, they are also more profitable. As Gordon Adams, director of the Defense Budget Project, put it, "The contractors have the Pentagon by the short hairs."

While only a few companies can satisfy the Pentagon's sophisticated palate, this does not mean only one company can build most weapons. Nonetheless, contractors compete mainly in the research and development stage. Once the Pentagon chooses a design, it has essentially chosen the company to build it. Thus, for nearly 60 percent of all contracts there is no competition at the production stage. Contractors favor this system because they know they don't have to deliver a lower price than the competition. And even though there is only one winner in a contract award, the losers know that they, too, will eventually feed alone at the Pentagon trough.

Debarment officials (particularly those in the Air Force) also argue that debarring industry heavyweights penalizes workers for management's greed. The Air Force allows companies to submit an impact statement describing the effects of a proposed debarment on the local economy and work force, and takes it into account.

Until 1983, even small contractors knew that few crimes were serious enough to interrupt the flow of Pentagon contracts. According to a report released in May 1984 by the Defense Department Inspector General, debarment authorities routinely failed to penalize dishonest contractors. The report, covering fiscal years 1981 and 1982, found that 213 cases resulted in only forty-four debarments. Of those, thirty-seven were based on convictions. There were also fifteen suspensions, eight of which were based on indictments. Pentagon investigators did not refer seven companies convicted of fraud to debarment authorities. The Air Force frequently elected not to suspend indicated contractors. It waited nearly two and a half years before suspending Cosmos Engineering after the company was indicted for filing false claims, even though the Air Force had to pay $800,000 to have another company do the work Cosmos failed to do. In May 1981, Portsmouth Paving, Ames & Webb, Contractors Paving, Asphalt Roads and Material, and Ashland-Warren were convicted for rigging bids on eleven Navy contracts. The Navy waited up to thirteen months before debarring the contractors, and three of the bans were eventually lifted "to promote competition," even though the companies had been convicted of restricting competition through bid rigging.

During 1981 and 1982, the Army suspended only one contractor without an indictment, and that action was lifted after a month. Debarment officials often didn't even learn about significant fraud cases until reading about them in the press.

Since 1983, suspensions and debarments have increased significantly. Suspensions rose from 186 to 266 in those same two years. Even the Navy, which took the fewest actions against fraudulent contractors in that period, more than doubled its suspensions and debarments.

Those increases resulted, at least in part, from several Pentagon initiatives. After the inspector general's preliminary findings circulated in the Pentagon in 1983, then-Deputy Secretary of Defense Paul Thayer issued a memorandum directing debarment officials to suspend contractors without indictments more frequently. His memo also called on those officials to establish a closer working relationship with Pentagon investigators. Debarment authorities were told to suspend or debar contractors within thirty days of indictments or convictions, "wherever such action is appropriate." Debarment staffs in the armed services and the Defense Logistics Agency (D.L.A.), which buys goods used by all branches of the services, have increased.

The rise in the number of suspensions and debarments may be more public relations than substance, however, reflecting a sensitivity to taxpayers' increasing resistance to spiraling defense bills and revelations of defense contractor fraud. According to a Louis Harris roll last January, only 9 percent of those queried favored a hike in defense spending, compared with 80 percent in February 1980. In March, a Business Week/Harris Poll found that "if a defense contrac-

tor overcharges the government," 57 percent of those polled believe it "should be barred from getting other contracts."

The Pentagon has responded with a highly publicized but largely ineffective crackdown on major contractors.

The day General Electric was suspended, Secretary of the Air Force Verne Orr asked the company for a voluntary $168 million repayment because of excess profits. Orr also wrote to Harry Gray, chief executive officer of United Technologies, asking that the company's Pratt & Whitney division repay the government $40 million in excess profits. "National support for building military strength has been severely battered by public perception that we pay too much for the goods and services we acquire," Orr explained. Both Pratt & Whitney and General Electric refused.

On March 5, Secretary of Defense Caspar Weinberger scored points with fraud watchers when he announced a thirty-day suspension of payments to General Dynamics for overhead costs. What he said was less important than where he said it—in a speech to the American Legion opposing cuts in the defense budget. Weinberger told the Legionnaires that all contractors would have to certify under penalty of perjury that their cost claims were legitimate. The Pentagon subsequently clarified Weinberger's directive; division vice presidents would have to certify only that the claims reflected their "actual knowledge."

Pentagon Inspector General Joseph Sherick made the front page of The New York Times on April 24 when he told the House Oversight and Investigations Subcommittee that forty-five of the Defense Department's top 100 contractors were under criminal investigation, raising the possibility of eventual suspensions. But Sherick has cried wolf before. In July 1984 he said fifteen major contractors would be indicted within months, and none were.

Sherick also recommended the debarment of General Dynamics' chief executive officer, David Lewis, and its chief financial officer, Gordon MacDonald. He later urged Secretary of the Navy John Lehman to ban the two executives, plus a third. Lehman refused to do so. Instead he temporarily suspended two divisions of General Dynamics from receiving new contracts. That action will delay the signing of a new contract for a Trident submarine to be built by their Electric Boat division. The Connecticut shipyard is the only one in the country that can build the submarine, and Lehman said he expected to lift the suspension shortly if General Dynamics is not "confrontational and litigious" about the settlement.

Despite improvement in the Pentagon's record on suspensions and debarments, many of the problems noted in the Inspector General's report persist. Debarment authorities in the Army still learn about significant fraud cases in the press. One Army official, who asked not to be identified, says, "There has been a case or two where we have read about it in the newspapers." The same official says the Army takes less time than in the past to suspend or debar contractors after court actions but not within the thirty days called for by Thayer's memo. Deputy Assistant Inspector General Howard Cox, the author of the Inspector General's report, says only the D.L.A. is complying completely with the Thayer directive. He adds that a number of contractors in all three services merit suspension without indictments but continue to do business with the Pentagon.

Many debarment officials point out that an increase in the number of prosecutions of contractors by the Justice Department has contributed more to the higher rate of suspensions and debarments than anything the Defense Department has done. Last year, the Economic Crime Council made defense procurement fraud "one of the Justice Department's major priorities," according to Donald Foster, a deputy chief of the department's criminal fraud section. In 1982, the Pentagon and the Justice Department set up the Defense Procurement Fraud Unit (DEPFU). William Carroll, who reviews all D.L.A. actions against contractors, credits these initiatives for the increase in suspensions and debarments. "The big difference is coming because of more criminal investigations. The Department of Justice is committing more resources."

Because debarment staffs remain small despite recent increases, it is easier to wait for court or grand jury actions before sending out debarment and suspension notices. Nonetheless, this reliance on criminal prosecution defeats the purpose of the "preponderance of evidence" standards, which should make it easier to establish wrongdoing in a debarment or suspension proceeding than in court. "If you're going to rely on the Department of Justice to clean your dirty laundry," says Cox, "you're not going to get anywhere." He adds that his office is "hounding" debarment authorities to issue more suspensions without indictments.

Cox has good reason not to wait for Federal prosecutors to clean up Pentagon contracting. Although U.S. attorneys are prosecuting more procurement fraud cases, they had nowhere to go but up. A study in 1981 by the General Accounting Office found that the Justice Department declined prosecution in over 60 percent of the fraud cases it received. Prosecutors are reluctant to take them because they are complicated and difficult to prove. A. Ernest Fitzgerald, a contract auditor and well-known Pentagon whistleblower, notes that "low-level investigators [in the Defense Department] regularly say that referral to Justice is the best way to kill an investigation."

Debarment officials sometimes make the circular argument that they don't suspend or debar large companies to deter future fraud because those firms don't get indicted or convicted. Because fraud schemes by large firms are extremely complicated, debarment officials say they have to depend on court actions to amass the evidence for suspensions or debarments against them. But waiting for the Justice Department to act means little will be done, given its poor track record against major contractors.

The Justice Department usually settles out of court with those contractors rather than going to trial. General Electric's guilty plea last month is only the most recent example. Because of a November 1982 agreement not to prosecute Rockwell International for allegedly billing the space shuttle program for nonreimbursable costs on the Air Force's Global Positioning Satellite System, the department refused to prosecute when other evidence of fraud subsequently came to light. Cox said that the Justice Department failed to consult the Air Force adequately in drawing up the settlement.

Beyond the individual examples of weak enforcement, there is the institutional weakness of DEPFU. The unit was created to "deter future fraud by conducting nationally significant" cases against corrupt contractors. Senator Charles Grassley has denounced it in recent hearings for failing to prosecute large contractors. In its three years DEPFU has gone to court only twice, and Grassley contends it prefers to enter into lenient settlements rather than face the high-priced legal talent representing defense contractors. "Their attitude," says a staff member on the committee conducting Grassley's investigation, "is, Let's go for the quick and easies. Going into the courtroom is a no-no. When faced with the hotshot downtown lawyers, settle."

Morris Silverstein, who heads the unit, contends that his attorneys have settled most cases out of court because "there is no such thing as an ironclad trial." He says that proving a contractor has acted "with intent," rather than by "mistake or inadvertence" is far more difficult than critics maintain. "A prosecutor has to believe he will prevail. He has to believe beyond a reasonable doubt that the contractor has no good-faith position at all."

Grassley responds that prosecuting major cases would deter large contractors from defrauding the government. "In theory, the fraud unit is a powerful club against defense fraud. In practice, it is more akin to a flyswatter. My concern is that the contractors know it, especially the big ones, and they're laughing all the way to the Treasury."

Ultimately, the services aren't interested in using the Justice Department to debar major contractors. The largest Pentagon supplier prosecuted by DEPFU has been the Sperry Corporation, which in 1983 pleaded guilty to three felony charges of falsifying $325,000 in bills to the Air Force. In return for $850,000 in fines and damages and the purchase of a $1 million computer system to keep Sperry's labor bills in order, all charges were dropped. Federal District Court Judge Miles Lord denounced the settlement as "unconscionable." "They're charging welfare chiselers and they're going to jail for $40 chisels or $200. Here goes several hundred thousand dollars, and no individual is responsible for it. It disappears into the deep, dark recesses of corporate power."

Even if the unit had obtained a conviction, the Air Force would not have banned Sperry. Ira Kemp, who heads the Air Force debarment and suspension board, said that early in the settlement negotiations the service made it clear to DEPFU that it had no interest in cutting off Sperry's $1.4 billion in Pentagon business. "It serves no useful purpose to debar Sperry, if they can be determined a responsible contractor," he said.

Howard Cox and Richard Kaake, counsel for the D.L.A., point to the settlement reached with National Semiconductor in August 1984 as a model of how the Pentagon can deter fraud without debarring major contractors. The company, indicted for falsifying test data for microchips, held out against a settlement. "They tried to get cute with us," says Cox. When the agency made good on a threat to suspend the company, an agreement was signed. The firm agreed to pay the costs of identifying the faulty computer chips. Several employees were shifted to nondefense work, and the company formed an independent office to monitor quality on defense products.

Defending the agreement, Kaake claimed that a National Semiconductor vice president had been fired. That action would deter executives at other companies, he argued. If the D.L.A. had debarred the firm after all the concessions it made, Kaake maintained, "we would be cutting off our

nose to spite our face. The vice president for quality assurance lost his job. Every vice president for quality assurance knows that he's responsible for the product. Who's going to hire him now?" No one has to. National Semiconductor says the vice president is still on the job.

Before 1983, small contractors guilty of criminal conduct routinely escaped sanctions because the Pentagon simply didn't care if it dealt with dishonest firms. Small contractors now can evade suspension if they are the only source for an item. Ira Kemp says he recently decided not to ban Alpha Industries after a company manager was indicted for attempted bribery, opting instead for a settlement in which the company fired the manager and paid a fine.

The company is the sole source of high-tech electrical equipment used in B-1 bombers and F-16 fighters. That fact had "absolutely not" affected his decision, Kemp insists. But last year the Air Force banned a company that was not a sole-source supplier, for essentially the same offense. Electro-Methods, which competes with Pratt & Whitney for spare-parts contracts, was briefly suspended when its owner, Albert Stanger, was indicted for bribery. The suspension was lifted when Stanger disassociated himself from the firm's management.

Debarring the head of a major defense firm might be the best deterrent against fraud at the Pentagon's disposal, given its dependence on large contractors. Debarring the head of General Dynamics instead of the corporation might have deterred fraud by other large suppliers. And while Lewis, who is 67, could have concluded that crime paid rather well in his case, his successor, knowing he would be hit with such a stern penalty, might avoid sharp practices. Unfortunately, the Navy squandered the chance when it decided to hold up General Dynamics' contracts temporarily. The next day, Lewis announced he would retire by the end of the year. The timing suggested that the Navy had forced Lewis out. In fact, General Dynamics had informed the Navy of Lewis' impending retirement several days before Lehman imposed sanctions on the company. Moreover, Lewis told The St. Louis Post-Dispatch last year that he had intended to retire—before the allegations against General Dynamics began making headlines.

As long as the Defense Department awards a majority of contracts to a few sources without competition, the Pentagon will invariably choose deterring the Russians over deterring fraud.

The choice needn't be so stark. If more than one contractor were to produce each of the major weapons systems, banning the supplier wouldn't mean banning the system. Dual-source contracts increase competition and often bring prices down. If used widely, they would also insure that no firm is so essential to the Defense Department that it effectively has a license to steal.

The Pentagon isn't likely to change the present system any time soon, however. In 1981, Congress requested that the Defense Department award contracts to more than one company whenever possible. So little was achieved by that request that the Senate voted last month to require the Pentagon to use at least two sources for all contracts unless the additional source would increase costs. Ironically, one of the few major dual-source contracts engineered by the Pentagon was to General Electric. The Defense Department funded the company's research and development for an engine to compete against Pratt & Whitney's F-100, and then split the engine contract between the two companies.

Clearly, the Pentagon should choose to adopt the Northrop Corporation's F-20 fighter jet if it wants to get serious about competitive production, not just competitive bidding. Northrop offers the F-20 for $4 million less per airplane than the rival F-16 fighter, built by the notorious General Dynamics. The Air Force is reportedly considering making Northrop a second source on fighter contracts.

Unfortunately, the Pentagon's penchant for sophisticated weapons will make many dual-source contracts more expensive than single-source ones. Having one company build 100 B-1 bombers is often cheaper than having two companies build fifty each. Thus, unless the Pentagon changes its strategic thinking to favor a large force of relatively simple and more reliable weapons produced in large quantities that bring down unit costs, it will frequently be cheaper to do business with one crooked contractor than with two or three relatively honest ones.

Once the Pentagon diversifies its contracting ranks (you probably won't live to see the day), it could implement a policy of Mutually Assured Debarment (MAD). Debarment rules could be rewritten to describe specific offenses that would result in suspension or debarment of the offending corporate division. The work, and the workers of a fraudulent firm, could be transferred to another supplier. Contractors would understand that they would be brought low at the bottom line for certain transgressions. And the Pentagon would know it had no choice but to retaliate swiftly and decisively against first strikes at the public treasury.●

CONGRESSMAN WILLIAM H. NATCHER'S TALENTED LITERARY FAMILY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. CONTE. Mr. Speaker, the Extension of Remarks I submitted yesterday regarding the book written by Louise Murphy, the daughter of our distinguished colleague, WILLIAM H. NATCHER, inadvertently did not include the book review I had intended to be reprinted. I would ask that the entire Extension of Remarks, including the book review, be resubmitted for the RECORD.

Mr. Speaker, I would like to bring to the attention of the Members of this House, all of whom hold the gentleman from Kentucky WILLIAM H. NATCHER, in high esteem, as do I, a recent accomplishment of his daughter, Louise Murphy. She is the author of a novel, published recently, that has received a great deal of attention. The title of the book is "The Sea Within," published by G.P. Putnam's Sons, of New York City. It is described in the book review that I am submitting to be reprinted as "Kentucky Gothic," a book that "grabs you on page 1 and keeps grabbing you with its unexpected turns and twists in style, story and tone."

Not only is this book notable on its own ground, as the review makes clear, but it is also notable because it demonstrates a second generation of literary talent. Our colleague, the gentleman from Kentucky, has kept a detailed diary ever since he came to the House of Representatives, some 32 years ago. When he allows it to be published, I predict it will become a landmark, serving as a source and insight into the decades it spans for the generations to come, much like such famous works as the Samual Pepys Diaries.

I know the gentleman from Kentucky is proud of his daughter, and we are proud of him and his entire family. In the health area that BILL and I spend a lot of time on, we hear a lot about heritability.

It's clear that BILL has passed his literary talent on to his daughter, and he can justifiably feel proud about it.

I urge my colleagues, and all who read these remarks, to read the review that I am submitting to be reprinted, and then to go out and buy the book. I hope the chairman will autograph my copy.

THE SEA WITHIN

(By Wade Hall)

"The Sea Within" grabs you on page one and keeps grabbing you with its unexpected turns and twists in style, story and tone.

Louise Murphy's Camille Carpenter is a serious iconoclast who looks on the world and her life in it with skepticism, irony and a large pinch of zaniness—and without an ounce of self-pity.

Ludicrous, grotesque, hilarious, absurd, off-beat, bizarre, cinematic, surreal . . . Kentucky Gothic. It's hard to find the right words to describe the original work displayed in this major first novel.

The track record of Camille, 39, is a string of also-rans—her Kentucky girlhood, her 16-year marriage, her job at a nursery school, her desire to get pregnant, her friendships, her aspirations to be a dog, a whale and an ocean swimmer. "All of it," she confesses, "was failure left behind me like piles of dung in the road."

Camille is, in fact, a sick, suicidal woman when she flees San Francisco and her unfaithful, uncaring, money-obsessed husband who wants "two nights of fun every week and the Wall Street Journal the other five." The healing that Camille needs requires memory, discovery, understanding, reconciliation and, finally, acceptance.

This is the route she travels when she returns home to Toms Creek, Ky., sets up a squatter's tent on the cemetery plot her grandfather left her and begins her arduous climb to a healthy life. It is a trek that leads to an exploration of herself, her family and her sex—with historical interludes that broaden the novel's scope and intensify its themes with climactic episodes taken mostly from Kentucky and regional history.

(Ms. Murphy, a native of Bowling Green, is a daughter of U.S. Rep. William Natcher of Kentucky's Second District.)

Like Dante's journey to light, Camille's way leads down before it can start up. And like Melville's Ishmael, she begins her regeneration with a temporary death: "Not

suicide, just a stepping out of life and becoming an observer." During a summer in her cemetery home near the Barren River, however, she ceases to be "a foreigner in my own hometown."

Her observing soon leads to involvement, with the living and the dead, with the present and the past: her drunken, raging father who froze to death in the henhouse doorway; her great aunt Nell, who believes an old act of secret incest has cursed the family and even made Camille barren; her teen-age cousin Dinah, who has been gang-raped by six boys who tied her to a car lift, and Pearl, for six years her black surrogate mother "who poured her training into me as if I were a pitcher and she the water of life."

Camille takes a lover—rather, a sex partner—Tom Church, an entrepreneur and builder, a man of quick profits and quick sex, a man who rapes people and land. But what can one expect from a man whose mother's rise to prominence in Toms Creek as a beauty shop operator was financed by money made in Louisville as a weekend prostitute?

Tom Church is simply one more example of perverted human relationships that cause people to rape each other and then go out and rape the earth that sustains them.

Camille, however, paints us no shining heroes or dark villains—not her husband, nor her lover, not her father, not even the personages of history. Perhaps "The Sea Within" is a feminist novel, though it is not strident or sexist.

Although Camille associates life with the female and death with the male, she admits that women are often the silent (or willing) partners (or victims) in destruction and that both men and women contain creative and destructive impulses. Her odyssey of rebirth is filled not only with trauma but with sudden bright epiphanies that lead to acceptance of her sad failure of a father and his love for her.

The final, life-giving revelation occurs underground, where "I fell in love with my own mother in the dark of a cave 37 years after she had died and left me to live in the world without her."

Indeed, the book is about orphans—the state into which everyone is born. As Camille learns, maturity and health demand the development of loving relationships, with people and everything else. Some people learn to be born again into "families" that love and nurture each other.

There is the possibility that a true family will be formed, consisting of Camille, now pregnant (though she doesn't know whether her lover or her husband), her elderly barren Aunt Nell and Cousin Dinah, who has drowned her baby in the nearby river—the ambiguous river of life and baptism and now death, the river "eternal and terrifying."

The ambiguity and terror and beauty of nature and human nature are further explored in Ms. Murphy's lyrically composed interchapters. From the doomed love of Rachel and Andrew Jackson to the violent fury of Kentucky's Orphan Brigade and the Battle of Perryville during the Civil War, from the Old Testament story of Jacob and Leah to the gruesome narrative of Jenny Wiley's Indian captivity, from the Cherokee Trail of Tears to the Serpent Mound in Ohio—these prose poems provide the historical counterpoint for the experiences of Camille's life.

Such seemingly unrelated chunks of history have been ingested, digested and synthesized to bear directly on her rebirth.

Finally, a woman caught in the general sadness of human life and the particular sadness of her own life realizes that she who was an orphan is an orphan no more. And the sea, which almost drowned her in the beginning, is now a sea within her womb, a sea which contains and sustains new life.

This is a wise book that deserves careful, deliberate reading and reflection.

(Wade Hall is a professor of English at Bellarmine College in Louisville.)●

TRIBUTE TO MSGR. J. PATRICK CARROLL-ABBING

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. TORRICELLI. Mr. Speaker, I would like to bring to the attention of my colleagues a very special man and his humanitarian accomplishments. For 40 years, Msgr. J. Patrick Carroll-Abbing has helped homeless children in Italy. Not only has he provided a home for them, but he has shown them a way of life. Through the creation of youth communities called Boys' Town, Carroll has spread his good will throughout Italy.

Monsignor Carroll has been providing service to the homeless since World War II. With the blessing of Pope Pius III, his work began in 1944 through aid to refugees and orphans of the war. The young victims rapidly consolidated around Carroll, forming a close knit family resembling a father and his sons. By August 1945, the group had expanded to approximately 200 boys. The Pope encouraged Carroll to establish an organized community for the children. He responded by creating the first Boys' Town at Civitavecchia, Italy.

Carroll continued his valuable service after the war by supporting ever greater numbers of children. Today, six more Boys' Towns have been added. The Boys' Town network now provides aid for 2,000 boys in seven locations.

Although the children have received much from the direct efforts of Carroll, most of what they acquire from the program is derived from the system he set up. Carroll devised Boys' Town to be a scaled down replica of the outside world. The children of Boys' Town pride themselves in the fact that they run their whole village. Through a system of self-government, consisting of a mayor, a governing assembly, and a court of justice, rules are made and upheld. The rules applied to society in Boys' Town are much akin to adult lifestyle. The children earn money—Boys' Town currency—by working in stores. This money is stored in Boys' Town banks, earn interest and is used to pay rent and buy books.

It is evident that through Boys' Town, Monsignor Carroll has helped prepare his boys for later life. He has tried to impress upon them a work ethic of honest competition. Carroll does not believe in the ill-fated myth that kids today are no good. He is convinced that through love, commitment, and a challenge, they will respond well. Children have been taken into Boys' Town with problems as serious as drug addiction. Soon after arriving, the problem disappears. Carroll explains this by saying that kids take drugs because life has no value to them. At Boys' Town, they find meaning to their life.

On Thursday, June 27, 1985, the New Jersey Friends of Boys' Towns of Italy are sponsoring a fund raiser to raise money for Monsignor Carroll's efforts to help the homeless boys in Italy. The compassionate understanding of the problems of Italian children is something to be commended and emulated. Through the leadership of Monsignor Carroll and the support of his New Jersey friends, I am convinced that underprivileged children in Italy have a place to turn now and in the future.●

TWENTY-FIVE YEARS FOR THE GENIUS AT MENSA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. SOLARZ. Mr. Speaker, this year marks the 25th anniversary of American MENSA, Ltd., a nonprofit organization dedicated to the promotion and enhancement of the gift of intelligence on behalf of the public good and the enrichment of MENSA whose members are people in or above the 98th percentile on standardized intelligence tests.

With its headquarters located in my district in Brooklyn, MENSA's contribution to society is threefold: First, to conduct research in psychology and social science; second, to identify, foster, and promote human intelligence; and third, to enhance social contact among its members. Furthermore, MENSA coordinates a foundation to undertake education and research projects while administering scholarships to gifted students.

MENSA's national membership has blossomed to 50,000 and the organization has expanded considerably its educational, research, and intellectual endeavors. We must applaud the efforts MENSA has made and the growth it has experienced.

An extremely diverse group of people, MENSA members are corporate executives, firemen, housewives, professors, high school students, and others. The one stipulation for membership is that the person must score within the highest 2 percent on stand-

ardized IQ examinations. Age, sex, race, wealth, and religion are irrelevant facto criteria in the membership process.

Founded in 1945 by two English barristers, MENSA emerged in America in 1961, and as Sander Rubin, former chairman of American MENSA explained, "MENSA has no overall political, religious, or social dogma."

While we pause to acknowledge the great strides MENSA has taken, it is important to look to the future as well. I encourage my colleagues to increase public awareness of this extremely worthwhile organization.●

TRIBUTE TO THE HEROISM OF GEORGE ROBERTS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. FLORIO. Mr. Speaker, I would like to take the time today to honor and thank a dedicated public servant from a south Jersey community whose quick thinking and knowledge of first-aid procedures saved the life of a 13-month-old baby. George Roberts, a police dispatcher for the borough of Pitman in Gloucester County, demonstrated the ability to think and act quickly and calmly in a crisis situation. These are qualities that are essential in law enforcement and public safety, and George Roberts' actions are a positive reflection of Pitman's well-trained police department.

George Roberts is the epitome of a public servant and is a valuable asset to the Pitman Police Department and the borough of Pitman. I am inserting in the RECORD an article from the Courier-Post of Cherry Hill, NJ, detailing George Roberts' lifesaving actions.

[From the Courier-Post, Cherry Hill, NJ, May 30, 1985]

PHONE BECOMES LIFELINE AS OFFICER SAVES CHOKING BABY

(By Jeffrey Bramnick)

PITMAN.—When police dispatcher George Roberts got the call, he knew he had to calm the nervous mother and keep her on the line.

Dottie Prutzman's toddler was choking and turning blue, and the mother was very nervous, Roberts said.

It was just before 7 p.m. last Friday when Mrs. Prutzman's 13-month-old son, Eric, began choking on some pizza crust he had just been fed, Mrs. Prutzman said last night.

"We turned him upside down and hit him on the back for a good minute, but it didn't help."

"Nothing was working. He was turning blue and I started getting panicky so I called the police."

Roberts calmed her, dispatched safety officer Sgt. Charles Walker to the family's home on Pitman Avenue and then gave Mrs. Prutzman instructions over the telephone on an anti-choking technique.

Mrs. Prutzman relayed the instructions to her husband Richard, who held the child.

"He was trying to cry, but he couldn't because he couldn't breathe," she said.

"He was just silent."

Roberts told Mrs. Prutzman to turn the baby onto his back and strike him with three fingers in between the nipples on his chest.

That did it.

Eric coughed up the food just as Walker, who is a CPR (Cardio Pulmonary Resuscitation) instructor, walked in the door. It was Walker who had taught Roberts CPR and anti-chocking maneuvers.

"They were here in a minute. I can't believe how fast they got here," Mrs. Prutzman said.

She said Walker looked at the baby and spent about 20 minutes teaching the couple a number of maneuvers to stop choking.

"They really helped us a lot. We bought each of them roses that night," Mrs. Prutzman said.

She and her husband also asked that the officers receive letters of commendation from the borough.

Roberts, who is due to renew his CPR certification in a month, said he was glad the training paid off.

"I always like helping a little kid. I've got three of my own."

Eric is the Prutzman' only child.

"He's the only one we'll ever have," Mrs. Prutzman said. "The help we got was just excellent."●

PEACE IN THE MIDDLE EAST

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. MURPHY. Mr. Speaker, I am very pleased to be able to stand before my colleagues today to draw our Nation's attention to the very worthwhile cause of peace in the Middle East. Today, at 6 p.m., an interdenominational prayer service for peace in the Middle East will be held at the Shrine of the Immaculate Conception by Christians, Jews, and Moslems. They hope to speak in one common and united voice to petition God to help man to work for the noble goal of peace. The Middle East is a patchwork quilt of different cultures and different religions, and tonight's prayer service reflects that diversity.

This service promises to be an uplifting and ennobling experience. The time of killing and hatred has gone on too long. The time for talking and working out differences has been too long in coming. Perhaps this service will be an example to the diverse interests in the Middle East, to show them that they too can work together, and that they too can talk. Perhaps it will remind them that no matter what word they use for God, and no matter how they pay Him homage, it is important that they never underestimate the need for His guidance.

I feel that this is an important first step in the peace process. Before people can sit down and talk together, they must gain respect for one another and develop a basis for trust. Praying together is an admirable beginning. I hope that those who cannot attend the service will take time to reflect at 6 p.m. today on the problems in the Middle East and offer a private prayer for the success of this attempt to develop mutual trust and respect.●

PATENT LAW IN SPACE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill to clarify the application of the U.S. patent law to activities aboard American vehicles in outer space. The bill is derived from section 7 of H.R. 1714, section 107, the National Aeronautics and Space Administration [NASA] Authorization Act of 1985. NASA has suggested that greater certainty in the application of patent law to activities in outer space would enhance the commercialization of space. NASA argues that absent clear statutory treatment of this issue investors in the space shuttle and future space stations or platforms will be discouraged from pursuing commercial utilization of space.

The original NASA request of inclusion of an amendment in its authorization bill was deleted by the Committee on Science and Technology—in part—due to uncertainty about the effective date provision. In cooperation with our sister committee, the Committee on the Judiciary will further develop this important legislative suggestion.

This bill simply states that activities which occur in outer space aboard a U.S. vehicle shall be treated as if they occurred within the United States for purposes of the U.S. patent law. Without the guidance of clear judicial precedent on this question, it is difficult to say with certainty what the current law is on this subject. The informed opinion of various academic and industrial patent law experts is that the bill merely restates current law. For this reason the changes made by the proposal apply to current patents. Nothing in the bill is intended to affect any pending cases.

In conclusion, this bill is a modest attempt to improve American intellectual property law. It is my hope that interested parties will carefully examine this measure and submit their comments to the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the Committee on the Judiciary, 2137 B Rayburn House Office Building, Washington, DC 20515. (Telephone (202) 225-3926).●

GETTING A PERCENTAGE OF HOLLYWOOD'S ACTION—JIM WIATT, WHO PUTS REEL DEALS TOGETHER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. LEVINE of California. Mr. Speaker, last week the Washington Post ran an article about a long-time friend of mine, Jim Wiatt.

Jimmy is one of the most successful and respected agents in Hollywood. He was also known as one of the finest political operatives in the State when he worked for former Senator John Tunney.

I commend the Post's article to my colleagues attention and ask unanimous consent to include it in the RECORD.

[From the Washington Post, May 26, 1985]

GETTING A PERCENTAGE OF HOLLYWOOD'S ACTION—JIM WIATT, WHO PUTS REEL DEALS TOGETHER

(By Paul Attanasio)

LOS ANGELES.—"Stars come and go," says the Wise Old Man of Hollywood. "Only agents last forever."

You will never see them on the marquee, or even in a movie's credits. Yet in Hollywood, the art form is The Deal, and the artists are the agents who, through an endless round of breakfasts at the Polo Lounge and dinners at Morton's, wheedle, cajole, tease, trick, persuade and bullyrag the studios into making movies for their clients.

Which, on each fine Los Angeles day, is what Jim Wiatt does for a living.

"So how's biz, bowaaah?" Wiatt says into the telephone. On the other end is a producer looking for a screen writer. "You want to get somebody before the strike, don't you? What are you really looking for? Uh huh. And you need somebody who can go fast. Well, let me see if I can think of somebody good for you."

Ma Bell's styrene crescent is Jim Wiatt's horn of plenty. Last summer, it rang for him and his colleagues at International Creative Management (ICM), Hildy Gottlieb and president Jeff Berg. It was Paramount calling to say yes, they would like to sweeten client Eddie Murphy's exclusive deal, and yes, the agency's commission would be an estimated $1.5 million.

Dark, blunt of feature and sharp of dress, the 38-year-old Wiatt might be cast as one of those suave villains in a James Bond movie, until he opens his mouth and lets loose in the high, cheery voice of a third baseman whose upbeat yakkity keeps the pitcher's blood pumping. An L.A. native with a stable of Texas clients, he addresses everyone as "bowaaah" ("boy" in Texanese), and his office at ICM features a large Joe Baker painting of cowboy and squaw taking a hot tub—Texans gone L.A. for an Angeleno who is Lone Star-struck.

Talking on the phone, he looks like a pile of laundry; feet up, head tucked into phone, arms tucked into sides, he's as low slung as a parked Ferrari on Rodeo Drive, as if all his energy is being saved for . . . The Deal, the click, the magical Yes that means money and power and membership in the small club of people who get movies made.

WEDNESDAY

"He's in a meeting and on the phone," says Wiatt's secretary, and the calls-on-hold make the console next to his tray of Tareytons flicker like a game-show scoreboard. He is talking to a producer; Wiatt represents a director. So Wiatt rattles on about the director's enthusiasm for the script, his responsibility to stay under budget, all of which may or may not be true.

If the deal goes through, ICM will make 10 percent of what Wiatt's client makes (the maximum mandated by California statute has become the norm). And at current rates, that could be more than $100,000. ICM's revenues, in 1984, totaled almost $40 million. "We all do pretty well," Wiatt says. "It's kind of out of whack with what normal people do for a living."

What does Wiatt do that allows him to drive a Porsche and live in Malibu, and make maybe a quarter-million dollars a year? Is this phone call worth $100,000?

Agents traffic in information. Which director is looking for a good screwball comedy? Which studio executive is dying to work with that director? Which producer has an idea for a movie, and what kind of writer is he looking for?

"Jimmy is exceedingly good at staying on top of the ball," says producer Don Simpson. "He knows who's where and why, and what it is they want. His advantage as an agent lies in the area of being able to go to lunch, go to breakfast, go to dinner, enjoy himself, make other people feel good, make them talk."

"Jim's very good at 'fishing,'" says one production executive. "He'll call me up and say, 'Why did you give that project to so-and-so?' and I'll hem and haw and he'll say, 'Oh, so you did give it to him![1]' He's caught me a couple of times like that."

There are agents who represent a single client; and there are agents who work alone (like Irving [Swifty] Lazar), or with a few others. Although about 800 agents are registered to do business in California, most are on the scale of Woody Allen's Broadway Danny Rose. Hollywood is dominated by three large agencies—Creative Artists Agency (CAA), the William Morris Agency and Wiatt's ICM. Internally, they are divided by industry: motion pictures, television, music (Wiatt heads ICM's motion picture department). Within the motion picture department, agents tend to specialize either in performing or nonperforming talent. Wiatt's specialty is the latter, although he represents such actors as Gary Busey, Kris Kristofferson and Robert Duvall.

The power of agents comes from their client lists; Wiatt's includes directors Hal Ashby ("Shampoo") and Adrian Lyne ("Flashdance") and writers Dan Jenkins, Bud Shrake (two of his Texas menagerie, who are writing the sequel to "Beverly Hills Cop") and Bo Goldman ("Shoot the Moon"). Wiatt can reach people because of whom he represents, and almost as important, because he's their buddy. "It's a very small business, and the people running the studios usually are friends of the key agents," says super-agent Stan Kamen of William Morris.

"A lot of shorthand goes on," says one mogul. Because he knows Wiatt well, he says, "I understand when he's just selling me something because he has to be selling. He's got a list of five or six anteater directors that he represents, and he calls me up and says, 'How about so and so?' and I say, 'Well, you made your phone call. He can direct traffic in front of the gate if he wants.' And he laughs."

The relationship with clients is even closer, sometimes falling under the category of "handholding." "I've got very close personal relationships with a lot of my clients, and they've become friends. A lot of my social life and personal life is dictated by those relationships," Wiatt says.

"There is an old Texas saying," says writer and client Bill Witliff. "'He'll do to ride the river with.' And I would say that about Jim. When things are rough, Jim is there. And that crosses a lot of boundaries—I'm not just talkin' business there at all. That's pretty strong in Texas terms."

THURSDAY

Wiatt and some of his ICM charges are meeting with a director—call him Ned Bilbo—who, after one box-office flop, is still trying to break into the movie business.

"I need something to get my teeth into," Bilbo says.

The young agents start to pitch script synopses at Bilbo. "It's like a 'Dr. Strangelove' rock'n'roll martial arts 'Death Wish,' but with a character—they were thinking of Huey Lewis starring in it, or somebody like Chuck Norris."

"It's a rock'n'roll 'Rambo,'" says Jeremy Zimmer, a curly-haired wisenheimer whom Wiatt calls "Harpo."

"Jeremy, you're gonna make it big," Bilbo says.

"What you're going to have to do, I think, realistically," Bill Block, another young ICM agent, says to Bilbo, "is just hook into one of these pictures and make something good out of it. You're gonna have to take base lead and make it into gold, in a way."

Everyone laughs.

Bilbo asks about another project he had been interested in, and is told that another ICM client has taken it. He snorts in disgust.

"Hey Bill, we're just agents, man," Harpo says.

"The agent's motto," Bilbo says. "'Sell them, don't smell them.'"

"'Smell them, delicately,'" corrects Harpo, "'and then package them intelligently.'"

The meeting proceeds as a sort of good cop-bad cop routine as performed by the Three Stooges. Anarchy pervades the office, as Wiatt takes phone calls and gossip and ribald giggling zing around Bilbo, who begins to look as distraught as a dog that fell off a boat. "Guys—seriously! I drove all the way over here! This is about my career, this meeting, you understand, that I came here to get a movie going!"

At which point Wiatt gets off the phone, leans forward earnestly, and, good cop that he is, begins to talk in a tone that is very serious. Bilbo has to have videocassettes made of his film so the studio executives who missed it can see it at home, and he has to find a script he wants to make. "The way to really get in a meeting," he says, "is to read something that you think you'd like to do, and then get you in a meeting with the producer and/or the studio executives. Jeremy's job is at stake over this."

Suddenly, Bilbo is awash with calm. He gets up, shakes hands. "I'm glad I came in, guys. I really feel secure again and comfortable. And you can quote me."

The popular image of the agent—a fast talker with a cigar and a loud sports jacket, a huckster cheated from a life of petty crime—is a stereotype from the past. Modern agents are chilly, "professional" to an almost absurd degree, Wiatt affects this kind of cool, but he never quite hacks it; the

boy-next-door is always bubbling through, and that failure seems to be the secret of his success. "I think of the movie business as high school," says a Wiatt client, director Randall Kleiser. "And Jim would be president of the student body." Wiatt has a kind of Jimmy Stewart quality—when California magazine named him one of "the 25 hottest young comers in Hollywood," it blurbed, "Mr. Wiatt Comes to Hollywood," as if his life were a Frank Capra movie. It's the old Hollywood trick of casting against type.

Form follows function; agents; style has changed because their role in the business has changed. The ascendancy of the agencies dates to the disintegration of the studio system in the '50s. For a Daryl Zanuck, making a movie was as simple as looking at a chart he kept under the big glass top of his desk, which told him when each of his employes was available. The agent's role was simply to get the best possible deal for his client.

Today, the negotiation of the particulars of a deal is a relatively trivial part of the agent's chores. "The studios all talk to each other, and agents all talk to each other, and we all pretty much know what everybody else is getting in town," says Wiatt. "If you're gonna make a writer a deal at a studio and you know the guy's experience is X, you pretty much can calculate what will cause certain deals to happen.

What agents have done is to step into the void left by the studio system. "Sometimes it starts with a book," says Kamen of William Morris. "You've got a book, written by a client, and you think it's a motion picture, so you take it to a director client or a star client, and you put the whole thing together and take it to a studio and say, 'Do you want it? We're in the packaging business, doing what the studios used to do." Which is what ICM did, for example, with "48 Hrs." The writer, director and star were all ICM clients, and when Gregory Hines was suggested for the role of Nolte's sidekick, ICM agent Hildy Gottleib reportedly said,"Hey, what about this kid Eddie Murphy we have?"

The leverage of the agencies is especially acute right now, with the shake-ups at most of the studios creating massive insecurity at the same time that everyone is increasing their output. "I've never seen the market as difficult as it is now," says one studio head. "It's crazy, man, crazier than it's ever been. So that when anything even marginally decent comes on the table, everybody dives for it, like throwing a piece of red meat into a shark pool. The agents are having a great time with it."

At the same time, the balance of power among the three big agencies has decidedly shifted. CAA, the youngest (it was founded in 1975), is clearly the leader now, with clients like Robert Redford, Dustin Hoffman, Sylvester Stallone and Bill Murray; the Morris office is a distant third; ICM is holding its own. "CAA has taken their business from someplace—they've certainly hurt us over the years," says Wiatt. "But the fact of the matter is that there's plenty of business to go around."

Competition among the three is hot. "It's great if you can go out and get a director or an actor and convince them that you can do a better job than their current representation," says Wiatt. "Whether you call it stealing—I guess you could. Nobody likes to lose a client, but it happens."

Because agents are, in some sense, doing the same thing as studio executives, and because they have "relationships" with the talent, several agents have gone over to the other side. Today, three ex-agents run major studios (Guy McElwaine at Columbia, Mike Medavoy at Orion, and Alan Ladd, Jr. at MGM-UA). And Wiatt, according to some, was considered for the Tri-Star production prexy job that ultimately went to Jeff Sagansky. (Wiatt says he was never interested.)

Being an agent, though, has little to do with making good movies. "It's a very difficult transition to make," says one studio big shot. "A good salesman does not make a good buyer." Agents think in terms of who's hot and who's not; for them, making successful movies is as simple as finding a director on the A list, an actor on the A list, and putting them together. Why someone's on the A list doesn't figure in the equation.

Then again, almost everyone in Hollywood thinks of movies this way. "Agents don't have a monopoly on bad decisions," says one celluloid czar. In the end, agents are as ready for the job as anyone else. "There simply is no training ground for a studio head," says Medavoy.

Jim Wiatt grew up comfortable in the San Fernando Valley, then went to Beverly Hills High School, where he was, in classmate and author Daniel Yergin's words, "a very popular guy, not in the sense of being a campus folk hero, but that people from lots of different tribes were friends of his."

His first love was politics. After USC, he worked for Robert Kennedy's presidential campaign; when Kennedy was assassinated, he cofounded an organization called the Kennedy Action Corps, lobbying for stronger gun control laws. Through these efforts, Wiatt became friendly with John Tunney; when Tunney decided to run for the U.S. Senate, Wiatt joined the campaign. Tunney won, and Wiatt became an administrative aide in his Los Angeles office.

A political background is not unusual in Hollywood—Jeff Katzenberg, chairman of Disney, and Craig Baumgarten, who heads Lorimar, both worked for New York Mayor John Lindsay, and Walter Mondale's chief speech writer, Martin Kaplan, was recently hired as a production executive at Disney as well. "A lot of the entertainment business is a people business, and that's the way politics is," says Tunney.

When Tunney lost his reelection bid in 1976, Wiatt decided to leave politics. "It's impossible to make a decent living working in that arena," he says. One of his first clients was a politician who Wiatt thought would be a good commentator for the local ABC affiliate: John Tunney.

FRIDAY

Wiatt and his agents' den are meeting with a producer—call him Alex Bialystock. The idea is to catch up with what Bialystock is doing, in the hope of matching up ICM writers directors and actors with his projects.

Bialystock talks about the things he's working on. One is "an 'African Queen' kind of story"; another is "one rewrite away from being an enormously packageable thing."

"You have a first-look deal, right?" Wiatt asks. (A "first-look deal" gives the studio the right of first refusal on any of the subject's projects—it's a modified form of the old studio system.)

"I have a first-look deal, but it's up in April, and I'm going to be, you know, making some changes. They're great people and they're nice and everything, but my experience in making pictures at Universal has been so good, in the context of just someone saying yes or someone saying no. Where I am now, you're constantly in this gray area."

Everyone jumps back in, pitching directors and writers. Wiatt steers the conversation back to Universal's Frank Price.

"Frank really is the most impressive guy I've worked with," says Bialystock. "He loved the first draft of the movie I'm doing now and then we rewrote it and he didn't like it. And he took eight hours out of his day, just closed down and went over the script line by line, scene by scene. And he actually made some real good contributions."

Bialystock gets up, says goodbye. And if Wiatt has learned nothing else at the meeting, he has registered one thing: Bialystock loves Universal's Frank Price. So he hollers at his secretary to send a copy of one of his clients' scripts to Bialystock. "Because Frank loves him," he says.

Will Wiatt actually make a movie with Bialystock? Will most of these phone calls and meetings come to anything? Probably not. "Maybe once a week you make a deal," says ICM's Gottleib. "And the rest is people telling you, 'No, she's too old,' or 'No, she wasn't good enough,' or 'We don't want to make a movie with him.' Ninety-nine percent of the time it's bad news."

It is that remaining 1 percent that Jim Wiatt lives for, those times when the funereal toll of the telephone becomes the tintinnabulation of heaven. *"Paramount calling for Eddie Murphy,"* and the lap of the Malibu tides that night sounded like applause, and the hissing of the surf was champagne in the ear.

The phone rings. "D'ja like her?" Wiatt asks. "She like you? Good, Tryinna make some deals. What are you workin' on? He is *ready,* He is *ready for you, bowaaah!"*●

THE COUNTRY EDITOR

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. STUDDS. Mr. Speaker, on Thursday, June 6, Henry Beetle Hough, editor of the Vineyard Gazette on Martha's Vineyard for the last 65 years, died at the age of 88.

No man is an island—but Henry Beetle Hough came as close as any man could. He was engaged in a lifelong love affair with Martha's Vineyard, and that affection was returned in full measure by residents of the island. His passing will in no way diminish the profound and enriching effect that his life and his writings had on the Vineyard and its people.

Every time I saw him in recent years, I asked him if it was true that, as he so often said, "Tuesday will be different"—and every time he informed me that indeed it would. I was always relieved that he was always right.

James Reston, his close friend and fellow journalist, brilliantly captured the legacy of this remarkable man in the following essay which appeared in the New York Times on Sunday, June 9, 1985.

[From the New York Times, June 9, 1985]

HENRY BEETLE HOUGH

(By James Reston)

MARTHA'S VINEYARD, MASS.—One of the most interesting things about journalism in America is that so many of its memorable characters have been country editors. From Tom Paine to Mark Twain, William Allen White of Kansas and Elmer Davis of Indiana, and the Baltimore crowd from Henry Mencken to Russell Baker, it was, in a funny way, the hicks from the sticks who took over the big-city crowd.

The news heroes of recent years haven't been dominated by the city slickers or the Ivy League types, but by the country bumpkins—Cronkite out of the Midwest and Texas, Sevareid out of Minnesota, Tom Brokaw out of Dakota, and among others, David Brinkley, Roger Mudd and Tom Wicker out of North Carolina.

I mention this merely to pay respect to Henry Beetle Hough, who died the other day on Martha's Vineyard at the age of 88, after 65 years as editor of The Vineyard Gazette. He is, in my mind, a symbol of the country journalism that has been and still is the school where most of these prominent modern reporters got their training.

Mr. Hough was an old-fashioned man who believed that sticking to the news of the island was more important than worrying about the confusions of the mainland. He reported on the central questions of life—birth, marriage and death, but really wasn't interested in reporting divorce.

After a few years in this business, I've never known anyone who had more grace or respect in dealing with the English language.

His main concern was the preservation of the unity, privacy and beauty of this island. In 65 years, he seldom left it except once in a while to meet his responsibilities as head of the Thoreau Foundation in Boston, and go there to check in at Massachusetts General Hospital when he was in trouble.

One of his young colleagues on The Gazette asked him one day if he didn't long occasionally to see the world beyond the waters off the Vineyard.

"Not often" he said, "but when I feel the urge coming on, I collect a bunch of old National Geographic magazines, climb up to the attic of The Gazette, and stick my feet in a bucket of cold water until the feeling wears off."

Henry Hough worried about death and retirement.

"I suppose," he wrote in his famous book, "Country Editor," "that death is the most characteristic of all the forces in a country town, because there are always so many old people living there, and the passing of an individual is so much more important than it is in the city. Besides, a town has a time to mourn. The obituary notice is a distinctive story-forum for the country weekly because it has to tell not only the stark fact of somebody's life, but it has to tell also a little of what that somebody was like, and what his career seemed to stand for. It has to tell even what a nobody was like, for the poorest citizen is in the eyes of the town a man."

It amused Henry Hough when one of our old newspaper buddies here on the Vineyard, Red Smith, of the old Herald Tribune and The Times, made a speech, saying: "Death is no big deal—almost any of us can manage it. Living is the trick we have to learn."

Henry Hough learned that trick very well. He thought the thing was to concentrate on simple things: on his family, his paper, his community, and nothing else. He made some enemies in the process, for he wanted to limit the growth of the island, while others wanted more poeple and more houses; and at the end he thought he was losing.

But in some ways he was wrong, and too pessimistic. Thirty-five years ago he worried about retirement and death. In 1950 he wrote the following in a lovely book called "Once More the Thunderer":

"How to resign the duties of a country editor—that is what we should like to know . . . apparently there is no way to taper off as there is some worldly occupations. It is all or nothing, until the end, whatever the end of country editorship may be. . . .

"How to sweep the papers from the desk that have been there so long, and leave the heap of exchanges unopened and hear the telephone ringing but let it go unanswered as one steps through the door as an editor for the last time, into a street of mellow twilight—twilight of course because quitting time must be fall, with the white houses of the town early in shadow and the stores already lighted as one walks home through the creeping, aromatic New England dusk."

Well, he wrote that 30 years ago but he went on ever since until just a few days ago, when he wrote his last editorials. Then he did what was very typical of him. He was always a punctual man. And he died at 4 o'clock on Thursday afternoon just before deadline on his Friday paper. He always said that he would get his copy in on time and that's precisely what he did.●

TRIBUTE TO ASINETH MELLIS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. COELHO. Mr. Speaker, I would like to extend my congratulations to Ms. Asineth Mellis, a counselor at the Thomas Downey High School in Modesto, CA, for having been awarded the Excellence in Teaching Award in recognition of well over 30 years of dedicated service to the students of Downey High School.

Ms. Mellis was born and raised in Modesto. She received her bachelor of arts degree, her general secondary credential, and her general pupil personnel services credential from the University of California at Berkeley. She later received her master of arts degree in counseling and guidance from Stanford University. After teaching junior high and high school for several years, Ms. Mellis became a counselor at Downey High in 1953.

During her many years of service to Downey High, Ms. Mellis has distinguished herself as an expert on college financial aid opportunities for high school seniors. She has served as head counselor, dean of pupil personnel services, and assistant principal at Downey, and serves as an honorary admissions counselor at Washington University, the U.S. Naval Academy, and the U.S. Army Academy. She has been awarded numerous honors in recognition of her distinguished service to the students of Downey, including awards from the University of California Alumni Association, the Modesto Kiwanis Club, the Modesto Soroptimist Club, and the Modesto Rotary Club.

Asineth Mellis' dedication to the needs of her students has given the opportunity to attend college to many students who otherwise would not have been able to. I would like to commend Ms. Mellis for her many years of selfless service to the students of Downey High School, and congratulate her upon receiving the Excellence in Teaching Award.●

THE "JUSTICE" DEPARTMENT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. HUBBARD. Mr. Speaker, more and more Americans are becoming aware that the U.S. Justice Department is the most politically conscious, politically active agency in our Federal Government.

And those of us familiar with the Justice Department's Public Integrity Section would select that unit as No. 1 of all the politically conscious, politically active units of the Department.

Political considerations are foremost at the Public Integrity Section.

Gerald E. McDowell, Chief of the Public Integrity Section, says "equitable and practical considerations" are important to his unit of the Justice Department. Mr. McDowell believes inadequate legal advice to one being investigated is a consideration.

Mr. McDowell's May 21, 1985, letter closing the Public Integrity Section's file on Everett G. Rank, Jr., Administrator, Agricultural Stabilization and Conservation Service, must have been cause for congratulations by Republican appointees in the Justice Department and Agriculture Department.

Mr. Rank is Administrator of the Federal agency that oversees farm commodity programs and designed and operated the farm subsidy program—the payment-in-kind [PIK] program. The program gives Government payments to farmers as incentives to cut production and reduce surpluses.

Mr. Rank is part owner of Cinco Farms, Inc., based in Huron, CA, which has collected $1.2 million for enrolling its cotton acreage in PIK. Cinco Farms, Inc., is one of the top 50 recipients nationally of PIK benefits, according to USDA figures.

Mr. Rank has received more than $222,000 from the farm in rent, guarantor's fees and mortgage payments since 1981, as well as a $53,000 loan which he used to buy stock in a citrus juice plant along with other Cinco partners.

Mr. McDowell's carefully worded letter, which does not even mention the profits Mr. Rank received from the PIK program, has prompted the Agriculture Department to schedule ethics classes for all its top officials, including Mr. Rank and other Presidential appointees, beginning this week.

Mr. Rank told the Associated Press last Thursday he was "very pleased at the outcome."

The Justice Department should have required certain E.F. Hutton & Co. employees to attend on-the-job courses in ethics regarding check kiting, but that would be too much to expect of the Justice Department.

Here's that May 21, 1985, letter by Gerald E. McDowell absolving Mr. Rank from any criminal wrongdoing and bringing to a halt any further Justice Department action, to wit:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, May 21, 1985.

Mr. ROBERT F. SMITH,
Assistant Inspector General, Security and Special Operations, Office of Inspector General, U.S. Department of Agriculture, Washington, DC.

DEAR MR. SMITH: Your report of investigation concerning Everett G. Rank, Jr., Administrator, Agricultural Stabilization and Conservation Service, has been examined in the Public Integrity Section and we have decided that prosecutive action is not warranted. However, our decision is not based on a determination that no evidence of an offense under 18 U.S.C. 208(a) exists. It is based instead on several equitable and practical considerations which in our judgment call for a declination. These considerations include the evident lack of any demonstrable awareness of Mr. Rank that his official acts in regard to the 1983 Payment-in-Kind Program (PIK) might violate Section 208(a); the substantial measures Mr. Rank took to comply with federal conflicts of interest statutes and regulations, including full disclosure of his private business interests; the absence of any evidence that the USDA's Designated Ethics Official or any other federal official in a position to do so counseled Mr. Rank against fully participating in particular matters of broad applicability, such as PIK, in which Mr. Rank had a financial interest through his private business interests; the absence of any evidence that Mr. Rank wrongfully disclosed confidential USDA information; the absence of any evidence that Mr. Rank took official action designed to favor his private business interests; and the suggestion that although Mr. Rank was not given an exemption under 18 U.S.C. 208(b), there existed at least a tacit understanding between Mr. Rank and his superiors that his participating as he did in PIK was expected.

Although criminal prosecution is unwarranted, corrective action should be taken to assure that Mr. Rank does not violate 18 U.S.C. 208(a) in the future by making recommendations, providing advice, or otherwise participating personally and substantially in particular matters, such as PIK, in which he, through his private business interests, has a financial interest. In this regard it has long been the opinion of the Department of Justice that disqualification is required even in rule making and advisory committee deliberations of general applicability where the outcome may have a direct and predictable effect on a firm with which a federal official is affiliated even though all other firms similarly situated will be affected in like manner.

We urge that the Office of Inspector General, the Office of the General Counsel and the Office of Government Ethics take appropriate action to assure that Mr. Rank's future conduct fully complies with the provisions of 18 U.S.C. 208(a) and other federal conflicts of interest statutes, and that if his business associates are his partners, they are notified about the prohibitions of 18 U.S.C. 207(g).

Thank you for bringing this matter to our attention. If you would like to discuss it, please call G. Allen Carver, Jr., Director, Conflicts of Interest Crimes Branch, at 724-7137.

Sincerely,
GERALD E. MCDOWELL,
Chief, Public Integrity Section, Criminal Division.●

LES GELB AND STROBE TALBOTT ON ARMS CONTROL POLICYMAKING

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. FASCELL. Mr. Speaker, I want to announce to all my colleagues that Les Gelb and Strobe Talbott will be the guest experts at the Foreign Affairs Committee's next arms control workshop on Wednesday, June 19, at 10:30 in room 2172 Rayburn. The subject of this workshop will be the internal dynamics of U.S. policymaking on nuclear arms control. All members are invited to attend this workshop and hear the informal, off-the-record presentations by these two experts. This is a unique opportunity.

As members know Strobe Talbott and Les Gelb are extremely knowledgeable journalists who have written extensively over a number of years about arms control issues and specifically about the internal dynamics, the bureaucratic politics of arms control decisionmaking. They have both authored major works on arms control: Les Gelb, a comprehensive Carnegie endowment study on arms control and the U.S.-U.S.S.R. military situation; and Strobe Talbott, "Endgame: The Inside Story of SALT II" and "Deadly Gambits." Their background, insights, and analysis should be very helpful in our own policy deliberations concerning arms control issues. Their perspective should also be useful to us in taking a critical look at our own role, the role of Congress, in arms control decisions. As Congress seems to generally seek a more active role in arms control issues it seems to me to be very important that Members of Congress search for responsible ways of asserting leadership on arms control issues while keeping a keen eye on exactly how such expressions of congressional interest affect our country's national security. I suspect that Les Gelb and Strobe Talbott will present views that challenge some of the conventional wisdom about how arms control policy is made and that test our normal assumptions about the role of Congress.

The Committee on Foreign Affairs is sponsoring a series of these arms control workshops in cooperation with the Congressional Research Service as part of a comprehensive review of arms control issues. This June 19 workshop with Les Gelb and Strobe Talbott is part of that series.

Personally, I am very pleased that these two excellent journalists have agreed to join us in this fifth arms control workshop. I am looking forward to their presentations and an engaging exchange of views with them. I want to make sure that all my colleagues know of this workshop and know that they are most welcome to attend and participate.

A TRIP TO CENTRAL AMERICA THAT CHANGED LIVES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. VENTO. Mr. Speaker, earlier this year, a group of women from Minnesota, Iowa, Ohio, and Montana traveled to Central America for a series of meetings with political leaders and educators, with workers, with the poor, and with several U.S. Ambassadors and their representatives serving in Central American countries. Their trip was under the auspices of the Center for Global Service and Education at Augsburg College in Minneapolis, MN.

While the participants in this visit to Central America may have drawn different conclusions about their experience, nonetheless, most of them were profoundly affected by what they saw and heard as they visited with the people of that region. They were fortunate to have had a firsthand experience about the conditions in Central America. As a result of this experience, they are informed and are able to share their experiences with friends and neighbors who may be wondering what is happening in this troubled part of the world and what the United States should and should not be doing there. I commend these individuals from the Center for Global Service for their initiative and for sharing their thoughts about their trip with our community.

[From the Minneapolis Star and Tribune, Mar. 28, 1985]

A TRIP TO CENTRAL AMERICA THAT CHANGED LIVES

(By Alvina Duroe, Debbie Wee, Nancy Mayer, Susan Everson, Beverly Everson, Lois Hove and Ruth Halvorson)

Our lives will never be the same.

We have had a personal encounter with the people of Central America: with the poor, with workers, with political leaders and educators, and with U.S. ambassadors and their representatives.

We are a group of women from Minnesota, Iowa, Ohio and Montana who participated in a travel seminar last November offered through the Center for Global Service and Education at Augsburg College. We feel compelled to respond to the March 22 commentary, "Seminar gives false view of Central America," by Jane Otten and Linda Westrom, two in our group of 12.

The group included women who have lived and traveled extensively around the world, who have advanced academic degrees, who have had years of experience in both religious and political activities. We intentionally chose to participate in this seminar because it offered an opportunity to listen to and learn from a cross-section of people in Central America. This was a way to see what was happening in that troubled area.

We object, therefore, to the attempt to portray us as naive and ignorant. It is unfair and insulting to dismiss our experience and that of other visiting religious groups by arguing that we must have been duped or manipulated. We also object to jingoistic labeling of people we met: such words as "atheistic" and "pro-Marxist."

The commentary was an effort to discredit the center by accusing its staff and director of an acknowledged bias. They do admit to a bias—in favor of the poor. It was not the staff who convinced us to try to affect U.S policy, as Otten and Westrom suggested. It was the people we met: the suffering poor in El Salvador and the hopeful poor in Nicaragua.

The comment of a peasant farmer revealed how absurd labeling is: "I don't know what the word 'Communist' means. I only know that whenever I work to improve my condition or that of other poor, I am called a Marxist." One could use the same labels on many American farmers calling for changes in their current economic plight. The indigenous struggle of the Central American people is too complex to be dismissed by simplistic slogans.

These issues cry out for careful and personal dialogue on all levels, especially with those most acutely affected. Such encounters will often be painful, but they are necessary for long-term solutions. The center is to be commended for its courage and prophetic insight into pioneering ways to greater North-South understanding.

We were impressed by how many objectives of the Nicaraguan revolution are humane and even biblical. Many religious people in Central America believe that the revolution is bringing life to the poor in its efforts to meet people's basic needs. They believe that something is happening in Nicaragua. Three top Nicaraguan government ministers are priests whose commitment to the Christian faith has led them into political activity.

Again and again we witnessed the important role that scripture has come to play in peole's daily lives through basic Christian community groups. We were touched by the grace and charity of people we met who were able to distinguish between us as Americans and U.S. policies. We represented the nation participating in an undeclared war against them, yet they received us with graciousness and warmth.

Rather than being "manipulated" by persons who allegedly are foisting "yet another tyranny" on the country, we were impressed by how frequently Sandinista officials openly admitted to having made mistakes. Their repeated pleas to us were for nonmilitary and nonpolitical intervention. East or West, and for the opportunity and right to their own self-determination, an aspiration that all U.S. citizens should understand from our own history.

It is not easy to open our minds to new ideas, to political systems unlike our own or to new perspectives on the biblical message. The challenge is to listen, to raise questions and enter into dialogue and to continue to reflect and grow rather than to close our minds, and dismiss what seems "the other" as dangerous, demonic or alien. Such thinking creates enemies rather than builds understanding.

Yes, we are concerned for suffering people both in our land and in neighboring lands. It is precisely the widespread suffering that gives us the courage and determination to speak out against any system, policy or practice that curtails justice and hinders self-determination.

The March 22 commentary suggested that criticism of U.S. policies and leaders is inappropriate. On the contrary, such criticism may be viewed as a sign of health. It is not automatically undemocratic, unpatriotic, un-Christian or untrue. Democracy champions full participation and full representation of all its people; the bibilical mandate challenges us to "do justice and to walk humbly with our God."●

THE FORTHCOMING RETIREMENT OF A. BARTLETT GIAMATTI, PRESIDENT OF YALE UNIVERSITY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. CONTE. Mr. Speaker, I rise today to reflect upon my good friend A. Bartlett Giamatti, president of Yale University, who has announced that he will step down from that prestigious position at the end of the 1985/1986 academic year.

Bart Giamatti is, in every sense of the phrase, a gentleman and a scholar. He is also an extraordinary individual: A diehard fan of the Boston Red Sox, and a scholar of Renaissance poetry; the president of a great university who covets only the presidency of the American League!

Bart is a Yale man through and through. He is a second generation American. The son of a Yale man, himself becoming an Eli upon entering the university in the fall of 1956. In 1960, he graduated magna cum laude with a degree in English. Bart stayed on in New Haven to earn a doctorate in comparative literature. And, except for 2 years spent teaching Italian—naturally—and comparative literature at Princeton, he has spent his entire adult life at Yale. This fact comes through in the rapport he enjoys with the Yale/New Haven community. Throughout his administration, the traditional friction that exists between the city and the university has lessened considerably. In fact, it is said that Angelo Bartlett Giamatti's portrait hangs in some of the finest establishments in the Italian sections of New Haven! Other examples of this rapport can be seen in the considerable increase in alumni contributions, and the fact that this year he became the only Yale president ever to be selected to head Greater New Haven's annual United Way campaign.

On a recent Sunday, Bart's hometown newspaper, the Boston Globe, ran a feature on him, portraying him as a "forever-young thinker." In that feature, he gave an assessment of the responsibilities of his position as a university president. I think that we, as public servants, would be most wise to adopt his outlook. He said, "I'm aware that I have a public job. I don't think of myself as a public figure. But my job has given me a pulpit, a platform. I can say things in public. There's a responsibility to this kind of influence. You have to figure out when to use it and when not to use it. I'm not being falsely modest. I enjoy my job. I'm not a recluse. But you get caught up in power too easily."

"You do what you can," Bart Giamatti once said, "and you don't stay any longer than you should." Because of the type of person he is, he will be missed at Yale, and welcomed wherever he may go. In essence, Mr. Speaker, I wish Bart all the best in whatever his next endeavor may be.

Thank you Mr. Speaker.●

YOUTH SUICIDE PREVENTION MONTH

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. MYERS of Indiana. Mr. Speaker, I was happy to support legislation which recently passed this House requesting the President to designate June as "Youth Suicide Prevention Month." As part of my effort to help end this national tragedy, I am inserting my weekly newsletter for this week into the CONGRESSIONAL RECORD.

YOUTH SUICIDE PREVENTION MONTH

On February 4, 1984, a 13-year-old junior high school student was found hanging from a tree in a neighboring state. The story ran on the front page of the local newspaper and the residents of the community whispered among themselves. Over a year later it is still being discussed.

Disturbing as this nearby tragedy may be it is by no means an isolated incident. The suicide rate for young people 15-24 years of age has risen 300 percent in the past two decades, and has grown alarmingly during the last several years. The most recent statistics available for Indiana indicate that in 1983 more than 106 teenagers committed suicide.

It is for this reason that I have joined as a cosponsor of legislation designating June as "Youth Suicide Prevention Month."

Although official figures are difficult to obtain, estimates are that at least 5,000 Americans under the age of 25, an average of 13 per day, will take their own lives. As many as 400,000 attempt suicide. Psychologists estimate that as many as a million children think at one time or another about suicide.

Some analysts believe that the suicide rate may even be higher. For example, many suicides are officially reported as accidents to shield the family from the stigma of such deaths. Some are listed as accidents to protect insurance benefits.

What we are seeing is an epidemic among young people. Thinking about suicide is a way of saying, "Someone help me." Youth are confused, desperate and can't think of another way out. We have a special obligation to take a much closer look at childhood depression and stress, learn the warning signs, and take action which will reduce the chances of a youngster taking his or her own life.

Suicide in the young can almost always be associated with a sense of failure or loss. Acknowledging this fear and depression and taking new steps to tackle this problem can make the difference between life and death.

Designating June as "Youth Suicide Prevention Month" will give a national focus to this issue and promote measures that will reduce this recurring tragedy. Increased public information is the most important weapon in combatting young suicides. State and localities have gotten involved by forming suicide-prevention centers and special hot lines.

And just last week a private non-profit group established a Youth Suicide National Center. The Center will act as a clearing house for information for teenagers, parents, and teachers on suicide prevention.

You can learn more about helping our young Americans and help stop this growing tragedy by writing the Youth Suicide National Center, 1825 I Street, N.W., Suite 400, Washington, D.C. 20006 or calling (202) 429-2016.

With so many families suffering the heartache of such deaths, this issue cannot be ignored.●

WORLDS WITHIN THE ATOM

HON. JOHN E. GROTBERG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. GROTBERG. Mr. Speaker, in the May 1985 edition of the National Geographic, there is an outstanding article by John Boslough, entitled "Worlds Within the Atom," describing the fascinating world of the atom and its related components. I have the distinct privilege of representing the Fermi National Accelerator Laboratory [Fermilab] in Batavia, IL, where many exciting high-energy physics research-related experiments are taking place using atom smashing techniques foreign to the scientific community until only a few years ago. For the benefit of our colleagues, I am inserting the National Geographic article at this point in the RECORD:

WORLDS WITHIN THE ATOM

In the southwest corner of Switzerland, deep beneath tidy farms and villages, lies a maze of tunnels where it can be hotter than at the heart of the sun.

The source of this awesome heat lies within a thin steel pipe encased in magnets—a particle accelerator. Operated near Geneva by CERN (the European Laboratory for Particle Physics), the accelerator is more than four miles long and one of the largest machines ever built. It produces temperatures as high as 7,000 trillion degrees Celsius, comparable to conditions an instant after the superhot explosion that created the universe itself.

Using the CERN accelerator like an immense microscope, physicists are probing the structure of the atom, an inner cosmos of subatomic particles as remote from our daily experience as the farthest reaches of space. Yet that structure may hold an explanation of how the universe was born.

During the past 50 years scientists exploring the atom's interior have solved many age-old mysteries of matter and energy. This new knowledge has brought us lasers, computers, transistors, space travel, and nuclear energy for weapons and power.

"But what we're really after is a new concept of reality," says Leon Lederman, director of the Fermi National Accelerator Laboratory in Batavia, Illinois. "We're after something akin to the revolution in thinking that followed Copernicus's announcement that the earth circles the sun."

Lederman and other physicists are searching for the ultimate building blocks from which all things—the stars, the earth, you, I, and the atom—are made. Because everything in the cosmos has been composed of these particles since the primordial big bang, scientists also hope to learn the origin of the universe, a goal that eluded even Albert Einstein. Today his successors, at CERN and elsewhere around the world, think they are getting close.

CERN's doughnut-shaped particle accelerator lies 15 stories belowground, in a gracefully curving concrete cavern that twice bores through the rock of the Franco-Swiss border. It takes more than an hour to walk the four-mile circuit of CERN's Super Proton Synchrotron, a frontier crossing that subatomic particles make 43,000 times each second without benefit of passport.

During a brief shutdown for repairs, British physicist Vince Hatton led me to the accelerator's beam line, a waist-high steel tube outfitted with alternating red and blue magnets. The air smelled of oil and machinery. The beam line looked like a snake winding through a high-tech hole on another planet.

The magnets guide a stream of protons around the beam line at nearly the speed of light (186,282 miles per second) before they collide with a beam of antiprotons whirling in the opposite direction. The impacts are so violent—like volleys of cannonballs smashing into each other—that energy is transformed into matter, creating subatomic particles that fly wildly in all directions. Most of these particles are short-lived—some last only a trillionth of a trillionth of a second before vanishing—and are rare in the universe. But as debris from a collision inside CERN's accelerator, they occur in sufficient numbers for physicists to study them to learn what makes up atomic matter.

When running, the accelerator also produces lethally intense radiation, and steel doors operated by electronic keys keep out humans. "The system is foolproof," said Hatton, as warning horns sounded. The machine was about to be switched on. But the vault-like exit door was locked shut. My apprehension grew until Hatton picked up a telephone. "It can't be turned on while we're in here," he said, as someone half a mile away pushed a button and the door opened.

Minutes later the beams were again circling the accelerator ring. In a control room, colorful computer screens blinked with graphs that charted subatomic collisions at two points along the ring. Computer operators adjusted the flow of electricity to the ring's magnets, steering the beams to increase the collision rate. Experimenters fretted at computer terminals, brandished printouts, and haggled over operating procedures with Hatton, who oversees the accelerator.

Each of the world's ten big accelerator centers—in the U.S., Europe, Japan, and the Soviet Union—wants to be first with a major discovery. As Nick Samios, director of the Brookhaven National Laboratory in New York, puts it: "Nobody remembers the second person to say 'E=mc².'" The large European accelerators, CERN and the Deutsches Elektronen-Synchrotron (DESY) in Hamburg, West Germany, are generally better funded than their United States competitors. Survival—funding—depends upon scientific breakthroughs.

So too does continued exploration of one of man's last great frontiers, the inner world of the atom. It is a world where matter and energy are interchangeable, where empty space is not really empty, and where gravity is overwhelmed by far stronger forces that bind together matter.

Man has speculated endlessly about the nature of matter. Some 2,300 years ago the Greek philosophers Democritus and Leucippus proposed that if you cut an object, such as a loaf of bread, in half, and then in half again and again until you could do it no longer, you would reach the ultimate building block. They called it an atom.

The atom is infinitesimal. Your every breath holds a trillion trillion atoms. And because atoms in the everyday world we inhabit are virtually indestructible, the air you suck into your lungs may include an atom or two gasped out by Democritus with his dying breath.

To grasp the scale of the atom and the world within, look at a letter "i" on this page. Magnify its dot a million times with an electron miroscope, and you would see an array of a million ink molecules. This is the domain of the chemist. Look closely at one ink molecule and you would see a fuzzy image of the largest atoms that compose it.

Whether by eye, camera, or microscope, no one has ever seen the internal structure of an atom: Minute as atoms are, they consist of still tinier subatomic particles. Protons, carrying a positive electric charge, and electrically neutral particles called neutrons cluster within the atom's central region or nucleus—one hundred-thousandth the diameter of the atom. Nuclear physicists work at this level of matter.

Whirling around the nucleus is a third subatomic particle, the electron, which carries a negative charge. Electric current con-

sists of flowing electrons, point-like particles literally impossible to measure.

Electrons "orbit" an atom's nucleus according to principles governing the motion of waves. Unlike planets revolving around the sun, electrons do not follow fixed paths. Yet the probable location of electrons can be calculated using quantum mechanics, a mathematical system developed in the 1920s to describe the weird behavior of matter and energy at the subatomic level, the world of particle physicists.

That particles can act like waves may seem bizarre. But no more so than some other oddities suggested by quantum theory: That how we probe matter affects its behavior and form; and some particles exist so briefly that they are not real but "virtual"; and that well-ordered reality—the whole of the universe—rests on chance and randomness at the subatomic level.

Beside quantum mechanics, the other concept crucial to our modern view of the atom and its parts is Einstein's special theory of relativity. His formula, $E=mc^2$, where E is energy, m is mass, and c is the unvarying speed of light, states that mass and energy are merely different versions of the same thing. Einstein, however, never accepted quantum mechanics. He felt that randomness could not be the ultimate reality, and he debated the point with another titan of atomic theory, Danish physicist Niels Bohr.

On this point Einstein has been proved wrong, yet his special relativity theory is routinely put to work in accelerators, where energy is transformed into subatomic particles in a hint of how the universe may have come to be.[1]

Paradoxically, exploring the smallest things in the universe requires the largest machines on earth. As physicists have penetrated from the molecule to the atom and then to the atom's nucleus with its protons and neutrons, they have pulled back layer after layer of matter as if peeling an artichoke. To reveal each layer requires increasing amounts of energy provided by massive atom smashers.

No two of these giants are alike, but there are two basic types. Some, like Stanford's linear accelerator near Palo Alto, California, fire negatively charged electrons at atomic nuclei. Two miles long and as straight as the laser beam used to align it, the accelerator hurls electrons at 99.99 percent the speed of light. But like the one at CERN, most accelerators are circular and use protons as projectiles. Protons are heavier and generate more collisions. However, collisions in an electron accelerator are easier to analyze.

Almost every American home has a primitive accelerator: the television picture tube. Inside it electricity heats a metal filament boiling off negatively charged electrons and accelerating them through a positively charged wire grid. A magnet then steers them at the phosphorus-coated TV screen, which glows from the collisions

In most high-energy physics labs the first step in accelerating subatomic particles depends upon an accelerator, invented in 1932 by John Cockcroft and Ernest Walton. It extracts protons or electrons from atoms of hydrogen gas.

In 1978 an elderly Ernest Walton visited Fermilab and inspected such an accelerator. Covered with metallic balls for discharging electrical energy, the monstrous contraption seemed fit for a horror movie, and as Walton looked on, it spat a huge bolt of lightning. "Ah," said the delighted Walton, "the machine knows its master."

The particles liberated by a Cockcroft-Walton accelerator are boosted to greater and greater velocity in copper chambers called radio-frequency cavities. Electric pluses fed to the cavities millions of times each second lift the particles to high energy and sweep them down an accelerator's beam line on traveling radio waves, like surfers riding a crest. In ring-shaped machines such as the CERN accelerator, electromagnets focus the particles into a pencil-thin beam and steer it in a circle. To prevent unwanted collisions with stray atoms, oxygen and other gases are pumped from the beam line tube, leaving it nearly as airless as the moon.

Particle physicists measure an accelerator's power in electron volts; the more electron volts that an accelerator produces, the deeper it can delve into the atom. One electron volt (eV) is about the energy gained by a single electron flowing from the negative to the positive end of a flashlight battery.

Slightly greater energies can strip electrons from atoms, but it takes millions of electron volts—MeV—to prove the nucleus. Energy a thousand times higher still, in the billion eV (or GeV, for giga-electron volt) range, is needed to propel particles with enough force to shatter protons and electrons and thus create new matter.

One way to boost energy is to fire two beams of particles in opposite directions around a ring, so that they slam together. This doubles the energy, giving the CERN accelerator, for instance, an energy of 630 GeV. Yet the attractive force binding together the constituents of protons and neutrons is so immense—trillions of trillions of times stronger than earth's gravity—that even the CERN machine can only pick and poke at the atom's inner structure.

"It's a bit like finding out how cars work by smashing them together and seeing what falls out," Dr. Carlo Rubbia told me at CERN, where he was on leave from Harvard. "But in particle physics, when you smash two cars together, you get 20 or 30 new cars, or even a truck or two. We're repeating one of the miracles of the universe—transforming energy into matter."

In 1911 the New Zealand scientist Ernest Rutherford presented a theory that overturned the belief that the atom was solid and that set the stage for today's physics. It resulted from an experiment in which gold foil was bombarded with alpha particles, fast-moving helium nuclei. Most particles shot right through the foil, although a few—one in 8,000 or so—bounced back.

Rutherford's reasoning in solving this puzzle was perfect. Since most particles zipped through the foil, gold atoms must be mostly empty space, but with something small and hard in the middle—the atomic nucleus. His experimental method—similar to shooting bullets at a shrouded object and studying the ricochet to deduce what is inside—is still used in modern accelerators.

Rutherford had understandably pictured the atom as a tiny system. But by the start of World War II, physicists had sharpened their picture of the atom's structure. The atoms of all the elements then known were described as combinations of protons, neutrons and electrons—held to be the fundamental building blocks of matter.

At the center of each atom, in this view, was a nucleus of neutral neutrons and positive protons, the number of protons identifying the element. The lightest was hydrogen, with one proton. The heaviest naturally occurring element, uranium, had 92 protons.

For each proton in the nucleus, there was a negatively charged electron, gyrating around the atom's core at a distance 50,000 times the diameter of the nucleus. If a hydrogen atom's nucleus were the size of a tennis ball, its electron would be two miles away.

Besides accelerators, particle physicists need detectors to record the collisions of subatomic particles. Among the first detectors were cloud chambers, in which particles from collisions swept through water vapor, leaving tracks of droplets that could be photographed for analysis. In modern bubble chambers, invented by physicist Donald Glaser, a liquid is used in place of water vapor. Legend has it that Glaser was inspired by watching bubbles form in a glass of beer.

Detectors can be grand in scale. The Big European Bubble Chamber at CERN is a four-story steel tank holding more than 10,000 gallons of liquid hydrogen and neon chilled to minus 243°C (30° above absolute zero). I clambered atop the tank on ladders and catwalks resembling the superstructure of a battleship.

On top were four cameras. Chargeless neutrinos, debris from proton collisions in the accelerator, enter the bubble chamber, collide with hydrogen and neon nuclei, and create a spray of wildly scattering high-energy particles. In their wake the liquid begins to boil, and at that instant the cameras fire to record the particles' bubbly tracks.

Computer-controlled electronic detectors, which record signals generated by passing particles, are replacing bubble chambers. These detectors are sensitive enough to record an event shorter than the time it takes a particle to zip across a nucleus at virtually the speed of light.

"We can tell exactly what particles have been caught, by the direction and length of their tracks," Carlo Rubbia told me. He admits it's an Alice-in-Wonderland approach, "like trying to tell the color of invisible jerseys on invisible football players by watching the movement of the ball."

One of the most provocative ideas of modern physics arose from the 1928 equation of British theorist Paul Dirac, which predicted the existence of antimatter. Carl Anderson of the California Institute of Technology confirmed this idea in 1932, with his discovery of a positive electron, or positron, a particle just like an electron but with a positive rather than a negative charge. When matter and antimatter meet, they annihilate each other in a burst of radiation. Since Anderson's discovery physicists have shown that for every type of particle there must also be an antiparticle.

This quirk of nature has led physicists to speculate about encounters between the universe and an anti-universe. In a poem, Harold Furth, now director of Princeton's Plasma Physics Laboratory in New Jersey, imagines that Dr. Edward Teller, a creator of the hydrogen bomb, meets a Dr. Anti-Teller. In Furth's poem, "Their right hands clasped, and the rest was gamma rays."

Antimatter poses a mystery: If particles vanish when they meet their opposites, and if every particle can have an antiparticle, why is the world made only of matter? There appears to be no more than one part in ten billion of antimatter in interstellar space. Where has all the antimatter gone?

Physicists think they know: During the first split second after the big bang, there

[1] See "The Once and Future Universe," by Rick Gore, National Geographic, June 1983.

was a small excess of matter over antimatter. Particles and antiparticles collided, annihilating each other and leaving behind only radiation and the surplus matter. These residual particles make up almost everything in the universe today: stars, galaxies, the earth, and Edward Teller.

The two decades after World War II saw the blossoming of the atomic age, and to confident physicists full understanding of the atom, indeed, of the entire universe, seemed at hand. But larger and larger accelerators—most of them patterned after a palm-size cyclotron proposed in 1929 by Ernest O. Lawrence of the University of California at Berkeley—constantly uncovered new particles. By the early 1960s dozens were known, a mélange that physicists began calling a zoo. There seemed to be no truly basic unit of matter.

Order came to the zoo in 1963. Murray Gell-Mann at Caltech and George Zweig at CERN independently accounted for the newly discovered particles by theorizing that they were composed of three smaller building blocks. Zweig called then aces, from the expression: "Dealer's choice—aces are wild." Gell-Mann named them quarks.

"I liked the sound," Gell-Mann told me. "Later I read *Finnegans Wake*, by James Joyce, and came upon the line, 'Three quarks for Muster Mark!' There were three of them, and there were three particles in the proton. I knew the name was right." In 1969 the Nobel Committee awarded the physics prize to Gell-Mann for his work in classifying particles.

Gell-Mann's whimsical choice of the name quark set a trend. In order of ascending mass, the three quarks then known were called "up," "down," and "strange." These labels do not reflect relative position or eccentricity: They distinguish quarks according to their properties, including their electric charge—always plus or minus one-third or two-thirds that of a proton.

Quark theory—since confirmed by experiment—restored simplicity to nature. The new particles and the two old members of the atomic nucleus—the proton and the neutron—could be explained as combinations of quarks, bonded together according to their "color." Color is a special property of quarks that enables them to join and form new particles. A quark's other properties, among them its electric charge, determine its "flavor"—whether it is up, down, or strange. A proton consists of two up quarks with a positive charge of two-thirds each and one down quark with a negative charge of one-third; together they yield a single positive charge. In the same way, one up and two down quarks combine to form a neutral neutron.

In 1974 a fourth flavor of quark was produced in accelerations. It appeared as part of a meson, high-energy embrace of quark and antiquark that lasts only an instant before ending in mutual annihilation.

"Most of us had assumed there were just three quarks. We weren't looking for more," said Samuel Ting of MIT, in charge of an experiment at Brookhaven National Laboratory. Ting shared the 1976 Nobel Prize in Physics with Burton Richter, who had led a similar experiment at Stanford.

The fourth quark's existence had been predicted by Seldon Glashow, a Harvard theorist who christened it a "charmed" quark. Fanciful classification continued in 1977, when Leon Lederman and a Fermilab team discovered a fifth quark called "bottom" or "beauty."

While the up and down quarks make up protons and neutrons in our everyday, low-energy world, the other quarks exist only at extremely high energy, such as is found in the biggest accelerators. In 1984 CERN announced that colliding beams of protons and antiprotons had produced evidence of a sixth quark—"top" or "truth." Some physicists hope that it is a final truth.

However, many flavors of quark there are, one oddity stands out about these subatomic particles: It seems impossible to jar loose a single quark from a proton or neutron. Quarks apparently exist only in trios or in quark/antiquark pairs.

This trait, called confinement, inescapably binds single quarks together. "Remember energy is matter and matter is energy," Sheldon Glashow told me. "When you throw energy at a proton in an effort to shake loose one quark, you create quark pairs out of the energy from the accelerator."

Glashow and other theorists remain skeptical of the provisional announcement in 1977 that William Fairbank, an experimental physicist at Stanford, had found something that looked like a free quark. I visited Fairbank in his lab, a clutter of pipes and wiring that resembles an illegal distillery.

Genial and bespectacled, Fairbank said he and colleagues had found quark-like electric charges in dust-mote-size spheres of niobium metal levitated by magnets. Fairbank believes he has detected these charges in units of one-third in at least four test balls. "This means it's possible for fractionally charged particles, perhaps quarks, to exist free in nature," Fairbank said.

Fairbank's presumed find has set off a worldwide rush to hunt free quarks. His supporters suggest that a few quarks escaped confinement the instant after the big bang, and that Fairbank has trapped some of these free-spirited particles—spares at the creation. But firm evidence of a solo quark remains elusive, leaving most physicists certain that lone quarks are locked forever within larger particles. Proclaims Murray Gell-Mann: "I don't believe Bill Fairbank has found a free quark, but if he has, it's one of mine."

Nearly all the several hundred known subatomic particles are made of quarks, bound together by what physicists call the strong nuclear force. The exceptions are called leptons, Greek for "slight."

The best-known lepton is the electron, first identified in 1897. As electric current, electrons put us in daily contact with the subatomic world and are the only leptons vital to the atom's structure.

Physicists are not sure why two other leptons even exist. Muons, discovered in 1937, have about 200 times as much mass as electrons and are the major by-product of the cosmic radiation that constantly bombards earth. Far heavier and equaly furtive is the tau, a lepton discovered in 1976. Like the electron and muon, it carries a negative electric charge.

The other leptons are neutrinos—"little neutral ones"—that carry no charge and are so light that their mass, if any, has so far gone undetected. Each of the neutrinos seems to couple with a heavier partner—a tau, muon, or electron. Scientists are still searching for the tau neutrino.

Drasko Jovanovic at Fermilab told me that because neutrinos react only very weakly with other matter, they whip through everything. Several million neutrinos, traveling at the speed of light, are flying through your body at this instant. "Nothing stops them, not even a slab of lead as thick as the earth," said Jovanovic. "It's been suggested that beams of neutrinos passing through the earth be used for communication. It could work, but it would be expensive."

Meanwhile Jovanovic participates in a five-million-dollar experiment to determine if neutrinos have mass. If they do, they could account for as much as 90 percent of the mass of the entire universe since, ghostlike, they fill the cosmos.

Most physicists believe that the six leptons and the six flavors of quarks account for all matter, although a few theorists toy with the idea of particles more fundamental yet. The universe also contains force carriers called gauge particles.

Carlo Rubbia began capturing certain gauge particles at CERN in 1982 and 1983. "They're little beasts we call W's and Z's," says Rubbia, an animated Italian. "We've been on their trail for years." W and Z particles exist for less than a billionth of a billionth of a second and more often than not spend their brief lives within the nucleus, where they cause radioactive decay in atoms of such elements as uranium.

Rubbia commands a 20-million-dollar electronic detector built specifically to find the W and Z particles. Big as a house, the detector is a vast network of coaxial cables and battleship-gray steel plates straddling a section of CERN's main accelerator where protons and antiprotons collide. The charged particles liberated by these collisions streak through the detector's gas atmosphere, generating trails of tiny signals. Their tracks appear on computer screens as V-shaped patterns, the arms of the V indicating where one particle has decayed into two or more other particles.

"We don't actually see the particles. Their lives are too short," Rubbia told me. "But decay products from W particles, for instance, fly predominantly forward. When we see this, we know we've got one."

For his pioneering work Rubbia shared the 1984 Nobel Prize in Physics with CERN colleague Simon van der Meer.

The W and Z particles carry the weak force, one of three forces governing the behavior of atoms. The weak force breaks down each neutron in the nucleus of a radioactive atom into a proton, an electron, and an antineutrino. Other gauge particles, called photons, impart the electromagnetic force, about 1,000 times more powerful than the weak force. The electromagnetic force is responsible for keeping electrons in orbit around the nucleus, making atoms—and this magazine—seem solid. Most powerful of all—a hundred times more powerful than the electomagnetic force—is the strong force. Carried by gluons, it holds together the atomic nucleus.

Besides these three forces, the other known force at work in the universe is gravity. It is by far the weakest—the strong force is some 10^{38} (1 followed by 38 zeros) times more powerful. A still undetected particle, the graviton, may be the carrier of gravity, which has no meaningful role inside atoms. Without gravity, however, there would be no universe, since it binds together stars and galaxies, holds the earth in orbit, and keeps our feet planted on the ground.

Midway in the seven-mile auto tunnel that cuts through the Alps between Italy and France, the air is rank with auto exhaust. In a cavern just off the smoggy roadway, shielded from cosmic radiation by the bulk of Mont Blanc, a special detector is testing whether the proton decays like most other particles, an idea that two decades ago

would have been considered scientific heresy.

In the 19th century the Scottish scientist James Maxwell discovered that electricity and magnetism are two aspects of the same force. Today some physicists believe that the universe's four forces are but manifestations of a single and deeper force. In the past two decades these scientists have proposed mathematical explanations—"grand unified theories"—of how the weak force, the strong force, and the electromagnetic force may be entities of a single underlying interaction.

None of these theories yet embrace the universal fourth force, gravity. But they do predict that protons decay into other particles, because the strong force that binds a proton together and the weak force that causes radioactive decay may spring from the same basic interaction. The grand unified theories also predict that an average proton would take a million trillion trillion years or so to decay—more time than has passed since the universe began. How can shortlived humans hope to measure the life span of such a durable subatomic particle?

"Obviously we can't wait billions of years to watch one proton and see if it disappears," Italian physicist Pio Picchi told me deep inside Mont Blanc. "But we can assemble immense numbers of protons and see if one decays during a one-year period." If protons do indeed decay, then at least one should die during the course of the year.

Picchi keeps watch on the hundred million trillion trillion protons in a 150-ton stack of iron slabs. These are fitted with thousands of detectors similar to Geiger counters, each waiting to pick up an infinitesimal burst of radiation emitted by a dying proton. So far at least one candidate event has been noted, the possible decay of a proton into a muon and another particle called a kaon.

Similar experiments in the United States, Japan, India, and France have yet to deliver results, forcing theorists to rethink their grand unified theories. But if proof is found that protons decay, it will mean that matter is inherently unstable. It would also prove what poets have said all along—that nothing lasts forever.

Besides predicting proton decay, grand unified theories attempt to trace the history of the universe back to its creation in the big bang some 15 billion years ago. Since then the cosmos has been constantly expanding. Today the visible universe is growing every second by a volume equal to that of the Milky Way galaxy.

During the 1930s astrophysicists realized that the particle reactions that other physicists were studying in cyclotrons were identical to those occurring in stars. Today physicists of both strips have joined forces to theorize that all matter was born at the big bang.

In the extreme heat of that instant all four forces, including gravity, may have been unified as one. Then, as the universe cooled, the forces split apart and their underlying unity became obscured.

No accelerator will ever match the energy released in the big bang, and some physicists once thought it might be a waste of money to build bigger machines. However, Sheldon Glashow says: "We will find nothing if we do not look. We theorists are dependent upon experimental discoveries. Without them we are no better than medieval theologians, who endlessly debated how many angels might dance on the head of a pin."

Theorists like Glashow work in a delicate balance with experimentalists to uncover the hidden unity linking the three basic forces to gravity. Says avowed experimentalist Carlo Rubbia: "Theorists tend to forget that every time we look someplace new with a bigger machine a surprise awaits us."

Experimentalists like Rubbia prevail for the moment at CERN, and they are building a new accelerator 17 miles in circumference. The mammoth machine will cost half a billion dollars, a remarkable investment considering that in its lifetime it will propel less than a gram of matter.

At Fermilab in Illinois, physicists have doubled up by constructing a new accelerator ring inside the tunnel housing their first machine. Eventually the newer accelerator will boost protons and antiprotons to a colossal collision energy of two trillion electron volts as they travel a circuit equal in distance to five round-trip journeys to the moon, 2,400,000 miles. Even more ambitious is the accelerator, perhaps 100 miles around, that U.S. scientists want to build. It would dwarf Fermilab's four-mile accelerator, visible from 500 miles in space.

Perhaps the biggest obstacle to such mega-engineering projects is the shrinking federal science budget. "We practically have to beg for money," says Fermilab director Leon Lederman. CERN, a comparable laboratory enjoys about twice as much funding as Fermilab. Lederman and other American particle physicists fear that tight budgets may cost the U.S. its traditional lead in the exploration of the atom.

Money-conscious federal officials often ask Leon Lederman why the U.S. needs costly machines that cannot help solve pressing social problems. His answer never varies: "Learning about the ultimate nature of matter is of fundamental importance to the human race. It gives us a vision of ourselves, who we are, where we are going."

Physics has always drawn powerful intellects and personalities, such as Murray Gell-Mann, who with Lederman and others has set the pace of particle research for three decades. Small and intense, with steel-gray hair and penetrating eyes, Gell-Mann's mind encompasses quarks and proton decay as easily as mushrooms or obscure languages, two of his other numerous interests. I asked him one day if physicists were not profoundly arrogant to think that they could explain the origin of the universe and everything in it by using only accelerators, telescopes, and equations.

"We believe," he said, "that our calculations are essentially correct and that we are on the edge of fully understanding the atom as well as the beginnings of the universe. It's a little like the ant contemplating the skyscraper, isn't it?"

And where will an understanding of the universe's deepest secrets lead us? "There will be new technology, certainly," Murray Gell-Mann went on. "But most remarkable will be that a handful of beings on a small planet circling an insignificant star will have traced their origin back to the very beginning—a small speck of the universe comprehending the whole."●

SUPER LOBBYISTS: THE CORPORATE CAMPAIGN TO STOP SUPERFUND

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. MARKEY. Mr. Speaker, as Congress begins debate on Superfund, I think it is important that the American people realize who is participating in the debate. The following report clearly illustrates that those in opposition to the renewal of a strong and comprehensive Superfund Program are committing tremendous amounts of money to defeat this legislation. This report further demonstrates that the people supporting Superfund are being swamped by a flood of corporate dollars. As a strong supporter of an enhanced Superfund Program, I think it is imperative that this body and the public fully understand what is being said on this critical issue.

"SUPER" LOBBYISTS: THE CORPORATE CAMPAIGN TO STOP SUPERFUND

(By Rick Hind)

FINDINGS

Some of America's largest corporations and trade associations were among the special interests who lobbied against all or part of the effort to reauthorize a strong Superfund hazardous waste cleanup law in 1984. U.S. PIRG's examination of the 1984 lobby reports of Superfund lobbyists revealed that 122 corporate lobbyists identified themselves as working on Superfund. The same inspection of environmental and public interest groups' reports showed only eight lobbyists working for a strong Superfund. (See Tables D and E.)

Corporations identified included giants such as Exxon, Union Carbide, Eastman Kodak and United Airlines. More than 450 corporations were also represented by fifteen trade associations, all of whom opposed Superfund legislation in whole or in part. These associations include the American Petroleum Institute (API), the American Insurance Association (AIA), the Chemical Manufacturers Association (CMA) and the National Association of Manufacturers (NAM). (See Table B.) Many of these trade groups were also represented by lobby firms such as Timmons & Company. (See Table C.)

Through hearing testimony and telephone interviews, corporate representatives made it clear that their opposition to Superfund stemmed from an interest in avoiding increased chemical taxes and clean-up liability. Some opposed entire bills such as H.R. 5640, which was passed by the House of Representatives in August of 1984. Others opposed specific provisions of Superfund bills such as victims' rights and clean-up standards.

U.S. PIRG surveyed three distinct layers of corporate lobbying:

(1) Lobbyists who work for one particular company. 53 lobbyists reported working on Superfund for 31 corporations. (See Table A.)

(2) Trade associations representing many corporations. 68 lobbyists represented 15 as-

sociations working on Superfund. (See Table B.)

(3) Lobbying firms who contract with companies and trade associations to do additional lobbying. Six of these firms represented two companies and four trade groups.

Corporate lobbyists also incurred extravagant expenses. Some listed high priced restaurants as the bulk of their reported expenses to "discuss Superfund" with congressional staff members. One reported a $226 bill at Le Lion D'Or restaurant to introduce a corporate executive to a member of Congress. Similar wining and dining expenses were listed by 12 other lobbyists who worked on Superfund. All corporate lobbying expenses, including salaries, are tax deductible. None of these kinds of expenses were reported by any of the environmental or public interest groups.

Many corporations and associations took full advantage of the loose reporting requirements under the federal Lobbying Act. They tended to under-report their expenditures and be vague about their legislative interests. Some lobbyists reported income as high as $26,000 per quarter, others claimed as little as zero to $100 a year. This resulted in uneven reporting by companies, unlike the reporting requirements of the Federal Election Commission.

The lobby reports represented only the tip of the iceberg in terms lobby resources available to industry. For example, companies such as Gulf Oil and E.I. Dupont did not specify Superfund as one of their legislative interests even though their representatives testified against a strong Superfund in congressional hearings.

In addition, the association who opposed Superfund legislation had vast resources. For example, twelve corporate members of the American Insurance Association paid $462,960 each in membership dues for a total of $11 million in the AIA's 1984 income. They claim that only .108 percent was used for lobbying.

The National Association of Manufacturers similarly reported 99 members who paid $19,230 or more annually in dues. Yet they claimed that only 2.6 percent of their $10 million in income was used for lobbying. And the American Petroleum Institute (API) reported only $956,067 in lobbying expenses of their $49 million 1984 budget. API's total expenses for 33 Superfund identified lobbyists was reported at $116,777.

A total of approximately $1 million ($968,364) was reported spent on or by corporate lobbyists who listed Superfund as one of their issue areas. Salaries made up over 80 percent of this figure. However, it was not possible from inspecting lobby reports to determine how much of each lobbyist's salary or corporate expenditure was allocated for Superfund.

Other opponents of a strong Superfund who are not registered under the Lobby Act include groups such as the Heritage Foundation which campaigned against Superfund in the media and representatives of the White House and the Environmental Protection Agency who opposed Superfund in 1984.

If attendance at recent hearings in both houses of Congress is any indication, many of the same corporate entities that opposed a strong Superfund in the last session have long since returned in the 99th Congress. They may even be responsible for the surprising slowness with which this legislation has proceeded so far this year. The current Superfund law, enacted in 1980, expires on September 30, 1985.

METHODOLOGY

Over 700 lobby reports filed on microfilm at the Clerk of the House of Representatives and the Secretary of the Senate were examined. Registered lobbyists are required to file reports at these offices on a quarterly basis. Our sample included reports from the third and fourth quarters of 1984. The last two quarters were chosen because that is when the Superfund legislation came to a vote in both houses of Congress. The fourth quarter reports also often give total expenditures for the year.

Corporations were selected from membership lists provided in the lobby reports of the major trade associations who testified against strong Superfund legislation. This list was expanded by checking companies known to be in the chemical, oil and insurance businesses. The reports of environmental, public interest and labor organizations who are often active on environmental issues were also reviewed.

Only those lobbyists, corporations, trade associations or other organizations that mentioned Superfund, a Superfund bill, or the clean-up of hazardous wastes as part of their legislative interest were listed with their total receipts and expenditures in Tables A through E attached. Other information is summarized in our findings.

Because it was not possible using the lobby reports to determine how much of each lobbyist's salary and expenses was allocated for each issue, the total amount that each organization reported to maintain lobbyists who worked on Superfund was listed.

Positions of groups on Superfund legislation was determined by telephone interviews and congressional hearing testimony.

TABLE A

Company name	Number of Superfund lobbyists or firms [1]	Membership in major trade associations [2]				Total 1984 reported [3]
		CMA	NAM	API	AIA	
American Cyanamid Co	1	X	X			$1,401
Atlantic Richfield Co	1		X	X		3,323
Bethlehem Steel Corp	1		X			435
Celanese Corp	1	X	X			7,230
Chevron	7	X	X	X		26,710
Ciba Geigy Corp	1	X				33,359
Crum & Forster Corp	1				X	68,604
City Service Oil & Gas Corp	1		X			3,793
Diamond Shamrock	2	X		X		14,764
Eastman Kodak	2	X	X			6,469
Ethyl Corp	3	X		X		12,251
Exxon	2	X	X	X		4,225
Fluor Corp	1		X			64,312
Freeport McMoran, Inc	2					1,976
Georgia Pacific	1	X				5,375
Kaiser Aluminum & Chemical Corp	2	X				[4] 2,068
Marathon Oil Co	2			X		0
Mobil Oil	2	X	X	X		9,000
Monsanto	1	X	X	X		2,341
Port & Howard Paper Co	1					1,590
Phelps Dodge	2					5,400
Phillips Petroleum	3	X	X	X		3,369
PPG Industries, Inc	1	X	X			[4] 145
Rohm & Hass Co	1	X				2,095
Standard Oil of Indiana	2		X	X		[5] 6,650
Standard Oil of Ohio	1		X			1,700
St. Joe Minerals Corp	2					55,932
Union Carbide	1	X	X			372
United Airlines	1					[5] 4,500
Union Oil of California	1	X	X	X		3,579
Waste Management, Inc	4					71,207
Number of Companies (31)	54					424,175

[1] See table C.
[2] For further information, see table B. CMA—Chemical Manufacturers Association. NAM—National Association of Manufacturers. API—American Petroleum Institute. AIA—American Insurance Association.
[3] Includes reported receipts and expenditures of Superfund identified lobbyists.
[4] Denotes totals through the end of the 2d quarter.
[5] Denotes totals through the end of the 3d quarter.

TABLE B

Association name	Number of Superfund Lobbyists or firms [1]	Total 1984 reported [2]
Alliance of American Insurers	2	[3] $4,421
Aluminum Association	1	[3] 800
American Insurance Association	3	3,017
American Nuclear Energy Council	7	62,680
American Petroleum Institute	33	116,777
Air Transport Association of America	2	[3] 25,500
Business Roundtable	1	1,600
Chamber of Commerce of the United States	1	[3] 550
Chemical Manufacturers Association	3	9,860
Chlorine Institute	2	136,082
Fertilizer Institute	5	150,391
Manufacturing Chemists Association	1	2,064
National Association of Manufacturers	4	4,190
National Paint & Coatings Association	1	3,000
Petroleum Marketers Association of America	2	23,257
Number of trade associations (15)	68	544,189

[1] See table C.
[2] Includes reported receipts and expenditures of Superfund identified lobbyists.
[3] Denotes totals through the end of the 3d quarter.

TABLE C

Lobbying firms	Clients
Bracewell & Patterson	Chemical Manufacturers Association.
LaRoe Winn & Moerman	Chlorine Institute.
McDermott Will & Emory	Port & Howard Paper Co.
Murray & Scheer	Chemical Manufacturers Association
Pillsbury Madison & Sutro	American Petroleum Institute
Timmons & Co	Do.
Do	Standard Oil of Indiana.

TABLE D

Opponents of strong Superfund	Number of Superfund lobbyists or firms [1]	Total 1984 reported [2]
Companies	54	$424,175
Trade associations	68	544,189
Number of companies/trade associations (46)	122	968,364

[1] See table C.
[2] Includes receipts and expenditures.

TABLE E

Supporters of strong Superfund	Number of Superfund lobbyists	Total 1984 reported [1]
Clean Water Action Project	1	$11,000
Congress Watch	1	16,583
National Audubon Society	1	31,218
Sierra Club	4	74,367
U.S. Public Interest Research Group	1	6,667
Number of organizations (5)	8	139,835

[1] Includes receipts and expenditures.●

TRIBUTE TO JUDGE JOE EATON

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. PEPPER. Mr. Speaker, it gives me outstanding pleasure today to call to your attention and through you to the attention of my colleagues of the Congress of the United States, the record of one of this Nation's truly exemplary public servants who happens

to be a resident of southern Florida where my district is also located.

For that reason I have known Judge Joe Eaton during several decades when he served the people of the State of Florida and the Nation exceedingly ably, faithfully with superb integrity and with admirable professional distinction.

Joe came from Florida where he had been born in a town called Monticello, reminiscent of that great American Founding Father, lawyer and statesman, Thomas Jefferson, served with bravery in the U.S. Army Air Corps during World War II, and returned to Florida where he set out to serve the people through his conscientious and superb public practice of the law.

Having graduated from Presbyterian College and the University of Florida School of Law, Joe became an assistant State attorney where he added the invaluable experience of public cases and individual behavior to his native talent, his sound education and legal training and to his inbred understanding of human decency and human needs. Joe always knew what effect his opinions and efforts might have upon the people of Florida, the average people and upon the Nation and Joe always tried to do what would be best for the people, just as Thomas Jefferson of the other Monticello, in Virginia, had in his day attempted to do.

When Joe publicly sought election to the bench of the circuit court for Dade County, FL, he won the hearty approval of a majority of the voters and validated their trust in him by always with wisdom and understanding seeking to balance the legal public and human interests of the community he served.

The voters sent him on to Tallahassee, our fine State capital as a State senator, where he sponsored legislation creating district courts of appeal in Florida, and continued to represent the people of Dade County ably and well.

After returning to the circuit court bench Joe was appointed a Federal judge by President Lyndon B. Johnson in 1967, where he has served ever since.

He has become highly repected and loved by those whom he serves and by the responsible people of Dade County and the State of Florida. His friends number in the thousands and to my knowledge Joe has no enemies and has never failed to gain the respect of all who have come in contact with him during his tenure which will, I hope, carry on for many more years.

On the occasion of Judge Joe Eaton's attainment of senior status as a district court judge, my colleagues Hon. BILL LEHMAN, Hon. DANTE FASCELL, and I, all from Dade County and long and close friends of Joe's, had the great honor and the enjoyable occasion to present a plaque to Joe as a token of our gratitude for his friendship, respect for his integrity, in honor of his impressive record of public service and as a remembrance to mark this milestone of his long and continuing career.

It reads:

To U.S. District Court Senior Judge Joe Eaton, in appreciation and recognition for his decades of dedicated service to the people of Dade County, the State of Florida and the Nation. Presented by U.S. Congressmen Dante B. Fascell, William Lehman, Claude Pepper.

I know that Joe shares this plaque of recognition with his fine family; his loving and supportive wife, the former Patricia MacVicar, who is a distinguished public servant of Florida and comes from a notable family of Florida people; and their three beautiful children who also benefited from his public experience and his humane understanding of people in society.

I hope they will have many more such years of accomplishment, never idle, always active and full of the vital functions of public and private life in association with the people around them to whom they have given so much of their abundant talent and effort. In the year 2000, when Joe will be almost my age, I and the others will present him with another plaque, for that cycle of service upon which he has embarked. He will be a great resource as senior judge and his counsel will be sought by many of his fellow judges and associates.

I commend his record and accomplishments to all who read this RECORD as an example of an outstanding and honorable character who has helped others to higher ground.●

THE AIDS EPIDEMIC

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. WAXMAN. Mr. Speaker, on the front page of yesterday's Washington Post was a story of a problem that I fear will be with us for some time—the misuse of the blood-screening test for antibodies to HTLV-III, the virus believed to be a cause of AIDS.

The Food and Drug Administration has labeled the HTLV-III antibody test for use only as a blood product screening device, "so that potentially infectious units of blood and plasma could be eliminated from use in transfusion or manufacture into injectable products." The labeling goes on to describe the limitations of the procedure, saying:

It is inappropriate to use this test as a screen for AIDS or as a screen for members of groups at increased risk for AIDS in the general population. The presence of HTLV-III is not a diagnosis of AIDS. [Emphasis in original]

Despite such clear limitations, a number of instances of unapproved use of the test have been reported. As the blood test becomes appropriately implemented by blood gathering agencies, I am afraid that misunderstanding of the test's limitations will become common.

The HTLV-III antibody test does not test for AIDS. It does not test even for the virus HTLV-III. It tests only for antibodies to the virus and demonstrates only that a person has been exposed to the disease. That person's vulnerability to the disease itself and that person's infectiousness through sexual contact or blood transfusion is unknown.

I ask that the text of the Post story be reprinted in the RECORD. I also would ask that the AIDS epidemic statistics for the week ending June 9 be printed.

I urge my colleagues to consider how little we know about the disease. As the story makes clear, a great deal of research and epidemiology is left to be done. And, as the numbers make clear, it must be done quickly.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) WEEKLY SURVEILLANCE REPORT, JUNE 10, 1985, U.S. CASES

	Reported cases	Reported deaths
Adult/adolescent	10,676	5,236
Pediatric (under 13 at diagnosis)	127	92
Total	10,803	5,328
Age of AIDS patients:		
Under 13	127	
13 to 19	59	
20 to 29	2,273	
30 to 39	5,114	
40 to 49	2,225	
Over 49	975	
Total	10,803	
Residence:		
New York	3,954	
California	2,504	
Florida	707	
New Jersey	679	
Texas	537	
Pennsylvania	220	
Illinois	216	
Massachusetts	196	
District of Columbia	168	
Georgia	165	
Maryland	136	
Puerto Rico	125	
Connecticut	123	
Louisiana	122	
Washington	110	
Virginia	96	
Colorado	85	
Michigan	68	
Ohio	68	
Missouri	51	
North Carolina	49	
Arizona	47	
Hawaii	36	
Indiana	34	
Oregon	33	
Minnesota	26	
Wisconsin	25	
Kentucky	24	
South Carolina	24	
Alabama	22	
Oklahoma	19	
Delaware	14	
Nevada	14	
Rhode Island	14	
Utah	13	
Tennessee	12	
Other States (12)	67	
Total	10,803	

BLOOD TEST MISUSE TO DIAGNOSE AIDS FEARED

(By Michael Specter)

On May 4, a nurse at the Alexandria jail took Carson Bailey from his isolation cell to an empty classroom and told him that he had acquired immune deficiency syndrome.

Three days later, a guard told Bailey to drag his mattress to a dumpster behind the jail. His cell was disinfected, his clothing destroyed and he was driven to the District's Whitman-Walker Clinic, the city's best-known health and counseling center for gays.

But, within a week, doctors there told Bailey he did not have the fatal disease. They say that the medical staff at the Alexandria jail misused a new blood test to make their diagnosis.

"What has happened here is incredibly damaging," said Dr. Peter Hawley, the clinic's medical director. "This guy does not have AIDS. This is not a test for AIDS. It is a test for exposure to the virus that causes AIDS. It should only be used to screen blood. People who look at this as an AIDS test are making a dangerous mistake."

The test, designed to help protect the nation's blood supply, measures the presence of antibodies to the HTLV-III virus, which many medical experts think causes AIDS. As of last Friday it was available at the Whitman-Walker clinic. Maryland clinics began offering the test last week and Virginia is expected to make it available to anybody who wants it within the next 10 days.

As the test, approved by the Food and Drug Administration in March, has become more accessible to those who fear that they may have AIDS, public health, officials, gay rights groups and medical researchers have banded together to urge people to avoid it. Many officials say the test may become a powerful tool for discrimination, that it will be used incorrectly to diagnose AIDS and that it will spead panic among members of communities most at risk.

"As a blood test, it is clearly useful," said Dr. Martin Wasserman, director of Arlington's Department of Human Services. "But its implications are pernicious and profound. There is the stigma of a fatal disease, questions of confidentiality and also worries about insurance and discrimination. The test cannot tell you if you have AIDS or whether you will get it. I tell people to stay away."

Advocates of the test say it is a highly accurate means of protecting blood banks from the HTLV-III virus. Blood products and transfusions used by hemophiliacs are linked to about 2 percent of the nation's AIDS cases, according to the Centers for Disease Control in Atlanta. Most of the nation's blood banks now use the test.

In Alexandria, officials defended both their use of the test for inmates with a high risk of having AIDS and their subsequent treatment of Bailey. They said they consulted first with their medical staff and had a judicial order to remove Bailey from the jail.

"As a screening device, it is really very good," said Dr. Martin Cader, director of Virginia's communicable disease control program. "I think most physicians are fully aware of the utility of the test."

Statistics from the CDC suggest that between 5 percent and 20 percent of those whose test results are positive may eventually develop AIDS. But that figure is based on limited data, and officials say a more exact figure may not be known for some time.

Many health professionals at clinics that have received money from CDC to give the test say that while they are concerned about the test's uses, they believe they are better able than blood banks to provide counseling and assure confidentiality. Many members of high-risk groups—particularly homosexual men, who account for 73 percent of the more than 10,000 AIDS cases diagnosed so far—would have to turn to blood banks without the alternative clinics.

"Until this test came out, we got about 2,000 calls each month," said Rodger McFarland, executive director of New York City's Gay Mens Health Crisis, one of the largest and most respected AIDS assistance organizations in the country. "Now we are getting at least 4,000. Almost every one of those extra calls is somebody asking where they can get the test."

McFarland said that GMHC, along with most other gay organizations, has tried to limit the availablity of the test as much as possible. He said GMHC tries to discourage callers from taking the test, telling them that positive results suggest only that a person has been exposed to the virus, not that he or she will ever develop AIDS.

The test's critics also say that because the incubation period for the disease can be several years, negative results do not ensure that a person will not contract the disease. There also are instances where the test registers a falsely positive or falsely negative result.

"This is so tragic," said Dr. Shirley Fannin of the Los Angeles County Department of Health Services. "People want information badly, but the test cannot tell you what you want to know."

Fannin said that last week a Los Angeles mortician refused to handle the body of a person who had died of AIDS, even though he was assured that there has never been a recorded instance of transmission of AIDS through anything other than sexual or intravenous contact.

"This test is going to get more widespread use," said Fannin. "And that means more abuse. But when we start equating a positive test result with a pariah, we are really in big trouble, because there are going to be a lot of pariahs around."

For the administrators of public institutions, such as jails, where the incidence of AIDS has become an increasing problem, the choices can be stark. As the number of cases rises—the figure is now doubling each year—corrections officials wonder what to do.

"You tell me what I should have done," Edward J. Prokop, Alexandria's chief deputy sheriff, said in response to questions about why he had Bailey removed from the jail. "I have a staff and 180 other inmates I have to worry about. I am not in a position where I can take chances. I cannot afford panic here."

Public health officials say they are afraid that the Bailey case is evidence that running the test itself can induce panic. Some suggest it illustrates clearly the social implications attached to use of a test that is not a final, accurate indication of AIDS.

"He didn't even need to have the test," said Whitman-Walker's director, Jim Graham. "The word going out there is that this is a test for AIDS. That's dangerous and untrue. The vast majority of those who register positive on the antibody test will never get AIDS."

Bailey, who was arrested on a drug charge, said in an interview that his family heard about his test when they read about it in the newspapers. "I went to kiss my mother," he said. "And she just turned away."

Medical experts say that members of high-risk groups should be cautious in their sexual activity and never donate blood. They also say that most people in the high-risk groups should base their behavior on the assumption that they would test positively.

"The point is that whether you are positive or negative does not matter," said Jeffrey Levi, political director for the National Gay Task Force. "If you are gay you should take precautions."

While doctors say Bailey's physical prognosis is good—he has some immune dysfunction, but there is no reason to believe he will develop AIDS, they say—he has been hurt psychologically by the incident.

"I felt like I was the only person in the world," Bailey said about being informed he had the disease. "I didn't know which way to turn."

The legal and political implications have had health officials and activists worrying since the test was first given. The Legal Defense and Education Fund of Lambda, a New York homosexual rights organization, almost filed a lawsuit to stop the test.

"We know there are valid uses for this test," said Nancy Langer, the group's public information director. "But we have to add the huge social costs to the benefits. Every day we see the consequences of misinformed action on AIDS. There is an incredible mass hysteria about the disease, and I really believe the tests can only add to that."●

A CONGRESSIONAL TRIBUTE TO MARVIN R. HANEY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Mr. Marvin R. Haney, the outgoing president of the Long Beach Chamber of Commerce, who will relinquish his post the 21st of this month.

Born in Indonesia, Marv moved to Long Beach in 1932. A product of the Long Beach public school system, he received a B.S. in business from the California State University, Long Beach. A past president of the Alumni Association, he currently serves on the president's advisory board.

Since 1955 he has been a partner along with his two brothers in The Haney Co., a private investment firm. Before forming the partnership, he was with Haney & Williams Drilling Co., a company that worked on offshore drilling and exploration. In addition to his work with The Haney Co., Inc., he is the chairman of the board of the Signal Savings & Loan Association.

A successful businessman, Marvin Haney has been an extremely active member of the Long Beach community. Aside from his service as president and a member of the board of directors of the Long Beach Chamber of

Commerce, he serves on the boards of directors of the Downtown Long Beach Associates and of the National Council on Alcoholism-Long Beach. He is also actively involved in numerous other sport, civic, and community organizations.

Marv Haney has improved the quality of work and the quality of life for the residents of my district during his many years of service to Long Beach business and community organizations. Although he is relinquishing his presidency of the chamber of commerce, I am sure that he will continue to serve the community as vigorously and effectively as he always has. My wife, Lee, joins me in wishing continued success and all the best in the years ahead to Marvin Haney, his wife, Emily, and their children, Shawna and Tom.●

SIOUX CITY'S BILL AMUNDSON RECEIVES NATIONAL RECOGNITION

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. BEDELL. Mr. Speaker, William W. Amundson, public works director for Sioux City, IA, since 1961, was recently named one of the top 10 public works leaders of the year by the American Public Works Association. It is a well-deserved honor.

Bill Amundson's tireless dedication represents the best tradition of American public service. His accomplishments were recognized last month in a Sioux City Journal story written by respected Iowa journalist Bob Gunsolley.

I am pleased to share with my colleagues a portion of what Mr. Gunsolley wrote about Mr. Amundson and his work:

Sioux Cityans have been aware for years that Bill Amundson has been involved in a great deal of the development that has been going on in the city since the 1960's.

Projects that he has supervised or helped plan have made a big difference in the safety, convenience, and even the quality of life of the city's residents.

Amundson's credo has been simple, he said in a recent interview. He does the best job he can and stands by his professional judgment even when others may disagree with that judgment.

In dealing with the public, Amundson said, he has operated on the premise that he will never be able to satisfy everyone and that he has to rely on his training to make the decisions expected of him.

Sometimes it's frustrating, he said, when objections from the public slow an important project. But that's part of the system that he has worked in all his career.

"I always try to remember that the money comes from the citizens of the community and needs to be spent wisely," he said.

He has lent his expertise to many organizations involved in the development of the city and has been called on by the State of Iowa for his advice on highway and other public matters.

Service to his community is what Bill Amundson does best.●

MEMORIAL SERVICES FOR THE LATE SENATOR SAM J. ERVIN, JR.

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. BROYHILL. Mr. Speaker, as the senior Member of the North Carolina delegation in the House, it is my duty to announce that friends of the late Senator Sam J. Ervin, Jr., of North Carolina, have been invited to join in a memorial service for the Senator on Thursday, June 13, at the National Presbyterian Church, 4101 Nebraska Avenue NW., Washington, DC.

The memorial service is to begin promptly at 11 a.m. All of his many friends and admirers in the Washington area are cordially invited to attend these memorial services.●

SALVATION ARMY SOLDIERS PERFORM GOOD DEEDS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. HOWARD. Mr. Speaker, on June 17, over 35 retired officers of the Salvation Army will celebrate the 60th anniversary in their ordination which took place in 1925 at Carnegie Hall in New York City. This anniversary celebration, which will be held in Spring Lake Heights in my district and includes a number of my constituents, is particularly worthy of note because it affords us the opportunity to focus on the good deeds of the Salvation Army and the many contributions it has made to help the poor and the sick.

The 155 young people ordained as the "Invincibles" in 1925 went on to perform many invaluable services to others. Some served as chaplains in the U.S. Army. Others worked in USO Clubs and in the missionary service. Their good work mirrored that of the extraordinary woman who ordained them—Comdr. Evangeline Booth, who later became the first woman general in the Salvation Army.

The movement, which in 1878 became known as "The Salvation Army," originated in the Christian mission meetings conducted in London, 13 years previously, by the Rev. William Booth. Its primary aim is to preach the Christian religion to men and women untouched by ordianry religious efforts.

The Salvation Army has been providing spiritual salvation through social service in America since Commissioner George Scott Railton sailed from England to found the Salvation Army and was greeted in New York City on March 10, 1880 by the Reverend and Mrs. James B. Irvine of Jersey City, NJ. It appeared that the Salvation Army would face difficulties in America as resistance from public officials to outdoor meetings was encountered. However, the good works undertaken by the Salvation Army soon overcame any such objections.

During the Spanish American War, the Salvation Army participated in the comforting of American troops. This work continued during World War I with the old linen campaign to prepare bandages for soldiers. Other personal and spiritual services for soldiers included hospital visitation and nursing aid in postwar France and Germany. In 1930, the Salvation Army Emergency Relief Program responded to the problems of unemployment in the Great Depression, and in World War II, the Salvation Army was one of five agencies to establish the United Service Organizations for National Defense to aid defense related communities and servicemen.

There are only some of the highlights of the rich history of the Salvation Army. Work continues today through a wide variety of spiritually motivated efforts to the benefit of those in need in our society. The results of these efforts can be read in the daily headlines as the Salvation Army provides shelter and aid to victims of fire, flood and other disasters around the world. Among the services provided to our cities are shelter and food for the poor and victims of disaster, rehabilitation centers for alcoholics, food pantries and thrift stores. Through this work the Salvation Army spreads its message of spiritual salvation in a practical and meaningful manner.

I would like to commend the several hundred soldiers of the Asbury Park Corps for the services they continue to provide to the residents of my district. Among their contributions have been a food pantry along with fund drives to support it, youth organizations, thrift stores and the provision of emergency aid and shelter for the poor and victims of fire or other disasters. Those to be honored on June 17 participated in these or similar activities, going back as far as the Depression and World War II. I thank these soldiers of the Salvation Army for their 60 years of untiring aid to their community and to the Nation.●

MR. CARL MACK, COMMUNITY EDUCATOR, TO BE HONORED

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. DELLUMS. Mr. Speaker, on Tuesday, June 18, many in my congressional district will gather to honor Mr. Carl Mack, a constituent, colleague, friend, and community leader, who is retiring from the Peralta Community College District.

Carl's service to his community has spanned several decades. He has been with the Peralta system for almost a score of years, but he had served his community in many capacities, far beyond his position with the college system.

Carl's record of service began as early as 1943 in Houston, TX, where he became active with the Boy Scouts of America. He worked his way up in that organization to an executive position, continuing with them for 23 years in Texas, San Francisco, and Oakland. In November of 1966, Carl was appointed manager of the Oakland Housing Authority. While working with the Boy Scouts and with the Oakland Housing Authority, Carl attended San Francisco State University and received a master's degree in 1968.

We from the east bay area are extremely fortunate that Carl settled and entered into the field of education here. In 1968, Carl went to work for Merritt College as a counselor and in 1971 became an administrator with the Grove Street College where he was very active in the development of the educational curriculum. In 1972, Carl went on to become dean of students at North Peralta Community College, and then went on to Laney College where he has been a counselor for the past decade.

Carl's efforts on behalf of the college and the community have been marked by dedication, a commitment to humanity, and a willingness to serve.

Carl is an outdoorsman and is active in civic and church events. The community is greatly enriched by his sense of community activism.

On behalf of my constituents, I want to acknowledge the service, dedication and accomplishments of my colleague and friend, Carl Mack. I wish him well and extend our hopes for his fruitful retirement.●

NATIONAL POETRY DAY

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. ANTHONY. Mr. Speaker, I am today introducing a joint resolution to provide for the designation of October 15, 1985, as "National Poetry Day."

More than any of the arts, poetry can reach directly into our hearts. Poetry expresses love, joy, grief, hope, and despair as ordinary language cannot. Poetry and poets deserve recognition for their art. Poets have and will continue to make our world and our lives more beautiful and more bearable.

In tribute to the contribution of poets and their poetry to the cultural development of our Nation, I ask my colleagues to join me in urging the President to proclaim October 15, 1985, as "National Poetry Day."●

A SALUTE TO JACOB CLAYMAN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. DYSON. Mr. Speaker, I would like to take this opportunity to extend my sincere congratulations to Jacob Clayman who will be honored on June 12 at a testimonial dinner by the National Council of Senior Citizens.

Jacob Clayman's life has been characterized by extraordinary dedication and accomplishment. Over a period covering three decades, he served as the general counsel and secretary-treasurer to the Ohio State CIO, special assistant to the president of the Amalgamated Clothing Workers in New York, and eventually as president of the industrial union department of the AFL-CIO. In every instance, Jake worked toward securing and protecting hard-gained collective bargaining rights for working men and women.

Jake is also recognized for his pioneering work in the areas of civil rights and consumer affairs. He was one of the early founders of the Consumer Federation of America, and served as its first president, beginning in 1969.

Ten years later, Jake Clayman became president of the National Council of Senior Citizens and continues to serve in that capacity today. As NCSC president, he has been an effective and tireless advocate for the elderly, and more than once has acted as the voice of moral conscience in policy debates on national issues ranging from Social Security and Medicare to Meals-on-Wheels for older Americans.

Jake's dedication and effective leadership have made a lasting impact on the policies and hearts and minds of thousands of people. I can think of no one more deserving of such recognition.

Finally, I would especially like to commend Jacob Clayman for giving to life much more than he ever took from it and for inspiring a generation of men and women with the thought that each of us can make our lives sublime and leave behind us footprints in the sands of time.●

CONGRESSIONAL SALUTE TO DR. JOHN C. SIMS, OUTGOING PRESIDENT OF THE DOWNEY CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. ANDERSON. Mr. Speaker, on June 14, the Downey Chamber of Commerce will hold its 82d Annual Installation Dinner Dance. I take this opportunity to congratulate the chamber's 1984–85 president, Dr. John C. Sims, on a job well done.

A graduate of Downey High School and the University of Southern California Dental School, John has been a member of the chamber's board of directors since 1982. He previously served as president-elect, cochairman of the special events committee.

In addition to his many duties at the chamber, John has been a member of the Downey Parking Place Commission for over two decades. He also is past president of the Rotary Club of Downey; serves on the board of trustees, United Methodist Church; is a past president, Downey Dental Academy; a member of the Downey Rose Float Association; and has participated in Career Fair activities at area high schools since their inception.

Mr. Speaker, John has worked hard at making Downey a better place to live and work. He has devoted countless hours to the community and you can be sure that his efforts have not gone unnoticed.

My wife, Lee, joins me in saluting Dr. John Sims. We wish him and his two sons, Jon and Jeff, continued success in all their future endeavors.●

A CONGRESSIONAL TRIBUTE TO MERRILL T. KELLY

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. STUMP. Mr. Speaker, I wish to take this opportunity to recognize a Department of Defense employee whose outstanding professional performance and selfless devotion to duty reflect great credit upon himself, the Department of Defense, and the U.S. Government. I am pleased to join family, friends, and associates of Merrill T. Kelly in saluting him on the occasion of his retirement from Federal service.

Mr. Kelly's distinguished career includes service as a special agent in the U.S. Army; senior intelligence adviser to the assistant chief of staff for intelligence, Department of the Army; and director, special advisory staff, Office of the Deputy Under Secretary of Defense for Policy. He has participated in many of the most sensitive activities engaged in by our Nation—activities which have had a direct and profound impact on our national interests, power, and prestige. He has had to anticipate the need for national requirements and to initiate corrective actions. Among the many outstanding qualities which he displayed during his distinguished service were superb judgment, exceptional diligence, and complete integrity.

Upon retirement, one of the most satisfying accomplishments of any individual is to know you have performed your duties faithfully and responsibly. Based upon his outstanding record of leadership and exceptional service to the Department of Defense in the fields of intelligence and security, Merrill T. Kelly can be confident of his contributions to improve our Nation's security. He is a hard working, conscientious individual whose 38 years of selfless service deserve the respect and support of not only this body, but also recognition from the public he so diligently served.

I know that Merrill and his family now look forward to his well-earned respite from Federal employment. Merrill Kelly we salute you.●

FARM ECONOMY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1985

● Mr. SKELTON. Mr. Speaker, I believe that we in Congress should refute the contention that all is well in the farm economy. The state of affairs in which many of my constituents find themselves in would indicate otherwise. For them, the crisis has not passed, but continues. Farms are continuing to close. Rural businesses are continuing to go bankrupt. These cases are not isolated ones. In fact, they represent not only the dilemma of my constituents, but those of a great many people throughout rural America.

To illustrate the present condition of the rural economy, I am holding a hearing of the Small Business Subcommittee on Exports and Special Problems on Saturday, June 29, in Kansas City. The subcommittee will hear the testimony of several rural businessmen for whom the crisis in the farm economy is still a very real and immediate problem.

We should not fall complacent to the alleged end of the farm crisis. It is a myth. Without a concerted effort on the Federal, State, and local level to transform and maintain the rural economy, it will continue to be a myth.

We in Congress must continue to do our part to keep this issue in the public forum, and to act responsibly to protect this vital sector of our national economy.●

SENATE—*Wednesday, June 12, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

But God hath chosen the foolish things of the world to confound the wise; and God hath chosen the weak things of the world to confound the things which are mighty; And base things of the world, and things which are despised, hath God chosen, yea, and things which are not to bring to nought things that are: That no flesh should glory in his presence.—I Corinthians 1:27-29.

Father in Heaven, it is clear in Thy Word that Thou art the advocate of the poor, the needy, the oppressed, the distressed. Our culture defers to the high and mighty. Thou art concerned for the weak and lowly. We seek power and position. Thou dost honor servanthood. In this place of power gracious God, deliver us from love of power, the arrogance which so easily accompanies it and the corruption which follows inevitably. We remember the Carpenter whose influence is greater than ever today, who is universally loved 2,000 years after His powerful political contemporaries are forgotten. We remember one of His last acts was to wash the disciples' feet, a task reserved for the most menial of servants. Remind us Lord, that leadership at its finest and best is servanthood which our forebears believed in their vision for public service. Infuse this body with humility and compassion for the least and the humblest that it may be all our forefathers envisioned in political life. For Thy honor and glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each followed by special orders in favor of the following Senators for not to exceed 15 minutes each, Senators PROXMIRE, BENTSEN, BYRD, DIXON, MELCHER, MURKOWSKI, and DOMENICI, to be followed by routine morning business not to extend beyond the hour of 11 a.m. with statements limited therein to 5 minutes each and then following morning business we will go into executive session to consider Legal Services nominations. There are 11 nominations. I would expect rollcall votes on two of the nominations. Hopefully the others can be disposed of by voice votes.

Following the Legal Services nominations, the Senate will turn to the nomination of Martha Seger to be a member of the Federal Reserve Board. A vote is expected on the confirmation following consideration of the Seger nomination.

It is my understanding, although I do not have it before me, that that may be followed by a resolution on recess appointments by the distinguished Senator from Wisconsin, Senator PROXMIRE, if that can be cleared.

Following that, if it is proposed, we will then turn to S. 1128, the Clean Water Act, and I suggest that votes probably will occur in connection with the clean water bill this afternoon. It is not my intention to suggest a late session this evening. As I understand, the distinguished Senator from Rhode Island will be managing that bill. If Members have amendments to that bill, it would be helpful if they would identify the amendments. We would hope to resolve some of the problems with the amendments and complete action on this bill early tomorrow evening.

It may be we will have to stay a bit later tomorrow evening, but hopefully we could complete action on the bill early and then take up the Nuclear Regulatory Commission bill on Friday morning. It is my understanding that that bill is not particularly controversial.

There is also an EPCA bill called to my attention by the distinguished Senator from Idaho, Senator MCCLURE, and if we cannot do that on Friday perhaps we can do it on Monday.

Mr. President, I reserve the remainder of my time and reserve the time for the distinguished minority leader.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. The distinguished Senator from Wisconsin is recognized.

(Mr. MCCONNELL assumed the chair.)

DO NOT GIVE UP ON ARMS CONTROL

Mr. PROXMIRE. Mr. President, has nuclear arms control failed? Has the prospect of developing an arms control agenda that would reduce the threat of nuclear war become so low, so limited and so subject to violation that we might as well throw in the sponge? Should we forget it? Should we rely instead on reducing the risks of nuclear war, and on nuclear deterrence?

The highly respected New York Times expert, Leslie Gelb, writes in the Sunday, June 9, New York Times that the whole process of arms control negotiations is in question. The administration has proposed and the Senate has agreed to fund at a very high level research into an antimissile defense. If the Congress continues to carry out that star wars program, it will destroy the antiballistic missile treaty of 1972. That treaty was one of the five major nuclear arms control treaties that have been signed between the superpowers since the beginning of the nuclear age. The Senate ratified that treaty by a massive 89-to-2 vote. A second major arms limitation treaty, SALT II hangs in a tenuous balance. It may be repudiated by either or both superpowers at any time. How about the current arms control negotiations at Geneva? They appear to have little or no prospect of making progress.

Why is this, Mr. President? Why is it that nuclear arms control agreements that could bring greater security to both superpowers and could sharply reduce the economic burden for both nations now seems to be falling apart? Leslie Gelb argues that arms control is now under fire from both conservatives and liberals. Conservatives believe arms control lulls Americans into a false sense of security. They believe arms control agreements will persuade the Congress to cut military spending. It would, in their view weaken American strength vis-a-vis the Soviet Union.

On the other hand, liberals attack arms control as just codifying the arms race. They see such weapons as the MX missile and star wars advanced as "bargaining chips" in arms control negotiations. The result: arms control seems to speed up the arms race. Gelb says three realities of nuclear weapons competition have specially slowed and handicapped arms control.

First, the Soviet and American forces have different strength and different weaknesses. The technologies,

the capabilities of weapons on both sides are so different that compromise is difficult. Second, is the lack of trust. So both sides resist making substantial cuts. Third, the agreements have taken so long that new arms have been produced faster than agreements can be achieved. SALT I took 4 years. SALT II took 7. The latest effort is already 6 years old. It seems unlikely to achieve an agreement. If it does, the agreement will not come until another new, even longer record has been set in the length of time negotiations have taken. Meanwhile the technological race for increasingly devastating nuclear arms continues to rush ahead.

What is the answer? Mr. Gelb offers one option. Gelb's response does not satisfy this Senator. I think we can do better. But at least the Gelb answer is a beginning. Gelb cites a new book by three Harvard experts who have been working on the nuclear arms agreement with distinction for some time. The book is "Hawks, Doves and Owls," by Alison, Carnesale and Nye. Gelb says this book calls for an agenda that moves away from weapons cuts to action both superpowers can pursue, much of it unilaterally to reduce the risk of nuclear war, such as "preventing unauthorized firing of submarine launched missiles, the pulling back of tactical nuclear weapons from the front lines, and discussions on how to manage crises and end wars once begun." The Harvard expert say this is something hawks and doves could agree on. Are Gelb and these Harvard experts right? Is arms control, whatever its noble objectives unrealistic?

Mr. President, this Senator vigorously disagrees. Oh, yes, indeed, Gelb and the Harvard experts are right that we should pursue whatever unilateral efforts we can to reduce the risk of nuclear war. We should make whatever agreements are possible to prevent accidents, manage crises and end nuclear wars if they ever begin.

But Mr. President, we should not act on the assumption that Ronald Reagan will be President of the United States forever. Three and a half years is a long time. But it is not eternity. The fact is that, like it or not, from the standpoint of this superpower when it comes to arms control the whole ball game is the Presidents. Neither the House nor the Senate play any significant role. We are free to comment just as the press is free to comment. We may even influence the President. But only he can enter negotiations. Only he can appoint the negotiators. Only he can fire the negotiators. Only he can set forth the instructions the negotiators must follow. Only he can accept or reject whatever agreement the negotiators achieve. And, as we have discovered with the 150-kiloton limit on underground testing and with SALT II, the President can put an arms control agreement into effect with or without Senate ratification. If the agreement is not ratified, he can decide when and whether to walk away from it. The President and the President alone is Mr. Arms Control in this country.

So some might say: Sure, PROXMIRE, and Ronald Reagan is and will be President of the United States until January 1989. It is a fact of life. Forget the arms control experts you cite. They do not count. Senators do not count. When it comes to arms control, only the President counts. That is all true and in the view of this Senator the President does not want a significant arms control treaty. This President has opposed every arms control treaty that this country has signed, including those that have been negotiated by Republican Presidents and overwhelmingly approved by a bipartisan majority of the Senate. What does all this mean? It means that for the next 3½ years the future of arms control is not very much in doubt. Until 1989 arms control is virtually dead.

On the other hand, 3½ years is not forever. This Senator has served in this body for almost 28 years. I have served with seven Presidents. Presidents come and go. President Reagan will go. The world will probably get through the next 3½ years without a nuclear war. If we do, we will have a new President of the United States and a new Mr. Arms Control. In the long pull, Mr. Gelb and the Harvard experts are wrong. Arms control can work. If the United States is to survive throughout the decades it must work. But until 1989 Mr. Gelb and his experts are right, we will have to rely largely on unilateral policies to reduce the risk of nuclear war and hope and pray we have something left to clean up, if nuclear war starts.

Mr. President, I ask unanimous consent that the article to which I have referred by Leslie Gelb from the June 9 New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMS CONTROL'S FUTURE IS IN DOUBT, AND SO IS ITS PAST

(By Leslie H. Gelb)

WASHINGTON.—The whole process of arms-control negotiations, past, present and future, was in question last week. Soviet and American delegates were pecking away in Geneva, but no breakthroughs could be sighted. Indeed, the life of the last breakthrough, the unratified SALT II treaty of 1979, hung by a thread as President Reagan made his decision this weekend on future American compliance.

But even if, as expected, Mr. Reagan announces a formula for qualified adherence, the larger question of the future of nuclear arms control remains. The last nuclear pact ratified by the United States was the first strategic arms limitation treaty, SALT I, in 1973. Since then, the superpowers have signed two treaties limiting nuclear testing and the second strategic arms treaty, SALT II. None were ratified. Six years of effort to go beyond SALT II for strategic and medium-range nuclear forces have not yielded agreements.

Concerns about the fate of the arms-control enterprise were much in evidence last week. In an unusual move, the Senate approved, 90 to 5, a nonbinding resolution calling for continued adherence to SALT I and SALT II. To please conservatives, a phrase was added to permit "proportionate responses to Soviet undercutting." Senator Sam Nunn, Democrat of Georgia and no dove, said the resolution reflected "continuing skepticism" about the Reagan Administration's intentions. The measure was attached to a $232 billion Defense Department authorization bill. Meanwhile, Secretary of State George P. Shultz reported from a NATO foreign ministers meeting in Portugal that the allies were strongly opposed to abandoning the treaty.

The arguments had been put to Mr. Reagan at last Monday's National Security Council meeting. Mr. Shultz reportedly told the President that Moscow, with its missile production lines open and the capacity to add many more warheads to existing missiles, was in a better position than Washington to race ahead if SALT II limits were removed. Defense Secretary Caspar W. Weinberger was said to have countered that Moscow was not likely to expand its capability beyond what it planned anyway under SALT II. He also reportedly argued that honoring the treaty, which Mr. Reagan says the Russians are violating, would undermine the President's credibility in Moscow. Mr. Weinberger's supporters regard this stance as a way to increase the pressure on Moscow for compromises in Geneva. Mr. Shultz's people fear it could have the opposite effect.

Behind the give and take is a judgment shared throughout the Administration that the strategic situation is "fundamentally different" than formerly. This was a central theme last week of a White House paper seeking to justify the President's Strategic Defense Initiative, popularly called Star Wars. It argues explicitly that the Soviet military buildup threatens American retaliatory capability, and implicitly that arms control has not alleviated this threat. (The Senate last week also rejected efforts to cut back spending for the Reagan anti-missile program. However, the NATO ministers in Portugal held back from endorsing the program.)

CLASH OF PERSPECTIVES

Claims of Soviet strategic superiority were missing in the White House paper. But the judgments underlying those claims still motivate the Administration's negotiating position in Geneva. There is a sense in official and unofficial Washington that the arms-control process has gone astray because of a combination of things: the modesty of past accomplishments, questionable Soviet behavior, fear of falling behind, unrealistic expectations and the pressure of politics. As officials acknowledge, the belief that Moscow is ahead causes Mr. Reagan to demand more concessions than he is prepared to give. But Moscow asserts that overall nuclear parity exists and that it will not give up more than it gets. This clash of perspectives has underpinned years of deadlock. On top of that, the belief is widely held in the Administration that past agreements were ploys by Moscow to lull Americans into a false sense of security. In this view, new pacts would only exacerbate Congressional pressure to cut military spending.

These have been concerns of conservatives for almost two decades. But liberals, too, have attached the arms control process; some argue it is a mere codification of the arms race, a plot to justify new weapons for bargaining purposes. Together, liberals and conservatives have pushed successive Administrations to seek "real" arms control, deep cuts in weapons, freezes, elimination of important Soviet weapons and the like.

But these demands have bumped up against the realities of the nuclear arms competition. First, the Soviet and American forces have different strengths and weaknesses. Lack of symmetry in capabilities and technology makes compromise difficult. Second, lacking trust, both sides are reluctant to agree to big moves or deep reductions or to cut out new weapons. Each negotiating set has begun with high demands, followed by years of trimming, followed by modest agreements, SALT I took almost four years to achieve, SALT II took seven. The latest effort is almost six years old. Meanwhile, arms have been produced far faster than agreements.

Some of these concerns are addressed in a new book, "Hawks, Doves, and Owls," edited by Graham T. Allison, Albert Carnesale and Joseph S. Nye Jr. of Harvard. After years of deadlock, they argue, the agenda should be shifted to reducing the risks of nuclear war. Weapons cuts are good, they say, but have only marginal effects on the risks. They propose unilateral actions and negotiations to prevent unauthorized firing of submarine-launched missiles, the pulling back of tactical nuclear weapons from the front lines, and discussions on how to manage crises and end wars once begun. This, they say, is an agenda that hawks and doves could agree on.

ANNE FRANK DAY

Mr. PROXMIRE. Mr. President, today, June 12, is Anne Frank's birthday.

On this day, 43 years ago, Anne Frank received her diary as a present for her 13th birthday.

Less than 3 years later, Anne was dead, one of the 6 million murdered by the madness of Hitler's genocide.

As we all know, her diary survived and a generation has used Anne Frank's diary to try to comprehend what it means to lose 6 million brothers and sisters.

Because we must try to understand the Holocaust, because we must never forget the human element of this tragedy, Anne Frank's diary is indispensable.

She was just a girl, but the eloquence of her words touched millions. She has become a symbol of the innocence and helplessness of the victims of nazism.

With her spirit almost suffocating in the cramped secret annex where her family hid from the Gestapo for over 2 years, Anne poured her heart into the diary.

She was a beautiful and talented girl who needed a spiritual refuge as well as a physical one from a world which would murder her simply because of her religion.

So, when we read the diary, Anne speaks to us a friend. In return, she has been beloved by millions because ultimately hers is a story of hope.

Her suffering in that cruel time is always present on the pages, but it never drove her to despair. She never stopped wanting to live.

Because we have not forgotten her story in this generation, Anne Frank has lived on. Hopefully, she will live in the hearts of future generations who must never forget her witness to desolation—and her dedication to hope.

I am proud to have cosponsored the joint resolution introduced by Senator LEVIN declaring today as "Anne Frank Day." And I am proud that the Senate approved this resolution.

Mr. President, no treaty signed by this country could ever make up for the loss of Anne Frank and 6 million others who perished in the Holocaust. But we have an obligation to join with the other nations that have already ratified the Genocide Treaty to make clear to them that we share their sorrow at the tragedy that claimed Anne Frank's life.

We need to make clear, Mr. President, our intention to prevent such a tragedy from ever happening again.

We need to make clear that we will bring those who would commit genocide to justice.

For the sixth time, the Foreign Relations Committee has reported the treaty to the floor of the Senate. The treaty has enjoyed the support of every President since World War II. At the end of the last session, we committed ourselves to taking up the treaty early in the 99th Congress.

In the name of Anne Frank, I urge my fellow Senators not to let another year pass without acting on the Genocide Treaty.

INTERNATIONAL SPACE STATION COOPERATION—FACT OR FANTASY?

Mr. PROXMIRE. Mr. President, a great deal has been made over the last year or so of the extent to which the proposed manned space station will have international participation. To many of us, that means a shared effort among the Europeans, the Canadians, the Japanese, and the United States to exploit the proposed station's capabilities to the benefit of all. If this could indeed happen, it might help to justify an $8 billion investment of the taxpayer's money by the National Aeronautics and Space Administration in a system that currently raises more questions than answers.

However, those who think that the station will usher in a new era of cooperative harmony with the Common Market countries may be in for a bit of a shock. For openers, foreign participation will not—I repeat, not—reduce the cost of the space station to the United States. In fact, the estimated cost of the station to the American taxpayer will be $8 billion whether or not other countries participate. That is because the station is not to be a truly shared endeavor.

Here is how NASA's Administrator, James E. Beggs, put it in response to a question I raised at the appropriations hearing earlier this year:

Obviously the Europeans, Japanese, and Canadians will enter this program with the intent of achieving some advantage, both economic and otherwise, for themselves. We will define the station as we go along in such a way as to provide for specific pieces that will be advantageous for them to develop and produce.

Mr. Beggs made it clear that foreign participation would be on an additive-cost basis with other countries supplying "things that were unique to them."

In fact, 3 days after this March 14 hearing was held, an article in the Sunday New York Times, by John W. Anderson, pointed out that "if the Europeans wind up ahead of the Americans in materials processing, there is always a chance that the U.S. Government would restrict European access to the space station." The article went on to quote Ulrich Huth, a spokesman for the West German space agency, as saying: "Right now, there are no constraints, but the shuttle is the property of the United States."

I sent this article to Administrator Beggs and asked for his comments. On May 31, I received a response from NASA's Assistant Administrator for Legislative Affairs, John F. Murphy, which seemed to confirm that our space station relationship with our allies is going to be strained at best. The letter pointed out that competition and cooperation are not necessarily mutually exclusive. In the words of Mr. Murphy:

To achieve a successful cooperative program, we will provide our partners necessary information about the interfaces between their elements and the space station system, but will not need to transfer U.S. technology related to U.S. partners of the project about the interfaces to assure confidence in a successful joining of the international and U.S. components, but will limit such exchanges of technical information to that which is considered mandatory for program success.

Mr. President, it should be crystal clear that there is a big difference between limiting exchanges of technical information to those considered mandatory for program success and on openhanded cooperation with the Europeans, Canadians, and Japanese to develop a superior space station.

The first approach creates more problems than solutions and enhances the possibilities for friction and misunderstanding. At this point, I am not at all sanguine about the use of the proposed space station as a focus for international partnership. I ask unani-

mous consent that the New York Times article and Mr. Murphy's response to my letter be printed in the RECORD following my statement so that my colleagues can reach their own conclusions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, May 31, 1985.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, DC.

DEAR SENATOR PROXMIRE: Thank you for your April 4 letter concerning worldwide competition in space activities which Mr. Beggs referred to me for response. In the past decade and a half, we have seen measurable growth in foreign space budgets and capabilities. This growth has raised concerns about increasing foreign competitiveness with the United States, both in the terms of technological levels and in the space hardware market.

Many foreign space budgets rose steadily throughout the 1970's and although there was some leveling off in the early 1980's during a period of fiscal restraint, we have seen these budgets begin to rise again. For example, Europe recently endorsed a 65 percent increase in ESA's budget in the next five years. Other countries, like Japan and Canada, are indicating that they, too, are ready to increase their space budgets. Furthermore, recent foreign budgets have shown an increased emphasis on areas of potential commercial payoff: communications, remote sensing, materials processing, and launch vehicle development.

This competition should come as no surprise. The potential market for space hardware and services is large and technically challenging. Indeed, it would be surprising if the U.S. leadership in this area were not challenged. A major concern in this era of competition, however, is the increasing evidence we see that foreign governments are adopting sophisticated strategies to enhance and aid their aerospace industries' competitive positions. Many foreign governments support their space industry not only through R&D funding, but also by price subsidization and financing assistance, development of attractive package deals, and creation of quasi-governmental marketing organizations such as Arianespace and SPOT-Image.

I am confident that U.S. industry can meet the competitive challenge to its leadership. To help industry do so, the Administration and Congress must continue its support for research and technology in these competitive fields.

Furthermore, in response to the President's National Space Policy, NASA has developed a policy and program plan to encourage and stimulate U.S. industry action in space. This approach contains a series of initiatives to reduce the technical, financial, and institutional risks of doing business in space. These initiatives are:

To reduce technical risks, NASA will perform research oriented toward the development of commercial space technologies.

To reduce financial risks, NASA will provide simplified and low-cost access to space as well as to ground-based NASA facilities.

To reduce institutional risks, NASA will assist private firms in their joint endeavors with NASA and strive to maintain consistent policies regarding support of commercial space ventures.

These NASA efforts are complemented by DOT's support of the development of commercial launch services and NOAA's support of commercial remote sensing activities. Of course, the U.S. Government's effort must be complemented by vigorous private sector R&D activities and by aggressive marketing of the resulting products and services. It is important, though, that we not let this focus on competition to divert our attention from those areas where international cooperation with our friends and allies offers significant benefits. Cooperation has permitted NASA to enhance the capabilities of missions; reduce mission costs, thus freeing up funds for other endeavors; gain valuable access to foreign scientific and technological expertise; and support important U.S. foreign policy objectives. Competition and cooperation are not necessarily mutually exclusive. Increased capabilities abroad also make foreign nations more valuable partners.

This cooperation can be amply demonstrated by the international involvement in the Space Station. Following the President's invitation to friends and allies to participate in the Space Station program, NASA has negotiated Memoranda of Understanding with Europe, Canada and Japan for cooperation in the definition and preliminary design phase of the program. In my view, foreign participation in the Space Station program will significantly enhance the capabilities of the Space Station. Working for NASA, U.S. industry will develop those Space Station systems essential for supporting manned operations as well as elements such as labs and unmanned platforms which will make the Station a particularly useful facility. Our partners' mature space capabilities will produce elements that will greatly add to the capabilities of the Station. In this way, U.S. Government expenditures for this program will benefit U.S. industry by providing jobs and by stimulating the development of U.S. technology in a wide variety of important areas. In addition, the added capabilities our partners bring to the Station will be available for NASA and U.S. industry to use. Of course, as with all of our cooperative programs, foreign involvement in the Space Station will be structured so as to avoid the unwarranted transfer of technology. Our partners recognize that they will be responsible for developing their own contributions to the overall Space Station, and that the technical interfaces between the various parts of the project must be as clean as possible. In response, they are proposing Space Station elements such as laboratory modules, platforms, and servicing facilities. To achieve a successful cooperative program, we will provide our partners necessary information about the interfaces between their elements and the Space Station system, but will not need to transfer U.S. technology related to U.S. partners of the project about the interfaces to assure confidence in a successful joining of the international and U.S. components, but will limit such exchanges of technical information to that which is considered mandatory for program success.

I hope this information will be useful. We are excited about the Space Station program and the enthusiastic response the President has received from Europe, Canada, and Japan to his invitation to participate. We look forward to the continued Congressional support for NASA's programs.

Sincerely,

JOHN F. MURPHY,
Assistant Administrator
for Legislative Affairs.

[From the New York Times, Mar. 17, 1985]

EUROPE VERSUS AMERICA IN SPACE

(By John W. Anderson)

HOUSTON.—Mention "space race," and most people still think of a battle for military supremacy waged between the Soviet Union and the United States.

But a new space race has developed, and the spoils this time are economic, not political. It is the push to command the lion's share of private rockets and communications satellites, to manufacture pharmaceuticals, semiconductors, and other delicate products in a totally controlled environment—all told, to be the first to commercialize space.

At stake is more than $52 billion in annual revenues by the end of the century, according to the Center for Space Policy, a Cambridge, Mass., research investment firm. And preliminary results show that, among contenders for the spoils, the United States is running behind. "We are moving slow as turtles compared to the Europeans," warns Christopher Podsiadly, director of the Science Research Laboratory at the Minnesota Mining and Manufacturing Company.

The problem is not lack of scientific acumen: It is cash, pure and simple. By starting to "privatize" space activities—for example, by selling to the private sector rights to rockets orginally built for and owned by the National Aeronautics and Space Administration—President Reagan has put American companies in a classic good news/bad news situation.

The good news is that they have a shot at a potentially mammoth market. The bad news: That American companies are pitted against European concerns that are subsidized by their governments, and thus have the cost advantages on their side. If this situation continues, American companies say they will fall permanently behind in all aspects of the commercialization of space.

A good example of the current problems is the frustration that Transpace Carriers Inc., a small, 17-employee company in Greenbelt, Md., is experiencing in its attempts to turn its newly acquired rights to launch a Delta rocket into a thriving business.

Transpace was started in 1982 by a group of NASA technicians who wanted to capitalize on the Government's decision to allow private companies to launch rockets. The McDonnell Douglas Corporation, the manufacturer of the Delta rocket—which was used in more than 160 Government-run launches of satellites and scientific experiments—has agreed to build it for Transpace. Transpace has yet to take physical ownership of a rocket, but has spent $9.5 million setting up shop and trying to drum up interest from telecommunications companies and anyone else who might eventually launch satellites.

Transpace was prepared for American competition. General Dynamics now holds ownership rights to the Atlas Centaur rocket and plans to launch it itself. And the Government-owned Space Shuttle has been launching communications satellites for commerical customers for about $19 million per launch (although that price is scheduled to rise soon).

But none of the American rocket launchers had counted on the entry of Arianespace, a private French company whose largest stockholder is the French Government. It holds ownership rights to the Ariane rocket, which was developed and tested by the European Space Agency, a council of 11 European countries that supervises all major space projects developed in Europe. Arianespace already operates three Ariane rockets, and is expected to have a fourth ready for launching next year.

Arianespace currently charges between $24-$28 million for every communication satellite it sends into oribt, and already has sent five satellites up. Transpace, on the other hand, has yet to find a customer.

Transpace claims that it costs approximately $37 million to send satellites into orbit aboard a Delta rocket, and that it would charge $42 million per launch. Arianespace would not divulge its own cost estimates, but Transpace says that the French company's costs are much higher than its own. The reason for the difference in prices, Transpace insists, is that Arianespace is subsidized, and thus need not recover full costs.

"We entered this business relying on the belief that we would operate in a free market economy," said Tony Savocca, president of Transpace. "But the Ariane is subsidized. If we don't get their price levels near full cost recovery, we are going out of business."

Transpace filed a complaint of unfair competition with the United States Trade Representative last year, claiming Arianespace charged United States customers less than it did Europeans. The complaint is pending, and a decision is expected by July.

Meanwhile, both sides remain intractable. "Our prices are considered on a case-by-case basis to compete with the export market," insisted Douglas Heydon, the French company's executive vice president. Countered Mr. Savocca: "We want to compete with Ariane on a world market, but you have to first get rid of their subsidy."

Even NASA feels threatened by Arianespace. The Ariane and the Shuttle have been running neck-in-neck in the battle to win customers. According to NASA, each launched five of the 10 commerical satellites sent into space in the last 14 months.

But NASA had planned to raise its price for launching a private satellite on the shuttle to approximately $27 million this fall, in order to make commercial users bear more of the spacecraft's costs. Now it is not sure it could make the increase stick.

"Ariane will soon have a cost advantage of up to $5 million on launches," warned Chester Lee, director of Shuttle Customer Services. "If we would lose all our commerical customers from the Shuttle, NASA's budget would go up at least $250 million each year."

To make matters worse, the European Space Agency may build its own shuttle. In January, the ministers met in Rome and approved the Ariane 5, a rocket system that could launch a small manned shuttle known as the Hermes. Research and development costs for the Ariane 5 are expected to exceed $2.3 billion.

"France has a political position to develop an independent manned capability," says Frederic D'Allest, chairman of Arianespace. Added Mr. Heydon: "We have injected an element of competition at NASA which should make them more efficient."

Competition among American and European drug and electronic companies to capitalize on the low-gravity, high-purity manufacturing conditions in space promises to be every bit as intense as that now occurring among that rocket-launchers. Products are still in the research phase, so no commercial war has erupted as yet. But a competitive battle seems inevitable.

The pure, micorgravity environment of space allows special pharmaceuticals, crystals, and metal alloys to be made which cannot be reproduced on Earth. Eric Meger, vice president at the Center for Space Policy, estimates that this growing new field will be a $25 billion annual business by the year 2000.

For now, no European company has put any money of its own into this research. Funding is provided entirely by various governments. But the expectation is that private European companies such as West Germany's Messerschmitt-Bolkow-Blohm will turn the research into commercially viable products.

In the United States, by contrast, the private sector must pay its own way from the start. McDonnell Douglas is the leader in researching pharmaceutical production in space. The company has a partnership agreement with Ortho Pharmaceuticals to separate hormones from complex protein solutions using a process known as electrophoresis, which involves separating tiny particles from a solution by imparting an electrical charge to them. The process works better in space because materials are more easily separated in the absence of gravity.

Although neither company will divulge what product they plan to produce, a source close to McDonnell Douglas said it will be a cure for diabetes. The company will try to produce 1.5 liters of the product on a test manufacturing unit it will send up on the Shuttle this month. If the experiment is successful, McDonnell Douglas will send a 2.5 ton prototype production plant into space in November. It expects that it could get Food and Drug Administration approval of the product as early as 1988.

There do not appear to be European competitors waiting in the wings. "The fact that we don't have any competition isn't a bad feeling," says James Rose, electrophoresis project manager at McDonnell Douglas.

Mr. Podsiadly at 3M, by contrast, feels the throes of competition. His company began experimenting with crystal growth and film processing on the Shuttle last November. Yet 3M's experiments are nowhere near as ambitious as those of its European competitors—ironically, in labs on the same American space shuttle. "We are doing our experiments in small cannisters while they are doing things that take up the whole Shuttle," Mr. Podsiadly concedes.

There is a poetic justice in this, in that the European Space Agency that is giving the American rocket companies such trouble right now is the same agency that, a decade ago, developed the first space laboratory at the request of the United States. This laboratory became the first Spacelab, which was donated to the United States and launched aboard the Shuttle in November 1983. The laboratory occupies most of the Shuttle's cargo bay, and the United States is in the process of buying another one from the agency for $200 million.

Developing the Spacelab hardware gave European scientists expertise in materials-processing techniques. Mr. Podsiadly says that West German scientists in particular have grown comfortable with the processes, and are working with subsidies from their Government that dwarf the funds of the United States companies.

West Germany has purchased space on the Shuttle mission scheduled for October. It plans to use Spacelab for experiments in crystal growth and metal alloy formations. Simply labeled D1, the mission will cost the German Government $150 million. A second mission has been reserved for 1988 to conduct further materials processing experiments.

"Europe's approach to materials processing is a belief that we need more basic data before we cry victory and say there is a big market," said Ulrich Huth, a spokesman for D.F.V.L.R., the West German space agency. "With these missions, commercial space processing will increase in Europe."

If a product with high commercial value is developed in space, room aboard the Shuttle may become scarce due to increased demand. To protect domestic commercial ventures aboard the Shuttle, the space agency last year announced that it would "designate" space specifically for companies like 3M.

Would-be European competitors are banking that access problems will disappear when the second Shuttle launching pad is completed next year at Vandenberg Air Force Base in California. "As long as we have the money to pay for the space on the Shuttle, we will fly," Mr. Huth says.

Meanwhile, attempts to rekindle the cooperation that existed between the Europeans and the Americans in the 1970's continue. For example, the European Space Agency recently approved Columbus, a $2.3 billion project to construct a space factory that can be attached to the $8 billion space station being built by the United States.

The program's name commemorates the 500th anniversary in 1992 of Christopher Columbus's New World discovery. The space station is to begin operations in 1992.

West Germany has tentatively agreed to contribute $900 million for the Columbus. The rest of the money will come from other members of the European Space Agency, the largest contributors being Italy, Britain and France.

But the Europeans want certain guarantees before they start building. For example, they want to be sure they can easily get space on any transportation that is running between the station and earth. "We must have non-discriminatory access to the space station," says Udo Pollvogt, spokesman for Messerschmitt-Bolkow-Blohm, the major German contractor of Spacelab and the likely builder of Columbus.

Whether they get those guarantees may yet depend on how intense the competition between Europe and the United States becomes. If the Europeans do wind up ahead of the Americans in materials processing, there is always a chance that the United States Government would restrict Europeans access to the space station. "Right now, there are no constraints," said Mr. Huth of the German space agency. "But," he adds tellingly, "the shuttle is the property of the United States."

Mr. PROXMIRE. I yield the remainder of my time to my good friend from Texas and I yield the floor.

RECOGNITION OF SENATOR BENTSEN

The PRESIDING OFFICER. Under the previous order, the Senator from Texas, Mr. BENTSEN, is recognized for not to exceed 15 minutes.

U.S. TRADE DEFICIT

Mr. BENTSEN. Mr. President, I am joining with a number of my colleagues today to discuss our rising trade deficit and its impact on our economy. I have a special interest in this topic for two reasons.

First, I am chairing the Senate Democratic Working Group on Trade, composed of Senators LONG, HOLLINGS, RIEGLE, BAUCUS, LAUTENBERG, HARKIN, BURDICK, EAGLETON, MATSUNAGA, DIXON, and BINGAMAN, with our minority leader, Senator BYRD, as an ex officio member. Second, I have long been concerned with our wobbily productivity performance. And evidence is accumulating that our widening trade gap is having a harmful effect on productivity growth.

Our foreign trade deficit has set progressive larger records in each of the last 3 years. In 1982, the deficit hit a record $42.6 billion. The following year, a new record of $68 billion was set, and last year it nearly doubled to another new record deficit of $123 billion. Moreover, the latest trade figures show the trend continuing. We are well on the way to another record trade deficit this year of $135 billion.

We have become accustomed to record deficits around here, and that may account for the scant few eyebrows raised by these record trade deficits.

At the same time, there is a disquieting sense of uneasiness seeping across our country. Questions are increasingly being raised about the strength and longevity of the recovery, especially after the very poor first quarter's performance. After all, real gross national product has grown 3.7 percent on average during the third year of our other six sustained postwar recoveries. Yet, thus far in this recovery's third year, growth has averaged only a dismal 0.7 percent—less than one-fifth the average of the other recoveries.

So, something is wrong. Why is the recovery losing steam so soon? In fact, consumer demand remains robust. It rose, for example, at an annual rate of 4 percent in the first quarter. The demand side of our economy remains sturdy. But, that strength is not being transmitted to the supply side because of the trade gap.

Put simply, the record trade deficit is deflecting much of our economic growth abroad—it is being spent on imports. U.S. demand is producing jobs and profits abroad, not here at home.

That's why we see demand rising 4 percent on one hand, but production—GNP—rising a scant seven-tenths of 1 percent on the other. Imports are driving a wedge between our demand side and our supply side. And the weakening supply side is dragging economic growth and job growth down as a result. Indeed, we are in the midst of the first economic slow down in history due to foreign trade.

I'll return to discuss the effects of this trade deficit in a moment, but, first let me review the two major causes of these rising deficits.

Since 1981, the Federal deficits have pushed real interest rates to record levels. That lured billions a year in new investment here from overseas—pushing the dollar up. The dollar has become overvalued by 30 percent or more, sending exports into a spin and imports soaring. Last year, we actually exported less than in 1981. Yet, imports were up by $100 billion.

The other major influence on the trade deficit is protectionism.

I am a free trader. Our Nation was built on free trade. And through the years it has profited greatly from it. But free trade is a two-way street. You sell abroad, but foreign competitors also sell here. That way we all grow; we all produce new jobs and lower prices.

In recent years, a number of countries have successfully sought to short circuit this process. They have adopted heavy-handed industrial policies to promote exports while restricting imports. They have made trade a oneway street, and they've gotton away with it.

Three hundred years ago, the European colonial powers tried the same thing. It was called mercantilism then. And its called mercantilism today.

The most effective practioner of the new mercantilism is Japan. According to the Commerce Department, Japanese trade barriers cut United States exports to Japan last year by $10 billion. That cost the United States 400,000 jobs, including 56,200 in electronics alone, according to the American Electronics Association. Japan has become the world's second largest economy in good measure on the strength of its export sector. In 1984, its exports rose to nearly 80 percent of the level of the U.S. exports—even though its economy is but one-third as large as ours. Yet, it imported far fewer manufactured goods, an amount scarcely equal to a bare 20 percent of U.S. manufactured imports.

We had the Tokyo round. We thought we had a great breakthrough and we had major concessions made by Japan as to how they were going to increase their imports from other nations of the world; how we were all going to profit by it.

But if you look at the figures from 1980 to 1983, you see what the Japanese really did—how much they bought from others. They froze imports at approximately $80 billion, year after year, regardless of what supposed concessions were made in the Tokyo round. So, there was no change in the import posture of Japan from 1980 to 1983 after that Tokyo round—no great breakthrough. Things were agreed to. But the bottom line was no breakthrough, no change.

On the other hand, what happened to the exports from Japan? Those exports boomed at an unparalleled pace around the rest of the world as the Japanese increased their share of exports to the rest of the world. There are problems in lesser developed countries, of trying to meet their debts. It is absolutely necessary that they sell exports to be able to accomplish that. The United States has borne a large share of the burden. Did Japan carry their part of that? No. Japan's share of the exports of the lesser developed countries is about 8 percent, while the United States buys approximately 58 percent of the exports of the lesser developed countries.

The Japanese counter this argument by putting out some numbers about how much they are buying from us. They say, "Look, we are buying all of this from U.S. firms." But they include U.S. firms manufacturing there. They say, "Look how much we are buying." But a sizable share of the jobs are over there. They are the ones predominantly benefiting from these sales.

As Paul McCracken put it last month, "if Jean-Baptist Colbert, the 17th century mercantilist French Minister of France, were to return to life, he would feel at home in Tokyo's economic policy councils.

Limited access to Japanese markets by world class American products is widespread. In computer software, U.S. firms supply 70 percent of the world market beyond Japanese shores, but only 5 percent in Japan itself. U.S. tobacco meets 25 percent of the European market, but holds only 2 percent of the closed Japanese market. American semiconductors have gained access after many years to a scant 11 percent of the Japanese market, but hold 53 percent of the world market beyond Japan. And American computers satisfy a quarter of the restricted Japanese market, but nearly two-thirds of the market beyond Japan.

The new mercantilism has focused on manufactured goods because of their responsiveness to growth. Yet, it is widespread in agricultural commodities, as well.

Some refer to domestic content. I do not think that is the right way to go. But then I turn around and look at Japan. If we want to sell orange juice from my State to Japan, do you know that they require domestic content? A percentage of that orange juice sold in Japan has to have local mandarin oranges added to it before it is sold to the Japanese consumer.

The new mercantile system has really concentrated on manufacturing because of their responsiveness to growth. But, it is widespread in agricultural commodities as well.

Concerning the European Community, for example, I talked to the Trade Minister of France the other day in my office, a very able woman. She was talking about us and used our subsidies as a defense against them and their subsidies for agriculture.

But there is a great difference in our two systems. When we subsidize agriculture production in this country, we do it to limit production, to hold back production. They do it for a contrary purpose, to increase production. They will sell sugar on the world market for 3.5 cents a pound, but they have paid the French farmer 27 cents a pound for it.

Look at the foreclosures on the farms in this country. The price of farmland is cratering. At the same time, look what is happening to European farmland values and the European Common Market. Sugar beet land has gone from $1,000 an acre to $7,000 an acre as they hold that kind of medallion of protection over it.

The EEC, for example, used cash export subsidies of up to $80 a ton to drive American wheat farmers out of markets like Algeria. When we talk to our administration and we say, "Take them head on, show them we want free trade. Take out surpluses and meet them in those markets where they have taken our markets away from us," the Secretary of Agriculture says, "I really do not want to do this. I will do it reluctantly. I do not like it. It offends me." Yet, how else do you think you are ever going to get agriculture on the negotiating table with the European Common Market?

The Agriculture Department several years ago sold $1.5 billion worth of wheat flour to Egypt to counter the EC subsidies. It really shook up the European Common Market. They said, "We are up against the United States and they are going to meet us with the same thing that we have been doing to them. And with their economic power they may win out." They were seriously considering negotiating with us then about the barriers and export subsidies in the European Common Market to agriculture products. But all of a sudden, what happens? The Common Market realized the Egyptian sale was just an ad hoc response, an aberration. It was not a sustained trade policy action.

That is what this country lacks. Trade ought to be a No. 1 priority. We need a trade policy to keep jobs here and to avoid becoming a debtor nation.

Neither this administration nor earlier ones has reacted to the growing mercantilism threat. We've sat on our hands and done nothing to stem the protectionist tide of the mercantilists.

We have gone to summits and talked free trade—won agreements for other nations that they would lower tariff and nontariff barriers.

But they return home and nothing changes. They haven't reduced those barriers at all. They have kept those barriers up.

Let me read a quote from a speech by Mr. Richard E. Heckert, vice chairman of DuPont Co. He spoke recently in my city of Houston and here is what he said about our failure to stem the practice of mercantilism abroad.

> Over the years we have developed an ideological hang-up about free trade, as though it were the only acceptable and moral way to conduct our international affairs. We have accepted the theory of comparative advantage, not always noticing that good theory was being badly distorted in practice. Now we need a large measure of pragmatism. We need to realize that trade arrangements—of whatever kind—are only a means to an end. Our Government has to give priority to its first duty, which is not to be a missionary for virtually nonexistent "free trade," but to serve the interest of the public. Other governments do not practice free trade in their markets and never have. Some of them do have a comparative advantage that fits classical theory, but today much of the advantage comes not from the source but from the actions of governments working in alliance with industry. In this day and age, for the United States to pursue a unilateral free-trade policy and ignore the actions of those governments makes about as much sense as pursuing a unilateral disarmament policy.

These are strong words. But they go to the heart I believe of the failure in the administration to take a stand against protectionism—to begin a process for halting and reversing the slide around the world toward mercantilism.

The time is fast approaching when we must take concrete action to open foreign markets abroad to our goods—to draw the line in the dirt and declare that we want nations to practice free trade, not just talk about it.

We need a better balance in our foreign account for many reasons.

Fairness is one.

But a second is the need to stem the erosion of demand abroad. The trade deficit has dragged us into a growth recession. It has crippled productivity growth. Unemployment is no longer falling. Industrial production is going sideways. And the budget deficit is climbing so fast, as a result, that the budget cutting package we enacted last month is fast beginning to look like a down payment, not a full payment.

So, I want to issue a warning and a challenge. The warning is that we must move soon to redress the trade deficit—especially that portion due to protectionism abroad. If we fail to act, the recovery is imperiled and with it our hope for whittling down the deficit.

Congress has introduced bill after bill after bill, and I have been a part of that, trying to redress the trade imbalance. None of them is really needed if you have a President who will act to deal with our trade problems with the attention they warrant.

We have section 301 of the Trade Act that gives him lots of muscle to redress this imbalance every time discrimination abroad is shown against us. He has used it once, and then only because of the pressure of the U.S. Senate, in the case of Canada when they were putting all kinds of barriers up against investment in Canada.

Mr. President, let me give an example of the lack of priority. We had the Bonn summit meeting. One of the primary reasons was to provide an opportunity for this administration to ask for a new trade round. Did you look at the people who went with him? Did you find one senior trade adviser with him? Not one.

Did you notice the issue of the New York Times during the Bonn summit meeting which ran a picture showing the Prime Minister of Japan, Mr. Nakasone, and the identification of the man on his right and the man on his left? One was his Finance Minister and the other was the Trade Minister.

We have a President who is a great communicator, a man who is cut out for the role of selling American competitiveness and taking on this mercantilism abroad head-on. He should do that. But we are still waiting. And that is why Congress has to do some of the things it is doing, to try to mandate some of these actions.

I urge this administration to make trade a top priority. The trade deficit is the greatest economic threat to the recovery and has to be turned around. No economic issue is more important. This administration will begin to pay a high price for failing to recognize its importance and failing to deal with it. But much more important than any political price paid by this administration is the price that will be paid by the people of this country for becoming a debtor nation, for the erosion of our manufacturing base which will inevitably, produce a standard of living that will not keep up with growth in the rest of the world. That is why trade has to be a top priority and it is time it is recognized.

I thank the Chair.

RECOGNITION OF SENATOR BYRD

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

Mr. BYRD. Mr. President, I congratulate the distinguished Senator from Texas on his speech. I have been listening to it very carefully. He has been delivering this speech, all that I have heard of it, extemporaneously. How can he do that? How can he do that? What makes him able to do that? A number of things.

No. 1, he does his homework. No. 2, he serves on the Finance Committee which has considerable jurisdiction in this area.

It was for those two reasons, plus others, that I appointed Mr. BENTSEN, some time back earlier this year, to chair a working group of Democratic Senators to study this trade problem and to make recommendations. That working group is a very capable group. They are working diligently. I have attended some of their meetings. They have already issued one important report; they are developing another; they are going to develop legislation; and they have some other thoughts and prospective actions in the works.

I join with the distinguished Senator from Texas in everything he has said. I would like to ask him, inasmuch as he has been around Capitol Hill for quite a while, as I have—he first was a Member of the House of Representatives. I served there with him. Now he has been in the Senate a long time. He is a businessman who has been successful. He is a politician who has been successful. And he is a good Senator. He is a working Senator. When LLOYD BENTSEN speaks, I listen.

Has he ever known—I should know the answer myself—the Department of State to support any legislative action to stave off bankruptcy and the going under of American industries in his State, in my State, in other States? If he does recall the State Department's supporting at any time one of those measures to protect American industry against the unfair tactics of industries abroad, to protect American industries against the unfair practices and activities of foreign governments that subsidize their native industries to the extent that our own domestic industries cannot compete, I would like for him to so state. The distinguished Senator spoke of the Defense Department. I apologize for not being here at the beginning of the distinguished Senator's eloquent speech, but I heard him talk about the Department of Defense. He is right.

I would like to ask him if he knows of any instance in which, at any time an effort was made by Members of this body or the other body to take legislative action to bring to heel those foreign governments that subsidize their industries and support unfair trading practices, the State Department has not come forth and opposed that effort?

Mr. BENTSEN. Mr. President, I say to the distinguished minority leader that I cannot think of a single instance. On the contrary, I can think of many instances where they blocked us, many instances. I think of the various GATT rounds that we have had. There was a time when we were so dominant from an economic standpoint that they said we could afford to be overly generous.

So time after time in those GATT rounds, we traded off some economic advantage to our disadvantage because of some foreign policy point that the State Department wanted to gain at the moment. That has happened over and over again.

A good example of the attitude is when we tried to push commercial attaches to help exports abroad. We had them in embassies around the world. They were at the bottom of the pecking order. That is where the State Department put them. They started some fellow there who was just new to the State Department, and then he would progress beyond that. So, it was not given the kind of priority that it should have been given. We tried to change some of that, using the Commerce Department, but it exemplified what we had been up against with the State Department mentality in that regard.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Texas.

Mr. President, West Virginia has suffered. West Virginia is an industrial State. Some ill-advised people in this country refer to us as hillbillies, but when it comes to patriotism, West Virginia is not a State that is inhabited by hillbillies. Look at the record and compare West Virginia's casualties and percentage of individuals who served—based on those who are eligible by age, et cetera, for service. Take a look at World War I. Take a look at World War II. Look at the Korean War. Look at the war in Vietnam. It will come as a surprise to many to see how West Virginia has sacrificed. West Virginia is not a great farming State. It has a lot of mountains, valleys, hollows. It is an industrial State. It produces coal in abundance. It is a producer of steel, glass, chemicals, ferroalloys. And West Virginia does lead the Nation in unemployment. Because of the fact that it is an industrial State and industries are suffering, West Virginia has experienced continuing unemployment.

Let me talk just a moment about the West Virginia Glass Co. at Weston. In my 26 years in the Senate, West Virginia Glass Co. has sent to me enough sets of glasses every Christmas to enable me to give to each member of my West Virginia staff a small set of drinking glasses—a half dozen glasses. Last year at Christmas I received a memorandum sent out by the company which stated that this year—meaning last year—there were 2,000 fewer orders than last year; sales volume had dropped $2 million from last year; the number of employees had dropped from 560 to 260 in 3 years; there would be no dividends declared, and the company was sorry to say it would not be able to continue its long-standing practice of making available to charities and to churches and to civic clubs, and so on, a little gift of glass at Christmas.

Our leather goods industry has dwindled to a mere trickle of what used to be a steady stream.

Wheeling-Pitt Steel has employed thousands of West Virginians, Pennsylvanians, and Ohioans working together in the northern panhandle area of West Virginia, an area which is so narrow that one city touches Pennsylvania and Ohio, spanning the entire panhandle width. Wheeling-Pitt had to declare bankruptcy just recently, so the court is involved in an effort to reform the company.

We saw Weirton Steel going under, a company that had formerly employed about 12,000 or more persons—reduced to 8,000 in 1982, with the prospect of going out of business at the end of the year, which would mean that the remaining 8,000 employees would lose their jobs. We will never forget RUSSELL LONG and the members of his Finance Committee who, when he was chairman, developed the legislation which provided for employee stock option purchases, ESOP. Weirton today for the first time in years has had five consecutive quarters of profits, all through last year—four quarters and the first quarter of this year—profits in five consecutive quarters but profits that came at a sacrifice to the stockholders, to the employees, to the union, to management, and to the city. That steel company is holding on through such ingenuity and sacrifices.

Ferroalloys are one of the most important elements in our country's defense. Ferroalloys are so necessary for the manufacture of airplane engines, missiles, medical instruments, and stainless steel. There would be no stainless steel if there were no ferroalloys.

It is not a labor-intensive industry. Formerly, about 8,000, 9,000, or 10,000 persons all over the United States were employed in the ferroalloys industry. Now that number is down to less then 4,000. In West Virginia, we had an employment, I believe, of 1,500 or 1,600. Now we are down around the 800 mark. We have three ferroalloy plants in our State.

The employment is so small in these industries that one would not imagine that they could be so vital to our national security. Yet, foreign ferroalloy industries are selling their goods into the United States and providing more than 60 percent of the needs of our country.

If our country were to suddenly find itself face to face with a national emergency, on what countries would we be dependent for the ores I am talking about—magnesium, chrome?

Why, believe it or not, the Soviet Union, Albania, South Africa, Brazil. Well, how would we like to be at the mercy of the Soviet Union and Albania? We may suddenly awake one day and find that even South Africa has something we need in an international emergency.

I have talked to the President personally about this matter, in the presence of others, as we have met. On one occasion recently when the leadership was there at a meeting, Senator THURMOND made reference to the textile problems that confront his State because of imports from abroad. I spoke of imports of ferroalloys.

Our pleas, so far as I am concerned, on ferroalloys have fallen upon deaf ears. I talked with the Secretary of the Treasury, Mr. Baker, about the matter, and he was one administration official I have found who is sympathetic, who is concerned, who wants to do something about ferroalloys, about protecting this country against the incursions of industry from abroad in this vital area that is so important not only to our economy but also to our national security.

Well, the Senator from Texas would be starting a trade war. That would be the charge. That is the charge against anybody who dares raise his head and say, "Look, we've got to have help. These foreign governments are running roughshod over our own domestic industries. We export jobs by the hundreds of thousands." Well, the Senator would be starting a trade war.

What is the Senator's reaction to that charge?

Mr. BENTSEN. Mr. President, I say to the leader that we are in a trade war and we are losing it. That is what has been happening to us.

I was listening to the comments of the Senator from West Virginia about the glass industry. No one has been stronger in his support in trying to keep jobs at home and the economy sound here than has the Senator, and I have admired the job he has done in that regard, with all his other responsibilities.

Let me cite an example in my State of our poorly designed trade policy. I just received a letter from furniture manufacturers in my State in which they forwarded a response from the Commerce Department to their complaint about unfair competition from imported furniture.

They were advised by the Commerce Department—the official who wrote them—that they were going to have to change their way of doing business, and that one of the things they should seriously consider was moving their production abroad. Moving it abroad! That is a shocking bit of advice from our own Commerce Department.

I must say that I think Malcolm Baldrige is a very able administrator who is interested in trade. But I think he has found himself frustrated time and time again by the State Department and by the Defense Department. Nothing is done, and there is no coordinating. I hope that when he finds out what has been done here by one of the people working in his Department, he will straighten him out. That kind of advice is outrageous.

I am most appreciative of the participation and contribution of the Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Texas.

Mr. President, I think highly of the Secretary of Commerce, Mr. Baldrige, but he saw no danger to this country from the incursions of other countries from whom we import ferroalloys into our country. This was called to his attention. So I do not think we got a word of sympathy or a tear of sympathy. I hope that he will change his viewpoint, change his mind, as wise men do from time to time.

THE GLOBAL CHALLENGE

Mr. President, last month we learned that the April trade deficit was $12 billion—the third highest monthly total in history. Despite recent projections of a 5-percent growth in exports this year, the Commerce Department forecast a total 1985 trade deficit of $152 billion.

Increasingly, economists are pointing to the connection between a slowdown in the American domestic economy and the trade deficit. The erosion of our leadership in the world market is beginning to have a serious impact on our domestic economy. The danger is clear. I refer to the leadership of the distinguished Senator from Texas [Mr. BENTSEN] and the Senate Democrats whom I have appointed as a working group on trade, and they have contributed to the preliminary report of the trade policy working group. They have made the case. If the United States does not begin to take steps to assure itself a strong and growing place in the world market, then we are at the mercy of that market.

If we do not begin to implement an aggressive trade strategy that reflects a realistic view of the changing world economic order, then we face a "race to the bottom" with our competitors. If we do not reestablish rules of the game in which every trading nation has a stake, then we can expect chaos. If we do not use the weight of our market power to require a fair and open world trading system, then we will see the market contract as protectionism and unfair restrictions burden the system.

In its preliminary report, the trade policy working group described a new global economy. This is an earnest effort to contribute to the dialog on the trade crisis by changing the very way in which we think about trade policy. There is no shortage of studies and no shortage of reports in Washington. I urge my colleagues, the members of the media, and administration trade policymakers to take the time to read this report. It lays out the challenge of a changing world market, and breaks down some old preconceptions about free trade versus protectionism. Quite simply, it says we are competing in a world where the growth of trade—a factor crucial to the success of our economy—has been frustrated. In fact, we are in the most prolonged period of trade contraction since the Great Depression. We need to look at ways to revitalize the world trade system and assure that, once again, it serves as an engine of economic growth. We need to accomplish that in such a way that the United States will benefit from the resulting global prosperity. Between 1977 and 1981, about 39 percent—or $1 out of every $3—of expanded manufacturing output in the State of West Virginia was the result of increased exports. But the faltering growth of world trade has dampened that growth. We need to reenergize the world trade system to guarantee growth in American jobs and an expansion of our economy.

But these democratic ideals are not part of the administration's agenda. I have to agree with the chairman of the Finance Committee's Subcommitte on International Trade, Senator DANFORTH, when he says that administration trade policy has been a failure. Instead of working to open world markets, the President has decided to use piecemeal protectionism and free trade rhetoric. He declined to accept the International Trade Commission's recommendation on steel imports and chose to fashion his own voluntary program. As a result, steel imports now account for 27.6 percent of the U.S. market; this is up from 25.2 percent at this time last year. The steel industry is still in a crisis, factories are closing, workers are losing their jobs, and still the country has no comprehensive policy on steel.

This kind of disaster is being repeated now in agriculture trade policy. The agricultural community has long championed free trade. But the continuing loss of market share to subsidized foreign products has led the agriculture interests to demand help. Instead of working to fashion a comprehensive agricultural policy that demands open and fair world markets, the administration offers an incomplete plan that threatens to reduce agricultural prices without a significant increase in exports. Senator HARKIN summed up the feelings of many in the agricultural community when he said of the administration's proposal that "The farmer won't make a cent. In fact, he'll lose money because this depresses world prices."

The democratic working group has set forth an agenda, and I will be pleased to work with Senator BENTSEN and the other members of the group as we seek to turn the ideas and recommendations embodied in the preliminary report into law and policy. I feel confident that a great many of

these efforts will enjoy bipartisan support. Our success as an international competitor and our need for the promise of a growing world market are not a matter of party politics. And we have seen a growing frustration on both sides of the aisle with the administration approach that is short-sighted and inadequate.

The working group's effort to date has impressed upon me the dangers of the changing world economy, but I also recognize the promise that it holds if we decide to take control of our trade policy and turn it into a workable trade strategy.

Mr. President, do I have any remaining time under both the standing order and my special order?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. BYRD. I thank the Chair.

I yield the 10 minutes to Mr. MELCHER who may use it or who may in turn wish to yield it to other Senators.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I thank the Democratic leader for his generosity and I thank him for his very appropriate comments.

AGRICULTURE TRADE POLICY

Mr. MELCHER. Mr. President, I have great concern about a trade policy, developed over the past several years, that seems to be taking us downhill at a very rapid rate.

Mr. President, no policy is perfect, of course, but no policy has to be abject. U.S. agricultural trade policy is sliding into an abject state while this administration fiddles as Nero fiddled while Rome burned. What is more, Mr. President, it is no virtuoso performance. While the administration's violins play on, the opportunity for agricultural trade burns away. And our farmers do a slow burn as they see their lives' work go up in smoke.

U.S. agriculture exports slide downhill, our farmers go broke. Yet the world needs the food and we have it—high mountains of it—available to any country on Earth.

Mr. President, this week the USDA released its estimates of world agricultural supply and demand as of June, 1985. I find little in these projections to brighten the hopes or lift the spirits of America's farmers and ranchers. With few exceptions, prospects are bleak, the outlook calling for greater supply, diminished demand, mounting carryovers and falling prices.

In part, this is what the June report had to say:

First of all on wheat, 1985-86 world production is projected to be up 3 million metric tons and world trade down by 10 million metric tons.

U.S. wheat exports for the 1984-85 crop year will be less than previously expected and ending stocks are likely to be the second highest in more than 20 years.

Going to the next crop year, the 1985-86 U.S. wheat export estimate is 1.2 billion bushels, down 215 million bushels from 1 year ago.

Though the U.S. production projection for 1985-86 was lowered because of new winter wheat estimates, and no changes made in use projections, ending stocks are expected to set a new record, with all carryover to be under Government programs.

That should say to all of us that we should expedite shipments from the United States to foreign countries where those foreign countries are willing to buy and have made application to do so. But that is not the case. This administration held up wheat shipments to the Philippines since the first of the year. There is a committee of five departments to approve any application. Those five departments are Agriculture, State, Treasury, Commerce, and the Office of Management and Budget.

This five-humped camel, which is just as smart as any disabled, malformed camel, acts collectively only on occasion.

The State Department, the Agriculture Department, and OMB all found reasons to slowly ponder any Philippine shipments of American wheat.

Mr. President, they chew their cud collectively while the Philippines, which produces no wheat, runs out of flour and people are hungry. But we sit on piles of wheat and the price our farmers get goes lower.

U.S. wheat stocks at the beginning of the 1983-84 crop year, before the administration's PIK Program went into effect, stood at 1,515 million bushels. By the end of the year, stocks stood at 1,399 million bushels. The average farm price for the year was $3.53 a bushel.

And that has to be contrasted with the accepted cost of production ranging from $4.50 to $5.25 per bushel. No wonder wheat farmers are in serious trouble.

The Department of Agriculture now projects wheat stocks to be higher, that is over 1.5 billion bushels at the end of this current crop year, and they also project an average farm price of $3.20 to $3.40 a bushel.

In other words, the $12-billion PIK Program has now left wheat farmers with greater carryover stocks than ever before and lower prices.

As to coarse grains, the USDA now forecasts an increase of 13 million metric tons in 1985/86 global production and an 11 million metric ton decline in world trade.

U.S. exports of feed grains came to 55.7 million metric tons in 1983-84 and are projected at 58.3 million metric tons for 1984-85, dropping, with more than a 10-percent decline projected, down to 51.3 million metric tons for the 1985/86 crop year.

The only changes in U.S. forecasts were in the distribution of ending stocks, with higher outstanding loans expected in both 1984-85 and 1985-86, especially corn.

Here, again, the pre-PIK and post-PIK figures reveal the short-lived effect of that costly and misbegotten program.

Beginning corn stocks for 1983-84, for example, totaled 3,120 million bushels. Ending stocks that year were down to 723 million bushels. Exports accounted for 1,865 million bushels. For the year, the average farm price was $3.25 a bushel.

USDA is now forecasting 1985-86 ending stocks at 1,947 million bushels and an average price of $2.50 to $2.70 a bushel. No wonder the corn farmers are going broke. Corn exports are projected at 1,700 million bushels. Another year at this rate of stocks accumulation would bring the carryover total to where it was before PIK.

SOYBEANS AND OTHER OILSEEDS

New crop conditions in this country and large Brazilian soybean supplies and exports are influencing prices.

U.S. soybeans exports have been reduced for both 1984-85 and 1985-86. U.S. soybean crush prospects for 1985-86 were lowered in response to reduced U.S. soybean meal exports.

India, through the Cooperative League U.S.A., has developed its own production and use of soybeans on a greatly expanded basis. India now seeks to import soybeans and if we used any common sense that expand ing market would be converted into an increase in the U.S. export market.

Returning to our stocks situation here in the United States, once more a look at the pre-PIK and post-PIK figures on soybeans is revealing. Beginning soybean stocks in 1983-84 amounted to 345 million bushels. Ending stocks that year were down to 176 million bushels. Ending stocks for 1985-86 are now projected at a record 420 million bushels, considerably above that of 1983-84. Prices are expected to drop accordingly, from an average of $7.81 a bushel in the former year to an estimated $5.25 to $5.75 for 1985-86.

Mr. President, no wonder soybean farmers are going broke with prices declining at that rate.

RICE

Beginning stocks of U.S. rice stood at 71.5 million hundredweight in 1983-84 and ending stocks that year at 46.9 million hundredweight. Of that total, 25 million hundredweight was in Commodity Credit Corporation inventory and 21.9 million hundredweight in free stocks. Average farm price for the year was $8.76 per hundredweight.

Another bleak picture, because USDA now forecasts ending stocks for 1985-86 at 72.7 million hundredweight, of which 56.7 million hundredweight

will be in Commodity Credit Corporation inventory and 16 million hundredweight in free stocks. The average farm price is projected at $7.80 to $8.80 per hundredweight.

Despite all this, the State Department has blocked rice sales to the Philippines which finds itself short of rice this year. The State Department says it wants some kind of agreement on fertilizer to be done by the Philippine Government. The State Department knows little about rice and probably less about the fertilizer used on rice. The least the Department could do is to get out of the way so a sale could be made which has been pending for several months.

COTTON

Although global output may be down about a tenth from 1984–85, production still will be the second largest on record.

U.S. cotton exports in 1985–86 are expected to decline about a fourth. U.S. mill use also is expected to decline, though not as sharply, because of larger textile imports and slower economic growth. With weak domestic and export demand in the offing next season, and with prospects of relatively large production, U.S. cotton stocks are expected to increase sharply.

Again, a review of the cotton situation before and after PIK is illuminating. Beginning stocks in 1983–84 came to 7.94 million 480-pound bales. Ending stocks that year were down to 2.78 million bales. USDA now forecasts that ending stocks for 1985–86 will be back up to 6.2 million bales. USDA is forbidden from publishing cotton price projections, but the loan rate in 1985–86 will be 57.3 cents a pound, as compared with an average farm price of 66.4 cents a pound in 1983–84.

On dairy, milk production is rebounding. While milk production was down from 1 year earlier during the first half of 1984–85, the rebound in the number of cows and output per cow will result in an increase in production in the last half of the year. The milk production forecast has been raised and for all of 1984–85 production may be up almost 1 percent from the year-earlier level.

For all of 1984–85, commercial use of milk may be up by about 1 percent from 1 year earlier. CCC net removals are now expected to be at the same level as a year earlier.

Mr. President, that means the continuation of the $2.5 billion of dairy products in Federal storage. We pay the costs of storage—about $150 million per year—and sit on it. We sit on the huge piles and mountains of dairy products in Federal storage. Meanwhile, India, which has developed through the Cooperative League U.S.A. expanding dairy produciton and, along with that, a demand for milk.

We have refused to engage with Dr. Kernan of India in reproducing the opportunity for the cooperative development of dairy farming in five different countries. They will get the milk out of the Common Market countries working cooperatively with Dr. Kernan. This is not because Common Market producers were the first choice. The United States of America was the first choice to supply that aid to Dr. Kernan in his development.

But, because we were slow, because we were bumbling, because we have a 5-month delay deciding on every application that is made to this country, we delay too long and the Common Market is going to benefit from the use of dairy supplies, particularly dry powdered milk, and Dr. Kernan's development efforts.

Mr. President, the situation is very bleak.

LIVESTOCK, POULTRY, EGGS

U.S. cattle and hog average slaughter weights continue heavy, boosting red meat production above expectations and holding down cattle and hog prices. Beef and pork production forecasts have been increased slightly and the cattle and hog price forecasts lowered. Steers averaged $65.34 a hundredweight in 1984 (Omaha) and the 1985 price projected in June is $61 to $65. The barrows and gilts average price (seven markets) in 1984 was $48.86 a hundredweight. The June price projection for 1985 is $45 to $49.

U.S. broiler producers have not set as many eggs for summer quarter output as earlier anticipated and the broiler production forecast has been reduced slightly.

Based on recent turkey hatchery data, second-half 1985 turkey production is likely to be larger than previously expected. Larger output and weaker red meat prices have lowered the turkey price forecast.

Egg prices have been weaker than expected this spring and producers are trimming production faster than anticipated. The egg production forecast has been reduced.

I look at these projections, Mr. President, and I see nothing but even more misery and tragedy in rural America. I look upon the data that this Congress must contemplate as testimony to the object failure of administration farm policy and programs, and lest anyone suspect that this is a judgment shared only by myself and my political colleagues, I would like to close my remarks by quoting from a perceptive article on the deteriorating farm economy published in the Wall Street Journal of Thursday, June 6:

The battered farm economy has deteriorated in recent weeks, shoving farm lenders and their customers deeper into the morass. Land values, the collateral holding up most agriculture loans, are unraveling faster than at anytime since the farm upheaval began 4 years ago; many observers predict land values will drift downward for years before touching bottom at as little as a quarter of peak prices of the early 1980's. Depressed commodity prices and exports are expected to plunge further this fall.

"Every fundamental trend is going downhill steadily," says Sung Won Sohn, chief economist at Norwest Corp., a big bank holding company based in Minneapolis. "We're looking at poor conditions this year, probably worse next year persisting through 1987 and beyond."

Mr. President, the abject trade policy we have today has to be changed—changed promptly. In all of our history, agricultural exports have been the very foundation of our trade policy. Yet, now, under this administration, commodity prices have gone downhill, and farm and ranch producers have gone broke, and there has been a sharp decline in agricultural trade for the United States with our friends and trading partners around the world.

That is a policy that promises nothing but collapse for the United States—unless we change it soon. Agriculture remains our most basic industry, and the most vital industry of all. To continue present policy would be tantamount to stupid bloodletting and further aggravation of a situation that can bring on the death of the agricultural industry, and the collapse of our economic system.

Mr. President, I yield to my colleague all the time that he requires.

Mr. BAUCUS. Mr. President, I thank my senior colleague.

Mr. President, how much time remains under the special order allocated to the Senator from Montana?

The PRESIDING OFFICER (Mr. SIMPSON). There are 12 minutes remaining to the Senator.

Mr. BAUCUS. Mr. President, today we are addressing one of the greatest concerns this country faces today. But one which sadly is being neglected: Our trade deficit and our international competitive position. Americans like to think that we are the strongest country. During this century, we have dominated the world. We have produced the best products. We produced the world's autos, its steel, its TV sets, its food. We are very proud of our heritage, and very proud of what we have accomplished in our country.

But, there is no guarantee that countries will always rise, always prosper, always grow, and always develop. It is obvious that countries have risen and countries have fallen. What has happened to other countries throughout history may or may not happen to this country, depending upon our inner strength and our resolve.

We are at one of the crucial decision points in our history. We are at one of the points that will test our strength and resolve.

This country's gigantic Federal budget deficit, our huge trade deficit,

our low savings rate, the high value of the U.S. dollar, our education system compared to other countries, our low productivity growth compared to other industrial countries—these are signals that our economic future is in jeopardy.

We are living on borrowed time. Pretty soon we are going to pay the piper. Pretty soon the bubble is going to burst, and pretty soon we are going to wish that we had taken early corrective action.

The national debt has doubled in the last 5 years. Today 40 cents of every individual income tax dollar goes to pay interest on that debt. For the first time since World War I we have become a debtor nation. There is virtually no prospect that this trend will change soon.

Second, our trade deficit has exploded in the last several years.

We've become import junkies.

The statistics tell the story.

Between 1980 and 1984, our trade deficit quardrupled, to $123 billion.

If this trend continues, the trade deficit will reach $457 billion in 3 years.

Less than 2 weeks ago the Commerce Department announced the trade statistics for April. The release was one more in a numbing series of bad statistics.

Imports rose slightly.

But exports fell 3.6 percent.

The result: our overall trade deficit rose by 7.3 percent, to $11.9 billion.

Japan has very aggressively pursued trade as a tool of its economic growth. Germany and other Western European countries are doing the same thing. They are very aggressive in the development of their trade policy.

We are not. Our trade deficit tells the story.

Third, the tax proposal that the President sent to Congress is inadequate.

There is no doubt we need to simplify the Tax Code. There is no doubt that the code should be made more equitable and more fair. And there is no doubt that we need to stimulate economic growth in this country.

Those are the three goals of the President's tax proposal. These are the goals of Congress.

But if one looks closely at the proposal, one sees that it is only a minor simplification, mainly for lower income tax brackets. It doesn't change the Tax Code that much for those in middle or upper income brackets.

During this summer and fall when we debate this tax bill, as we have hearings upon hearings—the Senate Finance Committee, for example, has scheduled 30 or 40 days of hearings this summer and fall, and the House Ways and Means Committee the same—and gnash our teeth over this bill, we are missing a larger, more important point.

This bill is basically a rearrangement of the deck chairs on the American economic ship.

Rather than rearranging the deck chairs, we, in Congress, have a greater obligation to address a more important point: the direction in which the ship is going.

Fourth, this country does not have a trade policy. That is astounding. Every other country has a trade policy. Japan and the Western European countries, have very aggressive international trade policies to promote internal economic growth and development.

We do not.

Those countries do because they know it will make them more prosperous. It has made them more prosperous. Witness the tremendous explosion of economic growth in Japan.

The same is true of Western European countries, Germany, France, and Italy.

This administration has woefully neglected a trade policy. It is the kind of neglect that, if not addressed immediately, will result in a very, very sick American patient.

We do not have a Trade Representative. This administration has not sent up a replacement for Ambassador Brock, who resigned several months ago.

How are we going to compete, how are we going to develop foreign trade policy, if we do not have a Trade Representative?

In addition to that, the administration has failed to provide leadership on the overvalued U.S. dollar. Everyone agrees that the U.S. dollar is overvalued compared to the currencies of other countries by about 30 percent. That means we are giving a 30-percent subsidy to imports. We are putting a 30-percent additional surcharge on products we are trying to export. That is why our agricultural exports are going down the tubes. That is why other major export industries are going down the tubes. That is why we are being flooded with imports, with steel, autos, all the other products coming into this country.

What is the administration doing about all of this? Almost nothing.

Obviously, Mr. President, the Government cannot take excessive action. But we have to work together, if we are going to grow together. Government and the private sector have to cooperate.

The best analogy is a football team. When 11 players go out on the football field to play football, if those 11 players go out alone, each trying to carry the ball, if there is no organization, obviously that team is not going to do very well.

Contrast that with 11 other players who have a game plan, who know who is the quarterback, and who will block. They plan and have a strategy together. That is the team that is probably going to win the football game.

Today, in the view of this administration, we are the 11 players who go out on the field with no organization, no strategy, no way to determine how we are ever going to export more products, how we are to compete better than the other countries. Eleven players each going their own way, each company left adrift, labor unions left adrift.

Contrast that with Japan and other countries. The Japanese Government works together with its people, its companies, its employees, its people, and they gather and ask, "How are we going to win this game?"

They have a plan and they figure out who will do what.

Our Government has a role.

I think, rather, this administration ought to work with us to find a solution. By "us" I mean all Americans, Members of the Senate, of the House, companies, unions, and so forth.

I am committed to helping in this effort because I think this is the crucial, critical problem facing America—how to increase the American competitive position so that we can lead a better life in the future, so we can compete with other countries and get rid of this trade deficit and, more importantly, leave to our children a country that is either better off than or as well off as our country today. If we do not, our children, saddled with this present budget deficit, and this trade deficit are going to be left with a country that is much worse economically than the country we now have.

We are at a crossroads. We can start to decline or turn in the right direction and continue to grow and prosper.

There are signals of potential decline in our country today. The public's disgust with the Tax Code is such a signal.

There is a lot we have to do here. Education is going to increase the quality of our work force; that increases productivity. Then we are going to compete better and have the higher standard of living that we want in the future. If we are going to address the trade imbalance, compete with other countries, these are some of the actions that we are going to have to take. Each day we postpone addressing this, is going to make matters worse.

To bring this closer to home, in my State of Montana, we are getting killed by the trade deficit. Thirty percent of the softwood consumption in America today is imports from Canada. That has doubled since 1974. It is killing the American forest products industry.

The reasons for their surge in imports are the over valued U.S. dollar and Canada's stumpage subsidies.

They sell their timber for about 50 times lower than the forest industry in our country sells timber to American companies.

The same is true of beef. We cannot export beef because Japan will not take our beef. Senator MELCHER talked about the decline in agricultural exports.

Mr. President, I shall sum up by saying: If we are going to solve this problem, we have to do it together, Republicans and Democrats, the President and Congress together. This is a bipartisan problem, a nonpartisan problem. I hope that we wake up and do something about it.

This is a great nation. We got to be a great nation through a combination of individual effort, cooperation and government action.

To remain a leader in the international economy we must harvest all our energies.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. WILSON). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes each.

UNITED AIRLINES STRIKE

Mr. DIXON. Mr. President, I am happy to announce that a matter of great importance to Illinois and the entire country has been tentatively resolved today.

Officials from the Air Line Pilots Association and United Air Lines have advised me that a tentative agreement was reached this morning, which will end the strike.

I recently visited with officials from the union and United, and urged both to continue to seek an acceptable settlement.

The agreement is now before the union master executive council. Once this agreement is ratified by the council, there will be a contract in effect.

The scope of the agreement is a 5-year, two-tier wage agreement. The issue of the status of the 500 pilots trained by the airline and who honored the picket line is going to be resolved in court.

I hope that this agreement will be ratified, and that the airline will be fully operative very shortly.

U.N. VOTING PRACTICES

Mr. KASTEN. Mr. President, as chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee, I would like to take this opportunity to once again point out to my colleagues that support for the United States at the United Nations is embarrassingly low.

You will recall that 1 year ago I made nine consecutive speeches on the Senate floor; each speech highlighted an example of how the United States is abused by voting practices at the United Nations.

As you know, legislation passed in 1983 requires the State Department to report to Congress each year on voting behavior at the United Nations. The 1984 report has just been released, and I want to share its findings with my colleagues.

Again last year, Israel was our closest friend at the United Nations. Israel voted with us nearly 90 percent of the time in the General Assembly and supported us in 9 out of the 10 votes established by the State Department as key to U.S. interests during 1984.

Overall, the NATO allies supported U.S. positions in the General Assembly on 62.7 percent of the time on 153 issues settled by voting during 1984. NATO allies supported the United States 64.6 percent of the time in 1983. The United Kingdom with 82.1 percent, West Germany—80 percent, Belgium—76.6 percent, Luxembourg—76.0 percent, and the Netherlands—74.5 percent were the U.S. staunchest supporters.

The United Kingdom and West Germany did not vote against the United States on any of the key General Assembly issues, while Belgium, Luxembourg, and the Netherlands only opposed the United States once, the report found.

France increased its support for the United States to 72.1 percent—over 67.6 percent last year—and voted with the United States on 8 of 10 key votes.

Despite a Tory sweep bringing a more conservative government to Canada, that nation's ranking in the Western Group dropped from third—in 1983 with a 76.8 percent level of support for the United States to eighth—71.2 percent—last year.

A number of our NATO allies continue to oppose the United States much of the time in the General Assembly.

Spain voted against the United States more than 50 percent of the time in the General Assembly but sided with the United States on 7 of 10 votes, voting against the United States just once. Turkey and Greece gave us less support. Turkey voted 35 percent of the time in the General Assembly with the United States and on key votes supported the United States only four times.

Greece opposed the U.S. position in the General Assembly on almost three out of four occasions, but joined the United States in support of its position on 6 of the 10 key votes.

A number of blocs of nations gave the United States significantly less support in the General Assembly than was true in 1983. African nations voted with us 12.8 percent of the time in the General Assembly, compared with 18.6 percent the previous year. Support of Asian and Pacific nations dropped from a 21.5-percent level of support in 1983 to 14.9 percent last year. Arab nations reduced their support of the United States from 17.5 percent to just 10 percent.

Egyptian support for the United States dropped from 23.4 percent in 1983 to 12.5 percent in 1984 as Egypt voted with us on four key General Assembly votes and opposed us on four key votes. In the Security Council, Egypt sided with the United States on only one of three key votes.

Saudi Arabia supported the United States just 11.2 percent of the time in the General Assembly—down from 19.3 percent last year—while Lebanon joined the United States on just 11.5 percent of the votes—down from 22.5 percent. Both nations opposed the U.S. position on most key votes.

Our support of Grenada is being appreciated as that nation did not vote against us on a single key vote in 1984 and increased its overall support of our position in the General Assembly from 18.4 percent in 1983 to 60 percent last year.

In 1983, Grenada, under the previous regime, had not supported the United States on a single key vote in the General Assembly.

El Salvador again in 1984 opposed the United States on 70 percent of the General Assembly votes. However, El Salvador refrained from voting against us on any of the key votes. El Salvador supported us on key votes 70 percent of the time in 1983.

Mexico supported us in less than 1 vote in 10 in the General Assembly—down from 19.5 percent in 1983—and supported the United States in just 2 of the 10 key votes.

This is a sad commentary, especially when one notes that our neighbor to the south gave us the third lowest level of support among Western Hemisphere nations. Only Nicaragua and Cuba ranked lower than Mexico.

Japan continued its strong support of the United States at the United Nations, voting with the American positon 70 percent of the time in 1984, and never voting against it on a key vote. China's support of U.S. positions dropped from 20.5 percent to 11.1 percent, but China did vote with the United States on three key votes in the General Assembly and on one of three key votes in the Security Council.

India's support of the United States dropped to just 6.5 percent—down from 16.4 percent in 1983. India gave the United States no support on key votes.

Mr. President, the United States currently invests approximately 1.5 billion tax dollars in U.N. activities—approximately 25 percent of the entire

U.N. budget. During 1984 the United Nations acted on such issues as the Soviet invasion and occupation of Afghanistan, economic development, arms control, outer space, human rights in Latin American countries, apartheid, the Arab-Israeli conflict and many others.

I remain disappointed with the level of support we are receiving at the United Nations from many nations. It is frustrating for us to vote large measures of economic and security assistance to nations that consistently thwart our efforts at the United Nations.

Members of the Foreign Operations Subcommittee will continue to carefully scrutinize these findings as we review assistance programs.

The following charts illustrate voting patterns in the United Nations last year.

TABLE 1.—*U.N. voting record,*[1] *39th General Assembly—All UNGA plenary votes*[2]

[Percent coincidence with U.S. votes (yes/no)]

Africa:	
Ivory Coast	29.8
Liberia	28.6
Central African Republic	27.5
Chad	24.9
Togo	24.0
Gabon	22.6
Mauritius	21.1
Morocco	20.1
Zaire	18.4
Senegal	17.8
Niger	17.7
Equatorial Guinea	16.1
Comoros	14.9
Malawi	14.3
Samalia	14.1
Gambia	13.6
Rwanda	13.2
Cameroon	12.9
Botswana	12.5
Egypt	12.5
Djibouti	12.3
Ghana	12.1
Kenya	12.1
Burundi	11.8
Guinea Bissau	11.8
Mauritania	11.8
Guinea	11.7
Sudan	11.6
Lesotho	11.3
Sierra Leone	11.3
Zambia	11.3
Tunisia	10.8
Mali	10.4
Nigeria	10.3
Seychelles, The	10.0
Zimbabwe	9.3
Tanzania	8.5
Sao Tome and Principe	8.2
Uganda	8.2
Cape Verde	7.4
Ethiopia	7.0
Burkina Faso	6.9
Madagascar	6.5
Congo	6.4
Benin	5.8
Libya	5.4
Angola	4.9
Swaziland	4.7
Algeria	4.3
Mozambique	3.9
Group average	12.8
Asia and the Pacific:	
Japan	70.9
Australia	63.0
New Zealand	60.6
Solomons	50.0
Samoa	29.5
Fiji	25.9
Papua New Guinea	21.1
Singapore	20.2
Philippines	19.2
Sri Lanka	17.7
Burma	15.9
Kampuchea	15.0
Thailand	14.5
Bangladesh	14.3
Nepal	14.0
Pakistan	12.8
Indonesia	12.6
Mongolia	12.6
Brunei	12.4
Malaysia	12.1
Lebanon	11.5
Bhutan	11.2
Saudi Arabia	11.2
China	11.1
Oman	11.1
Jordan	11.0
Cyprus	10.2
Maldives	10.1
Emirates	9.9
Kuwait	9.4
Bahrain	9.3
Qatar	9.3
Iraq	8.5
Yemen (AR)	8.0
Iran	7.1
Vanuatu	6.8
India	6.5
Afghanistan	5.0
Laos	4.9
Syria	4.9
Viet Nam	4.9
Yemen (PDR)	4.8
Group average	14.9
The Americas:	
Canada	71.2
Dominica	63.2
Grenada	60.0
St. Christopher and Nevis	45.5
Belize	39.1
St. Lucia	35.8
Paraguay	35.5
St. Vincent and Grenadines	34.8
Guatemala	32.5
Uruguay	30.5
El Salvador	29.8
Chile	28.9
Honduras	28.5
Dominican Republic	27.2
Costa Rica	26.0
Ecuador	25.5
Colombia	25.4
Haiti	24.3
Panama	22.0
Bolivia	19.7
Antigua and Barbuda	18.9
Bahamas	17.2
Peru	16.9
Barbados	16.4
Jamaica	16.4
Brazil	14.8
Venezuela	13.9
Argentina	13.5
Trinidad and Tobago	13.4
Suriname	12.2
Guyana	11.0
Mexico	9.0
Nicaragua	6.8
Cuba	4.1
Group average	23.2
Western Europe:	
United Kingdom	82.1
Federal Republic of Germany	80.0
Belgium	76.6
Luxembourg	76.0
Netherlands	74.5
Italy	72.8
France	72.1
Iceland	60.4
Norway	59.6
Denmark	58.1
Portugal	56.2
Ireland	47.6
Spain	47.6
Sweden	41.9
Finland	39.4
Austria	38.7
Turkey	35.0
Greece	27.6
Malta	19.0
Group average	55.4
No affiliation: Israel	88.5
Eastern Europe:	
Hungary	13.3
Ukraine	13.3
Bulgaria	13.2
Byelorussia S.S.R.	13.2
Czechoslovakia	13.2
German Democratic Rep.	13.2
Poland	13.2
USSR	13.2
Romania	10.1
Yugoslavia	8.8
Albania	3.9
Group average	12.1

[1] Table contains all countries which participated in the 39th UNGA, September-December 1984.

[2] Table reflects all votes recorded in UNGA plenary, including votes on separate paragraphs.

TABLE 2.—*U.N. voting record, 39th General Assembly—All UNGA plenary votes*

[Percent coincidence with U.S. votes (yes/no)]

NATO:	
United Kingdom	82.1
Federal Republic of Germany	80.0
Belgium	76.6
Luxembourg	76.0
Netherlands	74.5
Italy	72.8
France	72.1
Canada	71.2
Iceland	60.4
Norway	59.6
Denmark	58.1
Portugal	56.2
Spain	47.6
Turkey	35.0
Greece	27.6
Group average	62.7

TABLE 3.—*U.N. voting record, 39th General Assembly—All UNGA plenary votes*

[Percent coincidence with U.S. votes (yes/no)]

Western European and others group:	
United Kingdom	82.1
Federal Republic of Germany	80.0
Belgium	76.6
Luxembourg	76.0
Netherlands	74.5
Italy	72.8
France	72.1
Canada	71.2
Australia	63.0
New Zealand	60.6
Iceland	60.4
Norway	59.6
Denmark	58.1
Portugal	56.2
Ireland	47.6
Spain	47.6
Sweden	41.9
Finland	39.4

Austria	38.7
Turkey	35.0
Greece	27.6
Malta	19.0
Group average	56.7

TABLE 4.—*U.N. voting record, 39th General Assembly—All UNGA plenary votes*

[Percent coincidence with U.S. votes (yes/no)]

Warsaw Pact:	
Hungary	13.3
Ukraine	13.3
Bulgaria	13.2
Byelorussia	13.2
Czechoslovakia	13.2
German Democratic Republic	13.2
Poland	13.2
U.S.S.R	13.2
Romania	10.1
Group average	12.9

TABLE 5.—*U.N. voting record, 39th General Assembly—All UNGA plenary votes*

[Percent coincidence with U.S. votes (yes/no)]

Arab group:	
Morocco	20.1
Somalia	14.1
Egypt	12.5
Djibouti	12.3
Mauritania	11.8
Sudan	11.6
Lebanon	11.5
Saudi Arabia	11.2
Oman	11.1
Jordan	11.0
Tunisia	10.8
Emirates	9.9
Kuwait	9.4
Bahrain	9.3
Qatar	9.3
Iraq	8.5
Yemen (AR)	8.0
Libya	5.4
Syria	4.9
Yemen (PDR)	4.8
Algeria	4.3
Group average	10.0

TABLE 6.—*U.N. voting record, 39th General Assembly—All UNGA plenary votes*

[Percent coincidence with U.S. votes (yes/no)]

Islamic Conference:	
Turkey	35.0
Chad	24.8
Gabon	22.6
Morocco	20.1
Senegal	17.8
Niger	17.7
Comoros	14.9
Bangladesh	14.3
Somalia	14.1
Gambia	13.6
Cameroon	12.9
Pakistan	12.8
Indonesia	12.6
Egypt	12.5
Brunei	12.4
Djibouti	12.3
Malaysia	12.1
Guinea Bissau	11.8
Mauritania	11.8
Guinea	11.7
Sudan	11.6
Lebanon	11.5
Sierra Leone	11.3
Saudi Arabia	11.2
Oman	11.1
Jordan	11.0
Tunisia	10.8
Mali	10.4
Cyprus	10.2
Maldives	10.1
Emirates	9.9
Kuwait	9.4
Bahrain	9.3
Qatar	9.3
Iraq	8.5
Uganda	8.2
Yemen (AR)	8.0
Iran	7.1
Burkina Faso	6.9
Libya	5.4
Syria	4.9
Yemen (PDR)	4.8
Algeria	4.3
Group average	12.0

TABLE 7.—*U.N. voting record, 39th General Assembly—All UNGA plenary votes*

[Percent coincidence with U.S. votes (yes/no)]

ASEAN:	
Singapore	20.2
Philippines	19.2
Thailand	14.5
Indonesia	12.6
Brunei	12.4
Malaysia	12.1
Group average	15.0

TABLE 8.—*U.N. voting record 39th General Assembly—All UNGA plenary votes*

[Percent coincidence with U.S. votes (yes/no □)]

Nonaligned movement:	
Grenada	60.0
St. Christopher and Nevis	45.5
Belize	39.1
St. Lucia	35.8
Ivory Coast	29.8
Liberia	28.6
Central African Republic	27.5
Ecuador	25.5
Colombia	25.4
Chad	24.8
Togo	24.0
Gabon	22.6
Panama	22.0
Mauritius	21.1
Singapore	20.2
Morocco	20.1
Bolivia	19.7
Malta	19.0
Zaire	18.4
Senegal	17.8
Niger	17.7
Sri Lanka	17.7
Bahamas	17.2
Peru	16.9
Barbados	16.4
Jamaica	16.4
Equatorial Guinea	16.1
Kampuchea	15.0
Comoros	14.9
Bangladesh	14.3
Malawi	14.3
Somalia	14.1
Nepal	14.0
Gambia	13.6
Argentina	13.5
Trinidad and Tobago	13.4
Rwanda	13.2
Cameroon	12.9
Pakistan	12.8
Indonesia	12.6
Botswana	12.5
Egypt	12.5
Djibouti	12.3
Suriname	12.2
Ghana	12.1
Kenya	12.1
Malaysia	12.1
Burundi	11.8
Guinea Bissau	11.8
Mauritania	11.8
Guinea	11.7
Sudan	11.6
Lebanon	11.5
Lesotho	11.3
Sierra Leone	11.3
Zambia	11.3
Bhutan	11.2
Saudi Arabia	11.2
Oman	11.1
Guyana	11.0
Jordan	11.0
Tunisia	10.8
Mali	10.4
Nigeria	10.3
Cyprus	10.2
Maldives	10.1
Seychelles	10.0
Emirates	9.9
Kuwait	9.4
Bahrain	9.3
Qatar	9.3
Zimbabwe	9.3
Yugoslavia	8.8
Iraq	8.5
Tanzania	8.5
Sao Tome and Principe	8.2
Uganda	8.2
Yemen (AR)	8.0
Cape Verde	7.4
Iran	7.1
Ethiopia	7.0
Burkina Faso	6.9
Nicaragua	6.8
Vanuatu	6.8
India	6.5
Madagascar	6.5
Congo	6.4
Benin	5.8
Libya	5.4
Afghanistan	5.0
Angola	4.9
Laos	4.9
Syria	4.9
Vietnam	4.9
Yemen (PDR)	4.8
Swaziland	4.7
Algeria	4.3
Cuba	4.1
Mozambique	3.9
Group average	12.8

ARKANSAS FARMER FACES FORECLOSURE

Mr. BUMPERS. Mr. President, I recently received a dramatic description of the plight of a farmer in my State. Thomas Collier Lee, Jr., of Altheimer, AR, writes vividly about his feelings as he faces foreclosure on a farm that has been in his family for 140 years. Like countless other American farmers, his future seems bleak. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

T. C. LEE FARM

MAY 4, 1985.

Like a great ship, much larger than the Titanic, she shuddered slightly and listed a bit to one side right after she hit the high rate of interest. She had managed to ride out the embargoes and the droughts and hail, floods, pestilence and disease, but this high rate of interest had inflicted a mortal wound that would eventually sink her.

I had been the skipper of this grand old farm for thirty seven years and I have loved every inch of her. I got to be the skipper at the tender age of twenty two and that is very young for a captain of a farm of this

size, but she wasn't always this big. In fact when I first saw her she was just a small bit of land, just a bit more than a hundred acres. As time went by and I had put my heart and soul and sweat and tears and god knows what else into her she grew like a proud clipper ship gliding and cutting the waves of stormy times and always giving far more than I could possibly expect. Cotton, rice, soybeans, wheat and cattle were produced and the more she produced the more I tried to take special care of her. If she needed fertilizer or high priced seed or chemicals or anything, I would always try to supply her needs to the best of my ability.

As time went by her size grew until she was ten times larger than when we started. Some times her crew would change as she got older and as some of the old hands would die there soon would be others to take their places. I was always at the head of this grand old lady and I always knew that some day I would have to leave her. In my heart I knew it would be impossible for me to leave her while I was alive, that some how I would be dead or be senile or old or put away someplace.

God, I could not even think of seeing her sink right before my very own eyes. Yet, here she is sinking. The cuts in her sides are mortal. I see her down by the stern and bellowing like a harpooned whale calling me for help. God I can't stand it. I want to put a torpedo in her side, anything to put her out of her misery. Because I am dying too and I think she knows it. Even if they salvage her and bring her to the top again, who will take as good care of her as I did? Who would tend to her soil erosion and see to it that she didn't lose her top soil? Who would keep the crops rotated so that she wouldn't get foul? Who in the name of god could love her like I have for most of my life?

My lenders have called me for money that I don't have and can't get. I'm off of my ship, my farm right now trying to think of some miracle to save her. I know it's no use trying. I have exhausted all avenues of hope, but I am still trying. I have heard that a good captain always goes down with his ship. I have been a good farmer and I will go down with my farm. Perhaps at the eleventh hour some thing will happen to save us. Our own president has promised that there would be no more embargoes and that there would be plenty of money available to the most needy farmers. Time has run out for us though and every second of every minute I can hear the moans and cries of this great farm going down.

Women and children first were the cries of the doomed passengers of the Titanic after she hit the iceberg. On our ship, my farm, there is no place to get off. There are no life boats, no rubber rafts, no little islands to swim to. Just sink and go down and hope it is a swift end.

Our president has said, "export the farmers and keep the grain." I think this was supposed to be a joke, but for the life of me all I can see are tears in my eyes.

Have you ever seen a ship sink, or a wounded whale cry, or a farm die? These sounds are not very loud at all. Sometimes when the wind is still I think I can hear muffled voices in the distance calling out for water for the field hands or for a sack boy to carry in the cotton. Sometimes I think I hear the distant roar of a diesel tractor, but I know it is just my imagination. There is no one in the empty fields. Not even me.

COLLIER LEE, Jr.

NATIONAL BASEBALL HALL OF FAME ANNIVERSARY

Mr. DOLE. Mr. President, on a bright summer's morning in 1939, a train loaded with some very special passengers rolled into a picturesque, quiet hamlet in upstate New York. The town was Cooperstown, named in honor of its founding family, a proud lineage that would produce one of the greats of American literature, James Fenimore Cooper. However, once that train pulled into the station on that day in June, Cooperstown, NY, would never be the same. You see, on board was a cargo of giants—American Gods, if you will; and they were headed for Mount Olympus. Babe Ruth, Ty Cobb, Honus Wagner, Walter Johnson, and Christy Mathewson—the legends who made baseball the national passion—had come to town to enter a brand-new shrine for the sport that is America.

Mr. President, it was 46 years ago today that the National Baseball Hall of Fame and Museum first opened its doors to an adoring public. Since that memorable June 12 when the original "big five" superstars were inducted into the hall, millions of baseball fans from every corner of the globe have made the pilgrimage to beautiful Cooperstown, to gaze at the plaques of their heroes and to ponder the dazzling statistics that have become a part of our language; 60 home runs, .424 batting average, 30-game winner and the like. It's the stuff of dreams and it's all there to see; from Babe Ruth's locker and Lou Gehrig's uniform to enough historic balls and bats to fill nearby Lake Otsego.

Indeed, the history of our national pastime is on display in the town where Abner Doubleday laid out the first baseball diamond and established some of the key fundamentals of the game. Many were to follow in Doubleday's footsteps, moving around that diamond all the way to Cooperstown. So therein is the thrill of the hall of fame; Ruth, Aaron, Mays, Mantle, Williams, Musial, their legends preserved forever, for us and for our children. The hall can also take pride in its wisdom of including the achievements of our great black baseball players who until 1947 were denied the opportunity to play in the major leagues, but nevertheless proved their greatness in the Negro leagues.

On this anniversary date, let us salute the founders of the hall and all those who have worked so hard to maintain this great shrine. I also would like to extend congratulations to this year's hall of fame inductees, relief pitcher supreme Hoyt Whilhelm, all-round great Lou Brock, hustling Enos Slaughter and tough hitting Arky Vaughn. There's not much doubt they'll be in good company when they are enshrined on July 28, bringing the number of hall of famers to 193.

It was once said by a visitor to these shores that if you wanted to really know America, you should first study baseball. If that is the case, then the heart and soul of this great land is alive and well in Cooperstown. Best wishes to the hall of fame.

REMEMBERING ANNE FRANK

Mr. DOLE. Mr. President, today in Frankfurt, West Germany, in Amsterdam, and in New York City, an exhibition entitled "Anne Frank in the World 1929-1945" will open.

The exhibitions will be a tribute to a courageous and sensitive young woman, who through her diaries showed the world that with the support of family and religion, the human spirit can triumph over inhuman treatment.

Anne Frank was only one of millions of young men and women who lost their lives during the Nazi Holocaust, lost their lives for one simple reason, their religion.

But because Anne Frank wrote down her thoughts, the details of her and her family's day-to-day life as they struggled to escape detection by the Nazis, the entire world has come to understand what it was like to live in constant fear and still maintain a sense of humor, a sense of self. And by doing so, she carved a place in the history of mankind.

Anne Frank matured from a young girl to a young woman during more than 2 years of hiding in that Amsterdam attic. She grew to understand human nature, it's good sides and its bad. And through it all she never lost faith, in her family, her friends and her religion.

In one of the last entry's in her diary she wrote:

> It's really a wonder that I haven't dropped all my ideals, because they seem so absurd and impossible to carry out. Yet I keep them, because in spite of everything I still believe that people are really good at heart. I simply can't build up my hopes on a foundation consisting of confusion, misery and death. I see the world gradually being turned into a wilderness, I hear the ever approaching thunder, which will destory us too, I can feel the suffering of millions and yet, if I look up into heavens, I think that it will all come right, that this cruelty too will end, and that peace and tranquility will return again.

The Nazis killed Anne Frank shortly before her 16th birthday, along with thousands of others at the Bergen-Belsen Concentration Camp. But they could not kill her indomitable spirit. And the exhibitions that will open today, on Anne Frank's birthday, will commemorate that strength and creativity.

And hopefully, the commemorations will remind those of us who often take our freedom for granted, just how pre-

cious it is. And remind us as well, that we can never forget the horror caused by the Nazi Holocaust, and strengthen our resolve never to allow such atrocities to take place again.

THE TRUCKING INDUSTRY AND THE SEARCH FOR MISSING CHILDREN

Mrs. HAWKINS. Mr. President, I commend the trucking industry and individual truckers for their work on behalf of missing children.

The Trucking Industry Alliance is continuing the growing effort to aid America's missing children. The alliance is responsible for the implementation of a bold new strategy aimed at stopping those who insist on kidnaping children.

The alliance's coordinating committee recently voted to recognize the Missing Children Help Center in Tampa, FL, for its outstanding contribution to both the children and parents of America.

The center is a nonprofit organization that works with Federal, State, and local law enforcement agencies nationwide in an effort to help locate missing children. Since its 1982 inception, the center has helped to locate more than 250 kids and return them home safely. The center serves as a nationwide clearinghouse for information leading to the recovery of children at risk.

The alliance represents a broad range of trucking industry organizations, including private fleets, shippers, and labor organizations.

The alliance became interested in this national tragedy when it learned that truckers and truckstop operators were playing a key role in the success the center was having. I was told by Lee J. Crittenden, chairman of the alliance communications committee, that on an individual basis, major contributions had been made by truckers.

One example of the trucking industry's zeal in helping to find America's missing children is Thurston Motor Lines of Charlotte, NC.

Trucks provide a highly visible way to place the missing childrens' image in the public mind. Thurston is making a valiant effort to alleviate the Nation of the pain caused by the horrors of the national tragedy of missing children.

Thurston displays photographs on its trailers as they make daily circuits throughout the Nation. These trucks and the hundreds of thousands of others that daily criss-cross the Nation make the idea of using rolling billboards feasible.

According to industry experts, trucking offers the best avenue to dramatically enhance the efforts of the center. On a daily basis, hundreds of thousands of truck drivers cover millions of miles on virtually every highway.

Mort Goldsmith, a Thurston regional sales manager currently working in Pennsylvania, is credited with the idea of the missing children truck display.

The alliance is also hoping to help the center raise enough money to triple the number of posters that are sent out quarterly. Trade journals are running PSA's for the center. The center is completely dependent upon donations for its operating funds.

Crittenden and the alliance are working very hard to reach their long-range goals. He asked truck drivers to light the way home as a symbol of the industry's commitment to missing children.

On May 25, of this year hundreds of thousands of trucks covered America's highways, lights glowing, in an effort to light the way home.

ARMS SALES TO JORDAN

Mr. KENNEDY. Mr. President, for the past few months there has been a disturbing number of reports that the administration is considering selling advanced arms to Jordan. We in Congress have been told that the administration hopes to send a signal of encouragement to King Hussein for his recent efforts to bring peace to the Middle East. In addition to economic aid, the administration hopes to provide Jordan with advanced weapons, such as mobile Hawk surface-to-air missiles, advanced U.S. fighter aircraft such as the F-20 and F-16, Stinger antiaircraft missiles and other sophisticated weapons.

Last week Senator HEINZ and I introduced Senate Resolution 177 opposing the sale to Jordan of such weapons while Jordan opposes the Camp David peace process and refuses to negotiate directly with Israel. Our resolution now has 72 Senate sponsors.

It now appears that the administration has decided, at least for the time being, to defer action on arms sales to Jordan. I welcome this decision, and I ask unanimous consent that the text of Senate Resolution 177 and the list of Senate sponsors may be printed in the RECORD, along with a news article from today's Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 177

Whereas Israel is a stable democratic, and reliable ally of the United States;

Whereas the security of Israel is in the national interest of the United States;

Whereas Jordan continues to oppose the Camp David peace process;

Whereas Jordan has aligned with Iraq, whose government is committed to the destruction of Israel;

Whereas Jordan is purchasing advanced weapons from the Soviet Union;

Whereas the sale of advanced arms to Jordan would jeopardize the security of Israel and increase the overall instability of the region;

Whereas promises to sell advanced United States arms to Jordan set the stage for an unnecessary and divisive confrontation with Congress; and

Whereas an escalation of the arms race in the Middle East is contrary to the interests of the United States, Israel, and Jordan: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States of America that—

(1) the United States should not sell advanced fighter aircraft, mobile antiaircraft missiles, or any other advanced arms to Jordan under present conditions, in which Jordan continues to oppose the Camp David peace process and purchases arms from the Soviet Union, and in which such sales jeopardize both the security of Israel and progress toward peace in the Middle East;

(2) the United States should ensure that Israel retains its qualitative military edge over any combination of Mideast confrontation states; and

(3) the United States should focus its efforts on bringing Jordan into direct peace negotiations with Israel.

SENATE SPONSORS OF S. RES. 177

Kennedy	Heflin
Heinz	Hollings
Abdnor	Humphrey
Andrews	Inouye
Armstrong	Johnston
Baucus	Kasten
Bentsen	Kerry
Biden	Lautenberg
Bingaman	Leahy
Boren	Levin
Boschwitz	Long
Bradley	Matsunaga
Bumpers	Mattingly
Burdick	McConnell
Byrd	Melcher
Chiles	Metzenbaum
Cohen	Mitchell
Cranston	Moynihan
D'Amato	Murkowski
Danforth	Nickles
DeConcini	Packwood
Dixon	Pell
Dodd	Pressler
Durenberger	Proxmire
Eagleton	Pryor
Exon	Quayle
Ford	Riegle
Glenn	Rockefeller
Gore	Sarbanes
Gorton	Sasser
Gramm	Simon
Grassley	Specter
Harkin	Stennis
Hart	Weicker
Hawkins	Wilson
Hecht	Zorinsky

[From the Washington Post, June 12, 1985]

U.S. DEFERS ACTION ON ARMS FOR JORDAN

WHITE HOUSE HOPES HUSSEIN'S INITIATIVES WILL SHOW CONGRESS HE'S SERIOUS ON TALKS

(By John M. Goshko and David B. Ottaway)

The Reagan administration is planning to sell Jordan advanced arms worth up to $750 million, but agreed yesterday to postpone these sales temporarily in hopes that King Hussein's diplomatic initiatives will persuade Congress that he is serious about direct peace talks with Israel.

U.S. and congressional sources said the administration originally had intended to go ahead this week with plans for seeking $250 million in economic aid for Jordan as part of

its supplemental appropriations request for this year.

However, the sources added, at a White House strategy meeting late yesterday a tentative decision was made to defer that request, which had been intended as a signal of U.S. support for Hussein's efforts to form a joint Jordanian-Palestinian delegation able to negotiate directly with Israel on a Middle East peace settlement.

The administration is said to be considering proposing arms sales that could total $750 million over a five-year period.

The weapons would include advanced U.S. fighter aircraft, either the F20 or the F16; mobile Hawk surface-to-air missiles; shoulder-fired Stinger antiaircraft missiles, and troop-carrying helicopters.

The sources said the agreement to put the controversial arms sales on hold for the present was worked out by Secretary of State George P. Shultz, Senate Majority Leader Robert J. Dole (R-Kan.) and Foreign Relations Committee Chairman Richard G. Lugar (R-Ind.).

According to the sources, Dole and Lugar had warned that proceeding with the arms sales at this time would provoke bitter opposition from Israel's congressional supporters and result in a probable congressional veto of the sales that would undercut efforts to help Hussein.

The administration also was told that many of the 22 Republican senators facing reelection next year do not want to be put in the position of having to take a stand on the Jordan arms package without having a lot more evidence that Hussein's efforts are leading to direct talks with Israel.

Shultz has been seeking to convince a skeptical Congress that the Jordanian monarch's visit here two weeks ago represented a breakthrough in the peace process. But Shultz clearly needs more time to change the prevailing view in Congress that Jordan is not really serious.

Shultz and his aides have been citing numerous statements that Hussein made while here, including his readiness to engage in direct negotiations with Israel, albeit under the auspices of a U.N. Security Council-sponsored international peace conference.

Both the United States and Israel have rejected this formula because it would give the Soviet Union a role in the negotiations. But Shultz has accepted the idea that Jordan needs "broad international support" for any direct talks.

On Monday, Israeli Prime Minister Shimon Peres put forth his own five-point peace plan that called for an international conference within three months and "enlisting the support of the permanent members of the Security Council" for it.

The State Department did not comment yesterday on the specifics of the Peres plan. But it cited Peres' proposals as "yet another reflection of the momentum toward direct negotiations which is currently building in the region."

Sens. Edward M. Kennedy (D-Mass.) and John Heinz (R-Pa.) last week sponsored a nonbinding resolution, cosigned by 67 other senators, opposing sales of advanced weapons to Jordan while that country "continues to oppose the Camp David peace process and purchases arms from the Soviet Union."

Congressional sources said that a strenuous administration's lobbying effort had failed to induce these senators to take their names off the resolution and had been instrumental in helping to convince Shultz that a lot more preparatory work has to be done to create a receptive atmosphere on Capitol Hill for a long-term U.S. security relationship with Jordan.

As a result, the sources continued, Shultz plans to begin by making public the comprehensive review undertaken by the State Department earlier this year of U.S. arms policy in the Middle East.

It is expected to make the point that Jordan faces security threats from Syria and other radical Mideast states, particularly if it moves toward peace with Israel, and requires advanced arms to create a credible deterrent force.

The study, which could be released as early as today, will reportedly say that if Jordan continues to be frustrated in its hopes of obtaining modern weapons from the United States, it is likely to turn to the Soviet Union. That would raise the danger of the king coming under Soviet influence and moving away from direct peace talks, the department will argue.

To help Shultz in making these points to the Senate, the sources said that Lugar had promised to hold a Foreign Relations Committee hearing on the Jordan arms question before Congress goes into its July 4 recess.

Then, the sources said, later this summer the administration and the leadership will reassess the situation to see whether the administration lobbying and possible further progress by Hussein toward talks with Israel have created a more favorable climate for getting the sales through Congress.

The sources said the $250 million under consideration could be requested at the same time the Mideast arms review is sent to Congress.

The sources said $200 million would be in unrestricted funds that Hussein could use for a variety of uses and $50 million would be for specific projects. The administration's aid requests for Jordan for next year include $117 million in military assistance but no economic aid.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

LEGAL SERVICES CORPORATION

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will now go into executive session to consider 11 nominations for the Legal Services Corporation, on which there shall be a total of 4 hours of debate, to be equally divided and controlled by the Senator from Utah [Mr. HATCH] ranking minority member, or their designees.

Who yields time?

Mr. HATCH. Mr. President, for those of us who have been working closely with the Legal Services Corporation over the last few years, this is an important moment. Finally, after several years of expected and unexpected obstacles, we now have an opportunity to confirm the 11 persons nominated by President Reagan to serve on the Board of Directors of the Corporation.

The absence of a confirmed Board clearly has hurt the Corporation. There has been a lack of uniformity in the program's policies. There has been a lack of long-range planning. Needed reforms have not been undertaken because those who were serving as recess appointees to the Board recognized that their services were at best temporary.

There should be little doubt in anyone's mind that until there is a confirmed Board, it will be difficult if not impossible to administer the affairs of the Corporation in an efficient, organized manner.

President Reagan has nominated a Board of Directors that truly represents the statutory requirement that the Board include members of the organized bar, attorneys providing legal assistance and the general public and eligible clients.

As I am sure you all know, these 11 nominees are not new to the Senate. They were reported out of the Committee on Labor and Human Resources last Congress, but sat on the calendar for some 6 months, due to a threatened Democratic filibuster. I might note that this filibuster extended to all 11 nominees, even though 9 were reported out of the committee by a unanimous vote. In November 1984, they were made recess appointees to the Board and have done an exceptional job under what really have been most trying circumstances.

For example, the acting Chairman of the Board, Clark Durant, has spent hours meeting with a wide variety of interested parties to ease the tensions that have surrounded the Federal Legal Aid Program for several years. He should be commended for the exceptional job that he has done in restoring congressional trust in the Corporation. Mr. Durant is a graduate of the law school at Notre Dame, where he served on the law review, and is currently a private attorney in Gross Pointe, MI.

Hortencia Benevidez is an eligible client from El Paso, TX. Active in her community, Ms. Benevidez has held several clerk positions and has been active in her local diocese.

LeaAnne Bernstein is a private attorney from Baltimore, MD. A magna cum laude graduate of the Indiana University Law School, she worked at the Corporation for 2 years, serving as the Corporation secretary from 1982 to 1984.

Paul Eaglin, from Fayette, NC, is a professor at Methodist College. A graduate of the Duke University Law School, he served as a staff attorney at the Legal Aid Society of northwest North Carolina.

Pepe Mendez is a private attorney in Denver, CO, and the majority of his clients are Hispanics. A former assistant U.S. attorney, Mr. Mendez has served as the secretary of the Colorado Hispanic Bar Association, and on the board of directors of the University of Colorado Legal Aid and Defender Program.

Lorain Miller is an eligible client from Detroit, MI. She has worked as supervisor at the local YMCA Day Care and Senior Citizen Program.

Tom Smegal, from San Francisco, CA, is a private attorney who has been active in legal aid issues most of his professional life. Before being appointed to the Board of the Corporation, Mr. Smegal was on the board of the Youth Law Center and the local legal aid society.

Claude Swafford is a private attorney from South Pittsburg, TN. She has served as vice president and president of the Tennessee School Boards Association and participated in the Ford Foundation's Fellowship Leadership Development Program.

Basile Uddo from New Orleans, LA, is a professor at Loyola Law School. He received his masters degree in law from Harvard Law School in 1973 and has served on the advisory committee for the American Family Institute in New Orleans. He is a member of the American Bar Association and the Louisiana Bar Association.

Robert Valois is a private attorney residing in Raleigh, NC. He graduated from Wake Forest University Law School, where he served as associate editor of the Wake Forest Law Review. He was formerly a field examiner for the National Labor Relations Board and served as vice chairman of the North Carolina Legislative Study Commission in 1981.

Michael Wallace is a private attorney in Biloxi, MS. He graduated from the University of Virginia Law School where he served on the Virginia Law Review. Mr. Wallace was a law clerk to Associate Justice William H. Rehnquist, and has served as counsel for the office of the House Republican whip.

There have been four committee hearings on these nominees. They have answered literally hundreds of questions and supplied reams of paper in order to satisfy every request from committee members. On May 8, 1985, the committee voted to approve all of the nominees. Nine received unanimous approval, and two were approved by a clear majority, a majority that included Republicans and a Democrat.

The Corporation is at a critical juncture in its short history. In response to numerous violations of the law and improprieties by former Corporation officials and grantees, Congress has enacted significant measures to prevent similar abuses from occurring in the future. But to ensure that the Corporation is truly fulfilling its mandate of providing valuable legal assistance to the poor, we need more than just a series of detailed legislative instructions. We need a Board of Directors confirmed by the Senate, a Board committed to providing legal aid in an effective, nonpartisan manner.

The nominees before the Senate today can provide the leadership the Corporation needs. It is time for the Senate to vote on their nominations. I urge all my colleagues to vote for the 11 and allow the Corportion to move forward under the direction of a Board that has been adequately considered and confirmed by the Senate.

Mr. CRANSTON. Mr. President, I rise to speak against the nominations of Michael Wallace and LeaAnne Bernstein to serve on the Board of Directors of the Legal Services Corporation.

Before I discuss the reasons why I intend to vote against confirming each of these individuals, I would like to discuss for a few moments the criteria which I believe must be applied to each of these nominations.

CRITERIA FOR LEGAL SERVICES CORPORATION DIRECTORS

Mr. President, the positions on the Board of Directors of the Legal Services Corporation are not ordinary, executive branch positions. Members of the Board of Directors of the Corporation do not serve as advisers or counselors to the President.

Nor are they charged, as is the case with most of the nominations which come before the Senate for confirmation, with carrying out the President's policies—either generally or with respect to the Legal Services Program.

Nor do they serve at the pleasure of the President as do most Presidential nominees. Rather, members of the Board of Directors of the Legal Services Corporation serve for fixed terms of 2 or 3 years and are removable only by the Corporation Board itself for reasons of malfeasance in office, persistent neglect, or inability to discharge duties, or for offensive moral turpitude.

The Legal Services Corporation was established as an independent entity for the specific purpose of removing the Legal Services Program from political control and interference and specifically from the direct control of the President and the incumbent administration. That is why the Corporation submits its budget request directly to the Congress.

These are not routine executive branch appointments. Far from it. They are virtually unique in their characteristics.

The customary deference to allowing the President to select his own advisers is not applicable to these positions.

Moreover, the legislative history of the Legal Services Corporation Act sets forth specific criteria to be applied by the Senate in exercising its advise-and-consent responsibilities with respect to nominations to the Legal Services Corporation Board of Directors.

These criteria are as follows:

First, each nominee must be committed to the Corporation's freedom from political control—the touchstone of the Legal Services Corporation Act. This commitment to freedom from control by the executive branch—or the Congress for that matter—sets these nominees apart—far apart—from Presidential appointees whose duty it is to execute administration policies.

Second, each nominee must demonstrate that he or she understands and is fully committed to the role of legal assistance attorneys and supports the underlying principle of the Legal Services Corporation Act that it is in the national interest that the poor have full access under law to comprehensive and effective legal services.

Third, no more than six directors may be members of the same political party.

Fourth, a majority must be members of the bar of the highest court of any State.

Fifth, none shall be a full-time employee of the United States.

Finally, the membership of the Board, taken as a whole, must be generally representative of specific groups—including the organized bar, attorneys providing legal assistance to eligible clients, and the general public, and must include at least two eligible clients.

In judging these nominations, the Senate has a special responsibility to assure that the statutory requirements and legislative intent regarding the qualifications and commitment of the nominees has been met.

Mr. President, the specific role and responsibility of the Senate regarding these nominations is far more searching than the customary advise and consent role for executive branch officials.

PURPOSE OF SPECIAL REQUIREMENTS FOR LSC BOARD OF DIRECTORS

Mr. President, there is an important reason why there is a special standard applied to these nominations.

The federally funded Legal Services Program began in the midsixties as part of the war on poverty. After a turbulent initial period within the OEO structure, the program as we know it today—under the Legal Services Corporation—was created by Congress in 1974 as part of a concentrated effort to insulate it from political manipulation and pressures. The Con-

gress—and the Republican administration in the White House at that time—recognized that a program like Legal Services for the poor would inevitably always involve—as it had up to that time—conflicts with vested interests and litigation against State, local, and Federal Government agencies, and give rise to deep controversy over the outcome of efforts to protect the constitutional and statutory rights of low-income individuals.

I am proud to have been one of the principal architects of the 1974 Legal Services Corporation Act which established the Legal Services Corporation as an independent entity, outside the executive branch control, to administer this program.

Our purpose in 1974 in establishing this independent Corporation was to remove the Legal Services Program from the political maelstorm which has plagued it and to create a structure which would allow the program to devote its time and energies to the task of protecting the legal rights of low-income clients. We wanted Legal Services attorneys to be able to concentrate on serving their clients, free from fear of political reprisal and harassment. We also made clear that the control and direction of the program was to be placed in the hands of an independent and specially committed Board of Directors.

EARLY BOARD OF DIRECTORS

Mr. President, the first Board of Directors to the Legal Services Corporation was selected by President Ford in 1975. At the confirmation hearings held before the Labor and Public Welfare Committee on May 14, 1975, it was noted that President Ford had accepted the committee's recommendation that all nominees be presented to the Senate together because the Legal Services act obligated the Members of the Senate, as the then chairman of the committee observed, "to ascertain the range of interests represented by the nominees as a group, as well as to inquire into their individual qualifications."

I was deeply involved in those initial confirmation hearings and chaired 5 of the 6 days of hearings held on that initial set of nominations in 1975. I am proud to have maintained that involvement with every set of nominations presented since that time.

Mr. President, I think it is important to point out that since the time President Ford submitted to the Senate the first panel of Legal Services Corporation Board nominees, the Senate has never acted upon a partial slate of nominees. Although in 1975, the committee reported the individual nominations at various times between May 14 and July 9, no action was taken by the Senate until all 11 nominations had been reported by the committee. Indeed, nine of the nominations were held on the Senate Calendar until the names of the final two nominees—former Senator Marlow Cook and Melville Broughton—had been reported by the committee.

Mr. President, this history is particularly relevant because it illustrates the unique character of these nominations and the special obligation that the Senate has in judging whether the proposed Board of Directors—individually as well as a whole—satisfies the requirements of the act and its legislative history.

HISTORY OF REAGAN ADMINISTRATION'S NOMINATIONS TO THE LSC BOARD OF DIRECTORS

Mr. President, before I begin to discuss the particular problems with two of the current nominees, I believe it is important to recognize the persistently hostile policies of this administration toward the Legal Services Program.

There can be little dispute that this administration took office with the avowed intention of dismantling this program. Every budget that the Reagan administration has submitted to this Congress has proposed elimination of the Legal Services Corporation.

Those consistent, concerted efforts to abolish the program have been stopped by the strong, bipartisan support which exists both in the Congress and throughout the country for the Legal Services Program. Whatever concerns might exist about the propriety of a particular action by a particular Legal Services Program or the correctness of the outcome of a particular case, those concerns have been dwarfed by the continuing commitment of the American people and the Congress to this program and its fundamental premise of fairness and justice.

That broad bipartisan support was underscored again just last month when the Senate voted 71 to 27 to defeat an amendment to eliminate funding for the Legal Services Program from the budget.

In the past 4 years, we have had numerous similar lopsided votes, each of which has reaffirmed congressional support for this important program.

Nevertheless, the Reagan administration and other foes of the Legal Services Program have continued to try to undermine the program. We have seen an unprecedented, repeated use of recess appointment powers to try to place control of the Legal Services Program into the hands of unconfirmed and uncommitted individuals. Congress has had to act through the appropriations process to prevent unqualified, uncommitted, and, in some cases, openly hostile, board members from eviscerating this program. Thus, we have for the last 3 or 4 years protected the funding levels of existing effective individual legal service projects by the use of appropriations riders.

BERNSTEIN AND WALLACE NOMINATIONS

Mr. President, each of the nominations to this Board of Directors must meet the tests that I have described as set forth in the Legal Services Corporation Act and required by the legislative history.

There may be differing opinions as to the degree to which nine of the nominees satisfy these requirements. Remarkably for Reagan administration nominations, a few actually seem to support the legal services concepts. Most have no significant record in the area of legal services. However, the inadequacies of the so-called noncontroversial nine nominees pale when measured against the Wallace and Bernstein nominations.

Confirmation of Michael Wallace and LeaAnne Bernstein makes a mockery of the notion that members of the Board of Directors of the Legal Services Corporation should be individuals who are committed to the program and what it represents and committed to the principle of freedom from executive branch control.

The contributions of Mr. Wallace to the poor have included efforts to win tax breaks for racist private schools, a role in blocking Federal inspection of a Mississippi jail in which 27 inmates were killed in a fire less than a year later, and an apparently well-deserved reputation for being a key strategist in maneuvers to block the extension of the Voting Rights Act.

LeaAnne Bernstein's claim to legal services fame has been twofold. First, she is the perpetrator of policies aimed at blocking public access to meetings of the Legal Services Corporation Board of Directors—actions which resulted in a Federal court enjoining meetings of the Corporation Board of Directors called without the required public notice; second, she is the hand-picked agent of unconfirmed and unconfirmable Board members who worked hard to undermine the program and who had close contacts with White House officials bent on destroying the Corporation directly or indirectly. In addition, as a recess Board member, Ms. Bernstein has distinguished herself by seeking a 20-percent cut in the funding for the program—a position that not one of her fellow Board members—even Mr. Wallace—would support. Further, she has attempted to block reconsideration and further public comment on highly controversial regulations promulgated by the prior recess Board—again, without the support of any of her fellow Board members.

In summation, it is clear that these two nominations do not bring justice to a program that is committed to bringing justice to America's poor and vulnerable. It is improper and unconscionable that this body should vote to confirm these two individuals to serve

on the Board of Directors of the Legal Services Program—there is nothing in their biographies or their histories or their recess appointment service on the Board that would justify placing them in control of this program. Indeed, their records denote hostility to and conflict with the principles and purposes for which the Legal Services Corporation stands.

CONCLUSION

Mr. President, in conclusion let me stress again that if we were simply charged with the responsibility for confirming the President's choice of his own advisors, this problem would not be so grave. That is, however, not the responsibility of the Senate with respect to these nominations.

These are not mere Presidential advisors.

These are individuals appointed to exercise independent judgment and responsibility for a program that is a cornerstone of our national commitment to justice.

To confirm Michael Wallace and Ms. LeaAnne Bernstein would be fundamentally inconsistent with that responsibility and this program. Without question, in the 10-year history of the Corporation these are the two most unqualified nominations ever to be brought to a vote in the Senate. I hope my colleagues will exercise their consciences and do the right thing for America's downtrodden and disenfranchised by voting to defeat the continuation of these plainly unqualified, indeed disqualified, nominees.

Mr. President, I ask unanimous consent that a June 7 "Dear Colleague" letter which 14 other Senators and I sent to all Senators outlining reasons for opposition to these nominations be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON LABOR
AND HUMAN RESOURCES,
Washington, DC, June 7, 1985.

DEAR COLLEAGUE: For the past four years, the Legal Services Corporation has operated without a confirmed Board of Directors. During this time, the Corporation Board has been filled with recess appointees. No fewer than 25 nominations have been placed before the Senate in this four-year time period; however, because of the lack of qualifications of some of the nominees or because of the views of some of the nominees which were inconsistent with, or in some cases openly hostile to, the goals of the Corporation, none has been confirmed by the Senate.

On May 8, the Committee on Labor and Human Resources considered a slate of eleven nominees to serve on the Board of the Corporation. Nine nominations were approved en bloc. In separate votes, nominees LeaAnne Bernstein and Michael B. Wallace were reported by a 10 to 6 vote.

As these nominations move to the floor of the Senate, we continue to oppose the confirmation of Mr. Wallace and Ms. Bernstein. We believe that Mr. Wallace and Ms. Bernstein have demonstrated that they are unfit to serve on the Board of Legal Services Corporation for the following reasons:

Mr. Michael Wallace served as a top aide to House Minority Whip Trent Lott from January 1981 to July 1983. In that capacity, he took a leadership role in the House during the battle in 1982 opposing extension of the Voting Rights Act. His opposition to the extension of the Act was apparently not limited to his role as a staff aide for a House Member. It is reported by several sources that he actively assisted a number of Senators on the Judiciary Committee in their opposition to the Act.

During his tenure as staff aide to Representative Lott, Mr. Wallace was also involved in several well-publicized controversies. It is reported by several sources that Mr. Wallace drafted the letter which Representative Lott sent to President Reagan in 1982 urging the Administration to side with segregated private schools in the *Bob Jones* Supreme Court case. It was this letter that set in motion the Administration's policy reversal on the long-held U.S. Government policy of denying tax exemptions to private schools with discriminatory policies. At his confirmation hearing, Mr. Wallace refused to confirm or deny that he had drafted this letter.

Mr. Wallace's initials appear on a letter in the Justice Department's files on Representative Lott's official stationery complaining about the fact that constitutional rights of prisoners were going to be enforced in Mississippi and which set forth the view that "only the minimum standards compelled by the Constitution" should be enforced. As a result of Representative Lott's intervention in this matter, the Justice Department did not send federal inspectors into Mississippi jails. Less than a year after the inspections were quashed, there was a fire in one of the jails and 27 inmates died as a result of flammable bedding materials that spread toxic fumes through the jail. Again, Mr. Wallace refused to confirm or deny that he had drafted this correspondence.

Mr. Wallace has gone on record as supporting the elimination of the LSC's minority recruitment effort, the Reginald Heber Smith Fellowship Program. In response to questions submitted to him, Mr. Wallace said "I am opposed to race-conscious government action, and I believe the law forbids it."

These controversies and Mr. Wallace's involvement therein are significant because as a member of the Legal Services Corporation Board, Mr. Wallace would be in a position to affect policies of the Corporation regarding representation of minority clients in voting rights and other cases, and the representation of prisoners in litigation over prison conditions.

We oppose the confirmation of LeaAnne Bernstein because her record is, at best, insensitive to the goals of the Corporation. Ms. Bernstein began her employment with the Corporation in March 1982 as a Special Assistant to the Corporation's President and was named Corporate Secretary in October 1982 by William Harvey, then Chairman of the Board. During her Senate testimony, Ms. Bernstein attempted to characterize her role at the Corporation as primarily clerical and refused to acknowledge any role at all in policy development by the Board. The nature of her two positions at the Corporation belies her characterization of her role and provides strong evidence that she has actively participated in developing controversial policies put forward by the various recess Boards since 1982.

In her prior role as Corporate Secretary, she clearly had primary responsibility for seeing to it that Board meetings are held in conformity with the Legal Services Corporation Act, Legal Services Corporation Bylaws, and the Sunshine Act. In October 1983, the District of Columbia District Court enjoined the Board from meeting because it had failed to give proper public notice as required by the Sunshine Act. Ms. Bernstein was the Corporation official responsible for providing such notice and she failed to do so.

During her tenure as a staff member the LSC was sued successfully a number of times for policies that violated its own bylaws and statutory enactments. And last year, two Congressional committees had to step in and demand that the Corporation withdraw regulations that far exceeded the intent of Congress. At that time the LSC ignored the demand. As a recess appointee, Ms. Bernstein voted to enforce the regulations that the Committees had opposed. Ms. Bernstein set herself apart from her colleagues on the LSC Board by arguing against republishing these regulations—a process that would allow Congress and the public an opportunity to suggest to the new Board necessary revisions.

As a Board member, Ms. Bernstein has voted repeatedly to reduce those programs she could not eliminate and to restrict those programs she could not reduce. At a recent Board meeting she called for an across-the-board cut of 25 percent for the entire program. The information we have received on legal services programs to date has provided strong evidence that local programs are still reeling from the 1981 funding reductions.

We believe the above actions on the part of these two nominees demonstrate that neither Mr. Wallace nor Ms. Bernstein meet the qualifications to serve on the Board of the Legal Services Corporation. The 1974 Senate report on the Legal Services Act requires "that the Board members understand and are fully committed to the role of legal assistance attorneys and support the underlying principle of this legislation that it is in the national interest that the poor have full access under law to comprehensive and effective legal services." Mr. Wallace's past support of policies that discriminate against minorities and the poor render his appointment to the Legal Services Corporation Board an affront to the constituency it serves. Ms. Bernstein's promotion of policies which directly conflict with statutory enactments and congressional intent demonstrate her lack of commitment to the principles of the Corporation. We are seeking a roll call vote on the nominations of Mr. Wallace and Ms. Bernstein. We urge you to join with us in opposing their confirmation.

If you have any questions or need additional information, please contact Dennis Hernandez at 4-5441 or Susanne Martinez at 4-3553.

Sincerely,

MEMBERS OF THE COMMITTEE ON
LABOR AND HUMAN RESOURCES.

Mr. HATCH. Mr. President, while we are waiting for some of our colleagues to get to the floor, I am sure it is well known by this body that congressional efforts to keep politics out of the Legal Services Corporation have failed, so it is not surprising that there are political considerations behind the

objections being raised against both Mrs. Bernstein and Mr. Wallace. The real problem with these two nominees is that they are conservatives, who have worked for or been appointed by conservatives.

We have just seen this time after time after time with regard to nominees. I can remember approving almost 300 judges for President Carter, many of whom I very, very distinctly disagreed with as far as their philosophical beliefs were concerned. But since President Reagan has been in office, I guess it is because this body is not used to having a conservative President, we have just had one after the other criticism of some of these nominees who are, in fact, conservatives.

One would think that we would like to have excellent lawyers familiar with legal aid issues to serve on the Board of the Corporation, and they should come from both sides of the political spectrum. Mrs. Bernstein graduated magna cum laude from the Indiana University Law School and yet she has been called somebody who is unworthy of this position by her opponents. I think she will be a valuable and somewhat unique Board member because of her personal work at the Legal Services Corporation, where she served as Secretary for the Corporation. She brings to the Board an informed understanding of the Corporation's strengths and weaknesses, based upon her 2 years of first-hand experience with the practical realities of the Corporation's capabilities. She has a personal awareness of how the Corporation can be improved and the delivery of legal services enhanced. One might assume it is this first-hand knowledge that her detractors find so unsettling. Unlike other nominees, she has seen how the staff at the Corporation can circumvent one congressional directive after another. Perhaps the real problem with Mrs. Bernstein is that she knows too much.

Michael Wallace graduated at the top of his class at the University of Virginia Law School, certainly one of the most prestigious law schools in this country. He has been a clerk at the Supreme Court. He has worked for the House Republican whip, gaining a first-hand knowledge of congressional concerns with the Corporation. He has and is working on behalf of the poor in his home State of Mississippi, where he has returned to practice law. While serving as a recess appointee to the Board, he has been commended for his fairness by the Project Advisory Group, an association of Legal Services staff members in the field.

It is obvious that Mrs. Bernstein and Mr. Wallace have run afoul of the legal services movement, the same movement that so consciously and intentionally broke the law in the past. So, it is not surprising that several of the charges leveled against these nominees are based on rumor, false statement, and factual distortion.

While serving as recess appointees to the Board, both nominees have demonstrated that they are qualified to serve on the Board of Directors of the Corporation. They are informed and familiar with the issues before the Corporation and are committed to the concept of providing America's poor with access to our judicial system. I do not think anybody can deny that. I urge my colleagues to look at the record and look at the facts. If you do, I am confident that you will join with me in voting in favor of all 11 nominees to the Board of the Corporation.

Some rather strong objections have been raised against Mr. Wallace, objections which warrant comment.

The objections to Mr. Wallace's nomination really involve positions or actions taken by his former employer, Congressman LOTT, which are attributed to Mr. Wallace. It has been made clear to us, and we have seen no evidence to the contrary, that at all times during his employment in the minority whip's office, Mr. Wallace acted at the direction of the Congressman. To us, the objections raised against Mr. Wallace are really directed at Mr. LOTT, who is not a nominee to the Board of the Corporation. It is Mr. Wallace's nomination that is before the Senate.

I think it is an unusual standard we are imposing on Mr. Wallace—that any employee for a political figure is accountable for all decisions made by that figure. I think it would be more informative to ascertain how the nominee thinks.

What has been overlooked is that Mr. Wallace has represented legal service eligible clients in Mississippi on a variety of matters, including contested divorces, contested adoptions, and child support actions. He has also represented poor tenants in eviction actions and in disputes with local housing authorities.

What has been overlooked is that Mr. Wallace's work on behalf of the poor in Mississippi has led to the endorsement of his nomination by Herman DeCell, a board members of Central Mississippi Legal Services for the last 7 years.

Mr. Wallace will be a strong addition to the Board of the Corporation. He is an experienced legal services lawyer, a former clerk on the Supreme Court, at the top of his class in law school, and respected within his State. I would think Mr. Wallace is just the sort of candidate we are searching for.

Mr. Wallace has been criticized directly for his involvement with the 1982 extension of the Voting Rights Act, even though it was on behalf of Mr. LOTT. During his confirmation hearing, Mr. Wallace described his personal views on the act as follows:

When the act left the House, it provided not for the usual 10-year extension of the statute of limitations provided in sections 4 and 5 of the act, but rather it provided for permanent coverage of covered jurisdictions, primarily in the South and a few places elsewhere around the country.

It also provided an amendment on a nationwide basis that was intended to broaden in an unspecified way the sort of challenges that could be raised to a whole range of election systems.

When the act emerged from the Senate, I believe it had been substantially improved in both respects. The provisions of section 5 and section 4 will now expire within 25 years, rather than never, and section 2 was given some specificity in the statute. The meaning of the language used now incorporates the Supreme Court's language in White versus Register which, as (Senator Hatch) argued before the committee and to the full Senate, is in fact an intent test, as the Supreme Court later ruled in the case of Rogers versus Lodge.

I am very satisfied with the language as it now stands, and I am very satisfied that the Supreme Court will so hold when the time comes.

I believe the statute has been substantially improved. There are other improvements that could be made, but on the whole I think it is pretty good work from the congressional process. . . . The Voting Rights Act has had a tremendous effect in my home State of Mississippi with regard to its primary goal of assuring people the right to register, of insuring people the right of vote, to see that there is no intimidation".

In sum, Mr. Wallace's problems with the Voting Rights Act were similar to concerns raised by Members of this body during the debate over the bill, yet Mr. Wallace endorses the legislation as finally enacted. To say he opposes the act today is simply wrong.

Mr. Wallace testified before the committee about the Bob Jones University case and the reasons for his personal concern with the issues that were being presented before the Court. I might note that while testifying before the committee, Mr. Wallace made clear both his thorough knowledge of the law and his unique grasp of the competing arguments that led to several recent Supreme Court decisions, a knowledge he gained while serving as a clerk on the Supreme Court.

Mr. Wallace indicated that he had two concerns with the Bob Jones University case. First, at issue was the action taken by the Internal Revenue Service which precipitated the filing of the suit. He noted that the action was not based on any definitive congressional instruction to do so and stated that while there might have been compelling reasons for the Service to set public policy in this instance, he felt that as a rule, the Internal Revenue Service should not be allowed to read implicit exemptions from the explicit language of the act.

Second, he had concerns with the first amendment issues raised in the suit, namely, to what extent could a

government involve itself in the policies of a religious institution, again without their being explicit congressional authority to do so. He stated that he felt the rule of the Catholic Bishop case should continue to stand, that a statute should not be interpreted by Federal agencies to put a burden on the church unless the statute expressly said to do so.

Mr. Wallace has also been accused of blocking a Department of Justice investigation of jails in Mississippi. In 1971, a lawsuit, Gates against Collier, was filed by private litigants, charging that Mississippi's State penitentiary was overcrowded and unconstitutionally inhumane. The State has but one prison for State criminals. In 1977, the district court approved a consent decree, ordering the State to correct these problems. As a result, State officials began to refuse to accept prisoners from county jails, even after their trials and been completed.

Four years later, the Justice Department and the attorney for the private litigants went back to court, apparently seeking to impose the requirements contained in the Gates consent decree, and several additional requirements as well on the State's 82 county jails. The State made clear its objections to what it considered to be a drastic expansion of the scope of the consent decree and the potential chaos that would result if these requirements were actually imposed on the county jails, many of which are small, rural lockups.

Congressman LOTT asked the Department of Justice to clarify its position and in a letter dated May 19, 1981, Deputy Attorney General Edward Schmultz stated that the Department of Justice had not sought to establish a uniform standard to impose on the county jails. Instead, he stated that since State prisoners were being housed in county jails, the Department wished to ascertain what were the minimal conditions of these jails. If this information were provided voluntarily, the Department would be satisfied. He made clear that they were not attempting to impose any Federal standard upon the State.

Despite this explanation, a private attorney for the plaintiff and local Department officials apparently made it known that they were intending to seek application of the Gates order on the county jails. At this point, even the local judge handling the case lost his temper. In a sharply worded letter to the private attorney, he accused the attorney of acting inappropriately and harassing county officials and demanded that he stop. A subsequent letter on this point was drafted in the fall of 1981, by Representative LOTT's office, but it was never officially sent. On December 1, 1981, the Harrison County jail in Jackson, MS, was inspected by the U.S. Marshal Service and found to be satisfactory for the holding of Federal prisoners.

On August 13, 1982, the Justice Department informed the county officials that it would be investigating local jails, including those in Gulfport and Biloxi, MS and the State made it clear that it would cooperate with this inquiry. According to testimony before the committee, this investigation was begun prior to the tragic event on November 8, 1982, when a prisoner in a padded cell got hold of a match and a fire broke out that resulted in the deaths of 29 inmates.

As one can clearly see, the fire was some 3 months after the Justice Department had announced its investigation, Congressman LOTT did not stop an investigation. He did not force the Justice Department to change its position. He simply asked the Justice Department to clarify its position, and once clarified, whether it would abide by that decision. The tragic fire was more than a year after Mr. LOTT's last communication with the Justice Department. To contend then, that Michael Wallace can, as a result of these facts, be blamed for these deaths, is not only absurd, it is nonsensical.

I think that a careful review of the facts indicates that the objections raised against Mr. Wallace are simply not valid. He should be confirmed and I am confident he will.

I noted earlier that it has been a real struggle to move nominees to the Corporation through the Senate. No one Senator can do it alone and many were involved in bringing these nominees to the floor. I want to thank all of them, but a special thanks needs to go to Senators WEICKER and STAFFORD and to Senator RUDMAN, who has played such a key role in reforming the Corporation.

I would also like to thank my colleagues in the minority, Senators KENNEDY and CRANSTON. Senator KENNEDY was most helpful in facilitating a vote in committee on the nominees, and Senator CRANSTON has been of assistance in bringing these nominees to a vote today. Without their cooperation, there would be no vote today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, are we under a time agreement?

Mr. CRANSTON. Mr. President, I yield such time as the Senator may need.

Mr. KENNEDY. Mr. President, over 10 years ago, when Congress created the Legal Services Corporation, we had two goals in mind: A Legal Services Program that was both independent and effective.

We sought to insure the independence of the Legal Services Corporation by taking it out of the executive branch and making an independent agency. Independence was also designed to insure effectiveness so that committed, highly motivated attorneys could be aggressive advocates on behalf of poor people without undue outside interference or fear of reprisal.

Since its creation, the Legal Services Corporation has become an invaluable and in many ways unique national institution. It has brought the protection of the law to millions of poor Americans in every area of daily life. Today, 46 million Americans are eligible for legal services. Of these, 23 million have a legal problem every year. Poor families are now able to secure benefit checks when payments are stopped improperly, the elderly can get the Social Security and pension benefits to which they are entitled, domestic problems can be resolved within the law rather than by violence in the home.

In the past 4 years, however, the Legal Services Corporation has been under constant attack by the Reagan administration. Every budget since President Reagan's election has called for the total elimination of the Legal Services Program.

But as soon as it became clear that Congress did not intend to go along with the President's plan to shut down the Corporation, the administration adopted another tactic designed to achieve the same goal: To nominate individuals for the most important posts on the Corporation and the Legal Services Board who were either utterly unqualified or had previously demonstrated a philosophy at least insensitive to the purposes of an effective Legal Services Program.

Over the past 4 years, 25 nominees have been considered by the Senate. The vast majority of these nominees have either lacked the necessary qualifications or have demonstrated a philosophy which was hostile to the goals of the Legal Services Corporation. Not one of these nominees has been confirmed.

It is against this background that we consider the present nominees. Let me say at this point that I fully expect all of these nominees to be confirmed by the Senate. I did not oppose nine of these nominees in the committee because they were at least minimally qualified to serve on the Board. I opposed the nominations of Michael Wallace and LeaAnne Bernstein and will also vote against them today, because I could not find anywhere in their records any evidence of a sincere commitment to the goals of the Corporation.

The arguments against Michael Wallace and Miss Bernstein are fully laid out in the "Dear Colleague" circulated earlier this week. But I want to summarize them here:

As a legislative aide to Congressman TRENT LOTT, Mr. Wallace spearheaded the opposition of the 1982 extension of the Voting Rights Act. Reports of his activities on this legislation indicate that he was bitterly opposed to the extension of one of the most important legislative safeguards protecting the constitutional right to vote.

In the Bob Jones case, Mr. Wallace was intimately involved in the administration's decision to support the retention of tax exempt status for segregated private schools. He authored the letter which Congressman LOTT sent to the President, and which convinced the President to reverse the administration's prior position on segregated schools. This was the first time in over 10 years that a President sided with a policy of segregated schools.

In 1981, Mr. Wallace drafted a letter on behalf of Congressman LOTT to prevent the Justice Department from carrying out a scheduled inspection of Mississippi jails. A year later, 27 people died in a fire because of unsafe conditions that would have been detected by an inspection.

Most recently, Mr. Wallace has demonstrated insensitivity to minorities by attempting to eliminate the program by which the Corporation has historically recruited women and minority attorneys for its work force.

I believe these examples show quite clearly that Michael Wallace is a highly qualified individual who is unqualified to serve on the Legal Services Board.

Ms. LeaAnne Bernstein has throughout her service at the Board executed her duties in such an unprofessional manner that I believe she has forfeited any benefit of the doubt that we normally grant nominees to such a position.

When Ms. Bernstein was first nominated to the Board of the Legal Services Corporation, she misrepresented her role as a staff member to the Senate Labor Committee as purely clerical, when in fact she was one of the principle policy actors at Legal Services. She did so in order to avoid responsibility for policies she knew the Senate would disapprove of, such as the decision to prohibit class actions under any circumstances.

While on the staff of LCS, Ms. Bernstein supported several restrictive regulations which would have diminished the effectiveness of Legal Services. These restrictions exceeded statutory authority as well as the intent of Congress. Two congressional committees intervened and demanded that the Corporation withdraw those regulations. As a recess appointee to the Board, Ms. Bernstein voted to enforce the regulations that the committees had opposed.

Mr. President, we may confirm members of the Legal Services Board today, but I want to make it clear that many members of the Human Resources Committee and the full Senate will be watching developments at the Board very carefully and intend to evaluate the actions of these individuals and any future nominees with great care in order to ensure that this agency is run as the Congress originally intended.

If the poor cannot obtain legal services, the courthouse door is closed to them as effectively as if the doors were locked and barred. Injustice in the courts builds injustice in society. No system of law worthy of the name can ignore the poor and invite only the rich and powerful to dine at the bar of justice.

Without an effective Legal Services Program, the proud claim of equal justice will become an empty claim; and the great guarantees of the Bill of Rights will become a shameful charade if citizens no longer have access to the courts to protect their rights.

That is why we will be carefully watching the Board we are confirming today and will hold them to account if they fail to carry out their responsibilities.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the two nominations.

Mr. BYRD. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays at this point with one show of seconds.

Mr. HATCH. This is with regard to Wallace and Bernstein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, the hostility of this administration to the very idea of a corporation to direct and implement legal services programs throughout the country is all too clear.

The timing of this opposition is ironic, to say the least. This is a time when low-income Americans have little to look forward to except cuts in programs that might give them a chance for dignity and self-sufficiency. Now they face the further threat of diminished representation in court, less advocacy before administrative agencies, and a far smaller voice in other forums of public opinion.

The Legal Services Corporation has funded programs that—above all—have given low-income men and women a sense of belonging and some sense of power in a society dominated by legal complexities.

Poor people have always faced exceptional problems in dealing with landlords, in maintaining their rights under onerous contracts, in seeking divorces, and in obtaining rights they are entitled to under Government programs.

Organizations like Vermont Legal Aid—and similar programs around the country—have righted some of these wrongs. The standard of practice by legal services lawyers has at least matched the standard within the bar as a whole, and, fitting, other attorneys are among the most ardent boosters of Vermont Legal Aid and its sister programs around the Nation.

Having failed to legislate this vital function out of existence, the administration is showing no signs that it is giving up on the goal of disrupting and disabling what has been a vital program for poor people everywhere.

I am casting votes against Michael B. Wallace and LeaAnne Bernstein, because I see their nominations as clear indications that the war against the Legal Services Corporation will continue—this time from the inside.

Ms. Bernstein has demonstrated both as a staff member and later as a board member, that she is not opposed to reducing or restricting some of the LSC's most effective programs. She supported regulations that were inconsistent with the corporation's organic statute and with clearly expressed congressional intent.

Mr. Wallace's views on a variety of issues bearing on the rights of minorities and the poor—ranging from the Bob Jones case to the Voting Rights Act—raise serious doubts that he will fight hard for the rights of the LSC clients.

Let me quickly add that I neither imply nor intend any limitation whatsoever on the rights of public office holders to have whatever views they want. But it is very fair to ask whether a candidate for a board that oversees advocacy for the poor has worked against the interests of the people he will be expected to protect. I believe that Mr. Wallace flunks that test.

Whatever the outcome of today's vote, let me add in conclusion that I believe that the Legal Services Corporation is entering a critical phase of its history. To survive with meaningful field activities intact, Congress will have to keep a very close eye on what the LSC does in the next months and years.

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We can easily lose effective advocacy for low-income Americans, and if we do, it will take years and years to build it back up to levels that will make a difference to the lives of men and women who have always felt shut out of mainstream American life.

Keeping legal service programs alive will be the special task of Congress over the next few years, and it is a task we cannot and must not shirk.

Mr. GORE. Mr. President, today we will be voting on the confirmation of the board members for the Legal Services Corporation. In voting on these nominees I am mindful of and would urge my colleagues to be likewise mindful of the principles which have led to a strong and vital legal services program. I think it is also important that nominees themselves understand the guiding principles which we demand that they follow in continuing the work of this important organization.

The principles which must guide the new leadership at the Legal Services Corporation are:

LOCAL CONTROL

Since its inception in 1974, the Legal Services Corporation has recognized the need for the fundamental control of the programs to be vested in a locally appointed board of directors. As currently constituted these boards are made up predominantly of attorneys from the project area with one-third of the membership of the board being client-eligible persons. In these boards there has been vested the authority to establish priorities, review policies, and manage with the assistance of the executive director the operation of the program. In my State, these eight local boards express the diversity of the State and the diversity of the various areas that they represent. In the large urban areas, programs focus on issues affecting the poor in cities as in almost any other city in the country. In the rural areas problems of access to legal services and the absence of a social services network often mean a different kind of program.

This flexibility and control of the local programs must remain in these local boards to assure an effective and efficient program.

FULL PROFESSIONAL REPRESENTATION

Poor people should have the right to counsel and representation in every area of life. We must be ever-mindful of the full range of responsibility which a lawyer might have to a client. Lawyers employed by legal services and private practitioners providing representation through Legal Services Corporation funding must be able to represent clients fully and effectively.

This may sometimes lead to controversy. Often the needs of the clients and their need for representation is a challenge to established practices and principles. Such is the lot of the lawyer and client. Attorneys should have full latitude to advise their client with the bounds of the Code of Professional Responsibility and the law. This principle is an essential part of our legal system.

ENHANCEMENT OF HIGH QUALITY REPRESENTATION THROUGH TRAINING AND SUPPORT

The Legal Services Corporation has established a network of State and national support centers. These centers, which enhance the ability of local programs to deliver high quality representation, must be preserved. Unwise moves to restrict such programs beyond the areas in which their properly constituted boards may direct must be avoided.

PRIVATE BAR INVOLVEMENT

Since its inception the Legal Services Program has had as one of its strongest advocates the organized bar of this country including, most notably, the American Bar Association. The ABA has provided a great deal of leadership on questions involving direction and focus of legal services. In 1980 the ABA called for a new focus on the delivery of legal services through "substantial involvement of the private bar." Legal services programs have followed this lead and the program has been strengthened.

The system of delivery of high quality representation to the poor must be established by local boards in cooperation with the lawyers who will actually be undertaking the work. Imposing such absolutes, however, as a requirement that 12.5 percent of the funds must be used in private attorney involvement, regardless whether the local bar wishes to be involved, must be eliminated.

Finally, the nominees for the LSC Board in taking over the job of managing the Legal Services Corporation must be mindful of the overriding goal of the Corporation to provide equal access to justice. Our system of justice is complex and our set of relations between the State and Federal Government is often complex, but one thing is very clear—in order for poor people to have a chance of surviving in our system they must have effective representation. The Legal Services Corporation, led by a board committed to the goal of providing adequate representation, is an essential part of our legal system.

Mr. KERRY. Mr. President, the Senate finds itself today at the end of a long and unsatisfying journey. It is a journey that began long before I was a Member of this body and it is one where the damage and aftershocks may be felt for some time. For the first time in many years, the Legal Services Corporation Board will sit as a board confirmed by the Senate.

My colleagues who have held up confirmation have done so for important and legitimate reasons; from the very beginning their concern has been that we do not advise and consent on a board who would understand their mandate to be the elimination of legal services for the poor.

As I mentioned, I am new to the Senate. I was not here when the controversy over the President's appointments began and I was not here at the creation of the Legal Services Corporation. However, I spent some years working as the first assistant district attorney in Massachusetts largest county and it was during my tenure there that I saw first hand the need for legal services for America's poor. I believe that the gap in services that exists between those who can afford services and those who cannot, is a gap that the Government has a responsibility to try and bridge. Clearly, that was Congress' intent.

Unfortunately, most of the various recess appointments and nominees that have presented themselves have revealed a somewhat different agenda. They have advocated crippling funding cuts and major changes in the services provided. I believe that these cuts will seriously damage the Corporation and I believe that these changes are designed by their authors and do just that.

Mr. President, reluctantly I will vote for most of the nominees before us today. I will do so not because I am convinced that we share a philosophy about legal services, but because I want to make a statement about two of the nominees that I feel deserve our more careful scrutiny.

I believe that LeaAnne Bernstein should not be confirmed by the Senate. In the years that she has been associated with the Board, her tenure has been marked by support for policies that would effectively gut the Legal Services Program. As secretary to the Board she was responsible for ensuring that meetings were held in accordance with the laws that govern the Corporation. Yet, in October 1983, a Federal district court judge had to prevent the Board from meeting because Ms. Bernstein did not fulfill her obligation by providing adequate public notice. Furthermore, Ms. Bernstein was the only Board member who requested an additional 25 percent cut of the entire Legal Services Program when she urged a $241 million budget level at a Board meeting. She recommended this level of funding despite numerous reports indicating that Legal Services Programs are drastically underfunded and, in most instances, can only handle emergency cases. Ms. Bernstein's activities while serving as a Legal Services Corporation staff member and now as a Board member leave little doubt in my mind that she will continue to work for the abolition of the Legal Services Program.

The President has once again nominated Michael Wallace as a Board member of the Legal Services Corpora-

tion. Last year when the Senate Labor and Human Resources Committee considered Mr. Wallace's nomination, the members of that committee decided that he did not deserve a favorable recommendation. They made that decision based on the prior activities of Mr. Wallace which called to question his willingness to carry out the duties of a Board member. I want to take this opportunity to review Mr. Wallace's record and state why I intend to oppose him.

Mr. Wallace's nomination has been the most controversial of all the nominees. Last year when he appeared before the Senate committee, a number of issues were raised regarding his activities while he was employed by a Member of Congress. A substantial amount of evidence was presented indicating that Mr. Wallace was at the forefront in the battle to oppose the extension of the Voting Rights Act. That is particularly troubling because Mr. Wallace will be responsible for overseeing legal services programs that may be involved in Voting Rights Act litigation.

In 1982, Mr. Wallace drafted a letter on behalf of a Member of the House urging the administration to provide tax-exempt status for segregated private schools in the Bob Jones University case. Now, segregated schools are something that we have all worked against for many years. And as you know, legal services programs provided poor clients with legal counsel to address education and segregation issues.

In his recent testimony submitted to the Senate committee, Mr. Wallace stated that quote "I am opposed to race-conscious government action." The Legal Services Corporation has historically met the need for women and minority lawyers in its work force through the recruitment functions of the Reginald Heber Smith Fellowship Program. Mr. Wallace has clearly stated his desire to eliminate this program stating quote "The proper goal is to recruit lawyers of whatever race or sex, who can properly represent minorities and women, as well as other clients." It is ironic that Mr. Wallace supports race-conscious government action in the case of tax exemption for segregated public schools but is opposed to it in recruitment of minorities and women for the Legal Services Program.

Therefore, for these reasons, I will oppose the nomination of Michael Wallace.

A man opposed to the Voting Rights Act extension, supported segregated public schools, and opposes government efforts to improve the plight of minorities, in my estimation, is not qualified for appointment to the Board of the Legal Services Corporation.

For the record, Mr. President, I would like to read from the Senate committee report that was prepared when we created the Legal Services Corporation. The report established criteria for the Board nominees and states that the Senate should be given "the assurance that the Board members fully understand and are fully committed to the role of legal assistance attorneys, and support the underlying principle of this legislation that it is in the national interest that the poor have full access under law and comprehensive and effective legal services." Now, based upon that report and Mr. Wallace's record, I do not believe that I could in good conscience vote to support Mr. Wallace's nomination.

There is no doubt that the full Board will be confirmed, but just as clear will be the intention of the Labor and Human Resources Committee to watch carefully the future activities of the Legal Services Corporation.

Mr. DODD. Mr. President, the 11 nominees which we will be voting on this afternoon are being asked to fulfill an imperative duty. They are being asked to guarantee that Americans living in poverty retain full access to justice under law.

Over the past decade, the Legal Services Program has been the glue holding together the so-called safety net of health, nutritional, and housing protections for vulnerable Americans. Typical clients served by legal services attorneys include mothers left with no means of feeding their hungry children when a benefit check does not arrive, older Americans facing neglect or abuse in a nursing home, and families in danger of freezing because a landlord has failed to pay a utility bill. Failure to provide such Americans with effective legal representation is tantamount to ripping apart the safety net designed to help those who cannot care for themselves.

Congress enacted the Legal Services Corporation over a decade ago because it was then and remains today the best means of ensuring that the poor in this country have full access to justice. Over the past 4 years, however, the budget of the Legal Services Program has been cut by some 25 percent. Given such fiscal constraints and the pressing need to provide legal services for millions of vulnerable Americans, I believe it is imperative that we confirm only those nominees fully committed to carrying out the goals of the program.

Mr. President, I will vote to approve the nomination of nine of the members of the Board. Although I remain concerned about the answers which several Board members provided to questions I posed during the Labor and Human Resources Committee confirmation hearing on April 24, I trust they will make a good faith effort to work with me on resolving some of my difficulties. For example, I expect Mr. Mendez to continue working with committee staff with an eye toward restoring program cuts and improving the services provided by LSC's Migrant Legal Program. Likewise, I expect Mr. Durant to provide further comment with respect to competitive bidding and privitization as well as several other issues.

With respect to Mr. Wallace and Ms. Bernstein, I would strongly urge my colleagues to vote against their respective confirmations. After careful evaluation of their testimony before the Labor and Human Resources Committee as well as their responses to questions posed by several committee members, I have reached the conclusion that both are unfit to serve on the Board of the Legal Services Corporation. Even a cursory glance at their respective records demonstrates that each adheres to views which are inconsistent with, and often openly hostile to, the goals of the Corporation.

In his former capacity as a top staff aide to House minority whip TRENT LOTT, Michael B. Wallace took a leadership role in opposing the 1982 extension of the Voting Rights Act. In addition, reliable sources have indicated that it was Mr. Wallace who drafted a 1982 letter from Representative LOTT to President Reagan, urging the President to side with segregated private schools in the Bob Jones Supreme Court case. Short-sighted actions such as this helped set in motion a major reversal of the long-held U.S. Government policy of denying private schools tax exempt status. At his Labor and Human Resources Committee confirmation hearing, Mr. Wallace refused to confirm or deny that he had drafted Representative LOTT's correspondence.

Mr. Wallace also drafted a letter from Representative LOTT to the U.S. Department of Justice which was critical of plans to enforce the constitutional rights of overcrowded prisons in Mississippi. Partially in response to Representative LOTT's correspondence, the Justice Department then decided not to send Federal inspectors into Mississippi jails. I need not remind my colleagues that less than 1 year after this decision was made, there was a fire in one of the jails and 27 inmates died as a result of flammable bedding materials which produced toxic fumes. Again, at our committee's confirmation hearing, Mr. Wallace refused to confirm or deny that he had drafted Mr. LOTT's letter to the Justice Department.

With respect to Ms. Bernstein, I believe her record demonstrates that she is, at best, insensitive to the goals of the Corporation. While she previously served as both Special Assistant to the Corporation's President as well as Corporate Secretary, Ms. Bernstein has repeatedly refused to admit any role

at all in the Board's policy development. And yet in fact, as Corporate Secretary, she clearly had primary responsibility for ensuring that the Board's meetings were held in conformity with the Legal Services Corporation Act and the Government in the Sunshine Act. In October 1983, the U.S. District Court for the District of Columbia enjoined the Board from meeting because it had failed to give proper public notice as required by the Sunshine Act. Ms. Bernstein was the Corporation official responsible for providing such notice and she failed to do so.

During her tenure as a staff member, the LSC was repeatedly sued successfully several times for policies which violated its own bylaws and statutory enactments. And last year, two congressional committees had to step in and demand that the Corporation withdraw regulations that far exceeded the intent of Congress. As a recess appointee, Ms. Bernstein voted to enforce the regulations that the committees had opposed. She even went so far as to argue against republishing the controversial regulations, a process which would allow Congress and the public an opportunity to suggest to the new Board necessary revisions.

As a Board member, Ms. Bernstein has voted repeatedly to reduce or eliminate various LSC programs. At a recent Board meeting, she called for an across-the-board cut of 25 percent for the entire program. I believe the cuts she has proposed would be devastating, especially when added to funding reductions enacted in 1981.

Mr. President, I believe their records amply demonstrate that neither Mr. Wallace nor Ms. Bernstein have the qualifications or commitment necessary to serve on the Board of the Legal Services Corporation. Mr. Wallace's past support of policies which discriminate against minorities render his appointment to the Board an affront to the intent of Congress in establishing the LSC. Ms. Bernstein's support for policies which directly conflict with statutory enactments and congressional intent demonstrate her lack of commitment to the Corporation's principles. I strongly urge my colleagues to reject the nominations of these two individuals.

In closing, Mr. President, let me say that the concept of equal justice is a concept enshrined in our Constitution. The Legal Services Program plays a key role in putting that concept into practice. I hope my colleagues and the nominees who are ultimately approved by this body never forget that fact.

Mr. MATSUNAGA. Mr. President, I rise to express my serious concern about the qualifications of two of the nominees for the Board of Directors of the Legal Services Corporation.

Congress passed the Legal Services Corporation Act in 1974, in order to fulfill our mandate to provide equal justice under law to all Americans, regardless of economic status. The creation of the independent, nonprofit Corporation was also intended to shield its Directors and staff from undue political influence, a problem which had plagued earlier efforts to provide legal services for the poor. The Senate committee report on the original act set out the primary criteria for nominations to the Board as follows:

First, the Board membership should be adequately representative of the organized bar, legal education, legal services attorneys, the client community, the organizations involved in the development of legal assistance for the poor.

Second, the selection of persons who are committed to the Corporation's freedom from political control.

Third, the assurance that the Board members understand and are committed to the role of legal services attorneys and support the underlying principle of this legislation—that it is in the national interest that the poor have full access under law and comprehensive and effective legal services.

In 1983, members of the Senate Committee on Labor and Human Resources reiterated these standards in the proposed Legal Services Corporation reauthorization bill.

Earlier Board members, appointed by Presidents Gerald Ford and Jimmy Carter and confirmed by the Senate, have met the standards but, in recent years, we have seen an increase in the number of Board nominees who are clearly not committed to legal services for the poor, have no experience in the field, and appear to be subject to excessive political influence. Significantly, this is the first time since 1981 that a full slate of 11 nominees has been brought to the Senate floor for consideration. Once again, the administration has provided us with a list of nominees who, at least in part, lack the qualifications outlined by Congress. While some may be deserving of support, others have clearly demonstrated their lack of commitment to the provision of legal services for the poor, and, even worse, they appear to be subject to excessive political influence and thus unable to administer the functions of the Corporation in an impartial manner. In this regard, I am particularly concerned about the nomination of LeaAnne Bernstein and Michael Wallace.

Ms. Bernstein, an attorney with little or no prior experience in the legal services area, served initially as a staff member of the Corporation and then as Secretary of the Corporation prior to being nominated last year for a position on the Board. During hearings of the Labor and Human Resources Committee last year, she characterized her activities as "primarily clerical," but, in fact, she participated actively in setting the Corporation's policy.

As Secretary of the Board, a corporate office, one of Ms. Bernstein's principal duties was to see that timely notice of the Board's meetings was published in accordance with Corporation regulations and the Government in the Sunshine Act. This she failed to do. On one occasion, the Board was enjoined from meeting by the Federal district court in Washington, DC, because of her failure to publish a timely notice and, on another occasion, an unauthorized meeting of the Board was held. As Special Assistant to the President of the Corporation, in 1981-82, Ms. Bernstein apparently participated in other efforts to prevent public disclosure of the Board's public business. For example, on one occasion, comments on new Corporation regulations were solicited for return to a Board member at his private law office address instead of being returned to the Corporation as required by law. On another occasion, the recorded transcript of an executive session of the Board, which was in her charge, was kept for sometime in the private law office of a Board member instead of being kept at the Corporation offices. Ms. Bernstein has shown, on many such occasions, a disdain for the public interest and disregard for the Corporation's regulations that, I believe, disqualifies her for Board membership.

Similarly, I have concerns about the qualifications of Michael Wallace to be a member of the Board. Mr. Wallace proved to be the most controversial of all the Board nominees. Last year, when he appeared before the Senate Committee on Labor and Human Resources, a number of questions were raised about his activities while employed by a Member of Congress. A substantial amount of evidence was presented indicating that Mr. Wallace was the staff "point man" in the House and Senate to oppose extension of the Voting Rights Act. Further, it appears that he was instrumental in canceling a Justice Department investigation of jail conditions in Mississippi. Within a year, one of the jails that was to have been inspected had a disastrous fire and 27 inmates were killed. The fire evidently was the result of unsafe conditions which would have been detected in a routine inspection by the Justice Department. During his testimony before the committee, Mr. Wallace also announced his desire to abolish the Reginald Heber Smith Fellowship Program, which is designed to enhance the recruitment of minority attorneys. Because of his apparent lack of concern for the welfare of minority group

members—who are often clients of the Legal Services Corporation—I believe that Mr. Wallace is unqualified to be a member of the Corporation's Board.

Mr. President, I urge my colleagues to vote "no" on the confirmation of Ms. Bernstein and Mr. Wallace. I am not objecting to the confirmation of the other nominees, and will in fact vote to confirm their nomination.

Mr. GRASSLEY. Mr. President, I rise in support of the 11 nominees to the Legal Services Corporation Board of Directors. As a member of the Labor Committee, I supported all 11, including Mr. Wallace and Ms. Bernstein, when their nominations were reported by the committee on May 8. I intend to vote to confirm all 11 nominees today.

My reasons for supporting the nominees are simple. First, I have been encouraged by the commitment to providing direct legal assistance to the poor that has been expressed in the testimony of the nominees before the Labor Committee. I believe that commitment has been carried out in their actions in administering and directing the activities of the Legal Services Corporation.

I also welcome the commitment of the nominees to vigorously oversee and evaluate the activities of the Legal Services Corporation and grant recipients to ensure that past abuses do not recur. These abuses included the diversion of scarce resources into real estate and equipment, into political training and media advocacy, and into "shell" corporations expressly set up to avoid congressionally mandated restrictions. Such abuses are inexcusable, because they mean that scarce resources are diverted away from serving the poor. Indeed, if the performance of any of the nominees were half as bad as the past record of the Legal Services Corporation I would be here today opposing their nominations.

Finally, Mr. President, I consider it a welcome sign that the nominees are thinking creatively about the problem of providing access to justice for the poor. I would encourage the nominees to continue to pursue alternative dispute resolution mechanisms, encourage increased pro bono by attorneys in the private sector, and seek to utilize and encourage resources that are being developed in local communities and at our colleges and universities.

Mr. President, I hope that the Senate will confirm all 11 of the nominees being considered today, so the Board of Directors of the Legal Services Corporation can get on with the business of serving the poor.

Mr. THURMOND. Mr. President, I rise today in support of the nominations to the Board of Directors of the Legal Services Corporation.

Throughout the course of the confirmation hearings on these same individuals last Congress and once again this year, I have been impressed with their common commitment to the true goals of the Legal Services Corporation. This agency was established by Congress to assist in the delivery of basic legal services to the poor and underprivileged. It was never the intent of Congress for the Legal Services Corporation to become a federally funded "think tank" which engaged in partisan political activities.

For the past 4 years, the Legal Services Corporation has operated without a confirmed Board of Directors. These fine nominees should be given the opportunity to serve on a Board that has sufficient stability and authority to fulfill the originally conceived purpose of the Legal Services Corporation.

These nominees were selected on the basis of their ability and proven proficiency. They can provide the leadership that the Legal Services Corporation needs at this stage in its history. Accordingly, I call on my colleagues to confirm their appointments at this time.

Mr. SIMON. Mr. President, we are nearing today the end of a long process of considering the President's nominees to the Board of Directors of the Legal Services Corporation. Because I believe in the mission and work of the thousands of advocates for the poor in Illinois and across the Nation, I have resolved to vote for these nominees, except one, even though I have strong reservations about them collectively. I want to commend my distinguished colleagues, my friend from California, Senator CRANSTON; my neighbor and colleague from Missouri, Senator EAGLETON; and the ranking Democrat on the Senate Labor and Human Resources Committee, the senior Senator from Massachusetts, Mr. KENNEDY for their persistence and their positive approach in reviewing the qualifications and competencies of these 11 nominees.

As a new Senator, and a member of this committee, as well as the Committee on the Judiciary—I take special pride in reviewing the role of the Legal Services Corporation [LSC] and in overseeing the provision of legal services to the poor in Illinois and across the Nation. In fiscal year 1982, the Congress approved a 25-percent reduction in the funding for the national Legal Services Corporation from $321 million to $241 million. In Illinois, the results of this drastic cutback was a reduction in the attorney staff of LSC-funded programs from approximately 230 attorneys to approximately 150 attorneys, and to force the closing of 13 of 37 LSC-funded branch offices. Since 1982 there have been increases in the total LSC grants to Illinois legal services programs because 1980 census figures were utilized in calendar year 1983, and these figures established an 11-percent increase in the number of poor in Illinois. In calendar year 1985 on a statewide basis we are receiving only 1 percent more LSC funds than in 1981. The national LSC appropriation is still $16 million less than the LSC appropriation in 1981.

It is clear that the Legal Services Corporation is providing a diminished kind of representation to the poor. I really wonder if each of the nominees considers the kind and quality of services to be equal to those available prior to fiscal year 1981.

Serious concerns have been raised about some of the nominees—in areas I consider critical, including civil rights, adequate services to migrant workers and their families, and the "privatization" of legal services. I am prepared to vote today for certain of these nominees, not because I have been convinced that they are the best qualified persons available, nor that they are unstained by the accusations against them. I am convinced that we have made clear to them our expectations regarding their stewardship of the Legal Services Corporation, and that their administration of the agency will be carefully scrutinized.

Each of these nominees will return to the Senate for confirmation again when their terms expire. At that time, we can judge them on their performance. Will they act in the best interest of the Nation's poor and ensure the provision of high quality legal services to their clients? I honestly do not know the answer to that question, but I am prepared to review the public record of these nominees and judge their performance, not their promises or their past history.

MICHAEL B. WALLACE

Mr. COCHRAN. Mr. President, I rise to express my support for the nomination of Michael B. Wallace to be a member of the Board of Directors of the Legal Services Corporation.

Mike Wallace is a native of Biloxi, MS, and is a graduate of Harvard University and the University of Virginia Law School. He has served as a law clerk to U.S. Supreme Court Justice William Rehnquist, and he is now practicing law in Jackson, MS. He has previously served as counsel to the House Republican whip, Representative TRENT LOTT.

Mr. President, I know that Mike Wallace will be a valuable member on the Board. He is hard working, intelligent, and a man of high moral principles. I have known him personally for several years, and I'm confident he will perform his duties in a capable and commendable manner. I wish him every success, and I encourage my colleagues to support his nomination.

Mr. LAUTENBERG. Mr. President, the Senate is voting today on the confirmation of members of the Board of the Legal Services Corporation. This is an important occasion. I expect that,

after the voting is over, the Legal Services Corporation will have a confirmed Board of Directors for the first time since 1981. A long period of turmoil, instability, and confusion will be over. I hope that this Board will live up to the responsibility placed on it by the Senate's action today.

This Board is new on the job. Although the members have been appointed by a President who has repeatedly tried to abolish the Legal Services Program, they are being confirmed by a Senate which has a strong record of support for the Legal Services Corporation. Most recently, the Senate voted to continue the program while approving a budget which proposes to cut or reduce a number of other important programs. Over the last 4 years, the Congress has continued funding for legal services for the poor and has indicated the direction in which it wanted the program to go.

This new Board would be well advised to go slowly in making any changes in the program. It should take time to learn about the functioning of the program and its accomplishments. It should study carefully any proposals for changes in service delivery or other aspects of the program before moving into uncharted territory. The views of Congress should be taken into consideration. The unconfirmed boards which have overseen the Corporation for the last few years have been subject to certain congressionally imposed restraints. The lifting of these restraints should not be a signal for major policy shifts.

Mr. President, as a member of the Subcommittee on Appropriations which deals with the Legal Services Corporation, I will be following the actions of the Board with great interest. I look forward to working with them to assure that high quality legal assistance is available to poor citizens of this country.

LEGAL SERVICES BOARD MEMBERS SHOULD SUPPORT ITS MISSION

Mr. SARBANES. Mr. President, as one who has some difficulties with two of these proposed appointments to the Board of Directors of the Legal Services Corporation, I want first to note some of the criteria which we in the Senate must use in order to decide whether to confirm nominees to the Legal Services Corporation Board. According to the legislative history of the Legal Services Corporation Act, the Board of Directors must be "supportive of the underlying principle of the legislation that it is in the national interest that low-income individuals must have equal access under the law to comprehensive and effective legal services." A majority, according to the act, "shall be members of the bar of the highest court in any State." Also, "the membership of the Board shall be appointed as to include eligible clients, and to be generally representative of the organized bar, attorneys providing legal assistance to eligible clients, and the general public."

During the entire term of the Reagan administration, the Legal Services Corporation has operated without a confirmed Board of Directors. A total of 36 nominations have been placed before the Senate during the past 4 years; however, because of the lack of qualifications of some of the nominees or because the views of some of the nominees were inconsistent with, or in some cases openly hostile to, the goals of the Corporation, none have yet been confirmed by the Senate.

The Legal Services Program has been described as one of the most effective and worthwhile Federal programs in existence, while also being one of the least costly. Maryland's Legal Aid Bureau receives approximately 62 percent of its funds from the Legal Services Corporation. Although more than 25 percent of its Legal Services Corporation budget has been cut under the Reagan administration, the Maryland Legal Aid Bureau handled more than 25,000 cases and provided information, referral, and advice to another 161,000 people during 1984. It should be noted, however, that, of the 300,000 eligible poor people in Maryland, the Legal Aid Bureau has been able to serve only 20 percent of those seeking help—help in such broad areas as housing problems, consumer problems, employment cases, child welfare and abuse problems, nursing home litigation, handicapped problems—including discrimination and access to public facilities—special education rights, school suspension or expulsion problems, small claims, bankruptcy cases, insurance problems, credit negotiations, visitation rights for parents of children, child support cases, and breach of lease cases.

In these times of severe budgetary restraints, the Board of Directors must be committed more than ever to providing legal assistance to the poor within a reduced budget, not in further dismantling the system. A number of my colleagues have today detailed the reasons why we do not believe Michael Wallace and LeaAnne Bernstein should be confirmed for the Legal Services Corporation Board. I shall not repeat what has already been said except to summarize by saying that Mr. Wallace's past support of policies that discriminate against minorities and the poor render his appointment to the Legal Services Board an affront to the constituency it serves. Ms. Bernstein's promotion of policies which directly conflict with statutory enactments and congressional intent demonstrate her lack of commitment to the principles of the Corporation.

I urge my colleagues to continue to support the Legal Services Corporation and to oppose nominees who are not committed to the mission of the Corporation. In my view, Michael Wallace and LeaAnne Bernstein should not be confirmed.

Mr. HOLLINGS. Mr. President, after more than 4 years of turbulence, controversy and an unending attack on the program from the Reagan administration, we have before us today a slate of 11 men and women whom the President has nominated to serve on the national Board of the Legal Services Corporation. In the past, I joined a number of my colleagues in raising strenuous objection to some individual nominees within this group, and still believe that in two cases those objections are valid. However, I want to use this occasion to make the following pertinent points to those who are about to be confirmed to be the policymakers for this unique entity which has been entrusted by Congress with the task of bringing justice to poor people.

First, I trust that the guiding light for your actions during your tenure will be the right to access to justice and the entitlement to competent legal representation for the more than 30 million who face civil legal problems day in and day out and who do not have the means to retain private counsel. I have read that one of the nominees has expressed the thought that the President's plan to eliminate the Legal Services Corporation is an act of courage. I disagree with that notion. It takes courage to nurture hope and belief in the justice system of our society even when one is poor and downtrodden, but it is mean-spirited to suggest removing this glimmer of hope for America's poor.

Second, while the President nominated you, it is the Senate of the United States who will confirm you, and I trust that as you make important decisions which can have long-lasting effects on the operation of the Legal Services Program, you will also look inward within the community of the field programs for input, advice, ideas and suggestions. On occasion, I have had concerns and consequently voiced criticism of questionable actions taken by some field programs, but generally speaking, the thousands of staff attorneys, paralegals and support personnel of local legal services offices all over the country have matured, grown and consistently given the highest quality service possible to their poor clients, whether they are impoverished farmers in the rural South or urban ghetto tenants in the Bronx. I think it is appropriate today to ask those the Senate confirms to pay these dedicated workers respect, and to listen to them and solicit their input on the Corporation's policies.

Third, while I can understand your desire to introduce new changes to the program and put your own stamp on its operation, I urge you not to be hasty. The decision of the majority of the Board earlier this year to eliminate funding for the Reginald Heber Smith Program, which has been an outstanding success in the recruitment of qualified minority lawyers to legal services in my view, was hasty, shortsighted and unjustified. This program did not sprout up on its own, it was carefully crafted and nurtured over the years. Like any thing else, it certainly can benefit from innovative changes but new things are not necessarily better. There is a time and place for experimentation, but as the new guys on the block, I counsel you to be patient, to observe, to learn and to appreciate what has been done before rushing in a new era, particularly if only to satisfy a certain political leaning.

Fourth, as the ranking minority member of the appropriations subcommittee which provides funding for the Legal Services Corporation and which, in the past few years, has placed certain restrictions not only on grantees but also on the Corporation management, I want to let you know that the restrictions were there to respond to a high degree of irresponsibility, noncooperation and lawlessness on the part of the Corporation. I expect a better performance from you and your staff this time onward. We are now ready to lift some of these restrictions as we believe you will take your fiduciary responsibilities seriously and free of political motivation.

Finally, I want to state for the record by renewed hope in the LSC Board's ability to serve the Legal Services Program, to keep the door of justice open to poor people, to provide support for the staff so that they can continue their excellent and high quality representation of their clients. However, this is not to say that I personally, or this body in general, have washed our hands of the program now that there is a confirmed Board. The Board, instead, would be wise to assume that their actions and their policies will be closely watched by people like myself in this Chamber who not only believe in justice for the poor, but also in a national Legal Services Program.

Mr. RIEGLE. Mr. President, I strongly support the Legal Services Corporation and the necessary services the Corporation provides to the poor, disabled and elderly of this country. The Board of Directors should uphold the congressionally mandated purpose of Legal Services.

Unfortunately, I have serious reservations about the commitment of some of the nominees to carrying out their responsibilities in the spirit under which the Legal Services Corporation should operate. In particular, Mr. Wallace and Ms. Bernstein hold publicly stated views in opposition to the goals of the Corporation. Their promotion of policies in direct conflict with the principles of the Corporation compelled me to vote against their confirmation.

The effectiveness of the Legal Services Program is well documented. Ninety-five percent of funding is utilized for direct services to eligible clients. The overwhelming majority of legal service cases involve the routine legal problems of individuals, with the most frequently provided service advice on family matters. Women, who represent a clear majority of Americans living in poverty, number over two-thirds of the clients served. Poor, handicapped, and minority children, who would otherwise not receive representation, are frequent clients. With the help of legal service agencies, the poor are able to redress discrimination in employment, education, and housing credit, to obtain divorces or child custody and to enforce their rights under programs that provide food and shelter.

The Legal Services Corporation was developed to realize the concept of equal access to justice for all Americans. It is the responsibility of its Board of Directors to uphold this ideal.

Mr. DECONCINI. Mr. President, I will vote against the nominations of Michael Wallace and LeaAnne Bernstein to the Board of Directors of the Legal Services Corporation. Mr. Wallace and Ms. Bernstein have consistently acted and spoken in direct contradiction to both the spirit and letter of congressional enactment concerning the provision of legal services to this country's poor. They have become symbolic of the Reagan administration's open hostility toward the congressionally-adopted goals and objectives of the Corporation.

I have supported the Legal Services Corporation since I came to the Senate. As a member of the Appropriations Committee I have strenuously resisted efforts by the Reagan administration to abolish the Corporation. As a lawyer myself, I encourage my fellow lawyers to expand their pro bono representation efforts. However, I do not think that the private bar is ready to provide all of the legal services required by the poor. The expansion of private bar pro bono activities is no substitute for an efficient, adequately funded and dedicated Legal Services Corporation. Mr. Wallace and Ms. Bernstein have been in the forefront of the effort to abolish or cripple the Corporation.

Mr. Wallace and Ms. Bernstein have shown an insensitivity toward the concerns of poor and minority citizens. Mr. Wallace was very actively involved in efforts to restrict the Voting Rights Act. Although his initials appear on the letter, Mr. Wallace has refused to confirm or deny allegations that he wrote on behalf of his boss, Representative TRENT LOTT, a letter which was instrumental in the decision that the Justice Department would not send investigators to study the Mississippi prison system. Less than a year after the investigation would have taken place, 27 inmates died as a result of a fire in one of the jails.

Ms. Bernstein has demonstrated a lack of regard for public participation in the Legal Services Corporation's business. She has voted, as a recess appointment to the Board, to reduce those programs she had been unsuccessful in eliminating. She has called for cuts across the board of 25 percent for the entire program. When the Corporation promulgated regulations exceeding the intent of Congress, she opposed congressional efforts to reopen the promulgation process.

While I have been concerned in the past about some of the activities of a few local Legal Services Corporation offices, I continue my strong support for the program. If we in Congress believe the Corporation has exceeded its authority or violated its congressional direction, there are procedures for remedying the problem. I do not believe that the remedy is to abolish the whole program thereby denying access to legal services of thousands and thousands of poor people and minorities who need them.

Mr. President, we can do better than these nominees. There are many people available to the Corporation who are dedicated to effectively and fairly providing legal services. We should not confirm two nominees whose every effort has been to restrict the availability of these services.

Mr. BINGAMAN. Mr. President, I am among those Senators concerned about President Reagan's nominations to the Legal Services Corporation. Two nominations are especially troubling for me, those of Mr. Michael Wallace and Mrs. LeaAnne Bernstein.

Last year and again this year, I cosigned a Dear Colleague letter that outlines the reasons why some of us in this body cannot in good conscience approve nominations that may well jeopardize the Legal Services Corporation. I quote from the letter:

The 1974 Senate report on the Legal Services Act requires "that the Board members understand and are fully committed to the role of legal assistance attorneys and support the underlying principle of this legislation that it is in the national interest that the poor have full access under law to comprehensive and effective legal services." Mr. Wallace's past support of policies that discriminate against minorities and the poor render his appointment to the Legal Services Corporation board an affront to the constituency it serves. Ms. Bernstein's promotion of policies which directly conflict with statutory enactments and congress-

sional intent demonstrate her lack of commitment to the principles of the Corporation.

Mr. President, in my State of New Mexico we have five LSC funded programs. These programs reflect the diversity of our State's population and the need for specializled legal services to meet the unique legal problems of New Mexico's poor.

Two of the LSC projects serve eligible American Indian populations. One project has a migrant legal services component and the remaining two programs serve the major metropolitan populations of Santa Fe and Albuquerque as well as surrounding rural areas.

I am wholly convinced of the service that these five projects contribute to low-income New Mexicans. New Mexico legal service directors indicate that the 1982 budget reductions resulted in a 45-percent decrease in staff. Prospective clients are therefore seen on a "brief services" basis, which means limited representation or referral of their case.

Further, outreach to more isolated rural communities has been greatly curtailed or even eliminated. The most vulnerable affected group has been senior citizens. Also, certain cases, which had been previously handled, are now automatically rejected: divorces, personal injury defense cases, and bankruptcies.

Ironically, the cutbacks in LSC funding occurred at the same time that New Mexicans were being cut from income maintenance programs as Aid to Families with Dependent Children, Food Stamps, Social Security, and SSI. Last session, I conducted a field hearing in New Mexico and the testimony overwhelmingly pointed to the fact that those terminated from public assistance more often than not were unable to obtain legal counsel to contest their termination. Legal Services attorneys and paralegals attempted to handle as many cases as possible. However, given the sheer volume and lack of personnel, many disabled and elderly New Mexicans were not afforded an opportunity to redress their rights.

Recently, the New Mexico Pro Bono Committee of the State bar released a study that documents both the extent of legal problems among New Mexico's poor and the inadequacy of attempts to meet those needs only through lawyers taking on pro bono cases. According to the study, New Mexico's eligible households yield approximately 112,000 civil legal problems per year. Of that total 28,000 are poverty law cases with 26,650 requiring an advocate. The study recommended to the State bar:

> The most important action the Pro Bono committee could take would be to ensure that the State Bar of New Mexico continues to support significantly greater federal funding for legal services programs.

In addition, the study found that—

> If New Mexico's legal services programs were expected to handle all poverty law problems requiring an advocate, then the federal funds required (at the same rate of $250 per case) would be approximately $18.4 million.

The most funding New Mexico has received from the Legal Services Corporation was $2.8 million in 1981.

I commend the leadership of both the State Bar of New Mexico and New Mexico's LSC offices for addressing the problems of legal representation of the poor and attempting to develop solutions. Such efforts have resulted in poverty law educational materials being developed and a lawyer referral service for the elderly being established. The lawyer referral of the elderly project was a result of funding from the State bar, Legal Services, and the Levi Strauss Foundation.

Although the issue before us is the nomination of a Legal Services Corporation Board, the underlying tension is whether we in the Congress will see to it that all persons have a right to equal access to the law and hopefully to some form of justice.

I have serious reservations regarding the nomination of Mr. Wallace and Mrs. Bernstein in precisely that regard. Based on my information I feel compelled to vote against their confirmation.

Mr. HATCH. Mr. President, with the approval of the minority, I ask unanimous consent that we have back-to-back votes with Mr. Wallace going first and Bernstein going second, beginning as soon as the completion of Senator EAGLETON's speech, which should be made in the next few minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LEGAL SERVICES CORPORATION NOMINEES

Mr. EAGLETON. Mr. President, the concept of equal justice for all has been an integral part of Anglo-American law since the signing of the Magna Carta in 1215. Throughout the early years of this country's growth and development, a variety of methods for assisting the poor in obtaining counsel for advice and litigation were employed, but it was largely provided on an informal and unorganized basis by individual attorneys. The first formal legal services program was established by a private group in New York City in 1876. By 1900, only three cities had legal aid organizations. By 1917, there were 41 legal aid offices organized by private charities, law schools, bar associations, and municipalities. The early 1920's brought the first formal affiliation of the legal aid programs with the American Bar Association, and the creation of the National Association of Legal Aid Organizations.

Although the private bar has, throughout the history of this country, sought to provide legal representation of the poor, by the early 1960's, it was, and is, clear that private legal aid programs alone could not, and will not, meet the legal needs of the poor.

In 1964, the Congress created the Office of Economic Opportunity in the Executive Office of the President "to provide stimulation and incentive for urban and rural communities to mobilize their resources to combat poverty through community action programs." An integral part of the strategy for the so-called War on Poverty was to assure legal representation in civil proceedings and matters for persons financially unable to afford legal assistance.

Prior to the establishment of the legal services program as a modest $600,000 adjunct to the Community Action Program in 1965, the poor could claim little access to judicial institutions. In 1964, civil legal aid offices serving the poor reached fewer than 1 percent of those in need of legal aid in this country, with an overall national expenditure amounting to only $4 million, or less than two-tenths of 1 percent of the total spent on legal assistance of all types in this country.

In 1966, the first amendments to the Economic Opportunity Act of 1964 specifically authorizing the Legal Services Program were added in section 222(a) of the act, requiring the Director of the Office of Economic Opportunity to provide the poor "legal advice and representation * * * to further the cause of justice among persons living in poverty."

In the 8-year history of the Legal Services Program, from 1966 to 1974, the professional independence and integrity of the program's attorneys were continually threatened. Recognizing the need to insulate the Legal Services Program from outside pressures, and at the same time to maintain a responsible program accountable to the public and the client community, in January 1971, the President's Commission on Executive Organization recommended that the Legal Services Program be administered by a nonprofit corporation. Then-President Nixon, in transmitting his 1971 proposed legislation for a corporation, firmly emphasized the program's need for independence:

> Much of the litigation initiated by legal services has placed it in direct conflict with local and State governments. The program is concerned with social issues and is thus subject to unusually strong political pressures . . . However, if we are to preserve the strength of the program we must make it a permanent part of our system of justice . . .
>
> The legislation being sent to Congress to accomplish this has three major objectives: First, the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interest of their clients in keeping with

the canon of ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

The Legal Services Corporation Act of 1974 was signed into law on July 25, 1974. This act created the Legal Services Corporation as a private, nonprofit organization to provide financial support for legal assistance in noncriminal proceedings or matters for persons financially unable to afford legal assistance.

The Legal Services Corporation Act requires an 11-member governing board appointed by the President and confirmed by the Senate. Unlike ordinary executive appointment of officers to carry out Presidential policy, Congress declared that it was creating an independent entity "which must be kept free from the influence of or use by it of political pressures," The LSC Board was to have a balanced bipartisan composition, of persons who are committed to the Corporation's work and its freedom from political interference.

The Senate committee report to the original LSC Act set out the primary criteria for nominations to the Board:

First, a Board membership which is adequately representative of the organized bar, legal education, legal services attorneys, the client community, the organizations involved in the development of legal assistance for the poor;

Second, the selection of persons who are committed to the Corporation's freedom from political control; and

Third, the assurance that the Board members understand and are fully committed to the role of legal assistance attorneys and support the underlying principle of this legislation that it is in the national interest that the poor have full access under law to comprehensive and effective legal services.

A further statement of standards for LSC Board nominees was articulated in 1983 by a majority of the members of the Senate Committee on Labor and Human Resources in S. 1133, the proposed LSC reauthorization bill, which stated:

Individuals appointed to the Board who are generally representative of the organized bar shall be individuals who:

First, have participated on bar committees concerned with the delivery of legal services to the poor;

Second, have served on the governing body of an organization or entity involved in such delivery; or

Third, have engaged in the direct provision of legal services to eligible clients through a staff attorney, or a pro bono or reduced program.

Each individual appointed to the Board as an eligible client shall be an individual who, when nominated, was eligible to receive legal assistance under this act.

There are numerous factors to be considered in evaluating a nominee's understanding and commitment to the principles of the LSC Act. In addition to those listed above, the Senate should look at relevant post community and professional experience of all nominees and demonstrated involvement of client representatives on behalf of the eligible client community. Certainly, no nominee should be involved in activities which would be a conflict to their service on the Board, or could demonstrate a fundamental conflict with the principles they are required to uphold.

Previous LSC Boards appointed by Presidents Ford and Carter, and confirmed by this body, have met the required standards and qualifications. Both Boards contained a wealth of individuals with depth of experience from the bar, professional associations, academia, and organizations involved in the development of legal services to the poor. They were composed of persons whose previous activities richly demonstrated their commitment and understanding regarding legal services. After the LSC Act was amended in 1977 to require client members, those persons named to such positions by President Carter brought substantial backgrounds working with citizen organizations in the poor community.

Viewed in relation to standards set forth in law and legislative history by this body, and compared with the previous LSC Boards, I have substantial questions whether the current slate of nominees, viewed as a whole, adequately demonstrates the characteristics we ought to demand to govern this critical organization.

On the slate of nominees before the Senate today, there is only very limited experience in legal services practice, either as staff attorney, program board member, or participant with relevant legal services organizations. Experience with relevant bar committees is less than with previous Boards, as is representation by law school educators. The current client nominees do not appear to exhibit the degree of involvement with client community organizations shown by previous client Board members. And while several of the attorney nominees claim some previous pro bono service or affiliation, they do not appear collectively to represent a substantial amount of such experience.

Yet, I am willing to give the majority of the nominees the benefit of the doubt. Nine of the nominees before us, Clark Durant, Hortensia Benevidez, Paul Eaglin, Pepe Mendez, Lorain Miller, Tom Smegal, Claude Swafford, Basile Uddo, and Robert Valois, while lacking direct experience with legal services for the poor, have satisfactorily demonstrated their commitment to full access to our civil legal assistance for the poor.

However, Mr. President, the previous track records of two of the individuals nominated to serve on the LSC Board, Michael B. Wallace and LeaAnne Bernstein, do raise serious questions about their suitability for service on this Board.

Michael B. Wallace is perhaps the most controversial of the present 11 nominees to the Board.

He was a top aide to House Minority Whip TRENT LOTT for a number of years, and in that capacity, took a leadership role in the House opposing extension of the Voting Rights Act.

Also, during his tenure as a staff member to Representative LOTT, Mr. Wallace was involved in several well publicized controversies. Although Mr. Wallace refused to confirm or deny his participation, it is alleged that Mr. Wallace drafted the letter which Representative LOTT sent to President Reagan in 1982 urging the administration to side with segregated private schools in the Bob Jones Supreme Court case. It was on the basis of this letter that the President set in motion the administration's policy reversal on this issue.

Mr. Wallace's initials appear on another Lott letter, albeit unsigned, to the Justice Department complaining about the fact that the constitutional rights of prisoners were going to be enforced in Mississippi and that Representative LOTT wanted "only the minimum standards compelled by the Constitution." Again, Mr. Wallace refused to confirm or deny his participation in the writing of this letter. As a result of Mr. LOTT's intervention, the Justice Department did not send Federal inspectors into local Mississippi jails. Less than 1 year after the inspections were quashed, there was a fire in one of the jails and 27 inmates died because of flammable polyurethane bedding that spread toxic fumes throughout the jail.

These controversies, and Mr. Wallace's involvement in them, are significant because as a member of the LSC Board, Michael Wallace, will be in a position to affect policies of the Corporation regarding representation of minority clients in voting rights and other cases and the representation of prisoners in litigation over prison conditions.

Mr. President, I believe it is highly relevant that Senator HATCH received a letter dated July 13, 1984, from Mr. John L. Walker of Jackson, MS, who has served on the Central Mississippi Legal Services Board of Directors in Jackson, MS, since its inception. I ask unanimous consent that Mr. Walker's letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAW OFFICES, WALKER & WALKER,
Jackson, MS, July 13, 1984.

Senator ORRIN G. HATCH,
Chairperson, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

Re: Confirmation of Michael B. Wallace, Legal Services Corporation Board of Directors.

DEAR SENATOR HATCH: I am writing this letter to express my grave concerns as to the confirmation of Michael B. Wallace to the Legal Services Board of Directors.

I have enjoyed the unique experience of having served on Central Mississippi Legal Services' Board of Directors in Jackson, Mississippi since its inception more than seven years ago. Hence, upon hearing of Mr. Wallace's nomination, I became keenly interested in his qualifications to sit on a board which promulgates policies and oversees Legal Services Corporation activities affecting the lives of millions of people in need of legal assistance.

My investigation revealed that his involvement in a number of issues brings his qualifications into question. The positions taken by him in regards to granting tax exempt status to Bob Jones University and the extension of the Voting Rights Act gravely concern me. Further, his opposition to the Second Congressional District lines which will enhance the chances of electing the first black to the United States Congress from Mississippi since Reconstruction causes me even graver concern. Unquestionably, a population comprising more than one-third of a state's citizens should at least have representation in Congress.

These positions indicate that Mr. Wallace does not support positive changes in this country. His positions are diametrically opposed to the plight of blacks and other minorities who comprise a significant portion of the client population of the Legal Services Corporation grantee programs in this country, especially in the South. Indeed, his public service record is devoid of any sensitivity and commitment as to the problems and concerns of the poor.

The purpose for which the Legal Services Corporation was established is to ensure equal access to justice for indigents. The appointment of Michael B. Wallace will jeopardize this goal. Accordingly, I urge you and your Senate colleagues to oppose confirmation of Mr. Wallace to the Legal Services Corporation Board of Directors.

Very truly yours,

JOHN L. WALKER.

Mr. EAGLETON. I will read just two paragraphs which state as follows:

My investigation revealed that his [Mr. Wallace's] involvement in a number of issues brings his qualifications into question. The positions taken by him in regards to granting tax-exempt status to Bob Jones University and the extension of the Voting Rights Act gravely concern me. Further, his opposition to the Second Congressional District lines which will enhance the chances of electing the first black to the U.S. Congress from Mississippi since Reconstruction causes me even graver concern. Unquestionably, a population comprising more than one-third of a State's citizens should at least have representation in Congress.

These positions indicate that Mr. Wallace does not support positive changes in this country. His positions are diametrically opposed to the plight of blacks and other minorities who comprise a significant portion of the client population of the Legal Services Corporation grantee programs in this country, especially in the South. Indeed, his public service record is devoid of any sensitivity and commitment as to the problems and concerns of the poor.

Further, during the 83d Convention of the Mississippi State Conference of the National Association for the Advancement of Colored People Branches, a resolution was adopted opposing confirmation of Mr. Wallace. I also ask unanimous consent that the full text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON LEGAL SERVICES CORPORATION

Whereas, Legal Services Corporation was created in 1974 by an Act of Congress to provide high quality Legal Services to the poor of this country;

Whereas, since its inception, the Legal Services Corporation by and through its recipient programs has aggressively, effectively and economically represented millions of clients;

Whereas, without the legal assistance provided by the recipient programs, a significant segment of the populous of this Country would be denied equal access to justice under the law;

Whereas, the Legal Services Corporation is governed by a Board of Directors, consisting of eleven (11) members appointed by the President of the United States and confirmed by the United States Senate;

Whereas, the responsibility of insuring equal access to justice rests with the Board of Directors of the Legal Services Corporation, it is imperative that its members demonstrate high sensitivity to the needs, plight and conditions of the poor in this country; and that said members possess a background evidencing a commitment to and knowledge of the delivery of legal services to the poor;

Whereas, Michael B. Wallace, a Mississippi native, has been nominated to serve on the Legal Services Corporation Board of Directors;

Whereas, upon confirmation and belief, Nominee Michael B. Wallace, has engaged in activities and conduct inconsistent with the history, goals and objectives of the Legal Services Corporation Act; that such conduct includes:

A. His opposition to legislation strengthening the Voting Rights Act;

B. His support for granting tax-exempt status to schools which practice racial discrimination and

C. His efforts to thwart a federal investigation of safety conditions in Mississippi jails, noting that twenty-nine (29) inmates perished in a fire in the Harrison County, Mississippi jail.

Whereas, attorneys employed by the recipient Legal Services Program in Mississippi have represented clients in litigation addressing the same issues as mentioned above for which Nominee Michael B. Wallace has so strenuously opposed;

Whereas, the NAACP was founded upon principles compatible with the purposes of the Legal Services Corporation Act, it finds the conduct and activities of Nominee Michael B. Wallace to be repugnant and insensitive to the needs, plight and conditions of the poor and minorities of this country, and specifically the State of Mississippi.

Be it resolved, that the United States Senate should exercise its constitutional power of "advise and consent" to the President of the United States by not confirming the nomination of Michael B. Wallace to the Legal Services Corporation Board of Directors.

Mr. EAGLETON. I bring to the attention of my colleagues a portion of the letter from the Lawyers' Committee for Civil Rights Under Law addressed to Senator HATCH, and dated April 30, 1984, in which the letter states:

Confirmation of Michael Wallace to the Board of the Corporation would in our view, send a loud and clear message to eligible clients who are poor, minorities and/or incarcerated. Mr. Wallace has demonstrated time and time again his insensitivity to those groups of individuals, most of whom are eligible for legal representation by grantees of the Corporation. Nor has Wallace demonstrated any countervailing commitment to the principle of equal access for the poor to comprehensive and effective legal services.

The second nominee whose qualifications to serve on this Board I question, LeaAnne Bernstein, was secretary to the Legal Services Corporation. She began her employment with the Corporation in March 1982 as a special assistant to the President and was named secretary to the Board in October 1982 by Dean Harvey who was then Chairman of the Board.

During her Senate testimony, Ms. Bernstein attempted to characterize her role at the Legal Services Corporation as primarily clerical and refused to admit that she had any role at all in developing policies of the Board—policies which sought to limit eligibility of clients, to limit the amount of direct representation that national and State programs could undertake, and to limit statutorily permissible legislative and administrative representation.

It cannot be disputed that, in her role as secretary to the Board, she had clear and primary responsibility for seeing to it that Board meetings were held in conformity with the LSC Act, LSC bylaws, and the Sunshine Act. Yet, under her secretaryship the Corporation fell into a consistent pattern of giving the absolute minimum notice of Board meetings and limiting, if not excluding altogether, public participation in its deliberations. In October 1983, the District of Columbia District Court enjoined the Board from meeting because it had failed to give proper notice as required by the Sunshine Act. Ms. Bernstein was the Corporation official responsible for providing the notice and she failed to do so.

She has demonstrated time and again a lack of regard for public participation in official decisionmaking.

As my colleagues may know, last year, Mr. Wallace's nomination was forwarded from the Labor and Human Resources Committee to the full

Senate without recommendation. In an unprecedented move, the Committee on Labor and Human Resources moved his nomination forward to the Senate after a favorable recommendation was defeated on a tie vote. It was clear to half of the members of the Committee on Labor and Human Resources that Mr. Wallace did not meet the criteria established for LSC Board membership because of his past activities which, in my view, clearly demonstrate that Mr. Wallace has opposed the interests of minority and disenfranchised persons. In my view, his appointment to the Board would be an affront to the very people that the Corporation is designed to serve.

The case against Mrs. Bernstein is, I admit, less clear. But I believe there is a clear pattern of her actions to restrict and undermine the purposes of the Legal Services Program during her tenure as an official of the Corporation.

Mr. President, I think it is important to look at these nominations before us in the context of the Reagan administration's continuing hostility to the Legal Services Program. When this administration first came into office it sought to eliminate funding for the Corporation, as it has for each of the 3 subsequent years. When that approach failed because Congress refused to deny funding for the Corporation, this administration sought to undermine the program through nominating individuals to the Board hostile to the very purposes of the Corporation. Since President Reagan has been in office, 25 individuals have been nominated to serve on the Board, 19 individuals have been given recess appointments to the Board, for a total of 44 nominated or recess-appointed individuals. In 3½ years, not one LSC Board nominee of this administration has been confirmed by the Senate.

In summary, Mr. President, the Legal Services Corporation now, more than any time in its previous history, needs a governing body of concerned, committed, politically independent persons to guide it from the conflict created over the last 3½ years. I believe all of the above makes it abundantly clear that this 11-member slate before us falls short of the kind of leadership so sorely needed. I urge all of my colleagues to reflect on this matter and to refuse to approve nominees who have demonstrated their lack of support for maintaining and strengthening the vital functions of the Corporation in promoting equal access to justice. I urge my colleagues to pay particular attention to the records of Mr. Wallace and Mrs. Bernstein, and when they do, I know that they will join with me in opposing their confirmation.

Mr. DOLE. Mr. President, I rise in support of the confirmation of the 11 nominees to the Board of Directors of the Legal Services Corporation: Hortencia Benavides, LeaAnne Bernstein, Lorain Miller, Claude Galbreath Swafford, Robert A. Valois, William Clark Durant III, Paul B. Eaglin, Pepe J. Mendez, Thomas F. Smegal, Basile Joseph Uddo, and Michael B. Wallace.

All these nominees are amply qualified to serve. All, I am confident, will serve effectively and well, and in a manner consistent with the mission of the Legal Services Corporation to provide necessary legal advice and representation to the Nation's poor. I appreciate that some may have conservative philosophies with which certain Members of this body disagree. Nonetheless, that is not the issue before this body; legitimate differences of opinion over policy matters is never, in my view, the issue in the Senate's confirmation process. The relevant issue is, "Are the nominees qualified?" The record established by the Labor and Human Resources Committee demonstrates, beyond question, that the answer to that question is "Yes."

For 4 years, the Legal Services Corporation has functioned without a confirmed Board of Directors while we have quibbled over whether the people selected by the President adhered to some subjective standard of strong commitment to carry out the LSC's statutory mission and the requisite degree of compassion for the poor. The President has to submit no fewer than 25 names during this 4-year process, as the background of each was examined with a microscope and every conceivable objection that could be raised about the candidates was raised. This is not to say that no legitimate inquiries were made during committee consideration of the candidates. But we have long since passed the point when we should have said enough is enough. Administration of the LSC suffered for the lack of a confirmed board. And the primary victims were not the nominees, but the constituency the LSC serves, the poor.

Four years is a long time, but in this case, the saying "Better late than never" aptly describes the vote we are taking today. By confirming these nominees, we will finally allow the Legal Services Corporation to get on with its business, free of uncertainties about who will be at the helm. I expect each of the nominees to do an outstanding job in their long-sought positions. I respect them for sticking with it and congratulate them on their confirmation.

Mr. HATFIELD. Mr. President, I support confirmation of the individuals the President has nominated to serve on the Board of the Legal Services Corporation [LSC]. It has been 4 years since the LSC has functioned with a confirmed board. Although I may differ with several of the nominees over issues facing the LSC, I believe it is important that the LSC be allowed to operate with a confirmed board as Congress intended. In my support for the nominees, however, I would like to make it clear that I am not endorsing any change in policy which would affect the operation of existing staff attorney programs.

In my experience, I have found the four LSC-funded programs in Oregon to be excellent organizations. They are operating in a manner consistent with the original goal of Congress to provide high quality legal services to the poor. They have proven to be an efficient and cost-effective method of providing high quality representation.

Mr. President, I trust that today's vote will mark the beginning of a renewed commitment by both the Congress and the Legal Services Corporation Board of Directors to ensure that our Nation's poor have full access under law to comprehensive and effective legal services. As chairman of the Appropriations Committee, I certainly will renew my commitment to that end.

Mr. PACKWOOD. Mr. President, in voting to confirm the nominations of the President for the Board of Directors of the Legal Services Corporation [LSC], I am not endorsing any changes in the policy of the LSC that would impact the operation of existing staff attorney programs. I agree wholeheartedly with my colleague from Oregon, Mr. HATFIELD, that the staff attorney programs in Oregon are of the highest quality.

I strongly support the local boards of directors and feel they are responsive the local needs. The existing staff attorney programs also have the strong support of the Oregon State Bar.

The original intent of Congress, when we voted to establish the LSC, was to provide quality legal services to the poor. The four LSC-funded programs in Oregon are performing that very function. Offices are geographically located throughout Oregon to allow reasonable access to legal services for both urban and rural low-income people. Based in local communities for many years, these offices have earned the respect of the legal community. The Oregon programs serve in excess of 25,000 low-income families each year in problems ranging from domestic violence to difficulties in securing Social Security benefits.

I trust the new Board of Directors for the LSC will continue to fund the current method of delivery of legal services to the poor.

Mr. CRANSTON. I believe we are ready for the vote. All time has been yielded back.

Mr. HATCH. All time has been yielded back.

VOTE ON NOMINATION OF MICHAEL B. WALLACE

The PRESIDING OFFICER. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of Michael B. Wallace, of Mississippi, to be a member of the Board of Directors of the Legal Services Corporation?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. EAST], and the Senator from Pennsylvania [Mr. HEINZ] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Montana [Mr. MELCHER] is necessarily absent.

The PRESIDING OFFICER (Mr. DURENBERGER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 123 Ex.]

YEAS—62

Abdnor	Grassley	Packwood
Andrews	Hatch	Pressler
Armstrong	Hatfield	Pryor
Boren	Hawkins	Quayle
Boschwitz	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Helms	Simon
Cochran	Humphrey	Simpson
D'Amato	Johnston	Specter
Danforth	Kassebaum	Stafford
Denton	Kasten	Stennis
Dixon	Laxalt	Stevens
Dole	Long	Symms
Domenici	Lugar	Thurmond
Durenberger	Mathias	Trible
Evans	Mattingly	Wallop
Exon	McClure	Warner
Garn	McConnell	Weicker
Goldwater	Murkowski	Wilson
Gorton	Nickles	Zorinsky
Gramm	Nunn	

NAYS—34

Baucus	Ford	Matsunaga
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mitchell
Bingaman	Harkin	Moynihan
Bradley	Hart	Pell
Bumpers	Hollings	Proxmire
Burdick	Inouye	Riegle
Byrd	Kennedy	Rockefeller
Cranston	Kerry	Sarbanes
DeConcini	Lautenberg	Sasser
Dodd	Leahy	
Eagleton	Levin	

NOT VOTING—4

Cohen	Heinz
East	Melcher

So the nomination was confirmed.

SCHEDULE

Mr. BYRD. Mr. President, while we have a good attendance, I should like to ask the distinguished majority leader what his plans are for the remainder of the day, how late we might stay, and the rollcall votes there may be, and whatever he can tell us about tomorrow.

Also, he might indulge my additional question, which is as to whether or not we might expect rollcall votes on Friday, if he can tell us.

Mr. DOLE. Mr. President, I will take only a minute.

Senators know that there will be a vote immediately following my statement. Then there will be nine voice votes, as I understand it, on the other nominees.

Then we would like to move to the Martha Seger nomination, which I understand has not yet been agreed upon between the chairman of the committee, Senator GARN, and a member of the committee, Senator PROXMIRE.

Following the Legal Services nominations, we will move to the Clean Water Act. It is my understanding that we probably cannot take that up before 2 o'clock. There will be a number of Members gone on each side. I hope that at 2 o'clock we can move to the consideration of the Clean Water Act.

I am told that some of the problems have been resolved. It is the hope of Senator CHAFEE, Senator STAFFORD, and others that we might conclude action on that bill tomorrow.

If so, we would then go to the Nuclear Regulatory Commission bill, on which there are a couple of amendments, and EPCA, which is in the process of being resolved, or at least it will be brought up.

That is about all we plan for the week, which could mean that, with a little luck, we will be out either late tomorrow evening or early Friday afternoon. There might be a vote or two on Friday, if we are around—not more than that.

Mr. BYRD. How late would the distinguished majority leader intend to go today?

Mr. DOLE. I do not intend to stay much after 6 o'clock, maybe 6:30, and come in fairly early tomorrow morning, and resume the Clean Water Act.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. MOYNIHAN. I am sorry to say that the clean water bill this year does not come out of the committee unanimously. It comes out in some considerable disagreement, and there will be discussion on it, and there will be discussion on the motion to proceed.

Mr. DOLE. That might alter tonight, too. With that information, it may be late tonight and late tomorrow night and all day Friday. That is something I did not know. That is up to the Members. We understood that there would be some debate on it and that most of the problems have been resolved. With that information, all bets are off for the remainder of the week.

Mr. MOYNIHAN. I just learned this myself, and I wanted the majority leader to know.

CONFEREES ON SENATE CONCURRENT RESOLUTION 32

Mr. DOLE. Mr. President, as in legislative session, I move that the Senate disagree to the amendments of the House and agree to a conference with the House on the budget resolution, and I ask that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. GORTON, Mr. CHILES, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. SASSER conferees on the part of the Senate.

LEGAL SERVICES CORPORATION

VOTE ON NOMINATION OF LEAANNE BERNSTEIN

The Senate continued with the consideration of nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of LeaAnne Bernstein and others?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD. Mr. President, we cannot hear what the question is. I understood the Chair to say "LeaAnne Bernstein and others." What is the question, if we may have a little order?

The PRESIDING OFFICER. The Chair misstated the question.

The question is, Will the Senate advise and consent to the nomination of LeaAnne Bernstein, of Maryland, to be a Member of the Board of Directors of the Legal Services Corporation?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. EAST], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Pennsylvania [Mr. HEINZ] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 124 Ex.]

YEAS—58

Abdnor	Hatfield	Pressler
Andrews	Hawkins	Pryor
Armstrong	Hecht	Quayle
Boschwitz	Heflin	Roth
Chafee	Helms	Rudman
Cochran	Humphrey	Simpson
D'Amato	Johnston	Specter
Danforth	Kassebaum	Stafford
Denton	Kasten	Stennis
Dixon	Laxalt	Stevens
Dole	Long	Symms
Domenici	Lugar	Thurmond
Durenberger	Mathias	Trible
Evans	Mattingly	Wallop
Exon	McClure	Warner
Garn	McConnell	Weicker
Gorton	Murkowski	Wilson
Gramm	Nickles	Zorinsky
Grassley	Packwood	
Hatch	Pell	

NAYS—38

Baucus	Bingaman	Bumpers
Bentsen	Boren	Burdick
Biden	Bradley	Byrd

Chiles	Hollings	Mitchell
Cranston	Inouye	Moynihan
DeConcini	Kennedy	Nunn
Dodd	Kerry	Proxmire
Eagleton	Lautenberg	Riegle
Ford	Leahy	Rockefeller
Glenn	Levin	Sarbanes
Gore	Matsunaga	Sasser
Harkin	Melcher	Simon
Hart	Metzenbaum	

NOT VOTING—4

Cohen	Goldwater
East	Heinz

So the nomination was confirmed.

Mr. HATCH. Mr. President, I ask unanimous consent that the remaining nine nominees be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered en bloc and confirmed en bloc are as follows:

Hortencia Benavides, of Texas, to be a member of the Board of Directors of the Legal Services Corporation for the remainder of a term expiring July 13, 1986.

Lorain Miller, of Michigan, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1986.

Claude Galbreath Swafford, of Tennessee, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1986.

Robert A. Valois, of North Carolina, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1986.

William Clark Durant III, of Michigan, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Paul B. Eaglin, of North Carolina, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Pepe J. Mendez, of Colorado, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Thomas F. Smegal, Jr., of California, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Basile Joseph Uddo, of Louisiana, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Mr. HATCH. Mr. President, I move to reconsider en bloc all 11 confirmations.

Mr. BYRD. Mr. President, will the Senator ask to have the first two included en bloc?

Mr. HATCH. Yes, I said all 11. I ask unanimous consent that all of these nominees, including the first two that we voted on, be reconsidered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations, and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:58 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. STEVENS].

The PRESIDING OFFICER. In my capacity as the Senator from Alaska, I note the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENS). Is there objection? Without objection, it is so ordered.

CLEAN WATER ACT AMENDMENTS OF 1985

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 1128, the clean water bill.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STAFFORD. Mr. President, I move that the Senate proceed to the consideration of S. 1128, the clean water bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I ask our distinguished, wholly admired chairman how he would like to proceed? As he knows, there are a number of Senators who would otherwise be very much in support of this measure—I guess the Senator from Rhode Island may be one of them—under other circumstances would be wholly in support of the measure, but who are not because of the change in the allocation formula for sewage treatment facilities which came unexpectedly and without the kind of notice and comity which the Committee on Environment and Public Works has, I think, prided itself in. We have been a committee that rarely is divided excepting where there are issues of fact where we cannot resolve them among ourselves. We have characteristically brought measures to the floor unanimously.

We have not done that in this case. We want to hear about it. We do not want to prolong this matter, or anything like that. The distinguished chairman knows our disappointment. In 8½ years in this body, I have never found myself in opposition, that I am aware of, with matters of the committee. I would, however, like to ask the subcommittee chairman how he would like to proceed.

Mr. CHAFEE. I would like to proceed. I would like to take up the bill. If we have some problems, we can have votes on them after we discuss them. There are some amendments the distinguished ranking member and I have been working together on and our staffs have. I would like to get to this.

As the Senator from New York has pointed out, it is important to the Nation. We have not just the clean water amendments dealing with the quality of the water, but there are certain grants involved, $2.4 billion.

I know the Senator from New York was disappointed. He indicated that when we had the markup in the committee. I understand that he and the Senator from Minnesota have an amendment. Let us get to it when the time comes to take it up.

Mr. MOYNIHAN. If the distinguished chairman will allow me, I have a statement which I would like to make. I take no pleasure in this at all. I feel disappointed, and I feel that a practice in the Committee on Environment and Public Works, which has been valuable, which is worth preserving, has been needlessly damaged. These matters could have been resolved in an open manner, but they were dealt with in a way that was less than open. The outcome was a division among friends, friends not just at the level of traditional relationships but persons who joined this committee to advance the purposes of environmental protection and public works, and who have done so with some considerable success since the early 1970's.

Mr. President, if not for one provision of the Clean Water Act Amendments of 1985, I could enthusiastically support this bill. The Clean Water Act is a cornerstone of our national environmental programs establishing as it did an effective strategy for improving

the quality of the Nation's surface waters. With this strategy, we have used our vast technological capabilities to reduce pollution from domestic and industrial waste waters.

The quality of our streams and lakes has improved significantly in the years since passage of the Federal Water Pollution Control Act of 1972. Federal, State, and local agencies spent $56 billion for sewage treatment between 1972 and 1982, and this mammoth investment proved worthwhile. The commissioner of the New York Department of Environmental Conservation reported to me that pollution from municipal sewage in New York fell by nearly two-fifths in a decade. Many rivers and lakes once pronounced "dead" now thrive. The chief water pollution problems of the past—waterborne disease and oxygen depletion—are largely under control, and the work will continue.

This bill would expand the efforts and address additional pollution problems. In addition to authorizing funding to the Environmental Protection Agency for ongoing programs, the bill would strengthen existing law in several important ways. One of the most important sections of S. 1128 would require pollution control efforts beyond the mandated "best available technology," if such extraordinary efforts are necessary to meet water quality standards and control the release of toxic pollutants. I also support a major provision directing the States to implement controls on nonpoint source pollution, or runoff from farms, urban streets, and other diffuse sources.

Unfortunately, the bill is at this time unacceptable to me, because the committee changed the allocation formula for sewage treatment construction grants in ways that are both unwise and unfair. The new formula would reduce grants to 18 States, most of them the populous, urban States of the East and Midwest. Every State bordering on the Great Lakes would face at least a 19-percent reduction in funding.

This is especially unwise and unfair, as many of these same States have long been neglected by Federal water programs generally. Between 1956 and 1980, only 1.2 percent of water resources expenditures by the Corps of Engineers, Bureau of Reclamation, Tennessee Valley Authority, and Soil Conservation Service went to New York. The Environmental Protection Agency's Construction Grants Program has been more equitable. The new formula threatens this equity.

The new formula was drafted to transfer grant resources from populous to small States, and from the East and Great Lakes regions to the South and West. The formula relies on so-called eligible needs criteria to allocate the funds. No weight is given to combined sewer overflows, a major cause of water quality degradation in older urban areas. In 1981 Congress narrowed the list of project categories eligible for Federal funding but wisely provided Governors the discretion to use up to 20 percent of a State's allotment to correct combined sewer overflows. It makes no sense to use Federal funds for this vital type of work, while ignoring the same need in the allocation of the funds.

Equally improper is the classification of the 50 States into 3 arbitrary groups. Funding would be distributed to each group in a manner designed to favor small States with relatively low levels of need. One group, for example, consists of the 13 States with the lowest estimated needs. According to the 1984 EPA needs survey, this group collectively accounts for 3.7 percent of the eligible needs; but it would receive 8.5 percent of the grant funding.

The arbitrary character of the formula is further illustrated by the distribution of funds within each group. A different mathematical algorithm was used for each group. For some States, the share of funding is determined not by eligible needs, but by the cube of the logarithm of eligible needs. Why not the square, or the fourth power of the logarithm? It would make every bit as much sense—which is to say, none at all.

This radical change in the allocation of grant funds would seriously affect many major bodies of water. Perhaps most important, the change would significantly hinder efforts to improve water quality in the Great Lakes. In the Great Lakes Water Quality Agreement of 1978, the United States joined Canada in a commitment to control major sources of water pollution. This agreement set out specific goals for a wide range of pollutants and sources. For examples, the concentration of phosphorous in sewage treatment plant effluent must not exceed 1 milligram per liter. Equally important, the agreement requires each national to provide adequate funding to meet the water quality goals.

A General Accounting Office study in 1982 found that the United States is far from meeting its commitments under the 1978 agreement. According to the GAO, the United States is considerably behind schedule in providing adequate municipal waste water treatment in the Great Lakes basin. Further, little progress has been made toward controlling combined sewer overflows. As a result, eutrophication and toxic chemical pollution continue to plague the lakes. Progress would only be slowed further by the proposed new allocation formula, which would reduce grants to the Great Lakes States by $175 million annually.

Not long ago, Lake Erie was widely considered dead. Continued discharge of municipal and industrial sewage had caused a textbook example of a phenomenon called eutrophication. Nutrients in the sewage stimulated the growth of algae; as the algae died, settled to the bottom and decomposed, the lake was robbed of its oxygen. Only a few hardy species of fish could survive. Recently, however, the populations of such valuable species as trout, walleye, and whitefish have been increasing in Lake Erie, as sewage treatment and other measures have reduced discharges of nutrients.

Yet, major problems remain. Toxic substances are found in the water, sediments, and fish of all the Great Lakes. This problem is especially severe in Lake Erie, Lake Ontario, and the Niagara River, and is therefore a major concern in New York State. Efforts to further improve water quality are underway, and I would especially like to commend the recent efforts of the binational Niagara River Toxics Committee, with representatives from New York, Ontario, and the American and Canadian Governments. This committee published a report in October 1984 recommending an aggressive program to monitor and reduce pollution from sewage discharges, hazardous waste disposal sites, and other sources. It would be foolish to inhibit further progress on the lakes with grant reductions.

As with the Great Lakes, virtually the entire drainage area of Chesapeake Bay lies in States that would lose funding: Maryland, Virginia, West Virginia, Pennsylvania, and New York. The Environment and Public Works Committee recognized the unique character of the Great Lakes and Chesapeake Bay by authorizing in this bill modest programs to improve the management of those resources. But the damage done by the new formula would more than offset these benefits.

Our alternative formula would simply correct the major flaw of the formula approved by the Environment and Public Works Committee; the disproportionate share given to small States with low levels of needs. The group of 13 smallest States, which account for 3.7 percent of the Nation's fully eligible needs—according to the 1984 EPA needs survey—would receive 3.7 percent of the funds under our alternative, compared to 8.5 percent under the committee formula. The next seven smallest States have 6.1 percent of the needs, and we would give them 6.1 percent of the funds; the committee formula would give them 9 percent. Similarly, the 30 remaining States would receive the same share of the funds as their share of the needs, 90.3 percent.

Many of the 30 relatively large States, including my own State of New York, would lose up to 10 percent of their funding in comparison to current law. We would prefer to retain the formula specified by current law, but this

alternative formula is clearly an equitable compromise.

If it were not for one provision of the Clean Water Act Amendments of 1985, I would enthusiastically support the bill. The Clean Water Act is the cornerstone of our national environmental program, established as an effective strategy for improving the quality of the Nation's surface waters.

It was no accident that the Clean Water Act came first, as the great source of environmental disease, not just of the 19th and 20th centuries, but through the history of reasonably densely populated societies has been waterborne. It took a long time for men to learn this. It was well into the mid-19th century before the waterborne quality of so much disease was understood. It was a dispute late into the 19th century, when there began to be the understanding that drinking water could be contaminated, that sewage systems could contaminate drinking water.

Mr. President, could we have order?

The PRESIDING OFFICER (Mr. STAFFORD). The Senator's point is well taken. The Senate will please be in order. Senators will please take their conversations to the cloakroom. The Senator is making an important statement and is entitled to be heard.

Mr. MOYNIHAN. Mr. President, the discovery of waterborne disease and the transfer of disease-causing organisms from sewage systems to drinking water supplies and the creation of sewage systems were the great events, as a matter of fact, in public health in the 19th century. It was with these advances that cholera and such diseases and gastrointestinal diseases were first understood and began to be suppressed and the life of man changed.

One only has to live in a society where water is not clean to understand the dimension of the issue involved. So it is altogether appropriate that one of the first major measures which the Congress enacted following the environmental concern that so flourished in the late sixties and early seventies was for clean water, both as a traditional measure of managing waste of various kinds, and, also, looking to the newer questions that were beginning to emerge as we discovered the consequences of runoffs of chemicals that come from agricultural uses and industrial uses.

As we found the great changes that were taking place in bodies of water so large as to have precluded such possibilities in ordinary circumstances, there was in the 1960's a great degree of concern over the prospect that Lake Erie might die. The proposition that a lake might die in the process of eutrophication became better understood. And, of course, in the long run, all lakes do eventually eutrophy over many millions of years, which is a very different time horizon than we found we had when we looked up and found the discharge of chemicals we had in one of the Great Lakes would likely kill life in that lake in a short time.

I recall, that 95 percent of the freshwater of the United States is stored in the Great Lakes. When we talk about a change in an allocation formula that directly affects the Great Lakes States of the United States, remember, we are talking about the single largest source of freshwater that was expected to be clean water in our country.

The great Chesapeake Bay is another such region. There are some 18 States in all that are adversely affected by this change, which we do not feel is made in an open way.

The quality of our streams and lakes has improved significantly in the years since passage of the Federal Water Pollution Control Act of 1972, which we call the Clean Water Act. Federal, State, and local agencies spent $56 million for sewage treatment between 1972 and 1982, and it shows. In my State, the commissioner of the department of environmental conservation reports that pollution from municipal sewage in New York has fallen by nearly two-fifths in a decade and that many lakes, once thought dead or dying, are now thriving.

The chief water pollution problems of the past, which were, on the one hand, waterborne disease, of which I spoke earlier and, on the other hand, oxygen depletion, which takes place through the growth of vegetable organisms and the decomposition of sewage and other organic matter, are largely under control. But the work has to continue.

This bill would expand the efforts to address the additional pollution problems. In addition to authorizing further funding for the Environmental Protection Agency for ongoing programs, the bill would strengthen existing law in several important ways. One of the most important sections of S. 1128, which is what we have before us, would require pollution control efforts beyond the presently mandated "best available technology." If such extraordinary efforts are necessary to meet water quality standards and control the release of toxic effluents which are a different order of water contamination as against the disease contamination of previous efforts, I would certainly be for that. I cannot imagine a Member of this body who would not.

I would also support a major provision directing the States to implement controls on non-point-source pollution or runoff from farms, urban streets, and other diffuse sources.

Unfortunately, the bill is at this time unacceptable to many of us because the committee changed the allocation formula for sewage treatment construction grants in ways which we feel to be unwise and unfair and with little precedent in the procedures of our committee. I am especially disappointed in that as I value the procedures so. The new formula would reduce grants to 18 States, most of them the populous urban States of the East and Midwest. Every State bordering on the Great Lakes would face at least a 19-percent reduction in funding. Nineteen percent from the same sums of money, suddenly and with no notice, with no real hearing—we were presented at a committee hearing with the findings of a committee which has long been known for representation of the less populous States—to have this happen all of a sudden is a disappointment. It comes at a time when this Senator has been trying for 8 years to speak to this body, with no great success, asking, why have the water projects of the U.S. Government come to a halt?

Why is it that since 1970, there has not been, with small exceptions in 1974 and 1976, a water project bill. This Senator from New York was once chairman of the Committee on Water Resources. An Eastern Senator has rarely had that privilege, I believe—an Eastern Democrat. I got deeply involved in the obvious needs of this country in the West and the South and the Mississippi and the Ohio for water projects that have come to a halt. We cannot pass them any longer. The whole of the Carter administration came and went without one. The first term of President Reagan came and went without one.

One of the reasons—there are about three—is that many of the best prospects for water development projects, have already been used, and you begin to reach marginal opportunities as you keep going on, and those marginal opportunities have produced responses that are very negative in the form of environmental concern.

But, most importantly, there is no sharing. It is all hogging, and the hogging has become offensive and the result is a stalemate. If the West dries up, and if the South sinks, and if the Mississippi changes its course, and the Tenn-Tom does not turn out to have worked, there is not going to be as much concern elsewhere as there ought to be, thanks to events like this.

The Bureau of Reclamation in 18 States in the West has its acre-foot of water selling for one-tenth what the market would bring. Between 1956 and 1980, 1.2 percent of water resources expenditures by the Corps of Engineers, Bureau of Reclamation, Tennessee Valley Authority, and the Soil Conservation Service went to my State. The only area in which there was a relatively larger allocation was in the Environmental Protection Agency's construction grants for a uniquely urban form of activity—to wit, a new municipal sewer system and sewage treatment plant. It is not a

very elegant subject and it changed the health of the industrial world when we first understood it.

And so now we come to this present impasse. I just wish to say, if you want to continue, so be it. This is not the end of the argument. This is just argument for stalemate protracted, and it will continue.

There are others on the floor who would like to speak, and I do not want to keep them from doing so. I will have more later.

Mr. CHAFEE. Mr. President, what is the parliamentary situation now?

The PRESIDING OFFICER (Mr. KASTEN). The pending question is the motion to proceed to the consideration of S. 1128.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I should like to make a fairly brief statement and then ask my friends from Rhode Island and Maine if they could give me some information. I am honestly seeking informaton on this bill. I have read the report and I have read the formulas. I have studied them, and I am troubled. I am troubled by some aspects of the change in the formula where many of our States are benefiting arbitrarily at the expense of others.

Now, I happen to know the Senator from Rhode Island and the Senator from Maine very well, and I do not know of two Senators that I hold in higher esteem than these two. I consider both literally to be my friends as well as my colleagues. I know they have two instincts, as we all do in this body, or at least I think all of us do, and one instinct is to represent our States to the best extent we can, and, two, an instinct for fairness. Sometimes they clash and we try to meld them the best we can. But when I look at this bill it just simply does not meet the test of fairness as I can determine it.

I want to ask my friends some questions because I believe they are instinctively, inherently, fair people who want to do the right thing. They also want to represent their States, and I understand that. But I also, again, genuinely believe they want to do the right thing.

I look at this bill, and basically what we start with is the following: We have the EPA determining each State's share of a national need. It is a given. The EPA tells us what the need is for each State, and they ascertain that need according to some objective criteria. I do not think anybody here is disagreeing with the EPA criteria or the committee's determination, because they accept that. The committee, as a matter of fact, described the survey of the EPA on page 57 of the report. They say:

> This survey, conducted by the Environmental Protection Agency with the cooperation of the States, is the most current, complete, and accurate determination available of the need for publicly-owned treatment works which can be assisted under titles II and VI of the act.

So the committee majority has put its imprimatur on the EPA survey as far as I can tell from this report, and I accept that survey. Although I might have had differences, I accept that survey as the basis of discussion.

Each State is assigned a share by the EPA. It is as objective an assessment as I think we can have. I do not have a better one. The committee does not have a better one. And so we all are given an EPA appraisal. Each State is given a share.

Let me give a couple of examples. Idaho. Idaho is given a share of the national need of 0.004. Massachusetts is given a share of 0.04, 10 times the need of Idaho.

To the best I can determine it, according to this objective assessment, Massachusetts has 0.05—10 times the need, probably more than 10 times the population. I do not have the population figures. But that is not the issue. The issue is that EPA has said Massachusetts has 0.04 percent of the national need, and Idaho has 0.004 of the national need, or one-tenth the need of Massachusetts. I do not think the committee is disagreeing with that fact. I am not. That is the basis of the discussion.

So how much money, then, does the committee recommend be provided under this formula to Idaho and Massachusetts? It provides $17 million to Idaho and $85 million to Massachusetts. Massachusetts gets five times the money, although, by our objective criteria, it has 10 times the need.

Another example—Maine and Florida: Maine, according to the EPA, has 0.005 share of the overall national need. Florida has 0.05—10 times the need of Maine. The State share of Florida is exactly—or as close as I can come to getting one that fits—10 times the need of Maine. It seems to me that, by a test of fairness, they should get 10 times the money if the EPA has determined that their share and their need is 10 times.

The committee has done something here for small States, something more than has ever been done, so far as I can determine. They have decided that they will take the smallest States and give them a larger share than they are entitled to under the EPA formula, and then create another tier of the next smallest group of States and give them more than they are entitled to under the EPA formula, and the rest of us basically are paying for it, with some wrinkles which I will get into in a few moments.

Again I emphasize: This is not a question of what is the share that each State has. The EPA has given us that. It is given for the committee, which puts its imprimatur on it, and I do not dispute it. I accept those shares for the purpose of this discussion. But then the committee says:

> We are going to create a tier 3, 13 States having less than half of 1 percent of the national need, and we are going to give those States about two times what they are entitled to according to that national-need formula.

When you add up their EPA shares, they come out to 3.7 percent of the national need, but the committee allocates 8.5 percent of the money to them. That is twice what their shares are. Thirteen States do awfully well. They do very well under current law, as well.

There is a flaw in current law, and I understand that. You are guaranteed at least one-half of 1 percent, and the committee has changed that. Instead of doing it that way, the committee has said:

> We are going to give these 13 States 8.5 percent of the money, although they only have 3.7 percent of the certified EPA need. Their EPA-certified allocated share is 3.7 percent, but we are going to give them 8.5 percent.

Under the present bill, by the way, they get 6.5 percent. That goes up to 8.5 percent.

Then the committee does something else. They create another tier, the next smallest States. There is nothing comparable to this in present law. They take the next seven States, which have between one-half of 1 percent and 1 percent of the national need, and guarantee them more than their share, according to the EPA allocation. Those seven States represent 6.1 percent of the national need. The committee gives them 9 percent of the money—about 50 percent more than they seemingly would be entitled to.

I know there are arguments to the effect that you have to have enough money in a State so that it can run a program. But I do not know of anything in the RECORD or anything in the committee report, with any testimony relative to that. I accept that, by the way. I have no problem with making sure that a State gets enough so that it can run a project feasibly. But we are giving additional amounts of money to different States. We are raising the amount of money from the current level for the 13 smallest States.

There is nothing I can find in the RECORD which would justify these particular amounts of money for these States. There is no testimony that says Maine has to have a minimum of this amount of money so that it can run a project. It is done in an arbitrary way.

Twenty States benefit from those two particular tiers, and essentially the rest of us pay for it. There are some exceptions to that, because the

committee has grandfathered 11 States to make sure we all get 80 percent of the current law. So there is a little benefit in there for 11 States.

The committee has done something else for five States. It has made sure that they get 1.25 percent of their total share, so that they do not get less than any of the States in tier 2.

However, the point is that we are deviating from the EPA allocated share. We are deviating from it more so than under current law. We are adding another tier of small States, and the rest of us are paying for it. The small States are not the weakest States. They are not the poorest States.

I would not have any problem, I say to my friend from Rhode Island, if part of this formula was to help the poorest among us, to help the ones with the smallest per capita income. That has all been worked into this EPA share. It has all been figured out, what the needs are of these communities. If the committee wants to add on that a per capita income one, let the cards fall where they may. We can debate that. But that is not the issue here.

We have an extraordinary situation, so far as I can tell, because here we have an allocated share by the agency in charge of administering this program, and the committee has said—and I am again going to quote the committee—that the survey is the most current, complete, and accurate determination available of the needs.

If we are going to deviate from that survey, we should have some demonstrable, legitimate reason for doing so. If it is shown here, or if there is testimony in a hearing record before the committee, that a certain number of millions of dollars are required in order for a project to be funded in a State and if we give it less, only one-tenth of a project will be funded—that reason is pretty compelling. But that is not what happened.

What happened is that the 8.5 percent of this pie was allocated to these 13 States, and then that was divided in a very complicated way, by mathematical formulas, among those 13 States. The same with the seven States. Nine percent of the pie was given to States with 6.1 percent of the need, and then the 9 percent was allocated among those States by an extremely complicated formula, to the best of my knowledge, without testimony as to what it would take to have a minimum project in Maine or Idaho.

I am not arguing here for a continuation of current law. Others will do that. What I am saying is that we have a fairness indicator. We are changing current law. Current law expires, and we are changing it. Current law is going to run out, as I understand it, at the end of this fiscal year. We are adopting a new law, and what I am pleading with my friends for—and I am going to ask the specific question—is fairness.

Maybe the smaller States in the Senate have the votes, and I presume they do. But I know you well enough to believe that you want to be fair and that you feel you are being fair, and that is what I am pleading for.

And I am pleading with this body that before we deviate from a standard norm, which is given to us and which we accept as being accurate, complete, and current, we have a justification for it.

My question is this, and I would be happy to address this to my friends from Rhode Island, Vermont, or Maine, how do we justify giving the smallest 13 States, with 3.7 percent of the agreed-upon need, 8.5 percent of the money? That is the first question.

I have a few other questions.

Mr. CHAFEE. Let me respond to the distinguished Senator from Michigan.

I think it is not possible to just look at this from 13 States. I think you have to look at where we were and what we are attempting to achieve overall.

As the Senator recalls, in 1981 the eligibility items for the Clean Water Act for the waste treatment grants were changed. No longer, for example, were combined sewer overflows included in the eligible categories. Nor were intercepts, nor were collectors, for example. So, therefore, a survey indicate was based on different factors than the old survey was based upon and it excluded those items which were changed in the 1981 law.

Now, in this survey, as we would expect, those States in the Southwest where you have the increased population, the growing population, are Arizona and Texas, for example.

Their needs dramatically increased, and so when those needs increased and you look at an overall pot of money which has remained constant, you are going to have some dramatic changes.

Now, as far as the smaller States go in a whole host of formulas that we have adopted in this Congress we have had a half-a-percent set-aside for each smaller State.

You can argue about this, but nonetheless we have had it even though the needs of a particular State might be less than a half-percent, just as we have had set-asides of x percentage for Guam and American Samoa, and whatever it is.

So once we got into this, we found that if you just allocated the money solely on the basis of need there would be some dramatic swings.

For example, New York would have gone down way more than it went down.

Then we had an 80 percent hold harmless in here for the larger States. That changes the amount that is eligible for others.

For example, if Texas were just given strictly what it was entitled to under the formula, Texas would have gone up considerably more than it did. But when you put in a hold harmless—maybe you should not have a hold harmless, but we felt that for a State to drop precipitously from where it was, namely, 100 percent, down to 70 percent or 60 percent, would be traumatic for that State. They have certain planning they have embarked on.

When we went into this program in 1981 we set forth with the administration's support that there would be $2.4 billion for x number of years out in the future and that would be the funding for the program. So these States had made certain plans. You can argue with whether the hold harmless should be there or not but we felt it was.

We wanted to take care of New York. New York would have gone down, as I said, more precipitously.

The Southwest growth States were represented ably, and they indicated sure, they would like more, and they went up some.

But to take them to their fullest extent there just would not have been the money available.

Now you get to the smaller States. You say they are only entitled to 2.6 percent, and they got 8.5 percent.

Mr. LEVIN. 3.7.

Mr. CHAFEE. Pardon?

Mr. LEVIN. 3.7.

Mr. CHAFEE. 3.7.

That is excluding the 1.5 percent that we have traditionally given them and indeed we did go up some from that.

That was based on a whole variety of criteria, one of which is the necessity to have the legislation passed, to be frank, and the amount of money involved was very, very small.

I do not think anyone would get up on this floor and say they are not entitled to the half of a percent.

Some a little bit above that was allocated. But in dollars I do not think it is significant in the overall picture of $2.4 billion.

I know the distinguished ranking minority member of the committee had some thoughts on this, and we would be glad to pursue it further when the times comes.

Mr. MITCHELL. I thank the chairman.

The distinguished Senator from Michigan has raised what I believe are relevant questions. But we have to recognize at the outset that there is no simple objective manner by which to measure fairness. The Senator used the word repeatedly throughout his remarks and his question. Fairness like beauty is often in the eyes of the beholder.

For example, this program has been in operation for 13 years and during

that time the Great Lakes hydraulic region which includes parts of seven States and the entire State of Michigan has received more money on a per capita basis than has any other part of the country—$351 for each person living in that region. By contrast, a part of Texas has received an average of $99 per person living in that region.

Many people could have looked at that at any point during the past 13 years and said that is not fair, that one standard by which we ought to measure the effect of this program is what does it do on a per capita basis, which is as we all know one of the most common means for devising allocation formulas.

The Senator from Michigan understandably did not at any time during that period protest the operation of the formula as being unfair. Nor did anyone else even though it produced widely divergent results in various parts of the country.

The Senator has referred to the needs survey by the Environmental Protection Agency as a method of allocation or as an allocation. It should be clear that the EPA in this report has not and has never proposed a method of allocating funds. What it has done at the direction of Congress has been to conduct an assessment, a survey of what needs exist in the country for publicly owned waste water treatment facilities to achieve the objectives of the act.

What qualifies as eligible for inclusion in this survey has changed from time to time.

Generally, the law has become more restrictive, as we have seen, as Congress has seen that the scope of the program, the scope of the problem was so broad that we were unable to include all of what might otherwise have been deemed needs in each survey, and this survey that we are now referring to, the 1984 needs survey report to Congress, reflects a significant difference from the prior surveys not only with respect to where growth has occurred and, therefore, needs might be anticipated to increase, using a constant standard, but in significant part because the method, the criteria for determining what is eligible to be included as a need has changed so the standard is different.

As the Senator from Rhode Island indicated, some types of projects that were considered eligible to be included in the previous needs survey were not included in this because we determined we could not possibly do that and we wanted to target our resources in the places most appropriate.

That meant that the statement of needs differs from previous statements of needs in those two important respects and if we were to say that we ought to follow that statement in the allocation of formula in prescribing the formula for the allocation of funds, we would have rather sharp swings in several of the State programs, including dramatic reductions in some and significant increases in others.

Now, remember, if the Senator will, that this is a program that has been going on for 13 years that the administration proposes to terminate and that the committee proposes to continue for a limited period and then to convert into a State Revolving Loan Fund Program. So we are talking about winding up a program over a period of some 5 or 6 years. And the question is, particularly when faced with an important deadline of compliance in the summer of 1988, how you enable States to do that in a rational manner.

From the standpoint of pure logic, it is indisputable that the Senator is correct in saying if you just take the statement of need and allocate funds on that basis, that is the fairest way to do it. Some would say, "Well, wait a minute. We have not been doing that for 13 years. As a result, Michigan has got $2.1 billion under the program, a lot more per capita than other people have." Why now do we seek to adhere to a pure standard?

We have to work in other factors, the foremost of which is to modify the variations in the program to permit States to continue with viable programs. That is the principal objective of both the hold harmless and the tier system to which the Senator referred.

Now, it is without any question an imperfect result, far less imperfect in my judgment than the alternative which will be proposed here which has a much more specific and narrow objective, but nonetheless it is imperfect. But it had as its objective, and in my judgment achieves it, at least in rough form, to moderate the radical changes in the size of the program in each State that would result from following the pure needs survey and to do it in a manner that allows the smaller States to continue with the viable program particularly as they face the deadline of July 31, 1988.

And, so, first, we adopted a hold harmless that says that no State will get less than 80 percent of the amount that it previously had, notwithstanding any other provision. The alternative formula, which is to be proposed, provided a 90-percent hold harmless for some States and no hold harmless for other States. If we want to talk about fairness—and that is relative, too; we are not talking about the committee formula in the abstract, we are talking about what the alternatives are—what could be less fair than that, to say, instead of everybody getting an 80-percent hold harmless, some States get a 90-percent hold harmless and other States get none whatsoever?

The second mechanism was the tier system, which did in fact carry through the provision that has been a part of this law from the beginning that recognized that for a smaller State to have a viable program it needs a minimum amount of money in view of the large size of some of these projects. That was formerly expressed in the floor of one-half of 1 percent for each small State. It is now expressed in the tier mechanism, which the Senator rightly suggests gives them more than they would receive if we followed the strict needs bases. And the level that was adopted, 8.5 percent for the first category, the first tier category of several smaller States is inevitably an arbitrary number, but one which reflected the committee's judgment that that is the level best calculated to achieve the objective of permitting those States to continue with a viable program, to enable them to complete the programs as necessary prior to the deadline.

I do not suggest to the Senator that that is irrefutable logic, that it is purely an objective standard that one has to agree or disagree with. You could say, Why not 7.5 percent? Why not 9.5 percent? But every day in this body we make such judgments and they are relative judgments. I do not for a moment question the force and persuasiveness of the Senator's argument, but everything we do here represents that.

The formula that is going to be proposed as an alternative, which I assume the Senator supports, makes similar judgments, reflecting the different interests of the Members offering it but similar in the respect that they require some method of making a final determination.

So we decided that, for the reasons suggested, the allocation formula that the committee adopted best represents the needs of the larger part of the country. Fair? That is up to each individual Senator to make a judgment on, just as one could look, as I pointed out, at the previous 13 years and say that was not fair.

We thought it was. We provided it. It provided very large sums of money to some parts of the country and not to others. My statement was one that benefited from it. But it was an expression of what we felt the best way to meet these needs was in a difficult, complex area.

Mr. LEVIN. Mr. President, relative to the past, I say to my friend from Maine—I am going to be brief because there are others on the floor who want to speak as well—I presume when these formulas were adopted that this Senate felt they were fair and this Congress felt they were fair and the committee felt they were fair. I am not going to go back now, unless we want to spend literally weeks doing this, and debate whether or not the current formula, when it was adopted, was perceived as being fair. It was

based on an assessment of need. It is the only lodestar we have. There is not any other way to know what is fair, except to look at the EPA determination of what the needs are in each State. As a matter of fact, that is what we give the EPA the task to do. Why in Heaven's name are we asking the EPA to assess the needs of the States unless we view this as objective and fair?

Again, the committee seems to have accepted this. There is nothing else that the committee is proposing to us as to what the needs are except the survey which the committee says is the most current, complete, and accurate determination available of the needs. That is what we start with.

Now, my friend from Maine says we want to avoid wide swings. Fine. Provide for wide swings. But why is Texas getting less than it should get under this formula? They are a lot better than they are under current law, and I understand that. But why does Texas get less than its need or its proportion of the need? Why does it get 80 percent or 90 percent of the need and some States get 200 percent of what the need is assessed by the EPA?

That is what is happening. I am afraid that that is exactly the predicament that we are all in. I am not going to go into what other programs provide States and water bills and so forth because I do not think that is relevant. What is relevant is if we are going to deviate from a formula we ought to have a justification for it. I have heard none except that you have got to exercise some judgment.

We will give the smallest 13 States 8.5 this year instead of 6.5. Why? It is the best judgment of the committee. Based on what? And who is paying for it? We are paying for it.

And then there is another tier of States you are adding. Why? The next seven smallest States. They total 6.1 percent of need. They are getting 9 percent. That has never happened before.

My friend from Rhode Island has talked about a traditional ½ of 1 percent. And that has been traditional, but that is not what we are providing now. You are providing for that to the smallest 13 States and then you are adding another tier that are above ½ of 1 percent of the national need. The second tier was between ½ of 1 percent and 1 percent. That is another group of States. I guess we call them the second smallest group of States. Who is paying for that arbitrary 9 percent when they should be getting 6.1, according to the EPA assessment, which we have asked them to do and which we say is the most current and most accurate assessment of need? Who is paying for it? The rest of us.

The rest of us are paying for it. It is new. It is new in this bill. This is not the traditional half of 1 percent in tier 2. It is a new group of seven States. My friend from Rhode Island as usual is extremely candid. He says, "Well, you need it to get the votes. We had to get a bill passed." I appreciate his candor. I have always appreciated his candor, his friendship, his integrity, and I always will. But when you look at this formula from the perspective of those of us that are on the losing end of it, we have to say why new formulas now?

I am going to close my comments at this point by simply saying that if there is any record, any hearing record which says that these 20 States that benefit from tier 2 and 3 need specific amounts to keep current projects going or close them, hey, you have my support. I have been at the other end. I have been at local government. I know what the Federal Government can do, and that they do not know what they are doing to local government. I know how arbitrary the Federal Government can be when it closes projects down in the middle, and does not fund enough to finish the project. I am all for doing the sensible thing. It happens all the time. They did not give us the data. It takes X number of million in Idaho to finish a project, and it takes X number of million in Maine to finish a project. Give us a hearing record and let us do the sensible thing. That may very well provide deviation from the EPA standard. I would be the first one to vote for it because again I have been at the other end of this, too, when the Federal Government has acted arbitrarily. I do not want to act arbitrarily. I am afraid we have a new formula for tier 3 now getting 8.5 percent of the money instead of 6.5 percent of the money, although they only have 3.7 percent of the need. Now we add another tier, tier 2. Several States that have never gotten special treatment are now getting special treatment. There is no logic offered for that. When the rest of us have to pay for it, I have to say, "Hey, let's be fair, now."

I cannot go back to the 1981 bill and 1977 bill and the 1979 bill. I was not here for most of them. I do not think any of us really want to go back to those debates. I think all of us at the time felt it was fair. I think all of us ought to feel now that this is fair. Many of us do not.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. I will make a brief comment. Then I will be glad to yield the floor to the Senator from New York.

The first point to be made is that the allocation formula has never merely reflected the needs survey. There have always been adjustments to achieve various objectives, the principal one being the one I described earlier. They were fairly complicated. They were the result of committee Senate action, committee House action, and conferences. The second point is the Senator says who is going to pay for the tier 1 States going from one level to another? And he says that it is not fair that the other States pay for it. Just prior to that, however, the Senator said he favors hold harmless.

Mr. LEVIN. If the Senator will yield. No, I did not. I said if the committee wants to consider a hold harmless provision, that is the committee's judgment to do that.

Mr. MITCHELL. Does the Senator favor or oppose hold harmless?

Mr. LEVIN. I think you can make a reasonable argument for a hold harmless provision. You can also make a reasonable argument against it. But you cannot make a reasonable argument for—it seems to me, in answer to your question—adding a new tier of States to benefit arbitrarily that have not done so before, and adding more benefits to the tier that has existed before the so-called tier 3 States. I cannot see any justification. I can see arguments pro and con on the hold harmless.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, this new formula was brought to my attention by my staff and by some of my colleagues. As I began to make some inquiries of staff as to how and why this formula is justified—and there are those who are far more knowledgeable in the calculation and presentation of this formula—it became apparent that at least to the eyes of this beholder that fairness would have appeared to escape as the essential ingredient in determining what the formula should be.

That need on the part of the individual States as the prevalent test becomes merely an objective to get around and to deal with, and I must suggest that the committee has done so, and in a manner that will most likely guarantee the passage of the committee bill. So as I indicated to you, I have mixed thoughts. What does someone who is elected to represent his constituents, and yes, the body as a whole—this entire country—do when he or she feels that there is a situation that should be addressed? Especially when one sees as a practical matter that there was little chance of success in arguing fairness or need. As my colleague from Michigan has suggested, let us take a look at this formula and what it would do, the impact it will have. I am wondering whether or not we are moving ever faster into a period of time in our history when it really becomes, "Let us line up the votes on one side to accomplish our ob-

jective. If we have to change the formula to get two, three, four, of five additional States into the basket to gain their support." I do not know. I think probably it is kind of an easy thing for each and for any one of us, including this Senator, who wants to accomplish a good purpose for his or her constituents, and consequently can justify oneself, particularly if one has the ability and the power with which we can change a formula that will result in meeting the needs of ones particular constituents in a particular State, or two States, for that matter.

So that is my dilemma. I can count votes. I understand a little better today than I did 4-plus years ago when I entered this body the leadership committee, what is attendant, and the power with respect to that. I appreciate it. I do not say it to degrade the Senator. I know unless we have the good offices of those who have helped or shaped or who brought this important bill before this body for consideration and seek to move it forward, and unless they undertake a review even at this 11th and a half hour, there is little likelihood that the outcome would be changed. Except, of course, if one were to do that which certainly does not endear us to out colleagues, certainly something that should be done very sparingly if at all—and that is not only to point out the differences of opinion with respect to the proposed legislation, but to do it in such a way as to attempt to keep that legislative initiative, no matter how important, from moving forward.

I must confess to you that I have mixed feelings with respect to whether or not I would use that prerogative which is, I believe, important to governance, particularly important to the rights and protecting the rights of the minority. I have come to the conclusion that I will attempt to make my point to let the process go on but not without saying to my colleagues that if we continue to do the business of the people by pitting section against section, small State against large State, power against those who may for a particular time or occasion not have it lined up to their advantage, I do not think we do the business of the people in a way that we can be proud of, and more importantly, in a manner which can bring about a great disservice to this body and to that which it stands for. We are a union of States that have come together in the Federlist system recognizing the responsibilities that we have not only to our own constituents in particular States, but to the body as a whole, and to the 50 States as a whole.

Let me suggest to you as I look at the formula and what it would do, that certainly, if we made no change, the changing times of this country should be relected in an updated formula. Certainly, as the Senator from Michigan has spelled out, we understand the necessity of seeing to it that those smaller States have adequate resources to undertake, in certain cases, projects that would go far beyond their ability to fund, were they not to be granted special recognition due to the enormity of those problems and the limited resources that might be at the command of that State.

Mr. President, there is no way you can justify a 20-percent cut for any State, particularly the State of New York. We did not talk about 5 percent, 10 percent. We are talking about 20 percent. It is $53 million. There is no way that you can guarantee that the need of New York and its people will be constant. But certainly to suggest 20 percent as a reasonable cut I find impossible to justify.

Mr. President, I would simply ask that those who have the power to make the kinds of adjustments that others of my colleagues will suggest in legislative initiatives may not become bound in terms of pride, in terms of momentary victory, and would hopefully examine in the short time that remains between the debate on the presentation of this legislation and the consideration of other amendments examples of not only New York's dilemma but those of other States, and, more importantly, all of the people of this Union, and what the adoption of this legislation would mean.

I suggest a trend not emanating just from this body but maybe it has been historically part of our Government in the United States—pitting various region against region and big States against small States. I view that as something coming more into focus, something that I have seen on a number of occasions addressed here with tremendous and admirable restraint.

I cannot help but reflect on the day a colleague of mine, Senator DOMENICI of New Mexico, actually was the critical vote on the mass transportation funding bill, notwithstanding the fact that his State would have been enhanced. Because of the issue of fairness and the issue of equity he voted in such a way as to not come ahead with additional dollars and cents for his constituents, recognizing the need for fairness and equity.

Having dealt with my colleagues, having been privileged to do so here on the Senate floor and in committee, I suggest that I know my colleagues are capable of that same kind of vision, and I would hope even after the 11th and a half hour that there might be an accommodation that will take into consideration the points made by my distinguished colleague from Michigan and those which I have attempted in a most awkward way to put before this body.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I want to start by acknowledging the comments of my colleague from New York who has just spoken, and my colleague from Michigan who has come forward this afternoon on this issue. It is a very important issue. Under normal circumstances I would give my wholehearted support to a bill which reauthorizes the Clean Water Act.

Since this program was enacted we have made important strides in improving water quality across the country. Lake Erie, which many had mourned as a dead lake, has been revived and once again supports aquatic life. So we can change things for the better even in extreme circumstances, such as that which I mentioned.

This kind of progress can and must continue. My colleagues and I, who are speaking on this today, feel compelled to address this legislation because of our concerns about the fairness of the proposed Construction Grants Program formula and the impact which it would have on water quality across the country.

The reason that I am unable to support this particular bill at this time is that it greatly redistributes the limited funds available for building wastewater treatment facilities and changes that formula into what I consider to be unfair and unsound from the point of view of the broad national interest.

After all, we are here for the purpose of trying to have some degree of equity in these formulas across the country, and equity as it relates to need. But if we fail to do that, then in a sense we have not really done the job of protecting the water resources of the country in the way that we properly should. This is just a question of a politically advantaged State or region versus another. If we allow that to happen under some objective measure of need for facilities and for clean water activity, then, in fact, we short change the country as a whole and we will not have gotten the kind of mileage out of the dollar spent that I think we are obligated to do.

The formula which has been developed here, and which is in this legislation, is not fair. On its face it is not fair. I think it represents a manipulation of the wastewater treatment needs data in order to arouse sufficient support to spread this money in a way that necessarily must deprive a small number of larger States, including the State of Michigan and the other States which border on the Great Lakes.

As a matter of fact, those States, Michigan among them, bordering on the Great Lakes, are the States that have some of the most severe needs. It is obvious that anything that is done

to fail to meet clean water requirements in the States that border the Great Lakes creates additional jeopardy to the Great Lakes themselves. Since the lakes provide by far and away the lion's share of the surface freshwater resources of the country as a whole, I think we ought to take very particular care with the Great Lakes, in the national interest, not just from the point of view of the States that are fortunate enough to border on the Great Lakes.

In respect to this funding change, there have been no hearings held to allow us to investigate the full impact of the committee's changes. That just does not makes sense. This is far too complex an issue. The ramifications cut too deeply for us to start to make major changes in formulas of this kind without having the benefit of the full hearing process where these questions could be examined and witnesses could have a chance to testify and we have an ability to really get into sharp focus the question of need and how we might move to meet that need.

It is my view, based on the analysis that I have done, that the cuts proposed here, cuts that would hit the States that particularly border the Great Lakes, would be very damaging to the Great Lakes. In fact, the committee is asking the eight Great Lakes States to absorb $156 million in cuts for the total region, or a cut of nearly 20 percent. Michigan alone, which touches four of the five Great Lakes, would lose more than $20 million. Yet in our State, we still have over 200 communities with substandard treatment. Without Federal money, at least four communities discharging directly into the Great Lakes will not be able to meet the statutory requirements for secondary treatment by 1988.

That simply is not something that is sound or something we ought to allow to happen. If communities have to find other sources of funding in order to meet the statutory requirement, it is going to cost the average homeowner in Michigan $52 a month in sewage costs alone. In another law, we are looking at tax deductions now, the State and local taxes, property taxes, and it is proposed they no longer be allowed as deductions against the Federal income tax. If that goes through, it is going to make it that much more difficult for local communities to raise any amount of money in any form of taxation to meet needs of this kind. So it becomes very important how we elect to distribute the national funds that are devoted to what is seen properly as a national problem.

I think we have to be scrupulously fair in matching limited national dollars to a national problem, but on the basis of need, some objective measure of need.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. RIEGLE. Yes, Mr. President, I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I want to say that I fully understand that smaller States need manageable enough sums so they can handle the costs of needed projects. The past formula that we have had has taken that into account.

It seems to me the change now proposed by the committee adds considerably more for the smaller States in a new three-tier system that works out in a way that is extremely unfair to some of the larger States.

Under the formula adopted by the committee, California stands to lose $180 million in Federal funds over a 5-year period. This would result in 15 California communities which need to build sewage treatment facilities not receiving funding. These communities would have received Federal funding under the current allocation formula which gives 7.29 percent to California, less than we would be entitled to on a per capita basis. The revised formula is based on needs in the core treatment categories. This hurts California because it does not take into account significant needs in San Francisco to correct combined sewer overflow problems. These projects are necessary to meet the enforceable requirements of the Clean Water Act.

Additionally, just in terms of what the general formula proposals would do, the revised formula increases funding to 32 States which, as of April 1, 1985, have unobligated fiscal year 1985 grant fund balances averaging 68 percent. Ten of the States that would receive increased funding under the new formula have unobligated fiscal year 1985 grant fund balances of 90 to 100 percent. Moreover, many of the benefited States have not obligated all of their fiscal year 1984 funds. California, on the other hand, has obligated 83 percent of its fiscal year 1985 Federal funds and essentially all of its fiscal year 1984 funds. It seems grossly unfair to transfer grant funds from rapidly moving States such as California to States with high percentages of unobligated funds.

I ask the Senator from Michigan, what do we do about this?

Mr. RIEGLE. Mr. President, I think what we do is find a way and means to alter this formula. There may be more than one suggestion as to how that ought to be done, but the Senator raises an important role. I think in the search for some better answer than the one that is before the Senate, some means has to be found to address the kinds of problems that we see in States that border on the Great Lakes, just as the issue that the Senator from California raises as it would affect his State, I think, also needs to be addressed.

I am left with the thought that we are not ready as things now stand to move ahead on this legislation; there are unresolved issues such as we are discussing, and until they are adequately attended to and incorporated in some reasonable way into a formula that makes sense across the country, we are really not ready to proceed.

Mr. CRANSTON. Mr. President, I am glad that the two Senators from Michigan and the two Senators from New York are concerned, and I shall be glad to work in tandem with them to try to find some way to achieve a fairer and more equitable solution that takes into account the smaller States but also recognizes the need for dealing in fairness with the larger States.

Mr. RIEGLE. Mr. President, I agree with the Senator from California. It will take some time to find an answer and a purely local answer cannot be found.

Let me take just one moment to address the specific dangers to the Great Lakes States.

In his testimony before the Governmental Affairs Subcommittee a few weeks ago, EPA Assistant Administrator Henry Longest gave tribute to the importance of the Great Lakes in our country. He pointed out, for example, that the Great Lakes is the largest body of fresh water in the world. The Great Lakes comprise 95 percent of the United States' supply of surface fresh water and 20 percent of the world's supply of fresh water. That is an absolutely astonishing fact, one that we tend to take for granted but one of enormous long-term strategic importance to our Nation. It is very important that the Great Lakes water supply be preserved and protected in the best possible form.

At present, there are some 45 million people who rely upon the Great Lakes for water, transportation, recreation, energy, and, not the least, enjoyment. Yet in spite of their size, the Great Lakes are very vulnerable to contamination. This is well known. Scientific information bears this out. So for this reason, we cannot afford to ignore the very real need to take action to protect the water quality of the Great Lakes.

In fact, I am grateful to the committee for recognizing this important need by including a Great Lakes title in the bill. But the inclusion of the title is not adequate compensation by any means for the huge reduction in funding for wastewater treatment facilities in areas that border on the Great Lakes, which are in fact the most important means we have for controlling the flow of pollutants into the Great Lakes. We want to prevent that and we need to be in a position to prevent that as the States that border on the Great Lakes.

In a sense, we are the most immediate trustees of the Great Lakes in terms of the quality of the water be-

cause we adjoin the Great Lakes. Our colleagues must help us be in a position to respond as good stewards of that precious national resource to see to it that we are able to maintain and certainly not diminish the water quality in the Great Lakes. The stewardship that falls to us because of our immediately adjacency is not something that we can meet solely by ourselves if we are going to find a national clean water formula being tilted in such a way that we are not able to have a fair share of the resources to meet an obligation that we have to carry out for the whole country and where the stakes for the future of the whole country are very much involved.

This is not a special-interest pleading. We are talking about something here that is probably the most plain to see national resource in the way of water, fresh water, in this country as you can hope to find. This is, in a sense, almost the entirety of our surface fresh water in the country, 95 percent of it. Let us make sure, as a Senator or as a nation, that we are wise stewards in terms of making sure that we are protecting this absolutely critical resource.

We are not asking for a differentially larger amount, although I would think that we might be able to make an argument for that. We are saying no, let us have this formula divised on the basis of a more objective measure of need, and where the needs are let us match the money to the need because, in the end, that is what is going to serve the country better than anything else. The main fact is that we are not spending enough in this area. We are not moving ahead as fully as we should. We are obviously feeling the pinch of the budget constraints, as every area is, so that when we know we are not going to be able to do as much as we would like, let us make sure we are getting the maximum amount of protective result based on need for every dollar spent.

It is very important to recognize that we share this very important body of fresh water with the nation of Canada. In 1972 and again in 1978, the United States and Canada together signed a Great Lakes water quality agreement which required both countries to make a financial commitment to provide sewage treatment for those living in the Great Lakes Basin. In spite of a December 31, 1982, deadline for completing the municipally controlled programs to carry out those international understandings, much more remains to be done. The Construction Grants Program is currently the primary vehicle for meeting these international water quality obligations which we have undertaken with our neighbors to the north. It is important that those obligations be met. It is important as a matter of our national standing and our national word, but it is also important in terms of why we entered into these agreements in the first place, and that is to protect the water quality in this important area.

The Council of Great Lakes Governors has sent a letter to the committee opposing the proposed formula, pointing out that it will jeopardize the Great Lakes, will strain the Federal commitment to cleaning up the Great Lakes and worsen the imbalance in the return of Federal tax dollars to this region of the country where historically we have certainly not been fair-share participants. Mr. President, I ask unanimous consent to insert in the RECORD the letter from the Governors of the Great Lakes States written on June 7, to the chairman of the Environment and Public Works Committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 7, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing in strong opposition to the recent action by the Environment and Public Works Committee to alter the Wastewater Treatment Grant allocation formula contained in the Clean Water Act reauthorization. The Committee's proposed formula cuts $175 million in essential grant funds from the Great Lakes Region in 1986 alone.

The waters of the Great Lakes not only provide 1 in 10 Americans with drinking water, but also represent an international resource. The Great Lakes Water Quality Agreement of 1978 between the United States and Canada recognizes our joint responsibility for proper stewardship of this water resource.

Through a combined effort with Canada, water quality in the Great Lakes basin has improved significantly. Today's wastewater treatment facilities form the centerpiece of that effort. Fulfillment of these reforms relies significantly upon federal responsibilities for wastewater treatment standards and construction as outlined in the Water Quality Agreement.

The Committee's proposed formula jeopardizes this vital resource. The proposed formula change will not affect the federal deficit. Rather, it is an attempt to reallocate funds which would sorely strain the federal commitment and support for the Great Lakes watershed and exacerbate the imbalance on the return of the federal tax dollar to this region of the country. We oppose this proposed formula in the strongest possible terms.

Sincerely,

Gov. James J. Blanchard, Gov. Richard F. Celeste, Gov. Mario M. Cuomo, Gov. Robert D. Orr, Gov. Dick Thornburgh, Gov. Rudy Perpich, Gov. Anthony S. Earl, Gov. James R. Thompson.

Mr. RIEGLE. Mr. President, I note that this letter is signed by Governors Blanchard, Celeste, Cuomo, Orr, Thornburgh, Perpich, Earl, and Thompson, so this is a substantial bipartisan list of Governors from those States indicating how strongly they feel about this issue and the plea that they have extended to us.

Before yielding the floor, Mr. President, I believe very strongly in the need for tough water pollution controls in this country, and I very much want to be able to support the Clean Water Act reauthorization, but the bill that has been reported out of the committee is simply unacceptable because it reduces protections for one of the most vital and, on the face of this globe, most unique water resources that we have, namely the Great Lakes. So it would be very irresponsible not only for the Senate to take that action but doubly so for those of us adjacent to the area and who understand it to be a party to that kind of mistake.

I yield the floor.

Mr. STAFFORD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on the motion to proceed to S. 1128.

Mr. STEVENS addressed the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I suggest the absence of a quorum.

Mr. CHAFEE. I wonder if the Senator will hold up that request. It was my understanding the Senator from California was perhaps getting some of the folks together, and if he was going to do that we could use the time for opening statements.

Mr. CRANSTON. If I might just say briefly, a group who is concerned about this would like——

The PRESIDING OFFICER. Does the Senator from Alaska withhold his request?

Mr. STEVENS. For the time being.

Mr. CRANSTON. Those of us who have expressed some concerns and some others plan to meet at 4:15 to talk about what we can do in regard to the current situation and this formula. That meeting would not be a long meeting and we would come back to the floor as soon as possible.

Mr. MITCHELL. Does the Senator object to using the time for opening statements between now and then?

Mr. CRANSTON. No, we have no objection on the assumption there will be no action until we have a chance to talk and come back to the floor.

Mr. CHAFEE. I am prepared to agree that we allow the opening statements; that there will be no motion to proceed, we will not press the motion to proceed between 4:15 and when you get back, if you could be back around 4:45.

Mr. CRANSTON. Yes, we will do our best to be back before 4:45, possibly earlier.

Mr. STEVENS. Mr. President, just so there is no misunderstanding, this

Senator has not begun to address the issue, and I would not suggest that we can name a time when we can proceed with the motion when negotiations are going on off the floor.

Mr. CHAFEE. Well, I do not know what negotiations are going on off the floor.

In the interim, let us get on with our opening statements. Mr. President, today we are attempting to consider S. 1128, the Clean Water Act Amendments of 1985. This comprehensive bill which deals with both the regulatory and construction grants provision of the law was developed with the support and able leadership of our full committee chairman, BOB STAFFORD; our full committee ranking member, LLOYD BENTSEN; and the Environmental Pollution Subcommittee ranking member, GEORGE MITCHELL.

Before I outline the contents of this legislation I would like to take a moment to discuss the progress the Nation has made under the Clean Water Act. Often in our zeal to push forward with strong environmental legislation we fail to recognize the achievements of the Environmental Protection Agency, State and local governments, public interest groups, and industry in abating pollution from our waters.

More than 10 years ago we were besieged with reports of fish kills in our lakes and rivers, beaches closed to swimming, algae and slime choking our waters.

Congress responded with the Clean Water Act in 1972 and in a relatively short period of time we have seen results. Fish have returned to many of our rivers and people are swimming where they have not swum for decades. By 1982 there were over 15,000 wastewater treatment plants in operation. The number of persons utilizing secondary or greater treatment increased 67 percent from 1972 to 1982, while population only increased 11 percent.

According to the Environmental Protection Agency's national water quality inventory report, substantial reductions have occurred in pollutants. Sewage treatment plants are removing about 13,600 tons per day of the two principal conventional pollutants—suspended solids and biochemical oxygen demand [BOD]—an increase of 65 percent over 1973 levels. In July 1977, 37 percent of the secondary plants required by the Clean Water Act had been completed and by June 1983 that number had risen to 69 percent.

According to EPA, six key industrial pollutants including phosphate, heavy metals and dissolved solids were reduced by more than half since 1973.

The EPA has reported a majority of the Nation's waters assessed in 1982 meet the interim Clean Water Act goal of fishable, swimmable waters. Thirty six States have reported specific improvements resulting from the construction of municipal wastewater treatment facilities and 20 States reported improved water quality due at least in part to pollutant controls implemented by industry.

These trends are encouraging and demonstrate that the basic structure of the Clean Water Act is sound. Some of our more obvious and major pollution problems created by sewage treatment plants and unregulated discharges by industry are being solved. But, new more subtle problems must be addressed. These are problems of devastating toxic substances and pollution from nonpoint sources, such as runoff from farmlands and urban areas.

Although fish and shellfish communities are being reestablished in areas where they have been absent for decades because of the reduction of conventional pollutant loadings, hundreds of tons of toxic substances are being discharged into the Nation's waters each year from direct and indirect dischargers. It is indeed ironic that we must now warn people against consuming fish caught in many areas cleansed of conventional pollutants but which are contaminated by toxic pollutants to the point that they pose a potential health threat to those who eat them.

Toxic pollutants in water, fish tissue and bottom sediments can come from a variety of sources including industrial and municipal point sources and nonpoint sources. According to the EPA in 1982, 32 States cite water quality standards violations or use impairments due to toxic pollutants.

Although the structure of the Clean Water Act is sound and the program is working well, these amendments move us closer toward the fishable and swimmable waters goal of the act. Among other things the bill assures compliance with a strong water quality standards program and provides for greater control of toxic, conventional, and nonconventional pollutants. It establishes a new program to control pollution from nonpoint sources. It continues funding for the construction grants program at the current $2.4 billion level through fiscal year 1991 while establishing a revolving loan fund to ease the transition to full State and local sufficiency.

Now Mr. President I would like to outline the major provisions of S. 1128, the Clean Water Act Amendments of 1985. Members may refer to the committee report for a further detailed explanation.

The bill reauthorizes the regulatory provision under title I and the construction grants program under title II.

TITLE I

AUTHORIZATIONS

Section 101 of the bill reauthorizes a number of programs through 1989. The reauthorization levels are the same as the 1982 level.

Section 104(u)(1) of the Clean Water Act is amended to authorize $22,770,000 annually for such activities as research technical services, investigations, monitoring, and coordination.

Section 104(2) of the act is amended to provide $3 million annually for the manpower development training program. His program provides assistance to States and other entities to develop trained personnel to operate and maintain sewage treatment works.

Section 104(u)(3) is amended to authorize $1.5 million annually for the employment needs and forecasting program.

Section 106(a)(2) is amended to provide $75 million annually for grants to States and interstate agencies for programs for the prevention, reduction, and elimination of pollution, including implementing State delegated programs under sections 402 and 404 and enforcement directly through appropriate State enforcement officers or agencies.

Section 112(c), is amended to authorize $7 million per year for training grants and scholarships to institutions of higher education to assist them in carrying out programs for the preparation of undergraduate students to enter water quality control-related occupations.

Section 314(c)(2) is amended to authorize $30 million annually for grants to States for assistance in determining the eutrophic conditions of publicly owned freshwater lakes, ways of controlling pollution in those lakes, and methods of working with Federal agencies to restore lake water quality.

Finally $160 million per year is authorized for section 517 for carrying out the remaining provisions of the Clean Water Act.

SMALL FLOWS CLEARINGHOUSE

The act is amended so a portion of the funds set aside for innovative and alternative [I&A] technologies, but not obligated within the 2-year deadline, can be used to fund the Small Flows Clearinghouse. This clearinghouse was established under the 1977 amendments to collect and disseminate information on alternatives to traditional expensive community-wide sewage treatment systems, suitable for rural settings and individual or cluster application. The purpose of the clearinghouse is to assure the better utilization of the I&A set-aside money.

COMPLIANCE DATES

The Clean Water Act currently mandates that industry achieve effluent limitations based on best available control technology [BAT] for all toxic pollutants, and best conventional control technology [BCT] for all conventional pollutants no later than July 1, 1984. BAT for nonconventional pollutants must be achieved by 3 years after

promulgation but no later than July 1, 1987.

These dates were enacted in the 1977 amendments with the expectation that the EPA would promulgate guidelines in a timely fashion for the 29 major industrial categories to be regulated. The Agency has not met this objective. Guidelines for only five categories still have to be promulgated.

Since the 1984 compliance deadline has passed and since EPA has not promulgated these guidelines according to schedule, this section amends the law to require compliance with BAT and BCT for all pollutants as expeditiously as practicable but not later than 3 years after promulgation of the effluent limitations, but in no case later than July 1, 1988. During our hearings in the Environmental Pollution Subcommittee we learned that most industries need about 3 years after promulgation of effluent limitation guidelines to design and construct the necessary control facilities.

In extending these compliance deadlines, the committee emphasizes that discharges are to comply with technology standards as expeditiously as practicable, regardless of the outside limits prescribed by this legislation.

New section 301(b)(3)(B) establishes compliance dates for effluent limitations based on the permit writer's best professional judgment under section 402(a)(1) of the act. BPJ limitations may be imposed either where effluent limitations guidelines under section 304(b) have not been established or where limitations in addition to the guidelines are necessary to control pollutants or waste streams not addressed by the guideline regulation. This section would not alter the compliance dates established in section 301(b)(2) for permit effluent limitations based on an effluent limitation guideline. In cases where the permit incorporates limitations based on both an effluent limitation guideline and additional limitations under section 402(a)(1), the compliance dates established in section 301(b)(2) would govern the guideline-based limitations and the compliance dates established in this subsection would govern the section 402(a)(1) limitations. In addition, it is often the case that a waste stream controlled by an effluent limitations guideline is combined with a process waste stream or a nonprocess waste stream, such as noncontact cooling water or sanitary wastes, controlled by BPJ limitations, prior to discharge. Where the discharged waste stream is controlled by a combination of both a guidelines based limitations and a BPJ limitation, the compliance dates established in section 301(b)(2) would govern.

OCEAN WAIVER

In the 1977 Clean Water Act amendments Congress enacted a provision that would allow publicly owned treatment plants [POTWS] in coastal communities to apply for waivers from uniform secondary treatment requirements. Those amendments contemplated that only a few POTW's with primary treatment capability discharging into deep unstressed waters would be eligible for these so-called ocean discharge waivers. Court decisions however blurred this intent and thereby encouraged many communities to apply for waivers. Now over 200 communities have applied for these waivers and have put their secondary treatment plans on the back burner—to the detriment of water quality—until EPA decides on their applications.

This bill clears up ambiguities and restates congressional intent to require communities not originally intended to qualify for waivers to meet secondary treatment requirements. The bill amends section 301(h) of the Clean Water Act so applications could only be approved if POTW's are at least at primary or equivalent treatment. In the absence of Federal categorical pretreatment standards, treatment works serving a population of 5,000 or more persons must be enforcing a comparable pretreatment program to insure the control of toxic pollutants at the time of application.

Additionally, conditions are placed on the characteristics of the offshore waters into which the applicant plans to discharge. Marine waters must exhibit physical and tidal characteristics which would assure sufficient flushing action to eliminate significant concentrations of municipal effluent discharged. The level of effluent concentration should not result at any time in a deleterious effect on the chemical or biological quality of marine waters or their uses.

No discharges should be permitted into saline estuarine waters which do not support a balanced indigenous population of shellfish, fish, and wildlife, or allow recreation in and on the waters, or do not meet applicable water quality standards or other standards necessary to support aquatic protection or recreational uses. This provision is intended to disallow effluent discharges into estuarine waters which have been stressed by previous or existing pollution by other point and nonpoint discharges. The presence of a balanced indigenous population is to be determined by comparison with the shellfish, fish, and wildlife population of an estuary of similar physical, tidal, and geographic characteristics.

MODIFICATION FOR NONCONVENTIONAL POLLUTANTS

The bill amends section 301(g) of the act to restrict the circumstances under which a modification from best available technology standards [BAT] can be granted for nonconventional pollutants. This provision is similar to one proposed by the administration.

Current law allows modification to BAT standards for nonconventional pollutants if, upon a showing by the discharger, such modification will result, at a minimum, in compliance with best practical treatment; will not result in additional requirements on point and nonpoint sources; and will not result in unacceptable risks to human health or the environment or interfere with the attainment or maintenance of water quality standards.

According to the EPA, scientific data on a great number of noncoventional pollutants are nonexistent or very limited. Also, the Agency's resources to make decisions on modification applications are inadequate. EPA has estimated that it takes between one-half and 2 years between 0.75 and 3.5 full-time employees; and between $20,000 and $50,000 to process a modification.

In the past, proposals for water quality based waivers for toxic and conventional pollutants have been rejected by the Congress. In many cases where information exists, nonconventional pollutants can be highly toxic to humans, fish and other aquatic organisms, and wildlife. Thus, nonconventional pollutants should be treated no differently from toxic or conventional pollutants, except in a very limited fashion. The amendment to section 301(g) allows modifications to BAT guidelines only for five well studied nonconventional pollutants—ammonia, chlorine, color, iron, and total phenols [4AAP]. EPA has developed adequate information on these pollutants as a result of currently pending applications for modifications from the iron and steel and steam electric industries.

The Administrator may evaluate additional nonconventional pollutants and recommend to Congress that they be eligible for inclusion under section 301(g), but any such recommendations must be enacted by Congress to become effective.

The provision also limits to 1 year the time in which the Administrator can make a determination on a request for a modification under section 301(g)(4).

For pending requests, this provision is intended to restrict EPA's consideration to requests for modification to only those five nonconventional pollutants listed. Pending requests for modification for other nonconventional pollutants cannot be granted and, therefore, will not be acted upon. For completed applications pending at the time of enactment of the Clean Water Act Amendments of 1985, EPA must take final Agency action within 1 year of the date of submission of the completed application to EPA, the application will be deemed to be denied. This restriction applies specifically to completed applications as defined in EPA's regulations.

The provision also forbids the stay of any requirements or limitations for any pollutant other than for the pollutants for which a modification may be sought. Thus, if a discharger applies for a modification for chlorine, such application shall not, under any circumstances, stay the discharger's obligation to comply with the applicable effluent guideline which requires control of toxic, conventional or other nonconventional pollutants to meet the compliance deadline, nor may the Administrator or a State extend the compliance deadline for any applicant.

FUNDAMENTALLY DIFFERENT FACTORS

The bill authorizes the Administrator to grant fundamentally different factors [FDF] modifications under certain conditions.

A FDF modification is an administrative mechanism to provide an opportunity for relief from the application of national effluent limitations guidelines and standards for categories of existing sources for toxic, conventional, and nonconventional pollutants. EPA will write a separate effulent standard for an individual facility if the factors that govern standard setting are found to be fundamentally different at the individual facility from the factors considered in establishing the guideline or standards for the industrial category.

Presently the Agency, by regulation, has created an opportunity for FDF modifications from national categorical effluent standards for direct discharges for BPT, BAT, BCT and pretreatment standards.

EPA's authority to grant FDF modification has been challenged in several different courts. Recently, the Supreme Court held that the Clean Water Act does not prohibit the granting of FDF variances from pretreatment standards for existing sources of toxic pollutants.

As a result of this decision, EPA is issuing FDF modification without explicit statutory authority and without statutory definition of the conditions under which such modification may be issued. S. 1128 imposes additional restrictions, beyond those in the current FDF rules.

First, to be granted relief under section 301(n), a facility must be fundamentally different with respect to at least one factor, other than cost, specified in sections 304(b), 304(g), or 307(b) and considered by the Administrator in establishing the specific national effluent limitations guidelines and standards of concern to the facility. Cost may not be a factor upon which relief may be granted.

Second, applications for an FDF modification must be based solely on information and supporting data which have been submitted to the Administrator during the rulemaking process and which specifically raise the factors that are fundamentally different for the facility.

Third, the amendment specifies that the alternative requirement imposed on the applicant can be no less stringent than justified by the applicant's fundamental difference from the rest of the category or subcategory with respect to the statutory factors (other than cost) specified in section 304(b) or (g) of the act.

Fourth, if relief is granted, any alternative requirement shall not result in any nonwater quality environmental impact markedly more adverse than the impact considered by the Administrator in establishing the applicable national effluent limitations guidelines and standards.

An applicant for an alternative requirement must submit a complete application to the Administrator not later than 120 days after publication of the final effluent limitation guideline or categorical pretreatment standard in the Federal Register. The Administrator may not waive this deadline or extend it for submission of additional data.

The Administrator shall deny any application that is not complete, without providing for an opportunity for reapplication.

The burden for making the necessary showing in the application is entirely upon the applicant, not EPA.

This provision is included because many applications for FDF modifications have submitted very incomplete applications and have requested a stay of all applicable effluent standards pending disposition of the application.

After submission of a complete application, final EPA action must be taken within 240 days or the application will be deemed to be denied.

This timeframe is necessary to assure that a final decision on FDF application will not jeopardize the applicant's responsibilities to meet compliance deadlines for BAT, BCT, or categorical pretreatment standards, should the application be denied.

The bill also prohibits an application for alternative requirements from staying the facility's obligation to comply with the effluent limitations guideline or standard which is the subject of the application.

The availability of FDF applications is limited to primary industrial categories identified in permit regulations issued under section 402 of the Act as of the date of enactment of the Clean Water Act Amendments of 1985.

Because substantial Federal resources are being devoted to processing applications for modifications, the bill requires the Administrator to establish a system of fees to recover the cost of processing these applications. Applications should be accompanied by an appropriate fee and will be considered incomplete until the fee is paid.

Though the fees collected under this requirement will be deposited in the miscellaneous receipts of the Treasury, the EPA budget should provide resources for processing modification applications that reflect the fees received by the Treasury.

The Administrator may not delegate the authority provided by this subsection to any State, though the Administrator should obtain the concurrence of a State with an approved NPDES or pretreatment program before approving any alternative requirement under this subsection.

The Administrator is expected to use this authority only rarely and only to create a separate standard for a facility so unique that it would have required a separate subcategory had EPA given it adequate attention in the national rulemaking. The Administrator should first rely on the national rulemaking process to address the concerns of those who may seek an FDF modification.

WATER QUALITY-BASED EFFLUENT LIMITATIONS AFTER BAT

A cornerstone of the bill's new toxic pollution control requirement is the so-called beyond-BAT program.

Under a court order in 1976 and later incorporated into the Clean Water Act Amendments of 1977, EPA is required to issue regulations for best available control technology requirements [BAT] for major industrial categories to treat 65 classes of toxic pollutants. Some 57,000 facilities that directly discharge into waters are affected.

During the subcommittee's hearings in the last Congress and again in this Congress it was learned that BAT requirement may not go far enough in order to attain water quality standards in highly polluted waters. It has become clear that some water bodies have become so degraded that compliance with BAT and secondary treatment requirements will not necessarily assure the attainment of the water quality goals of the act. To remedy this situation, the bill contains provisions that institute additional controls. Modifications have been made to sections 302, 303, 304, and 305 of the act, which support the development of water quality based effluent limitations after the implementation of BAT and state water quality standards consistent with the goals and objectives of the act.

The bill amends section 305(c) to require that, within 2 years, States must identify water bodies in which toxics controls beyond BAT will be necessary. The bill also amends section 303(c) to require that water quality criteria be established in these waters, and adds to section 303(d) a mandatory duty for the States to establish effluent limitations, within 2 years after waters have identified, applicable to

individual sources based on such criteria. Finally, section 302 has been amended to give EPA a mandatory duty to address these highly polluted waters—so-called toxic hot spot areas—and to refine the modification mechanism of that section.

Although EPA was required under a 1976 consent decree to develop a beyond-BAT strategy, it has only recently begun to identify toxic hot spot areas, let alone develop control strategies. Adopting the beyond-BAT provisions, will assure that EPA continues to move forward rapidly on this program.

The bill differs from EPA's current approach in that it requires toxics criteria developed by States be numerical rather than narrative. Narrative criteria, implemented through biomonitoring, may be successful in expeditiously identifying and limiting toxic discharges on a broad scale. These techniques can be useful, especially when trying to analyze complex effluents that contain a variety of toxic pollutants but where health concerns are not evident. However, in developing toxic criteria, EPA and the States cannot exclusively depend on narrative criteria as the primary means to combat toxic hazards.

Biomonitoring techniques have not yet been proven to be successful as regulatory tools because they are limited to aquatic life and there are still many unknowns about overall costs and enforceability. Therefore, S. 1128 authorizes EPA and the States to use toxicity based limits derived from biomonitoring techniques until the required numerical criteria can be developed.

As I mentioned before, EPA is focusing more on the biomonitoring approach in its present beyond-BAT regulatory scheme so changes will be necessary to make that scheme conform to the numerical criteria approach required in the bill.

Both EPA and the States are required to develop and enforce controls in highly toxic water bodies. Although the provisions of the bill require the States to take the lead in the beyond-BAT program, let it be very clear that the provisions also require EPA to take timely action to ensure that effluent limitations in hot-spot areas are developed within the time frames set forth in the bill. EPA should closely monitor the state's progress in identifying areas, developing areas, developing guidelines and carrying out responsibilities under section 303(d). If a State fails to meet the statutory deadlines in section 303(d) EPA must be prepared to move forward under the authority in section 302 to carry out its responsibilities.

If we are going to repair the damage to those water bodies that have become highly degraded as a result to toxic substances we are going to have to move forward expeditiously on this beyond-BAT program. The Nation cannot tolerate endless delays and negotiations between EPA and the States on this program. Both entities must move agressively in taking the necessary steps to make this program work within the timeframe established by the bill. Because of our keen interest in the timely success of the beyond-BAT program, the committee members expect to receive periodic progress reports from EPA to ensure that the requirements are being swiftly and fully implemented.

CIVIL AND CRIMINAL PENALTIES

Strong public support exists for aggressive enforcement action in cases of environmental misconduct.

The bill strengthens the enforcement provisions of the law by increasing the civil judicial penalty limit from $10,000 to $25,000 per violation, and clarifying that each distinct violation is subject to a separate daily penalty assessment of up to $25,000 and clarifying that violations of pretreatment program requirements are subject to civil penalties. The increase in the maximum daily penalty would make the Clean Water Act consistent with penalty limits under other environmental statutes and reflects the serious nature of these violations. In assessing penalties the courts must consider a number of factors, including, the economic benefit gained as a result of the violation. Violators should not be able to obtain an economic advantage vis-a-vis their competitors due to their noncompliance with environmental laws.

The Clean Water Act currently provides the Administrator with two civil enforcement options. When faced with a violation of the act, the Administrator may issue an order rquiring compliance or the Administrator may bring a civil action in the appropriate U.S. district court for penalties and injunctive relief.

The bill also gives the Administrator new authority to assess administrative civil penalties of up to $10,000 per day for each violation of a Clean Water Act requirement. Thus, a discharger who violated three daily maximum permit limits on a day could be subject to a maximum penalty of $30,000 for that day's violations. The total maximum administrative penalty that may be assessed under this provision is $125,000 for an individual enforcement action. This new authority is intended to complement and not to replace a vigorous civil judicial enforcement program.

First, this new authority is designed to address past, rather than continuing, violations of the act. Second, it includes a cap on penalty amounts and a lower daily limit than judicial penalties. These limitations are intended to assure that violations of greater magnitude are handled judicially and pursued in a judicial forum. Third, this new authority to administratively assess civil penalties sunsets after 5 years.

Prior to issuing an administrative order assessing a civil penalty, the Administrator must give the person against whom the penalty is to be assessed written notice of the proposed penalty and an opportunity to request, within 30 days of receipt of such notice, a hearing.

The Administrator is also required to provide the public with notice of the proposed penalty assessment and a reasonable opportunity to comment on the proposal. If a hearing on the proposed assessment is conducted, any citizen who commented on the proposal shall be given notice of such a hearing.

If a hearing on the proposed assessment is conducted, any citizen who commented on the proposal shall be given notice of such a hearing and a reasonable opportunity to be heard and to present evidence at the hearing. If no hearing is held, the Administrator must set aside the penalty order and provide a hearing when presented with evidence that the order was inadequate or improper.

An order assessing a penalty becomes final and nonappealable 30 days after its issuance or, in the case of a postassessment request for a hearing, 30 days following the final action by the Administrator.

The potential for overlap between citizen enforcement suits and administrative civil penalties is specifically addressed in the provision.

Judicial review of a penalty assessment is available to any person against whom a civil penalty order is issued as well as to any citizen who commented on a proposed assessment. Judicial review is not to be de novo review, but will be based upon whether the assessment of the penalty is an abuse of discretion. Where it is clear that the Agency has assessed such an unreasonably low penalty as to constitute an abuse of discretion, the court may choose to impose its own higher penalty rather than exercise its authority to remand. The bill would also elevate penalties for knowing violations of the act to the felony level and add criminal sanctions to the Clean Water Act for persons who knowingly or negligently introduce into a sewer system or a POTW, a pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage. Criminal liability shall also attach to any person who is not in compliance with all applicable Federal, State, and local requirements and permits and causes a POTW to violate any effluent limitation or condition in any permit issued to the treatment works under section 402 of the act.

The felony level penalties for knowing violations (not less than $5,000 nor more than $50,000 per day per violation and imprisonment for up to 3 years) are more closely comparable to the levels provided by the 1984 amendments to the Resource Conservation and Recovery Act and reflect the commensurately serious nature of the violations to be criminally prosecuted under the Clean Water Act.

This section of the bill also adds enhanced felony penalties for certain life-threatening conduct. This new offense under the Clean Water Act is based upon violation of certain predicates in the act. In the event of such knowing violation, the amendment subjects to greater punishment one who knows that he thereby placed another person in imminent danger of death or serious bodily injury. The criminal penalties that apply upon conviction—up to 15 years imprisionment plus a fine of up to $250,000 for individuals, a fine of up to $1,000,000 for organizations—are equivalent to the RCRA knowing endangerment provision, as recently amended.

The maximum term of imprisonment contained in the provision of the current law penalizing the knowing making of false statements, representations and certification, or tampering with monitoring equipment required under the act, is increased from 6 months—a petty offense—to 2 years—a felony. The provision doubling the maximum punishment with respect to both fine and imprisonment for second and subsequent convictions under the same paragraph of the act is extended to this provision as well as to the knowing endangerment provision.

This provision also extends and consolidates criminal sanctions involving violations of the provisions of section 405 governing disposal of sewage sludge, violations of requirements imposed in State pretreatment programs approved under section 402(b)(8), violations of section 318 permits, and violations of section 404 permits issued by the Secretary of the Army or by a State.

PARTIAL NPDES PROGRAM APPROVAL

This section amends section 402 of the Clean Water Act to permit the Administrator of the Environmental Protection Agency to delegate a portion of the national pollutant discharge elimination system program to a State under conditions.

A State would have two options. Under either option, the Governor must submit a plan to the EPA for approval. Such a plan must either show that the State is prepared to administer program components representing a significant part of the State program, and be prepared to make all reasonable efforts to assume administration of the total program within the ensuing 5 years, or the plan must provide for administration of a permit program for all of one or more discharge categories. Under this second option, the plan must cover all categories of discharges and represent a complete permit program for all categories of discharge under the jurisdiction of the State.

In the event that a State wishes to return NPDES program administration authority to the Federal Government, or in the event the Administrator withdraws approval of a State-operated program, the entire program must be returned to the Federal Government.

States should be tested against their ability to operate an effective permit program and should be encouraged to assume NPDES permitting authority. The bill includes modifications to enhance the opportunities for States to develop NPDES programs and assume this responsibility.

JUDICIAL REVIEW AND AWARD OF FEES

This section revises the provisions of section 509 of the Clean Water Act governing judicial review of certain actions of the Administrator of EPA and provides for the awarding of costs of litigation in actions brought pursuant to section 505 or 509 to prevailing or substantially prevailing parties.

The purpose of the changes in section 509(b)(1) is to clarify the proper venue for court of appeals review of certain actions of the Administrator under the Clean Water Act and to extend the period within which an application for review of such actions must be filed from 90 to 120 days.

Proper venue for judicial review under section 509 of the act shall be in the Circuit Court of Appeals of the United States for the Federal judicial district in which the applicant resides or transacts business which is directly affected by the action in question. The intent is to allow the filing of an application for review in the circuit in which the applicant resides, that is, has his principle place of business, or where he transacts business which is directly affected by the action of which he complains. For example, in a case in which the action complained of is a denial of a permit for a proposed facility, the direct effect of the action would be felt only at the location of the proposed facility, even though indirect effects of the action might be felt at other facilities of the company.

The bill, changes from 90 to 120 days the period within which an application under section 509 of the act for judicial review of an action must be made.

The purpose of this change is to assure that persons who will be significantly affected by an action of the Administrator will have ample opportunity to assess the consequences of such action and if necessary file an application for review prior to the expiration of the time period.

The bill establishes a random selection procedure, to be administered by the administrative office of the U.S. courts, to determine in an orderly fashion the court of appeals in which an agency action is to be reviewed when applications for review have been filed in two or more courts of appeals. Following the selection of a court of appeals, other courts in which applications have been filed are directed to promptly transfer such applications to the court in which the agency record has been filed. Notwithstanding the outcome of the random selection procedure, any court in which an application has been filed would retain the power to transfer the application to any other court of appeals for the convenience of the parties or otherwise in the interest of justice. The court of appeals would also be given the power to award cost of litigation to a prevailing or substantially prevailing party when such an award is appropriate.

The purpose of the random selection procedure is to eliminate the "race to the courthouse" phenomenon and provide for an orderly means of consolidating applications for review of the same agency action. This process is not intended to preclude any court of appeals from exercising its inherent power to transfer an application for review to any other court of appeals for the convenience of the parties or otherwise in the interest of justice.

Section 509(b)(3)(B), as amended, provides new authority for any court of appeals to grant a temporary stay of the effective date of a final agency action pending selection of the court of appeals in which the action will be reviewed. However, it is not the intent that stays should be granted unless the same requirements that ordinarily apply to an application for a stay of an agency action are fully satisfied.

The bill limits the award of costs of litigation in citizen's suits under the act to prevailing or substantially prevailing parties.

The purpose of the new section 509(b)(4) and the amendment to section 505(d) is to clarify the circumstances under which costs of litigation may be awarded. It is not reasonable or appropriate to compel either the Government or a private party to pay the costs of an opposing party to a lawsuit when the opposing party has not prevailed on the issues.

These amendments are not intended to preclude the awarding of costs to a partially prevailing party with respect to the issues on which that party has prevailed, if such an award is deemed appropriate by the court. Nor do they intend to authorize an award of costs to a party who intervenes in a case and, although technically on the prevailing side, fails to make a substantial

contribution to the successful outcome of the case.

NONPOINT SOURCE POLLUTION

The bill establishes a new section 319 of the Clean Water Act to require development of implementation program to control nonpoint source pollution.

During the course of the Clean Water Act reauthorization process it became clear to the committee that nonpoint source pollution cannot be ignored any longer. This form of water pollution includes runoff from agricultural areas, mining areas, urban areas, and construction sites. It includes sediments, pesticides, fertilizer, bacteria, toxic heavy metals and other serious pollutants. As point sources gradually are brought under control, nonpoint sources loom as a larger and larger problem. The evidence on nonpoint source pollution cannot be denied. In fact, many of the pollutants that are primarily from nonpoint sources have actually gotten worse in recent years. In the National Fisheries Survey performed by the Environmental Protection Agency and the Fish and Wildlife Service, State fisheries biologists identified nonpoint sources more frequently than point sources as the cause of poor or fair quality fishery waters. Virtually all States report significant water quality problems caused by nonpoint sources. These sources seriously threaten the water quality gains of the last decade, gains made as a result of large public and private investment.

The approach contained in S. 1128 is an important first step. It establishes a program whereby, under Federal oversight, States are to implement nonpoint source management programs that will target critical areas, identify the sources of nonpoint source pollution, identify the best management practices that are available to abate the pollution, and set timetables for program implementation. In identifying these best management practices, the impact of the practice on ground-water quality must be taken into account.

The States are accorded considerable flexibility in designing their programs. The States as well as representatives of agriculture interests testified that effective programs would be developed under the more flexible approach in this bill. When designing its program, a State must commit to a timetable of performance, including implementation of best management practices as needed to reduce nonpoint source pollution.

Another important provision of this bill relates to the ability of States to affect the implementation of Federal assistance programs and Federal development projects which otherwise might undercut approved nonpoint source management programs. As part of the State program submission, the State is to indicate the Federal development projects and assistance programs for which it subsequently reviews individual projects and assistance applications to ensure consistency with the nonpoint source management program.

The Federal agencies must accommodate the concerns of the States regarding consistency of the applications or the projects with the nonpoint source management program, according to the requirements and definitions of Executive Order No. 12372 as in effect on September 17, 1983, which was approximately the date the committee acted on the bill. The purpose of this provision is straightforward. It allows the State a significant voice in the operation of Federal programs and projects that could nullify the benefits of the nonpoint source management program. This provision is based directly on Executive Order No. 12372 which establishes mechanisms for Federal/State coordination of Federal activities. It does not invent a new process; it utilizes the one already in existence.

The bill also would authorize $300 million in Federal matching funds over 3 years to support projects to implement State programs. Two-thirds of the funds will be available to the States according to an allotment formula in the bill. The allotment formula is based on population and agricultural lands in production. One-third of the appropriated funds will be held in reserve by the Administrator for distribution to States or combinations of States by application. These funds are to be used to control particularly difficult and serious nonpoint source pollution problems, to support implementation of innovative methods and practices for controlling nonpoint source pollution, for controlling interstate nonpoint source pollution problems, to assess the relationship between nonpoint source pollution and groundwater contamination, and to provide financial assistance for implementation by Indian tribes within the reservation of a nonpoint source pollution management program.

Under this bill the appropriated Federal funds may not be used for cost sharing with persons whose activities create sources of nonpoint pollution. States, of course, are free to appropriate State funds for that purpose as they wish but under the bill it would be inappropriate for Federal funds under this program to be paid directly to persons causing the pollution.

The bill also requires a comprehensive report to Congress on the progress of the nonpoint source management programs. This report is very important. Based on annual reports from the State, this report will allow Congress to determine whether the approach established by this bill for dealing with the nonpoint source pollution problem is, in fact, working. It will provide the baseline information that Congress will need to determine whether any of the provisions of this program need to be revisited and perhaps changed at a later date. Although I am confident that both the States and sources of pollution will perform their responsibilities in good faith, this requirement is an exercise in good program management and this report will provide a basis for evaluating the progress of the program.

Finally, this section of the bill directs the Administrator to reserve 1 percent or $100,000—whichever is greater—from the State's construction grants funds to support implementation of programs established under the new section 319.

NATIONAL ESTUARY PROGRAM

The bill adds a new section 320 which authorizes the Administrator to convene management conferences to solve pollution problems in interstate and international estuaries. Under the provisions, EPA would convene a management conference if the Administrator determines that the attainment and maintenance of water quality in an estuary requires the control of interstate or international pollution.

Estuaries are sensitive and diverse ecosystems. Their varied fish and wildlife resources and their proximity to large urban areas provide numerous recreational and economic opportunities for millions of citizens. Over the last decade, environmental and other resource values of many estuaries, including Narragansett Bay, Chesapeake Bay, Puget Sound, Long Island Sound, and Buzzards Bay, have experienced serious water quality degradation.

The management conferences would be convened for up to 5 years and would develop comprehensive conservation and management plans which recommend priority actions for the control of point and nonpoint sources of pollution.

I would like to note, however, that any priority corrective actions or compliance schedules recommended by the conference shall in no manner be less stringent than any requirements of Federal law. Nothing in this seciton shall affect compliance schedules or other requirements established by law or by the Agency for municipal, industrial, or other dischargers.

The Administrator shall approve the plan if it satisfies the purposes of section 320, and the affected Governor or Governors concur. Once a plan is approved, funds authorized to be appropriated under the title II Construction Grants Program, the title VI Water Pollution Control Revolving Loan Program, and the section 319 Nonpoint Source Pollution Program may be used in accordance with the applicable requirements of the act, to assist States in implementing programs. This provision, however, does not in

any way preclude the use of funds for any eligible project under title II, title VI, or section 319 of the act.

The provision authorizes $12 million annually for the management conferences. Expenses related to the administration of management conferences are not to exceed 10 percent of the amounts appropriated. Grants are provided on a 75 percent Federal, 25 percent non-Federal basis to States, interstate or regional water pollution control agencies to conduct research, monitoring, modeling, and other technical work necessary to develop conservation and management plans. Those agencies which receive grants are required to report to the Administrator 18 months after receipt of the grant and biennially thereafter.

EPA has established an Office of Marine and Estuarine Protection through which these provisions are to be implemented. The office has initiated studies in Narragansett Bay, Buzzards Bay, Long Island Sound, and Puget Sound as authorized by Congress in the EPA's fiscal year 1985 appropriations bill. The committee expects the office to continue its involvement and support for these estuaries as well as other estuaries as determined by the Administrator.

STORMWATER RUNOFF FROM OIL AND GAS OPERATIONS

This section adds a new subsection (1) to section 402 of the Clean Water Act, specifically exempting certain stormwater runoff discharges from permit requirements and effluent limitations. Only discharges from oil and gas exploration, production, processing, or treatment operations are covered by this provision.

ANTIBACKSLIDING

The bill clarifies the Clean Water Act's prohibition of backsliding on effluent limitations. This prohibition is inherent in the act's policy of requiring reasonable further progress toward the national goal of the elimination of the discharge of pollutants into waters of the United States. The intent of the policy is to preserve pollution control levels achieved by dischargers by prohibiting the adoption of less stringent treatment or control limitations, standards or conditions than those already contained in a permit except in certain narrow circumstances.

The provision makes explicit that a permit limitation based on best professional judgment [BPJ] may not be made less stringent because there has been a subsequently promulgated effluent guideline that would have resulted in less stringent effluent limitations had it been used as a basis for the permit.

These BPJ permits may not be made less stringent solely on the basis of a subsequent guideline. This provision is intended to exclude any consideration of a subsequent guideline as a basis for reducing permit limitations.

Where the permittee can demonstrate that installation and adequate operation of treatment facilities has failed to achieve the permitted effluent limitation, limits in the new permit may reflect the level of control actually achieved, but shall not be less stringent than required by the effluent guidelines in effect at the time of permit issuance or renewal.

The provision also addresses the antibacksliding issue in the context of permits developed on the basis of water quality based effluent limitations. These permits may be renewed, reissued, or modified on the basis of subsequently revised waste load allocation formulas [WLA's] but only if those WLA's are in compliance with a new section 303(d)(5). For the most part, this new section assures that backsliding is prohibited unless it is consistent with the water quality standards adopted by the EPA.

SEWAGE SLUDGE

The bill establishes a timetable for promulgation of management practices and toxic contaminant criteria for sewage sludge use and disposal. It also provides authority to implement and enforce criteria for toxic and other pollutants.

This phased approach reflects the fact that the Agency already has sufficient information to establish criteria for some contaminants and some sludge uses, while information may be lacking for other contaminants or uses. The amendment requires the Agency to proceed with regulation where it has the basis to do so. A longer timeframe is provided for pollutants for which needed information presently is not now available.

When a public treatment works is issued a discharge permit, it shall include the management practices and criteria issued by EPA. The permit shall also include requirements for the use and disposal of sludge in accordance with the Resource Conservation and Recovery Act, the Safe Drinking Water Act, the Marine Protection, Research and Sanctuaries Act or the Clean Air Act, or under applicable State permit programs.

INTERSTATE DISPUTE RESOLUTION

The bill requires the Administrator to decide through the permit issuance process between States as to whether a discharge for which one State proposes to issue a permit will violate water quality requirements or adversely affect public health in another State.

A new section 511(e) is added with the intention to cover sources not covered by permits. In instances where water quality is being adversely affected by pollutants from another State, the affected State or municipality may petition the Administrator who shall determine, after a hearing, if the pollution is violating a water quality requirement or adversely affecting the public health of such State. If the Administrator so determines, he must issue an order restraining the discharge or provide appropriate relief, taking into account the goals of the act and other equitable considerations.

The new authority in 511(e) shall only apply where cases cannot be resolved under the procedures established under section 402 or under agreements adopted under the authority of the Colorado Salinity Control Act and not impair rights to quantities of water. Additionally, the provision would not apply to water pollution caused by emissions from sources regulated under the Clean Air Act.

PRESERVATION OF OTHER RIGHTS

This section preserves State common law, permitting a person in a downstream State who is injured or aggrieved by pollution from an upstream State to seek relief in the courts of the injured party's State or in the courts of the neighboring State through State common or statutory law.

The provision does not apply to any dispute involving interstate water pollution which is pending upon enactment (or has been finally adjudicated) and on which the Supreme Court has rendered a decision.

LIMITATION ON DISCHARGE OF RAW SEWAGE BY NEW YORK CITY

This places a cap on the amount of discharge of raw sewage by the city of New York. The cap would apply to the North River treatment plant and the Red Hook treatment plant if the facilities have not achieved their required treatment levels by established deadlines. EPA Administrator may grant limited waivers from the cap in the event of significant interruption in the operation of the wastewater treatment plants, or due to random or seasonal flow variations. Deadlines may be extended for limited reasons such as act of war or unanticipated natural disaster.

CHESAPEAKE BAY PROGRAM

An EPA Office of Chesapeake Bay programs is established in the bill; $10 million is authorized annually through fiscal year 1988 in grants to States in the Chesapeake Bay drainage basin to implement interstate management plan on a 55 to 45 percent Federal-State basis. The bill authorizes $3 million annually through fiscal year 1988 for continued Chesapeake Bay research.

GREAT LAKES

The bill establishes a Great Lakes National Program Office within the EPA. Although an office has already been established administratively, this provision more clearly defines its duties, enhances its accountability to Congress, and authorizes funding.

The program office has three basic duties: developing and implementing plans to carry out U.S. responsibilities under the Great Lakes Water Quality Agreement of 1978, establishing a water quality surveillance network, and serving as the liaison to the Canadian members of the International Joint Commission and the Canadian counterpart to the EPA. In addition, the office is required to develop programs for control of nutrients, including phosphate, and toxic chemicals.

A total of $10 million per year is authorized for fiscal years 1986 through 1990 for the Great Lakes National Program Office to carry out its duties under the section.

CLEAN LAKES

The bill amends section 314 of the act to provide for effective reporting of lake quality by State agencies on a regular basis. Reports are to identify lakes in each State, identify lakes with impaired uses, and include a description of the State program for lake protection.

To avoid unnecessary reporting burden, the lake quality reports will be included in the State water quality report prepared every 2 years under section 305(b) of the act. Also, a State must prepare and submit a lake quality report to EPA in order to receive a grant under section 314 of the act.

Finally, section 314 is amended to include saline lakes under the Clean Lakes Program.

TITLE II

Title II of the bill addresses the construction grants program; $2.4 billion is authorized annually for the construction grants program for fiscal years 1986 through 1988 and $1.2 billion annually for fiscal years 1989 and 1990. Although funding for the title II construction grants program is concluded as of 1990, other sections of the bill authorize Federal funds for capitalizing State revolving funds through 1994.

This legislation provides States and municipalities with the clear intent that the transition to State-local funding initiated in the 1981 amendments will be completed during the period of this authorization. By establishing certainty in this timeframe, States and municipalities will be able to plan effectively for assumption of increased funding responsibilities.

ALLOTMENT FORMULA

The bill establishes a new allotment formula for distributing construction grant funds and State revolving fund capitalization grants among States for the fiscal years 1986 through 1990. The formula in existing law expires with the fiscal year 1985 authorization.

The allotment formula in the bill is based on each State's needs for sewage treatment facilities, as expressed in the 1984 needs survey. This survey, conducted by the Environmental Protection Agency with the cooperation of the States, is the most current, complete, and accurate determination available of the needs for publicly owned treatment works which can be assisted under titles II and VI of the act.

The formula is based on each State's aggregate needs for facilities providing secondary treatment (category I of the needs survey), advanced waste treatment required by water quality standards (category II), and correction of infiltration or inflow problems (category IIIA), and for interceptor sewers (category IVB). These are the only categories of treatment works fully eligible for funding under the law. In restricting eligibility to these categories of facilities in the 1981 amendments to the Clean Water Act, the Congress determined that on a national basis these are the facilities most related to attainment of the water quality goals of the construction grant program. Also, these are the core treatment facilities that have been completed to meet the 1988 secondary treatment deadline for municipalities.

To reach the allotment formula contained in the reported bill several steps were performed. First, those States with very small remaining needs were identified. These States need more than an allotment strictly on their share of needs. This is so they are able to have a manageable program of sufficient size to make meaningful investments in sewage treatment facilities as well as meet the 1988 secondary treatment deadlines.

In allotment formulas adopted by the Congress in the past, these purposes have been served by a flat minimum allotment per State of one-half of 1 percent. Although this is somewhat arbitrary, it assures program momentum and avoids disruption. Because the number of these smaller States is growing, as the construction grant program nears its objectives, the formula establishes a mechanism to assure adequate program size for smaller States. Thus, the approach is more reflective of needs and less arbitrary than the minimum allocation approach.

The allotment formula establishes two groups of States with small shares of eligible needs. The first group of 13 smaller States whose individual needs are less then one-half of 1 percent of the total receive an aggregate allotment of 8.5 percent which is only 2 percent more than what these States would receive in the aggregate under the existing policy. The other groups of 8 States whose individuals needs are less than 1 percent of the total but greater than one-half of 1 percent, receive an aggregate allotment of 9 percent. The actual needs of these States constitute 6 percent of the total.

Because the actual needs of the States in the two groups vary greatly a method was sought to reduce the variation. A standard statistical approach utilizing logarithms was used to reduce the variations.

Because the States in the second groups had less variation than those in the first, a method was employed to reduce that variation, but to a lesser degree than the use of logarithms. The allotment among States in this second group is based on the cube of the logarithm of the actual needs of a State as a fraction of the sum of the cubes of the logarithms of actual needs for all the States in that group. This method was selected because it reduced the variation from that among actual needs, but not as much as the logarithms would have produced.

The remaining States, with individual actual needs in excess of 1 percent of total eligible needs, are allotted 82.5 percent of appropriated funds. So that no State in this group would receive an allotment less than that of a State with smaller actual needs, the bill provides a minimum 1.25 percent.

Because eligibilities of needs have changed greatly from the 1980 and 1976 needs surveys on which the previous allotment formula was based, a number of States would suffer dramatic losses. To minimize the program disruption which would result from such reductions, the bill contains a hold harmless provision, guaranteeing each State 80 percent of the allotment it had under the previous allotment formula. Eleven States benefit from this 80 percent hold harmless provision: California, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

ELIGIBILITIES AFTER 1990

The "grandfathering" provisions in the 1981 amendments for phased-segmented projects and projects built to accommodate future population are terminated after fiscal year 1990.

DESIGN-BUILD PROJECT

States wishing to build treatment works which are under $8 million and are determined to be simple treatment systems—for example, aerated lagoons—may enter into an agreement with the Administrator to erect treatment works under alternative design-build grant procedures. Under this provision, smaller projects can avoid costly review and bidding requirements and can contract for both the design and construction of a treatment works. Under the agreement with the Administrator construction deadlines and management procedures are established and a bond from the contractor is required to protect the Federal interest in the project. Not more than 25 percent of a State's allocation can be used under this alternative.

INNOVATIVE AND ALTERNATIVE PROJECTS

This provision reauthorizes the innovative and alternative set-aside program at its current levels.

MARINE CSOS AND ESTUARIES

Similar to the funding concept used in the nonpoint section of the bill, the Administrator shall reserve 1½ percent of the sum appropriated of which two-thirds would be used to address water quality problems of marine bays and estuaries which are impacted by discharges from combined storm water discharges and one-third to implement the newly established national estuary program.

STATE WATER POLLUTION CONTROL REVOLVING FUNDS

The bill creates a new title VI of the act by creating State water pollution control revolving funds [SRF's].

To carry out the SRF program, $1.2 billion is authorized for fiscal year 1989 and 1990, $2.4 billion for fiscal year 1991, $1.8 billion in fiscal year 1992, $1.2 billion in fiscal year 1993 and $600 million in 1994. Sums are allotted pursuant to the allotment formula in the bill. Funds must be obligated within 1 year and are subject to reallotment among the States.

To receive a grant, States must enter into an agreement with the Administrator. If a State has not complied with the agreement the Administrator shall withhold the capitalization grants. These sums may be subject to reallotment if the Administrator is not satisfied that the State has taken necessary corrective actions.

To receive a capitalization grant a State must agree to establish a water pollution control fund to receive all grants. The State must provide a 15 percent match to the Federal grant from State monies and make binding loan commitments in an amount equal to 100 percent of the grant payments within 1 year of receipt of the payments.

The State must also make adequate assurances that funds will be committed in an expeditious and timely manner; that treatment works constructed with funds made directly available from grants will meet the applicable Federal requirements for grant projects; and that funds will first be used to assure maintenance of progress in the completion of plants needed to meet the 1988 compliance deadline, or other enforceable deadlines, goals, and requirements of the act.

In carrying out the SRF program States are required to use acceptable procedures and maintain project accounts in accordance with accepted government accounting standards.

The SRF administered by the State shall be dedicated solely to providing financial assistance to municipalities for construction of publicly owned treatment works and for implementation of management programs established under sections 319 and 320 of the bill.

The SRF is authorized to make loans at or below market rates, including interest free loans, at terms not to exceed 20 years. Principal payments shall commence within 1 year of project completion and be fully amortized not later than 20 years after project completion. Loan recipients shall establish a dedicated source of revenue for repayment and all repayments shall be credited to the fund.

The SRF may be used to buy or refinance debt obligation of municipalities, to guarantee or purchase insurance for local obligations to improve credit access or reduce interest rates, as a source of revenue for SRF bonds issued by the State, loan guarantees for similar local SRF's, and for the reasonable cost of administering the program.

The bill requires States to carry out independent audits of SRF's and to prepare plans describing the short- and long-term goals and objectives of the SRF. States are required to submit an annual report to the Administrator who shall conduct a review of the plans and reports.

States wishing to utilize title II construction grants funds for SRF's established in title VI may do so provided the loan fund is established in compliance with title VI requirements.

In 1990 the Administrator shall submit to Congress a report on the financial status and operation of SRF's. The report shall include an inventory of facilities in noncompliance, sources of available funds to meet construction needs; an assessment of loan portfolios and user charges and operation and maintenance of treatment works.

Mr. President, we have worked for a long time on this bill, and I certainly wish to extend again my thanks to the ranking minority member of the full committee, Senator BENTSEN; of course, to our full committee chairman, Senator STAFFORD; and to the minority floor manager of the bill, my good friend, Senator MITCHELL, for their long, hard work and efforts in developing this legislation, and I do urge my colleagues to support it.

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Arizona suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I extend my gratitude to the current occupant of the chair for his courtesy, and I thank him very much.

I have no statement to make now. I understand there are Senators who do wish to make opening statements.

Mr. MITCHELL. Mr. President, I join Senators STAFFORD, BENTSEN, CHAFEE, and others in supporting the reauthorization of the Clean Water Act.

The 1972 Clean Water Act set ambitious goals for the country: "to restore the chemical, physical, and biological integrity of the Nation's waters." We have made substantial progress toward achieving these goals. The bill we are considering today will reaffirm our commitment to the clean water goals established over a decade ago.

Over the past decade, we have improved our understanding of environmental issues and expanded our commitment to environmental programs. While there have been dramatic and necessary changes in the concept of environmental protection, it is important to recognize that the basic design of the Clean Water Act is still sound and the public commitment to clean water remains strong.

In the State of Maine, there is clear evidence of the effectiveness of the pollution control programs established in the Clean Water Act:

Atlantic salmon have returned to the Penobscot River after a 30-year absence; the Maine commercial shell fishing industry declined for many years due to the discharge of untreated sewage. But as of 1982, over 4,000 acres of soft shell clam flats had been reclaimed with an estimated value of $6.5 million a year.

I cite these examples as the success story of just one State. Virtually every State in this country has similar examples.

There are a number of amendments before us today which would significantly expand or revise the act to address emerging pollution problems or changing conditions. I would like to speak briefly to three of these issues: the control of toxic pollutants; management of nonpoint sources of pollution; and financing of waste water treatment plant construction.

TOXIC POLLUTANTS

Proposed amendments to the Clean Water Act would result in a second-generation program to achieve greater control of toxic water pollutants, where necessary.

Under the current law EPA is required to establish uniform best available technology limits for the control of toxic pollutants. There is no assurance, however, that compliance with a technology-based limitation represents a safe level for a particular toxic pollutant. Although the current law provides general authority for further control, these amendments initiate a specific process leading to the control of these toxic substances to protect

public health and water quality by a date certain.

Specifically, the amendments require States to:

Identify within 2 years waters that do not meet their water quality standards due to the discharge of toxic pollutants; adopt numerical criteria for the "problem" pollutants in such waters; and establish effluent limitations for individual discharges to such water bodies within 2 years and assure compliance with limits within 3 years.

This provision is an important addition to our ability to protect the public health of the American people from increasing amounts of toxic chemicals.

NONPOINT POLLUTION

EPA recently estimated that as much as half the remaining water pollution problems result from nonpoint sources. Controlling nonpoint pollution, however, has proven to be an extremely difficult problem.

The bill before us includes a major amendment providing for State programs to identify and control nonpoint source pollution. States will identify waters affected by nonpoint sources of pollution and develop programs to implement best management practices for controlling this pollution. State programs will include a schedule for implementation and will be coordinated with related Federal projects.

A total of $300 million is authorized over 3 years to support this important program. The majority of this funding would be allotted among the States. The EPA Administrator would also have discretion to fund special projects.

WASTEWATER TREATMENT PLANT FINANCING

The most significant issue addressed in this reauthorization of the Clean Water Act is the financing of wastewater treatment plant construction. This aspect of the reauthorization bill is important because it provides State and local governments with a clear statement of future Federal involvement in treatment plant financing and allows them to finalize plans to meet the compliance deadlines established in the law.

Amendments to the act would phase out the existing grant program and replace it with Federal support for State revolving loan funds. The bill provides for allocations of a total of $18 billion over the next 9 years to assist municipalities with these construction projects. The direct grant assistance program will continue for the next 5 years. Starting in 1989, States will receive a total of $8.4 billion over the following 6 years to capitalize State revolving loan funds to assist municipalities in financing of wastewater treatment projects.

So there will be an overlap in the middle 2 years with respect to the current grant program and the newly established State revolving loan fund.

Establishment of the State loan funds will complete the process of transfer to State control of the municipal treatment construction program.

CONCLUSION

In conclusion, I am confident that the basic design of the Clean Water Act is sound. We have before us amendments for fine tuning existing provisions of the act and addition of programs to address emerging problems. These proposals are consistent with the national consensus for clean water. The great majority of persons responding to a recent survey either supported the Clean Water Act or wanted it strengthened, even considering the costs of pollution controls. These amendments are an important step toward carrying out this mandate.

I join the chairman of the committee, Senator CHAFEE, the ranking member of the committee, Senator BENTSEN, and the chairman of the full committee, Senator STAFFORD, in urging their adoption.

Mr. BENTSEN. Mr. President, first let me state how much I appreciate the incredible amount of work, the time, and the effort that Senator CHAFEE, chairman of the Subcommittee on Environmental Pollution, and Senator GEORGE MITCHELL have done on this piece of legislation. It is an excellent job. It is a bipartisan job. It is a lot of hard work and it continues the effort toward a most important national goal. I am pleased to recommend this legislation to my colleagues in the Senate.

The effort to clean up our Nation's waters is maintained by the overwhelming support of the American public. From the Rivers and Harbors Act of 1899 to the legislation before us today, Americans have recognized the responsibility to our neighbors, our children, and ourselves to correct dangerous abuses to this critical aspect of the environment.

Our hearings proved that the Clean Water Act is paying off with substantial reductions in pollutants. Treatment plants are removing 65 percent more of the two conventional pollutants—suspended solids and biochemical oxygen demand—than in 1973. Our rivers are cleaner and our water quality has improved through measures including controls implemented by industry.

Take the Houston Ship Channel. That Houston Ship Channel had one of the highest octane ratings probably in the United States. We were always worried that the thing was going to catch fire on us. But now you have fish swimming in it and you have an incredible cleanup job that has been done in that regard.

This legislation, though, reflects that there is a lot of work yet to be done. And it provides some strong standards to deal with the problems of toxic substances, and it develops a new program to deal with pollution from nonpoint sources such as runoff from agricultural and mining areas, and construction sites.

Because of a growing national concern over nonpoint pollution, we included provisions to fund States in efforts to target and implement correctional programs.

The problem all along has been sporadic funding of these State management programs. If they can get the funds, States are willing and able to develop programs based on their assessments of what is achievable.

This approach allows States to build on the solid, voluntary conservation district structure, rather than imposing unnecessary Government regulation. Our farmers and ranchers have a great stake in these efforts, and they have demonstrated their willingness to cooperate in efforts to improve their stewardship of our land and water resources.

Given their track record, we will all benefit by asking their advice on runoff water pollution, not requiring that they do it strictly by a book written in Washington. This legislation recognizes the value of working with our States and our agricultural community, and it maintains a proper Federal role of assistance, not threats.

Much of the focus of our committee discussions was directed at the future of the construction grant program, and I commend members of the committee for their efforts in arriving at the solutions included in this bill.

I have heard quite a bit of controversy already about the allotment formula. I understand that. It is a tough one to arrive at, to develop equity in that kind of a situation. I have looked at what has happened in the past. We have had a massive migration of people to the Southwest and to the South. The committee formula tries to take recognition of that. It uses the latest census data in trying to establish those needs. I well understand that in some other areas and in the Northeast, many of the needs have been satisified. Others remain yet to be done.

I look at situations like the example that we had of the State of Michigan. It had a per capita expenditure of $232, from 1972 through 1984. My friend, the distinguished Senator from Michigan, is rightly concerned about the fact that the per capita expenditure now would be about $69 under this particular piece of legislation, but the total for the life of the program will be $302. I look at the same thing for my friend in New York—$247 up to now and $91 in this bill for a total of $338. But then I look at my own State of Texas. I look at the fact that up to now it has been $88. Another per capita expenditure of $60.66 and we finally get up to $149.

We have gone a long way to try to correct what has happened in the past and to anticipate the needs up to the year 2000. We have not completely achieved it in the committee allotment formula but, as I understand the political realities of the Senate, and as I understand them in the House, I think it is a reasonable compromise. I am prepared to support it. I look at this situation. If we go to conference with the House and they determine they are going to take the old allocation based on the past and not recognizing the needs of the future, the damage will be even more to those of us in the growing States. I understand the problems of the smaller States. But I also understand that in this body the smaller States on a per capita basis have a tendency to do a little better than the rest of us. Again, those are the realities. I walk into my office and I see how many people I have, and how much square footage they have per employee. Then I walk into the office of some of my friends from some of the very smallest of States. I do not find myself bumping into any furniture. And I see a great deal more space per employee. Again, those are the realities. That is the way the system works. But I think that what we have done is kept them with sufficient funds where they can complete a project, where they will not have it partially done, and in turn we have said to some of those States that have actually lost population, that have had substantial expenditures in the past, and have completed many of their needs already, you are not going to get a violent change. We are going to put a safe harbor there. We are going to put a hold harmless. We are going to put a floor. We have moderated this kind of shift. I think it is a realistic compromise. I support that.

I would point out that the construction grant program was substantially reformed and in some ways reduced in 1981. A central element of the agreement that led to these reforms was the commitment of the administration to fund the program for 10 years at $2.4 billion per year. This would constitute the time and funding needed to do the job based on needs survey data available at that time.

But when we started to work early this year, we were looking at a proposal from the Office of Management and Budget to phase out the program before 1990, and to fund no new starts. That proposal broke faith with the Congress and the American people, departing from the 1981 commitment.

Mr. President, the legislation before us recognizes that the time is indeed coming when many of our States will have met their basic treatment needs. It recognizes that the 1988 deadline for municipal compliance is partially accountable. Under the 1981 amendment, the effective Federal share of total project costs is only 30 to 40 percent. The Federal Government has contributed more than $40 billion as its part in constructing publicly owned treatment works, and the results have been remarkable.

This legislation continues to shift the program to State and local governments, as intended in the 1977 and 1981 amendments, but it also recognizes that the OMB proposal to pull the rug out from under a national goal at a critical point of progress was too abrupt and poorly planned.

Under this legislation, States at their own discretion will be able to start planning for the future by using their allotments to start their own revolving funds to carry on the program. The current $2.4 billion annual authorization for construction grants would be extended for 3 years. In fiscal years 1989 and 1990, a full one-half of the annual total authorization of $2.4 billion would go to capitalization of State water pollution revolving loan funds under a new title VI.

In fiscal year 1991, no further authorizations would be made for title II construction grants, and the title VI revolving fund would be authorized $2.5 billion.

After that point, revolving fund authorization would be reduced to $1.8 billion in fiscal year 1992, $1.2 billion in fiscal year 1993, and $600 million in fiscal year 1994. After that, authorizations for direct Federal contributions would be ended.

This orderly progression is a reflection of close cooperation with the States—both to assure that the revolving fund mechanism is workable and to provide a period of transition to allow States with lengthy legislative cycles or difficult remaining needs to work out their problems.

Since the formula for allotting contruction grant funds among the States expires with the 1985 authorization, the bill establishes a new allotment formula for the years 1986 through 1990. This allotment formula is based on the 1984 needs survey, the most up-to-date and accurate compilation available. It reflects a shifting population and progress in meeting needs, but it also includes a strong effort to minimize disruption in States where programs are closer to completion or whose needs do not match up to eligibilities.

The legislation provides a "hold harmless" provision, guaranteeing each State 80 percent of the allotment it had under the previous allotment formula, regardless of actual needs under the survey.

The result is a formula that provides equity for all States, one that makes real progress toward water quality goals.

I would point out that New York continues to receive the greatest share of funds under the formula—a full $76 million more than the next highest State, California. Texas would receive the third largest allotment, $127.3 million, which is a sizable increase over previous allotments and reflects, as in other areas, a high rate of growth. However, Texas will receive $24 million less than it would under an allocation based strictly on eligible needs, in part because Texas is helping to fund shares of smaller States and hold harmless shares for New York and other States with declining relative needs.

There are several other features of the bill I will discuss briefly. One of special interest to Texas is the provision for partial delegation of the permit program. We have been unable to obtain approval for the Texas permit program to operate in place of the Federal program because permitting responsibilities are divided in Texas between the department of water resources and the Texas Railroad Commission. The railroad commission, which regulates oil and gas operations, has not been interested until recently in seeking delegation. This amendment will allow the Texas Department of Water Resources, which has a fine permit program, to gain Federal approval for permitting all the categories of sources under its jurisdiction.

Two other provisions of the bill deal with case-by-case modifications to the best available technology requirements of the act. Section 301(g) of the act has allowed modifications of these requirements for so-called nonconventional pollutants, if a rigorous demonstration of no effect on public health or water quality could be made. However, the Agency brought to our attention the enormous difficulty of obtaining adequate information to make or review such demonstrations for most nonconventional pollutants. Therefore, the committee accepted EPA's proposal to limit section 301(g) to several specific substances for which adequate information was judged to be available. This will allow modifications to be granted, if appropriate, for the categories of sources which have requested them prior to this amendment, including steam electric generating plants and the iron and steel industry. It will also allow categories of sources with effluent guidelines yet to be published to use section 301(g), for discharges of these listed substances. Otherwise, section 301(g) will not generally be available after enactment of this bill.

The committee also included a provision authorizing, but limiting, modifications of best available technology requirements on the basis of "fundamentally different factors." The Agency had adopted administratively a procedure for granting waivers from uniform effluent guidelines based on indi-

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vidual characteristics of sources which were fundamentally different from the factors considered by the Agency in setting the effluent guidelines.

This procedure was upheld for indirect dischargers by the Supreme Court. The amendment to the Clean Water Act in the reported bill recognizes a "fundamentally different factors" modification, as the only waiver or modification available for toxic pollutants, and provides specific limitations on the time for considering applications as well as what applications are acceptable. This authority should allow the occasional source which really does not fit the categorical regulation to receive appropriate treatment, while providing for most cases to be considered for the creation of effluent guideline subcategories.

The potential for effluent guideline subcategories has always been available and has been used in many cases. Companies who have relied on the concept of "fundamentally different factors" should be prepared to fully participate in the guideline development process to assure that adequate information is available to EPA to develop appropriate subcategories. Similarly, EPA should recognize that the limits this bill places on the use of "fundamentally different factors" may create a need to reopen some guidelines in order to properly include information for the purpose of defining justifiable new subcategories.

This is a sound bill. Each provision, every requirement the new enforcement standards, are all aimed directly at the goal of cleaning up our Nation's waters.

I urge my colleagues to consider that goal, and to support this important legislation.

Mr. METZENBAUM. Mr. President, I rise to object strongly to the new sewer construction grants formula contained in the Clean Water Act amendments.

Once again, the Senate is being asked to shift desperately needed Federal funds away from the older, populous States in the East and Midwest to benefit growth States in the South and West.

Under this formula change, every State bordering on the Great Lakes would lose at least 19 percent of the funds they currently receive to help pay for waste water treatment facilities. In my State of Ohio, the reduction would actually be a 21-percent cut from current funding levels. Instead of receiving $136 million in construction grants money each year as Ohio does now, the State would get only $109 million per year. This means that over the next 5 years, Ohio would lose more than $203 million.

In one fell swoop, the Senate Environment Committee has tagged a total of 18 States as losers in the allocation of Federal money used to control water pollution. The Environment Committee's arbitrary behavior means that these losers will have to go without $262 million in EPA construction grants money every year.

Make no mistake, Mr. President, this annual cut of $262 million will not help reduce the Federal deficit. No, indeed. This $262 million will simply be shifted to those States which the Environment Committee has selected as the winners.

Because of the Senate Environment Committee's generosity, States like Texas, Utah, Arizona, and Mississippi will gain anywhere from 29 to 129 percent in new construction grants money for waste water treatment facilities.

Mr. President, the older, populous States in the East and Midwest need every penny of their fair share of limited Federal resources. It's dead wrong to encourage the shift of Federal tax dollars away from these States to high growth areas of the country.

Why should Ohioans only get back 87 cents' worth of Federal funds for every tax dollar they send to Washington when citizens in other States get back a far greater return on their Federal tax dollars? Why should a heavily populated State like Ohio rank 39th in terms of Federal money spent there? Why should a State like Ohio—a State with more than its fair share of water pollution problems—be asked to give up millions of dollars specifically designed to help curb these problems?

Something is very, very wrong with the manner in which Federal tax dollars are being allocated among the States. Let's not make the situation worse by changing the construction grants formula under the Clean Water Act.

Water quality in the Great Lakes has improved over the years. This is due in no small part to the waste water treatment facilities located in the neighboring States.

We must not jeopardize the strides we have made in cleaning up the pollution in the lakes. Over 26 million Americans depend upon the Great Lakes for their drinking supplies and millions more depend on the lakes for recreational pursuits.

The Great Lakes States deserve their fair share of Federal funding to construct and upgrade municipal sewage facilities to treat waste water discharges to the lakes.

I urge my colleagues to reject the new construction grants formula contained in this bill.

SEWER GRANTS FORMULA UNACCEPTABLE

Mr. KASTEN. Mr. President, I rise to express my strongest possible opposition to the sewer grants allotment formula that the Committee on Environment and Public Works has adopted.

The committee-passed formula makes a mockery of our efforts to provide Federal assistance to the construction of municipal sewage facilities on a national basis. Instead, the new formula is a massive redistribution of Federal funds away from highly populated established cities and to subsidize the growth of new cities.

When the Congress first established the Clean Water Act and the Municipal Sewer Grants Program, it established the objective of providing sewage treatment facilities for all of our Nation's towns and cities. When this program was established, it was agreed that municipalities would be a partner in the efforts to build these facilities.

To achieve that objective, Congress developed a very complex formula on how those funds would be distributed. Most probably agree that that formula should be updated periodically. All agree that that formula should reflect the water quality needs of the Nation.

Unfortunately, the formula that is before the Senate today does not reflect the water quality needs of the Nation. Some have suggested that it more accurately reflects the distribution of political power around the Nation, but clearly it does not provide the mechanism for meeting our water quality goals.

If the committee intends to use the EPA needs survey to be the basis of the allocation of sewer grant funds, it should use that formula directly. Instead, the Senate today is considering an artificial manipulation of that formula.

That formula cannot be justified on merit. It can only be explained by looking at provincial needs.

Obviously, the Senate has broken into two sides on this issue. Those two sides are those who benefit from the committee-passed formula, and those whose States are losers. But that is not the whole issue. We should also look at the national interest, of how to achieve our water quality goals.

This formula does not achieve those goals. It does not help the Nation live up to its obligations specified in the Clean Water Act and other documents.

As a spokesman not only for the specific interest of Wisconsin, I would like to call my colleagues' attention to the impact of the committee formula on the Nation's most important water resource—the Great Lakes.

The impact of this amendment on the Great Lakes is devastating. There is a net reduction of approximately 18 percent in funding for sewer programs in the Great Lakes.

How can this be? Have the needs of the Great Lakes region declined by 18 percent? Not at all! In fact, we are way behind not only in our domestic commitment to water quality, but also in the commitment that we made to another nation.

In 1978 the United States signed an updated version of the Water Quality Agreement with Canada. As part of that effort, we made a commitment to provide adequate sewage treatment for our municipalities.

Today, only about two-thirds of the municipalities that discharge into the Great Lakes basin are adequately sewered. The Canadians have on the other hand completed 99 percent of their municipal sewage treatment construction program.

Clearly the obligations we made will not be served by the formula contained in the committee version of the Clean Water Act. Clearly, if we are to use a national needs survey, we should not provide for this excessive artificial manipulation of the formula.

We should put our financial resources where they will do the most good to protect our Nation's water.

For this reason, I will support Senator DURENBERGER in his effort to provide a formula that actually protects the Nation's water quality.

Any other objective is not acceptable and should be resoundingly defeated in the Senate.

Mr. ABDNOR. Mr. President, I rise in support of the EPA wastewater treatment construction grant allotment formula contained in the committee-approved bill, S. 1128.

Mr. President, the funding formula developed by the committee is based upon EPA's 1984 needs survey. Further, the committee bill includes an 80-percent holds-harmless provision. The committee intends that the distribution of funds reflect our most recent estimate of eligible needs, while preventing the disruption of ongoing program efforts in any of the States or territories.

Throughout the history of this program, EPA has directed the States to prioritize the wastewater treatment needs of their larger municipalities. My State of South Dakota has complied with the Agency's policy in this regard. Now, with the larger projects underway, the smaller communities are looking forward to seeing their water quality needs addressed. Under the committee bill, South Dakota's rural communities will have the opportunity to achieve their water quality goals.

Mr. President, the alternative construction grant allotment formula proposed by my friend and committee colleague from Minnesota, Senator DURENBERGER, reduces from $11,737,260—the amount provided under existing law—to $6,544,000 South Dakota's construction grant allotment. An additional 12 States would be similarly affected—losing 40 percent or more of their construction grant funds. Under the committee bill, no State would lose as large a percentage of its funds.

While I recognize that no formula will ever satisfy all 100 Members of this body, I believe the committee has attempted to respond to our Nation's water quality needs without creating havoc in any of the States. Mr. President, I strongly urge my colleagues to support the allotment formula developed by the committee.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I support S. 1128, the bill to reauthorize and amend the Clean Water Act. Senator CHAFEE has done an excellent job of describing its provisions. I agree with this explanation of the intent behind this bill. I congratulate him and Senator MITCHELL for their hard work in developing this bill, and I want to commend my other colleagues on the committee from both sides of the aisle for their efforts as well. I especially want to commend my good friend and colleague, Senator BENTSEN, for his contributions to this bill. As ranking minority member of the committee, he has worked tirelessly to help bring this bill forward.

The committee determined that the Clean Water Act is fundamentally sound. It is working, and water quality has improved in many areas as a result of Clean Water Act requirements. According to an extensive study by State water pollution control administrators, 47,000 miles of streams and rivers have improved in the past decade, as have 390,000 acres of lakes and 3,800 square miles of estuaries. In the face of substantial growth and development, we have managed to hold our own in an additional 296,000 stream miles and in most of our lakes and estuaries.

That is the good news. The bad news is that 11,000 miles of stream have been degraded. And water quality has gotten worse in over 1.6 million acres of lakes and 560 square miles of estuaries.

It is clear that although we can claim substantial water quality gains, we as a nation still have a way to go before the job is done. We are not yet able to relax. Instead, we need to improve the Clean Water Act's ability to address these persistent water quality problems. S. 1128 would do that.

The committee learned that the major remaining water quality problems are caused by toxic pollutants and nonpoint source pollution. The bill before us strengthens the Clean Water Act in both these areas.

Let me first mention the so-called toxic hot spots problem. The States report that 14,000 stream miles, 638,000 acres of lakes and 920 square miles of estuaries have acute toxic problems. S. 1128 establishes a schedule for States to identify these areas that will remain a problem after all technology-based requirements have taken effect and to modify discharge permits accordingly. Permittees then would be required to meet the toxics restrictions within 3 years.

The bill also gives long overdue attention to nonpoint source pollution. Polluted runoff from farmland, city streets, and construction areas now accounts for about half of the water pollution in this country. In some basins, it is the major pollution source. This bill calls for the implementation of nonpoint source management programs by State and local governments. As my colleagues all know, this is always a difficult issue. But I am pleased to say that the nonpoint provisions in this bill have the unanimous support of all members of the committee.

The bill also shores up some weaknesses in the Clean Water Program. One of the most important involves the so-called fundamentally different factors variance. The committee bill, consistent with a recent Supreme Court ruling, allows industries to apply for modifications of applicable effluent standards under certain circumstances. However, it is designed to prevent abuse of this privilege. For example, it removes incentives to withhold information that EPA needs to set valid effluent standards. It also sets a timeframe for decision on applications in order to assure that the application for modification is not used as a device to delay other permit requirements.

I would mention in passing provisions to limit backsliding in discharge permits, to establish criteria and permit requirements for toxic contamination of sewage sludge, and to restrict waivers for ocean discharges.

We also have elected to continue the Construction Grants Program at its current level of $2.4 billion, while gradually phasing in a system of State Revolving Loan Funds that will replace the present Federal Grants Program.

In presenting this bill, the committee reaffirms its commitment to the goals of the Clean Water Act. These are the goals of the American public. Poll after poll has demonstrated the continuing public commitment to clean water. By an overwhelming majority, the people oppose any weakening of the Nation's clean water law.

S. 1128 is a good bill, and I recommend its passage.

Mr. President, I ask unanimous consent that the remainder of my remarks be entered as if read.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

ADDITIONAL REMARKS OF SENATOR STAFFORD

I want to discuss in more detail some of the more important provisions of this bill.

First, I want to mention the importance of the provisions of S. 1128 related to "toxic hot spots." These provisions are designed to focus in on water bodies that are especially hard hit by toxic pollutants, and then to establish special limits on toxic discharges that are causing the problem.

These "hot spots" exist because technology-based standards for toxic pollutants, by their very nature, do not take into account conditions in the receiving water. The cumulative discharge from several toxic polluters can result in unacceptable concentrations of toxic pollutants even after implementation of technology-based controls. S. 1128 improves the Clean Water Act by establishing a timetable for identifying hot spots and bringing the polluters into compliance with water quality standards.

An important problem in this regard is that few States have numerical ambient criteria for toxic pollutants. The lack of ambient criteria make it impossible to calculate additional discharge limitations for toxics. EPA and some States are experimenting with a bioassay approach to setting effluent limits, but so far it has important shortcomings. The major one is that it does not consider human health effects or important environmental characteristics such as persistence and bio-accumulation, only direct toxic effects on certain aquatic organisms. The Committee bill, therefore, requires that the needed numerical criteria be developed, though they can be supplemented by biological monitoring and assessment methods as they are developed.

Revisions to water quality standards regulations originally proposed by EPA in late 1982 were not consistent with the objectives and requirements of the Clean Water Act. For that reason the Committee, when it considered the predecessor bill in the previous Congress, S. 431, felt obliged to propose incorporating into law language from EPA regulations expressing long-standing policies related to upgrading and downgrading of water quality standards and antidegradation. Subsequently, Administrator Ruckelshaus reversed his predecessor's efforts to weaken these policies, with the result that the final regulations do comport with the Clean Water Act in these key areas. Upon the Administrator's assurance that the Agency will aggressively implement these regulations and defend them from legal challenge, should they be challenged, the Committee agreed last year to delete certain parts of the bill with which the regulations now are consistent. Consequently, the bill before the Senate today does not contain the earlier language related to conditions under which water quality standards can be upgraded or downgraded, nor does it contain language to codify the antidegradation policy that is in the present regulations.

The fact that the Committee deleted these provisions should not be taken as a sign of diminished interest in the water quality standards program. Water quality standards are a vital supplement to the basic fabric of technology-based controls upon which the Clean Water Act relies. As the remaining best available technology requirements go into effect over the next few years, the water quality standards provisions of the Clean Water Act will become even more important. It is vitally important that the water quality standards program operate in such a way that it supports the objective of the Clean Water Act to restore and maintain the integrity of the Nation's waters.

Mr. President, I also wish to call attention to the problems of non-point source pollution. Non-point pollution sources are increasingly being identified as a major cause of the remaining water quality problems affecting America's streams and lakes. They were identified as a contributing factor for 94 percent of the stream segments State officials indicated have not met water quality standards in their 1980 water quality reports to EPA required under section 305(b) of the Clean Water Act. Twenty percent of the states making reports in 1982 said that non-point source pollution is the most important water quality problem in that State. And the State reports supporting a recent study of water quality improvements conducted by the Association of State and Interstate Water Pollution Control Agencies placed a similar or even greater emphasis on non-point sources.

This type of pollution comes from a variety of sources—some comes from city streets, some from mines, some from construction sites, some from forestry operations, and much of it from the erosion of our agricultural lands.

In terms of pollutant loadings, non-point sources are responsible for up to 76 percent of the oxygen-demanding organic materials that enter in our waterways, and up to 99 percent of the suspended solids, 85 percent of the dissolved solids, 92 percent of nitrogen, 94 percent of phosphorous, and 98 percent of the bacteria. They are also a major source of pesticides, lead, zinc, cadmium, and copper contaminants which enter the nation's waters. The problem is immense. For instance, each year about 20 tons of soil is eroded for every person in the United States. As much as half of this ends up in our waterways.

The impacts of these pollutant loadings can be very serious indeed. It can seriously affect aquatic wildlife, destroying spawning beds, reducing fish reproduction, and seriously interfering with the delicate food chain necessary to support wildlife. It interferes with our ability to enjoy water through fishing, swimming, and other recreational pursuits. It increases the amounts that municipalities and industries and sometimes even farmers have to spend to treat the water before they can use it. And it is a major cause of increasing amounts that we are spending in order to try to prevent continued degradation of our freshwater lakes.

But the costs associated with these nonpoint sources of pollution do not stop here. We are becoming increasingly concerned about future water shortages, and yet sediment from land erosion is filling 1 million acre-feet of valuable reservoir capacity every year. When we build new reservoirs, we have to allocate about 20 percent of our storage capacities solely for the purpose of storing the sediment that is carried into them. And every year we spend hundreds of millions of dollars to dredge the sediment out of reservoirs and navigation channels so that they can continue to perform their functions. The sediment also becomes deposited in irrigation ditches and drainage ditches, decreasing the capacity of the former to carry irrigation water and of the latter to carry off flood waters. Floods are more destructive because the sediment increases flood volumes, chokes off the natural capability of streams and rivers to carry flood waters out to sea. It is also the sediment, and not the water, that often creates most of the monetary damages associated with floods in urban areas. In an agricultural area the sediment deposits can seriously reduce the fertility of some of our most fertile agricultural lands.

It is becoming increasingly evident that if we are going to achieve the goals of the Clean Water Act, the goals towards which we have already expended tens of billions of dollars, we are going to have to do something about non-point source pollution. It is also evident that we need to begin to do something about it soon. Through the section 208 planning process, we collected a substantial amount of information relating to non-point source pollution—information that can provide a strong basis for beginning action. But because of the budget cuts and because of current inaction, some of this information is being irretrievably lost. The organizations that collected it are shutting down. The people who analyzed it are moving on to other jobs. It is time to get to work on dealing with this serious national problem before we have lost entirely the substantial amount of effort we have already put into understanding it.

The addition of a non-point source control program to the Act is thus a reasonable and necessary extension of the Act's existing requirements. It does not signal the discovery of a new problem. We have known about the problem for years and have taken pains to collect the information and carry out the planning needed to deal with it effectively. Nor does it imply that the point source control program at the heart of the Act has been a failure. To the contrary, the increasing relative importance of non-point sources results from our success in reducing point source pollution. As the point sources are cleaned up, most of the pollution that remains results from the sources that have not been dealt with—predominantly nonpoint sources. We are now at a point where we can begin to identify the specific areas where these controls are needed.

We do not need—and are not proposing—a program which would require every farmer, every city, every mine, every wood lot to implement controls. But we do need a targeted program that will begin quickly to identify serious non-point source problems and to abate them. The non-point provision developed by the Committee would do that. It would add a new section 319 to the Clean Water Act to require the development and implementation of non-point source programs by the States. As my colleagues on the Committee know, I favored a stronger bill with more requirements on States and polluters. But politically this is a very difficult issue, and it is important to start this effort with a strong consensus of support. We have achieved that. The bill was passed unanimously and enjoys broad support from the States and from affected interests. I am prepared to believe them when they say they will use these authorities fully and aggressively attack the nonpoint source problem. I expect every State to implement an effective program. If this approach fails, then of course we have to consider making the requirements stricter. But for now, the most important thing is to get started. I urge my colleagues to support this important new program in the Clean Water Act.

Funding for the non-point program is provided in two ways. First, the new section 319 of the Clean Water Act contains an authorization for $300 million over the next three years. These funds are to be used by States to implement approved non-point programs. They can be used for administrative support, for monitoring and research, and for other implementation purposes, such as on-site technical assistance and environmental monitoring. These funds may not be used, however, to provide cost-sharing support to persons for construction or utilization of best management practices, except for demonstration projects. States, of course, are free to provide State funds for cost-sharing if they choose to do so.

The second source of funds is a new one percent set aside of construction grant funds. This new paragraph (5) in section 205(j) of the Act would reserve funds for the same purposes as section 319 funds, with the same restrictions that affect Section 319 funds. The same State match also would be required. However, the provision in section 319(d)(2)(B) reserving one-third of allotted funds for special purposes would not apply to these funds.

I want to stress that these set-aside funds are intended to supplement the section 319 funds, not to substitute for them.

I also want to point out that S. 1128 would allow States to use their State Revolving Loan Funds, authorized by a new Title VI in the Clean Water Act, to fund nonpoint activities. However, there are fewer constraints on the use of these State funds than are placed on the use of the Federal funds authorized under section 319 or reserved under section 205(j)(5). The State Revolving Funds are to be used first for construction of publicly owned treatment works needed to assure maintenance of progress in completion of projects to meet the enforceable requirements of the Clean Water Act. After this condition is met, however, the Revolving Loan Fund can be used to make loans to individuals for implementation of best management practices. This flexibility should help rural States, like my own State of Vermont, achieve their clean water goals more efficiently.

I also want to call the attention of my colleagues to another important section of 1128, an amendment to Section 405 of the Clean Water Act which relates to the use and disposal of sewage sludge. I will acknowledge that this is not a particularly glamorous part of the Clean Water Act, but it is a very important one.

Sewage treatment plants are capable of incidental removal of some toxic pollutants from industrial sources discharging into the city sewage system and from households and other sources. From the point of view of water quality in the receiving waters, this is an advantage. However, many of these pollutants simply go into the sludge that is an unavoidable product of sewage treatment plant operation. The toxic pollutants render the sludge unfit for many use and disposal options that otherwise would be available and, as many of my colleagues are acutely aware, often put the city or town in a very difficult position regarding the use or disposal of the contaminated sludge.

For this reason, in the 1977 Clean Water Act Amendments Congress enacted a requirement that EPA within two years develop criteria for sludge use and disposal options. Unfortunately, the agency's response to this requirement has been abysmal. Not only have the required criteria not been published, it became apparent as we examined this program that it had received very little priority or attention at EPA until quite recently.

To encourage better performance by the Agency I offered an amendment to Section 405 of the Clean Water Act that was adopted by the Committee. The purposes of the amendment are to establish a new time frame for promulgation of sewage sludge use and disposal criteria, to require expedited regulation of problem contaminants, to provide a public health and environmental rational for sludge criteria development, and to establish deadlines for compliance with the sludge criteria.

The amendment also incorporates an Administration proposal concerning permits for sludge disposal. This provision is needed because present law does not specifically define compliance mechanisms for sludge criteria. The provision allows flexibility on the choice of permit programs. Any of several Federal permit programs or an approved state program can be used, or the amendment authorize permits solely to impose the sludge criteria if no appropriate permit program is available.

I also want to point out the important relationship between sewage sludge criteria and the pretreatment program. The national pretreatment program establishes technology-based requirements for industrial sources of pollution that discharge into sewage treatment plants rather than directly into the water. These indirect dischargers are an enormous source of toxic pollutants and that is why a national pretreatment program is needed. Without sludge criteria, however, industry easily can simply transfer its toxic pollutants over to the city's ledger where they become a difficult economic and political problem.

As I mentioned earlier, many of these toxic pollutants either are discharged by the city into the waterway, which may put the city in jeopardy of violation of its discharge permit, or they are transferred into the sludge, thus making it more difficult for the city to find appropriate sludge management alternatives. In either case the sludge criteria and an effective pretreatment program work together to encourage recycling and reuse of toxic pollutants by industries.

In 1977, Congress added Section 301(h) to the Clean Water Act allowing coastal sewage treatment facilities to apply for waiver from the secondary treatment requirement. It was intended to be an extremely limited waiver, available only to discharges into deep marine waters that because of currents or tidal action are well flushed. The Committee report for the 1977 bill speaks eloquently of the built-in safeguards that would limit the availability of the waiver and prevent any environmental harm from occurring.

Unfortunately, we quickly learned an important lesson about loopholes: it is very hard to keep them small. As time has passed, more and more applications have been submitted, and cities are understandably reluctant to get on with construction to meet the Act's requirements as long as they think they have a chance for a waiver. The courts have been interpreted that section of the law as allowing the discharge of raw sewage into estuaries.

It was not the intent of Congress to allow untreated sewage, often containing large amounts of toxic chemicals, to be discharged into slow-flushing estuaries. Therefore, the Committee has adopted several provisions which would reduce the potential harm from marine sewage discharges and restore Congressional intent.

First, the Committee has made it clear that the discharge of toxic chemicals into the marine environment must be limited. Facilities seeking a waiver must be in compliance with applicable pretreatment regulations. Absent categorical standards, facilities serving a population of 5,000 persons or more must have adopted and be enforcing a pretreatment program. This provision will help to protect marine bottom-dwelling organisms, shellfish and fish which can be tainted by toxic pollutants.

Second, the bill requires that sewage receive at least a minimum or primary treatment. Since our coastal waters are heavily used for swimming, boating, clamming and oystering, it would not be appropriate to allow the discharge of untreated sewage.

About one-fourth of the pending waiver applications are for facilities discharging into semi-enclosed, slow-flushing bays. To assure adequate mixing and flushing of wastes the Committee has required that waivers not be given to facilities that would discharge into waters that are already stressed by pollution. If we are to restore the nation's waters, we must not allow sewage pollution to be added to waters which are not meeting the goals and objectives of the Act.

The Committee bill incorporates a provision to prevent backsliding in NPDES permits. The antibacksliding policy is not an addition to the Clean Water Act. It is inherent in the Act's policy of requiring reasonable further progress toward the national goal of elimination of discharge of pollutants. The intent of this provision is to assure that pollution reductions and concomitant water quality gains, once achieved, will not be yielded back except under narrow circumstances.

For example, it would be contrary to the Clean Water Act to allow one discharger to increase his pollution merely because another discharger has reduced his. Even if the increased discharge would not violate the minimum level of water quality specified in the standard, it would degrade actual water quality and negate the water quality improvements achieved by reduction of the first discharger's pollution level. Similarly, water quality gains achieved by a successful nonpoint source program should not be yielded over to point source dischargers. As water quality improves, the improvement should be protected.

The antibacksliding provision clarifies that where water quality exceeds the minimum specified in a standard, waste load allocation, total maximum daily loads, or other permitting standards may be revised only if consistent with the antidegradation policy. The reference to "other permitting standard" is deliberately broad to encompass all other mechanisms for establishing permit limits.

Similarly, the bill restricts backsliding in permits written according to "best professional judgment" in the absence of promulgated effluent limitation guidelines. The permittee is precluded from seeking a weaker permit on the grounds that a subsequently promulgated effluent limitation guideline would have led to a permit condition that is less stringent than those already being attained.

Mr. President, these remarks do not cover every aspect of this bill, but they do touch upon some of its most important provisions. A very great deal of effort by the Committee went into drafting this bill. I commend it to my colleagues without reservation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. HATCH). Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I thought I might give a little report for those listening in their offices on where we stand. We are in the course of negotiations, that is, Senators STAFFORD, BENTSEN, MITCHELL, and I, with those who were upset about the formula, and we are making every effort to arrive at some solution. Whether we will be successful or not we are not sure but in any event we are lacking now some further figures.

Those will be available to us in the morning and it is our hope that we can work something out in the morning.

Mr. MOYNIHAN. Mr. President, I simply express appreciation to the managers of the bill and to our beloved chairman for this effort. We hope it will succed and we will learn more tomorrow.

This is very much in the spirit of the Committee on Environment and Public Works. We have managed to stay together over many a long year on many complex subjects, and I hope we can do it on this as well.

I thank all concerned.

Mr. LEVIN. Mr. President, if the manager will yield, I also wish to express our appreciation.

I know the effort is made in good faith. Hopefully we can work it out. It is appreciated because the feelings obviously are strong when these kind of formula changes are made. We do appreciate the effort which everyone is making here.

Mr. CHAFEE. I express my appreciation to the Senator from New York, the Senator from Michigan, and the Senator from Minnesota.

We also have a difficulty with the Alaskan Senators and we are also working on that. They are not available right now and it would be our hope that we could arrive at some kind of a resolution of that in the morning as well.

Where is all of this going to lead us? Obviously, it is our hope that we can get these matters squared away and we can then proceed to the consideration of the bill. And how rapidly we can dispose of it I do not know.

But we certainly are trying to proceed as fast as we can.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so order.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of S. 1128.

Mr. DOLE. Mr. President, let me indicate to my colleagues who may want to know about plans for the evening that there will be no rollcall votes this evening. There have been discussions throughout the afternoon on a couple of very contentious matters dealing with clean water. It is my understanding there may be some hope for resolution of those and we will be able to move rather quickly. We hope to be back on the bill at 12 noon tomorrow.

We also hope yet this evening to approve the nomination of Martha Seger. That is now in the process of being cleared on the Democratic side. I am advised by the chairman of the Senate Banking Committee that if it is cleared, it can be done by a voice vote.

So I indicate to my colleagues that there will be no rollcall votes this evening and we will come in tomorrow morning at 9 a.m. There are six special orders that should take us to 10:30. At 10:40, we are to assemble to attend a joint meeting of the Congress to hear Prime Minister Ghandi. Then at 12 noon we hope to be back on S. 1128, and specifically the motion to proceed to S. 1128, the clean water bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET OFFICE'S REESTIMATE OF HOUSE CONCURRENT RESOLUTION 152

Mr. HOLLINGS. Mr. President, I have now received the Congressional Budget Office's reestimate of the House-passed budget resolution, House Concurrent Resolution 152. I have that along with the analysis of the Congressional Budget Office. I have already included the CBO reestimate of the Senate-passed resolution.

Mr. President, I ask unanimous consent that the letter of transmittal to Chairman GRAY, along with the enclosure of this particular reestimate, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 1985.

Hon. WILLIAM H. GRAY III,
Chairman, Committee on the Budget,
House of Representatives,
Washington, DC

DEAR MR. CHAIRMAN: At the request of the committee staff, I am enclosing the Congressional Budget Office's reestimate of H. Con. Res. 152 using CBO's baseline economic and technical assumptions. For purposes of comparability with CBO's baseline budget projections, the estimates do not reflect any developments in the economic or budget outlook since February.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,
Director.

CBO REESTIMATE OF HOUSE-PASSED BUDGET RESOLUTION

The following tables summarize CBO reestimates of the House-passed budget resolution (H. Con. Res. 152) using CBO's baseline economic and technical assumptions. The CBO baseline is described in "An Analysis of the President's Budgetary Proposals for Fiscal Year 1986" (February 1985). To be consistent with the published report, no changes have been made to reflect any developments in the economic or budget outlook since February.

Tables 1 and 2 provide CBO's reestimates of the House-passed resolution by budget function and by major spending category, respectively. Table 3 details the differences between the deficit estimates in H. Con. Res. 152 as passed by the House and as reestimated by CBO. The economic reestimates arise because the House-passed resolution uses the economic assumptions of the Administration's February budget. The differences in revenue estimates are attributable primarily to the fact that CBO assumes lower levels of nominal gross national product and of taxable incomes than does the Administration. (Differences in revenue estimates are described in detail in Appendix A of the report cited above.) For national defense, the House resolution assumes real growth of 3 percent in 1987-1988. Because CBO assumes higher rates of inflation in the defense sector than the Administration, CBO estimates that additional spending authority would be needed to achieve the defense real growth targets in 1987 and 1988. CBO has reestimated outlays for various benefit programs, primarily on account of differences in assumed rates of inflation. Finally, CBO estimates higher net interest outlays because CBO's baseline interest rates are considerably higher than the interest rates assumed for the budget resolution.

CBO's technical reestimates of the House-passed resolution are relatively small. Assumed policy changes that are specified as dollar targets rather than as specific legislative proposals have not been reestimated. For example, the House Budget Committee report indicates that the 1986 budget authority and outlay figures for national defense are targets and, accordingly, CBO has not reestimated them. Similarly, the "contracting out" savings included in the House-passed resolution appear to be—based on the Committee report—a target to be achieved through appropriations action, and have not been reestimated.

The House-passed resolution assumes that national defense budget authority for fiscal year 1985 is $1.05 billion below the CBO

baseline on account of lower supplemental appropriations for civilian and military pay increases; CBO has reduced estimated defense outlays in 1985 by the same amount to be consistent with the assumed budget authority. H. Con. Res. 152 assumes a three-year total of $3 billion in undistributed offsetting receipts from petroleum price overcharge recoveries; CBO estimates that only $0.5 billion will be available from this source during 1986–1988. The resolution also assumes that legislation will be enacted to settle the legal dispute between the Federal government and several states regarding outer continental shelf (OCS) rents and royalties now held in escrow; CBO estimates that this legislation, if implemented, would increase 1988 outlays by $0.4 billion more than the resolution assumes. CBO's reestimate of this OCS proposal also redistributes the allocation of savings by budget function. OCS receipts appear in two budget functions (900 and 950) and both would be affected by the assumed legislation; the House-passed resolution assigned all of the effect to function 950.

The other technical reestimates primarily involve reducing the savings from allowing growth in discretionary programs at only half the rate of inflation in 1987 and 1988 in certain budget functions. Finally, CBO's economic and technical reestimates increase the deficits that have to be financed by borrowing and, therefore, increase debt service costs.

Tables 4 and 5 itemize, by major spending category, the major deficit reduction measures assumed in H. Con. Res. 152. Table 4 shows the deficit reductions in H. Con. Res. 152 relative to the baseline used by the House Budget Committee. Table 5 compares the deficits in CBO's reestimate of the budget resolution to those in the CBO baseline.

Table 6 gives the reasons for the differences in the deficit reduction estimates. The biggest difference arises because the House Budget Committee baseline assumes the Administration's current services defense outlays (the so-called Rose Garden plan), while the CBO baseline assumes the defense outlays specified in last year's congressional budget resolution. Other smaller policy differences between the HBC and CBO baselines involve the treatment of the Administration's proposed deferral for the strategic petroleum reserve, assumed 1985 supplemental appropriations, arrearages for multilateral development banks, State Department security, and assumed rates of civilian agency pay increase. Differences resulting from different economic assumptions (primarily defense inflation and interest rates) and from different technical estimating assumptions were described above.

TABLE 1.—SUMMARY BY FUNCTION OF H. CON. RES. 152 AS REESTIMATED BY CBO

[By fiscal year, in billions of dollars]

	1985		1986		1987		1988	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Function:								
050	291.55	250.95	292.60	267.10	314.70	285.90	340.00	306.10
150	27.55	19.15	21.75	18.60	20.80	16.95	20.90	16.40
250	9.10	8.75	9.10	8.90	9.10	8.95	9.15	9.05
270	1.90	7.05	6.35	5.80	6.15	5.35	5.40	4.75
300	13.00	13.10	13.10	13.00	13.50	12.80	13.75	13.25
350	28.75	21.00	18.60	15.85	17.90	16.95	15.65	14.90
370	12.80	5.85	8.85	4.60	9.30	5.00	9.50	6.70
400	29.35	26.20	28.40	26.45	30.45	28.95	31.30	29.50
450	8.40	8.75	7.55	8.15	7.80	8.05	8.10	7.95
500	32.65	31.10	32.30	31.35	33.45	32.45	34.70	33.65
550	33.55	33.55	36.20	35.60	38.75	38.40	41.45	41.05
570	71.75	65.20	81.60	68.20	90.50	75.30	93.45	84.05
600	161.10	129.30	158.75	121.30	167.95	127.70	177.20	134.00
650	195.95	189.30	206.30	200.25	221.55	213.75	258.45	228.30
700	27.40	26.50	27.40	26.75	27.60	27.35	28.05	27.80
750	6.65	6.45	6.90	6.80	7.05	7.00	7.20	7.15
800	5.80	5.85	5.35	5.30	5.30	5.20	5.50	5.50
850	6.40	6.40	5.35	5.65	1.95	2.90	2.10	2.10
900	129.95	129.95	142.95	142.95	158.50	158.50	174.95	174.95
920	0.30	0.30	−4.90	−4.40	−4.60	−4.25	−3.45	−3.15
950	−32.35	−32.35	−37.40	−37.40	−36.75	−36.75	−38.95	−38.95
Total	1,061.55	952.35	1,067.10	970.80	1,140.95	1,036.45	1,234.40	1,105.05
Revenues		734.80		789.90		856.95		937.30
Deficit		217.55		180.90		179.50		167.75

TABLE 2.—SUMMARY BY CATEGORY OF H. CON. RES. 152 AS REESTIMATED BY CBO

[By fiscal year]

	1986	1987	1988
	In billions of dollars		
Revenues:	789.9	856.9	937.3
Outlays:			
National defense	267.1	285.9	306.1
Nondefense discretionary	175.6	177.6	184.1
Entitlements	438.5	467.0	495.9
Net interest	143.0	158.5	174.9
Offsetting receipts	−53.3	−52.5	−56.0
Total	970.8	1,036.5	1,105.0
Deficit	180.9	179.5	167.7
	As a percent of GNP		
Revenues:	19.0	19.1	19.4
Outlays:			
National defense	6.4	6.4	6.3
Nondefense discretionary	4.2	4.0	3.8
Entitlements	10.5	10.4	10.3
Net interest	3.4	3.5	3.6
Offsetting receipts	−1.3	−1.2	−1.2
Total	23.3	23.1	22.9
Deficit	4.4	4.0	3.5
Reference: GNP (In billions of dollars)	4,158.2	4,483.1	4,829.9

TABLE 3.—CBO ECONOMIC AND TECHNICAL REESTIMATES TO H. CON. RES. 152

[By fiscal year, in billions of dollars]

	1986	1987	1988
Deficit in H. Con. Res. 152	173.2	162.5	124.4
CBO economic reestimates:			
Revenues	4.2	9.0	18.3
Defense		.7	2.2
Benefit programs	−.8	−.2	−.5
Net interests (rates)	2.8	4.8	15.7
Subtotal	6.2	14.4	36.8
CBO technical reestimates:			
Petroleum overcharge fund	1.0	.6	.9
Outer Continental Shelf escrow releases			.4
Other technical reestimates		.1	.5
Subtotal	1.0	.7	1.8
Debt service effect of economic and technical reestimates	.6	2.0	4.7
Total reestimates	7.8	17.0	43.3
Deficit in H. Con. Res. 152 as reestimated by CBO	180.9	179.5	167.7

TABLE 4.—DEFICIT REDUCTIONS IN H. CON. RES. 152

[By fiscal year, in billions of dollars]

	1986	1987	1988	1986–88 total
HBC baseline deficit	229.4	245.5	244.4	719.2
Deficit reductions in H. Con. Res. 152:				
Revenue increases	−1.5	−1.7	−3.1	−6.3
Defense	−27.5	−45.2	−64.6	−137.2
Entitlements	−7.5	−11.9	−16.2	−35.5
Nondefense discretionary	−12.3	−17.5	−21.4	−51.2
Offsetting receipts	−4.9	2.2	1.9	−.8
Net interest	−2.6	−9.0	−16.6	−28.2
Total reductions	−56.2	−83.0	−120.0	−259.1
Deficit in H. Con. Res. 152	173.2	162.5	124.4	460.0

TABLE 5.—DEFICIT REDUCTIONS IN H. CON. RES. 152 AS REESTIMATED BY CBO

[By fiscal year, in billions of dollars]

	1986	1987	1988	1986–88 total
CBO baseline deficit	219.5	240.0	257.0	716.6
Deficit reductions in H. Con. Res. 152 as reestimated by CBO:				
Revenue increases	−1.5	−1.7	−3.1	−6.3
Defense	−14.8	−27.3	−40.9	−83.0

TABLE 5.—DEFICIT REDUCTIONS IN H. CON. RES. 152 AS REESTIMATED BY CBO—Continued

[By fiscal year, in billions of dollars]

	1986	1987	1988	1986–88 total
Entitlements	−7.3	−11.5	−15.7	−34.5
Nondefense discretionary	−8.8	−16.1	−18.9	−43.8
Offsetting receipts	−3.5	1.3	1.6	−.6
Net interest	−2.8	−5.1	−12.4	−20.3
Total reductions	−38.6	−60.5	−89.4	−188.4
Deficit in H. Con. Res. 152 as reestimated by CBO	180.9	179.5	167.7	528.2

TABLE 6.—DIFFERENCES IN DEFICIT REDUCTION ESTIMATES FOR H. CON. RES. 152 AND CBO REESTIMATE

[By fiscal year, in billions of dollars]

	1986	1987	1988	1986–88 total
Deficit reduction in H. Con. Res. 152	−56.2	−83.0	−120.0	−259.1
Deficit reduction in H. Con. Res. 152 as reestimated by CBO	−38.6	−60.5	−89.4	−188.4
Difference	17.6	22.5	30.6	70.7
Reasons for difference:				
Different defense baseline	12.7	17.2	21.5	51.3
Other policy differences in baseline [1]	2.6	.7	1.1	4.4
Different economic assumptions:				
National defense		.7	2.2	2.9
Entitlements	.1	.2	.3	.6
Different interest savings (interest rates plus other differences)	1.2	3.1	3.7	8.0
Technical reestimates to H. Con. Res. 152	1.0	.7	1.8	3.6
Total	17.6	22.5	30.6	70.7

[1] Strategic petroleum reserve, international affairs (function 150), and civilian agency pay raises (functions 920 and 950). The House baseline also includes the 1986–1989 effects of the 1985 anticipated supplemental.

EXTENSION OF REFERRAL OF S. 721

Mr. DOLE. Mr. President, I ask unanimous consent that the time for consideration of S. 721 by the Committee on Commerce, Science, and Transportation, under a previous sequential referral, be extended until June 24, 1985, and that if the committee has not reported by that time, the committee be discharged from further consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

(During the day routine morning business was transacted and additional statements were submitted, as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

A message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 66. Joint resolution designating June 11, 1985, as "Baltic Freedom Day".

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 211. Joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

ENROLLED JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week"; and

H.J. Res. 64. Joint resolution designating Mother's Day, May 12, 1985, to Father's Day, June 16, 1985, as "Family Reunion Month".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1274. A communication from the Director of the Selective Service System transmitting, pursuant to law, the semiannual report of the System covering October 1, 1984 through March 31, 1985; to the Committee on Armed Services.

EC-1275. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 139(b) of title 10, United States Code, to exempt the Secretary of Defense from the contract award reporting requirement in two additional instances; to the Committee on Armed Services.

EC-1276. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Urban Mass Transportation Administration Quarterly Report for the first quarter of fiscal year 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-1277. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving U.S. exports to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1278. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank for fiscal year 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-1279. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the settlement of certain land claims; to the Committee on Commerce, Science, and Transportation.

EC-1280. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a report on certain decisions, comments, and notices of the Commission; to the Committee on Commerce, Science, and Transportation.

EC-1281. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report of the nondisclosure of safeguards information by the Commission for the quarter ended March 31, 1985; to the Committee on Environment and Public Works.

EC-1282. A communication from the Acting United States Trade Representative, transmitting, pursuant to law, a report on the effects of foreign industrial targeting on the automobile and computer industries; to the Committee on Finance.

EC-1283. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to June 6, 1985; to the Committee on Foreign Relations.

EC-1284. A communication from the Acting Assistant Attorney General (Administration), transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1285. A communication from the Assistant Administrator of the Environmental Protection Agency (Administration and Resouces Management), transmitting, pursuant to law, a report on the deletion of a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1286. A communication from the Acting Assistant Attorney General (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1287. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend provisions of the Bankruptcy Code governing the powers of a bankruptcy court and the effect of automatic stays as they relate to certain multifamily mortgages and other loans insured or held by the Secretary of Housing and Urban Development or the Secretary of Agriculture; to the Committee on the Judiciary.

EC-1288. A communication from the Chairman of the National Research Council, transmitting, pursuant to law, a report entitled "Transportation Professionals: Future Needs and Opportunities"; to the Committee on Labor and Human Resources.

EC-1289. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October 1984 through February 1985; to the Committee on Small Business.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

Eric Reichl, of Connecticut, to be a Member of the Board of Directors of the

United States Synthetic Fuels Corporation for the remainder of the term expiring September 14, 1986;

Tom Corcoran, of Illinois, to be a Member of the Board of Directors of the United States Synthetic Fuels Corporation for the remainder of the term expiring August 16, 1990; and

Paul Webster MacAvoy, of New York, to be a Member of the Board of Directors of the United States Synthetic Fuels Corporation for the remainder of the term expiring September 14, 1991.

(The above nominations were reported from the Committee on Energy and Natural Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself, Mr. DANFORTH, Mr. HOLLINGS, Mr. RIEGLE, Mr. LONG, Mr. INOUYE, Mr. EXON, Mr. GORE, Mr. ROCKEFELLER, Mr. DENTON, Mr. HEFLIN, Mr. LAUTENBERG, Mr. GLENN, Mr. MATSUNAGA, and Mr. FORD):

S. 1278. A bill to authorize appropriations for the National Aeronautics and Space Administration, for research and development, space flight, control and data communications, construction of facilities and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 1279. A bill to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S. 1280. A bill to amend title 18, United States Code, to create a new Federal criminal offense of treasonous espionage—the unauthorized disclosure of classified information relating to national defense for profit, and to provide for the penalty of death by firing squad for such offense; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1281. A bill to modify the tax treatment of certain long-term contracts with the Department of Defense; to the Committee on Finance.

By Mr. HATCH:

S. 1282. A bill to revise and extend provisions of the Public Health Service Act relating to primary care; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1283. A bill to amend title VII of the Public Health Service Act, relating to health professions training assistance; to the Committee on Labor and Human Resources.

S. 1284. A bill to amend title VIII of the Public Health Service Act, relating to nurse education; to the Committee on Labor and Human Resources.

S. 1285. A bill to amend provisions of the Public Health Service Act relating to the National Health Service Corps; to the Committee on Labor and Human Resources.

By Mr. DOMENICI:

S. 1286. A bill to limit the amount of "junk" securities which may be held by federally insured institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EVANS (for himself and Mr. GORTON):

S. 1287. A bill to authorize the U.S. Army Corps of Engineers to construct, operate and maintian a single retention structure for controlling sediment flowing from eruptions of Mount St. Helens; to the Committee on Environment and Public Works.

By Mr. DANFORTH:

S. 1288. A bill to amend the Tariff Schedules of the United States regarding the classification of television apparatus and parts thereof; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1289. A bill to amend title 28, United States Code, to increase the number of U.S. bankruptcy judges authorized to be appointed for the northern and southern districts of Iowa; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself, Mr. LEVIN, Mr. MOYNIHAN, and Mr. BIDEN):

S. 1290. A bill to prohibit discrimination in insurance on the basis of blindness or degree of blindness; to the Committee on Commerce, Science, and Transportation.

By Mr. ARMSTRONG:

S. 1291. A bill to amend the Tax Reform Act of 1969 with respect to the application of the excess business holding provisions to private foundations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself, Mr. DANFORTH, Mr. HOLLINGS, Mr. RIEGLE, Mr. LONG, Mr. INOUYE, Mr. EXON, Mr. GORE, Mr. ROCKEFELLER, Mr. DENTON, Mr. HEFLIN, Mr. LAUTENBERG, Mr. GLENN, Mr. MATSUNAGA, and Mr. FORD):

S. 1278. A bill to authorize appropriations for the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACT, 1986

Mr. GORTON. Mr. President, I am introducing today, along with my Commerce Committee colleagues, Senators DANFORTH, HOLLINGS, RIEGLE, and others, a bill to authorize appropriations for fiscal year 1986 to the National Aeronautics and Space Administration [NASA] for research and development; space flight, control and data communications; construction of facilities; research and program management; and other purposes.

All of us throughout the United States and the rest of the world continually observe the exciting, innovative, and unprecedented achievements of NASA, not only with each shuttle mission, but also in the programs devoted to space science and applications and to aeronautical research and technology. Hardly a year goes by that NASA does not make some startling space science discovery or some extraordinary breakthrough in aeronautical research and technology. Having said this, it is with a certain sense of frustration that I introduce a fiscal year 1986 NASA authorization which falls far short of the administration's original budget request. In fact, the administration's budget request only provides real growth of less than 1 percent after adjustments for inflation. Now, however, as we enter this period of budgetary austerity, NASA, like most other Federal agencies, is being asked to make certain sacrifices.

This authorization bill that I am introducing provides $7.652 billion in budget authority for fiscal year 1986, a funding level that is $234 million below the administration's request of $7.886 billion. In the interests of containing the Federal budget deficits, this authorization bill has generally embraced the concept of a freeze. This bill's total authorization is $142 million greater than the fiscal year 1985 appropriation of $7.510 billion, an increase of just 1.9 percent. I should note that this $142 million increase over the fiscal year 1985 appropriation is not some arbitrary augmentation, but is based upon three distinct and unusual problems that my Subcommittee on Science, Technology, and Space has studied in developing this authorization. Two of these three problems relate to two of NASA's most significant and complex programs—the Centaur upper stage program and the tracking and data relay satellite system [TDRSS]. Because problems related to the Centaur and TDRSS were revealed and quantified only this spring, long after the administration had submitted its budget request, they are being addressed in this bill as additions to what otherwise is an authorization that strictly freezes NASA at the level of the fiscal year 1985 appropriation.

The Centaur upper stage program supports the development and procurement of the shuttle-dependent upper stages that are required for our next two major planetary missions—Galileo and Ulysses. An additional $52 million is authorized in this bill for critical and necessary design changes and for additional manpower requirements, all of which are necessary if NASA is going to maintain the 1986 launch dates for these two missions. Missing the narrow launch windows for these two missions would result in major additional costs and would significantly disrupt the shuttle's launch schedule.

The second major problem relates to NASA's tracking and data relay satel-

lite system which, when operational, will enable us to monitor our low-Earth orbit satellites from space rather than from our present ground station system, which provides only a fraction of the coverage that the TDRS system will provide. Recently, technical problems have been discovered in two of these TDRSS satellites that were about to be launched. The correction of these problems and the associated costs of delaying the launch of these two satellites have resulted in an additional fiscal year 1986 requirement of $48 million.

The Centaur and TDRSS problems and their associated fiscal year 1986 costs were unexpected, and there was no way to plan for them in the budget request. Forcing these additional requirements back into a freeze baseline would even further disrupt NASA's ongoing programs, which will already be adversely affected by the constraints of a freeze.

Finally, the third item included in this augmentation above the fiscal year 1985 appropriation is the restoration of the 5-percent pay cut that is assumed in the administation's budget request. This pay cut amounts to $42 million and, if implemented, could force NASA to furlough or involuntarily separate a large number of its civil servants. Forcing NASA into this position would significantly disrupt the Agency's activities and lead to major inefficiencies. The purpose of the restoration of this $42 million is to avoid these disruptions and inefficiencies which could only lead to far greater costs to the Federal Government than the cost of restoring the paycut.

Mr. President, many difficult decisions had to be made in order to conform this authorization to the spirit of a freeze. The reductions, however, have been distributed equally among NASA's programs, and the bill does not eliminate any of NASA's ongoing or proposed programs. I should note, however, that by achieving reductions of this magnitude, the completion of some programs may be delayed and the total program costs for these programs could increase.

In particular, this bill:

First, authorizes $200 million for the space station program; second, authorizes $1,025 million for NASA's space science programs, compared to the administration's request of $1,061 million. This bill, however, maintains the administration's budget request for space science research and analysis, much of which is performed at our universities and colleges; third, authorizes $16.5 million for NASA's commercial use of space program, a funding level that is $13.5 million below the administration's budget request; and fourth, authorizes $508 million for space applications, compared to the administration's budget request of $552 million.

Mr. President, an issue that has received considerable attention and one that the Science and, Technology, and Space Subcommittee has examined in several hearings is that of establishing a shuttle pricing policy for foreign and commercial customers for fiscal years 1989-91. The administration has studied this issue for some time within the forum of the Cabinet Council on Commerce and Trade and, more recently, in the Senior Interagency Group on Space, which will soon recommend shuttle pricing policy options to the President for a decision.

This bill provides that in order for this shuttle pricing policy to be established, a report setting forth the administration's policy must be delivered to the Senate Committee on Commerce, Science, and Transportation and to the House Committee on Science and Technology. Then these two authorizing committees have a period of 30 days to review the policy and, where appropriate and necessary, propose legislation to establish a shuttle pricing policy that more completely satisfies our Nation's goals and objectives.

The shuttle pricing policy provision in this bill will permit the administration to recommend policy options with as few restrictions as possible while still retaining the option for congressional intervention, where appropriate and necessary.

Mr. President, while I regret that NASA may have to conduct its fiscal year 1986 activities within the constraints of such a limited budget authority, I am hopeful that the programs supported by this authorization will generally progress as scheduled and that none of the goals and objectives of these programs will be compromised. I am confident that NASA's commitment to our Nation's preeminence in aeronautics and space will enable it to meet the challenge of operating in this fiscally conservative environment. I believe that years from now, when we all look back on this period of "belt-tightening," it will be eminently clear that NASA, more than any other Federal agency, was able to sustain its vitality and its record of achievements that have helped make us the great Nation that we are today. I ask the support of my colleagues for this authorization as a reaffirmation of our Nation's commitment to the world leadership position in aeronautics and space.

Mr. HOLLINGS. Mr. President, I rise in support of the fiscal year 1986 NASA authorization bill being introduced today in the U.S. Senate. It is a bill that balances the needs of today—a reduced Federal deficit—with the needs of tomorrow—a technologically strong and visionary America.

Mr. President, I think I can safely and humbly say that no Member of the Senate has worked as consistently as I have over the course of the last few years to reduce the Federal deficit. Since 1982, when I responded to President Reagan's challenge, the Hollings freeze plan has been introduced in each session of Congress. However, not until this year did the idea of deficit reduction catch on politically. Finally, in 1985 there appears to be a consensus that Federal spending must be controlled or America's future will be jeopardized.

Needless to say, I agree with that position. But I also realize that the United States must be able to compete in the world marketplace if we are to have a vibrant economy and a high standard of living. Crucial to this objective is America's continued status as the world leader in technology. Therefore, Government must continue to support our research and development programs to plant seed corn for the future.

To that end, I have worked closely with the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation to draft a fiscal year 1986 NASA authorization bill that balances these competing interests. The end result of this effort is the bill that we are introducing today, which we have come to know as the fiscal year 1986 NASA freeze plus plan.

Mr. President, the NASA freeze plus plan is the result of a thorough analysis of the fiscal year 1986 NASA budget request and a great deal of interaction between several Senate committees and NASA. Although the funding level recommended in the plan is significantly below the President's fiscal year 1986 request, it would safeguard the Nation's Civilian Space Program and work to maintain the technological leadership of the United States in space.

Over the years, NASA has done much to turn science fiction into science fact, and in fulfilling its mission NASA has gained the respect of the American public and the world. However, the challenge of putting a man on the Moon may pale in comparison with the challenge of obtaining funds in fiscal year 1986. That is why the committee spent so much time formulating the freeze plus plan, a plan that freezes the fiscal year 1986 NASA budget request of $7.886 billion at the fiscal year 1985 level of $7.510 billion, plus adds $142 million for three later requirements that were not clearly determined at the time of floor action by the House or the Senate Budget Committee. Hopefully, this plan balances competing interests in an equitable manner and will be endorsed by the full committee during its executive session on Thursday and eventually by the Senate.

Mr. President, the freeze plus plan being introduced today reflects a sig-

nificant degree of interaction and cooperation between the Senate Commerce, Budget and Appropriations Committees and represents an effort to balance the appropriate roles and responsibilities of each of these committees. To the extent it addresses the assumptions of the Senate Budget Committee and grants some degree of flexibility to the Appropriations Committee, the bill succeeds at this task.

The bill also balances the competing interests of the Civilian Space Program—space science, space applications, space shuttle, space commercialization, space station, et cetera—and equitably spreads the proposed reductions to the fiscal year 1986 NASA budget request. I am proud to say that the committee was able to keep to a minimum the proposed reductions to the aeronautics budget in the freeze plus plan. Thus, the necessary aeronautics research will be conducted in fiscal year 1986 to ensure our competitive posture in the world's aerospace markets of today and tomorrow.

Finally, let me say this bill supports the types of programs and projects that ensure the development of another of this Nation's most precious resources—the minds and imaginations of our youth.

Mr. President, I'm not sure what value to place on this latter aspect of NASA's programs, but I do know that in my home State the civilian space programs have done much to stimulate the youth and kindle an interest in science and mathematics. As a matter of fact, the Columbia, SC bicentennial celebration scheduled for 1986 will devote a significant degree of its program to our Nation's Civilian Space Program for the express purpose of stimulating the interests of our youth.

Mr. Chairman, I am proud to be an original cosponsor of this bill, and I am proud to be able to help shape our Civilian Space Program.

Mr. RIEGLE. Mr. President, I am pleased to be an original cosponsor of the Senate version of the fiscal year 1986 NASA authorization bill.

As ranking member of the Senate Commerce Committee, Subcommittee on Science, Technology, and Space, I am pleased to say that the end result of months of work and 5 days of hearings is a well-balanced NASA authorization bill that should provide a firm foundation for our Civilian Space Program.

Mr. President, the bill being introduced today provides $7.652 billion, including $142 million for three later requirements, for NASA in fiscal year 1986. Quite candidly, I wish more could be provided and that the committee had not been required to cut the President's fiscal year 1986 NASA budget request by $376 million. However, these are difficult times, and the committee was required to make some difficult choices. Yet, I feel confident that the committee made the right choices and that this bill will get us through the hard budgetary times of today without jeopardizing our Civilian Space Program.

In formulating this bill, five principles were adhered to by the subcommittee.

First, the bill should meet the institutional and personnel requirements of NASA so as to preclude any reduction in force.

Second, to the extent possible, the proposed reductions to the fiscal year 1986 NASA budget request should affect all program areas and disciplines equitably.

Third, and this is most important, the bill should not legislatively reduce the flight rate of the shuttle.

Fourth, the bill should stretch out rather than terminate major program activities. However, it is realized that if the budget situation in the out years is as critical, programs will have to be terminated in the fiscal year 1987 authorization.

Fifth, the bill should fully fund the fiscal year 1986 budget request for all mission operations and research and analysis accounts. These programs are the lifeline of university and basic research activities and are the key to future programmatic activities.

Mr. President, these are principles that I strongly endorse, and this is a bill that I strongly endorse. Referred to as the freeze plus plan, this bill is the result of much hard work and many hours of deliberations. I also should indicate that the subcommittee was greatly assisted in drafting this bill by the committee's ranking member, the junior Senator from South Carolina, and that valuable encouragement was provided by the chairman and ranking member of the Senate Appropriations Subcommittee on HUD-Independent Agencies, Senators GARN and LEAHY.

As for the key policy issue requiring resolution this year, shuttle pricing policy, I can only say that the committee is deeply concerned about the rumored post-1989 shuttle pricing policy. However, until a final number is officially announced, I will withhold my reaction since section 8 of the proposed bill provides the committee with the maximum flexibility on this issue. Let me merely say that based on the committee hearing record, it is clear to me that the shuttle is a national asset that is of vital importance to our national security, civilian and commercial space programs and that it is not in the best interest of the Nation or our Space Program to price access to the shuttle in a way that will diminish utilization.

Mr. President, together with my colleagues, I will work hard to achieve enactment of this bill and to ensure the future of our Civilian Space Program.

Mr. HEFLIN. Mr. President, I rise in support of the fiscal year 1986 NASA authorization bill that is being introduced today and I am proud to be an original cosponsor of this measure.

Mr. President, as we all know, these are difficult times because of the excessive Federal deficits and the budgetary pressures that exist for all programs. Each and every committee, and each and every Member, has been called upon to do their fair share to reduce the Federal deficit and to get our economy back on track.

I must note that I am most pleased that the Subcommittee on Science, Transportation and Space of the Senate Commerce Committee was able to draft a bill that complies with the deficit reduction program while simultaneously protecting the Civilian Space Program and our technological leadership in space.

I salute my good friend, Senator GORTON, the chairman of the Subcommittee on Science, Transportation and Space, for another job well done.

I also salute my good friend, the ranking member of the full committee, Senator HOLLINGS, for the invaluable inputs that he has made to this bill. His knowledge of the Appropriations, Budget and Authorization processes, combined with his knowledge of our Civilian Space Program, helped immensely with the formulation of the freeze plus plan that is being recommended for NASA in fiscal year 1986.

Mr. President, in April of this year, I put a statement in the RECORD in which I indicated that:

> The United States must vigorously pursue several space and technology areas if we are to remain strong economically and technologically. Our investment in these areas is an investment in a future of limitless possibilities. We must continue to push the frontiers of space and technology, expanding humanity's horizon for the benefit of all.

Mr. President, this is indeed what we need to do and the fiscal year 1986 NASA authorization bill that I am pleased to cosponsor today is a step in that direction.

Let me give you an idea of what I mean.

First, the bill before us today, despite extreme budget pressures, provides strong support for the space station initiative, for the development of a permanently manned facility in low Earth orbit. This program should do much to help with the development of materials science, biotechnology, electronic, and chemical engineering advances, as well as provide valuable information that will improve manufacturing processes and the quality of life here on Earth.

Second, the bill recognizes the importance of the materials processing program, a program I am pleased to say several universities in my State are intimately involved with, and fully funds the fiscal year 1986 NASA

budget request of $34 million. While I am in total agreement with my cosponsors that this is still not enough and that more support is required if the United States is to be competitive with the Europeans and the Japanese in this critical area, I think the bill correctly establishes the priority nature of activity by granting the fiscal year 1986 request.

It may interest my colleagues to know that as a result of experiments conducted on the shuttle by McDonnel Douglas and Johnson and Johnson, we are hopeful that some major medical breakthroughs are just around the corner as a result of NASA/private sector materials processing research.

Third, despite the budgetary pressures, this bill is able to fully fund the fiscal year 1986 budget request for research and analysis and mission operations, the key source of university basic research moneys. Once again, the bill correctly prioritizes this NASA activity. It also points to the basic reality that the research of today represents the discoveries and breakthroughs of tomorrow and that the United States must train its university students if we are to be competitive in future world markets.

Fourth, the bill is able to significantly reduce the NASA fiscal year 1986 budget request in an equitable manner but without terminating any of the major programmatic activities. In this manner, the United States will be able to continue to push to frontiers of space and to expand our knowledge of the universe. In a like manner, we will be able to continue to support necessary space applications experiments that represent the commercial markets of tomorrow.

Fifth, and finally, the bill is able to provide funding for the only new start included in the NASA budget request—the orbiting maneuvering vehicle [OMV]. This initiative is critical to the development of the space infrastructure that is required to do space science experiments and commercial space activities in low Earth orbit.

Mr. President, this proposed bill helps pave the way to the future, it helps reduce the deficit. It is a bill that I am pleased to cosponsor and a bill that I urge all my colleagues to support when it is reported out of committee.

Mr. DENTON. Mr. President, I am pleased to cosponsor the fiscal year 1986 authorization bill for the National Aeronautics and Space Administration [NASA]. NASA activities next year will be vital to the continued success of the significant space programs on which we have embarked.

Congress is faced with a dilemma. On one hand, we have to fund certain programs adequately while, on the other hand, we have to continue to reduce the Federal deficit. The austerity measures that the Congress must invoke make for some hard choices, and such is the case with the NASA authorization bill.

It is a good news, bad news story. The bad news is that the NASA authorization starts from a freeze at the fiscal year 1985 funding level, or $7.5 billion. The good news is that the Commerce Subcommittee on Science, Technology, and Space added money over current levels for certain key programs, and thus the NASA budget is more appropriately described as a freeze-plus authorization.

The plus part of the authorization restores the 5-percent pay cut for Federal employees—$42 million; funds the Centaur upper stage—$52 million; and funds the tracking and date relay satellite system [TDRSS]—$48 million, for a total of $142 million in additional expenditures. Those increases are essential for the continuation of the important activities taken by NASA.

I commend the committee for fully supporting the President's request for space science programs in physics and astronomy—$162.2 million and planetary exploration—$157 million. Many of our Nation's leading universities obtain the important parts of the funding for their space research from the space science programs, and the continued funding recommended by the committee will maintain the vitality and momentum that our institutions of higher learning need.

Many other notable programs are worthy of mention, especially those involving the Marshall Space Flight Center [MSFC] in Huntsville, AL. Spacelab, which is managed by MSFC, is funded at $96.7 million, the level of the President's request. Associated with Spacelab is the materials processing in space program, which remains one of Marshall's primary areas of research and is funded at $34 million. A continuation of the studies for testing of the space shuttle main engine [SSME], along with the modification of the old Saturn engine testing stand at Marshall, is funded at $20 million.

One of the most important programs that MSFC has is the orbital maneuvering vehicle [OMV]. It is the only new start in NASA's fiscal 1985 budget request. The reduction to $10 million from the President's request of $25 million should not significantly delay the initial operational capability [IOC], because the program is still in its infancy. Marshall will manage the OMV for use in connection with the space shuttle and space station. The OMV will have the ability to maneuver 25,000 to 30,000 pound payloads up to 1,500 miles away from the space station or the shuttle, and will greatly extend the operational range of the orbiter. In other words, the OMV will operate as a sophisticated space tug.

Finally, the bill allots $200 million for the space station, about $30 million less than the administration's request. The reduction may push back the target date from 1992 to the mid-1990's, which is unfortunate. The President's formal target date, however, is 1994. The space station is a vital part of our space program, and is one area in which we are working together with our European friends in a truly cooperative effort.

I am in full support of the National Aeronautics and Space Administration authorization bill, mainly because it does so much with a limited budget. The space program, with its myriad of programs, is one of the pillars on which our country's future is based. If we fail to advance technologically, and secure the use of space for ourselves and our generations that follow, we will abandon one of the most promising opportunities for future growth that mankind has ever had.

I strongly urge my colleagues to support the NASA authorization bill.

By Mr. GORTON:

S. 1279. A bill to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984; to the Committee on Commerce, Science, and Transportation.

LANDSAT COMMERCIALIZATION

Mr. GORTON. Mr. President, today I am introducing legislation to provide full authorization for the transfer of the Federal Government's civil land remote-sensing satellite, or Landsat, system to the private sector.

The Landsat system has been operated by the Federal Government since 1972, most recently by the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration [NOAA]. Landsat orbits the Earth and generates data which are valuable in agriculture, hydrology, cartography, and nonrenewable resource exploration.

On March 8, 1983, President Reagan announced his intent to commercialize NOAA's weather satellite and Landsat systems. The Congress passed legislation prohibiting the transfer of weather satellites to the private sector because the applications of weather satellite data are critical to public safety and welfare, and are thereby inherently governmental rather than commercial.

Last year, I introduced legislation to authorize the commercialization of Landsat. The legislation, Public Law 98-365, which passed the Senate unanimously, directed the Secretary of Commerce to solicit and evaluate bids for the operation of the current Landsat system and the development of a follow-on system. Public Law 98-365 provided that Federal funding could subsidize system development and authorized a $75 million 1985 ap-

propriation to be used to fund the early stages of system development.

Since the enactment of Public Law 98-365, the Department of Commerce has decided, by means of a competitive process, to contract with Earth Observation Satellite, Inc., or Eosat, for the operation of the current Landsat and development of two follow-on satellites. Lengthy negotiations between the Department, Eosat, and the Office of Management and Budget [OMB] have produced agreement on the terms of the contract.

On May 22, 1985, President Reagan sent to the Congress a funding request for a $75 million fiscal year 1985 supplemental appropriation and a $50 million fiscal year 1986 appropriation. This funding will enable Eosat to begin developing a follow-on system to the current Landsat system, which is expected to expire in 1987.

The total cost to the Federal Government will be $295 million, of which $250 million will fund the development of two satellites, and $45 million will cover the cost of two launches. The bill I am introducing today amends Public Law 98-365 to authorize the full $295 million for the fiscal years 1985 through 1989, with the stipulation that no more than $125 million will be available in 1985 and 1986. The bill thereby limits spending on the contract to the established level and limits the first installment of Federal funding to the amount requested by the President.

I urge my colleagues to join me in reaffirming support for Landsat commercialization. I have discussed the Eosat contract with representatives of the Department of Commerce, OMB, and Eosat, and with several of my colleagues. All agree that this package is a good deal for the taxpayer, providing two satellites for less than the cost of the most recently built Landsat, improved technology and the benefit of aggressive private sector data marketing. The contract is designed to promote new applications of remote sensing data and to make the United States competitive against foreign systems in the new space industry of land remote sensing.

By Mr. STEVENS:

S. 1280. A bill to amend title 18, United States Code, create a new Federal criminal offense of treasonous espionage—the unauthorized disclosure of classified information relating to national defense for profit, and to provide for the penalty of death by firing squad for such offense; to the Committee on the Judiciary.

CRIMINAL OFFENSE OF TREASONOUS ESPIONAGE

Mr. STEVENS. Mr. President, recent days have seen the exposure of what could be the worst espionage scandal in our peacetime history. It was perpetrated by men with access to critically sensitive defense information, who felt no qualms about selling it, and who did not care how they hurt their country. This is perhaps the strongest possible threat to the safety of our Nation. We must act to demonstrate our abhorrence for those who would perpetrate such crimes, and to discourage anyone from believing that we, as a nation, will tolerate such an abuse of trust.

This treasonous affront to decency makes a mockery of all our efforts to ensure peace. What security can we find in arms talks when the foundations of our defensive systems are stripped away by our own men? This must not happen again. While efforts will be made to tighten security, the business of defense must go on. Sensitive information will continue to pass through many hands. The only way to prevent repetition of this atrocity is to deter those hands from being tempted by dollars. That is the purpose of the legislation I introduce today to create a new crime of treasonous espionage. It would punish those who betray their country by selling classified information to foreign governments—with death.

Because the purpose of classifying information is to prevent its wide dispersal, we must adopt special measures to avoid compromising that information in bringing defendants to trial. This bill includes features for its protection. In a trial under this section the judge will determine whether the information involved is sufficiently related to national defense to support the charge. In this way, the security of the Nation is protected without compromising the rights of defendants.

The essence of this crime, however, is the actual act of transferring the information, for money. Current laws address the gathering and transferal of sensitive information, but no section differentiates sale from other motivations. This legislation would punish those who act without even the lame justification of furthering political ideals. These people are motivated by greed alone. Our Nation prides itself on being the business center of the free world, but those that make a business out of betraying their country shame everything for which we stand. Nothing twists the honest ethic this country represents more than the grasping, degenerate act of auctioning off the security of the Nation.

The punishment for such reprehensible acts must be the stiffest we may deliver. Nothing else will do. Therefore, we must make the penalty for this crime death. We must send out the message that we will not tolerate such treasonous behavior. Any weaker response to this threat would be unconscionable.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 794 of title 18, United States Code, is amended by inserting at the end thereof the following:

"(d)(1) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, for the purpose of financial profit, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information containing information with a secret or higher classification relating to the national defense, shall be punished by—

"(A) death as provided in subsection (d); or

"(B) imprisonment for 20 years or more or for life.

"(2)(A) Prior to the presentation of any evidence to the jury in the trial of an offense under this subsection the court shall first certify to the jury whether information relating to the national defense is, in fact, designated at a secret or higher classification.

"(B) In cases tried under this subsection a jury shall not hear or receive evidence concerning information with a secret or higher classification relating to the national defense."

"(3)(A) A person shall be subjected to the penalty of death for the offense prohibited by this subsection only if a hearing is held in accordance with this paragraph.

"(B) When a defendant is found guilty of or pleads guilty to an offense under this subsection, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in subparagraph (F), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that one or more of the mitigating factors set forth in subparagraph (F) exists. The hearings shall be conducted—

"(i) before the jury which determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury; or

"(III) the jury which determined the defendant's guilt has been discharged by the court for good cause; or

"(iii) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government.

"(C) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court deter-

mines is required to be withheld for the protection of human life. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in subparagraph (F). Any information relevant to any of the mitigating factors set forth in subparagraph (F) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the factors set forth in subparagraph (F). The burden of establishing the existence of any of the factors set forth in subparagraph (F) is on the defendant.

"(D) The jury, or if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in subparagraph (F).

"(E) If the jury or, if there is no jury, the court finds that one or more of the mitigating factors set forth in subparagraph (F) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendent was convicted.

"(F) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in subparagraph (D) that at the time of the offense—

"(i) he was under the age of eighteen;

"(ii) his capacity to appreciate the wrongfulnes of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

"(iii) he was under unusual and substantial duress, although not such duress as to constitute a defensee to prosecution; or

"(iv) he was a principal (as defined in section 2(a) of title 18 of the United States Code (18 U.S.C. 2(a))) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution.

"(4)(A) Notwithstanding any other provision of law, the penalty of death for an offense prohibited by this subsection shall be carried out by a firing squad.

"(B) The Attorney General shall make live video and audio coverage of any execution carried out under this subsection available to the public.".

By Mr. ROTH:

S. 1281. A bill to modify the tax treatment of certain long-term contracts with the Department of Defense; to the Committee on Finance.

TAX TREATMENT OF CERTAIN LONG-TERM DEFENSE CONTRACTS

● Mr. ROTH. Mr. President, today I am introducing legislation to ensure that major defense contractors pay their fair share of taxes when due by revising the accounting methods they use to determine their tax liability. The bill provides that large defense firms may no longer use the completed contract method of accounting for purposes of determining their tax liability. Under my proposed legislation, they will no longer be able to defer tax payments to the Government as they have been able to under the completed contract method.

Mr. President, simply put, my bill will ensure that major contractors in the defense industry are no longer able to defer paying any taxes for years as they have been able to under existing Internal Revenue Service rules. The contractors are able to avoid paying taxes for many years because the IRS has authorized them to use the completed contract method of computing their tax liability. This procedure essentially allows contractors to defer recognition of the gross profit on their contracts as taxable income until the contract is "complete." Under the interpretation which has been used by the contractors, contracts remain open as long as purchases of the particular plane, tank, or ship continue. In other words, each year's purchase of a piece of defense hardware is not considered to be a separate contract but rather a part of a single large contract which may stretch over many years.

Using this accounting method, all gross income on the sale of any product through contract to the Government is deferred until such time as no more orders are received and all back orders are filled. For all intents and purposes, these contracts could be extended indefinitely. Even if only one or two jets, for example, were purchased by a foreign government in a given year, the contract for that plane would be considered open and the associated tax liability deferred.

Before 1976, the use of the completed contract method was limited to short-term construction contracts. Before the changes in IRS regulations allowed for the use of the completed contract method, large contractors had to recognize the revenue they received from contract work for tax purposes as deliveries were made. For example, when a weapon was delivered to the Defense Department, the Department had to claim the revenue associated with the sale of that item in the current tax year. Contractors, like the rest of us, paid their taxes when due.

In 1976, however, IRS issued regulations which allowed contractors to use the completed contract method. Under the rules, companies cannot only defer the payment of their tax liabilities, they can also claim some deductions for certain selling and administrative expenses as they occur. In effect, contractors have the best of both worlds. They can defer paying the taxes they owe while at the same time taking advantage of the benefits of certain tax deductions which are usually only claimed when tax filings are made.

Mr. President, this legislation makes our tax system more fair. It is inconceivable to me, and I think to most taxpayers, that major defense contractors who are earning profits of literally billions of dollars a year, pay little or no taxes. One recent study found that the top 12 defense contractors in the Nation paid only $296 million in taxes during the years 1981, 1982, and 1983 on profits estimated to be close to $19 billion. The average amount of taxes paid by these 12 companies as a percentage of profit was only 1.5 percent. Even more astounding, the Nation's top five defense contractors paid not one red cent in taxes in those same 3 years.

The Congress tried to restrict the use of this deferral provision in passing the Tax Equity and Fiscal Responsibility Act [TEFRA] by changing the definition of "completed contract" so that tax liability could not be extended indefinitely. However, TEFRA has been law for 2 years and the IRS has yet to issue regulations. In addition, the act applies only to new contracts issued after December 31, 1982, so the literally hundreds of contracts now in the pipeline, for such things as the F-16, M-1 tank and Aegis cruisers, would not be subject to the new accounting rules. Billions of dollars in tax liabilities will still be deferred many years in the future. It is also not clear how tightly the new IRS rules will be drafted and it is possible that the definition of "completed contract" will still allow substantial amounts of tax deferral.

Mr. President, my bill disallows the use of the completed contract method of accounting on Defense Department long-term contracts. Instead, defense contractors will have to include in gross income the aggregate amount received under a contract in each year of the contract or the amount determined under the percentage of completion method, whichever is greater. In other words, if a contractor had a 3-year $3 million contract and received $1 million in payments in a given year, but delivered no products or completed no work on the contract, he would have to pay taxes on the amount of profit received on the $1 million worth of income and could claim any corresponding deductions associated with the income. If, on the other hand, he received no income in the next year but completed a third of the work on the contract, he would not have to pay any taxes because he already claimed income in the previous year equal to the one-third of the contract work. Finally, in the last year he receives $2 million worth of income on the contract and completes all work. Under these conditions, he pays taxes on the profits associated with the 2 million dollars' worth of income and the contract is completed.

Mr. President, my bill is eminently fair to both the taxpayers of this country and to the contractors. Defense contractors were required to use

the percentage of completion method for calculating their taxes before 1976 so essentially my bill simply ensures that they are covered under the terms of the previous policy. In addition, under the Securities and Exchange Commission's rules, contractors already have to use the percentage of completion method in reporting on their financial status to their shareholders.

According to estimates made by the Joint Committee on Taxation in 1982, more than $800 million in deferred taxes would have been returned to the Treasury in 1983 under the TEFRA provisions for tightening the use of the completed contract method. As I said, these provisions have yet to be implemented and in any case, they may not have ensured that large defense contractors truly paid their fair share of taxes as would my legislation. My bill will require that defense contractors pay their taxes when due just as the rest of us are required to. How many of us could avoid paying our taxes for years? How many of us could do it and get away without paying any penalties? Why should large defense firms be allowed to do these things especially when they are by and large experiencing very healthy profit margins?

Mr. President, all of us want to ensure that we have a tax system that is fair to all. The administration is currently developing a major tax reform proposal aimed at simplifying the tax system and making it harder to take unfair advantage of the law. Many here in this body are working toward the same goals. My bill is offered in this same spirit. At a time when the IRS is having serious management problems affecting the confidence of the American public in the effectiveness of our tax system, we can ill afford to allow the defense industry to take advantage of provisions like the completed contract method. We must do all we can to restore the public's faith in a fair and understandable tax system and I believe my bill will help us reach this goal.

I urge my colleagues to support this legislation.●

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1282. A bill to revise and extend provisions of the Public Health Service Act relating to primary care; to the Committee on Labor and Human Resources.

PRIMARY CARE AMENDMENTS

Mr. HATCH. Mr. President, today I am introducing the Primary Care Amendments of 1985.

Last year the Congress carefully considered reauthorization legislation for the four health services block grants first created in 1981. These block grants returned to the States the authority and flexibility to deliver health services to their citizens according to regional needs and solutions. They were part of President Reagan's "New Federalism." These block grants established in preventive health services, maternal and child health, and alcohol, drug abuse and mental health have proven to be remarkably successful.

In contrast, the primary care block grant as proposed by the administration was not passed into law in 1981; participation was made optional and required a new State match; and the authority for Federal funding of community and migrant health centers was retained. Unfortunately, with these restrictions, few States demonstrated interest in the block grant management of this particular program. When this legislation was considered for reauthorization last year, it became clear that it was premature to completely pass the baton from the Federal Government to the States. Therefore, as a compromise, we authorized new State grants for primary care research, demonstration, and services while increasing the State role in the administration of the longstanding community health center program. It was the intent of Congress that the new State grant funds be used to provide both primary care services in medically underserved areas and to develop programs to meet local needs without further Federal regulatory direction. These grants will provide an opportunity for States to make a transition to assuming increasing responsibility for oversight of community health centers and migrant health centers. This transition period is considered essential to ensure that these centers, which provide services for the poor and most needy among our citizens, continue their proven track record of excellent and economic care.

Based on past accomplishments and the successful Senate/House conference related to this legislation last year, I am introducing identical legislation at this time. The administration would prefer that these programs be part of a block grant that also includes health services to coal miners and family planning. As the track record shows, my committee and I have supported the intention of giving States greater flexibility and control over their own health service programs by supporting grants. However, we believe this primary care legislation will provide the opportunity for States to make a more gradual and effective transition to manage these programs. Therefore, under this legislation the Federal Government will continue to fund community health centers and migrant health centers within the States, and authorization levels reflect those agreed upon in conference during the last Congress. These funds are essential to assure care for the most medically underserved and needy of our population. Mr. President, I urge my colleagues to join with me in approving this legislation. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Primary Care Amendments of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

MEDICALLY UNDERSERVED POPULATIONS

SEC. 3. Section 330(b) is amended—

(1) by striking out the second, third, fourth, and fifth sentences of paragraph (3); and

(2) by adding at the end thereof the following:

"(4) In carrying out paragraph (3), the Secretary shall by regulation prescribe criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall—

"(A) take into account comments received by the Secretary from the chief executive officer of a State and local officials in a State; and

"(B) include infant mortality in an area or population group, other factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.

"(5) The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

"(A) the chief executive officer of such State;

"(B) local officials in such State; and

"(C) the State organization, if any, which represents a majority of community health centers in such State.

"(6) The Secretary may designate a medically underserved population that does not meet the criteria established under paragraph (4) if the chief executive officer of the State in which such population is located and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.".

MEMORANDUM OF AGREEMENT

SEC. 4. Section 330 is amended by redesignating subsection (g) as subsection (i) and by inserting after subsection (f) the following new subsection:

"(g) In carrying out this section, the Secretary may enter into a memorandum of agreement with a State. Such memorandum

may include, where appropriate, provisions permitting such State to—

"(1) analyze the need for primary health services for medically underserved populations within such State;

"(2) assist in the planning and development of new community health centers;

"(3) review and comment upon annual program plans and budgets of community health centers, including comments upon allocations of health care resources in the State;

"(4) assist community health centers in the development of clinical practices and fiscal and administrative systems through a technical assistance plan which is responsive to the requests of community health centers; and

"(5) share information and data relevant to the operation of new and existing community health centers.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. (a) Paragraphs (1) and (2) of section 330(i) (as redesignated by section 4 of this Act) are amended to read as follows:

"(1) There are authorized to be appropriated for payments pursuant to grants under this section $405,000,000 for the fiscal year ending September 30, 1986, $437,000,000 for the fiscal year ending September 30, 1987, and $472,000,000 for the fiscal year ending September 30, 1988.

"(2) The Secretary may not in any fiscal year—

"(A) expend for grants to serve medically underserved populations designated under subsection (b)(6) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year; and

"(B) expend for grants under subsection (d)(1)(C) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year.".

STATE GRANTS FOR PRIMARY CARE RESEARCH, DEMONSTRATION, AND SERVICES

SEC. 6. (a) Part C of title XIX is repealed.

(b) Title XIX is amended by adding at the end thereof the following new part:

"PART C—STATE GRANTS FOR PRIMARY CARE RESEARCH, DEMONSTRATION, AND SERVICES

"PURPOSE; AUTHORIZATION OF APPROPRIATIONS

"SEC. 1921. (a) For the purpose of—

"(1) improving access to primary health services for medically underserved populations,

"(2) improving the delivery of primary health services to medically underserved populations, particularly the effectiveness, efficiency, and quality of such services, and

"(3) improving the health status of such populations, through reductions in—

"(A) the incidence of preventable diseases and illnesses and premature death, and

"(B) the need for costly inpatient and long-term care services,

the Secretary shall make payments under allotments, in accordance with the provisions of this part, to States for the conduct of activities authorized by this part.

"(b) For allotments under this part, there are authorized to be appropriated $17,500,000 for fiscal year 1986, $20,000,000 for fiscal year 1987, and $23,500,000 for fiscal year 1988.

"ALLOTMENTS

"SEC. 1922. (a)(1) Except as provided in paragraph (2), from the amounts appropriated under section 1921 for each fiscal year, the Secretary shall allot to each State an amount equal to the product of—

"(A) the total amount appropriated for such fiscal year, multiplied by

"(B) the ratio (stated as a percentage) that the total number of low-income persons residing in the State bears to the total number of low-income persons residing in the United States.

"(2) Notwithstanding paragraph (1)—

"(A) the total amount of the allotment for each of the several States, the District of Columbia, and Puerto Rico for each of the fiscal years 1986, 1987, and 1988 shall not be less than 1 percent of the total amount appropriated under section 1921 for such fiscal year;

"(B) the total amount of the allotment for each of the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands for each such fiscal year shall not be less than one-fourth of 1 percent of the total amount appropriated under section 1921 for such fiscal year; and

"(C) the total amount of the allotment for each of American Samoa and the Commonwealth of the Northern Mariana Islands for each such fiscal year shall not be less than one-sixteenth of 1 percent of the total amount appropriated under section 1921 for such fiscal year.

"(b) To the extent that all the funds appropriated under section 1921 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1925 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1906(b)(3) (as such section applies to this part pursuant to section 1925(e));

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(c)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this subpart,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for a fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved under subsection (a) as the total number of low-income persons in the tribe during such fiscal year bears to the total number of low-income persons residing in the State during such fiscal year.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the persons for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 1923. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under section 1922 from amounts appropriated for that fiscal year.

"(b)(1) Except as provided in paragraph (2), any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State if the Secretary determines that there is good cause for such funds remaining unobligated.

"(2) If the amount paid to a State under this part for a fiscal year which remains unobligated at the end of such fiscal year exceeds 20 percent of the amount allotted to such State under section 1922 for such fiscal year, the amount of such excess shall not remain available for the next fiscal year to such State under paragraph (1) and shall be returned to the Treasury and credited as miscellaneous receipts.

"USE OF ALLOTMENTS

"SEC. 1924. (a) Amounts paid to a State under section 1923 from its allotment under section 1922 may be used to—

"(1) make grants to eligible entities to provide primary health services to medically underserved populations in the State; and

"(2) conduct, or make grants for the conduct of, research, demonstrations, or the development of methods to evaluate—

"(A) alternative systems of reimbursement for primary health services;

"(B) new or innovative methods for the provision of primary health services;

"(C) methods of attracting and retaining primary health service providers (including physicians, dentists, physician assistants, nurse practitioners, and other health professionals), both individually and as teams, to train and practice among medically underserved populations;

"(D) different types of organizational models and relationships, including federations of providers of primary health services, designed to meet unique primary health and dental health service needs; and

"(E) methods of reducing long-term institutional costs by improving service connections between providers of primary health services and home and community-based services; or

"(F) such other matters which will enhance the availability or accessibility of primary health services.

"(b)(1) A State may not use funds allotted under section 1922 for the purposes of administering this part or administering an agreement under section 330(g).

"(2)(A) Of the amounts paid to a State under section 1923 for each fiscal year—

"(i) not less than 80 percent shall be used to make grants under paragraph (1) of subsection (a); and

"(ii) not more than 20 percent may be used to conduct, or to make grants for the conduct of, activities described in paragraph (2) of subsection (a).

"(B) Not more than 10 percent of the amounts paid to a State under section 1923 for each fiscal year may be used for activities described in paragraph (2) of subsection (a) which are directly conducted by the State.

"(3) If a State makes a grant under paragraph (1) of subsection (a) for the provision of primary health services to a medically underserved population which is in the serv-

ice area (determined in accordance with section 330(e)(3)(I)) of an entity which is a recipient of a grant under section 330, the State shall make such grant to such entity.

"(c) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

"(d) A State may not use amounts paid to it under section 1923 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of health services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) provide financial assistance to any entity other than a public or nonprofit private entity.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

"SEC. 1925. (a) In order to receive an allotment for a fiscal year under section 1922 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require. Each such application shall contain assurances that the legislature of the State has complied with the provisions of subsection (b) and that the State will meet the requirements of subsection (c).

"(b) After the expiration of the first fiscal year in which a State receives an allotment under section 1922, no funds shall be allotted to such State for any fiscal year under such section unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under section 1923 for such fiscal year.

"(c) As part of the annual application required by subsection (a), the chief executive officer of each State shall certify that the State—

"(1) agrees to use the funds allotted to it under section 1922 in accordance with the requirements of this part;

"(2) has identified the populations, areas, and localities in the State with a need for the primary health services for which funds may be provided by the State under this part;

"(3) has established an appropriate mechanism to administer grants to be made under section 1924, and to comply with the requirements of this part;

"(4) will participate in the coordination of activities supported under this part with the activities of other providers of primary health services within the State (including entities which are recipients of grants under sections 329 and 330), to ensure that such activities are carried out in an effective manner and without duplication of effort;

"(5) will establish, after providing reasonable notice and opportunity for the submission of comments, reporting requirements and reasonable criteria to evaluate the fiscal, managerial, and clinical performance of entities which receive grants under section 1924;

"(6) will not require, for purposes of compliance with paragraph (5), entities which are recipients of grants under section 1924 and under section 329 or section 330 to comply with different reporting requirements and criteria than are required under section 329 or section 330, as the case may be; and

"(7) agrees that Federal funds made available under section 1923 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d)(1) The chief executive officer of a State shall, as part of the application required by subsection (a), also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1923 for the fiscal year for which the application is submitted, including—

"(A) a description of the populations, areas, and localities in the State which the State has identified as needing primary health services;

"(B) a statement of goals and objectives for meeting the needs identified pursuant to subparagraph (A);

"(C) information on the activities to be supported and services to be provided with payments under this part;

"(D) after the expiration of the first fiscal year in which the State received payments under section 1923, a description of the criteria and methods that will be used by the State for the distribution of payments under such section, and the relationship of such criteria and methods to the achievement of the purposes of this part; and

"(E) the information and data which the State intends to collect respecting activities supported under this part.

"(2) The description required by paragraph (1) shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

"(e) Except where inconsistent with the provisions of this part, the provisions of section 1903(b), section 1906(a), paragraphs (1) through (5) of section 1906(b), section 1906(c), and sections 1907, 1908, and 1909 shall apply to this part in the same manner as such provisions apply to part A of this title.

"DEFINITIONS

"SEC. 1926. As used in this part:

"(1) The term 'low income person' refers to those individuals and families whose income is determined to be below the official poverty line as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act.

"(2) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'medically underserved population' has the meaning given to such term by section 330(b)(3).

"(4) The term 'primary health services' means the preventive, diagnostic, treatment, consultation, referral, and other services rendered, on an ambulatory basis, by a physician and, where feasible, by a physicians' assistant or nurse practitioner. Such term includes, at a minimum, access to routine associated laboratory services, diagnostic radiologic services, preventive health services, and emergency medical care.

"(5) The term 'eligible entity' means a public or nonprofit private entity capable of providing primary health services to medically underserved populations.".

MIGRANT HEALTH CENTERS

SEC. 7. The first sentence of section 329(h)(1) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$50,000,000 for the fiscal year ending September 30, 1986, $56,000,000 for the fiscal year ending September 30, 1987, and $61,000,000 for the fiscal year ending September 30, 1988".

REGULATIONS

SEC. 8. By the earliest possible date, but not later than June 30, 1986, the Secretary shall promulgate separate final regulations to carry out part C of title XIX of the Public Health Service Act (as added by section 6(b) of this Act) which take into account the provisions of such part which are different from the provisions of parts A and B of such title.

TECHNICAL AMENDMENT

SEC. 9. Section 329(d)(2) is amended by inserting before the semicolon "and the costs of repaying loans made by the Farmers Home Administration for buildings".

EFFECTIVE DATE

SEC. 10. This Act and the amendments made by this Act shall take effect on October 1, 1985, except that section 8 of this Act shall take effect on the date of enactment of this Act.

● Mr. KENNEDY. Mr. President, I am pleased to join with my colleague, Senator HATCH, in introducing this bipartisan bill to reauthorize the Community Health Centers and Migrant Health Centers Programs.

This legislation will help ensure the continued development and vitality of community based health centers. Community health centers have provided essential health services to those most in need for more than 20 years. Study after study has shown that community health centers provide high quality, cost effective care to those who would otherwise lack access to essential health services.

Last year alone community health centers were the primary source of health care services to more than 5 million Americans. Because community health centers are such attractive and effective providers of primary care services, the Federal grant dollars provided leverage services valued at more than twice as much as the direct Federal grants, including funding by Medicare, Medicaid, State programs, private insurance, and patient fees.

The need for community health centers is greater today than ever before. The number of Americans without health insurance has increased 40 percent since 1977, from 25 million people to 35 million. The number of the poor and near poor without Medicaid coverage has increased from 37 to 50 percent during the same period. Community health centers obviously cannot fill all these gaps, but they are a key resource in providing care to the poor and the underserved at a time when other institutions in our society are doing less and less to meet these important needs.

In addition to reauthorizing the Community Health Centers Program, this legislation includes several important improvements. It encourages expanded activities by State governments in primary health care by establishing a new program of grants to the States for planning and development of primary care services. In addition, the legislation includes several provisions designed to encourage even more effective coordination of State and Federal primary care activities.

Just as the community health centers have provided essential health services to the poor and underserved in urban and rural areas throughout the country, migrant health centers have provided health services to one of the most deprived groups in our society—migrant farm workers. For this group in particular, the services of health centers have often literally meant the difference between life and death.

As the Community Health Centers Program enters its third decade, we in the Congress can express our satisfaction with their accomplishments and our recognition of the continued need for a Federal commitment to health care for the poor and underserved by prompt passage of this legislation.●

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1283. A bill to amend title VII of the Public Health Service Act, relating to health professions training assistance; to the Committee on Labor and Human Resources.

HEALTH PROFESSIONS TRAINING ASSISTANCE ACT

Mr. HATCH. Mr. President, I am pleased to introduce today a bill which reauthorizes programs currently funded under title VII of the Public Health Service Act—the Health Professions Training Assistance Act. The Labor and Human Resources Committee which I chair carefully evaluated health manpower needs during hearings in 1984 and drafted legislation approriate for these needs.

During hearings last March, we learned that a great deal has changed in our Nation's capacity to train health professionals over the past two decades. In fact, programs authorized under title VII of the PHS have been extraordinarily successful—we have almost doubled our capacity to train qualified physicians, dentists, and a broad spectrum of other health professionals. This is due in large part to incentives, started in the mid-1960's, for schools to increase the number of health professions. In response to congressional concerns conveyed through a series of programs authorized through this act, health professional schools increased their enrollments, encouraged students to select careers in one of the primary care specialties, and provided training opportunities in rural and medically underserved areas. Successful outreach programs were established to encourage minorities and economically disadvantaged young people to pursue careers in one of the health professions.

There is much to be proud of as a result of these efforts. Without question, the United States enjoys world leadership in the caliber and dedication of our health professionals. Much of the credit goes to the Nation's academic health centers, schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, public health, and allied health training institutions. Collectively they have been successful in implementing the kinds of educational programs which meet our citizens' needs.

A revised version of this legislation, tailored for current needs, was favorably considered by our committee last year, subsequently passed by the Senate, successfully conferenced with our colleagues in the House of Representatives, and sent to the President for his approval. Unfortunately, President Reagan chose to veto this bill, which was included in a package of other bills—S. 2574, the Public Health Service Act Amendments of 1984. The memorandum of disapproval cited objection to the overall budget of this package of bills which exceeded the President's budget by 41 percent. I understand the President's concerns related to budget, and support his efforts to diminish Federal spending for programs which, at present, do not need the level of funding they once did. However, other reasons cited for the veto are not reasonable nor accurate. The Health Professions Training Act as passed by the Senate in 1984—S. 2559—did not maintain "the static and rigid categorical framework" referred to in the disapproval message. In fact, several obsolete and redundant sections of title VII were repealed. Furthermore, special project grants—faculty training and curriculum development—were completely rewritten to focus only on current national health priorities, for example, preventive medicine and health promotion, geriatrics and health economics. More than 20 "priorities" which had been identified over the years were reduced to five. Furthermore, the message repeatedly cited objections to this legislation because "the Nation is facing a future surplus, not shortage, of physicians." Nothing in the legislation, as passed, nor in this bill as introduced today, encourages training increasing numbers of physicians or other health professionals. It simply maintains support in two general areas, student aid and primary care training.

Student aid programs keep the doors of our health professionals schools open to academically qualified young people, regardless of their economic background. Clearly this benefits many low-income students, who prior to such assistance were often excluded from a health professions career. However, recent data indicates that even with current aid and outreach programs, the number of minority students choosing a health career has declined, apparently due to the increasing cost of these educational programs.

Current reimbursement policies have been identified as discouraging optimal specialty and geographic distribution of physician manpower, and proposals to reform these policies are now being studied by the Office of Technology Assessment. Also, several proposals are now being considered by Congress to diminish Federal support of graduate medical education funded by the Medicare Program. Although the proposed changes may eventually provide economic incentives for hospitals to train primary care professionals, the immediate impact may have just the opposite effect. There is already evidence that, as hospitals move to economize, they are terminating programs to train family physicians. So, while significant changes are underway at several levels, it is essential we maintain modest programs to support training in family practice, general internal medicine, general pediatrics, and for physicians' assistants. To emphasize the importance of these primary care training programs, and their potential for addressing current national health priorities, I will include in the record after my remarks a letter prepared by the leaders of the Society of Teachers of Family Medicine, the Society for Research and Education in Primary Care Internal Medicine, and Ambulatory Pediatric Association.

Recently there has been a lot of adverse publicity about student loan programs for health professionals. In many instances, those who have benefited have been irresponsible in meeting their obligations. Some have been flagrant in refusing to pay their debts. There are two student loan programs authorized under title VII—health profession student loans [HPSL], a revolving funds created by the Federal Government and administered by the

schools; and health education assistant loans [HEAL], for which the Government provides a guarantee against default, but no funding. Careful review of these programs indicates that "fault" for defaults lies, not just with the student, but with the schools who administer the loans, the bank which make the loans, and with current Government regulation. To ensure improved accountability of student loan programs, all provisions recommended by the administration to improve loan management and collection of delinquent student loans are included in this bill. I have clarified, in statute, that HPSL loan funds are to be provided only to student with exceptional financial need. Improved management of loans is the solution to current problems, not termination of the programs. We simply cannot turn our back on young people who are qualified and able to become health professionals by denying them an opportunity for this education.

Mr. President, I urge my colleagues to join with in supporting this bill. It represents an appropriate, albeit limited, Federal role in training health professionals. I have listened to concerns raised by the President about the budget for these programs and therefore have reduced the overall budget authority by approximately $35 million.

I ask unanimous consent that following my remarks the academic primary care physicians' letter and the text of this legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Professions Training Assistance Act of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM

SEC. 101. (a) The first sentence of section 728(a) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$250,000,000 for the fiscal year ending September 30, 1985; $275,000,000 for the fiscal year ending September 30, 1986; $290,000,000 for the fiscal year ending September 30, 1987; and $300,000,000 for the fiscal year ending September 30, 1988".

(b) The second sentence of such section is amended by striking out "1987," and inserting in lieu thereof "1991,".

SCHOLARSHIPS FOR STUDENTS OF EXCEPTIONAL FINANCIAL NEED

SEC. 102. Section 758(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$7,000,000 for the fiscal year ending September 30, 1986, $7,000,000 for the fiscal year ending September 30, 1987, and $7,000,000 for the fiscal year ending September 30, 1988".

DEPARTMENTS OF FAMILY MEDICINE

SEC. 103. Section 780(c) is amended by striking out "and" after "1983," and by inserting a comma and "$5,000,000 for the fiscal year ending September 30, 1986, $5,000,000 for the fiscal year ending September 30, 1987, and $5,000,000 for the fiscal year ending September 30, 1988" after "1984".

AREA HEALTH EDUCATION CENTERS

SEC. 104. The first sentence of section 781(g) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$18,000,000 for the fiscal year ending September 30, 1986, $18,000,000 for the fiscal year ending September 30, 1987, and $18,000,000 for the fiscal year ending September 30, 1988".

PHYSICIAN ASSISTANTS

SEC. 105. Section 783(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$4,000,000 for the fiscal year ending September 30, 1986, $4,000,000 for the fiscal year ending September 30, 1987, and $4,000,000 for the fiscal year ending September 30, 1988".

GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

SEC. 106. Section 784(b) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$18,000,000 for the fiscal year ending September 30, 1986, $18,000,000 for the fiscal year ending September 30, 1987, and $18,000,000 for the fiscal year ending September 30, 1988".

FAMILY MEDICINE AND GENERAL PRACTICE OF DENTISTRY

SEC. 107. (a) The first sentence of section 786(c) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$36,000,000 for the fiscal year ending September 30, 1986, $36,000,000 for the fiscal year ending September 30, 1987, and $36,000,000 for the fiscal year ending September 30, 1988".

(b) The second sentence of such section is amended by striking out "and" after "1983," and by inserting "September 30, 1986, September 30, 1987, and September 30, 1988," after "1984,".

EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

SEC. 108. The first sentence of section 787(b) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$20,000,000 for the fiscal year ending September 30, 1986, $20,000,000 for the fiscal year ending September 30, 1987, and $20,000,000 for the fiscal year ending September 30, 1988".

CURRICULUM DEVELOPMENT AND FACULTY TRAINING GRANTS

SEC. 109. Section 788(f) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$4,000,000 for the fiscal year ending September 30, 1986; $4,000,000 for the fiscal year ending September 30, 1987; and $4,000,000 for the fiscal year ending September 30, 1988".

ADVANCED FINANCIAL DISTRESS ASSISTANCE

SEC. 110. The first sentence of section 788B(h) is amended by inserting before the period a comma and "$4,000,000 for the fiscal year ending September 30, 1986, and $4,000,000 for the fiscal year ending September 30, 1987".

GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

SEC. 111. Section 791(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,500,000 for the fiscal year ending September 30, 1986, $1,500,000 for the fiscal year ending September 30, 1987, and $1,500,000 for the fiscal year ending September 30, 1988".

TRAINEESHIPS FOR STUDENTS IN OTHER GRADUATE PROGRAMS

SEC. 112. Section 791A(c) is amended by striking out "and" after "1980;" and by inserting before the period a semicolon and "and $500,000 for the fiscal year ending September 30, 1986, and each of the next two fiscal years".

PUBLIC HEALTH TRAINEESHIPS

SEC. 113. Section 792(c) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$3,000,000 for the fiscal year ending September 30, 1986; $3,000,000 for the fiscal year ending September 30, 1987; and $3,000,000 for the fiscal year ending September 30, 1988".

TRAINING IN PREVENTIVE MEDICINE

SEC. 114. Section 793(c) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,600,000 for the fiscal year ending September 30, 1986, $1,600,000 for the fiscal year ending September 30, 1987, and $1,600,000 for the fiscal year ending September 30, 1988".

TITLE II—PROGRAM REVISIONS

SCHOOLS OF CHIROPRACTIC

SEC. 201. (a) Section 701(4) is amended—

(1) by striking out "and" after " 'school of veterinary medicine',";

(2) by inserting a comma and "and 'school of chiropractic' " after " 'school of public health' ";

(3) by striking out "and" after "a degree of doctor of veterinary medicine or an equivalent degree,"; and

(4) by inserting "and a degree of doctor of chiropractic or an equivalent degree," before "and including advanced training related to".

(b) Section 701(5) is amended—

(1) by striking out "or" after "pharmacy,"; and

(2) by inserting "or chiropractic," after "public health,".

(c) Section 737 is amended by striking out paragraph (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

TRAINING OF PHYSICIAN ASSISTANTS

SEC. 202. Section 701(8) is amended to read as follows:

"(8)(A) The term 'program for the training of physician assistants' means an educational program which (i) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary health care under the supervision of a physician, and

(ii) meets regulations prescribed by the Secretary in accordance with subparagraph (B).

"(B) After consultation with appropriate organizations, the Secretary shall, not later than October 1, 1986, prescribe regulations for programs for the training of physician assistants. Such regulations shall, as a minimum, require that such a program—

"(i) extend for at least one academic year and consist of—

"(I) supervised clinical practice, and

"(II) at least four months (in the aggregate) of classroom instruction,

directed toward preparing students to deliver health care;

"(ii) have an enrollment of not less than eight students; and

"(iii) train students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

SCHOOLS OF ALLIED HEALTH

SEC. 203. (a) Section 701(10) is amended—

(1) by inserting "college," before "junior college,"; and

(2) by striking out "in a discipline of allied health leading to a baccalaureate or associate degree (or an equivalent degree of either) or to a more advanced degree" in subparagraph (A) and inserting in lieu thereof "to enable individuals to become allied health professionals or to provide additional training for allied health professionals".

(b) Section 701 is amended by adding at the end thereof the following new paragraph:

"(13) The term 'allied health professional' means an individual—

"(A) who has received a certificate, an associate's degree, a bachelor's degree, a masters' degree, a doctoral degree, or postbaccalaureate training, in a science relating to health care;

"(B) who has responsibility for the delivery of health care services or related services, including—

"(i) services relating to the identification, evaluation, and prevention of diseases and disorders;

"(ii) dietary and nutrition services;

"(iii) health promotion services;

"(iv) rehabilitation services; or

"(v) health systems management services; and

"(C) who has not received a degree of doctor of medicine, a degree of doctor of osteopathy, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of veterinary medicine or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry or an equivalent degree, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of pharmacy or an equivalent degree, a graduate degree in public health or an equivalent degree, a degree of doctor of chiropractic or an equivalent degree, a graduate degree in health administration or an equivalent degree, or a doctoral degree in clinical psychology or an equivalent degree.".

GRADUATE PROGRAMS IN CLINICAL PSYCHOLOGY

SEC. 204. (a) Section 701 (as amended by section 203(b) of this Act) is further amended by adding at the end thereof the following new paragraph:

"(14) The term 'graduate program in clinical psychology' means an accredited graduate program in a public or nonprofit private institution in a State which provides training leading to a doctoral degree in clinical psychology or an equivalent degree.".

(b) Section 701(5) (as amended by section 201(b) of this Act) is further amended—

(1) by striking out "or" after "chiropractic,"; and

(2) by inserting "or a graduate program in clinical psychology," after "health administration,".

(c) Section 737 (as amended by section 201(c) of this Act) is further amended by striking out paragraph (2) (as redesignated by section 201(c) of this Act) and by redesignating paragraphs (3) and (4) (as redesignated by section 201(c) of this Act) as paragraphs (2) and (3), respectively.

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

SEC. 205. (a) Section 702(a) is amended by striking out the last sentence and inserting in lieu thereof the following: "Of the appointed members of the Council—

"(1) twelve shall be representatives of the health professions schools assisted under programs authorized under this title, including—

"(A) one representative of each of schools of veterinary medicine, optometry, pharmacy, podiatry, public health, and allied health, and graduate programs in health administration; and

"(B) at least six persons experienced in university administration, at least one of whom shall be a representative of a school described in subparagraph (A);

"(2) two shall be full-time students enrolled in health professions schools; and

"(3) six shall be members of the general public.".

TECHNICAL ASSISTANCE

SEC. 206. Section 709(d) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

RECOVERY OF ASSISTANCE

SEC. 207. (a) Section 723 is amended to read as follows:

"RECOVERY

"SEC. 723. (a) If at any time within twenty years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a)—

"(1)(A) in case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605,

"(B) in case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of section 720(a), the owner of the facility ceases to be a public or nonprofit school, or

"(C) in case of a facility which was a facility with respect to which funds have been paid under section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity,

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use not later than 10 days after the date on which such cessation or change of use occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d)(1) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(2) In addition to the authority of the Secretary under paragraph (1), the Secretary may waive the recovery rights of the United States under subsection (a) with respect to a hospital affiliated with a school of medicine if the Secretary determines, in accordance with regulations, that adequate provision has been made, through establishment of an irrevocable trust or other legally enforceable means, to assure that the teaching and other obligations assumed with respect to the facility as a condition of assistance under this title will continue to be met.

"(e) The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

(b) In the case of any facility that was or is constructed on or before the date of enactment of this Act or within 180 days after the date of enactment of this Act, the period described in subsection (c)(2)(B)(i) of section 723 of the Public Health Service Act (as amended by subsection (a) of this section) shall begin no earlier than 181 days after the date of enactment of this Act.

(c) The amendment made by subsection (a) of this section shall not adversely affect other legal rights of the United States.

HEALTH EDUCATION ASSISTANCE LOAN PROGRAM

SEC. 208. (a)(1) Section 731(a)(1)(A) is amended by striking out "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and".

(2) Section 731(a)(1)(B) is amended by striking out "and" at the end of clause (ii), and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and".

(b)(1) Section 731(a)(2)(B) is amended to read as follows:

"(B) provides for repayment of the principal amount of the loan in installments over a period of not less than 10 years (unless sooner repaid) nor more than 25 years beginning not earlier than 9 months nor later than 12 months after the later of—

"(i) the date on which—

"(I) the borrower ceases to be a participant in an accredited internship or residency program of not more than four years in duration;

"(II) the borrower completes the fourth year of an accredited internship or residency program of more than four years in duration; or

"(III) the borrower, if not a participant in a program described in subclause (I) or (II), ceases to carry, at an eligible institution, the normal full-time academic workload as determined by the institution; or

"(ii) the date on which a borrower who is a graduate of an eligible institution ceases to be a participant in a fellowship training program not in excess of two years or a participant in a full-time educational activity not in excess of two years, which—

"(I) is directly related to the health profession for which the borrower prepared at an eligible institution, as determined by the Secretary; and

"(II) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in a program described in subclause (I) or (II) of clause (i) or prior to the completion of the borrower's participation in such program,

except as provided in subparagraph (C), except that the period of the loan may not exceed 33 years from the date of execution of the note or written agreement evidencing it, and except that the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the costs of insurance premiums, or other default by the borrower, as may be authorized by regulations of the Secretary in effect at the time the loan is made;".

(2) Section 731(a)(2)(C) is amended—

(A) by inserting "(including any period in such a program described in subclause (I) or subclause (II) of subparagraph (B)(i))" before the comma in clause (ii);

(B) by striking out "or the 33-year period" in clause (vi);

(C) by striking out "or" after "National Health Service Corps," in clause (v); and

(D) by inserting "or (vii) any period not in excess of two years which is described in subparagraph (B)(ii)," after "Domestic Volunteer Service Act of 1973,".

(3)(A) The provisions of clause (i) of section 731(a)(2)(B) of the Public Health Service Act (as amended by paragraph (1) of this subsection) and the provisions of clauses (ii) and (vi) of section 731(a)(2)(C) of such Act (as amended by subparagraphs (A) and (B) of paragraph (2)) shall not apply to any individual who, prior to the effective date of this Act, received a loan insured under subpart I of part C of title VII of such Act.

(B) The provisions of clause (ii) of section 731(a)(2)(B) of the Public Health Service Act and clause (vii) of section 731(a)(2)(C) of such Act (as added by the amendments made by paragraphs (1) and (2)(D) of this subsection, respectively) shall apply to any loan insured under subpart I of part C of title VII of such Act after the effective date of this Act.

(4) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out clause (ii) of section 731(a)(2)(B) of the Public Health Service Act and clause (vii) of section 731(a)(2)(C) of such Act (as added by the amendments made by paragraphs (1) and (2)(D) of this subsection, respectively). Such regulations shall—

(A) prescribe criteria for the determination of the types of fellowship training programs and full-time educational activities which will be permitted under such clauses; and

(B) establish procedures for a borrower to apply to the Secretary for a determination concerning whether a particular fellowship training program or full-time educational activity will be permitted under such clauses.

(c) Section 731(b) is amended by striking out "3½" and inserting in lieu thereof "3".

(d) Section 731(c) is amended—

(1) by striking out "section 731(a)(2)(C)" and inserting in lieu thereof "subsection (a)(2)(C)"; and

(2) by inserting before the period a comma and "unless the borrower, in the written agreement described in subsection (a)(2), agrees to make payments during any year or any repayment period in a lesser amount".

(e) Section 732(c) is amended—

(1) by redesignating clauses (1) and (2) of the second sentence as clauses (A) and (B), respectively;

(2) by inserting "(1)" before "The" in the first sentence;

(3) by striking out "2" in the first sentence and inserting in lieu thereof "4";

(4) by striking out "in advance, at such times" in the first sentence and inserting in lieu thereof "in advance at the time the loan is made"; and

(5) by adding at the end thereof the following new paragraph:

"(2) The Secretary may not increase the percentage per year on the principal balance of loans charged pursuant to paragraph (1) for insurance premiums, unless the Secretary has, prior to any such increase—

"(A) requested a qualified public accounting firm to evaluate whether an increase in such percentage is necessary to ensure the solvency of the student loan fund established by section 734, and to determine the amount of such an increase, if necessary; and

"(B) such accounting firm has recommended such an increase and has determined the amount of such increase necessary to ensure the solvency of such fund.

The Secretary may not increase such percentage in excess of the maximum percentage permitted by paragraph (1) or increase such percentage by an amount in excess of the amount of the increase determined by a qualified accounting firm pursuant to this paragraph.".

(f) The first sentence of subsection (a) of section 734 and the first sentence of subsection (b) of such section are each amended by inserting "collection or" before "default".

(g)(1) Section 729(a) is amended by inserting "allied health," after "public health," each place it appears.

(2) Section 737 (as amended by sections 201(c) and 204(c) of this Act) is further amended—

(1) by inserting a comma and "allied health," after "public health" in paragraph (1); and

(2) by adding at the end thereof the following new paragraph:

"(4) The term 'school of allied health' means a program in a school of allied health (as defined in section 701(10)) which leads to a masters' degree or a doctoral degree.".

(h) Section 728(a) (as amended by section 101 of this Act) is further amended—

(1) by striking out "The" in the first sentence and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Any portion of the total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 737) to borrowers which is—

"(A) permitted under paragraph (1) to be covered by Federal loan insurance under this subpart for a fiscal year; and

"(B) is not, prior to the end of such fiscal year, subject to commitments for the provision of such coverage,

shall be available for such commitments in the next fiscal year succeeding such fiscal year. Any amount available under the preceding sentence in a succeeding fiscal year shall not decrease the total principal amount of new loans made and installments paid pursuant to lines of credit to borrowers which pursuant to paragraph (1) may be covered by Federal loan insurance under this subpart for that succeeding fiscal year.".

HEALTH PROFESSIONS STUDENT LOAN PROGRAM

SEC. 209. (a)(1) Section 740(b)(4) is amended by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry".

(2) Section 741(b) is amended by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry".

(3) Section 741(f)(1)(A) is amended by inserting "doctor of pharmacy or an equivalent degree," before "or doctor of podiatry or an equivalent degree".

(4) Subpart II of part C of title VII is amended by adding at the end thereof the following new section:

"DEFINITION

"SEC. 745. For purposes of this subpart, the term 'school of pharmacy' means a public or nonprofit private school in a State that provides training leading to a degree of bachelor of science in pharmacy or an equivalent degree or a degree of doctor of pharmacy or an equivalent degree and which is accredited in the manner described in section 701(5).".

(b) Section 741(b) (as amended by subsection (a)(2) of this section) is further amended by inserting "(1) who is" after "student" and by inserting before the period a comma and the following: "(2) who, if pursuing a full-time course of study at the school leading to a degree of doctor of medicine or doctor of osteopathy, is of exceptional financial need (as defined by regulations of the Secretary), and (3) who, if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section.".

(c)(1) Section 741(c) is amended to read as follows:

"(c) Such loans shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins one year after the student ceases to pursue a full-time course of study at a school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine, excluding from such ten-year period—

"(1) all periods—

"(A) not in excess of three years of active duty performed by the borrower as a member of a uniformed service;

"(B) not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act; and

"(C) during which the borrower participates in advanced professional training, including internships and residencies; and

"(2) a period—

"(A) not in excess of two years during which a borrower who is a full-time student in such a school leaves the school, with the intent to return to such school as a full-time student, in order to engage in a full-time educational activity which is directly related to the health profession for which the individual is preparing, as determined by the Secretary; or

"(B) not in excess of two years during which a borrower who is a graduate of such a school is a participant in a fellowship training program or a full-time educational activity which—

"(i) is directly related to the health profession for which such borrower prepared at such school, as determined by the Secretary; and

"(ii) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in advanced professional training described in paragraph (1)(C) or prior to the completion of such borrower's participation in such training.".

(2) The provisions of section 741(c)(2)(A) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) shall apply to—

(A) any individual who received a loan under subpart II of part C of title VII of the Public Health Service Act and to whom the provisions of such section (if such provisions had been in effect) would have applied between June 17, 1982, and July 7, 1983; and

(B) any individual who, after the effective date of this Act, is a full-time student in a school referred to in such section and who (prior to, on, or after the effective date of this Act), received a loan under such subpart to assist such student in such student's studies in such school.

(3) The provisions of section 741(c)(2)(B) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) shall apply to any loan made under subpart II of part C of title VII of such Act after the effective date of this Act.

(4) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out section 741(c)(2) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) with respect to any loan made under subpart II of part C of title VII of such Act on or after the effective date of this Act. Such regulations shall—

(A) with respect to the provisions of subparagraph (A) of such section—

(i) prescribe criteria for the determination of the types of full-time educational activities which will be permitted under such subparagraph;

(ii) require the school in which the borrower was enrolled as a full-time student to determine, prior to the borrower's leaving such school, whether an educational activity in which the student proposes to engage qualifies for purposes of such subparagraph and such regulations; and

(B) with respect to the provisions of subparagraph (B) of such section—

(i) prescribe criteria for the determination of the types of fellowship training programs and full-time educational activities which will be permitted under such subparagraph; and

(ii) establish procedures for a borrower to apply to the Secretary for a determination concerning whether a particular fellowship training program or full-time educational activity will be permitted under such subparagraph.

(d) Section 741(i) is amended to read as follows:

"(i) Subject to regulations of the Secretary, a school may assess a charge with respect to loans made under this subpart to cover the costs of insuring against cancellation of liability under subsection (d).".

(e) Section 741(j) is amended—

(1) by inserting "and in accordance with this section" after "Secretary" in the first sentence;

(2) by striking out "may" in such sentence and inserting in lieu thereof "shall"; and

(3) by striking out the second sentence and inserting in lieu thereof the following: "No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment.".

(f) Section 741 is amended by adding at the end thereof the following new subsection:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.".

(g) Section 742(b) is amended by adding at the end thereof the following new paragraph:

"(5) Any funds from a student loan fund established under this subpart which are returned to the Secretary in any fiscal year shall be available for allotment under this subpart, in such fiscal year and the fiscal year succeeding such fiscal year, to schools which, during the period beginning on July 1, 1972, and ending on September 30, 1985, established student loan funds with Federal capital contributions under this subpart.".

(h) Subpart II of part C of title VII (as amended by subsection (a)(4) of this subsection) is further amended—

(1) by redesignating section 745 (as added by subsection (a)(4) of this section) as section 747; and

(2) by inserting after section 744 the following new sections:

"STUDENT LOAN INFORMATION BY INSTITUTIONS

"SEC. 745. (a) With respect to loans made by a school under this subpart after June 30, 1986, each school, in order to carry out the provisions of sections 740 and 741, shall, at any time such school makes such a loan to a student under this subpart, provide thorough and adequate loan information on loans made under this subpart to the student. The loan information required to be provided to the student by this subsection shall include—

"(1) the yearly and cumulative maximum amounts that may be borrowed by the student;

"(2) the terms under which repayment of the loan will begin;

"(3) the maximum number of years in which the loan must be repaid;

"(4) the interest rate that will be paid by the borrower and the minimum amount of the required monthly payment;

"(5) the amount of any other fees charged to the borrower by the lender;

"(6) any options the borrower may have for deferral, cancellation, prepayment, consolidation, or other refinancing of the loan;

"(7) a definition of default on the loan and a specification of the consequences which will result to the borrower if the borrower defaults, including a description of any arrangements which may be made with credit bureau organizations;

"(8) to the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance; and

"(9) a description of the actions that may be taken by the Federal Government to collect the loan, including a description of the type of information concerning the borrower that the Federal Government may disclose to (A) officers, employees, or agents of the Department of Health and Human Services, (B) officers, employees, or agents of schools with which the Secretary has an agreement under this subpart, or (C) any other person involved in the collection of a loan under this subpart.

"(b) Each school shall, immediately prior to the graduation from such school of a student who received a loan under this subpart after June 30, 1986, provide such student with a statement specifying—

"(1) each amount borrowed by the student under this subpart;

"(2) the total amount borrowed by the student under this subpart; and

"(3) a schedule for the repayment of the amounts borrowed under this subpart, including the number, amount, and frequency of payments to be made.

"PROCEDURES FOR APPEAL OF TERMINATIONS

"SEC. 746. In any case in which the Secretary intends to terminate an agreement with a school under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

(i) Section 743 is amended by striking out "1987" each place it appears and inserting in lieu thereof "1991".

(j) Section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "ADMINISTERED BY THE DEPARTMENT OF EDUCATION" before the period in the paragraph heading of paragraph (4); and

(2) by adding at the end thereof the following new paragraph:

"(5) INDIVIDUALS WHO HAVE DEFAULTED ON STUDENT LOANS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

"(A) IN GENERAL.—Upon written request by the Secretary of Health and Human Services, the Secretary may disclose the mailing address of any taxpayer who has defaulted on a loan made under part C of title VII of the Public Health Service Act or under subpart II of part B of title VIII of such Act, for use only by officers, employees, or agents of the Department of Health and Human Services for purposes of locating such taxpayer for purposes of collecting such loan.

"(B) DISCLOSURE TO SCHOOLS AND ELIGIBLE LENDERS.—Any mailing address disclosed under subparagraph (A) may be disclosed by the Secretary of Health and Human Services to—

"(i) any school with which the Secretary of Health and Human Services has an agreement under subpart II of part C of title VII of the Public Health Service Act or subpart II of part B of title VIII of such Act, or

"(ii) any eligible lender (within the meaning of section 737(2) of such Act) participating under subpart I of part C of title VII of such Act,

for use only by officers, employees, or agents of such school or eligible lender whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such subparts for the purposes of collecting such loans.".

SCHOLARSHIPS FOR FIRST-YEAR STUDENTS OF EXCEPTIONAL FINANCIAL NEED

SEC. 210. (a) Section 758(b) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) A scholarship provided to a student for a school year under a grant under subsection (a) shall consist of—

"(A) payment to, or (in accordance with paragraph (4)) on behalf of, the student of the amount (except as provided in section 710) of—

"(i) the tuition of the student in such school year; and

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

"(B) payment to the student of a stipend of $400 per month (adjusted in accordance with paragraph (5)) for each of the 12 consecutive months beginning with the first month of such school year.

"(3) Notwithstanding paragraph (2), the total scholarship award to a student for each year shall not exceed the cost of attendance for that year at the educational institution attended by the student (as determined by such educational institution).

"(4) The Secretary may contract with an educational institution in which is enrolled a student who has received a scholarship with a grant under subsection (a) for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (2)(A). Payment to such an educational institution may be made without regard to section 3324 of title 31, United States Code.

"(5) The amount of the monthly stipend, specified in paragraph (2)(B) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary for each school year by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.".

(b) Section 338A(g)(1) is amended by striking out "or under section 758 (relating to scholarships for first-year students of exceptional financial need),".

CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

SEC. 211. (a)(1) Section 770 is amended to read as follows:

"CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

"SEC. 770. (a)(1) The Secretary shall make annual grants to schools of public health for the support of the education programs of such schools. The amount of the annual grant to each such school with an approved application shall be computed for each fiscal year in accordance with paragraphs (2) and (3).

"(2) Each school of public health shall receive for the fiscal year ending September 30, 1986, and for each of the next two fiscal years, an amount equal to the product of—

"(A) $1,400, and

"(B) the sum of (i) the number of full-time students enrolled in degree programs in such school in the school year beginning in such fiscal year, and (ii) the number of full-time equivalents of part-time students enrolled in degree programs in such school, determined pursuant to paragraph (3), for such school for such school year.

"(3) For purposes of paragraph (2), the number of full-time equivalents of part-time students for a school of public health for any school year is a number equal to—

"(A) the total number of credit hours of instruction in such year for which part-time students of such school, who are pursuing a course of study leading to a graduate degree in public health or an equivalent degree, have enrolled, divided by

"(B) the greater of (i) the number of credit hours of instruction which a full-time student of such school was required to take in such year, or (ii) 9,

rounded to the next highest whole number.

"(b) Notwithstanding subsection (a), if the aggregate of the amounts of the grants to be made in accordance with such subsection for any fiscal year to schools of public health with approved applications exceeds the total of the amounts appropriated for such grants for such schools under subsection (e), the amount of a school's grant for such fiscal year shall be an amount which bears the same ratio to the amount determined for the school under subsection (a) as the total of the amounts appropriated for that year under subsection (e) for grants to schools of public health bears to the amount required to make grants in accordance with subsection (a) to each of the schools of public health with approved applications.

"(c)(1) For purposes of this section, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school or in a particular year-class in a school on the basis of estimates, on the basis of the number of students who in an earlier year were enrolled in a school or in a particular year-class, or on such other basis as the Secretary deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a graduate degree in public health or equivalent degree.

"(d) In the case of a new school of public health which applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of full-time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

"(e) For payments under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1986, and for each of the two succeeding fiscal years.".

(2) Section 731(a)(1)(A)(ii) is amended by striking out "(as defined in section 770(c)(2))" and inserting in lieu thereof "(as defined in section 770(c)(2) (as such section was in effect on September 30, 1985))".

(b) Section 771 is amended to read as follows:

"ELIGIBILITY FOR CAPITATION GRANTS

"SEC. 771. (a)(1) The Secretary shall not make a grant under section 770 to any school of public health in a fiscal year beginning after September 30, 1985, unless the application for the grant contains, or is supported by, assurances satisfactory to the Secretary that—

"(A) the enrollment of full-time equivalent students enrolled in degree programs in the school in the school year beginning in the fiscal year in which the grant applied for is to be made will not be less than the enrollment of such students in degree programs in the school in the school year beginning in the fiscal year ending September 30, 1983; and

"(B) the applicant will expend in carrying out its functions as a school of public health during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which

is at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the fiscal year preceding the fiscal year for which such grant is sought.

"(2) For purposes of subsection (a)(1)(A), the number of full-time equivalent students enrolled in a degree program in a school in a school year is equal to the sum calculated under section 770(a)(2)(B) for that school year.

"(b) The Secretary may waive (in whole or in part) application to a school of public health of the requirement of subsection (a)(1)(A) if the Secretary determines, after receiving the written recommendation of the appropriate accreditation body or bodies (approved for such purpose by the Commissioner of Education), that compliance by such school with such requirement will prevent it from maintaining its accreditation.".

(c)(1) Section 772(b) is amended—

(A) by striking out "or subsection (a) or (b) of section 788";

(B) by striking out "medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, or podiatry," and inserting in lieu thereof "public health,";

(C) by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education"; and

(D) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Education".

(2) The section heading for section 772 is amended to read as follows:

"APPLICATIONS FOR CAPITATION GRANTS".

(d) The heading for part E of title VII is amended to read as follows:

"PART E—GRANTS TO IMPROVE THE QUALITY OF SCHOOLS OF PUBLIC HEALTH".

DEPARTMENTS OF FAMILY MEDICINE

SEC. 212. Section 780 is amended by redesignating subsection (c) (as amended by section 103 of this Act) as subsection (d) and by inserting after subsection (b) the following:

"(c) In making grants under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to family medicine in their medical education training programs.".

AREA HEALTH EDUCATION CENTERS

SEC. 213. (a) Section 781(a)(2) is amended by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and by striking out all that precedes clause (i) (as so redesignated) and inserting in lieu thereof the following:

"(2)(A) The Secretary shall enter into contracts with schools of medicine and osteopathy—

"(i) which have previously received Federal financial assistance for an area health education center program under section 802 of the Health Professionals Educational Assistance Act of 1976 in fiscal year 1979 or under paragraph (1), or

"(ii) which are receiving assistance under paragraph (1),

to carry out projects described in subparagraph (B) through area health education centers for which Federal financial assistance was provided under paragraph (1) and which are no longer eligible to receive such assistance.

"(B) Projects for which assistance may be provided under subparagraph (A) are—".

(b) The last sentence of section 781(g) is amended by striking out "may" and inserting in lieu thereof "shall".

(c) Section 781(d)(2)(F) is amended to read as follows:

"(F) conduct interdisciplinary training and practice involving physicians and other health personnel including, where practicable, physician assistants and nurse practitioners;".

GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

SEC. 214. Section 784 is amended by redesignating subsection (b) (as amended by section 106 of this Act) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) In making grants and entering into contracts under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to general internal medicine and general pediatrics in their medical education training programs.".

FAMILY MEDICINE AND GENERAL DENTISTRY

SEC. 215. (a) Section 786(b) is amended—

(1) by inserting "or an approved advanced educational program in the general practice of dentistry" before the semicolon in paragraph (1); and

(2) by striking out "residents" in paragraph (2) and inserting in lieu thereof "participants".

(b) Section 786 is amended by redesignating subsection (c) (as amended by section 107 of this Act) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) In making grants under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to family medicine in their medical education training programs.".

(c) Section 786(d) (as amended by section 107 of this Act and redesignated by subsection (b) of this section) is further amended by inserting before the period in the second sentence a comma and "and shall obligate not less than 7.5 percent of such amounts in each such fiscal year for grants under subsection (b)".

EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

SEC. 216. (a) Section 787(a)(1) is amended—

(1) by inserting "chiropractic," after "allied health,"; and

(2) by inserting after "podiatry" a comma and "public and nonprofit private schools which offer graduate programs in clinical psychology,".

(b) Section 787(a)(2) is amended—

(1) by striking out "and" after the last comma in subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a comma and "and"; and

(3) by inserting after subparagraph (E) the following:

"(F) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of health professions education at such a school.

The term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in clinical psychology.".

SPECIAL PROJECTS

SEC. 217. (a)(1) Section 788(a)(1) is amended to read as follows:

"(a)(1) The Secretary may make grants to maintain and improve schools which provide the first or last two years of education leading to the degree of doctor of medicine or osteopathy. Grants provided under this paragraph to schools which were in existence on September 30, 1985, may be used for construction and the purchase of equipment.".

(2) Paragraph (2) of section 788(a) is repealed and paragraph (3) of such section is redesignated as paragraph (2).

(3) Section 788(a)(2) (as redesignated by paragraph (2) of this subsection) is amended by inserting "or last" after "the first", by inserting "or osteopathy" after "medicine" and by inserting "or be operated jointly with a school that is accredited by" after "accredited by".

(b) Section 788(b) is amended to read as follows:

"(b)(1) The Secretary may make grants to and enter into contracts with any health profession, allied health profession, or nurse training institution, or any other public or nonprofit private entity for projects in areas such as—

"(A) health promotion and disease prevention;

"(B) curriculum development and training in health policy and policy analysis, including curriculum development and training in areas such as—

"(i) the organization, delivery, and financing of health care;

"(ii) the determinants of health and the role of medicine in health; and

"(iii) the promotion of economy in health professions teaching, health care practice, and health care systems management;

"(C) curriculum development in clinical nutrition;

"(D) the development of initiatives for assuring the competence of health professionals; and

"(E) curriculum and program development and training in applying the social and behavioral sciences to the study of health and health care delivery issues.

"(2)(A) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (g)(1), at least 75 percent shall be obligated for grants to and contracts with health professions institutions, allied health institutions, and nurse training institutions.

"(B) Any application for a grant to institutions described in subparagraph (A) shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(C) The Secretary may not approve or disapprove an application for a grant to an institution described in subparagraph (A) unless the Secretary has consulted with the National Advisory Council on Health Professions Education with respect to such application.

"(3) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (g)(1), not more than 25 percent shall be obligated for grants to and contracts with public and nonprofit entities which are not health professions institutions, allied health institutions, or nurse training institutions.".

(c) Section 788(d) is amended to read as follows:

"(d)(1) The Secretary may make grants to and enter into contracts with schools of medicine and osteopathy or other appropriate public or nonprofit private entities to assist in meeting the costs of such schools or entities of providing projects to—

"(A) improve the training of health professionals in geriatrics;

"(B) develop and disseminate curricula relating to the treatment of the health problems of elderly individuals;

"(C) expand and strengthen instruction in methods of such treatment;

"(D) support the training and retraining of faculty to provide such instruction;

"(E) support continuing education of health professionals and allied health professionals who provide such treatment; and"

"(F) establish new affiliations with nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers in order to provide students with clinical training in geriatric medicine.

"(2)(A) Any application for a grant under this subsection shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(B) The Secretary may not approve or disapprove an application for a grant under this subsection unless the Secretary has consulted with the National Advisory Council on Health Professions Education with respect to such application.".

(d) Section 788 is amended by redesignating subsection (f) (as amended by section 109 of this Act) as subsection (g) and by inserting after subsection (e) the following:

"(f) The Secretary may make grants to schools of veterinary medicine for—

"(1) the development of curricula for training in the care of animals used in research, the treatment of animals while being used in research, and the development of alternatives to the use of animals in research;

"(2) the provision of such training; and

"(3) large animal care and research.".

(e) The heading for section 788 is amended to read as follows:

"TWO-YEAR SCHOOLS OF MEDICINE, INTERDISCIPLINARY TRAINING, AND CURRICULUM DEVELOPMENT".

ADVANCED FINANCIAL DISTRESS ASSISTANCE

SEC. 218. Subsections (b)(1) and (f) of section 788B are each amended by striking out "five" and inserting in lieu thereof "six".

GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

SEC. 219. Section 791(c)(2)(A)(i) is amended by inserting before the semicolon a comma and "except that in any case in which the number of minority students enrolled in the graduate educational programs of such entity in such school year will exceed an amount equal to 45 percent of the number of all students that will be enrolled in such programs in such school year, such application shall only be required to contain assurances that at least 20 individuals will complete such programs in such school year".

PROGRAM ELIMINATIONS

SEC. 220. (a) Section 703 is repealed.

(b) Section 708(c) is repealed.

(c) Part D of title VII is repealed.

(d) Section 782 is repealed.

(e) Section 785 is repealed.

(f)(1) Section 788A is repealed.

(2) The second sentence of section 788B(a) is amended by inserting "(as such section was in effect prior to October 1, 1985)" after "section 788A".

(3) Section 788B(f) (as amended by section 218 of this Act) is further amended by striking out the last sentence.

(4) Section 788B(h) (as amended by section 110 of this Act) is further amended—

(A) by striking out "and section 788A" in the first sentence; and

(B) by striking out the second sentence.

(g) Section 789 is repealed.

ANALYSIS OF FINANCIAL DISINCENTIVES TO CAREER CHOICES IN HEALTH PROFESSIONS

SEC. 221. By October 1, 1986, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report which contains—

(1) an analysis of any financial disincentive to graduates of health professions schools which affects the specialty of practice chosen by such graduates or the decision of such graduates to practice their profession in an area which lacks an adequate number of health care professionals; and

(2) recommendations for legislation and administrative action to correct any disincentives which are identified pursuant to clause (1) and which are contrary to the achievement of national health goals, including recommendations concerning the appropriateness of providing financial assistance to mitigate such disincentives.

STUDY ON COMPLIANCE WITH SELECTIVE SERVICE ACT

SEC. 222. The Secretary of Health and Human Services, in cooperation with the Director of Selective Service, shall conduct a study to determine if health professions schools are engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or are engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act (and any proclamation of the President and regulations prescribed under that section) and have not so registered. The Secretary shall complete the study and report its results to the Congress not later than one year after the effective date of this Act.

STUDY OF THE ROLE OF ALLIED HEALTH PERSONNEL IN HEALTH CARE DELIVERY

SEC. 223. (a)(1) The Secretary of Health and Human Services shall arrange for the conduct of a study concerning the role of allied health personnel in health care delivery. The Secretary shall request the National Academy of Sciences to conduct the study under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by subsection (c). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(2) If the National Academy of Sciences is unwilling to conduct the study required by paragraph (1) under the type of arrangement described in such paragraph, the Secretary shall enter into a similar arrangement with one or more appropriate nonprofit private entities.

(b) The study required by subsection (a) shall—

(1) assess the role of allied health personnel in health care delivery;

(2) identify projected needs, availability, and requirements of various types of health care delivery systems for each type of allied health personnel;

(3) investigate current practices under which each type of allied health personnel obtain licenses, credentials, and accreditation;

(4) assess changes in programs and curricula for the education of allied personnel and in the delivery of services by such personnel which are necessary to meet the needs and requirements identified pursuant to paragraph (2); and

(5) assess the role of the Federal, State, and local governments, educational institutions, and health care facilities in meeting the needs and requirements identified pursuant to paragraph (2).

(c) By October 1, 1987, the Secretary of Health and Human Services shall transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make available to the public, a report—

(1) describing the study conducted under this section;

(2) containing a statement of the data obtained under such study; and

(3) specifying such recommendations for legislation and administrative action as the Secretary considers appropriate.

RECOVERY OF ASSISTANCE FOR COMMUNITY MENTAL HEALTH CENTERS

SEC. 224. (a) Section 2115 is amended to read as follows:

"RECOVERY

"SEC. 2115. (a) If any facility with respect to which funds have been paid under the Community Mental Health Centers Act (as such Act was in effect prior to October 1, 1981) is, at any time within twenty years after the completion of remodeling, construction, or expansion or after the date of its acquisition—

"(1) sold or transferred to any entity (A) which would not have been qualified to file an application under section 222 of such Act (as such section was in effect prior to October 1, 1981) or (B) which is disapproved as a transferee by the State mental health agency or by another entity designated by the chief executive officer of the State, or

"(2) ceases to be used by a community mental health center in the provision of comprehensive mental health services,

the United States shall be entitled to recover from the transferor, transferee, or owner of the facility, the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The transferor and transferee of a facility that is sold or transferred as described in subsection (a)(1), or the owner of a facility the use of which changes as described in subsection (a)(2), shall provide the Secretary written notice of such sale, transfer, or change not later than 10 days after the date on which such sale, transfer, or cessation of use occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects as the amount of the Federal participation bore to the cost of the remodeling, construction, expansion, or acquisition of the project or projects.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on

which such sale, transfer, or cessation of use occurs, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after such sale, transfer, or cessation of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

(b) In the case of any facility that was or is constructed, remodeled, expanded, or acquired on or before the date of enactment of this Act or within 180 days after the date of enactment of this Act, the period described in subsection (c)(2)(B)(i) of section 2115 of the Public Health Service Act (as amended by subsection (a) of this section) shall begin no earlier than 181 days after the date of enactment of this Act.

(c) The amendments made by subsection (a) of this section shall not adversely affect other legal rights of the United States.

EFFECTIVE DATE

SEC. 225. (a) Except as provided in subsection (b), this Act and the amendments and repeals made by this Act shall take effect on October 1, 1985.

(b)(1) The provisions of section 207 of this Act and the amendment made by subsection (a) of such section shall take effect on the date of enactment of this Act.

(2) The provisions of section 224 of this Act and the amendment made by subsection (a) of such section shall take effect on the date of enactment of this Act.

BOSTON UNIVERSITY SCHOOL OF MEDICINE, BOSTON CITY HOSPITAL,
Boston, MA, May 13, 1985.

Senator ORRIN HATCH,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The training of primary care physicians in General Internal Medicine, Family Medicine, and Pediatrics has been supported by Title VII of the Public Health Service Acts.

Over a decade ago, federal funding to train such primary care physicians was authorized to address problems related to overspecialization of the medical profession as well as geographic maldistribution. Access to competent health professionals was a serious problem for many of our citizens in many regions of the country. Successes have been impressive, in that these types of residency training programs are now established in most medical centers. Surveys reveal that a new generation of capable young physicians who are "specialized" in general practice is filling the void left by the highly revered, but sometimes inadequately trained, GP of the past.

The Administration has recommended the termination of all federal support for health manpower training. We understand their concerns about federal expenditures and the fact that current needs for physician manpower have changed dramatically over the past decade. We believe that termination of primary care residency training now would not serve the nation well. Therefore, we would like to recommend that Congress reauthorize the Title VII statute for a 3 year-interim period for the following reasons.

1. The need for primary care physicians is very real. The Institute of Medicine reported in 1978 that "most physicians should be primary care practitioners." In 1981, only 34.5 percent of all professionally active physicians were in primary care specialties. There is not likely to be a surplus of primary care physicians for at least 10 years.

2. The U.S. Department of Health and Human Services noted in 1984 that 2,110 communities were still designated as health manpower shortage areas and required an additional 5,839 primary care physicians.

The financing of Graduate Medical Education (GME) by Medicare and other third party payors is presently being reorganized. Primary care training has received little support to date from existing Medicare reimbursement formulas which favor inhospital care and technological procedures. Although the training grants for primary care supported by Title VII played a key role in revising the educational priorities of academic teaching hospitals, at this time these programs are not financially independent. They will not become independent until reimbursement policies are changed to provide effective support for primary care training.

Academic centers now offering training in Family Medicine, Pediatrics, and General Internal Medicine are located in almost every state. These centers will almost certainly be forced to terminate or significantly reduce these training programs if federal grants are cut off. This will result in a return of the problem of overspecialized medical care which was so apparent a decade ago.

We would like for the Labor and Human Resources Committee to reauthorize the primary care residencies for the next three years at existing funding levels.

We would also like for you to consider putting this network of primary care teachers and resident physicians to work for the Congress and this administration by focussing their efforts on three well-identified national health priorities: prevention, home and community-based care (non-hospital), and cost containment. This would be especially useful while the long term funding for graduate medical education is being revised.

PREVENTION

Primary care physicians should be trained to identify the vulnerable child, the problem family and the poorly compensated adult to intervene and to prevent illness. Physicians need to be taught about smoking cessation, health screening, and occupational and environmental health hazards. Prevention is the most cost effective approach to treat cancer, emphysema, and heart disease.

COMMUNITY-BASED TRAINING

To become masterful managers of patients in their communities, primary care physicians must be trained during portions of their residency in community-based primary care settings. It is here that they will learn about ambulatory surgery, hospice, home and day care.

COST CONTAINMENT

The most effective cost cutter in the entire health care field is a well-trained primary care physician. These physicians know their patients by caring for them for years. They do not need to order vast batteries of tests or to practice costly, defensive medicine. They can be trained to keep their patients at home rather than admit them to nursing homes or other facilities. By doing so, primary care physicians can each save millions of health care dollars.

These three initiatives will focus the educational activities of the primary care training programs on needs in our society which are of the highest concern to the Administration, to the leaders of our communities, and to our medical leadership. They are equally relevant to each of our primary care disciplines—General Internal Medicine, Family Practice, and General Pediatrics.

During the next three years, formulas for supporting primary care training will have to be developed as part of the financial solution for graduate medical education. Emphasizing prevention community-based care and cost containment during this interim reauthorization of Title VII will result in improved health care and major savings. These activities will not only strengthen primary medical care, they may also enable us to afford our health care system.

Sincerely yours,

JOHN NOBLE, M.D.,
DAVID CALKINS, M.D.,
Society for Research and Education in Primary Care Internal Medicine.
F. MARION BISHOP, PH.D.,
MARJORIE BOWMAN, M.D.,
Society of Teachers of Family Medicine.
CATHERINE DEANGELIS, M.D.,
STEVEN SHELOV, M.D.,
Ambulatory Pediatrics Association.

● Mr. KENNEDY Mr. President, it is my pleasure to join the chairman of the Labor and Human Resources Committee in introducing reauthorizing legislation for programs which have far reaching importance for education in the health professions. These programs, which comprise title VII of the Public Health Service Act, represent elements of a manpower policy that has been carefully constructed over more than two decades to provide for changing national needs. These programs support undergraduate and graduate training in a broad spectrum of health fields. They also provide special assistance to economically disadvantaged individuals to increase their access to health careers and to medically underserved communities to improve their access to health providers.

The list of health fields named in title VII for which educational support is available is long. It includes medicine, dentistry, osteopathy, podiatry, optometry, chiropractic medicine, pharmacy, veterinary medicine, public health, preventive medicine, health administration, the allied health professions, and clinical psychology. Taken together, this list of health professions represents the principal health fields which comprise our health system. Some of the programs provide direct aid to students and some provide aid to educational institutions or their faculty. Specific curricular objectives have also been en-

couraged through grant moneys provided by title VII.

The validity of title VII programs remains as strong today as when they were first authorized. These programs were intended to compensate for imbalances and inadequacies in the present health system by stimulating the growth of educational programs that would represent national priorities. They have clearly done that.

Programs funded by title VII fall into a number of categories. They include student loans and scholarships programs, programs which provide direct aid to educational institutions to help them train disadvantaged students, programs to stimulate the training of primary care physicians and dentists, and programs which support training in public health, preventive medicine, and other health disciplines. In addition, there are effective mechanisms for attracting health professionals to medically underserved parts of the country.

Area health educations centers [AHECS] are one example. The AHEC Program is intended to alleviate the persistent geographic maldistribution of health providers which is experienced as a manpower shortage by many communities. The program has succeeded well in bringing health professionals into medically underserved areas. Proof of this success is that the 22 AHECS around the country have obtained State matching funds over Federal outlays in a ratio of 5 to 1.

Other examples are the programs which support training in three primary care fields of medicine—general internal medicine, pediatrics, and family practice. Over the past decade, these programs have already contributed to rebuilding the country's supply of primary care physicians. This supply was undermined by the pronounced trend toward specialization that manifested itself in the last decade.

Family practice programs in particular have contributed to resolving the geographic maldistribution of physicians. Fifty percent of the graduates of family practice residencies settle in communities of less than 25,000 people.

Primary care training contributes to the solution of problems of geographic and specialty maldistribution of physician manpower. While it is true that there is an impending surplus of physicians, the surplus is not manifested in all fields of medicine. It is found chiefly in the subspecialties of internal medicine and surgery, and in obstetrics and gynecology.

The fee-for-service reimbursement system currently reinforces this tendency by rewarding specialty procedures and in-hospital care disproportionately. Those services stressed by primary care physicians—outpatient and preventive services—are rewarded poorly by comparison. This weakens the financial base for primary care training and provides incentive for graduating medical students to seek careers in specialty medicine. Title VII programs provide direct support to primary care programs to encourage the training of primary care physicians.

Public health and preventive medicine are other academic fields given support funds in this legislation. Public health importance of all the programs contained in the health function—550—of the budget. Though we might have hoped to offer increased support to some of the programs reauthorized by this legislation, budgetary constraints force us to distribute the available funds carefully. Programs which support financially disadvantaged students have been given priority as have programs which offer direct medical service to the public. No programs are supported at levels below the 1984 appropriations figures.●

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1284. A bill to amend title VIII of the Public Health Service Act, relating to nurse education; to the Committee on Labor and Human Resources.

NURSE EDUCATION AMENDMENTS

Mr. HATCH. Mr. President, I am today introducing the Nurse Education Amendments of 1985. This legislation represents a new focus, recognizing that technology and increasing medical knowledge has created a vast need for nurses with specialized training in administration, research, primary care, geriatrics, pediatrics, home and community-based nursing, and many other areas of our health care system.

This new focus originates in the Nurse Training Act Amendments of 1979's mandate for a study on the future of nursing and nurse education. The institute of medicine conducted the study and completed their work in January 1982. The result was a 300-page document listing some 21 recommendations to Congress regarding nursing practice and nursing education.

The report recommends that there be no Federal support to increase the overall supply of nurses, but certain Federal, State, and private actions should be undertaken to alleviate particular shortages and needs. It is this philosophy which forms the general focus on the reauthorization.

To accomplish this goal, I am recommending that several projects be undertaken by the States. These include: Demonstrating clinical nurse education programs which combine educational curricula and clinical practice in health care delivery organizations, including long-term care facilities; demonstrating methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities; demonstrating methods to encourage nursing graduates to practice in health manpower shortage areas in order to improve the specialty and geographical distribution of nurses in the United States. These demonstrations are designed to enhance nursing efficiency in a variety of health care settings. This increased efficiency would save health dollars and encourage nurses to choose careers that would improve the provision of care to our Nation's elderly and needy patients in both home and community-based settings.

To help students obtain these goals, changes in the nursing student loan programs would be made. These changes make the loan program more efficient while encouraging the schools to continue to develop proper loan and collection procedures. And I have clarified in statute that NSL loan funds are to be provided only to students with demonstrated financial need.

I would note that nursing schools nationwide have worked diligently to reduce their high loan delinquency rates. Because of their dedication to solving this problem, I will continue to encourage the Department of Health and Human Services to develop a definition of due diligence regarding loan recovery that is fair and consistent with other public and private loan collection procedures.

An important aspect of this legislation funds training for nurse-midwifery. This category of health professionals are the most recent to feel the crunch of the growing medical malpractice problem.

The increasing number and size of settlements in medical malpractice suits has resulted in insurance companies raising malpractice insurance premiums—or pulling out of this aspect of the business altogether.

It is the outright termination of policies that is threatening the entire discipline of nurse-midwifery. The threat is both real and immediate.

For the past year, about 1,400 of the Nation's 3,000 nurse-midwives have been insured through a master malpractice insurance policy offered to members of the American College of Nurse Midwives [ACNM]. It was written by the Mutual Marine Fire and Inland Insurance Co.

Marine Fire and Inland has notified ACNM that the policy will be canceled as of July 3, 1985. Without protection of the sort offered by this insurance, many nurse-midwives—especially those in private practice—simply cannot practice. Their services will no longer be offered.

These members of the American College of Nurse-Midwives are experts in care of healthy women during preg-

nancy, labor, and delivery, as well as care for both mother and child after the baby is born.

Each is educated at schools of midwifery associated with 28 institutions of higher learning—among them Yale, Columbia, Stanford, Georgetown, Emory, and a number of State universities. Each has been officially accredited by ACNM.

The nurse-midwives work in a variety of settings and their services are in some cases among our poorest citizens. The settings include private practices, university teaching hospitals, city hospitals, rural outreach centers, group health maintenance organizations, public health departments, the military, family planning centers, Indian reservations, public health services and special birth centers.

It is important to note that the threat of insurance withdrawal is not a reflection on the nurse-midwives' record. Suits have been filed against only 6 percent of all midwives which is considerably lower than the percentage of physician obstetrical specialists who have felt the sting of a malpractice suit. A suit is not in itself an indication that any practitioner is actually guilty of malpractice, and many complaints are dismissed in arbitration or denied by the courts. However, it is imperative, that this situation be remedied—nurse-midwifery must be preserved and continue to provide service.

In developing this legislation, I am grateful to the Tri-Council of Nursing, the American Nurses Association, the American Association of Colleges of Nursing, and the National League of Nurses, as well as the Division of Nursing in the Department of HHS and other interested groups for their comments.

I encourage my colleagues to support this bill and join me in my effort to continue these important programs. I ask unanimous consent that the text of the Nurse Education Amendments of 1985, be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nurse Education Amendments of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SPECIAL PROJECTS

SEC. 3. (a) Section 820(a) is amended—

(1) by striking out "or" after the semicolon in paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (5) the following:

"(6) demonstrate clinical nurse education programs which combine educational curricula and clinical practice in health care delivery organizations, including acute care facilities, long-term care facilities, and ambulatory care facilities;

"(7) demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities; or

"(8) demonstrate methods to encourage nursing graduates to practice in health manpower shortage areas (designated under section 332) in order to improve the specialty and geographical distribution of nurses in the United States.".

(b) Section 820(d) is amended—

(1) by striking out the first sentence and inserting in lieu thereof: "(1) For payments under grants and contracts under paragraphs (1) through (5) of subsection (a), there are authorized to be appropriated $9,500,000 for the fiscal year ending September 30, 1986, $9,500,000 for the fiscal year ending September 30, 1987, and $9,500,000 for the fiscal year ending September 30, 1988.";

(2) by striking out "this subsection" in the second sentence and inserting in lieu thereof "this paragraph";

(3) by striking out "1981," in such sentence and inserting in lieu thereof "1985,"; and

(4) by adding at the end thereof the following new paragraph:

"(2) For payments under grants and contracts under paragraphs (6), (7), and (8) of subsection (a), there are authorized to be appropriated $2,700,000 for the fiscal year ending September 30, 1986, $2,700,000 for the fiscal year ending September 30, 1987, and $2,700,000 for the fiscal year ending September 30, 1988. In making grants and entering into contracts with amounts appropriated under this paragraph, the Secretary shall give priority to applications for grants and contracts under paragraph (7) of subsection (a).".

ADVANCED NURSE EDUCATION

SEC. 4. Section 821 is amended to read as follows:

"ADVANCED NURSE EDUCATION

"SEC. 821. (a) The Secretary may make grants to and enter into contracts with public and private nonprofit collegiate schools of nursing to meet the costs of projects to—

"(1) plan, develop, and operate,

"(2) expand, or

"(3) maintain,

programs which lead to masters' and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, or researchers or to serve in clinical nurse specialties determined by the Secretary to require advanced education.

"(b) For payments under grants and contracts under this section, there are authorized to be appropriated $16,500,000 for the fiscal year ending September 30, 1986, $17,000,000 for the fiscal year ending September 30, 1987, and $17,500,000 for the fiscal year ending September 30, 1988.".

NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS

SEC. 5. (a)(1) Paragraph (1) of section 822(a) is amended to read as follows:

"(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing and public health, public or nonprofit private schools of medicine which received grants or contracts under this subsection prior to October 1, 1985, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) expand, or

"(C) maintain,

programs for the education of nurse practitioners and nurse midwives. The Secretary shall give special consideration to applications for grants or contracts for programs for the education of nurse practitioners and nurse midwives who will practice in health manpower shortage areas (designated under section 332) and for the education of nurse practitioners which emphasize education respecting the special problems of geriatric patients and education to meet the particular needs of nursing home patients and patients who are confined to their homes.".

(2) Paragraph (2) of such section is amended—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) For purposes of this section, the term 'programs for the education of nurse practitioners and nurse midwives' means educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities (where appropriate), and other health care institutions.";

(B) by striking out "training" in the first sentence of subparagraph (B) and inserting in lieu thereof "education"; and

(C) by inserting "and nurse midwives" before the period in the first sentence of subparagraph (B).

(b) Section 822(b) is amended—

(1) by striking out "nursing, medicine, and public health," in paragraph (1) and inserting in lieu thereof "nursing and public health, schools of medicine which received grants or contracts under this subsection prior to October 1, 1985,";

(2) by inserting "and nurse midwives" before the period in the first sentence of paragraph (1);

(3) by inserting "or nurse midwife" after "practitioner" in paragraph (3); and

(4) by inserting "or in a public health care facility" before "for a period" in paragraph (3).

(c) Section 822(c) is amended—

(1) by striking out "training" and inserting in lieu thereof "education"; and

(2) by inserting "and nurse midwives" after "nurse practitioners".

(d) Section 822 is further amended by striking out subsection (d) and by redesignating subsection (e) as subsection (d).

(e) Section 822(d) (as redesignated by subsection (d) of this section) is amended to read as follows:

"(d) For payments under grants and contracts under this section, there are authorized to be appropriated $12,000,000 for the fiscal year ending September 30, 1986, $12,000,000 for the fiscal year ending September 30, 1987, and $12,000,000 for the fiscal year ending September 30, 1988.".

(f) The heading for section 822 is amended to read as follows:

"NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS".

TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES

SEC. 6. (a) Paragraph (1) of section 830(a) is amended to read as follows:

"(1)(A) The Secretary may make grants to public or nonprofit private schools of nursing and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to cover the cost of traineeships for nurses in masters' degree and doctoral degree programs in order to educate such nurses to—

"(i) serve in and prepare for practice as nurse practitioners,

"(ii) serve in and prepare for practice as nurse administrators, nurse educators, and nurse researchers, or

"(iii) serve in and prepare for practice in other professional nursing specialties determined by the Secretary to require advanced education.

"(B) The Secretary may make grants to public and private nonprofit schools of nursing and appropriate public and private nonprofit entities to cover the cost of traineeships to educate nurses to serve in and prepare for practice as nurse midwives.".

(b) Section 830 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking out the first sentence of such subsection and inserting in lieu thereof the following:

"(1) There are authorized to be appropriated for the purposes of subsection (a) $11,500,000 for the fiscal year ending September 30, 1986, $12,250,000 for the fiscal year ending September 30, 1987, and $13,000,000 for the fiscal year ending September 30, 1988.";

(3) by striking out the second sentence of such subsection;

(4) by striking out "subsection (a)(1)(C)" in the third sentence and inserting in lieu thereof "subsection (a)(1)(A)(i)";

(5) by adding at the end of such subsection the following new paragraph:

"(2) There are authorized to be appropriated for the purposes of subsection (b) $1,100,000 for the fiscal year ending September 30, 1986, $1,100,000 for the fiscal year ending September 30, 1987, and $1,100,000 for the fiscal year ending September 30, 1988.";

(5) by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit schools of nursing to cover the costs of post-baccalaureate fellowships for faculty in such schools to enable such faculty to—

"(1) investigate cost-effective alternatives to traditional health care modalities, with special attention to the needs of at-risk populations, such as the elderly, premature infants, physically and mentally disabled individuals, and ethnic and minority groups;

"(2) examine nursing interventions that result in positive outcomes in health status, with attention to interventions which address family violence, drug and alcohol abuse, the health of women, adolescent care, and disease prevention; and

"(3) address other areas of nursing practice considered by the Secretary to require additional study."; and

(6) by striking out "TRAINING" in the section heading and inserting in lieu thereof "EDUCATION".

NURSE ANESTHETISTS

SEC. 7. (a) Section 831(a)(1) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(b) Section 831 is further amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit institutions to cover the cost of projects to improve existing programs for the education of nurse anesthetists which are accredited by an entity or entities designated by the Secretary of Education. Such grants shall include grants to such institutions for the purpose of providing financial assistance and support to certified registered nurse anesthetists who are faculty members of accredited programs to enable such nurse anesthetists to obtain advanced education relevant to their teaching functions.".

(c) Section 831(c) (as redesignated by subsection (b) of this section) is amended to read as follows:

"(c) For the purpose of making grants under this section, there are authorized to be appropriated $800,000 for the fiscal year ending September 30, 1986, $800,000 for the fiscal year ending September 30, 1987, and $800,000 for the fiscal year ending September 30, 1988. Not more than 20 percent of the amount appropriated under this section for any fiscal year shall be obligated for grants under the second sentence of subsection (b).".

(d) The section heading for such section is amended by striking out "TRAINEESHIPS FOR TRAINING OF".

STUDENT LOANS

SEC. 8. (a) Section 836(b)(1) is amended—

(1) by striking out "and" before "(B)"; and

(2) by inserting before the period a comma and "and (C) if a student who will enroll in the school after June 30, 1986, is of exceptional financial need (as defined by regulations of the Secretary)".

(b) Section 836(f) is amended—

(1) by inserting "and in accordance with this section" after "Secretary" in the first sentence;

(2) by striking out "may" in such sentence and inserting in lieu thereof "shall"; and

(3) by striking out the second sentence and inserting in lieu thereof the following: "No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment.".

(c) Section 836 is amended by adding at the end thereof the following new subsection:

"(k) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school of nursing with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.".

(d) Section 838 is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a)(1) The Secretary shall from time to time set dates by which schools of nursing must file applications for Federal capital contributions.

"(2)(A) If the total of the amounts requested for any fiscal year in such applications exceeds the total amount appropriated under section 837 for that fiscal year, the allotment from such total amount to the loan fund of each school of nursing shall be reduced to whichever of the following is the smaller:

"(i) The amount requested in its application.

"(ii) An amount which bears the same ratio to the total amount appropriated as the number of students estimated by the Secretary to be enrolled on a full-time basis in such school during such fiscal year bears to the estimated total number of students enrolled in all such schools on a full-time basis during such year.

"(B) Amounts remaining after allotment under subparagraph (A) shall be reallotted in accordance with clause (ii) of such subparagraph among schools whose applications requested more than the amounts so allotted to their loan funds, but with such adjustments as may be necessary to prevent the total allotted to any such school's loan fund under this paragraph and paragraph (3) from exceeding the total so requested by it.

"(3) Funds which, pursuant to section 839 (c) or pursuant to a loan agreement under section 835, are returned to the Secretary in any fiscal year, shall be available for allotment in such fiscal year and in the fiscal year succeeding the fiscal year. Funds described in the preceding sentence shall be allotted among schools of nursing in such manner as the Secretary determines will best carry out this subpart, except that in making such allotments, the Secretary shall give priority to schools of nursing which established student loan funds under this subpart after September 30, 1975.

"(b) Allotments to a loan fund of a school shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.".

(e) Section 839 is amended—

(1) by striking out "1987," each place it appears in subsections (a) and (b) and inserting in lieu thereof "1991,"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) Within 90 days after the termination of any agreement with a school under section 835 or the termination in any other manner of a school's participation in the loan program under this subpart, such school shall pay to the Secretary from the balance of the loan fund of such school established under section 835, an amount which bears the same ratio to the balance in such fund on the date of such termination as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to section 835(b)(2)(A) bears to the total amount in such fund on such date derived from such Federal capital contributions and from funds deposited in the fund pursuant to section 835(b)(2)(B). The re-

mainder of such balance shall be paid to the school.

"(2) A school to which paragraph (1) applies shall pay to the Secretary after the date on which payment is made under such paragraph and not less than quarterly, the same proportionate share of amounts received by the school after the date of termination referred to in paragraph (1) in payment of principal or interest on loans made from the loan fund as was determined for the Secretary under such paragraph.".

(f) Subpart II of part B of title VIII is amended by adding at the end thereof the following new section:

"PROCEDURES FOR APPEAL OF TERMINATIONS

"SEC. 842. In any case in which the Secretary intends to terminate an agreement with a school of nursing under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

(g) Section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "ADMINISTERED BY THE DEPARTMENT OF EDUCATION" before the period in the paragraph heading of paragraph (4); and

(2) by adding at the end thereof the following new paragraph:

"(5) INDIVIDUALS WHO HAVE DEFAULTED ON STUDENT LOANS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

"(A) IN GENERAL.—Upon written request by the Secretary of Health and Human Services, the Secretary may disclose the mailing address of any taxpayer who has defaulted on a loan made under part C of title VII of the Public Health Service Act or under subpart II of part B of title VIII of such Act, for use only by officers, employees, or agents of the Department of Health and Human Services for purposes of locating such taxpayer for purposes of collecting such loan.

"(B) DISCLOSURE TO SCHOOLS AND ELIGIBLE LENDERS.—Any mailing address disclosed under subparagraph (A) may be disclosed by the Secretary of Health and Human Services to—

"(i) any school with which the Secretary of Health and Human Services has an agreement under subpart II of part C of title VII of the Public Health Service Act or subpart II of part B of title VIII of such Act, or

"(ii) any eligible lender (within the meaning of section 737(4) of such Act) participating under subpart I of part C of title VII of such Act,

for use only by officers, employees, or agents of such school or eligible lender whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such subparts for the purposes of collecting such loans.".

REPEALS

SEC. 9. (a)(1) Sections 801, 802, 803, 805, 810, 811, 815, and 841 are repealed.

(2) Subpart III of part B of title VIII is repealed.

(b)(1) Part A of title VIII is amended by striking out the headings for subparts I, II, III, and IV.

(2) The heading for part A of the title VIII is amended to read as follows:

"PART A—SPECIAL PROJECTS".

(3) The heading for title VIII is amended to read as follows:

"TITLE VIII—NURSE EDUCATION".

(c)(1) Section 804 is redesignated as section 858 and is amended to read as follows:

"RECOVERY FOR CONSTRUCTION ASSISTANCE

"SEC. 858. (a) If at any time within twenty years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

"(1) the owner of the facility ceases to be a public or nonprofit school,

"(2) the facility ceases to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use not later than 10 days after the date on which such cessation or change of use occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during such period.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(1) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

(2) In the case of any facility that was or is constructed on or before the date of enactment of this Act or within 180 days after the date of enactment of this Act, the period described in subsection (c)(2)(B)(i) of section 858 of the Public Health Service Act (as amended by paragraph (1) of this subsection) shall begin no earlier than 181 days after the date of enactment of this Act.

(3) The amendments made by paragraph (1) of this subsection shall not adversely affect other legal rights of the United States.

(d) Section 851(b) is amended by striking out ", and in the review of applications for construction projects under subpart I of part A, of applications under section 805, and of applications under subpart III of part A".

(e) Section 853(1) is amended by striking out "the Canal Zone," and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands,".

(f) Section 853(6) is amended to read as follows:

"(6) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education, except that a school of nursing seeking an agreement under subpart II of part B for the establishment of a student loan fund, which is not, at the time of the application under such subpart, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of such subpart if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the agreement with such school is made under such subpart; except that the provisions of this clause shall not apply for purposes of section 838. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.".

EFFECTIVE DATE

SEC. 10. (a) Except as provided in subsection (b), this Act and the amendments and repeals made by this Act shall take effect on October 1, 1985.

(b) The provisions of section 9(c) of this Act and the amendment made by paragraph (1) of such section shall take effect on the date of enactment of this Act.

● Mr. KENNEDY. Mr. President, I rise in support of title VIII of the Public Health Services Act, the Nurse Education Amendments of 1985. I have long been a supporter of Federal encouragement of educational activities designed to meet our most critical national nursing needs. The administration has proposed eliminating this funding, but the fact that Senator

HATCH and I are cosponsoring this bill shows there is bipartisan recognition of the continued importance of these programs.

Every study of nurse manpower needs has identified critical deficits in nursing resources. Key areas of need include nurse specialists trained in care of the elderly, nurses educated at the master's level for other areas of specialty practice, and nurses with doctoral level training for vital patient care research.

This legislation provides funds only for advanced nursing practice, the area of greatest unmet need. Funds will be used for development and improvements in curriculums, for research fellowships, and for traineeships for geriatric nurse practitioners and nurse midwives.

Rapid developments in medical knowledge and advanced technology have generated a growing need for more sophisticated and specialized nursing care. The aging of our population and the resulting chronic care needs have also placed new demands on the nursing profession—and the national health delivery system of which they are an important part. The programs supported by this legislation prepare nurses for advanced practice in the areas of highest need.

Unlike many other health professions, nurses cannot look forward to future earnings which would make expensive graduate education practical for most practitioners. Without funding assistance, many nurses will be financially unable to commit themselves to training for practice that our citizens desperately need.

I ask my colleagues to join me in supporting this important investment in our Nation's health.●

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1285. A bill to amend provisions of the Public Health Service Act relating to the National Health Service Corps; to the Committee on Labor and Human Resources.

NATIONAL HEALTH SERVICE CORPS AMENDMENTS

Mr. HATCH. Mr. President, I am today introducing, the National Health Service Corps Amendments of 1985. This legislation, which reauthorizes the National Health Service Corps [NHSC] Program, is an essential step to assuring that health manpower is ready and able to serve those Americans most in need.

The NHSC is a Federal program designed to place physicians, and other health professionals, in designated health manpower shortage areas. Although recent studies show that an increase in the supply of physicians and other health professionals has reduced the number of areas of health manpower shortage, I firmly believe that there will continue to be a need for an NHSC Program to assist areas that have not been able to attract the needed health care providers. The goal and commitment of the NHSC remain the same, "To improve the delivery of health services in health manpower shortage areas." Meanwhile, the growth of the corps has justifiably leveled off. With this legislation, the number of corps members reflects the evidence that a surplus of phyiscians and other health care providers is having a significant effect on the geographic distribution of health professionals. Shortage areas in need of health manpower continue to diminish as the NHSC Program succeeds in meeting its goal—making quality health care available where it is so desperately needed.

Yet, this legislation is necessary because the important job to be done is as yet unfinished. In particular, I believe there will continue to be an uneven distribution of health care providers in small isolated rural communities and some urban settings. Most of these areas will not be able to attract sufficient health care practitioners without the NHSC, even in the face of the doctor glut.

Over the years, the corps has evolved into a program designed to complement private sector recruitment activities in providing primary care health services to the Nation. As chairman of the Labor and Human Resources Committee, I have seen the NHSC evolve from a program of mainly federally supported providers to one with an increasing number of providers supported by local resources. The corps has moved from a program driven solely by national perceptions of need to one which considers State and local priorities to a much greater degree. I am very much aware that throughout these transitions the NHSC has continued to have an impact on placing health professionals in underserved areas and assuring that areas with a need and demand for health care services receive them. As a result of those transitions, the NHSC is stronger and more effective than ever before. This is why it is timely and essential to reauthorize the NHSC Program and to make several changes that will continue to strengthen the corps.

Let me review for my colleagues the key provisions of this legislation.

First, the bill reauthorizes the NHSC Scholarship Program, at such sums as necessary to make 150 new scholarship for each of the fiscal years 1986 through 1988 and continued awards to students who entered the Scholarship Program before October 1, 1988. In the future, most corps members will be recruited from residency programs. However, a modest number of scholarships will assure a supply of individuals to be available for the most hard to place locations.

Second, this bill requires the Secretary of Health and Human Services [HHS] to prepare and transmit to the Congress by October 1, 1986, a long-term staffing plan for the NHSC Program. As the number of health manpower shortage areas shrink in response to corps placements and market forces, the corps needs such a versatile long-range plan to continue its mission of providing health personnel to communities with the greatest need and demand for health care and which have been unable to attract providers of primary care services. This plan is critical to the future success of the NHSC. The plan in to be funded from the General Research and Investigation Authority under the Public Health Service Act and requires and authorizes no new appropriations.

Third, in order to assist States in carrying our data collection and public information activities for making recommendations regarding the designation of health manpower shortage areas in the State, this legislation authorizes the Secretary to provide technical assistance to the State or, at the request of the State, to entities within the State.

Fourth, changes in statute are included: one capping total scholarship awards, and two technical amendments. At the request of the administration, I have included in statute the authority for the Secretary of HHS to negotiate a maximum total amount of a corp scholarship with each educational institution. This is to make certain our most costly medical schools do not drain scholarship funds from those with less expensive educational programs. In short, we will get more equitable distribution of scholarship recipients across the country. Another amendment gives the Secretary of HHS the flexibility to select, for NHSC scholarship obligors who sign their first contract in fiscal year 1985, which residency or advanced clinical training programs they participate in; while deferring their scholarship obligation. And finally an amendment combines two existing loan authorities for corps members who enter private practice into one loan program available to all corps members—scholarship obligated and volunteers—who will enter into, or are currently in private practice in health manpower shortage areas. These loans will assist eligible individuals in the purchase of equipment and the renovation of facilities used in providing health services and will help to promote the NHSC Private Practice Option Program.

Altogether, this bill gives the NHSC Program the flexibility required to operate at a level consistent with the needs of health manpower shortage areas. In conclusion, I urge my colleagues support for this necessary and timely legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Amendments of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 3. (a) Section 338(a) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$70,000,000 for the fiscal year ending September 30, 1986; $65,000,000 for the fiscal year ending September 30, 1987; and $60,000,000 for the fiscal year ending September 30, 1988".

(b) Section 338F is amended—

(1) by striking out the last sentence of subsection (a) and inserting in lieu thereof the following: "For the fiscal year ending September 30, 1986, and each of the two succeeding fiscal years, there are authorized to be appropriated such sums as may be necessary to make 150 new scholarship awards in accordance with section 338A(d) in each such fiscal year and to continue to make scholarhsip awards to students who have entered into written contracts under the Scholarship Program before October 1, 1988.";

(2) by striking out subsection (b); and

(3) by striking out "(a)" before "There".

DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS

SEC. 4. Section 332(a)(1) is amended by adding at the end thereof the following: "The Secretary shall not remove an area from the areas determined to be health manpower shortage areas under clause (A) of the preceding sentence until the Secretary has afforded interested persons and groups in such area an opportunity to provide data and information in support of the designation as a health manpower shortage area of a population group described in clause (B) of such sentence or a facility described in clause (C) of such sentence, and has made a determination on the basis of the data and information submitted by such persons and groups and other data and information available to the Secretary.".

SCHOLARSHIP PROGRAM

SEC. 5. Section 338A(g) is amended—

(1) by striking out "A scholarship" in paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (4), a scholarship"; and

(2) by adding at the end thereof the following new paragraph:

"(4)(A) Notwithstanding any other provision of this subsection, the maximum total amount of a scholarship provided to a student in a course of study or program under a written contract under the Scholarship Program may not exceed $15,000 for the school year ending in the fiscal year ending September 30, 1986.

"(B) The maximum amount of a scholarship which may be provided to a student in a course of study or program, as specified under subparagraph (A) and as previously adjusted (if at all) in accordance with this subparagraph, shall be increased by the Secretary for each school year ending in a fiscal year beginning after September 30, 1986, by an amount (rounded to the next highest multiple of $1) equal to such maximum total amount multiplied by the tuition increase index for such course of study or program for such school year. For purposes of the preceding sentence, the tuition increase index for a course of study or program for a school year is the estimated percentage (determined by the Secretary) by which the average tuition for such course of study or program at all institutions in the United States for such school year will increase over the average tuition for such course of study or program at all such institutions for the immediately preceding school year.".

OBLIGATED SERVICE

SEC. 6. Section 338B(b)(5) is amended to read as follows:

"(5)(A) With respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1985, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or after October 1, 1985, the Secretary may defer such date in accordance with the provisions of clause (i).

"(B)(i) With respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be three years.

"(ii) With respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be one year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) With respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the academic training leading to such degree.".

PRIVATE PRACTICE

SEC. 7. (a) Section 338C(a)(2) is amended by inserting before the period the following: "for which the Secretary has made the evaluation and determination described in section 333(a)(1)(D)".

(b) Section 338C(b) is amended by inserting at the end thereof the following: "The Secretary shall take such action as may be appropriate to assure that the conditions of the written agreement prescribed by this subsection are adhered to.".

SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE

SEC. 8. (a) Subsections (a) and (b) of section 338E are amended to read as follows:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of the profession of such Corps member in a health manpower shortage area (designated under section 332) for a period of not less than two years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than one year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with the provisions of section 338C(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section.

Such a loan shall be used to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b) The amount of a loan under subsection (a) to an individual shall not exceed $25,000.".

(b) Subsection (c) of such section is amended by striking out "grant or" in the first sentence.

(c) Subsection (d)(1) of such section is amended by striking out "this section," and inserting in lieu thereof "this section (as in effect prior to October 1, 1985),".

(d) Section 338C(e) is amended by striking out paragraph (1) and by striking out "(2)" before "Upon".

PERSONNEL PLAN FOR THE NATIONAL HEALTH SERVICE CORPS

SEC. 9. (a) By October 1, 1986, the Secretary of Health and Human Services shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for the recruitment, employment, and retention of personnel for the National Health Service Corps which assures that—

(1) the Corps will continue the delivery of health services in health manpower shortage areas (as designated by the Secretary under section 332 of the Public Health Service) during fiscal years 1989 through 1992; and

(2) during each such fiscal year, the total number of Corps members shall be the number the Secretary considers necessary to serve the demonstrated needs of health manpower shortage areas.

(b) The plan required by subsection (a) shall include alternative proposals for the recruitment, employment, and retention of personnel for the National Health Service Corps, estimates of the amounts that would be required to carry out each such proposal during each of the fiscal years with which the plan is concerned, and such recommendations for legislation and administrative

action as the Secretary considers appropriate.

(c) The Secretary shall prepare the plan required by subsection (a) in consultation with State governments, voluntary organizations, and organizations representing health professionals.

TECHNICAL ASSISTANCE TO STATES

SEC. 10. (a) Section 332 is amended by adding at the end thereof the following new subsection:

"(i) In order to assist a State in carrying out data collection and public information activities to enable the State to make recommendations regarding the designation of health manpower shortage areas in the State, the Secretary may provide technical assistance of an appropriate nature to the State or, at the request of the State, to entities within the State. Such technical assistance may be provided through grants, contracts, or cooperative agreements.".

(b) Section 338 (as amended by section 3(a) of this Act) is further amended by adding at the end thereof the following new subsection:

"(c) To carry out the purposes of section 332(i), there are authorized to be appropriated $500,000 for the fiscal year ending September 30, 1986, and for each of the two succeeding fiscal years.".

EFFECTIVE DATE

SEC. 11. This Act and the amendments made by this Act shall take effect on October 1, 1985.

● Mr. KENNEDY. Mr. President, I am pleased to join with my colleague, Senator HATCH, and other Senators, in introducing this bipartisan bill reauthorizing the National Health Service Corps Field Program and the National Health Service Corps Scholarship Program.

The National Health Service Corps is the only Federal program which assures that health care providers are available to serve in health manpower shortage areas. In fiscal year 1985, the NHSC will have over 3,100 doctors, dentists, and other health providers in underserved communities.

These providers make an absolutely vital contribution to the health of the communities in which they are posted. This year alone, the NHSC will serve over 2.5 million people. Were it not for the NHSC, these communities would lack essential health services. The poor would especially suffer, but in many places all members of the community would be denied access to the health care they need.

The Reagan administration has proposed to eliminate the NHSC Scholarship Program entirely and phase out the Field Program over time. The stated rationale is that the current and projected oversupply of physicians will eliminate remaining shortages of physicians without Federal intervention.

In point of fact, there are areas of the country that will continue to have shortages of physicians and other essential health manpower for the foreseeable future. The bipartisan sponsorship of this bill expresses the Congress' determination that the Federal Government will fulfill its responsibility to see that people in the most remote rural areas and the most deprived parts of inner cities will continue to have access to the health services that they need.

I urge my colleagues to support enactment of this bill. Essentially identical legislation was passed unanimously by the Senate last year, and the need for the Corps is as great today as it was then.●

By Mr. DOMENICI:

S. 1286. A bill to limit the amount of "junk securities" which may be held by federally insured institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

JUNK BOND LIMITATION ACT

● Mr. DOMENICI. Mr. President, since I last introduced my bill relating to noninvestment grade securities, or so-called junk bonds, on April 23, I have learned a great deal. I have met with many people on both sides of the issue, ranging from the heads of Wall Street's top investment bank firms to Washington's regulatory leaders. I have listened to my colleagues' opinions and noted their concerns about takeovers and junk bonds. I have followed with interest the volley of opinions that has appeared in the Wall Street Journal and other newspapers. Most important, I have observed the changes which have incurred in the marketplace in the past few months.

Based on this accumulation of knowledge, I would like to introduce a new bill today entitled "The Junk Bond Limitation Act of 1985." This act takes into consideration changes in the financial environment over the past 6 weeks, such as the Delaware Supreme Court decision and the increased caution being exerted by some of our financial institutions in the wake of the first bill I introduced in April, the Securities Safety and Soundness Act.

Although these changes may have lessened the need for a moratorium on junk bonds, they have not fully eliminated the need to strengthen existing regulations and make others apply more equitably. Before I address these matters I want to take a look at the broad picture.

Last year $90 billion in equity capital was replaced with debt on corporate balance sheets. The debt resulted from leveraged buyouts, stock repurchases, and takeovers. Many regulatory leaders, including Chairman Shad of the Securities and Exchange Commission, have expressed concern. Chairman Shad has declared that the pyramid of debt and equity has been overturned and is standing on an unstable tip.

Why should Congress fight to curb Government expenditures while Wall Street is engaging in billions of dollars in takeovers financed with unsecured debt that only adds fuel to the fire? This is like plugging up one hole in the dike only to have another one spring forward. We should not stop fixing the holes as some have argued; rather let's focus on preventive maintenance.

And as a May 19 New York Times article pointed out, the supposed benefits of many mergers are often illusory. They cited the oil industry as a prime example:

> The multibillion-dollar Chevron-Gulf, Texaco-Getty and Mobil-Superior takeovers all now seem dubious to analysts—Mobil's first-quarter 1985 profits fell 15.8 percent, partly because of $90 million in interest to pay for Superior. Chevron, Texaco, and Mobil must devote huge sums to debt service and reduction, and will reduce exploration even though drilling completion costs are low. And Arco's divestiture of its refining and retailing operations shows that vertical integration may yield not efficiencies but troubles.

An even more recent example is the Unocal Corp. The corporation's victory over T.B. Pickens is only half of the story. The other half is the debt it is left with—a debt totaling $5.3 billion and a ratio of debt to capital that has skyrocketed to 73 percent. To meet interest payments Unocal must cut its annual capital budget by approximately 15 percent.

How many of these type of mergers really benefit society? Managers wind up spending all of their time servicing debt rather than focusing on the operations of their firm. Mr. Scherer of Swarthmore declared:

> * * * that a tendency by parent companies to treat acquired businesses as cash cows means it is inevitable that the subsidiary will at some point become a shadow of its former self. That, in turn, leads to a mediocre performance and, ultimately, divestiture of the unit (Business Week, June 3, 1985).

Now I am not attacking all mergers, but there is something wrong with the motives of certain takeover artists and the resultant damage they leave behind. Look at Mr. Icahn's initial plan to acquire TWA and sell off valuable routes. The airline would suffer, employees would suffer, and the public at large would suffer if such an inexperienced person would be allowed to manage. For this reason I am a cosponsor on Senator DANFORTH's bill, S. 1218 and applaud his efforts to retain competent management in TWA.

I also applaud the President's latest tax proposal which contains an incentive for corporations to finance their operations with equity rather than debt.

Presently the effective double taxation of dividends encourages corporations to use debt. The President's proposal would allow domestic corporations a deduction equal to 10 percent of dividends paid to shareholders. There are stipulations for how the deduction would apply, but the bottom

line is that corporate capitalization decisions would be less biased because of the Tax Code toward debt. Hopefully, this proposal can help to curb the infusion of debt into the economy.

The President's proposal is a small start toward the problem. If passed it will not be effective until January 1, 1987. In the meantime, I would hope that we can take action on key problematic areas. What my bill does is plug up some of the holes in the dike by: First, enforcing the margin requirement—Regulation G—and second, applying restrictions on federally insured banks' and thrifts' investments across-the-board, regardless of whether they are State or federally chartered.

I would just like to mention an additional concern of mine that I have not addressed in this bill. That is the investments of federally backed pension funds in noninvestment grade securities. Because defined benefit plans receive Federal guarantees the taxpayer bears the risk, just as in the case of certain financial institutions. There is no justification then for treating these funds differently from FSLIC and FDIC deposits. The Pension Benefit Guaranty Corporation, which insures the pension funds, covers approximately 38 million workers. When it comes to the future income of retirees, I believe we should be especially cautious with our investment decisions. I have asked the Banking Committee's Subcommittee on Securities to look into this issue.

I. INVESTMENTS IN NONINVESTMENT GRADE SECURITIES BY FEDERALLY INSURED FINANCIAL INSTITUTIONS

Our financial institutions are not in good shape. I am not overstating this point when I say that our thrift industry in particular borders on a crisis. Consider the following facts:

The number of problem banks is at an all time high of 950.

The recent failure of seven banks in four States set a postdepression record number of failures for 1 day.

Out of some 3,100 federally insured S&L's nationwide, at the end of last year there were 434 with negative net worth.

Within the past 4–5 years about 1,000 FSLIC-backed S&L's have been merged out of existence.

The FSLIC's reserves have fallen so sharply that even a small increase in the number of failures could overload the fund.

Chairman Ed Gray of the Federal Home Loan Bank Board predicts that at least 500 more S&L's will be merged out of existence in the next 5 years.

Of course these problems are not all attributable to institutional investments in high-yield high-risk securities. But as Norman Raider, General Counsel fo the FHLBB noted, distressed institutions are more likely to be attracted to these kind of investments. And "bad investments" is the thrift industry's most serious problem. Chairman Gray testified that it costs three to five times as much to bailout a thrift troubled by bad investments as to rescue one damaged by interest rates.

I do want to distinguish between federally insured State-chartered commercial banks and State-chartered thrifts. The former are in a relatively stable position. Although the FDIC has pumped $4 billion into the banking system in the past 4 years, compared with only $500 million in the previous 47 years, its ratio of reserves to deposits has been increasing. The FSLIC's has deteriorated drastically.

FDIC SUPERVISED BANKS

According to my conversations with Mr. Isaac, Chairman of the FDIC, a number of measures are in place to restrict their institutions' investments in noninvestment grade securities. For example, many States follow regulations for nationally chartered banks. Examiners who come across junk bond investments carried as loans generally require them to be written down. Mr. Isaac agreed wholeheartedly with the Junk Bond Limitation Act's provision that subjects all State-chartered insured banks under FDIC supervision to the same restrictions which apply to those that are federally chartered.

FHLBB SUPERVISED THRIFTS

Under my bill, State-chartered S&L's would also be subject to restrictions imposed on nationally chartered thrifts. I have a greater concern for these institutions which have been under pressure to make investments with big payoffs. The majority of them are small with limited experience. And despite the fact that all FSLIC members are required to maintain a minimum net worth equal to 3 percent of their liabilities, the Bank Board has not been enforcing this requirement. Many have fallen below the minimum.

Even more frightening is the shrinkage of the FSLIC fund: only $5.9 billion is available to insure almost $1 trillion in deposits. We have seen the beginnings of confidence crisis and I dread the thought of a worse case scenario where runs on thrifts are rampant.

INSTITUTIONS WITHOUT ADEQUATE CAPITAL

The Junk Bond Limitation Act also includes a provision that prohibits insured banks and thrifts from investing in noninvestment grade securities if their net worth is less than 6 percent. This safeguard will basically apply to thrifts in poor financial straits and which should be last on the list of potential junk bond investors.

II. ENFORCEMENT OF THE MARGIN REQUIREMENT

A number of hostile takeovers have made a mockery of the margin requirement. The margin rule, which is already on the books, stipulates that loans for stock purchases cannot exceed 50 percent of the value of the stock being bought. If we look at Congress' uniform margin requirements report we can see several reasons for this safeguard: First, to prevent excessive use of credit resources for securities speculation in the economy; second to prevent instability in the securities market and third, to protect investors from carrying more than a reasonable amount of credit.

Yet many hostile takeover transactions have flagrantly violated these guidelines by leveraging well beyond the 50 percent limit. Right now approximately 81 percent of the Ted Turner-CBS takeover attempt is financed by junk bonds. Is this good for the economy? Does this kind of speculation strengthen the stability of our securities markets? And is this a reasonable amount of credit to be carried by investors?

Corporations, like individuals, can overextend themselves. Yet as attorney Martin Lipton observed, the corporate takeover's diversion of credit to the stock markets involves stakes far greater than that of any individual speculation.

Concern over circumvention of the margin requirement was also expressed by renowned financier Felix Rohatyn last week at a Senate Subcommittee on Securities hearing. In response to my questions, Mr. Rohatyn agreed that tightening this regulation would contribute to solving some of the problems associated with the takeover frenzy.

Now if the Federal Reserve decides to lower the margin rule that is one thing. But until then I want to see stringent enforcement of our credit controls.

I am pleased that many of my colleagues have developed an interest in the takeover issue and the various aspects which go along with it. Since my sophistication on the subject has expanded exponentially, I feel that this bill covers areas that focus on key problems that can be remedied fairly quickly. I will leave the record open today for cosponsors to the Junk Bond Limitation Act and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Junk Bond Limitation Act of 1985".

INVESTMENT LIMITATION

SEC. 2. (a) The Federal Deposit Insurance Act is amended by adding at the end thereof the following:

INVESTMENT LIMITATION

"SEC. 28. (a) After the date of enactment of this section, an insured bank may not, directly or indirectly, make an investment for its own account in noninvestment grade securities if—

"(1) its net worth is less than 6 percent; or

"(2) the investment would be prohibited if the bank were a national bank.

"(b) For the purpose of subsection (a), the term 'noninvestment grade securities' has the same meaning as in section 7(e) of the Securities Exchange Act of 1934.".

(b) Title IV of the National Housing Act is amended by adding at the end thereof the following:

"INVESTMENT LIMITATION

"SEC. 415. (a) After the date of enactment of this section, an insured institution may not, directly or indirectly, make an investment for its own account in noninvestment grade securities if—

"(1) its net worth is less than 6 percent; or

"(2) the investment would be prohibited if the institution were a Federal savings and loan association.

"(b) For the purpose of subsection (a), the term 'noninvestment grade securities' has the same meaning as in section 7(e) of the Securities Exchange Act of 1934.".

MARGIN REQUIREMENTS

SEC. 3. (a) Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by redesignating subsections (e) through (g) as subsections (f) through (h) respectively, and inserting after subsection (d) the following:

"(e)(1) For purposes of subsection (d) and the rules and regulations thereunder, the phrase 'to extend or maintain credit or to arrange for the extension or maintenance of credit for the purpose of purchasing or carrying any security includes the purchase, directly or indirectly, of noninvestment grade securities.

"(2) For the purpose of this subsection, the term 'noninvestment grade securities' means—

"(A) unrated bonds or preferred stock;

"(B) bonds or preferred stock with a rating at or lower than Ba by Moody's, BB by Standard and Poor's, or an equivalent rating by a nationally recognized bond rating house;

"(C) other debt instruments that are, or will become, subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness; or

"(D) any equity or quasi-equity instruments other than common stock or preferred stock (except as provided above), including warrants or other rights to acquire such equity or quasi-equity instruments;

the proceeds of which will be used, directly or indirectly, to purchase or carry securities.

"(3) Notwithstanding any other provisions of this section it shall be unlawful, regardless of the jurisdiction of the borrower or lender or agent or other controlled person of the borrower or lender, to lend or arrange for the extension of credit or to borrow, directly or indirectly, where the proceeds of such transaction will be used to purchase or carry margin securities in the context of a tender offer, or a request or invitation for tender, covered by section 14(d) of this Act or the acquisition of securities which would require the filing of a report under section 13 of this Act, other than in compliance with the rules promulgated by the Board of Governors of the Federal Reserve System under this section.

"(4) For purposes of applying the margin requirement to transactions referred to in paragraphs (1) and (2), the market place of the security to be purchased or carried shall be the average closing sale price (or reasonable independent estimate of market value as of the close of business, if a closing sale price is not available) for such security for the 30-day period prior to the announcement of the tender offer, or request or invitation for tender, referred to in paragraph (1).

"(5)(A) Whenever any provision of this subsection is violated by any person, the Commission may sue to enjoin such violation in the United States district court for the district in which the defendant resides or is found or has an agent, or where the cause of action arose, without respect to the amount in controversy, and shall recover the cost of the suit.

"(B) Any person aggrieved in his business or property by reason of any such violation may sue to enjoin such violation in the United States district court for the district in which the defendant resides or is found or has an agent, or where the cause of action arose, without respect to the amount in controversy, and shall recover the cost of the suit, and may sue therefor and shall recover actual damages sustained by him, and the cost of the suit, including reasonable attorney's fees.".

(b) Within 60 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall report to Congress on the measures it has taken to bring into conformity with the clarification and amendments made by this Act all transactions, including commitments, outstanding on the date of this Act, and all future transactions.●

By Mr. EVANS (for himself and Mr. GORTON):

S. 1287. A bill to authorize the U.S. Army Corps of Engineers to construct, operate, and maintain a single retention structure for controlling sediment flowing from eruptions of Mount St. Helens; to the Committee on Environment and Public Works.

MOUNT ST. HELENS SINGLE RETENTION STRUCTURE LEGISLATION

● Mr. EVANS. Mr. President, I am pleased to introduce today, on behalf of myself and Senator GORTON, legislation authorizing the U.S. Army Corps of Engineers to construct a single retention structure to control sediment flowing from eruptions of Mount St. Helens.

It has been over 5 years since the May 18, 1980, eruption. The corps has spent over $350 million to date for emergency dredging and levee protection. Yet the communities along the Cowlitz River still live with the threat of flooding. A long-term solution on Mount St. Helens needs to be authorized and put into place.

Mr. President, the eruptions of Mount St. Helens deposited 3 billion cubic yards of unconsolidated sediment in the North Fork Toutle River. Erosion has increased the threat of flooding along the Cowlitz River and endangered navigation in the Columbia River. The most effective method for providing Cowlitz River flood protection and uninterrupted Columbia River navigation, I believe, is to trap sediment in the upper Toutle by means of a single retention structure at the Green River site.

Let me explain this legislation.

First, it would authorize the corps to construct a single retention structure and begin land acquisition. I would also like to emphasize that this is a project in which uncertainties associated with both annual and total erosion rates exist. But this should not preclude a definitive decision now as to whether we construct or dredge.

Second, it would authorize dredging to remove material that is either downstream of the site or has passed downstream during construction. There is an immediate and ongoing problem of dealing with volcanic sediment that builds up in the Toutle and Cowlitz Rivers. The corps is already authorized, I believe, to consistently maintain 100-year protection until permanent solutions are fully implemented. So, with regard to dredging, the legislation we are introducing today could be construed as merely replacing existing authority.

Third, it would authorize the corps to operate and maintain this unique project in which there are no established policies or procedures.

Mr. President, we must act now to assure that the communities located along the Cowlitz River—such as Longview-Kelso, Castle Rock, and Lexington—do not live any longer under the threat of flooding.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Secretary, acting through the Chief of Engineers, is authorized to design, construct, operate and maintain a Federal project for reduction of flood damage and for navigation maintenance on the Toutle, Cowlitz and Columbia Rivers, Washington. Specifically, the Secretary, acting through the Chief of Engineers, shall construct a sediment retention structure near the confluence of the Toutle and Green Rivers with such design features and associated downstream actions as the Chief of Engineers determines to be advisable, including justified measures to mitigate adverse environmental impacts associated with the project.●

● Mr. GORTON. Mr. President, today I am pleased to join Senator EVANS in introducing legislation which authorizes the construction of a single retention structure by the U.S. Army Corps of Engineers on the North Fork of the Toutle River just above its confluence with the Green River. Once constructed, the structure will hold back sediment that is currently flowing down the river into the Cowlitz and Columbia Rivers. The structure will reduce

significantly the threat posed by the two major problems that have resulted from the Mount St. Helens eruption: The life-threatening flood potential that exists along the Cowlitz River in the Longview-Kelso area and the infilling of the Columbia River navigation channel. This legislation is similar to S. 2745, introduced in the 98th Congress.

To date, the Corps of Engineers has spent hundreds of millions of dollars on emergency dredging and levee protection work in the Mount St. Helens area. Despite these efforts for the past 5 years, the communities along the Cowlitz River still face serious flood threats. These temporary solutions while providing protection on an interim basis, are expensive to maintain and do not provide long-term security to the 60,000 residents in the Cowlitz River area or long-term assurance that the vital Columbia River navigation channel will remain unimpeded.

The legislation we are introducing today provides the authority the Corps of Engineers needs to begin implementing a long-term solution to the problems presented by this unique disaster. The bill provides authority to the corps to construct a single retention structure and to undertake such downstream activities as are necessary to supplement the sediment retention structure in order to assure flood protection along the Cowlitz River and to maintain the integrity of the Columbia River navigation channel.

Mr. President, I urge my colleagues to expedite consideration of this legislation to ensure the safety of the people living in the shadow of Mount St. Helens.●

By Mr. DANFORTH:

S. 1288. A bill to amend the Tariff Schedules of the United States regarding the classification of television apparatus and parts thereof; to the Committee on Finance.

TARIFF CLASSIFICATION OF TELEVISION APPARATUS AND PARTS

● Mr. DANFORTH. Mr. President, today I am introducing legislation designed to close a loophole in the current tariff schedules that affect the importation of color TV picture tubes.

The bill represents the Senate counterpart of H.R. 2349, introduced last month by Chairman ROSTENKOWSKI in the House of Representatives.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the headnotes to part 5 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) are amended—

(1) by amending headnote 3—

(A) by striking out "685.11 through 685.19" and inserting in lieu thereof "684.92 through 685.08";

(B) by striking out "assembled," in subparagraph (a) and inserting in lieu thereof "assembled in its cabinet,"; and

(C) by amending subparagraph (b) by striking out "685.15" each place it appears therein and inserting in lieu thereof "684.98", and by striking out "685.16" and inserting in lieu thereof "685.00";

(2) by redesignating headnotes 4, 5, and 6 as headnotes 5, 6, and 7, respectively; and

(3) by inserting after headnote 3 the following new headnote:

"4. Television picture tubes imported in combination with, or incorporated into, other articles are to be classified to items 687.35 through 687.44, inclusive, unless they are—

"(i) incorporated into complete television receivers, as defined in headnote 3;

"(ii) incorporated into fully assembled units such as word processors, ADP terminals, or similar articles;

"(iii) put up in kits containing all the parts necessary for assembly into complete television receivers, as defined in headnote 3; or

"(iv) put up in kits containing all the parts necessary for assembly into fully assembled units such as word processors, ADP terminals, or similar articles.".●

By Mr. GRASSLEY:

S. 1289. A bill to amend title 28, United States Code, to increase the number of U.S. bankruptcy judges authorized to be appointed for the northern and southern districts of Iowa; to the Committee on the Judiciary.

EMERGENCY BANKRUPTCY COURT RELIEF

Mr. GRASSLEY. Mr. President, Iowans today are facing an immediate crisis in my State's bankruptcy courts which demands most urgent relief. The staff of the northern district bankruptcy court in Iowa reports 1,265 bankruptcy filings during the first 5 months alone. Although Saturday is generally a "day off," the court was scheduled to process some 103 cases.

The problems of a grossly overburdened court have been exacerbated by the sudden illness of Judge William Thinnes, who collapsed with a bleeding ulcer on Saturday morning, requiring his hospitalization for the immediate future. Judge Thinnes has been working 15 hours a day, 7 days a week for months in an effort to cope with the overwhelming caseload.

To avert a crisis this weekend, I have been in contact with the acting chief of the bankruptcy division of the U.S. courts and the Chief Judge of the U.S. Court of Appeals for the Eighth Circuit in Minnesota. Recruiting substitute judges, however, offers sporadic and short-term relief at best. To provide a viable solution to this crisis, I am today introducing a bill to give immediate and temporary relief to the bankruptcy court system in Iowa by providing an additional judge for each of the northern and southern districts.

Mr. President, timely hearings on chapter 11 proceedings are crucial for farmers and farm bankruptcies make up the vast majority of the 164 pending chapter 11 cases in northern Iowa alone.

Current law requires that a hearing be held within 30 days of a bankruptcy filing or creditors can begin repossessing equipment. Additionally, a farmer attempting to show a workable reorganization plan must wait for the court to act before the farmer may obtain loans for seed, fertilizer, feed, and other necessities.

The farmer is currently caught in a vicious circle where his ability to demonstrate a reorganization plan depends on his ability to plant and harvest crops which, in turn, depends on prompt court action.

Mr. President, I realize bankruptcy actions present a heavy caseload in many States. However, the two Iowa judges have to handle over 2,400 court cases this year already. By comparison, Minnesota has four full-time judges and a part-time judge working on about the same number of actions and Arkansas has less than 1,700 filings being handled by three judges.

A similar bill has been offered in the other body by Congressman TOM TAUKE. Mr. President, I ask that this emergency legislation be appropriately referred.

By Mr. MATHIAS (for himself, Mr. LEVIN, Mr. MOYNIHAN, and Mr. BIDEN):

S. 1290. A bill to prohibit discrimination in insurance on the basis of blindness or degree of blindness; to the Committee on Commerce, Science, and Transportation.

FAIR INSURANCE COVERAGE ACT

● Mr. MATHIAS. Mr. President, I am pleased to introduce today, along with Mr. LEVIN, Mr. MOYNIHAN, and Mr. BIDEN, the Fair Insurance Coverage Act to prohibit discrimination on the basis of blindness or any degree of blindness. It is distressing that this legislation is necessary. However, the sad truth is that for many years blind people have encountered numerous difficulties in their efforts to secure various types of insurance coverage on an equal basis with those who can see.

The need for legislation to end this discrimination has been well documented by the National Association of Insurance Commissioners [NAIC]. The NAIC found no factual basis for the belief that blindness represents an increased risk to insurers. Both the NAIC and the National Federation for the Blind affirm that no solid actuarial evidence exists for discrimination against the blind in insurance coverage. Accordingly, treating blind persons differently from those who can see was determined to be discriminatory and thus an unfair trade practice.

In 1978, the NAIC, after finding that the blind were victims of widespread

discrimination by some insurance companies, adopted a model insurance regulation condemning such practices when based solely on the grounds of blindness. It was assumed that the model regulation would be placed on the statute books or promulgated as an administrative rule in most or all States. Unfortunately, this assumption proved to be false. To date, fewer than half the States have followed the NAIC's lead in taking positive steps to end discriminatory insurance practices against the blind. I am persuaded of the need for Federal policy in this area as a last resort after the appropriate State remedies have been exhausted and in the absence of corrective State action.

The measure I introduce today is similar to one I submitted in the second session of the 98th Congress with broad support. Again this year I am proud to present this bill as a companion to the House measure, introduced by Representative JIM BATES, and I urge its careful review and consideration by my colleagues.●

By Mr. ARMSTRONG:

S. 1291. a bill to amend the Tax Reform Act of 1969 with respect to the application of the excess business holding provisions to private foundations; to the Committee on Finance.

APPLICATION OF EXCESS BUSINESS HOLDING PROVISIONS TO PRIVATE FOUNDATIONS

● Mr. ARMSTRONG. Mr. President, in Colorado Springs, CO, there exists today a unique private sector partnership that channels the profits from free enterprise into meeting individual and community needs that would otherwise remain unfilled.

For over 42 years, the after-tax profits earned by the historic Broadmoor Hotel in Colorado Springs have been channeled through its owner, the El Pomar Foundation, to help fund civic and charitable groups throughout the State. With the Broadmoor as its cornerstone, more than $65 million has been contributed by the El Pomar Foundation to help meet the needs of the Penrose Hospital for Cancer Research, Colorado College, the University of Denver, the Chichano Education Project and more than 300 other groups.

But this creative and productive partnership is threatened by requirements proposed by current tax law. The bottom line is this: Unless current law is amended, the El Pomar Foundation will be forced to lose majority ownership of the Broadmoor, and the Broadmoor will probably no longer be locally controlled or operated—much to the consternation of the State of Colorado and the Colorado Springs community.

Today, I am introducing legislation that will stop this forced divestiture which is now required by an overly broad and misguided provision contained in a 1969 tax law.

When Congress wrote the 1969 law, some individuals created foundations to escape payment of estate taxes on inherited family enterprises. To stop this practice, Congress enacted legislation requiring all foundations to divest themselves of majority ownership of all enterprises. As a result, the El Pomar Foundation must divest itself of 50 percent of its Broadmoor stock by 1989, and an additional 15 percent of its stock by 2004.

One irony surrounding the El Pomar's forced divestiture is that in drafting the 1969 law, the U.S. Senate approved a provision which exempted the Broadmoor from the divestiture requirement. At the time, the Senate believed, as I do today, that the factors that led to the foundation legislation in 1969 are not present in the El Pomar Foundation. In fact, none of those operating the Broadmoor or the foundation are descendants of Spencer Penrose, the original founder of the Broadmoor and the foundation.

The legislation I am introducing today exempts the El Pomar Foundation from the divestiture requirements imposed by section 101(1)(4) of the Tax Reform Act of 1969.

There are several compelling reasons why this legislation should be enacted:

First, profits now earned from the Broadmoor Hotel's operations are channeled through the El Pomar Foundation for civic and charitable projects throughout Colorado. A forced divestiture would adversely affect this partnership.

Second, under present law prospective buyers could take unfair advantage of the foundation since it has a legal mandate to sell in the future.

Third, the factors that led to the 1969 law are not present in this case. Both the Broadmoor Hotel and the foundation are totally free from the influence of the grantor or the heirs.

Fourth, there would be no revenue loss if this proposal is enacted into law since the Broadmoor Hotel is subject to the corporate income tax law regardless of ownership by the El Pomar Foundation. Although the El Pomar Foundation is exempt from Federal income tax law, the foundation, like all foundations, is subject to the private foundation excise tax on its investment income.

Fifth, there is precedent for this legislation since the U.S. Senate has earlier approved similar legislation.

Sixth, the Broadmoor Hotel is locally owned and managed, and is a bedrock of the Colorado Springs community. It is the city's second largest private sector employer, the Broadmoor subsidizes hundreds of community activities. Because the Broadmoor is such a unique and valuable asset, financial analysts believe that only corporations now located outside the State would be able to purchase the Broadmoor. So the likely result of a forced sale of the Broadmoor, as now required by law, would be nonresident absentee ownership. As one editorial put it, "It's a shame that special legislation is necessary to enable property owners to retain control of property honestly come by."

Mr. President, this bill merits quick hearings and early enactment.●

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. CRANSTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc.

S. 47

At the request of Mr. HELMS, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 47, a bill to restore the right of voluntary prayer in public schools and to promote the separation of powers.

S. 51

At the request of Mr. BENTSEN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 51, a bill to extend and amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and for other purposes.

S. 58

At the request of Mr. DANFORTH, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 477

At the request of Mr. ANDREWS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 477, a bill to enhance rail competition and to ensure reasonable rail rates where there is an absence of effective competition.

S. 725

At the request of Mr. CHAFEE, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 725, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1986, 1987, 1988, 1989, and 1990.

S. 881

At the request of Mr. KENNEDY, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Tennessee [Mr. GORE], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 881, a bill to extend title X of the Public Health Service Act for 3 years.

S. 908

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 908, a bill to provide market expansion and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and for other purposes.

S. 917

At the request of Mr. GLENN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 917, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the payment of benefits with respect to public safety officers who die of certain medical conditions sustained in the performance of duty.

S. 950

At the request of Mr. HEINZ, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 950, a bill to amend the Communications Act of 1934 to promote fairness in telecommunications policy by providing for lifeline telephone service.

S. 974

At the request of Mr. WEICKER, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of S. 974, a bill to provide for protection and advocacy for mentally ill persons.

S. 1033

At the request of Mr. KERRY, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1033, a bill to amend the Emergency Veterans' Job Training Act of 1983 to establish a veterans' career development and training program; to amend title 38, United States Code, to establish a veterans' computerized job bank program, to enhance readjustment appointments of veterans to positions of employment in the Federal Government, and for other purposes.

S. 1039

At the request of Mr. CRANSTON, the name of the Senator from Delaware [Mr. ROTH], was added as cosponsor of S. 1039, a bill entitled the "Ocean Incineration Research Act of 1985".

S. 1097

At the request of Mr. DANFORTH, the name of the Senator from Tennessee [Mr. GORE], was added as cosponsor of S. 1097, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the appropriate treatment of methanol.

S. 1133

At the request of Mr. RIEGLE, the name of the Senator from Minnesota [Mr. BOSCHWITZ], was added as cosponsor of S. 1133, a bill to amend section 119(d) of the Housing and Community Development Act of 1974.

S. 1162

At the request of Mr. HART, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1262, a bill to amend the Nuclear Waste Policy Act of 1982 to require the Secretary of Energy to incorporate transportation impacts into the selection process for repositories of high-level radioactive wastes.

SENATE JOINT RESOLUTION 68

At the request of Mr. DODD, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Missouri [Mr. EAGLETON] were added as cosponsors of Senate Joint Resolution 68, a joint resolution to designate November 21, 1985, as "William Beaumont Day".

SENATE JOINT RESOLUTION 86

At the request of Mr. WILSON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 86, a joint resolution to designate the week of July 25, 1985, through July 31, 1985, as "National Disability in Entertainment Week".

SENATE JOINT RESOLUTION 124

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 124, a joint resolution to designate "National Day of Peace".

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. CRANSTON, the name of the Senator from Mississippi [Mr. STENNIS] was added as a cosponsor of Senate Concurrent Resolution 20, a concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. HEINZ, the names of the Senator from Indiana [Mr. QUAYLE], the Senator from California [Mr. WILSON], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Concurrent Resolution 47, a concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. GLENN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of Senate Concurrent Resolution 49, a concurrent resolution expressing congressional approval of the plans being made to commemorate the 200th anniversary of the Northwest Ordinance and calling for a national celebration of such anniversary.

SENATE RESOLUTION 174

At the request of Mr. GORE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

SENATE RESOLUTION 178

At the request of Mr. DURENBERGER, his name was withdrawn as a cosponsor of Senate Resolution 178, a resolution to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard.

NOTICES OF HEARINGS

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. DURENBERGER. Mr. President, I wish to announce that the Senate Subcommittee on Intergovernmental Relations will hold a hearing on S. 904, the Water Research Foundation Act of 1985, on Thursday, June 20, at 2 p.m. in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that on June 18, 1985, the Senate Small Business Committee will hold a full committee hearing on "Community right to know" legislation affecting the use, manufacture, or storage of hazardous chemicals. The hearing will focus on the regulatory and paperwork impact of this legislation on small business. The hearing will be held in room 428A of the Russell Senate Office Building and will begin at 10 a.m. Senator ALFONSE D'AMATO will chair the hearing. For further information, please call Skip Waddell, of the committee staff at 224-5175.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the nomination of Terence C. Golden to be the Administrator of the General Services Adminstration on Wednesday, June 19, at 10 a.m. in SD-342. For further information, please contact Carol Fox at 224-4751.

SUBCOMMITTEE ON NATURAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public, that the Subcommittee on Natural Resources Development and Production of the Energy and Natural Resources Committee is changing the location of its oversight hearing scheduled for Friday, June 14, at 1:30 p.m. in Muskogee, OK. This change in location is being made in order to accommodate the large number of witnesses expected to testify. The hearing will take place at the Muskogee Civic Center,

425 Boston Street, rooms E and F, in Muskogee. The purpose of this hearing is to receive testimony regarding the state of the coal industry in Oklahoma, with specific emphasis on the impact of Federal regulations.

For further information regarding this hearing, you may wish to contact Mr. Bob Terrell or Mr. Pat Sullivan on the subcommittee staff at (202) 224-5205.

SUBCOMMITTEE ON NUTRITION

Mr. HELMS. Mr. President, I wish to announce that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the reauthorization of the Special Supplemental Food Program for Women, Infants, and Children (WIC), the Commodity Supplemental Food Program, and the Temporary Food Assistance Program. The hearing will begin at 9:30 a.m. on Monday, June 17, 1985, in room 328-A, Russell Senate Office Building.

If further information is needed, please call the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 12, 1985, in order to receive testimony concerning S. 172, and S. 298, Professional Sports Antitrust.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 12, 1985, in order to receive testimony on the nominations of Robert C. Broomfield, to be U.S. District judge, and Loren A. Smith to be a judge for the U.S. Claims Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, June 12, until 12:30 p.m., and between the hours of 3 p.m., and 4:30 p.m., to continue markup of S. 616, the farm bill, and related issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 12, to conduct a business meeting to consider pending nominees to the U.S. Synthetic Fuels Corporation Board of Directors, S. 1068, S. 953, S. 410, and other pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 12, to hold a hearing on Morgan Stanley's proposal to purchase Conrail.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 12 at 9:30 a.m., to conduct a meeting on S. 1218, the International Air Transportation Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

100 YEARS OF UKRAINIAN IMMIGRATION

● Mr. DIXON. Mr. President, it was 100 years ago that the United States began its enduring relationship with the people of the Ukraine. Over the past century, Ukrainians have contributed much to our Nation. These people and their nearly three-quarters of a million descendants have benefited all Americans through their efforts and achievements in the arts and sciences, the business world and in public service.

Perhaps less tangibly, but by no means less importantly, Ukrainians have enriched our common cultural heritage by introducing us to many of their wonderful customs and traditions and by maintaining this heritage within the broader context of American civilization.

Unfortunately, those who remain in the Ukraine are not always as free to preserve their culture and their identity as a people. This is due to the violation of many of their basic human rights as a result of Soviet domination of their land.

In honoring those first Ukrainians who arrived on this Nation's shores 100 years ago as well as the descendants who proudly remember them, let us take this opportunity to remind ourselves and the rest of the world of the plight of the Ukrainians who are still in their homeland.●

GOLDEN ANNIVERSARY OF BLUE CROSS/BLUE SHIELD OF GREATER NEW YORK

● Mr. MOYNIHAN. Mr. President, this year marks an historic occasion for millions of New Yorker and indeed millions of residents across the entire Nation. Fifty years ago Blue Cross and Blue Shield of Greater New York originated as one of the foundations of modern health insurance, and become a leader in health care protection and financing.

That organization has been in a unique position for the past 50 years, caring for Greater New York area residents while actively involved with its health care providers in joint planning for the future.

The Nation's growing need for affordable health care protection is being faced and accepted by socially responsible organizations such as Blue Cross and Blue Shield of Greater New York—which has been committed to safeguarding the health and financial security of New York area citizens since 1935. At first for only a few thousand people, but today, over 9 million New Yorkers rely on the solid protection Blue Cross and Blue Shield of Greater New York offers. And with the incredible costs of high technology in medical care combined with an aging population and an increased demand for quality services, their achievements in reducing health care delivery costs deserve the laudatory acknowledgement they have often received from renowned experts in the health care administration field.

They have succeeded in preserving a level of high quality medical care while cutting unnecessary costs through innovative programs and responsible involvement with health care institutions and providers, business, labor and government.

This Nation has changed dramatically in the past 50 years, as has modern medicine. The key to our society's future lies in its ability to readily adapt to changes and prosper in these departures from the accustomed paths. Blue Cross and Blue Shield of Greater New York has done well to date, but the real challenge will be the next 50 years. Looking at its accomplishments in costs containment and special provider programs in the past few years alone, it is apparent that this corporation will be at the forefront of change, caring for the people of the Greater New York area as it always has, but in entirely new and different ways.

Let us then record for posterity this noteworthy event of May 1985, the 50th anniversary of Blue Cross and Blue Shield of Greater New York, in recognitition for all they have contributed to the security of our people. And let us award recognition to the thousands of dedicated employees, and es-

pecially to Edwin R. Werner, chairman of the board and chief executive officer for his leadership in providing these valuable contributions to the health and well being of New Yorkers.●

ESSAY OF BETHUEL HUNTER

● Mr. HUMPHREY. Mr. President, I want to share with you an exceptional message of patriotism and wisdom written by a young constituent, Mr. Bethuel Hunter of Sunapee Jr.-Sr. High School in New Hampshire. Entitled "Do Our Freedoms Deserve Defending?", Mr. Hunter's essay was the winning entry of the New Hampshire Association for Freedom Through Strength's second annual essay contest.

Mr. Hunter's essay beautifully expresses a young man's pride in his country and his dedication to the principles on which this Nation was founded. His words challenge each of us to continue to guard our liberty and preserve our great heritage. He is to be commended for his inspirational essay.

I ask that the essay be printed in the RECORD.

The essay follows:

"DO OUR FREEDOMS DESERVE DEFENDING"

What would happen if our freedoms weren't defended—if the Constitution were burned or declared void and not one American were to stand up for the truth, for his rights and for his country? Then that proud nation that men call America would no longer exist and history instead of being a progression would repeat itself in a vicious cycle with mankind forced once again to struggle under the burdens of serfdom and slavery. This cannot—this will not happen because the Constitution is preserved, protected, and defended by the President, by Congress, and by every patriotic citizen of this great state.

Jeffersonian Democracy (the best government is the least government) played an important role in the formation of the Constitution. As a result, the potentiality exists for each American to develop within him or herself independence, self-reliance, and responsibility. For example, along with freedom of speech comes the courtesy and responsibility to listen to another's viewpoint, while along with the right to bear arms comes the proper and careful use thereof.

Since this nation's birth in 1776 men have ardently supported the Constitution and the freedoms guaranteed therein by freely giving their time, their money and their very lives in defense of its principles. From the War for Independence through the Vietnam War we Americans have allied behind such eminent mottos as "Live Free or Die", "The War to End All Wars", and "Make the World Safe for Democracy".

In light of such supreme sacrifice I cherish the knowledge that from my generation will come the heroes, patriots, and enlightened citizens who will preserve the American heritage passing it on to generations yet unborn—that as President Lincoln said ". . . government of the people, by the people, for the people shall not perish from the earth."●

SALT II COMPLIANCE

● Mr. HOLLINGS. Mr. President, President Reagan's decision to dismantle a Poseidon when the *Alaska* goes on sea trials has elicited a variety of responses from his supporters and opponents. As might be expected, the rhetoric far exceeds the fact. In my view, the President has cleverly laid aside the decision to comply with the SALT limits until the DOD reports to him in November on what proportionate responses can be enacted in view of Soviet violations. He will then have until March to make a decision. In effect, he is holding the arms controllers, the Soviets, and the Congress at bay until the right environment exists for a realistic U.S. position. The most precise discussion on what the President has done and what lies ahead is contained in a George Will article appearing in the Washington Post on June 12, 1985. I highly recommend the piece to all my colleagues and ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, June 12, 1985]

REAGAN A UNILATERALIST? DON'T KID YOURSELF

(By George F. Will)

Ronald Reagan is constantly being condescended to by people who are so busy condescending they do not notice that he has tied their shoelaces together. And now there they go again, underestimating his craftiness.

People who usually are critics of his arms control policies are cavorting like spring lambs, convinced that he has converted to Carterism and pledged eternal compliance with SALT II. The gullibility of American arms control enthusiasts has its uses.

His decision to continue, for the moment, complying with the unratified SALT II treaty did not finish the argument; it framed the argument in a way that should alarm the lambs. He did not stop the argument between the State and Defense departments; he started a clock on a new game and handed the ball to defense.

If the treaty had been ratified, it would expire this December. The most significant thing Reagan did this week was ask defense for a report in November.

Before Reagan acted, the Senate demanded, as children do, two incompatible things. It said to the president: Please comply with SALT II—but please take actions proportionate to Soviet violations of SALT II.

The president has now replied: You asked for it. Our respect for SALT II will be proportionate to Soviet respect. We will violate it only as much as they do. Now, go read the report you required me to submit—the one where I document their comprehensive violations.

Before Reagan's decision, and shaping it, there was a familiar burlesque of Secretary of State George Shultz "consulting" America's European allies. They can always be counted on to say what Shultz's State Department says whenever a hammer hits its knee: "Do not do anything that might jeopardize the arms-control process." During which process the Soviets have deployed 75 percent of their warheads.) The result, as predictable as sunrise, was a panicky cable from Shultz's entourage saying the allies would suffer nervous breakdowns if the United States abandoned the SALT II limits.

So the president, being elaborately patient, says he is going an "extra mile." But a mile has a 5,280th foot, which will be reached when he receives the November report recommending appropriate and proportionate responses to Soviet behavior—proportionate, remember, to comprehensive violation of SALT II. And he has directed the Defense Department to write that report.

By the time Reagan has gone that "extra mile," and sacrificed one submarine on the altar of allied and Senate sensibilities, it will be harder for the allies and senators to go berserk when he takes his next step against SALT II. A logical next step—a step flowing from the logic of the president's language—is to abandon the limit on MIRVed missiles. It might have come by now but for the timidity of the Joint Chiefs of Staff.

In 1979 the chiefs were directed to project what Soviet deployments would be if there were no SALT II. They listed numbers. The Soviets have exceeded those numbers even while complying with SALT II's so-called "restraints." Yet in 1985, the chiefs are divided about compliance, partly because of a fear that their budgets might suffer liberal reprisals in Congress, and partly because they think America will not compete if the Soviets are released from SALT II restraints. (Under those restraints, the Soviets have added 4,000 warheads and can add 3,000 more.)

But the president's idea of America "back and standing tall" is incompatible with America clinging to SALT II as to a life raft. By the end of the year Shultz's legion of psychotherapists will have worn out the argument that SALT II compliance is indispensable to the emotional balance of America's allies. And the president, having sacrificed one submarine to maintain the limit in MIRVed missiles, will be looking down the road and be weighing the fate of 18 more.

In his statement starting the clock, the president said the United States cannot continue adhering to a double standard that constitutes unilateral compliance with SALT II. Those are the very words Richard Perle, as assistant secretary of defense, was roundly abused for using in congressional testimony a few months ago. The abusers were the arms control fetishists who say any arms agreement is important and no Soviet violation is. Perle was speaking like Reagan and now Reagan is speaking like Perle. If this continues, the State Department is going to come down with a bad case of the vapors and the allies will have to put cool compresses on the State Department's forehead.

It will continue, because of the way the president has described and prescribed. He has described the current condition as untendable ("unilateral compliance") and has prescribed proportionality (actions proportionate to the Soviet Union's promiscuous non-compliance). Reagan has used language to paint himself into the corner he wants to be in. He is conducting a revolution against SALT II, but he understands Robert Frost's point: "Revolutions are wonderful salves, but they are something that ought to be done by halves."

Yet SALT II's supporters, including most of the media, seem convinced that Reagan has joined their ranks and guaranteed SALT II's longevity. He has disarmed them and they have not noticed. This illustrates why Soviet negotiators are able to sell things such as SALT II to the sort of people

who will still think SALT II is alive and well and lovely.●

FEDERAL INVOLVEMENT IN AGRICULTURE

● Mr. RIEGLE. Mr. President, I rise today as a cosponsor of S. 908, which is the agriculture legislation that has been developed by the American Farm Bureau Federation. This legislation is the product of many hours of work within the Farm Bureau organization.

This legislation recognizes the fact that Federal involvement in agriculture cannot be withdrawn abruptly without major economic and human disruptions occurring. Unlike other bills that have been introduced, S. 908 would continue Federal support programs while attempting to increase export sales of our products, and increase agriculture profitability through market forces. Clearly, farm legislation must be enacted as part of an overall strategy to reduce the budget deficit, open foreign markets to all U.S. products and make agriculture competitive and profitable.

The Senate Agriculture Committee has begun marking up the 1985 legislation, and this process will continue for several more months. The final product will be a combination of many different approaches and ideas. It is my hope that the important elements of S. 908 will be incorporated into the legislation that reaches the Senate floor.

While I endorse the major concepts of S. 908, there are some features which are not consistent with my own feelings. This is particularly true in the area of dairy price supports, and the appropriate mechanism to reduce Government outlays. I understand that there have been discussions between the dairy industry and the Farm Bureau, and hope that these discussions will result in a compromise proposal.

S. 908 is a sound starting point for the debate on the 1985 farm bill. The actions we take in this Congress will govern agriculture for many years. We must make every effort to ensure that the marketplace will once again be the primary factor in the determination of commodity prices. I look forward to the continuing debate and know that this legislation will guide many of the decisions that are made in this area.●

ANNE FRANK DAY

● Mr. D'AMATO. Mr. President, I rise today in honor of Anne Frank. This is her rightful day of remembrance; she would have been 56 today had it not been for the Nazi Holocaust.

Nothing in modern history stained the soul of mankind more than the millions of innocent men, women, and children who suffered and died under the oppressive hand of Adolf Hitler. The immense tragedy of the slaughter of over 6 million Jews in Europe during the Holocaust is of such enormity that it is sometimes lost on an individual. Through our own incomprehension we are sometimes anesthetized to an event which should remain seared in our memories forever.

In an attempt to prevent the world from ever repeating such evil, we keep vigilence so that the Holocaust, or oppression in any form, does not plague mankind again. Therefore, we honor June 12, Anne Frank's birthday, as "Anne Frank Day." As this is the 40th anniversary of the liberation of Europe from Nazi control, the Anne Frank Center in New York City will be hosting the exhibit, "Anne Frank in the World—1929-1945." This exhibit will be occurring simultaneously in Amsterdam and Frankfurt.

In New York City the center will be honoring Prof. Elie Wiesel of Boston University, who I have recommended for the Nobel Peace Prize, with the First Annual Anne Frank Award. Through the efforts of people like Anne Frank and Elie Wiesel, we are reminded of what we must never forget and we have been shown how indomitable the human spirit is.

We are reminded when we hear firsthand how a boy named Elie who was so hungry that he stole a piece of bread from his father on a train bound for Auschwitz—later to watch his father die before him—could become one of foremost spokesman for the hope of humanity. We are moved when reading a little girl's diary that conveys the fears, hopes, and frustrations of a 13-year-old, only to realize that this little girl is in hiding with her family delaying their inevitable death at the hands of a ruthless, occupying army. The inspiration we are provided by these and others like them is what allows us to emerge from such a human catastrophe and still believe that there is hope for mankind.

We always must keep in mind what Anne Frank means to us and how and why she died.●

PRESIDENT'S TAX PROPOSAL HITS MIDDLE CLASS

● Mr. DODD. Mr. President, I bring to the attention of my colleagues an excellent analysis of the President's tax reform proposal by Mr. John H. McCarthy which was commissioned by the Hartford Courant. Mr. McCarthy, a tax manager, at Peat, Marwick, Mitchell, & Co., looks at the effects of the President's proposal on taxpayers of different economic means and circumstances.

His analysis is in line with other assessments of the administration plan. In sum, the lower income and the very wealthy will reap the greatest proportional benefits. The middle class will see little if any reduction in their tax burden and, in fact, under certain circumstances, will pay more in taxes under the President's plan. While their returns may be simpler through the elimination of certain deductions, this does not meet any standard of fairness. In addition, I am at a loss to understand how this imbalance contributes to the other stated purpose of this initiative—an expansion of economic growth—by taking disposable income away from the largest segment of our population.

I think the President has done a tremendous service by coming forward with this initiative and I want to be able to support the enactment of true tax reform this session.

In order to get to that point, we are going to have to inject some better balance into the President's proposal. This can be accomplished by reestablishing progressivity as the overriding principle in our tax system and directing a greater share of the benefits of our tax reform efforts to our middle-income taxpayers.

Mr. President, I ask that the article from the May 31, 1985, Hartford Courant containing Mr. McCarthy's analysis be printed in the RECORD.

The article follows:

[From the Hartford Courant, May 31, 1985]

REAGAN PLAN MAY HIT MIDDLE-INCOME TAXPAYER HARDEST

(By Craig W. Baggott)

High- and low-income residents of Connecticut stand to gain the most under President Reagan's tax plan, while those in the middle who take many deductions could end up losing the most.

A taxpayer with two children who earns $150,000 a year and files a single, head-of-household return, could gain as much as $6,300 in after-tax income, according to an analysis done for The Courant by John H. McCarthy, a tax manager at Peat, Marwick, Mitchell & Co.

And a family with two children, earning $25,000 a year and filing a joint return, could gain nearly $2,000.

But a two-income family with two children, earning $70,000 a year and filing a joint return, could lose more than $1,000 under Reagan's proposal. That is a tax increase of 13.5 percent.

McCarthy computed estimated taxes in seven hypothetical, representative cases. Using figures supplied by The Courant, his analysis showed the impact of the tax plan on a range of wage earners from upper income to working poor.

The analysis compares taxes that would be owed in 1986 under Reagan's proposal with taxes owed under current tax law. McCarthy cautioned that any changes in the president's proposal would alter his analysis.

Administration economists predict an average tax reduction of 7 percent for individuals if the president's proposal is enacted. That ranges from a high of 35.5 percent for families earning less than $10,000 to a low of 4.1 percent for families earning $100,000 to $200,000.

The tax plan eliminates many deductions, increases the personal exemption and reduces the number of tax brackets from 14 or 15 to three. The top tax bracket would be lowered from 50 percent to 35 percent.

The plan works to the greatest advantage of those who earn the least, mainly because the loss of many deductions would not affect them.

For instance, a taxpayer with two dependents, earning $15,000 and filing as single, head of household, would pay $810 under Reagan's proposal. Under current tax law, the tax would be $1,257 in 1986, a difference of $447, or 35.6 percent.

The single greatest benefit of Reagan's plan to that taxpayer would be the increase in the personal exemption from $1,080 a person to $2,000 a person. That would lower taxable income to $9,000, instead of the $11,760 under current law.

The taxpayer then would move from the 17 percent bracket to the lowest bracket—15 percent—proposed by Reagan.

A family of four could earn between $12,000 and $13,000 and pay no taxes at all when Reagan's proposal for a $4,000 standard deduction for joint returns is coupled with the higher personal exemption.

At the higher reaches of the income scale, the changes work together to benefit the taxpayer.

The person earning $150,000 a year with two children and filing a single, head-of-household return, comes away $6,313 richer under Reagan's proposal. The analysis assumed that the person has $8,000 in interest and dividend income and $10,000 in long-term capital gains.

Under current tax law, total taxable income would be $119,640, putting the person in the 50 percent tax bracket and yielding a tax of $44,158.

Under Reagan's proposal, total taxable income would rise to $131,100, but it would be taxed at the top rate of 35 percent, for a tax of $37,845.

Part of the gain would be a reduced capital gains tax. Under current law, 40 percent of the gain would be taxed at a 50 percent rate; under Reagan's proposal, half would be taxed at the 35 percent rate.

McCarthy's analysis also found that:

A family earning $70,000 would pay $1,041 more in taxes under Reagan's proposal.

The analysis assumed the couple had additional income of $2,000 in dividends and $1,500 in long-term capital gains. It also assumed two children, a home mortgage and contributions totaling $4,000 to individual retirement accounts.

The family would lose the two-wage-earner deduction—$2,800 in this case—a $200 dividends exclusion, a $6,700 deduction for state and local tax payments and a $3,500 deduction for entertainment expenses.

Its child-care costs, totaling $7,800 for the year, would switch from a $966 credit using the current formula to a $4,800 deduction under Reagan's proposal.

The couple gets to continue deducting its $10,000 annual mortgage interest, and its personal exemptions go from $4,320 to $8,000.

Total taxable income under current law would be $43,750, producting a tax of $7,697. Under Reagan's proposal, taxes would be $8,738 on $48,950 in taxable income.

A family of four earning $45,000 a year, plus $2,000 in dividends and $2,000 in capital gains, would save about 2 percent in taxes under Reagan's proposal—$4,763 vs. $4,848 under current law.

Although the family loses a tax decuction of $1,500 under the Reagan plan, along with a $200 dividend exclusion and $3,500 in previously allowed business expenses, its personal exemptions would increase from $4,320 to $8,000, and the standard deduction would go from $3,670 to $4,000

Total taxable income would increase from $30,980 under the current law to $33,050 under the proposed law, keeping the family in the 25 percent bracket.

A couple with two children, a rented home and two incomes totaling $25,000, plus $300 in interest, would come away $391 richer, a reduction in taxes of 16.4 percent.

The family would lose a $200 interest exclusion and a $700 two-wage-earner deduction, and in neither case would its expenses justify itemizing expenses. The family takes advantage of the increased standard deduction, and its personal exemptions jump from $4,320 to $8,000. Taxable income under the current law would be $20,080 and under the proposal would be $17,300.

Taxes would drop from $2,386 to $1,995.

A single person with no children, a rented home and income of $25,000, plus $450 in dividends, would get a tax reduction of 7.3 percent.

Assuming a $2,000 contribution to an IRA, taxable income would increase slightly, from $21,250 under current law to $21,450 under Reagan's proposal. Taxes would decrease from $3,374 to $3,128 under Reagan's plan, a savings of $246.

A retired couple receiving $14,000 in annual pension payments, $8,000 in Social Security, $4,000 in dividends and $1,000 in long-term capital gains, would have a substantial increase in taxes—from $1,012 under current law to $1,451 under Reagan's proposal. The analysis assumed the couple owned a home and had paid off the mortgage.

The couple's biggest loss would be its deduction for $1,000 in state and local tax payments. Taxable income would go from $11,710 to $13,675, and taxes would go up $439.

But Reagan has proposed to continue special credits for elderly people, blind people and disabled people by combining them into a single credit. That could ease the impact of his tax proposal on the elderly.

Reagan also has proposed a tax on employer contributions to a health plan, a common fringe benefit. Employers' contributions to such plans would be counted as income up to $10 a month for individual coverage and up to $25 a month for family coverage.

Those figures were not used in McCarthy's computations. Depending on which of the three tax brackets proposed by Reagan a person comes under, the additional tax would be computed by multiplying that percentage by the extra annual income.

IMPACT OF REAGAN'S TAX PLAN

Here are examples showing how President Reagan's tax simplification plan would affect certain hypothetical taxpayers:

Retired couple, has paid off mortgage on home, joint return.
Income: $27,000 ($8,000 in Social Security).
Current tax: $1,012.
Proposed tax: $1,451.
Difference: +$439.
Change: 43.4 percent more.

One person, owns two homes, has two children, filing as single, head of household.
Income: $150,000.
Current tax: $44,158.
Proposed tax: $37,845.
Difference: −$6,313.
Change: 14.3 percent less.

One person, rents home, single return.
Income: $25,000.
Current tax: $3,374.
Proposed tax: $3,128.
Difference: −$246.
Change: 7.3 percent less.

Couple, owns home, has two children, joint return.
Income: $70,000.
Current tax: $7,697.
Proposed tax: $8,738.
Difference: +$1,041.
Change: 13.5 percent more.

Couple, rents home, has two children, joint return
Income: $25,000.
Current tax: $2,386.
Proposed tax: $1,995.
Difference: −$391.
Change: 16.4 percent less.

Couple, owns home, has two children, joint return.
Income: $45,000.
Current tax: $4,848.
Proposed tax: $4,763.
Difference: −$85.
Change: 1.8 percent less.

One person, rents apartment, has two children, single head of household.
Income: $15,000.
Current tax: $1,257.
Proposed tax: $810.
Difference: −$447.
Change: 35.6 percent less.●

RENUNCIATION OF THE YALTA AGREEMENT SIGNED 40 YEARS AGO

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 37 introduced by my good friend and colleague, the distinguished chairman of the Subcommittee on Foreign Operations. I commend the junior Senator from Wisconsin for his successful efforts to incorporate this resolution into S. 1003, the State Department reauthorization bill.

Senate Joint Resolution 37 and the amendment to S. 1003 reaffirms U.S. solidarity with the aspirations of captive nations in Central and Eastern Europe by repudiating any attempts to legitimize through the Yalta agreements domination of East European nations by the U.S.S.R. The executive agreements signed at the Yalta Conference have been an enduring and tragic symbol of the division of Europe for more than 40 years.

At the time of signing, Yalta was purposeful in recognizing the geopolitical problems of the region, while ensuring self-determination for the peoples of those wartorn nations. Shortly thereafter, however, the United States and other Western nations realized that Moscow was determined to use Yalta as a vehicle to extend its influence throughout Eastern Europe. Although the United States signed these accords, its responsibility to adhere to Yalta has been relieved by the Soviet Union's gross violations of both the intent and the letter of the Yalta agreements.

For much too long, Yalta has served as the legal justification for Soviet domination in Eastern Europe. Instead

of representing freedom and self-determination, Yalta is unfortunately a pseudonym for oppression and authoritarianism. Moscow has used Yalta as a green light for expansionist policies and has deepended the divide between Eastern and Western Europe. This amendment expresses our Nation's recognition of Yalta's distortions by not recognizing as legitimate any spheres of influence in Europe. It repudiates the negative consequences of the Yalta executive agreements and squarely places the United States on the side of the freedom seeking people of Eastern and Central Europe.

The Soviet Union should know our disdain for their convoluted interpretation of the Yalta executive agreements. It is afraid of the dissolution of Yalta because it would undermine the foundation of its European policy: namely, the continued division of Europe into spheres of influence. Moscow's anxiety over attempts within Eastern Europe for self-determination have resulted in the invasion and subjugation of several Eastern European allies: East Berlin in 1953, Poznan in 1956, Budapest in 1956, Prague in 1968, and the present plight in Poland. The U.S.S.R. has held its sphere of influence only by the use of armed aggression, clearly not the intent of the Yalta agreements.

The enactment of this amendment into U.S. foreign policy would send a message, not only to the Soviet Union, but also to the nations of Eastern and Western Europe that we do not tolerate Moscow's policy of East European domination and its human rights abuses. Soviet violations of the Yalta executive agreements should not be legitimized by further U.S. compliance. I commend the Senate in its acceptance of this amendment and I strongly urge the House of Representatives to agree to its inclusion in the fiscal year 1986 State Department authorization bill.●

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

● Mr. KERRY. Mr. President, today, I join my colleagues in the Congress in the Call to Conscience Vigil for Soviet Jews.

For too long, the ill-treatment of Soviet Jews has been a matter of day-to-day policy of the Government of the Soviet Union.

Some 2 to 3 million Jews living in the Soviet Union have found that discrimination in housing, in education, and in jobs, has made them second-class citizens at best in a country where even ordinary citizens have profoundly limited rights.

Moreover, anti-Zionist and anti-Jewish materials have been distributed in many areas in the Soviet Union. Children's textbooks depict the Jews as capitalists and imperialists who are working to destroy socialism and the Communist system. Bookstores display anti-Zionist literature and posters in their windows. And in an especially vile distortion, newspaper cartoons imply that the Jews collaborated with the Nazis against the Soviets during World War II.

Soviet Jews who attend synagogue, learn Hebrew, practice Judaism, or ask to leave the country are subjected to police harassment and the loss of employment. As bad as Soviet policies are to ordinary Jews, the policies treat those that wish to leave the Soviet Union—the refuseniks—with the special malice reserved for the outcast.

Last December, I talked with a Soviet refusenik, Igor Uspensky, who told me about his desire to leave the Soviet Union with his wife Iona. Igor and Iona are both world-renowned entomologists. They asked permission to leave in 1979. The result was not an exit visa, but dismissal from their jobs at the Institute of Tropical Diseases. Although Igor was the cofounder and codirector of the institute and Iona a top researcher there, they were told they no longer possessed the qualifications to continue their work.

Although dismissed from their jobs, they were not permitted to emigrate on the ground that Iona's brother, Alex, was a mathematician who had been exposed to classified information 12 years ago.

Since 1981, the Soviet Government has sought to erase all records of Igor and Iona and their work. Other scientists have been prohibited from quoting their articles, and they are not allowed to attend scientific conferences or publish new articles.

As a result, they are permitted only to drift from menial job to menial job, in positions unrelated to their professional abilities.

In recent weeks, we have heard news of increased emigration from the Soviet Union by Soviet Jews. It is possible that Mr. Gorbachev wishes to demonstrate that his government is not as coolly malicious toward those who wish to leave the Soviet Union as was the case under recent Soviet leaders.

Whatever the explanation for the recent increases in emigration, we must continue to seek to bring about change in the conditions of life experienced by Soviet Jewry. Evidence of such change will inevitably be difficult to determine. Allowing those who wish to leave, whatever the numbers may be, will be the clearest evidence of all.

I call on the Soviet Union to let Igor and Iona Uspensky go.●

FUNDING SDI RESEARCH

● Mr. SYMMS. Mr. President, I would like to take a few minutes to review the status of the SDI Program. President Reagan requested $3.7 billion in his budget proposal for research funding. Senate action on his request resulted in a cut to $2.9 billion.

I want to emphasize to my colleagues the importance of continued funding of SDI research. If we allow funds for this research to be the target of defense budget cuts, we will be in effect ignoring a possible means of providing for our own and our allies defense.

Only by means of a strong national defense can we maintain world peace. Let us not reject an opportunity before even seriously researching the viability of the SDI.

At the present time Congressman ROBERT K. DORNAN is preparing to fight for full funding of this program in the House.

In this context I want recommend to my colleagues the comments of Congressman ROBERT K. DORNAN of the House Foreign Affairs Subcommittee on Arms Control, International Security and Science, and a member of the Permanent House Observer Group to the Geneva Arms Control Talks, and ask that his remarks be included in the RECORD.

The remarks follow:

[From the Washington Times, June 5, 1985]

REMARKS OF CONGRESSMAN ROBERT K. DORNAN

There is a debate raging in Congress on how best to balance the delicate relationship between defense, domestic programs, and the deficit. There is a general consensus that one way to accomplish this balancing act is to cut selected defense programs.

There is no doubt that there are some defense programs that need better resource management or can be curtailed or delayed with no harm to our national security. However, the Strategic Defense Initiative is not one of these. As Dr. Fred Ikle, undersecretary of defense for policy, said recently, "[SDI] is not some optional experiment to be continued or curtailed depending on short-term budgetary or arms control considerations. It is a vital long-term effort to strengthen our ability to prevent nuclear war." If we slow down the research now, and fail to fund the program at levels that will allow it to develop in a timely manner, we will not have the answers we need to chart a long-term strategy and sustain a credible arms-reduction policy.

Still, the U.S. Air Force and the Strategic Defense initiative Office have delayed, curtailed, and even cut SDI research and development programs in order to present a scaled-down budget to Congress. The president's Fiscal Year 1986 SDI program was a "bare bones program." While basic research continues, the Defense Department has postponed testing of selected components by at least two years.

Instead of supporting the efforts of the Air Force and SDIO, the Senate and House Armed Services committees chose to pare this "bare bones program" even further. Not only is the president's program cut by more than one-third (from $3.7 billion to $2.4 billion), the House Armed Services Committee refuses to allow the SDIO to decide how best to spend what money is left!

The budget cuts are directed primarily at the heart of the SDI research program—the surveillance, acquisition, tracking and kill

assessment program, and the kinetic energy weapons program. These two programs are vital. It is the basic research of these two programs that will ultimately prove the possibility of strategic defense and set the direction for future programs.

This is well understood by the liberal arms control estabishment. These MAD-capped fear merchants believe peace is best served by keeping mankind in a constant state of paralytic terror. This is the basic assumption behind the theory of Mutually Assured Destruction—or, as it is appropriately called, MAD. These MADcappers still insist that the immoral idea of "America held hostage" is the best defense for the United States and the allies.

Because the theory of MAD requires an undefended homeland vulnerable to nuclear annihilation, the MADcappers will do anything to prevent the United States from deploying any U.S. defensive system. They play on the normal fears that all Americans feel. And, these fear merchants have succeeded, in far too many instances, in blocking or delaying every program needed to improve our defensive posture and modernize our strategic deterrent. But, with the SDI program, the president has such strong grassroots support, the MADcappers have been largely ineffective.

This has prompted the liberal arms control lobby to take a different tack. They know the importance of the research and development phase of a brand-new program. Obviously, it is this early R&D stage that determines whether or not a system will eventually be deployed. With improper funding, a research and development program will certainly flounder.

The MADcappers are now attempting to gut the president's Strategic Defense Initiative by approaching it as a "cost-cutting" opportunity, when the real purpose of most of these "budgeteers" is to eliminate the program entirely. They claim they are not against "research"—of course not, just so long as it doesn't lead to positive results.

The recent recommendations of the Senate and House Armed Services Committees have backed up the MAD theorists and the liberal arms control establishment and significantly strengthened their hand down the road.

Without demonstrable research progress, the MADcappers will justifiably claim that the SDI program (as funded) is leading nowhere.

If the SDI program is funded below the level defense experts say is absolutely necessary to show progress, it will never survive when the Reagan administration ends in January 1989. We will have foreclosed on the greatest opportunity to achieve control over nuclear proliferation and to secure a stable peace for ourselves and our children.●

THE FEDERAL NATIONAL MORTGAGE ASSOCIATION IN A CHANGING ECONOMIC ENVIRONMENT

● Mr. D'AMATO. Mr. President, the General Accounting Office recently published a comprehensive study of the Federal National Mortgage Association, the privately owned, federally chartered corporation that is the second largest borrower after the Federal Government itself and the Nation's largest supplier of mortgage credit. The study, entitled "The Federal National Mortgage Association in a Changing Economic Environment," demonstrates that user fees disregard the basic policy that Congress laid down when it established Fannie Mae.

First of all, Fannie Mae is a privately owned institution enjoying certain agency attributes. These attributes, which enable Fannie Mae to borrow money at a preferred rate over other private borrowers, were provided in what amounted to a contractual exchange by the U.S. Government with Fannie Mae's shareholders.

In return for access to lower cost money, Fannie Mae was confined to a single business: the secondary market for low-, moderate-, and middle-income housing. Individual homebuyers normally obtain their mortgages through mortgage bankers, savings and loan associations, or banks. Since these institutions usually continue servicing the loan, the homebuyer is typically unaware of the fact that most loans are resold by the mortgage originator to secondary market purchasers like Fannie Mae. The resale of the mortgages gives the originator new money to lend.

Fannie Mae was created by the U.S. Congress specifically to be a major participant in this business, a source of liquidity at relatively low cost for the low and moderate income portion of the mortgage market. An increase in Fannie Mae's credit costs, which would result from the proposed user fee, would raise the cost of housing credit to less affluent homeowners. I would also abrogate the basic contractual arrangement which Congress made with Fannie Mae shareholders.

If there is one thing uncalled for by Fannie Mae's current financial situation, it is additional cost. One of the GAO's major concerns was Fannie Mae's sizeable portfolio of low-earning, long-term assets that must be continually refinanced by high cost, short-and intermediate-term debt. In 1982 through 1984, the GAO found Fannie Mae's underwater portfolio generated negative interest margins totalling nearly $1.2 billion.

Fannie Mae's basic problem, the GAO reported, was caused by persistent inflation and soaring interest rates in the 1970's and early 1980. Current management of Fannie Mae has taken aggressive countermeasures to improve the corporation's long-term financial position, GAO stated. Since 1981, to offset the negative interest rate margin, Fannie Mae has undertaken three major efforts. First, to purchase a large volume of high yielding mortgages, second, to increase fee income and third, to better match the expected maturities of its assets and liabilities.

Yet the underlying mismatch between portfolio accumulated in prior years and the higher interest debt obligations that Fannie Mae must regularly sell to refinance existing holdings continues to exert a serious drag on the corporation's fiscal health. "At the end of 1984," the GAO found, "Fannie Mae's borrowing costs still exceed the yield on its loan portfolio—11.6 percent versus 10.9 percent respectively."

Recent changes in the user fee proposal agreed to in the budget resolution did not alter the situation. The fee now is to be phased in at one basis point (0.01 of 1 percent) a year over 5 years—though it continues to be imposed retroactively, applying to old debt as well as to new debt. While the fee would not be paid in years when Fannie Mae is losing money, this is hardly an incentive to a company striving to regain profitability.

No one doubts that Fannie Mae faces a serious challenge in working its way back to long-term profitability. Endangering this recovery process by the application of a user fee is not a sensible course. Therefore, I urge my colleagues to join me in disapproving the housing user fee. The far better course from the standpoint of public interest is to let Fannie Mae pursue the restructuring strategy on which it is now embarked and continue to serve as a vital institution in bringing mortgage money to the Nation's low-, moderate-, and middle-income home buyers.

NATIONAL GARDEN WEEK

● Mr. D'AMATO. Mr. President, I am pleased to rise today as a cosponsor of Senate Joint Resolution 136, introduced by my distinguished colleague from Oregon, to designate the week of April 13, 1986, as "National Garden Week."

Gardening captures the hearts of all people. To the home gardener, it is a hobby, an activity that he or she can participate in and at the same time get some exercise, relaxation, and experience the joy of watching a living thing grow. To the professional gardener, it is a livelihood, where the gardener can use his or her skills and expertise to beautify the properties of homeowners and businesses.

Millions of people participate in gardening throughout the United States. Many join local or State gardening clubs to share information and ideas. In my State of New York, over 15,700 people are members of the Federated Garden Clubs of New York State. On the local level, there are over 425 community garden clubs.

Mr. President, I urge my colleagues to adopt this resolution to honor the contributions that millions of Americans have made to our environment.●

AGRICULTURAL REVOLUTION IN INDIA

● Mr. KENNEDY. Mr. President, as I noted during our recent debate over the special supplemental appropriations for famine relief in Africa, one of the signs of hope for that region is the success story of India and other countries in Asia.

Two decades ago we were acting on urgent appeals to avert famine in India and, as we are doing today in Africa, we responded generously with Public Law 480 food. But today, India not only feeds itself, but it exports food. And when India was hit this year by drought and agricultural difficulties, it could still meet its food needs and cope with what would have been a disaster in earlier years.

As we welcome India's Prime Minister to Washington this week, I believe it is particularly appropriate to pay tribute to India's little noticed agricultural revolution—a success story that should give courage to the countries in Africa today, as well as some important lessons on how to achieve greater self-sufficiency in food.

Yesterday, the distinguished former president of the World Bank, Robert McNamara, wrote a thoughtful article making this very point.

He noted that:

> During this past year, despite a mediocre monsoon, food grain produced by Indian farmers reached a record of 153 million tons, an increase of more than 100 percent above the 72 million tons produced in 1965 at the start of the "Green Revolution." In India today, the growth rate of agricultural output is above the population growth rate.

This is, Mr. President, an extraordinary record of achievement, and as we launch an effort to help the drought affected countries of Africa, we must keep in mind the lessons of success from India, which Bob McNamara so clearly states. His description of the options India confronted two decades ago reflect my own strong impressions of what African countries confront today, namely:

> . . . Food policies is India were adjusted to balance the interest of the urban consumers, who wanted cheap food, and those of farmer-producers who wanted to obtain reasonable prices for their crops. A liberalized pricing policy gave farmers the incentives to produce more and to raise their productivity. The threat of mass famine faded as these incentives began to work, along with an expansion of irrigation, improvements in the storage and marketing of food, and advances in agricultural research."

That, Mr. President, is precisely the agenda for Africa today, and which is the stated goal of the African Famine Recovery and Development Fund that I joined with Senator KASTEN in offering to the foreign assistance bill 2 weeks ago.

I urge my colleagues to review the important points made by Mr. McNamara, and to pay this tribute to India's success as we welcome Prime Minister Rajiv Gandhi tomorrow in a Joint Session of Congress. India's example can hold out hope for those African countries facing the same threat of drought and famine as India did only a few years ago.

Mr. President, I ask that the text of Mr. McNamara's article in the Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, June 11, 1985]

INDIA: NEW STRENGTHS

(By Robert S. McNamara)

Behind the reporting of the visit by Prime Minister Rajiv Gandhi is another important story, and one that has not been sufficiently told: the story of India's substantial economic progress.

Anyone who has spent time in India will realize that the key to the country's development is the rehabilitation of the villages—there are more than 600,000 of them—and participation of the rural poor in the development process. And that means unlocking India's great potential in agriculture, the mainstay of its economy.

I am one of those who believe that India's food production capacity, and its efforts to realize that capacity, has been grossly underestimated. During the past year, despite a mediocre monsoon, food grain produced by Indian farmers reached a record of 153 million tons, an increase of more than 100 percent above the 72 million tons produced in 1965 at the start of the "Green Revolution." In India today, the growth rate of agricultural output is above the population growth rate. The country is now capable of feeding its people through good and bad years; it is not only producing enough food, but it is also storing and distributing it effectively and at present has a surplus available for export.

To stimulate rice and wheat production, food policies in India were adjusted to balance the interest of the urban consumers, who wanted cheap food, and those of farmer-producers, who wanted to obtain reasonable prices for their crops. A liberalized pricing policy gave farmers the incentives to produce more and to raise their productivity. The threat of mass famine faded as these incentives began to work, along with an expansion of irrigation, improvements in the storage and marketing of food, and advances in agricultural research.

The drought that afflicted India in 1979-80, exacerbated by power shortages, would have meant mass famine in the 1960s. India suffered another drought in 1982. But because of the impressive agricultural performance, those two severe droughts did not bring about the famines that would certainly have occurred without these advances.

Liberalization of the Indian economy has begun to move forward on other fronts as well. Relaxation of restriction on imports, for example, has already introduced new elements of competition in India's industry. And a higher degree of competitiveness will certainly help to strengthen an underdeveloped private sector and improve the country's export performance. Thus, prospects for India to attain consistently higher export growth rates are good despite a disappointing average growth of about 4 percent annually during the past four years—caused in part by the global recession.

India's recent economic strategy also emphasized efficient use of energy and speedy development of domestic energy resources. India's dependence on oil imports declined from 63 percent of consumption in 1979 to about 37 percent in 1983; this year, it is expected to drop to 30 percent.

In general, India managed its economy prudently and carefully throughout the prolonged recession that plagued the global economy. As a result, today it is not handicapped by a debt problem. The country has achieved a yearly growth rate of 5.1 percent, quite close to the target of 5.2 percent set in its plan covering the five years to March 1985. The underpinning of this growth has been the very high rate of investment, sustained largely by domestic savings.

In assessing India's economic performance, it has to be recognized that the role of foreign economic aid has been modest. External resources have accounted for only about 7 percent of total development funds. But these and other aid funds are crucial for the overall "mix" of India's development financing. With per-capita income of only $260, India still belongs to the poorest group of countries in the world.

The better life that Rajiv Gandhi wants for India's poor, and envisions as well for the impoverished peoples of other countries, deserves our support, including support for the financing of such activities as the International Development Association, the World Bank's concessional lending affiliate.

With such external assistance, there is no reason why India should not continue to demonstrate economic progress at home and be a convincing voice persuading the world at large what global economic cooperation can do for the developing world.●

THE SIKH STRUGGLE FOR HUMAN RIGHTS AND RELIGIOUS FREEDOM IN INDIA

● Mr. HELMS. Mr. President, this week Rajiv Gandhi, the Prime Minister of India is visiting the United States. He comes here following what has been described as an unusually warm and friendly meeting in Moscow with our adversaries. We can only hope that he comes to our shores in a sincere search for friendship and understanding. America's capacity for generosity and patience are well known throughout the world. Yet, there are limits.

Mr. President, I am deeply concerned about the situation on the subcontinent today. The Soviets are undertaking a massive genocidal campaign against the Afgan people which has in recent weeks intensified. The Soviets are poised in a most threatening manner against our traditional friend and ally, Pakistan. Indeed, the Soviets have violated Pakistani airspace and have even dropped bombs well inside Pakistani boundaries in recent weeks. It is well known that India and Pakistan have gone to war in the past and that this could happen again. The close military relationship between the Soviet Union and India is no secret and is indeed deeply disturbing.

Mr. President, the Pakistani Government says that Pakistan's nuclear program is not weapons oriented.

Ever since India exploded its nuclear bomb in 1974, Pakistan has been pressing, inside the U.N. General Assembly, for the establishment of a nuclear weapons freeze zone in South Asia. India has been equally adamant in its opposition to the resolution which gets an overwhelming endorsement of U.N. membership.

In 1978, Pakistan formally proposed to India that first, India and Pakistan should accept international inspection of all their facilities or, if this was not acceptable, they should reciprocally inspect each other's nuclear facilities; second, Pakistan and India should sign the nuclear Non-Proliferation Treaty; and third, in the meanwhile Pakistan and India should jointly, with other countries of South Asia, renounce the manufacture or acquisition of nuclear weapons.

Pakistan also invited India to support Pakistan's efforts in the United Nations for the establishment of a nuclear weapons free zone in South Asia.

To date there has been no response from India.

Pakistan has also drawn a blank on its proposal for determining a mutually acceptable ratio of forces and level of armaments.

Almost 4 years ago, in September 1981, Pakistan invited India to sign a no-war pact.

India made a counterproposal for a treaty of peace, friendship and cooperation. Discussions on the two proposals have taken place, albeit haltingly in an on-again, off-again manner. The last meeting was held in May 1984. The subsequent meeting, which was to take place in September 1984, was postponed at India's behest. It is now rescheduled for July 30.

India's apprehensions of Pakistan's "evil designs" would have been set at rest if India had accepted any of the above proposals.

Mr. President, while Mr. Gandhi inherited the current situation in India, he bears the responsibility for finding constructive solutions to the conditions facing religious and racial minorities in India today. I wish him every success in the search for just solutions to the very pressing internal questions on religious and human rights in India.

It is no secret that from the very inception of modern India after World War II, the country has been in constant turmoil as communal rioting has occurred between the Hindu majority and the Sikh, Moslem, and Christian minorities.

Last year's tragic massacre of Sikhs at their holiest shrine at Amritsar stunned the world no less than the tragic death of Mrs. Gandhi. Profound religious conflict on the subcontinent resulted in the formation of the state of Pakistan and the state of Bangladesh, both Moslem countries. If a just solution to the situation in the Punjab, the homeland of the Sikhs, is not found a similar process will inevitably occur.

Mr. President, I am disturbed that the Government of India in recent days has tried to prevent an American citizen and a leader in the Sikh struggle for religious freedom and human rights from speaking at the National Press Club yesterday. According to press reports, Mr. Gandhi threatened to cancel his own appearance before the National Press Club this Friday if Mr. Ganga Singh Dhillon were allowed to speak. I commend the National Press Club for upholding the principle of the freedom of the press and not bending to such untoward pressure. The American people have a right to know about the situation on the subcontinent and the grave conditions affecting the religious and human rights of minorities there.

The American press has a right to investigate these matters and to report on them to the American people. I would add, however, that the Government of India has sealed off the Punjab from foreign press for the past year and now gives the impression that it would like to seal off the National Press Club as well.

Mr. President, so that the distinguished Members of this body might better understand the situation that the Sikhs face in India, I ask that the text of the press release given by Mr. Ganga Singh Dhillon today to members of the press attending the breakfast meeting today at the National Press Club be printed in the RECORD at the conclusion of my remarks.

The material follows:

"THE NECESSITY FOR A SOVEREIGN SIKH STATE"

(Mr. Ganga Singh Dhillon)

The Indian dictatorship has launched a Holocaust against the Sikh Nation. The survival of the Sikhs as a Nation, of our religion, of our culture, of our way of life is the central issue for us today. Our most sacred temples have been desecrated and we are systematically persecuted on a daily basis in our homeland, the Punjab. Thousands of our Sikh brethren—men, women, and children—have been slaughtered under India's genocidal campaign against us.

There are those in the Western world who think of India as a democracy. This is an illusion the Indian dictatorship goes to great lengths to perpetuate. The truth of the matter is that there is no country in the world, outside of the Communist Bloc, in which fundamental human rights are so flagrantly denied. Persecution of religious minorities—Sikh, Moslem, Christian, and Jew—is a daily reality.

While the world condemns the denial of political and other rights to some 15 million blacks suffering under the apartheid system in South Africa, there is not a word about the racist caste system in India under which some 120 million "untouchables" are condemned to a living hell on earth. It is India which has systematically institutionalized racism on the largest scale in human history. We Sikhs are enjoined by our religion to oppose the caste system for we believe in the fundamental brotherhood of man.

There is a violent storm gathering on the sub-continent. The Sikh Nation has felt the initial winds of death and destruction in our homeland, the Punjab. The brave Afgan people, as all the world knows, are engulfed by the storm. The Iranian people are engulfed by the storm. A longtime friend and ally of the United States, Pakistan, is feeling the storm and the threats from India increase daily as do the threats from the Soviet Union.

The gathering storm which Winston Churchill so eloquently described was a storm propelled by the designs of the Nazi German Empire and the Japanese Empire. Today, the gathering storm in the sub-continent is propelled by the strategic designs of the Soviet Empire and its surrogate India. Sikh Americans have no illusions about the realities on the sub-continent just as Polish Americans have no illusions about the realities in Eastern Europe. Just as Jewish Americans five decades ago strove to alert their fellow citizens to the gathering storm in Europe and the horrors of Nazi persecution and imperial designs, so we Sikh Americans today feel compelled to alert our fellow citizens to Soviet-Indian imperial designs and persecution in the sub-continent.

Sikh Americans condemn the insults by the Indian dictatorship against our blessed land the United States of America and against our courageous President Reagan. Just last week, the New York Times reported from New Delhi that young Gandhi stated, and I quote, "If President Reagan sees it as red and white, we see it in a nice rosy color." Quick to defend the country with which he has a military alliance, the Soviet Union, young Gandhi stated that, and I quote, "there is a justification" for the presence of over 100,000 Soviet troops in Afghanistan since they were, and I quote again, "invited by the Karmal regime."

India has never supported the United States when it comes to the question of Communist aggression. India did not support our country during the Korean War. India did not support our country during the Vietnam War. During the month of April, at the so-called "Non-Aligned Conference" chaired by young Gandhi the place of honor was given to the well known international terrorist Yassir Arafat who sat next to the dictator of India.

Sikh Americans know that the United States has never been isolated from the affairs of the sub-continent. We remember that the clipper ships from New England carried more of the Indian Ocean commerce from 1783 to 1812 than did the British Empire. We remember that American soldiers and patriots who served in the War of Independence here came to the Punjab and helped the Sikhs create an independent sovereign state in 1799.

Our sovereign state extended from Kabul in today's Afghanistan through the Punjab and Kashmir to Tibet. Our capital was in today's Lahore, Pakistan and our state included the city of New Delhi in today's India. It is also a source of pride to Sikh Americans that the government of the United States had a diplomatic representation at the court of Maharaja Ranjit Singh who was the head of our independent state. Our independence ended five decades later in 1849 owing to the conquest by the British Empire. The British subsequently betrayed a treaty they had with the Sikh state which promised the return of sovereign independence.

India today is in a state of internal collapse. It is a fact that Sikh arms established

the independence of India. It is a fact that the Sikhs created the "green revolution" in India. It is a fact that the systematic and institutionalized oppression of religious and racial minorities in India is creating the conditions for the impending collapse. As the famous Jewish philosopher Martin Buber once said of Nazi Germany, "Those who depend upon empty power will be dragged down in its collapse." The same is true for the dictatorship in India today and its friends ruling the Captive Nations behind the Iron Curtain.

Sikh Americans are committed to the highest values upon which the United States and its Constitution stand. We defend the principle of democracy and representative government. We defend the principles of human rights and religious freedom. We defend the principle of the right of national self-determination of oppressed peoples. We are proud of our Sikh heritage and we are proud of our American heritage.

We Sikh Americans hope that in the days, and months, and years to come, our fellow citizens may get to know us better. We hope that we may be able to deepen the understanding of our fellow citizens for our religion and cultural heritage but also deepen the understanding of our fellow citizens about the course of human events in the sub-continent. Our fellow citizens should know that the Sikh Nation in the Punjab has resolved to hang together rather than hang separately.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 9 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, June 13, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I ask unanimous consent that, following recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senators PROXMIRE, DIXON, BAUCUS, EAGLETON, LAUTENBERG, and MELCHER.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that, following the special orders there be a period for the transaction of routine morning business not to extend beyond the hour of 10:40 a.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW FROM 10:40 A.M. TO 12 NOON

Mr. DOLE. Mr. President, I ask unanimous consent that, at the hour of 10:40 a.m. tomorrow, the Senate stand in recess until 12 noon, to hear an address by Prime Minister Gandhi. Senators are asked to assemble in the Senate Chamber no later than 10:35 a.m., to proceed as a body to the Hall of the House of Representatives to attend the joint meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. DOLE. Mr. President, when the Senate reconvenes at 12 noon, pending will be the motion to proceed to S. 1128, the clean water bill. Votes can be expected throughout the day on Thursday, in order to complete action on the clean water bill.

AUTHORIZATION FOR THE PRESIDENT OF THE SENATE TO APPOINT ESCORT COMMITTEE

Mr. DOLE. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee of Senators on the part of the Senate to join with the committee on the part of the House of Representatives to escort the Prime Minister of India into the House Chamber for the joint meeting to be held at 11 a.m. on June 13, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. DOLE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9 a.m. on Thursday, June 13, 1985.

The motion was agreed to and, at 7:04 p.m., the Senate recessed until tomorrow, Thursday, June 13, 1985, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 12, 1985:

DEPARTMENT OF STATE

Rozanne L. Ridgway, of the District of Columbia, a career member of the Senior Foreign Service, class of Career Minister, to be an Assistant Secretary of State, vice Richard R. Burt.

Edwin G. Corr, of Oklahoma, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

THE JUDICIARY

Louis L. Stanton, of New York, to be U.S. district judge for the southern district of New York vice Henry F. Werker, deceased.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Robert L. Baldwin, [redacted]
Maj. Ronald L. Brown, [redacted]
Maj. Brian P. Carroll, [redacted]
Maj. Samuel G. Degeneres, [redacted]
Maj. John A. Dennis, Jr., [redacted]
Maj. William O. Fargo, [redacted]
Maj. Michael L. Harden, [redacted]
Maj. Terry L. Hise, [redacted]
Maj. Donald F. Hoffman, [redacted]
Maj. Peter M. Janaros, [redacted]
Maj. Lester S. Marriner, [redacted]
Maj. Danny P. Nice, [redacted]
Maj. Thomas J. Nicholson, [redacted]
Maj. Thomas J. O'Brien, [redacted]
Maj. Gerrit B. Osborne, [redacted]
Maj. Richard M. Reitan, [redacted]
Maj. Robert D. Scales, [redacted]
Maj. Donald L. Schuh, [redacted]
Maj. Thomas M. Shellshear, Jr., [redacted]
Maj. Paul E. Sherman, Jr., [redacted]
Maj. Robert J. Sizemore, [redacted]
Maj. Andrew J. Stockhausen, Jr., [redacted]
Maj. John M. Thomas, [redacted]
Maj. William R. Wedberg, Jr., [redacted]
Maj. Kenneth E. Zinkand, [redacted]

LEGAL

To be lieutenant colonel

Maj. George A. Huber, [redacted]

CHAPLAIN

To be lieutenant colonel

Maj. Sherwyn W. Mowrer, [redacted]
Maj. George F. Zeck, [redacted]

MEDICAL SERVICES CORPS

To be lieutenant colonel

Maj. Joseph P. Deangelis, [redacted]

MEDICAL CORPS

To be lieutenant colonel

Maj. James O. Armacost, [redacted]
Maj. Allen L. Axe, [redacted]
Maj. Troy F. Barnett, Jr., [redacted]

IN THE NAVY

The following named officer for promotion to the grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

To be captain

Cmdr. John O. Creighton, U.S. Navy, [redacted]/1310.

IN THE NAVY

The following named lieutenants of the line of the Navy for promotion to the permanent grade of lieutenant commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER (11XX/13XX)

Abel, Robert David
Adams, William Robert
Allan, David Milton, III
Allen, Bradley K.
Allen, Michael Hiram
Alvarez, Alfred
Anderson, Donald William
Anderson, John Daniel, Jr.
Anderson, Robert William II
Anners, Jeffrey Mark
Anthony, Stephen John
Arcario, Benedict James
Arnold, Daniel LLoyd
Ashley, David Ira
Ashmore, Richard William
Babb, Robin Marie
Babcock, Robert Arthur
Bahr, Randal Lee
Baker, Robert Merle
Baldwin, Carlton M., IV
Ball, John William, Sr.
Baltar, Henry E., Jr.
Baltrush, Eric Joseph
Baltrush, Kathleen Ann
Bane, James Stephenson
Bannister, Randall Willis
Baranowski, Craig John

Barclay, David Richard
Barnett, James Robert
Barry, Joseph Timothy
Bart, Ronald
Bath, Daniel Arthur
Beckman, Jeffrey A.
Beebe, David Harry
Beeson, William Harvey, Jr.
Behrle, Thomas Joseph
Bell, Daniel Beecher
Bender, Glenn Steven
Bennett, Thomas Charles
Benson, Dennis Dean
Berg, Gustave Louis, III
Bernard, Franklin Hugh
Berry, Christopher John Whit
Bess, Charles Richard
Bird, John Miller
Birdwell, David Marshall
Bischoff, James Christopher
Bishop, June Alma
Black, Gary Douglas
Blackford, Paul Edgar, III
Blake, David Napier
Blake, J. Kevin
Block, Douglas A.
Bloomfield, Patrick M.
Bogert, Edmond Archibald, III
Bohli, James Lawrence
Bohm, Edward Allen
Boisseau, Guy M.
Bolger, Ralph Bartlett
Boone, Charles Lee, II
Bowles, Erika Arlene
Bowling, James B., Jr.
Boyce, Stephen A.
Boyd, Robert Keith
Brackett, Frederick P., Jr.
Bradshaw, Leland Henry
Bray, Alvis Edmond, Jr.
Britnell, Richard N.
Britt, David F.
Bross, Stephen Paul
Brubaker, Guy Arthur
Bryant, Michael Joseph
Bryant, Stephen Ray
Bryson, James Theodore
Buck, Jerome Addison
Buckley, Lee Pomeroy
Buerger, Frank Martin
Burgess, Frederick W.
Burns, Robert John, Jr.
Burton, Johanna Katharine
Butler, Kim Vincent
Buyske, James Michael
Byer, James C.
Cahill, Thomas Andrew
Callahan, Steven W.
Callander, Ronald Ralph
Cantwell, Thomas J., III
Carey, William Howard
Carlson, Frederick Jorgen
Carnahan, William Grady
Carrasco, Sharon L.
Carter, Gary E.
Casey, Michael Patrick
Castillo, Rudy NMN
Caulk, Robert Fletcher, III
Causey, Ronald Eugene
Chambers, Felix Charles
Cheatham, William Henry
Chimahusky, Edward Vincent
Chittenden, Donald
Cirillo, Thomas Michael
Cissell, Michael John
Clarke, Thomas Weir, Jr.
Clements, Michael Martin
Clingan, Bruce Waid
Coleman, Richard Edward
Collier, Richard L.
Collier, Robert Glen, Jr.
Collier, William Wayne
Collins, Joe Milton
Collins, Patrick Sean
Comstock, William Justin
Conner, Alexander Nicholson
Conner, John William
Connors, Stephen L.
Conradi, Joseph Robert
Cook, Donald Paul
Cook, Thomas Phillip
Cooley, Randall Thomas
Cooper, Douglas Gordon
Corliss, Walter Frank, II
Corsmo, Timothy J.
Cosper, James Hector, II
Cottom, Melvin Ray
Cotton, Steven Warren
Cousins, Dwight Lee
Covney, Edward Michael
Cowan, Christina Mary
Coyle, Robert F.
Craig, Douglas W.
Crawford, Lawrence Lawson, Jr.
Criner, Timothy John
Crocker, Michael Denison
Crowder, Sharron K.
Cruts, Ronald Earl
Culbertson, William John
Cummings, Richard William
Cyrus, Richard Earl
Dacosta, Gregorio Aurelio
Daigneau, James Mayall
Dale, Larry J.
Daly, Peter H.
Daniel, Thomas Raymond, Jr.
Danielson, Mark W.
Danis, Carole Leigh
Darby, Michael David
Darden, Richard Boyd
Davie, Robert A.
Davis, Legare McMahan
Davis, Thomas Jeffrey
Deaconlamade, Deborah Anne
Deberry, Kirk R.
Decavage, John Joseph
Deitchman, Charles Gray
Dellavedova, Peter Fred
Demming, David R.
Deneale, John William
Dengler, Michael Norman
Denning, Dayne Ralston
Derosset, Richard Dame
Destael, James Frank
Devereux, Francis Andrew
Deverill, Dirk Pomeroy
Dickens, Emmitt Davis
Dickey, Byron Alfred, Jr.
Dickinson, Michael L.
Dickman, Douglas John
Diefenbach, Cherry Susan
Dixon, Robert Harrison
Dobson, Gary S.
Doherty Martin F.
Donahue, Jill Patricia
Donker, Michael Richard
Donnelly, John Thomas
Dorin, Paul Roderick
Dormer, John Allan
Dosker, Henry Ewing, Jr.
Dowell, Deryl Ray
Dowling, Kevin P.
Draper, Lee Bruce
Driggers, Michael Allen
Drogowski, Francis Kenneth
Duff, Mary Ann
Dugan, Michael
Dulinawka, Michael P.
Duston, Keith Mark
Dye, Mark Houston
Edwards, Christine NMN
Edwards, William Jeffrey
Egan, Henry Fairchild D.
Eidson, Ann Jeannette
Elliott, Daniel Carter
Elliott, Roger Michael
Elliott, Ronald Norwood
Elmlinger, Ronald H.
Elsken, Martin R.
Emerson, Elizabeth Ann
Engelbert, Carl Robert
Eschliman, Judd Ryan
Esposito, Daniel Nicholas
Etterman, James E., Jr.
Evensen, David Arthur
Falkenau, Michele Lynn
Farawell, William R.
Farkas, David Michael
Farmer, Craig Jay
Feckler, Richard Alan
Fennecken, William Henry
Fetterman, Ian Patrick
Fininencrandall, Veronica
Fisher, Linda Davis
Fitzgerald, Edward Peter, Jr.
Fitzgerald William C.
Fleischman, Charles Arthur
Florow, Lloyd A.
Flynn, Arthur Bailey, Jr.
Flynn, Dennis Raymond
Fogarty, Francis
France, Bruce E.
Franciose, Randall James
Franklin, Dennis Wayne
Freeman, Michael
French, Brian Arthur
Friend, John R.
Frisk, Steven Peter
Frodesen, Fred Olav
Frump, Deborah Branson
Fugate, Jeffrey Earl
Furness, John Dale
Gabriel, Gary Leon
Gagnon, James H.
Gagnon, Maurice Roger
Galatioto, David Wayne
Gale, Sallie Hocutt
Gamboa, Lois Lorraine
Gantt, Edward William
Garbow, Kurt D.
Gardiner, Jay V.
Garrison, Francis McTeer
Garver, Zach Daughtry
Gaston, Charles Ware, III
Gavin, Patrick Howard
Ghio, George Frank, Jr.
Gilbert, James Riley, II
Gilbert, Julia Futrell
Gilchrist, Jo Anne Loflin
Gillies, Michael Lee
Gilmore, Edward James
Girsch, Jeffrey Leonard
Gladding, Donald Lee
Gleason, Neal Eugene
Goergen, Dean John
Goins, Michael Lee
Good, Cathy Lynn
Grant, Thomas Raymond
Gray, John Robert
Gray, Michael Raymond
Grayson, James E.
Greco, Francis John
Green, James Sidney
Green, Michael Jesse
Green, Ralph Michael
Griffin, Leeta Garnett
Griffin, Rachel NMN
Grindles, Clifton Byrdlong
Grochowski, Raymond Bernard
Gullette, Greg R.
Guttenberger, Mark Robert
Guzy, Steven John
Hafner, Edward John
Haggerty, Joseph
Hale, Mark S.
Hall, Garry Evan
Hall, Joseph Barry
Hall, Marshall A.
Halquist, Harry Donald
Halsema, John Anthony
Halstead, Daniel Berrien, III
Halverson, Rolf Victor

Hamric, Terry Keith
Handley, Chris Michael
Haney, Ralph E.
Hankins, James Dale, Jr.
Hanrahan, Sean Kevin
Hansell, Michael Paul
Hanson, Christopher Lee
Hardwig, Larry K.
Hardy, Jeffrey T.
Harger, Kathleen Lyn
Harnett, James D.
Harper, Michael Carlton
Harrington, Clifford Myles
Harrington, David Allen
Harris, Rodney Alan
Hart, Douglas W.
Harting, Donald Wayne
Hartman, Leonard Joseph
Hartman, Richard W., II
Hascup, Richard NMN
Hassett, David Michael
Hatch, Harold Glen, Jr.
Hauenstein, Bruce Robert
Haug, Clifford Michael
Hayes, Richard D., II
Hayman, Robert Stephen
Hegland, Michael George
Heide, John Scott
Heiney, Gary J.
Heinz, Karl Russell
Henderson, Jerry
Henderson, Ronald Holstei, Jr.
Hendrich, Gordon E.
Hendricks, Robert Arthur
Henkemeyer, Kenneth Joseph
Henty, Robert Charles
Hepfer, Donald Edward, II
Hering, Leendert R.
Herriott, Richard Craig
Herzig, Paul Martin, Jr.
Hess, Bernard Robinson
Heuss, Norman Elmer
Higgins, William G.
High, Richard Dale
Hill, Alex Seth, Jr.
Hill, Joyce Ann
Hill, Richard Caldwell, II
Himler, Mark Joseph
Hinrichs, Philip William
Hippel, John Stephen
Hirata, Harvey Hugh
Hoefel, John Stephen
Hogan, Patrick G.
Holdcroft, Richard T.
Hopkins, Dennis Lee
Hopkins, Donna Leigh
Hoppes, David William
Horne, Douglas Paul
Horne, John Jeffrey
Horner, Randolph William
Howard, Ronald
Howard, Stephen Raymond
Hoza, Christopher Mark
Huegel, Albert C., III
Hughes, Earl Christopher
Hulley, Paul Joseph, C.
Hummel, Robert E., Jr.
Hunt, David Lynn
Hutson, Arthur Weiland
Ingersoll, John Dobson
Irish, Peter Ferbeck
Iverson, Byron Quinton
Ivory, William Marshall
Jackson, Bruce Martin
Jackson, John E., III
Jackson, Marvel T.
Jackson, Robert Charles
Jacobs, David Donald
Jacobs, Donna Elizabeth
Jacobs, Hester Kinnicutt
Jacobson, Theodore James
Jargowsky, Kenneth Jesse
Jendro, Lawrence M., Jr.
Jezierski, William Edmund
Johns, Michael Kenrick
Johnsen, Arvin W.
Johnson, David Franklin
Johnson, Dennis Ray
Johnson, Douglas Paul
Johnson, Mellonise
Johnson, Tandra Lynn
Jolly, Barbara Christine
Jones, Cleveland L.
Jones, Dennis Wayne
Jones, Douglas Earrol
Jones, John Paul, II
Jones, Stephen Robert
Jones, Steve Vernon
Jordan, Dorsett W.
Joyner, Joseph, Jr.
Kaczmarek, Christopher
Kahn, Ralph Earl
Kaiser, John Robert
Kalili, Daniel Keolamauloa
Kaufman, William Glenn
Keesee, Jerry Wayne
Kell, Mary Margaret
Kendrick, Joseph Louis, II
Kennedy, Thomas Samuel
Kerrigan, Donald Francis, Jr.
Kiggins, Anthony Lee
Kile, Larry Bryan
King, James Nathan
King, Spencer Howard
Kirkland, William Chester, Jr.
Kise, Richard Franklin
Kish, Gordon Paul
Kleen, Franklin Eugene
Klesk, Keith
Klink, Gary David
Kohut, John Nicholas
Kole, Jeffrey Steven
Kolek, Stephen John
Konkel, Michael J.
Kopp, Robert William
Korte, Kevin Dale
Kulpa, Jeffrey Paul
Labella, John Paul
Lambert, Jeffrey Scott
Lambert, Vincent Eugene
Lampas, John Edward
Lanahan, Joseph Anthony
Landin, Lawrence Leroy
Landon, David Robert
Lane, David Bruce
Lanes, Frederic Alan
Lanes, Katherine Selby
Lapating, Edward Chang
Larsen, Kevin Paul
Larsen, Richard M.
Larsh, John Kaylor, II
Larson, Arvid R. G.
Laser, Keith Schugard
Lastinger, Linda Brightwell
Laubenthal, Neil David
Laws, Norman Gene, Jr.
Leannais, Linda Marie
Leboeuf, Andrew West
Leduc, Leo Arthur, Jr.
Lee, Diane Cathleen
Leenhouts, Peter Matthew
Leidiger, Ernest Gilbert
Lemieux, Michael Anthony
Leonard, Wellington Taylor
Leong, Helen Vanessa
Leveskas, Michael Joe
Lewis, John Thomas, III
Lisowski, Thomas Edward
Little, Patrick E.
Litz, Charles H.
Livers, Allan Fleming, Jr.
Livingston, Michael Edward
Loeffler, James Haile
Loeffler, William Poynter
Loewer, Deborah Ann
Lofton, Randall B.
Long, James Lloyd
Long, Woodrow W., Jr.
Looney, Robert W.
Lopez, Robert Anthony
Lowe, Robert Stanley
Lowenthal, Roy Martin
Lucas, William Thomas, Jr.
Luechauer, George Robert, Jr.
Luedke, August Edward
Lukken, Peter Jay
Mackin, James Stanley
MacMillan, Joyce Rae
Magid, Ira Kenneth
Mahoney, John Patrick
Mahoney, Peter Allen
Maitland, Steven A.
Makucevich, Daniel M.
Malinak, Gregory Eugene
Malins, Chester Joseph
Malley, Martin James
Maloney, Peter M., II
Manley, Ronald Richard, Jr.
Manzi, Antonio Edward
Marlow, Charles Nicholas
Marshall, Tania Eustacia
Marshall, William E.
Martin, David William, Jr.
Martin, Richard Willis, Jr.
Martinez, Rosendo, Jr.
Mason, Gerald Alan
Mason, William Arthur, Jr.
Matkowski, Randy J.
Matoush, Lynn Alan
Matthies, Frederick Theodore
Mauer, Gerard Majella
Maufroy, Robert Bruce
Mauldin, Richard Jaye
Maydosz, Jeffrey
Mayer, Jeffrey Stuart
McAdams, Mary Ellen
McAleer, David Patrick
McAteer, Christopher Ernest
McCarraher, John Riley
McClain John K.
McClung, Ricky Brock
McCollum, Alan Lee
McCoy, Kelly Eugene
McDevitt, Michael Edward
McDonell, James Allen
McDonnell, William Patrick, Jr.
McGory, Randy J.
McGowan, John Randolph
McGranahan, James Orin
McKinney, David Wylie
McLaughlin, Sheila Barrett
McMeekin, Robert William, Jr.
McNamara, Kathleen Igo
McNeely, Gregory Thomas
McQuinn, Patrick Gary
McWethy, William C.
McWilliams, Johnny Levert
Mead, Eric Mallory
Mead, Steven James
Meeker, Thomas Jeffrey
Meisberger, Joseph John
Memminger, Lucien Dibell
Menard, Robert Michael
Merritt, Robert Randall
Michels, Donald Glenn, Jr.
Midgette, William K.
Miles, William Edward
Miller, David Earl
Miller, Posey Edward
Millerick, Robert Patrick
Mills, Barry Lynn
Mines, Jeffrey Kurt
Mitchell, Rodney Irvin
Moen, Clayton Dennis
Montgomery, George Anthony, III
Montoya, David E.
Monzon, Victorino Motta
Moore, Clifton W., Jr.
Moore, Daniel Eugene, Jr.
Moore, David Charles
Moore, Gregory L.
Moore, James Lloyd

Moore, William Richard
Moran, David Barry
Morgan, Robert, Jr.
Morin, Charles Louis
Morrow, Joel Steven
Morton, Howard Edward
Mozo, Robert E., Jr.
Muehling, Lawrence Hines
Mulvaney, Brian Edward
Mumfrey, Gerard Anthony, II
Mundt, Mylen James, Jr.
Munoz, Frank Michael
Munroe, Stephen Richard
Murdock, Paul Irving
Murphy, Frank M.
Murphy, Timothy Alan
Murtagh, Michael K.
Muth, Liesel Rea
Nacchio, Neil N.
Nagel, Linda Marie
Nasman, Ronald E.
Nawrocki, Joseph Karol
Neil, Ronna Cooper
Nelson, Holly Hazlett
Nelson, Stuart A.
Newsome, James Albert
Newton, Claude Richard
Novick, Peter Tara
Oakes, Deborah Lynn
Oakes, Donald William
Oakey, Daniel Bruce
O'Brien, Daniel Edward
Obuchowski, Michael Joseph
O'Donnell, Joseph William
Ogden, Richard Delgado
O'Keefe, Patrick B.
O'Moore, Michael John
O'Neal, William Clifford
O'Neill, Robert Joseph
Ongley, Susan Marie
Opsal, Peter Bernt
Orologas, Gus N.
Orr, William Michael
Osborne, Harry Junious, Jr.
Oswalt, Ronald Keith
Pace, James David
Pacetti, Donald Norman
Paddack, Allan Lee
Page, Stephen Keith
Palazzo, Alan George
Palmer, Glenn P.
Parker, Bruce Edward
Parrett, John Bennett
Pate, David Andrew
Patrick, James Harry
Patterson, Kenneth Eugene
Patterson, James W., Jr.
Paul, Nicholas Newlin
Pavic, Kenneth Charles
Payne, Gary Phillip
Payton, Luster, Jr.
Pearson, John Roy
Pistochini, Deidre Hall
Pitman, Gregory James
Pittman, David L.
Platz, Kelley Daniel
Pletcher, Donald Eugene
Pocalyko, Michael Nicholas
Pohtilla, William Allen
Polizzi, John Cosmo
Pool, Charles Harbison
Poole, Geoffrey Wyatt
Pornaras, Robert A.
Post, Thomas Richards
Powell, Edgar Hill, Jr.
Pratt, Lawrence Richard
Prendergast, Richard Weiland
Prenzlow, Elmer Carl
Preston, David E.
Price, Richard Wayne
Price, Thomas Howard
Pritulsky, Philip Sean
Proetzel, Earl Allen
Puckett, James Halliburton
Putre, William Richard
Quartararo, Joseph Pierre
Quinn, Joseph M., Jr.
Raab, Michael Allen
Rachel, Clemence John
Raffels, John Franklin, Jr.
Ragusky, Raymond Peter
Ramsey, Harman Fred
Reagan, Scott Denton
Reale, Frederick Louis
Reece, Pamela Joan
Reeves, Jeffrey Louis
Reid, Daniel Lynn
Reiver, Jon Alan
Reline, Bruce Turner
Renwick, Daniel M.
Reppert, Edmund Hare
Rider, Robert Michael
Ringle, Dennis Joseph
Rippinger, Daniel J.
Risko, Georgi W.
Ritchey, Stephen Andrew
Robbins, Douglas Leigh
Roberts, Suzanne NMN
Robertson, Robert Clyde, III
Rockey, John Elton, Jr.
Rogers, Rick
Romano, James Allen
Romano, Leslie F.
Ross, Douglas A.
Ross, John Kirkland
Routh, Ronald Ray
Rowe, Douglas Hamilton
Rowe, Willis Ralph
Rudison, Ronald Louis
Rupprecht, Mark Steven
Rushton, Richard T.
Ryan, John Edward
Saari, Eugene Edsel
Sadel, Mark S.
Sale, Stephen Beryl
Salonia, Mark James
Sandoz, James David
Saxon, Kevin Gary
Saxon, Thomas Craig
Schiller, Edward William
Schlumbrecht, Emmett P., Jr.
Schmaltz, Michael H.
Schmidt, Carol Jo
Schmidt, Dennis Arvin
Schmidt, Richard Stanley
Schniedwind, Robert F., Jr.
Schoneberger, Eric Ernest
Schrader, William Thomas
Schubert, Steven Ronald
Schuh, Steven Patrick
Schwenk, Richard Nathaniel
Scott, George Vincent
Sears, Michael Spangler
Seaton, John Michael
Seaton, Robert Leonard
Sedlacek, Walter Dywane
Selecman, David Alan
Shelby, James Richard
Sherrod, William Ronald
Shewchuk, William O.
Shinn, David Michael
Shortt, Woody T.
Sikora, Keith Alexander
Silverman, David B.
Sisco, Julius John, Jr.
Skinner, James Steven
Skudin, Kemp Louis
Slaughter, Wayne Douglas
Slominski, Sharon Elizabeth
Smartt, Frederick F., III
Smith, Bert Laraway, III
Smith, Bruce Allan
Smith, David Bruce
Smith, David Paul
Smith, Richard Paul
Smith, Theodore D.
Snodgrass, John R.
Soderholm, Carlton Eugene, Jr.
Sohns, Michael E.
Solliday, David Peter
Sparks, Timothy Lee
Specht, Gary Alan
Spencer, James Harold
Spilios, George Franklin
Sprenkle, James R.
Stafiej, Mark S.
Stark, Candice Ann
Stark, Gary Lee
Starr, Gary Gene
Stayton, Dennis Duane
Steadley, Marianne Valmer
Steele, David Howard
Steichen, Alan Richard
Stephenson, James Blair
Stevens, Dennis William
Stevenson, James Warren, Jr.
Stewart, John Marren
Stoelting, Edgar W., Jr.
Stokowski, Dennis Thomas
Stone, James Robert
Straub, Debra Ann
Stride, John Lewis, Jr.
Strong, Arthur Irwin, III
Stussie, Gary P.
Sullivan, Anne Neely
Sullivan, Cleveland Gregory
Sutherland, Grant Dean, Jr.
Sutton, John Edwin
Swagler, Paul Joseph
Sweet, Cynthia Claire
Swoish, Douglas Raymond
Sykes, Jonathon Robert
Sykes, Kenneth Bryant
Syvertsen, Michael R.
Talcott, Mary Nell
Tanner, Randall E.
Taplett, James Howard
Taylor, Dennis Hans
Taylor, Larry Joe
Taylor, Melvin Lee, Jr.
Teats, Robert B.
Tellis, Xzana Metella
Terpe, Arthur Scott
Theroux, John Homer
Thiele, Jon Eric
Thomas, Robert Joseph
Thompson, Duffy Austin
Thompson, Edward Kimball
Thompson, Gracie Lee
Thompson, Stephen Farley
Threlkeld, David Bryan
Tillery, Michael Randolph
Tilley, Glen F.
Tinsley, Thomas James
Tippett, Leo Prather
Tomaski, Julius William
Tombleson, Ross Ernest
Tomkovitch, John
Tomlinson, Randal S.
Toscano, James Patrick
Treinen, Ronald Lee
Tritt, Gary Frederick
Tryon, Gail Bendig
Tyler, William Terry
Tymensky, Michael Leo
Ullom, William Stephen
Urban, Lawrence Del
Usbeck, James P.
Uyak, Richard David
Vanosdall, Bernard Eric
Vanthof, Richard Robert
Vanwert, Robert Wayne, Jr.
Vargo, Joseph Elmer, III
Varsanyi, Peter Steven
Vinson, John Paul
Waddell, William Odell
Waid, Frances Paulette
Waite, Michael Albert
Walker, Robert Kingston
Wallace, Mary Jane
Walsh, Jane Dallamura
Walsh, Joseph A.

Walters, Wayne Alan
Walz, Alfred F., Jr.
Warnecke, John Richard
Warner, David Chester
Warner, Nathaniel Frederick
Warner, Robert Saunders
Warren, Timothy David
Waterman, Danny Lee
Waters, Rory Cole
Watras, Henry Joseph
Wattam, Charles Ernest, Jr.
Webb, John S.
Weihe, Douglas Lee
Wellington, Miguel Angel
Werner, Gary Lee
Werner, Michael Henry
Wheeler, William
White, Gregory Veo Victor
White, Stephen M.
White, Steven Mark
Whitely, Bruce Richard
Whitkop, Robert N.
Whitty, Michael Sean
Wilhelmy, Eric Lewis
Willard, Calvin D.G.
Williams, Charles Virgil
Williams, David E.
Williams, Gary Alan
Williams, Peter James
Willner, Lawrence Leonard, II
Wills, John Hoyt
Willson, Richard Duane
Wilstrup, Steven Lee
Winkler, John W.
Winter, Erich Hauser
Winters, David Douglas
Witt, Michael Allan
Wofford, Robert Nathaniel
Wolfrum, Garry Alden
Wood, Milton Legrand, IV
Wood, Robert Francis, Jr.
Woodbury, John Blain
Woodward, Michael Robert
Woody, William Sterling, III
Wooley, Randolph Douglas
Wooten, David Randall
Woumnm, Ellis Dexter
Wright, James Grant
Wright, Richard Allen
Wright, William Edward
Wright, William Lewis, Jr.
Wylder, James Roger
Yackee, James Allen
Yandle, Timothy Courtney
Yarosh, Cynthia Dawn
Yri, Bryan Lee
Zebrowski, David Stephen
Zimmerman, Timothy Allen
Zwierlein, Victor Arthur

ENGINEERING DUTY OFFICER (14XX)

Lieutenant commander

Bobowiec, Paul Walter
Bolon, James Jay
Bres, Elizabeth Vaughan
Breslin, John Joseph, Jr.
Brewer, Luther Stephen
Bryant, Dennis Michael
Burna, Richard F.
Burrill, Larry Dean
Camelio, Francis James
Cole, John Franklin
Conti, Mark
Cuprak, Gregory Taras
Deacon, Debra Lee
Dietz, James Alan
Eimes, James Earl
Ferguson, David B
Forkel, Daniel Alfred
Garrett, John Stevenson
Gibson, Elton Ray, Jr.
Goldsworthy, Richard James
Gary, William Eugene, Jr.
Griner, Charles Dennis
Harmon, James Edward
Hartmann, Thomas Shannon
Henderson, Dwight O., Jr.
Hutchison, Frank Edward
Janca, Larry Lee
Johnson, Bernie Wade
Johnson, Michael Bruce
Johnson, Philip N.
Johnson, Robert Charles
Johnson, Robert Henry, II
Jones, Eric Merwin
Kiell, Jonathan
King, Nelson Rolf
Klimowski, Robert Roy
Knouse, Stephen Thomas
Kolthoff, David Lee
Larson, Stephen Edward
Lees, Kevin Michael
Lukens, Richard Warren
McNulty, Douglas Wayne
Meade, Marvin Ernest, II
Nelson, Fred Eldon
Newton, Lawrence A.
Nicklaw, Christopher James
Nieder, Jeffrey Lynn
O'Leary, Isabella Jennifer
Perry, James L.
Poole, Patrick Kevin
Rice, Barbara Elaine Bergman
Rutkowski, Robert E.
Sanders, Michael Lawrence
Sanders, Jimmy Dale
Seaver, George Alton, Jr.
Seubert, Thomas W.
Spence, Timothy Michael
Stengel, Alta Fern
Szatkowski, James L.
Taylor, Thomas
Thomas, Ronald David
Uetz, Kurt Robert
Walsh, Sean Patrick
Webb, Stephen McDonald
Williams, Robert Elliott
Yobs, Rachel Lucinda

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINE)

Lieutenant commander

Cooksey, Clifton Michael
Mills, Kenneth James

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL MAINTENANCE)

Lieutenant commander

Badick, Joseph Robert
Blalock, David H.
Blend, Charles Roosevelt
Boyd, Edward Marshall
Browder, Robert Milton, III
Burke, Larry D.
Danka, William Earl
Dembowski, John Kenneth
Duggan, Thomas Lee
Eddington, Leonard Earl, II
Gjmpright, Robert E., Jr.
Hardee, Michael Davis
Harris, Kenneth Dean
Harris, Mark Allen
Hough, David Edward
Howard, Reginald Lawrence
Hughes, Janet Stein
Kastelein, Mary Jane
Kolic, Edwin Robert
Krentz, Donald James
Lichtenstern, Henry Caulfield
Lones, Philip T.
Martin, Ronald Wayne
McDowell, Julian Virgil
Mitton, Stephen Gerald
Oliver, Steven L.
Oshaughnessy, Kevin Paul
Poole, Michael L.
Porter, Robert Deaton
Roum, Christopher John
Snyder, Marlene Ann
Strayer, Bradley Juan
Townsend, Wade Benton
Woolway, James Gilbert

SPECIAL DUTY OFFICER (CRYPTOLOGY) (161X)

Lieutenant commander

Arbogast, Eugene Robert
Avery, Donald Leon
Bard, Carter Price
Brunell, Lee Henry
Burns, Orris Edward, III
Cahill, Leon Henry
Decaria, Don Bruce
Drake, Bruce Lee
Dufeck, Jerry L.
Enderle, Frank Xavier
Felix, Robin NMN
Gangler, Douglas Norman
Hutchinson, Richard M., III
Jepson, Ben Blair, Jr.
Johnson, Valdemar Ken
Johnston, George
Kanerva, Edwin John
Levanduski, Stanley J.
Lott, Gus Kaderly, Jr.
Newhagen, Mark
Norwood, Charles J.
Peshinski, John Gordon
Petke, David Charles
Reese, Robert Allen
Ritz, Steven Arthur
Rowe, Charles Lowry, Jr.
Spivey, David Allen
Sroka, Edwin Harry
Stark, William R.
Wallizer, Dorothy Eugenia
Ward, Jay Weidner
Whitney, Robert Thomas
Witherspoon, John Stephen
Zellmann, Harry William

SPECIAL DUTY OFFICER (INTELLIGENCE) (163X)

Lieutenant commander

Alcock, Hugh Dorsey, Jr.
Andersen, Michael D.
Anglin, Mark Gibson
Arseneault, Daniel Scott
Bowyer, Barbara Jo
Breen, Charles H.
Breyer, Thomas P.
Chapman, Daryl Lynn
Clarkson, Gregory Joseph
Edmondson, William David, Jr.
Effemey, Deborah Kay
Fengya, Darryl John
Foree, Steven Craig
Fortugno, John Pasqual
Francis, William Bartlett
Garrison, Amy Lee
Harding, William Edward
Hays, Joseph Gregory, III
Holloway, Jeffrey Lee
Hull, Peter Randall
Hyde, Susan Jean
Kelly, James M.
Koumbis, Gregory Anthony
Kuhn, Michale Francis
Latham, Kevin James
Ligon, Steven R.
Manley, James Edward
Meyer, Donald Alan
Nadolski, Allan R.
Newton, Kenneth Robert
Olsen, Rynn Barrington
Ozura, Paul E.
Patridge, Beth Elaine
Potthast, David Raymond
Reddig, James Robin
Rosenow, John Robert
Rubbo, Daniel NMN
Sahrbeck, Douglas John
Scottsmith, Philip Roberts
Solan, Michael Alexander
Snider, Gene NMN
Taylor, James Dale

Timreck, Lee Ann
Turnbull, Vivian Leonard
Tweed, Jay M.
Villarreal, Michael Stanley
Whetstine, Dean Martin
Wildman, Michael Brent
Wilkinson, Bruce Rokuro
Wilton, Terry L.

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS) (165X)

Lieutenant commander

John, Michael W.
Malcomb, Alvin D.
Nash, Robert Lee, Jr.
Sonntag, William B.

SPECIAL DUTY OFFICER (OCEANOGRAPHY) (180X)

Lieutenant commander

Barker, Jeffrey Lee
Byars, Beverly Joan
Cook, William Ashford
Curry, William T.
Devendorf, Lee Earl
Diunizio, Mark
Dunnavan, George Milton
Fettes, Michael Duane
Gleason, John Patrick
Gunderson, Christopher
Gural, Nicholas Douglas
Kindergan, Walter B.
Lage, Thomas Donald
Lawson, Robert A.
Martin, David Lawrence
Moren, Christopher A.
Pertle, William Edgar
Pfeil, Fredrick Richard
Pind, Michael D.
Rosner, Hardi Siegfried
Runco, Mario NMH, Jr.
Sherman, Brett Tyler
Simmons, Ray C.
Smith, Darrell Henry
Stamey, Billy Barton, Jr.
Toepfer, Keith Howard
Tomkins, Randolph Ditmars
Waterreus, Jeroen Johannes

LIMITED DUTY OFFICER (61XX/64XX)

Lieutenant commander

Acton, Bruce Joseph
Adamonis, Joseph Edward
Albrecht, Ricky Irvin
Alexander, Jose Antonio
Allen, Andrew J.
Allen, Gene Russell
Appleby, Edward R.
Ayers, William Stuart, Jr.
Bailey, Thomas P.
Baker, Charles Vincent
Bancroft, Herman G., III
Barkman, John G., Jr.
Barlow, Cecil Edward
Barnes, Richard S.
Bassett, Kenneth Randolph
Bell, John William
Benson, Thomas Stuart
Black, Edward James
Botulinski, Thomas J.
Bowen, William Grant
Bright, Leroy Frank, Jr.
Brookshire, David Reece
Brown, Lonny D.
Brown, Richard C.
Bunker, Edward J.
Burkett, Michael Carl
Callaway, Ralph Francis
Carter, William Raymond, Jr.
Casteen, John Douglas, Jr.
Ceely, Richard Allen
Celli, Lino Joseph
Chalker, James R.
Chavez, Juan Leroy
Christopher, Ronald J.
Claytor, Linwood Clark
Clingenpeel, Roy
Coble, Richard A.
Cope, James Donald
Coppinger, Michael L.
Crandall, Roland Edwin
Crutz, David Alan
Culver, Robert J.
Curtis, Larry Jean
Curtis, Richard Lassell
Dearbeck, Jerry Lee
Degloma, Thomas Edward
Denecamp, Gustav A., III
Dixon, Willard Eugene
Doane, Ellis H., III
Dotson, Edward L.
Edwards, Perry B.
Elliott, Sidney Marvin
Ellsworth, Richard H.
English, Floyd Edward
Fairbanks, John
Farley, Harold, Jr.
Ferris, Albert D., III
Fiore, Samuel Stephen
Forgach, Gary L.
Fortner, William S.
Fountain, Bruce E.
Fox, William Emmett, Jr.
Francia, Anthony A.
Franzen, Gerald J.
Frenck, Wayne Howard
Fry, Rene Maurice
Fulton, Terry L.
Gamble, Bruce T.
Gardner, David C.
Gardner, Dennis Michael
Goldberg, John Willi
Golden, Richard Vern
Goodlet, Sammie NMN
Gowens, Michael Wayne
Gregory, James L.
Griffin, John L., Jr.
Griffin, Roy Duane
Haag, Gunter NMN
Habel, Gareth Robert
Hada, Wilford Van
Hall, Homar Howard, Jr.
Hampel, Kenneth Earl
Hansen, Joseph A.
Harris, Charles Michael
Harris, David J.
Harrison, Jonathan C.
Harrison, Lonnie P.
Hart, Gerald Earl
Hendrickson, Wayne
Hills, Stephen George Richard
Ho, Norman Timhoy
Hobart, David C. Sr.
Hohorst, Dedrich C.
Holland, James Wesley, Jr.
Holub, Daniel Francis
James, Richard Lee
Jelley, Kenneth Irving
Johann, Charles Louis
Jones, Donald Lee
Jones, Stephen C., Jr.
Judy, Daniel Edward
Kell, George Edward, Jr.
Kelly, Peter James
Kenner, Robert P.
Kimmel, John Francis, Jr.
King, Michael Clayton
King, Roger Lee
Kislingbury, Wayne Joel
Knutson, Eugene Lee
Koebel, Jerry Albert
Koritar, John Andrew
Kraemer, Kent Hugh
Kruk, Edward M.
Lambard, Richard E., Jr.
Laun, Gary L.
Lauseng, Leroy Leonard
Lemaster, Robert Earl
Lineburg, Frederick F.
Long, Richard K.
Long, Robert Claude
Lopez, Raymond Francis, Jr.
Lorenz, Duane Edwin
Loveless, Paul F., Jr.
Lundgren, John Fredrick
Mahoney, William Albert
Majority, James N.
Manley, Larry Joe
Martin, Stanley Richard
Martine, Dennis Keith
McAvoy, Arthur R.
McCammon, Michael Allen
McComb, Jeffery Lee
McNabb, Steven Dennis
Merideth, Allen Thomas
Metcalf, Thomas Earl
Metheny, Marvin D., II
Miles, Neal S.
Milstead, James A.
Mock, Robert C.
Moore, Thomas L.
Morgan, Robert L.
Morgan, Roger Dale
Mosely, Charles Lesley
Neeley, Martin Floyd
Noble, Thomas K., Jr.
Norris, Melvin Saul
Norton, James L.
Oleary, Thomas Marsden, Jr.
Paez, Rudolph A.
Pehling, Gary Walter
Poland, Thomas R.
Porter, Vernon, Jr.
Preston, Richard Willia
Pugh, Robert William
Ramirez, Ray
Ramsey, Marshall N.
Rhames, William Chester
Rice, Stephen Wilhem C.
Ringering, David Allen
Roadinger, Michael J.
Rouse, Russell E.
Rugenstein, Mark Wayne
Sala, Alan Jerome
Salts, Rodney J.
Sansom, Richard Thomas
Sargent, Roger A.
Schorr, Gary N.
Scott, George L.
Severance, Frank R.
Shelton, John P.
Shrader, Robert Eugene
Simmons, Jerry Max
Simonds, Frank Henry, Jr.
Smith, Isaac Herman, Jr.
Smith, Randall C.
Souza, Gerald Wayne
Spruill, Danny Eugene
Stanwood, Arthur Hodg, Jr.
Stevens, Thomas E.
Stone, John A.
Strawder, Freddie Eugene
Strother, Burhl E., Jr.
Summey, Roger A.
Swear, George M.
Sweeney, John Forest
Szakas, John Francis
Taylor, Charles C.
Tenaro, Harry N.
Thompson, Harry Michael
Thompson, Larry E.
Tucker, David Wayne
Turner, Richard William
Turpen, Michael Connell
Tyrrell, Marvin F., Jr.
Urrutia, Ronald
Utterback, Norman Arthur
Vaughan, Danny
Viau, Raymond Allan
Vorndran, Thomas Francis
Walker, Charles Bertr, Jr.
Webb, Clyde Quinton
Weller, Phillip Andre

Wells, Ralph Chester
Werner, James Paul
White, John William
Wild, Lawrence A.
Wilkins, Donald Michael
Williams, Michael Edward
Willis, Gary L.
Woodburn, Harold J.
Woods, Hubert F., Jr.
Woods, William Edward, Jr.
Wright, Harry A.
Young, John W.
Youngblood, Adrian C.
Zane, George K.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 12, 1985:

LEGAL SERVICES CORPORATION

Hortencia Benavides, of Texas, to be a member of the Board of Directors of the Legal Services Corporation for the remainder of a term expiring July 13, 1986.

LeaAnne Bernstein, of Maryland, to be a member of the Board of Directors of the Legal Services Corporation for the remainder of a term expiring July 13, 1986.

Lorain Miller, of Michigan, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1986.

Claude Galbreath Swafford, of Tennessee, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1986.

Robert A. Valois, of North Carolina, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1986.

William Clark Durant III, of Michigan, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Paul B. Eaglin, of North Carolina, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Pepe J. Mendez, of Colorado, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Thomas F. Smegal, of California, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Basile Joseph Uddo, of Louisiana, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

Michael B. Wallace, of Mississippi, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1987.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Wednesday, June 12, 1985*

The House met at 10 o'clock a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Help us, O God, to remember that one of Your greatest gifts to us is the gift of thanksgiving. May our words and deeds reflect Your love to us and the kindness shown by our colleagues and friends. In the daily run of life may we not be so immersed in the necessary details that we fail to be filled with the glorious gifts of wonder, awe, praise and thanksgiving. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McCAIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCAIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 142, answered "present" 4, not voting 36, as follows:

[Roll No. 153]

YEAS—251

Ackerman	Borski	Crockett
Addabbo	Bosco	Daniel
Akaka	Boucher	Darden
Alexander	Boxer	Daschle
Anderson	Breaux	Davis
Andrews	Brooks	de la Garza
Annunzio	Broomfield	DeLay
Anthony	Brown (CA)	Dellums
Archer	Broyhill	Dicks
Barnard	Bruce	Donnelly
Barnes	Bryant	Dorgan (ND)
Bateman	Bustamante	Downey
Bates	Byron	Duncan
Bedell	Carper	Dwyer
Beilenson	Carr	Early
Bennett	Chappell	Eckart (OH)
Berman	Clinger	Edgar
Bevill	Coelho	Edwards (CA)
Biaggi	Coleman (TX)	English
Boggs	Collins	Erdreich
Boland	Conyers	Evans (IL)
Boner (TN)	Cooper	Fascell
Bonior (MI)	Coyne	Fazio
Feighan	Lipinski	Rose
Fish	Lloyd	Rostenkowski
Flippo	Long	Roukema
Florio	Lowry (WA)	Rowland (GA)
Foglietta	Luken	Roybal
Foley	Lundine	Rudd
Ford (TN)	MacKay	Russo
Fowler	Manton	Sabo
Frank	Markey	Savage
Frost	Martin (NY)	Scheuer
Fuqua	Martinez	Schneider
Gaydos	Matsui	Schumer
Gejdenson	Mavroules	Sharp
Gephardt	Mazzoli	Sisisky
Glickman	McCloskey	Skelton
Gonzalez	McCurdy	Slattery
Gordon	McHugh	Smith (IA)
Gradison	McKinney	Smith (NE)
Gray (IL)	Mica	Smith (NJ)
Gray (PA)	Michel	Snowe
Green	Mikulski	Snyder
Guarini	Miller (CA)	Solarz
Hall (OH)	Mineta	Spratt
Hall, Ralph	Mollohan	St Germain
Hamilton	Montgomery	Staggers
Hammerschmidt	Moody	Stallings
Hartnett	Moore	Stark
Hatcher	Morrison (CT)	Studds
Hayes	Mrazek	Sweeney
Hefner	Murphy	Swift
Hertel	Murtha	Synar
Holt	Myers	Tallon
Hopkins	Natcher	Tauzin
Horton	Neal	Thomas (GA)
Hoyer	Nelson	Torres
Hubbard	Nichols	Towns
Huckaby	Nielson	Traficant
Hughes	Nowak	Traxler
Hutto	Oakar	Udall
Jeffords	Oberstar	Valentine
Jenkins	Obey	Vander Jagt
Johnson	Olin	Vento
Jones (NC)	Owens	Visclosky
Jones (OK)	Panetta	Walgren
Jones (TN)	Pease	Watkins
Kanjorski	Perkins	Weaver
Kaptur	Petri	Weiss
Kastenmeier	Pickle	Wheat
Kennelly	Price	Whitley
Kildee	Pursell	Whitten
Kleczka	Quillen	Williams
Kolter	Rahall	Wirth
Kostmayer	Rangel	Wolpe
LaFalce	Ray	Wortley
Lantos	Regula	Wright
Leath (TX)	Reid	Wyden
Lehman (CA)	Richardson	Wylie
Lehman (FL)	Rinaldo	Yates
Leland	Robinson	Yatron
Levin (MI)	Rodino	Young (MO)
Levine (CA)	Roe	

NAYS—142

Armey	Combest	Gilman
Badham	Conte	Gingrich
Bartlett	Coughlin	Goodling
Barton	Courter	Gregg
Bentley	Craig	Gunderson
Bereuter	Crane	Hansen
Bilirakis	Dannemeyer	Hendon
Blilley	Daub	Henry
Boehlert	Derrick	Hiler
Boulter	DeWine	Hunter
Brown (CO)	Dickinson	Hyde
Callahan	Dreier	Ireland
Campbell	Durbin	Jacobs
Carney	Eckert (NY)	Kemp
Chandler	Edwards (OK)	Kindness
Chappie	Emerson	Kolbe
Cheney	Fawell	Kramer
Clay	Fiedler	Lagomarsino
Coats	Fields	Latta
Cobey	Franklin	Leach (IA)
Coble	Frenzel	Lent
Coleman (MO)	Gekas	Lewis (CA)
Lewis (FL)	Moorhead	Slaughter
Lightfoot	Morrison (WA)	Smith (NH)
Livingston	Oxley	Smith, Denny
Loeffler	Packard	Smith, Robert
Lott	Parris	Solomon
Lowery (CA)	Pashayan	Spence
Lujan	Penny	Stangeland
Lungren	Porter	Stenholm
Mack	Ridge	Strang
Madigan	Ritter	Stump
Marlenee	Roberts	Sundquist
Martin (IL)	Roemer	Swindall
McCain	Rogers	Tauke
McCandless	Roth	Taylor
McCollum	Saxton	Thomas (CA)
McDade	Schaefer	Vucanovich
McGrath	Schroeder	Walker
McKernan	Schuette	Weber
McMillan	Schulze	Whitehurst
Meyers	Sensenbrenner	Whittaker
Miller (OH)	Shaw	Wolf
Miller (WA)	Shumway	Young (AK)
Mitchell	Shuster	Young (FL)
Moakley	Sikorski	Zschau
Molinari	Siljander	
Monson	Skeen	

ANSWERED "PRESENT"—4

Atkins	Dymally
Dowdy	Smith (FL)

NOT VOTING—36

Applegate	Ford (MI)	Ortiz
Aspin	Gallo	Pepper
AuCoin	Garcia	Rowland (CT)
Bonker	Gibbons	Seiberling
Burton (CA)	Grotberg	Shelby
Burton (IN)	Hawkins	Stokes
Dingell	Heftel	Stratton
DioGuardi	Hillis	Torricelli
Dixon	Howard	Volkmer
Dornan (CA)	Kasich	Waxman
Dyson	McEwen	Wilson
Evans (IA)	O'Brien	Wise

□ 1020

Mr. SCHUMER changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week"; and

H.J. Res. 64. Joint resolution designating Mother's Day, May 12, 1985, to Father's Day, June 16, 1985, as "Family Reunion Month."

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1042. An act to authorize certain construction at military installations for fiscal year 1986, and for other purposes;

S. 1160. An act to authorize appropriations for the military functions of the Department of Defense and to prescribe per-

sonnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes;

S.J. Res. 88. Joint resolution to designate the week beginning September 8, 1985, as "National Osteopathic Medicine Week";

S.J. Res. 125. Joint resolution designating the week of June 23, 1985, through June 29, 1985, as "Helen Keller Deaf-Blind Awareness Week";

S.J. Res. 137. Joint resolution to designate the week of December 15, 1985, through December 21, 1985, as "National Drunk and Drugged Driving Awareness Week";

S.J. Res. 138. Joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week"; and

S.J. Res. 142. Joint resolution to designate June 12, 1985, as "Anne Frank Day."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1815

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1815.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE 92 GROUP BUDGET PROPOSAL—BLUEPRINT FOR BALANCE

(Mr. PURSELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PURSELL. Mr. Speaker, the conferees on the budget have begun their work. As chairman of the Budget Task Force of the 92 Group, I would like to urge the conferees to take a hard look at the 92 Group's budget proposal for a couple of reasons. First, it in large part strikes a middle ground between the House and Senate versions in a way that is fair and balanced. Second, and more importantly, its proposals achieve real savings in hard numbers.

The 92 Group budget proposal reduces inefficient or exorbitant expenditures, yet it protects the important responsibilities of our Federal Government while putting us on a course toward a balanced budget without raising taxes. We call it a blueprint for balance.

Above all, it is important to formulate a budget which targets savings that actually are attainable. This Nation needs to face fiscal responsibility and operate with a balanced budget. Congress must achieve an historic turnaround by achieving at least $50 billion in savings.

The 92 Group encourages the conferees to accomplish our goal and the goal of most Americans.

AMERICA'S DEVASTATING AGRICULTURAL DEPRESSION

(Mr. THOMAS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Georgia. Mr. Speaker, I think it is a bit of a sad occasion when we must come here before this Congress and the Nation to remind ourselves of the devastating depression that is strangling the very life of our Nation's structure of agriculture, and most especially its farm people. How can it be that here where our only hope of survival exists that we must remind our Nation's leaders and its people of the pending debacle, when farm debt is at an all-time record high, when farm net income is at an all-time record low, when parity, that simple formula for a reasonable return and a reasonable profit is at depression levels; when exports have plummeted from an all-time high of $43 billion in 1981 to $33 billion today, and when record farm foreclosures and record agricultural bank failures rip the Nation.

How compelling and how evident must the numbers grow before this administration, before this Congress and before this Nation finally admits the pending debacle and assumes its responsibility?

It is a national issue comparable to all others that rests here in this body and only through a national effort can we reverse the unthinkable calamity that faces our Nation's farmers and its agricultural people.

PEDRO JOAQUIN CHAMORRO ON THE CONTADORA PROCESS

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, the simple reality is that without internal reconciliation and a true democratic process inside Nicaragua, Central America will never be at peace. This was recently highlighted by Pedro Joaquin Chamorro, the exiled editor of La Prensa and one of the most eloquent spokesman for Nicaragua's democratic opposition.

In the March 29 edition of Bogota, Colombia's El Tiempo newspaper, Mr. Chamorro noted that:

> As long as the Contadora Group does not realize that for there to be a solution to the Central American crisis there must first be democratization in Nicaragua and as long as the group pays more attention to the symptoms rather than the illness, it will be condemned to meeting every month for the next 20 years.

Mr. Speaker, the United States must give Nicaragua's democratic opposition the means by which to effect reform within Nicaragua. Without our help, Nicaragua will be condemned and, to paraphrase Mr. Chamorro, the war will go on.

BREAKING FAITH WITH OUR CONSTITUENTS ON TAXING EMPLOYEE BENEFITS

(Mr. SAVAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAVAGE. Mr. Speaker, in 1945, the Congress adopted a national policy to promote vital life support programs for millions of American families by exempting employee health and welfare benefits from taxation. We realized then that these benefits provided a necessary safety net against economic disaster and reduced the burden on the Federal Government to create and finance similar programs.

For 40 years, American workers have bargained in good faith for these benefits, forsaking wage increases in almost every instance, to ensure that they and their families were protected.

Unfortunately, in the face of the necessity to reduce our enormous deficit, measures to tax vital employee benefits are currently under consideration by this Government.

If passed, measures now under consideration would break faith with our constituents nationwide. Not only would they mean smaller paychecks, but they are likely to destroy successful programs that have taken years to establish. In the long run, they are likely to increase our Federal deficit as we are compelled to replace the programs that tax considerations were designed to promote. The effect on labor-management relations would be devastating. Most importantly, passage would leave millions of Americans without vital health and welfare coverage.

The 1983 statistics indicate that 75 percent of those with pension coverage and almost 80 percent of the workers covered by health plans earn less than $25,000 per year; 126 million persons—workers and their families—have one or more forms of group health insurance protection.

Proponents of health benefit taxation claim that the present tax preference is unfair to employees without employer provided benefits. Were these advocates of equality calling for national health insurance to ensure the health of all—if so, their arguments might have some credibility.

Of course, the present policy of tax exemption does not provide adequate health care for the entire Nation. But until such a National Health Program is enacted, the removal of the benefits will lead only to a greater disparity in health care and social benefits, and further erode the state of health in our Nation.

Last week, I introduced House Resolution 184, resolving that we, as a body, will not make or accept any tax reforms or revisions that reduce or limit these current tax benefits. We should oppose any taxes to the employer or employee for employee health care, life insurance, education assistance, group legal services, unemployment compensation, workers' compensation and disability programs, and pension benefits.

I ask your support of this sense of the House advice to the Ways and Means Committee and to President Reagan.

□ 1030

THE TRUTH ABOUT THE SANDINISTAS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, the Sandinistas have used deception to convince the United States and other nations around the world that they were not Communists and really wanted an open society. Finally, however, the truth is out.

Late last year, Comandante Arce, of the Sandinista Liberation Front, gave a secret and very revealing speech about the Sandinistas.

Comandante Arce welcomed the members of the Nicaraguan Socialist Party by saying:

Good morning, Comrades.

Regarding elections, he said:

Of course, if we did not have the war situation imposed upon us by the U.S., the electoral problem would be totally out of place in terms of its usefulness.

He also said:

We see the elections as one more weapon of the revolution. We intend to take advantage of them.

On a mixed economy, Arce said:

We've talked about this being the first experience of building socialism with the dollars of capitalism.

On the export of the revolution:

We cannot cease being internationalists unless we cease being revolutionaries. We cannot discontinue strategic relationships unless we cease being revolutionaries.

If any of you have any doubts about what kind of a government is in power in Managua, I strongly recommend that you read the complete speech. It is food for thought, but it might give you indigestion.

1985 EXPORT EFFICIENCY PACKAGE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, recent reports from the Department of Commerce warn that our trade deficit for fiscal 1986 is expected to be $140 billion. That translates into a loss of about 5 million American jobs. There is a direct correlation between Americans living overseas selling our products, and the volume of American sales to foreign consumers.

In this climate of tax reform I am introducing the 1985 export efficiency package, designed to address inequities imposed upon Americans overseas in the form of double taxation, tax discrimination and tax disincentives.

I urge my colleagues to give consideration to this serious issue.

VOTE FOR BIPARTISAN SUBSTITUTE FOR AID TO NICARAGUA

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, there are 118 Members of this House who were here in 1979 and cast votes in favor of sending $75 million to the Sandinistas in Nicaragua. They did so based on the Sandinista's commitment to free elections, a democratic form of government, and nonalignment.

It is very clear that all three of those commitments have been broken. I hope very much that those 118 Members recant today by casting their votes in favor of our bipartisan substitute.

FAIR INSURANCE COVERAGE ACT

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, today, along with 113 of my colleagues, I am introducing the Fair Insurance Coverage Act. This bill would prohibit discrimination in insurance against the blind. It has long been the job of the States to regulate insurance, and I am not trying to change that. But there are still some States without laws prohibiting such discrimination, and the States which have these laws don't enforce them equally. That's why a Federal option is needed.

Last year, the Fair Insurance Coverage Act was favorably marked up by the Subcommittee on Commerce, Transporation, and Tourism before time ran out on the 98th Congress; 125 Democrats and Republicans signed on, and I know that even more will do so this year.

The Fair Insurance Coverage Act is needed because blind people are not always allowed to buy insurance, and when they are permitted to buy it, they are often charged higher rates. This is an unfair situation which must be changed.

Senator MATHIAS is introducing a companion bill in the other body. I urge my colleagues to cosponsor the Fair Insurance Coverage Act and work for its passage.

REAGAN TAX REFORM PLAN

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, it is quite alarming to me to have found and to discover that the Reagan administration has admitted publicly that they have not done an economic analysis on what would happen with trade if their tax plan is adopted.

Let me submit to my colleagues today and to this country that this tax plan is at the wrong time, the wrong day, and under the wrong circumstances.

Mr. Speaker, today we have a trade deficit that was increased from a $50 billion surplus 5 years ago to a $140 billion annual deficit today. Our country has become a debtor nation for the first time since 1913.

We have $130 billion of foreign currency undergirding or underwriting the deficits of this country. During this administration the dollar has become overvalued by more than 45 percent. That is like placing a 45-percent tariff on any U.S. exports making it near impossible to export U.S. products.

Now at this time the President of the United States is offering a tax plan that would wipe out the incentives for our industries to produce on United States of America soil, not overseas. The President's tax plan does nothing to help U.S. trade. In fact it hurts trade and does nothing to reduce the domestic deficit. In fact, it increases the domestic deficit.

I submit to you and I predict to you that if the Ronald Reagan tax plan is accepted in total it will expedite the erosion of U.S. industry overseas and it will export millions of jobs. His tax plan will erode our economic base in America, and we will not have the opportunity to build an economic future for our people. It will affect our national security and it will also affect the standard of living of this country. The President's tax plan is presented at the wrong time for the necessary economic growth that even the President admits must occur if we are to solve these dangerous recordbreaking domestic and trade deficits.

THE DEFICIT: NOW IS THE MOMENT OF TRUTH

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, you and your Democratic colleagues have, time and time again, said you would never consider any cuts in Social Security COLA's.

Over in the Senate, Mr. DOMENICI and his colleagues said they would never, under any circumstances, consider any cuts in defense.

If both sides stubbornly stick to their guns, there can be only one kind of compromise. And it's the same old one we have seen year after year. Once again, we'll spend and spend on everyone's priorities—defense, Social Security, Amtrack, small business loans, and all the rest. You get yours and I get mine. And once again, we'll send a bill drenched with red ink to our children.

This is unconscionable. I have written all the House and Senate conferees urging them not to make yet another big-spending compromise. If we get this kind of conference report, I will do all I can to defeat it.

Now is the moment of truth. Let's urge the conferees to take the responsible course—and do something for our children instead of to them.

WE SHOULD FOLLOW THE PRINCIPLES OF THE 92 GROUP

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Mr. Speaker, as the conference committee begins their work of resolving the differences between the House and Senate I would like to urge my colleagues in the House to recall the debate we had on the budget and follow the principle which guided the 92 Group's work on writing their blueprint for balance and send a recommendation for a specific course of action to this House.

It is critically important for the conference committee to produce a compromise budget that reduces the deficit by the $56 billion this body agreed was necessary. The first priority of the 99th Congress must be to assure America's long-term economic health by significantly reducing and then eliminating the deficit. The members of the 92 Group believe, as do many other Members of this body, that deficit reduction is critical to continue economic growth, expand job opportunities, reduce our trade deficit, restore the competitive position of American industries at home and abroad, and prevent a worldwide economic crisis.

Mr. Speaker, it is imperative that the House-Senate conference committee produce a budget document that will send clear signals to all Americans and to the world that this Congress is serious and committed to bringing down the dangerously high deficit and its projections in the future. This demands tough decisions by the conference committee and our strong support for them now and as each appropriations bill comes to this floor.

THE FARM CRISIS HAS WORSENED

(Mr. WEBER asked and was given permission to address the House for 1 minute.)

Mr. WEBER. Mr. Speaker, I rise today to join several of my colleagues in reminding the country that the crisis in agriculture is not abating but indeed is deepening.

Several months ago everybody in the country was aware of the farm problem; land values had fallen, interest rates were high, commodity prices were depressed and many farmers could not get any credit to get into the field.

Now, America's farmers are in the fields, at least those who could get credit or the country's attention had been turned to other problems.

But what has happened to agriculture in the meantime? Simply put, Mr. Speaker, conditions have worsened. Land values have continued to fall and are falling today. Interest rates have actually risen throughout much of the farm credit system to compensate for the losses and bad loans in that system; and commodity prices are headed for lower levels this fall, not higher levels.

Mr. Speaker, what this means is that the farm credit crisis will be worse this fall, when lenders seek repayment on loans extended this spring, than it was last spring.

I urge my colleagues now to turn their attention to this pressing problem while there is still time to formulate a reasonable response and before the crisis is upon us this fall.

WE NEED A PROPER BALANCE IN OUR EDUCATIONAL VALUES

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, in the last couple of weeks we have seen a very strong irony develop; in the same time period in which the U.S. Supreme Court said even a moment of silence in which children are told that they may pray, is unconstitutional, we have in New York the founding of a high school specifically to serve homosexual and lesbian students.

The question is: If that is a proper value; that is, if a school should be developed around that value system, why is it improper to allow our children to express their religious values in school? It seems rather strange that many who would support both of those positions yet would fight us on the floor of the House as we attempt to establish a voucher system. Their attitude is that students who have a value which is formed around religion, a particular religion, are to be denied the opportunity to send their children to such a school if assisted by such a voucher system.

It is such an irony. It would have our Founding Fathers shaking their heads at the interpretation by the U.S. Supreme Court this year and in recent years, of the Constitution that they gave us.

□ 1050

THE FOREIGN AID BILL

(Mr. SCHEUER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the foreign aid bill is coming up very soon. The foreign assistance bill?

I would be delighted to yield to the distinguished chairman of the committee.

Mr. FASCELL. I thank the gentleman for yielding, and I did not mean to interrupt him; I apologize for that.

The foreign aid bill, I will say to the gentleman, has been ready for floor action since April 15, and for a variety of circumstances, none of which I will bore or trouble you with, we are not here yet.

I ask unanimous consent to address the House for 1 minute, Mr. Speaker, and yield my time to the gentleman in the well.

The SPEAKER pro tempore (Mr. DASCHLE). The gentleman in the well still has the time.

Mr. SCHEUER. Would the chairman of the committee care to give us some reason as to why the foreign aid bill has been delayed in coming to the floor?

Mr. FASCELL. I would be happy to hear them, because I have not been able to find out.

Mr. SCHEUER. No, I was wondering whether you would enlighten us.

Mr. FASCELL. Oh, I thought you were going to tell me.

The SPEAKER pro tempore. The time of the gentleman has expired.

THE FOREIGN AID BILL

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I appreciate the indulgence of the House in this colloquy. As I was saying to the gentleman from New York, we have been prepared to bring the foreign aid bill to the floor since April 15. All of our other authorizing legislation has been reported by the Committee on Foreign Affairs.

We did our best to get ahead of the curve on appropriations; we think it is

very important to do that; we even wanted to get ahead of the budget if we could, but for a variety of reasons having to do with emergency matters and other matters on the floor, we just have not been able to secure a slot.

We were scheduled for this week, but I guarantee you by the time we get through with the measure before us today and the joint session and other legislation tomorrow, there will be little time left to take up the foreign aid bill. We have a 12-hour rule on the foreign aid bill; what we need is two 6-hour days to complete consideration of that legislation.

The first chance we get, we will do that, I will assure you.

Mr. SCHEUER. I thank the gentleman for enlightening the House.

VOTE FOR THE MICHEL AMENDMENT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker and my colleagues, for those of you that are prepared to vote for the Boland amendment today, I hope you will bear in mind that you will be calling on the United States to unilaterally refuse to defend against the very clear evidence now available, which now makes apparent that the Soviet, Cuban, and Nicaraguan Communists are entrenched in Central America and are beginning to follow through with their stated goals to undermine and overtake all of Central America.

Mr. Speaker, I urge our Members to vote for freedom in Central America, agaist the Boland-Gephardt and Hamilton amendment, and for the Michel amendment.

THE ECONOMIC ASSUMPTIONS IN THE BUDGET RESOLUTION ARE INCORRECT

(Mr. MACKAY asked and was given permission to address the House for 1 minuted, and to revise and extend his remarks.)

Mr. MACKAY. Mr. Speaker, we are now on the second day of the conference committee on the budget. The situation is unique in that yesterday and today the chairmen on both sides are saying that we have to do more in deficit reduction than has been accomplished in either the House bill or the Senate bill. These comments reflect the growing awareness that the economic assumptions behind the budget resolutions in both Houses are incorrect.

Newly available economic indicators for the first half of 1985 show that the deficit crisis is more intense, and more causally related to the international trade deficit, than most of us had anticipated. In the face of this reality, today's business-as-usual supplmental appropriations bill, with almost $2 billion of nonemerging spending, all taking place outside the budget process, will prove to be one of the great mistakes of 1985.

I suggest that the House send a signal not only to our conferees, but to the investment community and to the world, that this year is not business as usual in the House; that we are serious about getting budget deficits under control.

The way to send that signal is to defeat this supplemental appropriations bill and instruct the Appropriations Committee to bring back a stripped-down bill, leaving out those projects which are not emergencies, and reducing all emergency appropriations to a bare minimum.

I suggest the budget deficit is the most important single item before the House this year, and the time for business as usual is past.

SANDINISTA REVOLUTION WAS A STATEMENT OF HATRED AGAINST SOMOZA

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, as we begin our debate on the Nicaraguan aid issue to the Contras, I would simply like to point out that the Sandinistas were only one part of a larger group of Nicaraguans who were fighting for freedom from Somoza.

Most of the other groups they have pushed aside, persecuted and exiled. The revolution was not, as the Sandinistas would have the American public believe, a victory for their party. It was simply a statement of hatred against Somoza and his followers, yet the Sandinista junta has repeatedly tried to convince the world that the revolution was a long-awaited mandate for Marxist-Leninism in Nicaragua. Do not believe it.

There are some who think that such deceit should be rewarded. It kind of reminds me of the old story of the son who was so greedy that he murdered his parents in order to get his inheritance and then righteously claimed that he was just an orphan.

Mr. Speaker, today we are going to have several opportunities to vote on aid to the Contras. The Michel amendment is unquestionably better than the Hamilton-Barnes amendment. The Michel amendment states in concrete terms America's support for the Contras. The other simply represents a further tragic degradation of America's historic commitment to people fighting for freedom and democracy.

UNEMPLOYED HONDURANS FINDING WORK WITH THE CONTRAS

(Mr. MOODY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, I would like to share with my House colleagues a remarkable radio news broadcast from Panama City dated May 19:

> The Honduran National Federation of Unemployed reports that dozens of unemployed Hondurans are joining the Nicaraguan counterrevolutionary forces in desperation after not being able to find jobs in Honduras.
>
> (Federation) President Pedro Antonio Lopez said: "The members of our organization who are currently fighting with the FDN against the Sandinista regime are doing so to earn a few dollars. . . . (They) do not share their ideas, and are only fighting with them for money."

This is a frank admission that the Contra ranks include unemployed Hondurans looking for work—mercenaries, military mercenaries. Perhaps that helps explain why the Contras have been charged with so many atrocities toward civilians, as documented in the March 19, 1985, report of the respected Americas Watch. Historically, mercenaries have acted that brutally with civilians.

I challenge the administration to verify the accuracy of this report about unemployed Hondurans swelling the ranks of the Contras. And I challenge my colleagues to consider the means as well as the ends of our policy in Nicaragua. Are we proud of hiring the poor and the jobless in one country to promote our foreign policy goals in another?

VOTE NO ON THE MICHEL AMENDMENT

(Mr. DURBIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, much has been said this morning about the so-called Michel amendment which the House will be considering today. Several weeks ago, the House of Representatives considered a resolution, not binding as law, but a resolution on the subject of a minimum tax for corporations and wealthy individuals in America.

That resolution was defeated because there were those on the floor who took exception to its language and said it was not specific enough, even for a resolution.

I would hope that my colleagues on both sides of the aisle would apply the same standard and test to the Michel amendment.

Let me read to you the most important passage in the Michel amendment. It states:

Humanitarian assistance means the provision of food, clothing, medicine and other humanitarian assistance.

You may recall from your sixth grade, that we were instructed not to define a term by using the same term, but in the Michel amendment, which will stand for the foreign policy of the United States in Central America, that is exactly the definition.

As I stated on the floor yesterday, it is not humanitarian to only give aid to certain political groups, nor is it humanitarian to prolong a struggle which causes more pain and suffering.

We should stop and ask ourselves why our allies around the world and in the Americas have consistently refused to support the administration's policy in Central America and particularly in Nicaragua.

The humanitarian vote today is a "no" vote on the Michel amendment.

□ 1100

BOLAND AMENDMENT TO H.R. 2577 IS UNILATERAL DISARMAMENT OF PRO-AMERICAN SIDE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, when this House adopted the Boland amendment several years ago, there was some grounds for confusion about exactly what is going on in Central America. There are no grounds for confusion today.

The Boland amendment today is unilateral disarmament of the pro-American side. The Boland amendment will not stop the KGB, the Soviet secret police; the Boland amendment will not stop the Cuban intelligence activities; the Boland amendment will not stop Moscow and Havana from systematically reinforcing the Cuban ally Communist dictatorship.

All the Boland amendment will do today is say that the side which is pro-American, the side which is pro-freedom, the side which the United States is trying to help will be cut off from intelligence activities and other information.

It should be very clear to every Member of this House that you will increase the relative strength of the KGB, you will increase the relative strength of the Soviet military, you will increase the strength of the Cuban Communists. The only side you will weaken is the side that is allied to the United States and is trying to accomplish the values of freedom we believe in.

So a vote for the Boland amendment is in fact a vote for the unilateral disarmament of the side that favors freedom in Central America.

POPULATION GROWTH IN CENTRAL AND SOUTH AMERICA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I yield to my colleague, the gentleman from New York [Mr. SCHEUER]

Mr. SCHEUER. I thank the gentleman for yielding.

Mr. Speaker, on this morning's television shows we all heard the story of the 2-week-old infant who was abandoned in a street corner lot in Washington, unwanted, unloved, uncared for—a human tragedy, if there ever was one. Thank God the infant was still alive, and perhaps will get some decent care. But if that mother who abandoned that child had had the benefits of family planning, perhaps that child would not have been conceived and would not have been born unloved and unwanted.

Now, that episode is very unusual for the United States. But it is not unusual for Latin America. It is not unusual for Asia and Africa. And if you remember the words that the gentleman from Wisconsin [Mr. MOODY] just gave us of the enormous population growth in Central America, producing instability, chaos, and disintegration of regimes all over Central and South America, you will get some idea of the importance of enabling young Latin American couples to control their fertility and enabling governments to get some kind of rational control over their runaway population growth.

In the last 5 years, the two largest countries in Latin America, Brazil and Mexico, have done an about face away from antifamily planning, pronatalist policies to antinatalist, profamily planning policies.

In Mexico, television soap operas were used to contrast two families—one which used contraceptives and one which didn't. The television programs depicted how family life was enhanced through proper family planning. The programs painted the scene of what happens when people control their own fertility.

Statistics on Central and Latin America show a horrifying future for the region if they can't get their population growth under control.

The population explosion in Latin America and Caribbean nations now requires the economies of the region to create 4 million new jobs in every remaining year of this century just to maintain their current low levels of employment. That's a tall order when one considers that the United States, which is four times larger, has never created more than 3 million new jobs annually, even during the halcyon years of economic growth in the 1970's.

It is inconceivable that there is going to be anything but growing underemployment and unemploymnent in that region for the rest of the century. Such conditions will result in increased tension, unrest, tension and destabilization.

If further evidence is required to demonstrate the need for rational and effective population policies for the developing world, consider that if current population growth trends continue the world will need 800 million new jobs just to maintain the current high global unemployment rate through the end of the century.

PERMISSION FOR ADDITIONAL TIME FOR DEBATE ON MICHEL AMENDMENT TO H.R. 2577

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, after consultation with the majority side, I want to propound a unanimous consent request that has been agreed to by the majority leadership on the other side, but so that all Members are fully apprised of what the unanimous consent is, I call their specific attention to it.

Mr. Speaker, I ask unanimous consent that during the consideration of the bill, H.R. 2577, in the Committee of the Whole, it shall be in order for the Member offering the Michel amendment, and the Member recognized in opposition thereto, each to be allocated not to exceed 10 additional minutes of debate after the disposition of the Boland and Gephardt amendments.

The SPEAKER pro tempore (Mr. DASCHLE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUEST TO OFFER AMENDMENT TO HAMILTON AMENDMENT TO H.R. 2577

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. speaker, I ask unanimous consent, contrary to the rules but in consultation with the gentleman from Indiana [Mr. HAMILTON], to offer an amendment to his amendment that will be offered to H.R. 2577.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MICHEL. Mr. Speaker, reserving the right to object, I apologize to the gentleman, I was not paying attention. May I hear the gentleman's request again?

Mr. CONYERS. Yes.

I ask unanimous consent to amend a portion of the amendment offered by the gentleman from Indiana to H.R.

2577, and I would like to explain it. It is very simple.

It extends the refugee aid to refugees within Nicaragua as well as those without Nicaragua. I have consulted with the gentleman on this amendment.

Mr. MICHEL. Mr. Speaker, I would have to say to the gentleman that when I was assured we were going to have pretty much of a freestanding amendment, and then find, after deliberations of the Rules Committee, that not only is the opposition going to get one, two, or three specific opportunities to weaken what we thought was going to be a freestanding amendment on its own, I am constrained to object to the gentleman's request, because there was ample opportunity to appear before the Rules Committee and make that kind of a pitch.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield under his reservation?

Mr. MICHEL. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just like to say to the gentleman that there are those of us who would like to offer amendments, also. We have been shut out. And under no circumstances can we allow it, as much as we respect the gentleman in the well. If that is the case, we ought to have an open rule and we ought to all have our opportunity and our day in court here.

Mr. CONYERS. I have no objection to an open rule, or whatever amendments you want to offer. This is a relatively minor one that was not discovered until after you had come from the Rules Committee. I would appreciate the opportunity to bring it forward.

Mr. MICHEL. Mr. Speaker, I will have to say to the gentleman that on the sensitivity of the subject matter, one word can conceivably be very minor but it happens to be a major topic of debate in this House. On the grounds of that, Mr. Speaker, I am constrained to object to the gentleman's request.

The SPEAKER pro tempore. Objection is heard.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 2577, supplemental appropriations bill, 1985 and that I may include extraneous and tabular matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS BILL, 1985

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1109

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committtee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2577, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 11, 1985, the Clerk had completed reading the bill for amendment.

Pursuant to House Resolution 186 and today's unanimous-consent agreement, no amendments are in order except the following amendments which shall be considered in the following order only, shall be considered as having been read, shall not be subject to amendment except as specified, and shall be in order even if amending a portion of the bill already passed in the reading of the bill for amendment:

First. The amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by Representative MICHEL, if offered by Representative MICHEL or Representative MCDADE, which shall be debatable for 2 hours and 20 minutes, to be equally divided and controlled by the proponent and a Member opposed thereto, and after 2 hours of debate shall be subject to the following two amendments:

Second. The amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative BOLAND, which shall be debatable for 1 hour, to be equally divided and controlled by Representative BOLAND and a Member opposed thereto;

Third. The amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative GEPHARDT, which shall be debatable for 1 hour, to be equally divided and controlled by Representative GEPHARDT and a Member opposed thereto; and

Fourth. The amendment to the bill printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative HAMILTON, which shall be debatable for 2 hours, equally divided and controlled by Representative HAMILTON and a Member opposed thereto.

□ 1110

AMENDMENT OFFERED BY MR. MC DADE

Mr. McDADE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCDADE: Page 44, after line 23, insert the following:

HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

For an additional amount for humanitarian assistance provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense, to the Nicaraguan democratic resistance, $27,000,000 to remain available for obligation until March 31, 1986. Notwithstanding the Impoundment Control Act of 1974, one-third of the amount appropriated by this paragraph shall be available for obligation upon the enactment of this Act, an additional one-third shall be available for obligation upon submission of the first report required by section 104 of this chapter, and the remaining one-third shall be available for obligation upon submission of the second such report. As used in this paragraph, the term "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles or material which can be used to inflict serious bodily harm or death.

ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT

For payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems, $2,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. Funds appropriated by this chapter under the headings "Humanitarian Assistance for Nicaraguan Democratic Resistance" and "Assistance for Implementation of a Contadora Agreement" may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956 or any other comparable provisions of law.

SEC. 102. (a) The prohibitions contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in Section 101 of Public Law 98-473) and section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall, without limitation as to fiscal year, apply with respect to funds appropriated by this chapter under the headings "Humanitarian Assistance for Nicaraguan Democratic Resistance" and "Assistance for Implementation of a Contadora Agreement".

(b) Nothing in this Act, section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in Section 101 of Public Law 98-473), or section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall be construed to prohibit the United States Government from exchanging information with the Nicaraguan democratic resistance, or the obligation and expenditure, but only for the purposes for which they are expressly made available, of the funds appropriated by this chapter under the headings "Humanitarian Assistance for Nicaraguan Democratic Resistance" and "Assistance for Implementation of a Contadora Agreement."

SEC. 103. The President is urged—

(1) to vigorously pursue the use of diplomatic and economic steps to resolve the conflict in Nicaragua, including negotiations to—

(A) implement the Contadora Document of Objectives of September 9, 1983; and

(B) at the same time, develop trade and economic measures in close consultation and cooperation with other nations which will encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend military maneuvers in Honduras and off Nicaragua's coast, and to lift the embargo on trade with Nicaragua, if the Government of Nicaragua agrees to a ceasefire, to open a dialog with the Nicaraguan democratic resistance and to suspend the state of emergency; and

(3) to resume bilateral discussions with the Government of Nicaragua with a view of encouraging—

(A) a church-mediated dialog between the Government of Nicaragua and the Nicaraguan democratic resistance in support of internal reconciliation, as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

SEC. 104. (a) the President shall submit a report to the Congress every 90 days on the activities carried out in accordance with section 103 and on the assistance provided under the paragraphs of this chapter headed "Humanitarian Assistance for Nicaraguan Democratic Resistance" and "Assistance for Implementation of a Contadora Agreement". Such reports shall describe the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate and the progress of efforts to achieve the objectives set out in paragraph (3) of Section 103 and shall provide a detailed accounting of the disbursement of any such assistance.

(b) As part of each of the reports submitted pursuant to subsection (a), the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives, and to the Select Committee on Intelligence of the Senate, a report on alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua. With respect to the alleged violations the report shall include information on who is responsible for such human rights violations.

SEC. 105. ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS

(a) SUBMISSION OF REQUEST.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have produced an agreement, or show promises of producing an agreement, or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region, the President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherance of the Central America peace process.

(b) STATEMENT TO BE INCLUDED.—The President's request shall include a detailed statement as to progress made to resolve the conflict in the region.

(c) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) CONGRESSIONAL ACTION.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America peace process that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon the introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

SEC. 106. ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

(a) SUBMISSION OF REQUEST.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, or

(2) other trade and economic measures have failed to resolve the conflict,

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(b) STATEMENT TO BE INCLUDED.—The President's request shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(c) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) CONGRESSIONAL ACTION.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred

have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 1 hour and a Member opposed will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to our great friend, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding time to me.

Mr. Chairman, after weeks of bipartisan consultation we today present an amendment to provide humanitarian aid to the democratic resistance in Nicaragua.

Ironically, we have this chance to help the Nicaraguan democratic resistance in part because a Nicaraguan Communist flew the friendly skies of Aeroflot to Moscow.

The phrase "fly now, pay later" has taken on a deeper, richer meaning for President Daniel Ortega.

But I believe too much has been made of the Ortega trip. It didn't teach us anything new about Ortega. It did remind us of what we must always remember about Nicaragua. Nicaragua is not another Vietnam, it is another Cuba. Ortega's Moscow pilgrimage is a minor consideration when we measure it against the fact Communists have been consolidating their power in Nicaragua since 1979.

First, let me briefly outline the major points of our bipartisan amendment:

It provides humanitarian assistance only—food, clothing, medicine, and so forth, directly to the Nicaraguan democratic resistance.

The President will direct the administration of the funds and the CIA and DOD are specifically excluded.

And $27 million is appropriated for humanitarian assistance and $2 million for implementation of a Contadora agreement.

Funding continues until March 31, 1986 in three increments of $9 million—every 90 days—coinciding with submission of reports by the President.

There are expedited procedures for consideration of additional assistance to further the Central America peace process.

And the amendment provides for an exchange of information between the United States and the democratic resistance in Nicaragua.

The ultimate goal of this amendment is to foster a national dialog and a political solution to Nicaragua's problems.

It is an absolute precondition for development of the democratic process. It can come about only if the democratic resistance is perceived as being strong enough to provide a democratic alternative to one-part domination in that country.

The humanitarian aid this amendment provides symbolizes the direct and continuing commitment of the United States to the democratic future of Nicaragua and Central America.

In order to facilitate the aims of the amendment there must be an exchange of information between those giving and receiving the aid. The United States cannot be asked to give aid in a situation where, in effect, our Government and the democratic forces are wearing blindfolds while the Communist Sandinistas alone can see.

For the United States to provide direct humanitarian aid without learning how the aid is used would be an abuse of tax dollars. The sharing of information will also play a vital role in making certain that human rights policies are carried out by the democratic resistance.

Members should know that no less than three crippling amendments to our base amendment have been made in order by the rule.

I won't take time here to make a point-by-point case against these amendments.

But I do want to tell you that if you truly want to help the democratic resistance, we have to vote against the amendments offered by Mr. BOLAND, Mr. GEPHART, and Mr. HAMILTON. Any one of these can destroy what we're trying to do.

The President in his letter to me yesterday said:

> These amendments would prevent us from providing humanitarian assistance and exchanging information to sustain and preserve the democratic resistance. They would effectively remove the resistance as a source of pressure for dialogue and internal reconciliation.

In the same letter, the President, knowing of the concern of some Members for talks between the United States and Nicaragua, says, and I quote:

> I intend to instruct our special Ambassador to consult with the Governments of Central America, the Contadora countries, other democratic governments, and the unified Nicaraguan opposition as to how and when the U.S. could resume useful direct talks with Nicaragua.

The President does not consider such talks "a substitute for a church-mediated dialog" and a "workable Contadora agreement."

The President calls our bipartisan amendment "essential to a peaceful resolution of the conflict in Central America."

In conclusion. let me say that on Sunday, June 2, the New York Times carried a full-page statement titled: "Democracy is the Issue in Nicaragua."

Let me read to you a portion of the text of that statement because it says quite eloquently what many of us want to say today:

> The Sandinista rulers of Nicaragua are now seeking to impose a totalitarian system upon their people. They will not be deterred simply by humanitarian pleas, diplomatic appeals or economic pressures.
>
> The basic issue is this: Will we stand beside the Nicaraguan democratic resistance in its struggle against totalitarianism? Or will we declare that this movement is a lost cause, and offer only to help its supporters adjust to lives as victims refugees and exiles?

Beneath those words are the names of prominent Americans who signed the statement.

Among them you will find a former national security adviser to a Democratic President; a former Secretary of

Agriculture under two Democratic administrations; a former Assistant Secretary of State in the Carter administration; and a former Secretary of the Treasury in the Kennedy administration.

And with these distinguished Democrats there are other signers: trade unionist, businessmen, religious workers and intellectuals, Republican and Democrat, liberal and conservative.

That is the true voice of America. It is in the great tradition of American bipartisan foreign policy.

The amendment we offer is also in that great tradition.

It has been said that the Nicaraguan revolution against Somoza was brought about by 3 million unarmed Nicarguan men and women but that only nine armed men came to power. And every one of those nine are dedicated Marxist-Leninist Communists.

This amendment can serve to remind those nine armed men of the Sandinista leadership that their 3 million countrymen want to reclaim their revolution.

We have been given a second chance, a chance to redeem the reputation of the House.

So, I urge my colleagues on both sides of the aisle to carry out the will of the people. Let's tell the democratic forces in Nicaragua that the United States of America, true to its principles and the best, shining moments of its history, will not abandon those who yearn for a truly democratic country and are willing to fight for their freedoms and liberty just as we did.

□ 1120

The CHAIRMAN. For what purpose does the gentleman from Massachusetts [Mr. BOLAND] rise?

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 1 hour.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the Michel amendment.

Once again, we take up the question of aid to the Contras.

Once again, we have a variety of legislative proposals before us.

And, once again, we will spend a good portion of our time debating important but ancillary aspects of that issue.

Yet to me, the issue can be viewed in very simple terms.

Do we want to support the Contras and the policy that such a choice represents for the U.S. Government?

Or, do we want to hold our fire, as it were, and pursue a different course, one that employs diplomatic, economic, and other options before military ones?

Of course, there is a new twist to the debate on Contra aid this time around.

Now we are being asked in the Michel amendment to approve humanitarian aid.

I gather that the attraction of this loosely defined phrase is that it purports to be a policy that supports peace, not war.

But let's look closely at that proposition.

The amounts to be appropriated are by no means insignificant, $27 million, $9 million every 3 months, $3 million a month.

That's more than we spent at that rate when we supplied all of the Contras' needs, military or otherwise.

But the Contras, who haven't received $1 from the U.S. Government for more than a year, are doing just fine.

They continue their military operations in Nicaragua and, they have increased their numbers.

They have done this with funds provided by private groups, mostly from the United States.

Those funds have helped purchase weapons, ammunition, food, clothing, medicine—everything the Contras have needed to maintain themselves as an army in the field.

Now comes the Michel amendment and provides humanitarian assistance on top of that.

Now, what does that mean?

It means, and we need not quibble about this, the food, the medicine, the nonlethal equipment that the Contras need.

But, is this a policy of restraint by the U.S. Government? Does this really hold back anything?

Hardly, in light of the fact that, as we all know, the private groups will continue to provide money for arms and ammunition.

The effect of the Michel amendment, and that private aid, is going to be more money for the Contras than they have ever received in the past.

Some of my colleagues like to refer to this amendment as providing logistical support to an army in the field.

Well, it is more than that.

If an army travels on its stomach, the "humanitarian" aid the Michel amendment would provide is going to ensure extensive "travels" by the Contras—inside Nicaragua.

To me, Mr. Chairman, this whole concept of humanitarian aid is a fig leaf.

We are continuing to fund the Contras.

They continue to conduct military operations.

Our assistance furthers and supports those military operations.

This Member is opposed to that policy.

I have appeared on this floor many times in the past to explain why. But I will just tick off several major reasons once again:

This is a policy which has failed. Any way you color it, the Contras have not put the sort of military pressure on the Government of Nicaragua which has induced any change in their negotiating stance, in their behavior toward their own citizens, in their relations with the Cubans and the Soviets. In fact, what has happened is that our policy has produced results that it was intended to prevent. The Nicaraguans have grown closer to the Cubans and the Soviets, much more dependent on them militarily and economically.

Another reason I've opposed our involvement with the Contras is because it puts the United States in a position where it has been unable to influence bodies like the OAS, the United Nations, or the World Court, that it is acting in accordance with international law or in the best interests of the region. Our neighbors in Latin America reject our support of the Contras.

And, last, Mr. Chairman, I continue to harbor reservations about the Contras as an appropriate vehicle of U.S. policy. They continue to employ tactics of brutality and terror in their operations. They are not alone in this. The Sandinistas are no angels either. But, I don't view the Contras as the moral equivalent of our Founding Fathers.

Mr. Chairman, let me close with what I consider to be a point sometimes missed in the debate on Contra aid.

This debate should be about whether the United States of America will have an effective foreign policy—not whether or not we like the Contras or support the Sandinistas.

The proponents of the Michel amendment say that we should place ourselves firmly in the camp of democracy and support the democratic opposition in Nicaragua—the Contras.

It seems to me, and I say this without disparaging the Contras or their aims, that the U.S. foreign policy should be more than a popularity contest. It should also offer an effective deterrent to those aspects of the Sandinista's policies which threaten peace in the region.

I believe that the issue before us is: Should we resume our policy of military pressure through the Contras, however we describe our aid, or should we take other alternatives?

I thought that is what the House did as recently as last April.

I'm sorry that Hamilton-Barnes was not finally passed by the House.

I sincerely hope that the Hamilton amendment will be passed today. I firmly believe that it represents a better policy, a more effective way of meeting U.S. goals in the region—goals which we all share—peace, democracy, and demilitarization.

In the Michel amendment, we have a repeat of a failed policy.

In the Hamilton amendment, we have a new policy, one that has yet to be tried.

Mr. McDADE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman who just addressed the House from the well is one of my dearest friends and one of the ablest Members of the House, and I respect him greatly and he knows it. He made, as he always does, a very cogent argument, but his argument is all about yesterday. What this amendment is about, Mr. Chairman and my colleagues, is tomorrow.

I would like to direct your attention to section 105 of this law which we are about to vote upon, which is entitled, "Central American Peace Process," and which says the President may report to the Congress that there is an agreement consistent with the Contadora objectives, or there is promise of an agreement, and then he may come back to us and say to the Congress of the United States, on a fast track, "You have laid down your arms in Nicaragua. Both the Contras and the Sandinistas, and we see it and applaud it," and under this law that Members will be given an opportunity to vote upon in a few minutes, a few hours, some time, the President may then come back and say, "We see that promise and we applaud it and we extend our hand to you, a hand of friendship. I am going back and I am going to ask the Congress for some things like a medical clinic in Nicaragua."

We have built one, the people of this Nation, that many of us have seen in Krakow, Poland, deep behind the Iron Curtain, Public Law 480 money, to treat the children of Poland, may I say with some parochial pride, in consultation with Children's Hospital in Philadelphia to help them. We can do it in Honduras, we can do it in El Salvador, we can do it in all the nations of Latin America, Central America.

Let me just say to my friends that before you make your judgment, recognize that we are talking about a new piece of legislation. Take a look at section 105 and some of the other sections.

Mr. Chairman, I am delighted to yield 3 minutes to my colleague, the gentleman from Louisiana [Mr. LIVINGSTON].

□ 1130

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Since we are talking about failed policies, I would recommend to my colleagues that they look at the Boland amendment, which has been in force for the last year. That is a real example of a failed policy.

Mr. Chairman, for the past 5 years, though, since we have been talking about Central America, I have been hearing that our intelligence services have never provided us with the smoking gun, linking the Salvadoran guerrillas to the Nicaraguan, Cuban, and Soviet Governments. Well, Mr. Speaker, we now have the "smoking gun"—we have the goods on them.

When Congress last voted on Contra funding on April 23 and 24, it did not know that 5 days earlier the Salvadoran Army had captured a large number of documents from Nidia Diaz. Miss Diaz was a military commander in the PRTC, the smallest of five groups compromising the Salvadoran FMLN guerrilla movement. She attended the La Palma peace talks between the guerrillas and President Duarte and is the most senior FMLN commander yet captured. The Salvadoran Army apparently caught her and her associates while they were shifting their central command post to a new site.

Only a fraction of these voluminous materials are yet available to the United States, and of those available only about a dozen documents have been translated or analyzed. However, even the few papers now available provide revealing evidence of which Congress should be aware before casting their votes on H.R. 2577, for even Diaz conceded to the press after her capture that the documents were highly incriminating and damaging to her revolutionary cause.

First, they provide documentary proof of the extremely close ties between the Sandinistas and guerrilla terrorist groups in Central America. Even a relatively unimportant component of the FMLN, the PRTC, had direct links with and received material and other assistance from the Sandinistas.

The Salvadorans, in fact, appear to be subservient to the wishes and directions of the Sandinistas. Some papers refer to Salvadoran guerrilla links with Salvadoran refugee camps in Honduras, infiltration routes through Honduras to Nicaragua, Guatemala, and Mexico, and the acquisition of Honduran identity documents. Thus the papers reconfirm previous U.S. intelligence agency conclusions regarding regional ties between revolutionaries, which had been questioned by some Members of Congress, the media and the public.

The five top Salvadoran insurgency [FMLN] leaders wrote to the Sandinista National Directorate on November 10, 1983, reiterating their bilateral fellowship as "Central American revolutionaries" who were "indissolubly united in defending revolutionary conquests and resolved to expand them." They thanked the Sandinistas "for all the aid you offered," which had been "indispensable," and requested not just its continuation but also "new and audacious forms of aid." In another letter between these two parties exactly 2 weeks later, the FMLN guerrillas acknowledged that continued communization of Nicaragua was essential to the success of the Salvadoran insurgency: "It is also necessary to establish as a principle that the determining factor for our liberation process, as well as the defense of Nicaragua, is the internal consolidation of the Sandinista Popular Revolution." Both letters assume that the struggle in El Salvador and Nicaragua is part of a global competition between U.S.-led "forces of imperialism" and the "socialist camp." During this period, according to a reporter who saw some of the documents in El Salvador, a Sandinista leader is quoted as saying to the Salvadorans "you have always had our help and this has not changed."

Nonetheless, while continuing to seek even greater cooperation and aid from the Nicaraguans, the FMLN sometimes resented Nicaraguan domination and lack of fraternal consultation. In November 1983 the Nicaraguans had feared a U.S. invasion. The Salvadorans were more than willing to help the Nicaraguans in such an event—several documents refer to plans to ignore borders and divert Salvadoran fighters for Nicaraguan use. However, the FMLN was taken aback by the unilateral Nicaraguan decision to abandon the Salvadorans by cutting off their aid and kicking most of them out of Nicaragua on 4 days notice; they argued that instead they should be given more aid so they could mount diversionary attacks which would disperse U.S. forces. These peremptory Nicaraguan actions were not without precedent: "We are concerned to find ourselves again facing decisions that affect us directly although we have not been taken into consideration in their formulation," the FMLN said in their November 10 letter, plaintively noting that "we have sought to believe that coercive tactics used by DRI [Sandinista Directorate of International Relations] members are the result of inappropriate management * * *." Clearly the Sandinistas had acted as the dominant partner, and the Salvadorans came occasionally to resent this arrogance, although respect for their successful brethren and their considerable dependence on the Sandinistas apparently continued to preclude any but occasional protests. Instead the Salvadorans called for greater "unity," which apparently meant, in part, increased consultation. A reporter reviewing the documents in El Salvador wrote that in a November 7, 1983, note, apparently from a rebel official to the director of the DRI, the Salvadoran concedes that "Nicaragua in the vanguard constitutes the advanced and true revolution" and urges "the most intimate coordination in a concrete manner on all political, military, propaganda and diplomatic fronts." Even after the crisis between

the FMLN and the Sandinistas had passed, in their November 24 letter the Salvadorans sought "a much higher level of logistical assistance" and "during steps in this direction" plus "a higher level of coordination * * * to defeat the imperialist intervention."

Second, as has been well publicized, the documents revealed the role of the U.S.S.R. and its allies in continued training of the insurgents, as well as the role of Cuba as overseer and coordinator of the Nicaragua-FMLN connection. A November 9, 1983, note to the head of the PRTC from the head of the Salvadoran Communist Party—who is also a member of the FMLN directorate—suggested that the dispute over the proposed Nicaraguan aid cutoff be referred "to Fidel," to ask for "a clarification to know where we stand." Biographic cards on guerrilla members indicate that some were trained In Cuba. Pages from Miss Diaz's calendar for April of this year lists persons selected for training in Vietnam, Bulgaria, and the U.S.S.R. Separate documents list 1984 and 1985 trainees to go to those countries and East Germany. Miss Diaz herself was to have gone to Vietnam this year.

Third, the documents prove once again that in Nicaragua, and in other Communist countries or movements, the "political line" is merely a tactical expedient to weaken democratic resolve and divide the opposition at home and abroad. Guillermo Ungo, the president and spokesman of the Salvadoran guerrillas' political front, complained to military commanders that their actions often were "embarrassing" in that they made "our political line appear inconsistent to the public." "We defined a political line for the [Salvadoran] elections and you did not comply with some points," Ungo charged. The Sandinistas and Salvadoran guerrillas also saw potential for manipulation of the U.S. elections. Top Salvadoran FMLN leaders wrote the Sandinistas in November 1983 that "the electoral period in the United States is the appropriate moment to influence the American electorate," wherein the Sandinistas and Salvadoran guerrillas "could bog down the present Reagan administration." "This is why we support the current diplomatic initiatives of the FSLN [Sandinistas] to gain time to help Reagan's opposition" in the United States and internationally. According to news U.S. articles written from El Salvador, on June 5, 1984, in the midst of the Democratic and Republican primary elections, a document suggested that the FMLN should encourage the Reverend Jesse Jackson to facilitate a Salvadoran dialog; Jackson did indeed visit the country that month and transmitted an offer from President Duarte to negotiate with the guerrillas. Apparent attempts to influence the U.S. electorate continued. Another press account reveals that an October 1984 document called for increased rebel attacks before the upcoming Presidential election. The Salvadoran guerrillas were uncertain whether U.S. strategy in the region would fundamentally change if Reagan was defeated, but they judged that "if the Democrats win, it would reinforce the tendency to negotiate." Just as with the military arm of the Salvadoran insurgency in Nicaragua the Sandinista adroitness at stuch manipulation appears to be curtailed by their ideological fervor. On occasion the Sandinistas have flaunted their Marxism-Leninism before visiting U.S. Congressmen and exhibited untimely rigidity and inconsistency in negotiations. Being unable to contain his Communist ideology and desiring to revel with his mentors over their propaganda Ortega, even made the infamous trip to Moscow after Congress accommodated Sandinista wishes by voting down aid to the Contras. It seems the Sandinistas have not yet fully mastered the art of tactical flexibility in manipulating the democracies.

Central American revolutionaries have, however, fully mastered the art of creating "front groups" to espouse their "political lines." A document dated May 12, 1984, definitively establishes that COPPES, a San Salvador based men's group promoting the cause of "political prisoners," is an FMLN front. It reveals that part of COPPES' duties include caring for FMLN personnel captured by the Government, who sometimes act as message carriers to COPPES. COPPES is housed in the same building as, and has close ties with, COMADRES, a "mothers" group allegedly formed in behalf of "political prisoners" and persons who have been assassinated or who have disappeared. COMADRES has brought its message to the United States and was even given a peace prize by the Kennedy family.

Perhaps most importantly, the Diaz documents support the argument that the Sandinistas will alter their policy of promoting regional upheaval only under the proximate threat of superior force, and that any accommodations will be temporary—until the threat is removed. We know that in 1980, before the Sandinistas were firmly established in government and while the United States was giving and encouraging unprecedented amounts of aid, the Sandinistas already were supplying and training the Salvadoran insurgency.

The captured documents reveal that the Sandinistas wavered in this course only momentarily, at the end of 1983 when the United States had taken military action in Grenada and the Sandinistas firmly believed they were next in line. The U.S.S.R. and Cuba apparently had refused to intervene on Nicaragua's behalf. According to the U.S. press, one document reveals that Sandinista officials told the FMLM "we don't expect to receive any help from our allies." To save their own skins, the Sandinistas prepared to minimize the Salvadoran connection in order to appear less provocative and to divert the arms and supplies which they had funneled to the guerrillas to their own defenses. Most FMLM leaders were to be moved out of Nicaragua and contacts with the guerrillas would be minimized. This incensed the Salvadorans, but their planned protests and appeals, documented in the Diaz papers, apparently never had to be activated: as soon as the Sandinistas realized the United States would not invade, they canceled the proposed policy changes. This bit of history supports the contention that lasting peace in Central America requires fundamental changes in the Nicaraguan Government itself, not merely in its foreign policy of the moment. In any negotiations with the Sandinistas, the most important of the Contadora stipulations are those dealing with Nicaraguan democratization. The Sandinistas must be made to share power—the nature of the regime must change. We must assure that Nicaraguan public opinion is a force that cannot be ignored, so the Government is so busy meeting domestic needs that it can no longer afford, politically or economically, to support foreign exploits.

Internal economic and political problems, coupled with military pressure from the Contras, could indeed force the Sandinistas to call an internal and international truce. If necessary for their survival, the Sandinistas might even agree to effective verification. However, we know from captured documents and Ortega's own words that "the revolution is irreversible." The Sandinistas' top priority is to consolidate the Central American bridgehead embodied in the Nicaraguan revolutionary Marxist regime. The Sandinistas will do and say anything to buy necessary time. Then they could impose additional methods of internal control and build up their military capability. Promotion of the international movement would be resumed later when the Sandinistas were secure domestically and fortified for the task. Fidel Castro has counseled the Nicaraguans that revolution is a lifetime endeavor, that there is no "peace" for a revolutionary.

Mr. Chairman, all of this comment is verified by the documents seized from the El Salvador guerrillas just a few weeks ago.

And if that is not enough, Mr. Chairman, here is another smoking gun. This is a Soviet made Katusha rocket, one of 950, fired into the town of Arenales, Honduras, from Nicaragua on May 5 and May 6 of this year just a

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few weeks ago. I urge the Members of Congress to look at the pictures of that attack and see for themselves if we do not have a real smoking gun.

Mr. Chairman, I include with my remarks the following notes made in connection with the photographs which was taken:

ARENALES, HONDURAS (El Paraiso department, bordering Nicaragua) Photographs taken; May 29, 1985.—Arenales was attacked by Sandinista rocket and mortar fire May 5-6, 1985, from over the border. Over 950 Soviet-made Katusha rockets, fired from "Stalin organ" vehicles, were fired into Honduras.

The object was to cause civilian casualities so as to put political pressure on the Honduran government to force out the remaining bases of the Nicaraguan Democratic Force (FDN).

Several people were injured in Arenales, and two were killed.

An FDN base was near the area, which was later evacuated. The rocketing of the villages created a sentiment that the FDN was to blame for the attack, due to its proximity to the villages (about 5 miles), even though it was the Sandinista army that initiated the attack.

The Sandinistas cut two roads through the jungle toward the Honduran border, so that the rockets would be in range of the Honduran villages. They went to a great deal of trouble and expense to do this.

It is presumed that Soviet bloc advisers were present during the attack to direct the rockets.

The rocket fragment was found on May 29 by Michael Waller of the Council for Inter-American Security. Note the Cyrillic markings stamped on either end of the piece. It is believed to be part of the motor that propelled the warhead.

Mr. Chairman, the new evidence found in the Diaz documents and in this recent shelling obviously is relevant to the issue again before Congress. I urge my colleagues to consider carefully the implications of this new evidence before casting their vote, to support the Michel-McDade-McCurdy amendment without the encumbrances of the other crippling amendments.

Mr. BOLAND. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in response to my friend, the gentleman from Pennsylvania [Mr. MCDADE], let me say that he is my dear friend. He served with me on the subcommittee of the Committee on Appropriations dealing with the Department of Housing and Urban Development and 17 other agencies.

I could not agree more with what he said in the first three sentences of his statement, but I disagree with the remainder of his statement.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman. I thank my colleague, the gentleman from Massachusetts, the distinguished chairman of the subcommittee, for yielding me this time, even though I rise in support of the amendment that is pending and he is opposed to it. I appreciate the time very much.

After four decades of Somoza reign, the United States and most of the countries of this hemisphere welcomed an end to the Somoza tyranny. In 1978-79 the United States had transferred its influence to the democratic forces which were seeking the overthrow of Somoza. I along with many other Members of Congress welcomed this historic shift in U.S. policy in favor of revolutionary forces that represented a democratic movement seeking peaceful change. Many Members of Congress visited Nicaragua during the first several years after the revolution; we went there in order to express our good will for the democratic evolution that had been promised. Many of us also fought a hard and long battle in this House to provide humanitarian and economic assistance to the new Government in Managua.

Despite considerable good will and a turnaround in U.S. policy, events did not evolve as expected and promised. The hope of a pluralistic political system was not fulfilled. President Carter eventually cut off U.S. assistance because of external subversion and internal repression of basic rights. It became clear in 1981-82 that the revolution was moving in an antidemocratic direction and that the Sandinistas were consolidating power by forcing out the more moderate forces and by strengthening their ties to Cuba and the Soviet Union—and thereby gaining the military/police capability necessary to impose unpopular policies on an increasingly disapproving population.

The Congress has played a quizotic role in responding to the antidemocratic actions of the Sandinistas—first in countenancing assistance to the Contras when it was first proposed and then in voting to cut off further assistance.

What must be recognized is that the Contras are not some ragtag, motley group out simply for monetary gain, or to win power in some abstract sense. Those who have broken with the Sandinista regime and raised their voices in protest represent a true revolution. They are a cross section of legitimate, democratic forces—Indians; able and articular political leaders such as Alfonso Robello; former members of the Sandinista guerrillas, such as Eden Pastora; businessmen such as Adolfo Collero, who I helped get out of jail under Somoza; journalists such as Pedro Joaquin Chamorro; labor leaders. Their principal goal is to persuade the Sandinistas to implement the lofty goals of the original revolution, that is, a pluralistic society, free elections, and respect for basic human freedoms. We can help the democratic process by approving economic assistance to the Contras.

The debate before the House today is not over strategy or purpose—a consensus has evolved among most Members that the Sandinistas are pursuing a nondemocratic course and that it is in the interest of the United States that that course be redirected and that Nicaragua cease its support for external subversion. The only argument is over tactics. And even on tactics there is broad agreement on most of the elements: Ceasefire; diplomatic solution, either through Contadora, OAS, or some other mechanism; lifting the state of siege; lifting the U.S. trade embargo; and suspension of U.S. military maneuvers in the area.

The only significant difference over tactics is should the Contras—the democratic resistence—be sustained as a unified entity that can continue to play a role in bringing leverage on the Sandinista regime and in the diplomatic maneuverings. One approach would prevent any U.S. assistance from going directly to the Contras—thereby forcing them to abandon their camps in order to reach refugee assistance through international refugee organizations. The effect would be to deny them any mantle of acceptance and respectability and to significantly reduce their diplomatic role and leverage by being forced to disperse or simply ignored in the process. The principal achievement of this approach would be to assuage the U.S. conscience and reduce our role and responsibilities. The second approach would provide direct U.S. economic assistance to the Contras, thereby providing them with a degree of international recognition and respectibility and allowing them to maintain their identity and their unity—both of which would increase the probability that they would have to be considered in any negotiation to bring about a democratic political process and freedom in Nicaragua.

The congressional ban on military assistance to the Contras, which has lasted more than 1 year, has brought no change in the policies and action of the Sandinistas. If anything, the regime has moved to further consolidate its power and its ties to the Soviet Union and Cuba and to crush the democratic resistence.

The Congress is now on the verge of attempting a new approach—and economic approach. If we are to pursue this course, let us do it correctly, not in a half-way manner which simply takes the United States off the hook. The United States is involved in the turmoil in Central America because our vital interests are at stake; we cannot deny our role and responsibility even if we wanted to—we owe it to future generations of Americans—North and South—so let us pursue a policy which has some chance of suc-

cess because we owe it to the American people and because it is right.

The CHAIRMAN. The time of the gentleman from Florida [Mr. FASCELL] has expired.

Mr. McDADE. Mr. Chairman, I am delighted to yield 2 minutes to my distinguished colleague, the gentleman from New York [Mr. FISH].

□ 1140

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, what we bring you today is a needed consensus expression of United States policy toward Nicaragua. I congratulate all those involved in the negotiations over the past 5 weeks for their understanding and for their receptiveness to our concerns. It quickly became evident that we shared a common goal, peace and stability in Central America achieved within the framework of the Contadora document of objectives.

Mr. Chairman, I think we needed these weeks to fashion an appropriate congressional role in achieving our objectives. Time has permitted a clarification and refinement of U.S. policy that is embodied in the Michel amendment. It is evenhanded. The behavior of both sides will be monitored by the Congress. It clearly spells out our reliance on diplomatic efforts. Our goals of a cease-fire, a dialog and suspension of the state of emergency is clear. If these goals are met, rewards will follow.

Mr. Chairman, the principal alternative to the Michel amendment was before us in April. It did not please either those who believe that we have a responsibility to the political resistance or those who would have us play no role whatsoever. It is before us again and certainly faces the same fate.

Fortunately, the Michel amendment does appear to reflect a majority consensus. I sincerely hope so, as the worst case would be continued congressional paralysis and a lack of expression of congressional policy.

Two ill-disguised efforts to derail the Michel amendment will be attempted, and I urge my colleagues to reject these amendments to the Michel amendment and vote up the Michel amendment.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, my colleagues I hope that you will take the time before casting a vote on this important issue to read the two pages of the Michel amendment. If you will take the time to read it, you will find embodied within it inconsistencies and vague language which should not be enacted by this great deliberative body. Let me point out a few, examples.

The Michel amendment does not define who the Nicaraguan democratic resistance forces are. We leave that entirely to the CIA or someone else to pick and choose those who will fight the cause for the United States in Nicaragua. There is no specificity.

The definition of "humanitarian assistance" which has been used over and over again is one that deserves reading. "Humantarian assistance means the provision of food, clothing, medicine and other humanitarian assistance."

Did we not learn in grade school not to define a term by using the same term? This is at minimum a poor work product, or worse.

The Michel amendment specifically repeals the Boland amendment which prohibits the United States from direct or indirect military involvement in Nicaragua.

The Michel amendment opens the door to deeper military involvement by the United States with the exchange of information unspecified and in my own mind the type of term that is subject to mischief by the same group that brought us the mining of the Nicaraguan harbor.

The Michel amendment only urges the President. This is a strong letter we are sending the President, no more. It urges the President to implement the Contadora process, to consult with other nations and resume bilateral negotiations with the Sandinistas; no requirement that that be done.

There is no requirement that if we find flagrant human rights violations on the part of the Nicaraguan democratic resistance forces that we cut off their aid, none whatsoever.

Finally, there is the open door at the end of the amendment which allows the President to come back to Congress and ask for additional assistance to help the Nicaraguan democratic forces and this assistance is not limited to humanitarian assistance. It only says additional assistance, which could be military or humanitarian, depending on the President's request, and then we limit our power to debate that request.

Calling the Michel amendment humanitarian assistance is a cruel hoax, not only on this Chamber, but on the American people.

The $27 million sought by the Michel amendment is not humanitarian assistance. It is military assistance which will only serve to prolong the conflict, pain, and suffering of the people of Nicaragua.

The amendment goes far beyond corrupting the term "humanitarian." It marks a dramatic departure of our foreign policy. The administration policy in Nicaragua is rife with inconsistencies and contradictions.

We claim to respect the sovereignty of nations when we establish diplomatic relations, yet we have diplomatic relations with Nicaragua, while the administration asks us to fund the overthrow of their government.

We pledge our support to free enterprise in Nicaragua, while we impose an embargo which threatens the middle class in that country more than any Communist dogma.

We pledge our loyalty to our allies and our commitment to regional solutions, but we pursue the administration's policy despite the overwhelming opposition of our allies around the world.

We speak forcefully of the threat of communism in Central America, but find our neighboring democratic nations in the region opposed to our escalation of the military conflict there.

We are critical of countries around the world which violate the principles of civilized nations and international law, yet the challenge of Nicaragua has drawn this administration to disavow the jurisdiction of the World Court, to impose an embargo in violation of our own law, to support the so-called freedom fighters in violation of our own Neutrality Act, and to ignore the provisions of the OAS Charter which forbid intervention in the internal and external affairs of any other state.

The administration's policy and the Michel amendment not only violate domestic law in the United States and treaty provisions which we have solemnly ratified; the administration's policy in Nicaragua deprives us of our most compelling weapon in the family of nations, adherence to the rule of law and to the rule of reason.

Mr. Chairman, I now yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentleman's remarks.

I would like to inform the gentleman that Nicaraguan resistance is the Nicaraguans who have taken up arms against the Sandinistas and are engaged in armed resistance. That is the definition used by the senior Senator from Georgia in the other body, and if it is good enough for him, it is good enough for us.

Mr. DURBIN. Reclaiming my time, Mr. Chairman, yesterday one of the commandantes, Commandante Zero, Eden Pastora, came to Washington and asked that he be included in. Clearly, the definition is not broad enough to make it clear that he will be included in the $27 million largess sent to the so-called democratic resistance forces.

Mr. McDADE. Mr. Chairman, in view of the comments of my distinguished colleague, the gentleman from Illinois, I am constrained to yield myself about 30 seconds, because there are more inaccuracies, in my judgment, in that statement than I have heard in 24 years as a Member of the

House of Representatives. I know my friend is not given to doing that.

The amendment that we are offering does not appeal outright the Boland amendment. That is clear to anybody who reads it. It restates it.

The amendment in section 105 cannot conceivably be construed as an attempt or an effort to say that the President of the United States can come back and ask for more war material. It is an effort to say to the nations of Central America, stop fighting and we will come back as a Congress if we approve it and we will send you assistance to try to rebuild your infrastructure, rebuild your nations, and into the 20th century.

Mr. EARLY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I have a prepared statement, but I think I am going to dispense with it in large measure because the more I listen to this debate, the more I have concluded that the precise wording of the various propositions before us is nowhere near as relevant as what every Member of this House on both sides of the aisle knows perfectly well we are here to debate. It is a traumatic experience for us to return here from our homes, certainly in my case from Cape Cod, to hear and to be reimmersed in this dialog which I really think sometimes was written by Lewis Carroll.

Let me just take you through some of what we have been told here. In 1927, Will Rogers said, and I quote: "Where is Nicaragua and what the hell are we doing there?" If Will Rogers were alive today, I think we would hear him ask much the same question in a more pleading kind of way.

We really do need Lewis Carroll. What are the "freedom fighters" up to today? I think the quotation marks have been dropped from the phrase freedom fighters now. The President and his supporters have managed to get that assumed in the English language. They are, we have been told, the moral equivalent of the Founding Fathers and the French resistance, but do not be surprised this week that the President says these freedom fighters are not out to overthrow a government. They do not seek to overthrow a government at all.

Well, what do we hear in today's Washington Post? One of the leadership on the Republican side characterizes the Boland amendment or the attempt to extend the Boland amendment, which says you should not overthrow a government and you cannot have American aid to do it, as "a killer amendment."

□ 1150

Up is down, black is white, war is peace, in is out.

The effort to say you cannot use more money for military aid is "a killer amendment."

What do our friends on the other side of the Capitol say? Last week in the process of giving the President, as usual, everything he asked for, they said, among other things, "* * * and, by the way, Mr. President, not only is here your $34 million for humanitarian aid to be distributed, of course, through that best known of all the world's humanitarian organizations, the Central Intelligence Agency," and where else, may I ask you, than on the other side of the Capitol could that be said without hysterical laughter? Not only did they say "OK, here is all you want," but they said, "By the way, Mr. President, if you think it is necessary to send American troops, don't bother calling us."

By more than two to one the other body rejected an amendment that would have called upon the President to inform the Congress before deciding to introduce American combat forces in Central America. If there is any doubt about the irrelevance of the other body, they reasserted it for themselves in that vote. But, incidentally, they did not say to the President, "By the way, don't bother to tell us if you have to send freedom fighters into Guatemala." They did not say anything about sending freedom fighters to Chile or sending freedom fighters to the Philippines or to South Africa.

"Where is Nicaragua," in the words of Will Rogers, "and what in the hell are we doing there?" What is going on here?

Members know perfectly well what is going on here. Humanitarian assistance, in quotes, "humanitarian assistance" through the CIA.

Members are appalled and apparently personally affronted that Mr. Ortega went to Moscow. In this very Chamber tomorrow we will be hearing from another head of state who went to Moscow very recently, the President of India, and he came back from Moscow with a heck of a lot more money than Mr. Ortega did. But he will be accorded, I suspect, the respect he deserves as the head of a sovereign nation when he addresses this body tomorrow.

We know perfectly well what is going on here, Mr. Chairman, Republicans and Democrats alike. What is going on here is that the request of the President has been adjusted and readjusted and tinkered with just enough to get what they perceive to be and hope to be a bare majority of this House, and whether one hangs that vote on one's personal affront or insult by the President of Nicaragua, or whatever else one does, the fact of the matter is that what we are being asked to vote on here today is whether or not we will give our assent, as the other body did last week, to the policies of this administration which seek the violent overthrow of a government with whom this Nation is not at war, which is in addition to being an illegal policy, a horrendously stupid policy which will not work.

Mr. Chairman, the Hamilton substitute is wiser both in symbol and substance than the alternative presented to the House today by the minority leader.

The Hamilton substitute is premised on the view that U.S. policy toward Nicaragua, like the policy of Nicaragua toward its neighbors and toward its own people, should change. For the truth is that errors have been committed on both sides; since 1980, the policies of both governments have been unimaginative, in many respects illegal, ineffective in serving national goals, inhumane, and insensitive to the lessons of history.

The Hamilton substitute makes demands upon both governments. It calls upon Nicaragua to live up to its own past promises and to its present pretentions. In 1979, the revolutionary junta promised a democratic government, a nonaligned foreign policy, and respect for human rights. In 1983, the Sandinista government embraced those principles again by accepting the 21 objectives to be sought through negotiations at Contadora. In 1984, the Sandinistas signed a draft Contadora agreement that, if approved, would seriously limit their future ability to pose a military or foreign policy threat to anybody. Our policy, the substitute says, should be to transform these promises into legal obligations by providing real U.S. support for a regional peace agreement through the Contadora process.

But in addition to dealing realistically with Nicaragua, the Hamilton substitute also recognizes two characteristics about U.S. policy toward Latin America that the history of this century has shown us over and over again are true: that the United States can contribute greatly to the construction of democratic institutions in this hemisphere; but that we can never engender respect for democracy if we use methods wielded more comfortably and competently by tyrants than by the United States.

The debate in this Congress over U.S. policy toward Nicaragua should not be dominated by the distinction between various types of aid that might be provided to the Contras; nor need we spend much time looking for new adjectives to describe the travels of Daniel Ortega.

For the real question before Congress is whether, for reasons of history, principle, humanity, effectiveness, and commonsense, the time has now come for the United States to shift from a policy based on unilateral acts

of military and economic intervention to a policy based on building a strong regional consensus for appropriate action with respect to Nicaragua.

Neither U.S. aid for the Contras, nor the U.S. declared economic embargo have yet, nor will likely in the future, produce the changes in Nicaragua that we, and many of our friends in the hemisphere, would like to see. For the fact is that U.S. policy toward Nicaragua will continue to fail, as long as it remains simply a U.S. policy.

This is true because the opposition to the Sandinista government will never accrue the credibility and the support it needs to make progress if it is perceived, accurately, to be dependent for its success, and even for its very existence, on the material resources and foreign policy of the United States. Latin American Governments will not respond to our concerns about Nicaragua, if we do not respond to theirs about the importance of international law, especially the principle of nonintervention, and if we insist on supporting anti-Communist forces simply because they are anti-Communist, whether they embrace democratic and socially progressive values or not.

The unilateral approach to Nicaragua is a distraction; it focuses world attention on our mistakes—the mining of harbors, the CIA manual, the murders by the Contras—while it shifts the spotlight from the broken promises of the Nicaraguan revolution. The result is that when Daniel Ortega travels, not just to Moscow, but to Spain, to France, to England, to Brazil, to Peru, to Mexico, to Venezuela, and to Panama; he is able to attack the excesses of our policy instead of being forced in a serious or meaningful way to confront the shortcomings of his own government. The fact is that American policy is stronger if it stays within the law. Only then will it have the support of the people and governments of Latin America; and only then will it have the understanding and backing of the American people. It is for this reason that the substitute would continue the Boland prohibition on military aid to the Contras; while specifically reserving America's right to take action, should that ever become necessary, through the regional defense mechanisms established by the OAS.

The policy put forward by the Hamilton substitute—if embraced by the Congress—will work. It will not transform the Sandinista directorate into the League of Women Voters overnight, but it will harness the democratic sentiments of this hemisphere in support of an American policy that is legal, democratic, and determined to influence the foreign and domestic policies of Nicaragua for the better, not through unilateral military or economic intervention, but through the creation of a regional consensus in support of democratic change.

Such a policy is fully consistent with the national security interests of the United States. For we face no threat from Nicaragua that can not more readily be countered by a regional approach than by the failed unilateral measures of the past 4 years. And this policy has other advantages, as well; it does not point the United States directly toward war in Nicaragua; nor does it indicate indifference to the violence that has killed almost 100,000 Central Americans in the past 7 years, the vast majority killed not by Communist forces, not by Bulgarians, or North Koreans, or Soviets, or Cubans, or Sandinistas, or the PLO, or the hordes of South Yemen; but by those who describe themselves as anti-Communists, and as defenders of freedom, and as allies of the United States.

I submit that we must, as a country, pick our own friends; we must identify those truly allied to the principles and ideals upon which our country was founded; and I submit that those friends reside now throughout Latin America, within the Contadora countries, within other democracies like Costa Rica, Argentina, Peru, Honduras, and Brazil, and that some exist, as well, among all parties to the present conflict in Nicaragua. We need not fear the Democrats of Latin America, though they may react more calmly than some of us to the events of their region. They are not our enemy; on the contrary, they are the hemisphere's greatest strenght, it is on their side we should come down; and it is in them that we should place our trust and our support.

This is the approach recommended in the substitute today by Mr. HAMILTON. It articulates a real policy option for those who have feared in recent months that there would be no coherent alternative to the policies of President Reagan. I applaud the authors of the substitute, and I urge its adoption.

Mr. McDADE. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from Louisiana [Mr. MOORE].

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the Michel-McDade-McCurdy amendment.

I ask my colleagues, "What are we trying to achieve in Central America?"

Isn't it democracy, economic development and the security our our allies?

What threatens to block our achivement of those goals?

Isn't it the deliberate, orchestrated campaign of forces external to this hemisphere?

There should be no doubt in anyone's mind that the Sandinista regime represents a force for expanding Marxist-Leninist control in this hemisphere just as the Castro regime in Cuba was 26 years ago. What Castro learned about spreading Communist revolution set the example for the Sandinistas in Nicaragua.

Adriana Guillen, a former Sandinista official who resigned from the Government in February 1980, appeared as a witness before the Western Hemisphere Subcommittee in March 1983. Her testimony described the direct links between the Sandinistas, Castro's Cuba and the Soviet bloc. I would like to remind my colleagues of some of the things she told our subcommittee:

> I formed part of a Nicaraguan mission . . . which visited Cuba in October 1979. . . . Cuba's Minister of Culture Armando Hart . . . told us that the Cuban plan for Latin America was to open an ideological front through Nicaragua. Our mission was to form an ideological front that would spread the Sandinista ideology toward Latin America, since Cuba could not do it because of its open identification with Marxist-Leninism. But using the figure of Sandino, our national hero, who defeated the U.S. Marines, we could influence the Latin American national liberation movements. Hart was very clear in telling us, that when we defined Sandinismo, we should be careful not to identify it with Marxism-Leninism, so that we would not lose the attractive potential that Sandino has in Latin America.

Adriana Guillen then quoted Minister of Defense Humberto Ortega who said in August 1981:

> We guide ourselves by the scientific doctrine of the revolution, by Marxism-Leninism. Without Sandinismo we cannot be Marxist-Leninist, and Sandinismo with Marxism-Leninism cannot be revolutionary.

Nicaraguan President Daniel Ortega's trip to Moscow received a great deal of attention. But, a trip to Moscow by Sandinista leaders in May 1980 did not receive the same attention. According to Mrs. Guillen's testimony, and I quote:

> Moises Hassan, Henry Ruiz and Carlos Coronel traveled to Moscow and signed a treaty between the FSLN and the Russian Communist Party. At this time, the Soviets designated a Bulgarian mission as the intermediary between Moscow and Managua. Nevertheless, the FSLN would only obtain assistance under the condition that it would push forward the plans of the Bulgarian team. While this happened, the Russians would give the FSLN 80 percent military help and 20 percent economic help. The Sandinista front committed itself to spreading Soviet influence over the Central American region. Once accomplished, the help from Moscow would be 20 percent military and 80 percent economic.

In February 1980, I received a letter from a Nicaraguan who was held as a political prisoner for 4 months by the Sandinistas. At the time of the debate on aid to Nicaragua, I read that letter to my colleagues, and I would like to read it for you again:

Letter from Alberto Rivas follows:

HOUSTON, TX, *February 26, 1980.*
Representative ROBERT J. LAGOMARSINO,
Longworth Office Building,
Washington, DC.

DEAR SIR: In November 1979 you had occasion to visit Nicaragua on Congressional business. At that time I was a political prisoner in Leon, Nicaragua's second largest city. I wrote you a letter smuggled out of jail, asking your help in obtaining my release. I know you made efforts on my behalf and this letter is to express my thanks to you.

Since then, I have obtained my freedom and am back in the States trying to start over again. Our properties in Nicaragua are still illegally in the hands of government led armed rabble, and we have no hope of ever recovering them as long as Nicaragua is under a Marxist dictatorship.

I have heard that Congress is debating the aid to Nicaragua bill, and this makes me wonder what the effect will be of giving our money to a government who hates the United States, who is communist and under the influence and control of the Castro regime in Cuba. I say this because while I was in Nicaragua for six months (four of those in jail) those things were obvious to me. The Sandinista Anthem has a line that says "We fight against the Yankee, enemy of Humanity"; while in jail, we got frequent lectures stressing that the U.S. is the enemy of the Nicaraguan people, and that Cuba is the country who helps Nicaragua the most; after I got out of jail on December 22, 1979, I was able to observe the large number of Cuban Army personnel who have come into the country.

Once again I want to give you my thanks for your concern and offer my help to you in whatever I can do to combat this communist menace that is in our back porch.

Sincerely,

C. ALBERTO RIVAS.

I remind my colleagues these are events taking place in 1979 and 1980. The character of the Sandinista regime was shaped from the very beginning of its existence, and that character is apparent in its export of revolution to the guerrillas in El Salvador.

The recent capture of documents from Salvadoran guerrilla officials include the following passages, taken from a letter addressed to the nine commandantes of the Sandinista national directorate in November 1983, shortly after the events in Grenada:

We repeat that we consider the present situation critically dangerous for the immediate future of the revolution in Central America, particularly in terms of retaining power in Nicaragua and maintaining the possibility of victory in El Salvador. . . . We repeat the importance that we attach to showing our peoples and the world that the FSLN [the Sandinistas] and FMLN [Salvadoran guerrillas] are indissolubly united in defending revolutionary conquests and resolved to expand them, even when that means direct confrontation with imperialism.

The expansion of "revolutionary conquests" is the goal of Marxism-Leninism, and it is represented by the Sandinista regime in Nicaragua.

So, we come, once again, to the central issue of what should be the U.S. policy toward Nicaragua.

Our policy must stop the expansionist goals of the Marxist-Leninist regime in Nicaragua. But, if our interest is not to have to send U.S. military forces to the region—and I believe that to be the case—then we should seek an alternative that counters the aggressive intentions of the Sandinistas in the most effective way. I believe the best means to counter the Sandinista threat is to force them to abide by their promises to the OAS. In 1979 for free elections, economic pluralism, and protection of human rights.

To do that, then, means following the recommendation of the National Bipartisan Commission on Central America, which states as follows:

The majority of the members of the Commission, in their respective individual judgments, believe that the efforts of the Nicaraguan insurgents represent one of the incentives working in favor of a negotiated settlement.

That means supporting the democratic resistance in Nicaragua in its effort to get the Sandinistas to engage in a dialog that will provide for the transition to a fully functioning democracy. Without resistance to the expansionist goals of the Sandinistas, there can be no hope of forcing them to negotiate.

As the Commission stated:

We do not believe that it would be wise to dismantle existing incentives and pressures on the Managua regime except in conjunction with demonstrable progress on the negotiating front.

I urge my colleagues to support the Michel amendment and, in so doing, support the goals of promoting democracy, economic development, and security in Central America.

Mr. MOORE. Mr. Chairman, in looking over the debate that occurred last month on the Michel amendment, something struck me as having been missed in that debate, and that was a discussion of what are we doing to the Monroe Doctrine. What did we do last month? What are we about to do this month?

I happen to believe that doctrine has served this Nation well for 160 years. I also happen to believe that doctrine is in jeopardy by the decision made last month on the Michel amendment and may be by the one we make in this House today.

Therefore we ought to ask ourselves why. What has changed? What has changed? Why should we abandon the Monroe Doctrine? What is the problem and what is the reason? Why the change?

Our Presidents have not changed. I would like to quote first the President who was the author of it. President James Monroe in a message to the Congress in 1823 said:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

And then in 1961, in his Inaugural Address, President John Kennedy said:

Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

Then in 1983, 160 years later, President Ronald Reagan said in a speech before this Congress:

In summation, I say to you that tonight there can be no question; the national security of all the Americas is at stake in Central America. If we cannot defend ourselves there, we cannot expect to prevail elsewhere.

And so our Presidents have not changed for 160 years. They have been consistent. Our policy has not changed either. We have been consistent there too. The other body has not changed. It has been voting correctly on this problem.

Certainly the threat to the United States and the Americas has not changed. In my opinion the threat is more real today by virtue of Communist Cuba and Nicaragua and the activities supported by them than we have ever seen in the Western Hemisphere. And I submit that those people who ignore this threat or who do not see it are the Neville Chamberlains of our day.

Neville Chamberlain thought he could appease Hitler and gave away Austria and Czechoslovakia. He was no more successful than we will be in appeasing the Communists by letting Nicaragua and El Salvador go to them. It did not work then; it will not work now. And those who do not study history are doomed to repeat it. And that is the mistake this House made last month and it must not make again today.

So what has changed? Our Presidents have not changed, our policy has not changed, the threat has not changed. What has changed?

Only this House. Only this House has changed, and changed by a mere two votes. This House walked away last month from the Monroe Doctrine by defeating the Michel amendment and did so by only two votes. And I submit that the House was wrong, not our Presidents, not the other body, not the policy, and certainly not our concern for the threat. It is the House that is wrong.

That wrong has to be righted. Our Presidents are right, our policy is right, our concern is right, the other body is right. Only this House is wrong.

What reason is there for the change? The change, the reason for the change I heard a moment ago is because we ought to use "restraint." That is what Chamberlain thought.

Those who use restraint against communism simply give them encouragement and accomplish little else.

In my opinion we have the opportunity today to erase that change that the House tried to make last month, to right that wrong they made, to restore the Monroe Doctrine, and we do that, my colleagues, by voting for the Michel amendment, and to reject all other amendments. We must once again set the record straight that the House of Representatives is in keeping with our Presidents, our policy, the other body, and that we intend to restore the Monroe Doctrine. You can do that today by voting for the Michel amendment.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I would just ask the gentleman as he has taken a look at history not to forget that some of the failures of this kind of policy have led to even worse situations. Does the gentleman think that this policy is going to change the government of Nicaragua?

□ 1200

Will it bring down the government?

Mr. MOORE. I reclaim my time and answer the gentleman by saying that 160 years of the Monroe Doctrine have served us well. The gentleman has given me no evidence to change that policy today.

I submit the House, in trying to make such a change, is wrong.

Mr. EARLY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, just a few weeks ago this House voted against funding for the Contras. We decided against Contra funding because we felt it is against American tradition to fund a private army whose goal is to overthrow another government. We felt it is against American tradition to foster killing of civilians. We felt it is against American tradition to abandon the strength of our ideas and replace them only with the strength of our arsenal.

Just a few weeks later we are again facing another Contra vote. Why? It is because Daniel Ortega went to Moscow.

Now, I am not happy about any nation turning to the Soviets for economic help, but that does not change the Contra issue.

The President, our President, calls the Contras freedom fighters. Who are these Contras? The vast majority are former Somoza men who never believed in freedom.

To give so-called humanitarian aid to an inhumane army is a perversion of American morality.

America's Watch reports, and I have the report here, and I am going to give you an example, that Yamileth Sevilla, 4 months pregnant, was killed at a state-owned coffee farm by the Contras. She was wounded first, her face shattered by a grenade, a deep knife wound in her side with the unborn fetus protruding.

Many other unarmed civilians were slaughtered by the Contras with their throats cut.

Ugly, yes; but we must face this. Sure there is violence on the left, too, which America's Watch states and documents is decreasing; but violence on the left and violence on the right must stop. The way to stop it is not by supporting a private, brutal army who wants to overthrow a government of a country the size of Iowa, but by doing what America does best, negotiating a peaceful settlement with the democratic Contadora nations taking the lead.

The way to stop this violence is to support the Boland amendment, the Gephardt amendment, the Hamilton amendment.

Let us not have the blood of the innocent on our hands and let us not escalate the involvement of American troops in Central America.

Mr. Chairman, I say vote against the Michel amendment.

Mr. McDADE. Mr. Chairman, I am delighted to yield such time as may he consume to my distinguished friend from New York [Mr. KEMP] a member of our committee.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield to me?

Mr. KEMP. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment before us.

Mr. Chairman, the Michel-McCurdy approach is the minimum we can do to show that we have not forgotten democracy in Central America.

We are talking about $27 million to make a barebones effort at keeping the forces of democracy alive in Nicaragua.

We have spent more than that for toilet seats, screwdrivers, and ashtrays without batting an eye.

Yesterday, with very little debate, we approved $2 billion for two countries in the Middle East. And, this was a bonus added to the regular funds appropriated under the Foreign Assistance Act.

Mr. Chairman, we are talking about peanuts here.

In 26 weeks that this body has been wringing its hands about what we should do in Nicaragua, President Ortega, the Communist dictator of Nicaragua, has been to Moscow and Eastern Europe and back with promises of nearly $300 million in aid from his Communist comrades.

Yet, we are afraid we might be overreacting by giving those who are willing to die for a cause that is fundamental to Americans a piddling $27 million.

We all know what is at stake. We can all look at a map and see just how close Nicaragua is to our borders. We have heard the speeches by Ortega and others about their plans for spreading communism across Central America. We know the Soviets are deeply involved in those plans.

Yet, some Members have been quoted as saying they won't be able to get serious about the administration's policies until Soviet Migs and guided missiles show up in Nicaragua.

Well, Mr. Chairman, all the Soviets are looking for is a little encouragement from us. We gave it to them when we failed to act in April, and the Soviets promptly raised the stakes by inviting Mr. Ortega to come to Moscow with a shopping list.

They will do it again tomorrow if this body waffles again today. The choices before us are hardly calculated to intimidate anyone.

One admendment which will be offered shortly proposes that we cop out entirely for the next 6 months and then take another look at the situation. In a way, it's a kind of bargain with Ortega that we'll take away the freedom fighters' supplies and look the other way for 6 months while he sees if he can wipe them out once and for all.

Another amendment will offer to feed and clothe the democratic forces if they will only lay down their arms, flee the country, and join a U.S.-sponsored soup kitchen outside Nicaragua. This amendment, minimal as it is, is the only hope for those patriotic Nicaraguans sincerely seeking to win back the revolution that was stolen from them and establish democracy in Managua.

It offers a mere $27 million to the freedom fighters in nonlethal, humanitarian assistance, the barest minimum to keep them going. Look for a moment what they are up against. The Nicaraguan Government is already armed to the teeth and ready to roll over any opposition.

Let's briefly look at the Sandinista military apparatus. They have a military capability far greater than any other Central American nation, and indeed, all Central American nations put together.

Between 1984 and 1985, the Sandinista active duty force grew by 30 percent to a total of 62,000 personnel. During that period, their armored personnel carriers and tank inventory increased from 240 to 340 units. They have added a new radar air defense system and have obtained MI-24 attack helicopters, some of the most sophisticated in the world.

In April of this year, Congress voted again on the question of aid to the

Contras. The plan to provide assistance lost by a mere two votes. Again, the same old arguments were heard about the real and honorable intentions of the Sandinistas.

When the final vote was tallied, the Contras got absolutely nothing. Congress refused to approve $14 million for people resisting Communist domination of Nicaragua.

A few days later, Comandante Ortega marched off to Moscow and Eastern Europe. There, he received promises of $200 million in assistance from his Communist mentors. On that very day, a Soviet ship unloaded more than 14 million dollars' worth of helicopters, East German trucks, and other military equipment at the Nicaraguan port of Corinto.

And, my friends, what are we doing? We are sitting here debating the issue again. Many of those countries believe the United States is out of the picture and can no longer influence the future of Central America.

Castro has reportedly told the Sandinistas that when the armed resistance is eliminated, the Sandinista revolution will spread throughout Central America. They believe and practice the doctrine of aggressive subversion.

I am not ready to abandon Central America to the Sandinistas and their fellow travelers. To me, a vote against the Contras is a vote in support of the spread of communism in that nearby region.

Are we ready to help the growth of democracy in Central America, or are we going to open the door for another Cuba in this hemisphere?

All of us want a democratic Nicaragua. The Contras, not the Sandinistas, represent the force of real democracy in that country. They deserve our strong support. Let me close with a quote from a recent speech by the Secretary of State. He said:

> We confront a fundamental challenge, a challenge to our national interests and to the freedom and security of our neighbors. Our goals in Central America are clear. We seek peace, security, economic progress and the growth of freedom and democracy in every country.

Let us listen to the lessons of history. Let us avoid repeating the mistakes of our own past. The choice is clear. The democractic forces in Nicaragua need our support. Humanitarian aid to them is the answer. Support for the peace process is also critical.

I call upon you to join me in this effort to lend a helping hand to those who believe in freedom.

Mr. KEMP. Mr. Chairman, I rise in strong support of the McDade-McCurdy-Michel amendment and ask my colleagues to remember what has happened since April 23 when we turned down an attempt to get assistance to the democratic resistance in Central America.

I think back to our missed opportunity on April 23, and what that has meant for our friends and allies in the region. On that date, this House voted to cut off all U.S. support for the democratic resistance—and decided instead to do nothing.

In the wake of this vote denying $14 million in supplemental aid, the Communist government in Nicaragua promptly sent its congratulations to the House of Representatives for defeating the President's request. In the flush of victory, Daniel Ortega flew off to Moscow, where he was rewarded with $200 million or so in additional aid.

That shameful do-nothing vote gave encouragement to the Sandinistas that we're not serious in opposing them, demoralized the resistance fighting for their very lives, and frightened our allies into questioning our commitment to their defense.

Since that time, Costa Rica has been under a direct frontal attack and Costa Rica, a friendly democracy, doesn't even have an army.

President Monge was recently on television to tell of his efforts to transform his police force into an army so they can defend themselves against the Communist regime in Nicaragua.

President Suazo of Honduras has made it very clear publicly and privately that support to the Contras is essential to reducing the attack by the Communist regime in Managua against Honduras. And, of course, President Duarte of El Salvador has made it equally clear that it is essential that assistance be given to the resistance forces in Nicaragua to help prevent the export of revolution to El Salvador in the form of assistance to the Communist guerrillas fighting there.

Make no mistake about it; there is a war in Central America. It is exported and supported by Cuba and Moscow; it is a war not of ideas but a war of guns and bullets, of totalitarian power and aggression, the types of things that we must resist by giving assistance to the Contras.

In the United States, there is a war of another kind going on. From the Sandinistas' point of view, this has been a hotly contested propaganda war, and they are encouraged that the issues have become as confused and clouded as apparent from the action taken in the House. Developments like Ortega's trip to Moscow do help put things back in perspective. But to paraphrase Charles Krauthammer, we really shouldn't need to see Ortega's travel plans to know where Nicaragua is going.

If, as we've done, we can reach a bipartisan consensus on the need to help El Salvador and Costa Rica and Honduras and the other countries of the region defend themselves, then we should not remain divided on the central question of what to do about Nicaragua. So long as the Nicaraguan Government remains free to continue its weapons buildup and to promote subversion against its neighbors, the security of all nations in the region will be threatened. All our efforts to bring peace and democracy to El Salvador, Honduras, and Costa Rica will come to naught if we create a sanctuary next door—guaranteed by congressional legislation—for those who bring war and totalitarianism to Central America.

Having served on the Kissinger Commission, the bipartisan commission on Central America, having traveled throughout Central America, having been in Managua meeting Daniel Ortega and Miguel Descoto and other leaders of the Marxist government, I am absolutely convinced that the Nicaraguan Communists are interested in one thing and one thing only, and that is extending this revolution to neighboring countries and throughout Central America. That is basic Marxist-Leninist doctrine—that's just being a good Communist government.

On April 23, Congress made a big mistake. Congress said we are not interested in what happens in Central America but we have to be interested. We can't turn our back. The bipartisan Kissinger Commission made it very clear that we had to give aid both economic and humanitarian as well as military assistance to El Salvador. But we made it equally clear on a bipartisan basis that we had to give assistance to those forces in Central America who were attempting to bring about a true democratic revolution in Nicaragua, that support for the Contras was the only way, at this moment, of stopping Managua from exporting revolution.

Are the Contras perfect? Assuredly not. We have not asked the Afghan freedom fighters if they are all Jeffersonian democrats. We are giving assistance to Kampuchea rebels and no one has asked what their Jeffersonian democratic credentials are in Kampuchea and Thailand. But we know intuitively as well as from historical experience that this country should be on the side of democracy and freedom and those principles that are so important to us here in the United States as well as throughout the world.

Someone said this is unprecedented but it's hardly unprecedented. In 1947 and 1948, it was this country that helped the democratic forces in Greece and Turkey to expel the Communist movement from the southern flank of what is now NATO. There would not be a NATO if there was not a Communist threat in that part of the world. The Truman doctrine, providing aid to Greece and Turkey, along with the NATO alliance and the Marshall plan, reflected a recognition that both economic and security needs had to be met in tandem if Western Europe was to preserve the freedom so

preciously won. In an act of both generosity and self-interest, we helped rebuild the economies of Europe, we helped secure democracy in Europe, and the NATO alliance is stronger today than it has ever been before, thanks to this President and our support on bipartisan basis throughout the last three or four decades.

Now the threat is in our own hemisphere. Now the threat is in Central America. Our response must be the same as it was on a bipartisan basis in 1948. I found a new alliance for our hemisphere, with friends and allies in our hemisphere to preserve and promote freedom and self-government.

I am confident that if the men and women on both sides of the aisle who were here in 1947 and 1948 were here today, they would respond to the challenge and the opportunity to build up the centrist forces in Central America, those forces who are for democracy and freedom. I think that was the message of the Kissinger Commission. I think that is the opportunity before us today, to vote for the McDade-Michel-McCurdy bipartisan attempt to send a signal of our support, and to give material assistance to those men and women who are fighting for those things that are precious and dear to all of us.

I ask all of my colleagues to support on a bipartisan basis an amendment that I wish was stronger. I think many of us do wish that we were providing military assistance and not just humanitarian.

The amendment introduced by Republican leader, Mr. MICHEL and my colleagues, Mr. MCDADE and Mr. MCCURDY, is far from an ideal bill. It does not provide enough aid, it does not provide the right kind of aid, it does not involve the appropriate administrative agency. But it does symbolize our support for the men and women of the resistance forces in Nicaragua. Its adoption would be a clear statement of our sympathy for the cause of freedom. And it would be a step in the right direction, toward the restoration of bipartisan support for a pro-freedom policy in Central America.

It is equally clear that if the House of Representatives rejects even this modest amount of purely humanitarian assistance, we would be abandoning principles of action that have guided American policy throughout the history of our proud Nation.

I strongly support what Mr. MCDADE and Mr. MICHEL are doing and I ask my colleagues to give overwhelming support to it.

It should be clear to everyone, that the Hamilton-Barnes amendment is the very same do-nothing resolution they offered in April: No help for the resistance, just international refugee aid. This is worse than no support for the resistance: It specifically excludes from our help those men and women who are risking the most in the cause of freedom.

Lets repeal the Boland amendment, defeat the Gephardt amendment and send a strong signal to Central America and the world that the United States is a reliable ally, a friend of freedom and democracy and a great power interested in helping shape a world order that enhance the values and ideas in which our revolution took place over 200 year ago.

Mr. EARLY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I rise to voice my strong opposition to the Michel amendment. Only a few weeks ago the House worked up the courage to vote down both direct and indirect funding of the effort to overthrow the Government of Nicaragua. Now, largely because the elected president of that country visited Russia to seek funding crucial to the well-being of the citizens of that country, we are reconsidering our vote. United States officials certainly had no intention of providing Nicaragua with the aid it needed. Did we really expect that in return for our votes Nicaragua was going to roll over and play dead economically?

The fact that Daniel Ortega was going to Russia was no secret even before our vote. State Department officials knew. So did Members of the Senate. People in Washington have been calling that visit a betrayal of those who voted against sending more money down there. There is another way to see that visit. Our country has done everything short of outright invasion to hurt the economy of Nicaragua. Daniel Ortega was driven out of necessity to seek aid where he could find it.

Our trade representative was in Russia recently. Are we going to impose sanctions on ourselves? Mexico, Panama, Venezuela, Brazil, Jamaica, Costa Rica, Ecuador, and Colombia also get aid from Russia. Are we planning on sending logistical aid to their enemies?

A few weeks ago, the Congress made a correct decision. It declined to continue directly or indirectly funding the overthrow of a government. Let us not be intimidated into reversing that vote. The American people do not support this aid money. So, who are we afraid of? Let us today begin to shape the right policy toward Nicaragua. Let us today cease actions which thwart the efforts of the Contadora countries to achieve lasting peace in Central America. Let us today throw our wholehearted support behind their efforts.

After we vote down this funding today, it is my hope that we can go beyond not doing something. It is my hope that we can take positive action to stabilize the Central American region. The way to do this is not by isolating Nicaragua from ourselves and other non-Communist countries, but by seeking boldly to open it up. Instead of continuing our present trade embargo, we should seek expanded trade. Far from forcing Daniel Ortega to chase Vice President BUSH down the corridors when they chance to be in the same place at the same time, let us have the meetings Ortega has repeatedly sought. We can work out our differences as civilized human beings. A country like the United States must surely be able to find more in its diplomatic bag than a big stick.

Some among us may fear that a no vote on the Michel amendment would appear to be a vote for Marxism in Nicaragua. I would just point out that in Nicaragua 40 percent of businesses are privately owned. That is a larger percentage than is to be found in France and Britain. Some among us also see a yes vote on the Michel amendment as supporting the President's strongly anti-Sandinista policy as embodied in his recently proclaimed economic embargo of Nicaragua.

To those who hold this view I would point out that if the embargo were to work it would hurt the middle class of Nicaragua, the business persons who are the strongest supporters of democracy in Nicaragua. It also hurts us because Nicaragua is one of the few countries with which we had a positive balance of trade. To further befuddle the matter, our allies, including Canada and Japan, appear to be stepping in to supply the goods that were lost to Nicaragua as a result of our boycott. I ask you not to try to sanctify one wrong policy decision by passing another wong policy decision. Vote down the Michel amendment.

Mr. EARLY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MILLER].

□ 1210

Mr. MILLER of California. Mr. Speaker and Members of the House, I have spoken on this issue many times in the 10 years that I have been in the Congress of the United States. Most of the instances surrounding Nicaragua, those speeches have been in support of efforts to try to stop the excesses that have been ongoing in the country of Nicaragua with the support and the aid of the U.S. Government.

To stop the excesses by the Contras that were created by the United States, that were recruited by the United States, that were trained by the United States, for the purposes of inflicting harm on the Government of Nicaragua and now for the purposes of overthrowing the Government of Nicaragua.

Somehow I figure that this speech is a little bit different because this is not

a time when the Congress seeks to stop the excesses, to stop the brutal and savage attacks by the Contras on the peasants and the civilians in Nicaragua, but this is the day when the Congress makes a determination of whether or not they will now join the Reagan policy.

This will be your first vote where you can come along and you can say that you want to join up in support of the Reagan policy, which is to continue to support the Contras which are continuing to fight to overthrow the Sandinista government.

Should you decide to do that, I expect that we will be here many times more, debating to increase the funding, to increase the support, to increase the supplies, because there is no evidence currently that the Contras can defeat the Sandinistas and while many on the other side of the aisle will talk about putting pressure on the Sandinistas, putting pressure on the Nicaraguan Government, the evidence is that the pressure is not on the Government; it is not on the Sandinistas. The pressure is on the peasants and the plain people of Nicaragua who reside in the north; people who are in the private sector, people who are simply living day to day; those are the people who are dying. Those are the people who are dying at the hands of the Contras who are supported by this Government.

That is the issue at this point. Daniel Ortega is not feeling the pressure. Mr. Ramirez is not feeling the pressure. The Sandinistas as an organization, as a political power are not feeling the pressure; it is the civilians that are feeling the pressure and the dying and the pain and the suffering.

So now, today, we decide whether or not to embrace a policy that defines no support among the nations of Latin America, a policy that finds no support among our allies other than those that we have bought and paid for, but we will go forward and embrace that policy.

I find that that is not acceptable and that we should not do it. I would hope that we would understand the motive of this policy: It is to make them cry uncle. It is to overthrow that Government. We ought not to go along with it.

I think what this says in fact is that those who support this policy have so little faith in the power of the United States, in the prestige of the United States, in the values of this Government, in the goals of our society, that what they are suggesting is that all political power comes out of the barrel of the gun, and the gentleman knows where those statements have come from historically around the world.

Not from those people who are interested in democratic forces, but that is what we have decided to do. We have decided that we would substitute the barrel of a gun for negotiations and for the values and the beacon that we set forth in the rest of the world. We decided that we now, if we go forward with the Michel amendment, that we are going to emulate the very worst of the forces, and if Nicaragua should so succeed and head down this road to Marxist-Leninist, what is it? What is the result?

The result is a sad tribute to the Soviet society, if that is the case; a sad tribute to a system that does not work; a sad tribute to a system that does not understand the rights of individuals, but they will stand alone in Latin America, and if we cannot pick our prestige and our power and what we stand for against that, without sending forth the forces of savage, brutal behavior, if this country is not strong enough to do that, then we are far more serious trouble than our problems with Nicaragua, because we are suggesting that we cannot send forth that image anywhere else in the world.

I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding. When you were in Managua, right after the last vote, you met with some of the Communist leaders down there and asked that other diplomats from the U.S. Embassy be removed from the room.

Would you care to convey to us right now what went on during that conversation with the Communist leaders?

Mr. MILLER of California. Yes. What Congressman BONIOR and myself told them was that we were upset about the continuation of the censorship on the freedom of the press. We told them we were upset about the continuation of the pressure on the private sector. We told them we were concerned about the relationship with the church, and we felt that they had to improve.

Mr. BURTON of Indiana. Why did you ask American diplomats to leave?

The CHAIRMAN pro tempore (Mr. BEILENSON). The Chair recognizes the gentleman from Massachusetts.

Mr. MILLER of California. If the gentleman would yield additional time.

Mr. EARLY. I yield the gentleman an additional minute.

Mr. MILLER of California. It is very simple. I think from time to time we have a right to conduct direct conversations between parliamentarians, between leaders of different countries, and I find nothing inconsistent with that.

Mr. BURTON of Indiana. And that is why you asked American diplomats who were there to observe the meeting to leave?

Mr. MILLER of California. Yes, and they had no problem with that at all.

Mr. BURTON of Indiana. Thank you.

Mr. MILLER of California. They expressed no concern at all.

The CHAIRMAN pro tempore (Mr. BEILENSON). The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE], who has 35½ minutes remaining.

Mr. MCDADE. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I think we had better look at what we are dealing with here today. You know, a rose by any other name is still a rose, and those who are against the interests of the United States are still, by any other name, are still those against the interests of the United States.

Recently I had the opportunity to visit with the foreign minister of Nicaragua and when I was down there a little over a month ago, in my conversation with him I asked him if it were not difficult for a priest—as you know, he is a Maryknoll priest—if it were not difficult for a priest to deal with Marxist-athiests like the Russians.

He answered, "On the contrary, as a missionary, the sole Nicaraguan in the Maryknoll Order," he was "accustomed to working with unbelievers." And he said this, he said that "indeed, the Russians have demonstrated Christian charity by supplying that country with weapons needed to defend itself," and he added, he said, "The government would like to have even more weapons from the Soviets in the future."

That is the type of government we are dealing with. I compliment the authors of this bill, Messrs. MCCURDY, MCDADE, and MICHEL on the middle-of-the-road position that we have. It includes human rights safeguards, it holds the Contras to a high standard; it is humanitarian and not military aid.

Last fall there was a—I supported a temporary cutoff in the aid to the Contras to give peace a chance, and shortly thereafter we saw how the Sandinistas ran that election. Earlier this spring, this House failed to pass any sort of aid package to the Contras, and the day following, Daniel Ortega went to Moscow.

This extemely difficult and emotional foreign policy issue shows, as a result of this debate, that we are not over the Vietnam syndrome, but let us be quite honest about it: This is not Vietnam. Central America is not Vietnam. Our neighbors within our hemisphere is within our own sphere of interest, and we should pay attention to it and not liken it to those Vietnam ways of thinking.

Mr. EARLY. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, there is a lot of talk in the Michel amendment and supporters of the Michel amend-

ment about "humanitarian" assistance, but make no mistake about it, what we are really talking about today is giving Ronald Reagan a blank check at his will to drag the United States into war in Nicaragua. That is what this debate is all about.

Before proceeding further, let me say for myself and I think for a lot of Americans, the reason that we are not already deeply enmeshed in direct military involvement is because of the courageous stand which the Speaker of the House, Mr. O'NEILL, has taken throughout these last couple of years in standing up and labeling the efforts of the President for exactly what they were and because of the amendment that Mr. BOLAND has offered, and which this House, at the concurrence of the Senate, has adopted, prohibiting direct or indirect military involvement by the United States, in Nicaragua.

What the Michel amendment seeks to do today is to take the bars off, to remove the lid from American involvement.

When Mr. MICHEL got up to explain what the words "humanitarian assistance" in his amendment meant, he said—"food, clothing, medicine and so forth."

Well, what do you think that "so forth" means? Certain items are specifically prohibited. You could not give the Contras weapons or weapons systems; that is spelled out. Or ammunition or "other equipment, vehicles or materials which can be used to inflict serious bodily harm or death." That does not mean you cannot give them vehicles; it means you cannot give them armed vehicles; you cannot give them vehicles which can be used to inflict serious bodily harm. You can give them unarmed jeeps or unarmed trucks or unarmed military planes or transport planes or road equipment, road building equipment, or even dynamite, which is used to clear roads.

Obviously, all such equipment is important to the military operation of the Contras.

□ 1220

The Michel amendment goes a long way toward getting the United States, directly involved in the war and there is an open sesame for the President to get us more deeply involved.

The President has been called the great communicator. I like to think of him in that fashion, too, and I think of him as I do of P.T. Barnum the greatest of all communicators. Barnum said that his operating premise was that there is a sucker born every minute. Of course, in the instance of Nicaragua, the American people have refused to play the sucker. The American people, on every poll that has been taken since our vote on April 23, and before, have said that the most they will allow is food and medicine period—no military assistance, no equipment, no humanitarian assistance, nothing which can drag the United States into war.

But some Members of Congress have not been as clearminded. Because the President has changed the label they seem willing to vote for the same old war package.

It seems to me that we are running the risk of turning our backs on our own history. We are a noble nation, born out of revolution. And those of us who are familiar with American history will remember that the United States of America was considered the great revolutionary threat of the late 1700's and the early 1800's. Thomas Paine, who was the great spokesman for American democracy and revolution, said that he would travel around the globe and where tyranny and monarchy existed, there he would find his home and support revolution. We were not particularly appreciated as a revolutionary nation at that time. The British were so unhappy that they impressed American seamen aboard American ships and found an excuse to wage a war against the United States, the War of 1812.

To support the Michel amendment is to turn our backs on our own history. As much as we may disagree with the philosophy or policy of Nicaragua or any other country neither international law nor our Constitution gives us the right to overthrow that Government.

Mr. Chairman, I urge defeat of the Michel amendment.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the able gentleman from Oklahoma [Mr. EDWARDS], a member of our committee.

Mr. EDWARDS of Oklahoma. Mr. Chairman, before I begin my remarks, a gentleman who spoke earlier in this well referred to Will Rogers. I think on behalf of the Oklahoma delegation, which will be voting overwhelmingly for the Michel-McCurdy-McDade amendment, that Will Rogers never would have voted against the Michel amendment or for the Boland amendment. Those of us who know his policies and philosophies, and have read about him all of our lives, do not like to see Will Rogers misused in that way.

Mr. Chairman, let us ask ourselves some very important questions about U.S. policy and motivations in Nicaragua. The simple fact is that we do not know whether the antigovernment forces can force the Sandinistas to negotiate the establishment of a democratic government. We do not even know whether they could succeed in raising the stakes high enough for Nicaragua to think twice about trying to destabilize other nations which are U.S. allies in the region.

But we do know that those fragile neighboring democracies in Central America have the right to develop as free nations, without the fear of losing their precious freedoms to hostile outside aggression.

And we do know that we are justified in helping our friends in El Salvador, Honduras, Costa Rica, and elsewhere, to defend their democracies and to defend themselves against threats to their very national survival.

We do not expect the Sandinistas to adopt a system of government just like ours. But Nicaragua today poses a serious threat to democracy itself in Central America and to nations which have chosen to adopt a system of free government and I want to keep it.

To abandon the Contras now would be to increase the threat to democracy itself in Central America. That is why President Duarte of El Salvador, who met here in Washington with those of us on the Foreign Affairs Committee and the Foreign Operations Subcommittee, when asked what we could do to help the emergence of democracy in El Salvador, said quite plainly, "You can help the Contras in Nicaragua."

That is also why, privately, we are told by the national leaders in all of the democracies in Central America that the way to help them preserve their democracies is to help the Contras in Nicaragua.

The Contras have shown that they are going to fight with or without our assistance. But we do our friends a great disservice if our help is inconsistent, restrained and uncertain, while the pressures of communism remain constant, unharnessed, and irresistible.

We raise the danger of a wider conflict throughout Central America while we debate and re-debate what is clearly and undeniably a very limited response to a situation that demands that we do something. America should not hesitate to help Central American democracies remain free.

This time, we cannot refuse to help the democratic forces in Central America. It is the worst form of chauvinistic arrogance to insist that only we North Americans are entitled to protect our freedoms.

Let us, with no troops and very little money, try to preserve freedom for all who want it.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from Pennsylvania [Mr. MCDADE] that he has 30½ minutes remaining; the gentleman from Massachusetts [Mr. EARLY] has 24½ minutes remaining.

Mr. McDADE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. I thank my colleague for yielding.

Mr. Chairman, I join with my colleagues, Democratic as well as Republican, in wholeheartedly supporting

the Michel-McDade-McCurdy substitute. This bipartisan amendment is clearly the only effective means to a peaceful resolution of the conflict in Central America. It offers the only concise conclusive plan of intent; to best serve the people of Central America through a policy of democratic, economic, and security support, while maintaining the national interests of the United States. The Michel-McDade-McCurdy amendment puts the United States on the side of a negotiated settlement toward democracy and against abuses of human rights by the Sandinistas and the armed resistance.

I believe we all agree that we need to provide Nicaragua with humanitarian aid. However, humanitarian aid without some type of power behind it would simply be a waste of our resources and far from an effort of true humanitarianism. To criticize this substitute as not being humanitarian is as unfortunate as not seeing the forest for the trees. Ours is the only real humanitarian effort. Ours is the only amendment that prepares for, as well as calls for, realistic negotiations between Nicaragua and the Sandinistan government. It is absolutely necessary that we resume aid to the Contras in order to keep pressure on the Marxist Sandinistas. If those struggling for democracy are not supported, or worse forced to become refugees, the Sandinistas will be encouraged to press their military advantage. And how soon will this advantage become apparent where the neighboring countries are concerned? This is a question the United States cannot afford to ask. Colleagues, we need not have another Cuba on our hands. By supporting Michel-McDade-McCurdy we are in essence saying that we will not allow our national security to be endangered nor will we allow for an endangered security of nations in Central America. Diplomacy unsupported by power is wasted, ineffective diplomacy. Food and clothing are quite simply not enough.

The Michel amendment also allows for the exchange of information between the U.S. Government and the Contras. The CIA and the Department of Defense have been excluded as agencies to receive this information. To say that we are putting the CIA back in the business of running the Contra war is a gross misinterpretation. Our intent again is a humanitarian one. This amendment would allow the U.S. Government to exchange information with the resistance. This would be an enormous help in ensuring safe and secure delivery and use of humanitarian aid to the resistance. In this way we can monitor and encourage observance of human rights. It is ridiculous to think that we would appropriate $27 million in aid without monitoring how our money is being spent. Let us be certain that the appropriate needs are being met and our money is spent effectively. The Michel amendment further provides the President to report every 3 months on the willingness of both sides in Nicaragua to negotiate and also on any human rights violations. The reports every 90 days will address the efforts toward negotiations while quarterly reports would monitor the subject of human rights.

Finally, the amendment authorizes $2 million for expenses arising from implementation of an agreement reached by the countries of Central America based on the Contadora groups objectives. We are clearly providing the Sandinistas with true incentives to change their policies. The President is urged to suspend military maneuvers in the area and lift the embargo if Nicaragua agrees to a ceasefire, suspends its internal state of emergency and negotiates with the Contras. It also provides the President to resume bilateral talks with Nicaragua, without any preconditions. The amendment further allows for expedited procedures where future requests for aid are concerned.

It is apparent to me that the Michel amendment is a true plan of direction. It is a start that sees its way to a finish. It is a reasoning with clear purpose and it is our only viable choice. Again, my full unequivocal support to the Michel substitute and to those colleagues who join in its intent for peaceful, realistic negotiation.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to my distinguished friend, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, I rise in support of the Michel-McCurdy-McDade amendment, and I am opposed to the three other amendments made in order by the rule.

Yesterday, in the debate on this bill, an amendment was offered pertaining to the Middle East, and the gentleman from Wisconsin [Mr. OBEY], a member of the Appropriations Committee, said that he generally supported the President's policies in the Middle East and thought they were working, and the amendment was defeated. That is the way I feel here today, Mr. Chairman, about Latin America. I think the President's policies are working in Latin America and should have our support.

You know, 535 Members just cannot make foreign policy. And, besides that, it is against the law. So if you think that the President's policy is working in Central America, then you ought to vote for the Michel amendment and you ought to vote against the other amendments.

I have been, like you, down to the Central American countries. El Salvador is working well. In spite of some of the roadblocks we have thrown up here in the Congress, El Salvador is going to make it, also Panama, Honduras, and Costa Rica. They are doing pretty well. We ought to look at that and say something is happening good in Central America.

Now, the gentleman from Massachusetts [Mr. STUDDS], in talking about Nicaragua, kind of insinuated that it was somewhere far, far away. I would like to inform the gentleman that my home is closer El Salvador and Nicaragua than it is to Washington, D.C. People in the Deep South have a real concern about what happens in Central and Latin America.

The administration today is like everyone in this room. They want to erase communism. The best way, in my opinion, to do it is to support the McCurdy-Michel-McDade amendment. And whatever we do, let us vote down the other amendments. One of our problems around here is that we get too involved by passing unworkable amendments. The Boland amendment will not work. If we want to throw total chaos into what we are trying to do here today, you certainly will not vote for the Boland amendment—you will vote against it.

Let me say that the President has asked for $27 million for humanitarian aid, and that is not much to ask for when your policies are working. Let us support the President. It is his responsibility.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to my dear friend, the gentleman from Connecticut [Mr. McKINNEY].

Mr. McKINNEY. Mr. Chairman, today is one of the greatest days since this whole debate on Nicaragua started. The Members of this House really have been divided into three different categories: those who hoped the current conflict in Nicaragua would just go away and they could ignore it, those who felt we should intervene, and those who were terribly afraid of being misinterpreted for either action.

□ 1230

And we have gotten nowhere—absolutely nowhere. I, myself, have been violently opposed to military intervention in what I consider to be a revolution and internal strife in another country. But today, I think that the Michel-McDade amendment, has in fact given this House the first opportunity to make some sense out of this situation.

First, the Michel-McDade amendment funds and gives a stamp of approval to the Contadora process of negotiation. Those people who are indigenous to the region, who speak the same language and who have the

greatest concern about the Sandinista government, which has proven that it is in fact not a pluralistic society, not a democracy, and essentially only interested in destroying the peace and tranquillity of Central America, should be most compelled to find a diplomatic solution to the region's instability. So, in fact, this amendment does that.

Second, this amendment prohibits the Department of Defense and the Central Intelligence Agency from distributing these funds and, therefore, removes any worry that most people, myself included, have had that in fact humanitarian aid would be diverted. The statement made by my good friend from New York that this amendment would give the President free rein was absolute, utter nonsense. It does not, under any circumstances, do that.

I consistently have opposed and voted against giving military aid to the Contras to fight a revolution in another country. I strongly endorse Michel-McCurdy; I think it is a chance for us to state several things: We do support the Contadora process; we do support humanitarian aid; we do support negotiation; and that we want peace talks.

There are those of us here who have to recognize the fact that the Contra movement against an oppressive dictatorial society does exist. We cannot walk away from it. We do not have to give it military aid. I would always vote against giving it military aid, but we cannot pretend that they are not there and suffering.

Thank you, Mr. Chairman.

Mr. EARLY. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. I thank the gentleman for yielding me this time.

Mr. Chairman, poll after poll has shown that the American people do not want to open the door to additional military aid to the Contras. They do not want to use our intelligence agencies to support the brutal efforts of a counter-revolutionary army to overthrow another sovereign government.

The House has long recognized this, and has exercised historic leadership in enacting the Boland prohibition. The House has voted four times in the past 2 years to prohibit any agency engaged in intelligence activities from supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

The House has been clear and unwaivering on this issue. The language has been drawn carefully and tightly to prevent an administration which does not favor the Boland prohibition from circumventing it.

Today, we are faced with the Michel amendment which has been skillfully crafted to confuse this issue. It contains a section which looks like it repeats the Boland prohibition. But, in fact, the Michel language drastically narrows the scope of the Boland prohibition to cover only the funds appropriated in his own amendment—$27 million cannot be used as military aid.

If this language passes unmodified, it will open up other funds in the next few months—including the large CIA contingency fund—to provide direct, military aid—bombs, bullets, guns—to the Contras.

The Michel amendment goes even further to explicitly weaken the Boland prohibition. It would immediately allow the CIA exchange information with the Contras. Because intelligence information is the key to military strategy, the Michel amendment will put the CIA back in the business of running the Contra war.

Nearly 4 years ago, the Contra program began with a small band of counter-revolutionaries operating along the Honduran-Nicaraguan border. Today, we have financed an army of 15,000 to 17,000, and the President has certified that more, perhaps as many as 35,000, will be needed, costing the United States as much as $100 million per year.

In the beginning, we were told the purpose of aid to the Contras was to interdict arms flowing from Nicaragua to El Salvador. Today, that limited goal has been replaced with a sweeping commitment aimed at nothing less than the overthrow of the Nicaraguan Government.

Time and time again, the administration has told us one thing, and given us the opposite in its policy toward Nicaragua. The Michel amendment is the next step in a policy that promises restraint but gives us increasing military escalation: a policy that purports to protect the security of the Americas, but instead has isolated us from our allies and our own traditional commitment to international law; a policy that pretends to lead away from the use of U.S. troops but, as we learned in the New York Times last week, has already prepared detailed plans for a U.S. invasion of Nicaragua.

Each time we have faced this issue, the House has explicitly reaffirmed its commitment to the Boland prohibition. Whatever else we do today, we must make that commitment clear once more.

Today, for the first time, we are asked by the authors of the Michel amendment to put the issue of the Boland prohibition aside, as if the Boland prohibition were not the key to any policy toward Nicaragua.

If, as some of its sponsors say, the Michel amendment is not intended to repeal the Boland prohibition, then there should be no problem with voting clearly to reaffirm that commitment.

But, if this language has been drafted to confuse the issue, to pull the wool over the eyes of the American people—as so much of administration has tried to do on this issue—then let's have nothing to do with it.

Either way, a vote for the Boland amendment is critical.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding to me.

Mr. Chairman, my question is simply: If we are prevented as we are under the Boland amendment from aiding the Contras in any way, and the Eastern bloc, specifically the Soviets, are not under a similar constraint with regard to the Sandinistas, who is going to win?

Mr. BONIOR of Michigan. I am not going to make a case for the Soviet bloc; all I know is that the American people have clearly stated poll after poll, taken across this country, whether it is the Hamilton poll in the South, that they do not want us intervening in Nicaragua, and by wide margins, they are fearful that American troops will be sent there, and it seems to me that we ought to be following their wishes.

I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, under the Boland amendment, the language, as I understand it, contains a prohibition of assisting in any way the Contras, including the passing of intelligence, that would mean that in a scenario in which there was going to be a surprise attack, for example, on a Contras position or Contras settlement, the United States would, by law, not be permitted to warn those people in time that they might prevent a massacre?

Mr. BONIOR of Michigan. I think there will be discussion of that specific issue in the Boland amendment that is before us, and I think a dialog between the chairman of the committee, Mr. BOLAND, and those who oppose it from our side as well as your side will help clarify the situation as it presently stands, which I think would permit what the gentleman is referring to.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, does the gentleman know, and I would please like the courtesy of a specific answer, a specific number, please, how many times has Daniel Ortega been to Moscow?

Do you know? You don't? I will tell you: Eight, eight; since April 28, 1980, eight times. Please do not ever forget that number. Now you know.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Michel amendment to provide humanitarian assistance to the Nicaraguan Contras and assistance for the implementation of a Contadora agreement. Issues surrounding American foreign policy in Central America, and Nicaragua in particular, have generated a significant public debate throughout the country. It has also had the unfortunate effect, to date, of causing an unhealthy partisan cleavage in this body.

When we last considered this question, I sought a bipartisan agreement focused on humanitarian assistance, one which stressed the necessity of arriving at a peaceful, diplomatic resolution of the conflict. I was disappointed that this House ultimately voted to ban aid of any kind, and in the process lost the expedited parliamentary procedure under which it was considered. I am pleased, however, that we have this opportunity to reconsider the issue again so soon.

This amendment, Mr. Chairman, builds on the strengths of the earlier Hamilton substitute. The emphasis here is on the provision of humanitarian assistance to the Contras and the vigorous pursuit of economic and diplomatic measures, under the aegis of the Contadora process, to help secure regional stability. By prohibiting the Department of Defense or the Central Intelligence Agency from distributing the 27 million dollars' worth of food, clothing, and medicine, there is little chance that the intention of Congress will be misunderstood. This amendment further clarifies the role of American intelligence agencies by permitting solely the sharing of intelligence information.

This provision emphasizes the humanitarian character of American assistance to the Contras, and the intention of the United States to support a negotiated settlement among the states of the region as well as a church-mediated solution to Nicaragua's domestic problems. The Michel amendment provides that if the President determines that negotiations based on the Contadora process have failed to alleviate regional tensions, or if other forms of economic suasion have proven to be insufficient, then he can request additional assistance for the Contras under expedited procedures.

Conversely, if the Contadora process and other measures yield results beneficial to peace and stability in Central America, the President may request funding in furtherance of the peace process, also under an expedited process. These are important signals to the government in Managua.

Congress will also monitor the general progress of human rights in Nicaragua by requiring the President to provide an analysis of alleged violations of human rights on both sides of the conflict. Many of us have been concerned, not only by the human rights violations of the Sandinista government, but also by allegations of atrocities committed by those seeking to democratize Nicaragua. This provision will send a signal to both sides that the United States cannot condone the abuse of civil liberties and will not ignore the senseless loss of civilian lives.

Mr. Chairman, this framework was absent from our previous consideration of this issue. I believe it significantly strengthens the proposal. This amendment is an attempt to bridge the partisan gap that has developed over our policy in the region.

I further believe that this is a proposal which the President can, and will, support. I urge my colleagues to join me in supporting the Michel amendment.

□ 1240

Mr. BOLAND. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. EVANS].

Mr. EVANS of Illinois. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the Michel amendment.

I recently returned from a week-long trip to Central America and came back with a greater conviction that our policy toward Nicaragua is backfiring.

I came to this conclusion after much consideration and after talking to both sides of the conflict in that country.

In Nicaragua, I traveled to the countryside near Boaco to talk to two families of campesinos who were held captive for 9 months by the Contras. These were very nonideological people without any particular political axes to grind.

But their tale of terror at the hands of the Contras was bone-chilling—a story of rape, torture, and slave labor. I hope our colleagues will review this testimony I took in Boaco and I will insert it in the RECORD at this point.

FAMILY ESCAPES CAPTIVITY BY CONTRA—MOTHER AND FOUR DAUGHTERS RAPED REPEATEDLY

(By Paul Dix, Leticia Saucedo, and Ed Griffin-Nolan)

BOACO, NICARAGUA, May 18, 1983 (WFP).—On May 15th, 1985, two families, totalling 15 people, were flown into Boaco by Army helicopter. They had been kidnapped and held for nine months by counter-revolutionary forces in the Department of Zelaya, in an area roughly 150 miles from Boaco. In an interview conducted by three WFP volunteers and U.S. Congressional Representative Lane Evans, the Guzman family described the details of their capture, detention, and escape.

A group of contras arrived at the Guzman home in Caña Azul, Central Zelaya province, on the afternoon of September 10, 1984. Natividad Miranda Sosa, 45 years old, was home at the time, along with four of her daughters, Isidra, 20, Aurchana, 15, Rosalina, 13, and Mirian, 11. Her husband Ramon Guzman Gonzales, 55, was away, visiting his sick mother. Lino Gomez Gonzales, 29, who lived and worked with the family, was also in the house.

Threatening them with rifles and yelling "piricuacos", (a term which literally means "rabid dog", that contras often call Sandinistas), they forced the family out of the house and onto a trail that led to the Colinguas River. This was the beginning of many forced marches and a nightmare of nine months in captivity.

Lino was killed early the next morning. He was taken away from the family, and in Natividad's words, "They took him out in the afternoon, held him all night, and killed him at about four in the morning. They told us they were taking him to a central command post but we knew it was a lie. They themselves said later that they had left him dead." Apparently, he was killed for participating in the civilian militia in Cana Azul.

For the next four days, the women walked to a command post in the zone of Silva. When they reached the military base, Aureliana was delivered to the contra leader, known as "El Gato", (the cat) to become his woman. She was raped several times during the two weeks (September 14-October 1) that he held her captive and forced to accompany him to another command post near Aguas Calientes.

The contra accused her of crimes including membership in a health brigade, which was true, and being married to a Sandinista soldier, which she was not. "Her torture", according to her mother, "took the form of rape and starvation". She ate only the scraps from the plate of "El Gato".

Eventually, the commander of the contra troops at Aguas Calientes ordered that Aureliena be returned to her family. In the meantime, the rest of the women were still in Silva, held prisoner by the contra leader known as "El Gavilán", (the hawk). They were given little to eat or drink, were constantly guarded and raped again and again.

"El Gavilán" himself took Rosaline, only 13 years old, and his bodyguard took Isidra, the 20 year old. Eleven year old Mirian clung to her mother until one day the contras split them up by telling Natividad that she had to cook for them.

In the words of the mother: "They deceived me by telling me they needed me to cook. They took me away from my daughter who was always clinging to me. When I got to the other side of the camp, they said "we don't need any cooks. This is what we want you for.' And they began treating me with their immoral acts. They gave me someone they called "El Criminal" and he and two others raped me all night."

Eleven year old Mirian was also being raped, passed from one contra to the next. The following night they didn't touch Mirian but, for Natividad, the second night was the worst. "I didn't think I would live", she related, her face was stern and her eyes avoided contact with her interviewers.

After 13 days in Silva, the mother and her three daughters were taken to the community of Olia Olia, where they stayed four days. There they were divided up and raped again. On October 5, they were transferred to a central command post in Batitán. All of this time, they were living under constant threats of death. "If we deserted and were

caught, they would not pardon us", said Natividad. "They would kill us".

The commander in Batitán promised them rest and peace, but shortly after they arrived, Isidra was taken away and raped by a man named "Chele", a term used to describe people with light skin and coloring.

While in Batitán, the women were united with Ramón, the father of the girls, and Natividad's husband. He had been kidnapped on September 28, 18 days after the women were taken. After being held and "investigated", (his wrists were tied so tightly that he could not use a machete for two months afterwards) he was sent to live in Batitán, always under the control of contra troops.

The reunited family lived in Batitán until the contras moved them to Aguas Calientes, two months later. In that small community, the contras occupied the church and school and guarded the people constantly. Most of those who lived there gave support to the contras, either voluntarily or by intimidation and force. According to Natividad, many of them, out of fear, attended weekly indoctrination sessions. Some families worked on large cattle ranches owned by contra supporters, for which they were paid 50 cordobas, or less than one US dollar, per day.

The community had no school or health center. A Catholic priest gave Mass once in six months, and Delegates of the Word performed pastoral functions in his absence. Three sixty-man contra units were based at Aguas Calientes.

The Guzmans lived at Aguas Calientes from December until May, when they escaped during a government attack on a nearby military post. The family had planned to stay at Aguas Calientes until the army came to rescue them, but in early May, when the Nicaraguan army began their advance on the contra command post in Batitán, the contra told them they would be taken to Honduras. Fearing that they would be killed instead, they made the decision to escape. Afraid of travelling the roads, they plunged into the heavily forested mountains in the direction of Batitán. Two days later on May 10th, when they reached Batitán, the army assault on the contra command post was still in progress.

The contras were defeated the next day. On May 15th, the Guzmans were flown to La Florida, a state farm ten miles from Boaco.

Alejandro Mendez, coordinator of the local government, told WFP that the family arrived practically naked, barefoot, with swollen bellies and health problems that included malaria.

When WFP interviewed them three days after their arrival, they had been clothed, fed, and given medical attention. Mendez said that he was expecting 60 more civilians who had just been freed from the contra in Batitán and Aguas Calientes to arrive in La Florida in the next few days.

This interview was conducted in a large room on the La Florida farm. All 15 kidnapped victims were present, along with Alejandro Mendez; Jorge Abarco, political secretary of the FSLN in Boaco; methodist missionary Howard Heiner; Rep. Evans; his aide, John Ayers; and the three WFP volunteers mentioned.

After approximately one hour, Leticia Saucedo and Paul Dix met with the family in private for more than one hour for a more detailed and complete interview, in a more relaxed setting. No government or army officials were present and details of the story were checked and compared with the earlier interview to test for accuracy.

I ask our colleagues to review this testimony of rape and terror, and then tell me what kind of assistance we should send to men such as these.

What is being proposed is assistance to a group of armed thugs and rapists who use terrorist methods we as Americans have always condemned. That is not only contrary to our best interests, it is contrary to our best traditions.

Shortly after the Bay of Pigs, columnist Walter Lippman said:

A policy is bound to fail which deliberately violates our pledges and our principles, our treaties and our laws . . . The American conscience is a reality. It will make hesitant and ineffectual, even if it does not prevent, an un-American policy . . . In the great struggle against communism, we must find our strength by developing and applying our own principles, not in abandoning them.

I urge my colleagues to keep those words in mind and vote against this misguided amendment.

Mr. McDADE. Mr. Chairman, I am delighted to yield 3 minutes to my colleague, the distinguished chairman of the Hispanic Caucus, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Michel-McCurdy-McDade amendment and I must state that this is one of the most agonizing votes I have had as a Member of Congress. I have been one of those who have consistently voted against any kind of military aid to countries in Central America. I have opposed this administration's policy in the area, and in addition to that, I still have grave reservations about the course that the Reagan administration is taking in Central America.

But we did one thing on April 24 that we are now living to regret. We voted for the Hamilton-Barnes amendment, which still, in my judgment, is the best course of action for our policy in Central America. However, right after that vote, this House went ahead and wiped out perhaps that best standard and the best language and the best policy that we have had for the area. Hamilton-Barnes emphasized the Contadora process and negotiations and refugee assistance. Now we have the Michel amendment, which is still deficient but has some good approaches and initiatives nonetheless.

Why, as a Member of Congress who has consistently opposed our policy in Central America, am I changing my vote and my perception? Why will I be supporting humanitarian aid to the Contras? Three things have happened since that April vote that caused me to change my approach and give the President the benefit of the doubt, and not continue to believe that the Sandinistas believe in peace.

First, Daniel Ortega went to Moscow. It is not that I do not know that he is a Marxist-Leninist or that I question him going to Moscow. He went to Moscow the day after the vote, slapping those of us that hoped he was genuinely for peace right in the face. He had representatives from his office, from his cabinet, in my office telling me and others that if the Congress voted no on aid to the Contras that there would be a peace, cease-fire negotiations initiated by the Sandinistas. Instead, what did Ortega do? He not only didn't keep his word, he went off to Moscow and the Soviet bloc and collected $300 million. What about these Sandinista incursions into Honduras and Costa Rica? What about the further derailment and curtailment of the press? What about the arrests of some of Nicaraguan labor leaders that have been arrested since that vote? What about the Sandinista backsliding on that vote?

So I say to Mr. Ortega, "You made a statement yesterday, June 11, that you were ready to have that cease-fire once again and I say to you that I do not believe you." That is reason 1—the lack of trust that I have for the Sandinista commitment to peace.

Reason 2 is that I worked in a bipartisan way with Mr. McCURDY and Mr. McDADE and Mr. MICHEL to have good positive language in the bipartisan amendment. It is not a perfect amendment, but it does have some good points: it says that we support the Contadora process; it says that we will push for bilateral negotiation with the Sandinistas; it condemns Contra atrocities; it says that we will work toward a ceasefire. It says no to the CIA in disbursing the aid and I am completely for that, because the American people don't want military assistance nor do they want the CIA involved.

The gentleman from New York said material assistance to the Contras is provided in this amendment. It is not. I am not voting for material or military or paramilitary assistance. I am voting for food, clothing, medicine, strictly humanitarian aid. No military aid. And if we are going to clarify that, we should, and I believe the Boland amendment does that.

Third, I am voting this way because I think the President of the United States for the first time is saying that he is for negotiations and meaning it. He met with us yesterday, and he said in a letter and verbally that he is not for overthrowing the Sandinista government. He said also that he is not for sending combat troops; that he supports the Contadora process; that he wants us to give him a chance.

For 9 or 10 months, this Congress has voted no on aid to the Contras. That hasn't worked. There is still bloodshed. I think we should try a new approach, and I frankly don't know if that Michel amendment is the right thing to do. But we must at least try. I am willing to give the President of the

United States a chance and the benefit of the doubt. I hope and pray he does not let us down.

Mr. McDADE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, it is a pleasure to follow the gentleman who just spoke before me because I share his sentiments. We have two choices here today. We either can pull out of Central America on a hope and prayer that something good will happen, or we can be a positive contributor to some kind of peaceful change in the region.

I, too, have opposed military aid, I have opposed the bombing of the harbors, I have supported the Boland amendment in the past, but I tell my colleagues, about 6 weeks ago I sat down with our President and I said, "Here is what we need. In order to get my support, no CIA activities. We do not trust them any more. No Department of Defense involvement. We are not talking about direct military support to overthrow the Government of Nicaragua. No military aid. No DOD. No CIA."

That is what the Michel amendment is. It meets those standards, and I suggest to those of you who have advocated peaceful change and peaceful means in Nicaragua, do not change your conditions now that the administration has met those conditions. Support the Michel amendment without any amendments.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong support of the Michel amendment. Let me set the record straight. This is not the Michel-McCurdy-Robinson-Richardson bill. My party would not give us a vote on this bill, and you notice I came to this side today, the right side, because gentlemen, you are right on this issue.

I did something yesterday that is the hardest thing for any politician to do. I stood up and told the President of the United States that I made a mistake when I voted for Barnes-Hamilton. I made a big mistake. I let my leadership and the liberals in this Congress convince me that Daniel Ortega was going to do right. He did not do right. They have a Neville Chamberlain mentality.

But I have the guts to stand up here today and tell you the President is right. Do not be deceived by the Gephardt amendment. It does nothing. It is a copout. Do not be deceived by the Boland amendment.

What do you think we are doing in Nicaragua? We are trying to thwart communism. We are hopeful there will be a plebiscite. The Boland amendment circumvents what the President is trying to do.

Let me say this and share this with you: As a young man in the Southern Baptist Church, I learned that one does not cast his pearls in front of swine unless they trample on them. Daniel Ortega is a swine. He is a dictator. He is a Communist.

In closing, let me say this: This is not another Vietnam. See how far it is and how long it would take a missile to go from Managua to your district versus how long it would take to go from Vietnam. We lost Vietnam because of our politicians, not our fighting men and women.

□ 1250

Mr. BOLAND. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, those are war drums beating. The sound is distant, but it is unmistakable. We have heard it before. Direct aid to rebel forces, 100 million American dollars spent on militarily assisting the Contras—the sounds of drums. The mining of Nicaraguan harbors, illegal overflights of the country of Nicaragua, an embargo, extensive military operations in Central America—those are the sounds of war drums.

There have been indications by the President in private that direct military intervention may be needed, and we have heard a statement in public by Secretary of State Shultz that U.S. military force must be recognized as an eventual option.

The American people hear the drums. Eighty percent of them have expressed apprehension. Sixty percent believe that humanitarian aid to soldiers is wrong.

We have stepped into the quicksand of military escalation. Is Nicaragua Vietnam? Geographically and socially, no, but like Vietnam, Nicaragua is a brier patch, and once entered, one does not escape unscathed.

Does the President, Secretary of State, or Secretary of Defense want to commit troops, the Nation's energy, and hundreds of millions of dollars to a war in Central America? No. No, they do not. Nor did Lyndon Johnson or Richard Nixon want to cross the war threshold in Southeast Asia or widen that war. But the fate of those Presidents and 60,000 young Americans with them was sealed because an early mistake was made and we were then led inexorably into that unwinnable war.

The threshold of the one-way road to war is not easily identified, but once a nation has crossed it and proceeded down that dark path, retracing one's steps becomes very difficult indeed.

I believe America has crossed that threshold, but we have yet time to reverse the course. To do so we must recognize, as we did not in Vietnam, that only political solutions can effectively be applied in some situations. We must have no Polyanna illusions about either the motives of the ruling Government of Nicaragua or the designs of the Soviet Union, but American leaders must finally recognize the simple fact that we cannot export democracy through the barrel of a gun.

Humanitarian assistance to whom? Soldiers? Humanitarian assistance to guerrilla fighters, to terrorists?

Out my way, in Montana, when folks talk about gun control, here is what they say, "Guns don't shoot people. People shoot people." In this instance the Contras are the people that are shooting people. Contras with full stomachs and new army boots kill people. They extend that war and they drag this Nation into that dark path of questionable retreat.

Mr. Chairman, Americans hear the drums. Now it is time for us to listen and to respond by rejecting this amendment that the American people do not support.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Arizona [Mr. STUMP].

● Mr. STUMP. Mr. Chairman, I rise in support of the bipartisan Michel amendment to H.R. 2577 to provide humanitarian aid to the Nicaraguan democratic resistance. The resistance provides the last, best hope for freedom in Nicaragua. It is time for America to stand and be counted in support of the forces of freedom and in opposition to the forces of tyranny. We can't stand on the sidelines.

The Michel amendment demonstrates clearly where America stands—with the resistance, which seeks a democratic future for Nicaragua. After Congress forced the United States to abandon the resistance by cutting off aid, the nations of Central America began to doubt whether we would counter the establishment and expansion of communism on the mainland of the Americas. With the Michel amendment, the United States will reassure the resistance and the free nations of the region that we stand for freedom in the region and we will help them preserve it.

No one should misunderstand the situation. The President's report to Congress on April 3, 1985, made clear the need for military aid to the resistance. Nevertheless, the House vote on April 23 showed that such military aid does not command majority support in the House. But doing nothing is downright dangerous, and most Members of the House realize that.

Those of us who fully support the President's program for peace in Cen-

tral America faced the unwelcome choice of a second best alternative to the provision of military aid, and providing purely humanitarian aid is that alternative. It won't improve the military capabilities of the resistance, but it will show the resistance and the Central American nations that Congress has changed its mind about abandoning the cause of freedom in Nicaragua. Those responsible for achieving peace in Central America tell us that this demonstration of resolve should have a very positive effect.

I urge the House to adopt the Michel amendment for humanitarian aid to the resistance.●

Mr. McDADE. Mr. Chairman, I am delighted to yield 3 minutes to the gentleman from New York [Mr. ECKERT], who is going to make his maiden speech in the House of Representatives.

Mr. ECKERT of New York. Mr. Chairman, last month the House of Representatives committed a grievous error of judgment when we voted to turn our backs on the men and women who are daily risking their lives to rid Nicaragua of its Soviet-supported Sandinista Communist dictatorial regime and bring freedom to that troubled land. Today we shall vote to correct that lapse of judgment.

Oddly, we are doing the right thing for the wrong reason. We are all aware that promptly after we turned our backs on the anti-Communist forces, Nicaragua's Sandinista Communist dictator, Daniel Ortega, flew off to Moscow to celebrate what was clearly a victory for communism. We all watched the Speaker of the House publicly lament that this surprised and embarrassed him. The Speaker should be embarrassed to be surprised. The Speaker should know that that wasn't Dictator Ortega's first pilgrimage to the Kremlin—it was his seventh. Ortega has gone on missions to Moscow in April 1980, May 1982, November 1982, March 1983, February 1984, March 1985, and May 1985.

Ortega goes to Moscow for the same reason that Catholic faithful go to Rome, for the same reason Jewish faithful go to Jerusalem, for the same reason Moslem faithful go to Mecca. It is as unsurprising for Daniel Ortega to show up in Moscow as it is for the swallows to return to Capistrano.

All that Ortega's last trip demonstrated is that he has a bad sense of timing. But his other actions over the years have demonstrated that he is a Communist, that he is a tyrant bent on suppressing his own countrymen and subverting his neighbors, that he is a willing instrument of Soviet imperialism. And that—Ortega's proficiency in advancing communism, not his deficiency in timing—is what we Americans, and anyone who cherishes freedom and abhors communism, should be deeply concerned about.

Nicaragua is under siege by a coalition of Communists and lunatics. We all know about Soviet and Cuban subversion there. And most of us are aware of the peculiar presence in Nicaragua of other Communist bloc countries—the East Germans, the Bulgarians, the Czechoslovakians, the North Koreans, the Vietnamese. But far too little attention is paid to some of the other dangerous extremists who are on the loose down there.

The leader of the PLO terrorists—Yasser Arafat—has boasted:

> Anyone who threatens Nicaragua will have to face PLO combatants.

The Sandinista Communists' Interior Minister Tomas Borge saluted Arafat in Managua by saying:

> We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas.

Now if there is a more maniacal menace in the world than Arafat, it has to be Libya's Col. Mu'ammar Qadhafi. And just listen to Qadhafi speak:

> Libyan fighters, arms and backing to the Nicaraguan people have reached them because they fight with us. They fight America on its own ground.

Qadhafi said that last year during the 15th anniversary in power party he threw for himself, an affair that no prominent Arab leader would deign to attend but which the Sandinista Communists cheerfully joined in.

And just months ago, Nicaragua's Communist dictator welcomed to Managua the Ayatollah Khomeini's Prime Minister Mir Hossein Mousavi, the man the Washington Post calls the kingpin of the Iranian terrorists' operations. Be interesting to know what they were talking about, wouldn't it?

America's enemies are going all out to keep the Sandinista Communists in control in Nicaragua. Only the most naive fail to recognize that appeasement will not satiate the appetite of the Communists and other dangerous extremists who plague Nicaragua. We must not let tyranny win by default.

We do not want another Vietnam in Central America. We do not want another Cuba in Central America. But unless we summon the strength and courage to come to the aid of the democratic anti-Communist forces now, before it is too late, we could get both.

Last month, the action of the House brought America perilously close to that danger no American wants. Fate has given us a reprieve. Let us seize this new opportunity. This time, let it be America's enemies who are embarrassed and surprised. This time, let Congress come to the aid of America's friends.

Mr. Chairman, I urge my colleagues to join with me in supporting the bipartisan Michel-McCurdy-McDade amendment.

Mr. OBEY. Mr. Chairman, may I inquire of the Chair as to how much time we have remaining on this side?

The CHAIRMAN. There are 13½ minutes remaining on the gentleman's side, and there are 13½ minutes remaining on the other side.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, today the President is asking the Members of this House to support the Contras. He calls them freedom fighters. I call them Fascists.

Let there be no mistake about it, the President's request amounts to asking us to fund Fascists to fight Communists. This is a course I refuse to take.

□ 1300

Just who are the Contras that the administration proposes we support? The President has likened them to the Founding Fathers. That is a dishonor to those great men who founded our country.

The administration claims that the Contras are forces for democracy, but the key members of the FDN, the largest Contra force, the one to which our aid goes, are former members of the national guard of the late Nicaraguan dictator, Anastasio Somoza. Mr. Somoza's contempt for democracy, for human dignity, and for the things Americans believe in is infamous worldwide.

The President has called them freedom fighters, but these armed insurgents, in the course of war, have committed unspeakable atrocities against the Nicaraguan people. If you think that we are going to win in Nicaragua by aiding the very people the Nicaraguan people despise, you are sadly mistaken.

We must call the Contras what they are. What they are is Fascists. A vote for them is a vote against freedom. If we believe in freedom, we do not use the forces of darkness to fight the forces of darkness.

I urge my colleagues to cast their vote against aid to the Contras.

Mr. McDADE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ZSCHAU] for the purpose of a colloquy.

Mr. ZSCHAU. Mr. Chairman, I thank the gentleman for yielding.

I rise for the purpose of asking the gentleman from Pennsylvania [Mr. McDADE] a question.

It has been suggested by several speakers that the purpose of the humanitarian aid in this bill is to support combat activities of the Contras. Is that correct?

Mr. McDADE. Absolutely incorrect, I say to my friend.

Mr. ZSCHAU. What then is the purpose of the aid?

Mr. McDADE. The text of the law requires humanitarian aid only and proscribes specifically military or paramilitary aid.

The purpose of doing this is to try to achieve a negotiated settlement to the hostilities by permitting the resistance forces to have an opportunity to sit down at the bargaining table and work out their differences and bring us back a pluralistic government in Nicaragua.

Mr. ZSCHAU. Well, I thank the gentleman for clarifying the purpose of the humanitarian aid that would be provided by this amendment.

I think we should be encouraging a regional peace agreement in Central America. We should be encouraging internal reconciliation in Nicaragua. However, if the Contradora peace negotiations are to be successful, they need wholehearted support by the United States and other countries. Also, there must be incentives for all parties to the negotiations to make the compromises that will be required to arrive at a regional settlement. In order to achieve internal reconciliation in Nicaragua there must be a cease fire and dialog among the parties to the internal conflict. Also, the opposition groups must be able to stay in Nicaragua as viable entities. I believe that this amendment would go a long way toward establishing these conditions that will encourage a regional peace agreement in Central America and internal reconciliation in Nicaragua.

Mr. McDADE. Mr. Chairman, unfortunately I can yield only 3 minutes to my colleague, the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank my colleague for yielding.

Let me say at the outset that there are, obviously, good people, decent people, on both sides of this issue. This is not an easy issue. And I do not come to call anybody's sincerity into question.

Also, I would like to say that those of us who support the Michel amendment do so on a bipartisan basis. Some 46 Democrats 7 weeks ago supported the Michel amendment, so it is not a new phenomenon, that this is neither personal nor partisan. It is truly a bipartisan issue.

Finally, I would like to respond to my friend and colleague, the gentleman from New York [Mr. SCHUMER] who just characterized the Contras as Fascists.

I cannot swear to the fidelity and loyalty of each of the Contras, but I can tell you this. Their leadership, one of whom is in town today, Eden Pastora, were the very men who fought side by side with the Sandinistas for freedom against Somoza in Nicaragua. It is these same men who fought for freedom and who discovered 2, 3, and 4 years ago, that that freedom had been taken away from them, not by Somoza, who is gone, but by the Communists and the Marxists who remain.

No, they are not Fascists. They are not perfect, but they are definitely, by any fair definition, freedom fighters.

Let me make two quick points in the minute I have remaining. We had a close vote 7 weeks ago, 215 to 213 and those of us who supported Michel lost. Those of us who felt that as the world grew smaller, America could not play the ostrich, that we had a stake in Central America. It went far beyond the Monroe Doctrine, that we had a stake in Central America.

It went far beyond the words of John Kennedy when inaugurated in 1961 of our promise to the South.

We had a stake in Central America. We lost that vote, but in the 7 weeks since, many of my colleagues on the Democratic side have rightfully changed their mind. A lot of things have influenced them; the trip to Moscow by Ortega, the fact of the incursions into Costa Rica by Nicaragua, the visit by President Duarte of El Salvador to this country when he said, "Use the carrot and the stick approach." He said, "Keep the pressure on the Sandinistas to keep the revolution out of my country."

Many of my colleagues have over the last 7 weeks changed their minds.

I want to do two things today. One, I want to thank them and to praise them for listening and learning and deciding that we do have a stake there. We do not want to send our men south and the best way not to send them is by keeping the heat on the Sandinistas, and to encourage the Contadora process. I want to thank my colleagues.

Second of all, I want to warn them. Of the many votes today, the most crucial vote will be on Boland. Mr. BOLAND, a good man, a decent man, who has done great service in this House; but if his amendment passes, we will have taken away the humanitarian aid. They said it 7 weeks ago. They said that humanitarian aid is another form of military aid, did they not? If they said the 7 weeks ago and they are now coming up with the Boland amendment, what is their real purpose? Their real purpose is to gut Michel.

Vote no on Boland. Stand tall.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, if the Members on this side of the aisle are beginning to look like Neville Chamberlain, then the Members on that side of the aisle are carrying around the false illusion that perhaps they are John Wayne.

Government that comes to power by force and governs by force will be overthrown by force. We are supporting a government effort supposedly if we could understand what that policy is to support the Contras to overthrow the Sandinistas.

What will the change be in Central America? The bottom line is while we divert all the issues, the major hidden element is the Soviet Union.

Well, let us talk about John Wayne's policies. They shot down a Korean airliner. Major Nicholson, brutally wounded, brutally killed, and this House passed a resolution spanking them on the hand.

Now, it was not the American soldiers that lost out in Vietnam. That one scene, very symbolic, of that helicopter leaving Saigon, the Embassy, with Americans pushing South Vietnamese from it, that is the type of policy that is getting us very close to war in Central America with this hidden illusion of John Wayne behind the scene.

We are giving the CIA much too much control and they are getting us closer and closer to war.

I am opposed to the Michel amendment. You do not have to feel like you are weak on defense to take that position. It is a smart move and we must face the facts. We must begin to deal with the Soviet Union and that hidden element, instead of diverting it with all these other little hidden messages and fights here on the House floor.

If we are going to take a stand, take the stand that is right and the stand we are taking in Central America is getting us close to war. I wonder if that happens, what would be the sentiment of the politicians as we let our American soldiers go down the tube in South Vietnam?

This House was responsible for the action there and I believe we are moving along those lines now.

Finally, we have doubled the military budget in this country. How do we continue to keep the American people tolerating that? We continue to discuss all these foreign threats. We had better start putting it in perspective and putting the facts on the line before John Wayne takes us to war and people do not act like John Wayne when it happens.

Mr. McDADE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding.

It is not often we get a second chance in this House. The gentleman in the well just stated that any government that comes to power by force will fall by force. No Communist government in the history of this world has ever come into power except by force. I think the gentleman has his arguments on the wrong side.

A few weeks ago we heard the debate in this House, the tone was, "Let's wait. Let's see. What are they

going to do? How are they going to react?"

We saw how they reacted. Ortega left the next day and went to Russia asking for $200 million.

The basic question is, Are we going to let communism become so entrenched in Nicaragua that it is another Cuba, or are we going to give the people who believe in freedom, who believe in free enterprise, a chance?

□ 1310

It can work. It is working in the neighboring El Salvador today. Look at the fantastic strides that have been made there in the last 2 years.

I urge my colleagues to stay with MICHEL and those of you who are changing your vote today; that is what America is all about, gathering information and standing up for your people.

Mr. McDADE. Mr. Chairman, I am delighted to yield 5 minutes to my colleague from Oklahoma [Mr. MCCURDY] who has worked long and hard to achieve the bipartisan compromise that we present to the House today.

Mr. McCURDY. Mr. Speaker, after the defeat of the bipartisan package to provide humanitarian assistance to the democratic resistance in Nicaragua on April 24, many Democratic and Republican Members gathered together that evening on this floor to develop a package that we could support. We developed a package that we believe stated policy for the first time that made sense in Nicaragua.

The Michel-McCurdy-McDade amendment moves clearly to the center to help support the democratic elements within the resistance forces in Nicaragua. We modeled this amendment after the successful bipartisan policy toward El Salvador.

In El Salvador, we heard the same arguments that we have heard today; that is, you could not break with the extreme right or left, and that the course of the policy inevitably led to a military invasion by the United States.

My colleagues, those critics were wrong. They were wrong then and they are wrong today.

The issue is not whether we are for negotiated settlement or military intervention. This amendment provides for a cease-fire, for negotiations, for the suspension of maneuvers, and the lifting of the boycott.

The issue is not whether we support Contadora. We provide $2 million for the Contadora nations and support the regional settlement.

The issue is not whether the CIA will be involved in distributing humanitarian assistance inside Nicaragua. Our amendment specifically prohibits the CIA and the DOD from doing so.

The issue is not over the protection of human rights inside Nicaragua by both the left and the right. Our amendment requires changes, requires progress, and U.S. monitoring on the improvement of human rights conditions inside that country.

My colleagues, the only real issue today is whether we provide real incentives for both sides and particularly the Sandinistas to negotiate with their people.

Let me quote from the President who sent a letter yesterday stating again the policy of the United States, not the rhetoric we hear on the floor.

The policy, as written under the hand of the President, says,

My administration is determined to pursue political, not military solutions in Central America. Our policy for Nicaragua is the same as for El Salvador and all of Central America, to support the democratic center against the extremes of both the right and the left, and to secure lasting peace through national dialogue and regional negotiations. We do not seek the military overthrow of the Sandinista government or to put in its place a government based on supporters of the old Somoza regime.

The President continued and said,

I take very seriously your concern about human rights. The United States condemns in the strongest possible terms atrocities by either side. We are committed to helping the democratic resistance in applying strict rules regarding proper treatment of prisoners in the civilian population, and we urge their leaders to investigate allegations of past human rights abuses and take appropriate actions to prevent further abuses.

Then the President states in conclusion that

A policy of support for democracy, economic opportunity, and security will best serve the people of Central America and the national interests of the United States. If we show consistency of purpose, if we are firm in our conviction, we can help the democratic center prevail over tyrants of the left or the right.

What we, as Americans, not just Democrats and Republicans, but as Americans should stand for are standards, standards that are the same for El Salvador, Nicaragua, South Africa, Chile, and other nations throughout the world.

I oppose the Boland amendment today because I believe it requires a higher U.S. standard as to Nicaragua than as to any other nation in the world. My colleagues, let us put the United States again on the side of democracy and liberty. I urge your support of the Michel-McCurdy-McDade amendment.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to my colleague, the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, I commend my colleague from Oklahoma and I support the McCurdy-McDade-Michel amendment. This has been a serious decision for me because I was a cosponsor of the original Barnes-Hamilton amendment. In reaching this decision, I asked myself some basic questions which I encourage my colleagues to consider.

First, what responsibility does the United States have in being involved in Nicaragua at all? Obviously, we have security interests and we will not allow that country, that close to our borders, to be used as a launching pad to threaten U.S. national security. I don't think such a threat exists today, but it clearly is a possibility.

But I do think that we have a moral responsibility to give humanitarian assistance to the refugees of that civil war because it was to a great extent our policies which brought on the war. The United States, in our desire to rid Nicaragua of human rights abuses and a stream of refugees escaping the Somoza dictatorship, sided with the revolutionary opposition to Somoza.

Immediately after the Sandinista triumph in 1979, America gave millions in aid and debt rescheduling assistance. Between July 1979 and April 1981, the United States gave Nicaragua $117 million in bilateral aid. Part of our support for the Sandinistas was their written promise to the OAS that the Nicaraguan people would have democratic elections, full political, religious, and trade union freedoms, a free press, a mixed economy, a policy on nonalignment, and peaceful relations with its neighbors.

Today we have a new set of refugees, new human rights abuses, and none of the solemn promises made to the OAS have been fulfilled. Today, Nicaragua has a censored press, sham elections, an official policy of antisemitism, exportation of revolution to El Salvador, invasions of Costa Rican and Honduran sovereignty, and a Leninist consolidation of police, judicial and military functions under the authority of a political party.

Now what about the Contras . . . the "democratic opposition"? Just like the Sandinistas, it's not all good or bad, but at least it pledges to carry out the promises of establishing freedoms and democratic institutions. On the political side, the Contras are led by men of sterling credentials resembling that of El Salvador's Duarte . . . leaders such as Arturo Cruz, Adolfo Calero, and Alfonso Robelo. Their major failing is that, unlike Duarte, they have not remained inside Nicaragua and endured the personal risks to establish roots of democracy there.

On the military side, the Contras are composed of a mixed group. There are former Somoza national guardsmen, former Sandinista revolutionaries who became disenchanted with the non-fulfillment of those democratic pledges, and new refugees caught up in the civil strife. Some of the Contras, as well as some Sandinista military units, have clearly violated human rights.

So what is our goal in Nicaragua if both sides have disreputable elements?

Do we abandon the new refugees and revolutionaries allowing the Sandinistas to complete the Leninization of Nicaragua? Do we finance military action to overthrow the Sandinistas, Neither approach should be our policy.

The irony is that the policy goals of Barnes-Hamilton and that of McCurdy-McDade are virtually the same. The distinctions between the two amendments are almost without a difference. The major distinction is who will deliver the humanitarian assistance. Barnes-Hamilton says only an international relief agency. McCurdy-McDade says either an international or an American Government relief agency, but definitely not the Defense Department or the CIA. Frankly, McCurdy-McDade is an improvement. Those who argue that only an international agency can be trusted to make sure that this aid be confined to humanitarian assistance, that argument sets up a straw man which is not significant. If Contras are going to abuse our humanitarian aid effort, they will do it whether or not it's an international or American agency administering it.

The real question is whether we should be giving any aid at all at this time. Most of the arguments which our more liberal colleagues have circulated recently supporting military aid to the revolutionaries of Cambodia or the freedom fighters of Afghanistan are relevant to the situation in Nicaragua. I am firmly against providing military aid to overthrow the Government of Nicaragua, but clearly this humanitarian aid is justified.

Finally, I believe that the McCurdy-McDade amendment is the right approach from the standpoint of timing. I see many comparisons between the situations in El Salvador and Nicaragua.

In 1981 and 1982, Congress and the administration were polarized over El Salvador. Many of us in Congress did not support aid to El Salvador because of the gross human rights violations there. At the same time, the administration refused to acknowledge human rights violations by the Junta. When the administration moved from its extreme position of blindness to the death squads and other human rights abuses, Congress placed tight strings but passed assistance to give democracy a chance to work in El Salvador. This movement to the middle by both the administration and Congress, has resulted so far in a shining success for establishing democratic institutions, freedoms, and human rights in El Salvador.

In Nicaragua so far, the administration has used wrongheaded policies using gunboat diplomacy against the Sandinista Government while putting on blinders to the presence of Somocistas in the Contra military leadership. Many in Congress have overlooked the consolidation of a Leninist state in Nicaragua.

Thanks to the work of those who pushed the McCurdy-McDade proposal, both the administration, as evidenced by President Reagan's letter to the gentleman from Oklahoma, and a bipartisan coalition in Congress have moved to the middle. The McCurdy-McDade amendment represents an El Salvador-style coming together of both sides, bringing the President a long way away from the warmongering statements of the past, and lending legitimacy to the moderate, democratic forces within the Contra leadership. Just as we changed our position on El Salvador at the right time, and it worked, I think the time is right to slightly modify our position on Nicaragua. The McCurdy-McDade amendment is the best vehicle to give democracy a chance in Nicaragua and I urge its passage.

Mr. BOLAND. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. CROCKETT].

Mr. CROCKETT. Mr. Chairman, I see no rational or justifiable reason why Congress should once again take up the issue of whether to provide economic assistance to the Nicaraguan Contras. The issues that surround this debate have not changed, and I remain convinced that the American people feel as strongly as ever that resuming aid to the rebels would be the wrong path to follow.

Support for the Contras in their attempt to overthrow the legally recognized Government of Nicaragua would still violate international law, would still drag the United States closer to direct military involvement in Central America, and would still constitute overt aggression against an independent people.

Mr. Chairman, recently there has come to my attention an outstanding piece of legal research sponsored by the National Emergency Civil Liberties Committee, that examines U.S. policies toward Nicaragua in the context of international law. This report, which has been concurred in and endorsed by more than 100 deans and law professors from some of the most prestigious law schools in this country, concludes unreservedly that American involvement with the Nicaraguan rebels has contradicted several U.N. resolutions to which we had subscribed regarding acts of war and has also violated our own Neutrality Act. In addition, the report points out that President Reagan's decision not to accept rulings by the World Court on the CIA's role in helping to mine Nicaraguan harbors was a breach of our treaty obligations to that Court, and signalled to the world a disturbing lack of interest on the part of the American Government to live up to its international obligations. The text of the article will follow my comments in the CONGRESSIONAL RECORD, and I strongly recommend to my colleagues that they review it.

Mr. Chairman, an America that wavers in its commitment to international law undermines world order and peace. Renewed funding for the Contras would compromise both our standing in the international community and our national ideals. I urge my colleagues to stand firm in their convictions that the United States cannot and must not help to destabilize by forceful means a legitimately elected government with which we continue to exchange ambassadors and maintain diplomatic relations.

[Memorandum of The National Emergency Civil Liberties Committee on the United States, Nicaragua and the World Court April 15, 1985]

THE REAGAN ADMINISTRATION AND NICARAGUA

I. THE UNITED STATES AND THE WORLD COURT

On April 9, 1984, Nicaragua commenced a proceeding against the United States in the International Court of Justice claiming, and seeking an adjudication by the Court, that the United States had, since March 1981, engaged in and been responsible for military and paramilitary acts in and against Nicaragua in violation of the Charter of the United Nations, the Charter of the Organization of American States, other multilateral treaties and principles of international law.

The response of the Reagan Administration was to challenge the Court's jurisdiction to deal with the dispute and to demand that Nicaragua's application be stricken from the Court's docket. Not only were the grounds of objection to the Court's jurisdiction tenuous as a matter of law; more significantly, the United States was rejecting the Court's right to intervene in an unquestionably grave international dispute. This jurisdictional challenge was rejected by the Court on November 26, 1984 by a 15 to 1 vote. Confronted with this unequivocal rebuff to its views, the Reagan Administration, on January 18, 1985, announced that it would not participate in further proceedings in the case.

This is a most startling and unfortunate position for our government to take. The United States declared its acceptance of the compulsory jurisdiction of the International Court of Justice almost forty years ago, in 1946 (in accordance with the so-called optional clause of the Court Statute (Article 36, Par. 5), in relation to any other state accepting the same obligation in all legal disputes concerning (a) the interpretation of a treaty; (b) any question of international law; (c) the existence of any fact which, if established, would constitute a breach of an international obligation; and (d) the nature or extent of the reparation to be made for breach of an international obligation. Our government regarded its declaration as tantamount to a treaty obligation; acceptance was authorized by the treaty process, a two-thirds vote of the Senate approving, the Senate Committee on Foreign Relations noting at the time that "(t)he force and effect of the declaration is that of a treaty, binding the United States with respect to those States which have or may in the future deposit similar declarations.

There is therefore no doubt that the Court's jurisdiction extends to adjudication of the dispute stated by Nicaragua. And our government's attempt, three days before Nicaragua's application was filed, to modify its 1946 declaration of acceptance so as to exclude "disputes with any Central American states or arising out of or relating to events in Central America" was patently ineffective. For, when the United States accepted the Court's compulsory jurisdiction, our government expressly stated that its acceptance would "remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate this declaration." This, as the Senate Committee explained when it approved the authorizing Resolution in 1946, has the effect of "a renunciation of any intention to withdraw our obligation in the face of a threatened legal proceeding."

Nicaragua had also accepted the compulsory jurisdiction of the court, and it was thus plainly within the contemplation of the United States declaration. The Yearbooks of the Court repeatedly and consistently noted that Nicaragua's 1929 declaration was made under Article 36 of the Court Statute and is "deemed to be still in force;" our own Department of State publication, "United States Treaties in Force" on January 1, 1983 (p. 351) lists Nicaragua, without qualification, as one of the States that accepted the compulsory jurisdiction of the Court; and the standard "United Nations Information Book on the International Court" does the same.

The Reagan Administration's refusal now to participate in further proceedings before the World Court is a blatant repudiation of our earlier commitment of the resolution of disputes among nations by an international court of justice. It is a betrayal of the principle of the rule of law in international affairs. The Administration's excuse for this unprecedented departure from our earlier policies is strangely reminiscent of the argument Iran advanced in opposing World Court jurisdiction in the hostage case. The Iranian government argued there that the hostage problem was simply "marginal" and could not be examined separately from the overall problem of "continual interference by the United States in the internal affairs of Iran." Our government similarly insists that it has withdrawn from further proceedings in the Nicaraguan dispute in order to "preclude the Court's being misused to divert attention from the real issues in the region."

The short and definitive answer to the Reagan Administration's argument here is precisely that given by the Court to the Iranians in the hostage case: "Legal disputes between sovereign States by their very nature are likely to occur in political contexts, and often form only one element in a wider and long standing political dispute between the States concerned. Yet never has the view been put forward before that, because a legal dispute submitted to the Court is only one aspect of a political dispute, the Court should decline to resolve for the parties the legal questions at issue between them."

The attempt to withdraw the Nicaraguan dispute for World Court review inevitably leads one to conclude that the Administration has no confidence in its case on the merits. Roberts Owen, the top State Department lawyer during the last two years of the Carter Administration, has noted that the withdrawal may well amount to a concession that the United States did violate international law by mining Nicarguan harbors. Alfred Rubin, Professor of International Law at the Fletcher School of Law and Diplomacy, likewise has stated that the withdrawal amounted to a confirmation of illegal activity by the United States. And, indeed, analysis reveals that it is highly probable that the Administration's actions with respect to Nicaragua have been unlawful.

II. UNITED STATES POLICY AND INTERNATIONAL LAW

Article 2(4) of the Charter of the United Nations provides:

"All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purpose of the United Nations."

In defining the term "threat or use of force," the General Assembly, by broad consensus, adopted a definition of aggression which includes the use of armed bands, mercenaries, or irregulars that carry out substantial acts of armed force against another state. Under this definition, the Administration's aid to the Nicaraguan counterrevolutionaries constitutes aggression and violates Article 2(4) of the Charter.

Our government responds that its actions have: (1) been taken in legitimate self-defense in response to Cuba and Nicaraguan aggression against El Salvador; or (2) constitutes aid to one side in a civil war. The Administration's claim that the Nicaraguan government is sending arms to the Salvadoran rebels and that aid to the contras is simply designed to interdict those arms, however, has been amply refuted. Moreover, there is an even more fundamental problem with the Administration's position. Whatever the factual validity of the Administration's claims (which has yet to be established), Article 51 of the U.N. Charter recognizes a right of self-defense only if an armed attack occurs against a member of the United Nations. Certainly, one cannot reasonably contend that the El Salvadoran insurgents have launched an armed attack against El Salvador from Nicaragua. Authoritative scholars have noted that the concept of "armed attack" must be narrowly construed. Actual incursions by rebels controlled by or acting solely as an instrumentality of another state are necessary to rise to the level of armed attack. Merely giving assistance does not amount to armed attack, justifying self-defense. Indeed, it was precisely the fear that powerful nations would attempt to use aid to rebels as justification for attacks against the assisting nation under the guise of self-defense that led Third World nations to insist that the definition of aggression be narrowly worded to include only the "sending by or on behalf of a State of armed bands," not merely aiding such groups. Thus, the use of force would be limited, and self-defense not be permitted, to gut Article 2(4).

What our government asserts is the right to use of armed force to attack another country for sending arms to or helping one side in a civil war. Under this rationale, the Soviet Union would have a right to attack the United States and Pakistan because it believed that the CIA and Pakistan were supporting Afghan guerrillas. This argument stands international law against aggression on its head and would permit an armed attack whenever any country believes the other is aiding an internal struggle elsewhere in the world.

Second, the Administration argues that it is merely aiding one side in a civil war in Nicaragua. This is, however, not the case. As the mining operations disclosed, the Nicaraguan counterrevolutionaries are to a large extent directed and controlled by the CIA and operate under its guidance. The CIA has not merely aided the contras, it has initiated, controlled and substantially participated in their activities. As a top leader of the largest counterrevolutionary group, the Nicaraguan Democratic Force (FDN), recently noted: "The FDN was originated by the CIA, the chairman was appointed by the CIA and it is totally controlled by the CIA."

The contra's actions are not simply part of a civil war in Nicaragua; they are externally organized and directed. The contras attack from across the border of Honduras and Costa Rica; despite years of warfare and vast amounts of aid, they have not established permanent bases in Nicaragua. The line between civil war and external war may be murky in today's world, but there is still a distinction between the two. The contras are engaged in mercenary attack, not a civil war.

Our government's conduct in Nicaragua also violates the Charter of the OAS. Article 15 states:

"No state or group of states has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic and cultural elements."

The broad language of this Article reflects an effort by the Latin-American community to have the United States abandon its claim of right to intervene, stemming from the Monroe Doctrine, in the affairs of the Central and South American nations. The military support for the contras clearly represents intervention "directly or indirectly" in the internal affairs of Nicaragua proscribed by the OAS Charter.

The methods employed by the Reagan Administration in conducting the so-called covert war against Nicaragua also violate the norms of international law. The exiles fighting against the government of Nicaragua under the guidance of our military aim their attacks at economic and civilian targets. Villages are burned, tobacco fields razed, bridges blown up and, worst of all, Nicaraguan nationals are summarily executed and tortured. According to Americas Watch, the internationally respected human rights organization, the largest contra group, the FDN, "has engaged repeatedly in kidnapping, torture and murder of unarmed civilians."

Torture and summary execution of civilians violate the United Nations Charter, the Universal Declaration of Human Rights, the Geneva Convention (IV) Relative to the Protection of Civilian Persons, the principles of the Nuremberg Charter, and binding norms of customary international law. As the recently surfaced CIA manual demonstrates, the CIA has not only tolerated but encouraged such violations of international human rights.

Finally, the mining operation conducted by the CIA was plainly in violation of international law. As a blockade, it constitutes an act of war in violation of Article 2(4) of the U.N. Charter as well as the OAS Charter. Moreover, the notification to other nations clearly required for such action was not given.

III. DOMESTIC LAW AND THE POLICY TOWARDS NICARAGUA

A. Neutrality Act

The Administration's actions as to Nicaragua also violate United States law.

The Neutrality Act, 18 U.S.C. 960, makes it a crime, inter alia, to initiate, organize or begin a hostile expedition on United States territory against a foreign country with which the United States is at peace. This statute, enacted in 1794, was designed to secure the war powers to Congress and to incorporate international legal standards into United States law.

By establishing camps in Florida, training recruits to fight against the Sandinista government and raising money and arms for such attacks in the United States, the Nicaraguan exiles have "prepared for" and "set on foot" a military expedition against Nicaragua from the United States. By covertly aiding and directing this expedition, the Administration has become a co-conspirator in such violations of the Neutrality Act.

The Administration contends that the Neutrality Act does ot apply to executive actions; the President stands above the law. The statute, however, is broadly directed against "any person," in contrast to similar antecedent British statutes which only prohibited such expeditions "without leave or license of his Majesty." Moreover, the courts have interpreted the Neutrality Act to prohibit the President from authorizing private hostile expeditions. In the 1806 case of *United States* v. *Smith*, two persons indicted under the Neutrality Act asserted that their acts had been authorized by President Jefferson and his Cabinet. Supreme Court Justice William Paterson held that such authorization, even if given, could not suspend the Neutrality Act:

"The President of the United States cannot control the statute, nor dispense with its exception, and still less can he authorize a person to do what the law forbids. If he could, it would render the execution of the laws dependent on his will and pleasure; . . . (T)he law is paramount. Who has dominion over it? None but the legislature . . .

"It is the exclusive province of Congress to change a state of peace into a state of war . . . (T)he organ entrusted with the power to declare war, should first decide whether it is expedient to go to war or to continue in peace; and until such a decision is made, no individual ought to assume a hostile attitude, and to pronounce contrary to the popular will, that the nation is at war." 27F, Cas 1192, 1196-7, 1130, (C.C.D.N.Y. 1806) (No. 16, 342).

Thus, the Administration is violating both the letter and the spirit of the Neutrality Act by collaborating in the contras' military expeditions against Nicaragua.

B. Article I, section 8 of the Constitution

The Reagan Administration's policies also violate Article I, Sec. 8 of the Constitution. Arming, training, and directing armies of 10,000 to 15,000 men in attacking Nicaragua are clearly acts of war. The indiscriminate mining of Nicaraguan ports, now known to be carried out under the CIA auspices, is a blockage under international law. As the United States Naval Manual, Law of Naval Warfare, states: "A blockade is a belligerent operation intended to prevent vessels of all states from entering or leaving specified coastal areas which are under the sovereign under occupation, or under the control of an enemy." Recent Presidents and Secretaries of State have acknowledged that a blockage is an act of war. President Eisenhower said that "a blockage is an act of war intended to bring an adversary to your way of thinking or to his knees," while President Kennedy noted that "to deny the oil (Cuba) would require, of course, a blockade, and a blockade is an act of war."

Even if, as the Administration portrays them, these acts are military reprisals against Nicaragua, they violate Article I, Sec. 8 of the Constitution. For, it is Congress to which is granted the power to "grant letters of Marque and Reprisals"—letters, which in the 1700's authorized private reprisals against foreign nationals or states. The Constitution prohibits presidential authorization of covert invasions or mining operations against another country by "private armies" directed by the CIA.

CONCLUSION

These violations of international and domestic law are not merely technical matters; they are injuring not only the Nicaraguan people. These Constitutional provisions and the Neutrality Act are premised on the principle that the United States shall engage in warfare or armed reprisals only after public discussion and debate. Presidential use of private armies flouts that principle. As was noted in the debate on the Boland amendment, the activities of the contras "commit us to a specific foreign policy that has never been openly defended and supported and whose outcome cannot be guided by our own democratic institutions."

In disregarding these constitutional and statutory safeguards, the Reagan Administration threatens the democratic decision-making process upon which our government ought to rest. In disregarding the substance of international law and the Court established to enforce and give life to international law, this Administration's actions threatens world peace and order.

This Administration's boycott of further proceedings in this case is a breach of treaty obligations we undertook when we accepted the compulsory jurisdiction of the World Court in 1946. The Executive does not have the authority to violate our treaty obligations. To continue to aid the contras in the face of a clear World Court opinion that our activities constituted aggression prohibited by the U.N. Charter would be to reject the very law which we have applied to others. For it is the United States which urged most strongly at Nuremberg that aggression be considered an international crime. As Supreme Court Justice Jackson, the chief U.S. prosecutor at Nuremberg stated: "If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us." Our efforts to evade World Court review of Nicaragua's complaint, as well as any decision to now boycott the court's proceedings or defy its orders would signify that this Administration refused to abide by those very norms of international conduct which we labelled criminal in 1946.

CORLISS LAMONT,
Chairperson.
EDITH TIGER,
Director.
LEONARD B. BOUDIN,
General Counsel.

(Prepared by Professor Jules Lobel of the University of Pittsburgh School of Law in consultation with Harry I. Rand, a senior member of the law firm of Botine, Hays & Sklar of New York City.)

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Rob Williams, University of Wisconsin Law School.
Chris Williams, University of Maryland School of Law.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, it is essential that we oppose the Michel amendment here today. Either the authors of the Michel amendment inadvertently messed up their drafting or else they intended to slip into their proposal a resumption of military aid to Nicaragua after October 1, because this proposal is very clearly nothing but a Trojan horse that will allow the resumption of direct military activities through intelligence agencies after October 1.

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It is true that this proposal says that none of the money in this amendment may be used for military or paramilitary purposes, but because it does not renew the Boland amendment, that means that after October 1 you will be able to use the CIA contingency fund and you will be able to fund paramilitary or military operations with no limit. That is what the Michel amendment does and if you do not think it does, you do not know what is in it.

Now where is this going to take us? Where is this going to take us? This is going to take us down a road which has already failed. Our original support for the Contras began as support for a tiny band of some 500 fighters. Today that force has grown to over 17,000, 35 times as large as the original force. General Gorman has indicated already that our present policy cannot succeed in changing the Sandinistas. The New York Times has reported administration-classified documents that indicate their intention is to raise the size of the Contra operation to between 30,000 and 35,000 people. That would be a force 70 times as large as the one in the beginning. And the New York Times quotes the administration as saying that we must realistically recognize as an eventual option the use of American military force in Nicaragua.

If you vote for MICHEL and October 1 comes and the gloves are off, can anybody tell us what happens then? The administration is quoted as saying that this test vote on $27 million is just that, that is a test and that if it is approved it may be appropriate to do more. What is that more?

The question is not whether we like the Sandinistas, I have no illusions about where they are going. The question is how to handle them. The question is whether we are going to fight them stupid or whether we are going to fight them smart. The question is whether we are going to allow the Congress to really duck its institutional responsibilities by pretending that we are, through passage of this amendment, providing humanitarian aid when, in fact, what we will be doing is opening up to door to the passible provision of military assistance or paramilitary assistance after October 1.

If we do this, if we do this, sure we will hurt Nicaragua. There will be more losses. There will be more disruption. But, more importantly, we will hurt ourselves, because we will take

away some of the strongest advantages America has always had. Do we really want to put the United States in opposition to international law? Do we really want to abandon our solid public commitment to the principle of national sovereignty no matter how much we may dislike an individual government? If you give—if you pass this amendment today, make no mistake about it, you will be doing much more than providing humanitarian assistance, you will be providing, after October 1, an opportunity for the administration to do whatever it wants in terms of providing military assistance through the CIA, and that is a fact, and I urge you not to do it.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Pennsylvania [Mr. McDADE] has 3½ minutes remaining; the gentleman from Massachusetts [Mr. BOLAND] has 2½ minutes remaining.

Mr. BOLAND. Mr. Chairman, I yield the remainder of the time to the gentleman from Connecticut [Mr. GEJDENSON].

The CHAIRMAN. The gentleman from Connecticut [Mr. GEJDENSON] is recognized for 2½ minutes.

Mr. GEJDENSON. Mr. Chairman, what we have before us is a policy first engaged in some 4 years ago. When the President directed the CIA to begin its attempt to overthrow the Nicaraguan Government. In 4 years let us see where we have come. We have established a force of some 15,000 men, women, and children who are involved in military assaults on the people of northern Nicaragua.

And what have we gained? Four years of this policy has brought failure to America. It has failed to move the Nicaraguan Sandinistas closer to our position; and it has made us accomplices in some of the most brutal attacks on civilians that have occurred on this continent. We can take a look at report after report by international human rights monitoring groups that review the military activities of the Contras. Unable to gain either military or political advantage, the Contras have been reduced to simply assaulting civilians in the region.

And, make no mistake, American taxpayers' dollars will facilitate these continued attacks. You can call this humanitarian aid, you can try to frame it any way that you like, but clearly what we are trying to do through the Michel amendment is to provide support and sustenance, to allow for the continuation of the Contra war and their attacks on civilians in northern Nicaragua.

Let me read to you about one such instance.

> She was on her side, I on the other, about 30 yards away, she was screaming. She was raped by one of the 50 men. There were about 800 Contras there in other areas. The same person later cut her throat.

The Contra responsible for this escaped. American taxpayers ought not to be facilitating the murder and destruction of civilians in northern Nicaragua. It is a policy that does not gain us military or political advantage. It is a policy that has already failed and the response today by Mr. Michel is to continue this very policy, and if it goes on without the addition of the Boland amendment it will provide for America's direct involvement through the CIA attempt at what has been clearly demonstrated to be not in America's best interest. Let us not continue on a policy of failure. Let us attempt to regain our position in this hemisphere and try to institute policies that reflect the values of this country and the American people. I urge my colleagues to vote against the Michel amendment.

Mr. McDADE. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman has 3½ minutes remaining.

Mr. McDADE. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman and my colleagues, we have come to the end of formal debate on an amendment that has been called the Michel amendment, the McCurdy amendment, the McDade amendment, et cetera, et cetera. That is because a lot of people worked on it in this House. I just want to take a second to say I am very grateful to my friend from Oklahoma [Mr. MCCURDY], who spent an enormous amount of time on the issue; I am very grateful to my friend, the chairman of the Committee on Foreign Affairs, the distinguished gentleman from Florida [Mr. FASCELL], who worked hard and made many positive contributions.

I do want to congratulate my colleagues on the other side of the aisle for having the graciousness to yield that distinguished chairman 5 minutes of their time so that he might express himself. I want to say that my dear friend, JOHN MCCAIN, DAN DANIEL, HAM FISH, all worked hard, my dear friend BOB MICHEL, DICK CHENEY, because we want to try to present to the House a new initiative, a bipartisan initiative.

□ 1330

Now normally, we would be at the point where we would vote. We have come down to the end of formal debate, and normally the ladies and gentlemen up in the press galleries would be about to watch the lights go on and the bells ring, and we would have a vote. No vote coming, folks, not for a couple more hours.

Strange not to vote right now. I have been here 24 years; I do not ever recall that before. Many things happen in this House. That may have happened before; maybe my memory is faulty; I just do not remember it, and I do not remember a Rules Committee writing a rule that prohibited the inclusion in this amendment formally of a bipartisan sponsor from across the aisle.

I believe that to be unprecedented in the history of the House of Representatives. I do not believe it represents equity. It does represent skill. I do not think it represents equity.

It is customary at this time to thank people in the House and I do, for the quality of the debate. Members on both sides of the aisle have done in general a superb job.

I do have to say I am offended, personally, by comments which were made by my distinguished colleague from Wisconsin, as he was closing debate on that side of the aisle.

What he said was not tru and he knows better. I was offended to hear him say that, either those who——

Mr. OBEY. Will the gentleman yield? Is the gentleman saying I am lying?

Mr. McDADE. No; I do not yield.

Those who wrote this amendment either did not know what they were doing or they were prepared to seek a new armed aggression in Central America.

That, Mr. Chairman, is not my 24-year record as a Member, nor is it my intention nor those of my colleagues, on this amendment. Read it. It restates the prohibitions of the Boland amendment; they expire in September. It of course does not deal with fiscal year 1986 money; we have not got to the fiscal year 1986 authorization or appropriations; it cannot.

I will work with you to carry out the spirit and intent of this amendment. I hope we vote for it in an overwhelming majority.

AMENDMENT OFFERED BY MR. BOLAND TO THE AMENDMENT OFFERED BY MR. MC DADE

Mr. BOLAND. Mr. Chairman, I offer an amendment to the amendment.

The amendment was printed in the RECORD on June 5, 1985, pursuant to the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment to the amendment is as follows:

> Amendment offered by Mr. BOLAND to the amendment offered by Mr. MCDADE. Strike out section 102 and insert in lieu thereof the following:
>
> "SEC. 102.(a) No funds available during any fiscal year to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual."
>
> "(b) The prohibition contained in subsection (a) shall continue in effect until the Congress enacts a joint resolution repealing that prohibition."

The CHAIRMAN. Under the rule, the gentleman from Massachusetts [Mr. BOLAND] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, the Michel amendment now before the House would provide $27 million in so-called humanitarian aid to the Contras.

In my view, it is difficult to distinguish between logistical support to an armed force in the field, that is receiving arms from other sources, on the one hand, and direct arming of that force, on the other.

But, in its wisdom, the House may approve this amendment.

As I understand it, we will be approving only humanitarian assistance—no military aid.

Further, this assistance cannot be provided through the CIA or the Department of Defense.

In other words, we no longer will pretend that ours is a covert relationship with the Contras.

What does my amendment add to this?

Well, first of all, it adds the so-called Boland prohibition.

That prohibition is now the law.

It prohibits any agency involved in intelligence activities from "obligating or expending funds for the purpose, or which would have the effect, of supporting, directly or indirectly, military or paramiliary operations in Nicaragua by any nation, group, organization, movement, or individual."

That is language that this House has voted, on and adopted, four times in the last several years.

What does this amendment mean in connection with the Michel amendment?

It means, very simply, two things.

First of all, it means that none of the funds which are appropriated by the Michel amendment may be provided, through any intelligence agency.

We take the intelligence agencies out of this matter entirely.

Now some of you might ask if this is necessary, since the Michel amendment says that the money it would appropriate can't go through CIA or DOD.

The President, under the Michel amendment, can determine the agency which will dispense this aid, but he will be precluded from using an intelligence agency.

But this restriction applies only to the specific sums appropriated by the Michel amendment—not other funds.

And that, Mr. Chairman, brings me to the other principal effect of my amendment.

By extending the Boland prohibition until it is affirmatively repealed by Congress, we will ensure that the humanitarian assistance provided by the Michel amendment will be the only kind of assistance provided to the Contras until the Congress approves otherwise.

Now, that is the impression Members might form by reading the expedited vote procedure in the Michel amendment.

But, in fact, because the present Boland prohibition will expire at the end of this fiscal year, on October 1, the President is free to use CIA contingency funds to renew military funding of the Contras without congressional approval.

I don't think that is something which this House wants to do.

I think the whole thrust of the Michel amendment, is to take account of the sensitivities in this body, and one of those sensitivities is the provision of military aid by the United States to the Contras.

We are not ready to do that yet.

Now, Mr. Chairman, that is what my amendment will do.

What will it not do?

Well, it won't prohibit the provision of the so-called humanitarian assistance in the Michel amendment.

It will only prohibit military aid until we specifically approve it.

Nor will my amendment prohibit use of U.S. military forces pursuant to the War Powers Resolution.

That is something that has been clear since the very inception of this language.

Now, one more point ought to be made, Mr. Chairman.

The Michel amendment permits the exchange of information with the Contras.

What does that mean?

I presume it means intelligence information, advice on how to run the war, and perhaps training.

That's too broad a role, Mr. Chairman.

We've got to limit the CIA's further involvement with the Contras.

I say that because, better than most Members, I know that the CIA is perhaps the finest intelligence service in the world.

Nicaragua has not been its finest hour—principally because large scale paramilitary covert actions are hard to conduct secretly, or sustain politically, over a long period.

The best thing we could do to help CIA regain public credibility would be to keep it out of the war in Nicaragua.

Now, how does the Boland amendment do that?

It does this by clearing prohibiting CIA military planning, advice or training.

Those are certainly examples of direct support to the Contras.

But, you may say, what about a situation where a large concentration of the Contras—perhaps unarmed or in a sanctuary along the border—is about to be attacked by the Sandinistas in their new Soviet helicopters?

Can't the CIA warn them?

Well, Mr. Chairman, they can.

Now, where do I get that interpretation?

I get it, Mr. Chairman, from the CIA.

They have told the intelligence committee, that it is their interpretation of the present limitation, that it does not prohibit the provision of intelligence—so-called defensive intelligence—to the Contras to prevent a massacre or a holocaust-type situation.

They say they can't provide intelligence to support military activities in the field, but they can provide humanitarian warning of catastrophic attacks.

So, Mr. Chairman, my admendment does permit—as the intelligence community tells us—the provision of intelligence in extraordinary circumstances where the real prospect of a substantial loss of life exists.

That is not precise but the intelligence community tells us that they will inform the intelligence committees of each example in which they have done this and justify it fully.

They say it will be in case-by-case determination and be made in a purely humanitarian vein.

I think that's all that this House should approve.

It does what they say the Michel amendment does—it prohibits military aid until the House and the Senate approve it.

And it keeps the intelligence community completely out of the game, both in this fiscal year and in the next.

I think those are two principles which the House should endorse just at it has on four previous occasions.

Mr. FOLEY. Mr. Chairman, will the gentleman from Massachusetts yield to me?

Mr. BOLAND. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman from Massachusetts for yielding.

I asked the gentleman from Massachusetts to yield for the purpose of addressing a question to him as author of the Boland amendment to the Michel amendment and for the purpose of making legislative history and so the Members of the House understand the effect of the Boland amendment.

It is correct that the effect of the Boland amendment to the Michel amendment would be to deny authority to intelligence agencies of the United States to distribute any "humanitarian" assistance authorized by the Michel amendment?

Mr. BOLAND. Yes.

Mr. FOLEY. But is it also correct that the Boland amendment to the Michel amendment would not in any way restrict the authority of other agencies of the United States, other than intelligence agencies, from distributing any humanitarian assistance if authorized by the Michel amendment?

Mr. BOLAND. Yes.

Mr. FOLEY. And the the gentleman makes this statement as the author of the amendment for the purpose of making legislative history?

Mr. BOLAND. That is true. I appreciate the clarification by the distinguished majority whip.

Mr. CHENEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. CHENEY] is recognized for 30 minutes.

Mr. CHENEY. Mr. Chairman, I yield myself 2 minutes.

At the outset, I appreciate the colloquy we have just heard on the other side, but the fact of the matter is that the administration and many of us from this side of the aisle interpret the practical effect of the Boland amendment as being a killer amendment, a killer amendment in the sense that it specifically would require, we believe, the Contras, the Nicaraguan democratic resistance, to lay down their arms, to give up their fight, to cease the struggle against the Communist government of Nicaragua, in order to receive assistance.

The gentleman in the well just ticked off the long list of agencies and departments, the State Department, the CIA, the Defense Department, and all of the others, that his amendment prohibits from handling this action.

I would suggest that there is virtually no agency of the Federal Government equipped to run this program, no agency of the Federal Government that operates internationally that in fact would qualify under the terms of the gentleman's amendment to be able to provide this assistance to the Contras.

I expect to renew this point later on, Mr. Chairman. But the fact of the matter is, and a point for everyone to understand, the practical effect of the Boland amendment is to defeat the purpose of the Michel amendment, to make it virtually impossible for us to carry out the purposes of the program. It is a killer amendment. You cannot vote for Michel and Boland and be consistent. If you want to provide aid and assistance to the Contras, if you want to provide aid and assistance to the Nicaraguan democratic resistance, you in fact have to defeat the Boland amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I would like to point out to my colleagues that the Boland amendment is inappropriately presented now. It is most appropriately presented in the Intelligence Authorization Act for fiscal year 1986 where it has been adopted by the bipartisan Intelligence Committee in a very slightly modified form, and when that bill is called up for vote on the floor, it will pass virtually unanimously and we will have the Boland amendment. So bringing it up here in this context is unnecessary and wrong. But there is a difference.

I yield to my friend, the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Well, what the gentleman says is in the intelligence bill is absolutely correct, but the Michel amendment has been offered to the supplemental appropriation bill, with the result that if the Boland amendment is not adopted, I think the President might very well sign the supplemental appropriation, but he may not sign the intelligence bill if the Boland amendment is carried in it.

Mr. HYDE. If I might recapture my time, I am sure he will sign the defense intelligence bill because it passed on a bipartisan vote, and it deals with intelligence agencies and it belongs in the intelligence bill. To put it in this bill is redundant. It does not belong here.

Now, regarding the Boland amendment, I think what we are trying to do here is to put it in concrete. The amendment the gentleman from Massachusetts offered is a permanent adoption of the Boland amendment. I remind you of the Brezhnev doctrine. Socialism is irreversible. And what this does is set our impotence in concrete and make us enforcers in our own hemisphere of the Brezhnev doctrine. It obliterates that War Powers Act. It ensures a Communist sanctuary, and it is sublimely ignorant of historical perspective, not to say of human nature.

Now, it ignores human nature because it destroys incentives to negotiate. Why in the world would the Sandinistas want to talk to anybody when they are immune from any military attack by us or by anybody we are going to help directly or indirectly? What a marvelous Christmas present to give to the comrade comandantes. It ignores history because it is absolutely impossible to expect communism to give up power because somebody asks them to. I ransacked the history books to find some instance when a power, not to say a Communist power, a totalitarian power, has yielded power to somebody because some group asked them to.

We have spent a long time, in April, as a matter of fact, trying to recapitulate the lessons of Vietnam. I do not know that we have learned them yet. But I suggest there are lessons of World War II that we ought to ponder a little bit, too, the easiest war in history to stop, and yet we lost 50 million lives worldwide as a result of World War II. And what are the lessons of World War II? Appeasement and isolationism do not work. The road to peace does not run through Munich. But some people are intoxicated with the notion of sitting down at a table and just talking. But unless there is a reason to talk, unless there are some incentives, the talking is going to be endless and pointless.

Now, what is wrong with the Boland amendment as it is presented here is that it forbids the intelligence agencies from exchanging information. Are you going to ask an arm of the U.S. Government—and I cannot think of any which qualifies to distribute our humanitarian aid under Boland. Even the doormen for this building probably have an intelligence function, so they cannot serve. But if you can think of somebody who might possibly want to help distribute food down there and not be disqualified under the Boland amendment, who is going to tell them where to drop the food and where it is safe and where it is unsafe? Won't you let our intelligence agency say, "Don't go in there, there is an ambush"? Won't you let them do that much? That destroys the word "humanitarian" from any meaning whatsoever. Won't you permit us to give intelligence to these Contras so they can defend themselves against the helicopter gun ships? Is that not elementary decency?

No, this will not permit the exchange of information. It is the only real estate in the world where this immunity is given to Marxism-Leninism. I would not be caught dead voting for it, really, and I love Mr. BOLAND, I think he is a great gentleman. He is just so wrong.

Now, we have heard so much about the Contras as being Somocistas. All of the National Guard that Somoza had was 6,000. Half of them are in jail. So you are down to 3,000. And I point out to you there are 15,000 Contras, growing 500 every month. And certainly what a slander it is to call Fascist people like Adolfo Calero, Arturo Cruz, Alfonso Robelo, or even Eden Pastora as an earlier speaker did. What a slander to call all Contras Fascists. These are democrats. These are people who fought Somoza, and there are more ex-Sandinistas than ex-Somocistas fighting with the democratic resistance.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to ask the former chairman of the Intelligence Committee a question. Mr. MCDADE took offense at my remarks earlier and said it was not true that the Michel amendment allowed the possibility of money being provided for military or paramilitary aid after October 1, and I would like to check that out. Is it not true that the Michel amendment makes funds available through March 31 of the next fiscal year, which means we will be well into the next fiscal year?

□ 1350

Mr. BOLAND. The Michel amendment does precisely that.

Mr. OBEY. Is it not true, therefore, that the Michel amendment, without the gentleman's amendment, allows the possibility for the administration after October 1, to resume military or paramilitary aid to the Contras? Is that not precisely why we need the gentleman's amendment?

Mr. BOLAND. In my judgment, that is certainly a possibility and maybe a probability.

Mr. CHENEY. Mr. Chairman, I yield myself 2 minutes on that point.

Mr. Chairman, that charge has been repeated several times over the course of the last couple of weeks. It has been in a "Dear Colleague" letter by the gentleman from Massachusetts [Mr. BOLAND]. He said, in effect, that the Nichel amendment would soon permit, the President to provide military aid to the Contras. It has been repeated by Mr. OBEY in his remarks on the floor today. It has been repeated by Mr. BONIOR in a "Dear Colleague." It is untrue. It is factually, flatly untrue.

Whether or not the Michel amendment does or does not pass has absolutely no impact upon the question of whether or not military funds can be provided out of the reserve for contingencies by the CIA. If the Michel amendment does pass today it will not alter the circumstances that the gentleman from Wisconsin just mentioned.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, Members may have different interpretations of what the Michel amendment does. My interpretation of it is that if the Boland prohibition is not adopted, the CIA's reserve for contingencies may be used on or after October 1, 1985, for military aid to the Contras.

Mr. CHENEY. Mr. Chairman, reclaiming my time, the fact of the matter is, the charge is that the reserve for contingencies could be used to provide military assistance to the Contras beginning September 30 or October 1, 1985. That has absolutely nothing to do with this amendment. The Michel amendment does not touch that. That is true regardless of whether or not the Michel amendment passes.

More than that, we have gone to the National Security Council and to the White House and to the administration and asked for and have been given the following assurances: With regard to the Nicaraguan Covert Action Program, the administration has assured the sponsors of the Michel amendment that neither the reserve for contingencies nor other funds available will be used for any material assistance other than that authorized by the Michel amendment for humanitarian assistance for the Nicaraguan Democratic Resistance, unless authorized by a future act of Congress.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Subcommittee on Defense Appropriations the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. I thank the gentleman for yielding to me at this time.

Mr. Chairman, only a month or more ago we defeated House Joint Resolution 239 which called for the release of $14 million for military and paramilitary aid to the Contras. It was defeated by an overwhelming vote.

We then received a substitute amendment which called for the provision of $14 million in humanitarian aid, and what was the humanitarian aid? It covered everything, and now we see in today's amendment by Mr. MICHEL again the term humanitarian aid and it explains it a little better this time. The amendment defines humanitarian aid, as follows: "As used in this paragraph, the term 'humanitarian assistance' means the provision of food, clothing, medicine, other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition or other equipment, vehicles or material which can be used to inflict serious bodily harm or death." I emphasize, "Which can be used to inflict serious bodily harm or death."

So the interpretation is this humanitarian aid cannot be used to inflict serious bodily harm but can be used as a means to inflict other harm. So there is again an ambiguity in the interpretation. Under section 102 of the amendment of the gentleman from Illinois [Mr. MICHEL], the current prohibition on funding of military and paramilitary operations in Nicaragua is interpreted to allow the U.S. Government to exchange information with the Contras. I am not sure anybody can tell me the effect of this interpretation but, of course, this would mean that CIA involvement with the Contras would be started again. What type of information will be exchanged is limited by only your imagination. In addition to intelligence information, could training procedures for the Contras be exchanged, could instruction in terrorist activities be exchanged, could instruction on the planting of bombs on ships in Nicaraguan ports be exchanged? Who would define the type of information to be exchanged? Nobody knows, is the answer. I think with no limitation on exactly the type of information that can be exchanged, the Congress would be foolish to allow this language to remain in Mr. MICHEL's amendment.

The Boland amendment would correct this situation by eliminating the objectionable language and restating the long standing Boland amendment which prohibits the funding of military or paramilitary operations in Nicaragua and would prevent the exchange of objectionable information. Mr. BOLAND's amendment would remain in effect without regard to fiscal year limitation and would require Congress to enact a joint resolution repealing the prohibition.

Congress cannot afford to give a free hand to the CIA in exchanging information with the Contra groups. There have been too many ill advised actions taken by the CIA in the past such as the publishing of manuals on the assassination of civilians.

If the administration is seeking a political solution and not a military solution, then why is there opposition to the Boland amendment? I urge the adoption of the Boland amendment.

Mr. CHENEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. I thank the gentleman for yielding me this time.

Mr. Chairman, when it comes to matters of national security, this House divides not only on party lines but also on generational lines. Today the membership of the House includes many who have no direct recollection of World War II and the enormous sacrifices that Americans made some 40 years ago.

Many members of the other body too, have little recollection of the Cuban missile crisis which occurred some 23 years ago, and represented one of the most dramatic events in American history, and in our relations with the Soviet Union.

Let me refresh our collective memory.

In 1962 the Soviet Union mounted a very grave threat to the security of the United States by emplacing nuclear missiles in Cuba 90 miles from the U.S. mainland. Those missiles could have annihilated a sizeable portion of the U.S. mainland. The discovery of those missiles by U.S. reconnaisance aircraft came as a surprise to the Kennedy administration. But President Kennedy immediately recognized the danger we faced, and did not flinch. He flew almost half the U.S. Air Force into southern Florida, and assembled there most of the combat-ready American soldiers and Marines we had available. Literally the world was on the verge of war. The security—indeed, the future—of the United States were hanging in the balance.

But John F. Kennedy—a decorated naval lieutenant in the second World War—without fanfare or histrionics, faced up squarely to the Soviet challenges. He imposed a total naval blockade of Cuba. The Soviets, recognizing his determination, blinked. They turned their ships around and headed home on that historic Sunday in October 1962 and not a single shot was fired, let me point out.

Mr. Chairman, John Kennedy knew a military threat when he saw one. And he also knew that a threat would not yield to hesitation, good intentions, or indecision.

Let us make no mistake about it, Mr. Chairman. The Soviet Union is once again deliberately testing us in Central America, as it did in 1962.

So far as we know now, there are no nuclear missiles in Nicaragua. But there may soon be some nuclear-capable Mig-23's on Nicaragua's newest military airfield, and as the Soviet sealift daily brings more weapons to the Sandinistas. To be sure, the warning time this time is longer; but this new threat is clearly as great a threat to America and to our interest in the Western Hemisphere as was the last one.

It is not strange, Mr. Chairman, that many of the Members in this chamber today who refuse to recognize that another Soviet confrontation with the United States is now under way in Nicaragua were also Members of this House when President Kennedy faced down those Soviet ships and sent them high-tailing back to Soviet ports. Indeed they were President Kennedy's close friends. They hailed his courage and his leadership then, and justifiably so.

But what a change in 20 years!

Instead of determination we see vacilation here in the House. Instead of acknowledging a military threat before it grows to unmanageable proportions, we are told we cannot even assist those groups who want to support us in meeting this challenge.

Instead of the kind of firm military power that John Kennedy showed Nikita Khrushchev, we are urged today to send to those who want to rally to our cause only Coca Cola and peanut butter sandwiches.

Faint heart n'er won fair lady. Nor will faint hearts ever maintain the freedom that John Kennedy won for us in the Caribbean on that October afternoon in 1962. I strongly urge defeat of the Boland amendment. It sends the absolutely worst kind of signal. John Kennedy won the first battle of Central America. But the Soviets haven't given up, and we must not give up either, in 1985.

□ 1400

Mr. CHENEY. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I do not think anybody in the House has more experience with guerrilla warfare than I do. I do not think anybody can talk more about the need for intelligence information in the field than I can.

I served for a year on the ground south of Danang with marines, and I can remember vividly the signals that the North Vietnamese used to send to us when we were in the midst of the fighting. We would have a unit surrounded and they would try to send a feinting movement or signals over the radio that indicated they were operating someplace else so we could pull back from that particular operation we were involved in to take the pressure off.

There was a continual battle between the marines on the ground in intelligence. There was no comparison between the soldiers and the marines that fought on the ground and the Vietnamese troops. The intelligence was the key element in the whole battle.

Somebody else brought up Vietnam and they said that there is a real comparison. Let me tell you something. I had a unique experience. I remember coming to Congress and there was 2 months left in the war. I went over on a special mission that President Ford sent over to ask how much money was needed, what was going on, and see if there was any possibility of the South Vietnamese continuing the war on their own and what the level of funding should be.

I remember talking to General Truong, who was the I Corps commander. General Truong said:

"We have a real problem. Every time we try to operate the way you taught us to operate without American troops, with the shells, with the information, with the intelligence, with the air wing cover we need, you cut our funds. You send us different signals. We cannot operate that way. There is going to be a catastrophe because the signals from Washington are that you are going to withdraw your support.

I said, "That is the reason we are over here."

He flew me in a helicopter to the front lines of an airborne unit. The airborne unit was defending south of Danang, fighting against a North Vietnamese regiment.

The first question the lieutenant colonel asked me after we talked a few minutes was, "What are the solons."

And that is what he called the American Congressmen, "Sitting in their air-conditioned offices criticizing what was going on, and the South Vietnamese fighting a war on their own and we were just giving them support."

They said, "What are the solons in Washington going to do?"

I said, "Well, I do not know. We are going to go back and report to the President and we will see what the action might be."

We went back and we reported to the President what we saw. We said, and I remember this vividly, "There is going to be a bloodbath in Cambodia."

And all of you know how many millions of people died in Cambodia after the Americans left, and we know the thousands of people who died trying to escape from South Vietnam once the country was overrun.

A treaty was signed, and they, of course, saw the signal from the United States because the Congress voted down sufficient aid and the country crumbled. Well, you can say that was not the reason, and JOHN MCCAIN at that time was in a prison camp and he can tell you a heck of a lot more about the North Vietnamese than I can, but I can tell you this: They had good communications and they had good intelligence, and that is the only thing that they had.

That is what we are talking about here today—signals and intelligence. One of the signals that was sent out right prior to the Korean war was that the United States would not defend against anything that happened in Korea. Right after that there was an incursion. It was a miscalculation, and that was a real mistake by the United States, and the Truman administration, of course, went in and that is the reason there was a confrontation, because the initial signal that was sent out was absolutely inaccurate.

In El Salvador not long ago we sent a signal that we supported President Duarte. I admit he is a unique individual, and there is no question about it that he has proven to be that way. We stood on the floor in this House and we defended the position that he took, and we said, "This individual, we think, is going to do well," and we gave him enough money over a long enough period of time that he could get by.

I am going to tell you something: There is nothing worse than sitting in a foxhole waiting for somebody to bring you aid, whether you know it is aid you know is imminent, and it is one thing to be an American troop when you know they are doing everything they can to get aid to you, and it is something else when you are sitting there and in the meantime you have a Congress 12,000 miles away that is trying to decide your fate. You cannot operate a war that way. You cannot operate any kind of an operation like that.

What we are talking about here is an administration which has changed its position substantially. The administration has said to the American people, "We are trying to stop the outflow of information, the outflow of a revolution, from Nicaragua to other countries." We want them to stop trying to influence El Salvador, which all of us know is happening. We want to try to stop the exodus of information, arms, bullets, and ammunition from Nicaragua into these countries in Central America.

We have to send a clear signal to those people, because if it is misunderstood, as the gentleman from New York just said, as it was misunderstood in the Cuban intervention, Khru-

shchev miscalculated what was going to happen in Cuba, and that miscalculation almost led to World War III.

If we send a clear signal, if we say to them,

Let me tell you something: You stop exporting revolution, you stop trying to overthrow the other governments in that area, that hemisphere, then you will not have any problem with us,

I think the U.S. Congress would immediately take action to change the whole situation. I think it has happened already. I think the President of the United States understands the importance of what we have asked him to do.

A lot of people doubt that he has changed his mind. I feel very strongly about it, and I think the only way we are going to avoid a war in Central America in the years to come, and there are many people who served in this Congress who talked very strongly about it, but let me tell you this: If you were in the infantry, if you fought in the mud and the water up to your waist, if you were in a prison camp like JOHN MCCAIN was for 7 or 8 years, let me tell you that you do not want a war, and you cannot fight a war from here. The way you are going to avoid it is make sure there are no mixed signals.

So I ask you today to make sure there is not a mixed signal and vote against the Boland amendment and vote for the Michel amendment without any amendments.

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Mr. BOLAND. Mr. Chairman, I yield 1 minute and a half to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the definition of "humanitarian aid" is to in fact alleviate human suffering. This amendment is precisely the opposite. This amendment will cause human suffering, not alleviate it.

It is not humanitarian to provide logistical support for an army in the field. That is financing violence, not alleviating violence.

Combat troops, K rations, helicopters, and radar are not humanitarian aid. Are you going to tell the people in Managua that it was a humanitarian airplane that dropped a bomb on their neighborhood? Are you going to tell the peasants that it was a humanitarian piece of dynamite that blew up their farm?

Let us debate what we are talking about. The issue is not the Sandinistas; the issue is the Contras. You can put poison in a candy wrapper, but it is still no less poison. You can call the Michel amendment "humanitarian," but to the people in Nicaragua it is still an undeclared war.

If the President wants to aid the Contra guerrillas, then he should ask for it honestly. But when it comes to the Contra guerrillas, my colleagues on the other side of the aisle are strangely wide-eyed and gullible. Suddenly they are Nicaraguan democratic resistance forces.

I do not mean to belabor the obvious, but the Contra commanders are not democrats, regardless of what they call themselves.

The Contras are nothing like the Founding Fathers I learned about in school. George Washington was not a rapist, Sam Adams was not an assassin, Tom Jefferson was not an arsonist, John Hancock was not a cutthroat. And the country they founded has no business financing a band of thugs who violate every principle we stand for. The Contras, as the Republicans describe them, remind me of Little Red Riding Hood. I keep on looking for my saintly grandmother, but I keep on seeing a wolf with big white teeth.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. CHENEY. Mr. Chairman, may I inquire as to how much time remains on both sides?

The CHAIRMAN. The gentleman from Wyoming has 11 minutes remaining, and there are 13½ minutes remaining on the other side.

Mr. CHENEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia [Mr. DANIEL].

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Illinois.

Mr. O'BRIEN. Mr. Chairman, it may be bad form to inject a statistic at this particular level of the debate, but in my district in Illinois, which is mid-Illinois, half Democrat and half Republican, in response to this question on my questionnaire which just came back, "Do you support U.S. economic and military assistance to Central American countries to prevent the spread of Soviet and Cuban influence?" Five out of eight said, "Yes."

Mr. Chairman, I thank the gentleman for yielding.

Mr. DANIEL. Mr. Chairman, I rise in strong opposition to the Boland amendment.

Mr. Chairman, as many of the Members of the House know, I have opposed covert military aid to the Contras. Indeed, I have opposed providing covert military goods of any kind whatever to the Contras. But, I must also oppose the Boland amendment. I do so principally for two reasons:

First, on its face, it eliminates the ability of the President of the United States to protect U.S. citizens and diplomats in Nicaragua in the event of a hostage situation or rapid destabilization in the area, and to honor our solemn treaty obligations to our allies if that becomes necessary in the future.

Second, it is an amendment to the wrong legislative vehicle, since the Michel-McCurdy-McDade amendment does not provide any of the money that the new Boland amendment restricts.

The Michel amendment only provides humanitarian aid and allows sharing of information with the Nicaragua democratic resistance. The Boland amendment would gut the Michel amendment. It goes so far as to prohibit the United States from exchanging information with the groups opposing communism in Nicaragua. It makes no sense to say we will give humanitarian aid to groups fighting Communists on our doorstep but we cannot talk to them.

If the U.S. Government cannot talk to them, how are we supposed to deliver humanitarian aid to them? How are we supposed to monitor and encourage their observance of human rights?

The first point I mentioned about protecting Americans concerns me greatly. The Boland amendment makes clear that no matter what happens—even if the Sandinistas seize our Embassy or round up all Americans in Nicaragua—the President of the United States is not allowed to use the U.S. Armed Forces to protect American citizens. Listen closely to what the Boland amendment says—and I am quoting the relevant portions:

No funds available during any fiscal year to the * * * Department of Defense * * * may be obligated or expended for the purposes of which would have the effect of supporting * * * military or para-military operations in Nicaragua by any nation * * *.

The plain result of that language is that no Department of Defense money can be used for the United States to conduct military operations in Nicaragua under any circumstances, no matter how bad things get.

Now, I do not believe that the sponsor of the Boland amendment intends that the President should be prohibited from sending U.S. special operations forces temporarily into Nicaragua to rescue Americans in a hostage situation like we had in Iran.

But that is what the Boland amendment says, and I do not think we should pass a law that says right on its face that something is prohibited and then rely on some assurances of Members of Congress that it doesn't really mean what it says, that it means something else the exact opposite. Also, by adopting the Boland amendment, we would supersede the War Powers Resolution, which was so carefully crafted to take care of just these kinds of problems.

I do not think this is wise.

I note also that the same Boland amendment language, which I quoted just a minute ago, absolutely prohibits the President from using the Department of Defense to come to the aid of

Costa Rica and Honduras for defensive operations in Nicaragua if they are attacked by the Sandinistas. Thus, the Boland amendment could be viewed as an abrogation of our solemn treaty obligation to aid in the defense of our allies under the Rio Treaty if the Sandinistas attack them.

I believe this President when he says that he will not tolerate Soviet high-performance aircraft in Nicaragua. I do not believe we, as Members of Congress, should place the President in a position of being forced to accept a strategic threat to our security interests. Yet, if adopted, the Boland amendment will have exactly that consequence. In short, we must defeat the Boland amendment—to preserve the minimum flexibility the President of the United States—any President must have to protect the security interest of the United States.

As I stated earlier, the Boland amendment does not belong on this supplemental appropriations bill. The proper place to consider the Boland amendment—which establishes a permanent prohibition on a particular use of U.S. intelligence funding—is on the fiscal year 1986 intelligence authorization bill. That bill has already been reported by the Intelligence Committee and the Armed Services Committee and is currently pending on the House Calendar.

When we take up the bill to provide intelligence money for fiscal year 1986, that is when we should take up the question of how to restrict intelligence money for fiscal year 1986.

I believe it is important to point out that, just 4 weeks ago in marking up the fiscal year 1986 intelligence authorization bill, the House Intelligence Committee specifically rejected the Boland amendment prohibition, which is now under debate as too restrictive and unduly encumbering of Presidential prerogatives. I believe the Intelligence Committee made the right decision in defeating the Boland amendment in committee and I believe we should defeat it now on the floor.

I urge my colleagues to oppose the Boland amendment.

Mr. Chairman, I also rise in support of the Michel-McCurdy-McDade amendment.

Let me say at the outset that I have served in a legislative body for about 27 years, and there has been more confusion over this simple issue than any which I have encountered in that quarter century.

The issue is communism or democracy, freedom or slavery. And if there are any among us who do not know the difference between the two, I would refer them to Lech Walesa in Poland or the Jews in Russia.

Communism is socialism in a hurry. It is socialism plus the firing squad. It matters not how you choose to define it, it is an international conspiracy designed to rob people of their liberty and their freedom. It comes to power by deceit and remains in power by force. I know of no better example than the situation in Nicaragua today to illustrate the point. The Sandinistas promised Nicaragua democracy and they delivered a police state. Many of our colleagues have confused leftwing rule with communism, but there is a vast difference.

If we are concerned about the forces arrayed against us in other parts of the world such as the Near East and Southeast Asia, we should be alarmed that those same forces—the PLO, the East Germans, the North Vietnamese, and the Russians—are arrayed against us in Central America. It makes little sense to spend $300 billion a year to protect ourselves from Russian communism and allow it to flourish on our own doorsteps.

The question has been raised, How can a small country of 2½ million people pose a threat to the United States? The answer is, it cannot. The threat is posed from forces outside the area, working through the Government of Nicaragua. Marxism cannot survive in Central America without external involvement.

It should be pointed out that had this Congress not propped up this Communist government with a donation of $117 million to allow it to consolidate its gains, we might have a different situation in Nicaragua today.

Here let me speak directly to my Democratic colleagues. Last fall, we were trampled at the polls in the Presidential election. The score for the States was 1 to 49. Postelection polls indicated that one of the reasons for that political loss was the perception that the Democrats were soft on defense. If we now fail to oppose the spread of communism in this hemisphere, and we are once more perceived to be soft on defense, and communism, then we could be shut out completely in the next election.

Our record on the replacement of rightwing military dictators over the past several years has not been a good one. In Cuba, we supported Castro over Batista; in Iran, we pulled the rug out from under the Shah in favor of Khomeini; and then we collaborated in the process of replacing the oppressive Somoza regime with communism.

I do not mean to imply that these rightwing dictatorships were acceptable forms of governing, they are not. However, they did not with one exception attempt to impose their repressive forms of government on others. Yet Castro has used his island base to export revolution in Latin America and has supplied the manpower for Communist mischief in Africa; Khomeini has poisoned the entire Middle East with his fanaticism and has collaborated with Russian client-states where it suited his purposes; and Communist Managua has announced—and demonstrated—that its revolution is without borders.

Why should we be concerned? There are many reasons. First there are humanitarian concerns. When Communist regimes take hold, the people flee—they vote with their feet. They fled Eastern Europe after the Second World War. They fled North Vietnam after the partition. They fled Cuba when Castro came to power. And where will they go? No other Central American state can support its own populace, let alone an influx from first one fallen country then another.

They will move slowly, but in great numbers across the land-bridge which is Mexico. And what will we do then? The burden on our Southwest and Southeast will be insupportable. Our unemployment rate will rise dramatically. Our capacity for providing services will be exhausted. We must care what happens to these people who do not want to leave their homelands, but have no choice. And we must care what happens to our own land in the face of such a crisis.

And there are concerns of the economy and trade. We are a maritime nation. The sealanes of the Caribbean must remain open and available to us, if we are to continue to function to the modern world.

Two of the most revered Democratic Presidents of the 20th century have been forced by circumstance to confront communism.

In 1947, President Truman recognized the peril to world peace inherent in the Communist attempt to take over Greece. He set forth our national goal in that regard, and the Truman doctrine was born. Just 15 years later, President Kennedy was also forced to look in the face of the Communist threat when with great courage he called the Russian bluff, and ordered the missiles out of Cuba.

In the first case, we possessed the strength of the victor; in the second, we were favored with a lot of luck. In both cases, open warfare was averted. Now, if the Soviets decide to put missiles in place in the outskirts of Managua, who among us can say with confidence that two dozen Russian submarines will not rise in the Pacific and the Caribbean to deny us the right to protest?

Our Republican President has indicated there will be no Cubas on this continent on his watch. Does this Congress want to prove him wrong?

We cannot afford the luxury of temporizing or compromising with marxism in this hemisphere. There must be no appeasement, the cost will be too steep. We need do nothing more nor less than to impose the Truman doctrine in order that this foreign ideology will not spread beyond the Cuban

boundaries. Because as Hiram Mann so aptly said:

> No one wins when freedom fails.
> The best men rot in filthy jails
> And those who cry "Appease! Appease!" pease!"
> Are hanged by those they try to please.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank my colleague, the gentleman from Virginia, for yielding. Let me just ask him a question.

I talked with some Democrats today, good solid colleagues of mine in the House, who planned to vote for MICHEL but also planned to vote for BOLAND, kind of covering all their bases.

Would the gentleman address that subject for a minute?

Mr. DANIEL. If they are going to vote for both, that is contradictory.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DANIEL] has expired.

Mr. CHENEY. Mr. Chairman, I yield 2 additional minutes to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. Chairman, I say to the Members, if you are going to vote for both, that is contradictory. You cannot be consistent if you vote for both of them.

Mr. ROEMER. Mr. Chairman, if the gentleman would yield further just briefly, is the gentleman telling us on our side of the aisle that if we do in fact support some aid to the Contras to keep the pressure on the Sandinistas for freedom, if we do that, we should vote for the Michel amendment and against the Boland amendment?

Mr. DANIEL. In my judgment, the gentleman is correct.

Mr. ROEMER. So the Boland amendment is the critical vote, and we should vote no?

Mr. DANIEL. The gentleman is correct.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

A few minutes ago the distinguished chairman of the Intelligence Committee indicated that really the Boland amendment would not destroy the Michel amendment; it would only constrain funding through intelligence agencies. But on October 10, 1984, I think he laid out some different legislative history for essentially the same amendment, for he said, and I quote:

> Let me make very clear that this prohibition applies to all funds available in fiscal year 1985 regardless of any accounting procedure at any agency. It clearly prohibits any expenditure, including those from accounts for salaries and all support costs. The prohibition is so strictly written that is also prohibits transfers of equipment acquired at no cost.

So, Mr. Chairman, I would submit that in fact the distinguished gentleman's amendment would destroy the Michel amendment.

Mr. DANIEL. Mr. Chairman there are no funds in this bill to which the Boland amendment would apply, not $1.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the Michel amendment to H.R. 2577, the supplemental appropriations bill for fiscal year 1985. This represents a reiteration of my earlier position in favor of providing humanitarian aid to the Contras in Nicaragua. I believe this position was sound 2 months ago and it remains so today.

As I did at the time of the last vote, let me state that it is not a statement of support for any U.S. military involvement in Nicaragua. I have voted against that specific proposal before and would again.

In addition, my support of humanitarian aid to the Contras is not a blanket endorsement of the Contras. In some respects we must evaluate this issue from the context of what is the lesser of the two evils. In my judgment, the failure to provide aid and maintain pressure on the Sandinista government would be the greater of the two evils.

I wish to focus my attention on one important dimension of this issue. It is the issue which for me cements the rationale for why I support humanitarian aid. It is also the issue, which frankly, reveals a degree of naivety or even hypocrisy, on the part of some in this body.

The issue most simply put is—the Soviet-Sandinista link. It is strong, it is growing stronger, and as it does, poses a genuine threat to this hemisphere and our national security. It is the single most compelling reason why we must support the Contras.

I stood in this well just days after President Ortega made his now infamous trip to Moscow. It occurred just days after the narrow vote in this House against providing any aid to the Contras. I said at that time that the picture of Ortega and Soviet leader Gorbachev may not be worth a thousand words, but certainly it should be worth at least the two votes necessary to gain passage of a humanitarian aid package. I believed that then—I believe it now—and I sense it will be confirmed later today when we vote again on the Michel amendment.

An interesting but revealing footnote on Ortega and his propensity to visit Moscow—according to the DSG this was, in fact, Ortega's seventh visit to the Soviet Union in the past 5 years. However, this visit at least produced some visible results with renewed commitments of aid from the Soviets.

I ask—for those of my colleagues who have condemned the Soviet Union for their invasion and occupations of Czechoslovakia and Afghanistan and their reign of terror by satellite in Poland—what about Nicaragua?

For those who rightly condemned the Soviet Union for their shooting down of Korean Air Line flight 007 and the resulting murders of more than 250 innocent people includng our late colleague, Larry McDonald—I say, what about Nicaragua?

For those who join as cosponsors of various resolutions commemorating Captive Nations week or month and the more than 50 million people in this Nation under Soviet domination—I say, what about Nicaragua?

For those who denounced the Soviet Union's murder of Maj. Arthur Nicholson—I say, what about Nicaragua?

For those who condemn and join in marches to protest the Soviet Union's ruthless treatment of Soviet Jews—I say, what about Nicaragua?

For those who express concern about continued Soviet violations of arms agreements such as SALT II—I say, what about Nicaragua?

My concern here rests with the occasional double standard we employ in dealing with the Soviet Union and their policies around the world. For those of my colleagues who stand up and defend Israel and rightfully so—how can you then turn and vote against aid to the Contras. The effect of this vote is to maintain the Sandinista regime backed and financed by the Soviet Union. The Sandinistas are openly courting and seeking alignment with PLO and reports continue to increase about anti-Semitism being practiced in Nicaragua.

It is time we applied a little consistency around here. Either we are against Soviet expansionism or we are not. Either we are against Soviet adventurism or we are not. Either we are against the establishment of Soviet satellite or puppet governments around the world or we are not.

If we are against the above points, then there is no real choice but to vote for humanitarian aid to the Contras who are as their name means—the main alternative to the Sandinistas in Nicaragua.

I contend that as long as the fundamental premise behind providing humanitarian aid to the Contras is to try and stop further Soviet expansion into Nicaragua and Central America—that is a sound and defensible premise. It is obvious that with each passing day that we do not provide aid to the Contras—it solidifies the position of the Sandinistas and continues to give the Soviet Union the foothold it wants in

that region. All one has to do is consider the new military aggressiveness of the Sandinistas against its border nations of Honduras and Costa Rica to see how committed the Soviets are in this region.

To me we are faced with a historic choice today. We can vote now for humanitarian aid to allow the freedom fighting Contras to stay strong and maintain pressure on the Sandinistas to work for a restoration of freedom and movement toward a diplomatic solution, this we can do without causing us to drift any further into a military commitment in Nicaragua. The alternative is to vote down all aid to the Contras and let the Soviet-Sandinistas link grow stronger.

The consequences of failing to adopt the Michel amendment to me seem quite ominous. It will result in unilateral expansion on the part of the Soviet Union, an expansion we can ill afford to see happen. The choice is clear—a vote today for humanitarian aid may well avert the need for a later vote—on a more dangerous option military aid to combat the new Soviet regime in Nicaragua.

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Mr. BOLAND. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Chairman, I think it is important that we understand exactly what we are talking about as we talk about the Boland amendment. I have talked to other people and I get the impression there is some confusion in regard to what this would do as far as the CIA is concerned.

Many of us were concerned when the CIA mined the harbors and did some of those things, and many of us are concerned over the lack of control that we have over the activities of the CIA in the Congress. The minority side has recognized that in what they put in their amendment.

Now, the Boland amendment will expire the first of October. We have a chance in this amendment to say that it is going to continue, that we are going to continue to prohibit the use of the CIA contingency fund to do whatever they please in Nicaragua. I think we ought to do that. I would think that the minority would agree that indeed that is what we ought to do.

If you were in favor of it before and you are in favor of it now, this is your chance.

True, sometime later we might be able to bring up a bill to do it. But now is the time we have an opportunity to do that. This does what the minority says they want to do. It says that indeed funds will not go through the CIA, will not go for military action, which is what everyone here says.

It seems to me that we sure should take advantage of this opportunity to stand tall to be sure that indeed there is no mixed signal as to what we believe.

I urge support for the Boland amendment.

Mr. BOLAND. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I rise in support of the Boland amendment and against the Michel amendment.

From the beginning, our adventures in Nicaragua have been a textbook lesson in how not to run foreign policy, a lesson in how to start a war. Without the advice and consent of Congress, the Reagan administration initiated a covert war against the Sandinista government. As this war began to escalate, the administration gave Congress a series of conflicting stories regarding the nature of our support and the goals of the 15,000 Contras fighting in Nicaragua.

Ironically, the tables have now turned. Today the administration openly seeks to topple the Sandinistas, but Congress has become skittish, so has tried to disguise proposals as humanitarian assistance.

The Michel amendment turns this deception into an art form and would wipe out every gain Congress has made in the past 2 years to prevent direct U.S. military involvement in Nicaragua.

First, by allowing the CIA to immediately begin sharing information with the Contras, the Michel amendment would partially roll back an existing prohibition on U.S. military aid to these forces. Now, CIA involvement is defended by the amendment's sponsors as a way to "ensure that we can monitor and encourage—the Contras—observance of human rights." This is the same CIA that wrote and distributed a how-to primer on terrorist techniques for the Contras. This is the same CIA that secretly mined Nicaraguan ports in violation of international law. Congressman MICHEL can find no stronger candidate for the role of moral guardian to the Contras?

Next, Michel would allow the restrictions on U.S. military aid to the Contras to end altogether on October 1. Members should know that by ending these restrictions, we give the President authority to give the Contras military aid and supplies from existing CIA contingency funds—a prescription for disaster.

But the Michel amendment doesn't stop there. To make absolutely sure that they want for nothing, the amendment allows $27 million in humanitarian aid to the Contras between now and the end of March—a tidy subsidy of nearly $3 million a month.

Let's put this aid in context. The United Nations High Commission on Refugees currently runs a camp in Nicaragua providing food, clothing, and shelter to over 19,000 refugees. The annual budget for this camp? Just over $4 million. Even if you buy the argument that the funding provided by the Michel amendment is humanitarian, you're voting to create the Club Med of refugee camps.

But if you take a closer look, it becomes clear that Michel is not humanitarian aid by any stretch of the imagination. The $27 million will not be used to meet the needs of civilians displaced by the covert war, but to provide food and equipment—possibly including C-47 cargo planes and other aircraft—to the combatants themselves.

The Michel amendment escalates the war. A war that the former U.S. military commander in Central America has said the Contras probably can't win. A war that has earned us the censure of our allies in Latin America and Europe. A war that runs a daily risk of spreading into Honduras or Costa Rica. A war that gives the Sandinista directorate an excuse to continue repressive policies and increase the size of its armed forces.

It doesn't have to be that way. The United States is not alone in its concern about the nature and actions of the Sandinista government. But, while the Sandinistas have been roundly condemned by governments throughout Latin America, none of these governments—with the exception of Honduras and El Salvador—supports our covert war against Nicaragua. The trade embargo recently imposed by the administration has had the embarrassing result of making Ortega a welcome guest in the capitals of Western Europe.

Instead of approving more military aid, we should be working to build a regional consensus that will allow for a peaceful settlement of the problems in Central America. To start down this road, the House must alter the Michel plan by passing two amendments to be offered by Congressmen BOLAND and GEPHARDT.

The Boland amendment would continue, indefinitely, the prohibition on direct or indirect military assistance to the Contras, forcing us to scale back our involvement in the covert war. The Gephardt amendment would delay implementation of the Michel plan for 6 months to allow the Contadora nations, Mexico, Venezuela, Panama, and Colombia, more time to frame a regional settlement for Central America. There is reason to hope that Contadora can bring results. Right now, the group is debating the final draft of a regional peace proposal, with high level discussions scheduled for the near future.

Contadora will not succeed without U.S. support. That the process has come this far is a testament to the

desire of nations throughout Latin America for a peaceful resolution.

Far better than the Michel plan, even if it is amended, is an alternative to be offered by Congressmen HAMILTON and BARNES. The Barnes-Hamilton alternative allows for $14 million in assistance to Nicaraguan refugees. This aid is to be administered by either the Red Cross or the United Nations High Commission on Refugees—if they determine the money is needed to meet legitimate need. Both the UNHCR and the Red Cross have an international reputation for impartial and efficient distribution of relief aid. While I believe that $14 million is an inflated total, by going this route we assure that, to the extent possible, U.S. humanitarian aid will not be used to underwrite the Contras.

Mr. CHENEY. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. Chairman, today's debate has once again highlighted the problems endemic to this body's exploratory process—a process which often leads us to be too preoccupied with the "how," "where," and "what" rather than the "why." This is understandable. It is easy to focus attention on Contra human rights abuses. It is far more difficult to dwell on the systemic oppression which has come to permeate Nicaraguan society—an oppression which has provided the fertile ground from which the Contras have spawned.

The Sandinistas have betrayed their own revolution. They have betrayed their supporters at home. They have betrayed their supporters abroad. Most of all, they have betrayed themselves.

The Sandinista dictatorship is a totalitarian state, and it has done what all totalitarian states do: it has stifled both democracy and those who so ably uphold its values—the press, the church, and ultimately the voters.

There are those who say this isn't America's problem. Why should it matter if Nicaragua is a totalitarian state? Well, this seems to beg the question. Free elections, I've been told, are a rare commodity in totalitarian states. Dissent is a precarious occupation. Ask Mr. Castro's political opponents what they think about Cuban political debate.

Mr. Chairman, democratic states do not attack their neighbors. Democratic states do not readily carry out war. Democratic states, as we well know, are reluctant to spend a great deal of money on arms. In short, democratic states are not, nor will they ever be a threat to the free world.

The Contras are not angels. There are certainly objectionable elements among their ranks. But as Winston Churchill once said: "Democracy is the worst system in the world except for all of the others." For all of their faults, the Contras are far preferable to the alternative—the alternative of millions of "foot people" fleeing possible totalitarian states in Central America, the alternative of our borders being overrun by millions of hungry refugees who only desire to live in peace; and the alternative of Soviet satellite governments sitting astride the Rio Grande.

Closing our eyes and wishing the threat away may temporarily work in Afghanistan, but to abrogate our duty here in our own backyard does not bode well for the future of a nation such as ours.

Vote to aid the Contras.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I rise today in support of what I believe to be the preferred road offered us in terms of U.S. policy in Nicaragua. I am convinced that the options available to us at this time are found at neither extreme—but rather a middle course allowing us the flexibility to respond to what I hope will be changing circumstances in Nicaragua.

I think it is important that we apply pressure on the Sandinista government. We should continue to make known our concerns about the policies of the Sandinista government. We must continue to press for freedom of the press and religious freedoms in Nicaragua. We must not turn our backs on those in Nicaragua who want more for—and from their country.

We have been at odds for years now over how best to bring about change in Nicaragua. I think there is little doubt that the policies of the past have yielded deficient results. In addition, the policies of the past have resulted in our isolation both regionally and globally. We stand virtually alone now in our quest for a democratic Nicaragua.

We must now look toward the future and determine exactly what our goals are in the region. Must we insist upon a government just like ours in order to establish friendly relations? Must we insist that the Sandinistas relinquish their control over that country? Or, should we insist that the Government of Nicaragua respect the concerns of nations in this hemisphere that excessive military buildup and Marxist rhetoric only serve to further destabilize a region in crisis?

It seems to me that our goal should be a friendly government in Nicaragua which allows basic freedoms for its people, free from external intervention, in strong pursuit of the ideals which spawned the 1979 assumption of power of the present government.

There is currently a force of 15,000 plus in Nicaragua fighting to reverse the shortcomings of the Sandinista government. This is a force which began receiving U.S. support 4 years ago even though in a clandestine fashion. It is a fighting force which leaves much to be desired but it is all that we've got. We cannot at this time simply wash our hands of the entire matter and leave them to their own devices.

Mr. Chairman, I intend to support the Michel amendment today. The situation in Nicaragua is fluid: One minute that government appears ready to address the concerns expressed by other nations in this hemisphere and the next moment anti-U.S. rhetoric permeates the air. We, on the other hand, tend to respond to these political swings with threats and innuendo.

I believe that the Michel amendment offers a well-balanced approach to maintaining pressure on the Sandinista government: The provision of nonlethal material support and incentives for domestic reforms.

However, I do not believe at this point that we want to open the door for renewed full U.S. intelligence activities against the Government of Nicaragua. We have failed terribly at this task over the past several years and I am not convinced that we have developed a program for involving these agencies. For this reason I intend to continue my support for the Boland amendment.

My anticipated votes on this issue are consistent with my past position on aid to the Contras. I have consistently opposed covert direct or indirect military or paramilitary aid to the Contras, but rather continued support for those seeking changes in the Nicaraguan Government.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman, the largest issue before this body neither relates to support nor lack thereof for the Sandinistas. Few in America are sympathetic to the leftward lurch in Nicaragua.

The primary issue is the rule of law and the constitutional process. In this context I am reminded of the reminiscences of the German Pastor Martin Niemoller, reflecting on that dark moment in the human soul we now call the Holocaust:

"First," Pastor Niemoller wrote, "they came after the Jews and I was not a Jew, so I did not object.

"Then they came after the Catholics and I was not a Catholic, so I did not object.

"Then they came after the trade unionists and I was not a trade unionists, so I did not object.

"Then they came after me and no one was left to object."

As we craft law in this body, we are responsible above anything else to see that the rule of law is advanced. In

this context might it not be suggested that:

First they broke the law of the land—the Boland amendment—and we were not Nicaraguans, so we did not object.

Then they mined the harbors and distributed assassination manuals and we were not Nicaraguans, so we did not object.

Then they withdrew from the jurisdiction of the World Court and we were not Nicaraguans, so we did not object.

Then they asked for full-fledged authority to wage a full-fledged war. Now we have no choice but to object.

I urge adoption of the Boland amendment.

Mr. CHENEY. Mr. Chairman, I yield 2 minutes to the distinguished chief deputy whip on the Republican side, the gentleman from Texas [Mr. LOEFFLER].

Mr. LOEFFLER. Mr. Chairman, by defeating the Boland amendment this body will be taking an essential first step in redeeming our Nation's commitment to our friends, our ideals, and our fundamental interests in Central Amercia.

To each on both sides of the aisle may I reiterate once again that the Boland amendment is a gutting amendment. It is a killing amendment to the Michel amendment, for if Boland passes, there will be no method by which we can distribute even humanitarian assistance to the Nicaraguan democratic resistance, the freedom fighters in that country. And there will be no way, it will be totally impossible for our Nation to share information and to receive information from the Nicaraguan democratic resistance.

Make no mistake about it, the Boland amendment is a gutting amendment. You cannot have it both ways by voting for Boland and voting for Michel. They go in two different directions; so either you stand for the Michel amendment, which provides assistance to a freedom-seeking people in Central America, or you stand for Boland and you rip from the grips of a freedom-seeking people in Nicaragua the very opportunity for them to get their government to honor a commitment given in 1979, and that was a commitment for democratic pluralism.

□ 1430

I say to the Members of this body also remember that the Boland amendment as now in law, in statute form, has been enforced for half a year and it has produced nothing but Sandinista intransigence and consolidation of power.

Making the Boland amendment permanent, as his amendment would do, will simply crown the Sandinistas as the permanent rulers of a Communist Nicaragua. None of us want that.

I would submit to you that today is the day of reckoning in behalf of a people who want a life similar to our own, a people who have not gotten that type of life via their inherent birthright, but a people who desperately want peace based upon the framework of democracy.

I urge absolute defeat of the Boland amendment and adoption of the Michel amendment.

Mr. CHENEY. Mr. Chairman, I yield myself the remaining 1 minute.

Mr. Chairman, I think it is very important to emphasize again the point that has been made here repeatedly today, that the Boland amendment as offered by the gentleman from Massachusetts to the Michel amendment that is pending before us is a killer amendment. It will in fact make it impossible for us to provide humanitarian assistance in a workable fashion to the Contras in Central America.

The Michel amendment itself requires significant reports from the President on human rights violations every 90 days to the Congress. That would be impossible if in fact we are not able to share information.

The bottom line, Mr. Chairman, is for the Members of this House to keep in mind and remember very clearly, if you believe in supporting the Nicaraguan democratic resistance with humanitarian assistance, if you believe in supporting those people who are opposing the Communist regime in Nicaragua, if you believe in carrying through on the administration's and this Government's commitment to freedom and democracy in this hemisphere, you not only have to vote for the Michel amendment, you have to vote against the Boland amendment.

The Boland amendment is a killer amendment and it deserves to be defeated.

Mr. BOLAND. Mr. Chairman, I yield the remainder of the time to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

The CHAIRMAN. The gentleman from Texas, the distinguished majority leader, Mr. WRIGHT, is recognized for 7 minutes.

Mr. WRIGHT. Mr. Chairman, this vote comes to the very heart of the matter, where we draw the line between humanitarian assistance and military intervention. That is what we have to decide.

For the past 3 years the law has contained one very clear prohibition, and that is the prohibition contained in this Boland language today. We have said that our Government will not use taxpayers' money to finance a military invasion of Nicaragua or the overthrow of that government.

That prohibition will expire on October 1 unless we extend it today. It is not in the Senate bill. Whatever you think about the Michel amendment, and I recognize there is much support for the idea of trying to do something of a humanitarian nature, I would suggest to you that if you want some restraint you had best vote for this amendment. If you think the language is somehow internally inconsistent, we can try to work it out in the conference in a way that will not be inconsistent with our purposes.

But if we vote today to reject the Boland amendment, we are clearly voting to do away with the restraint that exists in present law against the U.S. financing a military invasion of that country and the forceful overthrow of that country's government.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. No, I cannot yield at this time. If I have time when I have finished my statement, I will gladly yield to the gentleman.

At this time I thank the gentleman for his offer to contribute, but I would just rather say some things that I feel need saying. I have listened to the gentleman and I did not ask him to yield.

Mr. HYDE. I yielded to my friend from Massachusetts, Mr. BOLAND, and I thought the gentleman might reciprocate.

Mr. WRIGHT. There are some considerations that I think we have to face. I just have a very little time in which to say them, and it is not any disrespect to my distinguished friend from Illinois [Mr. HYDE], but I just would like to say these things first while I have time remaining.

This is our choice: For the first time we are going to be saying, if we reject this language, that we are accessories to this effort to overthrow that government by force. Whatever we may think of that government, however we may disagree with some of its internal policies, it is the established government of that country.

We want to think very carefully before we make that fateful choice. If our efforts should fail, if the Contra forces are not successful in spite of our open identification with the military group attempting to overthrow that government, as some of our best military minds suggest they will not be, what do we do then? Then where do we go? Do we then abandon the cause and swallow our pride and our dignity as we did after the Bay of Pigs? Or at that point do we introduce U.S. troops?

We should be prepared to answer those questions if today we vote to do away with the restraint that exists in present law. There is much in the Michel amendment with which most of us can agree. I think most Members are willing to provide true humanitarian aid, medical care for the sick and the wounded, of whatever ideological affiliation, shelter for the homeless, food for the starving, of whatever ide-

ology, resettlement for refugees who have been driven from their homes or fled persecution. That is humanitarian aid. Those are things most of us would support, and they are contained as well in the Hamilton substitute.

But the fact is clear that despite the 1982 prohibitions which Congress wrote, the CIA actively recruited and trained and equipped thousands of men and sent them into Nicaragua to engage in war. Perhaps we do have some responsibility to those people who in good faith must have thought that they were answering the official call of the U.S. Government. But how far does that responsibility go? Does it mean having lured them into battle that we will bind up their wounds and care for their families; or does it mean that we will guarantee them a military victory?

It seems to me that the latter is the commitment we are tacitly making today if we abandon this Boland restriction.

In El Salvador we are fulfilling our commitment under the Rio Treaty to protect local self-determination from outside invasion and to protect a duly elected government from violent overthrow. That is quite a different matter. In Nicaragua we will be acting under no obligation of treaty and no sanction of international law.

Whatever our motives may be, we will be seen throughout Latin America as once again imposing our will by force on a smaller nation, and installing a government of our choice, not their choice, a government which in the minds of many will bear the label, "Made in the USA."

I know Mr. Reagan said today that he is not attempting to overthrow the Government of Nicaragua by force, but he said just a few weeks ago that what he wanted to force them to say "Uncle." All of us know what that means. It is a term of physical surrender. That is the cry of the vanquished when overcome by superior force. Its utterance is the price for letting a defeated foe get up off the ground. That is what it means, isn't it?

In July of 1983, less than 2 years ago, Ambassador Stone delivered a letter from President Reagan to the Presidents of Panama and Colombia and Venezuela and Mexico. In that letter President Reagan wrote as follows: "There must be respect for the principle of nonintervention, including a ban on support for subversive elements that seek to destabilize other countries."

Now, if that principle is to have meaning, does it not have to work both ways? Must it not apply to ourselves as well as to others? Can we consistently condemn external efforts to destabilize El Salvador while publicly engaging in efforts to destabilize Nicaragua, however abhorrent its form of society may be to us?

We have every right to insist that Nicaragua leave its neighbors in peace and pose no threat to the peace of this hemisphere so far as its external relations are concerned. But we have no right to dictate the form of its internal society. We are not the dictators of the hemisphere. We should try to influence by example as well as by precept, and it seems to me that we will gain respect and ultimately have the help of others in the hemisphere if consistent with those principles to which we have committed ourselves in the Rio Treaty and in the charter of the OAS—the principle of nonintervention, and the principle of the sanctity of borders of other countries. If we are to preach those principles with any credibility then we should practice them with some consistency.

● Mr. SOLOMON. Mr. Chairman, I rise in strong opposition to this amendment. I do so because this amendment, if adopted, would have the effect of gutting the entire intent of the bipartisan Michel-McCurdy-McDade amendment. Moreover, this amendment, if adopted, would sound the death knell for the democratic opposition in Nicaragua. What incentive would there be for the Sandinista dictatorship to even consider the international appeals from the Contadora group, or the calls for dialog with freedom-loving Nicaraguans, if the democratic opposition in Nicaragua is crushed? Yet that is precisely what this amendment would do—pull the rug out from under those Nicaraguans who are horrified at the betrayal of the Sandinista revolution, those Nicaraguans who fought for the establishment of a democratic government 6 years ago and have seen those hopes crushed under the foot of Commandante Ortega and his Communist henchmen.

I oppose this amendment because it seeks to confuse the issue. Make no mistake: What we have in Nicaragua today is not a case of American policy having failed, as this amendment would suggest—it is a case of a revolution having failed, a small clique of tyrants having subverted the very liberties the Sandinista revolution was intended to establish.

If the Sandinista leadership was content to act as a self-conscious parody of the ideals the Nicaraguan people were fighting for in 1979, that would be bad enough. But when that same leadership surrenders the country's sovereignty to curry the favor of Moscow and to act as a surrogate force to spread the false dogma of Communist revolution into neighboring countries, it is the concern of every country in this hemisphere.

Mr. Chairman, the Sandinistas have betrayed their own revolution. And true to form, they have resorted to a psychology of crisis, a policy of ongoing revolution as the only justification for continuing their despicable regime. Communism always sponsors revolutions against everything except communism itself, the most reactionary model for social and political development ever devised.

Mr. Chairman, this amendment represents one more variation on the theme of "Blame America First!"—the battle cry of those new isolationists who have grown weary of supporting that "long twilight struggle" that President John F. Kennedy summoned us to join. And that is what we will be saying if this amendment is adopted. You are on your own, Central America! Do not look for American help to support your struggle for freedom, dignity, decency, and democracy.

One final observation: in the course of a congressional session we debate American policy toward many countries. We debated about South Africa just last week. We will be talking about the Philippines when the foreign aid bill comes up. We have had resolutions in recent weeks concerning Chile and Turkey. Why is it that whenever we discuss a country that has not had a grand and glorious left-wing revolution, we always do so in terms that suggest a certain inevitability, a historical necessity for change that must inexorably come. But, whenever we talk about a Communist country, we do so in terms that suggest an acceptance of the present tyranny as a permanent fact of life.

That is what this debate is all about. The passage of this amendment is tantamount to accepting the tyranny of the Sandinistas as a permanent and legitimate fact of life in this hemisphere.

I urge an overwhelming vote against this amendment. Stay with the Michael-McCurdy-McDade approach. Let us uphold the interests of the American people and of all freedom-loving people in this hemisphere.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. BOLAND] to the amendment offered by the gentleman from Pennsylvania [Mr. MCDADE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOLAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 232, not voting 5, as follows:

[Roll No. 154]

AYES—196

Ackerman	Anthony	Bedell
Addabbo	Applegate	Beilenson
Akaka	Aspin	Bennett
Alexander	Atkins	Berman
Anderson	AuCoin	Boggs
Andrews	Barnes	Boland
Annunzio	Bates	Bonior (MI)

Bonker	Hayes	Rahall
Borski	Hefner	Rangel
Boucher	Hertel	Reid
Boxer	Howard	Richardson
Brooks	Hoyer	Rodino
Brown (CA)	Hughes	Roe
Bruce	Jacobs	Rose
Bryant	Jeffords	Rostenkowski
Burton (CA)	Jones (NC)	Roukema
Carper	Jones (TN)	Roybal
Carr	Kanjorski	Russo
Clay	Kaptur	Sabo
Clinger	Kastenmeier	Savage
Coelho	Kennelly	Scheuer
Coleman (TX)	Kildee	Schneider
Collins	Kleczka	Schroeder
Conte	Kolter	Schumer
Conyers	Kostmayer	Seiberling
Coyne	LaFalce	Sharp
Crockett	Lantos	Sikorski
Daschle	Leach (IA)	Smith (FL)
Dellums	Lehman (CA)	Smith (IA)
Derrick	Lehman (FL)	Solarz
Dicks	Leland	Spratt
Dingell	Levin (MI)	St Germain
Dixon	Levine (CA)	Staggers
Donnelly	Lowry (WA)	Stallings
Dorgan (ND)	Luken	Stark
Downey	Lundine	Stokes
Durbin	MacKay	Studds
Dwyer	Manton	Swift
Dymally	Markey	Synar
Early	Martinez	Torres
Eckart (OH)	Matsui	Torricelli
Edgar	Mavroules	Towns
Edwards (CA)	McCloskey	Traficant
Evans (IL)	McHugh	Traxler
Fazio	Mikulski	Udall
Feighan	Miller (CA)	Vento
Florio	Mineta	Visclosky
Foglietta	Moakley	Volkmer
Foley	Moody	Walgren
Ford (MI)	Morrison (CT)	Waxman
Ford (TN)	Mrazek	Weaver
Fowler	Natcher	Weiss
Frank	Neal	Wheat
Frost	Nowak	Whitley
Garcia	Oakar	Whitten
Gaydos	Oberstar	Williams
Gejdenson	Obey	Wirth
Gephardt	Olin	Wise
Glickman	Owens	Wolpe
Gonzalez	Panetta	Wright
Gray (IL)	Pease	Wyden
Gray (PA)	Penny	Yates
Green	Pepper	Yatron
Guarini	Perkins	Young (MO)
Hall (OH)	Pickle	
Hamilton	Price	

NOES—232

Archer	Cooper	Fuqua
Armey	Coughlin	Gallo
Badham	Courter	Gekas
Barnard	Craig	Gibbons
Bartlett	Crane	Gilman
Barton	Daniel	Gingrich
Bateman	Dannemeyer	Goodling
Bentley	Darden	Gordon
Bereuter	Daub	Gradison
Bevill	Davis	Gregg
Biaggi	de la Garza	Grotberg
Bilirakis	DeLay	Gunderson
Billey	DeWine	Hall, Ralph
Boehlert	Dickinson	Hammerschmidt
Boner (TN)	DioGuardi	Hansen
Boulter	Dornan (CA)	Hartnett
Breaux	Dowdy	Hatcher
Broomfield	Dreier	Heftel
Brown (CO)	Duncan	Hendon
Broyhill	Dyson	Henry
Burton (IN)	Eckert (NY)	Hiler
Byron	Edwards (OK)	Hillis
Callahan	Emerson	Holt
Campbell	English	Hopkins
Carney	Erdreich	Horton
Chandler	Evans (IA)	Hubbard
Chappell	Fascell	Huckaby
Chappie	Fawell	Hunter
Cheney	Fiedler	Hutto
Coats	Fields	Hyde
Cobey	Fish	Ireland
Coble	Flippo	Jenkins
Coleman (MO)	Franklin	Johnson
Combest	Frenzel	Jones (OK)
Kasich	Monson	Skeen
Kemp	Montgomery	Skelton
Kindness	Moore	Slattery
Kolbe	Moorhead	Slaughter
Kramer	Morrison (WA)	Smith (NE)
Lagomarsino	Murphy	Smith (NH)
Latta	Murtha	Smith (NJ)
Leath (TX)	Myers	Smith, Denny
Lent	Nelson	Smith, Robert
Lewis (CA)	Nichols	Snowe
Lewis (FL)	Nielson	Snyder
Lightfoot	O'Brien	Solomon
Lipinski	Ortiz	Spence
Livingston	Oxley	Stangeland
Lloyd	Packard	Stenholm
Loeffler	Parris	Strang
Long	Pashayan	Stratton
Lott	Petri	Stump
Lowery (CA)	Porter	Sundquist
Lujan	Pursell	Sweeney
Lungren	Quillen	Swindall
Mack	Ray	Tallon
Madigan	Regula	Tauke
Marlenee	Ridge	Tauzin
Martin (IL)	Rinaldo	Taylor
Martin (NY)	Ritter	Thomas (CA)
Mazzoli	Roberts	Thomas (GA)
McCain	Robinson	Valentine
McCandless	Roemer	Vander Jagt
McCollum	Rogers	Vucanovich
McCurdy	Roth	Walker
McDade	Rowland (CT)	Watkins
McEwen	Rowland (GA)	Weber
McGrath	Rudd	Whitehurst
McKernan	Saxton	Whittaker
McKinney	Schaefer	Wilson
McMillan	Schuette	Wolf
Meyers	Sensenbrenner	Wortley
Mica	Shaw	Wylie
Michel	Shelby	Young (AK)
Miller (OH)	Shumway	Young (FL)
Miller (WA)	Shuster	Zschau
Molinari	Siljander	
Mollohan	Sisisky	

NOT VOTING—5

Bosco	Hawkins	Schulze
Bustamante	Mitchell	

□ 1450

Mrs. LONG and Mr. McKINNEY changed their votes from "aye" to "no."

Mr. FRANK changed his vote from "no" to "aye."

□ 1500

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BUSTAMANTE. Mr. Chairman, as a result of an electronic malfunction my vote on the Boland amendment was not recorded. Though I inserted my card with over 4 minutes left for voting, my vote was not recorded. Had the malfunction not occurred, the record would have shown my vote against the amendment.

AMENDMENT OFFERED BY MR. GEPHARDT TO THE AMENDMENT OFFERED BY MR. MC DADE

Mr. GEPHARDT. Mr. Chairman, under the rule, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GEPHARDT to the amendment offered by Mr. McDADE: In the paragraph under the heading

"HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE"—

(1) strike out "March 31, 1986" and insert in lieu thereof "September 30, 1986, subject to the requirements of section 105 of this chapter"; and

(2) strike out the second sentence of that paragraph (Beginning with "Notwithstanding" and ending with "second such report.").

In section 105 and section 106—

(1) strike out "SEC. 105" and "SEC. 106" and insert in lieu thereof "SEC. 106" and "SEC. 107", respectively; and

(2) in subsection (a) strike out "enactment of this Act" and insert in lieu thereof "enactment of a joint resolution under section 105 of this chapter".

Add the following new section 105 after section 104:

SEC. 105. (a) In order to provide an opportunity for negotiations through the Contadora process or other diplomatic channels, funds appropriated by the paragraph of this chapter headed "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" may not be obligated or expended during the 6-month period beginning on the date of enactment of this Act. After that 6-month period, funds appropriated by that paragraph may be obligated or expended for assistance in accordance with that paragraph if after the end of that 6-month period—

(1) the President submits a request to the Congress for authority to provide such assistance, such request to include (A) the President's assurance that he has consulted with the Contadora nations concerning the provision of such assistance, and (B) a description of the response of the Contadora nations to the proposal to provide that assistance; and

(2) the Congress enacts a joint resolution authorizing the use of funds for such assistance.

If the Congress enacts such a joint resolution, one-third of the amount appropriated by that paragraph shall be available for obligation as of the date of enactment of that joint resolution, an additional one-third shall be available for obligation 90 days after such date of enactment, and the remaining one-third shall be available for obligation 180 days after such date of enactment, notwithstanding the Impoundment Control Act of 1974.

(b)(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the obligation and expenditure of funds for assistance for the Nicaraguan democratic resistance in accordance with section 105 of the Supplemental Appropriations Act, 1985.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any

committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

The CHAIRMAN. Under the rule, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last night the President sent a letter promising to pursue a diplomatic solution to the violence in Central America.

I agree with the President. My amendment will give Congress the opportunity to support, in clear and decisive terms, a diplomatic solution.

The amendment is simple. It would delay Contra funding for 6 months. It would give the Contadora process a chance to work. After 6 months, we can assess where Contadora stands and whether we should then enact Contra funding.

Over 100 years ago, Congressman Abraham Lincoln rose in the Chambers of this House to speak against another war in another place.

Speaking of the Mexican War, Lincoln said the reasons for the war kept changing, the policy behind the war remained unclear, and the end of the war appeared nowhere in sight. Lincoln urged the President to act for peace. "Let him answer with facts and not with arguments."

Lincoln said, "Let him remember that he sits where Washington sat, and so remembering, let him answer as Washington would answer."

Today, Mr. Chairman, we sit where Congressman Lincoln sat. Let us answer, as best we can, as he would answer.

We stand on the threshold of an important decision. History will remember what we do in the coming hours.

Any American policy, to succeed, must be supported by the American people. Any policy, to succeed, must be supported by America's allies, and America's friends.

The current policy fails these tests. The American people reject a military solution. They want a diplomatic solution, as my amendment suggests.

The democracies of Latin America almost unanimously reject the Contra solution. They urge us to support Contadora, as my amendment suggests.

The Presidents of Colombia, Mexico, Venezuela, Panama, Argentina, and others, have asked us to put the full force and power of the United States behind the Contadora process.

That is what my amendment does.

So I ask my colleagues on both sides of the aisle: Let us stand with the democratic nations of Latin America.

Mr. Chairman, the wave of the future in Latin America is democracy, not communism. The most popular leader is Pope John Paul, not Fidel Castro. The Latin nations are part of the Western world, not the Eastern bloc.

But we should listen to these democracies, not just praise them. That is what my amendment does.

Several weeks ago, one of the greatest Latin democrats, one of America's strongest friends in the region, asked for our help.

The President of Colombia said. "Do not give us a preparation for war. Give us a plan for peace."

The choice before us is clear: The Contadora nations will be meeting in the coming days. They will be trying to find agreement on the outstanding differences that impede a Contadora treaty. Success is within reach.

By voting for my amendment, we will be sending them a strong message of support.

By rejecting this amendment, we disrupt Contadora. We hurt the process. And we move one step closer to war.

I ask all of my colleagues to carefully consider what we are about to do.

Some 20 years ago, Congress passed a resolution that took us a quantum leap closer to another war.

Then the Gulf of Tonkin was passed by Congress, the United States had embarked on a one-way street to war in Vietnam.

Today we are being asked to do something similar.

We are being asked to escalate this war.

We should be clear—we are being asked to give $27 million to those who want to escalate this war.

□ 1510

If we take this step, private contributions for purely military purposes will increase as well. So we are being asked to provide more than $27 million to escalate rather than de-escalate a war.

I think it is ironic that the Michel amendment provides $2 million to help the peace process. We are being asked to do something even more profound, and in my view, even more dangerous: We are being asked to legalize the war in the statutes of the United States. We are being asked to make a quantum leap toward a commitment to war in Central America.

I think my amendment offers a better course. The Contra forces have been in the field for 9 months now without direct American aid. If my amendment passes, they will be in the field for another 6 months, and the pressure they bring on the Sandinista government to negotiate will remain. In fact, I would argue by accepting my amendment, the pressure on the Sandinistas to negotiate seriously will even intensify.

I would also argue that the greatest reason the Sandinistas want to negotiate is because of the U.S. Marines; not the Contras. The spectre of the use of military forces of the United States in Nicaragua is not diminished in any way by a vote for my amendment.

I really do not see what we lose by accepting this approach. The pressure will continue; the diplomatic process will be intensified; the pressures on the country of Nicaragua to put their performance behind their words will intensify. They have said they are willing to throw the Soviet and Cuban advisers out of the country. They have said they are willing to agree not to export arms to other situations in Central America. They have said they are willing to negotiate and keep verification procedures which would back up their words with performance.

Why in the world are we afraid to give that a chance? This amendment gives us a chance to see if they will match their words with concrete performance. If they do not, if they are not willing to negotiate that treaty, if they are not willing to live with that treaty, this Congress can come back and take further action.

So to sum up, the Gephardt amendment says these things: First, the Contadors nations and most Latin Democrats have asked for a plan for peace. True friends of Latin democracy will help them, not aid the war.

Second, we can work with not against the great majority of our allies in Europe who have suggested this approach.

Third, we can act in a manner that can inspire, not alienate, the vast majority of people in Latin America.

Fourth, we can slow the drift toward an escalating war and resist making a commitment on behalf of the American nation, a commitment that will surely be used to justify more and more support or more aid in the future.

Last, we can remember that we are not forsaking stronger options, only giving the Contadora process a chance to work. I think today is an important day and this is an important decision. If you are for giving aid to the Contras, but you want to give peace a chance, the Gephardt amendment is the way to do both.

Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to the amendment and yield myself such time as I may consume.

Mr. Chairman, of the choices before us, the Gephardt amendment is the worst of all worlds.

It is a policy of benign neglect.

It is nothing but a cop-out for 6 months with the hope that the Communist leaders of Nicaragua will somehow be enticed by our inaction to the bargaining table.

It proposes a kind of bargain with the devil.

Under this amendment, we, in effect, make a deal with Ortega to withhold supplies from the democratic forces in Nicaragua and look the other way for 6 months in the hope that he will be able to wipe out his opposition once and for all.

By doing nothing, this amendment does all of the wrong things.

It is essentially what we did 6 weeks ago when the House debated the issue at length and came up empty.

The result is on the record for anyone to see.

Far from encouraging Ortega and his Soviet comrades to come to the negotiating table, it encouraged them to increase the stakes in Central America.

The day after the House voted to ignore the conflict that is underway just a few hundred miles from our borders, Ortega took off for Moscow and the eastern-bloc nations and returned with promises of nearly $300 million in assistance.

How many times are we going to do this before we get the message?

The Nicaraguan Government is already armed to the teeth and ready to roll over its neighbors.

The only thing holding them back is Ronald Reagan's resolve and the off-again, on-again efforts of the Congress in half-hearted support of the President.

Some Members have been quoted as saying that they won't be able to endorse the President's policies until Soviet missiles and Migs appear in Nicaragua.

Well, Mr. Chairman, the mischief incorporated in this amendment is just the sort to encourage Ortega and his Soviet comrades to up the ante again.

Maybe, if we waffle one more time and then give them 6 months, they'll have those Migs in operation. We already know that Nicaraguan pilots are being trained to fly high performance Soviet fighters. But training takes time, and introducing them takes courage. We are preparing with this amendment to give them both.

The democratic forces in Nicaragua are a viable and effective force willing to die for the principles we all believe in.

We don't need to send the Marines to Managua. They are willing to do the job themselves. All they are asking is that we give them a little support and encouragement and that we don't give aid and comfort to the enemy.

The Michel-McCurdy amendment offers that minimum support, a mere $27 million.

We spend more than that on Senate campaigns in some States.

The Pentagon spends that much for toilet seats, screw drivers, and ashtrays.

Yesterday, with very little fanfare, we voted $2 billion for two countries in the Middle East that are not even at war. And that was a bonus in addition to the regular funds appropriated under the Foreign Assistance Act.

What we are talking about for the freedom fighters in Nicaragua is peanuts by our standards.

Yet, we are afraid we might be overreacting by giving those who are willing to die for a cause that is fundamental to most Americans a piddling $27 million.

The Gephardt amendment is simply a cop-out.

It ties the white flag of surrender to the gun barrels of the freedom fighters and tells them to throw in the towel and get in the soup line.

A vote against Gephardt will be a vote for democracy and a vote against the policy of benign neglect.

I urge a no vote on this amendment.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. BARNES].

Mr. BARNES. I thank the gentleman for yielding to me this time.

Mr. Chairman, I rise in very strong support of the amendment offered by our distinguished colleague from Missouri, Mr. GEPHARDT. I would like to just very briefly flesh out what the gentleman from Missouri was saying about the negotiations that are under way and why it is that our neighbors and friends and allies in the hemisphere are opposed to our acting today to finance the war that is ongoing in Nicaragua.

As everyone knows, the four Contadora countries, Mexico, Panama, Venezuela and Colombia, have been engaged in the so-called "Contadora Initiative" trying to find a peaceful solution to the problems in Central America and to address the very concerns that we are hearing so eloquently spoken to today on both sides of the aisle.

□ 1520

We all share the same concerns, and the Contadora nations share them, and that is why they undertook their initiative. They have drawn up, and by the way, this is information I have obtained from the State Department about the current status, from the Reagan administration I have obtained this information about the current status of the Contadora process.

The Contadora Group has drawn up five "documents" that seek to reconcile the September 1984 draft treaty which, as you will recall, the Nicaraguans agreed to sign and the so-called Tegucigalpa draft subsequently drawn up by Honduras, El Salvador and Costa Rica, with the United States' participation, incorporating the changes that they wanted in the September draft.

Two of these documents, two of the five documents, pertain to verification, and three to security measures. The two verification documents were accepted in April by the five Central American countries, including Nicaragua, and one of the three security documents was accepted last month, in May, so three of the five documents have now been agreed to by all five of the Central American countries, as well as the four Contadora countries.

The other two security documents do contain some difficult issues, but negotiations are underway. Large numbers of diplomats from all nine countries are at work on those issues and they will be meeting shortly on them.

The September draft treaty was accompanied by a draft protocol which would have been open for signature by other nations. This was objected to, particularly by our country, which did

not want the Cubans and the Soviets becoming a party to a Central American agreement.

The Contadora group has gone back to the table and has now drafted four new protocols to replace that earlier one that seek to resolve the problems with the first one. The first three have been agreed to. The first three of those four protocols have been agreed to. They would be open for, in the first instance, the Contadora countries, in the second by the members of the verification commission, and third, by other American states. The fourth protocol, which has not yet been agreed to, is still under negotiation and we are informed, as informed earlier today by the Government of Venezuela, that a meeting of the Contadora nations is scheduled within the next week at the ministerial level.

We are also informed by these countries who are engaged in these negotiations, which have already demonstrated substantial progress, frankly more than I and many others would have thought possible when the initiative was undertaken, that a vote by the Congress today to fund the Contras will seriously undermine if not destroy the diplomatic effort that they are making, countries that are democracies, friends of the United States who are engaged in a serious diplomatic effort.

The only hopes we have left this afternoon to give them the opportunity to achieve success are the Gephardt amendment, which I urge a vote for to give them at least 6 months to do so, or the Hamilton amendment, which I think is even better than Michel as amended by Gephardt because it clearly puts the imprimatur of the Congress behind the Contadora initiative.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LAGOMARSINO] a member of the Committee on Foreign Affairs.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. Yes; I yield to the gentleman from Illinios.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, those students of logic who just heard the last speaker, our dear from Maryland, talk, heard a prime example of what is called the fallacy of the false alternative. You cannot have negotiations and support the Contras at the same time. Nonsense. They go hand in hand.

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to the Gephardt amendment.

The Gephardt amendment in effect reformulates the procedure adopted by the House last October in the continuing resolution, which put off any action in support of the democratic resistance in Nicaragua and says the best action is further inaction.

There has been no U.S. Government funding of the democratic resistance in Nicaragua for more than a year; if, as the Gephardt amendment presumes, there were any inclination on the part of the Sandinistas to negotiate, they could have taken advantage of the time during the past year to negotiate as requested by the bishops there. In fact, they could have easily demonstrated their sincerity in negotiating by expressing their interest during the bilateral talks with the United States at Manzanillo.

For that matter, you need only look at the actions of the Sandinistas since the vote in April to determine their sincerity. They told visiting congressional delegations they would have a moral obligation to institute liberalizing measures, using their words if Congress defeated aid to the Contras. The House defeated the aid, but the Sandinistas did anything but take liberalizing measures since that vote.

I would like to quote from the Managua Domestic Service dated April 23d.

Question. Commander Ortega, can you tell us something more about the proposal that you made and sent through the two Congressmen and that Mr. Shultz has described as a fraud?

Ortega. We were exchanging views with the Congressmen. The truth is that we have presented nothing new, as Mr. Shultz and President Reagan's spokesmen have tried to imply. Instead, we simply arranged the peace proposals that Nicaragua has always made.

Well, what has happened? Sandinista action since the vote has been more repressive internally and aggressive externally. Examples include:

Visit to Moscow.—On April 27, Ortega began a tour of Europe beginning with the Soviet Union. He was greeted warmly by the Soviet bloc and received a promise of increased Soviet oil shipments. This contrasts with the rather guarded reception he received in western European capitals, apparently added on short notice after the public relations gaffe of visiting Moscow became obvious.

Labor repression.—An attempt by independent labor unions on May 1 to march peacefully to protest GON policies was violently broken up by government-sponsored mobs and armed police; on June 3, a number of strikers protesting GON suspension of payment in kind reportedly were beaten and arrested; on June 5 labor activists attempting to organize a protest strike were detained by authorities.

Press censorship.—Between April 10 and 24 censorship of La Prensa diminished, with only a single article censored on April 22 and 23. For 2 weeks following the vote, censorship continued fairly light, but in early May began to pick up again. On May 6 and June 5 the newspaper was unable to publish because of the number of articles and features forbidden for publication.

Human rights.—In response to the defection of a high ranking security official in March, GON has taken into custody the man's family, including a 3-year-old child; wife is a U.S. permanent resident. Family members from Costa Rica who attempted to visit detainees were arrested and harshly interrogated, and claim they were warned the family will never be released if the defector talks about his official activities in Nicaragua. At least 35 Nicaraguans have been arrested and most sentenced for anti-Sandinista political activities; charges have ranged from actual participation in resistance actions to providing military supplies to the armed opposition or assisting youths to leave the country to avoid military service. Sentences ranged from 3 to 30 years.

Support for subversives. On April 29, Defense Minister Ortega told the public that the Nicaraguan armed opposition had surface to air missiles, and warned that Salvadoran guerrillas might obtain similar weapons. On May 23 Nicaraguan dailies reported a meeting between Bayardo Arce, FSLN political section chief, and Guillermo Ungo, leader of the Salvadoran FDR/FMLN insurgents. Ungo told the press the Salvadoran guerrillas received moral support from Nicaragua, and termed such aid "legitimate."

Harassment of religious groups. The Nicaraguan State Telecommunications Agency cited "technical problems" for the failure to broadcast live the investiture of Archbishop Obando y Bravo as cardinal in Rome on May 25, despite repeated flawless tests of the satellite link-up shortly before the event; GON officials continued to withhold from intended recipients the humanitarian assistance brought to Nicaragua with GON approval by evangelist Larry Jones in mid-April. Rumors suggested the GON had confiscated the goods for distribution by and to their own supporters.

Miskito Indian reconciliation talks. The last round of negotiations on May 25–26, led to complete breakdown in conciliation efforts, as GON rejected basic Miskito demands for political, autonomy, demilitarization of Miskito areas and third-party verification of agreement implementations. GON termed Miskito position as "arbitrary and absurd." Just prior to the congressional vote in April the GON had come to a preliminary agreement with the Miskito representatives that was publicized as evidence of the GON's good intentions.

Contadora. After having accepted a proposed revision of verification provisions at April 11–12 meeting of group, the Nicaraguans in May meeting backed off from previous positions: specifically, they rejected the concept

of an international corps of inspectors as "unnecessary," insisted that decisions by the verfication group be by unanimous agreement, and retreated from earlier support for the simultaneity aspect, thereby casting serious doubt on GON support for meaningful verification procedure.

Border violations. The most serious border violation occurred on May 31, when EPS troops crossed into Costa Rica and attacked a Costa Rican Civil Guard Patrol, killing two men. Despite direct contact with officers of the EPS, Costa Rican efforts to retrieve the body of one of the dead were impeded by heavy fire from EPS troops against the recovery teams, and the body was not retrieved until June 6. Nicaragua denied its involvement, but Costa Rica's own investigation left no doubt that the aggressors were members of the EPS. Prior to the incident the residents of the border region complained of Nicaraguan shelling of Costa Rican territory, and Nicaraguan aircraft reportedly carried out cross-border incursions. Nicaraguan military troops repeatedly violated Honduran territory during the late April to June period. In one incident on May 10 five Hondurans were killed. From May 4–6, several Honduran villages were shelled by Nicaraguan troops.

Internal reconciliation. GON officials continued to insist they will never negotiate with the armed opposition, and showed no indications they would consider negotiation with internal civic opposition either; following U.S. embargo, GON statements suggested political opposition would be closely watched to ensure support for Sandinista policies.

Some liberalizing measures!

To assume that the Sandinistas wish to negotiate in good faith is to ignore the facts of their past attitude toward negotiations. Brooklyn Rivera, head of the Nicaraguan Indian rebel group Misurasata, tried for 8 months to negotiate with the Sandinistas, and all for nothing. When the talks broke down, Rivera said, "The dialog is stalled because of the intransigence and inflexibility of the government in not recognizing the historical rights of the Indians."

Administration critics continue to press for negotiations based on the Contadora process but ignore the Sandinistas own efforts to circumvent Contadora. The talks with the United States at Manzanillo broke down precisely because the Sandinistas were trying to cut a deal which would allow them to get around those provisions discussed in the context of Contadora which require internal dialog and internal reconciliation.

Under the Gephardt amendment, there are no incentives to force the Sandinistas to negotiate. The amendment in effect does nothing. Doing nothing in Nicaragua does not advance the cause of peace and does not prevent a military solution in the region. It leaves the initiative to the Soviet Union and Cuba to determine what will happen in Central America.

Doing nothing in Nicaragua ignores those fighting to gain freedom and democracy for their country. Many of the very people who supported the Sandinistas when they took over have left the Sandinista party and joined the opposition: Leaders from political parties, labor unions, the business community, the press, the church, and even human rights organizations.

The Gephardt amendment is not formulating policy, it is abdicating responsibility. We must not condemn to totalitarianism those seeking freedom.

I urge my colleagues to defeat the Gephardt amendment.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Gephardt amendment. The Contadora process, like motherhood and apple pie, has entered the lexicon of American verities. Everyone says they are for it, but in truth, everyone does not really like it.

There is, I think very clearly, a good deal of skepticism about the viability of the Contadora process in spite of the lipservice which virtually everyone pays to it. So I think it is worthwhile, therefore, to briefly recount the progress that has already been made within the framework of the Contadora process in order to establish the fact that this is indeed a viable diplomatic undertaking.

So far the countries in Central America have already agreed within the framework of the Contadora process to a prohibition on the establishment of foreign military bases.

□ 1530

They have already agreed on a prohibition with respect to the presence of foreign military advisers. They have already agreed within the framework of the Contadora process to refrain from interfering in the internal affairs of their neighbors. They have already agreed in large measure to effective procedures for verifying all of these other undertakings, and they have also agreed within the framework of the Contadora process to commit themselves, each and every country in the region, to a process of national reconciliation once the Contadora agreement becomes effective and is implemented.

Mr. HUNTER. Mr. Chairman, will my friend, the gentleman from New York, yield?

Mr. SOLARZ. Not until I finish, because I only have 3 minutes.

Mr. Chairman, what this demonstrates, I think, is that not only has real progress already been made within the framework of Contadora but there is a very real possibility that the Contadora process can succeed.

Now, if everyone here really believes that it is worth supporting the Contadora process—and I have not heard a single Member on either side of the aisle speak against the Contadora process—if you really believe it is worth supporting, then should we not ask what the Contadora countries themselves would have to say about this proposal? I would submit that every one of them, Mexico, Colombia, Venezuela, and Panama, if their ambassadors or Presidents were present in this Chamber today and could speak and could vote, every one of them would say, "Pass the Gephardt amendment. Give diplomacy a chance. Give us 6 more months."

Now, my friends on the other side of the aisle say that this is a policy of benign neglect, that it removes all incentives on the part of the Sandinistas to make additional concessions, forgetting the fact that they have already made substantial concessions.

But the answer, I say to my friends, is that, first, they would have an incentive. This gives them 6 months, and if they do not cooperate, the President can come back and we can resume aid for the Contras.

And second, the most serious incentive they have is their fear—and I fear their fear is well founded—that the President of the United States is leading us inevitably and ineluctably to the introduction of American combat forces into Nicaragua. That is their incentive to reach an agreement.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. MCCAIN] a member of the Foreign Affairs Committee.

Mr. MCCAIN. Mr. Chairman, I thank the gentleman, and I would like to begin by yielding to my good friend, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

I was about to ask the previous speaker what he thinks Costa Rica thinks about it, now that the Nicaraguans are crossing over and killing Costa Ricans, or what perhaps El Salvador thinks about it, or what perhaps Honduras thinks about it.

And what about Mexico? I do not mean to disparage our wonderful neighbor to the south, but they have made a career of throwing meat to the alligator, hoping that their leg will get bitten last. But that is all right. I understand that. They are still surviving, but there are other countries down there. They tell you one thing privately, and publicly they say something else.

Mr. MCCAIN. Certainly. And I do not think this subject could be com-

plete without a quote from one of the great leaders in Central America, who as recently as the first of June had this to say:

We have denounced that Nicaragua is the haven for Salvadoran subversion. Extremist, leftist groups are trained there. Logistical aid for the Salvadoran guerrillas is coming from Nicaragua. Nicaragua is the center of the operation where terrorist actions against El Salvador are planned, decided, and ordered. Nicaragua is a cancer in Central America.

It was Jose Napoleon Duarte who made that statement. I am sorry that quote escaped the attention of my colleague, the gentleman from New York.

Mr. Chairman, an argument can be made, and will be made in the Barnes-Hamilton, amendment, that we should not aid the Contras, and I am sure that very eloquent statements will be made on behalf of that side of the issue. And there is an argument we are trying to make here today in favor of aid to the Contras. But make an argument to delay is simply incredible and can best be described as frivolous.

I know that my colleague, the gentleman from Missouri, has great in-depth knowledge of tax matters and other issues, but to say, "Let's leave the Contras in the field for 6 more months without food, without clothing, and without boots" simply shows an abysmal ignorance of anything to do with military operations, much less the implementation of foreign policy and what motivates Marxist-Leninist governments to negotiate.

The last amendment we just defeated, I am happy to say, was death by decapitation. This one is death by hemorrhage. It says, let us allow the Contras to bleed to death during the next 6 months, and then we will revisit them again. I notice that in the Gephardt amendment there is no provision for restoration of aid to the Contras; we will just revisit it.

I keep hearing over and over the constant comparisons of the situation in Central America with that of the Vietnam war. Most of those comparisons are made by people who never came within 10,000 miles of the place, and the lessons and the comparisons they are making, I say to my colleagues, are dead wrong.

For example, they say this is a Tonkin Gulf resolution. A cursory glance at history tells us the Tonkin Gulf Resolution gave the President of the United States a blank check to send American troops in whatever quantities and whatever materiel he chose to for an unlimited amount of time. We now have the War Powers Act. We have the Foley amendment which prevented the United States from sending any troops into Central America. There is no comparison between what we are doing here today and the Tonkin Gulf resolution, and any comparison that indicates we are doing so demeans and degrades the debate in which we are engaging.

There is a lesson from the Vietnam war which has not been mentioned, and that is the lesson of sanctuary. History indicates, not just in that war—because all too often our frame of reference in the discussion of foreign policy on the floor of this body begins and ends with the Vietnam war rather than looking at the broad scope of history. Sanctuary is a privilege which if given to a nation that is bent on the destruction and overthow of its neighbors, insures that the aggressor nation will eventually prevail. By failing to provide aid to the Contras, we will indeed provide sanctuary to the Government of Nicaragua.

The CHAIRMAN pro tempore. (Mr. BEILENSON). The time of the gentleman from Arizona [Mr. MCCAIN] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 30 additional seconds to the gentleman from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. Chairman, I would like to remind our colleagues here that the same individuals who were arguing 3 years ago and 2 years ago against military aid to El Salvador, using exactly the same arguments, that our policy in El Salvador was doomed to failure, were wrong then, and they are wrong now. If we delay aiding the Contra movement, then the prospects for freedom and democracy in Central America are bleak indeed.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I would just like to point out that the word, "delay," has been used quite often, and one person's concept of delay in this matter could be another individual's solemn vote to give peace a chance in a 6-month period.

There is no question that the Michel amendment has the support that is necessary here, as evidenced by the vote on the Boland amendment. The vote on the Boland amendment is one that will come back to haunt this House, because I believe it is a declaration of war, that it will move this country inexorably toward war. This is an opinion, however, and that opinion can be contested by all.

But I wonder what is so wrong about giving peace a chance. While we continue to move inexorably toward war, what will be the posture of this House when American troops start coming back in body bags? I think when that starts to happen, perhaps we will change our whole attitude here and perhaps the House will take on a whole different focus.

I would like to discuss briefly my recent trip to Central America. One of the questions that was asked of Mr. Ortega by an individual in the audience was: How did he account for the hunger and how did he account for the hardship and the poverty in the country since he was so outspoken against Somoza and the conditions of the country during that dictatorship?

Mr. Ortega said,

I cannot get about the business of cleaning up my country because of a Yankee imperialist that forced war upon me, and I cannot spend money for butter if I have to spend it for guns.

Mr. Chairman, we have become the whipping boy in Central America. By our action today, two wrongs certainly cannot make a right. But the amendment offered by the gentleman from Missouri [Mr. GEPHARDT] gives us an opportunity to give peace a chance, and I do not particularly feel that that is all wrong.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

□ 1540

Mr. GOODLING. Mr. Chairman, first of all, I guess I should say that I hope sometime the gentleman from New York has more than 3 minutes and I have more than 3 minutes and we will discuss just what the Sandinistas as a matter of fact do in respect to the Contadora process. Oh, sure, they gave a lot of lipservice. But why wait until last night, as a matter of fact, to say,

I think I will free a few prisoners, and maybe I will release the tension that I have put on this county.

Why last night? Why not do it after we voted a couple of weeks ago instead of going off to the Soviet Union which had to be embarrassing to the Speaker of the House and the majority leader and, in turn, embarrassing the entire Congress because they represent us.

Let me first of all touch on this whole issue that we are discussing today. Before, during, and since serving on the Intelligence Committee I was not a supporter of covert activity in Nicaragua. Everybody knows that. But the Congress of the United States made the decision partially on faith, because the Intelligence Committee of the House and the Intelligence Committee of the Senate said it is in our best interest to make the Sandinistas turn inwardly. I have to emphasize that, because we seem to talk about interdicting arms, but we forget if you look at the transcripts, that "make them turn inwardly" was expressed over and over and over again. So that is what the Congress decided was in our best interest.

So I believe now, even though I was in opposition to that move, that as a matter of fact we have a moral responsibility to provide the humanitarian aid that is necessary to support the Contras, because we put them there.

Now, what is a 6-month delay going to do in this situation? Let me tell you

I do not know anything positive that it can do. I do know that a 6-month delay positively means continued bloodshed in Nicaragua. It cannot mean anything else.

Now, I do not know anything else we do will not mean continued bloodshed; I do know that a 6-month delay tells us that we positively, definitely will continue the bloodshed in Nicaragua.

So why delay and take that chance? Why not take a different approach and see whether as a matter of fact a little pressure—might help bring peace to the area. I really owe a lot to the people who brought up this Michel-McCurdy-McDade initiative that we are talking about today, because they brought my administration in a direction that my administration had to be brought in, and I am proud to see that they did just exactly that.

So let us not delay for 6 months and ensure killing and ensure that we continue to have no talks, no dialog. Everything is in place. If Mr. Ortega wants to discuss with the Contadoras the problem, it is all in place. They can do it. He could have done it the last 6 months. He could have done it the last year. He does not think he has to do it. And if we do not put some kind of pressure on him, the bloodshed goes on.

I cannot guarantee that that will not happen without it; I can guarantee that a 6-month delay will merely mean more bloodshed, more fighting in Nicaragua and no step closer to any political settlement which my administration now wants and I have wanted since day one.

Mr. Chairman, I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. Mr. Chairman, I rise in support of the Gephardt amendment. As the gentleman from Missouri has explained, the purpose of this amendment is to afford some additional time for all of the interested parties to pursue, in a meaningful way, the Contadora initiative to promote political negotiations in Central America.

Those who support the McDade amendment must ask themselves this question: What is the purpose of this so-called humanitarian aid? What U.S. policy does it seek to promote?

There are only two possibilities. The first is that this aid seeks to promote as U.S. policy the forcible overthrow of the Nicaraguan Government. The second possibility is that this aid to the Contras is for the purpose of putting pressure on the Nicaraguan Government to enter political negotiations.

The President has been very unclear about the real purpose of his policy, but there can be no doubt about the goal of the Contras. They clearly have in mind the overthrow of the Government in Nicaragua. If this is our purpose in aiding them, we must then ask if this goal is attainable without the employment of U.S. military forces. According to General Gorman, the former chief of our Southern Command, the goal is not attainable without U.S. forces. The evidence to date surely supports General Gorman's conclusion. The Contras have no hope of gaining power on their own. Therefore, if the purpose of this aid is to help the Contras overthrow the Nicaraguan Government, if that is the goal of our policy, it will not succeed, and we will inevitably be faced with the prospect of the introduction of U.S. troops to implement that policy goal. Are the proponents of the McDade amendment prepared to stand up and embrace that goal?

If, in the alternative, they are supporting the McDade amendment to foster political negotiations, they should be willing to support the Gephardt amendment. By its express terms, it makes very clear that its purpose is to "provide an opportunity for negotiations through the Contadora process or other diplomatic channels * * *."

This is the policy supported by our friends throughout the region, not a policy of military intervention. For example, in a letter to President Reagan following his visit to the United States earlier this year, President Betancur of Colombia said, and I quote:

> * * * military aid to the groups in opposition to the government of Nicaragua troubles me: in the various speeches which I made during my trip to the United States, among them before the House and Senate as well as before the Organization of American States and Georgetown University, I stated that one of the bases which sustains the common inter-American law is the self-determination of peoples, nonintervention, and peaceful settlement of disputes.
>
> These principles have arisen in our hemisphere not in the heat of the moment but after the passage of many years, until they have become a fundamental part of the Charter of the Organization of American States, which is our compass.
>
> And those same principles are repeated in the Act for Cooperation and Peace in Central America proposed by the Contadora Group.

This is the prevailing view of our friends in Central and Latin America: Let's negotiate over differences, not intervene militarily. And this is clearly the prevailing view of the American people. They understand that we have legitimate interests in Central America, and that we have legitimate concerns with the Sandinista Government. But before supporting the extreme step of military intervention in a foreign nation, directly or indirectly, they expect their government to first negotiate in good faith, to work with our friends in a meaningful effort to resolve differences peacefully. Until they are convinced that such efforts have been made, they will not support an interventionist policy. And that is why by a substantial margin they do not support intervention today. In a democracy like ours, a policy of intervention simply will not work in the absence of public support.

The Gephardt amendment fairly reflects the prevailing views of the American people and our friends in the region. It would focus American policy first on political dialog, a policy which has not been tried in any meaningful way. Before we embark further on the course of military intervention, a course that does not enjoy public understanding or support, we should aggressively pursue political negotiations. The Gephardt amendment could put us on that course, one which the American people and our friends do support.

For these reasons, I urge my colleagues to support the Gephardt amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I think that the last vote indicated that many of our colleagues, many more than before, now recognize the true nature and threat of the Communist Sandinistas. We are facing in the Communist Sandinistas, avowed Marxists-Leninists and those who are antisemitic, who have in fact driven out the small Jewish community that was in Nicaragua.

We are facing in the Communist Sandinista leadership terrorists. Commandante Borge was trained by the PLO in Lebanon in 1969. The PLO today have a virtual embassy in Nicaragua, in Managua. They are associated with the Libyans, as we all know, with arms supplied. The Red Brigades in Italy provided five people to assist the Sandinistas in training of terrorist activities in February of this year.

I submit that we are dealing with that type of person.

In addition to that, in his speech last year before his own party members, Commandante Arce, who is the political guru of the commandantes of the Communist Sandinistas said in no uncertain terms, "We are international revolutionaries. We believe in the spread of our Communist philosophy to our neighbors and any suggestion by the United States that we compromise on that is totally unacceptable."

Now, that is the nature of whom we are dealing with and when we see what happened after the last vote in this body on aid to the Contras when Mr. Ortega immediately went over to Moscow, when we saw the response in terms of only sending home a hundred of the Cuban 8,000 that are down there, when we see how they have taken advantage of the time given to them in the interim since that last vote to launch expeditions inside

Costa Rica and inside Honduras and to beef up their gunship helicopter activities, I think we have to clearly understand, as I think many of my colleagues now finally do, that we are dealing with part of the Communist international interests spreading throughout the hemisphere and that unless we go ahead now and support the Contras with the Michel amendment proposals at this time, we are just going to give them more time to work their will.

I urge a no vote on Gephardt and a yes vote on the Michel amendment.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, my remarks are directed toward the 58 Democratic colleagues who voted against the Boland amendment just a few minutes ago. What I want them to know is that after 4 years of spending over $150 million to fund the Contras to find out whether they interdicted arms or not, not one single cache of weapons has been interdicted.

Further, Nicaragua has agreed, as has been stated here repeatedly, to meet all of the administration's stated security concerns under the auspices of the Contadora process, and that is why the Gephardt amendment is the only rational hope of sanity to add to this Michel program that we are now confronted with.

I urge you to give it serious consideration.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. HAYES].

□ 1550

Mr. HAYES. Mr. Chairman, I rise today in strong support of the Gephardt amendment which would delay for 6 months the implementation of the Republican plan in order to provide more time for the ongoing Contadora peace negotiations. Six months is not a long time to wait, especially when peace is the reward. I believe that it is critical that we do not undermine the negotiations, that we must give our friends and allies a chance so that they can negotiate an agreement that they, as well as we, can live with. It was much less than 6 months ago that those of us in this very Chamber voted down a proposal similar to the Michel amendment. Six months is a very short time to wait for peace.

We must listen to our friends and our allies here in the Americas. We rarely listen to them, and that is one of the reasons that we are so isolated in our foreign policy. We didn't listen to our European allies when they told President Reagan during the economic summit that they could not support his policy toward Nicaragua, and that they would not join in his economic sanctions. We did not listen 2 weeks ago when Mexico signed a multimillion dollar agreement to sell oil to Nicaragua. We didn't listen when, in the last 2 weeks, Canada signed a trade agreement with Nicaragua. And we are not listening now, as our friends in Columbia, Panama, Venezuela, and Mexico are working for peace in our hemisphere.

Fellow Members of this honorable body, now is the time for us to stand up, listen to our neighbors and vote for peace. This vote that we make today is as close a vote for war as we have taken during my tenure in the Congress. I say that we must give peace a chance. I urge a yes vote on the Gephardt amendment. Thank you.

Mr. CONYERS. The Contadora process, a process supported by all Central American countries, calls for the withdrawal of foreign advisers as well as external military support. Nicaragua has agreed to this in principle so long as the administration agrees to stop financing the proxy war. Gephardt asks for only 6 months to let this process come to fruition. It is our chance for peace.

Remember, our track record is not too fine down there. The administration refused to inform Congress about the mining of the harbors, the terrorist murder pamphlets that the CIA put out. The administration refused to go along with the World Court. We have not been accurate on the military aid to El Salvador, nor have we with any of the pretexts for this war. This is the one way that we have a chance to get back with our friends and to make the Contadora process work.

Please, I ask you to join with us and make this amendment perfect what is a very bad notion. Otherwise, we are issuing a declaration of war on Nicaragua. It is urgent that the Democrats realize this is the one chance that we have of taking some position that makes sense in the Central American policy.

It is about time that we stand up and mean what we say about bringing peace to that war-torn region. Eight thousand people have been killed in Nicaragua by the Contras, 8,000. In Honduras we are already hearing, as the gentleman from Wisconsin, Mr. MOODY, said in a 1 minute speech, that the Hondurans are now joining with the Contras in an effort to stave off unemployment. In Guatemala, where 150,000 people have been killed by security forces since the last real democratic election in 1954, and where the Catholic bishops of that country have likened the situation to genocide, the Reagan administration now wants to send military aid. It is a crazy situation. Support Gephardt.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. DORNAN] a member of the Foreign Affairs Committee.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to my distinguished colleague, the gentleman from California.

Mr. HUNTER. I thank my distinguished friend for yielding. I just wanted to say with respect to all of the statements that have been made about the Contadora process, in fact the Contadora members in confidence are telling the United States, "Hang tough in Nicaragua. Don't give in to the Sandinistas."

The idea that somehow these countries which are very intimidated by the Cubans and the Nicaraguans are going to bring about a peace process is being very naive, and I thank the gentleman for yielding.

Mr. DORNAN of California. I thank the gentleman.

Mr. Chairman, June 12 is a day I will never forget. All of my distinguished friends on the other side of that aisle, and a small handful over here, do not want to hear this argument couched in the following simple statement, but we cannot escape from it. In spite of all of the intellectualizing, this is an up or down vote on the solidification, the entrenchment of communism on the southern part of the Northern American Continent.

Now, we have a visitor in the gallery that although I cannot vouch totally for his bona fides, I have only become acquainted with him this year, has earned his spurs on the field of valor in combat, overthrowing the dictator Somoza.

The last time he was in a body like this he captured the whole place, along with 300 tourists, and ended up becoming the hero of the revolution, Comandante Zero.

POINT OF ORDER

Mr. GEPHARDT. Regular order, Mr. Chairman. It is against the rules of the House to refer to somebody in the gallery.

Mr. DORNAN of California. I apologize for breaking the rules, but today, June 12, makes it important to do so.

Now, he has written a Dear Colleague letter.

Mr. GEPHARDT. Mr. Chairman——

Mr. DORNAN of California. I apologize.

Mr. OBEY. Mr. Chairman, regular order.

Mr. DORNAN of California. I apologized.

The CHAIRMAN. The gentleman from California [Mr. DORNAN] will observe the rules of the House.

Mr. DORNAN of California. Mr. Chairman, I will not make that infraction again maybe for another 8 years.

Now, the gentleman has written a "Dear Colleague" to us, although he has never served in this Chamber, because he considers us colleagues in freedom.

Here is part of that message:

To the United States Congress: For more than one year, those of us in the south of Nicaragua, fighting for freedom, have received no assistance from the free men of your country and women.

We do not know objectively what it is that drives this attitude in America. We fear that it may be due to our political and ideological postures which we have always maintained. We are, still true Sandinistas because we are independent nationalists, revolutionary democrats, and defenders of our sovereignty and independence. And it is for these reasons that we are decisively engaged in a war to the death against international communism, which by its own essence is dictatorial, interventionist, and their master's imperialists.

Before I conclude, allow me to paraphrase the words of one of the greatest North American patriots—Patrick Henry—as I say to you, ladies and gentlemen, give us your assistance to fight for liberty or the communists will give us death.

Free fatherland or face death, Eden Pastora, your hero.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in support of the Gephardt amendment.

June 12, the day the Boland amendment was defeated, was the day of my only son's 16th birthday. I hope there will be no further connection down the road.

There are at least four Latin American countries that don't want to see our planes, our trucks, our guns, or even our butter going to the Contras in Nicaragua. These nations—the nations of the Contadora group—know what they want—they want our support for a diplomatic settlement to the regional conflicts in Central America.

In the words of President Belisario Betancur of Colombia:

We have asked the big powers not to turn Central America into an arena of the their conflicts, but rather to promote the development and well-being of the people there. We have told them that they will win the hearts of the people of Latin America and the Caribbean with deeds, not weapons. We, the presidents of Venezuela, Mexico, Panama and Colombia, who are engaged in the Contadora efforts, agree on this.

The United States has things more valuable than money to give.

We have democracy. We have a commitment to the peaceful resolution of conflict. We have diplomacy.

Diplomacy doesn't always work. But diplomacy cannot work if we don't try it. Let's listen to our friends in Latin America who are telling us—give peace a chance. Surely they—just as much as we—have a stake in the outcome of this conflict.

The Contadora process is at a critical juncture. They are trying to reach a final compromise treaty, but these efforts are fragile. The opportunity for peace may be destroyed if we immediately resume aid to the Contras. The Contadora process can't work without the firm support of the United States. And we can demonstrate that support right now by giving it something more valuable than money. We can give it time.

Mr. Chairman, I oppose aid to the Contras. It is a bad idea. But bad timing can make a bad idea even worse—and I can think of no worse time than the present.

By delaying aid to the Contras for 6 months, the Gephardt amendment would give the Contadora process much-needed time to work. I urge my colleagues to support it.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. DEWINE] a member of the Foreign Affairs Committee.

Mr. DEWINE. Mr. Chairman, this is a gutting amendment; let us make no mistake about it.

What it is saying is that in 6 months we are going to do something. It does not say really what we are going to do. There is nothing automatic that will occur if you pass this amendment. There is nothing that automatically occurs in 6 months if you pass this amendment.

It is like what we used to learn in law school. It is an agreement to agree in the future, and what our law professors told us was that such an agreement meant nothing, and that is what this amendment is. It is clearly a gutting amendment.

We are going to start all over again in 6 months, revisit this again. We are going to give Comandante Ortega one more chance.

How many times have we given him one more chance? In May 1984 this House effectively ended aid. Every month that has gone by we have given the Communists in Nicaragua one more chance. Why 6 more months?

In April of this year, several months ago, this House voted by only two votes to give them one more chance. How did they respond to that? How did the Communists respond?

We know how they responded. Daniel Ortega immediately went off to his friends in Moscow. The Sandinistas have now consolidated the revolution even more. They have attacked into Costa Rica.

No, we gave them one more chance. What we have learned through the history of our dealings with the Communists, and through the history of our dealings with the Communists in Nicaragua is that one more chance, unfortunately, usually does not mean just one more chance.

□ 1600

It means we are going to do it again and again and again. Let us not give them one more chance. Let us use the carrot and the stick approach contained in the Michel amendment. The Michel amendment is a well-balanced approach. That is how we will avoid the gentlewoman's 16-year-old son from having to go to Nicaragua; that is how we ensure peace.

We do not want any more Vietnams, we do not want any more Cubas, we do not want Americans fighting and dying in Nicaragua. The Michel amendment is the way to avoid that.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, in our hemisphere, there is a nation in which the practice of torture by government security forces has been found to be "systematic and widespread" by Amnesty International.

In the same country, no political party has been allowed to function legally since the overthrow of the previous, popularly elected government. The overthrow itself destroyed a politicial system long held as a model of democracy in Latin America. With the revolution came the murder and torture of thousands of the nation's citizens. Civil liberties were essentially eradicated. Censorship was imposed. And fundamental human rights were repeatedly violated.

These conditions have been in effect for almost 12 years. Although popular elections are scheduled in 4 years, it is speculated that the military junta ruling the nation will not release its grip.

Also in our hemisphere is another country where many of the same conditions exist, although to different degrees. Since this country's revolution 6 years ago, many societal conditions are conceded to have improved. But the electoral process remains in the control of the government, and a recent election was termed a "sham" by the President of the United States.

The first country cited here is supported by the U.S. Government. The second is a sworn enemy of our Government that overtly or covertly the Reagan administration wants to see overthrown.

Why the contradiction? Why does the United States seek to eliminate one nation's government and not the other? The answer is simple, at least in foreign policy terms, for this administration. The first example, Chile, is ruled by a military junta brought to power at least in part by the manipulation of its internal politics by the U.S. Government. It is a sworn enemy of communism as well as every other political party in the nation. Its internal politics are brutal and totalitarian, but it is a regime supported by U.S. foreign policy. The second example is Nicaragua. Although far less brutal, it too stifles dissent and democracy. However, this is not why the Reagan administration is committed to its overthrow. The administration does not believe that a socialist country has the right to exist in our hemisphere. That is the larger picture.

If you live in Nicaragua, if you happen to be a farmer on one of the agricultural cooperatives that is looked at as a military target by the Contras, if it is your children who live in that village when it is surrounded by certain Contra force groups who then fire mortars into that village and drive out the few militiamen representing the Sandinista government; if it is your child that has its legs blown off you have one perspective. If you are talking about it here in these sacred halls, it is another thing. If it is your child though, you have a very different perspective. I hope we can give the Contadora process a chance to work by delaying further aid for 6 months under the Gephardt amendment.

Mr. BROOMFIELD. Mr. Chairman, may I inquire of the Chair as to how much time remains on both sides?

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] has 8 minutes remaining, and the gentleman from Missouri [Mr. GEPHARDT] has 1 minute remaining.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Chairman, I would like to remind the people of this body I am from Texas. As I mentioned to one of the folks from up North the other day, one of the things we are aware of is that if the Communists from South America are going to try to come through Texas to get to Ohio we will do the best we can to stop them down there, but I think you ought to give us all a little help.

Now, I have heard people telling us, "Let's give them 6 months to work it out in the Contadora process."

Hey, 6 months from now, if we try that, the freedom fighters are going to be dead. Communists are liars, stealers, cheaters, and murderers; when are we going to figure this out around here? You cannot do business with the Communists. They do not keep treaties, they do not live by agreements.

They made all the promises to the OAS, they promised all the liberties of a democratic society. That is not what is going on in Nicaragua today. Those people fighting for freedom are the people who fought with the communists once before and they were betrayed and they were denied their rights. Now they are back.

I have heard that, and I want to make the point that where I come from you judge the pudding by the eating. For the last 2 days I have been in the presence of Commander Eden Pastora, who told me, "I love freedom more than I love life." Now that man has himself, but more convincingly, he has his two boys out in the jungles fighting for freedom. When you are willing to take your two boys to the jungles to fight for what you believe in, that is something that you can trust.

Now that is the kind of people that are asking not for us to send our boys down there but for us to send material aid to deal with the wounds, with the starvation, to put shoes on their feet, to allow those young boys in Nicaragua in those jungles to fight against the Communists that you and I ought to know better than to trust.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON], a member of the committee.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, one thing that 6 more months will accomplish, it will allow the Communists 6 more months to indoctrinate the young people of Nicaragua.

You know, some parallels can be drawn between Nicaragua and Vietnam. Gen. Fred Weyand, the last commanding general in Vietnam, was asked the question: "How do you rate the motivation of the Vietcong?" His answer was, enlightening, very enlightening. He said, "The Vietcong has superior motivation. I am perplexed over why. They lost 1 million dead in the war. Every family in North Vietnam must have suffered a loss. They all endured hardship. So why didn't they protest? Why do they continue to send their sons south to almost certain death in a cause they hardly understand?" And he said, "I know of a North Vietnamese textbook that gives a clue, early ideological indoctrination. For instance, arithmetic was taught to Vietcong children in terms of how many imperialists would be left if four imperialists appeared and two would be killed?"

The same thing has taken place in Nicaragua—they like Cuba, the U.S.S.R., and North Vietnam teach revolution to the very young.

Six more months will give them, those leaders in Nicaragua, time to teach more young people how to add, subtract, multiply and divide, using AK-47 automatic rifles, hand grenades and showing people killed to show how to add and subtract.

They are indoctrinating those young people down there in ironclad Communist doctrine. If we wait 6 more months, 2 or 3 more years, our boys are going to have to fight those boys in combat.

We will then ask the same question that was asked of General Weyand, why do they keep coming? Because, as the tree is bent, so it grows.

My friends, don't be soft on communism. Vote against this amendment.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I would be happy to yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman for yielding.

Mr. Chairman, I just simply want to support what he is saying, but also raise this fact to my colleagues: Don't forget that the Nicaraguan Government today is an ally of the PLO, they have recognized the PLO as a legal entity. In fact, they have an embassy in Nicaragua and they are expanding anti-Semitism. The entire Jewish community in Nicaragua was, in essence, exiled as a result of the harassment that they faced by the Government. And it brings to mind to me some of the comments that were made during the Bitburg debate.

Don't forget the fact that that kind of an element that was responsible for anti-Semitic acts in Nazi Germany are alive and well today in Nicaragua.

Mr. BROOMFIELD. Mr. Chairman, in order to close the debate, I yield the balance of the time to the gentleman from Illinois [Mr. HYDE], a member of the Committee on Foreign Affairs.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 4 minutes.

Mr. HYDE. Mr. Chairman, because I have only 4 minutes, I will not talk too much about this, but I thought, since one picture is worth a thousand words, I would provide a look at what liberation theology looks like. This is Father Donald McKenna, a liberation theologian with the troops. And that is not a rosary or a crucifix, but an AK-47 over his shoulder.

Now the gentleman from New York said this administration cannot tolerate a Socialist country in this hemisphere. There is a difference between a Socialist and a Communist. And it is crucial to understanding foreign policy.

Now a Socialist is someone like Carlos Andres Perez, the vice president of the Socialist International, who sent Daniel Ortega a letter saying, "I won't come to your inauguration because your election was a sham."

□ 1610

Now, the gentleman of the left, on this side of the aisle, remind me of the husband who had a private detective follow his wife, and got his first report, and the detective said, "Well, I followed them into this motel, I peeked through the window; they embraced and then they turned out the lights." The husband says, "God, always this doubt. Always this doubt."

It is tough for you to understand and to grasp the nettle, but these guys are Communists. They are Communists, and revolutionary truth is not truth as you define it, but it is truth as they define it, whatever helps the revolution.

Mr. LELAND. Will the gentleman yield?

Mr. HYDE. Oh, sure, I yield to my friend.

Mr. LELAND. We embrace the People's Republic of China, the largest Communist nation in the world. We love them, do we not?

Mr. HYDE. The gentleman embraces the People's Republic of China.

Mr. LELAND. You ought to be ashamed, Henry. Shame on you. Shame on you.

Mr. HYDE. Is that the gentleman's tie, or had he has open heart surgery?

You know what his bill does, the Gephardt amendment? It says, "Hang in there, boys for 6 more months. You may be hungry, you may have no shoes, but hang in there, because if there guys do not live up their revolutionary truth, you know what we will do? We will come back and have another vote, that is what we will do."

That ought to really bring them to their knees.

Now, the Soviet bloc has sent over $500 million worth of weapons, and military equipment into Nicaragua. That will keep coming while we are in a state of suspended animation and the Contras can just hang in there.

Say, how do we reassemble the Contras in 6 months? Do we have a reunion in Tegucigalpa? Do we have them come back the class of 1985 if they can bring themselves together and then march on Managua? I think that is nonsense.

By the way, overthrowing a government, as though that is a mortal sin, the Sandinistas got a lot of international help when they overthrew Somoza. I heard no quarrel about that. When we pulled the rug on the Shah of Iran, no problem. He was an autocrat; he was a tyrant; he had a secret police. Of course, what we got in his place we do not want to talk about.

No problem. If a group were going to overthrow Pinochet, do you think the gentlemen of the left would be objecting? Why, they might even go so far as to write a personal check. I kind of doubt that, but it is possible.

You know one thing President Duarte said, "Communists stick together." Now in Nicaragua you have got Bulgarians, you have got North Koreans, you have got East Germans, you have got Cubans, you have got Russians. They hang together.

Who do the forces of freedom turn to when we turn our back on them?

Please defeat this amendment.

Mr. GEPHARDT. Mr. Chairman, I yield the final minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, my colleagues, I think the fundamental weakness of the Michel amendment and the policies of this administration are that they fail to enjoy the broad support of the nations and the organizations that have as vital an interest in the stability of Nicaragua as we do.

Let us not be so presumptuous today to assume that this is just a matter that is of interest to U.S. citizens. It is as much an issue for the campasino in Mexico, for the worker in Panama, for the businessman in Venezuela, for the family in Colombia, as it is for us; and that is the reason these nations came together in the Contadora effort, to try to find a regional solution, to work together for the cause of peace.

It is not easy for these countries to do that. They have worked hard; they developed a draft treaty, and all they are asking of this country is that we make a good faith effort to try to find peace in conjunction with this regional effort.

Is that too much to ask? Is that too much to ask? That is what the amendment of the gentleman from Missouri is proposing. This amendment seeks to make a commitment that we will work within the Contadora effort; it makes a commitment that we will work to find a regional solution; and it tries to justify to our children that we have taken the very last step to try to find peace in that part of the world.

Let me expand on some of the reasons for adopting this amendment:

> • • • The goal of restoring peace and confidence . . . can be achieved only through unconditional respect for the principles of international law, especially with regard to the right of peoples to choose, freely and without outside interference, the model of political, economic, and social organization best suited to their interests, through institutions that represent the freely expressed will of the people.

Mr. Chairman, those inspiring and honorable words could easily have come from our own Declaraton of Independence—for they convey the very essence of liberty and freedom of determination that this country espouses—they could have, but did not. Instead, they are contained in the preamble of the Contadora Act for Peace and Cooperation in Central America.

We are today involved in one of the great debates of our time; whether this Nation will choose the rhetoric and posture of war or the path of peace. It is not any easy decision, and both sides of the issue have very real reasons for believing as they do. I am not going to stand here before you, Mr. Chairman, and distinguished colleagues, and tell you that the Sandinista government is a model of democracy and human rights. I am not about to defend the Contras, either. Instead, I am here to defend peace.

There are, without doubt, a great many challenges facing us in Central America; but it is not our challenge alone. The conflict between the Sandinistas and the Contras does not after all, affect only the Governments of Nicaragua and the United States. I believe it would be the ultimate in hypocrisy to believe that the coffee farmer in Colombia or the common laborer in Panama has less of a stake in the conflict within Nicaragua than any citizen of the United States.

If this is so, then ought not the Governments of Latin America—Mexico, Colombia, and Venezuela among them—have a voice in the search for peace in that troubled region? I believe that they should, and must, have a voice in these negotiations if peace is to be achieved, and maintained. Certainly, we must participate, but we must not convince ourselves that the conflict in Nicaragua is between the United States and the Sandinistas alone, or between the United States and the Contras alone—for to do is to preclude the most obvious avenue for peace: regional cooperation.

In January 1983, the foreign ministers of four nations—Mexico, Colombia, Panama, and Venezuela—met on Contadora Island, off the Pacific coast of Panama, to consider means to resolve the many conflicts in Central America. Their agenda did not consist solely of the challenge of Nicaragua, but rather they considered this issue, among others, in the context of the larger issues gripping the region as a whole.

Since that first meeting, progress for the Contadora nations has come slowly. They have met periodically throughout Central America attempting to resolve differences in perception and approach. They have not always been successful. They have not always received enthusiastic or sincere support. But they are trying.

Last month, after 2 days of talks, the Contadora nations agreed to establish an independent panel to monitor compliance with the provisions of a future regional peace treaty—a peace treaty that will, hopefully, provide for an end to violence and a beginning of regional stability in Latin America. This decision represented one of the most concrete achievements in the more than 2 years since the Contadora initiative first made headlines.

The latest proposal would set up three panels, to be composed of representatives of nations that are neither part of Central America nor of the Contadora group. These panels would monitor compliance in three areas: security, economic and social issues, and issues involving internal politics and refugees. Another major meeting between the nations of the Contadora group will likely be held soon—possibly be the end of this month—between representatives on the ministerial level. This meeting could be the breakthrough we are all hoping for.

The nations of the Contadora group have chosen the paths of diplomatic negotiations and peace through mediation over the power of military might and taunting threats. I would suggest to my esteemed colleagues that these principles are comparable to the highest American ideals of peace and sovereign respect. We should, I believe, work to further this process for peace.

My distinguished colleague from Missouri [Mr. GEPHARDT] has forwarded an amendment to the Michel proposal regarding aid to the Contras in Nicaragua. Mr. GEPHARDT's plan would delay the implementation of the Michel amendment for 6 months, in order to allow more time for the Contadora peace negotiations to work at achieving progress toward peace. The Gephardt amendment would not rule out the provision of aid to the Contras, but would merely delay the timing of that aid. At the end of the 6 months, Congress could reconsider the question of aid in the context of any progress in the Contadora peace process.

This amendment, in other words, does not seek to label either side in the Nicaraguan conflict; it neither encourages nor discourages aid to the Contras. This amendment seeks to give the nations of Latin America the time they need to work out their own problems in their own way. Ought we not give them that chance?

I believe the Contadora process has reached a crossroads. And we, as a nation, have two choices. We can either choose to help those nations along, or we can remain uninvolved and continue on our present course. But let me ask my colleagues to consider for a moment where we will be 1 year down the line if we continue our current policies. I would suggest that the likelihood of military involvement in Nicaragua is great if we continue to aid one side over the other and refuse outstretched arms offering peace initiatives.

But if we choose to support the Contadora process, perhaps 1 year from now we will be closer to peace in that troubled region. One thing is certain, we will be closer to peace if we support Contadora, than if we ignore it. And when that decisive time in Nicaragua comes—perhaps 1 year, or 2, or 5—who among us would be willing to stand up and admit that he or she had voted against a proposal that chose peace and negotiation?

I am not here to ask my colleagues to adopt my line of thinking in the conflict between the Sandinistas and the Contras. I ask only that we give peace a chance. Because when the final chapter of our history is written, no matter what the eventual outcome of the conflict in Nicaragua, I want those who come after us to say that we explored every avenue of peace, that we left no stone unturned in the quest for regional stability. In the final analysis, is that not what this country stands for?

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. GEPHARDT], to the amendment offered by the gentleman from Pennsylvania [Mr. MCDADE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEPHARDT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 259, answered "present" 1, not voting 1, as follows:

[Roll No. 155]

AYES—172

Ackerman	Ford (TN)	Obey
Addabbo	Fowler	Olin
Akaka	Frank	Owens
Alexander	Frost	Panetta
Anderson	Garcia	Pease
Annunzio	Gejdenson	Penny
Anthony	Gephardt	Perkins
Applegate	Gray (IL)	Price
Aspin	Gray (PA)	Rahall
Atkins	Green	Rangel
AuCoin	Guarini	Ridge
Barnes	Hall (OH)	Rodino
Bates	Hamilton	Roe
Bedell	Hayes	Rose
Beilenson	Hertel	Rostenkowski
Berman	Howard	Roybal
Boland	Hoyer	Russo
Bonior (MI)	Hughes	Sabo
Bonker	Jacobs	Savage
Borski	Jones (NC)	Scheuer
Bosco	Kaptur	Schroeder
Boucher	Kastenmeier	Schumer
Boxer	Kennelly	Seiberling
Brooks	Kildee	Sharp
Brown (CA)	Kleczka	Sikorski
Bruce	Kolter	Smith (IA)
Bryant	Kostmayer	Solarz
Burton (CA)	LaFalce	St Germain
Carper	Lantos	Staggers
Carr	Leach (IA)	Stark
Clay	Lehman (CA)	Stokes
Coelho	Lehman (FL)	Studds
Coleman (TX)	Leland	Swift
Collins	Levin (MI)	Synar
Conyers	Levine (CA)	Torres
Coyne	Lowry (WA)	Torricelli
Crockett	Luken	Towns
Daschle	Lundine	Traficant
de la Garza	Manton	Traxler
Dellums	Markey	Udall
Dingell	Martinez	Vento
Dixon	Matsui	Visclosky
Dorgan (ND)	Mavroules	Volkmer
Downey	McCloskey	Walgren
Durbin	McHugh	Waxman
Dwyer	Mikulski	Weaver
Dymally	Miller (CA)	Weiss
Early	Mineta	Wheat
Eckart (OH)	Mitchell	Williams
Edgar	Moakley	Wirth
Edwards (CA)	Moody	Wise
Evans (IL)	Morrison (CT)	Wolpe
Fazio	Mrazek	Wright
Feighan	Murphy	Wyden
Florio	Neal	Yates
Foglietta	Nowak	Yatron
Foley	Oakar	
Ford (MI)	Oberstar	

NOES—259

Andrews	Boulter	Coble
Archer	Breaux	Coleman (MO)
Armey	Broomfield	Combest
Badham	Brown (CO)	Conte
Barnard	Broyhill	Cooper
Bartlett	Burton (IN)	Coughlin
Barton	Bustamante	Courter
Bateman	Byron	Craig
Bennett	Callahan	Crane
Bentley	Campbell	Daniel
Bereuter	Carney	Dannemeyer
Bevill	Chandler	Darden
Biaggi	Chappell	Daub
Bilirakis	Chappie	Davis
Bliley	Cheney	DeLay
Boehlert	Clinger	Derrick
Boggs	Coats	DeWine
Boner (TN)	Cobey	Dickinson
Dicks	Leath (TX)	Roemer
DioGuardi	Lent	Rogers
Donnelly	Lewis (CA)	Roth
Dornan (CA)	Lewis (FL)	Roukema
Dowdy	Lightfoot	Rowland (CT)
Dreier	Lipinski	Rowland (GA)
Duncan	Livingston	Rudd
Dyson	Lloyd	Saxton
Eckert (NY)	Loeffler	Schaefer
Edwards (OK)	Long	Schneider
Emerson	Lott	Schuette
English	Lowery (CA)	Schulze
Erdreich	Lujan	Sensenbrenner
Evans (IA)	Lungren	Shaw
Fascell	Mack	Shelby
Fawell	MacKay	Shumway
Fiedler	Madigan	Shuster
Fields	Marlenee	Siljander
Fish	Martin (IL)	Sisisky
Flippo	Martin (NY)	Skeen
Franklin	Mazzoli	Skelton
Frenzel	McCain	Slattery
Fuqua	McCandless	Slaughter
Gallo	McCollum	Smith (FL)
Gaydos	McCurdy	Smith (NE)
Gekas	McDade	Smith (NH)
Gibbons	McEwen	Smith (NJ)
Gilman	McGrath	Smith, Denny
Gingrich	McKernan	Smith, Robert
Glickman	McKinney	Snowe
Goodling	McMillan	Snyder
Gordon	Meyers	Solomon
Gradison	Mica	Spence
Gregg	Michel	Spratt
Grotberg	Miller (OH)	Stallings
Gunderson	Miller (WA)	Stangeland
Hall, Ralph	Molinari	Stenholm
Hammerschmidt	Mollohan	Strang
Hansen	Monson	Stratton
Hartnett	Montgomery	Stump
Hatcher	Moore	Sundquist
Hefner	Moorhead	Sweeney
Heftel	Morrison (WA)	Swindall
Hendon	Murtha	Tallon
Henry	Myers	Tauke
Hiler	Natcher	Tauzin
Hillis	Nelson	Taylor
Holt	Nichols	Thomas (CA)
Hopkins	Nielson	Thomas (GA)
Horton	O'Brien	Valentine
Hubbard	Ortiz	Vander Jagt
Huckaby	Oxley	Vucanovich
Hunter	Packard	Walker
Hutto	Parris	Watkins
Hyde	Pashayan	Weber
Ireland	Pepper	Whitehurst
Jeffords	Petri	Whitley
Jenkins	Pickle	Whittaker
Johnson	Porter	Whitten
Jones (OK)	Pursell	Wilson
Jones (TN)	Quillen	Wolf
Kanjorski	Ray	Wortley
Kasich	Regula	Wylie
Kemp	Reid	Young (AK)
Kindness	Richardson	Young (FL)
Kolbe	Rinaldo	Young (MO)
Kramer	Ritter	Zschau
Lagomarsino	Roberts	
Latta	Robinson	

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—1

Hawkins

□ 1630

Mr. REID changed his vote from "aye" to "no."

Mr. FROST and Mr. RODINO changed their votes from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the unanimous consent agreement agreed to in the House earlier today, the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 10 min-

utes and the gentleman from Massachusetts [Mr. BOLAND] will be recognized for 10 minutes.

The Chair would like to inform the Members that in addition to the 20 minutes debate just announced, there are an additional 2 hours of debate on the Hamilton amendment and unless the Committee comes to order, it may be midnight before we get through.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

PARLIAMENTARY INQUIRY

Mr. MCDADE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MCDADE. Mr. Chairman, I believe that I have the right to close debate. May I say to the Chair that it is my amendment, and I believe as author of the amendment, I have the right to close debate.

The CHAIRMAN. Under the present circumstances, the Chair agrees with the gentleman that he should be allowed to close. Would he like to open also?

Mr. MCDADE. Mr. Chairman, do I take it that the Chair has indicated that I will be the only speaker?

The CHAIRMAN. No, the gentleman from Massachusetts [Mr. BOLAND] has 10 minutes also.

Mr. MCDADE. Mr. Chairman, has the gentleman yielded it back?

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, first of all, let me compliment both sides of the aisle on the tenor of the debate that took place here on the Michel amendment. I congratulate the distinguished minority leader for his craftsmanship and for the manner in which that amendment was handled by his side of the aisle. I also want to compliment Members on this side.

The die has been cast on this particular amendment; I am not going to change 26 or however many votes were cast against it, so let me just indicate that when the Hamilton-Barnes amendment comes to the floor, I intend to support that. In my judgment, that is the best way to secure the kind of negotiations we need in that part of the world to secure a lasting peace.

Mr. Chairman, we are approaching the end of yet another debate on Nicaragua.

Whatever the outcome today, I doubt that we have heard the last of either the Sandinistas, or the Contras.

Because we will undoubtedly revisit this issue in the future, I want to make personal observations about the tenor of the debate of date.

I have served in this body for more than 32 years, and I have heard arguments on all sorts of subjects.

I must say, however, that I have never heard more frenetic rhetoric on any issue than I have heard on the issue of aid to the Contras.

I appreciate the use of hyperbole as much as the next person, but I think that rhetorical art form has been taken to previously unexplored heights by comparing the Contras to our Founding Fathers.

In addition, questioning the patriotism of those Members of the Congress who oppose the provision of military aid to the Contras, or describing that opposition as somehow equivalent to advocating unilateral disarmament in this hemisphere, has been neither helpful nor truthful.

Some in the Reagan administration have expressed frustration with the unwillingness of Congress to cede all responsibility for foreign policy to them.

That is not a frustration unique to this administration.

It has been my experience that, in foreign affairs, most Presidents and their advisers prefer Congress to be in on only the crash landings, never the takeoffs or the inflight corrections.

Mr. Chairman, we dare not renege on our responsibilities to legislate in the area of foreign affairs.

Our system is one of checks and balances.

For the Congress, one of the most powerful ways to insure balance is to refuse to write the check.

We were reticent to use that power in the not-too-distant past, and that reticence contributed to the tragedy our Nation experienced in Southeast Asia.

We cannot afford to go down that road again.

The time to question foreign policy decisions is at their inception, not when it is too late to do anything about them except try to control the damage.

The actions of this House with respect to the administration's policy in Nicaragua have been in keeping with the best traditions of the oversight responsibilities given to the legislative branch by our Founding Fathers.

We need make no apologies for those actions, and we certainly need not be ashamed of them.

It has been this House that has demanded that the administration develop a coherent and consistent policy with respect to Nicaragua, and that it have the courage to fully explain that policy to the American people.

If that kind of policy is ever developed, and that kind of explanation ever provided, it will be as a result of what has been done in this body—on four occasions over a 2-year period—and not anything that has been done across the plaza or down Pennsylvania Avenue.

I believe that when the history of the Contra issue is written, it will be clear to all that the insistence by the House of Representatives that a grip be kept on the funding of the not-so-covert war, may have kept a much larger war from developing in Central America.

We need not, and we must not, loosen that grip today.

We are not going to achieve the kind of settlement I believe the majority of the Members of this body want to see in Nicaragua by encouraging the continuation of the war.

That has been the inescapable truth which has driven our votes on this issue over the past 2 years.

I hope we will not lose sight of it in our votes this afternoon.

So on that basis, Mr. Chairman, let me conclude by saying that it was a nice day, we lost, we may win again sometime. We will revisit this issue in the future.

Mr. Chairman, I urge the defeat of the Michel/McDade amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

● Mr. GARCIA. Mr. Chairman, this is the fifth time we have debated aid to the Contras. Each time we have sent the same message: We are against such aid; we are against this "course." Yet, each time the President has refused to listen. So again, we are forced to consider this issue.

Unfortunately, this time the stakes are a little higher. The Secretary of State has warned that if we don't shape up and give the President what he wants then troops might be sent. Yesterday, however, in an 11th hour plea, or should I say ploy, the President said it was not his intention to overthrow the Sandinistas. What are we to believe? The confusion the White House has created with these contradictory statements is very much like the confusion created by its overall policy toward Nicaragua.

Only last week, the New York Times published two articles about plans for U.S. military involvement in Nicaragua. One intelligence official even went so far as to say that launching a successful invasion of Nicaragua would be like "falling off a log."

It seems to me that this is the way that all wars begin, with overconfidence, with unrealistic expectations. There is also a tendency to disregard the consequences of our actions because we are swept up in the self-righteousness of our actions. No war is like "falling off a log." No war is won easily, without great cost. But as much as I resent this casual regard for war, I also resent the veiled threat that if Congress doesn't follow the President's course of action, then we must pay the price of U.S. involvement.

I have consistently opposed aid to the Contras because it is a bad policy and because I don't want to see the United States become unnecessarily involved militarily in Nicaragua. If you

want to see thousands of refugees fleeing into this country in search of a safe haven, all we have to do is spark a regional war. These individuals will not be coming to flee from Communist tyranny but to flee from the threat of the terror of war.

To be certain, we have legitimate security interests in Central America. To be certain, we do not want to sit back and watch a tyranny of the right be replaced by a tyranny of the left. Daniel Ortega did go to Moscow. Nicaragua is not an open, democratic society, but we are not going to change the Sandinistas by holding a gun to their head. Neither can we change the Contras by simply changing their name. To paraphrase Shakespeare, a rose would smell as sour by any other name.

It is important to note that our policy has repercussions beyond Nicaragua. Even if we could defeat the Sandinistas in short order, we would leave a residue of ill feeling with our allies in Latin America. We risk becoming the true heirs of gunboat diplomacy, but that kind of diplomacy simply will not work any more. We can no longer sneeze and expect Central America to quake. As I said, we have every right to protect our interests, but we should not do so with complete disregard for our allies. We should make use of some of our European allies. We should also give the Sandinistas room to hang or vindicate themselves. Recent events in Costa Rica indicate that they may already be preparing their scaffolding.

As I have said on numerous occasions—Central America and Nicaragua—is not ours to lose. The nations of the region must be allowed to shape their own destinies. That does not mean that we are without input. It does mean that we must not attempt to impose our will, independently, without consultation.

Let's at least give the diplomatic approach a chance while we still have the option. War is a very expensive proposition. It should only be considered as a last possible course of action. I, therefore, urge my colleagues to say no to the Contras and yes to Contadora and negotiations.●

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. I thank the gentleman for yielding. Mr. Chairman, I rise today in support of this amendment to send humanitarian aid to the counter revolutionaries in Nicaragua.

In 1983, I traveled to Central America, visiting the countries of Nicaragua, El Salvador, Costa Rica, and Guatemala. The bipartisan delegation that I led included three of my colleagues from this Chamber. And, after comparing our observations, we all reached the same general conclusion—we cannot give up on Central America.

The United States has high stakes in the area not only because of our national security interests, but also because of the potential mass immigration of Central Americans to America if those countries come under Communist governments.

I am convinced we must keep the pressure on the Sandinista regime to stop supporting the guerrillas who are trying to overthrow the elected government of El Salvador.

The United States should pursue a foreign policy of encouraging a regional peace. If Nicaragua would leave their neighbors alone and stop supplying arms and training to guerrillas in El Salvador. And if they would stop exporting their revolutionary communism, then we could hope for a mutual peace among the nations of Central America. Only then, can Central America be economically revived.

I believe that this U.S. assistance will more likely bring Nicaragua to genuinely negotiate a regional peace. Obviously the cutoff of assistance over the past year has not caused a change for the better. I encourage my colleagues to join me in supporting this necessary action.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. I thank the gentleman for yielding time to me. Mr. Chairman, I rise today in support of the Michel-McDade amendment to provide humanitarian aid to the Nicaraguan democratic resistance and economic incentives to the Sandinista government to negotiate a peaceful settlement with them. This measure also authorizes funds for the Contadora peace process and urges the President to resume bilateral talks with the Nicaraguan Government and to persuade other Central American nations to join with the United States in using economic sanctions to pressure the Nicaraguan Government into changing its policies.

The single greatest issue in determining this Nation's policy toward the situation in Nicaragua is whether or not we are willing to accept the establishment of another Marxist-Leninist beachhead—like Cuba—in the Western Hemisphere. To fail to recognize the threat the Sandinista government poses to the security of Central America and the United States is to bury our heads in the sand.

The head of our own intelligence agency, Bill Casey, tells us that since 1979, when the Sandinistas seized control over the government: "They have developed the best equipped military in the region." He estimates the Sandinistas have 6,000 to 7,500 Cuban advisers and another several hundred other Communists from the Soviet Union and Eastern European Soviet bloc countries to assist in their military buildup and consolidation of power.

If we allow the Soviets and Cubans to develop this powerful beachhead in Central America and that ferment spreads, our Nation will know a security threat that we cannot abide.

Clearly, there is only one choice consistent with our national security and foreign policy objectives: We must apply pressure from all possible sources to make the Sandinistas call a cease-fire and come to the negotiating table with the democratic resistance, known as the Contras. This will be especially difficult at a time when Nicaragua's conversion to a Marxist-Leninists state is 80-percent complete. They are already suppressing the press and expelling those not on their side. They are arresting and imprisoning political opponents. They are exporting communism to other countries. They are tightening down more on the private sector. And the evidence goes on down the line, that the Sandinistas are intent on following everything Cuba has done.

It is also an unfortunate political reality that Marxist governments do not revert to democratic forms of government. Not one of the some 21 countries that have gone Communist have been reversed. In Nicaragua, however, there is somewhat of a unique situation. A grassroots resistance movement is fighting for a democratic form of government and the same kinds of freedoms this country enjoys. But the leaders of the democratic resistance emphasize shortages of food, medicine, and clothing which severely impede their ability to successfully wage their fight. By passing the Michel amendment, we can encourage and help the democratic resistance continue and bestow legitimacy on their efforts. Thus, we would send a clear message to the Sandinistas and to neighboring countries whose borders have been violated that we intend to protect the freedoms and the democratic form of government in this hemisphere. If we are going to provide aid—humanitarian or other—to the Contras, we had better do it now and in a fashion that doesn't slowly bleed them to death and diminish the strongest incentive for the Sandinistas to negotiate.

There are those critics who charge any support for the democratic resistance will result in the United States entering the war in Nicaragua with our own military forces. The President himself has clearly told us: "His administration does not seek the military overthrow of the Sandinista government or to replace it with supporters of the old Somoza regime." We certainly don't want another Vietnam on our hands. We certainly must never again get into a situation that we don't intend to win. But whether or not this country would ever have to make the

tough decision of military intervention is not the issue at this time.

Let's first utilize all the peaceful means that are available through the Michel amendment to try to accomplish our objective of preventing another Marxist-Leninist beachhead. We better not keep sticking our heads in the sand and say "the situation in Nicaragua will go away by itself" because that simply will not happen. It's a lot easier to pay for peace now by helping those grassroots resistance forces who want freedom for themselves and are willing to fight for it, than to pay for war with our own blood on a far larger scale, once that beachhead has grown into a monstrous threat that cannot be stopped in any other way.

I urge the adoption of the Michel amendment and a rejection of all amendments which would weaken this amendment.

Mr. RINALDO. Mr. Chairman, I rise in support of the amendment offered by the distinguished minority leader to provide $27 million to the Contra freedom fighters in Nicaragua. These 18,000 young men and women carry on the fight for democracy not only in Nicaragua but in the entire Western Hemisphere.

The revolution in Nicaragua has been betrayed. At no time was this more evident than during Daniel Ortega's visit to Moscow immediately after the House of Representatives voted to cut off support to the Contras last month. The 1979 revolution in Nicaragua overthrowing the Somoza regime was viewed with great hope by freedom loving people throughout the world. The repression of civil liberties in Nicaragua had finally been lifted. Land reform and other economic reforms predicated upon the belief of private ownership was to take place immediately.

Yet, this hope was short lived. There is no freedom of the press, and the Sandinistas have broken their pledge to the Organization of American States that there would be political freedom. The Sandinistas have even tried to impose their own people's church in place of the official Catholic Church, and they have driven virtually all of Nicaragua's Jewish community into exile.

Most importantly for the security of our Central American allies, the Sanistas have made no secret of their desire to export their revolution without frontiers to their neighbors, including Costa Rica, which doesn't even have an army. In fact, the Costa Rican President has stated that the Sandinista regime threatened to destabilize not only his country but all of Central America.

Nicaragua has become a well-armed outpost for Soviet and Cuban expansion in Central America. Leaders of the revolution such as Eden Pastora, and Arturo Cruz have left that country disillusioned by the course of conduct of the Marxist Sandinistan leadership. Cardinal Bravo, once a vehement opponent of the Somoza dictatorship, now watches as the government attacks the Catholic Church. Perhaps this is not unexpected from a regime headed by a man who has stated, "Marxism-Leninism is the scientific doctrine that guides our revolution."

Cuban and East German advisers provide useful knowledge to Ortega as he establishes the largest state security and secret police organization in Central America. The terrorist Palestinian Liberation Organization is given free reign in that country. The international Communist community views Nicaragua as it did Cuba 25 years ago—the great hope for expansion in the Western Hemisphere.

While some may say that it is too late to reverse course, I do not agree. Despite the oppression of their own Government the people of Nicaragua have not lost their vigilant desire to once again recapture their betrayed revolution.

I am a supporter of the Contadora peace process and am pleased that the Michel amendment also contains $2 million to assist the Contadora nations in implementing its document of objectives. This aid to the Contras will send a strong signal that the United States will not back away from its commitment to prevent the spread of Soviet expansionism in this hemisphere.

Mr. BOLAND. Mr. Chairman, I yield back the balance of my time.

● Mr. GALLO. Mr. Chairman, today I rise in support of the amendment offered by my distinguished colleagues, Mr. MICHEL, Mr. MCDADE, and Mr. MCCURDY which would set aside $27 million for humanitarian aid for the citizens involved in the fight for freedom and democracy in Nicaragua.

This amendment would not overthrow the Sandinista government, nor is it aimed at prolonging the military strife in this troubled region. Rather, this bipartisan amendment would help to foster an environment that enhances the likelihood of a national dialog to bring about a lasting peace and a secure democracy.

The United States must, in the strongest possible terms, condemn the atrocities by any of the parties involved in the struggle in Central America. The democratic resistance in Nicaragua has urged the application of strict rules regarding the treatment of prisoners and civilians. This Congress should echo that call.

My visit to Central America gave me a personal perspective on the situation in this troubled region. It is my firmest belief that a policy of support for democracy, economic opportunity, and security will best serve the people of Central America and the interests of the United States. We must do all that we can to see that this policy is followed so that the democratic center may prevail over the tyrants of the left or the right.

The bipartisan amendment that we vote upon today could mark the beginning of a peace founded on the will of the people, rather than tyranny based upon the might of the Government.

I will vote in support of this important amendment and urge the support of my colleagues on both sides of the aisle.●

● Mr. KASTENMEIER. Mr. Chairman, I strongly urge the House to reject the Michel-McDade-McCurdy amendment to provide so-called humanitarian aid to the Nicaraguan Contra forces.

This amendment is ill-conceived and it is dangerous. It is ill-conceived because the Reagan administration policy of attacking Nicaragua through the Contra forces has succeeded only in rallying the Nicaraguan people, the vast majority of which continue to support the Sandinista regime. The Contra forces, by themselves, are not going to be able to overthrow the Sandinistas. It is dangerous because it pushes the United States deeper into a Central American quagmire on behalf of a personal policy promoted by a President who, I fear, seeks to involve our Nation in a military action in that region.

Mr. Reagan has heated up his obsessive opposition against the Sandinistas. Although yesterday, the President said he disavows any U.S. intent to overthrow the Nicaraguan Government, he revealed what I believe are his true intentions when, last February, he told us of his desire to overthrow the present Nicaraguan Government if the Sandinista regime doesn't cry "uncle." The administration is now openly discussing the possibility that U.S. combat forces might one day be sent into Nicaragua. President Reagan, Secretary of State Shultz, and other administration officials are warning that we may have little choice but to use military force against Nicaragua. Until he tried to appear more conciliatory yesterday, on the eve of this vote, the President's rhetoric against Nicaragua was becoming increasingly inflammatory and bellicose. We should be greatly concerned that congressional support of any funding for the Contra forces will be interpreted by the President as a blanket congressional endorsement for whatever he seeks to do in Central America. Mr. Reagan's ideological hatred of the Sandinistas is not a legitimate reason for the Congress to indulge the President in his personal whims.

There are those who are upset with Nicaraguan President Daniel Ortega's trip to the Soviet Union. The timing of

this visit was poorly planned, coming right after the House vote in April to reject any form of assistance to the Contra groups. Only the most naive observers, however, should have been surprised to see Ortega asking the Soviets to replace the aid that the United States halted since the Reagan administration came to power. Of course, the Soviet Union was not the only nation which Ortega visited in an effort to win support and backing. The European Community, for example, announced support, including financial help to Nicaragua in its fight against the recently imposed U.S. trade embargo. The European Community will help finance a $5.2 million program to expand Nicaragua's grain warehouses and export facilities.

For those who are still disturbed by Ortega's visit to Moscow, we should remember that what is at stake here today is not whether we disapprove of Ortega's going to the Soviet Union, but, more importantly, the course of the policy we seek to follow toward Nicaragua.

The proponents of this amendment would have us appropriate $27 million in "humanitarian" aid to some group or groups called the Nicaraguan Democratic Resistance. This is ludicrous. Since when can funding to a military force be considered to be "humanitarian" aid? Is this "humanitarian assistance" looked upon by the proponents of this amendment as some form of a welfare program for Nicaraguan rebels? Of course not. We all know that the purpose of this aid is to permit the Contras to conduct a war against the Nicaraguan Government.

As for the recipients of this aid, the so-called Nicaraguan Democratic Resistance, composed of Mr. Reagan's "moral equivalent of the Founding Fathers," many of these Contras are nothing more than former Somoza military who would reinstate a reign of terror if they ever came to power. Until yesterday, the Reagan administration would have us believe that the reports of incidents of killings and abductions by the Contras are nothing more than propaganda charges. However, faced with continuing reports by defectors from among the Contras of routine practices of murder, kidnaping and rape of innocent Nicaraguan civilians, the President, yesterday, belatedly acknowledged the acts of brutality committed by the Contras.

Mr. Chairman, there is no moral, political, intellectual or strategic value in funding the Contras, and it should be understood by all that by giving assistance to the Contras, we are sanctioning a war by proxy against Nicaragua. If the President says that it is not his intent to overthrow the Government of Nicaragua, then what is the purpose of this Contra aid? If the President wants to peacefully resolve our differences with Nicaragua, then let him commit the United States to the Contadora process.

Mr. Chairman, this is not the time to compromise with what I believe is the President's desire to impose his will on Nicaraguan society and with his wrong kind of farsightedness. Rather than promoting a war in Central America, we should be announcing our strong support for the Contadora peace process which offers the best prospect of obtaining a long-term commitment to peace and stability in Central America.●

● Mr. FUQUA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania, Mr. McDADE. This was not an easy decision. I opposed and voted against military aid to the Contras and continue to believe that providing military aid would not be in the best interest of the United States as a statement of our foreign policy.

I seriously considered voting for alternatives offered on the floor today. There is merit in their statements. In the final analysis, however, I feel compelled to support the McDade amendment and oppose alternatives because of my serious concern with actions and efforts of the Government of Nicaragua.

Nicaragua is not a democracy. Just this week newspaper editors in that country registered strong protest of renewed press censorship. Nicaragua is a destabilizing influence in Central America. The recent attack on Costa Rican soldiers indicates that Nicaragua is continuing its war-like efforts against its neighbors.

I have been assured by officials of the Reagan administration that all of our aid will be nonlethal and genuinely humanitarian. We have a moral obligation to assist those fighting for freedom throughout the world from Afghanistan to Nicaragua.

Recently, I have met with constituents from my district who strongly oppose aid. They are sincere and articulate speakers for a prohibition on all aid to the Contras. I genuinely respect and understand their position. The fact remains, Mr. Chairman, that I cannot shake my doubts about the Nicaraguan regime and its intentions. I wish aid to the Contras was not necessary. I wish we did not have to state opposition to the Government of Nicaragua.

We live in a world of reality, not ideal. We must face reality and understand the aims and motives of the Soviet Union, Cuba, and Nicaragua. We cannot permit further Communist expansion in Central America. We simply cannot allow it.

For these reasons, I support the McDade amendment and will vote to allow humanitarian aid.●

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. McDADE] for 10 minutes to close debate.

Mr. McDADE. Mr. Chairman, let me say that I am not about to take 10 minutes, but I do want to refer a little bit to an amendment that was offered quite a long time ago. It is called by a lot of names. I call it the Michel-McCurdy-McDade amendment, and I respectfully ask this House to overwhelmingly approve it.

I want to pay very special tribute to all Members on both sides of the aisle who have given their time and their talent to put new life into this proposal, to my good friend, the distinguished minority leader, Mr. MICHEL, a lot of hours; to the very strong support and interest of the gentleman from Oklahoma, Mr. McCURDY; to my good friend, the gentleman from Pennsylvania, JACK MURTHA; to our very distinguished chairman of the Committee on Foreign Affairs, Mr. DANTE FASCELL; to my good friend, the gentleman from Arizona, JACK McCAIN; to the gentleman from New York, HAM FISH; and so many others who care so deeply, as all Members of this body care. I want to say that they have not just my gratitude, but I think the gratitude of freedom-loving people everywhere.

I want to say one more thing about that kind of thing. I have two people who nobody knows, who work for me. They are staff people, and they gave of their time day and night and weekends and months to try to get here, my good friends George Allen and Kevin Roper.

Mr. Chairman, some years ago I asked a young friend in a casual conversation whether he would be willing to fight for his country. I can remember his response to this day. He said to me, "You know, I am not sure." I said, "I find that a bit disturbing, but interesting." The young man said, "Do not be disturbed, my friend, because I will fight for liberty anywhere in the world."

Today, we are asking the House of Representatives that same question. Are we willing to stand up for liberty in Central America? If so, this is our chance to stand up and be counted with that young friend of mine. Are we willing to stand up and disown governments that betray their people? Are we willing to disown the latest in a long line of broken promises by a revolution gone bad?

History, my colleagues, is littered with the remnants of betraying governments who have gone before us. I mention a few: The Quisling government in Norway; the Vichy government in France; in my own opinion, the Castro government in Havana have one common thread. They all betrayed their people.

Today the world witnesses the latest in that tragic tale of betrayal. My

friends, I do not think there is any Member of this body who would not admit, indeed proclaim the Sandinista betrayal of the Nicaraguan people. The Sandinistas have curtailed individual liberties, political expression, freedom of worship, and the free press. They have subordinated the military, the judiciary, and the internal security functions of that great nation to themselves. Their ties with Cuba, the Soviets, the Warsaw Pact, the PLO, the Iranians, the East Germans, the North Koreans, and others threatened their friends and their neighbors.

But not content to make their own people suffer, they have made efforts on countless occasions to export Marxist terror. These are not idle charges, that litany that I just gave you. They were the stipulations of the Barnes-Hamilton amendment that we voted upon last April. It is the prelude in that whole amendment. We stipulate to that on both sides of the aisle.

Today we say, "Enough." Winston Churchill said, "If we open a quarrel between the past and the present, we shall find that we have lost the future."

□ 1650

This amendment speaks to the future. Today we offer a hand of friendship to Central America. We ask only that all the parties lay down their arms, the Sandinistas and the Contras, and we ask for and appropriate money to the Contadora nations to ask them actively and aggressively to support the peace process. We offer our financial and our personal support for peace, and we do this because all of us want to end the cancer of war in Central America.

In section 105 of this amendment, we offer more help and support in the future if the President reports on—and this is the language of the bill—any progress or promise of progress toward peace in Central America. It says, "Any promise of progress toward peace in Central America."

What does section 105 permit the President to do? Well, it could mean a new clinic in Nicaragua for suffering children. I said earlier in our debate that this great Nation of ours built one in Krakow, Poland with Public Law 480 funds, and many of the Members have seen it. It could mean a new highway, or it could mean new schools and hospitals. It is a promise, we hope, for a new life for the people of Central America.

But I say to my friends that we cannot turn swords into plowshares while the burst of gunfire ravages the land. We can do these things only when the forces of freedom enjoy our support and when the forces of Marxism know that we will stand up for liberty.

Mr. Chairman, $27 million in humanitarian aid is a scant price to pay for a chance at peace. I ask all the Members to join with me and take that chance today by voting for this amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield for one question?

Mr. McDADE. I yield to the gentleman from Michigan.

Mr. CONYERS. Is this an indirect declaration of war on Nicaragua? Will the gentleman just answer the question?

Mr. McDADE. Has the gentleman read section 105 of the amendment? I repeat, "Has the gentleman read section 105 of the amendment?"

Mr. CONYERS. Could I ask just that one question?

Mr. McDADE. Would the gentleman just answer my question?

Mr. CONYERS. Are we being asked to fight or declare war without sending troops? Is that what this is really all about?

Mr. McDADE. No.

Mr. CONYERS. I just asked the gentleman because he was talking about what a young person would do who was going to war.

Mr. McDADE. Mr. Chairman, I reclaim my time.

May I say to my friend that if he would read the amendment, he would see that it seeks to achieve peace in Central America.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. McDADE] yield back the balance of his time?

Mr. McDADE. I do, Mr. Chairman.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. McDADE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McDADE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 184, not voting 1, as follows:

[Roll No. 156]

AYES—248

Andrews	Broyhill	Courter
Archer	Burton (IN)	Craig
Armey	Bustamante	Crane
Aspin	Byron	Daniel
Badham	Callahan	Dannemeyer
Barnard	Campbell	Darden
Bartlett	Carney	Daub
Barton	Chandler	Davis
Bateman	Chappell	de la Garza
Bennett	Chappie	DeLay
Bentley	Cheney	Derrick
Bereuter	Clinger	DeWine
Bevill	Coats	Dickinson
Biaggi	Cobey	DioGuardi
Bilirakis	Coble	Dornan (CA)
Billey	Coleman (MO)	Dowdy
Boulter	Coleman (TX)	Dreier
Breaux	Combest	Duncan
Broomfield	Cooper	Dyson
Brown (CO)	Coughlin	Eckert (NY)
Edwards (OK)	Lloyd	Rogers
Emerson	Loeffler	Roth
English	Long	Roukema
Erdreich	Lott	Rowland (CT)
Fascell	Lowery (CA)	Rowland (GA)
Fawell	Lujan	Rudd
Fiedler	Lungren	Saxton
Fields	Mack	Schaefer
Fish	MacKay	Schuette
Flippo	Madigan	Schulze
Franklin	Marlenee	Sensenbrenner
Frenzel	Martin (IL)	Shaw
Fuqua	Martin (NY)	Shelby
Gallo	Mazzoli	Shumway
Gekas	McCain	Shuster
Gibbons	McCandless	Siljander
Gilman	McCollum	Sisisky
Gingrich	McCurdy	Skeen
Goodling	McDade	Skelton
Gordon	McEwen	Slaughter
Gradison	McGrath	Smith (FL)
Gregg	McKernan	Smith (NE)
Grotberg	McKinney	Smith (NH)
Gunderson	McMillan	Smith (NJ)
Hall, Ralph	Meyers	Smith, Denny
Hammerschmidt	Mica	Smith, Robert
Hansen	Michel	Snowe
Hartnett	Miller (OH)	Snyder
Hatcher	Miller (WA)	Solomon
Hefner	Molinari	Spence
Heftel	Mollohan	Spratt
Hendon	Monson	Stallings
Henry	Montgomery	Stangeland
Hiler	Moore	Stenholm
Hillis	Moorhead	Strang
Holt	Morrison (WA)	Stratton
Hopkins	Murtha	Stump
Horton	Myers	Sundquist
Hubbard	Nelson	Sweeney
Huckaby	Nichols	Swindall
Hunter	Nielson	Tallon
Hutto	O'Brien	Tauke
Hyde	Ortiz	Tauzin
Ireland	Oxley	Taylor
Jenkins	Packard	Thomas (CA)
Johnson	Parris	Thomas (GA)
Jones (OK)	Pashayan	Vander Jagt
Jones (TN)	Pepper	Vucanovich
Kanjorski	Petri	Walker
Kasich	Pickle	Watkins
Kemp	Porter	Weber
Kindness	Price	Whitehurst
Kolbe	Pursell	Whitley
Kramer	Quillen	Whittaker
Lagomarsino	Ray	Whitten
Latta	Regula	Wilson
Leath (TX)	Richardson	Wolf
Lent	Ridge	Wortley
Lewis (CA)	Rinaldo	Wylie
Lewis (FL)	Ritter	Young (AK)
Lightfoot	Roberts	Young (FL)
Lipinski	Robinson	Zschau
Livingston	Roemer	

NOES—184

Ackerman	Carper	Foley
Addabbo	Carr	Ford (MI)
Akaka	Clay	Ford (TN)
Alexander	Coelho	Fowler
Anderson	Collins	Frank
Annunzio	Conte	Frost
Anthony	Conyers	Garcia
Applegate	Coyne	Gaydos
Atkins	Crockett	Gejdenson
AuCoin	Daschle	Gephardt
Barnes	Dellums	Glickman
Bates	Dicks	Gonzalez
Bedell	Dingell	Gray (IL)
Bellenson	Dixon	Gray (PA)
Berman	Donnelly	Green
Boehlert	Dorgan (ND)	Guarini
Boggs	Downey	Hall (OH)
Boland	Durbin	Hamilton
Boner (TN)	Dwyer	Hayes
Bonior (MI)	Dymally	Hertel
Bonker	Early	Howard
Borski	Eckart (OH)	Hoyer
Bosco	Edgar	Hughes
Boucher	Edwards (CA)	Jacobs
Boxer	Evans (IA)	Jeffords
Brooks	Evans (IL)	Jones (NC)
Brown (CA)	Fazio	Kaptur
Bruce	Feighan	Kastenmeier
Bryant	Florio	Kennelly
Burton (CA)	Foglietta	Kildee

Kleczka	Nowak	Staggers
Kolter	Oakar	Stark
Kostmayer	Oberstar	Stokes
LaFalce	Obey	Studds
Lantos	Olin	Swift
Leach (IA)	Owens	Synar
Lehman (CA)	Panetta	Torres
Lehman (FL)	Pease	Torricelli
Leland	Penny	Towns
Levin (MI)	Perkins	Traficant
Levine (CA)	Rahall	Traxler
Lowry (WA)	Rangel	Udall
Luken	Reid	Valentine
Lundine	Rodino	Vento
Manton	Roe	Visclosky
Markey	Rose	Volkmer
Martinez	Rostenkowski	Walgren
Matsui	Roybal	Waxman
Mavroules	Russo	Weaver
McCloskey	Sabo	Weiss
McHugh	Savage	Wheat
Mikulski	Scheuer	Williams
Miller (CA)	Schneider	Wirth
Mineta	Schroeder	Wise
Mitchell	Schumer	Wolpe
Moakley	Seiberling	Wright
Moody	Sharp	Wyden
Morrison (CT)	Sikorski	Yates
Mrazek	Slattery	Yatron
Murphy	Smith (IA)	Young (MO)
Natcher	Solarz	
Neal	St Germain	

NOT VOTING—1

Hawkins

□ 1710

Mr. BROWN of California changed his vote from "aye" to "no."

Mr. SMITH of Florida changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Chairman, under the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAMILTON: Page 44, after line 23, insert the following:

UNITED STATES POLICY WITH RESPECT TO NICARAGUA

SEC. 101. (a) The primary objectives of United States policy in Central America should be—

(1) to preserve the security of the United States;

(2) to achieve peace and reconciliation;

(3) to promote stability and economic development;

(4) to prevent the Soviet Union and its allies from seeking of destabilize the region or to develop or deploy a military capability which threatens the United States;

(5) to promote the observance of human rights and the strengthening of democratic processes; and

(6) to live at peace with Nicaragua so long as Nicaragua lives at peace with its neighbors.

(b) United States strategy for achieving the objectives stated in subsection (a) should include—

(1) an emphasis on seeking a negotiated, regional settlement;

(2) respect for the independence and territorial integrity of all nations;

(3) a clear commitment, through appropriate types and levels of military and economic assistance, to assist the nations of Central America in building and sustaining viable, democratic societies capable of withstanding aggression and subversion and of providing their people with an opportunity for better lives; and

(4) consistent diplomatic support on behalf of the observance of human rights by groups and governments, and support for free political institutions throughout the region, in recognition of the fact that subversion feeds on repression.

(c) In furtherance of the objectives stated in subsection (a), United States policy with respect to Nicaragua should include the following:

(1) Pursuit of a regional settlement through all diplomatic avenues, including—

(A) placing renewed emphasis on the Contadora process which is addressing the questions of peace and security (including mechanisms for verification and enforcement) and internal reconciliation and political pluralism;

(B) giving priority to obtaining a ceasefire in Nicaragua;

(C) renewing bilateral talks with Nicaragua;

(D) encouraging direct talks among the parties to the conflict in Nicaragua; and

(E) taking any evidence of Nicaraguan violations of the territorial integrity and sovereignty of neighboring states to the forum of the Organization of American States and seeking redress under the Charter of that Organization and the Inter-American Treaty of Reciprocal Assistance, which provide for collective action;

(2) A commitment to preserve the security of the United States by preventing the Soviet Union and its allies from developing or deploying an offensive military capability in Central America that directly threatens the United States, a capability that does not currently exist.

(3) A commitment to protect the security and territorial integrity of any nation of Central America that is invaded by Nicaragua, acting in conformance with the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance.

(4) The provision of incentives to Nicaragua if the Government of Nicaragua agrees to ceasefire and to negotiate with its opponents, removes foreign military advisors, agrees not to provide material support for insurgencies and agrees to appropriate monitoring procedures under Contadora auspices to verify such agreement, respects human rights and the independence of the media, and makes progress toward national reconciliation and a pluralistic democratic system. Incentives should be structured to enable the United States to respond to positive steps by Nicaragua. These incentives could include—

(A) the suspension of United States military exercises in the region;

(B) the resumption of normal trade, including the resumption of nondiscriminatory trade treatment (MFN status), the restoration of benefits under the Generalized System of Preferences, and the restoration of Nicaragua's sugar quota;

(C) supporting multilateral assistance for Nicaragua and providing technical assistance, help in agriculture and health, and volunteer services; and

(D) the creation of a regional development organization in which Nicaragua could participate.

SEC. 102. (a) No funds available during any fiscal year to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

(b) The prohibition contained in subsection (a) shall continue in effect until the Congress enacts a joint resolution repealing that prohibition.

SEC. 103. (a)(1) Funds in an amount up to $14,000,000 may be used by the President during fiscal year 1985 to provide food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the Nicaraguan opposition forces.

(2) Assistance under this subsection may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon that organization's determination that such assistance is necessary to meet humanitarian needs of those refugees. The President shall determine whether assistance under this subsection is provided through the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, or both organizations. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection for the purpose of provisioning combat forces.

(3) Funds used pursuant to this subsection shall be derived from the funds appropriated to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) or section 2(c) (relating to the Emergency Refugee and Migration Assistance Fund) of the Migration and Refugee Assistance Act of 1962.

(b) Funds available in any fiscal year to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may be used by the President for payments to the Contadora nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(c) Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (a).

SEC. 103. No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used pursuant to section 102 of this chapter; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

SEC. 104. (a) On or after October 1, 1985, the President may submit to the Congress a request for authority to take specified actions with respect to Nicaragua. The request must be accompanied by—

(1) the President's assurance that he has consulted with the Contadora nations concerning the proposed actions; and

(2) a description of the response of the Contadora nations to the proposed actions.

(b)(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to the Supplemental Appropriations Act, 1985.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

The CHAIRMAN. Under the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, may I join with the gentleman from Massachusetts in extending my congratulations to the gentleman from Illinois, Mr. MICHEL, for the quality of the debate and for their apparent victory on these votes. I think all of us recognize that the outcome is not in doubt, but I trust that they will grant us the opportunity to state our case for the Hamilton amendment.

It is a premise in this body that from debate and discussion better policy emerges, and it is our hope that as a result of the debate today we will have better policy for the United States.

Mr. Chairman, U.S. policy toward Nicaragua is at a critical juncture and this is the most significant vote on this issue: The vote before the House is whether or not to give direct assistance to a military force whose stated purpose is the overthrow of the Nicaraguan Government.

This is not the same debate as the House has had in previous years, when it was noting on a covert action involving 400–500 people to stop the flow of arms from Nicaragua to neighboring El Salvador. Today we are voting on the question of logistical support for a Contra army, now planned to reach 25,000 to 35,000, and whether Congress for the first time will give its stamp of approval to the Contra strategy for overthrowing the Sandinista government.

Supporters of the Michel amendment claim that what we are arguing about today is which government agency will provide humanitarian assistance, and which categories of assistance are humanitarian.

The Michel amendment is somewhat improved over the amendment the gentleman offered in April and elements of the Barnes/Hamilton amendment offered then have been incorporated. But we must recognize that the purpose of the Michel amendment has not changed.

Our central choice today is whether we vote to support an army in the field that seeks to overthrow the Sandinista government, or whether we vote for a policy to enhance the prospects for negotiations.

Hamilton amendment: My amendment to the supplemental appropriations bill emphasizes the need for negotiations; support for the Contadora process; the principle of nonintervention; and the necessity of an early ceasefire in Nicaragua.

The amendment has five parts:

First, it contains policy language which sets out what the primary objectives of U.S. policy toward Central America should be, then spells out a strategy for achieving those objectives and finally gives specific suggestions as to what should be the elements of U.S. policy toward Nicaragua.

That policy toward Nicaragua should include:

Pursuit of a regional settlement through all diplomatic avenues;

Commitment to prevent the Soviet Union and its allies from deploying an offensive military capability in Central America that directly threatens the United States;

A commitment to protect Central American nations from attack; and

A response to positive steps by Nicaragua with positive steps of our own.

Second, the amendment contains a prohibition on funding for military or paramilitary operations in Nicaragua. This provision continues in effect the Boland amendment which this House has supported on several occasions in the past.

A third section of the amendment provides assistance and makes $14 million available for Nicaraguan refugees to be provided outside Nicaragua by the International Committee of the Red Cross or the U.N. High Commissioner for Refugees for food, medicine, and other humanitarian assistance. The amendment also makes funds available to support the implementation of a Contadora agreement.

A fourth section requires quarterly reports to the Congress on the situation in Nicaragua, the status of the Contadora process and the expenditure of funds under the amendment.

And in the final section, the President may, after October 1, 1985, request for Congress authorization to take further actions with respect to Nicaragua. The President must consult with the Contadora nations about

these actions and inform Congress of their response. A joint resolution authorizing the President to take the actions would be considered under expedited procedures.

United States policy toward Nicaragua has failed over the last 4 years: The situation in Nicaragua has deteriorated in recent years.

U.S. policy has failed because everything we seek to have happen in Nicaragua has gotten worse rather than better: The Soviet-Cuban presence and involvement in Nicaragua has increased; repression in Nicaragua is more widespread; the military in Nicaragua has grown from a small force to a disproportionately large force for the region; and tensions throughout the area have escalated.

DIPLOMACY

This administration broke off bilateral talks in Manzanillo even though the Sandinistas wanted those discussions to continue. The United States cannot show any progress in the last 4 years toward trying to achieve a political or military solution in Nicaragua even with the forms of pressure we have applied.

CONTRAS

Three years of U.S. support for the Contras and over $80 million in U.S. funding of the covert war have not produced an insurgency capable of sustaining itself among the people of Nicaragua and has not caused the Sandinistas to change their policies.

The Contras have never been able to seize and hold territory in Nicaragua. They have never developed urban support. They haven't been able to sustain operations in Nicaragua without supply from the outside. They depend heavily on sanctuaries in Honduras and Costa Rica without which they could not continue their fight.

EAST-WEST

The situation in Nicaragua is now described by the administration as a critical East-West confrontation—no problem which has escalated in this manner can be considered a foreign policy success.

Policy has failed because its centerpiece is to maintain pressure on the Sandinistas, but pressure is a tactic; it is not a policy.

INTERNATIONAL SUPPORT

Policy has failed to win the support of our friends and allies. The Contadora nations strongly oppose the resumption of Contra aid, so do our European allies, and so does Latin America.

President Duarte of El Salvador told Members of Congress last month during his visit to Washington that he does not worry about a socialist government in Nicaragua that stays within its borders. He said he is prepared to live at peace with the Sandinistas and show that his system works better than theirs.

President Monge of Costa Rica is on public record in opposition to the Contra assistance. In a statement issued by his government in April, he said "I could not support such an action contrary in nature to the neutrality of Costa Rica." If even our own friends in Central America do not support aid to the Contras, there can be no pretense of international support.

U.S. unilateral actions against Nicaragua, rather than isolating Nicaragua from its neighbors and other Latin American states, has brought sympathy from them. Twenty-four Latin American nations have condemned the U.S. trade embargo of Nicaragua. So did the European Community.

Members of this body properly deplore President Ortega's recent trip to Moscow, but we should take note of some of the other stops on his trip. Ortega got a good reception from Spanish, Italian, and French leaders, was promised considerable levels of economic assistance, and received from each a condemnation of the U.S. embargo of Nicaragua.

Many Members draw one lesson from Ortega's recent trip, but I see the results differently. Our allies are determined to go in one direction and we go alone in another. We cannot succeed in isolating Nicaragua if we are the ones who are isolated.

The objectives of administration policy are not clear: Policy has failed because the rationale for key elements of policy has not been stated clearly or consistently.

The President himself has been unable to answer the question clearly whether or not it is U.S. policy to seek to overthrow the Nicaraguan Government.

It remains unclear to me just what the administration aims to achieve, and what means it considers appropriate to advance those objectives. We can all agree on the slogans: No more Cubas. No more Vietnams. But what are the precise objectives:

Since 1981, various objectives have been advanced for the covert action against Nicaragua:

First, the United States sought to interdict the flow of arms from Nicaragua to El Salvador;

Then, to force Nicaragua to turn inward;

Then, to bring Nicaragua to the negotiating table;

Then, to bring pluralism and free elections to Nicaragua;

Then, apparently to oust the Sandinistas.

Although the administration does not speak in one voice, recent policy statements on Nicaragua, especially those by the President, no longer emphasize the external conduct of Nicaragua but the removal of the Sandinistas. The President says we do not advocate the overthrow of the Sandinistas if they "would turn around and * * * say uncle." But that phraseology is surely tantamount to requiring their removal.

Sometimes the administration talks in terms of overthrow of the Sandinistas. Sometimes it rejects that goal. If it wants transformation of the Sandinistas, what kind does it want, and what do they intend to do if that change is not forthcoming?

Listen to former Secretary of State Kissinger:

> It is absolutely unclear to me how a vital interest can be served by a $14 million project. If that were all there is to it, you could go to a foundation and get the money.
>
> I think there is no precise relationship between the rhetoric we put forward and the steps we are taking * * *. I do not fully understand which of the many possible objectives I've laid out the rhetoric is supposed to accomplish. Second, it is not clear how the measures that have been put forward will achieve even the minimum objectives.

So—regardless of how this vote turns out—we must insist that the administration define with more precision our interests in Nicaragua, our objectives, and what means we intend to employ to achieve these objectives.

Administration policy is leading to increased military escalation of the conflict intervention: The evidence for this statement is in the history of U.S. support for the Contras, in the President's stated plans to expand their numbers, in his candid statement that direct U.S. military intervention must be recognized as an eventual option, and in the frank acknowledgement of his former chief military adviser in the area that the Contras, whether they receive aid from the United States or not, cannot defeat the Sandinistas.

Secretary of State Shultz said on May 23 that because congressional critics of U.S. policy toward Nicaragua are "refusing to help the freedom fighters, even with humanitarian aid, they are hastening the day when the threat will grow and when we will be faced with an agonizing choice about the use of American combat troops."

To the contrary, it is precisely the present course of U.S. policy which is deepening U.S. involvement, failing to gain multilateral support, narrowing U.S. options and providing another step down the road to direct U.S. military intervention.

In 1982 we began by supporting 500 Contras; today the number of Contras is 15,000; tomorrow the President wants us to support 35,000.

General Paul Gorman, the retiring commander of the U.S. Southern Command, stated in February 1985 that a Contra overthrow of the Sandinista government was not feasible in the near future with U.S. finanical assistance, and that such military pressure would take years to produce results. The CIA has consistently arrived at this same conclusion.

The question then arises: Since present policy isn't producing results, how do you achieve U.S. objectives?

The conclusion follows greater application of military force is the next option. A close examination of the President's own report to Congress in April confirms this. As reported in the press (and not denied by the administration), the President anticipates the deployment of from 20,000 to 25,000 Contras in the north and 5,000 to 10,000 Contras in the south of Nicaragua—a total of 35,000 Contras. This new commitment is to enlarge the Contras to a force over twice its present size.

Now we have before this body a request to renew aid to the Contras—but also to increase it far beyond the level of previous support. The request now is for so-called humanitarian aid. It rings less harshly on the ears than military aid. It is more agreeable to our sensibilities to send C-rations than bullets, and medicines rather than rifles. But every dollar the Congress appropriates for medicine, food, and shelter is a dollar the Contras don't have to raise from other sources. That means dollars from those sources can be spent directly on weapons and ammunitions. Napoleon said an army marches on its stomach. If we supply this aid, we will be helping the Contra army to march. As they grow in strength, so will our commitment to them and to their goal of overthrow.

Funding the Contras is not an alternative to intervention but an avenue to intervention. As reported in the New York Times, the President's own report to Congress in April stated: "Direct application of U.S. military force * * * must realistically be recognized as an eventual option, given our stakes in the region, if other policy alternatives fail."

In May, on the occasion of the trade embargo, the President determined further that the Government of Nicaragua constitutes an "unusual and extraordinary threat to the national security and foreign policy of the United States." The President's perception of the nature of the threat calls for the United States to take any measure to protect the United States from that threat. It prepares us for the taking of such measures. We can anticipate that he will follow the embargo with other actions to match the threat he perceives.

Make no mistake, the request for aid to the Contras is the next step on the slippery slope to escalation of the conflict.

There are other reasons why we should not support direct assistance to the Contras at this time.

There is a growing consensus in the United States in favor of increased levels of economic and security assistance for friendly and democratic states in Central America at the same time there is strong opposition to funding the Contra war. U.S. policy should not let this war dominate the U.S. agenda in the region. Rather, it should build on the emerging policy consensus.

No one yet from the administration has been able to explain how its pressure strategy is going to work. We have no good reason, based on past performance, to believe that the Sandinistas will say "uncle" under pressure or transform their government. The Sandinistas will endure any level of pressure from the United States rather than commit suicide, which is what they believe the United States demands.

At this point the administration would respond that Congress has tied the hands of the President. The fact is, however, that since congressional funding ran out in May 1984, the level of Contra military activity has been equal to or above previous levels. The number of Contras appears to have increased. This is their own claim. The Contras continue to receive funding through private and third party channels. It is unclear to me why they now need funding directly from the United States. It is clear, however, that the Contra action has now continued for 3½ years without success. The administration itself argues that the situation in Nicaragua has gotten worse, not better.

The administration is concentrating its efforts on military pressure, but the problems of this area demand political, not military solutions. Even if the Contras or the U.S. Marines marched into Managua, it would not end the war. The Sandinistas would return to the hills and fight the war they continued against Somoza for 17 years, inflicting casualties on whoever sat in Managua.

The administration has also not taken into account the danger of escalation. If we raise the ante against Nicaragua by providing direct assistance to the Contras, it will encourage the Sandinistas to look to the Soviet Union and Cuba for further support. We will be starting down a dangerous road and we do not know where it will end. There will likely be Soviet and Cuban countermoves. If there are, what will the administration do about it? It has not addressed this question.

Support for the Contadora process offers the best prospect for protecting U.S. interests: The Sandinista government does not care if it has good relations with the United States. It is a revolutionary government. But it does fear isolation.

Because of this fear our strongest pressure on the Sandinistas—short of U.S. military intervention—is not the Contras, but the exertion of pressure by the countries of Latin America and Europe. The unilateral strategy of this administration forecloses that option: A multilateral approach could put us on the path toward a negotiated settlement which would contain the Sandinistas.

Our policy must be placed in the larger context of Latin America. Any short-term gain the United States might receive from overthrowing or intimidating Nicaragua will be offset by a wave of anti-Americanism in reaction to U.S. tactics such as the embargo or aid to the Contras. In the view of Latin America, these tactics are "big stick" Yankee interventionism. With the exceptions of El Salvador and Honduras, both very dependent on the United States for economic survival, none of the Latin American democratic leaders have supported the main tenets of U.S. Central American Policy.

This is where the Contadora process fits in. All of Latin America and the European Community strongly support the Contadora process, and the Contadora countries can exert pressure on the Sandinistas in ways which we cannot.

The Contadora process has been working on an agreement for over 2 years and substantial progress has occurred. The Contadora process is addressing the issues that most concern the Reagan administration: The export of revolution, the Sandinista military buildup, ties with Cuba and the Soviet Union, and the questions of political pluralism and internal reconciliation. All of these points are addressed in the September 1983 Contadora 21-point document of objectives.

Contadora has been meeting regularly and has a diplomatic process in place. Responsible and respected Latin American presidents who are friends of the United States are leading the negotiations. Over 100 Latin diplomats are working full time on these negotiations.

Contadora has made important progress toward a regional agreement based on the document of objectives. They have outlined 5 documents and have achieved the agreement of the Central American countries, including Nicaragua, on 3 of them. They have proposed 4 protocols and achieved agreement on 3 of them.

Important work still needs to be done on the questions of verification and implementation of security agreements, but it is the view of all the Contadora countries that a regional peace settlement is within reach if the United States puts itself unequivocally behind the Contadora process.

I do not believe that the administration has made an energetic, good faith effort in support of this political option. The Contadora process has not been fully explored. We are today confronted with the question of escalation of the military effort, but before we

pursue escalation, we should give negotiations a chance to work.

The U.S. policy of trying to change the Government of Nicaragua, or acting in such a manner as to persuade Nicaragua that we demand their overthrow, makes the United States unwilling to negotiate with Nicaragua and makes Nicaragua unwilling to negotiate with the United States. The United States cannot fund the Contras whose purpose it is to overthrow the Sandinistas and claim to support, and persuade others that it does support, a negotiated settlement with the Sandinistas. U.S. funding of the Contras thus undermines the negotiating process.

The Contadora governments are all on record that renewed funding for the Contras will damage the diplomatic process and be a major setback to Contadora efforts. The administration often claims that Latin American governments in private support U.S. military policy in Central America, but many of us have spoken with Contadora representatives and they have told us their governments stand behind their statements. We must honor those statements or the administration must charge publicly that those governments are not stating their views accurately.

Observers close to Contadora point out that the next meeting of Contadora on June 17-18 is critical. At this critical moment in the process, the Congress should not act to escalate the fighting.

U.S. policy is at a crossroads: Depending on the vote we will choose fundamentally different courses for U.S. policy with fundamentally different consequences:

A vote for direct assistance to the Contras is a vote for unilateral action and a vote against a multilateral approach;

It is a vote to make constructive change less likely, and make regional support harder to obtain;

It is a vote to confirm the Marxist-Leninist leanings of the Sandinista government, not to undermine those leanings;

It is a vote to intensify the existing polarization among the people of Nicaragua, not to reconcile them;

It is a vote for Yankee interventionism which will discredit the United States in Latin America and among millions of our own citizens and among our friends abroad;

It is a vote for a military solution to a problem that must be solved politically;

It is a vote for escalation and the unknown consequences of escalation and a vote against working with our friends and allies for a regional settlement;

It is a vote for more bloodshed and a vote against trying to reduce tensions between Nicaragua and Honduras;

It is a vote for policies seeking to destabilize the Sandinista government and a vote against trying to make negotiations effective;

It is a vote to narrow U.S. policy options and concentrate them in the military arena and a vote against keeping U.S. policy options open now for broader political and diplomatic approaches;

It is a vote to fund others to fight for our perceived interests and a vote against a great power acting responsibly to defend its interests;

A vote for direct assistance to the Contras is a vote for the use of force. Force encourages further use of force. If we choose this course, we must contemplate the implications of the other side responding in force and escalating the conflict.

This vote is important for the future of U.S. policy in the region.

A vote for the Michel amendment is a vote for a new and risky policy. The Michel amendment puts the stamp of congressional approval on the Contras and their goal of overthrowing the Nicaraguan Government. Every dollar spent under the Michel amendment will be spent on behalf of an army in the field dedicated to the overthrow of the Government of Nicaragua.

That path will not take us to peace.

□ 1730

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] has consumed 22 minutes.

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to acknowledge the very fine statement made by the chairman of the Committee on Intelligence on which I serve as the ranking member.

However, I must strongly oppose that amendment. As did the Barnes plan, the Hamilton amendment plays right into the Sandinista's hands. It urges the Nicaraguan democratic resistance to give up their fight for freedom and to leave Nicaragua.

It seeks to turn the democratic Nicaraguan resistance into refugees in exile, dependent upon handouts from the United States and our allies.

This amendment does absolutely nothing to encourage the Sandinistas to stop their internal repression. It does absolutely nothing to encourage the Sandinistas to stop their external subversion or to negotiate in good faith.

Ladies and gentlemen, let me remind you that the Hamilton amendment also reinstates the Boland amendment on a permanent basis. Congress would be the permanent protector of the Marxist-Leninist Sandinista regime while they repress the Nicaraguan people.

I urge my colleagues to vote against this amendment.

I yield to my colleague from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to the Barnes amendment.

If we want to write off democracy in Nicaragua and the region, then we should all cast our vote for this imprudent amendment. If we want to paralyze our foreign policy in the region, then vote for the Barnes approach.

I strongly oppose this amendment bacause it basically abandons the democratic opposition in Nicaragua. It clearly tells the Contras to lay down their arms and surrender. It encourages them to leave their homeland and become refugees.

As we know, the Barnes approach proposes $14 million in humanitarian assistance to the democratic forces in Nicaragua, but requires that the aid be distributed by international organizations outside that country. It also prohibits the sharing of intelligence with those democratic forces. In essence, it blinds those forces.

While we are telling the Contras to lay down their arms and become refugees, dependent on congressional handouts, the Sandinistas are pursuing their own agenda. The Barnes amendment says nothing critical about the Sandinistas, and the reality of life in totalitarian Communist Nicaragua today. The Barnes amendment lets the Sandinistas get off scot-free. It hurts, however, the forces of democracy in the region.

We debated in April about aid to the Contras. I heard comments which praised the good work of the Sandinistas and how much that government had done. After the final vote which denied any form of assistance to the Contras, crafty Commandante Ortega jetted off to Moscow, Eastern Europe, and Havana and won promises of $200 million in assistance for his Marxist revolution. That trip appeared to awaken a number of gentlemen on the other side of the aisle. They suddenly realized that the comandantes really do have a connection with Moscow.

What is being done in Managua about the failed promises of the original Nicaraguan revolution? How about their promises to the Organization of American States? What about the massive military buildup in Nicaragua? Let's look at the facts.

The Sandinistas have worked quietly and steadily toward their objectives of concentrating power in the state security apparatus and building the strongest armed forces in Central America. They have become the center for exporting subversion to Nicaragua's small neighbors.

The Sandinistas have developed the best equipped military in the region. In less than 6 years, the Sandinistas have developed a military establishment with firepower and mobility unmatched in the region. This expansion has been made possible with massive

assistance from Cuba and the Soviet Union. The total value of Soviet war materiel shipped to Nicaragua was nearly $500 million by early 1985. They have an active military strength of some 65,000 and a fully mobilized strength, including militia and reserves, of nearly 120,000.

These forces are equipped with modern Sovet tanks, armored vehicles, state of the art helicopters, patrol boats, and a new air defense system. In addition, there are about 7,000 Cuban advisers and several hundred other Communists and radical personnel in that country assisting the regime in its military buildup. In recent weeks, the Sandinista military has moved aggressively against Costa Rica. Regardless of what we say or do, they continue on their course.

If the democratic forces abandon their struggle and flee to surrounding countries, the cause of democracy in Central America will be lost. The Sandinistas will consolidate their revolution. They will more aggressively export their revolution to their fragile neighbors. El Salvador, Honduras, and Costa Rica will fall along with other states in the region. As communism spreads, millions will flee from their homelands. They will go north seeking the democracy and stability of the United States. America, already inundated with illegal aliens, will be hit by another wave of humanity fleeing from the failures of Marxist-Leninist repression and failed economic systems.

Let's be realistic in our approach to this issue. Do we want another Cuba in this hemisphere? Do we want a full-blown Soviet satellite in our backyard which may be willing to offer the Soviets naval facilities, or a good location for an intercept station to monitor U.S. communications? Do we want an armed camp that has admitted its plans to export their revolution and subvert the region? Let's be realistic.

We must make the right choice while we still have time. The Barnes approach is a nonstarter. It is unrealistic and writes off the democratic forces and the future of freedom in this region. None of us want to condemn future generations of Central Americans to the closed police states that communism brings to freedom-loving people.

My choice is the Michel approach. It is realistic and looks out for America's interests as well as the interest of freedom in this hemisphere.

Mr. STUMP. Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I rise in support of the Hamilton amendment.

We are here today to debate a question that has been haunting this institution and this country for too long: Whether or not to give aid to the Nicaraguan Contras. It is a question that has been debated and voted on before, and one which has aroused the passions and fears of every thinking American. But today's vote is the most critical yet. To understand why, let us look at the Reagan administration's Nicaragua policy.

Simply put, the Reagan administration's policy is to bring about the overthrow of the Sandinista government. It is trying to do that through intimidation, militarization, and support for the Nicaraguan Contras. It has given some $100 million to the Contras, who are armed insurgents who seek to overthrow the Nicaraguan Government, and who the President has referred to as "freedom fighters" and the "moral equivalent of our Founding Fathers." To help overthrow the Government, some 2,000 copies of a manual, "Psychological Operations in Guerrilla Warfare," was prepared and distributed by the CIA to the Contras. Among other things the manual instructs on the "selective use of violence," and explains how "to neutralize carefully selected planned targets."

The administration has allowed U.S. personnel to mine the harbors and territorial waters off Nicaragua, and has placed this country above the law by withdrawing it from the jurisdiction of the International Court of Justice with respect to disputes with Central American nations. The administration has orchestrated extensive military maneuvers in Central America and allowed illegal overflights of Nicaraguan territory. It has imposed a trade embargo against Nicaragua.

Yet Reagan administration policy has not brought it closer to its objective. The administration's policy does not have the support of Central American or Latin American countries. It has done nothing to staunch the growth of Soviet/Cuban influence in the region. And now even the administration itself has given up any pretense it might have had about sending in U.S. troops. As reported in the New York Times on June 3, 1985, the President, in a classified report to Congress, said the use of American military force in Nicaragua "must realistically be recognized as an eventual option in the region, if other policy alternatives fail."

This policy is fundamentally misguided. One of the greatest tragedies of President Reagan's policy is that in the name of a rigid anticommunism, he has perhaps become Fidel Castro's and the Soviet Union's best ally in Latin America. In trying to forcefully wrench the Nicaraguan Government from the grips of Marxist-Leninist ideology, he appears to be driving them right into the arms of those who espouse that very ideology. This is a tragedy, for no democratic country or citizen of the Western Hemisphere has benefited from this misguided effort.

A mechanism exists, however, for a peaceful solution of the conflicts, but it is one that has been undermined by the Reagan administration. It is the Contadora process. The Contadora nations—Colombia, Mexico, Panama, and Venezuela—have long been seeking a basis for peaceful settlement of the fighting in Nicaragua and elsewhere in Central America. We must give Contadora a chance.

Mr. Chairman, the United States has legitimate interests in Central America and in the outcome of the conflict in Nicaragua. But we must recognize how the Reagan policy exacerbates the tensions there. The United States is driving the Sandinista government to further and further dependence on the Soviet Union. We have to understand that. The embargo, like the U.S. embargo of Cuba imposed in 1959, will only reinforce Nicaragua's ties with the Soviet Union, just as other aspects of this administration's policy are doing.

Mr. Chairman, this policy is a failed policy. It is not supported by the American people. It is not supported by our allies. It is time, once and for all, to implement a policy that is responsible, and that has the potential to be constructive and effective.

We have before us a proposal that would do just that—the Hamilton amendment. There are five major parts to this amendment. First, there is a statement of U.S. policy objectives in Central America and the strategies by which those objectives should be pursued. With respect specifically to Nicaragua, the proposal states that U.S. policy should include pursuit of a regional settlement through all diplomatic avenues, a commitment to prevent the Soviet Union and its allies from deploying an offensive military capability in Central America that directly threatens the United States, a commitment to protect Central American nations from attack, and a response to positive steps by Nicaragua with positive steps of our own.

Second, the Hamilton amendment continues indefinitely the so-called Boland amendment that prohibits any U.S. funding for military or paramilitary operations in Nicaragua, a ban Congress has supported numerous times in the past.

Third, the amendment authorizes $14 million in fiscal year 1985 for humanitarian assistance for Nicaraguan refugees outside of Nicaragua, to be distributed by either the International Committee of the Red Cross or the United Nations High Commissioner for Refugees upon the determination of such organization that the assistance is necessary for humanitarian

purposes. The assistance, to the maximum extent feasible, must be provided in kind, not in cash, and may not be used for the provisioning of combat forces.

The amendment authorizes the use of economic support funds for payments to the Contadora nations for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora peace process objectives.

Fourth, the proposal requires that at least once every 3 months the President report to Congress regarding efforts to establish a political dialog in Nicaragua, the status of the Contadora peace process and U.S. efforts to negotiate with Nicaragua, use of funds authorized for refugee assistance and implementation of the Contadora peace process, and Presidential recommendations for future U.S. actions with regard to Nicaragua.

Last, there is a provision to authorize expedited procedures for consideration by Congress of any Presidential request for additional action with respect to Nicaragua after October 1, 1985.

Mr. Chairman, the Hamilton amendment is a good amendment. It is responsible and constructive, and offers the best hope for reaching a peaceful solution to the conflict in Nicaragua.

This is a crucially important vote. Never before has Congress given its blessing to the strategy of overthrowing by force the Nicaraguan Government. We must turn our back on any and every effort to do that. I urge my colleagues to take this responsible, peaceful route.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, a few years ago one of the most controversial issues in American foreign policy was impending negotiations on the Panama Canal Treaty. Many, including then private citizen Ronald Reagan, opposed those negotiations with what they saw as a leftist if not pro-Communist regime. Critics contended that the talks carried out under Presidents Ford and Carter would weaken U.S. influence in the area while creating an opening for the Cubans and Soviets, and would jeopardize our access to the vital Panama Canal itself.

On the other side of the debate was strong and unified public governmental support throughout Latin America and elsewhere for a negotiated turnover of the Canal Zone to Panama.

In 1979 the Panama Canal Treaty went into effect, guaranteeing the permanent neutrality of the canal and providing for joint United States-Panamanian operation of the canal until the year 2000 when Panama will assume control.

In the 5 years since then, the treaty has proven to be a great success even with some of its former critics. For example, in a September 1983 report, President Reagan's State Department concluded:

> The Panama Canal Treaties were controversial in Panama, as they were in the U.S., but their approval and their implementation had an important favorable impact on bilateral relations. The long-simmering hostility toward the U.S. presence in Panama has subsided markedly . . . U.S. military forces of the U.S. Southern Command continue to operate as provided for in the treaties from bases in Panama, and there has been a marked improvement in the relationship between the U.S. and Panamanian forces defending the canal.

It has also been widely acknowledged that the aftermath of the treaty created a feeling of good will toward the United States throughout the Western Hemisphere and in Western Europe.

The purpose of this historical sketch is not to point to a change in attitude by the President or others, for I hope all of us would be openminded enough to examine new evidence and benefit from new perspectives in evaluating our policy choices. Nor do I claim that Nicaragua is like Panama or the Torrijos government akin to the Sandinistas.

No. My point is that here we have a recent case where the United States took a broader and longer term view of its national interests, where we participated in a negotiation process and the imperfect system of international law, believing that while we may not achieve 100 percent of our objectives we could protect our most important interests; and where we placed ourselves on the same side with our Latin American allies on a potentially divisive issue. It is a case where our narrowly defined interest of assured access to the canal was protected, while our wider ranging interests of enhanced prestige and relations with our allies in Latin America and elsewhere were also advanced. It is a case where we showed very clearly and effectively that unlike the Communists we do not believe that power flows only from the barrel of a gun.

As we prepare to revisit the question of U.S. policy in Nicaragua for yet another time, I believe these lessons have become lost. I continue to oppose U.S. military involvement in Nicaragua. Not because I question our Nation's legitimate national interest in limiting hostile Soviet and Cuban influences in this hemisphere. Not because I challenge proven facts as to the oppressive nature of the Sandinista government. I certainly concur with our stated policy ends in Central America: peace, democracy, stability, economic growth. I simply do not believe that the means we are now pursuing will achieve those ends in Nicaragua, and I fear that those means will damage even more important U.S. interests in Latin America and worldwide.

In short, I believe that our current attempt to win the battle in Nicaragua runs the risk of our losing the wider war for power and influence in the Americas. Our mining of harbors, our abandonment of the international legal system we helped to create, our economic embargo, and our preoccupation with a tiny country of 3 million people and a gross domestic product of under $3 billion have served to isolate us from our key friends in Latin America and Western Europe.

We have to distinguish between what is vital and what is merely desirable, between what we would like to see and what we are unilaterally capable of bringing about.

Take the question of democracy. I would hope that all of us could agree that everyone in this chamber is a democrat with a small d. We are all practitioners of it and I firmly believe that in our different ways we are all advocates of it. As a small d democrat I have a strong preference for democracy. I believe that it offers the best system of government for advancing the well-being of its citizens and enhancing the peace of this ever-shrinking planet.

Yet democracy is a very fragile flower, exceedingly difficult to export. If local conditions are not ripe, it will not thrive despite all of the hopes and best wishes of its exporters. Democracy never took root in South Vietnam in spite of millions of dollars of U.S. aid and U.S. armaments. Democracy did not begin to take root in El Salvador until the recent reemergence of Jose Napolean Duarte and other committed Salvadoran democrats as the leading Salvadoran political force.

We can and should try to help promote the conditions necessary for democracy in Nicaragua and elsewhere in the region but we should be under no illusions that support for the Contras, most of whose political leaders are better known and more highly thought of in the United States than in Nicaragua, will advance the cause of democracy in Nicaragua. A strategy of destroying the Nicaraguan economy, and polarizing the Nicaraguan population would seem to point in the opposite direction.

Between calling for the Sandinistas to "cry uncle" and actually forcing them to do so lies a wide gulf that can only be bridged by an ever-expanding U.S. commitment to the Contras and, as a last resort, direct U.S. military intervention. These facts would be clearer if the administration would declassify the material it has transmitted to the Intelligence Committees about this no-longer secret covert operation. Even so, it is possible to arrive at the same conclusion by answering a

series of questions, answers which are publicly known:

Are we willing to live with the Sandinista government as it is presently constituted? Answer: Clearly not, as indicated by Presidential statements and U.S. military and economic policies. The latest commitment to "not seek the overthrow of the Sandinista government" must be viewed in the context of similar pledges made at the outset of the covert operation and of our policies as opposed to our rhetoric.

What methods shall we employ in changing either the government or its policies? Answer: chiefly military pressure from the Contras backed up by a strong U.S. military presence Honduras. Once again, a rhetorical commitment to a negotiated settlement is not backed up by our actual policies. The central question before us today, the Contra war in Nicaragua runs directly against the recommendations of the Contadora group, for example.

Are current U.S. policies producing the desired results? Answer: Clearly not or we wouldn't be having this debate today.

And finally, what is the next step? Answer: If military pressure is the primary leverage we have over the Sandinistas and if this pressure is currently insufficient then the only alternative is to increase that pressure. And the only way to increase the military pressure is to expand the size and capabilities of the Contra forces and/or to augment the Contras with allied forces. Of course, the list of those countries backing the Contras and who have the capability of intervening on their behalf is a very short one.

So where do we go from here? The central question posed by our present policy is whether we can "stand tall" and achieve our objective without a direct U.S. combat role in Nicaragua. It seems to me that our policy of unilateral confrontation can only lead to that final result. And I would remind you that we "stood tall" in Lebanon only until American casualties started mounting.

There is an alternative and that alternative is to take a more comprehensive and longer range view of American interests in the Western Hemisphere. The alternative is to achieve a negotiated end to the fighting in Nicaragua and to the threat posed by Nicaragua toward its neighbors. That possibility was tantalizingly close last year with the draft treaty proferred by the Contadora Group, a treaty which the Nicaraguans pledged to sign. We and our Central American allies raised objections to the draft—some legitimate and necessary having to do with verification—others peripheral and questionable such as preserving our military maneuvers in Honduras. If we were to put the same effort into achieving a Contadora Peace Treaty as we have into prosecuting the Contra war I believe that we can achieve the same results as in the Panama Canal Treaty:

Reducing hostilities in the Americas;

Building respect for peaceful and lawful settlement of disputes;

Increasing U.S. prestige and influence among the nations of Latin America; and

Allowing us to turn our attention to far more important questions such as the economic and political health of the new democracies in the Western Hemisphere like Argentina, Brazil, Uruguay, Peru, and El Salvador.

I honestly do not believe that any of this can happen as long as we insist upon maintaining the "Contra option."

□ 1740

Mr. STUMP. Mr. Chairman, I yield 6 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Chairman, last April, when we went through this process, we came up with the wrong conclusion, and the House failed to provide much-needed real or symbolic support for the democratic resistance in Nicaragua.

This time I am hopeful that our error will be corrected and that the Michel-McDade-McCurdy amendment will prevail and that the meaningless and destructive Hamilton amendment will be defeated.

There is ample reason for us to support the Michel amendment for humanitarian aid for the freedom fighters. They are the only political force in Nicaragua pledged to restore the freedoms promised when Somoza was overthrown. Just today, on the press wires, is a reiteration of their pledge to bring back a pluralistic government, to provide total amnesty and pardon for political prisoners, to strengthen the judicial process and eliminate the existing tribunals, to eliminate capital punishment, to demilitarize Nicaraguan society, and to bring the country toward democratic ideals.

But, Mr. Chairman, on the other hand, despite the contentions of the gentleman from Georgia about unilateral confrontation by the United States, there is absolutely no shortage of evidence—in fact, the evidence is overwhelming—that the Communist government in Nicaragua is oppressive beyond belief. There is censorship of the press; repression of the church; burning of villages and mass relocation of people; concentration camps and prisons; torture and executions; armed military and terrorist incursions into neighboring countries. All of these are prevalent at the hands of the Sandinista regime.

Recent history is replete with documentation, photographs, and rubble denoting their path of destruction aimed at anyone who opposes them.

Earlier, I referred to the documents seized when Salvadoran soldiers captured Nidia Diaz, a leader of the Salvadoran guerrillas, and I showed a part of the Soviet-made Katusha rockets fired on a helpless Honduran village by Nicaraguan soldiers. But these are just samples of the repression that has been going on since we voted against the aid to the Contras only a few weeks ago.

Since that time, we have developed firm evidence of additional incidents. First, of course, was Ortega's trip to Moscow. But, second, there were political killings on March 15, 1985, when five Evangelicals were tied to a pillar in their meeting house in Nicaragua and burned by the Sandinistas. Four of the five died. One, Mr. Santiliz, survived.

Third, on April 17, an American pastor, Rev. Larry Jones of Oklahoma City, was promised by the Sandinista government that he could bring to Managua gifts of clothes, food, and bibles and conduct a revival in Managua. The Sandinista government reneged on its promises once he got there and they confiscated 228,000 pounds of beans and rice, 25,000 pounds of clothing, and 5,000 copies of the New Testament. The pages of the bibles were reportedly turning up in Nicaragua to be used as toilet paper.

Fourth, in Las Vegas, Honduras, in the first week in May 1985, Sandinista soldiers began a planned attack and shelling of the Las Vegas Contra base camp, knowing full well that there were men, women, and children in the camp and hundreds of Honduran citizens in the area. Five Honduran citizens were killed. And on May 31, 1985, in Costa Rica, which has no armed services, a Costa Rican civil guard patrol of 20 people was ambushed by an undetermined number of Sandinista soldiers inside Costa Rica. A second Costa Rican patrol was dispatched to assist, and both Costa Rican patrols came under fire. After the incident was over, two Costa Rican civil guards were killed, 11 others wounded. One had his legs blown off.

All that being said, Mr. Chairman, and the atrocities of the Communist Sandinista government being acknowledged, what does the Hamilton amendment do? Does it do anything to assist the cause of freedom and democracy in Nicaragua? Absolutely not. It does contain a rewrite of the Boland amendment, which was defeated in this House hours ago by a vote of 232 to 196. It does cut the amount of aid in question in the Michel amendment in half. It does create a whole class of refugees in countries apart from their homeland for those who wish to receive that aid. It does prohibit humanitarian aid from going to the freedom seekers in Nicaragua.

But it also ignores that the Sandinistas have already rejected various cease-fires and various talks. It ignores that the Sandinista rejected international observers under the Contadora process, and it ignores the ongoing Sandinista export of revolution, and it ignores the systematic Sandinista repression of human rights in Nicaragua.

Mr. Chairman, most importantly, the Hamilton amendment implies that the United States is the offending party in the face of apparent Communist aggression, and that is a concept which I cannot accept. Mr. Chairman, I urge my colleagues to vote down the Hamilton amendment.

Mr. HAMILTON. Mr. Chairman, I yield 6 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, as a student of Latin American government for about 30 years, I have listened to the debate today with more than congressional interest. As I have felt the ground trembling beneath me following the vote rejecting the Boland amendment, I asked myself: What is going on here?

The answer is that Congress abhors the vacuum caused by the failure of U.S policy in Central America.

□ 1750

Now, Congress is rushing to fill this vacuum with a policy to replace the failure of policy.

I first visited Nicaragua in 1971, where I found a corrupt Somoza dictatorship which maintained its power with support of the United States. I observed the administration of a brutal oppression which my government supported.

Finally, after 43 years, the people of Nicaragua, a poor and impoverished country finally revolted to throw out this despot named Somoza, who oppressed and abused the people. The popular government was later taken over by a Marxist regime that made many promises of democracy, free elections, and freedom. Americans applauded the revolution.

The Sandinistas reneged on those promises. So in 1981, the current administration began what they call a policy of administering pressure. The United States first authorized the support of 500 counterrevolutionary mercenaries. Now the administration says that it needs as many as 35,000 Contras to apply more pressure.

During the 4 years of pressure our country has helped to mine harbors; we have supported air strikes against the territory of Nicaragua; about 10,000 people have been killed, including women and children. Would you like to applaud that? Nicaragua is a poor country made up of a population of which 60 percent are children. So our policy of pressure, which is really a policy of pain, inflicts suffering mostly upon children. Innocent, helpless children. This policy of pain and suffering is what Congress has supported today.

What else has this army of mercenaries done? It has terrorized the population. It has kidnaped people. It has raped, and murdered. We are supporting that terrorism. We are supporting subversion. We are corrupting a society. That is the kind of policy that we Americans are supporting today. Mr. Reagan explains that he applies this policy of pressure in the name of freedom.

Now, after 4 years what have we to show for this policy of pressure, pain, and of suffering? What have we achieved during the last 4 years? Let me mention a few things.

We have spent about $1 billion of American taxpayers' money in supporting U.S. policy in Central America. As I mentioned, about 10,000 people have been killed. We have imposed an economic embargo which has forced Nicaragua to become more dependent on the Soviet Union. We are condemned by our allies for violating international law. Today, Congress has voted to escalate the hostility in Central America; to polarize the conflict in Nicaragua between the Sandinistas and Contras, which General Gorman, who is the retired commander of the Southern Command says that the Contras cannot win.

What then? What then? After polarization? My friend, the gentleman from Pennsylvania, asked the question today, "Will we fight for freedom? Will America stand up for liberty?" We are fond of invoking the names of our Founding Fathers to respond as Members have frequently done today. The Latin Americans are similarly fond of quoting their founding fathers. Simon Bolivar many years ago asked: "Is the United States destined to plague the Americas with misery in the name of freedom?" Today, the answer is yes.

I support Barnes-Hamilton amendment because tomorrow, that is the policy that will offer hope to the people of Central America.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Hamilton amendment. The Hamilton amendment is really Barnes-Hamilton II, since it is substantially similar to the Barnes-Hamilton amendment which we defeated on final passage in April by a vote of 123 yeas to 303 nays. The House defeated Barnes-Hamilton 6 weeks ago and it should do so again, now, for the same reasons.

The Hamilton amendment before the House is designed to decimate the Nicaraguan democratic resistance. The amendment appropriates $14 million for refugee assistance to Nicaraguans only if they are outside Nicaragua. The amendment thus seeks to turn a cohesive, effective Nicaraguan resistance into refugee exiles dependent on handouts.

The Hamilton amendment encourages a massive refugee exodus into Honduras and Costa Rica, but only appropriates a measly $14 million to assist the refugees it would create. The Hamilton amendment would be U.S. foreign policy at its worst—here we go again, punishing our friends and rewarding our enemies. Under the Hamilton amendment, our resistance friends are abandoned; and our Honduran and Costa Rican friends get a huge refugee problem; but the Communist Sandinistas get a free helping hand from the American Congress in eliminating their internal democratic opposition.

The Sandinistas have tried on their own to eliminate the Nicaraguan democratic opposition, but the more the Sandinistas engage in internal repression—against the workers, the church, the political opposition—the more the opposition grows. The Sandinistas have failed to bring the opposition to its knees. But, alas, their solution is on the horizon: The American Congress may pass legislation to turn the resistance into refugees in foreign lands, freeing the Sandinistas to consolidate power in Nicaragua, unopposed. The Hamilton amendment should really be called the "Sandinista victory amendment."

The Hamilton amendment does absolutely nothing to encourage the Sandinistas to stop their internal repression, stop their external subversion, and to start to negotiate in good faith. If the U.S. Congress passes a law to encourage the Nicaraguan resistance to quit and flee Nicaragua, the Sandinistas would have no earthly reason to sit down with their neighbors and work out a just peace. If the United States hands the Sandinistas the victory which has eluded them, they certainly aren't likely to hand part of it back voluntarily in negotiations with their neighbors. Adoption of the Hamilton amendment is goodbye for any chance at freedom and democracy in Nicaragua.

So, the Hamilton amendment abandons our friends in the Nicaraguan Democratic Resistance and because it reenacts the Boland amendment which we just defeated it abandons our allies in the region to potential Sandinista aggression, and even abandons American diplomats and citizens to potential Sandinista violence.

The Barnes-Hamilton amendment is historically unsound foreign policy and should be defeated.

□ 1800

Mr. HAMILTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. I thank the gentleman for yielding. Mr. Chairman, I would like to add my strong support for the Hamilton amendment. With passage of the Michel amendment to provide support to the Nicaraguan Contras, we have moved dramatically closer to the inevitability of direct military involvement, and we have taken a giant step away from the overwhelming consensus of the American people that the United States should stop its support of the Contra forces.

Our responsibility is to move our policy away from support for entrenched violence and toward a path of peace and freedom for the people of Nicaragua. Aid to the Contras, a military group committed to the overthrow of the Nicaraguan Government, can be characterized many ways, but it can never be characterized as a move toward peace. The Hamilton amendment has as its primary goal the establishment and support of a policy to bring an end to the violence that plagues Nicaragua and threatens the peace of Nicaragua's neighbors.

We all know that freedom cannot flourish in an environment of violence and strife. The other nations of Central America have told us so, our allies have told us so, and the American people have told us so. What should be the objectives of the United States are clearly stated and supported by the Hamilton amendment: We must promote stability and economic development which are crucial for democracy to succeed; we must prevent the Soviet Union or its allies from destabilizing the region or promoting a military presence that threatens our national security; moreover, we must make an unequivocal commitment to the indigenous peace process emerging under the leadership of the Contadora nations.

By working with the Contadora nations, the United States can play a dramatic and constructive role in the formation of a peace plan for Central America. Although we have given verbal support to that process, our actions have so far belied our words. This amendment puts force behind our resolve by committing the United States to provide funds for the implementation of a Contadora plan.

Mr. Chairman, we have learned recently from White House documents that direct U.S. military intervention in Nicaragua is considered an option "if other policy alternatives fail." But what other policy alternatives has the administration considered or tried? They have rejected out-of-hand each proposal the Contadora group has offered. They have escalated the level of involvement of U.S. advisers and aid committed to the violent overthrow of the Sandinistas. President Reagan has specifically stated that our object is to make the Sandinistas "say Uncle."

I urge my colleagues and the President to consider policy options that include our allies, that include Nicaraguas neighbors, and that include a serious effort at strong, not "strong-arm," diplomacy. We have a chance with this amendment to take a stand for peace in Nicaragua. But this may be our last chance not just to stop what we know is wrong, but actively to promote what is right. Let us help the Nicaraguan people with their struggle for independence, and let us help the Nicaraguan people in their desire for self-determination. The Contadora nations deserve our active support of their effort to do this. We should not fail them.

I urge all my colleagues to take this positive step and support the Hamilton amendment.

Mr. HAMILTON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I urge my colleagues to vote for passage of the Hamilton amendment. I hope Members who care about preserving the tradition of humanitarian aid our country has given to people in true need, will cast their vote in favor of the Hamilton amendment. Our humanitarian relief has never before been made directly available by Congress to aid a combat force. To do so is plain and simply nothing other than military aid.

I am very concerned that this distinction between military aid and economic or development aid is eroding. I have always supported humanitarian aid and other nonmilitary assistance administered by the Agency for International Development. Our aid is only as good as the perception it has earned, and I fear that if this so-called humanitarian aid goes forward as it is presented in the Michel amendment, this administration will have done much to harm and to interrupt a long American tradition of humanitarian aid. The American people have been generous in their willingness to aid victims of natural disasters and of war, and we have been careful to aid those who are the victims, not the perpetrators. It would be irresponsible for us to ignore that tradition.

The Hamilton amendment helps to preserve that integrity by authorizing the distribution of this assistance by the Red Cross or the U.N. High Commissioner for Refugees.

We should not be in the business of outright aiding rebel forces attempting to overthrow a sovereign government with whom we have diplomatic relations however strained they may be. Humanitarian aid and combat forces are mutually contradictory. Please vote to pass the Hamilton amendment.

Mr. STUMP. Mr. chairman, I yield 2 minutes to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. I thank the gentleman for yielding this time to me.

Mr. Chairman, I oppose the Hamilton amendment and rise in support of the bipartisan Michel-McDade-McCurdy amendment to provide humanitarian assistance to the freedom fighters in Nicaragua.

We are faced with a critical choice: Will the United States support those struggling for freedom and peace in Nicaragua, or will we abandon our friends and allow a Soviet client state to spread terror and threaten democracy in all of Central America?

Mr. Chairman, the Michel-McDade-McCurdy amendment is a step in the direction of freedom and peace.

Since mid-1984, while we have been debating a mere $14 million in aid to the freedom fighters, the Sandinistas' active-duty force has grown nearly 30 percent. The tank and armored personnel carrier inventory increased to more than 340. By early 1985, the total value of Soviet-bloc deliveries of tanks, helicopters and other war materiel shipped to Nicaragua was approaching $500 million. Their arsenal now includes more than 110 T-55 Soviet-built tanks which can outgun any tank previously seen in Central America. They've received the Soviets' principal attack helicopter, the M1-24/Hind D, which holds the helicopter speed record and can be armed with multiple-barrel machineguns, guided missiles, rocket pods and bombs.

The Sandinistas represent a serious regional threat. A 1983 Gallup International Poll showed that Nicaragua's growing military strength was of deep concern to the people throughout the Central American region. In Honduras, about 80 percent of those responding to the poll saw Nicaragua as the principal cause of instability and as the primary military threat to their country.

Concern and discontent are not only increasing among Nicaragua's neighbors, but among the Nicaraguan people. Today, there are more Contras fighting to restore democratic freedoms than there ever were Sandinistas during the revolution. And the Contras are not simply Somocista national guardsmen who fought the revolution. Less than 2 percent of the total Contra forces ever served in the Nicaraguan National Guard. To the contrary, some 42 percent of regional Contra commanders are ex-Sandinistas discontent with the betrayal of the promises of democracy and freedom for Nicaragua.

The Sandinistas came to power behind the barrel of a gun. They do

not represent a legitimate government. Their objectives are far from the democratic, nonaligned regime with a mixed economy that they promised in 1979. Instead they have moved to ensure complete consolidation of Sandinista control within Nicaragua; political and economic tranformation of the society along Marxist lines with redistribution of income and confiscation of property; the development of closer ties with the Communist bloc; and extensive support for so-called fraternal revolution in neighboring Central American countries.

Approving aid to the Contras is the most important step Congress can take to demonstrate American credibility in Central America and continue the positive momentum toward peace and democracy in the region. Although I believe the Michel amendment attaches far too many strings to the aid, it is the only positive option allowed by the rule.

The Hamilton approach continues the failed dead hand appeasement toward the Sandinistas on the road to disaster for America. It would not even allow our own Government—an administration reelected by historic proportions just 7 months ago—to administer the funds, but would instead funnel the money through the Red Cross or the U.N. High Commissioner on Refugees. Neither agency is an elective body.

Our choice is clear: Support the cause of freedom in Central America by adopting an unamended Michel amendment, or pull the rug out from under our friends and turn our heads to Communist aggression so close to our borders. Let's not give Commandante Ortega another reason to make a victory pilgrimage to Moscow.

I urge adoption of the Michel amendment by defeating the Hamilton amendment.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, for the purposes of clarifying congressional intent and establishing more thorough legislative history, I would like to engage the gentleman from Indiana in a colloquy. Like you, I have questioned the present course of our foreign policies toward Nicaragua and I remain concerned over the possibility of direct U.S. military intervention against Nicaragua. For that reason, I want to be absolutely certain over the exact intent of the gentleman's amendment.

My greatest worry rests in the possibility that this amendment may be interpreted by the President as extending him certain authority he presently does not have with respect to the use, commitment or deployment of U.S. military forces in Central America. Is that your intent, as the author of this language?

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Indiana.

Mr. HAMILTON. I thank the gentleman for yielding.

Mr. Chairman, our intent is certainly not to give the President any such authority, or any authority that he presently does not have.

And further, our intent is certainly not to authorize the use, commitment, or deployment of U.S. military forces in Central America for the purposes of combat. Any such commitment of troops would require appropriate congressional action, consistent with existing law and the Constitution.

Mr. BEDELL. I am specifically concerned over the ramifications of paragraph 2 in that section of the amendment dealing with U.S. policy toward Nicaragua. By stating our commitment to prevent certain actions in Central America, are we not allowing the President to implement or commit us to preventative military actions that would not be subject to congressional authority or approval such as the mining of Nicaraguan ports and harbors?

Mr. HAMILTON. If the gentleman will yield further, may I assure my colleague that this language does not authorize any military incursion, invasion, commitment of troops, the imposition of a naval quarantine or blockade, preemptive air strikes against Nicaragua, or the mining of its ports and harbors. Such actions would have to be taken in accordance with existing law and the Constitution.

Mr. BEDELL. I also retain reservations over the interpretations of paragraph 3 in that same section of the amendment. Does the language in this section in any way imply or in any way intend that the United States could take unilateral military actions against Nicaragua?

Mr. HAMILTON. If the gentleman will yield further, the intent of paragraph 3 is not to authorize any unilateral military action or actions by the United States that have not been approved by Congress, but rather to ensure that the United States would act in conformance with the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance to protect the security and territorial integrity of any nation that may be attacked by Nicaragua.

Mr. BEDELL. I thank the gentleman, and I certainly strongly support his amendment.

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. SWEENEY].

Mr. SWEENEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, much of the current debate and confusion here in Congress and among the American public clearly rotates around one most basic question, and that is: Who are the Sandinistas and what are their motives?

The Sandinistas have portrayed themselves as romantic revolutionaries seeking a return of political power to the masses. They are joined by many Members of this Congress who seem to believe instinctively in the Sandinistas' empty promises of agrarian reform, redistribution of material wealth and campaigns to eradicate illiteracy.

We have heard those promises before. We have heard them before at a time 30 years ago when Fidel Castro began to consolidate his power in then revolutionary Cuba. Indeed, Mr. Chairman, history does repeat itself, and the echo from the 1950's Cuba should tell us something. It should tell us that Sandinista revolutionaries of today are not too dissimilar to the Cuban revolutionaries of three decades ago, and that the Ortega government of the 1980's is very similar to the Castro government of the 1950's.

The Sandinistas, like Castro, while promising land reform, will give their country state control of land more tightly held and abused than ever before.

The Sandinistas, like Castro, while promising redistribution of material wealth, will give their country the most tyrannical form of central planning of an economy that will be more shattered than ever before.

And the Sandinistas, like Castro, while promising an aggressive campaign against illiteracy, will only give their country the most nauseating and massive form of reeducation and indoctrination to militaristic Marxist values.

There are several elements that have always been central to the establishment of a Soviet client state. In 1955, these element were set forth by Castro in a document entitled "Manifesto No. 1 to the People of Cuba." Most recently, those elements were set forth by the Sandinistas in a similar document entitled "The Historic Program of the FSLN." I wish to include those two documents in the RECORD at this time.

The two documents follow:

MANIFESTO NO. 1 TO THE PEOPLE OF CUBA
(AUGUST 8, 1955)

I live for my fatherland and for its true freedom, although I know that my life may not last long enough to enjoy the fruit of my labors and that this service must be given with the certainty and thought of receiving no reward for it.—José Martí.

My duties to the fatherland and to my convictions stand above all personal concerns; that is why I shall be free or shall

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Footnotes at end of article.

perish for the redemption of my people.—Antonio Maceo.

(Manifesto issued on August 8, 1955, from Mexico. "Manifiesto No. I del 26 de Julio al pueblo de Cuba," *Pensamiento Crítico* (Havana), no. 21 (1968), pp. 207-220.)

Under this battle cry, which recalls past national rebellion, the Cuban revolutionary movement is today organized and prepared for its great task of redemption and justice.

By the express agreement of its leaders, I have been entrusted with the drafting of this first manifesto to the country and those which in the future will be published clandestinely.

In carrying out this mission which duty imposes on me, I do not hesitate to assume the responsibility involved in signing these proclamations that will be a constant reminder to the people, an open call for revolution, and a frontal attack against the clique of criminals who trample the honor of the nation and rule its destiny counter to its history and the sovereign will of the people. And although at the present time I am absent from the soil of our nation and therefore outside the jurisdiction of the courts that issue the sentences ordered by the master, I did not hesitate to unmask the executioner when that court was judging me there, or from prison to accuse by name the dictator and his bloodthirsty generals of the Moncada Barracks' crimes in a manifesto dated January 6, 1954, or to reject amnesty with conditions attached, or again, when freed, to show the people evidence of the cruel and inhuman character of the Batista regime. What a cruel and inhuman apparatus Batista's regime has! I do not care what accusations they may make against me in the special courts! Cuba is my fatherland, and I shall never return to it or I shall return with the dignity I have pledged myself to. The bridges have been burned: Either we conquer the fatherland at any price so that we can live with dignity and honor, or we shall remain without one.

The fatherland means something more than oppression, something more than a piece of land without freedom and without life.[1]

It is hardly necessary to justify the use of this means to set forth our ideas. The closing down of the newspaper *La Calle*, whose courageous stand won it the sympathy of the people, increasing its circulation to more than 20,000 copies in only a few weeks, made clear the more or less concealed muzzle which the dictatorship has maintained over the legal press in Cuba for more than three years.

The censorship and the Law on Public Order, by which the regime sought to conceal from the people the barbarous Moncada massacre, are a threat to the mass media. The closing down of the civic-spirited newspaper of Luis Orlando[2] was yet another warning to the press that their opinions cannot exceed certain limits, in reality so as not to threaten those in power. The same warnings were given on other * * * sions with the torture of Mario Kuchilán and Armando * * * the assault on the "University of the Air"[3] and the newspaper * * * the castor oil torture of the CMKC announcers, the attacks on numerous photographers, the sentencing of Luis Conte Agüero and * * * Gutiérrez, the confinement of Pardo Llada, Guido García Inclán, * * * Lesnick, Rivadulla, García Siferdo, and other arbitrary actions * * * make the list of attacks on the free expression of thought since * * * 10 interminable.

The governmental "inquisiton" was especially cruel with * * * this writer. After our article in *Bohemia* answering the * * * provocation of a miserable henchman who went out for blood ended up bleeding, our appearance on any radio or television program was drastically and categorically prohibited.

On two consecutive occasions the Partido del Pueblo Cubans broadcasts were prevented. The broadcasts could continue only on condition that I would not be heard by the people. In an urgent program dated June 13, 1955, the network was informed that proceedings had been initiated to deprive me of this right. This was an unprecedented case: It was not a radio station or a program that censured, but a citizen. That great hustler of governmental * * * Ramón Vasconcelos, who bought a newspaper when he was a * * * under Carlos Prío and who launched the most terrible attacks * * * him when Prío took off with everything, was not closed down * * * he was not even a Batista supporter just prior to March 10, because * * * was trying to obtain a senatorial post through the Ortodoxo Party, has found his own method of concealing the turth.[4]

Every instrument of power was used successfully to impose * * * on me everywhere, which demonstrates to what extent any new * * * protest is doomed today in Cuba because of the shameful coalition oppression, vested interests, and general hypocrisy.

Thus, Santigo Rey, another cynic who was a Prió follower * * * March 10, 1952, a Batista follower until October 10, 1944[5] * * * Machado follower until August 12, 1933,[6] ordered the closing of * * * newspaper *La Calle* the day our article entitled "One Can No Longer Live Here" appeared. We answered one of the stupid accusations of Colonel Carratalá and challenged him to go to the courts and * * * the names of the police chiefs who have gotten rich from the * * * of illegal gambling. We were left without a platform from which to express our views.

The same happened with every public gathering at which it was known we would be present, beginning with the meeting to welcome the political prisoners on the university steps. They went to the extreme of prohibiting the showing of a film of our visit to the National News Agency with Guido Garcia Inclán, for they were irritated by the demonstrations of sympathy expressed by the public. We were left without the right to speak or write or hold public gatherings or to exercise civic rights of any kind—as if we were not Cubans, as if we had no rights in our fatherland, as if we had been born pariahs and slaves in the glorious land of our immortal liberators. Can this be called constitutionality, equality before the law, guarantees for peaceful struggle?[7]

In Cuba one only has the right to write what pleases the six libelous papers the dictatorship maintains with the money stolen from teachers and public employees. In Cuba only the unconditional supporters of the regime or those who play the game of a docile and inoffensive opposition have the right to meet freely. In Cuba only those who get down on their knees have the right to live.

The bad faith of the regime, the mean spirit in which the amnesty the people demanded was granted, has been obvious from the very first moments. Three days after we had been freed the first false accusation of subversive activity was hurled at us, when our families had not even had time to welcome us and express their joy in the naive belief that a different stage of calm and respect for the citizen was beginning, and that their children would not find themselves again involved in the maelstrom of revolutionary struggle, agony, and martyrdom which has already lasted three and a half years. In this struggle the greatest pain is not that of the fighter who struggles resolutely, without worrying about the risk, but that of the mothers who, as Marti said, weep with inconsolable sorrow "out of love and not reason."

We had changed prisons. The spectacle of hunger and injustice was everywhere. And the harsh struggle that idealism required, dignity demanded, and duty ordered, began again, to end only when no oppressors remain in Cuba or when the last revolutionary falls on this sad and martyred land.

Those who doubt the determination with which we shall carry forward our promise, those who believe that we are reduced to impotence because we have no private fortune to put at the disposal of our cause nor millions stolen from the people, should remember the twenty-sixth of July. They should remember that a handful of men who had been ignored, without economic resources of any kind, and without any weapons except their dignity and their ideals, stood up to the second largest military installation in Cuba, and did what others with vast resources have not yet done. They should remember that there is a people with faith in its honored defenders, ready to gather the necessary funds penny by penny so that those who will achieve freedom with honest blood and honest money will not be without weapons again. Finally, let them remember that for each one of the young men who fell at Santiago de Cuba there are thousands more awaiting the signal to go into battle, that the revolutionary reserves of the people now include a hundred thousand idealists. And for each of those writers who preach cowardice, vilification, defeatism, and compromise with the oppressors, advising our people to submit peacefully to the tyranny, renouncing their tradition as a rebellious and honorable, people as if nothing had happened in Cuba on March 10, there are a million voices cursing them.

The voices are those who suffer hunger in the countryside and the cities, the desperate voices of those have no work or hope of finding any, the indignant voices of our workers for whom it was a cursed hour when Batista snatched power, the voices of an entire people trampled on and deceived, who have seen children murdered in the shadows and who are not resigned to living without rights and freedom.

Stubborn fools are those who believe that a revolutionary movement can be measured by the millions available to it and not by the reason, idealism, determination, and honor of its fighters! "What matters," Martí said, "is not the number of weapons in one's hand, but the number of stars on one's forehead!"[8] To those who ask us to abandon the revolutionary struggle and accept the crumbs of legality the regime offers, we answer, Why do you not ask Batista to abandon office first?

He is the only obstacle. It was he who used violence when all legal paths were open. He protects and safeguards the henchmen who murder and kill. He, only he, is the man who has provoked this situation of uncertainty, unrest, and ruin.

Why ask a people to renounce their rights instead of asking a lucky adventurer to abandon a power that does not belong to him? To those who impudently advise participation in partial elections as a national solution, we answer: Who is concerned with those elections? The discontent is found,

not on the part of the politicians who seek posts, but in the people who seek justice. Those who believe that serious political, social, and economic problems can be solved by simply satisfying the appetites of a hundred or so miserable candidates for a few posts as mayors and representatives think very badly of Cuban citizens. What have petty politics given the country in the last 50 years? Speeches, sinecures, congas,[9] lies, compromises, deceit, betrayals, improper enrichment of a clique of rogues, empty talk, corruption, infamy. We do not view politics as the traditional politicians do. We are concerned not with personal benefit but with the benefit of the people whom we serve as missionaries of an ideal of redemption. Glory is worth more than triumph, and "there is only one glory for certain—that of a soul at peace with itself." [10] Those electoral crumbs with which Batista buys his unimportant enemies should not be offered to us. The pride with which we put them aside is worth more than all of the electoral posts put together.

To those who speak of general elections, we ask: Elections with or without Batista? The general elections of November 1 with Batista were the most scandalous and fraudulent in our republican history, a permanent stain on our democratic tradition that set us back to a stage which it seemed we had transcended. What answer have the defenders of an election presided over by Batista? What arguments do they have left after this unprecedented scandal? Did they not employ precisely the same reasons, the same words, the same lies before? Can anyone forget the mobilization of tanks along the highways and the dramatic farewells by Tabernilla [11] at the terminal station, as if the soldiers were leaving for the battlefield? After the November experience, after the March 10 coup within 80 days of elections, for the simple reason that they did not have the slightest chance of winning, can anyone make our skeptical people believe in honest elections with Batista in power? Those who want to create the illusion that the events of 1944 [12] could be repeated deliberately and criminally betray the people. They pretend to make us believe that the circumstances are the same. They forget the signs of the times. They do not distinguish between the present moment in which America has been invaded by reactionary dictatorships and 1944, when the world was shaken by a wave of popular enthusiasm and democratic optimism, a world which with the last shots in Europe conceived hopes for a happier and more humane future for its peoples. Batista then yielded to world public opinion, as the cowardly ruling cliques of Peru, Venezuela, Guatemala, and other countries of the American continent yielded.

Therefore, the only civic solution we would accept, the only honest logical, and just solution, is immediate general elections without Batista. Meanwhile, we shall continue tirelessly our revolutionary line. And we have a question for those who demand general elections as the only solution: What will you do if Batista flately refuses to allow elections? Will you cross your arms and weep like Mary Magdalene for what you lacked the courage to demand with honor? "Rights are taken, not begged; they are seized, not pleaded for." [13] The people await the answer too.

To those who affirm that the 1940 Constitution has been reestablished, we state that they are brazenly lying. A fundamental principle of our constitution categorically prohibits presidential reelection, and Batista reelected himself to that post on November 1. He did not even resign his post: He asked for a leave of absence and left a lackey in the presidential palace. If the Constitution states that anyone who has occupied that post cannot do so again until eight years have gone by, Batista's continuation in the presidency is unconstitutional.

Another precept establishes that sovereignty resides in the people and that from them all powers are derived. If this is true, and the Constitution is in effect, none of those who elected themselves in the unilateral and fraudulent November first elections has the right to occupy the posts he holds. All of them should resign immediately. Sovereignty resides in the people and not in the barracks. Batista is the main enemy of our constitution, which he ignominiously destroyed on March 10. There is no room for both in the same republic.

To those who accuse the Revolution of upsetting the economy of the country, we answer: There is no economy for the rural worker who have no land; there is no economy for the millions of Cubans who are unemployed; there is no economy for the railroad, pork, sugar, hemp, textile, and bus workers and those in the many sectors whose wages Batista has mercilessly reduced. And there will be an economy for them only through a just revolution that will redistribute the land, mobilize the vast resources of the country, and equalize social conditions, putting an end to privilege and exploitation. Is it possible to expect that miracle from the candidates running in the forthcoming partial elections?

Or are they talking perhaps of the economy of the senators who earn 5,000 pesos a month, of the millionaire generals, of the foreign trusts that exploit the public services, of the great landowners, of the tribe of parasites who thrive and get rich at the expense of the state and the people? Then we welcome the Revolution that upsets the economy of a few who so greedily profit from it! After all, man does not live by bread alone.

Another question for those who speak of the economy: Has not Batista jeopardized the credit of the country for 30 years? Has not the public debt increased to more than 800 million pesos? Is there not a deficit of more than 100 million? Are not the monetary reserves of the nation pledged to foreign banks in a desperate search for money? Were not 350 million pesos of the most recent loan wasted on the purchase of jet planes and things of that nature, without plan or program, for no other reason than personal whim? Can one play in this manner with the destiny of a nation? Did anyone authorize him to undertake those insane credit ventures, Did he consult the people in any way, Finally, how many millions have individuals very close to Batista transferred periodically to North American banks? It is for us more than anyone else to be concerned because we and future generations will have to pay the terrible consequences of that corrupt and unchecked policy. The country's economy requires an immediate and radical change of government.

To those who assert that the Revolution brings sorrow to Cuban families, we answer: Sorrow is caused by the hunger decimating families in the Cuban countryside; sorrow is caused by the corrupt politicians who steal hospital funds; sorrow is caused by the henchmen who murdered Rubén Batista, the Santiago couple Oscar Medina Salomón and María Rodríguez, the Camagüey labor leader Mario Aróstegui, the Auténtico leader Mario Fortuny, the revolutionary solider Gonzalo Miranda Oliva, the naval commander Jorge Agostini, and the seventy young prisoners in the Moncada Barracks. This is the blood of students, workers, professionals, honest military men, men and women of all parties and all social classes—honest blood, Cuban blood, the blood of fighters who could not defend themselves at the moment they were sacrificed.

Today more than ever the spokesmen of the dictatorship emphasize public discussion and legal methods as the path their opponents should follow. They did not think that way when on March 10, they perpetrated the most unjustifiable crime conceivable against the nation, and at that time all legal paths were really open for political struggle! Now that they have blocked all paths toward peace, they speak of peace. Now that everything has been arranged through force to suit them, they defend legality. Now after four years of being in power, a power to which they have no right, getting rich and profiting under the eyes of the entire nation, distributing privileges and sinecured among friends, unconditional supporters, and relatives of the whole clique, having constantly used abuse and force to maintain their privileges, now they shout that the only just and decent way of fighting them is through politics. Politics, as conceived by Martí and as we understand it, is the art of keeping the peace and greatness of the country, but not the vile art of creating a fortune at its expense.

"The fatherland is not a tool we can use or discard as we choose nor is the Republic a means of maintaining the lazy and the haughty, well fed and housed, who in the baseness of their egotism believe themselves to be the natural responsibility of the country and the inevitable masters of their inferior people."[14]

Those who chant their devout songs in favor of peace as if there could be peace without freedom, peace without law, peace without justice, have still not found the words to condemn *the one hundred crimes* which have been committed since March 10, nor the daily outrages, the raids on homes in the middle of the night, the arbitrary arrests, the false accusations, the unjust convictions. What have they said about the young man from Guantánamo, a humble employee of the newspaper *La Calle*, who was atrociously tortured and on whose strangled testicles corrosive acid was thrown by his executioners? Nothing! Absolutely nothing!

Beware, Cubans, of those who advise cowardly submission to the tyranny, whatever the source of this advice, because these people are paid a price for their hypocritical sermons by Batista.

The peace Batista wants is the peace Spain wanted. The peace we want is the peace Martí wanted.

To speak of peace under tyranny is to offend the memory of all those who died for the freedom and happiness of Cuba. Then as well there were reformists and autonomists who fought with cowardly fury the honorable attitude of our liberators and accepted as a solution the electoral crumbs offered by the masters of that era.[15]

The streets and the parks of our cities and towns bear the names and proudly display the status of Maceo, Martí, Máximo Gómez, Calixto García, Céspedes, Agramonte, Flor Crombet, Bartolomé Masó, and other illustrious heroes who had the courage to rebel.

The schools teach our glorious history, and October 10 and February 24 are celebrated with devotion.[16] These were not dates of submission or of resigned and cowardly acceptance of the existing despotism, nor were those individuals the ones who extended a begging hand to receive from Spain a post as a deputy to the royal court or in the senate of the colonial master.

All the regime's efforts will be futile. The 26th of July Movement will send its revolutionary message to all corners of Cuba. Tens of thousands of our revolutionary manifestos will circulate clandestinely throughout the country, invading factories, farms, and villages. Men and women who want to aid our cause will reproduce them by hand or machine everywhere, knowing that thereby they are doing their little bit in this heroic struggle of the nation against its oppressors. They will even penetrate the barracks, the warships, the police stations, and the military camps.

We do not fear talking to the military, we have no hatred in our hearts for honest Cubans—the military man who has been vilely used as a tool so that cliques of politicians gain power and wealth, the military man who is forced to constant and cruel guard duty to safeguard the interests of a handful of scoundrels who take no risks; the military man who is forced to die without glory for a regime hated by the people; the military man whom Batista miserably deceives. Batista has not yet found a way of justifying the unlimited enrichment of the high commanders, nor the violations of military seniority in favor of the families and friends of the generals, setting aside merit and ability, nor the presence of gangsters in the government, nor the frequent decreases in wages while every senator whom no one elected and who represents no one collects 5,000 pesos. Batista himself has increased his income to the fabulous sum of 70,000 per month, seventy times what the prime minister of England earns. We defended the military when no one defended them, and fought them when they supported the tyranny, but we shall welcome them with open arms when they join the cause of liberty. We shall tell the military the truth, as one Cuban to another, as one man to another, without fear or flattery, and the hands and the hearts of many honest soldiers will be reached by our revolutionary proclamations. The military must be freed from the tyranny too.

The 26th of July Movement is formed without hatred for anyone. It is not a political party but a revolutionary movement. Its ranks are open to all Cubans who sincerely desire to see political democracy reestablished and social justice introduced in Cuba. Its leadership is collective and secret, formed by new men of strong will who are not accomplices of the past. Its structure is functional. Young and old, men and women, workers and peasants, students and professionals, can join its fighting groups, its youth cadres, its secret workers' cells, its women's organizations, its economic sections, and its undergound distribution apparatus throughout the country, for not all can take up arms. There will never be sufficient weapons to equip each of those who wishes to give his life in the struggle, but each can participate to the extent that he can, contributing money, distributing proclamations, or leaving work in a gesture of solidarity and proletarian support when the revolutionary call to struggle comes. Above all, this must be a revolution of the people, with the blood of the people and the sweat of the people. Its broad and courageous program can be synthesized in the following essential points:

1. Outlawing of the latifundia, distribution of the land among peasant families; permanent and untransferable granting of property to all existing small tenant farmers, sharecroppers, small holders, and farm laborers; state economic and technical aid; reduction of taxes.

2. Reestablishment of all the workers' gains taken away by the dictatorship; the right of the worker to broad participation in the profits of all the large industrial, commercial, and mining enterprises, which should be paid out in addition to salaries or wages at given intervals during the year.

3. Immediate industrialization of the country by means of a vast plan made and promoted by the state, which will have to decisively mobilize all of the human and economic resources of the nation in the supreme effort to free the country from a moral and material prostration in which it finds itself. It is inconceivable that there should be hunger in a country so endowed by nature; every shelf should be stocked with goods and all hands employed productively.

4. Drastic decrease in all rents, effectively benefiting the 2,200,000 persons who are today spending a third of their income on rent; construction by the state of decent housing to shelter the 400,000 families crowded into filthy single rooms, huts, shacks, and tenements; extension of electricity to the 2,800,000 persons in our rural and suburban sectors who have none; initiation of a policy designed to transform each renter into an owner of the apartment in which he lives on the basis of long-term amortization.

5. Nationalization of public services: telephone, electricity, and gas.

6. Construction of ten children's cities to fully shelter and educate 200,000 children of workers and peasants who cannot currently feed and clothe them.

7. Extension of the education, following a previous reform of all teaching methods, to the farthest corner of the country, so that every Cuban will be able to develop his mental and physical aptitudes in a decent living environment.

8. General reform of the tax system and establishment of modern methods for the collection of taxes to avoid tax evasion and mishandling of funds, so that the state can meet its needs and the people will know that what they pay from their income goes back to society to benefit all classes.

9. Reorganization of public administration and establishment of administrative training.

10. Establishment of an inviolable military roster safeguarding the members of the armed forces so that they can be removed from their posts only for good reasons proved in administrative litigation courts. Elimination of the death penalty in the Military Penal Code for crimes committed during peacetime. Rendering of socially beneficial services by the armed services throughout the country, making economic surveys, land surveys and demarcation, and building by their corps of engineers, with special remuneration, hygienic schools and decent housing for peasants, workers, and members of the armed forces themselves who will retain ownership when they retire from service.

11. Generous and decent pay to all public employees: teachers, office workers, and members of the armed forces, retired civilian and military personnel.

12. Establishment of adequate measures in education and legislation to put an end to every vestige of discrimination for reasons of race or sex which regrettably still exists in our social and economic life.

13. Social security and state unemployment compensaton.

14. Reorganization of the judicial branch and abolition of the treasury courts.[17]

15. Confiscation of all the assets of embezzlers acquired under all past governments, without exceptions of any kind, so that the Republic can recover the hundreds of millions which have been taken from it with impunity. These will be invested in the implementation of some of the undertakings described above. Does anyone doubt that they could have been possible if the nation had had honest governments?

These points will be fully explained in a pamphlet that will be distributed throughout the country.

The Cuban Revolution will carry out all of the reforms following the spirit and the letter of our 1940 Constitution, without taking from anyone what is legitimately his and compensating everyone.

On behalf of the 26th of July Revolutionary Movement, Fidel Castro.

FOOTNOTES

[1] The editors have not been able to ascertain the origin of this quote. Eds.

[2] Luis Orlando Rodriguez was the editor of *La Calle*. Eds.

[3] A radio program transmitted from Havana. Eds.

[4] Ramón Vasconcelos was communications minister at the time. Eds.

[5] Date when Ramón Grau San Martín became president of Cuba. Eds.

[6] Date when dictator Gerardo Machado was overthrown. Eds.

[7] In the original the term used is *lucha civica*. Eds.

[8] This is a literal translation of a quotation often used by Castro. It is meant to contrast the physical with the mental or spiritual, emphasizing the importance of the latter. Eds.

[9] Cuban dance. It has the connotation of irresponsibility. Eds.

[10] The editors have not been able to ascertain the origin of the quote. Eds.

[11] General Francisco Tabernilla. Eds.

[12] When Batista allowed free elections and transferred power to the opposition. Eds.

[13] Quote from Antonio Maceo. Eds.

[14] José Martí. Eds.

[15] Refers to the *reformistas* and *autonomistas* of the nineteenth century in Cuba who opposed independence from Spain and favored a compromise with the Spanish authorities. Eds.

[16] On October 10, 1868, the war of independence began in Cuba. After ten years of fighting a truce was signed between the Cubans and the Spaniards, but on February 24, 1895, the war started again. Eds.

[17] The Spanish term used is *tribunales de hacienda*. Eds.

THE NICARAGUA READER: DOCUMENTS OF A REVOLUTION UNDER FIRE

(By Peter Rosset and John Vandermeer)

22. THE HISTORIC PROGRAM OF THE FSLN

By the Sandinista National Liberation Front (FSLN)

The Sandinista National Liberation Front (FSLN) arose out of the Nicaraguan people's need to have a "vanguard organization" capable of taking political power through direct struggle against its enemies and establishing a social system that wipes out the exploitation and poverty that our people have been subjected to in past history.

The FSLN is a politico-military organization, whose strategic objective is to take political power by destroying the military and bureaucratic apparatus of the dictatorship

and to establish a revolutionary government based on the worker-peasant alliance and the convergence of all the patriotic anti-imperialist and anti-oligarchic forces in the country.

The people of Nicaragua suffer under subjugation to a reactionary and fascist clique imposed by Yankee imperialism in 1932, the year Anastasio Somoza Garcia was named commander in chief of the so-called National Guard (GN).

The Somozaist clique has reduced Nicaragua to the status of a neocolony exploited by the Yankee monopolies and the country's oligarchic groups.

The present regime is politically unpopular and juridically illegal. The recognition and aid it gets from the North Americans is irrefutable proof of foreign interference in the affairs of Nicaragua.

The FSLN has seriously and with great responsibility analyzed the national reality and has resolved to confront the dictatorship with arms in hand. We have concluded that the triumph of the Sandinista people's revolution and the overthrow of the regime that is an enemy of the people will take place through the development of a hard-fought and prolonged people's war.

Whatever maneuvers and resources Yankee imperialism deploys, the Somozaist dictatorship is condemned to total failure in the face of the rapid advance and development of the people's forces, headed by the Sandinista National Liberation Front.

Given this historic conjuncture the FSLN has worked out this political program with an eye to strengthening and developing our organization, inspiring and stimulating the people of Nicaragua to march forward with the resolve to fight until the dictatorship is overthrown and to resist the intervention of Yankee imperialism, in order to forge a free, prosperous, and revolutionary homeland.

I. A REVOLUTIONARY GOVERNMENT

The Sandinista people's revolution will establish a revolutionary government that will eliminate the reactionary structure that arose from rigged elections and military coups, and the people's power will create a Nicaragua that is free of exploitation, oppression, backwardness; a free, progressive, and independent country.

The revolutionary government will apply the following measures of a political character:

A. It will endow revolutionary power with a structure that allows the full participation of the entire people, on the national level as well as the local level (departmental, municipal, neighborhood).

B. It will guarantee that all citizens can fully exercise all individual freedom and it will respect human rights.

C. It will guarantee the free exchange of ideas, which above all leads to vigorously broadening the people's rights and national rights.

D. It will guarantee freedom for the worker-union movements to organize in the city and countryside; and freedom to organize peasant, youth, student, women's cultural, sporting, and similar groups.

E. It will guarantee the right of emigrant and exiled Nicaraguans to return to their native soil.

F. It will guarantee the right to asylum for citizens of other countries who are persecuted for participation in the revolutionary struggle.

G. It will severely punish the gangsters who are guilty of persecuting, informing on, abusing, torturing, or murdering revolutionaries and the people.

H. Those individuals who occupy high political posts as a result of rigged elections and military coups will be stripped of their political rights.

The revolutionary government will apply the following measures of an economic character:

A. It will expropriate the landed estates, factories, companies, buildings, means of transportation, and other wealth usurped by the Somoza family and accumulated through the misappropriation and plunder of the nation's wealth.

B. It will expropriate the landed estates, factories, companies, means of transportation, and other wealth usurped by the politicians and military officers, and all other accomplices, who have taken advantage of the present regime's administrative corruption.

C. It will nationalize the wealth of all the foreign companies that exploit the mineral, forest, maritime, and other kinds of resources.

D. It will establish workers' control over the administrative management of the factories and other wealth that are expropriated and nationalized.

E. It will centralize the mass transit service.

F. It will nationalize the banking system, which will be placed at the exclusive service of the country's economic development.

G. It will establish an independent currency.

H. It will refuse to honor the loans imposed on the country by the Yankee monopolies or those of any other power.

I. It will establish commercial relations with all countries, whatever their system, to benefit the country's economic development.

J. It will establish a suitable taxation policy, which will be applied with strict justice.

K. It will prohibit usury. This prohibition will apply to Nicaraguan nationals as well as foreigners.

L. It will protect the small and medium-size owners (producers, merchants) while restricting the excesses that lead to the exploitation of the workers.

M. It will establish state control over foreign trade, with an eye to diversifying it and making it independent.

N. It will rigorously restrict the importation of luxury items.

O. It will plan the national economy, putting an end to the anarchy characteristic of the capitalist system of production. An important part of this planning will focus on the industrialization and electrification of the country.

II. THE AGRARIAN REVOLUTION

The Sandinista people's revolution will work out an agrarian policy that achieves an authentic agrarian reform; a reform that will, in the immediate term, carry out massive distribution of the land, eliminating the land grabs by the large landlords in favor of the workers (small producers) who labor on the land.

A. It will expropriate and eliminate the capitalist and feudal estates.

B. It will turn over the land to the peasants, free of charge, in accordance with the principle that the land should belong to those who work it.

C. It will carry out a development plan for livestock raising aimed at diversifying and increasing the productivity of that sector.

D. It will guarantee the peasants the following rights:

1. Timely and adequate agricultural credit.

2. Marketability (a guaranteed market for their production).

3. Technical assistance.

E. It will protect the patriotic landowners who collaborate with the guerrilla struggle, by paying them for their landholdings that exceed the limit established by the revolutionary government.

F. It will stimulate and encourage the peasants to organize themselves in cooperatives, so they can take their destiny into their own hands and directly participate in the development of the country.

G. It will abolish the debts the peasantry incurred to the landlord and any type of usurer.

H. It will eliminate the forced idleness that exists for most of the year in the countryside, and it will be attentive to creating sources of jobs for the present population.

III. REVOLUTION IN CULTURE AND EDUCATION

The Sandinista people's revolution will establish the bases for the development of the national culture, the people's education, and university reform.

A. It will push forward a massive campaign to immediately wipe out "illiteracy."

B. It will develop the national culture and will root out the neocolonial penetration in our culture.

C. It will rescue the progressive intellectuals, and their works that have arisen throughout our history, from the neglect in which they have been maintained by the anti-people's regimes.

D. It will give attention to the development and progress of education at the various levels (primary, intermediate, technical, university, etc.), and education will be free at all levels and obligatory at some.

E. It will grant scholarships at various levels of education to students who have limited economic resources. The scholarships will include housing, food, clothing, books, and transportation.

F. It will train more and better teachers who have the scientific knowledge that the present era requires, to satisfy the needs of our entire student population.

G. It will nationalize the centers of private education that have been immorally turned into industries by merchants who hypocritically invoke religious principles.

H. It will adapt the teaching programs to the needs of the country; it will apply teaching methods to the scientific and research needs of the country.

I. It will carry out a university reform that will include, among other things, the following measures:

1. It will rescue the university from the domination of the exploiting classes, so it can serve the real creators and shapers of our culture: the people. University instruction must be oriented around man, around the people. The university must stop being a breeding ground for bureaucratic egotists.

2. Eliminate the discrimination in access to university classes suffered by youth from the working class and peasantry.

3. Increase the state budget for the university so there are the economic resources to solve the various problems confronting it.

4. Majority student representation on the boards of departments, keeping in mind that the student body is the main segment of the university population.

5. Eliminate the neo-colonial penetration of the university, especially the penetration by the North American monopolies through the charity donations of the pseudophilanthropic foundations.

6. Promotion of free, experimental, scientific investigation that must contribute to dealing with national and universal questions.

7. Strengthen the unity of the students, faculty, and investigators with the whole people, by perpetuating the selfless example of the students and intellectuals who have offered their lives for the sake of the patriotic ideal.

IV. LABOR LEGISLATION AND SOCIAL SECURITY

The Sandinista people's revolution will eliminate the injustice of the living and working conditions suffered by the working class under the brutal exploitation, and will institute labor legislation and social assistance.

A. It will enact a labor code that will regulate, among other things, the following rights:

1. It will adopt the principle that "those who don't work don't eat," of course making exceptions for those who are unable to participate in the process of production due to age (children, old people), medical condition, or other reasons beyond their control.

2. Strict enforcement of the eight-hour work day.

3. The income of the workers (wages and other benefits) must be sufficient to satisfy their daily needs.

4. Respect for the dignity of the worker, prohibiting and punishing unjust treatment of workers in the course of their labor.

5. Abolition of unjustified firings.

6. Obligation to pay wages in the period required by law.

7. Right of all workers to periodic vacations.

B. It will eliminate the scourge of unemployment.

C. It will extend the scope of the social security system to all the workers and public employees in the country. The scope will include coverage for illness, physical incapacity, and retirement.

D. It will provide free medical assistance to the entire population. It will set up clinics and hospitals throughout the national territory.

E. It will undertake massive campaigns to eradicate endemic illnesses and prevent epidemics.

F. It will carry out urban reform, which will provide each family with adequate shelter. It will put an end to profiteering speculation in urban land (subdivisions, urban construction, rental housing) that exploits the need that working families in the cities have for an adequate roof over their heads in order to live.

G. It will initiate and expand the construction of adequate housing for the peasant population.

H. It will reduce the charges for water, light, sewers, urban beautification; it will apply programs to extend all these services to the entire urban and rural population.

I. It will encourage participation in sports of all types and categories.

J. It will eliminate the humiliation of begging by putting the above mentioned practices into practice.

V. ADMINISTRATIVE HONESTY

The Sandinista people's revolution will root out administrative governmental corruption, and will establish strict administrative honesty.

A. It will abolish the criminal vice industry (prostitution, gambling, drug use, etc., which the privileged sector of the National Guard and the foreign parasites exploit.

B. It will establish strict control over the collection of taxes to prevent government funtionaries from profiting, putting an end to the normal practice of the present regime's official agencies.

C. It will end the arbitrary actions of the members of the GN, who plunder the population through the subterfuge of local taxes.

D. It will put an end to the situation wherein military commanders appropriate the budget that is supposed to go to take care of common prisoners, and it will establish centers designed to rehabilitate these wrongdoers.

E. It will abolish the smuggling that is practiced on a large scale by the gang of politicians, officers, and foreigners who are the regime's accomplices.

F. It will severely punish persons who engage in crimes against administrative honesty (embezzlement, smuggling, trafficking in vices, etc.), using greatest severity when it involves elements active in the revolutionary movement.

VI. REINCORPORATION OF THE ATLANTIC COAST

The Sandinista people's revolution will put into practice a special plan for the Atlantic Coast, which has been abandoned to total neglect, in order to incorporate this area into the nation's life.

A. It will end the unjust exploitation the Atlantic Coast has suffered throughout history by the foreign monopolies, especially Yankee imperialism.

B. It will prepare suitable lands in the zone for the development of agriculture and ranching.

C. It will establish conditions that encourage the development of the fishing and forest industries.

D. It will encourage the flourishing of this region's local cultural values, which flow from the specific aspects of its historic tradition.

E. It will wipe out the odious discrimination to which the indigenous Miskitos, Sumos, Ramas, and Blacks of this region are subjected.

VII. EMANCIPATION OF WOMEN

The Sandinista people's revolution will abolish the odious discrimination that women have been subjected to compared to men; it will establish economic, political, and cultural equality between woman and man.

A. It will pay special attention to the mother and child.

B. It will eliminate prostitution and other social vices, through which the dignity of women will be raised.

C. It will put an end to the system of servitude that women suffer, which is reflected in the tragedy of the abandoned working mother.

D. It will establish for children born out of wedlock the right to equal protection by the revolutionary institutions.

E. It will establish day-care centers for the care and attention of the children of working women.

F. It will establish a two-month maternity leave before and after birth for women who work.

G. It will raise women's political, cultural, and vocational levels through their participation in the revolutionary process.

VIII. RESPECT FOR RELIGIOUS BELIEFS

The Sandinista people's revolution will guarantee the population of believers the freedom to profess any religion.

A. It will respect the right of citizens to profess and practice any religious belief.

B. It will support the work of priests and other religious figures who defend the working people.

IX. INDEPENDENT FOREIGN POLICY

The Sandinista people's revolution will eliminate the foreign policy of submission to Yankee imperialism, and will establish a patriotic foreign policy of absolute national independence and one that is for authentic universal peace.

A. It will put an end to the Yankee interference in the internal problems of Nicaragua and will practice a policy of mutual respect with other countries and fraternal collaboration between peoples.

B. It will expel the Yankee military mission, the so-called Peace Corps (spies in the guise of technicians), and military and similar political elements who constitute a barefaced intervention in the country.

C. It will accept economic and technical aid from any country, but always and only when this does not involve political compromises.

D. Together with other peoples of the world it will promote a campaign in favor of authentic universal peace.

E. It will abrogate all treaties, signed with any foreign power, that damage national sovereignty.

X. CENTRAL AMERICAN PEOPLE'S UNITY

The Sandinista people's revolution is for the true union of the Central American peoples in a single country.

A. It will support authentic unity with the fraternal peoples of Central America. This unity will lead the way to coordinating the efforts to achieve national liberation and establish a new system without imperialist domination or national betrayal.

B. It will eliminate the so-called integration, whose aim is to increase Central America's submission to the North American monopolies and the local reactionary forces.

XI. SOLIDARITY AMONG PEOPLES

The Sandinista people's revolution will put an end to the use of the national territory as a base for Yankee aggression against other fraternal peoples and will put into practice militant solidarity with fraternal peoples fighting for their liberation.

A. It will actively support the struggle of the peoples of Asia, Africa, and Latin America against the new and old colonialism and against the common enemy: Yankee imperialism.

B. It will support the struggle of the Black people and all the people of the United States for an authentic democracy and equal rights.

C. It will support the struggle of all peoples against the establishment of Yankee military bases in foreign countries.

XII. PEOPLE'S PATRIOTIC ARMY

The Sandinista people's revolution will abolish the armed force called the National Guard, which is an enemy of the people, and will create a patriotic, revolutionary, and people's army.

A. It will abolish the National Guard, a force that is an enemy of the people, created by the North American occupation forces in 1927 to pursue, torture, and murder the Sandinista patriots.

B. In the new people's army, professional soldiers who are members of the old army will be able to play a role providing they have observed the following conduct:

1. They have supported the guerrilla struggle.

2. They have not participated in murder, plunder, torture, and persecution of the people and the revolutionary activists.

3. They have rebelled against the despotic and dynastic regime of the Somozas.

C. It will strengthen the new people's army, raising its fighting ability and its tactical and technical level.

D. It will inculcate in the consciousness of the members of the people's army the principle of basing themselves on their own forces in the fulfillment of their duties and the development of all their creative activity.

E. It will deepen the revolutionary ideals of the members of the people's army with an eye toward strengthening their patriotic spirit and their firm conviction to fight until victory is achieved, overcoming obstacles and correcting errors.

F. It will forge a conscious discipline in the ranks of the people's army and will encourage the close ties that must exist between the combatants and the people.

G. It will establish obligatory military service and will arm the students, workers, and farmers, who—organized in people's militias—will defend the rights won against the inevitable attack by the reactionary forces of the country and Yankee imperialism.

XIII. VENERATION OF OUR MARTYRS

The Sandinista people's revolution will maintain eternal gratitude to and veneration of our homelands martyrs and will continue the shining example of heroism and selflessness they have bequeathed to us.

A. It will educate the new generations in eternal gratitude and veneration toward those who have fallen in the struggle to make Nicaragua a free homeland.

B. It will establish a secondary school to educate the children of our people's martyrs.

C. It will inculcate in the entire people the imperishable example of our martyrs, defending the revolutionary ideal: Ever onward to victory!

Mr. SWEENEY. A close reading of these two documents shows them to be essentially identical, almost as if the Sandinista program had been written in part by Castro himself. For example, and I quote only one of several similar passages, the Sandinistas pledged, and I quote:

To allow the full participation of the people in government, while guaranteeing that all citizens can fully exercise their individual freedoms.

Castro, in similar language in his manifesto pledged, and again I quote:

An absolute guarantee of freedom of information of the spoken and written press and of all individual and political rights.

□ 1810

Even the wording is hauntingly similar. And witness Cuba today. What we have is an historical precedent for the establishment of a Soviet client state; and if the historical model continues to follow its pattern, what we will have is not only a consolidation of political power already established by Fidel Castro in Cuba but also a country, Nicaragua, that will menace this hemisphere militarily in a manner already evidenced in Cuba.

We cannot afford the establishment of another Communist dictatorship in this hemisphere, a dictatorship that will ultimately be joined with Cuba in their common pathological hatred for the United States. Nothing would threaten peace more. We have a chance to stop that Communist advance and that Communist aggression, not just here today but in the future, by continuing to support those in Nicaragua who are fighting for freedom.

It is ironic that the Sandinistas, as did the Cubans three decades ago, hold themselves out to be martyrs. It is ironic, in conclusion, because today we have a chance to help the true martyrs in Nicaragua, those people in a country that is so dominated by an emerging communism.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, first I want to commend and compliment the chairman of the Subcommittee on the Middle East and Europe, the gentleman from Indiana [Mr. HAMILTON], for a very eloquent and profound statement. He outlined a policy today that in my judgment, if followed by the United States, would bring about a reconciliation of the conflict in Nicaragua, not a confrontation as proposed by the Michel amendment.

Mr. Chairman, although the United States has an important role to play in resolving the Central American conflict, it should be the role of participant, not that of sole decisionmaker. On too many occasions in the past, our well-intentioned assistance has produced foreign policy backfires, unanticipated consequences, and serious disasters.

The administration's intentions and actions toward Nicaragua, an independent Third World country, are against the resolutions passed by the U.S. General Assembly which specifically states that:

Every state has an inalienable right to choose its own political, economic, social and cultural systems, without interference in any form by another State, and no state may use or encourage the use of economic, political, or any other type of measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.

We must recognize and respect the sovereignty and aspirations of the Nicaraguan people to practice their rights to self-determination and political independence. Other independent Third World countries are naturally upset and concerned that the behavior of the United States toward Nicaragua could well be repeated toward any other Third World government which the United States does not happen to favor or like.

There is no rationale for the President's decision to impose an economic embargo against Nicaragua. The step was not taken after any economic analysis of what purposes the sanctions would serve. Secretary of State George Shultz stated that the results could be impressive if the restrictions were generalized. But of course there has not been any participation in the boycott by other nations, and the United States stands quite alone in its position. European response has been uniformly negative and the Latin American countries in general view the measure with dislike. What the United States needs to do is use U.S. aid and trade in a way that encourages the nations in the region to work together toward peace and development instead of fighting with each other.

It is true that no American who is concerned about democracy and peace in Central America can be encouraged by the developments that have occured in Nicaragua in the past 2 years. The fact that Mr. Ortega went to Moscow seeking economic aid should not, however, be used as an excuse to put more pressure on Nicaragua. It is already surrounded by political and, doubtless, military pressures. Where else should Mr. Ortega have gone but to probably the only country that will offer the level of economic aid that Nicaragua needs? The key questions here are, Why is the situation deteriorating, and what can be done to improve the situation?

Having already made the Nicaraguan military dependent upon the Soviets by financing a guerrilla war against them, and having already established a continuous military presence in Honduras, the administration's most recent actions have the practical result of making Nicaragua economically dependent on Moscow as well. The radicalization of the Sandinista revolution is due, in part, to the fact that the United States is pushing the Nicaraguans into the arms of the Soviets.

In the past 2 years a rather insidious, self-fulfilling interactive process between both the United States and Nicaragua has been at work. Hard-line, militarisitic approaches by the United States have brought as a defensive reaction hard-line, militaristic responses by the Sandinistas who, by doing so, confirmed the worst fears of the United States that Nicaragua is engaged in a warfare against its neighbors, thus endangering U.S. security with the result that neither Government trusts the other enough to negotiate seriously.

The administration's fear of communism may well be real; but if the United States is truly determined to include Central America in its policy of containment, it has to be done with the ethnical consistency needed to galvanize the peoples of the hemisphere in a common defense effort. I do not see how it could be possible to stand up in the name of democracy and freedom, while establishing alliances with groups who persistently violate human rights.

The administration has discouraged dialog among the various groups in the region. A National Security Council Memorandum leaked to the press in the fall of 1984, expressed relief that the United States had successfully "trumped the Contadora process", implying that the U.S. objective is to try to keep Contadora negotiations off balance.

For the United States, as a nonparticipant, to have rejected the Contadora treaty, as it did in October 1984, is arrogant and wrong. Arrogant because it suggests that we know the security interests of Venezuela, Panama, Colombia, and Mexico better than do the leaders of those nations. Wrong because Contadora represents the means to reach a diplomatic solution, and U.S. policy in Central America should be to encourage a trend away from totalitarian rule and to seek greater cooperation with regional peacemakers.

After 80 years in which the United States has been at the forefront of expanding respect for international law, we are discussing a trip to Moscow and letting embarrassment take precedence over principles. Ortega made a trip to Moscow simply because his country needs economic aid, and this is a fact that has nothing to do with the U.S. Congress. Embarrassment is what we should feel if we have to face again the prospect of a vote that means more war, more suffering, more hardship, and more atrocities for the people in Nicaragua.

Therefore, Mr. Chairman, I support the Hamilton-Barnes amendment, and ask for an "aye" vote.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I wish to share something with the Members.

On my recent trip to Nicaragua, I talked with many people from various walks of life. From the Nicaraguan Government officials, I received the party line. But in talking with other concerned Nicaraguans suffering under the hardship of the Sandinista regime, I got a far different story.

One individual, a Nicaraguan businessman—who wanted the United States to assist the Contras—expressed concern that the U.S. Congress has been blinded by the untruths and distortions of a very sophisticated public relations campaign run from Managua, with assistance from Havana and Moscow.

With sadness and disappointment in his voice, this Nicaraguan businessman told me that Communist projects are: "made in Moscow"; "planned in Havana"; "defended by the U.S. Congress"; and "suffered by the people of Nicaragua."

Today, we have an opportunity to give hope to that concerned Nicaraguan and his fellow countrymen who are suffering under the Sandinistas.

Today, we as a Congress can chart a new course and establish a positive public policy on a bipartisan basis, which will lead to the establishment of democracy in Nicaragua.

Thus, I urge that we vote down this amendment and pass the McCurdy-Michel-McDade amendment unencumbered by other amendments.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, the hour is late, and the die is cast. I join with my colleagues in congratulating those on the other side for their victory, for they have won and we apparently have been defeated. But that victory, I think, will shortly turn to ashes in all our mouths. For by rejecting the Boland amendment we have lifted an important legislative and political restraint on the military conduct of this administration in Central America. And by rejecting the Gephardt amendment, we have pulled the plug on the peace process and denied that kind of incentive which could be, I think, so compelling and so appealing to the Nicaraguan Government.

Mr. Chairman, foreign policy is the business often of sending signals, and this House this day has sent a signal to the world and to this administration. We have given this administration a green light in Central America to do virtually anything it wants militarily. And what is it that they want? They have not been equivocal or ambiguous. They have made it precisely clear what they want in Central America.

They want more money for more military assistance. They want to enlarge and expand the force of Contras. They want to overthrow the Nicaraguan Government. They have talked even of the eventual use of American troops. No one can say where this road leads and where this administration is headed.

So what is next? Will the Sandinistas back off as a result of what we have done today? Will they somehow relinquish power? There is not a chance in the world that what we have done today will intimidate the Sandinistas. They are going to dig in even further than they were before, and they will go back to the Cubans and the Soviets to get more assistance than they have ever gotten in the past.

Will the Contras prevail? Is this enough assistance to help the Contras prevail militarily? This is the Contra force which has not been able to hold a single village in Nicaragua. This is a military force which has not seized a single square inch of territory in Nicaragua.

The central test of any policy ought to be whether it works. Is it practical? Is it achieving its objectives? Who here can say that this administration's policy has worked? Where are we today as opposed to where we were 3 years ago?

So what will happen? The military struggle in the next year will widen and deepen. The chance of negotiations will diminish. Both sides will only harden their positions.

The great strength of our country is our moral capacity to lead, to lead by example, not by military force. Those principles are embodied in pragmatic, practical and realistic terms in the Hamilton-Barnes proposal, and unless we redeem ourselves and adopt Hamilton-Barnes, we will be back here a year from now, a year from then, and a year from then, closer not to peace, only closer to war in Central America.

□ 1820

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWAN. Mr. Chairman, we got it right the first time when we defeated this amendment in April by a vote of 123 to 303. The only thing that has changed since then is that Dear Comandante Ortega has made his ninth pilgrimage to Moscow to celebrate his victories, to pay homage to his sponsors and arrange for more Soviet gifts of bombs and bullets and rockets like these showered upon defenseless Hondurans.

So here we are again. This amendment would make the Congress of the United States the guarantors of the safety of the ruthless Sandinista regime and protect them from their own people. The U.S. Congress would become the enforcer of the Brezhnev doctrine.

The Sandinistas' efforts to establish totalitarian control over Nicaraguan society has generated widespread indigenous opposition and support for the democratic opposition. The Sandinistas have tried to crush that opposition, but thus far have not succeeded.

But some would have us help the Sandinistas by encouraging the democratic resistance to give up their struggle for freedom, to leave Nicaragua.

This amendment says to the hungry, tired freedom fighter:

Do you want some food, a shirt, a clean bandage for your wound? Good. All you have to do is stop fighting for the homeland that you love, the freedom that you believe in, abandon your country to the PLO, the Bulgarians, the East Germans, the Cubans, the Soviets and the Sandinista Communists.

Well, this is not the bold policy of a free people. This is the Carter-Vance policy of an abandoned administration which lacked the strength or the will to stand by its friends and to support the principles in which it professed to believe.

We say America stands for freedom and justice in Nicaragua, but if we

adopt this amendment it is clear we really do not mean it, and that is wrong. I believe the American people see that as wrong.

The American people still believe that human freedom and democracy are fundamental values which our U.S. foreign policy should and must support. And the only effective way to support freedom or democracy in Nicaragua is to support the resistance, keeping the pressure on the Sandinistas to move Nicaragua away from the Marxist-Leninist totalitarianism and toward democracy.

The Hamilton amendment says again that Americans cannot be trusted to side with democracy if it is under fire.

Vote for the freedom fighters, not for slavery. Vote no on this amendment.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I think the biggest problem we have today with regard to Central America and our policy in Central America is trying to define exactly what our policy is in Central America, and today's debate is no different. I think when we wind up today's efforts what we will have determined is that we have adopted an ambivalent amendment that supports an ambivalent policy in a very ambivalent part of the world.

I have listened all day to the debate. Very frankly, it varies a great deal upon the interpretation of the various Members. So I guess to some extent it helps Members in this body be ambivalent about exactly what we did with regards to Central America. Some have said that it represents war. Others say that it represents peace. Some say it represents humanitarian aid. Others say it represents military aid. And it is in line with the ambivalence of the policies of the administration which one day supports the overthrow of the Government, the next day do not support the overthrow of the Government; one day say we can deal with the Sandinistas, the next day say that we cannot deal with them; one day say that we can talk to the Sandinistas, and the next day say that that is impossible.

I think it is reflected in the Michel amendment. The Michel amendment basically tries to provide under the guise of humanitarian aid assistance to rebel forces. What policy does that represent?

If the purpose of this amendment is to in effect overthrow the Sandinista government or to force change within the Sandinista government, it is not going to do it. We all know it is not going to do it. If $70 million to $100 million of direct military aid over the last 4 years has not done that, then surely $27 million of so-called humanitarian aid is not going to result in any difference or any change.

So the amendment does not implement that particular policy.

If the purpose, on the other hand, is to find a negotiated settlement through the Contadora effort, it is not going to do that either. There is no commitment here to work through the Contadora effort; it basically breeds confusion with regard to our allies and to other nations in Latin and Central America.

There has been a great deal of tough talk today on the floor of the House. I think it is time for some straight talk. If in fact our policy is to be one of overthrowing the Government in Nicaragua, then ought we not to be debating direct military aid or direct military involvement rather than humanitarian aid that provides logistical support to these forces? Is not that a more honest way to debate that particular approach?

But if in effect what we seek to do is to pursue a regional peace effort to try to keep out all outside forces with regards to Central America, then the Hamilton amendment is the only honest approach that lays out that kind of policy.

Humanitarian aid here under the Hamilton amendment is legitimate humanitarian aid in that it is provided to all refugees and provided through the Red Cross. It also extends the Boland amendment which makes clear that we will not provide military aid under the guise of humanitarian aid, and it sets out specific policies with regards to diplomatic efforts and our security interests. It is a much more honest approach to what our policy should be in Central America.

Today we make one of the most important foreign policy votes in this session of the Congress. I hope that we can end this day not in fear of what will now happen, but in hope that the path of peace can be found.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, a lot has been said here this afternoon about President Jose Napoleon Duarte of El Salvador. Many of us met with him privately. We know how he feels, and what he says privately about the situation in Nicaragua. Here is what he said publicly to his own National Assembly on June 1:

> On repeated occasions we have denounced that Nicaragua is the haven for Salvadoran subversion. Extremist leftist groups are trained there. Logistic aid for the Salvadoran guerrillas is coming from Nicaragua. Nicaragua is the center of the operation where terrorist actions against El Salvador are planned, decided and ordered. Nicaragua is a cancer in Central America.

Also, we have heard a lot about Commandante Ortega's trip to the Soviet Union. There have been many trips to the Soviet Union. Hear what Adriana Guillen, a former Sandinista official, said about the first trip in 1980, May 1980:

> "Moises Hassan, Henry Ruiz and Carlos Coronel traveled to Moscow and signed a treaty between the FSLN and the Russian Communist party. At this time, the Soviets designated a Bulgarian mission as the intermediary between Moscow and Managua. Nevertheless, the FSLN would only obtain assistance under the condition that it would push forward the plans of the Bulgarian team. While this happened, the Russians would give the FSLN 80 percent military help and 20 percent economic help. The Sandinista front committed itself to spreading Soviet influence over the Central American region. Once accomplished, the help from Moscow would be 20 percent military and 80 percent economic.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I have watched this debate and watched the vote more in sorrow than in anger.

This is where I came into this body 15 years ago. I feel like I've been watching an old movie, but in reverse. Then we were debating whether to pull out of the Vietnam war. It took 3 more years and thousands of casualties before we came to that decision.

The arguments that were made at that time were: "We can't pull out because we can't let our troops down and we have to show our resolve."

Now, what is going to happen here? We are going to send supplies first to the Contras. Then when they do not succeed, we are going to supply weapons. Then when the Soviets give additional weapons to the Sandinistas, the cry will go up, "We can't permit this to happen. We can't let the Contras down." So eventually you are going to have to send in the Marines.

Let us not kid ourselves. That is the end of the road that the socalled Michel amendment will take us down.

By contrast, the Hamilton amendment states a rational policy, not impossible conditions for the Sandinistas to meet, but reasonable, rational policy and a rational prospect of succeeding through diplomacy, not force.

I would hope, therefore, that my Democratic colleagues would reconsider. Do not let the warhawks start to take over our side of the aisle, at least, as they seem to have taken over on the other side of the aisle.

I hope all my colleagues will think long and hard before they allow themselves to start a process going which may well turn out to be irreversible until after there has been an immense tragedy not only for the people of Nicaragua, but for the American people and their sons.

I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding me this time.

The House is I think pretty much united on their opinion of the Nicaraguan regime. They do not think very much about it. They all agree that the election process there was unfair. They recognized the fact that there has been suppression of human rights, repression of political parties, the lack of freedom of religion, labor unions, freedom of the press. They recognize that there has been a number of terrorist activities, a military buildup far in excess of what they actually need.

But we are divided on our strategy as to what we do about it. Some hold that we should abandon the freedom fighters, abandon the Contras, and if we do that we will show our good intentions, our willingness to negotiate ourselves, and what would be the best policy. Others argue that the support of the Contras is the only way, the only way to hold the Sandinistas back from even more repressive activities, and it is the only factor that gives them the incentive to negotiate. Which view of these two is correct?

The answer really depends on the nature of the Sandinista regime. Their likelihood of entering talks depends on their view of the world, and their own ideology. Let us look at their ideology.

Within the first year of their revolution, the United States gave them lots of aid, the United States gave them 100,000 tons of wheat, we offered to give them Peace Corps volunteers. Did they say yes to the Peace Corps? They said no, they wanted Cuban teachers. The reason they wanted Cuban teachers was because Cuban teachers teach Communist ideology.

They joined with the Soviet Union in a communique condemning world opinion about the Soviet invasion of Afghanistan. The Sandinista national anthem says, "We shall fight the yankee, the enemy of humanity."

In 1981 Defense Minister Umberto Ortega said "We are guided by the scientific doctrine of revolution, by Marxism-Leninism."

They have increased their defense forces to 50,000 troops.

The story goes on. Daniel Ortega visits Moscow. A Nicaraguan official not long ago visiting the Soviet Union said the U.S.S.R.'s success in building communism will remain an inspiring example for the Nicaraguan people themselves.

The Sandinistas believe they should be taken very seriously. They believe in the doctrine of communism and of Marxism-Leninism. Since they hold these principles very dear, we have to decide what will motivate them.

History shows there is no evidence of a Communist revolution ever being reversed because of the good intentions of democracies or because democracies are willing to abandon those who are fighting for freedom. If the House agrees to vote in favor of Barnes-Hamilton we will agree to help those individuals that are suffering outside of Nicaragua, but not those people that are suffering inside Nicaragua. We will be moving from the policy of containment to the policy of abandonment.

The Barnes-Hamilton approach would have merit if there was a shred of evidence in history or in the Nicaraguan revolution itself that abandonment of freedom fighters would lead to a negotiated transition to democracy. But there is simply no such evidence.

The Sandinistas have rejected calls for an internal dialog when they have come from Members of Congress, when they have come from the Nicaraguan Catholic bishops, when they have come from the freedom fighters themselves. The only way to get them to take the idea very seriously of a negotiated move and transition toward democracy is to show that the friends of freedom inside Nicaragua are backed by friends of freedom outside of Nicaragua.

Please vote no on Barnes-Hamilton.

Mr. HAMILTON. Mr. Chairman, may I inquire of the Chair how much time I have remaining?

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] has 12 minutes remaining, and the gentleman from Arizona [Mr. STUMP] has 35½ minutes remaining.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, the sober and compelling argument made by the gentleman from Indiana [Mr. HAMILTON] spelled out the case magnificently for adopting a policy which keeps us on the path of negotiation and diplomacy and peace.

To listen to some of the speeches on the other side of the aisle, and some also on the Democratic side, you can almost smell the gunpowder, you can almost sense that they are beginning to pack their uniforms and are ready for combat. I hope that they are in fact thinking of their own participation because the American people certainly will not likely excuse their sons and brothers and fathers being sent off to fight in Central America while Members of this body cheer them on from the safety of this body.

This Nation has had a noble history. Born in revolution, we have played a noble role on the world stage for the most part. Every once in a while, though, we do something which causes us to look back on it, with a sense of embarrassment and sense of shame. It has happened most often when willful leaders misused their power and ignored the best interests of the American people and dragged us into conceived international adventures.

We are on the verge of undertaking such a shameful adventure at this point. And do not tell me about what Ronald Reagan has promised in his most recent letter about how he does not want to get us militarily involved in the overthrow of the Government of Nicaragua. A President who in imposing his embargo against Nicaragua, that states that it presents an unusual and extraordinary threat to the national security of the United States, is capable of dragging us into war as well.

The Hamilton amendment may be our last chance of averting that war.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio, [Mr. DEWINE].

Mr. DEWINE. Mr. Chairman, I think it might be good at this point in the debate to look at what our goals are, to step back for a moment and analyze it. Is not what we want really very simple? Do we not want the Sandinistas to live up to what they promised their people in their own revolution, and do we not also want them to give up the idea of exporting this revolution?

Our goals are really very simple.

Now the question is how do we achieve these goals. Let us look and examine for a moment the Hamilton amendment and see if that amendment will accomplish our goals.

What in the Hamilton amendment will accomplish these goals? What will put pressure on the Sandinistas?

The sad answer, I am afraid, is that there is nothing in there that will do that. It really is no policy at all.

Where does the "humanitarian aid to the refugees" referred to in the Hamilton amendment actually go? It goes outside of Nicaragua. It goes to those who have already left Nicaragua.

Now, these refugees may need the aid. This proposal may have merit on its own. But it does nothing to achieve the goals that we are debating today.

Another part of the Hamilton amendment provides for an expedited procedure for any requests made by the President after October 1. Again, what does that accomplish? All it says is we are going to debate this later, at a different time.

The Hamilton amendment also puts back in the Boland amendment which this House just voted not to put into this particular bill.

But the main thing it does is to gut the Michel amendment. The Michel amendment presents a viable and legitimate policy, which does put pressure on the Sandinistas.

The conclusion I come to is that the Michel amendment is logical; it is in fact a true policy. It has a reasonable chance of success. The Hamilton amendment, unfortunately, represents no policy at all. It is a conscious deci-

sion to do nothing. The term "benign neglect" comes to mind. I do not know whether it is benign or not, but unfortunately it certainly would be neglect.

□ 1840

And it would be turning our back on that region of the world and would be basically saying we have no policy at all.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. BREAUX].

Mr. BREAUX. Mr. Chairman, the world is watching closely the action we take today in this body. The world is watching to see whether the allies and friends of America around the world can count on us for help when they need help. The world is watching and waiting to see whether the United States can be counted on to exercise a practical and realistic foreign and defense policy or whether we will react with nothing more than the empty rhetoric of isolationism. In my opinion the course for us is very clear.

Americans do not want our country perceived as unable or unwilling to protect and defend America's legitimate interests abroad.

It was a Democratic President, Woodrow Wilson, who took courageous steps of sending U.S. forces to fight tyranny and recognized that America cannot be an ostrich with its head in the sand.

It was a Democratic President, Franklin Roosevelt, who broke isolationist sentiment in America to stop fascism when it was close to victory. It was a Democrat President, Harry Truman, who combined U.S. and U.N. forces to fight Communist aggression in Korea and rebuilt war-torn Europe through the Marshall plan, checked Soviet actions in Iran, aided Greece and Turkey under the Truman doctrine, and defeated the Soviet blockade of Berlin and created NATO in 1949.

It was President John Kennedy who blockaded Cuba and indicated his willingness to commit U.S. military power to keep West Berlin free, and yet it was JFK who negotiated the first major arms control agreement. He said in his inaugural address, "We shall pay any price, bear any burden, meet any hardship, support my friend, oppose any foe, to assure the survival of liberty."

That should be the policy of Democrats today; that should be America's policy today.

Mr. Chairman, I urge support for the Michel amendment without any of the amendments weakening it.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, let me say to my colleagues that I have copy here, a reprint of what now is a famous or infamous commandante letter which was signed by a number of our colleagues and sent to Comandante Daniel Ortega and some of his friends. From it I would like to quote.

Dear Comandante. We want to commend you and the members of your government for taking steps to open up the political process in your country. We support your decision to schedule elections this year, to reduce press censorship and to allow a greater freedom of assembly for political parties.

Mr. Chairman, it has been noted that many of my colleagues have rethought their position on aid to the Contras over the past 7 weeks.

Daniel Ortega, the Communist President of Nicaragua, took a trip to Russia—the day after our last vote on Nicaragua—and many of us began to think again.

It was not the trip that caused the thought. It was the fact that that trip resulted in a Soviet commitment of $200 million in military and economic aid to assist in the consolidation of a Communist dictatorship in Nicaragua.

Many began to think again because history so clearly teaches us that the Russians do not give aid for light purpose. The cynical and sinister leaders of the Kremlin know what they are about.

Two hundred million dollars for a tiny country in Central America—for what? Well my friends, let's make it clear, the Soviets reserve aid in such large amounts for only their most important, and loyal, "vassal states" * * * Vietnam, members of the Warsaw pact, and Cuba—and yes, now Nicaragua.

Review with me for a moment some of the history of this debate in the House. In the spring of 1980, the House was deeply divided over the question of whether or not the ruling junta of Nicaragua was moving toward a Marxist dictatorship.

One of our former colleagues, now a member of the other body, rose to inform the House of two new members of the Sandinista junta: Rafael Rivas and Arturo Cruz. In doing so he added: "I am hopeful that recent actions in Nicaragua, with the appointment of these two members are sufficient to give lie to those views that say only the Marxists are in control in Nicaragua, that it is hopeless down there, and that all hope for Democratic institutions is lost."

It is interesting to note that neither one of these great Nicaraguan Democrats is still with the Sandinistas. In fact, Arturo Cruz is now one of the most influential leaders in the Contra movement. It is hard to understand how these men were the saving grace of the Sandinista junta in 1980, but are now bandits seeking to destroy any possibility for democracy in Nicaragua.

Why have so many others who fought side by side with the commendantes to overthrow Samoza—now joined the cause of the Contras?

Why Cruz? Why Pastora? Why Chamorra?

Because the Contras have refused to let the revolution against oppression in Nicaragua that overthrew Samoza die under the hand of Sandinista Communist rule, that's why.

The freedom fighters are not under the illusion that they can gain a military victory. The Contras are attempting to maintain a level of pressure on the Sandinistas, pressure that provides our only hope to help freedom survive. Pressure and time to allow the hope for liberty throughout Central America to grow.

We have only two choices: To commit ourselves to the forces of democracy throughout Central America—or—to turn our backs upon the freedom fighters and thus give our blessing to a Cuba-like Communist state in our hemisphere.

Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, the Brezhnev doctrine says it all: Once in the Soviet bloc, always in; once a part of the Soviet Marxis-Leninist society, there is no exit, no choice to return to democracy.

If you do not believe that, witness Hungary, Czechoslovakia, Poland, and lately Afghanistan. Once, through hook or crook, using if necessary the facade of Western democratic pluralisms, the Soviet puppet dictatorship is established, the new satellite state is then heavily militarized and then locked firmly into the Soviet system.

As we debate this issue, a debate, by the way, which could not occur in a Communist totalitarian state, Nicaragua slips ever more surely into that permanent grip of the Soviet Communist imperialism just as surely as Daniel Ortega embraces the Russian bear.

In all of world history there never has been such an empire as the Soviet empire, one which must lock its own people in behind Berlin Walls by force of arms whenever any dare to rise, as Solidarity tried, in opposition to the puppet state. And it is because its own people must try to leave that the Soviet empire must bring under its dominion all places to which its own people would flee.

Jean Francois Revel, author of the book "How Democracies Perish" said it precisely when he wrote, "So long as there is a single rock upon which socialism does not thrive, there will be boat people." That is, people fleeing communism trying to find freedom.

The Communist Sandinistas are determined to make of Nicaragua another safe place for the Soviet system,

another place where free people can no longer flee. And unlike the Central and South American dictators who come and who go, the Sandinista dictators mean to lock Nicaragua permanently under the Brezhnev doctrine just like Poland, Hungary, and Czechoslovakia.

Can we refuse to aid those who would, in their own country, resist them?

Our choice today is really a profound one. Someone asked, "Where is Nicaragua?" Well, Nicaragua is right here in our backyard, in the backyard of democracy which ought to be free.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. Mr. Chairman, on April 24, 1985, I voted for a resolution similar to this amendment offered by my good friend from Indiana, Mr. HAMILTON. Today I will vote against the Hamilton amendment.

In April I said in the well, "The Barnes/Hamilton resolution is not perfect, but I support it because I believe it can provide a basis for a new policy toward Nicaragua which would attract bipartisan support."

It has. Much of the concept of the McDade amendment, which passed today, came from the Barnes/Hamilton resolution. Its support for the Contadora process, resumption of bilateral negotiations between Nicaragua and the United States, and internal dialog within Nicaragua were called for by the Barnes/Hamilton resolution last April. Frequent reports on progress or lack of progress toward peace, including investigation of alleged human rights violations, were suggested by the Barnes/Hamilton resolution and incorporated in the McDade amendment. McDade's incentives for the Sandinistas to be forthcoming, including the suspension of military maneuvers and the trade embargo or some other positive actions by the United States if progress is made in the negotiations, were suggested by the Barnes/Hamilton resolution. Finally, McDade's provision for expedited consideration of appropriate measures if the parties to the conflict are not willing to negotiate seriously was originally proposed by the Barnes/Hamilton resolution last April.

Building on the policy concepts of the Barnes/Hamilton resolution, the McDade amendment did attract bipartisan support and with that broad support it does provide a basis for a sustainable, effective policy toward Nicaragua and Central America. I believe it improves on Barnes/Hamilton resolution by permitting the humanitarian assistance to be provided directly to opposition groups within Nicaragua rather than limiting it to refugees outside the country. Also, it specifically permits information exchange between the United States and the opposition groups that under some interpretations would have been prohibited by the language of the Barnes/Hamilton resolution last April. However, in keeping with at least the spirit of the Barnes/Hamilton resolution, the McDade amendment does not provide assistance to opposition groups for the purpose of supporting combat—the author, Mr. MCDADE, specifically emphasized that on the House floor earlier today—nor may any of the assistance be provided through the CIA or the DOD.

The Barnes/Hamilton resolution played a very important role last April. It got many of us here in the House and in the administration to think about our policy toward Nicaragua in broader terms and to make the emphasis of that policy a negotiated settlement in the region and in Nicaragua rather than a purely military approach.

But today is a new day. Today the Hamilton amendment is no longer needed. It has done its job. Accordingly, it should be discarded. But we in the House should recognize and thank our colleagues Mr. BARNES and Mr. HAMILTON for providing at a critical time the intellectual underpinnings of what promises to be a new and more effective policy toward Nicaragua and Central America.

□ 1850

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, you know, listening to the debate from the liberal Members on this side of the aisle brings to mind the Republican National Convention, and at that convention, Democrat Jeane Kirkpatrick, the U.N. Ambassador, said that the liberal Democrats continue to blame America first, and that is all I have heard today on this amendment.

"We are responsible for the Cubans being in Nicaragua." Blame America first. "We are responsible for the PLO terrorists being in Nicaragua." Blame America first. We are responsible for the Bulgarian terrorists and all the rest; the Red Brigade from Italy being down there. Blame America first.

I do not think that is going to sell with the American people. It did not in the last election and it is not going to sell today.

Mr. Hamilton indicated that President Duarte of El Salvador said he would accept the Communist Sandinistas on his border if they would stay within their own borders, but I am here to tell you they are not staying within their own borders.

When I was in Chalatenango Province in El Salvador, I saw Communist weapons that did not grow out of the ground; they had to come through either Nicaragua or Cuba, and the ammunition I saw could be traced directly back to the revolution which overthrew Somoza, which came from Argentina and was sold to the Sandinistas in Nicaragua. It was Nicaraguan ammunition; there was no question about it.

Mr. Hamilton said he did not understand what President Reagan's goals were. President Reagan has said time and again that he wants the Sandinistas to live up to the commitments they made to the Organization of American States in 1979. That is, free elections, freedom of the press, freedom of religion; none of which exist today. That is what President Reagan wants, and that is why he is putting pressure on the Communist Sandinista government, and that is why he wants this humanitarian aid for the Contras.

You know, I get the impression that our colleagues on the other side of the aisle feel like we should cower in a corner while the Communists march on around this world, taking country after country.

If we do that, we are going to ultimately lose our freedom as well. We cannot stand back and let the Communists move on and on and on; there has to be a line drawn somewhere; we must support our allies in Central America.

If we do not do that we jeopardize our future as well.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I will insert my prepared remarks at this point, because I see that the distinguished majority leader is on the floor, and I wish to make a personal appeal to him.

Mr. Chairman, I rise on behalf of the Michel-McDade effort and against all of the Neville Chamberlain delaying tactics. I firmly believe that we must do the right, reasonable, and responsible thing here today, and if we do not, we will find our responsibilities incredibly more onerous later on. June 12 will live in infamy if we fail with Michel.

We must provide assistance to the Nicaraguan freedom fighters because it simply is the right thing to do. The men, women, and even children who have taken to arms against the Sandinista regime have not done so because they are in the pay of the United States—if they were they would find us an inconstant employer—but because they are attempting to reclaim a stolen revolution, a purloined promise of freedom, which was taken from them by Danny Ortega and his henchmen. The President likened the freedom fighters to the Founding Fathers, and has been ridiculed for saying so. But for those of you who recall some of the reasoning behind our Declaration of Independence, I point out that the rights of the Americans in 18th

century North America were considered to be rooted in God-given human rights more than in the British Constitution, as wonderful as that institution was and is. When Britain failed to recognize the rights of the North Americans, our forefathers enforced those rights by rising up against injustice and tyranny. Since the false Sandinista regime has betrayed the noble ideals of freedom which they said they wore as a badge of belief and commitment when they took power. Yes, those people who want freedom are entitled to seek it. I commend them because they didn't vote just with their feet and trek north to the United States—many have, but not the brave men, women, and teenagers who joined the Contras—but with their lives in direct struggle against the betrayers of their revolution. They are enforcing their own right to democracy, which right has been denied them by the morally corrupt and avowedly Communist Ortega government. Given our own national, historical commitment to freedom and democracy, this country can do no other in this connection than support the valiant fighters for Nicaraguan freedom.

It is only reasonable for us to take the necessary steps to see to it that freedom's forces in Nicaragua are not left to the poverty of political neglect by freedom's greatest champion—the United States. Not only because it is in our moral interest to stand with democratic forces, but because it is in our national interest. John F. Kennedy, whom every one of us here recognizes as a great champion of freedom, brought this country to the brink of war over the Soviet missiles which were going into Cuba. We have tolerated a Communist government in Cuba, with what I consider a pathetically weak modus vivendi, but we could not tolerate a loaded gun pointed at the heart of this country from 90 miles off shore.

It is reasonable for us to help democracy's champions in Nicaragua because if we don't, we'll have a Communist dictatorship linked directly to Cuba and to Moscow not 90 miles offshore, but on shore. From Nicaragua missiles won't be necessary. Nicaraguan/Cuban/Soviet elements will foment discord and revolution throughout Central America and into Mexico.

Massive waves of frightened Central Americans will head for safety any where they can—most into the United States. And, just as legitimate Korean refugees fled south when Korea was partitioned after the Second World War, and bona fide North Vietnamese refugees headed by boat and foot across the 17th parallel after the 1956 settlements, in both cases only to include Communist agents bent on long range treachery, we will have enemy agents among those who pour across our southern border. Why permit this to happen? Why allow an expansionist, ideologically driven, hostile government to get geared up for its long-term offensive at the expense of the United States and our other neighbors? Why not allow those who want to settle the problem and who have the greatest and most legitimate interest in the problem to settle it?

There are those who might accept that we have a legitimate moral concern in helping the freedom fighters in Nicaragua but fear American involvement. They will remember Vietnam, and will invoke its debilitating and enervating ghost, and turn their backs in resignation as freedom dies in Nicaragua. I say to such fears, you have it backward. If we don't provide a balance to the guns and equipment provided the Government of Nicaragua by the Communist Cubans and Communist Soviets, freedom will die and tryanny will not only win, it will be encouraged in its long-term expansionist goals. If we don't pick up the slack in the rope now, we'll find it around our necks later.

Finally, it is responsible for us to take this action. For the first time since we permitted South Vietnam to fall before a massive North Vietnamese invasion, we are restoring this country's credibility in the eyes of our allies and the noncommitted smaller nations of the world. If we don't take steps to help stabilize Central America under reasonably friendly, democratic governments, we will find ourselves sneered at as unable to manage affairs in our own front yard. We have started to turn back the Soviet expansion of influence by a quick surgical stroke in Grenada. We have heartened our friends and confounded our enemies by that action. We have a chance now in Nicaragua, with no American men involved, to continue the rollback of Soviet/Cuban domination at least in this hemisphere. For us to permit a suspended priest to establish a tin-pot dictatorship on the backs of his people, to consign them to serfdom of a far worse sort than the Americas have ever seen before, because it is a slavery of the mind and of the spirit, is to deny the importance of this issue to hemispheric if not world peace and freedom. Not only is freedom indivisible, world order is also indivisible. We cannot have turmoil and local imperialism on the North American Continent without involving the world, because the Soviets always fish in troubled waters.

I want to note here that while I am determined to press for assistance to Nicaragua's freedom fighters, I also am willing to see those elements talk with the Ortega nomenklatura about a government of reconciliation in Nicaragua, as long as those talks are in full faith and credit. Otherwise, I see no reason why such conversations should occur. In any event, nothing is likely to happen unless the freedom forces in Nicaragua are a force to be reckoned with by the Communists, and this of course depends on their receiving assistance that is sufficient and steady.

Right, reason, and responsibility all call on us to take the steps necessary to bring democracy to Nicaragua through the instrument of the Nicaraguans themselves. I call on my colleagues to act in accordance, and to place this great country on the side of freedom and human rights in Nicaragua.

Mr. Chairman I submit for the historical record an analysis of today's declaration of unity in El Salvador by all the various Nicaraguan freedom fighter groups.

I also wish to submit for the RECORD, again, for purposes of jogging a few memories, the questionable "Dear Comandante Ortega" letter.

DECLARATION OF THE UNITED NICARAGUA OPPOSITION

SUMMARY

Since the Sandinistas rejected the opposition's March 1 call for a dialogue, the opposition has now decided to unify and declare their unalterable decision to continue fighting against the Sandinistas, although they will always give priority to a political solution. Major opposition figures announced at 11:00 EST in San Salvador that they are forming a United Nicaraguan Opposition (UNO). They also announced their negotiating position, including a proposal for an interim government, for elections within a year to establish a democracy and for national reconciliation and reconstruction.

PARTICIPANTS

Mr. Arturo Cruz, Mr. Adolfo Calero, and Mr. Alphonson Robelo represented the CDN (non-military political opposition), the FDN and the ARDE. Several other opposition figures also participated. Pastora, representing the FRS, was invited to attend but declined. MISURA and MISURA/SATA leaders are meeting to select a single spokesman who will represent both groups, and they will probably join the UNO later this week.

NATIONAL RECONCILIATION

Total amnesty and pardon for all political prisoners, strengthening of the judicial process and elimination of special tribunals, elimination of capital punishment, demilitarization of society and redress for arbitrary and unjust acts.

DEMOCRATIC FOUNDATIONS

Establishment of a constitution and rule by law, primacy of civilian authorities, election with participation by all sides, ethnic minority rights and independence of all branches of governments. Interim government in which all sectors of society would participate, which would last not more than a year; as the Contras previously offered, it could be headed by Daniel Ortega, with the manner of participation by other parties a subject of negotiation. National assembly elections within a year. Supervision of both the interim government and the elections by other inter-American entities.

BASIS FOR NATIONAL RECONCILIATION

A new social pact, including the responsibility and participation of all sectors of society. Peasant and worker rights essential to

peace. Centralism abolished, private enterprise operates wherever desirable and possible, and government to be limited to what is absolutely necessary.

SIGNIFICANCE

This marks the first time that the anti-communist resistance in any country of the world has been unified. The decision by Mr. Robelo, the founder and head of ARDE, to join the FDN indicates that he no longer feels the FDN is dominated by former National Guardsmen.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, March 20, 1984.

Commandante DANIEL ORTEGA,
Coordinator de la Junta de Gobierno, Casa de Gobierno, Managua, Nicaragua.

DEAR COMMANDANTE: We address this letter to you in a spirit of hopefulness and good will.

As Members of the U.S. House of Representatives, we regret the fact that better relations do not exist between the United States and your country. We have been, and remain, opposed to U.S. support for military action directed against the people or government of Nicaragua.

We want to commend you and the members of your government for taking steps to open up the political process in your country. The Nicaraguan people have not had the opportunity to participate in a genuinely free election for over 50 years. We support your decision to schedule elections this year, to reduce press censorship and to allow greater freedom of assembly for political parties. Finally, we recognize that you have taken these steps in the midst of ongoing military hostilities on the borders of Nicaragua.

We write with the hope that the initial steps you have taken will be followed by others designed to guarantee a fully open and democratic electoral process. We note that some who have become exiles from Nicaragua have expressed a willingness to return to participate in the elections. If assurances are provided that their security will be protected, and their political rights recognized. Among these exiles are some who have taken up arms against your government, and who have stated their willingness to lay down these arms to participate in a truly democratic process.

If this were to occur, the prospects for peace and stability throughout Central America would be dramatically enhanced. Those responsibilities for supporting violence against your government, and for obstructing serious negotiations for broad political participation in El Salvador would have far greater difficulty winning support for their policies than they do today.

We believe that you have it in your power to establish an example for Central America that can be of enormous historical importance. For this to occur, you have only to lend real force and meaning to concepts your leadership has already endorsed concerning the rules by which political parties may compete openly and equitably for political power.

A decision on your part to provide these reasonable assurances and conduct truly free and open elections would significantly improve the prospect of better relations between our two countries and significantly strengthen the hands of those in our country who desire better relations based upon true equality, self-determination and mutual good will.

We reaffirm to you our continuing respect and friendship for the Nicaraguan people, and pledge our willingness to discuss these or other matters of concern with you or officials of your government at any time.

Very sincerely yours,
Jim Wright, Michael D. Barnes, Bill Alexander, Matthew F. McHugh, Robert G. Torricelli, Edward P. Boland, Stephen J. Solarz, David R. Obey, Robert Garcia, Lee H. Hamilton.

Mr. Chairman, this century has not any more gifted orators in this House than the distinguished majority leader. He has a golden throat that is augmented by years of scholarship and quite often, he has spoken out as have most of the Members on the other side of the aisle in the name of freedom in many parts of the world. And when Mr. Wright speaks out for freedom, it is a joy to listen.

Why is the southern tip of our own continent, Mr. WRIGHT, not as worthy of freedom as Afghanistan?

This "Dear Commandante" letter of March 20, 1984, I do not hold up in derision; it was a sincere effort, at peace, I guess, as many of us have extended advice to every corner of the globe. The letter was an appeal to people not to betray their best instincts or their revolution. I think, however, you should have exercised a little restraint in your signoff by taking the "very" off the "very sincerely yours," but never mind—let's look at your words in this letter of only 1 year, 2 months, and 23 days ago.

When you wrote that the commandantes took steps "to reduce press censorship," it got thrown in your face within months with now daily press censorship. When the part that Mr. LEWIS read a few minutes ago about "allowing greater freedom for assembly of political parties," just look at that premature compliment.

Most private sector people that I have met with in Nicaragua now live in constant fear that soon every last vestige of freedom will be taken away by an increasingly pervasive police state.

Then, Mr. WRIGHT, "you went on to write that you have taken these steps (the commandantes) in the midst of ongoing military hostilities on the borders of Nicaragua." Unfortunately, there was a hint there that we, U.S. Americans, were the bad guys supporting those military hostilities. Not too kosher, Mr. WRIGHT. They are the bad guys. And the freedom fighters that we helped to launch are not just on the borders.

They make deep forays into the country from both the south and the north. Sometimes into the provinces adjoining Managua. And they do it with the support of the people—the compasinos.

I hope that if you achieve the goal you seek, Mr. WRIGHT, the speakership of this body, the finest legislature of all the Parliaments in the world, and I believe, God willing and your vigorous health sustaining, that you will, that you never have found yourself in the position of our esteemed Speaker of the House a few weeks back, embarrassed by a little dictator in a designer jungle-green leisure suit.

We now find out from our Congressional Research Service that "Dear Commandante Danny Boy" has been to Moscow nine times. In March 1983, Ortega made a double trip, a side trip to India squeezed in between.

When a Member from Massachusetts [Mr. STUDDS] said that the new Prime Minister Rajiv Gandhi, who will be speaking to us tomorrow, also went to Moscow, and so what, he forgets that if it were not for that little British-designed Wakhan Strip in north Afghanistan, India would share a border with the U.S.S.R., and it was Mr. Gandhi's first trip. What is Ortega doing traveling to the Kremlin over and over in spite of your letters and votes of support.

Nine trips is a bit much, gentlemen.

Shuck off your embarassment. Stand tall again. Vote for the freedom fighters and help us form a bipartisan foreign policy as in days of yore. A policy that stands up for liberty and not for the police state of these dictatorial commandantes in Managua. Vote down Hamilton-Barnes and let Michel-McDade win the day.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, in 1924, while languishing in Landsberg Prison for participating in some abortive beerhall shenanigans, the future Chancellor of Germany wrote a treatise on how he saw the world. This interpretation of one man's view of a German "manifest destiny" if you will, was not really taken seriously until about a decade later, by which time many of the prophecies and proposals had occurred or were underway.

In the second volume of "Mein Kampf," Adolf Hitler wrote:

> Just as our forefathers did not get the land on which we are living today as a gift from Heaven, but had to conquer it by risking their lives, so no folkish grace but only the might of a triumphant sword will in the future assign us territory, and with it life for our nation.—(P. 949 of the Reynal & Hitchcock edition, 1941.)

There have been more profound statements uttered throughout history. There have been more belligerent and bellicose statements as well. Like much of his writings, speeches, and activities, this excerpt was more likely ridiculed and dismissed as either lunatic ravings or idle dreams. In 1924. By 1937, more attention was being paid but the European democracies were poised to concede and appease rather than take action to ensure against the manifestation of these rantings and dreams. By 1945, the world had

learned a bitter and monumentally tragic lesson.

In 1980, Nicaragua's Interior Minister Tomas Borge boasted to Alberto Suhr, a Nicaraguan imprisoned for his anti-Sandinista sentiments, that there was no stopping the revolution:

We have Nicaragua, soon we will have El Salvador, Guatemala, Honduras, Costa Rica, and Mexico. One day, tomorrow or five years or fifteen years from now, we're going to take 5 or 10 million Mexicans and they're going to have one thing in mind—cross the border, go into Dallas, go into El Paso, go into Houston, go into New Mexico, go into San Diego—and each one has imbedded in his mind the killing of ten Americans.—(Reported in Washington Times, March 27, 1985.)

How serious a claim is this? Does an Interior Minister speak for the Nicaraguan Government? He probably speaks for the Sandinista regime. Was the statement made in the heated exchange of an argument with a political opponent? Is it an example for use in future grammar books of excessive hyperbole?

I submit that this quote from the Interior Minister Borge is, like Hitler's from 1924, flamboyant rhetoric. That does not mean, however, that we should disregard the portent. Given the right set of circumstances at the right time, virtually anything can happen. In 1939, 80 million Germans set out to realize some of that "manifest destiny" which Hitler alluded to in his earlier writings. Today, in Latin America—from the Panama Canal to the Rio Grande—there are 100 million persons inhabiting a region seething with economic, social, and political unrest, where a volatile situation is just waiting for a fuse to ignite a catastrophe in our own hemisphere.

I implore my colleagues not to simply dismiss the rhetoric of this statement by Minister Borge, not to disregard the potential for violence which can creep slowly northward to our own borders, not to underestimate the fervency and ideological commitment of the Marxist revolutionaries in Nicaragua who, funded and prompted by Moscow and Havana, have in mind the eventual enslavement of all of Central America and the bringing of destruction to our back door. Finally, I urge my colleagues not to forget the lessons of history. We have done so too often already.

Mr. STUMP. Mr. Chairman, I yield one minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, there was an interesting point made just a few minutes ago by Mr. DORNAN, and I heard it increasingly on the Democrat side of the aisle. As I think everybody recognizes, there is a debate brewing within the Democrat Party, as to whether the Democract Party has left its constituency behind, and I speak of people like my parents who have been Democrats all of their lives and Mr. WRIGHT, I guess maybe you can say what has happened to that young man, but most people in my family are Democrats, and I can tell you that they are increasingly dissatisfied with the action of the Democrat Party on the issue of foreign policy.

NOW, JACK MURTHA and DAN DANIELS, BILL NICHOLS and DAVE MCCURDY and some of those people are saying, "No, we want to pull that constituency back." And maybe it would be silly for a Republican to say this, because we are gaining what you are losing, when you lose those blue-collar, hard-working men and women out there who think that the Democrat Party has become too liberal and has a head-in-the-sand approach to foreign policy.

Now we had 73 Democrats join with us in support of the Michel amendment. We have 250 in the House, and I would like to think we can get a big vote here against Hamilton, in favor of Michel, and let us have a bipartisan foreign policy that brings America together.

□ 1900

Mr. STUMP. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, the President of the United States, Jimmy Carter, on September 12, 1980, sent a certification to Congress, as required by law, withholding the funds for Nicaragua, the $75 million that we had appropriated, and I had voted for, because the legislation required that they not be involved in terrorism or violence and these conditions could not be met. And the President of the United States, on September 12, 1980, said this, in his certification:

The Sandinistas have made it clear that they have no intentions of fulfilling any requirements that the Congress of the United States has placed on the $75 million loan. Interior Minister Toman Borge said on September 5, "If they could buy us with $75 million or with $1 billion, we would stop being revolutionaries. We revolutionaries would rather starve if necessary before falling on our knees in the face of Yankee imperialism. Let them refuse once and for all to give us the $75 million. They think we are going to beg. How little do they know the Sandinistas."

Now, that was Jimmy Carter. I wish the lesson that he learned in September 1980 could somehow reach over across the years and permeate the leaders in the majority party.

Now, before we got to this debate, the newspaper quoted Mr. HAMILTON, my dear friend—and how I wish he were on our side—about this whole issue, and he said:

The question today is whether we want to fund a war in Central America.

Now, we have heard that refrain again and again from many of the speakers from the other party.

I suggest to you the question is not whether we want to fund a war in Central America, but the question was better posed in a full-page ad that appeared in the June 2 New York Times, with the heading, "Democracy is the issue," and in this full page ad, it said:

There are many issues in the present debate over U.S. policy toward Nicaragua, but the basic issue is this: will we stand beside the Nicaraguan democratic resistance in its struggle against totalitarianism? Or will we declare that this movement is a lost cause, and offer only to help its supporters adjust to lives as victims, refugees and exiles?

Now, that is the issue, ladies and gentlemen. And some of the people who signed this are: Hyman Bookbinder, Washington representative, American Jewish Committee; Zbigniew Brzezinski, former adviser to President Carter and Chairman of the National Security Council; C. Douglas Dillon, former Secretary of the Treasury in the Kennedy administration; William Doherty, Jr., executive director, American Institute for Free Labor Development, AFL-CIO; Frank Drozak, president, Seafarers International Union of North America; Angier Biddle Duke, former Chief of Protocol in the Kennedy administration, former Ambassador to El Salvador and Spain; Orville L. Freeman, former Secretary of Agriculture in the Kennedy and Johnson administrations; Samuel P. Huntington, director, the center for international affairs, Harvard University; John P. Joyce, president, International Union of Bricklayers; Charles Luken, mayor of Cincinnati, a Democrat; Martin Peretz, editor-in-chief of The New Republic; Albert Shanker, president, American Federation of Teachers, AFL-CIO; and on and on and on.

That is the issue. It is not whether we want a war. Nobody wants a war. But we want freedom. The opposition, the Communists pick the level of the conflict. You have to respond at that level or you lose. So stand with Mr. Carter, who knew what he was talking about 5 years ago, in September 1980.

Now, I have read Mr. BARNES in the newspaper refer to the Hamilton-Barnes amendment as the "new Monroe Doctrine." I ransacked my history books, to try to find what the heck the Monroe Doctrine means, because I always understood it was to keep foreign countries out of this hemisphere, whereas this amendment, the approach being used by the gentleman on the left, is to keep them into this hemisphere, exactly the opposite.

This amendment does positive harm. It ought to be called the Refugee Incentive Act of 1985, because it says to the Contras fighting for their own homeland, "Abandon your homeland and we will give you a bowl of rice, we will give you a blanket." It is time somebody asked: Just where do we stand in the ferocious struggle of our

time between the two great alternative faiths, freedom or communism?

I have heard laughter and derision and slander about the Contras, that they are terrorists, they are butchers, they are rapists. You know, it is easy to demonize people that you oppose. We did it in World War II. The Germans were Huns, they were the Boche; the Japanese were Nips. The derogatory names go on and on. If you depersonalize people, then it is easy to attack them, it is easy to deprecate them. But the Contras are growing by 500 every month. There are 15,000 of them. There were only 6,000 in all of Somoza's National Guard. Half of them are in jail. So you are left with 3,000 of the National Guard and 15,000 Contras. You cannot call them all Somocistas. They are not all rapists. They are patriots, risking their lives against the government to fight for freedom.

Now, our charter of freedom, our Declaration of Independence, is worth reviewing a little bit. It says that governments are instituted among men and they derive their just powers from the consent of the governed. And it says when government becomes destructive of the ends of life, liberty, and happiness, they, the people, have a right to alter or abolish them. It goes farther than that. It says they have a duty to throw off such government. That is what the Contras are doing. I say stand with them, not to make refugees out of them as this legislation seeks to do.

Mr. HAMILTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

● Mr. RICHARDSON. Mr Chairman, it is my hope that the Barnes-Hamilton amendment is not repudiated by a strong negative vote. This House passed this provision last April, only to be nullified by a senseless vote after its passage. But today the votes are not there for this amendment. That is obvious.

Barnes-Hamilton stands for negotiations, for the Contadora process, and for demilitarization of the area. Let us not repudiate those noble goals today—I hope that this House does not have a recorded vote on this amendment.

Let us give the Michel amendment a chance, but an overwhelming recorded no vote on the Barnes-Hamilton amendment is the wrong signal to send.

I am among those who are willing to give the Michel approach a chance. Several months from now, however, the Barnes-Hamilton approach might be the best vehicle once again. Therefore, I hope that this body does not wipe out an amendment that today might be defeated not because of its own positive merits but because of a Sandinista leadership that by its recent actions does not appear to believe in peace, negotiations, nonalignment, and democratic pluralism.●

Mr. HAMILTON. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, we are going down a fateful path with the Michel amendment, a path of formal U.S. support to a group dedicated to the overthrow of a legally constituted country in our hemisphere. This obviously leads to eventual military escalation but not successful military escalation, according to General Gorman, unless we eventually send in U.S. troops.

Here is my point: Unless that military approach does succeed, we will have paid for the buildup of a large client group, grown by then to probably 35,000 or 50,000, who will be dependent on us and who will try to leave their country at that point, very much like a similar client group did in Vietnam at the end of that terrible conflict. But Vietnam was very far away. Even so, thousands arrived at our shores. A similarly built-up client group in Nicaragua would disperse throughout the region and arrive at our borders in thousands.

I ask my colleagues to draw back from this fateful Michel approach today which would in effect be the Refugee Creation Act of 1985.

Mr. STUMP. Mr. Chairman, I yield 6 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank my colleague and good friend, the gentleman from Arizona [Mr. STUMP] for yielding me the time.

First of all, let me join those who preceded me in the well to thank the gentleman from Indiana [Mr. HAMILTON], the gentleman from Maryland [Mr. BARNES], and others, for the work they have done consistently on behalf of this country in matters of foreign policy, in matters of national security and in matters of great importance to America. I do not believe that their amendment today precludes anything but praise on the part of what they have done in the past. I further agree with Mr. HAMILTON, a Member of Congress, by the way, for whom I have but the highest of regard, when he said, as he began this debate, that we do a service in America by debating the issues of foreign policy. I think the debate today has been a service, and we can thank LEE HAMILTON, in large part, for that.

Obviously, everybody in the chamber knows that I cannot agree with Mr. HAMILTON's approach today. While agreeing with this participation and the need for men like that to be involved today, I think we have an error. Today, if we were to adopt this particular approach, what we would be saying to our allies and our foes in Central America is that "you can count on the United States only for one thing, and that is if you quit your fight, if you stop your effort for freedom; if you become something other than a freedom fighter, then we give you our check, not too much money"—and I do not want to exaggerate it—"but you qualify only if you are a refugee."

Some, making fun of the amendment, call it the Amtrak amendment: get your train, leave Nicaragua, we give you money.

I do not think it is a good idea. Most of all, because it puts no pressure on the Sandinistas.

NOW, LEE HAMILTON has said it and said it well when he represents the view that he says that we do not need pressure on the Sandinistas, what we need to do is to encourage negotiation and peace in reaching our goal. I could not agree with him more.

□ 1910

But it is my feeling, and it is the feeling of many in the House, Democrat and Republican, that this sort of humanitarian aid, coupled with some assistance to the Contadora effort does what you want to do better than your amendment will accomplish, because it combines both a carrot and a stick. In these sorts of negotiations, we might need both.

Second point, if I could: It has been said often today by Members with whom I do not agree, that the Contra's as a group are not worthy of our support. That somehow the Contra's have been discredited. We had in town today a gentleman with whom many of you have met and discussed issues in Nicaragua: Eden Pastora. A man who fought with the Sandinistas for liberty in his country; a Contra. But who turned away some years back when he found out that the freedom for which he fought was taken away by those with whom he had done battle.

Mr. Pastora was revolted in the second case by his own allies, the Sandinistas, and now continues to fight for liberty in Nicaragua. He is a Contra, and he made the point today that the Contras are not well named. It is the Sandinistas who ought to be called Contras. It is the Sandinistas who are opposed to liberty and to freedom. It is the Sandinistas who are opposed to peace in their borders. It is the Sandinistas who talk about a revolution without borders or boundaries. It is the Sandinistas who have gone against the citizens of their own country.

The Miskito Indians for example; genocide by any name is still genocide. It is the Sandinistas who have time after time reached out to the enemies of freedom, reached out to the enemies of the United States of America.

It is the Sandinistas who need to be told where we stand.

It is for those reasons and more that I think we ought to vote against the Hamilton amendment. It is for those reasons and more that I think we ought to stand today not for war, but for peace. It is for those reasons and more that I think today we can take a bold step for what I think every Member believes: Peace in the region, but not at the price of liberty. Peace in the region, but not at the price of giving up freedom.

Let me tell you this: It is risky business what we are doing here. It is risky business, giving money to those who fight for freedom in Nicaragua.

It is risky business because we are not sure what will happen, but I submit to you that it would be more risky to do nothing. It would be more risky to do what we did 7 weeks ago: Huff and puff and blow and do nothing.

In the great fight, in the great fight of ideas between liberty and communism, as HENRY HYDE said, "We cannot take a back seat. We have got to help those people who put their lives on the line for freedom."

I think it is clear; I think it is simple. I will close by quoting my favorite politician and the reason I am a Democrat. John Kennedy. He said this when he was inaugurated for President on the 20th day of January 1961:

"To our sister republics south of our border, we offer a special pledge—to convert our good words into good deeds in a new alliance for progress, to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers * * * Let every other power know that this hemisphere intends to remain the master of its own house."

John Kennedy. Let us stand with him.

Mr. HAMILTON. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding me this time.

Mr. Chairman, the question here I think is what kind of a threat do the people on that side suggest the Nicaraguans portray for this hemisphere. A lot of us have been to Nicaragua, and I recall going to a cooperative farm and seeing a fellow sit on a post with a gun. I asked him, "What are you doing here?" Well, it was his turn, his turn to sort of watch things. I said, "How many people are in the commune?" Twenty-five men. "How many guns do you have?" Seven.

"Do you have any ammunition; do you get any training?" Every second weekend we get a little training, but we do not shoot much because we do not have much ammunition.

So I asked the Embassy in Managua, "How many troops are in Nicaragua?" Well, about 120,000-man army ready to march and threaten the hemisphere.

The 120,000-man army that our Government says exists in Nicaragua is such an outrageous, gross distortion of the threat, how on earth can you then craft a response? I think the Hamilton amendment is a step toward peace in that region. An appropriate response is what we need.

Someone mentioned John F. Kennedy. John F. Kennedy was responsible for the Alliance for Progress; Food For Peace; the Peace Corps. Dozens of the right kinds of initiatives to extend our influence in the region of the interests of people in this hemisphere and in the interests of our Government as well.

Mr. HAMILTON. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from Indiana (Mr. HAMILTON) has 8 minutes remaining and the gentleman from Arizona [Mr. STUMP] has 6½ minutes remaining.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Chairman, the issue is not whether we like the Sandinistas or whether we like the Contras. The issue is simply what works. I think there are three solid reasons for supporting the Hamilton amendment.

No. 1, nobody can tell what existing administration policy is. You cannot really tell whether its goal is to try to overthrow the Sandinista government or whether its other internal goal in Nicaragua is simply to try to expand opportunities for political pluralism.

Second, we have no clear idea of how this support for the Contras will accomplish either of those internal goals much less try to achieve changes in the international conduct of the Sandinistas. As in the case of Lebanon, the administration's rhetoric is soaring, but its policy is muddled. What is clear is that the policy of the administration is a failed policy. This is not something new we are being asked to try; the Contras have been around for 4 years, and we are worse off now than we were 4 years ago in terms of our ability to control the conduct of the Sandinistas.

The purpose of the Hamilton amendment is very simple: It is an effort to strengthen the chance of the success of American policy by ending our isolation by channeling our efforts through regional processes which will gain us allies rather than shed allies because of their embarrassment over our policy.

Unless we pass the Hamilton amendment, there are no real limits on administration policy. Mr. LUGAR, chairman of the Senate Foreign Relations Committee, was quoted in the newspaper as saying:

> The President's new policy is very ambitious, and to get the job done, a great deal of added activity will be required. It will probably occur.

What is that activity going to be?

Now I know we were told today by one Member on this side of the aisle that the administration has now given assurances that they will not use the CIA Contingency Fund, but I want to tell you a little story.

Back in 1964, Senator Gaylord Nelson from my State was going to offer an amendment to the Gulf of Tonkin Resolution guaranteeing that that resolution could not be used to support the introduction of troops in Vietnam. Senator Bill Fullbright asked Nelson to withdraw that amendment because, he said "I have just received assurances from President Johnson that he will not, under any circumstances, use the resolution that way."

□ 1920

So Senator Nelson said, "Well, who am I to question the veracity of Bill Fulbright, or the President for that matter," so he withdrew the amendment. Six months later Bill Fulbright came to Gaylord Nelson and he said, "Gaylord, when I asked you to withdraw that amendment, that was the worst mistake of my career."

I ask my colleagues, do not make that mistake here this evening! The issue is not whether we like the Contras or the Sandinistas. I happen to like Adolfo Callero. I have a great deal of respect for him. I disassociate myself from some of the remarks made today which were a blanket attack on the Contras. I think we have a lot of very decent people in the Contras. I also think we have a lot of butchers. War or revolution never produces clean, nice, neat categories on either side.

But what I like even more than I like Adolfo Callero is the idea that the United States of America, the greatest country in the world, will remain true to the concepts of international law. I like more than anything else the idea that we would have a policy that does not embarrass our potential allies, rather than isolate us from them. That is what existing administration does. The Hamilton amendment is unmuddled. It is clear, it is right, and I ask my colleagues to support it.

● Mr. WIRTH. Mr. Chairman, 1½ months ago, the House voted down any aid—humanitarian or military—to the Nicaraguan Contras. While I was pleased that no aid whatsoever was approved for the Contras, I was disappointed that we did not use that vote to signal that the United States favors

diplomacy as a solution to the strife in Central America.

The House could have sent that signal by approving the Barnes-Hamilton substitute which would have endorsed the Contradora diplomatic process, and set aside $4 million to assist the implementation of an agreement reached as a result of that process. Barnes-Hamilton would have also provided up to $14 million in relief aid for Nicaraguans who have fled their country and are now located in refugee camps managed by the International Red Cross and the U.N. High Commission for Refugees.

Today, Mr. Chairman, the House has another opportunity to clearly state its support for diplomacy. Representatives BARNES and HAMILTON have offered their amendment once again, albeit with one modification. They have lifted the limit on how much financial assistance the United States can contribute toward the implementation of a Contadora peace agreement. The amendment, as it stands now, would affirm our country's support for a nonmilitary, peaceful resolution of Nicaragua's civil conflict.

Barnes-Hamilton would also alleviate the suffering of the victims of the Contras' war along the Honduran-Nicaraguan border. Reports from respected human rights groups such as Americans Watch have informed the world of the Contras' brutal treatment of Nicaraguan civilians. They have attacked innocent Nicaraguan civilians, destroyed economically vital crops, and ruined the livelihoods of many noncombatants. Many of the victims of this merciless attack have fled deep into Honduras to seek refuge in camps being operated by the United Nations High Commission for Refugees and the International Red Cross. As before, the Barnes-Hamilton proposal would provide these camps with up to $14 million for humanitarian assistance, in the form of food, clothing, and medicine, for Nicaraguan refugees.

Some people have expressed concern about the potential diversion of this aid to the Contras. At the least, it is argued, Contras might infiltrate the camps and take advantage of the American supplies, thereby freeing up resources for the purchase of military equipment and weaponry. I share this concern, and have investigated the monitoring capabilities of UNHCR and the Red Cross, as well as the likelihood of the Contras availing themselves of these camps and their supplies. Logistically, it would be difficult for the Contras to utilize the internationally sponsored relief camps. The camps are located in the Honduran interior, away from the Nicaraguan-Honduran border, where the Contra-Sandinista fighting is centered. From the standpoints of both cost effectiveness and logistics, it would not be worth the Contras' efforts to establish a supply line between the combat zone and the relief camps.

In addition, the camps are run according to the strict codes of the UNHCR and the Red Cross. As a result, any persons entering a relief camp must first lay down their weapons. At present, both organizations have apparently been successful in barring combatants from their camps, in particular because they are located at a distance from the battle front. Nevertheless, it is extremely important that Congress continue to monitor the flow of aid to the Red Cross and UNHCR camps to ensure that it is not diverted to the Contras. Therefore, I am pleased that the Barnes-Hamilton amendment contains language which requires regular, detailed reports on the distribution and use of this humanitarian aid.

Let me make one more point regarding this issue of refugee assistance. The humanitarian aid proposed under the Barnes-Hamilton amendment is food, clothing and medicine. It will be delivered to the refugees in that form, and cannot, in any way, be converted into materials with a military purpose.

Let's compare that type of assistance with the aid that could be supplied under the Michel-McDade-McCurdy amendment: light aircraft, helicopters, radar equipment, trucks, field rations, helmets, boots, and uniforms. Is this truly humanitarian assistance? Supplying the Contras directly with these materials, or even food and clothing, amounts to aid for a rebel military force against a country with whom we have diplomatic relations. It amounts to fuel for a war that is raging across Nicaragua and threatening the stability of Costa Rica and Honduras. It amounts to a repudiation of diplomacy, which this country has yet to seriously advocate with regard to Nicaragua.

The Barnes-Hamilton amendment puts diplomacy in the forefront of our efforts to stem the conflict in Nicaragua. It also helps to meet the legitimate needs of many Nicaraguan refugees who have been uprooted and tormented by Contra incursions into Nicaragua. The Barnes-Hamilton package is a decent and sensible alternative to military force—it provides the means for a peaceful, regionally based settlement of the Nicaraguan conflict. I urge my colleagues to strongly support it, and to vote against the Michel-McDade-McCurdy amendment, which promises nothing more than protracted and violent war in Central America.●

Mr. STUMP. Mr. Chairman, I yield the remaining time to the Republican leader, the gentleman from Illinois, [Mr. MICHEL].

The CHAIRMAN. The gentleman from Illinois [Mr. MICHEL] is recognized for 6½ minutes.

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to close the debate on this issue on our side by posing several questions to our opposition.

Suppose the votes earlier today had gone the other way? Suppose that our amendment had been soundly defeated, trounced? Suppose the Barnes-Hamilton amendment would prevail?

Do you really believe that the Sandinistas would see that as a sign that they should become less militant? Do you really believe Daniel Ortega will see passage of the Hamilton amendment as a criticism of his mission to Moscow? Do you really believe that the ruling junta in Managua will become more reasonable if they know that the last link had been cut between the Nicaraguan resistance and these great United States? Is there even one historical precedent to suggest Communists become less militant when their opposition disappears and floats away?

The answer is that if our amendment had been defeated today, and if the Hamilton amendment should pass, a scenario will begin that will be as inevitable as it will be tragic. A green curtain of jungle and silence will descend on Nicaragua. The Communists will complete their consolidation of power at their leisure, unhindered.

Inevitably, maybe in 2 years, 3 years, the dynamism that characterizes successful Communist revolutions will exert itself and Communist Nicaragua will attack neighboring states in force, and I ask those on the other side: What will you do then? What will you do 4 years from now when a new President, maybe a Republican, I hope he is or maybe a Democrat, is faced with an impregnable Communist fortress in Nicaragua? Cuba plus Nicaragua, plus whatever.

It could be you know, and then what do you do? Where and when do we finally draw the line on our southern border? When? You ought to think about that. When are we going to come to grips with reality and draw that line?

You tell us we should talk, but Communists never listen to talk unless it is backed up by force or threat of force. They never have and they never will.

And thank God there are brave Nicaraguans who today provide a semblance of force to make the Communists at least listen and pay attention.

You say you are afraid of having American boys dying in Central America. Well, so are we. Some of our opponents today, and it incensed me no end, called us either warmongers or warlike, or some such thing. Those Members who charged us with that do not have a virtue when it comes to hating war. Those of us who have been in the thick of it as combat in-

fantrymen know what war is. It is hell and I would not wish it on any of my boys or anyone else.

When I look back to those days when I was just an infantryman with no influence to bring to bear on public policy, I recall saying to my fellow dog faces at the time. "If we do not stay here for another 25 years and restrain these people from going at it again, we are making a big mistake," and thank heaven we did stay and forged the NATO Alliance in Europe.

Here we are today with a Communist client, Cuba, on our doorsteps, and another in the making in Nicaragua. I cannot understand how we can be so blind as to what the Communist conspiracy is all about and what they are up to south of our border.

Having said that, I guess I have to conclude on a more conciliatory note. I want to say something about this House and this institution.

I want to pay my personal respects to the gentleman from Pennsylvania, JOE MCDADE, the gentleman from Arizona, BOB STUMP, the gentleman from Wyoming, DICK CHENEY, the gentleman from Illinois, HENRY HYDE, the gentleman from Michigan, BILL BROOMFIELD, and the gentleman from Arizona, JOHN MCCAIN, on my side who did so much to help forge what I like to see happen in this House once in a while, a bipartisanship compromise.

Then too on the Democratic side the gentleman from Pennsylvania, JACK MURTHA, the gentleman from Oklahoma, DAVE MCCURDY, the gentleman from Louisiana, BUDDY ROEMER, the gentleman from Virginia, DAN DANIEL, and the gentleman from Florida, DANTE FASCELL, and 46 Democratic Members of the House of Representatives all deserve commendation for all they have done to make this happen.

I remember the first day we opened this session of Congress and it was my privilege to present the Speaker of the House to the House, and I made mention of the fact that there were 70 votes more on the Democrats side than on our side. I did not like that, and I said there are going to be times when we are going to be split right down the middle, and there have indeed been those confrontations in this session, some of them very polarizing. But I also said there are, hopefully, going to be some other times when we are going to criss-cross that line when people believe strongly on your side about an issue who will be joined by those on ours and other times when strongly held feelings on this side will be joined by those on that side.

When there are defections on my side, I can tell you I do not read my people out of the party over here when they defect. I do not like it and I do everything I possibly can to keep them in line but if my arguments are not persuasive enough to get them, I have to be content with those who will go along and be considerate of those who cannot.

I am so grateful for those of you on the Democratic side who saw fit today to join in this effort to make it a truly bipartisan effort.

I see the distinguished majority leader over there. He was out in my district recently at my old alma mater delivering a beautiful commencement address at Bradley University, and the theme of his address, as I recall was "building bridges rather than walls." A masterful job he did that day.

I got to thinking how we can equate what he said that day with what we did today, building the bridges across this center aisle in a true bipartisan effort to get together on what a majority really felt was the right thing for this country.

So I have to doff my hat to the House of Representatives today. Yes, I feel good about it. The gentleman from Massachusetts, EDDIE BOLAND, was very magnanimous when he came over and we chatted about it. This was his day to lose and our day to win. Shucks, I have lost a lot more than I have ever won around here. You know that. But it is the feeling that maybe we have broken the ice a little bit around here in this Congress; that we can work together, because we still have a lot of big problems facing this country, and to go across the aisle and forge a bipartisan effort, as we have done today, I thank you so much.

I hope you will vote down the Barnes-Hamilton amendment on the next vote here. And then let us not forget there is one final vote after that, and that is on final passage. A few weeks ago we went through a rather traumatic thing, and at that time it was Michel I and II as amendments to the base Barnes-Hamilton, and then the whole thing fell asunder after we just went through a traumatizing afternoon.

I hope, tonight, you are going to vote down Barnes-Hamilton, and on final passage vote for the supplemental appropriation bill.

Mr. HAMILTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon, [Mr. WEAVER].

Mr. WEAVER. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Hamilton amendment.

The debate seems to be over whether humanitarian aid should be dispensed by one agency or another to those soldiers now attempting to overthrow the Government of Nicaragua. Many members sincerely believe that is the substance of the issue before us.

But I believe the issue is war. A vote for the Michel amendment—whatever the actual words in the amendment—is a vote for war in Nicaragua. A vote for Hamilton—again no matter the actual words—is a vote not to go to war in Nicaragua. This vote is our Gulf of Tonkin Resolution.

If the Michel amendment passes and our Government persists in its policy of interfering in the affairs of Nicaragua by force the events following will be the opposite of what the proponents of our interference say they desire.

Latin America will go Communist. Not because we did nothing, but because we tried to overthrow an existing Latin American government. The people of South America, already disturbed by austerity policies, are pressing their politicians to oppose the gringos—that's us—and the politicians in Latin America most eager to oppose us are the United States hating ones, particularly the Communists. The people of Latin America will become even more determined to hate the United States if we give them that reason by backing the Contras in Nicaragua.

The people of Latin America will also demand of their politicians to repudiate their foreign debt. This will cause our banks to fail, and precipitate a financial crisis in this country. I believe this repudiations of debt will occur regardless of our actions in Nicaragua. But our interference in Nicaragua will provide the excuse to precipitate the crisis.

Mr. HAMILTON. To end debate, Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. Mr. Chairman, let me begin by offering my congratulations to my colleagues on this side of the aisle. They have indeed built a mighty and long bridge, and I extend my heartiest congratulations to the gentleman from Illinois [Mr. MICHEL], to the gentleman from Pennsylvania [Mr. MCDADE], and, on this side of the aisle, to the gentleman from Oklahoma [Mr. MCCURDY]. And to my dear friend, the gentleman from Indiana [Mr. LEE HAMILTON], who presented a very thoughtful and articulate statement, the best statement on Central America I have had the pleasure of hearing in my time in the House, I extend my deep appreciation.

The Hamilton amendment, I think, provides a sharp alternative. It recognizes direct aid for the Contras for what it is. It is logistical aid for an army in the field, and it is not in our proposal. It recognizes the historic importance of the Boland prohibition, and it extends the full prohibition without any weakening.

The Hamilton amendment clearly articulates the objectives of U.S. policy, first, to provide for the security and peace of the region; second, to prevent destabilization by the Soviet Union; and, third, to promote democ-

racy, human rights, and economic development.

But the difference is that it seeks to promote these through diplomatic, rather than military means. The Contadora process that we have discussed so often here today is at a very critical turning point. In the near future, next week, the ministers of these countries will be meeting to draft the remaining treaties and protocols. The peace process needs our support at this critical moment. Yet, the Contadora countries tell us that continued funding for the Contras will be precisely the wrong move, and that it will threaten their efforts and expand the war further.

I think the American people are prepared to stand up for the security of our hemisphere, but we cannot let our ideals, so long symbolized by the Monroe Doctrine, be used as a cloak for gunboat diplomacy.

Since 1900 the United States has unilaterally intervened in the Caribbean 28 times. These military interventions have left a residue of resentment that continues to hamper the effectiveness of the United States in that region.

Such unilateral action is long out of date. Time has given our allies in the region, like Mexico, Venezuela, Colombia, and Panama, new power and, with that power, a renewed pride and a renewed independence.

We must not treat this independence as some kind of an annoyance but as a promising opportunity. We need to welcome our allies as partners in a strong commitment to the security of our hemisphere.

My friend, the gentleman from Louisiana [Mr. ROEMER], quoted his hero, John F. Kennedy, when he said, "This hemisphere is the master of its own house." I would tell my friend, the gentleman from Louisiana, that if John F. Kennedy were here today, he would stand with the gentleman from Indiana [Mr. HAMILTON]. He did not say that the United States is the master of this hemisphere. He said, "This hemisphere is the master of its own house."

The comprehensive alternative presented by the gentleman from Indiana [Mr. HAMILTON], I think, rises to the preeminent task of leadership that we face. It sets forth a policy that is inspired by the principles of our Founding Fathers, but grounded in the hard realities of our time, a policy that can command the support of our own people and the respect of our allies, and, above all else, a policy that binds the nations of this hemisphere to protect the security and the sovereignty of us all.

Mr. Chairman, I urge the Members to vote for the Hamilton amendment.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BONIOR] has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR of Michigan. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 254, not voting 5, as follows:

[Roll No. 157]

AYES—174

Ackerman	Garcia	Owens
Addabbo	Gaydos	Panetta
Akaka	Gejdenson	Pease
Alexander	Gephardt	Penny
Anderson	Glickman	Price
Annunzio	Gonzalez	Rahall
Anthony	Gordon	Rangel
Atkins	Gray (IL)	Reid
AuCoin	Gray (PA)	Richardson
Barnes	Green	Rodino
Bates	Guarini	Roe
Bedell	Hamilton	Rose
Beilenson	Hayes	Rostenkowski
Berman	Hefner	Roybal
Boggs	Hertel	Russo
Boland	Howard	Sabo
Bonior (MI)	Hoyer	Savage
Bonker	Hughes	Scheuer
Borski	Jeffords	Schneider
Bosco	Kaptur	Schroeder
Boucher	Kastenmeier	Schumer
Boxer	Kennelly	Seiberling
Brooks	Kildee	Sharp
Brown (CA)	Kleczka	Sikorski
Bruce	Kostmayer	Solarz
Bryant	LaFalce	Spratt
Burton (CA)	Lantos	St Germain
Carper	Leach (IA)	Staggers
Clay	Lehman (CA)	Stark
Coelho	Lehman (FL)	Stokes
Coleman (TX)	Leland	Studds
Collins	Levin (MI)	Swift
Conte	Levine (CA)	Synar
Coyne	Lowry (WA)	Torres
Derrick	Luken	Torricelli
Dicks	Lundine	Towns
Dingell	Manton	Traficant
Dixon	Markey	Traxler
Donnelly	Martinez	Udall
Dorgan (ND)	Matsui	Valentine
Downey	Mavroules	Vento
Durbin	McCloskey	Visclosky
Dwyer	McHugh	Volkmer
Dymally	Mikulski	Walgren
Early	Miller (CA)	Waxman
Eckart (OH)	Mineta	Weaver
Edgar	Mitchell	Weiss
Edwards (CA)	Moakley	Whitley
Evans (IL)	Moody	Whitten
Fazio	Morrison (CT)	Williams
Feighan	Mrazek	Wirth
Foglietta	Natcher	Wise
Foley	Neal	Wolpe
Ford (MI)	Nowak	Wright
Ford (TN)	Oakar	Wyden
Fowler	Oberstar	Yates
Frank	Obey	Yatron
Frost	Olin	Young (MO)

NOES—254

Andrews	Bilirakis	Chandler
Applegate	Billey	Chappell
Archer	Boehlert	Chappie
Armey	Boner (TN)	Cheney
Aspin	Boulter	Clinger
Badham	Breaux	Coats
Barnard	Broomfield	Cobey
Bartlett	Brown (CO)	Coble
Barton	Burton (IN)	Coleman (MO)
Bateman	Bustamante	Combest
Bennett	Byron	Conyers
Bentley	Callahan	Cooper
Bereuter	Campbell	Coughlin
Bevill	Carney	Courter
Biaggi	Carr	Craig
Crane	Kasich	Regula
Crockett	Kemp	Ridge
Daniel	Kindness	Rinaldo
Dannemeyer	Kolbe	Ritter
Darden	Kolter	Roberts
Daschle	Kramer	Robinson
Daub	Lagomarsino	Roemer
de la Garza	Latta	Rogers
DeLay	Lent	Roth
Dellums	Lewis (CA)	Roukema
DeWine	Lewis (FL)	Rowland (CT)
Dickinson	Lightfoot	Rowland (GA)
DioGuardi	Lipinski	Rudd
Dornan (CA)	Livingston	Saxton
Dowdy	Lloyd	Schaefer
Dreier	Loeffler	Schuette
Duncan	Long	Schulze
Dyson	Lott	Sensenbrenner
Eckert (NY)	Lowery (CA)	Shaw
Edwards (OK)	Lujan	Shelby
Emerson	Lungren	Shumway
English	Mack	Shuster
Erdreich	MacKay	Siljander
Evans (IA)	Madigan	Sisisky
Fascell	Marlenee	Skeen
Fawell	Martin (IL)	Skelton
Fiedler	Martin (NY)	Slattery
Fields	Mazzoli	Slaughter
Fish	McCain	Smith (FL)
Flippo	McCandless	Smith (IA)
Florio	McCollum	Smith (NE)
Franklin	McCurdy	Smith (NH)
Frenzel	McDade	Smith (NJ)
Fuqua	McEwen	Smith, Denny
Gallo	McGrath	Smith, Robert
Gekas	McKernan	Snowe
Gibbons	McKinney	Snyder
Gilman	McMillan	Solomon
Gingrich	Meyers	Spence
Goodling	Mica	Stallings
Gradison	Michel	Stangeland
Gregg	Miller (OH)	Stenholm
Grotberg	Miller (WA)	Strang
Gunderson	Molinari	Stratton
Hall (OH)	Mollohan	Stump
Hall, Ralph	Monson	Sundquist
Hammerschmidt	Montgomery	Sweeney
Hansen	Moore	Swindall
Hartnett	Moorhead	Tallon
Hatcher	Morrison (WA)	Tauke
Heftel	Murphy	Tauzin
Hendon	Murtha	Taylor
Henry	Myers	Thomas (CA)
Hiler	Nelson	Thomas (GA)
Hillis	Nichols	Vander Jagt
Holt	Nielson	Vucanovich
Hopkins	O'Brien	Walker
Horton	Ortiz	Watkins
Hubbard	Oxley	Weber
Huckaby	Packard	Wheat
Hunter	Parris	Whitehurst
Hutto	Pashayan	Whittaker
Hyde	Pepper	Wilson
Ireland	Perkins	Wolf
Jacobs	Petri	Wortley
Jenkins	Pickle	Wylie
Johnson	Porter	Young (AK)
Jones (OK)	Pursell	Young (FL)
Jones (TN)	Quillen	Zschau
Kanjorski	Ray	

NOT VOTING—5

Broyhill	Hawkins	Leath (TX)
Davis	Jones (NC)	

□ 1950

Messrs. KOLTER, CONYERS, and CROCKETT changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. MATSUI. Mr. Chairman, for the second time in less than 2 months the House of Representatives is being called upon to debate the administration's confrontational Central America policy. On April 24 we rejected the administration's $14 million direct assistance request for the Nicaraguan Contras. Now, emboldened by their own

rhetoric, the administration is asking for $27 million in Contra assistance. The underlying facts have not changed in the last 7 weeks. The House should once again reject the administration's Contra assistance request.

Just as they did in April, the administration is saying that the $27 million will go to pay for humanitarian items for the Contras. But the administration's record toward Nicaragua completely and irrefutably belies any peaceful intentions. The policy of mining Nicaragua's harbor and the imposition of an economic trade embargo have been unreasoned and openly confrontational. The administration's rhetoric, in particular calling for the Nicaraguan government to say "uncle," has been bellicose and belligerent. It is no surprise that passage of the administration's humanitarian aid package will repeal the Boland amendment. The Boland amendment directly prohibits U.S. intelligence agencies from supporting, directly or indirectly, military or paramilitary operations in Nicaragua. It is no surprise that the administration humanitarian assistance funds can be used for logistical support and equipment, including aircraft.

If we are going to have influence in this region of the world, we cannot be taking sides in a civil war and we cannot be making open-ended commitments to Contra terrorists.

I believe that the Hamilton amendment is a fair alternative. It demonstrates humanitarian concern for the refugees this conflict has created. Under the Hamilton amendment, humanitarian aid is provided through the International Committee of the Red Cross or the United Nations and not by an agency of the U.S. Government. The aid is made available solely on the basis of human need to noncombatant forces and will not be handed over to the Contra forces.

Without the support of the world community, the American public and the Congress, the administration policy of confrontation amounts to unpopular rhetoric and ineffective intimidation. Only two nations in the world have voiced support for our economic embargo of Nicaragua. Almost three-fourths of the American public oppose sending military aid to the Contras and nearly three-fifths oppose any nonmilitary aid.

I ask my colleagues to join me today by voting against giving credence to the administration's war of words. We must reaffirm our vote of 2 months ago to work within the Contadora process and to address the crisis of poverty and economic hardship in the entire Central America region.●

● Mr. FRENZEL. Mr. Chairman, this vote on Nicaragua may not be the most important, nor the most controversial one of the year, but it has stirred emotions enough to cause demonstrations in congressional district offices across the country, and to fill this Chamber with oratory of more-than-usual enthusiasm.

Nicaragua presents a problem with no easy, cheap, or high-probability solutions. I doubt that many Members feel completely comfortable with any one of the alternatives available to us for vote today. Surely I am not.

In general, I believe that there is little probability that the Contras' efforts will persuade the Sandinista government to embrace the policies we are urging it to adopt. If there is any thing we have learned lately, it ought to be that nobody wins wars with a handful of troops, and a few million dollars. Parenthetically, I might add that opponents of and to the Contras seek to support insurgents in Colombia at the bargain basement rate of $5 million.

On the other hand, I believe the Sandinista government is one which is obviously Communist, and is just as obviously, up to no good in Central America. It has pretty well terrorized its neighbors, and has been credited by El Salvadoran revolutionaries with providing both resources and direction to their disruptive actions.

The recent visit by the Nicaraguan leader, Commandante Ortega, just after the House rejected aid to the Contras, to Moscow, and various other East bloc capitals, is convincing evidence of the source from which the Sandinistas aid, comfort and direction come. Havana is no longer doing a solo in its attempt to foment discord in Latin America. Managua may be a junior partner, but it is a partner nonetheless.

The committee's suggestion to send money to the Red Cross seems to me to offer little help. The majority's amendment to do nothing is worse. I consider the President's policy as represented by the Michel-McDade-McCurdy amendment as treading water, or a transition policy, but at least it recognizes that there is a problem in Central America, and that a big part of that problem is the Sandinista government in Nicaragua. Further, it recognizes our interest in liberty, human rights and pluralism.

It is also my opinion that it is reasonable to exchange intelligence information with Contra personnel. For that reason, I will vote against the Boland amendment.

Our policy with respect to El Salvador, so controversial only a year or so ago, now creates very little excitement. This House gambled on President Duarte and freedom. The gamble is not won yet, but the relative lack of argument over El Salvador policy and funding is testimony to its success.

Nicaragua is not a close parallel, but at least it has geographical proximity. I believe that the Michel-McDade-McCurdy amendment deserves to prevail because it signals that we have not given up. There is little in the amendment that is threatening. In fact, it is an invitation to the Sandinistas to live up to some of their own promises. It is the only alternative available today which does not signal to the Sandinistas that we don't care if they bully their neighbors, and suppress and harass their own people.

We have few problems as vexing as Central American policy. I see our choice today not between solving, or not solving, the Nicaraguan problem. Rather it is between acknowledging, or not acknowledging the problem. We probably haven't found the right policy yet, but we ought not to give up.●

● Mr. SYNAR. Mr. Chairman, I traveled to Nicaragua in February to see for myself what conditions are like under the Sandinistas. I was in the marketplace in Managua and noticed two young girls, both about 16 years old. I ask them what their goals were in life, and they both said they wanted to come to America.

That short conversation convinced me that after 5 years of indoctrination under a state-controlled education system, the Sandinistas have not won the minds of the Nicaraguan people. The young people in Nicaragua still do not believe the state-issued propaganda about the Yankee Imperialists to the north.

U.S. policy in Nicaragua is now at a crossroads. We can continue our decades-old policy of armed intervention in Nicaragua, or we can channel our efforts toward a diplomatic solution. I believe the latter approach is the best way to win the allegiance of the Nicaraguan people.

History tells us where our current policy is leading. The Reagan administration has increased U.S. pressure on the Sandinistas over the last 4 years by arming the Contras, and, most recently, by instituting a trade embargo. The result has been increased internal oppression by the Sandinistas, not less. This is the central myth of our current policy: That military aid increases our leverage against the Sandinistas and will force them to opt for a more democratic society. This has not happened after $100 million in covert aid, and it probably would not happen after $29 million in humanitarian aid.

The Barnes-Hamilton amendment again offers the most comprehensive statement of what U.S. policy should be toward Nicaragua. The amendment emphasizes a regional settlement founded on the efforts of the Contadora nations—Colombia, Venezuela, Mexico, and Panama. These countries have drafted several treaties aimed at ending the hostilities in the region, but the Reagan administration has blocked most of their efforts. The

United States has refused to pursue diplomacy before armed conflict, and that represents the primary failure of our current policy.

The amendment also includes several other objectives: Preventing the Soviet Union or its allies from destabilizing the region or deploying a military capability that threatens U.S. security; promoting stability and economic development; promoting human rights and democratic processes; and maintaining peaceful relations with Nicaragua as long as Nicaragua is at peace with its neighbors.

None of these objectives can be met as long as our policy is based solely on funneling money to a band of rebels led by ex-Samocistas, the national guardsmen under former-dictator Somoza. Lest we have any doubt this is the case, we should consider Edgar Chamorro's description of the FDN—the primary Contra organization. Chamorro is a former member of the National Directorate of the FDN, and says:

> The FDN is in the hands of the ex-National Guard who control the Contra army, stifle internal dissent, and intimate or murder those who dare to oppose them. This is not a democratic opposition.

The Michel amendment does not make U.S. aid conditional on the FDN ridding itself of its antidemocratic leadership and it does not condition aid on the Contras' willingness to accept a cease-fire and negotiations. In reality, it is aid with no strings attached, and is certain to lead to an escalation in combat and further bloodshed.

In closing, I want to emphasize that while I oppose direct aid to the Contras at this time, my position is open to change. I will not allow Nicaragua to become a Soviet satellite.

In addition, there are several steps the Contras could take which would cause me to reevaluate my position: First, rid themselves of ties to former national guardsmen; second, offer to accept a cease-fire and negotiations with the Sandinistas; and third, accept the civilian leadership of moderate democratic leaders. These steps would ensure the legitimacy of the Contra force as a means for true democratic change in Nicaragua.●

● Mr. MINETA. Mr. Chairman, I wish to note for the record that I will reluctantly be voting no on the question of final passage of the supplemental appropriations bill.

I will be casting my no vote solely because of the inclusion within this bill of the aid of the Nicaraguan Contras. I have steadfastly opposed our secret war in Nicaragua for several years, and must continue to oppose that misguided and dangerous effort.

There are many parts of this supplemental that I strongly support. I will continue to support those other aspects, and look forward to working with my colleagues to advance the many other issues and programs supported by this legislation.

Thank you very much.●

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MOAKLEY] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, pursuant to House Resolution 186, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALKER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALKER moves to recommit the bill, H.R. 2577, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 271, nays 156, answered "present" 1, not voting 5, as follows:

[Roll No. 158]

YEAS—271

Ackerman	Armey	Bentley
Addabbo	Aspin	Bereuter
Akaka	Barnes	Berman
Anderson	Bartlett	Bevill
Andrews	Bateman	Biaggi
Annunzio	Bennett	Bilirakis
Bliley	Green	Price
Boehlert	Grotberg	Pursell
Boggs	Gunderson	Quillen
Boner (TN)	Hall, Ralph	Rangel
Bonker	Hamilton	Regula
Borski	Hammerschmidt	Reid
Boucher	Hatcher	Richardson
Boulter	Hefner	Rinaldo
Breaux	Heftel	Robinson
Brooks	Hendon	Roe
Broomfield	Hillis	Roemer
Bruce	Holt	Rogers
Bryant	Horton	Rose
Burton (CA)	Howard	Rostenkowski
Burton (IN)	Hoyer	Roukema
Bustamante	Huckaby	Rowland (CT)
Byron	Hunter	Rowland (GA)
Callahan	Hutto	Rudd
Campbell	Hyde	Saxton
Carney	Ireland	Schaefer
Carr	Johnson	Scheuer
Chandler	Jones (TN)	Schuette
Chappell	Kanjorski	Schulze
Cheney	Kasich	Schumer
Clinger	Kemp	Sharp
Cobey	Kennelly	Shaw
Coble	Kindness	Shelby
Coleman (MO)	Kolbe	Sikorski
Coleman (TX)	Kolter	Siljander
Combest	Kramer	Sisisky
Conte	Lantos	Skeen
Coughlin	Lehman (FL)	Skelton
Courter	Lent	Slaughter
Coyne	Levin (MI)	Smith (FL)
Daschle	Levine (CA)	Smith (IA)
Daub	Lewis (CA)	Smith (NE)
de la Garza	Lewis (FL)	Smith (NJ)
DeLay	Lipinski	Snowe
Derrick	Livingston	Solarz
DeWine	Lloyd	Spratt
Dickinson	Loeffler	Staggers
Dicks	Lott	Stangeland
Dingell	Lowery (CA)	Stenholm
DioGuardi	Lujan	Strang
Dixon	Lundine	Stratton
Donnelly	Madigan	Stump
Dornan (CA)	Manton	Sundquist
Dowdy	Marlenee	Sweeney
Downey	Martin (NY)	Swift
Duncan	Mazzoli	Swindall
Durbin	McCain	Synar
Dwyer	McCandless	Tallon
Dyson	McCollum	Tauzin
Eckart (OH)	McCurdy	Taylor
Eckert (NY)	McDade	Thomas (CA)
Edgar	McEwen	Thomas (GA)
Edwards (OK)	McGrath	Torricelli
Emerson	McHugh	Traxler
English	McKernan	Udall
Erdreich	McKinney	Vander Jagt
Evans (IL)	McMillan	Visclosky
Fascell	Meyers	Volkmer
Fawell	Mica	Vucanovich
Fiedler	Michel	Watkins
Fish	Mikulski	Waxman
Flippo	Miller (OH)	Weber
Florio	Miller (WA)	Weiss
Foglietta	Molinari	Wheat
Fowler	Mollohan	Whitehurst
Franklin	Montgomery	Whitley
Frenzel	Moore	Whitten
Frost	Morrison (WA)	Wilson
Fuqua	Mrazek	Wise
Gallo	Murtha	Wolf
Gaydos	Myers	Wolpe
Gekas	Natcher	Wortley
Gephardt	Nelson	Wright
Gibbons	Nowak	Wyden
Gilman	O'Brien	Yates
Gingrich	Ortiz	Yatron
Glickman	Parris	Young (AK)
Gordon	Pashayan	Young (FL)
Gradison	Pepper	Young (MO)
Gray (IL)	Perkins	
Gray (PA)	Pickle	

NAYS—156

Alexander	Barton	Brown (CA)
Anthony	Bates	Brown (CO)
Applegate	Bedell	Carper
Archer	Beilenson	Chappie
Atkins	Boland	Clay
AuCoin	Bonior (MI)	Coats
Badham	Bosco	Coelho
Barnard	Boxer	Collins

Conyers	Kildee	Porter
Cooper	Kleczka	Rahall
Craig	Kostmayer	Ray
Crane	LaFalce	Ridge
Crockett	Lagomarsino	Ritter
Daniel	Latta	Roberts
Dannemeyer	Leach (IA)	Rodino
Darden	Lehman (CA)	Roth
Dellums	Leland	Roybal
Dorgan (ND)	Lightfoot	Russo
Dreier	Lowry (WA)	Sabo
Dymally	Luken	Savage
Early	Lungren	Schneider
Edwards (CA)	Mack	Schroeder
Evans (IA)	MacKay	Seiberling
Fazio	Markey	Sensenbrenner
Feighan	Martin (IL)	Shumway
Fields	Martinez	Shuster
Foley	Matsui	Slattery
Ford (MI)	Mavroules	Smith (NH)
Ford (TN)	McCloskey	Smith, Denny
Frank	Miller (CA)	Smith, Robert
Garcia	Mineta	Snyder
Gejdenson	Mitchell	Solomon
Gonzalez	Moakley	Spence
Goodling	Monson	St Germain
Gregg	Moody	Stallings
Guarini	Moorhead	Stark
Hall (OH)	Morrison (CT)	Stokes
Hansen	Murphy	Studds
Hartnett	Neal	Tauke
Hayes	Nichols	Torres
Henry	Nielson	Towns
Hertel	Oakar	Traficant
Hiler	Oberstar	Valentine
Hopkins	Obey	Vento
Hubbard	Olin	Walgren
Hughes	Owens	Walker
Jacobs	Oxley	Weaver
Jeffords	Packard	Whittaker
Jenkins	Panetta	Williams
Jones (OK)	Pease	Wirth
Kaptur	Penny	Wylie
Kastenmeier	Petri	Zschau

ANSWERED "PRESENT"—1

Long

NOT VOTING—5

Broyhill	Hawkins	Leath (TX)
Davis	Jones (NC)	

□ 2010

Messrs. McCLOSKEY, RAHALL and STOKES changed their votes from "yea" to "nay."

Mr. SPRATT changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2600

Mr. HARTNETT. Mr. Speaker, I ask unanious consent to have my name removed as a cosponsor of H.R. 2600.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REPORT ON RESOLUTION OF INQUIRY CONCERNING TERRORIST BOMBINGS IN BEIRUT, LEBANON

Mr. HAMILTON, from the Permanent Select Committee on Intelligence, submitted a privileged report (Rept. No. 99-171) on the resolution (H. Res. 171) requesting the President to provide certain information to the House of Representatives concerning covert training of counterterrorist units to act against anti-American terrorists in Lebanon or other parts of the Middle East, which was referred to the House Calendar and ordered to be printed.

ANNE FRANK DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 142) to designate June 12, 1985, as "Anne Frank Day", and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from Michigan [Mr. LEVIN], the sponsor of the bill.

Mr. LEVIN of Michigan. Mr. Speaker, I am proud, along with Mr. HORTON, Mr. DASCHLE, and over 200 other Members of the House to be sponsoring this resolution.

On this very day, exhibits, exhibits are opening in Amsterdam, in Berlin and in New York commemorating Anne Frank, and I hope we pass this expeditiously.

I would like to express my appreciation to Mr. GARCIA for his cooperative efforts to make sure that this item of real significance was considered on this appropriate day.

Mr. HANSEN. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

□ 2020

Mr. GILMAN. I thank the gentleman for yielding. Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 142, designating June 12, 1985, as Anne Frank Day. I would like to take this opportunity to thank the gentleman from Michigan [Mr. LEVIN] for introducing the companion bill in the House, House Joint Resolution 293, and for leading this successful effort to recognize Anne Frank and the invaluable contribution "The Diary of Anne Frank" has made to our understanding of the horrors of the Holocaust.

Were she alive today, Anne Frank would have celebrated her 56th birthday. On Anne's 13th birthday, her father, Otto Frank, made a gift to her of a book in which to keep a diary. In this book Anne chronicled the Nazi occupation of Holland and her family's subsequent flight to a hidden annex behind Otto Frank's former business. The Frank family, later joined by four others, lived in this annex for 25 long months until their discovery by the German police in 1944. Mrs. Frank died at Auschwitz and Anne and her sister were sent from Auschwitz to Bergen-Belsen where they both died of typhus in March 1945. When Otto Frank returned to Amsterdam after his liberation from Auschwitz he shared Anne's diary with the world.

Individuals of all religious and ethnic persuasions have been moved and edified by Anne Frank's writings. She saw the world with a young woman's heart and in setting down those observations has given the world one of the most complete records of the Nazi persecutions. Today an exhibit entitled "Anne Frank in the World 1929-1945" will simultaneously open in Frankfurt, Amsterdam, and New York City. The exhibit, organized in the United States by the American Friends of the Anne Frank Center and hosted in New York by the American Forum on Religion and Politics, is designed to preserve the memory and message of Anne Frank. Accordingly I urge my colleagues to adopt this most worthy resolution and to take a moment during your busy day to reflect on Anne Frank and the enormous contribution she made to our ongoing fight for human rights for all.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from California.

Mr. DORNAN of California. I just want to commend the gentleman for bringing before the House Senate Joint Resolution 142.

My administrative assistant was going to come home via Amsterdam from the Geneva talks last week, and I suggested to Mr. Brian Bennett that "If you only see one thing in Amsterdam see the home where the Franks were hidden out for years during World War II. He took my advice. He told me just the other day that when he stood in the Frank hideaway he began to involuntarily choke up and his eyes filled with tears because of the tremendous sense of both sorrow and joy in that room made hallowed by senseless death. Brian saw Anne's little collection of pictures that are preserved on the wall of that tiny corner that was her final space of freedom. I told Brian to look in the replica of her diary for those words where she ended one day's thoughts, toward the end of her young life, with

After everything is considered, I still think people are pretty nice.

Anne Frank is just a towering figure in world history, and I think this resolution is fitting indeed. She is as much a citizen of the free world as any freedom-loving American. I am proud to be a cosponsor of this resolution.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 142

Joint Resolution To designate June 12, 1985, as "Anne Frank Day".

Whereas Anne Frank was a young girl who died in the Bergen-Belsen Nazi concentration camp;

Whereas Anne Frank kept a diary, discovered after her death, that told the story of the concealment of her family from the Nazis;

Whereas June 12, 1985, is the anniversary of the birth of Anne Frank;

Whereas June 12, 1985, also is the occasion of an international opening of the exhibition, entitled "Anne Frank in the World 1929-1945", in Frankfurt in the Federal Republic of Germany, in Amsterdam in the Netherlands, and in New York City in the United States;

Whereas the Anne Frank exhibit was organized by the American Friends of the Anne Frank Center, a nonsectarian organization committed to preserving the memory of Anne Frank;

Whereas the American Friends of the Anne Frank Center has selected the American Forum on Religion and Politics to host the opening of the Anne Frank exhibit in New York;

Whereas the American Forum on Religion and Politics, a group composed of business, political, and professional leaders and religious leaders from many faiths, is committed to preserving the separation of church and State and to advancing social change by encouraging dialogue; and

Whereas it is appropriate for the people of the Nation to reflect on the message of Anne Frank that in the face of evil it is possible to retain a belief in humanity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 12, 1985, is designated as "Anne Frank Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 142.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. McCAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from California, Mr. DANNEMEYER.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

A FARMER WRITES THE PRESIDENT

(Mr. DASCHLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. DASCHLE. Mr. Speaker, if the newspapers had reported last night that 55,000 farmers were forced off their lands, it would be front-page news. That is not going to happen, and yet reports are that 55,000 farmers over the course of 1 year will lose their farms.

Alden Flakoll is a farmer in South Dakota who thus far has avoided becoming one of those statistics. Recently he wrote a letter to the President. He writes:

As a student of history, I never thought I would see the day again when we would have to re-live the 1920s because I thought we were intelligent enough to manage our own destiny. I know and I feel this is true. If we do not correct the farm situation out here very soon, we will see one of the worst depressions this world has ever experienced. Much worse than the '30's ever were.

Alden Flakoll and his neighbors do not want our sympathy. They want our understanding. They do not want artificial subsidies. They just want a genuine price.

Mr. Speaker, I include the entire letter from Mr. Flakoll to the President, from the Aberdeen American News of March 26, 1985, as follows:

[From the Aberdeen American News, Mar. 26, 1985]

A FARMER WRITES THE PRESIDENT ABOUT THE SITUATION

(The following is a letter sent to President Reagan by Alden J. Flakoll, Forbes, N.D., who farms in McPherson County.)

I am a 1969 Outstanding Young Farmer from the state of South Dakota as were my friends John Block and Associate Secretary of the ASCS Milton Hertz, in their respective states. Although I do not fall into the category that Mr. Stockman has put most of our farmers, as I have not purchased any land since 1970, yet I have subsidized the Amerian consumer and the World Market to almost $1 million and I'll tell you why.

We have a trillion-dollar investment in agriculture. The total of all other industries in this country as of two years ago was only 90 percent of that. That particular year we had $10 billion of off-farm income, $5 billion of government subsidies, and about $5 billion net return from the market place. That is less than five tenths of one percent return, the best we have ever had in agriculture is $36 billion and that included off-farm income. The national debt that same year of $1 trillion earned $98 billion and if we had put that money in the Money Market it would have brought about $160 billion or $170 billion.

We also are receiving only 20 percent of the gross national product and yet we have over half the investment in business in this country. There are 2.4 million farmers, and if they each receive $20,000 as a salary, that would be over $48 billion without any other investment.

We have heard about the subsidy the farmer receives but never about the subsidies the farmer gives the American consumer and the World Market. It would have to run into the neighborhood of at least $150 billion a year. Yet our total gross sales from all kinds of agriculture commodities this past year has only amounted to $144 billion. That is less than 15 percent return on gross sales instead of net.

As a student of history, I never thought I would see the day again when we would have to re-live the 1920s because I thought we were intelligent enough to manage our own destiny. I know and I feel this is true. If we do not correct the farm situation out here very soon, we will see one of the worst depressions this world has ever experienced. Much worse than the '30s ever were.

Let me say that I grew up and lived most of my life believing in the Free Marketing system. In the '60s I voted down the mandatory wheat referendum because I didn't like its restrictions. However, today I would never do it again because we need to control our production and get a cost of production for what we produce.

Although I believe in the law of supply and demand, there is no such thing as a free-marketing system. The livestock industry is a good example of that in the past 10 years. It has generally been in the red and does not meet the cost of production. We are up against nations who subsidize their exports and restrict our imports. We are also up against a strong dollar brought about by huge deficits which the government has brought on us. We have lost many of our world markets because former presidents have put on restrictions or embargoes.

Lower prices do not restrict production. We only have to produce more to keep up with our expenses because most of us are limited in what we can produce. If someone goes out of business, another farmer comes along and picks it up and the production remains the same. Farmers aren't asking for a handout, they are asking for a fair shake.

What is the solution to the problem? A fair place in the market place, in comparison to the cost of the production for the products we raise, "not a government handout," controlled by a management board that restricts production to the domestic market and the world needs, but no politician has had guts enough to do this.

The previous dairy program, in my opinion, is one of the best programs ever written if it would have had a control of production.

With the new program that you have initiated, my neighbors have only increased their numbers of cows so they can keep up with their expenses because the price of milk is actually lower than it was before, so in the long run it creates a larger glut on the market than there was before.

The second problem becomes financial. First of all we need a fast program that far exceeds what you have proposed to get us out in the field and take care of this year's expenses. Your interest "buy down" doesn't work. There are many people who the present system will not handle.

Second, we need a restructuring of the debt that will allow us, after we receive a decent price to pay off our debts or else the government can write-off another $200 billion plus, because the land will probably not bring 10 cents on a dollar if this thing busts.

We spend hundreds of billions of dollars in national defense, but our national defense depends just as much on how many farmers we have out here as how many missiles we have. As you said in your speech, "You haven't seen anything yet" and this is true. If we are allowed to move forward with the rest of the economy in this nation it will be the most glorious it has ever been because of the trickling-down effect. But, if we are going to continue on with the free market route, and the past 20 years of uncontrolled production, we will have one of the worst depressions the world has ever seen. The choice is yours, Mr. President, you can make it or break it.

IS AMERICA BECOMING A COLONY OF JAPAN?

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. BENTLEY. Mr. Speaker, yesterday, the news headlined a new, all time balance of trade deficit with Japan—$3 billion for the month of May, much of it reported to be because of car imports.

Lee Iacocca, chairman of the board of the Chrysler Corp., in a speech to the graduating class at MIT, on June 3, 1985, Mr. Iacocca said, ". . . our three largest exports to Japan are corn, soybeans, and coal. Japan's largest exports to us are cars, trucks and video recorders. Raw materials and foodstuffs traded for manufactured goods—does the pattern sound a little familiar? It's the classic definition of a colony. That's what deindustrialization and weak-kneed trade policies are doing to America. They're making us a colony again.

"We were a colony once before, but we got so mad, we threw the tea into the harbor."

Mr. Iacocca is not the first to be voicing these sentiments. As manufacturing plant after manufacturing plant closes down, we move almost irrevocably toward being primarily an exporter of agricultural products. Can that narrow an economic base long sustain the standard of living we enjoy? Can that narrow a base sustain a defense any greater than plowshares?

Mr. Speaker, I submit the entire text of Mr. Iacocca's speech for inclusion in the RECORD, as follows:

PREPARED REMARKS BY L. A. IACOCCA, CHAIRMAN OF THE BOARD, CHRYSLER CORPORATION, AT MASSACHUSETTS INSTITUTE OF TECHNOLOGY, CAMBRIDGE, MA, JUNE 3, 1985

Thank you, Dr. Saxon.

President Gray, members of the MIT Corp., members of the faculty, distinguished guests, parents, and members of the Class of 1985. Thank you for asking me to share this special day with all of you.

And it is a special day. It's a day for all of you graduates to thank your teachers for their hard work, and your parents for all their sacrifices. And by the way, don't forget to pat yourselves on the back, too. You deserve to. My hat is off to every one of you.

I asked one of your alumni at Chrysler to tell me a little bit about MIT students. He said they're all brilliant, but they're too intense and they're too competitive. He said the only thing they can't seem to learn is how to relax. Well, let me tell you, relax today. It's your day. Enjoy it.

Relax, but don't go to sleep, because tomorrow the real final exams start. They'll go on for the rest of your lives. I'm going to try to give you a little peek at the test, but I won't be able to help you with the answers. They'll have to come from you.

But in case you want to take a nap for the next 20 minutes or so, I'll give you the ending to this speech right now. I'm going to tell you to go out and change the world.

That's my duty, right? That's what every commencement speaker says.

And every graduating class sits there (hoping he'll be brief, so they can go uncork the champagne) musing to themselves—"if the world had to be changed, Why in the hell didn't he do it?"

Well, my generation tried. Pretty hard, at times. And with some success, I might add.

I sat in your place in those happy days at the end of World War II (that was the good war, you know, the one in all those old Ronald Reagan movies). Our future couldn't have been brighter then. America was flush with victory. We were king of the hill, the undisputed leaders of the whole world. (Russia soon got some funny ideas about that, however.)

Believe it or not, back in those innocent days, a lot of people really thought we had a chance to build a perfect world. (I wasn't too sure, but I kept my mouth shut because I didn't want to spoil it for the rest of them.)

Well, a few things went wrong. There were a couple more wars, there were eight recessions, there was Watergate, and a dozen other man-made disasters along the way.

But in spite of all that, we did manage to wipe out a few diseases. We put a man on the moon. We produced more tecnological change than all of those who came before us, and I mean combined. And we made America, I think, a little more just, a little-more fair, and maybe a little bit more humane.

All in all, we really haven't done a bad job.

And if you believe everything you read in the papers, the country must be in terrific shape. The stock market just went over 1300. Companies are spending billions of dollars just buying each other up. And the public is on a buying binge, too. They're buying lots of expensive cars and houses. Things are so good, even Chrysler made $2.4 billion last year, and we were broke 5 years ago.

And, you, how about you? Well, you've got the world by the tail. You're all going to make a bundle of money next year. Some of you will be yuppies sooner than you think. We call anybody a "yuppie" who's around 40 and makes 40 grand a year. Hell, we're hiring some 20-year olds at almost $40,000 ($33,000 to start for engineers, to be exact. I guess you'd call them "baby yuppies" or "guppies" or yuppies 20 years ahead of their time).

To be honest with you, we're handing you more than anybody has ever passed on to their kids. Generations ahead of you were lucky if they inherited a little shack on the back forty. You're getting a big, beautiful mansion on a hill. That's what we're leaving you.

Now, before you get all choked up with gratitude, I should tell you one more thing. We haven't paid for all this yet. We're leaving you the mansion, alright, but it's got a little mortage on it.

About $1.7 trillion, in fact, going to $2 trillion in just a couple years. That's the public debt we're going to hand this class.

And if you don't like the deal—if you don't want the mansion—I'm sorry, because it's yours, along with the note.

You can't give it back, but you can get mad about it. In fact I hope you do. I'm mad, too. I think the mortgage you're picking up is a national scandal. Right now, we're paying $150 billion a year in interest alone on our national debt, and adding almost $200 billion a year on the principal.

For a long time we fought a battle with inflation in this country. We beat it, but we paid a heavy price. We paid a price in unemployment, in high interest rates and in bigger federal deficits. And we weakened many of our basic industries, especially housing and autos, along the way.

Now, inflation is bad enough. It's an economic evil. Let's hope it stays in its own hole. But at least inflation is a penalty we pay now. It takes money out of your pockets every day. It's sort of a "pay-as-you-go" penalty.

But these huge deficits are a penalty that we keep deferring. We're going to leave them for you. It's not "pay-as-you-go" anymore, it's more like "pass the plastic." It's a credit card approach—and it's your credit card we're using.

What makes this debt so insidious is that so much of it is invisible. I often say that the government ought to be forced to follow the truth in lending law. Every year at tax time it should have to send out a statement to you, just like the bank does. And that statement would tell every American family where it stands.

This year, for the average family, it would go something like this:

"Dear Mr. and Mrs. Taxpayer:

"This year your family's share of the national debt stands at $27,950.

"In the past 12 months, your share has increased by $3,980.

"Your share of the interest bill this year is $2,127.

"Have a nice day."

Now maybe you noticed that one line is missing from that statement—the one that says "please remit." We aren't remitting. We aren't paying our own way.

But there are no free lunches in this life. That bill has to be paid someday, and I guess you get the honor. (Unless, by the way, you want to float it long enough to give to your kids, but I sure hope you don't.)

I understand you have something here at MIT called "hacking." Well, somebody is "pulling a hack" on your future. Piling up debt to create the illusion of prosperity is a cruel hoax. And the joke, my young friends, is on you.

Now, let me ask you. How am I doing so far, is everybody mad yet?

Well, if you're not, let me go one step further.

Let me tell you about our second national scandal—one that will put another dark cloud over your futures. I'm talking about a trade deficit that's going right off the charts.

Our trade deficit in goods last year was $123 billion. In 1980, just 48 months ago, we had a $40 billion surplus. So we had a negative swing of $163 billion in less than 4 years. And we're on a toboggan ride, right now. We will probably go $150 billion in the hole this year alone.

These two scandals are related, by the way. The trade imbalance is a bastard child of those huge deficits that raise interest rates and throw the dollar out of whack. The high dollar makes American goods cost more, and gives foreign products a big leg-up. American companies (I'm part of one), can work night and day to get more productive. Three years ago we built 10 cars per employee at Chrysler, per year. Now we build 20 cars per employee per year. But the currency problem just throws all that effort right out the window.

That's one side of the problem. Our own fiscal irresponsibility creates that high dollar, and we can't blame anybody else for it. We have to fix that ourselves.

But there's another side of the problem. Even when we are competitive, we're facing a crazy festival of trade barriers all over the place that keeps our products out of other countries.

Consider Japan. Last year, the Japanese sold us $37 billion worth of products more than we sold them. That's a $37 billion deficit with just one country in 1 year! If you disregard oil imports, 62 perent of our total trade deficit worldwide comes from trade with Japan alone.

Now, the high dollar accounts for a lot of that. But so does the fact that Japan protects its home markets. It does so rather openly, and without much apology. Japan is a free and sovereign nation, and it has a right to act in its own self-interest.

But guess what? So do we! We've got a right to go to the Japanese, as close friends and trading partners, and say, "Look, we've got a $37 billion problem here. We can't handle that. It has to come down. If, for internal political reasons, you can't buy American rice or oranges, even though they're much cheaper than you own, that's okay with us. But then you'll have to cut back on some of the traffic coming the other way across the Pacific." You see, that imbalance isn't just an American problem. It's Japan's problem, too. It's a mutual problem because if it isn't solved soon, your Congress will be forced to take drastic action.

The Senate has already fired a shot across their bow by voting 92-0 to retaliate because of Japan's closed markets. (Now that's pretty significant when you consider the Congress can't even get a unanious vote to go home for Christmas!) So we'll probably see a lot of finger pointing for awhile and that could hurt everybody. Now, adults just shouldn't act like that.

We should sit down and reason this out. No threats. No talk of trade war. Just an absolutely firm understanding that America has something to protect, too. And that we intend to protect it. We intend to protect our ability to compete!

But we aren't doing that. Last March, we took all import restrictions off Japanese cars. We said to them, "Look how generous we are. Now what are you going to do for us?"

And the Japanese said, "Thank you very much. We're going to send 24 percent more cars in this year than we did last year."

We got nothing in return. We got some promises, but we get a list of promises every year.

Our guys who go over and negotiate are supposed to bring home the bacon for America once and awhile.

Now, I don't blame the Japanese for a minute. They are very good businessmen. They are managing their trade according to the unwritten rules used by almost every other country in the world. And those rules are simple: Devise trade policies that help your own companies compete!

We, on the other hand, are worshipping at the altar of "free trade." We're blindly wedded to a set of lofty principles that everybody else in the world ignores. We've got this silly notion that it's a mortal sin to play by the rules everybody else is using. We're the ones who are out of step today, not the Japanese. They're in step with the rest of the world. We're not. I always say we're like those few crazy hockey players who still refuse to wear helmets. And we're getting our brains beat out.

Now don't get me wrong. I believe in free trade. Who doesn't? I think it's a beautiful ideal—it's right up there with goodness and mercy and charity toward all. But it's not one of the Ten Commandments. It's not the way the world works, and we aren't going to change that all by ourselves.

Maybe someday we'll achieve that ideal, I really hope so. But I'm not willing to risk your futures waiting for that blessed occasion.

You see, one impact of these twin scandals may be the "De-industrialization of America." In fact, the process is well under way. Go to Pittsburgh, or to Akron, or Detroit—you'll see it all around you. American heavy industy—old "smokestack America" is slowly dying. Many of the companies that helped build the industrial middle class—the backbone of the country in this century—are boarded up. Why? They can't compete anymore.

They can't compete because our currency and trade policies have tilted the international playing field against them, and they're getting short of breath from running uphill.

Maybe they could use a breather. We got one at Chrysler 6 years ago with the Federal loan guarantees, and it saved us. I've suggested some kind of industrial policy to help other companies in trouble, but the purists say it would wreck free enterpise forever.

I don't know why. Chrysler is a bastion of free enterprise today. We're making lots and lots of money. We're paying lots of taxes. (A quarter billion dollars in 90 days—that's not bad for guys that were broke.) Six hundred thousand people have jobs who would have been on the street. The Government never put up a cent, and actually made $350 million on the deal to boot . . . pure profit!

The Chrysler Loan Guarantee Board wasn't a welfare office—it was a profit center. (They don't have any idea what that means down in Washington, by the way.)

Let me be blunt: Until we fix the currency problem and write a trade policy and an industrial policy for America to compete, it's going to make less and less sense for companies to build plants and put people to work in America.

Our trade deficit has already cost us three million jobs, and more are going overseas every day. The economics when you think of it are pretty simple: You build it in yen and you sell it in dollars. You don't need a degree from MIT to figure that out. (Hell, they probably understand that even over at Harvard!)

Well, maybe some of you feel that we should de-industrialize America—get rid of all those dirty smokestacks and put everybody to work in service industries, or maybe even better—high tech.

I have to admit that the weather's nicer in Silicon Valley than it is in Detroit. But let me tell you, if America gives up its industrial base, there's no future here for high tech, either. Because we smokestack guys are the best customers for all the wizardry that comes from Silicon Valley, or from up here on Route 128. We put high tech to work!

We put high tech to work in our plants. We've got robots and laser cameras all over the joint now. We've got some of the world's finest cad-cam facilities. Of course, we put it to work every day in our cars, too. Our new Laser and Daytona sports cars have seven microprocessors or mini-computers in each car.

And unless you put it to work, unless you use it to compete, high tech is really just a toy. How much do you think a bag of silicon chips would bring you in a super market?

Your future depends on an America that can hook and jab in the international marketplace. Never forget that. And right now we're falling behind—and fast. Right now, America is getting whipped.

Right now our three largest exports to Japan are corn, soybeans and coal. Japan's largest exports to us are cars, trucks and video recorders. Raw materials and foodstuffs traded for manufactured goods—does that pattern sound a little familiar? It's the classic definition of a colony. That's what de-industrialization and weak-kneed trade policies are doing to America. They're making us a colony again.

We were a colony once before, but we got so mad, we threw the tea into the harbor. Not very far from where I'm standing, by the way!

Well, here we are—becoming a colony again.

And I mean that. And I hope that really makes you mad.

So, get mad. Don't burn the place down, or start dumping things into the river here, but get mad.

Get mad because some people are saying the you're going to be the first generation of Americans who'll have to settle for less than their parents had. I hope to God you aren't listening to them. I hope you don't believe that. Because it doesn't have to be true.

It doesn't have to be true because, even though we've taken our eye off the ball, this is still America. And your birthright as Americans is to change things. In America, when people get mad enough, they can change anything.

Righteous anger—intelligently directed—has made this the greatest democracy in the world.

I hope every cancer researcher in the country goes to work every morning mad. And every engineer, and economist, and teacher, and Congressman. Satisfied people change nothing. Only angry people change things.

I got mad 6 years ago, really mad, when the Wall Street Journal said a little prayer over Chrysler in one of their editorials, and told us in big bold type "die with dignity." A lot of people at Chrysler got mad as hell at that kind of advice. They got so mad they scratched, and they clawed, and they survived.

So you get mad, too.

Get mad at the people in Washington who are burying you under a dungheap of public debt. Tell them, "no more."

Get mad at the free-lunchers of this world, and tell them, "No more, it's time for sacrifice!"

Get mad at the ideologues who want to make you martyrs to some 18th century trade principles—who want you to live in a colony. Tell them, "No more. We want to compete."

Get mad at anybody who tells you that you have to settle for less. Tell them, "Get the hell out of my way."

You owe that to yourselves. Your education is as good as anybody can get, anywhere, remember that. You're smart enough to compete with anybody in the world. And you deserve the chance to be the best.

You owe it to yourselves, and to those who follow you, too.

You're not getting a perfect world, but I hope you all appreciate what has been given you. I hope you feel a deep appreciation for what other people have done so that you could be here today. But I also hope you understand how you pay that debt.

It doesn't get paid to me, or my generation—or to your teachers, or even to your parents.

There's a scene in the movie "Guess Who's Coming to Dinner." A father is angry at his son. He says: "I carried that mailbag for 40 years so you could go to college and to medical school. You owe me for that."

And the son says: "I owe you nothing. If you carried that mailbag a million miles, you did what you were supposed to do. You owed me everything you could ever do for me—just as I will owe my kids."

The son wasn't ungrateful. He loved and respected his father. But he also understood how civilization is supposed to work. One generation making things a little better for the next. Fathers and mothers sacrificing everything for their kids. That's how we got where we are today. That's the way civilization is supposed to work.

Now my generation is leaving you with too much debt, and we're a little blind to some of the new economic realities in the world. We're leaving you with a lot of problems to solve. But that's the way civilization works, too.

Every generation inherits the unfulfilled dreams of the one that came before it. And every generation inherits its own set of challenges. We were naive 40 years ago thinking we had a shot at making a perfect world. But in many ways, we've made it a lot better for you. (And by the way, we aren't through yet.)

You, more than most, have been given the tools to met your own set of challenges. A degree from MIT just about guarantees you at least a shot at molding the future. It's a prestigious ticket, and it puts you right up in the front of the pack.

But let me tell you, it may also be a burden to you. People are going to expect more of you. They're expecting you to be leaders, and to be winners.

Your MIT degree puts you in the pole position, as they say. And the green flag is about to go up.

So now, let's see if you're mad enough to make this imperfect world just a little better for your kids.

Let's see what you're made of.

Class of 1985—Start your engines!

FEDERAL BILLBOARD LAW

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHAW. Mr. Speaker, I would like to share with my colleagues an article which appears in the June 1985 issue of readers digest, which concisely summarizes the travesty which has been reeked along our Nation's highways as a result of Federal billboard laws.

The article, entitled "The Great Billboard Double-Cross," aptly points out how the Highway Beautification Act of 1965, which was enacted to visually improve the scenic beauty along our Nation's highways by controlling the erection of billboards, has created a visual blight that is worse than ever.

The act, originally enacted to preserve scenic beauty, has in fact promoted billboard proliferation and protectionism.

In addition, the act has condoned and practically encouraged the destruction of vegetation and trees planted to enhance the beauty along our interstates and main thoroughfares.

Billboards outlawed under the act are still standing; legally recognized methods of removing them are prohibited; and trees, planted in the public right of way for scenic beauty are being cut down and destroyed to make these billboards visible.

Mr. Speaker, I would urge the Members to read this article and to join with me and my colleagues who are now working to correct the Highway Beautification Act so that it once again serves its original purpose—to protect and enhance the scenic beauty along America's highways.

[From Readers Digest, June 1985]

THE GREAT BILLBOARD DOUBLE-CROSS

THE HIGHWAY BEAUTIFICATION ACT WAS SUPPOSED TO ERADICATE OUR COUNTRYSIDE'S MOST PERSISTENT PARASITE. WHY, THEN, IS THE UNSIGHTLY BLIGHT WORSE THAN EVER? ASK CONGRESS—AND THE POWERFUL BILLBOARD LOBBY

(By James Nathan Miller)

There are still long stretches of road in America from which you can see the amber waves of grain we sing about—and off in the distance white steeples, red silos and dark green forests, the unspoiled landscape of America the Beautiful. But in recent years these stretches have been shrinking much faster than most people realize, as tens of thousands of new billboards have visually assaulted our most scenic roadways.

Ironically, the invasion of the big signs has been facilitated by the very law that was supposed to get rid of billboard blight—the Highway Beautification Act of 1965. In fact, the blight has been spreading so fast under this act that the law's original supporters have now begun lobbying to get its major provisions repealed. They are saying that the law was a double-cross from the beginning, a triumph of the billboard lobby and its Congressional supporters to promote the building of *more* signs.

The conflict goes back to the 1920s and '30s when billboard companies fought to persuade the courts that communities had no right to control them as esthetic nuisances. The companies argued that this violated the constitutional right of property owners to earn money by renting their roadside land for the billboards. But the courts threw the argument out via the "parasite principle"—i.e., billboards don't derive their value from the private land they stand *on*, but from the public roads they stand *next to*. An industry that exploits windfall values the public inadvertently creates is in effect a public parasite, and the community has the right to regulate it.

So the billboard companies adopted a new tactic. Since they couldn't escape regulation, they tried to make it too expensive for towns and states to afford. Their argument was that communities forcing the tearing down of signs must compensate their owners for the lost income from advertisers. (In small communities, this could run into the hundreds of thousands of dollars; in big ones, the tens of millions.) But the courts said there was a method of compensation that would be much easier on the public; amortization. Just give sign owners a grace period, allowing them to leave their signs up for, say six years. That way they would recoup their investment from rentals, not from taxpayers.

That was the legal situation in the mid 1950s, when Congress began debating what the federal government could do to regulate billboards on the burgeoning federal highway system. A national law would cover 300,000 miles of federally financed roads—the 40,000-mile Interstate system and the 260,000 miles of primary (mostly "U.S." numbered) roads. Under the parasite principle, Congress could order removal of every sign on these heavily traveled arteries and, using the amortization technique, get rid of them in a few years, at no cost to the taxpayers.

Everybody expected the big sign companies to stage a knock-down fight against any kind of regulation. But, to the astonishment of all, the industry pledged to support regulation. Said its Washington lobby, the Outdoor Advertising Association of America, Inc. (OAAA), "Billboards have no place in the scenic areas of our highways."

The bill's sponsors couldn't have been more pleased, since scenic stretches were the only places where they wanted outright bans; in industrial and commercial areas all they wanted was modest reductions in the size and number of signs. "I am glad to hear," said Oregon's Sen. Maurine Neuberger, "that after years of opposing control of billboards they have finally and reluctantly been dragged in."

But she had heard wrong. When the law was passed, the billboard-control people found they'd been had. While the OAAA's lobbyists had been publicly vowing support of regulation, in private they had been persuading Congress to write a law that threw out 50 years of billboard control decisions by the courts.

According to the law's fine print, amortization was henceforth forbidden. All signs removed had to be paid for by taxpayers. What if a town decided to use amortization to enforce a ban on its own streets? As long as the signs are located within 660 feet of an Interstate or primary highway, it's forbidden to do this.

In the 20 years since the law's passage, federal taxpayers have paid the industry an average of $10 million a year for sign control, $200 million in all. But Congress has grown tired of paying the money, and last year spent only $2 million. Since estimates of the value of signs that legally must still

be removed range up to a couple of billion dollars, at that rate it would take 1000 years to finish the job.

But that was just the beginning of the double-cross.

Shortly after the Beautification Act was passed, drives on the Interstates began seeing signs like the one below popping up all over the country. They're called monopoles, and they're a direct product of the law's most profitable individual double-cross. One of the startling discoveries the law's sponsors made in examining its small print was that it didn't call for any reductions in the size or height of billboards; instead, it merely instructed federal-highway officials to sit down with their state counterparts and work out limits that would leave them roughly the same as before—300 square feet in size, and a maximum of 30 feet high.

Later, when the specific dimensions were announced, they produced additional shocks. First, it turned out that they had been developed not by the states but by the OAAA; second, they were as follows: size—1200 square feet; height—no limit.

The monster billboards made possible by these amended size limits have created a whole new signbuilding industry. In 1966 billboard sales were $150 million. In 1983 they passed the $1-billion mark.

What makes the new dimensions revolutionary is the signs' ability to command enormous stretches of road. Since the monopole's height is limited only by the laws of physics (the tallest is 15 stories), it can peer down from over the highest tree line, its message legible a half-mile away. And because the pole occupies only a few square feet of ground, it is profitable even in high-rent urban areas. One such monster, rising ten stories above a shopping center, can stare down on a whole neighborhood.

But the very success of the new design is beginning to cause second thoughts about it in the industry. It's been going up so fast in so many places that it's created a public backlash that's been largely responsible for the present resurgence of the whole billboard controversy.

Observe this McDonald's sign (opposite page) and the little shed next to it, both sitting in a lovely rural area of South Carolina. Like most of America's landscape, this particular piece of scenery out in the country has no zoning classification at all; it's unzoned agricultural land. But now, because of the shed, the land comes under a strange new zoning classification. Under the Beautification Act, the purported business function of the shed (labeled "McDonald's District Office and Warehouse Facility") makes this a "commercial property," which in turn designates the road next to it, for 600 feet on either side, "Unzoned commercial." As such, it is eligible for three billboards.

According to a study this year by Congress's General Accounting Office, 4712 unzoned-commercial/industrial signs were erected in fiscal 1983; that's twice as many billboards as the government paid to get rid of the same year. Another report by the Department of Transportation (DOT) says that many of these "commercial properties" are shams. The report is illustrated with photographs of the phonies: a deserted shed—its door overgrown with weeds—labeled "Mike's Welding Shop," a private home billed as "Carter's Drafting Service," a solitary, old gas pump masquerading as a filling station next to a billboard set in the middle of a field. And so forth.

The picture on the next page shows a clump of trees that have just been knocked down to give drivers an unspoiled view of the billboard behind them. When the Interstates were built, the Federal Highway Administration (FHWA) wouldn't let billboard companies cut down trees that grow up in front of their signs. Then the Beautification Act exacerbated sign owners' problems by providing for the planting of hundreds of thousands of roadside trees.

In 1977, however, the industry solved the problem: it persuaded the FHWA to legalize tree-cutting by billboard owners on the federal right-of-way by reclassifying the process as "vegetation control." State-highway authorities now issue thousands of vegetation control permits to sign companies annually. Many of the trees they cut were planted under the federal landscaping program.

How serious is the tree-cutting problem? Last year, a DOT study made a spot-check of one state, Florida. It found that in 1983 and the first half of 1984, the state had allowed sign companies to conduct 1118 tree destroying operations on the public right-of-way, 906 of them to clear billboards that had been outlawed by the act but still hadn't come down.

Those, then, are the obvious double-crosses. But for every one the public can see from the highway, there's another rip-off behind the scenes:

When a state gets federal sign-removal money, the FHWA requires it to select the signs from lists *volunteered by the billboard companies.* And the companies simply volunteer their money-losing or lowest-profit signs. Says Charles F. Floyd, a leading authority on billboard law, "The FHWA has been paying the industry an average of $1750 per billboard to prune out the signs it wants to get rid of anyway. For instance, when a stretch of U.S. 17 in Georgia was bypassed by a new highway, most of its old signs were removed with federal beautification funds."

In fiscal 1983 the government paid for the removal of 2235 old billboards—while the industry added about 18,000 new ones. Most of the removed signs were small ones, on low-traffic roads. The new ones were bigger, taller and located on heavily traveled stretches.

Since 1982 the Administration has requested no new funds for sign removal. This means that when its present $11-million surplus runs out, the removal program will end. One FHWA document concedes that large companies are already erecting signs in known illegal locations, believing the beauty program to be dead.

Now the good news. The picture below shows a couple of small signs pointing to Sugarbush, Vermont's huge complex of hotels, condominiums and ski trails. These small signs at its access road, plus a few dozen six-by-six inch plaques it can post at state run sign plazas, are the only outdoor advertisements the resort is permitted in Vermont.

In 1968, when Vermont woke up to what the Beautification Act was doing to its roads, it was the first state to rebel. It threw out billboards altogether, even in commercial and industrial areas. To replace them, it has so far allowed 1,400 of these little markers to go up.

The OAAA says Vermont's law is unfair to the country's tourist industry. But Vermont's three major trade associations—the Vermont Ski Areas Association, the Hospitality and Travel Association and the Chamber of Commerce—strongly back the ban. Says Chandler Weller, publicity director of Sugarbush, "I suppose if we were allowed to put up billboards we'd steal some customers from other ski resorts. But then they'd put up their signs and we'd all be worse off, since we'd lose the people who come to Vermont because they like seeing scenery instead of billboards." (In Maine, which passed a law similar to Vermont's in 1977, the tourist industry's reaction has been the same.)

On the national level, in 1981 a group of citizens established the Coalition for Scenic Beauty, the first national organization ever devoted solely to getting reform of the Beautification Act. By last year they had enough support to finance a Washington office, and now they're going to work on Congress.

A long, tough fight awaits them. The OAAA is widely known for the influence it exerts both on key Congressional committee members (it was the second-largest payer of speech fees to Senators in 1983) and on the bureaucrats at the FHWA. The Coalition's first job will be to get Congress to hold hearings on the subject, and investigate how to rewrite the law to bring back amortization and get rid of tree-cutting, "volunteer" lists, unzoned zoning and monopolies.

But passing a good law will have little effect if officials who administer it favor the industry. Congress should look into the lobby and its influence—put officials of both the FHWA and the OAAA under oath and find out what's been going on behind the scenes.

Fortunately, the Senate committee that oversees the Beautification Act—Environment and Public Works—is now chaired by Sen. Robert Stafford (R.Vt.), who has fought the OAAA harder than any other member of Congress. Any investigation he might conduct would be thorough and hard-hitting.

If you want to join the movement to protect America's scenic beauty, write you Representative and Senators (with a copy to Stafford) asking for committee hearings on the Beautification Act. To find out what you can do, nationally or in your own community, write to Coalition for Scenic Beauty, 1511 K St., N.W. Washington, D.C. 20005. The billboard industry is powerful but, like all parasites, it is vulnerable.

□ 1040

FAMILY PLANNING FRENZY

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOSTMAYER. Mr. Speaker, I quote:

Most Senators and Representatives understand that United States aid for foreign population planning is actually one of the best ways of reducing traditional reliance on an abortion.

That is the obvious and compelling logic, Mr. Speaker, of a Washington Post editorial this morning. But that logic is lost on those Members who will, during consideration of the foreign aid bill, attempt to end our country's 20-year bipartisan support for a voluntary family planning in the developing world. Using two entirely unrelated matters, abortion and a population program in China, as a smoke-

screen, those Members supporting reductions in family planning will, as the Post says, only increase the number of abortions.

U.S. law prohibits foreign aid dollars from being used as part of the Chinese population program directly or indirectly. Restrictions on funding for abortions with foreign aid dollars have been in effect now for 11 years. But that is not enough. Now some seek even to end voluntary family planning in the Third World. Pro-life and pro-choice Members have reason to resist these irresponsible efforts.

Mr. Speaker, the Post editorial follows:

[From the Washington Post, June 12, 1985]

FAMILY PLANNING FRENZY

Anyone truly concerned about reducing infant mortality and other suffering in the developing world knows how important a contribution voluntary family planning programs can make to that effort. Unfortunately, under cover of protesting reported instances of infanticide and coerced abortion in China, opponents of family planning programs have been promoting vaquely worded amendments that would effectively block U.S. support for this essential humanitarian aid.

Concerned legislators in both Houses—led most actively by Sen. Nancy Kassebaum and Rep. Olympia Snowe—know that the amendments being pushed by Sen. Jesse Helms, Reps. Jack Kemp and Chris Smith are neither necessary nor suitable for preventing U.S. aid from flowing to any such coercive programs. Both Sen. Kassebaum and Rep. Snowe are sponsors of amendments that would block any U.S. money from flowing either directly or through other agencies to Chinese population programs. Sen. Daniel Inouye is offering proposals that would deal still more directly with any abuses in China.

But foes of family planning will not settle for these strong but straightforward measures. Sen. Helms has already succeeded in adding language to the Senate foreign aid reauthorization bill that would cut off all U.S. support for the U.N. population programs, despite the fact that the administration has twice reaffirmed that no U.N. money is used for any abortion-related activities. Rep. Chris Smith will attempt to add even more damaging amendments to the House reauthorization measure.

Rep. Kemp has added seemingly innocuous language to a House supplemental appropriations bills that, according to his stated interpretation of its meaning, would also cut off the U.N. programs that are the main or only source of population aid for many of the poorest countries. Still another Helms ploy, unsuccessful thus far, defines abortion—not just coerced abortion but any legal abortion as practiced in this country, Europe or anywhere else—as a human rights violation that the president could combat with the full force of his constitutional powers.

Most senators and representatives understand that U.S. aid for foreign population planning is actually one of the best ways of reducing traditional reliance on abortion and infanticide. But, through a combination of inattention—and fear of being branded as baby-killers by the religious right—many have looked the other way while Sen. Helms and his allies have tacked on their destructive amendments. These legislators may find this behavior convenient, but their consciences should remind them that is also cowardly and cruel.

KOREAN WAR VETERANS ACT OF 1985

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PARRIS. Mr. Speaker, on May 22, I introduced H.R. 2588, the Korean War Veterans Memorial Act of 1985. The response to this legislation has been incredible. Already, 47 of my colleagues have signed on as cosponsors of this important bill, and the number is growing fast with every passing day. In addition, on May 26, Senator BILL ARMSTRONG introduced the Senate companion measure for my bill.

Not only has the response on the Hill been strong and positive, I am receiving many letters from across the Nation each day in support of this concept. I have heard from scores of people, some veterans and some not. These letters came from States such as California, Illinois, New York, Connecticut, Nebraska, Maryland, Texas, Massachusetts, Georgia, Rhode Island, Louisiana, Indiana, Minnesota, the District of Columbia, and many more.

There is one letter in particular, Mr. Speaker, that really hits home on this issue. It is from Peter Platamone of Redondo Beach, CA, and I would like to share part of it with you:

We were part of that silent generation sandwiched between the "Big One" (WW II) and the Vietnam conflict. Nonetheless, we served, most of us with distinction and with honor, to return to this country once more, silently and without fanfare, to pick up the threads of our collective lives.

It has been almost 33 years since I returned home from Korea . . . I finally realized something has been left unfinished. Your bill, I am certain, will correct that inequity, and 54,246 Americans will receive the honor they should have received 30 years ago.

In addition, Mr. Speaker, the response from various veterans' groups has been one of unqualified support as is demonstrated in a letter which I recently received from the national commander-in-chief of the Veterans of Foreign Wars.

Mr. Speaker, I include Mr. Billy Ray Cameron's letter, as well as an editorial which appeared in the May 27 edition of the Washington Post, in the RECORD at this point.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, May 30, 1985.

Hon. STANFORD E. PARRIS,
U.S. House of Representatives, Washington, DC.

DEAR MR. PARRIS: On behalf of the more than two million men and women of the Veterans of Foreign Wars of the United States, many of whom are Korean veterans, permit me to thank you for having introduced H.R. 2588 to authorize the erection of a memorial on federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in the Korean war.

Inasmuch as your bill fulfills our current resolution, No. 308, entitled "A National Korean War Memorial," a copy of which is enclosed, rest assured you have the full support of the VFW in this matter.

We will be following the progress of your legislation closely and have asked to testify when hearings are held by the Committee on House Administration chaired by the Honorable Frank Annunzio.

With best wishes and kind regards, I am

Sincerely,

BILLY RAY CAMERON,
National Commander-in-Chief.

[Resolution No. 308]

A NATIONAL KOREAN WAR MEMORIAL

Whereas, 5.7 million American citizens served in the Armed Forces of the United States during the Korean War, 54,236 gave their lives, 103,248 were wounded, and 5,178 were captured or were missing in action; and

Whereas, the creation of a National Memorial to recognize the valor of those persons will assure that their dedication and sacrifice will be honored; and

Whereas, the members of the Veterans of Foreign Wars of the United States want the brave deeds of those men and women recognized; and

Whereas, the members of the Veterans of Foreign Wars of the United States desire to pay special tribute to those men and women who gave so much to their country during the Korean War; and

Whereas, the members of the Veterans of Foreign Wars of the United States wish to express their desire by the establishment of a lasting memorial to those whose courage and sacrifice should be remembered; now, therefore

Be it resolved, by the 85th National Convention of the Veterans of Foreign Wars of the United States, that we support House Joint Resolution No. 236 and Senate Joint Resolution No. 97 which "Authorizes the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the Allied Forces who served in the Korean War;" the passage of which would result in the construction of a National Korean War Memorial.

[Adopted by the 85th National Convention of the Veterans of Foreign Wars of the United States held in Chicago, Illinois, August 17-24, 1984.]

[From the Washington Post, May 27, 1985]

SPEAKING OF MEMORIALS . . .

Today is the formal day for observances, but because of a coincidence of anniversaries, great numbers of Americans have been remembering their war dead for longer than just this holiday in 1985. They focused on World War II, which ended 40 years ago and then on the Vietnam war, which ended 10 years ago. But as writer Bill Gilbert noted in a "Close to Home" column on these pages eight days ago, there is "America's forgotten war"—in Korea, where more than 50,000 Americans were killed. These victims deserve our attention, Mr. Gilbert wrote, as well as a memorial in this capital city. What better time to begin that effort than today?

Reader response to Mr. Gilbert's article was strong and unanimously enthusiastic. And in Congress, Rep. Stan Parris of Virgin-

ia and Sen. William L. Armstrong of Colorado introduced bills authorizing a memorial here to the 5.7 million men and women who served in the Armed Forces during the Korean War. These bills provide that site selection, design and construction of the memorial be subject to approval of the National Capital Planning Commission. The memorial would be constructed on federal land in the District or nearby.

Though the Parris-Armstrong proposals call for financing through funds appropriated by Congress, some groups—including the American Legion—have expressed a preference for raising the money from private donations. The cost, according to one estimate by an official of the American Battle Monuments Commission, would be around $2.5 million. Why not a compromise—a matching arrangement?

Whatever—but get this project going now. As Mr. Parris said in the House, "It is incredible to note that there is not yet a memorial in the nation's capital to the veterans of the Korean War—the only group of war veterans not to be so honored. . . . This brave group of Americans has been leapfrogged by time, and it is up to those of us serving in Congress to rectify the situation."

It is up to other people, too, whose friends and relatives served their country in times of war wherever it was fought. When it comes to service, courage, injury and death of these individuals, there should be no "ranking" of wars by "importance." And though it is not pleasant to contemplate the tragedies associated with any of these wars or the events that led to them, it would be far worse were this country ever to forget. That is what the Vietnam memorial has succeeded in pointing up in emotional ways, and it is why the observance of this day—somber and encompassing all wars—should endure.

HIGH COURT'S "MOMENT OF SILENCE" RULING WAS PURE ABSURDITY

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. BARTON of Texas. Mr. Speaker, last week the U.S. Supreme Court struck down the Alabama statute that allowed for a moment of silent meditation or prayer in the public school system.

The noted national columnist, James Kilpatrick, had an article in Tuesday's Dallas Times Herald entitled, "The High Court's 'moment of silence' ruling was pure absurdity"; that addresses the prayer issue. I agree with Mr. Kilpatrick's article.

I would like to quote from that article in part, and will submit the entire article for inclusion in the RECORD. This is the Alabama statute that was struck down:

At the commencement of the first class of each day in all grades and all public schools, the teacher in charge of the room in which such class is held may announce that a period of silence not to exceed one minute in duration shall be observed for meditation or voluntary prayer that during any such period no other activity shall be engaged in.

Let me emphasize that the teacher may announce that meditation or voluntary prayer may be engaged in.

Mr. Speaker, we need a constitutional amendment to allow for voluntary prayer in the public schools. Congressman KINDNESS has such an amendment, House Joint Resolution 279. Over 50 Congressmen in this session who sponsored the amendment in the last session have not sponsored it in this session.

Mr. Speaker, I urge Members to cosponsor House Joint Resolution 279. We want our children, our current schoolchildren, such as my son Bradley and daughter Alison, and future schoolchildren, such as my new niece, Jessica Page Barton, born yesterday in Huntsville, TX, to be allowed to voluntarily pray in the schools if they so desire.

HIGH COURT'S "MOMENT OF SILENCE" RULING WAS PURE ABSURDITY

The U.S. Supreme Court does not often deliver itself of wholly ridiculous opinions, but in the matter of Alabama's "moment of silence" law the court last week lapsed into pure absurdity.

Consider the Constitution: It says that Congress (and by judicial extension, the states) shall make no law respecting "an establishment of religion or prohibiting the free exercise thereof."

Now consider the Alabama statute: "At the commencement of the first class of each day in all grades and all public schools, the teacher in charge of the room in which such class is held *may* announce that a period of silence not to exceed one minute in duration shall be observed for *meditation* or *voluntary* prayer and during any such period no other activity shall be engaged in."

Now listen to this windy passage from Justice John Paul Stevens' opinion: "As Justice Jackson eloquently stated in *Board of Education* v. *Barnette*, 'If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by world or act their faith therein.' The State of Alabama, no less than the Congress of the United States, must respect that basic truth."

Aargh! The question from Justice Jackson is a beautiful quotation, but what on earth does it have to do with the case at hand? The Alabama statute places no mandatory burden on the teacher. The teacher "may announce" a moment of silence. During the moment of silence, pupils may engage in "meditation," which could be meditation on the morning's test in algebra; as an alternative they may engage in "voluntary prayer," which can be a prayer to pass the quiz.

It is ludicrous to suppose that the Alabama teacher is thus prescribing what shall be orthodox in religion. No child is being forced to confess his faith by word or act. It is inconceivable that five ordinarily rational and intelligent men—Justices Stevens, Powell, Brennan, Marshall and Blackmun—could see in Alabama's neutral and harmless statute a potential "establishment of religion." How loony can we get?

Mind you, this case is light-years removed from the Engel case of 1962 and the Schempp case of 1963. In Engel, pupils in New York public schools were required to join in reciting a prayer that had been composed by the state regents. In Schempp, Pennsylvania law required a joint reciting of the Lord's Prayer and daily reading from the Bible. The high court quite properly held both statutes unconstitutional. In those cases the supposed wall of separation between church and state had been fatally breached.

In last week's decision, the majority condemned the Alabama statute because of the two words "or prayer." This unspeakable folly on the legislature's part amounted to an endorsement of religion as "a favored practice." But, pray tell, where does it appear that "prayer" is favored over "meditation"? The statute is neutral. It is in the disjunctive.

In practical application, the majority's opinion will have no effect whatever, either in Alabama or in 24 other states with statutes that provide either for a daily moment of "meditation or prayer" or for "meditation" alone. Children will do as they please; they will think whatever childish thoughts may pass through childish minds. But if they invoke divine guidance, let them pray for the high court. It needs all the help it can get.

RITUAL IN MANAGUA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LAGOMARSINO. Mr. Speaker, I wish to call to the attention of my colleagues a commentary appearing in the June 10 edition of the Washington Times, entitled "Ritual in Managua." It is written by Georgie Anne Geyer, a nationally syndicated columnist and authority on Latin America.

Ms. Geyer describes the narrow focus of visitors to Nicaragua, who seem to arrive with preconceived notions about what the situation is in that country and ignore the evidence presented by local church leaders about the repressiveness of the Sandinista regime. As she writes, "they do not seem to care what happens to the Nicaraguan people or whether the regime is oppressive, or whether it is a strategic threat to anyone. They are focused only on themselves."

RITUAL IN MANAGUA

(By Georgie Anne Geyer)

MANAGUA, NICARAGUA.—Every Thursday morning at 7 a.m., from 30 to 50 "concerned" Americans living here picket the American Embassy. Before the oppressive heat of the day sets in, they march in a circle in front of the main gate, passionately protesting American policy here.

Ed Griffin Nolan of Witnesses for Peace—one of the groups in this Committee of U.S. Citizens Living in Nicaragua—explains to me the intent of the groups and individuals. "We're basically involved here in speaking to the conscience of the United States," he was saying. "We try not to get involved in the internal Nicaraguan issues."

Inside the American Embassy later that day, an embassy officer cracks, "There would be no economy here at all without the American journalists and the Witnesses for Peace."

Sandinista Nicaragua is filled with American "visitors" these days. They are sponsored by their own churches, or their visits are paid for by the government. They are earnest and solemn, and they are suspicious of everyone who does not feel exactly as they do.

The Internacionalistas—the international brigade-types from all over the world who jam the Intercontinental Hotel—barely speak to one another or to anyone else. These "Sandalistas," as they are sometimes jocularly called because of their sandals and long stringy hair, are filled with distrust of anything American.

The Nicaraguan government says that 50,000 Americans alone have come through in the last year. The American Embassy places the number at lower levels, although it admits it does not and can not really know. The one thing certain is that American protesters are fervently opposed to every bit of American policy against the Marxist Sandinistas.

When you really study the visits of the Americans here, you find some curious things. The liberal congressmen (maybe up to 60 in all) who have come down meet privately with Sandinista leaders, such as President Daniel Ortega, and will not allow embassy officers to sit in on the meetings. Many of them give direct and pointed "advice" to the Sandinistas, advice on how to defeat or wait out President Reagan's policies. (One more curiosity here is that Cuban President Fidel Castro consistently has been advising the Sandinistas not to confront the United States, whereas American congressemen often advise them to do the opposite.)

The American church people, many of them extremely well-meaning but embarrassed by (and thus controlled by) past American invasions of Nicaragua, pay little attention to the policies of the churches inside Nicaragua or to their suffering under the Sandinistas. Congressional leader is a case in point: he admits that he gets his information on Nicaragua from the Maryknoll order, an order that has swung to the far left, while the entire Catholic hierarchy inside Nicaragua and elsewhere in Central America puts up an impassioned and difficult fight against the Marxist groups.

Father Roberto Amilcar Torruella, director of communications for the archbishopric of El Salvador, told me: "Until the visit this winter of Catholic leaders from Washington, the North American church had not made any direct contacts with us, hierarchy to hierarchy. . . . They had the wrong ideas about us. They saw guerrillas as Robin Hoods and angels. Now, the panorama is changing. But these were errors that caused us a great deal of damage."

There is evidence that when the Roman Catholic high-level group that went to Central America this winter finally makes its report in June, it will come out with a much more critical view of the Sandinistas, even going so far as to call them increasingly "totalitarian."

At the struggling independent newspaper, La Prensa—while struggling with censorship and every kind of oppression—the staff has to set aside a couple of hours every day to deal with the intense visiting "gringos."

"Every day Intourism (the government tourist agency) calls," Horacio Ruiz, a top journalist at the newspaper, told me. "They will say, 'There is a group of American tourists. Can you receive them?' Sometimes we see the same persons five times. Of the groups of 20, two or three will be aggressive. They will say: 'Is it true you are with the CIA? Why don't you condemn the Reagan policy? Why are you a counterrevolutionary?' The rest are disoriented."

Do the Americans in general serve the purpose of the Sandinistas against their own government? Are they a real power in the propaganda struggle that constitutes a crucial part of the policy battle between Managua and Washington?

These Americans certainly have every right to be there. But one has to say honestly that they are often used. For instance, at La Prensa, most of the groups tape the editors' and reporters' remarks. One day, editor Jaime Chamorro openly remarked that the paper had received $6,000 from the American Democracy Foundation.

This innocent admission of a perfectly appropriate gift was then translated by the Sandinista Press Association to read that La Prensa had received the money from the CIA, an accusation that could, of course, close the paper down.

There is little question that the visits have an effect on American policy. It was the visits here of many of the congressmen that led to the turndown of the contra aid package. One has to wonder if—had they learned anything at all about the regime on their trip—they would then have been so surprised when President Ortega immediately went to Moscow.

Perhaps the key to the problem lies in the fact that even the church people with the best of intentions focus only on the American conscience. They do not seem to care what happens to the Nicaraguan people or whether the regime is oppressive, or whether it is a strategic threat to anyone. They are focused only on themselves.

That seems to me to be rather too easy a way out for anyone, but particularly for Christians.

CONGRESS SHOULD REJECT RECOMMENDATION TO IMPOSE USER FEE ON FARM CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Georgia. Mr. Speaker, I rise today to voice my deep concern about a current budget issue which is of critical importance to U.S. agriculture. Included both in the administration's proposed fiscal year 1986 budget and in the budget resolution adopted in the other body is a recommendation to impose a user fee on the farm credit system and other so-called government sponsored agencies or enterprises, such as the Federal Home Loan Mortgage Corporation [Freddie Mac], the Federal National Mortgage Association [Fannie Mae], the Federal Home Loan Bank Board, and the Student Loan Marketing Association [Sallie Mae]. By contrast, I was quite pleased by the recent action of my House colleagues in approving a separate budget resolution without provision for any such user fees.

According to proponents, the stated purpose of the fee is "* * * to reimburse the Government for the privileges these enterprises enjoy as a result of their relationship with the Government." But in the context of borrower owned farm credit institutions, how anyone could seek to justify this as a simple user fee is beyond me.

First, the Federal Government does not pay one dime of the farm credit system's cost of operation. All of the expenses of the farm credit system, including the cost of its regulation through the Farm Credit Administration, are paid from the income of system institutions. These costs are not included in the Federal budget, nor do they impact upon the budget in any way.

Second, if this user fee proposal is implemented, U.S. farmers will pay the fee. The farm credit system is cooperatively organized, and as a cooperative, it would be forced to pass on the cost imposed by a user fee to its borrower members, that is, American farmers and ranchers. Given the extreme financial stress already being felt by American producers today, additional costs will only make the current economic situation even more intolerable.

And third, imposing a user fee for agency status is inconsistent with the mandate of Congress. Congress has mandated the farm credit system to provide sound, adequate, and constructive credit to American farmers and ranchers at the lowest reasonable rate. To impose a user fee for agency status is, in effect, to penalize the system and its borrowers for using the means authorized by Congress to fulfill a congressional mandate.

What this fee really amounts to is a penalty tax on farmers. It's a penalty tax on farmers because in return for paying the fee, the more than 1 million farmers and their agricultural cooperatives, who rely on the cooperative farm credit system for funds get nothing but a higher interest bill. And this from an administration that continues to claim it does not support a tax hike. Frankly, the timing of this proposal, when agriculture is already suffering through its worst depression in 50 years, is nothing short of incredible.

Farm credit institutions—which include Federal land banks, production credit associations and banks for cooperatives—are currently the single largest provider of credit to U.S. agriculture. How, specifically, would they be affected by the President's proposal on the farm credit system? At the outset there would be a user fee of five basic points—0.05 percent—imposed in fiscal year 1986; of that is, commencing October 1, 1985. It would be levied annually against the system's outstanding balance of debt issued after September 30, 1985. The fee would then rise to 8.3 basis points in fiscal year 1987. OMB estimates the cost of the fee to the system's borrowers

would be $9 million in fiscal year 1986, $30 million in fiscal year 1987, and $40 million in fiscal year 1988. Clearly, these are minimal amounts when one considers the enormous size of the Federal deficit, but it would be a grave mistake to view the user fee initiative as nothing more than a modest revenue measure while overlooking the Trojan horse that it is.

User fee may be the proposal, but maintaining agency status for the cooperative farm credit system is the underlying issue. You will recall the user fee proposals first surfaced in the last year or so as part of the Presidential Grace Commission report, as it has come to be known. During the past year the recommendations of this group have been widely publicized. The Grace Commission shares the belief with OMB that agency status provides sponsored enterprises with an unfair advantage in the marketplace. At they see it, charging an escalating fee for its use is an effective way of terminating agency status. In that sense the user fee is only a means toward an end—aimed at forcing the system to accept privatization and to accept higher interest rates for farmers.

I ask that you keep in mind two important facts. First, agriculture has not participated in the recovery enjoyed by other sectors of the economy—because it starts out from a much weakened condition. It cannot absorb new shocks right now. Second, it is obvious that OMB's ultimate objective here continues to be to force farm credit's withdrawal from the agency market. The officials at OMB make no bones about it. They will look you straight in the eye and tell you they're not interested in revenue, they're interested in driving farm credit out of the agency market. That was their objective 3 years ago, when they first proposed doing away with the system's agency status—and clearly that remains OMB's objective today. Congress would have no part of it then and we should have no part of it today. So the real question is whether we can afford to let them get their foot in the door through this device of a user fee.

Regardless of what the Office of Management and Budget might tell you, the farm credit system continues to need agency status. Congress established the farm credit system as specialized lending institutions operating under narrow restrictions regarding who they may finance and in which financial activities they may engage. Unlike its competitors in the commercial banking industry, system institutions cannot raise funds by taking deposits, nor can they engage in a wide variety of other financial activities. I should not have to remind anyone who has been reading the newspapers over the last several months just how unique are the risks associated with financing agriculture these days. That is certainly true of farm credit institutions, with 100 percent of their loan assets in agriculture. As agriculture goes, so goes farm credit.

Mr. Speaker, I would especially urge those who are conferees on the budget resolution, as they deliberate over the next several weeks, to reject the notion of imposing any user fee on farm credit. As I indicated before, the Senate budget resolution assumed savings derived from the imposition of a user fee even though they took a more modest approach than that recommended by the President. The revenues to be gained are very small, but the issue and the slippery slope it starts us down are formidable indeed. Agriculture has enough problems without this added burden.

Absolutely the last thing hard-pressed farmers—and their farm credit lenders—need right now is a further kick in the pants in the form of a user fee on system borrowings. I am confident the vast majority of my colleagues will agree with me.

□ 2030

GREAT LAKES MANAGEMENT AND RESEARCH ACT OF 1985

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART of Ohio. Mr. Speaker, I doubt that there are many of us who forget the days not too long ago of the stories of the dying of Lake Erie. Times when the Cuyahoga River in Cleveland caught fire. When dead fish littered the shores and when oil slicks covered many streams that fed into the Great Lakes. These tales and others spawned a unique period of cooperation between the United States and Canada in an effort to clean up the water and rejuvenate the lakes and their wildlife.

Many of the causes of the pollutions of the 1960's items such as lead, mercury, and phosphates, have been significantly curtailed, and in fact, phosphate, was the primary source of pollution has been cut by 80 percent. But the problems in fact are by no means over.

As we began cleaning up the lakes of the pollutants of the 1960's, we discovered that the pollutants of the 1970's and the 1980's were rearing their ugly head. Equally damaging elements have been found in our lakes; namely, toxic substances originating from chemical wastes, contaminated ground water, airborne pollution, and the runoffs from our neighborhoods and the spill-off of our superfund sites.

Today, I am introducing legislation that would direct the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to combine their efforts to eliminate the problems of toxics in the Great Lakes. This legislation, the Great Lakes Management and Research Act of 1985, coordinates for the first time the activities of 16 separate Federal agencies to oversee the Great Lakes, and mandates the Federal Government to begin a concentrated program designed to eliminate toxics from the lakes and the steams and rivers which feed them.

This issue is not parochial to the Great Lakes. It has a far greater reach of international and national dimensions. These lakes provide 95 percent of the Nation's fresh water and 20 percent of the world's fresh water. It is the major topic of cooperation between the United States and Canada, having signed first in 1972, the Joint Water Quality Agreement with that nation.

These lakes above all constitute our Nation's fourth seacoast, providing commercial, recreational services, including shipping, industry, boating, and fishing.

This bill, which is introduced with the assistance of colleagues from Michigan, New York, and Wisconsin, addresses the very specific criticisms that GAO leveled against a decentralized and uncoordinated program in the Great Lakes. This bill raises no new money, but uses the existing $12 million appropriated in this fiscal year to reorganize the implementation of existing research programs. It sets a lead agency, the Great Lakes National Program Office, to direct these efforts.

This bill raises our awareness of the rapidly increasing levels of toxic pollutants which threaten our Great Lakes. The Chesapeake Bay recently has been privileged enough to receive coordinated attention of Federal agencies, and we hope to appreciate the benefits from that soon. The Great Lakes should receive equally important treatment.

It is imperative that the Great Lakes be restored to what they are: An important economic and environmental asset. We cannot allow the water to return to their status of pre-1960: Coordination and consolidation; good government; good environment; good economics for a region that has been badly hit by the current economic policies that affect our Nation.

EXPLANATION OF VOTE CAST IN FAVOR OF H.R. 2577

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS] is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, I take this occasion to explain the vote which I cast in favor of the supplemental appropriations bill, H.R. 2577, which was

just adopted by the House of Representatives.

I have, during the course of the debate, spoken on a number of occasions in opposition to the Michel amendment providing for aid to the Contras and in support of the Boland amendment, the Gephardt amendment and the Hamilton amendment.

Given those statements and the votes which I cast on four occasions in the course of today's debate, an explanation is quite likely superfluous. It may be helpful, however, to state explicitly what my vote on final passage signifies and what it does not signify.

Like a continuing resolution of appropriations, a supplemental appropriations bill always presents Members of this body with a complicated decision as to whether one should vote for passage expressing approval of the items that one supports in such a supplemental appropriations, or whether one should vote against the supplemental appropriation to demonstrate disapproval of a specific item.

I chose to vote for this supplemental appropriation because having repeatedly expressed my opposition to the $27 million in aid for the Contras, I felt it was appropriate to indicate my support of the many other items funded by the bill. In total the bill appropriated the amount of $13,491 million. Among other items, it included $3.5 billion to the Social Security Trust Fund; $2 billion in aid to Israel and Egypt; $720 million in guaranteed student loans; $319 million for food stamps; $237 million for international financial institutions; $219 million for veterans' benefits; $169 million in payment to the Postal Service Fund; $79 million for the family social service; $287 million for the student financial assistance program called Pell grants; and a large number of other items.

I wanted to indicate by my vote that I supported all of those items. At the same time, it should be noted that on a bill as complex as this supplemental there can be, strictly speaking, no fair characterization of a vote either way as being right or wrong. I think that people who read this RECORD or who have followed this debate may find it instructive that, for example, on the Republican side a great many of the most conservative Members who supported the Michel amendment for aid to the Contras ultimately ended up voting against the supplemental appropriations bill on final passage because of their opposition to some of the very items which I just read out.

By the same token, there were Members on both sides of the aisle who voted against the supplemental appropriations bill because of the inclusion of aid the the Contras even though they supported the specific items which I detailed. It would have been possible to avoid all confusion by not including the aid to the Contras in this bill. Indeed I voted against the rule to demonstrate my objection to the coupling.

My vote, of course, in no way signifies that I approve of the funding for the Contras. It in no way alters the position that I took in the course of debate. I continue to oppose vehemently any aid to the Contras.

□ 2040

THE STATE DEPARTMENT BUREAUCRACY UNDERMINES PRESIDENT REAGAN'S POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, we, this afternoon, witnessed a considerable victory for the forces fighting for freedom and fighting against communism in Central America. The votes this afternoon were a decisive change in the House's attitude and the House's willingness to support freedom fighters from just a few short weeks ago when, in fact, those efforts were defeated.

It is, first of all, a tribute to the tremendous effort of Congressmen MICHEL, LOTT, MCDADE, CHENEY and others, including a number of Democrats who worked very, very vigorously in a bipartisan effort to make sure that it was possible to pass aid which both helped the freedom fighters and put increased pressure on the Communists in Nicaragua. It is also, I think, a sign that the decision a number of weeks ago to defeat the Barnes-Hamilton approach, to defeat the effort which would have provided only humanitarian aid through the Red Cross, to make the House come back and vote again, to give the House a month to look further at the nature of the Communist regime of Nicaragua, that that decision was the right decision; that in fact a policy of hanging tough, of not accepting an inadequate compromise, of not rushing to conference, was the correct policy.

It is true that Ortega, the dictator of Nicaragua, helped a great deal by announcing a day after the House defeated aid to the freedom fighters that he was going to Moscow to visit the Soviet Union, to meet with the head of the Communist empire. It is true that Ortega's sudden visit shocked a number of Members who earlier had been trying to give the Communist government of Nicaragua the benefit of the doubt. It is a little unusual that Ortega, who had visited Moscow six times before this particular visit, seemed not to have been noticed by a lot of Members on his previous six visits. But the peculiar arrogance of deciding to go to Moscow, and announcing it the day after the American House had voted not to help the freedom fighters, seemed to increase the understanding that Nicaragua really is now a Communist dictatorship allied with the Soviet Union and Castro in Cuba, and really is against the United States.

The other change which I think in the last month has helped a great deal is the issue of language. The President's use of clear language in explaining what is happening in Central America was a major step in the right direction. The President began to say over and over again, "We are dealing with a Communist government in Nicaragua. We are dealing with a Communist ally of the Soviet Union. It is communism which is threatening the United States," and as that message began to sink in, I think the country began to rally.

The President stated his message most clearly in remarks in Miami, FL, on May 27, and I want to quote from the President's speech. He was speaking for a Member of the other body, and he said:

> In Central America today, our ideals are being put to the test. The freedom of our friends and neighbors to the South is at stake, as is the security of the United States. I am happy to say that we are here for one official who does not have to wait until Daniel Ortega went to Moscow yet again before she realized that he is a Communist.

The President went on to say:

> Many of those opposing our efforts have steadfastly refused to acknowledge that the rulers of the regime in Managua are, by their own admission, hard-core Communists and consider themselves part of the international Communist movement. Many of our own elected officials act as if they do not believe the Sandinista regime is playing a significant role in the Communist insurgency in El Salvador. Incidentally, I think some of our people get confused. They are not that familiar with Central America, when we talk "Sandinista government" and "Contras" or "the freedom fighters."
>
> I am going to quit using both terms and start calling them what they are. It is the freedom fighters against the Communists.

The President went on to say, and I quote:

> Now this role that they are playing in the insurgency in El Salvador, this despite the fact that top defectors from the El Salvadoran guerrillas have been telling us they received guidance, training, guns, and vast amounts of arms and ammunition from their Communist friends in Nicaragua. Nicaragua today equals aggression pure and simple.
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> For the sake of peace in Central America, for the security of our own country, we cannot permit these Communists to succeed. Closing our eyes and making a wish, which seems to be about the only course of action our opponents will support, will not make this threat go away. We need to assist those governments targeted by the Communists and it is imperative that we support those brave individuals who are putting

their lives on the line to bring democracy to Nicaragua.

The freedom fighters are a shield for Nicaragua's democratic neighbors, preventing the Communist regime from focusing its full strength on subversion and aggression. The freedom fighters are the best hope for democracy in that troubled country. Those who would have us abandon them and the people of Nicaragua are cutting off our chances to avoid a major crisis in Central America.

The President went on to say, and I quote:

Lincoln's words ring as true today as they did over a hundred years ago. "Our defense," he said, "is in the preservation of the spirit which prized liberty as the heritage of all men in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors."

President Reagan went on to say:

Let us recognize the truth that Fidel Castro is behind much of the trouble in Central America. His consuming hatred of America and his ideological commitment to Communist tyranny has impoverished his country and oppressed its people.

Now, on that one page, President Reagan used the word "Communist" 10 times. He outlined clearly that it is a Communist government in Nicaragua, a Communist movement in El Salvador, they are allied with the Communists in Cuba, because the President understands, as a man who communicates clearly and brilliantly with the American people, that saying it simply, saying it clearly, saying it repetitively is the way you get the message home; that in fact if they are Communists, and I think we can prove they are, you ought to call the Communists. If, in fact, they are a threat to America, you ought to remind people why they are a threat, and if that threat is in alliance with the Soviet Union and Cuba, then you ought to communicate that.

Yet yesterday, sadly, the White House sent a letter to Congressman MICHEL and Congressman MCCURDY which is confusing and represents backsliding on the part of the President's staff. Whether the letter was drafted at the National Security Council or drafted at the State Department, it is hard to know, but it is obvious whoever drafted it was not in Miami, FL, with President Reagan and did not read President Reagan's speech. Here in this letter from the President to these Congressmen, we have the same old murky, confused language. Remember, the President said on May 27th:

Incidentally, I think some of our people get confused. They are not that familiar with Central America when we talk "Sandinista government" and "Contras" or "The freedom fighters." I am going to quit using both terms and start calling them what they are. It is the freedom fighters against the Communists.

That line, by the way, "the freedom fighters against the Communists," I believe, was in every major newspaper in the United States on the following day as a quote from the President of the United States. Now, what does the President's staff do? They go back and start talking about, and I quote, "the Sandinista government," "the Sandinistas in Nicaragua," "the Sandinistas," and again, "the Sandinistas," quote again, "the Sandinistas." In a three-page letter, they managed to talk about the Sandinistas five times, never used the word "Communist," and to carry it a stage further, they managed to describe the guerrillas in El Salvador, never used the word "Communist." They then talk about the guerrillas "mentors in Managua, Havana, and Moscow," without describing either Managua, Havana, or Moscow as Communist capital cities. They talk about the nature of the Nicaraguan Government without ever describing the Nicaraguan Government. They talk about Cuba and the Soviet Union without describing either country as a Communist country.

This letter is a remarkable example of precisely the boring, dull, confusing, scholastic, bureaucratic, uncommunicative style which guarantees that no average American, no average reporter, no average politician, will understand the issue. It is impossible to read carefully this three-page letter and have any notion of the situation in Central America described so eloquently by the President on May 27.

It seems to me first of all that the question here is whose words matter. When I complained to one White House staff person about this letter, which I regard as a remarkable example of boring and uninformative material, precisely the kind that most confuses the American people, I was told, "Well, the President probably had not read it carefully."

□ 2050

Now, let me suggest with all due respect that no American citizen seriously believes that the President of the United States has as his job sitting and editing his staff's writing. If his staff cannot draft a three-page letter that he can sign, then he needs new staff. The fact is that it is the staff's job to listen to the President's speeches, not the President's job to edit the staff's letters.

Now, what did the President say in his speeches? He gave just about as clear a directive as he could. He said, "I am going to quit using both terms and start calling them what they are. It's the freedom fighters against the Communists."

Now, I am not here this evening talking about a three-page letter because in and of itself it is a major incident or because in and of itself it is a major problem. After all, with that letter, with all the effort of the last month, a great victory was won for the freedom fighters and a great defeat was suffered by the Communists in the vote on the House floor today. That is not my purpose at all.

But I do think that this is a useful opportunity tonight, in addition to celebrating a momentary victory for the forces of freedom, for the President and his staff to recognize that they have a serious problem in the underlying bureaucratic structure of the State Department and of the Foreign Service, that the fact is that the very psychological and cultural and political attitudes which led to the rise of "ostriches" in the House of Representatives leads to the rise of "ostriches in Foreign Service and the State Department, that the fact is that many Foreign Service members come out of the intellectual elite and the academic elite who are committed to avoiding the use of that horrible word, "Communist," and that there are many members of the Foreign Service who would regard it as dull and populist and clearly distasteful to focus on the fact that Fidel Castro is a Communist, that Cuba is Communist, that Nicaragua is Communist, that Ortega is a Communist or even, for that matter, that the Soviet Union is Communist.

The President and his immediate staff must recognize that their vision of reality is not shared by very large portions of the bureaucracy which serves them. While the American people may have in 49 States cast a majority of their votes for Ronald Reagan, it is highly unlikely that Ronald Reagan's viewpoint—as he put it, calling people "freedom fighters" against the Communists—would be shared by a significant number of the Foreign Service. Quite the opposite, they would regard the term, "freedom fighters," as propaganda, and they would regard the term, "Communist," as unfortunate and designed to arouse the right-wing attitudes of the American people.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my friend, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding, because I think he is making a very crucial point, and that is that the American people really are not going to focus on a lot of the terminology that is used throughout the Government debate and throughout the bureaucracy in Washington, but that they understand who it is that are our adversaries in the world and they want us to be strong against our adversaries and they want us to stand with our friends.

Now, if you can confuse the issue to the point that the American people are not quite certain who our adversaries are and who our friends are in a conflict, you have won a large portion of the debate, and unless you clearly

delineate those two things, then it becomes much harder to sell the argument.

In fact, one of our colleagues was mentioning today hearing a radio report that structured the vote that we were about to take in the House today as "the United States funding the rebels against the Nicaraguan Government." Well, a lot of the American people would be very confused as to why we would be on the side of rebels fighting the Government of Nicaragua unless you also define that the Government of Nicaragua is a Communist government that is seeking to subvert its neighbors.

I think the gentleman is making a very important point, that at the very least the White House ought to be a part of the process of educating the American people on just why it is that we are doing what we are doing in Central America relative to the Sandinista Communists, because that does clearly change the perception of the American people as to whether what we are doing is right or wrong.

Mr. GINGRICH. Mr. Speaker, I want to say that the core problem here goes a stage deeper than just language, and that the point is, as George Orwell once said, "If you cannot write something, you probably cannot think it." So the problem of the Foreign Service is an underlying cultural and value system and mind-set which then reflects itself in the language.

I might say to the gentleman from Pennsylvania that I was just noticing that on the first page alone there are two places, one in the opening paragraph and one in the second, where the letter emphasizes our commitment to peace, that we want a "peaceful resolution." When you go into the second page, once again we come back to the notion that we want a "peaceful resolution."

Now, the problem with that is this: I happen to favor peace, and I think that peace is a desirable goal, but I think it is the second most important goal in Central America. The State Department, I think, fundamentally, at a core level in its value, does not understand this and, therefore, cannot educate the country, because we had some friends here, some decent, honorable people, who happen largely to be Democrats, with one or two Republicans, who collectively would say, "Look, if you want peace in Central America, if peace is your most important goal, cut off aid to the freedom fighters, they will become refugees, the war will be over, and peace will exist almost immediately."

Those friends are exactly right. If the most important value for America is peace at any cost, we can get peace tomorrow morning. All we have to do is surrender the freedom fighters, cooperate with Honduras, El Salvador, and Costa Rica in turning them over to the Communists to go to prison camps, and we will have peace in Nicaragua.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I understand what the gentleman is saying, although I must admit that I am somewhat confused about our experience in Vietnam because many of the same people who holler, "Peace, peace, peace" in Central America also talked about peace in Southeast Asia.

The fact is that the end of the American involvement and the end of the American financing in Southeast Asia did not produce peace but further war; it was simply that we were not involved in it. It may have been peace from the standpoint of American involvement. We no longer had troops committed. But for the people of Cambodia it was not peace, for the people of Laos it was not peace, and on the borders of Thailand there is not peace today.

Mr. GINGRICH. Mr. Speaker, we may say, I might say to the gentleman from Pennsylvania, for the "ostriches" that as long as the only violence is being committed by the left, that is not war; if the Russians are killing Afghans, that is not war; if the Communist Pathet Lao and the Communist Khmer Rouge are killing decent citizens in Cambodia, that is not war; if the North Vietnamese are locking up South Vietnamese in concentration camps, that is not war; and if the Nicaraguan Communists are killing freedom fighters, that is not war. War only occurs when the profreedom, pro-American Western forces engage in "vicious efforts" to resist the Communists.

So it is very possible on the left to be in favor of peace. In fact, the Russian word for "peace," which is "mir,"—m-i-r—does not mean what we mean by "peace." It means the absence of any alternative. So from the Soviet standpoint you can only achieve what the Soviet word for "peace" means when there is a police state over the entire planet.

So when Gorbachev says, "I am for peace," he is. That means total Soviet control of the world. That is the technical translation of the word, "mir." It means the absence of a competitive force, not what we would think of as the absence of violence.

Now, in that setting, if I might in just 1 second describe the core problem, let me say that I think this is a very illustrative letter. I would hope that the President would personally take a little time and read this letter and ask himself, if he had been campaigning in 1980 and Jimmy Carter had sent this letter over here, what kind of a speech would he have given, intellectually taking apart this letter, because this letter illustrates precisely the peace at any cost, negotiate away the differences, and somehow we can coexist with the Communists mindset which is at the core of the Foreign Service and, therefore, at the core of the State Department and which severely cripples this administration's efforts to explain what is really at stake in Central America.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman makes a valid point with regard to the letter, and I guess what I am disturbed about is the fact that the letter came at almost precisely the same time the administration was announcing its decision with regard to SALT II, which goes right down the precise same road.

□ 2100

When I campaigned with President Reagan around the country in 1980, I remember the speeches that he made and that we made along with him about the SALT II Treaty being fatally flawed. And despite the fact that it is fatally flawed, we now have the administration signing on board to that fatally flawed agreement despite the fact that their own factsheet on their positions details comprehensively all of the things that the Soviets have done to violate that treaty. We know that the treaty violations go back several years. So it seems to me that the same State Department mentality has crept into the administration's policy as it relates to that particular issue.

I think that there are some valid reasons for the President having made the choices that he did that relate to our national defense.

On the other hand, the signal that you have sent to the Soviet Union with the decision that was made says to them the violations are secondary in our consideration and our reaction to those violations will be that we will begin the dismantling of a part of our defensive arsenal. That, in light of what the gentleman is telling us, is not exactly the signal that Ronald Reagan on the campaign trail in 1980 would have accepted from candidate Carter.

I thank the gentleman for yielding.

Mr. GINGRICH. I think it is fair to say that our current position seems to be, cheat on us and we will show you; we will dismantle more of our defenses.

Let me though, because I think we are going here to the core of the advice being given to the President and the core of why it has been so hard to explain to the American people what is going on, make two points here.

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First of all, when the President's letter says, and I quote, "We do not seek the military overthrow of the Sandinista government," my question back to the President would be, fine, what if in fact the Communists rather than the Sandinista government, what if the Communist government, as he has been describing it, says:

We don't care what you do with the economic embargo. We are willing to follow the lesson of Fidel Castro and a Communist Cuba. We will simply tighten the screws on our own people. They will live a little bit worse. We will oppresss a few more people. If things get bad, we will import more Cubans and more Soviets, plus some Bulgarians and some Vietnamese and East Germans and we will crush the rebellion.

What then is this State Department solution going to be?

I mean the absence of Coca-Cola has not blocked—and I say this as an Emory graduate who represents the city in which Coca-Cola is headquartered. The absence of Coca-Cola, as grievous as it may have been, has not blocked Cuban Communists from staying in power for 25 years.

Let me carry it a step further and just say that the core problem illustrated by this letter and the core problem in the State Department analysis of reality is best exemplified by a quote from Tomas Borge, the head of the secret police, who said, and I quote, this is on September 5, 1980: "If they could buy us with $75 million or with $1 billion, we would stop being revolutionaries. We revolutionaries would rather starve if necessary before falling on our knees in the face of Yankee imperialism. Let them refuse once and for all the $75 million. They think we are going to beg. How little do they know the Sandinistas," broadcast over Managua radio on September 6, 1980.

Now, Borge, who is a hardened confirmed Communist trained in Cuba, who is a friend of Qadhafi and goes to Libya regularly to meet with terrorists, who is the head of the secret police, is sending a message to the American State Department, a message which it did not learn in Vietnam, has not learned from Cuba, and obviously based on this letter has not learned today about Nicaragua.

I would be glad to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding. I just wanted to ask a question.

I came in after the gentleman had gotten started and referred to a letter. Is that a letter from the President or a letter from the State Department?

Mr. GINGRICH. It is a letter technically from the President of the United States to Congressman MICHEL and Congressman MCCURDY. It is my guess based on the text, speaking as a historian backwards, that it is a letter which would have had to have been drafted at some point by somebody who was trained by the Foreign Service and either is serving in the State Department or is on loan to the National Security Council.

Mr. MACK. I thank the gentleman.

Mr. GINGRICH. If I can carry it a step further, I want to make the point that if the goal of the Reagan administration as this letter implies is to cooperate with a Sandinista government and define peace, they can get peace in the morning. The Secretary of State can fly into Managua, sell out all the freedom fighters and by evening we will have peace, and it will be a graveyard. It will be the peace of the cemetery.

If on the other hand, as I have always believed about Ronald Reagan, the greatest value Ronald Reagan believes in is this strange thing called freedom, human liberty, the capacity—and he quoted Abraham Lincoln. This is Reagan now quoting Lincoln. Lincoln said, "Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men."

Now if in fact Reagan is the President who favors liberty first, peace second, then this letter is nonsense.

If on the other hand he is a President who favors peace first, and by the way, if liberty gets killed in the process, what the heck, then this letter is a very accurate reflection of that policy; but I think the problem goes deeper. I think what you have in the State Department is the same generation who became ostriches in the U.S. Congress, their cousins became State Department officers. The same people whose lesson of Vietnam was, "You can't defeat communism, so appease it. You can't really stop Communists, so find a way to buy them off. You can't really confront communism, so give in."

Those folks are now fairly high in the Foreign Service and are sincere, decent and honorable men, who honestly believe America is best served by feeding the crocodiles, as Winston Churchill said of appeasement.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. I appreciate the gentleman yielding, because I took exception to this letter in the well yesterday when it first came into my possession. I felt a little bit lonely doing that for a very few minutes, because shortly thereafter the gentleman approached me and said, "I'm glad you brought up this letter with its inconsistencies. I feel the same way."

Now, having been out on the campaign trail for the President in 1980 in over 13 States, crossing paths many times with my distinguished friend from Pennsylvania [Mr. WALKER], I had a chance to observe Ronald Reagan at his very best, speaking out for freedom.

I maintain, I say to the gentleman from Georgia [Mr. GINGRICH], that President Reagan would never be able to read that speech off a teleprompter in the flesh. He certainly would never sign off on it if he read it before it was put on a teleprompter. He would never be able to utter the words in this letter to the gentleman from Oklahoma [Mr. MCCURDY] with conviction and he would blue-pencil it, as he does many of his speeches when he transposes them into his own words and thoughts.

He had been traveling around the country—I was a little bit late to the gentleman's special order, perhaps he has already said this—campaigning for Republican Senators just in the last few days, saying that henceforth he would use the word Communist, not Sandinista; that he had decided that he would call them precisely what they are, the comandantes in Managua.

Suddenly, here comes this important letter on the eve of today's wonderful debate and all of a sudden he falls back to the use of the word Sandinista and not once in this three-page letter do we see the word Communist, and then we see the sentence that I called attention to in the 1-minute speech yesterday. By the way, it will appear in the Extensions of Remarks tonight again. I called attention to this line where only applying pressure, and I unfortunately flashed on the agony of the late sixties when President Johnson applied a little bombing here, applied a little bombing there, start the bombing, start the bombing, put in some more troops, put in another division here, another battalion there, send some more Vietnamese boys over here to aircraft mechanics' school, send them back into combat, back and forth; pressure, pressure, pressure; always unevenly applied for one purpose, to bring Communists to the negotiating table, which they have every intention to use particularly cleverly in 4-year presidential cycles to deceive us, lie to us, and secure by invasion in the end after we had pulled out and established a decent interval their Communist conquest of the first three unfortunate countries of Southeast Asia.

Now, I know this is not Ronald Reagan. This is not vintage Reagan. It is not last year's Reagan on the campaign. It is not the President Reagan of today when he meets with our leadership or wavering Democrats down there in the Oval Office or in the Cabinet room.

This letter, I maintain, was totally written by people at the U.S. State Department, that it was shoved past him on the busiest desk in the free world and he signed off on it to get the vote today, to get some aid down there to what he calls freedom fighters, men

and women who are dying on the North American continent for the liberty of all of us.

I think some of our colleagues on the other side of the aisle were coming very close to a proper criticism when they say that we are giving them mixed signals about applying a little pressure here, a little pressure there.

What we want is freedom and free elections in Managua. We want that jewel of a nation in all of Latin America, Costa Rica, not to have its young soldiers, its young policemen, they have no soldiers, killed in firefights which they have not had since the late 1940's.

I appreciate the gentleman calling to the attention of this House some of the peculiarities of this letter and I want anybody, any FSO or any Deputy Secretary or anybody at the State Department to convince me that their school of accommodation has convinced Ronald Reagan that we merely are looking for a little pressure down there and not a total victory or freedom, which frankly means Ortega, Arce, Borge, Lopez, the whole nine gang on a boat for Cuba, because unless they are killed by a freedom fighter somewhere in that country they will have to leave and repair their cause in some other Communist capital where hopefully they will die in exile.

□ 2110

They are never going to submit themselves to a free election process, and Ortega told it very clearly to Mr. ROBINSON of this body and Mr. LAFALCE and some others when they said "Will you stop exporting revolution?"

I had been misinformed that he said no to them. LAFALCE said it was even worse, he did not even give them the courtesy of an answer. He just stared at them in total silence and would say nothing, and later he said, "We won our revolution here, we are not going to jeopardize it."

Translation: Elections jeopardize Communist regimes.

And having just returned from Ethiopia where a gang of, a handful of men, not more than 3 or 4 dozen thugs control a country; it suddenly struck me, and I am going to put it in the form of an axiom that will stay with me the rest of my life, that when thugs take over a government and they have no intention of holding an election or of giving up their raw, naked power, all they have to do to get respectability in the left-wing corners of the world, and even in some corners of this Chamber is to suddenly declare that they are Marxists. Then suddenly they are plugged into worldwide networks that never require elections, where they have respectability, a pretty good arms supply coming from the Kremlin through various capitals, and when they travel around the world they get received even by Western leaders as the duly appointed, sometimes they slip and say "elected" as they have their phony Communist one-party elections, elected government of a country. Thugs are thugs, and when they do not even know anything about Marxism, as in the case of Mr. Mengistu Haile Marian, by declaring themselves Marxist they get this phony respectability, and that is what Ortega wants, is a respectability born in a phony claim that somehow or other he will have elections, yes, if there is only one party running, as Mr. Gorbachev will subject himself always to that type of phony election.

Mr. GINGRICH. Let me, if I may, say that the very distinguished gentleman from California is, of course, a man who has a long acquaintance with President Reagan, and who also is a true expert on foreign policy.

Let me first of all ask the gentleman to make sure that he checks the spelling of the variety of names he is using, because as a former history teacher I want anyone who reads the CONGRESSIONAL RECORD to learn the correct names.

But I want to pick up on a point you just made, because I think it is fascinating. It fits something. I had a German diplomat once tell me, who had served in a Marxist Communist country, he said it was amazing to him that 200 or 300 people using a Leninist centralized party dictatorship, and using secret police, can run a country of several million. And the point you are making in part as it relates to Mengistu and to some of the thugs that take power is if all you do is seize power at the point of a gun and drive around in a Mercedes, you are then seen as a corrupted dictator. But, on the other hand, if you seize power at the point of a gun and you drive around in a Mercedes and you carry a Marxist book, then you are an enlightened ruler who is desperately trying to improve the lot of your people. But in fact you have not changed at all, you have just gotten a little better at PR.

Mr. DORNAN of California. It is ever so slightly more complicated than that, and I will use Addis Abbaba and Ethiopia as an example, not a former colonial power, no cop-out there, one of the oldest nations in the world, and a charter member of the United Nations back in 1945. Here is what they do there: Yes, they ride around in the Mercedes, and I saw those, by the way, and they carry the little book, and they put up a flag and they put the hammer and the sickle in the corner of the national flag. But there is one other thing. You have to get some signmakers, and they have to put up a big, gigantic billboard with a picture of Marx, Engels, and Lenin, and on the other side of the main square where they have their rallies, and in Addis Abbaba in Ethiopia you put up a big picture of Mengistu raising the clenched fist in the Communist sign of brotherhood, and those signs suffice and then you have a few slogans around, and they are in English, by the way, which is interesting since they have their own native language here, but they know that this is the way to reach most of the people, not in Italian. But the British were the ones that came as the liberating forces. They have it throughout and they put the billboards and use words such as "Congress," the "Congress of the Brotherhood for Peace and Humanity" against the capitalist world, and if you are using some language like that, with the big signs, and you put up the flag with the hammer and sickle in the corner of it, then that is it, the thugs reign forever.

Mr. GINGRICH. Let me add that the other big advantages of becoming Communist dictators instead of just dictators is when you become a Communist dictator you get the loans of the Cuban, Bulgarian, East German, Soviet and Vietnamese security.

Mr. DORNAN of California. And a couple of PLO.

Mr. GINGRICH. And a couple of Palestine Liberation Organization terrorists. But the important part is if you are a dictator, your secret police get trained by the best secret police in the world, and you may then, if you are a fortunate dictator, be loaned 50 or 100 of the East German security policemen, or a couple of hundred Cuban security policemen, so if you know any of your local friends who are deciding that they want to become the dictator, then you can rely on your Communist brother from some foreign country to shoot them. And this is really a problem because in terms of Western analysis of U.N. votes and Western analysis of how do we negotiate with the dictatorship, once you understand that the local dictator's primary way of staying in power is keeping the Soviet control, who run the East German and Cuban police happy, you begin to understand how that dictator will vote in the United Nations, because if he were to suddenly break with the Soviets his replacement dictator the following week—and if anyone doubts that, look at Afghanistan—his replacement dictator, because he will be killed by East Germans or Cubans, or if necessary, as in the case of Afghanistan, the Soviets will come in occasionally and do it themselves, they then will make sure that the new guy understands who is going to be really in charge when it matters.

Now let me suggest, if we can go back to the so-called Reagan letter, to the two Congressmen, that the central problem illustrated by the language of the letter is the State Department Foreign Service version of reality. And

as the gentleman was saying about Reagan campaigning across the country, I had to look back again at the May 27 speech in Florida where the President said, "Republicans know it is strength, not weakness, that will ensure the peace. We are fully aware of the threat communism poses to human freedom."

Let me suggest respectfully to the President that very few people in the State Department intellectually share his world view, that very few people in the State Department would really say yes, as he put it, strength, not weakness, will ensure the pace. And very few people in the State Department are fully aware of the threat communism poses to human freedom.

The President went on to suggest, "The opposition often acts like a weaker America is a safer America," a view he obviously disagrees with.

Let me suggest respectfully to the President that there are many in the State Department who behave functionally as though America's weakness is irrelevant in deterring the Soviets, or the Cubans, or other Communists. And let me suggest to the President that while the Founding Fathers were brilliant in giving us the process of free elections to take care of this House and the other body and the Presidency, that in the 100 years since the original Civil Service Act, we have invented no mechanism for reforming the great bureaucracies, that the bureaucracy of the State Department has an intellectual tradition which goes back to George Kennan, a man whose commitment to appeasement can best be remembered in his memoirs of 1938 in which, as an attache in Czechoslovakia he recorded how lucky it was for the Czechs that the Germans took over without bloodshed, how fortunate it was for the Czechs that while they would live in slavery, at least their young men would not die in a war. And it is only when you understand George Kennan's deep commitment as a young man, as a young diplomat in Czechoslovakia, applauding Munich, regarding Munich as a positive action by Chamberlain, regarding appeasement as a positive step that you can appreciate that there is a long and deep tradition in the American State Department, and in the Foreign Service that believes any negotiated peace is preferable to conflict.

Now it is peculiar to be standing here in the House of Representatives Chamber with George Washington's portrait on the one hand and the Marquis de Lafayette's on the other, a Frenchman who would, by the way, have been ridiculed by many of the ostriches in this House as a foreigner who went off to fight in a distant land, presumably because he was under-employed in France. Clearly Lafayette is proof that anybody would show up in America and fight for freedom. And, in fact, if you would take statements from today's debate and read them with Lafayette in mind, you would wonder what the reaction of the American ostriches would have been to freedom fighters like Von Steuben and Lafayette, who came to America to fight for freedom.

Washington, of course, believed in freedom rather than peace to such a degree that he fought a war which clearly could have been compromised at any time by accepting the British Government. For 8 long years Washington stayed in the field of the Continental Army when he could have given in at any time.

Had Washington read this letter he might have decided that bilateral negotiations made sense and, after all, the British would not have confiscated Mt. Vernon. They would have negotiated an agreement where he could have remained a good colonial, and they would have allowed him to pay his back taxes and also remain free.

Mr. DORNAN of California. If I can just add a little bit of pressure here, let me add the pressure that a little pressure at Saratoga, a little pressure here, and finally a little pressure at Youngstown, just to get to negotiate and see if Lord North finally would not listen to reason, and we would be good colonies here again.

□ 2120

Mr. GINGRICH. You see, the problem my distinguished friend from California [Mr. DORNAN] does not recognize is that you, sir, are a rightwing barbarian. You actually value freedom enough you would fight for it; you actually think the freedom of Nicaraguans relates to you; you actually think there are lessons to be learned in Vietnam. You would never be allowed to serve in the foreign service because you clearly do not understand the primary goal of America, which is a negotiated armistice at almost any cost. In that sense, let me suggest to the President that if he will go back and reread his speech of May 27 and he will read the letter sent to Congressman MICHEL and Congressman MCCURDY and ask himself a second level question: If his foreign service staffers could write a letter that is this fundamentally misleading in terms of his values, his analysis, his words, what does that tell him about the underlying policy mechanism? If they cannot bring themselves to use the word "Communist" maybe they do not believe Mr. Borge. If they cannot believe, themselves, to describe clearly what is going on in Central America, maybe that explains why the Contadora process has not been working, maybe that explains why the bilateral negotiations were a disaster; maybe it becomes to be clear why the State Department and the National Security Council are having such a difficult time walking through this.

Finally, the President might then say to himself: What kind of personnel are we getting around here? Why is it that over the last several years there has been a systematic effort to eliminate people who supported Ronald Reagan for President in every foreign policy position in both the State Department and the National Security Council and the tendency to replace them with Foreign Service officers? What does it mean if the Reagan world view, which is based, as he said in Florida, on strength, on a fear of communism and a willingness to be committed to preserve freedom, to help friends of freedom across the planet; what if that world view is being replaced by the George Kennan appeasement-feed-crocodile world point of view? What if each successive Foreign Service officer appointment is not an increase in technical competence but an increase in the tendency to appease? Because, and let me suggest finally to the President, the most frustrating thing as a supporter of his here in the House: There is an enormous body of ostriches in the U.S. House of Representatives, people who bury their heads in the sand and hide from communism at almost any cost. There are a considerable number of bureaucrats downtown who see as their major job the feeding and care of ostriches. Anytime somebody suggests why don't we stand up and fight, and I suggest again look back 4 weeks ago, there were people in the State Department 4 weeks ago who were upset because we defeated a clearly phony bill on Central America. There were people that night who called Republican leaders in this body and said, "Why didn't you pass anything? Please why don't you pass something?" They were shocked at the idea of confrontation because the same psychology which makes it hard for them to confront the Soviet Union, which makes it hard for them to confront Cuba, which makes it hard for them to confront communism in Nicaragua, that same psychology makes it hard for them to confront ostriches in the U.S. House. So rather than confront the ostriches they want to basically nurture them and care for them, and they were shocked at the idea that if we would work for a month we could pass a dramatically better bill.

I yield to the gentleman.

Mr. WALKER. I thank the gentleman for yielding.

What gets disturbing is that they actually from time to time ally themselves with ostriches knowingly. The gentleman will remember a matter of a couple of weeks ago, the gentleman from Michigan [Mr. BROOMFIELD] brought an amendment to the floor which suggested that the Soviet Union

ought to apologize to this country for the shooting of Major Nicholson in East Germany. And if they did not, that the action of the United States ought to be to throw the Soviet Ambassador out of this country. Now that is not an unprecedented action. There are many nations around the world, for matters far less than the shooting of an unarmed soldier, have thrown the Soviet Ambassador out of their country. So it is not an unprecedented action in any way. That particular amendment by Mr. BROOMFIELD passed overwhelmingly in this body. However, there are approximately 100 ostriches who decided that that was totally unacceptable, that we ought not have such a drastic action against the Soviet Union. Imagine that, all they do is shoot someone and we will not take the diplomatic action of throwing their Ambassador out of the country.

Those 100 ostriches, however, found a supporter. The supporter was in the U.S. State Department, who immediately issued a press release saying that they thought it was a bad amendment, too.

Now, the question is, you know, whether or not that really reflects the world view of Ronald Reagan. I doubt it does at all. I think that that was something done by State Department personnel on their own and reflects the fact that they have a working relationship with the Soviet Ambassador that they do not want to lose, and that is far more important to them than the foreign policy interests of this country or even the moral question that faced this country at that time.

Mr. GINGRICH. I would suggest to the gentleman that in 1981 when you and I were here trying to help the country understand the Iranian hostage crisis and the Soviet invasion of Afgahanistan and President Carter was not particularly helpful in explaining all of that, that had the ranking Republican on the Foreign Affairs Committee, Mr. BROOMFIELD, of Michigan, offered an amendment in a similar setting and had President Carter's State Department repudiated that amendment, that candidate Ronald Reagan on the campaign trail would have ridiculed the State Department, so weak-kneed that when an American major is killed and no apologies offered, that it cannot even expel the Ambassador, that in fact candidate Reagan would have said clearly the Republicans in the House are right and clearly the bipartisan majority of some over 300 Members that voted in favor of expelling Dobrynin, were right. So I would say to the gentleman that it seems to me that in this case, in case after case it is the State Department and the foreign service professionals who systematically fail to educate the country.

I noticed today that our colleague from New York, Mr. ECKERT, a man who has been an Ambassador and has recently done a great deal to enlighten all of us to the fact that all around the world it is fairly routine to throw out Soviet diplomats. He listed country after country in a recent article in which Soviet diplomats were thrown out for spying or for other violations; that the proposal to throw out the Soviet Ambassador to the United States if they would not apologize for killing an American major was not unusual.

Mr. WALKER. If the gentleman will yield, one has to wonder also whether or not the action of ordering the assassination of the Pope is regarded by people in this body as being sufficient reason that we might throw out a Soviet Ambassador. Maybe not in this country, but certainly the Italian Government and so on might want to consider that as an appropriate action. And my guess is that the State Department and some of our ostrich friends would find that abhorrent, despite the fact that we are now getting information coming out of the trial in Italy that that is precisely what the Soviet Union did, and you have a whole series of actions, none of which are serious enough or even combined, which are serious enough that the ostriches in this body believe that we should take even the minimal action of perhaps asking the Soviet Ambassador to leave.

Mr. GINGRICH. Let me suggest, if I may carry on the point my friend is making, we had a similar clear incident with the trip of Ortega to Moscow. A number of ostriches were shocked that the morning after this House defeated an effort to help the freedom fighters a month ago, the following morning Ortega announced as a Communist in Nicaragua he would visit his fellow Communists in the Soviet Union.

Now, what was interesting to those of us who have been following the Nicaraguan Communists was that that was his seventh trip to the Soviet Union. Ortega visited Moscow in April of 1980, in May of 1982, in November of 1982, in March of 1983, in February of 1984, in March of 1985, and in May of 1985.

□ 2130

Yet suddenly people were shocked, but I am not so sure I fully blame ostriches in this House for being shocked, if in fact the American State Department cannot get its act together and explain what it is doing.

If the American State Department cannot use the word "Communist" to describe Cuba or the Soviet Union or Nicaragua, then probably the American State Department was not briefing anybody up here on the Communist network that was propping up a Communist dictatorship, and the American State Department probably was not briefing the news media. The American State Department probably was not coordinating academic research into communism, and there is little wonder that a foreign service which cannot bring itself to follow its President's directives, and within 2 weeks of his saying publicly and explicitly he would not use the word "Sandinista" but would use the word "Communist," finds it incapable of writing the word "Communist."

It is little wonder that that State Department would have a hard time educating the American people or their elected officials or the news media.

Mr. WALKER. If the gentleman will yield, one of our colleagues in the other body, reflecting upon the Ortega trip, was somewhat chagrined at some of his fellow liberals, that they were surprised by the trip, and he made the statement of, where did they think he would go, Disneyland?

Well I think from what the gentleman is saying, that there may in fact be some people in the State Department and this body who believe that maybe he would pick up and go to Disneyland.

Mr. GINGRICH. I think, though, that all too many foreign service officers, who have spent a professional career avoiding studying Leninism, avoiding studying the nature of the KGB and the Soviet Secret Police, avoiding thinking about how evil the Soviet system is, avoiding thinking about the nature of Castro and the failure of economic sanctions against Cuba, avoiding thinking about the lessons of North Vietnamese Communist toughness; and those folks then sit there in the State Department with 20 years of knowledge avoidance as their track record, and you cannot really expect them to be very accurate about what is going to happen.

What bothers me is, the one thing they are good at is manipulating power, that they are far more successful at bureaucratic infighting inside the United States than they are at stopping communism across the planet.

What we have seen for the last 6 months is a systematic effort by the senior foreign service to purge anybody who is pro-Reagan, both from the National Security Council and from the State Department, and to replace them with Foreign Service professionals who are good, decent, well-meaning and amazingly ignorant of the nature of communism.

So in closing I just want to say to the President, what while you should celebrate a temporary victory this evening, you must recognize that your administration's bureaucracy is seriously committed to goals other than yours; that it does not believe in the language you believe in; it does not

share the analysis that you have; and that unless you force that bureaucracy to reform itself, unless you impose change in that bureaucracy, it is very unlikely that you will be able to educate the country or the news media or the elected officials who have to come back again and again and vote on these issues.

The next time, I would say to the President, that you are concerned about why your message is not getting across, do not look down to the news media, do not look up to Capitol Hill. Look instead across your own National Security Council offices; look instead to your own State Department, and ask yourself: Why is it the civil service I have been elected to run finds it so difficult to listen to my instructions?

H.R. 2734, NATURAL GAS CONSUMER SUPPLY AND MARKETING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

● Mr. DANNEMEYER. Mr. Speaker, I am pleased to introduce a natural gas bill with my friend and colleague, the gentleman from New Mexico [Mr. RICHARDSON]. We are joined by bipartisan cosponsors: Messrs. BROYHILL, DOWDY, FIELDS, RALPH M. HALL, OXLEY, SCHAEFER, SHELBY, and WHITTAKER. Together, we are a majority of the Energy and Commerce Subcommittee on Fossil and Synthetic Fuels.

My longstanding interest in natural gas policy stems from the strongly held philosophical belief that competition is the best guarantor of the public interest. The history of natural gas regulation offers a plethora of examples to support the proposition that competition, not controls, brings about more desirable results in practice, as well.

In production, this means supply and demand, rather than federally imposed maximum prices, should determine how, when, where, and at what price natural gas is sold. We need only look to the winter of 1976–77, when controls held prices artificially low and produced a shortage, and to recent times, when prices were artificially high, to see that they distort economic decisions. Purported benefits are far outweighed by inevitable costs.

In transportation, increased competition will facilitate use of market signals rather than regulation in purchasing practices.

As of January 1, 1985, about one-half of flowing natural gas is free of price controls, due to the Natural Gas Policy Act of 1978 [NGPA]. But, that means the other half is still under price regulation. Consumer access to cheaper supplies will be forever blocked as long as these controls are in effect because they fail to provide incentives to maximize production from existing fields.

The second report of the Department of Energy under NGPA, section 123, submitted to Congress in January confirms the unfinished natural gas agenda for us to address. In a letter accompanying it, then-Energy Secretary Hodel wrote:

> This second report concludes that NGPA wellhead price controls, restricted access to interstate pipeline capacity, rising transmission margins, and regulatory restrictions on gas-on-gas competition are holding natural gas prices at artificially high levels.
>
> Only under comprehensive deregulation, which includes the deregulation of all wellhead prices, mandatory contract carriage, and the repeal of demand restraints, will an efficient equilibrium between supply and demand be achieved and maintained.

The bill is consistent with these conclusions and President Reagan's recommendation in the State of the Union Address in February that Congress complete the deregulation of natural gas.

NATURAL GAS WELLHEAD PRICING

The pricing provisions gradually move from a half-regulated, half-deregulated wellhead market to a free market.

The bill would decontrol natural gas still under controls: First, as the individual contracts under which specific volumes are sold expire; second, as contracts are freely renegotiated between buyer and seller; third, as production enhancement techniques are applied, the additional volume over what would otherwise have been produced, is decontrolled; and fourth, as infill drilling is undertaken to maximize efficient ultimate recovery.

Specifically, the bill keeps price controls on "old" gas which would be produced under existing contracts while removing other ceiling prices. "Old" gas ceiling prices would be removed very gradually, with the expiration of contracts. This is estimated to occur at a rate of less than 10 percent each year. Once contracts expire, parties should be free to bargain on price and nonprice terms. A buyer's market and competition at the burner tip with alternative fuels will discipline parties to reach reasonable terms.

In addition, the bill decontrols increased, or marginal production, from old gas wells due to production enhancement. It also facilitates greater infill drilling. There is ample data to support the view that significant volumes of lower-priced natural gas will be denied to consumers and the country if this is not done. The Office of Technology Assessment, in a February 1984 report, put the figure at 19 trillion to 38 trillion cubic feet; the Department of Energy concluded it would be 8.4 to 11.1 trillion cubic feet; ARCO calculated 38 trillion cubic feet; and Shell Oil Co. stated it would be up to 52 trillion cubic feet.

Title I also repeals the NGPA authority which permits reimposition of controls on those categories which were decontrolled on January 1, 1985. This would be counterproductive and represents, at best, an unhealthy element of uncertainty.

When it comes to pricing, there are those who focus on the short run and argue incentives are not necessary because supplies are plentiful today. In some cases this view is espoused by those who signed contracts in the late 1970's and early 1980's for large volumes of expensive natural gas with very onerous contract terms when supplies were tight. They were wrong to focus on the short term then, and they are wrong to do so today. They are also the forecasters who predicted a price "fly-up" upon partial deregulation this past January 1, which did not occur.

Policies implemented now will do nothing to change supply and demand today even if we wanted to do so. Rather, changes will impact future market conditions and are necessary to assure domestic production at affordable prices for the balance of the decade, indeed for the balance of the century.

As one who represents a State, California, which is not only a net consumer of natural gas, but is served by pipelines with large reserves of old gas, I am sensitive to price consequences. I could not, and would not, support these provisions if I did not honestly believe they would bring forth production at prices lower than would otherwise prevail.

TRANSPORTATION AND ACCESS

The traditional structure of the industry has been for pipelines to purchase gas from producers and then resell it to local utilities. In short, pipelines both purchases gas and transport it. This is in contrast to oil pipelines, for example, which as common carriers simply provide transportation service. Several years ago, many in the private sector and in Congress began to look at how to increase competition through greater access to transportation so utilities or end users could assemble gas purchasing packages rather than rely on those negotiated by pipelines. Thus was born the concept of contract carriage.

No one doubts that the era of competition is upon us and that pipelines are undergoing considerable change during a transition to the market realities of competition from other pipelines and other fuels.

Industry has responded with interesting proposals of its own to keep and increase market share. Renegotiation with producers has mitigated potential problems from contract terms which could not be sustained in the midst of excess supply deliverability. New marketing strategies abound and several

pipelines are competing for new natural gas markets, such as the enhanced oil recovery market in California. Pipelines report that voluntary carriage, in which pipelines transport gas, not owned by itself, for others on their own is on the rise. More, however, can and must be done.

The bill would create a system of mandatory contract carriage as an addition to traditional pipeline service. Pipelines would be required, upon request of a shipper, to transport gas to the extent of available capacity. Capacity would be presumed to exist and a pipeline would have the burden to prove otherwise. Transportation rates would be flexible and cost-based.

Nothing in the bill would require facilities of local distribution companies to be used for carriage involuntarily. Further, no pipeline would be permitted to serve directly a customer of a local distribution company unless it proved such service would not adversely affect other customers served by the local utility. State regulators could attach terms and conditions to any direct service, which would include bypass fees.

Our aim in seeking to require transportation for others is clear and simple: to promote competition in the buying and selling of natural gas. The industry is a long way from achieving an equilibrium of supply and demand. A continuing imbalance creates a temporary oversupply at higher prices than we think we should pay.

The Federal Energy Regulatory Commission has taken major constructive steps in the right direction on transportation this year, first with an in-depth "Notice of Inquiry" and recently with a May 30, 1985, "Notice of Proposed Rulemaking." The latter, running 200 pages, catalogs the conditions which require our attention:

One. Many interstate pipelines have contracted for more gas supply than can be marketed at the prices set forth in those contracts.

Two. Producers of gas, responding to very high prices for small supplies of deregulated gas, have developed new supply sources of gas. But since the market could not absorb these quantities at prevailing prices, a surplus has been created, resulting in many wells being shut in and in producers, particularly independent producers, seeking alternative markets for their gas.

Three. Pipelines have sought alternative markets, as well, and sought out new customers. But the existing customers of the pipelines have been concerned that so-called off-system sales would effectively transfer to the new customers a portion of the economic rent associated with old, price-controlled gas.

Four. Purchasers of natural gas, seeing the availability of supplies in the field at prices below the rolled-in average cost of all gas, have sought to purchase gas in the field and receive it instead of the supplies which the pipeline has obtained under the now-uneconomic, long-term contracts.

Five. The pipelines have generally expressed a reluctance to provide this transportation.

Six. A number of key aspects of the existing contractual arrangements in the industry from wellhead to city gate ended in large part to allocate to the buyer the risk that the supply of the commodity might prove unmarketable at some point over the life of the contract. As a result, the average delivered price of gas has been slow to adjust downward to transmit price signals more accurately that would help increase consumption and absorb the available excess supply.

Seven. This situation is resulting in a very large loss to the American economy in terms of net economic efficiency. In concrete terms, this has meant a drag on competitiveness of American products in world markets, lost jobs, lost production, and unnecessarily high energy costs to all consumers. It has contributed to distortions in the financial markets and to the inefficient allocation of scarce investment capital by encouraging the overinvestment in what now appear to be uneconomic energy supplies.

Eight. As a result, it appears that the current regulatory principles now tend to result in rates for the jurisdictional sale or transportation of natural gas that may not be the lowest reasonable rates consistent with reliable, long-term supply.

The premise of mandatory contract carriage is that would-be buyers and sellers must be reasonably assured of transportation to facilitate direct sales. Unfortunately, in today's natural gas industry, there is no assurance that a buyer can transport gas it wishes to purchase. This is because some pipelines may choose not to transport gas bought and sold by others.

The proposed FERC rulemaking indicates that we are not alone in seeking greater access to natural gas transportation and hence to gas markets. The Commission is to be commended for its leadership in this area. Given the importance of this issue to the future of the industry, we believe that pursuing a common goal of competitive transportation should be pursued on two tracks: one in the Congress and the other at FERC. Subcommittee hearings will provide a forum to explore what FERC has proposed and public comments on it.

While the proposed rulemaking is confined to transportation, the bill addresses pricing and repeal of demand constraints, among other issues. Furthermore, the industry and the Commission operate within the statutory framework set forth by Congress. Given changes in the industry and the marketplace, it is appropriate for Congress to reevaluate the existing framework.

OTHER PROVISIONS

Title III repeals portions of the Fuel Use Act and the incremental pricing title of the NGPA. Both were enacted on the erroneous assumption the sky was falling in and that we would suffer inevitable shortages due to a lack of energy resources.

Title IV covers pipeline and affiliate transactions. This is to avoid potential conflict of interest when an interstate pipeline sells to an affiliated distribution company, Hinshaw pipeline, or intrastate pipeline, or when an interstate pipeline purchases gas from an affiliated producer.

Title V invalidates contract or tariff requirements, such as mimimum bill and minimum purchase provisions, which require a purchaser to pay for gas not taken. These provisions exist between pipelines and local utilities. They restrict competition by causing purchasing to be made on other than price, which is a disincentive for pipelines with high minimum bills to keep prices down since they guarantee a certain percentage of sales.

We welcome public comment on our proposal and look forward to its consideration in the 99th Congress.

EXECUTIVE SUMMARY TO SECTION-BY-SECTION ANALYSIS OF RICHARDSON-DANNEMEYER NATURAL GAS SUPPLY AND MARKETING ACT

Title I eliminates wellhead price regulation for all natural gas except "old" natural gas. For old natural gas, decontrol would occur as the contracts applicable to such gas which contain definite terms expire. Decontrol of old natural gas would also occur to the extent gas is produced from enhanced recovery methods. The bill decontrols old natural gas if the contract is renegotiated after the date of enactment. Finally, gas produced from infill drilling would be decontrolled.

Title II provides for a comprehensive system of mandatory contract carriage. A pipelines would be required to transport gas, if it has available capacity, upon request of a shipper. Available capacity, moreover, would be presumed to exist. The pipeline's obligation to serve would be reduced to the extent transportation replaces sales. Nothing in the bill would impose a transportation obligation on local distribution facilities.

Title III repeals those sections of the Powerplant and Industrial Fuel Use Act that constrain the use of gas by utilities and large industrial users. Incremental pricing requirements would also be repealed.

Title IV prohibits certain self-serving transactions between interstate pipelines and their affiliated suppliers and customers. Take-or-pay payments to affiliated producers would be forbidden.

Title V disallows any minimum bill or charge of any kind that requires a purchaser or shipper of natural gas to pay for cost not incurred by the pipeline if sales are not made or transportation is not provided.

NATURAL GAS CONSUMER SUPPLY AND MARKETING ACT

TITLE I—WELLHEAD PRICING PROVISIONS

Section 101 eliminates wellhead price regulation of all natural gas, except for "old" natural gas. This is accomplished by repealing section 121 of the Natural Gas Policy Act, subtitle A, respecting the maximum lawful price for the first sale for resale of any natural gas, except for section 104 (old interstate gas), section 106 (old interstate and intrastate gas being sold under rollover contracts) and part of section 105 (old intrastate gas).

This section provides for the decontrol of old gas as the contracts applicable to such gas expire. Any natural gas not subject to a contract as of the date of enactment of this legislation would be decontrolled upon enactment.

This section also decontrols natural gas produced as a result of using specified production enhancement procedures. The amount of gas thereby decontrolled is to be determined in the first instance by the state regulatory agency involved. The Federal Energy Regulatory Commission may review a state determination. The buyer of gas that the well would produce without the application of production enhancement technology ("unenhanced gas") has the first option to purchase the "enhanced" natural gas. If, after 30 days, that option is not exercised, the enhanced natural gas may be sold to another buyer. The buyer of unenhanced natural gas from the well has an obligation to transport the enhanced gas if the buyer has facilities available to do so.

This section decontrols natural gas sold under a contract: (1) which the buyer and seller have renegotiated after the date of enactment; and (2) which expressly acknowledges the parties' intention that the contract be treated as a renegotiated contract for purposes of this Act.

Subsection 101(a) decontrols natural gas which is under existing contract and is produced from any well the surface drilling of which commenced after the date of enactment and which meets certain spacing and proration unit requirements contained in the Natural Gas Policy Act. The buyer would have the first option to buy this gas.

Section 102 repeals the provisions of the Natural Gas Policy Act allowing until June 30, 1987, the reimposition of price controls over natural gas deregulated January 1, 1985.

Section 103 eliminates certain Natural Gas Act nonprice controls regarding the dedication and abandonment of natural gas decontrolled by this Act.

TITLE II—TRANSPORTATION AND ACCESS

Section 201 sets forth a comprehensive system of mandatory contract carriage.

Application

In general, a pipeline shall, on written request, transport natural gas to the extent the pipeline has available capacity.

Subsection (a) provides that this section shall not apply to any pipeline, except an interstate pipeline if the State commission having regulatory jurisdiction over such facilities certifies to the FERC that it has and will exercise the authority to require such systems to file transportation tariffs and to transport natural gas without discrimination. If the State has not provided such authority to its regulatory commission, the Federal authority provided herein may be delegated to the State, in whole or in part.

Nothing in this section imposes any transportation obligation on local distribution companies.

Capacity to transport

A pipeline shall be presumed to have available capacity unless such pipeline's total capacity is necessary to serve its then existing customers. If a pipeline does not have sufficient total capacity to satisfy all its obligations, the Commission, by regulation, shall provide that any allocation of capacity be on the basis of the priorities promulgated under the Natural Gas Act for use in supply shortages.

Adjustment of transporting pipeline's obligations

If a contract carriage user does not wish to maintain standby supply service from the transporting piepline and elects to reduce the level of service it receives from the pipeline, the pipeline's obligation to serve is reduced accordingly. Moreover, the FERC, by rule or order, shall provide that for the two-year period following the date of enactment, a transporting pipeline may elect not to take delivery of, or pay for, a volume of natural gas necessary to offset any reduction in volumes of natural gas sold by the pipeline due to its transportation activities under this program.

If a contract carriage user wishes to reestablish supply service from the pipeline, the pipeline shall attempt to reestablish such service. A pipeline shall not discriminate against a former contract carriage customer which seeks to become a system supply customer. The FERC shall provide further guidance as to the terms and conditions under which reestablishment of service is to be done.

Special rule regarding local distribution company bypass

Any request by a consumer to interconnect directly with an interstate pipeline and to cease being a customer of a local distribution company shall be denied by the FERC unless it is satisfied that such interconnection is in the public convenience and necessity and that no one then served by the local distribution company would suffer any adverse impact by reason of the interconnection. The State commission having jurisdiction over the local distribution company in question may impose such additional conditions as it sees fit and is authorized to do.

Miscellaneous procedures and reports

Requests for transportation are to be self-executing. All questions regarding capacity are to be resolved by FERC within 45 days after an objection to a transportation request is lodged.

Each pipeline subject to this section shall publish separate, nondiscriminatory tariffs for the transportation, storage and gathering of natural gas.

As appropriate to further the purposes of this Act, FERC may require a pipeline to expand its total capacity. Every six months, pipelines shall file reports describing: (1) their total capacity; (2) their available capacity, and (3) indicating the location and expected duration of such available capacity.

No pipeline subject to this section shall discriminate against unaffiliated shippers of natural gas.

Subsection (b) requires FERC to make recommendations to the Congress in two years regarding possible improvements in the operation of this contract carriage program.

Subsection (c) provides that no shipper shall be subject to the jurisdiction of the Commission by reason of any activity pursuant to this section.

Section 202 authorizes the sale, transportation and assignment of natural gas by pipelines on behalf of anyone. (Current law restricts some of these transactions to particular users and particular supplies of natural gas).

Section 203 allows inter and intrastate pipelines, as well as any other purchaser, equal access to all natural gas supplies.

TITLE III—REPEAL OF FUEL USE ACT AND INCREMENTAL PRICING

Section 301 repeals those sections of the Powerplant and Industrial Fuel Use Act that constrain the use of natural gas by utilities and large industrial users.

Section 302 repeals incremental pricing requirements.

TITLE IV—PIPELINE AND AFFILIATE TRANSACTIONS

Section 401 prohibits an interstate pipeline from selling excessive quantities of higher priced natural gas to an affiliated intrastate pipeline, Hinshaw pipeline or local distribution company when lower-average-priced, natural gas is available for purchase from unaffiliated interstate pipelines.

Section 402 requires the FERC to prescribe regulations under which it shall not permit any interstate pipeline to recover the costs for natural gas purchased during periods when the pipeline takes delivery of less than the contracted amounts of natural gas tendered by any unaffiliated seller and: (1) the pipeline takes a greater contractual percentage from an affiliated seller than it takes from an unaffiliated seller of natural gas at the same price; or (2) it takes an equal contractual percentage from an affiliated seller and from an unaffiliated seller of lower-priced natural gas. In implementing this section, the Commission shall not penalize any pipeline for purchasing practices dictated by events beyond the pipeline's control.

Section 403 directs the Commission to prohibit any interstate pipeline from recovering any costs for, or collecting any rate of return on, take-or-pay payments made to its own or an affiliated production company.

TITLE V—MINIMUM BILL REQUIREMENTS AND RESTRICTIVE TARIFFS

Section 501(a) invalidates any contract or tariff requirement to the extent it requires a purchaser of natural gas from an interstate or intrastate pipeline to pay for costs not incurred by the pipeline if deliveries to the purchaser are not made.

Subsection (b) invalidates any provision in any interstate pipeline tariff, rate schedule or service agreement that, directly or indirectly, prevents purchases or deliveries of natural gas from other suppliers. A purchaser may be required to pay costs to the pipeline for facilities and services used by the purchaser.

TITLE VI—SAVINGS PROVISION AND EFFECTIVE DATE

Section 601 provides that nothing in this Act shall affect any contract that is not a contract for the first sale for resale of natural gas.

Section 602—This Act shall take effect on the date of enactment, except as provided otherwise.●

● Mr. RICHARDSON. Mr. Speaker, yesterday I joined with my friend and colleague, Mr. DANNEMEYER of California, in introducing comprehensive and much-needed natural gas legislation.

Mr. Dannemeyer and I are joined in this bipartisan effort by eight other members of the Subcommittee on Fossil Fuels who share our concerns about the natural gas industry; Mr. RALPH M. HALL, Mr. FIELDS, Mr. SHELBY, Mr. OXLEY, Mr. SCHAEFER, Mr. DOWDY, Mr. BROYHILL, and Mr. WHITTAKER.

On January 1, 1985, 60 percent of all natural gas was decontrolled under the 1978 NGPA. The remaining "old gas"—natural gas discovered or leased before 1977—is not decontrolled but instead remains subject to a maze of roughly 27 different gas price categories which have little to do with market prices. And while doomsday forecasters predicted gas prices would "fly up" upon partial-deregulation, gas prices at the wellhead have actually declined—a clear indication that deregulation, not reregulation—is in the best interest of the consumer. The Richardson-Dannemeyer bill, recognizing the benefits of partial deregulation, seeks to expand these benefits by changing the discriminatory pricing structure which currently exists under the NGPA and through the injection of the element of competition into the natural gas market.

The Richardson-Dannemeyer legislation includes five major areas:

First, decontrol of natural gas: Old gas would be decontrolled only as contracts expire, are renegotiated, as production enhancement techniques are applied and as infill drilling is undertaken to maximize gas recovery. This phased out approach would allow the market time to react to this change. Overall, the effect on prices should be very minimal since the average price for "old gas" is nearing $2 per mcf, which is not far below current market levels.

Second, mandatory contract carriage: This provision would require pipelines to transport gas for sale if the pipeline has the capacity after it meets the needs of its customers. Nothing in the bill would require local distribution companies to be used for carriage involuntarily. The objective of this section is to increase competition by ensuring that a buyer can transport gas it wishes to purchase—gas that has heretofore been captive to the pipeline.

Third, repeal portions of the Fuel Use Act and the incremental pricing title of the NGPA: Both provisions are anachronistic and contrary to a competitive natural gas market.

Fourth, pipeline and affilate transactions: This title deals with unfair competition and provides for the elimination of practices of favoring affiliates of pipelines or distributors. Distributors would not be able to purchase at higher levels from affiliated pipelines or producers than from unaffiliated pipelines with lower prices. Pipelines would also be prohibited from taking at higher levels from their production affiliates than from other producers.

Fifth, prohibition on contract or tariff requirements such as minimum bills and minimum purchase provisions which require a purchaser to pay for gas not taken. These practices distort the market and decrease competition.

Our legislation is predicated on the following: We believe that deregulation of the natural gas industry will mean increased exploration and production; that increased exploration and production will mean increased supplies of natural gas; and that increased supplies of natural gas will mean both a decrease in consumer costs and greater U.S. energy independence. In other words, a free natural gas market—where supply and demand and not arbitrary rules, categories and rates actually dictate what we pay for gas—is in the best interest of the consumer, the producer and the economy.●

● Mr. BROYHILL. Mr. Speaker, yesterday, I cosponsored the Natural Gas Consumer Supply and Marketing Act of 1985.

This legislation is intended to create a true marketplace for the buying and selling of natural gas. In my opinion, this is the only sure way of achieving a stable, lasting balance between the supply of, and the demand for, natural gas. If the experience of the last two decades teaches us anything, it is that regulatory coercion does more harm than good to the consumers of this vitally important energy commodity.

Regulation has given us gas curtailments and gas bubbles, depressed prices and price fly-ups. Clearly, an alternative to traditional regulation is currently needed. Why not trust the market? Why not allow sellers and buyers of natural gas to seek each other out, negotiate as other businesses negotiate, and then, having made an agreement that makes economic sense to both go ahead and consummate the transaction by shipping the gas?

H.R. 2734 would help bring about just such a marketplace for natural gas. By ensuring access to the facilities necessary to move gas, all consumers would be given an equal opportunity to obtain the amounts of natural gas they need to prices they can afford to pay.

I wish to extend my thanks to my colleagues who joined with me in cosponsoring this legislation. In particular, I would like to note the hard work and fine efforts of my colleague from California [Mr. DANNEMEYER] and my colleague from New Mexico [Mr. RICHARDSON].●

THE NATIONAL HEALTH SERVICE ACT

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, it gives me great pleasure to reintroduce the National Health Service Act, a bill which would create a national health service for the American people. I first introduced a bill to create a national health service in 1975 and have introduced similar legislation in each succeeding Congress.

For over 30 years the Congress has considered proposals to alter substantially the role of the Federal Government in providing for the health care of the American people. Many of these efforts have led to improvements in the health status of our population including programs to provide services to those most vulnerable—the elderly, the poor, and children.

Many Americans, particularly those with access to high quality care (including Members of Congress and the administration who already have their own special health services—the House, Senate, and President's physicians, Walter Reed, Bethesda, et cetera), look to these improvements and their own quality health care, and argue that the general population is already adequately served with health services. Unfortunately, the reality is quite different.

The present health care system, which is based on the private delivery of health care, financed largely on a fee-for-service basis, and where both the quality and quantity of care is still too frequently a function of race, age, income, language, or national origin, does not meet the health care needs of this country.

The problem is not only financial. Equally important, there is a serious inequality in the access to services, in the geographical distribution of manpower and facilities, and in the quality of care. In addition, our level of health, as measured by various health indicators, is abysmal for a country as rich as our own.

It is interesting to note that the United States is the only industrialized nation, with the exception of South Africa, that does not have a national health program for its people. The United States now ranks far below most of these countries with regard to major health indicators: 11 nations have lower infant mortality rates; 14 nations have longer life expectancy rates for both men and women; 26 nations have lower cardiovascular death rates; and 12 nations do better in preventing cancer deaths.

Despite our relatively poor performance, we spend enormous amounts of money. We spend some 10 percent of our GNP on health care. This com-

pares to the less than 6 percent spent by the British, and their spending includes a national health service for all the people of their country. It is interesting to note that they also rank higher than the United States in all of the above categories.

We must change the current reality where access to quality health care is often the privilege of the few. Quality health care should be a right of all people and not simply a commodity to be bought and sold in the marketplace.

WHY A HEALTH SERVICE?

Some health service financing proposals, particularly those directed at creating some version of comprehensive health insurance, would lead to improvements in the present situation. No insurance plan, however, will assure that health services are available to everyone, improve the quality of services, or hold down costs.

Instead of propping up an inadequate system with complex payment mechanisms and ineffective quality reviews, we need a health care delivery system that would provide comprehensive services to all and would be accountable to those it serves.

In my view, any scheme short of a national health service can, at best, only ameliorate the ailments of the present system. No matter how much we guarantee the payment of services, this gives little comfort to people if adequate services are not being provided.

What distinguishes my proposal from other alternatives is that I disagree with the idea that the American people can have real access to quality health care without changing the structure of the health system. I disagree that you can simply tinker with the financing mechanisms in an essentially private health care system and expect it to meet the needs of the American people.

It is my view that only through the creation of a national health service can we confront the present crises and assure that services: are actually available to people in every community; are designed to meet the needs of those communities; are oriented not only toward treatment, but to prevention in the broadest sense of that term; and are conducted with the objective of providing service and not profit.

Only such a system can hold down the escalating costs of health care, assure access to health services in every community, and address the increasingly severe occupational and environmental health problems facing the American people.

Let me emphasize, since such a system would serve the needs of all of the people—and not simply the poor, the minorities, and the powerless in our society—it would not be vulnerable to the kind of attacks that have recently been launched against our present public sector health services.

In short, creating a national health service is the only way to provide quality health care for all Americans at a price that this country can afford to pay.

OVERVIEW OF THE NATIONAL HEALTH SERVICE ACT

Basic principles: The National Health Service [NHS] will provide without charge, comprehensive care to all persons in the United States. These services will be delivered by salaried health workers. Health maintenance will be emphasized as well as treatment of illness. There will be increased availability and continuity of care provided at local facilities linked to specialized care facilities on a regional and district level.

Funding: The Service will be funded through (i) a surtax on individuals and on corporations; (ii) the elimination of tax expenditures for health related credits and deductions—presently about $40 billion; and (iii) funds currently allocated for Medicare, Medicaid, and other health related programs—about $140 billion. Health expenditures will be reduced for the vast majority of the population: The virtual elimination of out-of-pocket expenditures for health care or health insurance will far outweigh any increases incurred by individuals as a result of the health surtax.

Private practice: Private practice will be permitted under the NHS, but public funds and NHS facilities may not be used for private practice.

Organization: The governance of the NHS will be democratic, with elected representatives to community health boards composed of health consumers—two-thirds—and health workers—one-third. Community boards will organize and run local health facilities. They will select members of the district boards to oversee general hospitals. District boards will select representatives to regional boards, which will oversee special care facilities and schools for health workers. The national health board, selected by the regional boards, will set national health policy, determine the overall health budget, and distribute funds to each level.

Mr. Speaker, I urge you and all of our colleagues to consider such an alternative system and to read the summary, and the section-by-section analysis, of the legislation that follow:

QUESTIONS AND ANSWERS ON THE HEALTH SERVICE ACT

While high quality health care is a right of all people, this is not the current reality in the United States. Unequal access to care excessive costs, geographical imbalances and the deterioration of social, environmental, and occupational conditions beset Americans today. This act creates a United States Health Service to overcome these deficiencies and implements the right to quality health care.

The United States Health Service will provide to all individuals, without charge and without discrimination of any kind, comprehensive health care and supplementary services delivery by salaried health workers and emphasizing the maintenance of health as well as the treatment of illness. Representative and democratic governance will be established through community boards mandated to provide primary health care services and chosen in community wide elections. District boards will oversee general hospitals and be selected by the community boards. Regional boards will oversee specialized care facilities and health team schools and be selected by district boards. Lastly, the National Health Board will provide overall planning and guidance and be selected by the regional boards, with approval by the President.

Health workers will have fair compensation, secure employment, and opportunities for career advancement and for full and equal participation in governance. There will be local, regional and national planning and funding to establish health care facilities so as to overcome shortages, especially for inner-city and rural populations. The Service will be financed through progressive taxation of individuals and payroll taxes on the employers, with these funds distributed on a capitation basis, supplemented by allocations for special health care needs.

WHY A HEALTH SERVICE

Growing numbers of Americans realize that the present health care system, based on the private delivery of health care and financed on a fee-for-service basis, is unable to meet the health care needs of this country. One response has been to propose some form of national health insurance. However, no insurance plan will guarantee that health care services are available to everyone, improve the quality of current services, or hold down costs.

Instead of propping up an inadequate system with complex payment mechanisms and ineffective quality reviews, the Health Service Act will establish a health care delivery system that provides comprehensive health services to all Americans and is accountable to those it serves. This will be a publicly-controlled and operated health service employing health workers who will directly serve the public. Any scheme short of this can, at best, only ameliorate the ailments of the present health care system.

WHAT IS THE UNITED STATES HEALTH SERVICE

The United States Health Service is an independent federal agency that is democratically-controlled to deliver health care in communities throughout the United States.

WHO CAN USE THE HEALTH SERVICE

Any individual, while within the territory of the United States, will be able to receive services.

WHAT SERVICES WILL BE PROVIDED

The United States Health Service will provide, without charge, a full range of medical, dental, and mental health services, as well as occupational, home health, and health education services. Drugs and medical equipment will be furnished without charge. Environmental inspections and monitoring services will also be conducted.

These services will be provided through facilities established and maintained by the Service. Except in emergencies, it will not pay for services provided elsewhere. Three years after it begins full operation, it will not be possible for private practitioners (who charge their patients a fee) to use the

facilities of the United States Health Service.

HOW WILL PHYSICIANS AND OTHER HEALTH WORKERS BE COMPENSATED

All health workers will receive salaries commensurate with their job requirements and experience. Workers can receive increases in salary and be certified for job advancement through recognition of successful performance and through enhancement of their skills.

WHAT WILL BE THE STRUCTURE OF THE UNITED STATES HEALTH SERVICES

The Health Service will be set up as a four-tier system—the community, district, region, and national level. The base of the system is the "community," a geographic area with a population of between 25,000 and 50,000 (less in rural areas or in other special circumstances). In each community, primary health care services—general outpatient medical care, emergency services, mental health services—will be provided through community health centers, physicians' offices, laboratories, pharmacies, and other facilities. Nursing homes, multiservice centers for the handicapped, and mental health facilities, also will be established and operated so as to promote the integration of persons using these facilities into the community.

Several communities will be joined together to form a "district" with a population of between 100,000 and 500,000. Each district will have a general hospital.

Several districts will be joined to form a "region" with a population of between 500,000 and 3,000,000 (more if necessary to enclose an entire metropolitan area). Each region will have a medical center providing highly specialized medical services and a health team school where all health workers will receive their education.

HOW WILL THOSE WHO USE THE SERVICES OF THE UNITED STATES HEALTH SERVICE, AND THOSE WHO WORK FOR IT, RUN IT?

Community health boards chosen in community wide elections by residents and health workers will plan the delivery of primary and preventive health services, hire community health workers, and assume overall responsibility for all community health services. District health boards, appointed by the community health boards in the district (with each community appointing three members) will oversee the district general hospital. Regional health boards, appointed by the district health boards in the region, will oversee the regional medical center and health team schools, and assist community and district boards in performing their duties. Lastly, the National Health Board, appointed by the regional health boards with the approval of the President, will carry out overall planning and budgeting and establish guidelines for the provision of health services by all health boards.

Two-thirds of the members of each board will be representatives of the users of the Service; one-third will be representatives of those who work in the health facilities operated by the Service.

All health facilities will be managed by the workers in them on a democratic basis. Each health board, in consultation with the workers, will develop a plan for democratic decisionmaking within each facility, including the equal participation of health workers at all skill levels. Health workers can also bargain collectively with the health boards on wages, benefits, and working conditions.

WHAT SPECIAL RIGHTS AND GUARANTEES WILL HEALTH SERVICE USERS HAVE?

A Bill of Health Rights incorporated into the legislation guarantees users of the United States Health Service access to all its services, to their choice of health workers and facility, to information and explanations in their primary language about their health status and any treatment or procedure, and to advocacy and legal assistance. Specific protections are included for women and residents of health care institutions to ensure rights associated with their special situations and health needs.

HOW WILL THE QUALITY OF HELATH CARE BE ASSURED?

In contrast to the present medical licensing system, this Act calls for continuing review and assessment of the competency of health care providers with oversight by representatives who use those services as well as those who provide them. The National Health Board will establish national guidelines for area health boards in training, hiring, and certifying health workers.

The ultimate safeguard of quality is the control of service delivery by health boards accountable to those who use the Service and those who work in it, able to draw for advice and technical support upon all the professional expertise employed by the United States Health Service.

WILL THIS BILL PROVIDE OCCUPATIONAL HEALTH SERVICES?

Unlike any of the current health insurance proposals, this bill will provide extensive occupational health services. Screening diagnosis, treatment, and education for the detection and prevention of occupational hazards and diseases will be provided in community health facilities. Workers will participate in the occupational health programs in their community and work-places through elected community occupational safety and health action councils, which will perform monitoring and other functions to protect the safety and health of workers. Workers in each workplace will have the right to establish workplace occupational safety and health committees which will perform monitoring and other functions to protect the safety and health of workers.

HOW WILL THIS BILL ADDRESS THE PRESENT ADMINISTRATION OF HEALTH WORKERS AND FUNDS

Operating funds will be allocated to regions, districts, and communities on a per capita basis, so that all areas will have funds proportionate to their populations. This will allow presently underserved areas especially those where low income and minority persons live, and many rural areas, to overcome their present serious shortages of physicians, other health workers, and health facilities. Special funds, amounting to 2% of all operating funds, will be allocated to communities where low income persons live, to help them alleviate their special burden of health problems.

The present maldistribution of health workers will be dealt with by requiring that graduates of health team schools serve in underserved areas for at least a period equal to the duration of their education but not to exceed two years, and by requiring that health boards not hire particular type of health workers if they have substantially greater number of them while other areas have substantially less.

HOW WILL USERS OF THE SERVICE BE PROTECTED FROM FAILURE OF HEALTH BOARDS TO PERFORM THEIR DUTIES

Members of health boards will be accountable to the people who chose them, If they fail to meet the health needs of their areas, or neglect their duties, members of community health boards can be removed from office through a recall election. Members of other boards can be removed from office by two-thirds vote of the body that appointed them.

Regional boards will be empowered to investigate complaints regarding the actions of the community or district boards. In the event they determine that there has been mismanagement of funds or other failure or misconduct, they can suspend or restrict the board, appoint a trustee to take over its affairs, and hold a new election for a community board or see that a new district board is appointed. The National Health Board will perform similar oversight of regional boards.

HOW WILL THE EDUCATION OF HEALTH WORKERS BE CONDUCTED UNDER THIS BILL

Health workers will receive their education from the Service in health team schools organized by regional health boards. They will begin their education by sharing classroom and clinical experiences in a restructured educational process. Curriculum design will maximize the studies undertaken in common by students preparing for the various types of health work and will emphasize the social basis of health. As students progress, their studies will branch out and extend into the various categories of health-related skills and knowledge.

Admission policies will emphasize previous health-related work experience and encourage the entrance of students who reflect the composition of the region's population. No tution will be charged, and there will be stipends for living and educational expenses. (Outstanding health education loans will be paid by the Service for those accepting employment under the Service.) Each health team school will be governed by representatives of the region's residents and the staff and students of the school.

HOW WILL HEALTH RESEARCH BE CONDUCTED UNDER THIS BILL

The Service will be machined to conduct an extensive program of health and health care research. The first priority will be on the prevention and correction of the leading causes of illness and death, including environmental, occupational, and social factors. Research will be performed, to the maximum extent possible, under the auspices of community and district health boards, to ensure it is responsive to the health needs of people in their communities and workplaces.

HOW WILL THE SERVICE BE FINANCED

In spite of the expansion of services, the cost of operating the Service will be less than the cost of the present health care system. The elimination of administrative costs associated with the insurance industry and its complex billing procedures, the expected decrease in unnecessary hospitalization and treatment from the elimination of fee-for-service medical practice, and the elimination of excessive fees and profits are estimated to reduce the total cost by at least 20 percent.

Funds to run the Service will come from a Health Service Trust Fund containing receipts from a special halth service tax on individual and corporations and from general

Federal revenues. The individual health service tax will rise with increasing income. Low and middle income individuals having not over $6,000 taxable income will pay only 1 percent (equivalent to the Medicare payroll tax now in force, but repealed when the Service begins providing health services.) Higher income individuals and corporations will pay substantially higher taxes, and general revenues will contribute the amount now spent by Federal, State, and local governments on health services (Federal payment of these will be a form of additional revenue sharing to States and localities.)

Funds will be distributed to regions, districts, and communities on a uniform per capita basis, with special funds allocated to communities and districts for the care of persons over 65 years of age, persons confined to full-time residential institutions, low income persons, rural areas, and to meet special environmental, occupational, and other health needs of particular regions.

The division of funds between the district and community levels will be determined by the district boards, but with the consent of a majority of the community boards in each district. Similar procedures will be followed in dividing funds between the regional and district levels and the National and regional levels. Thus all health boards will have an equal role in determining the allocation of funds.

HOW WILL THE TRANSITION FROM THE PRESENT SYSTEM TO THE NEW HEALTH SERVICE BE MADE

Immediately after this law is enacted, the President will appoint an Interim National Health Board broadly representative of the American people, to oversee the start of the transition process. It will draw the regional boundary lines and appoint an interim regional health board for each region. These boards in turn will draw boundaries for districts and communities and will then conduct elections for the members of community health boards. The boundaries drawn by these interim boards can be modified by the permanent boards once they are established, using a procedure in which residents of the affected areas will participate.

Once community health boards are elected, they will begin identifying sites for health facilities, acquiring buildings, and hiring health workers, and they will appoint the members of district health boards. Each board in turn, as it is appointed, will begin preparing to carry out its assigned responsibilities.

Two years after the bill is enacted, the National Health Board will begin functioning and the delivery of health services will start two years later. All the health-care-related functions now carried out under the direction of the Secretary of Health and Human Services will then be transferred to the Service. Every two years thereafter, there will be elections for members of community health boards and subsequent appointments of new members of the district, regional and national boards.

In cases where particular boards are not ready, at the end of the four-year start-up period, to assume responsibility for the full delivery of services, these will be provided in neighboring areas or through private practitioners reimbursed under current Medicare arrangements. These temporary measures will remain in effect for up to three additional years.

The educational programs will be fully operating four years after the start-up of services.

SECTION-BY-SECTION SUMMARY

TITLE I—ESTABLISHMENT AND OPERATION OF THE UNITED STATES HEALTH SERVICE

Initial operation

Sec. 101—Establishment of the Service. There is established an independent establishment of the executive branch to be known as the United States Health Service. The authority of the Service shall be exercised by the health boards set up under this Act.

Sec. 102—Appointment of Interim National Health Board. No later than 30 days after the enactment of this Act, the President shall appoint 21 individuals over 18 years of age, broadly representative of the Nation's population, and no more than 7 of whom have been health workers within the preceding 2 years, to serve as members of the Interim National Health Board.

Sec. 103—Powers and duties of the Interim National Health Board. Members of the Interim National Health Board shall take whatever steps are necessary to establish the Service. They shall serve as the National Health Board of the Service until the National Health Board holds its first meeting, establish boundaries of health care delivery regions, select and provide assistance to interim regional health boards, and coordinate the initial election of community health boards.

Sec. 104—Authorization. There are authorized to be appropriated to the Service $4 billion to establish the Service.

Organization of area health boards

Sec. 111—Establishment of health care delivery regions. No later than six months after the appointment of members of the Interim National Health Board, the Board shall establish health care delivery regions throughout the United States. Each health care delivery region shall be a contiguous geographic area having a population of not less than 500,000 and not more than 3 million, except that the population may be less than 500,000 if it would facilitate the delivery of health care services or the effective governance of the program, and it may be greater than 3 million if the region includes a standard metropolitan statistical area. The boundaries of such regions shall consider economic and geographic barriers to the receipt of health care in nonmetropolitan areas. At least 60 days prior to the establishment of a boundary, the Interim National Health Board shall provide for a public hearing regarding such boundary.

Sec. 112—Appointment of interim regional health boards. No later than 60 days after the establishment of health care delivery regions, the Interim National Health Board shall appoint an interim regional health board for each region. Each interim regional health board shall be composed of 9 members over 18 years of age, broadly representative of the region's population, and no more than 3 of whom have been health workers within the preceding 2 years. Each interim regional health board shall establish the boundaries of health care delivery districts and communities in its region and conduct elections for voting members of community health boards in its region.

Sec. 113—Establishment of health care delivery districts and health care delivery communities. No later than six months after its appointment, each interim regional health board shall establish health care delivery districts and communities throughout its region. Each region shall be divided into three or more districts, each of which shall be a contiguous geographic area having a population of not less than 100,000 or more than 500,000, except that a district may have a population of less than 100,000 if this would facilitate the delivery of health care of the effective governance of the program.

Each district shall be divided into three or more communities, each of which shall be contiguous geographic area whose residents have a commonality of interest, language, and ethnic and racial composition and whose population is not less than 25,000 or more than 50,000 except that a community may have a population of less than 25,000 if this would facilitate the delivery of health care or the effective governance of the program.

At least 60 days prior to the establishment of a boundary, the interim regional health board shall provide for a public hearing regarding such boundary.

Sec. 114—Election of community health boards. The Interim National Health Board shall arrange with State and local governments for the initial election of user members to be held on a date not later than 9 months after the appointment of the interim regional health boards. For each board there shall be 6 user members, plus one user member for each 5,000 residents in the community in excess of 30,000. For each board there shall be 3 worker members, plus one for each 10,000 residents in the community in excess of 30,000. The Interim National Health Board shall establish procedures for nomination and election of these health board members following the criteria outlined in this Act. The interim regional health boards shall conduct and supervise the nominations and elections of community health board members.

The initial meeting of each community health board shall be held not later than 30 days after the election.

Sec. 115—Appointment of district health boards. Not later than 60 days after its initial meeting, each community health board shall appoint two users residing in the community to serve as user members of its respective district board. The worker members of each board shall appoint a community health worker to serve as a worker member of its respective district board. The district health workers shall appoint a district health worker to serve on the district health board, following procedures outlined in the legislation. The initial meeting of the district health board shall be not later than 30 days after such appointment.

Sec. 116—Appointment of regional health boards. Not later than 60 days after its initial meeting, the user members of the district health board shall appoint two users to serve as user members of its respective regional health board. The worker members of the district health board shall appoint a district health worker as a worker member of its respective regional health board. The regional health workers shall elect a regional health worker to serve on the regional health board. The initial meeting of the regional health board shall be not later than 30 days after such appointment.

Sec. 117—Appointment of the National Health Board. Each region shall be assigned to one of three groupings of regions, each having (to the extent possible) an equal number and balanced geographic distribution. Each board for a region in the first two groups shall appoint a user to serve as a user member and the National Health Board; the others shall appoint a worker member. These names shall be submitted to the President who shall have 10 days in

which to approve or disapprove the nominations.

Sec. 118—Subsequent election and appointment of members of health boards. The next election for members of the community health boards shall be held in conjunction with each election of Members of the U.S. House of Representatives that occurs after the effective date of health services. The term of service (of all members of health boards) will be four years with staggered terms, half of the members being elected every two years. Such elections, and subsequent appointments of members of district and regional boards and the National Health Board shall conform to the requirements of sections 114, 115, 116, and 117, respectively.

Sec. 119—Modification of the boundaries of health care delivery areas. No later than 2 years after each decennial national census, and at any other time it deems necessary, the National Health Board shall review the appropriateness of the boundaries of each region and may modify the boundaries if there has been a substantial population shift and if the modification is approved by a referendum of the residents whose regional identification would be changed. At least 60 days before the modification, a public hearing shall be held.

No later than 2 years after each decennial national census, upon receipt of a petititon signed by not less than 15 percent of the registered voters in an area, and at other appropriate times, each regional board shall review the boundaries of the districts and communities in its region. A regional board may, after review and public hearings, modify a boundary if there has been a substantial population shift or the change would better carry out the purposes of this Act, and if the changes is approved by a referendum of those affected by it.

General provisions regarding health boards

Sec. 122—Membership of health boards. Each health board shall be composed of (1) members elected or appointed in accordance with the preceding sections, (2) one member appointed, in the case of a community board, by the community occupational safety and health action council established in section 412 and, in the case of a regional board, by the regional occupational safety and health action council established in section 413, (3) such voting user members as are necessary to ensure that the user members of the board approximate the population of the area by race, sex, income level and language and segments of the population having special health needs, and (4) such nonvoting associate members as the members determine to be necessary to provide representation of State, territorial, and local government, of segments having special health needs of the population and, in the case of the Interim National Health Board and the National Health Board, to help carry out this Act.

A recall election shall be held for any member of a community health board no later than 60 days after presentation to the regional health board of a petition signed by at least 15 percent of the registered voters (or health workers as appropriate) in the community requesting recall of the member. Members of district, regional, and the interim regional boards, and the national board, may be recalled from office by the vote of two-thirds of the health board which appointed such members.

No individual may serve as a member of any board for more than 4 consecutive years, exclusive of any time that may be served to fill a vacancy. A vacancy caused by the death, resignation, or removal of a member shall be filled within 60 days by the same process which placed the original member on the board.

Sec. 123—Meeting and records of health boards. The members of each health board shall elect a chairperson and vice chairperson from among their members. The chairperson shall be responsible for convening meetings, including upon written request of any two members, and for carrying out other duties as the board may assign. Minutes of meetings of the board and its committees shall be available to the public, and all such meetings shall be open to the public.

Each health board may establish committees and advisory groups, and appoint to them such individuals as they find necessary to carry out their duties. Members of health boards shall receive per diem or salary payments plus reimbursement for necessary expenses.

Sec. 124—Procedures for establishment of national guidelines and standards. The National Health Board shall establish such guidelines and standards as will facilitate implementation of this Act. It encourages innovation and experimentation in achieving its objectives. At least 90 days before establishing a guideline or standard, it shall submit such guidelines or standards to all regional health boards for their review and comment. The National Health Board shall assist members of area health boards in using and implementing such guidelines and standards.

Sec. 125—Assistance to area health board members. Each regional board shall provide orientation, education, and technical assistance to district and community boards to insure that they are prepared to perform their duties.

TITLE II—DELIVERY OF HEALTH CARE AND SUPPLEMENTAL SERVICES

This title specifies the health care and supplemental services, and the administrative arrangements for delivering such services.

Patients' rights in health care delivery

Sec. 201—Basic health rights. The Service, in delivering health care services, shall ensure that every individual is given basic health rights. These include the right to receive high quality health care and supplemental services without charge and without discrimination; to be treated with dignity and respect; to choose health workers and to be responsible for facilities in which to receive service, to have access to one's health records; to have information translated into the individual's primary language; to receive a full explanation of all questions related to health care; to refuse any health care service, when the refusal does not directly endanger the health of others; to have counseling and assistance on health matters; to be accompanied and visited at any time by a friend or relative of the individual in the event of terminal illness, to die with dignity and to be allowed to die at home; and to have access to a complaint system and to legal assistance to enforce these rights.

Sec. 202—Right to paid leave to receive health care services. Each employee is entitled to one hour per 35-hour work week of paid leave to receive health care services.

Eligibility for, nature of, and scope of services provided by the service

Sec. 211—Eligibility for services. All individuals while within the United States are eligible to receive health care and supplemental services under this Act.

Sec. 212—Entitlement to services. On or after the effective date of health services, the Service shall provide users with all health care and supplemental services described in section 213 which are necessary for the promotion and enhancement of health, the prevention of disease, the treatment of illness, and rehabilitation following injury, disability or disease. These services do not include personal comfort or cosmetic services, unless the health board providing the services determines they are needed for health-related reasons.

Sec. 213—Provision of health care and supplemental services. The Service shall provide the following health care services in or through facilities established by the Service: promotion of health and well-being through health education programs; prevention of illness, injury, and death through education and advocacy addressed to the social, occupational and environmental causes of ill health through preventive services; diagnosis and treatment of illness and injury, including inpatient and outpatient service, mental health, occupational health, dental care, long-term care, and home health services; rehabilitation of the sick and disabled; and provision of drugs and therapeutic devices, appliances and equipment. The Service shall provide supplemental services of transportation and ambulance service to health facilities, child care facilities homemaking and home health services, and counseling and social service assistance. The Service shall conduct environmental and preventive functions now performed by State and local health departments. The Service shall provide reimbursement for the cost of emergency health care services provided in facilities or by persons outside the Service, when immediate medical attention is required and it is impractical for the individual to receive care from the Service.

Health care facilities and delivery of health care services

Sec. 221—Establishment of health care facilities and distribution of delivery of health care and other services. Each community board shall establish facilities in its community to deliver (1) comprehensive primary medical and dental care immunization, nutrition and screening services; children's health services; obstetrical and gynecological services; family planning and contraceptive services; pregnancy and abortion counseling and services; vision and hearing testing; provision of eyeglasses and other visual aids and hearing aids; 24-hour emergency medical services, provision of pharmaceuticals and medical equipment, mental health services, home health services, and occupational safety and health services; (2) specialized inpatient and outpatient health care services when these can be most effectively provided in a community setting; (3) supportive services and facilities for the physically or mentally handicapped, mentally ill, infirm and chronically ill to promote their integration and functioning within the community, and (4) community oriented health measures to focus community activities on the promotion of health and prevention of illness and injury and to make all residents aware of their ability to use the health services.

Each district board shall establish in its district a general hospital to provide inpatient health care services, as well as such

other facilities as will promote the effective delivery of health care in its district.

Each regional board shall (1) establish a regional medical facility providing highly specialized health care services, and (2) provide health care services for individuals whose health care needs cannot be met by community or district boards because of occupational or other factors including migratory agricultural workers and those confined to correctional institutions.

Each area health board shall also provide health education, the maintenance of personal health records, referral services to facilities outside the area, assistance to individuals with language or cultural differences or educational handicaps in utilizing the services, information on health rights, guidelines, and standards, information on grievance mechanisms and legal services, and environmental health inspection and monitoring services.

Each area health board shall hire appropriate health workers (including administrative personnel) to ensure that its facilities provide the services mandated for the board. Each area health board shall utilize, wherever possible, existing health facilities including health centers, clinics, hospitals, nursing homes, and medical laboratories.

If a community district board fails to provide the necessary health care and supplemental services on the effective date of health services, its respective regional board shall take whatever steps are necessary to ensure that such services are available to individuals, in the area. This may include appointment of a trustee or trustee committee under section 402, requiring the community or district board in an adjacent area to provide such services on a temporary basis, or (until three years after the effective date of health services) providing reimbursement provision of specified services using procedures in effect just before the effective date of health services under title XVIII of the Social Security Act (Medicare).

SEC. 222—Operation and inspection of health care facilities. Each health board shall establish policies and organizational plans for each facility it has established. In establishing, implementing, and modifying such policies and plans, it shall seek the fullest possible participation of health workers in the facility and individuals using the facility by the workers in the facility. These policies and plans shall provide for (1) the management of the facility through decisionmaking mechanisms which provide full and equal participation of all health workers employed in the facility, (2) the elimination of domination by health professionals, and (3) regular accountability of the health workers to the board which established the facility.

On and after three years after the effective date of health services, a health board may not permit a health facility it has established to be used for the private delivery of inpatient or outpatient services. No individual employed by a health board may engage in the private delivery of health care. ("Private delivery" means the delivery of the services for which there is remuneration from any source other than the Health Service Trust Fund established in section 511.)

Each health board shall ensure that any facility which provides substantial inpatient service for individuals who are within it for continuous periods of 30 days or longer is cleared and well-heated, cooled and ventilated, adequately staffed, provides, comfortable quarters for inpatients, provides opportunities for creative activity and recreation, establishes a review committee, informs an inpatient of all decisions involving the inpatient's health, and permits participation in such decisions. It shall not censor or harass communication of an inpatient, confiscate personal property, deny social and sexual life, require that the inpatient work, pay an inpatient less than the minimum wage, physically restrain an inpatient, other than one convicted of a crime, involuntarily for more than 72 hours without determination by the facility's review committee that such restraint is necessary, or take punitive or discriminatory action without approval of the facility's review committee. Annually, the inpatients of each such facility shall elect, from among themselves and any representatives of an interested user association, a review committee of at least 3 members.

Quality care shall be assured by regular inspections of the health care facilities. The results will be reported to the public.

Sec. 223—Provision of health services relating to reproduction and childhearing. Area health boards shall provide the following services: complete information on contraception and provision birth control materials or medication of the individual's choosing; complete and effective evaluation and treatment of veneral diseases and diseases of the reproductive organs; complete information and counseling with respect to pregnancy childbearing and possible outcomes involving genetically induced anomalies; complete and effective pregnancy testing; prenatal services; safe, comfortable and convenient abortion services; counseling by women in conjunction with the provision of all gynecologic, female contraceptive and abortion services and the counseling by men for male fertility-related services.

The services will be delivered without coercion or harassment, with complete confidentiality and without prior approval by anyone other than the individual receiving the services. An individual may be accompanied by a person of the individual's choice during the provision of the services described above to the extent this would not significantly increase the medical risk to the individual.

No area health board may perform a treatment or procedure (other than to preserve the patient's life) which could reasonably be expected to affect the individual's capacity to reproduce children unless the individual has again given voluntary consent to the treatment or procedure after being given full information on the effect of the treatment or procedure and on possible alternative treatments at least 30 days before beginning the treatment; and the individual, after the 30 day waiting period, has given written consent. Exceptions to this are the voluntary sterilization following the delivery of a child written consent has been given 30 days prior to the anticipated delivery date, or during emergency surgery within the 30 day waiting period.

Before a mastectomy or other breast cancer treatment is performed, an area health board shall provide the woman with complete information on the range of medical options available and the side effects of each option and she shall give voluntary written consent to such procedures.

An area health board shall provide that a woman may deliver her infant in her home, be accompanied during labor and delivery by whomever she chooses, use the position she chooses, care for her infant at her bedside, and feed her infant according to the method she desires, and be provided with information on the benefits, risks and side effects of each option.

TITLE III—HEALTH LABOR FORCE

Job categories and certification

SEC. 301—Effect of State Law. Notwithstanding any law of a State or political subdivision to the contrary, the service shall be the sole judge of the qualifications of its employees.

SEC. 302—Qualifications of Health Workers.—Each area health board shall establish procedures which ensure that work classified under a job category is performed by a health worker who is certified as competent to perform the work and authorized to perform the work by the area health board which employees the worker. Each area health board shall provide for the periodic review and assessment of the competency of its employees, and shall provide opportunities for health workers to be certified for more advanced job categories, each regional board shall provide periodic review and assessment of the performance of health workers in their region. The National Health Board shall provide the same for regional health workers.

SEC. 303—Establishment of Job Categories and Certification Standards.—The National Health Board shall establish guidelines for the classification, certification, and employment of health workers by job category that will ensure that health workers have demonstrated the necessary competency, expand the roles of health workers by enabling them to participate in health care delivery to the maximum extent consistent with their skills and permit alternative approaches to healing. In establishing these guidelines, the National Health Board shall provide for sufficient flexibility to permit regional boards most effectively to meet the health needs of their regions, and for sufficient uniformity to permit mobility of health workers among the regions as well as require exchange of health workers between districts. The National Health Board shall periodically evaluate the job categories and certification practices and make whatever modifications it deems necessary.

For job categories not requiring advanced specialty training, each regional board shall establish certification standards for its region which specify the functions performed by a health worker employed in a job category, the skills required to perform this work, the initial and continuing training, experience, and performance required, and the curriculum which a health worker must follow in a health team school. Each area health board within the region shall apply such standards to all health workers it employs.

The National Health Board shall establish standards for job categories involving highly specialized skills and requiring advanced specialty training. Area health boards shall apply such standards to all health workers employed by them in such job categories.

All such standards shall periodically be reviewed and modified as appropriate.

Education of health workers

SEC. 311—Health team schools. Each regional board shall establish a health team school to provide initial and continuing education in health care delivery for all health workers. Each school shall be functioning not later than four years after the effective date of health services, unless the National Health Board approves alternate plan. A re-

gional board, in consultation with its district and community boards, may decide that conducting particular educational programs in its school would be inefficient or inappropriate, and it may collaborate with one or more adjacent regional boards in conducting joint programs.

Schools shall be funded exclusively by the Service, shall not charge tuition, and shall provide students with allowances for living expenses. The National Health Board shall establish guidelines for operating health team schools such that the activities of each school shall be designed to meet the health needs of the region it serves, the number of students enrolled in each educational program shall be based on the needs of the region, and education for different job categories shall be integrated so as to permit health workers to receive successively higher levels of education. Each school's admissions, curriculum, faculty hiring, and governance policies shall be established with the fullest possible participation of community boards, health workers, staff, and students. Schools may not use low-income or minority individuals, women, or those in mental or penal institutions for experiments and demonstrations in numbers that are disproportionate to their population in the region.

Each regional board shall establish admissions policies for its school which emphasize previous health-related work experience, minimize the use of academic criteria other than those that are significantly related to future work performance, give preference to segments of the population now underrepresented among health workers, seek a student body that approximates the region's population by race, sex, family income, and language, and require the applicant to agree to perform health care service in accordance with Sec. 312.

Each regional board shall establish curriculum policies for its schools that give priority in study and field work to the leading causes of illness and death in the region (including especially environmental and social factors), provide all students with a common initial sequence of courses and then offer progressively more specialized studies, emphasize work-study experience in all types of health care facilities in the region, and facilitate the development of skills in decisionmaking and problem assessment by all health workers.

Each regional board shall establish faculty hiring procedures that seek a faculty that approximates the population of the region, and shall establish a government plan for the school which gives significant decisionmaking powers to staff and students.

SEC. 312—Service requirement. No individual may be enrolled in a health team school unless the individual agrees to perform service as an employee of the Service after graduation, for a period of time equal to the period of enrollment but not to exceed two years and for an area health board with the highest priority. For graduates of a health team school in a particular job category, the priority ranking for hiring is as follows: (1) the region, or a district or a community in the region, in which the school is located, if there is a health worker shortage in that job category; (2) any other region, district or community having such a shortage; and (3) any other area. A health worker shortage is defined to exist if an area has a ratio of the number of health workers in that job category to the number of residents which is less than two-thirds of the average of that ratio in the Nation, and the area health board has plans and a budget which call for hiring such an individual. The National Health Board shall assist in matching the locational preferences of graduates with the needs of the area health boards in the area. Any individual who refuses to fulfill his service obligation shall be required to repay to the Service an amount determined in accordance with a formula stated in this Act.

SEC. 313—Payment for certain educational loans. For individuals who have incurred educational loans prior to the enactment of this legislation and who agree to work for the U.S. Health Service, the Service agrees to assume payment of their educational loans in accordance with this section.

Employment and labor-management relations within the service

Sec. 321—Employment, transfer, promotion, and receipt of fees. Health boards shall hire, classify and fix the compensation and benefits of their employees, in accordance with this Act and guidelines established by the National Health Board. There shall be employment and promotion in the Service in the same manner as is provided under the Federal civil service system, opportunities for career advancement, encouragement of health workers to use up to ten percent of their work time for continuing education without loss of pay, and full protection of employees' rights to a fair hearing on adverse actions.

Health boards shall give preference in hiring to those employed, or self-employed, as health workers before enactment of this Act. The National Health Board shall ensure that all such individuals may find employment within the Service Employees of the Service shall be eligible for promotion or transfer to any position in the Service for which they are qualified. Each regional health board shall have a job placement service to assist health workers in its region in attaining the maximum degree of career promotion opportunities and to insure continued improvement of health care services.

A district or community board may not hire an individual to fill a position in a job category if the ratio of health workers in that category to resident in the district or community is greater than four-thirds of such ratio for the region, and if there is a district or community within the region which is a health worker shortage area.

An employee of the Service may not receive a fee or prerequisite from anyone other than the Service for duties performed by virtue of such employment.

Sec. 322—Applicability of laws relating to Federal employees. The provisions of chapter 75 of title 5, United States Code (relating to adverse actions against employees), subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work injuries), and chapter 83 of title 5, United States Code (relating to civil service retirement) shall apply to employees of the Service (except in some cases for the personal staff of health board members), unless these are inconsistent with provisions of negotiated collective bargaining agreements or with procedures established by the Service and approved by the Office of Personnel Management.

Compensation, benefits, and other terms and conditions of employment in effect before the effective date of health services for health workers employed by the Federal Government shall apply to employees of the Service until changed by the Service in accordance with this Act. No variation of fringe benefits shall result in benefits which are less favorable to employees of the Service than benefits in effect for employees of the Federal Government on the effective date of health services.

Sec. 323—Applicability of Federal labor-management relations law. The provisions of the National Labor Relations Act shall apply to the Service and its employees, except that (1) supervisory employees shall be included, (2) professional and unprofessional employees shall not be treated separately and (3) emergency provisions shall apply to regions.

Sec. 324—Defense of certain malpractice and negligence suits. No malpractice suit may be brought against an employee of the Service while acting within the scope of the employee's employment. The remedy in such cases shall be in civil action brought against the United States.

TITLE IV—OTHER FUNCTIONS OF HEALTH BOARDS

Advocacy, grievance procedures, and trusteeships

SEC. 401—Advocacy and legal services program. Each area health board shall establish a program of health advocacy to ensure the full realization of patients' rights. Such program shall include the employment of health advocates in health care facilities and measures to correct any infraction of such rights.

The National Health Board shall establish a health rights legal service program to ensure that patients and health workers receive free of charge, high quality legal services for problems related to health care. The health rights program shall include the establishment of a legal services office in each region, and the establishment of such offices in communities and districts that have inadequate legal services. This program may be carried out directly or, in each instance, by contract with the National Legal Services Corporation or members of the private bar.

SEC. 402—Grievance procedures and trusteeships. Any user, health worker, or user association having an interest in health care may commence a grievance proceeding before a regional board, and a regional board may commence such a proceeding before itself, because of an alleged violation of this act by a district or community board. Any user, health worker, or user association may commence a grievance proceeding before the National Health Board because of an alleged violation of this Act by a regional board, and the National Health Board may commence such a proceeding before itself.

The National Health Board shall review by appeal, by any party or on its own initiative, an adverse decision by a regional board.

Whenever a grievance proceeding is commenced there shall be a public hearing if the grievance is supported by a suitable petition or before setting aside an election or transferring any function of a board. If a grievance concerns the conduct of a election of a community board, and it is determined that the election was not conducted in compliance with this Act, or that there had been systematic failure of the user members of such community board to approximate the population of the community, by race, sex, language, of income level, the election shall be set aside and a new one held within 60 days after the date of the determination. If a new election is held because of a determination that portions of the population have not been represented, the election shall be conducted in a way that will facilitate such representation.

For grievances having to do with other matters, if it is determined that a health board has failed to comply with this Act, a new election or appointment within 60 days may be required. If it is determined that a community or district board has failed to comply with this Act, functions of such board may be transferred to the respective regional board until a new election or appointment is carried out. If a regional board has failed to comply with this Act, functions of this board may be transferred to the National Health Board until a new regional board is appointed.

Any party to a grievance proceeding may bring suit in the United States district court for the judicial district in which such proceeding was brought.

Occupational safety and health programs

SEC. 411—Functions of the National Health Board. On and after the effective date of health services, the National Health Board shall oversee an occupational safety and health program conducted at the regional level and shall participate in establishing and administering occupational safety and health standards under the Occupational Safety and Health Act of 1970, which is amended to transfer this area of authority from the Secretary of Health and Human Resource to the National Health Board.

Sec. 412—Community occupational safety and health activities. A community occupational safety and health action council shall be established in each community as follows: With the assistance of the community board, employees of each workplace in the community having 500 or more employees shall elect one member of each 500 employees; employees of workplaces having less than 500 employees shall vote in communitywide elections for a number of members equal to the number of such employees divided by 500 (rounded to the next highest whole number). Each such council shall appoint one individual to serve as a member of its community board; appoint one individual to serve as a member of the regional occupational safety and health action council for its region; advise the community board on, and oversee occupational safety and health programs in the community; facilitate the establishment and operation of workplace safety and health committees; and assist employees with respect to inspections of their workplaces.

Sec. 413—Regional occupational safety and health programs. Each regional board shall establish an occupational safety and health program for its region using to the maximum extent feasible, facilities and resources of the community boards in its region. This program should include increasing the ability of employees to monitor safety and health conditions in, and assist in inspections of, their workplaces; facilitating communication among workers employed in similar industries in the region and unions regarding occupational hazards; conducting biologic screening of employees; monitoring the environment to identify hazards, and analyzing employment-related injuries and illnesses in the region.

Each regional occupational safety and health action council shall appoint one individual to serve as a member of its regional board, and shall advise its regional board and the National Health Board on occupational safety and health matters.

Sec. 414—Workplace health facilities. The employer in each workplace having 25 or more employees shall maintain a health facility in or near the workplace for occupational and emergency health care for employees. There facilities shall be organized according to National Health Board guidelines to provide services that meet the needs of the employees. They will be operated by the community board or the employer, with the cost in either case borne by the employer.

Sec. 415—Employee rights relating to occupational safety and health. Employees in each workplace having 25 or more employees shall have the right to establish workplace occupational safety and helath committees. Members of these committees (not to exceed one for every 100 employees or fraction thereof) may, without loss of pay, spend 8 hours of each month on occupational safety and health matters and may accompany inspectors during inspections of their workplaces. Employees have the right, without loss of pay, to monitor safety and health conditions in their workplaces and to remove themselves from the site of any hazard until it has been eliminated. Employers shall furnish their employees with safety equipment and clothing. Employees or their representatives shall have the right to inspect all medical records kept by their employer on the condition of their health. Employers shall provide their employees with copies of reports and data on conditions affecting their health and safety and with timely notification of the presence of any dangerous materials or conditions.

Health and health care delivery research

Sec. 421—Principles and guidelines for research. On and after the effective date of health services, the Service shall conduct a program of research on health and health care delivery. Within two years thereafter, the research program shall conform to these principles: (1) to the maximum extent possible, research shall be performed under the direction of, and in association with community, district and regional boards; (2) area health boards must review and approve any research conducted in their facilities; (3) priority in health research shall be given to the prevention and correction of the leading causes of illness and death; (4) priority in health care delivery research shall be given to the improvement of ambulatory and primary health care; (5) no research shall be conducted using human subjects until all useful animal research has been undertaken; and (6) no research shall be conducted on humans without written consent of the individual or while involuntarily confined.

Sec. 422—Establishment of institutes. The National Health Board shall establish a National Institute of Epidemiology, a National Institute of Evaluative Clinical Research, a National Institute of Health Care Services, a National Institute of Pharmacy and Medical Supply, and a National Institute of Sociology of Health and Health Care, each with specified functions.

HEALTH PLANNING, DISTRIBUTION OF DRUGS AND OTHER MEDICAL SUPPLIES, AND MISCELLANEOUS FUNCTIONS

Sec. 431—Health planning and budgeting. Each area health board shall collect data on the delivery of health care in its area and shall transmit this data and their evaluation of it to the respective regional board, in the case of a district or community board, or to the National Health Board, in the case of a regional board and to residents of the area. Each regional board shall coordinate the planning and administration of health care service, health worker education, and research in its region. The National Health Board shall formulate a national health plan and budget, in consultation with the regional boards, to provide guidance to area health boards.

Sec. 432—Distribution of drugs and other medical supplies. The National Health Board shall prepare and disseminate to area health boards a National Pharmacy and Medical Supply Formulary which will list drugs and medical supplies and give, for each item, standards of quality, medical conditions for which it is certified effective, and other appropriate information. At regular intervals the Board shall update the Formulary and publish a price list for items in the Formulary.

Each regional board shall establish a program for the purchase and distribution of drugs and other medical supplies for use by the health facilities in its region. This program will provide for the purchase of each item by competitive bidding or based on the price listed by the National Health Board, and it will provide for the distribution of drugs under their generic names.

Sec. 433—Miscellaneous functions of the National Health Board. The National Board shall, at the end of each calendar year, publish a report describing the operations of the Service during the preceding fiscal year and surveying the future health needs of the Nation and plans the Board has to meet these needs.

The National Health Board shall publish and dissiminate to area health boards, for use by users, a comprehensive dictionary of terms used in health care records and services.

TITLE V—FINANCING OF THE SERVICE

Health service taxes

Sec. 501—Individual and corporate income taxes. The Internal Revenue Code of 1954 is amended by adding a new part on health service taxes. These taxes are imposed on the taxable income of every individual, estate, trust, and corporation, increasing their tax liability in accordance with a table included in the Act. These taxes apply to taxable years including and after the effective date of health services.

Sec. 502—Other changes in the Internal Revenue Code of 1954. The Internal Revenue Code of 1954 is amended to delete any income exclusion for contributions to health plans providing health care and supplemental services that are provided under this Act; to deny deductions of payments for health care services provided under this Act; to deny deductions for contributions to medical and hospital facilities; and to repeal Medicare taxes. These amendments apply to taxable years including and after the effective date of health services.

Sec. 503—Existing employer-employee health benefit plans. No contractual or other nonstatutory obligation of an employer to pay or provide health services to his employees or others shall apply after the effective date of health services, to the extent such services are provided under this Act.

Sec. 504—Workers compensation program. No worker's compensation program shall pay for or provide health services after the effective date of health services, to the extent such services are available under this act.

Health Service Trust Fund

Sec. 511—Establishment of Health Service Trust Fund. There is created on the books of the United States Treasury a trust fund to be known as the Health Service Trust Fund. Funds received from health services

taxes shall be appropriated to the Trust Fund.

Sec. 512—Transfer of funds to the Health Service Trust Fund. On the effective date of health services, all of the assets and liabilities of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Insurance Trust Fund are transferred to the Health Service Trust Fund. In addition to the funds received from health service taxes, there is also appropriated to the Trust Fund a contribution from general revenues equal to 40 percent of the funds received from health services taxes.

Sec. 513—Administration of Health Service Trust Fund. The Trust Fund shall be administered by a Board of Trustees, composed of the Secretary of the Treasury, the Secretary of Health and Human Resources, and the chairperson of the National Health Board, according to the accepted standards for such federal trust funds. The Secretary of the Treasury shall pay from time to time from the Trust Fund such amounts as the National Health Board certifies are necessary to provide health care and supplemental services under this Act.

Preparation of plans and budgets

Sec. 521—Determination of fund availability. The National Health Board shall, not later than January 1 of each year, initially fix the maximum amount of funds which may be obligated during the fiscal year beginning on October 1, of such year. Such amount may not exceed the lesser of 140 percent of the expected net receipts from health services taxes, or the amount spent during the previous year adjusted to reflect changes in the cost of living and scope and cost of services. The National Health Board may obligate less funds, if it determines that the cost of providing services has lessened, or additional funds if necessary because of an epidemic or other unexpected occurrence.

Sec. 522—Preparation of area plans and budgets. Each community board shall, by January 1, of each year, submit to its respective district board a plan and budget for the fiscal year beginning October 1. Each district board, in consultation with its community boards, shall, by February 1, submit to its respective regional board a plan and budget for the fiscal year beginning October 1. Each regional board, in consultation with its district boards, shall, by March 1, submit to the National Board, a plan and budget for the fiscal year beginning October 1. In preparing these budgets, each area health board shall specify its operating, prevention, capital, and research expenses for the coming fiscal year and for the five-year period beginning with that fiscal year.

Allocation and distribution of funds

Sec. 531—National budget. The National Health Board shall, as soon after April 1 as practical, transmit to the regional boards a national health budget for the fiscal year beginning October 1. It shall divide the total funds available into funds for ordinary operating, preventive health, capital, and research expenses, all divided into funds for use by the National Health Board and funds for the regions, and funds for special operating expenses as described in section 534. Funds for ordinary operating preventive health measures and research expenses are allocated to regions in proportion to their populations. During the first ten fiscal years, priority in capital funds shall be given to areas lacking adequate health care facilities. The budget shall be adopted upon approval by a majority of the regional boards.

Sec. 532—Regional budgets. Each regional board shall, as soon as practicable after adoption of the national health budget, transmit a regional budget to each district board in its region. This budget shall be adopted upon approval by a majority of the district boards. Funds for ordinary operating, prevention and research expenses shall be allocated to each district in proportion to population.

Sec. 533—District budgets. Each district board shall, as soon as practicable after adoption of the respective regional health budget, transmit a district budget to each community board in its district. This budget shall be adopted upon approval by a majority of the community boards. Funds for ordinary operating, prevention and research expenses shall be allocated to each community in proportion to population.

Sec. 534—Special operating expense fund. A fund for special operating expenses shall be incorporated into each budget prepared by the National Health Board. Special operating expenses include the costs of care and treatment of users 65 years of age and over, care and treatment of persons confined to full-time residential care institutions, special health needs of low-income individuals, special health needs of residents of rural areas, special health needs arising from environmental or occupational health problems, special needs from unexpected occurrences, and the conduct of environmental inspection and monitoring services.

The special operating expenses fund is allocated as follows: Funds for the additional expenses associated with senior citizens, and with persons confined to residential care institutions, are allocated to districts and communities and consist of basic capitation amounts multiplied, respectively, by the number of senior citizens and number of residents in such institutions, in the respective areas. The National Health Board shall determine the basic capitation amounts.

Funds for the needs of low-income residents are allocated to communities in proportion to the number of residents having incomes below the poverty level. (The total of these funds shall be no less than 2 percent of the ordinary operating expenses.) Funds for special environmental and occupational health needs are allocated by the National Board to regional boards in accordance with its determination of such needs. (The total of these funds shall be no greater than one-half percent of the ordinary operating expenses.) Funds for unexpected occurrencies shall be retained by the National Board and allocated by them. (These funds shall be no greater than one-half percent of the ordinary operating expenses.) Funds for environmental inspection and monitoring services shall be allocated to the area health boards performing such services.

Sec. 535—Distribution of funds. Funds shall be distributed by the National Health Board from the Trust Fund. No health board may request or receive funds from any other source. Area health boards may retain funds received from the National Health Board for two years after receipt of funds; after this period, unexpended funds must be returned to the National Health Board for deposit in the Trust Fund.

Sec. 536—Annual statement, records, and audits. Each area health board shall prepare annually and transmit to the National Health Board a statement that accurately shows the financial operations of the board and its facilities. The National Health Board and the Comptroller General of the United States shall, for auditing purposes, have access to all records and documents of the Service.

General provisions

Sec. 541—Issuance of obligations. The National Health Board is authorized to borrow money and to issue and sell such obligations as it determines are necessary to carry out this Act, but only in such amounts as are specified in appropriation Acts. The aggregate amounts of obligations at one time shall not exceed $10 billion. The National Health Board may pledge the assets of the Trust Fund and pledge and use its revenues to pay principal and interest on obligations. The service shall abide by the general rules and procedures for the issuance of obligations followed by agencies of the Federal Government. Obligations issued by the Service shall be obligations of the United States Government and payment is fully guaranteed by the Government.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601—Effective date of health services. The effective date of health services under this Act is January 1 of the fourth calendar year after the year in which this Act is enacted.

Sec. 602—Repeal of provisions. Effective on the date of health services, portions of the Public Health Service Act, the Social Security Act, and other acts relating to the provision of health care services and the conduct of health and health care research are repealed. Portions of the Public Health Service Act relating to health worker education remain in effect until four years after the effective date of health services.

Not later than 3 years after the date of enactment of this Act, the President shall prepare, in consultation with the National Health Board, and transmit to Congress legislation to repeal or amend additional provisions of law that are inconsistent with the purposes of this Act. Such legislation shall include transfers of such authority of the Secretary of Health, and Human Resources relating to standard-setting, regulation, and licensing, as the President determines, after consultation with the National Health Board to be appropriate.

Not later than one year after the effective date of health services, the National Health Board shall report to the President and to the Congress on how the Service is carrying out the purposes of the programs which have been repealed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCAIN) to revise and extend their remarks and include extraneous material:)

Mr. COURTER, for 60 minutes, June 18.

Mr. MCEWEN, for 30 minutes, today.

Mr. DANNEMEYER, for 60 minutes, today.

(The following Members (at the request of Mr. ECKART of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Georgia, for 5 minutes, today.

Mr. ECKART of Ohio, for 5 minutes, today.
Mr. NEAL, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. WEISS, for 5 minutes, today.
Mr. FOLEY, for 30 minutes, today.
Mr. DURBIN, for 60 minutes, on June 18.
Mr. HAYES, for 60 minutes, on June 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SOLOMON, prior to the vote on the Boland amendment in the Committee of the Whole today.

Mr. BROOMFIELD, immediately after the remarks of Mr. STUMP in the debate on the Hamilton amendment to H.R. 2577, in the Committee of the Whole, today.

Mr. RINALDO, immediately preceding the vote on the Michel amendment to H.R. 2577, in the Committee of the Whole, today.

Mr. DELLUMS, and to include extraneous matter notwithstanding the fact that it exceeds 2¼ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $3,605.

Mr. BUSTAMANTE, immediately following the vote on the Boland amendment to H.R. 2577, in the Committee of the Whole, today.

(The following Members (at the request of Mr. MCCAIN) and to include extraneous matter:)

Mr. SOLOMON.
Mr. LAGOMARSINO.
Mr. CLINGER in two instances.
Mr. BROOMFIELD in two instances.
Mr. KRAMER.
Mr. COUGHLIN.
Mr. BROYHILL.
Mr. TAUKE in two instances.
Mr. GUNDERSON.
Mr. PETRI.
Mr. CONTE in two instances.
Mr. MADIGAN.
Mr. MARLENEE.
Mr. WOLF in two instances.
Mr. SAXTON.
Mr. PORTER.
Mr. CRANE in two instances.
Mr. GILMAN.
Mr. EMERSON.
Mr. GROTBERG.
Mr. RITTER.
Mr. BLILEY.
Mr. DENNY SMITH.
Mr. COBEY.
Mr. MACK.

(The following Members (at the request of Mr. ECKART of Ohio) and to include extraneous matter:)

Mr. MATSUI.
Mr. ECKART of Ohio.
Mr. FRANK.
Mr. YATRON.
Mr. HALL of Ohio.
Mr. GARCIA.
Mr. BATES.
Mr. FOWLER.
Mr. RODINO in two instances.
Mr. HOWARD.
Mr. JACOBS.
Mr. ACKERMAN.
Mr. HUBBARD.
Mr. MRAZEK.
Mrs. SCHROEDER.
Mr. LANTOS.
Mr. DYMALLY.
Mr. STALLINGS in two instances.
Mr. LUKEN.
Mr. HOYER.
Mr. HAMILTON.
Mr. SHELBY.
Mr. SCHUMER.
Mr. ENGLISH.
Mr. DYSON.
Mr. KASTENMEIER.
Mr. MILLER of California.
Mr. FORD of Michigan.
Mr. PEPPER.
Mr. TRAXLER.
Mr. HAWKINS.
Mr. RAHALL.
Mr. GUARINI in two instances.
Mr. MORRISON of Connecticut.
Mr. ATKINS.
Mr. ORTIZ.
Mr. BRYANT.
Mr. WYDEN.
Mr. SIKORSKI.
Mr. BROOKS.
Mr. WALGREN.
Mr. KOLTER.
Mr. BORSKI.
Mrs. BOXER.
Mr. WEISS.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 88. Joint resolution to designate the week beginning September 8, 1985, as "National Osteopathic Medicine Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 125. Joint resolution designating the week of June 23, 1985, through June 29, 1985, as "Helen Keller Deaf-Blind Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 137. Joint resolution to designate the week of December 15, 1985, through December 21, 1985, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 138. Joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 142. Joint resolution to designate June 12, 1985, as "Anne Frank Day"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTIONS

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House the following titles, which were thereupon signed by the Speaker:

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week;" and

H.J. Res. 64. Joint resolution designating Mother's Day, May 12, 1985, to Father's Day, June 15, 1985, as "Family Reunion Month".

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 66. Joint resolution designating June 14, 1985, as "Baltic Freedom Day".

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Thursday, June 13, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1470. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period July 1 through August 31, 1985, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1471. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend section 403 of title 37, United States Code, to correct an inequity in eligibility for basic allowances for quarters (to include the Variable Housing Allowance) for members of the uniformed services without dependents and for members of the uniformed services who are married to other uniformed service members and have no other legal dependents; to the Committee on Armed Services.

1472. A letter from the Director, Selective Service System, transmitting a report on the operation of the System, pursuant to the Act of June 24, 1948, chapter 625, section 10(g) (65 Stat. 87; 81 Stat. 105); to the Committee on Armed Services.

1473. A letter from the Secretary of the Interior, transmitting a report on the activities of the Youth Conservation Corps program in the Department of the Interior, pursuant to Public Law 92-597, section 5; to the Committee on Education and Labor.

1474. A letter from the Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, transmitting notification of a proposed waiver of limitation on foreign travel by a citizen who is financed by grants from the Private Sector Program, pursuant to 22 U.S.C. 2460 nt (Public Law 98-164, sec. 207(a) (FY 1984-1985)); to the Committee on Foreign Affairs.

1475. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend provisions of the Bankruptcy Code governing the powers of a bankruptcy court and the effect of automatic stays as they relate to

certain multifamily mortgages or other loans insured or held by the Secretary of Housing and Urban Development or the Secretary of Agriculture, and for other purposes; to the Committee on the Judiciary.

1476. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Williamsport and South Williamsport, PA, together with other pertinent reports; to the Committee on Public Works and Transportation.

1477. A letter from the Director, Office of Civilian Radioactive Waste Management, transmitting a report on the activities and expenditures of the Office, pursuant to Public Law 97-425, section 304(c); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2040. A bill to authorize appropriations to the Department of Energy for fiscal years 1986 and 1987 for expenditures from the Nuclear Waste Fund for activities under title I of the Nuclear Waste Policy Act of 1982; with an amendment (Rept. No. 99-170, Pt. I). Ordered to be printed.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. HAMILTON: Permanent Select Committee on Intelligence. House Resolution 171. Resolution requesting the President to provide to the House of Representatives documents and factual information in his possession or under his control relating to certain counterterrorist units which received covert training or other support from the United States. (Rept. No. 99-171). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 2738. A bill entitled: "The Overseas U.S. Citizen's Representation in the Congress Act of 1985"; to the Committee on House Administration.

H.R. 2739. A bill entitled: "The Overseas American Children's Citizenship Equity Act of 1985"; to the Committee on the Judiciary.

H.R. 2740. A bill entitled: "The Overseas American Economic Competition Enhancement Act of 1985"; to the Committee on Ways and Means.

By Mr. BATES (for himself, Mr. ALEXANDER, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. ANTHONY, Mr. BARNES, Mr. BERMAN, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. BORSKI, Mrs. BOXER, Mr. BREAUX, Mr. BROWN of California, Mr. BURTON of Indiana, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CARR, Mr. CARNEY, Mr. CHAPPIE, Mr. CLAY, Mr. CLINGER, Mr. COELHO, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DASCHLE, Mr. DAVIS, Mr. DE LUGO, Mr. DELLUMS, Mr. DERRICK, Mr. DICKS, Mr. DONNELLY, Mr. DOWNEY of New York, Mr. DURBIN, Mr. DYMALLY, Mr. EDGAR, Mr. FAZIO, Mr. FLORIO, Mr. FOLEY, Mr. FRANK, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GRADISON, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HAWKINS, Mr. HAYES, Mr. HERTEL of Michigan, Mr. HEFTEL of Hawaii, Mr. HILER, Mr. HOYER, Mr. HUNTER, Mr. JACOBS, Mrs. JOHNSON, Ms. KAPTUR, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LUKEN, Mr. MCKINNEY, Mr. MACKAY, Mr. MARKEY, Mr. MATSUI, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MRAZEK, Mr. NATCHER, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS, Mr. PANETTA, Mr. PACKARD, Mr. PEASE, Mr. PENNY, Mr. RAHALL, Mr. REID, Mr. RODINO, Mr. ROE, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHEUER, Mrs. SCHROEDER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SHARP, Mr. SIKORSKI, Mr. SKEEN, Mr. SNYDER, Mr. SOLARZ, Mr. STARK, Mr. ST GERMAIN, Mr. STOKES, Mr. STUDDS, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WEAVER, Mr. WEISS, Mr. WHEAT, Mr. WILLIAMS, Mr. WISE, Mr. WOLPE, Mr. WYLIE, and Mr. YOUNG of Alaska):

H.R. 2741. A bill to prohibit discrimination in insurance on the basis of blindness or degree of blindness; to the Committee on Energy and Commerce.

By Mr. BIAGGI:

H.R. 2742. A bill to amend the Higher Education Act of 1965 to provide, with respect to guaranteed, insured, and direct student loans, deferral of repayment and payment by the Government of the interest during the borrower's service as an elementary or secondary school teacher; to the Committee on Education and Labor.

By Mr. ECKART of Ohio (for himself, Mr. SIKORSKI, Mr. MARKEY, Mr. CONYERS, Mr. FRANK, Mr. SEIBERLING, Mr. LELAND, Mr. SLATTERY, Mr. MARTINEZ, Mr. MILLER of California, Mr. KOSTMAYER, Mr. SWIFT, Mr. DELLUMS, Mr. WYDEN, Mr. BATES, Mr. ROSE, and Mr. DINGELL):

H.R. 2743. A bill to require the Nuclear Regulatory Commission to adhere to certain procedures in the conduct of its meetings; to the Committee on Interior and Insular Affairs.

By Mr. ECKART of Ohio (for himself, Mr. HERTEL of Michigan, Mr. NOWAK, Mr. KLECZKA, and Mr. SENSENBRENNER):

H.R. 2744. A bill to provide for coordinated management and rehabilitation of the Great Lakes and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Science and Technology.

By Mr. EMERSON:

H.R. 2745. A bill entitled "The Employment and Training Program of the Food Stamp Program"; to the Committee on Agriculture.

By Mr. LELAND (for himself, Mr. SABO, Mr. DYMALLY, Mr. JACOBS, Mr. DIXON, Mr. MRAZEK, Mr. ACKERMAN, Mr. WEISS, Mr. CROCKETT, Mr. STOKES, Mr. SMITH of Florida, Mr. MARKEY, Mr. FROST, Mr. HAYES, Mr. MITCHELL, Mr. OWENS, Mr. MOODY, Mr. RICHARDSON, Mr. FAUNTROY, Mr. SAVAGE, Mr. RANGEL, Mrs. BOXER, Ms. KAPTUR, Mr. DURBIN, Mr. MORRISON of Connecticut, Mr. CONYERS, and Mr. GRAY of Pennsylvania:

H.R. 2746. A bill to prohibit the transportation on South African vessels of agricultural commodities provided under the Agricultural Trade Development and Assistance Act of 1954; to the Committee on Foreign Affairs.

By Mr. MADIGAN:

H.R. 2747. A bill to allow taxpayers to designate on their income tax returns that overpayments of income tax shall be treated as contributions and used to reduce the public debt and that cash contributions included with such returns shall be used to reduce the public debt; to the Committee on Ways and Means.

By Mr. MURPHY (for himself, Mr. MARTINEZ, Mr. CROCKETT, and Mr. GARCIA):

H.R. 2748 A bill to provide for the establishment and operation of a national lottery to reduce the Federal deficit and to assist in financing the Federal old-age, survivors, and hospital insurance programs; to the Committee on Ways and Means.

By Mr. RITTER (for himself, Mr. BLILEY, Mr. BROWN of California, Mr. FUQUA, Mr. LUJAN, Mr. LUNDINE, Mr. NIELSON of Utah, Mrs. SCHNEIDER, Mr. WALGREN, Mr. YOUNG of Missouri, and Mr. ZSCHAU):

H.R. 2749. A bill to establish coordinated interagency research and demonstration projects for improving knowledge and use of risk assessment by those Federal agencies concerned with regulatory decisions related to the protection of human life, health, and the environment; to the Committee on Science and Technology.

By Mr. ROSE:

H.R. 2750. A bill to strengthen the operation of the agricultural stabilization and conservation committee system, and for other purposes; to the Committee on Agriculture.

By Mr. STALLINGS:

H.R. 2751. A bill to provide for the relief of certain water users deprived of winter livestock water from Willow Creek, Idaho, downstream of the Ririe Dam and Reservoir; to the Committee on the Judiciary.

By Mr. SYNAR (for himself and Mrs. SCHROEDER):

H.R. 2752. A bill to terminate the Copyright Royalty Tribunal and transfer its functions to the Register of Copyrights; to the Committee on the Judiciary.

By Mr. WALGREN:

H.R. 2753. A bill to amend the Clean Air Act with respect to the control of interstate air pollution; to the Committee on Energy and Commerce.

By Mr. WALGREN (for himself, Mr. RITTER, Mr. SHARP, Mrs. SCHNEIDER, and Mr. ECKART of Ohio):

H.R. 2754. A bill establishing a program for the demonstration and development of technologies for commercial application through the Clean Coal Technology Reserve, and for other purposes; jointly, to the Committees on Energy and Commerce, and Science and Technology.

By Mr. HOYER (for himself, Ms. MIKULSKI, and Mr. GARCIA):

H.J. Res. 314. Joint resolution designating the month of November 1985 as "National Diabetes Month"; to the Committee on Post Office and Civil Service.

By Mr. CROCKETT:

H. Res. 198. Resolution extending fraternal greetings to the 12th World Festival of Youth and Students, to be held in Moscow from July 27 to August 3, 1985; to the Committee on Foreign Affairs.

By Mr. MACK:

H. Res. 199. Resolution requiring a two-thirds majority for passage of certain appropriations bills in the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

156. By the SPEAKER: Memorial of the Legislature of the State of Colorado, relative to the Nation's fiscal deficit; to the Committee on Government Operations.

157. Also, memorial of the Senate of the State of Illinois, relative to the Small Business Administration; to the Committee on Small Business.

158. Also, memorial of the Senate of the State of Massachusetts, relative to deductions for State and local taxes; to the Committee on Ways and Means.

159. Also, memorial of the Legislature of the State of Nebraska, relative to Social Security benefits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 2755. A bill for the relief of Bradley H. Koskie; to the Committee on Armed Services.

By Mr. ROBERT F. SMITH:

H.R. 2756. A bill for the relief of Kok Djen Su and Grace Su; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. ENGLISH and Mr. MARTINEZ.

H.R. 25: Mr. MORRISON of Connecticut, Mr. ANDREWS, Mr. BUSTAMANTE, Mr. ROSE, and Mr. WILSON.

H.R. 44: Mr. VENTO and Mr. DELAY.

H.R. 237: Mr. BATES, Mr. BROOMFIELD, Mr. DORGAN of North Dakota, Mr. EVANS of Illinois, Mr. GALLO, Mr. MCKINNEY, Mr. MICHEL, Mr. PENNY, Mr. PORTER, Mr. ROBERTS, Mrs. SMITH of Nebraska, and Mr. WOLPE.

H.R. 275: Mr. SUNDQUIST and Mr. YOUNG of Florida.

H.R. 479: Mr. EMERSON, Mr. GEJDENSON, Mr. HUGHES, Mr. LEACH of Iowa, and Mr. ORTIZ.

H.R. 481: Mr. BATEMAN.

H.R. 585: Mr. MOLLOHAN.

H.R. 669: Mr. WOLPE, Mr. FIELDS, Mr. SCHEUER, Mr. GEJDENSON, Mr. DONNELLY, Mr. ADDABBO, and Mr. MCCLOSKEY.

H.R. 704: Mr. PARRIS, Mr. SOLOMON, and Mr. BARTON of Texas.

H.R. 767: Mr. KINDNESS, Mr. WHITEHURST, Mr. DORNAN of California, Mr. ROBERTS, Mr. WILSON, Mr. NIELSON of Utah, Mr. BARTON of Texas, Mr. SWIFT, Mr. BURTON of Indiana, and Mr. DELAY.

H.R. 1006: Mr. MORRISON of Washington, Mr. CLINGER, Mr. LUJAN, Mr. BOULTER, Mr. WORTLEY, Mr. MAZZOLI, Mr. HARTNETT, Mr. NEAL, Mr. VALENTINE, Mr. PARRIS, Mr. VENTO, and Mr. DASCHLE.

H.R. 1100: Mr. SOLOMON, Mr. STALLINGS, Mr. TRAXLER, Mr. STRANG, Mrs. BENTLEY, Mr. AUCOIN, Mr. GUNDERSON, Mr. EDGAR, Mr. PORTER, and Mr. OBERSTAR.

H.R. 1140: Mr. MARTINEZ.

H.R. 1156: Mr. CLAY, Mr. BIAGGI, Mr. DAUB, Mr. PERKINS, Mr. SWIFT, and Mrs. SMITH of Nebraska.

H.R. 1188: Ms. SNOWE, Mr. ADDABBO, Mr. COBEY, Mr. HARTNETT, Mr. FIELDS, Mr. HUTTO, Mr. SHUMWAY, Mr. ROE, Mr. FLORIO, Mr. ERDREICH, Mr. LUNDINE, and Mr. BOLAND.

H.R. 1242: Mr. FEIGHAN and Mr. GUARINI.

H.R. 1243: Mr. FEIGHAN and Mr. CLINGER.

H.R. 1294: Mr. PETRI.

H.R. 1453: Mr. BARNES and Mr. GRAY of Pennsylvania.

H.R. 1454: Mr. GRAY of Pennsylvania.

H.R. 1550: Mr. MARTINEZ, Mr. VENTO, Mr. FEIGHAN, and Mr. TALLON.

H.R. 1591: Mr. ROBERT F. SMITH, Mr. EVANS of Illinois, and Mr. EMERSON.

H.R. 1619: Mr. BROYHILL, Mrs. BENTLEY, Mr. FASCELL, Mr. MCGRATH, Mr. MORRISON of Washington.

H.R. 1644: Mr. COBEY and Mr. EDWARDS of Oklahoma.

H.R. 1746: Mr. TOWNS, Mr. LELAND, Mr. CONTE, Mr. DYMALLY, Mr. MADIGAN, Mr. MRAZEK, Mr. WORTLEY, Mr. LEVINE of California, Mr. WOLPE, Mr. GILMAN, Ms. MIKULSKI, Mr. ROSE, Mr. MCCOLLUM, and Mr. MARTINEZ.

H.R. 1770: Mr. STARK and Mr. CONYERS.

H.R. 1932: Mr. BLAZ.

H.R. 1965: Mr. APPLEGATE, Mr. BURTON of Indiana, Mr. CLINGER, Mr. DURBIN, Mr. GRAY of Illinois, Mr. HAMILTON, Mr. HILER, Mr. LOTT, Mr. LOWERY of California, Mr. MARTIN of New York, Mr. PEASE, Mr. RAHALL, Mr. REGULA, Mr. SHARP, and Mr. SOLOMON.

H.R. 1977: Mr. BURTON of Indiana, Mr. LOTT, and Mr. HILLIS.

H.R. 2069: Mr. DELLUMS.

H.R. 2098: Mr. STRATTON.

H.R. 2190: Mr. CROCKETT, Mr. NEAL, Mr. NIELSON of Utah, Mr. GLICKMAN, and Mr. DELLUMS.

H.R. 2211: Mr. DURBIN, and Mr. CONYERS.

H.R. 2262: Mr. DELLUMS, and Mr. KILDEE.

H.R. 2320: Mr. OWENS, Mr. DYMALLY, Mr. SAVAGE, Mr. MITCHELL, Mr. DELLUMS, Mr. HAWKINS, Mr. STOKES, Mr. FAUNTROY, Mr. CROCKETT, and Mr. HAYES.

H.R. 2337: Mr. BLILEY.

H.R. 2342: Mr. BIAGGI, Mr. CLINGER, Mr. SHUMWAY, Mr. RANGEL, Mr. MORRISON of Connecticut, Mr. EDGAR, Mr. DYMALLY, Mr. GONZALEZ, Mr. PEPPER, Mr. GUNDERSON, and Mr. CONYERS.

H.R. 2361: Mr. MARTINEZ, Ms. KAPTUR, and Mrs. BOXER.

H.R. 2398: Mr. DAUB and Mr. DELAY.

H.R. 2401: Mr. SMITH of Florida, Mr. FEIGHAN, Mr. CONYERS, and Mr. HORTON.

H.R. 2451: Mr. LUJAN, Ms. SNOWE, Mr. FUSTER, Mr. MARTIN of New York, Mr. HARTNETT, Mr. PICKLE, Mr. SMITH of Florida, Ms. KAPTUR, and Mr. THOMAS of Georgia.

H.R. 2454: Mr. NIELSON of Utah.

H.R. 2553: Mr. SENSENBRENNER, Mr. OWENS, Mr. RINALDO, Mrs. COLLINS, and Mr. HUNTER.

H.R. 2567: Mr. ADDABBO and Mr. WHEAT.

H.R. 2575: Mr. ADDABBO.

H.R. 2581: Mr. MARTINEZ.

H.R. 2584: Mr. BEDELL and Mr. SAXTON.

H.R. 2597: Mr. WEISS.

H.R. 2602: Mr. HOYER, Mr. SAVAGE, Mr. FOGLIETTA, Mr. MARTINEZ, Mrs. BENTLEY, Ms. MIKULSKI, and Mr. CONYERS.

H.R. 2620: Mrs. COLLINS and Ms. MIKULSKI.

H.R. 2626: Mr. ROGERS, Mr. WORTLEY, Mr. BARTON of Texas, and Mr. DELAY.

H.J. Res. 18: Mrs. MEYERS of Kansas.

H.J. Res. 156: Mr. DIXON, Mr. SAXTON, Mr. CONYERS, Mr. CLAY, and Mr. DE LA GARZA.

H.J. Res. 175: Mr. KILDEE, Mr. STENHOLM, Mr. SOLOMON, Mr. BROOMFIELD, Mr. FOLEY, Mr. HUTTO, Mr. MCEWEN, Mr. CLAY, Mr. COOPER, Mr. SAVAGE, Mr. WYLIE, Mr. YATRON, Mr. GRAY of Pennsylvania, and Mr. HALL of Ohio.

H.J. Res. 216: Mr. PEPPER, Mr. WHITTEN, Mr. RUSSO, Mr. GAYDOS, Mr. EMERSON, Mrs. BOGGS, Mr. STRATTON, Mr. GEPHARDT, Mr. ASPIN, Mr. BROOKS, Mr. ROBINSON, Mr. KEMP, Mr. CHENEY, Mr. EDWARDS of Oklahoma, Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mr. BROOMFIELD, Mr. SCHEUER, Mr. MILLER of Washington, Mr. BATES, Mr. WYDEN, Mr. BROWN of California, Mr. LEWIS of California, Mr. SOLOMON, Mr. PACKARD, Mr. LAGOMARSINO, Mr. DEWINE, Mr. MONTGOMERY, Mr. MURTHA, Mr. STUMP, Mr. HYDE, Mr. FASCELL, Mr. COLEMAN of Texas, Mr. KOSTMAYER, Mr. COELHO, Mr. MILLER of California, Mr. DURBIN, Mr. BRUCE, Mr. FOLEY, Mr. ROSE, Mr. BEILENSON, Mr. HUCKABY, Mr. BOLAND, Mr. MCDADE, Mr. LIVINGSTON, Mr. GUNDERSON, Mr. DE LUGO, Mr. EARLY, Mr. GRADISON, Mr. LOTT, Mr. DREIER of California, Mr. UDALL, Mr. BARNES, Mr. BRYANT, Mr. MARKEY, Mrs. LONG, Mr. MCCLOSKEY, Mr. BENNETT, Mr. PICKLE, Mr. AUCOIN, Mr. SKEEN, Mrs. VUCANOVICH, Mr. SHELBY, Mr. JEFFORDS, Mr. ST GERMAIN, Mr. WHITLEY, Mr. HEFNER, Mr. GREEN, Mr. O'BRIEN, Mr. DORNAN of California, Ms. SNOWE, Mr. HENRY, Mr. PURSELL, Mr. RITTER, Mr. LEACH of Iowa, Mr. MCCOLLUM, Mr. TRAFICANT, Mr. GLICKMAN, Mr. DOWNEY of New York, Mr. HATCHER, Mr. ERDREICH, Mr. CROCKETT, Mr. OWENS, Mr. SMITH of Iowa, Mr. FORD of Tennessee, Mr. EDWARDS of California, Mr. FUQUA, Mr. TAUZIN, Mr. MOLINARI, Mr. WEAVER, Mr. DELLUMS, Mr. CONYERS, Mr. FOWLER, Mr. MORRISON of Washington, Mr. GROTBERG, Mr. GREGG, Mr. SHARP, Mr. STAGGERS, Mr. STUDDS, Mr. DYMALLY, Mr. CALLAHAN, Mr. MOODY, Mr. GALLO, Mr. WHEAT, Mr. PORTER, Mr. COYNE, Mr. MICA, Mr. TOWNS, Mr. DORGAN of North Dakota, Mr. DAUB, Mr. MARTINEZ, Mr. SILJANDER, Mr. FRANKLIN, Mr. MRAZEK, Mr. FOGLIETTA, Mr. PRICE, Mr. ACKERMAN, Mr. VENTO, Mr. ANTHONY, Mr. MAVROULES, Mr. BOUCHER, Mr. LELAND, Mr. GARCIA, and Mr. WIRTH.

H.J. Res. 304: Mr. HYDE.

H.J. Res. 306: Mrs. BOXER, Mr. ATKINS, Mr. KINDNESS, Mr. MCGRATH, Mr. FRENZEL, Mr. SOLOMON, Mr. PORTER, Mr. SILJANDER.

H. Con. Res. 56: Mr. PEPPER.

H. Con. Res. 69: Mr. PARRIS, Mr. SMITH of Florida, Mr. REID, and Mr. GAYDOS.

H. Con. Res. 71: Mr. MARTINEZ.

H. Con. Res. 148: Mrs. COLLINS, Mr. DYMALLY, Mr. HAWKINS, Mr. STOKES, Mr. MITCHELL, Mr. OWENS, Mr. FAUNTROY, Mr. SAVAGE, Mr. COURTER, Mr. DELLUMS, Mr. CROCKETT, and Mr. MORRISON of Connecticut.

H. Res. 74: Mr. DORNAN of California, Mr. LIGHTFOOT, Mr. MCGRATH, Mr. WEBER, Mr. SAXTON, Mr. MITCHELL, Mr. WILSON, Mr. STOKES, Mr. YOUNG of Missouri, Mr. BEDELL,

Mr. MARTINEZ, Mr. SCHEUER, Mr. BARNES, Mr. LELAND, Mr. MORRISON of Connecticut, Mr. LAFALCE, Mrs. BOXER, Mr. GLICKMAN, Mr. BILIRAKIS, Mr. DEWINE, Mr. BERMAN, Mr. BLILEY, Mr. WORTLEY, Mr. GALLO, Mr. COBEY, Mr. REID, Mr. DASCHLE, Mr. DIO-GUARDI, Mr. DURBIN, Mr. EVANS of Iowa, Mr. BOEHLERT, Mr. GREEN, Mr. HEFTEL of Hawaii, Mr. WEISS, Mr. OBERSTAR, Mr. ECKART of Ohio, and Mr. MINETA.

H. Res. 76: Mr. YATRON, Mr. KOLTER, Mrs. BENTLEY, Mr. BIAGGI, Mr. MRAZEK, Mr. ADDABBO, Mr. MCHUGH, Mr. STRATTON, Mr. ECKERT of New York, and Mr. FEIGHAN.

H. Res. 194: Mr. DELLUMS, Mr. HEFTEL of Hawaii, and Mr. DYSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1815: Mr. KASTENMEIER.
H.R. 2600: Mr. HARTNETT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

131. By the SPEAKER: Petition of the common council, Fort Wayne, IN, relative to experiments on animals; to the Committee on Agriculture.

132. Also, petition of the city council, Lubbock, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

133. Also, petition of the city council, Midland, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

134. Also, petition of Prof. Dr. Ingomar Hauchler MdB., et al., Members of the German Bundestag, Bonn, Germany, relative to the trade embargo on Nicaragua; to the Committee on Foreign Affairs.

135. Also, petition of the Hagerstown-Washington County Chamber of Commerce, Hagerstown, MD, relative to the balance of trade; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1452

By Mr. MICA:

—Page 11, amend lines 1 through 8 to read as follows:

(f) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR RECEPTION AND PLACEMENT SERVICES.—(1) In order to insure that sufficient funds are authorized to be appropriated to provide for reception and placement services in fulfillment of the responsibilities required under section 412(b)(7)(D) of the Immigration and Nationality Act (as added by subsection (b)(1) of this section), there are authorized to be appropriated (in addition to the amounts described in paragraph (2)) for fiscal years 1986 and 1987 any such additional sums as may be necessary to fulfill the responsibilities under that section.

(2) The amounts described in this paragraph are—

(A) the amounts authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" by the Department of State Authorization Act, Fiscal Years 1986 and 1987, which may be used for enhanced reception and placement services under section 412(b) of the Immigration and Nationality Act; and

(B) any other amounts authorized to be appropriated for such services.

H.R. 1555

By Mr. BROWN of Colorado:

—Page 56, lines 4 and 5, strike out "$391,533,200" and insert in lieu thereof "$387,000,000".

—Page 48, lines 9 and 10, strike out "$284,904,000" and insert in lieu thereof "$196,211,000".

Page 48, strike out the sentence beginning in line 12 and ending on line 5 of page 51 and insert in lieu thereof the following: "Funds authorized to be appropriated by this paragraph for fiscal years 1986 and 1987 may be contributed to the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency."

—Page 47, after line 18, insert the following new section:

SEC. 316. APPROPRIATIONS FREEZE.

Notwithstanding the specific authorizations of appropriations provided by the preceding sections of this title, the aggregate amounts appropriate pursuant to those authorizations for each of the fiscal years 1986 and 1987 may not exceed $1,682,522,000.

—Page 30, line 17, strike out "$3,900,400,000" both places it appears and insert in lieu thereof "$3,841,000,000".

—Page 2, lines 14, 23, and 24, strike out "$5,427,050,000" each place it appears and insert in lieu thereof "$5,202,050,000".

Page 5, lines 3 and 4, strike out "$1,300,000,000" and insert in lieu thereof "$1,175,000,000".

By Mr. BROOMFIELD

—Page 30, after line 10 insert the following new section:

SEC. 128. CEILING ON MILITARY ASSISTANCE FOR TURKEY.

For each of the fiscal years 1986 and 1987, the aggregate total of assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 and financing under the Arms Export Control Act provided for Turkey may not exceed $711,428,570.

By Mr. HALL of Ohio:

—Page 141, line 14, before the semicolon, insert the following: ", including the release of prisoners held without charge and an end to arrests by presidential order without court warrants and bail".

Page 141, line 24, insert "and security forces (including the Philippine Constabulary and the Civilian Home Defense Forces)" after "forces".

Page 144, after line 2, add the following:

(d) CONGRESSIONAL OVERSIGHT.—The Congress, in determining future aid levels for the Philippines, will take into account not only our military bases agreement with that country, but also the extent to which the objectives identified in subsection (b) have been implemented. The Congress may defer assistance for the Philippines under both chapter 2 of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act if—

(1) significant progress is not achieved with respect to the objectives identified in subsection (b), or

(2) the Congress finds that such assistance is used to violate the internationally recognized human rights of the Filipino people.

By Mr. SOLOMON:

—Page 2, lines 14, 23, and 27, strike out "$5,427,050,000" each place it appears and insert in lieu thereof "$5,462,050,000"; page 3, lines 4 and 5, strike out "$553,900,000" and insert in lieu thereof "$588,900,000"; and page 6, strike out lines 7 through 9 and insert in lieu thereof the following:

"(4) THE PHILIPPINES.—Of the total amount of credits extended under section 23 of this Act, not less than $35,000,000 for fiscal year 1986 and not less than $35,000,000 for fiscal year 1987 shall be available only for the Philippines.".

Page 8, lines 13 and 14, strike out "$761,000,000" and insert in lieu thereof "$786,000,000"; and beginning in line 17, strike out "not to exceed $25,000,000 for fiscal year 1986 and not to exceed $25,000,000 for fiscal year 1987" and insert in lieu thereof "not less than $50,000,000 for fiscal year 1986 and not less than $50,000,000 for fiscal year 1987".

—Page 30, line 17, strike out "$3,900,400,000" both places it appears and insert in lieu thereof "$3,840,400,000".

Page 37, line 4, strike out "$155,000,000" both places it appears and insert in lieu thereof "$90,000,000".

H.R. 1872

By Mr. BENNETT:

—Page 13, line 15, strike out "$9,039,500,000" and insert in lieu thereof "$6,921,700,000".

At the end of title I (page 22, line 23) add the following new section:

SEC. 111. TERMINATION OF MX MISSILE PROGRAM AND TRANSFERS TO CONVENTIONAL PROGRAMS.

(a) LIMITATION ON FY86 AND LATER FUNDS.—No funds appropriated or otherwise made available for procurement of missiles for the Air Force for fiscal year 1986 or for any later fiscal year may be obligated for the MX missile.

(b) LIMITATION ON PRIOR-YEAR FUNDS REMAINING AVAILABLE FOR OBLIGATION.—Funds appropriated or otherwise made available for procurement of missiles for the Air Force for a fiscal year before fiscal year 1986 that remain available for obligation may not be obligated for the MX missile program.

(c) AUTHORIZATION OF TRANSFER OF PRIOR-YEAR MX FUNDS INTO CONVENTIONAL PROGRAMS.—Subject to the provisions of Appropriations Acts, the Secretary of Defense may transfer to amounts appropriated for fiscal year 1986 for the Department of Defense any amounts appropriated or otherwise made available for procurement for the MX missile program for a fiscal year before fiscal year 1986. Any amount transferred pursuant to the preceding sentence shall be available only for conventional warfare programs.

(d) AUTHORIZATION OF APPROPRIATIONS FOR CONVENTIONAL PROGRAMS.—There is hereby authorized to be appropriated for fiscal year 1986 for procurement for the Armed Forces $2,117,800,000. Amounts appropriated pursuant to such authorization shall be available only for conventional warfare programs. Such authorization is in addition to any other authorization provided in this title.

By Mr. DICKS:

—Page 23, line 12, strike out "$6,305,732,000" and insert in lieu thereof "$5,932,770,000".

Page 26, strike out lines 18 through 22 (and redesignate the succeeding paragraphs accordingly).

At the end of title II (page 29, after line 14), add the following new section:

SEC. 207. STRATEGIC DEFENSE INITIATIVE.

(a) LIMITATION ON FY86 FUNDS FOR SDI.—Of the amount authorized in section 201 to be appropriated for fiscal year 1986 for research, development, test, and evaluation for the Defense Agencies, not more than $2,100,000,000, may be appropriated for activities of the Strategic Defense Initiative Organization of the Department of Defense.

(b) PROJECTS REQUIRED TO BE CARRIED OUT AT SPECIFIED LEVELS.—Of the amount appropriated or otherwise made available for fiscal year 1986 for research, development, test, and evaluation for activities of the Strategic Defense Initiative—

(1) not less than $12,500,000 shall be obligated or expended for the medical application of free-electron lasers and associated material and physical science research project;

(2) not less than $145,060,000 shall be obligated or expended for the battle management and command, control and communications project;

(3) not less than $98,240,000 shall be obligated or expended for the systems architecture project;

(4) not less than $72,150,000 shall be obligated or expended for the Strategic Defense Initiative system survivability project;

(5) not less than $103,500,000 shall be obligated or expended for the lethality and target-hardening project; and

(6) not less than $75,000,000 shall be obligated or expended for a new project directed toward defense against manned aircraft and cruise missiles.

(c) PROJECTS LIMITED TO A SPECIFIED MAXIMUM.—Of the amount appropriated or otherwise made available for fiscal year 1986 for research, development, test, and evaluation for activities of the Strategic Defense Initiative—

(1) not more than $117,000,000 may be obligated or expended for the optical surveillance experiment;

(2) not more than $162,700,000 may be obligated or expended for the space-based laser concepts project;

(3) not more than $13,500,000 may be obligated or expended for the hypervelocity launcher development project; and

(4) not more than $30,000,000 may be obligated or expended for the kinetic kill vehicle project.

(d) AMENDMENTS TO ANNUAL SDI REPORT.—Section 1102 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Start. 2580), is amended—

(1) by inserting "(a)" after "SEC. 1102.";

(2) by inserting ", including planned tests" in paragraph (1) after "ballistic missiles";

(3) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(4) by inserting after paragraph (3) the following new paragraph (4):

"(4) details of all developments in each Strategic Defense Initiative program and project during the previous calendar year;"; and

(5) by adding at the end thereof the following new subsection:

"(b) Each report under this section shall be submitted in two versions, one containing classified information requiring protection from unauthorized disclosure and the other containing no such classified information.".

By Mr. MAVROULES:

—Page 23, line 12, strike out "$6,305,732,000" and insert in lieu thereof "$ ".

Page 26, strike out lines 18 through 22 (and redesignate the succeeding paragraphs accordingly).

At the end of title II (page 29, after line 14), add the following new section:

SEC. 207. LIMITATION ON FUNDS FOR STRATEGIC DEFENSE INITIATIVE TO FISCAL YEAR 1985 LEVEL.

Of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1986 for research, development, test, and evaluation, not more than $1,397,299,000 shall be available for activities of the Strategic Defense Initiative Organization of the Department of Defense. Such funds shall be available only as follows:

(1) $376,399,000 for directed energy weapons.

(2) $255,950,000 for kinetic energy weapons.

(3) $99,000,000 for systems concepts and battle management.

(4) $112,000,000 for survivability, lethality, and key support technology.

(5) $545,950,000 for surveillance acquisition tracking.

(6) $8,000,000 for management headquarters functions.

—Page 23, line 12, strike out "$6,305,732,000" and insert in lieu thereof "$5,230,069,000".

Page 26, strike out lines 18 through 22 (and redesignate the succeeding paragraphs accordingly).

At the end of title II (page 29, after line 14), add the following new section:

SEC. 207 STRATEGIC DEFENSE INITIATIVE

(a) LIMITATION OF FY86 FUNDS FOR SDI TO FY85 LEVELS.—Of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1986 for research, development, test, and evaluation, not more than $1,397,299,000 shall be available for activities of the Strategic Defense Initiative Organization of the Department of Defense. Such funds shall be available only as follows:

(1) $376,399,000 for directed energy weapons.

(2) $255,950,000 for kinetic energy weapons.

(3) $99,000,000 for systems concepts and battle management.

(4) $112,000,000 for survivability, lethality, and key support technology.

(5) $545,950,000 for surveillance acquisition tracking.

(6) $8,000,000 for management headquarters functions.

(b) ACTIVITIES TO BE CONSISTENT WITH 1972 ABM TREATY.—The Secretary of Defense may not obligate funds appropriated or otherwise available for fiscal year 1986 for activities of the SDIO in any manner that is inconsistent with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems between the Soviet Union and United States (the "ABM Treaty").

(c) LIMITATION ON SDI DEMONSTRATION PROJECTS.—Consistent with the announced objective of the President for the Strategic Defense Initiative as being "a broad research program", funds appropriated or otherwise made available for fiscal year 1986 for activities of the Strategic Defense Initiative Organization may not be used for any demonstration project under a Strategic Defense Initiative program.

—Page 13, line 15, strike out "$9,039,500,000" and insert in lieu thereof "$7,842,700,000".

At the end of title I (page 22, after line 23) add the following new section:

SEC. 111. MX MISSILE PROGRAM.

(a) LIMITATION ON FY86 PROCUREMENT FUNDS FOR THE MX MISSILE PROGRAM.—Of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force, not more than $921,000,000 may be used for the MX missile program. Such funds may be used only for—

(1) the acquisition of not more than eight basing sets for the basing of MX missiles;

(2) the acquisition of systems support consistent with the deployment of not more than 40 MX missiles; and

(3) maintenance of the production base for the MX missile program.

(b) LIMITATION ON DEPLOYMENT OF MX MISSILES.—The number of MX missiles deployed at any time may not exceed 40.

(c) POLICY ON FUTURE MX MISSILE PROCUREMENT.—Funds appropriated or otherwise made available for fiscal years after fiscal year 1985 for procurement of missiles for the Air Force may not be used for procurement of MX missiles except for the acquisition of those additional missiles required for the operational test and evaluation program and the aging and surveillance program.

—At the end of title II (page 29, after line 14), add the following new section:

SEC. 207. LIMITATION ON STRATEGIC DEFENSE INITIATIVE DEMONSTRATION PROJECTS.

Consistent with the announced objective of the President for the Strategic Defense Initiative as being "a broad research program", funds appropriated or otherwise made available for fiscal year 1986 for activities of the Strategic Defense Initiative Organization may not be used for any demonstration project under a Strategic Defense Initiative program.

By Mr. NICHOLS:

—Page 172, after line 20, insert the following new sections:

SEC. 1016. ALLOWABLE COSTS.

(a) REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(a)(1) The Secretary of Defense shall require that a covered contract provide that if the contractor submits to the Department of Defense a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of an indirect cost that has been expressly specified by statute or regulation as being unallowable—

"(A) that cost shall be disallowed; and

"(B) the contractor shall pay to the United States an amount equal to the greater of $10,000 or—

"(i) the amount of the disallowed cost, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable to that contractor, an amount equal to twice the amount of the disallowed cost, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph

(1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered to be a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is questioned; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(b) The following costs are not allowable under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly) congressional action on any legislation or appropriation matters pending before Congress.

"(3) Costs incurred in defense of any fraud proceeding brought by the United States where the contractor is found liable for fraud or has pleaded nolo contendere to a charge of fraud.

"(4) Fines and penalties resulting from violations of, or failure to comply with, Federal, State, or local laws and regulations, except when incurred as a result of compliance or specific written instructions from the contracting officer.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipient.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memoribilia, including models, gifts, and souvenirs.

"(10) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commercial fare for travel by common carrier between the points involved.

"(c)(1) Subsection (b)(10) does not apply if travel by common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(10) does not apply to travel by aircraft other than a common carrier if—

"(A) travel by such aircraft is specifically required for contract performance or is otherwise specifically authorized under the contract;

"(B) travel by common carrier is impractical; and

"(C) the travel performed is for business purposes and requires the use of such aircraft.

"(3) Costs for air travel in excess of that allowed by subsection (b)(10) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully documented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes.

"(d)(1) The Secretary of Defense shall prescribe regulations to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States. Such regulations—

"(A) shall define in detail and in specific terms those costs that are unallowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.

"(B) Advertising.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Contributions or donations.

"(F) Community relations.

"(G) Dining facilities.

"(H) Professional and consulting services.

"(I) Compensation.

"(J) Selling and marketing.

"(K) Travel.

"(L) Public relations.

"(M) Hotel and meal expenses.

"(N) Membership in civic, community, and professional organizations.

"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) may be applied.

"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal for final settlement of indirect costs is submitted to the United States. If such documentation is not sufficient to support the allowability of the cost, the cost becomes expressly unallowable and is not subject to negotiation.

"(e)(1) The Secretary of Defense shall require the resolution of each cost which is challenged by the United States as being unallowable in the contractor's submission for final overhead settlement applied to covered contracts unless—

"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under existing cost principles;

"(B) the contracting officer documents the reasons why an agreement cannot be reached; and

"(C) the contractor agrees that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost in the future.

"(2) The Secretary of Defense shall provide that, whenever feasible and practicable, the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(f)(1) A contractor that submits a proposal for final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed by the Secretary of Defense.

"(2) The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the Secretary—

"(A) determines that it would not be in the interest of the United States to require such certification; and

"(B) states in writing the reasons for that determination.

"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a defense contractor for which final settlement will be made at a later time, such rates shall be based upon amounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of defense contracts.

"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than $25,000—

"(1) that is flexibly priced; or

"(2) for which cost or pricing data is required under section 2306(f) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2324. Allowable costs under defense contracts.".

(b) REGULATIONS.—(1) Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the regulations required by subsection (d) of section 2324 of title 10, United States Code, as added by subsection (a). Such regulations shall be published in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b).

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of proposed regulations to be prescribed in accordance with paragraph (1); and

(B) a report identifying—

(i) the nature of the proposed changes that would be made by such proposed regulations to the current cost principles on the allowability of contractor costs; and

(ii) the potential effect of such changes on the allowability of contractor costs.

(c) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (a), shall apply only to contracts entered into on or after the date on which regulations are prescribed in accordance with subsection (b).

SEC. 1017. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority of the Secretary of Defense under this subsection may only be delegated—

"(A) to an officer of the Department of Defense appointed by the President, by and

with the advice and consent of the Senate; or

"(B) to the director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

SEC. 1018. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—

(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and

(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor for a period of five years after the end of the previous such assignment.

(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—

(1) determines that it would not be in the interest of the United States to apply such limitation in that case; and

(2) states in writing the reasons for that determination.

(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—

(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and

(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

—Page 142, strike out line 9 and insert in lieu thereof the following (and redesignate the succeeding section accordingly):

TITLE VIII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

SEC. 801. ALLOWABLE COSTS.

(a) REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(a)(1) The Secretary of Defense shall require that a covered contract provide that if the contractor submits to the Department of Defense a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of an indirect cost that has been expressly specified by statute or regulation as being unallowable—

"(A) that cost shall be disallowed; and

"(B) the contractor shall pay to the United States an amount equal to the greater of $10,000 or—

"(i) the amount of the disallowed cost, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable to that contractor, an amount equal to twice the amount of the disallowed cost, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph (1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered to be a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is questioned; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(b) The following costs are not allowable under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly) congressional action on any legislation or appropriation matters pending before Congress.

"(3) Costs incurred in defense of any fraud proceeding brought by the United States where the contractor is found liable for fraud or has pleaded nolo contendere to a charge of fraud.

"(4) Fines and penalties resulting from violations of, or failure to comply with, Federal, State, or local laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract of specific written instructions from the contracting officer.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipient.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(10) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commercial fare for travel by common carrier between the points involved.

"(c)(1) Subsection (b)(10) does not apply if travel by common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(10) does not apply to travel by aircraft other than a common carrier if—

"(A) travel by such aircraft is specifically required for contract performance or is otherwise specifically authorized under the contract;

"(B) travel by common carrier is impractical; and

"(C) the travel performed is for business purposes and requires the use of such aircraft.

"(3) Costs for air travel in excess of that allowed by subsection (b)(10) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully documented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes.

"(d)(1) The Secretary of Defense shall prescribe regulations to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States. Such regulations—

"(A) shall define in detail and in specific terms those costs that are unallowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.
"(B) Advertising.
"(C) Recruitment.
"(D) Employee morale and welfare.
"(E) Contributions or donations.
"(F) Community relations.
"(G) Dining facilities.
"(H) Professional and consulting services.
"(I) Compensation.
"(J) Selling and marketing.
"(K) Travel.
"(L) Public relations.
"(M) Hotel and meal expenses.
"(N) Membership in civic, community, and professional organizations.

"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) may be applied.

"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal for final settlement of indirect costs is submitted to the United States. If such documentation is not sufficient to support the allowability of the cost, the cost becomes expressly unallowable and is not subject to negotiation.

"(e)(1) The Secretary of Defense shall require the resolution of each cost which is challenged by the United States as being unallowable in the contractor's submission for final overhead settlement applied to covered contracts unless—

"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under existing cost principles;

"(B) the contracting officer documents the reasons why an agreement cannot be reached; and

"(C) the contractor agrees that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost in the future.

"(2) The Secretary of Defense shall provide that, whenever feasible and practicable, the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(f)(1) A contractor that submits a proposal for final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed by the Secretary of Defense.

"(2) The Secretary of Defense or the Secretary of the military department concerned

may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the Secretary—

"(A) determines that it would not be in the interest of the United States to require such certification; and

"(B) states in writing the reasons for that determination.

"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a defense contractor for which final settlement will be made at a later time, such rates shall be based upon amounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of defense contracts.

"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than $25,000—

"(1) that is flexibly priced; or

"(2) for which cost or pricing data is required under section 2306(f) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2324. Allowable costs under defense contracts.".

(b) REGULATIONS.—(1) Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the regulations required by subsection (d) of section 2324 of title 10, United States Code, as added by subsection (a). Such regulations shall be published in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b).

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of proposed regulations to be prescribed in accordance with paragraph (1); and

(B) a report identifying—

(i) the nature of the proposed changes that would be made by such proposed regulations to the current cost principles on the allowability of contractor costs; and

(ii) the potential effect of such changes on the allowability of contractor costs.

(c) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (a), shall apply only to contracts entered into on or after the date on which regulations are prescribed in accordance with subsection (b).

SEC. 802. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority of the Secretary of Defense under this subsection may only be delegated—

"(A) to an officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate; or

"(B) to the director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

SEC. 803. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—

(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and

(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor for a period of five years after the end of the previous such assignment.

(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—

(1) determines that it would not be in the interest of the United States to apply such limitation in that case; and

(2) states in writing the reasons for that determination.

(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—

(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and

(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

EXTENSIONS OF REMARKS

INFRASTRUCTURE UPDATE

HON. JAMES J. HOWARD
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. HOWARD. Mr. Speaker, I have been warning for several years of problems that the Nation faces with a crumbling and inadequate infrastructure. The lack of adequate transportation, water supply, and wastewater treatment systems affects the quality of life of every one of our citizens and severely restricts the ability of our economy to function and expand.

One of the leaders in the field of infrastructure studies has been Pat Choate, a senior policy analyst for economics at TRW, Inc. I had the good fortune to appear with Dr. Choate at an infrastructure symposium earlier this year sponsored by the House Wednesday Group.

Dr. Choate was a pioneer in the infrastructure field with his landmark study "America in Ruins: The Deteriorating Infrastructure." Under the sponsorship of the Associated General Contractors of America, he has now reexamined the issue in "America in Ruins—An Update: A Public Works Financing Strategy." The article appeared in the April 1985 issue of Constructor magazine.

This study is the sixth in a series issued by the Associated General Contractors of America on the infrastructure problem. I strongly commend the association for its initiative on this issue and I commend this study to my colleagues as an important contribution to the infrastructure field.

America in Ruins—An Update: A Public Works Financing Strategy

(By Pat Choate)

The critical public works that underpin the American economy and provide most community services are wearing out faster than they are being repaired, replaced and rehabilitated. Vital public facilities are deteriorating in every part of the country—North, South, East, West, in suburbs, cities and rural areas. Unless this deterioration is reversed, and soon, the United States will end this decade with substantially fewer serviceable public facilities—fire stations, prisons, parks, libraries, reservoirs, aqueducts, bridges, paved streets, street lights, highways, schools and community buildings—than exist today.

The primary source of America's public works decline is long-term, massive underinvestment. Under the exigencies of tight budgets and inflation, maintenance of vital public facilities has been deferred. Replacement and rehabilitation of obsolescent public works have been postponed. New construction has been cancelled or "stretched out."

Despite unmistakable evidence of deterioration, the nation's public works investments, measured in noninflated purchasing power (1972 dollars), fell from $30 billion in 1965 to $25 billion in 1984—a 17 percent decline. On a per capita basis, public works investments in constant dollars dropped from $236 per person in 1965 to $142 in 1984—a 40 percent decline. Measured against the value of the Gross National Product, public works investments declined from 3.2 percent of the GNP in 1965 to 1.5 percent in 1984—a 52 percent decline.

Today, there are two major barriers to rebuilding America's public works: (1) incoherent public works policymaking, priority setting, and program administration at all levels of government; and (2) the lack of funds. In 1984, a historic step was taken to bring coherence to public works decisionmaking and program administration: a bipartisan group, led by Congressmen William Clinger and Robert Edgar, passed legislation to create a national capital budget within the context of the unified budget. Beginning with the Fiscal Year 1986 federal budget, the President will submit to the Congress each year detailed information on the condition of the nation's public facilities; the anticipated costs of repair, replacement and rehabilitation; what part of that task will be assumed by the national government; and which public works will be given funding priority. This information will also highlight and explain the public works-related actions proposed within that federal budget.

What is still lacking—but urgently required—is a strategy to raise the enormous quantities of funds needed to rebuild America's basic public works.

The Wearing Out of America

Public works constitute a major portion of America's national wealth. They include more than 557,000 bridges, 3.9 million miles of roads and streets, 8,400 public libraries, 106,000 public elementary and secondary schools, 1,250 public colleges and universities, 43,000 dams, 3,100 courthouses, 4,200 parks and 4,700 public airports. And this partial listing does not include water systems, wastewater treatment facilities, jails, ports, waterways and levees, among dozens of other types of public facilities.

In 1981-82, the nation discovered that these facilities were decaying faster than they were being repaired and replaced. Books, articles, news stories, television talk shows, conferences and Congressional hearings documented the widespread decline in the U.S. stock of public facilities. In late 1982, in the final days of the 97th Congress, legislation was passed creating a 5-cents-per-gallon gasoline tax. Then, as quickly as the topic came to national attention, it disappeared from public and political view. In the 98th Congress, the only major piece of public works legislation that was passed was that providing for national capital budgeting within the unified budget.

Although it no longer attracts national attention, deterioration of the nation's public works continues unabated. Information on the extent of this deterioration is limited, but data collected by various federal agencies, state governments, the Congressional Budget Office, the Associated General Contractors, the United States Conference of Mayors, the National League of Cities, the Urban Institute, the Rand Corporation, the Joint Economic Committee of the Congress, and various scholars indicates that this deterioration is extensive and spreading. Specifically:

Airports are becoming increasingly congested. The Federal Aviation Administration forecasts that usage will almost double in the 3,650 airports in the National Airport System Plan in the 1980s. By 1990, congestion will create average peak-hour delays of 30 minutes in 41 of the nation's 71 major airports. A 1983 Congressional Budget Office estimate indicates that the nation's airport and air traffic control investment needs exceed $10 billion.

The nation's system of waterways and locks is so aged and worn out that it can barely handle today's traffic, let alone tomorrow's. The U.S. Corps of Engineers reports that the average age of the 184 principal locks on the inland waterway system is 40 years old. Of the 56 locks that are over 50 years old, 54 require major rehabilitation and replacement now. Because of the deteriorated condition of the nation's locks, over 70 million tons of coal, metal, ores and wheat are annually diverted from the water transport system to other transportation modes. By the end of the 1990s, the nation's inland waterways will be unable to accommodate over 100 million tons of these commodities. Since over two decades may be required to take a lock project from study authorization to completion of construction, as few as four and no more than 22 of the nation's 44 critical locks will be rehabilitated prior to the 21st century. At least $10 billion will be required to repair these critical locks. Another $32 billion will be needed to make other essential waterway improvements.

Most U.S. ports are obsolete and undersized. No eastern or Gulf port can handle a 125,000-ton coal ship. On an average day, at least 100 ships are anchored offshore near Hampton Roads, Virginia, the nation's busiest coal port. Many ports, such as Baltimore, New Orleans and Mobile, must be dredged to 55 feet if they are to handle world-class ships. Just dredging the nation's 10 most important ports will cost over $3.5 billion.

Although ridership on the nation's mass transit systems continues to decline, these systems remain a significant component of the nation's transportation network. Some of these systems, such as the San Francisco and Washington, D.C. subways, are new, but others, notably New York's subways, are antiquated and in urgent need of repair. Severe deterioration of its rail roadbeds has forced the New York system to slow its trains to approximately 10 miles per hour on most lines.

The Congressional Budget Office estimates that $26-30 billion will be required between 1983 and 1992 for public transit repair, modernization and replacement investments. Between $6 billion and $20 billion will be needed for creation of additional capacity.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The U.S. Department of Transportation (DOT) reports widespread deterioration in the nation's primary transportation systems—its road and bridge system. The latest data from DOT documents that over 120,000 of the nation's 557,000 bridges are structurally deficient while another 121,000 are obsolete. The Federal Highway Administration also reports that half of the nation's primary, secondary and urban roads are now listed in only fair condition. The costs of repairing the nation's bridges, completing the interstate Highway System and marginally expanding maintenance on the nation's 880,000 miles of federal-aid roads (which comprise only 20 percent of U.S. roads) will exceed $200 billion between now and 1992. There are no reliable estimates of the costs of maintaining current levels of service on the 3.1 million miles of roads and streets that are ineligible for federal aid.

These are not isolated or extreme examples. They represent broad trends of decline in both the quality and quantity of virtually every type of public works facility in every part of the nation.

THE CONSEQUENCES

Investment in well-conceived public works are as essential to national and local economic renewal as investment in well-conceived plant, equipment, technology and worker training. They provide an irreplaceable underpinning for the economy.

A number of studies have measured the influence of public works on the location and investment decisions by individual firms. Perhaps the most comprehensive of these was a study completed in the mid-1970s by the U.S. Department of Commerce. Over 2,000 firms operating in 254 distinct product classes were examined. The findings of that study remain relevant today.

For virtually all of the 254 categories of industry studied, the survey found that the availability of public works facilities was either of critical or significant importance to location decisions. Moreover, public facilities were almost always a more important locational consideration than were local tax incentives, industrial revenue bond financing or community "giveaways." These findings indicate that while the availability of basic public works in itself is not a sufficient condition for inducing a plant location by a firm, it is virtually always an important prerequisite for such investment. The availability and condition of public facilities are therefore major determinants of business location decisions.

Today, a growing number of communities are impeded in their economic revitalization efforts because their basic public facilities are too limited, obsolete or worn out to sustain a modernized economy. At the beginning of the 1980s, for instance, a Department of Commerce survey of 6,870 communities found that almost half were limited in their ecomomic growth because their wastewater treatment systems were operating at full capacity and were unable to accommodate additional industrial loads. The same survey revealed that in a third of these communities, water treatment and distribution systems were also operating at full capacity.

In the five years since the Commerce survey was taken, cutbacks in public works expenditures by the federal, state and local governments have shackled efforts to address these investment requirements. The result is continued deterioration and diminished economic development capacity. Judge Paul Garrity of Boston, for instance, frustrated with the lack of progress and investment in the city's wastewater treatment facilities, recently placed a ban on further development. In the years ahead, similar bans on development are likely in other cities.

The effects of deteriorating public works extend beyond individual communities to specific industries and the entire economy. The Transportation Systems Center of the U.S. Department of Transportation reports that if the nation's roads continue their present pace of decline, by 1995, deteriorated roads will cause an absolute reduction in the annual outputs of industries such as pharmaceuticals, books, fruits and vegetables, watches, clocks, apparel, soft drinks, canned foods, photographic supplies and the tourist industry.

Econometric studies prepared by the Transportation Systems Center indicate that if deterioration of the nation's highways continues, the annual costs to the economy in 1995 include the following:

A 3.2 percent loss of Gross National Product;

An 8.0 percent increase in the consumer price index;

A 5.9 percent decline in disposable income;

A 2.2 percent decline in employment;

A 2.7 percent decline in labor productivity in manufacturing; and

A 3.6 percent productivity decline in nonmanufacturing activities.

Public works investments account for a substantial share of national employment and construction activity. Over 450,000 firms employing more than 4.2 million workers are directly engaged in construction activity. Some 3.4 million of these persons are construction workers.

The impact of the construction industry and its public works component reaches beyond the several million workers directly employed in construction activities. Indeed, a wide range of industry and service institutions are affected by expansions and contractions in construction industry activity. Data Resources Inc., the Rand Corporation, the U.S. Department of Labor, and scholars such as Dr. Douglas Brown of Georgetown University and Dr. Roger Vaughan of the Council of State Planning Agencies have traced these economic linkages. The following conclusions emerge:

For every on-site construction job created by public works projects, three additional jobs are created in the equipment, material and other industries.

Substantial variations exist in the quantities and types of materials and equipment used in different types of public works projects.

A $10 billion increase in public works spending during each year in the 1985–1990 period would generate almost 2 million jobs and increase the GNP by $141 billion.

These studies suggest that public works investments can help stabilize the ups and downs of the economy and therefore represent a valuable—but neglected—economic force. Unfortunately, the nation's annual public works expenditures have long been made in perverse "pro-cyclical" pattern—that is, they are increased during expansions in the economic cycle and decreased during contractions.

A FINANCING STRATEGY

Today, it is difficult to even estimate the range of potential investments that will be required to rebuild the nation's public works. This reflects (a) the absence of common standards for public works facilities and the services they provide; (b) inadequate information on the inventory and condition of existing facilities and on estimated costs of repair; and (c) a lack of consensus on what types of projects should be given priority. The federal government's new capital budget process will help fill these gaps.

Even though the magnitude of the financing challenge cannot be specified, the requirements will be substantial. The Associated General Contractors has reviewed the various studies prepared by federal, state and local agencies and identified over $3 trillion of prospective investments. And this figure does not include many types of facilities for which no estimates are available.

Clearly, not all these projects can be funded; nor can all public works-related services be maintained at today's levels. Difficult choices must be made. The first of these is how much of the GNP should be devoted to the nation's public works. After two decades of continuing cutbacks, only half as much of the GNP is devoted to public works today as in 1965. The second choice involves the allocations of inevitably limited public works funds among places and classes of projects.

Making these choices and raising needed funds will require better use of existing financing techniques, as well as the creation of new financing approaches. Providing the needed financing will necessarily involve a four-part strategy.

Limit Federal Public Works Budget Cuts.—The most basic public works financing challenge the nation faces is how to cope with federal fiscal retrenchment at a time when almost half of all public works funds come from federal programs. Over the past four years, there have been extensive cuts in public works expenditures in all areas except federal highway aid. Further withdrawal of federal support would devastate the capital programs of most states and communities. Any additional reductions in federal expenditures should be permitted only if financing alternatives have been clearly identified and the funds are actually available. Too much is at risk to permit federal cuts with the vague expectation that other funding sources will somehow emerge.

Make Aggressive Use of Available Federal Funds.—The nation can get much more from its public works dollars than it does today. The time required to build major public works projects is continually being expanded by government regulations and administrative procedures. Many of these delays are unnecessary and are reducing real levels of capital investment as funds are diverted to the nonproductive tasks of financing the interest-carrying costs generated when projects take longer than anticipated to put into operation. Additional funds are also required to keep pace with inflation-devalued public works purchasing power. The President and Congress should carefully examine the many delays involved in public works planning and construction with an eye to eliminating as many of these delays as possible.

Among other steps required to ensure that timely use of the public works funds, one of the most important is for Congress to authorize in a timely manner the Interstate Cost Estimates, which is prerequisite legislation for the release of highway trust funds. One means to guarantee that these monies become available in a timely manner is to create "trigger" mechanisms—that is, if Congress and the Administration cannot agree by a specific date each year on what funds will be made available to the states then the previous year's apportionment would automatically be given. Such a step

would facilitate public works planning, bidding and contracting procedures and speed the use of available funds.

Apply User Fees Wherever Possible.—A major portion of the nation's public works financing can be met by more creative and extensive application of user fees. User fees are politically effective since users of the public works services pay while non-users do not. They are also economically effective since they can raise substantial quantities of funds.

User fees have many other advantages as well. By reducing pressures on general revenue sources, for example, fee-for-service charges diminish the political competition for funds. User fees also establish a more direct relationship between prices and consumption and real costs. The General Accounting Office, in a series of analyses of federal aid for urban water distribution systems, found that both management and financing were better where fee-for-service financing existed. In these communities, actions had been taken to improve conservation, reduce leakage and control other non-revenue-producing water uses, such as meter underregistration. User charges can be tailored and applied to virtually every type of public facility. Moreover, special income adjustments for the poor can make user fee financing equitable to all.

Create a New Public Works Financing Mechanism.—The nation requires a new public works financing mechanism. Its basic mission would be to provide loans for public works construction and rehabilitation projects that either have or will ultimately derive revenues from user fees—with the understanding that those fees will be used to repay the loans. Today, projects are often impeded in their ability to raise construction and rehabilitation funds through bond offerings, either because of the thinness of the tax-exempt markets or the high transaction costs created by the small size of the offerings.

Ideally, a national public works bank would have the following characteristics: (a) it would finance only those public works projects that have a guaranteed revenue flow from user fees; (b) it would limit financing to the level of debt that user fees can service; (c) capital for the bank would be provided on a fifty-fifty basis by the state and federal governments; (d) state participation would be elective; (e) individual projects would be chosen at the state and local levels; (f) funds would be raised in the open capital market; (g) the bank would be an independent federal agency and therefore eligible for federal rates (the bank would not be eligible for tax-exempt rates, however, and so would not be competing for funds in that market); (h) the bank would be eligible to accept direct grants from the federal government, should the President and Congress wish to reduce interest rates to state and local borrowers; and (i) the bank's administrative and operating costs would be covered by a nominal surcharge on the loans (one-eighth or one-quarter of one percent, for example).

Such a bank would have many advantages. By using federal and state appropriations for capitalization of the bank, rather than as direct loan funds, the bank would provide leverage of seven or ten to one for every dollar appropriated. It would permit broad state and local choice in selection of projects, as well as participation in the loan program. It would link services to benefits—those who benefit would pay. Since loans would be linked to the ability to pay and assured revenues, the bank would be a financially sound institution. And if the federal government chose to create a complementary grant-in-aid program, the national public works bank would provide an assured means of furnishing local matching shares.

This public works financing dilemma can be resolved by creating a national public works bank. Such a mechanism, with user fee revenues dedicated to paying the debt, would reduce the hesitation of public works officials to apply or increase fee-for-service charges. It could raise the enormous quantities of funds required to rebuild the U.S. public works base: $5 billion of capital, for example, would undergird $50 billion in loans for public works construction and rehabilitation. It would also reduce demand on the already thin tax-exempt markets, thereby making it easier and less expensive for state and local governments to finance projects that lack user fees, such as county buildings or local parks.

The creation of a national public works bank would be a prudent and pragmatic way of raising the billions of dollars required to rebuild the nation's public works.

INFRASTRUCTURE FINANCING STRATEGY

A. Any additional reductions in federal expenditures should be permitted only if financing alternatives have been clearly identified and the funds are actually available.

B. The President and Congress should carefully examine the many delays involved in public works planning and construction with an eye to eliminating as many of these delays as possible.

C. A major portion of the nation's public works financing can be met by more creative and extensive application of user fees.

D. The creation of a national public works bank would be a prudent and pragmatic way of raising the billions of dollars required to rebuild the nation's public works.

CONCLUSION

The deterioration of America's stock of public facilities is strangling the nation's capacity to support renewed economic growth and provide basic community services. Two of the three actions needed to rebuild these facilities have already transpired: the public has been made aware of the decline of U.S. public works; and the federal government has passed legislation creating a national capital budget, an essential tool for improving policymaking, setting priorities and managing programs.

What is now required is an American public works financing strategy. The four integral parts of such a strategy are the strengthening of existing financing mechanisms, greater application of user fees, better use of available funds, and the creation of new financing devices, possibly including a new national public works financing bank. While any one of these actions alone would make a relatively small contribution to the nation's public works financing requirements, together they can raise the enormous amount of money that will be required. Each of these efforts to raise monies will be difficult, but if we are to enjoy the continued use of vital public facilities, we have no choice but to accept the challenge.●

THE VOICE OF WISCONSIN'S THIRD DISTRICT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. GUNDERSON. Mr. Speaker, since the 99th Congress convened in January, virtually every debate that has taken place here in the House, every issue discussed in our committees and subcommittees, and most all policy strategy has been guided by one overriding concern: The need to reduce Government spending.

I'm proud to say, Mr. Speaker, that the residents of Wisconsin's Third Congressional District are committed to that effort, and are willing to do their part in restoring fiscal responsibility to their Government.

Earlier this year, I mailed my legislative questionnaire to all Third District residents to allow them another opportunity to express their opinions on many of the major issues of this Congress.

Of those responding, the majority said they support an across-the-board budget freeze of all defense, domestic, and entitlement programs to reduce the deficit. The majority think tax increases should come only as a last resort after spending cuts.

In these days when tax reform fever is high, an overwhelming 77 percent of those responding to my survey said they would favor a simplified income tax as long as it kept exemptions such as mortgage interest and charitable contributions.

In the foreign policy area, the majority think a gradual withdrawal of American investment is the best way to pressure South Africa into changing its policy of apartheid. And 64 percent said they support the continued research of an antimissile, defensive weapon system stationed in space.

Mr. Speaker, like many of my colleagues, I view the results of this annual survey as one of the many tools that I can use to ensure accurate representation of my constituents. It's my responsibility to speak for the Third District in this Chamber. In that regard, last week I shared with my colleagues the results of my farm survey. Today, I submit the complete results of my 1985 general legislative questionnaire:

CONGRESSMAN STEVE GUNDERSON'S 1985 QUESTIONNAIRE

	Percent
1. The President's new budget asks for a partial "freeze" in spending to reduce the deficit. Which type of freeze do you support:	
a. And across-the-board freeze of all defense, domestic and entitlement programs	49
b. A freeze in all programs except Social Security	21
c. A freeze in all programs except defense	8
d. A freeze that would allow Social Security and defense spending to increase, with cuts in other programs to make the difference	14

CONGRESSMAN STEVE GUNDERSON'S 1985 QUESTIONNAIRE—Continued

	Percent
e. No freeze at all	4
2. Do you think Congress should raise taxes as part of a comprehensive plan to close the deficit?	
a. Yes	17
b. No	36
c. Only as a last resort after spending cuts	46
3. Do you favor a flat income tax which fixes a single rate for all taxpayers with few or no exemptions?	
a. Yes	51
b. No	46
4. Do you favor a simplified income tax keeping certain exemptions (such as medical expenses, interest payments on home mortgages and other debts, church and charitable contributions, etc.)?	
a. Yes	77
b. No	20
5. Should Congress approve the equal rights amendments and send it back to the States for ratification?	
a. Yes	44
b. No	49
6. Concerning prayer in public schools, do you favor:	
a. An organized, prescribed vocal prayer	8
b. A moment of silence for prayer	59
c. None of the above	31
7. Do you support the continued ressearch (not production) on an antimissile, defensive weapon system stationed in space?	
a. Yes	64
b. No	34
8. Concern about sulfur dioxide emissions (primarily coal-fired utility plants in the Midwest) has prompted Congress to consider different methods to control acid rain pollution. Which option would you prefer:	
a. "You pollute-you pay" legislation which would affect utilities that pollute the most	33
b. A national cost sharing plan charging user fees to utilities	8
c. Reduce emissions and step up research of problem	52
9. Should the Federal Government legislate to prohibit all voluntary abortions except when the life of the mother is endangered?	
a. Yes	46
b. No	50
10. Do you support limiting student financial assistance eligibility to families with annual incomes less than $32,500?	
a. Yes	65
b. No	34
11. Do you favor covert aid to rebels in Nicaragua in an effort to stop the flow of arms to rebels in El Salvador?	
a. Yes	37
b. No	58
12. The United States can pressure South Africa to relax its policy of racial segregation (known as apartheid) by ending or limiting American investment in that country. Should the United States:	
a. Immediately withdraw all its investment	15
b. Gradually withdraw its investments unless South Africa agrees to changes in its policy of apartheid	46
c. Allow the South African Government to do whatever it chooses in its internal affairs	34

	Increase	Decrease	Stay the same
13. In the following program areas, should Federal spending be increased, decreased, or is it about right?			
a. Agriculture	31	34	31
b. Defense	12	49	35
c. Social Security	23	11	63
d. Medicare	24	17	56
e. Foreign aid	1	77	18
f. Education	28	22	46
g. Health care	25	22	49
h. Environmental protection	34	18	44
i. Crime control	53	7	37●

THE WILLOW CREEK WINTER LIVESTOCK WATER SUPPLY ACT

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. STALLINGS. Mr. Speaker, today I am introducing the Willow Creek Winter Livestock Water Supply Act. The purpose of this legislation is to provide for the relief of certain water users deprived of winter livestock water from Willow Creek, ID, downstream of the Ririe Dam and Reservoir. This legislation will resolve a longstanding dispute between landowners and the Federal Government over the deprivation of winter water rights without just compensation to the landowners adjacent to the banks of Willow Creek in Bonneville County, ID.

Willow Creek is fed by warm springs that provide water the year round. The lands near these warm creeks were settled early by pioneer forefathers because of the availability of domestic water and water for livestock through the winter. In time, the access to this water was decreed to the residents of the area in legal water rights. These decrees provide for domestic, stock, and irrigation uses for water the year round.

The dispute over these decreed water rights first arose in 1977 following the construction of the Ririe Dam and Reservoir on Willow Creek. In 1979, the Bureau of Reclamation—which operates the dam—permanently shutdown the release of stored water during winter months in order to prevent ice accumulations in the flood channel and stream bed downstream of the reservoir.

This refusal to release stored water during winter months deprived the landowners adjacent to Willow Creek of essential domestic and stock water. The use of water for domestic purposes, which includes stockwatering, has the highest priority of all types of uses under Idaho law and the Idaho Constitution.

Representatives of the Federal Government held several informative meetings and made personal contacts with the Willow Creek area landowners during the planning stages of the Ririe Dam and Reservoir. Those representatives were aware of the use of Willow Creek for both winter and summer watering of livestock, and, in fact, they assured the landowners that the right to winter stock water would be protected. In effect, this was a promise from the Federal Government to the landowners of the Willow Creek area to protect their winter water rights. Specific promises were made to the landowners that they wouldn't have to drill wells or find alternate sources of water for winter stock water. These promises were simply not kept.

The financial burden placed on ranchers and farmers to provide alternative sources of water has subsequently led to 16 claims being filed against the Bureau of Reclamation. The Bureau does not deny that the assurances were made to the farmers and ranchers. The Bureau has even encouraged the landowners to file claims for damages which were incurred. In short, the farmers and ranchers were promised access to winter water and they were denied that water. Then they were encouraged to file claims for damages as compensation for developing alternative water sources and they have received no such compensation.

Idaho Law entitles water users of Willow Creek access to winter water, but they were denied that access by the Federal Government. The Federal Government made promises to the water users and then broke those promises. The farmers and ranchers of the area were forced to make large expenditures to find alternative sources of winter water. I am confident that you are aware of the plight which presently faces farmers and ranchers without the Federal Government blatantly adding more burdens.

The farmers and ranchers of the Willow Creek area relied on the Federal Government and its assurances and they were deceived. I feel that the Government should honor its commitments and quickly pass this legislation to provide relief to those landowners deprived of winter livestock water as a direct result of previous Federal Government actions.

Mr. Speaker, the text of the bill follows.

H.R. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Willow Creek Winter Livestock Water Supply Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to provide for the relief of water users deprived, after December 31, 1979, of winter livestock water from Willow Creek, Idaho, downstream of the Ririe Dam and Reservoir by the Bureau of Reclamation's operation of such dam and reservoir.

SEC. 3. ELIGIBILITY FOR PAYMENTS.

(a) GENERAL REQUIREMENTS.—Any person—

(1) who establishes, to the satisfaction of the Secretary, that such person—

(A) was, before December 31, 1979, entitled or authorized under the laws of the State of Idaho to take water from the main channel of Willow Creek, Idaho, downstream of Ririe Dam and Reservoir;

(B) was, before such date during winter seasons, taking and using such water primarily as drinking water for livestock;

(C) no longer may take water from such channel during winter seasons as a result of the operation of such dam; and

(D) has not settled a claim with the United States for the loss of such water; and

(2) who, before the 365th day following the date of the enactment of this Act, constructs or initiates construction of a water supply system to replace such water;

shall be eligible to receive a payment under this Act.

(b) APPLICATION.—

(1) TIME LIMIT.—Not later than the 365th day following the date of the enactment of this Act, any person who is interested in receiving a payment under this Act shall submit to the Secretary a written application for a determination of whether or not such person is eligible to receive such a payment.

(2) FORM AND CONTENTS.—Any application submitted under this section shall be in such form and contain such information as the Secretary may require by regulation to carry out the objectives of this section. Such information must include, at a minimum, information which establishes that (A) the applicant is eligible to receive a payment under this Act, and (B) the size and type of the livestock operation which the applicant carried out through the use of water taken from the main channel of Willow Creek, Idaho, downstream of the Ririe Dam and Reservoir during the winter seasons of fiscal years 1976, 1977, and 1978.

(c) PROCEDURE.—The Secretary shall determine whether or not an applicant is eligible to receive a payment under this Act on the basis of the information submitted in the application for such determination and such

supplemental information as the Secretary may require.

SEC. 4. PAYMENTS.

(a) AMOUNT.—

(1) IN GENERAL.—Subject to the provisions of this section and to amounts provided in advance by appropriation Acts, the Secretary shall pay to any person eligible to receive a payment under this Act an amount equal to the costs incurred by such person in construction of a water supply system to replace the loss of livestock drinking water described in subparagraphs (A) and (B) of section 3(a)(1). If construction of such system is completed before the 365th day following the date of the enactment of this Act, the amount of such payment shall also include such interest as the Secretary considers reasonable.

(2) LIMITATION.—If the Secretary determines that the livestock operation which a person is eligible to receive a payment under this Act is carrying out through the use of water from the replacement water supply system is not of the same size and type as the livestock operation which such person carried out through the use of water described in subparagraphs (A) and (B) of section 3(a)(1) during the winter seasons of fiscal years 1976, 1977, and 1978, the Secretary may reduce the amount of a payment which such person would be entitled to receive under paragraph (1) to such amount as the Secretary determines it would cost to construct a similar water supply system for a livestock operation of the same size and type as the livestock operation which such person carried out through the use of water described in subparagraphs (A) and (B) of section 3(a)(1) during such winter seasons.

(b) CLAIM.—

(1) IN GENERAL.—Any person eligible to receive a payment under this Act shall submit to the Secretary a claim for such payment. Such claim shall be submitted at such time and in such form and shall contain such information concerning construction of the replacement water supply system as the Secretary may require by regulation to carry out the objectives of this section.

(2) SPECIAL RULE.—In the case of a person who completes construction of a replacement water supply system before the 365th day following the date of the enactment of this Act, such person may submit the claim for a payment under this Act together with the application under section 3(b) for a determination of his or her eligibility to receive such payment.

(c) PAYMENT AS FULL SETTLEMENT.—Acceptance of a payment under this Act shall constitute full settlement and satisfaction of all claims the person who accepts such payment may have against the United States relating to the loss of winter livestock drinking water from the main channel of Willow Creek, Idaho, as a result of the operation of the Ririe Dam.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) The term "construction" includes preliminary engineering and design, planning, and actual building;

(2) the term "Secretary" means the Secretary of the Interior; and

(3) the term "winter season" means the period during a fiscal year which begins November 15 and ends March 1.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS

There is authorized to be appropriated for fiscal years beginning after September 30, 1985, an amount not to exceed $300,000 to carry out the provisions of this Act.●

SDI INNOVATIVE SCIENCE AND TECHNOLOGY: THE TIP OF THE TRANSFER ICEBERG

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mrs. LLOYD. Mr. Speaker, I recently requested that the Strategic Defense Initiative Office [SDIO] provide me with a preliminary survey of the potential impact of SDI Scientific Research Programs of the Innovative Science and Technology [IST] Office on American industry and on tactical weapons development. The IST Office is charged with encouraging and nurturing the most innovative basic research concepts which have relevance to strategic defense technologies. The Director of IST in SDIO, Dr. James Ionson, provided me with a list of representative spinoffs from SDIO/IST Research Programs, which were supplied to him by the Institute for Defense Analysis [IDA]. Upon review of these numerous potential impacts, it is no wonder that, even in the strategic shadow of the Russian bear, our NATO allies remain keenly interested in seeking meaningful roles in SDI R&D. I hope my colleagues will study this list of items so that they can begin to appreciate the tremendous technology driver which the SDI R&D Program promises to be. It is unfortunate that we seem to be engaging in oversimplistic debates over strategic versus conventional systems in the RDT&E phase when, in fact, there will obviously be high levels of technology transfer back and forth between these two types of programs. Further, I believe that anyone who reads this impressive list will immediately understand why Western European aerospace and other high technology firms are interested in being involved directly with SDIO now, rather than waiting for umbrella agreements to be negotiated between our Department of State and Foreign Offices in Germany, the United Kingdom, et cetera. As I understand it, the Federal Republic of Germany [FRG] has taken a position that their companies, such as Messerschmitt-Bolkow-Blohm [MBB], can sign contracts directly with the Department of Defense for participation in SDI as long as those contracts are not in violation of German law. The results of the IDA study, supplied by Dr. B. Balko to SDIO/IST, follow:

BENEFIT TO INDUSTRY AND TACTICAL FORCES FROM SDI INNOVATIVE SCIENCE AND TECHNOLOGY PROGRAMS

The Innovative Science and Technology (IST) Directorate has undertaken a massive and far-reaching program of scientific research in support of the Strategic Defense Initiative (SDI). The major thrusts are directed toward research in:

(1) Novel directed energy concepts;

(2) Novel sensing, discrimination, and data preprocessing techniques;

(3) Special supercomputing needs for the SDI mission;

(4) Innovations in burst-mode space power and power conditioning;

(5) Advanced materials, propellants, and structures for SDI applications;

(6) Innovative space science and experimentation.

The purpose of the program is to investigate scientific concepts that could provide new and powerful technologies for the various SDI program needs; however, history has shown that the new techologies will inevitably have an impact on industry for civilian applications. There are also opportunities to enhance tactical weapon developments. It makes sense to therefore try to predict some benefits that will accrue to society beyond the SDI applications. In the past, the U.S. made dramatic technology acceleration efforts which produced a wide range of benefits that were totally unforeseen. For example:

Nuclear weapons technology needs led to advances in precision machining technology as well as in fabrication of exotic materials (beryllium, for example).

North American air defense technology efforts led to the first commercial mainframe computers and enormously accelerated progress in radars, missiles, and communications.

In recognition of the fact that the IST/SDI research program will develop technology of significance to programs other than SDI, a workshop is being organized at the Institute for Defense Analyses to investigate possible spinoffs that could benefit industry and commerce in general and would provide a strong new technology base for the U.S. in the competitive international market place. It is hoped that this process will produce a highly reliable, systematic identification of the potential benefits and enable industrial leaders to better plan for future technological enhancements to productivity and competitive stature. Today, for example, one important thrust of the SDI/IST program is the pursuit of new and innovative ways of producing and delivering energy. Thus, development of shorter wavelength and higher power lasers has been generally encouraged and amply funded. The IST program in this area is seriously investigating the feasibility of developing a gamma ray (γ-ray) laser. Such a laser would operate in the kilo-electron-volt energy regime and with unprecedented high-intensity energy and penetration power would provide a new and powerful technique for probing and modifying materials.

Some of the more obvious applications of ray lasers may be in:

a. γ-ray and x-ray spectroscopy, where higher resolution would permit greater discrimination, while deeper penetration would permit inspection of thicker samples.

b. Holography, where short-wavelength, coherent radiation might permit three dimensional observation of the structures of molecules, crystals, proteins, and genes.

c. Precision frequency measurements, where measurements based on interferometric techniques could be extended to the nuclear region, thus greatly increasing the precision with which nuclear properties can be determined (with possible applications to reactor design and fusion investigations).

d. Imaging techniques (CAT Scanners), where monochromatic radiation would permit lower doses to patients, while higher resolution would allow discrimination be-

tween molecular species, and not just between density variations.

e. Nonlinear optical effects at nuclear energies could be investigated, with applications to high-energy particle and nuclear studies.

f. Nuclear reaction modification, where the high intensity of the highly monochromatic γ-radiation would permit selective removal of electrons and, thus, charge density modification in and around the nuclear volume.

g. Microscopy and structure determination, where the high intensity would allow short exposures and high collimation would permit Fresnel-limited resolution.

h. Microreplication and fabrication of microelectronic components, where high intensity and excellent collimation will shorten the exposure time and ensure good resolution.

i. Material science, where the high intensity of the ionizing radiation will provide massive ionization of materials on a local scale, leading to violent structure modification.

j. Fusion research, where the deep penetration would provide a means of interrogating high-density matter in a most effective way.

Other examples of possible benefits to industry from the IST program:

Increased knowledge of interactions between high-intensity radiation and materials will produce: New manufacturing processes; new instrumentation; new surface treatments and coatings; and "super-hard materials knowledge.

Ultra-Precise sensing and measurement technology will enable: New automated process control instrumentation potential; and materials flow, distribution, and separation control functions.

Major advances in optical component design and fabrication, and new functional capabilities will provide options for: Segmented, adaptive optics systems, to achieve higher performance, lower cost end products; and new energy/power management and distribution concepts.

New structural materials, design, and fabrication concepts have widespread product potential, e.g., applications in automotive and maritime as well as aerospace industries.

New lubrication concepts and materials.

New space power technology.

The energy storage and high power densities required for SDI applications will have impact on public and private transportation concepts of the future and may be instrumental in eliminating traffic jams.

The stringent requirements on mechanical structures for space applications for the SDI will provide cheap and efficient devices for medical applications and materials for the construction industry by providing lighter, cheaper, and stronger structures.

From the developments in particle beam generation and control and laser technology, new, safe, and efficient concepts in medical diagnostic technology and treatment may be forthcoming.

The pointing and tracking solutions developed in response to SDI needs may prove valuable in commercial aircraft guidance and control applications or in ground traffic monitoring, scheduling, and traffic flow.

Tactical forces would also benefit from technologies being developed under the SDI/IST program.

New technologies for tactical air defense include: Air-to-air, surface-to-air applications; weapons, energy sources, pointing and tracking; and detection, identification, battlefield, surveillance, multi-sensor correlation.

Structural materials: Fatigue-resistant metal composites; ceramic matrix composites with high fracture resistance; and personnel protection and vehicular applications.

Reliable, high-efficiency rocket fuels.

Anti-tactical missile systems: Kinetic and/or directed energy technology.

The technology of cooling windows (for SDI terminal interceptors) will materially improve the performance of guidance systems for missiles used by tactical forces. Also, this may be of critical importance to the development of hypersonic commercial aircraft.

Most optical and infrared detectors are designed and used in relatively benign environments. SDI has forced consideration of highly adverse environments and methods to cope with them. Those methods are just as seriously needed for tactical purposes, but are not being pursued.●

SALE OF CONRAIL

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BROYHILL. Mr. Speaker, on May 14, 1985, Morgan Stanley & Co. announced a plan to purchase the Government's 85 percent share of Conrail. Morgan Stanley and a group of other investors agreed to put up $1.2 billion, a figure identical to the proposal by Norfolk Southern Corp. Morgan Stanley's proposal is based on a number of claims concerning future earnings, taxes, and the negotiation of appropriate labor conditions. Those claims are being examined closely here in Congress and in the financial community. At least one securities firm, Donaldson, Lufkin & Jenrette, has expressed strongly skeptical views on the Morgan Stanley proposal. I think this evaluation may be of interest to other Members.

HOOPLA RE NEW CONRAIL PURCHASE PROPOSAL—PROMISES, YES! PREMISES UPON PREMISES, YES, YES! DISAPPOINTING—YES, YES, YES!

SUMMARY

On May 10, 1985, a group headed by Morgan Stanley responded to a challenge by Rep. John Dingell to issue a reasonable proposal for investors to take the government out of Conrail as an alternative to Norfolk Southern.

The $1.8 billion number set forth about (versus Norfolk's $1.2 billion) was impressive on paper. It does not, however, hold up well to careful scrutiny; as a practical matter, the immediate cash benefit to the Treasury is identical to that of the Norfolk Southern offer, putting to rest any lingering doubts that $1.2 billion of cash was unfair. Unless the excess of the depreciable tax base over the purchase price (analogous to negative goodwill) is surrendered, the proposal seems to offer very little.

Most troubling is the way in which Morgan Stanley itself assembled the figures. It uses numbers virtually identical to those of the U.S. Railway Association for 1987–88, but charts a far different course for 1986. That is certainly permissible, but in raising revenues $294 million above USRA's in 1986, it explodes operating profits skyward by $277 million—a bit much to swallow. Is one willing to bet that a 25% projected jump in Conrail's 1986 operating profit is realistic?

Areas skimmed over relate to the sharp buildup in non-cash sources (never delineated), the explanation for a 12% tax rate in 1987, and, as far as we are concerned, an insufficient basis for accepting Conrail's projected cash position. We have some misgivings about the 1987 dividend (supposedly a 40% payout ratio maximum), but will any of the original investors be willing to remain that long? And when the likes of Columbia, Harvard, and Princeton exit, who will assure Conrail's future?

The assertions about Conrail's virtues sum up to a combination of Joan of Arc and Horatio Alger. Norfolk Southern is cast as the lion that will eat everything in its path, sending rates into an upward spiral, knocking people out of business, augmenting the unemployment rolls, and so forth.

Despite this latest attempt to smash it, Norfolk Southern's bid remains solidly alive on merit. Further investigation of coal competition may well be in order. The time also may have come for Norfolk Southern to make specific representations—possibly to be incorporated into a signing agreement—as to how it will handle rates and competition.

We cannot divine the winner or loser—conceivably everybody could lose. We suspect that the group's proposal will be viewed by impartial parties for what it essentially is—more an attempt to sabotage Norfolk Southern than an unassailable conviction that moral correctness and the greatest benefit to society dictate the private, to-be-public route contained in its proposal. That, of course, is aside from the profit motive.

DISSECTION OF THE MORGAN STANLEY PROPOSAL

Let's scrutinize some of the ingredients of the Morgan Stanley proposal in some detail.

Value to the Government

Like Norfolk Southern, the Morgan Stanley investor group proposes to pay the government $1.2 billion for its 85% interest in Conrail. On a cash basis that should silence those critics who carped that the government was being ripped off in up-front cash receipts. Presumably, if the Morgan Stanley proposal could have arranged the deal to work at $1.3 billion, it would have done so.

It derives an ultimate value to the government that is more than $600 million higher—$366 million of present value relating to the assumed non-use of tax benefits from depreciation of Conrail assets that would have been available to any bidder and $245 million of (present-valued) increased railroad retirement contributions and unemployment taxes.

a. Unemployment implications: Let's take the last point first. Our adjusted figure for the $245 million above is ZERO.

First, we are asked to accept that 10,000 railroad people will be thrown out of work by the merger. What number was used for Norfolk Southern? It has indicated 1,200—more on NSC than on Conrail; CSX talks of 4,000, a figure that we have never believed. So, we simply do not accept 10,000—nor should anyone else, in our judgment.

But, if we do, less money will be paid in for railroad retirement benefits and unemployment taxes. But when these people are

eligible for retirement, would not that money be paid out or returned anyway? Maybe that's moot, so let's move on.

The assumption is unmistakably clear that if Conrail ends up in public hands, no employees will be laid off except for temporary adverse circumstances. Would Stanley Crane like to make that pledge before Congress just as NSC had to agree to DOT-mandated convenants? Or should heed be paid to the following statement by Fred Hardin, President, United Transportation Union before the Senate Committee on Commerce, Science, and Transportation (2/28/85)? "UTU . . . does emphatically go on record as being opposed to the Conrail management proposal for a leveraged purchase that would surely cause Conrail to quickly return to its former position of bankruptcy, or (our italics) another 4,000 employees being abandoned through termination of services to shippers, and abandonment of hundreds of miles of needed rail service to shippers and to the public." So let Congress ask why Norfolk Southern will cause all this employee dislocation and everyone at Conrail supposedly has life-time tenure. Do you believe it?

Finally, why a 10% discount rate when figuring the present value from 2000 back to 1985? Use 15% and, everything else being equal, which it isn't, the value might be halved.

Our conclusion is simple—wipe out the $245 million that the group attributes to its offer.

b. Surrender of tax benefits: Clearly, the Morgan Stanley group is relying heavily on non-use of tax benefits from the excess of depreciable assets (on a tax basis) versus the purchase price. Sen. Metzenbaum's rhetoric aside, Norfolk Southern would pay no cash taxes on its purchase of Conrail for an indefinite period, and that would have applied to Alleghany or Marriott, as well. (On a book reporting basis, the negative goodwill would be a benefit with no tax offset.) The Morgan Stanley proposal is not concerned with the books but the U.S. Treasury.

The truth is that in determining its offer, Norfolk Southern's numbers were assembled on the basis of discounted cash—not cash flow. It attempted annual projections for a decade, then extended the trend line another 10 years. We suspect that it emerged with a discounted cash return of around 14.5%. Any real impairment of that figure would force Norfolk Southern to withdraw; hence the MS group's strategy.

If Congress wants to knock out Norfolk Southern, it is simple to do so. Preclude its use of the $3-billion depreciable asset base above purchase price and NSC will fold up its tent. So are we to rewrite the tax code to penalize Norfolk Southern? What other implications—social and otherwise—does that connote?

Hence, the Morgan Stanley analysis "picks up" $366 million on such a basis given a 10% discount factor. Let's use 15% (perhaps $235 million) and admit that the offer has that measure of appeal (to whom)?

c. Government Warrants: As for the warrants offered the government as an internal part of the package, why not? Call it smart public relations—a reverse Lee Iacocca.

The labor picture

The Morgan Stanley group's offer will take care of labor: apparently Norfolk Southern's money is not good enough.

Norfolk will pay $375 million to Conrail employees in payment for all interests (prior wage claims and stock interest). The Morgan Stanley proposal will provide only $230 million to agreement and nonagreement employees. Why does the group offer so much less? The answer is painfully simple—cash and equivalents of Conrail would dip below $500 million, a minimum dictated by the government as well as the basis for dividend shut-off. If no excess cash of Conrail were provided the government, then Norfolk Southern would appear far more benevolent. That would mean no investors.

With those settlements, Norfolk Southern would eliminate the ESOP so that it has 100% control of Conrail, not a substantial minority interest. We are unaware of anyone offering more cash to labor than NSC in the various proposals before DOT. But MS is magnanimous. Keep your 15% beneficial ownership via ESOP. We'll allow you to tender part of it to Conrail for cash at the same rate the investors pay in. Presumably, the figure is $45 million.

If 85% of the company is worth $1.2 billion, then 15% should be valued at $211 million. Right? The employees receive some $45 million up front. The MS proposal offers the future—if ever realized. We see no provision for taking labor out of everything. Labor is asked to conclude that it is better off with $275 million now and an uncertain tomorrow versus $375 million immediately. If labor had its choice, would it want everything now? If that were the case, the MS group could not make its bid without violating government convenants. So, its offer appears to dangle more in front of labor, depending on interpretation, of course.

The financial picture

Presented in Table 1 are estimates for the four years 1985–88 as provided first by Morgan Stanley and second by the U.S. Railway Association (apparently the latter two years are comparable to those of Conrail itself).

TABLE 1.—MORGAN STANLEY AND USRA PROJECTIONS OF CONRAIL

[Dollar amounts in millions]

	1988		1987		1986		1985	
	MS	USRA	MS	USRA	MS	USRA	MS	USRA
Tonnage [1]	192	192	178	178	191	175	185	191
Revenues ($)	4,056	4,056	3,497	3,497	3,560	3,266	3,294	3,404
Operating income [2] ($)	479	476	264	269	487	210	391	404
Operating ratio [3]	88.2	88.3	92.5	92.3	86.3	93.7	88.1	88.1

[1] Million.
[2] Adjusted.
[3] Percent.

As a practical matter, among the three parties—USRA, Conrail, and Morgan Stanley, there is unanimity on 1987–88—probably the same accountants. As for 1985, Morgan Stanley prepared its work after USRA, and the weakness in carloadings was, by then, more pronounced. MS indicates that the 88.1% operating ratio will be achieved after a 94% first quarter and that in the final nine months, revenues will rise 10% year to year and adjusted operating profits by 14%. Perhaps . . . and perhaps not.

Our problem—and likely everyone else's—relates to 1986. Morgan Stanley's analysis presumes a more optimistic stance than USRA—perhaps and probably justified. What immediately strikes us is not that it raises operating revenues from those of USRA by $294 million, but that $277 million of that becomes operating profit. MS would argue that the USRA numbers were wrong to start with (apparently they had been Conrail's), so what has changed? Explanations are not forthcoming.

Let's take a different stance. Carloadings are projected to advance 3.2% in 1986 and revenues by 8.1% (presumably rates make up the difference). But operating profits are predicted to jump 25%. Can rates offset all of the costs? Frankly, we do not find the 25% objective to be credible. If investors choose to believe, it is, after all, their money. Then, what explanations can there be for a $500 million climb in 1988 revenues over 1986 with lower operating profits?

Our next problem resides in the condensed sources and applications statement (Table 2) presented along with an income statement prepared by Morgan Stanley, the end result of which is to show ending cash balances to be transferred to a pro-forma balance sheet. In 1984, non-cash sources (excluding an adjustment for federal taxes not paid) totaled $203 million. In 1986, the proposal shows the figure jumping to $386 million. How—why? Are all of the supplemental assets above cash purchase price being excluded? The group owes an explanation of its derivation because it vitally affects cash balances which, like it or not, can make or break its deal. The taxes on income are strange. They are 27.5% in 1986, then only 12.0% in 1987. Why?

TABLE 2.—MORGAN STANLEY SUMMARY PROJECTIONS

[In millions of dollars]

	1988	1987	1986	1985 [1]
Income statement:				
Revenues	4,056	3,497	3,560	3,294
Adjusted operating income [2]	479	264	487	391
Other, net	12	9	11	41
Pretax income	491	273	498	432
Income taxes	132	33	137	[3] 65
Net income	359	240	361	[3] 367
Cash flow sources:				
Net income	359	240	361	367
Noncash items	394	291	386	276
Funds from operations	753	531	747	643
Uses:				
Capital expenditures	(500)	(500)	(500)	(502)
External equipment financing	135	135	75	110
Debt repayments	(115)	(110)	(110)	(130)
Cash used in transaction				(375)
Dividends	(121)	(121)	(121)	(30)
Other, net	(15)	(10)	5	50
Total uses	(616)	(606)	(651)	(927)
Ending cash balance	720	583	658	562

[1] Revised to reflect actual 1st quarter 1985 results.
[2] Operating income reflects industry scale wages, payment of State taxes, and labor protection payments in all years.
[3] Net income in 1985 assumes Conrail becomes taxable at July 1, 1985; hence taxes are booked for a half year's income only.

Note the dividends of $121 million in 1986–88. They are limited to 40% of pretax income (with qualifications). The payout rate in 1987 is 50%. If the tax rate in 1987 were more like 27.5% instead of 12.0%, the dividend might have to be omitted.

Then, again, how many of the original players plan—or have any desire—to be around in 1987?

We would note that NSC forecasts indicate no unit growth for Conrail over the next decade. CSX has revealed nothing, but everyone should be aware of the detailed studies it has conducted. They point to negative unit growth for Conrail over the subject time frame. Even the Morgan Stanley analysis shows no growth 1984–1988. Readers might elect to draw some conclusions.

At the very least, the proposal raises more questions than it answers in the condensed summary. Hopefully, all investors have been schooled properly.

Acid rain

The Morgan Stanley group's presentation does not address the subject of acid rain, for which we do not necessarily find fault. Very simply stated, we expect acid rain legislation—with teeth—in 1987—the year before the presidential campaign. The issue will not disappear; it will likely begin to intensify.

The acid rain action that we envision means an immediate trend toward lower sulfur coal and away from high sulfur. No major coal-hauling railroad is as vulnerable as Conrail considering its northern West Virginia and Pennsylvania origins. The issue assuredly is not reflected in Conrail's published numbers—why should it jeopardize its public ownership story? But it certainly has been incorporated into Norfolk Southern's thinking.

Coal is a high margin item for all carriers and represented 19% of Conrail's 1984 originated carloadings and 16% of revenues. Conrail's coal traffic base will be eroded by acid rain. The investors, by then, will have long since departed. What does Conrail say to investors and to a government very retrospectively concerned? How could we have anticipated? All legislators concerned with government disposition of Conrail had better acquaint themselves with the impact of acid rain on Conrail. Whether the investor group chooses to do likewise is their business. Does CSX, presumably the largest investor in the transaction, comprehend the nuances of acid rain? The question requires no answer. Why would it invest so heavily in Conrail if it were concerned?

The virtues of Conrail

A section of the circular extols the virtues of Conrail. We have elected not to delve into that subject with a single exception. The presentation states: "Thus, while Norfolk Southern has a lower operating ratio than Conrail, it is likely that the operating ratio for its merchandise traffic business alone, if it were available, would well exceed Conrail's operating ratio." The use of "likely" and "well exceed" seem inconsistent, but let's ignore that. Conrail's adjusted operating ratio in 1984 was 89.3%. If NSC's general merchandise ratio is much higher, then presumably 92-93% would qualify at the bottom end.

The small tabulation below is interesting.

	1984	
	Operating profit (millions)	Operating ratio (percent)
Norfolk & Western	$328	80.9
Southern	389	78.2

How many people would have suspected that Southern contributed more operating profit in 1984 (admittedly some year-end accruals) than Norfolk and Western with its better operating ratio? After all, coal accounted for 57% of NSC's originated carloadings in 1984 (basically all the highest margined export and domestic metallurgical) whereas only 30% of Southern's carloading originations were coal. What portion of Southern's profits would the Morgan Stanley proposal attribute to general merchandise?

If the general merchandise operating ratio of Norfolk Southern is 92-93%, the operating ratio on coal in 1984 would have been 51-53%. Does anybody believe that? That would have required 74-78% of operating profits to have been derived from coal. Now, when coal was booming in the export markets in 1982, that percentage would not have been unthinkable, but it is now. If the statement about the NSC merchandise share is exaggerated, what about other assertions?

Coal and general competition

Let us finish with just a short bit on coal and general competition. CSX, in particular, has excoriated the Justice Department for an inadequate investigation of the effects on competition of an NSC-Conrail union. Evidence mounts that DOJ would not receive an "A" for thoroughness, and perhaps not even a "B". A grade of "C" is unsatisfactory and unacceptable.

The claims of Norfolk Southern brazenly knocking off competitors one by one, or two or three at a time are unfounded and born of emotionalism and scare tactics. We hear all about closing of gateways, shutdown of services, soaring rates, and hardships forced upon industries by Norfolk Southern actions upon acquiring Conrail—if, in fact, that ever occurs.

On the other hand, the public is entitled to understand why these accusations are not true or what element or shred of truth exists. CSX—the most vocal because it would be most influenced—is protesting in much the same way as did the waterway operators in attempting to block the ACL acquisition. After all, turnabout is fair play. At some point, Norfolk Southern management should make very specific representations in response to the above charges. They cannot be ignored.

Meanwhile, let us examine a question on the coal side. Once CSX's chief lobbyist on the Hill, John Snow is now president of Chessie Systems, Inc. In his testimony in the Senate, John cited 39 power plants that are serviced exclusively by Conrail for their coal needs. Some required origination from CSX (and presumably NSC) with a joint rate.

If a merger occurs, those utilities have no choice, he opined. Norfolk takes away from CSX, the utilites lose their choice. Over time, CSX will be forced out of "the" business with "the" being rather vague.

Of those 39 plants tabulated from a computer run, CSX has partial or full originations at seven (four high sulfur, not NSC's bailiwick from its dispatching area); Norfolk Southern is at seven as well. CSX provides compliance coal only to three plants; comparable tonage replacements are not easily available to NSC even at higher delivered price levels, not to mention long-term contracts already in force between utilities and coal companies.

Our conclusion is that utilities will indeed possess a commanding voice in all decisions and CSX is far less exposed than its testimony indicates. Therefore, NSC hardly stands to reap major benefits.

CSX has some vulnerability on acid rain, but an NSC marriage with Conrail would have nothing to do with resolution.

In a merger with Conrail, NSC could take southern-originated movements destined for, say, Philadelphia and move them through Hagerstown, Maryland direct. Now, they are sent to the Potomac Yard where trucks, not Conrail, pick them up for movement to Philadelphia. Then, products that could move intermodally from Jacksonville to Philadelphia instead are monopolized by truck. Why? Again, the same argument about the Potomac Yard prevails; a transfer would make no economic sense. With a merger, it will be rail all the way to Philadelphia. Finally, there can be no question that more efficient routing (lower costs) would be available in a merger.

An examination of NSC's testimony indicates a goal of increased efficiency; to lower costs in order to shave prices to gain more business at the expense of trucks. The opposition sees NSC as a potential monopolist. Further investigation would allow those parties responsible for making final decisions to be better armed with facts—rather than emotions—than is now the case.●

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TESTIMONY OF RICHARD C. MALLETT

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. MRAZEK. Mr. Speaker, on May 18, 1985, I was pleased to host a field hearing on Federal student financial aid programs in my district on Long Island. I would like to share with my colleagues the remarks of Mr. Richard D. Mallett. As the region seven legislative liason coordinator for the New York State Financial Aid Administrators Association and as the director of financial aid at Friends World College, Mr. Mallett serves as an informed and eloquent speaker on the important student aid issue.

Mr. Mallett's testimony follows:

TESTIMONY OF RICHARD C. MALLETT

On behalf of Region VII of the New York State Financial Aid Administrators Association, I am pleased to submit this statement for inclusion in the field hearing held May 18, 1985. Our organization includes in its membership all of the institutions of postsecondary education on Long Island, exclusive of Queens County.

It is our view that the budget proposals and apparent intentions of the administration related to higher education will only serve to undo the programs of financial aid which have been created through the concern, hard work, and dedication of U.S. Office of Education Staff, university and college personnel, and concerned congressional Representatives and Senators. The efforts of all these individuals over many years has been directed toward making higher education available to all who are qualified to participate. And, the system has worked reasonably well, with improvements made each year, in spite of the significant reductions in aid which have occurred in recent years.

However, it should be understood that even under the current program there are many students who are unable to pursue the education best suited for them because it is financially beyond their reach. It would ill serve the Nation to increase the number of such students, or to take other steps which will lead to dismantling of the program. As it does exist the program is not one which brings all things to all people, and it is not the intention of we who argue for adequate funding to establish or maintain a program which will enable students to do as they please. We do seek to maintain

a viable educational community which will offer the diversity and accessibility a growing society requires.

We agree with and support the statements of those who testified previously that the guaranteed student loan program be maintained at the present level. It is particularly important that no cap figure be set for total aid, including loan, and that no cuts in administrative funding of the GSL program be implemented which will result in lenders dropping out of the program. Access to loans provides for many the only access to a higher education.

However, there is one futher point which is of major concern to our membership. That is the fact that funding to meet the short-fall in Pell Grant funding for the current program year, which is approximately $800 million, has been authorized at only a level of $75 million, and consequently the Department of Education will be required to borrow the remainder from fiscal year 1986 funds. To do this is simply to borrow against future fundings, which if not dealt with in succeeding years could result, by as early as 1990, in the creation of a deficit approximately equal to a full year's funding for the Pell program. Practically speaking, such an approach is tantamount to a gradual phase out of the Pell Grant program.

More immediately, this kind of practice creates confusion in the minds of students, parents, and aid administrators, because it makes uncertain the amount of Pell Grant aid an individual can expect. In the past, this has led to fluctuating adjustments in the award schedules prepared by the U.S. Office of Education, and to a reduction in the maximum amount of the grant originally authorized for the year.

It is hoped that this pattern of funding will be dealt with in establishing the budget for the coming year through the allocation of funds sufficient to maintain a viable program.

Again, thank you for the opportunity to address these issues, and I hope that you and your colleagues will be supportive of the educational needs of students on Long Island, and indeed throughout the United States, for they are the same throughout the country.●

EXPANDED CAPITAL OWNERSHIP AND THE IDEOLOGICAL HIGH GROUND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. CRANE. Mr. Speaker, today I am including the fifth segment of a series of discussions on the concept of expanded capital ownership. Today's material is drawn from remarks made by William Ferree, S.M., Ph.D., at a hearing before the Lay Commission on Catholic Social Teaching and the U.S. Economy. His testimony traces the history of the industrial revolution and its effects on workers and producers. It also contains some very interesting observations about the moral implications of capitalism and the relevance of employee stock ownership plan's to today's world. I believe that my colleagues will find his comments both insightful and provocative.

BEYOND CAPITALIST PRODUCTION TO HUMAN DEVELOPMENT: COMPLETING THE INDUSTRIAL REVOLUTION

[William Ferree, S.M., Ph.D.]

One of the most important things to realize in our present efforts to think through our economic system and chart its future development, is that we are doing this at the threshold of a new breakthrough in history. Hence, our ability to influence the future is incalcuable. Let us see how this is so.

1. SUBSISTENCE HISTORY WAS GRIM

All human history right up to modern times can be called Subsistence History. With hand labor, animal power, and hand tools, production was severely limited and there was no way of breaking out of this limitation: it did no good to give forty rakes to a single worker—they had to be given to forty workers, and the relation of production to consumption remained quite unchanged.

In this "locked-in" state of subsistence production, hunger was never far away, and the average length of human life was in the thirties or less. Population remained practically stationary through centuries and millennia. This is shown along the bottom of the accompanying graph.

Yet in this almost universal misery of subsistence a few privileged "Accumulators," always and everywhere the same, did very well indeed. From their strategic positions as tax-gatherers, landlords, loan sharks, and professional soldiers, they managed to "cream off" a better living and to "accumulate" enough to buy jewels, to erect monuments, and to patronize the Arts. Master Craftsmen and Merchant Traders could also get ahead with hard work; but for the sake of security they tended, over the long range, to join the ranks of the "Accumulators." The "Medicine Man" was also a fair "Accumulator" but he used it to keep the social fabric together and in the Christian tradition the clergy accumulated a "patrimony of the poor."

2. AN IMMENSELY PROMISING BUT ENDANGERED BREAKTHROUGH

The first real breakthrough into the modern developed world came with the invention of what came to be known as Capital Tools and the use of fossil energy, by which production could be increased without limit by increasing the capitalization per worker. The result shows upon the graph about the beginning of the eighteenth century.

In this sudden promise of release from the age-old bonds of subsistence, there was a hidden difficulty: only the traditional "accumulators" of the then Subsistence civilization could have the capital to buy the new tools; and this made them the de facto Architects of the new "Age of Development." The danger that they would have to build it in their own image was obvious.

The first result was that the new engine of production, the Corporation, by an accident of history, was defined legally as the absent stockholders, while all the people actively engaged in the enterprise were legally defined as outside contractors. This was somewhat hidden at the start by the fact that the first owners, in good subsistence fashion, personally managed their own property regardless of their particular ability or lack of it. Only after experience taught them to go to professional management did the dichotomy become complete and obvious.

3. A STRUCTURAL MONSTROSITY

Meanwhile, what they had managed to create was a very small owner class which needed low wages and high prices to prosper, and a massive laboring class which needed high wages and low prices to live. The only way these inherently adversarial classes could be welded into an organic "going concern" was by massive state intervention which at times seemed to threaten to swamp both the business and the state itself in "social legislation."

Since the direct and immediate business of the modern virtue of Social Justice is to structure institutions properly for the Common Good, it is really hard to imagine how the old "Accumulators" could have done worse. Compare their vision with that of the author of the modern theory of Social Justice, Pope Pius XI: "If, therefore, we consider the whole structure of economic life, as we have already pointed out in our Encyclical on the Reconstruction of Social Order, the reign of mutual collaboration between Justice and Charity in socio-economic relations can only be achieved by a body of professional and inter-professional associations, built on solidly Christian foundations, working together to effect, under forms adapted to different places and circumstances, what has been identified as The Corporation." (On Atheistic Communism, Par. 54) People at the time were so busy arguing about the now dead subject of the "Corporate State" that they missed the fact that the best interpretation of Pius XI's words was a literal one.

Yet despite the social monstrosity of inherently adversarial "classes" kept in line only by constant state intervention, the new methods of production were so immensely powerful that they could still build the modern developed world!

4. AN OPERATIONAL DISASTER!

This first structural result from the fact that only the old "Accumulators" of the Subsistence World had the Capital needed for the Developed World might have been largely rectified with time and experience in the new world of plenty except for the fact that there was an even deeper and more hidden difficulty.

Still worse was the second result: a hidden carry-over into the very heart of the development process of a "mechanism of accumulation" that made the old "Subsistence Accumulators" look like child's play. Just as the adversarial structure we have seen was hidden for a while by the fact that the first owners did their own managing within the enterprise, so the new engine of accumulation was hidden temporarily by the fact that all capital was at first raised by the direct sale of stock. When this gave way to "internal" methods of capitalization the real mechanism began to come under analysis.

As an example, let us take capitalization by means of a repayable bank loan: A going concern which foresees that it can clear a hundred million dollars from added production in the next seven years convinces a bank of this fact; and borrows the one hundred million dollars to be repaid from future profits in seven years or so. Everything goes as planned, and at the end of the loan period the bank is paid off, and disappears entirely from the scene.

However, the hundred million dollars was spent for capital tools and for new production capacity, almost all of which is still in use and still producing profitably after the loan has been entirely paid off and the

Bank is out of the picture! This is known technically as "equity growth," and has resulted from the use of capital credit accorded on the basis of then future earnings.

This was not nearly so clear at the beginning when financing was only by the sale of stock; yet the mechanism was essentially identical: the investor is paid for risk and use by dividends, just as the Bank is paid for risk and use by interest. Moreover, the investor is repaid by the full value of his stock, just as the Bank is paid off to the full value of its loan.

The early subsistence-minded "Capitalist" did not see it this way. He had defined everybody who worked with his tools as "outside contractors," who had been fully paid off by their contracted wages. Any "equity growth" which showed up, therefore, had to be the "fruit" of his ownership, and belonged entirely and exclusively to him, despite the fact that he already owned almost all the Capital there was! It must be remembered that he had been conditioned by all of (Subsistence) History to "cream off" what he regarded as his even in times of scarcity or starvation!

THE "FRUIT OF OWNERSHIP"

But what had actually happened? What he had really bought with his money; and what he therefore clearly owned, was machines in a crate, and a floor to put them on. The fact that the machines might also represent an invention won't change the force of our example. The mere circumstance that he himself had defined all the people in the enterprise as "outside contractors" did not in any way change the obvious fact that his machines in the crate and his floor to put them on became productive only in the enterprise; that is, in the hands of his alleged "outside contractors." It was true enough that he had already paid them off with their agreed wages; but he had also paid himself off with his agreed dividends and the value of his stock.

Thus the "equity growth" still in the going concern and still busily and profitably producing, was really a result of the collaboration of both, after both had been paid off; and as a matter of fact, the somewhat wiser "accumulator" who later hired a professional manager to take his place at the head of the enterprise, had already seen an important point and made a realistic adjustment—namely, in order to assure himself of the necessary loyalty and collaboration of the professional manager, he had made him a co-owner by profit-sharing, bonuses, stock-options, and other such-like things! It is now clear that the same logic applied to all the "outside contractors."

All of this was studied much later (within the last quarter century, in fact) by a man named Louis O. Kelso, who also figured out a way, through incentive-tax legislation, to extend the capital-credit-on-future-earnings, hitherto accessible only to the absent owners, to all the members of the enterprise. His invention was the Employees Stock Ownership Plan, or ESOP.

The result has been fifteen national laws—and numerous State laws—in the last decade, capped by a rather impressive confirmation in the recently passed deficit-limitation legislation, that begins to remove Capitalism's one truly historic—but almost fatal—flaw; namely, that it didn't make nearly enough Capitalists! We might note in passing that this generalization of ownership has been the directive of the Popes from Leo XIII on, especially for large enterprises. Small and medium enterprises were recommended as being in themselves an expansion of ownership. Note also that any kind of ownership—including such "socialized" ones as pensions—would help; but productive ownership is the ideal.

It is productive ownership which is the real participation in modern wealth; other forms support consumption, but they are significant as "wealth" mostly in permitting their owners to "buy into" production when they want to. Every single investment in modern production gives not only an immediate and full return (as in the pay-off of the bank, above) but also the "equity growth" repeated and compounded thereafter. This is the real engine of the spectacular increase of wealth in "Developed" Countries which the early subsistence-minded investors calmly "accumulated" completely and solely to themselves!

6. ELIMINATING THE RELEVANCE OF MARXISM

If present State and National Laws which now define public policy on Leveraged Employee Stock Ownership Plans or E.S.O.P.s can be translated into general business policy in this Country we can at long last remove the two massive injustices which were buried in the very heart of Capital ownership from its first necessarily subsistence-minded beginnings.

It is these two hidden injustices—the production Corporation defined to exclude the producers and held together only by outside legislation; and a distribution of equity growth exclusively to those who already have everything—which answers the Bishops' question in Paragraph 82 of their Pastoral Draft: "We must ask why, when so much has been accomplished, these serious infringements of human dignity remain."

Laws already in our National policy now make this removal not only possible but "easier to do than not to do" to quote an industrialist who is taking advantage of the laws in question. Is it too much to ask that our corporate policies now follow such national policy?

This may be the best antidote for the Marxist poison which is now abroad in the world. When Karl Marx saw what the subsistence-minded "accumulators" were doing with humanity's first and perhaps final chance to break out of the age-old subsistence, he lost his head (being a bit subsistence-minded himself), and tried to safeguard capital ownership for all in general by taking it away from everybody in particular. This was such an extraordinarily bad idea (adding life-or-death economic monopoly to the State's already existing monopoly of politics and force) that only the mess of "Accumulators" had made could give it credibility—but that was enough to put over a third of the human race under the stark tyranny of Communism at this momment in histroy!

It is true that the evolution brought on by the Management Revolution, and the constant pressure of "social legislation," have been steadily weakening this borrowed credibility of Marxism in the still developing world; but we will not see the end of it until the two fossil remnants of the subsistence mentality which we have been examining, are finally removed from the organization of modern production and distribution of wealth. Thus the new public policy which makes this not only possible, but even advantageous in its own right, is a true turning point in history, not just an optional gimmick as the recent economic letters of both Bishops and Lay leaders take for granted!

7. THE STRATGEGY OF SOCIAL MORALITY

While all this was going on, a powerful philosophical and moral foundation was being laid for the practical work that has to be done to banish Subsistence from history (it still has, in varying degrees, two-thirds of humanity in its deadly grip); and to bring the new Developed Civilization to full flower. Toward the end of the Nineteenth Century, Pope Leo XIII in his Encyclical Letter Rerum Novarum, defended the legitimacy of private ownership of the new Capital Tools against all forms of collectivism on the ground that private property was essential to the safeguarding of human dignity against concentrations of arbitrary power under the pretext of public welfare. His position from the beginning was unmistakable: "This great labor question cannot be solved save by assuming as a principle that private property must be held sacred and inviolable. The law, therefore, should favor ownership, and it should be public policy to induce as many as possible of the workers to become owners. Many excellent results will follow from this, and, first of all, property will certainly become more equitably divided (than the present division between) the party which holds the power because it holds wealth . . . and on the other side . . . the enormous masses of the needy and powerless, the sick and the sore in spirit . . ."

This theme was developed with ever-increasing clarity and force by successive Pontiffs up to the most recent statements of John Paul II; but it was Pius XI who did most to give it a permanent place in Western thought as an integral part of a whole new Social Morality which he proposed to the world, to parallel the individual morality which Western civilization had already developed.

Pius XI expected his new and careful definition of "Social Justice," his description of a new "Social Charity," and his obvious intimation that all the individual virtues would likewise be accompanied by a "Social" counterpart, irreducible to the individual virtue, to become a major preoccupation of Professional Philosophers and Moralists; but their individualistic training and bias prevented this from happening, beyond an initial flurry of confusion and controversy. The closest we have come to the profound and historic development which he confidently expected, lies concealed in the vast field of Management Theory which has transformed the dark subsistence beginnings of "Capitalism" into the abundance of "Human Development" despite the deadly fossils of Subsistence which, as we have seen, are still embedded legally in its very heart.

Meanwhile, we observe all around us, instead of Pius XI's patient "Restructuring of Social Order," an increasingly individualistic "social activism," and its logical sequel, an even more individualistic terrorism when that fails!

If you, representatives of business, can make into general economic strategy what has already become our national political policy in the leveraged Employee Stock Ownership Laws, you will contribute to human destiny in the following specific ways:

(A) For the first time in history you will make Capitalism fully honest by opening up to everyone the access to capital based on future revenues, which the original subsistence "Accumulators" reserved completely and solely to themselves, who already owned almost all the Capital there was; and

this action has inflicted on the immense Wealth of the Developed World the same deadly malady which afflicted the Subsistence World throughout the whole of History; namely that virtually all capital ownership is in the hands of a small top percent of wealth holders, while all the rest of the human race divides the crumbs. This, incidentally is the problem the Bishops expect you to solve! And they are not going to be put off by your valid claim that production itself has been increased incomparably, and is benefitting more people than ever in history.

(B) The original—and incredible—legal fiction by which the Corporation was defined as absentee stockholders, the entire living enterprise was defined as outside contractors, and the resulting monstrosity could be made into a "going concern" only by massive State intervention, will gradually become a museum piece as all members of the going concern come to share ownership, and thus meet the principal and constant demand of the Popes for Social Justice, since they first began defending private ownership against the Collectivists of all kinds.

(C) The hitherto built-in adversary relationship between labor and capital will gradually be replaced by the common interests of worker-owners who will make the workplace a source of common prosperity, not a place of endless hostility and recurrent conflict which the Marxists find so profitable.

(D) This new kind of Corporation which is identical with the "Going Concern" can then claim its right under the Social-Justice Law of Subsidiarity that the State should get back to its own business of protecting the Common Good, and leave production to those who know what they are doing. Remember, the Bishop's demands for State intervention are necessarily conditional: if Business can't handle matters itself, then the State must do it.

(E) Those tightly-knit groups of tyrants who depend on fossil subsistence in the Developed World to maintain their positions as Communist Governments over one-third of humanity will have to look gradually for another job, and the world will be a safer place. Look at all the energy we can save in the present crop of "peace" demonstrations which are never aimed at the tyrants.

(F) The on-going dialogue with the hierarchy of which this hearing is a part, can finally get down to the business of talking about the same thing on both sides. As already pointed out, the two fossil but deadly remnants of the old subsistence mentality which still compromise the mechanisms of Development have managed until now to escape even analysis, much less full remedial action; just as a truly historic achievement of the Business Community in partly codifying the New Social Ethics has escaped recognition. It is seldom indeed that rallying around a single new course of practical action can have the potentiality of solving so many, such great, and such elusive problems at one blow, and thus ending our "dialogue of the deaf"!●

A "COMPLACENT" UNITED STATES COURTS NEW OIL CRISIS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. DURBIN. Mr. Speaker, in an interview in the May 27, 1985, U.S. News & World Report, Charles Ebinger, an energy analyst at Georgetown University's Center for Strategic and International Studies, asserts that the United States is facing new energy troubles beginning in 3 to 5 years and worsening as we move into the 1990's.

Instead of moving to head off another oil crisis, Dr. Ebinger points out that the oil companies, utilities, and the Government itself are taking actions which will virtually guarantee one. He states flatly that "OPEC will be back in the driver's seat in the 1990's." Dr. Ebinger discusses some of the economic and foreign policy implications and offers some remedies to help mitigate shortages and excessive dependence on foreign supplies.

I found the information in this article to be particularly useful, and I am including it in the RECORD for the benefit of my colleagues.

The article follows:

A "COMPLACENT" U.S. COURTS NEW OIL CRISIS

(Interview With Charles Ebinger, Energy Analyst)

Cheap, abundant fuel has led people to think the energy cruch is a thing of the past, says this authority. But there's "trouble down the road," he warns—three to five years hence.

Q. Mr. Ebinger, oil today is plentiful and prices have declined. Does this mean our energy worries are over?

A. No. I think we're being lulled into complacency. The current situation—low fuel prices and ample supplies—ignores trends that will lead to trouble down the road. And not too far down the road—beginning in three to five years and worsening as we move into the 1990's.

Q. What are these ominous trends you're talking about?

A. After several years of decline, energy consumption is on the rise again and will keep rising as the current economic recovery in the U.S. spreads to other countries. Oil companies, because of uncertainty over price and demand and the threat of hostile takeovers, are cutting back on the search for oil and gas. Utilities are not investing in new generating plants needed to meet the growing demand for electricity. Commercial inventories of gasoline and crude oil are at the lowest level in more than a decade. And the Reagan administration want to slow filling of the Strategic Petroleum Reserve, the nation's insurance against another oil cutoff.

Q. But aren't most experts predicting that oil prices will drop even lower this year?

A. True, oil prices have not bottomed out yet. But I doubt they will collapse, as some forecasters contend. I expect that oil prices will edge down toward $25 a barrel and possibly lower by the end of this year or early next year. Then in the 1990s, as demand and supply move into balance, we will see the price start back up again.

Q. How much will we be paying for fuel in the mid-1990s?

A. Oil prices are likely to go up to about $35 a barrel in today's dollars, discounting inflation. That means gasoline would sell in the $1.45-a-gallon range, plus inflation. In real terms, both prices will be much higher, depending on inflation over the next 10 years.

While that is not a catastrophic scenario, it raises the specter that a catalytic political convulsion, such as we saw with the 1979 overthrow of the Shah of Iran or the 1973–74 Organization of Arab Petroleum Exporting Countries embargo, could turn the balance between supply and demand into a shortage. Then prices would ratchet upward, similar to the 150 percent increase that resulted from the Iranian crisis. In any event, the tenuous balance between supply and demand would leave us exposed.

Q. Are you saying that we would be at the mercy of the Organization of Petroleum Exporting Countries again?

A. Clearly, OPEC will be back in the driver's seat in the 1990s. Since most oil that can be produced by non-OPEC countries already is being produced, each additional barrel of oil needed to meet rising world demand will come from OPEC. The cartel is likely to increase its share of the world oil market from 27 percent today to about 55 percent.

And we will be confronting a new, truncated OPEC in the 1990s. By then at least five of the 13 members—Ecuador, Gabon, possibly Algeria, Nigeria and Indonesia—will need all the oil they produce for their own consumption. The locus of power in OPEC will switch back to the Persian Gulf states, principally Saudi Arabia, Iran, Iraq, and, to a lesser extent, Kuwait and the United Arab Emirates. Not enough attention has been given to the implications of this.

Q. What sorts of implications?

A. Clearly, the Middle East will become more volatile—not only because of continuing tensions stemming from the Arab-Israeli dispute and conflicts between the Arab states and Iran but also because in all likelihood both the U.S. and the Soviet Union will need more Middle East oil to replace declining production at home. Japan and Europe also will remain dependent on this region that possesses 57 percent of the world's proven oil reserves.

Not only will that leave us more vulnerable to a political weapon directed by Arab oil producers or radical Islamic states but there will also always be a temptation for the Soviets to exploit tensions in that part of the world because of its volatility and its importance to Western economies.

Q. Are you suggesting that a war over oil is coming?

A. Not necessarily. But the Soviet Union, assuming that its own oil situation does deteriorate, will think it has a right to have access to Middle East oil. There's always the question of how they will finance their oil needs, which could cost them from 15 to 50 billion dollars a year. That would require major structural changes in the Soviet economy. So they clearly will be thinking about the option of grabbing the oil rather than paying for it.

Q. Is there any way to head off such a threat?

A. The best thing would be to defuse the Arab-Israeli conflict. As long as that dispute remains a flash point—and it will until we

address the Palestinian issues—we're vulnerable to the same kind of disruption that has hit world oil markets twice in recent years. Another option would be to consider whether the West should help the Soviet Union by providing it with the technology and capital to develop its vast energy resources. Anything we do to alleviate pressure on Middle East oil markets will ease the possibility of conflict.

But do we really want to create an energy-invincible Soviet Union when we will remain much more dependent on the Middle East? Moscow could then stir up trouble for us. It's an interesting question.

Q. Would major new oil discoveries insure U.S. security?

A. The outlook is not that encouraging. A recent study by the U.S. Geological Survey estimates that two thirds of the oil in the world already has been discovered—enough to last through 60 years at the present rate of consumption. But most of this oil is concentrated in the Persian Gulf and further discoveries are not likely to change the situation.

There will be more oil found, but with major new giant discoveries appearing more and more unlikely, worldwide production will decline. It appears that the North Sea, particularly the British sector of the North Sea, may go into decline in the next several years. The North Slope in Alaska and Lower 48 U.S. production may do the same thing. Although Mexico intends to boost production by 1.5 million barrels a day in the next five or six years, only 300,000 barrels of that will be for export. Mexico is going to need the rest of that oil to accommodate its own population and economic growth.

Q. What about chances of major new oil finds in China?

A. China is not the solution, based on what has occurred to date. Just a few years ago articles were appearing in the press: "China: The Next Saudi Arabia." But the reality is that the giant finds that all the oil companies hoped for have not occurred. Unless there are some major discoveries, and there's always the possibility in the South China Sea and the Bo Hai Gulf, China will need most of the oil it finds to modernize its economy. There is even the possibility that China might become a small importer itself.

Q. With due respect for your warnings, wasn't it only a few years ago that experts were predicting that oil prices would reach $100 a barrel by now and that shortages would be a way of life?

A. Those of us in the energy-forecasting trade deserve a lot of criticism. Clearly, we were wrong on a lot of things. And surprisingly the area we were most wrong about was a lesson from Economics 101: As a commodity becomes far more expensive, people use less of it. We vastly underestimated what would happen on the demand side of the equation.

Higher prices have led to tremendous advances in conservation and development of more-efficient technologies. A lot of these efficiencies are permanent: People who have bought energy-efficient automobiles are not going to scrap them for gas guzzlers. But if energy prices stay low or even drop, we can be assured there will be less and less emphasis on conservation.

And we were not that far off on the supply side of the equation, which people forget.

Q. Since you don't see the situation as catastrophic, won't we have time to deal with problems as they arise?

A. People forget about the long lead time it takes to develop new energy resources. Now, 1990 may seem like a long time to the general public and an administration concerned about policy between now and the 1986 congressional elections. But 1990 already is history in terms of energy supply.

It takes 12 to 14 years on average to build a nuclear-power plant, something like 6 to 8 years for a coal-powered plant. Oil discovered in Alaska today will not be available to consumers until around 1995. So without investment in energy projects today, we now may well be creating the seeds of our next oil shock in the '90s.

Q. Why do you disagree with President Reagan's efforts to slow purchases for the Strategic Petroleum Reserve?

A. While I'm sympathetic to looking at every place we can cut the federal budget deficit, I'm adamantly opposed to a slowdown in filling the SPR. The reserve gives us, at least in the short-to-medium term, the greatest protection in the event of an oil-supply disruption. Besides, we are investing in a physical asset the country will need in the long run, and 10 years from now of oil prices rise, as I believe they will, outlays made today may well look very wise.

Q. You've articulated the problem. What's the solution?

A. In addition to filling the SPR, we should continue to increase fuel-efficiency standards on automobiles, pushing them up toward 35 miles per gallon over five to 10 years. Laws should require manufacturers to give consumers a good guide on which appliances are the most energy efficient. We need mandatory standards of insulation, particularly in new buildings. It's absolutely unbelievable that 12 years after the first oil shock, buildings in this country can go up without any kind of mandatory insulation standards imposed. We also should accelerate licensing procedures for coal and nuclear electric-power plants.

Q. You mentioned the possibility of an electricity shortage. How real is it?

A. Indications are that electricity demand is increasing at a stronger rate than predicted—just under 6 percent last year. There's something like 200 to 300 gigawatts of additional capacity projected to be needed by the year 2000. Only between 60 to 70 is currently on order. The long lead times mean we don't have much time before new investment decisions have to be made.

The only way to meet this demand in the short run, unless we rethink the natural-gas situation, is coal, nuclear and conservation. Until we find a clean way to burn coal, acid rain and other environmental risks may well pose bigger problems for our society than the nuclear-power industry. If coal is constrained because of environmental concerns and nuclear for safety reasons, people will opt for the easiest short-term solution and go back to oil. That would be unfortunate and lead to accelerated imports.

Q. Given Americans' current mood of complacency, what are the odds that the United States will muddle through this potential energy crisis?

A. On the basis of current trends, we aren't heading for a catastrophe. But as things are evolving, we are going to drift back into a dangerous dependency on Middle East oil. I think we're going to see a situation where we are very susceptible to another unanticipated event in the Middle East or elsewhere that leads to a major global crisis.●

NATIONAL DIABETES MONTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. HOYER. Mr. Speaker, I am today introducing a joint resolution to designate the month of November 1985, as National Diabetes Month. It is my distinct pleasure to introduce this resolution for the third year in a row. The ongoing war against diabetes has yielded significant advances in basic and clinical research aimed at prevention, diagnosis, and treatment of persons who are afflicted with this disease. Yet, much more remains to be done.

Twelve million Americans suffer from diabetes. I have personal knowledge of the effects of diabetes and, particularly, juvenile diabetes. A significant portion of the victims are not yet even aware that they have the disease. Tens of millions of Americans—the friends and families of those with the disease—are personally affected by the grave impact which diabetes has on their loved ones. Over $14 billion are spent each year for health care, disability payments, and premature mortality costs resulting from diabetes.

Health complications resulting from diabetes affect a variety of bodily functions and organs. The lasting effects of these complications are extremely severe. For example, the National Diabetes Data Group has reported that:

Diabetes causes almost 50 percent of foot and leg amputations among adults.

Diabetes is a leading cause of new cases of adult blindness and of kidney failure.

Diabetes is a major cause of birth defects and infant mortality.

The United States ranks among the highest five nations in the world in mortality due to diabetes.

Diabetes is a major risk factor for cardiovascular disease.

Persons with diabetes spend twice as many days in hospitals as persons without the disease.

Diabetes, which is the fourth leading cause of visits to general and family practice physicians, places a major drain on our health resources.

One in every 600 children suffer from insulin-dependent diabetes.

Mr. Speaker, the designation of November of this year as National Diabetes Month will serve to call the human and economic costs of diabetes to the wider attention of the American people. It is my sincere hope and belief that this increased understanding of the disease—both by those afflicted and by others—will lead to more intensive research, improved

methods of preventing serious complications, new types of treatment, and general awareness of the challenge we face in seeking to lessen the impact of diabetes. I urge the speedy adoption of this joint resolution.

Mr. Speaker, I ask unanimous consent that the text of the resolution be printed in full.

There being no objections, the resolution was ordered to be printed in the RECORD, as follows:

H.J. RES. —

Joint resolution designating the month of November 1985 as "National Diabetes Month"

Whereas diabetes with its complications kills more people than any other disease except cancer and cardiovascular disease;

Whereas diabetes afflicts 12 million Americans, and more than 5 million of these Americans are not aware of their illness;

Whereas diabetes costs the Nation more than $14 billion annually in health care costs, disability payments, and premature mortality costs;

Whereas up to 85 percent of all cases of non-insulin dependent diabetes may be preventable through greater public understanding, awareness, and education;

Whereas diabetes is particularly prevalent among black Americans, Hispanic Americans, native Americans, and women; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, complications of which may be reduced through greater patient and public education about diabetes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1985 is designated as "National Diabetes Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.●

SAMMY DAVIS, JR., NATIONAL LIVER INSTITUTE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. RODINO. Mr. Speaker, next week the University of Medicine and Dentistry of New Jersey will hold a press conference to announce future fundraising plans for the Sammy Davis, Jr., National Liver Institute.

The institute was incorporated earlier this year as the major research organization for liver disease in the Nation. Mr. Davis, who suffers from a liver problem himself, has had a keen interest in becoming involved with research into the treatment and cure of liver disease. Through medical associates in California, he came to know Dr. Carroll Leevy, an international known liver specialist who will be the executive director of the institute. Plans for a National Liver Institute at the University of Medicine and Dentistry of New Jersey had been underway for some time, and with the combined efforts of Dr. Leevy, Mr. Davis, and Dr. Stanley Bergen, president of UMDNJ, the institute has become a reality.

I am very proud of the work that the university has performed in medical research over the years, and the establishment of this institute has added even more to the national prominence and reputation of the university. Mr. Davis' involvement is extremely significant, because in addition to lending his very famous name to the institute, he has committed to support the endeavors of the institute by hosting a yearly telethon to raise funds.

The institute's facilities will include outpatient care, education and nutrition, immunology, molecular biology, genetics, alcoholism and drug treatment, and pathobiology. It will also serve as a clearinghouse and coordinating facility for other research into liver disease that is being done around the country.

Mr. Speaker, we can all be hopeful that with the outstanding work of the researchers at the Sammy Davis, Jr., National Liver Institute, significant progress will finally be made into the treatment of—and someday the cure for—liver disease.●

WORKER RETRAINING

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. CLINGER. Mr. Speaker, yesterday I was to have testified before the Subcommittee on Employment Opportunities, Committee on Education and Labor, on the critical issue of worker retraining. I was unable to do so because I was needed in my district to assist in obtaining and providing emergency relief for the victims of the recent tornadoes that ravaged northwestern Pennsylvania and northeastern Ohio, including five counties in my district. I would like to take this opportunity to share my thoughts on this issue with my colleagues.

STATEMENT OF HON. WILLIAM F. CLINGER, JR.

Mr. Chairman, I would like to thank you for permitting me to testify today. I know you and the committee share my belief that worker retraining is one of the most critical issues facing our nation, and I commend you for your decision to hold this important hearing.

I would also like to compliment my colleagues Shelly Boehlert, Dick Durbin, Marcy Kaptur, and my House Wednesday Group colleague—Nancy Johnson, for their important work and leadership on this issue.

Mr. Chairman, last year, the House Banking Committee's Subcommittee on Economic Stabilization held a hearing on worker retraining which was chaired by our colleague, the Gentlelady from Ohio, Ms. Oakar. I highly recommend that you and other members of the committee peruse through the record of that hearing, as many of the comments made then were most instructive and are relevant to today's investigation.

Briefly, I want to inform you about the history of H.R. 1219, the National Training Incentives Act of 1985, which currently enjoys the bipartisan cosponsorship of 45 members, including the Republican leader, Bob Michel, and five members of the Congressional Black Caucus.

Initially, this proposal was developed through a 1983 Special Report authored by Dr. Pat Choate of TRW, Inc. and released by the House Wednesday Group, which I currently chair. In publishing this report, the 21 Wednesday Group members who sponsored its findings and recommendations, hoped to bring renewed attention to the contribution of our work force to U.S. competitiveness. In this regard, I believe we share the goals embodied in the legislation sponsored by our colleagues in the Northeast-Midwest Coalition, Mr. Durbin and Mr. Boehlert, as well as those of this Committee.

Mr. Chairman, today the U.S. economy is fundamentally sound. Inflation is down, growth and productivity are up, and new industries and products have made the American economy the envy of all industrialized nations.

At the same time, Mr. Chairman, it is clear that many changes are occurring almost daily within our economy and the world's economy. It is also clear that those nations, businesses, and individuals that understand the inevitability of these changes and adapt policies that allow for timely and flexible responses to the uncertainties of change, will be those nations, businesses, and individuals that succeed in tomorrow's economy.

It is in recognition of this basic need to make a virtue out of change, rather than to forestall or fear it, that members of the Wednesday Group, under Nancy Johnson's leadership, as well as several of our colleagues on the other side of the aisle, put together the National Training Incentives Act of 1985.

Specifically, in the area of retraining, according to Dr. Lewis J. Perelman, author of "The Learning Enterprise," a recent publication of the Council of State Planning Agencies, "we still are too inflexible for the dramatic pace of the post-industrial revolution. Whole industries are floundering because of the resistance of managers and workers to the forces of change."

In the political arena, we all know that the product of this resistance is increased pressure to wall off our domestic economy from global competition. This, in turn, works against the long-term interests of all Americans, be they businesspeople, workers, or consumers.

Turning to the issue of the significance of retraining, I would like to bring to the Committee's attention several important findings contained in the study by Dr. Perelman which I quoted from earlier.

The economic data indicate that the contribution of education and training to total productivity growth has increased from about one-fifth just after World War II to about one-half since the late 60s.

Workers at all levels typically need to be retrained every four to six years for new careers. For example, a recent study indicated that the functional requirements of at least half the jobs in California will be substantially changed by technology within 5 years.

With the aging of the baby-boom generation, over 75% of the American work force at the beginning of the next century will be comprised of people who are already adults today. The crisis that really is putting our nation at risk mainly centers on these 50 million Americans whose careers are threatened by future econmic change.

Despite these important trends, in recent years we have consistently neglected our human capital development. According to Dr. Pat Choate, Director of Policy Analysis at TRW, Inc., in 1982, for example, tax incentives for worker retraining in the amount of $620 million were a mere fraction of the tax incentives for business investment which totalled roughly $45 billion. As a result, business invested an average of only $300 per worker for training in 1982, but more than $3,600 per worker for new plant and equipment purchases.

Mr. Chairman, I believe it is time to give equal or at least similar consideration to our human capital development, while at the same time recognizing that we need to structure flexible approaches that are triggered only when businesses and workers decide for themselves to finance additional skills training.

One aspect of our bill is a tax credit to businesses for investments in worker retraining. The training credit would be similar to the existing R&D tax credit, and would permit businesses to deduct from their tax liability 25% of the company's average training costs for the previous five years.

This approach recognizes the importance of investing in worker retraining as similar to the importance of investing in R&D and plant and equipment. It differs substantially from a straight-line business expense deduction, which could still be used with the tax credit, but which fails by itself to provide sufficient incentive for business to invest in worker retraining.

Moreover, this approach would not reward current retraining, but would reward retraining over and above a five-year average, and could be used by small businesses or unprofitable firms because of its carry-forward and carry-back provisions. The five-year provision is significant because, unlike the R&D tax credit which is calculated using a three-year average, our approach will lessen the possibility that dramatic increases in spending in any one year will reduce the future incentive value of the credit.

For every dollar in lost federal revenues, this proposal will generate four dollars in private sector training. It also offsets part of the financial costs to employers when workers trained by a company take their skills to another firm. This should particularly help small businesses.

Mr. Chairman, this approach—which was recently supported by the President's Committee on the Next Agenda, made up of think tank representatives ranging from the liberal Brookings Institution to the conservative Heritage Foundation—recognizes the importance of investing in worker retraining as similar to the importance of investing in R&D and in plant and equipment.

Lastly, this approach is consistent with recent proposals for tax reform. As the Commitee knows, the President's plan continues investment incentives for research and development, and for plant and equipment, but fails to acknowledge the human element in competitiveness. By containing this essential component of competitiveness, our proposal makes the President's plan truly neutral.

Although the Joint Committee on Taxation estimates a revenue loss averaging $600 million annually from this reform over the next five years, this investment would provide leverage for $2.4 billion in additional private sector per year expenditures on retraining. It would also be a modest investment in reducing the billions of dollars in unemployment compensation paid out over the last several years.

The second prong of our legislation allows displaced workers to finance retraining with money withdrawn, without taxation or penalty, from their IRA or annuity accounts. This approach does not call for direct Federal outlays of money, but rather ties into an existing finance system which at the end of 1983 reached over 13 million households, many of which are supported by individuals with annual incomes under $30,000.

This provision, while not a panacea for the problems of our unemployed or underemployed workforce, does provide an additional financing option for those seeking retraining. Moreover, since we limit tax-free and penalty-free withdrawal to $4,000 over a five-year period, it is not likely that use of these funds for retraining will damage the long-term viability of the IRA as a retirement mechanism. It should also be noted that tax-free and penalty-free withdrawals from IRAs are already under certain specific circumstances, so our proposal would not be setting a dramatic or inappropriate precedent.

One final point about the IRA, Mr. Chairman. A number of studies indicate that future displacement is likely to occur not so much in basic manufacturing, which has already been hard hit, but in services industries. Displacement is also likely to occur to people in middle management. It is these people who have already established IRAs or contemplate establishing them, and it is these people who would be best able to invest these funds in their future through retraining.

A third and very significant provision in our bill provides that the participation of displaced workers in an eligible training program will not disqualify these workers from unemployment compensation to which they are otherwise entitled.

As the Committee knows, despite the requirements of the Job Training and Partnership Act, only 13 states at present allow a worker in a retraining program to receive unemployment compensation. What we need, is to provide incentives for workers to seek retraining at the earliest possible time, thereby allowing them to acquire new skills and to depart the unemployment rolls. What we do not need is a system which mandates that people wait until their unemployment has run out before they can develop a new skill.

Let me emphasize that this bill is not intended in any way to replace JTPA or other efforts of Congress to assist the disadvantaged, but rather to supplement their efforts. JTPA must be left untouched so that we can accurately determine its effectiveness and its worth. But we are talking about a significant problem in America today which may need more than JTPA, and which other federal policies designed to serve the needs of different segments of our society do not address.

What are the significant merits of H.R. 1219? First, business and workers finance their own retraining, resulting in greater controls on both the appropriateness and quality of the training. Second, our proposal is flexible, because its incentives are not linked to the vicissitudes of the Congressional budgeting process. These incentives also will not cost the federal Treasury any money unless business and workers themselves decide to spend more money on retraining, thereby triggering the legislation's tax incentives.

Finally, Mr. Chairman, I would like to point out that the bill also includes a provision for a national job bank system. It would require the Secretary of Labor to submit a report to Congress within one year of enactment regarding the cost of implementing a nationwide computerized job bank. A CRS analyst, Linda LeGrande, has completed an excellent study concerning the feasibility of this idea and I ask that her report be included in the record.

Mr. Chairman, although I am from a state which has been particularly hard hit with unemployment, I do not believe that the issue of retraining our workforce is confined to the northeast or midwest. This is a national issue.

In the coming decades, it is expected that our workforce will be generally confined to older Americans. In fact, the Bureau of Labor Statistics predicts a severe labor shortage within the next 25 years. As the Commerce Department points out, "this means that the current U.S. supply of labor must provide much of the competitive muscle in the coming decade. Older worker adaptation to technological change via retraining is therefore a key to U.S. international competitiveness in the decades ahead."

Mr. Chairman, it is imperative for Congress to act on this matter in the near future. Let's not allow the United States to be left behind while other nations improve their competitive advantage. We must insure that the American economic engine which drives global development stays in tune.

I strongly believe that H.R. 1219 provides the necessary incentives for employees and employers to meet our nation's retraining needs. While it does not answer all the problems faced in our labor markets, it is certainly an important first step.

Again, I appreciate the opportunity to testify on this legislation, and I look forward to working with the Committee as it develops an appropriate policy toward this vital issue. Thank you Mr. Chairman.●

REPRODUCTIVE HEALTH EQUITY ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to voice my support for the Reproductive Health Equity Act recently introduced by my colleagues, the Honorable BILL GREEN and the Honorable VIC FAZIO. The proposed bill aims to change legislation that currently discriminates against nearly 25 percent of the women enrolled in federally funded health plans. These women are discriminated against because abortions are only permissible in medically diagnosed, life-threatening situations.

The bill would restore full medical coverage for pregnancy termination in Federal health care programs and benefits packages—necessary legislation to ensure that these women are accorded freedom of choice guaranteed under the Constitution.

As it is presently worded, the RHEA bill affects three distinct catagories: (1) Federal employees, Peace Corps volunteers, and military personnel; (2) Medicaid recipients and native American women; (3) dependents of Federal and military personnel. Regarding the first category, it is unbelievable that the Federal Government has singled out and discriminated against the very people who have chosen to work for it. As for the second category, many native American women and Medicaid recipients are at the poverty level, and Congress has continually limited their options over the past 8 years. These individuals are most susceptible to health risks, are often unable to afford adequate health care to prevent unwanted pregnancies, and are often forced to carry a pregnancy to full term because of the existing regulations. Finally, it is wrong for the Government to deny dependents of Federal and military personnel one of the benefits to which they are entitled as dependents of those who serve this Nation in a civilian or military capacity.

The Government must insure that all women have equal access to health care—it is their constitutional right, and our duty, to see that they receive it under the Reproductive Health Equity Act.●

HUMAN RIGHTS CAUCUS CRITICIZES POLITICAL BILLINGS IN SOVIET SATELLITES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. PORTER. Mr. Speaker, as cochairman of the congressional human rights caucus, I would like to call my colleagues attention to a recent article in the Wall Street Journal, titled "Death Squads Behind the Iron Curtain."

This article, written by Adrian Karatnycky, accurately describes the deplorable pattern of political killings exercised in the Soviet Union and its satellite countries. Accordingly to Mr. Karatnycky, during the past 3 years, since the imposition of martial law, approximately 104 Poles affiliated with independent organizations or protests have met a violent death.

There is also strong evidence indicating a large number of mysterious deaths in Soviet prisons, forced labor camps, and psychiatric hospitals. During the past year several well-known Ukrainian political prisoners died while serving a sentence in a labor camp.

One of the most disturbing recent examples of officially sanctioned murder behind the Iron Curtain is occurring in Bulgaria. Government officials in that country have begun a campaign to force citizens of Turkish descent to change their names and eliminate any ethnic or cultural identification with their ancestry. Reports indicate that several hundred Turks have died as a result of refusing to participate in this campaign.

The members of the congressional human rights caucus join me in expressing their outrage over this escalating problem behind the Iron Curtain. It is important that the United States, with its strong reputation of protecting human rights around the world, work within international fora to bring worldwide attention to the abusive policies practiced by the Soviet Union and its satellites.

At this point, I would like to submit the article for inclusion in the RECORD:

DEATH SQUADS BEHIND THE IRON CURTAIN

(By Adrian Karatnycky)

While world attention and outrage rightfully have focused on the case of the Rev. Jerzy Popieluszko, the pro-Solidarity priest's murder was not an isolated event. It was the tip of an iceberg of recent political killings in Soviet bloc countries. For in Poland, the U.S.S.R., Bulgaria, Hungary and other outposts of the Soviet empire there has been a perceptible upsurge in murders of political opponents since the advent of the 1980s.

According to the independent Polish Helsinki Committee, and on the basis of accounts appearing in the underground Solidarity press, at least 104 Poles linked to independent organizations or protests have met violent death since the declaration of martial law. Among these are numerous regional and local Solidarity leaders, activists in committees defending prisoners of conscience, dissident folk singers, and other opponents of the government.

Such victims include the son and daughter-in-law of Szczecin Solidarity Chairman Marian Jurczyk, who were said to have committed suicide in 1982; Rural Solidarity activist Piotr Bartoszcze, found at the bottom of a drainage pit near his home in Inowroclaw; Romuald Harazin, a 40-year-old member of the Solidarity Presidium of Upper Silesia, found dead in Katowice in 1983 after police death threats; and Ryszard Kowalski, chairman of Solidarity at the Katowice steelworks, found dead in 1983, two months after having disappeared upon release from prison. To this list one can add 39 known victims of militia violence against strikers and demonstrators, as well as dozens of others who perished during or after police interrogation.

In the U.S.S.R., a similar trend is emerging. According to the State Department's most recent Country Reports on Human Rights Practices, a number of Soviet political prisoners "probably perish each year in prison and in forced labor camps due to the severe conditions." In 1984, such victims included Ukrainian political prisoners Oleksa Tykhy, Yuri Lytvyn and Valery Marchenki; and dissident trade union activist Alexei Nikitin, who died last spring after prolonged incarceration in a psychiatric prison hospital.

According to the U.S. Helsinki Watch, although political killings in the U.S.S.R. are extremely difficult to document, four Lithuanian and two Ukrainian Catholic priests, as well as a Ukrainian Catholic nun, have died in the 1980s under "suspicious circumstances" after criticizing authorities or engaging in dissident activities. A number of automobile accidents also have claimed human-rights advocates.

In the view of Peter Reddaway of the London School of Economics, there has been an increase in the number of reports of unexplained deaths among national rights advocates, religious dissidents, and leaders of independent trade unions and other organizations with a potential for broad support.

In Bulgaria several hundred Turks, protesting the government's policy of obliterating the minority's ethnic and cultural identity, have been killed in the past year. And in Hungary, a former interpreter for Yuri Andropov was found murdered after he indicated to friends that he had some interesting information on Andropov's tenure as ambassador to Hungary. The interpreter's son, who was investigating the murder, was later found dead.

Most of these victims share similar characteristics: They have a history of dissident activity. Few are from major urban centers frequented by Western tourists or Western reporters. Few have achieved celebrity or Western press attention. And many have been warned by the secret police to cease their activities.

It would be wrong, however, to attribute this upsurge in political killings to a coordinated policy or to a decision made at the highest levels. It would also be wrong to assume that political killings did not occur in the 1960s and 1970s. However, those instances were episodic. And the recent surge in politically related deaths appears to be epidemic. Indeed, this dangerous trend is the outgrowth of factors endemic in the totalitarian state:

(1) An onerous toll exacted by the rigors of prolonged incarceration in prisons and labor camps.

(2) Increased instances of torture and beatings at the hands of the police.

(3) Injecting with harmful drugs, prisoners of conscience held in psychiatric hospitals.

(4) Growing secret police frustration over an inability to eliminate dissents, despite protracted campaigns of harassment, intimidation and incarceration.

(5) The emergence of a new generation of middle- and lower-level security apparatchiks, who have few memories of the excesses of the Stalin era.

(6) A carte blanche granted to security forces, particularly in more remote areas, to deal with troublesome dissenters.

(7) The absence of a free press or an independent judiciary to investigate murders fully and objectively.

Whatever the reasons for the rise in political killings, one conclusion is inescapable, Murder, the principal tool of repression during the Stalin era, once again is playing an important part in the repertoire of social control.

The role of death squads in Latin America, which eliminate and intimidate democractic activists, thus polarizing their societies and paving the way to political extremism and dictatorship, is well-documented and a part of public consciousness in the

West. But the rise of the Soviet bloc's new death squads is hardly known. Yet given the murderous history of totalitarianism, this recent surge in political killings presages grave danger for the nonviolent Eastern bloc advocates of democratic change. It merits closer investigation, as well as loud condemnation. Indeed, Western publicity can be one of the few means by which this tide of political killings can be stemmed.

Mr. Karatnycky is director of research, AFL-CIO Free Trade Union Institute.●

ST. ANTHONY STUDENTS' STATUE OF LIBERTY DANCE

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. STALLINGS. Mr. Speaker. I would like to take this opportunity to honor the outstanding efforts of students attending South Fremont Junior High School in St. Anthony.

Students at this school in my district, under the direction of Principal Kenneth A. Piippo and student body president Melanie Smith, have raised $246.22 to be donated to the Statue of Liberty-Ellis Island Foundation, an organization raising money to restore the Statue of Liberty and Ellis Island.

These students, eager to be a part of this worthwhile nationwide fundraising effort, joined together to hold a special Statue of Liberty dance at the school. They then sponsored a school assembly to present me with their contribution to this worthwhile effort.

This contribution is particularly significant because St. Anthony, the hometown of these students, is suffering from economic hardships. Some businesses in the community are struggling to survive. In my eyes, the efforts of these students to raise money for the Statue of Liberty and Ellis Island speak highly of them and their parents.

These students exemplify the spirit of the fundraising project as expressed by Lee A. Iacocca, foundation chairman, in an article published in Friendly Exchange. Mr. Iacocca said:

> We probably could have raised all the money we needed in a few big chunks from corporations. Or we could have gone to Congress. But it seemed to me that it would mean more if individuals gave. That's the way most of the money was raised to put the statue up in the first place, and after all, the Statue of Liberty and Ellis Island rightfully belong to the people.

Iacocca says the response they've gotten so far is great, especially from kids across the country. They have begun hundreds of creative classroom and school projects, and have already donated many thousands of dollars in pennies, dimes, and quarters, just as the children did in the 19th century to raise money for the statue's pedestal.

I am pleased to have students in my district joining this effort. It's an honor and privilege to represent these excellent students of South Fremont Junior High School in the House of Representatives.●

IS THERE COMMUNIST THREAT IN NICARAGUA?

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. DASCHLE. Mr. Speaker, the South Dakota State University Collegian recently published accounts of the problems facing Nicaragua and Central America. As we debate sending aid to the Contras, the worthwhile observations of South Dakotans who have just returned from Central America should be considered. I ask unanimous consent to insert the text of these articles in the CONGRESSIONAL RECORD.

The ariticles follow:

ALL-WOMENS' GROUP TOURS NICARAGUA

(By Brenda Winter)

For 11 days, Sue Keintz experienced firsthand the problems in Nicaragua.

Keintz, a 1984 SDSU political science graduate, was in Central America as part of the Witness for Peace program.

She said much of her time was spent interviewing native Nicaraguans about their experiences with Contra troops and the Sandinista government.

The delegation with which Keintz traveled was the first all-women group to visit Nicaragua on behalf of Witness for Peace. Keintz said it was to commemorate International Womens's Day, which was March 8.

Keintz said: "Women in Nicaragua have gone from being a suppressed gender to playing a significant role in the revolution against the Somoza government in 1979 and are still active today."

One group of women in Nicaragua calls itself "Mothers of Martyrs and Heroes." These women told the U.S. delegation: "We want our children and yours to meet in peace, not in war. Go home and tell your mothers this." Keintz said the role of the mother is more esteemed in Central America than it is in the United States.

Keintz said the group joined in a vigil March 7 in front of the U.S. embassy to protest U.S. involvement in Nicaragua. She said all U.S. citizens in the area—students, workers, tourists and others—participate in the weekly protest.

On March 8, the group of 60 women from across the United States walked a 15-kilometer stretch of highway which has been subject to the Contras' attacks. The women carried 23 crosses with the names of those killed on them. Near the end of the walk the women were joined by family members of the victims and planted the crosses near the murder sights.

Witness for Peace has documented some of these murders in its booklet "What We Have Seen and Heard—The Effects of Contra Attacks Against Nicaragua." The following is an excerpt from the booklet:

"On January 8, 1985, Contras carried out a series of ambushes along the road between San Juan de Limay and Esteli. Within just a few hours' time they had wrought the following death and destruction:

"Nine workers were killed when Contras ambushed their Ministry of Construction truck.

"Four civilians were killed when their IRENA (environmental protection ministry) truck was ambushed. The Contras kidnapped three additional riders, among them an adult education teacher.

"One farmer was murdered and three others kidnapped when their four tractors were ambushed. Two of the tractors were ignited and completely destroyed, while two others had their windows broken and tires slashed.

"Contras kidnapped Tomas Lopez, 18-year-old son of two religious leaders, from a civilian vehicle on its way to Esteli. His tortured body was found three days later. The Contras had broken his toe and fingers, poured acid on his face, severely bruised his head and pierced his shoulders with bayonets."

Keintz said the Contra method of recruiting is brutal. One former Contra told her he had been forced to serve in the Contra army after he watched them torture members of his family. He said he was afraid to leave the Contras because they threatened to return and murder his family if he deserted.

There is a lot of disagreement among Contra bands, Keintz said. There are many different bands and each has different ideas as to what the Contras' purpose is. She said there is even fighting within individual bands.

The people of Nicargaua do not support the Contras' actions or goals, Keintz said. "There are many people who support the present Sandinista government. There are many who oppose the Sandinista government, but that does not make them pro-Contra."

Keintz said almost all of the people want the right to settle the difficulties of selecting a government for their troubled country by themsleves. "At every church service we attended—those way back in the country or in bigger cities—the closing prayer always included a request that the United States will understand the wish for peace that is held by the people of Nicaragua."

Nicaraguans harbor no resentment toward U.S. citizens, Keintz said. They sometimes think U.S. citizens are victims of their government too.

"The actions of our president are so different than the thoughts and beliefs of the Americans that visit them. They are confused as to what the United States is all about—I think the United States is confused."

When there is an increase in Contra action, the people who are victims of it believe it is the direct result of increased aid from President Reagan, Keintz said. They understand the difference between the people and the government.

Keintz said the stronghold many of the people have is a strong Christian faith. They base their actions and their hope on faith and believe that peace will eventually come.

THREATS NOT PRESENT

(By Brenda Winter)

President Reagan would say yes, there is a Communist threat in Nicaragua. Dan Anderson, an SDSU student who has spent nearly two and a half years in different parts of Central America, says there is not.

Anderson said the threat of Communism in Central America is "more smoke than fire." He also said the word communism is a

scare tactic used by the United States government to gain the support of American citizens.

Anderson briefly explained the history of Nicaragua. It is one of constant intervention, often U.S. intervention.

In the 1930s the Samoza family came to power with the help of the CIA. The family ruled for more than 30 years and by the end of that time controlled 20 to 30 percent of the nation's economy.

A devastating earthquake hit the capital city of Managua in 1979. Much of the emergency aid sent to the city was hoarded by the Samozas and used in real estate development around the city. No contracts were let to other businesses.

This action triggered the uprising which put Samoza out of office. More than 50,000 of the country's 2.8 million people were killed by Samoza before he left office. Bombing raids were carried out by the leader against his own people.

The FSLN (National Sandinista Liberation Front) was the next group to come to power. It consists of people from the left, the right and the middle of the road, according to Anderson.

People who support the Sandinistas tend to be business people, intellectuals and farmers. These are the people most likely to come under attack from the Contras.

The Contras are people left from the Samoza national guard who violently oppose the Sandinistas government and some members of the Miskito Indian tribe. These Indians were poorly treated by the Sandinistas government and the Contras are capitalizing on their anger toward the Sandinistas.

Anderson said he does not deny there are Marxist and Leninist factions at work in Nicaragua, but he does not feel they have Communist intentions of taking over the country.

"I see the efforts of the U.S. to support the Contras as a conspiracy of the business sector. If Nicaragua stands up to the multinational investors, there will be less profit for multinationals and higher prices for raw materials."

THREATS CAUSE ALARM

(By Brenda Winter)

CAUSA is an educational group intending to educate North Americans about what they believe is a Communist threat in Central America.

CAUSA presented its program to about 20 SDSU students April 16.

David Payer, program organizer, said CAUSA began in 1980 in Central America because a framework was needed to fight the advent of communism in Central America

The 30-minute slide show used by Payer drew many parallels between the rule of Sandinista leader Daniel Ortega and Adolf Hitler. Hitler's answer to the problems of post-war Germany was national socialism and so is Ortega's, according to the CAUSA presentation.

Payer said Fidel Castro, Cuba's Communist leader, has called for a united Spanish Communist brotherhood. This would include all of Central America, Mexico and the reclaiming of the southwestern United States.

The second part of the CAUSA presentation was a lecture by Antonio Ybarra, a Nicaraguan native and sociology professor at Iowa State University. Ybarra's message differed somewhat from that of the first CAUSA speaker.

Ybarra said the revolution in Nicaragua did not begin with the church. On the contrary, the church was indifferent to the needs of the common people in the revolution in Cuba and because of this the communists gained a bit of a foothold.

Ybarra said the Sandinista government is in violation of human rights as the U.S. Government claims it is. It began the violations with restriction of labor unions, the rights of the Miskito Indians and the right to public meetings.

Repression of certain religions followed along with teaching the children to disregard religion.

The final message of Ybarra was to allow the Nicaraguan people to settle their own problems. He would like to see the communist-backed military aid and the U.S.-backed aid stopped. He believes justice must come from within the country or there will be no peace. He said that if Nicaragua becomes subserviant to any super power it will not solve anything.

The CAUSA organization collects donations from those who attend its meetings. It is also supported by a number of churches, especially the Unification church. At the SDSU meeting, the group claimed to supply aid to refugees from Nicaragua who are currently in Honduras.●

THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, June 12, 1985, into the Congressional Record:

THE ECONOMY

Since the middle of 1984, the growth rate of the U.S. economy has slowed significantly. The gross national product rose at an annual rate of only 0.7% in the first quarter of this year. In the last three quarters, our economy has grown at a sluggish 2.2% annual rate, compared to 7.1% during the early phases of the economic recovery.

There are other signs of a slowdown. The unemployment rate is 7.3%, basically unchanged over the past year. A period of vigorous economic growth in the early 1980s brought the unemployment rate down from 10.7% to 7.2% by mid-1984. Since then, there have been only enough new jobs to absorb the entrance of new workers into the labor force, but not enough to reduce unemployment. Today, there are 8.4 million unemployed Americans.

Along with the slowdown in economic growth, industrial production and profits have dropped.

Two major changes are occurring in the United States economy that are troublesome. First is the decline in manufacturing. Since the beginning of this year, we have lost 125,000 jobs in the manufacturing sector. All job growth in recent months has been in the service industries. The second change is the surge in imports, the major factor in our sluggish growth rate. Our trade deficit in 1985 could be more than $150 billion, as imports continue to flood the American market.

The economic news on inflation and interest rates is somewhat better. In the last year, consumer prices have risen 3.7%. That is much better than the rate of inflation a few years ago, though still high by pre-1970 standards. Since last summer, interests rates have been declining. The prime rate has fallen from 13% to 10%.

THE ECONOMIC OUTLOOK

Some forecasters fear that we are entering a "growth recession," in which the growth of the economy is not strong enough to keep pace with the growth of the labor force, so unemployment rises. Most forecasters, however, think that the economy will pick up later this year, as declining interest rates boost the economy. They believe that real growth in 1985 will be about 3.5 percent, only half last year's growth but strong enough not to be seen as a growth recession. For 1986 they see a further slowdown to 2.7 percent. A growing number of forecasters are beginning to predict a possible recession toward the second half of 1986, due to a variety of problems as well as the sheer aging of the recovery that began 2½ years ago. Not much improvement is expected in the unemployment rate this year or next. The inflation rate is expected to decline slightly.

While no one anticipates that our economy will return to boom conditions that characterized the first eighteen months of the recovery, the recent decline in interest rates will probably stimulate enought new spending to keep it growing modestly through the end of the year. If Congress succeeds with a good deficit reduction plan, interest rates could decline even further. Some of this stimulus from lower interest rates will be offset by the depressing effect of reduced government spending. Furthermore, other sectors of the economy—consumer spending, business investment, housing—have slowed recently and probably will not add very much new stimulus.

In summary, the outlook is for modest growth for the rest of the year, with no sector of the economy capable of providing significant stimulus. The only way the economy could show stronger growth is if interest rates decline even further. There is a possibility that we might slip into a recession by the end of 1986.

WHAT CAN POLICYMAKERS DO IF A SLOWDOWN BEGINS?

Normally Congress and the President have two major tools to deal with economic slowdown. The most powerful tool is fiscal policy: increasing government spending as well as cutting taxes to put more funds into the pockets of consumers, thus stimulating demand and creating more jobs. A second tool is monetary policy: increasing the money supply to reduce interest rates.

The enormous size of the federal deficit makes it virtually impossible to use fiscal policy to stimulate the economy if a slowdown occurs soon. In fact, the $50 billion spending reduction package working its way through Congress would mean less stimulation to the economy through less government spending. If the reduced stimulus occurs at a time when the economy is already weak, it may help touch off a recession. One prominent economist said that because of the deficit, fiscal stimulus is out as a way to fight recession. Furthermore, as another economist recently testified, the increased consumer spending from fiscal stimulus in recent years has gone largely for imports, suggesting that stimulative fiscal policy could have only a weak effect on U.S. output and employment in the next slowdown.

Fighting the next slowdown may, thus, have to rely more heavily on monetary policy, with the Federal Reserve being put

under pressure to increase the money supply to drive down interest rates. While the Fed would probably pursue such an expansionary policy, its effectiveness would be hampered by various constraints. For example, although lower interest rates may make it easier for businesses and individuals to borrow, they will probably not spend more money unless there are other signs the economy is growing. Also, the Fed will certainly worry that too much monetary stimulation will start another round of inflation. Even if monetary policy did have a strong effect, the Fed would probably proceed with caution.

Because of these constraints on fiscal and monetary policy, my concern is that the next recession could be deep and long. Fiscal policy would be paralyzed, and might even work perversely; montary policy might not prove strong enough. Not enough thought is being given to what to do about the next slowdown. It is time to start thinking now about how the U.S. should respond the next time the economy turns down.●

ALCOHOLICS ANONYMOUS CELEBRATES 50TH ANNIVERSARY

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SEIBERLING. Mr. Speaker, 50 years ago this week, Alcoholics Anonymous was founded in Akron, OH. It happened when two men, a New York stockbroker and an Akron physician, came to understand that by helping one another to stop drinking, they could help themselves. Little did they know at that time that what they were doing on a personal level would have worldwide results. Their philosophy of example and friendship has grown into a fellowship of more than a million men and women all over the world.

It has been said that AA is a simple program for complicated people living in a complicated world. And in its simplicity lies, I think, the tremendous success of the program. The only requirement for membership is a desire to stop drinking. Beyond that, AA asks only that principles come before personalities. AA helps people, not by treating their illness, but by helping them to turn to a power greater than themselves, to rid themselves of feelings of self-centeredness. That's how the concept of anonymity developed. It had nothing to do with a desire not to let other people know that one was an alcoholic. In fact, most AA members believe that the surest way to stay sober is to let people know that you are an alcoholic. The idea of anonymity sprung from the need for humility and the recognition that it would keep AA's strength as a person-to-person fellowship, with no hierarchy or formal organization. This approach has clearly been successful. Alcoholics Anonymous now has over 53,000 local groups in 110 countries. One of the finest tributes to Alcoholics Anonymous is that its doctrine of spiritual discipline and practice of shared hope and experience have inspired the formation of countless other self-help organizations.

I am deeply proud that Alcoholics Anonymous was founded in Akron and that my mother, Henrietta B. Seiberling, was instrumental in bringing together Bill Wilson and Bob Smith, the two founders. Like Bill and Bob, my mother never felt that she or they possessed any extraordinary virtues or talents. On the contrary, they would all emphasize the power of ordinary people to change their lives and the lives of others through the kind of spiritual discipline so successfully exemplified in Alcoholics Anonymous.

Tomorrow in Akron, there will be a Golden Anniversary Banquet commenorating the founding of AA. I offer my heartiest congratulations to this marvelous fellowship. I am sure that the next 50 years will see the continued spread of the hope, unselfishness, and love that Alcoholics Anonymous offers to many more people in need.

Mr. Speaker, nowhere is the spirit of AA better expressed than in an article from Monday's Akron Beacon Journal by Father Sam Ciccolini, founder and director of Interval Brotherhood Homes in Akron, a "half-way house" for people recovering from alcoholism and other similar afflictions. I hereby offer this fine article for the RECORD.

THE 'PILGRIMS' AGAINST ALCOHOLISM: HELP IS A TELEPHONE CALL AWAY

(By Fr. Samuel Ciccolini)

A person's desire to tame the untamable, conquer the unknown, reach the unreachable or control the uncontrollable is sparked by a dream, an idea, circumstances or devine intervention.

The first 102 pilgrims aboard the Mayflower were filled with courage, determination and faith in the captain. They stepped onto the New World in a blinding snowstorm in 1620. Starving and sick, the American dream was the fire that kept the 50 survivors enduring.

Fifty years ago this June, at the Mayflower Hotel in Akron, Ohio brought together two men from a far longer and nightmarish journey. They were strangers, survivors of what was then the unexplored, cold, insane and pulling down inner world of relentless destruction called chronic alcoholism.

After Henrietta Seiberling introduced them, they talked and listened. They discussed the possibility that they could salvage their lives by helping each other. The communication of these two hopeless drunks, Dr. Robert Holbrook Smith (1879-1950) and William Griffith Wilson (1895-1971) unchained the lives of millions overpowered by alcohol and drugs. It is the message and the reason they are still talked about.

Because they knew the deeper, yet-to-be-defined and silent meanings behind the words they spoke, they reached each other in a language that the disease of alcoholism had forced them to develop by its defeat over them. Like true pilgrims, they were forced to deal with the elements. It was in their problem that the solution was to be found.

In this ambience, one might think of Francis Thompson's *The Hound of Heaven*, or the equally troubled, poet, John Berryman, who wrote of his alcoholic life.

"You have come to my rescue again and again in my impossible, sometimes despairing years. You have allowed my brilliant friends to destroy themselves and I am still here, severly damaged, but functioning."

Because of the damage suffered and caused others, in the adulthood of their tiredness of living, in the collapsed sails of their dreams, Dr. Bob and Bill W. surrendered. Their surrendering, however, was a different kind: It was to the providential hand of what a living God, as they understood Him, was desirous of doing and giving to them and not to what had been their defeat.

This poverty of spirit, this awareness of their nothingness, this discovery of the original reverence of their creation became, for them, the prevailing wind of their day-by-day journey to the shores of recovery and serenity.

From 1935 to 1939, Dr. Bob's and Anne's house at 855 Ardmore Ave. in West Akron became the first alcohol therapy center. The discovery of each sober day adding up to weeks and then months of clear sailing showed them that a recovering alcoholic could help another and that life was worth fighting for. Sobriety did not open the gates of paradise to let them sail in but opened the gates of hell to let them paddle out.

In this fellowship, they could walk down a street in Akron or New York City knowing where they were, where they were going and that it made a difference which way they turned. With each sunrise, the hills and valleys appeared to be the same. The men who traveled them, however, were changing course on their lives and the oldest chapter in the history of mankind's endurance.

The closing of each sober day found Dr. Bob and Bill W. on their knees in prayer. Their bodies resting against their beds with their hands folded in prayer was a welcomed and measurable improvement over their previous despair and physical debilitation.

With the compass card of their lives now marked with the points of honesty, unselfishness, purity and love, the coastlands of new horizons were being logged. They took soundings of where they were to point the way for future travelers.

As of September 1984, more than 4 million copies of their book, *Alcoholics Anonymous*, have been distributed. It is a birth certificate of a new age. Within its pages are found the unwritten stories and lifelong language of every addicted survivor. In 1985, the New World finds itself struggling to endure a global tempest of addiction and its damaging consequences.

On this golden anniversary of AA, June 10, the co-founders and City at the Summit are quietly remembered because of who and what was communicated to two hopeless drunks in 1935 for the recovery of today's abusing addicted of the world.

From a spark, these children of the Mayflower endured. The spark is now a fire in the hearts of millions in 108 countries. Help is but a telephone call away.●

A SALUTE TO THE ELKS

HON. H. JAMES SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SAXTON. Mr. Speaker, this Saturday I will once again join with fellow members of the 11 Elk Lodges in the Southwest District of New Jersey to pay tribute to the American flag.

Similar ceremonies will be taking place nationwide, as Elk Lodges throughout the Nation continue a tradition which they began in 1908. Their annual salute to the flag gave rise to the official recognition of Flag Day in 1949.

The celebration to be held this Saturday at Beverly National Cemetery in Beverly, NJ, is particularly inspiring, Mr. Speaker, in that it focuses not just on one flag, but what is believed to be the largest "Avenue of Flags" in the United States.

More than 900 flags—each of which once covered the casket of an armed services' veteran—will be unfurled. I don't believe any American can view this colorful spectacle and not in some way be affected by it.

But dedication to patriotism, and the recognition of Flag Day in particular, just begins to tell the story of the Benevolent and Protective Order of Elks. This fraternal organization is not a mere social club, it is a group of concerned citizens with a sense of pride in community, and a sense of duty to others.

I would like to take this opportunity to share some of the Elks' accomplishments with my fellow Members of the House, and in this way perhaps explain why I am also proud to be a member of the Bordentown, NJ, Lodge No. 2085.

The Elks in New Jersey's Southwest District have been involved in a multitude of projects which benefit everyone from handicapped children to indigent college-bound students to aging veterans.

Handicapped children have been treated to summer picnics, holiday parties, and, most important, the opportunity to enjoy the outdoors at Elks' Camp Moore, a New Jersey camp sponsored statewide by the various Elk lodges.

The Elks also participate in a national foundation, through which hundreds of thousands of dollars are raised for scholarship funds for needy students who have excelled in academics, and as good citizens.

Those in residence in a home for aged veterans in Vineland, NJ, can also tell you about the good work of the Elks. At Christmas, the Elks show up with gifts and other items in hand, and plenty of good cheer.

The Elks perform their deeds against a backdrop of patriotism. They understand and appreciate the freedoms which our country represents, and they are ambassadors-at-large, carrying and conveying that message to all with whom they come in contact.

Currently the Elks are sharing in the fundraising effort to restore the Statue of Liberty, and are hoping to raise $1 million nationwide. Already this year, some $86,000 has been raised by the members of New Jersey's approximate 150 Elk lodges.

This brings me back to the celebration of Flag Day in Beverly National Cemetery, and the Avenue of Flags. It was, after all, only a few years ago that the Elks joined with a host of other fraternal and veteran organizations, and with the dedicated staff of the cemetery, to put together this magnificent display.

It was on a bitter cold November 12, 1983—Veterans Day—that the flags were first unfurled all at once. But those who had the good fortune to attend that ceremony were immediately warmed by the excitement of the moment, and by the knowledge that all the time and effort put into the project had been well spent.

To summarize, Mr. Speaker, the Flag Day ceremony this Saturday is just one facet of American life in which the Elks, whose members now number some 1.6 million nationwide, play a role.

I offer these comments as a salute to them, and ask my colleagues in Congress to share in my good wishes for the continued success of this conscientious organization.●

THE HUNGER TELECONFERENCE REPORT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. GILMAN. Mr. Speaker, I would like to bring to my colleagues attention an excellent report on the world hunger problem, the executive summary of a hunger teleconference report. This report can benefit my colleages by enabling them to more fully understand the hunger issue thus helping our committees to draft legislation that will help resolve this problem.

Mr. Speaker, I request that the full text of the executive summary of a hunger teleconference report be inserted at this point in the RECORD.

EXECUTIVE SUMMARY OF A HUNGER TELECONFERENCE REPORT

On October 16, 1984, World Food Day (WFD), the National Committee for World Food Day launched an unprecedented experiment: a National Town Meeting on food and hunger issues. The vehicle for this assembly was a satellite teleconference, linking over 120 sites in all fifty states with a panel of experts in Washington, D.C.

The WFD Teleconference was designed to prove the applicability of telecommunications technology to the subject of global food security. Through its interactive nature, the program enabled policy-makers and participants from national academic and local communities to share their views and recommendations on alleviating hunger, and to challenge one another to devise and implement specific action strategies.

As a pilot, the 1984 WFD Teleconference was perceived by most participants as a substantive educational program which should be continued in future years. The event's most important results were the following: (1) Citizens from local communities participated in the formulation of recommendations for national and international policies. (2) Participants' recommendations indicated that there is wide consensus on the elements of those policies.

BACKGROUND

World Food Day, October 16th, is the annual observance of the anniversary of the Food and Agriculture Organization of the United Nations, FAO. Observed in over 150 countries, WFD is a time for stock-taking on what can be done throughout the year to advance the goals of food security for all people. In the U.S., the National Committee for World Food Day is comprised of over 330 national and regional organizations representing the major academic, religious, nutrition, farm, and relief and development agencies working towards that goal.

In 1984, the WFD Teleconference was the central component of a major educational package designed to tap the concern and expertise of students, faculty, local organizations, and international policy-makers towards creating global food security. This "package" included the following elements:

(1) a Study/Action Packet of college level/adult curricular materials prepared by the University of Illinois with assistance from an advisory committee, and funded by the U.S. Agency for International Development, USAID.

(2) the three-hour teleconference, featuring a panel of experts, programs at participating sites, and an interactive question and answer period between the sites and the panel in Washington.

(3) reporting activity by both the sites and the teleconference staff to evaluate national and international food policy; summarize recommendations for action; and improve the teleconference.

During the first hour of the teleconference, six panelists presented their views on the major themes of the Study/Action Packet and the teleconference: a ten-year review of the gobal food situation since the 1974 World Food Crisis; the role of women in agriculture; the food crisis in Africa; and U.S. technical assistance programs.

The program opened with a photographic segment depicting the history of famine, narrated by Eddie Albert, and followed by a videotaped welcome from FAO Director-General Edouard Saouma in Rome. Then, the moderator, Dr. William Dando of the University of North Dakota, introduced the panelists' presentations:

John R. Block, Secretary of Agriculture, stressed that the eradication of hunger requires collaborative effort by governments and private groups working together to improve technology; give farmers incentives to produce; promulgate liberal trade policies;

and promote investment for economic growth to occur. The Secretary emphasized that food aid and trade amount to only one tenth of the world food supply, and can only help alleviate temporary food shortages. Thus, the most workable long-term solutions call for self-help and economic development, and the elimination of poverty. Mr. Block then summarized the Administration's development policy.

Her Excellency, 'M'Alineo Tau, Ambassador of Lesotho, spoke on both the African food crisis and the role of women in African agriculture. She explained that the objectives of African governments and African women are to increase agricultural production, strengthen strategic food reserves, and prevent further migration of women farmers from rural areas to cities. After three successive years of drought, with 26 African nations now facing severe food shortages, African farmers—primarily women—require access to water, community development, credit, appropriate technology, and education and training for agricultural and income-related skills.

Rep. Mickey Leland, Chair of the House Select Committee on Hunger, explained the role of Congress and the Select Committee in policy-making on food issues. Mr. Leland concentrated on the African crisis, and stressed that our response should not be based on political or ideological concerns, but on a humanitarian responsibility. He noted that our emergency aid to Africa in 1984 was substantial, but that our government is generally not prompt enough in meeting food needs, nor sufficiently generous. Mr. Leland urged all Americans to work to ensure that our national policies meet our moral obligation to feed the hungry.

Dr. Frederick, Hutchinson, Executive Director of the Board for International Food and Agricultural Development, BIFAD, discussed the role of USAID and American colleges and universities in implementing technical assistance programs. He stated that BIFAD agrees with USAID's three pronged approach to agricultural assistance: improve existing agricultural technology; create self-sustaining agricultural institutions which can adapt, develop, and diffuse those technologies; and implement policies which encourage use of improved technologies and provide incentives for farmers to increase production. Dr. Hutchinson emphasized that development assistance must achieve a balance between short and long term objectives, with food assistance in the short term and institution-building and development of new technologies in the long term.

Dr. Ruth Finney, Chief of FAO's Women in Agricultural Production and Rural Development Service, gave examples of the many problems which attend the role of women in agriculture, and their role in the alleviation of hunger. Dr. Finney cited cases of development projects designed to benefit women, but which did not include women in project planning, implementation, or evaluation. This is largely due to the faulty assumptions of development specialists who ignore the vital contribution of women farmers in feeding the world. In Africa, for example, 80% of the agricultural labor is performed by women, yet with little access to extension and training, or to credit and marketing.

Dr. William Byron, President of Catholic University and a founder of Bread for the World presented a ten-year review of the global food situation, beginning with a summary of the goals of the 1974 World Food Conference: increased food production, improved food distribution, and improved food security in the developing world. He regretted that these goals have not been met to the degree hoped for in 1974. In his assessment of this failure, two main points stand out: the remarkable, even astonishing absence of leadership on the issue of world hunger, and the frightening decrease in food production in Africa and the corresponding increase in the gravity of the food crisis there. Without moral and political leadership dedicated to the eradication of hunger, he warned that widespread "followership" will not evolve to take on this global problem.

LOCAL SITE PROGRAMS

During the middle hour of the teleconference, sites around the country conducted their own discussions and prepared questions for the national panel. They also used part of their time to begin formulating recommendations for action, which they included in their reports to the teleconference staff for use in the Summary Report.

The teleconference adopted the following principles for site participation: (1) joint planning and participation by college and local community groups wherever possible; (2) reliance on colleges and universities as the primary teleconference sites; (3) shared reporting responsibilities among all participants towards influencing national and international food policies; and (4) recognition that the teleconference was not an esoteric, rhetorical exercise, but rather a prelude to informed, year-round action.

Sites ranged from university locations in auditoriums and conference facilities, to meeting rooms at Public Broadcasting Service and cable affiliates, to a professor's home, to a hospital. Participants were also diverse—beyond college students, faculty, and administrators from various academic disciplines and types of institutions, local groups serving a variety of constituencies were also well represented. At many sites, local hunger activists were the event's primary organizers.

Although local site programs generally occurred during the mid-point hour of the teleconference, many site activities were linked to day- or week-long WFD observances. The most common program formats chosen by the sites were the following: panels of faculty, professionals, food producers, local government representatives, etc; roundtables organized to treat the different teleconference issues and/or other issues chosen by participants; governors'/mayors' proclamations read or announced and then used as the basis of discussion; and class lectures by appropriate faculty or students.

Sites were urged to design programs most appropriate to their own concerns. Because of the stated global focus of the national program, many sites concentrated on local, regional, or national hunger. Others focused on the impact of international food policies on domestic policies, and vice versa. Sites determined their own areas of emphasis, and the National Committee office provided related information materials to them upon request.

RECOMMENDATIONS FOR ACTION

In their reports, participating sites were asked to draft specific recommendations for action by: the U.S. Government, the International Community, Food Crisis Governments, U.S. Colleges and Universities, and Local Communities.

Of particular interest was the similarity of recommendations from very diverse sources. For example, both alleged "do-gooders" from local soup kitchens and academicians from major university systems criticized food aid tied to political rather than humanitarian objectives, and condemned arms funding at the expense of agricultural development for food production.

Sites' recommendations fell into distinct thematic groups across the categories above. These recurring themes included: depoliticization of food aid and development assistance; the distinction between short term and long term policies; the leadership role of the U.S. in the world community; advocacy of food/development programs over military expenditures; and the need for appropriate technologies in U.S. development planning for Third World nations.

By specific category, recommendations also recurred for each of the five groups slated for action. In recommendations for the U.S. government, sites called for aid policies emphasizing: appropriate technologies for small farmer use; the importance of producer incentives; the need to improve host country infrastructure, food storage and food delivery; the dangers of environmental degradation, especially when it results from certain U.S.-sponsored agricultural practices; and the importance of aid for training and education.

Respondents felt that the international community must coordinate and strengthen its efforts to alleviate hunger. Their recommendations here concentrated on: food as a basic human right; the need for preventive action against hunger by strengthening production and reserves; the role of trade; the role of multinational corporations; insufficient international concern for environmental degradation and resource depletion; and the role and policies of the international monetary system.

In their recommendations for food crisis governments, sites repeated their concern over continuing dependency relationships between beneficiaries and donors. They stressed that these governments must take a greater responsibility for feeding their own people by implementing: "food first" policies; improved food distribution; more and improved education and training; producer incentives; and family planning policies.

Regarding U.S. colleges and universities, sites remarked upon both the ignorance and apathy of many students and faculty about hunger, and the responsibility of higher education to redress this problem. Recommendations stressed the need for improvements in: training of American students, including curricular development and more emphasis on small farmer needs; the training of international students, including exchange programs; expanded and more appropriate research; the nature of foreign based programs of American universities; and ongoing activities against hunger on campus and in local communities.

As described above, the WFD Teleconference was designed to help facilitate a sharing of expertise and concern towards coordinated action by colleges and community groups. Sites' recommendations for local community action expressed their interest in coalition-building, and their belief that the teleconference assisted them in establishing or strengthening relationships among food and hunger activists. Participants' suggestions for action emphasized the following points: the importance of networking and organizing; the need to improve citizen awareness through such measures as continuing education and media; lobbying and the judicious use of the vote to influence government policies; and the role

of the teleconference to stimulate the local action and education on food and hunger issues.

EVALUATION

The majority of respondents were satisfied with the general themes and content of the national teleconference program. Positive elements of the program's content cited by participants included: emphasis on the role of women in agriculture; timely presentation of film clips on Africa and discussion of the food crisis there; helpful update of current issues and concerns since the 1974 World Food Conference; good variety of perspectives presented; and quality of sites' questions taken on the air during the third hour.

Criticisms of the national program included: overly negative presentations, biased presentations; avoidance of local/domestic hunger; insufficient discussion of arms and population growth as hindrances to development; and discussion of the symptoms rather than enough discussion of the causes of hunger.

Issues which sites would like to have treated in future teleconference programs were: domestic hunger; relationship of economic and development assistance to military/strategic policies; politicization of food aid and agricultural assistance; implications of the feminization of the laborforce worldwide; relationship of rural poverty and hunger; effects of environmental degradation and resource depletion on global food security; case histories of successful development projects, particularly those of the Private Voluntary Organizations; and action strategies and success stories of citizen involvement/lobbying/organizing.

With over 50% of all sites reported, the majority of participants believed that the teleconference was a valuable educational event. With very few exceptions, they were pleased to have participated. Sites commented on the relationships which were established at their schools between the university and local community groups which participated, and on the positive media attention which the event generated for their activities against hunger. Sites also commented on their plans to use the teleconference tape for curriculum development, training, and local organizing. ●

MAKING AMENDS FOR CONTRA AID CUT-OFF

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SOLOMON. Mr. Speaker, the House of Representatives now has the chance to make amends for what one newspaper in my district has called "its colossal April blunder" by acting to support Nicaraguan Contras. As we face this crucial decision, I would like to submit for the RECORD the full text of an editorial from the Troy, NY, Times-Record, which gives eloquent testimony as to why this House should vote to end the ban on aid to the Contras.

[From the Times Record, June 10, 1985]

HOUSE VOTING ON CONTRA AID

The U.S. Senate, last week, gave President Ronald W. Reagan a much-needed victory for his Central American policy when it voted 56 to 42 to provide $38 million in nonmilitary aid for anti-government forces in Nicaragua and, at the same time, voted to end an existing ban on U.S. military aid to the contras.

The action came after the Senate handed a number of defeats to liberal Senators by votes ranging from as wide a margin as 81 to 15 to a 45 to 45 tie.

The tie was on a proposal by Sen. Edward M. Kennedy, D-Mass., that urged the administration to resume talks with the Sandinista government of Nicaragua.

Defeated in the 81 to 15 vote was a proposal from Sen. Gary Hart, D-Colo., to ban any increase in U.S. military forces in the Central American region without advance congressional approval.

The senators must have been thinking about an April vote in the Democratic-controlled House of Representatives which handed a defeat to President Reagan for his Central American policy and sent Nicaraguan President Daniel Ortega laughing all the way to Moscow.

However, the real test will come tomorrow when the House will have an opportunity to make amends for its colossal April blunder by acting on a variety of rebel-aid proposals. The April House vote rejected even nonmilitary aid to the contras.

Much has happened since that infamous April vote in the House. Not only has President Reagan's popularity with the American people soared since his dark days of April, but Ortega's flight to Moscow just days after that House vote to seek financial aid from the Soviets angered the American people and put members of Congress on the defensive.

As President Reagan said last week, "It was a dark day for freedom when, after the Soviet Union spent $500 million to impose communism in Nicaragua, the United States Congress could not support a meager $14 million for freedom fighters in Nicaragua."

Although chances look good for passage of the aid bills in the House, it certainly would help if we all let our Congressmen know we are behind the President's Nicaraguan policy and would like to see him have the last laugh.●

THE AMERICAN FIBER, TEXTILE, AND APPAREL INDUSTRY "CRAFTED WITH PRIDE IN U.S.A." PROGRAM

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. JENKINS. Mr. Speaker, we in the congressional textile caucus wish to share with our colleagues the reasons we proudly stand behind the domestic fiber, textile and apparel industry/labor program called "Crafted With Pride in U.S.A." This program was formed to promote to the public the value and quality of American-made textile products.

A common myth persists that our own fiber, textile, and apparel complex, with its 2 million workers contributing $56 billion to the GNP, is somehow not productive or competitive enough to survive in the face of cheap imports. The American textile and apparel industry is, to the contrary, the most modern, efficient textile and apparel industry on Earth.

The American textile and apparel industry has increased its productivity by 4.5 percent annually since 1974, compared to a 2-percent annual productivity increase for all U.S. manufacturing. The 2 million American textile workers in 7,200 plants producing 12 billion pounds of product annually are much more productive than the People's Republic of China, for instance, whose 4.3 million workers in 12,000 plants produce 12 billion annually.

In terms of competitiveness, the U.S. textile and apparel industry spends close to $2 billion annually to modernize plants and specialize product lines in order to remain as efficient as possible. In spite of these extensive capital outlays, the American textile and apparel industry has kept rising prices on its goods down to a 90-percent growth rate since 1971, versus a 183-percent growth rate for all other U.S. manufacturing.

In spite of the collective spirit and energies of U.S. textile and apparel workers to survive creatively in the face of mounting foreign competition, these workers cannot realistically compete with substandard Third World labor wages. Nor can they realistically compete with unfair subsidies and trade barriers initiated by the United States' world trading partners. The U.S. textile and apparel industry has lost almost 300,000 jobs in recent years due to unfair imports, and record job losses in this vital industry are expected to continue throughout 1985.

Many of us in the Congressional Textile Caucus today are wearing our "Crafted With Pride in U.S.A." buttons because we believe the industry deserves to survive. However, if imports continue to grow at last year's pace of 32 percent annually, the American fiber, textile, and apparel complex will virtually disappear by 1995.

H.R. 1562, the Textile and Apparel Trade Enforcement Act of 1985, now has 282 cosponsors. This legislation is designed to restore order to world textile and apparel trade on the premise that fair trade is an immensely desirable alternative to the extremes of free trade or protectionism. We firmly believe in fair trade in order to offset inequities created by varying wage rates, social practices, taxation policies, and Government subsidies. We believe in fair trade so that fair and equal application of penalties resulting from dumping and disruption of orderly marketing may be executed. We believe in fair trade because we seek consistent practices on imports and exports by all our trading partners.

We submit for the RECORD several other fiber, textile, and apparel import "Myths and Realities."

FIBER, TEXTILE AND APPAREL IMPORTS MYTHS AND REALITIES

Myth: The U.S. fiber, textile and apparel industry is already one of the most protected industries in the U.S.

Reality: Protection? Last year, imports captured nearly 50 percent of the U.S. apparel market. With all agreements in place, combined imports of textiles and apparel increased by 32%. In 1983, these imports increased by 25%. Meanwhile, the Big Five exporters still control over half the U.S. apparel and apparel fabric market at the expense of the developing countries that were supposed to benefit from the agreements. Obviously, the agreements aren't working. They cover only about 65% of imports, and set quotas only on some products from some countries. The agreements don't even cover all fibers; silk, linen and ramie are excluded. The agreements are full of loopholes allowing fraud, mislabeling, transshipment of garments from one country to another and other violations of the letter and spirit of international trade agreements.

Myth: Protection costs the U.S. economy many times more than the value of the jobs it saves.

Reality: For every billion yards of fabric and apparel we import, 100,000 job opportunities are lost to American workers. Last year, imports accounted for nearly a million lost job opportunities, plus another million through the "ripple" effect. Invariably, estimates of the cost of protection leave out the contribution the industry makes to Gross National Product, the balance of payments, tax revenues and the intrinsic value of maintaining a basic industry.

Myth: Import quotas are just a subsidy for industries that can't compete with foreign industries.

Reality: If the competition were just other private companies, American fiber, textile and apparel manufacturers would win hands down. Our domestic textile industry has spent a billion dollars a year for two decades to become the most modern and most productive in the world. The problem is, U.S. industries are competing with foreign governments which subsidize their own industries, restrict imports of our goods and hold wage rates to as little as 16 cents per hour.

Myth: The wage base is lower in other countries. Why shouldn't we take advantage of this and retrain our workers for better jobs?

Reality: There is no way we can, or should, compete with 16-cent-an-hour wages. That would compound the problem by importing a lower standard of living for our workers and for all of us. As far as retraining is concerned, the only real growth industries are the service sector, where wages generally are lower than average. Even then, with the kind of growth rates we've been experiencing, it's impossible to retrain workers fast enough to keep them in the work force.

Myth: The strong dollar is the real culprit. As the dollar weakens, so will pressures on the industry.

Reality: The strong dollar has only made imports more profitable for importers. The long-term trend is growing import penetration, strong dollar or not. The development policies of major exporters are based on the long view of capturing the U.S. market. Besides, there is no evidence that the strong dollar, which has already created permanent damage through plant closings, is about to weaken.

Myth: Foreign nations would retaliate if we were to impose import retrictions.

Reality: We are now subjected to constant "retaliation" from foreign nations which are already excluding or strictly limiting U.S. exports. The European Economic Community, to protect its industries, set strict limits on imports of textiles without adverse effect. China and its vast market, once the major concern of those who feared retaliation, is now a net exporter of cotton and is near becoming a net exporter of grain.

Myth: Restricting imports will raise consumer prices.

Reality: There is considerable evidence that any remaining "savings" on imported goods merely result in higher mark-ups for retailers, not reduced prices for consumers. The best evidence of this is that retail prices are continuing at a high level, despite the strong dollar, which should have resulted in lower prices for consumers.

The long-term benefit to the consumer is also in doubt. Within hours of the last U.S. velveteen manufacturer declaring bankruptcy, Japan announced a substantial increase in its prices for the same fabric.

Myth: The new U.S. customs "country of origin" rules effectively solve the import problem by assuring that country quotas will not be exceeded through transshipment.

Reality: The new rules that took effect in late 1984 will help prevent fraud, mislabeling and the most obvious violations of the quota system. However, the new rules do not address or correct the overall trends in fiber, textile and apparel imports.

Myth: The Reagan administration opposes restrictions on textile, fiber and apparel imports.

Reality: This administration and its predecessors have repeatedly expressed support for the MFA and have negotiated extensions of it and the bilaterals reached through the MFA. However, the administration has made a policy decision to implement the agreements in such a way that not all the remedies available to limit imports are used. Legislation would direct that all appropriate remedies be taken.●

COMMENCEMENT ADDRESS, TEXAS SOUTHMOST COLLEGE, MAY 11, 1985, BY CONGRESSMAN SOLOMON P. ORTIZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. ORTIZ. Mr. Speaker, I recently had the honor of addressing the graduating class of Texas Southmost College in my congressional district. I am inserting a copy of my text for the benefit of my colleagues.

COMMENCEMENT ADDRESS, TEXAS SOUTHMOST COLLEGE, MAY 11, 1985, BY CONGRESSMAN SOLOMON P. ORTIZ

President Besteiro, members of the faculty, board of trustees, distinguished guests, graduating class of 1985, ladies and gentlemen:

It is with great pride that I participate in this 58th commencement ceremony of Texas Southmost College. Relatively speaking, this is a young and growing college in our country. Yet, it has succeeded in challenging the youth of this area to become scholars, citizens, and intellectuals.

Art Buchwald, the noted syndicated humorist, once told a graduating class that he could say something very profound, but the students would have forgotten it in 20 minutes. Instead, he chose to recite anecdotes so that, 20 years later, when their children asked them what they did on graduation day, they could proudly say, "I laughed." Today, when I finish speaking to you, I hope you will have laughed also. But when your children ask what you did on graduation day, I hope you will say, "I thought."

First, let me say that we, the older generation, have given you a perfect world. And we don't want you to do anything to louse it up.

I have not come here today to bring you a message of doom. The tendency in Washington is to wring your hands and say that everything is rotten. But I don't feel this way. I am basically an optimist—otherwise, I would never have flown Metro Airlines.

I don't know if this is the best of times or the worst of times, but I can assure you that: This is the only time you've got! You can either be concerned only about yourself, or you can go out and make life better for everyone around you. Find time to sit and talk to a senior citizen. Make time to take the hand of a child. Show a student what your company is about, explain how your career satisfies you. And don't forget to sit under the stars some night with someone you love.

I understand that 400 have graduated this year and that 232 are participating today. I guess that the other 168 have jobs!

Now I know you're all worried about jobs. But I can assure you that out of this class of 400 students, at least 10 of you are going to find work. And I know who you are. But unfortunately, I'm not at liberty to tell you.

Seriously though, you need not be overly worried about your careers. You are going to make it in life. You are fortunate to have experienced an education here at Texas Southmost College. You are special people in your community because it is your shoulders upon which rests the future of your neighbors. Remember, the Founders of the American Constitution were also the founders of American scholarships. Books were their tools, not their enemies.

Professor, and President Woodrow Wilson once said that every man sent out from a university should be a man of his nation as well as a man of his time. I am confident that the men and women who carry the honor of graduation from Texas Southmost College will continue to give from their lives, from their talents, a high measure of public service and community concern.

"There are few earthly things more beautiful than a university," wrote John Masefield, in his tribute to European universities—and his words are equally true today. He did not refer to spires or towers, to campus lawns or ivied walls. He admired the splendid beauty of the university, he said, because it was "a place where those who hate ignorance may strive to know, where those who perceive truth may strive to make others see."

Your own student congress, lead by Clifford Gillard, marched in opposition to the burning of hazardous wastes in the Gulf of Mexico. Working together with Dr. Juan Sanchez and Michael White, students and faculty rallied the community and educated others about the burning of PCB's in the

gulf. That is what the foundations of a college education are all about.

The educated American today must decide, as Goethe put it, whether he is to be an anvil—or a hammer. Today, for many, the formal stages of the anvil are complete. The question faced is whether to be a hammer—whether to give to the world in which we all are educated and reared, the broadest possible benefits of our learning. As one who is familiar with the political world, I can testify that we need it.

For example, the password for all legislation, promoted by either party in Washington, is "progress." But how do we tell what is progress and what is retreat? Those of us who may be too close to the issue, or too politically or emotionally involved in it, look to you for the objective word. Our country's strength lies in your judgment. You who are educated, you who are active, you who are concerned make my job in Congress easy.

However, it doesn't mean that the educated have the only answer. Just before coming here today, I spoke to a student, an English major, and we discussed Hamlet. I said, "Suppose you were prince of Denmark, and you came back from school to discover your uncle had murdered your father and married your mother, and you fell in love with a beautiful girl named Ophelia and mistakenly murdered her father, and then Ophelia went crazy and drowned in a brook. What would you do?" The student thought about it for a moment and then said, "Well, I guess I'd go to Texas A&M!"

Whatever you do in life, let me suggest that it is noble to pursue any career—no matter how powerful, no matter how much money is involved. Try not to be like one British Member of Parliament, of whom Queen Victoria once remarked that he would be a better man if he knew a third subject. "Unfortunately," she said, "He was interested in nothing but the constitution and himself."

What we need are graduates who can ride easily over broad fields of knowledge and recognize the needs of their neighbors and friends.

I stand before you today in cap and gown—a symbol of your current success, a promise of an eventful future. For some, more school lies ahead. For others, a family or a career awaits. They are thoughts befitting a baccalaureate ceremony.

Earlier I said that I hoped you could look back on today and say, "I thought." Let me conclude today by telling you of a mother who did all of her son's thinking for him. She once said, "Don't teach my boy poetry; he is going to become President." Well, perhaps she is right—but if more politicians knew poetry, and more poets knew politics, I am convinced that the world would be a better place in which to live on this commencement day of 1985. My thoughts and prayers are with you, and may your luck in life be guided by a heavenly star.●

NATIONAL MEDIAN FAMILY INCOME

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. OWENS. Mr. Speaker, the latest complete census figures for the United States show that the national median family income is $21,023. The median family income in all of the 100 poorest congressional districts was under $15,000, and in my district this figure was $11,126. I am presenting a list of the 100 congressional districts with the lowest median family income from the U.S. Department of Commerce's Bureau of the Census' Census of Population and Housing for publication in today's CONGRESSIONAL RECORD to make this data more readily available to my colleagues in the House. I think that it is important for us to be aware of these economically troubled districts in order to intelligently consider and formulate legislative solutions to the problems of poverty and unemployment.

This week the House and Senate are in conference considering the 1986 fiscal year budget. We must remind our colleagues engaged in this intense bargaining process that less than 5 percent of the budget passed by the House is targeted for low-income Americans. These frightening statistics represent profound evidence of the need to maintain programs for the poor.

THE ONE HUNDRED 99TH CONGRESS DISTRICTS WITH THE LOWEST MEDIAN FAMILY INCOME

Rank and State	Congressional district	Median family income
1: New York	18	7,453
2: New York	11	8,257
3: New York	16	8,764
4: Mississippi	02	9,874
5: Kentucky	05	9,944
6: Michigan	13	10,075
7: California	29	10,691
8: Pennsylvania	01	10,747
9: Arkansas	01	10,801
10: New York	12	11,126
11: Florida	18	11,214
12: Missouri	08	11,214
13: Oklahoma	03	11,238
14: Louisiana	02	11,398
15: Illinois	01	11,411
16: Pennsylvania	02	11,420
17: Louisiana	05	11,501
18: Arkansas	04	11,728
19: New Jersey	10	11,846
20: Tennessee	04	11,857
21: Texas	20	11,862
22: Florida	06	11,909
23: Mississippi	01	11,943
24: Texas	15	11,949
25: Florida	02	12,117
26: Arkansas	03	12,119
27: New York	13	12,131
28: Kentucky	07	12,142
29: Mississippi	03	12,151
30: Georgia	02	12,184
31: North Carolina	03	12,244
32: Tennessee	09	12,305
33: Alabama	04	12,362
34: Missouri	07	12,383
35: North Carolina	01	12,404
36: Georgia	08	12,431
37: California	25	12,441
38: Maryland	07	12,490
39: Georgia	05	12,500
40: Alabama	03	12,521
41: Tennessee	03	12,708
42: Georgia	01	12,714
43: Alabama	02	12,745
44: Mississippi	04	12,747
45: Maine	02	12,802
46: Texas	11	12,844
47: Florida	08	12,884
48: South Carolina	06	12,885
49: North Carolina	11	12,892
50: Louisiana	08	12,912
51: West Virginia	02	12,965
52: North Carolina	07	13,096
53: Oklahoma	02	13,105
54: South Dakota	01	13,156
55: Tennessee	01	13,182
56: Texas	18	13,194
57: Alabama	07	13,210

THE ONE HUNDRED 99TH CONGRESS DISTRICTS WITH THE LOWEST MEDIAN FAMILY INCOME—Continued

Rank and State	Congressional district	Median family income
58: California	24	13,258
59: Virginia	09	13,275
60: Texas	01	13,287
61: New Mexico	02	13,353
62: Arizona	02	13,450
63: North Carolina	02	13,480
64: California	28	13,498
65: Michigan	11	13,501
66: Illinois	07	13,652
67: Georgia	03	13,666
68: New York	26	13,704
69: Mississippi	05	13,705
70: Kentucky	01	13,713
71: Kentucky	02	13,727
72: Minnesota	07	13,777
73: Pennsylvania	14	13,783
74: Florida	10	13,795
75: California	44	13,836
76: California	18	13,854
77: Texas	17	13,919
78: New York	33	13,921
79: Pennsylvania	11	13,942
80: Florida	09	13,990
81: Illinois	22	13,991
82: Alabama	01	13,998
83: Texas	16	14,010
84: New Jersey	14	14,039
85: California	02	14,089
86: Florida	04	14,097
87: West Virginia	04	14,125
88: Virginia	05	14,142
89: Ohio	21	14,162
90: Kansas	05	14,187
91: Minnesota	02	14,202
92: Louisiana	04	14,232
93: Florida	01	14,233
94: Texas	27	14,251
95: Florida	03	14,255
96: Pennsylvania	10	14,319
97: Florida	07	14,372
98: Missouri	04	14,409
99: Tennessee	02	14,409
100: Nebraska	03	14,469●

COPYRIGHT ROYALTY TRIBUNAL SUNSET ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SYNAR. Mr. Speaker, today Representative PATRICIA SCHROEDER and I introduced the Copyright Royalty Tribunal Sunset Act of 1985. The bill eliminates the disastrous Copyright Royalty Tribunal and freezes copyright rates until Congress establishes a more workable ratemaking scheme. The bill requires the congressional action before January 1, 1988.

As Representative ROBERT KASTENMEIER has said, the CRT is a "broken agency." It was a good experiment in Government but has proved to be nothing more than a dumping ground for startlingly inept political appointees. It has failed in its mission to develop the expertise necessary to administer the copyright compulsory licenses. Since its creation in 1976, the CRT has not generated less work for Congress and the courts, but more.

We introduce this measure because the public interest demands the CRT's elimination. We hope to begin a debate that will result in a better copyright ratemaking system. At a minimum, we should enact this meas-

ure to end the wasteful and unnecessary expense of an agency whose $70,000-a-year Commissioners only randomly show up for work.

Those affected by the CRT have no confidence in it. Several court challenges to its ratemaking decisions and procedures have shown how embarassingly little thought goes into CRT actions. Recently, copyright users and owners subject to two of the compulsory licenses under the CRT's jurisdiction—public broadcasting and jukebox—have privately negotiated rates rather than risk the capricious ineptitude of the CRT.

Among its duties, the CRT is responsible for distributing cable copyright royalties. The 1979 fees have not yet been distributed despite the decision of the U.S. Court of Appeals for the D.C. Circuit in *Christian Broadcasting Network, Inc.* v. *CRT* 720 F.2d 1295 (1983) which had substantially—although not without criticism—affirmed the CRT's distribution decisions.

The three items remanded to the CRT in that decision were decided by the CRT again. These are the subject of yet another pending court appeal. Indeed, all cable distributions for the years 1979 through 1982 were the subject of appeals pending in the D.C. circuit as of April 1985.

In Christian Broadcasting, the court was troubled by the near inability of the CRT to explain its distributional decisionmaking. This was the court's second admonition to the CRT along these lines, the first having been in *National Cable Television Association* v. *CRT* 689 F.2d 1077 (1982).

The revelation that former CRT chairperson Marianne Hall was the author/editor of a racist book is only the most recent problem. Many of us were also disturbed by the most recent nomination by President Reagan: A personal aid of his former political director who has no experience in copyright whatsoever.

The two remaining Commissioners have little or no experience in copyright. Both have been active politically in Republican organizations. During oversight hearings this year, it was disclosed that these $70,000-per-year public employees do not regularly show up at work.

The Copyright Royalty Tribunal Sunset Act eliminates the CRT on the date of enactment. Further, it provides that any action taken by the CRT from today forward shall have no effect. I recognize that this is unusual action but it is not unprecedented and, in my opinion, it is necessary.

The CRT in its present form is incapable of giving adequate consideration to the complex issues involved in ratemaking. The two sitting Commissioners on the five-member CRT may not represent a quorum and there is by no means a clear answer to whether or not the CRT can function at all even if this legislation were not enacted.

I do not believe the cable copyright rates in place today are fair. In the past, I have introduced legislation to correct an urban/rural bias in the rates and I have supported related legislation to correct this and several other rate inequities. Nevertheless, freezing these rates for 2 years is the best alternative, given the need for efficient Government and the irreparable condition of the CRT.

Under current law, an owner or user of a work subject to the cable copyright compulsory license can initiate a rate proceeding anytime during 1985. As I mentioned, only one proceeding has been initiated so far this year and it is on an extremely narrow question.

This does not mean that cable operators or copyright owners are happy with the status quo. Rather, they are afraid of the CRT because it is irreparably broken and incapable of rendering a sensible decision.

I want to stress that this is only a temporary measure. I strongly support the compulsory license for cable retransmission of copyright materials and I oppose the current rates. But the system is such a mess, this is a necessary first step toward finding a solution. I ask the cable industry to live with the current rates for the time being.

The bill would not affect the recent compromise reached between the performing rights organizations and jukebox operators which was engineered by Representative KASTENMEIER. And present challenges in court regarding interpretations of the cable rate collections would likewise not be affected.

Copyright owners will be affected by this legislation only if Congress fails to act by January 1, 1988. In that circumstance, no distribution system will be in place to distribute the copyright royalties and no distributions will occur.

It is my hope that with the passage of this legislation we can then expeditiously address the substantive issue of correcting the basic inequities which have been identified in the copyright law. We must develop a sensible mechanism for the distribution and collection of royalties well in advance of the sunset date.●

TRIBUTE TO PATRICK V. MURPHY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BIAGGI. Mr. Speaker, last month, I was privileged to present the Police Executive Research Forum's second annual Leadership Award to Patrick Murphy, who retired recently after 12 years as president of the Police Foundation—a nonprofit institution dedicated to fostering improvement and innovation in policing.

But, for those of us who have been closely associated with the law enforcement community, we know that Pat Murphy's work on behalf of police did not begin, nor will it end with the Police Foundation. In fact, Pat Murphy's law enforcement career dates back some 40 years when he became a New York City patrol officer in 1945. Following in his family's law enforcement tradition—his father and two of his brothers were also police officers—he performed his job admirably and quickly moved up through the ranks.

After becoming a deputy inspector, he took a leave of absence from the New York City police force to become chief of police in Syracuse, NY. He would later serve as chief police administrator in Detroit, Washington, DC, and New York City, where he returned to become police commissioner from 1970 to 1973. In addition, President Johnson appointed him to become the first administrator of the now defunct Law Enforcement Assistance Administration. Throughout his career he has earned a reputation for being not only one of our Nation's most highly regarded police executives, but also one of its most controversial.

During his tenure as Detroit's Police Commissioner, the Detroit Free Press hailed him as a "symbol of the new breed of police administrator * * * intelligent, tough, and sincere." But, because of his toughness and his firm, yet innovative, ideas about police tactics he has crossed swords with many inside and outside the law enforcement profession—from the rank and file officers he commanded to the International Association of Chiefs of Police, who disapproved of Pat's often sharp criticism of the police profession and the need for improvement.

Suffice it to say that Pat Murphy is a lot of things to a lot of people, but his work has clearly been highlighted throughout by his humane handling of racial disorders; his abhorrence of police corruption and incompetence; his work to upgrade and professionalize police educational and training standards; and his commitment to improving police-community relations.

Mr. Speaker, as one who served with Pat Murphy for many years on the New York City police force, and who continues to work with him on a number of important prolaw enforcement initiatives, such as the effort to outlaw armor-piercing "cop killer" bullets, I want to salute him for his outstanding contribution to the law enforcement profession. He may have retired from the Police Foundation, but knowing Pat, his vision and concern

for the law enforcement profession will never cease—we can all be thankful for that.

At this time, Mr. Speaker, I wish to insert a recent New York Times article that offers a brief glimpse of Pat Murphy's views about the law enforcement profession he values so highly:

REFLECTIONS ON 40 YEARS IN THE POLICE WORLD

(By David Burnham)

WASHINGTON, June 4.—In the 40 years since Patrick V. Murphy became a patrolman in Brooklyn, he has walked a lot of different beats.

In 1963 he was appointed chief of police of Syracuse; in 1967 he became the public safety director of Washington, D.C.; in 1969 he took command of the Detroit Police Department, and in 1970, in the wake of a corruption scandal, he was named the reform commissioner of the New York City Police Department.

But Mr. Murphy has never spent much time looking back, and today he says he believes that substantial changes in the political leadership of the cities and the top command of major police departments are changing the way the police all across the country operate.

Mr. Murphy, remarkably boyish-looking at 65 years of age, recently retired after 12 years as president of the Police Foundation, an independent research institution established by the Ford Foundation in 1973. But he is still trying to chart the direction of American policing.

"There have been incredible changes in police work since I began walking a beat in Red Hook, but I see even more dramatic changes in the future," he said.

"As more and more blacks and Hispanics have become the mayors and police chiefs of the nation's largest cities, the police are adopting a very different approach," he said. "More and more they are finding ways to work with the community, to spot the drug dealer and burglar and to actually prevent crime."

Mr. Murphy said this represented a major break with the past. "It wasn't so long ago that the all-white, mostly male police departments in most cities were really there to enforce an informal but very real system of segregation," he said. "Real cooperation between the police and the policed was very rare."

In addition to the growing political authority of black and Hispanic politicians and police commanders, another change he feels may be contributing to improved cooperation is the deployment of women as patrol officers. "From what little we know, women seem to have a more patient and cooperative way of working with citizens," he said.

Mr. Murphy says the gradual integration of American politics is working to change policing even in cities where the mayor is not black. "Today there often are two or three black city councilmen who are willing to speak out about unacceptable conditions and newspapers who are willing to publish their views," he said.

ON THE MISUSE OF FORCE

Where once the misuse of force frequently was winked at if not condoned, the police today "are trained and ordered to use force even handedly, intelligently, sparingly," he said.

This does not mean that "there still are not occasional instances of police brutality by individual officers," he added. "It does means these officers are punished when caught."

At many points in his long career, Mr. Murphy has prompted controversy in the police world. Many senior members of Congress were furious in 1968 when he ordered the Washington police force to arrest, but not shoot at, the looters who roamed Washington's poorer neighborhoods in the riots that broke out after the assassination of Dr. Martin Luther King Jr.

Under his direction, the Police Foundation ruffled many police traditionalists by encouraging the hiring of women as patrol officers and be seeking training techniques to sharply reduce the use of deadly force.

In 1982, the International Association of Chiefs of Police voted to censure him because of his "derogatory statements." One example cited was Mr. Murphy's observation that the police world in general reflected the racism of American society.

But at a recent retirement dinner in a downtown hotel, the controversies of the past seemed to dim as Mr. Murphy sat surrounded by his wife, most of his eight children, his brother, two sisters and a number of friends and former associates. Among those who rose to praise his liberal iconoclastic policeman, in fact, were two of the nation's more conservative law enforcement leaders: Attorney General Edwin Meese 3d and William Webster, director of the Federal Bureau of Investigation.●

A NEW BEGINNING FOR INDIA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. GARCIA. Mr. Speaker, I am submitting an article for the RECORD for my colleagues perusal on India by Robert McNamara. As the former president of the World Bank, Mr. McNamara has a great deal of knowledge and insight of the problems of developing nations. This article on India notes the progress that India has made over the past decade or so in building its economy and its agricultural sector. In addition, it has done so while remaining committed to democracy.

I am pleased that Prime Minister Ghandi is making a visit to the United States so early in his term as Prime Minister. I trust it bodes well for future United States-Indian relations. It is my hope that with the help of our own Nation's Indian-American community our two nations can begin a new era of increased friendship and understanding.

The article follows:

[From the Washington Post, June 12, 1985]

INDIA: NEW STRENGTHS

(By Robert S. McNamara)

Behind the reporting of the visit by Prime Minister Rajiv Gandhi is another important story, and one that has not been sufficiently told: the story of India's substantial economic progress.

Anyone who has spent time in India will realize that the key to the country's development is the rehabilitation of the villages—there are more than 600,000 of them—and participation of the rural poor in the development process. And that means unlocking India's great potential in agriculture, the mainstay of its economy.

I am one of those who believe that India's food production capacity, and its efforts to realize that capacity, has been grossly underestimated. During the past year, despite a mediocre monsoon, food grain produced by Indian farmers reached a record of 153 million tons, an increase of more than 100 percent above the 72 million tons produced in 1965 at the start of the "Green Revolution." In India today, the growth rate of agricultural output is above the population growth rate. The country is now capable of feeding its people through good and bad years; it is not only producing enough food, but it is also storing and distributing it effectively and at present has a surplus available for export.

To stimulate rice and wheat production, food policies in India were adjusted to balance the interest of the urban consumers, who wanted cheap food, and those of farmer-producers, who wanted to obtain reasonable prices for their crops. A liberalized pricing policy gave farmers the incentives to produce more and to raise their productivity. The threat of mass famine faded as these incentives began to work, along with an expansion of irrigation, improvements in the storage and marketing of food, and advances in agricultural research.

The drought that afflicted India in 1979–80, exacerbated by power shortages, would have meant mass famine in the 1960s. India suffered another drought in 1982. But because of the impressive agricultural performance, those two severe droughts did not bring about the famines that would certainly have occurred without these advances.

Liberalization of the Indian economy has begun to move forward on other fronts as well. Relaxation of restriction on imports, for example, has already introduced new elements of competition in India's industry. And a higher degree of competitiveness will certainly help to strengthen an underdeveloped private sector and improve the country's export performance. Thus, prospects for India to attain consistently higher export growth rates are good despite a disappointing average growth of about 4 percent annually during the past four years—caused in part by the global recession.

India's recent economic strategy also emphasized efficient use of energy and speedy development of domestic energy resources. India's dependence on oil imports declined from 63 percent of consumption in 1979 to about 37 percent in 1983; this year, it is expected to drop to 30 percent.

In general, India managed its economy prudently and carefully throughout the prolonged recession that plagued the global economy. As a result, today it is not handicapped by a debt problem. The country has achieved a yearly growth rate of 5.1 percent, quite close to the target of 5.2 percent set in its plan covering the five years to March 1985. The underpinning of this growth has been the very high rate of investment, sustained largely by domestic savings.

In assessing India's economic performance, it has to be recognized that the role of foreign economic aid has been modest. External resources have accounted for only about 7 percent of total development funds. But these and other aid funds are crucial for the overall "mix" of India's development financing. With per-capita income of only $260, India still belongs to the poorest group of countries in the world.

The better life that Rajiv Gandhi wants for India's poor, and envisions as well for the improverished peoples of other countries, deserves our support, including support for the financing of such activities as the International Development Association, the World Bank's concessional lending affiliate.

With such external assistance, there is no reason why India should not continue to demonstrate economic progress at home and be a convincing voice persuading the world at large what global economic cooperation can do for the developing world.●

INTERNATIONAL COMMUNISM AND THE DESTABILIZATION OF EL SALVADOR

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BROOMFIELD. Mr. Speaker, recently recovered documents in El Salvador allegedly show that Salvadoran guerrillas are receiving training in Communist countries. Just how much more proof will be needed before America wakes up to the fact that there is an effort underway to turn all of Central America into a Communist revolutionary paradise in America's own front yard?

According to a recent New York Times article, a wounded Salvadoran senior rebel commander had numerous documents in her possession when she was captured. The documents appear to be authentic and list the names of rebels scheduled to be trained abroad in Vietnam, Bulgaria, the Soviet Union, and East Germany. Some of the training these guerrillas receive allegedly includes technical courses and courses on explosives. The captured documents also reportedly show a much higher level of dependence on Nicaragua than the rebels have publicly admitted.

Of particular interest is the fact that the U.S. rescue mission to Grenada may have created tension between the Nicaraguans and the Salvadoran guerrillas. With these thoughts in mind, I commend the following New York Times article to my colleagues:

[From the New York Times, May 21, 1985]

CAPTURED SALVADORAN REBEL PAPERS LIST TRAINING CLASSES OVERSEAS

(By James LeMoyne)

SAN SALVADOR, MAY 20.—Documents captured from a Salvadoran rebel leader recently indicate that the leftist guerrilla officials are attending courses in the Soviet Union, Vietnam and Bulgaria.

The papers also indicate that the Salvadoran rebels consider Nicaragua their closest ally, one to be defended if it is invaded by the United States.

The documents give an unusually close look at the inner workings of the Salvadoran rebel high command and of relations with Nicaragua's Sandinista Government. They also indicate that, contrary to assertions by the Reagan Administration, the Sandinistas appeared ready to cut off aid to the Salvadoran rebels at the end of 1983 and may have done so, at least temporarily.

Senior Salvadoran military officers and officials at the American Embassy here have said they believe the documents, which were shown to news organizations by a Salvadoran military official, are authentic. The papers were captured last month from a senior rebel commander, Nidia Diaz, they said.

PAPERS APPEAR AUTHENTIC

Several small details appear to support the authenticity of the documents. Miss Diaz told reporters in a brief news conference last month that she had been captured with "secret guerrilla material." The documents are grimy, folded and worn as would be expected of papers carried in the field. Names, dates and events seemed to fit actual events and people.

"Several officials of the United States Embassy have seen these documents," an embassy spokesman said. "We have every reason to believe in their authenticity."

But a senior rebel political official raised questions about the documents.

"They can put anything they want into supposedly captured documents," Jorge Villacorta, a member of the rebel Democratic Revolutionary Front, said in a telephone interview. He refused to comment on specific documents. No officials of Miss Diaz's rebel groups could be reached.

REBEL WAS BADLY WOUNDED

Miss Diaz was badly wounded before being captured by Salvadoran troops at the end of April. She is now recovering in police custody.

Miss Diaz is the most senior rebel commander to be captured by the Salvadoran Army. She is a top official in the Central American Revolutionary Workers Party, a Marxist group that is one of the five factions in the rebel military Farabundo Marti Revolutionary Front. The papers appear to represent virtually the entire archive of the Revolutionary Workers Party.

The documents contain analyses of internation support for the rebels. They speak of seeking to influence the Democratic Party in the United States and the need to encourage Americans to back the rebels.

Guerrilla plans are outlined for peace talks with the Salvadoran Government. One diary entry calls President Jose Napoleon Duarte the rebels' "principle and most dangerous enemy." Another entry says the rebels risk being seen as "intransigents."

"Duarte wants to put us in an imperialist bourgeois project," the diary says.

A letter appears to show Guillermo Manuel Ungo, the rebels' chief political spokesman, complaining to rebel military commanders that they are failing to consult fully with him.

In a telephone interview, Mr. Ungo refused to comment on the letter. He said he could not accurately judge a document that he had not read.

A diary confiscated with the papers contains detailed notes of discussions at the La Palma peace talks between the Salvadoran Government and the insurgents, which Miss Diaz attended. One political pamphlet appears to be perforated by a fresh bullet hole. Another diary contains self-criticism for "political infantilism" and "paternalism"; a love poem, and a letter from a relative.

KEY ENTRIES IN A DIARY

What seems to be Miss Diaz's personal diary for 1985 lists rebel officials to be trained abroad. The diary lists names under two headings: "Courses 1984" and "Courses 1985." Thirteen rebel officials are listed as due to attend courses in 1985 in "VN," "BULG" and "URRS." The letters stand for Vietnam, Bulgaria and the U.S.S.R., according to Salvadoran and American officials. Miss Diaz is on the list to attend a course in Vietnam.

The listing for 1984 has 20 names of people to be trained in the same countries and in East Germany. Some of the listings are backed up by notes later in the diary. One entry says: "To Bulgaria: Ernesto Maldonado. To the USSR: Irma, Marlena." Other entries refer to "technical" courses, and the study of explosives.

Another set of documents chronicle tense relations between the rebel high command and Nicaragua's Sandinista leaders after the United States invaded Grenada in October 1983. They show a much higher level of dependence on Nicaragua than the rebels have publicly admitted. But the documents also indicate that the Sandinistas may well have cut off aid to the rebels in 1983.

Rebel officials did briefly leave Nicaragua in November 1983. The documents indicate that their departure came after a heated debate with the Sandinistas.

A short, handwritten note on Nov. 9, 1983, is addressed to "R. Roca" from "Simon." Roberto Roca is the head of the Central American Revolutionary Workers Party. A Salvadoran military intelligence officer said "Simon" is the code-name for Shafik Handal, the head of the Salvadoran Communist Party.

The note says the Sandinistas are about to expel the rebels from Managua and will "definitely cut off supplies."

"I believe we must sent a message to Fidel and seek a definition to know who to rely on," it adds. Salvadoran officials said they believe the note referred to Fidel Castro, the Cuban leader.

What seems to be a handwritten note by a rebel official on Nov. 7, 1983, refers to a meeting between "López" of the Sandinista Front's Directorate of International Relations and rebel representatives. Julio López is the head of the Sandinista Directorate of International Relations. The document says the Sandinistas are about to cut off aid because they fear an attack from the United States.

In what seems to be a last-ditch appeal to the Sandinistas, the document states that the rebels "consider that the Salvadoran peoples war has in its actual level of development a strategic importance for the Nicaraguan revolution and for the region. Nicaragua in the vanguard constitutes the advanced and true revolution."

The document says the Nicaraguans have asked for a list of rebels to be based near the border for military training. If the United States invades, the Salvadoran rebels are to fight in the Sandinista Army, the document says.

"All logistical support will be divided here to confront the aggression," the document adds. The Nicaraguans can no longer "be protecting supplies" to the rebels, it says, adding the most rebel officials living in Managua will have to leave and those that stay will be under the control of a Sandinista official.

A Sandinista military intelligence officer will be detached to "facilitate communications," apparently between rebels inside and outside Nicaragua, the paper say.

The guerrillas should stress the rebels' desire for unity with the Sandinistas, the

document adds, calling for "the most intimate coordination in a concrete manner on all political, military, propaganda and diplomatic fronts."

REQUEST FOR AID

A document from the five top rebel commanders to the Sandinista National Directorate on Nov. 10, 1983, calls on them to provide the rebels "new and audacious forms of aid," to allow the rebels to help repel an invasion.

"We thank you for all the aid you offered and we hope it continues because it is indispensable to defeat whatever form of invasion on Central American soil," the document says. Another document dated Nov. 2, 1983, calls for meetings with the Sandinistas and the Cubans.

A separate set of documents analyze international support for the rebels in Europe, Latin America and the United States. One document dated October 1984 calls for increased rebel attacks before the American Presidential elections. "If the Democrats win, it would fortify the tendency to negotiate," but would not necessarily change American strategy in Central America, the document says.●

A SHORT HISTORY OF THE PKR FOUNDATION

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. HALL of Ohio. Mr. Speaker, polycystic kidney disease [PKD] affects an estimated 400,000 people in the United States. It is more common than muscular dystrophy, hemophilia, cystic fibrosis, sickle cell anemia, spina bifida, and Down's syndrome.

One of my constituents, Mr. Charles W. Anderson, is affected by PKD. Mr. Anderson is a volunteer associate of the Polycystic Kidney Research [PKR] Foundation, a not-for-profit organization to support research and education. Mr. Anderson has brought to my attention a short history of the PKR Foundation, which I commend to my colleagues.

The article follows:

A SHORT HISTORY OF THE PKR FOUNDATION

(By Joseph H. Bruening, President)

The purpose of the PKR Foundation is to find first the cause and then the cure of polycystic kidney disease (PKD). In the immediate future we expect information to be developed which will improve the clinical treatment of PKD.

You may be interested in how the Foundation came into being and why in Kansas City.

In the late 1970's my wife was diagnosed as having PKD (her mother had died from it, many years ago). She had to start dialysis treatment in 1980. I naturally inquired into what was going in the medical field about PKD, research to find the cause and cure. It is a major disease, more prevalent than muscular dystrophy, cystic fibrosis, sickle cell anemia and other highly publicized diseases.

PKD is enormously expensive to the Government (through Medicare), to insurance companies that have large-scale group health and accident coverage, and to the PKD sufferers themselves. It is physiologically and psychologically devastating to the PKD patients and their families. Yet nothing seemed to be happening.

In 1981 there was an article in our local newspaper, an interview by the medical editor with a Dr. Jared Grantham of the University of Kansas Medical Center. In the interview Dr. Grantham was questioning why there was no research into PKD. At that time we were busy selling our family-owned business, the sale being completed in 1982. In the summer of 1982 I met Dr. Grantham and he and I decided to start the PKR Foundation.

He is head of the Nephrology Department at the University of Kansas Medical Center, which is located in the Greater Kansas City Metropolitan area. He is also an internationally recognized Nephrologist whose particular interest is PKD. He and I decided that because there were other, large organizations devoted to the care of kidney patients we would concentrate entirely on research.

I enlisted two close long-time friends, Ilus W. Davis, my attorney (and former Mayor of Kansas City) and Edward J. Dillon, a CPA who had for many years been the Controller and Executive Vice President of our former company. I also signed up our daughter and son-in-law, telling them that this is a continuing effort and that in the even of my death or illness, they were the ones who would have to carry it on.

Dr. Grantham said there were only a handful of scientists in the United States interested in, and capable of, basic research in PKD. There are the Scientific Advisors on our letterhead and their associates. This group, under the sponsorship of the PKR Foundation, met in Kansas City in the summer of 1983 and began the preparation of an application to the National Institutes of Health which resulted in a 3-year grant totalling $1,400,000 for seven research projects. These are being carried out at the various universities with which these scientists are associated.

Because the NIH prefers laboratory-type research (white mice, etc.) they did not fund one important project, which is clinical in nature, that of Dr. William Bennett of the Oregon Health Sciences University. Therefore our Foundation has undertaken to finance directly Dr. Bennett's research, $25,000 a year for three years, to find a specific antibiotic for infected kidney cysts.

September 29-30, 1984, the First International Workshop on the clinical treatment of polycystic kidney disease was held in Kansas City. It was truly international—there were medical experts from Italy, Switzerland, and England, as well as the top people in the United States. The meeting was a complete success, and the results will benefit many people in the months and years to come. One of the speakers said that there had been more productive discussion about polycystic kidney disease in the day and half of the conference than in the preceding 100 years.

A project, which the Foundation is just starting, is a roster of families with a history of PKD, preferably those with two or even three generations living, and especially those with identical twins. Such families will be asked to give a detailed family history together with blood and skin samples. The purpose is to begin a highly sophisticated attempt to trace the abnormal gene which casues PKD. You may be aware of the spectacular success of such a search for the gene causing Huntington's disease, and we hope to use the same techniques and the same scientists at Indiana University.●

THEY DARE TO SPEAK OUT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. RAHALL. Mr. Speaker, I would like to bring to the attention of my colleagues an article written by a former Member of this body, our colleague from Illinois, Paul Findley. Paul has written a book on his experiences with special interest groups called "They Dare to Speak Out." In the April 29, 1985 issue of "The Washington Report on Middle East Affairs," Paul details the problems he faced in finding a publisher for his book.

I believe that many of my colleagues will find Paul's book interesting in that any one of us could become the target of a special interest lobbying group. "They Dare to Speak Out" provokes thoughtful and sometimes frightening visions of what is in the best interests of our political system and what is in the best interests of America, first, in the Middle East.

[From the Washington Report on Middle East Affairs, Apr. 29, 1985]

THE ROAD TO PUBLICATION

(By Paul Findley)

On a visit last March to his son in Flagstaff, Arizona, a merchant from Jacksonville, Illinois, following his usual custom, stopped to chat with the manager of the community's largest book store. Although he knew the book would not be available until May, he asked, "Do you have Paul Findley's new book on Israel's lobby?"

"No," came the answer. "When will you have it on sale?" The merchant didn't even glance at a catalog before he said, "We won't have it." Then he added, somewhat lamely, "I've heard about the book and it's not of general interest. I'm sure it won't get this far west."

This gloomy forecast echoed discouraging reactions I had heard repeatedly during the two-year period in which I assembled material and put together the text of my book, "They Dare to Speak Out: People and Institutions Confront Israel's Lobby." The road to publication was strewn with hurdles, and I know marketing will not be easy.

A man who served for many years as confidant to Lyndon B. Johnson once told me to drop the project: "You don't have a prayer of having the book marketed. You probably won't even be able to get a publisher, large or small. Besides, there is no way that you can do a thorough investigative job. The lobby won't let you get the facts. I am well-known by the lobby and, I think, trusted. But frankly, I know that I couldn't get the facts either."

To demonstrate the power of the lobby, he told me that in 1975 a prominent leader of the Jewish community in Texas told him he was heading for the Senate to solicit the help of a senator on a pro-Israel issue. My friend warned the Jewish leader that the

senator in question was known to be unsympathetic to Israel.

The Texan insisted: "I'll prove you wrong." The two walked into a law firm on M Street in Washington where the Jewish leader asked about the senator. "Give me a minute," the lawyer said. He went to his phone, tapped out a number, waited, then tapped another series of numbers and listened. He never said a word but made notes. In a few minutes he came back with a detailed report of how the senator had voted and the positions he had taken on issues important to Israel. He was pro-Israel.

My friend said, "I was astonished. Somewhere was a computer full of details on nobody knows how many people. It was just a matter of tapping the right numbers and up came the information."

When I told him I was determined to write the book, he added, "In that case, just write your own experience, have it typed and the pages bound. Put it in a university library. Don't waste your time trying to get it printed."

THE SAD STATE OF AFFAIRS

Andrew Wylie, a respected literary agent, read a sample of my manuscript but declined to represent me: "It's a sad state of affairs, but no major publishing house will touch it. I would be wasting your time and mine."

For more than a year, I despaired of even finding an agent to represent me. Finally, Jay Garon of Garon-Brooks Agency agreed to try. But after eight months he found no takers.

On my own, I spent two months trying to get Dodd-Mead to publish my book. I was hopeful because after owner Sam Moore, a Lebanese American, had read three chapters he told me with great emotion: "Every word you write is true. This book must be published." However, his enthusiasm faded, and I heard nothing further.

I spent two more months trying to win the approval of Random House. After three members of the editorial staff read the manuscript, Vice President Bob Loomis recommended a green light. But when he sought approval at the top he was told: "There is no way we can publish that book." Next, Bruce Lee of William Morrow and Company, who had handled publication of Stephen Green's book, *Taking Sides*, was favorably impressed but, again, the top management said no. Lee told me: "It's an outstanding book, and I did all I could." He said the management had decided it would cause too much "trouble in house, as well as outside the house."

Meanwhile, a small but experienced publisher, Lawrence Hill and Company of Westport, Connecticut, agreed to publish it. The quest was over.

Throughout the experience I had pressed on to complete the manuscript. Most books, I believe, are written over a period of years. My book on Lincoln the Congressman (*A. Lincoln: The Crucible of Congress*) required six years of work. But this one, I felt, had to be completed with dispatch. The story of lobby activity needed to be told. To meet my self-imposed two-year deadline, I rented an office in downtown Washington and, thanks to the recommendaiton of Professor Seth Tillman of Georgetown University, I secured the part-time services of two able young scholars.

With the book finally coming out this May, the remaining challenge is getting stores to display it. After gathering the material and learning of the dismal experience of other authors whose books deal critically with Israeli activities, I respect the resourcefulness of the lobby and its skill at community-level intimidation. Long before publication, the bookstore manager in Flagstaff already had received the message to boycott. Will my book get that far west, as well as north, south and east? Stay tuned.●

CRISIS IN AGRICULTURE

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SHELBY. Mr. Speaker, I want to commend my colleague from South Dakota [Mr. DASCHLE] for refocusing attention on the continuing problems faced by the farm community—problems that have not disappeared with the coming of spring.

The crisis in agriculture is far from over—in fact, we may be gearing for some of the worst years yet in agriculture. Contrary to some reports, the situation that prevailed last winter persists. The spring's tendency to uplift our spirits masks deep-rooted problems that bode ill for agriculture in the years ahead.

Resolutely low farm prices brought on by the strong dollar abroad, surplus crops, and confusing farm policy signals from Washington batter the farm community and show little indication of easing.

I represent a chiefly rural area in Alabama comprised of some of the richest farm land in the country. The hard-working families who till this soil, many of them generations-old, are slowly being squeezed out of business. Depressed farm profits, declining land values and credit that comes too late have left farm families in ruin.

Experiences in my district merely reflect a greater desperation weaving its way through farm regions all across the country.

The troubled farm economy touches every sector of American society—equipment suppliers, chemical producers, environmentalists, shippers, small business people, consumers. Everyone connected to this most basic of human endeavors—the production of food—has a stake in devising a solution to these problems. Everyone has a stake in the development of stable farm policy that instills confidence and restores hope to the farmers of America.

Let us not allow America's No. 1 industry to stagger by default into a system devoid of incentives and lacking inspiration. Let us not abandon our commitment but redouble our efforts to achieve a solution that works for America's farmers and works for all Americans.●

DON'T TAX INSURANCE BENEFITS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. HUBBARD. Mr. Speaker, I received an excellent letter on May 1 from my friend and constituent Thomas O. Cox from Henderson, KY. I believe his message is worthy of our consideration.

Tom Cox, who is a Metropolitan Life Insurance agent in Henderson, writes to express his opposition to the proposed measures that would place a tax on the annual increase in the value of a life insurane policy, as well as taxing group life and health benefits.

I agree with his concerns and urge my colleagues to read his timely comments. Upon reflection, I am hopeful that any plan to tax individual or employee policyholders on insurance will be dropped.

The letter from Thomas O. Cox follows:

Hon. CARROLL HUBBARD,
Washington, DC.

DEAR CONGRESSMAN HUBBARD: I am a Metropolitan Life agent and am writing to express my opposition to certain proposals in the Treasury Tax Plan now under consideration by Congress. One would tax policyholders on the annual increase in the value of their individual life insurance, another would tax employees on their group life insurance and a third would tax employees on their group health insurance. I believe these proposals are unfair and unsound and should be rejected.

The tax on individual life insurance would affect millions moderate and middle-income families with life insurance. It would tax amounts which policyholders could not get without giving up their life insurance protection. It would be similar to taxing increases in the value of a home although it has not been sold. It would produce relatively small revenue and ignore social values which life insurance pomotes such as providing badly needed death benefits to widows and orphans.

In taxing me on my own group life and health insurance, you would be increasing the cost of these necessities to me and making it harder for me to provide on my own for the protection of my family.

These new taxes would discourage people from maintaining needed insurance protection. This, in turn, would threaten the life insurance business and the jobs of people like me who have worked hard in our effort to provide reasonable and affordable insurance to the public.

Please help us by voting against these measures.

Sincerely,

THOMAS O. COX.●

THE SOVIETS PLAY HARDBALL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BROOMFIELD. Mr. Speaker, the Soviets recently used strong-arm tactics again against one of our NATO partners in East Germany. As in the case of the tragic murder of Major Nicholson, the Soviets hit first and asked questions later. I want to call the attention of my colleagues to the lastest in a list of incidents involving the Soviets and Western liaison mission personnel in East Germany. The free world must learn the truth about how the Soviets and their surrogates disregard signed agreements and take the lives of innocent human beings.

As my colleagues well know, Maj. Arthur D. Nicholson, Jr., was shot to death in March by a Soviet soldier near a Soviet military base. The major was working in an area clearly open to liaison personnel under existing agreements. Prior to that sad incident, a French officer was killed and his partner injured when an East German Army truck struck the liaison officer's vehicle.

Just a few days ago, a vehicle driven by three British officers was also rammed by a Soviet truck. The British vehicle was struck so hard by the Soviet military truck that two wheels fell off the British vehicle. Soviet soldiers then harassed the British officers for 5 hours after the incident.

While the Soviets may claim that all of these incidents are mere accidents, and not intentional, I strongly believe that Western observers are being intimidated by Soviet and Eastern bloc strong-arm tactics. Once again, in the face of Communist aggresiveness, the free world must take the abuse and turns the other cheek. In the long run, this is clearly not the way to deal with the Soviets, and their friends around the world.

With these concerns in mind, I commend the following article to my colleagues in the House.

The article follows:

[From the Washington Post, June 8, 1985]

SOVIETS HARASS BRITISH IN EAST GERMANY

(By William Drozdiak)

BONN, June 7.—Three British officers were harassed for five hours this week by Soviet soldiers brandishing cocked weapons after their military vehicle was rammed by a Soviet truck, British Army sources said today.

The incident, which occurred early Tuesday but was not disclosed until today, involved members of the British military liaison mission based in Potsdam.

Britain has lodged a strong protest with the Soviet military authorities in East Berlin over the action of the Soviet troops, allied sources said.

It was the first hostile encounter between Soviet troops and western liaison units since Maj. Arthur D. Nicholson Jr., an American, was shot to death 10 weeks ago by a sentry near a Soviet military base.

Despite no one being hurt, the latest clash could renew the controversy over the activities of the liaison teams, which carry out sanctioned espionage in both Germanys, under the guise of mutual travel rights in the former occupation zones of the four World War II allies.

Since the Nicholson shooting, the British, French and U.S. units have been conducting sensitive negotiations with the Soviets to clarify the murky ground rules to avoid further outbreaks of violence against the liaison patrols.

The western teams roam through East Germany on daily reconnaissance missions, gathering what is considered the best on-site intelligence in Central Europe.

Soviet liaison units are allowed to engage in similar patrols through the former British, French and American sectors in what now constitutes West Germany.

British military sources, providing details of Tuesday's altercation, said the officers had parked their Mercedes jeep on a country road south of Cottbus, near the Polish border, three miles from the nearest restricted zone.

When two Soviet trucks pulled out of a passing military convoy and approached them, the British officers tried to withdraw. As they backed their vehicle away, one of the two trucks intercepted them and rammed the jeep so hard that two tires on the right side fell off. Several Soviet soldiers then joined the fray, hurling bricks and shovels.

Seeking to quell the confrontation, the British officers then drove the damaged jeep, tilting on its rims, to the nearest village for repairs. The Soviet soldiers followed and waved their cocked rifles menacingly while the Britons changed the tires.

A bag containing "military and personal equipment" was removed from the jeep without permission by a Soviet officer, according to a British military spokesman. Liaison teams, whose belongings are protected by diplomatic agreement, usually conduct their patrols with sophisticated surveillance devices and infrared cameras.

After their credentials were checked, the British officers were released and allowed to return to their base in Potsdam five hours after the ramming occurred.

"We have no idea why the Russians did this, especially since there was no provocation and our men were nowhere near a restricted zone," a British Army source said. "We know the Russians are guilty occasionally of bad driving, but this is ridiculous."

Such forms of harassment as ramming and temporary detention have occurred before. Last year, a French liaison vehicle was struck head-on by an East German Army truck. A French officer was killed and another injured in the collision.

The liaison teams have sought to avoid publicity in order to resolve their differences among themselves. But the Nicholson killing erupted into a political dispute between the United States and the Soviet Union that has hampered attempts by liaison officers to restore a "business-as-usual" atmosphere.

Washington has demanded an apology and compensation for Nicholson's family, which Moscow has rejected because it claims the sentry was performing his duty in shooting an intruder on a spy mission. The United States denied Soviet charges that Nicholson had crossed into one of the restricted military zones that now encompass 40 percent of East German territory.

In a show of displeasure over Tuesday's incident, Britain barred Soviet military officials today from a parade in West Berlin honoring the official birthday of Queen Elizabeth II.

Western diplomats say tensions with the Soviet Union also have increased recently over the three air corridors that link West Germany with West Berlin, located 110 miles inside East Germany.

The Soviet Union has urged western aircraft to fly at higher altitudes into Berlin to avoid Soviet air exercises. But the airlines have objected, claiming such changes would make landings more dangerous because of the steep angle of descent.

The four wartime allies operate a joint air traffic control center in West Berlin as one of their cooperative occupation legacies. Their soldiers also rotate guard duty at Spandau Prison, where Rudolf Hess, the 90-year-old Nazi war criminal, is the only prisoner.

British, French, U.S. and Soviet authorities also retain ultimate political control over the divided city through a complex series of accords dating back to the defeat of the Nazis.●

DR. DANA McLEAN GREELEY HONORED IN CONCORD

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. ATKINS. Mr. Speaker, this evening, the people of Concord, MA, and the surrounding communities will gather to celebrate the ministry of Dr. Dana McLean Greeley at an interfaith service at Trinity Church in Concord.

To pay tribute to the exemplary life and service of Dana Greeley in the U.S. House of Representatives is but a small token of sincere and deepest thanks for a ministry that has touched the lives of thousands of people.

A minister of the Unitarian Universalist Association and graduate of Harvard Divinity School, Dana Greeley served as minister of the Arlington Street Church in Boston from 1935 to 1958 before becoming president of the American Unitarian Association. His leadership on major issues of the day and his ability to bring about reconciliation were recognized throughout the church, and so he played an instrumental role in the merger of the American Unitarian Association and the Universalists. He was called to serve as the first president of the American Unitarian Universalist Association of North America.

It seems that wherever conflict or misunderstanding has arisen, Dana Greeley has been among the religious leaders to actively seek solutions. In Selma, AL, he supported the civil rights movement led by Martin Luther King, Jr. He visited Vietnam in 1965 under the sponsorship of the Fellow-

ship for Reconciliation and returned again just prior to the Tet offensive, interviewing top officials to impress upon them the need for deescalation and observance of basic human rights. In the late 1960's he was traveling and serving as president of the International Association for Religious Freedom headquartered in The Hague. One of Dana's greatest achievements was the founding of the first international interfaith organization rooted in a common commitment to peace and bringing together the world's religious proportionately represented in the World Conference on Religion and Peace. He serves as an honorary president to this day. In December 1983 he received worldwide recognition as recipient of the United Nations Peace Medal.

Dana Greeley's ministry in my home community of Concord has been one of deep commitment, personal example, and community action. His service to First Parish for 15 years has seen two renovation and expansion programs and an increase in membership of more than 800 people.

Dana's life and ministry have been shared by his wife and true partner in service, Debbie. Their life together has been blessed by their four children: Faith, Penny, Roddy, and Cindy.

I wish, very much, that I had the opportunity to be with so many friends this evening in paying tribute to Dana Greeley in Concord. However, I know how deeply Dana shares my commitment to justice in Central America and understands the need for my presence in this Hall this evening. My votes this evening on behalf of justice, equity, peace, and human rights for our brothers and sisters in Nicaragua are but a small part of my service to a community Dana has served longer than I.

I say this evening, on behalf of the Fifth Congressional District, you Mr. Speaker, my colleagues in the House of Representatives and the global community Dana Greeley has served so faithfully, a deeply heartfelt, "Thank you, dear friend."●

TRIBUTE TO RON HEINLEIN, A LEADER IN AVIATION

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. TRAXLER. Mr. Speaker, I would like to take this opportunity to pay tribute to a remarkable individual who has forwarded the cause of aviation in the community I represent, and also in the State of Michigan. The individual I speak of is Ronald Heinlein of Saginaw, MI, who recently was honored by his supporters at Tri-City Airport, an airport which he helped to develop and grow into the fine facility that it is today.

Ron's illustrious career in aviation stretches back to World War II where he dutifully served his nation through the Air Force program at Syracuse University. All told, Ron dedicated 3 years to the Air Force, concluding his education at Central Michigan University's Extension School in Saginaw.

From 1946 to 1951, Ron was the supermarket manager of the Home Dairy Co. in Saginaw, and later became a food broker eventually elevating himself to president and chief executive officer of United Brokerage Co. and general manager of UBC Marketing in Saginaw. Throughout Ron's career in the food industry, he has been an active and vibrant member of the community, devoting much time to aviation, local government, church, and other civic affairs.

Ron's dedication to aviation perhaps is best demonstrated by the development of the two facilities serving the Saginaw area, Harry Browne Airport and Tri-City Airport. Several local businesses and the community as a whole, have benefited from the development of Harry Browne as it plays a major role in receiving and shipping freight for small and large businesses alike. Ron envisioned the importance of Harry Browne and worked hard to make this airport a valuable community asset. I am sure that Ron's contribution to Tri-City Airport has helped make this beautiful facility third in Michigan in the number of passengers and tons of cargo carried annually.

Ron's commitment to aviation has extended beyond his service to the community in which he lives. Because of his expertise in aviation, Ron served as chairman of the Michigan Aeronautics Commission in 1975, 1979 and 1983-84. He has earned the recognition of the people of Michigan as a leading and respected figure in aviation.

In addition to aviation, Ron has been very active in the Republican Party, serving as Saginaw County Chairman of President Ford's campaign in 1976, Saginaw County Chairman of the George Bush and Ronald Reagan Presidential campaigns in 1979, and a delegate to the National Republican Convention in 1980. I want to say that he is a good friend to both Republicans and Democrats, and for many years has been a close and valuable friend to me.

At this time, I want to thank and commend Ron for his tremendous contributions to aviation which have improved the quality of life for those living both in the Saginaw Valley and in the State of Michigan.●

AND NOW—AID TO THE SANDINISTAS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. CRANE. Mr. Speaker, today we heard a great deal of debate regarding the propriety of sending aid to the democratic resistance in Nicaragua. Some claimed that aiding the Contras is the moral, courageous thing to do. Others argued that continued aid, albeit in small amounts and for humanitarian purposes, was evil and would merely prolong the bloody conflict that has been waged in that country for several years now. But regardless of one's stand on aid to the Contras, no one, I daresay, proposed sending aid to the Sandinistas, the Communists who took control of Nicaragua in 1979 and who have since undertaken a systematic and ruthless campaign of oppression against those who dare to disagree with them.

I don't think that any Member of this body would have even suggested sending aid to those who destabilize and terrorize all of Central America. But that doesn't mean the Sandinistas don't receive U.S. aid—they most certainly do. Just last month East Germany extended $54 million in credits to the Sandinistas and included in the deal an $18 million cash grant. So where does the United States figure into this, you ask? It's really quite simple—several major U.S. banks, including Citicorp, Manufacturers' Hanover, and Bank of America, recently extended a syndicated loan of $500 million in credits to the East Germans. That loan, I might add, was given with absolutely no conditions attached.

It's bad enough that we would loan anything to the East Germans, known worldwide as fierce supporters of the official Soviet line and as key surrogates in the Soviet military and terrorist activities among underdeveloped countries. But that such a loan would be extended with absolutely no conditions as to how and where it could be used or passed on is inexcusable. And it is made all the more absurd because of the current loan crisis among banks who make loans to Third World countries—banks who are barely able to stay afloat or who constantly petition the Federal Government for assistance in resolving their financial woes. These same banks then turn around and loan a half a billion dollars to one of our most intransigent enemies, who in turn sends a good portion of that loan to none other than the Sandinistas. I, for one, find this type of activity reprehensible, and will feel no sympathy whatsoever if any of these deplorable loans are defaulted on. I hope my colleagues will take a few moments to

read the following account of this situation which appeared in a recent edition of the Washington Times.

MANAGUA GETS EAST GERMAN AID, UNITED STATES SAYS

(By Charles Wheeler and Bill Gertz)

East Germany has agreed to extend Nicaragua $54 million in credits, incuding a cash grant of $18 million, administration sources said yesterday.

Meanwhile, House Democrats detailed a bill yesterday that would indefinitely extend a ban on U.S. aid to anti-Sandinista rebels.

The proposal would offer incentives to the Sandinistas including the suspension of U.S. military exercises in the region, the resumption of normal trade relations and support for multinational and technical assistance, said Rep. David Bonior, D-Mich.

The credit to Nicaragua follows a syndicated loan of $500 million in credits to East Germany by several major U.S. banks. Citicorp is the lead manager of the syndication, along with Manufacturers' Hanover, Bank of America, and the Bank of Tokyo.

In an effort to find new markets and increased economic aid, Nicaraguan leader Daniel Ortega spent more than two weeks in Europe last month, including stops in Moscow and several East European capitals.

The U.S. this month placed a trade embargo on Nicaragua in response to what the administration called Nicaragua's "aggressive" military activities in the region and its repressive internal policies.

According to an expert on East Germany, the Soviet Union uses East Germany as a key surrogate in Latin America and the underdeveloped world for military and security purposes.

East Germany's Third Commercial Secretary Udo Schlicht said in New York he had "no direct knowledge" of the NIcaraguan transaction, but confirmed that U.S. banks had lent East Germany's official trade bank Deutsche Aussenhandelsbank $500 million in credits "with no conditions" attached.

John M. Starrels, in a report published by the Heritage Foundation, said that East Germany is "a leading proponent of Soviet bloc intervention throughout the Third World."

The Democratic legislation on Nicaragua provides a clear alternative to Reagan administration policies, said Rep. Bonior.

"The United States needs a foreign policy that expands our options," he said, "Each day, our unilateral actions in Nicaragua rob us of one option after another, pushing us closer . . . to the use of U.S. troops."

"It recognizes direct aid to Contras for what it is: logistic support for an army in the field," said Rep. Bonior "There is none in our resolution."

The Reagan administration relies too heavily on military solutions, said Rep. Bill Alexander, D-Ark., the fourth ranking House Democrat.

"The current policy is unclear, it is confusing, and it is based on militarism," he said. "And because of its confusion, it is failing."

The incentives in the bill are designed to encourage Nicaragua to agree to a ceasefire, negotiate with its opponents, remove foreign military advisers, agree not to provide material support for insurgencies, respect human rights and make progress toward a pluralistic democratic system.

A White House spokesman said he had not seen the Democratic resolution, but the president's position was unchanged.

"If it does nothing to help the Nicaraguan freedom fighters, we would have no interest in it," said Bob Sims, a Reagan spokesman.

Rep. Henry Hyde, R-Ill., a member of the Foreign Affairs Committee, said the proposal was "a Hamilton-Barnes rehash—the same inept, ineffective pablum they offered before which went down to overwhelming defeat."

"It eliminates the stick and produces a rather wilted carrot," said Rep. Hyde. "Everything they propose was already done in 1979 and 1980 when the Sandinistas were falling all over themselves moving to the left—why it would be any different now, I do not know."

"For five years, Ortega and his crew have been spouting revolution and militarizing that desperately poor country, but the only thing which has given the Democrats any pause is the ineptitude of Ortega's travel agent," said Rep. Hyde, referring to Mr. Ortega's visit to the East Bloc.

The congressional ban on aid to the rebels would be reinforced by a provision keeping it in effect from year to year "until the Congress enacts a joint resolution repealing that prohibition."

The legislation also would provide whatever funds necessary to implement a negotiated solution to regional problems worked out by the four Contadora nations—Mexico, Colombia, Venezuela and Panama.

It also authorizes $14 million in aid for Nicaraguan refuges outside Nicaragua itself, "regardless of whether they have been associated with the Nicaraguan opposition forces."●

A TRIBUTE TO EUGENE A. KARSH

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. HAWKINS. Mr. Speaker, on Saturday, June 15, 1985, friends and colleagues of Eugene A. Karsh will gather at the Hyatt Wilshire Hotel in Los Angeles, CA, to pay tribute to this distinguished and hard-working gentleman on the occasion of his retirement. Currently the principal at Manchester Avenue Elementary School in the 29th Congressional District, Mr. Karsh leaves behind a new standard of commitment for those who are dedicated to providing a quality education to our young people. Mr. Karsh's accomplishments during his tenure with the Los Angeles Unified School District are quite impressive, and his achievements have served as an inspiration to many educators.

A native of Pittsburgh, PA, Mr. Karsh entered the military immediately after receiving his high school diploma and served in France during the Battle of the Bulge. He is a recipient of both the Purple Heart and the Oak Leaf Cluster. Upon his separation from the Army, Mr. Karsh married his high school sweetheart, Carolyn. He is the devoted father of Judy, Janet, and Kim. Eligible under the GI bill, he enrolled in the University of Southern California [USC] as a premed student. His ambition was to become a doctor. However, there was a 2-year waiting list at the school of optometry and having a family to provide for, he decided to change his major. Thus, graduating from USC with a degree in education.

Upon graduation, he went to 109th Street School as a fourth-grade teacher for 2 years. When the principal of 109th Street School was transferred to Manchester Avenue School, she took Mr. Karsh with her. After 2 years as a sixth-grade teacher at Manchester Avenue, Gene was offered a position at 36th Street School, where as a training teacher he worked with student teachers from USC who were aspiring educators. And while this was a great opportunity for Gene to advance his career, it should be noted that his entire sixth-grade class went on strike to protest his reassignment.

Gene served as the assistant principal at Denker Avenue Elementary School for 5 years, before moving on to become the principal at Woodlawn Elementary School for another 5 years. In 1970, Gene became the principal at Manchester Avenue, where he has served with distinction for the past 15 years.

Mr. Speaker, the Manchester community is indeed richer to have had the opportunity to work with this outstanding administrator. Though strong in his convictions, Mr. Karsh is soft spoken, considerate, exceptionally patient, and wonderfully objective. His quiet strength and empathy have made it easy for pupils, parents, and staff to enjoy his open-door policy. He is a humanitarian, who is truly a professional and has always displayed the utmost of respect for all those with whom he has come in contact. His staff says of him:

> We have laughed with Mr. Karsh, we have exchanged jokes and have even shared our tears. He has been a compassionate employer, an excellent administrator and a wonderful friend.

Mr. Karsh is a special man with special talents. And while I am certain that he will be missed at Manchester Avenue School, I share with his many friends the happiness of knowing that he is vibrant and young in spirit. I am certain he will enjoy greatly this opportunity to relax, play tennis and golf, work in the garden, and spend more time with his family, which now includes a grandson, Noah.

I join his many friends, colleagues, and students in not only wishing Gene the very best, but also in extending to him our heartfelt thanks for his dedication to the students and community of Manchester Avenue School.●

GRENADA 101

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. JACOBS. Mr. Speaker, speaking of lessons of Grenada, here is Grenada 101:

HERE ARE MAJOR QUESTIONS ABOUT INVASION OF GRENADA

(By Charles J. Hanley)

The Grenada invasion leaves dozens of unanswered questions, uncertainties and inconsistencies bobbing in its wake.

Some confusion arises from strict U.S. military controls on the news media. Some results from poor communications, hasty conclusions, or the failure of U.S. authorities thus far to release any documentary evidence to support allegations of a Cuban buildup on the Caribbean island.

WHAT WAS THE MOTIVE?

Chiefly to rescue Americans? Or to achieve "geopolitical" goals by ousting Cubans from Grenada?

In announcing the invasion on Oct. 25, President Reagan said the "overriding" reason he ordered it was to protect 1,000 American residents of Grenada in the aftermath of a bloody coup. Two other reasons: "To forestall further chaos" and to help restore "governmental institutions."

Two nights later, in a nationally televised address, Mr. Reagan reaffirmed his concern for the American residents but focused more sharply on the Cuban presence on the island and what he said was a communist plan to turn Grenada into "a major military bastion to export terror." The U.S. troops "got there just in time," he said.

Prime Minister Eugenia Charles of Dominica, which contributed forces to the invasion, described the invasion as "a matter of preventing this thing (Marxism) from spreading to all the islands."

DECIDED WHEN?

Reagan administration officials said the president made a tentative decision late Sunday, Oct. 23, after receiving a "surprise" request Saturday from a half-dozen eastern Caribbean states for intervention. But Caribbean security forces were already assembling in Barbados by Sunday.

A State Department official, who spoke with reporters on condition he not be identified, said the decision had been made in the middle of the previous week. And Tom Adams, the Barbados prime minister, said plans for U.S. action were in the works a week earlier than that.

Adams said he was informed on Oct. 15 that the United States was planning with Caribbean nations to rescue Grenadian Prime Minister Maurice Bishop from house arrest. This was four days before Bishop was killed in a bloodbath cited by U.S. officials as the ultimate reason for the invasion.

AMERICANS IN DANGER?

U.S. officials said the invasion was necessary because Americans, most of them medical school students, were threatened by a reign of terror on Grenada. "The nightmare of our hostages in Iran must never be repeated." President Reagan declared.

But the day before the invasion, White House spokesman Larry Speakes said there was no indication of danger to the American residents. and the day before that—Sunday, Oct. 23—U.S. diplomat Kenneth Kurze returned from a visit to the Grenada students and said, "We have not recommended they leave."

The Grenadian military junta, meanwhile, repeatedly assured U.S. authorities that the Americans' safety was guaranteed.

The students themselves sounded divided. After evacuation, some said they had been nervous about Grenada's "shoot-on-sight" curfew, although that was lifed before the invasion. All were terrified during the invasion.

Last Friday, senior Reagan administration officials acknowledged to the Senate Intelligence Committee that there had been no actual threats or overt actions taken against the American residents of Grenada.

PLAN FOR HOSTAGES?

Defense Secretary Caspar Weinberger said last Friday there were "indications" from "intelligence reports" of plans to take Americans hostage in Grenada.

But U.S. intelligence sources later said there was no clear evidence any of the Americans were in danger of being taken hostage.

AMERICANS STRANDED?

White House spokesman Speakes said the Grenadian military junta kept the island's small Pearls Airport closed, blocking the departure of Americans who wanted to leave.

But at least one flight, carrying three Americans is known to have left Pearls Monday, the day before the invasion. And Dr. Charles Modica, chancellor of St. George's University medical school on the island, says air controllers reported that four airplanes took off that day after a weeklong airport shutdown.

Modica says the military junta delayed other Americans departure with "red tape"—insisting for example, that no U.S. military planes be sent to Grenada, and limiting the size of planes that could land.

But the worst complication could not be blamed on the Grenadians. Other Caribbean states had decided that weekend to suspend scheduled airline flights into and out of Grenada.

HOW MANY CUBANS?

As the Reagan administration focused on the alleged Cuban buildup in Grenada, the U.S. invasion commanders raised the estimated number of Cubans on the island, finally hitting 1,200.

Later U.S. officials acknowledged that the figure the Cuban government reported all along—784—was probably correct.

A CUBAN BASTION?

Speakes said of the Cubans who were building an airport on Grenada: "In reality, it was a combat engineer battalion there." But no evidence of that has been produced thus far.

U.S. officers said warehouses of weapons found on Grenada could equip "10,000 guerrillas." Cuba said the arms were intended for Grenada's home militia of several thousand.

What Cuban equip buildup there was may have been precipitated, at least in part, by U.S. actions. "When it appeared U.S. intervention was likely Cubans took over control of the island," said the U.S. Atlantic commander, Adm. Wesley McDonald.

AIRPORT A THREAT?

Grenada's Marxist leaders said the new airport's 10,000 foot runway would allow jetliners to land on the island for the first time, boosting tourism. But the U.S. government expressed concern the airport might be put to military use by the Cubans or Soviets.

Some of the airport's financing came from the British government and European Common Market, and a British firm was a prime contractor. A British government source noted that the airport was not built to military specifications. It had no protected fuel dumps or hardened shelters for warplanes.

NON-U.S. CASUALTIES?

Although an uncensored news film showed U.S. soldiers lining up Cuban bodies. U.S. officers said the non-American dead were not being counted.

Finally, on Friday, the operation commander, Vice Adm. Joseph Metcalf III, said there were 36 dead and 56 wounded among the defenders. A day later, although no new combat had occurred, he said he had "heard" as many as 69 Cubans were killed.

INVASION LEGAL?

The U.N. and Organization of American States charters forbid such a violation of a nation's territory.

Secretary of State George P. Shultz, asked about this, cited the two-year-old treaty that formed the Organization of Eastern Caribbean States as justification for the military operation.

But that treaty to which the United States is not a party, stipulates that collective military action can be taken against "external aggression" and then only by a unanimous vote of the eight member states. Only five members voted to take action on Grenada.●

REMEMBERING BOB PRINCE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. WALGREN. Mr. Speaker, I want to draw my colleagues' attention to the tremendous contributions made by Bob Prince, the Pittsburgh Pirate broadcaster who passed away this past Monday.

For 29 years, Bob Prince informed, delighted and entertained those of us who grew up in Pittsburgh listening to baseball. Most noted for his colorful play by play and his original baseball terminology, fans everywhere identified Pittsburgh Pirates baseball with his voice. We will all miss him very much but are grateful for all that he gave to both the Pirates and Pittsburgh. Bob Prince was the definition of a true Pirate fan—and that is how we will always remember him. Pirate fans will always remember Bob Prince saying, "Kiss it goodbye!" His contribution to the Pittsburgh spirit was inestimable. Somehow I can imagine Bob's predecessor in Pirate broadcasting, Rosey Rosewell, saying with the deepest respect, "Open the window, Aunt Minnie. . . . There passes a real master in entertainment and a true architect of the Pittsburgh spirit."

BOB PRINCE DIES, BUCS BROADCASTER

Bob Prince, who used a distinctive voice, a large vocabulary and a usually unrestrained imagination to inform and entertain millions of Pittsburgh Pirates fans for more

than 29 years, died of complications following cancer surgery at 5:35 p.m. yesterday in Presbyterian-University Hospital.

Mr. Prince, 68, had worked in radio and television here since 1940 as a play-by-play football, boxing and hockey announcer and commentator on sports.

His partisan play-by-play accounts of Pirate baseball games on KDKA radio and television from 1947 through the 1975 season were by design and free choice.

"A broadcaster has to be a shill," he insisted during a recent interview. "He has to sell tickets, be factual and entertaining. There may be things you don't like about a club, but you better sell the product.

"A broadcaster can help attendance by making the game interesting enough that listeners will come out to the ballpark."

Thus, in an effort to increase interest in the Pirates, he coined such expressions as "We had them all the way . . . a bug on the rug . . . as close as fuzz on a tick's ear . . . a game of inches . . . the wind is a factor . . . you can kiss it goodbye . . . we need a Hoover . . . by a gnat's eyelash . . . we need a bloop and a blast."

One of his several broadcasting partners, Jim Woods, began calling him "The Gunner" in the middle 1950s as a tribute to his speed in describing plays as they unfolded on the field below their broadcasting booth. He and his friends used the nickname until his death.

The public Bob Prince never seemed to stop talking, wore outlandish sport jackets and drove convertibles. He was out "to attract attention" and often strained the patience of his listeners and viewers in an effort to "to make the game more fun."

But his popsicle-stick frame (6 feet, 1½ inches, 170 pounds) accommodated another Bob Prince.

The less public Mr. Prince was as sedate as a banker and thought a lot like one.

"I'm a dyed-in-the-wool Republican," he said. "When I go to the Duquesne Club, I wear a dark, pinstripe suit. I'm not seeking attention then.

"I joined a lot of clubs over the years. I thought the best thing was to belong where the doers and shakers belong and somewhere along the line they'll help you. I knew many of the company presidents and met socially the people who sponsored radio and later television shows.

"I knew who they were. They knew me. Nothing chummy. They just knew who I was. The association was valuable."

Mr. Prince had been having enormous success selling insurance as an independent contractor from 1940 to 1949, after coming to the district from his birthplace, Los Angeles, to live with his maternal grandmother. His success in sports broadcasting was modest. But he had plans. He coveted the $50-a-week, play-by-play job as assistant to Albert K. "Rosey" Rowswell, then the voice of the Pirates.

"No one knew this for a long time, but I got the Pirate job through my Harvard connection," Mr. Prince explained. "I graduated from [the University of] Oklahoma in business administration in 1938 and, let's face it, I was a ne'er-do-well. I didn't want to go to work.

"I had three uncles and a couple of cousins and an older brother who graduated from Harvard Law School. Why shouldn't I go? I did OK, but I gave it up after two years. I never intended to be a lawyer.

"One of my classmates was Tom [Thomas P.] Johnson.

"Uh huh, you get it. Tom Johnson became one of the Pirate owners in August 1946. He got the play-by-play job for me in 1947. Connections and associations are important."

Mr. Prince succeeded Rowswell in 1955 as the Voice of The Pirates. "From 1963 on I never earned less than $100,000 a year," he said. "My top pay for one year from broadcasting and all sources was $250,000."

The money often went out as fast as it came in. Mr. Prince was near bankruptcy several times, generally because of business deals that misfired. But his friends always rallied and arranged intricate plans enabling him to pay off debts.

He complemented his play-by-play broadcasting with fund-raisers for organizations that looked out for handicapped children or provided opportunities for sports-minded youths.

"I raised millions upon millions of dollars over the years," he said.

Mr. Prince was co-founder of the Allegheny Valley School for Retarded Children in Ingram. He was involved with the Verland Foundation, the Fred Hutchinson Cancer Fund, the Ham-Am Golf Tournament (now part of Bob Prince Charities), boys' baseball and numerous charitable organizations. He also participated in United Way and Salvation Army fund drives.

He contributed most of the fees paid to him as master of ceremonies or featured speaker at sports banquets to the charities he was urging others to support. He also contributed from his own pocket. He was indefatigable in trying to inspire others to support charities.

This generous nature was really the cornerstone of Mr. Prince's character. He liked to help people.

His efforts on behalf of black and Latin American ballplayers after Jackie Robinson broke baseball's color barrier in 1947 were an extension of his generous nature.

He treated the black player in his broadcasts with the same consideration that was accorded the white player. He was friendly with all ballplayers.

"I suppose I would have to credit my mother for my feelings," Mr. Prince suggested. "In our family, no one ever told me a white person was better than a black person. I always try to treat everyone fairly. I wanted black athletes to have the opportunity to play."

Mr. Prince spoke Spanish, which enabled him to communicate easily with Latin American players. He became a close friend of Roberto Clemente, the great Pirate right fielder, who died in a plane crash in 1972..

Mr. Prince attended the University of Pittsburgh and Stanford before graduating from Oklahoma. He earned letters in baseball (first base), track (low hurdles and the 440), polo and swimming.

His most remarkable and impromptu athletic feat occurred at the Chase Hotel in St. Louis during the summer of 1949. He and Dick Stuart, then a Pirate first baseman, were arguing one afternoon in Mr. Prince's third-floor room.

"We were trying to top each other and he didn't know I had been a swimmer," Mr. Prince explained. "I bet him $20 that I could jump into the hotel swimming pool and that he couldn't. I did it, too, into nine feet of water. We measured the distance afterward—93 feet. I missed the side of the pool by a short foot.'

He said he never collected the bet.

Mr. Prince received his greatest tribute as a broadcaster at Three Rivers Stadium June 7, 1976, about seven months after he and his partner, Nellie King, a former Pirate pitcher, were fired as Pirate broadcasters by KDKA-TV and radio.

He was the play-by-play announcer that year for the Houston Astros. The Astros allowed him to work each Monday with the ABC-TV Monday Night baseball broadcasting team. When his name and the message "Welcome" were flashed on the scoreboard, "it stopped the ball game," Mr. Prince recalled.

"Bruce Kison was pitching and he stepped off the mound. The Pirates and Cincinnati Reds came out of their dugouts and doffed their caps. The fans were applauding. Even the umpires took off their caps. That got me. I cried. I bowed. Then I waved a babushka, repeatedly. The fans went wild."

He was named Man of the Year in broadcasting or Sportcaster of the Year endlessly, it seemed. He was cited for his activities on behalf of charity and for the example he set for others.

The fans sent him about 1,000 letters a week during the season when he was doing play-by-play. In general, the letter writers were complimentary. "I tried to respond to every signed letter," he said.

Unfortunately, his boss, Edward Wallis, then regional vice chairman of Group W, which included KDKA TV and radio, did not share the view of the letter writers. Wallis wanted fewer long anecdotes and more concentration on play-by-play. Wallis insisted that Mr. Prince had been told before the season started in 1975 what was wanted and was warned he would be fired if he did not comply.

First he called Mr. Prince on the telephone and fired him Oct. 28, 1975. Then he let King go.

Almost 10 years later, long after Wallis had left the station and during a period when the Pirates were in a serious decline, KDKA hired Mr. Prince for three years to do play-by-play for the middle three innings of the radio games and occasional television play-by-play appearances.

The appointment was announced April 18, two weeks after he survived an operation for removal of a tumor between his tongue and jaw.

He was able to broadcast two innings of a May 3 game in which the Pirates swamped Los Angeles, 16–2, but he had trouble with his speech then. He had been taking radiation treatments.

He entered Eye and Ear Hospital May 20. He was transferred to the intensive care unit at Presbyterian University Hospital two days later.

More than 17,000 fans had showed up for "Gunner Night" at Three Rivers Stadium the evening of May 3. They cheered and applauded Mr. Prince profusely.

Before returning as a part-time play-by-play announcer, he owned a travel agency, made a lot of speeches, served as assistant chairman of the board of Pittsburgh Brewing Co. and supervised his charities in addition to his television and radio commentaries.

Mr. Prince's survivors include his wife, the former Betty Casey; a daughter, Nancy Elizabeth at home; a son, Robert Jr.; and two grandchildren.

Funeral arrangements, being handled by L. Beinhauer & Sons Co., were incomplete last night.●

A SALUTE TO BRIG. GEN. GARRYL SIPPLE

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. RAY. Mr. Speaker, word has just come from Robins Air Force Base in my district of a tragic loss. Brig. Gen. Garryl Sipple, the vice commander of the Warner Robins Air Logistics Center, has died following a severl brain hemorrhage suffered over the weekend while attending the national convention of the Order of the Daedalian in Melbourne, FL. He was 46

General Sipple, a son of Kentucky, was one of the extremely bright young members of the general officer corps. The mark of success was already evidenced upon him, with every expectation of an ever brighter future just beyond the horizon. His education had been exemplary: A distinguished ROTC graduate of the University of Kentucky; masters' degrees from Auburn University and from Troy State University in Alabama; a product of the finest service schools—Squadron Officer School, Air Command and Staff College, Industrial College of the Armed Forces, the National War College.

His service to his country as an aviator was far greater than his young years would suggest. General Sipple volunteered for duty in Southeast Asia, where he served as an air liaison officer and forward air controller in South Vietnam and later in Thailand as a F-5E forward air controller squadron commander. In the European theater, he served in Spain and Germany and the Netherlands in a variety of positions, including commander of the 32d Tactical Fighter Squadron flying F-15S at Camp New Amsterdam, Netherlands. He had logged almost 5,000 flying hours, with more than 1,200 flown in combat. He had earned the Defense Distinguished Service Award, the Silver Star, the Legion of Merit with one Oak Leaf Cluster, the Distinguished Flying Cross with four Oak Leaf Clusters, the Bronze Star Medal, the Meritorious Service Medal, and the Air Medal with 36 Oak Leaf Clusters.

But, "Sip" Sipple was more than these plaudits would suggest. He was a leader of men. The mark of this man will live on in the hearts of his associates as memories of his warmth, his sincerity, his belief in God, and the correctness of his great country's mission live on. He infused his existence with loyalty, dedication, honesty, and—yes—hope for the future, touching all those privileged to know him with his conviction that he could make a difference for good.

To his widow, Judith Sipple, and his three children go our sincere appreciation for his distinguished service to this great country and for his ideals with which he inspired his comrades.●

GRAY MARKET CARS

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BLILEY. Mr. Speaker, I have introduced H.R. 2598 along with Mrs. COLLINS, Mr. STARK and Mr. ANTHONY which would regulate the direct importation of foreign automobiles—so-called gray market cars.

Our bill stands in sharp contrast to other measures before this body that would establish as a matter of law that only foreign car manufacturers and their wholly owned U.S. subsidiaries can certify automobiles for import to this country. Such a ban on gray market imports is presently contained in the National Highway Transportation Safety Administration Authorization, H.R. 2248. Along with Mrs. COLLINS I intend to offer an amendment to that provision by substituting the provisions of our bill when the matter comes before the Telecommunications Subcommittee next week.

The proponents of an absolute ban on gray market cars talk about safety, the environment, and protecting U.S. consumers. On closer inspection, however, it is clear to me that the only thing protected by such a ban is the exorbitant profits of foreign car manufacturers and that the certain losers under such a ban are U.S. consumers who will be denied the benefits of price competition. Other certain losers will be the more than 10,000 employees of companies involved in the modification of direct import automobiles.

Our bill, the Bliley-Collins proposal, seeks to regulate gray market imports without legislating a monopoly for foreign car manufacturers. Our bill would require the Secretary of Transportation to license those people who engage in the business of modifying cars and require them to modify cars in a manner consistent with all safety regulations. I am including in the record a section-by-section analysis of our proposal, but let me highlight here for a moment a few of its key points.

Our bill address a question confronting many Members on this issue, namely how do we insure that those who modify directly imported cars are doing so in a manner consistent with the law? I believe the answer is to establish requirements for who may get into the imported car modification business.

Now I am no fan of increased Government regulation over business. At the same time, however, I am convinced that the only way we can be sure that the safety standards for automobiles are being met is by insuring that only qualified and responsible businesses are permitted to certify that direct import cars meet Federal standards.

For this reason, my amendment requires that anyone seeking to engage in the business of modifying automobiles after import will have to be certified as to their financial and technical capabilities by the Secretary of Transportation before they can start business. The Secretary will review the business experience of the modifier and the facilities he uses to make modifications. Modifiers will have to describe in detail the kinds of imported cars they intend to modify and the technical specifications of the modifications they intend to make.

In addition, our bill requires that anyone engaging in the business of modifying automobiles must offer warranties for the work they perform and offer evidence of financial responsibility so that consumers can be confident that they will have someone to turn to if their cars are not properly modified. In particular, we want to ensure that a financially responsible party stands behind the work being done by imported car modifiers. At a minimum, this should include warranty insurance to cover the cost of any repairs or recalls that may result from the modifications made after import. In order to understand the importance of these new requirements it helps to understand a little of the background of this issue.

Just what is a gray market car? There is no legal definition but the term is generally held to mean automobiles manufactured abroad which are imported outside of the normal dealer network. This practice alone violates no law of this country or of the European Economic Community. To the contrary, the U.S. Supreme Court has upheld on several occasions the right of U.S. consumers to import products from abroad even though the same manufacturer may offer the product for sale here in the United States.

It is also interesting to note that most of these gray market cars are purchased from licensed dealers abroad. So the foreign manufacturers of gray market cars have already made a profit before these cars ever leave Europe for our shores.

Now when we speak of modifying these cars, Mr. Speaker, some would have us believe that the job cannot be done anywhere except at the factory. In other words, U.S. engineering know-how can design and build a space shuttle but it is incapable of installing a standard issue auto bumper. That is nonsense and I believe an examination of the facts will prove it to be so.

The differences between a European and a U.S. model of a foreign luxury car are few in number and technically easy to resolve. For the most part, we are talking about safety bumpers, door beams and pollution control equipment. EPA has already established a regulatory process for certifying that imported cars meet U.S. environmental standards. California has followed suit by adopting a modification rule for that State's tough pollution control standards. The pollution control technology involved in foreign modifications is well known and can be easily installed by a qualified mechanic.

In regard to safety features, the door beams and bumpers installed by direct import modifiers often exceed Federal standards. As a result, in some accident scenarios, the modified European model may actually be safer than its U.S. market counterpart. Once again, installation of a car bumper or a door beam is not a mechanical challenge and the technology is well established to insure that U.S. standards are met or exceeded.

The question then is not whether a qualified American business can install a safety bumper on an auto. The question is whether we have some method of insuring that the job is done properly. The method we propose in our bill is to require that every imported car modifier be licensed and that the Secretary suspend or revoke that license if modifiers fail to meet their obligations under the law. This is a tougher standard than we presently impose on the major foreign auto manufacturers who are the competitors of U.S. modifiers in this business. It puts teeth into the law so that we can put crooks in the car modification business out of business.

The Secretary is required to make spot checks to insure that safety standards are met. Furthermore, the auto import industry has instituted its own program to monitor and report on its members' compliance with the law. The combination of tough new Federal penalties with an effective industry policing program should eliminate any abuses arising under the present system.

Now, Mr. Speaker, I know that the foreign car manufacturers who are behind this proposed ban on direct imports are deeply concerned with safety and environmental standards. I also know that they are even more concerned with the obscene profits they make from their sales to U.S. customers. For example, a top of the market Mercedes Benz has a declared value of $21,000 for purposes of U.S. customs at the Port of Baltimore. That same model costs more than $50,000 on the floor of a Mercedes Benz dealer in Baltimore. That price markup is the reason for the gray market in foreign cars. And the profits such markups generate for foreign car manufacturers are the reason behind this effort to ban direct imports.

Mr. Speaker, we hear a great deal of rhetoric about protectionism these days. I do not favor unnecessary protectionist measures for U.S. industries but I am astounded that we are considering a measure to protect the jobs of foreign workers at the expense of our own people. Some 10,000 Americans will lose their jobs and hundreds of legitimate businesses will be shut down if we do not oppose this direct auto import ban. Our bill is an effective measure to regulate the direct auto import business. It establishes the credentials of those allowed to get into the business and it sanctions those who fail to meet the safety standards set by law.

That is the way to deal with this gray market car issue. Not a ban on direct imports that will only serve to line the pockets of auto barons in Stuttgart at the expense of thousands of consumers and working people in this country. We can meet our responsibilities to safety and the environment without destroying price competition in the foreign car market.

I hope that H.R. 2598 will be reported by the Energy and Commerce Committee so that this House may responsibly deal with issues surrounding gray market car imports.

EXPLANATION OF H.R. 2598

Explanation of H.R. 2598, a bill to provide for regulation of directly imported vehicles.

This bill provides a constructive solution to the problem of direct imports, that is vehicles that are imported and modified to conform to safety standards, but some of which apparently do not conform. The proposal by others to eliminate the direct import industry is an over-reaction to the problem. Elimination of the industry will inflict severe economic costs on many American small businesses and consumers and assuree excessive profits to one (1) large foreign corporation.

The Environmental Protection Agency estimates that eighty thousand (80,000) vehicles will be directly imported over the next year. Most of those vehicles will displace sales by authorized factory outlets at typical savings to American consumers of Eight Thousand Dollars ($8,000) to Twelve Thousand Dollars ($12,000) per vehicle. That means that, if the direct import industry is eliminated, American consumers will pay on the order of an extra Billion Dollars per year to the foreign manufacturers. In addition, according to the estimates of the Automobile Importers Compliance Association (AICA), the eight hundred (800) or so small businesses in this industry, which employ some ten thousand (10,000) people, engaged in adding value to vehicles in this country at the rate of some Four Hundred Million Dollars ($400,000,000) per year, will be eliminated.

This proposed bill, instead of eliminating the direct imports industry, requires the Secretary of Transportation to regulate the industry. The direct imports industry supports this bill. They want to improve their image. AICA has adopted a self-policing plan to supplement the government regulatory program. This bill instructs the Secretary of Transportation to take any such self-policing program into account so that the burden on the Government might be lessened. In addition, this bill provides for fees to be paid to the Government by direct importers to offset any impact on the Federal budget.

This proposal will provide the Secretary with all the authority and direction needed to assure that direct imports comply with safety standards. It requires persons wishing to engage in the business of conforming vehicles to the standards to register with the Secretary to demonstrate their technical capability and financial responsibility, to certify to the Secretary the compliance of each vehicle, and to keep records and submit to inspections by the Secretary to assure the integrity of the direct import process. In addition, the bill addresses the question of safety recalls by requiring that these persons provide warranties backed by financially responsible institutions, against all safety-related defects, whether arising from the modification process or the original manufacture of the vehicle, and to provide notice to owners of affected vehicles when they or the Secretary learn of such safety-related defects. The bill also requires that an adequate warranty against non-safety-related defects be offered to the purchaser. Such warranties are readily available in the marketplace and, generally, provide for repairs at any qualified facility. Thus, an owner of a direct import vehicle with a safety-related defect will be able to have the defect corrected without cost.

More specifically, and in more detail:

The bill would require the Secretary of Transportation to establish a program as soon as practicable to assure that directly imported vehicles meet U.S. motor vehicle safety standards.

The bill would authorize the Secretary of Transportation, as part of such a program, to:

(i) require persons engaged in the business of conforming imported vehicles to U.S. safety standards to register with the Secretary, so that all such persons can be readily identified and located;

(ii)(a) refuse registration to anyone who cannot demonstrate the technical capability to perform such operations competently; technical capability could be assessed by thorough analysis of documentation required under provision (iii) for a particular motor vehicle or vehicle line, or by inspection of the vehicle or by inspection of the modifier's facilities, or any combination of these methods; or

(b) refuse registration to anyone who cannot demonstrate financial responsibility, as through insurance coverage typical of that carried by the thousands of other persons in this country who service, maintain, modify, and repair vehicles, to provide effective recourse to those who may be injured by the acts or products of such persons;

(iii) require persons bringing vehicles into conformity to describe completely the work to be done to each vehicle or line of vehicles and then to perform that work in the same manner in the future; this could be set up as a type certification program with minimal involvement by the Secretary after the review of the initial documentation;

(iv) require that persons bringing vehicles into conformity to certify to the Secretary that each such vehicle is conformed to safety standards to enable the Secretary to identify such vehicles should the need arise as, for example, when the Secretary wishes to conduct inspections, or when a defect in a

class of vehicles is identified and investigation and/or repair is needed;

(v) require documentation in addition to that under (iii) for any or all such vehicles, or from any or all such persons, if the Secretary believes it is needed to demonstrate compliance;

(vi) require persons bringing vehicles into conformity to provide warranty insurance against safety-related defects for the life of the vehicle (8 years under the Safety Act);

(vii) require persons bringing vehicles into conformity to notify owners, i.e., to recall the vehicles, when the Secretary or the person bringing vehicles into conformity learns from the manufacturer, from service facilities, from consumer experience, or from any other source that such vehicles may be defective;

(viii) require that such persons offer warranties against non-safety-related defects, which are readily available from vendors on the open market to protect the consumer from vehicle defects to the same degree as is the norm for warranties offered by the original manufacturers;

(ix) establish an inspection program to inspect as many of the establishments bringing vehicles into conformity and the vehicles as frequently as necessary to assure competent work is performed;

(x) require the persons bringing vehicles into conformity to retain the vehicle for a reasonable period of time to allow for such inspections by the Secretary;

(xi) require each person bringing vehicles into conformity to install a permanent label on each vehicle to provide essential information as to the identity of the person bringing vehicles into conformity, the nature of the work performed, warranty, and the importer of record, in order to facilitate the inspection, tracing and potential repair of vehicles;

(xii) suspend registration of a person bringing vehicles into conformity, thus, depriving the person of the ability to remain in the industry; and

(xiii) require fees to be paid by modifiers to provide funds to offset any impact on the Federal budget of this program to regulate direct imports.

Finally, the bill requires the Secretary of Transportation to evaluate the effectiveness of the program for regulating direct imports and to report such evaluation to Congress before the end of 30 months after the program is put in place.●

RISK ASSESSMENT RESEARCH AND DEMONSTRATION ACT OF 1985

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. RITTER. Mr. Speaker, the Congress is writing the laws, and the courts in interpreting the laws often required Federal agencies to consider risk and ways of reducing risk in those agencies' efforts to protect life, health, and the environment. There are 33 statutes that require risk assessment be performed. Also, decisions by Federal agencies often involve rules to reduce risk to human life, health, and the environment. Such decisions involve scientific, economic, social, and philosophical considerations.

Accordingly, it is necessary for Federal agencies to use the best possible methods for securing information on, and understanding of, the scientific basis for their regulatory decisions.

Risk assessment is the use of the factual base to define and, to the extent possible, quantify the effects of exposure to potentially hazardous materials and situations. Risk assessments by Federal regulatory agencies often result in a description of the nature and magnitude of a risk, and frequently involve quantification of effects.

Since such a large number of Federal agencies use the results of risk assessments to varying degrees in regulatory decisions, a systematic effort to improve the quality of risk assessments should be established to enable agencies to more effectively use risk assessment as an instrument in making regulatory decisions. Also, recent juidicial decisions have demonstrated the need to further develop risk assessment to meet standards required by Federal courts for Federal Government actions.

In view of this, I have introduced the Risk Assessment Research and Demonstration Act of 1985 to provide for comprehensive and coordinated research and demonstration projects for the study of risk assessment and its relationship to the regulatory process.

The bill uses research and demonstration projects to develop the necessary knowledge to improve the use of risk assessment within the Federal agencies giving particular emphasis to the use of comparative risk assessment—a procedure in which the assessment of the risks associated with one course of action and the assessment of the risks associated with an alternative course or courses of action are compared and contrasted with each other and with the kinds of risks people normally face in their individual lives. These research projects also would focus on:

Developing a more coordinated and systematic approach to the conduct and use of risk assessment by Federal agencies;

Defining criteria and standards to guide the development and use of risk assessment;

Identifying research needed by Federal agencies to improve the methodologies and use of risk assessment in regulatory decisionmaking;

Coordinating among Federal agencies a means to promote an understanding by the public of those agencies' efforts to address risks to life, health, and the environment by expressing those risks in terms of easily understood, everyday experience; and

Facilitating public understanding of the nature of regulated risks and the means of their quantification.

The coordination of such projects shall be the specific responsibility of a Federal scientific advisory agency which will be designed by the President specifically in accordance with the act. This coordinating Federal scientific advisory agency would present to the Congress within 1 year after the date of the enactment of this act a report reviewing the risk assessments and risk assessment research presently being carried out within the Federal agencies and the use of such assessments in the regulatory decisionmaking process.

The report would identify specific areas of emphasis for future risk assessment research conducted within the Federal agencies and recommend funding priorities of research on risk assessment by other Federal agencies, including but not limited to the National Science Foundation and the National Institutes of Health. It would recommend a coordinating mechanism to transmit and share research results among Federal agencies, between Federal agencies and other public agencies, and between Federal agencies and private and nonprofit corporations and institutions. Also, the report would propose risk assessment demonstration projects to be carried out within Federal agencies which frequently use risk assessments.

The act also calls for the selected Federal scientific advisory agency to:

Recommend future research necessary to achieve the purposes and objectives of the act;

Recommend legislation needed to implement and facilitate the use of risk assessment within Federal agencies;

Recommend changes of a nonlegislative nature, including organizational changes, to improve risk assessments within Federal agencies;

Recommend improvements in the transfer of risk-related research and information between Federal agencies and private and nonprofit corporations and institutions; and

Recommend ways to improve and increase public understanding and appreciation of risk and regulatory decisions.

These recommendations would be due within 30 months.

This legislation would not constitute any new authorization for the appropriation of funds from the Treasury of the United States or mandate the use of risk assessment where it is not already in use.

The time is long overdue for Congress to bring the regulatory process out of the dark ages and into the 20th century with realistic risk assessments based on scientific facts, not the latest headlines.

I, therefore, urge your support for this important legislation.●

AID FOR NICARAGUA'S DEMOCRATIC RESISTANCE

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. DENNY SMITH. Mr. Speaker, the inalienable human rights of life, liberty, and the pursuit of happiness are fundamental principles that have guided our Nation since its inception. Our code of law and our judicial system are designed to uphold these and other individual rights. It is, therefore, only natural that we should support the struggle of the Nicaraguan people to rid themselves of the yoke of a repressive Communist government armed and advised by the Soviet Union.

The ruling Sandinista junta was not brought to power by fair and open elections. Even newspapers such as the New York Times and the Washington Post—by no means champions of the administration's policies in Central America—were quick to point out the fraudulent nature of the November 1984 elections.

On November 1, 1984, the Post noted:

> The Sandinistas once hoped to legitimize their rule by elections, but those they are running Sunday [November 4, 1984], five years after taking power, will resolve nothing. Their Marxist-Leninist side showed through, and the democratic opposition, faced with a measure of harassment that prevented fair campaigning, withdrew.

The November 7, 1984, edition of the New York Times was even more critical when it stated:

> Only the naive believe that Sunday's election in Nicaragua was democratic or legitimizing proof of the Sandinistas' popularity. The result was ordained when opposition parties tamely accepted terms that barred them from power.

This fraudulent election is but one in a long string of broken promises made by the Sandinistas.

In 1979, the United States joined with other members of the OAS in calling for the removal of Somoza. This unprecedented move was based on promises by opposition leaders to establish a pluralistic society with a mixed economy, to hold early elections, and to pursue a nonaligned foreign policy. The Nicaragua of today bears no resemblance to these promises.

The United States is not the source of civil strife in Nicaragua. The policies of the Sandinistas themselves have driven the Nicaraguan people to armed resistance.

Today in Nicaragua, there is no freedom of the press, and no freedom of religion or assembly. The rationing of basic goods is done by political cadres, and is used to achieve political objectives. Around 1,400 political prisoners languish in Sandinista prisons which are off limits to outside observers. More than 20,000 Miskito Indians have fled the country to avoid forced relocation and persecution. The former Jewish community of Nicaragua is now in exile; the synagogue in Managua was firebombed by the Sandinistas during a service. As Adolfo Calero—former Somoza opponent and now a resistance leader—stated: "The very conditions that justified hemispheric intervention against the Somoza regime exist again, but in greater measure."

Robert Leiken, a senior associate at the Carnegie Endowment who has made six trips to Nicaragua since the revolution, summed up life under Sandinista rule when he stated:

> [E]ach succeeding trip to Nicaragua drains my initial reservoir of sympathy for the Sandinistas. . . . This visit convinced me that the situation is far worse than I had thought, and disabused me of some of the remaining myths about the Sandinista revolution. . . . One of the most depressing aspects of our trip was to hear from so many that their lives are worse today than they were at the time of Somoza. Before the revolution Nicaraguans ate well by Central American standards. Thanks to the country's fertile soil and its small population, even poor Nicaraguans were accustomed to beef and chicken. Now consumer goods available to the masses in other Central American countries are no longer obtainable. Barefoot children are hardly uncommon in the region, but I have never seen so many completely naked. As we encountered them, their distended stomachs displayed the telltale signs of malnutrition. Nicaraguans would bitterly recall the government slogan . . . "Children are the spoiled ones of the revolution". . . . A Sandinista *nomenklatura* has emerged. Party members shop at hard-currency stores, dine at luxury restaurants restricted to party officials, and vacation in the mansions of the Somoza dynasty, labeled "protocol houses." Vans pull up daily at government and party offices, to deliver ham, lobster, and other delicacies unavailable elsewhere. In a private state dining room, I ate a sumptuous meal with a comandante at a long table, attended by five servants. The image of the protruding stomachs of the "spoiled ones of the revolution" intruded while we consumed our lemon meringue pie.

Not only has the Sandinista regime betrayed the Nicaraguan people, it also poses a great threat to the security of the region. To date, the Sandinistas have received over $500 million in Soviet war materiel, far beyond the amount needed to defend themselves from poorly armed neighbors. Soviet-bloc ship deliveries of military equipment have risen steadily over the past 3 years, from 6 in 1982, to 25 in 1983, to 37 in 1984. By early 1985, the Sandinistas had amassed an active-duty military force of more than 62,000. Nicaragua's total military strength, including all regular, reserve, and militia units and security forces, now exceeds 119,000. This far exceeds the defensive manpower needs of the Sandinista regime, and in fact exceeds the combined military strength of all the Central American nations, including Mexico.

Nicaragua has also become a haven for international terrorists. According to a March 13, 1985, article by the Miami Herald:

> Scores of left-wing militants from around the world—some of them wanted on terrorism charges in their home countries—have settled in revolutionary Nicaragua since the Sandinista triumph in 1979. . . .
>
> Some are indeed fugitives: Italians from the Red Brigades and Unita Combattente Comunisti; West Germans linked to the Baader-Meinhof Gang; members of Spain's Basque ETA separatist guerrillas; leaders of Honduras' Cinchonero guerrillas; militants from Peru's Shining Path; Montoneros from Argentina; Tupamaros from Uraguay; and a hodgepodge of Salvadorans, Costa Ricans, Columbians, Chileans, Guatemalans, Paraguayans and Bolivians. . . .
>
> The Palestine Liberation Organization has an embassy and diplomatic staff in Managua. Columbia's April 19 movement has a political office. The Salvadoran guerrillas have three news and propaganda offices, as well as a clandestine radio transmitter. . .

In addition, according to a February 1985 article in Newsweek, a "faction of the Palestine Liberation Organization is thought to be operating a terrorist training school in Nicaragua for groups as diverse as the Basque separatists and Guatemalan leftists."

Mr. Speaker, those who vote against the humanitarian aid to the freedom fighters must be willing to accept the consequences of turning our backs on the democratic resistance. Not only do we condemn the Nicaraguan people to life under a repressive, totalitarian regime, we give a green light to the world's terrorists. We are telling the world that we neither have the will nor the strength to stand up to a government that harbors the very terrorists who strike randomly and violently throughout the western world.●

HEALTH AND FEDERAL LEADERSHIP

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. TAUKE. Mr. Speaker, the following editorial from today's New York Times points to a record of progress in controlling health care costs. President Reagan, Secretary Heckler, and HCFA Administrator Carolyne Davis are to be commended for working with Congress to restrain health care costs.

Under their leadership, we are beginning to succeed in achieving through competitive market forces what is unattainable through creation of large health care bureaucracies. Leadership and congressional oversight in this area will hopefully lead to a new era in innovative health care delivery where health care is affordable to all Ameri-

cans. I look forward to continued cooperation on the Federal level to further improve and refine a responsive and affordable health care system that will ensure access to quality care to all Americans.

[From the New York Times, June 12, 1985]

HEALTH AND FEDERAL LEADERSHIP

Until very recently, the bankruptcy of Medicare was considered imminent. Now it has been avoided, at least for several years . . . Blue Cross is refunding premium money to the Federal employees and their employers . . . Hospitals compete for patients by offering fancy meals and amenities.

The run of health-related headlines masks still-larger news. Congress and the Reagan Administration have managed an apparently humane taming of hospital cost inflation. While caution may still be in order, so is credit for a triumph of social policy.

Until three years ago, even though general inflation was coming down, inflation of hospital costs had averaged 16 percent a year and hopes for relief seemed slight. Analysts ticked off the reasons: the aging of the population; the high cost of new medical technology; increasing tests and treatments per patient. The cost spiral threatened to bring bankruptcy to the trust fund financing hospital payments for Medicare, the $71 billion Federal program of medical insurance for the elderly. Some in the Administration favored harsh cuts in benefits, but Congress and the Health Care Finance Administration insisted on a regulatory reform to make hospitals more efficient.

Under Medicare rules then in force, hospitals could bill Washington for any reasonable charge, with few questions asked. The 1983 reform fixed reimbursements according to the illness being treated. If hospitals treated a patient for less than the typical cost, they could keep the difference—but had to absorb any overrun.

Some analysts predicted the new policy would fail because it applied only to Medicare. They feared that hospitals would simply pile additional bills on private insurers. What the critics failed to notice was that employers and the private insurers were also fed up with rising hospital costs. Employers who once considered better health benefits an easy way to settle a union contract began to recoil from the expense. They insisted on reviewing doctors' decisions to hospitalize and gave employees incentives to seek second opinions. They persuaded workers to pay larger insurance premiums and encouraged them to sign up for comprehensive care for a fixed fee. Doctors caught on fast and began performing in their offices procedures that once consumed days in the hospital.

The results have been dramatic. Before 1982, hospital admissions were going up 1.9 percent a year. Last year they declined 3.3 percent. The annual increase in hospital expenditures plummeted from 16.2 percent to 5.4 percent. The Medicare Trust fund escaped imminent bankruptcy as the rate of increase in hospital payouts dropped by nearly half. Some private health insurance premiums have actually been reduced.

Has the public's health been endangered? Remarkably, no one has been able to demonstrate any dramatic decline in quality of hospital care. Problems are looming for hospitals that serve many poor people, since the Feds have so far refused them more generous allowances ordered by Congress. And continued vigilance is needed to insure that more cost-cutting doesn't endanger patients in more affluent communities. But the big news remains big indeed. America has profoundly improved the efficiency of medical care delivery.

This achievement required the determination of Congressional and Administration planners cooperating with private employers and insurers. With social activism on the wane, this victory confirms a point too easily forgotten: intelligent Federal leadership makes a powerful difference.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 13, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

9:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To hold hearings on S. 969, authorizing funds for fiscal years 1986-1989 for the food stamp program, and related measures.
SR-328A

Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Thomas G. Moore, of California, to be a Member of the Council of Economic Advisers, Lee L. Verstandig, of the District of Columbia, to be Under Secretary of Housing and Urban Development, and Glenn R. Wilson, of Nebraska, to be President, Government National Mortgage Association.
SD-538

Finance
Health Subcommittee
To hold hearings on health promotion and disease prevention strategies for Medicare beneficiaries.
SD-215

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Special on Aging
To hold hearings on certain pension issues.
SD-106

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on S. 1200, to control unauthorized immigration into the United States.
SD-226

JUNE 17

9:00 a.m.
Foreign Relations
To hold hearings on the nominations of Harry G. Barnes, Jr., of Maryland, to be Ambassador to the Republic of Chile, John A. Ferch, of Ohio, to be Ambassador to the Republic of Honduras, Charles A. Gillespie, Jr., of California, to be Ambassador to the Republic of Colombia, Lowell C. Kilday, of Virginia, to be Ambassador to the Dominican Republic, Sheldon J. Krys, of Maryland, to be Ambassador to the Republic of Trinidad and Tobago, Fernando E. Rondon, of Virginia, to be Ambassador to the Republic of Ecuador, and Edward M. Rowell, of California, to be Ambassador to the Republic of Bolivia.
SD-419

9:30 a.m.
Agriculture, Nutrition and Forestry
Nutrition Subcommittee
To hold hearings on proposed legislation authorizing funds for the special supplemental food program (Women, Infants and Children), the commodity supplemental food program, and temporary food asssitance program.
SR-328A

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Judiciary
Immigration and Refugee, Policy Subcommittee
To resume hearings on S. 1200, to control unauthorized immigration into the United States.
SD-226

Labor and Human Resources
To hold hearings on home health care reform.
SD-430

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on issues relating to groundwater protection.
SD-406

3:00 p.m.
Foreign Relations
To hold hearings on the nominations of Richard T. McCormack, of Pennsylvania, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, and Lewis A. Tambs, of Arizona, to be Ambassador to the Republic of Costa Rica.
SD-419

JUNE 18

9:30 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on the current status of and factors affecting the natural gas market.
SD-366

Finance
To continue hearings on the President's tax reform proposal.
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1134, to permit Federal agencies to impose monetary penalties on individuals or companies which submit false claims to the government.
SD-342

Judiciary
Immigration and Refugee Policy Subcommittee
To continue hearings on S. 1200, to control unauthorized immigration into the United States.
SD-628

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed amendments to S. 100, the Product Liability Act.
SR-253

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Foreign Relations
To hold hearings on the nominations of Peter S. Bridges, of Louisiana, to be Ambassador to the Somali Democratic Republic, Edward J. Perkins, of Oregon, to be Ambassador to the Republic of Liberia, Lannon Walker, of Maryland, to be Ambassador to the Republic of Senegal, Robert L. Pugh, of Virginia, to be Ambassador to the Islamic Republic of Mauritania, and Paul J. Hare, of the District of Columbia, to be Ambassador to the Republic of Zambia.
SD-419

Judiciary
To resume hearings on the nomination of William B. Reynolds, of Maryland, to be Associate Attorney General, Department of Justice.
SD-226

Labor and Human Resources
To contribute hearings on home health care reform.
SD-430

Small Business
To hold hearings on proposed legislation affecting the use, manufacture, and use of hazardous chemicals, focusing on the regulatory and paperwork impact on small business.
SR-428A

11:30 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on the District of Columbia's court system.
SD-562

Foreign Relations
Business meeting, to consider pending nominations.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council.
SD-138

JUNE 19

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

*Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 2 and S.J. Res. 3, proposing an amendment to the U.S. Constitution relating to voluntary silent prayer or reflection, and related measures.
SD-226

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider S. 721, to make exports of U.S. agricultural commodities competitive in world markets with sales of other countries by clarifying export activities of the Department of Agriculture relating to the cargo preference provisions.
SR-253

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.
SD-406

Governmehtal Affairs
To hold hearings on the nomination of Terence C. Golden, of Texas, to be Administrator of General Services.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Endowment of the Arts and the National Endowment for the Humanities.
SD-430

2:00 p.m.
Foreign Relations
To hold hearings on the nomination of Marvin L. Stone, of Virginia, to be Deputy Director of the United States Information Agency.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 20

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. Res. 178, to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard, and S. 1097, to provide for the appropriate treatment of methanol.
SR-253

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings on the diagnosis and treatment of osteoporosis.
SD-430

Veterans' Affairs
To hold oversight hearings on the Administration's proposed health care policy changes.
SR-418

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 816, to establish the Pine Ridge Wilderness and Soldier Creek Wilderness in the Nebraska National Forest.
SD-342

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume oversight hearings on issues relating to groundwater protection.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Endowment of the Arts and the National Endowment for the Humanities.
SR-485

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of David G. Newton, of Virginia, to be Ambassador to the Republic of Iraq, and Thomas R. Pickering, of New Jersey, to be Ambassador to Israel.
SD-419

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 904, Water Research Foundation Act.
SD-342

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

JUNE 24

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 203, to provide a one-time amnesty from criminal and civil tax penalties, as well as 50% of any interest penalty, for taxpayers who pay previous Federal tax underpayments during the amnesty period, and S. 205, to create a mechanism for taxpayers to designate $1 of any Federal tax overpayment for payment to the National Organ Transplant Trust Fund.
SD-215

Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on S. 1200, to control unauthorized immigration into the United States.
SD-226

2:00 p.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold oversight hearings on the implementation of the Adoption Assistance and Child Welfare Act (P.L. 96-272), and on proposals to modify the foster care and adoption assistance program.
SD-215

JUNE 25

9:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by the Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on proposed amendments to S. 100, the Product Liability Act.
SR—253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Department of Labor's enforcement of the Employee Retirement Income Security Act (ERISA).
SD-342

Labor and Human Resources
To hold oversight hearings to examine certain barriers to adoption.
SD-430

Veterans' Affairs
Business meeting, to meet, to consider, proposed reconciliation legislation on the budget.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Department of Defense.
SD-192

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Foreign Relations
Business meeting, to consider pending nominations.
SD-419

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on proposed legislation to modify deductions for certain tax payments to State and local governments.
SD-342

JUNE 26

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 1017, to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority, and S. 1110, to provide for the award of grants to the Washington Metropolitan Airports for certain capital expenditures.
SR-253

Finance
To continue hearings on the President's tax reform proposal.
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on the Department of Labor's enforcement of the Employee Retirement Income Security Act (ERISA).
SD-342

10:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 836, to revise licensing procedures for production and utilization facilities for nuclear material, and S. 16, to establish a National Academy for Nuclear Power Safety to provide training to civilian nuclear power plant personnel.
SD-406

Select on Indian Affairs
To hold hearings on S. 902, to establish federal standards for gaming activities on Indian lands.
SD-628

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To continue hearings on proposed legislation to modify deductions for certain tax payments to State and local governments.
SD-342

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JUNE 27

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold oversight hearings on recreation fees as authorized in the Land and Water Conservation Fund Act of 1965.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 836, to revise licensing procedures for production and utilization facilities for nuclear material, and S. 16, to establish a National Academy for Nuclear Power Safety to provide training to civilian nuclear power plant personnel.
SD-406

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings to examine the problem of drugs in the military.
SD-430

4:00 p.m.
Select on Intelligence
Closed briefings on intelligence matters.
SH-219

JULY 9

9:30 a.m.
Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the impact on the coal industry of the Office of Surface Mining's proposed rulemaking to collect permit application fees.
SD-366

JULY 10

9:30 a.m.
Labor and Human Resources
To resume oversight hearings to examine certain barriers to adoption.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 11

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 12

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 720, to establish a permanent boundary for the Acadia National Park in the State of Maine.
SD-366

JULY 15

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S 680, the Textile and Apparel Trade Enforcement Act.
SD-215

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of section 404 of the Clean Water Act, relating to the wetlands dredge and fill permit program.
SD-406

2:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 16

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to examine U.S. relations with the International Labor Organization (I.L.O.).
SD-430

10:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To continue hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 17

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings on civil rights issues.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.
SD-406

JULY 18

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

JULY 22

2:00 p.m.
Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

JULY 23

10:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-406

JULY 25

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the impact of the Supreme Court's ruling in Garcia vs. San Antonio Metropolitan Transit Authority on the coverage of state and local government employees under the Fair Labor Standards Act.
SD-430

10:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-406

JULY 31

9:30 a.m.
Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

OCTOBER 1

11:00 a.m.
Veterans Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

HOUSE OF REPRESENTATIVES—*Thursday, June 13, 1985*

The House met at 10 o'clock a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, may we not only turn to You in times of crisis when our prayers come so quickly, but may we speak to You in all the seasons of life. May the experiences of each day—of work and play, of opportunity and responsibility—remind us of Your presence and Your power and cause us to respond with prayer and thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate disagrees to the amendments of the House to the concurrent resolution (S. Con. Res. 32) "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1986, 1987, and 1988 and revising the congressional budget for the United States Government for the fiscal year 1985," agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. GORTON, Mr. CHILES, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. SASSER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 47. Concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

PERMISSION FOR SUBCOMMITTEE ON MONOPOLIES AND COMMERCIAL LAW OF THE COMMITTEE ON THE JUDICIARY TO SIT DURING THE 5-MINUTE RULE TODAY

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule today, Thursday, June 13, 1985.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair announces that on today, during the joint meeting to receive the Prime Minister of India, only the doors immediately opposite the Speaker and those on his left and right will be open.

RECESS

The SPEAKER. Pursuant to the order of the House of June 5, 1985, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRIME MINISTER OF INDIA, RAJIV GANDHI

The SPEAKER of the House presided.

During the recess, the following proceedings took place to receive His Excellency, Rajiv Gandhi, Prime Minister of India, the Speaker of the House of Representatives presiding.

The Doorkeeper announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the Prime Minister of India into the Chamber: The gentleman from Texas [Mr. WRIGHT]; the gentleman from Washington [Mr. FOLEY]; the gentleman from Florida [Mr. FASCELL]; the gentleman from Arkansas [Mr. ALEXANDER]; the gentlewoman from Ohio [Ms. OAKAR]; the gentleman from New York [Mr. DOWNEY]; the gentleman from Illinois [Mr. MICHEL]; the gentleman from New York [Mr. KEMP]; the gentleman from Michigan [Mr. BROOMFIELD]; the gentleman from Texas [Mr. LOEFFLER]; and the gentleman from California [Mr. LEWIS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the Prime Minister of India into the House Chamber: The Senator from Kansas [Mr. DOLE]; the Senator from Wyoming [Mr. SIMPSON]; the Senator from South Carolina [Mr. THURMOND]; the Senator from Indiana [Mr. LUGAR]; the Senator from Minnesota [Mr. BOSCHWITZ]; the Senator from Maryland [Mr. MATHIAS]; the Senator from Utah [Mr. HATCH]; the Senator from West Virginia [Mr. BYRD]; the Senator from California [Mr. CRANSTON]; the Senator from Hawaii [Mr. INOUYE]; the Senator from Rhode Island [Mr. PELL]; and the Senator from New York [Mr. MOYNIHAN].

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargé d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 2 minutes a.m., the Doorkeeper announced the Prime Minister of India.

The Prime Minister of India, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency, Rajiv Gandhi, Prime Minister of India.

[Applause, the Members rising.]

Prime Minister GANDHI. Mr. Speaker, Mr. President, distinguished Members of the U.S. Senate and House of Representatives:

Thirty-six years ago, my grandfather, Jawaharlal Nehru, the first Prime Minister of free India, stood here, the highest forum of the great democracy of the United States of America, to convey the greetings of the people of India and to offer friendship and cooperation "in the pursuit

of justice, liberty, and peace." This morning, I have the honor to reaffirm that commitment.

I am deeply conscious of the honor you have done me in giving me an opportunity to address this joint meeting. I know that this is an expression of your regard for India, our people, and our Parliament. On their behalf, I thank you.

The Congress embodies the vision and the will of your people. It reflects their aspirations and defends their rights. It sustains the Constitution. The U.S. Congress enjoys an exceptionally high reputation among the democracies of the world because of the ideals it has cherished through 200 years.

The ties that bind our two peoples are many. Some are the curiosities of history. You gained your independence as we were losing ours and many of the people involved were the same. We wish that Elihu Yale had founded a university for us instead of being Governor of Madras, and that Lord Cornwallis had surrendered in Delhi rather than to George Washington. It was Indian tea that stimulated your independence movement. I do not know how many of the waters around Boston are still colored by that historic incident, but—and I am sure, Mr. Speaker, that you will correct me if I am wrong—today there are thousands of people of Indian origin in your city, as indeed all over the U.S.A., who are making notable contributions to your society, including the third Nobel laureate born in India, while the fourth is in Chicago.

More broadly, we share the conviction that democracy is the best guarantor of enduring development; that our people must live as free individuals if their talent, energy, and enterprise are to have full play; that rule over the people must be with their consent and in their interest and by their representatives; and that the authority of the executive, the legislature, and the judiciary must be complemented by the freedom of the press.

The precept and example of your Founding Fathers were a source of inspiration for us in our struggle for independence. Mahatma Gandhi, the guiding light of our freedom movement, owed much to the thinking of Henry David Thoreau. Gandhiji gave to our freedom struggle its great distinguishing feature, which was the commitment to nonviolence. He taught us that arms brutalized men and made them cowards, whereas nonviolence instilled courage and self-reliance. Gandhi's idea of nonviolence as a positive moral force was later to travel beyond our borders to influence Martin Luther King in your country's civil rights movement.

Freedom for us meant the ending of colonial subjugation and working for equality among all nations. It was also the beginning of a grand endeavor to reform and rebuild our society on a more humane and just basis, free from religious prejudice, social inequality, and economic exploitation. This was the vision of our founding fathers.

We have achieved much in the past 30 years. Our people have become the true decisionmakers. They have exercised their will in eight general elections. Change has been brought about through consent and participation. India's unity has grown stronger. Its constituent regions are assured of their distinctive personality. Its democracy is alive and vibrant.

We have lifted large masses of our population from low standards of living to a fuller life.

To understand India's development process, we must go back to what India was in the early sixties at the time of our independence. At that time, India had practically no industry. We had to import simple items like sewing needles. It is from that, that we have built up our industrial base. It is from a very big deficit in our agricultural economy that today we are strong, self-sufficient, and able to send grain to Africa when we find our friends in difficulty.

When we look at our development process, we have to understand that when there is poverty below a certain level, the individuals find it difficult to even rise to a level from which they can be self-sustaining. And they have to be helped to rise to a minimum level from which they can rise themselves, and it is this that we have kept in mind when we have developed a system which we feel is suitable for India's people and India's development. It has involved a mixed economy, an economy with the public sector, with the private sector and with a mixed joint sector.

The largest part of our economy has always been in the private sector. Even today after very great strides in industrialization, we are approximately 60 percent agriculturally based and all our agriculture is in the hands of the small farmer, in private hands, and the system has worked.

We have shown that we can develop our old agriculture into a modern, strong agriculture; but as we grow, as we develop, as we gain experience, we have to look at broader horizons. We have to see which areas we can help.

When we started out 38 years ago, we had almost no management capability. We had no technological or scientific capability. There was no way other than the public sector to start this off and develop this. Through the public sector, we have developed a management cadre, a very strong technological base, a scientific base, and much of it has gone out into the private sector.

As these things increase, we look to see how we can involve more people in our development process, and that involves helping the private sector build themselves up.

It is just such steps that we have taken this year, but we started this process 5 years ago, in 1980. As we progress, as we develop, as our capabilities develop, we will have to adjust ourselves to our own situation, and we will be doing that.

Our agriculture, which was stagnant at independence, is today strong and dynamic. There has been a steady increase in agricultural productivity resulting from a wider spread of scientific agriculture. Food production is rising faster than the growth of population. Consumption levels are rising steadily.

Our industrial base has been transformed. Indian industry today spans a wide range of products, some of which embody high levels of modern technology. We have invested heavily in the infrastructure for development. Energy, transport, and communications are priority sectors. The base of entrepreneurship has greatly widened. We have a large pool of managerial, technical, and scientific manpower.

Much of what we have done we have done ourselves. Ninety percent of the investment in our economy is financed from our own resources. But the economic and technological help we received from our friends was extremely important. U.S. economic assistance was of great help to us especially during the sixties. American scientific and technological assistance played a crucial role in helping us to bring about the Green Revolution. Multilateral institutions such as the International Development Association have also helped us a great deal. To your scientists and technologists, and to the American people, I should like to say that the people of India will always be grateful.

Our task today is to bring India to the threshold of the 21st century, free of the burden of poverty which is the legacy of our colonial past, and capable of meeting the rising aspirations of our people. This will require sustained effort on our part.

We shall continue the emphasis on key areas such as agriculture, irrigation, and infrastructure development. We have to modernize much of our existing industry, increase productivity and make it internationally competitive. We must also develop industrial capability in new fields. All this means large investments. Equally, it means the absorption of modern technology.

As a developing economy, much of the technology we need will be technology that we will generate ourselves, that will be appropriate to our situation. But at the same time there is immense scope for the application of

modern technology to solve many of our crucial problems. The latest advances in biogenetics can help to further our efforts in agricultural development. Sophisticated techniques of weather forecasting can make an immense difference to agricultural production. The application of computerised control systems can help to optimize production and process planning in industry. The United States is an important source of technology in many of these areas. Our governments have recently reached an understanding on the export of high technology from the United States to India. We see this as the beginning of a substantial partnership to our mutual benefit.

The New Delhi Summit of the Nonaligned Movement made a number of proposals for the revival of the world economy in a mutually beneficial manner. These proposals remain valid and urgent today. Confidence in international economic cooperation needs to be restored.

There was a time when the world community stood firmly committed to the idea of international economic cooperation through multilateral action. The United States played a leading role in developing this consensus.

Recent years have seen a sad erosion of this commitment. Concessional assistance is drying up at a time when it is most needed. Trade barriers are going up. The livelihood of millions in developing countries is in jeopardy. None of this is really beneficial to the developed countries. Greater growth in the developing world means greater demand for industrial goods and services in the developed countries. Growth enlarges markets to the benefit of all.

World prosperity above all requires world peace, and world peace today is far too fragile. We believe that world peace is strengthened by acceptance of the principles of nonalignment. The essence of nonalignment is peaceful coexistence. We are opposed to the polarization of the world into rival military blocs. We stand for the right of the people to choose their own ways of life and the eschewal of interference and intervention in the internal affairs of our countries.

Nonalignment is the extension of the idea of democracy to international relations. India has tried to live up to these principles by keeping out of military alliances. The enlargement of the area of nonalignment reduces the danger of global conflicts.

India and the Nonaligned Movement fervently advocate disarmament, especially nuclear disarmament. Our ultimate objective must be general and complete disarmament, under effective international supervision. We may move toward these goals in phases, through arms control which seeks to progressively lower the level at which the balance of armaments is maintained. We are concerned about any new dimensions to the arms race. This only makes the ultimate objective more difficult to achieve. Hence our deep reservation about the militarization of outer space.

India is apprehensive about the establishment of military bases in various parts of the world. We are directly affected by the militarization of the Indian Ocean and the inflow of the increasingly sophisticated arms into our neighborhood.

We desire peace, good neighborliness, and friendly cooperation in South Asia. We have taken several initiatives bilaterally to improve our relations with our neighbors. We propose to build upon the natural goodwill and sense of brotherhood of our peoples. The contours of South Asian regional cooperation have been etched. Before the end of this year, at Dhaka in Bangladesh, we expect to launch the South Asian Association for regional cooperation.

Afghanistan and South-West Asia are on all our minds. Outside interference and intervention have put in jeopardy the stability, security and programs of the region. We are opposed to both foreign presences and pressures. The one is advanced as a justification for the other. We stand for a political settlement in Afghanistan that ensures sovereignty, integrity, independence, and nonaligned status, and enables the refugees to return to their homes in safety and honor. Such a settlement can only come through dialog and a realistic consensus among the parties directly concerned. The U.N. Secretary General has taken an initiative in this direction. We fully support that initiative.

The peoples of India and the United States are not allies in security strategies, but they are friends in larger human causes—freedom, justice, and peace. One of your wise and eloquent men, Justice Learned Hand, asked: "What is the spirit of liberty?" and he gave the answer in these luminous words:

> The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of the other men and women; the spirit of liberty is the spirit which weighs their interest alongside its own without bias.

This is the path of tolerance we urge. Let us recognize that intolerance is based on fear. What mankind needs today is abhaya, the joy of fearlessness. A verse of the "Rig-Veda," our ancient book said, and I quote:

> Breathe on us fearlessness,
> Heaven and Earth
> By the strength of the omnipresent,
> by the light of the omniscient,
> may we be free from fear!
> From the North and the South,
> the East and the West,
> Let light direct on this world
> sustenance, welfare, and ease.
> May we be granted freedom removing all fear,
> deflecting all wrath

Members of the Congress, the American Revolution asserted the rights of man. Liberty and equality were inscribed on the banner of history. These powerful concepts were to change the direction mankind was to take. But peace, which brings happiness, eludes us. Is it because we have frozen the world order in the mold of the 18th century? Tagore, our great poet, spoke of the "idolatry of geography." Nationalism, untempered by the vision of human brotherhood, is an inadequate framework for peace. Should we not strive, each in one's imperfect manner, for a new Commonwealth based on the revolutionary developments that have not ceased since your Republic was founded? Even though we are not economically or militarily powerful and you are, this is a task that beckons us all. This noble enterprise will in a profound sense be the fulfilment of your revolution.

I have no doubt that this visit will help to bring about greater understanding between our two countries. I am deeply touched by the warmth of the welcome I have received. My talks with President Reagan and his colleagues have been most valuable and have been characterized by openmindedness and receptivity. I have also met a number of your distinguished scientists and entrepreneurs. Through them I have seen at firsthand the great vitality and energy of the United States and also the depth of affection for, and interest in, India. This week we have also inaugurated a Festival of India to give millions of people here the opportunity to see Indian art, dance, and music, which perhaps they would normally have had no chance to experience. I hope the Festival will mark a beginning this year of a deeper understanding of India and its rich and varied culture in the United States.

I have been elected Prime Minister of India at a time when our nation stands poised for a new surge of growth. Our leaders in the past 30 years have established firm foundations on which we have now to build. India is an old country but a young nation; and like the young everywhere, we are impatient. I am young, and I have a dream. I dream of an India—strong, independent, self-reliant, and in the forefront and front rank of the nations of the world in the service of mankind. I am committed to realizing that dream through dedication, hard work, and the collective determination of our people. We will welcome all the cooperation that we can get.

I thank you once again for the opportunity of sharing my thoughts with you.

[Applause, the Members rising.]

At 11 o'clock and 30 minutes a.m., the Prime Minister of India, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 31 minutes a.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will remain in recess until 12:15.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 15 minutes p.m.

THE FUTURE OF AMERICAN SHOE INDUSTRY NOW RESTS WITH THE PRESIDENT

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, the future of the American shoe industry now rests with the President.

The International Trade Commission has recognized that our shoe industry is being crushed by imports and has recommended 5 years of quotas to reduce imports by one-third.

It is time for the White House to admit that its so-called "free trade" policy has only meant that foreign manufacturers have been free to overrun American markets while our products have been locked out of foreign markets.

The administration's hostility to the protection of American industries has already cost us thousands of jobs in shoe manufacturing. Four years ago, this President canceled an import control program, and imports have risen from 50 percent to nearly 80 percent of the market.

To make certain this does not happen again to another important industry, this Congress should promptly adopt the Fair Foreign Trade Practices Act of 1985. It would require the administration to shield American industries and American workers from unfair and damaging foreign trade practices.

RADON: A SERIOUS DANGER IN OUR COMMUNITIES

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, high levels of radon, a colorless, odorless, and tasteless radioactive gas created by the natural decay of uranium and radium traces in the Earth's crust, have been dicovered in many areas of the country, especially in sections of the Rocky Mountain region, New England, Mid-Atlantic States, and Florida. Researchers estimate that exposure to radon gas and its progeny is second only to cigarette smoking as the leading cause of lung cancer mortality in the United States. EPA officials estimate between 5,000 to 20,000 lung cancers deaths in this country each year may be attributed to radon exposure.

While radon gas has been around for millions of years, the seemingly unrelated energy shortages of the 1970's have increased its danger to human health. As a result of these shortages, many homes have been tightened up to prevent heat loss. This tightening causes a buildup of radon gas in homes greatly increasing the exposure to its cancer causing progeny.

This tightening of our homes that currently creates new risks to human health was promoted by Congress in an attempt to save energy. Energy saving tax credits were granted to those who sealed their homes to prevent heat loss. It seems reasonable that similar tax credits be allowed to mitigate dangers which these original credits aggravated. Legislation which I introduced today would offer a 40-percent credit—with a $2,000 limit—for radon-reduction expenditures.

While supporting passage of a tax credit during this period of tax reform debate may seem understandably, difficult, I, and the original cosponsors of this legislation, believe the dangers of radon gas exposure are serious and warrant our immediate attention and action. We thus feel a revision of the Tax Code at this time is justified and vital to the health and well-being of the people of radon "hot spots" around the country. Our bill will help them to act to protect themselves and their families.

We would hope you would join us in this important bipartisan effort to mitigate a serious danger in our communities.

ICE CREAM

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I am frankly amazed the space shuttle hasn't sent back photographs showing a huge scoop of ice cream straddling the middle of North America—what with Americans eating more than 8 billion dollars' worth of ice cream every year. We outstrip any other nation in terms of ice cream consumption.

Ice cream once was associated with summer months, baseball, trips to the beach and so on. Now ice cream is literally associated with any kind of party, get-together, family event or the like. The way Americans eat ice cream, I imagine a closed circuit camera would show folks at home nearly every week of the year freely consuming as much ice cream as they could possibly hold. And if you don't think they're sharing it with the family pooch—look again.

There's just no disputing the role ice cream plays in the lives of everyone. The best way to slide through the 11 p.m. news is with a bowl of ice cream; the best way to break up the afternoon at 4 p.m. is with ice cream. I even know the story of a young man who was entrusted with his 3-year-old nephew for the day—took the tot to a hamburger restaurant and when he saw his nephew turning his nose up at the french fries, he dipped one of them into an ice cream sundae and the little fellow ate the whole sack of french fries.

Last year I sponsored a resolution naming July 1984 as "National Ice Cream Month" and the second Sunday in July as "National Ice Cream Day." It was so overwhelmingly supported by colleagues on both sides of the aisle that it convinced me bipartisanship was alive and well.

I make these remarks today in advance of Ice Cream Day on July 14 because our friends in the ice cream industry are planning their annual "Ice Cream for America" party on June 20 in the courtyard of the Russell Senate Office Building. People from all over Washington trek down to the courtyard for the city's biggest ice cream party. It is the official kickoff event for Ice Cream Month in July.

Along with you, Mr. Speaker, and Senators DOLE and HELMS—we will serve as "Honorary Chairmen and Ice Cream Lovers Extraordinaire" on June 20. When we ceremonially consume a scoop and more—we do so in the name of our fellow American who eats, on the per capita average, about 4 gallons of ice cream a year. And we know that out of 250 million people in this country—a whopping majority skew that statistic on the high side by eating enough ice cream to show a $8 billion retail sales figure.

If taste is not enough for some to justify such consumption—we should remember that ice cream in over 60 flavors provides over nine essential vitamins, minerals, and proteins that come from one single source—our old friend the contented cow. The cow is

an amazing animal giving us vitamins A, C, and D, thiamine, niacin, riboflavin, iron, and essential calcium for bone growth. It's hard to find another food source as rich in nutrition as ice cream—and lest we forget, in the very end, our bovine friends also provide us with hamburger.

So if you find yourself at midnight and your freezer with no ice cream—and you head out into the still of the night for a 24-hour store—just remember the words of the American poet Wallace Stevens who said, "Let the lamp affix its beam, the only emperor is the emperor of ice cream." Besides that it's good for you, it's just plain good.

TRANSITION PACKAGE FOR IMPLEMENTATION OF LOW-LEVEL RADIOACTIVE WASTE POLICY ACT OF 1980

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, the failure of Congress to implement the Low-Level Radioactive Waste Policy Act of 1980 will force drastic action by South Carolina, unless some agreement is reached to bring new waste disposal sites on line in other regions of the country.

In 1980, Congress called for a regional solution to the waste disposal problem. By 1986, Congress was to approve the regional waste compacts organized by the States for the disposal of waste generated within their borders. My State of South Carolina, which has one of the three operating disposal sites for low-level waste, could then close its disposal facility to all generators from outside of the southeast region. To date, Congress has not approved a single compact.

As a matter of basic fairness, the unsited States must accept responsibility for their own low-level nuclear waste. The people of South Carolina have demonstrated a genuine willingness to work with the unsited States to reach a long-term solution to this problem, and they expect the same in return.

The Governors of the three sited States have drafted a package which ensures adequate disposal of the Nation's low-level waste while providing a transition period for unsited States to get their own disposal facilities on line. While there are parts of this compromise package that neither the sited nor unsited States will like, it offers a great deal to both sides which they can support.

This transition package contains strict limits on the amount of waste that the three operating sites will accept. The nuclear industry will be required to accept tough, yet realistic, reductions in the volume of waste generated. Unsited States will be forced to meet specific milestones toward the disposal of their own waste or face the loss of site access until such time that the milestones are met. Economic incentives will also ensure that volume reductions occur and that new disposal facilities are developed. In return, the three sited States have agreed to dispose of the Nation's waste through the end of this decade, although they were originally to be free of this burden by next January.

The transition package for the implementation of the 1980 act is a workable compromise that will avoid a low-level waste disposal crisis. I urge my colleagues to join me in support of this effort.

THE NARCO-TERRORISM REWARDS ACT

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, the kidnap and brutal murder of DEA Agent Enrique Camarena shocked us all.

It is lunacy to think that such a deliberate act of terrorism won't happen again.

We're in the middle of a fierce, international drug war, where the stakes are high, and it's time we protect our Federal drug enforcers, and nonagent personnel, and their immediate families, for they are all at risk.

The bill I am introducing today does this by providing rewards for information which prevents, or resolves, future tragedies like the Camarena case.

My bill is modeled after the International Terrorism Act passed last Congress, and was written after consulting the DEA, and the Justice and State Departments.

Mr. Speaker, we must move quickly to stop the spread of narco-terrorism against Americans, and enact my Narco-Terrorism Rewards Act.

JOIN THE GRACE CAUCUS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, we are now in the process of conferencing a budget for the next fiscal year. Our constituents are waiting to see us take serious steps against the deficit. They're watching to see what we do about uncontrolled spending.

One thing my colleagues, especially those on the Democratic side, can do is join the Grace caucus.

Already, some 60 House Members have made a commitment to our informal, bipartisan group. We've named a steering committee and formed 14 separate task forces to focus on specific areas in Government.

I know the Grace Commission recommendations will not receive unanimous support in the body. Not all of the proposals can—or should—be approved by Congress.

But some of the recommendations deserve attention. If only 10 percent of the Grace Commission ideas prove worthwhile, we can save the taxpayers $42 billion over the next 3 years.

The American public is tired of wasteful spending, Government extravagance, and expensive inefficiency. The American public wants action. Not tomorrow. Today.

Democrats joint the Grace caucus. The taxpayers will thank you.

THE ADDRESS OF THE PRIME MINISTER OF INDIA, RAJIV GANDHI

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, this Chamber was honored this morning by the presence of Prime Minister Rajiv Gandhi. For a former airline pilot he is doing very well. First of all, he looked marvelous, truly marvelous, and most of his remarks were excellent. It was a fine presentation except for two points.

One, he says that he has "deep reservations about the militarization of space." I'm afraid that was an oblique shot at our strategic defense initiative, however Mr. Gandhi should know space has already been militarized. Missiles from the Soviet Union, God forbid they ever are launched against anything in the free world, will, of course, travel through space. And space is certainly militarized, also, by command, control, communication, and all intelligence functions by all major powers; therefore, the military is already out there and we have a right to defend ourselves.

The other misstep by the handsome young Prime Minister was in his reference to Afghanistan. Mr. Gandhi said that he is "opposed to both foreign presences and pressures; the one is advanced as the justification for the other."

Well, Mr. Gandhi should be aware that the Western Powers failed miserably by any moral or ethical standard by not bombing the rail lines to Auschwitz-Bierkonol and other Nazi extermination death camps. Well, we would fail miserably again as a moral people if we did not supply aid and particulary surface-to-air arm-held missiles to the Afghan freedom fighters so they can blast out of the skies the Soviet Air-Wolf Hind helicopter gunships that are genociding the Afghan people with rockets, napalm, and poison gas. Does Mr. Gandhi

really believe we should stand by and be silent witness to a slaughter?

CONGRATULATING THE CITY OF ALEXANDRIA, VA, FOR ITS OBSERVANCE OF THE BIRTHDAY OF MARTHA WASHINGTON

(Mrs. BOGGS asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, as a member of the U.S. Capitol Historical Society, I rise to congratulate the city of Alexandria, VA, which today has inaugurated an annual public observance of the birthday of Martha Washington.

This year, the Historical Society has engaged in research which has unfolded new insight into the role of women in the American Revolution, and has chosen "Women of the American Revolutionary Period" to feature on its 1985 commemorative medal.

Appropriately, Martha Washington is one of the women honored by its sculptress. I salute the citizens of Alexandria for remembering our valiant First Lady for her significant contributions to our Nation in war and in peace, accompanying her husband to winter quarters at Morristown, Valley Forge, and Newburgh, and to New York in 1789, the first Capital of our new country, where she bowed to the social demands placed upon her by the Federal concept of the Presidency.

AN INVITATION TO JOIN THE GRACE CAUCUS

(Mr. BOULTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOULTER. Mr. Speaker, today I would like to offer my colleagues on both sides of the aisle the opportunity to make promises come true. I don't think that there were many of us who, during the last election, didn't make an issue of the deficit. And I don't think there were many of us who didn't say they would work to reduce that deficit.

Here's your chance. My distinguished colleague from Louisiana [BUDDY ROEMER], and I have formed the Grace caucus, a bipartisan coalition whose sole purpose is to make the Grace Commission recommendations a high profile issue in this body, and to develop legislative initiatives to enact those recommendations.

To date, we are 66 strong. I encourage any Member of this body who is serious about reducing spending, cutting waste and inefficiency, and ultimately reducing our national deficit, to join our efforts in the Grace caucus.

You don't have to accept all 2,478 Grace recommendations to belong to the caucus. You do, however, have to identify the ones you believe in and then really fight for them.

□ 1230

GAFFE DIRECTOR SEEKING NEW SETS FOR REAGAN TAX PITCH

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today, in Bloomfield, NJ, Pat Buchanan has found a "new background" for the President to present his tax reform proposal: an audience invited because they support the President's tax plan. Wow! That sounds boring or least predictable.

I would like to suggest to Mr. Buchanan the following backgrounds:

A rally of unemployed workers in front of a boarded-up factory explaining how his bill makes their unemployment benefits fully taxable. There are presently 8.4 million jobless Americans, so that would make a nice, big rally.

The President addressing women going into work explaining why he is reimposing the marriage penalty tax.

A speech in front of a day care center for working class mothers. President Reagan could explain why he has changed the child care credit to a deduction, a move which benefits upper-income taxpayers at the expense of lower- and middle-income taxpayers. In effect, Reagan is shifting the child care "subsidy" from Arlington to Chevy Chase, from Brooklyn to Darien, from West Denver to the Polo Grounds.

A rally of retired coal miners in West Virginia. President Reagan could promote his plan to tax black lung benefits. While he's there, he could explain why most corporate tax breaks are left intact, while retired miners chronically sick with pneumoconiosis will have a special extra tax.

Finally, the President could spring out to Palm Springs and explain the profamily nature of his bill. Every family in Palm Springs gets a big tax cut. Why should the rich get a big tax cut? Well, as Willie Sutton once said, "Because, that's where the money is."

PRAYER IN PUBLIC SCHOOLS

(Mr. COBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBEY. Mr. Speaker, in light of the recent Supreme Court decision, I believe this Congress is under renewed pressure to pass a constitutional amendment permitting prayer in the public schools.

The Chief Justice in his dissenting opinion said:

> To suggest that a moment of silence statute that includes the word prayer, unconstitutionally endorses religion, manifests not neutrality but hostility towards religion.

Mr. Speaker, the principle of government neutrality is a myth. What principles are our laws based upon? What moral fabric holds our Nation and our people together? On whom does this Congress each day call on for guidance, courage, and wisdom? The answer is simple. From the word of God and God Himself.

This Nation was formed under God, to protect religious liberty, not to turn it's back on religious liberty. We can't be neutral to the very principles on which this Nation was founded.

Mr. Speaker, our bodies of government will never be able to judge or legislate with neutrality. It is a myth that needs to be exposed. I support a constitutional amendment to restore voluntary prayer back in our schools and the lives of our people.

POPULATION GROWTH IN INDIA

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the House will soon take up the Foreign Assistance Authorization Act with its enormously important provisions for U.S. assistance to international family planning programs. Since the U.S. contribution to these programs has been so important to the developing world, I was looking forward to hearing from India's attractive young Prime Minister, Rajiv Gandhi, about the significant strides his nation has made over the last decades in reducing its rate of population growth from 3-percent plus to 2-percent minus.

As I listened to Prime Minister Gandhi, however, I was perplexed to hear his emphasis on key areas such as agriculture, irrigation, infrastructure development, modernization of industry, increased productivity, biogenetics, sophisticated techniques of weather forecasting, computerized control systems and the transfer of high technology from the United States to India with nary a word for the importance of rational family planning to the future of his nation and that of many nations throughout the developing world. It was encouraging to hear him state that India's food production is rising faster than the growth of its population. And it is true that in the State of Kerala and elsewhere in the south, they are making remarkable progress in rational population programs, literacy, improvements in the status of women, and so forth. But one has only to visit Calcutta and view the abject poverty, misery, sickness, and starvation to understand India's need to control population growth.

Much has been accomplished, but much more remains to be done.

India's population is increasing by about 14 million a year. That is a number equal to or greater than any city in the world, with the exception of Mexico City. Mexico's population of 16 to 17 million is expected to reach a level upward of 32 million by the year 2000, a direct result of their inability to date to control fertility in a thoughtful, forward-looking fashion. Failure to control excessive population in Mexico City, in India and elsewhere throughout the developing world will have a deleterious effect on the other development efforts emphasized by Prime Minister Gandhi.

It is important to Congress, to the administration and to the public that Prime Minister Gandhi make clear the importance of controlling fertility to his nation's future. It is also important that he acknowledge the contributions that international family planning programs have made to India. Hopefully, he can carry this message to our President and other White House policymakers, before Congress acts on the pending foreign aid authorization bill.

SUPPORT ASKED FOR PEOPLE WHOSE HOMES HAVE BEEN MADE UNSAFE BY RADIOACTIVE MATERIAL

(Mr. YATRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATRON. Mr. Speaker, there is a family in my district whose home is sitting on a naturally occurring radioactive material so powerful and dangerous that upon its discovery, the family was immediately evacuated to safety. The substance is radon and it decays into a gas that can cause lung cancer. The radon in the home of my constitutent was measured at an unheard of 13.6 "working levels." The EPA recommends exposure to no more than two one-hundredths of one working level.

The extent of the occurrence of radon at dangerous ranges is just beginning to be discovered but initial figures are alarming. In one county of my district, a survey of 1,600 homes found unsafe levels in 40 percent. Elevated readings have been seen in Montana, New Jersey, Connecticut, Colorado, and Florida and 10,000 to 20,000 lung cancer deaths have been linked to the inhalation of radon gas.

I come before you now to plead a case for the people whose homes have been radiated and made unsafe. I ask your support of the measure my distinguished colleague from Pennsylvania [Mr. RITTER] and I are introducing today. Our bill, creating a modest tax credit, would help these people defray part of the cost of making their homes safe again.

Imagine, if you will, the shock of discovering that your home—your inner sanctum—has been contaminated with a radioactive substance of such danger to health and life. I ask for your help and support and I thank my other distinguished Pennsylvania colleagues, Mr. FOGLIETTA, Mr. BORSKI, Mr. KOSTMAYER, Mr. MURTHA, Mr. MURPHY, and Mr. GEKAS, for already joining this endeavor as original cosponsors.

FDA SHOULD TAKE ANOTHER LOOK AT THE USE OF RADIATION ON FOOD

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, we should all be concerned that the Food and Drug Administration has proposed, without adequate study, the use of nuclear radiation on the fruits and vegetables eaten daily by millions of Americans. The FDA decision, announced on February 14, 1985, would make the American people the guinea pigs in a potentially dangerous laboratory experiment.

The FDA claims that using nuclear radiation on our foods will eliminate the presense of insects and bacteria that might be harmful to the public. But the use of radiation may be even more dangerous. In fact, two recent studies conducted by the research arm of the Ralston Purina Co. indicate that the use of cobalt 60 and gamma rays on foods may have serious toxic effects.

One study showed that mice which consumed the nuclear material developed rare tumors on their testicles, got lesions and died significantly earlier than mice in the control group. The other study indicated that the ingestion of chicken radiated by gamma rays caused damage to the chromosomes in flies.

Given the usual concern of the FDA for adequate testing, I am surprised that Mrs. Heckler is so eager to approve the use of nuclear radiation in our food supply. While it is possible that the use of nuclear radiation on food may prove to be of use, too many questions about safety have not been answered. The FDA should take another look.

THE TRAVEL AND TOURISM INDUSTRY

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, as chairman of the congressional travel and tourism caucus, I want to take this time to make my colleagues aware of the importance of tourism.

From the tip of Maine to the shores of Hawaii, this great country of ours is overflowing with interesting places to visit and experience.

Tourism dollars are some of the most important in our overall economy.

The travel and tourism industry is the Nation's third largest retail or service industry.

Some $229 billion was spent on travel and tourism in the United States during 1984, representing 6.4 percent of the U.S. gross national product.

Travel supports 6.9 million jobs directly and indirectly, 1 of every 15 working Americans.

Travel and tourism generated $50.9 billion in U.S. wages and salaries in 1984.

At least $25.2 billion a year in local, State, and Federal taxes were earned from U.S. travel and tourism in 1984.

Travel and tourism rank as the first, second, or third largest employer in 41 States; in 14 States, it is the No. 1 employer.

States benefit substantially from travel and tourism. Annual receipts range from $24.6 billion in California to $355 million in Rhode Island.

Business travelers account for 29 percent of all travel receipts in the United States, approximately $61 billion.

On any given day, there are approximately 14 million persons traveling more than 100 miles from home within the United States. In 1984, 1 billion such trips were taken.

Some 21 million international travelers visited the United States in 1984, spending an average $543 each while in this country. International travel services ranked as the second largest services export in 1984.

Recently, this Nation celebrated "National Tourism Week." It was a great success and I urge all my colleagues and members of the tourism caucus to "think tourism" as they travel throughout the country this summer.

PROHIBIT THE USE OF SOUTH AFRICAN VESSELS FOR THE TRANSPORT OF FOOD AID

(Mr. LELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LELAND. Mr. Speaker, yesterday along with 26 of my colleagues, I introduced a bill, H.R. 2746, which will prohibit the transport of food aid on South African vessels.

I was very concerned a few months ago to hear rumors that humanitarian U.S. food aid was being transported to Africa on South African vessels. I was greatly disturbed to have this information confirmed by the Agency for

International Development and to learn there was no statutory prohibition dictating the exclusion of South African vessels from eligibility in the shipment of title II commodities.

I find it totally offensive—obscene in fact—for the humanitarian assistance offered by our great Nation to be marred by leasing transport ships from a government which has demonstrated no humanity or decency in the treatment of the overwhelming majority of its people.

Granted, in comparison to the total amount of food aid shipped to Africa, the amount shipped on a South African vessel was relatively small. Nonetheless, it is morally reprehensible for the United States—the major donor to the World Food Program—to use South African vessels to transport any amount of food aid when other vessels are available.

I urge my colleagues who have not yet cosponsored this bill to do so.

□ 1240

SHOULD THE PRESIDENT BE CASTIGATED FOR NOT BOWING TO SPECIAL INTERESTS?

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, I find instructive some of the comments that we hear from our colleagues on the other side of the aisle with respect to the President's tax plan. There seems to be a criticism of the President's tax plan because in some ways it may assist families. Worst of all, it may even assist traditional families.

The fact of the matter is that the individual exemption allowed in the Tax Code today of $1,000 does not even come close to adjusting for inflation the exemption which existed in 1948. If we brought it up from 1948 to present day, and took into consideration the impact of inflation, we would bring it up to $4,000 which means that the "traditional family of four" would have its first $16,000 of income not taxable.

What has the President done? He has moved in the direction of traditional family to the extent of $2,000. Now, I just wonder why there is such a concern around here that because the President nods in the direction of traditional families and does not genuflect in the direction of the special interests, which seem to direct the party on the other side of the aisle, he is to be castigated.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore [Mr. DONNELLY]. Is there objection to the request of the gentleman from California?

There was no objection.

REFUGEE ASSISTANCE EXTENSION ACT OF 1985

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 191 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 191

Resolution providing for the consideration of the bill (H.R. 1452) to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1452) to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 191 is an open rule providing for the consideration of H.R. 1452, the Refugee Assistance Extension Act of 1985. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It makes in order the Judiciary Committee amendment in the nature of a substitute which is now printed in the bill. That substitute shall be considered as original text for the purpose of amendment under the 5-minute rule and each section shall be considered as having been read.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1452 authorizes $520 million and $529 million respectively—for the fiscal years 1986 and 1987—for the continuation of refugee assistance programs. These funds will primarily be used to reimburse State and local governments for expenses incurred from providing cash and medical assistance to refugees. Of this total amount, $100 million is set aside for social services, $14 million for health screening and initial treatment, and $50 million for targeted assistance.

The bill also contains program changes which will promote a more effective and coordinated approach to refugee resettlement.

Mr. Speaker, I urge my colleagues to adopt the rule so we may go on the consideration of this important bill.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 191 is an open rule under which the House will consider a 2-year reauthorization of this Nation's domestic assistance programs for refugees.

The rule is simple, straightforward and hardly needs much additional explanation, since the gentleman from California [Mr. BEILENSON] has described it fully.

The rule makes in order a Judiciary Committee amendment as original text for the purpose of amendments, under the 5-minute rule. The amendment, which is printed in the bill, will be considered by sections.

In addition to the open amendment process, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1452 reauthorizes the refugee resettlement program for 2 more years, sets authorization levels for some specific refugee programs and makes various changes in the Refugee Act of 1980.

The Congressional Budget Office has estimated that the authorization levels in the bill will be $520 million in 1986 and $529 million in 1987.

The administration policy statement on H.R. 1452 is critical of nine specific provisions. Two of these relate to the excessive authorization levels; including the open-ended authorizations for cash and medical assistance, and the $50 million authorization for so-called targeted assistance to States with high cost public assistance programs.

Some of these concerns are shared by the Republican members of the Committee on the Judiciary, and amendments will be offered to bring the bill in line with the administration's request.

Mr. Speaker, under the terms of House Resolution 191, germane amendments are certainly in order. I support this rule, and I urge its adoption.

Mr. BEILENSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 119 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1452.

The Chair designates the gentleman from Michigan [Mr. TRAXLER] as Chairman of the Committee of the Whole, and requests the gentleman from California [Mr. BEILENSON], to assume the chair temporarily.

□ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1452) to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes, with Mr. BEILENSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 30 minutes, and the gentleman from California [Mr. LUNGREN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present to our colleagues for consideration the bill, H.R. 1452, the Refugee Reauthorization Extension Act of 1985.

Simply stated, Mr. Chairman, this is a good bill which enjoys broad bipartisan support and should be passed by a very wide margin by this body. H.R. 1452 passed the Subcommittee on Immigration, Refugees and International Law, which I have the privilege to chair, by a vote 8 to 1. It was reported out of the full Committee on Judiciary by a vote of 30 to 3. Again, to underscore its broad support.

Mr. Chairman, H.R. 1452 also enjoys the enthusiastic support of the National Governors Association, the National Association of Counties, the national voluntary agency organization called Interaction, and the Council of Jewish Federations.

□ 1250

Mr. Chairman, at this point I would include the specific letters showing support for this bill.

The letters follow:

AMERICAN COUNCIL FOR VOLUNTARY INTERNATIONAL ACTION,
June 5, 1985.

Congressman ROMANO L. MAZZOLI,
Rayburn House Office Bldg., Washington, DC.

DEAR CONGRESSMAN: On behalf of the voluntary organizations who constitute the Committee on Migration and Refugee Affairs of InterAction, I would like to express support for H.R. 1452. This bill promotes refugee resettlement that is efficient, cost-effective and humane.

We are especially pleased that in its present form, the legislation represents the collaborative efforts of Congress, the voluntary agencies and the state and local governments to fashion a program of resettlement that is in the best interest of all concerned parties, and is one that will lead refugees to the early self-sufficiency that they desire.

Sincerely yours,

KARL D. ZUKERMAN,
Chairman of Committee on Migration and Refugee Affairs.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, June 5, 1985.

Hon. ROMANO MAZZOLI,
Chairman, House Subcommittee on Immigration, Refugees and International Law, Rayburn House Office Building, Washington, DC.

DEAR MR. MAZZOLI: I am writing to express our strong support for the Refugee Act reauthorization bill, H.R. 1452, as amended by your subcommittee and the full House Judiciary Committee. As you prepare to discuss the rules for floor debate, I would like to highlight our support for the provisions of particular importance to us.

Targeted Assistance. NACo strongly supports continuation of this program. Counties with large concentrations of refugees are searching continually for ways to turn the unskilled, welfare-dependent refugees into taxpayers. After the 36 month period of federal reimbursement, local governments incur substantial assistance costs.

As you know, many unskilled refugees, particularly the Hmong and other mountain cultures are not self-sufficient after 36 months. Targeted assistance is an essential program in providing projects aimed at self-sufficiency for both time-eligible and time-ineligible refugees. NACo recognizes that the program may be phased out at some point in the future, but until a need is no longer demonstrated in impacted counties, we hope you will continue to support the program as an integral part of the overall effort to achieve refugee self-sufficiency.

Social Services Funding. NACo continues to support the $100 million authorization for social services and agrees with the bill's report language that re-emphasizes the committee's long-standing position that social service funds be based on need, regardless of a refugee's date of entry into the U.S. We were also pleased that the Berman amendment was accepted to provide greater flexibility to states and counties administering the social services. NACo agrees that the primary focus of the funding should be on employment-related services, but an arbitrary Office of Refugee Resettlement regulation requiring 85 percent of the funds be directed to that end does not adequately address local labor market circumstances or the important humanitarian concerns of the Act outlines for those refugees who are unemployable for health or age reasons.

Consultation Requirements. While the current Act provides for consultation between the federal government, voluntary resettlement agencies and state and local governments, the requirement has not been pursued actively by the federal government. NACo supports the H.R. 1452 provision which strengthens the consultation process by requiring these meetings convene on at least a quarterly basis. Increased communication on sponsorship and placement procedures will allow counties to adequately plan for refugee arrivals.

In closing, NACo supports H.R. 1452 as amended and will push for passage of the bill in its current form. Thank you again for your tireless efforts to draft a bill that addresses many of our concerns. Should you have further questions on our position, please contact Tom Joseph, legislative representative for refugees and immigration.

Sincerely,

MATTHEW B. COFFEY,
Executive Director.

COUNCIL OF JEWISH FEDERATIONS, INC.,
Washington, DC, June 6, 1985.

Hon. ROMANO L. MAZZOLI,
Subcommittee on Immigration, Refugees and International Law, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Council of Jewish Federations, on behalf of its 200 community Federations and 800 affiliated social service agencies, would like to express its support for the Refugee Reauthorization Act of 1985 (HR 1452) as it was reported by the Judiciary Committee. We support its passage by the full House without amendment.

We are particularly pleased that the Committee demonstrated once again its strong commitment to maintaining the Voluntary Agencies Matching Grant Program at its current levels. This model program of public/private partnership has been invaluable to our agencies in the resettlement of thousands of Soviet and other Eastern European Jews.

Mr. Chairman, The Council of Jewish Federations thanks you for your strong leadership on this bill. We also appreciate the efforts of Mr. Jim Cline and Mr. Skip Enders of the Subcommittee staff who have always been accessible, knowledgeable and very helpful.

Sincerely,

MARK E. TALISMAN,
Director.

ELLEN G. WITMAN,
Legislative Director.

NATIONAL GOVERNORS' ASSOCIATION,
June 5, 1985.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN RODINO: The National Governors' Association appreciates your ef-

forts toward reauthorization of the Refugee Act (H.R. 1452).

The bill reported by the Judiciary Committee on May 7 contains major improvements in such areas as administration, coordination, and initial refugee resettlement. Most importantly, the bill recognizes the fundamental federal responsibility to assist state and local governments meet costs associated with the initial domestic resettlement of refugees.

In addition, the bill includes provisions which (1) prohibit the use of block or consolidated grants for refugee and entrant programs; (2) provide assistance to states and localities in offsetting costs associated with the incarceration of Marie Cubans; and (3) provide funding authorization for targeted assistance, social services, and health screening programs.

The National Governors' Association, therefore, supports passage of H.R. 1452.

Sincerely,

Governor BOB GRAHAM,
Chairman, NGA Task Force on Immigration and Refugee Issues.

Mr. MAZZOLI. The Federal agencies who are responsible for the refugee resettlement program also, as has been stated, generally support the bill. I hope my colleagues in the House will also support H.R. 1452 with the same strong support and wide margins it has enjoyed along its legislative path.

The Refugee Act of 1980 established an orderly process for the admission of refugees into this Nation. In addition, the act of 1980 authorized funds to reimburse States for the cost incurred in their providing resettlement assistance to these refugees, and also for certain services such as language training, job training, for the refugees in order that they might assimilate and be engaged in gainful employment.

The funding authority for the Refugee Act of 1980 expired in 1983. Since that time the program has been reauthorized and operating under various continuing resolutions. Legislation reauthorizing the Refugee Act of 1980 was introduced in the last Congress in 1983. The Subcommittee on Immigration in the 98th Congress held 3 days of hearings on the bill, reported the bill unanimously to the full Committee on the Judiciary, which also reported the bill unanimously. It passed this body last year by a vote of 300 to 99. Unfortunately, it was never acted upon by the other body before the end of the 98th Congress.

So in March of this year, the gentleman from Kentucky reintroduced the act which is before the House today, H.R. 1452, and its purpose, Mr. Chairman and my colleagues, is threefold:

First, to provide authorization of funds to continue refugee resettlement, which is in our national interest as well as fulfilling our Nation's honorable role to offer succor and relief to people who need it.

Its second purpose is to make programmatic changes necessary to reduce refugee dependence on welfare and public assistance.

Its third point is to improve the accountability of all the agencies who use our taxpayer dollars in providing this work of refugee resettlement.

After its introduction in March, Mr. Chairman, the Subcommittee on Immigration held hearings on H.R. 1452. The subcommittee heard from Federal agencies, from State and local government agencies, and from representatives of volunteer agencies which are historically and have been historically involved in refugee resettlement. All the witnesses, to a person, felt that there needed to be legislative reauthorization of this program. They urged the reauthorization for certain periods of time. We in this bill have settled on a 2-year extension.

In addition, the witnesses discussed prospects for improving refugee self-sufficiency, reducing the refugees' rate of welfare dependency, and to that end they offered many suggestions which we have incorporated in this bill which are aimed at reducing welfare dependency.

Improvement has been made since the bill was originally passed, but more improvement is needed. With that objecitve in mind, the subcommittee developed the bill, H.R. 1452, whose specifics I will now briefly outline.

The bill reauthorizes a refugee program for an additional 2 years, through fiscal year 1987. It provides for such sums as might be considered necessary for the purpose of reimbursing States and local governments for the cost of cash assistance and for medical assistance and educational assistance to the refugees.

In addition, the bill, H.R. 1452, provides reimbursement to States for costs incurred from the incarceration of the Marielito Cubans who have committed crimes in the country and are currently, as I have said, in jail.

Section 2 of the bill provides specific authorization for three other programs: $100 million for social service programs which are primarily English language training and job training programs; $14 million for reimbursements to State and local governments for costs incurred in medical screening and initial medical treatment for arriving refugees. Of course, we know that the health difficulties of the entering refugees, tuberculosis, parasitic diseases, is rampant and that States and local governments have had a difficult task in trying to overcome these health problems, so we provide a $14 million specific authorization.

Finally, a third specific authorization of $50 million for a carefully controlled, targeted assistance program which is directed at those communities and areas which have been heavily impacted by refugee resettlement.

The provision, Mr. Chairman, of social services is in the estimate of the subcommittee the fundamental element by which refugees can acquire the skills, the language skills, the work-related skills, which they need in order to obtain gainful and long-term employment and, therefore, to extricate themselves and their families from welfare dependency. To that end, the bill provides that social service funds are to be allocated to the State on the basis of the total refugee population. The current allocation formula only includes adult population refugees, and then only those who are in the country for 3 years, which is what we call the time eligible.

The committee version, H.R. 1452, changes that allocation in order to accommodate the true needs of the localities where most of the refugees have settled.

In a related provision, H.R. 1452 allows for flexibility in the allocation of these funds within a State. The Director of the Office of Refugee Resettlement of the Department of Health and Human Services can receive, at the instance of the local government and State, a plan which would demonstrate that the local conditions require a different allocation than the current 85–15 allocation and if that plan is accepted, then the local government and the State can use a more flexible different percentage plan for the use of these social service funds.

Section 3 of H.R. 1452 moves the Office of Refugee Resettlement, as I have said, currently in the Office of Social Security, to the Office of the Secretary of HHS to improve its stature and perhaps give the Director additional leverage in obtaining what he, or perhaps eventually she, would need to get the job done and to more adequately resettle refugees.

In addition, H.R. 1452 requires the Office of Refugee Resettlement to consider factors such as, but not exclusive of, population, availability of employment in the local areas, and secondary migration, which means the movement of refugees once they have been initially settled in the country in making decisions about the placement of further refugees. The idea is to try to have a more even dispersement of refugees around the country, who tend to congregate in certain areas of the Nation. We hope that by these new factors that the dispersal will be more even.

Section 5 of the bill tightens the initial reception and placement process under which voluntary agencies receive grants from the Federal Government to settle refugees in the United States. First, the bill provides for audits by the General Accounting Office of funds spent on domestic resettlement by these voluntary agencies which receive money from the State Department in their grants.

The committee believes that these audits are necessary to ensure that

refugee resettlement programs are run efficiently, effectively, and cost effectively from the standpoint of the U.S. taxpayer.

Second, for the further accountability, the bill requires that each voluntary agency be responsible for the basic needs of the refugees in their charge, which basic services would include food, shelter, clothing, transportation to jobs or to job interviews after arrival, and for developing early employment skills. This provision for the first time, Mr. Chairman, would establish a statutory basis for the commitments which are made by the voluntary agencies in signing the R&P contract, the cooperative agreement as we call it, with the Federal Government. That is currently contractural. We would make it statutory.

The bill further provides for a study and a report by the U.S. Refugee Coordinator, part of the State Department, to improve the initial reception and placement process for refugees, and some improvements might include financial incentives for doing a good job of moving people into the country and off of welfare and onto the work rolls.

□ 1300

It may include an expanded role for the mutual assistance organizations. Those are ethnic organizations run by ethnic groups for the betterment of their incoming countrymen, and sometimes those groups have not been as carefully and effectively utilized in the opinion of the committee as they could be.

Further, the committee, in an attempt to reduce welfare dependency among newly arrived refugees, which is in the 60- to 70-percent range in some categories, has proposed changes in the cash and medical assistance programs.

The subcommittee has been told repeatedly since 1981, when the gentleman from Kentucky became chairman of the subcommittee, that many refugees are reluctant to take certain entry-level jobs because those jobs do not offer medical coverage, because the employer does not offer insurance or medical coverage, at least during the initial period of employment, and they go on Medicare or Medicaid or what have you, or State welfare, and then they draw their medical coverage in that way. These refugees understand the high costs of health care and welfare coverage early on when they enter the country, so rather than take a job with no medical coverage, they refuse the job and, instead, go onto welfare rolls which entitle them to Medicaid.

So, in H.R. 1452, the committee makes newly arrived refugees eligible for medical assistance for a 1-year period for medical assistance whether or not they are working. This gives them an opportunity to take a job which does not pay a grand amount of money, a job which does not have the medical coverage, but which gives them the chance to be a part of America and earn their way, and for that 1-year period it gives them the comfort and security of knowing their own health needs are covered.

Second in this same connection, H.R. 1452 bars employable refugees from receiving cash assistance if they refuse to take a suitable job approved by their voluntary agency sponsor or State or local employment service, or if they fail to show up for job interviews which would, of course, lead to approved employment. The first refusal of a job or job interview would carry a penalty, a 3-month bar from taking advantage of the refugee assistance program. A second refusal would carry a penalty of a 6-month ban.

This, Mr. Chairman, is obviously strong medicine, but the committee believes that strong medicine is required to show every possible encouragement to incoming refugees that to be on welfare is not the American system but that to be on the work rolls is the American system.

Section 7 of the bill prohibits any reduction in the per capita funding level of the matching grant program, which is also administered by the Office of Refugee Resettlement. Mostly the Matching Grant Program, which allows for a certain grant of the voluntary agency which is matched by money raised by that selfsame voluntary agency, is primarily used for the settlement of Soviet Jews in the United States, although it is now expanded to other resettlement programs. The administration early this year proposed reducing the funding of the matching grant program by 50 percent as a step toward the eventual total elimination of this very successful program. Every witness appearing before the subcommittee and before the committee spoke in favor of retaining the program at the current funding level, and that is what H.R. 1452 seeks to do.

Finally, Mr. Chairman, the bill, H.R. 1452, prohibits the employment by the administration of block grants as a means of funding domestic refugee resettlement programs. This was first proposed in the 98th Congress. It was again suggested later in that Congress, but it has generally met with resounding disapproval and total silence on the part of the Governors and local authorities who have the responsibility of resettling these individuals. So in statutory language the subcommittee has taken the lead in prohibiting any administration from going to block-grant funding rather than 100-percent reimbursement funding as a means of reimbursing for the expenses of resettlement.

So all in all, Mr. Chairman, the gentleman from Kentucky stands before his colleagues in the House to say that he believes the bill, H.R. 1442, is an excellent piece of legislation. Again I call to the attention of my colleagues the fact that it passed the subcommittee, Democrats and Republicans, by a vote of 8 to 1, and it passed the full committee, Democrats and Republicans, by a vote of 30 to 3. It, therefore, enjoys broad bipartisan support, broad support in every sector of the philosophy of the membership of the subcommittee and the committee, I urge its support and commend it to the careful attention of my colleagues in the House.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I am happy to yield to my friend, the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I thank the chairman of the subcommittee for yielding to me.

Although I am not a member of the gentleman's subcommittee, I am a member of the full Committee on the Judiciary and, of course, represent portions of California, the State that has by far the largest number of refugees. I think it has been estimated that up to 50 percent of the refugees from Southeast Asia that come to the United State end up in California.

I would like to compliment the chairman of the subcommittee, the minority and the majority, and also the gentleman from California [Mr. LUNGREN], on doing a very thoughtful and creative, spare, tough job on this bill. It is a good bill, and I hope that we can enact it without reducing its effectiveness.

Again, Mr. Chairman, I think we all should be grateful to the subcommittee chairman, the gentleman from Kentucky [Mr. MAZZOLI], to the gentleman from California [Mr. LUNGREN], and the other members of the subcommittee and the staff for a good job.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for his gracious comments. They are certainly appreciated.

I would like to take one additional moment to salute my colleague and friend, the gentleman from California [Mr. LUNGREN]. He is my friend and coalumnus from Notre Dame, and I salute him for his work as my colleague in this body and as ranking minority member of the subcommittee. He has done an excellent job.

So on the basis of my description, I would be happy to answer questions. I lay this bill before the House with confidence that it is a good bill, and I ask my colleagues to look at it in that fashion.

Mr. Chairman, I reserve the balance of my time.

Mr. LUNGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to rise in support of the adoption of the bill before us, the Refugee Assistance Extension Act of 1985. It was passed by an 8-1 vote in the Subcommittee on Immigration, Refugees, and International Law, and reported by the full Judiciary Committee on a 30-3 vote.

H.R. 1452, I believe, attempts to resolve problems which plagued last year's bill, and it forges new inroads into establishing accountability with respect to future refugee resettlement.

Many will recall that in 1980, the Congress adopted the Refugee Act, in which it authorized domestic resettlement activities for individuals who meet the international definition of "refugee" and for whom the international community of nations has accepted responsibility. Ever since September 1983, we have been without specific legislative authority to fund refugee resettlement efforts, and even though funding by way of a continuing resolution seems to be the way we are doing business here on Capitol Hill, I do not believe it is the best way.

It is imperative, therefore, that those who are responsible for the resettlement of refugees within this country have in hand specific authorization to do so by way of H.R. 1452. Ever since 1981, when we settled approximately 160,000 refugees, until this year, 1985, in which we have settled some 33,000 through March, the United States has assumed its share of the responsibility for accepting the world's dispossessed.

This bill is particularly important because it legislatively preserves the responsibilities and obligations of both those who supervise this resettlement and the refugees themselves.

At present, Mr. Chairman, some 54 percent of all refugees who have been in the United States for 36 months or less, the so-called time-eligible group, are receiving some form of public assistance. In my home State of California, I am distressed to say, the percentage is much higher; it is almost 85 percent. This level of dependency troubles me a great deal, as it does all members of the committee, I believe, and the committee has taken steps reflected by provisions within this bill to do what it can to lessen the probability of future dependency. But this bill must pass if we are to be able to reverse an already unpleasant and troubling trend.

For example, this bill defines for the first time what the "basic needs" are for refugees under the care of voluntary agencies. Those now specifically include responsibility for providing food, clothing, shelter, and transportation, where feasible, for job interviews and training. We also require the development and implementation of an individual resettlement plan, which we hope will emphasize "early employment."

In addition, we expect that State and local agencies which distribute public assistance will listen to and consider the recommendations and advice of voluntary agencies charged with the responsibility of resettling refugees. We, therefore, require in this bill that the State Department receive quarterly performance and financial status reports from the voluntary agencies. This is done in order to establish a record for future Congresses and to monitor effectively the job which the voluntary agencies are currently doing.

Thus, in eliminating the undefined legal responsibility which was placed on voluntary agencies in last year's bill, Mr. Chairman, I believe we have eliminated the principal controversy which prevented us from agreeing to a compromise in conference. Last year, after we passed this bill, the Senate had some difficulty in dealing with the so-called Lungren amendment, which attempted to articulate the responsibilities that we felt the voluntary agencies had in the resettlement process, and also, therefore, to give local jurisdictions and states the ability to recognize that responsibility for what it was, that is, the responsibility for the basic needs of these individuals.

□ 1310

If that recognition were to take place, we believe then that the States and the localities would have both an incentive and a responsibility not to interfere with the effort to move these people away from a welfare syndrome. In other words, if there is coordination between local and State governments and voluntary agencies during the resettlement process, we will not have the situation occur in which the voluntary agency, attempting to get the resettled individual on a track toward employment, creates an overall package for that individual, suggests certain job interviews for that individual, and suggests that if they do not partake of job interviews, and of the job opportunity if it is given to them, they may not receive the full benefits that they are getting from the voluntary agency.

At present, they then can go to the local jurisdiction and suggest that they qualify for welfare, because their basic needs are not counted under the definition or the formula is not recognized by the agency. Then there is no incentive. There is no close connection. There is no working relationship between the voluntary agency and the person to be resettled.

Many of us never thought we would have to go to this point but, frankly, when you have 54 percent of all refugees within the first 36 months who are welfare dependent, and in my home State 85 percent who are welfare dependent, we recognize once again what many of us have said on this floor. We have achieved the unachievable. We have surmounted what sociologists would tell us we would have been unable to do in that we have taken a population which is basically goal-oriented, family-oriented, job-oriented, not dependency-oriented, and made over 50 percent of those people welfare dependent within their first 3 years of coming to the United States. In my home State, in some way, we do not have time to go into detail, but in some way have made 85 percent of those people dependent.

We do not want to do that. I am sure that is not the purpose. I know that was not the purpose when we first enacted this legislation. In fact, we had a very salutary purpose when we enacted the legislation in the first place. We did not want to have additional expenses borne by the Federal, local, and State governments by creating a separate mechanism of distributing assistance to these people as they were resettled. Therefore, we created a system which allowed them to receive benefits through the already existing welfare mechanism.

It was not our intention to make them welfare dependent. It was our intention to save money.

What, in fact, we did was expose the refugees, almost as their first step into the United States, to the plentiful welfare system that exists across this country. And you can imagine, someone comes here from a very different culture, perhaps from a background which did not rely on a written word, in some cases may not have had a written word, from a culture which was not exposed to the great industrial giant that the United States has become, they very desperately want to become integrated, they want to become citizens ultimately of the United States, they want to fit in, and the first thing that is introduced to them is the welfare system.

In a sense, there is an insidious, implicit suggestion made to them through this process that if they want to become full Americans, they ought to become full welfare recipients. It was not intended, as I say, but that is what has occurred.

Therefore, we have attempted to work out some sort of relationship with the voluntary agencies (the so-called Volags) in the Federal Government, local government, and State government to articulate what the relationship is so that we will not have these various component parts arguing against one another, fighting against one another, with the result that we are unsuccessful in trying to wean this population away from its welfare dependency.

The other thing we have done in this bill is that we have for some targeted programs that go to the question of new approaches toward getting people away from welfare. This basically builds on what we had last year in the appropriations bill, the so-called Wilson-Fish amendment which allows particular demonstration projects to be identified for particular refugee populations which have found it very difficult to break out of the welfare syndrome.

We have added one thing in this bill which expands it, an amendment of mine which allows the Federal authorities, if they believe there is reason for it, to grant an exception to certain populations that are beyond the time eligible populations; that is, the first 36 months. This is done in recognition of the fact that in at least my State—I know in many other States—we have the Lao population who have settled in the Fresno area, who have been here for longer than 3 years. Many have been here for perhaps as many as 10 years, and because of the situation that confronts them, that is if they go out to work and they work more than 100 hours a month, they lose all welfare benefits. And they find, therefore, that it does not make economic sense for them to go out and do any work whatsoever because of running up against this.

We have a situation in which certain employers in the agricultural community want to go to that population and offer them jobs. But frankly, if these people are limited by the 100-hour rule, they have no interest in hiring them because it does not make for a meaningful work force.

And the whole idea is to allow them to understand, appreciate, and learn the agricultural process in the United States, which is very different than what it was from whence they came, so that they at some point in time can move from the position of being employees to being independent farmers. And we have that in this bill as well.

So, Mr. Chairman, with those remarks, at this time I yield 4 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, the amendment I plan to offer would strike $50 million in targeted assistance for each of 2 fiscal years, 1986 and 1987. This is a position endorsed by the administration and, not surprisingly, opposed by delegations of my colleagues from States which benefit from the Federal dollars targeted assistance distributes into their economy.

I take the view that we cannot responsibly examine Federal expenditures such as targeted assistance in isolation. Refugees are a different kind of immigrant because we accept them in addition to the roughly 500,000 people who enter the United States under normal immigration procedures every year. They require special attention and activate obligations on the part of the Federal Government. We have attempted to meet the unique needs in this bill. In my judgment, though, $50 million in targeted assistance should not be included.

If we are to justify specific Federal funds for States and localities which are heavily impacted by the presence of refugees, then what will we do if extended voluntarily departure for Salvadorans is eventually adopted? Ironically, many of the same people who opposed this amendment in the full Judiciary Committee are also sponsors of H.R. 822, a bill which would legalize the status of an estimated one-half million Salvadorans already in this country, thereby making them, as a class, eligible for public assistance.

I would like to ask my colleagues on the floor, as I indicated I would in my dissenting view contained in the committee report, to give the House the benefit of their estimate of the cost of EVD for Salvadorans.

This is a relevant inquiry because in granting targeted assistance in this bill, we are setting a precedent which will inevitably be used to justify targeted assistance for EVD at a later date. I would like to ask my colleagues from California, Mr. EDWARDS or Mr. BERMAN, or my colleague from Colorado, Mrs. SCHROEDER, if any of them would tell me and the other Members of the House what figures we are likely to be talking about for 500,000 Salvadorans.

My amendment would strike $50 million in targeted assistance for an estimated 70,000 refugees. Most of the Salvadorans whose status would be legalized under H.R. 822 are similarly situated; they are mostly unskilled and illiterate, both in their own language as well as in English. The analogy is therefore a valid one, and I would be happy to yield to anyone on the other side of the aisle who could give us all a sense of the precedent we will be setting if my amendment is defeated.

□ 1320

Let the record show that nobody is asking me to yield.

Mr. MAZZOLI. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from new Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, first let me commend the chairman of the subcommittee and the ranking minority member for their continued efforts in seeing to it that this very important legislation, the Refugee Assistance Extension Act of 1985, is adopted by this House. They have worked hard and I believe have brought forth the kind of measure that is bipartisan in its support. Last year in the 98th Congress a similar bill, which was H.R. 3729, was approved by the House by 300-to-99 vote. And I believe the only reason why that bill finally did not see the light of day, was not enacted finally by the Congress, was because the Senate found some disagreement over the extent to which voluntary agencies should be responsible for refugees they resettled.

I believe that this bill answers and addresses that problem and hopefully it will pass this body. I am also hopeful that other body will immediately address this bill, give it the attention it deserves, and finally we will see a refugee reauthorization bill enacted into law.

While the chairman and the ranking member have outlined the purposes of the bill and the various items contained in the bill, I would like to point to two of the purposes of this bill that are significiant and important.

First and foremost it continues through fiscal years 1986 and 1987 the authority to fund the domestic resettlement of refugees. The funds authorized by this bill will be spent on various refugee resettlement activities. The vast majority of the funds in this bill will be expended on reimbursing State and local governments for the costs that they will incur in providing cash and medical assistance to needy refugees during their first 3 years in this country.

It will also fund social services projects such as English language and job training, which are so important, once these refugees come into the American communities.

It will provide up to $50 million in targeted assistance or, if you will, "impact aid" to localities heavily impacted by refugee populations. It will also provide the funds necessary to provide health screening and initial medical treatment to the refugee population to insure both that refugee medical problems are diagnosed and treated properly and early, and that the public health is not compromised by refugee admissions.

The second purpose which I think is important and I think is addressed by this legialtion is to fine-tune the Refugee Act of 1980.

That legislation has proven to be a fair and workable mechanism for the selection, admission, and resettlement of refugees.

However, we find that in all cases there are certain areas that have to be addressed after we adopt legislation because changing circumstances and real-world experiences dictate the need for change. And this we have done. Most of the changes that are contemplated in this bill are directed toward reducing the refugee welfare dependency rates. I think the gentleman from California and the gentleman from Kentucky have pointed this

out to the satisfaction of the Members of this House.

For example, the bill would require refugees to go to properly authorized job interviews. Other changes are designed to streamline the administration of the program.

One of the provisions that I think is of particular importance to point out concerns the so-called matching-grant program which provides for the resettlement of Soviet Jews and Eastern European refugees. That program, which, by all accounts, has been extremely cost-effective, sensible, and fair, has been for some unfathomable reason targeted for termination by the administration.

This bill would prohibit the termination of that especially important matching-grant program. And I think it is important that we recognize the matching-grant program as an essential ingredient of our refugee assistance programs.

Let me point out that this legislation deals only with the domestic aspects of our refugee program. It does not attempt to redefine the term "refugee" or alter the manner in which refugees are selected or determine which refugees will be admitted to the United States.

All in all I think this is certainly a measure that deserves the support of the House of Representatives, the other body, and the President of the United States. I would like to point out, before I close, Mr. Chairman, that, anticipating that some of the Members of the House are going to offer an amendment imposing a budgetary freeze on the refugee program. I think this would be a mistake, in view of the fact that the very essential ingredient of the Refugee Assistance Act as we enacted it was to have flexibility. We would lose all power over flexibility to be able to at least relate the admissions that might take place to the moneys that are to be expended.

As a result, for this very reason we adopted a provision that provided for a flexible arrangement so that the President, after consulting with the Congress, would set a ceiling on refugee admissions each year. If we adopt the amendment which is going to be offered by the gentleman from Michigan [Mr. PURSELL] or the gentleman from Connecticut [Mr. MORRISON] which would require a budgetary freeze, I think we would be effectively removing from the President the ability to respond to unforeseen refugee emergencies, because if the money is not available to resettle them they will not be admitted.

For that reason, although I am not going to be here at the time that the gentleman will be offering that amendment, I think that we ought to pause and think about it.

I think for that reason, Mr. Chairman, I would urge that the Members of the House be alerted to the fact that when that amendment is proposed, that it be turned down overwhelmingly. If we do not, we might as well be saying that we are tying the hands of the President of the United States, and we might as well call curtains on that portion of the Refugee Act of 1980 that gives the President the right to respond to unforeseen circumstances.

Finally, even assuming that some overall ceiling should be set, it would make far more sense to place an overall ceiling on the program. Instead, the gentleman would reduce the authorization levels of selected programs; namely, the Social Services Program, which he cuts by over 25 percent, the Medical Screening Program, which he cuts by over 30 percent, and the reimbursement to States for criminal justice costs, which he limits to $5.4 million.

NATIONAL GOVERNORS' ASSOCIATION,
June 5, 1985.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN RODINO: The National Governors' Association appreciates your efforts toward reauthorization of the Refugee Act (H.R. 1452).

The bill reported by the Judiciary Committee on May 7 contains major improvements in such areas as administration, coordination, and initial refugee resettlement. Most importantly, the bill recognizes the fundamental federal responsibility to assist state and local governments meet costs associated with the initial domestic resettlement of refugees.

In addition, the bill includes provisions which (1) prohibit the use of block or consolidated grants for refugee and entrant programs; (2) provide assistance to states and localities in offsetting costs associated with the incarceration of Mariel Cubans; and (3) provide funding authorization for targeted assistance, social services, and health screening programs.

The National Governors' Association, therefore, supports passage of H.R. 1452.

Sincerely,

GOV. BOB GRAHAM,
Chairman, NGA Task Force on Immigration and Refugee Issues.

Mr. MAZZOLI. Will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. MAZZOLI. Let me just commend and salute the gentleman, our distinguished chairman, on that very forceful statement, and I certainly join him. I think that the Morrison/Pursell amendment would be an absolute, total, abysmal error to be made by this House, and I want to just add to what the chairman has said; not only would this deny flexibility to the President in handling refugee programs, but specifically this un-well-thought-out amendment to be offered actually slashes health screening money by nearly half: from $14 million to $8.7 million, to help protect the refugees and the indigenous population against tuberculosis and parisitic diseases.

Further, Mr. Chairman, a cut by 25 percent to social service funding, which is language training and job training, which are the two things we emphasize in our bill.

So I salute the gentleman, and I hope that the House has been listening to that.

Mr. Chairman, with permission of my friend, the gentleman from California, the gentleman from Florida [Mr. LEHMAN] has requested 3 minutes. The gentleman has a subcommittee which he is chairing at 1:30.

Mr. Chairman, first the gentleman would ask the Chair, how much time does the gentleman have remaining?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I rise in support of H.R. 1452, the Refugee Assistance Extension Act of 1985, and I want to express my support in particular for the authorization of targeted assistance.

Shortly after the Refugee Act was first enacted in 1980, south Florida faced the massive uncontrolled Mariel boatlift. This wave of immigration was unlike any we had experienced before. There was no prescreening or any orderly resettlement program. Within a short period of time, 120,000 Cubans reached our shores. South Florida tried valiantly to cope with this sudden shock, but local agencies were quickly overwhelmed.

This sudden influx was not the fault of local authorities. It was the result of a breakdown in Federal responsibility. What little Federal assistance we in Florida have received has fallen far short of the costs borne by the State and local governments. More than $150 million has never been reimbursed.

Five years after the Mariel boatlift, the need for help and the Federal responsibility remain. Many of those who arrived in 1980 are not the kind of people who assimilate easily into a community. Criminals and persons with mental health problems—persons who would not have gotten into this country under normal circumstances—do not easily get jobs and become self-supporting. In recent testimony before the Appropriations Subcommittee on Labor-Health and Human Services-Education, a State official pointed out that in 1983, over 200 Cuban entrants were booked into the Dade County jail every month. In 1985, over 400 entrants have been booked into the county jail each month. Unemployment among Cuban-Haitian entrants remains high, perhaps as high as 30 to 40 percent according to testimony pre-

sented by the State. Clearly, the assimilation process is not working.

Because this program has lacked an authorization, targeted assistance funding has been provided through continuing resolutions. This process has resulted in very late allocations to States and has made it very difficult for administrators to plan their programs. Florida currently has only enough money to fully fund its programs until the end of this year. This authorization is crucial to ensuring timely and adequate funding of these much-needed programs.

I also want to thank the committee for including in its bill an authorization for reimbursing States and counties for the costs of incarcerating Mariel Cubans. This is particularly important in light of the recent suspension of our agreement with Fidel Castro that would have provided for the gradual return of criminals to Cuba.

I urge support for the committee's bill and I hope my colleagues will vote against any attempts to eliminate the targeted assistance program.

The CHAIRMAN. The Chair advises the gentleman from California [Mr. LUNGREN], he has 15 minutes remaining.

Mr. LUNGREN. I thank the Chair.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the very distinguished chairman, who also, I might add, is from Michigan.

Mr. Chairman, this afternoon, on behalf of the 92 Group and members of the Democrat Party, who this year have supported the so-called freeze on authorization bills, and I trust will support a freeze on appropriation bills in respect to fiscal year 1986 spending, I have introduced with the gentleman from Connecticut [Mr. MORRISON] a freeze amendment to H.R. 1452, the Refugee Assistance Extension Act of 1985. I do not want to take the time during general debate to get into the specifics of our amendment. I just want to discuss the concept, briefly, to alert members of the committee, Members on the floor, and Members back in their offices, that this is the fifth amendment to authorization bills that we are presenting today in respect to the Pursell/Morrison-Morrison/Pursell freeze. Members of other committees who have had authorizations come to the floor, chairmen particularly, both on the Democratic and Republican side, already have picked up our lead and have incorporated their own budget freezes within their respective committee authorizations.

I cite the National Bureau of Standards bill, the National Science Foundation bill in which the committee chairman and ranking member—on both sides—adopted and went back to 1985 freeze levels.

So today we are looking at the fifth bill; bill number 5 of our series of authorization bills for 1986. Up to this point we have achieved a savings of about a half a billion dollars. Now that may not seem like a lot, but it is successful in establishing continuity of the concept of trying to reduce the deficit in a fair and equitable manner and trying to keep within the budget resolution as passed by this House. That is very important if we are to achieve meaningful deficit reduction.

Our amendment, that will be offered this afternoon, will be in keeping with the budget resolution on which many of us worked very hard on both sides of the aisle to see that the House had a reasonable, fiscally responsible budget.

Today, our amendment will address three areas of the refugee assistance authorization that are not previous legislation. This is approximately 25 percent of the authorization. The other 75 percent is in the form of entitlements.

Today, very simply, we just want to keep within the 1985 budget levels; we are not asking for budget cuts here that are serious, that would jeopardize these programs; this is a good bill. Basically, social service has a basic intent which I support. The medical screening aspects of the section of the bill and the initial treatment are important for refugees.

The assistance to States is very important, because we do have incarcerated prisoners in various States that need assistance. But the real question is, what can the taxpayer afford?

The message is clear; the budget resolution is clear. The last four major bills in which we were successful in freeze amendments are clear. Four out of four, the votes on those bills, and they were overwhelming: the freeze amendment to the NASA bill was 369 to 36. The National Science Foundation bill, in which we were successful in passage here in the House, had a vote of 407 to 4 for the budget freeze amendment. The National Bureau of Standards bill, in which we offered amendments through the committee chairman and the leadership, both on the Democratic and Republican side, carried 398 to 2. The last authorization bill that went through was the State Department bill, in which the committee members, Mr. MICA and Ms. SNOWE, the latter a cochair of the 92 Group, offered an amendment which passed 398 to 1.

We again are offering the House a bipartisan effort to address budget problems this year and next year.

So I ask my colleagues to look at the Pursell-Morrison amendment and keep the record of the House consistent with 1985 levels, so that we can maintain a sense of fiscal responsibility in this bill and in our budget and in this Nation. We owe it to the taxpayers.

I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman from Michigan for yielding, and I want to commend him for his statement. I think he and I both agree that the assistance set forth in this bill is important and it deserves to be supported.

Mr. LUNGREN. I yield an additional 30 seconds to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I yield 30 seconds to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. What we are doing in this amendment, in which we have joined, is to conform the discretionary spending in this authorization to the budget resolution. We are not asking the House to spend more or less than it has set as a target for this function.

I think that is the responsible thing for the House to do. There is always a need for more money, but the question is whether we are going to restrain the spending as the budget has set forward, and that is what the gentleman's amendment will do.

Mr. PURSELL. I thank the gentleman, and I would like to add, we are not attacking the merits of the purpose for which money is authorized in this bill.

We simply are trying to control Federal spending. To do that, there can be no sacred cows.

Certainly, the refugees need help. But so do a lot of other people and programs that help those people. The only fair and equitable way to maintain our Federal responsibility is to ensure that that responsibility can be continued—by restricting spending across the board and divvying up what money we have evenly, and in doing that, reducing the burgeoning Federal deficit.

□ 1340

Mr. LUNGREN. Mr. Chairman, I yield myself 1 minute.

I appreciate the effort of the gentleman from Michigan. I do not believe in this particular case I am going to be able to support him, however. We happen to be going into areas that we try to maintain flexibility on, which deal with education, training, health screening, which are extremely necessary. I think these programs actually save us money. I am just sorry that the gentleman from Connecticut did not pursue this same thought this week as we dealt with the Legal Services Corporation in committee when we had a chance to have a freeze. Instead he then said we should make some distinctions and told us that he thought it was important for Legal Services Corporation——

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield on that point?

Mr. LUNGREN. I will be glad to yield.

Mr. MORRISON of Connecticut. I think the gentleman is mistaken in his comparison. This amendment does exactly the same thing with the discretionary spending as the amendment that was passed in the Judiciary Committee this week did with Legal Services. It conforms the spending level to the budget. In both cases, a cost of living increase is given because that is what the budget resolution does in these functions.

Mr. LUNGREN. Mr. Chairman, I yield myself an additional one-half minute, and I will take back my time just to say to the gentleman that he did not support a freeze in the committee, as he recalls. There was an amendment brought forth for the Legal Services Corporation of an increase of, I believe, 4½ percent. When it was pointed out to the gentleman that that did not conform with his statements on the floor about the freeze, the gentleman informed us that exceptions would be made.

All I am saying is that other people I think are going to exercise their ability to have exceptions.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman from California for yielding time to me on this most important bill.

Mr. Chairman, I rise in support of H.R. 1452, the Refugee Assistance Extension Act of 1985. This bill will continue to provide minimal targeted assistance which has been essential to the progress made in south Florida toward alleviating the problems caused in part by Castro's forced immigration policies.

Under normal circumstances, I would be here today opposing this program as just another unnecessary giveaway program by the Federal Government. Under normal circumstances I would be supporting the position that in this time of budgetary belt tightening, we cannot afford this program. But Mr. Chairman, these are not normal circumstances. The circumstances where Florida was invaded by almost 200,000 aliens in less than 1 year. This was not a normal circumstance.

Therefore, I feel it is patently unfair to force local government to tax their own citizens to pay for a problem that is solely the making of the Federal Government. Counties and cities do not make immigration policy in this country, we in the Congress do. We have failed in that responsibility. Let us not fail now to take responsibility for the results of our mistakes by forcing the local communities all over the country to shoulder the entire cost of a problem that they had no part in at all.

The flow of refugees into south Florida is hardly typical of normal immigration patterns. In fact, there is no other State or community in the United States which has become the home for up to 80 percent of the annual immigration flow from one foreign nation. Also, Florida has found that it is the destination point for most of the refugees leaving Haiti and the volatile countries in Central America.

When a community experiences a large influx, it also finds itself faced with profound fiscal and social costs. The numbers can be staggering. According to a recent report from the Committee on Immigration Policy of the Greater Miami Chamber of Commerce, fewer than 20,000 Cuban born residents lived in Dade County prior to 1960; there are now estimated to be 525,000 residing in the Miami area.

The refugee situation that local governments in south Florida have to cope with on a daily basis is not one of their own making. We are not asking for an increase in funding levels; this bill would merely continue targeted assistance at 1985 levels for the next 2 years. In addition to helping south Florida, many other refugee-impacted areas would continue to receive funds. Areas as diverse as Sedgewick, KS, Hennepin, MN, and Arlington County, VA, desperately need this money. However, all of these areas have one thing in common—a unique and dramatic refugee problem that is seriously straining the resources of local communities and governments.

I urge my colleagues to do the right thing and vote to retain the targeted assistance portions of the bill.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, the gentleman makes a very valid and I think fundamental point here, and that is that the States have no choice in how many refugees come in, where those refugees come and how much those refugees will need in health care coverage and programs for English language training or job training.

And if the amendment of the gentleman from Michigan or the gentleman from Connecticut is adopted—I hope and pray it is not—if it were, it would penalize the 18 or 20 States which have become the haven, the safe harbor for these refugees across the Nation, and those States and those localities have no choice whatsoever in how many come in. We the Government, which does have a choice in how many come in, have a responsibility to help pay the bill.

Mr. SHAW. The gentleman is so right. And I would like, while we are recognizing each other's efforts in this regard, to recognize the gentleman from Kentucky, the chairman, as well as the ranking minority member, the gentleman from California [Mr. LUNGREN], and the members of the subcommittee and the entire Committee on the Judiciary, for a valid effort to bring forth some sanity in an immigration policy to this floor in the last Congress, and I understand that this effort will start again and I wish you well.

Mr. LUNGREN. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield to the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. Mr. Chairman, I should like to associate myself with the remarks of my distinguished colleague from New York [Mr. FISH.] The continued authorization of the Targeted Assistance Grant Program is important to many communities in the United States. In just one of the four counties in the district I represent, for example, there were only 400 refugees in 1979. By 1982 the refugees had risen to over 5,000, and today in Fresno County there are over 10,000. Of these, over 75 percent are Hmongs from Southeast Asia.

The Hmongs represent an interesting situation, Mr. Chairman. They came to the United States because Federal officials offered them support and protection in exchange for their support of our armed forces in Southeast Asia during the Vietnam war. Many of them came from a civilization that can be described as the Stone Age. Contrary to the assumptions of those seeking to reduce funding for refugee assistance, many of the Hmongs have not yet become self-supporting. In Fresno County, for example, the percentage of refugees on assistance exceeds 85 percent.

This situation exists despite efforts by local officials to bring refugees into the mainstream, and despite the efforts of the refugees themselves to span centuries of cultural experience in a very short time to become working, self-supporting members of our increasingly technological society.

Mr. Chairman, if there are problems with the way that these moneys are being used, then I suggest that simply cutting off all funding amounts to throwing out the baby with the bathwater. If there are problems they should be addressed. I think this bill contains language that has been developed to deal with these problems. If the Sensenbrenner amendment shall pass, the refugees and their problems will not vanish. Local and State government will be forced to assume responsibility for a problem that is, in my judgment, uniquely Federal.

Mr. Chairman, I urge continued funding of the Targeted Assistance Grant Program.

Mr. McCOLLUM. I am very much pleased with this bill that is before us today. It is reauthorization of the Refugee Act. It does provide a number of changes that I think are fundamental. We have heard some discussions by my colleague on the very important issue of targeted assistance just a moment ago. I do not think we should overlook the other features in this bill that are equally important such as, the procedures that are used right now by the voluntary organizations, and so on, which are improved in this bill.

One of the key features that has been changed is to improve the relationship between the States that have to absorb these refugees and the workings of our administration and the voluntary organizations. Not always has that been a very smooth process. It may not be in the future. But at least this bill mandates certain working relationships that did not previously exist, and I think it is very important for that reason, if for no other reason.

In addition, I might say that in following up on what my distinguished chairman said a moment ago about the capacity of States to control refugees they get or do not get, the fact is that we still are receiving thousands of refugees into this country every year. I do not want to deny the ones who come in here legally. That is part of our process of being Americans. That is part of our immigration process and our responsibility. But once they get here, there is a thing called secondary migration, and that means that even if they are settled in a voluntary settlement process in Minnesota, if they have a lot of their friends and relatives in Florida, California, Texas, or in Kansas, they are going to go there. And when they go there, that lack of control means that those States are going to bear an inordinate burden, especially the county governments of those States where they settle, an inordinate burden in order to get these people into the mainstream and get them going again.

A few weeks ago we saw where the national teacher of the year was a Vietnamese person who had come here, emigrated, was one of the refugees. We see outstanding people every day who have been refugees, who have come to this country and have succeeded against the most harsh of conditions from their personal backgrounds. Most of that is due to their own energies, their own dynamism. But the fact remains that if we do not provide them with the kind of support initially that this legislation provides, they will not be the stars that we see and read about in the paper because they simply will not have the start that they have to get.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman, not only for the 5 years that he and I have worked together on this whole question of immigration and refugee resettlement, but for a very brilliant statement today.

Mr. McCOLLUM. I thank the gentleman.

Mr. FISH. Mr. Chairman, I wish to support the swift passage of H.R. 1452, the Refugee Assistance Extension Act of 1985. It is a piece of legislation which is long overdue, and it is an essential element of our national policy affecting the needs of refugees permanently entering this country.

I also wish to praise the ranking member of the subcommittee, Mr. LUNGREN, for his successful efforts to define by statute the legal responsibility which attaches to voluntary agencies carrying out their supervisory role in the placement and settlement of refugees in the United States. I believe this is an appropriate response to the concerns of the voluntary agencies over the seemingly open-ended nature of their potential legal liability. But Mr. LUNGREN and the voluntary agencies have come to a mutually acceptable agreement on this very important point, and as a consequence this bill is now well on its way to becoming law.

I am also pleased that the concerns of the Foreign Affairs Committee have been met, and that it has been agreed that any need for additional funding as a result of the Lungren compromise will come, if at all, in the form of a separate request.

This bill takes several important steps toward greater accountability on the subject of refugee resettlement. The voluntary agencies, which in my estimation have made enormous contributions of their own time and money in an effort to fulfill what they see as their international humanitarian obligation, have again and again expressed a willingness to accept Federal review of their performance. Their work with refugees represents a cost-effective example of a successful Government/private sector initiative which benefits huge numbers of people. Of course, the dependency rate among refugees who have been in this country 3 years or less is much higher than it should be, and H.R. 1452 does much to slow it down. But the reality of sometimes extraordinary cultural gaps among refugees is one which we in the Congress must recognize, and it is a factor which unfortunately adversely influences the rate of assimilation.

Mr. Chairman, this is an important stepping stone in establishing a responsible immigration and refugee policy; it is only one of many elements in such a comprehensive immigration policy. I can only hope that it is the precursor of the floor consideration of a comprehensive immigration bill before the conclusion of this Congress, and I urge its prompt adoption.

The CHAIRMAN. The gentleman from California [Mr. LUNGREN] has 30 seconds remaining.

Mr. LUNGREN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This act may be cited as the "Refugee Assistance Extension Act of 1985".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

The CHAIRMAN. Are there any amendments in section 1?

Mr. MICA. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Chair would ask the gentleman from Florida if he is certain that his amendment is to section 1.

Mr. MAZZOLI. Mr. Chairman, I think it is section 5. But if we might go out of order, this will be an amendment which will be accepted, if the gentleman from Wisconsin would defer.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

□ 1350

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. TWO-YEAR EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

(a) TWO-YEAR EXTENSION.—Section 414(a) (8 U.S.C. 1524(a)) is amended by striking out "fiscal year 1983" and inserting in lieu thereof "each of fiscal years 1986 and 1987" each place it appears.

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Such section is further amended—

(1) by striking out "(2) and (3)" in paragraph (1) and inserting in lieu thereof "(2) through (5)";

(2) by striking out "412(c)" in paragraph (2) and inserting in lieu thereof "412(c)(1)"; and

(3) by adding at the end the following new paragraphs:

"(4) There are hereby authorized to be appropriated for each of fiscal years 1986 and 1987, $50,000,000 for the purpose of providing targeted assistance project grants under section 412(c)(2).

"(5) There are authorized to be appropriated for each of fiscal years 1986 and 1987 such sums as may be necessary to carry out section 412(f).".

SEC. 3. PLACEMENT OF OFFICE OF REFUGEE RESETTLEMENT WITHIN THE OFFICE OF SECRETARY OF HEALTH AND HUMAN SERVICES AND CLARIFYING ROLE OF SECRETARY OF EDUCATION.

(a) PLACEMENT OF ORR.—The first sentence of section 411(a) (8 U.S.C. 1521(a)) is amended by inserting "the Office of the Secretary in" after "within".

(b) PROVISION OF ASSISTANCE FOR REFUGEE CHILDREN BY SECRETARY OF EDUCATION.—Section 412(d)(1) (8 U.S.C. 1522(d)(1)) is amended by striking out "Director" and inserting in lieu thereof "Secretary of Education".

(c) AUTHORIZING SECRETARY OF EDUCATION AND ATTORNEY GENERAL TO ISSUE REGULATIONS.—Section 412(a)(9) (8 U.S.C. 1522(a)(9)) is amended by inserting ", the Secretary of Education, the Attorney General," after "The Secretary".

SEC. 4. POLICIES FOR PLACEMENT OF REFUGEES AND REGULAR CONSULTATION WITH STATE AND LOCAL GOVERNMENTS IN PLACEMENT PROCESS.

Section 412(a)(2) (8 U.S.C. 1522(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting "and the Federal agency administering subsection (b)(1)" after "Director",

(B) by inserting "(not less often than quarterly)" after "regularly", and

(C) by inserting "before their placement in those States and localities" after "localities";

(2) in subparagraph (C)—

(A) by striking out "and" at the end of clause (i),

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof ", and", and

(C) by adding at the end the following new clause:

"(iii) take into account—

"(I) the proportion of refugees and comparable entrants in the population in the area,

"(II) the availability of employment opportunities, affordable housing, and public and private resources (including educational, health care, and mental health services) for refugees in the area,

"(III) the likelihood of refugees placed in the area becoming self-sufficient and free from long-term dependence on public assistance, and

"(IV) the secondary migration of refugees to and from the area that is likely to occur."; and

(3) by adding at the end the following new subparagraph:

"(D) With respect to the location and placement of refugees within a State, the Federal agency administering subsection (b)(1) shall, consistent with such policies and strategies and to the maximum extent possible, take into account recommendations of the State.".

SEC. 5. RECEPTION AND PLACEMENT GRANTS.

(a) DIRECT GAO AUDIT OF GRANTS.—Paragraph (6) of section 412(b) (8 U.S.C. 1522(b)) is amended to read as follows:

"(6) The Comptroller General shall directly conduct an annual financial audit of funds expended under each grant or contract made under paragraph (1) for fiscal year 1985 and for fiscal year 1986.".

(b) REQUIREMENTS UNDER GRANTS.—Such section is further amended—

(1) by adding at the end the following new paragraph:

"(7) Each grant or contract with an agency under paragraph (1) shall require the agency to do the following:

"(A) To provide quarterly performance and financial status reports to the Federal agency administering paragraph (1).

"(B)(i) To provide, directly or through its local affiliate, notice to the appropriate county or other local welfare office at the time that the agency becomes aware that a refugee is offered employment and to provide notice to the refugee that such notice has been provided, and

"(ii) upon request of such a welfare office to which a refugee has applied for cash assistance, to furnish that office with documentation respecting any cash or other resources provided directly by the agency to the refugee under this subsection.

"(C) To assure that refugees, known to the agency as having been identified pursuant to paragraph (4)(B) as having medical conditions affecting the public health and requiring treatment, report to the appropriate county or other health agency upon their resettlement in an area.

"(D) To fulfill its responsibility to provide for the basic needs (including food, clothing, shelter, and transportation for job interviews and training) of each refugee resettled and to develop and implement a resettlement plan including the early employment of each refugee resettled and to monitor the implementation of such plan.

"(E) To transmit to the Federal agency administering paragraph (1) an annual report describing the following:

"(i) The number of refugees placed (by county of placement) and the expenditures made in the year under the grant or contract, including the proportion of such expenditures used for administrative purposes and for provision of services.

"(ii) The proportion of refugees placed by the agency in the previous year who are receiving cash or medical assistance described in subsection (e).

"(iii) The efforts made by the agency to monitor placement of the refugees and the activities of local affiliates of the agency.

"(iv) The extent to which the agency has coordinated its activities with local social service providers in a manner which avoids duplication of activities and has provided notices to local welfare offices and the reporting of medical conditions of certain aliens to local health departments in accordance with subparagraphs (B)(i) and (C).

"(v) Such other information as the agency administering paragraph (1) deems to be appropriate in monitoring the effectiveness of agencies in carrying out their functions under such grants and contracts.

The agency administering paragraph (1) shall promptly forward a copy of each annual report transmitted under subparagraph (E) to the Committees on the Judiciary of the House of Representatives and of the Senate.", and

(2) by striking out the fifth and sixth sentences of paragraph (1)(A).

(c) PERFORMANCE CRITERIA FOR GRANTS.—Such section is further amended by adding after paragraph (7) (added by subsection (b)) the following new paragraph:

"(8) The Federal agency administering paragraph (1) shall establish criteria for the performance of agencies under grants and contracts under that paragraph, and shall include criteria relating to an agency's—

"(A) efforts to reduce welfare dependency among refugees resettled by that agency,

"(B) collection of travel loans made to refugees resettled by that agency for travel to the United States,

"(C) arranging for effective local sponsorship and other nonpublic assistance for refugees resettled by that agency,

"(D) cooperation with refugee mutual assistance associations, local social service providers, health agencies, and welfare offices,

"(E) compliance with the guidelines established by the Director for the placement and resettlement of refugees within the United States, and

"(F) compliance with other requirements contained in the grant or contract, including the reporting and other requirements under subsection (b)(7).

The Federal administering agency shall use the criteria in the process of awarding or renewing grants and contracts under paragraph (1).".

(d) EFFECTIVE DATES OF AMENDMENTS.—(1) Section 412(b)(7) (other than subparagraphs (B)(i), (C), and (D)) of the Immigration and Nationality Act, as added by subsection (b)(1) of this section, shall apply to grants and contracts made or renewed after the end of the 30-day period beginning on the date of the enactment of this Act.

(2) Section 412(b)(7)(D) of the Immigration and Nationality Act, as added by subsection (b)(1) of this section, shall apply to grants and contracts made or renewed after the end of the six-month period beginning on the date of the enactment of this Act.

(3) The criteria required under the amendment made by subsection (c) shall be established not later than 60 days after the date of the enactment of this Act.

(e) REPORT ON RECEPTION AND PLACEMENT GRANTS.—(1) Within amounts provided in appropriation acts, the United States Coordinator for Refugee Affairs shall provide for a study on the advisability and feasibility of—

(A) using competitive proposals, cost reimbursement contracts, financial incentives based on performance standards, and other means for providing greater efficiency in awarding grants and contracts for initial reception and placement under section 412(b) of the Immigration and Nationality Act,

(B) modifying the eligibility requirements for agency participation under that section,

(C) permitting refugee mutual assistance associations to participate under that section and to apply for such grants and contracts, and

(D) using financial incentives linked to performance standards in awarding social service grants and contracts for services under section 412(c) of the Immigration and Nationality Act.

(2) The Coordinator shall submit the results of the study to Congress not later than six months after the date of the enactment of this Act.

(f) USE OF FUNDS FOR ENHANCED RECEPTION AND PLACEMENT.—Funds appropriated for fiscal year 1986 or fiscal year 1987 which may be used to carry out section 412(b)(1) of the Immigration and Nationality Act may

be used for enhanced reception and placement services under that section without regard to any limitation of law that is not part of this Act, the Immigration and Nationality Act, or an appropriations Act.

SEC. 6. ALLOCATION AND USE OF SOCIAL SERVICE FUNDS.

(a) BASED ON REFUGEE POPULATION.—Section 412(c) (8 U.S.C. 1522(c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively,

(2) by inserting "(1)(A)" before "The Director", and

(3) by adding at the end the following new subparagraph:

"(B) The funds available for a fiscal year for grants and contracts under subparagraph (A) shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States after March 31, 1975, and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year.".

(b) CLARIFICATION OF USE OF SOCIAL SERVICE FUNDS.—Such section is further amended by adding at the end the following new subparagraph:

"(C) Any limitation which the Director establishes on the proportion of funds allocated to a State under this paragraph that the State may use for services other than those described in subsection (a)(1)(B)(ii) shall not apply if the Director receives a plan (established by or in consultation with local governments) and determines that the plan provides for the maximum appropriate provision of employment-related services for, and the maximum placement of, employable refugees consistent with performance standards established under section 106 of the Job Training Partnership Act.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to allocations of funds for fiscal years beginning with fiscal year 1986.

(d) CONFORMING AMENDMENT.—Section 412(e)(2)(A)(i) (8 U.S.C. 1522(e)(2)(A)(i)) is amended by striking out "(c)(1)" and inserting in lieu thereof "(c)(1)(A)(i)".

SEC. 7. MAINTAINING FUNDING LEVEL OF MATCHING GRANT PROGRAM.

(a) MAINTAINING FUNDING LEVEL.—Subject to the availability of appropriations, the Director of the Office of Refugee Resettlement shall not reduce the maximum average Federal contribution level per refugee in the matching grant program and shall not increase the percentage grantee matching requirement under that program below the level, or above the percentage, in effect under the program for grants in fiscal year 1985.

(b) MATCHING GRANT PROGRAM.—The "matching grant program" referred to in subsection (a) is the voluntary agency program which is known as the matching grant program and is funded under section 412(c) of the Immigration and Nationality Act.

SEC. 8. TARGETED ASSISTANCE PROJECT GRANTS.

(a) SPECIFIC AUTHORIZATION FOR TARGETED ASSISTANCE PROJECT GRANTS.—Section 412(c) (8 U.S.C. 1522(c)), as amended by section 6, is further amended by adding at the end the following new paragraph:

"(2)(A) The Director is authorized to make grants to States for assistance to counties and similar areas in the States where, because of factors such as unusually large refugee populations (including secondary migration), high refugee concentrations, and high use of public assistance by refugees, there exists and can be demonstrated a specific need for supplementation of available resources for services to refugees.

"(B) Grants shall be made available under this paragraph—

"(i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency,

"(ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity, and

"(iii) without regard to the date a refugee arrived in the United States.".

(b) CONFORMING AMENDMENT.—Section 412(e)(2)(A)(ii) (8 U.S.C. 1522(e)(2)(A)(ii)) is amended by inserting "or targeted assistance" after "social service".

SEC. 9. CASH AND MEDICAL ASSISTANCE.

(a) CLARIFICATION OF DISQUALIFICATION FROM CASH ASSISTANCE FOR REFUGEES REFUSING OFFERS OF EMPLOYMENT OR TRAINING.—Paragraph (2) of section 412(e) (8 U.S.C. 1522(e)) is amended—

(1) by striking out the last sentence of subparagraph (A), and

(2) by adding at the end the following new subparagraph:

"(C) In the case of a refugee who—

"(i) refuses an offer of employment which has been determined to be appropriate either by the agency responsible for the initial resettlement of the refugee under subsection (b) or by the appropriate State or local employment service,

"(ii) refuses to go to a job interview which has been arranged through such agency or service, or

"(iii) refuses to participate in a social service or targeted assistance program referred to in subparagraph (A)(ii) which such agency or service determines to be available and appropriate,

cash assistance to the refugee shall be terminated (after opportunity for an administrative hearing) for a period of three months (for the first such refusal) or for a period of six months (for any subsequent refusal).".

(b) ORR ARRANGING PROVISION OF MEDICAL ASSISTANCE.—(1) Paragraph (5) of such section is amended to read as follows:

"(5) The Director shall, to the extent of available appropriations, arrange for the provision of medical assistance during the one-year period after their entry, and for purposes of title XIX of the Social Security Act the Director may provide that such individuals may be considered to be individuals receiving assistance under title IV of such Act."; and

(2) Paragraph (6) of such section is amended by inserting "(other than under paragraph (5))" after "under this subsection".

(c) CONSIDERATION OF RECOMMENDATIONS AND ASSISTANCE OF VOLUNTARY AGENCIES.—Such section is further amended by adding at the end the following new paragraph:

"(8) In its provision of assistance to refugees, a State or political subdivision shall consider the recommendations of, and assistance provided by, agencies with grants or contracts under subsection (b)(1).".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall apply to aliens entering the United States as refugees on or after the first day of the first calendar quarter that begins more than 90 days after the date of the enactment of this Act.

SEC. 10. PERMITTING COVERAGE OF CERTAIN DEPENDENT REFUGEES UNDER ALTERNATIVE PROJECTS.

Section 412(e)(7)(A) (8 U.S.C. 1522(e)(7)(A)) is amended by adding at the end the following new sentence: "The Secretary may permit alternative projects to cover specific groups of refugees who have been in the United States 36 months or longer if the Secretary determines that refugees in the group have been significantly and disproportionately dependent on welfare and need the services provided under the project in order to become self-sufficient and that their coverage under the projects would be cost-effective.".

SEC. 11. REFUGEES COVERED BY ANNUAL REPORT.

Section 413(a)(2)(A) (8 U.S.C. 1523(a)(2)(A)) is amended by striking out "under this Act since May 1975" and inserting in lieu thereof "the United States within the five-fiscal-year period immediately preceding the fiscal year within which the report is to be made and for refugees who entered earlier and who have shown themselves to be significantly and disproportionately dependent on welfare".

SEC. 12. PROHIBITING USE OF BLOCK OR CONSOLIDATED GRANTS.

Section 412(a)(4) (8 U.S.C. 1522(a)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(2) by inserting "(A)" after "(4)", and

(3) by adding at the end the following new subparagraphs:

"(B) No funds may be made available under this chapter (other than under subsection (b)(1)) to States or political subdivisions in the form of block grants, per capita grants, or similar consolidated grants or contracts. Such funds shall be made available under separate grants or contracts—

"(i) for medical screening and initial medical treatment under subsection (b)(5),

"(ii) for services for refugees under subsection (c)(1),

"(iii) for targeted assistance project grants under subsection (c)(2), and

"(iv) for assistance for refugee children under subsection (d)(2).

"(C) The Director may not delegate to a State or political subdivision his authority to review or approve grants or contracts under this chapter or the terms under which such grants or contracts are made.".

SEC. 13. ASSISTANCE TO STATES AND COUNTIES FOR INCARCERATION OF CERTAIN CUBAN NATIONALS.

Section 412 (8 U.S.C. 1522) is further amended by adding at the end the following new subsection:

"(f) ASSISTANCE TO STATES AND COUNTIES FOR INCARCERATION OF CERTAIN CUBAN NATIONALS.—(1) The Attorney General shall pay compensation to States and to counties for costs incurred by the States and counties to confine in prisons, during the fiscal year for which such payment is made, nationals of Cuba who—

"(A) were paroled into the United States in 1980 by the Attorney General,

"(B) after such parole committed any violation of State or county law for which a term of imprisonment was imposed, and

"(C) at the time of such parole and such violation were not aliens lawfully admitted to the United States—

"(i) for permanent residence, or

"(ii) under the terms of an immigrant or a nonimmigrant visa issued,

under this Act.

"(2) For a State or county to be eligible to receive compensation under this subsection, the chief executive officer of the State or county shall submit to the Attorney General, in accordance with rules to be issued by the Attorney General, an application containing—

"(A) the number and names of the Cuban nationals with respect to whom the State or county is entitled to such compensation, and

"(B) such other information as the Attorney General may require.

"(3) For a fiscal year the Attorney General shall pay the costs described in paragraph (1) to each State and county determined by the Attorney General to be eligible under paragraph (2); except that if the amounts appropriated for the fiscal year to carry out this subsection are insufficient to cover all such payments, each of such payments shall be ratably reduced so that the total of such payments equals the amounts so appropriated.

"(4) The authority of the Attorney General to pay compensation under this subsection shall be effective for any fiscal year only to the extent and in such amounts as may be provided in advance in appropriation Acts.".

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICA: Page 11, amend lines 4 through 11 to read as follows:

(f) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR RECEPTION AND PLACEMENT SERVICES.—(1) In order to insure that sufficient funds are authorized to be appropriated to provide for reception and placement services in fulfillment of the responsibilities required under section 412(b)(7)(D) of the Immigration and Nationality Act (as added by subsection (b)(1) of this section), there are authorized to be appropriated (in addition to the amounts described in paragraph (2)) for fiscal years 1986 and 1987 any such additional sums as may be necessary to fulfill the responsibilities under that section.

(2) The amounts described in this paragraph are—

(A) the amounts authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" by the Department of State Authorization Act, Fiscal Years 1986 and 1987, which may be used for enhanced reception and placement services under section 412(b) of the Immigration and Nationality Act; and

(B) any other amounts authorized to be appropriated for such services.

Mr. MICA [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Chairman, I offer an amendment which would ensure that reception and placement grants for refugees resettling in the United States will receive adequate funding. It is my understanding that this amendment has the support of the Committee on the Judiciary and, indeed, was drafted in coordination with Judiciary Committee staff.

Mr. Chairman, the Committee on Foreign Affairs requested and received referral of H.R. 1452 due to a provision dealing with reception and placement grants for refugees resettling in the United States. Funding for refugee resettlement has traditionally been shared between two agencies: The Departments of State and Health and Human Services. As this legislation contains specific language regarding such services, and which may involve additional responsibilities for one of these agencies, the committee wanted to make certain that funding for these programs not affect other, critical programs of the Department of State.

In the House version of the State Department authorization bill (H.R. 2068) which passed the House on May 9, section 108 limits the amount of funds which may be used for enhanced reception and placement services for refugees resettling in the United States. Under this section, the Department may spend up to $2 million in additional funds under the migration and refugee assistance account to facilitate new types of refugee resettlement programs.

The committee felt that this limitation on funding was necessary to ensure adequate funding for the Department's traditional and crucial refugee responsibilities. These include funding for African refugees, refugees resettling in Israel—including Ethiopian Jews—and funding for refugees in Southeast Asia, among others.

Mr. Chairman, this amendment would ensure that, should the Department's resettlement and placement responsibilities be expanded in the future, funding will be provided to support these responsibilities, and will not be transferred to the detriment of traditional programs.

As I stated earlier, this amendment has been drafted in coordination with the Judiciary Committee, and it is my understanding that the committee will accept this amendment.

Let me commend the distinguished chairman of the Committee on the Judiciary for his leadership and thank him for his willingness to allay the concerns of the Committee on Foreign Affairs.

Thank you.

Mr. Chairman, I would like to thank the chairman of the Judiciary Committee, the distinguished gentleman from Kentucky and the gentleman from California for their assistance and cooperation in crafting this amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Florida, Kentucky, and California have worked carefully for several weeks in trying to answer some of the problems which have arisen, potential problems, as a result of our committee's effort to make sure that refugees, when they enter the country, are properly cared for by their voluntary agency sponsor.

As a result of that, the gentleman and the gentleman from Kentucky and California have worked out this arrangement and these words and they certainly are acceptable to the majority side.

Mr. MICA. I thank the gentleman.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman.

Mr. LUNGREN. I thank the gentleman for his amendment, and I would just like to say that this concludes a 2-year process in trying to come up with a meaningful formula for allowing autority to be given to voluntary agencies pursuant to the resettlement grant in ways that may make sure that these folks are not foisted onto the welfare rolls at the very beginning.

As I say, there has been a 2-year struggle to make sure that we could do this in ways that are acceptable to all sides and I think we have accomplished that. For that, I thank the gentleman.

Mr. MICA. Mr. Chairman, before I conclude, I would like to just take a moment to commend the committee for the excellent work they have done. I might add that I would like to associate myself with the comments that we have heard from my colleagues from Florida, Mr. SHAW, Mr. MCCOLLUM, and I understand Mr. PEPPER will make, regarding targeted assistance.

I just say this to the Chamber as a whole, not only the committee. So often I hear in this Chamber that you folks down there in Florida have a great problem with regard to immigration. My answer is: We do not have a great problem in Florida; that is a national problem. It has got to be addressed right here. That is what we are about to do right here today.

Unless we want to give States the right to pass their own immigration law, and abdicate our responsibility, then we had better recognize it right here.

I commend the committee.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman.

Mr. MAZZOLI. I thank the gentleman for saying that because he does come from one of the most affected States in the union. I would therefore ask the gentleman to give careful attention when certain amendments come up today which would seek to cut health care coverage for these very immigrants that the State of Florida has no control over their decision on entry. The gentleman might give serious attention to the question of social service money which teaches English

to these people and gives them job skills and furnishes the training that they already have in the old country.

If this amendment, the so-called Pursell-Morrison amendment were to be adopted, then Florida and California and Minnesota and Kansas and Wisconsin and other States would be very seriously affected. I would just ask the gentleman to give serious thought to the question of that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MICA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 13, strike out line 16 and all that follows through line 15 on page 14 and redesignate the succeeding sections accordingly.

Page 2, line 21, insert "and" after the semicolon.

Page 2, strike out lines 22 and 23.

Page 2, line 24, strike out "(3)" and insert in lieu thereof "(2)".

Page 2, line 25, strike out "paragraphs" and insert in lieu thereof "paragraph".

Page 3, strike out lines 1 through 4.

Page 3, line 5, strike out "(5)" and insert in lieu thereof "(4)".

Page 11, line 16, strike out "clauses (i), (ii), and (iii)" and insert in lieu thereof "subparagraphs (A), (B), and (C)".

Page 11, line 17, strike out "(1)(A)" and insert in lieu thereof "(1)".

Page 11, line 19, strike out "sub-".

Page 11, line 21, strike out "(B)" and insert in lieu thereof "(2)".

Page 11, line 22, strike out "subparagraph (A)" and insert in lieu thereof "paragraph (1)".

Page 12, line 5, strike out "subparagraph" and insert in lieu thereof "paragraph".

Page 12, line 6, strike out "(C)" and insert in lieu thereof "(3)".

Page 12 beginning on line 7, strike out "paragraph" and insert in lieu thereof "subsection".

Page 12, line 23, strike out "(c)(1)(A)(i)" and insert in lieu thereof "(c)(1)(A)".

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, this amendment strikes the $50 million authorization for targeted assistance for each of fiscal years 1986 and 1987. A sudden and large number of refugees during the late 1970's and early 1980's led us to develop the Targeted Assistance Program. Up until that time, the refugee entrance ebbed and flowed on a regular basis somewhat like the ocean's tides. This gentle flow became a tidal wave which threatened to engulf the resources of certain geographical areas within the United States.

The Federal Government responded by creating targeted assistance. Now that the tidal wave has ceased, so must the response. The budget deficit is at a record high. One of the reasons for this has been the history of Congress through institutionalized programs. Targeted assistance is one such program. Moneys are currently available to carry out almost all of the current programs through June 1986. There are some of my colleagues who will disagree with me on the need to strike targeted assistance. Just two States, California and Florida, have received 71.3 percent of this program's total funding. I can certainly understand their reluctance to lose these funds or any Federal money, but the situation which precipitated targeted assistance, that flood of refugees, no longer exists.

More money from the Federal Government is not the way to break the welfare dependency syndrome which has developed among some refugees. The committee report states that the availability of generous cash assistance programs in certain States has actually hindered the efforts of the voluntary agencies in helping the refugee find employment.

If another refugee crisis should arise, authority already exists under current law to fund such a program. Just as we talk about an economic magnet in regards to illegal aliens and illegal immigration, there is an economic magnet for refugees to go to those States which help them the most and require the least amount of effort. Are we helping these people who have come to our shores to start a new and better life, or are we hurting them with our generosity?

I would like to compliment the Members from Florida and California who have done a good job in protecting their States' interests, particularly in protecting the Targeted Assistance program. But I really think we have got to ask ourselves as a nation whether we can afford the $100 million of targeted assistance that is contained in this authorization. Furthermore, we have had some debate on the floor about the so-called Pursell-Morrison freeze amendment. That amendment does not touch targeted assistance but chops over $109 million out of other programs during the next 2 fiscal years.

Targeted assistance, I believe, has got to be a low-priority program because its need has come and gone. By adopting my amendment, we could save 100 of those $109 million that a freeze would embody just in this low-priority program.

Finally, one of the reasons that targeted assistance was passed by the Congress several years ago was because the formula for determining the allocation of refugee funds among the States did not take into account children, and those States that had a large concentration of children who needed education and welfare services were not getting their fair share of Federal dollars. This bill does include the total number of refugees, including those children in the count. So one of the needs that requires targeted assistance is addressed in this bill, and addressed in a very responsible manner.

□ 1400

It seems to me the continuation of the Targeted Assistance Program, over and above this change in the allocation formula, in effect gives certain States a double dip, and that is not fair to the taxpayer and that is not fair to the rest of the country.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. SENSENBRENNER] has expired.

(By unanimous consent, Mr. SENSENBRENNER was allowed to proceed for 2 additional minutes.)

Mr. SENSENBRENNER. Mr. Chairman, if we adopt the amendment that I am offering, the chances of this bill being vetoed are significantly less, and many of the substantial improvements, including the change in the counting formula, will stand a better chance of being enacted into law.

Furthermore, it seems to me that given the popularity of budget freeze amendments and the successes of our colleagues, the gentleman from Michigan [Mr. PURSELL], and the gentleman from Connecticut [Mr. MORRISON] that we can more responsibly go about bringing this thing back into the level of funding that existed last year by using the scalpel on targeted assistance rather than saving just a little bit more in the amount of money and cutting back on the other programs.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I am happy to yield to my colleague, the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I would like to express my disagreement with the statements of the gentleman in the well. I generally find myself on the same side with the gentleman, particularly in areas of fiscal responsibility; however, I would like to express to my colleagues here that what we are talking about is no big windfall to those aliens who are here, many of them here illegally.

We are talking about assistance to the States and local governments who will have the burden of having to care for these people, to give them social service, hospitalization, and what not. These people have been left on our doorstep. Most of them are absolutely uninvited.

Mr. SENSENBRENNER. Recapturing my time, I think that the change in the counting formula will solve the gentleman's problem and I would just caution him that his opposition to my amendment may result in California and Florida shooting themselves in the foot, because freeze amendments have been adopted overwhelmingly, and I think you are going to lose far more as a result of the freeze amendment being adopted and this amendment going down than the other way around.

Mr. SHAW. If the gentleman would yield further, I would like to also comment on another situation.

This problem has not stopped. The flow of illegal aliens continues to come in this country every single day. One can find the examples on the shores of south Florida any evening, or on the borders of California and New Mexico.

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin.

Mr. Chairman, let me rise in opposition, but to express my appreciation for the good, hard work that the gentleman from Wisconsin has done not just in this Congress in which we are now colleagues on the committee, but in the previous 4 years, part of which time we have even traveled together.

On this whole question of refugee resettlement, the gentleman is a very wise man in these ways, and while I cannot support his amendment today, he approaches whatever he approaches with thoughtfulness.

Let me suggest to my colleagues, those of you who are here in the Chamber, those who are watching and will come, that at the majority table I have a staff memo which I think is very interesting which would allay some of the fears that targeted assistance, which is what the gentleman would seek to completely end, is a Florida-California initiative.

First, let me say that there are 21 States which at some point in the last 2 years, have acquired targeted assistance. It totals some $60 million in this 2-year period, and let me just quickly read those States. Some, like California, like Florida, have heavily taken part in the money, but 21 States have participated: California, Colorado, the District of Columbia, Florida, Hawaii, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, and Washington.

At the majority table is the compendium of all of these States and all of the money. Some are a few thousand and some are several million, but it is very important that this is not just an amendment which we hope will be defeated which would somehow benefit just Florida and California.

Second, there was a "Dear Colleague" sent out by several signatories yesterday urging continuation of the Targeted Assistance Program. The lead sponsors were the gentleman from New York [Mr. FISH], the gentleman from Florida [Mr. SMITH], and it included signatories from the States of Massachusetts, New York, Washington, as well as Florida and California, as would be expected.

Let me just quickly say to the gentleman, it is right, and I appreciate his scalpel approach in contrast to this very unwell thought out and very unsophisticated Pursell-Morrison amendment which we will shortly have, too, which would do severe damage to the Marielito incarceration reimbursement, would do serious damage to the health screening and health treatment reimbursement, and do serious damage to the whole question of English language training and job training.

At least the gentleman seeks out the program which, if there is one that should be looked at, and the committee print, as the gentleman knows, suggests that in 2 years we take another look at targeted assistance, this is the program to go.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. Certainly. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Chairman, it is my understanding that there is enough money in the current targeted assistance authorization to fund the program through June 1986. Am I correct in that assumption?

Mr. MAZZOLI. I could not verify that, but it sounds reasonable, yes. I do not know that for a fact, but there is money in the pipeline and it could go until next June.

Let me just continue by saying, as other sponsors, other speakers, have said, some 80 percent of all the refugees who have arrived in the United States have settled in 14 States, and 2 or 3 States have been preeminent in resettlement and, of course, targeted assistance does help those States which have no decisions, as the gentleman from Florida [Mr. SHAW] said in how many come in and where they come in. That is a governmental decision, a Federal decision, and yet, if the amendment offered by the gentleman from Wisconsin were to prevail, then the question of who pays the money would maybe have to be totally borne by local and State governments, which I do not think would be an equitable solution.

Let me also say that the targeted assistance program, which has been in operation since 1983, is not based on statutory authority. It is sort of a regulation program. What the committee bill does do, unless the gentleman's amendment is adopted, which I hope it is not, is set in statutory language the guidelines and the approach for a targeted assistance program.

So in addition to cutting out the money for targeted assistance, the gentleman's amendment would cut out the statutory authority for the program, which I think would not be a move to be made.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I rise today in opposition to the Sensenbrenner amendment to H.R. 1452, the refugee assistance reauthorization bill. This amendment would eliminate the $50 million authorization in fiscal years 1986 and 1987 for targeted assistance to areas with large refugee populations.

The district which I represent in Ramsey County, MN contains one of the largest refugee populations of any urban area in the United States. Most of these refugees have come from Southeast Asia, from Vietnam, Cambodia, and Laos, but others have also arrived from Ethiopia, Cuba, Central America, and the Soviet Union. Today, there are over 26,000 Indochinese refugees living in Minnesota. Forty-one percent of these people live in St. Paul and the remainder live in the surrounding Minneapolis-St. Paul metropolitan area. Many of these are Hmong refugees who came to the United States from the mountains of Southeast Asia. The first Hmong families arrived in Minnesota in 1976. By 1980, the Minneapolis-St. Paul area had the largest concentration of Hmong in the United States.

These refugees came to Minnesota because the people of our State, working through their churches or synagogues, as well as various private social service agencies, opened their doors to people who were in need of a new home. For the Hmong, it meant escaping political persecution and death in their homeland. The generosity of the people of Minnesota has enabled hundreds of refugees to begin new lives in their newly-adopted country. But the task of resettlement for refugees has not been an easy one either for the refugees and their families or for the communities which have welcomed these new arrivals.

The influx of Southeast Asian refugees has placed severe demands upon our State and local government to provide housing, health care, education, and special training in learning the English language, and help refugees to find jobs. All of these social services cost money.

Since 1983, Congress has appropriated funds to assist communities in providing these services for refugees. In December, 1983, Ramsey County,

MN was one of 18 counties in the Nation found by the Department of Health and Human Services [HHS] to be highly impacted by the arrival of new refugees. This designation has made Ramsey County eligible to receive approximately $800,000 in targeted assistance. Neighboring Hennepin County—Minneapolis—also receives about $600,000 in targeted assistance under this program.

In my view, these dollars have been well-spent in helping newly arrived refugees to become self-sufficient contributing members of our society. Today in St. Paul, there are restaurants and stores which are owned by Hmong and Vietnamese refugees who arrived in our city only a few years ago. These refugees have demonstrated repeatedly that given a chance to stand on their own two feet that they can enrich our local economy and make our community a better place to live.

The impact of a large influx of refugees upon public services should not be underestimated. In 1975, the Asian population in the St. Paul public schools was less then 2 percent. Today 3,100 or over 11 percent of the students in our public schools are Asian. The demands upon our public schools to continue meeting the special needs of refugee students will continue for the forseeable future. Over 56 percent of the Hmong population in Minnesota is under the age of 17. We must be prepared to meet their special needs so that they can gain the skills they need to find jobs. Some 2,658 students in the St. Paul schools are enrolled in English as a second language [ESL] program.

Refugees also face unique obstacles in becoming members of a new and very different society. One survey showed that more than 65 percent of the Hmong who were admitted to Ramsey County Hospital were suffering from varying degrees of mental depression largely attributable to their status as refugees. Refugees often have other medical and health care needs related to their status which must be addressed.

We are proud of the social service network, including both public and private organizations, which exists in Minnesota and which has met the pressing human needs of newly arrived refugees in our community. But our local government should not have to go it alone when they assume responsibility for welcome large numbers of refugees to their communities. Targeted assistance for these communities is essential if we intend to help our refugees adapt to our society as they must. I hope that my colleagues will join me in defeating the Sensenbrenner amendment.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. MAZZOLI] has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. MAZZOLI was allowed to proceed for 5 additional minutes.)

Mr. VENTO. Mr. Chairman, if the gentleman would continue to yield, I just want to point out that this problem persists. My area, the area of Minnesota, has 26,000 Indochinese refugees. We have done, I think, a good job in terms of responding to the needs of these refugees, and I know that other States have made similar efforts, and 40 percent are in my district in Ramsey County. We are one of the 18 counties that received special assistance under this.

Just to give you an idea of what the problem is, and as it persists today, the population of Indochinese or Asians in St. Paul public schools rose from 2 percent to 11 percent today. Today we have 2,600 students in that school who are taking English as a second language. Largely, these are Asian students.

I just want to point out to the gentleman from Wisconsin, my neighboring State, that we have serious problems and the absence of these funds, these dollars, have to be taken from local dollars that would go for the serious education and social needs that exist in that community.

I want to say that I think, contrary to the views of the gentleman, that this is breeding a welfare dependency. The fact of the matter is, these Hmong refugees, these Indochinese refugees, are among the hardest working and dedicated people in improving their own skills, their own educational level, of any group of refugees or any group of immigrants that has come to this country, but I think to contrast that is very important as well.

During the early part of this century, when we had Poles and Italians and Scandinavians and Germans as refugees, the situation today is far different. There is not this common problem that exists.

□ 1410

In other words, they are alone and they are isolated. They need this help, and we have to reach out so we can make them a productive part of the community. This program is again a tremendous effort, and I commend the committee for recognizing this need and trying to bring these people along in the mainstream of our society.

This is a token amount of dollars for what is really a very, very important effort that is desperately needed by these people who are suffering from all the problems of socialization and mental health and all the other problems of society.

Mr. Chairman, this program is enormously important, and I commend the gentleman and the committee for their efforts.

Mr. MAZZOLI. Mr. Chairman, I commend the gentleman very much for his statement, and I thank him again for his statements because they crystallize what we are saying.

I would say also that the gentleman is correct in saying that if we do not restructure our refugee program generally along these lines in the bill before the House, I do think we tend to exacerbate the welfare tendency. We tend to do what the gentleman from California has always said is almost impossible to do, convert a race of people who are family-oriented, work-oriented, and production-oriented, full of industry and initiative, convert them into a dependent group. We have almost done that.

This bill, if it passes, with respect to the gentleman from Wisconsin, without his amendment, will aid us in getting these people off welfare and onto the work rolls.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding.

While I am going to seek my own time, I did want to commend the gentleman in the well for his leadership on the whole issue of immigration, and especially in the area of refugee assistance and targeted programs.

I note, for instance, that Kentucky is not on the list of States being given this money in reimbursement specifically for the kinds of funds which local communities are having to put out, and I want to commend the gentleman that, notwithstanding that his own home State is not one blessed with refugees nor reimbursed for them, he has taken such a strong lead on the issue. I really think the gentleman understands the nature of the problem, that it is a Federal problem given over to the States for the desire of the Federal Government to save money at the national level, and yet the bottom line is that the local taxpayer is going to fund this program inappropriately and wrongly when the Federal Government refuses to pay for the cost of refugees that they have allowed to come to this country, and perhaps for the benefit of the country, those refugees who in the future may be of great value.

Mr. MAZZOLI. That is exactly right.

Mr. SMITH of Florida. The reality is that it is not fair to the people in all the places the gentleman has documented to have to spend that money out of their own pockets to fund what is essentially a Federal problem.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman, who is a valuable member of our subcommittee. I thank him for that, and I also suggest as a follow-on to that, that when an-

other amendment comes up today, the Pursell-Morrison amendment, which would cut the Marielito Program, which would provide reimbursement to States like Florida for handling the Marielito incarcerations, which would cut out the funds for health screening and treatment of people with tuberculosis and all kinds of parasitic diseases, and which would cut out money to teach people English and give them job training, we also want to defeat that amendment.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this particular amendment is going to obviously be debated at some length today. I think we need to have some full background understanding that targeted assistance, as the distinguished chairman of my subcommittee just explained, is something that is not just limited to one or two States. In fact, 46 counties in 20 States in the last 2 years have received targeted assistance for a variety of refugees, ranging from the Cuban refugees to the Vietnamese refugees and various other refugees who come here still legitimately by the thousands.

It does not concern in any way, shape, or form the debate over illegal aliens, as my good friend and colleague, the gentleman from Florida [Mr. SHAW], earlier pointed out. We are talking about the question of the impact on State and local communities, particularly the counties, the county governments, and the functioning of their systems, by the legitimate refugees that we take in under international accord and agreement every year, and in the case of the Cuban Marielito situation and in some other instances of a lesser number in nature, those who are categorized and covered by the targeted assistance and who came here against our will and wishes in very large numbers.

I think, in order to appreciate this program and the $50 million a year that was targeted, we need to understand a couple of things about it. First of all, it is not, as the gentleman from Wisconsin indicated in his speech on advocating this amendment, cash assistance to keep these people on the welfare rolls. That is something that I am very concerned about, and I know the chairman of the subcommittee is also. It is not that kind of money we are talking about. This is money to reimburse the State and local governments for the cost of schools and health care and criminal justice and things like this where there is a major impact by the large concentrated numbers which occur when we have either people coming directly to a community, like Miami and Dade County had happen with the Mariel Cubans, with 150,000 at one time, or when we have the so-called secondary migration situation where the Vietnam refugees, while they were planted in certain locations in the country, tended to migrate back to certain particular towns and communities—the Hmong in certain places in the country, the Vietnamese in others, and so on.

When that happens, the normal allocations to States under the provisions of this act otherwise and other resources that are available from the Federal Government are not sufficient, and when this happens, the impact goes on a lot longer than otherwise would occur. Those refugees cannot be as easily absorbed and assimilated when you have them there in the large numbers in the communities where they are as would occur in localities where you only get a handful of refugees in an entire year. That is an entirely different story.

Let us take the story in my State of Florida for a moment. In 1960 there were only 20,000 Cuban-born refugees of any type living in Dade County. This past year there were more than 525,000, 150,000 of which came over in the famous Mariel boatlift. The problem is that we have not received the kind of support, even with the targeted assistance in the past, that has been sufficient to offset the tremendous cost to the counties and the local governments as was intended.

The State of Florida estimates that conservatively by 1982—and we do not even have the 1983 figures in here—there were unreimbursed more than $150 million in State and local government expenses, primarily in the areas of schools, health, and criminal justice, due directly to the Cuban Marielito situation and due to the other refugees who came there. The fact is that, for whatever reasons of the administration and the bureaucracy—and I am the first to support a lot of what this administration does—for whatever reason, we have not gotten the moneys on time or even during the same fiscal year when they were allocated under targeted assistance to our State.

That dispute is ongoing right now. It is one of the tremendous problems, not getting paid. So the fact of the matter is that if this administration would pay out the moneys due and owing to the States and localities where they have already been committed under the previous allocations of assistance, we still would not have reimbursement where it should be, and we certainly would not have any moneys for the next year. We still have the problems because we have not been able to work those people out of the system. It is a tremendously important thing to realize, and I think if you look at this in that way and understand that, you would have a much better appreciation of this fact.

The fact is that ORR, the Office of Refugee Resettlement, has $21 million in fiscal year 1984 targeted to Florida, allocated to Florida, and $3 million has still not been paid.

For this reason and a variety of other reasons, the State Governors of this Nation and the National Conference of Governors have endorsed this program and the continuation of it. They have endorsed this bill and encourage us to pass it, and I am sure they would join with us today in urging the defeat of this amendment.

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCOLLUM] has expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 1 additional minute.)

Mr. McCOLLUM. Mr. Chairman, the primary thrust of what I am saying is that, yes, we do need to trim budgets around here. Targeted assistance, however, even by the admission of the author of the amendment to strike it, is not one of those programs that authorizes more money than was in the budget the last time. Fifty million dollars is a freeze on exactly what is in the budget. It is still needed, it is still vital, and it is absolutely essential if we are not going to have the kind of crime and welfare problems in those concentrated areas of refugees that we otherwise have been sustaining, and if we are ever going to get them into the society functioning the way that those of us who worked hard on the legal refugee program wanted to see happen.

This is not just important for my State, it is important to every State that is impacted throughout the country by the specific extra numbers of refugees involved.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding, and I would like to associate myself with the remarks of the gentleman in the well.

Mr. Chairman, I rise in opposition to the pending amendment. Policy relating to the placement of refugees are for the most part conceived here in Washington, not in State capitals where the social needs of refugees must be met well into the future. I believe that as a humanitarian Nation, we are obligated to accept as many refugees from persecution elsewhere in the world as we can reasonably handle. I also believe that when these refugees gravitate toward certain areas of the country, whether because there are support systems in place there or simply because the climate is better, we at the Federal level are obligated to help States who experience special problems as a result of their

contribution to the national refugee effort.

It is simply not enough to dismiss targeted assistance as a Federal subsidy for heavily impacted areas. Those of us who represent States with large refugee populations certainly recognize the tremendous benefits, both financial and social, which our jurisdictions derive from the presence of refugee populations. But we also recognize that without targeted assistance, the willingness of State and local governments to reach out to refugees from other countries and other cultures might deteriorate, and our national policy surrounding the future acceptance of refugees might be adversely affected. We simply cannot shirk our international responsibility to share in the placement of human beings who, because of persecution, have been transformed from contributing citizens into refugees unable to return to their homeland.

My State of New York would get $1 million in targeted assitance, and this money would underwrite direct job placement programs, job training, and language and cultural orientation programs. These, I believe, are necessary steps in the integration of refugees into American society. Without targeted assistance, as I have said, I fear the refugee would be the inevitable loser, and given the experiences which led him to become a refugee in the first place, such a result would be both unfortunate and undeserved.

New York City is known in part for the presence of the Statue of Liberty and for the promise it represents to newly arrived immigrants. This is America's promise. Even though they are granted admission to the United States outside our normal immigration flow, refugees share many of the same characteristics as other immigrants, and they often come here without the skills, education, sponsorships, and self-help networks which serve as vital aids for other groups. We at the Federal level should therefore do our utmost to assist what is often a very difficult and culturally confusing transition. That help must include a targeted assistance program, one which I believe is a necessary ingredient in the formula of assimilation.

A vote for the Sensenbrenner amendment is a vote to leave a number of States standing alone in dealing with large refugee populations. Responsibility for the acceptance and placement of refugees, we must never forget, is a Federal one shared by the States, and targeted assistance is part and parcel thereof. I urge a "no" vote.

□ 1420

Mr. McCOLLUM. Mr. Chairman, I thank the distinguished gentleman, the ranking member of the Judiciary Committee from the State of New York.

I urge defeat of the Sensenbrenner amendment.

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I regret exceedingly that one of our distinguished colleagues would take away the $50 million which has heretofore been budgeted and has been authorized in 1985 to aid the States who have primarily borne the burden of the numerous refugees who have come into our country in the last few years.

In the State of Florida, probably 500,000 refugees have come in since the Kennedy airlift back in the early Kennedy administration. Probably 200,000 refugees have come in since the Mariel transfer in 1980. Those people have imposed a very severe burden upon our State, our counties, and our other public authorities.

For example, in the Dade County Hospital, where people without means or little means can get the medical care they need, the number of births has risen from 7,000 a year to 12,000 a year. The corridors of this hospital have been crowded with mothers of children of these refugees that are being born in that county hospital.

We have had similar things. For example, just the other day, we had a visiting delegation up here, a task force designated by the Chamber of Commerce of Miami, headed by the Honorable James Batten, president of the Knight-Ridder Publishing Co. that owns the Miami Herald and many other papers over the country. He presented to the subcommittee, chaired by the distinguished gentleman from Kentucky [Mr. NATCHER], a presentation on behalf of that group, in which he said:

> As our committee report makes clear in greater detail, Dade County urgently needs the contingent funding of targeted assistance for the next 2 years at least at the same level authorized for 1985. We get about $16 million of the targeted $50 million. Specifically, this would mean $16 million for each of 1986 and 1987, $6 million for schools.

And by the way, if I may insert, we have had to build many new school facilities in order to provide for the children of these refugees and, of course, we have had to make the other expansions in our school system to accommodate them.

He says:

> Six million dollars for schools, $5 million for health; $2 million for a criminal justice program and $1 million for day care services. This is consistent with the version of the Refugee Assistance Extension Act of 1985.

Now, in respect to the Mariel lift in 1980, we remember to our shame, to a great degree, we allowed Castro to force in upon our country people that he took out of the jails and prisons of his nation; some were criminals, hardened criminals; many others with mental defects and he sent them over with the other Cubans that were coming over to join their families during that airlift.

Now, this is what Mr. Batten said about those people:

> In 1984, these individuals, about 1 percent of our county's population, accounted for 10 percent of the felony bookings and 22 percent of the misdemeanor bookings in the county and 50 percent of those mentally incompetent to stand trial.

He also says:

> According to the recent Metro Dade County Study, 15,000 to 20,000 Mariel Cubans in Dade County have criminal records which could prevent them from becoming U.S. citizens. Approximately 2,000 of this group are also violent, mentally disturbed and a danger to themselves and to others.

You say, "Well, only Dade County suffers"?

This Congress authorized three additional U.S. district judges for our courts in the southern district of Florida, primarily on account of the criminality that was derived from a lot of these refugees of this character. Of course, some of it was incidental to the drug importations into our country. This refugee obligation has been particularly burdensome one for us in Dade County and some other parts of Florida.

The CHAIRMAN. The time of the gentleman from Florida [Mr. PEPPER] has expired.

(At the request of Mr. SMITH of Florida, and by unanimous consent, Mr. PEPPER was allowed to proceed for 3 additional minutes.)

Mr. PEPPER. It has been particularly burdensome to our county of Dade and our State.

The manager of Dade County made the statement to the Budget Committee of this House when he was just a little while ago holding hearings in Dade County, that Dade County, other public local authorities, and the State of Florida and the associated political institutions have spent hundreds of millions of dollars in the last few years trying to deal in a decent way with these human beings who were refugees, who came into our area.

We are not asking that we be entirely excused from bearing a particular burden, but we just do not think we ought to have so much of it as has been imposed upon us in the past and especially if the distinguished gentleman's amendment should be adopted and the $50 million which is already authorized for 1985 should be denied to California, Florida, and the other States of this Nation and their political subdivisions who have borne such a large share of this burden.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the distinguished gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I want to associate myself with the gentleman's remarks. I want to say that I support wholeheartedly the position the gentleman is taking. Because of the number of people wishing to speak, I will not use the full 5 minutes of independent time, but I just want to say that there is a great need in many communities in this country, as has been outlined by Senator PEPPER in the well, for this aid to continue. These people have not been mainstreamed. There remains in our own area of Dade and Broward Counties in Florida about $50 million of unreimbursed medical and educational costs, which the Federal Government has not yet paid.

This money in this bill is only $50 million nationwide. It is a small sum to pay indeed for the costs that have been taken at the local levels by the local taxpayer, who had been paying the costs.

I would at this point commend the gentleman for his statement. I know others from my region will make the same statement.

I hope that this body will reject this amendment and play fairly with all the communities in this country that have played host at the invitation of the Federal Government to these groups of refugees that have come here.

Between 1960-80, the assimilation of Cuban refugees progressed well through the efforts of the refugees themselves, the support of the community, and generous Federal assistance.

The Mariel boatlift in 1980 dramatically altered the community. The unexpected and chaotic arrival of 100,000 unscreened Cubans—a significant group of whom were hardcore criminals or mentally ill—together with the influx of Haitians, many of whom had serious health problems, had an overwhelming impact on the community and its institutions.

Under the Fascell-Stone amendment, Congress provided reimbursement to the State and local communities for some costs of providing domestic assistance to the Cuban-Haitian entrants for a limited period of time. When regulations issued by the Office of Refugee Resettlement in 1982 cut off benefits to more than 75 percent of the Cuban/Haitian entrants and placed the entire burden of their support on State and local governments, Congress again responded through the creation of the Impact Aid Program. Since 1982, the Office of Refugee Resettlement has been directed to assist counties with large refugee/entrant populations in offsetting severe local impacts resulting from the termination of Federal assistance. In fiscal year 1983, the Office of Refugee Resettlement institutionalized this Impact Aid Program and renamed it the Targeted Assistance Program.

Four counties in Florida (Dade, Broward, Palm Beach, and Hillsborough) have received Federal funds under the Targeted Assistance Program. Even with those funds and the milieu of other Federal assistance, the State of Florida estimates unreimbursed costs of $150 million through 1982 alone. Dade County can document, conservatively, costs incurred and unreimbursed since 1980 in the range of $42 to $46 million. While these estimates include costs to schools, health care facilities, and the criminal justice system, they do not include the indirect costs and impact of 150,000 people on the infrastructure and service delivery systems of the State and its communities.

Since 1983, the Targeted Assistance Program has provided most of the Federal funds for refugees and entrants, particularly in Dade County. There the school system and Jackson Memorial Hospital received $5 million and $6 million respectively, in both fiscal years 1983 and 1984. It is our understanding that these allocations of $11 million will continue in fiscal year 1985 under an appropriation in the 1985 continuing resolution.

The allocation of remaining funds appropriated—$39 million—under the 1985 continuing resolution has become a matter of dispute among the States, Congress, and ORR. While congressional intent was unequivocably clear in the 1985 continuing resolution that $50 million in new moneys was to be appropriated and allocated to impacted counties so designated under the Targeted Assistance Program, ORR has attempted to substitute funds carried over from fiscal year 1984 for the fiscal year 1985 appropriation. It should be noted that ORR's allocation of 1984 funds occurred very late in the fiscal year because of similar dispute over interpretation of the 1984 continuing resolution and the attempted transfer of appropriated targeted assistance funds to another account.

The impact of ORR's action is already being felt in Florida, particularly in Dade County. Of the $21 million in fiscal year 1984 targeted assistance funds allocated to Florida, $3 million has still not been released by ORR. The programs funded through targeted assistance cannot obligate money that has not been received and therefore must be discontinued. The lack of funds is forcing mental health clinics in Dade and Broward Counties in south Florida to shut down programs that treat hundreds of troubled Mariel and Haitian refugees. Health officials predict an increase in criminal activities by refugees who formerly would have received treatment in institution-like halfway houses and now have nowhere to go.

The issue of differing interpretations among Congress, ORR, and the States stems in part from the lack of reauthorization of the Refugee Act—authorization expired in September 1983. In the 98th Congress, the reauthorization bill which passed the House contained a specific authorization of $50 million for targeted assistance, but, unfortunately, the reauthorization was not accomplished in the 98th Congress. This year, the House bill, H.R. 1452, contains a similar provision authorizing the program for fiscal years 1986 and 1987 at the level of $50 million.

In Dade County, there are 100,000 Mariel Cubans, or over 75 percent of the 131,000 that came to the United States in 1980.

Fifteen to twenty thousand of the Mariel Cubans in Dade County have criminal records that could prevent them from becoming U.S. citizens. An estimated 2,000 of this group are also violent, mentally disturbed and a danger to themselves and others.

This group has been arrested for over 75,000 crimes in Dade County since their arrival.

In 1984, they have accounted for 10 percent of the felony bookings, an estimated 22 percent of the misdemeanor bookings in Dade County, and 50 percent of those incompetent to stand trial in the local court system.

Also, in 1984, felony bookings for Mariel Cubans increased 30 percent over 1983 figures, and helps account for the FBI report that showed an increase in crime in Miami and Miami Beach in contrast to the general decrease in Florida.

During 1985, the cost to the Dade County Department of Corrections and Rehabilitation to house these Mariel Cubans will exceed $6 million.

An additional $6 million will be spent by the State of Florida Department of Corrections to house Mariel Cubans convicted of felonies in Dade County.

The total 1985 costs for Mariel Cubans serving sentences in Florida State prisons is nearly $8 million with the average remaining sentence for this group is 9 years, the burden on Florida taxpayers will exceed $72 million by the time they have completed their sentences.

The 672 Mariel Cubans in Florida prisons represent only 39 percent of confirmed Mariel Cubans in State prisons throughout the United States.

Less than 25 percent of the criminal justice costs for this group has been reimbursed.

Funding for next fiscal year, 1985-86, is scheduled to be reduced by 30 percent and discontinued after that date.

Mr. PEPPER. Mr. Chairman, I thank the able gentleman.

The CHAIRMAN. The time of the gentleman from Florida [Mr. PEPPER] has again expired.

(At the request of Mr. FASCELL, and by unanimous consent, Mr. PEPPER was allowed to proceed for an additional 3 minutes.)

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield with pleasure to my distinguished colleague.

Mr. FASCELL. Mr. Chairman, I want to join my colleague in the well in his remarks about this matter and in strong opposition to the amendment; also to take this opportunity for a second or so to commend the gentleman from Florida [Mr. SMITH], who is on the Judiciary Committee, and our other colleague, the gentleman from Florida [Mr. MCCOLLUM], on the Committee on the Judiciary, as well as the gentleman from Kentucky [Mr. MAZZOLI], chairman of the subcommittee, and the ranking Republican, and the gentleman from Florida [Mr. SHAW] for their interest and their support on this matter. They not only revised the basic formula, but allowed targeted assistance to be part of the authorization in this bill.

Mr. Chairman, I rise in strong support of continued funding for the Targeted Assistance Program. State and local governments in Florida have footed the bill for the great majority of costs incurred as a result of the Mariel boatlift in 1980 and the Haitian influx that occurred during the same time period. Conservative estimates indicate that the State of Florida has spent close to $150 million in unreimbursed refugee and entrant costs that rightly should have been paid by the Federal Government. We in Florida fully understand our responsibilities. All we ask is that the Congress recognize the Federal responsibility and act in a fair and equitable manner.

South Florida has done a tremendous job of absorbing the 135,000 Cuban and Haitian entrants who entered this country during a 6-month period in 1980. These individuals have a legal immigration status—entrant—status pending. There are those who argue that after 5 years in this country, a refugee or entrant should be self-supporting and the community should be back on its feet. Well, I can tell you that State and local governments in Florida are still swimming upstream and shifting their budgets in order to provide certain members of the entrant population with adequate health care, day care, and employment services, and needed mental health and drug and alcohol counseling. All of these programs receive Federal targeted assistance funding.

Through a combination of Federal assistance and State and local funding, we have absorbed these people into the work force, into our public school systems, and into our health care systems. South Florida is slowly but surely recovering from the shock of this massive influx but under no circumstances does this mean that the problems are over yet. The nature of the problems is changing.

In the area of criminal justice, the situation is getting worse. South Florida has borne the brunt of a crime wave, caused by a small but violent portion of the Mariel entrant population and by the illegal drug trade which has been imposed upon us. Whereas 4 or 5 years ago the Dade County jail was booking 200 Mariel entrants each month, the same jail now books 400 Mariel entrants each month. Clearly, the Federal Government continues to have a role in the consequences of a Federal policy decision.

Entrants are not like other refugees. They received no initial screening in a third country; they did not receive any counseling or English-language training prior to their arrival in the United States; and many came with nothing but the clothes on their backs. Had existing immigration laws been properly enforced, many of these people never would have been able to enter the United States because of past criminal activities, mental infirmities, or contagious diseases.

Cuban and Haitian entrants were certainly not "lured" to Florida by high welfare benefits. We do not have a general assistance program in Florida; in fact, Florida ranks near the bottom of the 50 States in the provision of public assistance. The Office of Refugee Resettlement's own figures show Florida's welfare dependency rate at 24 percent, far below the national average.

We in Florida fully understand that targeted assistance was intended only as a temporary program. But what the administration and the Congress must understand is that a crisis of this proportion does not just end with the passage of time; elements of crisis remain and must be dealt with. Without a doubt, most of the Cubans and Haitians who arrived in 1980 are attempting to build a positive future in this country. There are, however, thousands of individuals in this population—including the mentally ill, repeat offenders, the uneducated and unskilled—who will remain a serious concern for a long time and who will probably never fully assimilate. The Federal Government admitted these individuals to this country and must claim full responsibility for them.

Again, I urge our colleagues to support continued targeted assistance funding, as provided in this legislation.

□ 1430

The CHAIRMAN. The time of the gentleman from Florida [Mr. PEPPER] has again expired.

(On request of Mr. FASCELL and by unanimous consent Mr. PEPPER was allowed to proceed for 1 additional minute.)

Mr. PEPPER. I want to thank the distinguished gentleman from Florida [Mr. FASCELL], my eminent colleague, for his able words.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I am happy to yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I want to commend the gentleman from Florida [Mr. FASCELL]. Most people in the Chamber may not remember that it was originally the Fascell-Stone amendment which was one of the first things which created this program. He speaks with experience in knowing how much has been lost by the local taxpayers because of the nonreimbursement by the Federal Government. And this program is a small but important part of reimbursing those local taxpayers, and I want to thank the gentleman.

The CHAIRMAN. The time of the gentleman from Florida [Mr. PEPPER] has again expired.

(On request of Mr. SHAW and by unanimous consent Mr. PEPPER was allowed to proceed for 2 additional minutes.)

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I am pleased to yield to my distinguished friend from Florida.

Mr. SHAW. I would like to commend my good friend in the well, as well as the other colleagues from the State of Florida who have spoken.

I think one thing has to be made very clear. The State of Florida certainly is not getting rich on this program. Anybody who wants to qualify for refugee assistance and would like for us to help you by spreading the wealth somewhat, we would be glad to send you some of the problem, or at least attempt to.

Dade County is the principal recipient in Florida of this aid. My own district receives very little assistance because we do not have nearly the problem that Dade County has.

When you have hospitals that are being overburdened, and these illegal aliens, now I am speaking mostly of the Haitians, most of them when they arrive here are pregnant, and the ones that are not are pregnant within a year. And who delivers the baby? Dade County hospitals that are overpopulated. They are tremendously overburdened by this problem.

We need to address this problem in toto, and I hope that we certainly will this year. But, instead, we are not asking for a tourniquet, we are just asking for a Band-Aid, just help us out a little bit. Give us everything in this bill, and it is still going to cost the

people of south Florida to maintain the program.

This is perhaps one of the most important things that we need to address. It is a Federal problem, it is a Federal responsibility. Now it is time to pay the bill, and it is the Federal Government's responsibility.

I thank the gentleman for yielding.

Mr. PEPPER. I thank my distinguished colleague from Florida for his very able contribution.

If I may just conclude, Mr. Chairman, the distinguished gentleman from Kentucky [Mr. MAZZOLI], chairman of the subcommittee of the Judiciary Committee, the authorizing committee in respect to this matter, is thoroughly familiar with all of these facts. They know we are telling the truth.

You heard a bipartisan presentation here this afternoon about our needs and our problems. I can tell you that I have good reason to believe that the Appropriations Committee of the House already favors what we are talking about because they are familiar with these facts. They know we are entitled to this help, and I hope that my distinguished friend from Wisconsin may, upon reconsideration, be generous and withdraw his amendment and come down and see for himself the need that we have.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to my friend, the dean of the California delegation [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to this amendment. Targeted assistance is a crucial program, one designed to relieve the extreme strain placed on local entities by the heavy impact due to the initial placement and secondary migration of refugees. These local entities must struggle mightily to serve both their regular population and the new refugees who have heavily impacted the local area.

Targeted assistance funds remain critically necessary to provide relief to those local areas which have been highly impacted by a disproportionate refugee resettlement pattern. Refugee maldistribution has hindered the achievement of self-sufficiency in many cases and put an additional strain on other services.

Secondary migration has been a major aspect of refugee resettlement. As people who did not adjust elsewhere and who are not self-sufficient, these secondary migrants have been difficult to assimilate. In California, most had less than an eighth grade education and no English; many were illiterate farmers.

Yet, targeted assistance has proven successful. In my own home district, the first year of the program produced a 77-percent job placement rate and a welfare reduction of over 500 persons, an annual savings of Federal welfare costs of $1.2 million in the first year alone.

Even in the Targeted Assistance Program's start-up year, there was a higher success rate, at half the cost per enrollee, than found in the Job Training Partnership Act Program.

I urge my colleagues to reject this amendment which would abolish this crucial, necessary, successful, and worthy program.

Mr. LEHMAN of California. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to my colleague, the gentleman from California

Mr. LEHMAN of California. Mr. Chairman, I thank my friend and colleague from California for yielding this time to me.

In my district in California there is a special group of refugees who are an integral part of the United States' effort to win the war in Southeast Asia. The Hmong refugees, an archaic highland ethnic group, assisted the Central Intelligence Agency in Vietnam to gain valuable and critical information on the movement of the Viet Cong in the area. In return for their help the U.S. Government offered them a lifeline to escape the genocide rampant in that country at the hands of the Communist regime in Vietnam.

The primary assistance to these new refugees, who, until 40 years ago did not even have a written language, is the Targeted Assistance Program. This Federal help is directed to States and counties which are heavily impacted by this enormous influx of refugees.

California is a State that is extremely hard hit by the secondary migration of refugees. Fresno County, which I represent, has over 20,000 refugees, and of these, 62 percent are Hmongs. San Joaquin County has nearly 19,000 refugees, and the Hmongs make up 16,000 of them.

Now, these people are not living in my district because they read a brochure about Fresno County when they were living in Cambodia. They are here because the U.S. Government located them there. They do not speak English. Until very recently they did not even have a written language. Their customs and their culture are quite different, and through no fault of their own they have become a financial burden to our local community.

I think the Federal Government made the right choice a few years ago when it decided to provide assistance to heavily impacted communities to help these people gain the knowledge of our society and our customs to become good citizens. And I think pulling the rug out from under this program at this time, in this fashion, would be a disaster.

I thank the gentleman for yielding.

□ 1440

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield to me?

Mr. BERMAN. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Chairman, I rise to oppose this amendment. I do not think this is a regional issue. I think the targeted assistance is appropriate and needed as a matter of national policy. Those who are concerned about making the expanding levels in this bill conform to the budgetary process will have ample opportunity to vote for such an amendment when it is offered by the gentleman from Michigan [Mr. PURSELL].

The CHAIRMAN pro tempore (Mr. BEILENSON). The time of the gentleman [Mr. BERMAN] has expired.

(On request of Mr. MORRISON of Connecticut and by unanimous consent, Mr. BERMAN was allowed to proceed for 5 additional minutes.)

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman continue to yield to me?

Mr. BERMAN. I will be happy to do so.

Mr. MORRISON of Connecticut. Mr. Chairman, I join the gentleman in the well in opposition to this amendment.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Chairman, I understand, in talking to some of my colleagues from New York, that Florida has their role here and California is doing their thing now and the New Yorkers will come next. But I want to backtrack and go back to the State of Florida, if I may. The interesting thing in listening to the debate in our respective offices is that listening to my colleague, Congressman PEPPER and my colleague, Mr. SMITH and the chairman of the Committee on Foreign Affairs, Mr. FASCELL, I cannot help but go back to 1980 during the Mariel when the boatloads of Marielitos were coming here to the United States and at the same time the large number of Haitians were also coming in on these ships, man-made boats off the coast of Florida. That if any State in our Union was shortchanged, it was the State of Florida. And I say that for two reasons.

I say that because I chaired the Subcommittee on the Census in 1980, as I chair it today, and I remember that most of those people came in after the

April 1 cutoff date for those people to be counted in the Census of 1980.

Technically and constitutionally those persons were not permitted to be counted as part of the population of Florida. So we found ourselves in a grave crisis. I at that time visited the Krome refugee center just outside of Miami. I then went and visited the center set up for the Haitians in Fort Allen, Puerto Rico. We then subsequently made visits through the south Florida community and found that indeed the State of Florida and the budget of the State of Florida was finding itself hard pressed.

I would ask my colleague from Wisconsin if he would truly understand. Now I am a New Yorker and I want to make it very clear that what happened in 1980 not only for the people of Florida to meet the needs that were mandated at that time by the administration, and they had no control over, but in fact what took place was that today they continue to find themselves hard pressed.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman from California yield to me to respond to the point of the gentleman from New York [Mr. GARCIA]?

Mr. BERMAN. I yield to the gentleman from Wisconsin, [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Chairman, this gentleman from Wisconsin does recognize the point that the gentleman from New York has been raising. What I do not think the gentleman from New York and others who have been talking during the Florida hour, the California hour, and now the New York hour, realizes that the formula that discriminated against your States is amended in this bill.

Under present law children are excluded from the allocation of usual and normal refugee funds. This bill amends the law to include children in the count for refugees.

Now the old law, before this bill, discriminated against those States that had large concentrations of children. Those were the States that benefited from targeted assistance.

Now we are changing that inequity in this bill, and these people who are coming here defending the Targeted Assistance Program are asking for a double dip. They are asking for a change in the formula to give their States more normal refugee funds and they are asking for targeted assistance over and above that.

Now when you have a $200-billion Federal budget deficit, a single dip ought to be enough.

Mr. GARCIA. Mr. Chairman, will the gentleman from California [Mr. BERMAN] yield further?

Mr. BERMAN. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Chairman, I appreciate my colleague from California yielding.

Let me backtrack a little, if I may. I used the word constitutionally because it is an important point in this discussion, that based upon our own Constitution, those people in the State of Florida still do not come under our formula as we provide it at the Federal level. I do not care what is written in the language, I am telling you what the facts are, based upon the census and the Constitution.

Those people arrived after April 1, 1980. So there may have been some special provisions made, but that does not nearly afford us the opportunity to make sure that those people are taken care of.

So what I am saying is that you can talk about Wisconsin or my own State of New York.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. BERMAN] has again expired.

(On request of Mr. GARCIA and by unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. GARCIA. Mr. Chairman, will the gentleman continue to yield?

Mr. BERMAN. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding. I did not want to participate because I have been involved enough in this immigration fight over the last couple of years. But I assure my colleague that Florida, Florida more so than any other State, and I have my problems in the State of New York, but under what the gentleman is trying to do now, Florida would be hurt. I would ask that those persons who are watching or who are with us today vote against the gentleman's amendment, because I think that fairness should prevail.

Mr. LEWIS of Florida. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. LEWIS of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin.

I'm aware that some Members may be under the notion that continuing the targeted assistance funding will be nothing but an extension of yet another give-away program by the Federal Government. This is not the case, however.

In 1983, the Department of Health and Human Services authorized $81.5 million in targeted assistance after 90,000 refugees entered the United States. This year an estimated 70,000 refugees will enter the country, and H.R. 1452 has authorized $50 million for targeted assistance.

The foremost objective of targeted assistance is to help refugees become economically self-sufficient and, in addition, help local health departments meet the costs of providing initial health care to these refugees.

I cannot begin to stress the importance of early initial assistance in programs such as job training that will encourage refugees to swiftly seek meaningful employment, while at the same time keeping them off welfare rolls.

Money from the targeted assistance program also is used for education and day-care programs for the children of refugees.

Mr. Chairman, I would like to remind my colleagues that 20 States currently receive targeted assistance. In addition, my own State of Florida has no general assistance program.

In Palm Beach County alone, we must rely on targeted assistance to meet the needs of the 7,000 to 10,000 refugees who reside there.

I am disturbed by opinions that targeted assistance has fulfilled its original purpose. Let me remind Members that it is Federal policy that has placed the burden of assisting refugees on State and local resources. If targeted assistance is cut, Florida will lose $26 million in aid to the refugees.

The Federal Government still owes the State of Florida $150 million as a result of costs incurred during the Mariel boat lift, and that is a very conservative estimate because we will never be able to address all the socioeconomic effects on Florida. Why should Florida taxpayers be continuously burned for something they have no control over.

In closing, let me say that I am encouraged by the assurances put forward by the Judiciary Committee that targeted assistance programs will continue to be reassessed in the future.

But as long as our current immigration policy is maintained, the Federal Government must continue to assist States in resettlement and other responsibilities directed toward these refugees.

I urge defeat of the amendment offered by the gentleman from Wisconsin, Mr. SENSENBRENNER.

Mr. BERMAN. I think I would like to yield a few minutes to myself at this point.

Several points I think should be made, and I oppose this amendment by the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER] very strongly. President Reagan made quite a name for himself as a Governor of California is establishing what we colloquially refer to as the SB 90 principle, the notion that when one level of government starts mandating costs and mandating programs which cost other levels of government considerable funds, the level of government that is doing the mandating has a fun-

damental obligation to finance those costs.

The fact is that the refugee program in this country is a Federal program, it is a function of our foreign policy. In fact, each year on an annual basis, as I understand the process, the State Department meets with the leaders of those parties in the Immigration Subcommittees in both the House and on the Senate side to discuss exactly how many refugees are going to be admitted and from which countries they are going to be admitted. And the entire program of refugee admission is one done at the Federal level by the State Department in consultation with Congress. And among things, among other parts of this legislation, this targeted program is simply one part, not a total part, not a totally complete funding of a Federal program, a Federal mandate to the areas most impacted.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I would be happy to yield to the gentleman on this issue.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from California knows that by far and away the vast majority of the refugees who have come here have been resettled, they are off the welfare rolls, they are on the payrolls, and they are contributing to the economies of the communities in which they live.

It seems to me that given that basic premise, the States that have been heavily impacted by refugees, including California, Florida, and New York, have ended up making a net profit now that several years have gone by, and most of the people, not all, but most of the people, are off the refugee program, they are working, they are contributing taxes to the State government and they are contributing taxes to the local government.

During the first few years after the flood of refugees entered this country exactly the opposite was the case, and there was a net outflow of State and local government funds. That is why I supported targeted assistance in the past. But now there is a net flow into State treasuries and into local treasuries as more and more of these people have been resettled and are working and are paying taxes.

Don't you people appreciate that fact as well?

□ 1450

Mr. BERMAN. I believe my chairman, the gentleman from Kentucky, has something to add to that point, so I yield.

Mr. MAZZOLI. I appreciate the gentleman yielding to me. I would like to address two points very briefly. One of which, as the gentleman had said earlier, that in a way, California, Florida, and some of the other States are double dipping, getting a second dip on that cone.

There might be some reality to that if the original formula had correctly allocated the money; but as you and I know and as all those who have studied the problem know, the original formula which has been in effect to today, unless our bill passes it remains; does not count children and does not count what we call nontime eligible.

So in a way, if the targeted assistance continues—and we hope it is continued today and given statutory undergirding—it simply compensates for what you have not received earlier; it compensates in a way like compensatory education programs; you are playing catch up, and this is not a double dip; it simply is giving you the proper size of the first dip.

The second thing I would say is that the gentleman has pointed out, obviously, that there are problems with unemployment.

(On request of Mr. MAZZOLI and by unanimous consent, Mr. BERMAN was allowed to proceed for 1 additional minute.)

Mr. MAZZOLI. If the gentleman will continue to yield, I just want to say that there unfortunately is a high incidence of refugee entrants on some form of welfare program, and that, in the State of California, after the first 3 years during which the Federal programs terminate, will still yield about half or 50 percent of the people even at that point are on welfare programs.

The targeted assistance program specifically allows money to be spent not in just that first year period, which is the time eligible, but allows money to be spent creatively and imaginatively and innovatively in that area beyond the 3 years where you are catching some of the really hard cases.

So I do think that the targeted assistance will help, and that is what we are striving to do; help reduce the unemployment rolls across the country.

Mr. BERMAN. I thank the gentleman.

The gentleman answered, I think, the point far better than I could, and I think puts that issue into a proper perspective.

There was an implication in the comments of the gentleman from Wisconsin that somehow the flow of refugees was ending, or was being substantially reduced.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 3 additional minutes.)

The fact is that if one studies the flows in, in 1983, 61,000 admissions; in 1984, 71,000 admissions; in 1985 up through March of 1985 already, 32,000 additional refugees admitted.

The issue of the initial outflow still becomes a financial cost for the States which are most impacted by all of this.

The point that I would also like to join the issue with the gentleman from Wisconsin, on the question which he raised in his dissenting views to the committee report. The issue of somehow that California in particular is like a magnet State with its lavish welfare benefits attracting refugees to that State.

The fact is, first of all, that the impact of the refugees seems not that related to level of welfare benefits in any particular part of the country; second, I did a quick check on this issue, and I just chose randomly the State of Wisconisn as something to compare California's benefit levels with.

The average family on AFDC in California receives $483 a month. The average family in Wisconsin, AFDC family in Wisconsin, recieves $468 per month. These coming from the Committee on Ways and Means' staff report on programs within the jurisdiction of the Ways and Means Committee.

The average general assistance recipient in California receives the tremendous sum of $209 monthly. I did not have time to check the statewide average in Wisconsin; I picked one county: $265, $55 more than the average in California, for general assistance in Wisconsin.

I do not think the issue of refugee settlements can be correlated with level of welfare benefits, and I do not think that California has anything particularly to apologize for in trying and struggling to provide some minimum standard for its people.

Mr. SENSENBRENNER. Would the gentleman yield on that point?

Mr. BERMAN. I yield to the gentleman.

Mr. SENSENBRENNER. I think the gentleman has proven that Wisconsin's welfare benefits are far too high, as well.

Mr. BERMAN. The final issue I would like to speak to, the gentleman from Wisconsin in the general debate raised the specter of H.R. 822, sometimes known as Moakley-DeConcini. The legislation which would provide a status similar to the extended voluntary departure status to Salvadorans residing in the United States at the present time.

And then said, to what extent does the Targeted Assistance Program become the source of funds for this potentially large group?

(By unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. The fact is that H.R. 822, if passed, would not grant the Salvadorans either refugee or entrance status. Salvadorans, under that bill, would in no way benefit from the programs provided under the Refugee Act and particularly would not benefit from targeted assistance.

Finally, H.R. 822 does not address the question of public assistance, nor does it bestow any eligibility in that legislation, and as a general rule it is my understanding that people on extended voluntary departure status are not eligible for Federal benefits.

I do not think the issue of the potential passage of a piece of legislation which at this time has not yet moved along the process whatsoever should be raised as any reason to vote against targeted assistance, or to support this amendment.

In conclusion, I find it interesting to note that a program that even the gentleman from Wisconsin does not argue the funding should be halted immediately, that we would fight the authorization of a program that the administration and the appropriations process has been funding.

I thought part of bringing this process into a certain logical and rational relationship was to authorize that which we are appropriating funds for; the chairman of our subcommittee I think wisely has chosen to do so in this legislation.

I urge the amendment be defeated.

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I believe I will be the last speaker on our side, and I think that my colleagues before me have adequately addressed the issue.

Let me just summarize these arguments as to why I am opposed, and I would urge the House to oppose the Sensenbrenner amendment.

First of all, the targeted program provides much-needed assistance relief to State and local taxpayers who are faced with the influx of refugees needing assistance and adjustment.

As has been stated before, the refugees come here through Federal policies. Once again, at a time when we are attacking the localities in every different direction; cutting programs, revenue sharing will be eliminated after next year according to the budget resolution passed by both the House and the Senate. So many other programs are also being cut, it does not make sense at all, it is unfair to tell these localities that they must bear the responsibility on their own.

The second issue is that this is not a cash program. It is the kind of program the gentlemen from the other side have often urged us to embark upon, programs that are not bottomless pits, programs that will help people become self-fulfilling and independent.

In New York City, for instance, we received $2 million for this program; 80 percent of the 1,000 refugees that were trained were working the next year in nonsubsidized ways. So this program is cost-efficient.

Third, it is not directed at only two or three States. In fact, it affects 46 counties in 20 States, over 150 congressional districts.

For all of those reasons, this program makes sense; it is cost-effective, it is fair; it is spread throughout the country, not just directed at one or two areas, and I would urge my colleagues to reject the Sensenbrenner amendment which eliminates the program and keeps this targeted assistance, a successful program, going.

□ 1500

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, our colleague, the gentleman from Wisconsin has made some very persuasive arguments, on the surface. But some of those arguments need to be more thoroughly examined. Let me be brief and refer to just two basic points that the gentleman from Wisconsin [Mr. SENSENBRENNER] has made.

He makes the point, number one, that this program is no longer needed. My colleagues who have spoken before me have very effectively established that there definitely is and will remain for some time a need for this program. So I will not take any time on this point except to say that the Appropriations subcommittee I serve on, which oversees the funding for Federal refugee programs, has received testimony from Florida State officials who estimate that the unemployment rate for refugees living in Dade County is as high as 40 percent.

Linda Berkowitz, the former administrator of Florida refugee programs who now oversees State health and social services programs in the heavily impacted areas of Dade and Monroe Counties, told the subcommittee last month that thousands of refugees have found jobs, but that thousands more are still unemployed or marginally employed because of job skills and language barriers to employment. These people need employment training and education as provided by the Targeted Assistance Program if they are ever going to have the opportunity to become self-sufficient members of our communities. The employment situation for refugees in Florida may become even worse in the near future because the winter damage to Florida's fruit and other agricultural crops may reduce the number of available jobs for refugees who have found work in the fields.

The gentleman makes the other point that many of our welfare laws in many parts of our country are magnets that attract refugees. And I might not even disagree too much with him on that and suggest that a review of our welfare laws would not be out of order. But in the case of the refugees that this Member has firsthand knowledge about, let me speak just a moment to the point that it was not the welfare laws of south Florida that attracted 130,000 Cubans in the Mariel boat lift.

Mr. Chairman, I had the privilege of flying over the Florida straits in a Coast Guard helicopter, watching the boats as they left Mariel Harbor coming into the United States, and I saw many boats that were so full of people that the slightest wave or oscillation from another boat would force water into the boat, creating panic. I say boats so full of people that if someone got sick or died, they would never have fallen over until they reached Key West, FL, because the people were stacked so tightly in those boats.

I will say, Mr. Chairman, the magnet of a liberal welfare program is not what would cause people to risk lives as they did. The magnet was freedom. The magnet was the opportunity to come to the greatest nation in the world. The magnet also was that Fidel Castro, the Communist leader of Cuba, in one of those rare moments, gave his Cuban people a small amount of freedom and, for a short period of time, he said, "If you want to leave, go ahead." And they did, hundreds and thousands of them left Cuba to come to the United States. And the reason that so many of them are congregated in Florida is because the gateway to freedom for the people leaving Mariel Harbor in Cuba was only 90 miles away in the great State of Florida. That was the magnet, I say to my friend from Wisconsin. And the Federal Government, not the State of Florida, not the Legislature of Florida, but the Federal Government, the U.S. Government, said to those Cuban people, "We will welcome you with open arms." And they came. Castro tried to burden the United States. We all remember that. He tried to embarrass President Carter with his policy of turning loose the thieves, the criminals and the sick from his hospitals. But the United States proved once again to be a very generous people. Most of those refugees are living here in the United States today. Most of them will eventually become productive citizens. History has proven that. Let us give them a chance. Let us soundly defeat the Sensenbrenner amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Sensenbrenner amendment.

Mr. Chairman, I will be very brief because most, I think, of what should be said has been said. But I want to make my opposition to the Sensenbrenner amendment very, very clear. This money and the target assistance money has been extremely important

to not only my congressional district but to many around the country. The Vietnamese—and I think there are perhaps more Vietnamese in my congressional district than perhaps in any other congressional district in the country—have come here as a result of communism taking over their country. The Cambodians have come for the same reason. Many of the people from the Hispanic community have come for the same reasons.

This money has permitted and enabled these people to be productive citizens in our area. It has been successful in helping them to have that period of adjustment.

So I would certainly urge all of my colleagues here on the floor and my colleagues watching in their offices, please, I ask you, please oppose the Sensenbrenner amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield for just a moment?

Mr. WOLF. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I want to thank my friend for his statement and for his support of our position in the committee, which, with respect, is to be against the amendment of the gentleman from Wisconsin.

Let me also reflect on something just once again on what the gentleman from Kentucky said earlier today, and that is that there are 20 States and the District of Columbia which now do garner some money—some more, some less, but some money—under the targeted assistance program. So, as the gentleman has wisely said, this is not just a California program, not just a New York program, not just a Florida program nor a Virginia program, but it benefits 20 States of the Union and the District of Columbia where we all stand today. So, therefore, this matter, while it is a program and a thought that the gentleman from Wisconsin has carefully put forward, I think it ought not be agreed to. It should be defeated, and resoundingly, and we should continue a statutory form of target assistance.

Mr. WOLF. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 307, answered "present" 1, not voting 21, as follows:

[Roll No. 159]

AYES—104

Archer	Gekas	Nielson
Armey	Gregg	Oxley
Barton	Grotberg	Petri
Bentley	Hall, Ralph	Ritter
Bereuter	Hansen	Roberts
Bevill	Hendon	Roemer
Bliley	Henry	Roth
Boulter	Hiler	Roukema
Breaux	Hubbard	Saxton
Brown (CO)	Jones (TN)	Schaefer
Broyhill	Kanjorski	Schuette
Burton (IN)	Kasich	Schulze
Campbell	Kolbe	Sensenbrenner
Carr	Kramer	Shumway
Chappie	Latta	Siljander
Cheney	Leath (TX)	Skeen
Cobey	Lightfoot	Slaughter
Coble	Lloyd	Smith (NE)
Combest	Lott	Smith (NH)
Coughlin	Lujan	Smith, Denny
Craig	Madigan	Smith, Robert
Crane	Martin (IL)	Solomon
Daniel	McCandless	Stenholm
Dannemeyer	McEwen	Strang
Daub	McMillan	Stump
DeLay	Meyers	Sundquist
DioGuardi	Michel	Swindall
Dreier	Miller (OH)	Tauke
Dyson	Monson	Tauzin
Eckert (NY)	Montgomery	Taylor
Edwards (OK)	Moore	Valentine
Emerson	Moorhead	Vucanovich
Evans (IA)	Murphy	Walker
Fawell	Myers	Whitehurst
Franklin	Nichols	

NOES—307

Ackerman	Courter	Gray (PA)
Akaka	Coyne	Green
Alexander	Crockett	Guarini
Anderson	Darden	Gunderson
Andrews	Davis	Hall (OH)
Annunzio	de la Garza	Hamilton
Anthony	Dellums	Hammerschmidt
Applegate	Derrick	Hatcher
Aspin	DeWine	Hayes
Atkins	Dickinson	Heftel
AuCoin	Dicks	Hertel
Badham	Dingell	Hillis
Barnard	Dixon	Holt
Barnes	Donnelly	Hopkins
Bartlett	Dorgan (ND)	Horton
Bateman	Dornan (CA)	Howard
Bates	Dowdy	Hoyer
Bedell	Downey	Hughes
Bellenson	Duncan	Hunter
Bennett	Durbin	Hutto
Berman	Dwyer	Hyde
Biaggi	Dymally	Ireland
Bilirakis	Early	Jacobs
Boehlert	Eckart (OH)	Jeffords
Boggs	Edwards (CA)	Jenkins
Boner (TN)	English	Johnson
Bonior (MI)	Erdreich	Jones (NC)
Bonker	Evans (IL)	Jones (OK)
Borski	Fascell	Kaptur
Bosco	Feighan	Kastenmeier
Boucher	Fiedler	Kemp
Boxer	Fields	Kennelly
Brooks	Fish	Kildee
Broomfield	Florio	Kleczka
Brown (CA)	Foglietta	Kostmayer
Bruce	Foley	LaFalce
Bryant	Ford (MI)	Lagomarsino
Burton (CA)	Fowler	Lantos
Bustamante	Frank	Leach (IA)
Byron	Frenzel	Lehman (CA)
Callahan	Frost	Lehman (FL)
Carney	Fuqua	Leland
Carper	Gallo	Lent
Chandler	Garcia	Levin (MI)
Chappell	Gaydos	Levine (CA)
Clay	Gejdenson	Lewis (CA)
Clinger	Gephardt	Lewis (FL)
Coats	Gibbons	Lipinski
Coelho	Gilman	Livingston
Coleman (MO)	Gingrich	Loeffler
Coleman (TX)	Glickman	Long
Collins	Goodling	Lowry (WA)
Conte	Gordon	Luken
Conyers	Gradison	Lundine
Cooper	Gray (IL)	Lungren
Mack	Pepper	Stangeland
Manton	Perkins	Stark
Markey	Pickle	Stokes
Martin (NY)	Price	Stratton
Martinez	Pursell	Studds
Matsui	Rahall	Sweeney
Mavroules	Rangel	Swift
Mazzoli	Ray	Synar
McCain	Regula	Tallon
McCloskey	Reid	Thomas (CA)
McCollum	Richardson	Thomas (GA)
McCurdy	Ridge	Torres
McDade	Rinaldo	Torricelli
McGrath	Robinson	Towns
McHugh	Rodino	Traficant
McKernan	Rogers	Traxler
McKinney	Rose	Udall
Mica	Rostenkowski	Vander Jagt
Mikulski	Rowland (CT)	Vento
Miller (CA)	Rowland (GA)	Visclosky
Miller (WA)	Roybal	Volkmer
Mineta	Russo	Walgren
Mitchell	Sabo	Watkins
Moakley	Savage	Waxman
Molinari	Scheuer	Weaver
Mollohan	Schneider	Weber
Moody	Schroeder	Weiss
Morrison (CT)	Schumer	Wheat
Morrison (WA)	Seiberling	Whitley
Mrazek	Sharp	Whittaker
Murtha	Shaw	Whitten
Natcher	Shelby	Williams
Neal	Shuster	Wirth
Nelson	Sikorski	Wise
Nowak	Sisisky	Wolf
O'Brien	Skelton	Wolpe
Oakar	Slattery	Wortley
Oberstar	Smith (FL)	Wright
Obey	Smith (IA)	Wyden
Olin	Smith (NJ)	Wylie
Ortiz	Snowe	Yates
Owens	Snyder	Yatron
Packard	Solarz	Young (AK)
Panetta	Spence	Young (FL)
Parris	Spratt	Young (MO)
Pashayan	St Germain	Zschau
Pease	Staggers	
Penny	Stallings	

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—21

Addabbo	Hartnett	MacKay
Boland	Hawkins	Marlenee
Daschle	Hefner	Porter
Edgar	Huckaby	Quillen
Fazio	Kindness	Roe
Flippo	Kolter	Rudd
Ford (TN)	Lowery (CA)	Wilson

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. PORTER for, with Mr. ADDABBO against.

Messrs. EVANS of Iowa, EDWARDS of Oklahoma, MOORE, BREAUX, and DELAY changed their votes from "no" to "aye."

Mr. GONZALEZ changed his vote from "aye" to "present."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PURSELL

Mr. PURSELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PURSELL: Page 2, line 17, strike "each place it appears" and insert "in paragraph (1)."

Page 2, strike lines 22 and 23 and insert in lieu thereof the following:

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) There are hereby authorized to be appropriated for fiscal year 1986 $74,783,000

and for fiscal year 1987 $77,924,000 for the purpose of providing services with respect to refugees under section 412(c)(1).

"(3) There are hereby authorized to be appropriated for fiscal year 1986 $8,761,000 and for fiscal year 1987 $9,125,000 for the purpose of carrying out section 412(b)(5).";

and

Page 3, strike lines 5 through 7 and insert in lieu thereof the following:

"(5) There are authorized to be appropriated for fiscal year 1986 $5,215,000 and for fiscal year 1987 $5,434,000 for the purpose of carrying out the provisions of section 412(f).".

Mr. PURSELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PURSELL. Mr. Chairman, I will try to be brief. I know the hour is late and we have had a long week.

□ 1530

Mr. Chairman, I just want to make two brief points in respect to the amendment. One is that it is consistent with four previous authorization bills. Today the freeze amendment applies to the Refugee Assistance Act which we are debating.

I want to bring the attention of the Members historically to the tradition of the history, the turnaround, if you will, of the Congress this year with respect to the House in which we have applied the freeze. There were amendments to four previous bills. The NASA bill was voted on and supported by this House, and the freeze amendment was adopted, 369 to 36. That was our first bill.

Our second bill, the National Science Foundation, was passed with a 407-to-4 vote on April 17.

Our third bill, the National Bureau of Standards bill, was passed and adopted by this House. The freeze amendment was 398 to 2.

Our last authorization bill that came through was the State Department bill. Our freeze amendment passed 398 to 1.

These were four major authorization bills. Today we have addressed the Refugee Act in respect to the freeze amendment.

Now, I am not a member of the committee, but I was hopeful that the committee itself would rework the amendment to achieve the 1985 freeze level, as did the Science and Technology Committee, without us offering an amendment. I prefer it that way as a matter of public policy, to let the committee offer those amendments based on the vote and the history of the House in the previous authorization bills, because as a member of the Appropriations Committee, I think the authorizing committees should determine their priorities. However, that was not the case in the subcommittee and the full committee, so we are addressing on the floor today an amendment which would achieve a $109 million savings for the next 2 years.

In this amendment we will save $56 million this year and $53 million next year, 1986–87. We will be looking at an amendment here technically to give the social services level of funding at $71 million in 1985, which is current law. The committee bill moves that to $100 million, which is a 28-percent increase. That is actually 28.3 percent.

Medical screening, which is an important program: In the initial treatment, that was $8.4 million in 1985, under current law. They have moved that up to $14 million. That is a 40-percent increase in that one program.

The assistance to States, which is very critical to all of us in the various States, particularly in certain States that have additional refugees incarcerated: The current law is $5 million, and they are opening that up and CBO estimates it could be in authorized law such sums as are necessary up to $31 million. If you take the full number, $31 million, which may not be the case, depending on our Committee on Appropriations, that is a 520-percent increase.

Having said that, as I understand it, this authorization bill is basically an entitlement bill. About 75 percent, as I understand it—and the chairman can correct me—is mandated in entitlement programs, so we could not offer a freeze across the board, and maybe that is why the committee elected not to touch a freeze amendment. But since we did, we will accomplish our goal of keeping it consistent with the Budget Act this year.

As I understand it, this bill as it stands today is over and above our House-passed budget targets. That should be debated here and should be clearly understood.

So I suggest the amendment is consistent with previous authorization bills. The House has voted resoundingly on four authorization bills, and this is No. 5 today. I ask that we try to treat every authorization bill the same as we go through the year.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. PURSELL] has expired.

(By unanimous consent, Mr. PURSELL was allowed to proceed for 2 additional minutes.)

Mr. PURSELL. Mr. Chairman, I ask the House to be consistent in trying to achieve a deficit reduction, to achieve at least a $50 billion or $55 billion target. Irrespective of what the Budget Committee conferees come back with, we should move forcefully and responsibly and fiscally each week with every authorization bill to see that we keep within the 1985 current law authorization and appropriation number so we can achieve at least a $32 billion savings in fiscal year 1986. That is all we can do with a freeze. Then you have to go beyond the freeze to get additional cuts to even reach the $50 billion number. So the freeze should be the minimal standard that we should set in the House, and we have done that.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I am happy to yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Mr. Chairman, I rise in support of the gentleman's amendment, and I commend him for it.

I think it is important, most important, that the House take this first vote and stand behind the Budget Committee and its budget resolution which has been passed. This amendment does no more and no less than the Budget Committee did and the House did when it passed the budget. It provides for this year's funding level, plus a cost-of-living increase in those categories where that is allowed in the budget resolution. It does not cut the entitlement programs which are allowed for in the budget resolution.

It is consistent with the budget resolution, and it is consistent with the effort that many Members of this House have made to try to see to it that what we vote on in terms of holding down spending is a reality, not merely something on paper. The best way to do that is to conform the authorization bill to the budget resolution. The Senate bill is lower. We are not here cutting below the Senate level.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. PURSELL] has again expired.

(On request of Mr. MORRISON of Connecticut, and by unanimous consent, Mr. PURSELL was allowed to proceed for 2 additional minutes.)

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield further?

Mr. PURSELL. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Mr. Chairman, we are taking the side of our budget here in the House if we agree to this amendment.

There are plenty of arguments as to why more money could be well spent in this area. The gentleman from Kentucky has argued eloquently for such additional expenditures. There is no question that there are additional needs. That is true all across our budget. But if we are to stand with our budget resolution that we have passed, if we want to be serious about the budget levels, we need to pass this amendment, not to single out this authorization but to start a new series of freeze votes that conform with the

budget resolution. We are going to have plenty of authorizations before we have the conference report on the budget, and we ought to be consistent with what we have done up to this point.

Mr. PENNY. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of his amendment.

I looked this over carefully today to identify carefully where we are coming down on this refugee-assistance funding, and it has been made clear to me that we are in fact allowing for the amount of funding that was in the budget resolution that was passed by this House. So any assertion that somehow we are going to be spending less than we were spending by the adoption of this amendment today would not be accurate. In fact, there is an inflation adjustment allowed for these programs under that budget resolution.

Mr. PURSELL. That is a 4.3-percent inflation adjustment.

Mr. PENNY. This amendment brings it down to that inflation-adjustment level. On that basis, it is a fine amendment, and I urge its adoption.

Mr. PURSELL. Mr. Chairman, I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding.

Frankly, I rise at this moment to ask the gentleman to respond to a couple of concerns I have regarding this specific recommendation. Before getting to those, I would like to express my appreciation for the gentleman's very fine work and leadership in an effort to try to get a handle on our burgeoning Federal budget, to attempt to move in the direction of freezing across the board with some realism.

The gentleman, beyond that leadership, has also demonstrated clearly to the House that he recognizes that here at the Federal level we must govern. There are areas where we have specific responsibilities, and we should in a thoughtful way deal with those responsibilities.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. PURSELL] has again expired.

(By unanimous consent, Mr. PURSELL was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield further, the question I would raise is that there are a few areas of government that clearly are the fundamental responsibility of the Federal Government, national defense being among those, of course. Immigration is one of those very sensitive and critical areas where the Federal Government has the basic responsibility.

□ 1540

And this is an area of our responsibility where of late we have had an explosion in terms of numbers. When you have those kinds of circumstances, it seems to me that the policy committee has to be able to be given some leeway. And I wonder what the gentleman suggests about those areas where there are 40 and 50 percent growth in numbers, et cetera, and what should we do about that?

Mr. PURSELL. I share the gentleman's concern, but I serve on Labor, HEW Appropriations. We have concerns of health and we have concerns of Social Security, we have concerns of Medicare and Medicaid, and I think fiscally we are trying to be fair here. It is a question of fairness across the board, to treat every program with some degree of equality this year including the defense budget.

So I am only suggesting there are critical programs, but if we could apply the freeze system, we achieve a $32 billion savings, we have hit our target to some extent, hoping we do get a budget conference report.

Mr. LEWIS of California. If the gentleman would yield further, in this very critical area, let us presume in Florida or California you have a 50-percent explosion of a certain kind of refugee. You could cut out those elements of immigration programs that provide for education, fundamental training, et cetera, meaning you would have to spread the remaining money across those new numbers and probably undermine the value of those programs to the very citizens who seem to be arriving and are beginning to make a very significant contribution not just to their lives, but to our economy and our society as well.

Does the gentleman suggest a freeze should have no flexibility in it? What is the gentleman doing to the fundamental responsibility of the authorizing committee in this case?

Mr. PURSELL. I might say that in this case 75 percent of the bill is entitlements and mandated programs which we cannot address here today. So I think that we have already built into a locked system in which you are escalating the appropriation levels irrespective of the times that we face today from a deficit standpoint. So I say we are in pretty good shape. As a matter of fact, all entitlements are in good shape when you look at the budget. We address the defense budget and some 8 or 9 percent of the rest of the rest of the budget which is discretionary, and that is where we get the dollars.

Mr. LEWIS of California. I appreciate my colleague yielding.

Mr. PURSELL. We really do not address the entitlement programs. I would hope some day that we do that.

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me first thank all of you for the attentive debate. It has been an interesting afternoon. I think it has made a good record for this whole question of refugee assistance, and I think it is pretty clear that this Chamber, and I hope it reflects the feeling of the country, does support a continuation of the magnanimity and the generosity which has characterized American policy toward those seeking refuge from persecution, and that is exactly the people we are talking about.

Therefore, it is with some surprise on my part that I find two of the more generous and thoughtful Members of the House supporting a bill which is in and of itself irredeemably ungenerous and irredeemably lacking in that very magnanimity which should characterize our policy.

The gentlemen have under the guise, the sheepskin of freeze, have got a wolf in a manger. That wolf, let me tell you, is to cut health and refugee programs. Understand, refugees—and I will put in the record and read a few words from the GAO report of 1983—refugees enter this country with a high rate of tuberculosis, which not only ravages them, but is caught by the indigenous U.S. population. They come in with parasites. They come in with leprosy. And if we agree to the gentleman's amendment we will have cut by 50 percent the funding that would be used to screen this kind of problem and treat these kinds of problems. Understand if you vote for their amendment, you are cutting $7 million to $9 million a program which your committee would set up at $15 million to screen leprosy, to screen tuberculosis, to screen parasitic disorders, and you would in the name of fiscal responsibility condemn not just these people, but the indigenous U.S. population to a terrible fate.

Another thing. Let me remind my friends we keep saying in this Chamber these people, and my friend from California said, they have a tradition and a history of being working people, of being thoughtful people, of being very industrious people. And it is with a certain miraculous fact that we have turned these people into welfare dependents. Why? Because they do not speak English. And why? Because they have no job training.

Now attend my words. If the gentleman's amendment, this one lacking in magnanimity, lacking in generosity, a mean-spirited amendment, if it were to pass, you would cut to $75 million, a 25-percent reduction, in the funds that we would allocate for job training to give these people training for jobs, and

language training so they could assimilate into the U.S. population.

Furthermore, we know that Castro pulled off on this United States one of the most dastardly deeds in the history of foreign policy. He evacuated his jails, evacuated his mental hospitals, and said, "You, USA, take these people." And we took them. Many of them are now in jails in Florida.

So this bill before you today, our bill, would provide money and funding to compensate the State of Florida for the continuing incarceration costs of Marielito Cubans who have sort of an irredeemable crime factor built into them. What would the gentleman's amendment do if adopted? It would slash $31 million—not to $25 million, but believe it or not, down to $5 million from $31 million.

Now, I tell you, and I lay before the House, I could stand before you and say I have a substitute amendment. I could have probably put forth some kind of a resolution that would be a mirrors and blue smoke operation, that would give you some cover to vote for so that you do not have to go home and say, "I voted for some budget buster," but I am not going to give you that opportunity.

I want this House to squarely face up. Do we equate people with dollars? Do we equate the refugees and the asylees seeking freedom from communism, oppression, persecution, with dollar bills? If you do, then please vote for the ungenerous, unmagnanimous, Morrison-Pursell amendment.

If, on the other hand, you think that human beings are different than dollars, that human beings have an innate worth that is not calculated in dollars, then please, please, in generosity and decency, humanity, vote against the amendment.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to my friend, the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. MAZZOLI] has expired.

(At the request of Mr. TAUKE, and by unanimous consent, Mr. MAZZOLI was allowed to proceed for 2 additional minutes.)

Mr. MAZZOLI. I yield to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Chairman, my understanding of the amendment that is before us is not that it will cut below what current expenditure levels are, but that it will perhaps cut from what the bill recommends and that in fact it gives cost-of-living adjustments in relationship to current expenditure levels. Is that correct?

Mr. MAZZOLI. If I could answer the gentleman, that would be probably true if we are talking about, and the gentleman made strong reference to NASA programs, to National Science Foundation programs, to the Bureau of Standards, all these five bills to which they have attached the so-called freeze, and I salute that idea. I salute that, but can the gentleman tell me that there is anything comparable between NASA, the National Science Foundation, and the Bureau of Standards to a refugee program? There is not at all.

I would just address the gentleman, last year, as we know, this House by a 300-to-99 vote passed a bill much like the bill of the gentleman from Kentucky this year. It did not get through the Senate. Accordingly, these programs are funded by a continuing resolution, which does not have the benefits of the thinking that went into last year's bill and this year's bill, which is why these gentlemen would return to those figures, which are last year's appropriations, but those figures are not undergirded by thoughtful consideration of numbers, of the tendency of these refugees to have secondary migration to go to certain States of the Union, nor the fact that we are continuing a very generous refugee program.

We will have by most standards a 60,000 to 70,000 person entry in this fiscal year, with the health problems, the language problems, and the job-related problems, that demand help—and the gentleman is a leader of the 92 Group, which I salute, thoughtful people, thoughtfully you could vote against this amendment.

Mr. TAUKE. Mr. Chariman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Iowa.

Mr. TAUKE. Just to clarify, it is an increase over current expenditure levels, but the gentleman is saying that current expenditure levels were not well thought out.

Mr. MAZZOLI. Are not adequate.

Mr. TAUKE. And are not justification for this.

Mr. MAZZOLI. Precisely what I am saying.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. MAZZOLI] has again expired.

(At the request of Mr. SHAW, and by unanimous consent, Mr. MAZZOLI was allowed to proceed for 2 additional minutes).

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I am pleased to yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, the gentleman from Kentucky made reference in the earlier part of his remarks that part of this was going to cover the cost of incarceration. Down in south Florida we have a large number of the Marielitos who came over in 1980, those who were shoved out of Castro's Cuba, those who have violated the laws of the State of Florida, many of whom have been found to be legally insane.

Are not these people who normally would be deported automatically back to Cuba if Fidel Castro operated under international law and accepted his responsibility of accepting these people back?

Mr. MAZZOLI. The gentleman is exactly correct. By all standards, these people ought not to be here. If the program had not been unilaterally curtailed the other day by Castro, they would be on their way back and Florida should not have to bear these burdens.

Mr. SHAW. Mr. Chairman, if the gentleman will yield further, I think the gentleman has made it abundantly clear that this is a Federal responsibility. This amendment should be voted down.

I commend the author of the bill on the previous budget cutting that he has imposed very successfully, but this one is quite different. Although I have supported the gentleman on the others, I cannot support him on this.

□ 1550

Mr. MAZZOLI. I think the gentleman is right. I will yield to my friends.

But what this is we are dealing with is human beings, ladies and gentlemen. I am not talking about Members of Congress who make $70,000 a year. I am not talking about big shots and pillars of their communities. I am talking about the flotsams and the jetsam of human society. I am talking about the people who are the outcasts of all outcasts. Those are the people that are covered by this bill, and if this gentleman's amendment, ungenerous, and uncharacteristically ungenerous, is allowed to pass, we have placed so-called budget concerns above the needs for human concerns.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I am happy to yield to the gentleman from Michigan.

Mr. PURSELL. I just want to indicate that if they are outcasts, the appropriation level figures out to be $12,000 a year for everyone incarcerated under this act. Now that is not a low figure.

Mr. MAZZOLI. I want to thank my friend, because the gentleman from Michigan is a leader of the 92 Group and of this Chamber and of this country, and I salute him.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. MAZZOLI] has again expired.

(On request of Mr. VOLKMER and by unanimous consent Mr. MAZZOLI was allowed to proceed for 2 additional minutes.)

Mr. MAZZOLI. I would just salute the gentleman for his efforts. But I just do not think this day and this time that this amendment is correct.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to my friend from Missouri.

Mr. VOLKMER. I would just like to ask the gentleman from Kentucky if the amendment as proposed is adopted, these programs that are discretionary would basically get the same amount of increase that our people in the United States get under Medicare and Medicaid, under that present budget, would they not? It is the same, is it not?

Mr. MAZZOLI. I do not think so. As a matter of fact, I think we in the States would appreciate more. But let me mention also one other thing.

Mr. VOLKMER. So our people under Medicare and Medicaid would get less, and are those not the figures?

Mr. MAZZOLI. Let me mention one thing to our friend. Let me say what happens if we do adopt this amendment, which I hope this House in its wisdom will rise above, we then lay it upon whom? These people are not going to go back home. They have come here, they sought relief, and succor, and they cannot go back home. Then they are the responsibility of New York or Massachusetts or Wisconsin or Minnesota or Missouri. They are going to have funds from some place. and I say it is our Federal responsibility and we are the ones that ought to pay.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to this amendment.

I believe it is the first Pursell-Morrison amendment that I have not supported.

I think some distinctions have been made by the previous speaker with respect to this particular program versus a number of others we have dealt with. The importance here is that these, at least two-thirds of what this amendment seeks to cut, goes to those things that we on the committee have tried to put in there over the last number of years as we have looked at the problems with respect to the overall welfare dependence of this population. This affects the social services, which is the language training and the job training portion of the programs, plus the medical screening and initial treatment.

What is medical screening and initial treatment? What that means is that when these people come into this country, under laws we have already established, under procedures that have been well established, when they come here we have the physicians, we have the nurses to do an initial medical screening to see if they have tuberculosis, to see if they have leprosy, to see if they have a number of the public health problems that in most parts of our country we have not seen in any large percentages in decades, in some cases in generations.

I will readily admit that we did not do the job in the past that we should have done in terms of the screening in the camps before they came here. But in addition to increasing the effort on that side, we also should increase the effort on this side.

It is not a question of whether these funds are going to be paid. It is a question of whether the local taxpayer is going to be required to foot the bill for those things that may be visited upon that local community. And if it is a question of public health, we owe it to ourselves, frankly. It will cost less in the long run if we take care of the problem at the initial screening, and that is the problem I, frankly, have with this amendment. It goes toward those surface things that we have attempted to develop over the past 5 years to take care of the problems we now see.

The question of language training, you can take a Ph.D. from Southeast Asia who does not speak English. He will have less of a chance to get a job and move off welfare than someone who is semiskilled but has some English. So what we have tried to do is increase the efforts that we have made, because we believe that the effort we have made thus far has been inadequate.

The facts speak for themselves. When you have 85 percent of the people still on welfare after 3 years in my home State of California, when you have 54 percent of the people within 3 years on welfare throughout the entire United States, something is not working.

One of the things we have tried to say is how do you make the process work. We have tried to say, as the authorizing committee, that there are a couple of areas where we think we can improve on what we have done. One is in language training skills and one is in job training, to get them off welfare so that you are not going to be paying the entitlements that the gentleman from Michigan has talked about that we cannot control. All we are going to do, in my opinion, by this is give them less money to do the job, to ensure that they will not be on welfare where the gentleman from Michigan tells us we cannot limit the amount of money to which they are going to be entitled, so it really is heading us in the wrong direction.

Medical screening and initial treatment, if you have been to any of these areas, you know it is essential, and we are not doing the job we should be doing there.

Is this an increase in these sections over present law? Yes, it is. Why do we have the increase? Because, as the authorizing committee, we have looked at the program that exists thus far and we have said it does not work, it is failing, we need to do more.

To do more, do you have to enforce that need or that commitment to need with funds? We happen to believe that you do.

I readily admit that it is an increase in funds. We made it an increase in funds because we thought there was an additional need. And if the membership believes that there is not an additional need, I would say go ahead and support the amendment. If you acknowledge there is an additional need, that we need additional funds in this particular part of the bill, which we have looked at very, very carefully, and they are very specific in terms of what they are attempting to do—this is not a bailout for the individual people. It is not giving them more than you are going to give Medicare recipients. It is a question of should you screen them and give them initial medical treatment when they come to this country with medical problems that most of us do not have, that most of our doctors have never seen and, in fact, in some cases of a public health nature that we eradicated a long time ago. It is in our interests and for our protection, frankly, to maintain these funds.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the hour is late, but what we are dealing with here is a very important issue. We are talking about the most helpless people in the world in many ways, at least the most helpless in this country. They are refugees. They did not just parachute here without any screening. They met some fairly stiff tests that said that they were fleeing from very unpleasant conditions. In many cases they are here because of a war that was fought, that destroyed and uprooted and caused them these problems.

The gentleman from Kentucky and the gentleman from California between them have put an enormous amount of time on this kind of a subject and there is not a less useful thing for a politician to do than to concern himself with refugees, as the gentleman from California and the gentleman from Kentucky have done. These are not people who vote. Certainly they are not people who have friends. They are not people who are very well liked, to a certain extent.

What we have tried to do is to work out a thoughtful program that on the one hand maintains for them a minimal level of decency, and at the same time confronts these terrible conditions for these people who do not speak our language, but they did not come here in a planned or an orderly way, and by the nature of the case of these refugees—some violent people sent them here—of course, they are unprepared, and the communities are

unprepared to meet their needs. So we have tried to cope in a sensible way with their problems.

We are told what about the budget resolution. The budget resolution is a useful thing but it does not pretend to deal in absolute specifics with this level. You do not do violence to the budget resolution when you get down to items of $10 million or $12 million if you decide to make a little exception here or there. The budget resolution deals in broad categories. It was never intended that the Budget Committee would be the authorizing committee for such a level of detail.

Are we really going to be told that the Budget Committee decides what kind of medical screening is needed and how you deal precisely with technical points the gentleman from California makes? We are within the spirit of the budget as we authorize, but that does not mean you do not go $10 million or $12 million here or there up when an authorizing committee, on a bipartisan basis, says we need to respond more.

□ 1600

Let me throw this one argument in: There is in the city of Boston right now, and I do not represent any of the city of Boston, but God knows I tried in the last redistricting and did not get it—but I may in the next one—but in the city right now the major police problems are resentments against Asians. We have got, sadly, and it is not because there is something the matter with America, it is because there is something the matter with human beings, people of different races, different religions, and different languages often conflict with each other and rub up against each other in an unpleasant way. It is our job to try to deal with that, particularly when the refugees are here because of Federal Government policy. What we are saying is we recognize the Federal responsibility to spend a little bit more. We are talking here about $14 million versus $9 million in one category. Are you going to tell me that we are violating the principle of budget resolution over a $5 million item that nobody in the Budget Committee could be expected to tell you about because it is not in their competence to deal with such minutiae?

Pass this resolution and you can tell yourselves you are consistent because you think NASA and the National Science Foundation and racial tensions in Minnesota and Boston are the same thing and you will have exacerbated unfortunately, the racial tensions, though not intentionally. Obviously people are not trying to do that. There is a good reason for consistency. But if you lock this up into one kind of principle, if we are really in this, let us freeze everything and let us go home and mail in our cards. We do not have to vote an authorization. Let us just say: OK, we will freeze everything. My friend from Minnesota is applauding. Fine, let him leave me this card and we will work something out with the Parliamentarian. But I think the rest of us would rather exercise a little discretion, for a relatively small amount of money. People like the gentleman from California, the gentleman from Kentucky, not among our most profligate Members, maybe do not have the credentials as fiscal conservatives in these matters, but we have some people here who I think may meet that more stringent test. We are talking about a terribly delicate and sensitive problem, racial tensions, refugees from oppression, people whose lives are uprooted by the Vietnamese war whom we are trying to resettle in a sensible and decent way in this country. To say, if they should get these slight increases, to say they should not get those because it violates the budget resolution seems to me untoward. I was glad to join with my friend from Connecticut [Mr. MORRISON] yesterday raising the amount for legal services. I think the budget resolution says OK to that. But again it was a relatively small amount of money. But it set the cost-of-living increase for the entitlement program. Why do we have an increase for the means test in entitlements? Because of the desperate conditions of the people we are dealing with. These are not technically entitlement programs. But we are asking for funds on behalf of some of the most helpless and needy people in this country and I do not believe you will be seducing the budget resolution if you reject the amendment and show some compassion.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. FRANK was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I want to point out there are problems in Minnesota with regard to the Indochinese refugees, as I pointed out earlier on the floor. There are 26,000 Indochinese refugees in Minnesota and about 40 percent of them are in my district. We have 2,500 taking English as a second language in the school district.

I wanted to get up and commend the gentleman for his statement and share the sentiment he has expressed. This amendment turns the freeze concept into a fetish. I think it is wrong. I think that each of us individually have signed numerous letters basically inviting political refugees into this country. And when they come I think they ought to have more than a hat in their hand; they ought to be able to benefit so that they can become part of the mainstream of our society.

This amendment does not deal with the demographic problems and changes that are occurring with respect to the change in the refugees. I would hope that we would recognize that.

When we cut these programs back, these very small programs—these are not profligate entitlement programs, they are very small, but the impact is very significant—and we are really turning back the responsibility to the local governments and county governments already strapped in terms of trying to meet social service needs.

Mr. Chairman, I join with the gentleman from Massachusetts [Mr. FRANK] and ask others to let us not turn the freeze issue into a fetish. Let us show that we can deal with common sense with the needs of these refugees in our local communities.

I thank the gentleman.

Mr. FRANK. I thank the gentleman.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

I think it gets dangerous, Mr. Chairman, when we start to refer to $100 million over 2 years as a small amount of money. It would not be a large amount of money if it were the only exceptions we were going to make to the budget resolution and this is the one we were going to do. We could all agree on that. Each one of us is a great advocate for the specific needs of a particular program that we feel is important to our State or to our constituency or to the country as a whole that are deeply involved in. But it is important to focus again on what is not being done here. There is no cut here in these services. There is no cut in the amount of money. There is an increase to take care of the cost of living. There is no cut with respect to the entitlement portion of refugee assistance which is allowed to grow in accordance with the budget resolution to deal with demographic changes and cost-of-living increases. These are discretionary programs. They could be much larger as could domestic discretionary programs to respond to the needs of our poorest citizens who are not refugees.

Let us not be misled; poor people of this country are located disproportionately in urban America for reasons that relate to Federal policies as much as refugees are in different parts of this country as a result of Federal policies. It is not just refugees whose burden falls disproportionately around the country. We are facing here a situation in which we have to make a tough choice about whether discretionary programs will increase. The

discretionary programs will increase under this amendment. They will increase by the cost of living.

That is the same kind of treatment we are going to give discretionary programs for low-income Americans of other kinds that are not refugees.

In that regard there is an equity to this amendment in that it is not an attack upon a particular group.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, I heard from my friend from Minnesota [Mr. VENTO] say a minute ago where this House could turn the freeze idea into a fetish. I am sorry to hear the gentleman pit the poor people of America who are U.S. citizens against the poor people in America who are not citizens. That is exactly what the gentleman has done. I think it is wrong.

What the gentleman from Massachusetts [Mr. FRANK] has said very wisely and incitefully, what we have tried to do, the gentleman from California [Mr. LUNGREN] and myself, we have tried to accommodate both demands, the demands of the people of this country who are citizens and those who are in this country who are not citizens. We think we have succeeded.

I might suggest that the National Governors Association is for our bill as is, without the gentleman's amendment.

The National Association of Counties is for our bill, as it is, without the amendment.

Again with respect to my friend I would not like to see this become some kind of battle of "us" and "them." We are trying to help all the people.

Mr. MORRISON of Connecticut. Reclaiming my time, with respect to the gentleman from Kentucky and his hard work in this area, it was not my intention and I do not believe my statement suggested we are pitting one group against another. What it suggested is that in our advocacy for social service programs that are needed by needy people in this country, treating them the same, treating low-income people in this country and refugees by the same standard is an appropriate standard and a fair standard and that is all this amendment does.

Mr. SLATTERY. Mr. Chairman, will the gentleman from Connecticut yield to me?

Mr. MORRISON of Connecticut. I yield to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding.

Mr. Chairman, I sincerely appreciate the hard work of my colleague from Kentucky in this area. But I want to make one point and that is I do not believe when we treat all the poor people in this country, whether they are native Americans or refugees, the same, that is not pitting one group against another. What would have the effect, in my judgment, pitted one group against the other is in fact if we did give the nonnative American poor living in this country, the refugees, greater increases than we gave the native Americans in this country who also are suffering under the chains of poverty.

I say, Mr. Chairman and my colleagues, let us treat everyone the same, everyone who happens to be poor. Under the proposal we are talking about I think we would be doing that.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield further?

Mr. MORRISON of Connecticut. I yield to the Chairman of the subcommittee.

Mr. MAZZOLI. I appreciate the gentleman's willingness to yield further in this area.

Mr. Chairman, I would accept what the gentleman from Kansas, one of our good thoughtful new Members, has said if we started from the same starting point. But we are not starting from the same starting point. As the gentleman from Massachusetts said, we are talking about people who came into this country who cannot speak English, who do not have jobs here, who do not share our general appreciation for a certain cultural background; we are playing just like we did with compensatory education, we are trying to catch up.

So to the extent there is some effort to have parity, that is great except that you are not dealing with apples and apples; you are dealing with apples and oranges. I think the American people would, in their own generosity say, not that they are being neglected but that in fact they do want to have parity.

□ 1610

(On request of Mr. SLATTERY and by unanimous consent, Mr. MORRISON of Connecticut was allowed to proceed for 1 additional minute.)

Mr. SLATTERY. If the gentleman will yield, and just in further response to my distinguished friend from Kentucky, I just feel, Mr. Chairman, again, when we are talking about these kind of very, very sensitive human issues—and that is what we are talking about; we are talking about people's lives and health, and when we talk about things like food stamps and Medicaid and WIC, and we talk about the assistance that we give native Americans on Indian reservations around this country in the area of health care, for example, all of those programs which I believe the gentleman would agree with me are in desperate need of perhaps increases, and I would like to be in the position, if we were not looking at $230 billion deficits which I believe are a threat to the future of this country, to be able to better address those problems.

I strongly believe that when we talk about giving refugees a larger increase in these very sensitive programs, we are going to be giving to other native Americans that have been here all their lives, I think we make a serious mistake and I think we then create the possibility that we will, in effect, be doing what the gentleman from Kentucky does not want to do; and that is pit these groups against each other.

Mr. TAUKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, Members of the House, in a very real sense, the moment of truth is at hand. Each of us knows that during the course of this year we are going to be called upon to make expenditures for worthwhile causes. I happen to serve on the Energy and Commerce Committee and the Education and Labor Committee. Those two committees handle a lot of health care issues; they handle a lot of education issues; job training issues, and a variety of social services issues.

I can tell you that every time one of those issues comes up there is justification offered to spend a lot more money. The needs out there across our country are great; they are great on a variety of fronts, and if we were going to spend the money to solve all of those problems, we would spend more money than we have.

So we as a Congress face the question, What do we do in order to on the one hand meet the needs as best we can and on the other hand, deal with another major problem that confronts the country, and that is a raging Federal deficit which threatens to undermine our ability to even do what we are doing now next year or the year after or the year after that.

The gentleman from Michigan [Mr. PURSELL] and the gentleman from Connecticut [Mr. MORRISON] have taken a tough stand. They are not the kind of people—nor am I nor are you—who wants to stand up and say we do not have the money to be able to do all we would like to do for this particular group which needs our help. It is not easy to do that, but it may be a lot kinder to do that than it is to say to all of those who have needs, the illiterate in our country numbering over 50 million, for whom we are doing no more this year, despite the fact that they cannot read or write; those who deserve health care and who are not receiving it, despite the fact that they have illnesses; those who are without jobs and do not have job training, de-

spite the fact that they do not have jobs through no fault of their own.

We are saying to them: We cannot afford any more money this year. The same has to be said in this case to this group, because if we do not bite the bullet now and continue to bite it as the year goes on, the strength of our economy will be eroded, and our ability to respond to all these problems in the years ahead will be substantially diminished.

So I understand that it may not be fair, as the gentleman from Kentucky so eloquently pointed out, and I certainly understand the impression that some have that it may not be kind, and I understand that it is not gentle and it is not pleasant, but if we do not take the tough stand now, ladies and gentlemen, we are going to constantly be facing the same arguments as different appropriations and authorization bills come before us.

We have been down this road many times before, and in my judgment, the only way we are going to be able to curtail unreasonable growth that threatens our ability to meet the needs of the Nation in the years ahead, is to stick with the freeze principle. It is not the fairest way to go, but it probably is the ony way that has a chance to succeed.

So I say to you again, the moment of truth is at hand, and I hope that we who have said that we want to do something about the deficit and do it in a fair and equitable way, will recognize that this is not the idea; that it is the most effective, the fairest and most equitable way to deal with this.

I urge support for the amendment.

I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I thank the gentleman for yielding, and I just want to compliment you on your statement and echo those words. Ladies and gentlemen, this is the turning point. We have coming up next week the Department of Defense authorization, the foreign aid authorization, and if we start today saying this is the exception to a freeze; next week it is national security that is the exception; week after that it is foreign policy, and we are going to get to the farm bill: "I want you to take care of my farmers that are going backrupt," others want to take care of their senior citizens. The gentleman from Kansas talked about the native Americans.

What about the disadvantaged students in title I and those kind of programs? What about youth unemployment, the black youth in our inner cities? What about youth unemployment, summer work? If you start here, there is no end to the floodgate.

I commend you, ladies and gentlemen; it is tough, it is unpleasant, but it is necessary.

Mr. GARCIA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be very brief. I just think that this debate has taken a wrong turn. It is a debate that has gone to those who have to those who have not.

I know that every one of the persons who have spoken are people who have over the years demonstrated their commitment to this Nation, and I just want to make it very clear that when you start to talk about refugees as opposed to those who are American citizens as far as many of us are concerned, the fact of the matter is, if there is need in this country it should not matter; it should not matter.

Whether we are talking about a person who has just arrived and cannot speak English in some Midwestern State like Minnesota or those who live in a community like mine, and I would hope that those who are listening to this debate understand that it is not one against the other, but that we are all in this together.

I want to commend both my colleague from Kentucky and my colleague from California. Over the last several years, we have been diametrically opposed on questions of immigration, but I must say here, as I listen to the debate, whether it is a LUNGREN from California, a MAZZOLI from Kentucky, a FRANK from Massachusetts, that I am proud that this debate is taking the form that it has and that once again, those of us who have had an opportunity here in this Congress understand the plight of those new arrivals.

Mr. FRANK. Will the gentleman yield?

Mr. GARCIA. I yield to the gentleman.

Mr. FRANK. Mr. Chairman, I just want to respond to what seems to be the wholly unfortunate, inaccurate, unwarranted suggestion that if we defeat the amendment we are somehow favoring newcomers over people who are already here. That is a terrible misstatement.

Let me point out that the biggest single category of reduction in the amendment would be for reimbursement for people who are locked up. Now that is a great favor we are doing these people, is it not? We lock them up. What we are talking about here is a bill which says, pay $31 million to the States that lock these people up, and the amendment says cut it to five.

My friend from Kansas says, if you only reimburse 5 instead of 31 for locking these people up, you are doing them a favor. You know, the gentleman from Michigan says, $12,000 per person. You know, people that are locked up would rather you spent less on them? They would tell you, "Save the money for guards, don't have any guards. Don't fix the alarm system. Get rid of those dogs."

You think you are doing people a favor when you lock them up and then reimburse the State? Let us not have this fantasy that somehow you are doing people this enormous favor when the biggest single category you are trying to reduce is reimbursement for people that get locked up.

Mr. SHAW. Will the gentleman yield?

Mr. GARCIA. I yield to the gentleman.

Mr. SHAW. I thank the gentleman for yielding. I always hate to come on after my friend from Massachusetts; he is always a tough act to follow, but I think that we are losing our focus a little bit here.

Mr. Chairman, what we are saying is that the responsibility for these people is a Federal responsibility and not a State responsibility.

I thank the gentleman from Iowa [Mr. TAUKE], the gentleman from Wisconsin [Mr. GUNDERSON], the gentleman from Michigan, the gentleman from Connecticut; they made great statements as far as fiscal responsibility, but I am talking about Federal responsibility.

It is not the responsibility of the States. The States do not control the immigration policy, we have no control as individual States over what the immigration policy is going to be, and it is simply recognizing the Federal role.

□ 1620

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to my colleague, the gentleman from Michigan.

Mr. PURSELL. I just want the Members to know it is not a killer amendment. This amendment is a freeze plus 4.3 percent increase for inflation. Now, I do not know what more we can do, but I think we have got to keep our eye on the target here, to help and be fair across the board, because there are other groups out there, next week and the week after. The defense budget is going to be up next week, as the gentleman from Wisconsin [Mr. GUNDERSON] points out. Let's see where we are. Let's see who is going to play tough next week. But we are very fair on this amendment. We are not offering a killer amendment. We are trying to be consistent with other authorization bills, to be fair to the taxpayer of the United States, who really has not been in this debate too much today, I might add.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and simply to say that if we are going to make comparisons, which are always odious, let us at least make comparisons correctly. And if you are talking about a 25-percent cut in the line item in this bill, show me the 25-percent cut in the line item that you comparing and then we will

know what we are talking about. I have not heard that. The rhetoric is good but the comparison is incorrect. Now, the House has already demonstrated its courage, it has already demonstrated its wisdom on this issue many times. But just recently, on the last amendment, which was an effort to strike out one of the services, the issue was whether or not State and local taxpayers should pay the tab for Federal policy, and this House just said a little while ago by more than 3 to 1 we recognize the Federal responsibility, we are willing to face it. That is courageous, that is fair. And that was to the extent of $50 million on the line item. This amendment is the same principle revisited. It is another effort to knock $50 million plus out of this bill covering social services, covering medical and covering incarceration.

The issue is not the people who are involved. The issue is: Are you going to reimburse the State and the local communities for Federal responsibility?

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. The gentleman has had plenty of time.

Mr. PURSELL. I just want to answer the gentleman's question.

Mr. FASCELL. I did not ask you a question. I am answering it myself. I asked the question to myself.

In other words, you have already faced the issue, and I think properly, and I thank you for that, and I think you should face the issue this time the same way. Instead of knocking out one item, this amendment strikes three items. But the issue is the same and the amount of money is relatively the same, $50 million. The issue is still the same. Payment, Federal responsibility, reimbursement to State and local government. The taxpayer is the same except in one case it is spread across the board federally and in the other case it is concentrated only in the areas that had tried desperately to respond to the Federal policy. That is what is unfair if you vote for this amendment. So I ask you to vote no.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. PURSELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PURSELL. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 112, not voting 43, as follows:

[Roll No. 160]

AYES—278

Andrews	AuCoin	Beilenson
Annunzio	Bartlett	Bentley
Applegate	Barton	Bereuter
Archer	Bateman	Bevill
Armey	Bates	Biaggi
Aspin	Bedell	Bliley
Boehlert	Hamilton	Pickle
Boner (TN)	Hansen	Pursell
Bonker	Hendon	Rahall
Borski	Henry	Ray
Bosco	Hertel	Regula
Boucher	Hiler	Reid
Boulter	Hopkins	Ridge
Brooks	Horton	Rinaldo
Broomfield	Hoyer	Ritter
Brown (CO)	Hubbard	Roberts
Broyhill	Hughes	Robinson
Bruce	Hunter	Roemer
Bryant	Hyde	Rogers
Burton (IN)	Jacobs	Rostenkowski
Byron	Jeffords	Roth
Callahan	Jenkins	Roukema
Campbell	Johnson	Rowland (CT)
Carney	Jones (NC)	Rowland (GA)
Carper	Jones (OK)	Russo
Carr	Jones (TN)	Saxton
Chandler	Kanjorski	Schaefer
Chappie	Kaptur	Schneider
Cheney	Kasich	Schroeder
Clinger	Kastenmeier	Schuette
Coats	Kemp	Schulze
Cobey	Kennelly	Sensenbrenner
Coble	Kindness	Sharp
Coleman (MO)	Kleczka	Shumway
Coleman (TX)	Kolbe	Shuster
Combest	Kramer	Sikorski
Conte	LaFalce	Siljander
Cooper	Lagomarsino	Skeen
Coughlin	Lantos	Skelton
Courter	Latta	Slattery
Craig	Leach (IA)	Slaughter
Crane	Leath (TX)	Smith (NE)
Crockett	Lent	Smith (NH)
Daniel	Lightfoot	Smith, Denny
Dannemeyer	Livingston	Smith, Robert
Darden	Lloyd	Snowe
Daub	Loeffler	Snyder
Davis	Lujan	Solomon
DeLay	Luken	Spence
Derrick	Lundine	Spratt
Dickinson	Mack	Staggers
Dicks	Madigan	Stallings
DioGuardi	Martin (IL)	Stenholm
Dorgan (ND)	Martin (NY)	Strang
Dreier	Martinez	Stratton
Duncan	McCain	Stump
Durbin	McCloskey	Sundquist
Dyson	McCurdy	Sweeney
Eckart (OH)	McDade	Swindall
Eckert (NY)	McEwen	Synar
Edwards (OK)	McGrath	Tallon
Emerson	McHugh	Tauke
English	McKernan	Tauzin
Erdreich	McKinney	Thomas (CA)
Evans (IA)	McMillan	Thomas (GA)
Evans (IL)	Meyers	Torricelli
Fawell	Michel	Traficant
Feighan	Miller (OH)	Traxler
Fiedler	Miller (WA)	Udall
Fields	Mollohan	Valentine
Foley	Monson	Vander Jagt
Fowler	Montgomery	Visclosky
Franklin	Moore	Volkmer
Frenzel	Moorhead	Vucanovich
Frost	Morrison (CT)	Walgren
Gallo	Morrison (WA)	Walker
Gaydos	Mrazek	Watkins
Gejdenson	Murphy	Weaver
Gekas	Myers	Weber
Gephardt	Natcher	Wheat
Gilman	Neal	Whitehurst
Gingrich	Nichols	Whittaker
Glickman	Nielson	Whitten
Goodling	Obey	Wirth
Gordon	Olin	Wise
Gradison	Oxley	Wolpe
Gray (IL)	Packard	Wortley
Green	Panetta	Wyden
Gregg	Parris	Wylie
Grotberg	Pease	Yatron
Gunderson	Penny	Young (FL)
Hall (OH)	Perkins	Young (MO)
Hall, Ralph	Petri	

NOES—112

Ackerman	Badham	Bonior (MI)
Akaka	Barnes	Brown (CA)
Alexander	Bennett	Burton (CA)
Anderson	Berman	Bustamante
Anthony	Bilirakis	Chappell
Atkins	Boggs	Clay
Coelho	Kildee	Pashayan
Collins	Kostmayer	Pepper
Conyers	Lehman (CA)	Price
Coyne	Lehman (FL)	Rangel
Dellums	Leland	Richardson
DeWine	Levin (MI)	Rodino
Dingell	Levine (CA)	Rose
Donnelly	Lewis (CA)	Roybal
Dornan (CA)	Lipinski	Sabo
Dwyer	Long	Savage
Dymally	Lowry (WA)	Scheuer
Early	Lungren	Schumer
Edwards (CA)	Manton	Seiberling
Fascell	Markey	Shaw
Fish	Matsui	Shelby
Florio	Mavroules	Smith (FL)
Foglietta	Mazzoli	Smith (NJ)
Ford (MI)	McCandless	Solarz
Frank	McCollum	Stangeland
Fuqua	Mica	Stark
Garcia	Mikulski	Stokes
Gibbons	Mineta	Studds
Gonzalez	Mitchell	Torres
Gray (PA)	Molinari	Towns
Hammerschmidt	Moody	Vento
Hatcher	Nelson	Weiss
Hayes	Nowak	Wolf
Hillis	O'Brien	Wright
Holt	Oakar	Yates
Howard	Oberstar	Zschau
Hutto	Ortiz	
Ireland	Owens	

NOT VOTING—43

Addabbo	Hartnett	Quillen
Barnard	Hawkins	Roe
Boland	Hefner	Rudd
Boxer	Heftel	Sisisky
Breaux	Huckaby	Smith (IA)
Daschle	Kolter	St Germain
de la Garza	Lewis (FL)	Swift
Dixon	Lott	Taylor
Dowdy	Lowery (CA)	Waxman
Downey	MacKay	Whitley
Edgar	Marlenee	Williams
Fazio	Miller (CA)	Wilson
Flippo	Moakley	Young (AK)
Ford (TN)	Murtha	
Guarini	Porter	

□ 1640

The Clerk announced the following pair:

On this vote:

Mr. Porter for, with Mr. Addabbo against.

Mr. AKAKA changed his vote from "aye" to "no."

Messrs. PANETTA, WYLIE, MARTINEZ, and HOYER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 20, after line 4, add the following new subsection:

"(g) It shall be the policy of the United States Government that the President, in consultation with the Attorney General and all appropriate federal, state and county officials referred to in Section 13 of this Act, shall place top priority on seeking the expeditious removal from this country and the return to Cuba of such persons defined in subsection (f)(1) by any reasonable and responsible means, and to this end the Attorney General may use the funds hereafter authorized by this Section to conduct such policy."

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be consid-

ered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, I have worked out the language of this amendment with the committee, and it is my understanding that they are going to take the amendment.

It is an amendment which simply goes to a section of the bill where the committee, I think, has very responsibly spoken to the issue of incarceration of the criminals who arrived in the Mariel boatlift.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, if I can be heard, the majority will accept the gentleman's amendment.

Mr. WALKER. I thank the gentleman.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, we accept it on this side, too.

Mr. WALKER. I thank the gentleman for that.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Florida.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman offering this amendment because it goes to the heart of the problem of the administration or anyone else not returning those incarcerated Marielitos that we have had all this problem with who are convicted criminals around this country.

What this amendment does is make it very clear that that is what this Congress wants to be done. It is not just a question of negotiation with Mr. Castro; it is a question of needing to get it done.

I commend the gentleman on his amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

Mr. DAUB. Mr. Chairman, I move to strike the last word.

I will not take but just a minute or so. I would like to ask the ranking minority member a question, if I might.

I would like to ask the gentleman from California [Mr. LUNGREN], if he would, to elucidate for the purpose of the Members as well as for the record if in this bill any effort has been made by the committee to tighten down and/or to improve upon the rules by which the so-called voluntary agencies, or VOLAG's, will utilize Federal funds to obtain a better programming effort, since they have been under some criticism during the last year for their inability to use our Federal funds wisely.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I would be happy to yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman, I am sure, is referring to comments and criticisms that were contained in a number of articles, including a recent Reader's Digest article, in terms of the laxness that existed in the program and the voluntary agencies.

This bill is replete with many changes that have been made to better police the funding of the voluntary agencies, to articulate the responsibilities of the voluntary agencies, to ensure that there is cooperation between local and State government and those voluntary agencies, all to the purpose of saving the taxpayers money, and also to the purpose of weaning people away from the welfare system and on the road toward self-sufficiency in the private sector.

Mr. DAUB. I want to commend the gentleman and the committee.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I would be happy to yield to the chairman, the gentleman from Kentucky.

Mr. MAZZOLI. I would only add to what my friend from California said: that the bill also requires audits by the General Accounting Office of the handling of this money.

Mr. DAUB. I thank the gentleman.

The CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. WRIGHT] having assumed the chair, Mr. TRAXLER, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 1452) to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes pursuant to House Resolution 191, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1650

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 1452, the bill just passed.

The SPEAKER pro tempore (Mr. MITCHELL). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUPPLEMENTAL REPORT ON H.R. 2378, EQUAL ACCESS TO JUSTICE ACT AMENDMENTS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to file a supplemental report on the bill H.R. 2378.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1872, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1986

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 99-172) on the resolution (H. Res. 200) providing for the consideration of the bill (H.R. 1872) to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe person-

nel strengths for such fiscal year for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have taken this time for the purpose of inquiring of the distinguished majority leader of the program for next week.

Mr. WRIGHT. Mr. Speaker, if the distinguished minority leader would yield, I would be happy to respond.

Mr. MICHEL. I am happy to yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, we have completed the business for this week, and upon our adjournment today, we will adjourn to meet at 12 o'clock noon on Monday. There will be no session tomorrow.

On Monday, we have 11 bills scheduled for consideration under suspension of the rules. We plan not to vote on those bills, however, on Monday, but to postpone any votes required until the following day, Tuesday.

Those bills to be considered under suspension of the rules are as follows:

H.R. 2378, amendments to U.S.C., title 5, section 504;

H.R. 2434, patent and trademark authorizations;

H.R. 1650, safe drinking water amendments;

H.R. 2369, authorizations for title 10 of Health Service Act;

H.R. 2409, Health Research Extension Act;

H.R. 2417, HMO (health maintenance organizations) amendments;

H.R. 2290, orphan drug amendments;

S. 413, war risk insurance;

S. 679, Maritime Administration authorization;

H. Con. Res. —, welcoming the Prime Minister of Tunisia on his official visit to the United States; and

H.J. Res. —, commending the President on SALT II.

We will meet at noon on Tuesday and at 10 o'clock for the balance of the week.

Members should be advised that beginning Tuesday, we will take up the Department of Defense Authorization Act. We intend to continue until we have completed it. We hope that can be done by late Thursday. If that is not possible, then we would have to go over into a Friday session. So I think it would be well for Members to take that into account in their planning. With any cooperation, we should be able to finish it by Thursday.

Mr. MICHEL. Mr. Speaker, I would gather also, in view of the importance of that legislation, that Members should be prepared to meet during late hours, probably on all 3 days, Tuesday, Wednesday, and Thursday; would that not be true?

Mr. WRIGHT. That certainly is correct. The gentleman's suggestion is absolutely right. If we are to finish it on Thursday, we will probably need to be in session until maybe 7 o'clock on Tuesday and Wednesday.

Mr. MICHEL. Mr. Speaker, I appreciate that, and I yield back the balance of my time.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1809

Mr. EVANS of Iowa. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1809.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 17, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1617, NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1986

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees: Messrs. FUQUA, WALGREN, LUNDINE, LUJAN, and BOEHLERT.

There was no objection.

REPORT OF THE CHEMICAL WARFARE REVIEW COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mrs. BOGGS] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services:

(For message, see proceedings of the Senate of today, Thursday, June 13, 1985.)

□ 1220

HEARING TO BE HELD ON "JUNK BONDS"

(Mr. PARRIS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PARRIS. Mr. Speaker, nearly everyone agrees that a certain amount of corporate takeover is a good thing, serving what Joseph A. Shumpeter christened "The Process of Creative Destruction" whereby capitalism destroys old structures and creates new ones.

Capitalism is by nature a form or method of economic exchange, and not only never is, but never can be, stationary. The fundamental impulse that keeps the capitalist engine in motion comes from the new consumer goods, the new markets, the new methods of production in transportation, the new forms of industrial organization that capitalist enterprise creates.

We will have, in the Subcommittee on Oversight of the Banking and Finance Committee of which I am the ranking member, Mr. Speaker, a hearing on the use of "junk bonds" on June 19, and I would like for the benefit of my colleagues to include in the record an editorial that appeared in the Wall Street Journal on Wednesday, June 5, 1985 on this issue. I would hope that they will remember—and it is important to do so—"that greed is disciplined by the marketplace, that by and large takeovers succeed only if a broadly diversified market approves."

I look forward to those hearings, Mr. Speaker, I hope they will be beneficial to the membership of this House.

TAKEOVERS: THE MARKET TEST

The opening up of new markets, foreign or domestic, and the organizational development from the craft shop and factory to such concerns as U.S. Steel illustrate the same process or industrial mutation—if I may use that biological term—that instantly revolutionizes the economic structure from

within, incessantly destroying the old, incessantly creating a new one. This process of Creative Destruction is the essential fact about capitalism. It is what capitalism consists in and what every capitalist concern has got to live in. . . .

[T]he problem that is usually being visualized is how capitalism administers existing structures, whereas the relevant problem is how it creates and destroys them.—Joseph A. Shumpeter "Capitalism, Socialism and Democracy"

So the greatest economist of our century described the essence of capitalism. And after listening to the big debate on corporate takeovers this year, we found our way back to his great book and particularly the chapter "The Process of Creative Destruction." For the longer we've thought about the subject the less we've come to fear a "takeover mania." Instead we fear some heavy-handed congressional regulation, if indeed the Delaware Supreme Court has not already gone too far with its recent ruling handing managements new defensive powers. The danger in inhibiting takeovers is cutting off Shumpeter's creative destruction.

Readers of this page have been able to follow a remarkable airing of the sides of the takeover debate: raider Sir James Goldsmith (Feb. 11), poison-pill inventor Martin Lipton (April 5), investment banker Felix Rohatyn (April 18), Prof. William J. Carney of Emory University (April 29), Gregg Jarrell and Kenneth Lehn of the SEC (May 1), Sen. Pete Domenici on his bill to regulate takeovers (May 14), Frederick Joseph of Drexel Burnham Lambert in defense of "junk bonds" (May 31).

CREATIVE DESTRUCTION—I

An editorial series

Critics of takeovers like Mr. Lipton, Mr. Rohatyn and Sen. Domenici have undoubtedly been able to identify some problems. But many of them are either not unique to takeovers (high leverage) or already being sorted out in the marketplace (green-mail). On balance we have been more impressed by the arguments of the defenders. In particular, they can show that much of what is being criticized is legitimate investment banking—creating new financial instruments and new corporate structures more suited to the contemporary marketplace.

This is perhaps most easily seen by focusing on one issue, the "restructuring" of the oil industry. T. Boone Pickens gave his views on this issue in a Jan. 8 letter, and it was addressed quite independently of the takeover battles in a Feb. 21 article by John Sawhill of McKinsey & Co. The turbulence of energy prices in the 1970s has completely changed the environment for the oil industry, creating a glut of refinery capacity, leaving producing nations rather than international companies in control of oil reserves and greatly enhancing the importance of the spot market for crude oil. In these new conditions, the traditional vertically integrated oil company is no longer necessarily the best answer for either the investor or the consumer.

The problem is how to shed inefficient refinery capacity, take advantage of the spot market, and return cash flows from oil production to the capital markets so they can be redirected to other opportunities. It is not impossible to do this within the structure of present oil companies; refineries and retail outlets are being closed. Exxon, surely not under nay takeover threat, has repurchased some of its shares, a way of returning money to the capital markets. But inertia attaches to any large bureaucratic structure, and even when raiders have not succeeded in ousting managements they have often been the catalysts for necessary restructuring.

This is certainly not to say that every takeover proposal is economically justified, let alone that the raiders are motivated by a public-spirited desire to improve economic efficiency. But legislators or judges who have to decide on takeover law ought to read "The Market for Corporate Control" in February's report by the Council of Economic Advisers, which concluded that takeovers add to economic efficiency and wealth, and should be not discouraged but encouraged.

In particular, it's important to remember that greed is disciplined by the marketplace, that by and large takeovers succeed only if a broadly diversified market approves. Wall Street still echoes with laughter at the cashless bid for CBS by Ted Turner, who is probably not motivated solely by economic considerations. Few such flimsy offers ever reach public prints. More often raiders are going to pick companies on which they think they can make money, junk bond dealers and buyers will back deals on which they think they can make money, the arbitragers will buy only if they think they can make money on a successful deal. And shareholders will sell only if the stock price goes up.

The market test of hostile takeover may not provide absolute proof that every deal is an example of Creative Destruction at work. But the market, we submit, is a far better test than anything Congress is likely to devise.

CAVE-IN ON THE CONTRAS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. LEVINE of California. Mr. Speaker, yesterday this body reversed course and made a sad and unfortunate decision to provide aid to the so-called Contras in Nicaragua. This decision could have tragic consequences both for Latin America and for us.

Today's Los Angeles Times identifies the real issues on which we must remain focused. It states:

"What Congress ultimately must do is stop helping the Contras once and for all and force Reagan"—as they put it—"to abandon the cockeyed notion that the Nicaraguan rebels represent a force that can push the Sandinistas around until they start seeing things the White House way."

As the Los Angeles Times indicated, the Contadora process, which is our best hope for peace in this region:

Would have a better chance of working if Congress kept aid to the Contras bottled up. Votes like those of Wednesday just increase the chances of expanding violence and bloodshed in Central America.

Mr. Speaker, I hope we will take these admonitions to heart and rethink the unfortunate decisions, with potentially tragic consequences, that were made yesterday.

The entire text of the Los Angeles Times article is as follows:

CAVE-IN ON THE CONTRAS

The big Democratic vote in the House Wednesday for "humanitarian" aid to the *contra* rebels in Nicaragua might make sense if the members really believed any good would come of it.

But for many, the vote was more cynical than that. It was an effort, made in many cases purely for political self-protection, to appease President Reagan, who has been trying for months to send more military assistance to the guerrillas fighting the Sandinista government. Since his request for $14 million in *contra* aid was defeated in April, Reagan has intensified his attacks on the Sandinistas as Soviet puppets, suggesting that congressmen who did not support the *contras* are soft on communism and scaring Democrats from conservative districts. Many switched their votes just to get the President off their backs.

The turnaround was about as complete as any in recent Congressional history. In April, the House voted 303–123 against aid for the contras of any kind. The Wednesday vote was 248–184 in favor of aid.

To be fair, the President's rhetoric was not the only factor in the turnabout. Many members said they switched sides because Nicaragua President Daniel Ortega flew to Moscow to seek aid almost immediately after the April vote.

Some House Democrats tried to put the best face on their reversal by noting that the new *contra* bill provides $27 million only for nonlethal items like food, clothing and medicine. It also mandates that the money be distributed by the Agency for International Development rather than the Central Intelligence Agency, which is the designated agency for *contra* aid in a similar bill already approved by the Senate.

But as Rep. Edward P. Boland (D-Mass.) aptly put it, the whole concept of nonlethal or humanitarian aid for the contras is "a fig leaf." Every U.S. aid dollar the contras use to buy food or medicine frees up another dollar they have raised from other sources to buy guns and bullets.

The House leadership can try to stall the aid bill in a conference committee that will be appointed to resolve differences between the House and Senate versions, but that would only postpone the damage Congress is doing by cooperating, even with relatively small amounts of money, with White House policy on Nicaragua.

What Congress ultimately must do is stop helping the contras once and for all and force Reagan to abandon the cockeyed notion that the Nicaraguan rebels represent a force that can push the Sandinistas around until they start seeing things the White House way. Even assuming that Reagan can keep his "covert" war against the Sandinistas going, it will never have much chance of success. Despite all the private financial support the contras get from right-wing ideologues, they simply do not have the popular support inside Nicaragua to defeat the Sandinistas.

The only way the United States can exert a moderating influence on Nicaragua, under the present circumstances and considering the sorry history of U.S. intervention in that country, is to put some distance between our two countries. Congress must give democratic allies in Latin America a chance to deal with the Nicaraguan revolutionaries free of the crisis atmosphere created by the Administration. The Contadora countries—

Mexico, Venezuela, Colombia and Panama—have the same interest in Central American stability that the United States does, and know the Sandinistas better. Contadora remains the best hope for keeping peace between Nicaragua and its neighbors. The Contadora process would have a better chance of working if Congress kept aid to the contras bottled up. Votes like those of Wednesday just increase the chances of expanding violence and bloodshed in Central America.

□ 1700

BALTIC STATES FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Madam Speaker, June 14 is the 45th anniversary of the illegal Soviet occupation of Latvia, Estonia, and Lithuania. In 1940, these three Baltic States were overrun and forced into annexation by the Soviet Union, a barbaric action which the United States still refuses to recognize.

Since 1940, Soviet historians have been systematic in their attempts to rewrite history and prove that these three nations voluntarily accepted Communist rule. However, in fact, many brave men, women, and children of Latvia, Estonia, and Lithuania risked their lives in their fight against Soviet domination, and they continue in their efforts to preserve their own national, cultural, and religious heritage.

During the initial attempts to "russify" these three separate, distinct national cultures—Latvian, Estonian, and Lithuanian—political and religious leaders, teachers, and intellectuals who opposed Soviet occupation disappeared. The intelligentsia, along with thousands of innocent men, women, and children were deported to Siberian labor camps, and some were tortured and others executed. The deportation process lasted 9 long years.

For those who were allowed to remain behind, the Soviets imposed severe restrictions on their religious practices, customs, and use of native languages. Libraries containing the histories of the peoples of Latvia, Estonia, and Lithuania were ruthlessly destroyed, as the Communists attempted to wipe out all traces of the heritage of these three countries.

Despite this Soviet brutality which continues to this day, the countries of Lativa, Estonia, and Lithuania have endured and their peoples have not forsaken their national identities or their hope for freedom. Their courage refuses to die and has been a source of inspiration for others living under the yoke of Communist rule.

The United States and other countries continue to assert the nonvalidity of the Soviets' control over these countries, and Latvia, Estonia, and Lithuania are recognized and represented by diplomats and consulates as distinct nations. The plight of the citizens of these countries, who are trying to escape from tyranny and oppression, is of deep concern to the people of the United States, and all freedom-loving people throughout the world. Therefore, I was privileged to add my name as a cosponsor to House Joint Resolution 263, a bill to designate June 14, 1985, as Baltic Freedom Day. Similar legislation was recently approved this week by the full House of Representatives with my strong support, and the text of House Joint Resolution 263 follows:

H.J. RES. 263

Joint Resolution designating June 14, 1985, as "Baltic Freedom Day"

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence; and

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations; and

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions, and languages distinctively foreign to those of Russia; and

Whereas the Union of Soviet Socialist Republics (U.S.S.R.) in 1940 did illegally seize and occupy the Baltic Republics and by force incorporate them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R. and

Whereas the U.S.S.R. since 1940 has systematically removed native Baltic peoples from their homelands by deporting them to Siberia and caused great masses of Russians to relocate in the Republics, thus threatening the Baltic cultures with extinction; and

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom; and

Whereas the people of Lithuania, Latvia, and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest; and

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism; and

Whereas the United States, as a member of the United Nations, has repeatedly voted with a majority of that international body to uphold the right of other countries of the world, including those in Africa and Asia, to determine their fates and be free of foreign domination; and

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms; and

Whereas the U.S.S.R. conscripts Lithuanians, Latvians, and Estonians into the Soviet Armed Forces compelling them to serve in Afghanistan, Vietnam, and Cuba; and

Whereas 1985 marks the forty-fifth anniversary of the United States continued policy of nonrecognition of the illegal occupation of Lithuania, Latvia, and Estonia by the U.S.S.R.: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R. and deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression and that the fourteenth day of June 1985, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people and that the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities.

Mr. Speaker, I am proud to join with Americans of Latvian, Estonian, and Lithuanian descent in the 11th Congressional District of Illinois which I am honored to represent, and all those across this Nation in commemorating June 14, 1985, as the 45th anniversary of Baltic States Freedom Day. Let us join hands with those brave individuals who continue to oppose Communist persecution, and let us hope and pray that the independent governments of Latvia, Estonia, and Lithuania will one day be restored so that these three nations will once again be able to determine the course of their own destinies.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CALLAHAN) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, June 18.

Mr. GINGRICH, for 60 minutes, June 19.

Mr. GINGRICH, for 60 minutes, June 20.

Mr. GINGRICH, for 60 minutes, June 21.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SUNIA, for 5 minutes, June 17.

Mr. PANETTA, for 30 minutes, June 17.

Mr. GAYDOS, for 30 minutes, June 18.

Mr. WILLIAMS, for 60 minutes, June 25.

Mr. WILLIAMS, for 60 minutes, June 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FISH, during general debate in the Committee of the Whole on H.R. 1452 today.

Mr. EVANS of Iowa, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $4,377.50.

(The following Members (at the request of Mr. CALLAHAN) and to include extraneous matter:)

Mr. RITTER.
Mr. LOTT.
Mr. CLINGER in two instances.
Mr. COURTER in two instances.
Mr. CRANE.
Mr. SMITH of New Jersey in two instances.
Mr. CHAPPIE.
Mr. SHUMWAY.
Mr. PURSELL.
Mr. SCHUETTE.
Mr. BROOMFIELD.
Mr. DIOGUARDI in two instances.
Mr. CONTE in two instances.
Mr. KEMP in two instances.
Mr. SHUSTER.
Mr. HYDE.
Mr. GRADISON.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. MONTGOMERY.
Mr. MURTHA.
Mr. COELHO.
Mr. SYNAR in two instances.
Mr. RICHARDSON.
Mr. BARNES.
Mr. STUDDS.
Mr. UDALL.
Mr. MACKAY.
Mr. MRAZEK.
Mrs. BOXER.
Mr. WHEAT.
Mr. RAHALL.
Mr. DE LA GARZA.
Mr. DIXON.
Mr. SKELTON.
Mr. LEVINE of California.
Mr. HUBBARD.
Mrs. SCHROEDER.
Mr. FASCELL in three instances.
Mr. FORD of Michigan.
Mr. PEPPER.
Mr. CROCKETT in five instances.
Mr. GUARINI.
Mr. ST GERMAIN.
Mr. FLORIO.
Mr. RANGEL in four instances.
Mr. FEIGHAN.
Mr. GARCIA.
Mr. BONIOR of Michigan.
Mr. ROE.
Mr. LEHMAN of Florida.
Mr. LIPINSKI.
Mr. NELSON of Florida.
Mr. WALGREN.
Mr. TORRICELLI.
Mr. YATRON in two instances.
Mr. PEASE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1141. An act relating to certain telephone services for Senators; referred to the Committee on House Administration.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 142. Joint resolution to designate June 12, 1985, as "Anne Frank Day."

ADJOURNMENT

Mr. WATKINS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.) under its previous order, the House adjourned until Monday, June 17, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1478. A letter from the Architect of the Capitol, transmitting a report on expenditures during the period October 1, 1984 through March 31, 1985, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

1479. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-30, "Legislative Veto Amendments Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1480. A letter from the Secretary of Health and Human Services, transmitting the annual plan for fiscal years 1986-90 for the National Cancer Program, pursuant to PHSA, section 404(a)(9) (92 Stat. 3425); to the Committee on Energy and Commerce.

1481. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed agreement to provide for the coproduction and assembly of aircraft in Taiwan, pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

1482. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered in to by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1483. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Bruce Chapman to represent the United States to Vienna for the United Nations, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1484. A letter from the Manager, Compensation and Benefits, Farm Credit Banks of St. Louis, transmitting the annual report for the sixth farm credit district retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1485. A letter from the Secretary of the Interior, transmitting the report entitled: "Federal Coal Management Report, Fiscal Year 1984," pursuant to the act of February 25, 1920, chapter 85, section 8B (90 Stat. 1089); to the Committee on Interior and Insular Affairs.

1486. A letter from the Secretary of Health and Human Services, transmitting a report on the Social Security Advisory Committees, pursuant to SSA, section 1114(f) (76 Stat. 190); jointly, to the Committees on Energy and Commerce and Ways and Means.

1487. A letter from the Comptroller General of the United States, transmitting reviews of the audits of the Federal Home Loan Mortgage Corporation's financial statements of the years ended December 31, 1983 and 1982, pursuant to 12 U.S.C. 1456(b); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1488. A letter from the Attorney General of the United States, transmitting a draft of proposed legislation entitled: "The Money Laundering and Related Crimes Act of 1985"; jointly, to the Committees on the Judiciary and Banking, Finance and Urban Affairs.

1489. A letter from the Comptroller General of the United States, transmitting the Federal financing bank's financial statements for the years ended September 30, 1984, and 1983, pursuant to 12 U.S.C. 2293; jointly, to the Committees on Government Operations; Banking, Finance and Urban Affairs; and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. Supplemental report on H.R. 2378, (Rept. No. 99-170, Pt. II). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 200. Resolution providing for the consideration of H.R. 1872, a bill to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 99-172). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARR:

H.R. 2757. A bill to amend the Urban Mass Transportation Act of 1964 to require manufacturers of buses which are acquired with assistance under that act to guarantee the performance of those buses for 12 years; to the Committee on Public Works and Transportation.

By Mr. CHANDLER:

H.R. 2758. A bill to amend the Higher Education Act of 1965 to create a program supporting midcareer teacher training programs for individuals with expertise in mathematics and science, and for other purposes; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 2759. A bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries; to the Committee on Education and Labor.

H.R. 2760. A bill to amend the National Labor Relations Act to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes; to the Committee on Education and Labor.

By Mr. CLAY (for himself, Mr. WISE, and Mrs. BURTON of California):

H.R. 2761. A bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes; to the Committee on Education and Labor.

By Mr. CLINGER (for himself, Mr. MURTHA, Mr. RAHALL, and Mr. ROGERS):

H.R. 2762. A bill to amend the Internal Revenue Code of 1954 to increase the energy investment tax credit for conversions to coal-fueled facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. FRENZEL, and Mr. VANDER JAGT):

H.R. 2763. A bill to amend the Internal Revenue Code 1954 to repeal the capital gains tax on disposition of investments in U.S. real property by foreign citizens, to repeal the provisions providing for withholding of, and reporting on, such tax, and for other purposes; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 2764. A bill to amend the Urban Mass Transportation Act of 1964 to ensure that mass transportation facilities are safe by requiring the review of plans for construction or renovation of such facilities and to require inspection of such facilities during and after construction or renovation; to the Committee on Public Works and Transportation.

By Mr. LaFALCE:

H.R. 2765. A bill to amend the Federal Water Pollution Control Act relating to the construction and operation of certain treatment works which are subject to regulation under international treaties; to the Committee on Public Works and Transportation.

H.R. 2766. A bill to amend the Federal Water Pollution Control Act to allow all recipients of grants for treatment works to use dedicated ad valorem taxes in order to meet the requirement of the act that such recipients adopt user charges to pay for operation and maintenance of treatment works; to the Committee on Public Works and Transportation.

By Mr. LENT:

H.R. 2767. A bill to amend the Endangered Species Act of 1973 regarding the sale in interstate or foreign commerce of certain captive raptors; to the Committee on Merchant Marine and Fisheries.

By Mr. LEWIS of Florida (for himself, Mr. SMITH of Florida, Mr. MCCOLLUM, Mr. SHAW, and Mr. GILMAN):

H.R. 2768. A bill to authorize the payment of rewards by the Attorney General with respect to certain information leading to the arrest and conviction for certain killings and kidnappings related to the drug enforcement activities of certain Federal officials, and for other purposes; to the Committee on the Judiciary.

By Mr. MICA:

H.R. 2769. A bill to amend title 38, United States Code, with respect to the disclosure of statistical information regarding Veterans' Administration health-care programs; to the Committee on Veterans' Affairs.

By Mr. CRANE:

H.R. 2770. A bill to amend the Internal Revenue Code of 1954 to repeal the income taxation of corporations, to impose a 10-percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, to provide amnesty for all tax liability for prior taxable years, and for other purposes; to the Committee on Ways and Means.

By Mr. MOLINARI:

H.R. 2771. A bill to amend the act of October 27, 1972, to delete the Pennsylvania Avenue and Fountain Avenue landfills from the boundary of Gateway National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN:

H.R. 2772. A bill to permit trapping in the New River Gorge National River; to the Committee on Interior and Insular Affairs.

By Mr. RITTER (for himself, Mr. YATRON, Mr. GEKAS, Mr. BORSKI, Mr. FOGLIETTA, Mr. KOSTMAYER, Mr. MURPHY, and Mr. MURTHA):

H.R. 2773. A bill to amend the Internal Revenue Code of 1954 to allow an individual a credit against income tax for certain expenditures for the purpose of reducing radon levels in the principal residence of the individual; to the Committee on Ways and Means.

By Mr. RODINO (for himself, and Mr. FISH) (by request):

H.R. 2774. A bill to amend title 18 of the United States Code and other laws to make minor of technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes; to the Committee on the Judiciary.

By Mr. SHUMWAY (by request):

H.R. 2775. A bill to allow for greater cost recovery for NOAA nautical and aeronautical charts; to the Committee on Merchant Marine and Fisheries.

By Mr. BREAUX:

H.J. Res. 315. Joint resolution to designate August 1985 as "Cajun Music Month"; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA:

H. Con. Res. 164. Concurrent resolution expressing the sense of the Congress that it should be the policy of each committee of the Congress authorizing or appropriating funds for the construction of any structure that, where practicable, funds be authorized and appropriated for the construction and installation of a flagpole at such structure; to the Committee on Government Operations.

By Mr. FASCELL (for himself, Mr. WOLPE, Mr. BROOMFIELD, and Mr. SILJANDER):

H. Con. Res. 165. Concurrent resolution welcoming the President of Tunisia on his official visit to the United States; to the Committee on Foreign Affairs.

By Mr. KRAMER:

H. Con. Res. 166. Concurrent resolution to establish a Joint Select Committee on Defense Procurement Reform; to the Committee on Rules.

By Mr. SCHEUER (for himself, Mr. ADDABBO, Mr. AKAKA, Mr. ANDREWS, Mr. ATKINS, Mr. BROOKS, Mr. CHAPPELL, Mr. DE LA GARZA, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. FUQUA, Mr. GLICKMAN, Mr. HEFNER, Mr. JONES of Oklahoma, Mr. JONES of North Carolina, Mr. LEWIS of Florida, Mr. MCCURDY, Mr. MILLER of Washington, Mr. MINETA, Mr. MOODY, Mr. REID, Mrs. SCHROEDER, Mrs. SMITH of Nebraska, Mr. STANGELAND, Mr. SYNAR, Mr. TORRICELLI, Mr. VALENTINE, Mr. WATKINS, and Mr. WIRTH):

H. Con. Res. 167. Concurrent resolution expressing the sense of the Congress that procurement of the new U.S. weather radar system, Nexrad, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense; to the Committee on Science and Technology.

MEMORIALS

Under clause 4 of rule XXII, Memorials were presented and referred as follows:

160. By the SPEAKER: Memorial of the Legislature of the State of Maryland, relative to famine in Africa; to the Committee on Foreign Affairs.

161. Also, memorial of the Legislature of the State of the Virgin Islands, relative to shipping; to the Committee on Merchant Marine and Fisheries.

162. Also, memorial of the Legislature of the State of Maryland, relative to Mount Vernon Conference of 1785; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. THOMAS of Georgia.

H.R. 49: Mr. HAYES and Mr. GARCIA.

H.R. 239: Mr. MCCOLLUM.

H.R. 293: Mr. DYMALLY, Mr. FAUNTROY, Mr. OWENS, Mr. KINDNESS, Mr. MITCHELL, Mr. CROCKETT, Mr. MARTINEZ, Mr. CONYERS, Mr. KOLTER, Mr. BROWN of California, and Mr. MRAZEK.

H.R. 295: Mr. SAVAGE, Mr. DIXON, and Mr. DELLUMS.

H.R. 296: Mr. GRAY of Illinois, Mr. HAWKINS, Mr. MOODY, Mr. MITCHELL, Mr. OWENS, Mr. GARCIA, Mr. SAVAGE, Mr. RANGEL, Mr. MATSUI, Mr. DURBIN, Mrs. BENTLEY, Mr. LEHMAN of California, and Mr. CONYERS.

H.R. 299: Mr. HAWKINS, Mr. FUSTER, Mr. OWENS, Mr. MARTINEZ, Mr. RANGEL, Mr. ACKERMAN, Mr. DE LUGO, Mr. FAUNTROY, and Mr. SEIBERLING.

H.R. 307: Mr. FORD of Michigan and Mr. CROCKETT.

H.R. 308: Mr. RANGEL, Mr. MITCHELL, Mr. TOWNS, Ms. KAPTUR, Mr. FAUNTROY, Mr. HAYES, Mr. MARTINEZ, and Mr. FUSTER.

H.R. 523: Mr. BOEHLERT, Mr. BOUCHER, Mr. CHAPPELL, and Mr. YOUNG of Florida.

H.R. 525: Mr. ACKERMAN, Mr. ADDABBO, Mr. ANDREWS, Mr. ANTHONY, Mr. BEVILL, Mr. BIAGGI, Mr. BOEHLERT, Mrs. BURTON of California, Mr. CROCKETT, Mr. FISH, Mr. GLICKMAN, Mr. GRAY of Pennsylvania, Mr. HAWKINS, Mr. HAYES, Mr. HEFNER, Ms. KAPTUR, Mr. KEMP, Mr. KOLTER, Mr. KRAMER, Mr. MARTINEZ, Mr. MITCHELL, Mr. MRAZEK, Mr. MURPHY, Mr. ORTIZ, Mr. OWENS, Mr. RANGEL, Mr. ROBINSON, Mr. ROSE, Mr. SCHEUER, Mr. SLAUGHTER, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STALLINGS, Mr. SUNIA, Mr. TOWNS, and Mr. WIRTH.

H.R. 604: Mr. KOSTMAYER.

H.R. 615: Mr. BOEHLERT, Mr. YOUNG of Florida, Mr. GRADISON, Mr. MURTHA, Mr. SHAW, and Mr. MARTINEZ.

H.R. 667: Mr. MARTINEZ and Mr. DELLUMS.

H.R. 712: Mr. WHITEHURST, Mrs. BENTLEY, and Mr. BARTON of Texas.

H.R. 782: Mr. RINALDO.

H.R. 875: Mr. FAUNTROY, Mr. WHEAT, Ms. MIKULSKI, Mr. FRANK, Mr. BERMAN, Mrs. COLLINS, and Mr. KOLTER.

H.R. 976: Mr. OBERSTAR.

H.R. 994: Mr. DAUB, Mr. STOKES, Mr. BARTON of Texas, and Mr. SILJANDER.

H.R. 1031: Mr. HAWKINS and Mr. CROCKETT.

H.R. 1032: Mr. HAWKINS and Mr. CROCKETT.

H.R. 1059: Mr. BLILEY.

H.R. 1156: Mr. ORTIZ, Mr. SABO, Mr. DICKS, and Mr. GEJDENSON.

H.R. 1207: Mr. SILJANDER.

H.R. 1222: Mr. LEACH of Iowa.

H.R. 1294: Mr. TORRICELLI.

H.R. 1318: Mr. CHAPPIE and Mr. YOUNG of Florida.

H.R. 1556: Mr. HAWKINS.

H.R. 1612: Mr. HAMILTON, Mr. SHARP, and Mr. ECKERT of New York.

H.R. 1748: Mrs. BOGGS, Mr. MATSUI, Mr. RANGEL, Mr. MORRISON of Connecticut, and Mr. MARTINEZ.

H.R. 1769: Mr. WILLIAMS and Mr. CRAIG.

H.R. 1946: Mr. PACKARD and Mr. SILJANDER.

H.R. 1972: Mr. KOSTMAYER, Mr. MARTINEZ, Mr. DE LUGO, Mr. THOMAS of Georgia, Mr. FAZIO, Mr. TOWNS, Mr. NIELSON of Utah, Mr. MINETA, Mrs. LLOYD, Ms. MIKULSKI, Mr. MITCHELL, Mr. LEVIN of Michigan, Mr. CONYERS, Mr. MCCURDY, Mr. BIAGGI, Mr. LELAND, Mr. WAXMAN, Mrs. BOXER, Mr. MAVROULES, and Mr. SILJANDER.

H.R. 1980: Mr. GLICKMAN.

H.R. 2016: Mr. SILJANDER.

H.R. 2022: Mr. BEILENSON, Mr. ACKERMAN, Mr. MORRISON of Connecticut, Mr. DIXON, Ms. KAPTUR, Mr. LOWRY of Washington, Mr. EVANS of Illinois, Mr. DURBIN, Mr. BROWN of California, Mr. BONIOR of Michigan, Mr. MOODY, Mrs. BURTON of California, Mr. FRANK, Mr. SCHEUER, Mr. SCHUMER, Mr. WEAVER, Mr. LEVINE of California, Mr. DONNELLY, Mr. KASTENMEIER, Mr. BARNES, Mr. GARCIA, Mr. MARTINEZ, Mr. DELLUMS, Mr. DYMALLY, Mr. STOKES, Mr. MOAKLEY, Mr. LELAND, Mr. FAZIO, Mr. WEISS, Mrs. BOXER, Mr. GAYDOS, Mr. CROCKETT, Mr. SABO, Mr. VENTO, Mr. BERMAN, Mr. LAFALCE, Mr. WHEAT, Mr. WILSON, Mr. JEFFORDS, Mrs. COLLINS, Mr. MILLER of California, Mr. CLAY, Mr. OWENS, and Mr. TORRES.

H.R. 2042: Mr. STARK.

H.R. 2080: Mrs. BOXER, Mr. JACOBS, Mr. BERMAN, Mrs. ROUKEMA, Mr. DELLUMS, and Mr. HOYER.

H.R. 2119: Mr. SILJANDER.

H.R. 2132: Mr. LEWIS of Florida, Mr. NEAL, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. ECKART of Ohio, Mr. YOUNG of Florida, Mr. CLINGER, Mr. BILIRAKIS, Mrs. LLOYD, Mr. HYDE, Mr. SAXTON, Mr. SILJANDER, and Mr. DELAY.

H.R. 2137: Mr. CONYERS.

H.R. 2168: Mr. TOWNS, Mr. MITCHELL, Mr. HAYES, Mr. SAVAGE, Mr. EVANS of Illinois, and Mr. DELLUMS.

H.R. 2205: Mr. KOSTMAYER and Mr. RODINO.

H.R. 2221: Mr. ACKERMAN, Mrs. COLLINS, Mr. DYMALLY, Mr. OWENS, and Mr. HAWKINS.

H.R. 2280: Mr. RIDGE, Mrs. BURTON of California, Mr. SAVAGE, Mr. BERMAN, Mr. TAUKE, Mr. RICHARDSON, and Mr. CONYERS.

H.R. 2337: Mr. DELAY and Mr. SISISKY.

H.R. 2353: Mr. BRUCE, Mr. CLAY, Mrs. COLLINS, Mr. CONYERS, Mr. DIXON, Ms. KAPTUR, Mr. LELAND, Mr. LUNDINE, Mr. REID, Mr. WEISS, and Mr. WHEAT.

H.R. 2354: Mr. PERKINS.

H.R. 2388: Mr. LEVINE of California and Mr. MARTINEZ.

H.R. 2406: Mr. COBLE and Mr. ADDABBO.

H.R. 2524: Mr. NIELSON of Utah.

H.R. 2530: Mr. FAZIO, Mr. MARKEY, Mrs. BOXER, Ms. KAPTUR, Mr. ATKINS, Mr. MARTINEZ, Mr. DIOGUARDI, Mr. DURBIN, and Mr. CONYERS.

H.R. 2553: Mr. LAGOMARSINO, Mr. DIOGUARDI, Mr. MANTON, Mrs. BENTLEY, Mr. BUSTAMANTE, Mr. BATEMAN, Mr. WHITEHURST, Mr. YOUNG of Florida, Mr. ORTIZ, Mr. EMERSON, Mr. DOWNEY of New York, Mr. HARTNETT, and Mr. MACK.

H.R. 2554: Mr. COURTER, Mr. HERTEL of Michigan, Mr. EDWARDS of California, Mr. RUSSO, Mr. WOLPE, Mr. FEIGHAN, Mr. HARTNETT, and Mr. SABO.

H.R. 2591: Mr. ACKERMAN, Mr. OXLEY, Mrs. BOXER, Mr. GUNDERSON, Mr. HAYES, Mrs. HOLT, Mr. MARTINEZ, Mr. ROE, Mr. COATS, and Mr. KOLTER.

H.R. 2598: Mr. TOWNS, Mr. SHAW, Mr. ROBINSON, Mr. HARTNETT, and Mr. CAMPBELL.

H.R. 2603: Mr. FAUNTROY, Mr. CLINGER, Mr. SAVAGE, Mr. FOGLIETTA, Mr. MORRISON of Connecticut, Mr. BERMAN, and Mr. SAXTON.

H.R. 2607: Mr. WALGREN, Ms. SNOWE, Mr. FRANK, Mr. KOSTMAYER, Mr. EDGAR, Mr. CONTE, and Mr. MAVROULES.

H.R. 2621: Mr. DICKS, Mr. FRANK, Mr. KILDEE, Mr. LELAND, Mr. NIELSON of Utah, Mr. NOWAK, Mr. SABO, Mr. WEAVER, and Mr. WEISS.

H.R. 2659: Mr. HANSEN, Mr. WORTLEY, and Mr. KOLTER.

H.R. 2698: Mr. GRAY of Illinois, Mr. RUDD, Mr. MCCAIN, Mr. STUMP, and Mr. KOLBE.

H.R. 2716: Mr. RAHALL.

H.J. Res. 126: Mr. HATCHER, Mr. MATSUI, Mr. FISH, Mr. DURBIN, Mr. MARTINEZ, Mr. BATEMAN, Mr. ENGLISH, Mr. OWENS, Mr. YOUNG of Florida, Mr. SMITH of Florida, Mr. O'BRIEN, Mr. FROST, Mr. GUARINI, Mr. DEWINE, Mr. MADIGAN, Mr. HERTEL of Michigan, Mr. SUNIA, Mrs. HOLT, Mr. WEISS, Mrs. ROUKEMA, Mr. LANTOS, Mr. SABO, Mr. TRAFICANT, Mrs. BENTLEY, Mr. FAUNTROY, Mr. PACKARD, Mr. COUGHLIN, Mr. TOWNS, Mr. BUSTAMANTE, Mr. SMITH of New Jersey, Mr. LEVIN of Michigan, Mr. LELAND, Mr. JENKINS, Mr. JEFFORDS, Mr. HARTNETT, Mr. FLIPPO, Mr. EVANS of Iowa, Mr. DIXON, Mr. DICKINSON, Mr. DE LUGO, Mr. CROCKETT, Mr. BILIRAKIS, Mr. BEVILL, Mr. CHAPPELL, Mr. BOEHLERT, and Mr. KINDNESS.

H.J. Res. 131: Mr. BROYHILL, Mr. NEAL, Mr. NIELSON of Utah, Mr. VALENTINE, Mr. HOYER, Mr. BOLAND, Mr. TALLON, and Mr. PERKINS.

H.J. Res. 171: Mr. ST GERMAIN, Mr. MARKEY, Mr. FRANK, Mr. BRUCE, Mr. KOLTER, Mr. KOSTMAYER, Mr. TALLON, Mr. OWENS, Mr. TORRICELLI, Mr. EDGAR, Mr. EARLY, Mr. GALLO, Mr. GREEN, Mr. KEMP, Mr. RINALDO, Mr. TOWNS, Mr. WALGREN, Mr. CARNEY, Mrs. SCHNEIDER, Mr. BROYHILL, Mr. APPLEGATE, Mr. COBLE, Mr. HUGHES, Mr. MARTINEZ, Mr. HEFNER, Mr. RODINO, Mr. HARTNETT, Mr. NEAL, Mr. FUQUA, Mr. LATTA, Mr. ACKERMAN, Mr. AKAKA, Mr. HAMMERSCHMIDT, Mr. CLAY, Mr. ROE, Mr. SNYDER, Mr. WIRTH, Mr. SAXTON, Mr. DONNELLY, Mr. HORTON, Mr. HOYER, Mrs. KENNELLY, Mr. LENT, Mr. MCDADE, Mr. MILLER of Washington, Mr. MORRISON of Washington, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mr. TRAXLER, Mr. DWYER, of New Jersey, Mr. CARPER, Mr. SISISKY, Mr. BUSTAMANTE, Mr. SMITH of New Hampshire, Mr. DYSON, Mr. MOLINARI, Mr. MARTIN of New York, Mr. WOLF, and Mr. BATEMAN.

H.J. Res. 185: Mr. TALLON and Mr. SYNAR.

H.J. Res. 216: Mr. LEVINE of California, Mr. GRAY of Pennsylvania, Mr. KILDEE, Mr. WEBER, Mr. LOWRY of Washington, Mr. WOLF, Mr. CARR, Mr. DIXON, Mr. BOSCO, Mr. THOMAS of California, Mr. CARPER, Mr. TORRES, Mr. ORTIZ, Mr. DONNELLY, Mr. PASHAYAN, Mrs. SCHROEDER, Mr. SKELTON, and Mr. SYNAR.

H.J. Res. 229: Mr. BEDELL, Mr. BROWN of California, Mrs. BURTON of California, Mr. CHAPPIE, Mr. CLAY, Mr. CRAIG, Mr. DE LUGO, Mr. DIOGUARDI, Mr. EVANS of Iowa, Mr. HEFTEL of Hawaii, Mr. KLECZKA, Mr. LEVIN of Michigan, Mrs. LLOYD, Mr. MOODY, Mr. MRAZEK, Mr. MURPHY, Mr. RODINO, Mr. SUNIA, Mr. WALGREN, Mr. WHEAT, Mr. YOUNG of Alaska, Mr. FLORIO, and Mr. SIKORSKI.

H.J. Res. 230: Mr. FISH, Mr. MCEWEN, and Mr. NOWAK.

H. Con. Res. 26: Mr. WHEAT.

H. Con. Res. 69: Mr. DENNY SMITH, Mr. TAUZIN, Mr. SAXTON, AND Mr. DURBIN.

H. Con. Res. 88: Mr. BUSTAMANTE, Mr. LANTOS, and Mr. SCHEUER.

H. Con. Res. 120: Mr. MARTINEZ.

H. Con. Res. 129: Mr. MCCLOSKEY and Mr. DELAY.

H. Res. 144: Mr. ANTHONY, Mr. BARNARD, Mr. BEDELL, Mr. BEVILL, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BREAUX, Mr. BRUCE, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CAMPBELL, Mr. CARNEY, Mr. CARR, Mr. CHAPPELL, Mr. CHENEY, Mr. CLINGER, Mr. COELHO, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. DARDEN, Mr. DASCHLE, Mr. DAVIS, Mr. DEWINE, Mr. DICKINSON, Mr. DORGAN of North Dakota, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DURBIN, Mr. DYSON, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Michigan, Mr. FRANKLIN, Mr. GROTBERG, Mr. GUARINI, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HARTNETT, Mr. HATCHER, Mr. HENRY, Mr. HILLIS, Mr. HOPKINS, Mr. HUGHES, Mr. JENKINS, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KINDNESS, Mr. KOLTER, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. LOEFFLER, Mr. LOTT, Mr. LOWRY of Washington, Mr. MCEWEN, Mr. MCHUGH, Mr. MATSUI, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON of Connecticut,

Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NEAL, Mr. NICHOLS, Mr. NIELSON of Utah, Mr. OBERSTAR, Mr. OBEY, Mr. O'BRIEN, Mr. OWENS, Mr. OXLEY, Mr. PENNY, Mr. PERKINS, Mr. PETRI, Mr. RAHALL, Mr. RANGEL, Mr. RIDGE, Mr. ROBERTS, Mr. ROEMER, Mr. ROSE, Mr. ROTH, Mr. ROWLAND of Georgia, Mr. SABO, Mr. SCHEUER, Mr. SCHUETTE, Mr. SHARP, Mr. SHELBY, Mr. SHUSTER, Mr. SIKORSKI, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Mr. SLAUGHTER, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. SPENCE, Mr. STAGGERS, Mr. STALLINGS, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. STUMP, Mr. SUNDQUIST, Mr. SWIFT, Mr. SYNAR, Mr. TALLON, Mr. THOMAS of Georgia, Mr. TRAXLER, Mr. UDALL, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WATKINS, Mr. WEAVER, Mr. WEBER, Mr. WOLPE, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. FOWLER, and Mr. OLIN.

H. Res. 154: Mr. MONSON, Mr. MOORHEAD, Mr. SILJANDER, and Mr. LUNGREN.

H. Res. 194. Mr. WEBER, Mr. SUNDQUIST, Mr. SCHEUER, Mr. LIGHTFOOT, Mr. BORSKI, Mr. RINALDO, and Mr. HOPKINS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1809: Mr. EVANS of Iowa.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

136. By the SPEAKER: Petition of the city of Nacogdoches, Texas, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

137. Also, petition of the New England Synod, Lutheran Church in America, Worcester, MA, relative to Cambodian refugees; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1872

By Mr. ASPIN:

—At the end of title I (page 22, after line 23), add the following new sections:

SEC. 111. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION AND PRIOR-YEAR COST SAVINGS.

(a) ARMY.—The amounts authorized in section 101(a) to be appropriated for the Army are reduced by the following amounts:

(1) For aircraft, $185,400,000.

(2) For missiles, $222,000,000.

(3) For weapons and tracked combat vehicles, $338,600,000.

(4) For ammunition, $323,300,000.

(5) For other procurement, $577,900,000.

(b) NAVY AND MARINE CORPS.—The amounts authorized in section 102 to be appropriated for the Navy and Marine Corps are reduced by the following amounts:

(1) For aircraft, Navy, $636,500,000.

(2) For weapons procurement, Navy, $316,600,000.

(3) For shipbuilding and conversion, Navy, $1,271,800,000.

(4) For other procurement, Navy, $662,800,000.

(5) For procurement, Marine Corps, $144,200,000.

(c) AIR FORCE.—The amounts authorized in section 103(a) to be appropriated for the Air Force are reduced by the following amounts:

(1) For aircraft, $1,955,300,000.

(2) For missiles, $473,100,000.

(3) For other procurement, $620,500,000.

(d) DEFENSE AGENCIES.—The amount authorized in section 104 to be appropriated for the Defense Agencies is reduced by $91,900,000.

(e) NATO COOPERATIVE PROGRAMS.—The amount authorized in section 105 to be appropriated for NATO cooperative defense programs is reduced by $7,100,000.

(f) FY86 PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—(1) Authorization reductions described in paragraph (2)—

(A) may not be derived through cancellation of any authorized program, stretchout of procurement under any authorized program, or any other change in an authorized program; but

(B) may be derived only through cost reductions under programs of the Department of Defense under this title that are achieved without a change in the quantity or quality of goods or services acquired by the Department, including—

(i) reductions due to the rate of inflation for fiscal year 1986 being lower than the rate assumed in the President's budget for fiscal year 1986; and

(ii) reductions due to the elimination of allowances for amounts for inflation for fiscal years after fiscal year 1986.

(2) Paragraph (1) applies to the following amounts under the reductions provided by this section in authorizations of appropriations:

(A) Aircraft, Army, $185,400,000.

(B) Missiles, Army, $197,000,000.

(C) Weapons and tracked combat vehicles, Army, $338,600,000.

(D) Ammunition, Army, $105,700,000.

(E) Other procurement, Army, $327,700,000.

(F) Aircraft, Navy, $554,400,000.

(G) Weapons, Navy, $301,600,000.

(H) Shipbuilding and conversion, Navy, $849,800,000.

(I) Other procurement, Navy, $396,300,000.

(J) Procurement, Marine Corps, $113,300,000.

(K) Aircraft, Air Force, $1,549,300,000.

(L) Missiles, Air Force, $442,100,000.

(M) Other Procurement, Air Force, $321,900,000.

(N) Defense Agencies, $52,900,000.

(O) NATO cooperative programs, $7,100,000.

(g) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by this section in the authorizations of appropriations in this title—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

SEC. 112. AUTHORIZATION OF ADDITIONAL TRANSFERS OF PRIOR-YEAR FUNDS.

(a) ARMY.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Army pursuant to the authorizations of appropriations in section 101(a) the following amounts:

(1) MISSILES.—$25,000,000 for procurement of missiles, to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Army.

(2) AMMUNITION.—$111,900,000 for procurement of ammunition, to be derived from amounts appropriated for fiscal years 1984 and 1985 for procurement of ammunition for the Army, of which—

(A) $30,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $81,900,000 shall be derived from amounts appropriated for fiscal year 1985.

(3) OTHER PROCUREMENT.—$218,200,000 for other procurement, to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Army, of which—

(A) $79,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $139,200,000 shall be derived from amounts appropriated for fiscal year 1985.

(b) NAVY AND MARINE CORPS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Navy and Marine Corps pursuant to the authorizations of appropriations in section 102 the following amounts:

(1) AIRCRAFT.—$82,100,000 for procurement of aircraft for the Navy, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Navy.

(2) WEAPONS.—$15,000,000 for procurement of weapons for the Navy, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons for the Navy.

(3) SHIPBUILDING AND CONVERSION.—$422,000,000 for shipbuilding and conversion for the Navy, to be derived from amounts appropriated for fiscal years 1983, 1984, and 1985 for shipbuilding and conversion for the Navy, of which—

(A) $129,000,000 shall be derived from amounts appropriated for fiscal year 1983;

(B) $100,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(C) $193,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(4) OTHER PROCUREMENT.—$221,000,000 for other procurement for the Navy, to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Navy, or which—

(A) $70,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $151,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(5) PROCUREMENT, MARINE CORPS.—$28,000,000 for procurement for the Marine Corps, to be derived from amounts appropriated for fiscal year 1985 for procurement for the Marine Corps.

(c) AIR FORCE.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Air Force pursuant to authorizations of appropriations in section 103(a) the following amounts:

(1) AIRCRAFT.—$406,000,000 for procurement of aircraft, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Air Force.

(2) MISSILES.—$31,000,000 for procurement of missiles to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Air Force.

(3) OTHER PROCUREMENT.—$282,000,000 for other procurement to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Air Force, of which—

(A) $86,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $196,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(d) DEFENSE AGENCIES.—There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Defense Agencies pursuant to the authorization of appropriations in section 104 the amount of $36,000,000 to be derived from amounts appropriated for fiscal years 1984 and 1985 for procurement for the Defense Agencies, of which—

(1) $15,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(2) $21,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(e) AUTHORIZATION OF TRANSFERS SUBJECT TO PROVISIONS OF APPROPRIATIONS ACTS.—Transfers authorized by this section may be made only to the extent provided in appropriation Acts.

(f) SOURCE OF TRANSFERRED FUNDS.—(1) All amounts transferred under this section shall be derived from funds described in this section that remain available for obligation.

(2) Except as provide in paragraph (3), such funds—

(A) may not be derived through cancellation of any program, stretchout of procurement under any program, or any other program change; but

(B) may be derived only through cost reductions (including reductions due to rates of inflation being lower than rates assumed when such funds were budgeted) under programs for which such funds were authorized and appropriated that are achieved without a change in the quantity or quality of goods or services acquired by the Department of Defense.

(3) Funds for the transfer authorized by subsection (a)(2)(B) may be derived from the light-weight multipurpose weapon system, and funds for the transfer authorized by subsection (a)(3)(B) may be derived from the Single Channel Objective Tactical Terminal program.

SEC. 113. REPORT.

Before the Secretary of Defense may implement a program change under a reduction subject to section 111(f) or under a transfer under section 112, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the programs in which such reductions will be made in accordance with section 111(f) and the programs that are the source of the funds transferred under section 112.

At the end of title II (page 29, after line 14) add the following new section:

SEC. 207. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION AND PRIOR-YEAR COST SAVINGS.

(a) REDUCTIONS IN AUTHORIZATIONS.—The amounts authorized in section 201 to be appropriated are reduced by the following amounts:

(1) For the Army, $89,000,000.

(2) For the Navy (including the Marine Corps), $194,000,000.

(3) For the Air Force, $270,000,000.

(4) For the Defense Agencies, $47,000,000.

(b) FY86 PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—(1) Authorization reductions described in paragraph (2)—

(A) may not be derived through cancellation of any authorized program or any other change in an authorized program; but

(B) may be derived only through cost reductions (including reductions due to the rate of inflation being lower than the rate assumed in the President's budget for fiscal year 1986) under programs of the Department of Defense under this title that are achieved without a change in the quantity or quality of goods or services acquired by the Department.

(2) Paragraph (1) applies to the following amounts under the reductions provided by subsection (a) in authorizations of appropriations:

(A) For the Army, $4,000,000.

(B) For the Navy (including the Marine Corps), $11,000,000.

(C) For the Air Force, $14,000,000.

(c) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by subsection (a) in the authorizations of appropriations in section 201—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

SEC. 208. AUTHORIZATION OF TRANSFERS OF PRIOR-YEAR FUNDS.

(a) AUTHORIZED TRANSFERS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for research, development, test, and evaluation for the Armed Forces pursuant to the authorizations of appropriations in section 201 the following amounts:

(1) ARMY.—$85,000,000 to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Army.

(2) NAVY.—$183,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Navy (including the Marine Corps).

(3) AIR FORCE.—$256,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Air Force.

(4) DEFENSE AGENCIES.—$47,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Defense Agencies.

(b) AUTHORIZATION OF TRANSFERS SUBJECT TO PROVISIONS OF APPROPRIATIONS ACTS.—Transfers authorized by subsection (a) may be made only to the extent provided in appropriation Acts.

At the end of title III (page 38, after line 10) add the following new section:

SEC. 308. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVINGS FROM COST SAVINGS.

(a) REDUCTIONS IN AUTHORIZATIONS.—The amounts authorized in section 301 to be appropriated are reduced by the following amounts:

(1) For the Army, $282,700,000.

(2) For the Navy, $632,600,000.

(3) For the Marine Corps, $18,000,000.

(4) For the Air Force, $266,900,000.

(5) For the Defense Agencies, $244,000,000.

(6) For the Army Reserve, $19,100,000.

(7) For the Navy Reserve, $45,900,000.

(8) For the Marine Corps Reserve, $4,200,000.

(9) For the Air Force Reserve, $11,000,000.

(10) For the Army National Guard, $28,000,000.

(11) For the Air National Guard, $24,600,000.

(b) PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—Authorization reductions described in subsection (a) may be derived only through cost reductions (including reductions due to the rate of inflation being lower than the rate assumed in the President's budget for fiscal year 1986) under programs of the Department of Defense under this title that are achieved without a change in the quantity or quality of goods or services acquired by the Department.

(c) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by subsection (a) in the authorizations of appropriations in section 301—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

By Mr. BENNETT:

—At the end of Section 1045, page 197, after line 8 add the following new paragraph: (C) no reductions in stockpile goals may be made by the President under authority provided by the Strategic and Critical Materials Stock Piling Act, Public Law 96-41 as amended, after the date of enactment of this Act or during fiscal year 1986.

(To the substitute amendment offered by Mr. Mavroules for the amendment offered by Mr. Dickinson.)

—Strike out the dollar amount proposed to be inserted by the amendment at page 13, line 15, and insert in lieu thereof "$6,921,700,000".

In the section proposed to be inserted by the amendment, strike out all after "SEC. 111." and insert in lieu thereof the following:

TERMINATION OF MX MISSILE PROGRAM AND TRANSFERS TO CONVENTIONAL PROGRAMS.

(a) LIMITATION ON FY86 AND LATER FUNDS.—No funds appropriated or otherwise made available for procurement of missiles for the Air Force for fiscal year 1986 or for any later fiscal year may be obligated for the MX missile program.

(b) LIMITATION ON PRIOR-YEAR FUNDS REMAINING AVAILABLE FOR OBLIGATION.—Funds appropriated or otherwise made available for procuurement of missiles for the Air Force for a fiscal year before fiscal year 1986 that remain available for obligation may not be obligated for the MX missile program.

(c) AUTHORIZATION OF TRANSFER OF PRIOR-YEAR MX FUNDS INTO CONVENTIONAL PROGRAMS.—Subject to the provisions of appropriations Acts, the Secretary of Defense may transfer to amounts appropriated for fiscal year 1986 for the Department of Defense any amounts appropriated or otherwise made available for procurement for the MX missile program for a fiscal year before fiscal year 1986. Any amount transferred pursuant to the preceding sentence shall be available only for conventional warfare programs.

(d) AUTHORIZATION OF APPROPRIATIONS FOR CONVENTIONAL PROGRAMS.—There is hereby authorized to be appropriated for fiscal year 1986 for procurement for the Armed Forces $2,117,800,000. Amounts appropriated pursuant to such authorization shall be available only for conventional warfare programs. Such authorization is in addition to any other authorization provided in this title.

By Mr. COURTER

—Page 23, line 12, strike out "$6,305,732,000" and insert in lieu thereof "$6,795,732,000".

Page 26, line 18, strike out "$2,472,962,000" and insert in lieu thereof "$2,962,962,000".

Page 29, after line 14, add the following new section:

SEC. 207. DISTRIBUTION OF REDUCTIONS IN STRATEGIC DEFENSE INITIATIVE FUNDING.

The Secretary of Defense may obligate funds appropriated or otherwise made available for fiscal year 1986 for Strategic Initiative programs in such manner as the Secretary considers to be in the national interest, except that the Secretary may not obligate funds for any of the five major categories of such programs in an amounts greater than the amount proposed for that category in the budget submitted by the President for fiscal year 1986.

—Page 23, line 12, strike out "$6,305,732,000" and insert in lieu thereof "$7,545,732,000".

Page 26, line 18, strike out "$2,472,962,000" and insert in lieu thereof "$3,712,962,000".

—Page 29, after line 14, add the following new section:

SEC. 207. DISTRIBUTION OF REDUCTION IN STRATEGIC DEFENSE INITIATIVE FUNDING.

The Secretary of Defense may obligate funds appropriated or otherwise made available for fiscal year 1986 for Strategic Defense Initiative programs in such manner as the Secretary considers to be in the national interest, except that the Secretary may not obligate funds for any of the five major categories of such programs in an amount greater than the amount proposed for that category in the budget submitted by the President for fiscal year 1986.

—At the end of part C of title X (page 176, after line 8) insert the following new section:

SEC. 1024. ANNUAL REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS.

No later than December 1, 1985, and not later than December 1 of each year thereafter, the President shall submit to the Congress a report containing an update (since the most recent report to the Congress on the subject) of the President's findings regarding the Soviet Union's compliance with its arms control commitments, together with such additional information regarding the Soviet Union's compliance with its arms control commitments as may be necessary to keep the Congress currently informed on such matter. The President shall submit classified and unclassified versions of such report to the Congress each year.

—At the end of part C of Title X (Page 176, after line 8) insert the following section:

Section . It is the sense of Congress that the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

—Page 176, after line 8, insert the following new section:

SEC. 1024. STUDY OF POINT DEFENSE FOR LAND-BASED STRATEGIC FORCES

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a study of the feasibility of providing a system of point defense for land-based strategic forces in order to reduce the vulnerability of such forces and to enhance strategic stability. The study shall particularly examine the application of research conducted under the Strategic Defense Initiative program to reducing this vulnerability.

(b) REPORT ON STUDY.—Not later than April 30, 1986, the Secretary shall submit to Congress a report describing the results of the study conducted under subsection (a) and containing such advice and recommendations with respect to the use of point defense for land-based strategic forces.

—At the end of title VIII (page 143, after line 19), insert the following new section:

SEC. 802. REQUIREMENT OF MINIMUM PERCENTAGE OF COMPETITIVE PROCUREMENTS.

(a) IN GENERAL.—Section 2304 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(i)(1) The amount of competitive defense procurements made during a fiscal year (expressed in total dollar value of contracts entered into) may not be less than the amount equal to the product of—

"(A) the applicable percentage for that year (as defined in paragraph (3)); and

"(B) the amount of all applicable procurements made by the Department of Defense during that year (expressed in total dollar value of contracts entered into).

"(2)(A) If in any fiscal year the amount of competitive defense procurements is less than the amount required by paragraph (1) for that fiscal year, the Secretary of Defense (or Secretary of a military department) may not obligate or expend appropriated funds after such fiscal year for any purchase of goods or services made by a procedure other than competitive procedures until the requirements of subparagraph (B) have been met.

"(B) Subparagraph (A) does not apply on or after the first day on which the total of the amounts of competitive defense procurements during and after such fiscal year is equal to or greater than the amount which is equal to the product of—

"(i) the applicable percentage for that fiscal year; and

"(ii) the total of the amounts of all applicable procurements made by the Department of Defense during and after that fiscal year.

"(3) In this subsection:

"(A) 'Applicable percentage', with respect to a fiscal year, means the lesser of—

"(i) 70 percent; or

"(ii) the sum of—

"(I) 40 percent; and

"(II) the product of 5 percent and the number of fiscal years which will have elapsed at the end of that fiscal year since fiscal year 1985.

"(B) 'Competitive defense procurements' means procurements made by the Department of Defense to which this chapter applies that are made through the use of competitive procedures.

"(C) 'Applicable procurements' means procurements to which this chapter applies other than—

"(i) a procurement made through an agreement with another country;

"(ii) a procurement made through an agreement with another Federal agency;

"(iii) a transaction with an educational or nonprofit institution;

"(iv) a contract for the acquisition of utility services;

"(v) a procurement made under section 8(a) of the Small Business Act; and

"(vi) a purchase of brand-name items for resale.".

(b) EFFECTIVE DATE.—Subsection (i) of section 2304 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years, after fiscal year 1985.

—Page 172, after line 20, insert the following new section:

SEC. 1016. REQUIREMENT OF MINIMUM PERCENTAGE OF COMPETITIVE PROCUREMENTS.

(a) IN GENERAL.—Section 2304 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(i)(1) The amount of competitive defense procurements made during a fiscal year (expressed in total dollar value of contracts entered into) may not be less than the amount equal to the product of—

"(A) the applicable percentage for that year (as defined in paragraph (3)); and

"(B) the amount of all applicable procurements made by the Department of Defense during that year (expressed in total dollar value of contracts entered into).

"(2)(A) If in any fiscal year the amount of competitive defense procurements is less than the amount required by paragraph (1) for that fiscal year, the Secretary of Defense (or Secretary of a military department) may not obligate or expend appropriated funds after such fiscal year for any purchase of goods or services made by a procedure other than competitive procedures until the requirements of subparagraph (B) have been met.

"(B) Subparagraph (A) does not apply on or after the first day on which the total of the amounts of competitive defense procurements during and after such fiscal year is equal to or greater than the amount which is equal to the product of—

"(i) the applicable percentage for that fiscal year; and

"(ii) the total of the amounts of all applicable procurements made by the Department of Defense during and after that fiscal year.

"(3) In this subsection:

"(A) 'Applicable percentage', with respect to a fiscal year, means the lesser of—

"(i) 70 percent; or

"(ii) the sum of—

"(I) 40 percent; and

"(II) the product of 5 percent and the number of fiscal years which will have elapsed at the end of that fiscal year since fiscal year 1985.

"(B) 'Competitive defense procurements' means procurements made by the Department of Defense to which this chapter applies that are made through the use of competitive procedures.

"(C) 'Applicable procurements' means procurements to which this chapter applies other than—

"(i) a procurement made through an agreement with another country;

"(ii) a procurement made through an agreement with another Federal agency;

"(iii) a transaction with an educational or nonprofit institution;

"(iv) a contract for the acquisition of utility services;

"(v) a procurement made under section 8(a) of the Small Business Act; and

"(vi) a purchase of brand-name items for resale.".

(b) EFFECTIVE DATE.—Subsection (i) of section 2304 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1985.

By Mr. DICKINSON:

—Page 13, line 15, strike out "$9,039,500,000" and insert in lieu thereof "$8,810,700,000".

At the end of title I (page 22, after line 23) add the following new section:

SEC. 111. MX MISSILE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) not more than 50 MX missiles should be deployed in existing Minuteman silos;

(2) after procurement of 50 missiles for deployment in those silos, further procurement of MX missiles should, unless a different basing mode is proposed by the President and agreed to by Congress, be limited to those necessary—

(A) for the MX missile reliability testing program; and

(B) as spares within the logistics system supporting the deployed MX missile force; and

(3) during fiscal year 1987, depending upon the most efficient production rate, from 12 to 21 MX missiles should be procured, but those missiles should (as provided in paragraph (2)) be limited only to spare and test missiles unless a different basing mode is proposed by the President and agreed to by Congress.

(b) LIMITATION ON FY86 AND EARLIER FUNDS.—None of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 or any prior fiscal year for procurement of missiles for the Air Force may be used—

(1) to deploy more than 50 MX missiles in existing minuteman silos;

(2) to modify, or prepare for modification, more than 50 existing Minuteman silos for the deployment of MX missiles;

(3) to acquire basing sets for more than 50 MX deployed missiles; or

(4) to procure long-lead items for the deployment of more than 50 MX missiles.

(c) LIMITATION ON FY86 MX PROGRAM.—(1) Of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force, not more than $1,889,000,000 may be used for the MX missile program.

(2) Not more than 12 MX missiles may be procured with funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force.

By Mr. FOGLIETTA:

—At the end of part B of title X (page 172, after line 20) add the following new section:

SEC. 1016. SDI OVERSIGHT COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the "Congressional Commission on Strategic Defense". The Commission shall monitor the progress of programs of the Department of Defense known as the Strategic Defense Initiative (hereinafter in this section referred to as "SDI") and particularly shall—

(1) study the feasibility and technology of SDI programs;

(2) review the spending and contractual patterns of SDI programs;

(3) review strategic defense programs of the Soviet Union; and the Soviet response to SDI; and

(4) study the effect of the SDI programs on military doctrine and stability and on arms control and other international agreements.

(b) MEMBERSHIP.—(1) The Commission shall be composed of eight members appointed for the life of the Commission. The members of the Commission shall be appointed as follows:

(A) Two members shall be appointed by the Speaker of the House of Representatives.

(B) Two members shall be appointed by the Minority Leader of the House of Representatives.

(C) Two members shall be appointed by the Majority Leader of the Senate.

(D) Two members shall be appointed by the Minority Leader of the Senate.

(2) Members of the Commission shall be appointed based upon recognized expertise in matters relating to the Strategic Defense Initiative, including expertise in the fields of defense policy, defense technology, and arms control, and shall be selected from among persons who are particularly qualified by reason of training, experience, and knowledge for services on the Commission. No officer or employee of the United States, including a Member of Congress, may be a member of the Commission.

(3) In the event of a vacancy in the Commission, the vacancy shall be filled in the same manner as the original appointment.

(c) CHAIRMAN.—The members of the Commission shall select one of the members of the Commission to be the chairman of the Commission.

(d) SUPPORT SERVICES.—The Commission shall receive necessary support services, including staff, from the Comptroller General of the United States and the Director of the Congressional Office of Technology Assessment.

(e) REPORTS.—(1) The Commission shall submit to Congress an annual report and such other reports as it considers appropriate. Each report by the Commission shall be submitted in both a classified and unclassified form.

(2) The Commission shall submit to Congress such reports as it considers appropriate on any report to Congress by the Secretary of Defense concerning the Strategic Defense Initiative.

(3) Reports to Congress by the Commission shall be submitted without intervening review or approval within the Executive branch.

(f) TERMINATION OF COMMISSION.—The Commission shall cease to exist on October 1, 1990.

By Mr. HILLIS:

—Page 19, line 17, strike out "M939A2 technical data package" and insert in lieu thereof "M939 validated technical data package".

Page 20, at the end of line 17, add the following new sentence: "A contract under this paragraph may only be entered into in accordance with section 2306(h) of title 10, United States Code."

—Page 2, line 16, strike out "$5,573,500,000" and insert in lieu thereof "$5,623,500,000".

Page 2, line 18, strike out "$939,500,000" and insert in lieu thereof "$989,500,000".

By Mr. MAVROULES:

(Substitute amendment for the amendment offered by Mr. Dickinson.)

—Page 13, line 15, strike out "$9,039,500,000" and insert in lieu thereof "$7,842,700,000".

At the end of title I (page 22, after line 23) add the following new section:

SEC. 111. MX MISSILE PROGRAM.

(a) LIMITATION OF FY86 PROCUREMENT FUNDS FOR THE MX MISSILE PROGRAM.—Of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force, not more than $921,000,000 may be used for the MX missile program. Such funds may be used only for—

(1) the acquisition of not more than eight basing sets for the basing of MX missiles;

(2) the acquisition of systems support consistent with the deployment of not more than 40 MX missiles; and

(3) maintenance of the production base for the MX missile program.

(b) LIMITATION ON DEPLOYMENT OF MX MISSILES.—The number of MX missiles deployed at any time may not exceed 40.

(c) POLICY ON FUTURE MX MISSILE PROCUREMENT.—Funds appropriated or otherwise made available for fiscal years after fiscal year 1985 for procurement of missiles for the Air Force may not be used for procurement of MX missiles except for the acquisition of those additional missiles required for the operational test and evaluation program and the aging and surveillance program.

By Mr. SKELTON:

—At the end of title X add the following new section:

SEC. 1050. ESPIONAGE AMENDMENTS.

Section 794 of title 18, United States Code, is amended—

(1) in subsection (a), by striking out "for any term of years or";

(2) by adding at the end of subsection (a) the following: "Notwithstanding any provision of law, in the case of a conviction under this subsection, if the sentence of death is not imposed, the sentence under this subsection shall be imprisonment for life and shall not be suspended, and a defendant sentenced under this subsection shall not be granted a probationary sentence or be eligible for parole.";

(3) in subsection (b), by striking out "for any term of years or"; and

(4) by adding at the end of subsection (b) the following: "Notwithstanding any other provision of law, in the case of a conviction under this subsection, if the sentence of death is not imposed, the sentence under this subsection shall be imprisonment for life and shall not be suspended, and a defendant sentenced under this subsection shall not be granted a probationary sentence or be eligible for parole.".

SENATE—*Thursday, June 13, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 9 a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of truth and justice, we pray this morning for the Senate press and media. We thank Thee for faithful men and women who take seriously their responsibility to keep the people informed. Thank Thee for their tireless effort to get the news, sometimes at risk and sacrifice. We recognize their vulnerability to cynicism as they are often exposed to the worst in human nature. In seeking for the facts they are repeatedly faced with pride and arrogance, with hypocrisy and dishonesty—and often their contacts with religious people expose them to attitudes and actions which deny the faith professed. Help them always to remember the power of words to edify or to destroy. Protect them, dear God, from the insidious effects of having to deal frequently with the underside of human family—and from the criticism so commonly directed at those involved in the "Fourth Estate." In their dedication to their work help them not to neglect their families and remind them always that most people know only what they read in the papers or see on television. Bless them and guide them and keep them always on the side of truth. In Thy name we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDENT pro tempore. Good morning.

THE CHAPLAIN'S PRAYER

Mr. MURKOWSKI. Mr. President, I commend the Chaplain for selecting the media this morning in his recognition. I think it bears a certain reflection on the responsible role of the media as they not only communicate with but certainly influence the public in general. I share with him and my colleagues the message and the considerable thought which has gone into selecting the media and highlighting its area of responsibility.

SCHEDULE

Mr. MURKOWSKI. Mr. President, on the calendar for today, June 13, the two leaders under the standing order have 10 minutes each. Special orders are entered for not to exceed 15 minutes each for Senator PROXMIRE, Senator DIXON, Senator BAUCUS, Senator EAGLETON, Senator LAUTENBERG, and Senator MELCHER.

Mr. President, following the special orders just identified, there will be a period for morning business not to extend beyond 10:40 a.m., with statements limited therein to 5 minutes each.

Following morning business, at 10:40 a.m. the Senate will stand in recess until 12 noon to attend a joint meeting to hear an address by Prime Minister Gandhi. Senators are asked to assemble in the Chamber no later than 10:35 a.m. to proceed as a body to the Hall of the House of Representatives.

When the Senate reconvenes at 12 noon, pending will be the motion to proceed to S. 1128, the clean water bill. Votes can be expected throughout the day in order to complete action on the clean water bill.

Also, following the clean water legislation, it is the majority leader's intention to go into executive session to consider the nomination of Martha Seger to be a member of the Federal Reserve Board. A rollcall vote could occur on that nomination.

RESERVATION OF LEADERSHIP TIME

Mr. President, I ask unanimous consent to reserve the remainder of my time as acting majority leader for the majority leader and to reserve the minority leader's time, as well.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

WHY THE SOVIETS MAY NOT BUILD THEIR OWN STAR WARS

Mr. PROXMIRE. Mr. President, if the United States proceeds to research, produce, and deploy the proposed star wars antimissile system, will the Soviet Union follow suit? Will both superpowers race to build a defensive net that could stop the ICBM's of the adversary from attacking the homeland? After all has not the Soviet Union swiftly and vigorously pursued each of our nuclear weapon system innovations by building a similar arsenal of their own? So why shouldn't they do the same with star wars?

Of course, no one can be sure of the answer. But there is a strong prospect that star wars represents one move in the nuclear arms race that the Soviet Union will not imitate. Does that mean that the Soviet Union would take the chance of losing the potency of their massive nuclear deterrent that provides what they view as their principal safeguard against a nuclear strike? Would they throw in the sponge and walk away from the superpower status they only enjoy because they have roughly matched this country's nuclear arsenal with their own nuclear capability? Of course not.

The Soviet Union has roughly three options from which to choose in determining their response. They could build their own star wars defense. This would fit their previous attachment to a heavy stress on defensive rather than offensive military commitments as well as their extraordinary emphasis on super protection of their air space.

Second, they could rely on the arms control negotiations the Reagan administration has said it intends to pursue. The Soviets could accept the Reagan administration offer of the star wars technology in return for a combined United States-Soviet agreement to sharply reduce offensive missiles on both sides by an amount sufficient to measurably enhance the effectiveness of the star wars defense. This option would depend on the Soviet faith that the United States would give them a technology that would effectively overcome present or future U.S. offensive nuclear technology.

Why would the Soviets have a problem putting their reliance on such faith? The answer is obvious. Consider the nature of the nuclear deterrent of the Soviets and the United States. The Soviet deterrent is overwhelmingly concentrated—more than 70 percent—in stationary, land-based intercontinental ballistic missiles. What would star wars be designed to stop? Answer: Land-based, stationary ICBM's. The Soviet Union could foresee that mutually deployed star wars defenses would

sharply reduce the Soviet deterrent even if they did not agree to reduce the number of Soviet offensive missiles. But would the Soviet star wars have the same effect on the U.S. offensive nuclear capability? A Soviet star wars system—even if it enjoyed full capability with the U.S. defensive deployment—could not be nearly as effective. Why not? Because the United States has only 25 percent of its nuclear deterrent in land-based ICBM's. Our country has 75 percent of our nuclear deterrent deployed in submarines—about 50 percent—and in bombers—about 25 percent. A Soviet star wars defense would be virtually useless against cruise missiles fired from either subs or bombers. So if the Soviets pursued this option, it would be great for this country. But don't hold your breath until the Soviets accept it.

The Soviets have a third option available in response to star wars. That option is to break with the past and not build or deploy their own star wars system. Instead, they could rely for the preservation of their deterrent on building up their current offensive missile system. They could take the chance that they could supplement, refine, improve their offensive missiles at a far lower cost than the trillion dollars or more required to produce and deploy a star wars defense, even if they were handed the technology. They would also seem to have a much greater prospect if they pursued this offensive missile option of maintaining a deterrent that would be certain to command credibility from the U.S. military.

The variety of ways that an offense could foil a missile defense are infinite. It could overwhelm it with more and more offensive missiles. It could underfly it with cruise missiles. It could exhaust it with decoys and chaff. It could penetrate it with skin-hardened missiles. It could even subvert it with commandos carrying nuclear weapons put ashore or dropped by parachute. And these are simply the presently available means of overcoming any future star wars defense.

Meanwhile, in the 15 to 25 years during which the star wars defense will be researched, developed, produced, and deployed, new innovative ways of overcoming it will certainly be coming on scene. If there is one simple and obvious truism about war strategy, it is that the offense has a certain and predictable advantage over the defense. The offense can choose the time, the place, the means of attack, and the force of the attack. On the other hand, the defense must be prepared for everything, everywhere, and anytime.

The Soviets, of course, know all this, so the prospect is that they will respond to a U.S. star wars defense, not with a star wars of their own. Such a response would sap their much more limited economic and scientific resources. There is a far cheaper response available. It is also much more likely to be successful. That is a prompt and huge buildup of their nuclear offensive capability. In that event, what would be the consequence of star wars? It will trigger a costly and wasteful acceleration of the arms race. But, much worse, it will make the prospect of nuclear war greater. It will do so because it will aggravate the instability and uncertainty on both sides.

Mr. President, I ask unanimous consent that an article that appeared in the Bulletin of the Atomic Scientists for June-July 1985 by Stephen Shenfield titled, "Soviets May Not Imitate Star Wars," be printed at this point in the RECORD. Mr. Shenfield is on the research staff of the Center for Russian and East European Studies at the University of Birmingham in Great Britain.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bulletin of the Atomic Scientists, June/July 1985]

SOVIETS MAY NOT IMITATE STAR WARS

(By Stephen Shenfield)

The Soviet Union, in the past, has responded to the introduction of every new U.S. weapons system by installing a corresponding system of its own. Many commentators have assumed that the same will happen with "Star Wars." However, there are increasing indications that the Soviet leadership may in fact decide to break with the traditional pattern and restrict itself to taking countermeasures against the U.S. system, renouncing the development of any Soviet counterpart to Star Wars.

For some time now, various Soviet representatives have been expressing a philosophy of sufficient counteraction, rather than imitation, of U.S. systems. For example, Henry Trofimenko, head of the Foreign Policy Department of the Institute for the Study of the USA and Canada, told the American journal Soviet Union in 1983 that, in giving "an effective answer to Washington's military program . . . the U.S.S.R. is not going to match the U.S. in development of every new system of weapons, nor is it going to imitate it."

A recent Soviet analysis of the implications of Star Wars by a committee of scientific and strategic experts stresses that Soviet countermeasures against a prospective U.S. system can be very effective, can be taken quite easily and quickly, and would cost much less than the system against which they are directed. The report of the committee, headed by R.Z. Sagdeyev, director of the Institute of Space Research, and A.A. Kokoshin, deputy director of the Institute for the Study of the USA and Canada, is an important source of infomation on how the Soviet Union views Star Wars.

The authors, with prehaps exaggerated respect for the capabilities of U.S. technologists, expect elements of a Star Wars system to be tested and installed in space over the next few years, and that at least a rudimentary system may be in place 10 years hence.

On the other hand, they regard a system powerful enough to provide full protection against the existing arsenal of Soviet ballistic missiles as going well beyond currently foreseeable technical capabilities. And they stress the enormous cost even of a system offering very partial protection, especially once the need to incorporate means of defense against Soviet countermeasures is taken into account.

Star Wars, declares the report, "will remain very vulnerable to various means of counteraction." The report discusses possible Soviet countermeasures:

The space platforms could be destroyed—by relatively small missiles, by land-based lasers, by armed satellites functioning as "space mines," or by "clouds" of obstacles (such as heavy spheres) set in their path.

Missiles could be encased with material capable of absorbing laser beams or of reflecting them back again.

The launching of missiles could be masked from enemy detection by means of smokescreens.

The pattern of missile launches over time could be designed to force the lasers constantly to redirect themselves in haphazard fashion, thereby reducing the effectiveness of the system.

Dummy missiles could be launched in order to use up the destructive power of the system.

The Soviet scientists agree with Western investigators who have estimated that the total cost of a Star Wars system may eventually reach $2 trillion. Even this expenditure, they point out, could not guarantee that at least a few of the missiles in a hypothetical Soviet first strike would not get through to their targets.

Furthermore, they note, the technologies required for countermeasures are in a much more advanced state than those required for Star Wars itself. Indeed, much of the necessary technology already exists. Well before a Star Wars system is in place, "an effective means of counteraction" could be set up. And this network will probably cost only 1 or 2 percent as much as the system it is designed to counteract.

The implicit message of the report has been made explicit by Yevgeny P. Velikhov, head of the official antinuclear scientists' committee and vice-president of the Academy of Sciences, who has indicated that he is advising the Soviet leadership not to proceed with Star Wars development.

Meanwhile, the Soviet Union appears to have dropped its propaganda campaign for a ban on antisatellite weapons. This could mean not only that they are giving overwhelming priority to the goal of stopping Star Wars, but also that so long as Star Wars has not been stopped, they wish to leave themselves a free hand to develop countermeasures rapidly.

There are doubtless traditionally oriented Soviet military men who hold that the Soviet Union should insure itself against every contingency and would therefore oppose renouncing a Soviet Star Wars program. But the Soviet armaments industry lacks technological dynamism. New technologies are developed by setting up new specialized agencies (in this case it would be a new agency for laser weaponry), not by diversifying the activity of existing agencies. Vested bureaucratic interests therefore lie in the quantitative expansion of old types of armaments, not in the introduction of new ones.

It is true that Velikhov himself has voiced the fear that, even should nine out of 10 advisers oppose a Soviet Star Wars, the leadership might prefer to take the advice of the tenth who argued in favor. But Mikhail

Gorbachev is a leader of a more subtle and innovative disposition. He will be concerned not to place any further burdens on the Soviet economy which are at all avoidable and must be aware that the desire to weaken the Soviet economy is one of the motivations behind the U.S. Star Wars scheme. Further, renouncing Star Wars would help to discredit the official U.S. justification for it as a means of moving toward "mutually assured survival."

Finally, it seems that Gorbachev is looking for dramatic gestures to use in his forthcoming peace offensive, designed above all to woo West European opinion. Members of an official Soviet peace delegation visiting Britain at the end of March, led by Tomas Kolesnichenko, head of the international department of *Pravda*, repeatedly asked peace movement leaders what new initiatives they would like the Soviet Union to take. Asked at one meeting what sort of initiatives he had in mind, a member of the delegation gave as an example a public declaration that the Soviet Union would not develop a Star Wars system of its own.

Star Wars is fraught with the danger of destabilizing the strategic situation and provoking nuclear war in a crisis. Nevertheless, it may mark the occasion on which the action-reaction mold of the arms race is at last broken, giving a new and perhaps decisive impetus to the movement for human survival.

THE HOLOCAUST

Mr. PROXMIRE. Mr. President, in the April 1985 issue of Commentary magazine, two books that document the Allies' initial reaction to knowledge of the Holocaust are reviewed by Richard S. Levy.

The books are "The Abandonment of the Jews: America and the Holocaust 1941-1945," by David Wyman and "The Jews Were Expendable: Free World Diplomacy and the Holocaust," by Monty Noam Penkower. They point out the dilatory attitude on the part of Western democracies, which could have been responsible for the deaths of thousands of Jews and non-Jews caught in the grip of Hitler's policy of extermination.

Levy considers the books devastating in their discussion of what he calls "untaken opportunities." The two books concentrate on the role of the Allies in actually preventing large-scale rescue attempts of the Jews.

These two books tell us that by the summer of 1942 information began arriving to the United States and Britain that the Nazis had begun the systematic murder of the Jews with an all-encompassing program directed from Berlin.

The Allies might be excused for not believing the reports at first. After all, the barbarity of Hitler's final solution was a nightmare beyond belief. But even after the reality of Hitler's death camps had begun to sink in, the lack of response by the Allies was nothing short of immoral, according to Levy.

In Wyman's book, documents obtained from the British Foreign Office and the State Department speak of "typical Jewish hysteria." In Penkower's book he claims that in Britain the 1939 white paper restrictions on Jewish immigration caused the loss of thousands of lives.

Levy sadly concludes that bureaucratic obstructionism existed that could only be blamed on anti-Semitism.

Here in the United States, the Holocaust reports should have awakened us to the need for some type of rescue effort. But our response was characterized by inactivity and silence.

According to Wyman, the mass media devoted little coverage to the reports of massacres. He also documents the near silence of churches in this country.

Wyman believes the United States wasted 14 months during which it could have made significant relief efforts. It took 14 months from the time the State Department acknowledged the Holocaust in November 1942 until a War Refugee Board was created to resettle in this country refugees from Fascist-controlled lands.

Mr. President, the Holocaust will forever remain a shameful chapter in the history of civilization. It is a shame not only by those who perpetrated the crimes, but also by those who stood silent in the fact of those crimes.

We must never allow that chapter to be repeated.

We must never allow ourselves to stand silent again.

We must speak out now by committing ourselves to the Genocide Treaty.

I, therefore, urge the Senate to immediately take up and ratify the Genocide Treaty, which has been reported out by the Foreign Relations Committee now for the sixth time; 96 nations have already ratified the treaty.

Our silence is conspicuous, and it is wrong.

THE TRADE DEFICIT, LAGGING GROWTH AND PRODUCTIVITY

Mr. BENTSEN. Mr. President, yesterday and again today, the Senate Democratic Working Group on Trade has been discussing the alarming deterioration in our foreign trade balance. As I noted Wednesday, the trade deficit set new records in 1982, again in 1983, and again in 1984.

The release this past weekend of the final April merchandise trade figures adds new urgency to the need for us to craft an effective trade policy. The April figures are the highest thus far in 1985, vividly demonstrating that the trade deficit continues to worsen. It is growing nearly 7 percent faster than the record 1984 pace and we still face the summer period when imports typically surge. Moreover, while the dollar has moved back from its earlier peak, it remains nearly 30 percent overvalued—foreshadowing continued high trade deficits ahead. Moreover, administrative inattention to protectionism abroad continues to give the new mercantilists the running room they need to export even more while taking still fewer of our goods in exchange.

The Senate Democratic Working Group on Trade is examining the impact of these deficits in detail. I chair this group, and I want to join with its other members in revealing some of the information we have been receiving—especially information regarding the trade deficit's impact on administration economic projections and productivity.

IMPACT ON GROWTH

First and foremost, these trade deficits are directly responsible for the dramatic decline in growth since mid-1984. Over the last three quarters, they have nearly halted economic growth by deflecting substantial domestic demand abroad. In the third quarter of 1984, over two-thirds of the rise in U.S. demand leaked abroad. And in the first quarter, over 80 percent of the rise in domestic demand was spent abroad on imports. Predictably, domestic industrial production turned weak and now actually sits below last summer's peak.

The business slowdown generated by the trade imbalance is spreading to business investment, as well. The latest Commerce Department report shows that real capital spending is expected to rise nearly 6.2 percent this year, well down from the 15-percent pace in 1984. Moreover, business investment is increasingly being transferred to foreign affiliates abroad to beat the dollar. Nonresidential fixed investment, for example, rose a scant 2.6 percent in the first quarter compared to a 21.3-percent gain in the second quarter of 1984. Investment in foreign affiliates this year, in fact, is projected to be nearly double the growth in domestic investment.

EMPLOYMENT

Employment has been adversely affected by the trade-induced slowdown, as well. The household data survey in April found that 174,000 jobs were lost that month, about half in manufacturing. Since January, 132,000 manufacturing jobs have been lost and manufacturing sectoral unemployment has jumped to 8 percent in April from 7.2 percent in December. The May figures are to be released Friday, and will show ever greater job loss in manufacturing. More broadly, the number of jobs in the goods-producing sector—a leading indicator of total employment—has stagnated for about a year now with employment still far below the prerecession employment peak. And the foreign trade imbalance has destroyed 450,000 highly paid manufacturing jobs since 1980 despite the recovery. The imbalanced nature of

that recovery is vividly portrayed by the contrasting creation of 6.4 million jobs in the generally lower paid service sector over the same period.

Wages in the service sector are far below manufacturing wages. The Bureau of Labor Statistics, for example, found that service sector average weekly earnings in March was 16 percent below the comparable national average. Average weekly earnings in the retail, finance, insurance, and real estate sector was less, as well. In contrast, comparable weekly wages in the manufacturing sector were 27 percent above the national average and 49 percent higher than comparable service sector wages.

The trade deficit has inhibited growth sufficiently to leave unemployment stalled higher than any recovery in history. It is hovering far above the low point of 5.7 percent attained in the previous extended recovery from the 1974 recession. And it has even stalled above the trough of 7 percent attained by the mini-1981 recovery. Indeed, while growth has been good in 3 of the preceding 4 years, unemployment from 1981 through 1984 has averaged 8.8 percent—nearly 40 percent above the 6.2-percent average unemployment rate during the seventies. Virtually all of that shortfall rests squarely with the more than 2 million jobs lost in recent years by the eroding foreign trade sector.

Since mid-1984, real GNP growth has averaged 2.2 percent, low enough to be termed a "growth recession." With domestic investment flattening, first quarter profits down 8 percent from 1984, and new orders for consumer and capital goods down, the outlook is for continued slow growth. Simply put, the trade deficit is playing havoc with efforts to sustain the recovery and shrink the deficit.

It is directly responsible for the plunge in economic growth to a scant 0.7 percent in the first quarter. Of even greater importance for long-term economic competitiveness of the United States, the trade-induced slowdown is concentrated in our most productive sectors—manufacturing and farming. Productivity in manufacturing traditionally grows at twice the national average. And agricultural productivity traditionally grows two and one-half times as fast. Moreover, the sector most insulated, and therefore favored by the imbalanced recovery, is services. The service sector is a drag on American productivity, historically growing at barely one-half the national average.

Soaring imports and weak exports have channeled virtually all employment growth in America since 1981 to our least competitive, generally low-wage service sector, and away from our most productive and competitive agriculture and high-wage manufacturing sectors. Employment in our goods-producing sector, for example, is lower today than in 1980. Lagging sales, despite the recovery, has caused manufacturing profits as a share of equity to lag well behind levels attained in the seventies. As a result, real capital investment in manufacturing since 1980 has grown only 10 percent, barely one-quarter the growth experienced from 1976 to 1980—and the second weakest record of any administration since 1960. It is no surprise, therefore, that productivity rebounded relatively weakly during the recovery. In fact, nonfarm business sector productivity is lower now than in the second quarter of last year, and has fallen in two of the last three quarters.

DECLINING INTERNATIONAL COMPETITIVENESS

With our best players benched since 1980, U.S. productivity growth has remained near the bottom internationally. Despite the recovery, it has been a disheartening story. Productivity in Japan and the United Kingdom have grown twice as fast as U.S. productivity since 1981. And productivity in the other large developed trading partners like France has been notably higher as well.

Even the recovery did not boost productivity enough to match growth abroad.

This conclusion is based on just released Labor Department data on new gross domestic product per employed worker drawn from the big six trading partners, United States, Japan, Canada, United Kingdom, Germany, and France. From 1981 through 1984, productivity in Canada rose less than in the United States. However, productivity growth in the remaining competitors grew considerably faster than in the United States.

I ask unanimous consent, Mr. President, for a chart entitled "International Productivity Comparison" to appear at this point in my remarks.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

International productivity growth (1981-84)

Country:	*GDP per employed worker (percent)*
United States	5.6
Canada	4.3
Japan	11.3
Germany	7.5
France	7.4
United Kingdom	10.7
Average	7.8

Mr. President, let me summarize that chart. U.S. productivity since 1981 has grown only 5.6 percent while productivity abroad in our major competitors has been rising 50 percent faster.

As a direct result, American competitiveness has eroded. Productivity has grown nearly 50 percent faster on average since 1981 in our major international competitors of Japan, Canada, the United Kingdom, France, and Germany. America is substantially less productive and competitive internationally now than in 1980.

ADMINISTRATION PRODUCTIVITY EXPECTATIONS

In its January Economic Report of the President, the administration projects real GNP growth of 3.9 percent annually from 1985 through 1990. Over one-half of this real growth projection depends on its expectation that productivity in the nonfarm business sector will rise 2 percent annually. That would match the pace of productivity growth scored since 1970.

Productivity growth exhibits substantial fluctuation between years. Yet typically, productivity rises robustly during recoveries, and ebbed or even declined during recessions or growth recessions.

Thus, the pace of recent growth influences productivity directly. For that reason, the trade-induced growth recession now underway has dashed administration productivity expectations. They are not being met. Actual productivity has fallen at a 2.5-percent pace since January while the administration expected it to rise at a 2-percent rate. And if the trade deficit continues to expand as predicted by Labor Secretary Brock to $160 billion this year, productivity will remain depressed.

The great expectations for a boost in productivity with which we greeted the 1981 administration economic program have not been met.

What are the implications of this new and disheartening fact?

The most significant one is that we should be pursuing tax and fiscal policies designed to favor investment and lower interest rates. I, for one, am not yet convinced that the administration's new tax proposal meet that criteria. At first blush, in fact, it seems to mark a complete turnabout from the 1981 tax package. If so, it is a tax program which fails to answer this Nation's urgent need to boost productivity. If so, it is a tax program which will not aid the urgent need to restore America's international competitiveness.

RECOGNITION OF SENATOR DIXON

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for not to exceed 15 minutes.

OUR TRADE SITUATION MUST IMPROVE

Mr. DIXON. Mr. President, this morning I want to take a few minutes to discuss our country's international trade posture.

We are the richest Nation in the world, and yet we find ourselves in the unenviable position of coping with a

monstrous trade deficit that seemingly is without end. This debt continues to grow with each passing quarter.

It is a situation we cannot allow to continue, Mr. President. Unfortunately, I have seen little inclination by the present administration to take any constructive steps in the direction of restoring our trade balance to a more rational and manageable level.

We, obviously, need to give profound thought to the long-term impact of our growing inability to export our products in world markets. In the short run, however, we need to act. There has already been lots of discussion about the tragic consequences of our trade deficit. It is clear that talking about the problem hasn't prompted the administration to take any meaningful steps toward reducing this red ink.

We can all agree that we need expanded markets for our goods. We need more jobs for our workers. We cannot achieve these important goals unless we do something about our performance in world markets and insert some fairness into the system.

The inaction and inattention to this problem by the administration do not result from any lack of authority. Congress has given the President the tools he needs. He has vast statutory authority. The difficulty derives from the administration's unwillingness to enforce the laws that are already on the books.

Mr. President, the lack of action by the administration likewise does not result from any lack of public support. It becomes clearer with each passing day that the American people are willing to support changes in our export and import policies. What our citizens want is that we take steps in a responsible way to improve the situation in terms of how other countries are abusing the international trade system.

I do not believe it is unreasonable to expect the same rules to apply to our exports that apply to our imports. For example, Budweiser cannot export one single can of beer to Mexico. That is a fact. On the other hand, we allow into the United States all of the dos equis and carta blanca that the American public cares to consume. Now I ask, what is fair about this situation? We have allowed the market to determine the level of sales in this country. Mexico, unfortunately, has not allowed its market to make that same choice.

There are hundreds of examples of this kind of incongruity in our trade patterns. We have passed legislation to cope with situations such as these. Our problems are compounded by the administration's reluctance or inability to enforce the laws that are already on the books.

Last year, the steel industry succeeded in obtaining a favorable ruling on its 201 petition before the International Trade Commission. The Commission found that unfair trade practices were indeed occurring. The Commission ruled that imported steel was being subsidized by our trading partners and dumped in this country. In the wake of the ITC decision, the administration's response was to negotiate a series of voluntary agreements with each of the countries involved. Again, however, the administration is derelict in its duty, because these agreements are not being enforced, despite all of the arduous efforts expended in negotiating them.

The President has another chance to impose a meaningful remedy to save the domestic footwear industry. A few weeks ago, the International Trade Commission upheld the industry's petition, finding that imports were the cause of the demise of this once vital industry. In 1984, 105 shoe factories closed and another 15 have closed or plan to close this year. Yesterday, the ITC recommended 5 years of global quotas on imported nonrubber footwear. The President must decide what remedy to implement by September 1. The law provides that he may accept the recommendation of the Commission or enact a different remedy. The question is, will he agree with those who have studied this issue carefully, and have determined that quotas in this case are the only suitable remedy, or will he choose to act in a less effective way?

I do not claim to be an expert in all aspects of international trade. It doesn't take a lot of knowledge in this field, however, to recognize that our laws and agreements on international trade are not worth the paper they're printed on if they are not enforced.

No country in the world is going to honor a voluntary restraint agreement if it isn't required to do so by the country with whom it reached the agreement. If we are not enforcing these agreements—and it is clear that we are not—then what good are they? They do nothing for the thousands of unemployed steelworkers in Illinois and other States. These workers were given the expectation that the remedy the President chose to invoke would restore some vitality to our steel industry and put steelworkers back on the job. The lack of enforcement of the provisions of these agreements has only brought more plant closings.

A lack of leadership in many areas of international trade has become a major problem for our country. This administration appears to believe that as long as it continues to release reports that the economy is thriving, then the economy will prosper. I wish the situation were that simple. There are, unfortunately, a lot of signs to the contrary. There are still more than 550,000 people out of work in Illinois, and those are only the ones who are still counted. A full economic recovery has not come to Illinois, or Michigan, or Pennsylvania, or Ohio. So long as our Nation's heartland is still depressed, the economic health of our entire Nation is in jeopardy.

The American people are becoming more and more aware of the adverse impact of our trading patterns on our internal economy. A recent poll reported in the New York Times noted that 69 percent of the respondents believe that foreign trade is costing us jobs in the United States. Based on the current inaction by the administration, it would be difficult for our citizens to arrive at any other conclusion.

Illinois is one of the largest exporting States in the Nation. We depend on foreign markets for the purchase of our goods, and for the output of our farmers and workers. If 69 percent of our people believe, however, that foreign trade is a bad thing for our workers, that belief poses many problems for Illinois, because we as a State are so heavily dependent on foreign trade.

If we are to avoid a potential return to isolationism and protectionism, we must demand leadership from the administration. We must enforce our laws and agreements and develop effective policies that will lead to positive results.

The same poll indicates that 70 percent of the American people believe that limiting imports is a good idea. Our citizens apparently do not consider inviting retaliation against our exports by limiting imports to be a major problem. Such a perception can only be attributed to a lack of leadership on international trade matters.

These views have been developing over a period of time. About a year ago, my staff had a visit from two representatives from the Commerce Department. During this meeting, one of these individuals said that the United States didn't need its heavy industries anymore. He suggested we could import anything we needed, other than what we needed for national defense. It seems to me that is an outrageous attitude for our Government to foster on a matter so basic to our overall economy. Such an attitude plays a role in developing the kind of imbalance we presently experience in trade, where we continue to import more and more while we sell less and less abroad.

I do not know about others in this Chamber, but I, for one, am not prepared to say that we no longer need a steel industry, or an auto industry, or any other industry. They are as vital to this Nation's economic health and security as the newer service and higher technology industries. The administration's failure to defend our economic interests against the all-out assault by countries practicing illegal trade against us is a clear threat to our

security as a nation and our continued prosperity.

We need a diversified mix in our economy. We must maintain a broad base which, ideally, can support every man and woman who wants to work and is able to do so. We have a long way to go in that regard, however. We are not going to achieve that goal without effective implementation of a meaningful trade policy.

The world economy is changing. We must change with it. An overriding objective must be that we will continue to be a first-string player in the game that we created. We cannot retreat to a position which says we cannot compete in today's game. We are an important part of the world economy. We are the largest market for the world's goods, because we have created an economy which can support such a market.

It is a two-way street, however. That market comes from workers who can afford to buy goods. But we must export our own goods if we are to keep our people working.

The time has come, therefore, to reassess our role in the new world economy. Right now, the United States absorbs 64 percent of all exports from developing countries. The European Economic Community takes 25 percent. The Japanese take 8 percent and the rest of the countries in the world take 3 percent. Obviously, this is a lopsided situation.

We have generally operated on philosophy that if we buy goods from other nations, they will then have the capability to buy ours. This is still a principle I would like to believe has some validity. What we need is more balance. We are not going to get that balance unless the administration changes its outlook and provides us with leadership by enforcing our laws and agreements and by developing a positive policy of fostering foreign trade which reduces our present negative trade balance.

I'm certain that Congress is prepared to work with the administration in every way necessary and possible to help restore balance to our trade posture. What we ask for and what the citizens of my State and our Nation ask for, is action.

This Nation cannot afford to continue on our present debtor's path. We cannot lose our place in the world as an innovative leader in manufacturing. Our technological advances should further our pursuits, not hinder them. I ask that we all work together to see that we are not only the No. 1 market for the world's goods, but the No. 1 merchant as well.

Mr. President, I yield back the balance of my time.

RECOGNITION OF SENATOR BAUCUS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for not to exceed 15 minutes.

Mr. BAUCUS. I thank the Chair.

S. 1292—NATURAL RESOURCE SUBSIDIES

Mr. BAUCUS. Mr. President, I noticed in this morning's paper that representatives of the 11 largest industrialized countries—the G-10—are meeting to discuss the international monetary system. A major source of concern is the volatility of exchange rates. In particular, the high U.S. dollar is one of the many problems that faces the United States today with respect to international trade.

Addressing the trade problems confronting this Nation will require many changes. In fact, the growing trade deficit is only one symptom of a larger economic problem: The problem of economic growth and competitiveness.

We in the United States will have to take actions to improve our productivity growth. We must think long and hard about things we have taken for granted. Today, we face a grave challenge: The challenge to increase our competitiveness.

Just as it would be a mistake to assume that all our trade problems are someone else's fault and would disappear "if only everyone else played fair," so it would be a mistake to assume that there is nothing wrong with the way the international trading system functions today.

Today, the GATT covers but a fraction of world trade. Today, the value of a currency may dictate whether a nation's goods can be sold—rather than trade dictating the value of the currency. Today, the multilateral trading system is under attack from within. And today our own administration treats trade like an afterthought.

There is no single answer to all our economic problems and challenges. Rather, as Lester Thurow has said, we must use 1,000 Band-Aids.

Today, I am introducing legislation to deal with one particular problem in the application of trade law: The problem of natural resource subsidies.

It has been—and remains—a tenet of U.S. trade law that a countervailing duty may be imposed when a U.S. industry is harmed by a subsidized import. That is, the U.S. Government may in effect add back the value of the subsidy so that both products must compete on equal footing.

A subsidy is a "bounty or a grant." We all know that a bounty or grant may take many forms. However, in the United States the term subsidy has been very narrowly construed. The legislation I introduce today seeks to return the definition to that intended by the Congress.

If a foreign government offers a cash rebate to a company, we recognize that as a subsidy. But if that government chooses instead to provide a major input free or at a discount, our administration does not call that gift a subsidy. This is true even if the cheap resource is not available to foreign purchasers. If you were the manufacturer offered the below-cost input, you would see that as aid just as surely as a check. Either a cash subsidy or a discount on a major raw material make your product cheaper without hurting your profit margin. They would look the same to you—and they look the same to me. They should look the same in the law.

The legislation I am introducing today would make it clear that the provision of a natural resource input—including a removal right—at below-market costs may constitute a subsidy. For the resource input, a subsidy would exist only if the controlled domestic price of the input product is not freely available to U.S. purchasers and if the resource components constitute a substantial portion of the total manufactured product. A countervailing duty would be authorized only if imports of such products cause or threaten to cause material injury to U.S. producers of the like product.

The subsidy would be measured by the difference between the domestic price for such resource input products or removal right and the fair market value of such product or removal right. The fair market value for an input product would be the price that, in the absence of government regulation or control, a willing buyer would pay a willing seller from that country in an arms-length transaction. Among the factors which shall be taken into account in making this determination is the export price of the product. The fair market value of a removal right would be: First, the price paid for a comparable removal right in a comparable region in the country—other than the country providing or selling the right—which as the largest number of arms-length sales of such rights; or second, if no country sells a comparable removal right at arms length, the price that a willing buyer would pay a willing seller in an arms-length transaction for the removal right in the country providing or selling the right.

Mr. President, this is not just some abstract problem. Resource-rich nations are using subsidized natural resource input as a way of providing employment and stimulating exports. Cement, ammonia, carbon black, petrochemicals, gasoline, and lumber industries in this country suffer from this practice.

I am familiar with the lumber problem firsthand. The U.S. forest products industry is the most productive in the world. Yet it has become a victim. Despite record U.S. lumber consumption in 1984, the industry sustained pretax losses of over $300 million and operated at only 80 percent capacity. Some of the increase in Canadian market share is a function of the high U.S. dollar. But some of the increase comes from the decision by Canadian provinces to use stumpage—the right to cut timber—as part of their employment policy. Low-cost stumpage is part of a plan to keep mills operating. In the United States, however, we set stumpage through auction. The difference is great enough to allow British Columbia's companies to undersell U.S. companies from Georgia to Maine to Montana to Washington State.

The result, Mr. President, is that today about 32 percent of soft-wood consumption in the United States is met by Canadian imports.

RESPONSE

The next GATT round should deal comprehensively with the question of subsidies. In a world where tariffs are reduced and quotas discouraged, subsidies become the dominant method of protection. Ever more subtle forms of subsidy will be found. But we cannot wait for a new trade round to address all our problems. We must deal with those we can as we can. This legislation is part of that process.

Mr. President, this legislation has been introduced in the House of Representatives by the distinguished chairman of the International Trade Subcommittee of the Ways and Means Committee, Representative SAM GIBBONS. Neither he nor I are wedded to every sentence in this bill—but both he and I feel strongly about the principle.

Competitiveness is a huge concept. Restoring competitiveness is a major challenge. We must get our own house in order. We must also be sure our trade laws work.

Last year similar legislation passed the House of Representatives but lost narrowly in conference due to administration opposition. In time since, our problems have not lessened. I am pleased and honored to be joined in introducing this bill by the distinguished Senator from Louisiana [Mr. LONG]. I urge my colleagues to join me—let us provide an even playing field for industries being devastated by subsidy practices.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subtitle D of title VII of the Tariff Act of 1930 (19 U.S.C. 1677 et seq.) is amended—

(1) by adding at the end of section 771(5) the following:

"(C) Any resource input subsidy provided for under section 711B."; and

(2) by adding after section 771A the following new section:

"SEC. 771B. RESOURCE INPUT SUBSIDIES.

"(a) GENERAL RULE.—A resource input subsidy exists if—

"(1) a product (hereinafter referred to in this section as an 'input product')—

"(A) is provided or sold by a government or a government-regulated or controlled entity within a country (hereinafter referred to in this section as 'exporting country'), for input use within that country, at a domestic price that—

"(i) is lower than the fair market value of the input product; and

"(ii) is not freely available to United States producers for purchase of the input product for export to the United States; and

"(B) would, if sold at the fair market value, constitute a significant portion of the total cost of the manufacture or production of the merchandise in or for which the input product is used; or

"(2) the right to remove or extract a product (hereinafter in this section referred to as the 'removal right') is provided or sold by a government or a government-regulated or controlled entity within a country and—

"(A) that product is for input use within that country;

"(B) the removal right is provided or sold at a domestic price that is lower than the fair market value of that right, and

"(C) the product to which the removal right applies would, if that right was sold at a fair market value, constitute a significant portion of the total cost of the manufacture or production of the merchandise in or for which the product is used.

"(b) AMOUNT OF RESOURCE INPUT SUBSIDIES.—

"(1) IN GENERAL.—The amount of a resource input subsidy is the difference between the domestic price of an input product, or of a removal right, and the fair market value of that product, or right, respectively.

"(2) EXCLUSIONS.—For purposes of this section, the terms 'domestic price' and 'fair market value' do not include—

"(A) with respect to an input product, the costs incident to transportation and handling required to move the product from its point of production to the respective domestic or foreign destination; and

"(B) with respect to a removal right, the cost or value of any activity the recipient of the right must undertake as a condition for receiving that right.

"(c) DEFINITIONS.—For purposes of this section—

"(1) FAIR MARKET VALUE.—The term 'fair market value' means—

"(A) with respect to an input product, the price that, in the absence of government regulation or control, a willing buyer would pay a willing seller for that product from the exporting country in an arms-length transaction; and

"(B) with respect to a removal right—

"(i) the price paid for a comparable removal right in a comparable region in the country (other than the country providing or selling the right) which has the largest number of arms-length sales of such rights, or

"(ii) if no country sells a comparable removal right at arms length, the price that a willing buyer would pay a willing seller in an arms-length transaction for the removal right in the country providing or selling the right.

In determining the fair market value of an input product, the administering authority shall take into account—

"(i) the export price of the product,

"(ii) the prices at which the product is generally available in world markets,

"(iii) the current market clearing price at which the product can be sold competitively by the exporting country in the markets of other countries (including the United States) that are non-State-controlled-economy-country markets, and

"(iv) the availability to the exporting country of markets described in clause (iii).".

"(2) INPUT USE.—The term 'input use' refers to the use (directly or indirectly) of an input product in the manufacture or production of any class or kind of merchandise that is the subject of an investigation under this title."

SEC. 2. INJURY TEST REQUIRED IN ALL CASES IN WHICH RESOURCE INPUT SUBSIDIES ARE ALLEGED.

Notwithstanding subsection (b) of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), sections 703(a) and 705(b) of that Act (relating to injury determinations by the United States International Trade Commission) shall apply to any investigation under that section in which the existence of resource input subsidies under section 771B of that Act is alleged.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to investigations initiated by petition or the administering authority under subtitle A of title VII of the Tariff Act of 1930 on or after the date of the enactment of this Act.

RECOGNITION OF SENATOR LAUTENBERG

The PRESIDING OFFICER (Mr. EVANS). Under the previous order, the Senator from New Jersey [Mr. LAUTENBERG] is recognized for not to exceed 15 minutes.

EXPANDING TRADE DEPENDS ON ENHANCING INTELLECTUAL PROPERTY RIGHT PROTECTION

Mr. LAUTENBERG. Mr. President, in so many cases, our Nation's strength in world markets is its technology. Our ability to expand trade, to build jobs at home, depends in good part on our ability to offer products and services that are innovative, that are advanced, that are one step ahead of the rest of the world.

As Japan's example shows, a nation's economic destiny need not rely on its natural endowments. Comparative advantage is more and more a function of managerial competence and technological innovation.

We need an effective trade policy to gain access to world markets. We need to break down the barriers that keep our products out. Domestically, we need to remove undue controls on our

own exports. We need to assist firms that want to export.

But an effective trade strategy must also include effective protection of intellectual property rights. That must be a major objective of our policy.

The theft of American products, ideas, and technologies by foreign nationals poses a growing threat to our balance of trade, to our competitiveness, to the health of our domestic economy.

When a nation allows—through inadvertence or intent—the violation of our patents, copyright, trademarks, it denies our inventors their right to exploit and to profit from their own invention and denies to American business a market that should be theirs.

Last year, I introduced legislation to require the President to carry out a comprehensive assessment of the problem and to submit a report to Congress, detailing his findings, recommendations, and plans. The bill denied eligibility for the generalized system of preferences if a country failed to provide adequate protection of intellectual property.

I was pleased that much of this legislation was incorporated in the Trade and Tariff Act of 1984. The U.S. Trade Representative is required, under the act, to issue a report by the end of October, on the policies and practices of other nations that deny protection of intellectual property.

Mr. President, there is a critical provision in that act. It requires the Trade Representative to report on action taken to address these foreign practices, or to report on why nothing has been done. I for one expect a report of some action. Foreign nations should be on notice that the United States is concerned about intellectual property right protection.

Even without the report, Mr. President, some problem areas are clear.

Mexico, for example, maintains a legal regime that simply denies the patentability of certain products. In Mexico, you can't get a patent for agricultural chemicals, or for other chemicals, or for pharmaceuticals, or for biotechnological processes. Now, among the constituents of my State are major manufacturers of pharmaceuticals and chemicals, and small startups in biotechnology. Affected by Mexico's law are highly competitive and innovative U.S. industrial sectors.

Mexican law provides that if a patent is not worked in the country—that is, actually used in manufacturing—then the patent lapses. Many nations provide that if a patent is not worked in a country, it is subject to compulsory license; that is, the nation will let others use the patent. That alone is a source of complaint. Mexico's provision, lapsing the patent, is that much worse.

But, Mexico is not alone, Mr. President. Brazil has made the unauthorized use of intellectual property a part of its industrial policy. Brazil has affirmatively decided that denying patent and copyright is the way to build its economy. Brazil denies patent protection for pharmaceuticals. It's created a domestic industry in the counterfeiting of patented products and the appropriation of patented processes.

Brazil's informatics policy is directed toward creating a Brazilian industry in computer hardware and software built largely with the technology of U.S. industry. Brazil has endorsed the denial of copyright for computer software. Brazil is fighting the growing international consensus that software should be protected by copyright.

The Congress went on record in the Trade and Tariff Act, endorsing copyright of software. It expressed its disapproval of efforts in Brazil and at the time in Japan. In this Congress, 15 colleagues and I have sponsored legislation to deny U.S. copyright protection of foreign software, if the foreign nation denies protection of American works. Japan has backed off, as result of concerted opposition, but, Brazil has not.

Mr. President, when a nation allows or endorses the appropriation of intellectual property, it denies our industry export opportunities. We lose exports to that nation, and to other nations where the counterfeit goods are sent. The ITC back in 1982 said the United States lost 131,000 jobs that year because of foreign counterfeiting in just five industrial sectors. U.S. industry lost $5.5 billion in annual sales.

The current international regime of intellectual property right protection is inadequate. There are no international standards of minimum patent protection. The standard in the Paris Convention is national treatment. That means that the United States gets the same protection provided to local inventors. But in many nations, national treatment is no treatment. Protection is nonexistent, because the Government has little to protect.

The United States must seek greater protection. We need an effective and vigorous effort to strengthen intellectual property right protection abroad. The administration must move forward, to collect the information as Congress has directed, and to address the problems. Talk is not enough. The administration has tools at its disposal that can get results. The question is whether the administration has the will to get the job done.

Mr. President, we cannot stand by while nations deny us the fruits of our invention. Technology is our strength. We must protect it and build on it. That should be an essential ingredient of our trade policy.

RECOGNITION OF SENATOR MELCHER

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for not to exceed 15 minutes.

AMERCIAN FOREIGN TRADE POLICY

Mr. MELCHER. Mr. President, during the past few days several of us, under the leadership of the senior Senator from Texas, have discussed in a fair amount of detail some of the problems we have had with American trade policy. Yesterday, I spoke directly to some of the problems we have been having with agricultural trade policy during the past couple years. Despite the mounting surplus commodities in this country, we have seen instances of bungling trade restriction on agricultural products that are alarming to any American, but are particularly alarming to those U.S. producers who are in distress because of dwindling prices. They are demanding of us that the policies be changed.

Mr. President, we need a united front, a bipartisan group in Congress with complete understanding, if not complete unanimity among the public, that agriculture production in this country has to have opportunities for markets overseas for ours is not a country that produces food just for ourselves. We are a country that produces food and fiber for many markets overseas. Unless those markets are available to us, our producers suffer and the entire economy suffers.

From time to time, we have been getting advice from various groups, and I refer now to one of the Chambers of Commerce in Montana which is echoing the same sort of advice that business interests provide to Congress, particularly at a time when we are attempting to mark up a new farm bill.

I welcome that type of advice and that type of participation by all chambers of commerce and by all business interests in the United States. After all, the agricultural economy of this country is very sick, and when our biggest industry in the country is sick, it is time that we have some attention paid to it by all groups of business people in this country.

I want to comment directly, though, on some advice that seems to be misguided. As one case in point, I reviewed the recommendation of one of the chambers of commerce in our State on what should be considered in the new farm bill. One of the points that chamber made is that the United States should continue the research and development of markets. That is right on point. But some others were not on point.

One in particular that I want to speak to this morning seemed to con-

clude that Government subsidies are too high for agricultural producers and are the cause of their problems.

Mr. President, I want to state emphatically and very clearly that nothing would please American farm and ranch operators more than to get a decent price in the marketplace without Government subsidies. But that is not the case now. There is no decent price in the marketplace. Instead, there are very low prices; and quite a few people, in adhering to time-tested principles, are saying that Uncle Sam demands that these producers be more efficient. Well, farm prices are really made in Washington—that is an old saying, but it is indeed true—and these prices are made by all kinds of laws and often misguided Federal policy made to enhance and protect interests other than agriculture.

Our agriculture producers are geared to sell about one-third of their production abroad. There is nothing new about that. Since the time of Jefferson, the agricultural producers in the United States have produced a significant amount of their crops for sale abroad. At times we have found, over the course of our history, that it has been the whims of foreign policy that has determined what the effective prices would be for American agricultural production. There have been times before now, but indeed it is true now, that the monetary policy or the trade policy of the United States gets in the way of good agricultural policy.

Too often, these other policies are treated as very much dominant over what would be good agricultural policy.

So when farmers say farm prices are made in Washington, there is a great deal of truth to it. When farmers suspect that theirs is the forgotten, tail-end of all the basic industries of this country, that they are left out in policy considerations, they are correct in that assumption, and that is the case now.

No, Mr. President, farmers have not asked for Federal subsidies.

If the low prices that American agricultural producers receive for their products are not due to one of the errant Government policies I have mentioned, then they may well be the victims of what has been loosely called the cheap food policy that some of our administrators have devised to help bring down inflation.

There are four significant points to be made here.

First of all, competent studies have reaffirmed the efficiency of American farmers in producing grains, livestocks, and poultry. That should tell us that, while farmers would welcome any further improvement in the efficiency of their operations, we have to recognize that other countries distort the price of commodities throughout the world by using heavy subsidization and/or lock out American products from their countries by various mechanisms available to them.

Second, we should recognize that agricultural income is so low now that any further loss will close out a large number of agricultural producers this year, more next year, and more the following year. The losses that have been endured over the past 5 years have been due primarily to low prices, but high interest rates, droughts, taxes, and other fixed costs have also been major factors.

The cumulative effect truly jeopardizes the future of American agriculture. Farmers and ranchers have had to get through a number of separate and individual years of actual losses. They are used to that. But they are not used to a successive 4- or 5-year continuous decline in the price of their products. This accounts for the desperate situation in which so many farmers and ranchers find themselves in 1985. Those who can shore themselves up enough to survive this year may feel they have at least a chance to recoup in 1986, but that can occur only with improving prices for the products they produce and sell.

Mr. President, in addressing the Senate yesterday, I said that the prices projected by the Department of Agriculture for this year's crop year make grim reading for producers.

Second, the Department of Agriculture's current projection of U.S. agricultural exports for this coming year is equally grim.

The third point I wish to make this morning is this: Agriculture, the most basic of all our industries, has all the symptoms of being not just ailing but desperately ill, and problems have to be treated now—not later.

Above all, the policies fixed here in Washington regarding agricultural trade are completely haywire.

We foolishly wasted $12 billion on PIK in the 1983 crop year, and a lot of us are still complaining, but that was for just 1 year. Let us contrast that 1 year of errant foolishness with the fact that we spend $16 billion a year—and increase it every year—on foreign aid.

Second, we have been talking about the damage that a strong overvalued dollar does in trade policy for not just months but for the past 2 years and how that interferes with export of American products including agricultural products.

Mr. President, I pose this question: How much longer do we talk about it before we start doing something about it to make readjustments?

The fourth point I wish to make, Mr. President, is this: We conjure up all kinds of deals for national defense around the globe, ostensibly in the best interest of the country, but we never seem to be able to conjure up enough deals on trade—including agricultural trade—around the globe to put our economic priorities in the right order.

We sell more than four times as much agricultural products as any other country, but we still have a huge surplus. That might seem to say to some that we have satisfied all the food needs, but that is not true at all.

Developing countries with limited credit can receive our food under a variety of different programs, yet we find, particularly in the last 2 years, that our Government is too hesitant, too slow to use these programs and when it does, it only uses them in a halfhearted and haphazard way. As an example, the State Department has blocked wheat and rice sales to the Philippines for 6 months. We found that in the case of Africa the food shipments awaited clearance while policy was argued.

We have a committee consisting of representatives of the Departments of Agriculture, State, Treasury, Commerce, and the Office of Management and Budget which meets periodically to determine if food aid applications should be accepted or rejected, to determine whether it is in the best interests of this country to allow sales to developing countries.

Mr. President, yesterday I described this group detemining which applications on sales of food aid should be accepted as a five-humped camel and just as smart as any other malformed camel. They chew their cud. In those periodic meetings where they reject or approve, disapproval by one tends to be a veto. Getting their act together is very difficult.

It is a surefire recipe for confusion, delay, and absurd decisions.

Agricultural trade and American food policy is too serious an issue to leave to the whims of bureaucratic entanglements. Those entanglements must be ended.

Mr. President, the coming farm bill hopefully will give assurance of a better agricultural trade policy for the future of this country. That cannot come too soon. Meanwhile, we could use some of the cooperation and understanding of the administration, the Department of Agriculture, and the Department of State on how important agricultural exports are to this country and to the wellbeing of the agricultural producers of this country.

RONALD REAGAN: CLINT EASTWOOD TOWARD THE SOVIETS, DAGWOOD TOWARD THE JAPANESE

Mr. EAGLETON. Mr. President, we're all familiar with the old bromide that politics is the process of give and take. But when it comes to our economic relations with Japan, that country is all take. We continually give un-

limited access in our markets to Japanese products; Japan takes this cornucopia of opportunity but without giving reciprocal opportunities to exporting U.S. companies.

Not long ago, the Reagan administration missed a golden opportunity to exact trade reciprocity with Japan when it permitted the voluntary restraints on Japanese autos to expire. Suddenly after this bargaining chit evaporated we bagan to face the music: how do we pry open the Japanese trade door and make them play fair? This episode is emblematic of the Reagan administration's overall trade strategy. If the administration went to the mat with Japan over economics the way it does with the Soviets over politics, we'd be a lot better off today. But no, when it comes to economic threats, this administration merely hopes our example of free trade by scrapping auto restraints sets "a climate * * * that it will have an effect on the way—the Japanese—deal with us." Real hardball, that was.

As it turned out, the Japanese decided voluntarily to continue a quota—but one with a far more generous ceiling, allowing 450,000 more cars to be dumped into this country, representing a 24 percent increase from the previous 12 months, raising the number of cars from 1.85 to 2.3 million. Perhaps the Japanese honestly thought this would deflect boisterous protectionists in Congress, but it only provoked anger. And U.S. auto companies expect the effect to be devastating. When the explanation you get from the Japanese is that they think they can win the understanding of Washington simply because the increased flow of cars would not be torrential, my tolerance is severely tested. But the target of criticism should be Ronald Reagan and not Japan. President Reagan ought to be doing our bidding—using this recent occasion as leverage for obtaining commitments of freer trade within Japan's borders.

Why did Mr. Reagan allow the quota system to collapse—without getting anything in return but hopes and promises? As it is, despite the voluntary restraints, Japanese autos continue to account for approximately 2 million cars imported into the U.S. market—contributing over $20 billion to the trade deficit. Now, an end to the quota system with no comparable improvement in access for competitive U.S. exports to Japan's markets will severely exacerbate the already troubling trade deficit. So where is our tough-talking, Clint Eastwood, "make my day" President in all this? Why is he giving away the store? Why does he perpetuate the myth of free trade, forcing us to play by the rules, but sit on his hands as our toughest competitor advocates vigorous trade everywhere except within its own borders?

These are not just hyperbolic words. Because of the Reagan administration's myopic vision:

WE'LL BE FLOODED WITH MORE FOREIGN CARS

The U.S. Trade Commission estimates that removal of the import cap on autos will result in 4 to 5 billion dollars' worth of additional Japanese cars flooding our markets.

WE'LL LOSE VALUABLE PROFITS

A Shearson Lehman Brothers Inc. auto analyst has predicted that without the increased imports the "Big Three" auto companies' 1985 combined estimated pretax profits would have been $200 to $400 million higher.

WE'LL LOSE CRITICAL JOBS

UAW President Owen Bieber called Japan's impending increase huge and predicted it would mean a loss of 90,000 U.S. jobs and an increase of $5 billion in the U.S. trade deficit with Japan. Lee Iacocca charged that the 24-percent increase amounts to two U.S. assembly plants and six or seven supplier plants, and all the jobs that go with them.

OUR HORRIBLE TRADE IMBALANCE WILL WORSEN

The present trade imbalance with Japan has now reached an unbelievable high of $37 billion—accounting for almost one-third of the entire U.S. deficit with the world—and will now further deteriorate.

Mr. President, we acquiesce in Japan's economic demands by continually handing out bonanza trade deals. When will our demands that Tokyo open its trade door be met? Surely voluntary restraints are no panacea for U.S. trade and industrial problems, but we could have asked for something in return when they lapsed, rather than allow an unfair competitor to go unrestrained. Ronald Reagan plays tough with the Soviets. But he ought to demonstrate the same resolve with our economic challengers by using any wedge we have to pry open the unfair Japanese trade gate.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for morning business not to extend beyond 11:40 a.m. with statements therein limited to 5 minutes each.

JOURNEY TO CHINA

Mr. MATHIAS. Mr. President, public television this week has shown an interesting documentary film which covers the visit of Malcolm Forbes and his sons to the People's Republic of China. The visit is an imaginative trip which is conducted by motorcycle and hot air balloon, a combination of transportation which is bound to intrigue the interest and curiosity of the people of China.

It is an important kind of effort by individuals to complement the efforts of governments to bring about a closer association between the people of the United States and the people of China.

I am sure that there is going to be a significant relationship between the Chinese people and the American people as the years develop. It is a matter of destiny.

But that relationship will be more positive and more harmonious if there are individuals like Malcolm Forbes who are willing to make it work and who are willing to put their own resources and their own creativity into the adventure.

I salute Malcolm Forbes and his sons for this contribution that they have made to the future of Chinese and American relations.

Mr. President, is there further time under morning business?

The PRESIDING OFFICER. A minute-and-a-half remains in morning business.

FULBRIGHT BIRTHDAY ANNIVERSARY

Mr. MATHIAS. Mr. President, during this month, the former chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas, Mr. Fulbright, has observed a significant anniversary. His service in the Senate was historic. He is a personal friend of many of us, and I express my best wishes to him on an important birthday and my best wishes for many happy returns of the day.

PRESIDENTIAL MANAGEMENT OF FOREIGN POLICY

Mr. GOLDWATER. Mr. President, for many years now, dating back at least to the final years of the Vietnam war, a dangerous movement has been under way in Congress to take from the President the reins of foreign policy. The time has come for Members of Congress to understand their proper role in the constitutional system designed by the framers at the grand convention of 1787. The legislative branch was never intended to dictate the day to day details of foreign policy. Nor did the framers mean for the opinions and prejudices of any faction of society to govern our Nation's foreign policy decisions. James Madison settled this question beyond any doubt in the Federalist Paper No. 10.

Mr. President, the framers of the Constitution created three distinct branches of Government and allotted powers to those branches in such a way that one branch should not exercise the functions vested in another branch. This concept is known as the separation of powers and it is at the heart of our free Government.

The framers viewed the conduct and management of foreign relations as

being peculiarly within the domain of the executive branch. Article II, section 1 of the Constitution specifically places all the "executive power" of the national Government in the President of the United States. In the absence of any constitutional provision to the contrary, this means the President is vested with the primary responsibility for conducting the Nation's foreign policy.

It is constitutional usurpation of his power and an invasion of the separation of powers when Congress, or any outside organization attempting to manipulate Congress, seeks to run the daily business of the President, the Department of State and his administration. Unfortunately, the situation has become so bad that leading newspapers, such as the Wall Street Journal, now print that "the execution of U.S. foreign policy has tipped away from the Presidency and become mainly a detailed legislative function of Congress . . ."

As an example of the effort of Congress to take over the prerogatives of the President in the direction of foreign policy, I might mention, the introduction of a resolution in the Senate, cosponsored by 69 Senators, opposing the sale of weapons to Jordan. An article by Joseph Harsch in the Christian Science Monitor of June 6 indicates that the American Israel Public Affairs Committee [AIPAC] is and has been pushing mightedly for adoption of the resolution.

The problem is that such a demonstration of political strength by any lobby seeking to direct the foreign policy of the United States does not do a service to the Nation and our people.

The President wants to achieve peace in the Middle East. Everyone is aware of that fact. He has sent his Secretary of State, a fine, well informed and sound man, to the region to see what he can do in helping advance the process of peace. King Hussein of Jordan has visited Washington and made suggestions that may lead toward Arab-Israel negotiations. Yet, 69 Senators have indicated by their signature to a legislative measure that they are going to object to the sale of any advanced weapons to Jordan, before notice of any arms sale has been submitted to Congress and even though Jordan could very well be the country that stands in the balance of peace in the Middle East.

Mr. President, this brings me back to the point that the Constitution does not vest control over foreign policy with Congress. It is true that foreign policy works best when the President and Congress, acting together as the two political branches of Government, cooperate in formulating the broad outlines of U.S. policy, but the details and daily operations of foreign policy were left by the framers with the President. The Congress has a role to play in working with the President to form a national consensus on the broad goals and principles which will guide our Nation's foreign policy, but the detailed methods and means by which our Nation shall reach those goals should be left and were left by the framers to the President.

In order to conduct a serious and responsibile foreign policy, the President must be given some flexibility of action and not be shackled with legislative restrictions attempting to regulate foreign policy with narrow specificity. Congress cannot and should not tie the President's hands from actions which may be needed in the national safety. And, the fundamental basis of American foreign policy should always be the best interests of the United States and all its people and what is in the best interest of peace. We should never follow blindly the interest of any foreign nation no matter how much any group of Americans may possess religious, cultural, ethnic, or nationality interests with the people of that other country.

Mr. President, I ask unanimous consent to place at this point in the RECORD the news article by Mr. Harsch.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAUSE AND EFFECT

(By Joseph C. Harsch)

During the 1984 election campaign the pro-Israel lobby spent more money on the defeat of Republican Sen. Charles Percy of Illinois than on any other candidacy. Total contributions from Jews to the anti-Percy campaign were $3.1 million.

The anti-Percy campaign was successful. The senator was defeated. After his defeat, Thomas A. Dine, executive director of the American Israel Public Affairs Committee (AIPAC), stated that:

"All the Jews in America, from coast to coast, gathered to oust Percy. And American politicians—those who hold public positions now, and those who aspire—got the message."

This week's maneuvering over Arab-Israel peace negotiations showed how members of the United States Senate "got the message."

Secretary of State George Shultz is trying to help set the stage for serious Arab-Israel negotiations aimed at a long-term peaceful settlement in the Middle East. King Hussein of Jordan has just been in Washington. The King has declared his readiness to enter into negotiations provided that they are under some form of an international "umbrella." He would prefer a United Nations-sponsored conference with the Soviets present along with the U.S. The King wants preliminary talks with the United States which would include representatives of the Palestine National Council (PNC) in the Jordanian delegation. The PNC is the Palestinians' parliament in exile. Secretary George Shultz regards the King's proposals as reasonable. He objects to having the Soviets represented under the "umbrella," but the King is not insisting on that presence. Mr. Shultz is confident that the King's proposals represent a fair and viable opening for moving ahead toward negotiations. He has urged Israel to respond favorably.

He has also, both in person and by telephone, urged the Senate to do or say nothing to interfere with the process of trying to maneuver Jordan and Israel toward the negotiating table.

Mr. Shultz's urgings were sufficient to delay during King Hussein's visit in Washington a resolution pending in the Senate which would oppose the sale of weapons to Jordan "under present conditions."

AIPAC, which is the central pro-Israel lobby in Washington, is pushing for adoption of the resolution by the Senate. It is sponsored by Republican Sen. John Heinz of Pennsylvania and Democratic Sen. Edward Kennedy of Massachusetts. Under AIPAC prodding, the two senators have decided to go ahead with the resolution. By Monday afternoon it had attracted the signatures of 67 other senators.

There is no serious thought of selling modern weapons to Jordan just now. But passage of the resolution would have the overt appearance of applying pressure on King Hussein. Overt appearance of such use of American "leverage" on the King would embarrass him. It could make it impossible for him to move along toward negotiations. Secretary Shultz says it would be "a finger in the eye" for the King. The King dare not allow himself to get into negotiations under the appearance of coercion.

The national interest of the United States in the Middle East is a peaceful settlement between Arabs and Israel. Such a lasting settlement is possible only on the basis of UN Resolutions 242 and 338, which call for Arab recognition of Israel in return for Israel's withdrawal from most if not all of the Arab territories presently occupied by Israel.

Peace will be in sight if and when both Israel and the Arabs are ready to talk on the basis of 242. So far, the Likud Party in Israel's ruling coalition opposes giving up the occupied territories, and the Arabs have yet to agree to direct talks with the Israelis.

But the government of Israel also wants to avoid appearing to be shunning the road to peace. If King Hussein can be goaded into backing away from peace talks, the propaganda blame will be on him.

Meanwhile, AIPAC's ability to muster a majority of votes in the Senate for anything it wants will once more have been demonstrated.

FLAG DAY

Mr. GLENN. Mr. President, Flag Day is an important time for us to remember the symbol of our great Nation. As a native of Ohio, I am particularly proud that the flag now flying over our 50 States was designed by Robert Heft, a fellow Ohioan whose design was adopted in 1960 from over 100,000 entries nationwide.

Flag Day commemorates June 14, 1777, the day the Continental Congress adopted the Stars and Stripes as the official flag of the United States. Since then, the Stars and Stripes has symbolized not only the tangible elements of our nationhood—geography, government, and citizenry—but the equally important intangible aspects of American nationhood as well. The American flag represents our commit-

ment to individual rights, to justice, and to equal opportunity for all. And it symbolizes not only the benefits of life in a democracy but the responsibilities as well.

No Americans have sacrificed more for the ideals embodied in the flag than the men and women of the armed services. The soldiers, sailors, airmen, and marines who served our Nation were willing to give up life itself for the ideals symbolized by our flag. So when we salute Old Glory on Flag Day, let us also remember the sacrifices of the many patriots who lived, fought, and sometimes died for the ideals that the Star-Spangled Banner represents.

CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWRY

Mr. THURMOND. Mr. President, I rise today as a participant in the Congressional Call to Conscience Vigil for Soviet Jews. I commend the distinguished Senator from Minnesota for organizing this effort. Mr. President, I would like to bring to the attention of the Senate, and to our entire Nation, the plight of the many Soviet Jews known as "Refuseniks." Refusenik has become an international word. It describes a Soviet Jew who, having been consistently denied permission to emigrate to Israel, is harassed by the KGB. They are usually dismissed from their place of work, and live in constant fear of being arrested on trumped-up charges, which could result in imprisonment.

One such case is that of the family of Gennady Khassin. He, his wife Natalia and daughters, Helen and Yehudith, have been denied visas since 1976. As a graduate of Moscow State University with a doctorate degree in mathematics, Gennady was employed as an associate professor of mathematics at the Moscow Pedagogical Institute. Hoping to improve his chances of being allowed to emigrate, he left this post to teach in a middle school. Nevertheless, Mr. Khassin was denied permission on alleged grounds of being "privy to secrets." Mr. President, the treatment the Khassin family has endured as a consequence of being labled refuseniks is appalling.

In September 1978, while Mrs. Khassin and the children were away in Odessa, their apartment in Moscow was searched. A tape recorder, cassettes, and books in Hebrew and English were confiscated. A few days later, while Mr. Khassin was in Odessa visiting his wife and children, he was picked up by police, and sentence to 10 days' imprisonment for being in Odessa without police permission.

In May 1981, their apartment was again burglarized and a fire was deliberately started at their home.

Later that same year, the KGB raided their flat and confiscated many of their possessions. Their books, papers, cassettes, children's drawings and school books, and religious appurtenances were all taken without any record. In fact, Mrs. Khassin's identity card and papers were taken, leaving her without the necessary internal passport all Soviet citizens are required to carry. She could, therefore, be arrested at any time.

On June 1, 1983, worn out by disappointed hopes and her continual fear for the safety of her son and his family, Mr. Khassin's mother died in Bethsheba, Israel. Her death has horrifying repercussions for the Khassin family. After 9 years' long wait, they have lost their only first degree relative in Israel, and are in a more hopeless situation than ever.

Mr. President, the situation of Mr. Khassin and his family reminds us of the unconscionable nature of the Soviet regime. We as Members of the U.S. Senate must not allow this Soviet standard to go unnoticed. Rather, we should reaffirm our commitment to a world with individual liberty and freedom of conscience.

FLAG DAY

Mr. THURMOND. Mr. President, I would like to remind my colleagues of the importance of the upcoming annual Flag Day and the following 21 days set aside by Congress "as a period to honor America." This is a special time of the year when all Americans should celebrate the birth of freedom and the heritage of our country and be proud of contributions in keeping this country strong and free.

Mr. President, June 14 is National Flag Day. It is a special day set aside to honor our national flag and its history. It is an excellent opportunity for all Americans to reacquaint themselves with the proper etiquette to be displayed toward our national symbol. All military persons should stand at attention and salute. All other persons should stand erect with the right hand placed over the heart each time the colors pass. Men should remove their hats.

Mr. President, I urge my colleagues to take this opportunity to express to their constituents the educational and historical significance of our flag.

TRIBUTE TO LEWIS TAMBS, U.S. AMBASSADOR TO COLOMBIA

Mrs. HAWKINS. Mr. President, it is a pleasure for me to pay tribute to a very special individual, Lewis Tambs, who recently completed a 2-year term as U.S. Ambassador to Colombia.

As chairman of both the U.S. Senate drug enforcement caucus, and the Senate Subcommittee on Children, Family, Drugs and Alcoholism, I have had the unique opportunity to observe the performance of the majority of Federal officials involved in international narcotics control. I can say without doubt that Lewis Tambs was the best.

Ambassador Tambs represented the United States in the nation recognized as the greatest producer and exporter of cocaine in the world; he went there determined to reverse this dubious national distinction. During his term as Ambassador—a tenure touched by numerous threats on his and his family's lives—he had more of a positive impact on the narcotics situation than any other diplomatic representative in the history of United States-Colombian relations. For example, he was present during the efforts of Justice Minister Rodrigo Lara Bonilla to thwart the growing power of the Colombian cocaine cowboys, only for Minister Lara to later pay for these labors with his life. He was there during the implementation of Colombian President Betancur's "War Without Quarter," to try and wrest control of this nation from the grips of the narco-traffickers. Lewis Tambs was not only present, he was an integral part of these drug control efforts that finally turned this nation around.

Ambassador Tambs' consistent and highly effective drug control efforts were recognized not only in Colombia, but in the United States as well. The Drug Enforcement Administration, in fact, in recognition, of his outstanding efforts in behalf of drug law enforcement, presented him with a well-deserved and unique award of special achievement in this regard.

Ambassador Tambs has been recognized yet again for his remarkable talents and abilities. President Reagan has recently nominated him to be our next Ambassador to Costa Rica.

In this pivotal time for many Latin American nations, it is vital that individuals of the caliber of Lewis Tambs provide necessary U.S. representation. In particularly troubled nations like Colombia and Costa Rica, it is only with the presence of exceptionally able and talented diplomats like Lewis Tambs that we can achieve the mutually agreeable coexistence that is necessary for neighboring nations in the Western Hemisphere. Lewis Tambs has proved that it is only by working together that we can truly achieve the eradication of drug abuse.

I would like to take this opportunity to extend my personal thanks for Ambassador Lewis Tambs for his exemplary performance as Ambassador to Colombia. I know of no other individual in the diplomatic service to be so well-regarded, both in his home country, and the nation to which he was assigned, as Lewis Tambs. If he is able to make the tremendous strides in Costa Rica as he did as U.S. Ambassador to Colombia, then for the sake of Costa Rica he should take his new post as

51-059 O-86-43 (Pt. 11)

expeditiously as possible. I therefore urge my colleagues in the U.S. Senate to take whatever steps are necessary to secure an immediate confirmation of Ambassador Tambs in his new position.

SALT COMPLIANCE

Mr. GORE. Mr. President, the gratification that many of us feel at the President's decision to retain SALT numerical limits on nuclear weapons has a flip side. We have clearly had a close call, and that gratification reflects earlier concerns that the President might well have thrown off the no-undercut policy altogether, or—by refusing to dismantle launchers—caused the policy to unravel.

Our earlier vote on this issue showed the Senate massively favored the course of action that the President chose. But now that the immediate crisis is past, we ought not to file the question of SALT compliance away. Even if the Soviets do no further damage—indeed, especially if they do not—the next step is to consider the question of how far into the future it would make sense to observe SALT limits.

In my view, Mr. President, we stand to benefit by continuing these arrangements, even for a considerable time into the future. But one cannot make that kind of assertion without a close look at the implications of remaining in compliance with SALT subceilings over a period of years. Therefore, I want to call your attention and that of my colleagues to a study done at my request by the Congressional Research Service, entitled: "Effects of SALT Compliance on U.S. and Soviet Strategic Offensive Forces, 1985–2000."

This study shows that we have a variety of choices to make about systems to be dismantled. One of these options, for example, would enable us not only to keep Poseidons longer, but also to retain a higher overall total of warheads, and within that total, a higher number of warheads deployed in more survivable launchers.

Under this approach we could scrap two Polaris submarines that the Navy is planning to convert to other purposes, continue to scrap Titan ICBM's, and take the balance of our cuts in land-based silos for the Minuteman missile. The Polaris is the oldest type of submarine in the fleet, and already nearing the end of its service life, even after conversion to other missions. The Titans are already too old to keep in service, and that is why their retirement is under way.

As for the seemingly radical proposal to dismantle Minuteman silos, the salient argument is: First, the missiles themselves could be stored and ultimately redeployed when in the 1990's scrapping of Poseidons would have to begin, by virtue of that weapon's having reached the end of its useful service life; second, the temporary retirement of the Minuteman missiles and the destruction of their launchers would allow us to retain a higher number of warheads at sea—while the Poseidon's remain in service—than would otherwise be the case; third, warheads at sea are more survivable than warheads in silos.

Instead of repeating this year's debate about whether to retain the no-undercut policy, we would do better to refocus on how best to preserve it, pending success of our current negotiating effort in Geneva. This study illuminates that question and I commend it to you and others.

The study follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, May 23, 1985.

To: Honorable Albert Gore, Jr., Attn: Leon Fuerth.

From: Jonathan Medalia, Specialist in National Defense, Foreign Affairs and National Defense Division.

Subject: Effects of SALT Compliance on U.S. and Soviet Strategic Offensive Forces, 1985–2000.

This memorandum examines four questions that you asked CRS to explore:

Why has attention focused on the seventh Trident and not on other strategic weapons the U.S. plans to deploy?

Assuming that the U.S. continued to deploy Trident submarines as planned, what alternative approaches could the U.S. take to remain in compliance with SALT I and SALT II?

Would either side need to eliminate modern systems or defer planned deployment of new systems to be in compliance with a limit of 2,400 strategic nuclear delivery vehicles (SNDVs, i.e., heavy bombers and launchers of ICBMs and SLBMs), or could the limit be met simply by retiring older systems?

Would a 2,400-SNDV ceiling be advantageous for the U.S. in terms of its practical effect on the numbers of warheads we and the Soviets might deploy through 2000?

[Figures not reproducible for RECORD.]

BACKGROUND

The issues.—The first two questions are of concern because by mid-September 1985, the United States must decide whether to continue its current policy of not undercutting existing arms control agreements as long as the Soviets maintain the same policy. At that time, the seventh Trident submarine, the Alaska, begins sea trials and becomes SALT-accountable.[1] Unless the United States begins to render certain other strategic weapons non-SALT accountable by that time, it would violate two SALT provisions.

The second two questions relate to another SALT issue that would affect the number of weapons and warheads on each side. That is the possibility of limiting the aggregate number of SNDVs on each side to 2,400.

In addressing these questions, CRS projects forces for both sides to the year 2000, when U.S. deployments and retirements as currently envisioned will be completed. (Projected Soviet deployments and retirements would be virutally completed by then.) This paper draws only on unclassified data.[2]

Applicable SALT Limits.—The Administration has never specified officially what limits the no-undercut policy observes, but it is commonly understood that the following SALT limits apply at a minimum:

From the SALT I Interim Agreement on Strategic Offensive Arms (provisions applicable to the U.S.): 710 launchers of "modern" SLBMs, all U.S. SLBMs fall within this category) plus launchers of Titan ICBMs. The U.S. can deploy up to 710 launchers of modern SLBMs if it dismantles all its Titans; 44 "modern" SSBNs (all U.S. SSBNs fall within this category; no construction of new ICBM silos.

From the SALT II Treaty (provisions applicable to the U.S. and the U.S.S.R.): 820 launchers of MIRVed ICBMs; 1,200 launchers of MIRVed ballistic missiles (ICBMs and SLBMs); 1,320 launchers of MIRVed ballistic missiles plus heavy bombers carrying ALCMs; no construction of new ICBM silos.

In addition, SALT II imposed a ceiling of 2,400 SNDVs, which was to drop to 2,250 on January 1, 1981. When the U.S. indicated in 1981 that it would not ratify the treaty, the Soviets refused to reduce SNDVs to either level. As part of the no-undercut arrangement, however, they agreed not to exceed the 2,504 SNDVs they claimed they had.[3] The ceiling has not affected the U.S. directly because it has had fewer than 2,400 SNDVs since the treaty was signed in 1979.

Question 1. Why has attention focused on the seventh Trident and not on other strategic weapons the U.S. plans to deploy?

The U.S. plans to deploy many new strategic weapons through 2000: MX missiles, small ICBMs, ALCMs, B-1 and "Stealth" bombers, Trident I and Trident II missiles, and Trident submarines. Current plans call for deployment of most to be consistent with SALT. The exceptions are the small ICBM and perhaps the Trident submarine.[4]

Unless certain systems are dismantled to remain in compliance with SALT, the seventh Trident will push the U.S. over two SALT limits when it begins sea trials, currently anticipated in mid-September 1985: the SALT I limit of 710 launchers of SLBMs and Titans, and the SALT II limit of 1,200 MIRVed ballistic missile launchers. The U.S. currently has the following SALT-accountable forces relevant to these limits:

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[1] Acronyms are listed in Appendix A.

[2] See Appendix B for a note on sources.

[3] See Bill Gertz, Senators Hit Compliance with SALT II, Washington Times, May 1, 1985, p. 4, and Walter Pincus, U.S. May Idle Missile Sub To Stay Within Arms Limits, Washington Post, May 14, 1985, p. 1.

[4] The small ICBM would violate a SALT II provision permitting flight testing and deployment of one new type of "light ICBM. The MX is the one new type for the U.S. The Soviets, however, are deploying the SS-24 and the SS-25 ICBMs. The Soviets declared the SS-24 to be their one new missile. While the U.S.S.R. claims the SS-25 is a modification of the SS-13 missile permitted within SALT II, the U.S. asserts that it "is a prohibited second 'new' type of ICBM." (Source: The White House. Office of the Press Secretary. The President's Unclassified Report to the Congress on Soviet Noncompliance with Arms Control Agreements. Feb. 1, 1985, p. 7.) In any event, flight testing of the U.S. small ICBM is not expected to begin until late 1988 or early 1989. (Source: U.S. Department of Defense. ICBM Modernization Program: Annual Progress Report to the Committees on Armed Services of the Senate and House of Representatives (U). Unclassified Executive Summary. Jan. 15, 1985, p. 9.) Accordingly, the program will not be a SALT compliance issue until then.

SALT-ACCOUNTABLE LAUNCHERS OF SLBM'S, MIRV'D ICBM'S, AND TITANS [1]

System	Number of submarines	SLBM or Titan launchers [2]	MIRV'd ICBM/SLBM launchers [3]
Trident submarine	6	144	144
Poseidon submarine	31	496	496
Polaris submarine	2	32	N/C
Titan ICBM		36	N/C
Minuteman III		N/C	550
Totals	39	708	1,190

[1] As of May 10, 1985.
[2] Under the SALT I 710 limit.
[3] Under the SALT II 1,200 limit. N/C: does not count under this limit.

When the seventh Trident (with 24 launch tubes) begins sea trials, the U.S. would have 732 SALT-accountable launchers of SLBM's and Titans, and 1,214 launchers of MIRV'd ballistic missiles, if no systems listed in the table are dismantled.

It is not at all clear that the U.S. will dismantle systems to remain in compliance with SALT. President Reagan's statements made this year on the seventh Trident in press conferences and interviews are contradictory:

"We have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground." (Jan. 9, 1985)[5]

"We have not made a decision because, as I say, that's down the road a ways and it's a few Trident submarines away from where we are now." (Jan. 26, 1985)[6]

"We'll have a decision several months from now to make with regard to whether we join them in violating the restraints." (Feb. 21, 1985)[7]

"We're not going to do anything that's going to undercut the negotiations that are going on." (Mar. 21, 1985)[8]

"We have tried on what seemed to be a verbal agreement between ourselves and the Soviet Union for some time that even though we have not ratified that treaty, it had been signed by the negotiators, that we would both seek to abide by the terms. There's considerable evidence now that that has been rather one-sided. And if it has been, then there's no need for us to continue. . . . Actually we have not come to a point in which we in any way in our own buildup are violating or going beyond the terms of that treaty. It is possible in regard to one system of weapons that we might come to such a point. And we'll make that decision then." (May 10, 1985)[9]

Question 2. Assuming that the U.S. continues to deploy Trident submarines as planned, what alternative approaches could the U.S. take to remain in compliance with SALT I and II?

When the seventh and future Tridents begin sea trials, the U.S. could remain within both SALT limits by dismantling Poseidons, here called "path A," or by dismantling a combination of Polaris and Poseidon submarines and Minuteman III silos, here called "path B." Both paths assume that the U.S. continues to dismantle Titan launchers as planned. (The data are presented in Table 1 for path A and Table 2 for Path B.)

In path A, enough Poseidons would be dismantled when a new Trident begins sea trials to compensate for the launchers added. Since a Poseidon has 16 missile tubes and a Trident 24, one or two poseidons would be dismantled for each Trident added, depending on how close the U.S. was to either SALT ceiling. This procedure would comply with both the 710 and 1,200 limits. (The Navy is converting the two remaining Polaris submarines to special purpose attack submarines. They will not carry SLBMs. Nonetheless, each has 16 SLBM launchers that, for reasons of economy, will not be removed.[10] Consequently, the 32 launchers will remain SALT-accountable.) This regime is apparently the one the administration is most seriously considering if it decides to comply with SALT.[11]

The goal of path B would be to retain as many Poseidon submarines as possible for as long as possible by dismantling other systems to comply with SALT. The two Polaris submarines would be dismantled, along with some Titan launchers, bringing the U.S. into compliance with the 710 limit when the seventh and eighth Tridents begin sea trials. To comply with the 1,200 limit, the U.S. would dismantle 14 Minuteman III silos when the seventh Trident begins sea trials and another 24 when the eighth does.

When the ninth Trident begins sea trials, the U.S. would dismantle a Poseidon and eight Minuteman III silos. It would do the same for the tenth Trident. When the eleventh and subsequent Tridents begin sea trials, however, the U.S. must continue to dismantle Poseidons to comply with the 710 limit. This would also comply with the 1,200 limit, sparing further Trident-induced reductions in the Minuteman III force.

Regarding the seventh Trident specifically, the U.S. could comply with SALT limits by dismantling one Poseidon (16 launchers) and six Titan silos (path A), or by dismantling one Polaris (16 launchers), six Titan silos, and 14 Minuteman III silos (path B).

In terms of total numbers of warheads and survivable warheads, Figures 1 and 2 show that path B would result in slightly more warheads in each case, than path A through 1994, and slightly fewer thereafter.[12]

If the U.S. chooses to remain in compliance with SALT, it will need to decide whether to scrap Poseidons only or other systems as well. The advantages of path A are:

It minimizes the reduction in numbers of Minuteman IIIs, which have a modest ability to destroy Soviet ICBM silos (assuring the missiles with Mark 12 RVs would be dismantled instead of those with the higher-yield Mark 12A RVs) and highly reliable command and control. (Some Minuteman IIIs would be removed from their silos to permit deployment of MX missiles.)

The gain in warheads offered by path B would be temporary. The last Poseidons would reach 30 years of service in 1997, at which point they would be dismantled. Dismantling ICBM silos, on the other hand, would permanently reduce the number of silo-based ICBMs the U.S. could deploy, as SALT I and II forbid construction of new silos.

It saves money. It costs $20 million to scrap a Poseidon, while the cost of overhauling one (i.e., replacing the nuclear reactor's core and repairing or replacing major equipment) is $140 million to $175 million.[13]

The advantages of path B are:

This approach would obtain the longest life from Poseidon submarines.

The U.S. would deploy several hundred more RVs through 1994 by giving up 3-RV Minuteman IIIs instead of 10-RV Poseidon missiles.

By sacrificing vulnerable Minuteman missiles to preserve survivable Poseidon submarines, more U.S. RVs would be expected to survive attack.

While dismantlement of silos would reduce the number of silo-based ICBMs the U.S. could deploy, the U.S. could compensate in two ways. First, it could deploy non-silo-based ICBMs (e.g., small ICBMs in a mobile mode). Second, once most Poseidons are retired and the U.S. has well under 1,200 MIRVed ballistic missile launchers (around 1995 for part B), the U.S. could redeploy the Minuteman IIIs whose silos were dismantled into Minuteman II silos. This would increase the number of U.S. silo-based ICBMs RVs.

Question 3. Would either side need to eliminate modern systems or defer planned deployment of new systems to be in compliance with a limit of 2,400 SNDVs, or could the limit be met simply by retiring older systems?

The SALT II Treaty limited SNDVs to 2,400 initially, dropping to 2,250 on January 1, 1981. This analysis focuses on the initial ceiling of 2,400 SNDVs as provided in SALT II, rather than the subsequent ceiling of 2,250. It also excludes the 230 SALT-accountable B-52s in dead storage because they currently provide no military capability and could be scrapped rapidly.

With the U.S. currently below 2,250 SNDVs and planning to retire hundreds over the next decade, compliance with a 2,400-SNDV ceiling would not require eliminating modern systems or deferring new ones. As Table 1 indicates, the U.S. might have 1,810 SNDVs in 2000. In that case, the U.S. could add 590 unMIRVed systems without retiring any deployed systems and still stay within a 2,400-SNDV ceiling.

CRS projects 2,523 Soviet SNDVs at the end of 1985 if the Soviets remain within SALT I and II subceilings. (See Table 3) This projection is made without regard to the limit of 2,504 SNDVs that the Soviets assert they have voluntarily maintained. There is disagreement among U.S. analysts as to whether the Soviets have complied with this limit.

Of the 2,523 SNDVs, 1071 are less effective systems: 520 SS-11 and 60 SS-13 ICBMs, 6 SS-N-5 and 336 SS-N-6 SLBMs, all of which carry only one RV apiece, and 104 Bear and 45 Bison bombers, first deployed in 1955 and 1956, respectively. Dismantling 123 of these systems to come within a 2,400 ceiling would have a negligible effect on Soviet military capability.

Question 4. Would a 2,400-SNDV ceiling be advantageous for the U.S. in terms of the

[5] New York Times, Jan. 10, 1985, p. B8.
[6] New York Times, Jan. 27, 1985, p. 12.
[7] New York Times, Feb. 22, 1985, p. 14.
[8] New York Times, Mar. 22, 1985, p. 12.
[9] Washington Post, May 11, 1985, p. 14.

[10] The Navy estimates that it would cost at least $250 million per ship to remove the missile compartments, then reassemble and overhaul the ships for use as special-purpose attack submarines.

[11] The Navy has made plans to retire Poseidons if needed to comply with SALT. The Air Force indicates it has made no plans to dismantle Minuteman IIIs to accommodate Trident deployments. Information provided by U.S. Air Force, Office of Legislative Liaison, and U.S. Navy, Office of Legislative Affairs, in telephone interviews of May 1985.

[12] Survivable warheads are those that could be expected to survive a surprise attack: 10% of those on silo-based ICBMs, 50% of those on small ICBMs (assuming mobile deployment), 55% of those on Poseidon SSBNs, 66% of those on Trident SSBNs, and 30% of those on bombers.

[13] Information provided by U.S. Navy, May 1985.

practical effect on the numbers of warheads we and the Soviets might deploy?

If the Soviets deploy new systems and retire older systems within the SALT sublimits but not the 2,400-SNDV limit, and these events occur at the moderate pace projected by CRS (path X, see Table 3), then by 2000 the Soviets would have 12,487 warheads (ICBM RVs, SLBM RVs, and weapons carried by bombers). If the U.S. follows what CRS understands to be its planned schedule of deployments and retirements, remaining within SALT sublimits and staying well below 2,400 SNDVs (path A), in 2000 it would have 10,296 warheads. The bottom line in Figure 3 plots, for each year, the difference in U.S. warheads compared to Soviet warheads (path A minus path X).

The top line in Figure 3 compares U.S. and Soviet warheads if the Soviets follow the deployment noted in the preceding paragraph but limited by a ceiling of 2,400 SNDVs (path Y) and if the U.S.:

Deploys 2,400 SNDVs;[14]

Retains Poseidon SSBNs until they must be retired because of age or because no other systems could be dismantled to comply with SALT;

Scraps the B-52s in dead storage to permit deployment of an equal number of on-line SNDVs; and

Deploys 54 Minuteman III missiles (the ones whose silos were destroyed to permit retention of Poseidon SSBNs) into Minuteman II silos when this deployment would not exceed the limit of 1,200 launchers of MIRVed ballistic missiles. These four steps comprise U.S. path C. Figures 4 and 5 compare paths A, B, and C in terms of numbers of warheads and numbers of survivable warheads. (Data for path C and path Y are in Table 4.)

Under the first scenario, the U.S. advantage lasts through 1988. The U.S. has 82.5 percent as many warheads as the U.S.S.R. in 2000, and the U.S. advantage is smaller or the disadvantage larger than in the second scenario in each year calculated, 1985-2000. Under the second scenario, the U.S. maintains a warhead advantage through 1995, and has 88.4 percent as many warheads as the U.S.S.R. in 2000.

APPENDIX A: ACRONYMS

ALCM—Air-launched cruise missile.

ICBM—Intercontinental ballistic missile.

KT—Kiloton (the explosive equivalent of 1,000 tons of TNT).

MIRV—Multiple independently-targetable reentry vehicle.

RV—Reentry vehicle.

SALT—Strategic arms limitation talks.

SLBM—Submarine-launched ballistic missile.

SNDV—Strategic nuclear delivery vehicle.

SSBN—Nuclear-powered ballistic missile submarine.

APPENDIX B: A NOTE ON SOURCES

Sources and assumptions for projections through 1994 are detailed in U.S., Library of Congress, Congressional Research Service, U.S./Soviet Strategic Nuclear Forces: Potential Trends with or without SALT, Report 84-174 F, October 1984, by Al Tinajero, jonathan Medalia, Harry Wrenn, and Paul Zinsmeister, pp. 69-89. That report's figures for Titan ICBMs and Polaris and Poseidon submarines have been slightly modified here based on information provided by the Air Force and Navy.

Changes in the 1994 U.S. projections to extend them to 2000 include (1) deploying 60 small ICBMs a year up to 450, the number of Minuteman IIs deployed, and removing one Minuteman II for each small ICBM deployed; (2) deploying one new Trident Submarine a year until 20 are deployed, and completing conversion of the first eight Tridents to carry Trident II instead of Trident I missiles; and (3) terminating deployment of B-52G, completing conversion of B-52H to ALCM carriers, converting some B-1B from penetrate-only to ALCM carriage plus penetration, and completing delopment of Advanced Technology Bombers.

Changes in the 1944 U.S.S.R. projections to extend them to 2000 include (1) replacing the remaining 20 SS-13 ICBMs with SS-25s; and (2) adding 6 SSBN-X (a new SSBN) and compensating by dismantling 6 Yankee-I SSBNs.

TABLE 1.— PATH A: SALT-ACCOUNTABLE LAUNCHERS, END YEAR, ELIMINATING POSEIDONS TO COMPLY WITH SALT [1]

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
ICBM's:																
Titan 2	25	9	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minuteman 2	450	450	450	450	450	450	450	430	380	320	260	200	140	80	20	0
Minuteman 3–Mk12	250	240	210	180	150	150	150	150	150	150	150	150	150	150	150	150
Minuteman 3–Mk12A	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300
MX	0	10	40	70	100	100	100	100	100	100	100	100	100	100	100	100
Small ICBM	0	0	0	0	0	0	0	20	70	130	190	250	310	370	430	450
Subtotal	1,025	1,009	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002
SLBM's:																
Polaris	32	32	32	32	32	32	32	32	32	0	0	0	0	0	0	0
Poseidon–C3	288	256	256	240	208	160	144	112	112	112	96	32	16	0	0	0
Poseidon–C4	192	192	192	192	192	192	192	192	176	144	144	112	48	0	0	0
Trident–C4	168	192	192	192	192	192	192	192	144	120	96	48	24	0	0	0
Trident–D5	0	0	0	24	48	96	120	144	216	264	312	384	432	480	480	480
Subtotal	680	672	672	680	672	672	680	672	680	640	648	576	520	480	480	480
Heavy bombers:																
B–52G (penetrate)	78	78	78	53	53	53	53	53	20	0	0	0	0	0	0	0
B–52G (ALCM's plus penetrate)	80	60	30	20	20	20	20	2	0	0	0	0	0	0	0	0
B–52G (ALCM's)	10	30	50	50	50	50	50	50	50	35	8	0	0	0	0	0
B–52H (penetrate)	81	66	56	46	46	46	46	28	26	11	0	0	0	0	0	0
B–52H (ALCM's plus penetrate)	15	20	20	20	10	10	10	8	0	0	0	0	0	0	0	0
B–52H (ALCM's)	0	10	20	30	40	40	40	60	70	85	96	96	96	96	96	96
B–1B (penetrate)	1	17	65	100	100	100	100	100	100	100	74	74	74	74	74	66
B–1B (ALCM's plus penetrate)	0	0	0	0	0	0	0	0	0	0	26	26	26	26	26	34
ATB	0	0	0	0	0	0	0	18	53	88	123	132	132	132	132	132
Subtotal	265	281	319	319	319	319	319	319	319	319	327	328	328	328	328	328
SNDV SALT accountability:																
Titan plus SLBM launchers	705	681	674	682	674	674	682	674	682	642	650	578	522	482	482	482
MIRV'd ICBM launchers	550	550	550	550	550	550	550	550	550	550	550	550	550	550	550	550
MIRV'd SLBM launchers	648	640	640	648	640	640	648	640	648	640	648	576	520	480	480	480
Heavy bombers with ALCM's	105	120	120	120	120	120	120	120	120	120	130	122	122	122	122	130
MIRV'd ICBM plus SLBM launchers	1,198	1,190	1,190	1,198	1,190	1,190	1,198	1,190	1,198	1,190	1,198	1,126	1,070	1,030	1,030	1,030
MIRV'd systems	1,303	1,310	1,310	1,318	1,310	1,310	1,318	1,310	1,318	1,310	1,328	1,248	1,192	1,152	1,152	1,160
Total, SNDV's	1,970	1,962	1,993	2,001	1,993	1,993	2,001	1,993	2,001	1,961	1,977	1,906	1,850	1,810	1,810	1,810
SSBN's:																
Polaris	2	2	2	2	2	2	2	2	2	0	0	0	0	0	0	0
Poseidon–C3	18	16	16	15	13	10	9	7	7	7	6	2	1	0	0	0
Poseidon–C4	12	12	12	12	12	12	12	12	11	9	9	7	3	0	0	0
Trident–C4	7	8	8	8	8	8	8	8	6	5	4	2	1	0	0	0
Trident–C5	0	0	0	1	2	4	5	6	9	11	13	16	18	20	20	20

[14] This assumes that SALT II is modified to permit each side to have a new small single-warhead ICBM, the SS-25 for the U.S.S.R. and the "Midgetman" small ICBM for the U.S.

The high cost of deploying 2,400 SNDVs could be reduced substantially by deploying planned un-MIRVed systems—small ICBMs, non-ALCM-carrying B-1s, and Advanced Technology Bombers—without retiring older systems until they reach the end of their service lives or until SALT requires it. For example, in U.S. paths A and B, one Minuteman II is retired for each small ICBM deployed. By retaining Minuteman IIs and deploying small ICBMs in a mobile mode, the U.S. would avoid the expense of procuring 450 additional SNDVs.

TABLE 1.— PATH A: SALT-ACCOUNTABLE LAUNCHERS, END YEAR, ELIMINATING POSEIDONS TO COMPLY WITH SALT [1]—Continued

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total	39	38	38	38	37	36	36	35	35	32	32	27	23	20	20	20
ICBM RV's:																
Titan 2	20	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minuteman 2	450	450	450	450	450	450	450	430	380	320	260	200	140	80	20	0
Minuteman 3–Mk12	750	720	630	540	450	450	450	450	450	450	450	450	450	450	450	450
Minuteman 3–Mk12A	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900
MX	0	100	400	700	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Small ICBM	0	0	0	0	0	0	0	20	70	130	190	250	310	370	430	450
Subtotal	2,120	2,177	2,380	2,590	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800
SLBM RV's:																
Polaris	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Poseidon–C3	2,880	2,560	2,560	2,400	2,080	1,600	1,440	1,120	1,120	1,120	960	320	160	0	0	0
Poseidon–C4	1,535	1,536	1,536	1,536	1,536	1,536	1,536	1,536	1,408	1,152	1,152	896	384	0	0	0
Trident–C4	1,344	1,536	1,536	1,536	1,536	1,536	1,536	1,536	1,152	960	768	384	192	0	0	0
Trident–D5	0	0	0	192	384	768	960	1,152	1,728	2,112	2,496	3,072	3,456	3,840	3,840	3,840
Subtotal	5,760	5,632	5,632	5,664	5,536	5,440	5,472	5,344	5,408	5,334	5,376	4,672	4,192	3,840	3,840	3,840
Heavy bomber warheads:																
B–52G (penetrate)	624	624	624	424	424	424	424	424	160	0	0	0	0	0	0	0
B–52G (ALCM's plus penetrate)	960	720	360	240	240	240	240	24	0	0	0	0	0	0	0	0
B–52G (ALCM's)	120	360	600	600	600	600	600	600	600	420	96	0	0	0	0	0
B–52H (penetrate)	648	528	448	368	368	368	368	224	208	88	0	0	0	0	0	0
B–52H (ALCM's plus penetrate)	300	400	400	400	200	200	200	160	0	0	0	0	0	0	0	0
B–52H (ALCM's)	0	200	400	600	800	800	800	1,200	1,400	1,700	1,920	1,920	1,920	1,920	1,920	1,920
B–1B (penetrate)	8	136	520	800	800	800	800	800	800	800	592	592	592	592	592	528
B–1B (ALCM's plus penetrate)	0	0	0	0	0	0	0	0	0	0	520	520	520	520	520	680
ATB	0	0	0	0	0	0	0	72	212	352	492	528	528	528	528	528
Subtotal	2,660	2,968	3,352	3,432	3,432	3,432	3,432	3,504	3,380	3,360	3,620	3,560	3,560	3,560	3,560	3,560
Total, warheads, path A	10,540	10,777	11,364	11,686	11,768	11,672	11,704	11,648	11,588	11,504	11,796	11,032	10,552	10,200	10,200	10,296

[1] ICBM and SLBM sections by Jonathan Medalia; bomber section by A.A. Tinajero. Bomber data excludes 230 SALT-accountable B–52's in dead storage.

TABLE 2.—PATH B: SALT ACCOUNTABLE LAUNCHERS, END YEAR, RETAINING AS MANY POSEIDONS AS POSSIBLE WHILE COMPLYING WITH SALT [1]

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
ICBM's:																
Titan 2	25	9	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minuteman 2	450	450	450	450	450	450	450	430	380	320	260	200	140	80	20	0
Minuteman 3–Mk 12	236	202	172	134	96	96	96	96	96	96	96	96	96	96	96	96
Minuteman 3–Mk 12A	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300
MX	0	10	40	70	100	100	100	100	100	100	100	100	100	100	100	100
Small ICBM	0	0	0	0	0	0	0	20	70	130	190	250	310	370	430	450
Subtotal	1,011	971	964	956	948	948	948	948	948	948	948	948	948	948	948	948
SLBM's:																
Polaris	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Poseidon–C3	304	304	304	288	272	224	192	176	176	176	96	32	16	0	0	0
Poseidon–C4	192	192	192	192	192	192	192	192	160	144	144	112	48	0	0	0
Trident–C4	168	192	192	192	192	192	192	192	144	120	96	48	24	0	0	0
Trident–D5	0	0	0	24	48	96	120	144	216	264	312	384	432	480	480	480
Subtotal	680	688	688	696	704	704	696	704	696	704	648	576	520	480	480	480
HEAVY BOMBERS																
B–52G (penetrate)	78	78	78	53	53	53	53	53	20	0	0	0	0	0	0	0
B–52G (ALCM's plus penetrate)	80	60	30	20	20	20	20	2	0	0	0	0	0	0	0	0
B–52G (ALCM's)	10	30	50	50	50	50	50	50	50	35	8	0	0	0	0	0
B–52H (penetrate)	81	66	56	46	46	46	46	28	26	11	0	0	0	0	0	0
B–52H (ALCM's plus penetrate)	15	20	20	20	10	10	10	8	0	0	0	0	0	0	0	0
B–52H (ALCM's)	0	10	20	30	40	40	40	60	70	85	96	96	96	96	96	96
B–1B (penetrate)	1	17	65	100	100	100	100	100	100	100	94	74	74	74	74	66
B–1B (ALCM's plus penetrate)	0	0	0	0	0	0	0	0	0	0	26	26	26	26	26	34
ATB	0	0	0	0	0	0	0	18	53	88	123	132	132	132	132	132
Subtotal	265	281	319	319	319	319	319	319	319	319	347	328	328	328	328	328
SNDV SALT accountability																
Titan plus SLBM launchers	705	697	690	698	706	706	698	706	698	706	650	578	522	482	482	482
MIRV'd ICBM launchers	536	512	512	504	496	496	496	496	496	496	496	496	496	496	496	496
MIRV'd SLBM launchers	664	688	688	696	704	704	696	704	696	704	648	576	520	480	480	480
Heavy bombers with ALCM's	105	120	120	120	120	120	120	120	120	120	130	122	122	122	122	130
MIRV'd ICBM plus SLBM launchers	1,200	1,200	1,200	1,200	1,200	1,200	1,192	1,200	1,192	1,200	1,144	1,072	1,016	976	976	976
MIRV'd systems	1,305	1,320	1,320	1,320	1,320	1,320	1,312	1,320	1,312	1,320	1,274	1,194	1,138	1,098	1,098	1,106
Total, SNDV's	1,956	1,940	1,971	1,971	1,971	1,971	1,963	1,971	1,963	1,971	1,943	1,852	1,796	1,756	1,756	1,756
SSBN's:																
Polaris	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Poseidon–C3	19	19	19	18	17	14	12	11	11	11	6	2	1	0	0	0
Poseidon–C4	12	12	12	12	12	12	12	12	10	9	9	7	3	0	0	0
Trident–C4	7	8	8	8	8	8	8	8	6	5	4	2	1	0	0	0
Trident–D5	0	0	0	1	2	4	5	6	9	11	13	16	18	20	20	20
Total	39	39	39	39	39	38	37	37	36	36	32	27	23	20	20	20
ICBM RV's:																
Titan 2	20	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minuteman 2	450	450	450	450	450	450	450	430	380	320	260	200	140	80	20	0
Minuteman 3–Mk12	708	606	516	402	288	288	288	288	288	288	288	288	288	288	288	288
Minuteman 3–Mk12A	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900
MX	0	100	400	700	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Small ICBM	0	0	0	0	0	0	0	20	70	130	190	250	310	370	430	450
Subtotal	2,078	2,063	2,266	2,452	2,638	2,638	2,638	2,638	2,638	2,638	2,638	2,638	2,638	2,638	2,638	2,638
SLBM RV's:																
Polaris	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 2.—PATH B: SALT ACCOUNTABLE LAUNCHERS, END YEAR, RETAINING AS MANY POSEIDONS AS POSSIBLE WHILE COMPLYING WITH SALT [1]—Continued

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Poseidon–C3	3,040	3,040	3,040	2,880	2,720	2,240	1,920	1,760	1,760	1,760	960	320	160	0	0	0
Poseidon–C4	1,536	1,536	1,536	1,536	1,536	1,536	1,536	1,536	1,280	1,152	1,152	896	384	0	0	0
Trident–C4	1,344	1,536	1,536	1,536	1,536	1,536	1,536	1,536	1,152	960	768	384	192	0	0	0
Trident–D5	0	0	0	192	384	768	960	1,152	1,728	2,112	2,496	3,072	3,456	3,840	3,840	3,840
Subtotal	5,920	6,112	6,112	6,144	6,176	6,080	5,952	5,984	5,920	5,984	5,376	4,672	4,192	3,840	3,840	3,840
Heavy bomber warheads:																
B–52G (penetrate)	624	624	624	424	424	424	424	424	160	0	0	0	0	0	0	0
B–52G (ALCM's plus penetrate)	960	720	360	240	240	240	240	24	0	0	0	0	0	0	0	0
B–52G (ALCM's)	120	360	600	600	600	600	600	600	600	420	96	0	0	0	0	0
B–52H (penetrate)	648	528	448	368	368	368	368	224	208	88	0	0	0	0	0	0
B–52H (ALCMs plus penetrate)	300	400	400	400	200	200	200	160	0	0	0	0	0	0	0	0
B–52H (ALCM's)	0	200	400	600	800	800	800	1,200	1,400	1,700	1,920	1,920	1,920	1,920	1,920	1,920
B–1B (penetrate)	8	136	520	800	800	800	800	800	800	800	752	592	592	592	592	528
B–1B (ALCM's plus penetrate)	0	0	0	0	0	0	0	0	0	0	520	520	520	520	520	680
ATB	0	0	0	0	0	0	0	72	212	352	492	528	528	528	528	528
Subtotal	2,660	2,968	3,352	3,432	3,432	3,432	3,432	3,504	3,380	3,360	3,780	3,560	3,560	3,560	3,560	3,656
Total, warheads, path B	10,658	11,143	11,730	12,028	12,246	12,150	12,022	12,126	11,938	11,982	11,794	10,870	10,390	10,038	10,038	10,134

[1] ICBM and SLBM sections by Jonathan Medalia; bomber section by A.A. Tinajero. Bomber data excludes 230 SALT-accountable B–52's in dead storage.

TABLE 3.—PROJECTED SOVIET INVENTORIES [1]

End of calendar year	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
ICBM's:																
SS–18	308	308	308	308	308	308	308	308	308	308	308	308	308	308	308	308
SS–19	360	360	360	360	360	360	360	360	360	360	360	360	360	360	360	360
SS–17	135	105	75	45	15	0	0	0	0	0	0	0	0	0	0	0
SS–13	60	60	60	60	60	60	60	60	60	20	0	0	0	0	0	0
SS–11	500	440	380	320	260	200	140	80	20	0	0	0	0	0	0	0
SS–24	15	45	75	105	135	150	150	150	150	150	150	150	150	150	150	150
SS–25	20	80	140	200	260	320	380	440	500	560	580	580	580	580	580	580
Subtotal	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398
SLBM's:																
SS–NX–X (Typhoon)	0	0	0	20	40	60	80	100	120	120	120	120	120	120	120	120
SS–N–20 (Typhoon)	60	60	80	60	60	40	40	20	0	0	0	0	0	0	0	0
SS–NX–Y (SSBN–X)	0	0	0	16	32	48	64	80	96	112	128	144	160	176	192	208
SS–N–23 (Delta III)	0	16	48	80	112	144	176	208	240	256	256	256	256	256	256	256
SS–N–18 (Delta III)	240	240	208	176	144	112	80	48	16	0	0	0	0	0	0	0
SS–N–8 (Delta II)	64	64	64	64	64	64	64	64	64	64	64	64	64	64	64	64
SS–N–8 (Delta I)	216	216	216	216	216	216	216	216	216	216	216	216	216	216	216	216
SS–N–8 (Golf III)	6	6	6	6	0	0	0	0	0	0	0	0	0	0	0	0
SS–N–8 (Hotel III)	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
SS–N–17 (Yankee II)	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
SS–N–6 (Yankee I)	336	320	304	288	256	240	208	192	176	160	144	128	112	96	80	64
SS–N–5 (Hotel II)	6	6	6	6	6	6	3	3	0	0	0	0	0	0	0	0
Subtotal	946	946	950	950	948	948	949	949	946	946	946	946	946	946	946	946
Heavy bombers:																
Bear G (penetrate)	100	100	100	100	90	60	30	15	0	0	0	0	0	0	0	0
Bison	45	45	30	0	0	0	0	0	0	0	0	0	0	0	0	0
Bear H (ALCM's)	34	49	60	60	60	60	60	60	60	60	60	60	60	60	60	60
Blackjack (penetrate)	0	0	15	30	45	60	75	90	105	105	105	105	105	105	105	105
Blackjack (ALCM's)	0	0	0	15	30	45	60	60	60	60	60	60	60	60	60	60
Subtotal	179	194	205	205	225	225	225	225	225	225	225	225	225	225	225	225
Total, delivery vehicles	2,523	2,538	2,553	2,553	2,571	2,571	2,572	2,572	2,569	2,569	2,569	2,569	2,569	2,569	2,569	2,569
"MIRVed" delivery vehicles																
ICBM's	818	818	818	818	818	818	818	818	818	818	818	818	818	818	818	818
SLBM's	300	316	336	336	356	356	376	376	376	376	376	376	376	376	376	376
Subtotal ICBM's/SLBM's	1,118	1,134	1,154	1,154	1,174	1,174	1,194	1,194	1,194	1,194	1,194	1,194	1,194	1,194	1,194	1,194
ALCM-equipped bombers	34	49	60	75	90	105	120	120	120	120	120	120	120	120	120	120
Total "MIRVed" DV's	1,152	1,183	1,214	1,229	1,264	1,279	1,314	1,314	1,314	1,314	1,314	1,314	1,314	1,314	1,314	1,314
Strategic submarines:																
Typhoons (SS–NX–X)	0	0	0	1	2	3	4	5	6	6	6	6	6	6	6	6
Typhoons (SS–N–20)	3	3	4	3	3	2	2	1	0	0	0	0	0	0	0	0
SSBN–X (SS–NX–Y)	0	0	0	1	2	3	4	5	6	7	8	9	10	11	12	13
Delta III's (SS–N–23)	0	1	3	5	7	9	11	13	15	16	16	16	16	16	16	16
Delta III's (SS–N–18)	15	15	13	11	9	7	5	3	1	0	0	0	0	0	0	0
Delta II's (SS–N–8)	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Delta I's (SS–N–8)	18	18	18	18	18	18	18	18	18	18	18	18	18	18	18	18
Golf III (SS–N–8)	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Hotel III (SS–N–8)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Yankee II (SS–N–17)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Yankee I (SS–N–6)	21	20	19	18	16	15	13	12	11	10	9	8	7	6	5	4
Hotel II (SS–N–5)	2	2	2	2	2	2	1	1	0	0	0	0	0	0	0	0
Total, submarines	66	66	66	66	65	65	64	64	63	63	63	63	63	63	63	63
ICBM RV's:																
SS–18	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080	3,080
SS–19	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160	2,160
SS–17	540	420	300	180	60	0	0	0	0	0	0	0	0	0	0	0
SS–13	60	60	60	60	60	60	60	60	60	20	0	0	0	0	0	0
SS–11	500	440	380	320	260	200	140	80	20	0	0	0	0	0	0	0
SS–24	150	450	750	1,050	1,350	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
SS–25	20	80	140	200	260	320	380	440	500	560	580	580	580	580	580	580
Subtotal	6,510	6,690	6,870	7,050	7,230	7,320	7,320	7,320	7,320	7,320	7,320	7,320	7,320	7,320	7,320	7,320

TABLE 3.—PROJECTED SOVIET INVENTORIES [1]—Continued

End of calendar year	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
SLBMs RV's:																
SS–NX–X (Typhoon)	0	0	0	180	360	540	720	900	1,080	1,080	1,080	1,080	1,080	1,080	1,080	1,080
SS–N–20 (Typhoon)	540	540	720	540	540	360	360	180	0	0	0	0	0	0	0	0
SS–NX–Y (SSBN–X)	0	0	0	16	32	48	64	80	96	112	128	144	160	176	192	208
SS–N–23 (Delta III)	0	112	336	560	784	1,008	1,232	1,456	1,680	1,792	1,792	1,792	1,792	1,792	1,792	1,792
SS–N–18 (Delta III)	1,680	1,680	1,456	1,232,	1,008	784	560	336	112	0	0	0	0	0	0	0
SS–N–8 (Delta II)	64	64	64	64	64	64	64	64	64	64	64	64	64	64	64	64
SS–N–8 (Delta I)	216	216	216	216	216	216	216	216	216	216	216	216	216	216	216	216
SS–N–8 (Golf III)	6	6	6	6	0	0	0	0	0	0	0	0	0	0	0	0
SS–N–8 (Hotel III)	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
SS–N–17 (Yankee II)	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
SS–N–6 (Yankee I)	336	320	304	288	256	240	208	192	176	160	144	128	112	96	80	64
SS–N–5 (Hotel II)	6	6	6	6	6	6	3	3	0	0	0	0	0	0	0	0
Subtotal	2,866	2,962	3,126	3,126	3,284	3,284	3,445	3,445	3,442	3,442	3,442	3,442	3,442	3,442	3,442	3,442
Heavy bomber warheads:																
Bear G (penetrate)	400	400	400	400	360	240	120	60	0	0	0	0	0	0	0	0
Bison	180	180	120	0	0	0	0	0	0	0	0	0	0	0	0	0
Bear H (ALCM's)	272	392	480	480	480	480	480	480	480	480	480	480	480	480	480	480
Blackjack (Penetrate)	0	0	75	150	225	300	375	450	525	525	525	525	525	525	525	525
Blackjack (ALCM's)	0	0	0	180	360	540	720	720	720	720	720	720	720	720	720	720
Subtotal	852	972	1,075	1,210	1,425	1,560	1,695	1,710	1,725	1,725	1,725	1,725	1,725	1,725	1,725	1,725
Total warheads	10,228	10,624	11,071	11,386	11,939	12,164	12,460	12,475	12,487	12,487	12,487	12,487	12,487	12,487	12,487	12,487
ICBM/SLBM RV's	9,376	9,652	9,996	10,176	10,514	10,604	10,765	10,765	10,762	10,762	10,762	10,762	10,762	10,762	10,762	10,762
MIRVed missiles RV's	8,150	8,442	8,802	8,998	9,374	9,480	9,676	9,692	9,708	9,724	9,740	9,756	9,772	9,788	9,804	9,820
MIRVed ICBM/SLBM RV's and ALCM's	8,422	8,834	9,282	9,658	10,214	10,500	10,876	10,892	10,908	10,924	10,940	10,956	10,972	10,988	11,004	11,020

[1] Prepared by A.A. Tinajero.

TABLE 4 [1]

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
1 U.S. warheads, path A	10,540	10,777	11,364	11,686	11,768	11,672	11,704	11,648	11,588	11,504	11,796	11,032	10,552	10,200	10,200	10,296
2 Soviet warheads, path X	10,228	10,624	11,071	11,386	11,939	12,164	12,460	12,475	12,487	12,487	12,487	12,487	12,487	12,487	12,487	12,487
3 U.S. advantage	312	153	293	300	−171	−492	−756	−827	−899	−983	−691	−1,455	−1,935	−2,287	−2,287	−2,191
4 U.S. path B+ replace MM2	118	366	366	342	478	478	318	478	350	478	106	−54	−54	−54	−54	−54
5 U.S. builds to 2,400 SNDV's	444	460	429	429	429	429	437	429	437	429	457	548	604	644	644	644
6 Soviet drops to 2,400 SNDV's	123	138	153	153	171	171	172	172	169	169	169	169	169	169	169	169
7 U.S. gain	685	964	948	924	1,078	1,078	927	1,079	954	1,076	732	663	719	759	759	759
8 Net U.S. advantage	997	1,117	1,241	1,224	907	586	171	252	57	93	41	−792	−1,216	−1,528	−1,528	−1,432
9 Soviet warheads with 2,400 ceiling	10,105	10,486	10,918	11,233	11,768	11,993	12,288	12,303	12,318	12,318	12,318	12,318	12,318	12,318	12,318	12,318
10 U.S. warheads with increases	11,102	11,603	12,159	12,457	12,675	12,579	12,459	12,555	12,375	12,411	12,359	11,526	11,102	10,790	10,790	10,886
11 U.S. survivable warheads, path A	4,325	4,374	4,510	4,593	4,565	4,555	4,593	4,574	4,613	4,617	4,757	4,397	4,178	4,030	4,054	4,091
12 U.S. survivable warheads, path B	4,409	4,627	4,762	4,844	4,901	4,890	4,841	4,909	4,878	4,952	4,789	4,381	4,162	4,014	4,038	4,075
13 U.S. survivable warheads, path C	4,631	4,857	4,977	5,058	5,115	5,105	5,060	5,124	5,097	5,167	5,029	4,666	4,475	4,347	4,371	4,408

[1] Legend for table 4, by line number:
1. U.S. warheads, path A.
2. Soviet warheads, path X.
3. U.S. warhead advantage or disadvantage, that is, line 1 minus line 2.
4. Increase in U.S. warheads from path A by following path B and by redeploying 54 Minuteman III's into Minuteman II silos in 1995.
5. Increase in U.S. warheads by adding small mobile single-RV ICBM's to attain 2,400 SNDV's.
6. Number of warheads the Soviets would lose by dismantling launchers of single-RV ICBM's or SLBM's to comply with a 2,400–SNDV ceiling.
7. Net change in U.S. warhead advantage by the United States taking the steps in lines 4 and 5 and the Soviets taking the step in line 6, that is, line 4 plus line 5 plus line 6.
8. The resulting U.S. warhead advantage, that is, line 3 plus line 7.
9. Path Y: Soviet warheads with a 2,400–SNDV ceiling, assuming the Soviets dismantle launchers of single-RV ICBM's or SLBM's to comply with the ceiling, that is, line 2 minus line 6.
10. Path C: Total U.S. warheads, with the increases in lines 4 and 5, that is, line 1 plus line 4 plus line 5.
11. U.S. survivable warheads, path A. Survivable warheads (for lines 11–13) are calculated as 10 percent of those on silo-based ICBM's, 50 percent of those on small ICBM's (assuming mobile deployment), 55 percent of those on Poseidon SSBN's, 66 percent of those on Trident SSBN's, and 30 percent of those on bombers.
12. U.S. survivable warheads, path B.
13. U.S. survivable warheads, path C.

RECESS UNTIL 12 NOON

The PRESIDING OFFICER. Under the previous order, the hour of 10:40 a.m. having arrived, the Senate will now stand in recess until the hour of 12 noon.

Thereupon, the Senate, at 10:40 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GOLDWATER].

CLEAN WATER ACT AMENDMENTS OF 1985

The PRESIDING OFFICER. The pending question is on the motion to procEed to the consideration of S. 1128, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed with consideration of S. 1128, a bill to amend the Clean Water Act, and for other purposes.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I understand they are near an agreement on the major items in the so-called clean water bill. They are now assembled in the rear of the Chamber in the cloakroom. It is my hope that, if that is the case, we can move rather quickly on the Clean Water Act, and perhaps finish the amendment which they have worked out with provisions satisfactory to the committee, and to Senators involved.

Maybe we will be able to complete action on the clean water bill by 3:30, or 4 o'clock, if we can get started. I urge my colleagues to begin as quickly as they can.

Then, perhaps we can move to the Nuclear Regulatory Commission bill or, in the alternative, go to the nomination of Martha Seger to be a member of the Federal Reserve Board. I understand that should be able to be cleared. There may be a request for a rollcall vote.

But, in any event, perhaps we can take care of those items today. If not, we will be in tomorrow to finish the clean water bill and the nomination. Then we will be on Nuclear Regulatory. If we can finish Nuclear Regulatory today, we will be in tomorrow, and maybe do the Energy Policy and Conservation Act—so-called EPCA. There also may be a possibility for the Statute of Liberty coin bill. That is a toss up. But, in any event, there is a chance that these bills may come up.

There are a couple of Commerce bills that can be disposed of, if we can work out some small problems. It may be that we will bring up the so-called gun bill next Monday, the McClure-Volkmer bill. That should not take long to dispose of—maybe 1 day or 2.

We would like to bring up the balanced budget amendment. But they have agreed in committee not to report that out until July 11 which

means we hope to be able to be on that before the August recess.

Line item veto—it is still my hope that the Rules Committee will report out the line item veto as a separate measure. If not, I understand the distinguished Senator from Georgia, Senator MATTINGLY, will offer his amendment to the supplemental appropriations bill which we will likely take up next week.

Superfund is still awaiting consideration. The imputed interest bill which has been reported out by the Finance Committee will soon be available for consideration but likely to be somewhat controversial, and finally, we do expect to take up the supplemental appropriations next week.

While I doubt that we can complete all of these bills next week, we can, hopefully, complete them by June 27 or 28.

I urge my colleagues who are managing the clean water bill to move as quickly as they can. I know a number of my colleagues have official commitments outside Washington tomorrow.

If everything works well, it could happen that we could come in very early tomorrow morning—say, 9 o'clock—and be out before noon.

EX-GOP CHAIRMAN BRADLEY DIES

Mrs. HAWKINS. Mr. President, Angel A. Bradley, president of the Florida Federation of Republican Women and chairman of the Dade County Republican Party from 1975 to 1980, died on June 6, after a long illness. She was 64.

Described by friends as "community oriented and devoted to politics," Bradley became active in the Republican Party in 1966 and served as a member of the party's platform committee at three national conventions, in 1968, 1972, and 1980.

She was appointed to the National Cancer Advisory Board by President Reagan in 1982.

On June 8 her close personal friend, Mike Thompson delivered a eulogy in memory of Angel which I would like to share with my colleagues.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

ANGEL A. BRADLEY

It was a quaint custom of an America we no longer would recognize. Children, both boys and girls, would be named in a way to shape their future. And so we would meet someone named Prudence, or Chastity, or Courageous. In reality, however, do names shape people—or do people shape their names and redefine their meaning?

"Angel" is from the Greek angelos, or messenger. "Angel" also is a spiritual being superior to humans in both intelligence and power.

Angel Bradley, of course, was not a spiritual being—but she was a human being with spiritual values. Likewise, she was a messenger, and her messages were always neat and diplomatic, and usually tied with a pink ribbon.

She was, in brief, a ministering Angel.

A ministering Angel who loved her Charles so long and so deeply that few other married couples ever will experience a matrimony as beautiful and as rich as theirs.

A ministering Angel who loved her Pamela, her only child, who imbued in her the qualities of good character that Pam would use to form her own family.

A ministering Angel who loved her God and wore the cross on which His Son was crucified, a symbol that she had accepted the promise of everlasting life in exchange for believing in Him.

A ministering Angel who loved her Republic and exhausted her body and mind to preserve its freedoms.

A ministering Angel who loved humanity and devoted thousands of hours to preserve and repair the physical health of others.

A ministering Angel who could never discipline a dog for fear a sharp word would damage its little psyche.

A ministering Angel who wanted everyone to enjoy the spirit of Christmas, even if it meant she had to spend an entire week every year addressing cards to every acquaintance and friend she had ever made.

A ministering Angel who answered every call, responded to every request, accepted every challenge, and completed every task.

What shall we do without our ministering Angel? Of course we will grieve, and shed tears, and suffer anguish. They, however, are passions of the moment. They will be replaced by our fond and warm memories of a lady who touched all our lives, who amused us with her lovable eccentricities who amazed us with her energy of life, who impressed us with her limitless dedication to truth, love, and justice.

Sir Walter Scott lived a full century before Angel Bradley entered this stage of mortals. Yet, Sir Walter may have known that she eventually would stride into the scene when he wrote:

O Woman! in our hours of ease,
Uncertain, coy, and hard to please,
And variable as the shade,
By the light quivering aspen made;
When pain and anguish wring the brow,
A ministering angel thou!

A ministering Angel. A ministering Angel thou. The only Angel we every knew.

Mrs. HAWKINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. KASTEN). Without objection, it is so ordered.

CLEAN WATER ACT AMENDMENTS OF 1985

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the consideration of S. 1128.

The clerk will report the pending business.

The assistant legislative clerk read as follows:

A motion to proceed to S. 1128, a bill to amend the Clean Water Act, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1128) to amend the Clean Water Act, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I will give a status report of where we are now. We are on the bill. We would ask those who have amendments to come to the floor and present any amendments that they may have. We know of an amendment by Senator STEVENS and Senator MURKOWSKI, and they are on their way now to present that amendment. That has been agreed to by a colloquy. There will be no rollcall vote on that.

At 2:45 p.m. we will be presenting a committee amendment dealing with some revision to the formula as worked out in a compromise with Senators DURENBERGER, MOYNIHAN, D'AMATO, LEVIN, CRANSTON, and Senator HAWKINS was also interested in it.

It would be our intention, Mr. President, to move as rapidly as we can with this legislation. Once the committee amendment is presented on the changes in the formula, we would assume that could be adopted by a voice vote. If there are no further amendments after that, we would be hopeful to get to final passage not long thereafter. We are talking about in the area of 3:30 or thereabouts.

So we are ready to do business and are awaiting at the moment for the amendment of the Senators from Alaska.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise in strong support of S. 1128, the Clean Water Act Amendments of 1985. The Environment and Public Works Committee has devoted substantial time and effort this year to the Clean Water Act. I commend the committee leadership for its efforts in bringing this bill to the Senate floor early in this session of Congress.

In the early 1970's, the people of this country made a fundamental decision that they wanted a concerted effort to clean up the Nation's

waters—waters that are used for fishing, swimming, recreation, and drinking water.

This decision was made because of our growing awareness of, and concern about, water pollution. News accounts told us about Lake Erie being "dead," the polluted Cuyahoga River in Ohio so filled with oil and debris that it caught fire, millions of gallons of raw wastewaters being dumped into the country's major rivers, such as the Hudson River, and many fish kills and oil spills.

The Congress responded by passing the Federal Water Pollution Control Act Amendments of 1972. This act established a goal—to restore and maintain the integrity of the Nation's waters—which captured the essence of the Nation's desire for clean water.

During the 13 years this act has been implemented, impressive strides have been made in cleaning up our Nation's waters. But much remains to be done. The Clean Water Act Amendments of 1985 include a number of provisions which address problems which are preventing us from achieving the goal of the Clean Water Act.

Of great importance is future funding for the construction grants program. Since passage of the Clean Water Act in 1972, Federal, State, and local sources have invested more than $56 billion in municipal wastewater treatment facilities resulting in the construction or improvement of approximately 3,500 treatment facilities. Properly running sewage treatment facilities are an essential component for cleaning up the Nation's waters. For example, sewage treatment plants in 1983 were removing 65 percent more of the two principal conventional pollutants—suspended solids and biological oxygen demand—than they were a decade earlier.

Yet it is clear that the existing construction grants program is inadequate to meet remaining national needs. According to EPA eligible construction needs through the year 2000 are $53 billion. Ineligible needs—those needs not eligible for Federal funding under the Clean Water Act—are more than $50 billion. According to the latest estimates, New Jersey alone has $4.5 billion in eligible funding needs. New Jersey only receives approximately $100 million per year in existing Federal construction grant funding. Therefore it is imperative that we implement a new method of financing sewage facilities. A creative framework, which had its origins in New Jersey, is the concept of revolving loans.

The Clean Water Act Amendments of 1985 adopted this concept and will move us closer to the goal of providing an adequate source of stable funding for sewage treatment facilities. S. 1128 would authorize $18 billion over 9 years for Federal sewer construction grants and loans. Under the bill, the Federal Government will gradually reduce categorical grants for sewage treatment facilities as it phases in a program of grants for States to capitalize State revolving loan funds. These funds will provide the capital for municipal wastewater treatment facilities in the future. States can make low or no interest loans available to communities for construction of treatment facilities. As loans are repaid to the State revolving loan funds, the funds will be able to loan money to additional communities.

In addition, Mr. President, this bill will help spur the construction of needed sewerage facilities. In the case of municipalities which proceed to begin construction with their own funds, refinancing is permitted from a State revolving loan fund. Presently, most municipalities wait until it is their turn to receive Federal construction grant funding before they begin constructing needed facilities. This refinancing feature of the revolving loan program would eliminate the disincentive for municipalities to move ahead quickly with construction that now exists with the grants program. Municipalities are facing a 1988 deadline for installing sewerage treatment facilities which provide secondary treatment. EPA has threatened to restrict development in municipalities which are not in compliance with the 1988 deadline. New Jersey right now has imposed sewer bans in 70 municipalities and has warned over 100 additional municipalities that they face such bans if the discharge from their sewerage plants will not comply with requirements of the Clean Water Act. The reimbursement provisions in S. 1128 should stimulate cities to meet the 1988 deadline.

Under the bill, States will have to enact legislation to give a legal entity of the State the powers prescribed in the act. During consideration of S. 1128 in the Environmental Pollution Subcommittee, the committee agreed that this legal entity can be an existing or new State entity or agency. When States enact legislation to implement State revolving loans funds, they will have the flexibility to determine how the fund will operate subject to the requirements of this provision of the Clean Water Act. For example, States would be able to establish loan terms based on the financial needs of municipalities with easier loan terms available to poorer municipalities. States can decide to initiate their loan funds prior to fiscal year 1989, the year they are required to do so. When States enact revolving loan legislation, they can determine whether to begin using their construction grant funds to capitalize their revolving loan funds prior to fiscal year 1989 and if so, under what terms. Discussion during our subcommittee markup clarified that it is the committee's intent that EPA, in issuing grants, would be bound by these State decisions.

Mr. President, I believe that the revolving loan concept contained in the bill will provide a stable source of funding for the construction of sewerage facilities while providing States with the flexibility to minimize the financial burden of these facilities on local municipalities.

The Clean Water Act Amendments also include a revised allocation formula for construction grants funding. This formula uses the latest estimates of construction grants needs from the 1984 EPA Needs Survey. By using these figures, New Jersey's allocation would increase, reflecting the State's large sewerage facility needs.

S. 1128 also includes S. 30, the Raw Sewage Abatement Act of 1985. This legislation, which I sponsored, limits the discharge of raw sewage by New York City. New York City is the only major municipality in the country which still discharges raw sewage and wastewater into surrounding waters, without preliminary treatment of its wastes. It does so because of the absence of sewage treatment facilities in two major drainage areas in New York City. Today, New York City is dumping approximately 230 million gallons of raw sewage a day into the Hudson and East Rivers. This practice has gone on for decades. Two court-ordered deadlines to cease this practice have long passed. My amendment will impose a cap on raw sewage discharges from the drainage areas in New York City currently without treatment plants if the city fails to meet the deadlines for achieving advanced preliminary treatment contained in its current consent decree. If these deadlines are met, the cap will be unnecessary because all raw sewage discharges will cease. If the city fails to meet these deadlines, a cap will be imposed in the drainage area in violation of the decree. It will stay in effect until the city brings the affected plant online and it operates successfully for 6 months.

The imposition of a cap on raw sewage discharges upon a violation of the consent decree in effect says to the city of New York, "You cannot continue to grow without restraint if you cannot treat your wastes."

Upon violation of the cap, the city would be subject to the enforcement provisions in section 309 of the Clean Water Act. These penalties would be in addition to those provided for violation of the consent decree. They include tough civil and criminal penalties, and would enable EPA to seek a temporary or permanent injunction against the city, to bring civil actions against the city, and to initiate crimi-

nal prosecution in cases of negligence or falsification of records.

With the changes proposed this year to section 309 of the Clean Water Act, a violation of the cap imposed by this amendment could result in substantial penalties of up to $50,000 a day. A violation stemming from a criminal conviction could lead to imprisonment.

Finally, Mr. President, the legislation states that it is the sense of the Congress that EPA should not extend the deadlines in the city's existing consent decree any further.

New Jersey has had its share of water quality problems. But not one New Jersey municipality is discharging raw sewage. Treatment plants in northern New Jersey are all achieving advanced preliminary treatment, and the major plants serving northern New Jersey are achieving secondary treatment.

The New Jersey Department of Environmental Protection has imposed 50 sewer hookup bans in a number of New Jersey municipalities to improve compliance with the Clean Water Act. Several communities may finance the upgrading of their sewage treatment plants to secondary treatment without any Federal or State aid. In some cases, the Department of Environmental Protection in New Jersey is requiring private sector parties to contribute to local efforts to upgrade sewage treatment facilities as the price of securing a sewer hookup permit and proceeding with planned development.

Mr. President, New Jersey and New York do not need to grow at each other's expense. Regional growth is good for both States. By the same token, Mr. President, this growth should be accompanied by appropriate environmental protection. It must not come at the expense of the environment. It must not come at the expense of New Jersey's tourist and commercial and recreational fishing industries.

Mr. President, these provisions in S. 1128 will provide strong incentives for New York City to comply with its consent decree and bring its sewage treatment plants on line as quickly as possible.

S. 1128 contains a number of other provisions which will strengthen this Nation's effort to clean up its water. These include:

Requiring the cleanup of toxic hot spots;

Establishing a nonpoint source pollution control program;

Restricting the use of nonconventional pollutants modifications and fundamentally different factor modifications;

Clarifying the Clean Water Act's prohibition of backsliding on effluent limitations;

Establishing a national estuary program to solve pollution problems in interstate estuaries such as Delaware Bay and the Hudson-Raritan estuary; and

Requiring EPA to establish toxic contaminant criteria for sewage sludge use and disposal and to establish a public health and environmental protection basis for these criteria.

Mr. President, I want to make clear my position on two amendments which may be offered to S. 1128.

This bill gives EPA authority to use civil administrative penalties for violations of sections 402 and 404 of the Clean Water Act. I understand an amendment may be offered which would eliminate section 404 violations from the civil administrative penalty provisions contained in S. 1128.

Mr. President, I will oppose this amendment. Administrative civil penalties, now used on numerous environmental laws, offer an effective enforcement mechanism for handling a large number of violations. The current system of requiring the United States to go to the Federal courts to seek enforcement of section 404 is inadequate. A 1984 Office of Technology Assessment Report on wetlands concluded, "the Corps has experienced significant problems in prosecuting violators." The OTA found that U.S. attorneys often are reluctant to handle section 404 cases because cases are regarded as of lesser importance than other cases. Moreover, evidence presented at an oversight hearing on the section 404 program this past Monday shows that there are serious deficiencies in the corp's existing enforcement program. Amendment to eliminate civil administrative penalties for the section 404 program will, if agreed to, remove an effective enforcement tool from EPA.

A second amendment which may be offered would extend the maximum length of permits governing discharges into waterways from industrial and other facilities to 10 years from the existing 5 years. This issue was considered at length by the Environment and Public Works Committee, which decided to leave the maximum permit period at 5 years. The primary rationale for this amendment is that it will help reduce the backlog of permit applications. The testimony received by the committee, however, was that the backlog already is shrinking. In addition, a 10 year permit provision could result in less stringent pollution control of toxic pollutants. I believe the 5-year permit term plays an important role in improving water quality. Therefore, I will oppose any amendment to extend the maximum permit term to 10 years.

Mr. President, I believe that enactment of the Clean Water Act Amendments of 1985 represents a positive step in the Nation's effort to clean up its water resources. Again, I commend Senators CHAFEE and MITCHELL and all the staff that worked so hard to bring this bill to the floor.

AMENDMENT NO. 333

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself and Mr. SIMON, proposes an amendment numbered 333.

Mr. DIXON. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, before line 1, insert the following new section and renumber succeeding sections accordingly:

CHICAGO TUNNEL AND RESERVOIR PROJECT

SEC. 203. Section 201(g)(1) of the Clean Water Act is amended by adding the following sentence: "The Chicago tunnel and reservoir project may receive grants under the previous sentence without regard to the limitation contained therein, if the Administrator determines that such project meets the cost-effectiveness requirements of sections 217 and 218 without any redesign or reconstruction, and the Governor of the affected State demonstrates to the satisfaction of the Administrator the water quality benefits of such project.".

Mr. DIXON. Mr. President, I rise today with my distinguished colleague, Senator PAUL SIMON of Illinois, to offer an amendment to the Clean Water Act amendments which will clarify the eligibility of a cost-effective combined sewer overflow system, the Chicago tunnel and reservoir project [TARP]. The amendment merely lifts a 20 percent cap on the use the Governor may make of the Governor's discretionary fund and does not cost any additional funds.

TARP consists of approximately 110.2 miles of tunnels, connecting structures and pumping stations, all integral parts of the water pollution control system for the Chicago metropolitan area. This amendment is critical to the completion of TARP, and the prevention of the discharge of raw sewage and stormwater, with the resulting pollution and flooding problems.

The 1981 amendments to the Clean Water Act provide that, beginning in October 1984, combined sewer overflow elimination systems, such as TARP, are only eligible for funding from the Governor's discretionary fund of an amount up to 20 percent of the State's allotment. The Governor's discretionary fund, however, is insufficient to provide the funding needed for the next segment of TARP. Thus, because combined sewer overflow projects are no longer eligible for Federal funding, except for the Governor's fund, and because this pot is too small to fund the next segment of

TARP, the subject amendment is needed to complete TARP.

I can assure my colleagues that the support for this amendment is bipartisan in nature. The distinguished Governor of Illinois, James Thompson, is very concerned about the completion of TARP and has worked with Senator SIMON and myself on this amendment. Governor Thompson has also discussed the issue with Senator CHAFEE.

The Governor has proposed to spend, and the State of Illinois is already spending, substantial sums on TARP. This local commitment of funds indicates the high priority the State places upon the completion of TARP. The combined sewer overflow program in Chicago is important because without such a program, the level of pollution would be equivalent to the refuse of 1 million people being dumped into the Illinois River without treatment every sixth day. This clearly is a pollution problem that the Clean Water Act should address. The 20-percent cap effectively prevents the Governor from meeting local needs.

At the present time, TARP is approximately 50 percent completed. Approximately 47 miles of tunnels have been completed, 3½ miles are now under construction, and 60 miles are yet unfunded. In addition, all of the pumping stations are completed. The next segment to be constructed will service the western suburbs outside Chicago and will cost between $60 and $75 million, which is much more than the present cap can provide. It would make no economic or practical sense to deny adequate funding to a project which is half completed. Stormwater and flooding problems are particularly acute in these western suburbs.

To date, the TARP project has been completed on schedule and the final payment will be less than originally anticipated. The estimated revised 1985 cost for the remaining TARP projects is $1,028 billion, a reduction of $303.5 million or approximately 23 percent from the total cost of $1,331.5 billion shown on the 1985 budget.

Lifting the 20-percent cap is critical because if TARP is not completed or completion is delayed significantly, a number of outfall conditional permits granted by the EPA to Illinois communities would be in violation of national pollutant discharge elimination system requirements. The communities holding the outfall permits would probably have to construct treatment at each of the overflow points. The Federal cost of providing this treatment would be approximately $1.55 billion—or more than twice the cost of completing TARP. Thus, to deny the Governor the flexibility of using the discretionary fund in the manner best suited for local needs would be foolhardy economically, because we would end up spending twice as much as we would in the absence of the adoption of this amendment.

Let me stress that this amendment does not reopen the question of categorical eligibility and applies only to the Governor's discretionary authority to allocate the funds Illinois receives under the Sewer Grant Construction Program.

Therefore, I urge my colleagues to support this amendment to the Clean Water Act amendments.

Mr. SIMON. Mr. President, I rise in support of the amendment I am cosponsoring with my collegue, Senator DIXON. It will aid in the tunnel project of the Chicago Metropolitan Sanitary District. While it will cost eventually an estimated $751 million, the savings to the Federal Government will be over $800 million above that amount. If we do not go ahead, the cost will be approximately $1.55 billion. It has become crucial to the suburbs in the Chicago area. It is a project that has been of great benefit not only to the people in our country but to researchers in other countries. I am pleased to support it and hope that it has the support of this body.

Mr. DIXON. Mr. President, I say to my distinguished colleagues that this matter has been cleared on both sides with the distinguished manager of the bill [Mr. CHAFEE] and with the distinguished minority manager [Mr. MITCHELL]. If there is no objection to my amendment, I have nothing further to say.

Mr. CHAFEE. Mr. President, the Senator from Illinois is quite right. This is an unusual situation that Illinois has with this TARP project, which, I understand, is some 110 miles long with its connecting intercepts and laterals to it. The bill itself has a limitation of 20 percent that can be used by the Governor set aside for discretionary purposes.

The situation in Illinois is such that they have a mammoth program that the legislature has enacted with their own funds for waste treatment disposal throughout the State. This would permit the Governor to exceed that discretionary limitation of 20 percent in the case of Illinois, where they have this particular project, as the Senator from Illinois has designated, known as TARP. So, speaking for this side, we are in support of the amendment.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I commend the Senator from Illinois [Mr. DIXON] for the diligence and vigor with which he has represented his constituents in this matter. I associate myself with the remarks previously made. We have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 333) was agreed to.

Mr. DIXON. Mr. President, I thank the distinguished managers of the bill on behalf of my colleague [Mr. SIMON], Governor Thompson, myself, and the entire membership of the Illinois delegation for the courtesy and kindness they accorded us on this occasion.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, it is my understanding that the House of Representatives' version of the Clean Water Act Amendments of 1985 is likely to contain a provision on the remining of abandoned coal mine sites with preexisting pollutional discharges.

Mr. President, this provision provides incentives to coal operators to remine such areas and so improve the water quality of these areas.

Nationally there are in excess of 1.5 million acres of abandoned mine lands that have not been reclaimed to standards required by the Surface Mining Control and Reclamation Act of 1977 [SMCRA]. The vast majority of these lands and the streams adversely affected by sediment or acidity from such abandoned operations are located in the Appalachian region. The Abandoned Mine Land [AML] Program created under title IV of SMCRA established a fund to reclaim these sites where there is no continuing reclamation responsibility under Federal or State law. The AML fund is generated by collection of a reclamation fee levied on coal operators. The fee collection began in 1978 and will continue through 1992, and it is expected that approximately $3 billion will be collected during that period. These resources, however, are inadequate to deal with the full magnitude of the abandoned mine land problem. It is estimated that the fund will resolve only about 20 percent of the problem areas.

Therefore, the water quality problems associated with many of these sites will continue unless the coal industry is given the incentive to remine and consequently reclaim these areas.

It is estimated that as much as 40–50 percent of these lands contain additional reserves that can be mined today with economic and land reclamation benefits. However, a substantial percentage of those sites will not be reclaimed and remined unless a limited modification from the applicable

Clean Water Act effluent limits is enacted.

The advantages of such a provision are to provide a source of economically competitive coal and to improve water quality. Coal produced from remining operations is likely to be very competitive on the coal export market. Old gob piles and abandoned mine sites are environmental hazards. A remining provision would create a useful incentive to remove those hazards.

In addition, it will provide an increased reserve base which will ensure future employment and a continuing tax base in traditional mining areas. This is particularly important given the scarcity of virgin lands in many established mining communities.

Mr. President, I ask the Senators who will be conferees whether they would seriously consider accepting the House provision in conference, so that this vital environmental, economic, and trade issue can be addressed.

Mr. CHAFEE. Mr. President, I assure the distinguished minority leader that I am willing to give all possible consideration to adoption of the House remaining provision in conference. I can see the value in a program that will result in enhanced water quality as a benefit of mining abandoned sites.

Mr. MITCHELL. Mr. President, I assure the distinguished minority leader of my willingness to work to assess and develop an appropriate remedy on this vital matter that will be acceptable to all interested parties. I acknowledge and support the importance of adopting a program on this matter.

Mr. BYRD. Mr. President, I thank the distinguished Senators who are managing the pending measure. I thank them for their support and for their assurance that they will do everything they can in conference in support of this proposal.

EXECUTIVE SESSION

Mr. GARN. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Martha R. Seger to be a member of the Federal Reserve System.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, this matter has been cleared on this side of the aisle, and there is no objection.

There being no objection, the Senate proceeded to the consideration of executive business.

FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. The nomination will be stated.

The bill clerk read as follows:

Martha R. Seger, of Michigan, to be a Member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1984.

Mr. PROXMIRE. Mr. President, I rise in opposition to the Seger nomination because I do not think she has the qualifications to be a member of the Board of Governors of the Federal Reserve System. However, I am a realist and there is no doubt she is going to be confirmed by the Senate. Therefore, I will not call for a rollcall vote and I will not take up much of the time of the Senate to lay out the case against this nomination. For those who are interested, I refer them to the additional views of Senators CRANSTON, SARBANES, SASSER, and myself in the report of the Banking Committee on the nomination.

On the issue of her qualifications, let me say that Ms. Seger is one of the least distinguished appointees to the Board I have encountered in my 28 years of service on the Banking Committee. I say that not because she is a staunch Republican and not because she has been appointed by a Republican President and not because of her conservative beliefs. I have opposed nominees of Democratic Presidents in the past when I thought they lacked the necessary qualifications to be a member of the Federal Reserve Board. And so my opposition to Ms. Seger is in no way partisan. In fact, I have the feeling that had she been appointed by a Democratic President, she would have encountered substantial opposition from the other side of the aisle for the same reason some of us are opposing her today.

When Ms. Seger appeared before the committee last year, she was largely unknown to the Banking Committee, to the economics profession, to the financial community outside the State of Michigan, and to the public at large. Although she had been an academic economist for several years, a bank economist and a financial regulator, she had no published writing or even copies of speeches she had delivered to financial trade groups over the years.

Accordingly, the 1984 hearings on Ms. Seger's nomination were of unusual importance. The committee held 14 hours of hearings over 4 days to explore her views and to judge her competence to serve on the Board. During these hearings, she declined to have her views on economic issues characterized in any particular way: for example, as monetarist, supplyside, or Keynesian. She pled ignorance on a wide range of important technical issues on which she might reasonably have been expected to have a view.

It is impossible to convey, without lengthy quotation, the arduous character of Ms. Seger's confirmation hearing. The very length of the interrogation bears witness to the difficulty of obtaining a clear, straightforward statement of views from the witness. Her performance led all eight Democratic members of the committee to oppose her nomination.

Following the hearings last year and the adjournment of the Senate for 3 weeks, the President saw fit to give Ms. Seger a recess appointment to the Board even though the Chairman of the Federal Reserve Board saw no need for a recess appointment and did not request one. In the meantime, Ms. Seger has been serving on the Board for nearly 11 months, participating in monetary policymaking even though she was never confirmed by the Senate and in effect, has been serving at the pleasure of the President, unlike the other members of the Board who are insulated from political pressure through fixed 14-year terms. Nonetheless, with the advantage of incumbency, the opponents of the nomination now have a far more difficult burden of proof. It is one thing to show that a prospective nominee should not be seated; it is far more difficult to convince Senators that a sitting Governor should be unseated. Indeed, the vote of the Senate Banking Committee the second time was 11 to 4. Our committee is broadly representative of the Senate, and I have no illusion that the vote of the Senate would be any different.

So, Mr. President, while I oppose the nomination for the reasons stated, I will not call for a rollcall vote.

Mr. GARN. Mr. President, the Senator from Wisconsin has pointed out that we held extensive hearings on this nomination. As a matter of fact, in the 10½ years I have served on the Banking Committee, 4½ years as its chairman, I know of no nominee that has come before the committee and has been so extensively examined—4 days of hearings last year an additional day of hearings this year.

There was a change after those hearings. Originally, the vote to confirm was 10 to 8 in the committee. It shifted to 11 to 4 this year.

She has had the opportunity to serve as an interim appointee on that Board since last June, and she has served well. All the comments I have heard from my colleagues and from those who have been involved with her, having had the oportunity to see her at work, indicate that they are pleased with her service on the Federal Reserve Board. I think that is proof of the pudding.

It is unusual when we do have the opportunity to pass on a nominee of a President—this President or any other—after we have seen that person on the job.

There is no doubt that some of the questions were not answered to my satisfaction initially, either, but she had not yet had the opportunity to serve; and some of the questions with respect to the Federal Reserve Board

are difficult for any of us to answer, from the outside looking in.

Her performance in the hearing this spring showed that she did have a very good and fundamental and solid knowledge of the work she was doing. The committee did vote 11 to 4. I certainly support her nomination. I know of no request to have a rollcall vote on this issue, so I ask that her nomination be approved at this time by voice vote.

Mr. KASTEN. Mr. President, I am delighted to vote for the nomination of Martha Seger to the Federal Reserve Board. Approval of Mrs. Seger to the Board is a sign that this administration is seriously interested in reforming the Federal Reserve so that monetary policy is consistent with the growth-oriented fiscal policy we have enacted in the last 5 years.

Mr. President, in the 1984 election, the Republican Party pledged to promote economic opportunity and growth. In other words, to continue the work we began in 1980. We have made significant progress. Over the past few years, interest rates have been declining steadily, economic growth has been strong, and inflation—the cruelest tax—has been consistently low. This is clearly the work of an administration and a party that stands for economic growth, opportunity, and jobs.

Now it is time to complete the progrowth economic agenda. Although there has been significant progress in reducing inflation and interest rates, there is still more work to be done. Monetary policy must provide stability, accountability to the people, and be sufficient to provide full employment without inflation. But most importantly, it must ensure that a dollar now should be worth a dollar in the future.

To accomplish this, the Fed must change. It must cease its destabilizing monetary policy, and accommodate economic growth—not fear it. There must be better coordination of monetary and fiscal policy between the Federal Reserve and the administration. To this end, it may be helpful for the Secretary of the Treasury to serve as a voting member of the Federal Reserve Board. There must be timely reporting of information about Fed decisions, and an end to the uncertainties people face in obtaining money and credit.

Mr. President, Mrs. Seger has gone through a long and difficult ordeal to get to this point in the nomination process. Some may wonder why an appointment to the Federal Reserve is so significant. The answer is clear. Monetary policy must provide for a stable dollar.

Without a stable dollar, we cannot expect to maintain lower interest rates, rising real wages, guaranteed value for retirement and education savings, growth of assets through productive investments, affordable housing, and greater job security. Internationally, a stable dollar means stable exchange rates, protection for contract prices, commodity prices which change only when real production changes, greater resources devoted to job-creating investment, less protectionist pressure, and increased trade and income for all nations.

Mrs. Seger shares the commitment this administration has made to a stable dollar—and to the monetary policy required to achieve it. The Federal Reserve has become a hidebound bureaucracy more insulated from main street America than any other institution in Washington. It is time to turn this around, and I believe that Mrs. Seger will be an integral part of this effort.

Mrs. Segar has a proven record of service to this country that covers a broad spectrum. She has worked in Government, State and local politics, private industry, and academia. Clearly Martha Seger's experience gives her a good perspective on the country, the economic problems it faces, and the right policies we need to make America work. Mrs. Seger is clearly on the side of economic growth and opportunity, and I strongly urge my colleagues to join me in voting for her nomination here today.

Mr. BAUCUS. Mr. President, I expect we are going to vote today to confirm the nomination of Martha Seger as a member of the Board of Governors of the Federal Reserve System.

My colleagues know that I opposed the recess appointment of Dr. Seger last year. I did so on several grounds: First, the appointment was a blatant attempt to avoid the Senate's advice and consent power; second, that in light of the dire straits facing the farm economy, the President should have appointed someone knowledgeable about agriculture.

Today, we are faced with the same nominee but slightly different circumstances. The President has followed the normal nominating process this time; the Banking Committee has recommended confirmation. So I do not have the same concerns about the process followed this year.

However, my substantive concerns about Dr. Seger are not gone.

Today, the situation in agricultural America is worse than last year. Even our export markets are shrinking in the face of the overvalued dollar, foreign trade practices, and slow growth abroad. Farmers—and their bank creditors—face a gloomy economic future.

I was glad to see that in her confirmation hearings this year, Dr. Seger volunteered that she was concerned about the agriculture sector of the economy and conceded that she saw a problem in the farm credit system. I hope she thinks a good deal about responses as well.

IMPORTANCE OF THE FEDERAL RESERVE

None of us should underestimate the importance of the Federal Reserve.

Its decisions send shockwaves throughout the economy, and indeed throughout the world.

It was the Federal Reserve that wrung inflation out of this economy—at great cost in part due to the fiscal policy of this administration. It was the Federal Reserve that organized the debt restructuring for Mexico and so prevented a major financial crisis.

INTERNATIONAL CURRENCY MARKET INTERVENTION

Today, however, I want to highlight one part of the Fed's responsibilities: currency market interventions. It is the New York Fed that buys and sells foreign currencies when allowed by the U.S. Treasury.

This administration—driven by a rigid ideology—has prohibited currency market intervention except in very rare circumstances. The ideology is so narrow as virtually to have stopped all participation by the New York Fed in international currency markets.

Mr. President, we in the Finance Committee have heard a great deal of testimony about the damage caused by the appreciation of the dollar.

This administration, however, cannot see the problem. To President Reagan there is no such thing as an overvalued dollar—there is only the pride of a strong currency.

I was, therefore, somewhat relieved to see that Dr. Seger did acknowledge the problems caused by what she called the American superdollar. However, she had no opinion to offer—or no opinion she was willing to offer—about dealing with this problem. According to Dr. Seger, any approach to the overvalued dollar is a matter solely between the Chairman of the Fed and the Treasury. Mr. President, I find it inconceivable that a Governor of the Federal Reserve System would claim no role in such a critical question.

The more I talk to businessmen, economists, and currency specialists, the more convinced I become that coordinated intervention could help address the problem of the overvalued dollar. But intervention only works if the country intervening is committed to making it work—and in such a circumstance a little intervention can go a long way. Prophesies of failure are self-fulfilling.

I realize that the Federal Reserve only intervenes with the consent of the Treasury. However, I also recognize that Federal Reserve Governors can be influential policy advisers. I would feel better about Dr. Seger if I felt she could go one step beyond recognizing the problem of the dollar to recommending a response to that problem.

TRADE AND COMPETITIVENESS

Let me conclude with the one encouraging element I found in Dr. Seger's statements. She—unlike many in the administration—seems to recognize the need for us to increase our productivity, to increase our commitment to R&D, to improve our education system. I was worried that last year Dr. Seger said she thought the trade problem would be self-correcting. I hope her more recent comments on competitiveness and productivity show a dawning awareness of the need to take action.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Martha R. Seger, of Michigan, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1984?

The nomination was confirmed.

Mr. GARN. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. GARN. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed consideration of legislative business.

CLEAN WATER AMENDMENTS OF 1985

The Senate resumed consideration of S. 1128.

AMENDMENT NO. 334

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself and Mr. MURKOWSKI proposes an amendment numbered 334.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 76, after line 18, insert the following:

"SEC. 125(a) Not later than October 12, 1985, the Administrator and the Secretary of the Army shall enter into an agreement to designate a lead agency and to process permits required under section 402 and section 404 of the Clean Water Act, where both such sections apply, for discharges associated with the construction and operation of log transfer facilities.

"(b) The requirements of sections 301(a) and 402(a) of the Clean Water Act shall be stayed until October 12, 1985, or until an agreement is entered into under subsection (a), whichever is earlier, for discharges associated with such facilities, except discharges of dredged or fill material.

"(c) Such agreement shall be developed to assure that, to the maximum extent practicable, duplication, needless paperwork and delay in the issuance of permits, and inequitable enforcement between and among facilities in different States, shall be eliminated.

"(d) Where both sections 402 and 404 of this Act apply, log transfer facilities that have received a permit under section 404 of this Act prior to the date of enactment of this section shall not be required to submit a new application for a permit under section 402 of this Act. If the Administrator determines that the terms of an existing permit under section 404 of this Act satisfies the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of this Act, a separate application for a permit under section 402 shall not be required. In any case where the Administrator demonstrates, after an opportunity for a hearing, that the terms of an existing, permit under section 404 of this Act do not satisfy the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of this Act, modifications to the existing permit under section 404 to incorporate such applicable requirements shall be issued by the Administrator as an alternative to issuance of a separate new permit under section 402.

"(e) For the purpose of this section, the term "log transfer facility" means a facility which is constructed in whole or in part in waters of the United States, and which is utilized for the purpose of transferring commercially harvested logs to or from a vessel or log raft, including the formation of a log raft."

Mr. STEVENS. Mr. President, this amendment pertains to log transfer facilities and it has been the subject of a long negotiation here in the past few days.

It does not provide the best solution to a very serious problem facing the timber industry in Alaska. It provides the best compromise solution that could be reach between the parties.

In my State there are many small logging concerns that have 5 to 10 employees. Usually the employees are really family members, who log from the Forest Service lands of our State. These people must comply with regulations from both State and Federal agencies to operate their log transfer facilities. Currently in Alaska these facilities are regulated under section 404 of the Clean Water Act section 401 State certification, section 10 of the Rivers and Harbors Act, and the Coastal Zone Consistency Management Program.

Now the EPA has sought to enforce section 402 requirements over log transfer facilities in my State, although it does not enforce these requirements in any other State.

I hope the Secretary and the Administrator will work out what would be known as a one-stop concept so that these small entities do not have to deal with yet another level of bureaucracy.

I think it is important for the Senate and everyone to understand that there are probably more Forest Service people in my State than there are loggers, and there are more Corps of Engineers people than there are Forest Service people, and now there will be more EPA people, than there are either Corps of Engineers or Forest Service people, involved in regulating the same small business people.

I am sure Members realize that I have been slightly reluctant to yield on the question of the basic amendment which was before us as submitted by the administration which would have specified that log transfer facilities are not point sources of pollution.

We have had a long negotiation, as I indicated, and this amendment represents the concensus of what is attainable now to try to reduce to a minimum the increased regulatory burden on this beseiged logging industry as the result of the EPA's extended jurisdiction.

This amendment requires the Administrator of the Environmental Protection Agency [EPA] and the Secretary of the Army to come up with an agreement as to how these two Agencies will handle permitting of log transfer facilities in Alaska by October 12, 1985. The Administrator and the Secretary are advised to highlight this date on their calendars. It is not a deadline to be ignored. I fully intend to seek drastic cuts in their funding if an agreement is not reached by the October deadline.

The Administrator and the Secretary should understand that their agreement should focus on those section 402 requirements that are necessary to cover discharges from logs. I suggest that they closely examine 40 CFR 122 to see which sections should apply to these type of facilities. Further, I would recommend the Secretary and Administrator consult with the Alaska Timber Task Force, of which the Corps of Engineers and EPA are members. This group has been meeting over the last year in an attempt to resolve this problem on a regional basis. Their experience and insight should be helpful in meeting the October 12, 1985, deadline.

I expect the agreement to contain workable and reasonable guidelines. I hope that the Secretary and the Administrator will give serious consideration to the economic burden additional requirements will have on the logging industry and balance that with the potential environmental impact that these facilities raise.

I am going to monitor the progress of this negotiation closely. I hope it will be successful. These Agencies

have had a difficult time in the past in coming to an agreement. It can be done if people of good will work to assure that the regulatory processes that are mandated by this act do not lead to the demise of the logging industry. This would be the ultimate in regulation, I guess. It would be to just kill off the industry itself and there would be nothing more to regulate.

That is certainly not my goal and I do not think it is the goal of the Senate, and I am delighted that my two friends who are managing the bill, Senators CHAFEE and MITCHELL, as well as Senator STAFFORD, are willing to pursue the objective of obtaining an agreement that will carry out the intent of the act while at the same time allow these small entities in our State to continue logging pursuant to the permits they currently hold.

I compliment them for their willingness to proceed this far. There is reluctance on their part, too, I can assure the Senate.

But the circumstances are such that my colleague, Senator MURKOWSKI, and I feel that we have no alternative but to really try to preserve this industry despite the extension of yet another Federal regulatory agency into their area of endeavor.

If my friend wishes to make any comments I will yield to the manager of the bill.

Again, I think it has been an act of courtesy and friendship that has led the managers of the bill to be so patient with my colleague and me. We were prepared to go to great lengths to extend our interest in this matter to the Senate and to describe it to the Senate, but I am glad we do not have to pursue that course, and I again, however, wish to make sure the RECORD indicates that if an agreement is not reached we might have to pursue that sometime in the future. I hope we will not have to do so.

Mr. STAFFORD. Mr. President, will my very able friend from Alaska yield?

Mr. STEVENS. I am happy to yield to my good friend.

Mr. STAFFORD. I will be pleased to be added as a cosponsor of the amendment if the Senator from Alaska wishes.

Mr. STEVENS. We are delighted to have the cosponsorship of the chairman of the committee, and I thank him.

I ask unanimous consent, Mr. President, that the distinguished Senator from Vermont [Mr. STAFFORD] and the majority leader, Mr. DOLE, be added as cosponsors.

Mr. CHAFEE. I wish to be included in that request.

Mr. STEVENS. And the Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I commend both Senators from Alaska, Senators STEVENS and MURKOWSKI, for their vigilance on behalf of Alaska. We deal with many Senators here who represent their States ably, but I think no two Senators do it with more force, vigor, persistence than do Senators STEVENS and MURKOWSKI. And I have been dealing with both of those Senators for I guess well over a month now in connection with this.

Mr. MURKOWSKI. Mr. President, as the Senate considers the amendment my colleague, Mr. STEVENS, and I have offered, I ask that the distinguished Senator from Rhode Island discuss some features of this proposal with Senator STEVENS and myself.

Would the Senator from Rhode Island agree that the purpose of this amendment is to compel the EPA and Corps of Engineers to enter into an agreement whereby one of those agencies will process a permit that meets the requirements of sections 404 and 402 as required for log transfer facilities?

Mr. CHAFEE. The Senator is correct. I might add, Mr. President, that this matter has been discussed at some length among the members of the Environment and Public Works Committee. The committee has corresponded with the Administrator of EPA, and we are informed that the Agency has the authority to enter into the agreement as set forth in the amendment.

Mr. President, I ask unanimous consent that the May 21, 1985 letter from EPA Administrator Thomas to Senator STAFFORD and myself, be printed in the RECORD. This letter sets forth the authority of the agencies under their respective programs.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 21, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of May 8, 1985 regarding the Committee's concerns about the coverage of log transfer facilities (LTFs) under the Clean Water Act (the Act). As you are aware, the Agency has been actively working on this matter since October 1983, and appreciates the opportunity to address the issues your Committee has raised.

You have asked for our opinion as to whether statutory authority exists either to require that section 404 permits contain requirements to regulate the discharge of pollutants associated with the operation of LTFs or to issue joint or consolidated permits to LTFs under the authority of both sections 404 and 402. With respect to the first question, the nature of the pollutants discharged from an LTF will determine whether authority exists under section 402 or 404 to regulate that discharge. Section 301(a) of the Act prohibits the discharge of any pollutant into waters of the United States without a permit. Section 402 authorizes the Administrator of EPA to issue permits for the discharge of all pollutants, except as provided in section 404. Under section 404, the Secretary of the Army may issue permits for the discharge of dredged or fill material.

Thus, the Administration may issue a permit for the discharge of all pollutants, except those regulated under section 404 (i.e., dredged or fill material) for which only the Secretary of the Army may issue permits. These two sections are intended to regulate distinct pollutants and activities and thus, are not redundant in coverage. Moreover, since each section is specific as to its scope of authority, section 404 would not authorize the imposition of permit conditions to regulate the discharge of pollutants other than dredged or fill material. Any permit issued under the CWA, whether under the authority of section 402 or 404, is subject to the provisions of section 401 of the Act, whereby the State must certify that the discharge will comply with all applicable State requirements. Therefore, it is possible that a State may request that certain conditions be placed in both the 404 dredge or fill permit and the NPDES discharge permit. In such a case, those terms and conditions would be implemented and enforced in accordance with the appropriate statutory authority of the respective federal Agencies.

With respect to the second question, where both a 402 and 404 permit are required for an LTF operation, there is no reason why a joint or consolidated permit cannot be issued, so long as all applicable requirements of each program are satisfied.

You have further asked us to review our programs to determine if there are duplicative regulatory requirements for these two programs. As indicated above, section 402 and 404 permits are intended to address separate types of discharges and different environmental concerns and are, therefore, not substantively duplicative. Since there is authority to issue joint 402/404 permits, the Agency will work to coordinate the issuance of such permits in the future to avoid any duplication and minimize procedural burdens. However, you should be aware that the majority of existing LTFs in Alaska (approximately 90) have already been issued 404 permits. EPA could not retroactively issue a joint permit to facilities already holding a 404 permit. However, the Agency could issue NPDES permits consistent with certain terms and conditions of the facility's existing 404 permit where it determines such terms and conditions are appropriate to control the operational discharges.

The Agency recognizes the unique economic circumstances and the small business nature of many of the operators of these facilities. We will, therefore, continue to work to avoid undue administrative and economic burdens on the industry compatible with our statutory responsibilities. As part of this effort, we will fully explore the possibilities for joint permitting and general permits. The general permit approach has significant potential for reductions in permit application monitoring and paperwork costs.

While we are investigating these options, we will issue individual NPDES permits, as needed, in the near future. We expect to make a decision on our long term permitting strategy before there is a need for a large scale individual permitting operation.

I hope this has been responsive to your questions. Please feel free to call on me if you need any further clarifications.

Sincerely,

LEE M. THOMAS.

Mr. MURKOWSKI. This amendment sets a firm deadline on the agencies to enter into an agreement on or before October 12, 1985. Are we in complete agreement that the agencies must begin to negotiate the agreement immediately, and that they must complete the agreement before October 12, 1985?

Mr. CHAFEE. Again, the Senator is correct. I expect the corps and the EPA to commence discussions tomorrow to develop the agreement.

Mr. STEVENS. Mr. President, will my colleague from Alaska yield?

I am greatly concerned that there be no enforcement or issuance of section 402 permits for existing log transfer facilities by the EPA until October 12, when we expect an agreement will be reached. The amendment addresses this concern. However, I ask what the Environment and Public Works Committee would intend to do in the event that the agencies ignore the mandate of the amendment and fail to reach an agreement on or before October 12?

Mr. STAFFORD. Mr. President, if the Senator from Alaska will yield on that point, as chairman of the Environment and Public Works Committee, I pledge my full support to the Senators from Alaska on this amendment. The EPA and the Corps of Engineers must abide by the intent of the Senate in completing an agreement by October 12. The staff of the committee will continually monitor progress on this matter, and will be vigilant in ensuring that the agencies meet the deadline.

Mr. STEVENS. Mr. President, I thank Senator STAFFORD.

There must be an assurance that the agencies will meet the deadline. They have not been able to work together on this matter for 2 years, and the logging industry in Alaska simply cannot continue to spend time and effort in working on needlessly duplicative permits while the agencies procrastinate.

Mr. CHAFEE. Mr. President, if the Senator would yield on this point, the amendment now calls for a stay of enforcement of the section 402 requirements between now and October 12. The agencies must meet that deadline. If they do not, then I would support a measure to extend the stay of enforcement for a further limited period of time and perhaps other steps to force the agencies to reach the agreement.

Mr. STAFFORD. Mr. President, if the Senator from Alaska will yield, I, too, would support such an extension of the enforcement stay if the agencies fail to abide by the amendment.

Mr. DOLE. Mr. President, if the Senator from Alaska will yield, I understand that this matter of 402 and 404 permits is of deep concern to my colleagues from Alaska. The majority leader has been involved in working with the Senators from Alaska, and the Environment and Public Works Committee to fashion this agreement.

Let me say, Mr. President, that a great deal of time and effort has been spent by Senators to arrive at this agreement. We simply cannot tolerate the EPA or the Corps of Engineers ignoring the clear intent of this body to enter an agreement by October 12. I would join with my colleagues in extending the enforcement stay, if that is necessary.

But let me add, Mr. President, that the agencies must be placed on notice that to ignore our clear direction on this matter could result in other sanctions. For example, by October, the Senate will likely be considering funding measures affecting the corps and the EPA. If they ignore this amendment, then the Senator from Kansas will seriously entertain measures to terminate specific funding for either or both agencies.

Mr. STEVENS. Mr. President, I want these agencies to know that, as a member of the Appropriations Committee, I will not hesitate to seek cuts in funding for both agencies if it even looks like they intend to ignore the mandate of this body.

Mr. MURKOWSKI. Mr. President, will my colleague yield?

Mr. STEVENS. I yield.

Mr. MURKOWSKI. Mr. President, I appreciate the cooperation of the Senator from Rhode Island, Senator CHAFEE, and that of Senator STAFFORD, the chairman of the Environment and Public Works Committee. In addition, the majority leader has been instrumental in helping the parties reach an agreement on this matter, and I am grateful for this assistance.

Finally, Mr. President, my friend, the senior Senator from Alaska, TED STEVENS, must be commended for the time and effort he has given in resolving this matter. He has worked diligently over the past 2 years to end needless duplication in permits that must be obtained by the Alaska logging industry. I am confident that the amendment we offer today will force the agencies to do what they should have done years ago. When the agreement is completed, Alaskans affected by section 404 and 402 requirements will be able to get on with the conduct of business, and will no longer have to waste their efforts working paper through two agencies.

Mr. President, I ask for the adoption of the amendment.

Mr. CHAFEE. Speaking for this side, Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER (Mr. DOLE). The Senator from Maine.

Mr. MITCHELL. Mr. President, Senators STEVENS and MURKOWSKI have highlighted for the Senate problems posed by the current approach to regulation of log transfer facilities under the Clean Water Act.

I agree with my colleagues from Alaska that this problem needs attention and I support their proposed amendment.

The proposed amendment would direct the EPA and the Corps of Engineers to develop a process to issue joint permits under sections 402 and 404 of the Clean Water Act. The amendment leaves in place the important concept that logs are a water pollutant and therefore the discharge of logs to water requires a permit under section 402.

Some have questioned the descriptions of logs as a pollutant. Let me point out that my home State of Maine banned log drives on rivers years ago because of damage to rivers. Log bark leaches a variety of tannin and organic chemicals. Logs also damage marine environment.

The State of Alaska itself has called log transfer facilities "one of the most serious longstanding and widespread water quality problems in coastal Alaska."

Log transfer facilities also involved dredge and fill activities and require a permit under section 404 of the Clean Water Act.

These two legitimate permitting activities were not well coordinated. This lack of coordination has placed an unnecessary administrative burden on Alaskan loggers.

The proposed amendment goes directly to the problem of poor coordination and unnecessary regulatory burdens. It specifically directs the EPA and the corps to develop a joint permitting process by a specific date.

I am confident that this amendment will result in a more efficient and effective permitting process for log transfer facilities and I am pleased to support Senator STEVENS and Senator MURKOWSKI in this amendment.

Mr. STEVENS. Mr. President, I am delighted to have that comment from my good friend, the democratic manager of the bill.

The conditions in our State are slightly different—we, for instance, do not log in freshwater. Unlike the Senator from Maine [Mr. MITCHELL] I view this issue as an overregulation problem rather than a pollution problem. Senator MITCHELL has attributed a statement to the State of Alaska as representative of the State's view on this issue. The statement is flat wrong. I ask unanimous consent that a letter from the commissioner of the department of environmental conservation be printed. This letter properly puts forth the State of Alaska's sentiments on the issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
Juneau, June 11, 1985.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: On May 30, 1985, a letter from representatives of several environmental groups was sent to Senator John Chafee opposing the proposed amendment to the Clean Water Act (CWA) that would exempt log transfer facilities (LTFs) from the requirements of Section 402 of the Act.

The State of Alaska's position on the amendment in question is spelled out in my letter of March 15, 1985, to Robert Loescher. However, I would like to take this opportuntiy to clarify several issues raised in the more recent letter to Senator Chafee.

The letter contains a statement that characterizes LTF pollution as "one of the State's most serious water quality problems." While the problems associated with LTF's are serious enough to warrant our attention, there are several other water quality issues that are considerably more severe than those surrounding the siting and operation of LTFs.

The letter then indicates that the discharge of pollutants from LTFs has been unregulated in Alaska. I believe this is the most important issue at hand. The siting, operation, and maintenance of LTFs in Alaska are subject to review by both state and federal agencies under Section 404 of the CWA. The State has considerable opportunity through certifications issued under Section 401 of the CWA, and through consistency determinations authorized by the Coastal Zone Management Act, to address any potential water quality problems. Under these processes, state and federal agencies can and do attach stipulations to the 404 permit that are intended to prevent or minimize water pollution.

Finally, the letter indicates that retention of the NPDES permit requirement under Section 402 is essential to protection of water quality in Alaska. The State has worked for several years and continues to work to eliminate pollution from LTFs without having in place a 402 permit system. Indeed, only one LTF in Alaska has received an NPDES permit to date, and that permit resulted from a judicial interpretation concerning the original mode of transport for logs by helicopter, not over the environmental necessity for the permit. We believe we have addressed any problems associated with LTFs absent a Section 402 permit, and will continue to do so.

I hope that this information is helpful. Please do not hesitate to contact me if you require additional information.

Sincerely,

BILL ROSS, *Commissioner.*

Mr. STEVENS. Mr. President, in the future, I believe that we ought to do more here in the Senate of pursuing what I call the one-stop process so that these small business people need only deal with one Federal entity in order to obtain the clearances they need to comply with Federal law.

This is a step in that direction. I am delighted to be a part of it and have the support of the Members who have cosponsored this amendment. I ask for the adoption of the amendment.

Mr. MURKOWSKI. Mr. President, as the Senate considers the amendment my colleague, Mr. STEVENS, and I have offered, I ask that the distinguished Senator from Rhode Island discuss some features of this proposal with Senator STEVENS and myself.

Would the Senator from Rhode Island agree that the purpose of this amendment is to compel the EPA and Corps of Engineers to enter into an agreement whereby one of those agencies will process a permit that meets the requirements of sections 404 and 402 as required for log transfer facilities?

Mr. CHAFEE. The Senator is correct. I might add, Mr. President, that this matter has been discussed at some length among the members of the Environment and Public Works Committee. The committee has corresponded with the Administrator of EPA, and we are informed that the Agency has the authority to enter into the agreement as set forth in the amendment.

Mr. MURKOWSKI. Senator CHAFEE, this amendment sets a firm deadline on the agencies to enter into an agreement on or before October 12, 1985. Are we in complete agreement that the agencies must begin to negotiate the agreement immediately, and that they must complete the agreement before October 12, 1985?

Mr. CHAFEE. Again, the Senator is correct. I expect the Corps and the EPA to commence discussions tomorrow to develop the agreement.

Mr. STEVENS. Mr. President, I am greatly concerned that there be no enforcement or issuance of section 402 permits for existing log transfer facilties by the EPA until October 12, when we expect an agreement will be reached. The amendment addresses this concern. However, I ask what the Environment and Public Works Committee would intend to do in the event that the agencies ignore the mandate of the amendment and fail to reach an agreement on or before October 12?

Mr. STAFFORD. Mr. President, if the Senator from Alaska will yield on that point, as chairman of the Environment and Public Works Committee, I pledge my full support to the Senators from Alaska on this amendment. The EPA and the Corps of Engineers must abide by the intent of the Senate in completing an agreement by October 12. The staff of the committee will continually monitor progress on this matter, and will be vigilant in ensuring that the agencies meet the deadline.

Mr. STEVENS. Mr. President, I thank Senator STAFFORD.

There must be an assurance that the agencies will meet the deadline. They have not been able to work together on this matter for 2 years, and the logging industry in Alaska simply cannot continue to spend time and effort in working on needlessly duplicative permits while the agencies procrastinate.

Mr. CHAFEE. Mr. President, the amendment now calls for a stay of enforcement of the section 402 requirements between now and October 12. The agencies must meet that deadline. If they do not, then I would support a measure to extend the stay of enforcement for a further limited period of time and perhaps other steps to force the agencies to reach the agreement.

Mr. STAFFORD. Mr. President, I, too, would support such an extension of the enforcement stay if the agencies fail to abide by the amendment.

Mr. DOLE. Mr. President, I understand that this matter of 402 and 404 permits is of deep concern to my colleagues from Alaska. The majority leader has been involved in working with the Senators from Alaska, and the Environment and Public Works Committee to fashion this agreement.

Let me say, Mr. President, that a great deal of time and effort has been spent by Senators to arrive at this agreement. We simply cannot tolerate the EPA or the Corps of Engineers ignoring the clear intent of this body to enter an agreement by October 12. I would join with my colleagues in extending the enforcement stay, if that is necessary.

But let me add, Mr. President, that the agencies must be placed on notice that to ignore our clear direction on this matter could result in other sanctions. For example, by October the Senate will likely be considering funding measures affecting the corps and the EPA. If they ignore this amendment, then the Senator from Kansas will seriously entertain measures to terminate specific funding for either or both agencies.

Mr. STEVENS. Mr. President, I want these agencies to know that, as a member of the Appropriations Committee, I will not hesitate to seek cuts in funding for both agencies if it even looks like they intend to ignore the mandate of this body.

Mr. MURKOWSKI. Mr. President, I appreciate the cooperation of the Senator from Rhode Island, Senator CHAFEE, and that of Senator STAFFORD, the chairman of the Environment and Public Works Committee. In addition, the majority leader has been instrumental in helping the parties reach an agreement on this matter, and I am grateful for this assistance.

Finally, Mr. President, my friend, the senior Senator from Alaska, TED STEVENS, must be commended for the time and effort he has given in resolving this matter. He has worked diligently over the past 2 years to end needless duplication in permits that must be obtained by the Alaska logging industry. I am confident that the amendment we offer today will force the agencies to do what they should have done years ago. When the agreement is completed, Alaskans affected by section 404 and 402 requirements will be able to get on with the conduct of business, and will no longer have to

waste their efforts working paper through two agencies.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 334) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 335

(Purpose: To provide for a Great Lakes Research Office)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 335.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, after the end of line 13 strike out the period and insert "; and".

On page 71, between lines 13 and 14, insert the following:

(5) 'Research Office' means the Great Lakes Research Office established by subsection (d).

On page 74, between lines 2 and 3, insert the following:

"(d) GREAT LAKES RESEARCH.—

"(1) There is established within the National Oceanic and Atmospheric Administration the Great Lakes Research Office.

"(2) The Research Office shall identify issues relating to the Great Lakes resources on which research is needed. The Research Office shall submit a report on such issues prior to the end of each fiscal year which shall identify any changes in the Great Lakes system with respect to such issues.

"(3) The Research Office shall identify and inventory Federal, State, university, and tribal environmental research programs, and to the extent feasible, those of private organizations and other nations, relating to the Great Lakes system, and shall update that inventory every four years.

"(4) The Research Office shall establish a Great Lakes research exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning research projects which are on-going or completed and which affect the Great Lakes System.

"(5) The Research Office shall develop, in cooperation with the Program Office, a comprehensive environmental research program and data base for the Great Lakes System. The data base shall include, but not be limited to, data relating to water quality, fisheries, and biota.

"(6) The Research Office shall conduct, through the Great Lakes Environmental Research Laboratory, the National Sea Grant College Program, and other Federal laboratories, and the private sector, appropriate research and monitoring activities which address priority issues and current needs relating to the Great Lakes.

"(7) The Great Lakes Research Office shall be located in a Great Lakes State.

"(e) RESEARCH AND MANAGEMENT COORDINATION.—

"(1) Prior to October 1 of each year, the Program Office and the Research Office shall prepare a joint research plan for the fiscal year which begins the following calendar year.

"(2) Each plan prepared under paragraph (1) shall—

"(A) identify all proposed research dedicated to activities conducted under the Great Lakes Water Quality Agreement of 1978;

"(B) include the Agency's assessment of priorities for research needed to fulfill the terms of such agreement; and

"(C) identify all proposed research that may be used to develop a comprehensive environmental data base for the Great Lakes System and establish priorities for development of such data base.

On page 74, line 3, strike out "(d)" and insert "(f)".

On page 74, line 17, strike out "(e)" and insert "(g)".

On page 70, line 21, insert "(a)" immediately before "Title".

On page 75, strike lines 1 through 11, and insert in lieu thereof the following:

" '(h) AUTHORIZATIONS OF GREAT LAKES APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $10,000,000 per fiscal year for the fiscal years 1986, 1987, 1988, 1989 and 1990. Of such amounts as are appropriated each fiscal year—

" '(1) fifty percentum shall be used for the Great Lakes National Program Office demonstration projects on the feasibility of controlling and removing toxic pollutants;

" '(2) seven percentum shall be used for the Great Lakes National Program Office's program of nutrient monitoring; and

" '(3) thirty percentum shall be used for the Great Lakes Research Office.'

"(b) Section 517 of the Clean Water Act is amended by inserting '118,' immediately after '115'.".

Mr. KASTEN. Mr. President, today I am offering an amendment to provide for the coordination of research efforts conducted on the Great Lakes.

This amendment is based on S. 765, the Great Lakes Management Act which I introduced earlier this year. Twelve other Senators have joined me by cosponsoring that legislation.

The Great Lakes are one of the world's most spectacular resources. They contain 95 percent of this Nation's surface freshwater.

The Great Lakes stretch for over 1,000 miles, and have a surface area of 94,510 square miles. That is an area the size of the States of Maine, West Virginia, Maryland, Massachusetts, Delaware, Vermont, and New Jersey put together.

They contain 6 quadrillion gallons of water. That is one-fifth of all the freshwater in the world.

In short, the Great Lakes are the world's most important source of a very valuable, and increasingly scarce resource—clean water.

Unfortunately, the Federal efforts to manage the world's most valuable supply of freshwater is in disarray.

Federal efforts to manage the Great Lakes are frightingly inadequate. No single agency is currently charged with the responsibility of overseeing the resource on a basinwide basis.

The legislation I have introduced will correct this textbook example of how not to manage a resource. The Committee on Environment and Public Works has already acted on the EPA provisions of this legislation.

Today, I am offering, that portion of S. 765 that was outside of the committee's jurisdiction—to give NOAA additional responsibilities to protect the resources of the Great Lakes.

Specifically, the amendment I am offering establishes, within the National Oceanic and Atmospheric Administration, the Great Lakes Research Office.

The Research Office shall be the lead agency in conducting basic scientific research on the Great Lakes. In addition it will be responsible for overseeing all other Great Lakes research.

In short, this office shall be responsible for assuring the coordination of all research efforts on the Great Lakes. Such research efforts are currently conducted by each of the eight Great Lakes States, universities, NOAA, EPA, the Fish and Wildlife Service, USDA, the Corps of Engineers, and others.

Finally, this amendment provides for the coordination of research and management efforts. This amendment gives priority to the research needs of those agencies that are responsible for managing the resources of the Great Lakes.

By taking these steps, I believe that we will make a major achievement in protecting the world's most important freshwater resource. This action will not only benefit the 27 million Americans who currently depend on the Great Lakes for their drinking water, but also the millions more who depend on them as essential components of industry and their way of life.

This program which we are adopting today will assure that those resources are available to our children and their children so that they too may enjoy and benefit from the bounties of our Nation's inland sweetwater seas.

Mr. President, we have discussed this amendment with the manager of the bill. I am optimistic that it can be adopted.

Mr. CHAFEE. Mr. President, this is a good amendment, we believe, on this side. It provides an important role for the National Oceanic and Atmospheric Administration in coordinating research with the EPA on the Great Lakes. We are prepared to accept the amendment.

Mr. MITCHELL. Mr. President, I associate myself with the remarks of the

distinguished manager of the bill and support the amendment.

Mr. KASTEN. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 335) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 336

Mr. MITCHELL. Mr. President, on behalf of Mr. RIEGLE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SIMPSON). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] on behalf of Mr. RIEGLE proposes an amendment numbered 336.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, line 1, strike "appropriation" and insert in lieu thereof "appropriate".

On page 72, line 2, after "agencies," insert "and in accordance with section 101(e) of this Act,".

On page 73, line 8, strike "such agreement" and insert in lieu thereof "the Great Lakes Water Quality Agreement of 1978".

On page 73, line 14, after "Great Lakes" insert "system, including the monitoring of groundwater, air transport and acid deposition, and sediment".

Mr. MITCHELL. Mr. President, these are a series of technical amendments offered by Senator RIEGLE to the Great Lakes provision of the bill. we have reviewed them and find them to be in order and support the amendment.

Mr. CHAFEE. Mr. President, speaking for this side, we also find the amendment acceptable and urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 336) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later the following occurred:)

Mr. MITCHELL. Mr. President, I ask unanimous consent that amendment No. 336 be modified to reflect a change now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment follows:

On page 72, line 1, strike "appropriation" and insert in lieu thereof "appropriate".

On page 72, line 2, after "agencies," insert in accordance with section 101(e) of this Act,".

On page 73, line 8, strike "such agreement" and insert in lieu thereof "the Great Lakes Water Quality Agreement of 1978".

On page 73, line 14, after "Great Lakes" insert "system, including the monitoring of groundwater and sediment".

AMENDMENT NO. 337

(Purpose: To further refine the National Estuary Program contained in the Clean Water Act Amendments of 1985)

Mr. CHAFEE. Mr. President, on behalf of Senator WEICKER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], on behalf of Mr. WEICKER, proposes an amendment numbered 337.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, strike all after line 9 through line 21 and insert the following:

"The Administrator shall provide up to $5,000,000 per fiscal year of the sums authorized to be appropriated under this subsection to the Administrator of the National Oceanic and Atmospheric Administration to carry out tasks assigned under subsection (g).

"(f) Any State, interstate, or regional agency that receives a grant under subsection (e) shall report to the Administrator not later than eighteen months after receipt of such grant and biennially thereafter on the progress being made under this section;

"(g)(1) In order to determine the need to convene a management conference under this section or at the request of such a management conference, the Administrator shall coordinate and implement, through the National Marine Pollution Program Office and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, as appropriate, for one or more estuarine zones—

"(A) a long-term program of trend assessment monitoring measuring variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameter which may affect estuarine zones, to provide the Administrator the capacity to determine the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment assisting in the development of (i) baseline studies which determine the state of estuarine zones and the effects of natural and anthropogenic changes, and (ii) predictive models capable of translating information on specific discharges or general pollutant loadings within estuarine zones into a set of probable effects on such zones;

"(C) a comprehensive water quality sampling program for the continuous monitoring of nutrients, chlorine, acid precipitation, dissolved oxygen, and potentially toxic pollutants (including organic chemicals and metals) in estuarine zones, after consultation with interested State, local, interstate, or international agencies and review and analysis of all environmental sampling data presently collected from estuarine zones; and

"(D) a program of research to identify the movements of nutrients, sediments and pollutants through estuarine zones and the impact of nutrients, sediments, and pollutants on water quality, the ecosystem, and designated or potential uses of the estuarine zone.

"(2) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress no less often than biennially a comprehensive report on the activities authorized under this subsection including—

"(A) a listing of priority monitoring and research needs;

"(B) an assessment of the state and health of the Nation's estuarine zones, to the extent evaluated under this subsection;

"(C) a discussion of pollution problems and trends in pollutant concentrations with a direct or indirect effect on water quality, the ecosystem, and designated or potential uses of each estuarine zone, to the extent evaluated under this subsection and

(D) an evaluation of pollution abatement activities and management measures so far implemented to determine the degree of improvement toward the objectives expressed in subsection (a)(1)(D) of this section.

"(h) For the purposes of this section, the terms 'estuary' and 'estuarine zone' shall have the same meanings such terms have in section 104(n)(4) of this Act, except that the term 'estuarine zone' shall include those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher."

Mr. WEICKER. Mr. President, I would like to commend the Senator from Rhode Island for his recognition of the serious pollution problems in our Nation's estuaries and for taking action to correct these problems in section 320 of this bill. I also would like to commend him for giving the EPA Administrator the option of using the substantial capabilities of the National Oceanic and Atmospheric Administration [NOAA] to do water quality monitoring and ecosystem assessment research in the estuaries under part (g)(1) of this section.

Mr. President, section 320 represents a synthesis of ideas on how to best correct pollution problems which currently plague our estuarine resources. This provision also draws from the substantial experience gained through the study of pollution problems in the Chesapeake Bay. In addition, this bill provides for the continued involvement of the EPA Office of Marine and Estuarine Protection in studies initiated in Long Island Sound, Narragansett Bay, Buzzards Bay, and Puget Sound earlier this year, made possible by funds included in EPA's fiscal year 1985 appropriation. This measure provides for a scientific mechanism and an institutional structure which can

make it possible to restore biological vitality of our Nation's sounds and bays.

It is important to note that section 320 makes available to EPA the substantial marine pollution monitoring and assessment capability created at Federal expense within NOAA's National Marine Fisheries Service. The coordination of EPA's research, abatement and management effort with NOAA's expertise in water quality monitoring and ecosystems assessment is essential if the enormous task of restoring the health of the Nation's estuaries is to be accomplished in a timely, consistent and efficient manner. NOAA's role, however, should directly support and be compatible with EPA's requirements for ensuring that adequate water quality standards are maintained within the designated estuaries. It is appropriate for such cooperation to take place and the groundwork for this cooperation is found in section 104(a) of the Clean Water Act.

Under section (g)(2) of the National Estuary Program the Congress can expect a report prepared jointly by EPA and NOAA which will present the findings of the activities taken under this section. This report will provide a listing of priority monitoring and research needs; an assessment of the state and health of the Nation's estuarine zones to the extent evaluated; a discussion of pollution problems and trends in pollutant concentrations that have a direct or indirect effect on water quality, the ecosystem, and designated or potential uses of each estuarine zone; and an evaluation of pollution abatement activities and management measures implemented to determine the degree of improvement made toward restoring and maintaining the chemical, physical, and biological integrity of the estuaries studied.

Mr. President, this measure brings us much closer to finding and implementing scientifically based solutions to the pollution problems which are currently degrading our Nation's estuaries and adversely effecting the shellfish, fish, and wildlife and recreation resources which these ecosystems sustain.

Mr. GORTON. Mr. President, section 320 of S. 1128, the Clean Water Act Amendments of 1985, would authorize the Administrator to convene management conferences to solve pollution problems in interstate and international estuaries. Section 320, the National Estuary Program, will be of great benefit to the State of Washington in its ongoing efforts to develop and implement a conservation and management plan for Puget Sound. Booth Gardner, the Governor of Washington State, recently signed into law legislation creating the Puget Sound Water Quality Authority, a government entity charged with the responsibility for developing a comprehensive water quality plan for Puget Sound by January 1, 1987.

The Authority is required to prepare a comprehensive Puget Sound water quality management plan which will prescribe the needed actions for the maintenance and enhancement of Puget Sound water quality. The plan will address all the water of Puget Sound, the Strait of Juan de Fuca, over which the United States and Canada have joint jurisdiction, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands. The plan will include: a statement of goals and objectives for long- and short-term management of the water quality of Puget Sound; a resource assessment which identifies critically sensitive areas, key characteristics, and other factors which lead to an understanding of Puget Sound as an ecosystem; demographic information and assessment as relates to future water quality impacts on Puget Sound; identification of research needs and priorities; and recommendations for guidelines, standards, and timetables for protection and clean-up activities and the establishment of priorities for major clean-up investments and nonpoint source management, and the projected costs of such priorities.

Because the Puget Sound Water Quality Authority shares the same objective as the management conferences which would be established under S. 1128 and is nearly identical in its responsibilities and activities to these conferences, can we view S. 1128 as allowing the Administrator the authority to designate the Puget Sound Water Quality Authority as the management conference for the purposes of this act?

Mr. CHAFEE. Yes; the Administrator of the Environmental Protection Agency is authorized to designate a State entity, such as the Puget Sound Water Quality Authority, as the management conference for the purposes of section 320 of the Clean Water Act Amendments of 1985.

Mr. GORTON. If the Administrator did not designate the Puget Sound Water Quality Authority as the management conference for the purposes of section 320, can we assume that it is the Congress' intent that S. 1128 in no way interfere with or preempt this State initiative, and that the Administrator make every effort to integrate the initiative underway in Washington State into the National Estuary Program?

Mr. CHAFEE. Yes; section 320 of the Clean Water Act Amendments of 1985 is not meant to interfere with or preempt activities of the Puget Sound Water Quality Authority, insofar as these activities comply with the requirements of Federal law. Indeed, the Puget Sound Water Quality Authority is a fine example of State initiative and the Administrator should make every effort to accomodate and support the Authority's activities.

Mr. GORTON. One final issue-within the last year the Environmental Protection Agency denied the waiver requests of over 25 utilities on Puget Sound which had previously been granted tentative waivers under section 301(h) of the Federal Clean Water Act. These public utilities have received orders from the Agency to proceed with implementing secondary treatment, and a majority of them will be placed on compliance schedules which extend beyond the 1988 compliance deadline. These compliance schedules reflect the Environmental Protection Agency's prosecutorial discretion.

Can we view section 320 of S. 1128 as in no way affecting legal compliance schedules agreed upon by the Agency and the utilities?

Mr. CHAFEE. Yes; it is the express intent of the committee that nothing in section 320 affect compliance schedules or other requirements established by law or by the Agency for municipal, industrial or other dischargers.

Mr. EVANS. Mr. President, I rise to commend to my colleague from Rhode Island for his perserverance in establishing a National Estuary Program. He has pursued this objective for some time and I commend him for a job well done. The program established in section 320 of the Clean Water Act Amendments of 1985 is critical if we are to protect our Nation's estuaries. This program will certainly enhance Washington State's efforts to protect Puget Sound and I can assure my good friend we will support the National Estuary Program to the fullest extent possible.

In February of this year, I held a 1-day conference on the nature and scope of the problems facing Puget Sound. I heard presentations from the scientifc community, from those responsible for activities affecting Puget Sound and from legislators responsible for laws governing such activities and the necessary funding. After hearing the various perspectives, I chaired a roundtable discussion during which we tried to reach a more common understanding of the needs of Puget Sound and some of the means to address these needs.

The roundtable discussion participants agreed that the Puget Sound Water Quality Authority was the appropriate entity to be responsible for developing a comprehensive water quality plan for Puget Sound. I note the exchange between Senator CHAFEE and my fellow Washingtonian, Senator GORTON, expressing the view of Congress that the Puget Sound Water Quality Authority can be designated as the management conference for the

purposes of section 320 of this act. This removes any questions that might be raised on this matter and I thank my colleague for his willingness to clarify this for the RECORD.

Mr. CHAFEE. Mr. President, this amendment allows EPA to transfer up to—not $5 million, but up to—$5 million of the $12 million authorized under the National Estuary Program which is established in this bill.

Under the amendment, the transfer of up to $5 million would be by EPA to NOAH, the National Oceanic and Atmospheric Administration. Under the amendment, EPA shall utilize the National Oceanic and Atmospheric Administration to carry out research in the estuary should EPA so agree.

Mr. President, I think it is a good amendment and would urge its passage.

Mr. MITCHELL. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 337) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I would like to take this opportunity to express my support for S. 1128, the Clean Water Act Amendments of 1985. I commend my distinguished colleague from Rhode Island, Mr. CHAFEE, for working so diligently to develop the legislation and steer it through committee consideration so early in this Congress.

The Clean Water Act has been one of the most successful of our environmental laws. In my view, the committee did a fine job of correcting those problems which do exist and reporting a strong reauthorization of the act. I am particularly pleased that this bill adds a new section 320, the National Estuary Program, which authorizes the Administrator to convene management conferences to solve pollution problems in certain critically important estuaries. The National Estuary Program will provide Washington State with a unique opportunity to preserve an estuary of both regional and national importance, Puget Sound.

During the 98th Congress, at the request of myself and Senator EVANS, Puget Sound was added to a list of estuaries eligible to receive $4 million in fiscal year 1985 for estuarine pollution monitoring and assessment. The State of Washington, the region 10 office of EPA, and local citizens joined forces to create a joint Federal/State program and these funds were used by the program to identify and address the growing number of water quality problems in Puget Sound. The National Estuary Program will allow the work of the program to continue and will be of great benefit to the State of Washington in its ongoing efforts to develop and implement a conservation and management plan for Puget Sound.

I thank Senator CHAFEE and his staff for their excellent work in developing this vital program. In particular, I would like to thank professional staff member Bob Hurley for the attention and assistance he gave not only to my staff, but to a number of interested parties from the State of Washington as the National Estuary Program was being developed.

Mr. PROXMIRE. Mr. President, I thank the chairman for giving me the opportunity to speak to this amendment and to engage in a brief colloquy with him as to its meaning and applicability.

As he knows, the case of Illinois versus City of Milwaukee, in all of its forms, has been before various Federal and State courts for almost 15 years. It has twice been adjudicated by the U.S. Supreme Court and is the subject of numerous lower Federal court opinions.

In *City of Milwaukee* v. *Illinois*, 451 U.S. 304 (1981), known as Milwaukee II, the Supreme Court declared that Congress had so occupied the field in enacting the Clean Water Act amendments that Federal common law of nuisance jurisdiction over interstate water pollution disputes had effectively been displaced.

If the Court had ruled otherwise, the city of Milwaukee might have been subjected to a judge-made water pollution cleanup schedule many times stricter than those imposed on all other cities by the EPA acting under the terms of the Clean Water Act.

The additional requirements of the common law based schedule would have cost Milwaukee $1 billion over and above the $1.7 billion needed to meet Clean Water Act requirements and none of the extra funds would have been reimbursed by EPA under the sewer grants program.

Milwaukee is currently meeting the terms of its Clean Water Act cleanup schedule and making every effort under the act to minimize pollution of Lake Michigan.

Is it the Senator's intention to exempt the Illinois versus City of Milwaukee dispute in all of its forms from the scope of section 118(a) Clean Water Act actions for interstate water pollution brought under State statutory or common law authority in the Federal courts?

Mr. CHAFEE. Yes, that is correct, this dispute will be exempt from the reach of section 118(a) of the Clean Water Act, as amended.

Mr. PROXMIRE. Then even though there may be additional opinions issued as part of the ongoing litigation between Illinois and Milwaukee concerning pollution of Lake Michigan, section 118(a) will not apply to the dispute?

Mr. CHAFEE. Yes, that is correct.

Mr. PROXMIRE. I thank the distinguished Senator for his consideration of Milwaukee's situation and for his assistance in resolving this problem.

Mr. WILSON. Mr. President, I rise in support of S. 1128, the "Clean Water Act Amendments of 1985." This bill represents several years of hard work by the distinguished Senator from Rhode Island and our colleagues on the Committee on Environment and Public Works. These continued efforts have resulted in a very good bill.

Mr. President, I would like to take this opportunity to discuss several points with the Senator from Rhode Island, chairman of the Environment and Public Works Subcommittee on Environmental Pollution, which I believe will lead to a successful conference with the House. It is on this point that I would like to explore with Senator CHAFEE his willingness to work in conference on some issues of particular concern to the State of California.

To begin with, a matter of great concern to my State, particularly southern California, which has come to a head in the time since the Subcommittee on Environmental Pollution, under the able leadership of my friend, the distinguished Senator from Rhode Island, reported S. 1128, the "Clean Water Act Amendments of 1985."

Mr. President, the concern to which I refer, is two major sources of uncontrolled and untreated industrial and domestic sewage which flow from Mexico into my State in both the Tijuana/San Diego area and the New River/Calexico area. While both of these situations are critical, today I would like to focus on the Tijuana sewage hazard.

The chairman is no doubt aware of this intolerable sewage situation.

Mr. CHAFEE. The Senator from California is correct, I am well aware of the Mexican sewage flowing untreated into California.

Mr. WILSON. Mr. President, I would like to briefly highlight the Tijuana problem, the inherent health hazard, and the actions recently taken.

Under the terms of a 20-year-old international agreement, the city of San Diego treats between 13 and 15 million gallons of Tijuana sewage daily. As a result, city sewer customers have been burdened with a $1.8 million a year tab for treating Tijuana's sewage.

The remainder of the estimated 20 million gallons per day [MDG] of sewage produced by Tijuana flows untreated into the ocean south of that

city or north into the Tijuana River and its tributaries on the U.S. side of the border. Sewage from both the river and the ocean pollutes San Diego's South Bay beaches and has frequently forced county health officials to quarantine them.

The fact that the origin of the pollution is in Mexico has complicated the difficult task of finding a solution. The net result of all this is an uncontrolled source of pollution which is a daily hazard to the health and environment of San Diego County.

I cannot stress enough the public health implications of this situation. This situation is intolerable and we must not allow it to continue. The State Department, the Environmental Protection Agency, the State of California and the city of San Diego all have struggled with this problem; and despite all of that, the problem continues and, indeed, grows worse.

My friend from Rhode Island, Mr. CHAFEE, will recall that the serious nature of this situation caused me to seek his support last year for the authorization of a binational sewage treatment plant to be located on the U.S. side of the border. Since the close of the 98th Congress, the Mexican Government has renewed its commitment to the resolution of this problem and taken several significant steps to stem the flows of untreated sewage in to the San Diego area.

During a series of two meetings, the first in Tijuana and the second in Mexico City, representatives of the State Department and the Environmental Protection Agency, along with observers representing Congress, the California Legislature, and the city and county of San Diego met with their Mexican counterparts to discuss a new Mexican proposal to resolve the sewage problem at the Tijuana/San Diego border. The Mexican Government has committed to buid a treatment plant, in Mexico, as part of their effort to expand Tijuana sewage and water systems.

To make this plan a reality, Mexico recently sought a $46.4 million loan from the Inter-American Development Bank [IDB]. The IDB approved the loan in early March and Mexico broke ground for the new treatment plant in mid-May. The plant is expected to be operational in 12 to 15 months.

In the spirit of cooperation, Mexico agreed to several stipulations to the loan that the United States had requested to assure the ultimate completion of the plant. Additionally, an International Boundary and Water Commission [IBWC] minute which gives the United States further assurances and construction observation rights is ready to be signed. A third agreement—an annex to the 1983 Presidents Reagan and de la Madrid accords—is expected to be signed this summer and will elevate the IDB project to a formal commitment between the Governments of the United States and Mexico.

Mr. President, it is my belief that the effluent from Mexico which is polluting this portion of my State must be combated because we have a responsibility to protect American citizens who are the victims of a problem not of their own making. American citizens have a right to expect that we will undertake a defensive action against a problem caused by another country's inaction.

To that end, Mr. President, while I believe the last 6 months to be, perhaps, the most significant in the 40-year history of this border sewage problem with the Mexican Government finally producing its own solution to the Tijuana/San Diego problem, I must ask the subcommittee chairman for his assistance with an authorization for a supplemental defensive system which offers these American citizens the full guarantees they deserve.

Mr. CHAFEE. I would like to inquire of the Senator from California as to what authorization actions the House has taken for a facility to treat Tijuana sewage?

Mr. WILSON. The House bill authorizes construction of a $32 million supplemental treatment works project to protect residents of San Diego and surrounding areas from pollution resulting from any inadequacies, or breakdowns in wastewater treatment works systems in Mexico. The supplemental system consists of catch basins and a major sewer line on the U.S. side of the border to intercept spills of raw Mexican sewage and transport it back to Mexico.

Additionally, the bill includes authorization for a treatment works in the city of San Diego to provide primary or more advanced treatment of municipal sewage and industrial waste from the city of Tijuana, Mexico. Should this treatment works have a capacity which is no longer necessary to provide such treatment, such capacity may be used to provide treatment for municipal sewage and industrial waste for the city of San Diego.

Further, the bill provides that construction of the treatment works to provide treatment of municipal sewage and industrial waste from the city of Tijuana shall be at full Federal expense less any costs paid by the Government of Mexico as a result of agreement negotiated with the United States.

Mr. President, it is important to recognize that the House committee does not believe that it will be necessary to construct a treatment works in the city of San Diego. Accompanying report language states "the Committee commends the efforts of the Mexican Government and is confident of the willingness and ability of Mexico to construct and maintain such facilities." The committee goes on to say "it is the belief of the committee that a treatment plant on the U.S. side of the border to treat Tijuana sewage will not be necessary; however, such facility shall be constructed if the Administrator [EPA], in consultation with the appropriate Federal, State and local entities, determines that the Mexican facilities do not sufficiently resolve the problem."

Mr. CHAFEE. I thank the Senator and wish him to know I understand the seriousness of the Tijuana sewage situation. Am I correct in my understanding that a treatment works in San Diego is not likely to be built?

Mr. WILSON. That is correct. Construction will occur only on the off chance that the Mexican facilities do not adequately solve this problem.

Mr. President, I will summarize then: The Tijuana language is not in the measure before us; however, it is incorporated into the version which is being considered by the other body. H.R. 8, includes language authorizing a supplemental defensive system which will compliment the Mexican facilities. Additionally, if the Mexican plant does not sufficiently address the problem, and only then, may a treatment works be constructed in San Diego.

I would ask the distinguished subcommittee chairman to carefully consider the Tijuana language when the conference committee begins its work.

Mr. CHAFEE. I can understand the Senator's keen interest in this issue and respect him for his efforts on behalf of a region of his State which is adversely affected by a problem not of its own making.

Although I cannot promise the Senator from California that his request will be included in the final bill, I do want to assure my friend that I will give this request every consideration during the committee conference.

Mr. WILSON. I want to express my thanks to my good friend, the Senator from Rhode Island, for being so helpful on this issue. I look forward to reaching a mutually satisfactory resolution to this situation.

Turning to other matters, I would like to direct the chairman's attention to changes the House is expected to make in section 301(h). If enacted, these changes would significantly improve section 301(h) without reducing protection of our marine waters. This modification specifically relates to section 301(h)(2). This change would respond to a need to tighten the coverage of this waiver provision while at the same time limiting the scope of the monitoring to those scientific investigations which are necessary to study the effects of the existing discharge. It would require monitoring programs to include methods which

are widely proven and accepted with demonstrated value in assessing impacts that can be attributed to the permittee's discharge and that relate directly to qualifiable objectives promulgated in advance by the Administrator. Using widely proven cost-effective techniques will help assure that data collection is not hastily or poorly done and that comparable results can be achieved throughout the Nation. It would also assure that costly programs are not imposed on section 301(h) permittees without good reason.

Section 301(h) would also be clarified in the House bill to assure that the Administrator shall grant to the applicant removal credits to reflect the consistent removal of a pollutant achieved by the treatment works. This amendment in the House bill seeks to clarify existing law to be sure that section 301(h) agencies are treated like anyone else when applying for removal credits. The amendment further provides that there must exist an effluent limitation on the treatment works for the pollutant and the revised requirement must not result in the effluent violating such effluent limitations and that the revised requirement should not result in interference with the method of disposal or reuse of sludge from the treatment works. The revised requirement will not result in a pollutant interfering with the operation of the treatment works. Also, all other criteria of section 301(h) must be met.

These modifications to section 301(h) that the House is expected to make are ones that I support and would hope will be viewed favorably in conference.

Mr. CHAFEE. Knowing of my good friend's long association with this issue, I appreciate hearing his views and promise to give this matter careful consideration in conference.

Mr. WILSON. I thank the Senator. Proceeding further, I would ask that the Senate conferees support a study, expected to be authorized in the House bill, which would be conducted by EPA, in consultation with the city and county of Los Angeles, on the problem of corrosive effects of sulfides in collection and treatment systems. This is a phenomenon which appears to occur only in hot, dry climates and which, if answers are not found, could jeopardize millions of dollars in Federal, State, and local dollars invested in sewers. It does not seem to be caused by industrial discharge, but is a result of a combination of sulfur, naturally occurring in the water, with hydrogen. This problem is particularly troublesome because we are sunsetting the construction grants program and reducing the total authorization for this program at the same time. If there is a possibility of preventing the premature deterioration of these multimillion dollar projects, it is incumbent upon us to take the necessary steps. This study would offer an opportunity to examine the reasons behind the premature deterioration of our sewer systems and provide alternatives to correct the problem.

Mr. Chairman, I would appreciate it if the chairman would convey to me his intent with respect to this important proposed study.

Mr. CHAFEE. I thank the Senator. I will look seriously at this amendment in conference and try to accommodate the Senator from California [Mr. WILSON] concerns.

Mr. WILSON. I very much appreciate the Senators interest. On another front, the chairman is aware that I supported inclusion of authorizing language for an innovative waste treatment process facility in San Diego, CA in the Senate bill. Because of his reluctance to authorize individual projects in this legislation, you deferred judgment on whether to include it in the excellent bill that the Senate is debating at this point. The language authorizing the project is in the House version.

Briefly, this is an innovative waste treatment project known as CCBA which promises to solve two crucial environmental problems at the same time. It reclaims wastewater and it does so in a way that it produces a useable byproduct instead of unuseable and unwanted sludge. The project has been successfully run on a small scale, and it now is ready to be tested on a larger scale. If it tests favorably, it will then be suitable for widespread application throughout the wastewater treatment program.

I believe that for a relatively small investment of $3 million, we can learn a great deal about an innovative project that solves several environmental problems at the same time. Senator CRANSTON supports this project as does Senator DECONCINI of Arizona. Both of my colleagues and I realize that there is simply not enough water in the Southwest to go around, and any innovative effort which can prove itself to successfully reclaim wastewater should be encouraged.

Therefore, I would urge the chairman to look upon the House-authorized provision for the San Diego project favorably, and to support the House's efforts to include this in the reauthorization of the Clean Water Act. Would the Senator at this time state his disposition with respect to this project?

Mr. CHAFEE. I appreciate having this project brought to my attention and I will look carefully at it when we consider it in the conference committee.

Mr. WILSON. Mr. President, during the chairman's deliberations on the excellent clean water bill that he has now brought to the floor, I and my staff brought to his attention a unique problem affecting a major utility on the east side fo the San Francisco Bay, the East Bay Municipal Utility District. I understand that he was unable to resolve this problem in his committee, but I would like to bring it to his attention again.

Briefly, as background, the East Bay MUD transports and treats wastewater from 600,000 residents in the Oakland and Berkeley, CA, area. It has a separate storm and sanitary sewer system. When it is not raining, 350 or more days a year, East Bay MUD meets or exceeds all of its applicable NPDES permit standards, something that is not true of many cities throughout the country. Yet, during heavy rainfall conditions, the volume in the system swells considerably and results in the overflow of sewage, highly diluted by the rainfall, into the bay. As a Senator from California, I am extremely concerned about any water quality impacts that might occur as a result of these overflows and I have been assured, and the local environmental community agrees, that these impacts do not cause an adverse effect on the important waters of the San Francisco Bay.

Ironically, were East Bay MUD a combined sewer system, like so many communities in the country, the Administrator would be able to provide a reasonable set of requirements so that when it rained, these overflows could occur legally. Because of a fairly obscure court case, however, EPA is forced to require that East Bay MUD meet full secondary treatment for its entire stormwater overflow.

Mr. President, this is a terrible expense. The severe rainfall causes a 1,000-percent increase in flow, from 80 million gallons to more than 800 million gallons. Meeting secondary treatment requirements for this 10-times-per-year occurrence would entail probably the largest secondary treatment plant in the country, consuming tremendous amounts of land and huge amounts of capital. It is not an appropriate response to the problem.

An appropriate response would require a rigorous program that East Bay MUD would implement to reduce the inflow of rainfall into the system. East Bay MUD is willing to do this and will have to do this with local dollars. Yet, under the current law, as interpreted by the court case, that will not be enough.

Mr. CHAFEE. I appreciate the fact that the Senator from California, Mr. WILSON, brought this unique situation to my attention during markup and I understand his concerns. I will continue to work with my good friend to see if we can't adequately resolve the problem you have described.

Mr. WILSON. My thanks for the chairman's understanding and I look forward to working with him on this

critical issue for the East Bay Municipal Utility District.

As a final matter, I am informed that the House will likely agree to a section in its as yet uncompleted version of Clean Water Act amendments which will direct the Administrator to make grants to the city of Avalon, CA, for improvements to its sewage treatment facility. While I can appreciate the intent of the committee to keep this bill before us today as simple as possible, I would ask the chairman to give this expected House language favorable consideration in the forthcoming House/Senate conference.

The city of Avalon, located on Santa Catalina Island, is in trouble because its sewage treatment plant was designed for an average daily flow of 500,000 gallons and a peak of 1 million gallons per day. However, with the many thousands of tourists that flock to this island paradise just off Los Angeles, the average daily flow has been 900,000 gallons per day, with peak flows up to 1.8 million gallons per day. Raw sewage has washed up on the beaches of Avalon several times in recent years.

In order to increase the capacity of this facility, and thus, avoid raw sewage from flowing into the ocean, the city of Avalon has assessed a tax which will raise an estimated $135,000 per year—a sizable contribution for a city of approximately 1,000 residents. However, this amount is not sufficient to fund the cost of the facilities improvements which are estimated to be approximately $2 to $3 million.

Avalon, is unique in that almost all of the land on the island is a natural conservatory—akin to a national park—and is funded by Federal tax laws. Thus, without improvements in the sewage treatment facility, the raw sewage flowing into the ocean is threatening this great national resource.

Mr. President, while I understand the chairman's reluctance to add line item authorizations to title II of the act by including any amendments, I urge him—in the House/Senate conference on this measure—to seriously consider this measure and accept the House-passed version, if he decides to accept amendments to title II of the act.

Mr. CHAFEE. I thank my good friend from California, Mr. WILSON, for bringing this matter to my attention, and you can be assured that I will give the House proposal dealing with the city of Avalon serious consideration.

Mr. WILSON. Mr. President, the chairman and the other members of the committee and his staff have done an excellent job in bringing this important bill to the floor. I appreciate the additional efforts he has extended on my behalf to help me meet the great needs of my State. Please accept my sincere thanks for the assistance provided me and my staff. I look forward to a successful House/Senate conference.

Mr. CRANSTON. I wish to associate myself with the remarks of my colleague from California [Mr. WILSON].

I do have one significant concern, however, about reports coming from California about the condition of Santa Monica Bay. Both the city and county of Los Angeles have applications pending for 301(h) waivers. If approved by EPA, both the city and county will be able to continue discharging effluent which has received less than full secondary treatment into the bay. I question narrowing the scope of monitoring required of 301(h) permittees at a time we are finding more pollution—including high levels of DDT and PCB's—in Santa Monica Bay.

But monitoring alone is not the answer. We need additional research. A 1981 report done by Tetra Tech under contract with the Environmental Protection Agency concluded that existing data is totally inadequate to determine what the changes in the ocean environment of Santa Monica Bay really mean. Tetra Tech found that further study is required to identify the relative contributions of municipal sewage effluent and other sources. The 1983-84 Biennial Report of the Southern California Coastal Water Research Project also recommends further research.

We need to ask: What level of monitoring is necessary to determine the impact of discharges on the ocean environment? What can be done to reverse the degradation that has already occured in Santa Monica Bay? How long would it take to study the problem and develop a cleanup program? What would it cost? Who should pay? What are the environmental tradeoffs?

I would like to ask the chairman of the Environmental Pollution Subcommittee if he would join with me in raising these important questions with both the Environmental Protection Agency and the NOAA and taking appropriate action.

Mr. CHAFEE. I would be happy to join the Senator from California in such an inquiry.

Mr. WARNER. Mr. President, I rise today in strong support of the provisions of the Clean Water Act Amendments of 1985 which will revitalize the Chesapeake Bay's living resources, and continue our national commitment to rehabilitating the world's largest natural estuary.

But, I also want to bring to the attention of my colleagues my severe reservations with the committees new allocation formula for the Sewer Grants Construction Program.

One of my first initiatives after I was elected a Member of this body, was to join with my colleague, Senator MATHIAS, to focus national attention on the critical pollution problems in the Chesapeake Bay.

Following several discussions with President Reagan, our colleagues in the Congress and other executive branch agencies, President Reagan recognized the Bay as a "special national resource" and unveiled a strong Federal commitment to restoring the Chesapeake Bay in his 1984 State of the Union Address to the Congress.

I am very satisfied that we have been successful in securing $10 million to strengthen the Environmental Protection Agency's continued involvement in the bay cleanup program.

An additional $3.8 million has been approved for other agenices including the Soil Conservation Service, the National Oceanic and Atmospheric Administration, the Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Fish and Wildlife Service, and the U.S. Army Corps of Engineers.

The importance of a revitalized bay, as these actions clearly indicate, reaches far beyond Virginia, Maryland and the other States which directly touch the bay.

The Chesapeake Bay has always been a vital resource of the United States.

The bay's popularity itself may be the single greatest cause of its decline.

Each year, the bay provides millions of pounds of seafood, supplies a huge natural habitat for wildlife, functions as a major hub for shipping and commerce, and offers a wide variety of recreational opportunities for both residents and visitors.

If the decline of the bay is not arrested, the economies of Virginia and Maryland will be severely impacted.

But, of overriding importance will be the irreplaceable loss of an ecologically unique estuary.

We have demonstrated the widespread bipartisan support for the bay cleanup efforts as a national priority—not just a local or region responsibility.

And, I speak to you today to urge that we not retreat from this commitment.

Toward this goal, I commend the chairman and members of the Environment and Public Works Committee in recommending the establishment of an Office of Chesapeake Programs to coordinate State and Federal projects in the continuing Chesapeake Bay program as a part of the Clean Water Act amendments.

In addition to coordinating and disseminating all research information concerning the bay's environment, the Office of Chesapeake Programs will conduct research on sediment deposition, and on the impacts of pollutant loadings on the bay's water quality.

Ongoing research has revealed that contaminants entering the bay are not readily flushed out into the ocean but, because of the unique circulation pattern of the bay, they accumulate within the estuary.

I appeal to you that saving the bay is as much a battle against time, as it is a battle against pollution.

Biological death of the bay is incomprehensible to all but those intimately involved with this fragile estuary.

But, if we do not continue our cleanup efforts with all available technologies, this will be the fate of the bay.

Because the bay is an ecosystem which ignores State boundaries, such a loss will be devastating to the entire Nation.

It has taken many years to bring this deserved national attention to the bay, and it is the result of much hard work by my colleagues in the Senate, and the Governors of Virginia, Maryland, and Pennsylvania.

Because we have finally begun to make progress in this effort, I have grave concerns with a provision in the Clean Water Act amendments which I believe threatens the accomplishments we have made to date.

I refer to the new allotment formula for parceling out Federal sewer grant construction funds to the States.

The new allocation formula devised by the committee reduces significantly the current level of funds received by Chesapeake Bay States for this program.

I believe that if the Senate approves this new formula it will be a major step backward in our efforts for the bay.

Sewage is the most detectable form of land-based pollution, and a reduction of this magnitude to bay States represents a serious threat to the ability of our States to meet the water quality requirements of this act.

I believe that a loss of funds to improve water quality will result in continued contamination of the Chesapeake Bay and negate all of the positive work we have put into this program for the past few years.

As I have earlier stated, saving the bay is as much a battle against time, as it is a battle against pollution.

If we do not continue to provide critical funds to improve water quality we will be retreating from our commitment to revitalizing the Chesapeake Bay.

I urge my colleagues to support Senator DURENBERGER's amendment to ensure that all States retain at least 90 percent of their existing sewer grant construction allotment.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 338

Mr. CHAFEE. Mr. President, at this point I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 338.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page , line , insert the following: Technical and Conforming Amendments

On page 25, line 21, strike "402(b)(8)" and insert in lieu thereof "402 (a)(3) and (b)(8)".

On page 26, line 3, strike "then" and insert in lieu thereof "than".

On page 9, after line 15 add the following subsection "(d) Section 301(g)(1) is amended by inserting "(1) immediately after "subsection (b)(2)(A)".

On page 23, line 2, strike "shal" and insert in lieu thereof "shall".

Mr. CHAFEE. Mr. President, there are actually four technical amendments. I am offering four technical amendments. The first amendment corrects an oversight in the bill, and conforms the knowing violation standard of the bill with the negligent violation standard section of the bill with respect to violation of State-administered pretreatment programs.

The second amendment changes the misspelled word "then" to "than."

The third amendment restores language that inadvertently was dropped from the bill which reaffirms existing policy on 301(g) modifications for pretreatment programs.

The fourth amendment changes the misspelled word "shal," with one "l,'" to "shall," with two "l's."

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MITCHELL. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island [Mr. CHAFEE].

The amendment (No. 338) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 339

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 339.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 505(c) is amended by adding the following new paragraph:

"(3) Whenever any action is brought under this section in a court of the United States, the plaintiff shall provide a copy "of the complaint to the Attorney General of the United States and to the Administrator. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator."

Mr. CHAFEE. Mr. President, this deals with notification in connection with citizen suits. The amendment requires that notification of proposed consent decrees be provided to the Attorney General, and to the Administrator.

It requires that copies of complaints be provided to both the Administrator and the Attorney General. It was originally proposed in the administration's Clean Water Act amendments but was inadvertently omitted from the committee bill. The administration bill contained a clause which specifically disclaimed that the United States could be bound by judgments in cases to which it is not a party.

That provision merely restates current law and thus we have decided that it is not necessary to include it in this amendment. The amendment is not intended to change existing law that the United States is not bound, since that rule of law is necessary to protect the public against abusive, collusive, or inadequate settlements, and to maintain the ability of the Government to set its own enforcement priorities.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MITCHELL. Mr. President, I associate myself with the statement made by the manager of the bill. I have no objection to the amendment.

The PRESIDING OFFICE. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 339) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold the quorum call?

Mr. CHAFEE. Yes.

Mr. SYMMS. Mr. President, I want to make a few comments, if the distinguished managers will allow me. I do not want to interfere with what they are doing. I want to make a few comments about the legislation.

I am in general support of the legislation. I particularly wish to thank Senator CHAFEE and Senator MITCHELL, and the rest of the committee—Senator STAFFORD, our chairman—for their cooperation with respect to a couple of issues that I want to talk about briefly.

When I think of all of the environmental legislation that has passed the Congress over a period of many years, probably the single most important thing for us as a nation is to protect the quality of water in this country because once water becomes poisoned and ruined, it certainly can be detrimental environmentally. It can have all kinds of negative impacts.

I am happy that Senator CHAFEE so graciously worked with me to include in this legislation the Pend Oreille amendment which is going to take a look at a problem in Lake Pend Oreille which is the largest lake in Idaho. It is a world class lake. It has the world class Kamloops trout in it. But the water that runs into the lake out of the Clarks Fork River has brought a great deal of concern to a lot of my constituents. They feel that there is effluent in the Clarks Fork River that is running into the lake. The EPA is directed by this bill to take a look at this, try to analyze if there is damage being done to the water quality in Lake Pend Oreille, where it is coming from, whether it is coming from the Clarks Fork River and the pulp and paper manufacturing mill up in Montana and running down into Lake Pend Oreille, whether it is actually coming from the many, many residences that surround the lake, or whether it is a combination of both.

I think we cannot risk having this pristine lake become damaged because of a lack of proper treatment of sewage if that is the problem, or proper treatment of effluent from the pulp and paper factory further upriver.

So I appreciate the chairman's cooperation on that. I would like to mention briefly that I hope the chairman can work out a solution on the formula. I think he worked it out pretty well in the committee. I hope that stands. I do not know whether that has been agreed to yet or not. But I appreciate the chairman's effort on that.

I would like to congratulate the committee on the interstate resolution section because it is extremely difficult to adequately protect the rights of both upstream and downstream States on water quality questions. I think that this section of the bill speaks as well to that as is possible.

I think it was good that in this bill we have extended industrial compliance deadlines to match the reality. I think that is another plus to the bill. The modifications on criminal and civil penalties in the bill are also sensitive and questionable but probably are appropriate. In my judgment they tend to lessen the risk of unfair legal actions. I am in support of issuing general permits to groups of dischargers with similar wastewater. I would prefer to leave nonpoint pollution control in the hands of the States.

I heard Senator STEVENS on the floor earlier. I would like to be on record as one who supports—and has been supportive—what the Alaska delegation is trying to do to establish a practical permitting system for the log transfer facilities.

There is one section of the bill that gives me a great deal of concern. I hope maybe something can be done about that. That is the part of the bill that gives EPA the authority to enforce compliance on Corps of Engineers section 404 permits. I would like to see an amendment to the bill that would correct that. I do not know whether it is forthcoming. But it appears to me that it is a problem that needs to be addressed, and needs to be studied so we can work out the differences between the EPA and the Corps of Engineers.

I think we are concerned in a general sense. I think everyone in this country wants pure, clean water. But the concern I have is that occasionally in our zeal to have a Clean Water Act that has national standards we impose standards that are far too rigid, and compliance is impractical.

If I can address the distinguished manager of the bill, the Senator from Rhode Island, I am making a point that the direction and thrust of the bill for clean water is good. I think all of us are in support of that. However, we have some problems in the Western States.

One that I would like to bring to the attention of the committee is that our State water quality standards include dissolved oxygen standards. They have served us pretty well the way they have been managed up to this point. The EPA looked at the State of Idaho and admits that they cannot observe adverse impacts of low oxygen content in the State. But in spite of this, EPA intends to issue stricter standards that will be very burdensome below many water impoundments.

I think the point that we are concerned with is that in low water years EPA standards may require wasting irrigation water and increasing the cost of electric generation when there is no damage being done to the fisheries.

I cite American Falls as a good example. In Idaho, at one of the finest fisheries in the State of Idaho or in the Nation, right below the dam there is apparently no damage, yet somehow the dissolved oxygen standards are not quite up to specs; what EPA thinks they ought to be. The fish do not seem to know it. They seem to do all right. The State of Idaho is in a position where I do not think it can comply. I wonder if the distinguished chairman from Rhode Island can offer a recommendation in this field or is there any way we can give guidance here on the floor of what is intended with this act with respect to what should be done.

I can see that we might end up in an irreconcilable position between the State of Idaho and the Environmental Protection Agency if the State were in some way asked to spill water over certain impoundments, water that was needed for the irrigation of crops, and they refused to do it and the legislature refused to require it.

I will ask the chairman if he can comment on that or give some guidance, possibly, for EPA, in the direction of this bill. Where do we want to go with this legislation?

(Mr. BOSCHWITZ assumed the chair.)

Mr. CHAFEE. First of all, I suppose one source of consolation is that this has been going on for many years and there have not been any problems arise so far.

Second, if warranted, if it is warranted according to the water quality standards regulations, a State may downgrade the designated stream use, consistent, of course, with public review and under the criteria spelled out under the regulations.

I know the concerns of the Senator as he has expressed them to me privately, but I just think this will be taken care of.

Mr. SYMMS. I appreciate the Senator's answer. There are two dams in the State which are equipped to monitor dissolved oxygen. Does the chairman think that the intention of EPA is that all dams are going to have to be retrofitted in this respect? What about private irrigation impoundments that are called dead water dams, so to speak?

I do not want to get into the situation where EPA is trying to force individuals to risk crops to meet standards that are not necessary. In other words, the Idaho Fish and Game Department

says the fish are doing well, that there is no evidence of any damage being done. But I just think that we have risk here of an irreconcilable situation that could evolve in a low-water year. I think we ought to address that. I do not propose an amendment because I am not certain an amendment is appropriate. It seems like a very broad application of common sense on the part of EPA would be best. But we are now coming closer and closer to a confrontational situation between EPA and the State of Idaho. I would like to ask the chairman for some guidance on that and some guidance in the law, the intent, what is in store and what will happen if EPA has enough personnel to force compliance in every one of the estimated 100 impoundments in Idaho?

Mr. CHAFEE. In response to the question of the Senator from Idaho, I do not want to get into specifics, but I would say this: under the regulations, for a variety of reasons, some of which may pertain to this particular situation, the State, as I mentioned earlier, can downgrade the designated use of the stream. I think that is where the Senator's State might fit in.

Mr. SYMMS. So there may be a way out, then, for the State of Idaho?

Mr. CHAFEE. I believe so.

Mr. SYMMS. I thank the distinguished chairman. I might say that I will consult with my senior Senator on that and maybe we may have some more information before the bill is passed to place into the RECORD.

AMENDMENT NO. 340

(Purpose: To add a new provision to the bill to encourage to refrain from pursuing an independent enforcement action where a State is already taking or has already completed an appropriate enforcement action)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 340.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. BYRD. Mr. President, it is a short amendment. I would like to have it read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 29, after line 21, amend Section 309 of the Clean Water Act by adding to Section 109(d) of the bill the following new subsection:

"(8) The Administrator shall refrain from pursuing any enforcement action relating to a violation for which the Administrator is authorized to assess a civil penalty if a State with an approved NPDES program has already commenced an enforcement action administratively, or in court, in good faith and the penalty assessed is in reasonable relationship to the violation."

Mr. WALLOP. Mr. President, this amendment simply adds a new subparagraph to section 309 of the Clean Water Act to encourage EPA to refrain from pursuing an independent enforcement action where a State is taking or has already completed an appropriate enforcement action. Presently, 36 States have assumed enforcement activities under the Clean Water Act, and they are, by EPA's admission and everyone else's, doing a good job. They deserve the chance to vigorously enforce the act's provision without undue interference from EPA.

Although it true at present that dual enforcement is rare, the new administrative penalties section heightens the chances for dual penalties under the act. Therefore, I think it is important that Congress clarify that, in setting out these new enforcement penalties, we do not intend for the States and EPA to impose administrative, civil or criminal penalties for the same violation. It simply is not fair to subject our cities, towns, and industries across the Nation to double jeopardy.

For over 100 years, those of us who represent Western States have been keenly aware of how precious our water resources are and how important State primacy is in protecting its availability for future use. I might say, Mr. President, that the Congress itself has recognized how important State primacy in these things can be if a State qualifies, and 36 States do qualify, to administer these laws or provisions of the Clean Water Act.

Water is of little use if it is not potable, Mr. President, or if it is a hazard to human health. Therefore, it is in the State's best interest to keep its waters clean and to clean up its polluted waters. This amendment of mine allows no compromise on the protection now afforded our Nation's waterway—none whatsoever.

Let me restate that: My amendment allows no compromise of the protection now afforded our Nation's waterways. Although States with approved NPDES programs would have the lead in enforcement, EPA would still retain enforcement authority in these States and it could act if a penalty bears no reasonable relationship to the violation, or if the State is acting in bad faith.

In those States without an approved NPDES program, EPA would be—as it is now, and there is not anticipated a change—the primary enforcement authority. In fact, they would be the lead enforcement authority.

I believe this not only makes the intent of Congress clear with respect to primacy in enforcement, but by so doing, it gives the States the tools they need to vigorously enforce the Clean Water Act without worrying about duplicate enforcement actions being brought by EPA. If this were to happen, it would only undermine the authority of State officials and make the States shy away from spending any money at all to enforce the provisions of the act.

We simply do not need, nor has anyone demonstrated a need, for dual penalties under the act. We need the Federal Government working together with the States, not at odds with the States, to achieve the dual goals of clean waters within the deadlines that I approve of, and I expect Congress will endorse, that are set out in S. 1228.

A vote for this amendment is, in effect, a vote to gain the full cooperation of the States in working side by side with the Federal Government in a more meaningful way.

If we are, in fact, phasing out the Federal financial assistance to the States, as S. 1228 proposes to do, then let us give the States the very authority they need to enforce the act without undue Federal interference.

Mr. President, that is the essence of this amendment. It is, in effect, made and designed to say that when an enforcement action is underway, there should not be two agencies with which the offending polluter might have to deal, but one. Clearly, if the States are either incompetent or acting in bad faith, the ability to retrieve control over the program rests with the act. But absent such a showing, there is no justification whatsoever for people to have to deal twice on the same offense with officers of the Federal Government and the State government.

Mr. CHAFEE. Mr. President, if I might, I would like to ask two questions of the Senator from Wyoming in connection with his amendment.

Is the Senator conscious of some specific area where this has come up? Is he aware of an instance where this has occurred? To my knowledge, EPA has plenty to do and is not anxious to rush in and duplicate the efforts of a State where they are conducting enforcement actions.

Mr. WALLOP. Mr. President, I may say by way of beginning the conversation, should that be the case, there should be no objection to this amendment.

Let me suggest to my colleague that the new big-money penalties that are encompassed within this bill will tend to make that the case prospectively, rather than going on the basis of what we are now experiencing.

Mr. CHAFEE. I am not sure that that follows, Mr. President, but I take it that the Senator's answer is that he is not aware of any specific situation where this has taken place.

Mr. WALLOP. There are some, I might say to the Senator, that are rel-

atively minor. We are not talking about the experience of the past. We are talking about what we can see coming by virtue of the changed circumstances that exist within this bill.

Mr. CHAFEE. Mr. President, I guess my difficulty is that the Senator seeks to change existing law that is in the bill and doing it with language that seems to be rather vague. In other words, there may well be a problem out there that the State is not taking action in, but we then get into the arguments over whether this is in good faith, how long it takes, how long we are going to give the States to get in there and take action. It seems to me that to give EPA the ability to do this, to keep EPA with this ability to do this makes sense and to deprive them of it does not seem to me the wisest move in the world, particularly when we have this rather vague language, as I say, about "in good faith" and "in reasonable relationship to the violation."

If we do not have a problem that the Senator can cite, Mr. President, it seems to me it would be better to go along with the existing law.

Mr. WALLOP. Mr. President, I might say to the Senator, if it would make him more happy, I could put a period after the words "or in court" and then take out that language which was meant to give a standard of reasonableness to this amendment. I might say the purpose of the amendment is clearly, not fuzzily stated. It says the administrator shall "refrain from pursuing any enforcement action relating to violation for which the administrator is authorized to assess a civil penalty if a State with an approved NPDES program has already commenced an enforcement action administratively, or in court."

That seems to be rather clear to the Senator from Wyoming. What is clear is, when you have something underway, not to have an offender and a State, or the State, EPA and the offender, all in the three-ring circus. We ought to try to resolve this issue on this basis.

Mr. STAFFORD. Mr. President, will the able Senator yield to me very briefly?

Mr. WALLOP. I am happy to yield, Mr. President.

Mr. STAFFORD. In the area of some instances where there does appear to be a duplication of intent or penalties, in view of the language in the legislation which is in front of the Senate this afternoon, would the Senator consider giving the situation a trial period, then, if instances of conflict do develop, coming in at some later time on the bill rather than over an amendment this afternoon?

Mr. WALLOP. I suggest to my friend that one of the obligations of leadership is to try to anticipate events which experience in the rest of Government clearly demonstrates are a likelihood. That is what we are trying to do. We are not trying to eliminate or even lessen the authority of the EPA. There is no such intention in my amendment, nor in the statement which I make in support of it. It is really only that we are trying to say that once an enforcement proceeding has begun, there ought to be only one person to deal with. There is within the Clean Water Act the ability to remove the authority for States to act if they are either incompetent or act in bad faith. That is not a word of art that is invented by the Senator from Wyoming but the way the world goes and has gone in this.

I am suggesting that with the new penalties, which I approve, there is now in this world a real potential for conflict. I think any of us who have witnessed Government at work would say this is a totally credible argument. Why shouldn't we make the purpose of Congress clear in that our objective is clean water, not harassment.

Mr. STAFFORD. Mr. President, the Senator from Vermont feels much as the Senator from Rhode Island, that in the absence of indications there have been difficulties, it would be best not to intrude this additional amendment on the bill this afternoon.

I yield the floor.

Mr. CHAFEE. Mr. President, I recognize the concerns of the Senator from Wyoming. If we wanted some kind of legislative history as to the direction in which we wish this legislation to move, I think that makes sense; we are doing it right now in the form of a colloquy, and I would be glad to extend that to any degree that the Senator thought wise.

Mr. WALLOP. The Senator from Wyoming has yet to hear an argument against this except that it has not happened yet. It does not, in my estimation, eliminate or diminish the authority of the EPA to enforce clean water standards as approved by the Congress. It has no such intention, nor does the amendment state such a purpose. It strikes me absent that the Senate ought to have an opportunity to vote on this if nothing else. What we are literally trying to do is say to the people of America who are involved in enforcement actions that they are either going to be enforced by States with approved programs or by the Federal Government, but not both at the same time once an action has been undertaken.

If that can be found offensive, let us hear that argument. But to this moment it has yet to be offered.

Mr. CHAFEE. Mr. President, what is in the back of the minds of anybody who has wrestled with the Clean Water Act across the whole country and the Corps of Engineers and different problems we are encountering, the disappearance of the wetlands, clearly there is a concern that you could well have a situation where a State did not undertake these duties with such seriousness as is commensurate with the violation.

Mr. WALLOP. Is the Senator suggesting to the Senator from Wyoming that the power to do that is diminished by my amendment?

Mr. CHAFEE. Yes, it clearly is.

Mr. WALLOP. Where?

Mr. CHAFEE. It clearly is because the Senator's amendment says that where an action is started——

Mr. WALLOP. The Senator can read English as well as the Senator from Wyoming. It does not. It says "refrain from." It does not say "prohibit." It is a policy statement, is it not?

Mr. CHAFEE. No. No, it is far more than a policy statement. It is law. It becomes law if the amendment is adopted. The amendment says that they cannot pursue——

Mr. WALLOP. It does not say that. Will the Senator point out to the Senator from Wyoming where it says that?

Mr. CHAFEE. How else can you interpret the word "refrain"? Does the Senator mean you can go ahead and do it while the enforcement action is being pursued by the State? Clearly not.

Mr. WALLOP. Is it the position of the Senator that is the only controlling provision within the Clean Water Act and that the Administrator does not have the ability to remove from a State their approved program under the NPDES if they are not acting in good faith? The point of the Senator from Wyoming is clearly that no person in the United States should have to confront two levels of Government at the same time under an enforcement action of the laws which the Congress of the United States has said the States that have approved programs are competent to administer.

Mr. CHAFEE. I think the issues have been stated.

Mr. MITCHELL. Does the Senator yield the floor?

Mr. WALLOP. Absolutely.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, there is an old saying that, when I came here, I thought originated in Maine, but since then it has been quoted by almost every Senator on this floor in a variety of ways. It is, "If it ain't broke, don't fix it."

I think that applies to this amendment. Not a single fact, not a shred of evidence has been offered to document or demonstrate that there has been duplication of this authority. The authority for the EPA to act in those States which have received delegation of enforcement of this program has existed for a substantial period of time. If there were evidence of dupli-

cate actions by the EPA during that period, we can be certain that they would have been referred to today. They have not been because there is no such evidence, because in general the EPA has deferred to those States which have received the delegation of authority.

That does not mean they have been forced to do so, but they have, in the interest of common sense and preservation of their enforcement resources, the natural disinclination to subject an alleged violator to two separate actions. That is not to say it could not happen or that there might not be circumstances in which it would be justified if the State action, for example, were not vigorous or meaningful.

This amendment is intended to reduce litigation, but I submit it will spawn far more litigation than it is intended to reduce. How to decide whether or not an enforcement action brought by a State was or was not brought in good faith would clearly be the subject of extensive litigation, and how to determine after a penalty has been assessed in a particular case that the penalty was in reasonable relationship to the violation or not would itself be the subject of substantial litigation.

These are all subjective judgments. They are the products of enforcement actions brought in court in which both sides present their evidence and then a judge somewhere makes a determination.

Mr. President, in the absence of anything being wrong with the program, with the fact being that every one of the States which accepted authority from the EPA did so with the full public knowledge that the EPA retained the authority to bring an action where it deemed it appropriate, this amendment really is an answer in search of a problem. We do not have a problem. There has been no evidence of a problem.

In that event I think we ought to leave things as they are. If a problem does occur, if at some point duplicate actions are brought in a manner that are demonstrably harassing or do not serve any useful purpose to further the ends of the Clean Water Act, then I think we ought to hear that evidence and, if appropriate, act on it. But we have not reached that stage yet. Therefore, I urge my colleagues not to support this amendment.

Mr. WALLOP. Mr. President, I send to the desk an amendment to my amendment.

The PRESIDING OFFICER. The Chair informs the Senator from Wyoming that until he has lost the right to modify his amendment, he cannot amend his amendment.

Mr. WALLOP. Will the Chair restate that? I understood the Chair to say that until I have lost the right to amend my amendment, I cannot amend it.

The PRESIDING OFFICER. To modify his amendment.

Mr. BYRD. What the Chair is saying is that the Senator can modify his amendment. He cannot send to the desk an amendment to his own amendment unless some action has been taken.

Mr. WALLOP. I thank the minority leader.

Mr. President, I will restate it.

I send to the desk a modification of my amendment.

The PRESIDING OFFICER. The Senator has that right.

The clerk will state the modification.

The legislative clerk read as follows:

In the next-to-the-last line, after the word "court," insert a period and strike the balance of the amendment.

The modified amendment is as follows:

On page 29, after line 21, amend Section 309 of the Clean Water Act by adding to Section 109(d) of the bill the following new subsection:

"(8) The administrator shall refrain from pursuing any enforcement action relating to a violation for which the Administrator is authorized to assess a civil penalty if a State with an approved NPDES program has already commenced an enforcement action administratively, or in court."

Mr. WALLOP. Mr. President, this takes into account some of the things which the Senator from Maine and the Senator from Rhode Island have expressed.

The arguments raised against the amendment are really an absurdity. If one were to follow the reasoning laid down by the Senator from Maine, Congress would never do anything until a crisis had approached.

The obligation of leadership is to try to make those laws that we pass work to the extent we intend them to. One of the extents to which we expect a Clean Water Act to work is that the States which wish to and have the competence to administer their own programs be permitted to do so.

I understand that there is a position that would not have granted the States this authority at any time. There is also a position I have heard expressed here today that there is a general level of mistrust of these States. If that is the case, let us honestly take on the issue and say it.

Absent that, can anyone explain to me why any citizen of the United States, corporate or individual, should have the obligation to deal with two levels of government at the same time for the same offense? That is the only purpose of this amendment—that when an action has been undertaken, you do not suddenly find yourself engaged on two fronts. That is not the purpose of this Clean Water Act. The purpose of the Clean Water Act is clean water, not some sort of bureaucratic harassment.

To say that it has not happened and a shred of evidence has not been offered, I can offer the Senate volumes of cases where it has happened in other administrative circumstances that the United States has on its books.

We have now a Clean Water Act, with new penalties and a new set of circumstances. Are we to be told that as Senators we cannot look into the future and anticipate problems? Are we to be told, once again, that we are not competent to lead the country as we are being asked to do?

This is a suggestion that we do not have dual enforcement imposed upon the citizens of the United States unless there is some compelling reason to do so, which would not be prohibited either under the act, or under my amendment.

Mr. MITCHELL. May I respond to the Senator?

The PRESIDING OFFICER (Mr. COHEN). The Senator form Maine.

Mr. MITCHELL. Mr. President, the Senator has suggested that no citizen of this country, individual or corporate, should be subjected to dual enforcement of the law, under any circumstances.

Mr. WALLOP. No, only under circumstances that concern the Senate on the Clean Water Act.

Mr. MITCHELL. Mr. President, every citizen of this country, including every person in this room, is subject in numerous circumstances to dual enforcement of the laws.

There are literally hundreds of actions which you, as an individual citizen, can take which would subject you to a prosecution under State law and under Federal law. They are all through the law books of this country. Dual prosecution, the jurisdiction of which is available to both Federal and States, exists in numerous examples. It is in the criminal law. If you rob a bank, you can be prosecuted by the State and the Federal Government. If you are engaged in any form of drug activity, you can be prosecuted by the State and the Federal Government. So on down an enormous list. This is nothing new.

Generally, State and Federal authorities cooperate to avoid duplicate prosecution. That is what has happened here. There is not any problem. No evidence of a problem of any kind has been suggested.

While the Senator suggests that it is leadership to anticipate problems and try to deal with them, it is also a form of leadership, I suggest, not to encumber the law books of this country with solutions to problems that do not exist. This is a problem that does not exist. There is absolutely no evidence of it, even though the dual authority has existed in law for some period of time.

All we are talking about here is trying to solve a problem that does not exist. By striking out the last two lines, the Senator solved one problem and created another.

One reason for this dual authority, frankly, is that there might be circumstances under which a State agency, confronted with a violation of the act by some significant entity within that State, would be reluctant to act or to act in a manner that was not the most vigorous. Under those circumstances, the authority to act at the national level is preserved, for good reason. It has not been abused. There is no evidence that it has even been used.

Therefore, under the circumstances, I submit that the Senate should not adopt the amendment.

Mr. WALLOP. I say to my friend from Maine that the argument has gone so far afield from reality that I scarcely recognize the amendment.

There is nothing in this amendment which would prevent the EPA from acting after a State had acted, if they thought the case had not been pursued vigorously enough.

Why should corporate or individual citizens of America confront two administrative procedures at the same time when there is absolutely no reason to do so? There is nothing that prevents the EPA from going in after these things are done.

Look at what the amendment says: "refrain from pursuing any enforcement action . . . if a State with an approved NPDES program has already commenced an enforcement action administratively, or in court."

Mr. MITCHELL. That is exactly what it says.

Mr. WALLOP. Is there anything in this amendment to say that if it has not been done well enough, the EPA cannot go in?

Mr. MITCHELL. That is what it says.

Mr. WALLOP. It does not say any such thing, and the words cannot be made to say that.

Mr. President, it is an impossibility to argue on the basis of fighting ghosts. There is one English language we all speak, and this is the one we are speaking, and it does not prevent them from any such thing.

Mr. CHAFEE. Mr. President, let us agree that we are all using the English language. But the English language says that the Administrator shall refrain from pursuing—in other words, he shall not be able to pursue—any enforcement action if the State has commenced an enforcement action administratively or in court. So the State is not out to punish these people. It is going to tap them on the wrist, but not severely. The State starts an action, lets it lay there, and nothing happens. So what is left to be done for the EPA? They cannot do anything as long as that action is in court, because, according to the Wallop amendment, an action has been commenced; that is all.

He took out the last words. It is a classic case of trying to correct something but making it worse by attempting to do so.

The State does not have to pursue this. So what we are doing is abrogating the ability of the Federal Government in any way to become involved in enforcement actions under any circumstances. I think that to deprive the Federal Government of that power through the EPA does not make sense.

Mr. WALLOP. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WALLOP. Mr. President, it is amusing to the Senator from Wyoming to see the defenses thrown up against this rather simple statement of States rights.

In point of fact the Senator modified his amendment with a change in the language at the end because the Senator from Rhode Island and the Senator from Maine suggested it would involve the EPA in litigation. God knows we do not want them to do that.

The purpose of the amendment is clear. I have spoken to it. The arguments raised against it have not been on a substantive basis, but on the rather emotional one that somehow or another the States cannot be trusted. If that is the case, I suggest we deal with that problem more by removing the authority of States to have enforcement privileges under the NPDES and not say to the citizens who are the brunt of all these things that they have to confront two tigers in the same cage. One is generally plenty, especially when you take a look at how this act strengthens the enforcement provisions of the Clean Water Act by increasing civil penalties from $10,000 to $25,000 a day, and by increasing administrative penalties from $10,000 a day to a maximum of $125,000 per day.

There is plenty of reason why this amendment is offered. It is offered on the experience this Senator has had and witnessed in the procedures by which the United States sometimes seeks to place its hammer on the folks that it ostensibly serves. I would hope the Senate would say that we still are in the posture of trying to serve our public, not to quash it.

I yield.

Mr. CHAFEE. Mr. President, this is not a States rights vote. This is clearly an environmental vote.

What is being attempted here in this amendment is, as clearly stated, to deprive the EPA of having the power to move if the State commences an action administratively, or in the courts, and does nothing further. It does not have to have good faith. It does not have to press it to a reasonable degree, that the penalty has any reasonable relationship to the violation. Those words were taken out. The vagueness of them made it necessary to take them out. Therefore, there are not standards whatsoever.

So, Mr. President, we are up to really the first clear environmental vote on the Clean Water Act.

Mr. WALLOP. Mr. President, I ask unanimous consent that the list of the 36 States with approved NPDES programs be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATES WITH APPROVED NPDES PROGRAMS

Alabama, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa.

Kansas, Kentucky, Georgia, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana.

Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania.

Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Mr. WALLOP. Mr. President, I have nothing further to offer by way of explanation of this amendment. I think the issue is clear. It is not an environmental vote. It does not seek to change the Clean Water Act. It is only the people of this country when confronted with the problems they have on it to confront one of them at a time.

Mr. CHAFEE. If the Senator has nothing further, I shall move to table.

Mr. MITCHELL. Will the Senator withhold that?

Mr. CHAFEE. I withhold.

Mr. MITCHELL. Mr. President, I wish to clarify just one point with the Senator.

Mr. WALLOP. I think the Senator from Rhode Island moved to table.

Mr. MITCHELL. No; he withheld the motion to table at my request.

This reads:

The Administrator shall refrain from pursuing any enforcement action relating to a violation for which the Administrator is authorized to assess a civil penalty if a State with an approved NPDES program has already commenced an enforcement action administratively, or in court.

I understand the situation to be, and I want to confirm the Senator's intention, that in many cases the Administrator can pursue an enforcement action and be authorized to assess both a civil and a criminal penalty, and, therefore, this amendment would affect the authority of the Administrator under any action which he is authorized to, not merely those that

involve civil penalties since the authority exists in most cases to do both.

Mr. WALLOP. The Senator is absolutely correct. But it is for a period of time when an action has already been started administratively or in court by a State.

Mr. MITCHELL. Right.

Mr. WALLOP. And the word "refrain" was specifically chosen. It does not prohibit him forever. It talks about a time when these procedures are underway. I do not know who in this room rejoices in the idea that you have to have a new set of lawyers and a double-barrel set of defenses for the same event at the same moment in time.

All we are asking is that you do one battle at a time. If the EPA does not like what the State has done or wishes to assault that thing before the State has taken action, nothing in this amendment prohibits it.

Mr. MITCHELL. I understand that, and I thank the Senator. I merely wanted to clarify the other point that this applies to enforcement actions in which the EPA administrator is authorized to assess a civil penalty. In many such cases the administrator is also authorized to go to court and seek a criminal penalty. So this is not limited by this language. I did not know whether the Senator intended to limit it to civil penalty action.

Mr. WALLOP. The Senator did not.

Mr. MITCHELL. He did not.

Mr. WALLOP. The words are equal to the rights of the State-approved program as well as the Federal Government.

Mr. MITCHELL. I thank the Senator.

That is the point I wanted to clarify because reading the amendment some might conclude that it is limited to instances in which only a civil penalty can be assessed, but as the Senator has made clear and undertands, in most of these cases there is a concurrent authority which could be utilized in other areas.

I thank the Senator for the clarification, and I merely say in summary and repeat that I believe this is an effort to solve the problem that does exist.

I urge Senators to support the motion to table I understand the Senator is making.

Mr. CHAFEE. Mr. President, if there is nothing further to be said on this amendment and the Senator from Wyoming has completed, I move to table the amendment of the Senator from Wyoming and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the amendment of the Senator from Wyoming.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—70

Andrews	Evans	Melcher
Baucus	Exon	Metzenbaum
Bentsen	Ford	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gore	Packwood
Boren	Gorton	Pell
Boschwitz	Grassley	Pressler
Bradley	Harkin	Proxmire
Burdick	Hart	Pryor
Byrd	Hawkins	Riegle
Chafee	Heinz	Rockefeller
Chiles	Hollings	Roth
Cochran	Humphrey	Rudman
Cohen	Inouye	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kasten	Simon
Danforth	Kennedy	Specter
DeConcini	Kerry	Stafford
Denton	Lautenberg	Trible
Dixon	Leahy	Warner
Dodd	Levin	Weicker
Dole	Lugar	Zorinsky
Durenberger	Mathias	
Eagleton	Matsunaga	

NAYS—26

Abdnor	Heflin	Nunn
Armstrong	Helms	Quayle
Domenici	Laxalt	Simpson
Garn	Long	Stevens
Goldwater	Mattingly	Symms
Gramm	McClure	Thurmond
Hatch	McConnell	Wallop
Hatfield	Murkowski	Wilson
Hecht	Nickles	

NOT VOTING—4

Bumpers	Kassebaum
East	Stennis

So the motion to lay on the table amendment No. 340, as modified, was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 341

Mr. BENTSEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas [Mr. BENTSEN], for himself and Mr. SIMPSON, proposes an amendment numbered 341.

On page 51, line 6, after "operations" insert "(including transmission pumping stations)".

On page 51, line 10, strike "above background levels".

Mr. BENTSEN. Mr. President, I offer this amendment on behalf of myself and Senator SIMPSON. I have discussed the amendment with the two managers and I believe it is acceptable to them. The amendment refers to page 51 of the bill and speaks to those things for which the administrator shall not require a permit.

The amendment clarifies that oil and gas transmission pumping stations are included within that section of the bill for which permits would not be required.

The term would apply to pumping and gas compressor stations for oil and gas transmission operations.

For example, compressor stations are located at intervals along a pipeline and they are designed to pump natural gas through those underground pipelines. These facilities are maintained in a manner comparable to what you would find in most residential properties.

These stations normally require about 5 acres, but in practice they will be buffered with 10 to 150 acres. Traditionally, they are buffered by grassland or timber. Consequently, storm water runoffs from such transmission operations result in no significant contribution of any contamination of the water. Therefore, it is my opinion that they ought to be included in that listing of eligible categories that are under that section. I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the amendment is satisfactory to this side. I urge its adoption.

Mr. MITCHELL. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 341) was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 342

Mr. CHAFEE. Mr. President, on behalf of myself and Senators MITCHELL, STAFFORD, BENTSEN, DURENBERGER, and MOYNIHAN, I send to the desk a committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFFEE], for himself, Mr. STAFFORD, Mr. DURENBERGER, Mr. BENTSEN, Mr. MOYNIHAN, and Mr. MITCHELL, proposes an amendment numbered 342.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 77, line 10, strike "paragraph" and insert in lieu thereof "paragraphs".

On page 77, after line 10, insert the following:

"(3) Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1986, 1987, and 1988 shall be allotted for each such year by the Administrator not later than the tenth day which begins after the date of enactment of the Clean Water Act Amendments of 1985. Sums authorized for such fiscal years shall be allotted in accordance with the following table:

State:	
Alabama	0.012442
Alaska	0.007321
Arizona	0.012442
Arkansas	0.000002
California	0.061966
Colorado	0.009785
Connecticut	0.012442
Delaware	0.005001
District of Columbia	0.005958
Florida	0.044973
Georgia	0.014649
Hawaii	0.007440
Idaho	0.005958
Illinois	0.039186
Indiana	0.020881
Iowa	0.012614
Kansas	0.011041
Kentucky	0.014975
Louisiana	0.014314
Maine	0.009346
Maryland	0.020955
Massachusetts	0.036028
Michigan	0.037255
Minnesota	0.015925
Mississippi	0.012442
Missouri	0.025305
Montana	0.005411
Nebraska	0.006257
Nevada	0.005958
New Hampshire	0.012442
New Jersey	0.048642
New Mexico	0.005958
New York	0.096132
North Carolina	0.016094
North Dakota	0.004658
Ohio	0.048776
Oklahoma	0.009882
Oregon	0.011794
Pennsylvania	0.034320
Rhode Island	0.007428
South Carolina	0.013337
South Dakota	0.005958
Tennessee	0.016597
Texas	0.053634
Utah	0.006445
Vermont	0.005958
Virginia	0.017732
Washington	0.028533
West Virginia	0.013507
Wisconsin	0.023423
Wyoming	0.005359
American Samoa	0.000778
Northern Marinnas	0.000531
Puerto Rico	0.012582
Trust Territory	0.001403
Virgin Islands	0.000462

On page 77, line 11, strike "(3)" and insert in lieu thereof "(4)".

On page 77, lines 12 and 13, strike "fiscal years 1986, 1987, 1988, 1989, and 1990" and insert in lieu thereof "fiscal years 1989 and 1990".

On page 83, line 10, strike "1½ percentum" and insert in lieu thereof "1 percentum (during fiscal years 1986, 1987, and 1988) or 1½ percentum (during fiscal years 1989 and 1990)".

On page 86, line 7, strike "Sums" and insert in lieu thereof "For fiscal years 1989 and 1990, sums".

Mr. CHAFEE. Mr. President, I ask unanimous consent that the distinguished Senator from Michigan, Senator LEVIN, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, this is the allotment formula for the distribution of the construction grants. As the Chair knows, in the committee bill was an allotment formula. That aroused some problems. The allotment formula was a change from the 1981 law.

The changes came about for a variety of reasons.

One, there was a new need survey conducted in which the States were to set forth, with the help of EPA, their needs as of 1984.

Two, in 1981, the eligibility of certain items was revised. In other words, no longer were the collectors permitted to be included as in the needs formula.

No longer were the combined sewer overflow requirements permitted to be in the formula.

Thus, that changed the items that went into the formula and affected it.

One thing would have been to just accept current law, just go along with the law as it previously existed without considering these revisions that had taken place under the 1981 law, without considering the change in needs as being reported in from the States.

However, we did not think that was fair, so in the committee we revised the formula and presented it here. There were some objections, and those were understandable.

Some of the States took some precipitous drops.

We then arrived at a compromise with those who were principally objecting.

Under the compromise, the following items came into effort.

One, there was an 85-percent hold harmless for the so-called tier 1 States. That is what you call the larger States.

Two, there was a cap of 20 percent on the increases in the so-called tier 2 and tier 3 States, which are the smaller States. Although in some instances what they would have received under the formula would have been larger, there is a cap of 20 percent included there. We also provide that, although the allotment formula as it now is in the bill is for 5 years, through 1990, the compromise formula will only apply for 3 years. Then we shall go to the committee formula for the balance.

Mr. President, like all compromises, this does not make everybody happy, but I think it is a reasonable one in that, where some of the States had, as I mentioned earlier, taken dramatic cuts, those cuts were reduced to some degree. Let us look, for example, at New York. New York, under the committee formula, is currently receiving $230 million. Under the committee bill, they would have gone to $213 million. This puts them at $228 million. In other words, they go up some $15 million.

So it is for a variety of the other States, mostly in the New England States, most of which had the combined sewer and overflows, which were taken out in 1971.

There were some who thought we should to to the so-called Durenberger formula. Indeed, in that instance, many of the so-called larger States would have gone up not from the original formula but from the committee formula. The trouble with that is that that formula would not have passed. It would have caused some States to drop precipitately. We are particularly referring to the smaller States.

Mr. President, in the smaller States, we did have, as is quite common in legislation of this sort, the one-half percent minimum. That is, no State went below or was entitled to less than one-half percent. This is rather a common basis to use in our formulas as we have used in others.

I see my good friend from Minnesota is up here to contest whether the Durenberger-Moynihan proposal would have passed or not. I indicated it would not. One of the problems with the Moynihan-Durenberger formula is that, as I mentioned earlier, if it had gone into effect, some States would have declined precipitately.

Let us take North Dakota. It would have gone from $11 million, which they are currently getting, down to $4 million. I might just casually point out Rhode Island would have dropped from $16 million to $7 million, which would not have been greeted with cheers.

As I have mentioned before, the distinguished chairman of the full committee, the distinguished ranking member of the full committee, the distinguished ranking member of the subcommittee, the Senator from Maine [Mr. MITCHELL], and myself, the chairman of the subcommittee, support this compromise.

Mr. DURENBERGER. Mr. President, in the year 1829 the nation of Canada began what many believe is its greatest engineering achievement. This project is called the Welland Ship Canal. It forms the navigable wa-

terway between Lake Ontario and Lake Erie and is 26 miles long. These two lakes are also connected by the Niagara River, but to the delight of honeymooners for decades, navigation of the Niagara is not possible.

So we have the Welland Canal. It is an important part of the St. Lawrence Seaway system. It makes the city of Duluth, in my home State of Minnesota, an international seaport. The canal has been continuously improved, most recently in 1973. That project to straighten 8 miles of the ship channel cost $110 million. The Welland Canal is, then, a vital water resources project which has been of great benefit to the people of my State and the Great Lakes region.

But like so many manmade wonders of the world, the Welland has had other consequences. One of these was an environmental disaster of considerable proportion. Construction of the canal allowed a species of fish commonly called the lamprey eel to migrate into the Upper Great Lakes—especially to Lake Huron and Lake Michigan.

The lamprey eel is one of the least developed of the class of animals called vertebrates. Vertebrates generally have backbones. Lampreys do not. They are long—up to 30 inches—needle-shaped creatures that attach themselves to their prey by a sucking mouth. Using their teeth, they cut into their prey and suck out the blood and bodily fluids. During a lifetime, one lamprey will consume up to 20 pounds of other fish.

Because it was not native to the Upper Great Lakes, the sudden infestation of lamprey eels greatly upset the biological balance in the lakes. The principal victim of the lamprey invasion was the lake trout. At one time, lake trout were almost completely destroyed in Lake Huron and Lake Michigan. I will quote briefly from an article published by the Conservation Foundation on this subject:

The speed of the decline is shown by the fact that, in 1943, 6.8 million pounds of trout were taken from (Lake) Michigan, whereas, in 1952, the catch was down to 4,000 pounds. It is difficult now to imagine the magnitude of the lamprey feeding frenzy. At peak abundance in Lake Michigan alone they destroyed 5 million pounds of fish annually. With lake trout gone the predators turned to burbot, chub, whitefish, lake herring, perch and walleyes.

As I said—an environmental disaster of considerable proportion. The "frenzy" referred to in the article occurred when I was a young man, well before the environmental movement swept the country. But I remember the impression it made in the Great Lakes region. It was a striking sign that our human activities can drastically alter vast natural resources in fundamental ways.

Mr. President, I bring this bit of natural history to the attention of the Senate because I believe the bill before us is, in one respect at least, the moral equivalent of the lamprey eel. I speak, as my colleagues expect, of the new allocation formula for the Construction Grants Program which is contained in this legislation.

I believe this formula threatens a truly national resource—a continental resource—the Great Lakes—with lasting environmental harm. The effect of adopting this formula would be to reduce sewage treatment construction expenditures in the eight Great Lakes States by nearly $200 million per year—each and every year.

Because our Nation so highly values the Great Lakes, we have entered into treaties and agreements with Canada to protect the water quality in the lakes. The formula reported by the committee violates those treaties and agreements. In fact, Canada filed a note of diplomatic protest with the State Department at the time the bill was reported. The diplomatic note followed a letter written by Ambassador Gotlieb to the committee chairman at the time of markup.

Let me read the text of the Canadian diplomatic protest into the RECORD at this point:

The Embassy of Canada presents its compliments to the United States Department of State and has the honor to refer an amendment to the Clean Water Act passed by the United States Senate's Environment and Public Works Committee on May 1, 1985.

The Government of Canada is concerned that the amendment, which designates an allocation formula for funding municipal sewage facilities, would, if given full congressional approval, significantly diminish United States Federal contributions to projects in the Great Lakes Basin. This may have implications for the United States ability to meet its commitments under the Canada-United States Great Lakes Water Quality Agreement of 1978.

The Government of Canada wishes to point out that the latest report of the International Joint Commission's Great Lakes Water Quality Board indicates that the Great Lakes States will not be in compliance with the objectives of the Agreement for several years. The Agreement commits both Canada and the United States to provide "financial assistance to construct publicly owned waste treatment works" in the Great Lakes region. The Government of Canada is concerned that reduced funding for such works at this time could further delay compliance. In this context, the Embassy would be grateful to receive information on which Great Lakes facilities would be affected by the amendment.

In view of the concerns set out above, the Embassy requests the Department of State to draw to the attention of the Congressional Committees dealing with reauthorization of the Clean Water Act, the potential implications for the Canada-United States Great Lakes Water Quality Agreement of the Senate Committee amendment of the waste water treatment funding formula. The Embassy further requests that the text of this note be made available to these Committees.

The Embassy of Canada avails itself of this opportunity to renew to the United States Department of State the assurances of its highest consideration.

Mr. President, this note was initialed by the Ambassador of Canada and dated May 14, 1985.

Mr. President, I ask unanimous consent that the letter from Ambassador Gotlieb to the distinguished chairman of the Committee on Environment and Public Works, dated April 30, 1985, also be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CANADIAN EMBASSY,
Washington, DC, April 30, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, Washington, DC.

DEAR SENATOR STAFFORD: We have just learned that an amendment to the Clean Water Act having potentially adverse implications for Great Lakes water quality will be considered in your committee on May 1, 1985.

It is our understanding that the amendment would designate an allocation formula for funding municipal sewerage facilities which would substantially diminish federal contributions to projects in the Great Lakes basin. This could jeopardize the United States ability to meet its commitments under the 1978 Canada-USA Great Lakes Water Quality Agreement.

According to the latest report of the International Joint Commission's Great Lakes Water Quality Board, the Great Lakes states are still a few years away from compliance with the objectives of the Agreement.

As I am sure you know, under the Great Lakes Water Quality Agreement, both countries made a commitment to provide "financial assistance to construct publicly owned waste treatment works" in the Great Lakes region.

I would therefore be most grateful if you would take into consideration the concerns noted above should any measure be proposed which could have a negative impact on United States obligations arising from the Agreement.

Yours sincerely,

ALLAN GOTLIEB,
Ambassador.

Mr. DURENBERGER. Mr. President, I think we must ask ourselves why the Environment Committee of the U.S. Senate would change the formula for sewer grants to the point that a national treasure like the Great Lakes is threatened and our dearest friend in the community of nations is filing diplomatic protests?

We all know and have deep regard for the record of environmental protection and resource conservation established by the distinguished chairman of the committee, the Senator from Vermont [Mr. STAFFORD]. The same can be said for the managers of this bill, the Senators from Rhode Island and Maine [Mr. CHAFEE and Mr. MITCHELL], always reliable and unselfish defenders of natural resources. The Senate knows them as such. We hold each of these friends and col-

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leagues in the highest regard. And hailing as they do from New England, they are all close neighbors of Canada and the Great Lakes region.

So why are they proposing that we change the formula? That's the first question that should be asked. The committee is proposing that the formula be changed. And before we go on to consider alternatives—other formulas—we ought to examine the reasons that the committee gives to justify the changes it proposes.

For instance, if the committee were proposing these changes because it believed that the changes were necessary to improve water quality on a national basis, then there might be good reason to support the committee bill. The purpose of the Clean Water Act is to improve water quality. The Senate relies on the expertise of the committee to design programs that will achieve that objective. So if the committee came to the Senate and said we need this formula to improve water quality we would owe them some deference. We would want to defer to their judgment as is the custom in the Senate.

But is that, in fact, what the committee is saying? No. The committee freely admits that the changes they are proposing have nothing to do with improving water quality. Let me quote the committee report on this point:

> The 1981 amendments directed the preparation of a needs survey in which the allotment of sewage treatment construction funds could be related to water quality improvements, rather than merely to the estimated dollar costs of proposed treatment facilities. The 1984 needs survey does contain a water quality assessment, but information was not available in sufficient detail on which to base state-by-state allotments.

So the formula changes proposed by the committee are not intended to advance the fundamental purpose of the Clean Water Act, improvements in water quality. And we owe the committee and the committee formula no deference on that count.

If the committee were proposing some major restructuring of the construction grants program to make sure that it better reflects national needs and budgetary resources, then a change in the formula might be necessary. We might need to tighten up the program and we would want to defer to the committee's judgment on how to do that.

Is the committee proposing such changes? No. A restructuring of the program was made by the 1981 amendments. Funding levels were cut drastically. Certain types of sewer projects were dropped from the list of those eligible for Federal funds. The National Government quit subsidizing growth. And the formula was changed. But no such restructuring is being proposed this year. The committee does not attempt to justify its proposed reallocation by arguing that there is a new program which requires a change in the distribution of funds. So we owe the committee no deference on that count.

Sometimes formulas designed here in the Congress turn out to be fatally flawed when put into practice out in the field. I think of the general revenue sharing formula, for instance. Because of a quirk in that statistical model many small cities in New Jersey have changed their form of government to townships so that they would receive more Federal funds. Flaws like that should be fixed.

But is anyone here claiming that the current formula for the construction grants program is in some way so badly flawed that it needs correction? No. In fact, the committee received a letter from the association of State and Interstate Water Pollution Control Administrators—an organization representing all 50 States and the territories—which indicated that it was their judgment that the formula should not be changed at all—that the current formula worked just fine. So we owe the committee no deference on that count.

Mr. President, I ask unanimous consent that the letter from ASIWPCA be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS,
Washington, DC, April 5, 1985.

Hon. ROBERT T. STAFFORD,
U.S. Senate,
Washington, DC.

DEAR SENATOR STAFFORD: This is in response to your recent request for information relating to the general sense and the perspectives of the Association of State and Interstate Water Pollution Control Administrators membership concerning the revision of the existing allocation formula and federal cost share (55%) for the municipal sewage treatment facililties grant program.

Let me emphasize from the outset that while these subjects were not discussed as a part of the ASIWPCA priorities for the reauthorization of the Clean Water Act (copy attached), it is clearly the sense of the ASIWPCA Board of Direction and majority of the States attending ASIWPCA's midwinter membership meeting, that the existing formula and cost share are adequate and need not be addressed as a part of the Congressional reauthorization process. This is emphasized by several State Directors after examining the President's FY 86 Budget and the concept of a four year phase out of the construction grants program.

While not every State concurs with the above, a majority of ASIWPCA membership can agree to stay with the status quo for the allocation and federal cost share for construction grants in the hope of moving expeditiously to reauthorize the Clean Water Act.

If further information is desirable please feel free to contact me at 202-624-7782.

Most sincerely,

RABBI J. SAVAGE.

Mr. DURENBERGER. Mr. President, some may argue today that this change in allocation is necessary to update the needs assessment. The Senator from Texas made much of this point during committee markup.

Every 2 years, the Environmental Protection Agency goes out and surveys the States to determine their needs for sewer construction funds. This so-called needs assessment simply totals up all the costs of all the proposed projects which are eligible for Federal assistance. It is updated every 2 years. The allocations reported by the committee use data from the 1984 needs assessment which is newer data—more relevant data, I suppose—than the data that was used to craft the formula in 1981.

If all the committee proposed was to adjust the allocations to reflect this new data, and provided that we could agree that the methodology of the 1984 needs assessment made sense, the committee might have a strong case for its proposed changes.

But is it simply an update of the needs assessment which has caused the committee to change the allocations and which has resulted in a large shift of funds from some States to others? No. The allocation is a two-part process. One part raw data called the needs assessment, and a second part which is the underlying mathematical model—the computer, if you will, through which the data is processed.

The committee is proposing fundamental changes not only in the raw data, but to that underlying model as well. There were no tiers in the old formula. There were no logarithms in the old formula. There was no need under the old formula to guarantee five very medium, very average States 1¼ percent of the national pie. Whatever the actual need as measured by the EPA study, it is those changes to the underlying model—expecially the overallocation of dollars to tiers II and III—and not an update of the needs assessment which is causing the great shift of fortunes among the States.

The alternative formulas that will be considered later today will also use the 1984 needs assessment. So we owe the committee no deference for the reason that its data is now better than it had been or is better than ours.

Well, what justification does the committee give for its proposed changes in the formula? There is only one short statement issued by the committee that could in any sense be called a justification. It appears on page 57 of the committee report and I read it to the Senate:

> Those States with very small remaining needs were identified. These are the States which need somewhat more than an allotment strictly on their share of needs, in order to have a manageable program of sufficient size to make meaningful investments

in sewage treatment facilities. Also, especially for those among these States whose share would be dropping substantially because of changes in needs and allotment formulas, a larger share is needed to assure program momentum and avoid disruption.

The committee goes on to say:

In allotment formulas adopted by the Congress in the past, these purposes have been served by a flat minimum allotment per State of one-half of one percent. This is somewhat arbitrary, and diverts a larger share of the total to smaller States than would result from their raw needs. Because the number of such States is growing, as the construction grants program nears its objectives, a mechanism was sought for assuring adequate program size for smaller States. This approach is more reflective of needs and less arbitrary than the minimum allocation approach.

That's the committee's justification for the changes that it proposes in the allocation formula, Mr. President.

That would be an interesting statement if it were true. But it's not. The committee says, and again I quote that section:

This approach is more reflective of needs and less arbitrary than the minimum allocation approach.

That's a falsehood, Mr. President. That's the committee's sole justification of its proposed change in the allocation formula. And it is not a true statement.

The committee creates three tiers of States under its formula. The tier of smallest States—tier III—contains 13 States. All have less than one-half of 1 percent of the actual national need. In total, those 13 States would get 3.7 percent of the pot, if the allocation were done solely on the basis of actual needs as measured by the EPA needs assessment survey.

If, on the other hand, we used the guaranteed one-half of 1 percent minimum in current law, those 13 States would get 6.5 percent of the national total.

Is the committee assignment more reflective of actual need than the current formula as is claimed by the committee report? No. The committee assigns those 13 States 8.5 percent of the total available for construction grants. The minimum of 6.5 percent as guaranteed by current law was not enough for the committee, which includes members from 8 of the 13 States in tier III. They went for even more. They had to have 8.5 percent of the total. More than double their percentage of the actual national needs.

On top of that, the committee formula creates a second tier of eight States which also get an arbitrary guarantee of grant dollars over and above the allocation they would receive on a needs basis.

So, Mr. President, the single reason the committee offers to explain the fundamental changes in the formula that it proposes turns out not even to be true. And we certainly owe the committee no deference for statements that aren't supported by the facts.

Why is the Committee on Environment and Public Works of the U.S. Senate proposing a change in the Construction Grants Program—changes that according the to the Government of Canada violate international treaties and agreements designed to protect the water quality of the Great Lakes?

There is only one answer to that question. Politics. Pure and simple politics. The sole intent of the changes that the committee is proposing is to put more dollars into the hands of the smaller States that are overrepresented on the Environment and Public Works Committee than they get under the current formula. I have read the committee report, I have searched the record, I have discussed the matter with the members of the committee, I have looked closely to see if there is some good reason for this formula and always the bottom line is the same. They always end up saying, "Well, look how much more I'm going to get."

There is no doubt that the committee has spent a great deal of time designing this formula. It is complex in its detail, beyond the understanding of most Members of the Senate. The staff of the committee proudly boasts that it spent 4 months putting this formula together. Thirty-two States are better off than under current law, just enough to assure the 60 votes needed for cloture. In addition to 13 members of the Environment Committee, the majority leader and the majority whip benefit from the changes proposed, always a help in getting a bill scheduled on the Senate floor.

So it is a carefully designed formula, but designed with only one purpose in mind, that purpose was not to improve water quality, the purpose was not to protect important national resources like the Great Lakes, that purpose was not to meet United States obligations under international treaties and agreements, we are not asked to correct a flaw in the formula, or restructure the program, or save money, or match grant dollars to needs as assessed in the most recent survey, or prevent disruption in the programs of some little States.

We are asked by the committee to make these changes for the sole purpose of satisfying the desire of the members of the committee for more dollars for their States. And the Senate has no obligation to defer to the formula politics of this committee or any other.

Mr. President, I think it would be helpful if at this point in the discussion we had a simple explanation of the workings of the committee formula. I shall endeavor now to provide the Senate with a step-by-step explanation of the mathematical model that the committee has designed.

It all begins with a needs assessment performed by the Environmental Protection Agency. As I said earlier this assessment is done every 2 years and the results are sent to the Congress in a report.

Essentially, EPA hires contractors which go to each State and work with the State's pollution control agency to determine how many dollars of planned sewage treatment construction grants are eligible for Federal funding.

Until 1981 there were seven categories eligible for Federal grant dollars. Those seven categories were: secondary treatment, advanced treatment, infiltration/inflow, replacement and rehabilitation, new collector sewers, new interceptor sewers, and combined sewer overflow. As part of the 1981 amendments three of those categories eligible for funding were dropped. Sewer rehabilitation, new collector sewers, and combined sewer overflow are no longer fully eligible for Federal funds. That has worked to the disadvantage of some States. Those States which are growing very rapidly, like Texas and Florida and which have a need for new systems can no longer count on their planned collector sewers. And States in the Northeast and Midwest which have large combined sewer overflow problems and a need to rehabilitate existing systems don't get to count those needs, either. Governors have the option to use up to 20 percent of their funds for projects in these three categories. But since they are no longer fully eligible for Federal dollars, needs in these three categories are not counted in the new committee formula.

So we start with the raw State needs—as determined by EPA—for secondary and advanced sewage treatment, for the correction of sewer infiltration problems and for new interceptor sewers.

The next step in the committee formula is to divide the States into three tiers based on their share of these needs. Tier III is a group of the 13 States with the smallest needs. They each have less than one half of one percent of the national need as measured by EPA. These 13 States are: Alaska, Nebraska, Hawaii, Rhode Island, Idaho, New Mexico, Nevada, Vermont, South Dakota, Delaware, Montana, Wyoming and North Dakota.

The second tier—tier II—is a group of eight States and the District of Columbia which have between one-half of 1 percent and 1 percent of the national need as measured by the EPA survey. These States are: Utah, Kansas, Oklahoma, Oregon, Arkansas, Colorado and Maine.

The final tier—tier I—includes the 30 States with the greatest need. They each have 1 percent or more of the national needs in the four categories fully eligible for Federal funding.

The next step in the process of designing the committee formula is to allocate the $2.4 billion authorization among the various tiers. It is at this point that all the trouble arises. Rather than give each tier of States dollars according to its needs, the committee chose to greatly over-allocate dollars to the smaller States.

The 13 States in tier III have altogether only 3.7 percent of the total national needs. But the committee chose to give these 13 States 8.5 percent of the national dollars, more than twice the amount they should have gotten.

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The 13 States in tier III have altogether only 3.7 percent of the total national needs. But the committee chose to give these 13 States 8.5 percent of the national dollars, more than twice the amount they should have gotten.

The eight States and the District of Columbia in tier II have among them a total of 6 percent of the fully eligible national needs. But the committee chose to give tier II 9 percent of the national dollars—50 percent more than they should have gotten according to the EPA survey.

Since tier II and tier III were given more dollars than their measured needs justified, that can only mean that the 30 States in tier I were shortchanged. In fact, those 30 States have 90.3 percent of the national need but are allocated only 82.5 percent of the dollars for construction grants authorized by this legislation.

Now, in percentages that under-allocation may not seem like much to Senators. But the 7.8 percent of funds shifted out of tier I amounts to approximately $187.2 million or on the average a loss of $6 million in construction grants to each State in tier I. That's a sizable loss when considered from the perspective of the many small communities which have been waiting for construction grant dollars for years.

The final step in the committee allocation process is the division of dollars among States within each tier. It is at this point that the logarithms and the logarithms cubed enter the picture. The committee also provided a guarantee of not less than 1.25 percent to each State in tier I and modified the allocation for several tier I States to assure that they would receive not less than 80 percent of the dollars they receive under current law. Although each of these suballocations further distort the needs as measured by EPA, the distortions in this step are only minor compared to the fundamental decision by the committee to over-allocate $187 million to the 20 States with the smallest needs.

Let me share with the Senate some the very great distortions that result from the committee's formula. On yesterday afternoon, the Senator from Michigan, Senator LEVIN, presented several comparisons of a similar kind. I have prepared a table which I ask unanimous consent be printed at this point in the RECORD which shows the per capita—that is per person—allotment for each State under the committee's formula. It ranges from a low of $5.83 per capita for California to $8.69 per capita for Minnesota to $30.45 per capita for Vermont, $32.12 per capita for New Hampshire, and $44.56 per capita for Alaska.

Another comparison. On a per capita basis Ohio—a tier I State—and Vermont—a tier III State—have very similar needs. Ohio has a per capita need of $245.80 while the Vermont need is $250 per capita. Nevertheless, Vermont gets an allotment of $30.45 per capita under the committee formula while Ohio gets only $10.05. Vermont gets 3 times the dollars per capita as Ohio, while their actual needs are equivalent.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Per capita allotments

	Amount
Alabama	$7.59
Alaska	44.56
Arizona	10.87
Arkansas	12.11
California	5.83
Colorado	8.59
Connecticut	9.51
Delaware	23.08
D.C.	33.98
Florida	10.95
Georgia	6.30
Hawaii	18.22
Idaho	18.21
Illinois	7.63
Indiana	8.46
Iowa	10.04
Kansas	12.34
Kentucky	15.05
Louisiana	8.08
Maine	20.55
Maryland	11.06
Massachusetts	14.91
Michigan	8.95
Minnesota	8.69
Mississippi	11.72
Missouri	12.22
Montana	16.27
Nebraska	11.25
Nevada	20.11
New Hampshire	32.12
New Jersey	15.69
New Mexico	12.37
New York	12.18
North Carolina	6.49
North Dakota	16.89
Ohio	10.05
Oklahoma	9.55
Oregon	10.59
Pennsylvania	6.44
Rhode Island	18.54
South Carolina	10.15
South Dakota	21.93
Tennessee	8.59
Texas	8.95
Utah	20.20
Vermont	30.45
Virginia	7.38
Washington	16.40
West Virginia	15.42
Wisconsin	6.96
Wyoming	27.01

Mr. DURENBERGER. Mr. President, the widest—almost unbelievable—disparity is between Texas and Wyoming. Texas has a raw need in the four eligible categories of $239 per capita. Wyoming's need per capita is less than half of that at $110 per capita. But Wyoming out does Texas in grant dollars by a factor of 3. Texas is at $8.95 and Wyoming is at $27.01. Combining the disparity in needs with the reverse disparity in grants, Texas suffers a sixfold discrimination simply because it is a big tier I State. I do not know how a Senator from Texas can stand that kind of discrimination when the committee substantive justification for the formula it proposes.

Mr. President, Senator MOYNIHAN and I will be offering an amendment which modifies the committee formula. The nature of the modification we make is easy to explain. We simply take the 7.8 percent of the authorization—the $187 million—that was over-allocated to tier II and tier III States by the committee and give it back to the 30 States in tier I. With these dollars we are able to increase the tier I hold harmless to 90 percent. The remainder of the dollars are assigned to the other tier I States according to their percentage of the national need. The chart which results from these minor alterations in the committee's mathematics is the substance of the amendment and it has been widely circulated.

Mr. President, I ask unanimous consent that a table comparing the Durenberger-Moynihan amendment with the formula in S. 1128 be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Funding share		Share of year 2000 eligible needs	Funding (dollars in thousands)	
	Committee formula	Proposed amendment		Committee formula	Proposed amendment
Alabama	0.012500	0.013211	0.013162	$29,550	$31,231
Alaska	.007563	.003271	.004964	17,879	7,733
Arizona	.012500	.013041	.011131	29,550	30,829
Arkansas	.011714	.007893	.008104	27,692	18,659
California	.058321	.065611	.068122	137,870	155,104
Colorado	.010503	.007077	.006525	24,828	16,730
Connecticut	.012500	.013226	.013350	29,550	31,266
Delaware	.005801	.002509	.001354	13,713	5,931
District of Columbia	.009172	.006180	.005039	21,681	14,610

—Continued

	Funding share		Share of year 2000 eligible needs	Funding (dollars in thousands)	
	Committee formula	Proposed amendment		Committee formula	Proposed amendment
Florida	.045181	.048260	.053700	106,807	114,087
Georgia	.014570	.015563	.017317	34,443	36,791
Hawaii	.007440	.003217	.004531	17,587	7,605
Idaho	.007272	.003145	.004005	17,190	7,435
Illinois	.036881	.041491	.027339	87,186	98,085
Indiana	.019653	.22109	.011996	46,459	52,266
Iowa	.012672	.013536	.015061	29,955	31,999
Kansas	.012337	.008312	.009006	29,163	19,650
Kentucky	.015044	.016069	.017881	35,565	37,987
Louisiana	.014380	.015359	.017092	33,994	36,309
Maine	.009772	.006584	.005678	23,101	15,565
Maryland	.019722	.022188	.020871	46,623	52,452
Massachusetts	.036195	.038662	.043020	85,565	91,397
Michigan	.035063	.039446	.041460	82,889	93,250
Minnesota	.014988	.016862	.016490	35,431	39,862
Mississippi	.012500	.013010	.010755	29,550	30,756
Missouri	.025422	.027154	.030216	60,098	64,192
Montana	.005411	.002340	.001015	12,790	5,532
Nebraska	.007467	.003229	.004625	17,652	7,633
Nevada	.006805	.002943	.002839	16,087	6,957
New Hampshire	.012500	.012983	.010435	29,550	30,692
New Jersey	.048867	.052197	.058081	1115,521	123,394
New Mexico	.006814	.002947	.002859	16,109	6,967
New York	.090478	.101787	.091512	213,889	240,624
North Carolina	.016168	.017269	.019216	38,220	40,824
North Dakota	.004658	.002014	.000583	11,011	4,761
Ohio	.045906	.051645	.049902	108,522	122,089
Oklahoma	.012223	.008235	.008837	28,895	19,468
Oregon	.011794	.007946	.008217	27,881	18,784
Pennsylvania	.032302	.036339	.036477	76,360	85,905
Rhode Island	.007428	.003212	.004494	17,560	7,593
South Carolina	.013399	.014312	.015926	31,675	33,834
South Dakota	.006400	.002768	.002106	15,129	6,544
Tennessee	.016674	.017810	.019818	39,417	42,103
Texas	.053882	.057553	.064042	127,376	136,055
Utah	.12486	.008413	.009232	29,515	19,888
Vermont	.006581	.002846	.002407	15,558	6,728
Virginia	.016689	.018775	.017186	39,452	44,384
Washington	.028665	.030618	.034070	67,764	72,381
West Virginia	.012712	.014301	.011545	30,051	33,808
Wisconsin	.022322	.024801	.026531	52,768	58,630
Wyoming	.005359	.002318	.000978	12,669	5,480
Samoa	.000732	.000761	.000620	1,730	1,799
Guam	.000567	.000601	.000620	1,340	1,421
Mariana Islands	.000533	.000565	.000583	1,259	1,336
Puerto Rico	.012640	.013502	.015023	29,880	31,919
Trust Territory	.001409	.001494	.001542	3,331	3,532
Virgin Islands	.000464	.000492	.000500	1,096	1,163

Mr. DURENBERGER. It is unfortunate that these changes greatly disadvantage some small States as compared to the one-half of 1 percent guarantee they were given under current law. Many of us involved in this debate would have been happier had the committee never opened this topic for discussion. We recognize a need for a minimum allocation to the smallest States. But the committee chose to drop the concept of a minimum.

We could have lived with current law. We did not create the tiers or the logarithms or the hold-harmless requirements in the design of the committee formula. We are simply insisting that the allocation between those tiers and within the structure of the committee formula be fair in its fundamentals, that each of the three tiers be given a basic allocation according to its need.

Mr. President, all of this mathematical complexity has taken me far from the note I started on when I opened this little talk. That subject was the impact of this formula on the water quality of the Great Lakes States.

To return to that topic let me read from testimony given by Mr. Robert Sugarman before the Committee on Governmental Affairs recently. Mr. Sugarman is the immediate past co-chairman of the International Joint Commission which is charged with implementing the Boundary Waters Treaty between the United States and Canada. He was the U.S. representative on the IJC.

The occasion of the hearing was consideration of the legislation sponsored by the Senator from Wisconsin to provide funds for water quality research on the Great Lakes. Senator KASTEN will be offering a portion of his bill as an amendment to this legislation today.

Let me now read from Mr. Sugarman's testimony:

As a former co-chairman of the International Joint Commission of the United States and Canada, I had the opportunity to become familiar with the progress and problems of the United States and Canada in addressing the ongoing pollution problems in the Great Lakes.

During the 1970s, dramatic progress was made in reducing phosphorous inputs into the Lakes, which were clearly identified as the primary source of eutrophication. This has led to substantial improvement in the Great Lakes Ecosystem and for its useability for recreation and fishing.

However, it became recognized, during the 1970s, that the effort that was then being made would not be sufficient, and the International Joint Commission, after several years of study, reported to the governments of the United States and Canada that additional efforts in the order of 10,000 or more tons per year of phosphorous reduction would be required in order to retrieve the eutrophication and eliminate the eutrophication problem in the Lakes.

In 1981, therefore, the IJC recommended that substantial additional reductions be accomplished by such methods as alternative forms of sewage treatment such as land application, which achieved substantial better results, and by additional add-on treatment at conventional sewage treatment plants.

Secondly, at the same time, during the 1970s, the toxic problems emerged as a serious potential disaster for the Lakes. Senator Kasten has already referred to the scope and delineation of the problem. I would only add that I concur completely with the judgment that we run the risk of losing the Great Lakes as a public resource if we do not address that problem.

Instead of adequately addressing that problem, we have allowed it to become worse by continuing the inputs of toxics into the Lakes where, of course, they build up because the Lakes have long retention periods and are not adequately treating either industrial or municipal wastes to remove toxics.

What I would like to bring to the committee's attention is that these needs of the Great Lakes are not merely a matter of public policy and desirable objectives, but represent an international obligation on the part of the United States.

Pursuant to Article 4 of the Boundary Waters Treaty of 1909, neither country (that is Canada or the United States) may pollute the boundary water to the injury of health or property in the other state. While difficulties abound in drawing cause and effect relationships between toxics and phosphorous inputs on the one hand and cross-boundary impacts on the other, it is clear that such effects have been and are and will continue to occur and, indeed, will become more serious and severe if not properly addressed.

While the treaty itself does not define appropriate levels of pollution, and indeed, implies that the only appropriate response is the elimination of the pollution, the two countries, by executive agreement, have designed a structure for coordinating programs to reduce pollution of the Lakes. This executive agreement, the Great Lakes Water Quality Agreement of 1978, draws its legal standing from the Boundary Waters Treaty and domestically within the United States from the executive powers of the agency such as EPA to adopt regulations as necessary to implement their programs.

However, because of the proliferation of pollutants in the Lakes and the inadequate treatment that has been afforded to them, the United States is simply failing to adhere to the similar mandate of the 1909 Boundary Water Treaty, and more specifically, is failing to meet its obligation of the 1978 Water Quality Agreement which implements that treaty.

This includes the United States' undertaking to monitor, to achieve phosphorous reduction and to make toxics substantially absent from the lakes, all of which are requirements of the 1978 agreement.

Examination of the achievements to date and examination of the results of surveillance and monitoring on the Lakes make it clear that the level of funding in the committee formula simply will not achieve United States compliance with its international obligations.

I conclude that an increase, not a decrease, in funding is required to maintain adequate progress towards meeting our international commitment.

I know from my experience that the people of the Great Lakes Basin, both in the United States and Canada, will derive extremely significant benefits from proper management of the Great Lakes.

In addition, the United States will be in a position of meeting its international obligations under the treaty and the 1978 Water Quality Agreement.

Mr. President, I might also read into the RECORD at this point a letter from the eight Governors of the Great Lakes States which is dated June 7, 1985:

We are writing in strong opposition to the recent action by the Environment and Public Works Committee to alter the Wastewater Treatment Grant allocation formula contained in the Clean Water Act reauthorization. The Committee's proposed formula cuts $175 million in essential grant funds from the Great Lakes Region in 1986 alone.

The water of the Great Lakes not only provide 1 in 10 Americans with drinking water, but also represent an international resource. The Great Lakes Water Quality Agreement of 1978 between the United States and Canada recognizes our joint responsibility for proper stewardship of this water resource.

Through a combined effort with Canada, water quality in the Great Lakes basin has improved significantly. Today's wastewater treatment facilities form the centerpiece of that effort. Fulfillment of these reforms relies significantly upon federal responsibilities for wastewater treatment standards and construction as outlined in the Water Quality Agreement.

The Committee's proposed formula jeopardizes this vital resource. The proposed formula change will not affect the federal

deficit. Rather, it is an attempt to reallocate funds which would sorely strain the federal commitment and support for the Great Lakes watershed and exacerbate the imbalance on the return of the federal tax dollar to this region of the country. We oppose this proposed formula in the strongest possible terms.

Mr. President, in conclusion let me say again there is no mystery about what is happening here today. Small States have been finding ways to use their equal representation in the Senate to advantage since the Connecticut compromise was offered at the Constitutional Convention. I do not know that the Founding Fathers would have understood the logarithm of interceptor sewer needs cubed any better than we do. But they would not be surprised to see Rhode Island, Vermont, and Maine ganging up on New York at a proceeding like this one.

However, Mr. President, there is more at stake here than the politics of allocation formulas. This formula is political. But it is also pernicious. It threatens a national treasure. And breakes a solemn promise to our northern neighbor.

The Great Lakes are the heart of our continent. Over the last 200 years they have been the focal point for development of two great nations. They have been the source of food and drinking water. Today, 26 million Americans drink water from the Great Lakes. They are a mode of transportation. They are a reservoir of power and a vast resource for recreation and wildlife; 63 million Americans visit a park on the shores of the lakes each year.

All of these demands have taken their toll. The water quality of the lakes has declined sharply. Unfortunately, the natural unity of the lakes has been overlaid by a fragmentation of State and local governments that have been unable to organize people to protect what nature has provided.

In 1972 and again in 1978, the United States and Canada signed Great Lakes water quality agreements. These agreements require the United States and Canada to provide adequate wastewater treatment facilities for the sewered population on both sides of the border. Canada has met this requirement for 99 percent of its population. At last count, the United States was less than two-thirds of the way there. And as part of the agreement, the Government of the United States committed to provide financial assistance to the local governments on the U.S. side to assure that this agreement was fulfilled at the earliest possible date.

In one sense, the question we face today is the same question we face so often. How are we going to fix that formula so the folks back home get more next year than they got last year? That debate has been a constant fact of life for 200 years in this institution. But occasionally we are called on to look out beyond the borders of our individual States to our responsibilities as Senators for the whole Nation. Such an occasion occurs this morning.

The Great Lakes are not a Minnesota resource or a New York resource. They are not just mine, PAT MOYNIHAN'S, AL D'AMATO'S, or CARL LEVIN'S. They are a national resource. They are yours as much as mine. Each of us has the same responsibility for protection. The committee's formula will most assuredly have a negative impact in the water quality of the Great Lakes. And it will break our promise to Canada made by treaty in 1909 and confirmed in agreements over the last decade.

Mr. President, I did not complete the story of the lamprey eel at the beginning of this statement. The ending is upbeat by the standards of the debate we have been conducting today.

The Great Lakes States took steps to combat the lamprey infestation. First, electric fences were built across streams to prevent the lampreys from moving upstream to spawn. Later a more effective control method by chemical treatment of spawning beds was discovered.

As a result this lowest of all vertebrates is no longer a major predator on the Upper Great Lakes. The lakes are being restocked with lake trout and new species—the Coho salmon has been introduced with great success.

I only wish I could be as hopeful about the outcome of the process we are going through here today. The committee at my urging and that of others of our colleagues is now offering a new formula as an amendment to S. 1128. It restores some of the funds that were taken from the Great Lakes States. I will support the committee amendment as the most that was possible under these circumstances. But I do not think it is necessarily right. And I will continue to make every effort in this Chamber to make sure that we as a Nation fulfill our commitment to protect the water quality of the Great Lakes.

Mr. President, I would draw the attention of the Senate to a part of this amendment that limits the life of this new formula and to the colloquy between the Senator from Michigan and the managers of the bill. The point is that the compromise we have struck here this afternoon does not extend beyond 1990, that a new formula will be required at that time and that the compromise at 85 percent held harmless with three tiers shall not be considered a precedent for designing a new formula for the revolving fund grants in the coming decade.

Thank you, Mr. President.

Mr. President, I shall conclude briefly. I thank my colleague from Rhode Island for the characterization of my amendment. He may well be correct. When it came up for a vote in the Environment and Public Works Committee, we had 2 votes and the other side had 13. It is quite possible that that gap would have existed on the floor; I do not think so. The point is when you get into the numbers game, as I trust our colleague from Missouri will soon illustrate for us because he has done this so well on so many occasions over the last 6½ years, it is very, very difficult to play winners and losers on the floor of the Senate.

Over the last 24 hours, however, those of us who do not necessarily represent large States but represent States that have in them or adjacent to them some of the Nation's most treasured water resources such as the Great Lakes and the Chesapeake, have been carrying on a dialog with those members of the Environment and Public Works Committee who constructed this new three-tiered logarithmic approach to responding to the Nation's needs for sewage treatment. We came to the conclusion about noon today—and I must mention my colleagues, Senator MOYNIHAN and Senator D'AMATO of New York, Senator CRANSTON of California, and especially Senator LEVIN from Michigan, who is not on the committee but became enraged the very first time he saw the committee formula and went to work on his own on the issue. I thank them for the effort that they put in on trying to negotiate with the committee what hopefully moves in the direction of some greater sense of national priority and national reality.

I would say on behalf of the 13 votes on the committee, despite the fact that a casual look at their own States would show them benefiting, I think it is difficult for my colleagues on the committee to try to deal with a limited amount of dollars for a very large problem. I think Senator BENTSEN has reflected this in his concern for his State, Senator CHAFEE has done the same thing with regard to Rhode Island.

The cutback in this program several years ago made it extremely difficult to do a good job of prioritizing these needs. So I say to my colleagues who may be in a majority on this issue that I do believe they are trying to do the best with the few rather precious Federal dollars committed to this problem. In that spirit, I have withdrawn my intention to offer an amendment with my colleague from New York which would get us closer to equity on behalf of national resources such as the Great Lakes. I have done so for several reasons, one because the change which the committee agreed to in hold harmless moves in the direction that it ought to move.

I have done so also on the commitment of the committee to engage in a colloquy with my colleague from Michigan on the matter of future

precedent and also on the commitment of the committee to clarify language which is currently report language accompanying the bill relative to the application of their proposed new formula to the State grants program.

With that, I recommend to my colleagues that they join with the Senator from Rhode Island and the Senator from Maine, who obviously also has done a great deal to try to work something out here that can be supported by a majority of us, to join them in the amendment which is before us now of which I am a cosponsor.

Mr. MOYNIHAN. Mr. President, I rise in support of the committee amendment modifying the sewage treatment grant allocation formula. Yesterday I discussed a number of objections to the formula approved on May 14, by the Environment and Public Works Committee. That formula would have shortchanged large, urban States, many of which are in the Northeast and Midwest. It would have drastically reduced Federal funding of sewage treatment in the Great Lakes and Chesapeake Bay basins, threatening to retard progress in cleaning up these major water resources.

I am pleased that my colleagues on the Environment and Public Works—Senators STAFFORD, BENTSEN, CHAFEE, and MITCHELL—discussed these concerns with Senator DURENBERGER, Senator D'AMATO, and me. Today's proposal would reduce the unfair losses in funding our States would have had. It does not go as far as we would have liked, but it is a compromise that will enable us to proceed with the Clean Water Act Amendments of 1985, a vital piece of legislation.

This bill is especially important to my State of New York, because New York's need for sewage treatment grants is greater than the need of any other State. According to the 1984 EPA needs survey, it will cost $53 billion nationwide to construct the sewage treatment plants and other basic facilities necessary to achieve the goals of the Clean Water Act. Over 9 percent of this need—almost $5 billion—is in one State, New York. Additional funds will be needed to correct combined sewer overflows, a major cause of water quality degradation in old cities, where stormwater and sewage are conveyed by the same conduits.

It is obvious that Federal construction grants cannot come close to meeting these needs. It is therefore important that scarce Federal funds be allocated among the States in an equitable manner. As a Nation's population grows and shifts from region to region, it is inevitable that the needs of particular States will change with time. Expanding cities in Florida, Texas, Arizona, and other growing areas will need to accommodate the waste generated by new residents and industry. However, all regions of the United States have pressing needs.

The committee amendment would, in comparison to the reported bill, increase the shares of those States that would have suffered large losses. New York's annual share of the grants would rise from $214 to $228 million per year. The amendment would take effect for fiscal years 1986 through 1988, resulting in an overall increase for New York of $44 million. These extra dollars will ultimately help to improve water quality in the Hudson River, Lakes Erie and Ontario, and many smaller rivers and lakes throughout the State. In 1989 and 1990, New York's share will drop to $214 million. However, Congress will have to study this issue again in 5 years and, in determining a formula for the years after 1990, take into account changes in population and other factors affecting the needs.

This is a relatively modest increase that will fall short of my State's needs. Yet the amendment is a significant improvement, and I hope the Senate will approve it, along with the entire bill.

Mr. President, in the briefest terms, I would like to join in supporting the concept so far. I like particularly the fact that the chairman of the committee presided over the rather lengthy negotiations that brought forth once again a measure of comity and I think unanimity in the committee which we value. May I make a particular point, when we ask ourselves about the particular allocations of this resource, that it is very much to the credit of the Senator from Rhode Island and the Senator from Maine that there is a resource to allocate. It was proposed that this program cease. This bill authorizes $18 billion over the next 9 years and it marks a continued commitment of our committee and, we trust, this body to the Clean Water Act.

AMENDMENT NO. 343

(Purpose: To fund wastewater treatment grants on the basis of need)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] for himself and Mr. GRASSLEY proposes an amendment numbered 343.

On page 1, line 9, strike all through the figure after "Virgin Islands" on page 2 and insert:

Alabama	0.013162
Alaska	.004964
Arizona	.011131
Arkansas	.008104
California	.068122
Colorado	.006525
Connecticut	.013350
Delaware	.001354
District of Columbia	.005039
Florida	.053700
Georgia	.017317
Hawaii	.004531
Idaho	.004005
Illinois	.027339
Indiana	.011996
Iowa	.015061
Kansas	.009006
Kentucky	.017881
Louisiana	.017092
Maine	.005678
Maryland	.020871
Massachusetts	.043020
Michigan	.041460
Minnesota	.016490
Mississippi	.010755
Missouri	.030216
Montana	.001015
Nebraska	.004625
Nevada	.002839
New Hampshire	.010435
New Jersey	.058081
New Mexico	.002859
New York	.091512
North Carolina	.019216
North Dakota	.000583
Ohio	.049902
Oklahoma	.008837
Oregon	.008217
Pennsylvania	.036477
Rhode Island	.004494
South Carolina	.015926
South Dakota	.002106
Tennessee	.019818
Texas	.064042
Utah	.009232
Vermont	.002407
Virginia	.017186
Washington	.034070
West Virginia	.011545
Wisconsin	.026531
Wyoming	.000978
Samoa	.000620
Guam	.000620
Mariana Islands	.000583
Puerto Rico	.015023
Trust Territory	.001542
Virgin Islands	.000500

Mr. DANFORTH. Mr. President, this amendment is offered on behalf of myself and Senator GRASSLEY, and it substitutes a different allocation formula from the one which has now been put forth as the so-called compromise proposal. The allocation formula that Senator GRASSLEY and I have suggested in this amendment is the 1984 EPA need survey.

Now, Mr. President, the Environmental Protection Agency conducts a need survey, which survey is supposed to provide the basis for a determination as to how the funds under this program are to be allocated. That is my understanding of the reason for having the need survey. The reason for having the need survey is not to provide employment for people who are going to sit around and do useless work but, rather, to provide some rational basis for Congress to make a determination as to how to allocate the funds.

I read from the statement that was made yesterday on the floor of the Senate by the Senator from Rhode Island. He described the EPA need survey in the following words:

This survey, conducted by the Environmental Protection Agency, with the cooperation of the States, is the most current, complete, and accurate determination available of the needs for publicly owned treatment works which can be assisted under titles II and VI of the Act.

Now, Mr. President, the theory of this amendment is very simple. If the need survey is in fact the most current, complete, and accurate determination available of the needs for publicly owned treatment works which can be assisted under titles II and VI of the act, why not follow the survey? Why have the survey in the first place if we are not going to follow it?

Now, that is somewhat of a rhetorical question, and I am about to provide the answer to the question. The reason for not following the survey provided by the experts, the reason for not following the most current, complete, and accurate determination available is politics. The reason is, Mr. President, that a majority of the members of the Environment and Public Works Committee are not benefited by the Environmental Protection Agency's need survey, so they had to doctor the figures. And then when some Senators began to get exercised about the doctoring of the figures, they tried to moderate their position, at least somewhat, in order to provide some cover from a brouhaha on the floor of the Senate.

Now, Mr. President, it is well known by anybody who has been in the Senate any length of time at all that the one way to start a fight on the floor of the Senate is to have some States trying to rip off other States, and that is precisely what has happened here—some States trying to rip off other States for their own benefits by doctoring the needs formula which, according to the Senator from Rhode Island, is the most current, complete, and accurate determination available of the needs for publicly owned treatment works.

Now, Mr. President, let us look at the States represented on the Environment and Public Works Committee and find out how they fared in this bill under the so-called compromise that is now before us. Let us learn how they fared compared to the EPA need survey.

Beginning with Vermont, Vermont would receive 245 percent of the figure that the need survey suggests—two-and-a-half times roughly for Vermont what the experts say that Vermont should receive; Rhode Island, 168 percent of the need survey; Wyoming, also represented on the committee, 589 percent of the EPA need survey amount—not 3, 4, or 5 times what the EPA survey suggests; South Dakota, 281 percent; Idaho, 148 percent; New Hampshire, 119 percent; New Mexico, 211 percent; North Dakota, 920 percent of the EPA need survey; Colorado, 149 percent, New York, 105 percent; Maine, 166 percent; Montana, 540 percent. Only three States represented on that committee do worse than the need survey, and they are Minnesota, Texas, and New Jersey.

Now, Mr. President, the amount involved in this I suppose is not a whole lot. If my State of Missouri received what it is entitled to according to the EPA's analysis, it would receive $72 million. It is going to receive $60 million. That is not a whole lot by congressional standards but it certainly is a whole lot in the eyes of the communities that are going to be affected. The Missouri Department of Natural Resources has done an analysis as to what would happen on the basis of this formula. What would happen is that two-thirds of a page single-spaced of projects in Missouri would be dropped altogether—Alma, MO, Ashland, Camdenton, Kansas City, Kennett, Macon, Marceline, Odessa, St. Louis, Saint Peters, Sarcoxie, Stotts City, to name a few, dropped, dropped, clean water projects, sewage treatment projects in those communities dropped altogether. Why dropped? Because Missouri was not represented on the Environmental and Public Works Committee where this pie was cut up.

Mr. President, we in the Congress of the United States have been in the process of trying to deal with a budget deficit. We have been fighting this battle now ever since the first of the year. We have had dramatic votes here on the floor of the Senate, late one night when Senator WILSON was wheeled into the back of the door with IV's in his hand. And now the battle rages on and on in the conference committee. We have cast tough votes in the Senate. We will have to cast tough votes in the future in order to get the deficit under control. It is possible to do it, Mr. President. It is possible to bite the bullet, as we say. It is possible to do that, to cast the tough votes over and over again, provided there is a sense of equity in what we are doing, provided there is a sense of fairness in what we are doing, provided the burden of budget cutting is spread evenly. But at a time when we are making tough decisions, it is unconscionable to change allocation formulas to sweeten the pot for some States that happen to be represented on the Environment and Public Works Committee at the expense of other States. That is unconscionable. It is unconscionable to say to the people of Arcadia, MO, or Carl Junction, Doniphan, or Ellington, it is unconscionable to say to them, "I'm sorry, but you can't have your project. You can't have your project because somehow we have got to scrounge up enough money to pay North Dakota 920 percent of its EPA needs,0 or to pay Wyoming 589 percent of its EPA needs, or to pay Colorado 149 percent of its EPA needs.

"Oh, I'm sorry, you can't have the sewage treatment project. We don't care about you. Your State is not represented on this committee."

It is not fair, and it is not right.

Over the next 5 years, the State of Missouri will not receive $358 million, which is the appropriate level it should receive under the EPA needs survey. No, it will receive $300 million—of the target by $58 million. How many more communities are going to be affected over the next 3 years?

Mr. President, that is the issue I put before the Senate. We are departing from current law. Current law does not follow the EPA survey. But if we are going to depart from current law, let us do it in the direction of fairness, not unfairness. Let us do so in the direction of equity, not inequity. Let us meet needs on the basis of informed technical analysis, not political needs.

Mr. CHAFEE. Mr. President, as always, the distinguished Senator from Missouri gave a very fine speech.

I remind him that the formula which we have adopted here is not unique. I think just about every formula we see go through this body has a floor, a 1½-percent minimum for the smaller States. If he wants to suggest changing that, so be it, and I presume that his amendment does away with any safeguard for the smaller States.

Why do you have a floor for the smaller States? You have a floor because you have to have some kind of program; and if you get these amounts down too small, the capabilities of having a decent program and an effective one are vastly reduced.

If we were really to meet the needs, we would bust the budget. We stuck with the $2.4 billion ceiling that was agreed to in 1981 when we had this program. We had all kinds of pressures, and in the House they go above that. Originally, they went way above it. I think they are some half billion dollars above the $2.4 billion. But we decided to stick with that.

Trying to keep various States happy under any kind of formula, as we all know, is extremely difficult. We revised this, and I see that Missouri picked up some more dollars as a result of that—not great, but something.

The key thing, it seems to us on the committee, is to have a bill. That is what we have been told by the representatives who deal with the Clean Water Act in Missouri—have a bill.

The amounts that are changed around in this because of the caps and the growth, because of the caps on the decline—in other words, the maximum cut of 20 percent—the dislocations are not that great for any State.

Missouri was not affected that dramatically—about an 11-percent decline, I would say. Other States had a decline of about 20 percent.

These vast percentage increases over the needs of some of the smaller States have been pointed out. That is true. However, at the same time, we are not talking about a great deal of money.

For example, North Dakota was cited. North Dakota's difference between being perhaps under some needs test and what they would have received is about $6 million or $7 million. So we are not talking about the dramatic dollars that might be suggested in some of the larger States.

Mr. President, we have to be realists around here. Should we change the formula and attempt to take into account some of the changes that have occurred?

The Senator from Missouri quoted from my remarks yesterday about the needs survey. We have attempted to accommodate that needs survey, taking into account both the one-half percent minimum and the safe harbor of the 15-percent maximum cut. Whether that is the best formula or not, I do not know. It is the best we could work out. In dealing with these things, we are dealing with 100 Senators, all of whom are vigilant, as is the Senator from Missouri, in protecting the interests of their States.

I believe we have arrived at a good formula. If the Senator has a better one, let us hear it. But I do not think he has.

Therefore, Mr. President, I urge support for the formula as sent forward by this committee.

Mr. MITCHELL. Mr. President, I think a few general points should be made about the formula, and then a specific point about the very strong statement made by the Senator from Missouri.

He tells us that we have an EPA needs formula and we ought to follow that to the letter. Not to do so, he says, is unconscionable. Not once unconscionable, not twice or thrice unconscionable, but several times unconscionable. He points to individual members of the Senate Committee on Environment and Public Works as evidence of that unconscionableness by saying, "Look, they're getting more under this formula that they would have gotten if we followed the needs survey to the letter."

As the Senator knows, this program is 13 years old. There have been several needs surveys and there have been several formulas, and not once in those 13 years has the formula precisely followed the needs survey—for good reasons, which I will point out in a moment.

The most recent formula, in 1981, did not do so. It produced the circumstance which the Senator has here described over and over again as unconscionable because some States got more money under that formula than they would have received had the needs survey been followed to the letter. Yet, in 1981 we did not hear from the Senator from Missouri how unconscionable that formula was. We did not hear how unfair it was. We did not near how bad it was that some States received more than the needs formula. We heard only—silence.

And why was there silence from the Senator from Missouri about the 1981 formula? There was silence because under the 1981 formula the State of Missouri got more money than it would have gotten had we followed the needs survey to the letter.

Was that unconscionable? And if it was, why was that point not made on the floor of the Senate in 1981? And was it unconscionable for the State of Missouri to accept millions of dollars over the past 4 years over and above what they would have gotten under the needs survey while other States, with their long list of towns comparable to but not identical to Arcadia, MO, and all of the others, could not get their money under the formula?

The fact of the matter is, as I said earlier, that the needs survey is a starting point for the allocation of funds under this program and always has been. It has never been used without deviation for valid reason.

And this year we are not using the needs survey exclusively but rather as a starting point for several reasons.

The first is that in order to have a meaningful continuing program the committee and Congress have recognized that there has to be a relative degree of continuity in each State's program, that it would be truly unconscionable to have a precipitous decline in the program of any one State especially when we all recognize that the national needs are far greater than the resources available to meet them.

And so we have adopted this time, as we have in previous years, a method of modifying the reduction for those States whose circumstances change as reflected in the needs survey, a so-called hold-harmless formula, that says no matter what the needs survey identifies, no State will lose more than 15 percent of its previous allocation. So no State will encounter the prospect of at some future time seeing their program completely dissipated.

Was there objection previously to that? I did not hear it.

Does it make sense? I believe so. So do the members of the committee. So has a majority of this Senate and the House of Representatives in every year since we have taken this program up 13 years ago.

If the Senator suggests that we should abandon that concept and pursue strictly the needs survey, then he is saying to some States you cannot count on a viable program in the future because you might encounter a 50- or 60-percent decline. That is the first change we made.

A second point recognized in this formula as in virtually every other allocation formula distributing large amounts of Federal funds is that there must be a minimum level of funding for some States to operate a program at all and that some of the very smaller States require a floor of some kind; otherwise, they simply cannot have a manageable program. Some States could not even fund a single project in their State if we followed the needs survey exclusively.

So every time we have adopted a formula, it has included a floor of some kind, and so this formula does that. It says notwithstanding the needs survey, we are going to make certain that every State can have a clean water program, and so we are going to provide some minimum level of funding for the smaller States. That is a leveling effect, just as the hold harmless is, which prevents the larger States from suffering a precipitous decline.

We introduced this year a third leveling effect, again to try to have some continuity in the program, and that was that any of the smaller States, the so-called tiers 2 or 3 States which make up 20 of the 50 States that experience an increase in their allotment, could not under any circumstances have an increase greater than 20 percent over their last allocation. That, again, was to try to prevent wide swings in the program.

So what it says is that if you go down under the needs formula we are going to modify the decline by saying you will not go down over 15 percent; if you go up under the needs formula, we are going to modify the increase so you do not go up over 20 percent, to try to make the funds available to accomplish the formula.

Now are those unconscionable motives? Are those ignoble motives? They are open. They are public. There is nothing secret about them. They have been followed by Congress for 13 years in implementing this program.

But what happens is that when the result turns out unfavorably for some not getting as much money as they like, they come in and impugn the motives of those who are getting more and that would be fine if there were consistency in that. If we had heard protestations in 1981 about the unfairness of that formula, it might ring a little more true today. But we did not and they do not.

This is not a perfect formula. The Senator says politics is involved. Indeed it is. This is a political institution. This is a very complicated difficult area trying to deal with an enormous national need which far exceeds the ability of our resources to meet them with a fixed sum of money, $2.4 billion. I personally favored more. I was opposed to the administration

policy of reducing it. But that is the level that we have.

So we struggled weeks to come up with a formula that reflected as best we could with all of our failings and imperfections, some reasonable degree of fairness, equity, and maintain continuity in the program.

This is what we have come up with. You will not hear from me any suggestion this is perfect. It is far from that.

But I will say this: If the needs survey represents the illusion of perfection, it is not, because this was compiled by human beings with just the same weaknesses and fallibilities that the people here have, and if we were to adopt the policy of applying this needs survey without the application of any judgment of our own, then what we are saying is we are not going to continue this program in several States, we are going to permit wide variations, with the tremendous disruption of the program. Missouri will not get quite as much as it will have, but it will still be able to continue the program. If we just went to the needs survey, some States would have no program. I do not think that we should do that.

I think we have a reasonable compromise under all of the circumstances imperfect, but one that advances as best we can the objective of the act which, after all, is what the one thing we can all agree on that we really do want to clean up our Nation's waters, to continue the tremendous effort that has been made and to reflect the overwhelming commitment of the American people to clean water. We do not want to slip back. We want to move forward.

This committee compromise amendment offers the best opportunity to do that, and I urge the Members of the Senate to oppose the amendment of the Senator from Missouri.

Mr. LEVIN. Mr. President, yesterday I came to the floor, as the Senator from Missouri came to the floor today, extremely unhappy with the committee allocation which provided tiers to give to smaller States, about 20 of them, disproportionate benefits under this bill. The committee not only had tier III, which is the traditional guarantee of one-half of 1 percent, as my friend from Rhode Island said, but the committee also created a new tier called tier II, which guaranteed the folks between one-half and 1 percent of the national need that they would also have a minimum floor under their particular allocation.

Under the original committee formula, in tier III, there were 13 States, representing 3.7 percent of the national needs as determined by the EPA but guaranteed 8.5 percent of the authorization. In tier II, there were 7 States representing about 6.1 percent of the national needs determined by the EPA but allocated 9 percent of the authorization for reasons which my friends from Rhode Island and Maine have indicated.

I am, frankly, just as unhappy and continue to be just as unhappy about this kind of special treatment for smaller States in this body as my friend from Missouri is.

We fought hard yesterday on the motion to proceed. We did something rather unusual. We not only came and protested, as the formula should be protested, but went beyond that and debated at length the motion to proceed to signal to our friends who benefit disproportionately that we are so unhappy with this arbitrary positioning of the smaller States that we intended to debate this at length. Senator DURENBERGER and Senator MOYNIHAN indicated that their amendment would be forthcoming if we got to the bill and we counted votes. We not only looked at the equities, which are critical, but we also counted votes. At least my count was that we had no chance of prevailing on what we viewed to be a clearly equitable position, which would have avoided the new creation of a second tier of smaller States and doing something which we had never done before that I know of—creating a floor for the people who are at one-half of 1 percent to 1 percent of the national need, but guaranteeing them in excess of their EPA assessed needs.

In counting the votes, we decided that we did not have them and so we decided to negotiate with the floor managers of the bill and the chairman of the committee to see if we could not move toward a fairer allocation. We have moved toward a fairer allocation. We have moved about $195 million closer to a fairer allocation, so that the tier I States gain, in the committee amendment which has been proposed now, $195 million, which is taken away from the tier II and tier III States.

My friend from Rhode Island has said that to do this some States will decline precipitously in what they get. I think what he means, and he would acknowledge what he means, is that they decline precipitously from the tremendous increases in the committee bill, not current law. And, in fact, there are a number of States which lose from their current position under the committee proposal. Not much in many cases; somewhat in other cases.

Most of us that benefit from this new proposal benefit very moderately. About all you can say about the committee proposal as it is now being offered is that those of us which were disproportionately hurt under the committee proposal are hurt somewhat less under the version which is now on the floor.

So the proposal now being offered is better than what the committee originally offered, from our perspective. Whether or not we are right that we did not have the votes to carry a Durenberger-Moynihan proposal, we will know fairly soon when there is a vote on the amendment of my friend from Missouri.

I totally share the concerns that he has expressed about the superpositioning of smaller States in this body and on this bill. I am also very much worried about the precedent which might be set by this particular bill.

I have told my friends, the floor managers and the chairman of the committee, that I would like to ask them about that point. Would they agree that it is not intended that this formula as offered, or if amended, it is not intended to create a precedent for other bills or for later formulas under this particular act?

Mr. CHAFEE. I can speak with no equivocation that if the amended proposal of the Senator from Missouri were adopted, that would set no precedent whatsoever for us. I can also assure my good friend from Michigan that this formula that we have suggested here, the so-called compromise formula, is not going to set any precedent for the future.

First of all, when we get to the next round, it may well be there will be a whole group of different Senators dealing with this matter, so we cannot lock them in in any way. Second, there will be a new needs survey before us at that time. Third, we are not sure what amounts of the funds we will have.

Of course, the funds would not be affected by the percentages in the formula the percentages would not be affected by the total amounts. But I can assure my colleague that, no, this sets no precedent that is in stone for the future.

Mr. LEVIN. I realize, of course, as we all do, that we cannot bind future Congresses. That is not my question. We know different Senators will vote on other formulas in other bills and indeed on later formulas in this bill. I am talking about the percentages, not the needs formula, but the percentages which are allocated. My question is, basically, will you, both the floor managers and the chairman, will you be citing this formula, however we end up amending it, as precedent for other bills or for later formulas under this act?

Mr. STAFFORD. I can respond to my good friend from Michigan, if he will yield for that purpose, by saying, speaking personally and as the present chairman of the committee, I would not be using this as a precedent for other laws or consider it any precedent in any future changes or proposed changes in the formula under this program.

Mr. LEVIN. I thank my friend. I am wondering if I could also ask my friend from Maine whether or not he would also indicate that it is not his inten-

tion to argue this formula as a precedent for other bills or for later formulas under this act.

Mr. MITCHELL. Mr. President, as the Senator understands from the exchange we have had in the last few days, the precise mechanics of the formula are intended to represent certain principles that we attempted to establish. I believe in those principles and will, of course, be pursuing them at any future time. But it is not my intention to suggest at any time that, because we have adopted this formula now, it somehow is a precedent for future action.

Now I want to say that if, 5 years from now, I or anyone else concludes, after looking at the needs and looking at the principles, that this or some other formula is the best way to proceed, we can do that on the basis of the merits at that time. I do not want to foreclose myself from ever again supporting this formula.

But my concern is with the principles. So I think I can assure the Senator that any attempt to apply a formula, this or others, at any future time should be based upon the circumstances at that time and not upon the fact that this was used at a previous time.

Mr. LEVIN. I thank my friends for those assurances. Again, I wanted to indicate that at great length we have battled on this issue because of the reasons set forth by my friend from Missouri. I happen to share his beliefs in terms of the superpositioning of the smaller States under this bill. It is because I share those beliefs, and a number of others of us share those beliefs, that we did yesterday debate at great length the motion to proceed.

Because of that we negotiated an improvement. We know it is an improvement over the committee bill. If the basis for that negotiation is correct—we did not think we had the votes on the Durenberger-Moynihan approach—we will find soon enough whether that basis was correct, and we can then move to what is an improvement over the committee position as a result of the amendment which has just been offered. I want to thank my friends from Maine, Rhode Island, and Vermont, the chairman of the committee, for their cooperation in trying to meet some of the needs which have been expressed on this floor, and to achieve a fair version of this when it first came to the floor.

Mr. RIEGLE addressed the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Washington.

Mr. GORTON. Mr. President, I rise in support of the compromise amendment which would establish a new allotment formula for distributing construction grant funds and State revolving fund capitalization grants among States for the fiscal years 1986 through 1990.

I am particularly pleased to note that, under the revised allotment formula contained in the compromise, the State of Washington would receive almost $68 million. That would be a $25 million increase over the construction grant funds received by Washington State in the current fiscal year, the second largest increase of any State.

The allotment formula is based fairly on each State's needs for sewage treatment facilities, as expressed in the 1984 needs survey, with only minor modifications. This survey, conducted by the Environmental Protection Agency, accurately determined the needs for publicy owned treatment works in the State of Washington. And the needs are staggering.

Within the last year, over 25 publicly owned treatment facilities located on Puget Sound in Washington State received orders to proceed with implementing secondary treatment at a cost of over $750 million. The State of Washington is firmly committed to implementing secondary treatment as expiditiously as possible, and the allotment formula contained in the compromise will go along way toward assisting the State in reaching this goal.

I am delighted with the work of the distinguished floor leaders on this subject, and with the justice of the revised formula.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I think the main difference between the Senate and the House is proportional representation. In the House, there is a Member of Congress for roughly every 525,000 people in the country. So in the aggregate of 435 Members, you get a composite view and voting strength expressed for the country that reflects that proportional representation. Here in the Senate we have quite a different aggregate. We have two Senators from each State without regard to population, and so the aggregate strength of the large population States is much, much less here in the Senate by the very engineering design of the institution.

So we often find that even though a majority of the national population may be in a small number of States that are affected a certain way by national formula, the greater voting strength of a larger number of smaller States with their same two Senate votes as the larger States enables them to have a bearing on the outcome of composite decisions in a way that increases their strength very markedly. It is just a fact of the way this body is put together. So it does limit, I think, the ability for needs assessments, however they are done, to necessarily be agreed to on the basis of how they actually fall by population, density, or even for that matter by the size of States or regions.

Having said that, I very much appreciate the good-faith effort that went on yesterday and today in attempting to negotiate a compromise on this difficult issue. I think we have made some progress. When a formula is under discussion here in the Senate, we all feel obligated to protect the interests of our own States. But as I and my colleague from Michigan have pointed out, we also have a responsibility to take a broader look at what is fair, what is just on a coast-to-coast basis, and what in the end constitutes sound national policy.

I also think we have to give very particular consideration to the impact of these kinds of decisions on unique and irreplaceable natural resources, such as the Great Lakes, which constitute over 95 percent of the surface fresh water resources of our country. While the compromise that has been worked out over the last 2 days marks a gain for Michigan and the other Great Lakes States, as I think it properly should when related to need, I have to also say that I am disappointed because the compromise that has been developed today does not go even further in putting our resources where they are really needed. In that sense, I have some sympathy for the amendment, and the initiative of the Senator from Missouri. That amendment would on the face of it be more beneficial to my State. But I think it comes at a time and in a form where it does not promise a successful way forward for us.

I think the best we are able to do with what we have achieved over the 2 days from where we started is about all that can be accomplished here unless we are able to accomplish more in the Senate-House conference, which I would be delighted to see.

So while I appreciate and would like to see the Senate in a position to approve the formula arrangement that would produce the results the Senator from Missouri is asking for insofar as it would affect my State, I do not think it is in the cards for the reason that I have described. I do not think it is something that we ought to be diverted by at this particular time, however attractive it may be.

I think it is important that despite whatever reservations any of us have we not delay the Clean Water Act any longer. This legislation is essential for continuing the progress that has been made in improving water quality across the country. We also have an obligation to the people of our country who want strong and effective clean water laws to take action against toxic discharges and to begin to tackle the problem of nonpoint pollution sources, which the bill wisely does. I also

strongly support the Great Lakes title in this bill which I discussed at some length yesterday. This section will strengthen efforts to study and protect this important resource.

I commend this initiative. In particular, this provision will take important steps to reduce nutrient loading of lakes and to study whether toxic sediments can successfully be removed from lake bottoms. I am especially pleased that the committee has acknowledged the importance of the Great Lakes to our country, and has been willing to help us bring attention to their problems by including this provision in the bill.

In conclusion, although I still have reservations about the formula for the construction grants program, and hope that the committee will continue to take our concerns into consideration, I am prepared to support this legislation this afternoon. I believe the debate yesterday and today, the work over the past 2 days, made important improvements in the bill.

I yield the floor, Mr. President.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I have been carefully listening to the debate trying my best in a sense of understanding and desiring to see the best in the other side's argument, and to understand exactly what that argument is. As I understand the argument that was put forth by the Senator from Maine, it is that maybe the system is unfair, but life is unfair. It has always been unfair. There is a precedent of unfairness, and the precedent of unfairness creates an inertia of unfairness, and that inertia cannot be changed. Furthermore, there are small States, as I understand both the Senator from Rhode Island and the Senator from Maine, that could not operate on the basis of the EPA formula. Therefore, we cannot cut back to the EPA formula and keep programs going in those States.

Sitting here listening to those arguments, I wonder why do we have an EPA. Why do we have a survey of need? Why waste the time if the decision is going to be political? I do not know. Maybe when we are analyzing how to cut waste out of Government, we could consider cutting out a whole part of an agency making the study which is going to be summarily ignored by the Congress of the United States. I will not suggest that. I would suggest following the recommendations of professionals, of those who have made the environmental analysis. If you ask them what to do and they tell you what to do, do it. Do not ignore it.

But the issue is raised, and the point is made by the Senator from Rhode Island and the Senator from Maine that, well, you have to have a kind of critical mass—it is my understanding of the argument—in the program for the small States, and that is why you have to doctor the formula.

Mr. President, if that argument is correct—if sewage treatment needs are not measured by population are not measured by need, but are measured solely by the geographical boundaries of States, and if in fact that is the argument for doctoring the EPA formula—then that is an argument for continuing the status quo of the doctored formula, not doctoring it yet further.

That is an argument for current law, not for this bill.

If current law, going back, as the Senator from Maine has argued, for 12 years or so has never provided that the EPA formula is followed, then that is an argument for continuing the same doctrine that we have now, but sweetening the pot yet further.

The so-called compromise that is before the Senate now is not a continuation of the status quo. It is not the principle of inertia built up in presently existing unfairness.

Rather, it is a further change of the formula, and it turns out that the further change of the formula benefits the States of 12 members of the Environment and Public Works Committee and disadvantages the States of 3 members of the Environment and Public Works Committee.

Mr. President, we are dealing with a frozen program. The money spent under this program is frozen. It is not going to be increased. The pie is the same. What the committee is proposing in this so-called compromise is not an expanded pie but the same pie, and they want to recut it. They want to recut the pie, not to maintain the status quo, as unfair as it may be, on some theory that geographical boundaries should be the basis rather than where people live and where plants are, and so on.

Their theory is small States have to have this critical mass, but that is an argument for the law as it now exists, not for the law as it has been changed.

Mr. President, the Senator from Rhode Island said if I had a better idea I should propose it. I do have a better idea and I proposed it.

The better idea is the EPA survey. Does the EPA survey make more sense than the formula that has been used by the committee?

Let me read a part of the formula that is used by the committee and ask what sense it is. This is from the speech of the Senator from Rhode Island yesterday.

> The allotment among States in this second group is based on the cube of the logarithm of the actual needs of a State as a fraction of the sum of the cubes of the logarithms of the actual needs of all the States in that group.

Senator LEVIN asked, is this going to be a model for the future?

The Senator from Maine said that he agrees in principle with this. As a matter of principle, he agrees, that the allocation formula should be based on the cube of the logarithm of the actual needs of a State as a fraction of the sum of the cubes of the logarithm of the actual needs of States in that group.

That is a new principle.

No; it is not. It is not new. It is an old principle. It is the principle of winning votes, winning votes by concocting some bizarre Rube Goldberg formula in order to come up with figures in order to please a majority of the members of the committee and then a majority of the Members of the Senate. And that is what they have done.

I repeat, it is inequitable and it is unconscionable.

Senator MITCHELL asked why did I not complain in the past. In the immortal words of RUSSELL LONG, I am against any combine of which I am not a member.

Mr. President, I think Senator RIEGLE made a very good point. The clean water bill has to be passed, as unfair as the formula is, and it is grossly unfair. Delay is not to the advantage of anybody.

One thing about these allocation formulas is when they have finally done the job, as broad as they are, as inequitable as they are, they are done in a way which has a majority of the Members of the Senate behind them. So I have no doubt at all that if this were put to a rollcall vote, I would lose. And even if people stumbled in here and not knowing what they were doing voted for my allocation formula rather than the committee's, I am not a member of the conference. I am sure Senator STAFFORD, Senator CHAFEE, and Senator MITCHELL are members of the conference. So I have no illusion about the future of my proposal as a legislative strategy.

Therefore, Mr. President, I am willing to submit this to the Senate for a voice vote.

CLEAN WATER ACT SEWER GRANTS

Mrs. HAWKINS. Mr. President, I would like to express my appreciation to the Public Works Committee for their revision of the sewer grant allocation formula. Existing law was terribly unfair to Florida and other high-growth States—we only received 64 percent of the funds needed to meet our share of the national need, while States with declining populations received up to 850 percent of their actual need.

The committee has revised that formula significantly. Although there is still inequity, Florida will now receive funds for 84 percent of our needs. This represents an increase, including the

increase provided under the compromise formula, of $25,517,539 annually. There is a tremendous backlog of sewage projects in Florida, and this will add tremendously to our ability to deal with the situation.

Florida is the fastest growing State in the Nation. Over 20,000 people a month are moving into Florida. This is straining our ability to provide utilities to the breaking point. We desperately need help in meeting these needs.

The Census Bureau recently reported that Florida had 6 of the 11 fastest growing metropolitan areas in the country. Ocala's population increased 27 percent in the past 4 years, a gain of over 22,000 people; Fort Myers has grown 23 percent, or 58,000 people; Naples has grown 29 percent, or 32,000 people; Melbourne has grown 21 percent, or nearly 70,000 people; Fort Pierce is up 26 percent, or 49,000 people; and West Palm Beach has grown 20 percent, an increase of more than 138,000 people.

And again, this is in just the last 4 years. All of these areas, and most of the rest of the State, was largely rural only 10 to 15 years ago. Many areas, including growth areas, are still installing septic tanks to accommodate the growth.

Florida still does not get its fair share of the funds. And while I understand the political and practical imperatives that prevent an overnight shift from the archaic present funding formula into one that fairly reflects the Nation's current needs, I want to serve notice that I fully intend to be here in 1990 seeking a needs-based funding formula.

Mr. BENTSEN. Mr. President, I would like to discuss several concerns regarding the pretreatment program in the Clean Water Act with the manager of the bill. It is my understanding that one of the purposes of the pretreatment provisions of the act is to require pretreatment of industrial waste discharges to a POTW in order to prevent the discharge of wastes which would adversely affect the treatment processes or the pass-through of specific waste products which the treatment processes are not designed to remove.

Mr. CHAFEE. The Senator from Texas is correct. You have accurately described one of the primary purposes of this section of the Clean Water Act. Because industrial wastewater is mixed with large volumes of domestic sewage in typical municipal POTW's, general pretreatment requirements are included in the act to assure that industrial discharges into POTW's are treated prior to dilution by the domestic sewage.

Mr. BENTSEN. It is my understanding that privately owned industrial wastewater treatment facilities that directly discharge to a receiving body instead of through a POTW are not subject to categorical pretreatment requirements. Instead, the national pollutant discharge elimination system permitting process is designed to protect our waterways by imposing BAT discharge limits on these direct discharge industrial plants to specifically regulate their pollutants. These privately owned plants must be designed and operated to meet their permit requirement, but the owner of the plant determines what mix of treatment requirements it needs to meet the permit. Such a requirement could result in the construction of expensive, yet redundant, physical facilities with no attendant benefit to the environment.

Mr. CHAFEE. The Senator is correct; pretreatment is not required for privately owned, direct discharge industrial wastewater treatment plants. It is the permitting process and effluent limitation guidelines that controls these dischargers.

Mr. BENTSEN. In Texas we have regional industrial wastewater treatment plants which treat the industrial wastewaters they receive and are regulated by industrial-type permits. These facilities only treat the industrial and attendant nonindustrial wastewater from indirect discharges; however, they are owned by a public authority. Despite the fact that they only receive attendant nonindustrial sewage from the plants that discharge into their system, they are considered POTW's. Because of the uniqueness of the industrial wastewater treatment system I have described, would the Senator agree that EPA should consider them in a different context than a typical municipal POTW which may perhaps require different action consistent with what it would require from privately owned facility?

Mr. CHAFEE. The Senator from Texas makes a good point. EPA should use discretion in its application of pretreatment requirements, particularly removal credits, to the very limited number of POTW's which solely serve industrial dischargers.

EPA has available the option of creating a subcategory to address these relatively unique operations and could explore that option in this type of case.

CONSTRUCTION GRANT FORMULA

Mr. MATHIAS. Mr. President, the construction grant program of the Clean Water Act, since its enactment in 1972, has made a significant contribution to controlling the volume and pollutant levels of wastewater entering our Nation's streams, rivers, lakes, and estuaries. Pollutants discharged by municipal wastewater treatment plants built by this program are estimated to have decreased 46 percent since 1972.

A total of $42.7 billion has been appropriated under the Clean Water Act since its inception for constructing and upgrading plants and improving the treatment of wastewater flowing through them; in correcting leaking sewer pipes; constructing new interceptor sewers to connect to treatment plants; rehabilitating old main sewer systems; correcting combined sewer overflows; and constructing collector sewers to serve new growth.

This is a large number, but then, so is the current need—estimated to be $108 billion. Of that amount, $40.6 billion is eligible for Federal funding under the construction grant program.

Now it doesn't take a mathematical genius to figure out that the current $40.6 billion need will be barely touched by this authorization of $2.4 billion for construction grants, the same level of funding as the past 4 years. Even when the significant shift in cost-sharing to the States, which now carry 45 percent of the cost of these projects, is taken into account, it is clear that we have a long way to go as a nation in meeting our goal of "fishable, swimmable" waters.

In my own State of Maryland, for example, the Governor has recommended to the legislature a total of $263 million in cost-sharing for the next 6 fiscal years to complement the Federal share. And yet the committee formula for the next 5 fiscal years—which is all that is authorized—assuming the maximum appropriation, would provide only $185.6 million to Maryland. That's $50.4 million less than Maryland's commitment and 1 year less of funding. So the States are doing their share in this concerted effort to assure that our Nation's waters are clean enough in which to swim and fish.

Our Nation's waters are cleaner and more protected from pollution thanks to this landmark environmental legislation.

Significantly, the American public supports this expenditure and they support strict adherence to clean water and clean air standards in order to assure a safe environment. A November 1983 Louis Harris Associates poll found that 91 percent of Americans wanted the Clean Water Act maintained or strengthened and 70 percent even expressed a willingness to pay an additional $100 per capita to ensure that the water quality of our Nation's waters is maintained. Mr. Harris, in testifying before the Senate Subcommittee on Environmental Pollution, also reported his findings that 74 percent of Americans believe that curbing water pollution is as important as generating economic growth.

So the weight of public opinion clearly is on the side of reauthorizing a Clean Water Act with continuing strong water quality goals and standards and with programs to meet our Nation's most serious water pollution

problems. Accordingly, I commend the Committee on Environment and Public Works for bringing this reauthorization before the full Senate.

I do take exception, however, to the proposed formula for allocation of construction grant moneys. I am one who believes as the proverbial New England farmer said, "If it ain't broke, don't fix it."

The committee has not provided us with an explanation of what is wrong with the construction grant formula in current law. As far as I have been able to determine, the committee bowed to pressure from certain States with relatively small needs in order to give them more than their "fair share." In addition, the committee has devised a class system of States and invented a new term of art—the "tier." Those States which, under current law, are assured a certain minimum level of funding through a "hold harmless" provision are divided into tier II and tier III. The remaining 38 States with more than 90 percent of the total aggregate need are now called tier I.

Pursuant to the 1984 EPA needs assessment, the tier II and tier III States have a total of 9.6 percent of the construction grant needs. Yet the Durenberger/Chafee formulation before us would provide them with more than that needs percentage. The remaining States have 90.3 percent of the need, but a number of them would receive less than their needs percentage. This is neither fair nor representative of wise public policy from a clean water standpoint.

The problem of deteriorating water quality is a national one and will continue to be so for the foreseeable future. Watersheds know no State boundaries and the vast majority of our water quality problems are of an interstate, regional nature.

It is only because the needs are so great, and the program to meet those needs so small in comparison, that we find ourselves groveling over the Federal share each State will receive. It is only because the needs are so great, and the program to meet those needs so small in comparison, that we have to resort to hold harmless provisions and logarithms in funding formulas.

There is a need to continue the Federal commitment to the States cooperating in the EPA Chesapeake Bay Program. This program is recognized nationally as a model of intergovernmental cooperation in attacking water pollution problems of an interstate watershed.

The States of Pennsylvania, Maryland, and Virginia, and the District of Columbia have worked diligently to develop appropriate pollution abatement measures for both point and nonpoint source pollution that is degrading the water quality of Chesapeake Bay. These measures are intended to go hand-in-hand with the construction grant program. A reduction in such funds because of a change in the distribution formula at this critical juncture would abrogate the Federal commitment to the bay program, which the President himself has lauded in his State of the Union Address. EPA Administrators in this and previous administrations have recognized the value of the bay program's scientific data and the emerging strategies of the States to meet identified problems. A sharp reduction in funds would threaten to undo the delicate interstate agreement and working relationships between and among the bay States.

I believe the construction grant formula should provide for a fair distribution directly related to needs, imposing an element of shared sacrifice for all of the States, while moving us as a nation toward our national clean water goals.

Mr. GRASSLEY. Mr. President, I rise as the cosponsor of the amendment offered by Senator DANFORTH to replace the allocation formula in this bill with one that is fair and equitable. All my colleagues are aware that the allocation formula created by the Environment and Public Works Committee is skewed to benefit the States represented on that committee, at the expense of those not so fortunate. This amendment, however, changes the formula to reflect the most accurate and complete measure available to evaluate the wastewater treatment needs of States—the 1984 EPA needs survey.

I agree with my colleague from Missouri that this needs survey provides a more rational basis for Congress to make a determination on how to use these funds, rather than the political, parochial efforts of the committee. It would not result in the gross inequities created by the committee formula where States receive up to five times their estimated percentage of national needs. It would put Federal funds where the funds are needed. Where Iowa's needs, for instance, would represent 0.015061 percent of the national need. Iowa's percentage of total funding would be the same.

Mr. President, I am greatly disappointed by the committee formula which is so blatantly constructed to benefit small States and which shortchanges many States with greater needs. The State of Iowa itself loses $3 million through this formula. Yet if this amendment were adopted funds would be allocated on true need, not politics, and Iowa would experience a $3 million increase.

But more importantly, we would be using fairness as our basis for allocating funds and not a cleverly crafted plan to benefit a majority of States in both the committee and on the Senate floor. In these days of limited resources, we must not fall prey to unconscionable tinkering with numbers to benefit select States over others. I recognize that the formula that Senator DANFORTH and I offer doesn't benefit as many States as that offered by the committee, and I am sure that my colleagues will vote their pocketbooks rather than for a plan that treats all States equitably and fairly. I do urge them, however, to support this more responsible alternative formula for allocating funds under the Clean Water Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 343) was rejected.

Mr. GRASSLEY. Mr. President, I would like to bring to the attention of the committee and my colleagues an unusual situation with respect to the Des Moines metropolitan area wastewater treatment project.

For the past 13 years, the city of Des Moines and 11 other local jurisdictions have moved forward on the planning and preliminary work for an area-wide sewage project. These communities comprise the only metropolitan area in the State of Iowa required to conform to the requirements of a section 208 planning study. During this study period, the jurisdictions have spent over $30 million and the overall project cost has doubled. We now have a project that is the State of Iowa's highest pollution priority, but one that is so large that it would completely disrupt any funding for the State's other 200 cities with over $500 million in needs. Additionally, the State of Iowa has imposed a cap on State funds which will contribute to an estimated extension of the project completion to 14 years.

Mr. CHAFEE. May I interrupt my colleague from Iowa to say that I am aware of the Des Moines area wastewater treatment project situation and the strain that this costly project puts on other communities in the State seeking to comply with clean water standards.

Mr. GRASSLEY. The House of Representatives has included in its Clean Water Act reauthorization bill a direct authorization not to exceed $85 million for construction of the central sewage treatment plant component of the Des Moines metropolitan area project. I recognize that the Senate's reauthorization bill includes no categorical authorizations for specific wastewater treatment projects. I would hope, however, that when this measure goes to conference committee, the Senate will look seriously at the inclusion of this authorization for the Des Moines area in the final bill.

Mr. HARKIN. I would like to associate myself with the comments of my colleagues from Iowa. We want to ensure that the Des Moines metropolitan area sewer project stays on sched-

ule without affecting funding for other Iowa communities building wastewater treatment facilities to meet EPA standards. With this authorization, we could complete this project in 9 years rather than 14 years and continue to provide funding for other State needs. Delaying this project due to lack of funding will not only add additional cost to this project, but will also increase to an unreasonable level the user rates for residential sewer charges. It is my hope, as well, that the Senate will consider our request for maintaining this House provision in the final version of a clean water reauthorization bill.

Mr. CHAFEE. I thank the two Senators from Iowa for bringing this matter to the attention of this body. I assure you that the Senate conferees will take a close look at the Des Moines area sewer project and will give its authorization every consideration.

Mr. GRASSLEY. I thank the chairman for his consideration.

Mr. HARKIN. I also want to thank the distinguished committee chairman.

Mr. CHAFEE. Mr. President, if there is no further debate on the compromise formula as proposed by the committee, I ask for its adoption by a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 342) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, yesterday on the Senate floor I argued that fairness was not present in the construction grant formula in S. 1128 as reported by the Environment and Public Works Committee.

It was my feeling that, in a very arbitrary manner, States with large needs received too little and States with small needs received too much under the committee formula.

The amendment which we are now considering is fairer than the committee bill. The amendment is fairer because it caps the arbitrary increase for small States at 20 percent but does not eliminate it. The result is that the larger States still pay for the arbitrary increase but their payment is $195 million less over 3 years because of this amendment.

The committee report states that the allotment formula in this bill is based on each State's needs for sewage treatment facilities as expressed in the 1984 needs survey. But while the committee says that the EPA needs survey is the basis, the bill itself skews the allocation with a number of floors and guarantees that benefit certain States. In particular, the smallest half of our States with 25 percent of our population do better than they should solely because of their size. That is wrong. The other half of the States with 75 percent of our population pay for this inequity. It has crept into many of our formulas because of the fact that the Senate is based on two votes per State. We cannot totally correct the arbitrary nature of the committee bill in this amendment. We can only partially correct it. The votes do not exist to totally correct it on the Senate floor. This amendment which partially corrects it is the far better alternative to nothing. It is also important that the chairman and the floor managers have assured me that they will not argue the small State formula in this bill as a precedent for other bills or for later formulas under this act. I thank them for working with us to alleviate at least some of the problems that the committee bill originally created. I cannot say I hope the Senate prevails in conference since I obviously hope it will not. But I do say that because of this amendment it is more likely that the conference will reach an equitable solution for all States and that is why I support this amendment.

Mr. President, I want to thank the floor managers of the bill and state the following: I want to thank my friend from Rhode Island, my friend from Maine, and my friend from Vermont for working with us to try to ameliorate some of the problems which we saw in this amendment, and to say that while the Senator from Missouri, as I indicated, I felt had the basic points that I obviously shared, I would have voted against that amendment and would have voted with the compromise of the committee, had that amendment been put to a rollcall vote because I do feel that the compromise of the committee has, in fact, reflected at least to some extent the concerns that many of us have reached. I want to thank the chairman and the floor managers for their work on this bill.

Mr. MITCHELL. Mr. President, if I may, I want to commend the Senator from Michigan for the very diligent and vigorous manner in which he has pursued his points of view, representing very carefully the interests of his constituents, along with the Senator from New York [Mr. MOYNIHAN], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from California [Mr. CRANSTON]. They were vigorous advocates of their position. We are pleased that the matter has been resolved. While it may not be wholly to their satisfaction, I believe it does represent a significant step forward in our goal of cleaning the Nation's waters.

Mr. CHAFEE. Mr. President, we are waiting for the junior Senator from Wyoming.

Mr. STAFFORD. Mr. President, in the interim, I wonder if the able Senator from Rhode Island will yield to me very briefly.

Mr. President, we are getting near the end of the consideration of the Clean Water Act Amendments of 1985. While we are waiting for possibly one additional matter to be disposed of in connection with the legislation, I should like to take this opportunity as chairman of the full committee to express my appreciation to the two members of the committee who have so ably managed the bill on the floor of the Senate and who conducted the hearings that developed the bill with care and distinction. I am grateful to them for all that they have done to bring us successfully to this point. I offer my thanks to Senator CHAFEE and Senator MITCHELL for an extraordinary job, and to members of the staff on both sides of the aisle who have contributed mightily to getting this bill to this point.

Mr. CHAFEE. Mr. President, I express our appreciation to the distinguished chairman of the full committee. Although he was not directly involved with this particular subject, when we arrived at difficulties we all turned to him to mediate, to compromise, to come up with a solution. He inevitably did that with skill and satisfaction to those involved. So we are very, very grateful to the distinguished Senator from Vermont, and also the ranking member of the committee, Senator BENTSEN of Texas, who was always helpful, always available for his advice and did an excellent job.

I also join in thanks to the staffs of both sides for the work they did. Without their deep knowledge of this program, which is incredibly complicated, we could not have arrived at the solution that seems inevitable. We are not home yet, but we are getting there.

Finally, I thank my colleague, the distinguished Senator from Maine, who was so effective in not only resolving some of these problems but advocating them. I once heard somebody say in describing an articulate spokesman that he could "talk a dog off a meat wagon." Well, I feel that Senator MITCHELL of Maine falls in that category. He is very, very persuasive, as we saw in his actions today. I am grateful to him for the constant assistance, constructive suggestions, and strong advocacy which he has given to this bill.

Mr. MITCHELL. I thank the Senator, Mr. President, for his remarks, inelegant as the example may have been. I associate myself with the remarks of the Senator from Vermont

and the Senator from Rhode Island regarding the work of the staffs on both sides. I commend the two chairman of the full committee and subcommittee, as well as the ranking member, Senator BENTSEN of Texas, for their outstanding leadership in helping to move this important legislation forward.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DENTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 344

(Purpose: To exempt pollution subject to the Colorado River Basic Salinity Control Act from the interstate dispute resolution provisions)

Mr. WALLOP. Mr. President, on behalf of myself, Mr. HATCH, Mr. ARMSTRONG, Mr. WILSON, Mr. HART, and Mr. SIMPSON, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself and others, proposes an amendment numbered 344.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 60, line 2, after "nor" insert "shall this subsection or section 402(d)(2)(B) or section 402(b)(1)(E) apply".

On page 60, lines 2 and 3, strike out "Colorado River Salinity Control Act of 1974" and insert in lieu thereof "Colorado River Basin Salinity Control Act".

Mr. WALLOP. Mr. President, by this amendment to section 511(e), pollution which is subject to the Colorado River Basin Salinity Control Act of 1974 (Public Law 93-320) is fully exempted from the interstate dispute resolution provisions of the 1985 clean water amendments, section 117 of the bill. Is is a technical amendment.

This exemption is appropriate and necessary because salinity in the Colorado River Basin is being addressed basin-wide through a State/Federal process which the Congress has acknowledged and fostered since passage of the 1974 Salinity Control Act.

Under titles I and II of that act, the United States is proceeding with a number of salinity control projects, which are a part of the Colorado River Water Quality Improvement Program of the Secretary of Interior. The Colorado River Basin salinity control forum, composed of the seven Colorado River Basin States—Wyoming, Utah, Colorado, New Mexico, Arizona, Nevada, and California—meets frequently to discuss and formulate measures to address point and nonpoint sources of salinity. The forum was specifically established as the mechanism for airing and resolving interstate differences regarding salinity control in the Colorado River Basin, should differences arise. In 1978, 1981, and 1984 the forum reviewed and approved Colorado River water quality standards for salinity, including numeric criteria and plans of implementation for salinity control, in conformity with section 303 of the Clean Water Act. The forum works closely with the Secretary of the Interior and EPA administrator. The seven Colorado River Basin States, through their duly established water quality control agencies, have consistently adopted the forum's plans and recommendations, and these have been accepted by EPA over the years.

The 1974 Salinity Control Act, the efforts of the Secretary of Interior and EPA administrator, and the salinity control forum have together formed the model for interstate dispute resolution. Since an explicit mechanism exists to address both point and nonpoint sources of salinity pollution in the Colorado River Basin, this amendment is meant to ratify the cooperative work of the Secretary of the Interior, the EPA administrator, and the forum and to provide a specific exemption from the interstate dispute provisions of the 1985 Clean Water Act amendments, section 117 of the Senate bill, in the interests of continued interstate and State/Federal cooperation in Colorado River Basin salinity control.

Mr. CHAFEE. Mr. President, this amendment by the distinguished Senator from Wyoming has been discussed with the Members of the majority, and we think it is a fine amendment and urge its adoption.

Mr. MITCHELL. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 344) was agreed to.

Mr. WALLOP. Mr. President, I thank the managers.

I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 345

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. MATTINGLY], for himself, Mr. WALLOP, and Mr. NUNN, proposes an amendment numbered 345.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill, insert the following:

SEC. (a) Section 402 of the Clean Water Act is amended by adding the following new subsection:

"(m)(1) Following the date of enactment of the Clean Water Act Amendments of 1985 and prior to October 1, 1992, the Administrator or the State (in the case of a State with a permit program approved under section 402 of this Act) shall not require a permit under this section for discharges composed entirely of stormwater, other than (A) those associated with industrial activity or a municipal separate storm sewer, or (B) those for which the Administrator or the State determines that the stormwater discharge violates a water quality standard or is a significant contributor of pollutants to waters of the United States.

(2) Prior to October 1, 1988, the Administrator, in consultation with States with a permit program approved under section 402 of this Act, shall submit to the Congress the report of a study (i) to identify stormwater discharges or classes of stormwater discharges for which permits were not required pursuant to paragraph (1) of this subsection, and (ii) to determine, to the maximum extent practicable, the nature and extent of pollutants in such discharges. Prior to October 1, 1989, the Administrator, in consultation with States with a permit program approved pursuant to section 402 of this Act, shall submit to the Congress the report of a study setting forth procedures and methods to control stormwater discharges to the extent necessary to attain and maintain water quality standards.

Mr. MATTINGLY. Mr. President, I offer this amendment on behalf of myself, Senator WALLOP, and Senator NUNN.

Mr. President, the amendment which I have sent to the desk deals with a subject upon which there is a great deal of agreement. But, as we all know, it is sometimes more difficult to deal in arriving at the precise language which will implement the agreement in principle. That has been the case with this effort, but I am glad to say that we appear to have finally reached that point of agreement. For that I wish to thank the distinguished Chairman of the Subcommittee, Senator CHAFEE, and Chairman STAFFORD of the full Committee. I also commend the other committee members who have helped craft the final wording for this amendment and extend to them my personal thanks.

This amendment deals with how we are going to treat stormwater runoffs which are not in any way contributing to the degradation of water quality standards. Most sensible persons would say that if the runoff is not impairing a water quality designation or significantly contributing to water pollution, then we should not waste time and scarce financial resources requir-

ing these sources to be permitted along with those sources which do contain significant levels of pollutants. Frankly, to do so would seriously threaten our efforts to attain and maintain water quality standards because the regulators would be literally swamped under a mountain of paperwork. They would thus be prevented from focusing their full attentions on those discharge sources which really need regulation and treatment.

The amendment does not exempt from permitting any rainwater or snowfall precipitation which is directly associated with and contaminated by an industrial activity. It applies only to the runoffs which by their very nature do not violate water quality standards or which do not comprise a significant source of pollution to the waters of the United States. It is indeed a giant step forward in the progress of the original intent of the Clean Water Act because it will enhance our ability to deal with the true sources of pollution.

This amendment will be effective through 1992—the time when we must reauthorize again the act. During that time, the amendment mandates that a thorough study be conducted by EPA. In conjunction with the States to more fully determine any of the additional sources which should be controlled and to what extent. In the instances where permits have already been issued to a facility which would be exempted under the conditions of this amendment, such permits will simply not require renewal upon their expiration.

Again, Mr. President, I congratulate the managers of the bill on their expertise and for their efforts to resolve this important issue. I would now ask the Senator from Rhode Island if he is prepared to accept the amendment.

Mr. CHAFEE. Mr. President, I wish to congratulate the Senator from Georgia who has worked diligently on this and been persistent in pressing his amendment.

I do think it is important to note that industrial site includes the plant or plant-associated areas to conform to EPA regulations.

A municipal separate storm sewer does not include combined sewer overflows, which are considered publicly owned treatment works under the Construction Grants Program.

Finally, in determining what is a significant contributor of pollutants, the Administrator need not prove a violation of water quality standards or requirements. In making the determination, he may consider discharges in other permitted categories, the location of such discharges, the quantity and nature of pollutants reaching the water, and other relevant factors. However, he need not show a cause and effect relationship between the storm water discharges and water quality.

We find the amendment of the distinguished Senator from Georgia acceptable and would urge its passage from this side.

Mr. WALLOP. Mr. President, I would like to say that I share the views of my friend and colleague, Senator MATTINGLY, about the potential harm that overregulation can do. Although it is important that EPA do a good job in regulating the Nation's waters, I personally don't think we need a stormwater discharge permit for every parking lot, gas station, store, business, industry or home in America.

That is why I am so concerned about the regulations EPA has recently promulgated. They can be interpreted to require everyone who has a device to divert, gather, or collect stormwater runoff and snowmelt to get a permit from EPA as a point source. That is absurd.

One of the chief purposes of the Clean Water Act is to regulate the discharge of harmful pollutants from industrial processes. However, the act only regulates discharges from "point sources", which are generally defined as "discrete conveyances" such as pipes, or conduits and similar collectors. The act does not, for example, authorize EPA to regulate diffuse storm runoff or snowmelt running across an industrial facility. Nevertheless, EPA's stormwater runoff regulations interprets the term "point source" to include devices which gather, collect, or otherwise divert stormwater runoff or snowmelt. This is overbroad in its reach. As a consequence, facilities that would otherwise have no obligation to treat diffuse stormwater runoff or snowmelt, but which have constructed diversion structure to prevent this runoff from contacting process areas, or from flooding roads or lands, may be required to obtain an NPDES permit requiring them to treat stormwater runoff.

Requiring a permit for these kinds of stormwater runoff conveyance systems would be an administrative nightmare. It would also be prohibitively expensive to administer, not just from an agency's perspective, but from the point of view of compliance, as well. We should be encouraging States to administer NPDES permits, not chase them away.

Although the compromise which has been worked out is not what I would have preferred, nevertheless it is preferrable to going to conference with the only exemption in the bill being for oil and gas field operations. Oil and gas are important industries in my State. However, so is mining, and so are all the mom and pop stores across the Nation who are simply trying to earn an honest living.

I believe an honest effort has been made to work out a fair amendment that will curb needless regulation, and I would like to commend my colleagues from Rhode Island and Georgia for their hard work. It certainly is a step in the right direction.

Mr. FORD. Mr. President, I have not seen this amendment. I am very much interested in it. Would the Senator give me just a few minutes to look at his amendment before we go forward?

Mr. MATTINGLY. Yes.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have no objection to the amendment of the Senator from Georgia.

Mr. CHAFEE. Mr. President, I wish to state that this is not intended to affect the validity or enforceability of existing storm water permits.

Mr. President, there being no objection to the Mattingly amendment, I move its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Georgia [Mr. MATTINGLY].

The amendment (No. 345) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

AMENDMENT NO 346

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. STEVENS, and Mr. MURKOWSKI, proposes an amendment numbered 346.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, lines 5-6, delete "or the Secretary of the Army.".

On page 29, after line 21, insert the following new subsection:

"( ) The Secretary shall prepare and submit a report to the Congress, not later than December 1, 1987, which shall examine and analyze various enforcement mechanisms for use by the Secretary, including an administrative civil penalty mechanism. Such report shall also examine, in consultation with the Comptroller General, the efficacy of the Secretary's existing enforcement authorities, and shall make recommendations for improvements in their operation."

On page 20, line 11, add the following new sentence: "In addition to any other relief provided, whenever on the basis of any information available the Secretary of the Army finds that any person has violated any permit condition or limitation in a permit issued under section 404 of this Act by the Secretary of the Army, the Secretary may, after notice to the State in which the violation occurs, issue an order assessing a civil penalty of not more than $10,000 per day for each violation, up to a maximum administrative penalty of $125,000."

(4) Insert "or the Secretary of the Army" immediately after "Administrator" on page 20, lines 15 and 18, on page 21, lines 1, 13 and 21, on page 22, lines 4, 7 and 9, on page 23, lines 1, 13 and 14, and on page 24, lines 4, 5 and 12.

(5) Insert "or Secretary's" immediately after "Administrator's" on page 20, line 19, on page 22, line 5, and on page 23, lines 19 and 22.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the opening statements of yesterday, at least my opening statement, appear in the permanent RECORD of today immediately after the motion to proceed with S. 1128, the Clean Water Act Amendments of 1985. I do not know who else had opening statements. I know the distinguished minority floor leader had a statement, but he can speak for himself. But for others who had opening statements, I ask unanimous consent that they also be included in the permanent RECORD of today, although they were delivered yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that my statement appear in the permanent RECORD immediately following that of the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I believe we have made substantial progress of the Clean Water Act reauthorization but I do have a remaining concern. That is—I feel the bill as reported by the committee is overreaching with regard to enforcement of the section 404 program.

The committee bill would specify that EPA has authority to enforce section 404 of the act, even though this is a Corps of Engineers Program. There is simply no precedent for this dual authority.

The Justice Department released a letter yesterday, voicing opposition to this language. It simply makes no sense from the standpoint of orderly enforcement of a permit program. It is unreasonable to have duplicate enforcement authority regarding permit violations and I trust this will become ever more obvious to all Members of Congress.

The Department of Justice has taken exception to the language as well, and the White House has problems with the language.

I do not want to be obstructive, but it would seem that the language could be fixed by the deletion and inclusion of a few words.

I would point out—for the clarification of other Senators and staff—that the amendment is not the amendment I had originally intended to offer.

After receiving a letter from the Justice Department about problems with the committee bill and after consulting with other Senators, I have decided to offer new language.

The proposed amendment would add a new subsection designed to cause the Army Corps of Engineers to reevaluate the current enforcement program in order to derive a more effective way to deal with section 404 violations.

The language now in S. 1128 would allow the EPA administration to assess civil penalties for violations of permit terms or conditions under Section 404 which are issued and administered by the Army Corps of Engineers.

The amendment would not give EPA authority over violations of the permit itself.

EPA was not granted authority over the permit violations because it is simply unreasonable to have one Federal agency administratively enforce violations of another Federal agency's permit program. This is why the Department of Justice reports that "we are aware of no precedent for such an approach."

Under my amendment the Secretary of the Army is required to prepare and submit a report to the Congress, which will examine potential additional enforcement mechanisms, including an administrative civil penalty mechanism.

That report, due by December 1, 1987, will also carefully examine the corps' existing enforcement authorities. Working with the General Accounting Office, the corps shall also examine their existing enforcement authorities and develop new ways to improve them.

I believe revisions in the committee language are necessary because there are geographical variations with regard to wetlands. Wetlands in the East are very different from "prairie potholes" in Texas, or highland marshes in Wyoming.

Congress and Federal officials must be aware of these geographic differences in order to formulate workable laws and regulations. It is impossible to formulate "generic" environmental regulations that will apply equally to the real world that contains tremendous variability.

I believe this amendment will have the Corps of Engineers enforcing only the programs that the corps issues its permits for. The corps has had a great deal of experience with various types of wetlands, and by enforcement of the 404 program solely within the corps I believe the public will be better served.

Finally, Mr. President, I would like to acknowledge the contributions made to the formulation of this amendment by all the fine staff involved. This amendment would not have been possible without the ability, patience—and persistence—of Brent Erickson of my fine personal staff. I would also like to thank all of the staff of the Environment and Public Works Committee, and most especially to Jim Strock, a very bright and able counsel who has been of invaluable assistance.

Mr. President, the principals, the four managers of the bill, have agreed with the sponsors of this amendment as to the content of the amendment. I want to tell them that I deeply appreciate their assistance and their patience while we have worked through this rather intriguing issue.

I think the progress on the Clean Water Act reauthorization has been extraordinary. I commend Senator CHAFEE, Senator MITCHELL, and our good chairman, Senator STAFFORD, and also the ranking member, Senator BENTSEN. The essence of this amendment is to provide simply that under the permitting process of section 404, instead of having a duality where we have a permit issued and then another agency enforcing the permit by administrative remedies, the purpose of the amendment is to state the Corps of Engineers will do the permitting, and they will also be involved in the administrative remedies and civil penalty mechanism.

That is the essence of the amendment. The authority and the procedures to the Corps of Engineers are the same as they are in the act with the EPA.

It does provide the same language as to the 5-year sunset provision.

With that, Mr. President, I move adoption of the amendment.

Mr. WALLOP. Mr. President, section 109(d) of the bill provides the EPA administrator with authority to levy administrative penalties. The committee's version of the bill allows such penalties to be imposed by the Administrator for violation of section 404 dredged or fill permits.

Under the Clean Water Act, section 404 permits are issued by the Army Corps of Engineers. Consistent therewith, section 404 places enforcement

powers in the Secretary of the Army for violations of such permits. In the past, section 404 has been effectively enforced through the Secretary of Army's authority under the act.

In S. 53 we have increased the civil and criminal penalties available for enforcement of section 404 in court. There is no demonstrable need to add administrative penalty power in order to enforce section 404. The addition of administrative penalties would be a step in the wrong direction. Potential abuse of section 404 through administrative implementation of the program has been of great concern, particularly in the semi-arid States of the West where water project development is an ongoing necessity. The new administrative penalty authority of the EPA administrator is not properly applicable to permits which are issued by another agency.

The amendment crafted by Senator SIMPSON, CHAFEE, and STEVENS represents a middle that should remain workable in the real world and I would like to add my name as a cosponsor.

Mr. MURKOWSKI. Mr. President, I rise in support of the amendment by Senator SIMPSON that would prevent the EPA from assessing civil penalties for alleged violations of Corps of Engineer permits issued under section 404.

Senator SIMPSON's amendment would modify an astoundingly misguided provision of the committee's bill. This provision, added at the insistence of the EPA, has been vigorously opposed by the Corps of Engineers, and by the Department of Justice. The corps and the Department of Justice now have enforcement responsibility over section 404 permits. The EPA, however, is attempting to assert itself in the 404 enforcement process by suggesting that it be allowed to assess civil penalities.

As the Department of Justice asserts:

> It simply makes no sense from the standpoint of orderly enforcement of an administrative permit program for one federal agency to administratively enforce violations of another federal agency's permit program. We are aware of no precedent for such an approach, and we strongly urge that the Senate narrow the scope of EPA's administrative authority under section 404 by deleting the words "or the Secretary of the Army" from proposed section 309(g)(1) of the Act.

Mr. President, the Senate recently adopted an amendment offered by Senator STEVENS and myself that would force the EPA and the corps to agree to end needless duplication and time delays in obtaining 404 and 402 permits for log transfer facilities. As my senior colleague from Alaska so clearly stated in his statements in support of our amendment, the logging industry in Alaska consists typically of small businesspersons who simply cannot withstand the needless regulatory burdens placed on their operations by the EPA. They cannot waste their time and money traveling to Seattle to constantly work paper regulations through an agency that seems to have as its purpose adding more and more requirements on small logging operators.

Our amendment today addressed this concern, and mandates a needed change.

Now, however, Mr. President, we are seeing once again an attempt by the EPA to enter another agency's enforcement territory. EPA, against the expressed opposition by the corps and the Department of Justice, wants to assess penalties for 404 permit violations. This makes no sense from an enforcement standpoint, as the Department of Justic says, and it gives further reason why this Senate must rein in an agency that seems to be operating on its own.

In objecting to the EPA's attempt to take enforcement authority, the corps has written:

> . . . the Army is charged with administering the (404) program. This provision will seriously affect our ability to do so in an efficient, effective manner. It is very bad management practice to fragment any program. Fragmentation virtually always results in duplication, overlap, contradiction, and loss of morale and quality of work.

Mr. President, how could the Senate support the EPA's attempt to fragment an existing enforcement program? What purpose would be served? I am convinced that the EPA has enough difficulty adequately managing its own programs—and I will simply not support its attempt to meddle where it does not belong.

Mr. President, I strongly object to allowing the EPA to assess civil penalties under the 404 program. I ask my colleagues to support Senator SIMPSON's amendment.

Mr. CHAFEE. Mr. President, we find the amendment of the Senator from Wyoming acceptable on this side.

Mr. MITCHELL. Mr. President, there are no objections to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 346) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that Senator Wallop be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, today the Senate is considering one of the most important pieces of environmental legislation that will come before the Congress this session. The bill before us, S. 1128, the Clean Water Act Amendments of 1985, as reported by the Committee on Environment and Public Works, is an excellent bill that deserves the strong support of all Senators. That we are taking up this important matter at such a relatively early point in the legislative session is a tribute to the outstanding leadership of Senator CHAFEE, the bill's sponsor, Senator STAFFORD, the chairman of the full Environment and Public Works Committee, as well as the distinguished leaders on the Democratic side.

The bill before us makes much needed changes to the regulatory program of the act which is the basis for advancing our national goals for clean water. It is clear from the substantial progress that has been made over the years since 1972, that the premises which form the foundation for the Clean Water Act are fundamentally sound. Despite the progress that has been made, more needs to be done. In this regard, it is particularly troubling to observe that pervasive toxic pollutants pose a serious threat to water quality. By enhancing and extending the technology based approach of the original act through the application of best available technology [BAT], this bill directly addresses the key water quality issues facing us today.

In addition to the reaffirmation of the BAT guidelines, this bill also makes other important changes to existing law. Of particular importance is the establishment of a Nonpoint Source Pollution Program. Nonpoint source pollution is runoff pollution, and is the source of more than half of the conventional pollutants entering our streams. Urban runoff from roofs and paved areas, return flows from irrigated agricultural lands, runoff from lands disturbed by construction, forestry operations or agricultural practices, and uncollected runoff and seepage from mining areas all contribute to the nonpoint source pollution problem. This bill, which encourages States to develop effective management programs to reduce nonpoint sources of pollution, represents a major step forward in efforts to address this ubiquitous threat to our Nation's waterways.

I am also pleased that the committee took action to retain the present permit period of 5 years under the national pollution discharge elimination system [NPDES]. By maintaining the present permit length at 5 years, we will be assured the continued availability of one of our most effective mechanisms for ensuring water quality.

Additionally, the bill before us reaffirms our national commitment to maintain a strong and viable construction grants program. Though there has been a strong Federal presence in this program for many years, begin-

ning in 1977 the Congress began to shift the focus of the program away from Washington to the States and local communities. The proposal incorporated in S. 1128, which continues the present grant formula for 3 years and then helps States to establish water pollution revolving loan funds, provides a workable means to establish local responsibility and self-sufficiency, while ensuring adequate resources to meet national water quality goals.

Finally, I must add that the legislation now before us resolves the question of the Hampton, NH, ad valorem tax and permits the town to continue using this tax to pay for the operation and maintenance of its treatment works, thus clearing up an administrative question of long standing, and establishing that Hampton is and has in fact been in compliance with the law. The Environmental Protection Agency [EPA] should not attempt to recover costs from Hampton for the development of the alternative user fee system. Hampton was clearly caught in a bureaucratic dispute over this issue and should not have been required by EPA to develop an actual use system in the first place.

Mr. President, this is a good package. Our national goals for clean water are strongly reaffirmed by this legislation. The authorities and resources contained in this bill reflect an enduring commitment to protecting a resource so essential to the people of this Nation. I urge adoption of the bill.

Mr. PELL. Mr. President, I intend to vote in support of S. 1128, the Clean Water Act Amendments of 1985 despite some reservations about the wisdom of continuing to shift the burden of wastewater treatment construction costs from the Federal Government to State and local governments.

I commend the members of the Senate Environment and Public Works Committee, including the members of the Environmental Pollution Subcommittee, who have labored long and hard to fashion a measure that should be acceptable to the administration. This measure also makes several changes that should enhance our ability to combat water pollution.

These changes include the addition of a new section to the Clean Water Act designed to reduce pollution from so-called nonpoint sources, such as runoff from agricultural land and the pollutants washed by the rain from our city streets into our streams and rivers.

They also include the creation of a program for cleaning up toxic hot spots—where water quality goals will not be met even after polluters have installed the best available cleanup technologies required under existing law.

Other important changes in the Clean Water Act, as reported by the committee, include measures to restrict exemptions and tighten standards. One such measure, for example, will tightly restrict the conditions under which industrial polluters may obtain waivers from national toxic pollutant standards.

The bill, by and large, is an improvement and represents a concerted effort to address our Nation's water pollution problems. I must emphasize, however, that those pollution problems have not been resolved and are not going to just fade away without a continuing national effort to address them.

Although the committee bill, as reported, contained an increase of about $1 million for Rhode Island under the proposed Wastewater Treatment Construction Grants Program, several Rhode Island communities have complained bitterly to me about the gradual shift from Federal to State and local funding of wastewater treatment construction costs.

A letter from one irate local official distilled volumes of bitterness into one brief statement: "The Federal Government has reneged on its commitments given in the past and is promoting the abolishment of this program in the immediate future. Years of effort are in danger of being wasted and future generations are being sold down the river."

The criticism may be a bit harsh, but it is not entirely undeserved. We set the national standard of "fishable, swimable water" and we made the commitment to put Federal taxpayers dollars to work on a long-range, costly, national effort to meet those standards. Communities that believed us then are finding themselves stuck with the bill now.

We should not lower our standards and we should not stick state and local communities with the total bill. We must not lower our sights to lesser goals by reducing the national standard. Likewise, we should not try to shift the enormous burden of wastewater treatment construction costs to the State and local governments.

Not too long ago, before Congress cut the authorization for these important construction grants in half to the present $2.4 billion, I protested at a hearing of the Environmental Pollution Subcommittee. I also protested about the phased reduction of federal assistance that has since transpired.

Under other circumstances, I might oppose this bill because it continues the recent trend of abandoning the State and local governments. It requires them to spend more and more of their own funds to address water pollution problems and to meet a national standard set by us in the Clean Water Act.

My colleague, the distinguished junior Senator from Rhode Island [Mr. CHAFEE] has devoted his considerable skill and knowledge to fashioning a measure that should be acceptable to a majority of the Senate and to the administration. I believe this bill is the best we can hope for in the Senate.

When we first passed the Clean Water Act, along with other landmark environmental laws, we made it clear that the Federal Government has a definite role in setting national environmental standards and an equally important role in helping to meet those standards. We must not abandon either of those vital roles.

I believe that the funding authorized by this extension of the Clean Water Act is as much as we are likely to win. It is not, however, as much as we need. I hope, when the economic climate improves, we will review and renew our national commitment to the long-range goals and high standards set by the Clean Water Act.

Mr. BINGAMAN. Mr. President, I rise in support of S. 1128, the Clean Water Act Amendments of 1985. I am pleased to be a cosponsor of this important piece of legislation. Every citizen has a personal stake in the quality of the Nation's waters. We need water that is safe to drink, habitable for aquatic life, and usable for agriculture and industry. Health, jobs, and the quality of our lives are affected in many ways by water quality. This is especially true in the arid West where water is such a precious commodity. Unfortunately, we too often take the quality of our water for granted.

Water pollution, with its many sources, is a complex problem to which there is no simple solution, no cheap technological fix. If we keep hazardous waste out of our water, it must then be disposed of elsewhere—on land, at sea or by incineration. Similarly, conventional sewage treatment can leave behind huge volumes of sludge that must be used or disposed of, while alternative forms of wastewater treatment that recycle or reclaim pollutants have been slow to be implemented. Additionally, every time it rains, water moving over the surface of the land picks up sediment, toxic substances, and other contaminants and carries them to the nearest body of water. More and more often, our ground water supplies are being contaminated in this way.

A Federal program to address some of these problems in a comprehensive fashion was established in 1972 with the enactment of the Federal Water Pollution Control Act Amendments. This law was the product of long experience with generally ineffective State and Federal pollution control programs. In 1977 the law underwent a series of midcourse corrections and its name was changed to the Clean Water Act. The act expired in 1982 and must now be reauthorized. Though water

quality problems persist, progress has been made. This is evidence that the act is working. It has prevented further deterioration of water quality during a decade of economic and population growth.

Specifically, provisions in the Clean Water Act Amendments of 1985 would: Add a new section to the Clean Water Act aimed at reducing pollution from nonpoint sources, such as runoff from farmland and city streets, establish a program for cleaning up toxic "hot sports"—waters which will not meet water quality goals even after polluters have installed the best available cleanup technologies required under existing law, restrict tightly the conditions under which industrial polluters may obtain waivers—known as fundamentally different factors variances—from national toxic pollutant standards, add provisions to prevent the lowering of discharge limits when a pollution discharge permit is revised or renewed, and amends title II of the act to include Indian tribal participation. Specifically, a 1-year study of sewage treatment needs of Indian lands will be conducted jointly by the EPA and the Indian Health Service; tribes will become eligible in fiscal year 1987 for direct EPA construction grants to address needs identified in the study; and Indian tribes may be treated as States, within the discretion of the EPA Administrator, to the degree necessary to allot funds for tribal sewage treatment needs.

Continued improvment in our Nation's water quality is not possible unless Congress renews its commitment to restore and strengthen the Clean Water Act. The bill before us today provides that encouragement and commitment. I urge my colleagues to support the bill.

LIMITATION OF RAW SEWAGE DISCHARGES BY NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I would like to speak to section 120 of S. 1128, the provision that would limit the discharge of raw sewage by New York City. It is certainly imperative that such discharges near New York City—and near more than 200 other locations across the United States—end as soon as possible. New York City is making a major effort to do so; two sewage treatment plants now are under construction—North River and Red Hook—and soon will eliminate continuous raw discharges to the Hudson River and New York Harbor.

The larger of the two plants, North River, is an engineering marvel. Perched on a huge concrete slab over the Hudson, it will collect, pump, and treat up to 200 million gallons of sewage every day. A thousand workers are at work on the site, and the plant is expected to be complete by November 1985. I would note that a consent agreement among New York City, New York State, and the Environmental Protection Agency does not require its completion until 6 months later. The second plant, Red Hook is similarly ahead of schedule and will be treating waste by December 1986.

In view of New York City's aggressive program to eliminate the discharge of raw sewage, I see no need for this provision. This legislation will not hasten completion of the two treatment facilities, where work is already proceeding as rapidly as possible, I also believe that any strategy to improve water quality should be applied nationwide. The Environmental Protection Agency has identifed 242 locations in the United States where sewage is not treated. Yet this provision would affect only New York City's discharges.

Although section 120 is unnecessary, I will not oppose it because it now includes safeguards against the imposition of undue sanctions on New York. The EPA Administrator is required to waive the sewage discharge limitations if a violation is caused by excessive rainfall, random or seasonal variation in flow, or an interruption in plant operation caused by factors beyond the city's control. If a violation of the cap is associated with random or seasonal variations or rainfall, the Administrator must grant a waiver unless he or she shows, on the basis of information above sewer hookups, that the cap would not have been exceeded but for such hookups. The responsibility for monitoring discharges of raw sewage, both for establishing the numerical level of the cap and determining whether a violation has occurred, lies with the EPA. Similarly, the deadline must be extended if completion of one of the plants is delayed by a natural disaster, strike, or other event beyond the city's control.

Finally, section 120 states the sense of the Congress that EPA should not agree to modifications of the consent agreement with respect to the schedule for advanced preliminary treatment. For example, delays, if not due to circumstances beyond the city's reasonable control, would not be desirable.

CONTINUATION OF THE CHESAPEAKE BAY PROGRAM

Mr. MATHIAS. Mr. President, I should like to point out to my colleagues a provision in the Clean Water Act Amendments of 1985 that is a source of both pride and hope for the people of my State and the region. It is a measure to continue the effort to clean up our Nation's largest and most productive estuary, the Chesapeake Bay, and I wish to thank Senators CHAFEE and STAFFORD, who have both been instrumental in this undertaking. They have been two of the Chesapeake Bay's longest standing and best friends, and they have again demonstrated their support by including this provision in the amendments to the Clean Water Act.

This provision is a focus of pride for those who know and love the Chesapeake because it recognizes how far we have come in our effort to save the bay. Thirteen years ago, I took a boat tour of the bay. At that time, we were only beginning to understand the full extent of the bay's decline. To the watermen who worked its waters or the sportsmen and vacationers who wandered its shores, the bay appeared much as it had for centuries. But under its surface the long years of neglect and pollution had begun to choke its once-abundant marine and plant life. The bay was in trouble.

Two years later, in 1975, Congress, at my request, authorized a thorough study to identify the sources of these environmental problems and to recommend solutions. That 7-year study was released in 1983 and in the 2 years since, we have made great strides toward restoration of the bay. In that short time, the three States bordering the bay—Virginia, Maryland, and Pennsylvania—have initiated comprehensive cleanup programs and President Reagan made a strong commitment to the effort in his State of the Union Address last year. In fact, the Federal-State partnership in the Chesapeake Bay cleanup has become a model for similar environmental projects across the Nation.

The three bay States, once fierce rivals, have joined forces to attack the pollution threatening the bay and revitalize the bay's beleaguered marine species.

The Federal Government has pulled together and devised a strategy to complement the States' programs. Last November, in an act of coordination, perhaps unprecedented, the heads of five Federal agencies involved in the cleanup—the U.S. Fish and Wildlife Service, the Soil Conservation Service, the U.S. Geological Survey, the National Oceanic and Atmospheric Administration, and the Army Corps of Engineers—met to sign memorandums of understanding with the lead Federal agency, the Environmental Protection Agency, spelling out exactly what role each agency will play in that effort.

The Clean Water Act amendments that we consider today are a major boost to our efforts. The bay provision in this bill would provide $39 million over the next 3 years to continue the progress we have made. Thirty million dollars of that sum will be available to Virginia, Maryland, and Pennsylvania over that 3-year period to allow them to accelerate the cleanup. The remaining $9 million would help to sustain EPA's vital research effort through its Chesapeake Bay field office tracking pollution trends and identifying ways to reverse them.

This bill would move us measurably closer to our goal of a clean and thriving Chesapeake Bay and I urge my colleagues to join me in its support.

Mr. SIMPSON. Mr. President, the Clean Water Act has been the one item of environmental legislation most directly responsible for making so much of this Nation's waters fishable and swimmable by reducing water borne pollution of all types. It is important that Congress complete action on the Clean Water Act this year and that the President sign this reauthorization into law.

The Senate has taken measures to provide for Federal grants of over $18 billion over the fiscal years 1986 through 1994. However, the Senate clearly recognizes the need to reduce the Federal deficit and intends to phase out direct construction grant funding by changing the program to a State revolving loan fund program. This is a vital change in the way we do our business with the States and municipalities that are responsible for constructing sewage treatment facilities. The benefits of a phaseout of direct aid are twofold—the Nation's waters will continue toward cleanup, and the Federal deficit will be chopped.

Title II of the Senate bill contains provisions for various permit requirements that industries must meet. The Senate bill generally tightens and expands water pollution control efforts across the board. For the first time we are authorizing a new nonpoint source pollution control program which was meant to reduce water degradation caused by different types of agricultural runoff and soil erosion. The Senate has chosen not to make a mandatory program. Instead this new nonpoint program will be a demonstration-in-grant program that will assist the agricultural community in its efforts to develop more efficient farming methods that will have the secondary benefit of protecting our Nation's waters.

The Senate bill also established a program for cleaning up toxic hot spots which are areas that have waters that will not meet quality standards even after polluters have installed the best available technologies [BAT] required under the law.

I believe that the clean water bill that the Senate Environment Committee has reported this year is far superior to the legislation that was reported earlier. The Environment and Public Works Committee has worked closely with the administration and with all interest groups to craft language that represents a balanced approach to controlling water pollution. Much of the Western United States have pristine waters that have never been degraded by manmade pollution. With the reauthorization of the Clean Water Act, we can rest assured that these waters will continue to remain unspoiled. We may also be assured that those who must comply with the terms of the Clean Water Act will have some straightforward and predictable regulations to deal with.

Senator DOLE and I remain committed to doing everything we can to stimulate the Senate to consideration and approval of environmental legislation this year. The Senate has already taken swift action on the Safe Drinking Water Act and will likely finish up consideration of Superfund by late summer. I am pleased that through the vigorous efforts of my fine friend, the chairman, BOB STAFFORD, the Environment and Public Works Committee is on schedule and that members of the Senate are devoting proper attention to these important environmental statutes. Environmental issues are truly bipartisan in nature and I trust that this will be a productive year where environmental legislation is thoughtfully and fully considered. I look forward to our continued progress.

Mr. MATHIAS. Mr. President, I notice that the committee bill provides Federal support of State and local abatement efforts of nonpoint pollution. I would like clarification from the distinguished chairman of the Subcommittee on Environmental Pollution, Mr. CHAFEE, on three provisions of the bill addressing nonpoint source pollution.

First, I refer to the proposed new section 205(j)(5) of the Clean Water Act. This new language requires the EPA Administrator to reserve 1 percent of a State's allocation under section 205(c) or $100,000, whichever is greater, for approved State nonpoint pollution control programs. The State may decide to use all but $100,000 of the amount reserved by the Administrator for wastewater treatment construction grant projects.

Elsewhere in the bill, in section 319, another nonpoint source pollution control program is authorized beginning at $70 million in the first year.

What is the difference between these two provisions?

Mr. CHAFEE. The States have indicated that most of them would not be able to achieve the water quality goals of the Clean Water Act if they do not abate nonpoint sources of water pollution. Many States have in place existing nonpoint source implementation programs to address the problem. Our intent here is to assure that they have at least $100,000 a year of support from the Federal Government in implementing their programs. We want to go on record as lending the support of the Federal Government to these implementation programs. The $100,000 minimum is the same as the existing provision in section 205(j), which has been used to support various water quality planning and program support functions. The purpose is to ensure that every State has available at least a minimum level of Federal support.

To illustrate how the set-aside provision works, I can describe how it would affect your own State, which has been a leader in the development of programs to control nonpoint source pollution. Assuming the allotment formula proposed in S. 1128, approximately $460,000 would be reserved by the new section 205(j)(5) for support of the section 319 nonpoint program. Of this amount, $100,000 is dedicated solely to this purpose; that is, if it is not used for the nonpoint program it will be reallotted to other States. The balance of $360,000 is available for the nonpoint program but the State may, if it chooses, use it for traditional construction grant purposes. The effect is that your State is assured Federal support for its nonpoint program, but at the same time it is accorded considerable flexibility in determining the exact amount of that support—in this case, within the range of $100,000 to $360,000.

I want to emphasize that these funds are intended to supplement the funds authorized by section 319, not to replace them.

Mr. MATHIAS. I thank the Senator from Rhode Island for that clarification.

I also have a question with respect to the provisions of section 319. That section provides that funds may be used for approved State implementation programs to control nonpoint source pollution. Two-thirds of the funds is to be allocated according to the formula in the committee report and one-third is to be allocated at the discretion of the Administrator. The bill goes on to indicate that, although the funds may not routinely be used for implementation of best management practices [BMP's], they can be used for demonstration projects of BMP's.

Will the Senator from Rhode Island clarify the types of activities for which section 319 funds can be used?

Mr. CHAFEE. It is our intent that the section 319 funds be available to the States for the implementation by the State of its approved nonpoint source control program. By this, we do include, for example, administrative costs, educational material, technical assistance in the field at the project or land parcel level, and environmental monitoring. We do not want these funds to be used for the basic type of planning work that the Federal Government paid for previously with grants to States and areawide planning agencies to prepare nonpoint source programs pursuant to the provisions of section 208. We are beyond that stage now. If States have not prepared those programs, then they may

use either section 205(j)(2) or section 106 funds for program development, but that is not the intended use for section 319 funds. This is not a planning program. This is an implementation program.

On the subject of cost-sharing, these funds shall not be utilized for individual landowners to implement best management practices on their land. Many States require BMP's through a regulatory process, such as for sediment control, stormwater management, or mining. BMP's for other sources such as agriculture are predominantly implemented through a voluntary program. We expect the existing Federal programs such as the ACP Program, the Rural Clean Water Program, the Surface Mining Reclamation Program, and the Clean Water Program, to be the vehicles through which the Federal contribution is made to these cost-sharing efforts. Of course, State and local governments are not precluded from using their own sources for cost-sharing and many of them are doing so. Some States are using general obligation bonds. Others are using sales taxes. Others are using special bond issues. There are a variety of funding alternatives which States may use to secure revenue to pay for cost-sharing.

The exception to this general policy, which we have provided for in the bill, is for demonstration projects. We also want to encourage the States to develop innovative best management practices, as yet unproven in terms of their effectiveness in reducing pollution.

Mr. MATHIAS. I thank the distinguished Senator. The final question I have relates to the proposed new title VI of the Clean Water Act, "Grants for Water Pollution Control Revolving Funds." Section 603 of that title authorizes State revolving funds to be used for nonpoint source abatement, for the implementation of a national estuary program, and for the conventional wastewater treatment projects.

Is that a priority among the three uses of such revolving fund?

Mr. CHAFEE. This provision is intended to build in some flexibility in the way a State may use its revolving loan fund to combat pollution. In the near term, the revolving loan funds must be used to assure maintenance of progress in the completion of publicly owned treatment works needed to meet the enforceable deadline and requirements of the act. Once this is accomplished, the State is free, at its discretion, to use its revolving loan fund to make loans to individuals for the implementation of best management practices and for the implementation of the national estuary program pursuant to section 320 of the act. In other words, we do not want to limit for all time the use of State revolving loan funds to traditional construction of treatment plants. As time goes on, States may want to use these funds more effectively to make loans to combat nonpoint source pollution. This section does not have the restriction of use only for demonstration projects that is built into section 319 funds. All loans of course must be paid back to the loan fund in accordance with the requirements of title VI.

In summary, these three provisions—the section 319 authorization, the 1-percent set aside, and flexible use of State revolving loan funds—are designed to assure the opportunity for continued support for a State's nonpoint efforts, and they are designed as well to accord more flexibility to the State as time goes on. Thus, the responsibility will be on the States to submit their nonpoint programs to EPA and then to use the variety of funding mechanisms established in this bill.

Mr. MATHIAS. I thank the distinguished Senator for his explanation of these provisions. I am pleased to see them in the bill.

As many of my colleagues know, my own State of Maryland is a national leader in the development of an estuarine protection program for the Chesapeake Bay and of measures to abate nonpoint pollution to its waters. Efforts underway, such as the definition of critical areas along the bay's shoreline, aid in protecting and nuturing fragile wetlands and important breeding and spawning areas.

Much of this effort results directly from the earlier EPA Chesapeake Bay Program, which explored the dynamics of the bay as an ecosystem, defined its most critical pollutants and many of their sources, and established a data baseline against which trends can be monitored. The Chesapeake Bay Program brought together the States affecting the bay—Pennsylvania, Maryland, Virginia, and the District of Columbia—in cooperation with several Federal agencies.

The program is a national model for other States as they attack their own regional water quality problems. Indeed, the National Estuary Program, established by section 320 of the bill, is a direct result of our experiences with the Bay Program in Maryland.

We in Maryland know how vital the control of nonpoint source pollution is. More than 400 million pounds of toxic industrial chemicals are discharged into our Nation's waters each year. No matter how much money we spend on sewage treatment plants, we still are confronted with water pollution problems from sources that are not easily identified or localized. For example, one of the key findings of the EPA Chesapeake Bay Program was that a significant portion of the nitrogen entering the bay was coming from upstream farming practices. Heavy metals were entering the bay in the storm and rainwater runoff from our cities. Yet, current programs are not designed to address these nonpoint source pollution problems. I am pleased to see these amendments to the Clean Water Act provide a beginning for cleanup strategies for such problems.

Mr. DOLE. Mr. President, I rise today in support of S. 1128, the Clean Water Act Amendments of 1985 and encourage the Senate to act expeditiously on this important environmental legislation.

Mr. President, during the 13-year history of the Clean Water Act our Nation has made considerable progress toward improving the quality of the Nation's water. The regulatory framework established to implement control of pollutant discharges has largely been successful. The legislation before the Senate will continue and strengthen the existing program in a way that is acceptable to a broad range of diverse interests. The chairman of the committee, Mr. STAFFORD, the chairman of the subcommittee, Mr. CHAFEE, and the ranking members, Mr. BENTSEN and Mr. MITCHELL, should be commended for their diligent efforts in bringing this legislation to the floor.

NONPOINT SOURCE POLLUTION

I am particularly pleased that the controversial issue of nonpoint source pollution has been addressed in a manner that meets our environmental needs without crippling the agricultural segment of our economy. Runoff from agricultural and mining areas, construction sites, and urban areas present a serious pollution problem. Obviously these problems vary widely between the States. This legislation encourages the States to implement management programs that will target critical areas, identify nonpoint sources and set timetables for program implementation.

I am also pleased that resolution was reached with respect to the amendment offered by the distinguished Senators from Alaska, Senators STEVENS and MURKOWSKI. Both the EPA and the Corps of Engineers must be encouraged to resolve their differences over the management and enforcement of the section 404 and 402 permits. The amendment offered and the colloquy entered into on this subject make clear our intentions to pursue this matter until it is settled.

CONSTRUCTION GRANTS

Mr. President there is a great deal of controversy surrounding the allotment formula for distributing construction grant funds and State revolving fund capitalization grants. That is not surprising when there is $2.4 billion per year that will be allocated to the States.

Starting from current law, any change in the allotment formula will produce winners and losers. As this

Senator would expect, most Senators have lined up behind the formula that provides the greatest benefit to their State.

In my view, the compromise formula that has been worked out is a fair proposal. While providing for formula reform, it addresses the concerns of those who felt that certain States were being discriminated against and stood to lose considerable amounts. The Senators involved in resolving this difficult issue, including Senators DURENBERGER, D'AMATO, LEVIN, CHAFEE, STAFFORD, MOYNIHAN, and MITCHELL, are to be commended for their willingness to work out an acceptable agreement.

CONCLUSION

The distinguished chairman and ranking member of the committee, Senators STAFFORD and BENTSEN, along with the distinguished subcommittee chairman and ranking member, Senators CHAFEE and MITCHELL, are to be commended for their efforts in resolving the issues surrounding this bill. What we have is an agreement that strikes a balance between those concerned with overregulation and an inequitable distribution of funds and those concerned with protecting a precious natural resource and insuring that funds are disbursed in a rational fashion to meet the needs of the various States.

Mr. CHAFEE. Mr. President, we are prepared to move to third reading. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. Mr. President, on this side we are prepared to vote.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, following action on this proposal, we will take up the Nuclear Regulatory Commission. I understand that has been worked out. I cannot guarantee there will not be a vote. If we can do that, it would be my intention, if we can get an agreement on another bill for Monday, not to have a session of the Senate on tomorrow. We will not know about that agreement until sometime after this vote.

The PRESIDING OFFICER (Mr. SYMMS). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Illinois [Mr. DIXON], the Senator from Missouri [Mr. EAGLETON], and the Senator from Massachusetts [Mr. KERRY] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KERRY] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—94

Abdnor	Gorton	Moynihan
Andrews	Gramm	Murkowski
Armstrong	Grassley	Nickles
Baucus	Harkin	Nunn
Bentsen	Hart	Packwood
Biden	Hatch	Pell
Bingaman	Hatfield	Pressler
Boren	Hawkins	Proxmire
Boschwitz	Hecht	Pryor
Bradley	Heflin	Quayle
Burdick	Heinz	Riegle
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Chiles	Humphrey	Rudman
Cochran	Inouye	Sarbanes
Cohen	Johnston	Sasser
Cranston	Kasten	Simon
D'Amato	Kennedy	Simpson
Danforth	Lautenberg	Specter
DeConcini	Laxalt	Stafford
Denton	Leahy	Stennis
Dodd	Levin	Stevens
Dole	Long	Symms
Domenici	Lugar	Thurmond
Durenberger	Mathias	Trible
Evans	Matsunaga	Wallop
Exon	Mattingly	Warner
Ford	McClure	Weicker
Garn	McConnell	Wilson
Glenn	Melcher	Zorinsky
Goldwater	Metzenbaum	
Gore	Mitchell	

NOT VOTING—6

Bumpers	Eagleton	Kassebaum
Dixon	East	Kerry

So the bill (S. 1128), as amended, was passed, as follows:

S. 1128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Act Amendments of 1985".

TITLE I—REGULATORY AMENDMENTS

AUTHORIZATION

SEC. 101. (a) Section 104(u)(1) of the Clean Water Act is amended by inserting immediately following "1982" the phrase ", and not to exceed $22,770,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

(b) Section 104(u)(2) of the Clean Water Act is amended by inserting immediately following "1982" the phrase ", and not to exceed $3,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

(c) Section 104(u)(3) of the Clean Water Act is amended by striking "and" after "1981," and by inserting immediately following "1982" the phrase ", and not to exceed $1,500,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

(d) Section 106(a)(2) of the Clean Water Act is amended by striking "and" after "1981" and inserting in lieu thereof a comma and by inserting ", 1986, 1987, 1988, and 1989" immediately following "1982".

(e) Section 112(c) of the Clean Water Act is amended by striking "and" after "1981," and inserting immediately following "1982" the phrase ", and $7,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

(f) Section 314(c)(2) of the Clean Water Act is amended by striking "and" after "1981," and inserting immediately following "1982" the phrase ", and $30,000,000 per fiscal year for fiscal years 1986, 1987, 1988, and 1989".

(g) Section 517 of the Clean Water Act is amended by striking "and" after "1981," and inserting immediately following "1982" the phrase ", and $160,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

SMALL FLOWS CLEARINGHOUSE

SEC. 102. Section 104(q) of the Clean Water Act is amended by adding the following new paragraph:

"(4) Notwithstanding section 205(d) of this Act, from funds that are set aside by States under section 205(i) of this Act and not obligated by the end of the twenty-four month period provided under section 205(d), the Administrator shall award a grant under this section in the amount of $1,000,000 or such unobligated amount, whichever is less, in each year, to support a National Clearinghouse to collect and disseminate information on small flows and innovative or alternative technologies, consistent with paragraph (3).".

COMPLIANCE DATES

SEC. 103. (a) Section 301(b)(2)(C) of the Clean Water Act is amended by striking "not later than July 1, 1984," and inserting immediately after "of this paragraph" the following: "as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than July 1, 1988".

(b) Section 301(b)(2)(E) of the Clean Water Act is amended by striking "not later than July 1, 1984," and inserting in lieu thereof "as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than July 1, 1988, compliance with".

(c) Section 301(b)(2)(F) of the Clean Water Act is amended by striking "not" after "subparagraph (A) of this paragraph" and inserting in lieu thereof "as expeditiously as practicable but in no case", and by striking "or not later than July 1, 1984," through the end of the sentence and inserting in lieu thereof "and in no case later than July 1, 1988".

(d) Section 301(b) of the Clean Water Act is amended by adding the following new paragraph:

"(3)(A) for effluent limitations under paragraph (1)(A)(i) of this subsection promulgated after January 1, 1982, and requir-

ing a level of control substantially greater or based on fundamentally different control technology than under permits for such industrial category issued before such date, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than July 1, 1988; and

"(B) for any effluent limitation in accordance with paragraph (1)(A)(i), (2)(A)(i), or (2)(E) of this subsection established only on the basis of section 402(a)(1) in a permit issued after enactment of the Clean Water Act Amendments of 1985, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are established, and in no case later than July 1, 1988.".

OCEAN WAIVER

SEC. 104. (a) Section 301(h)(5) of the Clean Water Act is amended to read as follows:

"(5) sources introducing waste into such treatment works are in compliance with all applicable pretreatment requirements and the applicant has assured continued compliance with such requirements and, in the case of any treatment works serving a population of five thousand or more, the applicant has adopted and is enforcing a program to control the entrance of toxic pollutants from industrial sources into such treatment works, comparable to that required by section 402(b)(8);".

(b) Section 301(h) of the Clean Water Act is amended by—

(1) in paragraph (7), striking the period immediately after "the permit" and inserting in lieu thereof a semicolon.

(2) adding immediately after paragraph (7) the following new paragraph:

"(8) the applicant at the time such modification becomes effective will be discharging effluent which has received at least primary or equivalent treatment. For the purposes of this paragraph, "primary or equivalent treatment" means treatment by screening, sedimentation, and skimming adequate to remove at least 30 per centum of the biological oxygen demanding material and of the suspended solids in the treatment works influent, and disinfection, where appropriate.";

(3) in that portion of subsection (h) following new paragraph (8) as added by this Act,

(A) adding immediately after the first sentence thereof the following new sentence: "Such marine waters must exhibit characteristics assuring that water providing dilution does not contain significant amounts of previously discharged effluent from such treatment works."; and

(B) adding at the end thereof the following: "No permit issued under this subsection shall authorize the discharge of any pollutant into saline estuarine waters which at the time of application do not support a balanced indigenous population of shellfish, fish and wildlife, or allow recreation in and on the waters or which exhibit ambient water quality below applicable water quality standards adopted for the protection of public water supplies, shellfish, fish and wildlife or recreational activities or such other standards necessary to assure support and protection of such uses. The prohibition contained in the preceding sentence shall apply without regard to the presence or absence of a causal relationship between such characteristics and the applicant's current or proposed discharge.".

(c) Section 301(j)(1)(A) of the Clean Water Act is amended by inserting before the semicolon the following: ", except that a publicly owned treatment works which prior to December 31, 1982, had a contractural arrangement to use a portion of the capacity of an ocean outfall operated by another publicly owned treatment works which has applied for or received a modification under subsection (h) of this section, may apply for a modification under subsection (h) in its own right not later than thirty days after the enactment of the Clean Water Act Amendments of 1985".

MODIFICATION FOR NONCONVENTIONAL POLLUTANTS

SEC. 105. (a) Section 301(g)(1) of the Clean Water Act is amended by striking all preceding "upon a showing by the owner or operator" and inserting in lieu thereof "The Administrator, with the concurrence of the State, may modify the requirements of subsection (b)(2)(A) of this section with respect to the discharge from any point source of ammonia, chlorine, color, iron, or total phenols (4AAP) (when determined by the Administrator to be a nonconventional pollutant under this Act)".

(b) Section 301(g) of the Clean Water Act is amended by adding the following new paragraphs:

"(3) The Administrator may evaluate pollutants subject to this subsection prior to the enactment of the Clean Water Act Amendments of 1985, and if the Administrator determines that for one or more pollutants satisfactory test methods and data are available to make the determination required by paragraph (1), may recommend to the Congress the inclusion of such pollutants under this subsection.

"(4) Any request for a modification under this subsection shall be deemed to have been denied, if not approved by final agency action within one year after submission to the Administrator.

"(5) The amendment made to this subsection by the Clean Water Act Amendments of 1985 shall apply to all modification requests under this subsection pending on the date of enactment of the Clean Water Act Amendments of 1985. Such amendment to this subsection shall not have the effect of extending or reopening the deadline established in section 301(j)(1)(B).".

(c) Section 301(j)(2) of the Clean Water Act is amended by inserting after the first sentence thereof the following: "An application for a modification under subsection (g) shall not stay the applicant's obligation to comply with effluent limitations for all pollutants not the subject of an application for modification, and nothing in this section shall preclude the Administrator (or the State as appropriate) from issuing a permit containing effluent limitations for all pollutants not subject to a stay under this subsection pending a final decision on the request for a modification.".

(d) Section 301(g)(1) is amended by inserting "(1)" immediately after "subsection (b)(2)(A)".

FUNDAMENTALLY DIFFERENT FACTORS

SEC. 106. (a) Section 301 of the Clean Water Act is amended by adding the following new subsections:

"(n)(1) The Administrator, with the concurrence of the State, may establish an alternative requirement under subsection (b)(2) or section 307(b) for a facility that modifies the requirements of national effluent limitation guidelines or categorical pretreatment standards that would otherwise be applicable to such facility, if the owner or operator of such facility demonstrates to the satisfaction of the Administrator that—

"(A) the facility is fundamentally different with respect to the factors (other than cost) specified in section 304 (b) or (g) and considered by the Administrator in establishing such national effluent limitation guidelines or categorical pretreatment standards;

"(B) the application is based solely on information and supporting data submitted to the Administrator during the rulemaking for establishment of the applicable national effluent limitation guidelines or categorical pretreatment standard specifically raising the factors that are fundamentally different for such facility;

"(C) the alternative requirement is no less stringent than justified by the fundamental difference; and

"(D) the alternative requirement will not result in a non-water quality environmental impact which is markedly more adverse than the impact considered by the Administrator in establishing such national effluent limitation guideline or categorical pretreatment standard.

"(2)(A) an application for an alternative requirement under this subsection shall be submitted to the Administrator not later than one hundred twenty days after the publication of the final effluent limitation guideline or categorical pretreatment standard in the Federal Register. The Administrator shall deny any application that is not complete, without providing an opportunity for reapplication.

"(B) an application for an alternative requirement under this subsection shall be deemed to have been denied, if not approved by final agency action within two hundred forty days after submission to the Administrator.

"(C) For the purposes of this subsection, an application for an alternative requirement based on fundamentally different factors which is pending on the date of enactment of the Clean Water Act Amendments of 1985 shall be deemed to have been submitted to the Administrator thirty days after such date of enactment.

"(3) an application for an alternative requirement under this subsection shall not stay the applicant's obligation to comply with the effluent limitation guideline or categorical pretreatment standard which is the subject of the application.

"(4) The authority of this subsection shall apply only to those primary industrial categories identified in the permit regulations issued under section 402 as of the date of enactment of the Clean Water Act Amendments of 1985.

"(o) The Administrator shall prescribe and collect from each applicant fees reflecting the reasonable administrative costs incurred in reviewing and processing applications for modifications submitted to the Administrator pursuant to section 301 (c), (g), (h), (i), (m), and (n), section 304(d)(4), and section 316(a) of this Act. All amounts collected by the Administrator under this subsection shall be deposited into miscellaneous receipts of the Treasury.".

(b) Section 301(l) of the Clean Water Act is amended by striking "The" and inserting in lieu thereof "Other than as provided in subsection (n) of this section, the".

WATER QUALITY-BASED EFFLUENT LIMITATIONS AFTER BAT ATTAINMENT

SEC. 107. (a) Section 305 of the Clean Water Act is amended by adding the following new subsection:

"(c) Each State shall prepare and submit to the Administrator and the Congress

within two years after the enactment of the Clean Water Act Amendments of 1985, and revise biennially thereafter, an identification of—

"(1) those waters within or adjacent to such State which after the application of effluent limitations required under section 301(b)(2) of this Act cannot reasonably be anticipated to attain or maintain (A) water quality standards for such waters reviewed, revised or adopted in accordance with section 303(c)(2)(B) of this Act, due to toxic pollutants, or (B) that water quality which shall assure protection of public health, public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water; and

"(2) those waters within or adjacent to such State which are public water supplies or otherwise important to public health protection, or which have a high quality use designation, and which because of such use and current or potential pollution are of high priority to such State.

In the case of any State which fails to submit the identification required by paragraph (1), or which submits an incomplete identification, the Administrator shall promptly prepare an identification in accordance with paragraph (1).".

(b) Section 304(a) of the Clean Water Act is amended by adding the following new paragraphs:

"(7) The Administrator, after consultation with appropriate State agencies and on the basis of criteria and information published under paragraphs (1) and (2) of this subsection, shall develop and publish, within nine months after the date of enactment of the Clean Water Act Amendments of 1985, guidance to the States on performing the identification required by section 305(c)(1) of this Act.

"(8) The Administrator, after consultation with appropriate State agencies and within two years after the date of enactment of the Clean Water Act Amendments of 1985, shall develop and publish information on methods for establishing and measuring water quality criteria for toxic pollutants on other bases than pollutant-by-pollutant criteria, including biological monitoring and assessment methods.".

(c) Section 303(c)(2) of the Clean Water Act is amended by inserting "(A)" after "(2)" and by adding the following new subparagraph:

"(B) Whenever a State reviews water quality standards pursuant to paragraph (1) of this subsection, or revises or adopts new standards pursuant to this paragraph, such State shall adopt criteria for all toxic pollutants listed pursuant to section 307(a)(1) of this Act, the discharge or presence of which in the affected waters could reasonably be expected to interfere with those designated uses adopted by the State, as necessary to support such designated uses. Such criteria shall be specific numerical criteria for such toxic pollutants and in addition may include criteria based on biological monitoring or assessment methods consistent with information published pursuant to section 304(a)(8). Particular attention shall be given to toxic pollutants which are highly persistent in the environment, bioaccumulative, or known or suspected carcinogens, mutagens, or teratogens. Nothing in this section shall be construed to limit or delay the use of effluent limitations or other permit conditions based on or involving biological monitoring or assessment methods or previously adopted numerical criteria.".

(d) Section 303(d) of the Clean Water Act is amended by adding the following new paragraph:

"(4) Not later than two years after the submittal of the identification required by section 305(c)(1) of this Act, each State shall establish effluent limitations for point sources discharging into each portion of the navigable waters identified under section 305(c)(1)(A) as necessary to attain applicable water quality standards, taking into account any substantial nonpoint source contributions of toxic pollutants and existing or planned controls on all sources. Such effluent limitations shall be incorporated into permits under section 402 of this Act, which shall provide for compliance as expeditiously as practicable, but in no event later than three years after the establishment of such effluent limitation.".

(e)(1) Section 302(a) of the Clean Water Act is amended by (1) inserting after "in the judgment of the Administrator" the phrase ", or as identified under section 305(c)"; and (2) inserting after "protection of" the phrase "public health,".

(2) Section 302(b) of the Clean Water Act is amended to read as follows:

"(b)(1) Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the Administrator shall publish such proposed limitation and within ninety days of such publication hold a public hearing.

"(2)(A) The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for pollutants other than toxic pollutants, if the applicant demonstrates at such hearing that (whether or not technology or other alternative control strategies are available) there is no reasonable relationship between the economic and social costs and the benefits to be obtained (including attainment of the objective of this Act) from achieving such limitation.

"(B) The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for toxic pollutants for a single period not to exceed five years, if the applicant demonstrates to the satisfaction of the Administrator that such modified requirements (1) will represent the maximum degree of control within the economic capability of the owner and operator of the source, and (2) will result in reasonable further progress beyond the requirements of section 301(b)(2) toward the requirements of subsection (a) of this section.".

(f) Section 304 of the Clean Water Act is amended by adding the following new subsection:

"(l) Within twelve months of the date of enactment of the Clean Water Act Amendments of 1985, and biennially thereafter, the Administrator shall publish in the Federal Register a plan which shall:

"(A) establish a schedule for the annual review and revision of promulgated effluent guidelines, in accordance with subsection (b) of this section;

"(B) identify categories of sources discharging toxic or nonconventional pollutants for which guidelines under subsection (b)(2) of this section and section 306 have not previously been published; and

"(C) establish a schedule for promulgation of effluent guidelines for categories identified in subparagraph (B), under which promulgation of such guidelines shall be no later than four years after the date of enactment for categories identified in the first published plan or three years after the publication of the plan for categories identified in later published plans.

"(2) The Administrator shall provide for public review and comment on the plan prior to final publication.".

INDIRECT DISCHARGE OF CONVENTIONAL POLLUTANTS

SEC. 108. Section 402 of the Clean Water Act is amended by adding at the end thereof the following new subsection:

"(m) In issuing a permit under this section, the Administrator shall not require pretreatment by dischargers of conventional pollutants identified pursuant to section 304(b)(4) of this Act as a substitute for municipal treatment adequate to meet the requirements of a permit issued under this section for a treatment works (as defined in section 212 of this Act) which is publicly owned if such discharger is in compliance with all applicable requirements of local pretreatment programs approved under subsection (b)(8) of this section. Nothing in this subsection shall affect the Administrator's authority under sections 307 and 309 of this Act, affect State and local authority under sections 307(b)(4) and 510 of this Act, relieve such treatment works of its obligations to meet requirements established under this Act, or preclude such works from pursuing whatever feasible options are available to meet its responsibility to comply with its permit under this section.".

CIVIL AND CRIMINAL PENALTIES

SEC. 109. (a) Section 309(d) is amended by—

(1) inserting ", or any requirement imposed in a pretreatment program approved under section 402(a)(3) and (b)(8) of this Act," immediately after "section 404 of this Act by a State";

(2) deleting "$10,000 per day of such violation" and substituting "$25,000 per day for each violation";

(3) adding the following at the end thereof: "In determining the amount of a civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require.".

(b) No State shall be required to modify a permit program approved or submitted under section 402 of the Clean Water Act as a result of the amendment made by subsection (a) of this section before July 1, 1987.

(c) Section 404(s) of the Clean Water Act is amended by striking paragraph (4), by redesignating paragraph (5) as paragraph (4), and in redesignating paragraph (4), by—

(1) deleting "$10,000 per day of such violation" and substituting "$25,000 per day for each violation";

(2) adding the following at the end thereof: "In determining the amount of a civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require.".

(d) Section 309 of the Clean Water Act is amended by adding a new subsection (g) as follows:

"(g)(1) ADMINISTRATIVE PENALTIES.—In addition to any other relief provided, when-

ever on the basis of any information available the Administrator finds that any person has violated section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or has violated any permit condition or limitation implementing any of such sections in a permit issued under sections 402 of this Act by him or by a State, or in a permit issued under section 404 by a State, or any requirement imposed in a pretreatment program approved under section 402 (a)(3) and (b)(8) of this Act, the Administrator may, after notice to the State in which the violation occurs, issue an order assessing a civil penalty of not more than $10,000 per day for each violation, up to a maximum administrative penalty of $125,000. In addition to any other relief provided, whenever on the basis of any information available the Secretary of the Army finds that any person has violated any permit condition or limitation in a permit issued under section 404 of this Act by the Secretary of the Army, the Secretary may, after notice to the State in which the violation occurs, issue an order assessing a civil penalty of not more than $10,000 per day for each violation, up to a maximum administrative penalty of $125,000,"

"(2) The authority provided in paragraph (1) of this subsection shall expire on September 30, 1990.

"(3) PROCEDURE.—(A) A civil penalty assessed by the Administrator or the Secretary of the Army under this subsection shall be by an order made after opportunity (provided in accordance with this subparagraph) for a hearing. Before issuing the order, the Administrator or the Secretary of the Army shall give to the person to be assessed a civil penalty written notice of the Administrator's or Secretary's proposal to issue such order and the opportunity to request, within thirty days of the date the notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

"(B) The Administrator or the Secretary of the Army shall provide public notice of and reasonable opportunity to comment on any proposed assessment.

"(C) Any citizen who comments on a proposed assessment under subparagraph (B) shall be given notice of any hearing held under this subsection and of any order assessing a penalty. In any hearing held under subparagraph (A), such citizen shall have a reasonable opportunity to be heard and to present evidence. If no hearing is held prior to issuance of the order assessing the penalty, then upon presentation by such citizen, within thirty days of issuance of the order, of evidence that such order was inadequate or improper, the Administrator or the Secretary of the Army shall set aside such order immediately and provide a hearing in accordance with subparagraph (A) on the proposed order.

"(D) Any order issued under this subsection shall become final thirty days following its issuance unless an appeal is taken pursuant to paragraph (6) or the order is set aside pursuant to subparagraph (C).

"(4) CONTENT OF ORDER.—In determining the amount of a civil penalty, the Administrator or the Secretary of the Army shall take into account the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require.

"(5) EFFECT OF ORDER.—(A) Action taken by the Administrator or the Secretary of the Army pursuant to this subsection shall not affect or limit the Administrator's or Secretary's authority to enforce any provision of this Act: *Provided, however,* That any violation with respect to which the Administrator or the Secretary of the Army has commenced and is diligently prosecuting an action under this subsection, or for which the Administrator or the Secretary of the Army has issued a final order not subject to further judicial review and the violator paid a penalty assessed under this subsection, shall not be the subject of a civil penalty action under section 309(d), section 311(b), or section 505 of this Act: *Provided further,* That the foregoing limitation on civil penalty actions under section 505 of this Act shall not apply with respect to any violation for which (i) a civil action under section 505(a)(1) of this Act has been filed prior to commencement of an action under this subsection, or (ii) a notice of violation under section 505(b)(1) of this Act has been given prior to commencement of an action under this subsection and an action under section 505(a)(1) of this Act is filed prior to 120 days after such notice is given.

"(B) Nothing in this subsection shall change the procedures now existing under other subsections of section 309 of this Act for issuance and enforcement of orders by the Administrator.

"(C) No action by the Administrator or the Secretary of the Army pursuant to this subsection shall affect any person's obligation to comply with any section of this Act or with the terms and conditions of any permit issued pursuant to section 402 or 404 of this Act.

"(6) JUDICIAL REVIEW.—Any person against whom a civil penalty order is issued or who commented on a proposed assessment pursuant to paragraph (3) may file an appeal of such order in the United States district court for the District of Columbia or in the district in which the violation is alleged to have occurred. This appeal may only be filed within the thirty-day period beginning on the date the civil penalty order is issued. Appellant shall simultaneously send a copy of the appeal by certified mail to the Administrator or the Secretary of the Army and to the Attorney General. The Administrator or the Secretary of the Army shall promptly file in such court a certified copy of the record on which the order was issued. The district court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

"(7) COLLECTION.—If any person fails to pay an assessment of a civil penalty—

"(A) after an order is final under paragraph (3), or

"(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Administrator or the Secretary of the Army,

the Administrator or the Secretary of the Army shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus costs, attorneys' fees, and interest at currently prevailing rates from the date of the final order or the date of such final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"(8) SUBPOENA.—The Administrator or the Secretary of the Army may, in connection with administrative proceedings under this subsection, issue subpoenas compelling the attendance and testimony of witnesses and subpoenas duces tecum, and may request the Attorney General to bring an action to enforce any subpoena under this section. The district courts shall have jurisdiction to enforce such subpoenas and impose sanctions.".

(e) Section 309(c) of the Clean Water Act is amended to read as follows:

"(c)(1) Any person who (A) negligently violates section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or any requirement imposed in a pretreatment program approved under section 402(a)(3) and (b)(8) of this Act or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State, or who (B) negligently introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage, or, other than in compliance with all applicable Federal, State or local requirements or permits, causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under section 402 of this Act by the Administrator or a State, shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both.

"(2) Any person who (A) knowingly violates section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or any requirement imposed in a pretreatment program approved under section 402 (a)(3) and (b)(8) of this Act or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State, or who (B) knowingly introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage, or, other than in compliance with all applicable Federal, State or local requirements or permits, causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under section 402 of this Act by the Administrator or a State, shall be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three years, or by both.

"(3)(A) Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State, and who knows at that time that he thereby places another person in imminent

danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than fifteen years, or both. A defendant that is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than $1,000,000.

"(B) For the purpose of subparagraph (A) of this paragraph—

"(i) In determining whether a defendant who is a natural person knew that his conduct placed another person in imminent danger of death or serious bodily injury—

"(I) the person is responsible only for actual awareness or actual belief that he possessed; and

"(II) knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant:

Provided, That in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relevant information.

"(ii) It is an affirmative defense to prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of—

"(I) an occupation, a business, or a profession; or

"(II) medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent. The defendant may establish an affirmative defense under this subparagraph by a preponderance of the evidence.

"(iii) The term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"(iv) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(4) Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both.

"(5) If a conviction is for a violation of paragraph (1), (2), (3), or (4) of this subsection committed after a first conviction of such person under the same paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.

"(6) For the purpose of paragraphs (1), (2), (3), and (4) the term 'person' shall mean, in addition to the definition contained in section 502(5) of this Act, any responsible corporate officer.

"(7) For the purpose of paragraphs (1) and (2), the term 'hazardous substance' shall mean (A) any substance designated pursuant to section 311(b)(2)(A) of this Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of this Act, and (E) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.".

"(8) Whenever any action is brought under this section in a court of the United States, the plaintiff shall provide a copy of the complaint to the Attorney General of the United States and to the Administrator. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator.

"(9) The Secretary shall prepare and submit a report to the Congress, not later than December 1, 1987, which shall examine and analyze various enforcement mechanisms for use by the Secretary, including an administrative civil penalty mechanism. Such report shall also examine, in consultation with the Comptroller General, the efficacy of the Secretary's existing enforcement authorities, and shall make recommendations for improvements in their operation.".

PARTIAL NPDES PROGRAM APPROVAL

SEC. 110. (a) Section 402(b) of the Clean Water Act is amended by—

(1) inserting ", or part of a permit program in accordance with paragraph (10) of this subsection," immediately after "its own permit program" in the first full sentence; and

(2) adding at the end thereof the following new paragraph:

"(10) In the event a Governor submits a plan to administer part of a permit program, the Administrator may approve such plan upon a showing that—

"(A)(i) the plan provides for administration of permit program components which represent a significant and identifiable part of the State program authorized by this section; and

"(ii) the plan provides for and the State agrees to make all reasonable efforts to assume administration of the remainder of the program by a specified future date not to exceed five years from submission of the State's initial plan; or

"(B)(i) the plan provides for administration of a permit program for one or more discharge categories such as Federal facilities, municipal or industrial categories, or any other category of dischargers which represent a significant and identifiable part of the permit program in the State; and

"(ii) the plan covers all categories of discharges under the jurisdiction of the State agency or department responsible for administering the plan and represents a complete permit program for all categories of discharges contained in the plan. For purposes of the preceding sentence, 'a complete permit program,' means one for which adequate authority exists to carry out each of the activities listed in paragraphs (1) through (9) of this subsection.".

(b) Section 402(c)(1) of the Clean Water Act is amended by striking "as to those navigable waters" and inserting in lieu thereof "as to those activities and discharges".

(c) Section 402(c) of the Clean Water Act is amended by adding a new paragraph (4) as follows:

"(4) In the event a determination is made (A) by a State to return administration of the program to the Administrator or (B) by the Administrator to withdraw approval pursuant to paragraph (3) of this subsection, return of administration or withdrawal of approval may only be made of the entire program currently being administered by the State.".

JUDICIAL REVIEW AND AWARD OF FEES

SEC. 111. (a) Section 509(b)(1) of the Clean Water Act is amended by (1) striking the phrase "transacts such business" and inserting in lieu thereof, "transacts business which is directly affected by such action"; and (2) striking "ninety" and "ninetieth" and inserting in lieu thereof "one hundred and twenty" and "one hundred and twentieth", respectively.

(b) Section 509(b) of the Clean Water Act is amended by adding at the end thereof the following new paragraphs:

"(3)(A) If applications for review of the same agency action have been filed under paragraph (1) of this subsection in two or more Circuit Courts of Appeals of the United States and the Administrator has received written notice of the filing of one or more applications within thirty days or less after receiving written notice of the filing of the first application, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that applications have been filed in two or more Circuit Courts of Appeals of the United States, and shall identify each court for which he has written notice that such applications have been filed within thirty days or less of receiving written notice of the filing of the first such application. Pursuant to a system of random selection devised for this purpose, the Administrative Office thereupon shall, within three business days of receiving such written notice from the Administrator, select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the Circuit Court of Appeals of the United States which remanded such action.

"(B) Where applications have been filed under paragraph (1) of this subsection in two or more Circuit Courts of Appeals of the United States with respect to the same agency action and the record has been filed in one of such courts pursuant to paragraph (3)(A), the other courts in which such applications have been filed shall promptly transfer such applications to the Circuit Court of Appeals of the United States in which the record has been filed. Pending selection of a court pursuant to paragraph (3)(A), any court in which an application has been filed under paragraph (1) of this subsection may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed.

"(C) Any court in which an application with respect to any agency action has been filed under paragraph (1) of this subsection,

including any court selected pursuant to paragraph (3)(A), may transfer such application to any other Circuit Court of Appeals of the United States for the convenience of the parties or otherwise in the interest of justice.

"(4) In any judicial proceeding under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party whenever it determines that such award is appropriate.".

(c) Section 505(d) of the Clean Water Act is amended by inserting "prevailing or substantially prevailing" before "party" in the first sentence thereof.

NONPOINT SOURCE POLLUTION

SEC. 112. (a) Title III of the Clean Water Act is amended by adding the following new section:

"NONPOINT SOURCE POLLUTION MANAGEMENT PROGRAM

"SEC. 319. (a)(1) Each State, by itself or in combination with adjacent States, shall, after notice and opportunity for public comment, submit to the Administrator, within eighteen months after the date of enactment of the Clean Water Act Amendments of 1985, a proposed nonpoint source pollution management program which shall—

"(A) identify those waters within its boundaries which without additional action to control nonpoint sources of pollution cannot reasonably be expected to attain or maintain (i) applicable water quality standards, or (ii) the goals and requirements of the Act;

"(B) designate categories or subcategories of nonpoint sources of pollutants or, where appropriate, particular nonpoint sources, that contribute significant pollution loadings to the waters identified under subparagraph (A);

"(C) identify best management practices which will be undertaken to reduce pollutant loadings resulting from each category, subcategory or particular nonpoint source designated under subparagraph (B), taking into account the impact of the proposed practice on ground water quality;

"(D) identify programs (including, as appropriate, nonregulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects) to achieve implementation of the best management practices by the categories, subcategories, and particular nonpoint sources designated under subparagraph (B);

"(E) include a schedule containing annual milestones for (i) utilization of the program implementation methods identified in subparagraph (D), and (ii) implementation of the best management practices identified in subparagraph (C) by the categories, subcategories, or particular nonpoint sources designated under subparagraph (B). Such schedule shall provide for utilization of the program implementation methods and implementation of best management practices at the earliest practicable date;

"(F)(i) include a statement from the attorney general of such State or States (for the attorney for those State water pollution control agencies which have independent legal counsel) that the laws of such State or States, as the case may be, provide adequate authority to carry out the described program, or what additional authorities would be necessary to do so, and (ii) if this statement identifies additional needed authorities, include a schedule and commitment by the State to seek such authorities as expeditiously as practicable; and

"(G) include an identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their effect on water quality pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine whether such assistance applications or development projects would be consistent with and further the purposes and objectives of the program prepared under this subsection. For the purposes of this paragraph, identification shall not be limited to the assistance programs or development projects subject to the Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's nonpoint source pollution management program.

"(2) In developing the nonpoint source management program required by this section, the State (A) may rely upon information developed pursuant to sections 208, 303(e), 304(f), 305(b), and 314, and other information as appropriate, and (B) may utilize appropriate elements of the waste treatment management plans developed pursuant to section 208(b), to the extent such elements are consistent with and fulfill the requirements of this section.

"(3) In developing and implementing the management program described in this subsection, a State may make use of local agencies or organizations.

"(b)(1) Within six months of the date of receipt of a proposed nonpoint source management program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's proposed management program meets the requirements of subsection (a)(1) of this section.

"(2) If the Administrator determines that the proposed management program does not meet the requirements of subsection (a)(1) of this section, he shall within six months of receipt of the proposed program notify the State of any revisions or modifications necessary to obtain approval. The State shall thereupon have an additional three months to submit its revised management program and the Administrator shall approve or disapprove such revised program within three months of receipt.

"(3) Pursuant to paragraph (1) or (2) of this subsection, the Administrator shall approve those State management programs that he determines meet the requirements of subsection (a)(1) of this section.

"(4) If the Administrator fails to approve the State management program pursuant to paragraph (1) of this subsection or fails to notify the State of necessary revisions pursuant to paragraph (2) of this subsection within six months of receipt of the State program, or if he fails to approve or disapprove the program pursuant to paragraph (2) of this subsection within three months of receipt of the revised program, the program shall be deemed to have been approved by the Administrator.

"(c) If a State fails to submit a nonpoint source pollution management program that the Administrator determines meets the requirements of subsection (a)(1) of this section, the Administrator shall notify such State, and within thirty months after the date of enactment of the Clean Water Act Amendments of 1985, after consultation with appropriate Federal and State agencies and other interested persons, carry out the requirements of subsections (a)(1) (A) and (B) of this section for such State. Upon completion of this requirement, the Administrator shall report to Congress on his actions pursuant to this section.

"(d)(1) The Administrator shall award grants, subject to such terms and conditions as the Administrator considers appropriate, to assist States in the implementation of management programs which have been approved pursuant to subsection (b) of this section. Such grants shall not exceed 75 per centum of the costs of implementing the program in any fiscal year and shall be made on condition that non-Federal sources provide at least 25 per centum of the costs that receive funding under this subsection.

"(2)(A) Two-thirds of the funds appropriated in any fiscal year for grants under this section shall be made available for allotment to the several States in accordance with the following table:

State	Percentage allotment
Alabama	1.56
Alaska	.50
Arizona	1.95
Arkansas	1.43
California	6.37
Colorado	2.19
Connecticut	.68
Delaware	.50
District of Columbia	.50
Florida	2.66
Georgia	2.04
Hawaii	.50
Idaho	1.20
Illinois	4.03
Indiana	2.07
Iowa	2.39
Kansas	2.78
Kentucky	1.32
Louisiana	1.56
Maine	.55
Maryland	1.03
Massachusetts	1.25
Michigan	2.67
Minnesota	2.43
Mississippi	1.40
Missouri	2.44
Montana	2.46
Nebraska	2.26
Nevada	1.78
New Hampshire	.50
New Jersey	1.62
New Mexico	1.93
New York	4.22
North Carolina	1.90
North Dakota	2.14
Ohio	3.14
Oklahoma	2.05
Oregon	1.75
Pennsylvania	2.97
Rhode Island	.50
South Carolina	1.09
South Dakota	1.94
Tennessee	1.50
Texas	8.08
Utah	1.36
Vermont	.50
Virginia	1.60
Washington	1.58
West Virginia	.60
Wisconsin	1.90
Wyoming	1.39
Guam	.10
Northern Marianas	.10
Pacific Trust Territories	.10
Puerto Rico	.72

Samoa	.10
Virgin Islands	.10
Total	100.00

"(B) One-third of the funds appropriated in any fiscal year for grants under this section shall be made available to the Administrator who shall make grants in response to applications from States if the Administrator determines such grants are necessary and appropriate to assist such States in—

"(i) controlling particularly difficult or serious nonpoint source pollution problems, including, but not limited to, problems resulting from mining activities;

"(ii) implementing innovative methods or practices for controlling nonpoint sources of pollution, including both regulatory or nonregulatory programs where the Administrator deems appropriate;

"(iii) controlling interstate nonpoint source pollution problems;

"(iv) assessing the relationship between nonpoint source pollution and ground water contamination; or

"(v) providing financial assistance for implementation by an Indian tribe, within the reservation, of an approved management program: *Provided*, That any such Indian tribe shall be subject to all terms and conditions of this section applying to a State. Financial assistance to any one reservation under this clause shall not exceed one-third of 1 per centum of the total amount appropriated for grants for each year.

"(3) The funds allotted to the States pursuant to paragraph (2)(A) of this subsection for a fiscal year shall remain available for obligation for the fiscal year for which appropriated. The amount of any such allotments not obligated by the end of such fiscal year and any unobligated funds remaining under paragraph (2)(B) of this subsection shall be reallotted by the Administrator for the next fiscal year on the basis of the table in paragraph (2)(A).

"(4) States may use funds from grants made pursuant to this section for financial assistance to persons only to the extent that such assistance is related to the costs of demonstration projects.

"(5) No grant shall be made to a State under this section unless the Administrator determines, on the basis of information provided by the State and from other relevant sources, that the State is implementing the program satisfactorily in terms of the requirements and objectives of this section.

"(6) No grant shall be made under this section to any State in any fiscal year in which the expenditure of non-Federal funds by such State for purposes comparable to the activities assisted by this section are less than the average level of such expenditures in the two fiscal years of such State next preceding the date of enactment of the Clean Water Act Amendments of 1985.

"(7) The Administrator may request such information, data, and reports as he may deem necessary to make the determination of continuing eligibility for grants under this section.

"(8) For the purpose of this section, there are authorized to be appropriated, to remain available until expended, $70,000,000 for the fiscal year ending September 30, 1986, $100,000,000 for the fiscal year ending September 30, 1987, and $130,000,000 for the fiscal year ending September 30, 1988.

"(e) Each State shall report to the Administrator on an annual basis concerning (1) its progress in meeting the schedule of milestones submitted pursuant to subsection (a)(1)(E) of this section, and (2) to the extent that appropriate information is available, reductions in nonpoint source pollutant loading and improvements in water quality resulting from implementation of the management program.

"(f) The Administrator shall—

"(1) transmit to the Office of Management and Budget and the appropriate Federal departments and agencies a list of those assistance programs and development projects identified by each State under subsection (a)(1)(G) for which individual assistance applications and projects will be reviewed pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983. Beginning not later than sixty days after receiving notification by the Administrator, each Federal department and agency shall modify existing regulations to allow States to review individual development projects and assistance applications under the identified Federal assistance programs and shall accommodate, according to the requirements and definitions of Executive Order 12372, as in effect on September 17, 1983, the concerns of the State regarding the consistency of such applications or projects with the State nonpoint source pollution management program;

"(2) collect and make available, through publications and other appropriate means, information pertaining to management practices and implementation methods, including, but not limited to, (A) information concerning the costs and relative efficiencies of best management practices for reducing nonpoint source pollution; and (B) available data concerning the relationship between water quality and implementation of various management practices to control nonpoint sources of pollution; and

"(3) submit to the Congress, within thirty-six months of enactment of the Clean Water Act Amendments of 1985, a report which on the basis of information submitted by the States pursuant to subsections (a) and (e) of this section, and other information as appropriate:

"(A) describes the management programs being implemented by the States by types and amount of affected waters, categories and subcategories of nonpoint sources, and types of best management practices being implemented;

"(B) describes the experiences of the States in adhering to schedules and implementing best management practices;

"(C) describes the amount and purpose of grants awarded pursuant to subsection (d) of this section;

"(D) identifies, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the waters of the United States; and

"(E) indicates what further actions need to be taken to attain and maintain in those waters (i) applicable water quality standards and (ii) the goals and requirements of the Act.".

(b) Section 304(k)(1) of the Clean Water Act is amended by inserting after the word "Act" the following: "and nonpoint source pollution management programs approved under section 319 of this Act.".

(c) Section 205(j) of the Clean Water Act is amended by adding the following new paragraph:

"(5) In addition to the sums reserved under paragraph (1), the Administrator shall reserve each fiscal year for each State 1 per centum of the sums allotted and available for obligation to such State under this section for each fiscal year beginning on or after October 1, 1986, or $100,000, whichever is greater, for the purpose of carrying out section 319 of this Act. Sums so reserved in a State in any fiscal year for which such State does not request the use of such sums, to the extent such sums exceed $100,000, may be used by such State for other purposes under this title.".

NATIONAL ESTUARY PROGRAM

SEC. 113. Title III of the Clean Water Act is amended by adding at the end thereof the following new section:

"NATIONAL ESTUARY PROGRAM

"SEC. 320. (a)(1) Whenever the Administrator determines that the attainment and maintenance of the chemical, physical, and biological integrity of an estuary requires the interstate or international control of sources of pollution to supplement existing controls, the Administrator shall convene, for a period not to exceed five years, an estuarine management conference, to—

"(A) assess trends in water quality, natural resources, and uses of the estuary;

"(B) collect, characterize, and assess data on toxics, nutrients, and natural resources within the estuarine zone to identify the causes of environmental problems;

"(C) develop the relationship between the inplace loads and point and nonpoint loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality, and natural resources;

"(D) develop a comprehensive conservation and management plan that recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;

"(E) develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the conference;

"(F) monitor the effectiveness of actions taken pursuant to the plan; and

"(G) review any Federal financial assistance program or federal development project subject to the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of any plan prepared under this section. For purposes of this subparagraph, these programs and projects shall not be limited to the assistance programs or development projects subject to Executive Order 12372, but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of any plan developed pursuant to this section.

"(b) The members of a management conference convened under this section shall include, at a minimum, the Administrator and representatives of—

"(1) each State and foreign nation located in whole or in part in the estuarine zone of the estuary for which the conference is convened;

"(2) international, interstate, or regional agencies having jurisdiction over all or a significant part of the estuary;

"(3) each interested Federal agency, as determined appropriate by the Administrator;

"(4) local governments within the estuarine zone, as determined appropriate by the Administrator; and

"(5) affected industries, public and private educational institutions and the general public in the estuarine zone.

"(c) Prior to developing a comprehensive conservation and management plan under this section, the management conferees shall survey and use existing reports, data, and studies as well as local master or regional plans relating to the estuary that have been developed by or made available to Federal, interstate, international, State, or local agencies.

"(d)(1) Not later than ninety days after the completion of a conservation and management plan, the Administrator shall, if the plan satisfies the purposes of this section and the affected Governor or Governors concur, approve such plan.

"(2) Upon approval of a conservation and management plan under this section, funds authorized to be appropriated under titles II and VI and section 319 of this Act may be used in accordance with the applicable requirements of this Act, to assist States with the implementation of such plan.

"(e) There are authorized to be appropriated to the Administrator not to exceed $12,000,000 per fiscal year for each of the fiscal years 1986, 1987, 1988, and 1989, for:

"(1) expenses related to the administration of management conferences under this section, not to exceed 10 per centum of the amount appropriated under this paragraph;

"(2) grants to State, interstate or regional water pollution control agencies for research, surveys, studies, monitoring, modeling, and other technical work necessary for the development of a conservation and management plan under this section: *Provided*, That such grants shall not exceed 75 per centum of the costs of such technical work and shall be made on condition that non-Federal sources provide at least 25 per centum of the costs that receive funding under this paragraph; and

"(3) the costs of monitoring the implementation of a conservation and management plan. Such monitoring shall be done by the management conference or, in any case in which the conference has expired or been terminated, by the Administrator. The Administrator shall provide up to $5,000,000 per fiscal year of the sums authorized to be appropriated under this subsection to the Administrator of the National Oceanic and Atmospheric Administration to carry out tasks assigned under subsection (g).

"(f) Any State, interstate, or regional agency that receives a grant under subsection (e) shall report to the Administrator not later than eighteen months after receipt of such grant and biennially thereafter on the progress being made under this section.

"(g)(1) In order to determine the need to convene a management conference under this section or at the request of such a management conference, the Administrator shall coordinate and implement, through the National Marine Pollution Program Office and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, as appropriate, for one or more estuarine zones—

"(A) a long-term program of trend assessment monitoring measuring variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameter which may affect estuarine zones, to provide the Administrator the capacity to determine the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment assisting in the development of (i) baseline studies which determine the state of estuarine zones and the effects of natural and anthropogenic changes, and (ii) predictive models capable of translating information on specific discharges or general pollutant loadings within estuarine zones into a set of probable effects on such zones;

"(C) a comprehensive water quality sampling program for the continuous monitoring of nutrients, chlorine, acid precipitation dissolved oxygen, and potentially toxic pollutants (including organic chemicals and metals) in estuarine zones, after consultation with interested State, local, interstate, or international agencies and review and analysis of all environmental sampling data presently collected from estuarine zones; and

"(D) a program of research to identify the movements of nutrients, sediments and pollutants through estuarine zones and the impact of nutrients, sediments, and pollutants on water quality, the ecosystem, and designated or potential uses of the estuarine zones.

"(2) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress no less often than biennially a comprehensive report on the activities authorized under this subsection including—

"(A) a listing of priority monitoring and research needs;

"(B) an assessment of the state and health of the Nation's estuarine zones, to the extent evaluated under this subsection;

"(C) a discussion of pollution problems and trends in pollutant concentrations with a direct or indirect effect on water quality, the ecosystem, and designated or potential uses of each estuarine zone, to the extent evaluated under this subsection; and

"(D) an evaluation of pollution abatement activities and management measures so far implemented to determine the degree of improvement toward the objectives expressed in subsection (a)(1)(D) of this section.

"(h) For the purposes of this section, the terms 'estuary' and 'estuarine zone' shall have the same meanings such terms have in section 104(n)(4) of this Act, except that the term 'estuarine zone' shall include those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher.".

STORMWATER RUNOFF FROM OIL AND GAS OPERATIONS

SEC. 114. Section 402(l) of the Clean Water Act is amended by inserting "(1)" after "(l)" and by adding the following new paragraph:

"(2) The Administrator shall not require a permit under this section nor impose effluent limitations, nor shall the Administrator directly or indirectly require any State to require such a permit or impose such limitations, for discharges of stormwater runoff from oil or gas exploration, production, processing, or treatment operations (including transmission pumping stations), composed entirely of flows from conveyances or systems of conveyances (including pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and not contaminated with process wastes, toxic pollutants, hazardous substances in excess of reportable quantities, or oil or grease in excess of reportable quantities.".

ANTI-BACKSLIDING

SEC. 115. (a) Section 402 of the Clean Water Act is amended by adding the following new subsection:

"(n) In the case of effluent limitations established on the basis of subsection (a)(1)(B) of this section, a permit may not be renewed, reissued or modified solely on the basis of effluent guidelines promulgated under section 304(b) subsequent to the original issuance of such permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit. If the source has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, the limitations in the renewed, reissued or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance or modification). In the case of effluent limitations established on the basis of section 301(b)(1)(C) or section 303 (d) or (e), a permit may be renewed, reissued, or modified on the basis of subsequently revised waste load allocations under section 303(d) to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit only in compliance with section 303(d)(5).".

(b) Section 402(a)(1) of the Clean Water Act is amended by inserting "(A)" after "either" and by inserting "(B)" after "this Act, or".

(c) Section 303(d) of the Clean Water Act is amended by adding the following new paragraph:

"(5)(A) For waters identified in paragraph (1)(A) where the applicable water quality standard has not yet been attained, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section may be revised only if (i) the cumulative effect of all such revised effluent limitations based on such total maximum daily load or waste load allocation will assure the attainment of such water quality standard, or (ii) the designated use which is not being attained is removed in accordance with regulations established under this section.

"(B) For waters identified in paragraph (1)(A) where the quality of such waters equals or exceeds levels necessary to protect the designated use for such waters, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section, or other permitting standard, may be revised only if such revision is subject to and consistent with the antidegradation policy established under this section.".

STORMWATER DISCHARGES

SEC. 116. (a) Section 402 of the Clean Water Act is amended by adding the following new subsection:

"(o)(1) Following the date of enactment of the Clean Water Act Amendments of 1985 and prior to October 1, 1992, the Administrator or the State (in the case of a State with a permit program approved under section 402 of this Act) shall not require a permit under this section for discharges composed entirely of stormwater, other than (A) those associated with industrial activity or a municipal separate storm sewer, or (B) those for which the Administrator or the State determines that the stormwater

discharge violates a water quality standard or is a significant contributor of pollutants to waters of the United States.

(2) Prior to October 1, 1988, the Administrator, in consultation with States with a permit program approved under section 402 of this Act, shall submit to the Congress the report of a study (i) to identify stormwater discharges or classes of stormwater discharges for which permits were not required pursuant to paragraph (1) of this subsection, and (ii) to determine, to the maximum extent practicable, the nature and extent of pollutants in such discharges. Prior to October 1, 1989, the Administrator, in consultation with States with a permit program approved pursuant to section 402 of this Act, shall submit to the Congress the report of a study setting forth procedures and methods to control stormwater discharges to the extent necessary to attain and maintain water quality standards.

SEWAGE SLUDGE

SEC. 117. (a) Section 405(d) of the Clean Water Act is amended by inserting "(1)" after "(d)", by striking "(1)", "(2)" and "(3)" and inserting in lieu thereof "(A)", "(B)" and "(C)", and by adding the following new paragraphs:

"(2)(A)(i) Not later than April 1, 1986, the Administrator shall identify those toxic pollutants which, on the basis of available information on their toxicity, persistence, concentration, mobility, or potential for exposure, may be present in sewage sludge in concentrations which may adversely affect public health or the environment, and propose regulations specifying acceptable management practices for sewage sludge containing each such toxic pollutant and establishing numerical limitations for each such pollutant for each use identified under paragraph (1)(A).

"(ii) Not later than March 1, 1987, and after opportunity for public hearing, the Administrator shall promulgate the regulations required by subparagraph (A)(i).

"(B)(i) Not later than February 1, 1987, the Administrator shall identify those toxic pollutants not identified under subparagraph (A)(i) which may be present in sewage sludge in concentrations which may adversely affect public health or the environment, and propose regulations specifying acceptable management practices for sewage sludge containing each such toxic pollutant and establishing numerical limitations for each pollutant for each such use identified under paragraph (1)(A).

"(ii) Not later than December 15, 1987, the Administrator shall promulgate the regulations required by subparagraph (B)(i).

"(C) The management practices and numerical criteria established under subparagraphs (A) and (B) shall be adequate to protect public health and the environment from any reasonably anticipated adverse effects of each pollutant. Such regulations shall require compliance no later than twelve months after their publication, unless such regulations require the construction of new pollution control technology, in which case the regulations shall require compliance as expeditiously as practicable but in no case later than two years from the date of their publication.

"(D) For purposes of this subparagraph, if, in the judgment of the Administrator, it is not feasible to prescribe or enforce a numerical limitation for a pollutant identified under this paragraph, the Administrator may instead promulgate a design, equipment, management practice, or operational standard, or combination thereof, which in the judgment of the Administrator is adequate to protect public health and the environment from any reasonably anticipated adverse effects of such pollutant.

"(E) Prior to the promulgation of the regulations required by subparagraphs (A) and (B), the Administrator shall impose conditions in permits issued to publicly owned treatment works under section 402 of this Act or take such other measures as the Administrator deems appropriate to protect public health and the environment from any adverse effects which may occur from toxic pollutants in sewage sludge.

"(F) Nothing in this section authorizes the establishment of any requirement or time for compliance which is less stringent than required by any other law.".

(b) Section 405(e) of the Clean Water Act is amended to read as follows:

"(e) The determination of the manner of disposal or use of sludge is a local determination, except that it shall be unlawful for any person to dispose of sludge from a publicly owned treatment works or any other treatment works treating primarily domestic sewage (but not including privately owned treatment works operated in conjunction with industrial manufacturing and processing facilities) for any use for which regulations have been established pursuant to subsection (d) of this section, except in accordance with such regulations.".

(c) Section 405 of the Clean Water Act is further amended by adding at the end thereof the following:

"(f)(1) Any permit issued under section 402 of this Act to a publicly owned treatment works or any other treatment works treating primarily domestic sewage (but not including privately owned treatment works operated in conjunction with industrial manufacturing and processing facilities) shall include requirements for the use and disposal of sludge that implement the regulations established pursuant to subsection (d) of this section, unless such requirements have been included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, part C of the Safe Drinking Water Act, the Marine Protection, Research and Sanctuaries Act of 1972, or the Clean Air Act, or under State permit programs approved by the Administrator, where the Administrator determines that such programs assure compliance with any applicable requirements of this section. Not later than December 15, 1985, the Administrator shall promulgate procedures for approval of State programs pursuant to this paragraph.

"(2) In the case of a treatment works described in paragraph (1) that is not subject to section 402 of this Act and to which none of the other above listed permit programs nor approved State permit authority apply, the Administrator may issue a permit to such treatment works solely to impose requirements for the use and disposal of sludge that implement the regulations established pursuant to subsection (d) of this section. The Administrator shall include in the permit appropriate requirements to assure compliance with the regulations established pursuant to subsection (d) of this section. The Administrator shall establish procedures for issuing permits pursuant to this paragraph.".

(d)(1) Section 308(a)(4) of the Clean Water Act is amended by inserting "405," before the phrase "and 504".

(2) Section 505(f) of the Clean Water Act is amended by striking "or" where it appears before "(6)", and inserting before the period a semicolon and the following: "or (7) a regulation under section 405(d) of this Act,".

(3) Section 509(b)(1)(E) of the Clean Water Act is amended by striking "or 306" and inserting in lieu thereof "306, or 405".

INTERSTATE DISPUTE RESOLUTION

SEC. 118. (a) Section 402(d)(2) of the Clean Water Act is amended by inserting "(A)" after "(2)", by striking "(A)" and "(B)" and inserting in lieu thereof "(i)" and "(ii)" respectively, and by adding the following subparagraph:

"(B) In the case of the failure of any State to accept the recommendations of another State whose waters may be affected by the issuance of a permit, submitted in accordance with subsection (b)(5), the Administrator shall determine within 90 days following written objection to the Administrator by the State whose recommendations were not accepted, whether any substantial violation of a water quality requirement (including any standard) of the affected State or adverse effect on public health of the affected State will result from the issuance of such permit. If the Administrator so determines, the Administrator shall object to the issuance of such permit or provide specific modifications to such permit. Any such determination shall be provided in writing to the affected State and such determination or such objection shall be reviewable in the appropriate Circuit Court of Appeals under section 509(b) of this Act as the issuance or denial of a permit under section 402.".

(b) Section 402(b)(1) of the Clean Water Act is amended by adding the following:

"(E) shall be reconsidered for termination or modification at any time a State other than that in which the source is located provides notice that the permitted discharge is causing a substantial violation of a water quality requirement (including any standard) of such State or adversely affecting the public health of such State and seeks a modification of such permit;".

(c) Section 511 of the Clean Water Act is amended by adding a new subsection (e) as follows:

"(e) Any State or municipality the water quality of which is adversely affected by pollutants from another State may petition the Administrator who, upon determining on the record after opportunity for Agency hearing pursuant to 5 U.S.C. 554, 556, and 557 that such pollution is causing a substantial violation of a water quality requirement (including any standard) of such State or adversely affecting the public health of such State, shall issue an order within 90 days restraining any person causing or contributing to such pollution or providing such other relief as is appropriate, taking into account the goals and requirements of this Act and other equitable considerations. In no case shall such order or other relief based solely on this subsection supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws. This subsection shall not apply in any case in which section 402(d)(2)(B) or section 402(b)(1)(F) is available, or section 402(d)(2)(B) or section 402(b)(1)(E) apply to any pollution which is subject to the Colorado River Basin Salinity Control Act, nor to any water pollution which results from emissions from mobile or stationary sources which are regulated under the Clean Air Act.".

PRESERVATION OF OTHER RIGHTS

SEC. 119. (a) Section 505(e) of the Clean Water Act is amended by inserting "(1)" after "(e)" and by adding the following new paragraphs:

"(2) Nothing in this Act shall affect or modify in any way the liabilities of any person under other Federal statutes for damages caused by noncompliance with any requirement of this Act or any permit issued under this Act.

"(3) In any case involving the application of State common or statutory law to an instance where a discharge of pollutants arising in another State is alleged to have an adverse effect on the public health or welfare or the attainment of any water quality requirement of such State or municipality, a State or municipality shall be considered a citizen of such State for the purpose of filing an action in, or seeking removal to, a Federal district court to section 1332 of title 28, United States Code.".

(b) The amendments made by this section shall not apply in any dispute involving claims of interstate water pollution, wherein a State or municipality is the defending party, which is pending as of the enactment of this Act (or has been finally adjudicated), and on which the Supreme Court of the United States has rendered a decision.

AD VALOREM TAX DEDICATION

SEC. 120. For the purposes of complying with section 204(b)(1) of the Clean Water Act, the ad valorem tax user charge system of the Town of Hampton, New Hampshire, shall be deemed to have been dedicated as of December 27, 1977. The Administrator of the Environmental Protection Agency shall review such ad valorem tax user charge system for compliance with the remaining requirements of section 204(b)(1) and related regulations of the Agency.

LIMITATION ON DISCHARGE OF RAW SEWAGE BY NEW YORK CITY

SEC. 121. (a)(1) If the wastewater treatment plant identified in the consent decree as the North River plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1986, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any thirty-day period than an amount equal to thirty times the average daily amount of raw sewage discharged from such drainage area during the twelve-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1986 (as determined by the Administrator of the Environmental Protection Agency), except as provided in subsection (b).

(2) If the wastewater treatment plant identified in the consent decree as the Red Hook plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1987, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any thirty-day period than an amount equal to thirty times the average daily amount of raw sewage discharged from such drainage area during the twelve-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1987 (as determined by the Administrator of the Environmental Protection Agency), except as provided in subsection (b).

(b)(1) In the event of any significant interruption in the operation of the North River plant or the Red Hook plant caused by an event described in subparagraph (A), (B), or (C) of paragraph (5) occurring after the applicable deadline established under subsection (a), the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a) with respect to such plant, but only to such extent and for such limited period of time as may be reasonably necessary for the city of New York to resume operation of such plant.

(2) In the event that the volume of precipitation occurring after the applicable deadline established under subsection (a) causes the discharge of raw sewage to exceed the limitation under subsection (a), the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a) with respect to either or both such plants, but only to such extent and for such limited period of time as the Administrator determines to be necessary to take into account the increased discharge caused by such volume of precipitation.

(3) In the event that an increase in discharges from the North River drainage area constituting a violation of subsection (a)(1) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1986, is not responsible for such violation, the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a)(1), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(4) In the event that an increase in discharges from the Red Hook drainage area constituting a violation of subsection (a)(2) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1987, is not responsible for such violation, the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a)(2), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(5) The Administrator of the Environmental Protection Agency shall extend either deadline under paragraph (1) or (2) of subsection (a) to such extent and for such limited period of time as may be reasonably required to take into account any—

(A) act of war,

(B) unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight, or

(C) other circumstances beyond the control of the city of New York, such circumstances not to include (i) the unavailability of Federal funds under section 201 of the Federal Water Pollution Control Act, (ii) the unavailability of funds from the city of New York or the State of New York, or (iii) a policy decision made by the city of New York or the State of New York to delay the achievement of advanced preliminary treatment at the North River plant or Red Hook plant beyond the applicable deadline in subsection (a).

(c) Except as otherwise provided in subsection (b), any violation of subsection (a) shall be considered to be a violation of section 301 of the Federal Water Pollution Control Act, and all provisions of such Act relating to violations of such section 301 shall apply.

(d) For purposes of this section, the "consent decree" is the consent decree entered into by the Environmental Protection Agency, the city of New York, and the State of New York, on December 30, 1982, relating to construction and operation of the North River and Red Hook wastewater treatment plants.

(e) The Administrator of the Environmental Protection Agency shall work with the city of New York to eliminate the discharge of raw sewage by such city at the earliest practicable date.

(f) Nothing in this section shall be construed as modifying the terms of the consent decree.

(g) It is the sense of the Congress that the Administrator of the Environmental Protection Agency should not agree to any further modification of the consent decree with respect to the schedule for achieving advanced preliminary treatment.

(h)(1) The provisions of this section shall remain in effect with respect to the North River drainage area until such time as the North River plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(2) The provisions of this section shall remain in effect with respect to the Red Hook drainage area until such time as the Red Hook plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(i) The Administrator of the Environmental Protection Agency shall promptly establish and carry out a program for the monitoring activities which may be required under subsection (a). The Administrator of the Environmental Protection Agency shall establish the methodologies, data base, and any other information required for making determinations under subsection (b) for the North River drainage area (as defined in the consent decree) by July 31, 1986, unless the requirements of subsection (h)(1) have been satisfied, and for the Red Hook drainage area (as defined by the consent decree) by July 31, 1987, unless the requirements of subsection (h)(2) have been satisfied. In carrying out such program, if the Administrator finds that a violation of subsection (a) has occurred, the Administrator shall also determine, within thirty days after such finding, whether a provision of subsection (b) applies. If the Administrator requires information from the city of New York in order to determine whether a provision of subsection (b) applies, the Administrator shall request such information. If the city of New York does not supply the information requested by the Administrator, the Administrator shall determine that subsection (b) does not apply. The city of New York shall be responsible only for such expenses as are necessary to provide such requested information. Enforcement action pursuant to subsection (c) shall be commenced at the end of such thirty days unless a provision of subsection (b) applies.

CHESAPEAKE BAY

SEC. 122. Title I of the Clean Water Act is amended by adding at the end thereof the following new section:

"CHESAPEAKE BAY

"SEC. 117. (a) The Administrator shall continue the Chesapeake Bay Program and shall establish and maintain in the Environ-

mental Protection Agency an Office, Division, or Branch of Chesapeake Bay Programs to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information pertaining to research and other activities that address the environmental quality of the Chesapeake Bay (hereinafter 'the Bay');

"(2) coordinate all Federal research projects pertaining to the Bay;

"(3) conduct research to determine the impact of sediment deposition in the Bay and to identify the sources, rates, routes, and distribution patterns of such sediment deposition; and

"(4) conduct research on the impact of natural and man-induced environmental changes on the living resources of the Bay and the relationships between such changes. Particular emphasis shall be placed on researching the impact of pollutant loadings of nutrients, chlorine, acid precipitation, dissolved oxygen, and toxic pollutants, including organic chemicals and heavy metals. Special attention shall be given to the impact of such changes on the striped bass.

"(b)(1) The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay Program (hereinafter 'the plan'), make a grant for the purpose of implementing the management mechanisms contained in the plan if such State has, within one year after the date of enactment of the Clean Water Act Amendments of 1985, approved and committed to implement all or substantially all aspects of the plan. Payments for such purpose may be made to the States as hereinafter provided, subject to such terms and conditions as the Administrator considers appropriate.

"(2) A State or combination of States may elect to avail itself of the benefits of this subsection by submitting to the Administrator a comprehensive proposal to implement management mechanisms contained in the plan which shall include (A) a description of proposed abatement actions which the State commits to take within a specified time period to reduce pollution in the Bay and to meet applicable water quality standards, and (B) the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of this Act and will contribute to the achievement of the national goals set forth in section 101(a) of this Act he shall approve such proposal and shall finance the costs of implementing segments of such proposal; except that Federal grants under this subsection shall not exceed 55 per centum of the costs of implementing the plan in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the plan during such fiscal year.

"(3) Administrative costs in the form of salaries, overhead or indirect costs for services provided and charged against programs or projects supported by funds made available under this subsection shall not exceed in any one fiscal year 10 per centum of the annual Federal grant made to a State under this subsection.

"(c) Any State or combination of States that receives a grant under subsection (b) shall, within eighteen months after the date of receipt of a Federal grant under subsection (b) and biennially thereafter, report in conjunction with the Administrator to the Congress on progress made in implementing the interstate management plan developed pursuant to the Chesapeake Bay Program.

"(d) There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section:

"(1) $3,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, to carry out subsection (a); and

"(2) $10,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, to carry out subsection (b).".

GREAT LAKES

SEC. 123. (a) Title I of the Clean Water Act is further amended by adding the following new section:

"GREAT LAKES

"SEC. 118. (a) DEFINITIONS.—For the purposes of this section, the term—

"(1) 'Agency' means the Environmental Protection Agency;

"(2) 'Great Lakes' means Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border);

"(3) 'Great Lakes System' means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes;

"(4) 'Program Office' means the Great Lakes National Program Office established by this section; and

"(5) 'Research Office' means the Great Lakes Research Office established by subsection (d).

"(b) GREAT LAKES NATIONAL PROGRAM OFFICE.—The Great Lakes National Program Office (previously established by the Administrator) is hereby established within the Agency. The Program Office shall be headed by a Director who, by reason of management experience and technical expertise relating to the Great Lakes, is highly qualified to direct the development of programs and plans on a variety of Great Lakes issues. The Great Lakes National Program Office shall be located in a Great Lakes State.

"(c) GREAT LAKES MANAGEMENT.—(1) The Program Office shall—

"(A) in cooperation with appropriate Federal, State, tribal, and international agencies, and in accordance with section 101(e) of this Act, develop and implement specific action plans to carry out the responsibilities of the United States under the Great Lakes Water Quality Agreement of 1978;

"(B) establish a Great Lakes system-wide surveillance network to monitor the water quality of the Great Lakes, with specific emphasis on the monitoring of toxic pollutants; and

"(C) serve as the liaison with, and provide information to, the Canadian members of the International Joint Commission and the Canadian counterpart to the Agency.

"(2) The Program Office shall develop, in consultation with the states, a five-year plan and program for reducing the amount of nutrients introduced into the Great Lakes. Such program shall incorporate any management program for reducing nutrient runoff from nonpoint sources established under section 319 of this Act and shall include a program for monitoring nutrient runoff into, and ambient levels in, the Great Lakes.

"(3) The Program Office shall carry out a five year study and demonstration projects relating to the control and removal of toxic pollutants in the Great Lakes, with emphasis on the removal of toxic pollutants from bottom sediments.

"(4) To the extent practicable, the Agency's annual budget submission to Congress, shall include a funding request for the Program Office as a separate budget line item.

"(5) Within ninety days after the end of each fiscal year, the Administrator shall submit to the Congress a comprehensive report which—

"(A) describes the achievements in the preceding fiscal year in implementing the Great Lakes Water Quality Agreement of 1978 and shows by categories (including judicial enforcement, research, State cooperative efforts, and general administration) initiatives in such preceding fiscal year;

"(B) describes the progress made in such preceding fiscal year in implementing the system of surveillance of the water quality in the Great Lakes system, including the monitoring of groundwater and sediment, with particular reference to toxic pollutants;

"(C) describes the long-term prospects for improving the condition of the Great Lakes; and

"(D) provides a comprehensive assessment of the planned efforts to be pursued in the succeeding fiscal year for implementing the Great Lakes Water Quality Agreement of 1978. The assessment shall show by categories the amount anticipated to be expended on Great Lakes water quality initiatives in the fiscal year to which the assessment relates. The assessment shall also include a report of current programs administered by other Federal agencies which make available resources to the Great Lakes management efforts.

"(d) GREAT LAKES RESEARCH.—

"(1) There is established within the National Oceanic and Atmospheric Administration the Great Lakes Research Office.

"(2) the Research Office shall identify issues relating to the Great Lakes resources on which research is needed. The Research Office shall submit a report on such issues prior to the end of each fiscal year which shall identify any changes in the Great Lakes system with respect to such issues.

"(3) The Research Office shall identify and inventory Federal, State, university, and tribal environmental research programs, and to the extent feasible, those of private organization and other nations, relating to the Great Lakes system, and shall update that inventory every four years.

"(4) The Research Office shall establish a Great Lakes research exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning research projects which are on-going or completed and which affect the Great Lakes System.

"(5) The Research Office shall develop, in cooperation with the Program Office, a comprehensive environmental research program and data base for the Great Lakes System. The data base shall include, but not be limited to, data relating to water quality, fisheries, and biota.

"(6) The Research Office shall conduct, through the Great Lakes Environmental Research Laboratory, the National Sea Grant College Program, and other Federal laborites, and the private sector, appropriate research and monitoring activities which address priority issues and current needs relating to the Great Lakes.

"(7) The Great Lakes Research Office shall be located in a Great Lakes State.

"(e) RESEARCH AND MANAGEMENT COORDINATION.—

"(1) Prior to October 1 of each year, the Program Office and the Research Office shall prepare a joint research plan for the fiscal year which begins the following calendar year.

"(2) Each plan prepared under paragraph (1) shall—

"(A) identify all proposed research dedicated to activities conducted under the Great Lakes Water quality Agreement of 1978;

"(B) include the Agency's assessment of priorities for research needed to fulfill the terms of such agreement; and

"(C) identify all proposed research that may be used to develop a comprehensive environmental data base for the Great Lakes System and establish priorities for development of such data base.

"(f) INTERAGENCY COOPERATION.—The head of each department, agency, or other instrumentality of the Federal Government which is engaged in, is concerned with, or has authority over programs relating to research, monitoring, and planning to maintain, enhance, preserve, or rehabilitate the environmental quality and natural resources of the Great Lakes, including the Chief of Engineers of the Army, the Chief of the Soil Conservation Service, the Commandant of the Coast Guard, the Director of the Fish and Wildlife Service, and the Administrator of the National Oceanic and Atmospheric Administration shall submit an annual report to the Administrator with respect to the activities of that agency or office affecting compliance with the Great Lakes Water Quality Agreement of 1978.

"(g) RELATIONSHIP TO EXISTING FEDERAL AND STATE LAWS AND INTERNATIONAL TREATIES.—Nothing contained in this section shall be construed to affect the jurisdiction, powers, or prerogatives of any department, agency, or officer of the Federal Government or of any State government, or of any tribe, nor any powers, jurisdiction, or prerogatives of international bodies created by treaty with authority relating to the Great Lakes.

"(h) AUTHORIZATIONS OF GREAT LAKES APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $10,000,000 per fiscal year for the fiscal years 1986, 1987, 1988, 1989 and 1990. Of such amounts as are appropriated each fiscal year—

"(1) 50 per centum shall be used for the Great Lakes National Program Office demonstration projects on the feasibility of controlling and removing toxic pollutants;

"(2) 7 per centum shall be used for the Great Lakes National Program Office's program of nutrient monitoring; and

"(3) 30 per centum shall be used for the Great Lakes Research Office.".

(b) Section 517 of the Clean Water Act is amended by inserting "118," immediately after "115".

CLEAN LAKES

SEC. 124. Section 314(a) of the Clean Water Act is amended to read as follows:

"(a)(1) Each State shall prepare a report on a biennial basis which shall include—

"(A) an identification and classification according to eutrophic condition of all publicly owned lakes in such State;

"(B) a list and description of those publicly owned lakes for which uses are known to be impaired, including those lakes which are known to not meet applicable water quality standards, or which require implementation of protection programs to maintain compliance with applicable standards; and

"(C) a description of the State programs and methods to control sources of pollution of lakes and protect the quality of lakes.

"(2) The report provided for in paragraph (1) shall be included in the report required under section 305(b) of this Act.

"(3) A State must submit a report in accord with paragraph (1) in order to receive a grant under this section.".

LAKE PEND OREILLE STUDY

SEC. 125. The Administrator shall conduct a comprehensive study of the causes of increasing pollution in Lake Pend Oreille and its tributaries. In such study, the Administrator shall attempt to identify any upstream or local permitted or other discharges and the source of such discharges. In conducting this study, the Administrator should take into account any previous studies that will assist in carrying out the provisions of this subsection, and report to Congress the findings and recommendations of the study.

CONSTRUCTION AND OPERATION OF LOG TRANSFER FACILITIES

SEC. 126. (a) Not later than October 12, 1985, the Administrator and the Secretary of the Army shall enter into an agreement to designate a lead agency and to process permits required under section 402 and section 404 of the Clean Water Act, where both such sections apply, for discharges associated with the construction and operation of log transfer facilities.

(b) The requirements of sections 301(a) and 402(a) of the Clean Water Act shall be stayed until October 12, 1985, or until an agreement is entered into under subsection (a), whichever is earlier, for discharge associated with such facilities, except discharges of dredged or fill material.

(c) Such agreement shall be developed to assure that, to the maximum extent practicable, duplication, needless paperwork and delay in the issuance of permits, and inequitable enforcement between and among facilities in different States, shall be eliminated.

(d) Where both sections 402 and 404 of that Act apply, log transfer facilities that have received a permit under section 404 of that Act prior to the date of enactment of this section shall not be required to submit a new application for a permit under section 402 of this Act. If the Administrator determines that the terms of an existing permit under section 404 of that Act satisfies the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of that Act, a separate application for a permit under section 402 shall not be required. In any case where the Administrator demonstrates, after an opportunity for a hearing, that the terms of an existing permit under section 404 of that Act do not satisfy the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of that Act, modifications to the existing permit under section 404 of that Act to incorporate such applicable requirements shall be issued by the Administrator as an alternative to issuance of a separate new permit under section 402 of that Act.

(e) For the purpose of this section, the term "log transfer facility" means a facility which is constructed in whole or in part in waters of the United States, and which is utilized for the purpose of transferring commercially harvested logs to or from a vessel or log raft, including the formation of a log raft.

TITLE II—CONSTRUCTION GRANT AMENDMENTS

CONSTRUCTION GRANT AUTHORIZATION

SEC. 201. (a) Section 207 of the Clean Water Act is amended by striking out the period at the end thereof and adding the following: "; and to carry out this title, other than sections 206(e), 208, and 209, subject to such amounts as are provided in appropriation Acts, for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not to exceed $2,400,000,000; and for each of the fiscal years ending September 30, 1989, and September 30, 1990, not to exceed $1,200,000,000.".

(b) Section 205(e) of the Clean Water Act is amended by striking, ", 1979, 1980, 1981, 1982, 1983, 1984, and 1985" in the first and second sentences and inserting in each place in lieu thereof "through 1994".

ALLOCATION

SEC. 202. Section 205(c) of the Clean Water Act is amended by adding the following new paragraphs:

"(3) Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1986, 1987, and 1988 shall be allotted for each such year by the Administrator not later than the tenth day which begins after the date of enactment of the Clean Water Act Amendments of 1985. Sums authorized for such fiscal years shall be allotted in accordance with the following table:

States:

Alabama	.012442
Alaska	.007321
Arizona	.012442
Arkansas	.008002
California	.061966
Colorado	.009785
Connecticut	.012442
Delaware	.005001
District of Columbia	.005958
Florida	.044973
Georgia	.014649
Hawaii	.007440
Idaho	.005958
Illinois	.039186
Indiana	.020001
Iowa	.012614
Kansas	.011041
Kentucky	.014975
Louisiana	.014314
Maine	.009346
Maryland	.020955
Massachusetts	.036028
Michigan	.037255
Minnesota	.015925
Mississippi	.012442
Missouri	.025305
Montana	.005411
Nebraska	.006257
Nevada	.005958
New Hampshire	.012442
New Jersey	.048642
New Mexico	.005958
New York	.096132
North Carolina	.016094
North Dakota	.004658
Ohio	.048776
Oklahoma	.009882
Oregon	.011794
Pennsylvania	.034320
Rhode Island	.007428
South Carolina	.013337
South Dakota	.005958
Tennessee	.016597
Texas	.053634
Utah	.006445
Vermont	.005958
Virginia	.017732

Washington	.020533
West Virginia	.013507
Wisconsin	.023423
Wyoming	.005359
American Samoa	.000778
Guam	.000564
Northern Marianas	.000531
Puerto Rico	.012582
Pacific Trust Territory	.001403
Virgin Islands	.000462

"(4) Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1989 and 1990 shall be allotted for each such year by the Administrator not later than the tenth day which begins after the date of enactment of the Clean Water Act Amendments of 1985. Sums authorized for such fiscal years shall be alloted in accordance with the following table:

States:	
Alabama	.012500
Alaska	.007563
Arizona	.012500
Arkansas	.011714
California	.058321
Colorado	.010503
Connecticut	.012500
Delaware	.005801
District of Columbia	.009172
Florida	.045181
Georgia	.014570
Hawaii	.007440
Idaho	.007272
Illinois	.036881
Indiana	.019653
Iowa	.012672
Kansas	.012337
Kentucky	.015044
Louisiana	.014380
Maine	.009772
Maryland	.019722
Massachusetts	.036195
Michigan	.035063
Minnesota	.014988
Mississippi	.012500
Missouri	.025422
Montana	.005411
Nebraska	.007467
Nevada	.006805
New Hampshire	.012500
New Jersey	.048867
New Mexico	.006814
New York	.090478
North Carolina	.016168
North Dakota	.004658
Ohio	.045906
Oklahoma	.012223
Oregon	.011794
Pennsylvania	.032302
Rhode Island	.007428
South Carolina	.013399
South Dakota	.006400
Tennessee	.016674
Texas	.053882
Utah	.012486
Vermont	.006581
Virginia	.016689
Washington	.028665
West Virginia	.012712
Wisconsin	.022322
Wyoming	.005359
Samoa	.000732
Guam	.000567
Northern Marianas	.000533
Puerto Rico	.012640
Pacific Trust Territories	.001409
Virgin Islands	.000464".

CHICAGO TUNNEL AND RESERVOIR PROJECT

SEC. 203. Section 201(g)(1) of the Clean Water Act is amended by adding the following sentence: "The Chicago tunnel and reservoir project may receive grants under the previous sentence without regard to the limitation contained therein, if the Administrator determines that such project meets the cost-effectiveness requirements of sections 217 and 218 without any redesign or reconstruction, and the Governor of the affected State demonstrates to the satisfaction of the Administrator the water quality benefits of such project.".

ELIGIBILITIES AFTER 1990

SEC. 204. (a) Section 202(a)(1) of the Clean Water Act is amended by striking out the period at the end thereof and adding the following: ", for any such grants made before October 1, 1990.".

(b) Section 204(c) of the Clean Water Act is amended by inserting "awarded a grant before October 1, 1990," after the words "such facility and interceptors".

(c) Section 205(g)(1) of the Clean Water Act is amended by striking "October 1, 1985" and inserting in lieu thereof "October 1, 1994".

DESIGN/BUILD PROJECTS

SEC. 205. Section 203 of the Clean Water Act is amended by adding at the end thereof the following new subsection:

"(f)(1) An applicant from a State allowing use of this subsection who proposes to construct waste water treatment works may enter into an agreement with the Administrator under this subsection providing for the preparation of construction plans and specifications and the erection of such treatment works, in lieu of proceeding under the other provisions of this section.

"(2) Agreements under this subsection shall be limited to projects which are, under an approved facility plan:

"(A) treatment works that have an estimated total cost of $8,000,000 or less; and

"(B) any of the following types of waste water treatment systems: aerated lagoons, trickling filters, stabilization ponds, land application systems, sand filters, and subsurface disposal systems.

"(3) An agreement entered into under this subsection shall—

"(A) set forth an amount agreed to as the maximum Federal contribution to the project, based upon a competitively bid document of basic design data and applicable standard construction specifications and a determination of the federally eligible costs of the project at the applicable Federal share under section 202 of this Act;

"(B) set forth dates for the start and completion of construction of the treatment works by the applicant and a schedule of payments of the Federal contribution to the project;

"(C) contain assurances by the applicant that (i) engineering and management assistance will be provided to manage the project; (ii) the proposed treatment works will be an operable unit and will meet all the requirements of this title; and (iii) not later than one year after the date specified as the date of completion of construction of the treatment works, the treatment works will be operating so as to meet the requirements of any applicable permit for such treatment works under section 402 of this Act;

"(D) require the applicant to obtain a bond from the contractor in an amount determined necessary by the Administrator to protect the Federal interest in the project; and

"(E) contain such other terms and conditions as are necessary to assure compliance with this title (except as provided in paragraph (4) of this subsection).

"(4) Subsections (a), (b), and (c) of this section shall not apply to grants made pursuant to this subsection.

"(5) The Administrator shall reserve a portion of the grant to assure contract compliance until final project approval as defined by the Administrator. If the amount agreed to under paragraph (3)(A) exceeds the cost of designing and constructing the treatment works, the Administrator shall reallot the amount of the excess to the State in which such treatment works are located for the fiscal year in which such audit is completed.

"(6) Not more than 25 percent of the amount allotted to a State for any fiscal year under section 205 of this Act shall be obligated for grants pursuant to this subsection.

"(7) The Administrator will determine an allowance for facilities planning for projects constructed under this subsection in accordance with section 201(l).

"(8) In any case in which the recipient of a grant made pursuant to this subsection does not comply with the terms of the agreement entered into under paragraph (3), the Administrator is authorized to take such action as may be necessary to recover the appropriate amount of the Federal contribution to the project.

"(9) A recipient of a grant made pursuant to this subsection shall not be eligible for any other grants under this title.".

INNOVATIVE AND ALTERNATIVE PROJECTS

SEC. 206. Section 205(i) of the Clean Water Act is amended to read as follows:

"(i) Not less than one-half of 1 per centum of funds allotted to a State for each of the fiscal years ending September 30, 1979, through September 30, 1990, under subsection (c) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works utilizing innovative processes and techniques pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the preceding sentence, a total of 2 per centum of the funds allotted to a State for each of the fiscal years ending September 30, 1979, and September 30, 1980, and 3 per centum of the funds allotted to a State for the fiscal year ending September 30, 1981, under subsection (c) of this section shall be expended only for increasing grants for construction of treatment works pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the first sentence of this subsection, a total (as determined by the Governor of the State) of not less than 4 per centum nor more than 7½ per centum of the funds allotted to such State under subsection (c) of this section for each of the fiscal years ending September 30, 1982, through September 30, 1990, shall be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 202(a)(2) of this Act.".

MARINE CSO'S AND ESTUARIES

SEC. 207. Section 205 of the Clean Water Act is amended by adding the following new subsection:

"(l) The Administrator shall reserve each fiscal year beginning after September 30, 1985, 1 per centum (during fiscal years 1986, 1987, and 1988) or 1½ percentum (during fiscal years 1989 and 1990) of the sums appropriated under section 207, prior to allotment among the States under subsection (c) of this section. Of the sums reserved under this subsection, two-thirds shall be available to address water quality problems of marine bays and estuaries subject to lower levels of water quality due to the impacts of discharges from combined storm water and

sanitary sewer overflows from adjacent urban complexes, and one-third shall be available for the implementation of section 320 of this Act. Sums so reserved shall be subject to the period of availability for obligation established under subsection (d) of this section.".

INDIAN TRIBES

SEC. 208. (a) Title II of the Clean Water Act is amended by adding the following new section:

"INDIAN TRIBES

"SEC. 220. (a) The Administrator, in cooperation with the Director of the Indian Health Service, shall assess the need for sewage treatment works to serve Indian tribes, the degree to which such needs will be met through funds allotted to States under section 205 of this Act and priority lists in accordance with section 216 of this Act, and any obstacles which prevent such needs from being met. The Administrator shall submit a report to the Congress for such assessment no later than one year after the enactment of the Clean Water Act Amendments of 1985.

"(b) Beginning with fiscal year 1987, the Administrator is authorized to reserve each fiscal year up to one-half of one per centum of the sums appropriated under section 207, prior to allotment among the States under section 205(e), based on the determination of unmet needs reported under subsection (a). Sums reserved under this subsection shall be available for grants to provide sewage treatment works to serve Indian tribes.

"(c) The Administrator is authorized to make special provision for the treatment of Indian tribes under this title, including the treatment of Indian tribes as States to the degree necessary to carry out the purposes of this section. Such special provision may include the direct provision of funds reserved under subsection (b) to the governing bodies of Indian tribes, and the determination of priorities by Indian tribes, where not determined by the Administrator in cooperation with the Director of the Indian Health Service. The Administrator is authorized to reduce the non-Federal share otherwise required under section 202 with respect to Indian tribes, as determined by the Administrator in cooperation with the Director of the Indian Health Service.".

(b) Section 502 of the Clean Water Act is amended by adding the following new paragraph:

"(20) the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community (including any Alaska Native village, as defined in section 113(g), but not including any Alaska Native regional or village corporation) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 208. The Clean Water Act is amended by adding at the end thereof the following new title:

"TITLE VI—GRANTS FOR WATER POLLUTION CONTROL REVOLVING FUNDS

"AUTHORIZATION, ALLOTMENT, AWARD, AND PAYMENT

"SEC. 601. (a) There are hereby authorized to be appropriated the following sums to carry out the purposes of this title:

"(1) $1,200,000,000 per fiscal year for the fiscal years 1989 and 1990;

"(2) $2,400,000,000 for the fiscal year 1991;

"(3) $1,800,000,000 for the fiscal year 1992;

"(4) $1,200,000,000 for the fiscal year 1993; and

"(5) $600,000,000 for the fiscal year 1994.

"(b) For fiscal years 1989 and 1990, sums appropriated to carry out this title for each fiscal year shall be allotted by the Administrator in accordance with section 205(c) of this Act.

"(c) Sums allotted to the States for a fiscal year shall be available for a grant award under subsection (d) during the fiscal year for which authorized. The amount of any allotment not obligated by the end of such fiscal year shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted under title II of this Act for the next fiscal year, except that none of the funds reallotted by the Administrator will be allotted to any State which failed to obligate any of the funds being reallotted.

"(d) If a State has entered into a grant agreement with the Administrator as provided in section 602 of this title, the Administrator is authorized to make a capitalization grant to the State from funds available for obligation under this title.

"(e) From funds obligated for a given fiscal year pursuant to subsection (d) of this section, quarterly installment payments shall be made in accordance with the schedule of payments established under section 602(b)(2) of this title.

"(f) If the Administrator determines that a State has not complied with agreements under section 602, or requirements of this title, the Administrator shall notify the State of such noncompliance and the necessary corrective action. If the State does not take such corrective action by the sixtieth day after the date the State receives notice, the Administrator shall withhold additional payments to the State until the Administrator is satisfied that the State has taken the necessary corrective action.

"(g) If the Administrator is not satisfied that adequate corrective actions have been taken by the State within twelve months of the notice provided under subsection (f) of this section, the payments withheld by the Administrator shall be made available for reallotment under subsection (c) of this section.

"CAPITALIZATION GRANT AGREEMENTS WITH STATES

"SEC. 602. (a) To receive a capitalization grant under this title, a State shall enter into an agreement with the Administrator which shall include but not be limited to the specifications set forth in subsection (b) of this section.

"(b) The Administrator shall enter into an agreement with a State only after the State has established to the satisfaction of the Administrator that—

"(1) the State has established a Water Pollution Control Revolving Fund, as defined in section 603 of this title;

"(2) the State has agreed to accept grant payments under this title in accordance with a payment schedule established by the Administrator, and has agreed to deposit all such payments in the dedicated revolving fund;

"(3) the State has deposited in the fund or has agreed to deposit in the fund, from State moneys, an amount equal to at least 15 per centum of the total of all capitalization grants, so that such necessary matching deposits are made no later than the date of each grant payment under the provisions of paragraph (2) of this subsection;

"(4) the State has agreed to make binding loan commitments in an amount equal to 100 per centum of the amount of the grant payments within one year of the receipt of the quarterly payment of such funds;

"(5) the State has made adequate assurances through submission of an intended use report under section 604(c) of this title that (A) all funds available in the Water Pollution Control Revolving Fund will be committed in an expeditious and timely manner, (B) treatment works projects that are constructed in whole or in part prior to fiscal year 1995 with funds directly made available by capitalization grants under this title or section 205(m) to the State Water Pollution Control Revolving Fund will meet the same requirements applicable to grant projects funded under title II, and (C) such funds will first be used to assure maintenance of progress in the completion of all projects needed to meet the enforceable deadlines, goals, and requirements of this Act;

"(6) in addition to meeting the requirements of this title, the State has made assurances that it will commit or expend the payments so received in accordance with laws and procedures applicable to the commitment or expenditure of revenue of the State;

"(7) in carrying out the requirements of section 604 of this title, the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;

"(8) the State will require as a condition of making a loan that recipients will maintain project accounts in accordance with generally accepted government accounting standards; and

"(9) the State will make annual reports to the Administrator on the actual use of funds in accordance with section 604(d) of this title.

"STATE WATER POLLUTION CONTROL REVOLVING FUNDS

"SEC. 603. (a) To be eligible for an award of a grant under section 601 of this title, each State shall establish a Water Pollution Control Revolving Fund, administered by an instrumentality of the State with powers and limitations including those specified in subsections (b), (c), and (d) of this section.

"(b) The amounts of funds available to the Water Pollution Control Revolving Fund shall be dedicated solely to providing financial assistance (1) to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works (as defined in section 212(2) of title II of this Act) and (2) for the implementation of management programs established under sections 319 and 320. The fund shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for this purpose.

"(c) The instrumentality of the State administering the Water Pollution Control Revolving Fund shall be authorized to use the fund to make loans, on the condition that—

"(1) such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

"(2) annual principal payments shall commence not later than one year after completion of any project and all loans shall be fully amortized not later than twenty years after project completion;

"(3) the recipient of a loan shall establish a dedicated source of revenue for repayment of loans; and

"(4) the fund shall be credited with all repayment of principal and interest on all loans.

"(d) Except as otherwise limited by State law, a Water Pollution Control Revolving Fund may be used—

"(1) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at or below market rates, where such debt obligations were incurred after March 7, 1985;

"(2) to guarantee, or purchase insurance for, local obligations where such action would improve credit market access or reduce interest rates;

"(3) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of such bonds are deposited in the Water Pollution Control Revolving Fund;

"(4) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;

"(5) to earn interest on fund accounts; and

"(6) for the reasonable costs of administering the fund and conducting activities under this title provided that such amounts shall not exceed 4 per centum of all grant awards to such fund under section 601(d).

"AUDITS, REPORTS, AND FISCAL CONTROLS

"SEC. 604. (a) Each State electing to establish a Water Pollution Control Revolving Fund under this title shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for—

"(1) payments received by the fund;

"(2) disbursements made by the fund; and

"(3) fund balances at the beginning and end of the accounting period.

"(b) The Administrator shall conduct, or require each State to have conducted, not less than annually, an independent audit to review the operations of each Water Pollution Control Revolving Fund. Such audits shall be conducted by an entity independent of the State, and in accordance with the Comptroller General's standards for auditing government organizations, programs, activities, and functions. An audit under this subsection shall be completed in such time and manner as deemed necessary or appropriate by the Administrator to carry out the purposes of this title.

"(c)(1) Each State shall, on an annual basis, prepare a plan on the intended uses of the amounts available to the fund. The plan shall include—

"(A) a description of the short and long term goals and objectives of the State's Water Pollution Control Revolving Fund;

"(B) information on the activities to be supported, including a description of project categories, discharge requirements under titles III and IV, terms of financial assistance, and communities served;

"(C) assurances and specific proposals for meeting the requirements of section 602(b)(4) and (5) of this title; and

"(D) the criteria and method established for the distribution of funds.

"(2) To meet the requirements of this subsection and to facilitate comments from interested local governments and persons on the use of funds, a State may adapt or use priority systems and lists developed under section 216 of this Act.

"(d) Beginning the first fiscal year after the receipt of payments under section 601(e) of this title, the State shall provide an annual report to the Administrator describing how the State has met the goals and objectives for the previous fiscal year as identified in the plan prepared for the previous fiscal year pursuant to subsection (c) of this section, including identification of loan recipients, loan amounts, and loan terms.

"(e) The Administrator shall conduct an annual review of each State plan and report prepared under subsections (c) and (d) of this section, and other such materials as are considered necessary and appropriate in carrying out the purposes of this title. After reasonable notice by the Administrator to the State or the recipient of a loan from a Water Pollution Control Revolving Fund, the State or loan recipient shall make available to the Administrator records the Administrator reasonably requires to review and determine compliance with this title.".

STATE-OPTION TO USE TITLE II FUNDS

SEC. 210. Section 205 is amended by adding a new subsection as follows:

"(m)(1) The Administrator is authorized to award from funds available for obligation during each fiscal year ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, September 30, 1991, September 30, 1992, September 30, 1993, and September 30, 1994, a capitalization grant to a State for the purpose of capitalizing a Water Pollution Control Revolving Fund established in compliance with title VI of this Act, where the Governor requests such action in accordance with paragraph (2) of this subsection.

"(2) No later than thirty days after the date of enactment of this Act with respect to funds available for obligation in the fiscal year beginning October 1, 1985, and not less than ninety days prior to the start of each of the fiscal years 1987, 1988, 1989, 1990, 1991, 1992, 1993, and 1994, a State shall provide notice of its intent to use all or a portion of the funds available for obligation in that fiscal year as a capitalization grant for a Water Pollution Control Revolving Fund under title VI of this Act.

"(3) Any sum made available to a State's Water Pollution Control Revolving Fund under this subsection shall be in addition to any funds otherwise allotted to that State under section 601(b) during any fiscal year.".

REPORT TO CONGRESS

SEC. 211. Section 516 of the Clean Water Act is amended by adding at the end thereof the following new subsection:

"(f) The Administrator shall submit to the Congress by February 10, 1990, a report on the financial status and operations of Water Pollution Control Revolving Funds established by the States in accordance with title VI of this Act. The Administrator, in cooperation with the States, including water pollution control agencies and other water pollution control planning and financing agencies, shall include in such report the following:

"(1) an inventory of the facilities that are in significant noncompliance with the enforceable requirements of this Act;

"(2) an estimate of the cost of construction for such facilities that require construction to meet such requirements;

"(3) an assessment of the availability of sources of funds for financing such needed construction, including an estimate of the amount of funds available for loans through September 30, 1999, from the Water Pollution Control Revolving Funds established by the States under title VI of this Act;

"(4) an assessment of the operations, loan portfolio and loan conditions of Water Pollution Control Revolving Funds established by the States under title VI of this Act;

"(5) an assessment of the effect on user charges of the assistance provided by Water Pollution Control Revolving Funds established by the States under title VI, compared to assistance under title II of this Act; and

"(6) an assessment of the efficiency of the operation and maintenance of treatment works constructed with financial assistance under titles II and VI of this Act.".

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CHAFEE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I do commend, Mr. President, the distinguished Senator from Rhode Island [Mr. CHAFEE] and the distinguished Senator from Maine [Mr. MITCHELL] for their very professional handling of the clean water bill. They managed the bill with skill. They demonstrated a clear understanding with respect to the contents of the bill. They were patient and cooperative with other Members who had amendments.

They brought to fruition the enactment of a good piece of legislation. Others of us would hope to emulate the demonstrated prowess of these two fine Senators as we observed them in the managership of this important legislation.

Mr. SIMPSON. Mr. President, I certainly concur in those remarks. They are well-deserved and well-served. They are appreciated by the assistant majority leader.

SCHEDULE

Mr. BYRD. Mr. President, I take the floor at this time—at least, to be recognized at this time—to ask the distinguished majority leader what he has in mind for the remainder of this day and whether there will be a session tomorrow, and if so, what might be taken up, and also with respect to Monday and Tuesday.

Mr. DOLE. Mr. President, I hope that we will take up the Nuclear Regulatory Commission bill within the next few minutes. It is my understanding that there will not be a request for a rollcall vote. If anybody feels compelled to ask for the yeas and nays, please identify yourself, and we will have you carried away. [Laughter.]

In any event, if there is no request for a rollcall vote, that will be the final vote this evening.

We will not be in session tomorrow if we can reach an agreement, which I believe we can, that on Monday we would take up the EPCA bill, with a time agreement which I understand has been worked out between the Senator from Idaho and the Senator from

Ohio, and that the votes on that measure would come at 2 o'clock on Tuesday.

So if we can work this out, there will be no session tomorrow. There will be no votes on Monday. The votes would come on Tuesday.

In addition, on Tuesday, if we can work it out, we will take up the Statue of Liberty coin bill. I understand there is some objection to an amendment I have with the distinguished Senator from California. I am prepared to withhold that amendment if we can accommodate the other Senators. That is a possibility.

The Small Business Administration authorization bill is a possibility on Tuesday. The NOAA oceans authorization bill is a possibility on Tuesday. The consumer products safety authorization bill is a possibility on Tuesday.

These are all bills which are in the process of being worked out. There will be some debate, but we probably can dispose of those four measures without a great deal of time being consumed.

There is also a possibility that on Tuesday we would lay down the McClure-Volkmer gun bill.

Then, of course, there is considerable interest in the supplemental appropriations bill, which will come up sometime next week.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. DOLE. I ask the distinguished minority leader if he thinks there is a pretty good chance of getting the Monday agreement.

Mr. BYRD. I do. There is a good chance.

Mr. DOLE. I understand that the principals are on the floor.

Mr. BYRD. Mr. President, does the distinguished majority leader have a copy of the agreement?

Mr. DOLE. Yes.

Mr. BYRD. I believe we are prepared to put that before the Senate, if the distinguished majority leader would care to do so.

TIME AGREEMENT ON S. 979

Mr. DOLE. Mr. President, if we may have order, we can do that, and Senators will know that they are protected on Monday.

I ask unanimous consent that at 1 p.m. on Monday, June 17, the Senate proceed to the consideration of S. 979, the Energy Policy and Conservation Act, and that it be considered under the following time agreement:

Three hours and thirty minutes of debate on the bill and amendments, to be equally divided between the chairman of the Energy Committee and the ranking minority member or their designees, unless otherwise indicated;

Seventy-five minutes on a Bradley amendment dealing with emergency financial response, with 45 minutes under the control of Senator BRADLEY and 30 minutes under the control of the majority manager, or their designees;

Seventy-five minutes on a Metzenbaum amendment dealing with antitrust and breach of contract defenses, with 45 minutes under the control of Senator METZENBAUM and 30 minutes under the control of the majority manager, or their designees.

Thirty minutes on a Byrd amendment dealing with the Department of Energy report on coal imports;

Twenty minutes on a Cranston amendment dealing with appliance efficiency standards;

Also, that no other amendments be in order, that there be no time for debatable motions, appeals, or points of order, if so submitted to the Senate, and that the agreement be in the usual order.

Mr. President, I am advised that after debate on the Cranston amendment, that amendment would be withdrawn.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

I have just seen this agreement; and if the distinguished majority leader will allow me just a minute or so, I will make sure that certain loopholes are protected against surprise amendments which may not be relevant or germane and which might catch all Senators by surprise.

Mr. DOLE. I appreciate that comment.

I am quite optimistic that we can reach a time agreement, but until we do, Members will not be certain about Monday's program. Perhaps we can do that this evening.

I am prepared to say at this time, based on what I believe can be done, that there will be no session of the Senate on tomorrow and there will be no more votes this evening.

We will have an agreement with respect to Monday; and if that is done, the votes on that and any amendments thereon would be put over until Tuesday at 2 o'clock.

Mr. BYRD. Mr. President, I have no problem with this. I certainly do not imply that anyone present intends to call up an amendment, but this would be for the protection of the distinguished majority leader as well as our side.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the bill, S. 1128, which was just passed by the Senate, be printed as passed.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I take this brief opportunity to thank the distinguished managers of the clean water bill, the distinguished Senator from Rhode Island [Mr. CHAFEE], the chairman, and his counterpart, the distinguished Senator from Maine [Mr. MITCHELL], the ranking minority member of the committee.

They were presented some rather difficult controversial amendments. They were able to work those out by working late last evening and starting early this morning.

I commend all Members for their cooperation and courtesy, and also commend the staff for their excellent work on this measure just passed.

Mr. CHAFEE. Mr. President, I thank the majority leader for those kind comments. Particularly, I reiterate his comment regarding the staff. The staffs on both sides were extremely helpful, and, of course, the managers on the other side, Senator MITCHELL and Senator BENTSEN, were tremendously effective and cooperative in every way, and I am grateful to them and, of course, to the chairman of our full committee, Senator STAFFORD.

Mr. SIMPSON. Mr. President, I also wish to express my thanks to Senator CHAFEE and Senator MITCHELL for the excellent work they did on the bill which emanated from our committee, the committee upon which the group has done a tremendous job, and I appreciate the courtesy and patience they extended to me in that process with regard to the amendment with regard to section 404.

NUCLEAR REGULATORY COMMISSION AUTHORIZATION ACT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar item No. 130, S. 895, the Nuclear Regulatory Commission.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 895) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike out all after the enacting clause and insert the following:

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1986 AND 1987

SEC. 101. There are hereby authorized to be appropriated to the Nuclear Regulatory Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974, for the fiscal years 1986 and 1987 to remain available until expended, $437,000,000 for fiscal year 1986 and $437,000,000 for fiscal year 1987.

SEC. 102. (a) The sums authorized to be appropriated in this Act for fiscal years 1986 and 1987 shall be allocated as follows:

(1) not more than $91,000,000 for fiscal year 1986 and $91,000,000 for fiscal year

1987, may be used for "Nuclear Reactor Regulation", of which amounts the Commission shall expend such sums as may be necessary for—

(A) the resolution of medium priority generic safety issues, and

(B) a pilot Integrated Safety Assessment Program;

(2) not more than $95,780,000 for fiscal year 1986 and $95,780,000 for fiscal year 1987, may be used for "Inspection and Enforcement";

(3) not more than $41,660,000 for fiscal year 1986 and $41,660,000 for fiscal year 1987, may be used for "Nuclear Material Safety and Safeguards", of which amounts the Commission shall expend such sums as may be necessary to carry out the Commission's responsibilities under the "Nuclear Waste Policy Act of 1982" (42 U.S.C. 10101 et seq.) in a timely manner;

(4) not more than $136,570,000 for fiscal year 1986 and $136,570,000 for fiscal year 1987, may be used for "Nuclear Regulatory Research", of which amounts the Commission shall expend such sums as may be necessary to carry out the Commission's responsibilities under the "Nuclear Waste Policy Act of 1982" (42 U.S.C. 10101 et seq.) in a timely manner;

(5) not more than $30,210,000 for fiscal year 1986 and $30,210,000 for fiscal year 1987, may be used for "Program Technical Support"; and

(6) not more than $41,780,000 for fiscal year 1986 and $41,780,000 for fiscal year 1987, may be used for "Program Direction and Administration".

(b) The Nuclear Regulatory Commission may use not more than one (1) per centum of the amounts authorized to be appropriated under paragraph 102. (a)(4) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such paragraph. Grants made by the Commission shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) and other applicable law.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection 102. (a) for purposes of the program referred to in such paragraph, may be reallocated by the Commission for use in a program referred to in any other paragraph of such subsection, or for use in any other activity within a program, except that the amount available from appropriations for such fiscal year for use in any program or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than $500,000 unless—

(1) a period of thirty calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) passes after the receipt by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

SEC. 103. Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

SEC. 104. From amounts appropriated to the Nuclear Regulatory Commission pursuant to this title, the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

SEC. 105. Notwithstanding any other provisions of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 106. Of the amounts authorized to be appropriated under this Act, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

TITLE II. AMENDMENT TO THE ATOMIC ENERGY ACT OF 1954

SEC. 201. Section 274 of the Atomic Energy Act of 1954, as amended, is amended by deleting the following language in paragraph (e)(1): "once each week for four consecutive weeks".

Mr. SIMPSON. Mr. President, I present this bill on behalf of myself as chairman of the Subcommittee on Nuclear Regulation and my fine friend and colleague from Colorado, Senator HART, who served with me since my time here in this fascinating arena. I served as ranking minority member while he was chairman of the subcommittee during the Three Mile Island activities, and the investigation, which he handled with great skill and fine effort, and I was pleased to be part of that. Now I serve as the chairman of the subcommittee, and he is the ranking minority member, which is eminently more fun, I might tell you. What I mean by that is that being in the majority is more fun. I appreciate the fine effort that he has made in getting this matter to the Senate, and I hope that we may dispose of it in a very brief way.

Mr. President, I am pleased to present for the consideration of the Senate S. 985, a bill authorizing funds for the Nuclear Regulatory Commission for fiscal years 1986 and 1987.

As reported from the Committee on Environment and Public Works on May 15, 1985, this bill authorizes $437 million for salaries and expenses of the Nuclear Regulatory Commission [NRC] for fiscal year 1986, $8 million above the Commission's fiscal year 1986 request of $429 million. In authorizing this amount, the committee has restored $8 million in salaries and benefits to the Commission's fiscal year 1986 request, the amount of the proposed 5-percent pay reduction for Federal employees. The authorization represents a decrease of $11,200,000 from the amount appropriated to the Commission for fiscal year 1985. The committee's recommendation includes funding for the equivalent of 3,491 permanent staff positions.

The bill also authorizes $437 million for salaries and expenses for the agency for fiscal year 1987, $23 million below the Commission's fiscal year 1987 request of $460 million. This amount reflects a freeze in the Commission's authorized funding level for fiscal year 1987 and includes funding for the equivalent of 3,491 permanent staff positions.

Our job as chairman and ranking member of the subcommittee and as the floor managers is to assure this Senate that the funds requested by the Commission are sufficient to enable the Commission to carry out its statutory responsibilities to ensure adequate protection of the public health and safety. That is the mission of this agency.

Based upon the committee's review of the Commission's request, the committee has concluded that the funds authorized in this bill, expended in a fashion consistent with the directives contained in the bill and in the committee's report, will enable the Commission to satisfy that objective in an efficient and effective fashion.

As for the particulars of the bill, Mr. President, I would like just briefly to summarize the major provisions of the bill now before the Senate.

NUCLEAR REACTOR REGULATION

The bill, as reported, authorizes $91,000,000 for fiscal year 1986 and $91,000,000 for fiscal year 1987 for the activities of the Office of Nuclear Reactor Regulation [NRR]. The proposed 5-percent cut in salaries and benefits for staff in the Office of Nuclear Reactor Regulation has been restored, totaling $2,070,000.

The Office of Nuclear Reactor Regulation's primary responsibility, Mr. President, is to ensure that the design, siting, construction, and operation of nuclear reactors adequately protect the public health and safety and the environment.

To achieve this objective, the authorization for NRR includes funding for operating reactors, operator licens-

ing, casework, safety technology, and Three Mile Island-2 cleanup.

In approving the Commission's request for fiscal year 1986, the committee is generally satisfied with the approach that the Commission has recommended for carrying out its responsibilities. The Commission's request will ensure that operating reactors are operated safely and that the licensing process for reactors under construction will not unnecessarily delay the completion, testing, and startup of such reactors.

There are two specific areas, however, where it appears that the Commission has reduced or deleted funding for programs that are important to the agency's mission.

The Commission's budget request for fiscal year 1986 deleted all funding for the Integrated Safety Assessment Program [ISAP], deferring all activity in this area until fiscal year 1987.

In the view of the committee, the Integrated Safety Assessment Program holds the potential for providing a means by which the Commission, working together with licensees, can resolve a large number of issues at an individual plant in a fashion that is disciplined and cost-effective. Moreover, the program is one to which the Commission has already devoted considerable resources, through phases I and II of the Systematic Evaluation Program [SEP], in order to enable the Commission to proceed to this next step.

Accordingly, Mr. President, the bill, as reported by the committee, directs the Commission to allocate such funds as may be necessary to carry out a pilot Integrated Safety Assessment Program.

The second area in which the Commission has proposed to delete funding is the Commission's program for the resolution of medium priority generic safety issues.

The committee is concerned that funding for the resolution of these issues has been deleted from the Commission's budget request. Although the committee recognizes that difficult choices must be made when deciding which programs to cut in a period of reduced funding, the committee is of the view that no such cuts should be made in those Commission programs necessary to protect the public health and safety. The responsibility for protecting the public health and safety is the Commission's most fundamental and important mandate. Accordingly, the bill, as reported directs the Commission to allocate such funds as may be necessary to continue the Commission's efforts in this area, in order to enable the Commission to continue to address and resolve medium priority generic safety issues.

INSPECTION AND ENFORCEMENT

The bill, as reported, authorizes $95,780,000 for fiscal year 1986 and $95,780,000 for fiscal year 1987 for the activities of the Office of Inspection and Enforcement [IE], an amount that includes funding for 1,142 permanent staff positions. The proposed 5-percent cut in salaries and benefits for staff in the Office of Inspection and Enforcement has been restored, totaling $2,890,000.

The purpose of the Commission's Inspection and Enforcement Program, Mr. President, is to ensure that facilities and materials under the NRC's jurisdiction are constructed, operated, and used in a manner that protects the public health and safety and the environment, and to take prompt and vigorous enforcement action against licensees who do not comply with NRC regulations. This program consists primarily of: One, nuclear powerplants under construction, being tested, or in commercial operation, and nonpower—test and research—reactors; two, fuel facilities and nuclear materials licensees; and three, nuclear steam system suppliers, nuclear architect-engineers, and other major nuclear system component supplies.

In the judgment of the committee the Office of Inspection and Enforcement has sufficient resources and personnel to enable it to meet its responsibilities in the above areas under the Commission's request for fiscal year 1986. Accordingly, the bill, as reported from committee, endorses the proposed programs, funding levels, and staffing levels set forth in the Commission's fiscal year 1986 request. The bill provides that funding and staff for fiscal year 1987 will remain at the fiscal year 1986 level.

NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

The bill, as reported, Mr. President, authorizes $41,660,000 for fiscal year 1986 and $41,660,000 for fiscal year 1987 for the activities of the Office of Nuclear Material Safety and Safeguards [NMSS], an amount that includes funding for 370 permanent staff positions. The proposed 5-percent cut in salaries and benefits for staff in the Office of Nuclear Material Safety and Safeguards has been restored, amounting to $930,000.

The primary objectives of the Office of Nuclear Material Safety and Safeguards are to ensure adequate protection of the public health and safety and the environment in the design, siting, construction, and operation of nuclear fuel cycle facilities, including nuclear waste storage and disposal facilities, and in the use and transportation of nuclear materials. NMSS is responsible for performing the safety, environmental, and safeguards reviews of applications for fuel cycle facility licenses, and the amendment and renewal of such licenses. NMSS is also responsible for licensing the use of nuclear materials and for regulating the design of containers used for transporting nuclear materials. In addition, NMSS is responsible for conducting reviews of the safeguards plans for power and nonpower reactors.

The Commission's request for fiscal year 1986, and the approach that the Commission has recommended for carrying out its responsibilities in the above areas, are generally satisfactory in the judgment of the committee.

There is one area, however, Mr. President—the high-level waste program—where it appears that the Commission's proposed reductions in funding would adversely affect the Commission's abilities to meet its statutory responsibilities. Accordingly, the bill, as reported, directs the Commission to allocate such funds as may be necessary to fully meet its responsibilities under the Nuclear Waste Policy Act of 1982 [NWPA].

In the Commission's testimony on its budget request for fiscal years 1986 and 1987, the Commission stated that the lack of adequate funding for the Commission's high-level waste program would, in all likelihood, result in delays in the Department of Energy's program for implementing the NWPA.

The Committee believes that these potential delays are unacceptable, Mr. President, and can and should be avoided. Accordingly, the bill directs the Commission to allocate such funds as may be necessary to ensure that the Commission's high-level waste regulatory and research activities are carried out in a timely manner.

NUCLEAR REGULATORY RESEARCH

The bill, as reported, Mr. President, authorizes $136,570,000 for fiscal year 1986 and $136,570,000 for fiscal year 1987, for the activities of the Office of Nuclear Regulatory Research [RES], an amount that includes funding for 208 permanent staff positions. The proposed 5 percent cut in salaries and benefits for staff in the Office of Nuclear Regulatory Research has been restored, amounting to $600,000.

The Office of Nuclear Regulatory Research has the responsibility and authority under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, to perform regulatory research in support of the nuclear regulatory process and improved reactor safety. The basic objective of the research program is to develop a sound and complete base of technical information on basic safety issues in order to provide an independently verified source of safety, health, and environmental information to be used together with information furnished by applicants or licensees as a basis for licensing and regulatory decisions. An important part of this activity is the development of safety data and analytical methods to support Commission rulemaking activities and policy determinations, and formulation of rules and regulatory requirements for Commission consideration.

Further reductions in funding for the NRC's Office of Research are a major cause of concern to the committee, Mr. President. Unfortunately, Mr. President, the budget request submitted by the Commission proposes further reductions in the Commission's essential research activities, notwithstanding the guidance set forth in the committee's report on the Commission's authorization for fiscal years 1984-85 (Public Law 97-415).

Continuing reductions in the Commission's research program threaten the essential nucleus of talent in the national laboratories necessary to carry out these activities. Such continued reductions raise a fundamental question as to whether it is cost effective or sensible to continue to fund a research program at all, when the ability of the Commission to provide the necessary and essential support has been decimated. The Commission's own advisory committee on reactor safeguards concluded that the Commission's proposed NRC safety research program for fiscal year 1981 is barely acceptable.

Therefore, Mr. President, the committee has authorized $136,570,000 for research activities for both fiscal years 1986 and 1987, with the proviso that no further reductions shall be taken in the research funding level established in the bill in order to fund any other programs or activities set forth in NRC's request or specified in this bill. The committee will continue to monitor the Commission's research program in careful detail. If funding for the Commission's research activities declines further, to the point where it has become difficult, if not impossible, to carry out a coherent and useful research program in support of the Commission's regulatory responsibilities, the Congress must decide what further action is appropriate and what role can and should be played by the Commission's research program.

UTILITY EMERGENCY PREPAREDNESS PLANS

Section 106 of the bill reconfirms the authority of the Nuclear Regulatory Commission to issue an operating license for a nuclear powerplant in the absence of a State or local emergency preparedness plan if it determines that there exists a utility emergency preparedness plan which provides reasonable assurance that public health and safety will not be endangered by operation of the plant.

FEDERAL REGISTER NOTICE REQUIREMENT

Finally, Mr. President, section 201 of the bill amends section 274.(e)(1) of the Atomic Energy Act of 1954 to eliminate duplicative Federal Register notices relating to the Commission's agreement State program.

This section authorizes the Commission to enter into an agreement with a State under which the Commission relinquishes its authority to regulate certain nuclear materials, upon publishing notice of such agreement once in the Federal Register. Section 274.(e)(1) of the Atomic Energy Act currently requires the Commission to publish notice of such agreements once each week for 4 consecutive weeks in the Federal Register. In proposed legislation submitted to the Congress by the Commission on March 12, 1985, Mr. President, the Commission recommended reducing the number of required Federal Register notices from four to one. According to the Commission's legislative memorandum in support of the proposed bill, this change would save the Commission approximately $13,000 each time the Commission proposes to enter into such an agreement. In the view of the committee, Mr. President, this proposed change is reasonable and will conserve limited Commission resources. This proposed approach is also consistent with the requirements of the Administrative Procedure Act and with the Commission's general practice in those areas involving notification of the public through the Federal Register. Accordingly, this section provides that such agreements can be entered into upon publication once in the Federal Register, rather than the four times currently required.

CONCLUSION

That, briefly, is a summary of the measure proposed to the Senate, Mr. President. At this moment, I do want to thank all of the members of the Committee on Environment and Public Works for their efforts to move this bill forward. I would like to pay a special note of thanks to our distinguished chairman, BOB STAFFORD, our ranking minority member, LLOYD BENTSEN, and my good friend and colleague, my ranking minority member on the Subcommittee on Nuclear Regulation, GARY HART.

Mr. STAFFORD. Mr. President, I commend the distinguished chairman of the Subcommittee on Nuclear Regulation, who also is the distinguished assistant majority leader, for his efforts and hard work in putting together S. 895, the Nuclear Regulatory Commission authorization bill for fiscal years 1986 and 1987. I also would like to thank the ranking minority members on the subcommittee and on the Committee on Environment and Public Works—Senators HART and BENTSEN—for their efforts and assistance in producing this bipartisan authorization bill for the NRC. As stated in the committee report, the bill will enable the Commission to carry out its statutory responsibilities to ensure adequate protection of the public health and safety in an efficient and effective manner.

I urge the adoption of the bill.

Mr. SIMPSON. I yield to my colleague, Senator HART.

Mr. HART. Mr. President, I urge adoption of the pending measure authorizing funds for the operation of the Nuclear Regulatory Commission for the next 2 fiscal years. In doing so, I wish to acknowledge the contribution the Senator from Wyoming, the chairman of the subcommittee, has made in the period of time since he has had the responsibility of conducting this subcommittee and bearing the brunt of the duties and obligations, the burden of overseeing this very, very important Regulatory Commission.

The Senator from Wyoming for a variety of reasons has had to bear the heaviest burden of any member of our committee in this area and he has done it with his usual extraordinarily fine legislative skill.

He might characterize that burden as fun. I would differ with him and perhaps call it interesting. But fun I do not recollect, particularly during the Three Mile Island accident.

Mr. SIMPSON. What I meant was it was fun being in the majority rather than the minority.

Mr. HART. Mr. President, I want to make only two or three remarks about the current operation of the Commission. First, as one Member of the Senate and one who has been keenly interested in and concerned about the way nuclear powerplants in this country are regulated, I find the current policy of the Commission, the effort to go back behind closed doors in the conduct of public hearings, making those more private hearings, ignoring the overwhelming importance of sunshine legislation in the seventies, to be a very serious step backward in terms of protection of public health and safety. The people of this country have a right to know what is going on in the halls of Government as it affects their lives, and I personally find the effort of the Commission to conduct more and more of its business in secret not to be in the public interest and not to be in the interest of public health and safety.

I hope Congress will take seriously these efforts and that a majority of my colleagues will make their voice known in convincing the Commission not to take this giant step backward away from Government in the sunshine and Government in the public interest.

Second, Mr. President, I have serious qualifications about the Commission's recent decisions to restart the Three Mile Island unit 1 nuclear reactor. There are still a number of unanswered questions having to do with the ability of the operating licensee to operate this plant safely. That was an experience of such traumatic impact that I think the American people and certainly the people in the region of that plant ought not to have to suffer with the possibility of it ever happening again. This Senator is not con-

vinced beyond a reasonable doubt that that reactor ought to be restarted and I think those in the area who have expressed very serious concerns, including the Governor of the State and other elected officials, ought to be listened to by this Commission more than they have been. I hope that our subcommittee and committee will continue to watch as closely as possible the operation of that reactor if it goes back on line, to protect the safety of the people in that region. I think we share in that responsibility and that burden and I know that the Senator from Wyoming feels as I do about how important this issue is.

Mr. President, I express my appreciation to my colleagues, Senators STAFFORD, BENTSEN, and SIMPSON for their efforts to move this important legislation to the floor so quickly. I can recall many a year when the specter of an NRC authorization bill meant hours of debate and consideration of a full panoply of issues.

This year, however, we are fortunate to have a focused bill that addresses several serious safety concerns, and I fully support S. 895.

As my very able colleague from Wyoming has described, the bill before us provides $437 million in authorization for both fiscal years 1986 and 1987. This funding level is $8 million above that originally requested by the NRC. This additional funding has been added because the committee did not include in the bill the administration's proposed 5 percent pay cut for Federal employees. The bill also prevents the NRC from abandoning its efforts to resolve medium level generic safety issues. While these are not the highest level of safety concerns, their importance must not be discounted. Taken as a whole, resolution of these issues will significantly improve the operational safety of nuclear reactors in this country.

In the aftermath of the accident at the Three Mile Island facility, the American public will no longer allow safety issues to be ignored. Safety is and must continue to be the first priority of Federal regulators of commercial nuclear power. If nuclear facilities are not designed, constructed, operated, and decommissioned in a safe manner, this source of energy production will not be considered viable for the future of this Nation. In all legislation relating to nuclear energy, the Senate must ensure that safety remains our overriding concern, just as it must continue to be the overriding concern of the Nuclear Regulatory Commission. This is critical to public confidence.

Unfortunately, certain recent actions by the NRC have had the effect of undercutting public confidence. In enacting both the Energy Reorganization Act of 1974, and the Government in the Sunshine Act, Congress expected the NRC to observe the laws that promote public access to its decisionmaking. The NRC's recent rules changes that restrict the definition of the term "meeting" are in my view a backward step.

The NRC has apparently found the confines of the Sunshine Act too restrictive for comfort. After chafing under the congressionally mandated requirements that meetings be conducted in the open, the NRC not only decided to soothe itself by changing the definition of what constitutes a meeting, but also decided to put that decision in place immediately.

It astounds me that the NRC fails to understand the importance of conducting its meetings and making its decisions in an open, deliberate, and well-considered fashion. Apparently, the arrows pointed at the NRC following the accident at TMI have done little to convince them that nuclear energy is different from other industries. Fear and apprehension about nuclear power remains pervasive as ever. The only reasonable response to this is to make our processes more open than ever. Now the agency wants to return to the back room, to conduct shell games with the public.

This is unacceptable and I hope further prodding from Congress will not be necessary before the Commission reconsiders this regressive, unnecessary, and counterproductive decision.

Similarly, the Commission's recent turnabout in its approach to the renewal of the Price-Anderson Act concerns me greatly.

I am informed that this policy change, like that involving the Sunshine procedures, was arrived at outside the normal course of public meetings. While the position taken by the Commission in its 1983 report, NUREG-0957, differed from my own views and those I have filed in S. 445, it certainly represented an honest attempt to introduce an innovative concept, an annual limit on liability, which deserves further consideration. I am dismayed that the majority of Commissioners who apparently are prepared to disavow the position they unanimously supported a short time ago were unable to provide persuasive reasons for this reversal during a recent hearing before Representative UDALL'S subcommittee. Those of us that believe the Price-Anderson Act's limit on liability is outmoded and in need of substantial revision look forward to seeing the position the Commission takes in upcoming hearings on this issue in the Senate.

S. 895 addresses the question of the nuclear data link, a process designed to allow NRC officials to communicate more directly with personnel at the site of a nuclear accident. As we have learned, this was a major failing of the system in place at the time of the accident at the Three Mile Island facility. Telephones were in constant use and the relay of critical messages and information was prevented. The technology to avoid this sort of problem exists and it is imperative that it be put in place in order to more effectively respond in the event of another nuclear accident.

Of particular concern to Coloradans is language directing the NRC to allocate sufficient funds to maintain its independent licensing responsibility granted under the Nuclear Waste Policy Act of 1982. Many of us remain concerned about efforts to locate, construct and operate a national repository for high level commercial nuclear wastes. In order to ensure this process works, the NRC must be able to exercise its full, independent authority to scrutinize a waste facility and ensure that facility can be properly licensed. Without resources at its disposal to perform this watchdog role, the safety of the selected repository will be doubtful. It is unrealistic and wrong to allow the Department of Energy to solely regulate itself and assure that safety remains an overriding factor in all decisions connected with the high-level waste repository program. For the time being, this Nation has promoted the commercial use of nuclear energy far beyond our ability to responsibly handle nuclear wastes. We must make certain that all activities with respect to the high-level waste program meet our highest standards of safety.

The Subcommittee on Nuclear Regulation will continue to closely scrutinize the high-level waste process for this very reason.

I might add at the outset, however, the indications are not good. Unfortunately, the Department of Energy appears preoccupied with its role as developer of a national repository and has left unaddressed many important practical considerations. For example, the DOE has largely ignored how wastes will be transported safely.

I am deeply concerned about the continuing high-level nuclear waste activities which completely exclude the impacts of transportation in and around States with potential sites. Should a site be selected in the West, many roads in Colorado will play host to this deadly cargo. This includes both treacherous mountain highways and State roads through densely populated urban areas. Yet the DOE has not looked at nor evaluated a single road in Colorado.

Needless to say, both the NRC and the DOE have a challenging task ahead in order to assure the American people that potential waste repositories can be safely licensed and operated.

Mr. President, I cannot conclude a statement on the NRC authorization bill without commenting on a recent event that brings to mind the days of

horror and fear which occurred 6 years ago this past March—the accident at Three Mile Island. We all remember too well the gnawing uncertainty that began when news of the accident first circulated. That uncertainty evolved into plain fear as the days wore on and it became increasingly apparent that no one, least of all the people operating the plant, fully understood the situation.

The NRC recently managed to bring many of these feelings back to the surface when it voted in favor of a restart of the Three Mile Island unit 1. To be sure, this is not the reactor involved in the accident. In fact, it was in cold shut down at the time of the accident at its sister reactor. For years, the utility owning the facility, General Public Utilities, has been urging the restart of unit 1. For years the Commission has been unable to decide how best to proceed and unable to make this important decision. We learned that operators had cheated on exams. We learned of serious problems of mismanagement. We learned of a generally cavalier attitude on the part of the parent company.

Unfortunately, the only resolution to some of these problems appears to have been the passage of time. So much time has passed, in fact, that the NRC has apparently forgotten what made TMI a magnet for criticism in the first place. Without a significant, demonstrable change in the ability of GPU management to responsibly operate a nuclear facility, the Commission voted to allow unit 1 to restart. Fortunately, for all of us a judge recently thought better of that decision and has provided all an opportunity to further explore the unanswered questions.

I am very concerned about this matter and the issues still under consideration by the NRC. I am hopeful this additional time will provide the Commission and the Courts and perhaps Congress an opportunity to fully explore the fitness of the operating licensee, and for balanced thinking to prevail. The people of Pennsylvania deserve at least as much and expect no less.

Mr. President, I compliment once again the Senator from Wyoming for his leadership and his balanced efforts to see that the energy needs of this country are met in a safe manner. I know he will continue to do that so long as he is in his present capacity.

I compliment him on bringing this bill forward and the staff of the committee who have worked to bring this bill forward.

Mr. BENTSEN. Mr. President, this legislation, S. 895, authorizes $437 million in fiscal years 1986 and 1987 for the Nuclear Regulatory Commission. This is $8 million more than the Commission's fiscal year 1986 request due to the elimination of the 5-percent pay cut assumed in the budget submitted to our committee.

It is also $11 million less than the level of funding last year, and represents what I believe is an appropriate balance between tightening our belts in the face of continued deficits and maintaining programs important to the Nation.

One item of particular concern was the proposed agency decrease in funding for the NRC high-level waste program initiated under the Nuclear Waste Policy Act. The NRC's role as the agency with authority to consider DOE license applications for a high-level waste repository is a critical component of the program. The Department of Energy's role under the Nuclear Waste Policy Act is to develop a high-level waste repository. States have experienced DOE's approach to this task can find solace in NRC's independent licensing function, and the public can have some assurance that a repository will be sited and built by careful design and construction—and not simply by accident.

Assuring that sufficient funds are available to the NRC to fulfill its responsibilities under the act is therefore of paramount concern. I am pleased that this authorization bill addresses this concern and provides the necessary funding.

S. 895, also addresses other safety concerns raised by the budget submitted by the agency. First, we have provided direction to the NRC that it should fund the Integrated Safety Assessment Program. ISAP offers what may be a significant step forward in safety by providing a comprehensive review of selected operating reactors, and consolidating the safety issues. Under this approach a facility can address many of its safety problems at once, rather than in a haphazard fashion. This approach should also promote more cost-effective safety changes at licensed facilities.

The NRC budget also proposed to delete funding for medium level generic safety issues. S. 895 returns the Commission to its original course of resolving these issues. While we can't say what the magnitude of safety improvement will be in resolving these issues, it is clear there will be a positive impact on safety. We all want to restrain the growth in our Federal budgets, but we cannot afford to neglect safety—particularly in our nuclear powerplants.

The Committee also adjusted the agency budget by continuing to endorse the nuclear data link, which would provide the NRC regional and central offices with the capability to communicate directly with personnel at a facility during an accident. This was one of the serious shortcomings that exacerbated the accident at the Three Mile Island Plant.

Clear and swift communication to the appropriate personnel is essential in the event of a problem, and such a communication system might quickly prove its worth in the unfortunate event of another accident. While the memory of Three Mile Island fades in the minds of many, we should be mindful of its lessons.

I am pleased with this authorization bill, and I would like to extend my appreciation to Senators STAFFORD, SIMPSON, and HART for their leadership efforts.

Mr. SIMPSON. Mr. President, let me just add that I certainly do appreciate those remarks of the Senator from Colorado. I have learned to have great, great personal regard for him, and that is very real.

But what I said was fun was that being chairman was more fun than ranking minority member. That is what I said. You see, the other is not. It is serious work. And if we did not have a sense of humor, we could not function in that because we do deal with the oversight of a critical, critical issue, and that is commercial nuclear power in the United States.

I have heard the views of the Senator from Colorado expressed on the concern about the sunshine laws and I understand those concerns. I have just recently introduced a bill to go to a single administrator in the NRC because we have a collegial body that does not "college." And with that, the people think they are being served and the public health and safety is being served and the choice is either go to a single administrator or amend the sunshine laws. And that might be a more difficult position. I saw the Senator from Florida lurking in the Chamber and he was primed to speak on that issue if we had dabbled in the sunshine laws this evening.

I know that the way we do our business together we will both look at that to see what possibilities there are for resolving that. But I pledge that I have the same deep concern that the Senator does on that.

AMENDMENT NO. 347

Mr. SIMPSON. Mr. President, on behalf of Senator DOMENICI and MCCLURE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], on behalf of Mr. DOMENICI and Mr. MCCLURE, proposes an amendment numbered 347.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title I of the bill, add the following new section:

"SEC. 107 Of the funds authorized to be appropriated pursuant to this Act, the Commission shall use such funds as may be necessary to submit to the Congress on an annual basis for the next two fiscal years, a detailed report on the licensing and regulatory objectives of the Commission for each such fiscal year. The Commission's report shall include, but is not limited to, a comprehensive statement of the actions required of the Commission and of the Commission staff, including the funds, program milestones, and all other related regulatory actions required to achieve such objectives. Such statement shall set forth a detailed description of all necessary or appropriate research programs or initiatives that must be undertaken in support of such licensing and regulatory objectives, together with an executive management plan to coordinate the conduct and completion of such research, in a fashion that will ensure that all necessary research programs or initiatives are completed in a timely and cost-effective manner, and that the results of such research programs or initiatives provide the necessary support for the licensing and regulatory objectives established by the Commission in its report."

Mr. DOMENICI. Mr. President, the amendment I am offering today is a simple one. It requires the Commission to submit an annual report on their regulatory and licensing objectives for the coming fiscal year. My colleagues might ask why such an amendment is necessary. I regret to say it is necessary because the Commission has failed to adequately communicate to the Congress what it believes to be the issues of greatest significance. As a result the support in the Congress for the Commission's activities has declined.

The amendment also requires that the report include a description of all necessary and appropriate research activities to support these objectives. This area of the Commission's activities has probably suffered most from a lack of focus by the Commissioners. They have failed to adequately defend their research program which is, I believe, a defensible one.

I hope this report will provide a certain focus for the Commission which has been lacking.

Mr. STAFFORD. Mr. President, I am pleased to support the amendment offered today by my distinguished colleague from New Mexico, Senator DOMENICI, to S. 895, authorizing appropriations to the Nuclear Regulatory Commission for fiscal years 1986 and 1987. This amendment would require the Commission to prepare detailed annual reports on the licensing and regulatory objectives of the Commission for each fiscal year, 1986 and 1987.

The report would also require the Commission to describe in detail the research programs that must be undertaken to support these objectives, and prepare a plan to coordinate such research. These reports should provide greater assistance to the Congress in assessing the necessary and proper level of activities in the NRC Research Program.

Mr. SIMPSON. Mr. President, the amendment that has been offered by the Senator from New Mexico is acceptable to this side. This amendment, which would require the NRC to submit an annual report to the Congress each year for the next 2 years discussing the Commission's licensing and regulatory objectives and how the Commission intends to go about achieving those objectives, makes a good deal of sense. It has been my continuing frustration, Mr. President, that the Commission's overall agenda for licensing and regulatory activities is established without any real focus on the part of the individual Commissioners on how those responsibilities are to be served by the Commission's Research Program. This amendment, I trust, will force the Commissioners, themselves, to concentrate on how they intend to use their research program and what they intend to accomplish with the money that we authorize for that program. By reporting to the Congress on the details of the Commission's licensing and regulatory agenda, together with the funding, milestones, and other regulatory actions required to meet those objectives, I trust that we might be able to restore some discipline to the Commissioners' decisions regarding NRC's Research Program.

Mr. BENTSEN. Mr. President, I rise in support of the amendment offered by the Senator from New Mexico, Mr. DOMENICI. In an era of fiscal austerity, we need to assure ourselves as well as the public that our Federal dollars are being spent in an appropriate fashion. This amendment provides those kinds of assurances by requiring the Nuclear Regulatory Commission to submit an annual report to Congress on the licensing and regulatory objectives of the Commission, including specific information of the funding, milestones, and all regulatory actions needed to accomplish the Commission's goals.

Unfortunately, we do not now have such an annual report that tells us what course the Commission has set for itself. I am pleased that my distinguished colleague has seen fit to remedy this deficiency and I urge my colleagues to lend their support to this amendment.

Mr. HART. Mr. President, the minority side has no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 347) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, in the last Congress, I added an amendment to the energy and water development appropriations bill that directed the Nuclear Regulatory Commission [NRC] to study the feasibility of establishing an independent safety organization [ISO] to investigate accidents in nuclear powerplants.

My interest in this subject stems from an accident that occurred at the Salem Nuclear Powerplant, located across the Delaware River from my State in New Jersey. The NRC conducted a fairly extensive review of the failure of the automatic safety system at the plant, but in the end the Commission agreed to allow the plant to restart even though several Commissioners had more questions about the incident.

The restart of the Salem plant is indicative of the pressures the NRC feels to keep nuclear plants on line. After studying the investigation and followup actions by the Commission, I came to the belief that improvements were needed in the NRC's structure. Specifically, I believe that the NRC finds itself under tremendous pressure to put a nuclear powerplant, even a troubled one, back on line as soon as possible.

I requested the NRC to study the concept of an independent safety organization as a release valve for this type of pressure. Accidents have happened in the nuclear industry, and they will continue to happen. It is an unfortunate fact of life that is not unique to the nuclear industry in any way. However, the risks that are associated with the nuclear industry demand that the public have confidence that every precaution is taken before a plant is put back on line after a mishap of one kind or another.

At the time I introduced my amendment, I stated that I had the National Transportation Safety Board [NTSB] in mind as a model for the NRC's independent safety organization. I did not believe that the NTSB's structure could be transplanted as a whole into the NRC, but I thought many of the characteristics of the NTSB could be applied to the NRC.

In response to my amendment, the NRC directed Brookhaven National Laboratory to study this possibility further. The Brookhaven report has been completed, and I am pleased to note that it agrees with my original assessment that an independent safety organization is needed.

The Brookhaven study recommended "the adoption of an investigatory system patterned after that of the NTSB." The report goes on to state that the NTSB model "has worked

well in circumstances similar to those currently prevailing in the nuclear industry and appears to enjoy a high degree of public confidence." The primary purpose of the safety organization would be to investigate significant events at NRC-licensed facilities and to establish the facts of the event, determine the cause, and recommend improvements that will prevent their recurrence.

Remarkably, the Brookhaven study found that there is no organization with the sole responsibility to investigate accidents to determine their cause. A variety of groups investigate accidents, but their focus is not on a determination of cause. A safety organization along the lines I proposed would help fill this void.

The report also found that the numerous and uncoordinated investigations that take place after an accident often overlap and interfere with each other. This makes collecting accurate data and finding probable cause difficult. I think we will all agree that this is a situation that would have to be cleared up no matter what industry it occurs in.

Finally, the report found that the investigations that do take place are subject to bias. Basically, the operator of the plant often provides the principal input for the fact finding. Compounding this problem is the fact that the investigating organization itself may have contributed to the accident. Both of these have the potential to introduce bias into the results of the investigation.

Since the report was released, the NRC has held a Commission hearing on the study. At that hearing, there seemed to be pretty good support for the concept, although some legitimate concerns about details were raised. However, it was clear that the NRC staff is opposed to the concept of an independent safety organization. The Commissioners decided to put off a decision on an independent safety organization until after the staff had a chance to present their case on how the problems identified in the Brookhaven report could be addressed absent or organization independent of the NRC.

The staff report is due anytime now, as is another by the Office of Policy Evaluation on the same subject. My point in this colloquy is to serve notice to the NRC that we are very interested in their actions on this matter, and expect that an independent safety organization, or improvements in the structure of the NRC, will continue to receive the attention of the NRC.

Deliberations on this subject have clearly pointed to the need for improvements. At this point I do not want to get bogged down in a situation in which everyone knows something is wrong, but no action is taken because of relatively minor differences in the method used to solve them. I also want to avoid a bureaucratic gridlock where action is made impossible because turf protection is placed ahead of public safety. In short, I do not want to see this proposal studied to death.

I am pleased the Brookhaven report concurred that the NTSB structure had a lot to offer to the NRC. However, as I stated at the time, I believed the NTSB offered a model more of effectiveness than of structure. I will not be disappointed if the NRC's safety organization is different from the NTSB in organization, but I will be disappointed if the NRC organization is any less effective. I am looking for results, and I expect the NRC to keep this ultimate goal in mind as it continues to review the Brookhaven proposals, along with those of its staff and the Office of Policy Evaluation.

I hope the distinguished chairman and ranking minority member of the Nuclear Regulation Subcommittee will bring the Brookhaven report and the NRC recommendations under review, by holding hearings if necessary, once they are made available. In light of recent public reaction to some decisions in the nuclear industry, I believe it is vital that we continue to seriously consider the possible benefits of an independent safety organization.

Mr. SIMPSON. Mr. President, I move, with the concurrence of the ranking minority member, that we go to third reading and final passage of this measure.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I again thank all members of the Committee on Environment and Public Works for their efforts to move this bill and pay special thanks to the chairman, BOB STAFFORD, our ranking minority member, LLOYD BENTSEN, and I have already expressed my high gratitude to the ranking minority member of the subcommittee and I reiterate that.

I also thank the staff members on both sides of the aisle who have worked diligently to crisply get this together during this time when we were pressing to recess; to Jep Seman, Kate Kimball, Dan Berkovitz, Paul Gilman, Priscilla Gallerano, and particularly to Jim Curtiss, the staff director and chief counsel of the subcommittee, who is the right hemisphere of my brain in this area.

Mr. HART. Mr. President, I merely reiterate and support the comments of the Senator from Wyoming about the individual staff members and the great contribution they have made. I thank him for all he has done to get this measure passed.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (S. 895) was passed, as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1986 AND 1987

SEC. 101. There are hereby authorized to be appropriated to the Nuclear Regulatory Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974, for the fiscal years 1986 and 1987 to remain available until expended, $437,000,000 for fiscal year 1986 and $437,000,000 for fiscal year 1987.

SEC. 102. (a) The sums authorized to be appropriated in this Act for fiscal years 1986 and 1987 shall be allocated as follows:

(1) not more than $91,000,000 for fiscal year 1986 and $91,000,000 for fiscal year 1987, may be used for "Nuclear Reactor Regulation", of which amounts the Commission shall expend such sums as may be necessary for—

(A) the resolution of medium priority generic safety issues, and

(B) a pilot Integrated Safety Assessment Program;

(2) not more than $95,780,000 for fiscal year 1986 and $95,780,00 for fiscal year 1987, may be used for "Inspection and Enforcement";

(3) not more than $41,660,000 for fiscal year 1986 and $41,660,000 for fiscal year 1987, may be used for "Nuclear Material Safety and Safeguards", of which amounts the Commission shall expend such sums as may be necessary to carry out the Commissions responsibilities under the "Nuclear Waste Policy Act of 1982" (42 U.S.C. 10101 et seq.) in a timely manner;

(4) not more than $136,570,000 for fiscal year 1986 and $136,570,000 for fiscal year 1987, may be used for "Nuclear Regiatory Research", of which amounts the Commission shall expend such sums as may be necessary to carry out the Commission's responsibilities under the "Nuclear Waste Policy Act of 1982" (42 U.S.C. 10101 et seq.) in a timely manner;

(5) not more than $30,210,000 for fiscal year 1986 and $30,210,000 for fiscal year 1987, may be used for "Program Technical Support"; and

(6) not more than $41,780,000 for fiscal year 1986 and $41,780,000 for fiscal year 1987, may be used for "Program Direction and Administration".

(b) The Nuclear Regulatory Commission may use not more than one (1) per centum of the amounts authorized to be appropriated under paragraph 102. (a)(4) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) to enter into grants and coopera-

tive agreements with universities pursuant to such paragraph. Grants made by the Commission shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) and other applicable law.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection 102. (a) for purposes of the program referred to in such paragraph, may be reallocated by the Commission for use in a program referred to in any other paragraph of such subsection, or for use in any other activity within a program, except that the amount available from appropriations for such fiscal year for use in any program or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than $500,000 unless—

(1) a period of thirty calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) passes after the receipt by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

SEC. 103. Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

SEC. 104. from amounts appropriated to the Nuclear Regulatory Commission pursuant to this title, the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

SEC. 105. Notwithstanding any other provisions of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 106. Of the amounts authorized to be appropriated under this Act, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

SEC. 107. Of the funds authorized to be appropriated pursuant to this Act, the Commission shall use such funds as may be necessary to submit to the Congress on an annual basis for the next two fiscal years, a detailed report on the licensing and regulatory objectives of the Commission for each such fiscal year. The Commission's report shall include, but is not limited to, a comprehensive statement of the actions required of the Commission and of the Commission staff, including the funds, program milestones, and all other related regulatory actions required to achieve such objectives. Such statement shall set forth a detailed description of all necessary or appropriate research programs or initiatives that must be undertaken in support of such licensing and regulatory objectives, together with an executive management plan to coordinate the conduct and completion of such research, in a fashion that will ensure that all necessary research programs or initiatives are completed in a timely and cost-effective manner, and that the results of such research programs or initiatives provide the necessary support for the licensing and regulatory objectives established by the Commission in its report.

TITLE II—AMENDMENT TO THE ATOMIC ENERGY ACT OF 1954

SEC. 201. Section 274 of the Atomic Energy Act of 1954, as amended, is amended by deleting the following language in paragraph (e)(1); "once each week for four consecutive weeks".

Mr. HART. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader, I ask unanimous consent that the Senate go into executive session to consider the nomination of Richard V. Wiebusch, of New Hampshire, to be a U.S. attorney, which was reported out of the Committee on the Judiciary today.

Mr. BYRD. Mr. President, reserving the right to object, let me state that I have talked to Senator BIDEN, the ranking member of the committee. Normally, I think the Senate should have the opportunity to see the nomination on the Executive Calendar before it acts. In this case, the matter is cleared on both sides. There is no objection.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF JUSTICE

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read as follows:

The nomination of Richard V. Wiebusch, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination, and that the Senate resume legislative session.

Mr. President, let me also say that action would not have been accomplished without the extraordinary courtesy and generous response of the minority leader. Indeed, it was a very gracious act. I know it is appreciated by Senator RUDMAN, who can now accomplish the swearing-in of that individual, and be present at that time. It was done as an accommodation to the Senator out of kindness by the minority leader.

Mr. BYRD. Mr. President, the distinguished Senator from Wyoming is very charitable and kind. I deeply appreciate it. We are glad to do it.

LEGISLATIVE SESSION

AUTHORITY FOR COMMITTEE ON JUDICIARY TO MEET

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Judiciary Committee be allowed to meet for the purpose of general discussion of the Superfund legislation which was to be reported out on the 14th of June, and that the purpose of the meeting will not be to report out, but to discuss the legislation, and that it take place at 3 o'clock on Tuesday, June 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR COMMITTEES TO FILE REPORTS

Mr. SIMPSON. Mr. President, I ask unanimous consent that during the recess over until 12 noon on Monday, June 17, 1985, committees may file reports between the hours of 9 a.m. and 5 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 50—WELCOMING THE PRESIDENT OF TUNISIA ON HIS OFFICIAL VISIT TO THE UNITED STATES

Mr. SIMPSON. Mr. President, with the concurrence of the minority leader, I send a concurrent resolution to the desk on behalf of Senator BOSCHWITZ and Senator SARBANES, and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 50) welcoming the President of Tunisia on his official visit to the United States.

Mr. BOSCHWITZ. Mr. President, as chairman of the Subcommittee on Middle Eastern and South Asian Affairs, I would like to extend the warm greeting of the U.S. Senate to the Honorable Habib Bourguiba, President of the Republic of Tunisia, on his upcoming visit to the United States. I hope his visit will continue a longstanding friendship between our two countries, as well as encourage further constructive economic and political ties.

Mr. Bourguiba is the George Washington of Tunisia; he led the struggle for independence for over 20 years. In 1955 when he and the new Constitution Party lead their nation to independence, Mr. Bourguiba drafted the Tunisian Construction which has become the foundation of one of Africa's strongest democracies. Fittingly, in 1957, Mr. Bourguiba was elected the first President of the new Republic of Tunisia.

Under President Bourguiba's wise and energetic leadership, Tunisia has developed a flourishing multiparty political system and a dynamic democratic process based on parliamentary representation. President Bourguiba demonstrated an early commitment to education with the understanding that this was the foundation of a strong democracy. As a result, he set up a national school system and currently invests one-third of Tunisia's budget in education. He was the first Arab leader to give women the right to vote.

As another example of this progressive leadership, President Bourguiba, as early as 1965, called for peaceful coexistence between the Arabs and Israel—a bold and courageous step for a primarily Muslim nation. Truly, President Bourguiba has proved to be both a devoted leader and a staunch defender of democratic ideals.

It is indeed a great honor and a tremendous pleasure to welcome on behalf of the entire U.S. Senate a leader as distinguished as Habib Bourguiba, President of the Republic of Tunisia.

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. SARBANES be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I move adoption of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 50) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 50

Whereas the United States and the Republic of Tunisia share a common bond of friendship in the pursuit of democratic values;

Whereas the President and the people of Tunisia share with the Government and the people of the United States the ideals of liberty, peace, democracy and progress;

Whereas the United States recognizes the achievements under President Bourguiba which include continued emphasis on progress in economic growth and political democratization resulting in sustained economic and social benefits for its people;

Whereas the people of the United States admire and applaud President Bourguiba since Tunisia was the first Arab country to give women the right to vote;

Whereas the United States commends the Tunisian Government and its people for recognizing the value and the power of formal education by allocating one-third of its budget to instruction as an investment in democracy in the future;

Whereas the United States values and respects Tunisia's role as a leader in the Arab world and its moderating influence in the Maghreb which has had significant benefits for our mutual and shared strategic interests;

Whereas Habib Bourguiba has always stood for peaceful settlement of regional conflicts and it was President Bourguiba, who, in 1965, called for peaceful coexistence between the Arabs and Israelis; and

Whereas the United States recognizes the importance of a strong and independent Tunisia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress extends its warm greetings and respect to his excellency, Habib Bourguiba, the President of the Republic of Tunisia, on the occasion of his third official visit to the United States, with the hope that this visit will mark the continued close and friendly ties between our two great nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President for transmittal to the Government of Tunisia.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that at 1 p.m. Monday, June 17, 1985, the Senate turn to the consideration of S. 979, Energy Policy and Conservation Act, and that it be considered under the following time agreement:

Thirty minutes for debate on the bill to be equally divided between the chairman of the Energy committee and the ranking minority member, or their designees;

Seventy-five minutes on a Bradley amendment dealing with emergency preparedness income assistance, with 45 minutes under the control of Senator BRADLEY and 30 minutes under the control of the majority manager, or their designees;

Seventy-five minutes on a Metzenbaum amendment dealing with antitrust and breach-of-contract defenses, with 45 minutes under the control of Senator METZENBAUM and 30 minutes under the control of the majority manager, or their designees;

Ten minutes on a Byrd amendment dealing with a Department of Energy report on coal imports;

Twenty minutes on a Cranston amendment dealing with appliance efficiency standards, which will be withdrawn;

That no other amendments be in order; that there be no time for debatable motions, appeals, or points of order, unless submitted to the Senate, and that the agreement be in the usual form.

Further, I ask unanimous consent that once S. 979 has been advanced to third reading, that it be in order to immediately consider, without any intervening action, H.R. 1699, the House companion bill, for the purpose of striking all after the enacting clause and inserting the text of S. 979, as amended.

Further, I ask unanimous consent that following the strike and insert, the Senate proceed to third reading and then final passage of H.R. 1699, as amended, without any intervening action.

Finally, I ask unanimous consent that any rollcall votes ordered on Monday on this bill be postponed and stacked to begin at 2 p.m. in the order in which yeas and nays were ordered.

Mr. BYRD. Mr. President, reserving the right to object, I beg the distinguished Senator's pardon. I have just noted the last portion of the request with reference to the stacking of votes in the order in which the yeas and nays were ordered. It occurs to me that we could have a problem. I wonder if the distinguished majority whip would leave that portion of the request off and then, on Monday, we can deal with that as we come to the

ordering of the yeas and nays based on how they have advanced at that time.

I would have no objection to the remainder.

Mr. SIMPSON. Mr. President, that would seem appropriate. Perhaps we would like to strike the vote on passage from that order, but I shall leave that to the distinguished minority leader.

Mr. BYRD. Mr. President, if the distinguished Senator will allow me, I am concerned. Here is my problem: Someone might come in with a motion and ask for the yeas and nays on it. There is no time for debate on that motion and that motion—regardless of how far reaching it might be or regardless of whether or not it were acceptable by either side, there would be a yea or nay vote on that motion, it would be ordered, it would occur in the order in which it was made, and we have no time for debate on it. I do not believe either the majority or the minority would want to lock ourselves into that situation.

Mr. SIMPSON. Mr. President, indeed, the case that the Senator presents would not be sanctioned by those of us on this side of the aisle either. I did not negotiate this time agreement.

Mr. President, in response to the minority leader, let me revise the last portion of the unanimous-consent request on the time agreement and ask that it read: I ask unanimous consent that any rollcall votes ordered on Monday on this bill be postponed and stacked to begin at 2 p.m. on Tuesday.

Mr. BYRD. Mr. President, will the distinguished majority leader agree to provide in his request that any rollcall votes ordered on Monday go over to Tuesday to begin at 2 p.m., with the exception of any rollcall votes on which either the majority leader or the minority leader may wish to make an exception?

Mr. DOLE. We will have no objection to that.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for the purpose of restating the request.

Mr. SIMPSON. Mr. President, I so modify the original unanimous-consent request on the time agreement in accordance with the language as just presented by the distinguished minority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, that at 1 p.m. on Monday, June 17, 1985 the Senate turn to the consideration of S. 979 with the time on the bill limited to 30 minutes equally divided between the Chairman and Ranking Minority member of the committee on Energy and Natural Resources.

Ordered further, that the following amendments be the only amendments in order to the bill.

1. Bradley (Emergency preparedness income assistance) 45 minutes (Bradley) 30 minutes (Majority manager or designee).

2. Metzenbaum (Anti-trust and breach of contract defenses) 45 minutes (Metzenbaum) 30 minutes (Majority manager or designee).

3. Byrd (Department of Energy report on coal imports) 10 minutes equally divided.

4. Cranston (Appliance efficiency standards) 20 minutes equally divided at which point it will be withdrawn.

Ordered further, that motions, appeals not be debatable.

Ordered further, that any roll call votes ordered on Monday be postponed to begin at 2 p.m. Tuesday, June 18 unless objected to by either the Majority or Minority Leaders.

Ordered further, that no motions to recommit with instructions be in order.

Ordered further, that once S. 979 has been advanced to 3rd reading, that it be in order to immediately consider, without any intervening action, H.R. 1699, the House companion bill, for the purpose of striking all after the enacting clause and inserting the text of S. 979, as amended.

Ordered further, that following the strike and insert, the Senate proceed to 3rd reading, and then final passage of H.R. 1699, as amended, without any intervening action.

EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar:

Calendar No. 212, Department of the Treasury; No. 213, National Institute of Building Sciences; Nos. 214, 215, and 216, National Council on Eduational Research; Nos. 217, 218, 219, and 220, with regard to the Air Force; Nos. 221 through 226, U.S. Army; Calendar Nos. 227, 228, and 229, U.S. Navy; Nos. 230 and 232, Synthetic Fuels Corporation.

I ask unanimous consent that the nominations just identified be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en block are as follows:

Department of the Treasury

Robert Michael Kimmitt, of Virginia, to be General Counsel for the Department of the Treasury.

National Institute of Building Sciences

The following-named persons to be Members of the Board of Directors of the National Institute of Building Sciences for terms expiring September 7, 1987:

MacDonald G. Becket, of California. (Reappointment)

Kyle Clayton Boone, of North Carolina. (Reappointment)

National Council on Educational Research

J. Floyd Hall, of South Carolina, to be a Member of the National Council on Educational Research for a term expiring September 30, 1986. (Reappointment)

Donna Helene Hearne, of Missouri, to be a Member of the National Council on Educational Research for a term expiring September 30, 1986. (Reappointment)

Carl W. Salser of Oregon, to be a Member of the National Council on Educational Research for a term expiring September 30, 1986. (Reappointment)

In the Air Force

The following officer for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of Sections 525, 8362, 8373, and 8380, Title 10 of the United States Code.

To be brigadier general

Col. Shirly M. Carpenter, xxx-xx-xxxx FV, Air Force Reserve.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. James E. Dalton, xxx-xx-xxxx FR, United States Air Force.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Monroe W. Hatch, Jr., xxx-xx-... FR United States Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370.

To be lieutenant general

Lt. Gen. William J. Campbell, xxx-xx-... xxx-... FR, United States Air Force.

In the Army

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Vaughn O. Land, xxx-xx-xxxx United States Army.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370.

To be lieutenant general

Lt. Gen. Bennett L. Lewis, xxx-xx-xxxx (Age 58), United States Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. John F. Wall, xxx-xx-xxxx, United States Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Robert H. Forman, xxx-xx-xxxx, United States Army.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370.

To be lieutenant general

Lt. Gen. James M. Lee, xxx-xx-xxxx, (Age 58), United States Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Charles W. Bagnal, xxx-xx-xxxx, United States Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Sidney T. Weinstein, xx..., United States Army.

NAVY

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. William H. Rowden, xxx-xx-x... xxx-... 1110, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be admiral

Vice Adm. William N. Small, xxx-xx-xxxx 1310, United States Navy.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. Glenwood Clark, Jr., xxx-xx-... xxx-x... 1440, U.S. Navy.

[NEW REPORTS]

UNITED STATES SYNTHETIC FUELS CORPORATION

Eric Reichl, of Connecticut, to be a Member of the Board of Directors of the United States Synthetic Fuels Corporation for the remainder of the term expiring September 14, 1986.

Paul Webster MacAvoy, of New York, to be a Member of the Board of Directors of the United States Synthetic Fuels Corporation for the remainder of the term expiring September 14, 1991.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES SYNTHETIC FUELS CORPORATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate then go to the consideration of the following nomination, Calendar item No. 231, the Synthetic Fuels Corporation.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Tom Corcoran, of Illinois, to be a Member of the Board of Directors of the United States Synthetic Fuels Corporation.

The Senate proceeded to consider the nomination.

Mr. DIXON. Mr. President, I rise in support of the nomination of Tom Corcoran to be a member of the U.S. Synthetic Fuels Corporation. He is qualified and capable to be a member of the SFC Board.

As a Member of the House of Representatives from 1977–85, Tom Corcoran is well acquainted with our Nation's energy concerns. He worked on the House Energy and Commerce Committee, and eventually became the ranking Republican on the Fossil and Synthetic Fuels Subcommittee during the 99th Congress. Tom has been one of the leading free market advocates in Congress. Tom Corcoran led the fight for the President's plan for the decontrol of natural gas. While I had some reservations about such a policy, I never doubted Tom's integrity, honesty, and sense of fair play. In fact, Tom Corcoran and I offered our own natural gas plan that included a contract carriage proposal.

I have known Tom Corcoran dating back to his days in Springfield from 1966 to 1969 when he was a legislative assistant to then Illinois Senate President pro tempore Russell Arrington. As the Illinois Senate assistant minority leader, I was able to observe Tom firsthand.

He recognizes our need to balance our petroleum imports with increased domestic production, both through conventional methods and the development of eastern coal and other fossile fuels through synthetic methods.

Tom Corcoran is a graduate of the University of Notre Dame. Tom also has done graduate work at three of the finest graduate schools in the country: The University of Chicago, Northwestern University, and the University of Illinois.

It is my hope that the full Senate will approve Tom Corcoran's nomination. He can thus lend his expertise to our country on the subject of synthetic fuels, and we can all benefit from his efforts.

Since we are considering other nominations in addition to that of Tom Corcoran, I would like to take this opportunity, Mr. President, to say that I am troubled by the direction the new Synthetic Fuels Corporation Board is taking with respect to coal based synfuels projects and in particular its position on low Btu gas technologies.

Over the last 4 years, I have argued repeatedly that the Synthetic Fuels Corporation should place its priority on support for coal-burning technologies. The State of Illinois is a major coal producer and we have a wealth of reserves just waiting to be tapped. My sentiments are also based on a firm belief that our Nation's coal reserves represent the most viable resource for synfuels development because they are relatively inexpensive and in abundant supply. The impediments to coal use, largely environmental considerations, can be overcome with the right synfuel processes. Low Btu gas technologies can be a strong factor in fostering economic and clean utilization of coal.

It appears to me that the most prudent approach the Corporation could take is to allow the marketplace to determine its acceptability and commercial application. From what I have learned, there is strong appeal for a low Btu option. The business plan and subsequent comprehensive strategy should make allowances for low Btu gas.

Mr. SIMON. Mr. President, I am pleased to rise in support specifically of the nomination of Tom Corcoran.

I will just take 2 minutes of our time because it is late. But I first got to know Tom Corcoran when he was an assistant to the majority leader in the State senate in the State of Illinois. He was a bright young person of clearly above average ability. He later became a Member of the House of Representatives where he served with great distinction in the energy field over there. I had some differences with him on energy policy. But there was never any question about his ability, his integrity, and the quality of the person.

As a matter of fact, between the time he served in the State Legislature of Illinois, aiding the leadership there and the time he came over to the House of Representatives, he ended up serving and working for Borg-Warner Corp., and I ended up buying a few shares of Borg-Warner stock because I figured if they showed the good sense to hire someone like Tom Corcoran they had to be a corporation with a future.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SIMON. I yield to my leader.

Mr. BYRD. His reference to Borg-Warner causes me to say we have a Borg-Warner operation in Wood County, WV. We are proud of that corporation. We are proud of the fact that it employs a good many West Virginians and thank the distinguished Senator for his reference to Borg-Warner, and also compliment him on his statement in support of this nominee.

I also join him in endorsing the nominee.

Mr. SIMON. I thank the Senator from West Virginia who speaks with great pride of his State and the people who work in his State.

I point out Borg-Warner is headquartered in the State of Illinois, in the Chicago area, and we are very proud of that corporation.

But there is no question we have to move ahead in the synthetics fuel area. We have to create alternatives. As a Nation we have yet really to devise an energy policy. We ought to be using the coal of West Virginia and Illinois much more than we are and the coal of Virginia and Wyoming much more than we are particularly that Wyoming coal, since Senator SIMPSON is on the floor right now.

But I have confidence in Tom Corcoran; he is an uncommonly fine public servant. I am pleased the President has nominated him and I shall be pleased to cast my vote in support of him.

That you, Mr. President. I thank the leadership on both sides for this courtesy.

The PRESIDING OFFICER. Without objection the nomination is considered and confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SIMON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF THOMAS CORCORAN, ERIC REICHL, AND PAUL WEBSTER MAC AVOY TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE SYNTHETIC FUELS CORPORATION

Mr. McCLURE. Mr. President, I am pleased to provide this report to the Senate on the nominations of the Honorable Thomas Corcoran, Mr. Eric Reichl, and Mr. Paul Webster MacAvoy to be Members of the Board of Directors of the Synthetic Fuels Corporation.

On May 3, 1985, the Committee on Energy and Natural Resources held a hearing to consider the three nominees, and on June 12, 1985, the committee ordered the nominations favorably reported by a vote of 17 yeas, 0 nays.

The three nominees each bring unique qualifications to the SFC Board of Directors. The SFC recently undertook a restructuring and rescoping of its program, and I am confident that the diverse expertise of these nominees will assure that the SFC focuses on its principle objective, the commercialization of synthetic fuels. In that regard, had Congress wanted a pilot plant or semiworks program, it would have left the program in the Department of Energy, rather than creating an independent Corporation.

During the hearings, each nominee committed himself to this commercialization objective, which is vital if we are to establish the necessary infrastructure that will support a synthetic fuels industry once the SFC goes out of business.

Thomas Corcoran served as a Congressman for 8 years, and participated actively in the formulation of national energy policy as ranking minority member on the Fossil and Synthetic Fuels Subcommittee of the House Energy and Commerce Committee. Prior to his congressional service, Tom Corcoran served as an officer of the Chicago-North Western Transportation Co., a publicly held corporation. This hands-on management experience can help improve the efficiency and effectiveness of management at the SFC. Mr. Corcoran's commitment to the established goals of the SFC is demonstrated by his statement that:

I am committed to the basic objectives of the Corporation as expressed in the Energy Security Act, which relate to the need to establish a national capability to produce synthetic fuels economically, cleanly and on a large scale.

In turn, Mr. President, Eric Reichl, an engineering consultant, brings to the SFC 40 years of experience in coal conversion technologies. As a civilian Navy technician from December 1944 to June 1945, Mr. Reichl was responsible for gathering all available information on the German synthetic fuels industry, including current technology and R&D efforts. Mr. Reichl then spent 30 years at Consolidation Coal Co. where he worked to secure and expand the use of coal, and gained valuable experience with virtually all major coal conversion technologies. Mr. Reichl has spent virtually his entire career in areas closely related to synfuels technology or on research and development of synthetics. On the basis of this extensive experience Mr. Reichl has stated that:

We need to build and run complete plants using full, commercial scale equipment which can then be safely replicated or expanded in the future.

Finally, Paul Webster MacAvoy is currently Dean of the Graduate School of Management, at the University of Rochester in New York, and brings to the Board broad experience in the areas of energy economics and industrial management. He has worked extensively with the nuclear reactor development programs and a large scale desalting development program. Mr. MacAvoy brings to the SFC a capability to provide sound analytical foundation for evaluation of the total economy-wide gains and costs of investment in synthetic fuels technology. Mr. MacAvoy shares the commitment of the other nominees that each project assisted by the SFC should be of commercial scale.

Mr. President, each of these nominees were recess appointed by the President on November 28, 1984. Their formal nominations were transmitted to the Senate on January 3, 1985. They have been serving on the Synthetic Fuels Coroporation Board since that time.

Recent actions of the newly reconstituted Board of Directors are encouraging. In its first meeting on December 13, 1984, the new Board undertook to update the SFC's Statement of Objectives and Principles. This Statement, adopted by the Board on January 16, 1985 outlines its views on the energy/economic environment for synfuels, the SFC's operational objectives, and some principles that will govern future Board decisions. I ask unanimous consent that the Statement be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLURE. Mr. President, in a related action, on February 19, 1985, the Board adopted a phase I business plan which identifies the combinations of synthetic fuels resources and technologies that are priority candidates for financial support in the Corporation's project development and assistance process. I ask that the plan also be printed in the RECORD at the end of remarks. The Board is currently formulating a comprehensive strategy which provides more detail on the types of projects the Board expects to develop in each of the priority resource-technology combinations.

During extensive questioning at the hearing, it was clear that the nominees are fully supportive of the unique role of the SFC in the commercialization of synthetic fuels. Mr. Corcoran stated:

I am proud of the progress the new Board has made in four months and am confident that, given some time and leadership from the Corporation, we will be able to develop a set of cost-effective, commercial projects that will give the nation a sound synthetic fuels insurance policy.

Mr. MacAvoy stated that what was necessary to convince him of the wisdom of the synthetic fuels development strategy was that there existed a strategic plan which could produce present value benefits in excess of the prospective outlays of Federal funds supporting the program. Mr. MacAvoy added that:

I have determined to my satisfaction that the Business Plan for phase I of the SFC Development Program has the prospect of producing such results.

Mr. President, each of the nominee's also recognizes the need to develop eastern coal. The role of eastern coal is pivotal to the total U.S. energy supply. The nominees recognize the role of eastern coal as one of our Nation's most important energy resources and a resource with great potential as a feedstock for synthetic fuels production. Mr. Corcoran and Mr. MacAvoy both expressed their dis-

appointment that more has not been done with eastern coal to date. They pledged that the Board would give high priority to development of some sound, cost-effective projects using eastern coal soon. Mr. Reichl observed that "for the near term the main use of these coals will continue to be for generation of electricity. Eastern coals will also continue to remain the main source of coke for the steel industry. New technologies for cleaner use and some which can be viewed best as synthetic fuel systems, will become available to solve the notorious sulfur problems associated with certain eastern coals. Both DOE and SFC will be involved in developing these technologies—including gasification with either air or oxygen. Eastern coals are also especially good feedstocks for direct hydrogenation. When SFC develops a project of this type it will most likely be in the East."

Mr. President, each of the three nominees has fully complied with the committee's rules requiring submittal of a financial disclosure report and a detailed information statement. On behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of these Presidential nominations.

EXHIBIT 1

U.S. SYNTHETIC FUELS CORPORATION, BOARD OF DIRECTORS, STATEMENT OF OBJECTIVES AND PRINCIPLES

The Board of Directors of the U.S. Synthetic Fuels Corporation is reevaluating the SPC program in light of recent Congressional actions and changes in the outlook for synthetic fuels. To help interested parties understand the Board's reasoning as it undertakes this reevaluation, the Board outlines here its views on the energy/economic environment for synfuels, the SFC's operational objectives, and some principles that will govern Board decisions.

THE ENERGY/ECONOMIC ENVIRONMENT

The value of synfuels depends on the supply, demand and price of energy, particularly oil and natural gas. The outlook for these fuels has improved dramatically in recent years, largely as a result of the deregulation of energy markets. At the present time:

Market forces are keeping oil and gas prices well below the cost of synfuels, and are expected to continue doing so for a decade or more. However, sometime around the end of this century, normal supply and demand forces could increase world oil prices enough to make synfuels economically attractive; the faster and more efficiently synfuels production can be expanded at that time, the greater the economic payoff to the nation.

Unpredictable changes in energy supply and demand could cause world oil prices to increase sharply at any time. Synfuels cannot help much with short-term disruptions (i.e., of a year or so), which are better handled with the existing strategic reserve program; however, if a price increase is expected to last for several years, production of some types of synfuels might be expanded quickly enough to be of value.

Near-term world oil prices are affected by expectations about future supply, demand and price. There is no economic reason to keep valuable oil in the ground unless it is expected to be worth much more later; therefore, development of credible national synthetic fuels options for the future can help limit current energy prices, whether or not they add significantly to near-term production.

At any likely energy prices, synfuels production will not be able to expand rapidly and efficiently until some pioneer projects have been built and operated. Such plants are necessary to determine which resources, technologies and locations are best, what is environmentally and socially acceptable, how to do what should be done, and what it will cost. Private firms would eventually undertake some projects on their own, for their own proprietary purposes; but it would be many years before enough firms knew enough about synfuels to allow national production to expand quickly and efficiently.

These considerations persuade the Board of the following:

Synfuels projects are not likely to be attractive as stand-alone investments in the near future; the economics and the technology data base are both inadequate.

A large synfuels industry is not likely to be needed before the end of the century; however, the energy outlook could change at any time, making it desirable to increase rapidly production from some synfuels options.

There is a national interest in a national synthetic fuels capability that the market alone may not fully accomplish; such a national capability would be valuable if and when energy prices increase enough, and could even help delay and limit energy price increases.

The energy outlook, the lead-times involved in synfuels, and the critical role of pioneer plants suggest that some public investment in synfuels is economically justified now; however, the timing, number and type of specific projects that should be assisted with public funds depend on the magnitude, likelihood and timing of benefits the nation will obtain from alternative programs, and will be different for each of the synfuels options.

THE SFC'S OPERATIONAL OBJECTIVES

In light of the energy/economic outlook and the changes Congress has made, the SFC's basic objectives in its near-term program are to:

Establish a national synfuels capability that will allow private industry to expand production efficiently and in an environmentally acceptable manner when economics or national interests dictate.

Improve the national capability to increase production rapidly from selected synfuels options in the event of a sudden increase in world oil prices that is expected to persist for several years.

In more operational terms, in pursuit of these basic objectives the SFC program will be designed to:

Improve the national base of knowledge and experience about both the technological and environmental aspects of selected synfuels options, in order to reduce the technical and environmental uncertainties that might limit the rate and extent of synfuels production nationally.

Assure that commercial-scale processes and projects are designed, built and operated successfully; however, while experience with commercial-scale facilities is essential, individual SFC-supported projects and the SFC program overall should be no larger or more costly than necessary to accomplish the SFC's basic objectives.

Explore a diverse mix of resources, technologies and geographic regions, because it is unknown at present which options will ultimately prove to be worth commercial development; however, not every idea or option is worth the investment of taxpayers' money and the SFC will make judgments about how much of what kind of diversity should be pursued.

Assure that projects continue operating long enough to learn and teach their lessons and that capable people and organization are developed and maintained; a real synfuels option for the nation will exist only when, and as long as, commercial projects and experienced people are active in the industry.

SFC DECISION PRINCIPLES

In defining a strategy and business plan to accomplish the objectives outlined above, the Board will apply the following principles.

Market forces should and will determine which synfuels options are expanded, and how fast, once the base of knowledge and experience has been laid; however, the best synfuels options for the SFC to assist are not necessarily those that are most-nearly profitable in the short term or that are most favored by sponsors seeking SFC support.

The SFC will make its decisions and commit its funds when it is most effective and economically efficient to do so, in light of the likely timing of future energy, technological and business developments; the cumulative development of technical and organizational capability in a timely way requires continuity and a long-term perspective.

The SFC will commit no more of the taxpayers' money than necessary to develop synfuels options the nation needs. This requires that the SFC limit its financial support to those options:

That, in competition with others, are potentially of national significance as substitutes for natural oil or gas in a reasonable time frame; and

In which the SFC can significantly reduce the inefficiencies and lead-times involved in any future commercial expansion. No project will be assisted just "because it is there," because the SFC has "enough" money to do it, or because it is different; each project must satisfy both the program principles outlined above and the following project guidelines.

Each project assisted must make a cost-effective contribution to the SFC program, by:

Adding significant new knowledge and experience about a nationally important synfuels option, with no more duplication than necessary to provide efficient amounts of insurance and competition.

Assuring that the knowledge and experience generated will be generally available to help subsequent projects by other sponsors.

Being no larger or more costly than necessary.

Having the best possible financial terms for the SFC, including equitable sharing of profits from favorable events.

Each project assisted must be sound as an industrial undertaking and hence must satisfy stringent criteria, including criteria regarding:

Technology Data Base: Scale-up of equipment (especially for handling solids) is inherently risky. For first-of-a-kind commer-

cial-scale facilities, extensive technological data is essential to support the design and reduce the risk of plant misoperation or adverse environmental impact.

Competence of Sponsor: Synfuels projects involve design, construction and operation of large, complex plants; demonstrated experience and commitment from the sponsors' top management are required to assure success.

Financial Strength: Sponsors must have sufficient financial commitment to a project to provide a strong incentive to perform, and must have sufficient financial resources to deal with unforeseen costs.

CONCLUSIONS

It is the view of the Board that application of the objectives and principles outlined above will result in a diversified, technically sound and environmentally acceptable synfuels program that will give the nation the synfuels capability it needs, with the funds that are currently available.

U.S. Synthetic Fuels Corporation Phase I Business Plan

INTRODUCTION

This Business Plan sets forth the views of the Board of Directors of the U.S. Synthetic Fuels Corporation on the synthetic fuel resources and technologies that are candidates for Corporation support in Phase I—that is, with the Corporation's current obligation authority. In developing this Plan, the Board has been guided by the Statement of Objectives and Principles adopted on January 15, 1985. Future Board decisions on solicitations and projects will determine the allocation of financial assistance among resources and technologies and, ultimately, to specific projects.

In setting its program priorities, the Board began with the primary objective of assuring that the nation will have knowledge about and experience with at least one method of processing each of the most important synthetic fuels resources. Once this is assured, a different technology for processing the same generic resource may be considered if it has the potential for significant economic advantages or is applicable to different and important subcategories of the resource.

The attached table displays, and the text of this document discusses, the combinations of resources and technologies that are candidates for Corporation support in the Phase I program. It is the Board's conclusion that, for some of these combinations, information and experience are adequate for the private sector to develop commercial projects when and as market factors dictate, and hence no further Corporation support is required in Phase I. For other combinations, it is the Board's view that Corporation assistance to the right kind of project could significantly and economically enhance the nation's synthetic fuels capability; for these, the Corporation will specify how and when it intends to solicit and select projects, including any further definition of desired project characteristics. For yet other, lower-priority combinations, the Board sees no need to solicit projects but is willing to consider specific projects that may offer special advantages to the program.

Notwithstanding the Board's expressed desire to develop projects utilizing specific resource-technology combinations, the Corporation will support only projects that meet its standards of technical and financial strength. Furthermore, any project assisted within a resource-technology combination desired by the Board must demonstrate that it can provide the programmatic benefits expected. Competing demands on funds or absence of suitable projects may preclude Corporation assistance for one or more of the combinations that the Board would like to include in its Phase I program.

In some instances, it may be desirable to support more than one project involving the same resource-technology combination—for example, where important subcategories of a generic resource present different technical or environmental problems. Furthermore, for the most important resource-technology combinations, more than one project may be undertaken to enhance competition, to insure against unforeseen problems, to gain experience with improved processes or to provide continuity in the program.

Regional diversity in projects will result naturally from pursuit of the important synthetic fuels resources, which are widely distributed across the nation. The Board is confident that its program will provide valuable experience with synthetic fuels production in a wide variety of physical, environmental and social settings.

In developing its program, the Board has recognized the need to assure the environmental acceptability of the production and use of synthetic fuels. The limited number of diverse projects expected in Phase I will provide commercial-scale experience with a variety of environmental situations and control measures. The Board will continue to consider environmental factors carefully, to assure that individual projects are environmentally acceptable and that the necessary information about environmental impacts and control technologies is developed.

COAL RESOURCES AND TECHNOLOGIES

For analysis of synthetic fuels options, the important coal resources are the bituminous coals of the Midcontinent region, the bituminous coals of the Appalachian region (many of which are more caking and less reactive than Midcontinent coals), and the subbituminous coals and lignites with large concentrations in the western and southern regions. Huge quantities of each of these three coals are readily available and widely distributed. The principal technical approaches to using these coal resources for synthetic fuels are discussed below.

Introductory Comment on Coal Technology: Conversion of coal to gaseous and liquid fuels has been developed along two principal technical routes (plus some other routes, such as coal-liquid slurry fuels). In the "indirect" route, the initial step is gasification of the coal, followed by clean-up and upgrading of the raw gas. The "direct" route adds hydrogen (usualy obtained by gasification of coal or process residues) directly to the coal under high pressure. There is no agreement regarding the ultimate superiority of either route; but there is agreement that the indirect route is currently more developed and ready for commercial application. Therefore, the indirect route will receive the major attention in the Corporation's Phase I coal program.

In the indirect conversion of coal to synthetic fuels, the critical step is gasification. Once the coal has been gasified and the raw gas cleaned, a wide range of final products, including gasoline, methanol, turbine and boiler fuels, chemical feedstocks and synthetic natural gas, can be synthesized in a variety of commercial or near-commercial processes. These "down-stream" synthesis processes are essentially independent of the gasifier used, except that they generally operate under pressure, providing a significant economic premium for pressurized gasification. The emphasis in the Corporation's Phase I program will be on assuring that satisfactory technology is in hand to gasify under pressure the major U.S. coal resources, leaving it to the market to determine which final products should be produced in any specific project. However, the Board recognizes the national importance of transportation fuels, and hence will give some preference within the coal program to projects that include production of such fuels.

Fixed Bed Gasification (Dry Bottom): This technology is applicable to subbituminous coal and lignite, which generally are highly reactive and do not swell and cake during processing; it cannot process all of the coal fines that are a large fraction of all mined coal. There is substantial experience with the Lurgi version in South Africa; the Great Plains project has built such Lurgi gasifiers and is beginning to operate them at capacity. The Board concludes that this technology is developed to the point where the private sector can develop it as economically justified, and hence there is no need to include in the Phase I program any projects beyond those already under consideration.

Fixed Bed Gasification (Slagging): This technology evolved from dry bottom fixed bed gasification. It is applicable to less-reactive bituminous coals and can be designed for use with either caking or non-caking coals. A 300 ton per day pilot plant has operated and a larger demonstration plant will soon operate in Great Britain. Compared to other gasification technologies (i.e., entrained flow gasification such as Texaco), this approach may be applicable to fewer types of coal but may ultimately be more economical because it uses substantially less oxygen, a major cost item. It is the Board's view that a project using this technology would enhance national capability to use plentiful U.S. coals and should be included in the Phase I program.

Entrained Flow Gasification (Slurry Feed): This technology is represented generically by the Texaco gasifier. In different versions, it can process most bituminous coals and has been extensively tested with lignite. Corporation-assisted projects are employing versions of this technology using bituminous coal (Cool Water) and subbituminous coal (Dow Syngas). Another project (Tennessee-Eastman) is operating commercially without Corporation assistance using bituminous coal. The Board concludes that this technology is developed to the point where the private sector can develop it as economically justified, and hence there is no need to include further projects using it in the Phase I program.

Entrained Flow Gasification (Dry Feed): Because this technology does not inject liquid water into the gasifier, it saves on costly oxygen with any coal and can process coals with a high inherent water content (i.e., lignite). Mature versions of the technology have operated only at low pressure; pressurized pilot plants have operated successfully and others are being planned. Compared to other, more mature ways of processing coal under pressure (i.e., fixed bed gasification, such as Lurgi), pressurized versions of this technology may be particularly economic for processing coal containing a large proportion of fines. It is the Board's view that a project using this technology would enhance national capability to use plentiful U.S. coals and should be included in the Phase I program.

Fluid Bed Gasification: This technology can process all types of coal, has lower oxygen requirements than entrained flow reactors and may have potential for using very high capacity equipment. Mature versions have operated only at atmospheric pressure; experience with the technology under pressure is limited to small pilot plants, although a larger demonstration plant is scheduled to begin operation soon in Germany. It is the Board's view that a project using this technology (and giving special attention to the scale-up risks involved) would enhance national capability to use plentiful U.S. coals and should be included in the Phase I program.

Direct Hydrogenation: The liquefaction of coal by direct hydrogenation has been extensively piloted in the U.S. and abroad. Compared to other synthetic fuels processes, it is a mechanically difficult process, involving all the costs and problems of coal gasification (because the hydrogen is usually obtained by gasification) plus many others related to the high pressure required in the key step. Although direct hydrogenation may eventually prove to have higher efficiency and greater scale economies than indirect conversion processes, in present conceptions it cannot compete economically with indirect processes. It would be desirable to gain experience with this technology, which has a long record of use with coal and in oil refining. The Board continues to be interested in direct hydrogenation, but does not consider it likely that viable projects using it will be developed in time to be included in the Phase I program.

Coal-Water Slurries: Finely-ground coal mixed with water and small amounts of additives can be injected into boilers and other furnaces as a substitute for oil. The market for this use of coal is primarily in existing, large, oil-burning industrial and utility boilers that can be suitably modified. However, potential users, especially utilities, are reluctant to undertake the costs and risks of converting to coal-water slurries until the technology has been demonstrated in utility-scale boilers. The Corporation has received several proposals in response to a solicitation for coal-water slurry projects, and there is interest among some potential suppliers of coal-water fuels in projects that might proceed with little or no Corporation support, particularly in industrial applications. However, recent information concerning the plans and needs of both potential suppliers and potential users of coal-water fuels suggests that there are still significant and unique market obstacles to the commercial application of coal-water fuel technology in utilities. The Corporation may be able to play a useful role in overcoming these obstacles; but, if it is to do so without interfering with the efforts of the private sector, it must develop appropriate, innovative ways to use its authorities. Therefore, the Board is still considering how best to proceed with coal-water fuels in Phase I.

Other Coal Resources and Technologies: In addition to the coals and technologies discussed above, there are other coal resources, particularly anthracite and peat, that can be used to produce synthetic fuels and there are other approaches to coal conversion in various stages of development and with varying potential. On the basis of current knowledge and experience, the Board sees no need actively to seek other resources or technologies for coal conversion, but is open to ideas that have the potential for significant improvements in the nation's ability to produce synthetic fuels in an economic and environmentally acceptable way.

OIL SHALE RESOURCES AND TECHNOLOGIES

The U.S. has large quantities of accessible oil shale in western regions and smaller (but still significant) quantities of leaner oil shale accessible via surface mining in the east. The principal technical approaches to mining and processing each of these resources are discussed below.

Oil Shale Mining: Although eastern oil shale can be surface mined, little needs to be learned about this process. Most of the western U.S. shale resource is not accessible via surface mining and hence must be either mined by underground methods or processed in situ. Underground mining of shale is different from coal mining, primarily because of the thickness of shale beds and the huge quantities of rock that must be moved; but it is similar to the mining of other minerals such as copper ore. The Parachute Creek Phase I project is mining shale underground on a commercial scale. It is the Board's view that, once commercial scale shale mining has been demonstrated by the Parachute Creek Phase I project, underground mining technology will not be a significant constraint on shale oil production.

Surface Retorting of Western Shale: Any type of oil shale can be mined and then processed in a surface retort. A simple technology (Petrosix) for processing coarse shale has operated successfully in Brazil on shale similar to eastern U.S. shale and could be applied commercially to western or eastern U.S. shales. A commercial-scale project (Parachute Creek Phase I) using a different technology (Union B) on coarse western shale has been undertaken and is now going through a difficult start-up period. Neither of these technologies can process all the fine shale produced in the mining process and neither recovers the carbon that remains on the shale after retorting; technologies that can handle fine shale and/or recover the carbon are less proven but should have significant economic advantages. It is the Board's view that at least one more western shale project (in addition to the Parachute Creek Phase I project) including surface retorting should be assisted in Phase I, provided that it uses retorting technology that is different from and offers advantages over the Union B technology.

Surface Retorting of Eastern Shale: Eastern U.S. shale can be processed in the same type of retorts applicable to western shale but yields much less oil when treated this way. However, it can be surface mined and is located in regions that are close to skilled labor, transportation, marketing, water, etc., making it possible for shale projects to be less costly in the east. On balance, it is the Board's view that an eastern shale project is not a high priority for the Phase I program, but might be of interest if it promised to overcome some of eastern shale's apparent disadvantages relative to other synthetic fuels resources or if it offered significant experience with retorting technology applicable to western shale.

True In Situ Retorting of Western Shale: There could be significant economic and environmental advantages to processing oil shale in situ. The technology for deep true in situ processing is still in its infancy and enough minable shale exists to support many decades of large-scale production by surface retorting. However, there are relatively small quantities of shallow shale that may be accessible with small-scale in situ processes; it is the Board's view that shallow in situ processing of oil shale is worth considering in the Phase I program if a strong, relatively inexpensive project can be developed.

Modified In Situ Retorting of Western Shale: The modified in situ (MIS) approach to producing shale oil consists of mining some shale for surface retorting and retorting the rest in situ. The technology of underground retorting has been demonstrated but its potential is still uncertain. A MIS project would provide experience with mining, surface retorting and underground retorting. It is the Board's view that a MIS project should be included in the Phase I program, provided that it utilizes a surface retorting technology that is different from and offers advantages over the Union B technology.

HEAVY OIL/TAR SANDS RESOURCES AND TECHNOLOGIES

The heavy oil and tar sands resource category includes a wide range of hydrocarbons, some of which can be recovered by in situ processes and some of which require mining and surface processing. The recoverable amount of the resource, while small compared to coal and shale, is comparable to reserves of conventional oil and gas. The resource is of potential interest in Phase I primarily because, once production techniques have been proven, output could be expanded relatively quickly in response to a sudden price increase and could make a significant contribution to national oil supplies for many years.

In Situ Recovery: Heavy oil (and limited amounts of tar sands oil) is being produced economically by processes that inject steam into the oil formation to thin the oil so that it can flow to the well and be pumped. Accordingly, the Energy Security Act allows the Corporation to treat such production as a synthetic fuels process only under certain conditions. The scale of in situ projects and the lead times involved are not necessarily large relative to the private sector's capabilities. It is the Board's view that, by concentrating on deposits representatives of large amounts of the resource and determining how best to produce from these, the Corporation might improve the nation's ability to expand heavy oil/tar sands production in the event of a sudden oil price increase; however, in light of the highly variable nature of the resource and the active interest of the private sector, the Corporation will proceed carefully, to assure that its involvement in any particular case is needed and does add significantly to national capability.

Mining and Surface Processing. Near-surface formations of rock permeated with hydrocarbons can be mined and treated with solvents and/or heat to yield a heavy, tar-like substance that can be used as-is (e.g., as asphalt) or can be upgraded into lighter products. In Canada, tar sands are mined and processed on a large commercial scale. U.S. tar sands are not nearly as extensive or as easily treated as the Canadian sands, but analogous processes could be undertaken here. It is the Board's view that surface mining and processing of tar sands may be worth pursuing if sound projects at reasonable cost can be developed.

U.S. SYNTHETIC FUELS CORPORATION, PHASE I BUSINESS PLAN, PROGRAM PRIORITIES

Resource	Primary priority [1]	Secondary priority [2]
Coal	Fixed bed gasification: Dry bottom,[3] slagging.	Direct hydrogenation.

U.S. SYNTHETIC FUELS CORPORATION, PHASE I BUSINESS PLAN, PROGRAM PRIORITIES—Continued

Resource	Primary priority [1]	Secondary priority [2]
	Entrained flow gasification: Slurry Feed,[3] dry feed.	Other resources and technologies.
	Fluid bed gasification	
Shale	Surface retorting of western shale: Union B retort,[3] other retorts [3].	True in situ retorting of western shale.
	Modified in situ retorting of western shale.	Surface retorting of eastern shale.
Heavy oil/tar sands	In situ recovery	
	Mining and surface processing.	

[1] The Corporation will specify how and when it intends to solicit and select projects in this category; however, competing demands on funds or absence of suitable projects may preclude Corporation assistance for one or more of these primary priorities.

[2] The Corporation does not anticipate soliciting projects in this category, but is willing to consider specific projects that may offer special advantages to the program.

[3] Projects underway or being considered by SFC; no projects beyond these are expected to be assisted in phase I.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

Mr. SIMPSON. Mr. President, I ask unanimous consent, after concurring with the minority leader, that all nominations placed on the Secretary's desk in the Air Force, Army, and Navy identified on page 7 of the Executive Calendar on Thursday, June 13, 1985, be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations were considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, NAVY

Air Force nominations beginning Edward S. Bocian, Jr., and ending Donald A. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1985.

Air Force nominations beginning Jon K. Plummer, and ending Irvin J. Roemig, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1985.

Air Force nominations beginning Bruce R. Altschuler, and ending Carlos B. Zilveti, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1985.

Air Force nominations beginning John A. Anderson, and ending Donald A. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1985.

Air Force nominations beginning Richard D. Alston, and ending Benton P. Zwart, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1985.

Air Force nominations beginning John H. Cain, and ending Cynthia U. Bonner, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 1985.

Air Force nominations beginning Robert Calderon, and ending Eugene G. Horvath, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 1985.

Air Force nominations beginning Dennis P. Mceneany, and ending Douglas B. Soifer, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 1985.

Army nominations beginning Gerald P. Stelter, and ending Deborah M. Stetts, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 1985.

Army nominations of Arthur D. Nicholson, Jr., which was received by the Senate on May 31, 1985, and appeared in the Congressional Record of June 3, 1985.

Army nominations beginning Edward J. Burke, Jr., and ending Harold Wasserman, which nominations were received by the Senate and appeared in the Congressional Record of June 10, 1985.

Army nominations beginning Samuel L. Cunningham, and ending Peter M. Klara, which nominations were received by the Senate and appeared in the Congressional Record of June 10, 1985.

Navy nominations beginning Joseph M. Muhitch, and ending Douglas A. Root, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 1985.

Navy nominations beginning William C. Brown, and ending Michael P. Taylor, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 1985.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FLAG DAY ACTIVITIES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to House Joint Resolution 211, a joint resolution recognizing a pause for the Pledge of Allegiance as part of National Flag Day on June 14, 1985.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 211) to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution (H.J. Res. 211).

Mr. MATHIAS. Mr. President, this resolution recognizes the pause for the Pledge of Allegiance as part of the celebration of National Flag Day. The resolution is identical to Senate Joint Resolution 55 that was passed by the Senate in the last Congress with 28 cosponsors. The other body was unable to complete action on Senate Joint Resolution 55 before the 98th Congress adjourned. I am pleased that the House has now passed this resolution and hope that the Senate will concur.

This year President Reagan will take part in National Flag Day ceremonies to be held at Fort McHenry in Baltimore. This brings national recognition to the efforts of volunteers from the National Flag Day Committee and will kick off the national celebration that takes place starting with Flag Day and ends on the Fourth of July.

Since these volunteers started the campaign to make the pause for the Pledge of Allegiance part of Flag Day, the concept has caught the imagination of Americans all over the country and the world. The sponsors estimate that millions of people have learned of the idea through the media and Government, business, and service organizations.

These dedicated volunteers see the saying of the 31 words of the Pledge of Allegiance as a reaffirmation of our national spirit. Their efforts, and those of Americans everywhere who have participated, deserve recognition.

The Continential Congress, on June 14, 1777, adopted an official banner by spelling out broad specifications for a national flag. After many years of local flag ceremonies, Congress in 1949 officially designated June 14 as National Flag Day.

Flag Day observations before and after the 1949 congressional action have traditionally centered around the Pledge of Allegiance to the Flag, written by James B. Upham and Francis Bellamy in 1892. Other ceremonies have included flag-raising ceremonies, the singing of the National Anthem, and parades.

Since 1952, the Star-Spangled Banner Flag House Association in Baltimore has been the official sponsor of Flag Week. Its headquarters is the house where Mary Young Pickersgill sewed the flag that flew over Fort McHenry in 1814 and inspired Francis Scott Key to write the National Anthem.

The National Flag Day Committee is now the chief sponsor of Flag Day activities. Passage of this resolution would officially recognize the pause for the Pledge of Allegiance and pay tribute to the patriotic efforts of the National Flag Day Committee.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 211) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE PRINTING OF A REPORT OF THE SENATE ARMS CONTROL OBSERVER GROUP DELEGATION

Mr. BYRD. Mr. President, on behalf of Mr. DOLE, the distinguished majority leader, and myself, I send to the desk a report of the Senate arms control observer group delegation to the opening of the arms control negotiations with the Soviet Union in Geneva, Switzerland, on March 9 through March 12, 1985. I also send a resolution to the desk which will provide for the printing for the use of the Senate 1,000 copies to be distributed to the Members of the Senate as an official Senate document.

The PRESIDING OFFICER. The Chair asks of the minority leader, does he desire the immediate consideration of this resolution?

Mr. BYRD. Yes, I do, Mr. President.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 179) to authorize the printing of a report of the Senate arms control observer group delegation to the opening of the arms control negotiations with the Soviet Union in Geneva, Switzerland, March 9-12, 1985.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the minority leader and I led the observer group on that initial visit to Geneva, and, on March 14, immediately after returning from that trip, I provided the Senate a summary of our program and accomplishments in Geneva. The report I have sent to the desk will provide a more comprehensive and detailed account and will also put on the official record some of the background to the formation of the group and some of the documents relating to the group and its activities.

As this report indicates, our first visit to Geneva got the observer group off to an excellent start in its activities. The trip made clear that the Senate intends to play its role in the arms control process with the utmost seriousness, perseverance and sense of responsibility. I am also convinced, and the comments I have received from our negotiators and from others in the administration underscore, that our bipartisan presence in Geneva strengthened the hand of our negotiating team. That was one of our main goals in forming this group and one of our main aims in going to Geneva.

I commend this report to the attention of all Senators. I anticipate that it will be the first of a series of reports filed by members of the observer group as we continue to monitor closely the talks in Geneva.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 179) was agreed to, as follows:

S. RES. 179

Resolved by the Senate of the United States of America, That there shall be printed for the use of the Senate an additional one thousand copies of a "Report of the Senate Arms Control Observer Group Delegation to the Opening of the Arms Control Negotiations with the Soviet Union in Geneva, Switzerland, March 9-12, 1985", for distribution to the Members of the Senate as an official Senate document.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the text of the report be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

REPORT OF THE SENATE ARMS CONTROL OBSERVER GROUP DELEGATION TO THE OPENING OF THE ARMS CONTROL NEGOTIATIONS WITH THE SOVIET UNION IN GENEVA, SWITZERLAND

FOREWORD

This report summarizes the origin and activities of the Senate Arms Control Observer Group, its initial visit to Geneva and plans for future action.[1] It refrains from any substantive discussion of the issues under negotiation in accord with the understanding on confidentiality in the negotiations which we are committed to honor. Within the limits of that understanding, however, it does express several viewpoints that the Group has stated publicly in regard to various aspects of the negotiations with the Soviet Union in this critical arena.

From March 9-12, we led a delegation of 10 Senators from the newly-formed Senate Arms Control Observer Group to the opening session of the renewed arms control negotiations with the Soviet Union at Geneva. The trip had three overall purposes: first, to underscore Senate support for the arms control efforts of the President; second, to emphasize the high priority that the Senate places on these negotiations; and, third, to begin a special Senate monitoring process designed to fulfill more adequately the Senate's constitutional role in the treaty-making process.

We believe this trip was a success in all respects.

As we wrote[2] to President Reagan on March 13, upon our return to Washington, we believe that we demonstrated three things: (1) the broad bipartisan support of the Senate for the Administration's arms control efforts; (2) our determination to be as patient as necessary to achieve a sound agreement; and (3) the seriousness with which the Senate, including the Observer Group, intends to fulfill its constitutionally-mandated role in the treaty-making process. While we emphasized that we did not go to Geneva to act as negotiators, we had two important missions: (1) to consult with and advise our negotiating team; and (2) to monitor and report to the Senate on the progress and development of the talks.

We had several opportunities to confer with our negotiators before the commencement of the talks, and we had a useful debriefing from them immediately after the conclusion of the first meeting with the Soviets. Two of our members, Senators Gore and Stevens, remained to attend the briefing and debriefing sessions on the second day of formal negotiations. Each of the sessions with the negotiating team was structured to permit us the full opportunity to present our views and questions to the team and to engage in a candid and confidential exchange of ideas and information. Through this continuing process of monitoring the negotiations, we are confident that the Senate will be in a much better position to consider any resulting treaty.

Our negotiating team, comprised of Ambassadors Max Kampelman, John Tower, Mike Glitman, and their deputies provided useful briefings on the substance of the negotiations, and we are confident that this team will be a credit to our nation as the negotiations go forward.

BOB DOLE,
Majority Leader.
ROBERT C. BYRD,
Minority Leader.

ORIGIN AND SUMMARY OF ACTIVITIES
THE SENATE ARMS CONTROL OBSERVER GROUP

Background

On March 12, 1985, arms control negotiations between the United States and the Soviet Union resumed after a hiatus of some 15 months, a hiatus which had resulted from the breaking off of negotiations on Intermediate Nuclear Forces (INF) and START by the Soviet Union in, respectively, November and December 1983. Because of the importance of these new negotiations, at the intiative of the Majority and Minority leaders, the Senate created a new Senate body, the Senate Arms Control Observer Group, to monitor them. This was the major item of Senate business on the first day of the 99th Congress, January 3, 1985, (S. Res. 19).[3]

The Observer Group is a bipartisan body of five Senators from each party, as well as the Majority and Minority leaders as ex officio members. In addition to the ex officio members, the group consists of Senators Ted Stevens (R-Alaska), Sam Nunn (D-Georgia), Richard Lugar (R-Indiana), and Claiborne Pell (D-Rhode Island) as co-chairmen, and Senators Al Gore (D-Tennessee), Ted Kennedy (D-Massachusetts), Pat Moynihan (D-New York), Don Nickles (R-Okla-

[1] We provided a preliminary report to the Senate on the Senate floor on March 14, 1985—the text is included at the conclusion of this report at Appendix L.

[2] The letter is included at the conclusion of this report at Appendix K.

[3] The resolution and supporting statements are included at the conclusion of this report at Appendix C.

homa), John Warner (R-Virginia), and Malcolm Wallop (R-Wyoming). A delegation consisting of eight of the ten Senators in the Arms Control Observer Group, and headed by the two leaders, attended the opening session of these negotiations from March 9-12 in Geneva.[4]

The United States Senate has the constitutional responsibility of providing advice and consent in the making of treaties. This responsibility imposes upon Senators the obligation to become as knowledgeable as possible concerning the salient issues which are being addressed in the context of the negotiating process. Any accord with the Soviet Union to control or reduce our strategic weapons carries considerable weight for our nation. It will vitally affect our national security, the security of all our constituents, and the security of our allies. Such an agreement, or agreements, must be supported by a substantial national consensus to stand the test of time. Such a consensus is best achieved through the traditional treaty-making process which has been followed in the field of strategic arms control agreements entered into by the United States.

The Senate Committee on Foreign Relations has jurisdictional and oversight responsibility with regard to arms control negotiations and agreements. It is the purpose of the Senate Arms Control Observer Group to supplement the activities of the Foreign Relations Committee by providing a more regular and systematic involvement of the full Senate in the negotiations, without in any sense assuming the role of participants or negotiators in these talks. While the Foreign Relations Committee oversees arms control negotiations on a continuing basis, the full Senate has focused its attention in the past only sporadically on the vital aspects of arms control negotiations, usually developing a knowledge and understanding of the issues being negotiated after the fact—that is, after a draft treaty has been signed by the Executive branch. The result of this fitful process has been generally unsatisfactory in recent years. We seek to avoid a recurrence of the problems of the 1970's, when three successive arms control treaties, signed by three Presidents, were never approved for ratification by the Senate. These include the SALT II Treaty of 1979, the Threshhold Test Ban Treaty of 1974, and the Peaceful Nuclear Explosions Treaty of 1976.

In fulfillment of our constitutional responsibility in providing advice and consent in the making of treaties, we believe it is necessary to become completely conversant concerning the particular issues under negotiation. We believe that such knowledge is critical to the understanding by the Senate of the issues involved, and that an intimate knowledge of the evolving issues will permit our negotiators to have the benefit of our advice and counsel, when appropriate, on a continuing basis during the course of the negotiations. We believe that the Senate will be in a far better position to evaluate any agreement which may be reached and that such agreement might benefit from the reactions of the Senate as it is being formulated. We also firmly believe that the interplay of ideas that has occurred and will continue to occur with the members of our observer team will be of assistance to our negotiators.

In the event that the negotiations fail, the Senate will be in a better position to understand and to make comprehensible to the American people just why that failure occurred. This is particularly important in light of the staggering complexity of the issues now being negotiated in Geneva.

Chronology and Functioning of the Observer Group

The philosophy underlying the creation of the Observer Group, and the mechanisms of coordination with the Executive branch necessary for its effective operation, were the subject of a series of resolutions, letters, and meetings from December 1984 to April 1985. In December 1984, Senate Majority Leader-elect Dole decided to introduce a resolution in the 99th Congress aimed at underscoring the strong support in the Senate for the President's arms control efforts. To emphasize the importance of this issue, Senator Dole planned to make this resolution the first substantive act of his leadership and to seek affirmative action on it the first day of the new Congress, January 3, 1985. Further, to demonstrate the bipartisan nature of the support which he believed existed in the Senate, Senator Dole early on sought the participation and cooperation in the effort of Senate Minority Leader Robert C. Byrd.

Simultaneously, Senator Byrd was already pursuing the possiblity of creating a Senate arms control observer group. His initial proposal in this regard was made by telephone to President Reagan on December 9, 1984. Senator Byrd suggested that a small, bipartisan group of Senators, recommended by the Senate leadership, be appointed a official observers on our delegation to any arms control negotiations which might result from the meetings to be held in Geneva Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko in Geneva on January 7-8 1985. The reaction by the President was enthusiastic and positive, and Senator Byrd followed up this initial discussion with a letter to the President outlining his proposal on December 13, 1984.

In follow-up discussions, Senators Dole and Byrd agreed to meld their approaches in a single resolution, including the concept of an observer group. Senator Dole broached this idea with the Administration and, on January 2, 1985, Acting Secretary of State Kenneth Dam wrote to Senator Dole providing a positive Administration reaction to the proposal. He indicated that an Observer Group would be welcomed by the Administration and that the Group would be provided full briefings by our negotiators to any arms control talks which might emerge. Further, he indicated that the Administration would seek to have the Senators meet on an informal basis with the Soviet delegates as well.

On the basis of this dialogue, the Senate passed S. Res. 19, sponsored jointly by Senators Dole and Byrd, on January 3, 1985, the first day of the 99th Congress.

It recommended in Section (5) that "the President include, as official observers on the United States delegation to any formal negotiations which take place, a bipartisan group of Senators, designated upon the recommendation of the Majority Leader and the Minority Leader of the Senate.

On January 5, 1985, Secretary Shultz wrote to Senator Dole welcoming the formation of the Group, and on January 9 the two leaders wrote to the President recommending that ten Senators, five from each side of the aisle, in addition to the two leaders in an ex officio capacity, serve as official observers.

On January 25, 1985, Secretary Shultz wrote to co-chairmen Nunn and Stevens offering regular Administration briefings to the group, encouraging the group to travel to the negotiating site during the talks, and offering to include the Senators in internal delegation meetings and to arrange opportunities to meet with the Soviet negotiators in informal sessions.

On February 28, 1985, the Senate passed S. Res. 86,[5] a Dole-Byrd resolution funding the Observer Group, naming the four co-chairmen, establishing a core and leadership staff group, and establishing provisions for studies and consultants.

The Group is not a Committee of the Senate, and has no legislative or formal oversight function. It is not a forum to vote on any matter. Rather, reflecting our desire to provide a bipartisan monitoring group which will be of assistance to the Senate leadership, the Foreign Relations Committe, and the full Senate, when and if agreements are presented to the Senate for its advice and consent, S. Res. 86 provides that—

(a) The Group shall be headed by four Senators, two from each party, serving as co-chairmen—Ted Stevens of Alaska, Richard Lugar of Indiana, Claiborne Pell of Rhode Island, and Sam Nunn of Georgia. The chairman, for administrative purposes, is Ted Stevens.

(b) There shall be a small core staff group, which will serve all members of the Observer Group on a bipartisan basis. Each of the four co-chairmen and each of the two leaders is to designate one staff person. In addition, two secretaries are authorized.

(c) Adequate provision for staff compensation and expenses for travel and consultants.

Since passage of S. Res. 86, the co-chairmen, under Senator Stevens' administrative direction, have arranged for weekly briefing by the Administration on the status of the negotiations, and for provision of classified materials on a regular basis. In the interests of security, access to the classified documentation provided by the Executive branch to the Observer Group and access to the classified briefing sessions provided by the Executive branch has been limited to the six staff designees.

The Group intends to provide for coverage of the negotiations in Geneva by individual Senators on the Observer Group as frequently as Senate business will permit. The Majority and Minority leaders, as ex officio members of the Group, also intend each to designate from time to time, one other Senator not a permanent member of the Observer Group, to stand in their stead in monitoring the Geneva negotiations.

Prior to the Group's initial delegation trip to Geneva, the co-chairmen arranged for a highly useful series of briefings on the full range of issues confronting the negotiations. These were as follows:

February 4—Meeting with General Brent Scowcroft, Mr. Walt Slocombe and Mr. Eugene Rostow on lessons of SALT I, SALT II, and START.

February 4—Meeting with Ambassador Paul Nitze on the "New U.S. Strategic Concept."

February 5—Meeting with Admiral Thomas Moorer, Mr. James Woolsey, and

[4] Senators Moynihan and Wallop were unable to attend due to other pressing Senate business.

[5] The text of the resolution is included at the conclusion of this report at Appendix H.

Dr. Lawrence Kupperman on offensive force issues.

February 7—Meeting with Dr. Zbigniew Brzezinski, Dr. James Schlesinger, Dr. Barry Blechman and Mr. David Williamson on SDI.

February 19—Meeting with General Ellis and Mr. Doug George on Soviet Compliance.

February 21—Group attended American Association for the Advancement of Science breakfast on the Strategic Defense Initiative.

February 26—Meeting with Mr. Lawrence Eagleburger and Mr. Paul Warnke on Allied interests.

February 28—Meeting with Ambassador Anatoly Dobrynin.

March 7—Meeting with Secretary George Shultz, Ambassador Paul Nitze, Ambassador Edward Rowney, and Mr. Ken Adelman on U.S. preparations for Geneva talks.

On March 9-12, 1985, the delegation travelled to Geneva to monitor the opening session of the renewed arms control meetings with the Soviets.

On March 12, 1985, the Observer Group conducted a press conference in Geneva and issued a joint statement on the formation and objectives of the Group.

On March 13, 1985, upon returning from the delegation visit to Geneva, Senators Dole and Byrd wrote to President Reagan summarizing their views on the first negotiating session and the successful achievement of the goals of the Observer Group.

On March 14, 1985, Senators Dole and Byrd delivered a preliminary report to the Senate, in floor remarks, on the delegation visit.

Senator Ted Stevens returned to Geneva during the period April 15-18, 1985, and his report is included as Appendix M.

The specific documents are included in the Appendices at the end of this report.

Delegation Visit to Geneva

The delegation arrived in Geneva late in the evening of Saturday, March 9, 1985. It hosted an official dinner for our negotiating team (three chief negotiators and their four deputies) on the evening of Sunday, March 10. On Monday morning, March 11, the Observer Group was provided a full classified briefing on the U.S. approach and objectives in the negotiations by the three deputy negotiators, Ronald Lehman, John Woodworth, and Henry F. Cooper and Executive Secretary Warren Zimmerman. On Monday evening, our negotiators hosted a reception for our delegation. On Tuesday, March 12, the opening day of the renewed talks with the Soviets, Ambassador Kampelman hosted a private briefing for the delegation prior to the U.S.-U.S.S.R. Heads of Delegation meeting. During the first formal U.S./Soviet meeting, the Group held a press conference.[6] Immediately after the conclusion of the first meeting, the delegation attended a comprehensive classified debriefing by our negotiators on the details of that session.

The passing of Soviet President Chernenko was announced on Monday, March 11, and the Group went to the Soviet embassy to express its formal condolences on Tuesday morning. The death of President Chernenko and the rapid transition of power in the Soviet system to Mr. Mikhail Gorbachev did not affect the schedule of negotiations. However, an informal meeting with the Soviet negotiators, hosted by the American negotiators, scheduled for late Tuesday afternoon was cancelled. While expressing their regrets due to the circumstances, the Soviet negotiators accepted in principle the proposition of meeting with the Observer Group on future occasions.

During the meetings the delegation had with our negotiating team, we engaged in an extensive dialogue regarding the issues on the negotiating table. We believe the exchanges of views were beneficial. Because we intend to observe the agreement on confidentiality of the talks reached by our own negotiators, a detailed recitation of those exchanges cannot be recounted. We would thus limit our commentary on our discussions with our negotiators to the following points:

(1) We are very concerned about Soviet violations of past accords and desire that the Soviet negotiators be impressed with the fact that such violations degrade the prospects for future agreements to be approved by the Senate. The question of Soviet adherence to past accords must be resolved in a satisfactory way, in the context of the ongoing negotiations in the U.S./Soviet Standing Consultative Commission (SCC), and if required, through high-level diplomatic channels.

(2) We believe the complexity of the issues on the negotiating tables in Geneva today indicates that the current negotiations may last for an extended period of time, perhaps years, even if both sides are making a serious effort in good faith. Past experience strongly suggests that this may be the case. We therefore will attempt to do what we can to temper any ill-founded expectations of the American people for an all-encompassing agreement in a short period of time. We are prepared to stick with the process for as long as it takes to reach solid agreements which merit approval by the Senate.

(3) Given the nature of past negotiations with the Soviets, we believe we should approach these talks with creativity and flexibility consistent with the security requirements of the United States and its friends and allies. We will support all efforts to put forward imaginative proposals. We believe, in effect, that our side should assiduously pursue solutions to the difficult questions confronting the negotiating parties.

We do not feel that the negotiators on either side should violate the rule of confidentiality on which they have agreed by public discussion of part or all of a particular negotiating stance. Shortly after the opening of these negotiations, Soviet leaders and negotiators made such public statements for political purposes on positions taken in the confidential negotiating sessions. The Administration subsequently felt it should provide a response. Public discussion, such as was initiated by the Soviet side, will damage the integrity and credibility of the negotiating process and degrade the opportunities to reach a satisfactory conclusion to the negotiations.

We do not believe that there is any evidence that the field of arms control, any more than any other field of human endeavor, is bereft of new ideas. If the Soviets are willing to match our good faith and creativity, solutions to the major issues of stability, verification and reductions can surely be found.

[6] The full transcript of the press conference is included at the conclusion of this report at Appendix J.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., December 13, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is to express my sincere appreciation for your positive reaction to my suggestion on December 9, 1984, that Senators be afforded observer status on our delegation to any arms control negotiations which may result from the talks between Secretary of State George Shultz and Foreign Minister Andrei Gromyko in Geneva in January, 1985.

Also, I appreciate that you indicated it was your intention to discuss my proposal with Secretary Shultz and others. I believe that the inclusion of a small bipartisan group of Senators comprised of an equal number from both parties as observers on our delegation can only enhance the prospects for a successful outcome, should a treaty come before the Senate for ratification. It should be of great benefit to the knowledge and understanding of all Senators if access to the negotiating sessions and related information were to be established on a regularized basis. In addition, the informal reactions and views of Senators to the ongoing talks should be of real value to you and to your negotiators.

I hope you view my suggestion as constructive and an indication of my support for the resumption of arms control negotiations. I look forward to developing the details of this arrangement with you and your representatives in the very near future.

Sincerely,

ROBERT C. BYRD.

DEPARTMENT OF STATE,
Washington, DC, January 2, 1985.

Hon. ROBERT DOLE,
U.S. Senate.

DEAR SENATOR DOLE: In the Secretary's absence, I would like to follow-up on our breakfast meeting and share some further thoughts with you regarding Senator Byrd's proposal for Senate observers on the negotiating team.

It would aid our efforts if, once formal negotiations are underway, the negotiating team and the Secretary could have available the advice of the Senate on a continuing basis. To this end, in addition to our normal consultations with the Congress, it would be useful if you and Senator Byrd could designate a small group of Senators with which to consult on a regular basis. We would keep this group fully informed on the status of the negotiations: they would also be welcome to meet with the delegations at the negotiations where they would be provided full briefings on the status of the negotiations. We will seek to have them meet with the Soviet delegates as well.

We will discuss this approach with the House Leadership and see if they are interested in forming a similar group.

The Secretary greatly appreciates your draft resolution that supports our efforts to seek meaningful reductions in nuclear weapons with the Soviet Union. It is our hope that in the near future the Soviet Union will be prepared to enagage in serious negotiations.

I look forward to working closely with you in the new year.

Sincerely yours,

KENNETH W. DAM,
Acting Secretary.

SENATE RESOLUTION 19—RELATING TO THE UPCOMING MEETING IN GENEVA OF THE SECRETARY OF STATE AND THE SOVIET FOREIGN MINISTER

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to.

S. RES. 19

Whereas the control and reduction of nuclear arms are among the most pressing problems confronting the world;

Whereas all reasonable efforts, consistant with the national security of the United States and the responsibilities of the United States as the leader of the Free World, need to be undertaken in pursuit of nuclear arms control and reduction;

Whereas the issue of nuclear arms control and reduction must be pursued on the basis of the national interest of the United States without regard for partisan considerations;

Whereas the control and reduction of nuclear arms are central to the relations of the United States with the Soviet Union, the only other nation on Earth possessing a comparable nuclear arsenal; and

Whereas the President has declared that one of the highest priority goals of his second administration is to pursue nuclear arms control and reduction talks with the leaders of the Soviet Union which are aimed at the mutual, balanced, and verifiable reduction of the strategic arsenals of both countries: Now, therefore, be it

Resolved, That the Senate hereby—

(1) commends the commitment by the President to make nuclear arms control and reduction talks with the Government of the Soviet Union a high priority goal of his second administration;

(2) offers full support for any effort by the President to engage the Government of the Soviet Union in dialogue and negotiations in pursuit of agreements to control and reduce the nuclear arsenals of the United States and the Soviet Union;

(3) urges the President to approach such talks with creativity and flexibility consistent with the requirements of the security of the United States and the security of those nations that are allies and friends of the United States;

(4) extends to Secretary of State Shultz full support for his efforts and best wishes for success in his meetings with Foreign Minister Gromyko in Geneva January 7-8, which are aimed at setting a more concrete agenda for the resumption of nuclear arms control and reduction negotiations in the immediate future, negotiations to which both the United States and the Soviet Union have agreed; and

(5) recommends that the President include, as official observers on the United States delegation to any formal negotiations which take place, a bipartisan group of Senators, designated upon the recommendation of the Majority Leader and the Minority Leader of the Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. DOLE. Mr. President, this is a day which, by tradition, is largely occupied by important ceremonial and organizational activities. Today, though, with the support of the distinguished minority leader, I would ask that the Senate put aside this tradition briefly and consider immediately one substantive resolution, which I have sent to the desk.

This resolution deals with what may be the most important issue which any of us in the 99th Congress will face: The issue of the control and reduction of nuclear arms.

I need not dwell on the importance of this issue. It is central to our national security. It is central to our relations with our most formidable adversary, the Soviet Union. And it is central to the peace—indeed, to the very existence—of the civilized world as we know it. On these grounds alone, the issue of nuclear arms control is a fitting focus for the first substantive act of this new Senate.

But there is another reason for us to act now. As we all know, Secretary of State Shultz will be leaving for Geneva this Saturday, to engage Soviet Foreign Minister Gromyko in an initial round of talks aimed at setting an agenda for follow-on arms control negotiations. As he begins those talks, Secretary Shultz needs, and he deserves, our strong support.

If history is a guide, the Russians are going to be tough and effective negotiators. They will try to exploit any chinks they see in our negotiating armor, any divisiveness, any impatience. If we let them know now that we are united in our wish for sound and verifiable arms control agreements—united in our determination to work hard and patiently for such agreements—and united in our support for the administration's efforts to achieve them—our prospects for success will be much greater.

This resolution also serves other ends. It recognizes the success of the administration's strategy in getting these talks started and, in so doing, encourages the continuation of the negotiating process.

It underscores the deep interest of the Senate, as an institution, in nuclear arms control, both as an issue and as a negotiating process. It makes clear that this body intends to play its constitutionally mandated role in helping shape and confirm our country's arms control policies and strategies.

It also recommends a mechanism for appropriate and responsible Senate input into the negotiating process, through a body of designated Senate observers from both sides of the aisle, which, I would say, was the idea of the distinguished minority leader, Senator BYRD. Fully, cognizant of the executive's primacy in carrying out our foreign policies, these Senators would not be negotiators. The Secretary of State, or other officials designated by the President, would have the sole authority to speak for our Government to the Soviet representatives in the intricate bargaining process which will inevitably characterize these negotiations. But these Senators would serve as this body's channel for information and feedback as formal negotiations ensue, so the the Senate could more knowledgeably play the ratifying or other role which might later be required.

The distinguished minority leader, I know, has already been in communication with the President on this matter, and I, too, have discussed it with administration representatives, including the Secretary of State.

We will certainly want to have further discussions, to insure that the functions and responsibilities of Senate observers are as clearly delineated as possible. In that regard, and for the information of the Senate, I would like to include in the RECORD a letter which I received yesterday from Acting Secretary of State Ken Dam, which gives some initial thoughts on the State Department's perception of what role these observers might best play.

Finally, the resolution which I offer can be an important first manifestation of what I hope—what I plan—will be an on-going process to reestablish a bipartisan spirit in this body's consideration of vital national security and foreign policy issues. The distinguished minority leader and I have worked together on this resolution. Without his support and his substantive contributions, we could not hope to see its passage today. Without the support of the Democratic Members of this body, its passage would have far less meaning and impact.

I would also indicate we have cleared the resolution on this side with the distinguished chairman of the Armed Services Committee, Senator GOLDWATER, and with the distinguished chairman of the Foreign Relations Committee, Senator LUGAR.

Rebuilding this spirit of bipartisanship will not be a quick or easy process. But it is a task we must undertake, and there is no issue more important on which to begin than the issue of nuclear arms control. There is no time better to begin than right now.

Mr. President, I have asked for the immediate consideration of this resolution and the support of all Senators for its immediate passage.

Mr. President, I ask unanimous consent that the letter to which I refer be made a part of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, January 2, 1985.

HON. ROBERT DOLE,
U.S. Senate.

DEAR SENATOR DOLE: In the Secretary's absence, I would like to follow-up on our breaskfast meeting and share some further thoughts with you regarding Senator Byrd's proposal for Senate observers on the negotiating team.

It would aid our efforts if, once formal negotiations are underway, the negotiating team and the Secretary could have available the advice of the Senate on a continuing basis. To this end, in addition to our normal consultations with the Congress, it would be useful if you and Senator Byrd could designate a small group of Senators with which to consult on a regular basis. We would keep this group fully informed on the status of the negotiations; they would also be welcome to meet with the delegations at the negotiations where they would be provided full briefings on the status of the negotiations. We will seek to have them meet with the Soviet delegates as well.

We will discuss this approach with the House Leadership and see if they are interested in forming a similar group.

The Secretary greatly appreciates your draft resolution that supports our efforts to seek meaningful reductions in nuclear weapons with the Soviet Union. It is our hope that in the near future the Soviet Union will be prepared to engage in serious negotiations.

I look forward to working closely with you in the new year.

Sincerely yours,

KENNETH W. DAM,
Acting Secretary.

Mr. BYRD. Mr. President, I am pleased to cosponsor and coauthor this resolution supporting the resumption of arms control negotiations with the Soviet Union—negotiations which I hope will result in an agreement with the Soviet Union deserving of the approval of the Senate. I understand that the talks that will take place in Geneva on January 7 and 8 are preliminary, and are for the purpose of establishing an agenda and a

structure for the resumption of formal negotiations in the near future. I am hopeful that these preliminary discussions between Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko will succeed in establishing such an agenda and structure.

I do not presume that the conclusion of responsible arms control agreements, particularly those which might provide for reductions in the military muscle of our Nation and of the Soviet State, will come quickly or easily. The Soviets are well known as tough negotiators, and this process will take some time. Nevertheless, we must negotiate, persistently and with creativity, to fully explore the possibilities for responsible agreements.

The Soviets are a brutal adversary. Since we inhabit the world together, and since each of the two superpowers possess the means to destroy the other with nuclear weaponry, agreements which serve our national interest, which reduce the risk of war and the misunderstandings which lead to war, which are fair, verifiable and clear, and which save the Nation money to be better spent elsewhere—these are worth our best efforts.

I am, therefore, pleased to join the distinguished Republican leader, Mr. DOLE, in commending the commitment by the President to making arms control negotiations a high priority goal in his second term. I am pleased to extend the Secretary of State, Mr. Shultz, my full support for his efforts to set the stage for the resumption of negotiations with the Soviets. I wish him every success.

Mr. President, any accord with the Soviet Union to restrict, control, or reduce our strategic weapons will carry considerable weight for our country. It will vitally affect our national security, and the security of all of our constituents. Such an agreement must be, I believe, supported by a substantial national consensus to stand the test of time. Such a consensus is best achieved through the traditional treatymaking process which has been followed in the field of strategic arms control agreements entered into by the United States. The role of the Senate is, of course, central to this process. In order for the Senate to be more informed on a regular basis about the progress of the negotiations which may take place, I suggested to the President by telephone on December 9, 1984, that a small, bipartisan group of Senators, to be appointed by the majority and minority leaders, be afforded observer status on our delegation to any arms control negotiations which may occur as a result of the Shultz-Gromyko meetings. I followed up this discussion with a letter to the President on December 11, 1984. As I stated in that letter, it should be of benefit to the knowledge and understanding of all Senators if access to the negotiating sessions were to be established on a regularized basis. In addition, I believe the informal reactions and views of Senators to any ongoing talks should be of real value to our negotiating team at a time before final decisions of specific issues are made.

The President's initial reaction to my suggestion was positive, and I am pleased that the distinguished Republican leader has joined with me in including a recommendation for observers in the resolution now before the Senate. I have discussed this proposal with a number of of my colleagues on this side of the aisle as well as with Mr. DOLE. I appreciate his remarks on the need for the Senate to work in bipartisan way on those issues which are of such national magnitude as this. On matters of foreign policy, and particularly superpower relations, we are stronger as a nation when we speak with one voice. Bipartisanship in foreign affairs, in our relations with the rest of the world, has been a wise tradition for the United States—and I can assure my friend from Kansas that I will continue to make every effort to strengthen it in every possible instance. I am sure the specific details of the arrangements for a Senate observer group can be developed in a fashion satisfactory to both the administration and the Senate over the next several weeks.

I am pleased to join Mr. Dole in sponsoring this sense of the Senate resolution—as he has stated, it is fitting that this resolution be the first item on the agenda of the 99th Congress. There is a fresh promise for renewed efforts to control the nuclear arsenals of the two great powers, to build better safeguards against misunderstanding. I know I speak for my colleagues in wishing the Secretary of State the best in his discussions with Mr. Gromyko.

Mr. DOLE. Mr. President, I will only add one additional word. I want to thank the distinguished minority leader for his strong support and for his suggestion, that we do have observers.

Mr. President, I would only say at this time I am certain we can define more precisely the role of the observers but it would be my thought, at least on this side of the aisle, that we are looking at Senators who have some experience in the area, and I think that one Senator, through no choice of his own, must leave the Intelligence Committee, Senator Wallop, of Wyoming.

Obviously, Mr. President, I would clear such appointments with the appropriate committee chairmen, but I have in mind such Senators as Senator Wallop and others who may serve on the Armed Services Committee and the Foreign Relations Committee.

Mr. President, it is an opportunity. I think in our private discussions we have talked about the need to make certain there is some outline, some specificity, on what the observers should or should not do.

Mr. President, I am very pleased that we have the resolution before the Senate.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 19), with its preamble, was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Wilson). Without objection, it is so ordered.

THE SECRETARY OF STATE,
Washington, DC, January 5, 1984.

Hon. ROBERT DOLE,
U.S. Senate.

DEAR SENATOR DOLE: I am delighted to learn that you will be serving as an ex-officio member of the group of Senate arms control observers. Please accept my congratulations.

I welcome this step by the Senate, which I believe can facilitate and enhance our consultative process and help establish the kind of unity which our nation needs as we approach this issue of such great importance.

We go to Geneva in a positive and constructive attitude. Our aim is to bring about a process of formal negotiations on offensive nuclear systems and defensive systems, including space-related issues. We go with no illusions, however. Should progress not prove possible now, we are fully confident that our position will become widely recognized as reasonable and creative. Whatever the immediate outcome at Geneva, the President's initiative already had provided an approach that inevitably will contribute to the goal of eventually eliminating all nuclear weapons.

I look forward to consulting with you at an early opportunity after my return from Geneva.

Sincerely yours,

GEORGE P. SHULTZ.

U.S. SENATE,
Washington, DC, January 9, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We would like to express our appreciation to you for your positive reponse to the recommendation that official observers from the Senate be included on our delegations to planned arms control negotiations with the Soviet Union.

As you know, we believe such observers will make a major contribution to the Senate's understanding of and support for any agreements which emerge from the negotiations growing out of Secretary Shultz's successful meetings in Geneva.

As we discussed in our meeting of Friday, January 4, we would like to recommend to you the following Senators, who are especially qualified to serve as the Senate's observers.

Chairman: Ted Stevens.

Co-Chairman: Sam Nunn.

Malcolm Wallop, Barry Goldwater, Richard G. Lugar, Don Nickles, Bob Dole, or his designee, ex officio.

Claiborne Pell, Daniel Patrick Moynihan, Edward M. Kennedy, Albert Gore, Robert C. Byrd, or his designee, ex officio.

In conclusion, we would like to reiterate to you, Mr. President, the pledge which we, and all the Members of the Senate, implicity undertook in approving our January 3 arms control resolution: to work with you, on a bipartisan basis, in pursuit of workable, verifiable arms control agreements, which meet the interests of our national security and the interests of a more secure and peaceful world.

Sincerely,

BOB DOLE,
Majority Leader.

ROBERT C. BYRD,
Minority Leader.

THE SECRETARY OF STATE,
Washington, January 25, 1985.

Hon. SAM NUNN,
U.S. Senate.

DEAR SENATOR NUNN: Following our conversation on January 17, I would like to outline my thoughts on how you, Senator Nunn, and the Senate liaison group can be most effective as consultants to the Executive Branch on the upcoming nuclear and space arms control negotiations.

Early in the development of the main elements of the U.S. positions regarding strategic, intermediate-range, and space and defensive arms, I intend to seek your counsel. Senior Administration officials will be available to you and Senator Nunn to discuss the basic issues and questions facing the Execu-

tive Branch. Similarly, as the negotiations progress, we will seek your advice when considering major changes to our positions.

You would thus have a sense of the various substantive issues before decisions are taken. As we all agree, the final decision on US positions of course remains the President's. Given the importance of protecting sensitive Executive Branch deliberations on these issues, discretion will be necessary.

We intend to keep you and other members of the liaison group fully informed as to what is happening in the actual negotiations. In Washington, we would plan regular and detailed briefings by senior Administration officials on the progress of the talks, and will also designate a member of my staff as a contact point to address specific questions as they arise. When the negotiations are in recess, we will schedule briefings by the negotiators themselves.

I encourage you and Senator Stevens to travel to the negotiating site when the talks are in session. When there, you and other members of the liaison group would be welcome to join in the internal delegation meetings, both before and after sessions with the Soviets. As I noted on Thursday, I believe we should set aside for now the question of participation in the formal plenary sessions. However, we will arrange opportunities for you to meet with the Soviet negotiators. Such informal sessions will allow you the opportunity to gain a full sense of the Soviet approach, and have traditionally been more conducive to a freer exchange of ideas.

As to the question of press contacts, I agree that it would be useful to publicize your presence at the negotiating site. However, we and the Soviets in the past agreed to minimize the amount of public commentary originating from the negotiating site; any comment should avoid the substance of the talks.

I believe the contacts outlined above will ensure the close involvement of the Senate consultants in the nuclear and space arms control negotiations. I personally look forward to your participation; not only will it allow us to keep the Senate fully informed of developments in the talks, but I believe your input into the process will help us to develop arms control positions that enjoy wide bipartisan support with the American people and in Congress.

Sincerely yours,

GEORGE P. SHULTZ.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER
Washington, DC, February 1, 1985.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I understand that you are currently fashioning your concept of how the Senate Arms Control Observer Group should function in relation to the upcoming negotiations with the Soviet Union. As I mentioned to you and the President on several occasions, the advantages of a responsible arrangement will flow to both branches of government in the way of deeper mutual appreciation of the very important national issues involved in a new arms control agreement.

Senator Nunn, whom I have appointed as co-chairman of the Group, has informed me that you have agreed to include Senate Observers in the U.S. delegation briefing and debriefing sessions, and I believe that will be very useful. In addition, I urge that an arrangement be worked out for Senators to be given access to the plenary sessions. I understand the sensitivity that might arise from Senators being present at the negotiating sessions—certainly there is no intent on my part for Senators to be placed in any situation where they could be construed as participants in the negotiations.

I believe that access to the plenary sessions and to the briefing/debriefing sessions would suffice to satisfy the needs of the Senate.

I would appreciate your support on this matter and look forward to your response.

Sincerely,

ROBERT C. BYRD.

SENATE RESOLUTION 86—RELATING TO THE BIPARTISAN GROUP OF SENATORS ATTENDING THE ARMS REDUCTION OR CONTROL NEGOTIATIONS

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 86

Resolved, that the bipartisan group of Senators designated pursuant to clause (5) of the first section of S. Res. 19, 99th Congress (agreed to January 3, 1985), to act as official observers on the United States delegation to formal arms reduction or control negotiations to which the United States is a party (which group shall hereinafter be referred to as the "Senate Observer Group") shall be headed by four Senators serving as Co-Chairmen: two from the Majority party, Ted Stevens of Alaska, and Richard Lugar of Indiana; and two from the Minority party, Sam Nunn of Georgia, and Claiborne Pell of Rhode Island.

SEC. 2. (a) The Senate Observer Group is authorized, from funds made available under section 3, to employ such staff (including consultants at a daily rate of pay) in the manner and at a rate not to exceed that allowed for employees of a standing committee of the Senate under paragraph (3) of section 105(e) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61 1(e)), and incur such expenses as may be necessary or appropriate to carry out its duties and functions.

(b) Each Co-Chairman of the Senate Observer Group is authorized to designate a professional staff member. The designated Group staff shall also include, a secretary selected by, and responsible to, the Majority, and a secretary selected by, and responsible to, the Minority. The funds necessary to compensate any such staff member who is an employee of a Senator or of a Senate Committee, who has been designated to perform service for the Senate Observer Group, such staff member shall continue to be paid by such Senator or such Committee, as the case may be, but the account from which such staff member is paid shall be reimbursed for his services (including agency contributions when appropriate) out of funds made available under section 3(a) of this resolution. The four professional staff members, authorized by this subsection, shall serve all of the members of the Senate Observer Group, and carry out such other functions as their respective Co-Chairmen may specify.

(c). The Majority Leaders may each designate one staff member to serve the Observer Group. Funds necessary to compensate leadership staff shall be transferred from the funds made available under section 3(b) of this Resolution to the respective account from which such designated staff member is paid.

SEC. 3. (a). The expenses of the Senate Observer Group shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved by Senator Ted Stevens of Alaska, Chairman for Administrative purposes (except that vouchers shall not be required for the disbursement of salaries of employees who are paid at an annual rate). For any fiscal year, not more than $500,000 shall be expended for staff (including consultants) and for expenses (excepting expenses incurred for foreign travel).

(b). In addition to the amount referred to in Sec. 3(a), for any fiscal year, not more than $150,000 shall be expended from the contingent fund of the Senate, out of the account for Miscellaneous Items, for Leadership staff as designated in Section 2(c) for salaries and expenses (excepting expenses incurred for foreign travel).

(c).(1). Of the amount authorized in Section 3(a), an amount not to exceed $50,000 may be spent by the Senate Observer Group, with the prior approval of the Committee on Rules and Administration, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the Senate Observer Group.

(2). Such services in the cases of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the rate of compensation which may be paid to a regular employee of a standing committee of the Senate. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provisions of law requiring advertising.

(3). Any such consultant shall be selected by Senator Stevens and Senator Nunn, acting jointly. The Senate Observer Group shall submit to the Committee on Rules and Administration information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by the Senate Observer Group and shall be made available for public inspection upon request.

SENATE ARMS CONTROL OBSERVERS HAIL START OF NEW TALKS

GENEVA.—The U.S. Senate Arms Control Observers Group today hailed the beginning of the new U.S.-Soviet negotiations on nuclear and space arms as "an important first step on a road we hope will lead to a more stable and secure strategic balance." Senate Majority Leader Robert Dole and Senate Minority Leader Robert C. Byrd, as ex officio members, led the observer group to the opening of the talks.

The Senate passed a resolution introduced by the two Senate leaders on January 3, 1985, establishing the group. Co-chairmen of the group are Senator Ted Stevens (R-AK), Senator Sam Nunn (D-GA), Senator Richard Lugar (R-IN), and Senator Claiborne Pell (D-RI). Other members include: Senator Malcolm Wallop (R-WY), Senator Daniel Patrick Moynihan (D-NY), Senator Edward Kennedy (D-MA), Senator Albert Gore (D-TN), Senator John Warner (R-VA), and Senator Don Nickles (R-OK).

In accordance with the Senate's constitutional role to advise and consent, the group will help keep the Senate informed of the progress of the negotiations and respond to

requests by the administration for advice on the conduct of the negotiations. The Senators will not function as negotiators.

Secretary of State Shultz wrote to the group on January 5, 1985: "I welcome this step by the Senate, which I believe can facilitate and enhance our consultative process and help establish the kind of unity which our nation needs as we approach this issue of such great importance."

In addition, Secretary Shultz has expressed the view that the group's input into the process will help the administration develop arms control positions that will enjoy wide bipartisan support with the American people and the Congress.

At a press conference held at the International Conference Center, the group stated its long-term objective: "to avoid a recurrence of the problems of the 1970's, when three sucessive arms control treaties, signed by three different presidents, were never approved for ratification by the Senate."

The Senators pledged to fulfill their responsibilities as official observers on the U.S. Delegation "on the basis of the national interest of the United States without regard for partisan consideration."

The group commended the President for his commitment to make arms control one of the highest priority goals of his second administration and urged him to conduct these talks "with creativity and flexibility consistent with the security requirements of the United States and its friends and allies."

A copy of the joint statement is attached.

(Senators Wallop and Moynihan will not be attending this preliminary session, but will be attending subsequent negotiations.)

JOINT STATEMENT: U.S. SENATE ARMS CONTROL OBSERVERS GROUP

As the new negotiations on nuclear and space arms open today here in Geneva, we believe that the United States and the Soviet Union are taking an important first step on a road we hope will lead to a more stable and secure strategic balance. We recognize that these negotiations will be enormously complex and difficult, and that great patience will be required on the part of the two Governments and their publics. As officially-designated Observers on the U.S. Delegation, we are prepared to assist in this process for as long as it takes to achieve an equitable and verifiable agreement that enhances our national security and lessons the risk of nuclear confrontation.

As noted in a resolution introduced by Senators Dole and Byrd and passed unanimously by the Senate on January 3, we commend President Reagan for his commitment to make arms control one of the highest priorities of his second term of office and urge him to approach these talks with creativity and flexibility consistent with the security requirements of the United States and its friends and allies. If the negotiations are to succeed, it is equally important that the Soviet Union engage in good faith bargaining in a genuine effort to find a common ground that promotes both sides' security interests.

At the outset of these negotiations, we want to emphasize our concern over Soviet violations of existing arms control agreements and understandings. Discussion of compliance issues is properly conducted in the U.S./Soviet Standing Consultative Commission (SCC) or, if required, through high-level diplomatic channels. Nonetheless, the Soviet Union must understand that if it genuinely wants these new talks to produce an agreement that can be ratified and entered into force, it must be far more forthcoming in responding to U.S. demarches on the violations issue and in halting prohibited strategic activities.

As Observers on the U.S. Delegation, we intend to discharge our responsibilities on the basis of the national interest of the United States without regard for partisan considerations. We look forward to remaining closely involved in the negotiations and stand ready to offer such counsel to the administration as may be useful when major changes are being considered in U.S. negotiating positions. Our long-term objective is to avoid a recurrence of the problems of the 1970s, when three successive arms control treaties, signed by three presidents, were never approved for ratification by the Senate.

DEPARTMENT OF STATE

SUB: TRANSCRIPT OF SENATE CODEL'S PRESS CONFERENCE ON ARMS TALKS

Following is full and corrected transcript of Senate codel's press conference in Geneva, March 12 on the re-opening of arms. (Begin transcript)

Senator DOLE. Let me indicate for the entire group, that we believe we have an important role to play in these negotiations that are in progress as we sit here.

We have had a number of meetings with our negotiators. We're here as a result of a resolution passed on January 3 in the Congress, suggested by my colleague on the left, Senator Byrd, the minority leader. We have each designated five observers, so we have a total of one dozen capitol leaders, and ten of that twelve are here today—Senator Wallop and Senator Moynihan could not be here.

But I would indicate in a brief statement that this is a very serious business. We are very hopeful that yesterday's change in the Soviet leadership may have some impact, but that has yet to be verified. It is significant that the negotiations did proceed this morning. We will be monitoring the discussions, the negotiations—I would say on a continuous basis over the next several weeks or however long it may take.

What we would like to this morning—having made that brief statement, I would ask Senator Byrd, minority leader of the Senate, to make a statement. Then we would yield—the two leaders will yield to our co-chairmen Senator Stevens and Senator Nunn, followed by Senator Lugar and Senator Pell. So I think perhaps if we could sort of play musical chairs here, and we will obviously then accept questions.

Senator BYRD. We also have a prepared statement which is available; I assume you have the prepared text.

We have met with our negotiating team. We think they are ready. They are upbeat; they are optimistic. They are prepared to be firm, and they are prepared to say "no" or "yes"—whatever may be appropriate in the interest of our country.

I would hope that the leadership of the Soviet Union, having made the transition in a very slick and orderly manner, would allow the negotiators on the Soviet side to be more flexible and to accommodate themselves to some of our proposals.

This group of observers will be the eyes and ears of the United States Senate, which has a very special role under the Constitution in connection with the approval of treaties. They will be here from time to time, and they will be in a position to offer advice and counsel to our negotiating team if it is the desire of the team to have such advice and counsel. We are not here to negotiate arms control. But if a treaty should emerge after a while or if interim treaties were agreed, we in the Senate would need to have more than just a cursory knowledge of the content and the background of the agreements.

We hope that there will be some interim agreements. We accept that a single agreement is difficult and takes a long time. I think our negotiators are prepared to say "no" and walk away from a bad agreement. We are all Americans, we all want the same thing. We all want an agreement, but we don't want an agreement that is not in the best interests of our country.

So these members of the observer team will be there to offer advice and come back to us and keep us informed of the proceedings.

It is going to be a very difficult and time-consuming event, we think, and any agreement's going to get very sound advice, especially as we're going to deal with the technologies of the era in which we now live.

So we're happy to be here today, and very pleased with the people we've visited with. As the majority leader Mr. Dole has indicated, we have with us Senators who are very experienced in these things, and in dealing with strategic weapons, intermediate-range weapons, space technologies, and so on. So I'm going to hand over here to Senator Stevens and the others.

Senator STEVENS. I am very delighted to be here also, and to have an opportunity to participate in observing the talks as they go on.

Senator Vandenberg, a great American Senator, used to say that if the Senate was going to be required to be on board at the time of any potential crash landings, we ought to be on board for the takeoff. And that's what we've done—not that we're participating in any prediction of a crash landing, but we believe we will function much better in our constitutional sense if we're here now and we have a presence here as much as possible during the whole period of negotiations.

I am particularly concerned to convey to the negotiators the great interest of the United States Senate in the allegations of past violations on the part of the Soviet Union, and to make certain that the scope of these negotiations take into account what I consider the great concern on the part of the American people that any new agreement be entered into be cognizant of the impact of those past negotiations in terms of our future relationship. And Senator Nunn, as the co-chairman, has remarked often about the fact that there have been three agreements negotiated with the Soviets that have not been approved by process. I don't want to steal his thunder so I'll yield to Sam on that.

Senator NUNN. I don't have a lot to add to what Senators Dole and Byrd and Stevens have said. As a matter of history, we have had three treaties entered into by three different Presidents—two Republican and one Democrat—over the last 12 years that have never been ratified by the United States Senate. So I think the record speaks for itself in terms of the need for the Senate to be involved in the takeoff, as Senator Stevens said, and that's why we're here.

I think this is a historic occasion without any doubt. We have a unique opportunity to strive together—the Soviet Union and the United States—towards a more stable world, a more stable nuclear balance, and begin down the road to that end.

I think it's also certainly going to be, without any doubt, one of the most difficult and complex negotiations that the two countries have ever endeavored to seek agreement on. We have three baskets—we have intermediate forces; we have strategic forces; and we have also discussions of space and space weapons, and ground-based weapons that can go in space.

Now, that has a good side and a difficult side. The good side is that those three baskets allow the negotiations, at some point, when they get further down the road, to begin to look at the interplay between the various components. Certainly, there's a connection between offense and defense. Certainly, there are difficult gray areas between intermediate forces and strategic forces.

On the other side of it, it makes it much more difficult and complex than any set of negotiations we've had. Salt-I took about three and a half years to complete. Salt-II took about six years to complete. We have to look at the record of history, and we have to look at that in terms of approaching these negotiations with patience—that's important from the point of view of both sides.

We have urged out negotiators—we have met with them and we expressed a bipartisan confidence in our negotiators; we have an excellent team here; we have excellent people back in Washington that are looking very closely at these (talks)—we have urged our negotiators, and I am sure they will, and I would hope their Soviet counterparts will do likewise, to approach these negotiations in a constructive attitude, with creativity and flexibility. And it's going to require a lot of creativity and flexibility on both sides to reach agreement in this difficult area.

So as a member of this observer team, I'm grateful to Senator Byrd and Senator Dole for the leadership they've taken in what I think is a very, very important step in having the Senate of the United States participate in this process—not as negotiators, but as observers.

I also want to underscore, in a bipartisan fashion, what Senator Stevens said about the alleged Soviet violations. Those give us a great deal of concern—not just Republicans but Republicans and Democrats alike. And one of the things that's most on the mind of the American people as we go into these negotiations is whether we can really have meaningful agreements unless we have confidence those agreements are being carried out.

So I would hope that that point could be underscored here in Geneva, and I would hope that not only our negotiators but the standing consultative commission would address those at an early stage, and the sooner we clarify those allegations as well as ambiguities, the better I think the negotiations will go.

Senator DOLE. Senator Lugar is chairman of our Foreign Relations Committee and he and Senator Pell are also co-chairmen of this group.

Senator LUGAR. We're pleased to join Senator Dole and Senator Byrd, Senator Stevens and Senator Nunn in making these comments this morning. I would like to point out that the United States of America is committed to the security of our country and we're confident that our Soviet counterparts are likewise committed. Arms control can be a part of that security. It is not a substitute for that security, but I think that's an important distinction to make at the outset—that occasional euphoria over arms control becomes in fact a substitute for the discussion of what is needed to make certain that the power is secure.

Having said that, the arms control talks offer an excellent opportunity, not only for negotiations in a bilateral sense, but for discussion between the two powers as to how security might be enhanced. Clearly, the United States will offer, in discussion of the strategic defense initiative, an idea as to how the deterrent power of our country and the Soviet Union might lead to greater security for both of these powers, and for the world in general.

It's a complex idea, and it may take some time to discuss and to understand comprehensively, but it's an extremely important initiative as are the pick-up of talks in both of the other two areas, where substantial progess has been made in the past.

Let me add just one further thought, and that is that questions that were raised yesterday at the time of the death of Mr. Chernenko, as to whether the talks would even continue, are indicative of how much our bilateral relationship has come to rest on arms control alone. I suspect that we are very hopeful as a delegation, as are our negotiators, that bilateral relations just might extend into many other realms, and that the Soviet-American relationship might become much more substantial in a general political way. Because those ties are absolute in the sense that it is necessary whether there are transitions in leadership, or ups and downs and reverses that might occur in the arms control situation, the continuity of the relationship, the ability to get back together into conversation, is of the essence.

Senator PELL. Thank you very much. I think there is a great deal of optimism, some of it misplaced, since the remaining differences are still profound between the two sides. I doubt if anything brand-new will waive instructions that have been given to either side, from when they last sat together. I think that we'll have to look ahead and recognize that the outline of whatever agreement comes will probably include a reduction in Soviet strategic missiles—the heavy missiles—and Soviet controls on our space weapons.

That will take quite a while to go down that path and get there, and in order to do it it's going to mean a reduction in inflammatory rhetoric, it is going to mean that the negotiations will have to be done in private, and not with the press; and also I really believe that the political leadership of each country may well be involved before we're through in trying to break through the large gap.

Finally, the death of Mr. Chernenko I think will have very little effect on the general course of Soviet policy. You must remember that in the last 28 months there have been four changes in leadership in the Soviet Union, and that has not affected one whit of their general policy and their movement in these arms control talks, because of the collective leadership that is theirs, where one man can die, and the policy remains very much the same.

Senator DOLE. If you'll just bear with us, I'd like to hear now from Senators Kennedy and Warner, both members of the Armed Services Committee, and then Senator Gore and Senator Nickles—Senator Gole recognized expert on arms control, Senator Nickles, who made this a matter of great importance, and them we'll respond to questions, at least Senator Stevens and I.

Senator WARNER. During the course of these negotiations, it's my expectation that the negotiators will find the opportunity to have more and more confidence-building measures discussed, and perhaps be a bipartisan of these negotiations. Senator Nunn and I are instrumental in the Senate in introducing resolutions last year calling for the improvement on the hot line, and indeed that did take place and the technical equipment utilized by the Soviets and the United States is in the process of being upgraded at this time, and I anticipate that this forum will provide for other confidence-building measures.

Senator KENNEDY. I don't think there's any question but that the eyes of the world are focused on Geneva today. No decision made by this administration or during this decade is going to be more important than the decisions which are going to be made here in Geneva over the period of the next months and the next few years, both with regards to the security of the United States and to the cause of peace throughout the world.

I can remember the sense of satisfaction that President Kennedy had after the signing of the partial test-ban treaty, after an extremely difficult time with the Soviet Union following the Cuban missile crisis.

I think all of us are mindful that these past months and past years have also been a time of challenge between the United States and the Soviet Union. But I think that all of us here recognize that with a positive outcome from these negotiations, that this truly can be an opening—an opportunity, rather—for a century of peace. And I think all of us here welcome the opportunity to serve with Senator Dole and Senator Byrd and to be a part of the process—not as negotiators but as observers—and to help insure that the Senate of the United States will be a meaningful part of the final outcome of these negotiations.

Senator NICKLES. Just briefly, I can say that for any arms negotiations between the United States and the Soviet Union to be successful, it's going to take a commitment. It's certainly going to take a commitment from the United States, and from the administration and also from the United States Senate. And I can tell you that the commitment is there; this administration is committed to get an actual agreement for arms reduction. I can tell you also that the United States Senate would like to see an agreement for arms reduction. Also a commitment from the Soviet Union looks very promising. The very fact that that they're negotiating today, with Mr. Chernenko's death, I think is very promising. There seems to be a real commitment there, and their return to the bargaining table I think is very promising, and I hope and pray that there will be a successful outcome.

We are interested in a treaty that will help reduce arms, a treaty that we can actually have confidence that there will be some compliance in, and also one that we can have some confidence that the verification of the means, that the treaty will actually be lived up to by both sides, and the net result be a world in which we reduce the amount of nuclear tensions, reduce the tensions and the fear and anxieties that people have throughout the world. A treaty that we can all be happy with, and one that will increase the peace and security throughout the world.

Senator GORE. I know you're anxious to go to questions, so I'll be very brief. I think those of you who are here covering these talks will quickly find out two things, if you haven't already.

Number one, this is perhaps the most capable team of negotiators that the United States has ever put into the field. There's an excellent chemistry among the people working on the delegation. They are very capable, they're going to do a good job on behalf of the United States and in fulfilling their responsibility to the world to help move these talks toward a successful conclusion.

Secondly, you will find these talks are without a doubt the most complex and difficult that the United States has every attempted.

Therefore, the need for patience is great, and back in the United States you will find strong bipartisan support for the negotiating team. We've met with them extensively, we're looking forward to meeting with them again this afternoon, and we've been very impressed with them. All of us are very hopeful, and as we go back to the United States at the end of this week—some of us tomorrow—we'll take back a message of hope and optimism.

Question. Can you tell us a little bit more about how your observer team will function? You say you will consult and provide advice to the negotiating team. Will you actually sit in on any sessions or will you be briefed outside of the sessions? How will you manage the observer role?

Senator STEVENS. We anticipate sitting in on the briefing before the sessions start on Tuesdays and Thursdays and the other days that they negotiate, and them in on the debriefings. As the talks develop, we'll see whether we want to actually sit in during the negotiations. At the beginning, these negotiations are very sensitive; having an additional one or two people in the room might be destabilizing; we will not insist on that yet, and we'll let that work out.

Question. How much interplay do you expect there will be between the observer group and the negotiators, and what impact will that have on the course of the negotiations?

Senator STEVENS. Well, I hope that it is a very salutary impact. We believe in a two-way street as far as these negotiators are concerned. We are expected to observe and take back to Washington, as we come and go from Washington, impressions of the progress of these negotiations. And we also intend to communicate to them the comments that are made to us by the leadership and other members of the Senate.

We have a very close relationship with the negotiators and anticipate that we will be able to at least convey to them the concerns of the Senate so that we can in fact be part of the whole process. We will not be negotiators ourselves.

Question. You have all discussed the bipartisan character of your approach to these talks. But have you decided on the role of SDI in the negotiations? Is there a bipartisan approach on that? And specifically for Senator NUNN, who deals with North Atlantic Parliamentarians—do you think there will be allied unity on SDI?

Senator STEVENS. Let me comment first, and then Sam will answer the question that you directed to him.

The whole scope of these negotiations is under the control of our executive branch. The Senate would have to pass on the end product, and we are trying to have contact throughout the period of these negotiations to ensure our complete understanding of the process and how it develops.

I don't believe that it is within our province to say whether SDI or any other element of these talks should or should not be pursued and when it should be pursued in the talks. I do believe that we will make comments as we go along concerning the progress and the emphasis, and the negotiators take that into account as they conduct the negotiations on behalf of the executive branch.

We have a real tradition in our country that politics stops at the water's edge. I can think of no instance when that should be more important than in a consideration such as the arms control negotiations—looking for radical reductions in nuclear arms—and this is a bipartisan group: it is a nonpartisan group in terms of our approach to the subject.

Senator NUNN. I will just add that I think there are some areas of rather substantial agreement in the whole SDI area, and there are some areas that could still be considered within the administration and by the Congress. We are going to inevitably have disagreements on the details; we will have some disagreements, perhaps, as to definition and concept of where the business will lead. And certainly we'll have, as any democracy will, disagreements about the role of defenses in the arms control talks.

But I think it is important to underscore that there is a very broad consensus on both sides of the aisle, Democrats and Republicans throughout the country, that research is absolutely legitimate. Research is legitimate under the ABM Treaty. President Reagan has said that we intend to abide by the ABM Treaty. He has stated that we will, as provided for in the treaty, give notice of any change in direction that we have plans to do. There is also a broad kind of consensus in our country that the treaty as it is now written must be complied with.

I think that Democrats and Republicans are very concerned about the allegations concerning the Soviet radar in central Siberia. If we are going to really discuss in a meaningful way on arms control—the ABM Treaty and the way it is going in the future—it seems to me a condition precedent to that would be to make sure that both sides are complying with it now.

So there is a broad consensus about research; there is a broad consensus about the allegations of Soviet violations; and I think that the other parts will have to be sorted out as we go along. There is an awful lot that can be discussed here. In addition to the ABM Treaty violations that we now believe are occurring, both sides are going to have to decide where research ends and where development begins. Both sides are going to have to have a better definition of what the word "component" means, because a component part of that kind of defense is barred by the ABM Treaty. And both sides are going to have to have a better understanding of what "platform" is, so there is an awful lot for both sides to discuss in the ABM Treaty, and I hope it will be done in a constructive way on both sides.

Senator LUGAR. Let me just make a comment about the importance of the question dealing with the alliance. It is of the essence that our negotiators continue to work with all of the strong allies of the United States to make certain there is full understanding of our negotiating position. Now, it's especially important, I think, in the SDI, because this is a relatively new idea in arms control, one on which there has been some skepticism in our country, quite apart from questions raised in other countries. But in general it seems to be important to say that at the outset we are hopeful that our allies will be willing to listen carefully and to consult with us, to entertain new ideas, and to think of all that this situation involves, because there is a high degree, it seems to me, of dedication involved in these talks as they begin.

Question. Have you folks heard anything here to affect your votes next week on the MX issue?

Senator STEVENS. Well, I haven't. I was a firm believer in the MX before I came. As you know, we've spent 13 billion dollars on that system so far. We will vote this next week on whether or not we should release the one and a half billion dollars which was made available last year for the next 21 MX missiles, and after that we will have just about six billion left on a 20-billion-dollar system.

In my judgment, just from the point of view of the expenditures we've made to date, it is essential that we modernize that missile force. It will literally cost us more to keep the old one going than it would be to finish this one. And I think that with the Russians having already deployed three or four systems of a similar character, that the continued deployment of the MX should not affect these talks one way or another.

Question. There was some talk that you were coming over here to see how sincere and earnest this arms control effort was, and that your impression might affect how you vote or what you recommend to the other members.

Senator NUNN. I think I can say that I believe that our negotiators and the President of the United States are proceeding in good faith. The question of good faith is subjective. I have never set that up as a criterion in any way for my own vote on this particular weapons system. I judge a weapons system on whether it is a system that will enhance the national security of the United States. If it does, then it seems to me that it is worthwhile. If it does not, or if it is not a priority, and there are others that are higher priorities, then I will take a look at it in that respect. I didn't come to Geneva to learn about the MX missile, and I won't go home with any different views than I did when I arrived.

Question. I want to address a question to Senator KENNEDY. You know, the Secretary-General said yesterday in Moscow that the Soviet delegation will propose a nuclear freeze at the negotiations. Can you develop your ideas about the negotiations, about the freeze—the nuclear freeze between the Soviet Union and the United States?

Senator KENNEDY. I introduced, with Senator Hatfield, a nuclear-freeze proposal four years ago, and we received on the vote, involving tabling that particular proposal, some 40 votes in the United States Senate, bipartisan in nature. That particular proposal is not a part of this negotiating process. The proposals now being advanced by this administration have been outlined during the course of these negotiations. I am, at this time, as an observer for the Senate, supporting those efforts by the executive and by the negotiating team.

Let me emphasize that, should there be an agreement, the first result would be a freeze at reduced levels. I don't think there is really a disagreement on the objective for a freeze, but the timing of the freeze.

Question. Do you think one of the first priorities is to overcome Soviet insistence on linkage among the three sets of negotiations—that is, if progress could be reached on INF before space, should that proceed, or would there be a whole package deal?

Senator STEVENS. From my point of view, it is not our prerogative to set priorities for the negotiators. We have full confidence in them. I don't think I have been as impressed by an individual in my life as I am by Kampelman; he really has this whole subject in total perspective, and I haven't found one member here that has had any disagreeable word or really any disagreement with Max so far.

The priorities are for him to establish as to what goes forward first.

Question. I want to ask Senator Nunn: On the issue of compliance, could you tell us your understanding about the Krasnoyarsk radar. Do you agree with the adminstration that it is an unambiguous violation of an existing agreement? Do you see any ambiguities?

Senator NUNN. I agree with the administration's position on it. I think the Soviets owe us an explanation as parties to a treaty where, by all the evidence we have, it seems to be an unambiguous violation of the treaties. So I agree with the administration on that. I think we ought to give the Soviet Union a chance to respond in a proper forum. We now have two proper forums, one is the standing consultative commission, and any technical details will have to be worked out there. But in terms of a political forum, that subject has to come up in the context of these discussions on the whole ABM treaty.

I think one of the ways the Soviets could most readily present a good solid foundation from now on as they proceed—the talks—is to clear up the use of that radar and to clear up what they are going to do with it; and if it is indeed, as we interpret it, a violation, to take steps to correct the violation.

Senator GORE. There is no member of the U.S. Senate who has looked at the evidence surrounding the radar on Krasnoyarsk who has not come away with the same conclusion; and that is that when it is turned on, it will be a clear violation of the ABM treaty. As a result, the Soviet Union is in an almost untenable position when it attempts to argue for a strengthening of the logic behind the ABM treaty, while proceeding toward a brazen violation of that treaty. The single most important thing the Soviet Union could do to move these talks forward toward a successful conclusion is to dismantle that radar at Krasnoyarsk.

Question. The negotiation team went to Brussels to inform the NATO partners. Do you have any plans to do likewise or do you consider your task as a purely national one?

Senator NUNN. We are not going there now, and many of us are members of the NATO parlimentary conference and will be there in June—anyway, later this year. But we do meet with our counterparts in parlimentary systems in the free world and will maintain our contact with them. This observer group, however, was not given that responsibility. We have that in our individual capacities as members of the Senate.

Question. Senator Nunn, you spoke of history a short time ago. In a politcal sense, why do arms control treaties fail? And what do you propose to do to prevent that from happening again?

Senator NUNN. If I had a proposal to keep arms control from failing, I would probably be the head of the negotiating team rather than a Member of the United States Senate. I don't think anyone has that kind of magic formula and I don't pretend to, but I think the arms control treaties in the past have left too much in the way of ambiguity. I think in the past we have not had as clear goals in arms control on either side as we perhaps do now. I think both sides are now becoming more and more aware of the mutual interest we have in restraining nuclear weapons and the liberation of nuclear weapons in the world, in trying to build confidence-building measures; and in restraining our own nuclear arsenals.

So I believe the goals now are much clearer. For instance, it was for a long time considered a move toward more security to have a MIRV-type movement in our ballistic missiles, both submarine-launched and land-based ballistic missiles. I think from our point of view, we now believe that MIRVing and having fewer targets in terms of ratio with the number of warheads on both sides is a destabilizing move. We hope that we can convince the Soviets of that.

So if we both can agree on what stability encompasses and move in that direction, I think for the first time we will have clear goals. and in the past, as I read history, neither side has had a clear and explicit understanding of the goals.

Now that may be one of the most difficult concepts—to determine what we both can agree on in terms of stability. Certainly, that is going to be one of the most difficult areas in terms of the SDI—the relationship between offense and defense.

When we entered into the ABM Treaty in about 1971, one of the implicit understanding there, was that we were not going to have defenses on either side. We had to reduce the offensive threat, and instead offense has increased. So if the Soviet Union really wants to do something about America's strategic defense initiative, in addition to correcting the violations that we have already alluded to, they could certainly take a strong step in that direction by reducing significantly their first-strike potential, that is, their SS-18's and their SS-19's. So I believe we have much clearer goals as to where we are going and I hope we can reach some essential agreements with the Soviets on that.

Question. Senator, I also meant to follow up—when I spoke about political failure, I meant the role of the Senate that you spoke of earlier. You spoke of failures in the past, in the Senate and you talked about what you might do this time, briefly, to prevent that.

Senator NUNN. Well, yes, I think the effort here is to have the Senate fulfill both halves of its constitutional responsibilities, not only the consent half—that's what we've been looking to primarily in the past but also the advise half. and its up to the administration to say how much advice they want. We're not going to run around and knock on their door every day and say, "we're here to advise you," but we are giving the administration the opportunity to solicit our views, not only on the substance from time to time, if they so desire, but also on the political situation within the Senate and what the Senators will be looking to on ratification. So we hope that this kind of coordination will first of all produce a treaty that we can all support, and second, will enable our country to have the kind of patience and tenacity, and yet creativity and flexibility we need at the negotiating table.

Question. Senator Nunn and anyone else who would care to respond to it: You visited the Soviet mission this morning. I would be interested in your appreciation of the Soviet mood entering the talks, if you were able to gauge it, and do you think that your involvement in the talks will make them more forthcoming, since they will know that the probability of the results being rejected by the Senate has diminished?

Senator NUNN. I didn't get the last half of that question, I'm sorry.

Q. Do you think that their forthcomingness in these talks will be increased by your presence here, since they will know that the treaty will have a greater chance of passing through the Senate as a result?

Senator NUNN. Well, I don't believe one trip will accomplish that latter purpose, but I think over a period of time as we continue to be a part of this process, that certainly the Soviets will be aware of that, and I would hope that they would perceive from that, that we do have a united country, that we're moving in one direction, and that if they do enter into agreement, that it has a much better chance of ratification than in the past, because the Senate is involved in that process.

I must say that all of us reserve the right to decide in our own respective capacities as to whether we will vote for ratification if a treaty is produced, but I think the process itself is being enhanced.

As to Chernenko's passing, first of all, our delegation expressed condolences last evening to the family of Chernenko and also to the Soviet people. I think we're all aware here that he was the leader of the Soviet people. I think we're all aware here that he was the leader of the Soviet Union when the Soviet Union decided to come back to the negotiating table. We are very well aware of that, and we think his place in history will certainly be improved and enhanced as we go forward with this process, if both sides can reach an agreement.

Second, I think that it has already been alluded to by my colleagues here: The fact that the Soviet are continuing this negotiation in a period of difficulty for them and a period of sadness for them in terms of the passing of their leader, I think indicates their seriousness of purpose here. We take that as a very positive and constructive sign.

Senator STEVENS. Let me just comment on one thing about Gorbachev's becoming the youngest leader of the Soviet Union in recent history was predicted to us by our intelligence forces some time ago, and including those from our allies.

I think we welcome the fact that the Soviet Union has a leader now who has the potential to be on the scene for a substantial period of time. These talks may take a substantial period of time, and its a very, I think, good omen for the talks that he will have the chance to be there and to know that he will be there following the successful conclusion of these talks, if we get an agreement. As for the ratification, I think that Senator Lugar who's chairman of the Foreign Relations Committee ought to talk about that. Our role as observers does not go to the point of guiding any potential agreement through the Senate; that's Senator Lugar's and Senator Pell's.

Senator LUGAR. Well, my only comment can be that the observer group is tremendously important in forming a consensus of which ratification might occur. We do not know how many years the process may take or whether interim agreements might occur that would require hearing by the Foreign Relations Committee, and activity by the Senate, but the vigourous participation of all of our colleagues presently, I believe is of the essence in informing all Senators—for that matter—the American public, which ultimately will have to be behind a treaty to make certain that members vote in favor of it.

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Senator DOLE. Senator Pell, do you want to make a comment on this before we depart?

Senator PELL. Having seen the failure of SALT II, I realize—we all realize—the importance of having a favorable breeze behind this treaty before it goes to the Senate. And this is where the observer's role plays an important part. It is the favorable breeze that will guide our chairman, Senator Lugar, in guiding the treaty through. The experience we've had, and the reports that we've brought back to our colleagues, will I believe play a very real role in the final ratification.

Senator DOLE. Thank you very much.

U.S. SENATE,
Washington, DC, March 13, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you know, pursuant to Senate Resolution 19 of January 3, 1985, we have established a Senate Arms Control Observer Group of twelve members, with Senators Stevens, Nunn, Lugar and Pell as Co-Chairmen. All of the members we have designated to serve on the Group are exceedingly well qualified to consider arms control issues and are eager to make a significant and constructive contribution to the arms control process.

As a first major step in that direction, we led a delegation of ten members of the Group to Geneva March 9-13, to observe the opening of arms control talks with the Soviet Union. Those talks are likely to continue for many months and years, and members of the Observer Group will travel to Geneva periodically to monitor their progress. We think it useful, however, to convey to you our initial impressions of the events we observed and the discussion we held in Geneva.

We went to Geneva with two main goals, and we believe we accomplished both.

First, we wished to demonstrate conclusively that the Administration's arms control efforts enjoy the broad, bipartisan support of the Senate. Our presence in Geneva—five Republicans and five Democrats—was visible evidence of that unity. In public statements, in encounters with the media and in our private sessions with our negotiating team, we stressed our wish for a good agreement and our determination to be as patient and perservering as necessary to achieve one.

We are confident that our message was understood and that our presence strengthened the position of our team as it began its talks with the Soviet negotiators.

Second, we sought to demonstrate the seriousness with which the Senate intends to fulfill its Constitutionally-mandated role in the arms control process. While we made it clear that we do not go to Geneva as negotiators, we do go with two important missions: to consult with and advise our negotiating team and to monitor and report to the Senate on the progress and development of the talks.

We had several opportunities to meet with our negotiators before the commencement of talks, and we had a useful debriefing from them immediately after the conclusion of the first negotiating session. Each of the sessions with the negotiating team was structured to permit us the full opportunity to present our views and questions to the team and to engage in a candid and confidential exchange of information. Within the coming days, we will be presenting our observations to the Senate. Through this continuing process of monitoring the negotiations as they unfold, we are confident that the Senate will be in a much better position to consider any resulting treaty or agreement.

Finally, Mr. President, we would be remiss if we did not apprise you of the very positive impression which the negotiating team made on us during our stay in Geneva. Max Kampelman, John Tower, Mike Glitman and their deputies did a great job with us and are obviously doing a great job in preparing for, and conducting, the talks with the Soviet delegation. They are a credit to you, to your Administration and to the country they are serving so well.

Sincerely yours,

ROBERT C. BYRD,
Minority Leader.
BOB DOLE,
Majority Leader.

ARMS CONTROL OBSERVER GROUP TRIP TO GENEVA

Mr. DOLE. Mr. President, I returned yesterday from Geneva, where the distinguished minority leader and I led a delegation of 10 Members of the Senate's observer group to monitor the opening of arms control negotiations with the Soviet Union. I want to briefly offer the Senate at this point some observations on why we went to Geneva and what we accomplished there.

As the Senate knows, the arms control observer group was formed pursuant to Senate Resolution 19, passed unanimously on January 3.

This resolution's establishment of the observer group came about because of the leadership of the distinguished minority leader, Senator Robert Byrd. Senator Byrd should be commended by the body for his providing the initial inspiration for the arms control observer effort and for his tireless work to bring this group together as a functioning entity.

Its main purpose is to assist the Senate in carrying out its role under the Constitution to give advice and consent to the ratification of treaties, including any future arms control treaty.

In consideration of the importance and complexity of arms control issues, the distinguished minority leader and I took great care to recommend for inclusion on the Senate observer group some of the most distinguished Members of this body, who possessed long experience and special knowledge of those issues. As a result, we have a group which does great credit to the Senate and which has the knowledge and enthusiasm to perform its role effectively.

The group, as the Senators know, has four cochairmen: Senators Stevens, Nunn, Lugar, and Pell. The other Members are Senators Warner, Kennedy, Wallop, Moynihan, Nickles, and Gore. The distinguished minority leader serves with me as an ex officio member of the group. All of these observers, except Senators Wallop and Moynihan, were able to make this first trip to Geneva and the absent Senators have indicated their intention to observe the negotiations on site in Geneva at an early opportunity.

GENEVA: GOALS AND ACCOMPLISHMENTS

Our group went to Geneva with three goals, and I think we accomplished them all. First, though we are not negotiators, the group has an important substantive role to play in the arms control process. It is to serve as the eyes and ears of the Senate in Geneva and to maintain close contact with the executive branch here in Washington, where negotiating goals and strategies are developed.

We had a number of subtantive sessions with members of the negotiating team before the talks with the Soviet delegation actually commenced, and we also had a very informative debriefing immediately following the first negotiating session on March 12. We were asked by Max Kampelman and the other members of his team to respect the confidentiality of the negotiating sessions. Obviously, we are going to honor that request, to avoid in any way jeopardizing the smooth conduct of the talks.

I was pleased our excellent negotiating team—Max Kampelman, John Tower and Mike Glitman dealt with us in a spirit of excellent cooperation and candor. They were interested in the ideas and observations we had to offer. They fielded all of our questions, including some very tough and searching ones. And they actively sought to exchange information with us which might help the negotiating process itself.

In the course of these discussions we passed on the strong concern of the Senate, in the area of Soviet violations of existing arms control agreements. Our negotiators got the message clearly that we are deeply concerned about this issue and they agree that it must be addressed, in an appropriate way, in the context of the Geneva negotiations.

Our second goal in going to Geneva was to underscore the strong bipartisan support which exists in the Senate, and in fact in the country, for the administration's arms control efforts. The presence of our bipartisan delegation there alone, I think, sent a clear message to the Soviet delegation and to others: The United States is going about the business of arms control in a serious, nonpartisan, and basically unified way. Both in public statements and in our private meetings with our negotiating team, all of the members of the observer group stressed some common themes. We committed ourselves to be as patient as necessary to make sure we get the kind of agreement we want, and we urged our negotiators to persevere in that same spirit, too.

We departed for Geneva unified in our goals and we came back even more unified than before. Because of that, I am convinced that our presence and actions there materially strengthened the hand of our negotiators as these important talks began and helped to improve the long-term prospects for the kind of agreement we all want.

Finally, we want to Geneva with a third objective in mind—to get to know our own negotiators better and to let them know we are behind them. I need not expound for the Senate on the virtues of Max Kampelman, John Tower and Mike Glitman. We know these men well and have enormous respect for them. Let me say, though, that they, along with their able and enthusiastic deputies, have gone beyond their individual talents to form a true team, in concept and in action. They are a credit to the President who picked them and to the country they are serving so well.

MOSCOW: A NEW LEADER

While in Geneva, of course, we learned of the death of Soviet President Chernenko, and we wondered how it might affect the negotiations about to begin. It appears as if the Soviet Union has moved quickly to arrange an orderly transition of leadership, which is essential to the conduct of our bilateral relations. Certainly, it is encouraging that the Soviets decided to go ahead with

the arms control talks on schedule and that the chief Soviet negotiator has confirmed the direct support of the new Soviet leader, First Secretary Gorbachev, for the Geneva talks.

I might add that Chernenko's death did make it impossible for the group, on this occasion, to meet directly with the Soviet negotiating team. We have received assurances, however, that on future occasions, onsite Senate observers will have appropriate access to the Soviet negotiators.

WASHINGTON FOLLOWUP

Finally, I would like to let the Senate know briefly of the future plans of the arms control observer group for monitoring the negotiations. Two of our Members, Senators STEVENS and GORE, have remained in Geneva for several days to observe the talks. It is the intention of the group that Members will travel to Geneva periodically to observe the talks and that at least one Member will be present for a substantial portion of the time the talks are going forward.

I would also like to inform the Senate that the distinguished minority leader and I last evening sent a letter to the President, giving him our initial observations from our trip. I ask unanimous consent that the text of our letter to the President be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so directed.

(See exhibit 1.)

Mr. DOLE. Mr. President, in conclusion, let me say that the talks in Geneva are off to a good start. The activities of the observer group are off to a productive start.

We recognize this will be a prolonged process. Nevertheless the events which we observed, and in which we played a part, in Geneva can offer all of us a bit more hope that, at the end of this long road, there may lie the proposect of a significant, balanced, and verifiable arms control agreement.

I ask unanimous consent that the letter we did send to the President be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 13, 1985.

The President,
The White House,
Washington.

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Finally, Mr. President, we would be remiss if we did not apprise you of the very positive impression which the negotiating team made on us during our stay in Geneva. Max Kampelman, John Tower, Mike Glitman and their deputies did a great job with us and are obviously doing a great job in preparing for, and conducting, the talks with the Soviet delegation. They are credit to you, to your Administration and to the country they are serving so well.

Sincerely yours,

BOB DOLE.
Majority Leader.
ROBERT C. BYRD,
Minority leader.

SENATE ARMS CONTROL OBSERVER GROUP AND THE GENEVA NEGOTIATIONS

Mr. BYRD. Mr. President, 10 of the Senators on the arms control observer group traveled to Geneva last Saturday, March 9, 1985, in order to monitor the opening round of arms control negotiations with the Soviet Union.

I believe the trip was an unqualified success from every standpoint. The swift transition of power in the Soviet Union while we were in Geneva high-lighted the feeling that we are at the beginning of a new era, not only in the field of arms control but also in American-Soviet relations in general.

The Senate arms control observer group was established by Senate Resolution 19 on January 3, 1985, and includes a well-balanced and highly knowledgeable cross-section of Senators from both sides of the aisle. It includes the leadership of both the Armed Services and Foreign Relations Committees as well as other Senators who have been deeply involved in the national security and arms control areas.

A major part of the reason I believe that this short trip to Geneva was a success was the extensive preparation that we engaged in prior to the trip. The group met for long sessions at breakfast, twice weekly for a month, with a variety of experts in this field—including, for example, such outside experts as Zbigniew Brzezinski and James Schlesinger, as well as our negotiating team and the Soviet Ambassador to the United States, Anatoly Dobrynin. We were, therefore, coversant with the broad outlines of the issues in each of the three negotiating areas: strategic, intermediate, and space weaponry.

The first negotiating session between the United States and Soviet teams was held on Tuesday, March 12, 1985. The second session was held just a few hours ago today.

Prior to the first session, we were provided with extensive briefings by both our three deputy and three chief negotiators. These included extensive confidential discussions of the issues involved. After the first negotiating session, we again conferred with our negotiators and received an extensive debriefing of the details of the negotiating session. I am sure I speak for my colleagues who attended those briefings and debriefings that they were fully informative and satisfactory.

The give and take of discussions between the observer Senators and our negotiators leads me to conclude that the process which we have established will be of long-term value to the Senate and to the administration both.

As Senator Dole and I have communicated by letter to the President yesterday, we believe that we fulfilled the two main goals of our Geneva trip. First, we intended to convey that there is a strong bipartisan consensus supporting the efforts of our team in Geneva. This includes the determination to be very patient in the course of these talks. The talks will be long and arduous. The issues, particularly with the onrush of new technologies over the last decade and into the future, will be staggeringly complex. These will be, unquestionably, the most complicated and difficult negotiations in this field in history.

I made the point to our negotiators over the last few days that I believe it will be American inventiveness upon which the lion's share of ultimate success will depend. It will take our full creative genius to fashion sound solutions to the range of issues, unknowns, and complexities that modern weapons technology presents us with. Just the question of how to verify presently deployed systems such as cruise missiles, much less that largely hidden future of space technologies, is a very demanding task. I do not think the Soviets will exhibit the kind of flexibility and creativity which are peculiarly American. We Americans have to lead them—if they can be led at all, of course.

I also made the point that the Senate observer group is an important resource available to our negotiators. A number of Senators in the group have been deeply involved in fashioning the build-down concept, for example, and also in various kinds of proposals for so-called confidence building measures with the Soviets.

Our second goal on this trip was to demonstrate our commitment to fulfilling the unique and critical role which the Constitution places on the Senate in the area of treatymaking. In this connection, we must advise and consent to any treaty which may result from these talks. It will take far more than just a cursory understanding of the very difficult and varied questions to be resolved by these agreements for us to proper-

ly meet our duty. It will take study and considerable work for the Senate to do justice to the technological as well as the political problems being faced in these negotiations. The group is available to provide counsel and the reaction of the Senate to the issues on the table—if that counsel is desired by our negotiators. We firmly believe that the interplay of ideas that has and will continue to occur with the members of our observer team will be of assistance to our negotiators.

In addition, in the event that a treaty does come before the Senate, the Senate will be in a better position to consider the detailed issues involved in such an agreement. On the other hand, in the event that the negotiations fail, the Senate will be in a better position to understand and make comprehensible to the American people just why that failure occurred.

Our negotiators, led by Max Kampleman and including John Tower and Mike Glitman, and their deputies did a fine job in preparing for the opening of the talks. I am sure my colleagues deeply appreciated their hospitality to us. In addition, our Ambassador to the United Nations Mission to the United Nations in Geneva, Mr. Gerald Carmen, was a generous, courteous, and helpful host. He had a major role in making our trip a success.

We had intended to meet informally with the Soviet negotiators during our stay, but the death of Mr. Chernenko precluded a meeting at that time. However, the Soviets have accepted the idea of such informal contacts in principle and Secretary Shultz has indicated to us that he believes such contacts will be useful in the future.

We expressed our condolences formally to the Soviet people on the passing of Mr. Chernenko last Tuesday. I take it as a positive sign that the Soviet regime has executed its transition of power in an orderly and swift manner. It has not had any effect on the timetable for the arms control negotiations, and I hope that stability in the Soviet leadership will permit the Soviet negotiators to reach reasonable accommodations on our arms control proposals.

We also had an extensive press conference on Tuesday morning in Geneva. I believe all members of our group expressed themselves fully and in response to a variety of questions. I believe it would be useful for my colleagues for the text of that press conference to be available to them, and intend to place it in the Record at the end of these remarks.

I note, Mr. President, that two members of our group, Senators Stevens and Gore, are in Geneva today to monitor the second negotiating session. It is our intention to have one or more Senators, whenever possible, to be in Geneva while the negotiations are ongoing, and a running summary of the progress of the talks will be available on a confidential basis in the observer group files.

In summary, Mr. President, we had a productive and useful working trip to the opening to these talks from March 9 to 13, 1985. We got to know our negotiators on a personal basis and engaged in extensive discussions with them. The briefings were full and informative, the give and take of value to all concerned. We came away with the strong feeling of unity that we are all Americans with a common goal—to reach as sound agreement, or series of agreements, if at all possible.

Mr. President, let me associate myself with the remarks that have just been made by the distinguished majority leader. I was very favorably impressed on this trip by the dedication of all the Members of the Senate who are a part of the observer group. I was impressed also with the leadership that was demonstrated by the distinguished majority leader. He went as a very serious participant and as a member of the observe group. He demonstrated great leadership during that trip as we met with our negotiating team and as we met with other U.S. officials during our stay in Geneva.

May I say that if it were not for that solid, serious support by the majority leader, the efforts of the observer group would be, to some extent, in vain. I think that the support of the majority leader lends a strong undergirding of this whole idea of having observers from the Senate in Geneva during the arms control talks.

Mr. President, this observer group can and will make not only a fine contribution but one that is very much needed as the talks go forward. It is important, I think, that we demonstrate that the Senate is bipartisan in this matter, which we view as a nonpartisan matter. It is a matter affecting the safety and security of the people of this country and of the people in other parts of the world. The Senate has demonstrated that it sees its role under the Constitution in connection with the treaty-making powers as a vital role and as a unique role, and the Senate intends to fulfill that role.

As the distinguished majority leader has indicated, some of the members of the observer group are still in Geneva today.

The observer group has the support of the President of the United States, and that is extremely important. It can render a great service. It will be in a position to advise our negotiators if they desire to have the advice and counsel of the Senate. I think they manifested that desire during our visit.

It will also make it possible for us to have more than just a cursory knowledge of what is going on in the negotiations, because we shall have respected Members from both sides of the aisle who will be attending and keeping us informed of progress and developments.

Mr. president, I think it is important that the American people not be led to believe that these negotiations are going to be easy or that they are going to be of a short-lived nature. We have to keep in mind that some of the agreements that we have entered into with the Soviets heretofore have required years of negotiations. As a matter of fact, the MBFR talks have been going on for over 11 years between the Soviets and the Americans, and those talks have not resulted in an agreement as yet. The Soviet negotiations are tough, and they know what their goal is. Although they may make minor modifications from time to time in their approaches to our negotiators, I think we shall find that in the final analysis—or such has been the history of the INF negotiations—the Soviets are merely doing a little window dressing along the way, and they always come out at the same end.

Fortunately, our negotiators at the INF talks have seen this and they, too, have been purposeful in their goals. They have held out for an agreement that would be equitable and that would provide for verification necessary to protect this country's security interests.

The Soviets have certain advantages; we have certain advantages. The Soviets are going to feel that the advantages that are theirs should continue to be theirs and that the advantages that are ours should be negotiable. That is the kind of negotiators they are, and they know that the American people are usually impatient to get on with things and not spend much time. They are accustomed to instant potatoes and instant cake mix, instant this and instant that, instant everything else.

The Soviets very well may believe that if they just sit tight and take their time, the Americans will cave in. Well, this is too sober and too serious an enterprise, Mr. President, for the Americans to cave in. I would rather see no agreement at all than to see a bad agreement into which the American negotiators have been stampeded by political or other pressures. These arms talks are for keeps, and the outcome of these negotiations is going to affect not only the people of the world today but also the people of the world in my grandchildren's children's time. It is a very important undertaking and we should demonstrate great patience and firmness and at the same time attempt to understand the other side's problems and try to work tenaciously and patiently to develop an outcome that will be worthy of approval by this body.

Mr. President, I congratulate the distinguished majority leader on his leadership during our trip to Geneva, and I congratulate the Members on both sides of the aisle who were there. They are indeed very conscientious Senators and they know that it is going to take a long time to get a good agreement. Senator Dole and I have communicated by letter to the President already and we will continue to attempt as best we can to work with the negotiators in a useful way. Those who participate as negotiators are going to have to deal with the technologies that are onrushing and fast changing in this era, and it will require a great deal of inventiveness and innovativeness on the part of our negotiators. I think if we will look at the summary of the Special Consultative Group Progress Report to the NATO ministers in December 1983, we will see that our negotiators in that instance were innovative, but we will also see that the Soviet negotiators were obstinate, they were intractable, they were unmovable. The Soviet negotiators walked out of those talks. I am glad they have decided to renew the talks.

I ask unanimous consent, Mr. President, that I may insert into the Record the transcript of the news conference in which the distinguished majority leader and I and others in the observer group participated while we were in Geneva and I also ask unanimous consent to insert in the Record the summary of the SCG Progress Report to the NATO Ministers. It is a report that is 49 pages in length.

I would say it would be worth the time and attention of not only every Member of this body but also all who read the Congressional Record wherever they may be. I think it would be well that they read it; it will certainly open the eyes of those who read this report as to just what kind of negotiators the American negotiators are working and meeting with, and it will thoroughly debunk any idea on the part of anyone, I think, that these talks are going to last only a few days or a few weeks. It is going to take months or years. There may be interim agreements along the way, if we can achieve them. There will be no miracles worked and none should be expected.

These are talks of the utmost gravity and importance, and I hope our negotiators will be firm and patient, because only then can we hope to achieve an agreement that is in the mutual interests of both the Soviets and ourselves.

REPORT FROM SENATOR TED STEVENS ON RETURN TRIP TO GENEVA, APRIL 15-18, 1985

From April 15 to April 18, 1985, I traveled to Geneva to observe the U.S. delegations to the arms control negotiations again. This was the penultimate week of the first round of negotiations. As co-chairman of the Observer Group, I was given every opportunity to observe staff meetings, ask questions, offer private counsel, review delegation documents, and consult with the U.S. Ambassadors.

Individual meetings arranged for me at the Botanic Building in Geneva with each of the principal U.S. negotiators were of great value. In this regard, I met with Ambassador Max Kampelman, Ambassador John Tower, Ambassador Mike Glitman, Ambassador Warren Zimmerman, Ambassador Henry Cooper, Ambassador Ron Lehman, Ambassador John Woodworth, and General Richard Ellis. Each is extraordinarily capable and every one was helpful in answering my specific questions.

Also, an informal meeting was arranged between Soviet Ambassadors Karpov and Obukhov and Ambassadors Kampelman, Tower, Glitman and myself to discuss arms control issues. This meeting lasted two and a half hours. I took the opportunity to state my concerns about the Krasnoyarsk radar, among other issues, and the Soviet Ambassadors presented their points of view on these and other issues.

In addition, I observed the regular briefings conducted by each negotiating subgroup: Space and Defense, START, and INF. Before each day's particular subgroup met with the Soviets, the group held a prebriefing to hammer out the final text of the day's plenary statement. After the day's session, the team discussed the plenary and post-plenary discussions before drafting a reporting cable for Washington. These prebriefings and de-briefings offered each negotiating group an opportunity to share ideas, and insights, and to report the essence of informal discussions which occurred in the post-plenaries.

Outside the negotiating building, I arranged informal background discussions with the major American print and radio reporters covering the talks. Aware of the rule of confidentiality adhered to by the U.S. negotiators, I strongly believe that it is valuable for the reporters covering the talks to learn the perspectives of a U.S. Senate Observer, including our views on the mood of the talks, the prospects for the talks, the substantial and urgent concerns of the Senate regarding verification and compliance issues, and the purposes and objectives of the Senate Observers. It is also valuable for the Senate to hear the perspectives of the media, since media perceptions undoubtedly will play an important role this year here and in Europe in shaping the atmosphere surrounding the negotiations.

In this regard, although I found the U.S. negotiators uniformly capable, energetic and cautiously optimistic about their tasks, I found the media already developing a sense of impatience with the lack of obvious public results. I continue to state that after just 54 hours of talks in round one, it is far too early to be pessimistic about the talks, or even to have expected more than an exploratory first six weeks. SALT I took two and a half years and SALT II took almost seven. There are opportunities ahead in these talks as well. One of the roles of the Senate Observers at this point ought to be to counsel patience on the part of everyone associated with the talks or observing the talks, and to find helpful ways to take advantage of the opportunities for substantive progress.

During my visit to Geneva, I also spent time examining the needs of the negotiating team for a secure, efficient physical plant with sufficient support for it to operate. The negotiating team is housed in the Botanic Building, which is also the site of the offices of a half dozen other organizations, including several non-U.S. groups. There are even common walls between the U.S. space and the offices of some of these organizations. Also, there are more than 90 staff members of the U.S. team in a space that formerly was used regularly by only half that number. For these reasons, I have great concern about space, security, support and espionage. I have been told that requirements for word processors, printers, safes, some personal computers, electricity, and secure telephone lines will be met before the second round commences on May 30. ACDA and the State Department made this a top priority, and members of the Senate Observer Group gave their full support to the decision.

Concerning the building itself, the Congress will likely be asked this summer to consider a supplemental appropriation for the cost of erecting a new building for the U.S. arms control negotiating teams. This building would be more efficient and more secure than the Botanic Building. It should be a permanent site for U.S.-Soviet arms control negotiations which will occur for many years to come. I will urge the Congress to give this proposal serious consideration if the Congress is asked to provide funds for the building.

Mr. SIMPSON. Mr. President, does the minority leader have anything further?

Mr. BYRD. Mr. President, I thank the distinguished majority whip. I compliment him on his skillful handling of the business that has been transacted in the last little while.

Mr. SIMPSON. Mr. President, I thank the Democratic leader. Whatever skills I seem to have picked up in this body, I have accumulated many of them from observation of him over some 6 years.

ROUTINE MORNING BUSINESS

(During the day routine morning business was transacted and additional statements were submitted, as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CHEMICAL WARFARE REVIEW COMMISSION MESSAGE FROM THE PRESIDENT-PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Section 1511 of Public Law 98-525, the Department of Defense Authorization Act, 1985, required establishment of a bipartisan commission to "review the overall adequacy of the chemical warfare posture of the United States with particular emphasis on the question of whether the United States should produce binary chemical munitions."

Pursuant to this legislation, Executive Order 12502 established the Chemical Warfare Review Commission on January 28, 1985. Eight distinguished citizens have served on the Commission. It met for two months and heard testimony from more than 75 persons in developing its report. The Commissioners have traveled to Europe to talk with our commanders and Allies there and to examine our defenses against chemical attack at first hand.

The Commission has now reached a consensus on the points it was asked to consider and has submitted its findings. I am conveying these in the attached report for the consideration of the Congress as it deliberates the question of this Nation's posture for deterrence of chemical warfare.

The Commission has found that the United States must have a credible retaliatory capability to deter attack, that the present United States stockpile of agents and munitions does not constitute an effective retaliatory capability, and that the projected binary munitions program offers a much safer and more credible deterrent. Also, this program, far from impeding arms control, will provide an essential assist to our negotiating efforts.

The report of this distinguished Commission has strengthened my own very real concern for our country's chemical deterrence posture. I urge the Congress to authorize funding for the binary munitions program as expeditiously as possible.

RONALD REAGAN.

THE WHITE HOUSE, *June 13, 1985.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:52 a.m., a message from the House of Representatives, delivered by

Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 66. Joint resolution designating June 14, 1985, as "Baltic Freedom Day".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. THURMOND].

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 142. Joint resolution to designate June 12, 1985, as "Anne Frank Day".

ENROLLED JOINT RESOLUTION SIGNED

At 1:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 142. Joint resolution to designate June 12, 1985, as "Anne Frank Day".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. THURMOND].

At 2:33 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2577. An act making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2577. An act making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

ENROLLED JOINT RESOLUTIONS SIGNED

The Vice President announced that on today, June 13, 1985, he signed the following enrolled joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.J. Res. 64. Joint resolution designating Mother's Day, May 12, 1985, to Father's Day, June 16, 1985, as "Family Reunion Month".

The PRESIDENT pro tempore Mr. THURMOND announced that on today, June 13, 1985, he signed the following enrolled joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.J. Res. 25. Joint resolution designate the week beginning June 2, 1985, as "National Theatre Week".

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, June 13, 1985, she had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 66. Joint resolution designating June 14, 1985, as "Baltic Freedom Day"; and

S.J. Res. 142. Joint resolution to designate June 12, 1985, as "Anne Frank Day".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1290. A communication from the Architect of the Capitol transmitting, pursuant to law, a report on all expenditures during the period October 1, 1984 through March 31, 1985, from moneys appropriated to the Architect; to the Committee on Appropriations.

EC-1291. A communication from the Assistant Secretary of the Army transmitting a draft of proposed legislation to include the variable housing allowance for members of the uniformed services without dependents; to the Committee on Armed Services.

EC-1292. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the commercialization and operation of civil land remote sensing satellite systems; to the Committee on Commerce, Science, and Transportation.

EC-1293. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on an extension of time for acting on an appeal in Schuylkill Metals Corp. versus Kansas City Southern Co., et al.; to the Committee on Commerce, Science, and Transportation.

EC-1294. A communication from the Secretary of the Interior transmitting, pursuant to law, the Annual Report on the Youth Conservation Corps; to the Committee on Energy and Natural Resources.

EC-1295. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to amend the foster care and adoption assistance programs; to the Committee on Finance.

EC-1296. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1984 Annual Report on Public Advisory Committees; to the Committee on Finance.

EC-1297. A communication from the Manager for Compensation and Benefits, Farm Credit banks of St. Louis transmitting, pursuant to law, the Annual Report for the Sixth Farm Credit District Retirement Plan for 1984; to the Committee on Governmental Affairs.

EC-1298. A communication from the Secretary of Health and Human Services transmitting pursuant to law, the National Cancer Program 1983-84 Director's Report and the Annual Plan for 1986-1990; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-255. A joint resolution adopted by the Legislature of the State of Oregon; to the Committee on Agriculture, Nutrition, and Foresty.

"HOUSE JOINT MEMORIAL 5

"Whereas we support the reauthorization and the funding of the Farmers Home Administration to provide vital assistance to Oregon's rural communities; and

"Whereas 60 percent of Oregon's population is served by the Farmers Home Administration's 19 county and three district offices located throughout the state; and

"Whereas the decentralized structure of the Farmers Home Administration local county offices is designed to facilitate rural access to critical information and assistance to meet rural development needs; and

"Whereas the number of farm sales, farm and home foreclosures and bankruptcies have reached a crisis point; and

"Whereas rural communities dependent upon agriculture and the wood products industry are vulnerable even in the best of times due to their dependence upon single, dominant industries; and

"Whereas Oregon suffers from the second highest incidence of waterbone disease in the country, which impacts the health of rural Oregonians and prevents economic and housing development; and

"Whereas without the Farmers Home Administration's rural housing construction, rehabilitation, water and sewer programs, a great many low income rural Oregonians would not be able to afford decent housing or safe drinking water; and

"Whereas rural Oregon suffers from insufficient capital to meet its mortgage, public facility, agricultural and economic development needs; and

"Whereas in fiscal year 1984 the Farmers Home Administration made over $66 million in loans for Oregon's housing, public facilities and agriculture; and

"Whereas the entire economy depends upon rural America for food and raw materials; and

"Whereas authority for the Farmers Home Administration programs will expire in 1985; and

"Whereas the Federal Administration's budget for 1986 fiscal year proposes to eliminate Farmers Home Administration rural development programs; now, therefore, Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to reauthorize and retain the Farmers Home Administration rural housing, community facility, water and sewer, farm and other essential rural development programs at a stable level of funding.

"(2) A copy of this memorial shall be sent to the President of the United States and to each member of the Oregon Congressional Delegation."

POM-256. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE CONCURRENT RESOLUTION 29

"Whereas, the 1985 and 1986 use of agricultural products is eight to ten percent less than the capacity of the United States' agricultural production; and

"Whereas, 1985 and 1986 exports of grains and soybeans produced in the United States

are twenty percent below 1981 and 1982 tonnage; and

"Whereas, corn and soybean prices are twenty-five percent below the prices in summer, 1984, and stocks of these commodities are expected to increase by thirty percent this fall; and

"Whereas, the United States' macro-economic policy of tight money, high real interest rates, reduced inflation, and the high exchange value of the dollar are primary causes of the weak export demand and of financial stress among farmers; and

"Whereas, the capacity and efficiency of the United States' agricultural production is a national asset and can help pay for the country's imports when fully employable; and

"Whereas, farmers are economically unable individually and without public help to cease excess production and unwise use of fuel, fertilizer, and top soil; and

"Whereas, lowering price support loan rates and removing deficiency payments will lower rates of earnings on farm assets, exacerbate farm financial stress, and thwart the transfer of assets to financially stable hands: Now therefore, be it

Resolved by the House of Representatives, the Senate concurring. That the Seventy-first General Assembly of the State of Iowa requests and urges the Congress of the United States to undertake the following actions:

"1. Extend the current loan rates and deficiency payment levels for 1986.

"2. Provide adequate supply control for 1986 crops to avoid unwise production and stock accumulation.

"3. Rapidly set long range price policy and thus remove uncertainty.

"4. Provide public assistance to inventory farm assets given up by financially stressed and insolvent farmers.

"5. Insure that an adequate volume of agricultural credit is available to low debt-to-asset borrowers so they can purchase assets from insecure hands and thus restore financial stability to agriculture; and be it further

"Resolved, That the Secretary of State is directed to send copies of this Resolution to the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the Chairpersons of the Senate and House of Representatives Agriculture Committees, and each member of the Iowa Congressional Delegation."

POM-257. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

"RESOLUTION 005

"Whereas, fluid milk is an essential part of a well-balanced human diet, especially the diet of children, youth, and older persons; and

"Whereas, milk contains valuable quantities of calcium, phosphorus, iron, and other necessary nutrients that are easily digested and very economical; and

"Whereas, the flavor and nutritional content of milk could be substantially enhanced by the establishment of increased minimum levels of milk solids-not-fat in fluid milk sold for direct human consumption; and

"Whereas, increases in the consumption of fluid milk because of improved taste and nutritional value brought about by the addition of milk solids-not-fat will reduce surplus dairy commodities held in government storage, improve the financial condition of family dairy farms, and assure good health for residents who drink more milk; and

"Whereas, the legislature has designated milk as the official state drink and it is appropriate for the legislature to take all actions to assure that milk sold and served in the state is as wholesome, tasty, and healthful as possible; and

"Whereas, minimum required levels of milk solids-not-fat in milk will protect the public from confusion, fraud, and deception while promoting fair and orderly marketing of an essential food: Now, therefore, be it

"Resolved by the Legislature of the State of Minnesota that the United States Department of Agriculture should include in all milk marketing orders issued or amended after January 1, 1986, a pricing mechanism for whole milk that would properly account for the value of solids-not-fat content: be it further

"Resolved, That national standards for solids-not-fat be established for all fluid milk marketed to the public. Initially, the standard should require no less than 8.8 percent solids-not-fat with the understanding that in future years the minimum standard would be raised: be it further

"Resolved, That the Secretary of State of Minnesota be instructed to transmit copies of this resolution to the President of the United States, the United States Secretary of Agriculture, the President and the Secretary of the United States Senate, the Speaker and the Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-258. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Appropriations.

HOUSE JOINT RESOLUTION 1010

"Whereas, The Colorado General Assembly adopted Senate Joint Memorial No. 1 in 1978, memorializing the Congress of the United States to pass an amendment to the Constitution of the United States prohibiting deficit spending; and

"Whereas, Since 1978, the fiscal deficits approved by Congress and by the Carter and Reagan administrations up to the end of 1985 will amount to a cumulative total of more than eight hundred billion dollars, resulting in a national debt now totaling approximately one trillion six hundred billion dollars; and

"Whereas, The economic effects of such large deficits and resulting increases of the national debt are extremely harmful, including high real rates of interest, a deteriorating balance of trade, and expanding interest payments on the debt which make it more difficult to balance the budget in the future; and

"Whereas, The larger fiscal deficits become and the longer they persist, the greater becomes the likelihood of national bankruptcy either in the form of directly repudiating the debt obligations of the United States government or indirectly repudiating the debt by monetizing it through a rapid increase in the money supply, which in turn can lead to hyperinflation of the type that has ravaged other countries in the past; and

"Whereas, The danger of irresponsible fiscal policy is the greatest internal problem facing the United States economy today, which therefore must be resolved if we are to achieve continued and sustained economic prosperity and stability with abundant opportunity for all citizens in the future: Now therefore: Be it

"Resolved by the House of Representatives of the Fifty-fifty General Assembly of the State of Colorado, the Senate concurring herein:

That the Congress and the President of the United States are hereby urged to take immediate and decisive steps to bring about a major decrease in the projected 1986 fiscal year deficit as part of a movement toward a genuine balanced budget by fiscal year 1988, which steps should include substantial implementation of recommendations in the Grace Commission report, granting a line item veto to the President, and consideration of any other measures, excepting only those clearly in conflict with our national security and survival."

POM-259. A resolution adopted by the Senate of the State of Illinois; to the Committee on Armed Services.

"SENATE RESOLUTION 104

"Whereas, As a memorial to Congress and the President of the United States, the Senate of the State of Illinois endorses the concept of Mutual Assured Survival and urges Congress and the President of the United States to pursue a strategic defense initiative in order to promote peace and eliminate the threat of war; and

"Whereas, The United States Government does not now possess any defensive means of protecting the American people, or potential targets in the State of Illinois, against incoming enemy missiles launched from any country in the world; and

"Whereas, It is the constitutional duty of the United States Government to "provide for the common defense"; and

"Whereas, The shift in the strategic balance in favor of the U.S.S.R. has undermined the credibility of our deterrent, which is based on the doctrine of Mutual Assured Destruction and the use of offensive nuclear weapons; and

"Whereas, President Ronald Reagan asked a crucial question on March 23, 1983: "Isn't it better to save lives than to avenge them?", and the United States needs a new strategy of Mutual Assured Survival which can make nuclear weapons obsolete; and

"Whereas, Arms control treaties alone cannot protect us, since even a perfect agreement with the Soviet Union would leave the United States undefended against the threat of nuclear missiles launched accidentally, by a terrorist or by an irrational decision of a Third World regime; and

"Whereas, The Soviet Union is moving to defend its people from nuclear attack, and we cannot afford to let them seize the high frontier of space and develop a defensive system before we do; and

"Whereas, On June 10, 1984, the U.S. Department of Defense successfully conducted a test over the South Pacific which proved that we currently have technology to intercept and destroy incoming missiles before they destroy us; and

"Whereas, A system, commonly known as High Frontier, involving the use of non-nuclear satellites to intercept and destroy nuclear missiles targeted at the United States or the territories of our allies, is currently available; and

"Whereas, The Strategic Defense Initiative and/or the High Frontier concept offers America a way out of the continuing spiral of building more and more costly offensive weapons; and

"Whereas, The system available to us now cannot kill people, it can "kill" only missiles and it would function to keep war out in space because it is solely a defensive measure; therefore, be it

"Resolved, by the Senate of the Eighty-Fourth General Assembly of the State of Illinois, That the Congress and the President of the United States are hereby memorialized to pursue the development and building of a space-based, non-nuclear defensive system; and be it further

"Resolved, That suitable copies of this preamble and resolution shall be presented, respectively, to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Illinois Congressional Delegation."

POM-260. A petition from a Citizen of Rantoul, Kansas urging Congress not to pressure the President to trade away any missile defense in arms control negotiations with the Soviet Union; to the Committee on Armed Services.

POM-261. A petition from a Citizen of Rantoul, Kansas urging Congress not to pressure the President to trade away any missile defense in arms control negotiations with the Soviet Union; to the Committee on Armed Services.

POM-262. Concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION 140

"Whereas, the state of Louisiana depends heavily on tourism and tourist related industries; and

"Whereas, Louisiana has always vigorously promoted the state and many of its cities as business and convention centers; and

"Whereas, many of Louisiana's industries have developed around tourism and serving tourist related business and convention needs; and

"Whereas, changes to the United States Internal Revenue Code proposed by the United States Department of the Treasury include limitations on the amount which may be spent on meals for business purposes to ten dollars for breakfast, fifteen dollars for lunch, and twenty-five dollars for dinner; and

"Whereas, other proposals by the Department of the Treasury include limiting the deductibility of business travel related expenses including per diem for accommodations in hotels and motels for income tax deduction purposes; and

"Whereas, these expenses are legitimate, necessary, and incidental to the conduct of trade and business; and

"Whereas, the proposed limitations will result in the loss of jobs in food, lodging, and other tourist related service industries; and

"Whereas, these limitations will have a detrimental impact on our state tourism, our business and convention industries and our state and local economies as a whole; and

"Whereas, these proposed limitations are counterproductive and will result in loss revenues to the federal government. Therefore, be it

"Resolved That the Legislature of Louisiana memorializes congress to oppose amendments proposed by the United States Department of the Treasury to the Internal Revenue Code which would limit business expense deductions for meals and business travel.

"Be it further resolved That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, to each member of the Louisiana congressional delegation, and to the secretary of the United States Department of the Treasury."

POM-263. Joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Governmental Affairs.

"SENATE JOINT MEMORIAL 11

"Whereas the Antelope Valley was so named by the Joseph H. Sherar party in 1862; and

"Whereas the first post office was established for the inhabitants of the Antelope Valley on August 7, 1871; and

"Whereas the first postmaster of the Antelope Post Office was Howard Maupin, a famous Oregon pioneer; and

"Whereas the Antelope Post Office antedates the incorporation of the City of Antelope in 1901; and

"Whereas the Antelope Post Office takes its name from the Antelope Valley as much as from the name of the city in which it is located; and

"Whereas the Antelope Post Office has operated under that name for more than 113 years; and

"Whereas the people of Oregon respect and take pride in their past and the accomplishments of their pioneer forebears; and

"Whereas to change the name of the Antelope Post Office will sever a link that connects modern Oregon with its frontier heritage; and

"Whereas to change the name of the Antelope Post Office will diminish public awareness of the historical significance of that post office and of the important role played by the United States postal service in Oregon's history; now, therefore, be it

"Resolved by the Legislative Assembly of the State of Oregon:

"(1) The United States Postal Service is memorialized to retain the mane of the Antelope Post Office in Wasco County, Oregon.

"(2) A copy of this memorial shall be sent to the nine Governors of the United States Postal Service, the Postmaster General, the Deputy Postmaster General, the Regional Postmaster General, Western Region and to each member of the Oregon Congressional Delegation."

POM-264. Resolution adopted by the Commission of the city of Nacogdoches, TX requesting Congress to exempt State and local governmental employees from the Federal Fair Labor Standards Act; to the Committe on Labor and Human Resources.

POM-265. Joint resolution adopted by the General Assembly of the State of Maryland; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 8

[Explanation: Italic indicates amendments to bill; text in bold brackets indicates matter stricken by amendment.]

"Whereas, Major portions of the continent of Africa have suffered a severe drought for the last 2 years; and

"Whereas, Political upheaval has forced significant segments of the population of several African countries to become refugees in order to avoid areas of warfare and strife; and

"Whereas, The twin scourges of drought and war have created extensive areas of famine scattered throughout the continent of Africa; and

"Whereas, The problems of survival for many Africans become more acute with each passing day; and

"Whereas, The Governor and the members of the General Assembly acknowledge their deep concern over the threat to survival of a large segment of the African population; and

"Whereas, There is a need to identify areas and ways in which the largest number of Africans in need of assistance can be helped in the shortest amount of time; and

"Whereas, There is a critical need to develop and implement an emergency plan for assisting the famine stricken areas of Africa; now, therefore, be it

[*"Resolved by the General Assembly of Maryland,* That the Governor is requested to establish a Task Force to study ways in which the State may assist the famine stricken areas of Africa, and be it further

Resolved, That the Task Force be composed of:

["(1) 2 members of the House of Delegates, appointed by the Speaker of the House, and 2 members of the Senate of Maryland, appointed by the President of the Senate, and

["(2) 12 representatives from the business community, and be it further

[*"Resolved,* That the Governor designate the Chairman of the Task Force, and be it further

[*"Resolved,* That the Task Force report its findings and recommendations to the Governor within 60 days of appointment, and be it further**]**

"Resolved by the General Assembly of Maryland, That all Marylanders are urged to voluntarily contribute to efforts to provide emergency food assistance to those Africans threatened with starvation; and be it further

"Resolved, That all Marylanders are urged to support and work with the many religious, civic, and cultural organizations that have been sponsoring fund drives to maximize the contributions of food, money, and supplies to the starving African people; and be it further

"Resolved, That the President of the United States and the U.S. Congress increase emergency food relief to the African nations experiencing critical food shortages, such assistance to include efficient transportation of foodstuffs to starving people; and be it further

"Resolved, That the President and the U.S. Congress should recognize the long term needs of African nations and provide diplomatic, technical, and economic assistance to deal with the declining production of food in Africa; and be it further

"Resolved, That copies of this Resolution be forwarded by the Department of Legislative Reference to the Honorable Harry Hughes, Governor of Maryland, the Honorable Benjamin L. Cardin, Speaker of the House of Delegates, and the Honorable Melvin A. Steinberg, President of the Senate of Maryland, *the President of the United States, the Maryland Congressional Delegation, the Speaker of the House of Representatives, the President of the U.S. Senate, the Secretary of State, and the U.S. Ambassador to the United Nations."*

POM-266. A joint resolution adopted by the General Assembly of the State of Maryland; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION No. 43

"Whereas, The year 1989 marks the bicentennial of the adoption of the United States Constitution, which established a government of, by, and for the people, under which the State of Maryland and the

Nation at large has grown and prospered; and

"Whereas, The call for a new constitution for the United States began as an effort to better regulate the commerce of the United States; and

"Whereas, Maryland and Virginia were among the first states to settle jurisdictional disputes arising from conflicts over trade, navigation, and fishing; and

"Whereas, At the request of the Virginia General Assembly, the Maryland General Assembly in January, 1785, appointed Thomas Johnson, Daniel of St. Thomas Jenifer, Thomas Stone, and Samuel Chase to meet with representatives from Virginia to discuss and resolve mutual problems of jurisdiction over navigation and fishing on the Chesapeake Bay, the Potomac River, and the Pocomoke River; and

"Whereas, This meeting convened at Mount Vernon at the invitation of George Washington on March 28, 1785, and resulted in the Mount Vernon Compact, provisions of which with regard to fishing on the Potomac are still in effect today; and

"Whereas, The bipartisan success of the Mount Vernon Conference led to the call for a meeting of all the states to assemble in Annapolis, Maryland, in 1786, to discuss matters relating to trade; and

"Whereas, The Annapolis Convention of September 11-14, 1786, concluded that the whole framework of the national government required immediate attention and issued a call for the Philadelphia Convention that, in 1787, adopted the Constitution of the United States; now, therefore, be it

"*Resolved by the General Assembly of Maryland*, That the Maryland General Assembly wishes to join with the General Assembly of Virginia in marking the bicentennial of the Mount Vernon Conference on March 28, 1985; and be it further

"*Resolved*, That March 28, 1985, be observed as a day of historical significance because of the precedent set for interstate cooperation between Maryland and Virginia by the Mount Vernon Conference, that continues to this day, and because of the important part played by the Mount Vernon Conference as a first step in the movement toward the drafting of the Constitution of the United States; and be it further

"*Resolved*, That appropriate ceremonies be undertaken in the State and by the federal government and the other states to recognize the importance of the Mount Vernon Conference in promoting interstate cooperation and in laying the groundwork for the Annapolis Convention of 1786 and the Philadelphia Convention of 1787; and be it further

"*Resolved*, That copies of this Resolution be forwarded by the Department of Legislative Reference to the Honorable Ronald Reagan, President of the United States, 1600 Pennsylvania Avenue, Washington, D.C. 20580; the Honorable George Bush, Vice-President of the United States and President of the Senate, The United States Senate, Washington, D.C. 20515; the Honorable Thomas P. O'Neill, Speaker of the House of Representatives, the House of Representatives, Washington, D.C. 20510; the Honorable Harry Hughes, Governor of Maryland, the Honorable Benjamin L. Cardin, Speaker of the House of Delegates, and the Honorable Melvin A. Steinberg, President of the Senate of Maryland; the Honorable Charles S. Robb, Governor, State Capitol, Richmond, VA 23219; the General Assembly, State Capitol, Richmond, VA 23219; the Honorable William A. O'Neill. Governor, State Capitol, Rm. 200, Hartford, CT 06106; the Honorable Michael Castle, Governor, Legislative Hall, Dover, DE 19901; the Honorable Joe Frank Harris, Governor, State Capitol, Atlanta, GA 30334; the Honorable Michael S. Dukakis, Governor, State House, Rm. 360, Boston, MA 02133; the Honorable James Martin, Governor, State Capitol, Raleigh, NC 27611; the Honorable John H. Sununu, Governor, State House, Concord, NH 03301; the Honorable Thomas H. Kean, Governor, State House, Trenton, NJ 08625; the Honorable Mario M. Cuomo, Governor, Executive Chamber, Capitol, Albany, MY 12224; the Honorable Richard L. Thornburgh, Governor, 225 Main Capitol, Harrisburg, PA 17120; the Honorable Edward DiPrete, Governor, State House, Rm 222, Providence, RI 02903; and the Honorable Richard W. Riley, Governor, State House, P.O. Box 11450, Columbia, SC 29211."

POM-267. A joint resolution adopted by the General Assembly of the State of Maryland; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION No. 74

"Whereas, The year 1989 marks the bicentennial of the adoption of the United States Constitution, which established a government of, by, and for the people, under which the State of Maryland and the Nation at large has grown and prospered; and

"Whereas, The call for a new constitution for the United States began as an effort to better regulate the commerce of the United States; and

"Whereas, Maryland and Virginia were among the first states to settle jurisdictional disputes arising from conflicts over trade, navigation, and fishing; and

"Whereas, At the request of the Virginia General Assembly, the Maryland General Assembly in January, 1785, appointed Thomas Johnson, Daniel of St. Thomas Jenifer, Thomas Stone, and Samuel Chase to meet with representatives from Virginia to discuss and resolve mutual problems of jurisdiction over navigation and fishing on the Chesapeake Bay, the Potomac River, and the Pocomoke River; and

"Whereas, This meeting convened at Mount Vernon at the invitation of George Washington on March 28, 1785, and resulted in the Mount Vernon Compact, provisions of which with regard to fishing on the Potomac are still in effect today; and

"Whereas, The bipartisan success of the Mount Vernon Conference led to the call for a meeting of all the states to assemble in Annapolis, Maryland, in 1786, to discuss matters relating to trade; and

"Whereas, The Annapolis Convention of September 11-14, 1786, concluded that the whole framework of the national government required immediate attention and issued a call for the Philadelphia Convention that, in 1787, adopted the Constitution of the United States; now, therefore, be it

"*Resolved by the General Assembly of Maryland*, That the Maryland General Assembly wishes to join with the General Assembly of Virginia in marking the bicentennial of the Mount Vernon Conference on March 28, 1985; and be it further

"*Resolved*, That March 28, 1985, be observed as a day of historical significance because of the precedent set for interstate cooperation between Maryland and Virginia by the Mount Vernon Conference, that continues to this day, and because of the important part played by the Mount Vernon Conference as a first step in the movement toward the drafting of the Constitution of the United States; and be it further

"*Resolved*, That appropriate ceremonies be undertaken in the State and by the federal government and the other states to recognize the importance of the Mount Vernon Conference in promoting interstate cooperation and in laying the groundwork for the Annapolis Convention of 1786 and the Philadelphia Convention of 1787; and be it further

"*Resolved*, That copies of this Resolution be forwarded by the Department of Legislative Reference to the Honorable Ronald Reagan, President of the United States, 1600 Pennsylvania Avenue, Washington, D.C. 20580; the Honorable George Bush, Vice-President of the United States and President of the Senate, the United States Senate, Washington, D.C. 20515; the Honorable Thomas P. O'Neill, Speaker of the House of Representatives, the House of Representatives, Washington, D.C. 20510; the Honorable Harry Hughes, Governor of Maryland, the Honorable Benjamin L. Cardin, Speaker of the House of Delegates, and the Honorable Melvin A. Steinberg, President of the Senate of Maryland; the Honorable Charles S. Robb, Governor, State Capitol, Richmond, VA 23219; the General Assembly, State Capitol, Richmond, VA 23219, the Honorable William A. O'Neill, Governor, State Capitol, Rm. 200, Hartford, CT 06106; the Honorable Michael Castle, Governor, Legislative Hall, Dover, DE 19901; the Honorable Joe Frank Harris, Governor, State Capitol, Atlanta, GA 30334; the Honorable Michael S. Dukakis, Governor, State House, Rm. 360, Boston, MA 02133; the Honorable James Martin, Governor, State Capitol, Raleigh, NC 27611; the Honorable John H. Sununu, Governor, State House, Concord, NH 03301; the Honorable Thomas H. Kean, Governor, State House, Trenton, NJ 08625; the Honorable Mario M. Cuomo, Governor, Executive Chamber, Capitol, Albany, NY 12224; the Honorable Richard L. Thornburgh, Governor, 225 Main Capitol, Harrisburg, PA 17120; the Honorable Edward DiFrete, Governor, State House, Rm. 222, Providence, RI 02903; and the Honorable Richard W. Riley, Governor, State House, P.O. Box 11450, Columbia, SC 29211."

POM-268. A resolution adopted by the Council of the City of Lubbock, Texas urging Congress to pass legislation which would exempt State and local governmental employees from the Federal Fair Labor Standards Act; to the Committee on Labor and Human Resources.

POM-269. A resolution adopted by the Council of the City of Midland, Texas requesting Congress to exempt State and local governmental employees from the Federal Fair Labor Standards Act; to the Committee on Labor and Human Resources.

POM-270. A resolution adopted by the Senate of the General Assembly of the State of Illinois; to the Committee on Small Business.

"SENATE RESOLUTION No. 45 OFFERED BY SENATORS DEANGELIS AND SANGMEISTER

"Whereas, The United States Small Business Administration was established to address the unique needs and concerns of small businesses and their owners, employees, and communities; and

"Whereas, Many of the programs, regulations, and activities of the federal government work undue hardship on small businesses that the individual small business

owner does not have adequate resources to overcome; and

"Whereas, Past experience has shown that without a special, independent federal agency like the United States Small Business Administration to address the unique needs and concerns of small businesses, such unique needs and concerns have not been addressed by other agencies; and

"Whereas, The United States Small Business Administration currently provides many vital services to small businesses not otherwise available to them; and

"Whereas, Small businesses are creating most of the new jobs in the nation's economy; and

"Whereas, Small businesses have historically created a substantial number of new innovations at a lower cost than larger businesses, and such innovations are critical to ensuring a strong national economy and defense; and

"Whereas, Small businesses are experiencing numerous economic disadvantages including, but not limited to, higher relative federal tax burdens, higher relative economic burdens from federal regulations, and lower relative portions of federal contracts for goods and services, all of which seriously threaten the future of small businesses; and

"Whereas, The United States Small Business Administration has already undergone substantial reductions in its budget in recent fiscal years; and

"Whereas, The Congress of the United States has already approved the convening of a White House Conference on Small Business to be held in 1986, which can provide a forum to recommend modifications or elimination of specific Small Business Administration programs; therefore, be it

"Resolved, by the Senate of the Eighty-Fourth General Assembly of the State of Illinois, That we urge the President and the Congress of the United States to approve the following: that the United States Small Business Administration continue as an independent agency; that the United States Small Business Administration receive an adequate budget to continue operating in future years; and that one of the priorities of the 1986 White House Conference on Small Business be to review and recommend what activities should be performed by the United States Small Business Administration; and be it further

"Resolved, That copies of this resolution be immediately transferred to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each Member of Congress from the State of Illinois."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 2577. A bill making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 99-82).

By Mr. PACKWOOD, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 2475. A bill to amend the Internal Revenue Code of 1954 to simplify the imputed interest rules of sections 1274 and 483, and for other purposes (Rept. No. 99-83).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 1262. A bill to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 24. Joint resolution to designate the month of October 1985 as "National Make-A-Wish Month".

By Mr. THURMOND, from the Committee on the Judiciary, with amendments and with a preamble:

S.J. Res. 124. Joint resolution to designate "National Day of Peace".

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble.

S.J. Res. 136. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Anton Ronald Valukas, of Illinois, to be U.S. attorney for the northern district of Illinois for the term of 4 years; and

Richard V. Weibusch, of New Hampshire, to the U.S. attorney for the district of New Hampshire for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. LONG):

S. 1292. A bill to amend title VII of the Tariff Act of 1930 in order to apply countervailing duties with respect to resource input subsidies; to the Committee on Finance.

By Mr. GORTON:

S. 1293. A bill to amend the Securities Exchange Act of 1934 to exempt certain eligible broker-dealers from self-underwriting regulations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI:

S. 1294. A bill to provide for the minting and issuance of commemorative coins in recognition of great American scientists and their accomplishments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI:

S. 1295. A bill to provide for the minting of gold and silver bullion coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATHIAS:

S. 1296. A bill to amend the Immigration and Nationality Act to modify the requirement for naturalization of an understanding of the English language; to the Committee on the Judiciary.

By Mr. WILSON:

S. 1297. A bill for the relief of Michael R. Shiohama of Anaheim, CA; to the Committee on Armed Services.

By Mr. ANDREWS (for himself, Mr. MELCHER, Mr. ABDNOR, Mr. MURKOWSKI, Mr. PRESSLER, Mr. GOLDWATER, Mr. DECONCINI, Mr. EAST, Mr. BURDICK, Mr. BINGAMAN, Mr. COCHRAN, and Mr. HELMS):

S. 1298. A bill to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. METZENBAUM (for himself, Mr. RUDMAN, Mr. BUMPERS, Mr. LEVIN, and Mr. PROXMIRE):

S. 1299. A bill to prevent certain acquisitions of domestic petroleum companies by major international energy concerns; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. LAXALT, Mr. HEFLIN, Mr. HATCH, Mr. SIMPSON, Mr. EAST, Mr. GRASSLEY, Mr. DENTON, Mr. MCCONNELL, and Mr. BAUCUS):

S. 1300. A bill to provide for antitrust law violators to be subject to individual responsibility for treble the amount of damages attributable to their violations, and to assure fairness in the allocation and award of antitrust damages; to the Committee on the Judiciary.

By Mr. GRAMM (for himself, Mr. GOLDWATER, Mr. THURMOND, Mr. DOLE, and Mr. HELMS):

S. 1301. A bill to strengthen the counterintelligence capabilities of the Department of Defense, to amend the Uniform Code of Military Justice to establish penalties for espionage in peacetime, to provide increased penalties for espionage, and for other purposes; to the Committee on Armed Services.

By Mr. NICKLES:

S. 1302. A bill to amend the Natural Gas Policy Act of 1978, to protect consumers from market distortions that occur as a consequence of current partial regulation of natural gas prices by eliminating the remaining wellhead price regulation as contracts expire, or terminate, or are renegotiated, to permit natural gas contracts to reflect free market prices, to eliminate incremental pricing requirements for natural gas, to eliminate certain restriction on the use of natural gas and petroleum, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURENBERGER (for himself, Mr. ABDNOR, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. COCHRAN, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. GARN, Mr. GORE, Mr. HARKIN, Mr. HEINZ, Mr. HOLLINGS, Mr. KERRY, Mr. MOYNIHAN, Mr. NUNN, Mr. QUAYLE, Mr. SARBANES, and Mr. STEVENS):

S.J. Res. 145. Joint resolution designating November 1985 as "National Diabetes Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 179. Resolution to authorize the printing of a report of the Senate Arms Control Observer Group Delegation to the Opening of the Arms Control Negotiations with the Soviet Union in Geneva, Switzerland, March 9-12, 1985; considered and agreed to.

By Mr. SIMPSON (for Mr. BOSCHWITZ) (for himself and Mr. SARBANES):

S. Con. Res. 50. Concurrent resolution welcoming the President of Tunisia on his official visit to the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. LONG):

S. 1292. A bill to amend title VII of the Tariff Act of 1930 in order to apply countervailing duties with respect to resource input subsidies; to the Committee on Finance.

(The remarks of Mr. BAUCUS and the text of the legislation appear earlier in today's RECORD.)

By Mr. MURKOWSKI:

S. 1294. A bill to provide for the minting and issuance of commemorative coins in recognition of great American scientists and their accomplishments; to the Committee on Banking, Housing, and Urban Affairs.

S. 1295. A bill to provide for the minting of gold and silver bullion coins; to the Committee on Banking, Housing, and Urban Affairs.

AMERICAN SCIENTISTS COMMEMORATIVE COIN ACT AND THE SILVER AND GOLD BULLION COIN ACT

● Mr. MURKOWSKI. Mr. President, I am introducing two bills today, the American Scientists Commemorative Coin Act which would provide for the minting of gold and silver coins commemorating outstanding American Scientists and the Silver and Gold Bullion Coin Act which would provide for the minting of gold and silver bullion coins.

The American gold and silver mining industries are in distress today, through no fault of their own. The United States has a trade deficit which can best be described as extraordinarily large and growing, and a domestic budget deficit which can be fairly described as staggering. These bills which I am introducing today would provide small but significant relief in each of these areas.

For the first time, Americans would have the opportunity to purchase American bullion coins minted by a U.S. mint.

For years, Americans have purchased South African Krugerrands, Canadian Maple Leafs, and Mexican bullion coins. They could not buy an American-made U.S. bullion coin because such coins have never been made. The only American coins containing precious metal available in recent years have been commemorative coins, which appeal to a different market element than do bullion coins.

The commemorative coins to be produced would mark only the second time that a scientist has been commemorated on an American coin. In 1951, a silver half dollar coin honoring the noted agricultural researcher George Washington Carver was minted. Under the provisions of the American Scientists Commemorative Coin Act, different outstanding American scientists would be recognized during each of the next 5 years. When you consider what American scientists have contributed to the quality of life in America and the world, such recognition is not only fitting, but overdue.

One of the serious concerns of American silver producers is the approximately 138 million ounces of silver held in the national defense stockpile. Much of this silver is surplus, and this condition acts to further depress silver prices. Attempts were made to auction this surplus silver, but they were halted by the General Services Administration [GSA] since the bids received were too low.

It is generally agreed by most knowledgeable sources that the best way to dispose of this excess silver is through coinage. This method of silver disposal does not result in undue disruptions in market silver prices. Long-term production and sales of silver—as well as gold—coins would add a large element of stability to market prices and will encourage more exploration and mining of American resources.

As to America's large and growing trade deficit, this legislation will help to reduce this deficit by first reducing the amount of foreign coins purchased by Americans, and second, by enabling foreigners to purchase American gold and silver legal tender currency. Last year, South Africa sold about 4 million ounces of gold as Krugerrands. The bullion coins to be minted under the Silver and Gold Bullion Coin Act would compete directly with the Krugerrand and the silver and gold bullion coins produced by other countries. Since these coins will be legal tender currency of the United States, I expect that they will have sales which will match the combined gold and silver bullion sales of all foreign countries combined.

Gold and silver coin sales have the added benefits of providing a large net income to the Government. The United States already owns large stockpiles of gold and silver. According to our estimates, we can expect that about 800,000 gold and 4 million silver commemorative coins will be sold each year. Each gold coin will contain almost a half troy ounce of fine gold and each silver coin will contain almost three-fourths troy ounce of fine silver. Even at today's depressed prices of approximately $300 per troy ounce of gold and $6 per troy ounce of silver, a net income of $138 million will be received annually just from the sale of stockpiled precious metals for each year these commemorative coins are produced.

In addition, each silver American scientist's commemorative coin will have a surcharge of $7, and each American scientists commemorative gold coin will have a surcharge of $35 which will be used for the sole purpose of retiring the national debt. Over the 5 years that these coins will be produced, $280 million will be provided for this purpose. This does not even include the $138 million to be received from the sale of surplus precious metals.

The volume of coins to be sold as bullion coins will be much greater than those sold as commemorative coins, since these coins have a broader national as well as international market appeal and because the program will be a continuing one. These coins have a great appeal to investors in precious metals; the same investors who have made the bullion coin programs of other countries so successful over the years.

These bills serve to provide a commodity to the American people for which they have expressed a continued interest over the years. At the same time, this commodity is not provided at Government expense. On the contrary, the U.S. Government will have all production costs covered, as well as a net income from the sale of any stocks of precious metals already owned by the Government. In addition, $280 million will be received from commemorative coin sales for the express purpose of reducing the public debt.

Because Americans will now be able to buy American bullion coins, the U.S. trade deficit will be reduced as Americans and foreigners buy American coins instead of bullion coins of other countries.

Finally, enactment of these bills will provide a much needed boost to miners of precious metals and, at the same time, not cause unwarranted or excessive perturbations in the prices paid for gold or silver.●

By Mr. MATHIAS:

S. 1296. A bill to amend the Immigration and Nationality Act to modify the requirement for naturalization of an understanding of the English language; to the Committee on the Judiciary.

MODIFICATION OF ENGLISH LANGUAGE REQUIREMENT FOR NATURALIZATION

● Mr. MATHIAS. Mr. President, each year our country welcomes thousands of permanent resident aliens as they achieve their dream of U.S. citizenship. Immigrants are part of the great history and heritage of this country and have made significant contributions in all areas of American life.

There are certain requirements that must be met before becoming a U.S. citizen. These requirements include meeting certain English language and educational standards. While some exceptions are allowed to the English language requirement, there are none to the educational requirements to

demonstrate a knowledge of U.S. history and government. However, some of the elderly people who aspire toward citizenship are thwarted from realizing that goal because they have difficulty mastering the English language, even though they are in every other way qualified to become citizens.

Today, I introduce a bill designed to remedy this situation. My bill would add an additional exemption from the English language requirement for those individuals who meet the following qualifications. First, they must make diligent efforts to learn the English language. Second, that they must be over 65 years of age. Finally, they must have been lawful permanent resident aliens living in this country for at least 5 years. Under current law, we allow an English exemption for those who are physcially unable to learn English and for those who are over 50 years old and have been permanent resident aliens living in the United States for at least 20 years. My bill, like these current exemptions, would affect only the English requirement. All applications for citizenship still would have to pass the educational requirements—demonstrating adequate knowledge of U.S. history and government.

The Immigration and Naturalization Service estimates that this change could only affect roughly 3,200 of the 166,000 persons who become naturalized citizens every year. This amendment should have no significant budgetary impact, since permanent resident aliens are eligible for the same benefits as citizens. However, amending the requirements as I propose today will help elderly people achieve their life-long dreams of becoming Americans.

I ask unanimous consent that the bill be printed following my remarks, and I urge my colleagues to give this proposal serious consideration which merits their support.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 312(1) of the Immigration and Nationality Act (8 U.S.C. 1423(1)) is amended in the first proviso by inserting after "residence" the following "or is over sixty-five years of age and has been living in the United States for at least five years subsequent to a lawful admission for permanent residence and has made diligent efforts to understand the English language".●

By Mr. WILSON:

S. 1297. A bill for the relief of Michael R. Shiohama of Anaheim, CA; to the Committee on Armed Services.

RELIEF OF MICHAEL SHIOHAMA

● Mr. WILSON. Mr. President, today I am introducing a private relief bill on behalf of Michael R. Shiohama. Mr. Shiohama is an employee of the Department of Defense in Anaheim, CA. This bill will relieve Mr. Shiohama of the obligation to reimburse the Department of Defense for moving expenses in the amount of $7,857.61, plus accrued interest.

Mr. Shiohama was a U.S. Postal Inspector residing in Rohnert Park, CA. In 1963, he applied for the position of special agent, Defense Criminal Investigative Service, Office of Inspector General, Department of Defense in the Los Angeles area, some 500 miles from his Rohnert Park home. He was accepted for this position in September of 1983 and was informed that the move was being handled as a lateral transfer. He was authorized reimbursement of up to $16,577 for the relocation of himself and his family. He incurred $7,857.61 in relocation expenses and was reimbursed by the Department of this amount.

On June 6, 1984, Mr. Shiohama was informed by the Department of Defense that the Department had made a serious mistake and that he was required to reimburse the Department for the moving expenses that he had been paid. According to the Department, Mr. Shiohama's transfer from the Postal Service to the Department of Defense did not entitle him to his moving benefits.

Two similar private relief bills, S. 897 and H.R. 1291, have been introduced on behalf of two other Department of Defense employees. These employees have also been requested by the Department to return funds that were reimbursed to them by the Department for their relocation expenses. These bills have been referred to the Senate Armed Services Committee and House Judiciary Committee, respectively.

It is clear that an integral part of Mr. Shiohama's decision to accept the position with the Department of Defense was his reliance on the Department's commitment to reimburse him for his moving expenses. It would be extremely unfair to require Mr. Shiohama to reimburse the Department of Defense for his relocation expenses especially since he relied on the Department's authorization for reimbursement.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Michael R. Shiohama of Anaheim, California, is relieved of all liability for repayment to the United States of the sum of $7,857.61 plus accrued interest which represents the amount that the said Michael R. Shiohama is indebted to the Department of Defense for payments received for travel and relocation expenses arising from his relocation from Rohnert Park, California, to accept employment with the Department of Defense in Anaheim, California, in October and November 1983. The said Michael R. Shiohama was erroneously informed by an agent of the Department of Defense that he was entitled to reimbursement of all travel and relocation expenses incurred relating to such relocation.

SEC. 2. No part of the amount relieved from liability pursuant to the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such relief, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section shall be a misdemeanor and any person convicted thereof shall be fined not more than $1,000.●

By Mr. ANDREWS (for himself, Mr. MELCHER, Mr. ABDNOR, Mr. MURKOWSKI, Mr. PRESSLER, Mr. GOLDWATER, Mr. DECONCINI, Mr. EAST, Mr. BURDICK, Mr. BINGAMAN, Mr. COCHRAN, and Mr. HELMS):

S. 1298. A bill to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN JUVENILE ALCOHOL AND DRUG ABUSE PREVENTION ACT

● Mr. ANDREWS. Mr. President, I am pleased to introduce, today, a bill that will coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among the Native American youth. This bill, the Indian juvenile alcohol and drug abuse prevention bill, addresses the need to establish a comprehensive education and treatment program, targeted at the abuse of alcohol and drugs by Indian juveniles.

Juvenile alcohol and drug abuse has been largely ignored by the Bureau of Indian Affairs and the Indian Health Service. Unfortunately, there are few education or treatment programs targeted at addressing this serious problem—a problem which is becoming more of a threat to the Indian youth every year. Since the abuse of alcohol and drugs has been largely ignored by the two agencies responsible for the welfare and education of American Indian youth, I am unable to cite statistics as to the number of youth affected. However, among BIA, IHS, and tribal personnel working with Indian juveniles, there is little doubt that alcohol and drug abuse is a leading cause of the school dropout rate, premature death, and criminal arrests of Indian youth. There is also little doubt, in Indian country, that the abuse of alcohol and drugs is, rather than decreasing, on the rise. Incidents of juveniles ingesting fumes from glue, gasoline, automobile exhaust, and paint is still a major problem, and get-

ting more serious. Recently, the ingestion of copy machine fluid and Lysol detergent has become a serious life-threatening situation.

The Indian juvenile alcohol and drug abuse bill will require coordination between the Bureau of Indian Affairs and the Indian Health Service in the education, identification and treatment of alcohol and drug abuse by Indian youth. Prevention of abuse, through education, is one of the key goals of this bill. It is disheartening to know that while education programs dealing with this issue are being incorporated in many schools, the Bureau schools, generally, lack any education curriculum geared to preventing alcohol and drug abuse. For the past 99 years, the Bureau officials have been in violation of a law which makes the study of alcoholic drinks and narcotics, and their effects, compulsory in all Indian schools. This law, enacted on May 20, 1886, contains an enforcement section stating that any school officer, committee, superintendent, or teacher who refuses or neglects to comply with this requirement shall be removed from office. As far as I know, not one Bureau official has ever complied with the act or been removed from office for noncompliance. The bill, introduced today, will again direct the Bureau to provide educational instruction on the abuse and effects of alcohol and drugs, and, hopefully, will be the beginning of the curtailment and elimination of alcohol and drug abuse by the Indian people.

The Indian juvenile alcohol and drug abuse bill requires that all Bureau of Indian Affairs schools, and contract schools, provide a program of instruction in the area of alcohol and drug abuse to students in kindergarten and grades 1 through 12, and that such program be developed in consultation with the Indian tribes. The bill also requires that BIA and IHS personnel, responsible for, or working with juveniles, receive training on the problems of alcohol and drug abuse, and that such training be made available to urban Indian center personnel, and other local and tribal personnel working with Indian youth. The establishment of emergency shelters to house Indian juveniles arrested for an alcohol or drug related offense is provided for, with training required of all persons supervising such shelters. The bill also provides for the establishment of treatment and counseling services, both outpatient and inpatient.

While this bill is not the answer to the problems of alcohol and drug abuse by Indian juveniles, it is a concerted effort to try to answer the problem. I am pleased that joining me today, in introducing the Indian juvenile alcohol and drug abuse prevention bill, are Members of both parties, representing a geographical cross-section of our country. I urge all my colleagues to join us in sponsoring a bill that will begin the process of giving the Native American juveniles a chance at life—life free from the cloud of alcohol and drugs.●

● Mr. ABDNOR. Mr. President, I am pleased to join with the distinguished chairman of the Senate Select Committee on Indian Affairs, Mr. ANDREWS, in introducing the Indian Juvenile Alcohol and Drug Abuse Prevention Act.

This legislation is the result of months of preparation and consultations by the Senate Select Committee on Indian Affairs. The problems which we hope to address by introduction of this bill are of epidemic proportions in Indian country. We are losing a generation of Indian children to the tragedy of drug and alcohol addiction.

This is not a perfect bill. Some would argue it goes too far, others that it doesn't go far enough. I believe it is a good beginning. Previously, we have relied on individual tribal programs or independent programs to address the problems of alcohol and drug abuse on the reservations, in the towns and cities and in our schools. This simply is not working.

I do not intend to support any program which simply throws money at a problem and then expect the problem to take care of itself. Our bill does not do this. This bill requires the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA] to coordinate alcohol and drug services on a national, area and agency level. Without this cooperation, our efforts will be fruitless. We additionally provide for the involvement of tribes, Indian organizations, and individuals in identifying and quantifying the current problems among Indian youth.

In addition, one of the most important aspects of our bill is the requirement that ongoing, consistent, specific drug and alcohol abuse program be implemented in BIA schools, contract schools, and other educational facilities from kindergarten through high school.

Study after study has reached the conclusion that education presents the greatest defense against drug and alcohol abuse. It must begin early and continue during a child's educational process. Our bill requires that all personnel who are responsible for, and work with, Indian children participate in specific training classes structured to address the needs involved with combating alcohol and drug abuse. At this time no such training program is in existence on a coordinated and unified basis. How can we expect these problems to be addressed under current programs when we have no standardized training program available to individuals involved in such programs now?

Our bill also provides for the inclusion of urban Indian health personnel as well as tribal, State and Federal court participation. We must address these needs on a wide spectrum or we will not be successful in reaching our goal of reducing alcohol and drug abuse among Indian youth.

I know first hand the problems which exist among our Native American youth in South Dakota. Drug and alcohol abuse is at an all time high. Not a week goes by that there is not another tragic story attributable to the effects of drugs and alcohol.

Mr. President, I urge my colleagues to review the legislation we are introducing today. I believe this bill is the best vehicle for addressing the true needs of our Indian youth and it is my profound hope that many of you will join in cosponsoring this important health legislation to protect the future of our Indian children.

● Mr. MELCHER. Mr. President, I am pleased today to join my distinguished colleague from North Dakota in sponsoring the Indian Juvenile Alcohol and Drug Abuse Prevention Act of 1985.

Alcoholism has been called the No. 1 disease problem of Native American Indians. In the broader sense alcohol and drug abuse is the most serious problem facing American Indians today. In my State of Montana and, very likely, on other Indian reservations throughout the Nation, the social costs, the wrecking of lives is devastating.

Unemployment and depressed economic conditions contribute to serious alcohol and drug abuse. High incidences of alcohol and drug abuse contribute significantly to poverty and despair. This vicious circle must be broken, and the Indian youth of today must be the starting point.

At present, virtually all efforts to combat alcoholism and drug abuse among Indians are focused on those who already suffer the tragic results of addiction and alcoholism. We need to continue those efforts but we must also educate and treat the young people before addiction and alcoholism take hold and more lives are tragically ruined.

This bill is a first step in that direction. It is a good beginning. It provides that alcohol and drug abuse education programs be taught in all BIA funded schools from kindergarten through grade 12. It requires that personnel involved in Indian education, health, and law enforcement receive training in juvenile alcohol and drug abuse and in crisis intervention. The bill also authorizes the licensing of emergency shelters for Indian youth who are in trouble with the law because of drugs or alcohol and directs the Indian Health Service to determine the need for residential treatment centers for Indian youth and to determine what facilities might actually be available to meet those needs.

Mr. President, I believe this bill is deserving of the wide bipartisan support it has already received in both the House and Senate. All of us who are concerned about the future of American Indians—and the preservation of their rich and varied heritage—need to encourage cooperation among Federal agencies and Indian tribes to make inroads into the tragic problems caused by alcohol and drug abuse.

Prevention saves both suffering and costs. This bill, by focusing on prevention is urgently needed.●

By Mr. METZENBAUM (for himself, Mr. RUDMAN, Mr. BUMPERS, Mr. LEVIN, and Mr. PROXMIRE):

S. 1299. A bill to prevent certain acquisitions of domestic petroleum companies by major international energy concerns; to the Committee on the Judiciary.

DOMESTIC PETROLEUM COMPANY ACQUISITION ACT

● Mr. METZENBAUM. Mr. President, today I am introducing legislation which will put a halt to the continuing reduction in competition and exploration in the oil industry. Oil companies, in the current permissive merger climate, have realized that they can expand their oil reserves more cheaply through merger than through exploration and drilling. While this may or may not be good for the company and its shareholders, this trend is not good for the country or our national policy of energy independence. I am pleased that Senators RUDMAN, BUMPERS, LEVIN, and PROXMIRE are cosponsoring the Domestic Petroleum Company Acquisition Act of 1985.

In the last 5 years, we have witnessed an astounding number of mergers in the petroleum industry. Standard Oil of California acquired Gulf. Texaco, Inc., acquired Getty Oil Co. Mobil Corp., acquired Superior. Cities Service acquired Occidental.

These mergers were permitted by the antitrust agencies. In addition, many other mergers were attempted but, because of financial considerations or, in rare cases, antitrust challenges, they were not accomplished. Mobil attempted to buy Marathon Oil Co., in 1981 but was stopped by a private antitrust action. Mobil tried to buy Conoco but was stopped because Dupont bought Conoco instead. Gulf attempted to buy Cities Service but the FTC intervened. The list of attempted takeovers goes on and on.

The urge to merge in this industry is far from over. A November 1984 article in Fortune magazine begins:

> Don't be deceived by the current calm: after the election, the wheeling and dealing for oil companies is likely to begin again with a vengeance.

The article reports that a host of smaller oil companies are takeover possibilities, including Union Oil of California, Amerada Hess, Sun, and others. The article reports that the basic driving force behind oil company mergers—the need for additional oil reserves—will continue to provide a powerful incentive for large oil companies to gobble up smaller ones. Since the article was published, we have seen attempts to purchase Phillips and Unocal, resulting in restructuring plans which will cut exploration plans.

These mergers may be lucrative for the oil giants that are able to line up the billions of dollars necessary to complete the takeovers successfully. But is the public benefited? The answer is a resounding no. These efforts by the major oil companies to acquire their midsize competitors is directly contrary to the national interest.

First, they will reduce competition in the oil industry, both at the producing and retailing level.

Second, they will accelerate the shutdown of independent service station dealers, concentrating greater market power in the hands of the major oil companies.

Third, they will focus the search for new oil supplies on Wall Street, rather than on new energy frontiers, inevitably reducing new oil and gas discoveries. Our energy security is endangered by this disincentive to develop new reserves.

These deals will have nothing to do with efficiency or creating new energy supplies. Rather, they involve a redirection of capital to acquire proven reserves rather than toward more risky ventures to discover new resources.

If the acquisitions continue, the result will be further concentration of the energy industry. Our antitrust policy has always been sensitive to the need to arrest trends toward concentration so we can prevent monopolies before they begin. This legislation is consistent with this historical policy.

In addition to reducing competition among major oil companies, these mergers will harm competition through increased vertical control of retail outlets by the major integrated companies. Texaco, for example, has actively pursued a strategy of shutting down its independent service station owners in favor of company-owned outlets. If the majors continue to acquire midsize companies, this disturbing trend will accelerate.

As independent retail outlets are eliminated, the major oil companies will be able to more effectively dictate the retail price of gasoline. Experience indicates that this will result in higher pump prices. In addition, independent service station dealers often provide consumers with a full-service option often unavailable at company-owned outlets. Independent service station dealers are also a major competitive force in the automotive repair market. As the majors drive the independents out of business, the availability of such service will be reduced, consumer choices narrowed, and prices will increase.

A new wave of oil company mergers will also severely undermine our policy or energy independence. Billions of dollars will be spent to shuffle proven reserves among companies. As long as the industry giants can obtain new reserves by purchasing undervalued stock in other oil companies, they have no incentive to discover new reliable sources of energy.

If the major multinationals cannot acquire reserves through mergers, they will invest in developing new sources of oil and gas. The tax laws currently give the oil industry special deductions worth billions of dollars in order to encourage such developments. Without this legislation, that money will be used merely to concentrate proven reserves in fewer hands. We will not see the new exploration which is necessary to lower costs and lessen our reliance on vulnerable foreign sources.

The problem is recognized by leading oil company executives and other experts in the business community. In a recent address, Laurance Fuller of Standard Oil of Indiana noted that 375 oil companies, large and small, replaced only 80 percent of their reserves they produced over the past 4 years despite record drilling in the early 1980's. Mr. Fuller predicts that our dependence on foreign oil should increase within the next 15 years to over 50-percent of consumption. We cannot afford to sit by while major oil companies spend billions which could be going into developing energy independence are instead divested into corporate paper shuffling. Sanford Margoshes, a leading oil company analyst at Shearson/Lehman Bros., has stated:

> Some of the money that would have been used to search for hydrocarbons in the United States and elsewhere is going to be diverted to paying off the debt.

The measure introduced today will stop the major oil companies from buying the second tier of companies who are their competitors. It is a very straightforward and simple bill. It prohibits the major oil companies, those which produce over 500,000 barrels of crude oil per year, as well as foreign-owned companies, from combining with each other or with an oil company with crude oil production exceeding 50,000 barrels per day.

This provision would mean that approximately eight of the largest companies would be prohibited from acquiring control of each other or of any of approximately 11 mid-size domestic energy concerns. The bill contains an exemption for mergers if the firms can prove that the transaction is needed to produce substantial new crude sup-

plies or that it is necessary to prevent bankruptcy by one or both of the parties. In a case where the exemption is applicable, the antitrust laws will still be in effect.

I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Petroleum Company Acquisition Act of 1985".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) major energy concerns have demonstrated an intent to allocate substantial financial resources to the acquisition of domestic petroleum enterprises;

(2) recent events in the oil producing areas of the world increase the importance of fully developing our domestic petroleum resource base for national security and domestic economic reasons;

(3) the allocation of billions of dollars to the acquisition of present domestic petroleum reserves is contrary to national policy to the extent that it does not add to our resource base but rather diverts capital resources which otherwise could have been used to explore for, and produce new domestic sources of energy; and

(4) acquisitions of domestic petroleum companies are likely to continue, resulting in the elimination of important competitive checks on the economic and political power of major energy concerns, and such acquisitions are therefore against public policy.

AMENDMENT TO THE CLAYTON ACT

SEC. 3. The Clayton Act (15 U.S.C. 12 et seq.) is amended by inserting immediately after subsection 7A(j) the following new subsection:

"(k)(1) For purposes of this section—

"(A) the term 'major energy concern' means any person engaged in commerce in the United States—

"(i) whose average net production of crude oil in the previous calendar year exceeded 500,000 barrels per day, or

"(ii) which is under the control of one or more foreign persons;

"(B) the term 'domestic petroleum company' means any person engaged in commerce in the United States, and whose average net production of crude oil from sources within the United States in the previous calendar year exceeded 50,000 barrels per day;

"(C) the term 'foreign person' means (i) any individual who is not a citizen of the United States, (ii) any person organized under the laws of, or having its principal place of business in, a country other than the United States, or (iii) any other person owned or controlled directly or indirectly by one or more of such individuals or persons;

"(D) the term 'affiliate', when used with respect to any major energy concern, means any person who controls, is controlled by, or is under common control with a major international energy concern;

"(E) the term 'control' means the power, directly or indirectly, to direct or cause the direction of the management and policies of a person through ownership of voting securities or otherwise *Provided, however,* That control shall not arise solely out of a bona fide credit transaction. Ownership of, or the power to vote, 15 per centum or more of the outstanding voting securities of a person creates a rebuttable presumption of control. Ownership of, or the power to vote, less than 15 per centum of the outstanding voting securities of a person does not create a presumption of control or lack of control; and

"(F) the term 'person' includes (i) any individual, (ii) any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, and (iii) the government of any country or any political subdivision or agency thereof.

"(2)(A) It shall be unlawful—

"(1) for any major energy concern or any affiliate thereof, to acquire, directly or indirectly, by purchase, trade, or otherwise, the majority of assets of a domestic petroleum company or any voting securities of a domestic petroleum company if after such acquisition, such domestic petroleum company will be directly or indirectly owned or controlled by such major international energy concern, or its affiliate; and

"(2) for any domestic petroleum company or any affiliate thereof, to acquire, own, or control either directly or indirectly any major energy concern or its affiliate, or a majority of the assets of a major energy concern.

"(B) Whenever it appears to the Attorney General, the Federal Trade Commission, or any other aggrieved person that a major energy concern, affiliate, or any agent thereof, or any domestic petroleum company, any affiliate or agent thereof has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of subparagraph (A), such person may bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted. Any such permanent injunctive relief may provide for restitution of moneys.

"(C) This paragraph shall not apply to any acquisition if—

"(1) the parties to the acquisition demonstrate that the transaction is likely to result in a material increase in new energy exploration, extraction, production, or conversion, and that such an increase cannot reasonably be achieved by means not prescribed in subparagraph (A); or

"(2) such parties demonstrate that the transaction is necessary in order to prevent one or both of the parties from having to file a petition with the bankruptcy court or from being declared bankrupt.".●

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. LAXALT, Mr. HEFLIN, Mr. HATCH, Mr. SIMPSON, Mr. EAST, Mr. GRASSLEY, Mr. DENTON, Mr. MCCONNELL, and Mr. BAUCUS):

S. 1300. A bill to provide for antitrust law violators to be subject to individual responsibility for treble the amount of damages attributable to their violations, and to assure fairness in the allocation and award of antitrust damages; to the Committee on the Judiciary.

TREBLE DAMAGE LIABILITY IN ANTITRUST SUITS

Mr. THURMOND. Mr. President, I am introducing today a bill that I believe to be a fair and equitable reform of private antitrust damage liability. I believe that this reform is not only sensible and fair, but is widely supported in the bar and business community, and enjoys bipartisan support in the Senate Judiciary Committee. This legislation will remedy a problem of continuing concern to the business community and the Congress. This measure would eliminate the unfair and inequitable whipsaw effect of joint and several liability in antitrust suits that often permits the largest defendants to settle out of litigation early and inexpensively, leaving the remaining smaller defendants facing liability for three times the total injury caused by the conduct of all of the defendants. At the same time, this measure will increase, rather than reduce, the deterrent effect of private antitrust law enforcement.

The problem addressed by this bill arises from the combination of joint and several liability, mandatory trebling, and procedures for nationwide class actions in private antitrust suits. This combination creates situations in which a law-abiding business can be threatened with the treble damages of an entire industry. The risk of multibillion dollar liability is simply too great to justify a small defendant going to trial and taking even a small risk of liability. Faced with this choice, defendants can be unfairly forced to pay enormous sums to settle antitrust claims without regard to their culpability or role in the conduct alleged in a suit. Under this proposal, defendants in private antitrust suits would remain liable for treble damages. That liability, however, would be limited to three times the damages that the individual defendant caused. In my view, this system of recompense for antitrust injury is fair and equitable to both defendants and plaintiffs alike.

This bill would preserve joint and several liability in two specific situations in which, without joint and several liability, plaintiffs might be left without recourse for antitrust injury. The first situation is where any of the defendants has become bankrupt. The second situation is where, for any reason, any of the defendants is beyond the jurisdiction of the district courts. In these circumstances, it is just and fair to hold the other defendants liable not only for damages they caused but also for damages caused by the defendants against which the plaintiff has no recourse.

The unfairness posed by the combination of treble damage and joint and several liability in antitrust suits has been the subject of congressional concern and hearings in both Houses over the past several years. Some proposals have involved creating rights of contribution or claim reduction. Contribution would allow defendants who have paid more than their fair share of

damages to sue those who paid less than their share. Claim reduction would prevent plaintiffs from threatening defendants with damages attributable to defendants that had settled out of suits. Both types of proposals have been criticized on various grounds. A consensus has now emerged, however, in favor of the direct, simple, and equitable remedy I am proposing today.

I have recently been visited by members of the business community who were affected by and involved in our earlier consideration of measures to provide contribution among antitrust defendants. I have been assured that the business interests that were divided in their views of the earlier contribution proposal are united in their support for this measure.

Accordingly, I am offering this improvement in private antitrust damage apportionment. It has the salutary effect of strengthening deterrence of potential antitrust violators. At the same time, it avoids the unfairness of letting large defendants shift responsibility for antitrust injury to smaller defendants that may be inequitably ruined by such liability. It accomplishes these goals without complexity or delay. I urge my colleagues to join with me and the other sponsors of this bill in a bipartisan effort to achieve this improvement in the justice of private antitrust law enforcement.

By Mr. NICKLES:

S. 1302. A bill to amend the Natural Gas Policy Act of 1978, to protect consumers from market distortions that occur as a consequence of current partial regulation of natural gas prices by eliminating the remaining wellhead price regulation as contracts expire, or terminate, or are renegotiated, to permit natural gas contracts to reflect free market prices, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes; to the Committee on Energy and Natural Resources.

NATURAL GAS REGULATORY REFORM ACT

● Mr. NICKLES. Mr. President, I am today introducing the Natural Gas Regulatory Reform Act of 1985, a bill which will assure this Nation a reliable and reasonably priced supply of natural gas.

Only a week ago, the President of the United States was in Oklahoma, and he told me publicly that he would support my efforts to deregulate natural gas. So, with his vocal support, I hope to move this measure through the Senate as soon as possible.

This legislation will protect residential, commercial, and industrial natural gas consumers from government-created market distortions which jeopardize both supply and price. Without enactment of this legislation, unjustified Government interference will continue to occur and consumers will suffer as a result.

The Natural Gas Regulatory Reform Act will gradually deregulate all remaining regulated natural gas, it will eliminate the artificial restrictions on fuel use by electric utilities and industrial companies alike, and it will eliminate "incremental pricing" which distorts market signals. Deregulation will not increase the price of natural gas, but it will make available additional volumes of natural gas that would otherwise be shut in and lost forever.

Mr. President, our experience with crude oil decontrol, and our experience with partial natural gas decontrol, has proven conclusively that decontrol does not lead to price increases for consumers. In fact, in many situations, partial deregulation has led to lower prices due to increased competition.

This is now being demonstrated with the partial deregulation of natural gas which occurred on January 1, 1985. On that date, about half of our natural gas supply was deregulated under the provisions of the Natural Gas Policy Act. According to Department of Energy statistics, as the 1 1/85 deregulation date approached, gas prices stopped increasing, and then began to fall. Over the 11-year period from 1973 through 1984, residential gas prices had increased an average of 15 percent per year—a fivefold increase over the period—despite Federal regulation. In the 12-month period from December 1984 through December 1985, residential gas prices increased by less than one-half of 1 percent. And since December 1984, residential gas prices actually declined in the following cities: Baltimore, Boston, Buffalo, Chicago, Cincinnati, Cleveland, Kansas City, Minneapolis, Philadelphia, Pittsburgh, San Diego, San Francisco, Oakland, and Washington, D.C. In the Northeast, North Central, and Southern sections of the United States, gas prices have fallen over this period. Only in the Western States have gas prices increased. Since September 1984, when residential gas prices hit their all-time high, gas prices have fallen nearly 2 percent. There is no doubt in my mind that the partial deregulation of the natural gas market has proven that the marketplace can and will work if allowed, and that will benefit consumers.

Deregulation of "old" gas, as the contracts expire or are renegotiated, will also enhance supply and avoid premature shut-in and abandonment of producing fields. It simply makes no sense to shut in "old" gas at 30 cents, or 40 cents, or 50 cents per mfc, and to turn around and purchase replacement gas from Canada or Mexico at 5 or 10 times the price. Numerous industry and Government studies have conclusively shown that the deregulation of "old" gas will provide this Nation with substantial additional supplies of natural gas.

Mr. President, I want to point out that this legislation accelerates only modestly the policy decision made by Congress in 1978 to gradually and smoothly deregulate all natural gas supplies. Under the provisions of the Natural Gas Policy Act of 1978, "new" unregulated gas replaces "old" gas in the supply mix as "old" gas reserves become uneconomic to produce and are shut in. Eventually all gas would have been deregulated under the NGPA, but my legislation would accelerate that process. But the difference between my legislation and existing law is that existing law encourages the shutting-in of gas reserves that are economic to produce at market price, while my bill would encourage the production of that gas.

Mr. President, title I of this legislation provides for the deregulation of "old" natural gas as supply contracts for that gas expire, terminate, or are renegotiated. I want to note that this legislation does not abrogate any existing contracts. Parties to the "old" gas supply contract are free to negotiate a new market-based price—be it higher or lower—without Government interference. They, of course, may elect to do nothing at all and allow the contract to run at the old price until the expiration date, at which point the contract is open for renegotiation.

Title II of this legislation eliminates the artificial constraints on fuel use by industrial firms and electric utilities that are contained in the Powerplant and Industrial Fuel Use Act. Now that oil is totally deregulated and natural gas prices are effectively deregulated, it makes no sense to retain these artificial fuel use restrictions. Companies and electric utilities should be free to make fuel-use decisions which are based on economics, not artificial Government-induced constraints. I might note that Congress already recognized the adverse effects of the fuel-use restrictions of the Powerplant and Industrial Fuel Use Act. In 1981, Congress repealed the onerous requirement that existing powerplants must cease using natural gas by 1990. Had that restriction not been eliminated, electricity consumers in the Southwest would have been forced to pay billions of dollars in higher rates in order to switch to an unrestricted fuel type.

Title III of this legislation repeals the incremental pricing provisions of the Natural Gas Policy Act. Although intended to help protect residential consumers from rising gas prices mandated by the NGPA, incremental pricing has simply not worked. In part, this is because a State public utility commission can override incremental pricing through countervailing State

regulation. Congress has already indicated its dissatisfaction with incremental pricing by rejecting the phase II rule which would have extended the program to include a much broader spectrum of industrial firms.

Mr. President, there have been a number of suggestions made to me as to how the legislation I am today introducing might be improved. I have not incorporated these suggestions, not because I have rejected them, but because I believe that the best way to get a constructive and useful dialog started on the natural gas issue is to introduce a bill. I will keep an open mind if any changes are proposed, and when I hold hearings on this legislation, all suggested improvements will be fully considered.●

By Mr. DURENBERGER (for himself, Mr. ABDNOR, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. COCHRAN, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. GARN, Mr. GORE, Mr. HARKIN, Mr. HEINZ, Mr. HOLLINGS, Mr. KERRY, Mr. MOYNIHAN, Mr. NUNN, Mr. QUAYLE, Mr. SARBANES, and Mr. STEVENS):

S.J. Res. 145. Joint resolution designating November 1985, as "National Diabetes Month"; to the Committee on the Judiciary.

NATIONAL DIABETES MONTH

● Mr. DURENBERGER. Mr. President, I am pleased to introduce today, with a number of my Senate colleagues, a joint resolution declaring November 1985 as National Diabetes Month.

We have seen in the last few decades many significant advances made in the diagnosis and treatment of diabetes. The advent of new insulin delivery systems, laser therapy, glucose monitoring, transplants and other new techniques have greatly improved the quality of life for the millions of Americans who are afflicted with this disease.

Yet, despite these many advances, diabetes is still the third leading cause of death in our Nation and is a primary cause of other medical complications such as blindness, heart disease, kidney failure, stroke, and amputation. For example, over 40,000 amputations occur every year as a result of diabetic neuropathy and one-quarter of all end stage renal failure cases can be attributed to diabetes.

And the health care costs associated with diabetes are immense. Last year the nationwide health care costs of this disease totalled $10 billion—almost twice the annual budget of my State of Minnesota. Furthermore, there are over 2 million elderly diabetics, costing the Medicare Program about $3 billion per year.

It makes excellent sense, both economically and in terms of our Nation's health, to increase public awareness of diabetes. Education and preventive health care are particularly important for the diabetic. Diabetes is a unique disease in that those afflicted with it are expected to assume a large share of the responsibility for their own care. Experience and research have shown that well designed patient education and preventive programs can be instrumental in achieving significant reductions in the incidence of both acute and chronic complications. Although hereditary plays a major role in causing diabetes, the incidence of diabetes can be decreased by educating high-risk candidates as to the best diet, proper exercise, and other preventive measures. It is estimated, for example, that up to 85 percent of all cases of noninsulin dependent diabetes may be controllable through greater public understanding, education, and action.

The American Diabetes Association has been particularly effective both in educating the public as to preventive health care and in assisting individuals who have diabetes to effectively deal with the disease. In Minnesota, the strong leadership of William Lesmeister, chairman of the board; Dr. Bruce Zimmerman, president; and Giles Kobilka, the State executive director, has enabled the Minnesota Diabetes Association to be recognized as one of the Nation's top five diabetes associations. With 37 chapters and an impressive budget of $120,000 for research in the State of Minnesota alone, the Minnesota Diabetes Association is leading the fight against this disease.

The American Diabetes Association is particulary effective in offering direct communication with newly diagnosed diabetics. By helping diabetics to cope with the emotion surrounding the diagnosis of this disease and assisting them in the care of illness, the Minnesota Diabetes Association plays a vital role in the treatment of diabetes.

Minnesota is also a national leader in the area of diabetes research. Three of our Nation's 21 diabetes Federal grant research institutes—the University of Minnesota, the Mayo Clinic, and the new International Diabetes Center of the Park Nicollet Medical Center—are located in Minnesota. These centers are pioneers both in diabetes research and in educating diabetics and their families as to the nature and requirements of their condition. I am proud of the excellent research and public service that these three facilities and the Minnesota Diabetes Association have provided my State and our Nation as a whole.

The designation of November as National Diabetes Month will serve to increase the public's awareness and understanding of diabetes. This focus will help to intensify the scientific and educational efforts which are currently underway, thereby furthering the goals of preventing the disease, continuing progress toward its cure, and reducing unnecessary health care costs.

Mr. President, I urge my colleagues to join me in this effort by cosponsoring this important joint resolution.

I ask unanimous consent that the text of this resolution be printed into the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 145

Whereas diabetes with its complications kills more than any other disease except cancer and cardiovascular diseases;

Where diabetes afflicts 19 million Americans and over 5 million of these Americans are not aware of their illness;

Whereas more than $14,000,000,000 annually are used for health care costs, disability payments and premature mortality costs due to diabetes;

Whereas up to 85 percent of all cases of non-insulin dependent diabetes may be preventable through greater public understanding, awareness, and education;

Whereas diabetes is particularly prevalent among Black Americans, Hispanic Americans, Native Americans, and women; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1985 is designated as "National Diabetes Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. THURMOND, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 44, a bill to grant the consent of the Congress of the Southeast Interstate Low-Level Radioactive Waste Management Compact.

S. 402

At the request of Mr. PRESSLER, the names of the Senator from Utah [Mr. HATCH] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 402, a bill to amend the Communications Act of 1934 to provide for specialized equipment for telephone service to certain disabled persons.

S. 452

At the request of Mr. BRADLEY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 452, a bill to enact the Gifted and Talented Children's Education Act.

S. 489

At the request of Mr. SASSER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 489, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

S. 657

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 657, a bill to establish the Veterans' Administration as an executive department.

S. 676

At the request of Mr. BENTSEN, the name of the Senator from Maryland [Mr. MATHIAS] was added as a cosponsor of S. 676, a bill to establish the title of States in certain resources.

S. 680

At the request of Mr. THURMOND, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of S. 680, a bill to achieve the objectives of the multifiber arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

S. 810

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 810, a bill to amend title XX of the Social Security Act to assist States in improving the equality of child-care services.

S. 881

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 881, a bill to extend title X of the Public Health Service Act for 3 years.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1032, a bill to establish a commission to study amusement ride safety, and for other purposes.

S. 1073

At the request of Mr. ROCKEFELLER, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1073, a bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 for the purpose of improving the availability of Japanese science and engineering literature in the United States, and for other purposes.

S. 1101

At the request of Mr. ARMSTRONG, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1101, a bill to amend the Internal Revenue Code of 1954 with respect to the treatment of fringe benefits provided to the parents of employees.

S. 1156

At the request of Mr. DENTON, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 1156, a bill to amend chapter XIV of the Comprehensive Crime Control Act of 1984, relating to victims of crime, to provide funds to encourage States to implement protective reforms regarding the investigation and adjudication of child abuse cases which minimize the additional trauma to the child victim and improve the chances of successful criminal prosecution of legal action.

S. 1250

At the request of Mr. HEINZ, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1250, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes.

S. 1289

At the request of Mr. GRASSLEY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1289, a bill to amend title 28, United States Code, to increase the number of United States bankruptcy judges authorized to be appointed for the northern and southern districts of Iowa.

SENATE JOINT RESOLUTION 3

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 33

At the request of Mr. MATTINGLY, the names of the Senator from Illinois [Mr. DIXON] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 33, a joint resolution to authorize and request the President to designate May 12, 1985 to June 16, 1985, as "Family Reunion Month".

SENATE JOINT RESOLUTION 78

At the request of Mr. SYMMS, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of Senate Joint Resolution 78, a joint resolution to provide for the designation of June 10 through 16, as "National Seleroderma Week."

SENATE JOINT RESOLUTION 92

At the request of Mr. DENTON, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Joint Resolution 92, a joint resolution to designate October 1985 as "National Foster Grandparents Months".

SENATE JOINT RESOLUTION 97

At the request of Mr. MATHIAS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. STAFFORD], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsor of Senate Joint Resolution 97, a joint resolution designating the Study Center for Trauma and Emergency Medical Systems at the Maryland Institute for Emergency Medical Services Systems at the University of Maryland as the National Study Center for Trauma and Emergency Medical Systems.

SENATE JOINT RESOLUTION 111

At the request of Mr. DIXON, the names of the Senator from Illinois [Mr. SIMON] the Senator from Rhode Island [Mr. CHAFEE] the Senator from Missouri [Mr. EAGLETON], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 111, a joint resolution to designate the month of October 1985 as "National Spina Bifida Month".

SENATE JOINT RESOLUTION 117

At the request of Mr. LEVIN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 117, a joint resolution designating the week beginning September 22, 1985, as "National Adult Day Care Center Week".

SENATE JOINT RESOLUTION 122

At the request of Mr. BRADLEY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 122, a joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day".

SENATE JOINT RESOLUTION 125

At the request of Mr. LEAHY, the names of the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. BUMPERS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 125, a joint resolution designating the week of June 23, 1985, through June 29, 1985, as "Helen Keller Deaf-Blind Awareness Week".

SENATE JOINT RESOLUTION 132

At the request of Mr. DANFORTH, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as cosponsor of Senate Joint Resolution 132, a joint resolution designating October 1985 as "National Head Injury Awareness Month."

SENATE JOINT RESOLUTION 142

At the request of Mr. LEVIN, the name of the Senator from California [Mr. CRANSTON] was added as cosponsor of Senate Joint Resolution 142, a joint resolution designating June 12, 1985, as "Anne Frank Day."

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. CRANSTON, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of Senate Concurrent Resolution 20, a concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connection disabilities should

remain exempt from Federal income taxation.

SENATE RESOLUTION 174

At the request of Mr. GORE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. LUGAR], the Senator from Delaware [Mr. ROTH], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

SENATE CONCURRENT RESOLUTION 50—WELCOMING THE PRESIDENT OF TUNISIA ON HIS VISIT TO THE UNITED STATES

Mr. SIMPSON (for Mr. BOSCHWITZ, for himself and Mr. SARBANES) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 50

Whereas the United States and the Republic of Tunisia share a common bond of friendship in the pursuit of democratic values;

Whereas the President and the people of Tunisia share with the Government and the people of the United States the ideals of liberty, peace, democracy and progress;

Whereas the United States recognizes the achievements under President Bourguiba which include continued emphasis on progress in economic growth and political democratization resulting in sustained economic and social benefits for its people;

Whereas the people of the United States admire and applaud President Bourguiba since Tunisia was the first Arab country to give women the right to vote;

Whereas the United States commends the Tunisian Government and its people for recognizing the value and the power of formal education by allocating one-third of its budget to instruction as an investment in democracy in the future;

Whereas the United States values and respects Tunisia's role as a leader in the Arab world and its moderating influence in the Maghreb which has had significant benefits for our mutual and shared strategic interests;

Whereas Habib Bourguiba has always stood for peaceful settlement of regional conflicts and it was President Bourguiba, who, in 1965, called for peaceful coexistence between the Arabs and Israelis; and

Whereas the United States recognizes the importance of a strong and independent Tunisia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress extends its warm greetings and respect to his excellency, Habib Bourguiba, the President of the Republic of Tunisia, on the occasion of his third official visit to the United States, with the hope that this visit will mark the continued close and friendly ties between our two great nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President for transmittal to the Government of Tunisia.

SENATE RESOLUTION 179—AUTHORIZING THE PRINTING OF THE REPORT OF THE SENATE ARMS CONTROL OBSERVER GROUP DELEGATION

Mr. BYRD (for Mr. DOLE, for himself and Mr. BYRD) submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 179

Resolved by the Senate of the United States of America, That there shall be printed for the use of the Senate an additional one thousand copies of a "Report of the Senate Arms Control Observer Group Delegation to the Opening of the Arms Control Negotiations with the Soviet Union in Geneva, Switzerland, March 9-12, 1985", for distribution to the Members of the Senate as an official Senate document.

AMENDMENTS SUBMITTED

CLEAN WATER ACT AMENDMENTS

DIXON (AND SIMON) AMENDMENT NO. 333

Mr. DIXON (for himself and Mr. SIMON) proposed an amendment to the bill (S. 1128) to amend the Clean Water Act, and for other purposes; as follows:

On page 78, before line 1, insert the following new section and renumber succeeding sections accordingly:

CHICAGO TUNNEL AND RESERVOIR PROJECT

SEC. 203 Section 201(g)(1) of the Clean Water Act is amended by adding the following sentence: "The Chicago tunnel and reservoir project may receive grants under the previous sentence without regard to the limitation contained therein, if the Administrator determines that such project meets the cost-effectiveness requirements of sections 217 and 218 without redesign or reconstruction, and the Governor of the affected State demonstrates to the satisfaction of the Administrator the water quality benefits of such projects.".

STEVENS (AND OTHERS) AMENDMENT NO. 334

Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. STAFFORD, and Mr. CHAFEE) proposed an amendment to the bill S. 1128, supra; as follows:

On page 76, after line 18, insert the following:

"SEC. 125(a) Not later than October 12, 1985, the Administrator and the Secretary of the Army shall enter into an agreement to designate a lead agency and to process permits required under section 402 and section 404 of the Clean Water Act, where both such sections apply, for discharges associated with the construction and operation of log transfer facilities.

"(b) The requirements of sections 301(a) and 402(a) of the Clean Water Act shall be stayed until October 12, 1985, or until an agreement is entered into under subsection (a), whichever is earlier, for discharges associated with such facilities, except discharges of dredged or fill material.

"(c) Such agreement shall be developed to assure that, to the maximum extent practicable, duplication, needless paperwork and delay in the issuance of permits, and inequitable enforcement between and among facilities in different States, shall be eliminated.

"(d) Where both sections 402 and 404 of this Act apply, log transfer facilities that have received a permit under section 404 of this Act prior to the date of enactment of this section shall not be required to submit a new application for a permit under section 402 of this Act. If the Administrator determines that the terms of an existing permit under section 404 of this Act satisfies the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of this Act, a separate application for a permit under section 402 shall not be required. In any case where the Administrator demonstrates, after an opportunity for a hearing, that the terms of an existing, permit under section 404 of this Act do not satisfy the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of this Act, modifications to the existing permit under section 404 to incorporate such applicable requirements shall be issued by the Administrator as an alternative to issuance of a separate new permit under section 402.

"(e) For the purpose of this section, the term "log transfer facility" means a facility which is constructed in whole or in part in waters of the United States, and which is utilized for the purpose of transferring commercially harvested logs to or from a vessel or log raft, including the formation of a log raft."

KASTEN AMENDMENT NO. 335

Mr. KASTEN proposed an amendment to the bill S. 1128, supra; as follows:

On page 71, after the end of line 13 strike out the period and insert "; and".

On page 71, between lines 13 and 14, insert the following:

(5) 'Research Office' means the Great Lakes Research Office established by subsection (d).

On page 74, between lines 2 and 3, insert the following:

"(d) GREAT LAKES RESEARCH.—

"(1) There is established within the National Oceanic and Atmospheric Administration the Great Lakes Research Office.

"(2) the Research Office shall identify issues relating to the Great Lakes resources on which research is needed. The Research Office shall submit a report on such issues prior to the end of each fiscal year which shall identify any changes in the Great Lakes system with respect to such issues.

"(3) The Research Office shall identify and inventory Federal, State, university, and tribal environmental research programs, and to the extent feasible, those of private organization and other nations, relating to the Great Lakes system, and shall update that inventory every four years.

"(4) The Research Office shall establish a Great Lakes research exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning research projects which are on-going or completed and which affect the Great Lakes System.

"(5) The Research Office shall develop, in cooperation with the Program Office, a comprehensive environmental research program and data base for the Great Lakes

System. The data base shall include, but not be limited to, data relating to water quality, fisheries, and biota.

"(6) The Research Office shall conduct, through the Great Lakes Environmental Research Laboratory, the National Sea Grant College Program, and other Federal laboratories, and the private sector, appropriate research and monitoring activities which address priority issues and current needs relating to the Great Lakes.

"(7) The Great Lakes Research Office shall be located in a Great Lakes State.

"(e) RESEARCH AND MANAGEMENT COORDINATION.—

"(1) Prior to October 1 of each year, the Program Office and the Research Office shall prepare a joint research plan for the fiscal year which begins the following calendar year.

"(2) Each plan prepared under paragraph (1) shall—

"(A) identify all proposed research dedicated to activities conducted under the Great Lakes Water Quality Agreement of 1978;

"(B) include the Agency's assessment of priorities for research needed to fulfill the terms of such agreement; and

"(C) identify all proposed research that may be used to develop a comprehensive environmental data base for the Great Lakes System and establish priorities for development of such data base.

On page 74, line 3, strike out "(d)" and insert "(f)".

On page 74, line 17, strike out "(e)" and insert "(g)".

On page 70, line 21, insert "(a)" immediately before "Title".

On page 75, strike lines 1 through 11, and insert in lieu thereof the following:

"'(h) AUTHORIZATIONS OF GREAT LAKES APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $10,000,000 per fiscal year for the fiscal years 1986, 1987, 1988, 1989 and 1990. Of such amounts as are appropriated each fiscal year—

"'(1) fifty percentum shall be used for the Great Lakes National Program Office demonstration projects on the feasibility of controlling and removing toxic pollutants;

"'(2) seven percentum shall be used for the Great Lakes National Program Office's program of nutrient monitoring; and

"'(3) thirty percentum shall be used for the Great Lakes Research Office.'

"(b) Section 517 of the Clean Water Act is amended by inserting '118,' immediately after '115'.".

RIEGLE AMENDMENT NO. 336

Mr. MITCHELL (for Mr. RIEGLE) proposed an amendment, which was subsequently modified, to the bill S. 1128, supra; as follows:

On page 72, line 1, strike "appropriation" and insert in lieu thereof "appropriate".

On page 72, line 2, after "agencies," insert "and in accordance with section 101(e) of this Act,".

On page 73, line 8, strike "such agreement" and insert in lieu thereof "the Great Lakes Water Quality Agreement of 1978".

On page 73, line 14, after "Great Lakes" insert "system, including the monitoring of groundwater, and sediment".

WEICKER AMENDMENT NO. 337

Mr. CHAFEE (for Mr. WEICKER) proposed an amendment to the bill S. 1128, supra; as follows:

On page 50, strike all after line 9 through line 21 and insert the following:

"The Administrator shall provide up to $5,000,000 per fiscal year of the sums authorized to be appropriated under this subsection to the Administrator of the National Oceanic and Atmospheric Administration to carry out tasks assigned under subsection (g).

"(f) Any State, interstate, or regional agency that receives a grant under subsection (e) shall report to the Administrator not later than eighteen months after receipt of such grant and biennially thereafter on the progress being made under this section.

"(g)(1) In order to determine the need to convene a management conference under this section or at the request of such a management conference, the Administrator shall coordinate and implement, through the National Marine Pollution Program Office and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, as appropriate, for one or more estuarine zones—

"(A) a long-term program of trend assessment monitoring measuring variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameter which may affect estuarine zones, to provide the Administrator the capacity to determine the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment assisting in the development of (i) baseline studies which determine the state of estuarine zones and the effects of natural and anthropogenic changes, and (ii) predictive models capable of translating information on specific discharges or general pollutant loadings within estuarine zones into a set of probable effects on such zones;

"(C) a comprehensive water quality sampling program for the continuous monitoring of nutrients, chlorine, acid precipitation, dissolved oxygen, and potentially toxic pollutants (including organic chemicals and metals) in estuarine zones, after consultation with interested State, local, interstate, or international agencies and review and analysis of all environmental sampling data presently collected from estuarine zones; and

"(D) a program of research to identify the movements of nutrients, sediments and pollutants through estuarine zones and the impact of nutrients, sediments, and pollutants on water quality, the ecosystem, and designated or potential uses of the estuarine zone.

"(2) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress no less often than biennially a comprehensive report on the activities authorized under this section including—

"(A) a listing of priority monitoring and research needs;

"(B) an assessment of the state and health of the Nation's estuarine zones, to the extent evaluated under this subsection;

(C) a discussion of pollution problems and trends in pollutant concentrations with a direct or indirect effect on water quality, the ecosystem, and designated or potential uses of each estuarine zone, to the extent evaluated under this subsection; and

(D) an evaluation of pollution abatement activities and management measures so far implemented to determine the degree of improvement toward the objectives expressed in subsection (a)(1)(D) of this section.

"(h) For the purposes of this section, the terms 'estuary' and 'estuarine zone' shall have the same meanings such terms have in section 104(n)(4) of this Act, except that the term 'estuarine zone' shall include those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher."

CHAFEE AMENDMENT NOS. 338 AND 339

Mr. CHAFEE proposed two amendments to the bill S. 1128, supra; as follows:

AMENDMENT No. 338

On page 25, line 21, strike "402(b)(8)" and insert in lieu thereof "402 (a)(3) and (b)(8)".

On page 26, line 3, strike "then" and insert in lieu thereof "than".

On page 9, after line 15 add the following subsection "(d) Section 301(g)(1) is amended by inserting "(1) immediately after "subsection (b)(2)(A)".

On page 23, line 2, strike "shal" and insert in lieu thereof "shall".

AMEMDMENT No. 339

Section 505(c) is amended by adding the following new paragraph:

"(3) Whenever any action is brought under this section in a court of the United States, the plaintiff shall provide a copy of the complaint to the Attorney General of the United States and to the Administrator. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator."

WALLOP AMENDMENT NO. 340

Mr. WALLOP proposed an amendment, which was subsequently modified, to the bill S. 1128, supra; as follows:

On page 29, after line 21, amend Section 309 of the Clean Water Act by adding to Section 109 (d) of the bill the following new subsection:

"(8) The Administrator shall refrain from pursuing any enforcement action relating to a violation for which the Administrator is authorized to assess a civil penalty if a State with an approved NPDES program has already commenced an enforcement action administratively, or in court."

BENTSEN (AND SIMPSON) AMENDMENT NO. 341

Mr. BENTSEN (for himself and Mr. SIMPSON) proposed an amendment to the bill S. 1128, supra; as follows:

On page 51, line 6, after "operations" insert "(including transmission pumping stations)".

On page 51, line 10, strike "above background levels".

CHAFEE (AND OTHERS) AMENDMENT NO. 342

Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. STAFFORD, Mr. BENTSEN, Mr. DURENBERGER, Mr. MOYNIHAN, and

Mr. LEVIN) proposed an amendment to the bill S. 1128, supra; as follows:

On page 77, line 10, strike "paragraph" and insert in lieu thereof "paragraphs".

On page 77, after line 10, insert the following:

"(3) Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1986, 1987, and 1988 shall be allotted for each such year by the Administrator not later than the tenth day which begins after the date of enactment of the Clean Water Act Amendments of 1985. Sums authorized for such fiscal years shall be allotted in accordance with the following table:

State:	
Alabama	0.012442
Alaska	.007321
Arizona	.012442
Arkansas	.000002
California	.061966
Colorado	.009785
Connecticut	.012442
Delaware	.005001
District of Columbia	.005958
Florida	.044973
Georgia	.014649
Hawaii	.007440
Idaho	.005958
Illinois	.039186
Indiana	.020001
Iowa	.012614
Kansas	.011011
Kentucky	.014975
Louisiana	.014314
Maine	.009346
Maryland	.020955
Massachusetts	.036028
Michigan	.037255
Minnesota	.015925
Mississippi	.012442
Missouri	.025305
Montana	.005411
Nebraska	.006257
Nevada	.005958
New Hampshire	.012442
New Jersey	.048642
New Mexico	.005958
New York	.096132
North Carolina	.016094
North Dakota	.004658
Ohio	.048776
Oklahoma	.009882
Oregon	.011794
Pennsylvania	.034320
Rhode Island	.007428
South Carolina	.013337
South Dakota	.005958
Tennessee	.016597
Texas	.053634
Utah	.006445
Vermont	.005958
Virginia	.017732
Washington	.028533
West Virginia	.013507
Wisconsin	.023423
Wyoming	.005359
American Samoa	.000778
Guam	.000564
Northern Marianas	000531
Puerto Rico	.012582
Trust Territory	.001403
Virgin Islands	.000462

On page 77, line 11, strike "(3)" and insert in lieu thereof "(4)".

On page 77, lines 12 and 13, strike "fiscal years 1986, 1987, 1988, 1989, and 1990" and insert in lieu thereof "fiscal years 1989 and 1990".

On page 83, line 10, strike "1½ percentum" and insert in lieu thereof "1 percentum (during fiscal years 1986, 1987, and 1988) or 1½ percentum (during fiscal years 1989 and 1990)".

On page 86, line 7, strike "Sums" and insert in lieu thereof "For fiscal years 1989 and 1990, sums".

DANFORTH (AND GRASSLEY) AMENDMENT NO. 343

MR. DANFORTH (for himself and Mr. GRASSLEY) proposed an amendment to amendment No. 342 proposed by Mr. CHAFEE (and others) to the bill S. 1128, supra; as follows:

On page 1, line 9, strike all through the figure after "Virgin Islands," on page 2 and insert:

Alabama	0.013162
Alaska	.004964
Arizona	.011131
Arkansas	.008104
California	.068122
Colorado	.006525
Connecticut	.013350
Delaware	.001364
District of Columbia	.005039
Florida	.053700
Georgia	.017317
Hawaii	.004531
Idaho	.004005
Illinois	.027339
Indiana	.011996
Iowa	.015061
Kansas	.009006
Kentucky	.017881
Louisiana	.017092
Maine	.005678
Maryland	.020871
Massachusetts	.043020
Michigan	.041460
Minnesota	.016490
Mississippi	.010755
Missouri	.030216
Montana	.001015
Nebraska	.004625
Nevada	.002839
New Hampshire	.010435
New Jersey	.058081
New Mexico	.002859
New York	.091512
North Carolina	.019216
North Dakota	.000583
Ohio	.049902
Oklahoma	.008837
Oregon	.008217
Pennsylvania	.036477
Rhode Island	.004494
South Carolina	.015926
South Dakota	.002106
Tennessee	.019818
Texas	.064042
Utah	.009232
Vermont	.002407
Virginia	.017186
Washington	.034070
West Virginia	.011545
Wisconsin	.026531
Wyoming	.000978
Samoa	.000620
Guam	.000620
Mariana Islands	.000583
Puerto Rico	.015023
Trust Territory	.001542
Virgin Islands	.000500

WALLOP (AND OTHERS) AMENDMENT NO. 344

Mr. WALLOP (for himself, Mr. HATCH, Mr. ARMSTRONG, Mr. WILSON, Mr. HART, and Mr. SIMPSON) proposed an amendment to the bill S. 1128, supra; as follows:

On page 60, line 2, after "nor" insert "shall this subsection or section 402(d)(2)(B) or section 402(b) (1) (E) apply".

On page 60, lines 2 and 3, strike out "Colorado River Salinity Control Act of 1974" and insert in lieu thereof "Colorado River Basin Salinity Control Act".

MATTINGLY (AND OTHERS) AMENDMENT NO. 345

Mr. MATTINGLY (for himself, Mr. NUNN, and Mr. WALLOP) proposed an amendment to the bill S. 1128, supra; as follows:

At the end of the bill, insert the following:

SEC. . (a) Section 402 of the Clean Water Act is amended by adding the following new subsection:

"(m)(1) Following the date of enactment of the Clean Water Act Amendments of 1985 and prior to October 1, 1992, the Administrator or the State (in the case of a State with a permit program approved under section 402 of this Act) shall not require a permit under this section for discharges composed entirely of stormwater, other than (A) those associated with industrial activity or a municipal separate storm sewer, or (B) those for which the Administrator or the State determines that the stormwater discharge violates a water quality standard or is a significant contributor of pollutants to waters of the United States.

"(2) Prior to October 1, 1988, the Administrator, in consultation with States with a permit program approved under section 402 of this Act, shall submit to the Congress the report of a study (i) to identify stormwater discharges or classes of stormwater discharges for which permits were not required pursuant to paragraph (1) of this subsection, and (ii) to determine, to the maximum extent practicable, the nature and extent of pollutants in such discharges. Prior to October 1, 1989, the Administrator, in consultation with States with a permit program approved pursuant to section 402 of this Act, shall submit to the Congress the report of a study setting forth procedures and methods to control stormwater discharges to the extent necessary to attain and maintain water quality standards.".

SIMPSON (AND OTHERS) AMENDMENT NO. 346

Mr. SIMPSON (for himself, Mr. STEVENS, Mr. MURKOWSKI, and Mr. WALLOP) proposed an amendment to the bill S. 1128, supra; as follows:

On page 20, lines 5–6, delete "or the Secretary of the Army."

On page 29, after line 21, insert the following new subsection:

"( ) The Secretary shall prepare and submit a report to the Congress, not later than December 1, 1987, which shall examine and analyze various enforcement mechanisms for use by the Secretary, including an administrative civil penalty mechanism. Such report shall also examine, in consultation with the Comptroller General, the efficacy of the Secretary's existing enforcement authorities, and shall make recommendations for improvements in their operation.".

On page 20, line 11, add the following new sentence:

"In addition to any other relief provided, whenever on the basis of any information available the Secretary of the Army finds that any person has violated any permit condition or limitation in a permit issued under section 404 of this Act by the Secretary of the Army, the Secretary may, after

notice to the State in which the violation occurs, issue an order assessing a civil penalty of not more than $10,000 per day for each violation, up to a maximum administrative penalty of $125,000.".

(4) Insert "or the Secretary of the Army" immediately after "Administrator" on page 20, lines 15 and 18, on page 21, lines 1, 13 and 21, on page 22, lines 4, 7 and 9, on page 23, lines 1, 13 and 14, and on page 24, lines 4, 5 and 12.

(5) Insert "or Secretary's" immediately after "Administrator's" on page 20, line 19, on page 22, line 5, and on page 23, lines 19 and 22.

NUCLEAR REGULATORY COMMISSION AUTHORIZATION, FISCAL YEARS 1986 AND 1987

DOMENICI (AND McCLURE) AMENDMENT NO. 347

Mr. SIMPSON (for Mr. DOMENICI, for himself and Mr. McCLURE) proposed an amendment to the bill (S. 895) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes as follows:

At the end of Title I of the bill, add the following new section:

"SEC. 107. Of the funds authorized to be appropriated pursuant to this Act, the Commission shall use such funds as may be necessary to submit to the Congress on an annual basis for the next two fiscal years, a detailed report on the licensing and regulatory objectives of the Commission for each such fiscal year. The Commission's report shall include, but is not limited to, a comprehensive statement of the actions required of the Commission and of the Commission staff, including the funds, program milestones, and all other related regulatory actions required to achieve such objectives. Such statement shall set forth a detailed description of all necessary or appropriate research programs or initiatives that must be undertaken in support of such licensing and regulatory objectives, together with an executive management plan to coordinate the conduct and completion of such research, in a fashion that will ensure that all necessary research programs or initiatives are completed in a timely and cost-effective manner, and that the results of such research programs or initiatives provide the necessary support for the licensing and regulatory objectives established by the Commission in this report.".

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 13, in closed session, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 13, at 4 p.m., to receive a briefing on intelligence matters, in closed session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry, be authorized to meet during the session of the Senate on Thursday, June 13, between the hours of 3 p.m., and 5 p.m., to continue mark up of S. 616, the farm bill, and related issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 18, 1985, at 3 p.m., to discuss "Superfund" legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REPORT ON JOURNEY TO FAR EAST BY SENATOR DODD

● Mr. DODD. Mr. President, I submit for the RECORD a report on my recent visit to the Far East, together with detailed itinerary of the trip.

JOURNEY TO THE FAR EAST—U.S. SENATOR CHRISTOPHER J. DODD

INTRODUCTION

Last year following the election, I took advantage of the extended adjournment period to visit the Far East, a region of immense importance economically, politically and strategically to our Nation, but one which I was unfamiliar with on a first-hand basis. I traveled under the auspices of the Senate Committee on Foreign Relations, and on behalf of the committee, I visited the Philippines, Japan and the People's Republic of China.

In preparation for my trip, I arranged several meetings in Connecticut with some of the core groups here that have a special interest in our knowledge of the Pacific region, particularly the People's Republic. For example, I met with Connecticut business leaders, with labor officials, and with some of our State's leading academic experts. Those meetings were invaluable in helping me to acquire a preliminary feel for the countries I planned to visit and for some of the issues that important constituency groups here at home wanted me to raise. Such meetings contributed enormously to what I believe was a very successful trip.

CHINA'S ECONOMIC REVOLUTION

By coincidence, I arrived in the People's Republic of China on Thanksgiving Day. After a variety of high-level meetings in Beijing, I spent about three-quarters of my time traveling through the interior. Maybe it's a holdover from my Peace Corps days, but I firmly believe that in order to know a country and its people, it is essential to hold the official meetings to a minimum, reduce the number of cocktail parties, and visit more than just the capital city.

In total, I logged approximately 2,500 miles in China. From Beijing I traveled to Xian in Central China, and then on to Chengdu, a major agricultural center and the capital of Sichuan Province. From there, I ventured further south to Kunming, which is home to many of China's minority groups. From Kunming, east to Guilin, one of the cities visited last year by President Reagan. My final stop was in Canton, (Guangzhou as it is now called), one of China's principal business and commercial centers.

After one trip, even a fairly extensive one, I have no illusions about being an "expert" on China. I am not. But here, in a nutshell, is what I discovered: China is going through a period of profound change; it is experiencing nothing short of an economic revolution, a very real "changing of the guard" on the economic front. If it continues, I suspect that future historians will label this period as one of the most significant developments in the entire postwar era. And they will be correct.

In fairly rapid fashion, the Chinese leadership, headed by Deng Xiaoping, is turning Karl Marx on his head. It began in 1978 with Deng espousing a new "pragmatic" brand of communism, and emerging triumphant over the leftist ideologues who had risen to power during the Cultural Revolution. Concurrently, Deng also orchestrated a normalization of relations with the United States late in 1978.

Under Deng's leadership, a fundamental economic reform program was initiated in the countryside, which houses over eighty percent of China's billion-plus population. Although the new arrangements resemble China's organizational practices prior to the commune era, the rules governing economic decisions and agricultural production—"the responsibility system"—are strikingly different.

Under the responsibility system the rural household, rather than the commune, becomes the basic economic unit. Farm families and the state sign contracts clearly setting forth the obligations and responsibilities of both parties. Each family receives a plot of land from the state, and based on its location and record of productivity, the state assigns the family a production quota. Similar arrangements are made for sideline production (pigs, chickens, fish, fruit, etc.), and other activities such as reforestation. Beyond these general contractual arrangements, however, the farmers are free to do with their land, and the time available to them, as they please. State planners no longer micromanage the farmers every waking moment.

Once a family meets its assigned quota, it can keep whatever is left over—it can earn a profit. Moreover, farmers have a choice of selling their surplus to the state or making the best deal available, either with a private middleman/wholesaler (a new economic factor in China) or with individual consumers directly in the free market.

Such a program may not strike us as very dramatic, let alone revolutionary. But to the Chinese it was—and is—an earthshaking proposition. Since 1949 China's communist rulers enforced a system of collectivized agriculture, not unlike their former mentors in the Soviet Union—and not unlike Soviet agriculture, it didn't work. People starved in China. Lots of them.

As a result of the failure of Chinese agriculture, Mao and his ideological stalwarts

set in motion a number of hare-brained schemes. The Great Leap Forward and the Cultural Revolution were prime examples. Each represented a new burst of Communist ideological enthusiasm. And each was an unmitigated disaster. Millions starved to death as a result of the economic folly of the Great Leap Forward. Millions more died in the political chaos of the Cultural Revolution.

One of the things that impressed me the most during my travels throughout China was the candor of the Chinese themselves in admitting what a disaster these episodes had been. Whether in the cities or the countryside, they went out of their way to emphasize that the Cultural Revolution is all but ancient history. I hope they are right.

Clearly, the Chinese take a great deal of well-deserved pride in the success of their economic reforms in the rural sector. Grain production has increased substantially, and cash crops destined for urban consumers are being produced in abundance. Many farmers for the first time in a long time have money in their pockets and are able to buy items beyond the bare essentials. In addition to buying more food, and buying more clothes, a number of families find it possible to purchase real luxury goods, such as portable stereos, television sets (preferably color) and washing machines.

Having dramatically increased productivity levels in the countryside, China's leaders now seek to achieve similar advances in their urban and industrial centers. Reforms focusing on trade and industry were announced in the second half of 1984. As in the case of the 1978 reforms, however, the Government's announcement failed to provide many specifics or detailed guidelines. This is because there will be a period of experimentation—trial and error—among trade and industrial enterprises in order to determine the guidelines that work best. The Government will then select certain models and the others will be required to follow suit.

Even at this stage, however, several key reforms are almost certain to be included in the final models. For example, the role of party functionaries in economic decisionmaking process will almost certainly decline. In the past, plant managers have been at the mercy of some party official, who all too frequently had little or no business or manufacturing experience. Already a number of enterprises have managers who are free to make economic decisions on their own, while limiting party representatives to purely political activities. Ideological training is also being limited in order to reduce interference with production schedules. Managers are also seeking to gain control over salary levels and other incentives, as well as the power to hire and fire. Such changes, however, will require a major overhaul of China's established bureaucratic rules and regulations.

A general word of caution: achieving the kind of success in the urban-industrial centers that has been achieved in the rural sectors is not going to be easy. The Chinese pricing system, which may or may not bear any relationship to acual costs, makes the U.S. Tax Code look simple by comparison. Reforming that system to reflect market conditions, rather than edicts of the Chinese Communist Party bureaucracy, will severely test the entire reform effort.

During my visits with local business and government officials, I wished them well in the efforts to restructure their pricing system. Similarly, I wish them well in trying to figure out investment costs, something they never had to do during the time of Mao, nor while implementing economic reforms in the countryside. But now that the reform effort is focused on the manufacturing and industrial sectors, China will have to pay very careful attention to investment costs and to its requirements for outside investment funds.

This is where we come into the picture. China is eager for foreign investment, especially Western investment and Western technology. At the present, the Chinese Government has established 14 special economic zones, which are specifically designed to attract such investment, and the rapid development of these zones is a very high priority for China's leaders, from one province alone, I returned with a book detailing more than 150 development and/or trade products for which Connecticut (or U.S.) firms can compete.

All of this should be of great interest to us and to the private sector especially, because—to be equally blunt—there are profits to be made in China. If we don't make them, we can be sure that the Japanese, or the French, or the Germans will.

Now for the sixty-four dollar question: What about the Chinese Communist Party? Is China really headed down the road to capitalism? Can a Communist country really permit economic freedom? And what happens when Deng Xiaoping and his cadre of "capitalist roaders" depart the scene?

The honest answer is that no one knows.

About three years ago Professor Milton Freidman, the celebrated and controversial Chicago-school economist, came back from a trip to China. He was not optimistic. In short, Friedman predicted, factory managers will not be allowed to challenge the bureaucracy. When they do, when economics collides with politics, the Communist Party will certainly clamp down.

Clearly, we should not equate China's experimentation with economic reform with the elimination of the Chinese Communist party.

But by the same token, based on what I saw, I am much more optimistic than Professor Friedman. Greater economic freedom in china will lead to sources of power outside the Chinese Communist Party. Clearly, the party is aware of this and is attempting to adjust to the changes that are taking place. After the disaster of the Cultural Revolution, the party knows that it no longer enjoys the popular support it once had, and through the economic reforms, it is desperately trying to recoup that support. Obviously, this is the political dimension of the reforms.

If the reforms work—if China prospers and if that prosperity produces political stability—then we are seeing what can only be described as history in the making, which deserves our encouragement and support. President Reagan tried to do just that with his visit to China. On a much more modest scale—but no less pragmatic—I tried to do the same thing with my own visit. To be sure, there are a lot of issues on which President Reagan and I disagree—but China is not one of them.

JUST ASK THE FILIPINOS

Before Ronald Reagan departs the Presidential stage, he is all but certain to face some tough foreign policy decisions on the Philippines. It is the one country in the Pacific region that is in deep trouble, politically, economically and militarily. It all adds up to a crisis in the making, dangerously similar to the situation we faced shortly before the departure of the Shah in January, 1979, or the demise of Somoza six months later.

I realize this warning flies in the face of the emerging conventional wisdom, which suggests that step by step democracy is regaining strength in the Philippines; that Marcos is gradually loosening his grip on the reins of power; and that much-needed reforms are slowly but surely taking place. Before these appearances become the accepted reality, keep in mind that President Marcos hasn't stayed in power for 20 years by following the conventional wisdom. Also keep in mind—as the last two decades demonstrate—that when it comes to Marcos and the Philippines, the more things change the more they stay the same.

In mid-November, I spent the better part of a week getting around of the Philippines and talking to a broad cross-section of the Philippine people. I met with those whose names are common to news stories with Manila datelines—Marcos Enrile, Ramos on the government side; and Cardinal Sin and Corazon Aquino among the vocal opposition. But I also spent a good deal of time in the provinces, talking to local government officials, garrison commanders, academicians, church people, lawyers and a host of others.

The informal discussions, even more than the diplomatic ones, convinced me that U.S. policy toward the Philippine Archipelago and its 52 million inhabitants urgently needs an overhaul. Today's time-warped, status quo approach—officially described as "standing by our friends"—is not only inadequate for the protection of U.S. interests, it actually places those interests in jeopardy.

Don't take my word for it. Just ask the Filipinos.

Ask the Levi-clad student in Mindanao or the Harvard-trained lawyer in Manila. They and the overwhelming majority of their fellow citizens have not given up on us. In fact they want a close relationship to the United States, to the United States military and to the United States Government. For obvious historical reasons, they and their parents and their grandparents know us well. They like our values, our traditions and our institutions. They feel comfortable visiting the United States. They attend our colleges and universities. And fundamentally the bonds between our peoples are good and strong. But recognizing this, we must also recognize that the bonds are beginning to show signs of serious stress and strain. Tensions and troubles in our relationship are mounting, largely because the Philippine people are increasingly disappointed, increasingly frustrated and increasingly convinced that we are more interested in serving as their proconsul than in being their friend.

DON'T TAKE MY WORD FOR IT—JUST ASK THE FILIPINOS

Ask the folks around Legazpi City in Albay Province. They are greatly concerned about the growing presence of the Communist-led insurgency. But they are no less concerned about the abusive treatment they receive from the soldiers sent by Marcos to protect them. Unless we are ready to squander the friendship of the Philippine nation, we must be prepared to chart a new course—one which evidences an understanding of these concerns and indicates an appreciation of the political dynamics at work there, from northern Luzon to southern Mindanao.

First, we must recognize that the political choices in the Philippines are not limited to either Marcos or the Communists. To suggest otherwise, as President Reagan did in the October 21 debate with Walter Mondale, is to insult the Filipino people; perpetuate the process of political polarization; and to foreclose on other political options. During my brief stay in the Philippines, I met with any number of dedicated politicians who are ready, willing and able to help restore Democratic rule to their homeland. They are as opposed to Marxists as they are to Marcos. And while they may be bickering and fighting among themselves, they are nonetheless committed to Democratic rule and to Democratic institutions. They represent the best the Philippines has to offer. As a group their beliefs and principles, their goals and objectives, deserve our strong support.

Second, we must recognize that President Marcos' days are politically numbered, and that they ought to be. He and his cronies have plundered, pillaged and prostituted their country in a way that even as gifted a writer as Gabriel Garcia Marquez would find difficult to describe. Marcos has defiled the Constitution and ruled by decree, solely for the purpose of maintaining and enhancing his own personal power. Directly or indirectly, he is as much responsible for the assassination of Benigno Aquino as the one who loaded the gun or pulled the trigger. Marcos, the record makes clear, is about as tolerant of political opponents as General Jaruzelski.

Third, we must recognize the growing strength of the guerrilla insurgency, the New People's Army. It has at least 12,000 full-time fighters and exercises effective control over 20 percent of the countryside. It is now capable of engaging the Philippine Army in pitched daylight battles and coming out on top. By all accounts, the guerrillas are self-sustaining and do not receive outside military support. Its leadership is of the Communist stripe, but the rank and file—the peasants, workers and students—are more apolitical, more concerned with getting rid of Marcos than with supporting a political ideology. Indeed, the Marcos government is the NPA's strongest selling point.

Fourth, we must recognize, as a practical matter, that no amount of U.S. economic aid can revitalize the Philippine economy and that no amount of military aid can defeat the NPA or restore the people's confidence in the Philippine Army. The economy is in a shambles, which is simply a reflection of the dismal political situation. Money is flowing out of the country—some 26 billion in the last few years—faster than we or the IMF or any other organization can pump it in. On the military front, the Philippine Army, has tripled in size in the last decade, faces much the same situation for many of the same reasons. Here, too, cronyism and corruption have taken their toll. What is required is a major reform effort, with new leadership all around—leadership that has a sense of social commitment and is determined to protect the fundamental rights of the Philippine populace. To expect our economic and military assistance programs to produce such changes—given the Reagan administration's attitude—is to expect far too much. But in the meantime, the continuation of these programs costs us dearly in political terms: they identify us with the Marcos government and are seen as prima facia evidence of our support for it.

Thanks to our political widsom and maturity, the Philippines became an independent nation on July 4, 1946. Since then, on the whole, we have developed a relationship of which both countries can be justifiably proud. But now the relationship faces severe tests, both in Washington and Manila.

Much depends on Ferdinand Marcos and how we deal with him. A whole generation of Filipinos has known no other leader. And when they think of Marcos, they also think of the United States and of our willingness—as they see it—to put military bases ahead of Democratic principles. If we cannot counter that perception—and counter it effectively—we will eventually lose both.

Surely, we can do it. Surely, we have something positive to say to the "Marcos" generation. Surely, we can muster the kind of wisdom and maturity that we displayed in 1946. Both countries have a lot riding on it.

Don't take my word for it. Just ask the Filipinos.

JAPAN'S FREE RIDE

Japan was the shortest stop on my three-country tour of the Pacific Basin, but my concerns there were the most wide-ranging. Whereas in the Philippines I surveyed the rocky political landscape, and in China I focused on economic changes, in Japan I discussed a variety of political, economic, and military issues.

For any elected U.S. official who visits Japan, particularly one from a State highly dependent on exports, the trade deficit is an overriding concern. The U.S. trade deficit with Japan last year was $37 billion, almost one-third of our largest overall trade deficit in history. As the ranking Democrat on the Senate's International Trade Subcommittee I attempted to fairly represent the mood in Congress. If the door to most U.S. products remains locked, I told Prime Minister Nakasone and my other Japanese hosts, Congress will move to reciprocate.

Another issue of increasing concern in Congress is defense. Along with self-serving trade policies, Japan has the economic advantage of spending less than one percent of its gross national product. (The one-percent limit is mandated by the Japanese Constitution.) The United States, which carries primary responsibility for Japan's defense, traditionally spends between five and 10 percent.

Faced with rising trade deficits and defense costs, there is a growing perception in this country that Japan receives a free ride on defense issues. President Reagan, for example, has asked the Japanese military to patrol a thousand miles out from the Japanese home islands. Such wide-ranging patrols would require an offensive military capability—a capability forbidden by the Japanese Constitution. The administration's call for them ignores a basic perception I developed on my trip.

From the Prime Minister to the Chairman of Toyota to taxi drivers in Tokyo, the people of Japan seem to deeply believe that Japan should never again become an aggressive military power. The horror of World War II, and particularly of Hiroshima and Nagasaki, made a lasting impression on the Japanese that we can only begin to understand.

In practical terms, this attitude means that Japan is not about to provide military assistance to Korea. It means that other U.S. commitments in Asia will have to be fulfilled without direct Japanese involvement.

It does not mean, however, that we should stop trying to convince Japan to do more in its own defense. Although our countries remain close allies and friends, economic tides have turned. No longer can we afford to give Japan a free ride. As a start toward change, I recommend that Japan adopt a five-part program, including:

(1) Completing its scheduled five-year defense buildup ahead of schedule, even if that means spending more than 1 percent of its gross national product on military programs.

(2) Concentrating its efforts on defending the Japanese home islands, not patrolling out to a thousand miles.

(3) Assuming the full cost of stationing U.S. troops in Japan (currently Japan pays about half the $2 billion bill).

(4) Taking on a large part of repair and maintenance costs for U.S. forces currently stationed in Japan;

(5) Increasing substantially its foreign assistance budget.

Each of these suggestions can be implemented without threatening Japan's commitment to peace or undermining its constitution. They simply recognize Japan's responsibility to do its fair share in providing for its own defense, and they are well within Tokyo's ability to pay. As I told my hosts, the time for talk is over. We cannot afford any more free rides.

ITINERARY OF THE DODD TRIP TO THE FAR EAST

THE PHILIPPINES

Monday, November 12

9:30 p.m.—Arrive Manila.

Tuesday, November 13

7:00 a.m.—Breakfast with Ambassador Stephen W. Bosworth, Deputy Chief of Mission Robert G. Rich, and Political Counselor Scott S. Hallford.

9:00 a.m.—Call on President Ferdinand Marcos at Malacanang Palace.

12:30 p.m.—Lunch hosted by Ambassador Bosworth with senior Philippine officials at his residence.

3:00 p.m.—Call on Dr. Bernardo Villegas, Center for Research and Communication, Pasig.

5:00 p.m.—Meet with members of the Movement of Attorneys for Brotherhood, Integrity & Nationalism, Inc. (MABINI) at home of Political Counselor Scott Hallford, Dasmarinas.

8:00 p.m.—Dinner hosted by Deputy Chief of Mission Robert G. Rich with members of the National Citizens Movement for Free Election (NAMFREL).

Wednesday, November 14

8:00 a.m.—Breakfast meeting hosted by members of the Commission on Elections (COMELEC) at Manila Hotel.

10:00 a.m.—Meeting with Defense Minister Juan Ponce Enrile and Armed Forces Acting Chief of Staff Lt. General Fidel V. Ramos, Camp Aguinaldo, Ministry of National Defense Social Hall, Quezon City.

12:30 p.m.—Lunch with Ramon Binamira, Green Revolution, hosted by Political Counselor Scott Hallford, Dasmarinas.

3:00 p.m.—Meeting with Dr. Hezel Gacutan, Deputy Executive Director, President's Center for Special Studies, and associates, Quezon City.

4:30 p.m.—Meeting with His Excellency Jaime Cardinal Sin, Archbishop of Manila, Villa San Miguel, Mandaluyong. Ambassa-

dor Bosworth will accompany Senator Dodd.

8:00 p.m.—Dinner with members of the opposition, hosted by Ambassador Bosworth at his Residence.

Thursday, November 15

8:00 a.m.—Depart for Lgaspi by air.

9:15 a.m.—Arrive in Legaspi. Visit hosted by Governor and Mrs. Felix Imperial. Briefing at the Governor's Residence.

10:00 a.m.—Courtesy call at the Bishop's Residence.

10:30 a.m.—Courtesy call on Mayor Gregorio Imperial, Legaspi City Hall.

11:00 a.m.—Visit evacuation center at Gogon Elementary School.

12:00 p.m.—Luncheon hosted by Governor Imperial at Kagayonan sa may Dagat.

1:30 p.m.—See mud-flow destruction in the First District.

2:00 p.m.—Visit Republic of the Philippines-U.S. Bayanihan School Building at Malinao, Albay, First District.

2:15 p.m.—Visit ALINDECO in the First District.

3:00 p.m.—View Cagsawa Ruins, en route to Legaspi.

3:30 p.m.—Visit Provincial Engineer's Office in Salugan, Camalig, Albay.

4:30 p.m.—Return to Legaspi.

7:00 p.m.—Dinner at Governor Imperial's Residence.

Friday, November 16

7:15 a.m.—Depart for Davao via air.

10:10 a.m.—Arrive Davao City.

10:30 a.m.—Meeting with Msgr. Antonio Mabutas, Archbishop of Davao and Chairman, Catholic Bishops Conference of the Philippines.

11:15 a.m.—Meeting with General Dionisio Tan-Gatue, Jr., Regional Commander, Regional Command PC/INP XI Camp Catitipan, Davao City.

12:15 p.m.—Luncheon with members of the Integrated Bar of the Philippines.

2:00 p.m.—Meeting with Acting Mayor Cornelio Maskarino and with City Secretary Chuck Nunez.

2:30 p.m.—Meeting with Father Emeterio Barcelon, President, Ateneo de Davao University.

4:00 p.m.—Return to Manila via air travel.

Saturday, November 17

6:45 a.m.—Wrap-up breakfast hosted by Ambassador Bosworth.

8:30 a.m.—Depart Manila for Japan.

JAPAN

Saturday, November 17

3:00 p.m.—Arrive Osaka, Japan.

Sunday, November 18

In Kyoto.

Monday, November 19

9:05 a.m.—Depart Kyoto via train to Nagoya.

10:00 a.m.—Arrive Nagoya Station. Depart immediately for Toyota City.

11:15 a.m.—Factory tour at Tsutsumi auto plant by Mr. Sasaki, Assistant General Manager of Public Relations, Toyota Motors, Toyota City.

12:20 p.m.—Lunch with Executive Vice President Hiroyasu Ono, Toyota Motors.

1:20 p.m.—Meeting with Chairman of Toyota Motors, Eiji Toyoda and Executive Vice President Hiroyasu Ono.

3:55 p.m.—Leave Nagoya for Tokyo.

6:00 p.m.—Arrive Tokyo Station.

7:30 p.m.—Dinner with NBC News Asia Director Bruce MacDonnell in Tokyo.

Tuesday, November 20

9:30 a.m.—Meeting with Ambassador Mike Mansfield at American Embassy.

12:30 p.m.—Working Luncheon hosted by William Clark, Deputy Chief of Mission.

6:00 p.m.—Reception at Ambassador Mansfield's residence.

Wednesday, November 21

11:00 a.m.—Meeting with Finance Vice Minister Oba at the Japanese Ministry of Finance.

12:00 p.m.—Luncheon hosted by executives of the prestigious private business group, Keidanren, with Embassy Economic Counsellor Marilyn Meyers.

3:00 p.m.—Meeting with LDP International Bureau Director Wataru Hiraizumi, Kajima Research Institute.

Thursday, November 22

10:00 a.m.—Meeting with New Liberal Club Chairman Yohei Kono, Diet Members Office Building, accompanied by Embassy political officer James Pierce.

11:00 a.m.—Meeting with Democratic Socialist Party International Bureau Director Ro Watanabe, Diet Members Office Building, accompanied by political officer Pierce.

11:45 a.m.—Meeting with Prime Minister Yasuhiro Nakasone.

5:00 p.m.—Depart Narita for the People's Republic of China.

THE PEOPLE'S REPUBLIC OF CHINA

Thursday, November 22

10:30 p.m.—Arrive Beijing.

Friday, November 23

9:00 a.m.—Briefing at the American Embassy.

10:30 a.m.—Meeting with Liu Shuinian, Vice Chairman, State Planning Commission.

12:00 p.m.—Lunch at Ermei Restaurant.

2:00 p.m.—Meeting with Chai Zhemin, Vice President, Chinese People's Institute of Foreign Affairs.

4:00 p.m.—Meeting with Wu Xiuquan, President, Beijing Institute of International Strategic Studies.

6:30 p.m.—Welcome banquet given by Vice President Chai Zhemin.

Saturday, November 24

9:00 a.m.—Meeting with Zhu Qizhen, Vice Minister, Ministry of Foreign Affairs.

10:30 a.m.—Meeting with Fu Hao, Vice Chairman, Committee on Foreign Affairs, National People's Congress.

12:00 p.m.—Lunch at Peace Gate Duck Restaurant.

2:30 p.m.—Meeting with Jia Shi, Vice Minister, Ministry of Foreign Economic Relations and Trade.

4:30 p.m.—Meeting with Mr. Wang Zhen, Politbureau member.

Sunday, November 25

7:30 a.m.—Leave for Great Wall.

12:00 p.m.—Lunch at Ming Tomb Restaurant.

3:00 p.m.—Meeting with Mr. Manfred Kulessa, Resident Coordinator, United Nations Development Programs.

5:00 p.m.—Meeting with Dennis W. Argall, Ambassador of Australia.

7:00 p.m.—Dinner with Chai Zemin, Vice President of the Chinese People's Institute for Foreign Affairs.

Monday, November 26

8:45 a.m.—Visit Beijing Military Academy.

12:40 p.m.—Lunch at Summer Palace.

2:30 p.m.—Meeting with Deng Pufang, Chairman of China Welfare for the Handicapped.

4:30 p.m.—Meeting with Mr. Li Peng, Vice Premier.

6:00 p.m.—U.S. Embassy appointment.

Tuesday, November 27

9:00 a.m.—Meeting with Arch Bishop Fu Tieshan, Southern Catholic Church.

Afternoon—No appointments.

9:40 p.m.—Leave Beijing for Xian.

Wednesday, November 28

10:00 a.m.—Visit Chin Army Vault Museum.

2:00 p.m.—Visit Muslim Mosque, Xian.

4:00 p.m.—Depart for Chengdu.

Thursday, November 29

8:30 a.m.—Meeting with Mr. Han Binqing, Deputy Manager, Fonghuong Joint Enterprise, Chunlai County.

1:00 p.m.—Luncheon meeting with Mr. Xu Benrong, Chunlai County Administrator, Sichuan Province, and Mr. Gao Jinmin Director, Foreign Affairs Office, Chunlai County.

Friday, November 30

8:30 a.m.—Visit to Dujiangyan Irrigation System, Guanxian County, Sichuan Province.

1:00 p.m.—Luncheon meeting with Mr. Zhang Dinqiang, Guanxian County Administrator.

4:00 p.m.—Meeting with Mr. Dai Xueming, Commissioner, Planning and Economic Commission, Sichuan Province.

6:00 p.m.—Dinner meeting with Mr. Mong Dongpao, Vice Chairman, Standing Committee of Provincial People's Congress, Sichuan Province.

Saturday, December 1

8:30 a.m.—Visit to Sichuan Medical College, Chengdu.

2:00 p.m.—Meeting with Managers of Free Market.

4:40 p.m.—Depart for Kunming.

Sunday, December 2

8:00 a.m.—Depart for Stone Forest.

6:30 p.m.—Dinner meeting with Mme. Chen Liyin, Vice Governor, Yunnan Province.

Monday, December 3

8:00 a.m.—Meeting with Army officers for militia work.

10:00 a.m.—Visit militia unit at Kunming motor plant.

3:00 p.m.—Meeting with Mr. Huang Huikung, Vice President, Kunming Institute for Nationalities.

Tuesday, December 4

8:30 a.m.—Meeting with Mr. Wang Bangyi, Director, Kunming Machine Tools plant, Kunming, Yunnan Province.

11:50 a.m.—Depart for Guilin.

6:30 p.m.—Dinner hosted by Deputy Mayor Chui Jinchai.

Wednesday, December 5

8:50 a.m.—Boat trip.

Thursday, December 6

Free.

7:45 p.m.—Depart for Guangzhou by air.

Friday, December 7

9:00 a.m.—Tour of the China Hotel and presentation of China Hotel by the Hong Kong partner of the joint venture.

10:00 a.m.—Presentation of Guangmei Foods Co., Ltd. by the American partner of the joint venture, Guangmei Foods Co., Ltd.

2:00 p.m.—City tour.

7:00 p.m.—Dinner hosted by Mr. Fan Xixian, Vice Chairman of the Standing Committee of Guangdong People's Congress.

Saturday, December 8

7:50 a.m.—Depart for Zhongshan City by car.

12:30 p.m.—Visit Dr. Sun Yetsen Memorial Hall.

1:15 p.m.—Factory visit.

4:20 p.m.—Visit a returned overseas Chinese in his home.

Sunday, December 9

7:50 a.m.—Depart for Fushan City by car.
10:30 a.m.—Visit an artistic ceramics factory and a ceramic tile factory.
2:00 p.m.—Visit Fushan Ancestral Temple.
3:00 p.m.—Return to Guangzhou.
7:00 p.m.—Dinner hosted by Mr. Wever Gim, U.S. Consul General.

Monday, December 10

9:00 a.m.—Depart Ghangzhou for Hong Kong.

Tuesday, December 11

8:00 a.m.—Breakfast/briefing with U.S. Consul General Burton Levin.
1:45 p.m.—Depart Hong Kong for return to United States.
9:20 p.m.—Arrive Washington, DC.●

THE PRICE OF IGNORANCE

● Mr. GOLDWATER. Mr. President, in recent months, this body has considered many issues that have a direct impact on the defense posture of this Nation. The defense budget, the MX missile and aid to Nicaragua are all subjects that have generated great interest and debate in both the public and private sector. Henry Martin, in his article in the July 1985 edition of Defense Systems Review, "The Price of Ignorance Can Be Nationhood Itself," sets forth a troubling thesis—that the American public is not getting the complete story on all the issues; that emotionalism and secular interests are creating a myopic public view of the vital importance of a strong national security posture which is only possible through strong defense. Naivete has no place in world affairs.

Mr. President, I commend Mr. Martin's excellent article to my colleagues and ask that it be printed in the RECORD.

The article follows:

THE PRICE OF IGNORANCE CAN BE NATIONHOOD, ITSELF

The national mentality in association with the defense posture of this nation is incredibly naive. Egged on by non-fact-bearing politicians, an extremely liberal media, duped by alien propaganda, and fueled by stories of industrial overcharges, many Americans assume that defense expenditures are unwarranted and that perhaps war will simply disappear by just ignoring it. Despite the election mandate provided to the Reagan Administration just six months earlier, the defense budget is being devoured, aid to the Contras is being denied, and the MX program is being scaled down by Congress.

If Rip Van Winkle had slept but for six months, from the eve of the 1984 Presidential election to this month, his first impression upon awakening would have been that Walter Mondale had scored an overwhelming victory at the polls—instead of a repudiation of his own and his party's philosophies.

The alarming factor of this "anti-establishment" attitude is twofold; first, that it occurs at a time when this nation is once again at the negotiating table with a dangerous adversary; and secondly, that rebellion within the President's own Party—a party strengthened by the President's coattailing policies. Pressure from the depressed farming community and social programs, as well as the mounting national deficit certainly contributes to this attitude. But Congress is not even holding to the line on these areas, either, but is rejecting farm assistance and then creating farm assistance, blocking social programs and then adding them back, and vacillating on cuts that would truly achieve deficit reduction.

It is understandable that the news media would continue its "indoctrination" programs after "losing" the 1984 elections. The Fourth Estate has always been a poor loser. The DOD is currently auditing the top 30 defense contractors—but this is not an unusual event and the news media does not reflect on the fact that procurement procedures today differ from those now under examination. Waste and fraud have been associated with defense since its inception—nay, with government, since its inception. It is not correct and should be ferreted out, but it is severely overplayed in the news media which ignores the ongoing aspects of such investigations.

Thus the public conception is changed. There is a strong surge of anti-government feeling toward policies associated with Nicaragua and Central America, toward the U.S. possession of nuclear weapons, toward stationing of U.S. warships in American waters, against tough policies toward the Soviets. Yet silence is overwhelming on continued Soviet brutality in Afghanistan, toward attempts at genocide in Cambodia, toward the enslavement of Eastern Europe and the stationing of Soviet SS-20s in Eastern Europe. Israeli withdrawal from Lebanon is under attack, while no one decries the continuance of Syrian troops on Lebanese soil. Protest against South Africa continues—with the argument the U.S. companies doing business in South Africa should withdraw or be financially boycotted by Americans—but what outcries have been heard of the Cubans and Soviets in Angola or Ethiopa? The people of this country cry out in support of Nicaragua yet overlook the Sandinista's support of El Salvadoran rebels against a government that has taken earnest strides toward democratic reforms.

There is something drastically wrong here. The American people are justified in protesting against dictatorships, against human abuses, against government abuse, and against the threat of nuclear war. But why does this protestation formulate itself only in relationships to U.S. actions and blatantly ignore the more immediate dangers that confront them and the brutal Soviet government that enslaves many nations and does not allow such forms of protest? To ascertain such reasoning, one must assess the direction, financing and leadership of such protests. There will always be the vast majority who morally oppose a subject, but behind such movements usually can be found well-financed sources which can manipulate the fundamental purpose of a protest into a profound purpose suited specifically to the financer's needs.

The southern borders of the United States are specific targets for Soviet subversion. The tactic is to undermine governments in Central America with Mexico targeted for a Marxist revolution. With such developments, the U.S. would be forced to use troops now stationed elsewhere—probably Europe—to protect its southern flank. If the public, media and Congress prevail in today's debate, tomorrow could be more costly then they could have imagined. But hasn't history proven this already?

Immediately following the "Tip" O'Neilled House defeat of a $14 million aid package to the Contras, Nicaragua's president Ortega went to Moscow to seek increased military assistance. Even Soviet leader Gorbachev told Ortega his war scares are unwarranted and that the U.S. would not seek military action against his tiny nation.

Franklin Roosevelt and Woodrow Wilson could not convince a stubborn Congress of the true world that lay outside its doors. Winston Churchill could not prevail, either—and so, many died. Is this Congress and this generation of Americans going to make the same fatal mistakes of the well-recorded errors of yesteryear? Time will tell, but what a price for being wrong!●

LEGAL SERVICES CORPORATION

● Mr. HART. Mr. President, the Senate has approved 11 nominees to the Legal Services Corporation Board. They represent the first Board members actually confirmed by the Senate since President Reagan took office in 1981.

For over 4 years, the Legal Services Corporation was guided by individuals serving as recess appointees. During that period, significant budget reductions occurred and attempts were made to dilute the effectiveness of the LSC in providing adequate legal representation for low-income Americans.

Nine of the nominees were confirmed en bloc on a voice vote. Two other extremely controversial nominations were approved by the Senate on votes which demonstrated principled concern on the part of our colleagues regarding the qualifications of these appointments. Although the nominees in question—Michael Wallace and LeaAnne Bernstein—were confirmed, the debate did reveal, in my judgment, strong bipartisan support for Legal Services and an enduring commitment to the mission of LSC.

It has been said, "where law ends, tyranny begins." The challenge articulated in yesterday's debate, Mr. President, directed to the nominees, is to see that justice is done for everyone in our society, regardless of their income and station in life.

At this point in the RECORD, I ask that the full text of my statement on the nominations be printed.

FLOOR STATEMENT OPPOSING THE NOMINATIONS OF MICHAEL WALLACE AND LEAANNE BERNSTEIN TO THE LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Mr. HART. Mr. President, as a former practicing attorney, the debate before us has special significance for me. In addition to carrying out our duty to vote on Presidential nominations, we are also casting a vote about the larger question of how this nation intends to go about the business of providing legal services to the poor among us.

Mr. President, we cannot allow ourselves to consider these Legal Services Corporation (LSC) nominations in the abstract. We must go further than simply determining the technical competence and personal integrity

of the individual nominees. To truly discharge our responsibility, we must bear in mind the 1974 mandate of the Senate Report on the Legal Services Act. That mandate calls for Board members who understand, and are fully committed to the role of legal assistance attorneys, and who support the Act's underlying principle "that it is in the national interest" that poor people "have full access . . . to comprehensive and effective legal services".

In fulfilling this mandate, each of us must recall the President's open hostility to the LSC. We must remember that he has tried to abolish the Corporation every year since 1981. We also must remember, that this body has not confirmed a single one of his nominees since 1981. All have been seated as recess appointees, and as such, each has circumvented the nomination process envisioned by the Constitution.

The question before us, Mr. President, is whether we will be participants in the President's plain desire to stack the LSC Board with members who are hostile to the Corporation's mandate—or—whether we will insist on appointees with a genuine commitment to the Corporation's purpose of making decent representation available to poor people with legal problems.

Mr. President, I am forced to oppose the nominations of Michael Wallace and LeaAnne Bernstein because I believe that they fail to meet the standard required for service on the LSC Board. I cannot support them, because each, in my opinion, has taken positions antithetical to the goals of the Legal Services Corporation as expressed by Congress.

Mr. Wallace, for example, as a Senior Congressional staff member, was instrumental in organizing both House and Senate opposition to extension of the Voting Rights Act. He was also intimately involved in lobbying the Administration to abandon longstanding public policy by intervening in the *Bob Jones University* case to argue in favor of tax exemptions for racially discriminatory private schools.

Worst of all, Mr. President, Mr. Wallace is believed to have intervened with the Justice Department to prevent federal inspections of prison conditions in Mississippi.

Less than one year after the Department decided not to perform the inspections, 27 inmates died from toxic fumes emitted by flammable polyurethane bed padding in a fire in a Biloxi jail. The bedding material at issue had been used in violation of safety standards set by the Federal government, the American Public Health Association and the American Correctional Association.

It is also worth noting, Mr. President, that when given the opportunity to comment about each of these incidents during confirmation hearings, Mr. Wallace refused even to confirm or deny his involvement.

I believe that the grounds upon which to reject Mr. Wallace are clear and unassailable. As an LSC Board member, he would directly affect the Corporation's policies as they relate to the representation of minority clients, specifically in cases brought to determine or enforce voting rights. Moreover, Mr. President, he would be empowered to set policy with respect to the representation of prisoners in litigation over prison conditions.

Mr. Wallace's past record demonstrates a level of callousness and insensitivity toward each of these groups that is unacceptable for a member of the LSC Board.

Mr. President, I believe that LeaAnne Bernstein is similarly unqualified to serve as a member of the LSC Board. In the performance of her duties as Executive Secretary of the Corporation, Ms. Bernstein has advocated, and helped to implement, specific policies which threaten to undermine the ultimate purpose of the Corporation.

In her capacity as Executive Secretary, Ms. Bernstein was charged with assuring that the Board's meetings were held in compliance with Sunshine Requirements and the Legal Services Act and Bylaws. In 1983, while serving in this capacity, the United States District Court for the District of Columbia found it necessary to enjoin the Board from meeting, for failure to provide adequate notice as required by law.

Mr. President, the Legal Services Corporation is founded upon the premise that all Americans, regardless of financial means, are entitled to comprehensive, competent legal services. Since 1981, the corporation, and its individual attorneys, have waged an admirable fight to remain true to their mission in the face of budget cuts totalling well over $180 million dollars.

Yet, while the Corporation struggles to meet its client's needs, Ms. Bernstein, as a recess appointee, has proposed further across-the-board funding cuts of 25 percent for all LSC programs and activities.

Finally, as an employee of the Corporation, Ms. Bernstein was reprimanded for insubordination by the Corporation's former Acting President and former Chief Executive Officer. Ms. Bernstein tried to implement several proposals which would have severely restricted the permissible activities of Legal Aid attorneys in class action litigation and legislative advocacy.

Not only were these proposals found to have exceeded LSC's statutory authority—Ms. Bernstein was found to have personally mailed numerous solicitations to a number of conservative organizations seeking to garner support for these restrictive regulations.

Mr. President, Ms. Bernstein's record clearly shows that she has supported policies that directly conflict with Congressional intent and federal statutes with respect to the LSC.

In my opinion, her support of a 25 percent all-inclusive budget reduction was a conscious effort to under-fund the Corporation and to frustrate its purpose.

Because of her efforts to reduce public participation in the Board's deliberations, and because of her attempts to narrow the scope of representation to be offered by Legal Aid attorneys, I believe that Ms. Bernstein, like Mr. Wallace, is incapable of meeting the standard required for service on the Legal Services Corporation Board of Directors.

In closing, Mr. President, I believe that the LSC is a valuable program that deserves our continued support. It also deserves the leadership of a Board that is supportive of its mission.

Among the nine nominees who will be confirmed by the Senate today, is Mr. Pepe Mendez of the State of Colorado. The Senior Senator from Colorado congratulates Mr. Mendez for his appointment to the LSC Board.

In addition to opposing the nominations of Mr. Wallace and Ms. Bernstein, I also challenge each of the remaining nominees to use their tenure on the LSC board, to preserve the traditional high standards of the Corporation in assuring that justice remains accessible and impartial for all Americans, regardless of their individual financial status.

I urge my colleagues to join with me, both in my opposition to Mr. Wallace and Ms. Bernstein, and in my challenge to the remaining nominees.●

OVERTIME ON VOTES

● Mr. GOLDWATER. Mr. President, during last year, I asked the keeper of the record to give me a rundown on how much time the Senate spent in waiting for Members to come to the floor and vote, in excess of the 15 minutes allowed by rule.

The attached compilation will disclose that in the 1st session of the 98th Congress, we spent 3 days, 6 hours, and 54 minutes waiting; the 98th Congress, 2d session, 3 days and 13 minutes; mind you these are 12-hour days, not 8. The 98th Congress total was 6 days, 8 hours, and 7 minutes.

In this Congress, the 99th Congress, as of Friday, June 7, 1985, we have spent 15 hours and 41 minutes overtime in getting here to vote. It seems to me we could save quite a bit of time if we made a little better effort to obey the rules.

The compilation follows:

1983.—98TH CONGRESS, 1ST SESSION

[381 rollcall votes]

	Hours	Minutes
Time consumed by rollcall votes	137	39
Overtime (included in above)	42	54

1984.—98TH CONGRESS, 2D SESSION

[292 rollcall votes]

	Hours	Minutes
Time consumed by rollcall votes	111	23
Overtime (included in above)	37	13

98TH CONGRESS—TOTAL

[673 rollcall votes]

	Hours	Minutes
Time consumed by rollcall votes	249	2
Overtime (included in above)	80	7

1985.—99TH CONGRESS, 1ST SESSION

(As of Friday, June 7, 1985)

	Hours	Minutes
Time consumed by rollcall votes	44	21
Overtime (included in above)	15	41●

BALTIC FREEDOM DAY

● Mr. DODD. Mr. President, the Senate has designated tomorrow, June 14, 1985, "Baltic Freedom Day." Accordingly, I rise to salute the valor and determination shown by the people of Latvia, Lithuania, and Estonia in their struggle against Soviet domination since World War I.

The United States has never recognized the Soviet Union's annexation of these states. During their occupation, the Soviet Union has denied Latvia, Lithuania, and Estonia their distinctive traditions and cultural identities, in addition to suppressing basic human rights.

Throughout their histories, these states have often endured occupation by foreign powers. They enjoyed a period of independence after World War I that was to come to an end with the Molotov-Ribbentrop Pact of 1939, which divided Poland and the Baltic lands between Hitler and Stalin. The Baltic peoples were to receive no respite between the violence of the Soviet annexation and the devastation of World War II. The forceful incorporation of the Baltic States into the U.S.S.R. was hardly the "socialist liberation" the Soviets proclaim it to be, but a cruel subjugation. It is estimated that 600,000 citizens of these states were murdered or exiled to Siberia between 1941 and 1949.

The Baltic States have a distinctly Western tradition that contrasts sharply with the character of the Soviet Union. Historically, the three states have had strong ties to the West through their churches and through their geographical proximity. The Soviet regime seeks to restrict the contacts of the Baltic peoples with the West, as it does with all its subject peoples. There are restrictions on where foreigners may travel; all of Lithuania, aside from the capital city of Vilnius, is off limits to Western visitors. Furthermore, the Soviets have sought to interfere with these peoples' desire to maintain and develop their own cultures. They have instituted a policy of Russification. The aim of this policy is to reduce the influence of the indigenous cultures of the Baltic States and to replace them with the uniform Soviet culture.

The freedom-loving peoples of the Baltic resist this suppression of their heritage. The most common act of defiance is the refusal to learn Russian. There are also numerous dissident groups and individuals who courageously struggle for their rights. For example, the Estonian dissident Mart Niklus has spent most of his adult life in prison for insisting on freedom of speech and action. The members of the Latvian Social Democratic Party have also spent considerable time in prison. The Lithuanian Helsinki Group was established in 1976 to monitor the Soviets' behavior in regard to human rights and to exert pressure on the Government for change. The organization documented many forms of harassment and persecution of nonconformists and those practicing their religion, including the abuse of psychiatric treatment. In 1979, 45 prominent dissidents signed the Baltic declaration. This declaration condemned the Molotov-Ribbentrop Pact as the "conspiracy of two of the greatest tyrants of history."

Probably the most troublesome aspect of Baltic culture to the U.S.S.R. is the church. The Soviets consider it to be a "vestigial remnant" of the prerevolutionary society. They contend that religion is nothing but bondage to the past and that only atheism can promise freedom and equality. For this reason, the Soviets are attempting to force their philosophy on a deeply religious population, compelling believers to hide their convictions. The KGB hopes to make inroads into the church organization by promoting its own candidates for the priesthood and for church councils. So as to discourage belief, religious publications, and religious education for children have been prohibited. Those who openly practice their religion are targets for various forms of harassment by the Government.

The cultures of the Baltic peoples have grown stronger in defiance of Soviet efforts to neutralize national pride, artists, writers, and composers emphasize native themes in their work, rejecting the Socialist realism endorsed by the Soviet regime. In Lithuania, ethnographic clubs have been established to increase awareness of Lithuanian culture, so that it can be preserved.

The Soviets have demonstrated an inability to tolerate the expression of cultural individuality, in the same way that they are unable to tolerate the expression of individual opinions.

The reaction of the Estonian, Latvian, and Lithuanian nations has been a determination to survive. We salute these peoples for having the courage to preserve their distinctive national character, defying the tremendous Soviet pressure to conform. They have disproved the Marxist conviction that nationalistic sentiments are artificial and that they take a back seat to class interests. They have affirmed the strength and endurance of their national spirit, their commitment to freedom and independence.●

"DE-ORGANIZING" DEFENSE

● Mr. HART. Mr. President, as most of my colleagues are aware, I have had disagreements with the present Secretary of the Navy, Hon. John Lehman, on a number of major issues, including the proper structure of the fleet, naval strategy, and the need to reorganize the Joint Chiefs of Staff.

Today I want to state publicly my agreement with Mr. Lehman and to offer him my support on a matter that I believe to be of the highest importance: reducing bureaucracy within the Defense Department. On May 26, Mr. Lehman published a guest column in the Washington Post titled, "What Defense Needs: 'De-Organization.'" The theme of that article is that we need to decentralize defense decisionmaking, restore authority and accountability in place of "clericalization," and recognize that many of our defense problems stem from "statutory complexity, bureaucratic inertia, and congressional resistance." I agree with that diagnosis and that prescription, and I strongly commend Mr. Lehman for seeking to frame the defense debate in those terms.

There are several specific points in Mr. Lehman's column with which I would not fully agree. Its most serious deficiency is failing to mention that much of the current defense bureaucracy is a product of the tremendous surplus of officers in the middle and senior grades. In an effort to find something for these surplus officers to do, the Defense Department takes every real job and breaks it down into a large number of make-work jobs, each of which becomes a small part of what should be a single entity. Decisions that should be made by a single individual are in consequence made by committees, usually on a lowest common denominator, committee consensus basis. There is seldom a better way to ensure a bad decision.

But what I want to stress here is not where I disagree with Mr. Lehman, but where I can agree wholeheartedly. I agree that the current system can be described as horrendous and monstrous. I agree we need to reform congressional micromanagement, corporate greed, and bureaucratic elephantiasis. I agree that many, if not quite all of our defense problems can be traced to unceasing bureaucratic growth in Congress and the defense establishment over the past 30 years.

Mr. Lehman is particularly to be commended here for criticizing some of those who, in this city's usual trench warfare, might have expected him to defend them. He is properly critical of excessive profits in the defense industry, bloated contractor overhead charges, gold plating of weapons, and oversized military headquarters. In turn, it is appropriate for those of us in Congress to point out that congressional micromanagement can indeed be a problem; that Congress does not do a very good job of coming to grips with major defense issues because it is so heavily absorbed in minor ones; and, that Congress has contributed to the proliferation of rules, regulations, and fixed procedures that raise costs, prevent individuals from making decisions, and focus attention on the process rather than the product.

Mr. Lehman calls for laying aside "the calls of those who seek to use the current debate to settle old political or ideological scores" and notes that "perhaps now we can actually gain a long overdue bipartisan consensus" to

reform the whole defense decision-making process. I am happy to share that hope and join in that call. There will undoubtedly continue to be areas where military reformers and members of the defense establishment such as Mr. Lehman will disagree. But, if there is a genuine commitment to reform on his part and a desire to lay aside other disagreements, I believe it is possible to work together to reduce defense bureaucracy. As one military reformer, I will certainly be willing to make the attempt.

Mr. President, I commend Mr. Lehman's article to my colleagues, and I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, May 26, 1985]

WHAT DEFENSE NEEDS: "DE-ORGANIZATION"

(By John Lehman)

Over the past four years President Reagan's defense budgets have averaged 7 percent real growth. Shipbuilding, fleet manning, aircraft readness and ammunition have increased substantially. The actual percentage increase now in the fleet in each of these categories is 11 percent, 10 percent, 42 percent and 37 percent, respectively.

Critics unfairly say little has been achieved. In rightly rejecting these critics, we in Defense pass over the reality that we could have achieved much more under a system less convoluted than that which was passed to us in January 1981.

Dr. Samuel Johnson once said that what is remarkable about a dog's walking on his hind legs isn't that it is not done well but that it is done at all. Such is the wonder that secretaries of defense these past 15 years have provided as well for the common defense as they have, given the monstrousness of the system that besets them.

Cap Weinberger was charged by his president to take the existing institution and get on with rebuilding a common defense ravaged by Vietnam, Watergate and false prophets. He was not asked to reform congressional micromanagement, corporate greed and bureaucratic elephantiasis first. He did as bidden and saved a collapsing balance of power.

Now the horrendousness of the system within which he made this prodigy has suddenlly become topical. Good. Perhaps now we can actually gain a long overdue bipartisan consensus to change it.

The fact that so much simple-mindedness is written about how to fix Defense by armchair experts innocent of any service in government should not be allowed to discredit the insight that solutions to our current problems involve the application of simple principles. For while the problems of Defense are enormous in number and great in complexity, their causes may be traced to a single root: unceasing bureaucratic growth in Congress and the Defense establishment over the past 30 years.

Have profits been excessive in Defense ustry? Yes, indeed, when measured as a percent of assets. For the last two decades it has averaged nearly four times the norm of nongovernment profit. Why? Because Congress has wanted it that way for 30 years, and its legislation and the implementing regulations often require that the taxpayer pay for the contractor's capital assets. Despite Cap Weinberger's progress in driving that ratio down, when we build a tank or an airplane, the legislation, regulations and appropriations still require the taxpayer to buy the contractor the tools, equipment and often the building.

Is contractor overhead excessive? Yes, often more than 100 percent costs. Why? Because those same statutes and regulations invite padding and because as each new bureaucracy is legislated into the Defense establishment to oversee environment, equal-opportunity, work safety, women-owned enterprise, minority business, value engineering, etc., etc., contractors must hire more bureaucrats to fill out forms and pass their cost on a overhead—and if a few Learjets or dog kennels get added along the way, well, who's to know?

Have contractors paid no taxes since 1972? Largely true for the biggest, but not unique to define contractors. Why? Because Congress enacted loopholes to make it legal.

Are weapons systems often gold-plated and is the best often the enemy of good enough? Yes. Why? Because authority on an any given weapon has been dissipated among so many mandated offices and entities outside of the line authority of the military departments that the chain of common sense is often destroyed.

Has legislative oversight become anarchy? Yes. How? Ten years ago four committees wrote legislation on Defense. Today 24 committees and 40 subcommittees oversee Defense. By actual measurement, current law and regulation on Defense procurement fill 1,152 linear feet of law library shelf space. Thousands of new pages are enacted yearly and almost none removed.

Is the Defense establishment overgrown? Yes. To cope with this avalanche of legislation and regulation, each military department headquarters numbers 2,000 as does the Joint Staff and its appendages and the Office of the Secretary of Defense staff. There are 10 Defense agencies numbering 85,000, and nine joint and specified commands that each average nearly a thousand. No intelligent human being would pay $700 for a toilet cover: it took a unified buying agency of 50,000 billets to do that.

This vast bloat in Congress and the executive branch has all been done over the past 30 years in the name of reformation at the altar of the false idols of centralization and unification. It has completely "clericalized" the procurement process, destroying authority and accountability and creating an environment in which only monopoly, cost-plus and single-source contracting processes flourish in a natural state. Competition, discipline, austerity and accountability are forcefully opposed by statutory complexity, bureaucratic inertia and congressional resistance. All this despite a few steady voices in Congress who have for years tried to improve the process.

What has been accomplished by Secretary Weinberger in reducing decades of gold-plating, cost overrunning and contract sole-sourcing has been done because he has begun to reverse 30 years of overcentralization and begun to restore accountability. In shipbuilding alone competition has been increased from 15 percent to 84 percent in only four years, with a payoff of $2.4 billion in cost underruns.

What must be done now is to recognize the falsity of current calls for more bureaucracy and centralization; to lay aside the calls of those who seek to use the current debate to settle old political or ideological scores; and to begin to apply the lessons so visible in current headlines.

We need no new legislation; we need the repeal of hundreds of linear feet of existing statutes and regulations.

We need no new bureaucratic entities; we need a large reduction in the number and size of existing ones.

We need no more centralization and unification; we need more decentralization and accountability through which the strong secretary of defense can unify all efforts to a central policy.

We need Congress to end the current chaos of subcommittees and reassert an orderly, strong role in meeting its constitutional responsibilities through a reasonable number of serious subcommittees.

In short, both Congress and the defense establishment must be de-organized to liberate the thousands of dedicated defense professions in both institutions from their bureaucratic bondage and allow their common sense to prevail.

FUNDING OF THE ENDANGERED SPECIES ACT OF 1973 FOR FISCAL YEARS 1986-90

● Mr. D'AMATO. Mr. President, I rise today to add my name to the list of cosponsors of S. 725, legislation to reauthorize appropriations of the Endangered Species Act of 1973 for the fiscal years 1986-90.

This legislation is vital to the preservation of species which are abused by reckless and throughtless behavior. Allowing this kind of behavior to persist leads to the extinction of many rare and precious species—living, valuable species which contribute to our knowledge about biology and the environment.

The preservation of these species directly affects New York State. The Chittenango ovate amber snail, the northern wild monkshood, the small whorled pegonia, and the bald eagle reside in New York. Thus, the State has become a protective sanctuary for these species.

New York is not the only State which houses endangered wildlife. Many States across the country have a variety of species which need to be protected and preserved. I call on all of my colleagues to support this legislation for the enhancement and conservation of our wildlife.●

A TRIBUTE TO LORENZO "DOC" OAKLEY

● Mr. LAUTENBERG. Mr. President, it is with great pride that I rise before my colleagues today to call attention to Lorenzo "Doc" Oakley, who recently retired as international representative and director of the New Jersey United Automobile Workers of America Community Action Program Council.

Mr. Oakley, known as Doc by his friends and admirers, has had a long and distinguished career as a labor and community leader. Following his employment by the Mack Truck Co. in New Brunswick, NJ, in 1940, "Doc" Oakley joined the Local 824 United Automobile Workers. His association with the UAW evolved into a truly re-

markable career as both a union leader and public servant. "Doc" Oakley served as committeeman, bargaining committee chairman, and president of Local 824 until 1962. Upon completing his years as president of Local 824, he earned an appointment to the staff of the international UAW union. "Doc" Oakley served as the community action program director in both Pennsylvania and New Jersey before being appointed by Gov. Robert B. Meyner to serve on the New Jersey Civil Rights Commission. His hard-working dedication to the State of New Jersey led to his appointment as chairman of the State Employment and Training Council by Gov. Brendan Byrne. "Doc" Oakley was also elected secretary and treasurer of the Industrial Union Council and served on the board of directors of the New Jersey Citizens Action Committee. He was actively involved in numerous other community groups in New Jersey, leading up to his retirement on April 30, 1985.

Mr. President, I am confident that my colleagues would join with me in extending both congratulations to "Doc" Oakley on his retirement, and thanks for his tireless service to the State of New Jersey.●

A TRIBUTE TO ANN G. HUMPHREY

● Mr. BURDICK. Mr. President, I came to the Senate in 1960 to fill the seat of the late Senator Bill Langer. Bill represented North Dakota in the Senate for some 20 years and left behind a rich legacy which is honored in North Dakota to this day.

I have, personally, profited from Bill's legacy in a very special way—his granddaughter, Ann Humphrey, has been a most valued member of my staff for many years. As Ann prepares to move on to new challenges, I want to pay tribute to her for her outstanding work she has done for me and the people of North Dakota.

When Ann arrived on my staff in 1971, it soon became apparent that she had all the zeal, energy and dedication of her grandfather. For many years, Ann combined the duties of press secretary with her responsibilities as my legislative assistant for health, aging, and education issues. I am convinced that there are few people in Washington who know more about Federal programs in these areas than Ann.

Ann has worked tirelessly to bring adequate health care facilities and educational opportunities to rural North Dakotans. Her excellent work on behalf of family practice medicine and family nurse practitioners has been especially helpful to rural communities. Improvements in the quality of life of North Dakota's elderly population are a direct result of Ann's labors. In short, Ann's knowledge of the legislative process and her fine communications skills have benefited North Dakotans of all ages and from all walks of life—from the senior citizen to the student; from the farmer to the social service worker.

As Ann opens a new chapter in her life, and says goodbye to 14 years of service to the Senate, I want her to know that she is deeply appreciated and will be sorely missed.●

ON THE DEATH OF HENRY BEETLE HOUGH

● Mr. MATHIAS. Mr. President, the world of journalism lost a great country editor last week. And the environmental community lost a champion. Henry Beetle Hough, editor of the Vineyard Gazette since 1920 and its owner until 1968, died last Thursday at his home on Martha's Vineyard.

Mr. Hough, 88, was a graduate of the Columbia School of Journalism, where he met his future wife, with whom he published, edited, and wrote the weekly country newspaper of Martha's Vineyard.

In 1920, when they began their newspaper careers, the Gazette printed 600 copies a week, grossing about $5,000 a year Then the island had a year-round population of 5,000, which swelled to 25,000 in the summer. Today, the year-round population has grown to 10,000 with the summer crowd bringing it to 46,000.

The Gazette, under Mr. Hough's editorship, became a journal of island life, chronicling the change of seasons, bird sightings, the weather, births, deaths, and visitors to the island. His paper was not in league with the big city dailies. His had a more down-home responsibility to report on the daily events of life on Martha's Vineyard and, in doing so, to present its readers with a certain detached perspective on what others viewed as important events of the day.

For example, when news of the outbreak of World War II reached the island in September 1939 residents were just recovering from a "three-day blow" or "nor'easter," as they are called in that neck of the woods.

The Gazette was about to go to press and Mrs. Hough suggested to Henry that "we better have something about the outbreak of the war." After mulling this over, Mr. Hough decided to insert a small item. However, he later called, "I set something about the weather right in the linotype so readers might remember what the island was like the day the world went mad."

Mr. Hough was enormously concerned by the encroachments of new development on the island and devoted many of his editorials to pointing out the folly of such a course for the island's wetlands, open spaces, woodlots and forests, wildlife, and residents.

He established with his wife, the late Elizabeth Bowie Hough, the Sheriff's Meadow Foundation "to preserve, administer, and maintain natural habitats for wildlife on Martha's Vineyard for educational purposes and in the interests of conservation; to acquire, receive, and protect such natural areas so that they may serve as living museums and as means of assuring to the future generations a knowledge of the natural endowment of the Island of Martha's Vineyard and of similar terrain in New England."

By 1973, the foundation had received gifts and bequests of land totaling 750 acres, including shore, woodlots, marshes, ponds, and fields. As the name implies, the foundation's first donation was Sheriff's Meadow Pond from Mr. Hough, himself, along with neighboring land, including John Butler's Mud Hole.

Mr. Hough's "summer home" upisland in West Tisbury was called Fish Hook. His neighbors owned adjoining woodland, ridge, marsh, and beach known as Cedar Tree Neck. A total of 260 acres of undisturbed land in its natural state was bequeathed to the charitable land conservation foundation by Mr. Hough and his neighbors or purchased from them by the foundation.

Listen to how Henry Bettle Hough described this venture in land conservation in his 1975 book, "Mostly on Martha's Vineyard: A Personal Record":

> This venture in environmental rescue could never have been accomplished if it had not been for the counsel and encouragement of Allen Morgan, of the Massachusetts Audobon Society. He said the money could be raised to buy the Neck, and because he said it could be done, we had the courage to campaign for funds in the Vineyard Gazette, the response was generous, and it was done. But one other help that seemed heaven-sent stands out as clearly indispensable. Fairleigh Dickinson, Jr., who loves the Island well, offered to guarantee thirty per cent of what was needed, for he said that experience showed if you begin with a third, you would really be able to make it. We might have fared quite differently without this practical wisdom and this all-important stake at the outset.
>
> So Cedar Tree Neck is, as far as human provision can now go, a sanctuary, a natural heritage, as the eons—and also the generations—have left it. Happily, the generations have left it well. But I know there are many who say, "What good is it? All you can do is take a walk."

Mr. Hough saw the down side to development of a finite island with limited capacity. Salt water intrusions into drinking wells and population pressures on the island's limited road system have taken their toll.

But Mr. Hough's influence through his weekly country newspaper and the sanctuaries and preserves of his foundation have left a legacy of community opinion among Vineyarders that respects nature and values land conser-

vation. While Mr. Hough's friends and colleagues and the Gazette's readers mourn his passing, his legacy lives on in that journal of country life.

Mr. President, I ask that there be printed in the RECORD an article from the New York Times entitled "Henry Beetle Hough."

The article follows:

[From the New York Times June 9, 1985]

HENRY BEETLE HOUGH

(By James Reston)

MARTHA'S VINEYARD, MASS.—One of the most interesting things about journalism in America is that so many of its memorable characters have been country editors. From Tom Paine to Mark Twain, William Allen White of Kansas and Elmer Davis of Indiana, and the Baltimore crowd from Henry Mencken to Russell Baker, it was, in a funny way, the hicks from the sticks who took over the bigcity crowd.

The news heroes of recent years haven't been dominated by the city slickers or the Ivy League types, but by the country bumpkins—Cronkite out of the Midwest and Texas, Sevareid out of Minnesota, Tom Brokaw out of Dakota, and, among others, David Brinkley, Roger Mudd and Tom Wicker out of North Carolina.

I mention this merely to pay respect to Henry Beetle Hough, who died the other day on Martha's Vineyard at the age of 88, after 65 years as editor of The Vineyard Gazette. He is, in my mind, a symbol of the country journalism that has been and still is the school where most of these prominent modern reporters got their training.

Mr. Hough was an old-fashioned man who believed that sticking to the news of the island was more important than worrying about the confusions of the mainland. He reported on the central questions of life—birth, marriage and death, but really wasn't interested in reporting divorce.

After a few years in this business, I've never known anyone who had more grace or respect in dealing with the English language.

His main concern was the preservation of the unity, privacy and beauty of this island. In 65 years, he seldom left it except once in a while to meet his responsibilities as head of the Thoreau Foundation in Boston, and go there to check in at Massachusetts General Hospital when he was in trouble.

One of his young colleagues on The Gazette asked him one day if he didn't long occasionally to see the world beyond the waters off the Vineyard.

"Not often," he said, "but when I feel the urge coming on, I collect a bunch of old National Geographic magazines, climb up to the attic of The Gazette, and stick my feet in a bucket of cold water until the feeling wears off."

Henry Hough worried about death and retirement.

"I suppose, " he wrote in his famous book, "Country Editor," "that death is the most characteristic of all the forces in a country town, because there are always so many old people living there, and the passing of an individual is so much more important than it is in the city. Besides, a town has a time to mourn. The obituary notice is a distinctive story-forum for the country weekly because it has to tell not only the stark fact of somebody's life, but it has to tell also a little of what that somebody was like, and what his career seemed to stand for. It has to tell even what a nobody was like, for the poorest citizen is in the eyes of the town a man."

It amused Henry Hough when one of our old newspaper buddies here on the Vineyard, Red Smith, of the old Herald Tribune and The Times, made a speech, saying: "Death is no big deal—almost any of us can manage it. Living is the trick we have to learn."

Henry Hough learned that trick very well. He thought the thing was to concentrate on simple things: on his family, his paper, his community, and nothing else. He made some enemies in the process, for he wanted to limit the growth of the island, while others wanted more people and more houses; and at the end he thought he was losing

But in some ways he was wrong, and too pessimistic. Thirty-five years ago he worried about retirement and death. In 1950 he wrote the following in a lovely book called "Once More the Thunderer":

"How to resign the duties of a country editor—that is what we should like to know. . .apparently there is no way to taper off as there is in some worldly occupations. It is all or nothing, until the end, whatever the end of country editorship may be . . .

"How to sweep the papers from the desk that have been there so long, and leave the heap of exchanges unopened and hear the telephone ringing but let it go unanswered as one steps through the door as an editor for the last time, into a street of mellow twilight—twilight of course because quitting time must be fall, with the white houses of the town early in shadow and the stores already lighted as one walks home through the creeping, aromatic New England dusk."

Well, he wrote that 30 years ago but he went on ever since until just a few days ago, when he wrote his last editorials. Then he did what was very typical of him. He was always a punctual man. And he died at 4 o'clock on Thursday afternoon just before deadline on his Friday paper. He always said that he would get his copy in on time and that's precisely what he did.●

BALTIC FREEDOM DAY

● Mr. GLENN. Mr. President, I rise in honor of Baltic Freedom Day, 1985. Congress and the American people should rightfully take the time to reaffirm our historic support for the Baltic Republics of Estonia, Latvia, and Lithuania and their efforts to maintain their national identity despite 46 years of Soviet domination. As we mark the 10th anniversary of the signing of the Helsinki accords this year, we must remember the illegal incorporation of Estonia, Latvia, and Lithuania into the confines of the Iron Curtain, a particularly glaring example of Soviet violations of both the letter and spirit of the U.N. Declaration on Human Rights and the Helsinki Final Act.

As a result of the secret protocol forged by Hitler and Stalin prior to World War II, the Soviet Union forcibly and illegally invaded the Baltic States on June 14, 1940. This blatant act of aggression subjugated the Baltic States to Soviet control and ended a successful period of independence and democratic government. As they ruthlessly took control of the Baltic States, the Soviets forcibly removed hundreds of thousands of Estonians, Latvians, and Lithuanians from their homelands, to face imprisonment, persecution, and death in slave labor camps of the Russian north. Throughout the period of Soviet domination, harsh attacks have been made on the cultural, religious, and even linguistic heritage of the Baltic people as the Soviets attempted to implement their Russification policy.

This policy has also seen an inflow of Russian settlers, threatening the unique national character of the Baltic States. Today, in the wake of the Polish unrest and conflict in Afghanistan, the Soviets have stepped up their repressive tactics in the Baltic republics, using indigenous security organs to curtail the flow of ideas considered threatening to Soviet domination.

Those concerned about the welfare and security of the three Baltic republics look to the United States, the world's oldest democracy, for support and guidance. This day, the 46th anniversary of the U.S. nonrecognition policy, serves as a reminder that the democratic West has not forgotten the injustice done to the people of the Baltic republics. As we remember the prolonged repression of the Baltic people, I hope that we will rededicate ourselves to the rightful pursuit of political, civil, and religious freedoms for the people of all nations of the world.●

NATIONAL CHILDREN'S DAY

● Mr. D'AMATO. Mr. President, I rise today to call attention to the fact that June 14 is National Children's Day. This day should remind us all to stop and take note of our most precious resource: Our children. The future of our Nation rests in the hopes and dreams of these young minds, but we must take major steps to ensure that these dreams come to fruition.

Why? It is estimated that as many as 3 million children a year are either physically, emotionally, or sexually abused. Additionally, 1.8 million children are reported missing each year and 150,000 will never return home—never. Among teenagers, 5,000 American youths can be expected to take their lives this year and almost 2 million will make the attempt. Thousands of children come home every day from school to lock themselves in an empty house and await the return of their parent or parents who have to work to make ends meet.

When I take a look at these statistics I am dumbfounded. We have wiped out polio, controlled whooping cough, made leaps and bounds in the early detection and prevention of birth defects, and yet we have virtually ignored the safety of our children. Representative Stabenow of the

Michigan Legislature had some enlightening comments while on a State-operated program for abused children in his State.

Family violence and child abuse is a basic underlying problem of this State or any other. We are paying upwards of a billion dollars out of a $4.2 billion budget for the after-effects of child abuse. Child abuse is like any disease and it should be called an epidemic. If we had not put money into polio research, for example, we would still be buying iron lungs and crutches for children. That's where we are in the child abuse field—we're still buying iron lungs for crippled children.

Child abuse crosses social, economic, racial, cultural, and occupational boundaries. What is even more unfortunate is that 80 percent of abused children will abuse their children. The nightmare has a propensity to be self-perpetuating. Not only that, studies have linked child abuse to juvenile delinquency and adult criminal behavior. This is costly as well as tragic. The average cost to retain a juvenile delinquent in a public detention facility averages $16,500 per year, and $14,000 for an adult in a State penal facility. Studies have linked over half of the cases of teenage prostitution to family sexual abuse and subsequent running away.

Once these children run away, things do not get better. Furthermore, many of these children are not actual run aways—they are snatched off of playgrounds, backyards, and neighborhood streets. Sometimes they are taken by absolute strangers; sometimes they are taken by a parent. Figures are hard to come by, but it is believed that each year maybe 20,000 to 50,000 are taken by a divorced or separated parent, 20,000 to 50,000 are believed to be taken by complete strangers. About 5,000 are later found murdered and sexually abused.

It is astounding that we have allowed hundreds of thousands of children to slip through society's fingers to abuse and neglect or even worse. To help with this national epidemic I have introduced the National Child Protection Act, S. 142. This legislation would establish child care center guidelines and a National Information Center on Child Abusers, so they can not move from State to State to continue preying on the innocent and helpless. Also, I cosponsored the Missing Children's Act to facilitate FBI assistance in pursuing missing children, and I supported the Child Pornography Act of 1984 to strike back at those depraved individuals who defile our children.

As we pass tougher laws, we must also bring about better and more available child care supervision. Since the percentage of women in the work force has grown from 24 percent in 1970 to 44 percent in 1984, the number of children with working mothers has soared into the millions. However, the availability of affordable child care has not increased as rapidly. Only 400 employers nationwide provide on-site child care, which is one of the most productive and cost-effective means to bring about lower turnover rates, reduce absenteeism, and improve morale. Dr. Deanne Tate of the University of Texas estimates that for every $1 invested in on-site child care the employer reaps a $3 to $6 profit. That is why I introduced S. 1125, the On-Site Day Care Privatization Act. My bill is designed to use tax credits to induce businesses to establish on-site child care facilities to help working mothers and their children. It is my hopuld no longer stand—then we have failed as responsible adults and have dashed the hopes and joys of our future generation.

We must never forget that the innocence of a child is one of the world's few, true miracles, and we must not let it be defiled no matter what the cost.●

HONORING ELAINE STEINKEMEYER, NATIONAL PTA PRESIDENT

● Mr. LEVIN. Mr. President, next Tuesday evening family, friends, and colleagues of Elaine Steinkemeyer will gather at a banquet in this city to honor and thank her for her tenure as national president of the PTA.

The PTA was founded in 1897 because children needed help. They needed help to secure adequate education, to lead healthy and safe lives, to have happy homes, and to become the best persons that they could possibly be. They needed an advocate to plead and defend their cause.

For more than 85 years the PTA has been that advocate. And, for many years, Elaine Steinkemeyer, of Holt, MI, has been the advocates' advocate.

During her 2-year term as president of the National PTA she has lead the way through many programs and projects. She is committed to improving the quality of education in America and Department of Defense schools overseas, as well as to assuring equal educational opportunities for all our children.

Research has shown that one key to improving schools is for parents to become more involved in their children's education, and during Mrs. Steinkemeyer's term as president, the National PTA launched a nationwide campaign asking parents to evaluate and strengthen their schools.

I am pleased to call your attention today to this outstanding person who has given so unselfishly of herself. I also salute the PTA for their outstanding network of local, State, and national associations that help convert our concern about our children and their schools into effective action.●

BALTIC FREEDOM DAY

● Mr. D'AMATO. Mr. President, I rise today to honor the dedication of the thousands of men, women, and children who valiantly struggle for freedom under the occupying forces of the Soviet Union in Estonia, Latvia, and Lithuania. June 14 is Baltic Freedom Day and it serves as a reminder to us that in 1940 the Soviets invaded, occupied, and annexed the Baltic States.

Joseph Stalin's oppressive regime began this illegal incorporation which led to one of the most tragic occupations and cultural genocides in this century. As we all know, the Soviets began on June 14, 1941 to deport mammoth numbers of Baltic peoples to the Gulags.

Thousands perished in the Gulags, demonstrating the degree to which the Soviets would go to secure their hold over an occupied territory. Of a population of just over 4 million in 1944, the Soviet Union deported 600,000 Baltic people to Siberia between 1944 and 1949.

Not only have the Baltic nations suffered the loss of so many of their countrymen, but those surviving have suffered enormous indignities demonstrating the true extent of man's inhumanity to man. Under the last five leaders of the Kremlin there has been a consistent policy which has led to the slaughter, exile, imprisonment in labor camps, or commitment to psychiatric institutions of thousands of Lithuanians, Latvians, and Estonians.

These atrocities are in violation of the United Nations universal declaration on human rights and the Helsinki final act—not to mention a basic affront to human dignity. Despite their repeated profession of support for these doctrines, the Soviets consistently violate the basic principle of a peoples' right to self-determination contained in the final act. However, through the efforts of such great individuals as Dr. Algirdas Statkevicices and the Helsinki Monitoring Group, the Soviet Union is forced to battle against an unseen, intangible force capable of outlasting any government: the human spirit.

On this Baltic Freedom Day we salute those who labor under tyranny and oppression in Estonia, Latvia, and Lithuania. We must not forget them.●

ARKANSANS RECEIVE AGRICULTURE DEPARTMENT AWARD

● Mr. PRYOR. Mr. President, when the Secretary of Agriculture presents the Department's honor awards for 1985 next week, three deserving Arkansans will be among those receiving recognition.

Michael L. Dunaway, an employee of the Farmers Home Administration in Little Rock, Bobby Huey with the Cooperative Extension Service in Stutt-

gart, and Marjorie Phillips with the Extension Service in Malvern will be honored.

Arkansas agriculture has felt the impact of the leadership of Michael Dunaway since early 1979. The chief of farmer programs in the Arkansas State office since March 1981, Mike's operation has made more than 13,000 farm loans over the past 3 fiscal years totaling over $530 million. This is the largest number of farm families assisted by the FmHA in Arkansas for a similar period of time and adds to a total volume that makes the State's Farmer Program the fourth largest in the country.

A Federal employee who is willing to go the "extra mile," Mike's ability was further recognized in his being selected as one of a five-member team at FmHA to implement President Reagan's new farm plan.

His pursuit of statewide training for Farmer Program employees has resulted in Arkansas' delinquency rate on loan repayments being held 2 percent below the national average and lower than any State adjoining Arkansas or States in the Southeast and Midwest regions.

Mike has provided significant leadership in administering a progressive statewide lending program and is most deserving of this award.

Bobby Huey joined the Cooperative Extension Service in 1956 as county agent in Cross County, AR. He was appointed to his present position, extension agronomist, rice, in 1970. His work has been cited for improved and increased rice production in Arkansas, earning awards from the Arkansas Alumnus, the Arkansas Association of Cooperative Extension Specialists, and the Rice Technical Workers Group.

As Arkansas leads the Nation in rice production, Bobby's achievements have played a part in the growth of this sector of the agriculture economy in Arkansas.

Marjorie Phillips joined the Extension Service as a home economist in Clark County, AR, in 1969. She was transferred to the Arkansas State Extension Service in 1970 as extension food and nutrition specialist. A recognized leader in the field of diet and health, she has been named to numerous advisory committees, including the Gerber Nutrition Education Advisory Committee, the Mead-Johnson Pharmaceutical Co. advisory group, and the Winthrop Rockefeller International Committee to Assess Diet-Health Issues Affecting the Agricultural Industry.

Mr. President, I am pleased that USDA has seen fit to pay tribute to these deserving Federal employees in Arkansas. My colleague, Senator BUMPERS, also joins me in recognizing these dedicated Arkansans.●

A TRIBUTE TO SARA G. GARLAND

● Mr. BURDICK. Mr. President, in my 27 years of political life, I have covered virtually every inch of North Dakota territory and met most of its citizens. Time and time again, I have had reason to reflect on the fact that we may not have many people in North Dakota, but the ones we do have are first rate.

Eight years ago, I was lucky enough to snare one of these outstanding North Dakotans to serve as my legislative assistant for appropriations matters. Sara Garland has filled that role with great intelligence and good cheer, and on the occasion of her departure from my staff, I want to thank her personally and publicly for a job well done.

There are few groups in North Dakota which have not benefitted at one time or another from Sara's expertise and dedication. Her keen understanding of the Federal bureaucracy and legislative process has proven invaluable to North Dakotans concerned about conserving our natural resources, farmers in need of assistance, small businessmen enmeshed in bureaucratic redtape, Indian tribes seeking to protect what is rightfully theirs, and public service groups attempting to care for the neediest North Dakotans. Sara has made an important contribution to the welfare of the State, and we are enormously proud of her.

On this, Sara's last day on my staff, I want her to know that her professionalism, humor, and generous spirit have made her a pleasure to work with. She has my every good wish for much success and happiness in the years ahead.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. RUDMAN. Mr. President, the following determination has been made by the Select Committee on Ethics pursuant to its responsibilities under paragraph 4 of rule 35.

The Select Committee received a request for a determination under rule 35 that Mr. Hans Binnendijk of the staff of Senator MATHIAS be permitted to participate in a program in The Netherlands, sponsored by The Atlantic Exchange, Inc./Stichting Atlantic Exchange Program, from June 4 through 13, 1985.

The committee determined that participation by Mr. Binnendijk in the program in The Netherlands to participate in a program with individuals in journalism, business, and government, at the expense of the Atlantic Exchange, is in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 that Mr. John Savercool, of the staff of Senator Gramm be permitted to participate in a program in Taiwan, sponsored by Tamkang University, from April 5 through 12, 1985.

The committee determined that participation by Mr. Savercool in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.●

NATIONAL DIABETES MONTH

● Mr. ABDNOR. Mr. President, I am pleased to cosponsor this Senate Joint Resolution to designate the month of November 1985, as "National Diabetes Month."

As prime sponsor of this resolution in 1983 and 1984, I am convinced of the need for this effort to call to the attention of the public the toll diabetes takes on more than 11 million Americans afflicted with the disease and their families.

Diabetes causes almost 50 percent of foot and leg amputations among adults, 20 percent of all cases of kidney failure, and 15 percent of all blindness. The United States ranks among the highest five nations in the world in mortality due to diabetes. Diabetes is a major cause of birth defects and infant mortality as well as a major risk factor for cardiovascular disease. A disproportionately large number of native Americans suffer from diabetes and its numerous complications. One in every 600 children suffer from insulin dependent diabetes. Those afflicted with diabetes spend twice as many days in hospitals as persons without the disease and, as the fourth leading cause of visits to general and family practice physicians, diabetes places a significant drain on our Nation's health resources.

Mr. President, I would like to take this opportunity to commend the South Dakota Affiliate of the American Diabetes Association for its efforts on behalf of more than 30,000 South Dakotans afflicted with diabetes and their loved ones. I particularly wish to thank J. Michael McMillin, M.D., who serves as president of the affiliate, and Jeffrey Hayzlett, who serves as the affiliate's executive director, for their dedication in pursuit of necessary research dollars and more effective methods of treatment. I look forward to continuing to work with them to find a cure for this life-threatening disease.

Mr. President, I call on my colleagues to join Senator DURENBERGER, the chief sponsor of this resolution, and me in sponsoring this vital legislation.●

51-059 O-86-47 (Pt. 11)

ORDERS FOR MONDAY, JUNE 17, 1985

ORDER FOR RECESS UNTIL 12 NOON, JUNE 17, 1985

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon on Monday, June 17, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. SIMPSON. Mr. President, I further ask unanimous consent that following recognition of the two leaders under the standing order there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that following the special order for the recognition of Mr. PROXMIRE there be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President, following routine morning business, it is the intention of the majority leader to turn to S. 979, the Energy Policy Conservation Act, under a time agreement. Any rollcall votes ordered will be postponed to occur at 2 p.m. on Tuesday, June 18.

RECESS UNTIL MONDAY, JUNE 17, 1985

Mr. SIMPSON. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until the hour of 12 noon on Monday, June 17, 1985.

The motion was agreed to and, at 7:45 p.m., the Senate recessed until Monday, June 17, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 13, 1985:

DEPARTMENT OF TRANSPORTATION

Jennifer Ann Hillings, of California, to be an Assistant Secretary of Transportation, vice Mari Maseng, resigned.

ACTION AGENCY

Henry M. Ventura, of California, to be Deputy Director of the ACTION Agency, vice Betty H. Brake, resigned.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Max B. Brallier, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8036, to be surgeon general of the Air Force:

Maj. Gen. Murphy A. Chesney, [redacted] FR U.S. Air Force, medical.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. John T. Chain, Jr., [redacted] FR, U.S. Air Force.

IN THE AIR FORCE

The following midshipmen, U.S. Naval Academy, for appointment as second lieutenants in the Regular Air Force, under the provisions of sections 541 and 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Gordon P. Mangente, [redacted]
Michael W. Mudd, [redacted]
David J. Peterson, [redacted]
David H. Pflieger, Jr., [redacted]
Jonathan M. Uhl, [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate June 13, 1985:

FEDERAL RESERVE SYSTEM

Martha R. Seger, of Michigan, to be a member of the Board of Governors of the Federal Reserve System for a term of 15 years from February 1, 1984.

DEPARTMENT OF THE TREASURY

Robert Michael Kimmitt, of Virginia, to be general counsel for the Department of the Treasury.

NATIONAL INSTITUTE OF BUILDING SCIENCES

The following-named persons to be members of the Board of Directors of the National Institute of Building Sciences for terms expiring September 7, 1987:

MacDonald G. Becket, of California.
Kyle Clayton Boone, of North Carolina.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

J. Floyd Hall, of South Carolina, to be a member of the National Council on Educational Research for a term expiring September 30, 1986.

Donna Helene Hearne, of Missouri, to be a member of the National Council on Educational Research for a term expiring September 30, 1986.

Carl W. Salser, of Oregon, to be a member of the National Council on Educational Research for a term expiring September 30, 1986.

U.S. SYNTHETIC FUELS CORPORATION

Eric Reichl, of Connecticut, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for the remainder of the term expiring September 14, 1986.

Tom Corcoran, of Illinois, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for the remainder of the term expiring August 16, 1990.

Paul Webster MacAvoy, of New York, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for the remainder of the term expiring September 14, 1991.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Richard V. Wiebusch, of New Hampshire, to be U.S. attorney for the District of New Hampshire for the term of 4 years.

IN THE AIR FORCE

The following officer for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 525, 8362, 8373, and 8380, title 10 of the United States Code:

To be brigadier general

Col. Shirley M. Carpenter, [redacted] FV, Air Force Reserve.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. James E. Dalton, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Monroe W. Hatch, Jr., [redacted] FR, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. William J. Campbell, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Vaughn O. Lang, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Bennett L. Lewis, [redacted], age 58, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John F. Wall, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert H. Forman, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James M. Lee, [redacted], age 58, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Charles W. Bagnal, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Sidney T. Weinstein, [redacted], U.S. Army.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designed by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. William H. Rowden, [redacted]/1110, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be admiral

Adm. William N. Small, [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Glenwood Clark, Jr., [redacted]/1440, U.S. Navy.

IN THE AIR FORCE

Air Force nominations beginning Edward S. Bocian, Jr., and ending Donald A. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 22, 1985.

Air Force nominations beginning Jon K. Plummer, and ending Irvin J. Roeming, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 22, 1985.

Air Force nominations beginning Bruce R. Altschuler, and ending Carlos B. Zilveti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 22, 1985.

Air Force nominations beginning John A. Anderson, and ending Donald A. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 22, 1985.

Air Force nominations beginning Richard D. Alston, and ending Benton P. Zwart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 22, 1985.

Air Force nominations beginning John H. Cain, and ending Cynthia U. Bonner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1985.

Air Force nominations beginning Robert Calderon, and ending Eugene G. Horvath, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1985.

Air Force nominations beginning Dennis P. Mceneany, and ending Douglas B. Soifer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1985.

IN THE ARMY

Army nominations beginning Gerald P. Stelter, and ending Deborah M. Stetts, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 23, 1985.

Army nominations of Arthur D. Nicholson, Jr., which was received by the Senate on May 31, 1985, and appeared in the CONGRESSIONAL RECORD of June 3, 1985.

Army nominations beginning Arthur D. Nicholson, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 31, 1985.

Army nominations beginning Edward J. Burke, Jr., and ending Harold Wasserman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 10, 1985.

Army nominations beginning Samuel L. Cunningham, and ending Peter M. Klara, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 10, 1985.

IN THE NAVY

Navy nominations beginning Joseph M. Muhitch, and ending Douglas A. Root, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 23, 1985.

Navy nominations beginning William C. Brown, and ending Michael P. Taylor, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1985.

EXTENSIONS OF REMARKS

COACH AL ANGELO OF THE FIGHTING FRANKFORD PIONEERS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to Mr. Al Angelo, for his 20 distinguished and highly successful years as coach of the football team at my alma mater, Frankford High School.

Al Angleo first distinguished himself as a standout player on two of Frankford High's Public League football titlists. He left to earn his degree from West Chester Teachers College, then returned to Frankford as an assistant to his old coach, Odie Surrick. In 1965 he succeeded Surrick, and has since upheld the school's long winning tradition.

Coach Angelo has guided the Frankford Pioneers through 20 seasons on the gridiron. In that span his teams have amassed 172 wins and surrendered just 39 losses and 5 ties. They won a city title, 9 public league titles and 14 divisional titles. They became one of the indisputable dynasties of high school football in Philadelphia.

Yet, I pay tribute to Al Angelo for more than just the records that his teams piled up; for he always taught his players that how you win is as important as whether you win. Indeed, he has provided them with the best of examples of conduct, both on field and off, in the generosity and concern for others which have always characterized him.

It is appropriate that we recognize Coach Angelo now, as he closes out his legacy on the playing field. He leaves a record of success worthy of the best any young coach might hope for, but he leaves as well a lasting, and richly deserved, reputation for caring for the people around him. He has earned the tribute of his peers, his players and fans, and I am proud to add my voice to theirs.●

COMMUNITY SERVICE AWARDS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. WEISS. Mr. Speaker, I am pleased to join my constituents in the northeast Bronx today in honoring Detective Leroy Swinney, and Police Officers James Cheatham and Rudolph V. Edwards of the New York City Housing Authority Police Department who are receiving community service awards sponsored by the Edenwald-Gun Hill Neighborhood Center, Inc.

Detective Swinney is a 15-year veteran of the New York City Housing Police Department. In April, he was assigned to the housing police department detective bureau. To date, he has effected approximately 200 arrests of criminals who were preying on tenants within public housing projects in the north Bronx. In 1984, Detective Swinney made 42 arrests for serious crimes. During that year, he was selected "Detective of the Month" seven times by his supervisor. Detective Swinney has also received more than 20 commendations for meritorious and excellent police duty.

Police Officer Cheatham has been with the New York City Housing Police Department for 11 years. He was assigned to the department's detective bureau on August 30, 1984. Since his assignment, Officer Cheatham has been elected "Detective of the Month" five times and has received 12 commendations for services rendered to tenants residing within the housing authority.

Police Officer Edwards is a 23-year veteran of the New York City Housing Authority Police Department. As a project community officer, he has worked very closely with the Tenants Association of Edenwald and Baychester Houses. He is also director of the Edenwald-Gun Hill and Baychester Houses Community Centers. His involvement has contributed greatly to the success in correcting and improving the quality of life in the community. In March 1983, Officer Edwards received the New York Telephone Company Award for outstanding community services. He has also received numerous commendations for excellent attendance and punctuality. As a field training officer, he stresses the importance of community relations and involvement to new recruits.

These three officers are being honored for their tireless efforts, devotion and contributions to the community. Their high moral integrity, enthusiasm, and unselfish dedication has won the love and affection of the residents of the community.

I wish to congratulate them and am happy to have this opportunity to report their good works to my colleagues. I commend Detective Swinney, and Police Officers Cheatham and Edwards for their accomplishments and for their continued efforts in making the community in the northeast Bronx a better place to live.●

INCOME-DEPENDENT EDUCATION ASSISTANCE ACT OF 1985

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. PETRI. Mr. Speaker, yesterday I introduced H.R. 2733, the Income-Dependent Education Assistance Act of 1985. This legislation would establish a Supplemental Student Loan Program that would entail little or no taxpayer subsidies.

IDEA would be an important source of loan capital to students—particularly those in graduate school—in a time of increasing education costs. Annual repayment amounts under IDEA vary with annual income of borrowers. Borrowers whose higher incomes reflect higher returns on their investments in education would share part of those returns with all IDEA borrowers by paying higher effective interest rates on their loans, thereby funding lower effective rates paid by the lower income borrowers.

There are subsidies in IDEA, but they would be targeted to those who need relief from educational debt burdens: Those with low postschool incomes. These subsidies are related to ability to pay, and their cost is covered by charging a premium above the standard IDEA interest rates on loans held by those with high postschool incomes. Despite the high-income premium, the highest effective interest rate charged on IDEA loans would be less than that on unsecured personal loans in the private market. Thus, those who anticipate high future incomes would not be discouraged from participating.

Higher education represents in part consumption; an education yields personal satisfaction and a higher quality of life for the student. Yet education also represents an investment. Students are investing in human capital, and they expect returns on their investments in the form of higher future incomes. This is particularly true in the case of graduate education, the financing of which is the primary, but not exclusive, focus of IDEA.

Under IDEA, the Government backs such investments in human capital and in exchange receives a participating interest in the returns to that capital. In effect, students borrow against

their future income streams. On an individual basis, students cannot finance education this way because they cannot pledge their human capital as collateral and each individual cannot guarantee a particular level of return on his or her investment. But collectively financing education loans on the basis of pooled risk and return on investments can be a sound governmental approach to student aid. The specifics of the IDEA Program take that sound approach from theory to practice.

IDEA allows a student to borrow up to $2,500 for a first year of undergraduate education, $3,500 for a second year, $5,000 for subsequent years, and $10,000 per year for graduate education—or the cost of attendance, whichever is less. There is a lifetime limit of $40,000. Borrowing under other title IV student loan programs would count against IDEA annual and lifetime limits. Most undergraduates eligible for GSL loans would probably choose the subsidized rates of GSL rather than the income-dependent rates of IDEA. At the graduate level, IDEA borrowing limits are twice those of GSL so past and current GSL borrowers as well as those not eligible for GSL loans should find IDEA an attractive source of loan capital.

A student applies for an IDEA loan through his school, and the school sends machine-readable lists of applicants to the Department of Education. For new borrowers, DOE would establish computerized accounts by taxpayer identification number. Interest is charged on the outstanding balance of each account annually at the average 91-day T-bill rate for the year plus 2 percent. An annual statement is mailed to the borrower informing him of the status of his obligations.

Upon leaving school and entering repayment, borrowers determine their annual repayment amounts in conjunction with the filing of their individual income tax returns. The procedure would be similar to that used by self-employed individuals who pay Social Security taxes through the IRS. IDEA loan collection will be just a one line/one form addition to something that IRS already does. Although the IDEA bill uses the IRS for collection of repayments, with less efficiency this could also be done, using verified form 1040 information, by the Education Department, SLMA, or even the whole SLMA-State guarantee agency structure.

Various tax preference items are added to adjusted gross income as currently defined in the Tax Code. A simple chart with income on one axis and account balances on the other indicates the amount or repayment due. IDEA payments will have the same status as personal income taxes due, and are payable through estimated tax payments or additional withholding from wages. As is currently the case, borrowers would be subject to no penalties for underpayment of taxes due, including IDEA payments, as long as they have withheld at least as much as their tax liability the previous year or at least 85 percent of the amount owed in the current year. The IRS would have the authority to collect delinquent IDEA payments. This collection mechanism will reduce default rates by making avoidance of payment more difficult. The income-adjusted payments that require smaller annual payments for lower income borrowers will also reduce defaults.

There is a separate IDEA repayment chart for each class of taxpayer, that is, single, joint return, and so forth. A student borrower would know what his annual repayment obligation will be for any given combination of account balance and future income level. Therefore, creditors would be able to adjust their estimates of disposable income for the purpose of making auto loans, mortgages, or other extensions of credit. Uncertainly over educational debt burden would not deter other lending.

The charts are based on an assumed average interest rate of 10 percent and a base amortization period of 12 years at an income of between $26,150 and $31,450 for single people and $32,550 and $40,500 for joint returns. Thus, people in those income ranges will pay off their loans in about 12 years if the interest actually charged to their accounts; that is, T-bill plus 2 percent, aveages 10 percent per year. The actual payment at the above income levels is $1,468 per $10,000 of account balance. As shown in the accompanying charts, lines 1 and 2 the annual payment per $10,000 of account balance at any other income is determined by multiplying $1,468 by the progressivity factor for that income level. The progressivity factors, ranging from 0.429 to 1.5, are derived from ratios of post-1983 marginal tax rates for different categories of taxpayers. Thus the progressivity inherent in the IDEA annual repayment formula is based on that found in ordinary income tax rate schedules.

Several other principles govern repayment. First, no one is charged more than 15 percent of income in any year. Second, borrowers are excused from all further obligation when they have paid off their loans at the standard interest rates; that is, T-bill plus 2 percent, or upon death, disability, or the completion of 25 years of repayment. Everyone must make the annual payment required for his income level for at least 12 years unless the loan has been repaid earlier at the standard T-bill plus 2 percent interest rates, plus an additional 2½ percent.

The basic elements of the repayment system, then, are: First, annual repayment amounts that are progressive with respect to income and directly related to individual borrowing history; second, standard interest rates of T-bill plus 2 percent; third, a 12-year minimum repayment period modified by a buyout interest rate of 2½ percent over the standard rate; fourth, a 15 percent of income cap on annual payment obligations; and fifth, forgiveness of remaining debt after a 25-year maximum repayment period. Together, these elements produce a system in which borrowers face an income-dependent sliding scale of effective interest rate charges on their IDEA obligations.

Since IDEA loan repayments are directly related to ability to pay, the system is extremely flexible. It automatically reschedules loans in the event of unemployment, career changes, periods of child care, or other causes of income fluctuation. It offers protection to the person who might hesitate to pursue a degree because she is unsure that her education investment will pay off. It also enables an expensively educated person to choose a low-paying job for a short time or permanently without undue hardship. For example, a young doctor could choose to practice community medicine in a poor rural area without having his education debts push him into a suburban specialty practice.

A logical way to finance a program like IDEA, whose returns are delayed but secure, is through the sale of federally guaranteed bonds. The IDEA proposal uses the Department of Education and State guarantee agencies backed up by the Student Loan Marketing Agency [SLMA] to collect loan request estimates from schools, sell the bonds, and channel the proceeds to students through their schools. The general form of these bonds would be specified by the Treasury. I believe that zero-coupon bonds sold at their discounted value and requiring no annual interest payments to bondholders would be an appropriate financing vehicle. The bonds would be repaid upon maturity from the IDEA loan trust fund. The trust fund will grow as borrowers' annual payments are channeled into it. When the initial zero-coupon bonds come due, the trust fund could pay them off.

The scale of these bonds would not affect the capital markets unless total investment in higher education were increased by the program itself or the program increases other consumption and reduces savings. Higher education is primarily a capital investment in terms of the sources of funds used to finance it. If the education financed by IDEA were not paid for with IDEA bonds, the capital would come from other sources, either governmental appropriations, personal savings, or private lending institutions.

The IDEA program should not require significant general revenue subsidies. In the first place, the standard interest rate charged to borrowers—T-bill plus 2 percent—should cover the average cost of capital to the program, depending on the maturities of IDEA bonds and the average yield spread between these instruments and T-bills. A cash flow analysis of the IDEA demonstrates that the longest IDEA bond maturities necessary would be 8 or 9 years.

Second, as repayments are future income tax obligations, losses due to bankruptcy or default should be negligible. There is also less cause for default since payment burdens decrease automatically with any decline in income.

Third, the higher effective interest rates charged higher income borrowers offset the forgiveness provisions that effectively reduce interest rates paid by lowest income borrowers. Because IDEA borrowing will be primarily at the graduate-student level, the incomes of IDEA borrowers as a group would be higher than those of the general, or even the college-educated population. In fact, there should be more premium interest payers than subsidized borrowers, creating extra returns to the trust fund to defray administrative expense. IDEA does cap the effective interest rate faced by high-income borrowers at a level that is below that which they would pay on a commercial loan. Therefore, the modestly higher effective interest rates faced by those who anticipate higher postschool incomes should not discourage them from electing the IDEA option.

Participation by future high-income earners is encouraged by the absence of any means test in the IDEA program. Students from higher income families tend to have higher than average incomes once they join the work force. Under IDEA, they will, on average, pay higher than average effective interest rates and allow IDEA to better cross-subsidize borrowers with low incomes. The lack of a means test also simplifies administration of IDEA.

The subsidies incorporated in IDEA are carefully controlled. The T-bill plus 2-percent interest rate charged on IDEA loans makes abuse of the program for the purposes of noneducational investments or purchases unlikely. All borrowers make at least a minimum annual payment. Very few will qualify for forgiveness of any IDEA loan principal, although their effective interest rates may be below T-bill plus 2-percent. For single, taxpayers, even $15,000 earners with maximum account balances up to $23,332 pay off their loans in 19 years at 8 percent—if 8 percent is the T-bill plus 2-percent rate over that period—and will have paid effective interest of 9.25 percent at the end of 25 years—if the T-bill plus 2-percent rate has been above 9.25 percent—at which time remaining IDEA debt would be canceled. At $30,000 income, the maximum annual payment of $4,500 will amortize a $31,510 balance over 12 years at 10-percent interest and cover 10-percent interest payments on up to a $45,000 loan balance. The 15-percent of income cap on annual payments would not result in much subsidy at this level—only automatic rescheduling and extension of repayment obligations. Even at a $10,000 income, the annual payment of $798 on a $10,000 account balance results in an effective interest rate of 6.25 percent over 25 years; only when the account balance exceeds $18,797 at this income level does the subsidy further reduce the interest rate. IDEA does not give anyone a free ride, only an easier, custom-tailored one that recognizes ability to pay for Government-supplied capital.

Of course, a major influence on the balance of IDEA will be the average levels of interest rates in the economy over the long term. Here again, IDEA employs a conservative assumption in basing the repayment tables on an assumed average interest rate of 10 percent. This rate implies 91-day T-bill rates of 8 percent. This is consistent with current economic projections. In historical terms, 8 percent is a high level. If 91-day bills average 8 percent over the next 25 years, the Government will have been doing a very poor job of managing the economy. If T-bills average a point or two less, borrowers' accounts will be charged only 8- or 9-percent interest, and borrowers will repay their loans in shorter periods of time. On the other hand, if T-bills go over 12 percent, few borrowers will repay at the actual cost of IDEA loan capital, since no more than 14-percent interest can be charged to borrowers' accounts—the same limit that now exists in the ALAS and PLUS programs. To that extent, borrowers are protected against runaway inflation and all taxpayers will retain an interest in keeping IDEA unsubsidized by supporting responsible fiscal and monetary policy. In general, both the Government and IDEA borrowers will reap the rewards of reasonable interest rates and inflation.

IDEA provides for consolidation of other title IV student loans, including GSL's and NDSL's. This provision allows borrowers under those programs, at their option, to convert their other loans into IDEA loans in order to receive IDEA's extended payment terms and 15 percent of income annual payment ceiling. This voluntary decision would involve a sacrifice of the interest subsidies of other loan programs but a reward of more manageable annual payments. The potential bonus to the Government would be a recapturing and elimination of its obligations to subsidize the converted loans.

IDEA is a carefully crafted proposal that can meet a pressing need for additional higher education financing at no cost to the taxpayers. It is open to all, extremely flexible, and targets assistance equitably to those who most need it in the amount that they need it. While it may appear complicated in its statutory form, the complex provisions create a relatively simple program from the standpoint of both individual borrowers and the agencies that would administer IDEA.

I urge my colleagues to give IDEA serious consideration, both in its current form, and as a framework for integrating other higher education financial assistance programs. IDEA's progressive repayment scheme does not require the use of an unsubsidized T-bill plus 2-percent interest rate; any other rate could also be used as a means of directing larger or smaller subsidies to those with greater or lesser need. Fellowships, grants, forgiveness provisions, or other techniques could be used in conjunction with IDEA. The targeted subsidies of IDEA offer savings relative to a flat subsidized rate that ignores future earnings, and that savings could help fund other student assistance mechanisms.

Mr. Speaker, I insert in the RECORD at this point a chart of IDEA repayment information.

INCOME-DEPENDENT EDUCATION ASSISTANCE [IDEA]

	Income											
	$5,000	$10,000	$15,000	$20,000	$25,000	$30,000	$35,000	$40,000	$50,000	$75,000	$100,000	$150,000
Taxpayers filing joint returns:												
(1) Progressivity factor [1]	0.429	0.504	0.589	0.706	0.843	0.949	1.000	1.000	1.116	1.280	1.493	1.500
(2) Annual payment per $10,000 maximum account balance [MAB] [2]	$630	$740	$865	$1,036	$1,238	$1,392	$1,468	$1,468	$1,639	$1,879	$2,191	$2,202
(3) Percentage of income payable per $10,000 MAB [3]	12.6	7.4	5.8	5.2	4.9	4.6	4.2	3.7	3.3	2.5	2.2	1.5
(4) Maximum annual payment/MAB amortizable at rate in (6) [4]	$750	$1,500	$2,250	$3,000	$3,750	$4,500	$4,750	$6,000	$7,500	$11,250	$15,000	$22,500
	11,905	20,270	26,056	28,958	30,291	32,328	33,267	42,014	52,517	78,776	105,035	157,552

INCOME-DEPENDENT EDUCATION ASSISTANCE [IDEA]—Continued

	Income											
	$5,000	$10,000	$15,000	$20,000	$25,000	$30,000	$35,000	$40,000	$50,000	$75,000	$100,000	$150,000
(5) Years required to pay back loan at indicated actual interest rates charged in IDEA loans:												
8 percent				19	14	11	10	10	9	7	6	6
10 percent					17	13	12	12	10	8	6	6
12 percent						17	15	15	12	9	7	7
14 percent							24	24	15	10	8	8
(6) Maximum effective interest rate paid at end of 25 yr notwithstanding rates charged [5]	4.00	5.50	7.00	9.25	11.50	13.25	[7]—	[7]—	[7]—	[7]—	[7]—	[7]—
(7) Maximum effective interest rate paid at end of 12 yr (or shorter period if 2½ percent over standard interest rate [6]						9.00	10.00	10.00	12.25	15.50	19.25	19.50
Unmarried taxpayer:												
(1) Progressivity factor [1]	0.467	0.544	0.707	0.847	0.971	1.000	1.066	1.142	1.249	1.468	1.500	1.500
(2) Annual payment per $10,000 maximum account balance [MAB] [2]	$685	$798	$1,037	$1,243	$1,425	$1,466	$1,565	$1,677	$1,833	$2,155	$2,202	$2,202
(3) Percentage of income payable per $10,000 MAB [3]	12.6	8.0	6.9	6.2	5.7	4.9	4.5	4.2	3.7	2.9	2.2	1.5
(4) Maximum annual payment/MAB amortizable at rate in (6) [4]	$750	$1,500	$2,250	$3,000	$3,750	$4,500	$4,750	$6,000	$7,500	$11,250	$15,000	$22,500
	10,949	18,797	23,332	24,135	26,259	31,510	33,267	42,014	52,517	78,766	105,035	157,522
(5) Years required to pay back loan at indicated actual interest rates charged on IDEA loans:												
8 percent			19	13	11	10	9	8	7	6	6	6
10 percent				17	13	12	11	10	8	7	6	6
12 percent				30	16	15	13	11	9	7	7	7
14 percent						24	17	14	11	8	8	8
(6) Maximum effective interest rate paid at end of 25 yr notwithstanding rates charged [5]	4.75	6.25	9.25	11.75	13.75	[7]—	[7]—	[7]—	[7]—	[7]—	[7]—	[7]—
(7) Maximum effective interest rate paid at end of 12 yr (or shorter period if 2½ percent Over Standard interest rate) [6]					9.50	10.00	11.25	12.75	14.75	18.75	19.50	19.50

[1] Based upon income level of borrowed; derived from income tax rate structure and specified in Income-Dependent Education Assistance Act of 1985.
[2] MAB is highest amount of unpaid principal and accrued interest during the history of a borrower's IDEA obligation account.
[3] "Income" is modified adjusted gross income [MAGI]—adjusted gross income plus certain additional preference income.
[4] 15 percent of MAGI maximum payment; indicated balance is fully amortized at the end of 25 yrs if the maximum payment is made each year.
[5] This figure relevant for low-income borrowers whose annual payment may not fully pay off loans within 25 yr (after which they are forgiven) at the actual applicable rates; if payments are limited by the 15 percent of income ceiling the 25-yr effective rate will be lower.
[6] Borrowers are released from their loan obligations after 12 yr if they have repaid loans at the applicable interest rates, and are released at an earlier date if they have repaid all loans at 2½ percent over the normally applicable rates.
[7] An individual in repayment status for more than 12 yr will never pay more than the actual interest rate charged each year on IDEA loans, which is limited to 14 percent in any year; the "—" symbol indicates potential effective rates in excess of 14 percent, and in these cases the balance indicated in (4) would have been repaid in a period shorter than 25 yr at even the 14 percent maximum rate.

Note.—Interest rates are rounded to nearest ½ percent per years are rounded to nearest years.●

REPEAL OF PRESIDENTIAL DOLLAR CHECK-OFF: A POOR IDEA

HON. AL SWIFT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SWIFT. Mr. Speaker, as chairman of the Subcommittee on Elections, I wish to make it clear that I am completely and unalterably opposed to the proposal included in the President's tax plan that would eliminate the Presidential dollar checkoff.

The checkoff is an integral part of our financing system for Presidential elections. This current method of funding Presidential elections has been in place for the last several election cycles; overall it has worked remarkably well. It was developed, as the House report noted in 1974, out of the "unhappy experiences of the 1972 Presidential campaign which served to underscore the dangers of spiraling campaign expenditures and the influence of excessive private contributions." Subsequent to those "unhappy experiences," the elections of 1976, 1980, and 1984 all have been supported by the dollar checkoff.

As a consequence of public financing we have had three Presidential elections free of the financial abuses revealed during the Watergate hearings. Public financing has restored badly needed public confidence in our Presidential election system. Are we really prepared to risk a return to the abuses of the past for the indeterminable benefit of a tax form that is one line shorter?

The checkoff is both fundamental and essential to the smooth functioning of the current Presidential election financing system. In addition to enhancing the integrity of the electoral process, it has helped to limit the growth of campaign spending in the Presidential election. Between 1976 and 1984. spending by congressional candidates grew from $115.4 million to $374.1 million, a three-fold increase. Over that same period, spending by Presidential candidates rose from $117.6 million to $201.0 million, just slightly more than double.

If the checkoff were eliminated, the only way we could continue the Presidential campaign financing system would be through direct appropriations. Failure to appropriate the funds would, in effect, kill the program, which is almost certainly the President's intention. When asked whether the administration was trying to eliminate public financing, Larry Speakes was quoted by the Baltimore Sun as saying the President "would oppose such an appropriation." Even if bipartisan appropriations were forthcoming, and were not vetoed, among the many disadvantages to such an approach is the fact that, unlike the checkoff, it would be involuntary rather than voluntary. The amount of money in the fund presently is limited to the number of individual citizens who are each willing to designate $1 to it.

In addition to the fact that the checkoff is voluntary so far as each taxpayer is concerned, it is also voluntary for the Presidential candidates. Any candidate who opposes the system, or who does not wish to be bound by the spending limits, has every right to choose not to participate—and, in fact, not all candidates have. Most candidates have participated in the system, however, and one has even accepted public funding in each of the three elections for which it has been available; namely, President Ronald Reagan.

Repeal of the checkoff does little or nothing for tax reform. It would not affect any individual's tax liability; it would not close any loopholes; it would not make the tax system simpler; it would not alleviate any present compliance problems. The best reason the President can suggest for eliminating it is that the single line it requires on the income tax form is "a source of confusion."

On the other hand, while repeal of the checkoff would gain litle or nothing for tax reform, it would completely undermine a major portion of the Federal election campaign law.

And while I personally oppose repeal of the checkoff, if there were some reason to consider its repeal, it is crucially important that it be done with the elements of the present election law examined on their own merits and, if necessary, replaced by viable alternatives—rather than simply eliminated haphazardly. Our present campaign finance structure should not be fundmentally altered by a one-page afterthought buried in many hundreds of pages of an administration's tax proposal.

In recognition of the importance of the dollar checkoff as a keystone in our present election law, I strongly oppose any effort to repeal it.●

A PATRIOTIC PLEDGE TO AMERICA

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. MARLENEE. Mr. Speaker, it is with great honor and pleasure that I submit for the CONGRESSIONAL RECORD the winning Montana entry in the VFW-Ladies Auxiliary Voice of Democracy Scriptwriting Contest.

Stacy Farmer, a 17-year-old graduate of Billings Senior High in Billings, MT, has written a dynamic "Pledge To America." In an articulate, eloquent article, Stacy outlines what we all must do to maintain this country's greatness and freedom.

I urge all my colleagues to read this patriotic pledge from a talented young Montanan.

MY PLEDGE TO AMERICA

America—a bastion of peace in a trubulent world, a refuge for the suppressed, a breadbasket for the hungry * * *.

America, my home, is a flower among nations, planted with seeds of liberty; offering hope and opportunity to people of all nations; a country founded in brotherhood and nurtured in the blood of those who have died to preserve our freedom.

Its roots lie in the diversity of its people—their customs, morals, and ideals. The greatness of its leaders that forged liberty out of tyranny—a rare group of men and women who fought in our army and others who have done equally patriotic service with their tongues and pens; a heritage which endures and extends into the future.

Its stalk, which supports this republic, is its democratic government—the freedom of choice to choose and remove our leaders. As Thomas Jefferson said, "a government whose powers are derived from the consent of the governed."

The leaves are the institutions that make the nation great; schools, churches, charities, arts, hospitals, courts, banks, unions, and businesses. These institutions provide our citizens with the highest measure of life, liberty and happiness.

The blossom is our flag which ever waves to remind us of what this nation stands for, causing my heart to swell with pride that I should be so lucky to be a citizen of the United States of America. A banner nearly severed by a Civil War, but in the spirit of justice and equality, held true. A symbol to the world of a people who have struggled and strived for freedom and peace.

But a flower so beautiful is not without the need of thorns to shield us from our enemies, to protect our resources and to defend the ideals and freedoms we hold so dear.

It is my pledge to uphold the Constitution of the United States and defend this nation against those from without and within our borders who would destroy the fundamentals of liberty upon which our nation was founded.

As stated in the Declaration of Independence, "men are endowed by their Creator with certain unalienable rights" and among those rights "the pursuit of happiness". I will undertake whatever means are just and appropriate to see that all citizens, regardless of their race, color, or creed, may enjoy security, equality and happiness.

I promise to support the institutions that provide for the needs of the people. I will devote my attention to relieve hunger and suffering in the world.

I vow to protect our resources, both natural and human for our present and our future.

It is my duty to defend the rights of all citizens, whether I agree or disagree with their philosophy.

I dedicate myself to forever upholding the principles and ideals of the United States of America and cultivating this beautiful flower that it might forever bloom.

It is my fervent wish that all citizens would join with me in my pledge to America.●

THE 50TH ANNIVERSARY OF THE BESSEMER CROATION CLUB OF LAWRENCE COUNTY, PA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. KOLTER. Mr. Speaker, I rise to recognize the 50th anniversary of the Bessemer Croation Club of Lawrence County, Pa.

The club started as a dream in 1922 at a meeting of Lodge 309 of the Croation Fraternal Union, the Bessemer Club's ancestral organization, and it took 13 years of fundraising to accomplish it's goal: on June 18, 1935, the Bessemer Croation Club was incorporated.

Initially operating out of a member's home, the club served as a community center for the numerous immigrants from Yugoslavia who came to America to work in the quarries and brickyards of Bessemer. The club also served immigrants from Poland, Slovenia, Czechoslovakia—the former segments of the Austrian-German Empire—and the region of Croatia, which no longer exists under that territorial name.

In 50 rewarding years, the Bessemer Croation Club served as a true community center for people of all nationalities, however, as meetings were held there—in the building bought in 1936—by local unions, senior citizens, school groups and by the community at large for weddings, dances, and other joyous gatherings.

The members of the Bessemer Croation Club served in World War II, and some members were lost in service to this Nation. Many of the members met their spouse at the club, where 700 attended dances in the 1960's.

The founding members of the 1922 building committee fund were M. Blah, M. Fabyanchich, L. Vlah, V. Kalcic, D. Jurbana, E. Bobic, J. Yardas and J. Ropar.

Today, the club employs 18 people and is a responsible member of the Lawrence County Community, donating to worthy causes and providing assistance to the Bessemer region.

I salute this fine establishment and its 50 years of citizenship and service. I salute its will to continue, surviving damaging fires, financial difficulties, and hardships experienced by all organizations that endure.

I salute the Croation Club's leaders who have provided guidance over the years, and who permitted the forward-looking expansion of the club.

In conclusion, I salute the Bessemer Croation Club's fine example for clubs not only in western Pennsylvania, but across this Nation as well.●

HOUSE JOINT RESOLUTION NO. 1010

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. KRAMER. Mr. Speaker, I would like to bring to the attention of my colleagues a resolution adopted by the Colorado General Assembly during the 1985 session. The resolution strongly urges Congress to take immediate and decisive steps to reduce Federal budget deficits.

The resolution calls Federal deficits the greatest internal problem facing the U.S. economy today, producing high real interest rates, a deteriorating balance of international trade, and diverting ever-increasing portions of the Federal budget to national debt service.

Colorado's concern about out-of-control Federal deficits is not new. Our general assembly was among the first State legislatures to petition Congress to pass a balanced budget amendment, which would mandate that Federal spending not exceed revenues except in times of war or national emergency. I was privileged to help lead the charge for passage of that balanced budget petition while serving in Colorado's State Legislature in 1978.

I would like to congratulate State Senator Ray Powers, State Representative Mike Bird and the entire Colora-

do General Assembly for continuing Colorado's efforts to force the Federal Government to live within its means. I offer the text of their 1985 resolution in the hope that Congress will finally heed petitions from 32 State legislatures and the wishes of the vast majority of the American people by approving a balanced budget amendment to the U.S. Constitution.

HOUSE JOINT RESOLUTION No. 1010

By Representatives M.C. Bird, Carpenter, Faatz, Armstrong, McInnis, Moore, Allison, Artist, Bath, Berry, M.L. Bird, Bledsoe, Bond, Bowen, Brown, Bryan, Campbell, Dambman, Entz, Erickson, Fish, Gillis, Grampsas, Grant, Green, Hamlin, Herzog, Hover, Hume, Johnson, Kirscht, Minahan, Mutzebaugh, Neale, Owens, Pankey, Paulson, Philips, Reeser, Romero, Schauer, Scherer, Shoemaker, Singer, Taylor-Little, Tebedo, Trujillo, Underwood, D. Williams, K. Williams, Younglund, Mielke, and Wham; also Senators R. Powers, Allard, Arnold, Brandon, Donley, Durham, Fowler, Hefley, Lee, Noble, Rizzuto, Strickland, Traylor, Wattenberg, Wells, Winkler, Baca, Bishop, Callihan, McCormick, Meiklejohn, and P. Powers.

Whereas, The Colorado General Assembly adopted Senate Joint Memorial No. 1 in 1978, memorializing the Congress of the United States to pass an amendment to the Constitution of the United States prohibiting deficit spending; and

Whereas, Since 1978, the fiscal deficits approved by Congress and by the Carter and Reagan administrations up to the end of 1985 will amount to a cumulative total of more than eight hundred billion dollars, resulting in a national debt now totaling approximately one trillion six hundred billion dollars; and

Whereas, The economic effects of such large deficits and resulting increases of the national debt are extremely harmful, including high real rates of interest, a deteriorating balance of trade, and expanding interest payments on the debt which make it more difficult to balance the budget in the future; and

Whereas, The larger fiscal deficits become and the longer they persist, the greater becomes the likelihood of national bankruptcy either in the form of directly repudiating the debt obligations of the United States government or indirectly repudiating the debt by monetizing it through a rapid increase in the money supply, which in turn can lead to hyperinflation of the type that has ravaged other countries in the past; and

Whereas, the danger of irresponsible fiscal policy is the greatest internal problem facing the United States economy today, which therefore must be resolved if we are to achieve continued and sustained economic prosperity and stability with abundant opportunity for all our citizens in the future; now therefore,

Be It Resolved by the House of Representatives of the Fifty-Fifth General Assembly of the State of Colorado, the Senate concurring herein: That the Congress and the President of the United States are hereby urged to take immediate and decisive steps to bring about a major decrease in the projected 1986 fiscal year deficit as part of a movement toward a genuine balanced budget by fiscal year 1988, which steps should include substantial implementation of recommendations in the Grace Commission report, granting a line item veto to the President, and consideration of any other measures, excepting only those clearly in conflict with our national security and survival.

CARL B. BLEDSO,
Speaker of the House of Representatives.
TED. L. STRICKLAND,
President of the Senate.
LORRAINE F. LOMBARDI,
Chief Clerk of the House of Representatives,
MARJORIE L. NIELSON,
Secretary of the Senate.●

HIGH UNEMPLOYMENT AMONG MINORITY GROUPS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. OWENS. Mr. Speaker, a few weeks ago I spoke about national unemployment statistics. I demonstrated that the national precentage rate for unemployment is simply not specific enough to clearly demonstrate the unemployment problem in some regions of this country. Today I would like to address another related problem; the high unemployment rates among this Nation's minority groups.

According to figures just released by the Department of Labor's Bureau of Labor Statistics, the seasonally adjusted unemployment rate for the civilian population of the United States in March was 7.3 percent. This figure breaks down to 6.2 percent for white people, 10.2 percent for persons of Hispanic origin, and a whopping 15.2 percent for black Americans. A 15.2 percent unemployment rate for black Americans is more than double the national average. Such a high unemployment rate is an affront to the 12.3 million black members of the United States labor force and it needs to be carefully examined.

For years, economists have considered an unemployment rate of from 4 to 6 percent to be full employment. At present the majority of United States citizens are enjoying an unemployment rate close to this range, but a great number of Americans are still suffering from the ravages of unemployment. Many of these Americans live in regions where unemployment is significantly higher than the national average, as I mentioned previously. According to the last census, unemployment in my district was 3.2 percent above the national average, and 3.3 percent above the New York State average. These differences may seem slight, but the similarity is misleading. For each percentage point above the full employment range, the costs to all of American society are very substantial. When large numbers of Ameicans are unemployed for long periods of time, they strain the safety net which we have worked hard to establish in this country.

During President Carter's term, the average annual national unemployment rate was 6.4 percent. This figure is much better than we have seen in the past 4 years of Ronald Reagan's administration. The average unemployment rate during the first 4 years of Mr. Reagan's term was 8.5 percent, definitely quite a jump from the relatively good years of higher employment under Jimmy Carter. This difference of 2.1 percent has had a substantial negative effect upon our Nation's economy and the Federal deficit. Economists explain that unemployment effects the gross national product, and the GNP is directly linked to the Federal deficit. If we are serious about continuing to improve the health of our Nation's economy, we must act to eliminate high unemployment. Our action must begin where the problem is worst; we must help this Nation's minority citizens find productive, useful, meaningful employment.●

DISABLED AMERICAN VETERANS ORGANIZATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. MORRISON of Connecticut. Mr. Speaker, I rise to congratulate the Disabled American Veterans organization (DAV) which, after 64 years of outstanding service to disabled veterans, has achieved a membership of 1 million. This means that almost half of the total number of American veterans who suffer compensable, service-connected disabilities now belong to the DAV. Few organizations of any kind, and no other veterans' organizations, have ever recruited such a high percentage of those eligible for membership.

This achievement demonstrates the strength of the DAV's commitment and record of service to our Nation's disabled veterans and their families. Currently, there are 260 National Service Officers (NSO's) in 68 major cities across the country who provide legal assistance, emergency relief, and counseling at no cost to the veteran. In the third congressional district of Connecticut, which I represent, over 2,500 veterans have already been served by NSO's.

The DAV also serves as an effective voice in Washington, DC for promoting legislation to assist disabled veterans. Its success is due in large part to its extensive grassroots organization. There are DAV chapters in every State. In Connecticut, the DAV has 33 local chapters with over 13,000 active members. My congressional district is

served by eight local chapters, five of which have a membership of more than 200.

I urge my colleagues to join with me in congratulating the DAV and its 1 million members on this very special occasion. I want to extend my personal congratulations and thanks for their dedication and service to the disabled veteran's community and to the DAV's National Service Officers in my congressional district:

NEW HAVEN CHAPTER NO. 31

Commander: David A. Conte, 111 Cannon St., Hamden, CT 06514; adjutant: Dominick Formichella, 35 Pembroke Rd., Hamden, CT 06514; number of members: 276.

BRANFORD CHAPTER NO. 40

Adjutant: Richard Squeri, 698 Main St., Branford, CT 06405; number of members: 102.

NEW HAVEN, CHAPTER NO. 2

Commander: Henry Sabatino, 50 Albert Rd., Hamden, CT 06514; adjutant: Frank Ambrogio, 50 Chester St., New Haven, CT 06513; number of members: 524.

MERIDEN-WALLINGFORD CHAPTER NO. 6

Commander: John A. Smith, 240 Tumblebrook Rd., Meriden, CT 06450; adjutant: Alfred A. Hoffman, 71 Dryden Dr., Meriden, CT 06450; number of members: 486.

MILFORD, CHAPTER NO. 15

Commander: Edward Moraniec, 976 North St., Milford, CT 06460; adjutant: Ernest W. Sachs, 355 High St., Milford, CT 06460; number of members: 165.

WEST HAVEN, CHAPTER NO. 18

Commander: Jerry Paolillo, 403 N. High St., East Haven, CT 06512; adjutant: Mrs. Louise Mericle, 130 Second St., Hamden, CT 06514; number of members: 722.

CHARLES K. MERRIT, STRATFORD—CHAPTER 20

Commander: Vincent Mikwiski, 2580 Main St., Stratford, CT 06497; adjutant: Peter J. Wojcicki, Jr., 35 Avon St., Stratford, CT 06497; number of members: 285.

HAMDEN CHAPTER NO. 30

Commander: Fred A. Coles, 68 Plymouth St., New Haven, CT 06519; adjutant: Angelo Raccio, 59 Second St., Hamden, CT 06514; number of members: 175.●

SALUTE TO DR. LEONARD N. MISNER

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. DioGUARDI. Mr. Speaker, I rise before this body today to recognize Dr. Leonard N. Misner on his retirement as superintendent of schools in my hometown of New Rochelle, NY.

Dr. Misner, now 61 years of age, joined the New Rochelle school system in 1953 to become principal of the newly opened George M. Davis, Jr., Elementary School. His career has since been long and distinguished. He served as principal for both the Washington and Columbus elementary schools. In 1965 he was appointed assistant superintendent of schools for personnel.

Dr. Misner became New Rochelle's superintendent of schools in March 1980. His performance has consistently been excellent. He is well suited to the critical task of educating our youth. During Dr. Misner's superintendency the New Rochelle schools faced numerous major problems and yet enjoyed notable successes. New Rochelle High School was selected as one of the best in the United States and Jay Sommer was selected as a national teacher of the year.

Dr. Misner's outstanding career in the field of education serves as a fine example for anyone who values the great importance of educating our Nation's young citizens. I applaud the accomplishments of Dr. Misner and wish him all the best for the future.

Thank you, Mr. Speaker.●

FARMERS DESERVE ATTENTION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SYNAR. Mr. Speaker, those who don't believe that farmers are facing severe financial problems remind me of the story about "Doubting Thomas." Thomas, as you recall, could not believe in the resurrection of Christ until he could see and feel it for himself.

I wonder how many more tragic stories about farm failures, suicides, and the decline of rural communities it will take for the impact of the farm crisis to sink in?

Farmers deserve our attention. To provide immediate relief, we can act on the Family Farmer Bankruptcy Reform Act, H.R. 2211, which I introduced with the chairman of the Judiciary Committee—PETER RODINO. Tomorrow the Subcommitte on Monopolies and Commercial Law will markup this legislation.

For the long term, Congress can work together in a bipartisan way to come up with an agriculture program that will give our farmers a chance to compete on the world market.●

MANDATORY EMPLOYMENT AND TRAINING PROGRAMS FOR THE FOOD STAMP PROGRAM

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. EMERSON. Mr. Speaker, today I am introducing a bill that will require States to establish an employment and training program for certain people participating in the Food Stamp Program. However, each State will design its own program. Those persons to be included in the employment and training programs are those required to register for work under the current reqirements. A State will be allowed to narrow this group if it determines that application of such a requirement is impracticable because of limited work opportunities, remote location, or unavailability of dependent care.

The purpose of this program is to help certain food stamp participants move into regular employment by providing training and experience and improving the employability of the participants. It also allows the State to coordinate employment and training activities under both the Food Stamp and AFDC Programs.

A State will have considerable latitude in designing its program. State flexibility is important if the program is to succeed. Each State can designate other agencies to administer parts of its program, such as those agencies administering the Job Training and Partnership Act [JTPA] programs or State public employment offices. The program itself may encompass, at the discretion of a State, job search training and support programs, such as job finding clubs; training in employment techniques; job placement; or, other training and support activities aimed at improving the employability of participants.

I urge all Members to support this bill.●

THE CANNED PITCH

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. ENGLISH. Mr. Speaker, a month ago, I had the opportunity to be in Nicaragua for 2 days with Senator DAVID BOREN. Although I was there for only 36 hours, which certainly makes me no expert, it is my understanding that was approximately six times longer than the average stay of a visiting Congressman.

From the outset of the trip, which began with stops in El Salvador and Honduras, I felt as if I were being taken on a guided tour, receiving the canned pitch from our officials, representatives of the Contras, ranking officials of the Sandinista government, and leaders of the opposition parties in Nicaragua.

All were eloquent in explaining their passionately held positions about the strife in that part of the world. But I kept getting the feeling that these people were simply following the same script they had used time and time again to the parade of Congressmen who had come to these countries.

I listened to them with the growing frustration that I wasn't really getting

the total picture. Large pieces of the puzzle were missing.

In Managua, I finally decided to do what I would do in Oklahoma when I wanted answers. I went out on the street, accompanied by an interpreter, to see how the Nicaraguans felt about their government.

They were amazingly candid. Of a dozen or so people I stopped and spoke to at a busy intersection, only one gentleman seemed reluctant to talk. The others were outspoken and decidedly critical of the Sandinista government. One lady even wanted the United States to invade and overthrow the Sandinista government.

The reasons they gave for opposing the government ranged from a lack of food to the conscription of their sons into the army. The complaint about the lack of food was no surprise since staff members with us had already seen grocery stores with shelves all but empty. One boasted only two chickens.

The consistent theme given throughout my impromptu man-on-the-street interviews was that the people were ready for a change in government.

This direct contact with the people was a welcome breakthrough in understanding how the Nicaraguans truly feel.

But there was still one piece of the puzzle missing. It was the largest piece, and it related directly to the Contras. I had heard them praised and damned by their supporters and opponents, and I was personally very concerned about stories of atrocities committed by this rebel army. I had voted for humanitarian aid to the Contras only days earlier, but with the gravest of doubts.

Nothing I had heard or read told me who the Contras really were or what their true motives were. I was able to satisfy my doubts at the end of my trip when Senator BOREN and I, accompanied by Contra field commander Col. Enrique Bermudez, literally stumbled onto a band of Contra troops fresh from battle across the Honduran border into Nicaragua.

This group of 25 soldiers and recruits was armed with captured AK-47 Soviet assault rifles as well as Czech and North Korean weapons.

We found these soldiers to be both young and dedicated to their fight. One was a farmer who had joined the Contras in hopes of regaining the land taken from him. Another was a teacher who objected to the restrictions the Sandinistas has placed on his teaching. A 16-year-old girl said her fight was to get her parents out of a resettlement camp she described as a concentration camp.

These rebels, most of them untrained, were dedicated to their fight for a democratic government even if it meant fighting with only a sporadic supply of food and ammunition.

I came away from the trip still opposed to the involvement of any U.S. military forces in changing the Nicaraguan Government at this time. In the end, the people of Nicaragua must decide their own fate.

However, it would seem wholely in keeping with our traditions to give the growing number of Nicaraguans who want a change in their government a chance to achieve that goal with humanitarian aid.

Nonetheless, there is a war and there will continue to be a war regardless of what we do.●

THE 12TH WORLD FESTIVAL OF YOUTH AND STUDENTS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. CROCKETT. Mr. Speaker, today I will introduce a resolution that extends fraternal greetings to the 12th World Festival of Youth and Students, which will take place in Moscow from July 27 to August 3 this summer.

The United Nations has declared 1985 the International Youth Year for the purpose of bringing special attention to the needs and talents of the world's youth. In that spirit, the 12th World Festival of Youth and Students will attract thousands of young people from all over the world to meet and exchange ideas in a free and open manner. For the hundreds of young Americans that are expected to attend, the 12th World Festival will provide an exceptional opportunity to gain a deeper understanding of the world in which they live, and to meet future leaders of the international community.

Mr. Speaker, today international tensions are at a peak; hunger, famine, poverty, and regional conflict are working to increase the differences that separate the many peoples of the world. The 12th World Festival of Youth and Students will give voice to the aspirations and yearnings of younger generations, and help open the lines of communication that are needed to move our world toward true peace. The participants will have the chance to bounce their ideas off one another, and to appreciate from first-hand experience the many attitudes and cultural dispositions that make up the human condition.

The fact that the 12th World Festival of Youth and Students will occur in Moscow is of particular importance, since it promises to bring American and Soviet youth together on an extended and informal basis. Considering the current strained state of relations between the United States and the Soviet Union, the possibility that youth from both countries could meet to develop their own mutual dialog, free from the bitterness of international politics, in and of itself would make the 12th World Festival meaningful. I have no doubt that efforts to foster a constructive and warm relationship between young generations of the two most powerful countries on the globe are essential to developing a lasting world peace.

Mr. Speaker, the resolution that I am introducing will express the faith of the House in the endless potential that younger generations of the world possess. I urge my colleagues to join me in sending best wishes to the 12th World Festival of Youth and Students for a successful and productive meeting.●

COMPETITION IN CONTRACTING ACT OPPOSED BY ADMINISTRATION

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BROOKS. Mr. Speaker, on Friday, May 31, 1985, the Rome News-Tribune of Rome, GA, carried an excellent editorial concerning a matter I have been very concerned about. Entitled, "Time to Back Off," this editorial accurately characterizes the administration's suspension of the Competition in Contracting Act as "a precedent wholly foreign to the founding precepts of this country." Recently, the administration announced its intention to reverse its position and begin compliance with this duly enacted statute. The extent of this change of heart is yet to be seen, however. It follows closely on the heels of a Federal court order of compliance and the administration may still consider it proper to suspend laws prior to such court rulings. The editorial's counsel may not be fully heeded and Congress must remain vigilant in its protection of the Constitution.

I wish to insert the editorial in the RECORD and I commend it to my colleagues.

[From the Rome (GA) News-Tribune, May 31, 1985]

TIME TO BACK OFF

President Ronald Reagan has bitten into a real persimmon of sour legal advice.

Two attorneys general in a row—first, William French Smith and, now, Edwin Meese III—have led the chief executive down a wrong-way alley of confusion that's fraught with both bad politics and dangerous constitutional theory.

Followed to its illogical extreme, it would place the president of the United States above both the Congress and the Supreme Court, accountable to no one save himself.

That's strong language, but nothing compared with what a bipartisan committee of the United States House of Representatives is saying.

It finds Reagan in flagrant violation of the Constitution and it wants to cut off all funds of Reagan's attorney general and of his director of the Office of Management and Budget if the president doesn't mend his ways.

If such draconian recommendations have ever before come out of Congress it escapes memory.

Here's what it's all about:

The federal government has been wasting vast sums of taxpayers' money in the way it awards contracts—notably by the Pentagon, with purchases of 60-cent light bulbs at $500 each and ordinary claw hammer for $435, not to mention out-of-sight toilet seats.

Many of those contracts were awarded without competitive bids. In 1983, they added up to $100 billion.

To get a handle on this outrage, Congress enacted last year the Competition in Contracting Act, requiring federal agencies to open the bidding process to all qualified firms.

To help enforce that act, Congress wrote into it that unsuccessful bidders may file protests, resulting in automatic stays until the merits of those protests are decided by the General Accounting Office, Congress' watchdog arm.

The idea is to keep sweetheart contracts from becoming accomplished facts, virtually incapable of being undone and re-awarded after a long, drawn-out appeals process.

In signing the act into law, Reagan said he doesn't like that feature, which he sees as an unconstitutional invasion by Congress of the executive branch function, and ordered his Justice Department to instruct federal agencies to ignore—disobey—that portion of the law.

Now, the House Committee on Government Operations, chaired by Rep. Jack Brooks, D-Texas, has fought back, resoluting that the president's ineffect suspension of the Competition in Contracting Act is unconstitutional:

"The president has decreed that he has the obligation to revise or rescind any law which is inconsistent with his interpretation of the Constitution. Under this view, the president sets the bounds of his own power . . . Unchecked his ultimate authority over all laws. . . ."

Reagan may well be right that Congress has overstepped its constitutional authority by inserting an agency of Congress into the procurement process.

But there's no question Reagan has overstepped his by failing, selectively, to execute a statute enacted by Congress—and, indeed, signed into law by him.

The correct way for a president to challenge the constitutionality of a law he dislikes is to resort to the courts, for an ultimate decision by the Supreme Court.

But Reagan has chosen, instead to substitute his own interpretation for that of the judicial system.

The Competition in Contracting Act is—through no doing of the president—already in the lower courts, where its constitutionality has been upheld.

While the issue of the act's ultimate constitutionality works its laborious way to the highest court, Congress is left with a perfectly constitutional weapon of its own—the power of the purse.

If Congress gets angry enough to cut off all funds for the attorney general and the OMB, Reagan will have no one but himself to blame, even if he did take bum advice from two attorneys general.

Reagan is wrong on this one, and he should back off before he sets a precedent wholly foreign to the founding precepts of this country. Suppose, as examples, he chooses to declare unconstitutional the War Powers Act or the Social Security Act?

That's the kind of constitutional confrontation this nation does not need.●

FLORIO OFFERS THOUGHTS ON U.S. TRADE DEFICIT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. GUARINI. Mr. Speaker, I would like to call the attention of my colleagues to an insightful article by my colleague from New Jersey, JAMES J. FLORIO, which appeared in a publication of the Port Authority of New York and New Jersey. As chairman of the House Energy and Commerce Subcommittee on Commerce, Transportation and Tourism, JIM FLORIO has been active in offering and reviewing legislation to promote our Nation's manufacturing exports and to foster U.S. trade. As a nation, we are facing one of the highest trade deficits in history and this, in turn, has adversely affected our native industries. As a member of the Democratic Trade Task Force, JIM FLORIO has expressed his concern about the effects of the trade deficit on our economy. In this article, JIM FLORIO outlines one of the major countributors to the large trade problems that we are facing, the overvalued dollar. Since 1980, the dollar's value has risen 40 percent in international currency markets. It is no small wonder that our Nation is facing these trade difficulties abroad. I commend this article to my colleagues' attention:

THE OVERVALUED DOLLAR

(By Hon. James J. Florio)

Our failure to do anything about the problem of the overvalued dollar virtually insures that a large share of America's manufacturing industries, and the jobs associated with them, will be moved abroad. Demands for trade protectionism will, therefore, grow and the world free trade system will be more seriously threatened than at any other point in the last 50 years.

Experts say the overvalued dollar is the single most important factor contributing to our growing trade deficit and the decision of many American manufacturers to produce overseas.

Since 1980, the dollar's value has risen 40 percent in international currency markets.

The strong dollar has made U.S. exports generally too expensive for foreign consumers to buy. At the same time, it has made foreign imports too cheap for Americans to resist.

Last year alone, U.S. imports rose more than 26 percent while exports rose only 8.7 percent. As long as the dollar remains at its inflated value in the world currency market, these trends can only get worse.

Automobile industry experts say the overvalued dollar accounts for more than half of the huge $2,000 cost advantage which the Japanese currently have over the American auto industries. Wage cuts, capital investment or productivity improvements alone cannot offset so large an advantage. As a result, estimates are that the Japanese will almost double their auto sales in the U.S. over the next few years.

And automobiles are not the only problem.

Imports of electrical machinery were up about 47 percent last year. Iron and steel imports were up a whopping 61 percent. Telecommunications equipment imports were also up a little more than 41 percent while U.S. telecommunication exports remained almost constant.

Left untended, the situation promises to grow far worse this year. The regional Bell operating companies are planning new major purchases of sophisticated equipment to maintain and update our nation's huge telecommunications network. It now appears likely that a large share of these purchases may go to foreign suppliers most of whom, unlike American producers, are protected against foreign competition in their home markets. This protection plus the advantage derived from the dollar will make it increasingly difficult for U.S. firms to compete.

Therefore, the U.S. trade deficit which has reached record high levels for three consecutive years is destined to grow far worse. Last year's $123 billion deficit is already projected by many to be exeeded this year by a deficit that will top $150 billion. Imports are the primary factor continuing to drive up the deficit.

To compete with this new flood of imports, U.S. companies will have no choice but to build more of their products overseas where the strong dollar will buy more production capacity than it does in the U.S. We already see this happening.

Since 1981 alone, more than three million American jobs, mostly manufacturing jobs, have been lost due to our deteriorating trade position. Chrysler now plans to import more cars from Mitsubishi rather than increase production here. Ford is going to produce small cars in Mexico which are likely to have a significant Japanese content.

AMC says that a large number of American jobs and production will be moved abroad. General Motors has increased purchases of small cars from Suzuki and Isuzu. And, GM has even been equivocal as to the extent to which the major component parts of its highly touted Saturn Project will be made in America.

We cannot afford to let our manufacturing sector be destroyed. For this reason, I cannot agree with the President's continued resistance to taking action on the dollar problem.

The competitiveness of U.S. industry will continue to suffer unless the leaders of the world's major economies come to some new agreement that will bring greater stability and rationality to the international monetary system. It is time for a new Bretton Woods agreement; nothing less will solve the problem.

Both the National Association of Manufacturers and the Business Roundtable have urged our Government to take direct steps to deal with the problem of the overvalued dollar so that United States exports can once again be competitive in the world market.

Despite these pleas, the Administration has refused to act. While acknowledging the problem, those in the Administration who are responsible for foreign and monetary

policy—Secretary of State George P. Shultz and Secretary of the Treasury Donald T. Regan—say they have no intention of doing anything about it.

The Administration's inaction means that Japanese and other foreign manufacturers will continue to reap huge windfall profits at the expense of American industry and workers. For example, United States consumers pay virtually the same price for comparable United States and Japanese-built automobiles, yet Japanese manufacturers make about $1,000 more on each sale than their American competitors due to the dollar alone.

Productivity improvements cannot eliminate this cost advantage so long as the Administration's monetary policies continue to focus inward at the expense of trade.

Ironically, the Administration's refusal to intervene in international currency markets probably has done more to undermine U.S. industrial competitiveness and the jobs dependent on it than the relentless influx of imports themselves.

As a result, cries for trade protectionism from unemployed workers and besieged United States industries have grown louder and louder. These cries will continue to grow unless steps are taken now to bring the international monetary system under control.

I join with those in business and labor who are calling on the President to engage our trading partners in negotiations or such an agreement.

Failure to act will only result in the loss of more American jobs and fan the flames of protectionism.●

FOREST HILLS COMMUNITY HOUSE AND COOPERATIVE CELEBRATES ITS 10TH ANNIVERSARY ON JUNE 13, 1985

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. ACKERMAN. Mr. Speaker, it is with great pleasure that I rise today to congratulate and commend the fine administrators, staff, and supporters of the Forest Hills Community House and Cooperative in Queens County, NY, upon the occasion of their 10th anniversary, on June 13, 1985.

The Forest Hills Community House and the Forest Hills Cooperative Corporation have set a new standard of quality for publicly managed low- and moderate-income housing. Although the co-op was born in controversy, the sensitivity and skill shown by its administrators and their excellent management of the facility have won the solid support of area residents.

Mr. Speaker, the Forest Hills, community center focuses its efforts on people most in need of its valuable services—senior citizens, teenagers, and households with two working parents. The directors and staff of the community house have worked hard to make the facility a model for the area, and for the entire Nation—and the result has been an overwhelming success.

Residents of Forest Hills and Rego Park have greatly benefited from many of this center's programs, including nutrition, transportation and recreation services for the elderly, and a nursery school/day-care center that has been so vital to working parents.

The Community House and the Cooperative Corporation are celebrating their 10th anniversary at a gala testimonial dinner, where they will honor four very special supporters: Governor Mario Cuomo, Queens Borough President Donald Manes, New York City Housing Authority Chairman Joseph Christian, and Housing Authority General Manager John Simon.

Mr. Speaker, these honorees have been unwavering in their dedication to making the co-op and community center a success. Their commitment and vision have guided these community facilities, and are responsible for the outstanding reputation they enjoy.

I also would like to commend Geraldine Abelson, president of the Forest Hills Community House Board of Directors; and Gary McCormack, president of the Forest Hills Cooperative Corporation Board of Directors, for their talented leadership and excellent work. Many others deserve commendation for the facility's success, including the entire board of directors of the Community House and the Cooperative Corporation, as well as their executive advisory board and anniversary committee.

Mr. Speaker, the Forest Hills center has made an invaluable and lasting contribution to the Queens community. I would like to ask all of my colleagues in the U.S. House of Representatives to join me now in commending the many fine men and women responsible for the success of the Forest Hills Community House, on the momentous occasion of its 10th anniversary.●

TRIBUTE TO CECIL (BING) EARMAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. WOLF. Mr. Speaker, I wish to recognize Cecil M. (Bing) Earman of Falls Church, VA—a man who has contributed to the betterment of his community by his involvement in sports activities. His enthusiasm for sports is reflected in everything he does.

In the way of background, Bing's nickname came from his favorite major league ball player in the early 1930's—Bing Miller of the Philadelphia Athletics. Bing Earman is a longtime player, baseball, and sports official—baseball, basketball, and football—in northern Virginia.

Presently secretary-treasurer of the Northern Virginia Baseball Umpires Association—a professional umpires organization founded by Bing and several others in 1950, where he has served as secretary-treasurer for the last 20 years, Bing has indicated this year—season—will be his last and has announced his retirement from the Northern Virginia Baseball Umpires Association.

As the representative for Virginia's 10th Congressional District, I take great pride in Bing's career and his many significant accomplishments.

Bing began umpiring in 1938 and continued as active umpire through 1981. He began officiating football in 1945 until 1980 and also officiated basketball from 1945 into the late 1970's.

It is estimated that Bing has officiated some 2,150 baseball games, 850 football games and over 1,000 basketball games. Most officiating has been at the high school level, but he has also worked many college games in all sports and has worked many little league games in Arlington and Falls Church, VA. In terms of time, Bing has served nearly 10,000 hours.

Bing graduated from Jefferson High School in Falls Church—no longer exists—in 1935 where he played basketball and baseball. Prior to World War II, he played on a number of famous local baseball teams, including the Falls Church Fire Department and Gulf Oil Co. (DC) teams. "The toughest pitch for him to hit was the one right down the middle," says his lifelong friend Floyd Tuthill of Falls Church. "He hit everything else, and hit it well."

As umpire, Bing always gave the pitcher the low pitch—he liked low pitches which if batted usually became ground balls—ground balls stay in the park and make outs quicker! He was very well respected by coaches, fans, and players. His easy going, mild mannered temperament endeared him to many. He was always in control of himself and the game. He "called 'em the way he saw 'em."

Soon to become the Northern Virginia Baseball Umpires Association first life member for service to the organization, Bing is an institution around northern Virginia sports—a native and life-long resident of Falls Church. Mr. Speaker, it gives me a great deal of pleasure to recognize the achievements of Bing Earman and to grant him and his wife Viola and family my best wishes for the future.●

SUPPLEMENTAL LEGISLATION

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. MACK. Mr. Speaker, I rise today out of great frustration over the unwillingness of the Congress to effectively manage the budget of our Government.

It's ironic—but not very funny—that just 3 weeks ago, this House passed a fiscal year 1986 budget that contained approximately $15 billion in domestic program reductions. I guess our motto ought to be—easy save, easy spend * * * because later today, when H.R. 2577—the fiscal year 1985 supplemental appropriations bill—is approved by a majority of this body, we will be adding virtually the same amount to this year's already astronomical deficit of an estimated $217 billion. How can we do this after so recently patting ourselves on the back for achieving $56 billion in presumed savings? And in light of news reports this morning that leadership in both Houses would have us raise taxes, it's becoming clear that we don't have the political courage to really reduce spending. We're playing a game with the American people. We're copping out on our responsibility to get our fiscal house in order. And I, for one, will not support final passage of the supplemental before us.

I am introducing legislation today that I believe is essential if we are ever to get control of Federal spending. This bill requires a two-thirds majority for passage of any appropriations legislation that is not one of the 13 regular appropriation bills. By requiring a super majority, we can ensure that extra spending is absolutely essential. The financial management of taxpayer dollars should not be a frivolous matter. Let's make sure there really is a consensus for spending that occurs outside of the 13 standard appropriation bills.●

PROVIDING EQUAL OPPORTUNITY FOR AMERICAN SAMOANS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. LANTOS. Mr. Speaker, as Americans we pride ourselves on providing equality of opportunity for our citizens. Indeed, equality is one of the key elements of our democratic system. Some groups in our society, however, have not been able to share fully in that equality. American Samoans are such a group. Some opportunities that are available to others have not been available to them.

In an effort to redress this problem, I have joined several of my colleagues in the House in cosponsoring two important pieces of legislation which will assure that the opportunities which our American society offers are freely open to our Samoan fellow citizens.

The first bill, H.R. 1536, amends the Job Training Partnership Act to include American Samoans in the Native American Employment and Training Programs. It is appropriate that these programs also include American Samoans, since they face similar problems to those faced by native Americans.

The second bill, H.R. 1535, the Native American Gifted and Talented Educational Assistance Act of 1985—provides financial assistance for demonstration grants designed to address the special needs of gifted and talented elementary and secondary school students who are American Samoans, as well as Indian, native Hawaiian, or native American Pacific islanders.

This bill will encourage colleges and universities and State and local educational authorities to design projects which address the special needs of gifted and talented elementary and secondary American Samoan students, as well as other Pacific islanders and Indians. The legislation also authorizes the expenditure of the necessary funds to carry out this important step in providing equality for American Samoans.

It is appropriate that these existing programs should be extended to include Samoans. One of the keys to opportunity and to social and economic advancement in the United States is opportunity for employment and for education and training programs. It is long overdue for us to extend these programs to our fellow Samoans.●

THE 75TH ANNIVERSARY OF BLANDON FIRE COMPANY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. YATRON. Mr. Speaker, on Saturday, June 15, the Blandon Fire Company will celebrate their 75th anniversary with a parade. On this occasion, it is certainly fitting that we take time to pay tribute to the Blandon Firefighters for their enormous contributions to public safety.

The firefighter's job requires an exceedingly high degree of dedication, courage, and professional skill. They dedicate themselves 24 hours a day to protecting our lives, our places of worship, our homes, and our businesses. I know that I speak for all may colleagues in expressing a deeply felt thank you to all those connected with the Blandon Fire Company. Their contributions exemplify the emphasis that our Nation has always placed on community action and service.

Mr. Speaker, the firefighters of the Blandon Fire Company have served with distinction and are to be commended for their commitment to their community and neighbors. I wish them continued success and all the best in the years ahead.●

A SALUTE TO DR. CARLOS F. BARROSO

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. DYSON. Mr. Speaker, I rise today to pay tribute to Dr. Carlos F. Barroso, a dedicated physician and community leader from Hurlock, MD. Tomorrow will mark the 60th year that Dr. Barroso has practiced the art of medicine, and I would like to take this opportunity to call attention to his lifetime of achievement.

Dr. Barroso came to this country from his native Cuba, following the Communist takeover led by Fidel Castro. Dr. Barroso and his family lost much in that revolution, but their pride and will to survive was undaunted by the adversity that surrounded them. They came to the United States in search of a new home, bringing with them their many skills and talents. In 1965, the family's quest for a place to settle ended in Dorchester County, MD, where Dr. Barroso soon set up a family practice in the town of Hurlock.

For the past 20 years, the North Dorchester community has been served well by the dedicated Dr. Barroso. All of his patients appreciate his medical competency, his Latin sense of humor, and his warmth of heart. At a time when an increasing number of individuals experience medicine as a series of sterile specialists, Dr. Barroso is the old-fashioned sort of physician, the type whom one can call with any problem, at any time of day. I know that many of us wish there were more physicians like Dr. Barroso, and we all appreciate the years he has spent among us.

I ask all of the Members to join me in saluting this devoted doctor who has given his life to the care of others. Certainly, all of us around Dr. Barroso have long appreciated his great work, and we all wish him many years of continued service.●

COMMEMORATING THE 40TH ANNIVERSARY OF THE ORDINATION OF FATHER CARLO BEVILACQUA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. CONTE. Mr. Speaker, I rise to honor a very special constituent of mine, Father Carlo Bevilacqua of Mt. Carmel Parish in Pittsfield, MA. Father Carlo will soon celebrate the fortieth anniversary of his ordination to the priesthood.

Whether Father Carlo's duties found him at All Soul's Chapel in the Lakewood section of Pittsfield where I grew up, or its mother parish of Mt. Carmel, or at St. Ann's in West Springfield, MA, his rich and full ministry has been a source of great inspiration to so many. And, I speak of this first hand because Father Carlo has long been a dear and special friend of the Conte family.

The goodness of this man comes through in so many ways—he is fond of children, and has a special weakness for baseball and good polenta! He is a man of determination. This was most apparent when he headed the drive to get Mt. Carmel a new parish center. Father Carlo was responsible for a parish finally realizing a dream they have had since the parish was founded in 1903. I'll give you another good example of his determination. Father Carlo once asked me if I would speak at a Holy Name Society breakfast he had scheduled a year down the road! And, then called me again 2 weeks later because I hadn't yet confirmed the date!

Mr. Speaker, Father Carol's devotion to God and humanity is in itself worthy of our recognition. He is truly a remarkable man who has enriched so many lives simply by being himself, and I am honored to share these thoughts of him with you.

Thank you Mr. Speaker.●

ABOLISH COPYRIGHT ROYALTY TRIBUNAL

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. KASTENMEIER. Mr. Speaker, I welcome introduction of a bill by Mr. SYNAR and Mrs. SCHROEDER to abolish the Copyright Royalty Tribunal, to transfer its functions on an interim basis to the Register of Copyrights, and to freeze copyright royalty rates until Congress establishes a more workable ratemaking scheme. The bill provides a temporary solution to the infirmities suffered by the Tribunal. Before January 1, 1988, Congress will have to draft a more permanent solution for administration of the copyright compulsory licenses.

I am not a cosponsor of the legislation and want to keep my options open. I do feel, however, that the proposal serves two important purposes: First, to stimulate debate during the hearings that my subcommittee—which has jurisdiction over copyrights—will be holding on June 19 and July 11; and, second, to send a clear message to the outside world that Congress has a pressing political issue on its hands.

At the recent conference of the National Cable Television Association, I stated that the time has come to think about abolishing the Tribunal and to force interested parties to consider other alternatives for the periodic rate adjustments. For example, rates might be set by a Copyright Royalty Court, composed of three Federal judges appointed by the Chief Justice; by Congress itself; by an executive branch entity—perhaps in the Department of Commerce—or by compulsory arbitration.

Mr. Speaker, let me remind Members that the Copyright Royalty Tribunal is a small but increasingly powerful Federal regulatory agency that sets rates that cable television and jukebox operators and others must pay for retransmission or performance of works, such as movies and records, protected by copyright. The Tribunal additionally divides the millions of dollars in royalty fees it collects among copyright owners. Recently, the Reagan administration-appointed Chairman of the Tribunal resigned from office after public disclosure of her role in writing a controversial book entitled "Foundations of Sand."

One of the core functions of Congress is to assess whether the statutory structure of a Government agency is adequate and whether the agency is fulfilling its legal and constitutional obligations. After watching the Tribunal in action since its creation in 1978, I believe it is a governmental agency beyond repair, and a waste of increasingly finite taxpayers' dollars.

Introduction of this bill will assist Congress in resolving the thorny issues pending before us.●

DEFENSE OR DEFEAT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. LAGOMARSINO. Mr. Speaker, the House of Representatives will soon be considering legislation, the fiscal year 1986 Department of Defense authorization bill, which includes important funding for the strategic defense initiative [SDI]. The following editorial by Bill Hearst, editor in chief, the Hearst Newspapers, I believe, accurately addresses some of the more salient questions regarding SDI funding, and I urge my colleagues to review Mr. Hearst's comments.

DEFENSE OR DEFEAT

NEW YORK.—The move in Congress to cut by one-third funds for President Reagan's research program to defend America against nuclear attack is shocking.

The Senate, led by Republican Sen. Charles Grassley of Iowa, voted earlier this month to slash the program by up to $1 billion. A House committee, led by a Wisconsin Democrat, Les Aspin, has cut an additional $200,000 from the funds requested by the President.

Warning that such drastic reductions could "starve the program to death," the Wall Street Journal said editorially last week the cuts "are not fat trimming but a surgical strike on the program's jugular."

The proposed cuts would reduce by almost half the recommended outlay of $800 million for non-nuclear air-to-air missiles, or "smart rocks," which it is believed could destroy nuclear missiles with simple kinetic (fast moving) impact. Other large chunks of money would be taken away from research on surveillance, tracking of enemy missiles, and "demonstration projects" of strategic defense components.

The Wall Street Journal doubts that reducing the federal deficit is the only objective of those who would, in effect, sabotage the nuclear defense program. It suspects the opponents want to preserve both the ABM treaty, which outlaws defensive systems, and the Mutual Assured Destruction (MAD) doctrine, which envisages annihilation of the American and Russian people in event of nuclear war, even one that started by accident.

What I simply cannot understand is why these politicians in Congress fail to realize what is at stake. They seem to ignore the fact the Soviets are already ahead of us not only in anti-missile research but also in actual development of anti-satellite weapons. A new CIA report on Soviet defensive weapons technology indicates the Soviets are well in advance of U.S. anti-missile research and may be on the verge of launching a major directed-energy weapons program. Directed energy refers to beam weapons, such as laser, radio frequency and particle beams.

A Pentagon assessment of Soviet military power, issued in April, said more than 10,000 Soviet scientists and engineers are working on laser weaponry. They have reportedly built prototype ground-based laser weapons deemed capable of destroying American satellites and of being deployed by the late 1980's.

The CIA report revealed that many of the Soviet scientists who have been denouncing our research program have been engaged for years in advanced research on Soviet missile defense. One of them, Yevgeniy Velikhov, vice president of the Soviet Academy of Sciences and, according to the CIA, a "central figure" in Soviet laser and particle-beam weapons research, wrote in a *Washington Post* opinion article last June that strategic defense "is a dream that can't come true."

So while the Soviets are moving ahead with their own "Star Wars" programs, they try to dupe us into abandoning our efforts

to develop a defense against nuclear weapons. This is typical of the duplicity Lenin urged the communists to pursue against the western democracies.

The Soviets accuse us of planning to "militarize" space while they are the only ones to have deployed an anti-satellite weapons system in space. Soviet leader Mikhail Gorbachev told visiting Indian Prime Minister Rajiv Gandhi last Tuesday that President Reagan's Strategic Defense Initiative will increase the risk of nuclear war. He didn't say anything about what would happen if the Soviets succeeded in being the first to deploy an anti-missile defense system in space. Apparently, the congressional opponents of the President's research program have never thought of that possibility. But wiser statesmen have. French President Francois Mitterrand told me in Paris last year that "whoever controls the sky will rule the world."

Just imagine what would happen if the Soviets alone had a space defense system that could render our nuclear retaliatory capability ineffective. Would the Soviets refrain from imposing their will on the world, as we did when we had the atomic monopoly? You can bet they would not. What they would be telling us to do is just too awful to contemplate. Surrender, or else. Give back Alaska, or else. Get out of Europe and Asia, or else. Accept the communization of Latin America, or else.

As for the Soviet's professed opposition to defense against nuclear weapons, this is a Machiavellian twist that has come about in recent years only because of fear that we might develop a better system. As far back as 1967, then Soviet Premier Aleksei Kosygin pounded the table at the Glassboro, New Jersey, summit meeting with President Lyndon Johnson and declared: "Defensive weapons are moral, offensive weapons are immoral."

On two separate occasions at the United Nations in the 1960's, Soviet Foreign Minister Andrei Gromyko argued that strategic defense could be the key to successful agreements on offensive nuclear weapons—exactly what President Reagan has been saying. Today, Mr. Gromyko argues the opposite. Guess why?●

A TRIBUTE TO JUDY MAFFEI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. MATSUI. Mr. Speaker, I rise today to congratulate one of my constituents, Ms. Judy Maffei, who is retiring after 23 years in the labor movement.

Judy is a member of the Office & Professional Employees Local Union 29 and has served as chair of the local's Sacramento unit. In 1967 she became the full-time office manager of the weekly Sacramento Valley Union Labor Bulletin. In 1982 she assumed the additional duty of advertising manager and last year she became the editor-manager of the newspaper.

Judy's dedication to the labor movement and her cheerful manner earned her the respect and admiration of her many friends and associates throughout the community. She is the embodiment of the spirit and pride of our Nation's great labor movement and she will be sorely missed at the Labor Bulletin.

On Friday, June 14, family, friends, and colleagues will gather to honor Judy with a retirement dinner, I join with them in saluting Judy on a job well done and in wishing her a most enjoyable retirement.●

SALT II

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. COUGHLIN. Mr. Speaker, 2 days ago President Reagan announced that the United States would continue to comply with the terms of the unratified SALT II Treaty. It was the right decision and I commend the President for it. The President's action demonstrates his commitment to arms control and his recognition that SALT II represents an important building block in that process.

Questions of noncompliance with the treaty by the Soviet Union must, of course, be pursued vigorously with the Soviets and appropriate U.S. responses should be weighed. But it is important to recognize that the overall limitations on numbers of nuclear weapons established by SALT II are extremely useful in terms of restraining the arms race. Abiding by these mutual limits is a major contribution to arms control.

Rejection of the SALT II limitations at this time would have created an inauspicious backdrop for the Geneva arms control talks now underway. By declaring his intention to keep within the treaty's limits, President Reagan has seized the high ground and has set the stage for progress on a new and more far-reaching arms control agreement.●

ATLANTA CONSTITUTION SAYS NO TO CHEMICAL WEAPONS

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. FOWLER. Mr. Speaker, the House once again faces a decision on whether or not to resume production of lethal nerve gas. When the fiscal year 1986 defense authorization bill reaches the House floor next week, we will have the opportunity to vote for an amendment to be introduced by Representatives JOHN PORTER and DANTE FASCELL to eliminate production funds included in the bill.

A recent Atlanta Constitution editorial consisely summed up the case against production. Rather than produce these weapons, the editorial recommends disposal of obsolete stockpiles, better defensive equipment, and intensified negotiations on a ban of all lethal chemical weapons.

I commend the editorial to my colleagues:

[From the Atlanta Constitution, May 29, 1985]

IT'S UP TO HOUSE ON NERVE-GAS ISSUE

The U.S. Senate's 50-to-46 vote to preserve funds for new nerve-gas weapons is one way to confront a significant buildup in the Soviet chemical arsenal—essentially a they-do-it-we-do-it, let's-bargain-through-strength posture.

How much better it would have been if the Reagan administration had requested instead research money for (1) disposal systems to rid us of that part of America's aging chemical-warfare stockpile that is out-and-out obsolete, and (2) defensive equipment, warning devices and what-have-you to counter the perceived if incompletely documented Soviet threat.

Couple that with an intensive but low-profile administration effort to close gaps in negotiations stalled since 1980 on a U.S.-Soviet treaty banning the development, production and stockpiling of lethal chemical weapons, and the United States would have a comprehensive position on this question that stakes out the moral high ground while conceding nothing in security.

Americans rightly are repelled at the thought of better-dying-through-chemistry. We are not a closed society ruled from on high that provides fertile ground for the cultivation of such despicable weaponry. If we are to soil ourselves by engaging in this dirty business, it can only be a last resort—after it is unmistakably clear that the Soviets cannot be broken of their chemical-warfare dependency. No one can say for certain we have reached that point of hopelessness.

Three times in the previous three years the Senate authorized money for new nerve-gas weapons, only to be reversed by the House. Fortunately, the lower chamber has disposal equipment in hand and is fully prepared to clean up after the Senate once again. Let's hear it for the House toxic-emergency crew.●

THE COPYRIGHT ROYALTY TRIBUNAL BILL

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mrs. SCHROEDER. Mr. Speaker, the 1976 coyright law revision created the Copyright Royalty Tribunal [CRT] as an independent agency to establish royalty rates. The legislative history suggested that the Tribunal consist of persons who had demonstrated professional competency in the field of copyright policy.

On paper it looked great. In practice, the CRT has been a dumping ground for political appointees who have little or no experience in the field of copyright policy.

Among the recent Commissioners with negligible copyright experience, the Marianne Mele Hall, self-proclaimed coauthor of "Foundations of Sand," a book insulting to blacks and Rose Marie Monk, former aide to Lyn Nofziger when he was the President's assistant for political affairs.

What's worse is that the taxpayers pay the CRT's annual budget of $750,000. Each Commissioner receives $70,000 to meet several times a year. We are paying for a joke.

I am introducing a bill today with Congressman MIKE SYNAR to abolish the CRT, freeze the current royalty rates until January 1, 1989, and have the Copyright Office distribute the royalties to copyright holder. The bill would give Congress time to come up with a better process for deciding royalty rates.

The issue here is good government. I hope my colleagues join us.●

CINCINNATI BOYCHOIR

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. LUKEN. Mr. Speaker, as Representative to the First Congressional District of Ohio, I ask my colleagues to join with me in recognizing the achievements of the Cincinnati BoyChoir.

The Cincinnati BoyChoir is one of the largest choirs of its kind in the world. It is comprised of boys who at the age of 10 dedicate themselves to tedious rehearsals and performance schedules which demand maturity and stamina. Because of this dedication to excellence, the choir has gained international celebrity and will perform at the International Youth and Music Festival in Vienna, Austria, July 9 through 22.

Since this festival's conception in 1972, by the city of Vienna, over 50,000 students from 45 different countries have taken part in this renowned European event. This year among the 30 ensembles invited from around the world, eight will represent the United States. The Cincinnati BoyChoir has the distinction of being the only entirely boys choir to participate from the United States.

I commend the 110 members of the choir, their directors, and all previous members for their contributions to the cultural heritage of the city of Cincinnati, the State of Ohio and the United States. These ambassadors of good will and song bring joy to those at home and abroad with their performances.●

SMALLEST CHURCH IN THE WORLD TO MARK 100 YEARS

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. TAUKE. Mr. Speaker, on June 16, 1985, St. Anthony's Chapel in Festina, IA—known as the "smallest church in the world"—will mark the 100th anniversary of its founding.

The smallest church holds great significance to the people of this northeast Iowa community—both from a historical perspective and as an attraction to visitors from around the world.

Because of its significance and the celebration of its centennial anniversary this week, I submit the following historical narrative of the smallest church for the RECORD.

On Sunday, June 16, 1985, an Iowa landmark, St. Anthony's Chapel, widely known as "The Smallest Church in the World," will observe its 100th anniversary. The tiny chapel (four pews, seating capacity of 8), is situated in rolling farm country on the banks of the Turkey River in Winneshiek County outside Festina, IA.

The place of worship is not merely a musty relic of times past. Rather, it is a living facet of Iowa history and a vital link in one family's religious heritage. As noted in stone just inside the front door, in 1855 Johann Gaertner, who had served with the French under Napoleon, carried out a promise made by his mother to build a chapel in thanksgiving should her son return safely from the Russian campaign. After settling in America, Gaertner and his son-in-law, Frank Huber, worked with nearby landowners in the Festina area to quarry stone to construct the chapel on the original site of the first Catholic mission north of Dubuque.

Over the past century the chapel has been maintained by descendants of the Gaertner-Huber families. Today a granddaughter of the founders, Vera Huber Schneberger, now 91, has followed in her parents' footsteps and oversees the chapel and its grounds and provides visitors with a running commentary and colorful highlights of the history of the chapel. A guest book lists visitors from across United States, as well as ones from Germany, Poland, Scandinavia, Iceland, India, and Thailand.

Each year in mid-June, on the Sunday closest to June 13, the traditional feast of St. Anthony of Padua, a Mass of Thanksgiving is celebrated at the chapel and descendants of the Gaertner-Huber families travel from all over the United States to the site 100 miles north of Dubuque to renew family ties, feast together, and pass on to the young generations the tradition of faith which the chapel symbolizes. This year relatives will gather several hundred strong at the chapel to participate in an 11 a.m. Mass marking the special occasion. While only a few will be able to be seated or stand inside, others will spill out the door and onto the surrounding lawn to answer the responses and join in the hymns while reflecting on the meaning of this chapel in the lives of their predecessors.

No formal invitations are issued for this annual event since aunts and uncles and cousins and great-great relatives of every degree mark their calendars from one year to the next. Those living in Iowa towns nearby open their hearts and their homes and look forward to the yearly pilgrimage of their less-rural relations. Photographs from the late 1920s show automobiles of that era crowding an adjacent field while their owners gather inside and around the chapel's stone edifice and its wood tower amidst a peaceful pastoral setting.

During the intervening months between the annual celebrations of St. Anthony's Day, family weddings and other special religious observances are scheduled in the chapel. There is a small cemetery with graves of the early settlers and a few places are left for some of those still living.

Today this historic chapel remains a tribute to the ideals, faith and perseverance of Iowa's early settlers, qualities espoused by the Founders of our country and still evident in Iowa families in 1985.

THE NATIONAL DEBT

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. MADIGAN. Mr. Speaker, today I am introducing legislation to encourage individuals to contribute to the national debt, either by designating part of their tax return to the debt or by writing a separate check for that purpose if they are not receiving a refund.

Currently, the front of the Form 1040 instruction package informs taxpayers that they may contribute to the national debt by sending a check to the Bureau of the Public Debt. The Internal Revenue Service estimates that in 1983, 2,500 individuals made contributions totaling $400,000 to the national debt. If that many responded to a rather obscure notice, it would seem that many more would contribute if given the opportunity on the tax return itself.

For the tax year 1983, 73 million taxpayers received $62.4 billion in refunds. If even a tenth of that amount were contributed, it would reduce the debt by $6 billion.●

A FATHER'S DAY MESSAGE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. WOLF. Mr. Speaker, as we approach the annual commemoration of Father's Day this Sunday, June 16, I believe it is a good time not only for fathers to be honored, but also a good time for fathers to rededicate themselves to their roles of fathering and family life.

I would like to share with my colleagues an article entitled, "I'd Rather Be a Father" from the June edition of the Focus on the Family magazine and

commend its message to fathers everywhere.

I'D RATHER BE A FATHER
(By Eliot A. Daley)

I have heard a lot, lately, about how difficult it is for a woman to juggle both a career and her parenting responsibilities. One or the other is bound to suffer. And when something has to give, it is usually the career. Many women are angry about that, and a bunch of men and children may be getting a lot of grief because of it.

That is genuinely too bad. We ought to be partners in the struggle. Because, speaking as one of the menfolk, I claim to know how that conflict feels, to be torn between career and family. Women may be tired of being regarded, culturally, as housekeepers and diaper washers; well, I'm tired of being regarded as a breadwinner whose prime responsibility to the family is to be a "good provider." Meaning money.

When will anyone get around to noticing that some of us men yearn to matter more, in this what-do-you-do? (and I-wonder-what-he-makes?) rat race.

I'd rather be a father.

I do extraordinarily interesting things in my work, I really love it. And I earn enough to get by. But I'd rather be a father. I care more about how my children emerge than I do about how big my business gets and what numbers appear on the bottom line.

That doesn't make me the forerunner of a new breed of American males, I suppose, but neither does it make me a freak.

We talk frequently, friends and I. Some say it right away; others only let clues slip, once they feel safe. But their message is the same: Work matters mostly by default. If I knew, they say, any way to let something else matter more, I would in an instant. But work is where I get a paycheck, and that matters. Work is where I get a report card, and that matters. Work is where I have a place—defined and reserved for me—and that matters.

None of those are silly or invalid reasons. They just aren't ultimately important, except in a vacuum.

Yet a vacuum is what exists for fathers who want to devote themselves to fathering with the same intensity that would be considered natural and normal for a mother. Where is the support for a father who wants time off to go with his child's class on a field trip? Who will congratulate the man who trims his chances for advancement by refusing to bring home a full briefcase every night or to move every two years or to commute himself to death? Who will hug the man who aches to weep for the futility of such busyness, and then to emerge from the grief content to be a father?

I will.

And surprisingly others will, too. Like an underground resistance recognizing a password, some people close at hand will eagerly whisper their complicity in this common yearning to be natural and normal.

Rather than average.

A long-distance runner from the Ozarks taught me the difference between normal and average. It's normal, he reminded me, for the human body to be able to run 10 or 15 miles without caving in. The fact that most men can't go a couple of hundred yards without wheezing is merely an indication of what's average. And average, he went on, is no way to gauge yourself. Normal's what you've got to find, and then get there.

I'm beginning to sense what is normal for me. It is not so much wanting to be more into my children's lives and games; it is for my life to be more available to my children in virtually any realm of activity. To enable them to find out anything they want to know about me at work, for instance. What I do. How I treat people. How I plan and execute jobs. How I handle pressure. What I get out of it.

Or to involve them in any decision-making that affects them—and even some that doesn't, just because I value their opinions. Or to be honest with them about family tensions that may be in the air, and exchange candid feedback about how we're living our life together.

It is also normal for me to want to see my children in any kind of performance they give, from classroom bathrobe drama to neighborhood magic show to piano recital. I'll change travel schedules, postpone appointments and leave overlong meetings before they are concluded, just to be there. Not average, I'll grant, but normal for me.

Things like getting to a performance are easy. But all that other stuff I said was normal, I don't do yet. I want to. I just don't.

I write about it, instead. There's at least a little adult status in that, you know.

Back to square number one: How do I justify channeling a major thrust of my life into fathering, when so little around me—so little of all that is average—supports it? How can I sweep away all that average clutter to let the normal be known? Why do I let myself be nudged away from what I know to be important, in favor of what is merely urgent?

Important lasts and last; urgent, by definition, dies in a hurry. I do not want to burn up my life tending urgent little brushfires. And still I can't push myself over the edge—yet. I continue to chart my worth by beacons and landmarks set out by average men, to be followed by men like me who are persistently more average than normal.

Incredible. True, but incredible. I mean, what have I done in my whole life that was of any more significance than fathering three humans beings? Once they were not—didn't exist. Now they live, the fruit of our love. They have independent lives, they hurt and heal and love and laugh, they make mistakes and weave magic, they will bear children and celebrate and mourn. . . .

That counts. Ultimately. And since I know it, I am determined to give fathering its due.●

AN IDEAL IMMIGRANT

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BATES. Mr. Speaker, today I am introducing legislation that will waive the requirements of citizenship for entering the armed services for Bradley H. Koskie.

While the passage of private bills—particularly those dealing with immigration matters—is an exception, Bradley is exceptional. A Canadian national, Bradley's one desire is to serve the United States of America as a U.S. Air Force pilot. His scores on standardized aptitude tests and the Air Force officer qualifying test place him in the top 3 percent of this Nation's young achievers. In addition, Bradley has taken an active role in the award winning Air Force ROTC precision drill team at the University of Southern California.

Despite his obvious qualifications, Bradley will not be allowed to continue his quest for an Air Force commission without the intervention of this body.

With the exception of citizenship, Bradley is an ideal candidate for our Nation's armed services. The legislation I am introducing today, will waive the citizenship requirement for Bradley for the purposes of entering the armed services. While citizenship is not required for enlisted personnel in the armed services, it is a requirement for officers. Bradley's outstanding qualifications and personal attributes justifies an exception to this rule.

Mr. Speaker, I call on my colleagues to aid me in the swift passage of this legislation.●

CLARIFICATION OF VOTE ON HOUSE CONCURRENT RESOLUTION 52

HON. WILLIAM W. COBEY, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. COBEY. Mr. Speaker, I noticed recently that I am listed as voting for House Concurrent Resolution 52, which pertains to the situation in Chile. For whatever reason, my vote on this bill was misrecorded.

In any event, I do not support the resolution which was defeated by the House on April 22. I am concerned about alleged human rights abuses in Chile and strongly support the establishment of democracy in that nation. But, I believe that passage of House Concurrent Resolution 52 would have been counterproductive to this effort.

I wish to clarify this matter. Thank you.●

B'NAI B'RITH RALLIES SENIORS AGAINST COLA CUTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. FRANK. Mr. Speaker, I want to share with my colleagues the reaction of older people in my district to President Reagan's proposed budget cuts for the Social Security cost-of-living allowance. Seniors protested the President's broken promises on Social Security and Medicare. The B'nai B'rith organized and conducted a very successful rally, and they urge other older people to advocate for the rights of the elderly. I was pleased they invited

me to participate in the event. I urge my colleagues to read about their concerns in an article in the Brookline Citizen.

The article follows:

[From the Brookline Citizen, May 30, 1985]

SENIORS RALLYING FOR THEIR RIGHTS

(By Leora Zeitlin)

Tuesday's dreary rain might have doomed baseball games and other outdoor events, but it did not dampen the spirit of some 500 elderly citizens who flocked to Brookline to protest President Ronald Reagan's budget cuts in Social Security benefits.

Congressman Barney Frank, state Sen. George Bachrach and a host of other politicians and advocates for the elderly addressed the rally in the auditorium of Temple Ohabei Shalom, repeatedly denouncing Reagan for "breaking his solemn promise" not to cut into programs for seniors. The demonstrators later presented Frank with a sheaf of petitions to take back to Washington. Outlining a four-point policy statement made by B'nai B'rith, who organized the rally, the hundreds of signers of the petitions said they:

Oppose cuts in the Social Security cost of living allowance (COLA's);

Support continued funding for federally-subsidized elderly housing;

Oppose cuts in Medicaid and Medicare; and

Oppose military spending at the expense of the elderly.

"There's a new crime in America—being sick and being old—and there's a new fine some people want to levy" against that "crime," Frank told the crowd towards the end of the 2½-hour rally. Noting that a surplus currently exists in the Social Security program, Frank added, "it's literally undermining democracy for a candidate to make a solemn promise and then turn around because he finds it convenient to do so."

The proposed budget, due to an amendment by Sen. Pete Domenici (R-New Mexico), would freeze the COLA's in Social Security benefits. It also cuts Medicare by some $2.8 billion, Medicaid by $1 billion, and freezes spending in several social service programs for the elderly.

"If we are not mad, we should be mad," said Ed Cooper, from the National Caucus and Center on Black Aged, who decried the cuts in medical, legal, housing and human services. "Shame on you, Mr. President!"

Speaker after speaker invoked the memory and era of President Franklin D. Roosevelt, under whose administration Social Security was instituted in 1935.

"If we stand together as we did in the 30's—this is our generation!" began 82-year-old Frank Manning, president of the Legislative Council of Older Americans. "We survived a Depression that eroded the resources of every man, woman and child . . . But out of that Depression, you and I worked to give birth to Social Security, to the 40-hour work week, to bank insurance . . . All those things came out of our minds," he said. "Let us show the same spirit today and they will not dare to deprive us of our rights as Americans."

B'nai B'rith president Mitch Marcus said later that the rally was organized to build a broad-based "coalition with other groups" that will work on a continuing basis to advocate for the rights of the elderly. Marcus said he had anticipated a turnout of 350. Another organizer, Mel Cohen, who is president of Brighton's elderly housing building Covenant House, likened the event to the "shot heard round the world" of the American Revolution. "This is the first shot for organizing respect for seniors. History will repeat itself in Massachusetts."

One Covenant House participant, Bertha Berman, said afterwards that "at least we know how we stand. At least we know people are working for us. I'm very glad. I was very impressed with them all." And a Brookline couple, who said they came because "we want the president to keep his word," added that it was "wonderful . . . to see such a good crowd" turn out.

State representatives Eleanor Myerson, Bill Galvin and Tom Gallagher also spoke, urging the crowd to contact their legislators both at the State House and in Washington. Other speakers included Frieda Mulkern, president of Mass. Senior Action, Sister Paschala of the Roman Catholic Archdiocese of Boston's Elder Life Program, Sheila Dechter of the American Jewish Congress, Boston Commissioner on the Affairs of the Elderly, Michael Taylor, Secretary of the Mass. Office of Elder Affairs, Richard H. Rowland, and others.●

SHELL REFINERY SETS NATIONAL SAFETY RECORD

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. MILLER of California. Mr. Speaker, I would like to bring attention to the unsurpassed safety record of the Shell Oil Co.'s Martinez manufacturing complex in Martinez, California. The workers and management at the Shell complex have once again passed a safety milestone by completing over 5 million work hours without a lost-time injury.

Just over 1 year ago I came before the House to take note of the fact that the nearly 1,000 workers at Shell had reached 3 million work hours without a lost-time injury. Yet in the past year, this record has been extended an additional 2 million work hours.

This superb safety record began on October 4, 1982—nearly 1,000 days ago. Twice during the 2½ years since that date, Shell workers have worked over 1 million consecutive hours without a recordable injury. Overall, the frequency rate for recordable injuries is now the equivalent of one for each 385,000 hours of work. By contrast, the comparable rate for all of manufacturing is more than 6 accidents for each 200,000 hours worked.

That is why today the Shell complex in Martinez is recognized as the safest refining complex in the Nation. And that is also why the Shell complex has received awards recently from the National Petroleum Refiners Association, the National Safety Council, and the Chemical Manufacturers Association which honor this exemplary record.

The safety achievement of the workers and management at the Shell complex deserves the highest praise. I commend the Martinez complex and its employees for this outstanding effort.●

PERSONAL EXPLANATION

HON. JOHN E. GROTBERG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. GROTBERG. Mr. Speaker, due to a previous commitment, I was unable to be present and voting today when the House approved the Speaker's approval of the House Journal of Tuesday, June 11. Had I been present, I would have voted "nay."●

MY DILEMMA

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mrs. BOXER. Mr. Speaker, there are times when a Member of Congress is torn over whether or not to vote for legislation that contains both good and bad provisions. The question is not simply whether the good outweighs the bad: It is often whether or not one can in good conscience vote in favor of something which is, in part, abhorrent.

Such was the nature of my dilemma when a vote was called on the supplemental appropriations bill this evening. The bill contained funding for many programs I strongly support, including Social Security, student financial aid, and veterans assistance. The bill also provided for $1.5 billion in aid for Israel, our country's closest friend and strongest ally in the Middle East, a region of tremendous importance to our country. Having long been a resolute supporter of our country's close ties with Israel, I feel that this aid is particularly vital, since it comes at a time when Israel is trying to rectify its economic troubles and adjust to a rapidly changing strategic situation in the Middle East. I have always supported aid to Israel and I will continue to do so in every way possible. If the supplemental appropriation had not passed, I would have begun working on the methods to get this aid back before our body.

However, the supplemental appropriations bill also contained an amendment which provided aid to the Nicaraguan Contras, to assist them in overthrowing the Sandinista government of Nicaragua. Ever since I arrived in Congress, I have worked for a policy toward Nicaragua which fosters peace and conciliation through backing the Contadora process. Support for the Contra army, which has compiled a brutal record of murders, rape, torture, and destruction, is utterly repel-

lent to both me and the large majority of the American people. Thus, when faced with the question of voting for the supplemental appropriations bill which contained aid to the Contras—aid that will be used to kill, rape, and terrorize—I had no choice. I had to vote no on the supplemental appropriations.

To use popular programs, such as were contained in the appropriations bill, to round up support for an ugly war is unconscionable. I voted against the rule which allowed the House to add Contra aid to the appropriations bill, but unfortunately, the rule was passed over my objection. This was a difficult situation for me, but no one said it would always be easy.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. CLINGER. Mr. Speaker, on June 4, 1985, I was absent from most of the legislative session as I was back in the 23d District assisting my constituents as a result of the terrible tornadoes which have wreaked havoc on them. Had I been present, I would have voted in the following fashion:

Rollcall No. 132: Journal, the House approved the Journal of Monday, June 3, "Yes";

Rollcall No. 133: H.J. Res. 192: "National Day of Remembrance of Man's Inhumanity to Man," the House failed to suspend the rules and pass the joint resolution, amended, to designate April 24, 1986, as "National Day of Remembrance of Man's Inhumanity to man," "yea";

Rollcall No. 134: H.R. 1460, Anti-Apartheid Act, the House rejected an amendment that sought to make the prohibition on Krugerrand imports effective only if the ban is not inconsistent with the obligations of the United States under the General Agreement on Tariffs and Trade, "no"; and

Rollcall No. 135: H.R. 1460, Anti-Apartheid Act, the House rejected an amendment that sought to provide a waiver on the restrictions of new investments, if the Secretary of State determines through a poll, that a majority of nonwhite South Africans oppose the restrictions or divestiture, "no."●

SOLIDARITY WITH IRANIAN RESISTANCE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. DYMALLY. Mr. Speaker, June 20 marks the commemoration day of martyrs and political prisoners in Iran. It is the day on which in 1981, Khomeini ordered his guards to open fire on a peaceful demonstration involving 500,000 people in Tehran.

Now, through repression and terror—including 40,000 executions and 120,000 political prisoners—and by continuing and attempting to escalate the Iran-Iraq conflict—which has so far claimed half a million Iranian casualties, caused 3 million to become refugees, and which has produced tens of billions of dollars worth of material damage—the Khomeini regime has tried to prevent the rise of the resistance, and to cover up the social and economic deadlocks it faces.

Despite all the crimes committed by the Khomeini regime, the Iranian resistance has risen and entered a new phase. The public demonstrations and open protests of the Iranian people against war and repression, and for peace and liberty in Iran, which occurred throughout Iran from April 21 to May 21, proves this fact amply.

For this reason, in view of our beliefs in freedom and the rights of human beings, we once more declare our solidarity with those Iranians who by showing courage and devotion do not yield to Khomeini's unleashed repression and warmongering, but further their protests and resistance until a democratic rule committed to peace and liberty will be established.●

RECOGNITION FOR MRS. JOAN CAREY

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. DioGUARDI. Mr. Speaker, I appreciate this opportunity to extend recognition to one of my constituents, Mrs. Joan Carey, who recently received the 1985 Bronxville Manor Association "Citizen of the Year" award.

Joan Carey is a very active and giving woman. She has worked with the Catholic Women's Club of Eastchester, Tuckahoe PTA Ways and Means Committee, Junior League of Bronxville, Scarsdale Women's Club, and the Bronxville Manor Association.

In addition to all these obligations, Joan Carey recently accepted another major responsibility. She will serve as chairperson for Project Access for the Junior League of Bronxville, which aids the handicapped in her town.

I ask that all Members join me in saluting the efforts of Joan Carey, who has made such significant contributions to her community.●

STOPPING DEFENSE CONTRACTOR RIP-OFFS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. WYDEN. Mr. Speaker, I am proud to join my colleagues on the Energy and Commerce Subcommittee on Oversight and Investigations, GERRY SIKORSKI and JOHN BRYANT, in a major effort to stop the hemorrhaging in our Nation's military procurement system. We believe the procurement mess cannot be cleaned up with band-aid solutions and that fundamental reform of the system is needed.

We will offer a series of amendments to the Defense authorization bill based on what we learned after a long series of hearings held this year in the Subcommittee on Oversight and Investigations to probe defense contractor purchasing. What we found during the course of our investigation was a military procurement process marked by gross inefficiency, riddled with waste, and designed with more holes than a piece of swiss cheese. We found that the military procurement system is a nonsystem—there is no system there. It invites pilferage.

A respected career Pentagon auditor told our subcommittee that one of every three procurement dollars is wasted. That's more than $40 billion a year—a scandal and an outrage in normal times. But these are not normal times. We don't have $40 billion to waste. We have to borrow it. By weakening the economy, the skyrocketing public debt poses a very real threat to our security. We simply can no longer tolerate waste and mismanagement.

Our country needs a strong defense. But it must be a cost-effective defense. We believe that through our amendments we can reduce the procurement budget next year by roughly $10 billion and thereby bring the Armed Services Committee bill in line with the House budget resolution. That way we can make real productivity savings without canceling weapons systems, reducing military readiness or manpower levels or adopting other measures that could jeopardize national security.

The amendments which we will offer to the Defense Authorization bill are designed to make some elemental reforms in the way in which the Pentagon does business with its contractors, and they come directly from the kinds of abuses which were uncovered in the General Dynamics investigation. What is truly appalling is that the abuse is endemic, perhaps even epidemic.

We are deeply troubled by the extent of waste, fraud and abuse, and we are disturbed by the fact that the system has gotten completely out of control. The American taxpayers deserve not only to see their tax dollars wisely and properly spent, but

equally deserve to get reliable national security from the things they pay for. As of this moment, neither is the case, and we have seen tanks and guns that don't work, as well as seeing taxpayers bilked for $7,000 coffee pots and executive dog boarding charges. What is in question is the fundamental issue of corporate integrity. Somehow it has become fair game to rip off the Government. There is a "catch-me-if-you-can" mentality at work, to the point of gross dishonesty and abuse of the American system.

To its credit, the Committee on Armed Services has been working on some very key reforms, particularly in the area of "allowable costs" and revolving door problems, both of which have come up in the context of the investigation in which we have participated. We are considering ways to strengthen these proposals.

There are four specific areas that concern us.

I. PROGRESS PAYMENTS

One amendment we will offer will require that defense contractors receive payment for their work only as the work is actually completed, and it will require that auditors from the Defense Department be given such information as is required to determine whether the charges are appropriate.

Explanation: Currently, many defense contractors bill the Government for work according to the schedule set forth at the beginning of the contract. Often, these payments are made by the Defense Department—without regard to whether the schedule has been met. An example is General Dynamics billing the Government for progress payments on the Trident Submarine when the work was far from complete. Worse, GD falsely represented the status of the submarine construction in order to prevent a further erosion in the company's stock value. Unchecked progress payments amount to interest-free loans to defense contractors.

II. INFLATION

We will offer an amendment to find out just how much money is salted away at the Pentagon awaiting inflation to strike, and to require the Secretary of Defense to recommend ways to prevent the build-up of these huge amounts of money. The Department should come back to the Congress at the end of the fiscal year to seek funds to cover whatever inflation actually occurred.

Explanation: Currently, the Defense Department estimates the rate of inflation at a level higher than the general forecast for the rest of the Government. The result of this is that there is an estimated $18 to $50 BILLION sitting at the Pentagon waiting to be spent, and this is over and above the $5 billion the Secretary of Defense recently said he had discovered.

III. CIVILIAN PROCUREMENT

We will offer an amendment to move us in the direction of having an independent, civilian entity in charge of military procurement. It is a complex issue, so at this time we are considering the establishment of a Commission, similar to that provided in the Senate bill, to come forward with ways to end the outrageous fraud and abuse and padding of costs which are part and parcel of the current system. However, we are seriously considering going further, to establish either a new division within the Pentagon or an entirely separate agency.

Explanation: The system now in place gives a strong incentive to defense contracting officers at the Pentagon to rack up their time in the Pentagon and then to seek lucrative jobs with the contractors whose work they oversaw during their Government employment. George Sawyer is an egregious example, who came to the Pentagon in 1981, worked very hard to solve any difficulties General Dynamics was having with the Navy Department, and then went off and took a $250,000 job with General Dynamics! We believe there probably should be a civilian agency—outside of the Pentagon—to handle military procurement. This would help stem the revolving door problem and the incentives built in to the current system, and it would reduce the inter-service rivalry which now results in some of the most outlandish and costly military hardware. The DIVAD and the "hummer" (the new $60,000 jeep) are examples of the abuse inherent in the current system. Each new colonel or general coming in wants to make his own stamp on the design or capabilities of a given item, so the specifications change and the contracts change, the items take years to complete and, often enough, don't work. The other problem civilian procurement could reduce is the "one-of-a-kind" approach to military hardware acquisition.

IV. PROCUREMENT REFORM BUDGET SAVINGS

We are preparing an amendment to save some $10 billion through cost reductions in contracts—without cancellation of any program or stretch-out of procurement.

Explanation: There is ample evidence to support a savings of at least $10 billion in the Fiscal Year 1986 budget if the kinds of reforms we have outlined are adopted. The modest reforms we propose, coupled with some of the reforms being proposed by the Armed Services Committee, will enable the Pentagon to save at least $10 billion. If General Dynamics can volunteer to give back $23 million in unallowable overhead payments, and can volunteer to reduce one submarine contract by $20 million without even blinking—and this is only one contractor—there is obviously room for further significant savings from improved contract management.

V. CERTIFICATION OF CHARGES

Defense contractors should have to certify that the items for which they bill the taxpayer are legitimate. We intend to codify the certification language announced by Secretary Weinberger in March.

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One major problem has been that defense contractors have refused to give Pentagon auditors all the information they need to see to it that improper billing does not occur. Auditors MUST have the right to see whatever information they deem necessary, in order to protect the Treasury from raiding by contractors—for such items as fishing trips, executive dog-boarding and mattresses.

VII. LAWYERS' FEES

Contractors routinely bill the Government for lawyers' fees, without shame. The way the current system works, there is even an incentive to contest disputes between Government auditors and contractors—in many cases, to hire multiple law firms for the purpose. Not only does the Government end up paying excessive charges, but we pay the legal fees to enable the challenges in the first place! We will seek to prohibit automatic reimbursement so as to remove the current incentive and stem the flow of money for absurd defenses of illegitimate claims.●

DOD REFORMS NEEDED

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. SIKORSKI. Mr. Speaker, defense contractor waste, fraud and abuse, conflicts of interest, and DOD's unwillingness and inability to stop the abuses have been daily fare with the morning news. We see how General Dynamics bills the American taxpayers for kennelling an executive's dog, chili cook-offs and diamond trinkets. How Pratt & Whitney bills us for trips to Pago Pago, Gucci bags and 200 dozen golf balls. We also see a billion dollar taxpayer bailout for General Dynamics and a GAO study showing widespread multimillion-dollar gouging by 12 major defense contractors.

Yet virtually nothing is being done. Secretary of Defense Weinberger and Navy Secretary Lehman haven't even slapped wrists. The Inspector General's recommendations aren't supported. Justice sits on its hands.

Based on an investigation involving thousands of hours and hearings over the last 6 months by our Oversight and Investigations Subcommittee, we know what the record is. And, like the American taxpayers, we've had it. We're tired of defense contractors who wave the flag while they pick our pockets. And we're through with the apologists and abetters who let them get away with it.

The amendments we are introducing today will make important, systemic changes in the Defense Department's procurement system, and end the wheel of fortune for defense contractors.

The amendments which we will offer to the Defense Authorization bill are designed to make some elemental reforms in the way in which the Pentagon does business with its contractors, and they come directly from the kinds of abuses which were uncovered in the General Dynamics investigation. What is truly appalling is that the abuse is endemic, perhaps even epidemic.

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DOD PROCUREMENT REFORMS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. BRYANT. Mr. Speaker, based on thousands of investigation hours and several days of hearings conducted by the Energy and Commerce Committee's Subcommittee on Oversight and Investigation, my colleagues RON WYDEN and GERRY SIKORSKI have joined with me in drafting a package of amendments to offer to the Defense Department authorization bill. The purpose of our proposal is to reform the abuses we have uncovered in the Pentagon's procurement process.

The current system is monumentally wasteful. It invites and rewards abuse and inefficiency. Weapons development drags on; production schedules are not met; cost overruns sometimes double or triple initial contract estimates. Kennel fees, country club dues and round the world vacations have been billed to the American taxpayer.

Our constituents are saying "Enough." We are saying "Enough." Recent polls indicate that 53 percent of the American people currently favor cuts in Defense spending, up from a low in 1980 of 30 percent and a 44-percent rate in January. It has become clear to the majority of Americans, and, I hope, my colleagues in Congress, that a few simple changes designed to reform the defense procurement process will simultaneously save the taxpayers billions of dollars a year and enhance our defense capabilities.

The amendments which we will offer to the Defense Authorization bill are designed to make some elemental reforms in the way in which the Pentagon does business with its contractors, and they come directly from the kinds of abuses which were uncovered in the General Dynamics investigation. What is truly appalling is that the abuse is endemic, perhaps even epidemic.

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EXPANDED CAPITAL OWNERSHIP AND THE IDEOLOGICAL HIGH GROUND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. CRANE. Mr. Speaker, today I am including the sixth segment of a series of discussions on the concept of expanded capital ownership. Today's material was written by Norman G. Kurland, and deals with the often-elusive subject of economic justice. Mr. Kurland carefully outlines the refutation of Marxism made by Mortimer Adler and Louis Kelso, and he further refines their important theories. As Mr. Kurland points out, true economic justice comes not by abolishing the institution of private property, but by further enhancing private property through employee ownership of the means of production. He also emphasizes the fundamental relationship between the ownership of private property and the preservation of human freedom. His essay is certainly worthy of our attention, and I hope that my colleagues will take a few moments to read it.

THE ECONOMIC JUSTICE OF EXPANDED CAPITAL OWNERSHIP

(By Norman G. Kurland)

What is economic justice? A thorough search through the literature of Western civilization for a pathway to a just economic order, will eventually lead the serious scholar to two seminal philosophical works, each diametrically opposed to the other, not in their quest for an economically free and classless society, but rather in the moral and political principles and the institutional framework each considered necessary for achieving economic justice for all. Both start with the problem of concentrated ownership of the means of production. The first, written in 1848, recommended the abolition of the institution of private property in the tools of production; that was, of course, The Communist Manifesto by Marx and Engels. Mankind is still paying in blood for the conflicts and wars unleased by their unsound theories of economic justice. Directly refuting basic assumptions of Marx and Engels, Louis O. Kelso and the philosopher Mortimer J. Adler in 1958 developed a highly refined theory of economic justice based on private property as a fundamental institution for preserving human freedom and unharnessing human potential. The following sections are further refinements of the work of Adler and Kelso.

A. JUSTICE IN GENERAL

Justice involves more than a sense of injustice. While justice must conform to human nature and the laws of God, we are not born with an understanding of justice. The basic principles of justice are discovered like any other truths revealed to mankind.

Perceived injustices are the source of most human conflicts. Justice helps prevent or can resolve conflicts. Justice is the glue that holds a society together. It is a set of universally acceptable moral principles that enable individuals to associate with others for their mutual benefit, guided by shared concepts of right and wrong.

Justice is an evolving concept. Major advances in civilization can be traced to the advance of our concepts of justice, and to our growing recognition that, under the sovereignty of God, all sovereignty must ultimately reside in the individual human being.

Human justice can only be measured at the individual level. The yardstick is human dignity. The just society lifts all artificial barriers so that every person can achieve his or her fullest human potential.

Where justice is absent, or when concepts of justice are perverted or confused, disorder reigns. Nature abhors a vaccum, even in our moral order. At a certain point, therefore, order will be restored. There are but two ways to create order out of disorder: by force, as in Hitler's Germany, or by reason, that is, by a re-discovery or retinement of basic principles of justice.

B. ECONOMIC JUSTICE DEFINED

Economic justice describes the moral principles or values governing the lives of individuals as producers and consumers of marketable goods and services. If attaining social and political sovereignty for each individual is the ultimate goal of the just society, achieving economic sovereignty for

each individual is the goal of the just economy.

C. THE BASIC COMPONENTS OF A JUST ECONOMIC ORDER

There are three basic, interdependent components for establishing a just economic order: (1) Contributive Justice; (2) Distributive Justice and (3) Restorative Justice.

CONTRIBUTIVE JUSTICE

Contributive justice involves principles governing the rights of individuals as participants in the production of wealth. It is an "input" concept, the equivalent of supply-side economics. This "input" concept involves a redefinition of equal opportunity and advances our concepts of economic participation. Contributiive justice is based on the right to life, which presumes the right of every person to earn a living. Contributive justice also governs the quality of life at the workplace so that all individuals can produce at their highest creative potential, with maximum dignity. Contributive justice recognizes that the human right to own tools and resources (productive capital) is as sacred as the right to work. It guides the design of our laws so that people can be masters of their "tools", including social institutions. It rejects assumptions of scarcity as a by-product of pre-industrial thinking. It acknowledges man as the maker of tools and creator of processes that can always be redesigned to do-more-with-less. And it views production as a synergistic process, not a zero-sum game.

Contributive justice is a dynamic concept which reconciles human beings with technological advances and adjusts ownership opportunites with changes in the input mix between labor and capital. As robots and computers replace human inputs to production, contributive justice requires that workers have access to the means to own these tools as an extension of their right to earn a living. Contributive justice views competition between workers and machines as dehumanizing; by owning wealth-producing machines, workers become liberated to more challenging work opportunities, including creative work for its own sake.

Contributive justice also governs the rights of workers to participate fully as owners of enterprises. This involves not only rights of self-management in their own areas of work but also includes their rights as owners to hold management accountable for decisions that affect their ownership interests. Within sizeable enterprises, non-executive workers must have the right to form democratic trade unions or other voluntary associations for promoting the contributory rights of workers as workers and as owners vis-a-vis management. Contributory justice creates a framework where the self-interest of each participant in the production process at the enterprise level will reinforce and be merged with all others for their individual as well as joint advantage.

Rights without the means to exercise those rights are, of course; meanlingless. The just economic order, therefore, constantly upgrades its laws and institutions to insure equal economic justice for all. For example, access to capital credit largely determines future ownership rights. Justice demands that everyone should have more equal ownership opportunities as new productive assets are created or as old assets change hands. Thus, the just economy structures its financial institutions and mechanisms of capital credit to insure the widespread availability of capital credit to new owners on the most reasonable of terms.

DISTRIBUTIVE JUSTICE

Distributive justice establishes priniciples for determining justice in the way people share in the fruits of production. It governs the "reward" side of economics, a non-Keynesian, incentive-based version of demand-side economics. The two key elements that allow distributive justice to work are (1) private property in the means of production and (2) the freely competitive marketplace. Distributive justice takes contributory justice and broad-based capital ownership for granted, or at least presumes that injustices will be rectified through restorative justice, as will be discussed below.

Why is the institution of private property important to a just distribution of income? One of the major attributes of private property is that it automatically matches earnings with inputs. It is like a pipe, or an electrical circuit. Distributive justice mandates that an owner receive 100% of the income stream from wealth produced by all of his contributions to production.

Private property in one's body can be translated in terms of "just wages," reflecting the fruits of one's "labor" contributions, whether entrepreneurial, managerial, technical, or just plain "sweat of the brow."

Private property in one's "capital"—whether in land, machines, structures, partnership shares, common stock of a corporation, or in any other non-human input—is reflected by "just profits," the wages of capital. Since all human and all non-human inputs to production can be encompassed by these sweeping definitions of "labor" and "capital," distributive justice also encompasses automatically all just rewards to the "owners" of those inputs.

On the other hand, any taking by another of one's labor income or capital income represents a direct erosion of "private property" in one's labor or capital; it is the equivalent of stealing. Destroying private property destroys human incentives to participate in the creation of wealth. For example, under this concept, the discriminatory "double tax" on corporate profits is inherently unjust.

Today, new methods have been developed to finance corporate growth and tranfers of ownership, removing the economic rationalization used by the courts to weaken private property in corporate equity.

One of the only "laws" in economics is Say's Law. It holds that, in an economy governed wholly by free market forces, supply will create its own demand and demand will create its own supply. However, free market forces have never fully governed prices, wages, and profits, at least not since the advent of modern industrial corporations. Without broad-based ownership, in a totally free marketplace, workers have only their labor to sell in direct head-to-head competition with modern technology. Market wage rates would drop to near-starvation levels and profits would continue to be ploughed back to finance new and ever more efficient labor-saving technology.

In the face of this dilemma—a by-product of society's failure to promote contributive justice systematically through expanded capital ownership—income redistribution schemes of all sorts and Keynesian demand-side expedients were employed to head off unemployment and declining mass purchasing power.

Politically, as long as workers are denied access as owners to the full profit potential of the companies that hire them, the rules of superior clout and special privilege and not the laws of supply and demand, will continue to distort wage rates. Government-subsidized jobs and welfare handouts reinforce these distortions of the freely competitive marketplace.

But, expedients do not produce harmony or justice in the economy. Instead, these distortions have further increased the centralized power of government, on the one hand, and have weakened the incentives and potential for sustained growth of the free enterprise system on the other.

Under distributive justice, how would just prices, just wages, and just profits be determined? As Aristotle first pointed out, the free and competitive marketplace is civilization's most just and objective means for measuring economic value. Unlike the political marketplace, which can totally ignore the minority view, the economic marketplace is totally democratic. Consumer sovereignty reigns, not some tiny bureaucratic elite. Everyone votes in the marketplace with his or her dollars. And every vote counts. Under distributive justice, government would stop trying to repeal the immutable laws of supply and demand by fiat. It won't work anyway. A just economy would never allow coercion to influence the choices of any buyers or sellers of economic goods and services. Nor would it allow government to provide special privileges, protections, or monopolies to distort competitive market forces. Instead, government's proper role would be to lift barriers that prevent anyone from participating freely in marketplace competition.

By lifting barriers to entry for budding entrepreneurs and innovative firms—particularly through broadened access to lower-cost capital credit—"just prices" can again be controlled by free market forces.

An economically just economy would offer a new kind of "social contract" to organized labor. Under a more just labor deal, future gains for workers would be linked directly to new capital formation and expanded ownership participation, taking the form of monthly and annual bonuses, company stock and dividend incomes, all earned out of future profits. Increased earnings would flow directly from increased productivity. With an open door to ownership rights, workers could afford to allow "just wages" to be set by free market forces.

With "just prices" and "just wages" set by private decisions within a reasonably competitive marketplace, the residual income of each firm must necessarily be considered "just profits." Because he failed to see the potential of expanded capital ownership, Karl Marx naively treated private property as an evil to be abolished and thus concluded that profits, the "wages of capital," should be treated as "stolen labor." Marx missed the boat. He never thought of the concept of restorative justice.

RESTORATIVE JUSTICE

Restorative justice is a set of principles to restore harmony and balance between contributive justice (supply) and distributive justice (demand). Restorative justice generally is called into play by unjust actions or non-actions by government. Monopolies, special privileges, barriers to opportunity and free markets, and laws eroding property rights are common examples of injustices that must be corrected by restorative justice. Restorative justice thus aims at re-synchronizing supply-side economics with demand-side economics, not through more governmental intervention of coerced redistribution, but by restoration of the Institu-

tion of private property and the laws of supply and demand.

Restorative justice maintains a system of economic justice through concepts of limitation, feedback, and balance.

For example, restorative justice recognizes that private property has limits. One's property cannot be used, for example, to deprive others of their life, liberty, or property. While restorative justice recognizes self-interest as a virtue, it views greed as a vice. For a few to hoard access to property far in excess of their living needs and desires, while many poor people are denied access to ownership of the tools they work with, automatically violates the principle of equality of economic opportunity, a basic tenet of contributive justice. It, in turn, distorts the income patterns and logic of distributive justice. Restorative justice would attack, therefore, the institutional sources of ownership monopolies; then future ownership opportunities would become accessible to many new owners.

Restorative justice also recognizes that no monopoly can exist without the approval or tolerance of government, civilization's only legitimate source of monopoly power. Government not only has the power to monopolize all Instruments of coercion and can gradually destroy private property through its taxing powers. It also enjoys, through its central banking system, a potential monopoly over the nation's money supply. Because these centralized powers pose a continuing threat to the sovereignty of individual and private associations, a just society clearly limits and defines the roles and powers of government.

By combining its coercive powers, its taking powers, and its money creation powers, government can centralize the ownership of private property. Or it can gradually eliminate private property rights entirely. Or it can totally restore the Institution of private property, particularly in corporate equity, so that present owners as well as future owners can share more equitably in the fruits of an expanded free enterprise system.

Restorative justice can also be used to restore long-lost rights of owners. It can improve the accountability of managers to the owners of the enterprises they manage. It can remove from management and majority owners the arbitrary power to withhold profits from minority owners. It can force managers to justify their investment decisions by making available to them new equity markets to meet corporate growth requirements. It can also insure that corporate boards of directors are more broadly representative of their stockholders, while still insulating corporations from misguided political pressures to add special interest representatives as board members.

Restorative justice generally can help in determining the outer limits of government involvement in the economy, aiming at keeping governmental functions at minimal levels while encouraging expanded economic decision-making among individuals and private sector institutions. A just government assumes a pro-competition stance with respect to business, while discouraging future monopolies, privileges, and protectionist legislation.

Assuming that ownership barriers are lifted and that unions would be willing to negotiate a new "social contract" with management regarding ownership rights for their members, restorative justice would encourage democratic trade unions as indispensable institutions for promoting economic justice. To avoid syndicalism or other forms of collective ownership (in contrast to joint individual ownership), unions representing non-executive employees should remain independent of management. This functional separation between union representatives and corporate executives avoids conflicts of interest and confusion in the institutional role of a union. Thus, the union should never hold ownership or have the power to hire and fire management. A representative board of directors, independent of the union, would serve as a buffer between management and non-executive employee-owners. Restorative justice thus offers new subjects for bargaining between organized labor and management, allowing both sides to finally exchange the outdated "conflict theory" of labor relations for a new theory based on mutual gain.

Charity should never take the place of justice. True justice reduces the need for charity by helping people, particularly victims of previous injustices, to help themselves. Thus, redistribution of income must gradually be supplanted by redistribution of future ownership opportunities. Nevertheless, restorative justice recognizes the legitimate role of government in providing welfare and other assistance for those who cannot help themselves. Private and public charity can thus help people meet their minimum income needs. But these expedients cannot replace the structural reforms needed to expand the economy and to enable more families to share as owners in the fruits of industry. Ideally, as ownership incentives expand, no one would remain dependent on government welfare or charity to meet their income needs.●

COPYRIGHT ROYALTY TRIBUNAL SUNSET ACT OF 1985

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SYNAR. Mr. Speaker, yesterday I introduced for myself and Mrs. SCHROEDER the Copyright Royalty Tribunal Sunset Act of 1985. I would like to request that the act be printed in full for the RECORD.

The act follows:

H.R. 2752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Royalty Tribunal Sunset Act of 1985".

SEC. 2. TERMINATION OF COPYRIGHT ROYALTY TRIBUNAL.

The following provisions of title 17, United States Code, shall cease to be in effect on the date of the enactment of this Act:

(1) ESTABLISHMENT OF COPYRIGHT ROYALTY TRIBUNAL.—Subsections (a) and (c) of section 801.

(2) MEMBERSHIP OF TRIBUNAL.—Section 802.

(3) PROCEEDINGS OF TRIBUNAL.—Subsections (a), (b), and (c) of section 804.

(4) STAFF OF TRIBUNAL.—Section 805.

(5) ADMINISTRATIVE SUPPORT OF TRIBUNAL.—Section 806.

(6) REPORTS.—Section 808.

SEC. 3. TRANSFER OF FUNCTIONS OF COPYRIGHT ROYALTY TRIBUNAL TO REGISTER OF COPYRIGHTS.

(a) TRANSFER OF CERTAIN FUNCTIONS.—There are hereby transferred to the Register of Copyrights all functions of the Copyright Royalty Tribunal under the following provisions of title 17, United States Code:

(1) AUTHORITY TO MAKE, DISTRIBUTE, AND DETERMINE CONTROVERSIES REGARDING ROYALTY FEES.—Paragraphs (1), (2), and (3) of section 801(b).

(2) PROCEDURES.—Section 803.

(3) NOTICE OF PROCEEDINGS; FINAL DECISIONS.—Subsections (d) and (e) of section 804.

(4) DEDUCTION OF COSTS OF PROCEEDINGS.—Section 807.

(b) GENERAL TRANSFER.—All functions of the Copyright Royalty Tribunal which are not terminated under section 2 of this Act on or before the date of the enactment of this Act and are not otherwise transferred under this section are hereby transferred to the Register of Copyrights.

(c) LIMITATIONS.—

(1) PENDING MATTERS.—The functions transferred under this section may be exercised by the Register of Copyrights only to the extent necessary to dispose of matters pending before the Copyright Royalty Tribunal on the date of the enactment of this Act.

(2) RATES.—The Register of Copyrights may not increase, decrease, or in any other manner change the royalty rates—

(A) established by the Copyright Royalty Tribunal under sections 111, 115, 116, 118, and 801(b), of title 17, United States Code, and

(B) in effect on the date of the enactment of this Act.

(d) EFFECTIVE DATES.—Any function transferred under this section shall be effective for the period beginning on the date of the enactment of this Act and ending on January 1, 1988.

SEC. 4. FINAL DETERMINATIONS; JUDICIAL REVIEW.

(a) EFFECTIVE DATE OF FINAL DETERMINATIONS.—Section 809 of title 17, United States Code, relating to the effective date of any final determination by the Copyright Royalty Tribunal, shall apply under the same terms and conditions and to the same extent to any final determination by the Register of Copyrights made after the date of the enactment of this Act.

(b) JUDICIAL REVIEW.—Section 810 of title 17, United States Code, relating to judicial review of any final decision of the Copyright Royalty Tribunal, shall apply under the same terms and conditions and to the same extent to final decisions of the Register of Copyrights made after the date of the enactment of this Act.

SEC. 5. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.—The assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with, any function transferred by section 3 of this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the Register of Copyrights for appropriate allocation. Unexpended funds transferred under this subsection shall be used only for the purpose for which the funds were originally authorized and appropriated.

(b) EFFECT ON PERSONNEL.—All commissioners, employees, and other personnel of the Copyright Royalty Tribunal shall be terminated from employment 60 days after the date of the enactment of this Act.

(c) INCIDENTAL TRANSFERS BY OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget, in consultation with the Copyright Royalty Tribunal and the Copyright Office, shall—

(1) make such determinations as may be necessary with regard to the functions transferred under this Act; and

(2) make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions,

as may be necessary to resolve disputes between the Copyright Royalty Tribunal and the Register of Copyrights in carrying out the purposes of this Act.

(d) TRANSITION.—The Chairman of the Copyright Royalty Tribunal and the Register of Copyrights shall, beginning as soon as practicable after the date of the enactment of this Act, jointly plan for the orderly transfer of functions under section 3 of this Act.

(e) SAVINGS PROVISIONS.—(1) Subject to section 6 of this Act, all orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(A) which have been issued, made, granted, or allowed to become effective by the Copyright Royalty Tribunal, any authorized official, or a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Register of Copyrights, and

(B) which are in effect on the date of the enactment of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Register of Copyrights, any other authorized official, a court of competent jurisdiction, or by operation of law.

(2) Subject to section 6 of this Act, the transfers of functions under this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Copyright Royalty Tribunal; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

SEC. 6. CERTAIN FUNCTIONS OF TRIBUNAL EXERCISED AFTER JUNE 12, 1985, TO HAVE NO EFFECT.

Any functions exercised by the Copyright Royalty Tribunal after June 12, 1985, under any provision transferred under section 3 of this Act shall not be effective.

SEC. 7. DEFINITION.

For purposes of this Act, the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be.●

DEFICIT REDUCTION: A MISSED OPPORTUNITY? MAYBE NOT YET

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. MACKAY. Mr. Speaker, last month the House of Representatives and the Senate each passed first budget resolutions which contain deficit reduction totals of about $56 billion in fiscal year 1986. It is most important to note that each achieves its totals by reducing different programs. Further, it is important to realize that each is based in what we now know to be faulty economic assumptions.

Recently published statistics show markedly slower economic growth than that projected in both House and Senate budgets. Coupled with other overly optimistic assumptions, this has led most independent observers to conclude that neither the House or Senate budget resolutions will approach $56 billion in deficit reduction when all is said and done.

It was this same understanding which led my Budget Committee colleagues MARVIN LEATH, JIM SLATTERY, and me to offer an amendment during floor consideration of the budget resolution to increase the deficit reduction package to $75 billion. While it also used the "rosy scenario" economic assumptions, it was at least large enough to yield large deficit reduction even when calculated with more accurate assumptions. That effort was unsuccessful for several reasons. I believe, not the least of which was the fact that many members were then unaware that so much of the $56 billion in savings in the committee's resolution was based on inaccurate projections.

Now, the business press is making the current situation very clear. Some, including Robert J. Samuelson of Post-Newsweek, have come to the conclusion that the opportunity to reduce deficits this year has been lost. I am inclined to agree, but it does not have to be so.

Consider for a moment that both BILL GRAY, chairman of the House Budget Committee—and thereby the leader of our House conferees—and BOB DOLE, the Senate majority leader have been recently quoted in the press as indicating a possibility that the conferees recognize the problem and may turn to additional revenues to be applied to deficit reduction—a key feature of the Leath amendment.

If we add that prospect to the possibility that the conferees could be persuaded to consider compromising differences between the House and Senate versions by tending to favor the version which yields greater deficit reduction, then perhaps—just perhaps—a chance for significant deficit reduction still remains.

I implore each Member of the House to contact the conferees and counsel in advance, not retreat from the $56 billion figure.

In Samuelson's column in Wednesday's Washington Post he observed that the inclination of Members of Congress early in the process strongly favored large deficit reduction. He points out—accurately, I am afraid—that much of that feeling was squandered by the President's stubborn refusal to offer any realistic encouragement, particularly regarding revenues.

I insert Mr. Samuelson's column at this point in the RECORD and strongly urge you to read it.

But maybe it's not too late. Maybe we still have a chance. Maybe the conferees can be encouraged to return a conference report with significant deficit reduction even when measured by more realistic economic assumptions.

But it won't happen if we allow Samuelson's conclusion—that the battle has already been lost—to come true.

Let's not give up yet. Contact the conferees. Urge them to keep moving forward toward deficit reduction.

A MISSED OPPORTUNITY

The worst thing about Amtrak is the man who runs it. W. Graham Claytor Jr. is the ex-boss of a super-efficient railroad (the Southern) and an ex-secretary of the Navy. Competent and charming, he gives Amtrak a good name. We need an illiterate bum as head of Amtrak to show it for what it is: a waste of government money. Since 1971, it's wasted nearly $9 billion, and chances are that it will once again escape David Stockman's clutches and go on wasting indefinitely.

Amtrak's survival is a fitting epitaph to this year's budget debate. You and I are bored with these budget battles, and so is Congress. But they will continue, precisely because our political process cannot make discriminating choices about what government should and shouldn't do. We missed a real opportunity this year for major deficit reductions because the president was indifferent—almost hostile—and Congress was incapable of independently discarding government's garbage, Amtrak being a good example.

The White House blundered on the budget; there is no other way to put it. The raw ingredients for a grand deficit deal existed early this year. Many congressional Republicans and Democrats wanted it, and so did some key interest groups.

Consider the American Association of Retired Persons, a lobby for the elderly. While officially opposing a freeze in Social Security's cost-of-living adjustment (COLA), AARP indicated that it might accept one as part of a comprehensive package. This meant two things: the package had to

reduce deficits sharply and it had to be "fair" by including a tax increase and lower defense spending.

Well, we didn't get that kind of deal or package. The virtue of putting everything—all spending and a tax increase—on the table simultaneously is that it forces Congress to choose among lesser evils. But to work, the process requires presidential blessing and involvement; otherwise, Congress suffers all the political backlash. The aura of shared sacrifice is essential, and Reagan wouldn't play. Having dug in his heels on taxes and defense spending, the president remained mindlessly rigid and forfeited the opportunity to forge a bipartisan coalition.

In the end, he has probably lost on defense without getting much in return. He wanted a 5.9 percent after-inflation increase; the Senate passed no increase, while the House voted a 3.3 percent decline. Meanwhile, many sensible administration proposals to end ineffective domestic programs, from Amtrak to the Small Business Administration, have vanished. And the most controversial part of the Senate budget package, the one-year Social Security COLA freeze, is clearly vulnerable because the House didn't touch Social Security.

We won't know the final results for months. The House and Senate have to reconcile different budget resolutions and then Congress has to pass actual spending bills. But my guess is that when it's all over, and assuming no major recession, Congress will have shaved $80 billion to $100 billion from the $257 billion "baseline" 1988 deficit estimated by the Congressional Budget Office. The remaining deficit would exceed 3 percent of the gross national product; except for two recession years, it would be larger than any peacetime deficit before 1982.

Without presidential leadership, Congress instinctively protects the status quo. Programs survive not only because they have constituencies, but also because they satisfy congressional egos. They are political trophies not to be revoked, regardless of their usefulness. The Senate budget kills some programs but, with the exception of general revenue sharing, the House keeps everything. Outside Social Security, it made a few modest cuts (Amtrak lost 10 percent), but in general it achieved its domestic savings by imposing a one-year spending freeze on most programs. This approach preserves the worst in government.

Consider Amtrak. It accounts for only 0.25 percent of intercity passenger travel. Even in the Northeast Corridor, which provides about half its traffic, it's not essential; its 29,000 daily passengers are tiny against the corridor's population of about 40 million. The idea that Northeast airports would be inundated without it is absurd. Many Amtrak passengers are commuters; in the Northeast Corridor, only 12 percent travel between New York and Washington. We're told that other transportation subsidies justify Amtrak's which is wrong. The answer is to cut those subsidies, not to entrench Amtrak's. Also, the subsidies are hugely unequal per passenger mile traveled. Amtrak's is nearly 120 times as large as commercial aviation's.

There is a cynical mind-set here that ultimately demeans government itself. The political test for a program is whether it exists, not whether it serves an important national need. A dollar spent for Amtrak is valued the same as a dollar spent for biomedical research, regardless of which provides greater public benefits. Small programs are saved because they are said to be too tiny to affect the deficit, but together many bad small programs do bloat deficits.

There's also only a dim appreciation of the deficits dimensions. Ask Amtrak's Claytor what to do and he responds: raise taxes. But this overlooks the size of the tax increase required and its potential economic harm. Assume a 1988 deficit of $160 billion. Closing two-thirds of that would require a 20 percent increase in income taxes. (Those who reject any higher taxes are equally wrong. No one, including David Stockman, has yet shown how deficits can be eliminated without higher taxes.)

I think both Congress and Reagan will come to regret this year's missed opportunity to make larger cuts in the deficits. Washington's attention is now drifting to tax reform, but the budget problems will not vanish. When they resurface, so will the painful choices they pose. Reagan's victory in avoiding tax increase is Pyrrhic; taxes will someday be raised.

But the real threat to his reputation is more subtle. Americans expect their presidents to make the difficult decision no one else will. In his first term, Reagan did just that in cutting inflation. But his second term may be a different story and have a different result: evasion is not the path to public esteem.●

THE CLINGER COAL BILL

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. CLINGER. Mr. Speaker, today I am introducing a bill which is designed to stimulate the consumption and production of domestic coal. Such legislation is necessary if the United States is to fully develop its natural resources in order to eventually become independent of foreign energy sources. It is extremely important that this country begin to once again draw upon its vast coal reserves, estimated to be approximately 33 percent of the world's total known coal supply.

As a representative from the coal producing State of Pennsylvania, I am embarrassed to see that the United States, with its great coal reserves, is today importing coal because foreign countries can provide our industries with lower rates than some of our domestic producers. For example, currently the United States is importing a significant amount of coal from Colombia because this South American country can supply coal to the southeastern section of the United States for less than our domestic producers in the Appalachians. This situation, Mr. Speaker, summarizes the current state of the United States coal industry.

It is vital that we act now to spur the production and consumption of domestic coal so that our national security and economic well-being can be insured. If we do not encourage the production of our coal resources, it has been estimated that we will face another energy crisis, like those of the 1970's, during the early 1990's. Will this country never learn the consequences of energy dependence? It is my hope that we can act today in order to become the world's energy leader of tomorrow.

It is important to realize that there is a significant world market for coal. Currently, the United States, Australia, South Africa, Poland, and Colombia are the major world coal suppliers. The world market for steam coal is expected to double by 1995, according to the Energy Information Administration. If the United States is to remain a dominant force in the world coal market, we must act now to strengthen the domestic coal industry.

If enacted, the coal bill will amend the Internal Revenue Code of 1954 to increase the energy investment credit for conversions to coal-fueled facilities, among other things. By providing additional tax incentives to private industry, the coal industry will be allowed to progress and thrive as compared with its currently depressed state. The need for these incentives is illustrated by the fact that: First, the United States currently is importing coal from mainly Canada, Poland, South Africa, and Colombia for domestic use; second, the United States currently has a stockpile of coal; and third, the consumption of domestic coal is decreasing.

The coal bill would institute the following changes in the Internal Revenue Code: Extend for 10 years the 10-percent tax credit for facilities to convert to coal. Provide for a 1 year amortization for pollution control equipment—presently 5 years. Increase the investment tax credit for the purchase of mining equipment from 10 to 15 percent. Increase tax credits to 50 percent for the research and development of coal-related technology. Require Federal electric powerplants and fuel-burning facilities to convert to coal. Repeal the 15-percent reduction in the percentage depletion for coal.

I am delighted that three Representatives have agreed to be original cosponsors of my bill, JOHN MURTHA, NICK J. RAHALL, chairman of the Congressional Coal Group, HAROLD ROGERS, chairman of the coal export caucus and myself have formed a bipartisan group for the introduction of this bill. Our goal is to revive our Nation's coal industry while simultaneously encouraging national energy independence.

Needless to say, increasing the tax credits for the coal suppliers and users can do nothing but expand the use of coal. In addition, accelerating the depreciation rate for pollution control equipment by decreasing the associated amortization period will allow coal users to more easily meet established

environmental standards. Thus, it will become more affordable for a firm to use coal without adversely affecting the environment.

Increasing the tax credits for the research and development of coal-related technology will encourage the coal industry to develop the cleaner and more efficient energy-producing capabilities which this country will need in the near future. Only through expanding coal-related technological capabilities will we as a country be able to produce large quantities of synthetic fuels without endangering the environment.

Additionally, requiring procedures for conversion of Federal electric powerplants and fuel-burning facilities to coal will lead to the Federal Government's more efficient use of our most abundant energy-related natural resources. Federal conversion to coal power can establish a model for the private sector to follow so that a greater utilization of coal-produced electrical power can become a reality throughout the Nation.

Finally, it is very important that the 15-percent reduction in the percentage depletion allowance for coal be repealed. This is perhaps the worst time to make changes in the percentage depletion allowance which has been law for a half century. The domestic coal industry is beset by problems of slack demand and the trade disadvantage of the strong dollar. The industry is already sustaining heavy losses and has taken on debt burdens that are terribly hard to carry. This has led to a frightening lack of employment security for those miners so dependent upon the health of the industry. Now is not the time to tamper with laws which bolster both employment security and energy independence.

I cannot emphasize enough how important it is that legislation be passed which encourages the development of our coal resources. I believe that the coal industry will be able to expand and prosper if the proposed tax reforms become law and the Federal Government consciously promotes the conversion of our fuel-burning facilities to coal. This proposed legislation will not only establish the foundation for a healthy coal industry, but it will also allow this country to take serious steps toward genuine energy security and independence.●

REORGANIZATION OF THE JOINT CHIEFS OF STAFF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SKELTON. Mr. Speaker, this morning, I testified before the Investigations Subcommittee of the Armed Services Committee concerning the reorganization of the Joint Chiefs of Staff. I ask that my statement be made part of this RECORD:

STATEMENT OF HON. IKE SKELTON ON H.R. 2314, NATIONAL COMMAND REORGANIZATION ACT OF 1985, JUNE 13, 1985

Mr. Chairman, members of the Subcommittee, ours is a dangerous world. We need only read the daily newspaper and watch the evening newscasts to realize that sad yet simple truth. In such a precarious environment it is important to maintain strong military forces, forces poised ready to react swiftly and efficiently if the need arises. Probably the most important defense issue we will consider this year is the matter of reorganizing the Joint Chiefs of Staff because it is one that will have the most enduring effect on our military posture. Last year's accomplishments in this area were only a beginning. This year there are strong indications the Senate will give keen attention to this vital matter.

I believe this Subcommittee is performing a high service in continuing to address this topic now. In the past, this country has reviewed its military organizations only in the wake of a war or disaster. This renewed effort for change was sparked through articles written by General David Jones and General Edward Meyer three years ago. The temptation for persons holding such positions is to put out daily fires, to the neglect of long range issues such as strategy and organization.

The primary effort behind this latest attempt to improve the operation of the nation's highest level military staff organization came from military leaders familiar with the system. These military leaders can recognize the irony in arming ourselves with planes, tanks, and ships for the year 2000, while our highest military staff organization retains a structure that for the most part, belongs to an era that President Eisenhower warned a quarter of a century ago no longer existed.

Our senior military officers are hobbled right now. We, the Congress, should supply them with not only with first rate weapons, but with an organization that will help them do their job better. Reorganizing the workings of the JCS system will not cure everything. But it should be recognized that bad organizations can hinder, while better ones can help.

The best way to portray the inadequacy of the current JCS organization is to identify those flaws that remain within the system and then enumerate the provisions in this bill that address those flaws. I will mention only a few:

The inherent conflict of interest by the "dual-hitting" of the service chiefs.

The inability of the JCS to provide clear, concise, timely and responsive military advice.

The inability of the "dual-hatted" service chief to do two jobs well, to be a member of the Joint Chiefs and to be a service chief.

There is little disagreement about the existence of defects in the current system. Where viewpoints diverge is on how far it is necessary to go in order to correct these defects. In my view, nothing less than a fundamental change in the status quo is needed. Let me repeat the testimony of a former Army Chief of Staff, the distinguished General Shy Meyer, who before this subcommittee in the ninety-eighth Congress stated, "I believe that little meaningful will happen if you just tinker with the JCS. I think it is part of the whole system that must be changed and I believe . . . this will provide the opportunity for us to improve the military advice to the Secretary of Defense."

Let me now summarize some of my bill's key sections:

Section 2 defines the National Command Authorities as consisting of the President and the Secretary of Defense, and sets out the military chain of command to run from the President to the Secretary of Defense, from the Secretary of Defense through the Chief of Staff of the National Command Authorities, and from the Chief of Staff of the National Command Authorities to the commanders of the unified and specified commands.

Section 3 abolishes the Joint Chiefs of Staff and the position of Chairman of the Joint Chiefs of Staff, and transfers the functions, powers and duties of these two entities to a newly created Chief of Staff of the National Command Authorities. This officer will be the highest ranking officer in the armed forces, and he will be the principal military advisor to the President, the National Security Council and the Secretary of Defense. He is given the same duties that are currently assigned by law to the Joint Chiefs of Staff. Provision is made for one Deputy Chief of Staff to assist the Chief of Staff, who will be of four star rank.

Section 3 also establishes a Joint Military Staff as a successor to the current Joint Staff. Officers will be assigned to the Joint Military Staff for a period of up to four years. An officer completing a tour of duty with the Joint Military Staff may not be reassigned to that Staff for a period of two years except with the approval of the Secretary of Defense.

The section further contains provisions designed to ensure that officer personnel policies give appropriate consideration to performance as a member of the Joint Military Staff.

Section 4 establishes a National Military Council consisting of five members of the armed forces, and at the option of the President, one civilian. The bill specifies the members of the Council are to be senior officers, either recalled from retirement, or on their last tour of duty. They would be appointed for three-year staggered terms, and could be reappointed. They would hold four star rank.

The National Military Council would provide the President and the Secretary of Defense with advice on matters pertaining to national security policy, national and military strategy, and the responsibilities of the national command authorities; and with independent assessments of the way in which national security policies and defense programs carried out by the Department of Defense. The Council would be required to provide advice on its own initiative as well as responding to requests from the President and the Secretary of Defense. A member of the Council designated as its Chairman would preside over the Council, and represent the Council at the meetings of the National Security Council.

The National Military Council would improve the quality of advice from the military to civilian decision-makers, particularly on long-term national problems and future military policy. This is precisely the kind of advice that is needed in order to make sound decisions on future force structures and on the long-term procurement of weapon systems.

By contrast, the Chief of Staff of the National Command Authorities would be re-

sponsible for advice on matters related to *current* military policy, strategy, and major Department of Defense programs, and on all major matters related to current forces.

Section 5 contains several more provisions designed to ensure that the members of the Joint Military Staff are the most outstanding in the armed forces. It requires that joint experience be given substantial weight in the promotion of officers to flag rank. In addition, it permits the Chief of Staff of the National Command Authorities to recommend a certain number of officers for promotion to flag rank from among those serving on the Joint Military Staff.

Response to my proposal, from our colleagues here in the House and Senate, from senior members in the military, and from former high-ranking civilian defense officials, has been extremely favorable.

As you can see, the National Command Reorganization Act is designed specifically to remedy the flaws in the current system. By taking away the joint responsibilities of the service chiefs, the bill frees them to devote full time to running their respective services. No matter how dedicated or talented an individual, no man can serve two masters. My bill removes the need to work in two jobs at once; the built in conflict between service interests and joint interests is eliminated.

Let me emphasize I do not believe the problems in the JCS are related to people. Thus, I respectfully disagree with the contention of the Secretary of Defense that organizational change is not needed. He and others argue that good people can make the JCS system work. Yet good people are not enough. Some of our best people, some of the most outstanding members of the JCS, have been leaders pointing out the flaws in the present system and the need for drastic reform. These defects in the Organization of the JCS have been long recognized. They will not disappear by being ignored.

There is another point I need to make. This bill will not lessen civilian control of the military. If anything, the bill will improve civilian control, by ensuring the decision makers get better, more timely advice on military strategy and policy. The inefficiency and ineffectiveness of the present JCS system is not the best way to ensure civilian control. Indeed, the problem today is that, because of the watered-down, common-denominator advice received from the JCS, Secretaries of Defense have turned more and more to advice from civilian staffs on matters where the military voice needs to be heard. This bill would help restore a proper balance.

An important issue that requires attention is whether having a single, dominant military officer as the Chief of Staff of the National Command Authorities will stifle divergent views among the armed services. Here again, the bill is drafted so this will not happen. The bill requires the Chief of Staff to consult with and give close attention to the views and recommendations of the service chiefs and the commanders of the unified commands. In addition, the National Military Council will serve as a form of "checks and balances" on the Chief of Staff. Individual members of the Council will be able to provide advice and assessments in the same manner as the Council as a whole. In short, a President or Secretary of Defense who wants divergent views should have no trouble obtaining them under the system established by my bill.

Let me continue my discussion on another matter. There remain those who insist that recent changes, made by the JCS and by the Congress over the past few years, have alleviated the need for further reform. I commend the efforts taken by the Chairman of the Joint Chiefs, General John Vessey, to try to improve the workings of the present system. Giving greater voice to the CINCs, and establishing a system of assigning an acting Chairman on a quarterly basis when the Chairman is not available are positive efforts. In the same vein, I was happy to hear the Chairman recently express "delight" with the authority Congress gave him last year to select Joint Staff officers. He revealed that he has used that authority on more than one occasion to good effect. Yet such efforts are only a beginning. They really don't address the fundamental problems which I described earlier.

Some critics have assailed the advocates of JCS reorganization as a "coalition of civilian armchair strategists, who don't really understand the Pentagon bureaucracy." Our "coalition," includes such civilian armchair strategists as Harold Brown and James Schlesinger, (former secretaries of defense who well understand the Pentagon bureaucracy) and such former military staff officers (and combat leaders) as Maxwell Taylor, Andrew Goodpaster, David Jones, and Shy Meyer. These former high ranking defense officials, civilian as well as military, are only a few among the many who have complained about the caliber of the advice produced by the JCS.

Over the past 40 years, over 20 separate studies have looked into the matter of reorganizing the way the Joint Chiefs operate. Obviously there is something wrong.

Many of these same critics express the fear that proposals such as the one I am advocating today would lead to the creation of an elite, German-style, general staff. This fear deserves to be addressed. The larger answer to their concerns is that the United States has no tradition of military dominance and is not remotely in danger of any such development today. France, Britain, Canada and the Federal Republic of Germany have unified service staffs. No one has argued that those democracies have been undermined by such efforts.

In essence, my bill will make the National Command Authority a more unified operation and will give us the opportunity to save money for the military, which *is* a subject on everyone's agenda. Let me be more specific here by referring to the testimony of former Secretary of Defense Robert McNamara before this committee in May, 1983. He stated, "there is duplication within the budget today because there is not a unified strategy or unified structure. The budget is basically the result of independent services operating semi-autonomously." Mr. McNamara went on to say that, "the defense department could save on the order of 5 percent as a minimum, and we are talking about $300 to $400 billion per year, and 5 percent is a lot."

What the current system gives us is most of each service's "wish list," with resulting duplication of weapons systems, and overlapping missions and responsibilities. I am convinced the potential for saving defense dollars by reforming the current JCS system is enormous. With my bill, we will be providing a system that in the long run will allow us to have a strong, adequate defense along with some financial savings.

In closing, let me once more commend the Subcommittee for its willingness to tackle this issue again. I reiterate—this is the most important defense issue we will face this year. We can no longer afford to let interservice, watered-down advice protect the parochial service interests at the expense of the joint interests of the nation.

Now is the time to make the final reform effort, Mr. Chairman. We cannot allow a crisis to expose the frailties of our command structure, because then it will be too late. The comprehensive hearing compiled by this subcommittee in 1982 has made it clear that fundamental changes in the JCS are needed. I believe my bill, the National Command Reorganization Act of 1985, makes those necessary changes, and I urge the Subcommittee to consider this proposed legislation favorably.●

FREEDOM OF DEMOCRACY

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. LOTT. Mr. Speaker, today it is my honor and pleasure to call to the attention of the Congress the Voice of Democracy Scholarship Program and Mississippi's scholarship winner, Miss Louanne Walter.

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

The program was started 37 years ago with the endorsement of the U.S. Office of Education and the National Association of Secondary School Principals. Sponsorship was provided by the National Association of Broadcasters, Electronic Industries Association, and State Associations of Broadcasters.

Starting in 1958–59, the program was conducted in cooperation with the Veterans of Foreign Wars with the broadcasters still serving as sponsors.

In 1961–62, the Veterans of Foreign Wars assumed sole sponsorship responsibility. At that time, the national scholarship award consisted of a single $1,500 scholarship for the first place national winner.

During the past 23 years under VFW sponsorship, the annual national scholarships have been increased to six, totaling $32,500, with the first-place winner currently receiving a $14,000 scholarship to the school of his/her choice. Student participation has tripled and school participation has doubled.

This past year, more than one-quarter million participated. Over 8,000 schools participated, over 4,000 VFW posts and 3,500 auxiliaries sponsored the program, and over 2,300 radio and TV stations cooperated.

The total monetary value of scholarships and awards provided by VFW posts, auxiliaries, county councils, districts, and departments, amounted to over $675,000 last year. This is in addition to the $32,500 in national scholarships and an annual budget at the national level in excess of $150,000 to conduct the Voice of Democracy Program.

During the 23 years of sponsorship by the VFW, over 5 million students have participated, and awards totaling more than 3 million have been given to winners at all levels in scholarships, savings bonds, and so forth.

Louanne Walters, Mississippi's scholarship winner, is a 17-year-old junior at Gulfport High School in Gulfport, MS. She is the daughter of Bobby and Carol Walters. Louanne's father is in the U.S. Air Force and her family lived in Weisbaden, West Germany, for several years where she gained much of her appreciation for her native-born freedoms. Louanne plans to attend Boston University and study drama. Louanne's winning essay, entitled "My Pledge to America" is printed below:

MY PLEDGE TO AMERICA

"I wish I were dead! I wish I'd never been born!" How many times have you heard this or heard about someone who has said this as a last plea for help? This statement is made far too often by young people. Most people are shocked to learn that suicide is the leading cause of death among teenagers. And why is it? Because those teenagers haven't learned how to be happy. They may look happy, but inside they're tied in knots about school, friendships, family, peer pressure and other adolescent traumas. Dr. Albert Schweizer once said, "The only ones among you who will be truly happy are those of you who have sought and found how to serve". Having taken this philosophy to heart I spend every day seeking and finding new ways to serve the two great influences in my life, my God and my country.

As a Christian, I feel that serving God is a great privilege. The Nun of Calcutta, Mother Teresa, feels the same. She has dedicated her entire life to serving God and others and claims that God rewards her with inward peace and joy. Serving Him, however, often seems minute compared to the blessings He's given us, and the beauty He's created in Nature. We can witness things every day that remind us of the beauty of life; a bird soaring high in the sky; a leaf, colored by the beautiful shades of Autumn, falling softly to the ground; the setting of the sun in a fire-lite sky. Each day I consider it a privilege to be alive and to be a Christian.

An even greater privilege is that of being an American Christian. Just by having the gift of life we have the ability to learn, to communicate, to serve. But by being Americans we have the freedom to choose HOW we will communicate, HOW we will learn, HOW and who or what we will serve.

The founders of our country understood this when they summed up the ideals of America—"Life, Liberty, and the pursuit of Happiness." The French understood it when, a century ago, they gave us "Liberty Enlightening the World" or the Statue of Liberty. Emma Lazarus understood it when she wrote "The New Colossus", the poem inscribed on the pedestal of the Statue of Liberty that closes with the words; "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore, send these, the tempest-tost to me, I lift my lamp beside the Golden Door".

This poem tells the purpose of the lamp and the Golden Door. The lamp proclaims to the world America's policy of freedom, and the Golden Door promises a "new beginning" for all those who are willing and brave enough to travel through it.

Fortunate enough to have been born a United States citizen, I have the opportunity of a "new beginning" everyday of my life. When I was younger I used to take this for granted. But as a military dependent I lived several years of my life overseas. While I was overseas, the hostages in Iran were released. I clearly remember the lump in my throat and the stinging in my eyes as we watched from the second floor balcony of Wiesbaden Regional Medical Center and saw the smiling, victorious faces of the fifty-two men and women who climbed off the bus. If it wasn't for that moment I think I might have remained a dormant American for the rest of my life, proud of my country, but satisfied to never speak out in it's behalf, never tell how truly grateful and in love with this country I am.

I had the added opportunity of comparing the governments of other countries with the government of America. And, if after having seen these comparisons, I had been given the choice of which country I wanted to be born in, I know I have replied, "America, the country that has given me open access to God, freedom, education, and hope for the future."

So now it's time I give a little of myself in appreciation of all the things my country has given me. America already has my heart, and I now pledge my mind. Wherever my talents lie, I will endeavor to dedicate them in service to my country. I pledge to use myself as a tool to glorify two of the most important things in my life, my God and my country, land of the free, home of the brave.●

CLEAN COAL TECHNOLOGY AUTHORIZATION ACT OF 1985

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. WALGREN. Mr. Speaker, yesterday, I introduced, along with Mr. RITTER, Mr. SHARP, Mrs. SCHNEIDER, and Mr. ECKART, H.R. 2754, the Clean Coal Technology Authorization Act of 1985. This legislation directs the Secretary of Energy to establish selection criteria for project funding and, subject to appropriation of funds, conduct a competitive solicitation and fund proposals under the Clean Coal Technology Reserve.

The $750 million Clean Coal Technology Reserve was established last year as part of the $5.4 billion rescission of funds from the Synthetic Fuels Corporation. The purpose of the Reserve is to support, on a cost-shared basis with the private sector, demonstrations of advanced technologies for use by industries and utilities that promise to burn coal more cleanly and efficiently. Although no actual funds were appropriated, the Department of Energy was directed to solicit statements of interest from the private sector and submit a report to the Congress which analyzed the submissions, assessed the potential usefulness of each technology, and identified the extent to which Federal incentives would accelerate the commercial availability of clean coal technologies.

In response to the solicitation, the Department of Energy received 176 statements of interest from submitters in 29 States. More than half of the proposals called for at least 50 percent cofunding by the private sector. Many of us were disappointed, however, that in its report, DOE did not rank the various technologies or identify criteria by which projects should be selected.

Despite DOE's original position that no funds be appropriated for this program, DOE's own Energy Research Advisory Board [ERAB] recommended a change in this policy. According to ERAB:

> The current policy of abandoning a development after Proof of Concept has been established will result in just that—abandonment. The subject of clean use of coal is of major near-term and long-term national importance and deserves a change in this policy.

The Clean Coal Technology Program will help us realize our national goal of achieving independence from foreign oil supplies by more fully utilizing our vast supply of coal resources. Coal is an abundant, inexpensive, and domestic solution to our energy needs, with reserves sufficient to power the Nation for several hundred years.

Yet, despite the promise of coal, its potential continues to go unrealized. Eastern coals are especially valuable because of their high heating value. Yet they are underused because of environmental concerns. Greater coal production would make an important contribution to economic development by raising employment levels and lowering energy costs.

Demonstration of clean coal technologies provides the vital link between DOE's basic fossil energy research program and private sector commercialization. Successful demonstration and commercial application of clean coal technologies would promote greater U.S. energy independence and offer efficient and cost-effective approaches to the reduction of emissions from coal combustion which have been associated with acid rain.

There is a clear national interest in supporting clean coal technologies to the point where they can be commercialized by the private sector. Demonstrating new technologies is both expensive and risky. Because the greatest market for these technologies—utilities—are regulated, they have limited ability to fund such programs on their own. Although we must look to the private sector to take the initiative and to share significantly in cost, there is a need for an appropriate Federal role. The Clean Coal Technology Reserve provides that role.

Mr. Speaker, there are those who argue that we must choose between clean air and dirty coal. I do not believe we need to make that choice. Technologies are emerging that will enable coal to be used more cleanly and more economically, and we all have a stake in bringing these technologies to the marketplace.

Now is the time to go ahead and fund the Clean Coal Technology Reserve and conduct an open and competitive solicitation. Our bill provides the Department of Energy with guidelines with which to establish selection criteria to assure that, with the limited funds that are available, we give priority to technologies with the most immediate and economical applications to reducing emissions to levels consistent with current or future Clean Air Act requirements.

The legislation follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Coal Technology Authorization Act of 1985".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) There is significant potential for the vast domestic coal resources of the United States to play an increasingly important role in the Nation's energy future. Because coal is the largest domestic fossil energy resource, its utilization is important to our Nation's security. Greater coal production would make an important contribution to economic development by raising employment levels and lowering energy costs.

(2) The potential described in paragraph (1) is likely to be realized through the ability to use all types coal at costs which are competitive with other energy sources and in manners which are environmentally acceptable.

(3) An important environmental concern is the emission of sulfur oxides, nitrogen oxides, and particulate pollutants during coal combustion.

(4) Technologies are commercially available to effectively control sulfur oxide emissions, but they are very costly, can consume significant amounts of energy, and present other environmental concerns. In addition, they are often difficult to retrofit to existing units.

(5) Technologies are emerging which could reduce emissions in a more cost-effective manner. The introduction of these technologies is hampered, however, by the policy of the Department of Energy to fund projects only through the "proof of concept" stage, leaving the demonstration and commercialization of technologies to the private sector alone.

(6) Before a technology will be commercialized by the private sector, it must be operated on a scale large enough to obtain data necessary to predict the technical and economic success of the technology. The private sector must lead in commercializing new technologies, but because the largest market for clean coal technologies, utilities, is regulated, there is little ability or incentive for the private sector to assume on its own the risks associated with the introduction of new technologies.

(7) The Energy Research Advisory Board of the Department of Energy has urged the Department to participate, on a cost-shared basis with the private sector, in testing and demonstration programs for the clean use of coal.

(8) Public Law 98-473 established a Clean Coal Technology Reserve containing $750,000,000. In response to a solicitation, the Department of Energy received 176 statements of interest. More than half of the submissions called for at least 50 percent cofunding by private industry.

(9) Because no single technology is likely to be suitable for all situations, the Clean Coal Technology program should focus on a range of technologies for different purposes that can be used alone or in conjunction with one another in an integrative approach.

(b) PURPOSES.—The purposes of the Act are—

(1) to instruct the Department of Energy to conduct a competitive solicitation and fund proposals under the Clean Coal Technology Reserve, based on clearly defined selection criteria; and

(2) to direct that selection criteria to be developed by the Secretary of Energy give priority to technologies which have the most immediate and economical applications to reducing emissions to levels consistent with Clean Air Act requirements.

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Secretary of Energy (hereafter in this Act referred to as the "Secretary") shall establish a program to provide financial assistance under this Act, from the Clean Coal Technology Reserve established by Public Law 98-473, for clean coal technologies on a scale that would provide sufficient data to predict or determine the commercial viability and the technical, economic, and environmental feasibility of such technologies on a commercial scale. Such program shall be open to projects using all ranks of coal and all appropriate technologies, and shall be administered through the Assistant Secretary for Fossil Energy.

SEC. 4. LIMITATIONS.

(a) AGGREGATE.—Total funding supplied by the United States under this Act shall not exceed 50 percent of the aggregate cost of all projects funded under the program established under section 3.

(b) EACH PROJECT.—Funding supplied by the United States under this Act for any one project shall not exceed 70 percent of the total cost of such project.

SEC. 5. CRITERIA.

(a) REQUIREMENT.—The Secretary shall, within 60 days after the date of enactment of this Act, in consultation, to the extent practicable, with the Administrator of the Environmental Protection Agency, develop criteria for the selection of projects to be funded under this Act.

(b) PROJECTS TO BE FUNDED.—The criteria developed under this section shall emphasize, in priority order according to the order presented, the following types of technologies:

(1) Technologies which, alone or in conjunction with other technologies, are designed to enable utilities and industries to more economically meet the requirements of the Clean Air Act.

(2) Technologies appropriate for utility retrofitting, including pre-combustion, combustion, and post-combustion systems, which, alone or in conjunction with other technologies, are designed to more economically reduce atmospheric emissions to the greatest extent practicable.

(3) Technologies, including pre-combustion, combustion, and post-combustion systems, which, alone or in conjunction with other technologies, are designed to reduce industrial atmospheric emissions resulting from switching to coal from other fuels or for retrofitting existing coal-fired units.

(4) Technologies designed to reduce atmospheric emissions from industrial uses of coal in the manufacturing process.

(c) BASIS OF SELECTION.—The criteria developed under this section shall provide for the selection from among proposals for funding under this Act on the basis of—

(1) the level of emissions reduction, number of pollutants controlled, and potential for achieving the optimal pollution control strategy, including integration of sulfur oxide, nitrogen oxide, and particulate control and high overall fuel efficiency;

(2) the size of the potential markets;

(3) applicability to both new and existing units;

(4) the degree to which the proposal will yield the type of data described in section 3;

(5) the extent of funding anticipated from non-Federal sources;

(6) the total cost of the proposed project; and

(7) the timeliness with which the project will be completed.

(d) UTILIZATION OF EXISTING FACILITIES.—The criteria developed under this section shall provide for the greatest practicable use of existing facilities and data bases of the United States, State and local governments, foreign governments, and the private sector, including construction equipment.

SEC. 6. REPORT ON CRITERIA.

The Secretary shall, within 60 days after the date of enactment of this Act, submit a report to the Congress containing the criteria developed under section 5, along with an explanation of how those criteria conform with and carry out the provisions of this Act.

SEC. 7. SOLICITATION.

The Secretary shall, within 60 days after—

(1) the submission to the Congress of a report under section 6, or

(2) the enactment of an Act appropriating funds for carrying out this Act,

whichever occurs later, conduct a competitive solicitation of proposals for projects to be funded under this Act.

SEC. 8. ANNUAL PROGRAM REPORT.

The Secretary shall submit, at the same time as the annual budget request is submitted, an annual report to the Congres detailing the status of ongoing projects funded under this Act.●

TWO OUTSTANDING ESSAYS ON GOOD CITIZENSHIP

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. ANDERSON. Mr. Speaker, I recently received from Dr. William Loiterman of the Department of Political Science of Los Angeles Harbor College, copies of two essays that won the "Prof. Robert W. Dunn—Prof. Harold W. Garvin Political Science Award" for 1985. These essays were written by two students, David Coote and Judith Johnston.

These two essays provide different perspectives on good citizenship and

political involvement. However, both of them exemplify the ability to think and the ability to write. I believe you and our colleagues will appreciate this fact upon reading them:

POLITICAL INVOLVEMENT

(By Judith Johnston)

In recent months I have become increasingly involved with environmental affairs. The original motivation was the discovery of a toxic waste dumpsite close to my house. I have put a lot of time into efforts to get this site cleaned up. I am involved, in a minor way, with the cleanup of the montrose chemical plant property (also located nearby) where they used to manufacture DDT. The EPA is monitoring this study and cleanup.

The community action group that I belong to is called "South Bay Chemical Alert Network." We chose this name so we could use the abbreviation "South Bay C.A.N." A little optimism never hurts. A catchy name helps.

In my political science class this semester we have studied how our system of government works. It has been very interesting to see in practice what we were studying in class. We talked about the "ombudsman" role played by legislators. That is the constituent service they practice. It is your representative assisting you to accomplish a personal goal. As in all human dealings, some of the officials are pleased to see you and sometimes you need a lot of patience just to get in. Persistence does pay off and it is a point in your favor when dealing with elected officials if you represent a good percentage of voters.

Some of the activities I have been directly involved with are as follows. I arranged and attended the meeting at Dan Lungren's office with his top aide, Mark Gravel. It turned out that we were not in their district, but their office did write a letter to Mr. Wise of the EPA for us. Every little bit helps. Linnea and I have been to Ira Reiner's office for a meeting with him and Barry Groveman, his assistant. A group of us went to Dick Floyd's office to enlist his help. Steve Drew and Kate Alston from the EPA office in San Francisco have visited at my house regarding community relations and the montrose cleanup. Mayor Bradley, his aides, and Barry Groveman from the city attorney's office had a brief meeting with our group at Linnea's house, with a press conference following. Angelo Bellomo and other representatives from the Department of Health have been out to view the Cadillac/Fairview dumpsite with us. I have attended public meetings and advisory committee meetings. Kenneth Hahn was the first official to send a representative out to one of our public meetings.

The Department of Health, in particular, seems to require innumerable proddings to do anything at all. It was extremely difficult just to get the fences up at the site, so that children would quit playing on the contaminated ground. I cannot remember how many times I have called the Department of Health. I have talked to Florence Pearson, Joel Moskowitz, Richard Wilcoxin, Corinne Marshall, and others in Sacramento. This is a good example of the inertia possessed by civil servants and appointees alike. It can really block progress.

We also discussed the effect and control media has over our lives. It was clearly demonstrated to me just how necessary it is to get the proper coverage and be sure to say the right things. Out of a five-minute interview the television station will maybe use 45 seconds, so you need to be very succinct. They will use the attention catching phrases. "Toxic waste cemetary" is good, so is "Mayor Bradley—dump buster." As far as the newspapers go you need to ascertain who may be doing a special report on your type of problem; then be sure to invite them, as well as the local papers and "the times." You can really tie a politician into helping your cause by a public voicing of thanks (in advance) for the help he has promised to give you. Of course, he has to have really promised to help before you thank him.

Working with the city attorney's office has been an educational experience as well. They have been extremely willing to assist us in our cleanup efforts. We have seen the results of behind the scenes pressure as applied by the law. It is good form to mention their help to the press also. All officials are appreciative of good press.

As a matter of fact, even the corporations respond somewhat to media pressure. We finally got a promise for 75 percent of the funding for more studies, including health and feasibility, from Dow Chemical, Shell Oil, and Cadillac/Fairview Corporation. They are three of the responsible parties involved in our dumpsite. This occurred as a result of Mayor Bradley's well-publicized visit and meeting with our group. We have had much demonstration of how the corporation tries to achieve its own ends, at our expense, so it was refreshing to get any recognition from them at all. You definitely have to force the issue.

In class we talked about the divisions in government and the responsibilities of each division. Unfortunately, this division of responsibility often causes a lot of unnecessary red tape in actual practice. The county is responsible for this, the city for that, and the State for something else. Trying to figure out where your problem fits can be well-nigh impossible. In the case of the Department of Health, at least, we have found this means the citizen gets bounced from sector to sector with no one claiming responsibility or even authority to handle your problem at all. You make lots of telephone calls to Sacramento, San Francisco, and Los Angeles in your attempt to locate the right department and person.

I have learned a great deal about bureaucracy and the need to apply pressure on and with your elected officials. As a citizen's group we have learned that a most important asset is good press coverage. You have to make lots of noise and keep up the pressure at all times, or you are forgotten. Having the city attorney's office behind us is invaluable. In the beginning we also had a lot of assistance from "citizens environmental defense." They provided us with some funding and lots of good advice.

It is certainly possible that I may continue the fight to clean up our land and establish safeguards, even after my particular goal is accomplished. Next semester I am taking environmental science; my husband expects me to get really fired up in that class. At any rate, it should give me more background and information. There is no justice in people paying with their health for the profits made by major companies.

WHAT GOOD CITIZENSHIP MEANS TO ME

(By David Coote)

In January, 1984 I arrived in the United States having recently been medically discharged from the Officer Cadet School in Victoria, Australia. As I am a political science major intending to transfer to UCLA in 1986, I have taken an active interest in the political climate existing in this country. It is apparent, however, that the interest I display is not shared by my peers. This to me is alarming and it is upon this apathy that I will comment.

Most Western cultures look to the U.S. for leadership and aid in combating those forces intent on denying personal freedom. The responsibility is great upon governmental decisions formulated and passed as a result of your democratic political system. They have far reaching consequences not only for the U.S. but for her allies and enemies around the globe. Yet in a country where individual freedom is paramount, the alarming trend is for the people not to exercise their right to vote. The very nature of the congressman's dual role as representative and legislator is being undermined by voter apathy and poor turnout, especially in non-Presidential years. To perform as a people's representative, the congressman must be sensitive to the people's demands, relying on them to initiate and consider responsible legislation.

Many citizens complain that the political system is complicated and that the bureaucracy is too large. They feel that their vote will not influence the outcome. Well, as the former Australian Prime Minister, Malcolm Fraser, so eloquently put it, "Life wasn't meant to be easy." The system is complicated, but ignorance of the workings of government is no excuse. If the American forefathers had been discouraged by things they did not understand, it is unlikely that the U.S. would be the dominating world power that it is today.

My attitude to voting, being as I am from a country in which voting is compulsory, is that we as individuals have a direct duty to elect responsible members to all levels of government and that one vote does indeed make a difference.

Voting, of course, is not the only way people can become responsible citizens. The keys to responsible citizenship are to be involved, or, at the very least, to be informed. Almost any U.S. citizen can run for office, whether it be on the school board, student government, social clubs, residence committees and other interest groups, or whether it be for governmental positions at local, state or federal level. The individual would thus be involved directly with decision making and policy formulation, and as a result would be aware of the multitude of complexities and demands placed upon elected office bearers at all levels. They should, therefore, be able to vote accordingly and with a degree of responsiblity.

If holding an office is not your cup of tea, then at the very least the individual should be informed on the current issues. Freedom of speech and of the press has given this country's populace access to a staggering amount of government information. One need only examine the effect of the British Secrecy Act upon the British people to see the extent of information available in this country. Newspapers, magazines, governmental reports, TV and radio all work at providing the individual with the necessary information. Active political discussion, although considered a "taboo" subject together with sex and religion, is another important means by which the individual can become aware of current issues, thereby hopefully casting a responsible vote.

Personally, my area of interest is the proliferation of nuclear weapons and the threat they pose to world peace. During my return

to Australia at Christmas (1984), I was "fortunate" to be able to engage in a "lively" discussion with Dr. Helen Caldicott, a prominent advocate of nuclear disarmament. The time is now to act forthrightly against this MADNESS, and I hope that upon my return to Australia I can, with the help of a college education contribute in whatever way possible to achieving world peace.

For the moment, however, I will continue to engage in active political discussion with those in the community. I found the recent voter turnout for the Presidential election alarming and I hope that this is not a continuing trend. The time and effort spent in becoming actively involved in and informed on the governmental process is a small price to pay for responsible government. Only through the actions of a responsibly elected government can the people continue to enjoy the freedom that has become the basis of American society.●

OPPOSE NERVE GAS PRODUCTION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. UDALL. Mr. Speaker, the House next week will take up the Department of Defense authorization for fiscal year 1986. An amendment will be offered by our colleagues JOHN PORTER and DANTE FASCELL to bar production of lethal nerve gas.

If the Porter-Fascell amendment is adopted, it will mark the fourth straight year that this body has refused to allow the Pentagon to resume production of chemical since Richard Nixon stopped production 16 years ago.

The Arizona Daily Star recently had an editorial on this subject urging this House to reject the action of the other body. Specifically, it states:

Nerve gas is the most senseless and horrible weapon in the U.S. arsenal, one the nation can most easily do without. It should be the easiest of all items for Congress to pare from the overblown, record setting Pentagon budget * * *.

It is an excellent editorial. I commend it to the attention of our colleagues:

BARBARIC THINKING—HOUSE SHOULD KILL THE SENATE'S EFFORT TO REVIVE NERVE GAS

Nerve gas is the most senseless and horrible weapon in the U.S. arsenal, one the nation can most easily do without. It should be the easiest of all items for Congress to pare from the overblown, record-setting Pentagon budget.

Most senators don't think so.

They voted 50-46 against an effort to remove nerve gas from the budget. The odorless gas—so deadly that a drop on the skin or even a whiff can cause death within minutes—has not been produced in this country for 16 years.

Hope remains that authority to make the gas will be removed by the House, which in the past three years has refused to approve the weapon.

It is encouraging that Sen. Dennis DeConcini, D-Ariz., reversing his stand of recent years, voted to continue the moratorium on production. Sen. Barry Goldwater, still refusing to see the light, favors production.

The reasoning of those advocating the gas was summed up by Sen. John Glenn, D-Ohio. "It's important that we let the Soviets know that we aren't going to be second best and give them an invitation to attack."

Glenn, as well as the others, knows that the United States and the Soviet Union are so top heavy with nuclear weapons that it would be suicidal for either side to attack.

Even if a conflict began with both sides using conventional weapons, the first to face defeat would fall back on gas or missiles.

Sen. David Pryor, D-Ark., long an opponent of the gas, is correct when he says resumption of production would undermine the U.S. position in Europe. European allies would fight against attempts to stockpile the gas in their countries because they know it would be used there first.

About 1,000 nerve-gas bombs have been in storage in Utah since 1981. They should have been destroyed.

Use of gas is difficult to control. Once released it can kill more innocent civilians than enemy soldiers. NATO troops, including Americans, supposedly would be protected by masks and special clothing. Those whose gear was defective or unavailable would die.

Binary nerve gas is undoubtedly the most inhumane weapon ever devised. It's colorless and odorless. It kills by attacking the nervous system. The victim goes into convulsions, suffers uncontrollable vomiting and is asphyxiated when the respiratory system becomes paralyzed.

To even consider its use is barbaric.●

GENE PELL IS SWORN IN AS DIRECTOR OF THE VOICE OF AMERICA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. BROOMFIELD. Mr. Speaker, today, the recently confirmed Director of the Voice of America [VOA], Gene Pell, was sworn in before a packed auditorium at the VOA. Pell has been a broadcast journalist for 21 years, and has had extensive experience as a radio and television correspondent. His career includes service as chief of European correspondents for the Westinghouse Broadcasting Co., and as correspondent and bureau chief in Moscow for NBC.

The Voice of America, which has the strong support of President Reagan, has a long and distinguished history of reporting news about America to the world. I am pleased to insert in the RECORD the remarks of its new Director on the occasion of his swearing-in ceremony.

The remarks follow:

REMARKS OF GENE PELL

Director Wick, Chairman Feulner, distinguished guests, friends and colleagues of the Voice of America.

This is an exhilarating and humbling experience. I deeply appreciate the Director's remarks and the confidence he and the President have placed in me through this nomination. I am likewise grateful for the support which Republicans and Democrats in the Senate gave to my nomination.

It is difficult to even express the appreciation I feel at the presence of my parents here this morning, or my happiness that so many other members of my family and my about-to-be extended family are also here. I thank them all, most especially Linda, for their love, care and encouragement.

Most of all, I want to express my gratitude to the men and women of the Voice of America. I appreciate your support and your confidence. I am grateful for the opportunity of working with you in a common effort to make the world's number one international broadcasting organization even more vibrant, alive, relevant, and successful.

I believe the Voice of America may be the single-most important instrument of America's public diplomacy. Our reach is enormous; exceeded only by our world-wide influence. Every day of every year we directly touch the lives of tens of millions of people in every corner of this globe, from crowded world capitals to villages and valleys in the countryside of four continents. For many we are the source of news and information about what is happening in their corner and elsewhere. For some, we are the only such source.

For others, we are an international teacher—a teacher of the English language; a teacher of both history and current events. We are a living textbook about America, its institutions, its culture, its heritage, above all its people.

Still others look to us for entertainment and relaxation. We are, for them, an airborne haven from the burdens of their particular lives.

And for many—a great many—we represent hope; in some cases the only hope of those who are oppressed, physically and mentally by the systems under which they must endure.

The current issue of Voice magazine features a historic symbol of America, the Statue of Liberty. Let me suggest, as I did in the magazine's preface, that a second image, America as a mosaic, also represents our country, and that the Voice of America is a reflection of that mosaic.

A mosaic combines pieces of variously colored and textured materials that fuse together to form a whole. Our daily broadcast schedule is like that. While most of Washington sleeps, our Arabic, Polish, Russian, and Farsi services broadcast live from out studios. By noon we have turned out newscasts in Vietnamese, Dari, Hindi, Ukrainian, Lithuanian, Estonian, Latvian, and Turkish. In the evening we send programs in Chinese to Asia and in Spanish and Portuguese to Central and South America, and in English to all the world. Our total effort comes to slightly more than 1,000 broadcast hours a week, in 42 languages, to more than 120 million listeners. This mosaic of languages and programs combines to make up the whole of the Voice of America.

We are all familiar with the words in Emma Lazarus well-known poem about the Statue of Liberty—"Give me your tired, your poor, your huddled masses yearning to breathe free." I think of an equally celebrated poem by Walt Whitman, "I Hear American Singing," singing an incredible variety of sounds, the mosaic of different voices that reflect this country's ethnic, geographic, and political diversity. Our official

international radio network mirrors that diversity. VOA's flashing transmitters around the world are no less a beacon than the proudly raised torch in New York harbor.

And what of the future? President Reagan has said that his commitment to modernizing the Voice of America equals that which the Kennedy and Johnson administrations brought to the space program. With such a strong mandate, with the continued leadership of Director Wick, the backing of Chairman Feulner's Advisory Commission, and the bipartisan support of the Congress we are going to rebuild the VOA during this administration. We will provide the working conditions, the facilities, the studios, and whatever else is required to enable you to get on with your jobs.

Overseas, we are already building and modernizing the transmitting facilities that will enable us to send a strong, clear signal into everyone of our broadcast target areas so that the programs you so carefully produce can be clearly heard by those who want to listen.

We will expand our training programs, offering VOA employees the opportunity to enhance their existing skills and acquire new ones. We will broaden our training programs for foreign broadcasters, particularly those from third-world countries. I want the VOA to be the place where those broadcasters aspire to come. We have a responsibility to share our knowledge and our expertise, and I am not prepared to cede that role to any other international broadcaster—from the west or the east.

We will expand and enrich our field placement services, making our programs more available for indirect broadcast on all continents, through local radio stations which have a need and a hunger for the kind of quality we produce.

We are returning to the business of broadcasting to our friends in Western Europe through the development of VOA-Europe—which is now in its formative stage.

Above all, we are going to improve our product—making it even more professional, more relevant, more listenable—while maintaining absolute fidelity to the principles of the VOA Charter which we all know so well.

This is our greatest challenge—finding new and better ways of conveying meaning, substance, and context to our world-wide audience. Let me share a personal observation with you. I find it ironic that we are in the midst of an explosion of knowledge—a veritable information revolution. Yet our treatment of the news sometimes reflects strikingly shallow interpretations of the information and knowledge available to us.

More than a century ago one of America's great writers addressed himself to this problem in his own generation. Henry David Thoreau wrote: We are in great haste to construct a magnetic telegraph from Maine to Texas. But Maine and Texas, it may be, have nothing important to communicate. Either is in such a predicament as the man who was anxious to be introduced to a distinguished deaf woman. But when he was presented and one end of her trumpet was in his hand, had nothing to say. As if the main object were to talk fast and not sensibly, we are eager to tunnel under the Atlantic and bring the old world some weeks nearer the new. But perchance the first news that will leak through into the broad, flapping American ear will be that the Princess Adlaide has the whooping cough.

We have come a long way in the hundred-plus years since Thoreau wrote those lines—in some respects. Instead of tunneling under the Atlantic we tunnel through the atmosphere and the stratosphere. Access between the old and new worlds is now instantaneous. We have even managed to bring much of what we call the third world within range of orbiting satellites.

But what is the news that now reaches the broad, flapping world ear? Is it any more substantive than the state of a royal cough, birth, death or romance? Is the main object now to talk fast—or sensibly? Are we using the technical marvels at our disposal to transmit information and meaning, or for nothing more than sixty to ninety-second mini-reports that fill the news and pass for substance?

I believe the answer is obvious so as far as our domestic, electronic media are concerned. American televison, in my view, is simply not in the business of transmitting all the news that's fit to print. American televison is in the business of transmitting some of the news that fits the pictures.

Walter Lippmann once described the press this way: It is like the beam of a searchlight that moves restlessly about, bringing one episode, then another, out of darkness into vision.

Even though Lippmann wrote long before anyone thought of television news his description accurately fits today's media product. Lately the number of searchlights seems to grow faster than atoms in a breeder reactor. We now have Nightlines and Morning Lines, overnight news and twenty-four hour news, satellite news and local news, hourly news and network news—an endless flow of news.

But look closely at the content and you will be struck by its sameness and shallowness. There are cosmetic differences, to be sure. But there really is little substantive choice in terms of content or approach. A turn of the dial gives you more of the same. Just about every one of these news programs strings bits and pieces of information together—two minutes about a dog on a skateboard follows a report of equal length about international terrorism. The broadcast format is lose and linear, flitting rapidly from local to national to international episodes, but telling us little about ourselves or our world.

We have an obligation to do better than that. The challenge before us was admirably stated by the revered figure in broadcasting and public diplomacy, Edward R. Murrow. In his last public speech, while receiving a Family of Man award, Ed Murrow said this: "The speed of communications is wondrous to behold. It is also true that speed can multiply the distribution of information that we know to be untrue. The most sophisticated satellite has no conscience. The newest computer can merely compound, at speed, the oldest problem in the relations between human beings, and in the end the communicator will still be confronted with the dilemma of what to say and how to say it."

What to say and how to say it—in the most immaginative, technologically advanced, and professional and substantive way possible represents our great challenge. Our very best individual and collective effort is required to meet that challenge.

With your continued dedication and support I am confident we can meet it and in doing so move the emerging Voice of America we are now building into a new era worthy of its historic past.●

SPOUSES SHOULD HAVE EQUAL OPPORTUNITY FOR IRA'S

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. HUBBARD. Mr. Speaker, I received an excellent letter on May 23 from my good friend and constituent, Stephen Crowe, of Madisonville, KY.

Mr. Crowe, who is a realtor in Madisonville, writes to express his support for legislation which would permit nonworking spouses to establish their own individual retirement accounts [IRA's]. As Mr. Crowe astutely points out, by granting these spouses an option to provide for their financial security, the country as a whole benefits inasmuch as it lessens the likelihood of their becoming dependent upon Government for support in their senior years.

I share his concerns for the nonworking spouse and urge my colleagues to read his comments. Upon reflection, I am hopeful that Congress will take action that will eliminate the present discrimination and, indeed, give nonworking spouses an equal opportunity to provide for their financial security.

The letter from Stephen Crowe follows:

MAY 16, 1985.

Congressman CARROLL HUBBARD,
First District of Kentucky, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HUBBARD: I support legislation which would allow so called "non-working" spouses to establish their own Individual Retirement Accounts. As it is now, these homemakers are forced to rely on the retirement benefits of their spouse and on their spouses continued good will, or lacking that, on the good will of the courts in the event of a divorce. As provider of last resort, these people wind up having to depend on federal or state monies through the welfare systems all too often.

Wouldn't it be more equitable to allow these people an equal opportunity to a fair retirement system? One where they could depend on their own individual retirement account rather than having to depend on others!

I hope that you will support legislation designed to create the opportunity for nonworking spouses to establish their own Individual Retirement Account.

Sincerely,

STEPHEN CROWE,
827 Shamrock Drive, Madisonville, KY.●

AMERICA AND THE STRUGGLE IN AFGHANISTAN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. COURTER. Mr. Speaker, as the sponsor of H.R. 2520, a bill intended to deny Most Favored Nation trading

status to the Government of Afghanistan, I was pleased to have brought to my attention the following article from the Hartford, CT, Courant, and present it here in the hope that my colleagues might take notice of it.

The article follows:

A FIGHT THAT'S WORTH THE GAMBLE

(By Rhea Talley Stewart)

"I see that you are betting on the morality of the American people. I think that is a very good bet."

Those are the reassuring words that Salman Gailani, one of the freedom fighter of Afghanistan, heard last month from U.S. Rep. Sander Levin, D-Mich.

But both the American people and Gailani have cause to be bewildered about just how American morality is being shown. True, the 1985 budget allots $280 million for aid to the men fighting Soviet domination of their land, more than double the $120 million of 1984.

But at the same time, last year the United States sold $2.6 million in civil airplane parts to the persons whom the Soviet Union installed in power when it invaded Afghanistan in December 1979. Those are the same people whose aircraft drop bombs on Gailani's comrades and on the women and children of the villages that shelter them.

The Soviet puppets in the Afghan capital Kabul enjoy most favored nation status as U.S. trading partners. Last year trading with them increased the U.S. deficit by nearly $6 million. While the United States sent Kabul, in addition to those plane parts, clothes and cigarettes, it was importing licorice root, cashmere goat hair and carpets, to the tune of twice its exports.

Most favored nation status would be removed from the Kabul regime under a bill introduced into the U.S. Senate in April by Sen. Gordon J. Humphrey, R.-N.H. Yet initiative for the congressional of Afghanistan, came not from the State Department but from private citizens.

The exported airplane parts have been intended for the American planes that make up the fleet of the Afghan airline, Ariana. The newest of these is a DC-7 that was bought with a loan from the Export-Import Bank and which was delivered in October 1979, less than three months before the Soviet invasion.

The year 1979 was hectic in Afghanistan, where a government that had been Communist since April 1978 was finding internal resistance too hot to handle. The U.S. ambassador was murdered. Hafizullah Amin was nearly murdered but became president instead after the mysterious death of his predecessor. And as a climax, the Soviets invaded.

Only in late 1984 did the United States send a positive message to the freedom fighters. Congress unanimously passed a resolution that enables the United States to send them aid openly. While that bill was being debated, the CIA, which had been sending covert aid all along, bombarded the American public with story after story about the efficacy of that aid. The CIA wished its efforts to remain covert.

When the resolution passed, the media paid almost no attention to it. But earlier this month one result of that resolution became known when the State Department announced that the United States has sent openly $4 million of humanitaian aid to Afghans resisting inside their country.

Does that mean the United States is now likely to send military aid openly? "Not at all," says a U.S. Army officer. "If American trucks start to roll on the highways of Pakistan with arms for the Afghan resistance, Pakistan will be destabilized."

Pakistan is the conduit for anything sent to the freedom fighters. Pakistan distributes according to its own politics. It is likely to favor those groups of freedom fighters with a similar Islamic fundamentalist orientation, rather than the more liberal westernized groups. Theology is the criterion, not combat effectiveness.

The rivalries among groups of freedom fighters have been well publicized. Recently the president of Pakistan issued an ultimatum: unite. He said he must have a central leader with whom to deal. Yet the manner of arms delivery tends to foster competitiveness and suspicion.

And when those weapons reach the combat zones, they are often found to be outmoded, defective or supplied with inadequate ammunition. Last month the supply officers of three resistance organizations told the Federation for American Afghan Action that improvements in the delivery of their arms have been so slight as to be inconsequential. Two officers reported improvement of less than 10 percent, the third an actual decrease. This in spite of a 150 percent leap in appropriations by the United States.

A national security directive that would propose a new policy toward Afghanistan is imminent. But meanwhile men like Gailani come to Washington seeking something better and are often ignored by the State Department or received at a low level. And in the plains of Afghanistan the resistance missiles hit only one target out of four.

Afghanistan's brave men deserve to win their bet on American morality.●

TRIBUTE TO MRS. INDIA EDWARDS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mrs. BOXER. Mr. Chairman, today in Alexandria they are having history's first official celebration of Martha Washington's, our first First Lady, birth in tribute to the contribution of women to the founding and building of the United States of America.

In connection with this celebration, I would like to talk today about the contribution to this country of Mrs. India Edwards of San Rafael, CA. India, who will be 90 years old this September, began her career as a reporter for the Chicago Tribune. She had one of the key jobs held by women in those days—editor of the women's pages.

India moved to the Washington, DC, area and married Mr. Edwards, a State Department employee. She then devoted the majority of her time to being a wife and mother. She found the time, however, to do volunteer work for the Democratic Party in the District of Columbia. Her abilities were recognized when she was named first woman's chair of the Democratic Party.

Mrs. Edwards was always interested in community affairs. She was particularly active in the National Girls Club and raised a substantial amount of money for their efforts.

Mrs. Edwards had the personal respect and friendship of Presidents Truman and Johnson and was invited by Lady Bird to Texas for the dedication of the L.B.J. Library. During her career she was offered both cabinet and ambassadorial appointments, but turned them down in order to devote her time to her husband and family. She also declined to become a Vice Presidential candidate with Adlai Stevenson.

Mrs. Edwards has written a book, Pulling No Punches, about her life and experiences in the newspaper business and in politics.

She is still active in local and community affairs in Marin County. The community will pay its respects to this remarkable woman when they celebrate her 90th birthday on September 16, 1985. I am honored to pay mine, here in the House of Representatives, with a public thank you to Mrs. India Edwards for her many years of service to her family, her community, and her country.●

GO GRAD

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. CHAPPIE. Mr. Speaker, I rise to take a moment from our busy schedule today to congratulate Ms. Sara Josephine Stubbe on her high school graduation.

Sara is the last Stubbe girl to graduate from Amador High School in Pleasanton, CA. She leaves Amador High after a very successful 4-year career. Not only does Sara have an excellent academic record, but she also participated in many extracurricular activities such as student government and intramurals. In addition, Sara was the treasurer of her senior class.

Mr. Speaker, it is very refreshing to remember the good kids whom are not always spoken of in our society. Sara exemplifies the kind of person we can all be proud of. Besides being dedicated and interested in on-campus activities, Sara developed a strong conscientious attitude. For example, she was actively involved in Amador High School's Students Against Drunk Driving [SADD] organization.

Although I am sure, Mr. Speaker, that Amador High School is disappointed that they are losing a fine student like Sara, the University of San Diego will be happy to gain her as she will be studying there next fall. Sara, congratulations and best wishes.●

INTRODUCTION OF A BILL TO ALLOW GREATER COST RECOVERY FOR NOAA NAUTICAL AND AERONAUTICAL CHARTS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SHUMWAY. Mr. Speaker, today I am introducing a bill, which the administration sent to the Hill, to give the Secretary of Commerce greater discretion in establishing the prices charged for NOAA nautical and aeronautical charts.

Currently, NOAA's authority with respect to setting prices for its charts is limited to recovering those costs incurred in actual chart printing and distribution. Present law prohibits NOAA from including the cost of basic survey and geodetic work, data base maintenance, data processing, and chart compilation in its prices. This current price scheme allows NOAA to recoup approximately 23 percent of its program costs.

Prior to the fiscal year 1986 budget proposal, the administration's previous two budgets had included proposed legislative changes for NOAA to move toward full cost recovery for these chart programs. Such proposals received firm opposition by a number of user groups, especially small boat users who focused their attack on the dramatic price increase for nautical charts. This previous proposal was estimated to increase the price of nautical charts up from approximately $5 to $45–$50.

In recognition of the severity of the price increase and firm user opposition to the previous proposal, the bill I am introducing today does not call for full cost recovery, and it would result in only a much more modest increase in NOAA nautical chart prices from the present $5 to perhaps $12–$14, 3 years down the road. This price structure would allow NOAA to recover approximately 50 percent of the overall costs attributable to the charting programs.

Mr. Speaker, this proposal to increase NOAA chart prices is a user fee-type effort which warrants investigation. The Grace Commission, in its well-noted report on waste in Government, listed this proposal as a reasonable recommendation for the Commerce Department. As well, the price ranges called for in this legislation are approximately in line with the policies of other nations. For example, Canada currently charges $11, for a nautical chart, Great Britain, $8, and Japan, up to $13.75.

The Coast Guard Subcommittee of the House Merchant Marine and Fisheries Committee will be holding a hearing later this month on general user fee proposals, including this proposal for nautical and aeronautical chart price increases. I look forward to this hearing as an opportunity to hear testimony on this legislation.●

THE AMERICAN PEOPLE SAY NO TO NERVE GAS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. RAHALL. Mr. Speaker, the House will consider once again the question of resuming production of chemical weapons. My colleagues, Representatives JOHN PORTER and the distinguished chairman of the Foreign Affairs Committee, DANTE FASCELL, will offer an amendment to the fiscal year 1986 defense authorization bill to eliminate the production funds approved by the Armed Services Committee.

The Charleston Gazette, Charleston, WV, recently published an excellent editorial opposing production of nerve gas weapons. The editorial concludes: "Instead of continuing to demand more nerve gas, the administration—which made a 1984 call for a world ban on chemical weapons—should enter serious negotiations toward the treaty that once was within grasp."

I urge my colleagues to consider seriously the powerful words of this editorial:

[From the Charleston Gazette, May 15, 1985]

CRUELEST WEAPON

Nerve gas kills by disrupting a person's nervous system, causing convulsions, uncontrollable vomiting and diarrhea, and finely lung paralysis. Death may take minutes or hours, depending on dosage. Faint exposure can cause lifelong nerve and brain damage.

While bullets, bombs and napalm also inflict horrible results upon people, the world deems poison weapons a category apart; the cruelest form of warfare.

Soldiers can be protected against gas but civilians usually aren't. Indiscriminate gassing in World War I was so repulsive that a 1925 Geneva protocol banned first use of gas, and all sides withheld poisons in World War II.

President Nixon halted U.S. nerve gas production in 1969. (He also entered a 1972 treaty that banned germ warfare stockpiles and development.) President Ford opened negotiations with the Soviets on poison gas disarmament. Progress was made during the Carter term; the Soviets agreed to destroy supplies and factories and submit to continuous on-site international inspections. Procedures for verifying and dismantling of poison factories hadn't been resolved when Carter left office.

The Reagan administration didn't continue the talks. In 1982, 1983 and 1984 the White House asked Congress to resume manufacture of nerve gas. Twice Vice President Bush broke Senate ties by voting for the inhumane weapon, but the House blocked production.

Now the administration is making its fourth demand for nerve gas. The proposed $359 billion 1986 military budget lists $163 million for it.

Congressional voting on the issue is expected in the next few weeks. We hope West Virginia members and the majority again will block this move toward poison escalation.

New manufacture isn't needed because America still has a large supply of nerve gas shells and bombs produced in the 1960s. The Pentagon wants to replace them with binary weapons—shells and bombs in which two safe chemicals remain separated until they are mixed to create nerve gas.

NATO countries have refused to accept further deployment of gas weapons, thus new binary shells and bombs would be kept in America. For what purpose?

Instead of continuing to demand more nerve gas, the administration—which made a 1984 call for a world ban on chemical weapons—should enter serious negotiation toward the treaty that once was within grasp.●

OSHA'S REFUSAL TO PROTECT THE HEALTH AND SAFETY OF AMERICA'S FARM WORKERS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. FORD of Michigan. Mr. Speaker, in April, the Reagan administration decided that American farm workers have no right to toilets, hand washing facilities, or clean drinking water in their work place. The Occupational Safety and Health Act was enacted—and OSHA was created—to assure, so far as possible, every working man and woman in the Nation safe and healthful working conditions. Yet OSHA Administrator Robert Rowland ignored unrebutted, overwhelming evidence that the failure of agricultural employers to provide toilets and drinking water has made farm field work dangerous, unhealthy, and degrading. Despite irrefutable evidence that a field sanitation standard would help reduce the alarmingly high incidence of pesticide poisonings, parasitic infections, urinary tract infections, diarrhea, and heat stress suffered by American farm workers, Mr. Rowland decided that OSHA should not issue a standard. Mr. Rowland did not decide that the costs of the standard would outweigh its benefits. In fact, he could not, for the costs of the standard would be negligible. Rather, Mr. Rowland decided that the health problems of farm workers are too low a priority for OSHA to address.

A month and a half ago, I wrote to Mr. Rowland about his decision to kill the field sanitation standard. I would like to share that letter with my colleagues. I would also like to bring to the Members' attention a recent column on the same subject by Colman McCarthy which appeared in the Washington Post on June 2. Finally, Mr. Speaker, I would like my colleagues to be aware that the Farm-

worker Justice Fund and 32 other organizations, including the North Carolina Council of Churches' Migrant Ministry, the New York State Council of Churches, the U.S. Catholic Conference and the United Methodist Church's Board of Church and Society have petitioned Secretary Brock to reverse Mr. Rowland's decision and to promulgate a strengthened field sanitation regulation.

I ask that my letter to Mr. Rowland and Mr. McCarthy's column, be printed in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 1985.

MR. ROBERT A. ROWLAND,
Assistant Secretary of Labor, Occupational Safety and Health Administration, Washington, DC.

DEAR MR. ROWLAND: By now you have probably read some of the many editorials which have condemned your refusal to issue the proposed field sanitation standard. If you have not, let me recommend to you the Washington Post's April 16 editorial on that subject, entitled, "Harvest of Shame, 1980s-Style". The Post and others have pointed out what you have apparently refused to see, that there is no longer any serious dispute over the need for the field sanitation standard, on both public health and humanitarian grounds. As your medical consultant, Dr. Gangarosa, stated: "The absence of expert testimony against the proposed standards was indeed conspicuous and itself significant."

OSHA itself estimated the annual nationwide cost of complying with the proposed standard to be between $15.5 and $22.5 million, or approximately 53 cents to 77 cents per worker day. This investment would have a negligible impact on produce prices, but would achieve a significant return in terms of the health and dignity of 700,000 American farmworkers. Because it exempted livestock production, logging operations, small farms, and employees working short periods of time, the standard would not have burdened agricultural employers.

In sum, your Administration had the opportunity to make a significant contribution to improving the lives and health of America's least protected working poor, without adversely affecting any other element of our society, but you refused to do so. I believe the rationale in your final determination is seriously flawed, based on misstatements of fact and law, and totally insensitive to the needs of the workers whose health and safety you have a duty to protect.

In order to clarify that rationale, I would like you to answer the following inquiries:

1. Dr. Eugene J. Gangarosa, M.D., the director of the Masters of Public Health Program at the Emory University School of Medicine in Atlanta, Georgia, was retained by OSHA to analyze the scientific and medical testimony regarding the proposed field sanitation health standard. On September 4, 1984, Dr. Gangarosa reported:

"The data reviewed point to a compelling and convincing need to adopt the proposed health standards to improve the working conditions of farm field workers. These data show beyond any reasonable doubt that there are substantial risks of harm to farm field workers in their work places. These risks are far in excess of those prevailing in other industrial workplaces."

Please explain why you agree with Dr. Gangarosa's analysis.

2. One of your justifications for refusing to issue the standard is that the adverse health effects the standard would prevent are less serious than those involved in higher priority chemical standards. Yet Dr. Gangarosa's report states:

"Besides reducing these acute and chronic health risks, the proposed standards are important for healthy physical and mental growth and development of the children of farmworkers—those that are unborn, their infants who suffer most from the communicable diseases, and the older children who work in the fields. Adoption of the standards will substantially reduce lost time, will reduce medical costs, and will increase life expectancy. Those tragic and totally unnecessary deaths from heat stress and acute poisonings, examples of which are part of the record, will be prevented."

Why are the deaths of farmworkers and their children from heat stress and acute poisonings lower priority health effects than, for example the 11 lung cancer cases per year of exposure that the inorganic arsenic standard would prevent among copper smelter workers?

3. In your final determination, at 50 FR 15089 you say, "There is some evidence of risk to employee health as the result of the absence of field sanitation facilities" and add that this evidence is "disputed by some parties." Is it not true that the overwhelming weight of medical evidence—if not all of the medical evidence in the record—supports the view that the absence of field sanitation facilities is a major cause of widespread illness from acute and chronic exposure to pesticides, enteric disease, diarrhea, parasitic infection, and heat stress among farmworkers? Please cite any medical evidence in the record which disputes that the absence of field sanitation facilities increases farmworkers' risk of contracting illness and disease.

4. OSHA requires all permanent places of employment to provide sanitary toilet facilities, washing facilities with cleansing agents, running water and a sanitary method for employees to dry their hands, and potable water for drinking (29 CFR § 1910.141 (c) and (d)). How many complaints does OSHA receive each year concerning violations of these requirements? Why does OSHA anticipate an unacceptable enforcement burden if a comparable field sanitation standard is adopted? Is it not true that the proposed field sanitation standard would have covered less than 1/50th as many employees and employers as the standard found at 29 CFR § 1910.141?

5. Are there any court decisions which support OSHA's position that a Federal standard which applies only to farms employing 11 or more employees would necessarily preempt state standards insofar as they apply to farms employing ten or fewer employees? Are there any court decisions contrary to OSHA's position?

I intend to make these questions and your answers part of the record when the Subcommittee on Health and Safety holds hearings on the field sanitation standard later this year. I also intend to publish this letter and your response in the CONGRESSIONAL RECORD so that my colleagues may better understand your actions.

Sincerely,

WILLIAM D. FORD,
Member of Congress.

[From the Washington Post, June 2, 1985]

THE MIGRANT POOR: WORKING WITHOUT THE BASICS

(By Colman McCarthy)

OKEECHOBEE, FLORIDA.—If this state's migrant farm workers had a Grand Central Station, it would be here. At dawn, and often before, crew leaders roll their buses and vans into campsites to gather impoverished laborers who are to be driven to fields in all directions. During the harvest season, between 3,000 and 5,000 worker fan out from this central Florida town.

Some hauls are short, some long. All are marked with uncertainty. The field hands, many of whom are poorly paid, sick and undocumented, never know whether they will be deposited at worksites that have clean drinking water, toilets and hand-washing facilities.

They never know, either, whether anyone cares that for 13 years the federal Occupational Safety and Health Administration has denied them a rule requiring employers to provide those basics, the ones that nearly all other American workers take for granted. In April, the Reagan administration announced that the 13 years of denial would continue. Apparently, for our regulators, it is basic that basic amenities aren't needed by the nation's farm workers.

In recent weeks, the squalor of farm work has become a national issue. Several forces have come together. Congress has been asking questions of William Brock, the new secretary of labor. At his Senate confirmation hearings in April, he was asked if he thought that field workers are entitled to a cup of water and place to defecate. He said, "Yes, I do." Considering the Labor Department's record, that was a statement of bureaucratic bravery.

But then, as if to reassure the public that he had not gone mad with concern for the migrant poor, he said he would review the issue. Now, five weeks later, which is actually 13 years and five weeks after evidence first began pouring into OSHA on the need for field sanitation, Brock is still reviewing.

Another force has been the publicity given to the demoralized staff at OSHA. Many of its attorneys, investigators and health officials, who avoid Reagan anti-government ideologies, are aware of the profusion of reports, studies and hearings that have been documenting the high rates of diseases among farm workers and the link to unhealthy field conditions. Earlier this year, Robert A. Rowland, OSHA's director, who thinks this is an issue for the states, received a memo from five members of a seven-person agency field-sanitation team: "We . . . must advise you, in our professional opinion, that the record will not support" opposition to the sanitation rule.

The staff was merely echoing what the American Nurses Association, the American Medical Association and the American Public Health Association had been saying—that a federal rule is the least that can be done. It would be the least, because the proposed sanitation would apply to only 15 percent of the nation's farm workers. The other 85 percent would be excluded because they work on sites with fewer than 11 workers.

It is here that the situation goes from bad to indelicate. On the sites lacking toilets, farm workers have no choice but to defecate in the fields among the crops. The Migrant Legal Action Program, a federally funded legal-services organization in Washington, has begun to document the contamination

of vegetables and fruits because of defecation and urination in the rows: "Produce like lettuce, cabbage and broccoli which grow upright tend to hold urine or feces deposited on them."

California farm workers told the program's officials of being instructed by field supervisors that if grapes dropped into feces, "no matter how they fall . . . just put them into the gondola." In Texas, workers reported that "market-ready boxes of grapes would be sent out 'all full of that mess' [feces]."

That the issue of field sanitation has finally reached the American dinner table may be the one push that is needed to move OSHA. At agency hearings last June in Maitland, Fla., a public-health physician told the usual tale of high rates of amoebic dysentery, hookworm, hepatitis and intestinal parasites that she discovered among migrant workers. Lack of field sanitation means an easier transmission of the diseases. Then the physician added the unsettling piece of information that "there are some restaurants in Miami that are now chlorinating their vegetables because they are concerned about the transmission of parasites . . . It's just incredulous to me that I have to worry about my food supply . . . If you're putting feces on your lettuce—and washing does not take away the parasites—you have to chlorinate." The doctor said "we are probably way underestimating . . . the fecal contamination of our (food) supply."

At the OSHA hearings in Maitland, the president of Comfort House Inc., a manufacturer of portable toilets, said the problem could be solved for 15 cents per persons per day. Some growers, who are part of the $260 billion agribusiness world, are providing facilities. Large numbers are not. In Okeechobee, the workers get into the vans and buses at dawn and take their chances. So do the unregulators and growers when they go into restaurants.

[From the New York Times, June 2, 1985]

THE CROPS MAY CHANGE BUT NOT THE CONDITIONS

(By James Barron)

When the asparagus harvest ended last week in Gregory, Mich., and the migrant workers moved on to the radishes, the portable toilets on Rick Buurma's vegetable farm moved with them. "We don't want the workers to have to walk a long ways from where the work's at," Mr. Buurma said.

That's an unusual attitude for a farmer to take about his employees, according to state officials and farm labor organizations. On four of every five farms, they say, employers show little concern for the welfare of their workers. Most farms have no toilet facilities at all.

When the Federal Occupational Safety and Health Administration killed a proposal this spring to require farmers to provide facilities such as field toilets, the agency left the job of improving conditions for the nations's 5 million migrant agricultural workers to the states. Many labor organizers doubt that state legislatures, often dominated by agriculture interests, will adopt new field standards on their own.

Across the country, thousands of field hands work long summer days in the sun, often with no access to toilet facilities and only a bucket of water for drinking and handwashing. The agency compiled 4,000 pages of evidence suggestiing that, as a result of such conditions, farm workers suffer higher than normal rates of infectious diseases. Labor activists say that health problems would decline dramatically if migrant workers had access to toilets and fresh water.

Robert A. Rowland, the Assistant Secretary of Labor who supervises the agency, rejected the proposed requirement because, he said, it was a public health issue that is "traditionally and properly" a state matter. He also said he was concerned that a Federal standard might pre-empt stricter standards in some of the 13 states that have passed their own sanitation rules, a view shared by some labor activists.

Mr. Rowland, who is resigning on July 1, may not have had the last word. A coalition of 27 labor organizations and the Congressional Hispanic Caucus filed a 180-page appeal asking Secretary of Labor William E. Brock to overrule Mr. Rowland.

The labor groups, which had lobbied hard for the rule for years, argued that diseases caused by poor sanitation among migrant workers can be passed along to the communities that the migrants travel through and the consumers who buy the crops. Dr. Eugene J. Gangerosa of Emory University, a consultant hired by the occupational safety agency, found last year that migrants suffer 85 times more diarrhea and 5 times more skin rashes than workers in other high-risk industries.

The threat that field workers face from commonly used pesticides is also of increasing concern. In Florida last week, 10 teenagers and a grower were hospitalized after they were exposed to the pesticide phosdrin.

Most states with field sanitation standards passed them under pressure from labor groups. Michigan, the nation's leading asparagus producer and home to the fourth-largest migrant population, is not among them. Rich Kessler of the Michigan Migrant Legal Services Program, which provides legal services for farm workers, says he would be suprised if the State Senate approved a sanitation bill. "We weren't working on legislation because we thought we'd get it federally," he said.

State officials, too, say they would welcome a Federal rule. "We see little reason why the OSHA standards haven't been passed." said Manuel Gonzales, who heads the state's Office of Migrant Services. "The evidence is overwhelming."

Mr. Gonzales said that providing sanitation under the Federal rule would have been inexpensive—55 to 73 cents a day per worker, less than 1 percent of the labor cost. "the cost is negligible compared with other OSHA regulations," said Charles Horwitz, a lawyer with the Migrant Legal Action Program's Washington office. Industry groups had proposed distributing packets of towelletts as an alternative to soap and running water. Mr. Buurma wants better than that for his employees. For some of them, he provides two-bedroom apartments with running water and a self-contained sewer system. He hopes to receive a federal loan to construct more housing.

The growers' objections to the proposed standard were muted. Patrick H. Quinn of the Agricultural Employers Association questioned whether the extent of diseases can be blamed on sanitation and challenged statistics suggesting that conditions are as bad as they were 25 years ago. He said that annual income for migrant workers averages $16,259. "Things are different from the way they were 20 years ago," Mr. Quinn said, "but we have a ways to go." Mr. Horwitz agrees. "The Midwest is worse than most areas," he said. "When a farmworker leaves Texas and goes up there, he's essentially unprotected."●

VETERANS OF FOREIGN WARS VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. RICHARDSON. Mr. Speaker, and my distinguished colleagues, the Voice of Democracy Scholarship Program, sponsored by the Veterans of Foreign Wars of the United States, was started 37 years ago with the endorsement of the U.S. Office of Education and the National Association of Secondary School Principals.

Since the program's inception, the annual national scholarships have been increased to six, totaling $32,500 with the first place winner currently receiving a $14,000 scholarship to the school of his/her choice. Student participation has tripled and school participation has doubled in this worthwhile program.

This past year, more than one-quarter million participated. Over 3,000 schools, over 4,000 VFW posts and 3,500 auxiliaries sponsored the program and over 2,300 radio and television stations cooperated.

Mr. Speaker, I am especially proud this year to be able to share with my colleagues the news that a New Mexican from my Third Congressional District is this year's winner of the Voice of Democracy Scholarship Program; 17-year-old Scott Wendorf of Raton, NM, has aspirations of attending college and becoming a journalist. His essay entitled "My Pledge to America," is a fine tribute to the American spirit of individualism. I hope my colleagues will take the time to read this thoughtful piece:

America stands as an island of freedom in an ocean of incredibly diverse societies. We in America are proud of our wide array of cultures that are fused into a philosophy of freedom, liberty, and the pursuit of happiness. A basic principle of our society is that our government requires less of our people and endows more independence from the control of the individual. And yet we talk of a pledge to America. If we are truly free, some might ask, why a pledge at all? But we pledge an allegiance to an ideal. This pledge is not one of devotion to American policy or politics as much as it is to a basic idea of unity and at the same time of freedom. It is the idea that one has the right to disagree with what government says and try to change the rules or laws through the representative democratic process.

My Pledge to America? My pledge is not one of blind devotion to any cause, for this would not be a pledge to what America is all about. When pondering the question of my pledge to America, it was difficult to think of any sort of oath of allegiance that would carry the spirit of America in it's dialogue, so I decided that I would try to capture the

essence of liberty in my pledge: I pledge to assert my individual independence, my own ideas. I pledge to take it upon myself to help others in need. I pledge to stand guard over liberty. Most importantly, I pledge to become a part of American freedom by participating in the democratic process and putting forth my own ideas for government while spurring others on to be free in their own ideas.

Yes, I believe in America. Many of the finer points of our government's policies I disagree with, but this does not indicate a disparity in my patriotism. On the contrary, it is of credit to anybody who tries to change government democratically, for this reinforces our American ideals.

Any pledge to America, to truly grip the essence of liberty, must not cast a shadow of blind approval over what our government does. Our forefathers vested a trust in the American individual, for it is the individual and his spirit of freedom that makes America the truly great nation it is.

Someday, America may change. It may be a subtle change, or a sudden, violent one. I speak now under my constitutional right to free speech. Will your children's children have the same opportunity? If you ever have the opportunity to discuss with a young person what their pledge to America is, think of it as a priviledged moment, and tell them this: Be careful of what you pledge to, for it is a sacred devotion. Do not be distrustful of people, yet never pledge an oath of allegiance to something you don't truly believe in. Remember that to be truly free, it is the spirit of the individual that must be upheld. I truly hope that everyone's pledge is not the same, for we are all individuals with our own ideas of the American ideal. We are America.●

EXCELLENCE IN RESEARCH: POLYMER SCIENCE AT UMASS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. CONTE. Mr. Speaker, polymers, commonly in the form of plastics, are one of the most widely used materials in today's society. This versatile material has application in a broad spectrum of industries ranging from construction to energy recovery. Moreover, the future of polymers is even more promising.

The development and use of polymers could help reduce our reliance on imported strategic and critical materials. Although the Congress has created a materials stockpile to reduce the dependency on foreign sources in times of emergency, the United States has a long way to go to reduce this vulnerability factor. One way, other than stockpiling, is to replace imported materials with strategic and critical materials available and developed in this country. Polymers can be developed as replacements for many of these imported materials.

Besides this strategic application, polymers can be used to improve products now in everyday use. I am including for the RECORD an article describing the state-of-the-art research in polymer science now being conducted at the University of Massachusetts-Amherst. The Chancellor's Report 1985 contains an article entitled "American Cars Should Lose Weight." This piece outlines the research effort at the university and the many applications of polymers, including automotive manufacture and design.

Mr. Speaker, investments of this kind in basic research can only help improve the economic productivity and national security of the United States. I urge Members to review this interesting and informative article.

AMERICAN CARS SHOULD LOSE WEIGHT

SOME BETTER IDEAS BEGIN WITH BASIC RESEARCH IN POLYMER SCIENCE

You might call it the wing-tip test for damage resistance. Larry McKenna takes a candy-apply red plastic fender fabricated by his research team at Monsanto in Springfield. He lays it on his office floor and stands on it. He hops. He hops again. He'd hop harder, but he's afraid the heels of his wing-tip shoes might scuff the paint job. the fender itself appears impervious. they've already tried driving a truck over it, and it popped right back into shape.

The impervious red fender is only one of the auto part prototypes the ebullient McKenna uses to demonstrate the burgeoning applications of polymer science to automotive manufacture and design. McKenna got his Ph.D. from the University of Massachusetts at Amherst in 1971. He directed research and development in plastics at Monsanto's Springfield center for polymer research until last winter, when he left to head up new business development in plastics at corporate headquarters in Saint Louis.

"The number of pounds of plastic per car is up around 200 to 225 pounds, and definitely heading upward," says McKenna. By some estimates the figure is as high as 300 pounds, an increase of at least 50% over the past six or seven years. It isn't just vinyl interiors anymore. It's structural and exterior body parts.

"This is the big new adventure in polymers now. we're through the phase of polymers replicating natural stuff—leather and wood, things like that—and into the phase of replicating metals.

"You think, 'Why should I take a steel fender off a car—strong, tough, stiff, you knock on it, it feels solid—and replace it with a piece of plastic! Who needs that junk?

"But it's not junk!" McKenna insists. "If you replace steel with the proper kind of plastic material, you in fact get better resistance to damage. Resistance to damage, resistance to corrosion, lighter weight, better durability, potential for lower overall production costs—these are the driving forces behind this shift.

"I've been telling my guys that their vision of the future ought to be, 'We won't be satisfied until we replace every pound of steel in an automobile with plastics.' Now that's going to involve a lot of invention!"

Some of the authors of invention are industrial researchers such as McKenna's team at Monsanto. But they have important allies in the polymer science department at the University.

The alliance is becoming more important all the time, according to research professor Simon W. Kantor. Kantor directs CUMIRP, the Center for University of Massachusetts-Industry Research on Polymers. The Four-year-old CUMIRP currently funds some $800,000 a year worth of basic research on the campus, and most of the money comes from industry.

"Industry is doing less and less basic research," says Kantor. "Because of economic pressures, they're staying closer to their product lines, concentrating on applied research and product development. Under those conditions, the University connection becomes very important."

The connection between basic research at the University and actual products in the marketplace—for instance, the bumper caps and side moldings and other polymeric components on cars like the Chevrolet Celebrity—is indirect, but crucial.

Academic polymer scientists deal in basic information, almost abstract information, about the behavior of polymeric materials—their composition, their flow, their toughness, their flammability, conductivity, permeability, bondability, shear, smear, and so on.

Industrial scientists deal in applied information—the development of materials with direct market applications., To do that they need a sophisticated and expanding base of data on what polymeric materials can do. They aren't always in a position to establish that base themselves.

"In industry we often want to move very, very fast on particular problems," says McKenna of Monsanto, whose company is one of 18 participants in the CUMIRP consortium. "Very often when crises come up we'll cannibalize our own basic research efforts—bring basic research people over to solve immediate, short-term problems.

"By putting those funds into the University, we in a sense remove basic research from our own ability to bastardize it. And it's a very, very important thing for us to have—a source of basic, ongoing, exploratory work, in areas which lead to new science, new information.

"It's that kind of information that one of our scientists will use as he considers, 'How should I build a polymer molecule in order to do 13 things, six of which are totally contrary to the other seven!' "

And it's that kind of consideration, in turn, that goes into developing the highly specialized plastics Monsanto sells to companies like General Motors, to be made into parts and eventually assembled in places like Framingham, Massachusetts. Monsanto sells these plastics in vast quantities and in a variety of pre-manufactured forms.

"In general, think of them as pellets," says McKenna. "Think of them as little pellets about half the size of pushpins. Think of them coming either in drums, or in many cases in big railroad cars. You roll them into the plants and you pull the plug and 40,000 pounds of pellets fall into a bin somewhere. Every day. Every day."

On a campus which is home to a bevy of eminent polymer scientists, professor Richard Stein is among the best known. Stein came to the University in 1950. He was one of the people who got polymer research started here, and he's one of the people who helped build the program into one of the three or four most important centers of polymer research in the world. As a senior member of the teaching faculty, Stein is influential in molding the outstanding students that corporations like Monsanto recruit. More than a dozen polymer scientists on Larry McKenna's research team in Springfield were trained at the Amherst

campus. So, incidentally, was Monsanto President David Mahoney.

As a research scientist, Stein is widely consulted by both industry and government. He's traveled repeatedly to Asia, and was the first polymer scientist to visit mainland China; in the first few months of 1985, he lectured in Maryland, Ohio, Florida, and West Germany.

As a person, Dick Stein is an informal fellow with a Jimmy Durante grin and an old chemistry teacher's willingness to explain his subject and its applications.

One thing he likes to make plain is that polymers aren't necessarily plastics. They're a kind of molecule—a large, long molecule formed of repeating chains of atoms. They aren't necessarily synthetic; they often occur in nature.

Wood is a polymer, Stein points out. Silk and wool are polymers. Proteins and nucleic acids are polymers. *Biopolymer* is a very important part of polymer science, with increasingly sophisticated applications in such areas as medicine and agriculture.

But to most of us, polymers are more or less synonymous with synthetic materials. The first manufactured polymer was celluloid, synthesized in the 19th century from the cellulose in wood. Stein says that celluloid collars and billiard balls were two of the earliest applications. Today most synthetic polymers are made from petroleum.

And the synthetic polymers we know best are plastics, the endlessly extrudable, moldable materials that increasingly surround us. And it's plastics, in the opinion of these polymer scientists, that hold the promise of revolutionizing and revitalizing one of America's major industries.

The revitalization of the auto industry involves more than the simple substitution of cheaper materials for more expensive ones, or even lighter materials for heavy. Plastic is cheaper to make than steel, and every pound of plastic in a car means less consumption of gas. But even more broadly important is the development of "value-added" products.

Larry McKenna defines "value-added" as the intellectual content of a product: the results of research and development and design that make a product perform better, and enhance its value to the consumer. That plastic auto fender, cheaper to produce than a steel one but a fifth the weight and better at being a fender—that's just one example of a value-added product. Polymer scientists can come up with hunderds of others.

Sophisticated science—the specialized technical understanding that will produce not just cheap molded widgets but high-performance, value-added products—will determine America's place in the future world economy, Stein says. And that technology will be developed by partnerships between basic and applied researchers, between universities and industry.

It's to that end that CUMIRP exists, and by next year will be entirely underwritten by industry. It's to that end also that a $25 million National Laboratory for Polymer Research is being proposed for the University's Amherst campus.

Stein thinks that Third World countries will inceasingly provide not only the petroleum base for polymers but the polymers themselves, the engineered plastic pellets that will be molded and assembled into useful products elsewhere. Assembly, too, will probably increasingly be done in areas with lower material, labor, and transportation costs than Massachusetts. But the research and development activity going on in the academic and industrial laboratories of Massachusetts, Stein says, represents a solid and expanding role for the region.

"We have to do what we do best, says Stein, "The kinds of products we're talking about require a level of technology in which I think this country is going to excel. And, really, it's the justification for a university like ours being involved. Because those kinds of technologies are something we can contribute a lot to."●

NAIA HEPTATHLON CHAMPIONSHIPS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. PURSELL. Mr. Speaker, it recently came to my attention that one of my constituents ranks in the top 10 in the NAIA heptathlon championships. I would like to take this time to recognize Karen Rodd of Hillsdale, MI, for her outstanding achievements. I am inserting an article about Ms. Rodd from Detroit News into the RECORD today so that others may read about her:

[From the Detriot News, May 24, 1985]

AZUSA PACIFIC IS MORE THAN A LAUGH TO MICHIGAN STAR

(By Larry Middlemas)

HILLSDALE.—When Azusa Pacific's track team came here to the NAIA championships, one of its stars started going home to dinner.

Karen Rodd's family lives here, and she's a graduate of Hillsdale High.

For anyone else from Michigan, "Azusa" is just part of a sure-fire laugh on the old Jack Benny show—the railroad station announcer calling the train "now leaving for Anaheim, Azusa . . . and Cucamonga."

"Any time you say Azusa, someone else says, 'Gesundheit,'" she said. "It's a name that makes people laugh, but I really like the school.

"I stayed near home at Spring Arbor for my first year in college. But my brother, Doug, already was at Azusa and I went out to visit for a week in the spring. I practiced with the track team that week and saw that they had an excellent program. So I transferred."

Rodd is a junior and a likely place-winner in the heptathlon that ends today. After yesterday's four of the seven events, she ranked seventh with 2725 points. Teammate Jennifer Schwartz, the defending champion, was in second place and teammate Blair Bates tied for third.

"I was seventh last year," Rodd said, "but now I hope to make the top six."

She was is fourth place after the third event, the shot put which seems surprising for anyone barely 5 feet 3 and 125 pounds.

"In regular meets I run the 400-meter hurdles and relays and then anything that I need work on," she said. "So I have put the shot in every meet this year. But actually it's one of my stronger events in the heptathlon because it depends on technique more than talent.

"In high school here I started as a sprinter but wasn't fast enough, so they moved me to the hurdles. I still wasn't fast enough, so I switched to the 400-meter hurdles. So I don't know whether I've progressed or 'degressed.' It wasn't until last year that I tried the heptathlon."

It must be progress—Rodd set two personal records yesterday, 16.08 in the hurdles and 5-3¼ in the high jump.

The three Azusa heptathletes are roommates, "but we don't talk track in our room. We get enough of that on the track."

Karen sees some family in California, not only brother Doug, who has graduated now, but another brother, Tom, who lives in Costa Mesa. But family and friends and former teachers are coming out to see her run here.

"My mother got the day off today," she said. "She's a teacher in Hillsdale. And my dad will be here Friday. He's an engineer with the Jackson County Road Commission. My grandparents will he here, and it is good to see Bill Tefft, my coach in high school. He taught me to high jump and to hurdle the right way.

"I stay in the dorm with the team, but I have been home for dinner the last two nights. We got here about 6 o'clock Tuesday night. We had to get up at 4 a.m. to leave, but we were a little used to that. To prepare for the time difference, we had been practicing at 6 a.m."

Much as Karen likes Azusa Pacific, she's not so sure about joining her brothers in California after she gets her physical education degree and teaching certificate.

"I don't know where I want to live, but not the Los Angeles area," she said. "I like to see things green."●

STUDY OF HEALTH CARE SYSTEM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. GRADISON. Mr. Speaker, over the last 2 years the Equitable Life Assurance Society of the United States has conducted a series of studies of our health care system, and its cost to corporations, workers, taxpayers, and the Government.

As one of the country's largest health insurers, the Equitable strongly believes that corporations can and should play a major role in controlling their own health care costs. To this end, the Equitable has again commissioned Lou Harris and Associates to conduct the third Equitable survey, which helps shed more light on what private sector employers are doing to control their health costs, and, for the first time, measures the success of their efforts.

Included in the previous two Equitable studies were the opinions of physicians and physician leaders, hospital administrators, health insurance executives, labor leaders and corporate health benefit officers. In this third survey are the attitudes of employees, corporate executives, senior human resource executives and insurance brokers and consultants.

What this survey has shown is that changes in corporate benefit plans over the last 3 years have led to significant savings in health care costs, and that employees are accepting these changes, even if it does result in additional expense on their part.

Mr. Speaker, while the issue may no longer command the front pages of newspapers, the cost of health care in the United States is still extremely important to all Americans. For this reason I think it important that I share with my colleagues the highlights from "The Equitable Healthcare Survey III: Corporate Initiatives and Employee Attitudes on Cost Containment."

A summary follows:

SURVEY HIGHLIGHTS

This summary provides an overview of the results of this survey. There are, of course, many findings described in the body of the report which are not summarized here, and interested readers are urged to examine the full report for these details.

1. Corporations have made a great many changes to their health care plans in order to contain costs. More than 70% of employers report that they have changed their health care plans a great deal or somewhat over the last 3 years. A majority of employers report that these changes have resulted in increased cost-sharing by their employees through contributions to premiums, increased deductibles, or co-payments. A wide variety of other changes have also been made.

2. The changes made most frequently by corporations over the last 3 years are the use of second opinions (54%), increasing deductibles (50%), new program features designed to reduce unnecessary hospitalization (47%), and offering employees an HMO option (34%).

3. These changes have already had a substantial impact on health care costs. Employers estimate that their 1985 heath care costs per employee will be between 16-18% lower as a result of the changes made over the last 3 years. Overwhelming majorities of employers, brokers and consultants rate the changes made as very or somewhat effective.

4. Successful health care cost containment programs include a variety of different mechanisms. There is no single element which is a panacea. Nor is there any consensus among employers as to which one element is most important, although between 17-21% of the employer groups identify increased deductibles as the most effective.

5. Most of the changes made by employers are acceptable to a large majority of employees. Fully 79% of employees rate the changes made by their employers in the last 3 years as acceptable. And 53% of employees who cost-sharing has increased over the last 3 years say that this increase was acceptable. When asked about 17 different types of plan changes, majorities of employees report that all except one (increased co-payments) of these changes are acceptable, even where they have been directly affected by these changes.

Furthermore, the great majority of employers who have increased employee cost-sharing in their plans say that they found it easier than they had anticipated to get employees acceptance of changes. And most employees affected by increased cost-sharing think that it was necessary for their employers to make changes in their health care plans in order to get costs under control.

6. Some cost control mechanisms appear to be seen by employees as additional benefits. These include incentives to have tests and minor surgery done outside hospitals, second opinions, the availability of HMO and PPO options, wellness programs, financial incentives to practice good health and safety behaviors, employees health advisory services, medical case management programs, disability case management programs, and flexible plans which offer a choice between different health plans.

7. While a majority of employees are generally willing to accept some additional cost-sharing, it is not, of course, accepted with any enthusiasm, and attitudes toward additional cost-sharing vary widely. While most employees think that it is acceptable to pay a contribution to their insurance premiums, only very slender majorities think it is acceptable to increase their deductibles or have co-payments. Only 48% of employees say that it is acceptable to increase their co-payments.

Obviously, increased cost-sharing is not what employees want. The important finding is that most employees are willing to go along with it if the increase is not too large.

8. Union members are more resistant to change, and to increase cost-sharing, than are non-union employees. However, the differences are not very large.

9. Low income employees, particularly those earning less than $15,000 a year, are much more adversely affected by increase cost-sharing and find such changes less acceptable than do other employees.

10. In winning the acceptance of employees to change the design of corporate health care plans, communications seem to be almost as important as the details of the changes made. The quality of communications appears to vary greatly from company to company, with many employers reporting that they found it difficult to explain the changes to their employees.

11. The inclusion of additional benefits, particularly dental benefits, makes it easier to win employee acceptance for other changes which involve increased cost-sharing or constraints on the services which may be used.

12. Changes in corporate health plans appear to be having some impact on total health care expenditures. Changes made so far have not merely shifted costs from employers to employees. In many instances, these changes appear to have had some impact on consumer behavior, thereby helping to reduce total expenditures on health care services.

13. There is no evidence in this survey that changes made have, as yet, significantly reduced employee access to health care services. However, there is evidence that increased cost-sharing by low-income employees in the future could significantly reduce their access to care.

14. Corporate health care costs are not yet under control. Only 10% of employers report that their costs are completely under control. They expect their 1985 per employee costs to rise by a mean of 7-8% in 1985.

15. Corporate health plans look set to change at least as much in the next 3 years as they have in the recent past.

16. There are dangers in generalizing from the overall findings to the individual employer, health plan, or employee. This report shows a very wide variety of different behaviors, effects, attitudes and reactions. It is important to recognize that, even where a substantial majority give one answer, sizeable minorities, often involving many millions of employees, do not agree with the majority.

The following table summarizes the changes made in the last three years, and their effectiveness and acceptability to employees.

HEALTH PLAN CHANGES MADE IN THE LAST 3 YEARS

[In percent]

	Percent of companies which have made change (from Table 4-2)	Acceptability to employees affected [1] (from Table 5-1)	Perceived effectiveness [2] (from Table 6-1)
Changed to a contributory plan	21	68	71
Introduced deductibles	24	59	82
Increased deductibles	50	54	82
Introduced co-payments	22	52	81
Increased co-payments	27	48	78
Introduced plans to discourage hospitalization	47	83	81
Introduced pre-admission review	28	73	73
Introduced second opinions	54	84	73
Initiated utilization reviews	27	N/A	67
Offered HMO option	34	80	49
Initiated a PPO	9	82	51
Started a wellness program	26	97	67
Instituted incentives for health and safety procedures	12	98	58
Started a health advisory service	6	98	49
Started a medical case management program	10	95	46
Offered a choice of two or more health plans	8	92	48
Introduced a disability case management program	12	96	52
Introduced a salary-related deductible program	7	80	39

[1] Acceptability: defined as the percent of employees whose employers have made these changes who say this kind of change is "very acceptable."
[2] Effectiveness: defined as the percent of corporate benefits officers who say this kind of change is "very effective" or "somewhat effective."●

ANTI-SEMITISM GROWING RAMPANT IN ORTEGA'S NICARAGUA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. BIAGGI. Mr. Speaker, yesterday the House wisely voted to provide $27 million in humanitarian aid to the Contras in Nicaragua. I supported this proposal for a variety of reasons but mainly because it will maintain pressure on the Sandinistas to work for a peaceful and diplomatic solution.

There are many shortcomings which can be attributed to the Sandinistas. Certainly their most grievous shortcoming is their strong and growing link with the Soviet Union. It is a link that is visible and is continually being reinforced through such manifestations as President Ortega's seven visits to the U.S.S.R. over the past 5 years.

However one of the most disturbing of all elements of the Sandinistas was discussed in a recent op ed article in the New York Post written by the distinguished Senator from Nevada, CHIC HECHT. It was entitled "Grim Record

of Sandinista Anti-Semitism." In the article Senator HECHT charges that there is a campaign underway by the Sandinistas to "rid Nicaragua of its Jewish population." One finds credence in this disturbing statement when one considers the established link between the Sandinistas and the PLO, an organization whose main premise is to destroy Israel. In fact Senator HECHT says "Today the Sandinistas are among the PLO's foremost supporters outside the Arab world."

As I see it, we cannot and should not allow a double standard to be employed in our foreign policy when we are fighting evils such as anti-Semitism. We must never be in a position of supporting those nations where anti-Semitism is practiced. We must be especially vigorous in our opposition to those nations and governments who align themselves with other governments and organizations who practice anti-Semitism. Ortega's Sandinistas have lined themselves up with two of the foremost proponents of anti-Semitism, the PLO and the Soviet Union. If we are opposed to the Soviet Union for their brutal treatment of Soviet Jews then we must be opposed to Ortega for his alignment with that same Soviet Union. If we oppose the terrorism of the PLO then we must also oppose Ortega's Nicaragua which openly embraces the philosophy of the PLO.

The vote we took yesterday was a repudiation of many things including the Sandinistas coziness with the Soviets as well as their active and growing anti-Semitism. Let us remain vigilant in our opposition and work to end this evil before it is allowed to spread.

I now wish to insert Senator HECHT's article into the RECORD at this point.

GRIM RECORD OF SANDINISTA ANTI-SEMITISM

During the many recent ceremonies that commemorated the Allied victory over Nazism during World War II, we were reminded of the horrors of the Holocaust and of the suffering inflicted on millions of Jews by the totalitarian state that was Hitler's Third Reich.

As we remembered the liberation of Dachau and Auschwitz, Bergen-Belsen and Treblinka, we renewed our vow as Jews that we would fight tyranny, injustice and anti-Semitism wherever they occur so that never again will there be another Holocaust.

My desire to prevent the spread of anti-Semitism leads me to write about a government that so persecuted its Jewish population that the entire community was forced to flee the country it once called home. I speak not of Spain under the Inquisition, nor of Russia under the czars, nor yet of Germany under the Nazis. I speak, rather, of Nicaragua under the Sandinistas.

Most Americans—and even most Jews—remain unaware of the campaign of anti-Semitism that preceded the exodus of Nicaragua's Jewish community from that country. But from my position as a member of the Select Intelligence Committee of the U.S. Senate I have had a unique opportunity to learn of their experiences. And as an American and a Jew, I have a duty to do all in my power to tell their story so that what happened to Jews in Nicaragua will not happen to the thousands of other Jews who live elsewhere in Central America.

One of the first attacks on the Jewish community occurred even before the Sandinistas came to power. One Friday evening in 1978, while members of Managua's Jewish community were gathered for services in the city's synagogue, a fire bomb was thrown at the building. As the congregants tried to escape, they found their way barred by masked gunmen who identified themselves as members of the FSLN—the Sandinista National Liberation Front. The gunmen's attempt to burn Jews alive was foiled only by the arrival of the fire department who chased the gunmen off.

Upon taking power, the Sandinistas adopted more systematic and "sophisticated" means of anti-Semitic persecution. The 70-year-old leader of the Jewish community, Abraham Gorn, was arrested and convicted on false charges, and was forced to sweep the streets for the duration of his prison sentence. Sandinista agents visited Jewish homes each day to search and loot while the occupants were held at gunpoint and often beaten.

Meanwhile, laws were enacted that enabled the government to confiscate Jewish property on the spurious grounds that the owners had either abandoned it or were unable to manage it. Oscar Kellerman, a member of Nicaragua's former Jewish community, tells of the effects of the new laws. "They told us to get out, and then they confiscated our property when we left. But when you are told that you either lose your property or your life; there is really no choice."

The sudden outbreak of violent anti-Semitic activity that accompanied the Sandinista revolution shocked the small Jewish community which had previously enjoyed harmonious relations with its gentile neighbors.

Many Nicaraguan Jews who found refuge in the U.S. believe that the Sandinista campaign to rid Nicaragua of its Jewish population was staged in order to repay a long-standing debt of gratitude owed by the Sandinistas to the PLO.

The Sandinistas have maintained close ties with the PLO since the mid-1960s when members of the FSLN received training and other assistance from the PLO.

The alliance between the PLO and the FSLN was so close that Tomas Borge, the Sandinista Commandante, made the following statement in a speech marking the first anniversary of the Sandinista revolution: "We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas."

Today, the Sandinistas are among the PLOs foremost supporters outside the Arab world.

Granted diplomatic recognition by the Sandinista government, the PLO maintains a fully-accredited embassy in Managua.

The Sandinistas have also provided the PLO with support in the United Nations, joining an Arab-led effort to oust Israel from that body while accusing Israel of "mass genocide" in Lebanon of the sort "not seen since Hitler."

The Sandinistas' support for the PLO is consistent with the assistance they provide to many other terrorist organizations from around the world.

Terrorists from western Europe and Latin America, many of them fugitives from justice, receive refuge and often training and financial backing from the Sandinistas, who have helped to make Nicaragua a center for international terrorism.

And just as these terrorists were once able to travel freely using Lebanese papers, they can now do so by carrying passports issued by the Nicaraguan government.

All Americans, but especially American Jews, should be concerned by events in Nicaragua. Until now, the debate over U.S. policy towards the Sandinista government has largely ignored the events I have described above.

Above all we have a responsibility to protect the Jewish communities living elsewhere in Central America. The Sandinistas are attempting to undermine the security of its neighbors by sponsoring insurrection in those countries. Furthermore, the Sandinistas have expanded Nicaragua's Soviet-equipped army from fewer than 10,000 in 1978 to over 125,000 today.

These developments have raised concern in El Salvador, Costa Rica and Honduras that the Sandinistas are preparing what Commandante Tomas Borge has described as "a revolution without borders."

The concern of Jews was expressed by Dr. Jaime Daremblum, a member of the Costa Rican Jewish community and a leading journalist in San Jose. In an appeal quoted in a statement issued by the National Jewish Coalition, Dr. Daremblum called on the U.S. "to fulfill its duty as the most important member of the democratic community that we would all like to see survive in this hemisphere."

It is time for American Jewry to speak out on behalf of the Jews of Central America who today are threatened by the expansionist policies of the Nicaraguan communists. By supporting the administration's request for aid to the rebels fighting the Sandinistas, American Jews can promote the cause of democracy in Central America. In this way they can help ensure that Jew and gentile alike can enjoy freedom and human rights, safe from a government that seeks to spread its policies of violence and anti-Semitism throughout the region.●

IT IS TIME FOR ENTERPRISE ZONES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. KEMP. Mr. Speaker, I want to share with my colleagues the following statement made by the American Jewish Committee in favor of the legislation to create zones of enterprise and opportunity in the most distressed areas of our country. This legislation, which has been introduced by me and my colleague from New York, Mr. GARCIA, has gained the support of many worthy organizations like the American Jewish Committee, as well as the cosponsorship in the 98th Congress of a majority of our colleagues. The time for the enactment of this legislation is now: The men and women in our inner cities and blighted rural areas who are in need of an opportunity to make their first step up the economic ladder can wait no longer. I commend the American

Jewish Committee's statements to my colleagues, and ask for their support in enacting enterprise zone legislation this year. I am pleased that chairman BILL GRAY included language in the fiscal year 1986 budget resolution calling for the enactment of enterprise zones this year.

STATEMENT ON URBAN ENTERPRISE ZONES

The creation of new employment opportunities for residents of inner cities ranks among the most urgent policy priorities for American society. New and innovative approaches are needed to revitalize neighborhood economies and increase the number of jobs in areas suffering high unemployment. To further this goal, The American Jewish Committee endorses the concept of urban enterprise zones.

The enterprise zone concept aims to merge public and private sector initiatives to employ greater numbers of poor in central cities. It would combine the resources of the business community with those of federal, state and city governments and local community groups to generate jobs and foster economic growth where it is most needed.

This program assumes that poverty can be most effectively attacked by making secure jobs available through fostering business development. Enterprise zones would operate chiefly through the provision of tax incentives, reduction in regulations and eligibility for development bonds for businesses locating in poor neighborhoods. Benefits would be targeted to aid most directly companies that hire and train workers from disadvantaged backgrounds. This public investment would be compensated by the long term revenue enhancement effects of job creation and industrial growth.

Several bills to establish enterprise zones have been introduced to Congress, the most prominent of which is sponsored by Representatives Jack Kemp and Robert Garcia. This concept enjoys the support of a broad coalition of Republicans and Democrats. It has also gained the endorsement of key Black, Hispanic, ethnic and community groups.

To be maximally effective urban enterprise initiatives should take account of the following points:

1. Urban enterprise zones should form one component of a comprehensive social policy. They are not a substitute for other important initiatives for the poor. Educational, family support, health, housing, mass transportation and other programs need to be pursued along with job development to achieve a full strategy to combat poverty. Special attention should be paid to possible social and residential displacement effects of new development.

2. This is at present an experimental program. It assumes that jobs will follow inducements to establish businesses in targeted areas. Preliminary reports from state-sponsored enterprise zones have been encouraging. Early Federal efforts should be closely monitored to gauge their effectiveness and apply lessons learned in operating them to newly designated zones.

3. Guarantees should be provided that this program in fact benefits neighborhoods in greatest need of revitalization. Pressures will inevitably build to aid businesses in less deteriorated urban areas which offer a more conventional investment environment. Legislation should contain strict provisions that allow tax and regulatory incentives only for zones with low income, high unemployment and underdeveloped enterprise. Local government and community groups should play an active role in designation of urban enterprise zones.

4. Enterprise zones should not put companies currently operating in depressed areas at a competitive disadvantage. Firms should not be induced to relocate to them if this would raise unemployment in the area they leave.

Reducing poverty in the U.S. will require new strategies involving the private as well as the public sector. Urban enterprise zones offer a promising program for combining resources to revive inner cities and increase employment. They merit widespread support.●

"A HARVEST OF HARM," THE PULITZER PRIZE-WINNING SERIES WRITTEN BY TOM KNUDSON

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. EVANS of Iowa. Mr. Speaker, I am very pleased to take this opportunity to submit for the RECORD a series of articles written by the Des Moines Register reporter Tom Knudson entitled "A Harvest of Harm: The Farm-Health Crisis," which originally appeared in the Register September 16 through 23 of last year. This series, which called national attention to the problem of farm safety, won the 1985 Pulitzer Prize for national reporting.

I am pleased to be able to present to you these excellent articles and urge my colleagues to take the time necessary to read this excellent piece of journalism about a growing and urgent occupational safety problem of national scope.

[From the Des Moines (IA) Register, Sept. 16-23, 1984]

A HARVEST OF HARM: THE FARM-HEALTH CRISIS

"Agriculture set another record last year. But this record wasn't measured in bushels per acre or dollars per pound. And it wasn't something to be proud of, for agriculture became the most hazardous occupation in America."

With that opening paragraph, Register reporter Tom Knudson began a series of six articles that shed a new light on a dark corner of American agriculture. Knudson's series, "A Harvest of Harm: The farm-health crisis," explained how farming in 1983 had surpassed mining as the most dangerous job in the U.S. economy.

Examining trends that had gone long ignored in the nation's press, Knudson revealed not only that on-the-farm accidents are killing and maiming hundreds of thousands of farmers annually, but a whole new array of health hazards is arising in what's romantically seen as a clean, healthy, happy way of life. These hazards "hide in bins of moldy corn, dust-choked hog sheds, grain-filled silos, mounds of wet hay, overflowing manure pits, leaking pesticide cans, sick livestock and contaminated groundwater," Knudson wrote. "They are the invisible sparkplugs of disease: mold spores, poisonous fumes, viruses and hazardous chemicals of all kinds."

The series, which appeared in The Register Sept. 16 through 23, 1984, broke new ground in calling national attention to a long ignored and increasing problem.

To produce the series, Knudson, a 31-year-old reporter stationed in the Iowa City bureau of The Register, worked for more than three months interviewing health and safety experts, surveying medical research and tracking down case histories of the maimed, the sick and the dead. The specific case histories weren't easy to find. There is no government agency that compiles them or farm organization eager to publicize them. Knudson tracked down his victims' stories by poring over computer printouts of workers' compensation claims and by sifting through literally hundreds of death certificates in county courthouses—then talking to the widows and other survivors for the details of these on-farm tragedies.

On April 24, 1985, Tom Knudson's articles won the 1985 Pulitzer Prize for national reporting.

Knudson's award is the 13th Pulitzer Prize won by The Register, and the sixth for national reporting. We are proud to reprint this example of the best in newspaper journalism, with the hope that the light Tom Knudson and The Register have shed on this dark blot on American agriculture will show the way to making farming a safer, healthier job in the future.—JAMES P. GANNON, Editor.

THE DES MOINES REGISTER,
December 31, 1984.

The PULITZER PRIZES
The Pulitzer Board, Columbia University, New York.

To the judges:

"When 20 miners die in a West Virginia coal mine, there is a national outcry and it's all over the news," says David Baker, a University of Missouri farm-safety specialist. "But when one farmer in Podunk, Iowa, is killed in a farm accident, maybe one little paper picks it up. And maybe it doesn't. Agriculture is so spread out. It's hard to develop much of an impact."

David Baker was one of dozens of authorities interviewed by Register reporter Tom Knudson in developing a remarkable series of articles that revealed and examined this startling finding: Farming has become the most hazardous occupation in America.

More dangerous than coal mining, construction, or factory work, farming in 1983 rose to the top of the nation's list of hazardous jobs. Its on-the-job death rate is five times the national average for all industries; 1,900 American farmers died in work-related accidents in 1983, and 200,000 more were disabled. Equally distressing is the growing incidence of crippling disease such as "farmer's lung" and corngrowers' cancers that appear to be linked to modern farming's new methods of raising livestock indoors and heavy use of chemicals to boost crop yields.

The unheralded rise of farming to the top of the occupational killer list had never been examined closely in the press until Tom Knudson undertook a three-month project last summer that produced a six-part Register series titled "A Harvest of Harm: The farm-health crisis." The series startled Iowa and the farming industry with its gripping, sometimes grisly, stories of death, dismemberment and disease down on the farm.

Knudson's stories documented the suspicious connection of certain cancers, such as leukemia and lymphoma, with corn growing—suggesting a possible link to pesticides. They told of the new hazards associated with modern "indoor" farming, in which the closed confinement of hogs can produce a witch's brew of dust, dander, vapors and bacteria that literally fill farmer's lungs with hoghouse "mud." They told of accidents in which farmers watched as machines chewed up their arms or legs, and of death alone in a distant field.

Such specific case histories weren't easy to find: There's no government agency that compiles them or farm organization that wants to publicize them. Knudson tracked down his victims' stories by poring over computer printouts of workmen's compensation claims and by sifting through literally hundreds of death certificates in county courthouses, then talking to widows and other survivors for the details of these on-farm tragedies.

Tom Knudson's series casts a new light on a dark corner of a major American industry. More than a decade after federal action created an Occupational Safety and Health Administration to police the hazards in America's mines and factories, the nation is doing almost nothing to examine or regulate what has become its most dangerous work.

Because I believe these articles break new ground in calling national attention to a long ignored and increasing problem, I'm proud to nominate this series for the Pulitzer Prize for national reporting.

Sincerely,

JAMES P. GANNON,
Editor.

DEATHS, MAIMING INJURIES AND ILLNESS MAKE FARMING THE MOST DANGEROUS JOB—MULTITUDE OF HAZARDS IN MODERN OPERATIONS

(By Tom Knudson)

Agriculture set another record last year. But this record wasn't measured in bushels per acre or dollars per pound. And it wasn't something to be proud of, for agriculture became the most hazardous occupation in America.

According to the National Safety Council, farming surpassed mining in 1983 as the country's most dangerous job. Fifty-five of every 100,000 farmers died in on-the-job accidents, five times the national average for all major industries. Farmers also were mangled and maimed more often than other workers, the council reported. Fifty-eight of every 1,000 farmers were disabled—temporarily or permanently—by accidents.

The grim statistics are just the beginning. Farmers today face a multitude of hazards, far more diverse and far more dangerous than commonly believed. There are the gruesome accidents—the tractor mishaps, the electrocutions, the asphyxiations—but many of the risks are far more subtle.

They hide in bins of moldy corn, dust-choked hog sheds, grain-filled silos, mounds of wet hay, overflowing manure pits, leaking pesticide cans, sick livestock and contaminated groundwater. They are the invisible sparkplugs of disease: bacteria, mold spores, poisonous fumes, viruses and hazardous chemicals of all kinds.

SOME KILL QUICKLY

Some of them kill instantly, but most are not that efficient. They cripple and weaken. In some cases, they lurk quietly for decades, waiting to trigger diseases from chronic bronchitis to leukemia and other cancers.

Many of the dangers were unknown a generation ago. They have emerged, largely unheralded and unheeded, from an agricultural revolution that sprouted 35 years ago. That revolution brought pesticides, fertilizers, bigger machinery and bumper crops to agriculture. And one more thing—a harvest of sickness for farmers.

This series of articles will explore that crop of ill-health that threatens the nation's largest and most productive industry, agriculture. This year, America's 10.4 million farmers, hired hands and migrant workers will raise enough food to feed more than 225 million people—exports alone will top $30 billion—and they do it amid hazards that science is just now beginning to understand.

"Occupational health in agriculture is a serious problem that is largely unrecognized by most of the public and private sector," said University of Iowa associate professor Kelley Donham in testimony before the Joint Economic Committee of Congress last year.

Many of the hazards "are created unknowingly as the result of new technology," Donham continued, "yet there is no effective program to deal with these occupational problems, and therefore they may be expected to continue and their economic significance is likely to increase."

"There's been precious little research done in this area," said Dr. James Merchant, director of the U of I Institute of Agricultural Medicine, the nation's oldest and largest farm health research center. "We're making some progress here, but we've got a long ways to go. Overall, agriculture still gets left by the wayside."

There is a bushel-basket of reasons for that, one of them being the myth of farming as the good life of fresh air and sunshine. The myth is rooted deep in the American soil. "O the farmers' joys!" rhapsodized the poet Walt Whitman in "Leaves of Grass." "Ohioans', Illinoisians', Wisconsinese', Iowans' joys!" he cried.

Even before Whitman, government trumpeted the theme. "The agricultural state is more favorable than any other to the improvement of the physical and moral powers of man," noted the U.S. House Agricultural Committee in 1821.

The myth is crumbling today:

"I don't know what happened. I just keeled over, I blacked out. When I came to, I was lying on a wagon with all these people around. Someone was giving me oxygen."

What happened to Burdette Lane of Marathon was a close encounter with silo gas—a superpoisonous nitrogen dioxide compound that can build up in some grain-filled silos.

Lane was lucky. Someone discovered him in time. "Quite a few guys have lost their lives this way," said Lane, 52. "Once was enough for me. I don't intend to ever get in a silo again."

As he reached for a stalk of corn dangling from a corn picker, Vern Tigges, 45, of Dexter felt a jolt. In the next moments in a fierce and frantic struggle with the machine, three fingers were ripped from his hand. Today, the terror of that November day in 1982 is gone, but its lesson lingers: "Count to 10 before you do anything," said Tigges.

"I was deathly sick to my stomach. I was short of breath, I was so sick I just walked the floor all night," said Wayne Robinson, 44.

The next morning Robinson was in the hospital. His problem was farmer's lung disease, a serious respiratory condition he developed after breathing moldy grain dust inside a silo last fall.

Robinson, a hired hand who lives in Washington, was hospitalized for a week. "The thing I'm worried about is what's going to happen down the road," he said. "What's the dust going to do? Is it going to cause more problems?"

The long-range risks of modern farming are not well understood. But in recent years, medical researchers have begun to publish a number of studies on the subject and their results, though tentative, are worrisome.

Consider hog farming. It's never been the most sanitary of occupations, but 20 years ago the health problems were minimal. That's not so today. The popular indoor hog sheds that have revolutionized hog farming have brought an industrial problem to agriculture: air pollution.

The smoggy atmosphere inside the so-called confinement sheds produces a variety of health problems among Iowa's 90,000 swine confinement workers, according to Donham's studies. The studies say at least two-thirds of the workers are affected, and maybe as many as nine out of 10. Typical problems might include bronchitis, muscle aches, coughing, wheezing and shortness of breath.

"I feel this is the most important occupational respiratory problem in Iowa and the upper Midwest today," said Donham. And what about tomorrow?

The outlook isn't good. "We hypothesize that swine confinement workers may suffer irreversible lung impairment after several years of exposure," wrote Donham in the American Journal of Industrial Medicine earlier this year.

Many drop out before that happens. "It just got to the point where I was short of breath all the time. My muscles ached and I had chest pains," said Clifford Daugherty, 34, of Truro. In December 1982, he quit his job in a hog confinement unit after working there 2½ years.

"I like raising hogs. But I've got no regrets about quitting. Not after what I went through. Not after all that congestion and chest pain," said Daugherty.

DEATHS AND DISABLING INJURIES IN U.S. INDUSTRIES

Industry	Workers (thousands)	Deaths	Death rate per 100,000	Disabling injuries	Injuries per 1,000
All industries	100,100	11,200	11	1,900,000	18
Agriculture	3,400	1,900	55	200,000	58
Mining, quarrying	1,000	500	50	40,000	40
Construction	5,400	2,000	37	200,000	37
Manufacturing	19,000	1,200	6	340,000	17
Transportation and Public Utilities	5,300	1,300	25	140,000	26
Trade	22,700	1,100	5	330,000	14
Service	27,600	1,700	6	370,000	13
Government	15,700	1,500	10	280,000	17

Source: National Safety Council, preliminary 1983 figures.

CANCER

Another big question is cancer. Many studies have shown that a Midwestern farmer has a higher-than-normal chance of dying of leukemia or other cancers. Why?

Some studies have pointed to "modern farming methods," particularly those associated with corn. The most frequently mentioned suspect is pesticides.

The National Cancer Institute is just completing a three-year, $1.3 million study of leukemia and lymphoma in Iowa and Minnesota. But the mystery remains unsolved.

"Farmers do so many different things," said Dr. Aaron Blair, who is directing the research. "They're pesticide applicators, car-

penters, welders and mechanics. They're exposed to a variety of potential carcinogenic substances such as solvents, oils, fuels, welding fumes, pesticides and organic dusts. So it's hard to get a handle on just what exposures are causing these diseases."

Farmer's lung disease is another unknown. The disease "has received only minimal attention in the medical literature and yet may be a significant cause of short-term (illness) in the working farm population," reported two New York doctors in the Archives of Environmental Health earlier this year.

That seems to be true in Iowa, although the disease, which is caused by breathing moldy grain and hay dust, has not been formally studied here.

"You're just gasping for breath and there's nothing there," said Russell Sandersfeld, 51, of Amana, who was hospitalized in November 1982, after scooping moldy corn inside a grain bin.

"It coats your lungs worse than smoking. Ninety times worse," said Bill McFerrin of Council Bluffs. "Then you start coughing it up. Only you can't get it out."

McFerrin's problems began just last summer after working in a grain bin on his father's farm near Modale. "I just thought it was a bad cold," he said. "I had it for a month and a half. Finally, I went to a doctor and he knew what it was right away."

McFerrin's father, Ed, is also familiar with the problem. "I nearly died from it years ago," he said. "My lungs are still scarred. It's terrible."

BIGGEST TERROR

But the biggest terror of all on the farm is the accident, that split second when lives and limbs are lost. Nationally, about 1,900 farmers died last year in work-related accidents, according to the National Safety Council. About 200,000 more were disabled—more than the population of Cedar Rapids. The most hazardous region of all, according to a safety council report, is the Midwest—Minnesota, Wisconsin, Illinois, Missouri and Iowa.

"There was a flash. I screamed. Then I jumped out of there. It happened that fast," said Richard McNaughton, 27, of Lawton in northwest Iowa.

The accident occurred as he was working on a pickup truck last November. McNaughton leaned over to plug in a welder and 220 volts of electricity mangled his hand.

"It burnt three or four of my fingers pretty bad. It burnt my palm and my thumb, too," McNaughton said. "I still have a little weakness in my hand today. The doctor seems to think I may have damaged some nerves."

McNaughton is lucky; he is alive. Many farm accident victims are not. These were the last days of their lives:

Tuesday, Jan. 11, 1983: Rick Hale, 18, reaches to plug in a space heater in a hog confinement shed near Hampton. His body is found about 4:45 that afternoon. Cause of death: electrocution.

Thursday, June 23, 1983: Delmar Emmack, 64, is mowing hay on his farm north of Prairie City. The tractor tips near a ditch and rolls over. Emmack dies of massive chest injuries.

Wednesday, Aug. 31, 1983: Roger Rathje, 46, of rural Miles is driving a loader when it overturns and falls into a silage pit. Rathje is pinned under the machine and pronounced dead at the scene.

Saturday, Sept. 3, 1983: Four-year-old Caleb Stille of rural Storm Lake tries to jump on a tractor driven by his father. He falls under a rear wheel. He is dead at the scene.

"Unfortunately, farm accidents happen so often that people become accustomed to them," said Merchant. "They're likely to see a news article and say, 'Oh, another kid run over by a tractor.'

"Accidents continue to be the big problem on the farm. And the research is underdeveloped. Accidents don't have much mystique and haven't drawn that much attention. A lot more work needs to be done.

"We don't know, for instance, how frequently farm accidents happen or what kinds of trends are occurring. And unless you have that kind of information, it's hard to mount a major prevention program. You don't have the ammunition you need to go to Congress and say, 'Here's what's happening.'"

TOO LITTLE RESEARCH

The same is true for most farm health issues. "There are virtually no efforts to (observe) or obtain accurate and comprehensive data on these problems and there is very limited research," Donham said at the annual meeting of the American Farm Bureau Federation in January.

In his testimony before Congress last year, Donham said federal farm policies actually "generate serious new health problems" by encouraging the development of an industrial-type agriculture. He urged lawmakers to develop "a national policy for the surveillance and prevention of health and safety problems in agriculture."

"There are no comprehensive programs to deal with these issues," Donham said in an interview. "There are basically no federal agencies that look after the health problems in agriculture."

That includes the U.S. Department of Agriculture, which has spent millions for agricultural research, but not a dime at the U of I Institute of Agricultural Medicine. "The USDA has never funded a project here and that's always seemed strange to us," said Keith Long, director of the institute from 1974 to 1983.

"We've applied for grants, but usually they just send us a bunch of boiler plate," said Long. "Part of the problem is historical. The USDA has never done much in the health area. Its mission has been the promotion and development of agriculture. And it's tough to change that. It's like trying to move a leviathan with a rowboat. It doesn't work."

"Certainly, the USDA, through its research, helped develop swine confinement," said Donham. "Well, a lot of health problems have emerged from that. So I feel there should be some federal support to study these problems."

There are other forces at work. A big one is politics. "There isn't a consolidated group in agriculture to draw attention to these issues." Donham said. "Farmers are fairly diverse. Agriculture just hasn't had the political clout that other industries have had."

Farmers haven't exactly called attention to the problem, either. "As a group, farmers tend to be very independent and stoic," Merchant said. "They don't complain much. They're too busy working.

"They're not anxious to seek medical help, either. We've seen farmers at our pulmonary clinic here so disabled with farmer's lung disease that you wonder how in the world they've continued to farm."

HEAVY COSTS

The costs of the farm health problem are steep. "We've seen instances where a swine producer has invested over a half-million dollars in a confinement building and then finds he cannot work in it because it makes him sick," Donham said.

There are other tolls. Higher health insurance rates, increasing litigation costs and soaring workers' compensation claims. In Iowa, the amount of farm-related workers' compensation payments more than doubled recently, jumping from $615,839 in 1980 to $1.35 million in 1982. That doesn't include medical payments, which quadrupled from $342,697 to $1.39 million during the same period.

Even city folks may someday feel the cost. "The people in our urban areas are living off our farm population," said Long. "If it weren't for farmers, people wouldn't be eating. So farmers are a very critical population—a very important group to keep healthy."

"The way I look at it, the health of the farmer has a direct relationship on productivity," said Donham. "If we can improve the health of the farmer, we're going to improve the productivity of agriculture."

But he is not overly optimistic. "There are very significant occupational health problems in farming and they are not getting any better," he said.

The solution? "Research should be a top priority," said Donham. "We need to know such things as what causes lung conditions in farmers, how to prevent them and how to keep the farmer safe and healthy."

Until then, farmers themselves will pay the price, farmers like William Donaldson of Washington. "I was really sick," he said. "I was coughing and my chest hurt and I could hardly breathe."

Donaldson, 41, was hospitalized last fall with farmer's lung disease after scooping out the bottom of a dusty silo with fellow hired hand Wayne Robinson. "It bothered me all winter long," Donaldson said. "My chest would just start hurting, especially when I'd go in a hog confinement building.

"I can still feel it once in a while today," he said. "I don't know what to think. It worries me.

"You know, I was born and raised on a farm and it was never this dangerous," Donaldson said. "Farming's changed. It's gotten more modern. And more hazardous. A lot more hazardous, as far as I'm concerned."

TODAY'S FARM METHODS BRING INCREASED DEATHS FROM CANCER

(By Tom Knudson)

CLARENCE, IA.—On Oct. 10, 1983, a 63-year old farmer from this small eastern Iowa town died of leukemia at the Veterans Administration Medical Center in Iowa City. But when George Amos Babka was buried two days later at the Cedar Memorial Cemetery in Cedar Rapids, the final chapter of his life ended with a question mark. Just what had caused the cancer that took his life?

The question intrigues medical researchers. During the past few years, their studies have begun to find that Midwestern farmers, like Babka, have higher-than-normal chances of dying of leukemia and certain other cancers.

Even more ominous is the suspected reason for it: Modern farming methods, particularly those associated wtih heavy corn production. The most frequently mentioned factor is pesticides. Other possibilities have been suggested, including fertilizers, welding fumes, solvents, fuel oil, dust and

groundwater contamination, but nobody knows for sure.

"The association of corn production with leukemia mortality in both Iowa and Nebraska indicates that modern farming practices may be a cause of the higher leukemia mortality rates in farmers," wrote University of Iowa professor Leon Burmeister in an article in the American Journal of Epidemiology in 1982.

This summer, federal and state researchers in Iowa and Minnesota continued working on the most sophisticated study yet, re-examining farming practices and probing several other possibilities, including X-rays, hair dyes, cigarette smoking, family background, dairy cattle, chickens, even dogs and cats.

Overall, cancer is actually less of a hazard among farmers than for the general population. Lung cancer, for example, strikes farmers at significantly lower-than-normal rates, probably because farmers smoke less, scientists say.

AN ALARMING PICTURE

For a few less-common cancers, the picture is more alarming. Leukemia, a cancer of the bone marrow, spleen and lymph nodes, strikes Iowa farmers 24 percent more often than it does the general population. In Nebraska, the figure is 25 percent, but it jumps to 44 percent in heavy corn-producing counties and is even higher in counties with high insecticide use.

"Spraying chemicals is such a mess," said Babka's son, Craig, 20. "The stuff gets in your body. It's got to do something except just sit there. My mother always has thought the sprays had something to do with this."

Another cancer linked to farming is multiple myeloma. If you're an Iowa farmer, your odds of developing this cancer of the bone marrow are about 48 percent greater than it is among non-farmers. And if you use a lot of herbicides, your chances are more than double.

"We did use a lot of chemicals, especially brush killers," said Lucille Sojka of Riverside. "Some of the compounds were pretty wicked."

In 1979, her husband, George, began to complain of aching bones. First, it was his arms, then later his ribs. "They hurt so bad he thought they were broken," she said. Still later, his back started hurting, a condition one doctor called "just a farmer's back."

But early in 1980, the real trouble was found. "He had bone cancer, multiple myeloma, they called it," she said. On Dec. 26, 1982, Sojka, 54 years old, died.

"I'm not going to say the chemicals did or didn't do it," his wife said. "We're just simple people. We don't know. But the possibility is there."

Then there's lymphoma. Burmeister's studies show that Iowa farmers have a 26 percent greater chance of developing this cancer of the lymphatic system. Similar findings have been recorded in Wisconsin. Suspected agents are wheat farming, herbicides and insecticides.

"The chemicals must have something to do with it," said David Speirs, a 61-year-old farmer from Traer, in east-central Iowa. "Nothing like this ever happened in our family before."

He is talking about his brother, Robert, who in 1975 developed what doctors first thought was an ulcer. The ulcer turned out to be cancer—lymphoma, to be more precise. On March 15, 1976, Robert Wayne Speirs died at 58. He had farmed north of Traer all his life.

All three cancers—lymphoma, multiple myeloma and leukemia—are related diseases, ones that affect the body's blood cells. And all three have been linked to farming. A coincidence? Scientists don't think so.

"They're all very similar diseases and that's interesting," said Burmeister. "They're also the ones that are showing a relationship to herbicide use and other farm practices. And that gives us reasons to be concerned."

NO PROOF—YET

But it doesn't prove a thing—yet. "There's no way we can say one has caused the other," Burmeister said. "It's just a kind of 'going-together.' It just so happens that people who die of these diseases are more likely to have been exposed to various farming practices."

There are other risks. Stomach cancer is one. It shows up 32 percent more often among Iowa farmers than in the general population, particularly those in northern Iowa, and has been associated with grain dust, dairy cattle and livestock and corn production.

Prostate cancer is another risk. It occurs 19 percent more frequently in farmers but so far has not been associated with any agricultural practice.

Natural forces may be at work, too. Some studies have shown a relationship between leukemia and dairy and poultry farming. Researchers suspect an animal virus may trigger the disease in humans. But again, they're not sure.

The medical literature is peppered with such words as probability, association and correlation. "There is a high positive correlation between leukemia in males and cattle density. This relationship is greater for dairy than for beef cattle," wrote Kelley Donham, an associate professor with the U of I Institute of Agricultural Medicine, in a 1980 article.

Burmeister also looked into the matter and found a different suspect: chickens. "This was not anticipated, but there is a precedent," he wrote. "A study in Washington and Oregon did indicate the greatest excess of leukemia was in poultry farmers."

George Wanek of West Branch retired in 1966 after working about 15 years for a hatchery in Iowa City. Fifteen years later, on June 19, 1981, Wanek died. Cause of death: respiratory arrest due to acute leukemia.

Much of the progress in tracking the causes of cancer in farmers has been made by epidemiologists, medical detectives who work more with paper than with people. Begun in the 19th century, the science is today turning more and more to the statistical wizardry of the computer to fine-tune its observations.

Even so, epidemiology is an imperfect science. It is painstaking work, too, often involving sifting through dusty medical and job records, talking to relatives of long-dead cancer victims and reconstructing the past in a search for possible cancer clues, or "explainers," as Burmeister calls them.

BIG CLUE IN 1979

One of the biggest leads in the leukemia mystery came in 1979 when Aaron Blair of the National Cancer Institute published the first study to link leukemia with specific farming practices at the county level. Based in Nebraska, the report showed the strongest connection in counties with heavy corn production.

Other reports soon followed, including Burmeister's in Iowa, which found that the riskiest area is roughly north of Interstate Highway 80, where most of the state's corn is grown. The studies' findings were similar. There seemed to be something about the corn. But what?

The search for answers is complex because farmers work near so many potentially hazardous compounds: solvents, welding fumes, fuel oil, hog dust, grain dust, fertilizers, pesticides, animal viruses and others.

Pesticides are the most widely suspected agent. Studies show that leukemia deaths are more common among Iowa and Nebraska farmers in business after World War II, when pesticide use began to soar. Some pesticides were used widely for years before they were later found to cause cancer.

Some compounds in use today are now being questioned. One is the popular weed killer 2-4-D, which Swedish scientists have found increases by five times the risk of developing malignant lymphoma. "The Swedish report is disconcerting and underscores the urgent need for similar studies in the U.S.," Blair said.

SOME WATER TAINTED

Another cause for concern is agricultural runoff. "Although highly speculative, one mechanism for increasing the risks for farmers of leukemia and other cancers is contamination of shallow farm wells and farm ponds," wrote Burmeister.

"Contamination of groundwater is a major concern in the rural environment," Donham told the annual convention of the American Farm Bureau Federation earlier this year.

"Of all private water supplies in the United States, most of which are wells, 40 percent are thought to be contaminated with hazardous or potentially hazardous substances, including nitrates, pesticides, infectious agents, foreign particles, organic chemicals and radium."

The search for clues continues. Just this summer, researchers for the National Cancer Institute completed a major portion of an exhaustive, three-year study of leukemia and lymphoma in Iowa and Minnesota.

The $1.3 million study, involving researchers at the U of I and the University of Minnesota, is the most advanced work on the subject so far. Instead of simply using death certificates and other records, researchers interviewed actual leukemia and lymphoma patients—600 in Iowa and 600 in Minnesota.

"We probably will never identify all of the factors involved in causing these diseases," said Blair, who is directing the project, "but certainly, we have a good chance of finding some of them, some of the major ones."

INTERVIEWS IN DEPTH

The key to the study was lengthy interviews in which patients were asked about everything from farm chemicals to X-rays. The results of the interviews—the last one was finished this summer—are not being analyzed by computer and findings are expected to be published next year.

"We're basically following up on the earlier studies and trying to be more precise," said Dr. George Everett of the U of I, who is in charge of the Iowa part of the project.

"We asked a lot of questions, everything from where they live to what kind of water they drink.

"If the patient was a farmer, we asked about the kinds of farming they did. The kinds of crops they grew, the number of livestock they raised, the kinds of chemicals they used, how often they used them, things like that."

One of those interviewed was a farmer

from Danville named Max Dockendorff. Tall and easy going, Dockendorff was well-known across much of southeast Iowa for the seed corn he grew, Dockendorff Hybrids.

"He was the picture of health," said his wife Elsie. "He didn't drink. He didn't smoke. He had a good diet, got plenty of rest. He was always in a good frame of mind."

Then, in 1979, things started to go wrong. Suffering from shingles and weight loss, Dockendorff made an appointment with a doctor in Mount Pleasant. After a series of tests, Dockendorff heard some bad news: He had cancer. A few weeks later in Iowa City, *he found out it was lymphoma.*

"Finding out is the hardest part," said Elsie. "Nobody thinks they're going to get cancer. Max certainly didn't. He was always so healthy. He had never been hospitalized in his life.

"We both wondered what could have caused this. Max always had a feeling it was the farm chemicals. He told me that many times. I think there's something to it myself.

"He was always very careful with pesticides, but he used so many of them. He used them even during the winter to treat the seed corn. When he would come inside, you could smell the chemicals on his jacket."

Dockendorff's son, Lyle, also is suspicious. "I'm convinced pesticides had something to do with it," he said. "Dad had an extra dose of the stuff in the winter. I know because I worked with him. It was indoors and we tried to keep the building ventilated. But I'm sure we inhaled quite a bit of the stuff."

Dockendorff's spleen and gallbladder were removed. He underwent chemotherapy, responded well and continued to live an active life. He and Elsie even traveled to New Zealand in early 1982 where Max "walked up the side of a small mountain. He even shot a wallaby," Elsie said.

But slowly, the cancer cells kept growing and finally they overwhelmed him. Dockendorff died at Mercy Hospital in Iowa City on May 4, 1982, at the age of 65. According to his death certificate, he had developed another disease: leukemia.

"My husband loved the land and he loved farming," said Elsie, "and farming is a good life. But I have a feeling that if he hadn't been a farmer, he might have had a better chance, he might have lived a longer life."

FARMERS PERILED BY HOGHOUSE DUST

(By Tom Knudson)

DOWNEY, IA.—As hogs scurry around concrete pens on the KenRay Slach Farm west of here, a pungent dust fills the air.

"On certain days, you really notice it. It gets real dusty," said Mark Hoffman, who has worked here six years. "It makes it difficult to work. Your chest begins to feel full. It feels like your lungs are all stuffed up."

Every year, many of Iowa's 60,000 hog farmers are bothered by respiratory problems after working around the noxious, pale-gray hog dust. Twenty years ago, the dust was little more than a nuisance, but today it has become a serious health hazard known as hog lung.

An agricultural revolution that brought hog farming out of the mud and into modern, indoor "confinement units" has created a factory-like environment with a factory's dust problem. But this is no ordinary dust. It's packed with a witch's brew of ingredients—fecal matter, poisonous gases, animal dander, toxic bacteria and more.

The hog dust has sidelined at least two-thirds of Iowa's 90,000 swine confinement workers—and maybe as many as nine out of 10—at various times with short-term lung problems, according to recent studies at the University of Iowa.

The situation is "an important emerging occupational respiratory health hazard in agriculture," said a team of U of I scientists in a paper published earlier this year in the American Journal of Industrial Medicine. In fact, the hazards are so severe that the researchers speculated that "workers in the confinement environment may suffer irreversible lung impairment after several years of exposure."

Whether or not that happens won't be known for several years, not until the confinement industry gets older and the diseases have had time to develop. But already, problems are starting to show up: More and more hog farmers and swine confinement workers are turning to doctors and hospitals for help. Some have been told to quit the business—or else. Some are filing for damages under the Iowa workers compensation law. And some are filing for unemployment benefits.

Iowa, the nation's leading pork-producing state, is the center of the confinement industry. Farmers here raise one-fourth of the nation's pork, the second-leading red meat in the U.S. diet. Seventy-three percent of those hogs are raised in the more than 28,000 confinement units in the state, according to a U of I study. Thirty-six percent of those units employ hired workers, the study noted.

Nationally, another U of I study reported, "We estimate that a half million people are exposed to the swine confinement work atmosphere, and an additional half million are exposed in poultry, beef, veal and dairy confinement."

"This whole confinement area developed so rapidly that we're just now starting to become aware of the problems," said Kelley Donham, a U of I associate professor who has directed the school's research in the area. Confinement hog farming began in the early 1960s, he said, but more than 90 percent of the structures were built since 1970.

There actually are two hazards. The most common is the irritating, smog-like mixture of dust and gas that plagues farmers with bronchitis-like symptoms. The other is much less common but far more deadly. it occurs when toxic gases such as hydrogen sulfide and ammonia boil out of giant manure pits, usually as the pits are being emptied, overwhelming and killing farmers outright.

"This whole area definitely needs attention and it's one of our high priorities," said David Meisinger, director of research and education for the National Pork Producers Council, which funds some of Donham's work. "You don't have to talk to very many producers and swine confinement workers to see that this is high on their minds."

Consider the case of Ronald Bales, a 25-year-old swine-confinement worker from St. Charles in south-central Iowa. Former swine-confinement worker, that is.

"It all started last year, around the middle of April, when I switched jobs from one farm to another," said Bales, who is married and the father of two children. "The only difference was at the new place, the manure pit was under the building, instead of outside.

"It took a while for things to catch up, but around the last week in August, I started getting sick. It was just like I had the flu. And I wanted to sleep a lot. I'd come home for lunch and instead of eating, I would sleep for an hour.

"Then the flu started to get worse—what I thought was the flu. I got stomach cramps and a headache. That lasted about a month. Finally, I went to a doctor in town and he gave me some flu shots. I took the weekend off and felt a little better. But when I went back to work on Monday, it started all over again."

There were chills, too, and a cough and a fever that soared to 103 degrees. And he began losing weight, a lot of weight: 50 pounds, according to a medical report.

"Then, one Sunday, my feet started hurting. Real bad. I couldn't hardly walk. The next day I went to see a doctor in Winterset. He thought it might be brucellosis. He told me to stay away from work for a while. He took some tests and sent them to Iowa City. But they all came back negative," Bales said.

By then, Bales' father-in-law was concerned enough that he arranged an appointment with a Des Moines lung specialist, Dr. Steven Zorn. Even Zorn was baffled. "He wasn't sure what it was either," Bales recalled. "He doubled my prescription of Doxycycline [an antibiotic]. Then, on a Monday afternoon, he told me if I felt good enough that I could go back to work. So I did.

"By Wednesday every joint in my body was stiff. And I was having trouble breathing. So I went home and it wasn't long before I couldn't move at all."

That afternoon, Bales' grandparents drove him to the emergency room at Iowa Methodist Medical Center in Des Moines.

"Doctor Zorn put a tube down my nose and into my windpipe. He wanted to get an idea of what was down there, I guess. When he was done, he came in and told me I had a form of mud in my lungs," Bales said.

"He explained that hogs have dandruff about 10 times worse than what's on people. Hog dust—that's what it's called. And he said when that dust is mixed with the wet gases coming up from the manure pit, it forms a kind of mud."

Zorn described the condition in a letter on Oct. 10 to Bales' local doctor. "We have some new information based on occupational exposure," he wrote. "It narrows us down to the diagnosis of hog lung. [Bales] was instructed to avoid exposure to hogs. This may necessitate changing his future farming plans."

Bales took his doctor's advice, quitting his job in October. After that came almost 18 weeks of workers compensation payments, totaling $2,664.62. And after that came a new job, driving a truck for the Pepsi-Cola Co. "I feel a lot better today," he said. "But my wife says I still cough once in a while."

In June 1977, the Journal of Occupational Medicine published the first scientific paper to warn of "an emerging set of health hazards" for hog confinement workers.

"Swine confinement units are often contaminated with gases and dusts in sufficient quantities to create an unhealthy work environment," the paper noted. "A high percentage of individuals suffer at least short-term ill effects."

The author of that paper was the U of I's Donham, a veterinarian and associate professor in the Institute of Agricultural Medicine. Today, he is one of the nation's leading experts on health problems related to swine confinement operations.

"Being a vet and being raised on a farm, I had always had some problem with the hog dust myself, even in the conventional buildings," said the 39-year-old Donham. "Then,

when the confinement buildings came along, I really started having trouble coughing and wheezing, things like that.

"So I said to myself, 'Self, if you're having trouble, other people must be, too.'"

Donham then surveyed 35 of his fellow veterinarians and found that 32 of them had respiratory problems in confinement facilities. That finding prompted further studies.

Donham found that toxic gases in confinement sheds often exceed the levels considered safe by the American Conference of Governmental Industrial Hygienists, an organization of industrial health specialists. And it is "very common for more than one gas to be in excess" of the standards, he reported in his 1977 study.

He also found that at least two-thirds of farmers surveyed, and perhaps as many as nine out of 10, experienced health problems working in confinement units. The most common difficulty was bronchitis, followed by a list of other ailments: asthma, headaches, dizziness, weight loss, nausea, fatigue, muscle aches, sore throat and eye irritation.

Hog dust seems to be more irritating than most dust, but scientists aren't sure why.

"But I have some speculations: No. 1 is the size of the dust itself," Donham said. "A fair amount of it is quite small—two to three times smaller in diameter than normal grain dust. That means more of the dust is finding its way deep into the lungs.

"And secondly, it seems that the gases from the manure pits, particularly ammonia, are adsorbed directly to these tiny particules. We hypothesize that once attached to the dust, the gas is then carried much deeper into the lung structure than it would normally go."

The dust and the gases, when combined with the high humidity in many of the buildings, can produce an "effect thought to be similar to that caused by severe smog such as the situation in London during the winter of 1952 when many deaths were reported," Donham wrote in his 1977 paper.

Researchers speculate that long-term exposure to hog dust can cause permanent lung damage, but they haven't proved that yet. "There are a couple of reasons why we haven't," Dorhan said. "One is that we just haven't had a long enough experience with people being exposed. Generally, it takes 10 to 20 years for occupational diseases to start showing up. The swine confinement industry is relatively new and people have been exposed only an average of about six years.

"Another complicating factor is what we call the healthy worker phenomenon. People who are having trouble just drop out, before long-term problems have a chance to develop."

"It kind of hurt my pride a little, to be 21 and be told my lungs were half shot and that I had to quit my job," said Steven Messer, sitting in his home in Olds in southeast Iowa with his wife and two children.

Last year, Messer began working in a hog confinement unit. Six months later a personal nightmare began: shortness of breath, fatigue, weight loss and constant coughing.

After weeks of uncertainty, after being treated by one doctor "more or less for a cold," Messer came to the University of Iowa's family practice center, where Dr. Timothy Empkie diagnosed the problem: hog dust.

"He basically told me to stay out of the hog confinement business," Messer said. After weeks of unemployment checks Messer eventually found a job at a nearby grain elevator.

The biggest problem with confinement units is poor design, said the Center for Rural Affairs, a Nebraska-based group, in a study earlier this year.

"The buildings have allowed crowding to minimize cost per animal and are built over manure pits to reduce the cost of handling animal waste. This produces an environment frequently choked with dust, gases and bacteria," the group said.

The pork council's Meisinger said the problem is not with the concept of confinement units, but with a failure to follow design and ventilation recommendations, which are available from sources such as the American Society of Agricultural Engineers and the Iowa State University extension service.

"There are buildings out there that leave a lot to be desired—units that are bad for the pigs' health and not good for humans, either," said Meisinger.

There are well-maintained operations, too. One of them is just north of West Branch on the farm of Paul Friis, a lanky, easy-going 51-year-old farmer. Over the past few years, Friis has been fine-tuning the ventilation and dust-control systems in his confinement buildings.

"We just had to do something," Friis said. "The air had a kind of stuffy feeling and a kind of ammonia smell. It wasn't good for the pigs and it wasn't good for us.

"I had this tightness in my chest and I would cough. There for a while, I was so uncomfortable I seriously thought about quitting."

Instead, Friis got serious about getting rid of the hog dust. He installed a series of large fans and added a long tube-shaped air bag, stretching from one end of the building to the other, through which air is funneled into the structure. He also began washing down the inside of each building every week to control dust.

The efforts have paid off. Friis said his hogs are healthier now. And he is, too, "I used to cough quite a bit, but I don't anymore," he said.

Despite its importance to farmers like Friis, hog confinement research is a touchy subject and one that is not well-funded. "Some people have questioned whether we should have ever gotten involved," said Meisinger of the National Park Producers Council, which has 110,000 members. "There are concerns about possible negative publicity and about drawing the interest of the animal rights people who could jump on this and say all confinement is bad.

"But my feeling is that if we weren't involved, we would be hiding our head in the sand," he said. "In fact, our support is really at a minimum, way less than what I would like to see."

Donham is not the only researcher affected. At Iowa State University, Dwaine Bundy, an associate professor of agricultural engineering said more work needs to be done on a promising new method of dust control: charging the particles with electricity and drawing them out of the atmosphere.

"The method has been successful but it's just not perfected yet," said Bundy, with a twinge of regret. "Not many farmers are using it.

"We need to do a lot more work, but research funding is pretty tight. In fact, it's extremely tight."

And that is worrisome. "What I'm afraid is going to happen is that in a few years we are going to see an increase in disease-related problems among our pork producers," Bundy said.

FARMER'S LUNG DISEASE HITS HUNDREDS IN IOWA

(By Tom Knudson)

GUERNSEY, IA.—One spring afternoon in 1982, Marvin Hicks climbed into a corn bin on his farm to break up a crusty layer of grain. As he worked, be began to notice the dust, a thick greenish-yellow mist swirling through the air.

"It was real severe," Hicks recalled. "I couldn't hardly breathe. I've never seen it that severe."

Later that evening, Hicks began to feel ill. At first, it was the chills—constant, uncontrollable tremors so intense "you could feel the bed shake," said his wife, Dorothea. Then, his lungs started aching. "I felt a kind of tightness in my chest," Hicks said. "It felt just like somebody was standing on my chest."

The next thing he felt was fear. "We were worried it might be a heart attack. We wanted someone to check it out. So that night we drove into the hospital in Grinnell," said the 46-year-old Hicks.

At the hospital, Hicks' doctor, James B. Paulson, examined him and came up with a diagnosis.

The problem was not Marvin's heart, he said. The problem was the dust in the corn bin—corn mold, he called it.

Every year, hundreds of farmers like Hicks are sidelined after being exposed to moldy corn and hay, a malady known to medicine as farmer's lung disease.

"Farmer's lung disease is a serious respiratory illness which strikes with pneumonia-like symptoms," reported the National Farm Medicine Center, a Wisconsin-based research group, earlier this year. "It is an allergic disorder caused by inhaling certain spores and other forage material. The condition can cause irreversible lung damage if not checked."

OLD AS FARMING ITSELF

The ailment is as old as farming itself, yet few people know much about it. Medical researchers, in fact, have only recently begun to unravel its mysteries.

Farmer's lung disease "has received minimal attention in the medical literature and yet may be a significant cause of short-term (disease) in the working farm population," wrote two Cooperstown, N.Y. doctors in a medical journal, Archives of Environmental Health, earlier this year.

"We strongly suspect that the incidence of (farmer's lung disease) is much higher than we have been able to document," the doctors wrote. "This relates to hesitation in seeking medical attention, problems in case identification and retrieval, but also failure to recognize and correctly diagnose these occupational diseases."

The syndrome is complex and unpredictable. Some farmers shrug it off in a few days while others are hobbled for weeks. With repeated exposures, some farmers develop irreversible lung damage that can cause permanent disability and even death.

The doctors said in their report, "The problem is serious in that four of the 23 individuals died either immediately of from chronic associated difficulties."

Farmers are most at risk in late winter and spring when they start to feed hay and grain that has been stored over the winter and that may have developed mold, the National Farm Medicine Center reported.

There is no immunity to the disease. Instead, each exposure only increases the risk of serious trouble as farmers become more sensitive to the mold spores and fungi. "In

general, the longer the farmer works with farmer's lung disease, the more likely he is to develop irreversible lung damage," the New York study reported. "In sensitized individuals, minor exposure to the dust can cause debilitating episodes."

STERN WARNING

After Hicks was exposed to corn mold last year, his doctor gave him a stern warning. "He told Marvin not to get near it any more," his wife said. "He said now that he's been in it once, the next time he goes in a dusty bin, he might not come out again."

Hicks, who has been farming for 22 years, eventually recovered from the corn dust. "But he had a bit of a hard time breathing for a week or 10 days," said Dorothea. "It slowed him down just a touch."

"You feel like you've been through the mill," said Hicks. "You feel a little tough. It can really make you sick."

Paulson, Hicks' doctor in Grinnell, said, "I have a very rural practice. And (farmer's lung disease) is a common occurrence. We see it all too frequently."

Ironically, farmers may not even know they have the disease. "Because its symptons are so similar to those of other disorders, such as a cold or the flu, farmers rarely consult a doctor and many doctors tend to misdiagnose the disease," reported The Center For Rural Affairs, a Nebraska-based organization.

In fact, farmers may not know they have the disease until it's too late. "The chronic form of farmer's lung is very insidious," said James Merchant, director of the University of Iowa's Institute for Agricultural Medicine. "Serious lung impairment can develop over time without the farmer necessarily recognizing he is becoming ill."

Researchers don't know how many Iowa farmers suffer from farmer's lung. But they do know the disease is more prevalent among dairy farmers because they are exposed more often to moldy hay, corn and silage, especially in enclosed areas such as milking sheds and silos.

DANGER IN SILO

Walter Langland is a 56-year-old dairy farmer who lives north of Decorah, near the Minnesota border. The country here is among the most beautiful in Iowa. Trout streams trickle nearby. Forest and pasture carpet the rolling hills.

It is the last place you would expect to find an occupational health hazard. But it is here, in the silo out in Langland's farmyard.

Langland, a member of the Winneshiek County Board of Supervisors, talked one morning about his bouts with the silo dust. The last encounter was this spring.

"But over the years I suppose I've been sick a dozen times or so from the dust," Langland said. "It seems to happen almost once a year.

"Usually, it's in the spring, sometime in April or May. The silo has been closed all winter. It's been filled with high moisture ground ear corn. On top, I covered the corn with a thin, plastic sheet.

"Well, I've got to climb up there and remove the plastic cover. While I'm there, I clean the corn off the silo unloader and generally clean things up, getting ready to feed the corn to my cattle. If there's any spoilage in the corn, I remove that, too.

"It's generally all moldy and dusty up there. It gets hot in a silo and it's impossible to prevent some exposure to the air at the surface. And that's where the mold forms.

"I throw the plastic sheet and the spoilage down the chute. And there's a certain draft in there that brings some of it right back up in the silo. It's a pretty enclosed space. The dust and the mold gets all over in the air. It's kind of a white dust, like a white cloud.

"It's not like you're gasping for breath or anything. But you can tell it's a foreign substance. You can tell it's something you shouldn't be breathing too much of.

"Sometimes, I don't feel anything for a day or two afterwards. But then I start to feel listless, half stuffed up. I just don't feel well for two or three days. It kind of affects my whole body, my whole system. It feels like I've got a touch of the flu.

"No, I've never gone to a doctor. But I did stop in and see the county nurse this year. I was worried about what effect this mold might have on me, whether it might grow in my lungs and become worse.

"I try to be very careful. I try to be on the lookout and sense when it's real bad. But sometimes, you just have to get the silo unloader running. There's an urgency to getting these things done."

THE 10 LEADING WORK-RELATED DISEASES AND INJURIES IN THE UNITED STATES

1. Occupational lung diseases asbestosis, byssinosis, silicosis, coal workers' pneumoconiosis, lung cancer, occupational asthma.

2. Musculoskeletal injuries disorders of the back, trunk, upper extremity, neck, lower extremity, traumatically induced Raynaud's phenomenon.

3. Occupational cancers (other than lung); leukemia, mesothelioma, cancers of the bladder, nose and liver.

4. Amputations, fractures, eye loss, lacerations and traumatic deaths.

5. Cardiovascular diseases hypertension, coronary artery disease, acute myocardial infarction.

6. Disorders of reproduction infertility, spontaneous abortion, teratogenesis.

7. Neurotic disorders peripheral neuropathy, toxic encephalitis, psychoses, extreme personality changes (exposure-related).

8. Noise-induced loss of hearing.

9. Dermatologic conditions dermatoses, burns (scaldings), chemical burns, contusions (abrasions).

10. Psychologic disorders neuroses, personality disorders, alcoholism, drug dependency.

[Those conditions identified are important occupational problems in agriculture. Source: National Institute of Occupational Safety and Health, 1982.]

VARIETY OF AILMENTS

In their study, the two doctors identified another variety of farmer's lung, one that closely resembles Langland's ailment. This type, they wrote, occurs only after massive dust exposure in silos, but fortunately appears less likely to cause long-term respiratory problems. The doctors even came up with a name for their discovery: Silo Unloader's Syndrome.

Farmer's lung disease has nagged agriculture for a long time. "I can remember my father talking about it," said Hicks. "He would talk about getting the chills at night after stacking straw in the fields all day. They used to call it the dust chills."

In the 1700s, Bernardi Ramazzini, a scientist who is considered the father of industrial medicine, mentioned the problem, writing that "Almost all who make a living by sifting or measuring grain are short of breath."

What can be done to prevent farmer's lung? "The most important (thing) is to avoid contact with moldy forages," said Dean Emanuel, director of the National Farm Medicine Center, a subsidiary of the Marshfield Medical Foundation, one of the world's leading supporters of farmer's lung research.

Fewer cases of farmer's lung have been reported in recent years, in part because of "the work done here in educating farmers about modifying their farming practices to avoid the illness," Emanuel said.

The center advises farmers to use bottom-unloading silos for feed storage rather than baling or chopping hay. This reduces the exposure to molds.

And the center encourages farmers to harvest crops when the moisture content is low. If this is not possible, hay can be treated to retard the growth of molds and grains can be mechanically dried.

"When these measures were followed, there were no reoccurrences of farmer's lung disease in afflicted farmers who had been (treated) for over 20 years at the Marshfield Clinic," Emanuel said.

RESPIRATOR HELPS

Another important tip: Wear a respirator or face mask. But beware of the potential problems. "There are all sorts of things that can go wrong," said Merchant. "You can get the wrong kind. There is obscured vision and impeded communication. They're hot and often they don't work well. And they're not inexpensive, either."

They're also hard to find. "I looked all over," said Dorothea Hicks. "First, I drove to the local extension service office in Montezuma. They gave me a number for the model we need. Then, I drove to Brooklyn, Montezuma, Grinnell and Victor looking for them and no one had any. Finally, I found an address for an industrial catalog and was able to order them through that."

The face mask recommended by the extension service and the National Farm Medicine Center is Model 8710, made by the 3M Company. Ordinary face masks won't work because they're not fine enough to screen out the tiny mold spores.

Dorothea Hicks offered a bit of advice: "A farmer's wife has got to take an interest in this because the farmer won't," she said. "They know they're in a dangerous occupation and their attitude is, 'Don't worry mother.' "

Hicks, who farms about 700 acres, does not seem overly concerned about the corn dust. He said he occasionally wears a face mask in his corn bins, but not always. "Have you ever wore one and tried to work?" he asked. "You can't get enough air through them."

His attitude worries his wife. "It scares me," she said. "I'm concerned he could ruin his lungs someday."

FARM ACCIDENTS KILL, MAIM, BURN, CRUSH

(By Tom Knudson)

Amid the lush, rolling cropland of the Midwest lies the No. 1 occupational safety problem in America: The farm accident.

"I felt panic. I felt rage. I felt fear," said Jon Trower, remembering the afternoon of Feb. 3, 1983. A tractor slipped, crushing his hand against another piece of equipment on a farm south of Humeston. "I was screaming for help and there was no one around. I was just wondering if I was going to get out of there at all."

Farm accidents happen, on the average, about once every three minutes, more than 540 times a day, about 200,000 times a year. They occur more frequently than any other occupational accident. At this moment, someone, somewhere is getting hurt on a farm.

"All I can remember is seeing my arms go up in flames," said Wade Jensen of Audubon. On June 30, 1983, he was trying to start a corn detasseling machine by pouring some gasoline into its carburetor. It backfired. "There was a big ball of fire two feet high. There were flames moving right up my arms," he said.

Farm accidents can be grisly things. Thumbs are pulled off. Hands shredded. Arms severed. Lives torn apart. The worst accidents happen when farmer meets machine. When the combine conks out. When the corn picker jams. When David meets Goliath. "I was just laying there. I was praying. I was doing anything I could to stay alive," said Jim Thilges, a farmer from Ottosen. His ordeal began about 1:30 p.m. on Oct. 8, 1983, when the rollers on his corn picker became clogged with ear corn. Thilges reached into the picker, grabbing ear after ear from the rollers. Then the machine grabbed him.

His left hand was jerked into the rollers and mutilated. In a struggle to free himself, Thilges slipped. His right arm was pulled elbow-deep into the rollers. "The machine just kept grinding away until there was nothing left," he said.

Farming is a dangerous business, more dangerous than any other job in America, according to the National Safety Council. The hazards are many—pesticides, grain dusts, toxic gases and more—but the most common, most brutal and most feared danger is the farm accident.

Some 200,000 farmers were disabled last year and another 1,900 were killed, according to the safety council's estimates. The fatality rate for agriculture—55 deaths per 100,000 farmers—exceeded that of every other industry and was five times the national average for all industries.

The cost of the carnage is staggering, more than $5 billion a year. But what is just as surprising is how little attention is being focused on the problem.

"This entire area has basically been overlooked—that's the bottom line," said David Baker, a farm safety specialist with the University of Missouri's extension service.

"Society has not recognized how serious the problem is."

Since 1979, the fatality rates for all major U.S. industries have declined—except for agriculture. The death rate for farming has increased during that period. So has its injury rate.

"We know that progress is not being made," said David Williams, a farm safety specialist at Iowa State University. "But we don't know why. Consequently, we don't know what direction to go next."

There are many places to start. Safety experts say factors contributing to farming's growing accident woes include a "deplorable" lack of research, the ineffectiveness of voluntary accident-reduction efforts and hostility from "forces in the farm community which would prefer that the magnitude of the farm accident problem not be brought to light."

Other concerns include the lack of mandatory safety standards for farm machinery, continued use of children as farmworkers (often with tragic consequences), an unreliable accident reporting system and the mounting complexity of the modern industrial-type farm.

"I was cleaning out a grain bin," said John Henscheld, a 24-year-old farmhand from Earling. "We were using a sweep auger. Well, the belt driving the motor was loose. so I was putting a new one on.

"As I rolled the old one off, I must have hit the switch. The motor came on. It caught my finger between the pulley and the belt and cut the top of it off, right at the first knuckle.

"Farming's just naturally dangerous these days. There's more machinery, more moving parts, more jobs to do. It's different than industry."

The experts agree. "A farmer works by himself. He's entirely unsupervised. And he may be doing 10 or 15 different jobs each day," said Norval Wardle, a safety consultant and former farm safety specialist at Iowa State University.

"A high degree of tension develops, almost subconsciously, when a farmer works around all of these machines. Many of them are becoming very complicated. Take some of these new tractors—they've got a control panel almost like a 747."

Consider, for a moment, the farmer's fleet. He's got spreaders and sprayers, tillers and drillers, loaders and lifters, mowers and mixers. He's also got tractors, trailers, balers, combines, augers, plows, pickers, posthole diggers and a barn full of tools and spare parts.

"Farmers have to know more and more each year," said L.W. Knapp, a professor of agricultural engineering at the University of Iowa. "But they probably know less and less. They just don't have the time to sit down and analyze every piece of equipment."

That is especially true in the Midwest where "the push has been on for years," said Wardle. "Farmers are told, 'You've got to get more acres to make it economically.' That puts them under a lot of pressure."

And pressure creates risks. The Midwest, in fact, is the most hazardous farming region in the nation, according to the National Safety Council. "It's because of all those family farmers," Wardle said. "These fellows have got to do it all—the planning, the economics, the mechanics, everything. A farmer has always got more work to do than he can get done."

"Farmers are under a lot of stress these days, more so than most industry employees," said Bob Aherin, a farm safety specialist at the University of Illinois. "He's carrying the burden of being his own manager. He's dealing with weather problems. He's working long hours and pushing himself harder than he should. And injuries occur."

"It was real cold and windy that day. There was a storm coming in and I was in a hurry," said Tom DeVries, a ranch hand from Maurice. "We had been working long hours all week. Everything was just push, push, push.

"Well, it was just like the blink of an eye. It happened that fast. The first thing I thought was 'My God I cut my thumb pretty bad.' Then, I looked down and saw it lying on the ground."

DeVries' accident occurred last December when he caught his glove on a revolving power take-off shaft, one of the most familiar and most dangerous devices on the farm. "I just wasn't thinking," he said. "You just don't think when you're under a lot of stress."

As serious as the farm accident problem is, little is known about it. "We don't know one-tenth of what we need to know to really do the job," said Wardle. "We haven't even scratched the surface."

"The first step in solving a problem is knowing something about it. And that means data. And we don't have much of that in agriculture," said Gary Erisman, a former farm safety specialist in Florida who now farms in Illinois.

Some of the most basic questions remain unanswered: How many accidents happen each year? When do they happen? And why? What sort of trends are occurring?

That kind of information is missing because agriculture, unlike most industries, is largely exempt from state and federal occupational safety and health laws that demand a precise accounting of on-the-job injuries and deaths. "There is no direct accident reporting system for agriculture," said Erisman.

The University of Iowa's Institute of Agricultural Medicine has recently submitted a grant proposal to the National Center for Disease Control to develop a statewide accident reporting system in Iowa. The network would monitor farm accidents primarily through hospital discharge forms.

The figures used by the National Safety Council do not represent actual deaths or injuries. "They are projections based primarily on data from the National Center for Health Statistics and state health departments." And those projections—the ones that show farming to be the nation's most dangerous job—are probably underestimated.

"If we put the National Safety Council on the spot, I think we could really shoot holes in their data gathering techniques," said Baker, who serves as chairman of the council's studies and research committee. "Their figures are probably low. It's probably worse than that. It's that bad."

Erisman, who has worked with the council on the surveys, agreed. "What we're seeing is really the tip of the iceberg. The figures tend to be so under-represented that I question the value of them. They're doing the best they can with what they've got, but the system itself is totally inadequate," he said.

The American Farm Bureau Federation, though, contends the farm accident picture is distorted because the council's figures include fishing and forestry as "agriculture."

We [support] a new definition of statistical categories more directly related to the production of food and fiber," said a Farm Bureau policy statement.

Bill Fletcher, an agricultural safety engineer with the National Safety Council's farm division, said, "It's not quite as bad as it sounds because forestry, in our definition, does not include lumbering. It includes silviculture, the preparation and cultivation of trees. We have reasonable confidence in our statistics. They stand up pretty well.

"To quote Charles Wesley, 'We are striving toward perfection.' But we would be the first to admit we've got a long ways to go."

Farm safety researchers also have a long way to go. "The state of agricultural safety research is just deplorable. It hardly exists," said Dennis Murphy, a farm safety specialist at Pennsylvania State University.

The government hasn't shown much interest in the area, Murphy said. And industry, a traditional source of funds for university research, has not been especially willing to get involved.

"Industry is concerned about creating a potential black mark," said Knapp. "They're reluctant to fund work which would basically go out and bring in the bodies. That accuses them of a problem."

"This is extremely sensitive, extremely threatening research from the standpoint of the accusing fingers that can be pointed," said one safety specialist who asked not to be identified because he fears reprisals. "And frankly, there are forces in the farm

community which would prefer that the magnitude of the farm accident problem not be brought to light."

The problem is not widely recognized, and one reason is the nature of farming itself. As Baker said, "When 20 miners die in a West Virginia coal mine, there is a national outcry and it's all over the news. But when one farmer in Podunk, Iowa, is killed in a farm accident, maybe one little paper picks it up. And maybe it doesn't. Agriculture is so spread out. It's hard to develop much of an impact."

Farmers aren't likely to make the case themselves. they're too busy. And they're known as stoic and self-reliant. Most probably would rather be left alone. No one will do the job for them. There is no Teamsters Union for farmers.

If there were, the public might have a better understanding of just how dismal the track record is. In the 1970s, farming was the country's third-most dangerous job, behind mining and construction. But those two industries steadily have reduced their injury and fatality rates, mostly because of union pressure and standards from the federal Occupational Safety and Health Administration.

Meanwhile, agriculture—with no union and no standards—has become comparatively more dangerous. In 1980, farming moved up a notch to the second-most hazardous job. And in 1983, it reached the top: the most dangerous job in America.

"In the past 20 years, agriculture has reduced its accidental work death rate by only 7 percent, while mining and construction reduced theirs by 55 and 29 percent, respectively," wrote Murphy in "Professional Safety" magazine.

Some are starting to worry about the cost of this situation. "Agriculture is this nation's No. 1 industry in terms of its impact nationally, its balance of trade and everything else," said Baker. "We can't stand much longer to be No. 1 in our death rate and injury rate."

The direct cost of farm accidents has been estimated at $5 billion a year. But that's only part of the picture. "We really don't have a good handle on the indirect costs," said Baker. "I'm talking about the things you don't see—the additional trips to the hospital, the cost of hired labor, things like that.

"Farm accidents affect all of us. They affect the price you're paying for steaks in the store. If our efficiency drops due to accidents, you're going to pay more. But we really don't know the full impact. It's the unknowns that are killing me."

Today, a year after Jim Thilges of Ottosen was mangled in his cornpicker, he dreams of things most farmers take for granted. "I'm hoping I can continue farming someday," he said.

That he can even consider farming again is astonishing. It is also a credit to microsurgery. Somehow, Thilges' right hand was spared in the accident, even though his right arm was mutilated. Working quickly, doctors reattached his right hand—to his left arm.

Farm work injury rates per 1,000,000 workers hours

Farm type, worker age:	*Injuries*
All farms	19.1
Beef	20.0
Dairy	17.4
Grain	17.6
Fruit	17.6
Other	22.1
All ages	19.1
5 to 14	24.0
15 to 24	23.4
25 to 44	17.7
45 to 64	17.9
65 and over	17.3

Source: National Safety Council, 1982.

Includes any injury that required professional medical care or resulted in one-half day or more time lost from usual activities.

"I'm gaining some strength back in my hand, but it's slow," said Thilges, 30, who is married and the father of a young son. "I still can't dress myself or go to the bathroom by myself. It's very hard to pick anything up. I can't pick up a newspaper or a can of beer.

"It's been tough. I've had to sell all my hogs. I just couldn't take care of them. And I haven't been able to do any field work yet. My family and friends have helped with that.

"I'm not going to give it up. I'm going to try to help with the field work this fall. If I can't do that, I'll try next spring. And if that doesn't work, I'll try the next year.

"I've kept a pretty good attitude. I try to keep smiling. But some days it's harder than others. I just thank God for letting me live, for giving me one hand to work with."

Traditionally, most efforts to solve the farm accident problem have been voluntary, through groups like the Cooperative Extensive Service (a joint program funded by the U.S. Department of Agriculture and land-grant colleges), the National Safety Council, Farm Bureau safety committees and the like. But some in the field question whether that approach is doing much to reduce farm accidents.

"I think the facts speak for themselves," said Erisman from Illinois. "If we've had a system for 50 years based on voluntary safety, and that system has racked up the death and injury rates we see today, at what point do you say, 'Hey, this isn't enough?'

"I think that volunteerism by itself, does not appear to be able to solve the problem."

The Cooperative Extension Service, considered "the most effective informal adult educational delivery system in rural America," actually reaches "too few farmers too seldom," Murphy wrote. "Too many [farmers] choose to ignore Extension," he said. "Its programs cannot compare to those of an industry that mandates safety programs [and] inspections."

But Donald Jensen, a retired farm safety specialist from Wisconsin, wrote in the National Safety Council's "Farm Safety Review" this summer that, "Strong voluntary farm safety programs are a 'must' [because] in many states, approximately 90 percent of the accidents involve members of farm families not covered by safety regulations."

The voluntary approach also applies to safety of farm machinery. Unlike automobiles, farm equipment is not subject to federal safety rules. Instead, it is manufactured according to voluntary standards developed by a professional organization, the American Society of Agricultural Engineers.

Many of the group's members come from the farm equipment industry, an arrangement that has caused concern for some. "It's a little bit like asking the fox to guard the henhouse," said one specialist. "The manufacturers themselves are, in a majority of the cases, designing and developing the standards.

"And there is no real compunction for a company to follow the standards. And we have a lot of [smaller] manufacturers who frankly don't."

There are many defenders of the voluntary system. One of them is James Arndt, manager of product safety for Deere and Co. in Moline, Ill. "Take a look at fatalities from tractor overturns, which the industry has been so criticized for," he said.

"In 1969, there were 600 such fatalities. In 1970, the [society] set a goal of reducing farm equipment fatalities by 50 percent. By 1982, the number of fatalities from tractor overturns was down to 188.

"And this was done with no controls, no government edicts. It was strictly a voluntary effort. I think we've done a darn good job."

According to the National Safety Council, tractors are involved in 33 percent of all farm fatalities. The figure jumps to 71 percent when farm machinery, trucks and other vehicles are included with tractors.

Many say changes in farm machinery have come too slowly. "farm equipment is safer today than it was 10 or 20 years ago, but the changes have been gradual," said ISU's Williams.

But, said Arndt: "You just can't make changes abruptly. They've got to be phased in. They've got to be compatible with older equipment."

Older equipment can be a problem. "Industry has almost done too good of a job designing its equipment," said Baker. "They didn't build obsolescence into it. We've got a lot of older equipment still around. And it's not as safe. It may not have the right controls. It may not have all the guards."

Farm equipment is often more dangerous than industrial equipment, Wardle said. "There are always parts that are not shielded. Or there might be a shield, but it can be removed and the machine will still run," he said. "In many factories, if you remove a shield, the machine won't operate. Or if you put your hand in between some moving parts, the machine will stop right now."

Thomas Berdo was working in a corn bin on his cousin's farm south of Washington when his foot slipped into an auger. That shouldn't have happened. Most augers are shielded by protective guards. This auger, which was new, wasn't.

"The machine was pulling at my leg," recalled Berdo, 29. "Luckily, I was able to get it out. Then, I looked down at my leg, which is something I shouldn't have done. The auger had taken off the first two to three inches of my boot."

Missing his big toe, Berdo climbed 20 feet up a ladder to get out of the bin, climbed back down once he was outside, shut off the auger, hobbled 100 yards to the farmhouse, told a baby sitter to call an ambulance and then laid down in the yard. "That's when the pain really started," he said.

His advice to other farmers in auger accidents: sue the company. Many farmers have done that, although Berdo didn't.

In fact, so many lawsuits have sprouted in recent years that some specialists say the legal system has become one of the best mechanisms to make farm equipment safer.

"When you can put this kind of economic pressure on the industry, that's what will bring changes," said Wardle, who has testified in more than 300 farm-related lawsuits.

But the lawsuits may inhibit change, too. "Litigation makes it very difficult if you're a researcher," said Knapp. "You know that you're going to be put on the spot and asked what your opinions are.

"And if you start going to farmers to investigate accidents, you're very likely to be asked who you represent. You're very likely

to hear what someone wants you to hear, not necessarily what really happened."

The research is also an issue for industry. "The product liability lawsuit has become such a great concern that manufacturers are very, very careful about what gets into print, to make sure it serves their defensive purposes," said one specialist.

"We all need to work together," said Wardle. "I'm not saying that any one segment is the cause of farm accidents. They all contribute—the manufacturers, the dealers, the designers, the farmers."

And there's one other element: children. "Just last year, we had a tractor turn over with a young man on it," said Baker. "He was paralyzed from the waist down." The tractor was 40 years old. The boy was 16.

"Protecting children is agriculture's single biggest safety problem," wrote Murphy in "Professional Safety." Agriculture is the only major industry in which young people regularly work in hazardous environments and operate dangerous equipment.

"Children reared on the farm have the entire farmstead as a playground. Idle machinery is used as a huge play toy to climb on or to hide in. Many farm children receive their first tractor ride sitting between the legs of Dad or Grandpa, looking through the steering wheel.

"By the time they are ready to enter school, children can guide the tractor down the road and move the gas throttle up and down. At 14, chores requiring a tractor and some field work are common."

Preston, Iowa (July 29, 1983): Three-year-old Nicholas Marvin was in serious condition at University Hospital Tuesday after his leg was severed in an auger accident.

Durango, Iowa (Oct. 17, 1983): A 15-year-old Durango youth, Charles Kueter, was killed Sunday when the tractor he was driving overturned in a ditch near the Kueter farm.

Luxemburg, Iowa (Nov. 8, 1983): Peter Wheeler, 2, was killed when he fell from a tractor Monday and was run over by an attachment.

FARM HEALTH WOES GROW, BUT LITTLE BEING DONE

(By Tom Knudson)

America's largest and most productive business—agriculture—is slowly getting sick, and government is doing little to make farmers well.

"Unless something is done soon, a very valuable resource—the American farmer—is going to be in trouble," said David Baker, a farm safety specialist at the University of Missouri.

Trouble already is at the door. Just last year, farming surpassed mining as the nation's most dangerous job, according to the National Safety Council. Fifty-five of every 100,000 farmers died in on-the-job accidents in 1983, five times the national average. The cost of farm accidents to the economy was more than $5 billion.

That's just the beginning. The council's figures do not measure the more insidious health threats now afflicting agriculture. Those hazards, which scientists are just beginning to document, include leukemia and other cancers, hearing loss, stress, farmer's lung, hog lung and other maladies.

The farmer's mounting health woes—an offshoot of the industrial revolution on the farm—have received only scant attention from state and federal agencies, health officials and the public. The few programs that do exist to help farmers are uncoordinated, underfinanced and generally have accomplished little to deal with the growing toll of sickness and accidents on the farm.

"There are no preventive programs to deal with these occupational problems," said University of Iowa associate professor Kelley Donham before the Joint Economic Committee of Congress last year. "Therefore, they may be expected to continue and their economic significance is likely to increase."

Donham told the lawmakers, "An effective program to protect the farmer has fallen between the cracks of various federal and state agencies." Here are some examples:

The Occupational Safety and Health Administration, which is charged with protecting the health of America's workers, never sets foot on most farms.

The U.S. Department of Agriculture (USDA), the farmer's traditional ally, largely has ignored farm health problems. Its safety program is short on money, manpower and training.

Large federal research agencies, such as the National Institute for Occupational Safety and Health, often overlook farmers because they have less political clout than other worker groups.

So liittle information is gathered about farm health and safety by government agencies that scientists still don't know the scope of many problems.

The deteriorating health on the farm has prompted a call for stronger medicine. The therapy would include a heavy dose of research, better training for rural physicians and safety specialists, the creation of a farm-health lobbying group and the development of a national health and safety policy for agriculture.

One of the loudest cries is for more research. "Agriculture is really the last frontier for occupational safety and health research," said James Merchant, director of the University of Iowa's Institute of Agricultural Medicine. "There's been a real lack of information about the problem."

But for now, the important questions remain unanswered. Does breathing hog dust and manure gas lead to permanent lung damage? What are the most common causes of farm accidents? How widespread is farmer's lung disease? Do pesticides trigger such cancers as leukemia and lymphoma in farmers?

"There chemicals kill birds and everything else. Why wouldn't they be hard on humans, too?" asked Kathryn Dawes of Adel.

Last year, her husband, Harold a farmer, died of lymphoma. He was 63 "He always felt his sickness came from the chemicals," she said. "And I thought it was connected, too."

Scientists haven't had much luck squeezing money from federal agencies for farm health research. They say farmers, with less than 5 percent of the population, will never rivet the attention of Congress. As one scientist put it: "The wheel that squeaks the loudest gets the grease."

"Farmers aren't very well known to the scientific community and the funding agencies," said Keith Long, former director of the U of I's Institute of Agricultural Medicine. "And their population isn't large. So it's much more difficult to get funds to study their problems."

Farm health research, said Donham, "hasn't been a likely funded item because there is no consolidated group in agriculture to draw attention to these issues. Most research is awarded to occupational groups that have political clout."

There's another problem. Until scientists can document a health threat, the government isn't likely to spend money on it, and farm health researchers don't have the money to document the problems.

It's like the old story of the kid who gets out of school and can't get a job because he doesn't have experience," said Long, "and he can't get the experience because he doesn't have a job."

Some work is being done. For example, Merchant received a $45,000 grant in 1983 to study the use of respirators among farmers. Donham is working on a $21,753 project with the American Lung Association on farm respiratory problems.

But many important areas are not being studied much. For example, there's hog lung, an ailment that strikes many swine confinement workers. In 1983, University of Iowa researchers submitted a grant proposal to the USDA to study air quality inside confinement units. The grant was turned down.

"I don't think we've ever had any funding from the USDA, " Donham said. "The agency is 90 percent production-oriented. That's its orientation. Health is not.

"We would hack and wheeze and cough a lot of stuff up," said Robert Cook, 31, of Stuart, who worked in the dust of a hog confinement building. "I don't know if I ever got rid of it all."

Cook's problem turned critical in 1980 when he was exposed to deadly hydrogen sulfide gas while working in a manure pit at a hog confinement unit. "I had edema of the lungs," be said. "And shortly after that, my capillaries broke down and fluid was leaking into the tissues of my body.

"At the hospital, the doctors told my folks that they didn't expect me to make it. I'm lucky, because a lot of people die from it."

Cook's ordeal shadows him today. It has ravaged his eyesight and hearing and damaged his hip. The gas was only partly to blame. An infection he picked up at the hospital also did serious harm. For his misery, Cook received a worker's compensation payment of $128,000.

Then he sued the companies that supplied equipment and building materials for the confinement unit for $1.5 million. That was in 1982. The case was settled out of court just three weeks ago. "We can't disclose the exact settlement," said his lawyer, Randy Hefner. "'But he'll be receiving monthly benefits for the rest of his life, plus periodic lump-sum payments."

Cook, now a salesman for a Des Moines medical supply firm, is concerned about other confinement workers. "There needs to be more research, especially on the long-term respiratory problems," he said. The hydrogen sulfide—that's scary, but it's more isolated. The dust is something that everybody who works in those units is going to encounter."

The USDA is just beginning to address farmers' health problems, but money still is short. "This is an area that we're going to be moving into. We're going to be hitting it a lot heavier," said Rollin Schnieder, who directs the agency's national farm safety program from an office in Lincoln, Neb.

"Our research arm—the agricultural research service—has really been hit on funding the last five or six years," he said. "And the trend has been more toward funding soil conservation work.

"We knows that work needs to be done in the farm health area. But the grants just have not been there."

Traditionally, Schnieder's program has focused on safety—how to make tractors less

dangerous, how to keep ladders from slipping and the like. Each state has been awarded $20,000 yearly to help support a farm safety specialist in its extension service. Iowa's extension safety specialist is David Williams at Iowa State University in Ames.

Since the program expanded to all 50 states in 1975, the $20,000 grants have not increased and its overall budget has remained at $1,020,000.

"We need to at least double, and maybe triple, the commitments we're making to the extension programs in the states," said Baker. Schnieder agreed: "Three million would be a lot more realistic. It would give us a much better program."

Extension's efforts today "are very meager in comparison to other industries," said Dennis Murphy, a farm safety specialist at Pennsylvania State University. "You have basically one person trying to deal with an entire state."

Many are not trained for the job. "If someone wished to evaluate the field thoroughly, he would find that only a handful of the 50 extension specialists are trained as certified safety professionals," said Gary Erisman, a former extension safety specialist in Florida who now farms in Illinois.

"Somewhere along the line, someone has gotten agricultural engineering and safety confused," he said. "They think that if one is an ag engineer, you're automatically a safety specialist. And that is not true."

Farming's safety and health problems have caused some to question whether the extension's program is getting the job done. The safety program "is a voluntary educational service that farm people may choose to ignore," Murphy wrote in an article. And for a variety of reasons, too many do choose to ignore it.

Said Baker: "Voluntarism is an important concept but I'm not sure it's the ultimate answer. It's hard to keep people motivated."

Schnieder thinks otherwise. "We could go the route of West Germany," he said. "They have 160 inspectors for an area the size of Nebraska. And we have only one person here, that being me.

"Yet when you look at Germany's accident statistics, we're doing as good on a voluntary basis as they are with their inspectors. Extension runs on voluntarism. This is the route we have to follow."

Kendell Dickman of Coon Rapids was nearly killed last year in a farm accident. His coat got wrapped up in a spinning power take-off shaft on a tractor. The shaft had no protective shield.

"I was trying everything I could to rip my coat off but the shaft had a hold of me," said Dickman, then a hired hand on a large farm. "It pulled me down and flipped me over so hard that my jaw split in half.

"My head hit so hard that I was just stunned. I didn't know what was going to happen next."

Fortunately for Dickman, a co-worker arrived and shut the machine off. "Even two seconds more and I could have been killed," he said.

The accident happened on March 29, 1983, but Dickman still is recovering. "I'm just now getting the feeling back in my lip and bottom teeth," he said. "My arm was messed up, too. It's still kind of deformed. It has a dip in it."

Most power take-off shafts are shielded, but this one wasn't. "It was probably 15 years old, and I don't think it had ever had a shield on it," said Dickman, 24.

"But you know, right after it happened they came out and put one on it. . . . They had one on there within half an hour after the accident."

The safety and health standards of the Occupational Safety and Health Act (OSHA) have almost no role in agriculture, and that's just the way most farmers want it. Consider the position of the American Farm Bureau Federation: "We continue to favor repeal of the Occupational Safety and Health Act."

Some wonder if that attitude is too costly. "We continue to have accidents in agriculture and perhaps OSHA is just another piece in the puzzle that could be used to apply the brakes to our accident rate," said Gary Downey, president of the Iowa Farm Safety Council.

"I think that if OSHA standards were applied from a practical standpoint and drafted by people familiar with agriculture, the agency could have a role in farming," said Downey, engineering director at the Grinnell Mutual Reinsurance Co.

Farming's opposition to OSHA helped shackle the agency in 1977 when lawmakers prohibited it from regulating farms with 10 or fewer employees. Ironically, such farms are the most dangerous.

"OSHA's limited efforts in agricultural safety are not aimed where they are needed most; namely the smaller farm operations where the majority of fatal farm work accidents occur," wrote Murphy in "Professional Safety" magazine.

The Center for Rural Affairs, a Nebraska-based farm group, said the OSHA rule, "which concentrates on the number of employees rather than the health risks of farm technology, misses the mark."

Nationally, about 95 percent of all farms are exempt from OSHA coverage, Murphy reported. In Iowa, only 7,500 of the state's 152,700 farmers and farm hands are covered, according to the Iowa Bureau's of Labor.

Any attempt to reintroduce OSHA to agriculture would draw howls of protest. As Murphy wrote: "Old time feelings of independence and resilience are alive and well in rural America. . . . There is something very un-American about the government coming on a farmer's property to tell him how to go about his business."

OSHA itself hasn't helped the situation. After it was created in 1970, the agency drafted a bushel of farm-related rules and regulations, many of which were viewed as trivial. Farmers were warned about everything from rickety ladders to slippery cow manure. And OSHA was nearly laughed out of the Corn Belt.

That attitude still exists today, but some say it's time for a change. "There is a need to move to a new level where cooperation, rather than conflict, will be the predominant mood," wrote Donald Pedersen in the Agricultrual Law Journal.

"No doubt the kind of regulation that is being attempted can serve to advance the cause of safety and health if taken seriously by farm operators and their employees," said Pedersen, a professor at Capital University Law School in Ohio.

Donham suggested something similar at a Farm Bureau meeting earlier this year. "Through leadership from the industry, stressing the uniqueness of agriculture, [OSHA's] regulative format can possibly be modified to emphasize education, research and consultation," he said.

OSHA could help with one other thing: information. The agency collects health and safety statistics from industry, but none from the 95 percent of farms with 10 or fewer employees.

That "leaves [scientists] with insufficient information to analyze emerging health problems of new technology," reported the Center for Rural Affairs. "This is unfortunate for farmers and workers alike."

What little information exists in Iowa indicates that the farmer's health and safety are worsening. On the 1,400 larger farms where statistics are gatherered (those with more than 10 employees), the number of fatal and non-fatal accidents and work-related illnesses jumped from 293 in 1979 to 840 in 1982.

The overall picture is almost certainly much worse. Those 1,400 farms are only 1.2 percent of the 117,000 farms in Iowa. The most extensive dangers—which still are officially unrecorded—occur on the family farms.

"The ones who are being wiped out are the family farmers," said John Patrimanas of the Iowa Bureau of Labor, which gathers information for OSHA. "But OSHA doesn't take them into consideration because the law doesn't cover them."

"The end result of inadequate data, poor public information and fragmented regulatory authority is injury, disability and possibly death for farmers and farmworkers," reported the Center for Rural Affairs.

Safety and health specialists believe a solution is remote and the outlook gloomy.

"I'd love to work myself out of a job," said Baker in Missouri. "But I don't think I'm going to. Not in my lifetime."

"We know that progress is not being made," said Williams at ISU. "But we don't know why."

"I'm afraid I don't have any solutions at all," said Downey at Grinnell Mutual. "I wish I did. I wish someone did."

[A Register Editorial]

DEATH ON THE FARM

Farming has become America's most hazardous occupation. That is only one of the startling findings of our reporter Tom Knudson, who examined the health and safety hazards of agriculture in a recent series of articles in The Register.

Farming won its new dubious distinction in 1983, when it surpassed mining as the most dangerous job. The fatal-accident rate in farm work is five times the average for all U.S. industry, and the rate of disabling accidents is more than three times the average, according to National Safety Council statistics.

Working—often alone—around machinery and livestock, farmers have faced safety hazards for decades. But the accident rate in farming is rising, while it is falling in all other major U.S. industries.

Moreover, a whole new generation of health hazards is emerging amid the revolution of agricultural technology, particularly the indoor raising of livestock.

A serious new health hazard known as "hog lung" is one of the byproducts of the modern system of raising hogs in confinement buildings, which often contain a witch's brew of dust packed with fecal matter, poisonous gas, animal dander and toxic bacteria.

Researchers now are discovering that Midwestern farmers have higher-than-normal chances of dying of leukemia and certain other cancers. The cause is uncertain, but some experts fear that the unusual incidence of leukemia in major corn-producing states suggests a possible link to use of modern pesticides.

The farm-health crisis, staggering in its economic cost and human pain and suffering, is going largely ignored. "Occupational health in agriculture is a serious problem that is largely unrecognized by most of the public and private sector," Kelley Donham, associate professor at the University of Iowa, testified in Congress last year.

"There's been precious little research done in this area," adds Dr. James Merchant, director of the U of I Institute of Agricultural Medicine. "We're making some progress, but we've got a long ways to go. Overall, agriculture still gets left by the wayside."

It's time to end this malign neglect. Iowa, and Iowa's political leaders, should take the lead in a concerted new effort to examine health and safety hazards on the farm and to search for remedies. This should be a high priority for all members of Iowa's congressional delegation.

More research funds are needed to explore farming's emerging new hazards. Iowa has two outstanding institutions, the U of I and Iowa State University, which should be leading the way on research in this area. Iowa's agribusiness corporations have much at stake in the future health of farmers, and a duty to contribute to a new push for safer working conditions.

Farming is supposed to be a good life. It should never accept its dark new image as the most dangerous job in America.●

WILL THE ATTORNEY GENERAL PLEASE STAND UP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. RANGEL. Mr. Speaker, yesterday the Attorney General announced that the administration will ask for a fiscal year 1985 supplemental budget appropriation of more than $100 million and over 2,000 investigators, attorneys, and support personnel to increase the Federal Government-wide resources devoted to drug enforcement and crime control. And while I am pleased with action by the Attorney General and admire his political courage in willing to bust the budget and request sorely needed resources for our Federal drug enforcement agencies, the only question I have is, what took you so long?

Is this same Attorney General who only a few short weeks ago told the Senate Appropriations Committee that we are winning the war on drugs and that he was tired of hearing loose talk to the contrary. Is this the same Attorney General who told me only a few short weeks ago that the administration has our Nation's drug problem firmly in hand? Has the Attorney General been forced to recognize what all of us have known all along, that we are losing this war and losing it badly.

I would like to believe that the administration has finally begun to recognize the severity of the drug abuse and drug trafficking situation in the United States, and that a successful national effort to combat drug abuse requires a significant dedication of resources. I would also like to believe that the administration will also now recognize and support the need for additional resources at the State and local level for drug law enforcement and drug abuse treatment and prevention activities as I have proposed in H.R. 526.

Mr. Speaker, our Nation is caught in a drug abuse epidemic—a public health crisis of major proportions. Cocaine use is at record high levels, heroin addiction is on the increase, and marijuana use abounds nationwide. Most frightening is the use of illicit drugs by our youth. A Washington Post-ABC News poll also released yesterday reported that young Americans are experimenting with drugs far more than their counterparts did in the heyday of the drug culture of the late 1960's and early 1970's.

I commend the Attorney General for this new initiative. Increased resources for our Federal drug enforcement agencies is something that I, along with my colleagues on the Select Committee on Narcotics Abuse and Control have advocated for some time. I hope, however, that this marks the beginning of a comprehensive Drug Abuse Program that is developed in consultation with interested Members from both Houses of the Congress and is responsive to our Nation's drug abuse problem at all levels and in all areas.●

NATO REFUSES ACTION ON U.S. PROPOSAL FOR NEW NERVE GAS WEAPONS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. PEASE. Mr. Speaker, I want to make sure that all of my colleagues have been informed about the refusal of the NATO defense ministers in their most recent meeting on May 22, 1985 in Brussels, Belgium to take any action on a U.S. proposal to have our NATO allies formally recognize the need for new nerve gas weapons as a modern chemical deterrant. This information and its significance are important to the decision that all Members of the House of Representatives will have to make next week on whether or not to authorize the DOD's request for production of these new nerve gas weapons.

NATO defense ministers were judging the U.S. proposal for allied support of new nerve gas weapons on its military merits and they refused to accept it. Lord Carrington, the Secretary General of NATO, said that it was felt that chemical weapons did not fit into the conventional defense framework and that the West should press for a total ban on such arms.

The implications of this opposition by the NATO defense ministers are serious because they suggest that the political opposition within NATO governments would be even stronger as would the general public opposition. Therefore, a decision by our Government to begin production of these new weapons would jeopardize other cooperative NATO efforts which are in progress, such as nuclear deployments and improved conventional defense in Europe. In April of this year our own Supreme Allied Commander in Europe, General Rogers, characterized the problem this way:

> The issue has become too tough to handle. I find it is put in the too sensitive/too-tough-to-handle box and it just reposes there.

It is also interesting to note that the Presidential Review Commission on Chemical Warfare made a special trip to Europe and returned with no commitments from any NATO government to pre-position the new nerve gas weapons on their soil or to even support a U.S. position to begin producing the new weapons and basing them in the United States. In the words or the Commission chairman, Ambassador Stoessel, discussion of the subject with European politicial leaders only evoked sensitivities.

I hope that my colleagues will carefully consider this information and ask themselves the question of what possible deterrent value can these new nerve gas weapons have if they cannot be deployed in Europe and if our current chemical weapons deployed in Europe are withdrawn and replaced by these new ones based in the United States.

The New York Times article of May 23, 1985 follows. Similar articles with confirming information also appeared on that date in the Washington Post and the Guardian.

[From the New York Times, May 23, 1985]

NATO COOL TO U.S. PROGRAM FOR MODERN CHEMICAL ARMS

BRUSSELS, May 22 (Reuters).—Defense Ministers of the Atlantic alliance agreed today on a program to improve nonnuclear defenses and reduce reliance on nuclear arms, but avoided a United States proposal for production of new chemical weapons.

The 14 ministers agreed to correct deficiencies in conventional arms by narrowing priorities, improving long-term planning and making better use of existing resources.

In a sign of unusual harmony, the meeting, scheduled to last until midday Thursday, ended after only two sessions totaling three hours.

Washington's space-based defense program, known as "Star Wars," was not on the agenda.

In a communiqué, the ministers specified several areas for special effort, including the need for a common aircraft identification system to save the alliance from shooting down its own planes, and more aid to the poorest allies—Greece, Portugal and Turkey.

Lord Carrington, the Secretary General of the North Atlantic Treaty Organization, said the ministers had agreed that there was "a political and military need for a renewed and determined effort to improve NATO's defenses."

On the chemical weapons, the United States had sought allied support in its effort to persuade Congress to finance production of new weapons. But in light of coolness to the idea, the United States dropped a proposal to have the allies formally recognize the need for a modern chemical deterrent.

Lord Carrington said it was felt that chemical weapons did not fit into the conventional defense framework and that the West should press for a total ban on such arms.

Defense Secretary Caspar W. Weinberger said he thought the ministers were aware of a need for the United States to destroy its aging stockpiles of chemical agents in Europe and manufacture new chemical munitions.●

GAO CITES FAULTS IN U.S. CHEMICAL DEFENSES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. PORTER. Mr. Speaker, I would like to bring Members attention to a GAO study commissioned by our colleague, the chairman of the Foreign Affairs Committee, DANTE FASCELL, on the status of our defenses against attack by chemical weapons. The report highlights a number of problems with our current defense posture. I commend this to all Members attention.

FASCELL RELEASES GAO REPORT CITING DEFICIENCIES IN CW DEFENSE POSTURE; CALLS FOR CW DEFENSE IMPROVEMENTS NOT BINARY PRODUCTION

Representative Dante B. Fascell (D-FL), Chairman of the House Foreign Affairs Committee, released today the results of an updated GAO report on U.S. defensive chemical warfare capabilities, citing numerous training, doctrine, procurement, cost, waste, and readiness deficiencies in the U.S. chemical warfare defensive program.

Chairman Fascell said: "These deficiencies on the defensive side of our chemical warfare program are disturbing, more so because they are so longstanding. Congress uncovered serious neglect in the chemical defense program years ago. To correct that problem we have repeatedly mandated a higher priority for the defensive program and increased its funding substantially. The message from Congress has been clear: if the chemical warfare threat from the Soviet Union is as dangerous and real as argued then the first priority of our chemical program should be the protection of our troops. Because of the nature of chemical warfare, a strong chemical defense, along with our current retaliatory capability, serves as the best deterrent against a Soviet chemical threat. The response by this administration to this message from Congress has been slow, muddled, inadequate, and disappointing.

Fascell noted further: "If we are serious about chemical warfare get the protective work done first. It has been the national security judgment of Congress for the past three years that the first priority of our chemical programs should be the correction of longstanding deficiencies in the U.S. chemical warfare doctrine, training, protective equipment, and defensive posture and personnel."

Recalling that Congress has rejected the administration's binary production request for the past three years, Fascell said:

"Production of new binary nerve gas weapons will not improve our deterrent in the face of these serious deficiencies in chemical defense. The fact that the Department keeps coming back to Congress year after year pushing only for the new nerve gas weapons and not adequately addressing these fundamental deficiencies in our country's chemical defensive posture means that Congress' concerns regarding the safety of our troops remains unfulfilled."

Some of the GAO facts that illustrate deficiencies in the U.S. chemical defense program include:

The deficiencies within DOD start at the top. Officials of Joint Chiefs of Staff and from the Office of Program Analysis and Evaluation conceded that their organizations had not implemented any of the four recommendations made by the Defense Science Board in 1981 for specific actions that the JCS and OSD could take with regard to chemical defense.

Goals set for increasing chemical specialists will not be met. In 1982 DOD said that it would continue to increase the number of U.S. forces and units dedicated to chemical defense. The Army's goal was 24,000 chemical specialists by fiscal year 1987. In three years time the Army has only increased from 6,795 to 8,963. The Army must add 15,000 to reach its goals in two years, more than 7 times the increase it has been able to make in the last three years.

Protective gloves and boots are highly flammable. The boots require 15 minutes to put on and they can't be laced up at night.

Current protective masks "have serious problems." Protective suits leak when wet and cause heat stress.

New masks for helicopter aircrews will cost $6,504 each.

The requirement to train for six hours in full protective posture is often simply not followed.

Local commanders set their own training and exercise priorities as they deem appropriate and chemical training is frequently left out.

There are no combat vehicles in the field with cooling devices, leaving crew members seriously vulnerable to heat stress.

There are no combat vehicles in the field with overpressure that permit crew members to operate in a contaminated environment without wearing protective gear. Current vehicles have ventilated facepiece collective protection or none.

The evaluation report of a joint Navy/Marine Corps full-scale chemical defense training exercise for amphibious forces noted a number of facts—all classified—resulting in "a major recommendation to increase training in individual and organizational CW defense."

Chemical medical training, practice, and facilities in all services are lacking and almost non-existent.

Joint service coordination looks good on paper and in meetings but when joint exercises are conducted and evaluated they are judged not combat ready in a chemical environment.

Fascell commented further: "In fairness, some progress has been made and the GAO findings indicate that. For example, even with the deficiencies that have been pointed out, a DOD study showed that the Army was now able to sustain operations in a chemically-contaminated environment for a longer period today than was possible three years ago. This simply shows that improvements in defensive posture are possible. By protecting our troops and enhancing our chemical defense posture, we will also be strengthening our chemical warfare deterrent."●

SPIRAX SARCO ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. RITTER. Mr. Speaker, today I would like to bring to the attention of my House colleagues the 75th anniversary of Spirax Sarco, Inc.—the world's largest single source for steam-related products, engineering and technology.

The Allentown-based international corporation offers its customers the advantage of outstanding technical assistance and a diverse product range for virtually every steam, water, and compressed air process application, practically anywhere in the world it is needed.

In 1910, founder Clement H. Wells, left his native England for America and soon after his arrival he established his own company named Sarco. Shortly after World War I, Mr. Wells arranged to have the Roller-Smith Co. of Bethlehem, PA, act as subcontractor in the manufacturing of expansion traps and temperature regulators.

Mr. Wells, in 1932, strengthened his ties with England by forming Spirax Manufacturing in that country. Here, Mr. Wells decided he needed his own manufacturing plant to handle projected demand for his products. He leased an abandoned silk mill in the borough of Fountain Hill near Bethlehem. Forty-seven workers reported to the new Sarco plant on September 2, 1935.

Sarcotherm Controls, Inc. was organized in 1945 by Mr. Wells to concentrate on the growing market for hot water heating and readiant heat. The plant in the Lehigh Valley expanded to keep pace with the developing product line.

In 1952, Clement Wells sold his interest in the companies he founded to his managers in the respected parts of the world. In England, the managers acquired both Spirax Manufacturing and a sales arm, Sarco Thermostats, to form Spirax Sarco, Ltd. In the United States, The Sarco Co., Inc., operated independent of the foreign corporation.

In 1957, Spirax Sarco, Ltd., purchased the export department of Sarco Co., Inc., in the United States, forming Sarco International. Through

a special agreement, Sarco International offered sales representation to Sarco Co., Inc., in the United States and Spirax Sarco Ltd. in the U.K.

In 1962, Sarco Co., Inc., consolidated its manufacturing operations to a new facility in Allentown, PA. And in 1964, when the outstanding stock of Sarco, Inc., was purchased by White Consolidated Industries in Cleveland, OH, the sales operations in New York also were moved to the Allentown plant.

Sarco Co., Inc., was purchased by Spirax Sarco Engineering in 1983. The name of Sarco was changed to Spirax Sarco, Inc. Spirax now leads the world in steam technology, engineering, and production of steam related products. Vital industries like Spirax Sarco, Inc., are essential to dynamic economic growth in the Lehigh Valley.

I have personally toured this fine Lehigh Valley facility and was impressed by the level of competence and cooperation amongst the employees. As their U.S. Congressman, I can say I'm proud to be their Representative in Washington, DC.●

ON THE TAXATION OF HEALTH INSURANCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. RANGEL. Mr. Speaker, I rise to bring the attention of my colleagues to an editorial in the June 5, issue of the Washington Post. The editorial strongly opposes the President's porposal that the first dollars of health insurance be taxed.

Although the administration's proposal takes an important position by preserving a number of tax deductions, the decision to tax the first $25 a month for a family, or $10 a month for individuals, of employer-provided health care can only be detrimental to those who can afford it the least. In addition, taxing the first dollars of health care would do nothing to help check rising health care costs. In fact, it contributes to health care cost increases because it allows the least cost-effective high-end dollars to escape taxation.

I urge my colleagues to consider the harmful effects of a taxation of health insurance.

The text of the editorial follows:

[From the Washington Post, June 5, 1985]

TAXING HEALTH INSURANCE

The administration had a good idea and let it go. The first version of its tax simplification plan last November would have taxed employer-paid health insurance premiums in a way that was surprisingly lucrative yet eminently fair, and might have helped hold down health care costs in the bargain. Now comes the new version of the plan, which would also tax insurance payments, but much less deftly. It would raise less money, less fairly, and without the good effect on costs.

Employer-paid health insurance premiums are now exempt from tax, one of a number of common fringe benefits not counted as income. The value of the exemption—its cost to the Treasury—is estimated at $28.2 billion this fiscal year. That benefit will go disproportionately to taxpayers in the middle- and upper-income ranges. It is about $5 billion more than the government will spend in the year on Medicaid, the health care program for the poor.

The administration's original plan was to "cap" the exempt status of health insurance premiums by counting as income and taxing employer payments to the extent they exceeded agreed-upon cutoffs—$70 a month for single persons, $175 for families. This was fair in two respects. Wages and fringe benefits both are compensation; if one is taxable, so should the other be, so that people in similar circumstances are similarly treated. The cap also had the virtue of tending to fall most heavily on people with above-average incomes because they are usually the ones with above-average health insurance. Only about 30 percent of those with employer-paid health insurance would have been affected. The proposal would nevertheless have produced about $8 billion for the Treasury in fiscal 1988, and nearly $12 billion by fiscal 1990. Finally, and most distinctively, the cap was thought likely to have a restraining effect on inflation in the health care field because it would make people more cost-conscious. A cap, it was said, could be a deterrent to ever more generous health care plans and too-easy resort to doctors and hospitals.

Organized labor objected, however. The tax-exempt status of fringes is the working man's tax break, important to unions. The health insurance industry also objected, and the new chairman of the Senate Finance Committee, Bob Packwood, said he thought fringe benefits were taxed about right the way they are.

The administration then came up with its new plan. Instead of just those with the most insurance paying, everyone with any insurance would pay. The government would tax as income the first $10 a month that an employer paid in health premiums for a single person and the first $25 for a family. Less money would be raised—only about $4 billion by 1990. Relatively more of the burden would be borne at lower income levels. And there is no discrimination among insurance plans; as Sen. Dave Durenberger, also a member of Finance and chairman of its health subcommittee, observed, the new proposal "hits even the most modest health plans and does nothing to discourage the extravagant ones."

Fortunately, there's an easy solution. It comes ready-made from the administration: the cap. Congress should go back to it.●

JOHN LEHMAN, MILITARY REFORMER, ON BUREAUCRATIC EVILS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. COURTER. Mr. Speaker, below is an article by Secretary of the Navy John Lehman entitled "What Defense Needs: 'De-Organization' "—the Washington Post, May 26.

Lehman, a leading military reformer in his own right, attacks one of the biggest obstacles to efficient defense spending: an unwieldy, bloated bureaucracy. His reasoning is sound indeed, and we should all recognize the truth in his statement that "* * * both Congress and the Defense Establishment must be deorgnaized to liberate the thousands of dedicated defense professionals in both institutions from their bureaucratic bondage and allow their common sense to prevail."

WHAT DEFENSE NEEDS: "DE-ORGANIZATION"

Over the past four years President Reagan's defense budgets have averaged 7 percent real growth. Shipbuilding, fleet manning, aircraft readiness and ammunition have increased substantially. The actual percentage increase now in the fleet in each of these categories is 11 percent, 10 percent, 42 percent and 37 percent, respectively.

Critics unfairly say little has been achieved. In rightly rejecting these critics, we in Defense pass over the reality that we could have achieved much more under a system less convoluted than that which was passed to us in January 1981.

Dr. Samuel Johnson once said that what is remarkable about a dog's walking on his hind legs isn't that it is not done well but that it is done at all. Such is the wonder that secretaries of defense these past 15 years have provided as well for the common defense as they have given the monstrousness of the system that besets them.

Cap Weinberger was charged by his president to take the existing institution and get on with rebuilding a common defense ravaged by Vietnam, Watergate and false prophets. He was not asked to reform congressional micromanagement, corporate greed and bureaucratic elephantiasis first. He did as bidden and saved a collapsing balance of power.

Now the horrendousness of the system within which he made this prodigy has suddenly become topical. Good. Perhaps now we can actually gain a long overdue bipartisan consensus to change it.

The fact so much simple-mindedness is written about how to fix Defense by armchair experts innocent of any service in government should not be allowed to discredit the insight that solutions to our current problems involve the application of simple principles. For while the problems of Defense are enormous in number and great in complexity, their causes may be traced to a single root: unceasing bureaucratic growth in Congress and the Defense establishment over the past 30 years.

Have profits been excessive in Defense industry? Yes, indeed, when measured as a percent of assets. For the last two decades it has averaged nearly four times the norm of nongovernment profit. Why? Because Congress has wanted it that way for 30 years, and its legislation and the implementing regulations often require that the taxpayer pay for the contractor's capital assets. Despite Cap Weinberger's progress in driving that ratio down, when we build a tank or an airplane, the legislation, regulations and appropriations still require the taxpayer to buy the contractor the tools, equipment and often the building.

Is contractor overhead excessive? Yes, often more than 100 percent of direct costs.

Why? Because those same statutes and regulations invite padding and because as each new bureaucracy is legislated into the Defense establishment to oversee environment, equal-opportunity, work safety, women-owned enterprise, minority business, value engineering, etc., etc., contractors must hire more bureaucrats to fill out forms and pass their cost on as overhead—and if a few Learjets or dog kennels get added along the way, well, who's to know?

Have contractors paid no taxes since 1972? Largely true for the biggest, but not unique to defense contractors. Why? Because Congress enacted loopholes to make it legal.

Are weapons systems often gold-plated and is the best often the enemy of good enough? Yes. Why? Because authority on any given weapon has been dissipated among so many mandated offices and entities outside of the line authority of the military departments that the chain of common sense is often destroyed.

Has legislative oversight become anarchy? Yes. How? Ten years ago four committees wrote legislation on Defense. Today 24 committees and 40 subcommittees oversee Defense. By actual measurement, current law and regulation on Defense procurement fill 1,152 linear feet of law library shelf space. Thousands of new pages are enacted yearly and almost none removed.

Is the Defense establishment overgrown? Yes. To cope with this avalanche of legislation and regulation, each military department headquarters numbers 2,000, as does the Joint Staff and its appendages and the Office of the Secretary of Defense staff. There are 10 Defense agencies numbering 85,000, and nine joint and specified commands that each average nearly a thousand. No intelligent human being would pay $700 for a toilet cover: it took a unified buying agency of 50,000 billets to do that.

This vast bloat in Congress and the executive branch has all been done over the past 30 years in the name of reformation at the altar of the false idols of centralization and unification. It has completely "clericalized" the procurement process, destroying authority and accountability and creating an environment in which only monopoly, cost-plus and single-source contracting processes flourish in a natural state. Competition, discipline, austerity and accountability are forcefully opposed by statutory complexity, bureaucratic inertia and congressional resistance. All this despite a few steady voices in Congress who have for years tried to improve the process.

What has been accomplished by Secretary Weinberger in reducing decades of gold-plating, cost overrunning and contract sole-sourcing has been done because he has begun to reverse 30 years of overcentralization and begun to restore accountability. In shipbuilding alone competition has been increased from 15 percent to 84 percent in only four years, with a payoff of $2.4 billion in cost underruns.

What must be done now is to recognize the falsity of current calls for more bureaucracy and centralization; to lay aside the calls of those who seek to use the current debate to settle old political or ideological scores; and to begin to apply the lessons so visible in current headlines.

We need no new legislation; we need the repeal of hundreds of linear feet of existing statutes and regulations.

We need no new bureaucratic entities; we need a large reduction in the number and size of existing ones.

We need no more centralization and unification; we need more decentralization and acccountability through which the strong secretary of defense can unify all efforts to a central policy.

We need Congress to end the current chaos of subcommittees and reassert an orderly, strong role in meeting its constitutional responsibilities through a reasonable number of serious subcommittees.

In short, both Congress and the defense establishment must be de-organized to liberate the thousands of dedicated defense professionals in both institutions from their bureaucratic bondage and allow their common sense to prevail.●

CONGRESSIONAL SALUTE TO WAYNE LODGE NO. 2181, BENEVOLENT AND PROTECTIVE ORDER OF ELKS UPON THE CELEBRATION OF ITS 25th ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. ROE. Mr. Speaker, On Saturday, June 22, the Wayne Lodge No. 2181, Benevolent and Protective Order of Elks, located in my congressional district, State of New Jersey, will commemorate the 25th anniversary of the founding of this most prestigious Elks Lodge. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to the Honorable Robert E. Roberts, exalted ruler of BPOE No. 2181, and other officers and members of the Wayne Elks upon this most historic anniversary observance.

Mr. Speaker, may I also commend to you the esteemed officers and members of Wayne Elks BPOE No. 2181 who throughout this past quarter of a century have served their membership and the people of our community with their leadership endeavors—always giving willingly and unselfishly of their time in helping to bring happiness and contentment to others through their benevolence and understanding, promulgating a spirit of brotherhood and goodwill throughout our community, State, and Nation. A roster of its current officers, trustees, past presidents and charter officers who serve and have served with distinction at the helm of this most prestigious fraternal organization is, as follows:

OFFICERS—1985

The Honorable Robert E. Roberts, exalted ruler; Joseph P. Ferrara, leading knight; Dennis A. Dawson, loyal knight; Stanley E. Hillman, Jr., lecturing knight; Alfred J. Greig, secretary; Frank Grenon, treasurer; Harold Morgenfruh, esquire; Herbert Deeths, Sr., tiler; Peter D. Mitchell, Sr., chaplain; John Mainwood, inner guard; George O. Foster, justice, subordinate forum; Joseph Sessler, organist; Kathy Payne, president, ladies auxiliary; and Edward Van Vooren, grand lodge Americanism committeeman and past president, New Jersey State BPOE.

TRUSTEES—1985

The Honorable: Peter Verdugo; Thomas Brown; Paul Stewart; James Ryan; and Leonard Wegman.

CHARTER OFFICERS—1960

The Honorable William A. Durkin, exalted ruler; Edward W. Teddick, leading knight; Oscar Aquino, loyal knight; Robert A. Gingras, lecturing knight; Bruce C. Wilson, secretary; George W. McGuire, treasurer; Leonard Pine, Esquire; Herbert Deeths, Sr., tiler; Michael Sandag, chaplain; and John F. Weber, inner guard.

CHARTER TRUSTEES—1960

The Honorable Joseph R. Felice; C. Alfred Wilson; Frank J. Geusic; Hubert C. Mott; and Edward Nevins.

PAST EXALTED RULERS

The Honorable Louis Messercola; Harry Avogardo; William Durkin; Edward W. Teddick; Leonhard Pine; Gary Van Decker; George E. Spaulding; Raymond J. Slonieski; Matthew Van Dine; Michael Sandag; John H. Glass; Edward Van Vooren; Patrick McGing; Albert N. Perrotta; John F. Devries; Morris Crane; George Corsiglio; John Mullanaphy; David Garvey (deceased); Anthony Sabeh; Alfred Greig; Ronald Del Balso; Raymond J. Favocci; and Jim Randazza.

Mr. Speaker, BPOE Wayne Lodge No. 2181 was granted its charter by the Grand Lodge of the Benevolent and Protective Order of Elks of the United States of America on July 13, 1960 and with your permission I would like to insert at this point in our historic journal of Congress a brief history of its early beginnings and organizational efforts under the exalted rulership of the Honorable William A. Durkin, as follows:

A BRIEF HISTORY OF WAYNE ELKS No. 2181

(By William A. Durkin, First Exalted Ruler)

In the early spring of 1960 Joseph Bader, Chairman of the Grand Lodge Committee on Membership, for the State of New Jersey, selected Wayne Township as a good location for a new Elks Charter.

"Ted" Grimm, his energetic Deputy answered the "Alarm" promptly, and began the organizational work. Coupled with the assistance of many experienced Elk officials, Wayne Elks were ready for their institutional ceremonies in a little less than three months.

On June 5, 1960, at the Wayne Valley High School Congressman Robert A. Roe, who was then the Mayor of Wayne Township, as the leading candidate, represented a class of one hundred and sixty-five (165) candidates for initiation.

Pompton Lakes Lodge #1895 became our Mother Lodge and their officers both past and present conducted the initiation.

Our first assignment was to find a suitable meeting place, and the Preakness Fire Headquarters on Ratzer Road was kinkly offered to us and we accepted with thanks. After a little more than a year at the Fire Headquarters, interest in securing a perma-

nent home of our own grew with each meeting.

Late in 1961, Wayne Township officials offered the use of the Civilian Defense Building on the Newark Pompton Turnpike. Of course we rented these new quarters, and it became the breeding grounds for the desire for "Home Ownership."

Things started to happen fast. The site-committee selected Hinchman Avenue as a prime location for a new building. In 1962 final arrangements were completed for the purchase of this two and one half acre tract.

The Ladies Auxiliary had been functioning for some time, and their efforts in raising funds for the new lodge will remain with us forever. Coupled with the Brick of the Month Club, and Bonds sold by the Building Fund Committee, interest among the membership zoomed.

Under the leadership of Ray Slonieski, Exalted Ruler and Gary Van Decker, Chairman of the Board of Trustees, preparations were made for ground breaking ceremonies on December 10, 1967.

Wayne Lodge is indeed very fortunate in having Ed Van Vooren, a building contractor, and a member of the Board of Trustees as the spark plug for the construction of this new project. His time effort, knowledge and other generous assistance in erecting this New Wayne Elks Lodge will long be remembered by the entire membership.

Wayne Elks Lodge #2181 is indeed very happy because this structure provides the meeting place for the development of continuing community projects for the benefit of the entire citizenry of Wayne Township.

Mr. Speaker, In reflecting on the history of Wayne Elks No. 2181, we recall the quality of leadership and sincerity of purpose of distinguished community leaders throughout the years who were responsible for perpetuating its sterling principles of charity, justice, brotherly love, fidelity and American patriotism. The charitable and benevolent activities of the Elks span the needs and concerns of all of our people—young and adults alike—and we are especially proud of their generous contributions to God's special children who are physically handicapped and their national foundation benefits to local area students.

The Wayne Elks have provided assistance to needy and unfortunate individuals. They have helped victims of fire, given to flood relief, contributed to the work of the Red Cross, aided Scout work, supported hospitalized veterans, and provided scholarships for the education of our young people—to name but a few of their vast endeavors of benevolence. They have participated in many charitable and civic endeavors and received many honors for their standards of excellence. They also point with pride to their "blue ribbon" awards for best overall parade and ceremony at the convention for State in the years 1982 and 1984 as well as their selection of merit and achievement during the past 4 years bringing national recognition applauded by all of us for their outstanding veterans services programs.

Mr. Speaker, I appreciate the opportunity to take a few moments to look through the hourglass and reflect on some of the highlights of the past quarter of a century of Wayne Elks No. 2181 and seek this national recognition of their outstanding contribution to the American way of life and the American dream. They have labored in the vineyard with our community leaders and our veterans in many, many social, civic, and charitable endeavors. Their standards of excellence and exemplary service have truly enriched our community, State, and Nation. We do indeed salute the officers and members of Wayne Lodge No. 2181 of the Benevolent and Protective Order of Elks upon the celebration of their 25th anniversary celebration.●

PRESIDENTIAL ACADEMIC FITNESS AWARD

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. DIXON. Mr. Speaker, today I would like to take this opportunity to bring to the attention of my colleagues the accomplishments of four outstanding young students from my district in California. These students from Worthington Elementary School in Inglewood were recently honored for their participation in the Presidential Academic Fitness Program. These awards will be presented at their sixth grade graduation ceremony on Thursday, June 20, 1985.

The Presidential Academic Fitness Award recognizes and honors students for their scholastic achievements. Elementary school students receiving this award must attain a B+ average or its equivalent while in elementary school. These students must also receive a recent score on any nationally recognized standardized achievement test that places the student at or above the 80th percentile. In addition, the school may award a limited number of students who do not meet the minimum criteria, yet have shown extraordinary effort in school.

On behalf of the U.S. Congress, I would like to offer my congratulations to Zonibia Easley, Donald Thomas, Jr., Tamara Whiting, and Katia Rodriquez on their achievement. I am certain their families and the staff of Worthington Elementary School are filled with pride in the hard work and dedication shown by these four students.●

THE OTHER FACE OF APARTHEID

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. RANGEL. Mr. Speaker, if anyone continues to harbor doubts about the failure of constructive engagement, they should be dispelled by recent events in Angola.

We read daily accounts of arbitrary arrests, beatings, and deaths in prisons. We have seen the South African economy thrive as black workers continue to labor under slave-like conditions. And we continue to hear Ronald Reagan justify appeasement while South African soldiers occupy Angolan territory.

The failed commando raid in Cabinda province is not a sign of South African desperation. Nor is it an aberration in Pretoria's relations with her neighbors. It is, quite simply, a continuation of that country's policy of trying to bully its neighbors into accepting its dictates.

Cabinda is the focal point of Angola's oil industry. It is the economic jugular, with heavy U.S. capital investment. Had the commandos been successful, Angola would have been dealt a severe blow. This would have been an act of war.

I would like to submit the following article for inclusion in the CONGRESSIONAL RECORD:

THE OTHER FACE OF APARTHEID

Barely a year ago South Africa agreed, in a deal brokered by the United States, to remove all its raiding forces from Angola in return for Angola's closing down the bases from which SWAPO guerrillas operated in Namibia. Now, with some of its forces still in Angola, it is revealed to have sent a sabotage squad hundreds of miles farther north to attack an American-run oil installation in Cabinda province. The squad, carrying incendiary shells, was intercepted 300 yards from the Gulf facility that earns Angola most of its foreign currency. An Angola mission was reported in New York on that very day seeking expansion capital: evidently the South Africans meant to spoil Angola's day in a spectacular way.

South Africa's policy is illuminated as by a midnight flare. It pummeled Angola into an agreement that much diminished the guerrilla challenge Pretoria faced in its illegal colony of Namibia, which, in the fifth year of the Reagan administration, seems still remote from independence. The same agreement left the Angolan government facing a strong South African-fortified guerrilla challenge of its own. And having made the agreement, Pretoria kept on selectively mounting the same destabilization tactics it had promised to abandon.

The United States is left looking very foolish. A friendly government for which it did a great favor has duped it. Let us try to imagine the anti-communist nonsense that Pretoria would have pumped out if its commandos had secretly succeeded in blowing up Gulf Oil. The Reagan policy of "con-

structive engagement"—treating South Africa in a respectful fashion to gain its moderation in foreign policy and domestic policy alike—is embarrassed on the very ground where its greatest triumph has been proclaimed. Angola's Marxist government, meanwhile, has a new excuse to embrace the Cuban protectors whose removal is the administration's prime regional goal.

We were among those who a year ago felt cautiously hopeful about the prospects of American diplomacy in southern Africa. But things have not been going well. The other principal front where South Africa's policy of regional accommodation has been on display is in Mozambique. There rebels continue to assault the local government even as South African authorities insist that they do not sponsor and cannot control the foreign elements that help keep the resistance going.

This is the other face of apartheid. The system not only represses the black majority inside the country. It also gives the white minority in the leadership the power and the arrogance to torment South Africa's neighbors. The people of the region need the abolition of apartheid scarcely less than do the people of South Africa.●

CELEBRATING THE 25TH ANNIVERSARY OF THE MONOCLE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. BARNES. Mr. Speaker, I would like to take this opportunity to recognize what has by now become as much of an institution on Capitol Hill as late night sessions and blue pin-striped suits: The Monocle Restaurant.

All this week, with the help of many of its illustrious patrons, the Monocle is celebrating 25 years of gastronomical success, during which the restaurant has been frequented by every President since John F. Kennedy, as well as a parade of hungry legislators and lobbyists. The secret of the Monocle's popularity is probably its fast, friendly service, which has set the standard among area restaurants—as well as a selection of dishes to suit the most fastidious political tastes.

John Valanos, the current manager and a resident of Montgomery County, MD, has described the Monocle as the first "tablecloth" restaurant on Capitol Hill, and a daring attempt by Connie Valanos—his father and the Monocle's founder—to establish a fashionable eatery in a neighborhood without much potential for dinnertime business. Fortunately for those of us who have enjoyed the many pleasures of dining at the Monocle, the early skeptics proved wrong in their predictions of failure, and today the Monocle is as vibrant as ever, providing the kind of good food and good-fellowship that we can all appreciate.●

BIGEYE BOMB—FAILURES AND FLAWS—STILL NOT READY FOR PRODUCTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. FASCELL. Mr. Speaker, despite 10 years of research and development of the Bigeye nerve gas bomb and despite the last 4 years of claims by the Department of Defense and others that the Bigeye bomb is ready for production, it is still not ready. I want to share with my colleagues, a history of the last 4 years of positive claims about the Bigeye bomb's readiness and of the facts that we have been able to uncover each year about the Bigeye bomb's flaws and failures.

Again this year, with the expert assistance of the General Accounting Office (GAO), we have uncovered continued failures of the Bigeye bomb involving pressure, heat, purity, moisture, structural and fusing problems. These testing failures have persisted even though the tests have been conducted in controlled environments which do not reflect the realistic conditions under which these weapons will be used.

I have requested the GAO to continue its investigation into the testing performance of the Bigeye bomb and the operational criteria it should fulfill in order to ever be ready for profuction. Evidence to date indicates that it is not ready and that, in fact, the Bigeye bomb tests have not met chemical purity and biotoxicity standards set by the Department of Defense.

As Members of the House of Representatives we will be voting next week to authorize the Department of Defense's request for the Bigeye bomb. Therefore, I want my colleagues to examine carefully these facts which have emerged in tracking down the following history of the Bigeye bomb and its record of accumulating failures and flaws:

1982: The Pentagon asked for the first procurement funds for the Bigeye chemical weapons bomb.

The Pentagon said it was ready to begin work on the Bigeye bomb. During the House floor debate on July 22, 1982, several House Members rose to defend the new weapons as adequately tested. Said Representative JIM COURTER, "There have been a lot of statements made during the past few hours that binary weapons have not been tested. Nothing is further from the truth. They simply have." Said Representative SAM STRATTON, "(binary weapons) would not explode even if they were driven up and down the ski slopes of Colorado."

But in fact, Pentagon tests in 1982 were beginning to show problems with the Bigeye.

According to former Arkansas Representative Ed Bethune during the 1983 House floor debate on chemical weapons, the Pentagon first discovered the Bigeye bomb had problems in June 1982 and had a serious Bigeye bomb test failure on October 7, 1982.

1983: The Pentagon renewed its request for Bigeye bomb production funds.

"However, during the [1982 House] debate the Bigeye was criticized (albeit without any supporting evidence) as being unreliable . . . A decision on the Bigeye should be based on the best information available, not on unsubstantiated opinion." [Source: Written response by Defense Secretary Caspar Weinberger to question from Senator Sam Nunn, from hearings before the Senate Armed Services Committee, February 1, 1983].

Then the Pentagon itself announced in 1983 that it had discovered problems with the Bigeye bomb.

"The Pentagon has asked Congress to defer $43 million it had sought for production of the controversial Bigeye binary chemical bomb because it has discovered that the bomb could explode on its own and spew deadly nerve gas while being carried by an American aircraft."

" 'The problem was discovered late last year,' Dr. Ted Golo, deputy for chemical matters in the office of the assistant to the Secretary of Defense, said yesterday. 'But we believe a solution is in hand.' " [Source: Washington Post, May 3, 1983, article by Walter Pincus].

1984: The Pentagon said that it had solved its problems with the Bigeye bomb that had been found the previous year.

"The Bigeye Program, from a technical standpoint, is in better shape this year. The problem (pressure buildup in the event the bomb could not be dropped after mixing) that delayed the Bigeye Program has been addressed and the solution (not mixing until after the bomb is dropped) demonstrated . . . Based on testing to date, we expect that the Bigeye will perform as required and add an essential capability to our chemical deterrence posture." [Source: Dr. Theodore S. Gold, Deputy Assistant to the Secretary of Defense for Chemical matters, testimony before the Senate Armed Services Subcommittee on Strategic and Theater Nuclear Forces, April 26, 1984].

Yet the GAO in 1984 found continuing problems with the Bigeye.

"Technical problems still plague the Bigeye bomb development . . . Further, the Bigeye bomb cannot meet the operational temperature requirement (minus 40 degrees Fahrenheit to

140 degrees Fahrenheit) for producing VX with the minimum purity percentage." [Source: GAO report of October 23, 1984].

1985: The Pentagon reported again that it had fixed the Bigeye bomb problems.

"Bigeye bomb developmental problems identified by DOD and reported to you in GAO reports have been corrected, and the Bigeye bomb has been tested to confirm the fixes made. All problems have been fixed. The Bigeye today is a success story." [Source: Dr. Thomas J. Welch, Deputy Assistant to the Secretary of Defense for Chemical Matters, testimony before Senate Armed Services Committee, February 28, 1985].

Last month the GAO discovered that despite Pentagon claims, the Bigeye bomb still does not work.

"The Bigeye bomb, centerpiece of President Reagan's $174 million plan to modernize the U.S. chemical weapons arsenal, remains technically flawed despite 7 years, according to the General Accounting Office."

"In preliminary findings presented to the House Foreign Affairs Committee Chairman DANTE B. FASCELL (D-Fla), the GAO reported that in eight of its last nine tests by the Army, the bomb had not produced a sufficiently lethal chemical reaction at high temperatures." [Source: Washington Post, May 31, 1985, article by Michael Weisskopf].●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. CLINGER. Mr. Speaker, on June 11, 1985, I was absent from the floor of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 147: Journal, the House approved the Journal of Monday, June 10, "no";

Rollcall No. 148: H.R. 2577: Supplemental appropriations, the House rejected the Brown amendment that sought to strike the $500 million appropriation for economic support funds for Egypt; "no";

Rollcall No. 150: H.R. 2577: Supplemental appropriations, the House rejected the Walker amendment that sought to delete all appropriations for the legislative branch and the Executive Office of the President except for payments to widows and heirs of deceased Members of Congress, "aye"; and

Rollcall No. 152: H.R. 2577: Supplemental appropriations, the House rejected the Zschau amendment that sought to reduce appropriations not required by law by 5 percent, "aye".●

FAMILY FARM BANKRUPTCY REFORM ACT OF 1985

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SYNAR. Mr. Speaker, as original coauthor of the Family Farm Bankruptcy Act of 1985, I have received letters from across the country which illustrate the need for this legislation. The following letter is typical of those I am receiving:

HICKORY HILL FARM, INC.,
Upperco, MD, June 7, 1985.

Attention: *Ms. Lisa Riggs.*
Representative MICHAEL SYNAR,
Rayburn House Office Building,
Washington, DC.

DEAR MR. SYNAR: Thank you for the opportunity to respond with our ideas on the pending legislation regarding family corporations and bankruptcy.

We have a seventh generation farm and are fighting our major creditors who "joined with us in 1979" in our dairy farm endeavors. Now when agriculture is in a depression, mainly as a result of a United States government policy, our options are limited. Our major creditors want to force us out. We want to remain in farming, hoping and knowing that the agriculture situation will most certainly turn around. We cannot consider bankruptcy because it costs more than we can afford under Chapter 11.

We are in a Catch-22. Government commitment to a "cheap food policy" for the consuming public and the fact that it uses food as an international weapon has forced agriculture into its present situation. We have a larger capital base with a low return but we are a dedicated family and love the work we do.

Farming has a bigger investment than the public and even many of our representatives realize and a million dollar ceiling on debt will not cover many family corporation debts, certainly not ours.

We do not favor bankruptcy, except as a last resort, but if it must be used, it should be matched to the needs of those who must use it.

Thank you for the opportunity to express our opinions. We extend the invitation for you to visit Hickory Hill Farm at any time—see our operation and consider the position we are in.

Sincerely yours,
WAYNE L. ARMACOST.●

MIDWEST RESEARCH INSTITUTE CELEBRATES 40TH ANNIVERSARY

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. WHEAT. Mr. Speaker, I would like to acknowledge the contributions of Midwest Research Institute to Missouri and to the Nation. Located in Kansas City, Midwest Research has just recently celebrated its 40th year of service to the scientific community and society. Since its inception near the conclusion of World War II, MRI has been a sterling example of private enterprise serving the public interest.

Midwest Research, a lender in the field of technological innovation, has a history of responding to the public need. It has been a pioneer in the field of pollution and hazardous waste control. During the 1950's, Midwest Research found effective solutions to the problem of liquid industrial wastes in the water supply and identified auto exhaust as a major cause of urban smog, 20 years before those problems reached the front page of our newspapers.

Midwest Research has also been a leader in the field of technology transfer and adaptation. The institute's initial project involved the conversion of a munitions compound used during the war into a fertilizer to be used in peacetime. MRI has used the discoveries of the space program to assist manufacturers in fields ranging from sheet metal to farm equipment to medicine.

In 1977, Midwest Research began the management of the Solar Energy Research Institute, a federally sponsored center for solar research and development. By advancing scientific knowledge and forming a solid technological base, the private sector is able to make informed decisions concerning our energy options. The work MRI is doing today will serve the Nation tomorrow.

The institute's activities have not been restricted solely to the scientific world. MRI economists investigated the economic impact of numerous projects and institutions in the Kansas City metropolitan area and used their expertise in management science to assist firms throughout the world.

Mr. Speaker, over the last 40 years, Midwest Research Institute has combined intelligence, innovation, and modern technology to help solve problems that threatened our Nation and society. I am proud to share with my colleagues the institute's contributions and I hope that its next 40 years are as productive as its first 40.●

TAX REFORM, PERHAPS, BUT WHO REALLY BENEFITS?

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SEIBERLING. Mr. Speaker, whether or not one agrees with the President's tax reform plan in its entirety, the President is to be commended for putting forward a plan which seeks to close some tax loopholes, reduce tax brackets, and cut tax rates for many taxpayers.

But despite the populist image which the administration is trying to cultivate in selling its tax plan to the

public and to Congress, a careful examination of the President's tax plan suggests that the plan, far from being oriented toward the average taxpayer, is biased in favor of those with very high incomes.

Writing in the June 6 Cleveland Plain Dealer, University of Baltimore economics Prof. Bruce Parry notes that the President's tax simplification plan is being sold on three points:

It would be "revenue neutral," meaning it would not increase taxes overall.

It would close loopholes and eliminate certain tax breaks for businesses and the rich.

It would simplify the tax system, a goal almost all taxpayers find laudable.

However, a close look at the Reagan plan raises serious questions about the accuracy of these claims. Mr. Parry observes that the President's plan "would not benefit—and would in fact harm—poor and working people whose support is being solicited. It would increase taxes for some and minimally reduce them for others at the lower end of the income scale, but would substantally reduce them for the well-to-do. It would limit double taxation for the rich and institute a different form of double taxation for the rich and poor. It would reduce taxes for many businesses."

The specifics of the plan appear to bear him out. For example, the Treasury Department acknowledges that taxpayers in the $30,000 to $50,000 income range will receive a tax cut, on the average, of 6.6 percent. But taxpayers making more than $200,000 will receive a tax cut of nearly 11 percent. Measuring the tax cuts in dollar terms, as estimated by the Center on Budget and Policy Priorities, produces an even greater contrast. The tax cut will be worth $211 to taxpayers in the $30,000 to $50,000 range. But for taxpayers making more than $200,000 the tax cuts will be worth as much as $9,000.

As for revenue neutrality, there are already alarming indications that the President's tax reform program may be a revenue loser. The Treasury Department concedes that the plan will lose some $12 billion over 5 years, although this is within the acceptable margin of error for calculations of such complexity. But several reputable economists have estimated that the plan, as currently envisioned, will lose closer to $30 to $50 billion within the same 5-year time span. The legacy of the 1981 "supply-side" tax cuts, when coupled with the President's penchant for huge increases in military spending, is with us today in the form of our $200 billion deficits. So a revenue neutral tax reform plan is absolutely essential. Those of us who oppose the 1981 tax "cuts" did so because we recognize their potential for economic disaster. We can't afford to go down that road again.

As to tax simplification, even the Treasury Department acknowledges that the President's proposal will almost certainly not result in an easing of most taxpayers' anguish every April 15. Tax bracket reduction will do absolutely nothing to simplify taxes. Many of the deductions, exclusions, and credits which would be eliminated under the President's plan affect businesses, and thus their elimination will not simplify taxes for individual filers. Indeed, the bill will make business taxes even more complicated.

Ironically, the bill attempts to achieve revenue neutrality by eliminating many of the special tax breaks for business that were part of the President's 1981 tax bill and were justified as being needed to make American industry more competitive. That need is greater than ever today. Does the new approach mean that the old one did not work or that lowering taxes for high-income individuals is now seen by the President as more important than promoting American industrial strength? Mr. Parry throws some light on this. He says:

The plan would not do what we are being told it would. It would not substantially reduce taxes for anyone but the rich. The principle many Americans grew up with is that of a progressive income tax system in which the rich pay a higher rate than the poor. The new proposal would seriously erode the progressiveness of the federal income tax. Despite pronouncements to the contrary, the present proposal would take it out of those least able to pay and with the least ability to protest effectively: the poor and working people.

Mr. Speaker, I support real tax reform as strongly as any Member of Congress, However, the more I look at it, the more it appears that the President's plan may be a far cry from real tax reform. We in Congress have an obligation to ensure that we do not pass a tax bill which, clothed in a populist tax "reform" guise, ends up weakening our economy and standing the central notion of fairness and progressivity on its head. Mr. Parry's article follows:

TAX WILL BE SIMPLIFIED, AND THEN YOU'LL REALLY GET PASTED

(By Bruce Parry)

BALTIMORE.—The tax simplification program is really step one of a two-step procedure.

First, the tax system would be simplified without raising taxes. Then, taxes would be raised.

At a March symposium held in Pittsburgh by the Eastern Economic Association, six experts on the new tax proposals admitted that the real reason for the simplification program was to raise taxes.

The panel comprised economists in the Treasury Department (including Charles McLure, the author of the first Treasury tax proposal); economists who work or have worked for Congress (including James K. Galbraith, son of the famous John Kenneth and himself recently chief economist for the Joint Economic Committee of Congress), and economists in industry (such as Richard Brinner, chief U.S. economist for the prestigious forecaster, Data Resources Inc.)

Politically, tax simplification is being sold on the basis of three points:

It would be "revenue neutral," meaning it would not increase taxes overall.

It would close loopholes and eliminate certain tax breaks for businesses and for the rich.

It would simplify the tax system, a goal almost all taxpayers find laudable.

These points are being emphasized because they are the best way to ensure popular support for the administration proposal, or one similar to it.

Unfortunately, the proposal would accomplish none of its purported goals. Furthermore, it would not benefit (and would in fact harm) poor and working people whose support is being solicited. It would increase taxes for some and minimally reduce them for others at the lower end of the income scale, but would substantially reduce them for the well-to-do. It would limit double taxation for the rich and institute a different form of double taxation for rich and poor. It would reduce taxes for many businesses.

While this analysis concentrates on President Reagan's proposal, the other tax simplification plans are similar in their effects on various income groups.

WHAT IT WOULD DO

The best-known features of the plan involve tax brackets, exemptions and the standard deduction. Even these have some less-publicized facets.

The Proposal would reduce the number of tax brackets from 15 to three and the range of tax rates from 11%–50% to 15%–35%. But most of the reduction would come at the tip end, affecting those with higher incomes. The exemption for each person would be raised from $1,000 to $2,000, and the level of income for which no taxes need be paid (the standard deduction or zero bracket) would rise to $2,900 for single filers and $4,000 for joint filers. These may be the best features of the plan.

Another feature that hits the rich alone is that consumer interest payments over $5,000 (except on first homes) would no longer be tax deductible.

On the other hand, tax breaks for gifts to charities would be curtailed for the two-thirds of the taxpayers who do not itemize deductions on their returns. This could have an important impact on individual contributions. Since most charities provide services to the poor and indigent, this provision would further stretch the already tenuous "safety net."

Some provisions would directly affect working families. The tax break for two-earner families would be eliminated. Employees' health benefits would be taxed for the first time; workers would have to pay taxes on up to $120 of individual medical coverage and $300 of family coverage a year. While the initial proposed rates may not be high, they represent a "foot in the door." Rates do not tend to fall; we can expect increases at some future time.

Unemployment benefits and workmen's compensation also would be taxed.

Limits on individual retirement account (IRAs) would be raised. Popular perception notwithstanding, IRAs are savings accounts that primarily benefit the well-to-do—those with the highest tax rates and those who can afford to put aside $2,000 a year.

Interest over $5,000 would be taxable for most people—but not for those with substantial amounts of investment income.

In 1950, corporate income tax and personal income tax provided approximately equal amounts of revenue to the government. Since then, personal income taxes have provided a steadily increasing proportion, until today the annual taxes paid by individuals are more than four times what corporations pay.

Reagan's tax proposal ostensibly would increase the proportion paid by corporations, but it is important to understand the way it would do that. Virtually the entire increase would come from eliminating tax breaks to certain industries while reducing the tax burden to business overall.

A major point is the way the proposal would deal with double taxation. Owners of businesses (stockholders) have long complained that they are taxed twice, as follows: Profits are taxed as corporate income. The corporation then divides its after-tax earnings between funds retained for investment purposes and dividends to stockholders. Dividends are income to the owners of corporations and are taxable, as is any income.

The tax simplification plan would do two things. First, it would reduce the coporate tax rate from 46% to 33%. Second, it would free corporations from tax on 10% of all dividends paid out. Double taxation for corporate ownership therefore would be substantially reduced.

At the same time, however, the plan would institute double taxation for individuals. State and local taxes, including both income taxes and property taxes, would no longer be exempt from federal taxation; individuals would have to pay taxes on their taxes.

Finally, some of the plan's provisions would apply only to the propertied class. capital gains would be taxed at 17.5% or less, so property owners who grew richer because their real estate, stocks and businesses increased in value would be taxed on that increased wealth at the same rate as a worker who earned about $12,000 a year.

Business would be able to "write off" (depreciate) some types of property more quickly and some more slowly than under existing law. Many types of business machinery would be depreciated more quickly. Low-income housing, of which there is a major shortage in all urban areas, would be depreciated more slowly and thus would be a less attractive investment. We might expect the housing shortages to continue and perhaps increase.

WHAT IT WOULD NOT DO

The plan would not do what we are being told it would. It would not substantially reduce taxes of anyone but the rich. The principle many Americans grew up with is that of a progressive income tax system in which the rich pay a higher rate than the poor. The new proposal would seriously erode the progressiveness of the federal income tax.

Using information in the Reagan proposal, it is possible to estimate average tax rates—the rates that individuals and families actually pay on taxable income—for different income groups. The president says the rich would have an increase in their taxable income as various tax breaks were closed off.

(For example, someone who earns $100,000 a year but takes advantage of tax shelters might have taxable income currently of only $50,000. With some of the shelters shut down, his taxable income could increase to $70,000.) But there is not enough data in the plan to factor into calculations.

These calculations show that families making less than $10,000 typically would have either no change or a small increase in their average tax rate. For families making less than $50,000 (90% of the population), there would typically be decreases in average tax rates of about 3% to 5%. Those making upwards of $90,000 (the top few percent of the income scale) typically would see their average tax rate drop 10%. The higher the income above this level, the greater the tax beak the president's proposal would afford.

The plan is not a simplification, a fact that also was admitted by the panel of distinguished economists. Dr. Brinner of Data Resources characterized simplification as "a secondary goal of the Treasury plan." There has been no stampede of tax lawyers, accountants or cartoonists (all of whom would stand to lose substantially from a simple tax system) against any of the proposals.

Most important, the plan is a necessary prelude to tax increases. Regardless of what President Reagan has said, government spending has risen significantly since he took office. That means the only way to reduce the deficit is to increase taxes. Panelist Galbraith has called for tax increases of up to $250 billion over five years, and others have echoed his policy prescription.

But such tax increases are impossible under the current system. There are too many loopholes and exceptions.

The proposed modifications are designed to gain popular support. While they would not guarantee that taxes would be increased, they would pave the way for getting more money out of taxpayers.

Despite pronouncements to the contrary, the present proposal would take it out of those least able to pay and with the least ability to protest effectively: the poor and working people.

If increases in the future maintained the tax structure that would be established by the president's proposal, the tax burden would be shifted further toward the lower end of the income spectrum. What is bad now would become worse.●

TRIBUTE TO C. LEROY PECKHAM

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. MRAZEK. Mr. Speaker, I would like to call to the attention of the House the many years of outstanding service that Mr. C. LeRoy Peckham has given to the Cold Spring Harbor Fire Department and the town of Cold Spring Harbor. This year, Mr. Peckham completed his 69th year of service with the fire department.

Given our society's preoccupation with the lives of the rich and famous, we often overlook the deeds of those who most devotedly serve the interests of their communities. These dedicated public servants commit their time and effort to people in need. They remain largely anonymous, but are always dependable. Year after year, these men and women are found hard at work for the benefit of the common good.

Such an unsung hero is C. LeRoy Peckham, who has devoted his life to the town of Cold Spring Harbor. Mr. Peckham was born on August 20, 1898, in Cold Spring Harbor and now has the distinction of being the town's oldest native resident. This true philanthropist has also been one of Cold Spring Harbor's most dedicated protectors. As a firefighter, he has risked his safety countless times in the past 69 years in order to protect the lives and property of his fellow townspeople.

Mr. Peckham has been a member of the Cold Spring Harbor Fire Department since September 5, 1916. He was employed as a fire dispatcher for more than 38 years. He also served as chief of the Cold Spring Harbor Fire Department from 1945 to 1947.

Mr. Speaker, C. LeRoy Peckham is a remarkable man who deserves to be recognized by name as a true hero and respected resident of the town of Cold Spring Harbor. I would like to take this opportunity to congratulate Mr. Peckham for his many years of fine service and to thank him for a job well done.●

NICARAGUA: THE KEY POINT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. STUDDS. Mr. Speaker, the President, his advisers, the Congress, the press, and the public, have all spoken at great length in recent weeks about the present course of U.S. policy toward Nicaragua. Few statements, however, compare in precision of thought, clarity of language, and simple commitment to principle, with the following words contained in an editorial of June 7 in the Standard-Times of New Bedford, MA. For this reason, I would like to bring this editorial to the attention of my colleagues in the House. I urge Members of both parties to heed the message it conveys.

The editorial follows:

[From the New Bedford (MA) Standard-Times, June 7, 1985]

IN DEBATE OVER NICARAGUA AID, KEY POINT IS BEING OVERLOOKED

Inch by inch, Congress is edging back over the line that has divided it from President Reagan's policies in Nicaragua.

Stap by step, President Reagan is gaining ground in his attack on the Marxist Sandinista government in Managua. Nicaraguan President Daniel Ortega, belittled as a "little dictator" by the president earlier this week, precipitated this congressional change of heart by his stupidly-timed visit to Moscow immediately after Congress last rejected aid to the contra rebels.

With President Reagan stepping up the anti-Sandinista rhetoric, talking about communist "beachheads on our own doorstep," and with Ortega's government left with no

one but the communists to do business with. Congress is falling into step with the president's aguments. The Senate yesterday blocked attempts to prohibit the use of the U.S. military in Nicaragua, and instead headed for a vote to give $14 million in "humanitarian" aid to the contras this year and $24 million next year. The House, embarrassed by Ortega's trip to Moscow, will take up debate next week, the opposition weakened.

The whole debate is losing sight of what this country should be after in Nicaragua, and how it should legitimately go about it. Who, for instance, seriously believes that the CIA, which until now was busy mining Nicaraguan harbors and distributing terrorism manuals, will now become a platoon of Florence Nightingales to administer this "humanitarian" aid? Does Congress think that if the CIA can't behave, that the public should simply believe that it can—or will even try—despite enormous pressure not to?

Congress must not forget the central issue; that is, the United States is actively supporting military forces whose aim is to overthrow a sovereign government that this country formally recognizes. Why doesn't Congress recoil at this kind of thing? It used to, when the CIA did it secretly and was later found out. Why not now?

If this country adopts the tactics it professes to oppose, then we are no different from the enemy and the effort is pointless. This fixation on Nicaragua threatens to blind us to history's lessons, or at least cause a misreading that will likely prove tragic. This country once set the standards for international conduct; fear now clouds its thinking, shakes its principles and worsens the threat in Central America.●

DON'T ALLOW AMERICA TO FORGET COAL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. MURTHA. Mr. Speaker, A sports team a few years ago adopted the slogan: "The Future Is Now."

Well, that slogan could very well apply to America's energy situation. We do not face critical shortages today. But it is inevitable that we will again face those shortages in the future if we fail to take appropriate steps now. Thus, it is correct to say that we are planning for our energy future now.

In a recent article, Mobil Corp. president Allen E. Murray noted these recent energy figures, if anyone doubts the seriousness of the situation: In 9 of the last 10 years the United States used more natural gas than was found in this country; after dropping for 4 years, U.S. crude oil and product imports rose 8 percent last year, and one-third of our oil still comes from overseas; U.S. energy demand is conservatively estimated to be 20–25 percent higher by the year 2,000 than it is today.

Every study of the energy situation made in the 1970's came to one similar conclusion: America had to make fuller use of its energy supplies.

We have taken one step in that direction by fighting to keep the Synthetic Fuels Corp. on line and developing projects for the conversion of coal to gas and other energy forms.

It is my pleasure to join with Congressman WILLIAM CLINGER of Pennsylvania and Congressman NICK RAHALL of West Virginia in cosponsoring a bill designed to stimulate further domestic production and consumption of coal.

Our bill would:

First. Extend for 10 years the 10 percent tax credit for facilities to convert to coal.

Second. Provide for a 1 year amortization for pollution control equipment instead of the present 5 years in a move designed to stimulate conversion by making it more economically attractive while also insuring environmental protection.

Third. Increase the investment tax credit for the purchase of mining equipment from 10 to 15 percent.

Fourth. Increase tax credits to 50 percent for the research and development of coal related technology.

Fifth. Require Federal electric power plants and fuel-burning facilities to convert to coal.

Sixth. Repeal the 15 percent reduction in the percentage depletion for coal.

It is only through stimulating such action that we can get our coalminers back to work, stimulate the coal industry, and provide the energy insurance policy for the future that our Nation needs to protect against the recurrence of gasoline lines and fuel shortages.

With similar legislation introduced in the Senate, I believe we have an opportunity to take some positive coal steps in this Congress. Such progress is essential and needs to be a priority.●

NO DEMOCRACY FOR YOU, NAMIBIA

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mrs. SCHROEDER. Mr. Speaker, next Monday, South Africa will inaugurate their latest internal government for Namibia and their latest attempt at circumventing international law calling for the independence of Namibia.

The new internal administration will be empowered to set up a council to draft a constitution for the territory.

This council, however, will not be a freely elected council, nor will it be appointed from a freely elected governing body. The constitution it drafts cannot be said to be independent or democratic. Nor does the constitution conform with the United Nations-sponsored and U.S.-supported settlement plan for establishing Namibia's independence and holding elections under U.N. supervision.

When South Africa declared the formation of the internal administration, our State Department rejected it, saying that:

> Any purported transfer of power that might take place now and in the future to any bodies established by South Africa is null and void. Such institutions will have, as Secretary Shultz stated on April 16, no standing. We have not recognized them in the past and will not do so now.

The United States was joined by Great Britain, West Germany, and Canada, in informing South Africa that any unilateral actions by South Africa to establish an internal administration in Namibia and transfer power to it would be regarded as null and void.

South Africa President Botha claims that setting up an internal administration is compatible with the U.N.-approved plan for an internationally recognized independence settlement for Namibia. Under the new South African plan, however, the South African-appointed administrator general in Namibian will remain in his post as the ultimate authority in Namibian affairs and South Africa will maintain control over defense and foreign affairs.

Since this means that South African troops will remain in Namibia, let me give you a few examples of what the presence of South African military personnel means to Namibians.

In April, the partially decomposed bodies of seven men were discovered in a ditch near a Roman Catholic mission station in northern Namibia. The commander of the South African Police unit known as Koevoet, which means "Crowbar," confirmed responsibility for four of the bodies, saying "My men were told to bury the corpses but they must not have done the proper job."

Also in April, the South African Minister of Police agreed to an out-of-court settlement to three victims of Koevoet police brutality, admitting that the victims "had been assaulted with planks and that they endured pain and suffering." The two school teachers and a farm assistant were detained without trial for 3 months, beaten with planks, struck with fists and chains, and subjected to electric shock treatment through electrodes attached to their ears and thumbs.

Last month, an elderly woman was burned to death in her kraal when South African security forces set fire to it. She was blind and unable to get out of her home to save herself. Another woman reported being awakened by soldiers in the middle of the night, kicked and beaten, made to lie in a

hole in the ground and was buried with sand, leaving only her legs free.

These are a handful of incidents out of hundreds of human rights violations.

Secretary of State Shultz has repeated U.S. commitment to the U.N. Security Council Resolution 435 as the only internationally acceptable basis for Namibian independence. The adoption of Resolution 435 was negotiated by the Western members of the U.N. Security Council—United States, Britain, France, Canada, West Germany—in 1978. It approved specific procedures for a ceasefire, withdrawal of the South African troops, and U.N. supervised elections. Resolution 435 was accepted by the South West Africa People's Organization [SWAPO] and, initially, South Africa.

By creating yet another internal government, however, South Africa has again thrown another factor into the negotiations for independence. South Africa keeps bringing up one last thing in the negotiations, so that a final agreement can never be reached. The puppet government to be inaugurated Monday is surely another attempt to deny independence to the Namibians.

To establish a facade of granting some self-rule to Namibians, South Africa plans to guarantee heavy attendance at the inauguration rally. They made a special announcement that school attendance is mandatory, in other words, a warning against a sick-out. Notices were sent home with students for their parents to sign whether or not they would allow their children to attend the inauguration rally. How many parents are going to put in writing their opposition to South African rule when they can be detained at any time without charge? On Monday, attendance will be taken and absentees noted, then the teachers and students will be bussed to the inauguration rally. A huge audience, of course, will look better in the press photos. This is hardly democracy in action.

Mr. Speaker, the United States should be clear and strong in its opposition to this parody of democracy. We must use every measure possible to oppose South Africa's procrastination in withdrawing from Namibia and ceasing its plunder of the territory's mineral wealth.●

DR. WALTER OLSON OF CALIFORNIA STATE UNIVERSITY, STANISLAUS, RETIRES

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. COELHO. Mr. Speaker, the recent graduation ceremony held at California State University, Stanislaus, marked the end of an era in the history of the university. It was the last graduation ceremony to be presided over by Dr. Walter Olson, the president of the university for the past 10 years. Dr. Olson has decided to retire from his position after leading California State University, Stanislaus, through a successful decade of growth and accomplishment.

Dr. Olson became president of California State College, Stanislaus, in 1975, beginning a tenure that would be marked by dynamic and innovative leadership. In 1976, the CSCS golf and baseball teams won the college's first national athletic championships. A new gymnasium was constructed in 1977, and the Child Development Center was established in 1978. A new student union was constructed in 1978, as was a new bookstore. The first sorority on campus was founded in 1977, followed by the first fraternity in 1979. In 1980, CSCS inaugurated an innovative program of beaming courses via an interactive microwave television network to Tracy and Stockton, thus greatly expanding its ability to reach students in outlying areas.

In 1981, the college reorganized into a three-school system, with schools of Arts, Letters, and Sciences; Business Administration; and Education. In 1982 a new all-weather track was dedicated, and in 1984 the 10,000th student was graduated from CSCS In 1985, Dr. Olson attained for the college what was probably his single most important achievement—recognition for the college as a university by the Board of Trustees of the California State University system and by the California Post Secondary Education Commission.

While Dr. Olson's dynamic leadership will certainly be missed at California State University, Stanislaus, he is not leaving the State university system completely. Next year, he will accept a California State University Trustees' professorship at the Sacramento campus.

I would like to commend Walter Olson for his decade of service to California State University, Stanislaus, and on behalf of all the citizens of Stanislaus County, thank him for his dedicated work toward improving the educational opportunities available in our community. I wish Walt many years of health and happiness in the years ahead.●

PRIVATE SECTOR: A MODEL FOR CHILD CARE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. LEVINE of California. Mr. Speaker, I rise to bring to my colleagues attention a very thoughtful article by my dear friend Allan Jonas.

Allan Jonas' article in last Monday's Herald Examiner is particularly useful to those of us from the Los Angeles area, but can serve as a useful model for our colleagues from throughout the country with regard to the pressing child care need in our society.

Allan Jonas outlines a very thoughtful approach which I commend to my colleagues for their consideration. I ask that the article be included in the CONGRESSIONAL RECORD at this point.

[From the Los Angeles Examiner, June 10, 1985]

CHILD CARE IN DOWNTOWN L.A.: LET BUSINESS LEAD THE WAY

(By Allan K. Jonas)

Parents working in downtown Los Angeles who have infants or preschool children cannot beg, borrow or steal quality child care near their place of work. What facilities do exist are overbooked and located in the least wholesome neighborhoods. United Way's 1984 study of child-care needs in the downtown area documented this situation, finding that there was an immediate need for an additional 2,000 preschool child-care openings which to this day, still do not exist.

The child-care choices for most downtown employes, therefore, are limited to suburban schools, private homes or baby sitters—child-care providers licensed or unlicensed but uninspected unless a complaint is filed.

Examples from Europe serve to remind us of how "under-developed" we are as a nation when it comes to child care. In Germany, a country with one of the world's highest participation rates of females in the labor force, cash subsidies are offered as an alternative to work during the child's first three years. A parent has the right to stay home to care for a sick child and be paid by a social-insurance program, and child-care programs operated by private, religious or voluntary organizations receive governmemt subsidies. In Sweden, too, there is insurance for the temporary care of a child and unpaid but job-protected leave until a child is 18 months old.

Change in Los Angeles is on the way, however. The amazing truth is that there are far more resources to create and run excellent metropolitan child-care centers and far more interest by employees and employers to fill this need than ever before.

Last month, for example, several California corporations and foundations demonstrated their willingness to address the problem of inadequate child-care services by joining together in establishing a $700,000 goal for the recruitment and training of new child-care providers. Their funds will be channeled through the non-profit California Care Resource and Referral Network. This network and its donors are to be commended.

But how can we move downtown child-care projects from the drawing board into reality, setting examples for other employment centers in the nation? How can we encourage new projects to serve all income levels in areas where land costs are so high? How can business and industry be encouraged to raise the child-care issue to the priority it deserves?

The best answer to these questions now would be the formation of a Los Angeles child-care consortium of employers and vol-

untary organizations. Its goals would be to find economical sites, set criteria for selecting experienced providers, address the issue of quality and liability, and, in other ways solve the problems that are barriers to starting child-care centers. A consortium would create new options for corporate participation by using corporate contributions to launch independent centers that, within two years, could be self-supporting.

Such an arrangement would also help to overcome reluctance on the part of chief executive officers to assume unfamiliar liabilities and open-ended responsibilities that would benefit only one segment of their work force. While the CEO is naturally interested in reducing absenteeism, enhancing recruitment and retention and improving the firm's community image, there are the complications of child-care licensing, additional insurance coverage and potential entanglements with the company wage and benefit package that must be considered. A consortium would reduce these concerns by spreading the obligation and responsibilities among geographically proximate firms without requiring any change in the organization's employee benefit package.

The idea of a child-care consortium is not new to Los Angeles County. The precedent has already been set on a modest scale at Warner Ranch, where a handsome development of offices and commercial ventures have joined together to create a consortium. The city of Burbank has also moved ahead in cooperation with its school district and medical center to create a child-care consortium that already includes Lockheed, NBC, Disney, Warner and Columbia. However, these contributions are formed around only one site and one program, and they do not serve downtown Los Angeles.

To help the downtown area with its vast employee child-care problems, United Way is currently acting as a catalyst in the formation of a consortium of enlighted employers to fund the acquisition or conversion of several new sites to provide quality children in the downtown area.

The time is now ripe for more downtown employers to step forward and join in this creative solution to the needs of the growing ranks of working parents. Doing so would not only be good for their organizations' employees and their children, it would also be just plain good business.●

THE EXCELLENCE OF CHICAGO'S THEATERS

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. YATES. Mr. Speaker, on Friday, June 14, the Nation's Capital will play host to two of the finest theater companies ever to grace the Kennedy Center for the Performing Arts. I call your attention to the Washington debut performance of the Steppenwolf Theater Company and Wisdom Bridge Theater Company, both of Chicago.

Their appearance at the new American National Theater through August 10 marks a watershed in American Theater history. For the first time, the focus of American Theater is not on the glittering lights of Broadway, but on America's heartland. These two companies, selected by the American National Theater's artistic director, Peter Sellars, are the vanguard of outstanding regional theater and performing arts companies which will have their first opportunity to receive national attention and acclaim; to demonstrate the energy and creativity that is the story of American culture.

It is significant to note that Steppenwolf recently received the prestigious Tony Award as the best regional theater company in the Nation, a tribute certainly to the company and an unqualified endorsement of the American National Theater's selection of them, along with Wisdom Bridge, to represent the finest in American Theater today.

I would be remiss if I failed to recognize the role played by AT&T in its sponsorship of this effort, which represented a significant investment, but which will pay rich dividends to the Nation by encouraging similar corporate support of the arts.●

A TRIBUTE TO HAROLD D. WILKINS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. PEPPER. Mr. Speaker, in State university systems throughout the country, there are many dedicated individuals working in administrative capacities to make exciting things happen in education. These individuals deserve a great deal of credit for the growth and excellence of our State universities and, consequently, for the improvement of education in our country.

I am proud to take note of one such outstanding individual in Florida's State university system, Harold D. Wilkins, of Florida State University in Tallahassee, FL.

Hal is the president of FSU's Foundation, a position he has filled for several years. Through his knowledge and expertise in obtaining funding for university programs and activities, FSU has been able in the past 3 years, to establish three Eminent Scholars Chairs; two in the School of Theater and the Mildred and Claude Pepper Chair in Social Gerontology. In addition, funds for several other chairs are in the process of being collected. Under Hal's able leadership, Florida State University Foundation raised $1.9 million in the last fiscal year. In addition to funding the Eminent Scholars Chairs, these funds have been allocated for student scholarships, for establishing faculty chairs, for research and development in meteorology, computer science and other important areas and for recognizing the work of outstanding professors.

Hal Wilkins and his excellent staff of 21 dedicated individuals are to be warmly commended for their achievement at Florida State University. Their work does not benefit FSU alone but has far-reaching effects as it culminates in raising the quality of education for our citizens, some of whom will be on the cutting edge of history tomorrow.

I therefore, Mr. Speaker, ask my colleagues to join me in paying tribute to the numerous individuals who devote their lives to education and particularly to Florida's own Harold D. Wilkins, president of the Florida State University Foundation.●

SO PROUDLY WE HAIL: FLAG DAY 1985

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. MONTGOMERY. Mr. Speaker, 208 years ago tomorrow, the Continental Congress adopted an official national banner, resolving:

That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.

On the 100th anniversary of this action, in 1877, Congress ordered that the flag be flown over public buildings on June 14. In 1916, President Woodrow Wilson issued a proclamation asking the Nation to observe June 14 as Flag Day, and President Calvin Coolidge acted similarly in 1927.

On August 3, 1949, it became official. The Congress agreed to a joint resolution and President Harry S. Truman designated June 14 as Flag Day.

Mr. Speaker, the Stars and Stripes is not just a symbol of America, it is America.

It is the bloodshed of nine wars and countless conflicts to preserve freedom and democracy.

It is the spirit and determination of a society that cares for its people.

It is the history of struggle and the record of success.

It is power, glory, and honor. It is adversity and peace.

It is the grandest sight in a foreign land.

It is hope. It is home.

From 13 colonies to 50 States, our flag has always been a reflection of the diversity yet the common purpose of her people.

Unfurled on battlefields around the globe, rolling and flapping in the coliseum breeze, draped over the coffins of those who have fought for her honor, and shining in the silent still-

ness of the Moon, the Stars and Stripes is America.

In 1975, the Congress declared the 21 days from Flag Day through Independence Day as a period to honor America.

Mr. Speaker, I urge all Americans to offer appropriate tribute on June 14 and thereafter to the banner that continues to fly proudly over a free and prosperous land and to the principles that established the United States of America as the strongest Nation on Earth.●

THE AMERICAN FLAG

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. DE LA GARZA. Mr. Speaker, over the years your Congressman has dedicated many a building and public structure in south Texas. And it's always been somewhat curious to me that U.S. flags can be seen flying over a few of the structures, but many buildings I dedicate on behalf of the taxpayers of south Texas have no American flag to identify them.

So it seems high time to me that we do something which will serve to distinguish buildings and other public structures that have benefited from U.S. taxpayer funds. And I'm here thinking about flying the American flag—what better symbol could there be?

To try and arrange for this—I've introduced into the House a resolution—and I've called upon the Senate to concur—which would authorize or appropriate a little money for the construction and installation of a flagpole at structures built wholly or in part with U.S. taxes.

My resolution has asked that it be the policy of each committee of the House and Senate to which is referred a bill or joint resolution authorizing programs which would result in a structure being built wholly or in part with Federal funds to make provisions for the flagpole.

The Federal Government, through programs operated by such agencies as the Office of Community Planning and Development in the Department of Housing and Urban Development, the Economic Development Administration in the Department of Commerce, and the U.S. Marshals Service of the Department of Justice, has given us much help in our area—and I feel we should advertise these good works by flying the American flag. And since Flay Day is June 14, it seems timely to me. And I hope you agree.●

AGRICULTURE'S GREAT EXPORT DEPRESSION

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SCHUETTE. Mr. Speaker, our farm economy depends on our export markets. This is because a major share of our total U.S. agricultural production is exported. Two out of every five acres planted in this country move into export markets, and the result is that agricultural producers in this country are economically dependent on what we as Members of Congress do in terms of our export policies.

We have seen exports totaling $44 billion in 1981 drop off to $38 billion in 1984. That is a 14-percent loss in just 3 years. Foreign buyers of U.S. commodities have canceled at least $225 million in planned purchases so far this year.

As recently as 1983, the United States accounted for 96 percent of all South Korean wheat and course grain imports. Today, because of foreign competition, our share is down to 76 percent. This export slump—and it is actually agriculture's great export depression—has broad implications. It is not only forcing farmers off their land, it threatens to widen our trade deficit as well. We currently have a gap of as much as 37 percent between U.S. grain prices and lower prices offered by some competitors on world markets.

No wonder a wheat exporter told me the other day that he couldn't sell a bushel of wheat for cash today to any foreign buyer. Mexico, which is linked to the heart of our wheat country, our grain country, imports wheat from China and Australia. Our formerly staunch customers such as Japan, South Korea, and Indonesia are turning to suppliers in South America and the Pacific, and even some U.S. food companies are looking for foreign grain suppliers.

Mr. Speaker, I think we must improve our exports. The Soviets are doing some $40 billion in business a year with Western European countries and $3 billion with us, so I think there is room for improvement.

We have seen a lot of different proposals: The "baker's dozen" approach, commodity bonus program, export certificates. We have seen some of the Farm Bureau policies which have great promise for boosting exports. To me, the "baker's dozen" is a good proposal. It is an easy way to understand it, too, because we are offsetting the strong value of the dollar.

We have seen the marketing loan concept with a more market-sensitive approach for pushing our wheat, offered by Mr. ROBERTS. The export certificates are a step in the right direction as well.

Those concepts—in tandem or in other ways—are essential. Some of the ones I mentioned, yes, do come from the Republican side, but in terms of addressing the farm problem, I think we have to be bipartisan.

We must have strong export initiatives. We must have a level playing field on which to participate. If it's even, I think American farmers can compete with any nation on the Earth. But it is tilted now because of the dollar. It is tilted now because of foreign subsidies. It is tilted now because of cargo preference.

But in terms of what we do with export initiatives, in terms of our policies, there is a counterbalance, and that is cargo preference. It ought to be cut way back, at least not put in the ag budget, and certainly not on the front end when we export our products. That to me ought to be another tough signal. Contract sanctity also needs to be an essential part of our agriculture policy in order to send some strong signals indicating that agriculture never again will take it on the chin.●

IS ABORTION A CIVIL RIGHT?

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. HYDE. Mr. Speaker, as we debate H.R. 700, legislation seeking to reverse the Supreme Court's Grove City decision, an issue of transcendant importance must be dealt with. Can abortion be included as a civil right under the proposed legislation? The answer to this question is one we must provide before we vote on this important legislation, and Cardinal Joseph L. Bernardin of Chicago has written an enlightening article appearing in today's Washington Post. I believe this piece deserves the thoughtful attention of all members:

[From the Washington Post, June 13, 1985]

CIVIL RIGHTS—FOR THE UNBORN TOO

(By Cardinal Joseph L. Bernardin)

The Catholic bishops of the United States are firmly, irrevocably and unequivocally in favor of civil rights. They are also firmly, irrevocably and unequivocally opposed to the notion that abortion can properly be viewed as a "civil right."

Keep both propositions clearly in mind, for both are necessary to understand what follows.

Now under way in Congress and likely to continue for months to come is a lively debate over important new civil rights legislation. The bill (H.R. 700) will soon come to the House floor. As far as the authentic "civil rights" aspects of the question are concerned, the bishops are strongly supportive.

But the bishops also want changes in the legislation, significant ones. That doesn't

arise from a desire to weaken or subvert civil rights, but from a concern to ensure that the national commitment to civil rights isn't diverted into unacceptable channels, notably including abortion.

The timeliness of the current push for new civil rights legislation is apparent. More than a year ago the Supreme Court handed down a ruling of great importance in this area.

The Grove City decision, as it is called, held in effect that only federally funded programs are subject to the provisions of federal civil rights law, not the institutions that house them. Although the specific case decided by the Supreme Court concerned only the sex discrimination provisions of Title IX of the Education Amendments of 1972, the ruling would also be applicable to federal laws pertaining to discrimination based on race, handicap and age.

Urged on by the civil rights community, Congress has been trying since the Grove City case was decided to frame legislation to counter the Supreme Court's narrow interpretation of the law. The objective, basically, is to expand civil rights coverage to the institutional level. The bishops support this.

Unfortunately, however, over the last 12 years—since the 1973 Supreme Court decisions that legalized abortion—a strange and disturbing thing has been happening. There has been an increasing tendency to assert that abortion and abortion-related services constitute a "civil right," entitled to the corresponding protections and legal enforcement.

The bishops do not accept this. Neither do many legal scholars, who hold that, whatever else they may have done, the Supreme Court's 1973 rulings did not confer the special status of a "civil right" on abortion. But the tendency has been there just the same.

The bishops' views on these matters were stated clearly and firmly in congressional testimony several weeks ago by their national organization, the United States Catholic Conference.

The testimony, presented by Father J. Bryan Hehir of the USCC staff, began by affirming the basis for the Catholic commitment to civil rights: "Catholic teaching asserts that every person is created in the image of God. Every person uniquely reflects the presence of God in the world. Unjust discrimination attacks the image of God in our midst."

It is true that significant progress has been made in the area of civil rights in this country over the past 25 years. But that is no cause for complacency. The civil rights laws of the 1960s must be "preserved and enhanced," the Catholic Conference testimony said, "if the gains that we have made are not to be eroded."

Hence the concern evoked by the Grove City ruling, which "allows the possibility for institutions receiving federal funds to practice discrimination." As the testimony pointed out, the bishops find this "unacceptable." They therefore support legislation to ensure "that institutions receiving federal assistance will uphold the civil rights standards of this nation."

It is against this background of commitment to civil rights and strong legislation that the bishops' position on changes in the pending legislative proposals must be understood.

The revisions endorsed by USCC are in fact of several kinds. They include extension to church-related institutions generally (not just schools) of a "religious tenet" provision ensuring that they cannot be forced to violate religious principles under the guise of "civil rights" enforcement; and an "institutional separability" proviso specifying that institutions within a larger administrative unit (for example, parishes within a diocese) that do not receive federal funds aren't subject to burdensome federal administrative requirements.

The USCC testimony, however, placed special emphasis on the abortion issue, calling for an amendment to ensure that federal civil rights law is not interpreted as requiring abortion coverage in student, employee or other benefit programs.

"Precisely because we are testifying in support of civil rights," the conference said, "the Catholic bishops want to reaffirm their opposition to including in any way the right to abortion as a civil right. . . . The right to life is the fundamental civil right, and it applies to the unborn as well as to the rest of us."

The issues at stake here are exceptionally important ones, not just for the bishops but for our society as a whole. What are civil rights? Which is the real civil right—abortion or the right to life? Much depends on the answer Congress gives.●

FORTY-FIVE YEARS OF DEDICATED SERVICE TO YOUTH

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. ST GERMAIN. Mr. Speaker, on June 20, 1985, Miss Frances D'Angelo, principal of the Raymond C. LaPerche Elementary School in Smithfield, RI, will conclude 45 years of service to the youth of that community.

Miss D'Angelo began her educational career as a second grade teacher in the Esmond School in 1940. Motivated to share her love of music to more children on a regular basis, she became the music teacher for all the Smithfield elementary schools in 1947. She held that position until 1955 when she was appointed principal of the Irving S. Cook Elementary School. After serving in that capacity for 13 years, she was appointed principal of the community's newest elementary school, the LaPerche School, in 1968. She has continued in that position until the present.

In reflecting on the career of Miss D'Angelo, we are reminded that there is an interpersonal dimension to education that is sometimes overlooked. In order to encourage students to develop their intellectual abilities, a teacher or administrator must consistently treat them with dignity and respect. In doing this, the educator minimizes anxiety and helps to establish feelings of mutual trust. In this atmosphere, learning and personal development are more likely to take place.

During her 45 years of service to the youth of Smithfield, respect, concern, and compassion have permeated the professional life of Frances D'Angelo. As a teacher and administrator, she has consistently encouraged both her students and teachers to reach the highest levels of achievement.

As a result of her work with some of the more economically dissadvantaged children earlier in her career, Miss D'Angelo regularly urged her teachers to concentrate on "the basics" well before it was educationally fashionable. For years, she personally reviewed sample assignments in math, handwriting, and creative writing from each child in grades two through six every week of the school year. In addition, she encouraged small group instruction in reading because she felt it was more beneficial to the children. She wanted all her students to leave her school well armed with practical skills.

Henry Adams once wrote, "A teacher affects eternity; he can never tell where his influence stops." This is certainly true of Miss D'Angelo. She has had an incalculable impact on the lives of the people of Smithfield as teacher, administrator, counselor, and friend.

Mr. Speaker, I am very pleased to have this opportunity to salute Miss Frances D'Angelo for her years of untiring dedication to the youth of Smithfield, RI. I would like to join her numerous friends and colleagues in wishing her health and happiness in the years ahead.●

TAX REFORM PROPOSAL

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. GARCIA. Mr. Speaker, the Treasury Department, in its newly-released tax reform proposal, Treasury II, recommends fundamental changes in section 936 of the Internal Revenue Code, which has for many years provided tax incentives to encourage U.S. mainland corporation investment in new plants and the creation of new jobs in Puerto Rico.

Treasury's proposal, which is tantamount to section 936 repeal, would be devastating to the economy and the people of Puerto Rico, and counter to United States national security interests in troubled Central America and the Caribbean, where Puerto Rico stands as a shining example of Democracy. Treasury's proposal also runs at cross purposes to President Reagan's Caribbean Basin Initiative, whose objective is to stabilize and strengthen the economies of the region as a deterrent to Marxist encroachment.

Treasury's argument is that the possession's corporations tax credit provided by section 936 is not cost-effective. But Dr. Norman Ture, himself a former Under Secretary of the Treasury during the Reagan administration, has done a study that refutes this un-

founded Treasury Department conclusion.

Dr. Ture's study, prepared for the Institute for Research on the Economics of Taxation, is summarized in a May 19 article by Joan O'Neill, of the San Juan Star. The article provides an excellent overview of the important socioeconomic and geopolitical considerations that make retention of section 936 important not only to the people and economy of Puerto Rico, but also to the national interests of our entire country. I ask that the article be printed in the RECORD for the benefit of all of my colleagues in the House of Representatives.

[From the San Juan Star, May 19, 1985]

TURE BACKS UP HIS DEFENSE OF SECTION 936

(By Joan O'Neill)

Elimination of Section 936 could result in as many as 224,841 jobs being lost in Puerto Rico while the U.S. Treasury's revenue losses are only $1,370 per job as it stands now, according to former U.S. Treasury official Norman Ture.

These estimates by Ture, contained in a report prepared for the Institute for Research on the Economics of Taxation (IRET), are a far cry from the 73,000-job loss and $17,026 per job tax loss the U.S. Treasury has estimated when it proposed to eliminate Section 936 of the U.S. Internal Revenue Code.

Ture, who served as U.S Treasury undersecretary until 1982, is not president of the IRET. As Treasury undersecretary, Ture defended Section 936 during Congressional review of the tax exemption section.

A recommendation from the U.S. Treasury would and Section 936 at the end of a five or 10-year period of "grandfather" benefits. A wage credit would also be granted, but this too would eventually be phased out. The White House may modify the bill even more before sending it to Congress for final action.

Ture has warned in the institute's newsletter that the withdrawal of Section 936 and subsequent collapse of Puerto Rico's economy would provide "an irresistible enticement for a Cuban attempt to evict the U.S. from the most important jurisdication in the Caribbean." However, in the 29-page report, geopolitical consequences of a repeal are barely mentioned, nor is the position defended.

Ture repudiates the Treasury's job loss estimate as including only direct jobs in 936 companies, but not those in industries that supply goods and services to 936, or "possessions" corporations. Using a U.S. Department of Commerce formula that measures the relationship between production and input, for every 100 persons on 936 payrolls, 45 persons are employed in companies supplying materials or services to the 936 corporation, the report states.

Using this estimate, 59,221 indirect jobs can be attributed to 936 companies, for a total of 131,637 direct and indirect jobs. The report stressed that the 59,221 figures is an estimate, and not based on census data.

However, Ture also points out that buying power in demand created by 936-related jobs and businesses also generate employment. Setting aside employment in 936 corporations and their suppliers, if as little as 5 percent of remaining jobs are fueled by demand, the aggregate employment figure would be 162,705. If 15 percent is used, the figure would come to 224,841 total jobs attributable to Section 936 in 1980. This figure is two and a quarter times to three times larger than the Treasury estimates, the report notes.

"By even this very limited measure of benefits, Section 936 must be seen as a highly successful means for promoting economic development. This success is greatly magnified if account is taken of the gains in the quality of employment and in other attributes of economic, social, and political development," the report states.

The Treasury's $1.23 billion tax loss is overblown as an estimate, Ture writes. The Treasury relies on the "unrealistic assumption" that all 936 corporations would continue operations with no change even if Section 936 were repealed. The estimate confuses taxes foregone with taxes that would actually be collected after tax benefits were ended.

Using the 224,841 direct and indirect job estimate, the tax loss per job would be $5,484, while using a lower estimate 162,705, $7,578 was foregone in tax revenue. Either of these figures is far lower than the $17,026 per job tax loss the U.S. Treasury has put forward, the report notes.

However, these figures do not take into account avoidance tactics of 936 corporations to keep their dividends from the full 46 percent federal income tax. On the assumption that three-quarters of 936 corporations would not repatriate dividends, the 1980 tax loss would only have been $308.25 million, nowhere near the $1.23 billion estimate, the report notes.

Using this amount as a base, the tax cost per job would have ranged from $1,895 to $1,371. If only half the earnings circumvent the tax net, the per job tax loss would be from $3,789 to $2,742.

The repeal of 936 would more likely cause the corporations to relocate to other tax havens rather than remain in Puerto Rico or return to the U.S. "It is most unlikely that this relocated would be deterred by any tollgate taxes or federal taxes on gains realized on the transfer of possessions corporations' assets to other corporations in the new locations," the report states.

Dividend repatriation would "dwindle to a trickle, but foregoing these dividends would be far less costly to the mainland company than exposing them to federal income tax liability. In time, these earnings would be embodied in investment in other tax haven jurisdictions, not repatriated to the U.S."

Outside of direct tax revenues from the 936 corporations, Ture advised reducing the tax estimates from payroll after large job losses. The government would be obliged to increase outlays for unemployment compensation, food stamps, and other public assistance.

"Net of these outlays, the revenue gain from repeal of Section 936 would be negligible, if indeed, it were not negative," the report states.

"Compared with virtually any other job-creation program of the federal government, the possessions corporations tax provisions have been dramatically more cost efficient" the report reads. Section 936 and Puerto Rico's Operation Bootstrap are proof of the "effectiveness and low cost of relying on tax incentives for the private sector as the principal vehicle for energizing the process of economic development and growth."●

TRIBUTE TO LETTER CARRIER JOHN MYERS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, I would like to bring to the attention of my colleagues an extraordinary act of courage by a public servant.

Early in the afternoon of Friday, June 7, Postman John Myers, whose route covers condominiums in North Miami Beach, was making his appointed rounds when he heard screams from the swimming pool area at Point East.

An elderly man lay at the bottom of the pool. Myers dived in, pulled him out and started CPR. Shortly afterward, paramedics arrived and soon the elderly man—who certainly would have drowned—was breathing normally again. John Myers then set off in his wet clothes and completed his daily route, ahead of schedule.

Mr. Speaker, although Mr. Myers has downplayed the importance of his heroic act, he has demonstrated the meaning of being a good public employee and a good neighbor. Our community joins with me in offering our thanks and appreciation to John Myers and for the example that he has set for us.

I would like to share with my colleagues an article on John Myers that appeared in the Miami Herald:

[From the Miami Herald, June 13, 1985]

HERO POSTMAN LEARNS LIFE'S VERY FRAGILE

(By Carl Hiaasen)

John Myers would rather not talk about the rescue.

Fishing—he'll chat all day about fishing (there's some marlin in the refrigerator), or about his son's motorcycle trophies, or even about the family snake.

So how about this rescue, John?

"What's the old saying? Heroes are made, they're not born. Well, I'm not looking to be a hero," Myers says. "It's part of being out on the street, helping people out."

John Myers has been a postman for 29 years. "Hey, I've got a little job," he says, "but I'm secure in what I'm doing."

Myers is 47, a gentle-spoken, third-generation Floridian with a hearty cracker tan. He has lived his whole life in North Miami Beach; as a kid, he hung out the morning mail sack for northbound trains passing the same post office where he works now.

John Myers' daily route is Biscayne Boulevard from 170th Street to 178th, and back a few blocks. Along this stretch are real estate offices, a bait-and-tackle shop, other small businesses. There's also the Point East condominiums on Marcos Drive.

Last Friday, Myers was delivering the mail to Point East around lunchtime when the accident happened. "Just like it was stated in the paper," Myers says, willing to leave it at that.

But it was only seven paragraphs, John.

He sighs and, because he's too polite to say bug off, says:

"There were two ladies there, they were screaming. The man . . . the man was actually on the bottom of the pool. I dove in there and got him out. . . .

"It is a shock to see somebody lying in the bottom of the pool. . . . I can't remember how I grabbed him. I was having trouble. . . . I had him, but I couldn't get my footing."

The man's name was Morris Rosenthal. He was 77 years old. He and his wife had only recently moved to Point East; Myers himself had helped them fill out the change of address forms.

Rosenthal was unconscious when the postman lifted him out of the swimming pool. "I was doing the CPR and Mr. Reese, Milton Reese, was doing the mouth-to-mouth," Myers says. "It was less than a minute when the paramedics arrived.

The paramedics found Rosenthal's pulse and got him breathing again. After the ambulance sped off, Myers retrieved his mailbag from the lobby, where he'd dropped it. Next he put on some dry shoes.

Then, dripping wet, John Myers finished his mail route.

He even got back to the post office 10 minutes early.

Soon the newspapers were calling, then television ("the one with Ann Bishop") and radio, but John Myers didn't want to give interviews or have his picture taken.

The night after the rescue, with the phone ringing and reporters wanting to make him a celebrity, John Myers got in his car and drove to Southeastern Medical Center. He found Morris Rosenthal in intensive care, no visitors allowed. A nurse told Myers it was "touch and go."

The next morning, Saturday, Myers called up Rosenthal's wife.

"Here's the thing, you've got to have friends," he says. "In this situation, this lady didn't have anybody to turn to. She'd only been there a few weeks. It was sad. She needed a shoulder."

Later that afternoon, Morris Rosenthal died.

"He had a heart condition," John Myers says, quietly, "Life is very fragile."

He heads to the kitchen for more iced tea. His wife Terry says: "This is just the way he is. He's a very considerate man."

This week the Miami postmaster asked to meet the reluctant hero. Somewhere in all this is a plaque or a commendation, but it'll probably just gather dust behind the motorcycle trophies.

"It makes you feel good, but I don't know . . ." John Myers says, looking away. "One little incident in your life, one life-threatening situation—I don't know what all the fuss is about."●

EXPRESS SOCCER TEAM TO PLAY IN IRELAND

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. FLORIO. Mr. Speaker, I would like to call the attention of my colleagues to an important trip that will be made by the Express soccer team from my district to Ireland during the week of July 2 through 8, 1985. While in Ireland, the team will compete in several soccer games with a team from the town of Malahyde, Ireland. I would like to congratulate the members of Express on arranging this trip and competition and on realizing an interest to meet with youngsters from another country and a different culture.

The Express team is made up of 17 boys ranging in age from 11 to 13, and are coached by Jack Delargey and Norm Rivers. They are part of the Timberbirch-Broadmoor Athletic Association, composed of several thousand boys and girls from Gloucester Township in New Jersey. The TBAA also sponsors baseball, softball, and T-ball teams from youngsters from my district ranging in age from 6 through 18. This goodwill mission to Ireland has been arranged as a way of bringing together children from different backgrounds to participate in something that they have in common: Love of the game of soccer.

I would like to congratulate the 17 members of the Express team and wish them success in their competition. They are: Billy Cain, Dennis Defeo, Charlie and Joe Del Giorno, Mike Jones, Paul Lupinacci, Mike Orazi, Jason Rivers, Eric Swanson, Ed Casey, John Delargey, Sid DeSousa, Dan Drexler, Rob Jordan, Mark Marotta, Josh Reibstein, and George Schell. I would also like to congratulate the team members from Malahyde, Ireland for agreeing to this competition.

I hope my colleagues will join me in commending the organizers of this event for their initiative and wishing them the best of luck.●

UNFPA'S INVOLVEMENT WITH CHINA'S FORCED ABORTION PROGRAM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SMITH of New Jersey. Mr. Speaker, in recent months there has been a great deal of debate about the United Nations Fund for Population Activities' [UNFPA] involvement with the People's Republic of China's [PRC] coercive population control program. Douglas Johnson, Legislative Director for the National Right to Life Committee, recently authored an excellent report that details the UNFPA's hand in glove relationship with the brutal Chinese program. I believe that Mr. Johnson's report illuminates the important issues in this debate and, therefore, strongly recommend it for my colleagues' review. The report follows:

DOES THE UNITED NATIONS FUND FOR POPULATION ACTIVITIES [UNFPA] SHARE RESPONSIBILITY FOR CHINA'S FORCED ABORTION PROGRAM?

FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA

There is now a compelling body of evidence, from both Western and Chinese sources, demonstrating that the government of the People's Republic of China (PRC) is systematically employing forced abortion and infanticide as a part of its population control program.

In a three-part series published in January, veteran Washington Post correspondent Michael Weisskopf described the PRC as "a world of government-sanctioned infanticide, of strongarm sterilizations and of abortions performed at a rate as high as 800,000 a year in a single province." As the Post concluded in a January 10 editorial, the PRC "actively sanctions and sponsors" population control methods which "fall into the realm of the openly coercive and brutal: mandatory abortion, induced stillbirth, the strangling of the newborn."

A March 29, 1985 memo by the assistant administrator of the Agency for International Development cited authoritative sources to demonstrate that coercion "is not an isolated activity, nor limited to remote provinces. In fact, it is an intrinsic part of the enforcement mechanism of the government's one-child policy."

There is no direct U.S. aid for the PRC's population control program. However, the Congress annually earmarks funds for the United Nations Fund for Population Activities (UNFPA). During Fiscal Year 1985, the U.S. contribution to UNFPA is $46 million—over 30 percent of UNFPA's total budget. The House Foreign Affairs Committee has approved a bill (H.R. 1555) which includes $51 million for UNFPA in FY 1986.

UNFPA has a hand-in-glove relationship with the PRC's population control program. UNFPA Executive Director Rafael Salas said in 1981 that "China provides a superb example of integrating population programs with the national goals of development." (Popline, November 1981) Between 1980–84, UNFPA contributed $50 million to the PRC's program. But the dollar amount does not tell the whole story. UNFPA officials have been assigned to live in the PRC, and UNFPA experts have been involved in the PRC program at every level. Thus, the rampant coercive practices in the PRC should have come to the attention of senior UNFPA officials at an early date.

Indeed, there is ample evidence that UNFPA officials were aware of widespread coercion at least by 1983. An article in the May/June 1983 issue of Intercom, the newsletter of the Population Reference Bureau, cited a December 1982 central government directive requiring sterilization of women with more than two children and abortion "as quickly as possible among those who are pregnant without quota." Intercom reported that "UN officials contacted about the policy expressed grave misgivings" to a Washington Post reporter, since official UNFPA policy forbids support for coercive methods—but added that "the UN has an 'out' because important Chinese family planning pronouncements often never attain 'offical' status."

(John S. Aird, a senior specialist on China with the Center for Intenational Research of the U.S. Bureau of the Census, has written that the December 1982 decree "called for sterilization of couples with two children

and the prompt abortion of unauthorized pregnancies." Chinese documents indicate that this decree was issued by the State Family Planning Commission on authority of the Party Central Committee, Aird wrote.)

In 1984—after abundant evidence of widespread state-compelled abortions had already been published—the UNFPA governing board approved a second five-year, $50 million grant to the PRC. The Wall Street Journal (April 9, 1984) quoted Salas as defending UNFPA's role on grounds that UNFPA had no evidence of abuses in China.

To this day, UNFPA has not acknowledged—much less protested—the mass forced abortions and infanticide reported by Post correspondent Weisskopf and numerous other sources. Instead, UNFPA officials have simply parroted Peking's repeated claims that the PRC campaign relies on "voluntarism."

WHAT ACTIVITIES DOES UNFPA FUND IN CHINA?

UNFPA has insisted that its contributions to China do not fund abortions, coerced or otherwise. Of course, there is no "line item" in UNFPA's China budget for "abortions." But UNFPA documents provided to AID (availbable upon request) reveal that UNFPA is integrally involved in the PRC program from the top to the bottom.

The UNFPA's PRC program proposal lists "strengthening the management capabilities of the State Family Planning Commission" (SFPC) as a priority for 1985-89. The SFPC is the central directorate of the entire population control program—the "Big Brother" which issues the "birth quotas," which are transmitted down through the chain of command.

(The government not only limits each couple to one child, but also determines when a couple will be permitted to have its child. Any woman who becomes pregnant before being issued a "birth coupon" is compelled to have an abortion—even if she is childless. Provincial and local officials who meet the "birth quotas" are rewarded; those who fail to enforce the quotas are punished. It is impossible for officials to meet the "birth quotas" without resorting to forced abortions and infanticide. Women who manage to carry their babies to term despite official duress often see the infants killed in the delivery room, according to Post reporter Weisskopf and other sources.)

UNFPA funds and experts support the PRC's program at every level. Among the specific components of the PRC program to be supported by UNFPA during 1985 are "management training, logistics, management information systems, programme research and evaluation and publicity education . . . It also includes projects in population education in the formal and nonformal sector . . . UNFPA assistance would provide international consultants; training, including fellowships and study tours; and expendable and nonexpendable equipment and supplies." ("UNFPA Proposed Projects and Programmes: Recommendation by the Executive Director, Assistance to the Government of China," March 30, 1984.)

COMPUTERS, COURTESY OF UNFPA

Among the items purchased by UNFPA for the State Family Commission were advanced computers ($12 million worth). Sophisticated computers are, no doubt, very useful in imposing a brutually compulsory policy on a reluctant population of one billion people. It is, at best, naive to argue that in putting such technological tools into the hands of China's population control overseers, UNFPA in no way supports the human rights abuses which are an integral part of the population program.

(The House Foreign Affairs Committee recognized the potential for abuse of computer technology on May 2, when it approved HR 1460, a bill imposing some sanctions on South Africa, in response to the government's apartheid policies. The bill includes a prohibition on sale "to South African government agencies of computers that might help those agencies track political dissidents and enforce race laws," according to the May 4 issue of Congressional Quarterly Weekly Report, page 826.)

UNFPA HONORS PRC'S FAMILY PLANNING MINISTER

Instead of criticizing the PRC's coercive policies, UNFPA has regarded the PRC program as a model for developing countries. In 1983, a U.N. committee gave the PRC's then-family planning minister Qian Xinzhong its first-ever $12,500 award for "the most outstanding contribution to the awareness of population questions"—an action which caused Nobel Laureate economist Theodore W. Schultz to resign from the U.N.'s award advisory committee in protest.

In his book "The Crowded Earth" (Norton, 1984), which was funded in part by a UNFPA grant, former New York Times correspondent Pranay Gupte reported on a subsequent interview with PRC family planning minister Qian, who "immediately launched into an appreciation of what the United Nations award meant to him and to the Chinese. The award had, Qian said, put the imprimatur of the world body on China's family-planning efforts . . ." (p. 156).

China specialist John S. Aird of the Bureau of the Census recently wrote, "Chinese authorities obviously want foreign approval of their family planning program and are sensitive to foreign criticism, but they may feel that they need not take the criticism seriously so long as prestigious organizations in the population field, such as UNFPA and IPPF, continue to laud their success without an adequate examination of the means by which it was attained."

CRIMES AGAINST HUMANITY?

German officials who forced Polish women to undergo abortions were convicted of "crimes against humanity" by the Nuremberg Military Tribunals (Trials of War Criminals Before the Nuremberg Military Tribunals, Volume IV, GPO). The government of the PRC is systematically engaged in such crimes on a massive scale, and has repeatedly lied to the Congress and to the world about its policies. UNFPA has, by numerous acts of omission and commission, aided and abetted this immense program of human rights abuses. UNFPA officials continue to embrace and defend the PRC program, and to disseminate PRC disinformation about it.

RECENT LEGISLATIVE ACTION

On March 27, the Senate committee adopted (by a vote of 13 to 3) an amendment (to S. 960) offered by Senators Helms and Lugar, barring any U.S. population assistance to any organization "which provides funds, directly or indirectly" to "any country which permits, officially or in practice infanticide or coerced abortion." If enacted into law, this amendment would force UNFPA to disengage from the brutal PRC program, or lose all U.S. funds. On May 15, the Senate passed S. 960; the Helms/Lugar provision was not challenged.

In contrast, on April 2 the House committee voted to increase the earmark for UNFPA to $51 million for FY 1986 (HR 1555). The committee also adopted language mandating that no U.S. funds be directed to the Chinese population program. The real human rights issue, however, is not whether U.S. money is paying for abortion, but rather, whether UNFPA is supporting a program of which forced abortions are an integral part. In practical terms, the language approved by the House committee merely requires a little bookkeeping by UNFPA. It applies no pressure on UNFPA to disengage from the PRC program, or on the PRC to reform the program.

The House report on HR 1555 (Report 99-39, page 38) states: "It is the sense of the committee that it does not support the UNFPA's presence in China at this time and that it hopes that other countries on the UNDP governing board which approves UNFPA programs will share this concern and approve a termination of the UNFPA program in the PRC." For the committee to express such a "hope" in a report is a pathetically feeble response to what we now know is occurring in China.

When HR 1555 reaches the House floor, Rep. Christopher Smith (R-NJ) will offer a floor amendment similar to the Senate-passed Helms/Lugar amendment. Only such a no-nonsense policy—threatening UNFPA with the loss of all U.S. funds—will force that organization to decide whether it wishes to continue to support Peking's war on pregnant women and on preborn and newborn babies.●

LORENZO OAKLEY RETIRES

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to Lorenzo Oakley, who has retired as international representative and director of the New Jersey United Auto Workers Community Action Program Council. Known by family and friends as "Doc", Lorenzo Oakley has been an active participant in the United Auto Workers for over 40 years. He has contributed much to the well-being of his fellow workers and to the citizens of the State of New Jersey.

Doc first became interested in the UAW in 1940, while working at the Mack Truck plant in New Brunswick, NJ. Doc joined UAW local 824 in 1942, and quickly became one of the local's most dedicated and determined members. As a bargaining committee chairman, and as president of the local until 1962, Doc Oakley demonstrated that the needs of his union brothers were his first concern.

Doc's tireless work at local 824 led to his appointment to the staff of the International United Auto Workers Union in 1962. In addition to his many other duties, Doc became particularly active in the political action arm of the UAW. As director of the UAW Community Action Program in Penn-

sylvania and New Jersey, Doc was instrumental in alerting local, State, and Federal leaders to the issues which affected the UAW membership.

His commitment to fairness has extended beyond the UAW as well. Doc has served as secretary-treasurer of the New Jersey Industrial Council and as a member of the board of directors of New Jersey Citizen Action. He has been a member of the New Jersey Civil Rights Commission and served as the chairman of the New Jersey State Employment and Training Council under Gov. Brendan Byrne. Doc's work has helped make life better for millions of working men and women throughout New Jersey and created employment opportunities for thousands more seeking jobs.

Tomorrow night, UAW local 980 will pay tribute to Doc Oakley for his many years of service to the union and the State of New Jersey. I join with his many friends and supporters in wishing Doc health and happiness in the years to come. After 40 years, he has earned a well-deserved rest.●

ACCOMPLISHMENTS OF WALLACE C. DOUD

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. DioGUARDI. Mr. Speaker, I wish to bring to this body a short summary on the accomplishments of Wallace C. Doud, a resident of Armonk, New York.

Mr. Doud will be honored this Sunday by the Mental Health Association of Westchester County at the Rye Town Hilton.

Wallace Doud is the retired vice president for commercial industry relations for the IBM corporation. He was with IBM for 36 years.

At this time, Mr. Doud serves on the board of directors for the Bank of New York, county trust region; Ionizer, S.E.; and the American Arbitration Association. He is a board member and past chairman of the Computer and Business Equipment Manufacturers Association (CBEMA) and is very active in community affairs. Among the organizations to which Mr. Doud has lent his support are the American Cancer Society, United Way, Urban League, Legal Aid Society, and the Westchester County Association.

In recognition of his work in the community, Mr. Doud received the Westchester Community College's Medallion Award in 1980 and in 1982 was awarded an Honorary Doctor of Humane Letters Degree from Mercy College.

Mr. Doud joined IBM in 1948 as a sales representative and worked his way up into management. He joined IBM headquarters staff in 1958 as executive assistant to the executive vice president. He was promoted to vice president, corporate services staff in April 1970, and became the vice president of commercial and industry relations in the following January.

Mr. Doud received a B.B.A. from the University of Wisconsin in 1948. He served in the U.S. Navy as an aviator during World War II.

Wallace C. Doud, veteran, businessman, and civic leader, deserves the respect and admiration of all Americans. I am proud to make this statement on his behalf. I know that I speak for all of Westchester County today. Thank you, Mr. Speaker. ●

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. LEWIS of Florida. Mr. Speaker, on Thursday, June 13, due to official business, I was unaviodably absent during Roll Call No. 160. Had I been present, I would have voted "aye."●

SEAT BELTS ARE SAVING LIVES IN BRITAIN

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SHUSTER. Mr. Speaker, over 13,000 British citizens are alive and well today because a seat belt law saved them from death or serious injury.

Finally passed by Parliament in January 1983, the British enacted a seat belt law requiring people in the front seat of a car to buckle-up as the culmination of 10 years of effort by highway safety advocates. No one was more instrumental in achieving the seat belt legislation than Mr. Barry Sheerman, a young Member of Parliament from north central England who authored the bill.

Seat belt legislation was introduced several times during the 1970's, but was soundly defeated. Mr. Sheerman then began building public support for a seat belt law among the medical profession, police, engineering groups, and the auto industry. He gathered compelling evidence from countries which already had such a law that wearing a seat belt doubles your chances of surviving a serious crash: Australia's law increased belt usage from 30 to 80 percent and reduced fatalities 22 percent; the law for four Canadian provinces increased belt usage from 28 to 61 percent and reduced fatalities 16 percent; Israel's law increased usage from 6 percent to 70 percent and reduced fatalities 43 percent.

Based on the clear evidence that thousands of lives could be protected, the British Parliament passed a 3-year trial law. The past 2 years' experience indicates an increase in belt usage from 20 to 95 percent, and a 25-percent decrease in fatalities.

The original opposition to the law, based on its invasion of personal freedom, has largely evaporated due to the impressive drop in fatalities and injuries. Mr. Sheerman estimates that the trial law will easily be made permanent and the only dispute will be over requiring belt installation in rear seats.

Should America have seat belt laws? That question is now being considered by several State legislatures, and the Federal Government is under a court order to address some form of mandatory safety restraints.

While I have long advocated wearing seat belts—and had my own life saved by one in a head-on crash in 1982—it has been my hope that a law would not be necessary, that through education, people would be persuaded to voluntarily buckle-up. This summer and fall, we will be sponsoring an intensive media project to promote wearing seat belts.

The debate over seat belt laws represents a classic clash of values: personal freedom versus laws to save lives. Any legislator who cares deeply about both issues is faced with a hard choice. It is one we may not have to make if enough people recognize that seat belts do save lives and begin to voluntarily buckle-up.

Who knows—the life you save might be your own!●

RADON GAS TAX CREDIT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. YATRON. Mr. Speaker, I would like to appeal to all of my colleagues to join Congressman RITTER and me in supporting legislation to help people whose homes have been contaminated by radon gas. Today, we introduced a bill to provide a modest tax credit to people whose radon gas levels in their homes exceed 2 working levels. The credit would be for 40 percent of the cost of mitigation techniques up to $2,000.

While we are well-aware that supporting passage of a tax credit during this period of tax reform debate may seem, understandably, difficult. The merits of tax simplification notwithstanding, we believe the dangers of radon gas contamination are serious and warrant our immediate attention and action. We thus feel a revision of

the Tax Code at this time is justified and vital to the health and well-being of the people of Pennsylvania and other radon hot spots in this country. Our bill will help them to act to protect themselves and their families.

The extent of the occurrence of radon at dangerous ranges is just beginning to be discovered but initial figures are alarming. In Berks County, PA, a survey of 1,600 homes found unsafe levels in 40 percent. Elevated readings have also been seen in New Jersey, Connecticut, Colorado, and Florida and 10,000 to 20,000 lung cancer deaths have been linked to the inhalation of radon gas.

This bill is necessary because there is currently no other financial assistance available at any governmental level of those whose homes have been contaminated. I believe a Federal level role is appropriate, moreover, because the energy tax credit created by Congress in the 1970's to encourage the conservation of energy in homes have actually played a part in exacerbating the problem of radon gas contamination. By tightening the seal of a home against energy loss, the less well-ventilated the home is and the more harmful the presence of radon gas becomes.

In sponsoring this measure, we hope to help those citizens whose homes have been contaminated because they have been built on sites with high levels of naturally occurring radon. For those whose homes have been measured to contain two working levels of radon gas, the tax credit should provide some financial assistance to defray part of the cost of installing mitigation devices.

I appeal to all my colleagues to imagine the shock of discovering such a danger in one's home, the place, after all, one expects to always be healthful, safe, and away from danger. I thank those of my colleagues from Pennsylvania who have already cosponsored the measure, Congressmen FOGLIETTA, BORSKI, KOSTMAYER, MURTHA, MURPHY, and GEKAS, and urge all my other colleagues to join us in our endeavor to help people make their homes safe again.●

NO DEMOCRACY FOR YOU, NAMIBIA

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mrs. SCHROEDER. Mr. Speaker, next Monday, South Africa will inaugurate their latest internal government for Namibia and their latest attempt at circumventing international law calling for the independence of Namibia.

The new internal administrations will be empowered to set up a council to draft a constitution for the territory.

This council, however, will not be a freely elected council, nor will it be appointed from a freely elected governing body. The Constitution it drafts cannot be said to be independent or democratic. Nor does the Constitution conform with the U.N.-sponsored and U.S.-supported settlement plan for establishing Namibia's independence and holding elections under U.N. supervision.

When South Africa declared the formation of the internal administration, our State Department rejected it, saying that "any purported transfer of power that might take place now and in the future to any bodies established by South Africa is null and void. Such institutions will have, as Secretary Shultz stated on April 16, no standing. We have not recognized them in the past and will not do so now."

The United States was joined by Great Britain, West Germany, and Canada in informing South Africa that any unilateral actions by South Africa to establish an internal administration in Namibia and transfer power to it would be regarded as null and void.

South African President Botha claims that setting up an internal administration is compatible with the U.N.-approved plan for an internationally recognized independence settlement for Namibia. Under the new South African plan, however, the South African-appointed administrator general in Namibia will remain in his post as the ultimate authority in Namibian affairs and South Africa will maintain control over defense and foreign affairs.

Since this means that South African troops will remain in Namibia, let me give you a few examples of what the presence of South African military personnel means to Namibians.

In April, the partially decomposed bodies of seven men were discovered in a ditch near a Roman Catholic mission station in northern Namibia. The commander of the South African police unit known as Koevoet, which means "Crowbar," confirmed responsibility for four of the bodies, saying "My men were told to bury the corpses but they must not have done the proper job."

Also in April, the South African minister of police agreed to an out-of-court settlement to three victims of Koevoet police brutality, admitting that the victims "had been assaulted with planks and that they endured pain and suffering." The two school teachers and a farm assistant were detained without trial for 3 months, beaten with planks, struck with fists and chains, and subjected to electric shock treatment through electrodes attached to their ears and thumbs.

Last month, an elderly woman was burned to death in her kraal when South African security forces set fire to it. She was blind and unable to get out of her home to save herself. Another woman reported being awakened by soldiers in the middle of the night, kicked and beaten, made to lie in a hole in the ground and was buried with sand, leaving only her legs free.

These are a handful of incidents out of hundreds of human rights violations.

Secretary of state Shultz has repeated U.S. commitment to the U.N. Security Council Resolution 435 as the only internationally acceptable basis for Namibian independence. The adoption of Resolution 435 was negotiated by the Western members of the U.N. Security Council (United States, Britain, France, Canada, West Germany) in 1978. It approved specific procedures for a cease-fire, withdrawal of the South African troops, and U.N. supervised elections. Resolution 435 was accepted by the South West Africa People's Organization [SWAPO] and, initially, South Africa.

By creating yet another internal government, however, South Africa has again thrown another factor into the negotiations for independence. South Africa keeps bringing up one last thing in the negotiations, so that a final agreement can never be reached. The puppet government to be inaugurated Monday is surely another attempt to deny independence to the Namibians.

To establish a facade of granting some self-rule to Namibians, South Africa plans to guarantee heavy attendance at the inauguration rally. They made a special announcement that school attendance is mandatory, in other words, a warning against a sick-out. Notices were sent home with students for their parents to sign whether or not they would allow their children to attend the inauguration rally. How many parents are going to put in writing their opposition to South African rule when they can be detained at any time without charge? On Monday, attendance will be taken and absentees noted, then the teachers and students will be bused to the inauguration rally. A huge audience, of course, will look better in the press photos. This is hardly democracy in action.

Mr. Speaker, the United States should be clear and strong in its opposition to this parody of democracy. We must use every measure possible to oppose South Africa's procrastination in withdrawing from Namibia and ceasing its plunder of the territory's mineral wealth.●

THE HEALTH OF AMERICAN CITIZENS IS NOT NEGOTIABLE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. FEIGHAN. Mr. Speaker, I once again find myself standing before this body to report that the Secretary of Health and Human Services is flouting the law. On June 3 of this year, the Department of Health and Human Services extended the life of several cancer-causing coal tar dyes for 3 more months. At the end of the latest 3-month period the Department will promulgate new regulations which indefinitely postpone removal of these harmful dyes. During this period of time Americans will continue to be exposed to the red dye menace.

Although I have become accustomed to these illegal and reprehensible extensions, Mrs. Heckler and the Department have reached new levels of arrogance with this, their latest, attempt to thwart the will of the American people.

Fortunately, Mrs. Heckler's arrogant illegal activity has not gone unnoticed. The Committee on Government Operations has recently issued a brilliant report which sets forth the entire history of Mrs. Heckler's illegal actions. Further, the outrage at Mrs. Heckler's intransigence has spread beyond Washington. Indeed, one of the country's most respected daily newspapers, the Cleveland Plain Dealer, called Mrs. Heckler's recent action outrageous. On Monday, June 10, 1985, the newspaper printed an editorial calling on the Secretary to uphold the laws she swore to obey by banning the dyes. I request now that a copy of this editorial be included in the RECORD at the end of my statement.

Unfortunately for the country, the Secretary has chosen to ignore these and other informed viewpoints in favor of narrow special interests.

The issue is simple. Almost a quarter of a century ago Congress passed legislation which said clearly, if color additives induce cancer in man or animal, they are to be removed from the marketplace. That law is not negotiable. The FDA has, based on industry studies, found that six coal tar dyes cause cancer. This finding would normally have led to a banning of the dyes. However, in this case, due to intense industry lobbying, the dyes were not removed. What should be a non-negotiable item is being negotiated. Mr. Speaker, the life and health of the American people is not negotiable.

A NON-NEGOTIABLE LAW

Margaret Heckler, the secretary of Health and Human Services, has again put off a decision to ban six cancer-causing food, drug and cosmetic dyes as required by law. Her evasion of responsibility is shameless. Her agency is playing games with public health.

In the past, Heckler simply had postponed her decision, saying that the agency required more time to study the scientific and legal aspects of the issue. Now she has invoked a new tactic to delay doing what she is required by law to do. HHS will permit the dyes to be used for another three months while it formulates rules that will extend the commercial market life for the additives. As a result, the dyes will remain in use indefinitely. The gambit is clever; it also is reprehensible.

The secretary is obliged to ban the dyes under a 1960 law mandating such action once a federal agency has accepted a scientific determination that such additives cause cancer in laboratory animals. More than two years ago the Food and Drug Administration accepted the required scientific data and repeatedly has recommended to HHS that the dyes be banned. That the agency has not done so is illegal, according to a report just issued by the House Government Operations Committee.

Heckler, and the administration, are ignoring the law and buying time for the dye industry, which wants the FDA to establish acceptable use limits for the additives. The industry says that some of the dyes carry only minimal risks of causing cancer.

That's irrelevant. The regulation in question makes no provision for levels of risk assessment. Congress said that any color additive found to be carcinogenic is to be banned. It is explicit in that regard and for good reason. No one knows how much or how little a carcinogen is required to produce cancer in people or how long it takes the disease to develop.

Heckler's actions are particularly outrageous because neither she nor the FDA has the authority to alter the law. Only Congress can do that. And Congress cannot afford to let her intransigence on this issue go unchallenged.

Every time somebody smacks on baked goods and candy, or drinks a beverage containing potentially carcinogenic dyes, he ingests a substance that the FDA says ought to be banned and one that the law requires to be banned.●

UKRAINIAN IMMIGRATION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to rise before my colleagues today to join in celebrating the centennial of Ukrainian immigration to the United States. This is a matter of great interest to me since a sizable percentage of the population of the Fifth Congressional District of Illinois, which I am privileged to represent, is of Ukrainian descent.

This is certainly a time for all persons of Ukrainian lineage to reflect upon their heritage. Although Ukrainian names were recorded at the founding of Jamestown in 1607, the majority of Ukrainian-Americans today are decendants of the wave of immigration that began a century ago. The rich culture that those Ukrainian immigrants brought to the United States has helped to form and enhance the beautiful ethnic heritage of America today. From Igor Sikorsky, the inventor of the helicopter, to Alexander Archipenko, a sculptor who greatly influenced the world of modern art, Ukrainian immigrants and their descendents have shaped American life and society.

It is exactly because of the contributions made by this noble group of people, that we Americans should strive to free present day Ukrainians from the yoke of Soviet tyranny. We must preserve the memory of one of the greatest crimes of genocide committed, the forgotten Holocaust of 1932-33, in which over 7 million men, women, and children were starved to death. We must not forget that thousands of present day Ukrainians are suffering religious and cultural repression.

Mr. Speaker, I urge my colleagues to join me in celebrating the centennial of Ukrainian immigration to the United States and let us thank all Ukrainian-Americans for their contributions to the American way of life.●

CHESAPEAKE BAY WASTE MANAGEMENT PLAN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. DYSON. Mr. Speaker, as a member of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, I am always interested in finding ways of preventing further contamination of our environment. In this regard, I would like to give high marks to the National Aeronautics and Space Administration for directing its research into life support systems for future space travel toward solving immediate environmental problems here on Earth.

The renowned seafood industry on Maryland's Eastern Shore, which I am privileged to represent, faces an acute pollution problem, involving crab waste disposal. The landfills used most frequently produce unpleasant odors and cause concern over potential ground water contamination. Locating sites suitable for future landfills has also been a problem. The crab waste industry facilities which can be used to dehydrate and process crab scraps are costly to operate and provide low returns on investment. Moreover, these facilities also create offensive residual wastes that are potential health hazards to the surrounding communities.

As a spinoff to its research into a bioregenerating life support module for the future space station, NASA has initiated investigations into solving the crab waste problem by applying natural biological processes using

plants and the microorganisms associated with their root systems. Future space station modules are likely to depend on plants and microorganisms to function in a type of greenhouse to produce food, purify wastewater and manufacture oxygen for human habitation. NASA first tested the use of plants such as the water hyacinth in the fight against water pollution caused by sewage. In a demonstration project at the National Space Technology Laboratories [NSTL] in Mississippi, NASA scientist used the water hyacinth, a plant able to digest nutrients and minerals of wastewater, to transform a 40-acre sewage lagoon into a pure water garden. The process has been used successfully by serveral communities throughout the Nation and scientists are optimistic that it can accommodate Maryland's crab waste problem.

In response to a request by the University of Maryland Extension Center in Crisfield, and others interested in the shellfish industry, NASA, with joint funding from the National Marine Fisheries Service and the Gulf and South Atlantic Fisheries Development Foundation, Inc., has experimented with the natural processes of plants and microorganisms adapted to the treatment of crab waste. Preliminary data using these biological processes show promise of becoming a cost-effective practical system for rendering crab scraps and processing wastewater thereby producing purified water which meets EPA standards. In testing, lagoons of wastes have been sealed to prevent ground water contamination and the escape of noxious fumes. The root systems of common reeds and cattails digest the wastes and work synergistically with the microorganisms to purify the wastewater. Additional benefits are derived from these natural processes in the form of methane gas which can be harnessed as fuel and a nutrient rich sludge which can be used as fertilizer and livestock feed.

NASA's research into future activities in space has advanced the technology of common sewage treatment and shows promise of resolving the crab waste dilemma. I commend the efforts of NASA to improve environmental conditions for the Earth's inhabitants, and, in particular, for those residing on the Eastern Shore of Maryland. This is but one example of the many ways we can benefit from our investment in America's space program.●

KEN CAROLAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SMITH of New Jersey. Mr. Speaker, this weekend many of us will be heading home to our districts to participate in the celebration of Flag Day. As we set aside this time to think about patriotism and our flag and all the great American ideals that banner represents, I think it is fitting to pay tribute to the true patriots—those Americans who take their pride in being American one step further than the average citizen, those who honor and defend American ideals in their every day lives.

Today, I would like to bring to the attention of my colleagues one such patriot from the Fourth District of New Jersey. I am speaking of Ken Carolan, a columnist for the Trentonian, but moreover, a community leader.

In the American tradition of voluntarism and community involvement, Ken has devoted his time, energy, writing talent, and creativity to meet the needs of the community. I congratulate him on this outstanding contribution to the public welfare, and his willingness to get involved and to defend what is right and good about America.

Americans have fought, and many have died, to preserve the blessings of liberty in this land. In thought, in word, in deed, Ken has heightened community appreciation for those Americans who put their lives on the line in the defense of this Nation in time of war and in time of peace. Ken has been an advocate of the highest degree for our military, our veterans, and our policemen and firemen.

In recognition of this service, Ken was awarded the coveted silver Life Membership Award in the Policemen's Benevolent Association. Among many, many other honors and awards, Ken has received the Distinguished Civilian Service Medal, the highest award a civilian can receive from the military, as well as the American Legion and V.F.W. Awards for Journalism.

Theodore Roosevelt once told the American people that—

> The world has set its face hopefully on our Democracy and oh, my fellow citizens, each one of you carries on your shoulders the burden of doing it well for the sake of mankind.

In our own ways, Mr. Speaker, I believe all of us try to discharge this sacred duty effectively and to the fullest of our ability. Certain individuals, however, give so much of their energy and creativity and intelligence to their neighbors and to their community that we owe them a great debt of gratitude.

Such an American is Ken Carolan, Mr. Speaker. In so many ways, Ken has manifested his allegiance to this great country, to our great flag. He does not take our hard-won freedoms—liberty, justice, and equality—for granted. Indeed, Mr. Speaker, his life and work stand as a vibrant testimony to his dedication to the principles upon which America was founded.

On Flag Day this year, Ken will be presented with an award for his patriotism and citizenship. I can think of no more deserving individual for such an honor, Mr. Speaker, and I extend my heartiest congratulations to Ken for his many personal and professional achievements.●

BLACK REVOLUTIONARY WAR PATRIOTS' FOUNDATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. MORRISON of Connecticut. Mr. Speaker, I am proud to support House Joint Resolution 142, which would authorize the Black Revolutionary War Patriots' Foundation to establish a memorial in the District of Columbia to honor the blacks who served in the American Revolution. Over 5,000 blacks fought in the war against the British, and others served as spies, guides, and laborers. Yet our history does not tell of their contribution toward the creation of the United States and its subsequent development.

Just as we honor the heroic deeds of George Washington and General Lafayette, it is just as important to recognize the deeds of courage, glory, perserverance, and heroism of blacks who helped bring America her freedom. Let me share some of these deeds with you.

The most important spy General Lafayette had was James Armistad, the master of spy of Yorktown. At 21 he was younger than Lafayette, but the Frenchman saw that his volunteer was brace as well as bright and felt that he would be loyal to the American rebels—even though he had not been promised his freedom for risking his life as a spy. Armistad went at once to the camp of Benedict Arnold, made his way to headquarters, and sent Lafayette word of everything he saw. The British were not suspicious of the young black man who had come as a volunteer and was so willing to serve officers in the camp and guide them on the road. They felt that he would remain loyal to them because he wanted his freedom. When Arnold left Virginia and returned to the war in the north, Armistad went into the camp of Lord Cornwallis, where he served as head waiter and continued to report to Lafayette almost daily, though the risk of death was now greater and his work much harder. When the American and French Armies, led by Lafayette's small force, marched to Yorktown and forced Cornwallis to surrender, it was the result of the cunning and devotion of the master spy of Yorktown.

Just before the end of the Revolution, 15-year-old James Forten signed on as a powder boy aboard the American privateer *Royal Louis*. He had been born free in Philadelphia, where he had attended the school of an anti-slavery Quaker. He was already a war veteran because he had served as a drummer in the Army. During the voyage, the *Royal Louis* was forced to surrender when three enemy ships attacked it. Forten had to endure 7 months aboard a prison ship. During an exchange of prisoners, he was set free and walked home to Philadelphia. Over the next 50 years he was to become one of the wealthiest and well-known men of his city. He began to make sails for ships and was soon the head of a business employing a great many people. He became an inventor as well as manufacturer, gave much of his wealth to aid poor and struggling blacks, and was a founder of the abolition movement to help end American slavery.

Blacks from my home State played an important role in the American Revolution. About 400 blacks served in Connecticut's regiments of the Continental Army, State militia, and military. Although this is about 2 percent of Connecticut's Revolutionary troops, it is important to note that blacks made up only about 3 percent of Connecticut's population. In addition, the majority of the blacks served in the Continental Army, which saw the most duty. In recognizing the contribution of Connecticut's blacks, it is important to note Connecticut's all-black company, the Second Company of the Fourth Regiment, that was formed in 1781.

Free blacks as well as slaves served in the Revolutionary War. They were motivated to serve for much the same reasons as whites: Conviction, adventure, or bounty. Two free black soldiers who served were Ebenezer Hill and Samuel Bush. Hill was born a slave in Stonington, but he had achieved his freedom before the start of the Revolution. He fought in the battle at Saratoga, NY, and witnessed in 1777 the surrender of the British Army there. Bush enlisted from Stamford and served in a unit under the command of General Washington. Another free black soldier was Cuff Capeny of Waterbury. Capeny made a will before he left to join the army because of "Being Ingaged in the War in Defence of America and Exposed to the Dangers thereof."

Many slaves served because they were promised their freedom. However, many served without that promise, for the love of their home, for adventure, or perhaps for a different way of life other than slavery. Samuel Hemingway of New Haven allowed his slave Jeff Sill to enlist in the Army, but with the understanding that he would return to slavery again after the war. However, Sill re-enlisted at the end of his first 3-year term. Hemingway petitioned the General Assembly to manumit Sill. The Assembly voted no.

The descendants of American Revolution patriots also played an important role in the development of our country. Amos Beman was the great-grandson of Cesar Beamont, a black Revolutionary War patriot. Beman was a minister who participated in the early development of New Haven's Temple Street Church, now known as the Dixwell Avenue Congregational Church. Beman was an ardent abolitionist, and once said that he took his name upon becoming a free man because he wanted to "be a man."

The son of black Revolutionary War patriot Prince Duplex was also associated with the Temple Street Church. Also known as Prince Duplex, he had gone to New Haven after his father moved from Wolcott to Danby, NY. In 1824, the younger Duplex was a clerk of New Haven's African Ecclesiastical Society, the forerunner of the Temple Street Church. Duplex's sister, Vashti, also moved to New Haven and married West Indian-born John Creed. Their son, Cortland, the first black physician in New Haven, was a member of the Connecticut Medical Society.

I am honored to support House Joint Resolution 142 to recognize the contribution blacks made in the American Revolution.●

H.R. 2577

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. McCANDLESS. Mr. Speaker, yesterday's vote on the final passage of H.R. 2577, the supplemental appropriations bill for fiscal year 1985, created a dilemma for me and a number of my colleagues, and I would like to take this opportunity to explain my vote.

My voting record reflects my philosophical opposition to supplemental appropriations. Most supplementals, and H.R. 2577 was no exception, take an omnibus approach. A supplemental is nothing less than an open admission on the part of Congress that the budget process is not working. Every year, Congress painstakingly crafts and passes a budget. That is followed by equally hard work on the part of our committees as they formulate authorizations and appropriations. Despite all this hard work, H.R. 2577 was brought before the House a little over halfway through the fiscal year with over $13.5 billion in budget "add-ons." For the House to even consider H.R. 2577, it was necessary to adopt a rule, which I voted against, that almost wholly abrogated the budget process.

But, I voted for H.R. 2577 on final passage. That vote was in recognition of the importance of the $27 million of humanitarian aid for the freedom fighters in Nicaragua that was added by an amendment that I strongly supported. In April of this year, the House voted against similar legislation. Before the ink was dry on the vote tally, Sandinista leader, Daniel Ortega, was on his way to Moscow to cement relations with the Soviet Union. I believe that a number of my colleagues recognized the error of that vote and yesterday approved the $27 million in humanitarian aid by a vote of 248–184. Equally noteworthy is the fact that all efforts to reduce the amount or weaken the impact of the aid were rejected.

That $27 million is necessary to assist the Nicaraguan freedom fighters in their efforts to maintain the equilibrium of not only Nicaragua, but to stop the exportation of revolution to all of Central America. In relative terms, $27 million is small in contrast to the $13.5 billion price tag of H.R. 2577. However, if the Sandinistas are successful in exporting their revolution without borders, the cost in terms of human misery and expenditures will be much greater than $13.5 billion. Hundreds of thousands of refugees that will require food, clothing, housing, and medical care will stream across our borders. We will need to geometrically increase the amount of money that we spend on border patrol and immigration personnel. And those will only be the initial costs.

I would have preferred that Congress would have passed the aid package back in April. I also would have preferred that we would have had the opportunity to attach humanitarian aid to another legislative vehicle. Unfortunately, that was not the situation before us. Consequently, while I have not altered my opposition to supplemental appropriations, I recognized the dire consequences of our failure to act expeditiously, and voted for final passage of H.R. 2577.

In closing, Mr. Speaker, I would note that such dilemmas would be reduced if the House would consider and adopt legislation that I have cosponsored. That legislation would give the President the same authority possessed by 43 Governors—that of a line-item veto.●

NATIONAL FLAG DAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. TORRICELLI. Mr. Speaker, today we celebrate National Flag Day. It is a day to renew our faith and pride in our country and to reexamine our

obligations and responsibilities as citizens.

It is a day to reflect upon our deeds, our ideals, and our history as a nation and as a symbol to the world of freedom and human rights.

President Woodrow Wilson once said:

> The things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the same flag.

On this day let us reaffirm our commitment to our glorious past and the traditions which have made our country great.

I urge my colleagues and fellow citizens to join me in the celebration of Flag Day.●

A MESSAGE FROM OUR FORMER CHEMICAL WEAPONS NEGOTIATOR

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. STARK. Mr. Speaker, next week we in the House will again be faced with a vote to authorize the production of new chemical weapons. As everyone is aware, the House has repeatedly rejected this request. As nothing has changed regarding this issue, I expect we will do the same this time around.

I would like to place in the RECORD, however, a letter fron Charles C. Flowerree, the former head of the U.S. delegation in the Geneva negotiations on chemical weapons. In April, Mr. Flowerree sent this letter to Senate Armed Services Committee Chairman GOLDWATER, and has granted permission for it to be reprinted for the information of House Members.

I hope my colleagues will take Mr. Flowerree's views into consideration when voting on the Fascell-Porter amendment next week.

MAY 13, 1985.

DEAR REPRESENTATIVE: I thought you might be interested in the attached copy of a letter I wrote to the Chairman of the Senate Armed Services Committee on the question of funding for the production of binary chemical weapons.

Sincerely,

CHARLES C. FLOWERREE,
Former Head of Delegation in Negotiations on Chemical Weapons.

RECTORTOWN, VA,
April 29, 1985.

Hon. BARRY GOLDWATER,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR GOLDWATER: I am writing about the Administration's request for funds to begin production of binary nerve gas weapons. I do so from the perspective of one who has served as head of the U.S. delegation in bilateral negotiations with the Soviets on a treaty to prohibit chemical weapons and who has had considerable diplomatic experience in dealing with issues related to chemical weapons control and the use of these weapons in recent conflicts.

There seem to be two main arguments in favor of the proposal to begin producing binary chemical weapons. One is that the current U.S. stockpile has deteriorated to the point where its safety and effectiveness for use in military operations is subject to doubt. The second is that the United States needs binaries as a credible deterrent to the Soviet chemical warfare threat. It is to this latter point that I would first like to address myself.

The principal Soviet CW threat is in Europe. If U.S. weapons are to serve as an effective deterrent, they will have to be instantly available at the likely point of attack. This implies deployment to Europe in peacetime. My reading of European attitudes during the time I was dealing with chemical warfare issues gave me little reason to believe that even the staunchest of our allies would be prepared to permit the stationing of new chemical weapons on their territories. There is no reason to believe that these attitudes have changed in the past two or three years. The formidable obstacles to obtaining parliamentary approval for such deployments in the Western Eurpoean democracies needs no elaboration.

There is a strong possibility that a U.S. decision to move ahead with the production of binary nerve gas weapons would spark a Soviet decision to produce binaries themselves which, as far as I know, they have not done up until now. Such a decision would be politically cost-free for them. They would have an acceptable excuse for abandoning their public opposition to binaries which has thus far served them well in political terms. And, of course, they would have no inhibitions about equipping their forces stationed on the territories of their Eastern European allies with such weapons if they thought it worthwhile.

Another foreign policy consideration flowing from a U.S. decision to produce binary weapons would be its impact on efforts to negotiate a ban on chemical weapons. I believe that the apparently inflexible Soviet position in the current negotiations is motivated by a wide variety of factors, of which the composition of the U.S. chemical weapons stockpile is but one. Others include the price they would have to pay for an agreement in terms of concessions on verification; how their posture on controlling chemical weapons serves their overall political objectives in the area of security and arms control as well as their own perceived military needs. I have no illusions about the likelihood of the early conclusion of a treaty banning chemical weapons, but I don't see binary production as a bargining chip that would bring it any closer.

Finally I would like to note that a U.S. decision to fund a binary weapons production program would detract from the strength of our position in our efforts to control the spread of chemical weapons to Third World countries and to mobilize world opinion against violations of the Geneva Protocol which prohibits the use of chemical weapons.

I urge that the technical military advantages of undertaking the production of binaries be carefully weighed against these more general considerations.

Sincerely yours,

CHARLES C. FLOWERREE.●

WHERE IS ANDREI SAKHAROV?

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. FEIGHAN. Mr. Speaker, I am greatly disturbed to read in today's New York Times that Nobel Peace Prize Winner Andrei Sakharov and his wife, Dr. Yelena Bonner, have apparently been moved from their apartment in Gorky, U.S.S.R. The Times reports that the curtains on the windows of their apartment have been closed for the last 2 months, that their car is no longer parked outside the apartment building, and that the police surveillance van is no longer in view.

Many Members of the House have expressed their concern about the treatment of the Sakharovs on several occasions. Last year, the House unanimously passed a resolution, introduced by the gentleman from Colorado [Mr. WIRTH] and myself, calling on the Soviet Government to release information on their whereabouts and the legal charges held against them. The Soviets, however, continue to release any relevant information on the condition of the couple.

Andrei Sakharov and Yelena Bonnor stand as beacons of strength against the cruel and brutal power of their country's repressive regime. Having endured internal exile for 5 years, they stand as symbols to the world of the courage of individuals throughout the world who yearn for liberty. I will continue to press Soviet officials on the issue of their unjustified treatment and on their right to travel to the West. I hope all Members of the House will join me in expressing our outrage at the continued mistreatment of the Sakharovs. Mr. Gorbachev and his colleagues in the Kremlin must know that the continued violation of the Sakharovs' human rights will not be forgotten by Members of this House or by the American people. Their tragedy has gone on too long already.

Mr. Speaker, I ask that the Times article be printed in the RECORD.

[From the New York Times, June 13, 1985]

SAKHAROV WHEREABOUTS AN ISSUE

(By Serge Schmemann)

Moscow, June 12.—Travelers from Gorky say there is no sign of anyone living in the apartment of Andrei D. Sakharov and his wife, Yelena G. Bonner.

The reports coincide with apprehension voiced by relatives in the United States that the Sakharovs have been moved from their apartment in Gorky, where Dr. Sakharov, a prominent physicist and civil rights advocate, was involuntarily settled under police surveillance in January 1980.

The authorities banished him from Moscow to Gorky, a Volga River city of a million people, to stop him from issuing statements critical of Soviet policy. His wife,

who was free to travel for a number of years, was also restricted to Gorky in May 1984.

The sources coming from Gorky say that the curtains on the windows of the apartment have been closed for the last two months. They say that the Sakharovs' car is no longer parked outside the apartment building, and that a police surveillance van is gone.

Moscow friends of the Sakharovs said the couple met with a lawyer at a Gorky hotel in late April. Few details of the meeting have emerged. At about the same time, a Soviet scientist reportedly tried to see Dr Sakharov, but was denied permission.

The friends said they had received telegrams from the Sakharovs as late as the end of May.

In a petition filed by the Sakharovs' relatives in the United States with a United Nations human rights group, Tatyana Yankelevich, Miss Bonner's daughter by a previous marriage, said she had not been able to reach the Sakharovs by telephone in Gorky. She also said a card from her mother appeared to have a forged date.●

SAFETY AT MASS TRANSIT STATIONS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. GUARINI. Mr. Speaker, today I am introducing legislation which would amend the Urban Mass Transportation Act of 1964 to ensure that mass transportation facilities are safe by requiring the review of their construction or plans and providing for their inspection during and after construction.

On the morning of August 8, 1983, a ceiling on the concourse level of the Journal Square Transportation Center, a facility owned by the Port Authority Trans-Hudson Corp. and located in Jersey City, NJ, collapsed. Two people died and nine lay injured, trapped under 53 tons of concrete and steel. This disaster occurred shortly after the morning rush hour; just 30 minutes before the plaza had been full of New York bound commuters. Officials at the port authority were notified of the sagging ceiling nearly 4 months before the accident.

The 52-ton ceiling, constructed in the early 1970's was held up by thousands of thin wire loops attached to rivets and metal flanges. Officials speculated that vibrations from the nearby subway trains could have weakened its support framework. This, combined with the stress caused by a workman repairing the structure, led to the collapse of 10,600 square feet of concrete. The presence of legislation requiring inspection of mass transportation facilities could have prevented this disaster.

My bill would require that the Secretary of the Urban Mass Transit Administration not approve any project for construction or renovation of a mass transportation facility unless the plans, specifications, and estimates for this undertaking have been reviewed by engineers of the Urban Transportation Administration. These experts would certify that the proposed facility will be sturdy, durable, and safe for its intended use. Periodic inspection would be provided under this legislation to ensure that the project was being constructed or renovated in accordance with the approved plans, specifications, estimates, and building, codes.

In addition to the precautions taken to prevent future tragedies of this nature, proper inspection procedures would be maintained by this legislation. The Administrator of General Services would inspect each site at least once every 5 years in order to make certain that the structure was safe and secure.

The protection of our public transportation centers and the well-being of the traveling public depends upon prompt consideration of this bill. Faulty construction and renovation methods, as well as the lack of proper inspection standards have already resulted in injury, loss of life, and millions of dollars in damage. Let us assure the people of this country that the safety of the traveling public is one of our primary concerns. I would respectfully urge my colleagues to support this legislation.●

THE RETURN OF THE APOLLO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. RANGEL. Mr. Speaker, I rise with great pride to honor the Apollo Theater on its 50th anniversary, and to commend the entertainers who made the celebration such a smashing success.

The Apollo was the hub of entertainment in Harlem at a time when Harlem was also a hub for black culture. It symbolized the very best in an emerging awareness among blacks that they do indeed have a rich cultural heritage to offer the Nation. This heritage is one all Americans should be proud of.

The Harlem Renaissance was an American cultural height. We very rarely experience in our lifetimes the kind of artistic growth that took place in Harlem during the 1920's. These historical peaks are few and far between, and are to be cherished in years to come. If possible, these moments should also be rekindled so that the later generations may enjoy a rich heritage.

The rebirth of the Apollo is indeed a rebirth of the Harlem Renaissance. Many famous careers were launched from the stage of the Apollo, including Sarah Vaughan and Ella Fitzgerald. It is time to recapture the love and togetherness of the early Apollo by bringing in a new generation of entertainers. The Harlem community will benefit economically and spiritually from this rebirth.

It is therefore encouraging, Mr. Speaker, to have seen the enthusiastic return to the Apollo during the 50th anniversary gala. We now know that the long slumber of the Harlem Renaissance has ended. Harlem is on the road back.●

OPPOSITION TO SENSENBRENNER AMENDMENT

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. NELSON of Florida. Mr. Speaker, for the record, I wish to express my strict opposition to the Sensenbrenner amendment offered today to H.R. 1452, the Refugee Assistance Extension. As you know, this measure would eliminate the authorization of funding for targeted assistance to areas with large refugee populations.

Targeted assistance is extremely important to my own State of Florida. To give you an idea of the magnitude of the deficits run as a result of the Mariel boatlift, Florida was forced to absorb $150 million in unreimbursed costs associated with refugee care. The funding has been provided by the citizens of Florida who have shouldered much of the burden of what was a national crisis. The influx of hundreds of thousands of illegal Cubans is not a Florida problem alone. It is an American problem and the Federal Government should respond responsibly.

Targeted assistance supports programs help to employ these entrants and make them productive members of our society—individuals who can support themselves without continuing welfare payments. The assistance provides special health, day care, education, and criminal justice services.

And as many of my colleagues have pointed out, it is not only Florida and California which receive these funds. According to recent statistics, some 46 counties in 20 States have benefited from targeted assistance in 1983 and 1984.

I urge my colleagues to defeat this proposal.●

AMERICA'S CUP

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. DioGUARDI. Mr. Speaker, I rise before this body today to call attention to one our our Nation's proudest traditions: the America's Cup. The America's Cup, recognized around the globe as the emblem of sailing supremacy, is the oldest trophy still contested in the world of sport today.

The Cup was originally commissioned by England's Royal Yacht Squadron in 1848. In 1851, before the eyes of Queen Victoria, a schooner named *America* outsailed no less than 14 British yachts to begin the greatest dynasty in sporting history. The America's Cup was successfully defended 24 times over 132 years by American yachtsmen. Then in 1983, the longest winning streak in sports history ended, as the Cup passed to Australia.

American yachtsmen no longer have the advantage of competing for the Cup in our own waters. In the 1986–87 series they will have to challenge The Royal Perth Yacht Club, America's Cup defenders, in the waters off Fremantle, Australia. Nevertheless, among Australian bookmakers viewing the field of foreign contenders for the 1987 America's Cup, the front-runner is the New York Yacht Club's *America II Challenge.*

On May 24, the *America II Challenge* christened US–44, a new breed of 12-meter yacht for the 1987 America's Cup races. The new yacht, the second challenger to be launched by the New York Yacht Club's *America II Challenge,* is considered the most advanced and fastest 12-meter designed for Cup competition. Furthermore, in refreshing contrast to a multitude of wasteful, Government subsidized programs, the *America II Challenge* is financed entirely by private contributions and investments.

I strongly urge all Americans to enthusiastically support the efforts of *America II* in the quest to regain the America's Cup, and I commend those who have given of their time and money for this effort.

Thank you, Mr. Speaker.●